UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS
SECOND SESSION

VOLUME 114—PART 20

SEPTEMBER 5, 1968, TO SEPTEMBER 16, 1968

(PAGES 25747 TO 27094)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1968

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, SECOND SESSION

SENATE—*Thursday, September 5, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy holy spirit, that we may perfectly love Thee, and worthily magnify Thy holy name.

Give, we beseech Thee, to these servants of the Commonwealth clear vision, clean hands, and pure hearts as, facing great tasks and grave responsibilities, they ascend this holy hill of the Nation's life.

In this age of ages telling, steady our purpose to give the best that is in us—body, mind, and spirit—to the right that needs assistance; against the wrong that needs resistance; to the future in the distance and the good that we may do.

Grant us to pass this day in glad service and in inner peace, without stumbling and without stain. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 4, 1968, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 380)

The **PRESIDENT** pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I am transmitting the fourth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission. The report covers the period July 1, 1967 to June 30, 1968.

During the past twelve months the Commission has made significant progress toward accomplishing the objectives of its investigation. The collection of data was substantially completed on Route 17 in Panama, one of the routes being considered for nuclear excavation. In the Canal Zone, subsurface drilling for geological data was completed and an evaluation made of the suitability and cost of conventional canal excavation along Route 14. In Colombia the first full year of data collection on Route 25 was accomplished.

The Commission has decided on a more extensive study of Route 10, a route for conventional excavation in the Republic of Panama close to the westerly limits of the Canal Zone. Extensive engineering measures would be required to insure the continued operation of the existing lock canal during the years of construction of a sea-level canal adjacent to and intersecting it. Also, the changeover to a sea-level canal on Route 14 would permanently close the existing canal. Route 10 would not have these disadvantages and could be competitive in cost. For these reasons, the Commission has now augmented its subsurface data collection program to produce a valid estimate of excavation costs on this route.

The Atomic Energy Commission has recently conducted the first two of the planned series of nuclear excavation experiments designed to determine the feasibility of nuclear excavation of a sea-level canal. The favorable results of these experiments are encouraging. Funds in the FY 1969 budget will permit continuation of this test program. I hope that the experiments will demonstrate the practical possibility of using this technique in building a new canal.

On June 22, 1968, I signed Public Law 90–359 in which the Congress granted an extension of the Commission's reporting date to December 1, 1970 and the additional appropriation authority needed by the Commission to complete its investigation. With this amending legislation, the Commission is now able to carry out its field surveys in both Panama and Colombia as originally planned to accomplish the mission given it by the Congress in Public Law 88–609.

The investigation has provided no final conclusions to date. However, no insurmountable technical problems are foreseen in the construction of a sea-level isthmian canal by conventional means. The best location for a new canal and the technical and political feasibility of construction by nuclear excavation are yet to be determined.

This anniversary sees the canal investigation well beyond the midpoint of its planned studies, and I take great pleasure in forwarding the Commission's fourth annual report to the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 5, 1968.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The **PRESIDENT** pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Doris L. Oldham to be postmaster at Fishertown, Pa., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Elmer J. Holland, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

The message announced that the House had passed a bill (H.R. 14314) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school-age dependents of employees, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14314) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school-age dependents of employees, was read twice by its title and referred to the Committee on Labor and Public Welfare.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the

Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1484 and 1485.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

JUDICIAL REVIEW OF ORDERS OF THE INTERSTATE COMMERCE COMMISSION

The Senate proceeded to consider the bill (S. 2687) to amend section 17 of the Interstate Commerce Act to provide for judicial review of orders of the Interstate Commerce Commission, and for other purposes, which had been reported from the Committee on Commerce, with amendments on page 2, line 23, after the word "order" insert a colon and "*Provided*, That upon the filing of a petition within sixty days of the date of service of the order complained of, the court, for good cause shown, may extend the time for filing a petition to review such order for an additional period not exceeding sixty days."; on page 7, line 5, after the figure "23", strike out "and 43"; and in the same line after the word "Act" insert "and section 3 of the Act of February 19, 1903 (49 U.S.C. 43)"; so as to make the bill read:

S. 2687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Interstate Commerce Act (49 U.S.C. 17) is amended—

(1) by redesignating subsections (10) through (12) as subsections (11) through (13), respectively; and

(2) by inserting immediately after subsection (9) the following new subsection:

"(10)(a) The United States courts of appeals shall have exclusive jurisdiction to enjoin, set aside, annul, or suspend, in whole or in part, all final orders of the Interstate Commerce Commission made reviewable in accordance with the provisions of subsection (9) of this section: *Provided*, That orders of the Commission involving only the payment of money shall be subject to judicial review only in the district courts of the United States pursuant to sections 1336(a) and 1398(a) of title 28, United States Code, and orders of the Commission made pursuant to the referral of a question or issue by a district court or by the Court of Claims shall be subject to judicial review only in accordance with sections 1336 (b) and (c) and 1398(b) of title 28, United States Code, such jurisdiction shall be invoked by the filing of a petition as provided in this subsection.

"(b) The venue of any proceeding under this section shall be in the judicial circuit in which the residence or principal office of any of the parties filing the petition for review is located.

"(c)(1) Any party aggrieved by a final order reviewable under this subsection may, within sixty days from the date of service, file in the court of appeals, in which the venue prescribed by paragraph (b) lies, a petition to review such order: *Provided*, That, upon the filing of a petition within sixty days of the date of service of the order complained of, the court, for good cause shown, may extend the time for filing a petition to review such order for an additional period not exceeding sixty days. The petition shall contain a concise statement of (A) the nature of the proceedings as to which review is sought, (B) the facts upon which venue is based, (C) the grounds on which relief is sought, and (D) the relief requested. The petitioner shall attach to the petition, as exhibits, copies of the order, report, or decision of the Commission. The clerk of the court of appeals shall serve, by registered or certified mail, a true copy of the petition upon the Commission and the Attorney General of the United States.

"(1) Unless the proceeding has been terminated following grant of a motion to dismiss the petition, the Commission shall file in the office of the clerk of the court of appeals in which the proceeding is pending the record on review, as provided in section 2112 of title 28, United States Code. Until such record has been filed by the Commission, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any order, report, or decision made or issued by it and which is attached in a petition for review. Upon the filing of such record with it, the jurisdiction of the court of appeals to enjoin, set aside, annul, or suspend orders of the Commission shall be exclusive.

"(d) Petitions to review orders reviewable under this section, unless determined on a motion to dismiss the petition, shall be heard in the court of appeals upon the record of the pleadings, evidence adduced, and proceedings before the Commission. If a party to a proceeding to review shall apply to the court of appeals, in which the proceeding is pending, for leave to adduce additional evidence and shall show to the satisfaction of such court (1) that such additional evidence is material, and (2) that there were reasonable grounds for failure to adduce such evidence before the Commission, such court may order such additional evidence and any evidence the opposite party desires to offer to be taken by the Commission. The Commission may modify its findings of fact, or make new findings, by reason of the additional evidence so taken and may modify or set aside its orders and shall file in the court such additional evidence, such modified findings or new findings, and such modified order or the order setting aside the original order.

"(e) The Commission may be represented by its own counsel, and the United States, through the Attorney General, shall be entitled to intervene in any proceeding. Any party or parties in interest in the proceeding before the Commission whose interests will be affected if an order of the Commission is or is not enjoined, set aside, or suspended, may appear as parties of their own motion and as of right, and be represented by counsel in any proceeding to review such order. Communities, associations, corporations, firms, and individuals whose interests are affected by the Commission's order may intervene in any proceeding to review such order.

"(f) The filing of the petition to review shall not of itself stay or suspend the operations of the order of the Commission, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. Where the petitioner makes application for an interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any order reviewable under this section, at least five days' notice of the hearing thereon shall be given to the Commission and to the Attorney General of the United States. In cases where irreparable damage would otherwise ensue to the petitioner, the court of appeals may, on hearing, after reasonable notice to the Commission and to the Attorney General, order a temporary stay or suspension, in whole or in part, of the operation of the order of the Commission for not more than sixty days from the date of such order pending the hearing on the application for such interlocutory injunction, in which case such order of the court of appeals shall contain a specific finding, based on evidence submitted to the court of appeals, and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of such damage. The court of appeals, at the time of hearing the application for an interlocutory injunction, upon a like finding, may continue the temporary stay or suspension, in whole or in part, until decision on the application. The hearing upon such an application for an interlocutory injunction shall be given preference and expedited and shall be heard at the earliest practicable date after the expiration of the notice of hearing on the application provided for above. Upon the final hearing of any proceeding to review any order under the provisions of this subsection the same requirements as to precedence and expedition shall apply.

"(g) An order granting or denying an interlocutory injunction under paragraph (f) of this subsection and a final judgment of the court of appeals shall be subject to review by the Supreme Court of the United States upon writ of certiorari as provided in section 1254(1) of title 28, United States Code: *Provided*, That application therefor be duly made within forty-five days after the entry of such order and within ninety days after entry of the judgment, as the case may be. The United States, the Commission, or an aggrieved party may file such petition for a writ of certiorari. The provisions of sections 1254(3) and 2101 (e) of title 28, United States Code, shall also apply to proceedings under this subsection.

"(h) The orders, writs, and process of the courts of appeals arising under this subsection and, of the district courts in cases arising under sections 20, 23, of this Act and section 3 of the Act of February 19, 1903 (49 U.S.C. 43) may run, be served, and be returnable anywhere in the United States."

SEC. 2. Chapter 157 of title 28, United States Code, and any other provision of law inconsistent with this Act are hereby repealed: *Provided*, That any proceeding or case pending before a district court under such chapter on the effective date of this Act shall remain under the jurisdiction of such court until a final order, judgment, decree, or decision is rendered by such court: *Provided further*, That any such cases or proceedings referred to in the first proviso may be appealed to the Supreme Court as provided by section 1253 of title 28, United States Code, and, if remanded, such case may be referred back to the court from which the appeal was taken or to the court of appeals for further proceedings as the Supreme Court may direct.

SEC. 3. This Act shall take effect on the sixtieth day after the date of the enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed

for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1499), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 2687 is to make orders of the Interstate Commerce Commission reviewable in the same general manner as the orders of all other major regulatory agencies. This would be accomplished by amending section 17 of the Interstate Commerce Act to provide for judicial review of ICC orders in the U.S. courts of appeals, with review by the Supreme Court by the discretionary writ of certiorari. At present, judicial review of ICC orders is under the jurisdiction of a district court of three judges, at least one of whom shall be a judge of the court of appeals. The decisions of such courts are reviewable in the Supreme Court by appeal, rather than by certiorari.

BACKGROUND AND NEED FOR LEGISLATION

At the present time, judicial review of the Commission's orders is governed by various sections of title 28 of the United States Code which are summarized in appendix A. Briefly, such review is in a U.S. district court of three judges, at least one of whom must be a judge of the court of appeals. The decisions of such courts are reviewable by the Supreme Court by appeal, rather than by the discretionary writ of certiorari. These provisions were initially enacted as part of the Urgent Deficiencies Act of 1913 and, with minor changes, have remained unchanged since that time.

The following year, in the Federal Trade Commission Act, the then circuit courts of appeals were designated to review orders of that agency. Thereafter, as new regulatory agencies were created, usually, judicial review of their orders was vested in the courts of appeals. While certain orders of the Federal Communications Commission, the Federal Maritime Commission, and the Department of Agriculture were originally made reviewable under the Urgent Deficiencies Act procedure, the so-called Hobbs Act or Judicial Review Act of 1950[1] transferred review of the orders of these agencies to the courts of appeals, thus leaving only orders of the Interstate Commerce Commission reviewable in the three-judge district courts.

In recent years, this procedure has been criticized by members of the Federal judiciary in the course of reviewing orders of the Commission as being "cumbersome" and "inefficient."[2] In an opinion dealing with a phase of the complex litigation arising out of the Commission's order approving the Penn-Central merger, the Court observed that counsel for all the parties participating in that litigation "* * * who have demonstrated that the long outmoded machinery for review of orders of the Interstate Commerce Commission by a suit before a three-judge court can be made to work although with creaks and strains that ought to be eliminated."[3]

In commenting on a provision requiring review by a three-judge court, the Supreme Court has stated that this mode of review "* * * particularly in regions where, despite modern facilities, distance still plays an important part in the effective administration of justice * * * [D]islocates the normal operations of the system of lower Federal courts."[4]

The existing procedures have also been criticized by the Administrative Conference of the United States which, in its report to Congress in 1962,[5] recommended legislation similar to that proposed in S. 2687. Legislation of this type was also recommended in 1962 by the Special Advisory Committee on Interstate Commerce Commission Practice and Procedure, an advisory committee of practitioners established by the Commission, and by several sessions of the Judicial Conference of the United States.

The most fundamental change in existing law made by S. 2687 would be to shift judicial review of the great majority of the Commission's cases from the district courts to the U.S. courts of appeals. In place of the existing law, which permits direct appeals from the district courts to the Supreme Court, review by that Court would be by the discretionary writ of certiorari. In so doing, this bill would make orders of the Interstate Commerce Commission reviewable in the same general manner as the orders of all other major Federal regulatory agencies, such as FPC, CAB, FCC, SEC, FMC, FTC, and NLRB.

The committee is advised that it is desirable for a number of reasons to provide for judicial review by the courts of appeals. Those courts are regularly engaged in the review of orders of various other Federal agencies, while most district courts rarely do so. The courts of appeals have rules governing judicial review proceedings. Before long, it is expected that they will be applying uniform rules for all of the courts of appeals, promulgated by the Supreme Court under the authority granted by Congress.[6] In contrast, there are no court rules governing judicial review proceedings in the three-judge courts, with the result that their procedures are on an ad hoc basis.

S. 2687 would amend section 17 of the Interstate Commerce Act, designated as section 17(10), so that the statutory provisions for the review of the Commission's orders will appear in the same statute which gives the Commission authority to make such orders, thus following the general pattern with respect to many other statutes creating administrative agencies and providing for judicial review of their orders.

ANALYSIS OF CHANGES IN PRESENT LAW

A comparative analysis of existing law of S. 2687 is set forth in appendix B. A summary of the more important changes proposed in S. 2687 follows.

JURISDICTION

The major change made by S. 2687 is the shifting of judicial review of the Commission's orders from district courts of three judges to the several courts of appeals. This change, summarized as item 1 in appendix B, is set forth in paragraph (a) of S. 2687. With certain specified exceptions, S. 2687 covers judicial review of all final orders of the Commission issued under any of the four parts of the Interstate Commerce Act. Specifically exempted from this paragraph are:

(1) Final orders involving reparations or other orders for the payment of money.

(2) Final orders made pursuant to a referral from a district court or the Court of Claims,

The purpose of these two specific exemptions is to preserve existing practice[7] wherein cases in these two categories are initially heard in either single-judge district courts or the Court of Claims as the case may be. Claims for reparations and other actions for money damages are essentially private actions and analogous to other types of civil damage actions, therefore, the committee deems it desirable to retain jurisdiction in the district courts for these cases. Nothing in S. 2687 would change the present jurisdiction of the district courts over criminal or civil cases involving only fines, penalties, or civil forfeitures for violations of the Interstate Commerce Act. The jurisdiction of a court of appeals would be invoked by the filing of a petition for review.

VENUE

The venue for filing a petition is set forth in paragraph (b) of S. 2687, summarized as item 2 of appendix B. This provision is derived from existing law[8] and provides that venue for a petition shall be in the judicial circuit wherein the party filing the petition for review either resides or has his principal office.

Paragraphs (c) and (d), summarized in item 3 of appendix B make a number of important changes in existing law and practice. Together, these two provisions specify the initial and subsequent procedural steps to be followed in a proceeding involving a Commission order.

Under the provisions of S. 2687, first, any party aggrieved by an order of the Commission will be required to file a petition for judicial review with the appropriate court of appeals within 60 days of the service order complained unless, for good cause shown, the court grants a 60-day extension for filing a petition. The purpose of this provision is to cure an omission in existing law which, except for the uncertain and rarely applied doctrine of laches, imposes no statute of limitations for judicial review of the Commission's orders. The 60-day limitation is found in most modern judicial review provisions. While still providing a reasonable opportunity for an appeal to be taken, the committee considers that such a provision is both desirable and useful in protecting the security of transactions authorized by the Commission and providing assurance to parties affected by a Commission order that it will not be challenged by a belated appeal.

Second, S. 2687 attempts to deal with the problem of appeals being taken in different courts over a single Commission order. The venue provisions of S. 2687, like existing law, permit an appeal to be taken in any court wherein any of the parties resides or has his principal office. Pursuant to this provision, any aggrieved party may pick any court meeting these requirements. Although this poses no problem in the majority of cases, in large and complex proceedings, such as a large railroad merger, this freedom in choosing a forum the committee has been advised can, and has, created serious problems because of the bringing of suits in different courts over a single Commission order. For example, in the recently concluded litigation[9] arising out of the Penn-Central merger, the Commission's order was challenged in three different courts.[10] Similarly, in the so-called Northern Lines merger, challenges were brought in the district courts in Washington, New York, and the District of Columbia. While the Commission has usually been successful in obtaining consolidation of multiple proceedings in one court by persuading the other courts to stay their proceedings, the process involved is time consuming for all concerned. Providing for judicial review in the courts of appeals the committee is advised would largely put an end to this problem. Upon the filing of a petition, any subsequent suits would, by virtue of 28 U.S.C. § 2112, which governs the procedure in the court of appeals in appeals from administrative agencies, be consolidated in the court in which the first suit is filed. This change in the present law the committee considers to be desirable.

---

[1] 28 U.S.C. sec. 2341–2352 (supp. II, 1967).

[2] *Freight-Forwarders Institute* v. *United States,* 236 F. supp. 460, 462 (S.D.N.Y. 1967) (Feinberg J.).

[3] *Erie-Lackawanna R. Co.* v. *United States,* 279 F. Supp. 316, 324 (S.D.N.Y. 1967) (Friendly J.).

[4] *Philips* v. *United States,* 312 U.S. 246, 250–51 (1941).

[5] Administrative Conference, final report, S. Doc. No. 24, 88th Cong., first sess. (1963), VII, pp. 10–11. (Recommendations 3, 4, and 5.)

[6] 28 U.S.C. § 2072 (supp. II, 1967).

[7] U.S.C. sec. 1336(a) and 1398(a); 28 U.S.C. sec. 2321.

[8] 28 U.S.C. sec. 1398(a).

[9] *Penn-Central Merger* Cases, 389 U.S. 486 (1968) affirming *Erie-Lackawanna R. Co.* v. *U.S. et al.,* 279 F. Supp. 964 (S.D.N.Y.) (1967).

[10] In addition to the District Court for the Southern District of New York, appeals were docketed in the Eastern District of Virginia, and the Middle District of Pennsylvania.

This bill also changes existing case law with regard to the submission of the complete record of proceeding before the Commission to a reviewing court. Under existing practice, the person seeking review has the burden of filing a certified copy of the record with the reviewing court. Under S. 2687, the Commission would be required to file the record with the clerk of the court of appeals in which the proceeding is pending.

Upon the commencement of a review proceeding, the Commission would be required to file with the court the original or a certified copy of the record of the proceedings before the Commission except that the court may permit the filing of a certified list of the contents of the record in lieu of the record itself, a practice now widely followed and expected to be made uniform. Under the present review procedure, the plaintiff bears the burden of filing with the three-judge court a certified copy of the record before the Commission. Although this change may impose some additional burden on the Commission, it will bring its practice into line with present procedures for the review of all other Federal agency orders. While placing upon the Commission the burden of supplying the record could encourage court challenges to Commission orders, any such tendency will be offset by the requirements of the courts of appeals for the parties to reproduce, by printing or otherwise, the portions of the Commission record on which they are relying. Under the present three-judge court procedure, reproduction of the record is not required. The committee was informed that in the experience of other agencies, most of this reproduction cost falls upon the private appellants.

S. 2687 makes a further important change in existing law in the elimination of the United States as a statutory defendant, shown in item 4 of appendix B, thus eliminating the present requirement[11] whereby all court challenges to an order of the Commission are formally brought against the United States rather than the Commission itself. The elimination of the United States as a named respondent would mean that any petition for judicial review would be brought automatically against the Commission as the named respondent. This change brings the Commission into conformity with the present practice of such agencies as SEC, NLRB, FPC, CAB, and FCC, which are named as the respondents in suits seeking judicial review of their orders. The committee is advised that the Commission's attorneys today assume the primary and principal responsibility for the defense of its orders in the courts.

This feature of S. 2687, among others, is opposed by the Department of Justice. In a letter to the committee, dated May 15, 1968, from Deputy Attorney General Warren Christopher, the Department states:

"However, the legislation (S. 2687) is objectionable insofar as it would remove the United States as the statutory defendant and repeal the Attorney General's responsibility for primary control of this class of litigation. Such dispersion of responsibility for the conduct of litigation involving the Government conflicts with prior efforts of the Executive Department and the Congress to centralize control of the Government's litigation in the Attorney General."

In the alternative, the Department suggests that the Commission be brought under the Hobb's Act,[12] after which S. 2687 is modeled.

The committee does not concur in the suggestions of the Department. While generally, the Department of Justice and the Commission have worked together in the defense of the Commission's orders, from time to time, there have been differences of opinion between the Commission and the Department as to questions of policy and statutory construction with the result that the Department has declined to defend the Commission's order in court. There have been a number of such cases. Because Commission orders are generally immune from direct attack under the antitrust laws, many of these differences in recent years have involved the issue of competition and its evaluation by the Commission in such complex areas as intermodal rate competition and railroad mergers. Although the Supreme Court has held that in such a case the duty of the Commission to administer and enforce the act carries with it the right to defend its orders in its own name when the Department declines to do so, the committee does not believe it necessary or efficient to continue the present practice. For this reason, as well as to give a reviewing court the most assistance, the committee believes that the defense of ICC orders should be placed directly with the Commission. As shown in item 3(b) and 4 of appendix B, this bill fully protects the rights of the United States by requiring that a copy of the petition for review be served on the Attorney General as well as the Commission and by permitting the Attorney General to intervene in a Commission case as a matter of right.

The balance of S. 2687 deals with review of decisions by the courts of appeals in the Supreme Court and certain miscellaneous provisions.

REVIEW IN THE SUPREME COURT

Under the present law,[13] a decision of a three-judge district court is subject to a right of direct appeal to the Supreme Court. This is a so-called appeal as of right, in the sense that the Supreme Court does not purport to exercise discretion as to whether or not to review the case on its merits.

Paragraph (b) of S. 2687, summarized as item 6 of appendix B, would provide for Supreme Court review by certiorari, rather than by appeal. This conforms to the method of seeking Supreme Court review which is applicable to all other Federal agencies. This paragraph would also preserve the Commission's present right to seek review in the Supreme Court with or without the concurrence of the Department of Justice by stating that, "The United States or the Commission or an aggrieved party may file such petition for a writ of certiorari."

MISCELLANEOUS PROVISIONS

Paragraph (h) of S. 2687, shown in item 7 of appendix B, preserves a portion of the existing law,[14] the balance of which is repealed by section 2 of S. 2687. This paragraph provides for nationwide service of process, orders and writs issued by the courts of appeals in cases arising under final orders of the Commission covered by this bill and proceedings arising in the district courts under sections 20 and 23 of the act and section 3 of the Elkins Act, all of which deal with the enforcement of various accounting, reporting, and tariff requirements of the act and, the rights of the shippers to nondiscriminatory treatment by the carriers. This provision is an exception to the general rule that a court's process does not run outside the State in which it is located, in the case of the district courts, or the circuit, in the case of the courts of appeals. The committee believes its retention is desirable because of the widespread operations of the Nation's carriers.

As shown in item 8, of appendix B, section 2 of S. 2687 repeals those parts of existing law which contain the present procedure for review of the Commission's order in three-judge district courts. All of these provisions are superseded by the provisions of section 1 of S. 2687 and thus are rendered obsolete. S. 2687 does not change other sections of existing law which also deal with the review and enforcement of the Commission's orders since they will still be applicable to cases involving reparations, fines, penalties and forfeitures which are not transferred to the courts of appeals by this bill. In order to insure an orderly transition from the present mode of review in the district courts to the courts of appeals, S. 2687 provides for a 60-day transitional period and that cases pending in the district courts on the effective date of this act will be processed to conclusion in such courts with the right of direct appeal to the Supreme Court as under the present law.

AMENDMENT OF THE DEFINITION OF "FELONY"

The bill (S. 3738) to amend the definition of "felony" in title IV (adding chapter 44 of title 18, United States Code) and title VII of the Omnibus Crime Control and Safe Streets Act of 1968 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (13) and (14) of section 921(a) of title 18, United States Code, are amended by striking out the phrase "by imprisonment for a term exceeding one year" wherever it appears and inserting in lieu thereof the words "as a felony".

(b) Subsection (a) of section 921 of such title is amended by adding at the end thereof the following new paragraph:

"(19) The term 'felony' means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year, and, in the case of a State law, an offense determined by the laws of the State to be a felony.".

(c) Paragraph (3) of section 921(b), subsections (c), (e), and (f) of section 922, section 924(b), and subsections (b) and (c) of section 925 of such title are amended by striking out the phrase "by imprisonment for a term exceeding one year" wherever it appears and inserting in lieu thereof the words "as a felony".

SEC. 2. Subsection (c)(2) of section 1202 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) is amended to read as follows:

"(2) 'felony' means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year and, in the case of a State law, an offense determined by the laws of such State to be a felony.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1500) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD as follows:

PURPOSE

The purpose of the bill is to amend the definition of "felony" in title IV (adding ch.

---

[11] 28 U.S.C. sec. 2322.

[12] Ch. 158, 28 U.S.C.; 28 U.S.C. sec. 2341-2351.

[13] 28 U.S.C. sec. 1253.

[14] 28 U.S.C. sec. 2321.

44 of title 18, U.S.C.) and title VIII of the Omnibus Crime Control and Safe Streets Act of 1968.

STATEMENT

In both titles IV and VII of the Omnibus Crime Control and Safe Streets of 1968, restrictions on the acquisition and ownership of firearms are placed upon persons convicted in either State or Federal courts of a felony which is defined as a crime punishable by imprisonment for a term exceeding 1 year. Title IV also places restrictions on persons under indictment or fugitives from justice as to such crimes.

After investigation of the applicable State laws, the Judiciary Committee has found that several State legislatures have a practice of making essentially trivial offenses broadly punishable in order to give the sentencing judge discretion in dealing with repeated offenders or particular cases involving aggravated circumstances. In other words, many crimes which would traditionally be classed as misdemeanors are punishable by more than 1 year in prison in some States.

Consequently, the committee believes that, the sections of the Omnibus Crime Control and Safe Streets Act of 1968 may have far-reaching consequences on the right of persons convicted under State law in the past of relatively minor misdemeanors to acquire and possess firearms.

The original act recognizes in part, that there should be a differentiation between right of those convicted of a serious crime and those convicted of a minor offense to acquire and possess firearms. For example, title IV excludes certain business and regulatory offenses from the act; however, this exclusion does not apply to title VII which would have the greatest impact on a citizens right to purchase a firearm.

Therefore, the committee feels that the purpose of titles IV and VII would be better served by changing the definition of the word "felony" as used in the act to mean, in the case of Federal law, an offense punishable by imprisonment for a term exceeding 1 year, and, in the case of State law, an offense determined by the laws of such State to be a felony.

PROPOSED CHANGES IN THE ELECTORAL SYSTEM

Mr. MANSFIELD. Mr. President, on June 17 of this year, the distinguished ranking Republican in this body, the senior Senator from Vermont [Mr. AIKEN], the distinguished junior Senator from Kansas [Mr. PEARSON], the distinguished senior Senator from Wisconsin [Mr. PROXMIRE], and I introduced joint resolutions, seeking to bring about a change in the present electoral system. One of the resolutions provides for a national primary to replace the happenstance primaries which are used today, and which are so expensive and so inconclusive as well. This resolution would also abolish the electoral college. Another of these resolutions would extend the right to vote to 18-year-olds—a privilege our young people have earned for a number of well-authenticated reasons. Finally, there is included a resolution that calls for a limit on the Presidency of one 6-year term.

No mention was made of conventions in the resolutions, because the convention itself is an extralegal institution. Conventions do not come within the laws of the United States, either those enacted by Congress or under the Constitution.

With these resolutions, it was not necessarily our intention to abolish conventions as such, but simply to do away with the convention as it exists and is used today. However, it was our intention to provide that the national primaries—not the delegates—be the voice of the people in selecting the nominees for the Presidency and the Vice-Presidency of the major parties. It was our intention to provide that, once the choices had been made in the national primaries, a convention might then be convened and attended in the main by the State chairmen and chairwomen, the national committeemen and national committeewomen, and the members of the respective national committees located in Washington.

At the time it was thought that once the people, not the delegates, had made their choice, this convention of the major representatives of the parties in question could then determine what remained to be done.

Mr. President, I rise at this time to ask of the distinguished chairman of the full committee, the senior Senator from Mississippi [Mr. EASTLAND], and the chairman of the Subcommittee on Constitutional Amendments, the distinguished Senator from Indiana [Mr. BAYH], to hold hearings on these proposals this year; because, while we are approaching the end of a session, I believe it never will be too soon to face up to the problem which confronts us at this time, which was shown so graphically to the American people and to the world during the past several weeks and months.

A VETERANS' STANDING COMMITTEE IN THE SENATE

Mr. DIRKSEN. Mr. President, the fact that the American Legion convention will be held in New Orleans beginning Monday, September 9, is a reminder that we have never done anything with the resolution calling for the creation of a Veterans' Standing Committee in the Senate. That matter has been debated and discussed on the Senate floor and in committees, individual Members have ventilated their views on it from time to time, and several rather yeomanlike efforts have been made in order to consummate this matter.

I observe now that the convention of the majority party adopted in their platform a provision putting that party on record in favor of such a committee. We have been on record on that matter for quite a long time. My understanding is—and I am not sure whether I am correctly informed—that the resolution is presently pending before the majority policy committee, and therefore that committee has not reported on it, and that is the reason why the resolution is not on the Senate floor.

The distinguished majority leader could probably advise me about that. But it does take on a new character in view of what is recited in the 1968 platform of the majority party.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. Mr. President, I can well appreciate the concern of the distinguished minority leader, and I am indebted to him for calling to my attention the fact that this particular plank is in the Democratic platform.

I would point out that this body, some months ago, passed a legislative reorganization bill in which it was stipulated that a Committee on Veterans' Affairs would be created.

It has been the hope of the policy committee, and it is still the hope of the policy committee, regardless of events over the past several weeks prior to the recess on August 2, that the House would see fit, in its wisdom, to take up this long overdue measure dealing with legislative reorganization and approve it, so that in that manner there would not be a duplication of effort on the part of the Senate through the consideration of a new proposal.

However, I wish to assure the distinguished minority leader that if the House of Representatives does not take any action, this matter will once again be brought before the policy committee and, hopefully, action will be taken then.

Mr. DIRKSEN. Mr. President, I am encouraged by the words of the distinguished majority leader. I am quite certain, from consultations with House leaders, that they will undertake nothing in this regard. They are reluctant at this stage of the session to undertake anything more, and I was afraid the matter probably would die by default.

I earnestly request the distinguished majority leader to ask his policy committee about this matter in the hope that we can at least make a start and get this matter before the Senate for approval and lift it out of the reorganization bill.

Mr. MANSFIELD. Is the Senator certain in his own mind that the House of Representatives will not consider the legislative reorganization bill which passed this body so overwhelmingly?

Mr. DIRKSEN. Based on the assertion of leaders there, that is correct.

Mr. MANSFIELD. On that basis I will once again be happy to take it up with the policy committee.

Mr. DIRKSEN. I thank the majority leader.

Mr. LAUSCHE. Mr. President, I should like to address myself briefly to the statement made by the majority leader, the Senator from Montana [Mr. MANSFIELD], concerning the joint resolutions which he and other Senators have presented to the Senate asking for the abolition of the electoral college and the provision that candidates for the presidency of the respective political parties shall be chosen by direct vote of the people rather than by delegates chosen by political bosses in big cities and having the delegates vote in accordance with what is sometimes a warped judgment and, in many instances, not at all reflecting the thinking of the people within their States.

It is rather an anomaly to believe that in this modern day, with all the talk about the one-man, one-vote principle applicable to many operations of Government, we still adhere to a policy adopted more than 180 years ago providing for an electoral college to choose the President.

Every bit of reasoning argues for the elimination of the electoral college. Cold rationalization, delicate consideration of justice, all cry out within our democracy that presidential nominees shall be chosen on the same basis as the eventual President is chosen; namely, by direct vote.

Mr. President, I do not know whether I can have my name added as a cosponsor of the joint resolution introduced by the Senator from Montana. If I can, I ask unanimous consent that I may be permitted to become a cosponsor.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

THE COMMUNIST WORLD IS BREAKING UP

Mr. YOUNG of Ohio. Mr. President, it is evident from the invasion of Czechoslovakia that the present rulers of the Kremlin are fearful that the Communist world is breaking up. The invasion and subjugation of Czechoslovakia, an independent nationalist Communist country and a part of the Soviet bloc of European nations, is the most shocking aggression that has occurred since Hitler's conquest of Czechoslovakia with his storm troopers and air power in 1939. This is a particularly shocking manifestation of the apparent fear on the part of leaders of the Kremlin of this small Communist nation displaying self-government free from Soviet domination.

Top officials in the British Foreign Office and some U.S. ambassadors in Europe are convinced that the invasion of Czechoslovakia marks the beginning of the end of international communism. Also, Prof. Zbigniew Brezezinski, for many years director of the Research Institute of Columbia University on Communist Affairs and regarded as an authority on international communism, stated:

> The Soviet Union had the choice of either accepting a community of independent Communist states and thereby acting in the spirit of Communist internationalism or of acting like a major imperialist power motivated purely by nationalist interests. The Soviet Union chose the latter course.

If the reactionary elements in the Kremlin prevail in subjugating Czechoslovakia, then it may be that they will commence to bring pressure against Rumania and Yugoslavia which, very definitely, are not Soviet satellites but are nationalist Communist countries.

Dubcek and other leaders in Czechoslovakia sought to transform communism in their own country on the model of Tito's Yugoslavia. They and Communist leaders in Rumania are veering toward capitalism. Evidently the hardline Communists of the Soviet Union feared this further breaking away from the Soviet Communist orbit. It is terrifying that the Soviet leaders in apparent desperation are defying the opinion of the world by a military takeover of this little country seeking to pursue its own course of development and change. It appears that the forces of reaction, the old Stalinist crowd in the Kremlin, now becoming desperate and acting in disregard to world opinion, seek to extinguish by force the national aspirations for self-government which animate not only the leaders in Czechoslovakia but the leaders in Yugoslavia, Rumania, Hungary and other nations of Eastern Europe.

The frightened Communist leaders in the Soviet Union are seeking to preserve the old order. This will only speed its disintegration. Czechoslovakia sought to and will continue to be a nationalist Communist country on the order of Tito's Yugoslavia. The conservative Communist leaders in the Soviet Union, fearing that the liberalization of the Communist Party in Czechoslovakia was a threat to them, in desperation invaded this little country, tiny in comparison with the vast expanse of the Soviet Union and with a population of only 14 million. In the end they are bound to fail and the old communism of the Soviet Union, to use a Marxist phrase, is destined to the scrap heap of history.

This invasion and crushing of Czechoslovakia does not solve any problems for the Russians. It creates new problems. It may be, and let us hope this will happen, that reason will prevail in Moscow and that the Russians will withdraw their forces from Czechoslovakia. However, if they do not and if these bitter men continue to hold power in the Kremlin, then the entire free world has reason to be fearful of the Soviet Union. This was a blunder on the part of Communist leaders of Russia. Nevertheless, blunderers in charge of a powerful government such as the Soviet Union are even more dangerous to the peace of the world than wicked, but wise leaders. We know now that the present leadership in Moscow in some state of desperation was capable of committing this stupid act, so who knows but that they might try to pull the free world back to that era of Stalin which we all hoped was behind us.

The invasion and takeover of Czechoslovakia, an independent Communist nation, is an affront to national decency and a despicable act of aggression against a valiant, but defenseless people who seek to build a nation nominally dependent upon the Soviet Union but, in fact, free of domination on the part of that Communist giant. It is a grave misfortune that this little nation of Czechs and Slovaks who united in one nation total but 14 million people, has been taken over by 500,000 invading fighting men. If the United Nations offers any hope of maintaining peace in the world, the time is at hand for this agency to take appropriate and forthright action. The world should not be compelled to witness such a crude and brutal display of power and force and must not permit to be extinguished the national aspirations for self-government within the Soviet bloc which animate not only the Czechs and Slovaks but the Hungarians and Rumanians as well. No doubt it is for these reasons that the Soviets struck without warning.

The treachery of the Russian imperialists and their contrived transparent falsification of reasons for the invasion and occupation of Czechoslovakia have caused turmoil again in the cold war that envelops the world today. It was the hard-line attitude of a few members of the Central Committee of the Communist Party that was being challenged by the liberalism of the Czech party leader, Dubcek, and Premier Oldrich Cernik. This challenge was succeeding in its fight to liberate the soul of Czechoslovakia from its bondage to the Soviet Union. But the bellicose and reactionary men in the Kremlin saw this new political leadership as dangerous and too independent of the ideals and principles of the U.S.S.R.; therefore, they ordered the military invasion of Czechoslovakia. Their attempt to forcibly remove the specter of freedom from the Czech spirit has actually inadvertently succeeded in strengthening the Czechoslovaks' will to fight for freedom and independence of their homeland.

The chaotic events of the Russian-led occupation have made clear that the mood of the Czechoslovakians is not to be dominated by the sphere of Soviet influence or controlled by the military strength of Soviet forces. It is clearly evident that the Russians made a political blunder of unimaginable dimension when they first seized Dubcek and led him away manacled.

The people of Czechoslovakia have overwhelmingly rejected any denunciation of Dubcek and any compromise with Moscow. They seek and hope for full restoration of their political sovereignty and complete withdrawal of the Soviet occupation forces.

The courage of the Czechs has opened the eyes of all people to the deplorable and treacherous tactics used by the Soviet Union in order to exert her influence. It has also opened their eyes to the other deplorable situations existing throughout the world. Today the Russians stand side by side with the United States for condemnation by other countries for aggression. The circumstances of the Czechoslovakian invasion and the war in Vietnam are not directly similar, but their purposes are now seen as one by many people of this Nation and those of other nations. We, as well as the Russians, must desist from this violent and inexcusable use of force to spread our ideals and principles.

Alexander Dubcek is a true representative of the aspirations of his countrymen to throw off the yoke of Soviet control. He sought to humanize communism. He sought to bring some degree, even a small degree, of democracy and decency to his people and to deviate only slightly from the Leninist Communist doctrine. Because of this he was arrested, handcuffed and taken to Moscow. Now he has been returned to Prague. Let us hope this is a first step on the part of the Russians to permit the return of self-rule to that presently unhappy country. The entire civilized world should ring with condemnation of the Soviet Union. Then let us hope the Russians will withdraw from Czechoslovakia as they did from Cuba in October 1962.

BATTLE OF AVERASBORO

Mr. ERVIN. Mr. President, on August 18, 1968, I had the honor of making the dedicatory remarks at the unveiling of a beautiful monument to the memory of the soldiers of the Confederacy commanded by General Hardee who fought

the Union forces commanded by General Slocum at Averasboro in Harnett County, N.C., on March 15 and 16, 1865.

I ask unanimous consent that a copy of my remarks on that occasion be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Battle of Averasboro

As one who venerates the precious heritage of valor and sacrifice bequeathed to us by the men and women of the Confederacy, I am grateful for the privilege of being with you on this memorable occasion.

We meet upon an historic battlefield to dedicate a beautiful monument which pays reverence to the soldiers of the Confederacy who fought the Battle of Averasboro at this spot 103 years ago.

We do well to do this.

> "If their memories part
> From our land and Heart,
> 'Twould be a wrong to them,
> And a shame for us."

It seems appropriate to consider the events which precipitated the Battle of Averasboro, and the role which those who fought the battle undertook to play.

After the fall of Atlanta on September 1, 1864, the victorious Union forces under General Sherman and their infamous camp followers, "the bummers", waged total war against the people of Georgia and the Carolinas. In so doing, they pillaged and burned and in that way lay waste the areas they traversed.

Their objective in carrying on this cruel form of warfare against the civilian population of Georgia and the Carolinas was twofold: First, to disable these States to continue supplying Lee's Army of Northern Virginia, which faced Grant's Army of the Potomac before Richmond and Petersburg; and, second, to weaken the will of the South to prolong the conflict.

As Sherman knew, nothing could have been more demoralizing to the thousands of Georgians and Carolinians fighting with Lee in Virginia than the sad tidings that the virtually defenseless folks they had left behind in comparative safety were being badgered and plundered by a relentless foe and its vicious camp followers.

With 60,000 combatants, Sherman ended his notorious "March to the Sea" at Savannah in December, 1864. Shortly thereafter, in January, 1865, he moved northward across South Carolina by way of Columbia, Florence, and Cheraw, looting and burning as he went. By March 8, his entire army reached the neighborhood of Laurel Hill in what is now Scotland County, North Carolina. From that place he proceeded to Fayetteville, which he occupied on March 11, destroying the public buildings and the industrial plants and extending his pillage throughout the adjacent area.

During the last part of his march from Savannah to Fayetteville, Sherman was preceded by a force of retreating Confederates, whom he outnumbered 10 to 1 and whose mission it was to watch and report his movements. These Confederates were commanded by an intrepid Georgian, General William J. Hardee, one-time commandant at West Point and author of "Hardee's Tactics."

Hardee crossed the Cape Fear River shortly before Sherman entered Fayetteville, and took position near Averasboro in Harnett County on the road leading from Fayetteville by way of Smithfield to Raleigh, which traversed at this point the area lying between the Cape Fear on the west and the Black River on the east.

At this time Hardee's command totaled 6,000 men. Among them were the officers and men of the Fiftieth North Carolina Regiment commanded by Colonel George Wortham, the Seventy-Seventh North Carolina Regiment commanded by Lieutenant Colonel Wheeler Hancock, and the Tenth North Carolina Battalion of Heavy Artillery commanded by Major Wilton L. Young. These North Caroline units constituted a part of the brigade commanded by Colonel Washington M. Hardy and of the division commanded by General Lafayette McLaws, one of the work horses of the Confederacy.

It is worthy of note that Company H of the Fiftieth North Carolina Regiment, which was captained by Joseph H. Adkinson, and Company B of the Tenth North Carolina Battalion, which was captained by H. M. Barnes, were composed in large measure of residents of Harnett County.

While Sherman was marching northward through South Carolina, General Lee had dispatched General Joseph E. Johnston, a tactician who could do much with little, to North Carolina with instructions that he should assemble all the available Confederate units operating in the area at some suitable place and obstruct Sherman's further advance.

Johnston was implementing Lee's instructions when Sherman seized Fayetteville. Being uncertain whether Sherman would attempt to capture Raleigh, the Capital of the State, or move on Goldsboro to join General Scofield, who had been directing Union operations in eastern North Carolina before his advent, Johnston undertook to concentrate the remanents of the once powerful Army of Tennessee, General Robert F. Hoke's division, General Wade Hampton's cavalry, and other units in the vicinity of Smithfield midway between Raleigh and Goldsboro. He expected Hardee to join him soon. Because of the disparity between the 14,000 men available to him and the 80,000 available to Sherman, Johnston realized that his hope of success was contingent on his striking and defeating separate columns of the foe while Sherman's forces were divided.

At this juncture Sherman turned his army east toward Goldsboro. His Fourteenth and Twentieth Corps under General Slocum undertook to proceed by way of Averasboro and Bentonville while his Fifteenth and Seventeenth Corps marched on a parallel road some miles to the South.

Johnston ordered Hardee to delay Slocum at Averasboro so that he could complete the concentration of his forces and be ready to strike the Fourteenth and Twentieth Corps on their arrival at Bentonville.

These events precipitated the Battle of Averasboro, which is well described in Captain Samuel A. Ashe's "History of North Carolina." I quote his words:

"Hardee, on crossing the Cape Fear, took the road leading to Smithfield and Raleigh. On the 15th of March he occupied a position four miles from Averasboro, and that evening a Federal column, being the Fourteenth and Twentieth Corps, approached and there was some skirmishing. Hardee's position was well chosen, the Black River nearly approaching the Cape Fear at that point, and he made excellent dispositions, but had only six thousand men. Early the next morning the Federals, General Sherman being on the field in person, attacked with vigor, using their artillery to advantage; but their infantry was always repulsed. In the early afternoon they moved a heavy force farther to the east, completely flanking the left of Hardee's position, which necessitated a retirement of that wing about four hundred yards to the main line. Here again and again, every assault was repulsed. During the night the Federals proceeded to fortify their position and threw heavy columns across Black River; and Hardee, being thus flanked, fell back towards Smithfield, leaving Wheeler's men in position."

Thus ended the Battle of Averasboro, a fight in which Union casualties totaled 682, and Confederate losses approximated 500.

By his gallant delaying action at Averasboro, Hardee enabled Johnston to concentrate his total available forces of 14,000 men and boys at Bentonville. Here, on March 19, Johnston surprised Sherman's Fourteenth Corps. John Gilchrist Barrett summarized the Battle of Bentonville in this wise in his "North Carolina as a Civil War Battleground":

"For awhile it looked as though the Confederates would carry the day, but Federal reinforcements late in the afternoon blunted the Confederate offensive. More Union troops reached the field during the 20th, and by the 21st Sherman had his entire Army at Bentonville. That night Johnston withdrew his forces to Smithfield. Sherman was victorious at Bentonville, the largest battle of the war fought on North Carolina soil, yet he failed to follow up his success by pursuing the enemy. Instead he marched his army into Goldsboro."

Bentonville was the bloodiest battle ever fought in North Carolina. Confederate casualties amounted to 2,606, and Union losses totaled 1,646.

Despite the valor displayed by her sons at Averasboro, and in hundreds of other engagements on land and sea, the doom of the Confederacy was sealed by Grant's war of attrition against Lee in Virginia, and Sherman's total war against the people of Georgia and the Carolinas. As a consequence, Lee capitulated to Grant at Appomattox on April 9th, and Johnston surrendered to Sherman at the Bennett House near Durham on April 26th.

The conquered banner was now furled.

When one ponders the story of the soldiers and sailors of the Confederacy who fought at Averasboro and in countless other engagements on land and sea, he cannot avoid putting this question to history: What inspired these men to fight so bravely, always against great odds and oftentimes unto death.

The assertion that they fought to perpetuate slavery does not suffice to answer the question. Most of them did not own or expect to own a single slave. Indeed, few of them had any material stake whatever in the victory of the Confederacy.

The question has been answered by one who knew these men well and loved them much. Almost 2 score and 10 years after he had served with gallantry as a lieutenant of the Confederacy at Gettysburg, Dr. Randolph McKim, a beloved Episcopal minister of Washington, answered the question in words of unforgettable beauty, which are engraved upon the memorial erected by the United Daughters of the Confederacy to the Confederate dead at Jackson Circle in Arlington National Cemetery.

Here are Dr. McKim's words:

"Not for fame or reward, not for place or for rank, not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it, these men suffered all, sacrificed all, dared all, and died."

As we meet upon this battlefield and dedicate this beautiful memorial to the soldiers of the Confederacy who fought here, we know that they and their comrades who fought elsewhere on land and sea taught by example this precept of their great chieftain, Robert E. Lee: "Duty * * * is the sublimest word in our language."

Like the memorial to the Spartans who fell at Thermopylae, this is a monument to the vanquished and not to the victors.

I end with a prayer. As long as fame her record keeps, may this memorial join history in bearing to the generations the message that the soldiers and sailors of the Confederacy fought for the cause they loved in simple obedience to duty as they understood it and that they illustrated by their lives and by their deaths in a fashion unsurpassed in the annals of time this eternal truth:

> "Defeat may serve as well as victory,
> To shake the soul and let the glory out."

OUR NATIONAL PARKS

Mr. SCOTT. Mr. President, our national parks are a source of pride to all as well as an oasis for healthful relaxation and enjoyment. I think it is especially noteworthy at this time that they will be the feature attraction of an event scheduled for the television screen. I refer specifically to the National Geographic special which will be seen as an hour-long color presentation over the full CBS national network on October 23. I consider this of such significance as to warrant our attention and endorsement for its educational and entertainment value.

The first of four National Geographic specials, this program will be an informative, entertaining, and realistic documentation of people, places, and events in our national parks. It will honor the men of our Park Service in telling their story of dedicated service. Its entire content will provide the kind of wholesome, worthwhile television fare that can be welcomed into every American home without question as to its appropriateness or propriety. This is in marked contrast to the all too familiar themes of violence and sex on television and is, I believe, worthy of our commendation.

It is a source of pride to me personally that one of the Nation's great corporations with headquarters in the Commonwealth of Pennsylvania, the Hamilton Watch Co., of Lancaster, has chosen to cosponsor these programs which represent television at its highest level of quality and good taste.

The very nature of the National Geographic specials, as well as their value to people of all ages throughout the country, inspired Hamilton sponsorship. Each of these programs offers an hour of great beauty and lasting value, qualities traditionally associated with Hamilton's fine watches.

There is evidence that the public recognizes and values these qualities. Last year, the National Geographic specials attracted audiences of up to 40 million people. One of the programs based on the Amazon River received the Peabody Award which is the television industry's highest honor for excellence. The series has been widely acclaimed by critics for the artistic merit reflected in its programs. It also has been praised by educators throughout the country for its significant treatment in dealing with subjects of lasting interest and importance. Many teachers assign National Geographic programs as required viewing, because they have found these shows stimulate students' curiosity and eagerness to learn through a fine combination of education, entertainment, and real-life adventure.

The National Geographic Society has been producing four television specials a year since the 1965–66 season. As Senators know, it is headquartered right here in the Nation's Capitol and has been a successful publisher for the past 80 years. During more than 60 years of this time Hamilton has supported the society with advertising. I believe this is the oldest advertiser-publisher relationship in the history of American magazine publishing. The extension of this fine relationship into television is a very favorable development toward assuring worthwhile programs and illustrates for us how commercial interests can produce both profits and artistry for the furtherment of man's knowledge and culture.

In this major investment in national television, Hamilton joins another outstanding American company—Encyclopædia Britannica, a continuing sponsor of the National Geographic specials. Encyclopædia Britannica's interest in education and in the youth of America is well known. Its standards of quality parallel those of Hamilton. Under the cosponsorship of these two great business organizations, the October 23 program on our national parks will take audiences on a trip of adventure from Hawaii to Cape Cod, from Maine to the Virgin Islands to show how the men of our Park Service face a continuing challenge, excitement, and even danger.

I feel these fine organizations are to be congratulated for their business statesmanship in selecting a television program that furthers the public's interest in and knowledge of our national parks, a source of great pride to all of us as individuals and as a nation.

NLRB INTERPRETS TAFT-HARTLEY ACT TO MEAN MORE THAN CONGRESS INTENDED, WISHED, OR IMAGINED

Mr. ERVIN. Mr. President, the current issue of the Small Business Bulletin, published by the National Small Business Association, contains an article written by me describing the recent hearings held by the Subcommittee on Separation of Powers on the National Labor Relations Board and its relationship to Congress and the courts.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NLRB INTERPRETS TAFT-HARTLEY ACT TO MEAN MORE THAN CONGRESS "INTENDED, WISHED, OR IMAGINED"

(By Senator SAM J. ERVIN, Jr., Democrat of North Carolina, chairman, Senate Judiciary Subcommittee on Separation of Powers)

(About the author: Senator Ervin, always aware of and sympathetic to the problems of the small business man, has again rendered the country a great service by conducting hearings on the National Labor Relations Board and the way it functions. Labor law and its application by the NLRB is one of the most sensitive areas of government relations for the small business community, yet Congress, except for Senator Ervin's Subcommittee hearings, has given scant review to whether the NLRB is obeying the will of Congress.)

Earlier this spring the Senate Judiciary Subcommittee on Separation of Powers conducted a series of hearings on the National Labor Relations Board. The object was to determine how faithfully the agency has been performing its congressional mandate to administer the nation's labor statutes.

The Subcommittee on Separation of Powers is part of the Senate Judiciary Committee and, unlike the Labor Committee of Congress, is not expert in the field of labor law. Its study was undertaken to determine how well the Board has been performing its role—whether it has applied labor law as declared by Congress or whether, on the contrary, it has applied the law according to its own notions of proper national labor policy. The Subcommittee's object was not to evaluate the desirability of the congressional policy or to propose substantive changes in it.

Notwithstanding the many hours of hearings and hundreds of pages of testimony received in the past few months, the Subcommittee has barely scratched the surface of so complicated a subject as the NLRB's administration of labor law. A thorough review of this subject requires the full-time attention of a Senate subcommittee expert in the field. A number of tentative findings can be made, however, based on a preliminary evaluation of the testimony.

First, the Congress has been lax in the exercise of its responsibility to oversee the Board's administration of labor law.

Despite the continuous controversies surrounding its administration, there have been only a few congressional investigations of the Board since 1947 and these have been devoted to fairly limited aspects of its jurisdiction. The Board's actions have been subject only to restricted review by the courts. As the hearings demonstrated, judicial review is inadequate to ensure that Board-sponsored erosion of statutory language does not occur

Second, it is clear that in a number of areas the Board has developed a law governing labor relations which has little relevance to statutory language.

Union members no longer have the same right to obtain decertification elections that Congress provided in the Taft-Hartley Act. Their statutory rights have been narrowed and modified by a number of Board-evolved doctrines, with the end result that it is extremely difficult for employees to disestablish a union once it gains majority status. Similarly, employees' statutory rights to refrain from union activities have been qualified and limited by Board decisions which stress organized action. In some circumstances the right to refrain is, in practice, completely at the mercy of the union leadership. Language defining bargaining rights, the duty to bargain, and the class of topics which are subject to bargaining has been "interpreted" by the Board in such a way that the statutory phrases now mean more than Congress intended, or would have wished, or could have imagined. Employee election rights have also been adversely affected. The Board has developed a combination of doctrines which de-emphasize significance of elections, especially when the results of the election do not favor unionization.

These are just a few of the substantive areas where the testimony indicates a deviation by the Board from the intent of Congress as expressed in the Taft-Hartley Act.

I have not mentioned the Board's curious interpretations of "free speech"; the improper use of its judicial powers; its refusal to give force and effect to the rulemaking powers which Congress charged it to use; the apparent failure of the Board to act even-handedly when different parties seek its protection; the political sensitivity of the Board as evidenced by the rapid changes of its decisions in response to changing political circumstances; the power of the General Counsel to bar or delay recourse to the Board; or the other unfortunate tendencies of the agency which were disclosed during the Subcommittee's sessions.

Obviously more is involved here than merely mistaken or inadequate administration by the NLRB. For example, National Small Business Association's strong statement to the Committee presented case after case showing alleged disregard of Congressional intent by the Board. If the NLRB or other administrative agencies do display a generous tendency to apply statutory law as they see fit, then this has serious implications for our governmental system. Instead of public policy being established according to the wishes of the people through the representatives they elect and send to Congress, policy is being made by a small group of government officials responsive not to the

American people but to other forces. It means that labor law is being devised to serve the interests of unions or management, or the Board itself, but not to serve those of the American working man.

If this is indeed true, then the fault ultimately lies with Congress. It is Congress's responsibility to take a greater interest in the work of the NLRB and other agencies, and to impress upon them Congress's determination to see that its legislative will is being obeyed.

THE NATURE OF THE HEARINGS

The recent hearings on the NLRB are part of a general study by Senator Ervin's Subcommittee into the present-day meaning and significance of the constitutional principle of "separation of powers". The National Labor Relations Board, like its sister agencies, the Federal Trade Commission, Securities Exchange Commission, and others, represents a deviation from a strict application of the separation of powers principle. The Board is, in theory at least, an organ of government combining portions of executive, legislative, and judicial powers. While it is independent of the direct control of the traditional branches, it is a creature of legislation and subject to a variety of controls and limitations imposed by the Congress, the courts, and the Executive. Controls imposed by Congress are, potentially at least, the most significant.

LOAN APPLICATION BY VALLEY CENTER MUNICIPAL WATER DISTRICT OF VALLEY CENTER, CALIF.

The **PRESIDING OFFICER** laid before the Senate a letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of an application by the Valley Center Municipal Water District of Valley Center, Calif., for a loan to assist in financing the construction of emergency and operational storage facilities and pipelines to connect the storage facilities to its existing irrigation water distribution system, which, with an accompanying paper, was referred to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **PRESIDING OFFICER**:

A resolution adopted by the 82d Airborne Division Association, Inc., Mansfield, Ohio, praying for the enactment of legislation to grant incentive pay to the airborne units of the Army Reserve; to the Committee on Armed Services.

A resolution adopted by the Board of Supervisors, County of Los Angeles, Calif., praying for the enactment of legislation to give a chance for homeownership to those who presently cannot achieve it; to the Committee on Banking and Currency.

A resolution adopted by the 82d Airborne Division Association, Inc., Mansfield, Ohio, commending the foreign policy of the United States relating to Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Tribal Council of the Jicarilla Apache Tribe of Indians, Dulce, N. Mex., requesting that appointments be made promptly to existing vacancies within the Indian Claims Commission; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Ninth Guam Legislature, praying for the enactment of legislation to establish a Status Commission for the Unincorporated Territory of Guam; to the Committee on Interior and Insular Affairs.

A letter, in the nature of a petition, from the Governmental Affairs Institute, Washington, D.C., praying for the enactment of legislation relating to certain immigrants; to the Committee on the Judiciary.

A resolution adopted by the chamber of commerce of the city of Porterville, Calif., protesting the secondary boycott of California table grapes by AFL–CIO unions; to the Committee on Labor and Public Welfare.

A petition, signed by Orlando E. Hartman, and sundry other citizens of the State of Iowa, praying for the enactment of legislation relating to extension of the National Labor Relations Act to cover farmworkers; to the Committee on Labor and Public Welfare.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. **MONRONEY**, from the Joint Committee on Disposition of Papers in the Executive Departments, to which were referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated August 2, 1968, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. **SPARKMAN**, from the Committee on Banking and Currency:

Raymond H. Lapin, of California, to be President of the Federal National Mortgage Association.

Mr. **McINTYRE**. Mr. President, from the Committee on Armed Services I report favorably the nominations of 32 Army Reserve commissioned officers for promotion to the grade of major general and brigadier general.

I ask that these names be placed on the Executive Calendar.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. John L. Boros, and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. Kenneth W. Brewer, and sundry other Army National Guard of the United States officers, for promotion as Reserve commissioned officers of the Army; and

Col. Harry W. Barnes, and Col. Robert F. Wilson, Army National Guard of the United States officers, for appointment as Reserve commissioned officers of the Army.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. **FANNIN**:

S. 3999. A bill for the relief of Vladko Dimitrov Denev; to the Committee on the Judiciary.

By Mr. **ERVIN**:

S. 4000. A bill for the relief of Tsui Yan Wa; to the Committee on the Judiciary.

By Mr. **GRUENING**:

S. 4001. A bill for the relief of Sangvian Boonbangkeng, Wea Lum Phian, Yau Fo, Shu Wah Ip; to the Committee on the Judiciary.

By Mr. **MILLER**:

S. 4002. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area between Wood River, Ill., and Minneapolis, Minn., and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MILLER when he introduced the above bill, which appear under a separate heading.)

By Mr. **MONDALE**:

S. 4003. A bill for the relief of Theodore Atsidakos, and his wife Helen, and two children, Mary and Erethilia; to the Committee on the Judiciary.

By Mr. **TALMADGE**:

S. 4004. A bill to amend the Internal Revenue Code of 1954 to eliminate certain inequities involved in the taxation of employee stock options; to the Committee on Finance.

By Mr. **JACKSON**:

S. 4005. A bill for the relief of certain individuals; to the Committee on the Judiciary.

FEASIBILITY OF AN UPPER MISSISSIPPI VALLEY NATIONAL RECREATION AREA

Mr. **MILLER**. Mr. President, I introduce, for appropriate reference, a bill which would authorize and direct the Secretary of the Interior to study, investigate, and formulate recommendations concerning the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area. This area would cover all or parts of the segment of the Mississippi River and adjacent lands between Wood River, Ill., and Minneapolis, Minn. The area to be studied under the terms of my bill includes portions of my own State of Iowa, and the States of Missouri, Illinois, Wisconsin, and Minnesota. This area is readily accessible to more than 20 million people of the Midwest and comprises a wealth of American culture.

Although this area is already widely used for outdoor recreation purposes, such use is heavily concentrated and tends to disturb and destroy values which most people wish to use and enjoy. Because this area has so much to offer the Nation and millions of people living nearby, I feel that a comprehensive evaluation of its recreation potential should be concluded as soon as possible. One reason for such a survey is that adverse activities might endanger the prospects of future development of public outdoor recreation facilities.

The Corps of Engineers of the Department of the Army has conducted some significant studies in this regard. These studies should be more helpful in compiling a meaningful evaluation and report at the earliest possible time while also holding down the cost of the study called for in my bill—such cost being estimated at less than $100,000.

Mr. President, the House Committee on Interior and Insular Affairs has favorably reported a bill containing the same provisions as I am introducing. I urge the Senate Committee on Interior and Insular Affairs to consider this bill at the earliest opportunity.

Mr. President, I ask unanimous consent that the bill be printed in the

Record and also printed and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record as requested by the Senator from Iowa.

The bill (S. 4002) to authorize the Secretary of the Interior to study the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area between Wood River, Ill., and Minneapolis, Minn., and for other purposes, introduced by Mr. Miller, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 4002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing as an Upper Mississippi Valley National Recreation Area all or parts of the segment of the Mississippi River and adjacent lands between Wood River, Illinois, and Minneapolis, Minnesota, in the States of Missouri, Iowa, Illinois, Wisconsin, and Minnesota. The Secretary shall cosult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region.

Sec. 2. The Secretary shall submit to the Congress, within two years after the date of this Act, a report of his findings and recommendations. The report of the Secretary shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including their use for driving for pleasure, walking, hiking, riding, bicycling, boating, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(c) the type of Federal, State, and local program that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in subsection (a), including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means.

Sec. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired or set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed $100,000.

ADDITIONAL COSPONSOR OF BILL AND JOINT RESOLUTION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas [Mr. Yarborough] be added as a cosponsor of my bill (S. 3777) to establish the U.S. section of the United States-Mexico Commission for Border Development and Friendship, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that, at its next printing, my name be added as a cosponsor of the joint resolution (S.J. Res. 179) proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS

SENATE RESOLUTION 387—RESOLUTION CALLING FOR EMERGENCY MEETING OF GENERAL ASSEMBLY AND DECLARATION OF DAY OF SOLIDARITY WITH CZECHOSLOVAKIA

THE MEANING OF CZECHOSLOVAKIA

Mr. DODD. Mr. President, before the Kremlin staged its treacherous invasion of Czechoslovakia in the midnight hours of August 21, there were many in the Western World who believed that the Soviet leaders were reasonable men who were committed to the existence of the détente and who would therefore take no rash actions in Czechoslovakia.

Much more died in consequence of the Soviet invasion than the brave new freedom which had suddenly emerged in Czechoslovakia after its long totalitarian night.

The myth of the détente also died with it, as well as the false feeling of security which this myth had spawned.

I have no doubt that, when the present crisis has passed, this myth will burgeon again, just as it did in the period after the suppression of the Hungarian revolution. But, for the moment at least, the eyes of the free world have been opened to the harsh fact that there is no essential difference between the communism of Brezhnev and Kosygin and the communism of Joseph Stalin.

It remains committed to the destruction of freedom for the simple reason that the contagion of freedom constitutes a deadly menace to the total tyranny of communism.

This is something that I have been trying to tell the American people for many years now. Within the past 2 months alone I have taken the floor of the Senate on three occasions to warn against the myth of the détente and against the possibility that the Soviet Union would intervene by force to put down the freedom movement in Czechoslovakia.

I did so for the first time on July 15, in introducing a resolution reaffirming our support for Captive Nations Week. This resolution, in which I was honored to be joined by 13 other Senators, expressed the hope that the captive peoples would "in the years to come be permitted to determine their own future without the threat of external intervention."

On July 22, in speaking again about the crisis in Czechoslovakia, I submitted a resolution calling for the publication of the U.N. report on Hungary as a Senate document. I said that it was my hope that the republication of this report would serve the dual purpose of reminding world opinion about what happened in Hungary and that, if the Soviet leaders contemplated intervention, it would cause them to pause and reconsider.

Regrettably, this resolution was put over by the Rules Committee because of the pressure of last-minute business.

In the same speech I called for a more vigorous State Department policy, and said that the diplomacy of doing nothing will accomplish exactly nothing.

On this point, now that the deed has been done, I wish to read from an editorial assessment which appeared in the New York Times for September 3:

> As this melancholy political tragedy proceeds, Americans would do well to assess soberly this nation's responsibility for last month's rape of Czechoslovakia. From Mr. Dubcek's triumph last January until the Soviet invasion, Washington did almost nothing to show serious goodwill toward the liberal regime. The excuse offered then was that the State Department feared to provoke Moscow action against Prague. In the face of the devastating blow Soviet troops actually did deliver, a more tenable view is that Washington's studied near-indifference to Prague developments was correctly seen in Moscow as assurance the Kremlin could do as it pleased in bringing Czechoslovakia to heel. It is not a pretty chapter of American diplomacy.

On August 2, the final day before recess, I delivered a major speech on the myth of the détente in which I warned again that the Red army might invade Czechoslovakia.

And on August 21, on the heels of the invasion, I issued a statement calling for an emergency session of the U.N. General Assembly to deal with the matter of Soviet intervention in Czechoslovakia.

I still believe such a session should be convened, and this is a major purpose of the resolution which I am introducing today.

Essentially my resolution is an action resolution, because, in the situation that confronts us today, pious declarations of sympathy are not enough.

A member nation of the United Nations has been invaded without warning and without cause of any kind by the military forces of five other member nations.

And although, nominally, the Kremlin is permitting the Czechoslovak Government to continue in office, in practice it is enforcing a ruthless dictatorship.

It has compelled the Czechoslovak Government, against its will, to reintroduce a rigid censorship over press and radio.

It has demanded the banning of Czechoslovakia's most popular literary and political magazine, Literarni Listy.

It has virtually forbidden Czechoslovak trade with the West.

And according to recent information received by the American chapter of PEN, the world association of writers, Soviet intelligence agents, disguised as ambulance drivers, have been apprehending and beating up prominent Czech writers and removing them to undisclosed destinations.

Soviet aggression in Czechoslovakia,

moreover, has raised the specter of further Soviet aggression in Europe.

On the heels of their occupation of Czechoslovakia, the Red Army and its satellite armies embarked on a series of threatening maneuvers on the frontiers of Rumania and Yugoslavia, similar to the maneuvers which preceded the invasion of Czechoslovakia. And these activities are all the more alarming because they have been synchronized with a violent propaganda campaign against the Rumanian and Yugoslav leaders which resembles the propaganda campaign against the Czech leaders prior to the invasion.

Only yesterday the crisis in Europe was dangerously enlarged when the Soviet Ambassador to Bonn presented to the West German Government a list of arrogant demands which bore some of the earmarks of a ultimatum. Among other things, the Kremlin demanded that the Bonn government call off its efforts to establish normal cultural and trade relations with the Communist countries of Eastern Europe.

Against the background of Soviet intervention in Czechoslovakia no one can say for certain just how far the Soviets are prepared to go. Against this background, too, it becomes clear that Soviet promises and guarantees are utterly worthless.

The coming period will be a period of testing that will require all the wisdom and all the resolution of which we are capable.

There are many measures that must be taken to secure the peace and to deter the Soviets from further aggression. But, in my opinion, the first of these measures is resolute action on the part of the free world to condemn the Soviet occupation of Czechoslovakia, to bring the Kremlin to bar before the United Nations, and to mete out punishment in the form of economic sanctions.

That is why I am submitting my resolution.

My resolution calls upon the administration to designate September 30, the anniversary of the infamous Munich agreement, as a day of solidarity with the Czechoslovak people.

I think that it is altogether fitting that the enslavement of Czechoslovakia by the Soviet tyranny be observed in conjunction with the anniversary of the pact which paved the way to its enslavement by the Nazi tyranny.

On this day let us, by every proper means, tell the Czechoslovak people, that, in their battle to win for themselves the right to "life, liberty, and the pursuit of happiness," they have the fervent support of the American people.

Let us demonstrate.

Let us protest.

Let the church bells ring out across the country.

And let us as a nation reinforce our condemnation by taking those essential diplomatic, political, and economic actions spelled out in the resolution which I submit today.

Mr. President, I submit a resolution calling for an emergency meeting of the General Assembly and calling for the administration to declare September 30 as a day of solidarity with Czechoslovakia, because that is the date of the Munich betrayal.

Mr. President, in submitting my resolution I ask unanimous consent to insert into the RECORD a number of articles and editorials dealing with the Soviet invasion of Czechoslovakia, and with the intellectual ferment in the Soviet Union which made the Soviet leaders so fearful of the contagion of freedom.

I also ask unanimous consent to insert into the RECORD at the conclusion of my remarks the full text of my resolution.

The **PRESIDING OFFICER**. The resolution will be received and appropriately referred; and, without objection, the resolution, articles, and editorials, will be printed in the RECORD.

The resolution (S. Res. 387) was referred to the Committee on Foreign Relations, as follows:

S. RES. 387

Whereas the Congress of the United States is on record as supporting the struggle of the captive nations to recover their national freedom and their basic human rights; and

Whereas the Soviet invasion of Czechoslovakia on August 21, abetted by the armies of four Communist satellite governments, constituted a flagrant violation of the United Nations Charter and of the rule of law in the affairs of nations; and

Whereas, as President Johnson has pointed out, "The excuses offered by the Soviet Union are patently contrived. The Czechoslovakian government did not request its allies to intervene in its internal affairs. No external aggression threatened Czechoslovakia"; and

Whereas the Soviet secret police, under the protection of the Red Army, are now in the process of liquidating the hard-won freedoms of the Czechoslovak people and reinstalling a police state dictatorship; and

Whereas, in the past fortnight, the Soviet Army and its satellite armies have been conducting threatening maneuvers on the frontiers of Romania and Yugoslavia, similar to the invasion of Czechoslovakia; and

Whereas the Soviet Government further enlarged the crisis by submitting a list of outrageous demands to the Government of West Germany: therefore be it

Resolved, That it is the sense of the Senate—

(1) that the administration should call for an emergency session of the U.N. General Assembly to deal with the Czechoslovak crisis and with the wider crisis this has produced throughout Central Europe;

(2) that at this session the administration, with the support of other free nations, should ask for the imposition of economic sanctions against the aggressor countries, until they abandon their aggression and remove their troops from Czechoslovakia; and that, despite any protests that may come from the now captive government of Czechoslovakia, the administration should also ask for the establishment of a special U.N. committee, similar to the U.N. Committee on Hungary, to gather all available information and to report back to the General Assembly;

(3) that, in advance of such action, the administration should impose an immediate embargo on the shipment of all industrial and technological equipment to the Soviet Union and to the communist bloc countries which participated in the invasion, and that it should invite the other free nations of the world to join in parallel action;

(4) that, in conjunction with the anniversary of the Munich agreement on September 30, the administration should proclaim a day of solidarity with the people of Czechoslovakia, to be manifested in appropriate observances across the country, and that it should invite the participation of other free governments with a view to making this day an international day of solidarity with the Czechoslovak people in their heroic struggle to retain their freedom; and, finally, be it

Resolved, That the Senate will support such measures as may be necessary to reduce the threat of further Soviet aggression in Europe.

The articles and editorials ordered to be printed in the RECORD, are as follows:

1. THE SOVIET OCCUPATION OF CZECHOSLOVAKIA

[From the New York Times, Aug. 31, 1968]

SADNESS AND FEAR ARE DESCENDING ON PRAGUE—CZECHS SEE THEIR 8 MONTHS OF LIBERTY IS NEAR AN END—HELPLESSNESS IS VOICED

(By Clyde H. Farnsworth)

PRAGUE, August 30.—A heavy sadness has descended on this beautiful city, which Goethe described as "a gem in the crown of the world." You feel the sadness when walking on the Charles Bridge across the Vitava with a young blond law student who says repeatedly, "I am not afraid"—but you know she is.

You pass several Russian soldiers munching bread at the entrance of a Soviet-occupied building on the Opera Square. She looks at them and then, almost with tears in her eyes, says, "It is terrible what they have done."

There is an older Czech talking quietly with an American in a coffee house near Maxim Gorki Square. A third party, unknown to either of them, sits down at their table. The older man suddenly finds an excuse to leave.

FEAR IS COMING BACK

It is the fear that personal liberties, so much enjoyed over the last eight months, are suddenly being taken away—the fear that the Government can never resist the overwhelming Russian military pressures to end the political reforms.

Now, Czechs are again afraid of being informed on, afraid of the secret police.

The Russians have pulled most of their troops out of the city. But the tanks are not far away and, three miles southeast of the city center in the suburb of Vrsovice, heavy mortars have been emplaced. They could fire their shells into Wenceslaus Square.

The informed Czech tells you that the plight is tragic. To prevent bloodshed the Government has to accept Russian demands and curb political freedom. But in doing this it loses the confidence of the people.

This reality, the feeling of helplessness beside the tremendous display of Russian power, explains the poignant sighs and pauses when Czechoslovak leaders address the nation.

It explains the bitter tone of the underground poetry plastered on the storefronts:

"Welcome friends—
You have come as brothers,
And now our blood lies on the ground.

"Welcome friends—
Thank you for the roses
On the graves of our children.

"Welcome friends—
With salt in our eyes
We welcome you."

Underground writers quote Talleyrand's words to Napoleon: "You can do everything with bayonets except sit on them."

The writers also refer to an old Czech saying: "After three days a guest and a fish begin to smell."

With most of the tanks removed, Prague looks normal again. During the day there is business as usual and there are traffic jams in the streets.

[From the New York Times, Aug. 31, 1968]

ELEVEN CZECH WRITERS REPORTED SEIZED—PEN IS INFORMED DISGUISED SOVIET AGENTS ARE BEATING AND ARRESTING AUTHORS

(By Henry Raymont)

The American chapter of P.E.N., the world association of writers, said last night it had received word that Soviet intelligence agents in Czechoslovakia, disguised as ambulance attendants, were secretly rounding up writers and journalists.

The report was received by Robert Halsband, president of the American center, in a cablegram from the association's international headquarters in London. Mr. Halsband said the cablegram was based on information given by "a reliable source," a writer who had just arrived from Prague.

The cablegram said that at least 11 Czech writers, including Ladislav Mnacko, the novelist, and Prof. Adolf Hoffmeister, president of the Czech center of P.E.N., had been beaten unconscious by Soviet secret "agents disguised as ambulance attendants" before they were driven to an undisclosed destination.

NOVEL SATIRIZED LEADERS

The cablegram asserted that ambulances were used for the arrests to "divert attention of Czechoslovak citizens and police." The following writers and newspapermen were listed as having been seized:

Professor Hoffmeister, Mr. Mnacko, Bohumil, Hrabal, Karel Kosk, Alexander Kliment, Vaclav Have, Ludvik Vaculik, Milan Uhde, Jiri Kolar, A. J. Liehm and Vladimir Blazek.

The report was the first indication of Mr. Mnacko's fate following the invasion Aug. 21. The stocky, 49-year-old former journalist fled Czechoslovakia last year in a protest against Prague's pro-Arab policies, but he returned some months ago to participate in the liberalization movement of Alexander Dubcek, First Secretary of the Czechoslovak Communist Party. He is best known in the West for his novel "The Taste of Power," a satire on the Communist party leadership that was published here earlier this year by Frederick A. Praeger, Inc.

The cablegram, signed by David Carver, the international secretary of P.E.N.—the initials stand for Poets, Essayists and Novelists—joited American members of the association who had hoped conditions in Czechoslovakia would ease following the talks in Moscow last weekend.

"This is shocking news," said Arthur Miller, the playwright and president of the international P.E.N. Club.

Reached at his home in Connecticut, Mr. Miller said he would begin "right away" to gather signatures from American writers and poets for an appeal to the Soviet Government and the Union of Soviet Writers on behalf of their Czechoslovak colleagues.

PROTEST SENT TO PODGORNY

Mr. Carver's communication arrived shortly after Mr. Halsband and Mr. Miller had sent a routine protest to President Nikolai V. Podgorny appealing for the release of Czechoslovak writers arrested during the Soviet occupation. They said the information about the arrests was based on newspaper reports and had not been independently confirmed.

Several hours after receiving the report of the new arrests, Mr. Halsband and Mr. Miller sent two more protests, one to the president of the Soviet Writer's Union and another to the Ministry of Interior in Prague.

The message to President Podgorny was made public by Mr. Halsband early yesterday afternoon, a few hours before he received Mr. Carver's cable. The message said:

"P.E.N.'s American Center joins with International P.E.N. in urging release of Czech and Slovak writers reported held following occupation of Czechoslovakia. We ask this in a spirit of deep concern and hopefulness on behalf of the world community of letters."

Mr. Halsband, a professor of English literature at Columbia University, acknowledged that the association had been asked by several Czech writers to delay their protest, contending that it might further harden the Soviet attitude.

"We waited for almost a week, until we became convinced that the situation was not improving," he said.

APPEAL TO SOVIET WRITERS

The appeal to the Soviet writers said:

"As fellow writers, the American Center of P.E.N. urges you to exert your influence to protect writers in Prague from reported arrests. We make this appeal in the name of the world community of letters.

Mr. Miller said that, while his first protest to President Podgorny was based on rumors, "we now have concrete information just out of Czechoslovakia of a real wave of repression."

The author, who returned yesterday morning from Chicago, where he attended the Democratic National Convention as a delegate from Connecticut, said that he would probably have a new petition ready over the weekend.

Mr. Miller predicted that the Czechoslovak crisis would become a central issue at the annual meeting of P.E.N.'s executive committee, which opens in Geneva Oct. 6. The meeting is scheduled to be attended by at least a dozen from Eastern Europe.

[From the New York Times, Sept. 2, 1968]

SEVEN DAYS OF INTERVENTION IN CZECHOSLOVAKIA—ENTRY BY SOVIET-LED ARMIES STIRRED RISE OF WIDE RESISTANCE

(NOTE.—The following reconstruction of events in the first seven days of the occupation of Czechoslovakia was prepared by Tad Szulc and Clyde H. Farnsworth, New York Times correspondents in Prague.)

PRAGUE, September 1.—A Soviet MIG–21 jet fighter screeched over the roofs of sleeping Prague a few minutes after 1 o'clock on the morning of Wednesday, Aug. 21. As it landed at Ruzyne International Airport, its wing companion flew on a direct approach to the airport.

There was silence for a few minutes, and then the first Antonov-12 four-engined turbo-prop transport pierced the clear night sky over this city, its green and red running lights blinking against the darkness on its descent to Ruzyne.

Within a minute another heavy AN–12 followed from the east. Then, the roar over the capital was unabating as, at 50-second intervals, transport planes touched down at Prague Airport, disgorging crimson-bereted Soviet airborne troopers.

Two hours earlier, a column of Soviet T–55 tanks had crossed the Czechoslovak frontier from East Germany at Cinovec, a quiet village, 60 miles northwest of Prague, and now its forward elements were nearing the residential suburb of Kobylisy. Young Soviet tankmen in black leather headgear peered out of their turrets, their hands on their 50-caliber machine guns.

The invasion of Czechoslovakia had begun.

At 1:50 A.M., the city was told in a Prague radio broadcast, delivered in quiet tones:

"Last night, Aug. 21, about 11 P.M., the armies of the Soviet Union, the Polish People's Republic, the German Democratic Republic, the Hungarian People's Republic and the Bulgarian People's Republic crossed the national frontiers of Czechoslovakia without the knowledge of the President of the Republic, the National Assembly, the Government, the First Secretary of the Communist party or any of their bodies."

Then the radio station went off the air.

The airlift was the biggest ever carried out by the Soviet Union outside its frontiers. Within the first seven hours, 250 aircraft put down here a full airborne division complete with small armored vehicles, fuel and supplies.

Along with the Soviet, East German, Polish, Hungarian and Bulgarian columns entering Czechoslovakia through 18 crossing points from the north, northwest, south and east, this airlift formed the vanguard of what in days to come was a massive invading army reported to number 650,000 men equipped with the most modern and sophisticated weapons in the Soviet military catalogue.

Prague alone was filled and ringed with 100,000 troops and 2,000 tanks, while, at the Kremlin in the evening of Tuesday, Aug. 27, Czechoslovak leaders were being forced into signing an agreement giving Moscow total control over the destiny of this republic of 14 million people.

The events of the intervening seven days ranged from the drama of the early street battles in Prague and other Czechoslovak cities between Soviet tanks and youths armed with sticks and Molotov cocktails to the poignant tragedy of the secret Moscow negotiations with the Czechoslovak leaders freshly released from Soviet captivity.

RECONSTRUCTION OF 7 DAYS

This article is a reconstruction of the seven days based on the accounts of the Czechoslovak clandestine radio network formed after the invasion, the testimony of participants, information supplied by Communist sources and direct observations by correspondents of The New York Times.

As the Soviet columns rolled through Prague's darkened streets at dawn on Aug. 21 and as dozens of cars careened throughout the city with honking horns to summon the citizens to a protest meeting at the Old Town Square, 20 men were gathered in a four-story domed and marble-pillared building on the right bank of the Vltava River, which flows through Prague.

They were the 11 full members of the ruling Presidium of the Central Committee of the Czechoslovak Communist party, its three alternates and the party secretaries, and they had been meeting continuously since 2 o'clock in the afternoon to try to deal with the situation.

The meeting had been called by Alexander Dubcek, the First Secretary of the party, the man who personified Czechoslovakia's democratization effort begun last January and defiance of Moscow's orthodoxy.

DECEPTIVE MILDNESS

Mr. Dubcek, a deceptively mild-looking but tough man of 47, had called the session to debate a letter he had received the day before from Leonid I. Brezhnev, the General Secretary of the Soviet Communist party berating him for allegedly failing to honor agreements made at the confrontations in early August between the Czechoslovaks and their Soviet-led critics at Cierna and Bratislava.

These confrontations left the public impression that the Warsaw Pact nations had grudgingly accepted Czechoslovakia's democratization with some minimal restraints.

At the Presidium meeting, held in a small conference room with modern decor and heavy armchairs, the Dubcek liberals clashed with the pro-Moscow conservative members.

The principal battle was over a 13-page report on the internal situation in Czechoslovakia, prepared by Drahomir Kolder, a Presidium member, and Alois Indra, a party secretary. These two conservatives sought approval for their report, which in effect constituted acceptance of Soviet demands for eradication of the democratizing experiment.

Mr. Kolder and Mr. Indra suggested, in fact, that the Presidium lay aside the Bratislava agreement and reconsider instead the so-called Warsaw Letter sent by the Soviet Union and its four allies in mid-July and calling for a virtual political surrender.

EVENLY DIVIDED

The Czechoslovak party leadership was fairly evenly split between liberals and conservatives, but the moderates complicated the situation by their uncertainty. At one point, for example, Frantisek Barbirek, a Slovak member of the Presidium, deliberately absented himself for a prolonged period to avoid participating in several inconclusive votes.

Premier Oldrich Cernik, one of Mr. Dubcek's closest associates, called the Kolder-Indra proposal a "betrayal" of the Batislava accords. Frantisek Kriegel, another liberal member of the Presidium, said the proposal should be withdrawn because it "negates Cierna and Bratislava."

Vasil Bilak, then the Slovak party leader and a member of the national Presidium, took the side of Mr. Kolder and Mr. Indra. Antonin Kapek, an alternate Presidium member and head of the large C.K.D. machinery plant in Prague, also lined up with the conservatives.

The atmosphere in the room was reaching an explosive point when Premier Cernik went out to an adjoining office to make one of his periodic phone calls to Col. Gen. Martin Dzur, the Defense Minister.

SOVIET AIRLINERS LAND

Reports had been reaching the Presidium all day of Soviet troop movements along Czechoslovak frontiers. A Moscow report in mid-afternoon spoke of an urgent session of the Soviet party's Central Committee. Mr. Cernik knew that at 10 P.M. an unscheduled Soviet Aeroflot airliner had landed at Ruzyne Airport.

This was the first thing to alarm him. The plane, he had been told, did not unload passengers but simply sat in the darkness on a taxiway. At 11 P.M., Mr. Cernik was informed that another unscheduled Aeroflot flight had arrived from Lvov in the Soviet Ukraine.

A group of unidentified civilians left the airport and rushed to the city. Later it developed that they had gone to the Soviet Embassy, in the tree-shaded Bubenec district of Prague, which was to be the command post for the invasion.

The first Aeroflot plane, as Mr. Cernik and his friends discovered later, was a mobile air-traffic control post brought to Ruzyne to direct the airlift.

PRESIDIUM GETS NEWS

When Mr. Cernik returned to the meeting at 11:40 P.M. having spoken again with Defense Minister Dzur, he was pale. He whispered a few words to Mr. Dubcek. Visibly shaken, Mr. Dubcek rose and announced to the group:

"The armies of five countries have crossed the frontiers of our republic and are occupying us."

Commotion broke out in the room, and Mr. Dubcek tried to restore order.

"It is a tragedy," he said, his voice cracking. "I did not expect this to happen. I had no suspicion, not even the slightest hint that such a step could be taken against us."

The men were excited, talking, shouting, gesticulating. Some of them left the room to make telephone calls, then returned.

Tears were streaming down Mr. Dubcek's face. He said: "I have devoted my entire life to cooperation with the Soviet Union, and they have done this to me. It is my personal tragedy."

CONSERVATIVES NOT UPSET

An official who attended the meeting said later that the conservatives—Mr. Indra, Mr. Kolder, Mr. Bilak and Oldrich Svestka, a Presidium member and editor of the party newspaper Rude Pravo—"did not seem terribly upset or even surprised." They soon left the building.

Mr. Dubcek telephoned President Ludvik Svoboda at Hradcany Castle, and the two men discussed the situation. Then Mr. Dubcek and Premier Cernik drafted a proclamation to the nation that the Prague radio began to broadcast at 1:50 A.M.

After having stated that the invasion had taken place without the knowledge of the Czechoslovak authorities, the proclamation urged Czechoslovaks to remain calm and not to resist. The armed forces were given the same order.

The first elements of the Soviet airborne division had already secured the airport and were moving into the city.

Premier Cernik left for the one-story building housing the Straca Military Academy across the Vltava River from the Central Committee to preside over an emergency session of his Cabinet. Mr. Dubcek and his liberal colleagues remained in the Central Committee building to await developments.

LEADERS ARE SEIZED

These developments came quickly. At 3 A.M., as the capital was wide awake and stunned, Soviet armored personnel carriers and armored scout cars drew up at the Military Academy. Airborne troopers, their submachine guns at the ready, surrounded the building.

A detachment burst into the academy and arrested Mr. Cernik and the ministers with him. Soldiers tore up the telephone switchboard. At gunpoint, one witness said, they forced some of the ministers to give up their wristwatches. Mr. Cernik was led to an armored car and driven away.

Shortly after 4 A.M., airborne units and some of the tanks that had advanced from the East German border surrounded the Central Committee building. A few minutes later, three armored cars led by a black Soviet made Volga automobile arrived.

Mr. Dubcek, Mr. Kriegel, Josef Smrkovsky, the President of the National Assembly; Cestmir Cisar, a party secretary, and Vaclav Slavik, a member of the secretariat, were around a table discussing their next moves. They were the hard core of the party liberals.

A squad of Soviet soldiers and several civilians rushed into the meeting. They grabbed Mr. Dubcek, Mr. Kriegel and Mr. Smrkovsky and led them to one of the armored cars. Mr. Cisar was taken out separately. Somehow Mr. Slavik escaped detention.

The armored car with Mr. Cisar went to central police headquarters at Bartolomejska Street in midtown and he was placed in a cell. The vehicle carrying Mr. Dubcek, Mr. Smrkovsky and Mr. Kriegel drove to the airport. Premier Cernik was already there under guard.

The four men were led to a Soviet transport plane, pushed with rifle butts. The plane took off immediately, and one hour later it landed at Try Duby military airport in Slovakia. The four men were driven to a barn outside the nearby spa of Sliac and kept there under guard. They were treated harshly and insulted. As Premier Cernik was to tell the Cabinet later, "I feared for my life and that of my comrades."

As the news of the invasion spread in Prague by the clanking of the tanks, the roar of the troop transports and telephone calls from neighbors and friends, young workers and students rushed to the Prague radio building on Vinohradska Street to erect barricades.

So long as the radio continued broadcasting, the young people felt, the world would know what was happening. It was a race against time. The Russians had already achieved their first objectives by neutralizing the centers of the government. Later in the morning, they would surround Hradcany Castle and place the President under virtual house arrest.

Buses, trucks and the street cars were commandeered by the youths to try to block the progress of the tanks from the nearby National Museum toward the radio building.

As dawn broke, thousands of youngsters poured into Wenceslas Square just below the National Museum and moved toward Vinohradska to man the barricades. They hurled rocks at the tanks and waved the Czechoslovak flag while screaming defiance at the Russians, who were nervously manning their machine guns.

SHOOTING BREAKS OUT

Most of the Russians were puzzled by the reaction. They had been told that they had been invited to help crush a counterrevolution and they expected to be welcomed.

Tanks slipped through the barricades and fires ranged in the twisted wreckage of overturned buses and trams. By 7:25 A.M. the radio building was surrounded by infantry soldiers, and tanks were rampaging trying to scatter the crowds.

The first blood was spilled shortly after 7 A.M., when a tense Bulgarian tankman fired his machine-gun, first, above and, then, directly into people on the sidewalks. Two unarmed Czechoslovak soldiers and a woman were killed.

The radio station went off the air at 7:21 A.M. after a woman had announced in an emotion-choked voice: "This is the end."

There were a few bars of Smetana's "Vltava Suite," and then the Czechoslovak national anthem, and finally silence. But an hour later, the radio came surprisingly back on the air, demanding the departure of the invaders and calling for a national protest strike and for blood donors for the wounded.

"DO YOU WORK HERE?"

The Soviet forces seemed to lack instructions on how to proceed.

At the television station on Maxim Gorky Square, a Russian army captain named Orlov jumped down from his armored squad car and pounded on the door. After several minutes the nightwatchman appeared. Captain Orlov told him:

"Step out of the way, we are going to occupy the television station."

"Do you work here?" asked the elderly watchman.

"No," the stunned captain replied.

"Then you can't come in," said the watchman, slamming the door in the captain's face. The nonplused captain had to radio his command headquarters for further instructions.

The troops outside the radio building also did not seem quite sure what their mission was.

Tanks raced up and down the streets like charging bulls, while young men rushed out from the sidewalks with flaming gasoline-soaked rags trying to ignite the tanks' fuel stores. Five were set afire and one had to be abandoned. While the attacks went on, other tanks stood idle on the streets, their engines off, with crews quietly watching the show.

At 11 A.M. the troops surrounding the radio building finally got their orders to move inside and stop the broadcasting. The station went off the air, only to be replaced within a half hour by the first underground transmitter of the clandestine network.

The network, coordinating 15 stations around the country, not only provided news about the occupation, but became the chief rallying point for the developing passive resistance.

ADVANCE PLANNING

The planning behind it was the work of Jiri Pelikan, the articulate, bushy-haired, 42-year-old director of the state television. Weeks earlier he and his associates had devised a contingency plan. This advance planning and the services of professionals who went underground accounted for the high standards of the clandestine network.

The Russians tried to locate the stations but were slow in getting direction-finding gear to Prague. The radio itself was instrumental in delaying a train carrying the needed detection equipment. At Ceska Prevova, a rail junction 80 miles east of the capital, Czechoslovak railroad workers refused to man a train after having been alerted by the radio. For hours the train was left to sit in the yard.

FACTOR IN PROPAGANDA WAR

The clandestine network was a major element of the psychological warfare that was developing between the resistance leaders and the occupiers. Unable to stop the transmissions, the Russians began to seize portable radios from listeners in public places.

One of the memorable posters pasted up after the invasion portrayed Russian tank men as Arab merchants with displays of transistors on carpets laid out in the streets.

The Russians, in attempt to make themselves heard by the population, set up their own station, Radio Vltava, but hardly anyone listened to its announcements, delivered with a foreign accent.

The clandestine radio urged citizens to engage the Russian soldiers in discussion to try to convince them that there was no counterrevolution in the country. Hundreds of people sought out the tank crews, infantrymen and paratroopers and asked the basic question: "Why have you come here?"

Most Czechoslovaks speak Russian, which has been a compulsory foreign language in school since the Communist take-over in 1948.

Most of the discussions were friendly enough. However, the Czechs found that many of the young Russian soldiers knew little about the outside world. The reply to the basic question was usually "we follow orders."

Some of the Russians held up what they said were unfired weapons to show that they had not been among those who had taken blood or scarred buildings.

One sensitive noncommissioned officer said he wished he could doff his uniform and merge with the crowd.

On the second day of the occupation, the radio advised the people to ignore the Russians. Though discussions continued, the groups were smaller.

But on Friday a general strike emptied the streets, leaving Soviet troops isolated, surrounded by almost total silence, for an hour. Not knowing what to expect, many fired indiscriminately into the air.

ROAD SIGNS OBSCURED

The clandestine radio also promoted what was perhaps the cleverest of the passive resistence measures—the obscuring of street signs and house numbers to confuse the occupying troops.

People put up spurious detour signs to delay additional tank columns coming from Poland. In the streets of Prague, signs went up showing Soviet troops the shortest way home, "Moscow—1,500 kilometers."

The radio campaign was supplemented by underground newspapers, printed on flatbed presses in secret basement plants and distributed by factory workers. The papers bore the names of many of the newspapers closed by the occupying troops.

Young men in cars and trucks drove swiftly through the city center, dropping off bundles of newspapers and leaflets. Crowds surged on the sidewalks to gather them up.

The Russians countered by dropping some of their own leaflets from helicopters and having the troops distribute the Moscow newspaper Pravda. A Czechoslovak who accepted these publications often found them snatched from his hands and was accused of collaborating.

Like the clandestine radio network, the equestrian monument to St. Wenceslas in Wenceslas Square became a symbol of resistance.

Youths gathered there to make speeches denouncing the occupation. Despite a curfew, youths manned the monument 24 hours a day and defied Russians who tried to disperse them by shooting over their heads.

POLITICAL MOVE THWARTED

On Thursday, Aug. 23, as the defiance mounted in the streets and gunfire echoed through the city, the Soviet Union turned to the political aspects of the occupation.

Moscow had evidently expected to form a government under President Svoboda—to assure constitutional continuity—and to reorganize party leadership with trusted men.

Two steps were promptly taken by ambassador Stepan V. Chervonenko, the political chief of the invasion, and by Gen. Ivan G. Pavlovsky, a Soviet Defense Minister and commander of the invasion forces.

After reported consultations with the Russians, Jan Piller, a conservative Presidium member, called on President Svoboda at Hradcany Castle to present him with a list of a "worker and peasant" government with the request that he remain as chief of state.

President Svoboda, an army general, a convinced Communist and a Hero of the Soviet Union, refused. He said he would discuss nothing until the Czechoslovak leaders had been released. A message from Ambassador Chervonenko also failed to budge the President.

TROIKA IS SHORT-LIVED

Overnight Wednesday the Czechoslovak conservatives had met with Mr. Chervonenko and other Soviet officials at the Praha Hotel, which is used by the Central Committee. The Soviet group was disappointed by the small turnout and by the reluctance of the Czechoslovaks to join the leadership that the Russians proposed to establish.

After hours of deliberation it developed that only Mr. Bilak, Mr. Koldar and Mr. Indra were prepared to go on the new Presidium. To complicate matters, these three party officials apparently were unable to agree among themselves as to who would serve as First Secretary. The decision was made for the three to serve jointly as party leaders.

The announcement of the troika was greeted with public derision, and it vanished from sight almost as soon as it had been invented. The Soviet political maneuver had failed.

THE SECRET CONGRESS

In a countermove by the Czechoslovak liberals, hundreds of delegates began streaming secretly during the night to the huge C.K.D. plant in Prague to hold the extraordinary 14th congress of the party.

The congress had been originally scheduled for Sept. 9, and the delegates were elected during the summer. Most of them were pro-Dubcek and it was taken for granted that the new Central Committee and Presidium to be elected by the congress would be overwhelmingly liberal.

The delegates were informed by the clandestine radio that the congress would be held Thursday morning at the C.K.D. plant. The organizers assumed correctly that inasmuch as the radio was publicly announcing that the plant would be the site of the congress, the Russians would conclude it was being held elsewhere. This tactic worked.

The delegates were introduced into the plant disguised as workers. The plant's armed people's militia, traditionally supporters of the conservatives, stood guard.

The underground congress elected a liberal 160-man Central Committee, which in turn chose its 27-man Presidium. Mr. Dubcek was reelected First Secretary, but in his absence Venek Silhan, an economics professor, was chosen to act in his place.

At this stage, Mr. Dubcek and his colleagues were being moved from Sliac to Lvov, in the Soviet Ukraine, with a stop at Transcarpathian town of Mukachevo. They had not been permitted to change clothes; they were inadequately fed, and were exposed to insults and maltreatment.

SVOBODA FLIES TO MOSCOW

On Friday, Aug. 23, President Svoboda suddenly flew to Moscow following a 7 A.M. meeting in Hradcany Castle with Ambassador Chervenenko. Mr. Svoboda said in a brief statement that he was going to the Kremlin to seek a resolution of the crisis and that he would return the same evening.

Flying on the same plane were Mr. Indra and Mr. Bilak, but Czechoslovak Government spokesmen made it clear that they were not members of the Svoboda delegation. Among those actually accompanying the President were Deputy Premier Gustav Husak, a Slovak and a friend of Mr. Dubcek, and Defense Minister Dzur.

President Svoboda was received in Moscow with honors usually accorded a chief of state, but his Soviet hosts soon realized that he was in no mood for compromise. He made it clear from the outset that he would not undertake to negotiate until Mr. Dubcek and his colleagues were freed and invited to participate in the talks.

On Saturday Mr. Dubcek and the three other imprisoned liberal leaders were flown from Lvov to Moscow and driven to the Kremlin.

INTERNED AIDES HAGGARD

They were a haggard, mentally and physically exhausted group, but it was a victory for the Czechoslovaks to have won their freedom. President Svoboda sent a message to the nation that, in view of the arrival of the four men, he was remaining at least another day for additional talks.

In Prague, this news evoked the first moment of optimism since the invasion. But the Russians countered by sending additional forces to the capital. Soviet strength there rose from 35,000 men on Wednesday to 50,000 on Friday and 90,000 on Sunday as the talks dragged on.

Mr. Smrkovsky, the President of the National Assembly, was not exaggerating when he said later that the Czechoslovaks had negotiated "in the shadow of tanks and planes."

The pressure was so immense that on Monday, Aug. 26, Mr. Svoboda, Mr. Dubcek and the others agreed to sign the agreement. A communiqué gave no real indications of the substance of the accord.

CZECH LEADERS RETURN

At 5:20 A.M. Tuesday, President Svoboda and the others landed at Ruzyne Airport. By that time many of the tanks had disappeared from large parts of the city center and were assembled in parks and side streets. Trolleys and buses were running on normal schedules.

People seemed to be breathing a little easier and everyone seemed to be returning to work. At Hradcany Castle, a Czechoslovak honor guard once again took up its post and the presidential flag flew from the castle staff.

Under the Moscow accord, the Russians agreed to a gradual troop withdrawal in return for a renewal of press censorship, the disbanding of non-Communist political groups, the gradual removal of liberals from office and increasing Soviet control over administration. In addition, two Soviet divisions are to be permanently stationed along the border with West Germany.

It was a high price to pay to get the tanks out of Prague but the Czechoslovaks had evidently little choice but to pay it. Mr. Svoboda, Mr. Dubcek, Mr. Smrkovsky and the others made this clear in radio speeches last week.

The invasion, said Mr. Smrkovsky, was "a tragedy of small nations placed in the center of our continent."

BERLINERS DEMONSTRATE DURING "DAY OF GERMANS"

BERLIN, September 1.—Rightists and leftists demonstrated today at the annual "Day of the Germans" sponsored by refugee groups in West Berlin. The police kept the opposing groups apart and there were no serious incidents.

About 30 rightist youths showed up to cheer the appearance or representatives of the right-wing National Democratic party who attended under a general invitation to all West German state legislatures.

The presence of the controversial rightists, plus rain, kept attendance to about 5,000 in an outdoor stadium seating 25,000.

Speakers emphasized German solidarity with the beleaguered Czechoslovak people. Mayor Klaus Schütz attacked East Germany, which joined the Soviet-led invasion of Czechoslovakia, saying the East Germans had forfeited every right to talk about the rights of peoples.

Pravda Criticizes a Czech Weekly—Asks for Closing of Liberal Writers' Publication

(By Henry Kamm)

Moscow, September 1.—Pravda, the newspaper of the Communist party, complained today that the Czechoslovak press was slow to adapt itself to renewed censorship.

Pravda centered its attack on one of the most liberal of Czechoslovak publications, Literarni Listy, the weekly of the writers' union. Literarni Listy has been published clandestinely since the occupation and has not lost the sarcastic sting that made it a favorite of the intellectuals and youth.

The Soviet party organ characterized the underground weekly as a "wasps' nest" that "continues to exist somewhere in a backyard and continues to play its abject role as one of the main ideological centers of counterrevolution."

"Every sensible person understands, however, that such a game cannot continue," Pravda declared. "The counterrevolutionary forces must be and will be bridled."

EDITOR IS CRITICIZED

Jan Prochazka, a member of the weekly's editorial board, was singled out in Pravda for having "concocted an article containing revolting and mean slander of the Soviet Union and the international Communist movement" in last Wednesday's issue.

Literarni Listy has a history of suppression. Its current editors were responsible for the former weekly of the writers' union, Literarni Noviny, which was banned last summer by the regime of Antonin Novotny. Some of its editors, including A. J. Liehm and Ludvik Vaculik, were punished by or suspended from the party and not restored until after the start of the liberalization earlier this year.

Literarni Listy rose to a circulation of 300,000 in a country of 14.5 million and became a forum of liberal ideas. It maintained its political position in ironic language and savage cartoons. Its success was so great that before the invasion there were plans for English and German-language editions.

Poles Assail Writers

(By Jonathan Randal)

Warsaw, September 1.—The state-controlled Polish television stepped up a resurgent "anti-Zionist" campaign today, charging "Zionists" with responsibility for the "counterrevolution" Czechoslovakia.

Branding some of the Czechoslovak liberal writers as Zionists, the Prague correspondent of Polish television linked them with Czechoslovak criticism this spring of what has been officially admitted was an anti-Semitic witchhunt in Poland.

The television man denounced Eduard Goldstuecker, the president of the Czechoslovak writers union; Ladislav Mnacko and Pavel Kohout, novelists, and Arnold Lustig and Jan Prochazka of the weekly literary Listy. [Mr. Lustig arrived in Israel on Sunday as an immigrant, the Associated Press reported from Haifa.]

"The Zionist forces were the most active of those who attacked Poland in March and allowed themselves in an atmosphere of intolerance and anti-Communism to designate the future Communist leaders of Czechoslovakia," the Polish correspondent Czeslaw Berenda said.

He said that many of these writers "do not share these difficult days with the citizens of Prague" and had fled to the West.

Defense Minister Wojciech Jaruzelski praised Polish occupation troops, believed to number 45,000 men, for fulfilling their "patriotic and internationalist duties."

Polish correspondents accused "counterrevolutionaries" of seeking to pit one occupying army against another by praising Polish troops as "cultured and chivalrous" and depicting the Soviet troops as "brutal and hostile."

Zygmunt Broniarek, writing in the party newspaper, Trybuna Ludu, said a Czechoslovak Army officer had denied that his country was heading toward counterrevolution or was about to leave the Warsaw Pact. These were among avowed reasons for the Soviet-led intervention.

Another correspondent denied rumors that Polish troops were going hungry and that an epidemic was raging in their ranks.

[From the New York Times, Sept. 3, 1968]

Pravda Cautions Czechs on Trade—Asserts Only "Ignoramuses" Seek Ties With West

(By Raymond H. Anderson)

Moscow, September 2.—Pravda declared today that only a "pitiful handful of political ignoramuses" in Prague were interested in reorienting Czechoslovakia's trade toward the West and soliciting hard-currency credits.

A long article in the Soviet Communist party paper stressed that it was advantageous for Czechoslovakia to trade primarily with the Soviet Union and other Communist countries.

Shortly after Prague's reform program was undertaken last winter, leading economic officials began to speak of the urgency of obtaining up to $500-million in credits to modernize the Czechoslovak industry.

The possibility of the Soviet Government's supplying the hard-currency credit was raised during visits here by Czechoslovak leaders, but Moscow held back, apparently hoping to use the prospect of a loan to influence the Czechoslovaks to restrain their reforms.

Damage to Czechoslovakia's economy from the turmoil in the wake of invasion by troops of the Soviet Union and four Communist allies seems to have made foreign credit more urgent than ever. The Czechoslovaks have said that they expect to discuss the question of reparations with the Soviet Union.

OBLIGATION IS SEEN

Pravda emphasized that all Communist countries had an obligation to strengthen their bonds of political and economic cooperation "for the sake of the victory of our common goal."

The paper complained that some Czechoslovaks had joined a critical chorus against Comecon, the Soviet bloc's economy community, and it rejected protests that trade within the group was "one-sided, to the advantage of the Soviet Union."

Raw-material imports by Czechoslovakia from the Soviet Union, Pravda declared, have been at prices favorable to Czechoslovaks.

The Soviet Union, the paper continued, supplies 99.5 per cent of Czechoslovakia's needs in crude oil at a price of 273 crowns (about $40) a ton delivered to refineries. It quoted Rude Pravo, the Czechoslovak party paper, as having estimated that oil imported from Iran, for example, would cost the Czechoslovaks 408 crowns ($60) a ton.

OTHER IMPORTS LISTED

The paper said that the Soviet Union supplied the bulk of Czechoslovakia's other raw-material imports, including 83.6 per cent of the iron ore and 53.3 per cent of other metals, 53.8 per cent of the cotton imports and most of the country's wheat imports.

Many of the Soviet Union's exports to Czechoslovakia, the article declared pointedly, are scarce materials that Moscow could sell in hard-currency markets.

In the other direction, the paper continued, Czechoslovakia's industry benefits greatly from the large market afforded by the Soviet Union for industrial products.

"True patriots" in Czechoslovakia understand the importance of maintaining and expanding economic ties with the Soviet Union, Pravda emphasized. It added:

"Only a pitiful handful of political ignoramuses dream about 'broadening the scope' for flirtation with imperialist monopolies, which seduce simpletons with their big moneybags, 'fat' credits, 'advantageous deals,' and similar lavish promises that lead directly to the yoke of dependence on foreign capital."

Czechs' Fall Confirms Red Domino Fears

(By Joseph Alsop)

Washington.—Freedom has died in Czechoslovakia, not drowned in brave and youthful blood as it was in Hungary, but brutally strangled with cold, inhuman power and calculation, only a few weeks after the wretched Czechs began rejoicing over their new birth of freedom.

The best evidence now is that this shocking deed began to be planned from the moment the members of the Soviet Presidium discovered, at the Cierna meeting, that they could not break the will and unity of their Czech colleagues. If that is true, the soothing Cierna communique was mere dust thrown in the eyes of the Czechs and the rest of the world, to give the Soviet leaders time to decide on their next move.

Certainly, the Soviet armies never ceased to be concentrated along the Czech frontiers, but were instead augmented and also went through exercises obviously preparatory to invasion. Perhaps the men in the Kremlin hoped, for a while, that Dubcek and the others would draw the correct inference and would move preventively to destroy their country's new-won freedom with their own hands.

At any rate, the thing has happened. A civilized and ancient country, in the very center of Europe, is now to be held down by a foreign occupying army and to be ruled by open hirelings of its foreign masters.

What, one wonders, will be the reaction of those men of the left whose indignation waxes so hot when it is a question of Western or even American "imperialism"? What difference will these people find, between the occupation of Czechoslovakia by Adolf Hitler and the occupation of Czechoslovakia by Leonid Brezhnev and his jolly crew?

One can already hear the self-deluding explanations, that the Soviets have made a "great mistake" (such a splendid silver lining for the Czechs!) because of "the effect on world opinion" of this piece of calculated ruthlessness. The same damn fools said the same things about Hungary.

But by their own grim standards, the Soviets have made no mistake at all. They do not parrot twaddle about the "discredited domino theory" (which always makes one wonder just who discredited it). They knew that sooner or later the dominoes would begin tumbling in Eastern Europe if freedom was permitted to be reborn there. And they therefore moved against the Czechs as they had moved against the Hungarians.

Such are the cruel realities. The prime question is whether the smallest notice will be taken of these cruel realities in the left-wing academic and intellectual circles in this country. The left-wing academics and intellectuals have more and more wallowed in self-deception throughout the last seven years; and by their wallowings they have managed to deceive millions of other rather more sensible people.

Seven years is the time-frame, because that is the period that has elapsed since the Cuban missile crisis. President John Kennedy did not refer scornfully to the "discredited domino theory." He believed in it, as he once publicly testified; and for that very reason he risked a thermonuclear confrontation to get the Soviet missiles out of Cuba.

This great achievement led directly to the liquidation of the second Berlin crisis—that domino theory at work again! And these events produced what can only be called a widespread Dr. Pangloss-illusion. All was now supposed to be "for the best in this best of all possible worlds," as the good doctor kept telling poor Candide.

More specifically, the remorseless fangs of history were supposed to have been drawn. The cold war was supposed to be over. The Soviet Union was supposed to be rapidly evolving into the kind of peaceable, unmilitary, genially free society in which the left-wing academics and their chums, the liberal editorial writers, could give their egos runs in the yard with perfect impunity.

Well, who can believe this now? Brezhnev has demonstrated once again what everyone should have known all along—that the Soviets never hesitate to use military force if they think they do so with impunity; that they care not a snap of their fingers for "international morality" or "world opinion"; and that they will do anything they believe it is safe to do to serve their own hard interests.

Who can doubt, then, that they may one day support Arab genocide in Israel, which will give them the riches of the Middle East, if they begin to suspect that no one will interfere? And what can more rapidly nourish such Soviet suspicions than the kind of collapse of American resolve that Senators Eugene McCarthy, Ted Kennedy and others are now seeking to promote?

Soviet Union's Coup Dispels Liberal Myth

(By David Lawrence)

Washington.—The "Communist myth," so often brushed aside by "liberals" as imaginary, has all of a sudden become a reality. The argument of the "doves" that the Soviet Union and most of the Communist-bloc states in Eastern Europe constitute no threat to world peace and that they should be given trade benefits and other concessions by the United States has evaporated overnight.

The world is back again to where it was more than a decade ago when the Soviet armies crushed an uprising of the people of Hungary. Then, after having connived to weaken the NATO alliance in Europe, the Soviets proceeded to build up North Vietnam and finally to provoke Hanoi's aggression against South Vietnam as a means of diverting American attention from Europe.

In virtually all free nations today a unanimous condemnation is being expressed against the Soviet Union for its invasion of Czechoslovakia and its attempts to suppress the few freedoms that have been allowed the people there. The hopes of the Czechs for a degree of independence from Soviet domination were abruptly shattered as the Soviet armies, aided by military forces of East Germany, Hungary, Bulgaria and Poland—puppets of Moscow—crossed the Czech border. In the capital at Prague the leaders who had dared to institute reforms in the Communist system have been imprisoned.

President Johnson stated the case clearly when he said that "a defenseless country" has been invaded in order to "stamp out a resurgence of ordinary human freedom." He added:

"The excuses offered by the Soviet Union are patently contrived. The Czechoslovakian government did not request its allies to intervene in its internal affairs. No external aggression threatened Czechoslovakia. The action of the Warsaw Pact allies is in flat violation of the United Nations Charter."

There are, of course, in the United States a few politically minded critics who immediately cried out that Russia is merely doing what the United States did in Vietnam. No parallel, however, exists because the South Vietnamese government formally requested the help of the United States after trying in vain to repel by itself the infiltration by the Communists from North Vietnam. The Moscow government makes no secret of the fact that within the last three years it has provided billions of dollars worth of munitions and supplies to the North Vietnamese to carry on the aggression against South Vietnam.

The case for American assistance to South Vietnam now will be strengthened before world opinion. It is clear that the Soviet government does not extend military or economic aid and then let go of its control over the smaller countries, but insists instead on dominating their governments and denying them a right to rule themselves. The United States has explicitly stated that its objective in South Vietnam is to assure the people there the right of self-determination and that, once this is accomplished, our troops will be withdrawn.

Since the Soviet Union has a veto in the Security Council of the United Nations, this leaves the question to be handled by the General Assembly of the U.N., which can adopt a resolution as it did in 1956 condemning the Soviet Union for "depriving Hungary of its liberty and independence." But it is doubtful that such a resolution will make any more impression today on Moscow than it did 12 years ago.

Meanwhile, the world has been awakened to the somber fact that military power exerted by the Soviets in defiance of the provisions of the United Nations Charter can at any moment break the peace on every continent. A stronger alliance of nations than the U.N. will have to be formed in order to be able to mobilize a military force of such strength as to command the respect of would-be aggressors.

The Soviet Union has not only made a big error in Czechoslovakia, but it has assumed that the United States is powerless to draw together the other nations of the world to thwart any further extension of Soviet imperialism. World opinion, however, can quickly be mobilized. For it now is evident that the policies of the present Moscow regime are no different from those which prevailed under Khrushchev or Stalin. The Communist drive for world domination still threatens the peace of mankind and makes a "detente" with the present leaders in the Kremlin a dangerous policy of acquiescence in Communist imperialism.

---

2. The Threat to Rumania and Yugoslavia

[From the New York Times, Aug. 25, 1968]

Hungary Accuses Rumania of Following the Imperialists' Line on Czechoslovakia—Two Newspapers Score Ceausescu—Bucharest Crowds Observe National Holiday Weekend in a Carefree Mood

(By Israel Shenker)

Budapest, August 24.—The Hungarian press sharply assailed President Nicolae Ceausescu of Rumania today for his stand in the Czechoslovak crisis.

Having withheld attack yesterday in deference to the Rumania National Day, the controlled press here accused Mr. Ceausescu of parroting the imperialist line on Czechoslovakia.

Magyar Memzet found it "very strange" that on the part of high-ranking leaders of Rumania, "incomprehension in the highest degree and even wilful misinterpretation can be experienced."

The newspaper added: "There is a strange similarity between the tone and the content of Ceausescu's speech and the phrases repeated a hundred times a day by Western radio stations."

On Wednesday, Mr. Ceausescu called the Soviet-led intervention in Czechoslovakia "a big mistake and a severe danger for peace in Europe and socialism in the world." He said that there was no justification for the occupation of Czechoslovakia and warned that "intervention into the internal affairs" of other Communist parties must end.

INDEPENDENT SPIRIT SHOWN

For several years Rumania has shown an increasing desire for independence from Soviet direction, but Mr. Ceausescu's views this week were unprecedentedly plainspoken. There was considerable speculation about how the Soviet Union would react to the Rumanian leader's utterances.

By degrees, Rumania has in fact managed a partial withdrawal from the hegemony of her powerful neighbor. The clearest and latest evidence was the failure of Bucharest to participate in the invasion of Czechoslovakia.

Until now, the Hungarian Communist party—along with fraternal parties elsewhere in Eastern Europe—has refrained from attacking Rumania.

With the wraps now off, the Budapest newspaper Esti Hirlap, organ of the Budapest Communist Party Committee, joined the fray. It, too, attacked Mr. Ceausescu by name—and said Rumania should remember that the Soviet Union liberated it from the Germans in World War II.

Soviet Denounces Ceausescu

Moscow, August 24.—The Soviet Government newspaper Izvestia denounced President Ceausescu today for aiding the Czechoslovak "counter-revolution" through his speeches.

As an example of Mr. Ceausescu's alleged help to counter-revolutionaries, Izvestia cited his statement that "no one can act as an advisor or mentor on how and in what way socialism should be built."

Izvestia, in an article by Vladimir Kudryavtsev, said that the thesis that each country chooses its own path to socialism was correct, but was being abused.

"Certain people so ignore the principles that are common to all socialist countries that they contribute to the Czechoslovak counter-revolution in its desire to break Czechoslovakia away from the socialist commonwealth, Izvestia said.

Rumanians Enjoy Holiday

(By John M. Lee)

Bucharest, August 24.—Despite continuing anxiety over Czechoslovakia and possible repercussions for Rumania, Bucharest settled back today to enjoy a warm, sunny holiday weekend.

Seemingly carefree crowds in sports clothes swarmed through the lush Cismigiu Gardens in the downtown area, packed the sidewalk cafes and outdoor restaurants and strolled down the broad tree-lined Margheru Boulevard, the Champs-Elysées of Bucharest.

There were long lines for Italian movies and for a Tarzan picture so old that it starred Johnny Weismuller. The only uniforms in evidence were on traffic policemen and guards at Government buildings.

Yet, transistor radios brought newscasts to restaurant tables, and small crowds gathered to hear the latest bulletins. Almost every other person seemed to have a morning newspaper, turned to Czechoslovak developments.

PEOPLE TALK READILY

Rumanians talked readily to visitors and condemned the Soviet invasion of Czechoslovakia. "It is an impossible situation," said a young woman student. "How do the Russians think they can do this?"

How did she think Rumania had escaped a similar repression?

"Perhaps we are better diplomats," she smiled.

[From the New York Times, Aug. 29, 1968]

TITO SEES AIDES AS CONCERN OVER SOVIET GROWS—BELGRADE BELIEVED FEARFUL OF A SURGE IN NEO-STALINISM—BUT APPREHENSION OVER PERIL OF INVASION SEEMS EASED

(By Paul Hofmann)

BELGRADE, YUGOSLAVIA, August 28—President Tito reviewed the Czechoslovak situation with aides today amid apparently deepening concern within the Yugoslav regime over what it fears is a surge of Neo-Stalinism in the Soviet Union.

An official announcement said today that Marshal Tito had conferred with Trpe Javoklevski, the Yugoslav Ambassador in Prague, on the northern Adriatic Island of Brioni. The announcement conveyed to the public the information that the President was back in his summer residence after five days in and near Belgrade, and that he was still concerned about Czechoslovakia.

Many Yugoslavs saw Marshal Tito's return to Brioni as a sign that a crisis that they felt had menaced their country as well as Czechoslovakia had passed.

The President came to Belgrade from Brioni last week and warned in a speech Friday that Yugoslavia would fight against any threat to her indepedence. The clear implication was that Soviet political or military pressure might present such a threat.

REGIME SILENT ON ACCORD

Though many Yugoslav Army specialists who were recalled to active service over the weekend are still with their units, the feeling today was that if there ever had been a Soviet threat to attack Yugoslavia it had receded.

Government spokesmen would not comment on the agreement reached in Moscow to settle the dispute between Czechoslovakia and the Soviet Union. "There isn't even a Czechoslovak reaction yet," one official said.

Newspapers were cautious and skeptical on whether the Moscow agreement would work.

Borba, a Belgrade newspaper close to the Communist party apparatus, said that "time and practice" alone would tell the value of the accord.

Vecernje Novosti, the afternoon edition of Borba, said that socialism had in the past paid much too high a price to agree to return into Stalin's "pen of obedient sheep."

Anxiety here over a possible resurgence of Stalinism in the Soviet Communist party is caused by concern that Moscow may again tend to regard Yugoslavia as a part of the Soviet sphere of influence. This is a concept that led to the break between Stalin and Marshal Tito in 1948.

The Yugoslav Communist party is engaged in a nationwide campaign to remind its members and the people at large that the Yugoslav system is different from that of Soviet-bloc Communism, not only in its rejection of the Czechoslovak invasion but also in its social and economic institutions at home.

In the hundreds of local meetings that the Communist party is organizing these days, expressions of sympathy for Czechoslovakia are coupled with the praise for Yugoslavia's own "road toward socialism."

Self-management—the participation of Yugoslav workers in the managerial decisions affecting their plant or enterprises—is being hailed as the cornerstone of the Yugoslav system and as an example that the Czechoslovak reformers intend to follow.

RUMANIANS HEAR OF DEMAND

(Special to the New York Times)

BUCHAREST, August 28.—Rumors circulated in Bucharest today that the Soviet Union had commanded Rumania to allow Warsaw Pact military maneuvers on Rumanian territory. But Foreign Office officials said they had no information on such a demand.

Despite Rumania's strained relations with the Soviet Union, the Government has maintained nominal membership in the Warsaw Pact. However, Rumania has not participated in maneuvers under the treaty since 1962, and is generally inactive in Warsaw Pact affairs.

The new line of "continuing counterrevolution" is apparently designed to justify a lengthy stay of the Warsaw Pact occupation troops to "protect socialism" in Czechoslovakia. But for the young party member it only caused confusion.

[From the Wall Street Journal, Aug. 29, 1968]

RUMANIAN LEADERS BAR CZECH-TYPE LIBERALISM BUT VOW INDEPENDENCE—CITIZENS SAY THEY WOULD FIGHT RUSSIANS; NATION IS SEEKING CLOSE ECONOMIC TIES TO WEST

(By Ray Vicker)

BUCHAREST.—Unlike Czechoslovakia, Rumania poses few threats to the Soviet Union on purely ideological grounds.

Indeed, the leaders in this East European capital are about as eager to stray from orthodox Communist doctrine by eliminating press censorship and police powers as are the men in the Kremlin.

Yet Rumania exercises it own brand of national independence, free of Soviet domination. It was this strain of independence—with the determination to maintain it—that led President Nicolae Ceausescu to support the Czech regime so vigorously that he placed Rumania's army on alert "to defend our Socialist homeland" against a similar invasion.

Last week thousands of students, workers, soldiers and farmers marched in patriotic parades and staged political rallies in a show of unity behind President Ceausescu's government. Their fervor can't be misinterpreted. "If the Russians come," says a mechanic "we should fight them—everywhere."

That a clash of arms between Rumania and Russia will yet take place seems less likely than it did a few days ago. The uproar that greeted the Soviet-led invasion—and its limited success in de-liberalizing the Czech regime—makes this an increasingly unpopular form of political persuasion.

Moreover, in recent days, Rumanian leaders have considerably played down their criticism of the Soviets, possibly in response to Russian countercharges that any Rumanian fears of invasion are completely unwarranted.

AN END TO INTERFERENCE

But the more moderate Rumanian tone doesn't reflect any basic change in the sentiments of the government or the 19 million citizens. "An end must be put for good and all to interference in the affairs of other states and of other parties," declares Mr. Ceausescu, who is Communist Party leader as well as Rumania's president.

An architect, Theodor Sturdza, simply asks: "Who can trust the Russians after the invasion of Czechoslovakia?"

Not that Russians were winning popularity contests here even before their misadventure in Czechoslovakia. Rumania's independent position began taking shape in 1961, in fact, as a reaction to a Soviet master plan calling on her to concentrate on agricultural and raw materials production for trade with other Communist bloc countries. Instead, Rumania adopted its own economic program, emphasizing industry and closer trade relations with the West.

By 1967, Rumania had asserted itself to the point that only 47% of its trade was with Socialist countries. The first of six British-made jets have been delivered to Rumania's airline—with Yugoslavia the only other East European nation to utilize Western aircraft.

Rather than purchase oil from Russia, Rumania recently concluded a substantial contract to buy from Iran. And an American concern, Universal Oil Products Co. of Des Plaines, Ill., has built a $22 million oil refinery for Rumania—which again snubbed Russia on the deal.

VISITING THE UNITED STATES

Talks with trade officials here clearly indicate that Rumania would like even closer economic relations with the U.S. Recently Deputy Premier Alexandru Birladeanu spent several weeks in the U.S. investigating ways Rumania might acquire more technical equipment for developing industries.

There is also an emotional aspect to Rumania's current dispute with the Soviet Union. "Nobody in Rumania likes the Russians," says a student at Bucharest University. He says that after Russian was dropped as a compulsory second language a few years ago, "nobody would take it—English and French are the languages we study."

To be sure, a visitor from the West is quickly reminded that this Communist country still maintains tight central controls and all the trappings of a police state.

When a foreigner began snapping photographs not long ago of a barefoot woman in a marketplace in the city of Craiova, a policeman briefly placed him under arrest. Later, when he dropped in on friends in Tirgu Jiu, a police car pulled up at the door within minutes to investigate.

The press is not free in a Western or even Czechoslovakian sense. But during the current crisis the Ceausescu government has permitted newspapers the exceptional freedom of reporting all Czech developments. Radio Bucharest similarly has transmitted all available statements by Czech leaders and all clandestine radio broadcasts.

Unlike the Czechs, the Rumanians have almost no concept of democracy and practically none of the thirst for personal liberty that was demonstrated in Czechoslovakia. Rumania has never experienced a Western-style democracy, and there are few demands for political change.

[From the New York Times, Aug. 30, 1968]

RUMANIANS FIRM; WARN RUSSIANS—AGAIN URGE TROOPS PULL OUT—TELL OF BLOC "TENSION"

(By John M. Lee)

BUCHAREST, August 29.—Rumanian Communist leaders declared today that they attached the "utmost importance" to the complete withdrawal of Warsaw Pact forces from Czechoslovakia "in the shortest time."

The officials also appeared to warn the Soviet Union against further incursions that might exacerbate relations between Communist countries. They asserted:

"It is imperative that absolutely nothing should be undertaken that might worsen these relations or deepen the divergencies and breed fresh sources of tension."

The firm declarations were contained in a statement by the Executive Commitee of the party's Central Committee, published in the party newspaper. Scinteia and other papers. It was the first Rumanian comment on the Soviet-Czechoslovak agreement reached in Moscow on Tuesday.

The agreement called for the gradual withdrawal of forces as soon as conditions in Czechoslovakia are "normalized." Two divisions are to remain behind to help guard the West German border.

TONE TERMED RESOLUTE

Western diplomats were impressed by the resolute tone of the Rumanian comment. In their view, Rumania is continuing to insist that each national Communist party should be able to determine its own development, as the Rumanian party has done, free from outside interference.

The statement did nothing to yield to criticism by the Soviet Union, Hungary and Poland of Rumania's breakaway stance.

"The Executive Committee expresses to the Communists of Czechoslovakia, to the Czech and Slovak people, its feelings of warm sympathy, of support and full internationalist solidarity," the statement said.

It recalled that Rumania had expressed "anxiety and disapproval" over the invasion of Czechoslovakia Aug. 20, and it noted that the return to office of Czechoslovak leaders and the resumption of activity by party and government bodies "create conditions for undertaking the complex tasks facing them."

"At the same time," the statement went on, "the Executive Committee considers of utmost importance the carrying into effect of the complete withdrawal, in the shortest time, of the armed forces of the five socialist countries from Czechoslovakia."

POLAND ASSAILS RUMANIA

(By Jonathan Randal)

WARSAW, August 29.—Poland assailed Rumania today for having placed "sovereignty and independence" above allegiance to Soviet-led Communism. The criticism came in an article observers interpreted as a possible prelude to further pressures on the Bucharest regime by the orthodox Communist nations.

An unsigned 2,500-word article in the party newspaper, Trybuna Ludu, reflecting the views of the Polish leadership, castigated Rumania for having denounced the invasion of Czechoslovakia in disregard of the "supreme dictate of the moment."

In language that recalled the strong words employed in the state-controlled Polish press against Czechoslovakia in past months, the article, also attacked President Nicolae Ceausescu of Rumania by name for the first time since the invasion last week.

Observers said that this was a practice normally reserved for the most serious interparty polemics.

Also for the first time since the invasion, Wladyslaw Gomulka, the Polish party leader, consulted with members of the ruling 12-man Politburo. The official Polish press agency limited its report to noting that he had discussed "present problems of the international situation."

Also present were five other Politburo members, regional party leaders, Central Committee department directors and others who were described as certain ministers.

Trybuna Lubu also criticized Rumania for having established diplomatic relations with West Germany last year and for having failed to break diplomatic ties with Israel after the war in the Middle East in June 1967.

Rumania is the only Eastern European country that has established relations with Bonn and the only one that did not follow Moscow's lead in breaking with Israel last year.

The newspaper said that Rumanian support for Czechoslovakia "indicates that the objective was not 'defense of democracy and sovereignty" but disintegration of the socialist commonwealth."

[From the Baltimore Sun, Aug. 31, 1968]

BLOC TROOPS SAID TO MOVE ON ROMANIA—CZECH RADIO REPORTS NINE RUSSIAN DIVISIONS NEAR BORDER

(By Stuart S. Smith)

PRAGUE, August 30.—A Czechoslovak radio station transmitting from somewhere in Bohemia said today that the Warsaw powers are massing troops along their borders with Romania.

According to the broadcast, the Soviet Union has moved nine military divisions into Bucovina alone. Bulgaria, it said, has transferred two divisions of troops to its frontier with Romania and Hungary has deployed three divisions along its eastern boundary.

COOPERATION CALL

In London, Joseph Luns, the Dutch Foreign Minister, said the situation in the Balkans is a serious cause for concern and called for improved Atlantic alliance cooperation.

In New York, Corneliu Manescu, the Romanian Foreign Minister and current United Nations General Assembly president, held talks with United Nations officials to sound out their attitude toward a possible invasion of his country. Mr. Manescu also spoke with George W. Ball, the United States Ambassador to the United Nations.

TROOP WITHDRAWAL

Bucovina and Moldavia are former Romanian provinces which the Soviet Union took from Romania at the close of World War II.

Two weeks ago, President Nicolae Ceausescu indicated that the Romanian military forces had been withdrawn from the Warsaw Pact command and simultaneously ordered the immediate arming of the country's Workers' Militia.

TANK PULLOUT TERMS ARE SET FOR PRAGUE

(By a Sun staff correspondent)

PRAGUE, August 30.—The Soviet military commander here warned today that Russia will keep its tanks in the Czechoslovak capital until the citizens remove the anti-Soviet slogans from the city's wall.

The Czechoslovak National Front Organization later appealed to the people to remove the offending placards.

Radio Prague quoted the commander, Gen. Ivan Velichkp, as saying all posters, signs and banners would have to be taken down or painted over before he would transfer his forces.

DUBCEK POSITION

The announcement conflicts with Alexander Dubcek's speech Tuesday which said the invading military units were to be removed forthwith.

Shortly after his return from his Moscow negotiations with the Kremlin's top officials, Mr. Dubcek, the Czechoslovak Communist party leader, said "we agreed" that the occupation forces "in the towns and villages will immediately depart to designated areas. This is naturally connected with the extent to which our own Czechoslovak authorities will themselves be capable in individual towns of insuring order and normal life."

Except for the first few days immediately following the Warsaw powers' attack, there has been no public disorder in Czechoslovakia, and some major cities, Pilsen, for example, have had no sizable occupation units since the middle of last week.

TWO HUNDRED TANKS REMAIN

Prague, however, is still jammed with Soviet military equipment, including at least 200 battle tanks, more than that many armored cars, numerous howitzers, one or more heavy motar batteries, machine gun emplacements and other heavy arms.

Although the soldiers and their weapons are no longer occupying the Government and party headquarters, they still hold most of the capital's newspaper offices, radio and television stations, printing plants and other key communications points, including the Prague airport.

Many large fields within easy firing range of the city's heart are full of Soviet troops, helicopters, military communications equipment and other paraphernalia.

REBUKE ON INVASION

The Czechoslovak National Front's central committee also rebuked the Warsaw powers, declaring that their invasion violated the "basic norms of international law."

The committee also called upon the occupation authorities to release the political prisoners they have arrested during the last ten days and to refrain from interfering any longer in the nation's affairs.

Soviet officials have demanded that what they call the "illegal" newspapers here stop publishing and that the free Czechoslovak radio stations be silenced.

CZECHOSLOVAKIA BEFORE THE OCCUPATION

[From the New York Times, Sept. 20, 1967]

A CZECH WRITER DESCRIBES HIS INNER STRUGGLE

(By Richard Eder)

PRAGUE, September 19.—"The social revolution has triumphed in our country, but the problem of power is still with us. We have taken the bull by the horns and we are holding on, and yet something keeps butting us in the seat of the pants."

With these words Ludvik Vaculik, a 41-year-old Prague writer, began a speech, delivered two and a half months ago, whose repercussions are still agitating party and intellectual circles in Czechoslovakia. Spoken at the writers' congress at the end of June, the words of Mr. Vaculik and four or five other writers transformed what had been expected to be a stormy session into something verging on a revolution.

For the last three years or so, Czechoslovak cultural activity has been the freest and most inventive in Eastern Europe, in striking contrast to the conservative attitude of most party leaders. Films, plays, novels and literary essays have, with varying degrees of directness, voiced demands for personal freedom and the supremacy of private values.

DIRECT CHALLENGE TO REGIME

At the writers' congress those themes were distilled into a far more direct challenge to the regime. In essence Mr. Vaculik and others insisted that freedom as a concession was not enough, and that the regime must recognize freedom as a right, surrendering part of its power through such a recognition.

Mr. Vaculik's speech, as well as the other speeches at the congress, have not been published in Czechoslovakia, but word of them has spread. Reports of the speech have appeared in West German and Swiss papers.

Mr. Vaculik, who has been denounced by President Antonin Novotny and other high party officials, and who faces party disciplinary action, told the congress that the party monopoly of power made its liberalizing gestures suspect.

FIRM GUARANTEES DEMANDED

"I can see a continual attempt, with all the dangers it implies, to bring back the bad times," he said, "What use is it that we have been given the literary fund, the publishing houses, the journals. Behind all this is the threat that they will take it back if we are unruly."

"We are told that the old abuses are not being committed," he continued. "Am I supposed to feel grateful? I don't, I see no real guarantees.

"Why can't we live where we want? Why can't tailors spend three years in Vienna, and painters 30 years in Paris, and come back to live here without being regarded as criminals?"

He went on to speak of the effect that the party monopoly of power had on the country.

"Power is a specific human condition," he said. "It overwhelms the rulers and the ruled and threatens the health of both."

He suggested that the instability of a democracy was preferable to the rigidity of the present system.

CITIZEN IS RENEWED

"There the government falls, but the citizen is renewed," he said. "On the contrary, where the government remains continually in power, the citizen falls.

"He does not fall at the execution post. That happens perhaps to a few dozen or a few hundred only, but this is enough. For this is followed by the whole nation's falling into fear, into political apathy, into trivial concerns and into a growing dependence on smaller and smaller masters."

Speaking "as a citizen of a state that I will not renounce, but in which I cannot live happily," he assailed the mediocrity to which life had been reduced.

"I believe that the citizen is extinct in our country," he said. "We are joined by the most despicable of ties: a common frustration."

He said the system elevated "the most pedestrian types" and submerged "the complex personalities, individuals with personal attractiveness, and most of all those whose character and deeds had become an unspoken standard of decency."

Mr. Vaculik, who played an active role in the party when younger, said that the party did not hesitate to use threats of torture or blackmail as well as temptation to hold its followers. It appeals to the ambitious and the greedy, as well as to "the selfless but poorly informed enthusiasts of whom I am one."

ANSWER: "I DON'T KNOW"

He told the Congress that he was criticizing not Socialism but power, even though the organs of power tried to confuse the two. As to whether they could be disentangled at this late date, in order, as he put it, to "translate the dream into reality," he said the only answer he could give was, "I don't know."

Though his views are widely echoed, Czech writers and intellectuals have disavowed as a fraud a purported protest manifesto attributed to more than 400 intellectuals and printed in the West. The document accused the party of a "witch hunt."

After the writers' Congress there was an immediate effort by the party to condemn Mr. Vaculik and three other speakers, Pavel Kohout, Ivan Kline and A. J. Liehm all were replaced as candidates for the Central Committee of the Writers Union.

The literary magazines and the newspapers came out with editorials attacking the speakers, following the lead of President Novotny and of the party's cultural overseer, Jiri Hendrych.

Nevertheless, it was noted that the editorials were not so strong as they might have been. There is, in fact, a tendency among a number of more conservative writers who have good party connections to defend the right of Mr. Vaculik and the others to speak as they did while disagreeing with what they said.

The party Central Committee is expected to announce its verdict at the end of the month, both on the individual writers and on the broader question of whether there is to be a formal curtailing of intellectual freedom. Despite the anger of the party leaders, there are widespread reports that the efforts of the more influential members of the intellectual community to prevent a crackdown will succeed, at least partly, and that the party decision will be some form of compromise.

PREPARED FOR WHAT COMES

Mr. Vaculik, a pale, casually dressed man who speaks modestly of his work—he has published two novels, the most recent of which won wide praise—says he is prepared for whatever comes. Sitting in the writers' club over a lemonade, and pausing to talk with fellow writers who came up to greet him affectionately, he spoke briefly of himself.

The son of a carpenter in a Moravian village, he worked as an apprentice in a shoe factory and, when World War II ended, came to Prague to study.

"I joined the party in 1946—back when there were a number of choices," he said. "I thought it had the most courageous program, the most logical one. As time went by and things didn't work, I thought it was because certain figures were no good.

"Later I began to suspect that the system itself was * * *

"I would start over again from the beginning," he said with a smile, "from where I was in 1946. I would try to work, to write, to see what I could do, I would be free."

Expulsion from the party would jeopardize his job on the editorial board of Literarni Noviny, the principal literary magazine. Other members of the board, including the editor, Dusan Hamsik, said, however, that they saw no reason why he should be removed.

Asked why, in view of his opinion of the party structure, he did not resign, Mr. Vaculik answered:

"If the people who think as I do, and there are very many, would stay in the party and work, perhaps we could make the party what it ought to be."

He said this tentatively, as if not especially convinced, and added: "But I wouldn't advise young people to join it. Three years ago, perhaps I would have. Now I think it is too difficult."

What should young people do if they do not join the party?

"I have no answer," he said. "Perhaps that is why they are so apathetic, so selfish, because they have no answer either. They do not have the illusion about the party that we did, and they don't believe in anything else."

He paused, and then said with the mixture of puzzlement and regret that Czechoslovaks of his generation use when they speak of the people in their twenties: "They are so poor. And so free."

[From the Baltimore Sun, July 11, 1968]

RED TROOPS MOVING IN, CZECHS HEAR—RADIO PRAGUE QUOTES NEWS REPORTS FROM WEST GERMANY

(By Stuart S. Smith)

BONN, July 10.—Quoting West German news reports, Radio Prague said tonight that more foreign Warsaw Pact troops are marching into Czechoslovakia.

"We can only hope there is no reason to worry," Radio Prague commented.

Earlier this evening the Czechoslovak Defense Ministry admitted the Soviet Union is balking over the withdrawal of its soldiers. Soviet, Polish and Hungarian units entered Czechoslovakia in May and June for the Warsaw Pact "staff exercises."

NEW SITUATION

"A new situation has arisen," a ministry spokesman explained during an interview with Radio Prague. "The whole matter is being negotiated anew," he said.

On July 2 Major General Josef Cepicky, the Czechoslovak spokesman for last month's Warsaw Pact maneuvers, said during a television program "all foreign armies will be out of our territory within three days."

Asked about this statement during tonight's broadcast, the Defense Ministry official commented: "Since it [the Soviet withdrawal] has not yet achieved, it means a new situation has arisen. The whole matter is being discussed anew. I cannot make a comment at this time. Perhaps tomorrow."

SOME 27,000 SOVIET TROOPS

Prague sources said that as of last night there were 27,000 Soviet troops in Czechoslovakia but added that additional troops, particularly from Hungary, are currently marching into the country.

Reliable Communist officials said Monday that Czechoslovak leaders had capitulated to Kremlin demands that foreign Warsaw Pact troops remain on Czechoslovak territory until further notice.

Soviet Marshal Ivan I. Yakubovsky, the Warsaw Alliance military commander, has reportedly refused to recall his men from Czechoslovakia on the grounds that Antonin Novotny, the discredited former president and party chief, agreed that the maneuvers could continue through August.

BEGAN JUNE 20

The maneuvers began June 20. On June 30 the Polish, Czechoslovak and Soviet news agencies announced that the maneuvers had ended. Soon thereafter, however, Tass, the official Soviet agency, withdrew the story, even though it had already been printed in *Pravda*, the Soviet party newspaper, and stated the maneuvers would continue. Czechoslovak officials immediately said the maneuvers were over, all reports to the contrary notwithstanding.

Yesterday Col. Gen. Martin Dzur, the Czechoslovak Defense Minister, said that 35 per cent of the foreign troops had left the country and that discussions with the Warsaw Pact command were taking place about sending the rest home.

WRITERS' UNION OBJECTS

Today, though, Prague officials close to the Czechoslovak Communist party leadership said the foreign troops will remain and will be reinforced. General Dzur, it was added, has threatened to resign.

The Czechoslovak Writers' Union has sent a letter to the Soviet Embassy in Prague warning that the continued presence of Russian soldiers in the country might cause "indignation" among the Czechoslovak citizens. This, however, may well be what the Kremlin is waiting for as an excuse to stamp out the democratization movement.

This morning Prague newspapers demanded that their Government announce a definite date for the departure of the last foreign soldiers. There have been no foreign garrisons in Czechoslovakia since the end of World War II. The limited number of Soviet officers who advised the Czechoslovak Army left the country some years ago and there is no plan to ask them to return, Czechoslovak officials say.

Several offices have been flooded with letters. Their telephone switchboards have been swamped with calls asking when the foreign soldiers are to leave.

"If everything is all right what is preventing the officials of our Army from giving precise information?" inquired *Mlad Fronta*, the Czechoslovak Youth Union Daily. "Unclear and contradictory information only increases the uncertainty and plays into the hands of those who spread alarming reports."

The East German, Polish, Hungarian, Bulgarian and Soviet Communist parties have written notes to the Czechoslovak Communist party expressing their concern about the liberalization movement. The letters differ in tone. The Ulbricht regime's is said to be the toughest, allegedly accusing the Czechoslovak leadership of being revisionists.

SUMMIT REJECTED

Late Monday the Czechoslovak party Central Committee Presidium reportedly rejected demands to attend a Communist summit conference this week.

The Prague newspaper *Zemedelske Noviny* commented: "It would hardly be of any use if we were to go to the conference table in the role of . . . heretics." The newspaper said Czechoslovakia is ready to have bilateral talks with any interested party provided the country's sovereignty is respected.

In Moscow this morning *Literaturnaya Gazeta*, a political and literary newspaper, charged that counter-revolutionary forces have developed in Czechoslovakia. The term is reserved only for the Kremlin's worst enemies. It was applied once to describe the Hungarian uprising which the U.S.S.R. crushed with its tanks in 1956.

MANIFESTO ASSAILED

Literaturnaya Gazeta asserted that the recent Czechoslovak "Two Thousand Words" manifesto signed by the country's leading intellectuals and sportsmen was a "Provocative, inflammatory, anti-Communist, counter-revolutionary action program."

The manifesto has found wide support among the Czechoslovak citizens even though the party Presidium said it went too far. It called for strikes in the event the new leadership is unable to purge the Czechoslovak party of the foot-dragging conservatives.

Thus far, however, Prague has been exceptionally quiet. The citizens there are well aware of what is at stake and are not going to be provoked into anti-Soviet demonstrations. What might happen if the conservatives deliberately staged an anti-Russian incident as an excuse for bringing the Soviet troops into the city is another question.

[From the Baltimore Sun, July 15, 1968]

BLOC TROOPS REMAIN ON CZECH SOIL—SOVIET, POLISH FORCES DELAY PULLOUT; REDS MEET IN WARSAW

(By Stuart S. Smith)

BONN, July 14.—The withdrawal of Soviet and Polish troops from Czechoslovakia has been postponed because of heavy weekend traffic, CTK, the Czechoslovak news agency, announced tonight.

Prague television said the Warsaw Pact military command ordered the recall put off "until the evening and night hours." "Not a single foreign soldier left Czechoslovak state territory today," the station reported.

TUESDAY TIME SET

Yesterday *Vecerni Praha*, a Prague evening newspaper, said the last foreign units would cross the Czechoslovak frontier at 9 A.M. Tuesday.

Meanwhile, Soviet, East German, Polish, Bulgarian and Hungarian Communist party and Government leaders met in Warsaw today to discuss once again the Czechoslovak liberalization movement.

Czechoslovak officials boycotted the meeting. Romania was apparently not even invited.

LETTERS WERE SENT

Radio Prague noted that the five countries had earlier sent letters to the Czechoslovak party Presidium expressing fears about the fate of Czechoslovak socialism.

"Negotiations were to be held on the subject of these fears," a Radio Prague political commentator said, adding: "We have not accepted this invitation."

Today's meeting in Warsaw was the fourth Communist summit conference since Alexander Dubcek ousted Antonin Novotny from his position as Czechoslovak party secretary January 5.

ROSTER OF HIGH REDS

Among those attending the Warsaw talks were Leonid I. Brezhnev, Soviet party chief; Nikolai V. Podgorny, Soviet President; Alexei N. Kosygin, Soviet Premier; Walter Ulbricht, East German party boss; Willi Stoph, East German Premier; Janos Kadar, Hungarian party leader; Todor Zhivkov, Bulgarian party chief and Premier; Wladislaw Gomulka, Polish party leader, and numerous other top officials.

The presence of so many high-ranking persons indicates the seriousness with which some of Czechoslovakia's Warsaw Pact allies take Mr. Dubcek's demands that the Communist movement permit his country to develop a system of democratic socialism without outside interference.

NEVER BEEN SO UNITED

This morning *Prace*, the Czechoslovak trade union newspaper, carried a report from the Polish capital reporting, "In Warsaw they will negotiate about us without us."

An accompanying editorial asserted that "our nation has never before in its history been so united and of the same opinion as it is today."

The nation, *Prace* declared, stands firmly behind Mr. Dubcek, Premier Oldrich Cernik; Josef Smrkovsky, the National Assembly president, "and the progressive representatives of the Communist party and Government."

These forward-looking leaders, the paper said, quite clearly showed our friends, as well as those who criticized our liberalization process, that they represent a sovereign people and a sovereign state.

Prace and other newspapers were again full of resolutions from the public declaring that Czechoslovakia will go its way come what may.

The Czechoslovak Academy of Science, for example, wrote to the Soviet Academy of Science, one of whose members recently accused Czechoslovakia of betraying the Communist cause. "The friendship with your country," the Czechoslovak scientists pointed out, "is still the basis" of the policy. However, the letter added, "we insist that you try to better understand what is going on in our country."

The Czechoslovak academicians invited their Soviet colleagues to send a delegation "to visit us" so that the Soviet scientists would "not only get the information about our country that is being greatly distorted in your press."

A letter from the Prague Hospital staff read in part: "We reject all the slander concerning our leading representatives." The letter rebuked the Soviet for accusing Czechoslovak officials of revisionism and counter-revolutionism, asserting, "we are also a cultured nation with a tradition of many centuries and with a high average intelligence."

REMOVE FOREIGN SOLDIERS

"We want to build Socialism, but on the basis of the highest freedom for man and on humanist values. We demand that everyone take our liberalization process for what it is. Leave us our Sovereignty and remove all foreign soldiers from our territory."

A *Prace* reporter talked with some Soviet Army officers yesterday, reporting that they had packed and expected to be gone within two days. "This is your affair and we wish you much luck," the *Prace* reporter said the Soviet officer told him.

ANTI-BONN POSITION

Trybuna Luda said it was especially concerned by the efforts of certain Czechoslovak officials to revise the Warsaw Pact's common stand against the Federal Republic of West Germany.

Shortly after Romania recognized West Germany, the other Eastern European alliance states met and reached a secret agreement that none of them would exchange ambassadors with Bonn unless the Federal Republic:

1. Formally recognized the East German Government.
2. Recognized the Oder-Neisse line as Germany's permanent frontier with Poland.
3. Renounced all access to nuclear weapons.
4. Declared the 1938 Munich treaty invalid from its inception.

WARSAW ATTACK

In Warsaw this morning an unsigned but plainly official article in *Trybuna Luda*, the Polish Communist party newspaper, sharply attacked Czechoslovakia, warning that no country can be permitted to break out of the common front.

"If in a Socialist country the forces of reaction threaten the basis of socialism it is at the same time an assault on the interests of the other Socialist countries," *Trybuna Luda* asserted.

The paper clearly showed that the five orthodox Communist nations are deeply concerned about the very existence of the Warsaw Pact, commenting: "Its strength and ability to endure" depends upon the internal developments in each member country.

THREATENS SECURITY

"He who would break the backbone of the Socialist States threatens the basis of our alliance, our unity and the security of our fraternal countries," the newspaper declared, adding:

" 'It is NOT so much the fact that the anti-Communist reaction is rising against socialism, for this it does all the time everywhere, but above all that its activity and its appeals are tolerated "in Czechoslovakia" within the framework of 'democratization' and are not met with determined resistance.' "

Trybuna Ludu complained that the anti-communist reaction is finding a "favorable tribune" in the "columns of the Czechoslovak press, on the radio and on television" as well as "in the ranks of the party itself."

[From the Washington Evening Star, July 18, 1968]

CZECHS AGAIN DEFY SOVIET BLOC, STICK TO LIBERAL POLICY

PRAGUE.—Bolstered by the support of President Tito and Western Europe's two biggest Communist parties, Czechoslovakia's liberal Communist leadership defied the Kremlin and its orthodox allies in Eastern Europe again today.

The Czechoslovak party's presidium replied to the tough demands from the Soviet Union and four other Red governments for reversal of Prague's liberal course by declaring there is nothing "counter-revolutionary" about it.

"We don't see any realistic reasons permitting our present situation to be called counter-revolutionary," the party presidium said in a statement published by the Czechoslovak news agency CTK.

FEAR SPREAD OF DRIVE

The statement replied to a letter from the Warsaw conference Sunday and Monday of Communist leaders from the Soviet Union, East Germany, Poland, Hungary and Bulgaria. The Russians, Germans and Poles particularly fear the liberal ferment in Czechoslovakia will spread to their own potentially restive people.

The Czechoslovak reformist regime of Alexander Dubcek already had pledged to continue liberalization, saying it had full support of the people.

The Warsaw letter and a further declaration by the Soviet Communist party's central commitee were published in the Soviet press today. They amounted to the strongest and most extraordinary public demands made on a Soviet ally in recent years.

CLAIMS REJECTED

The Czechoslovak presidium called the party central committee to meet tomorrow to approve the reply to the Warsaw letter.

The reply rejected claims by the fearful orthodox that the Communist system in Czechoslovakia was in danger, that the country was preparing to change its foreign policy and "that there is concrete danger of separating our country from the Socialist society."

It expressed surprise at the criticism and said the Czechoslovak Communists consistently base their actions on the principles of Socialist internationalism, the Warsaw Pact alliance and the development of friendly relations with the Soviet Union and other Socialist states.

PURGE DEMANDED

The demands by the Soviet Union and hard-line allies called for Dubcek to restore dictatorial party control, reimpose press censorship and purge liberals from the party. The Warsaw letter accused the Czechoslovak leaders of failing to correct an "absolutely unacceptable" situation.

It also vowed support for the remaining conservatives whom the liberals hoped to oust from the party central committee at a party congress in September.

Neither the letter nor the resolution of the Soviet party, urging "a decisive struggle," said what action would be taken if the

Dubcek regime did not give in to the demands.

Meanwhile, the Italian Communist party reaffirmed its solidarity with the Czechoslovak liberalization drive today and called for independence for every Communist party in the world.

BACK CZECH COURSE

The Italian Communist leadership said it "is convinced that the understanding and fraternal and faithful support by the other Communist parties can make a valid contribution to the Czechoslovak Communist party to fight the dangers present in this process of renewal."

An Italian delegation and French Communist party chief Waldeck Rochet were in Moscow earlier this week to urge that the Czechoslovaks be left alone to develop their own policies.

The Prague government announced that Rochet will arrive tomorrow.

Sources in Belgrade disclosed plans to visit Prague by both Tito, who has taken his country along an independent course since he broke with Stalin in 1948, and Romanian Communist leader Nicolae Ceausescu, who has been increasingly defiant of Kremlin control.

A public opinion poll published in Prague yesterday showed the people are overwhelmingly behind Dubcek;, and 91 percent of those queried asked that Russian troops withdraw as soon as possible.

The Czechoslovak army said Soviet troops who stayed after the end of Warsaw Pact maneuvers last month were moving out "according to schedule." It said "all Soviet troops" would leave the country but gave no date.

[From the Washington Evening Star, July 30, 1968]

THREAT TO CZECHS MUTES LIBERALS

(By David Lawrence)

Paradoxes are numerous these days, but none is more conspicuous than the absolute silence about Czechoslovakia which is being maintanied by virtually all the groups, organizations, college professors, liberals and others in America who zealously expound the doctrine that people have a right to determine their own form of government.

No such silence prevailed when Rhodesia, for example, tried to solve its internal problems with respect to racial relations. In fact, the United States has joined with other members of the United Nations in imposing almost total sanctions on trade with Rhodesia.

But here is Czechoslovakia threatened by military intervention by the Soviet government if something in line with Moscow-style communism is not adopted. Yet no voices are raised anywhere in Europe or in this country even to express sympathy with the democratic elements in Czechoslovakia which are trying to modify their form of government. Meanwhile, the Soviets are making military threats and have actually mobilized troops on the border of Czechoslovakia to coerce the latter into acceptance of Moscow's dictatorial policies.

The Czech leaders are not trying to abolish communism, but seeking to modify it so that it will be more democratic. They already are permitting considerable freedom of speech, freedom of assembly, and freedom of the press. The Soviet government, however, apparently feels it has the right to dictate to the leaders in Prague what they may or may not do in domestic policies.

Members of the 11-man Communist body ruling Czechoslovakia are conferring with top Soviet leaders who have come from Moscow to a meeting on Czech territory near the Soviet border. Upon the outcome of this conference depends whether the Soviet Union will intervene militarily to force the present government to come to terms or will establish a new regime that will adhere to the kind of communism which the Soviets apply throughout the areas they control. Moscow is being supported by Poland, East Germany and Bulgaria—over which it maintains an iron hand—and to a lesser extent by Hungary, which is still occupied by Soviet troops.

The Kremlin leaders are demanding of Czech officials that they turn back toward the Soviet kind of communism—including a resumption of press censorship and the suppression of all non-Communist political activities. Even more, the Czechs are being coerced into maintaining their alliance with the Communist-bloc nations and are being warned about getting too friendly with West Germany or other non-Communist countries. The threat of Soviet military intervention is constant.

The crisis is bound to affect the future of the satellite states in Eastern Europe. Yugoslavia under Tito long ago broke away from Soviet domination, but does have friendly relations with Moscow. Rumania, too, has in recent years asserted more and more independence.

It is understandable that the American government would, for diplomatic reasons, choose to be silent. Washington has kept a hands-off policy in the Czechoslovak controversy because of a belief that nothing should be done that would give Moscow a chance to blame Western governments for what is happening in Czechoslovakia.

When the United States goes to the assistance of a country which is trying to determine its own form of government—such as South Vietnam—"liberals" denounce this as "aggression." Yet they remain silent as the Soviets seek to deny even to "liberal" Communists the right to set up their own system of government within Czechoslovakia. The mobilization of Soviet military forces is plainly a threat of aggression against Czechoslovakia, but none of the Communist parties—in France, Italy or this country—is willing to recognize it.

Certainly there is nothing to prevent private organizations and some of the articulate professors and scholars in America and Western Europe from condemning publicly in most vehement terms the Soviet intervention in the internal affairs of Czechoslovakia. But silence seems to be the rule.

[From the New Leader, Aug. 26, 1968]

WHY MOSCOW FEARS THE CZECHS

(By Victor A. Velen)

The New Course in Czechoslovakia is one of the most important political and social phenomena of the postwar period. Should it be repressed by Soviet intimidation or armed intervention, the repercussions could cause a serious regression in international relations. Should it succeed, this union of democracy and socialism could become a political model for other countries to follow, in the West as well as in the East.

In the effort to explain their position to the Russians, the present Czech leaders have portrayed the New Course as a revival rather than a betrayal of socialism—a revolution aimed at transforming an authoritarian, pseudo-socialist society into a humanitarian "socialist democracy." That the Russians have been incapable of grasping its real nature is understandable, since recent events in Czechoslovakia represent the antithesis of the evolution of Soviet society. Their fear is also understandable, since these events call into question the very viability of the Soviet political system. For they offer proof once again that freedom is a basic motive in history, that the more a society advances, the more imperative the need for freedom becomes.

Throughout their 20-year history, a chronic ailment of the so-called "peoples' democracies" has been a steadily diminishing national consensus. Immediately after World War II, power in these countries was held by a relatively large number of disciplined, idealistic Communists backed by the mass of the working class and the intellectuals. The period of Stalinist terror, and the years of uninspiring collective rule, narrowed down this base of power to an ossified governmental bureaucracy and a sterile Party apparatus. The average citizen became alienated from public life, concerned only with his personal economic and political survival.

In the past decade, however, a new political consciousness has been awakening among the younger generations, who have begun to reject the system that raised and indoctrinated them. They have come to recognize that "man does not live by bread alone": A comparatively secure job and an advanced social security system has not been able to replace their yearning for certain fundamental political ideals.

The revolutionary rumbling in Hungary and Poland following Stalin's death were efforts to broaden the bases of these regimes by eliminating Stalinist methods and practices. But in both cases the primary motivating factor was nationalist sentiment in defiance of Russian domination. The common denominator of the Hungarian Freedom Fighters and the Polish reformists was that they were anti-Russian, and to the extent that they identified the Russians with socialism, also anti-socialist.

The historical and social premises of the Czech revolution are entirely different, as have been its results. Except for East Germany, Czechoslovakia is the only country in Eastern Europe with an old artisan and industrial—as opposed to a rural—tradition. It shared in the general Western European Enlightenment, and has had experience in the formation of democratic ideas and institutions. That is why, incidentally, Czechoslovakia was one of the few countries in Eastern Europe to have a prewar Communist party—the third strongest in the country—represented in Parliament. Thus the search for a new social pattern has not sprung from national aspirations or hatred of the Russians, but from a desire to combine socialism with the older Czechoslovak humanitarian, democratic heritage.

This combination is basically nothing more than a return to pre-Marxian socialism, usually regarded by Communists as petit bourgeois and utopian. It is predicated on the belief that modern socialism can move forward only on the basis of the freedoms (the bourgeois freedoms, as Marx called them) wrung from the ruling classes in the course of centuries of struggle—out of which emerged the great principles of modern democracy that invest sovereignty in the people.

These principles have surfaced spontaneously in Czechoslovakia since last January, but naturally they will not suffice in themselves. They must be anchored in institutions so that no change in line can sweep them away administratively, as has happened in Poland, for example. The road traveled from the "Polish October" of 1956, with its affirmation of free speech, to the anti-Semitic, fascistic campaign waged by the Polish regime in repressing the students during the Warsaw riots of 1968, is ample proof that to survive principles must be transformed into legislation.

The Czechs fully recognize this. That is why their first concern, after they eliminated the most powerful Stalinist elements in the highest echelons, was to establish the freedoms of speech and assembly as law. In place of Lenin's simplistic equation, "socialism plus electrification equals communism," the Czechs have devised a more advanced and at the same time more ancient equation, which could be rendered: "Human rights guaranteed in a democratic state, plus scientific progress, plus socialism might at some future date become communism."

The Czechs are probably the first modern society to transform a totalitarian state into one where the citizens actively and effectively participate in the *res publica*. Translated into terms of East European politics, totalitarianism has meant the uncontested rule of an oligarchy—neither elected nor revocable—which claims not only to rule in the name of the proletariat but also to be its supreme expression. In fact, this oligarchy has no connection with the proletariat and maintains its power monopoly for the sake of power alone. The elevation of Marxist theory into a state religion—an empty conglomerate of hollow phrases and formulae—has precluded the objective analysis of real problems and consequently any attempt to solve them.

Czech philosophers have worked for the past eight years to break through this totalitarian vise, and the Prague spring owes much to their conclusions. Writing in the Italian Communist weekly *Rinascita* last June, Karel Kosik went to the heart of the matter: "The Czechoslovak events do not constitute one of the *usual* political crises, one of the *usual* economic crises, but rather a crisis in the underlying premises of contemporary ideas on reality as a system of general manipulation. Humanistic socialism, for whose existence or non-existence the struggle is taking place now in Czechoslovakia, is a revolutionary and liberating alternative. . . . If the Czechoslovak experiment should succeed—and its success depends on whether it will be realized without compromise and half-solutions—we shall be confronted with practical proof that the system of general manipulation may be overcome in its own main contemporary forms: bureaucratic Stalinism and capitalist democracy. . . ."

From January 1968 on, the Czechoslovak public has become aware of the beginnings of "participatory democracy": Political and special interest groups have mushroomed, the organizational and ideological activities of the Communist party have included a greater percentage of its membership. At no time since the Russian Revolution (with the exception of the resistance movements in World War II), has a European Communist party known such an abrupt increase in popular support. According to a public opinion survey published in *Rude Pravo* on July 13, in January only 17 percent of the population had confidence in the ability of the Party to lead the state; by July this figure had increased to 51 percent, with 89 percent supporting the policies of the government.

If widespread participation and support continues, the Czechoslovak experiment may provide a solution to crises that have plagued the social systems of both East and West. Since World War I, for example, it has become increasingly evident that Western parliamentry rule is an inadequate instrument of modern government. Indeed, the more a society relies on scientific solutions, the more "partitocracy" (to use the Italian expression for party rule) comes to resemble authoritarian rule, though still retaining its democratic image in the minds of the people.

Conceivably, the replacement of parties by autonomous political and economic interest groups, intellectual clubs, youth circles, trade unions, agricultural cooperatives, etc., would constitute a permanent forum for national policy and planning much more responsive to the will of the people than the congresses and parliaments of the west. The kind of political stagnation that took place in France under the party rule of the Fourth Republic might no longer be possible. This remodeling of the political organs of state, based on the direct participation of all strata of the population, is a modernized version of the principles set forth by the early humanitarian socialists and anarchists: Saint-Simon, Fourier, Proudhon and Kropotkin.

All speculation is idle, of course, so long as Czechoslovakia remains in an almost impossible political situation. It is virtually surrounded by hostile governments which, in the name of socialism, fear any form of revitalization based on popular expression and assent. The Soviet Union is far less concerned about the independent course taken by Rumania, for instance, because the authoritarian, bureaucratic structure of the state has so far not been challenged there.

The possibility of direct Soviet intervention in Czechoslovakia now appears to depend largely on Russia's judgment of its feasibility. Every likely protest for intervention—including clumsy and obvious attempts at provocation—has certainly been sought. As the war of nerves continues, the world is witnessing new and unequivocal proof of the fundamental differences between libertarian socialism and the authoritarianism of the Soviet stamp.

Although Lenin can in no sense be considered a democrat (when Spanish Socialist leader Urrutia de los Rios asked him about freedom in the Soviet state, he answered, *"La liberte? Pour quoi faire?"*), he conceived of the dictatorship of the proletariat as a temporary institution, lasting only until socialism had been established. He also envisaged restrictions on freedom of the press as temporary. Both of Lenin's views are now major heresies in Soviet thinking. The distance that separates the first government *équipe* of the Soviet Union, composed of such brilliant intellectuals as Bukharin, Zinoviev and Lunacharski from the Brezhnev-Kosygin team is a measure of the extent to which the Soviet ruling class has been transformed into a mediocre and self-perpetuating bureaucracy, imprisoned in its own rigid ideological armor.

Despite the short period of reform and thaw under Khrushchev, the present Russian leadership not only identifies increasingly with the Stalinist past but is also reverting to Stalinist practices. The repression of dissent, started with the sentencing of writers. Andrei Sinyavsky and Yuli Daniel, has continued in a succession of other trials and condemnations designed to bring recalcitrant intellectuals into line. In contrast to Czechoslovakia, the protests of a few intellectuals and students have been lost among the believing mass. The sociological conditions needed to foster a widespread demand for democratization of the Soviet system are not as yet present.

Formalized, primitive Marxism continues to be accepted unquestioningly, as well as credited with the great technological advances made by the Russians. Lenins' mummy is still the most revered ikon of the Russian cathedral. And the fumes of self adulation have not begun to clear the altars. Polemicizing against the Czech philosopher Vaclav Hencl, who affirmed that socialism can be divided into authoritarian and democratic models, *Pravda* stated flatly: "There can be only one kind of socialism and that is Soviet socialism, which is the supreme form of democracy."

So long as the present Soviet leadership is in power, Russian opposition to the New Course in Czechoslovakia is not likely to soften. Nor is there much chance of a similar evolution taking place in the Soviet Union in the near future, for it would be contrary to the almost exclusively autocratic Russian historical tradition. Nevertheless, while the Czechoslovak experiment may not guarantee the jobs of the party bosses, if allowed to survive, it may well guarantee the future of socialism.

Excerpts From a Special Edition of the Czechoslovak Newspaper, Tribuna Otevrenosti

"What is happening here is not a movement whose aim is the restoration of the old order, but a movement which is meant to carry the socialist revolution to a higher, more perfect stage of development, closer to its aims. . . ."

Eduard Goldstucker,
President of the Writers Union.

"One of the basic interests, and hence one of the necessities of a country having the cultural and industrial level of Czechoslovakia should be to open its borders to the entire world. I believe that to enclose oneself within a Chinese wall is an expression of weakness. . . ."

Jiri Hanzelka,
Engineer.

"Today the matter of democratization is no longer only an affair of the [mythical] seven courageous men. I would say that it is a concern of all of us, of the hundreds of thousands, I would even say, millions of people in our country. . . . I would like to express my conviction that either we will live in this country in freedom, or we will not live at all. . . . In a revolution of the type which we are now experiencing—a revolution of the word, a revolution of ideas and not of barbaric, violent acts—the solution cannot be simply that the old caste system give way to new privilges, in order solely that new groups take over the power positions and others again appropriate the monopoly of ideas, the implementation of justice, and the education of our children. The solution is that today and tomorrow the entire nation should partake in these duties and responsibilities. . . .

"Socialism, if it wants to succeed, if it wants to be an attraction center for the world, cannot be built on hatred, suspicion, lies and violence, but, on the contrary, should offer man more freedom than any other system, because otherwise its creation would have been useless. . . .

"They are asking us whom we side with in this world. We are with those who, as we, have not renounced the struggle, have not given up the hope that our life could be better. We are on the side of the enslaved, of the suffering, of the unhappy. We are with those who reject the curse of racism, the humiliation of anti-Semitism, persecution and chauvinism, and the conceit of narrow nationalism. We are with those who, gathered around the declaration of human rights, want our time to be friendlier than Hell."

Jan Prochazka,
Author.

4. Intellectual Ferment in the Soviet Union

[From the New York Times Magazine]

The New Trials in Russia Stir Memories of Stalin's Days: This Is the Winter of Moscow's Dissent

(By Patricia Blake)

Moscow has just experienced an unusually fierce winter, many smaller towns were snowbound, and grave concern is being expressed in the press about air pollution—all of which is very convenient for Russian intellectuals, who commonly characterize their conditions in meteorological images.

For example, Vladimir Bukovsky, who was sentenced last September to three years in prison for having organized a demonstration protesting the arrest of writers, has offered a comment on the miasma of intellectual life. In a sketch called "A Stupid Question," which appeared before his arrest in the underground magazine Phoenix, Bukovsky complained to a physician: "I just can't stand it any longer. I tried at first to ignore it but I couldn't. . . . I can't, you see, take a really deep breath. . . . The doctors can't help me. . . . But I do so want to take a deep breath sometimes, you know, with all my lungs—especially in the spring. . . . There seems to be some obstruction to breathing. Or isn't there enough air?"

Recently, Yevgeni Yevtushenko complained of the same trouble. In "Smog," a poem datelined Moscow-New York, published in the Soviet magazine Znamya in January of this year, he writes that he is gasping for air. The locale is purportedly New York, but the weather conditions are Russian and clearly recognizable as such by the Soviet reader. Notices have been posted in bars, the poet says, which read: "You can breathe easily only through vodka."

Yevtushenko uses the device of putting words in the mouths of American writers. Allen Ginsberg is made to say: "Darkness is descending,/ darkness!/ This is the smell of outer hell./ There is no excuse for those/ who can breathe in this stench! In a world of moral vacuum/, in a world of fog and chaos/ the only halfway decent person/ is he who suffocates." In the same poem, Arthur Miller (who has publicly spoken out against the trials of writers in Russia) is described as "stern in his terrible prophecy." Miller supposedly says: "There will be still more burnings at the stake/ by Inquisitions./ Smog/ is the smoke of these stakes to come."

The atmosphere is indeed heavy with menace. Not since 1963, when Khrushchev carried on a ferocious campaign against the liberal intelligentsia, has creative life in Russia seemed in such jeopardy. The two recent trials of writers in Moscow represent only the most visible surface of what is actually taking place. The arrests of hundreds of intellectuals, for offenses ranging from the distribution of anti-Soviet propaganda to armed conspiracy, and other sinister signals suggest that a policy decision has been made, at the highest level, to reintroduce terroristic methods to stifle dissent.

These attempts at coercion have produced, not submission, but defiance more open and more widespread than at any time in the Soviet Union's entire history of persecution of intellectuals. The Communist leadership in Russia, and in parts of Eastern Europe as well, is being confronted with such spectacles as street demonstrations in Moscow, student riots in Warsaw and, in Prague, a resistance among intellectuals so massive that, in Czechoslovakia's newly favorable political climate, it appears to have succeeded in obtaining a reversal of cultural policy.

The pattern of repression, as it has evolved under Brezhnev and Kosygin, is not so easily charted as it was under Khrushchev. For one thing, the style of new leadership in dealing with the unruly intelligentsia is more subdued. No longer is the chief of state heard denouncing abstract painters as homosexuals who (in Khrushchev's words) use human excrement instead of paint. There are no more mass meetings with writers and artists in the Kremlin, no more vast campaigns in the press against internationally known literary figures like Voznesensky and Yevtushenko.

Aims and methods have changed as well. Khrushchev believed for a time that he could turn the aspirations of the liberal intellectuals to his own political purposes; he attempted to gain their support by offering them a measure of freedom, but when they responded, not with gratitude but with ever greater demands, he turned on them with the full range of his celebrated invective. These repeated attempts to woo, then subdue, the intelligentsia produced the seasonal "thaws" and "freezes" that characterized cultural life under Khrushchev.

In contrast, the new leaders have always shown a determination not to allow the intelligentsia to play any sort of political role. Plagued with other problems inherited from Khrushchev, they at first seemed merely to be trying (with little success) to contain the most vociferous libertarians among the intellectuals. Now, however, they have been compelled to take notice of three problems that have strikingly intensified in the post-Khrushchev era: (1) the spread of dissent; (2) the breakdown of controls over the intelligentsia; (3) the publication abroad of suppressed works by Russian writers, much of which is damaging to the prestige of the Soviet leadership, the system and the ideology.

Thus, while Khrushchev relied largely on bombast and threats against dissidents (which he was unwilling or unable to carry out) the present leaders have introduced the technique of staging political trials of intellectuals, while at the same time giving the K.G.B. (Committee for State Security—the secret police) far greater powers in dealing with the intelligentsia than at any time since Stalin's death.

The fact that this policy of selective terror was applied with increasing intensity in 1967, the year of the 50th anniversary of the Bolshevik Revolution, is a measure of the leadership's alarm over large-scale and unrestrained expressions of dissent. The crackdown has, in fact, come as a surprise to Western observers, and to many people in Russian literary circles who believed that the Soviet leadership would make no move to repress the intellectuals until after the anniversary celebrations last November. The existence of dissent would be played down, they said; an appearance of national unity had to be maintained, as well as a semblance of solidarity among the foreign Communist parties still more or less loyal to Moscow. The trial of the writers Andrei Sinyavsky and Yuli Daniel in 1966 had provoked such vehement opposition among foreign Communist leaders that it seemed unlikely the Soviet authorities would invite further embarrassment along these lines.

A number of officially inspired attempts were made before the anniversary to still the continued reverberations of that trial. Many newsmen in Moscow, and visitors from abroad, were systematically informed that Sinyavsky and Daniel would be released on the occasion of the general amnesty in November, provided the Western press would stop reporting the plight of the two writers and left-wing intellectuals would stop agitating about the case. "Dr. Zhivago," The recent writings of Alexander Solzhenitsyn and other suppressed works would soon be published, they were told. It was even suggested that censorship was about to be abolished, the only impediment to complete cultural freedom in the Soviet Union being the meddlesomeness of foreigners.

Nothing of the sort, of course, took place. Instead, the dawn of the anniversary year 1967 was marked by the arrest of a large group of intellectuals in Leningrad whose number has been estimated at from 150 to 300 persons. Precautions were taken by the authorities to prevent this action from causing an international sensation. The arrests were made among obscure persons, in a city where foreign journalists are not stationed. No mention of the arrests was made in the Soviet press. It is only recently, therefore, that some details of the Leningrad case have become known.

The roundup took place in late February or early March, 1967. Among those arrested were a number of Leningrad University professors, law and philosophy students at the university, poets, literary critics and magazine editors. At least one closed trial of four persons is known to have been held, and another is said to be in preparation now. Among those already tried, one is a Professor Ogurtsov, a specialist on Tibet at the university, who was condemned to 15 years at hard labor—the maximum sentence, short of death. A second, Yevgeni Vagin, an editor of a multivolume edition of Dostoyevsky, was sentenced to 13 years.

Those arrested were charged with conspiracy to armed rebellion. It was alleged that they were members of a terrorist network, with contacts abroad, which operated under the guise of various philosophical societies, including a "Berdyayev Circle," named after Nikolai Berdyayev, the Christian philosopher who was an opponent of the Soviet regime because of its suppression of freedom. Members of similar groups, said to be linked with the Leningrad organizations, have reportedly been arrested in Sverdlovsk and in several towns in the Ukraine.

The Leningrad arrests are clearly the most menacing of the coercive actions against intellectuals that have been undertaken in the post-Khruschev period. This is the first time in Soviet history that intellectuals are known to have been arrested and tried for possession of arms for the purpose of rebellion against the state. The charge is indeed so grave that it irresistibly raises the question of whether the arms case was not fabricated by the K.G.B. The purpose of such a provocation would be to smear the whole liberal intelligentsia, which, it might now be alleged, is so disaffected as to be capable of armed rebellion—thus opening the way to arrests on a much larger scale. The attempt by the K.G.B. to connect the Leningrad organizations with groups in other parts of the country suggests that something along these lines is in progress. Moreover, the possession of small arms, of which the Leningrad intellectuals are accused (in Sverdlovsk, they allegedly acquired machine guns), appears preposterous. Under peacetime conditions it would be extremely difficult to smuggle arms into the Soviet Union, and the rigid system of arms control in the police and armed forces requires the strictest accountability for every weapon and every bullet.

Although the arms case in Leningrad carries with it the most fearful implications, the area where selective terror has been applied most intensively under Brezhnev and Kosygin has been the Ukraine. Here, aspirations for intellectual freedom are mixed with demands for cultural autonomy, sometimes shading into Ukraining nationalism. The wave of arrests began in January, 1966, when more than 200 university professors, students, journalists, writers and scientists were secretly tried for having distributed pamphlets in defense of Ukrainian culture and of the use of the Ukrainian language in the Ukrainian Republic. Public protest demonstrations took place in various cities in the wake of these trials. In Lvov, a crowd outside the courtroom showered the van carrying the prisoners with flowers.

The main point made in one letter of protest by a Ukrainian intellectual, Vyacheslav Chernovil, was to be echoed later by defendants at the Moscow trials—i.e., that the freedoms guaranteed by the Soviet Constitution are precisely those that are held to be criminal offenses in court: freedom of press and assembly, and freedom to hold demonstrations. Of judicial procedure, Chernovil wrote: "The secret trial reminds one of a boa constrictor to which a rabbit is thrown for the boa's breakfast, the rabbit having first been granted permission to present the hungry beast with arguments to prove his innocence."

The K.G.B.'s far greater freedom of action in dealing with intellectuals, as evidenced by these cases, appears all the more remarkable in view of the sharp limitation of police power that was established after Stalin's death. No longer does the secret police penetrate all governing institutions and wield extraordinary political power. Mass police terror exists no more. At the same time, however, the Second Chief Directorate of the K.G.B. has a continuity of function that goes back to the old Cheka, the first Soviet secret police, of which it is the direct descendant. It gathers information and prepares dossiers on individuals, regardless of the political climate and of reforms in the society.

Built into the K.G.B., then, is a potential of extreme, oppressive action. It is a ready tool, when a political decision is made to use it, as has apparently happened now, to a still limited but highly suggestive degree. It is significant that the K.G.B. has been unleashed on two groups alone, where dissent runs high: the liberal intelligentsia and Russia's Protestants (particularly the Evangelical Christians and the Reform Baptists), who have been suffering from greatly intensified repression since 1966.

The year 1967 saw a major attempt to rehabilitate the secret service, which, for the Soviet people, is quite properly associated with revolutionary violence, the bloody horror of the great purges, and the 20-year Stalinist terror. All the vast propaganda resources of the Soviet state were mobilized for this purpose. Countless books and articles glorifying the exploits of secret-service agents were cranked out by the state publishing houses during the past year. If this campaign was intended to popularize the K.G.B., it was naive, to say the least. Its main purpose appeared, rather, to rebuild the morale of the secret service and thus increase its efficiency.

The climax of this operation came in December, on the 50th anniversary of the founding of the Cheka, when Yuri Andropov, the head of the K.G.B., addressed Government and K.G.B. leaders in the Kremlin. Andropov assured his listeners that "in recent years our party has done an enormous amount of work to strengthen Socialist legality. . . . Thus our party has shown that there is and can be no reversion in any violation of Socialist legality whatsoever."

How this new Socialist legality actually works has perhaps never been better exemplified in the post-Khrushchev period than by the trial of Sinyavsky and Daniel for having circulated "anti-Soviet" works that were published abroad. A patently prejudicial press campaign took place before and during the trial. The presiding judge, Lev Smirnov, continuously interrupted the proceedings with grossly insulting or ironic interjections about the accused. As scores of Soviet intellectuals have pointed out, the verdict of guilty was clearly prearranged.

Having manufactured the case against Sinyavsky and Daniel, and persuaded the political leadership to make it a show trial, the K.G.B. proceeded to attempt to deal with the consequences. Sergei Bannikov, the general of state security in charge of the intelligentsia, called meetings at which he warned writers in the strongest terms against protesting about the trial. Then, on the eve of the anniversary of the revolution, it was officially announced that two K.G.B. generals had been named to the U.S.S.R. Supreme Court. One was a Maj. Gen. Nikolai Chestyakov. The other was Bannikov, who was designated vice president—one of the three top positions on the court.

Such K.G.B. appointments were unprecedented since Stalin's time; until now the court has maintained a semblance, at least, of judicial objectivity. Certainly the meaning of Bannikov's appointment was not lost on the public: more trials on the Sinyavsky-Daniel model could be expected. In case anyone missed the point, it was made abundantly clear when the Order of Lenin was bestowed on Smirnov, the judge at the Sinyavsky-Daniel trial, "for his services in strengthening Socialist legality."

The most striking aspect of these coercive tactics is that they are not producing the desired results. The simple fact is that the Russian intellectual has, by and large, ceased to be afraid. The old, fearful sense of isolation from which writers and readers, teachers and students, scholars, scientists and artists suffered under Stalin has gradually been replaced by a sense of community that now gives them the courage to risk prison for the sake of commonly shared principle. This change seems very nearly miraculous when one considers how intellectually, artistically and morally stupefying was Stalin's terror. "They only ask you," said Boris Pasternak of the Soviet authorities, "to praise what you hate most and grovel before what makes you most unhappy."

Today intellectuals of all ages are openly calling, not only for greater intellectual and artistic freedom, but, increasingly, for fundamental changes in Soviet society. They are fighting for their beliefs from the prisoner's dock, on the streets, in underground books and magazines and, indeed, on any tribune they can find—including the foreign press. They throw flowers on paddy wagons, demonstrate outside courtrooms, and assemble in public squares carrying placards calling for adherence to the Constitution. They hold illegal press conferences for Western newsmen where they accuse Soviet newspapers of slander, and threaten to sue. They draft letters, signed by a who's who of Soviet literature, science and scholarship, demanding an end to violations of the law, and address them to Brezhnev and Kosygin, the Politiburo, the Supreme Court, Pravda and Izvestia, and circulate them all over Moscow. In short, the liberal intelligentsia is confronting the Soviet leadership with its own myths.

The evolution of courage and conscience that has made these events possible in the present period of severe repression began much earlier in the post-Stalin era. The most obvious, and crucial, precondition was, of course, the elimination of mass police terror after Stalin's death. This, however, did not immediately lift the pall on the Soviet people; terror had been internalized far too long. For those intellectuals who had survived the purges, the reflex of distrust and deception was not easy to master. Soon, however, there were some stirrings of dissatisfaction—but these were limited to the cultural sphere, to censorship and other forms of artistic control. Skepticism about the basic values of the system began to become apparent only after Khrushchev's revelations of Stalin's crimes in 1956.

The scope of the reaction among intellectuals—and, indeed, among the public at large—may be appreciated when one considers that the whole ideological schema of Communism and the entire political and economic system had been for 30 years inextricably linked with the person of Stalin. The destruction of the Stalin myth put into question the legitimacy of the new leadership and, in fact, nothing less than the *raison d'etre* of the Soviet system.

At this juncture, writers and poets began to command considerable influence over public opinion. A policy of relative permissiveness from 1956 to the end of 1962 (with some seasonal setbacks) resulted in the appearance of a mass of books and articles which criticized, in scarcely veiled terms, virtually every aspect of Soviet society, and which attracted a mass readership running into the millions. The publication in November, 1962, of Alexander Solzhenitsyn's harrowing novel of a Stalinist concentration camp, "One Day in the Life of Ivan Denisovich," led writers and readers to believe that the whole bloody history of the Stalin era could at last be publicly ventilated, and the most wicked of Stalin's accomplices purged from the governing bureaucracies.

Khrushchev, alarmed by the scope of expectations of the intellectuals, reversed himself in 1963. There followed a seven-month press campaign which excoriated intellectuals, and which was accompanied by censure meetings held all over the country. Liberals who had captured positions of influence in the cultural organizations (like the Writers Unions) were replaced by die-hard Stalinists, and all references to Stalin's crimes were banned from literature. It was then, in response to Khrushchev's offensive, that intellectuals began to develop the sense of common cause they are so dramatically demonstrating today. The writers and other intellectuals under fire in 1963 steadfastly refused to recant, despite fearful pressures. Some remained silent; others counterattacked and defended one another.

During the first year after Khrushchev's fall in 1964, it became clear that administrative controls were inadequate to contain public expressions of dissent. Literary works of a highly unorthodox and critical nature were slipping past the censorship, and selling out at once, often in editions of 100,000 copies.

The distribution of mimeographed underground magazines and books had reached such proportions that the great Russian poet Anna Akhmatova, before her death in 1966, could airily say on a visit to Europe that "our literature has no need of Gutenberg's invention." Perhaps most galling of all, works unpublished in Russia, like those of Abram Tertz and Nikolai Arzhak, were reaching Western publishers almost as fast as they were being written.

The turning point of cultural policy under Brezhnev and Kosygin came in February, 1966, when the leadership gave the K.G.B. license to step in where nonterroristic controls had failed. The show trial of Sinyavsky and Daniel was the immediate consequence. All the subsequent arrests and trials of writers and intellectuals in Moscow in 1967 and 1968 proceed directly from this case.

The trial of Sinyavsky and Daniel was an event equivalent in its divisive impact on Soviet society to that of the Dreyfus case on France in the eighteen-nineties. The reaction to it both reflected and intensified the struggle between the liberal intellectuals and other people of conscience and vested authority. It served to mobilize the intelligentsia already united by the onslaughts of 1963, into expressing its indignation almost with a single voice. It made many older intellectuals, silent until then with their fearful memories of Stalinism, openly commit themselves to the liberal camp. And it raised the issue, in the most compelling public fashion, of the contradiction between "Socialist justice" and brutal reality.

The significant fact about the trial is that the two writers, charged with circulating "anti-Soviet" writings, readily admitted that they were the pseudonymous authors of the works in question, but denied that they were guilty of a crime. Their testimony and final pleas constitute a defense less of themselves than of literature itself, and a condemnation, in overwhelmingly eloquent terms, of the grossly simplistic and Philistine criteria applied to literature by the Soviet authorities for the past 30 years. Had they pleaded guilty, as the court evidently expected, they would have got off with lighter sentences. (Sinyavsky was condemned to seven years of hard labor and Daniel to five.)

It was clear that they wished to make examples of themselves, so that others might carry on after them. This hope was completely realized. The trial utterly failed in its purpose of terrorizing intellectuals. On the contrary, the behavior of the defendants infused the liberal intellectuals community with a new sense of pride and honor. Sinyavsky and Daniel had established a standard of conduct which henceforth others would strive to meet. In sum, the moral quality of intellectual life in Russia was immeasurably raised by their action.

Not one prominent writer in Russia, except Mikhail Sholokhov, could be found to endorse the trial, while protests signed by hundreds of famous writers, scholars and scientists poured into Government agencies and newspapers. Opposition to the trial by European Communists became so strident that foreign Communist newspapers were banned for a time from Soviet newsstands. But, substituting for a free press, the foreign short-wave radio stations, the Voice of America, Radio Liberty, the B.B.C. and Deutsche Welle repeatedly beamed the trial transcript (which had been smuggled abroad) and the text of all the protests to their millions of listeners in Russia.

Thus the Sinyavsky-Daniel trial boomeranged by causing a national and international scandal, as well as by stiffening the intelligentsia's resistance. In May, the Congress of the Stalinist-dominated Soviet Writers Union was boycotted by leading liberals, and

Alexander Solzhenitsyn, Russia's finest living prose writer, addressed his now-famous letter to the congress demanding the abolition of censorship. He charged that the K.G.B. had confiscated his manuscripts and that the leadership of the Writers Union, far from defending authors from such outrages, had a long history of being "always first among the persecutors" of writers who were slandered, exiled, imprisoned and executed. The reaction of the authorities was simply to hit harder—in Moscow, at the heart of resistance.

The first of the Moscow trials, in September, 1967, involved three young men charged with organizing a demonstration on Pushkin Square against the arrest of some literary figures a few days earlier. In the second trial, at the beginning of January, 1968, four young people, including two underground writers, Alexander Ginzburg and Yuri Galanskov, were accused of circulating an underground magazine, Phoenix '66.

Galanskov was said to have privately drafted a new constitution for the Soviet Union and distributed it among his friends. Ginzburg was also charged with editing and circulating a "White Book" on the Sinyavsky-Daniel case, consisting of the trial transcript, protests by Soviet intellectuals and a letter of his own to Kosygin in which he said: "I love my country and I do not wish to see its reputation damaged by the latest uncontrolled activities of the K.G.B. I love Russian literature and I do not wish to see two more of its representatives sent off to fell trees under police guard."

Ginzburg was sentenced to five years and Galanskov to seven. The third defendant, who turned state's evidence, was let off with two years, while the fourth, who was accused merely of typing manuscripts for the others, received a one-year suspended sentence.

In these trials, the authorities made determined efforts to seal off the proceedings so that any resistance on the part of the defendants would not become public. Except for a handful of relatives of the accused, the courtrooms were packed with preselected persons, who, according to one witness, read magazines or dozed during the trials, rousing themselves from time to time to utter "animal-like hoots and cries for severe penalties." The September trial received a brief mention in a Moscow newspaper, which stated that the accused had confessed their crime.

Thereupon, a 30-year-old physicist, Pavel Litvinov, the grandson of the late Foreign Minister Maxim Litvinov, saw to it that the actual testimony of one defendant was communicated to the foreign press.

It showed that the defendant, the 25-year-old writer Vladimir Bukovsky, not only had pleaded not guilty but had defended his right to demonstrate publicly under the Soviet Constitution. He protested that the investigation of his case had been conducted, not by the prosecutor's office, but by the K.G.B., in violation of the law. Bukovsky, who was sentenced to three years, ended his plea as follows: "I absolutely do not repent for organizing the demonstration. I find that it accomplished what it had to accomplish, and when I am free again, I shall again organize demonstrations—of course, in complete observance of the law, as before."

Litvinov further made public the record of his interrogation by a K.G.B. officer in which he defied a threat to arrest him if he circulated the Bukovsky transcript. After it was sent abroad, Litvinov told an American newsman that he had not been bothered since by the K.G.B. "When the K.G.B. sees that a man is not afraid of them, they do not call him in any more for more conversation. When they call him again, it's for good." Litvinov was immediately fired from his teaching job.

Ginzburg and Galanskov pleaded not guilty at the five-day trial in January. Said Ginzburg of the contents of his White Book. "Any patriot is obliged to give up his life for his country—but not to lie for it."

News of the defendants' resistance quickly leaked out to the crowd of some 200 sympathizers who gathered on the street, in freezing weather, outside the courtroom. What took place was tantamount to a five-day press conference by friends of the accused with foreign journalists. K.G.B. men continuously mingled in the crowd, taking pictures of the protesters. Shouted a former major general, Pyotr Grigorenko: "You can't intimidate me. I bled for this country!" As the defense lawyers filed out of the courtroom, they were given red carnations by persons in the crowd.

Among those who kept a vigil outside the courtroom were Alexander Yesenin-Volpin, the son of the famous poet Sergei Yesenin, who committed suicide in 1925 and Pyotr Yakir, the son of Maj. Gen. Iona Yakir, who was executed during the purges of the Red Army in 1937, then "posthumously rehabilitated" after Stalin's death. Yakir distributed an appeal saying that the trial "has gone beyond all bounds in suppressing human rights. Even Andrei Vyshinsky would have envied the organization of this trial."

Shortly before the court sentenced the defendants, Pavel Litvinov and Mrs. Yuli Daniel issued a statement to foreign journalists, asking that it be published and broadcast as soon as possible. "We are not sending this request to Soviet newspapers because that is hopeless," they said. They called the trial "a wild mockery of justice . . . no better than the celebrated trials of the nineteen-thirties, which involved us in so much blood that we still have not recovered from them." The judge, they said, allowed only evidence "which fits in the program already prepared by the K.G.B."

Following this, 12 intellectuals, including Litvinov, Yesenin-Volpin, Yakir and Grigorenko addressed a similar statement about the trial to the Presidium of the conference of 66 Communist parties that opened at the end of February in Budapest for the purpose of strengthening their unity. One can imagine the reaction of the Soviet authorities on learning that the first news to reach the world of this parley consisted in front-page stories in The New York Times and other Western papers of an appeal by 12 Russian intellectuals to the conference's participants "to consider fully the perils caused by the trampling of man in our country."

One consequence of the Moscow trials was that the convicted writers gathered support from persons completely outside Moscow literary and intellectual circles, and for entirely extra-literary reasons. For example, among the signers of the appeal to the Budapest Conference were a former major general, the son of a general and the son of a Foreign Minister, a leader of the Crimean Tartar minority and a Russian Orthodox priest.

From as far away as Latvia came a letter to Mikhail Suslov, the Politburo member and party ideologist, from the chairman of a model collective farm who, in 1964, had been highly praised in the Soviet press. This letter, which was published, not in Russia but in The New York Times, called on the party to reach an understanding with the young rebels, rather than put them on trial. "Such dissenters will," the writer predicted, "inevitably create a new party. Ideas cannot be murdered with bullets, prison or exile." After describing the remoteness of the countryside where he lives, he said, addressing the Central Committee of the party, "If information has reached us on the broadest scale, you can well imagine what kind of seeds you have sown throughout the country. Have the courage to correct the mistakes that you have made, before the workers and peasants take a hand in this affair."

Protest against the trial also brought together two formerly distinct and antithetical groups within the intelligentsia itself. Until now, only one group, the "loyal opposition"—well-known published writers and respected scholars and scientists—had publicly expressed resistance, in relatively moderate terms, against attempts at coercion by the authorities. Now another group, "the underground"—dissidents who despair of effecting change through established channels—was making itself heard with unprecedented boldness in response to the persecution of Ginzburg and others among their members.

These two groups were first seen to join forces when 31 leading writers, scholars and scientists (including three members of the Academy of Sciences) addressed a protest against the Ginzburg trial to the Moscow City Court. Later appeals by loyal oppositionists included one signed by 80 more prominent intellectuals, and another signed by 220 top scientists and artists, from Moscow, Leningrad, Kharkov, Magadan and Dubna, the Soviet atomic center. In mid-March, 99 mathematicians, including seven Lenin Prize winners, rallied around Yesenin-Volpin (who is both an underground poet and a mathematician) in a protest aginst his forcible confinement in a lunatic asylum after he had participated in the demonstration outside the courtroom at the Ginzburg trial.

The central issue raised by all these protests (none of which was even mentioned in the Soviet press) was perhaps most eloquently defined by Pyotr Yakir in an appeal which is now being widely circulated in Moscow. "The inhuman punishment of members of the intelligentsia is a logical extension of the atmosphere of public life in recent year," he wrote. "The process of the restoration of Stalinism is going on—slowly but remorselessly." "The naive hopes" encouraged by de-Stalinization in 1956 and 1961 have not been realized. On the contrary, "the name of Stalin is being pronounced from the highest platforms in an entirely positive context."

Yakir, who spent 17 years in a Stalinist camp, deplores the fact that 10th-rate books praising Stalin are being published, while those that describe his crimes are being suppressed. His statement ends with an appeal to creative people in Russia to "raise your voices against the impending danger of new Stalins and Yezhovs. . . . We remind you that people who dared to think are now languishing in harsh forced-labor camps. Every time you are silent, another stepping-stone is added, leading to new trial of a Daniel or a Ginzburg. Little by little, with your acquiescence, a new 1937 may come upon us."

Does the future hold a return to terror on the scale of the great purges of 1937–38? Clearly, the Soviet leadership finds itself in an impossible dilemma. On the one hand, it must now be clear that much larger doses of terror must be administered if the intelligentsia is to be silenced, and its influence on public opinion curbed. One sinister omen was contained in an article in Pravda last March 3, in which the recent Moscow trials were said to be as justified as the purge trials of the thirties—trials that have scarcely been mentioned favorably in the Soviet press since Khrushchev's de-Stalinization speech in 1956. On the other hand, the cost of a return to mass police terror would be incalculably high. It would reverse the effect of all Soviet policies designed to bring Russia into competition with the modern world, including those that offer individual incentives for industrial production and technological and scientific creativity. Moreover, the internal dynamic of the Stalinist police state, once provided by the myth of Stalin and by ideology, could not be restored in a society now rent by skepticism and dissent. Finally, a powerful secret police apparatus on the Stalinist model might well devour the political leaders who had revived it.

How Brezhnev and Kosygin will deal with this critical situation is still unclear. On the surface it would seem that a brutal showdown is at hand. Yet the Soviet leaders may be borne by the force of inertia and indecision that has determined their handling of other crises, both domestic and foreign. If so, we may be certain that the aspirations of the liberal intelligentsia, rising now for more than a decade, will continue to confront the leadership in irreversible and irremediable conflict.

[From the New York Times, July 22, 1968]

Text of Essay by Russian Nuclear Physicist Urging Soviet-American Cooperation

(Note.—Following is the text of an essay, titled "Thoughts on Progress, Peaceful Coexistence and Intellectual Freedom," by Academician Andrei D. Sakharov, Soviet physicist, as translated by The New York Times from the Russian manuscript.)

The views of the author were formed in the milieu of the scientific and scientific-technological intelligentsia, which manifests much anxiety over the principles and specific aspects of foreign and domestic policy and over the future of mankind. This anxiety is nourished, in particular, by a realization that the scientific method of directing policy, the economy, arts, education and military affairs still has not become a reality.

We regard as "scientific" a method based on deep analysis of facts, theories and views, presupposing unprejudiced, unfearing open discussion and conclusions. The complexity and diversity of all the phenomena of modern life, the great possibilities and dangers linked with the scientific-technical revolution and with a number of social tendencies demand precisely such an approach, as has been acknowledged in a number of official statements.

In this pamphlet, advanced for discussion by its readers, the author has set himself the goal to present, with the greatest conviction and frankness, two theses that are supported by many people in the world. The theses are:

[1]

The division of mankind threatens it with destruction. Civilization is imperiled by: a universal thermonuclear war, catastrophic hunger for most of mankind, stupefaction from the narcotic of "mass culture" and bureaucratized dogmatism, a spreading of mass myths that put entire peoples and continents under the power of cruel and treacherous demagogues, and destruction or degeneration from the unforeseeable consequences of swift changes in the conditions of life on our planet.

In the face of these perils, any action increasing the division of mankind, any preaching of the incompatibility of world ideologies and nations is madness and a crime. Only universal cooperation under conditions of intellectual freedom and the lofty moral ideals of socialism and labor, accompanied by the elimination of dogmatism and pressures of the concealed interests of ruling classes, will preserve civilization.

The reader will understand that ideological collaboration cannot apply to those fanatical, sectarian and extremist ideologies that reject all possibility of rapprochement, discussion and compromise, for example, the ideologies of Fascist, racist, militaristic and Maoist demagogy.

Millions of people throughout the world are striving to put an end to poverty. They despise oppression, dogmatism and demagogy (and their more extreme manifestations—racism, Fascism, Stalinism and Maoism). They believe in progress based on the use, under conditions of social justice and intellectual freedom, of all the positive experience accumulated by mankind.

The second basic thesis is that intellectual freedom is essential to human society—freedom to obtain and distribute information, freedom for open-minded and unfearing debate and freedom from pressure by officialdom and prejudices. Such a trinity of freedom of thought is the only guarantee against an infection of people by mass myths, which, in the hands of treacherous hypocrites and demagogues, can be transformed into bloody dictatorship. Freedom of thought is the only guarantee of the feasibility of a scientific democratic approach to politics, economy and culture.

But freedom of thought is under a triple threat in modern society—from the opium of mass culture, from cowardly, egotistic and narrow-minded ideologies and from the ossified dogmatism of a bureaucratic oligarchy and its favorite weapon, ideological censorship. Therefore, freedom of thought requires the defense of all thinking and honest people. This is a mission not only for the intelligentsia but for all strata of society, particularly its most active and organized stratum, the working class. The worldwide dangers of war, famine, cults of personality and bureaucracy—these are perils for all of mankind.

Recognition by the working class and the intelligentsia of their common interests has been a striking phenomenon of the present day. The most progressive, internationalist and dedicated element of the intelligentsia is, in essence, part of the working class, and the most advanced, educated, internationalist, and broad-minded part of the working class is part of the intelligentsia.

This position of the intelligentsia in society renders senseless any loud demands that the intelligentsia subordinate its strivings to the will and interests of the working class (in the Soviet Union, Poland and other socialist countries). What these demands really mean is subordination to the will of the party or, even more specifically, to the party's central apparatus and its officials. Who will guarantee that these officials always express the genuine interests of the working class as a whole and the genuine interests of progress rather than their own caste interests?

We will divide this pamphlet into two parts. The first we will title "Dangers," and the second, "The Basis of Hope."

DANGERS

The threat of nuclear war

Three technical aspects of thermonuclear weapons have made thermonuclear war a peril to the very existence of humanity. These aspects are: the enormous destructive power of a thermonuclear explosion, the relative cheapness of rocket-thermonuclear weapons and the practical impossibility of an effective defense against a massive rocket-nuclear attack.

[1]

Today one can consider a three-megaton nuclear warhead as "typical" (this is somewhere between the warhead of a Minuteman and of a Titan II). The area of fires from the explosion of such a warhead is 150 times greater than from the Hiroshima bomb and the area of destruction is 30 times greater. The detonation of such a warhead over a city would create a 100-square-kilometer [40 square-mile] area of total destruction and fire.

Tens of millions of square meters of living space would be destroyed. No fewer than a million people would perish under the ruins of buildings, from fire and radiation, suffocate in the dust and smoke or die in shelters buried under debris. In the event of a ground-level explosion, the fallout of radioactive dust would create a danger of fatal exposure in an area of tens of thousands of square kilometers.

[2]

A few words about the cost and the possible number of explosions.

After the stage of research and development has been passed, mass production of thermonuclear weapons and carrier rockets is no more complex and expensive than, for example, the production of military aircraft, which were produced by the tens of thousands during the war.

The annual production of plutonium in the world now is in the tens of thousands of tons. If one assumes that half this output goes for military purposes and that an average of serveal kilograms of plutonium goes into one warhead, then enough warheads have already been accumulated to destroy mankind many times over.

[3]

The third aspect of thermonuclear peril (along with the power and cheapness of warheads) is what we term the practical impossibility of preventing a massive rocket attack. This situation is well known to specialists. In the popular scientific literature, for example, one can read this in an article by Richard L. Garwin and Hans A. Bethe in the Scientific American of March, 1968.

The technology and tactics of attack have now far surpassed the technology of defense despite the development of highly maneuverable and powerful antimissiles with nuclear warheads and despite other technical ideas, such as the use of laser rays and so forth.

Improvements in the resistance of warheads to shock waves and to the radiation effects of neutron and x-ray exposure, the possibility of mass use of relatively light and inexpensive decoys that are virtually indistinguishable from warheads and exhaust the capabilities of an antimissile defense system, a perfection of tactics of massed and concentrated attacks, in time and space, that overstrain the defense detection centers, the use of orbital and fractional-orbital attacks, the use of active and passive jamming and other methods not disclosed in the press—all this has created technical and economic obstacles to an effective missile defense that, at the present time, are virtually insurmountable.

The experience of past wars shows that the first use of a new technical or tactical method of attack is usually highly effective even if a simple antidote can soon be developed. But in a thermonuclear war the first blow may be the decisive one and render null and void years of work and billions spent on creation of an antimissile system.

An exception to this would be the case of a great technical and economic difference in the potentials of two enemies. In such a case, the stronger side, creating an antimissile defense system with a multiple reserve, would face the temptation of ending the dangerous and unstable balance once and for all by embarking on a pre-emptive adventure, expending part of its attack potential on destruction of most of the enemy's launching bases and counting on impunity for the last stage of escalation, i.e., the destruction of the cities and industry of the enemy.

Fortunately for the stability of the world, the difference between the technical-economic potentials of the Soviet Union and the United States is not so great that one of the sides could undertake a "preventive aggression" without an almost inevitable risk of a destructive retaliatory blow. This situation would not be changed by a broadening of the arms race through the development of antimissile defenses.

In the opinion of many people, an opinion shared by the author, a diplomatic formulation of this mutually comprehended situation for example, in the form of a moratorium on the construction of antimisile systems, would be a useful demonstration of a desire of the Soviet Union and the United States to preserve the status quo and not to widen the arms race for senselessly expensive antimissile systems. It would be a demonstration of a desire to cooperate not to fight.

Two Doctrines Decried

A thermonuclear war cannot be considered a continuation of politics by other means (according to the formula of Clausewitz). It would be a means of universal suicide.

Two kinds of attempts are being made to portray thermonuclear war as an "ordinary" political act in the eyes of public opinion. One is the concept of the "paper tiger," the concept of the irresponsible Maoist adventurists. The other is the strategic doctrine of escalation, worked out by scientific and militarist circles in the United States. Without minimizing the seriousness of the challenge inherent in that doctrine, we will just note that the political strategy of peaceful coexistence is an effective counterweight to the doctrine.

A complete destruction of cities, industry, transport and systems of education, a poisoning of fields, water and air by radioactivity, a physical destruction of the large part of mankind, poverty, barbarism, a return to savagery and a genetic degeneracy of the survivors under the impact of radiation, a destruction of the material and information basis of civilization—this is a measure of the peril that threatens the world as a result of the estrangement of the world's two superpowers.

Every rational creature, finding itself on the brink of a disaster, first tries to get away from the brink and only then does it think about the satisfaction of its other needs. If mankind is to get away from the brink, it must overcome its divisions.

A vital step would be a review of the traditional method of international affairs, which may be termed "empirical-competitive." In the simplest definition, this is a method aiming at maximum improvement of one's position everywhere possible and, simultaneously, a method of causing maximum unpleasantness to opposing forces without consideration of common welfare and common interests.

If politics were a game of two gamblers, then this would be the only possible method. But where does such a method lead in the present unprecedented situation?

The War in Vietnam

In Vietnam, the forces of reaction lacking hope for an expression of national will in their favor, are using the force of military pressure. They are violating all legal and moral norms and are carrying out flagrant crimes against humanity. An entire people is being sacrificed to the proclaimed goal of stopping the "communist tide."

They strive to conceal from the American people considerations of personal and party prestige, the cynicism and cruelty, the hopelessness and ineffectiveness of the anti-Communist tasks of American policy in Vietnam, as well as the harm this war is doing to the true goals of the American people, which coincide with the universal tasks of bolstering peaceful coexistence.

To end the war in Vietnam would first of all save the people perishing there. But it also is a matter of saving peace in all the world. Nothing undermines the possibilities of peaceful coexistence more than a continuation of the war in Vietnam.

The Middle East

Another tragic example is the Middle East. If direct responsibility on Vietnam rests with the United States, in the Middle East direct responsibility rests not with the United States but with the Soviet Union (and with Britain in 1948 and 1956).

On one hand, there was an irresponsible encouragement of so-called Arab unity (which in no way had a socialist character—look at Jordan—but was purely nationalist and anti-Israel). It was said that the struggle of the Arabs had an essentially anti-imperialist character. On the other hand, there was an equally irresponsible encouragement of Israeli extremists.

We cannot here analyze the entire contradictory and tragic history of the events of the last 20 years, in the course of which the Arabs and Israel, along with historically justified actions, carried out reprehensible deeds, often brought about by the actions of external forces.

Thus in 1948, Israel waged a defensive war. But in 1956, the actions of Israel appeared reprehensible. The preventive six-day war in the face of threats of destruction by merciless, numerically vastly superior forces of the Arab coalition could have been justifiable. But the cruelty to refugees and prisoners of war and the striving to settle territorial questions by military means must be condemned. Despite this condemnation, the breaking of relations with Israel appears a mistake, complicating a peaceful settlement in this region and complicating a necessary diplomatic recognition of Israel by the Arab governments.

In our opinion, certain changes must be made in the conduct of international affairs, systematically subordinating all concrete aims and local tasks to the basic task of actively preventing an aggravation of the international situation, of actively pursuing and expanding peaceful coexistence to the level of cooperation, of making policy in such a way that its immediate and long-range effects will in no way sharpen international tensions and will not create difficulties for either side that would strengthen the forces of reaction, militarism, nationalism, Fascism and revanchism.

International affairs must be completely permeated with scientific methodology and a democratic spirit, with a fearless weighing of all facts, views and theories, with maximum publicity of ultimate and intermediate goals and with a consistency of principles.

New Principles Proposed

The international policies of the world's two leading superpowers (the United States and the Soviet Union) must be based on a universal acceptance of unified and general principles, which we initially would formulate as follows:

[1]

All peoples have the right to decide their own fate with a free expression of will. This right is guaranteed by international control over observance by all governments of the "Declaration of the Rights of Man." International control presupposes the use of economic sanctions as well as the use of military forces of the United Nations in defense of "the rights of man."

[2]

All military and military-economic forms of export of revolution and counterrevolution are illegal and are tantamount to aggression.

[3]

All countries strive toward mutual help in economic, cultural and general organizational problems with the aim of eliminating painlessly all domestic and international difficulties and preventing a sharpening of international tensions and a strengthening of the forces of reaction.

[4]

International policy does not aim at exploiting local, specific conditions to widen zones of influence and create difficulties for another country. The goal of international policy is to insure universal fulfillment of the "Declaration of the Rights of Man" and to prevent a sharpening of international tensions and a strengthening of militarist and nationalist tendencies.

Such a set of principles would in no way be a betrayal of the revolutionary and national liberation struggle, the struggle against reaction and counterrevolution. On the contrary, with the elimination of all doubtful cases, it would be easier to take decisive action in those extreme cases of reaction, racism and militarism that allow no course other than armed struggle. A strengthening of peaceful coexistence would create an opportunity to avert such tragic events as those in Greece and Indonesia.

Such a set of principles would present the Soviet armed forces with a precisely defined defensive mission, a mission of defending our country and our allies from aggression. As history has shown, our people and their armed forces are unconquerable when they are defending their homeland and its great social and cultural achievements.

Hunger and overpopulation

Specialists are paying attention to a growing threat of hunger in the poorer half of the world. Although the 50 per cent increase of the world's population in the last 30 years has been accompanied by a 70 per cent increase in food production, the balance in the poorer half of the world has been unfavorable. The situation in India, Indonesia, in a number of countries of Latin America and in a large number of other underdeveloped countries—the absence of technical-economic reserves, competent officials and cultural skills, social backwardness, a high birth rate—all this systematically worsens the food balance and without doubt will continue to worsen it in the coming years.

The answer would be a wide application of fertilizers, an improvement of irrigation systems, better farm technology, wider use of the resources of the oceans and a gradual perfection of the production, already technically feasible, of synthetic foods, primarily amino acids. However, this is all fine for the rich nations. In the more backward countries, it is apparent from an analysis of the situation and existing trends that an improvement cannot be achieved in the near future, before the expected date of tragedy, 1975–80.

What is involved is a prognosticated deterioration of the average food balance in which localized food crises merge into a sea of hunger, intolerable suffering and desperation, the grief and fury of millions of people. This is a tragic threat to all mankind. A catastrophe of such dimensions cannot but have profound consequences for the entire world and for every human being. It will provoke a wave of wars and hatred, a decline of standards of living throughout the world and will leave a tragic, cynical and anti-Communist mark on the life of future generations.

The first reaction of a Philistine in hearing about the problem is that "they" are responsible for their plight because "they" reproduce so rapidly. Unquestionably, control of the birth rate is important and the people, in India for example, are taking steps in this direction. But these steps remain largely ineffective under social and economic backwardness, surviving traditions of large families, an absence of old-age benefits, a high infant mortality rate until, quite recently, and a continuing threat of death from starvation.

It is apparently futile only to insist that the more backward countries restrict their birth rates. What is needed most of all is economic and technical assistance to these countries. This assistance must be of such scale and generosity that it is absolutely impossible before the estrangement in the world and the egotistical, narrow-minded approach to relations between nations and races is eliminated. It is impossible as long as the United States and the Soviet Union, the world's two great superpowers, look upon each other as rivals and opponents.

Social factors play an important role in the tragic present situation and the still more tragic future of the poor regions. It must be clearly understood that if a threat of hunger is, along with a striving toward national independence, the main cause of "agrarian" revolution, the "agrarian" revolution in itself will not eliminate the threat of hunger, at least not in the immediate future. The threat of hunger cannot be eliminated without the assistance of the developed countries, and this requires significant changes in their foreign and domestic policies.

Inequality of American Negroes

At this time, the white citizens of the United States are unwilling to accept even minimum sacrifices to eliminate the unequal economic and cultural position of the country's black citizens, who make up 10 per cent of the population.

It is necessary to change the psychology of the American citizens so that they will voluntarily and generously support their government and worldwide efforts to change the economy, technology and level of living of billions of people. This, of course, would entail a serious decline in the United States rate of economic growth. The Americans should be willing to do this solely for the sake of lofty and distant goals, for the sake of preserving civilization and mankind on our planet.

Similar changes in the psychology of people and practical activities of governments must be achieved in the Soviet Union and other developed countries.

In the opinion of the author, a 15-year tax equal to 20 per cent of national incomes must be imposed on developed nations. The imposition of such a tax would automatically lead to a significant reduction in expenditures for weapons. Such common assistance would have an important effect of stabilizing and improving the situation in the most under-developed countries, restricting the influence of extremists of all types.

Changes in the economic situation of underdeveloped countries would solve the problem of high birth rates with relative ease, as has been shown by the experience of developed countries, without the barbaric method of sterilization.

Certain changes in the policies, viewpoints and traditions on this delicate question are inescapable in the advanced countries as well. Mankind can develop smoothly only if it looks upon itself in a demographic sense as a unit, a single family without divisions into nations other than in matters of history and traditions.

Therefore, government policy, legislation on the family and marriage and propaganda should not encourage an increase in the birth rates of advanced countries while demanding that it be curtailed in underdeveloped countries that are receiving assistance. Such a two-faced game would produce nothing but bitterness and nationalism.

In conclusion on that point, I want to emphasize that the question of regulating birth rates is highly complex and that any standardized, dogmatic solution "for all time and all peoples" would be wrong. All the foregoing, incidentally, should be accepted with the reservation that it is somewhat of a simplification.

Pollution of Environment

We live in a swiftly changing world. Industrial and water-engineering projects, cutting of forests, plowing up of virgin lands, the use of poisonous chemicals—all this is changing the face of the earth, our "habitat."

Scientific study of all the interrelationships in nature and the consequences of our interference clearly lag behind the changes. Large amounts of harmful wastes of industry and transport are being dumped into the air and water, including cancer-inducing substances. Will the safe limit be passed everywhere, as has already happened in a number of places?

Carbon dioxide from the burning of coal is altering the heat-reflecting qualities of the atmosphere. Sooner or later, this will reach a dangerous level. But we do not know when. Poisonous chemicals used in agriculture are penetrating into the body of man and animals directly and in more dangerous modified compounds, causing serious damage to the brain, the nervous system, blood-forming organs, the liver and other organs. Here, too, the safe limit can be easily crossed, but the question has not been fully studied and it is difficult to control all these processes.

The use of antibiotics in poultry raising has led to the development of new disease-causing microbes that are resistant to antibiotics.

I could also mention the problems of dumping detergents and radioactive wastes, erosion and salinization of soils, the flooding of meadows, the cutting of forests on mountain slopes and in watersheds, the destruction of birds and other useful wildlife like toads and frogs and many other examples of senseless despoliation caused by local, temporary, bureaucratic and egotistical interest and sometimes simply by questions of bureaucratic prestige, as in the sad fate of Lake Baikal.

The problem of geohygiene (earth hygiene) is highly complex and closely tied to economic and social problems. This problem can therefore not be solved on a national and especially not on a local basis. The salvation of our environment requires that we overcome our divisions and the pressure of temporary, local interests. Otherwise, the Soviet Union will poison the United States with its wastes and vice versa. At present, this is a hyperbole. But with a 10 per cent annual increase of wastes, the increase over 100 years will be 20,000 times.

Police dictatorships

An extreme reflection of the dangers confronting modern social development is the growth of racism, nationalism and militarism and, in particular, the rise of demagogic, hypocritical and monstrously cruel dictatorial police regimes. Foremost are the regimes of Stalin, Hitler and Mao Tse-tung, and a number of extremely reactionary regimes in smaller countries, Spain, Portugal, South Africa, Greece, Albania, Haiti and other Latin American countries.

These tragic developments have always derived from the struggle of egotistical and group interests, the struggle for unlimited power, suppression of intellectual freedom, a spread of intellectually simplified, narrow-minded mass myths (the myth of race, of land and blood, the myth about the Jewish danger, anti-intellectualism, the concept of lebensraum in Germany, the myth about the sharpening of the class struggle and proletarian infallibility bolstered by the cult of Stalin and by exaggeration of the contradictions with capitalism in the Soviet Union, the myth about Mao Tse-tung, extreme Chinese nationalism and the resurrection of the lebensraum concept, of anti-intellectualism, extreme antihumanism and certain prejudices of peasant socialism in China).

The usual practice is the use of demagogy, storm troopers and Red Guards in the first stage and terrorist bureaucracy with reliable cadres of the type of Eichmann, Himmler, Yezhov and Beria at the summit of the deification of unlimited power.

The Rule of Hitler

The world will never forget the burning of books in the squares of German cities, the hysterical cannibalistic speeches of the Fascist "fuehrers" and their even more cannibalistic plans for the destruction of entire peoples, including the Russians. Fascism began a partial realization of these plans during the war it unleashed, annihilating prisoners of war and hostages, burning villages, carrying out a criminal policy of genocide (during the war, the main blow of genocide was aimed at the Jews, a policy that apparently was also meant to be provocative, especially in the Ukraine and Poland).

We shall never forget the kilometer-long trenches filled with bodies, the gas chambers, the SS dogs, the fanatical doctors, the piles of women's hair, suitcases with gold teeth and fertilizer from the factories of death.

Analyzing the causes of Hitler's coming to power, we will never forget the role of German and international monopolist capital. We also will not forget the criminally sectarian and dogmatically narrow policies of Stalin and his associates, setting Socialists and Communists against one another (this has been well related in the famous letter to Ilya Ehrenburg by Ernst Henri).

The Stalinist Period

Fascism lasted 12 years in Germany. Stalinism lasted twice as long in the Soviet Union. There are many common features but also certain differences. Stalinism exhibited a much more subtle kind of hypocrisy and demagogy, with reliance not on an openly cannibalistic program like Hitler's but on a progressive, scientific and popular socialist ideology.

This served as a convenient screen for deceiving the working class, for weakening the vigilance of the intellectuals and other rivals in the struggle for power, with the treacherous and sudden use of the machinery of torture, execution and informants, intimidating and making fools of millions of people, the majority of whom were neither cowards nor fools. As a consequence of this "specific feature" of Stalinism, it was the Soviet people, its most active, talented and honest representatives, who suffered the most terrible blow.

At least 10 to 15 million people perished in the torture chambers of the N.K.V.D. [secret police] from torture and execution, in camps for exiled kulaks [rich peasants] and so-called semi-kulaks and members of their families and in camps "without the right of correspondence" (which were in fact the prototypes of the Fascist death camps where, for example, thousands of prisoners were machine-gunned because of "overcrowding" or as a result of "special orders").

People perished in the mines of Norilsk and Vorkuta from freezing, starvation and exhausting labor, at countless construction projects, in timber cutting, building of canals or simply during transportation in prison trains, in the overcrowded holds of "death ships" in the Sea of Okhotsk and during the resettlement of entire peoples, the Crimean Tatars, the Volga Germans, the Kalmyks and other Caucasus peoples. Readers of the literary journal Novy Mir recently could read for themselves a description of the "road of death" between Norilsk and Igarka [in northern Siberia].

Temporary masters were replaced (Yagoda, Molotov, Yezhov, Zhdanov, Malenkov, Beria), but the antipeople's regime of Stalin remain equally cruel and at the same time dogmatically narrow and blind in its cruelty. The killing of military and engineering officials before the war, the blind faith in the "reasonableness" of the colleague in crime, Hitler, and the other reasons for the national tragedy of 1941 have been well described in the book by Nekrich, in the notes of Maj. Gen. Grigorenko and other publications—these are far from the only examples of the combination of crime, narrow-mindedness and short-sightedness.

Stalinist dogmatism and isolation from real life was demonstrated particularly in the countryside, in the policy of unlimited exploitation and the predatory forced deliveries at "symbolic" prices, in the almost serf-like enslavement of the peasantry, the depriving of peasants of the most simple means of mechanization and the appointment of collective-farm chairmen on the basis of their cunning and obsequiousness. The results are evident—a profound and hard-to-correct destruction of the economy and way of life in the countryside, which, by the law of interconnected vessels, damaged industry as well.

The inhuman character of Stalinism was demonstrated by the repressions of prisoners of war who survived Fascist camps and then were thrown into Stalinist camps, the anti-worker "decrees," the criminal exile of entire peoples condemned to slow death, the unenlightened zoological kind of anti-semitism that was characteristic of Stalinist bureaucracy and the N.K.V.D. (and Stalin personally), the Ukrainophobia characteristic of Stalin and the draconian laws for the protection of socialist property (five years' imprisonment for stealing some grain from the fields and so forth) that served mainly as a means of fulfilling the demands of the "slave market."

An Unpublished History

A profound analysis of the origin and development of Stalinism is contained in the 1,000-page monograph of R. Medvedev. This was written from a socialist, Marxist point of view and is a successful work, but unfortunately it has not yet been published. The present author is not likely to receive such a compliment from Comrade Medvedev, who finds elements of "Westernism" in his views. Well, there is nothing like controversy! Actually the views of the present author are profoundly socialist and he hopes that the attentive reader will understand this.

The author is quite aware of the monstrous relations in human and international affairs brought forth by the egotistical principle of capital when it is not under pressure from socialist and progressive forces. He also thinks however, that progressives in the West understand this better than he does and are waging a struggle against these manifestations. The author is concentrating his attention on what is before his eyes and on what is obstructing, from his point of view, a worldwide overcoming of estrangement, obstructing the struggle for democracy, social progress and intellectual freedom.

Our country has started on the path of cleansing away the foulness of Stalinism. "We are squeezing the slave out of ourselves drop by drop" (an expression of Anton Chekhov). We are learning to express our opinions, without taking the lead from the bosses and without fearing for our lives.

Khrushchev Is Credited

The beginning of this arduous and far from straight path evidently dates from the report of Nikita S. Khrushchev to the 20th congress of the Soviet Communist party. This bold speech, which came as a surprise to Stalin's accomplices in crime, and a number of associated measures—the release of hundreds of thousands of political prisoners and their rehabilitation, steps toward a revival of the principles of peaceful coexistence and toward a revival of democracy—oblige us to value highly the historic role of Khrushchev despite his regretable mistakes of a voluntarist character in subsequent years and despite the fact that Khrushchev, while Stalin was alive, was one of his collaborators in crime, occupying a number of influential posts.

The exposure of Stalinism in our country still has a long way to go. It is imperative, of course, that we publish all authentic documents, including the archives of the N.K.V.D., and conduct nationwide investigations. It would be highly useful for the international authority of the Soviet Communist party and the ideals of socialism if, as was planned in 1964 but never carried out, the party were to announce the "symbolic" expulsion of Stalin, murderer of millions of party members, and at the same time the political rehabilitation of the victims of Stalinism.

In 1936–39 alone more than 1.2 million party members, half of the total membership, were arrested. Only 50,000 regained freedom; the others were tortured during interrogation or were shot (600,000) or died in camps. Only in isolated cases were the rehabilitated allowed to assume responsible posts; even fewer were permitted to take part in the investigation of crimes of which they had been witnesses or victims.

We are often told lately not to "rub salt into wounds." This is usually being said by people who suffered no wounds. Actually only the most meticulous analysis of the past and of its consequences will now enable us to wash off the blood and dirt that befouled our banner.

It is sometimes suggested in the literature that the political manifestations of Stalinism represented a sort of superstructure over the economic basis of an anti-Leninist pseudosocialism that led to the formation in the Soviet Union of a distinct class—a bureaucratic elite from which all key positions are filled and which is rewarded for its work through open and concealed privileges. I cannot deny that there is some (but not the whole) truth in such an interpretation, which would help explain the vitality of neo-Stalinism, but a full analysis of this issue would go beyond the scope of this article, which focuses on another aspect of the problem.

It is imperative that we restrict in every possible way the influence of neo-Stalinists in our political life. Here we are compelled to mention a specific person. One of the most influential representatives of neo-Stalinism at the present time is the director of the Science Department of the Communist party's Central Committee, Sergei P. Trapeznikov. The leadership of our country and our people should know that the views of this unquestionably intelligent, shrewd and highly consistent man are basically Stalinist (from our point of view, they reflect the interests of the bureaucratic elite).

His views differ fundamentally from the dreams and aspirations of the majority and most active section of the intelligentsia, which, in our opinion, reflect the true interests of all our people and progressive mankind. The leadership of our country should understand that as long as such a man (if I correctly understand the nature of his views) exercises influence, it is impossible to hope for a strengthening of the party's position among scientific and artistic intellectuals. An indication of this was given at the last elections in the Academy of Sciences when S.P. Trapeznikov was rejected by a substantial majority of votes, but this hint was not "understood" by the leadership.

The issue does not involve the professional or personal qualities of Trapeznikov, about which I know little. The issue involves his political views. I have based the foregoing on word-of-mouth evidence. Therefore, I cannot in principle exclude the possibility (although it is unlikely) that in reality everything is quite the opposite. In that pleasant event, I would beg forgiveness and retract what I have written.

THE CULT OF MAOISM

In recent years, demagogy, violence, cruelty and vileness have seized a great country that had embarked on the path of socialist development. I refer, of course, to China. It is impossible without horror and pain to read about the mass contagion of antihumanism being spread by "the great helmsman" and his accomplices, about the Red Guards who, according to the Chinese radio, "jumped with joy" during public executions of "ideological enemies" of Chairman Mao.

The idiocy of the cult of personality has assumed in China monstrous, grotesquely tragicomic forms, carrying to the point of absurdity many of the traits of Stalinism and Hitlerism. But this absurdity has proved effective in making fools of tens of millions of people and in destroying and humiliating millions of more honest and more intelligent people.

The full picture of the tragedy in China is unclear. But in any case, it is impossible to look at it in isolation from the internal economic difficulties of China after the collapse of the adventure of "the great leap forward," in isolation from the struggle by various groups for power, or in isolation from the foreign political situation—the war in Vietnam, the estrangement in the world and the inadequate and lagging struggle against Stalinism in the Soviet Union.

The greatest damage from Maoism is often seen in the split of the world Communist movement. That is, of course, not so. The split is the result of a disease and to some extent represents the way to treat that disease. In the presence of the disease a formal unity would have been a dangerous, unprincipled compromise that would have led the world Communist movement into a blind alley once and for all.

Actually the crimes of the Maoists against human rights have gone much too far, and the Chinese people are now in much greater need of help from the world's democratic forces to defend their rights than in need of the unity of the world's Communist forces, in the Maoist sense, for the purpose of combatting the so-called imperialist peril somewhere in Africa or in Latin America, or in the Middle East.

The threat to intellectual freedom

This is a threat to the independence and worth of the human personality, a threat to the meaning of human life.

Nothing threatens freedom of the personality and the meaning of life like war, poverty, terror. But there are also indirect and only slightly more remote dangers.

One of these is the stupefaction of man (the "gray mass", to use the cynical term of bourgeois prognosticators) by mass culture with its intentional or commercially motivated lowering of intellectual level and content, with its stress on entertainment or utilitarianism, and with its carefully protective censorship.

Another example is related to the question of education. A system of education under government control, separation of school and church, universal free education—all these are great achievements of social progress. But everything has a reverse side. In this case it is excessive standardization, extending to the teaching process itself, to the curriculum, especially in literature, history, civics, geography, and to the system of examinations.

One cannot but see a danger in excessive reference to authority and in the limitation of discussion and intellectual boldness at an age when personal convictions are beginning to be formed. In the old China, the system of examinations for official positions led to mental stagnation and to the canonizing of the reactionary aspects of Confucianism. It is highly undesirable to have anything like that in a modern society.

Modern technology and mass psychology constantly suggest new possibilities of managing the norms of behavior, the strivings and convictions of masses of people. This involves not only management through information based on the theory of advertising and mass psychology, but also more technical methods that are widely discussed in the press abroad. Examples are biochemical control of the birth rate, biochemical control of psychic processes and electronic control of such processes.

Warns on Experiments

It seems to me that we cannot completely ignore these new methods or prohibit the progress of science and technology, but we must be clearly aware of the awesome dangers to basic human values and to the meaning of life that may be concealed in the misuse of technical and biochemical methods and the methods of mass psychology.

Man must not be turned into a chicken or a rat as in the well known experiments in which elation is induced electrically through electrodes inserted into the brain. Related to this is the question of the ever increasing use of tranquillizers and antidepressants, legal and illegal narcotics, and so forth.

We also must not forget the very real danger mentioned by Norbert Wiener in his book "Cybernetics," namely the absence in cybernetic machines of stable human norms of behavior. The tempting, unprecedented power that mankind, or, even worse, a particular group in a divided mankind, may derive from the wise counsels of its future intellectual aides, the artificial "thinking" automata, may be, as Wiener warned, become a fatal trap; the counsels may turn out to be incredibly insidious and, instead of pursuing human objectives, may pursue completely abstract problems that had been transformed in an unforeseen manner in the artificial brain.

Such a danger will become quite real in a few decades if human values, particularly freedom of thought, will not be strengthened, if alienation will not be eliminated.

Let us now return to the dangers of today, to the need for intellectual freedom, which will enable the public at large and the intelligentsia to control and assess all acts, designs and decisions of the ruling group.

Marx and Lenin Quoted

Marx once wrote that the illusion that the "bosses know everything best" and "only the higher circles familiar with the official nature of things can pass judgment" was held by officials who equate the public weal with governmental authority.

Both Marx and Lenin always stressed the viciousness of a bureaucratic system as the opposite of a democratic system. Lenin used to say that every cook should learn how to govern. Now the diversity and complexity of social phenomena and the dangers facing mankind have become immeasurably greater; and it is therefore all the more important that mankind be protected against the danger of dogmatic and voluntaristic errors, which are inevitable when decisions are reached in a closed circle of secret advisers or shadow cabinets.

It is no wonder that the problem of censorship (in the broadest sense of the word) has been one of the central issues in the ideological struggle of the last few years. Here is what a progressive American sociologist, Lewis A. Coser, has to say on this point:

"It would be absurd to attribute the alienation of many avant-garde authors solely to the battle with the censors, yet one may well maintain that those battles contributed in no mean measure to such alienation. To these authors, the censor came to be the very symbol of the Phillistinism, hypocrisy and meanness of bourgeois society.

"Many an author who was initially apolitical was drawn to the political left in the United States because the left was in the forefront of the battle against censorship. The close alliance of avant-garde art with avant-garde political and social radicalism can be accounted for, at least in part, by the fact that they came to be merged in the mind of many as a single battle for freedom against all repression" (I quote from an article by Igor Kon, published in Novy Mir in January, 1968).

We are all familiar with the passionate and closely argued appeal against censorship by the outstanding Soviet writer A. Solzhenitsyn. He as well as G. Vladimov, G. Svirsky and other writers who have spoken out on the subject have clearly shown how incompetent censorship destroys the living soul of Soviet literature; but the same applies, of course, to all other manifestations of social thought, causing stagnation and dullness and preventing fresh and deep ideas.

Such ideas, after all, can arise only in discussion, in the face of objections, only if there is a potential possibility of expressing not only true, but also dubious ideas. This was clear to the philosophers of ancient Greece and hardly anyone nowadays would have any doubts on that score. But after 50 years of complete domination over the minds of an entire nation, our leaders seem to fear even allusions to such a discussion.

At this point we must touch on some disgraceful tendencies that have become evident in the last few years. We will cite only a few isolated examples without trying to create a whole picture. The crippling censorship of Soviet artistic and political literature has again been intensified. Dozens of brilliant writings cannot see the light of day. They include some of the best of Solzhenitsyn's works, executed with great artistic and moral force and containing profound artistic and philosophical generalizations. Is this not a disgrace?

Wide indignation has been aroused by the recent decree adopted by the Supreme Soviet of the Russian Republic, amending the Criminal Code in direct contravention of the civil rights proclaimed by our Constitution. [The decree included literary protests among acts punishable under Article 190, which deals with failure to report crimes.]

Literary Trials Assailed

The Daniel-Sinyavsky trial, which has been condemned by the progressive public in the Soviet Union and abroad (from Louis Aragon to Graham Greene) and has compromised the Communist system, has still not been reviewed. The two writers languish in a camp with a strict regime and are being subjected (especially Daniel) to harsh humiliations and ordeals.

Most political prisoners are now kept in a group of camps in the Mordvinian Republic, where the total number of prisoners, including criminals, is about 50,000. According to available information, the regime has become increasingly severe in these camps, with personnel left over from Stalinist times playing an increasing role. It should be said, in all fairness, that a certain improvement has been noted very recently; it is to be hoped that this turn of events will continue.

The restoration of Leninist principles of public control over places of imprisonment would undoubtedly be a healthy development. Equally important would be a complete amnesty of political prisoners, and not just the recent limited amnesty, which was proclaimed on the 50th anniversary of the October Revolution as a result of a temporary victory of rightist tendencies in our leadership. There should also be a review of all political trials that are still raising doubts among the progressive public.

Was it not disgraceful to allow the arrest, 12-month detention without trial and then the conviction and sentencing to terms of five to seven years of Ginzburg, Galanskov and others for activities that actually amounted to a defense of civil liberties and (partly, as an example) of Daniel and Sinyavsky personally. The author of these lines sent an appeal to the party's Central Committee on Feb. 11, 1967, asking that the Ginzburg-Galanskov case be closed. He received no reply and no explanations on the substance of the case. It was only later that he heard that there had been an attempt (apparently inspired by Semichastny, the former chairman of the K.G.B.) to slander the present writer and several other persons on the basis of inspired false testimony by one of the accused in the Galanskov-Ginzburg case. Subsequently the testimony of that person—Dobrovolsky—was used at the trial as evidence to show that Ginzburg and Galanskov had ties with a foreign anti-Soviet organization, which one cannot help but doubt.

[The reference here is to evidence given by Dobrovolsky in the pretrial investigation of the case of Vladimir Bukovsky, Vadim Delone and Yevgeny Kushev in early 1967. Dobrovolsky said there allegedly existed "a single anti-Communist front ranging from Academicians Sakharov and Leontovich to SMOG," an illegal group of young writers and artists.]

Persecution Is Charged

Was it not disgraceful to permit the conviction and sentencing (to three years in camps) of Khaustov and Bukovsky for participation in a meeting in defense of their comrades? Was it not disgraceful to allow persecution, in the best witchhunt tradition, of dozens of members of the Soviet intelligentsia who spoke out against the arbitrariness of judicial and psychiatric agencies, to attempt to force honorable people to sign false, hypocritical "retractions," to dismiss and blacklist people, to deprive young writers, editors and other members of the intelligentsia of all means of existence?

Here is a typical example of this kind of activity.

Comrade B., a woman editor of books on motion pictures, was summoned to the party's district committee. The first question was, Who gave you the letter in defense of Ginzburg to sign? Allow me not to reply to that question, she answered. All right, you can go, we want to talk this over, she was told. The decision was to expel the woman from the party and to recommend that she be dismissed from her job and barred from working anywhere else in the field of culture.

With such methods of persuasion and indoctrination the party can hardly expect to claim the role of spiritual leaders of mankind.

Was it not disgraceful to have the speech at the Moscow party conference by the president of the Academy of Sciences (Mstislav V. Keldysh), who is evidently either too intimidated or too dogmatic in his views? Is it not disgraceful to allow another backsliding into anti-Semitism in our appointments policy (incidentally, in the highest bureaucratic elite of our government, the spirit of anti-Semitism was never fully dispelled after the nineteen thirties).

Was it not disgraceful to continue to restrict the civil rights of the Crimean Tatars, who lost about 46 per cent of their numbers (mainly children and old people) in the Stalinist repressions? Nationality problems will continue to be a reason for unrest and dissatisfaction unless all departures from Leninist principles are acknowledged and analyzed and firm steps are taken to correct mistakes.

Is it not highly disgraceful and dangerous to make increasingly frequent attempts, either directly or indirectly (through silence), to publicly rehabilitate Stalin, his associates and his policy, his pseudosocialism of terroristic bureaucracy, a socialism of hyprocrisy and ostentatious growth that was at best a quantitative and one-sided growth involving the loss of many qualitative features? (This is a reference to the basic tendencies and consequences of Stalin's policy, or Stalinism, rather than a comprehensive assessment of the entire diversified situation in a huge country with 200 million people.)

Although all these disgraceful phenomena are still far from the monstrous scale of the crimes of Stalinism and rather resemble in scope the sadly famous McCarthyism of the cold war era, the Soviet public cannot but be highly disturbed and indignant and display vigilance even in the face of insignificant manifestations of neo-Stalinism in our country.

EFFECT ON OTHER PARTIES

We are convinced that the world's Communists will also view negatively any attempts to revive Stalinism in our country, which would, after all, be an awful blow to the attractive force of Communist ideas throughout the world.

Today the key to a progressive restructuring of the system of government in the interests of mankind lies in intellectual freedom. This has been understood, in particular, by the Czechoslovaks and there can be no doubt that we should support their bold initiative, which is so valuable for the future of socialism and all mankind. That support should be political and, in the early stages, include increased economic aid.

The situation involving censorship (Glavlit) in our country is such that it can hardly be corrected for any length of time simply by "liberalized" directives. Major organizational and legislative measures are required, for example, adoption of a special law on press and information that would clearly and convincingly define what can and what cannot be printed and would place the responsibility on competent people who would be under public control. It is essential that the exchange of information on an international scale (press, tourism and so forth) be expanded in every way, that we get to know ourselves better, that we not try to save on sociological, political and economic research and surveys, which should be conducted not only according to government-controlled programs (otherwise we might be tempted to avoid "unpleasant" subjects and questions).

The basis for hope

The prospects of socialism now depend on whether socialism can be made attractive, whether the moral attractiveness of the ideas of socialism and the glorification of labor, compared with the egotistical ideas of private ownership and the glorification of capital, will be the decisive factors that people will bear in mind when comparing socialism and capitalism, or whether people will remember mainly the limitations of intellectual freedom under socialism or, even worse, the fascistic regime of the cult [of personality.]

I am placing the accent on the moral aspect because, when it comes to achieving a high productivity of social labor or developing all productive forces or insuring a high standard of living for most of the population, capitalism and socialism seem to have "played to a tie." Let us examine this question in detail.

The United States-Soviet Ski Race

Imagine two skiers racing through deep snow. At the start of the race, one of them, in striped jacket, was many kilometers ahead, but now the skier in the red jacket is catching up to the leader. What can we say about their relative strength? Not very much, since each skier is racing under different conditions. The striped one broke the snow, and the red one did not have to. (The reader will understand that this ski race symbolizes the burden of research and development costs that the country leading in technology has to bear.) All one can say about the race is that there is not much difference in strength between the two skiers.

The parable does not, of course, reflect the whole complexity of comparing economic and technological progress in the United States and the Soviet Union, the relative vitality of RRS and AME (Russian Revolutionary Sweep and American Efficiency.)

We cannot forget that during much of the period in question the Soviet Union waged a hard war and then healed its wounds; we cannot forget that some absurdities in our development were not an inherent aspect of the socialist course of development, but a tragic accident, a serious, though not inevitable, disease.

On the other hand, any comparison must take account of the fact that we are now catching up with the United States only in some of the old, traditional industries, which are no longer as important as they used to be for the United States (for example, coal and steel). In some of the newer fields, for example, automation, computers, petrochemicals and especially in industrial research and development, we are not only lagging behind but are also growing more slowly, so that a complete victory of our economy in the next few decades is unlikely.

It must also be borne in mind that our nation is endowed with vast natural resources, from fertile black earth to coal and forest, from oil to manganese and diamonds. It must be borne in mind that during the period under review our people worked to the limit of its capacity, which resulted in a certain depletion of resources.

We must also bear in mind the ski-track effect, in which the Soviet Union adopted principles of industrial organization and technological and development previously tested in the United States. Examples are the method of calculating the national fuel budget, assembly-line techniques, antibiotics, nuclear power, oxygen converters in steelmaking, hybrid corn, self-propelled harvester combines, strip mining of coal, rotary excavators, semiconductors in electronics, the shift from steam to diesel locomotives, and much more.

There is only one justifiable conclusion and it can be formulated cautiously as follows:

1. We have demonstrated the vitality of the socialist course, which has done a great deal for the people materially, culturally and socially and, like no other system, has glorified the moral significance of labor.

2. There are no grounds for asserting, as is often done in the dogmatic vein, that the capitalist mode of production leads the economy into a blind alley or that it is obviously inferior to the socialist mode in labor productivity, and there are certainly no grounds for asserting that capitalism always leads to absolute impoverishment of the working class.

Progress by Capitalism

The continuing economic progress being achieved under capitalism should be a fact of great theoretical significance for any nondogmatic Marxist. It is precisely this fact that lies at the basis of peaceful coexistence and it suggests, in principle, that if capitalism ever runs into an economic blind alley it will not necessarily have to leap into a desperate military adventure. Both capitalism and socialism are capable of long-term development, borrowing positive elements from each other and actually coming closer to each other in a number of essential aspects.

I can just hear the outcries about revisionism and blunting of the class approach to this issue; I can just see the smirks about political naiveté and immaturity. But the facts suggest that there is real economic progress in the United States and other capitalist countries, that the capitalists are actually using the social principles of socialism, and that there has been real improvement of the position of the working people. More important, the facts suggest that on any other course except ever-increasing coexistence and collaboration between the two systems and the two superpowers, with a smoothing of contradictions and with mutual assistance, on any other course annihilation awaits mankind. There is no other way out.

Two Systems Compared

We will now compare the distribution of personal income and consumption for various social groups in the United States and the Soviet Union. Our propaganda materials usually assert that there is crying inequality in the United States, while the Soviet Union has something entirely just, entirely in the interests of the working people. Actually both statements contain halftruths and a fair amount of hypocritical evasion.

I have no intention of minimizing the tragic aspects of the poverty, lack of rights and humiliation of the 22 million American Negroes. But we must clearly understand that this problem is not primarily a class problem, but a racial problem, involving the racism and egotism of white workers, and that the ruling group in the United States is interested in solving this problem. To be sure the government has not been as active as it should be; this may be related to fears of an electoral character and to fears of upsetting the unstable equilibrium in the country and thus activate extreme leftist and especially extreme rightist parties. It seems to me that we in the socialist camp should be interested in letting the ruling group in the United States settle the Negro problem without aggravating the situation in the country.

At the other extreme, the presence of millionaires in the United States is not a serious economic burden in view of their small number. The total consumption of the rich is less than 20 percent, that is, less than the total rise of national consumption over a five-year period. From this point of view, a revolution, which would be likely to halt economic progress for more than five years, does not appear to be an economically advantageous move for the working people. And I am not even talking of the blood-letting that is inevitable in a revolution. And I am not talking of the danger of the "irony of history," about which Friedrich Engels wrote so well in his famous letter to V. Zasulich, the "irony" that took the form of Stalinism in our country.

There are, of course, situations where revolution is the only way out. This applies especially to national uprisings. But that is not the case in the United States and other developed capitalist countries, as suggested, incidentally, in the programs of the Communist parties of these countries.

As far as our country is concerned, here, too, we should avoid painting an idyllic picture. There is still great inequality in property between the city and the countryside, especially in rural areas that lack a transport outlet to the private market or do not produce any goods in demand in private trade. There are great differences between cities with some of the new, privileged industries and those with older, antiquated industries. As a result 40 percent of the Soviet population is in difficult economic circumstances. In the United States about 25 percent of the population is on the verge of poverty. On the other hand the 5 percent of the Soviet population that belong to the managerial group is as privileged as its counterpart in the United States.

The Managerial Group

The development of modern society in both the Soviet Union and the United States is now following the same course of increasing complexity of structure and of industrial management, giving rise in both countries to managerial groups that are similar in social character.

We must therefore acknowledge that there is no qualitative difference in the structure of society of the two countries in terms of distribution of consumption. Unfortunately, the effectiveness of the managerial group in the Soviet Union (and, to a lesser extent, in the United States) is measured not only in purely economic or productive terms. This group also performs a concealed protective function that is rewarded in the sphere of consumption by concealed privileges.

Few people are aware of the practice under Stalin of paying salaries in sealed envelopes, of the constantly recurring concealed distribution of scarce foods and goods for various services, privileges in vacation resorts, and so forth.

I want to emphasize that I am not opposed to the socialist principle of payment based on the amount and quality of labor. Relatively higher wages for better administrators, for highly skilled workers, teachers and physicians, for workers in dangerous or harmful occupations, for workers in science, culture and the arts, all of whom account for a relatively small part of the total wage bill, do not threaten society if they are not accompanied by concealed privileges; moreover, higher wages benefit society if they are deserved.

The point is that every wasted minute of a leading administrator represents a major material loss for the economy and every wasted minute of a leading figure in the arts means a loss in the emotional, philosophical and artistic wealth of society. But when something is done in secret, the suspicion inevitably arises that things are not clean, that loyal servants of the existing system are being bribed.

It seems to me that the rational way of solving this touchy problem would be not the setting of income ceilings for party members or some such measure, but simply the prohibition of all privileges and the establishment of unified wage rates based on the social value of labor and an economic market approach to the wage problem.

I consider that further advances in our economic reform and a greater role for economic and market factors accompanied by increased public control over the managerial group (which, incidentally, is also essential in capitalist countries) will help eliminate all the roughness in our present distribution pattern.

An even more important aspect of the economic reform for the regulation and stimulation of production is the establishment of a correct system of market prices, proper allocation and rapid utilization of investment funds and proper use of natural and human resources based on appropriate rents in the interest of our society.

A number of socialist countries, including the Soviet Union, Yugoslavia and Czechoslovakia are now experimenting with basic economic problems of the role of planning and of the market, government and cooperative ownership, and so forth. These experiments are of great significance.

Rapprochement Advocated

Summing up we now come to our basic conclusion about the moral and ethical character of the advantages of the socialist course of development of human society. In our view, this does not in any way minimize the significance of socialism. Without socialism bourgeois practicism and the egotistical principle of private ownership gave rise to the "people of the abyss" described by Jack London and earlier by Engels.

Only the competition with socialism and the pressure of the working class made possible the social progress of the 20th century and, all the more, will insure the now inevitable process of rapprochement of the two systems. It took socialism to raise the meaning of labor to the heights of a moral feat. Before the advent of socialism, national egotism gave rise to colonial oppression, nationalism and racism. By now it has become clear that victory is on the side of the humanistic, international approach.

The capitalist world could not help giving birth to the socialist, but now the socialist world should not seek to destroy by force the ground from which it grew. Under the present conditions this would be tantamount to suicide of mankind. Socialism should ennoble that ground by its example and other indirect forms of pressure and then merge with it.

The rapprochement with the capitalist world should not be an unprincipled anti-popular plot between ruling groups, as happened in the extreme case [of the Soviet-Nazi rapprochement] of 1939–40. Such a rapprochement must rest not only on a socialist, but on a popular democratic foundation, under the control of public opinion, as expressed through publicity, elections and so forth.

Such a rapprochement implies not only wide social reforms in the capitalist countries, but also substantial changes in the structure of ownership, with a greater role played by government and cooperative ownership, and the preservation of the basic present features of ownership of the means of production in the socialist countries.

Our allies along this road are not only the working class and the progressive intelligentsia, which are interested in peaceful coexistence and social progress and in a democratic peaceful transition to socialism (as reflected in the programs of the Communist parties of the developed countries), but also the reformist part of the bourgeoisie, which supports such a program of "convergence." Although I am using this term, taken from the Western literature, it is clear from the foregoing that I have given it a socialist and democratic meaning.

Typical representatives of the reformist bourgeoisie are Cyrus Eaton, President Franklin D. Roosevelt, and, especially, President John F. Kennedy. Without wishing to cast a stone in the direction of Comrade N. S. Khrushchev (our high esteem of his services was expressed earlier), I cannot help recalling one of his statements, which may have been more typical of his entourage than of him personally.

On July 10, 1961, in speaking at a reception of specialists about his meeting with Kennedy in Vienna, Comrade Khrushchev recalled Kennedy's request that the Soviet Union, in conducting policy and making demands, consider the actual possibilities and the difficulties of the new Kennedy Administration and refrain from demanding more than it could grant without courting the danger of being defeated in elections and being replaced by rightist forces. At that time, Khrushchev did not give Kennedy's unprecedented request the proper attention, to put it mildly, and began to rail. And now, after the shots in Dallas, who can say what auspicious opportunities in world history have been, if not destroyed, but, at any rate, set back because of a lack of understanding.

Bertrand Russell once told a peace congress in Moscow that "the world will be saved from thermonuclear annihilation if the leaders of each of the two systems prefer complete victory of the other system to a thermonuclear war I am quoting from memory." It seems to me that such a solution would be acceptable to the majority of people in any country, whether capitalist or socialist. I consider that the leaders of the capitalist and socialist systems by the very nature of things will gradually be forced to adopt the point of view of the majority of mankind.

Intellectual freedom of society will facilitate and smooth the way for this trend toward patience, flexibility and a security from dogmatism, fear and adventurism. All mankind, including its best organized and active forces, the working class and the intelligentsia, is interested in freedom and security.

Four-stage plan for cooperation

Having examined in the first part of this essay the development of mankind according to the worse alternative, leading to annihilation, we must now attempt, even schematically, to suggest the better alternative. (The author concedes the primitiveness of his attempts at prognostication, which requires the joint efforts of many specialists, and here, even more than elsewhere, invites positive criticism.)

[1]

In the first stage, a growing ideological struggle in the socialist countries between Stalinist and Maoist forces, on the one hand, and the realistic forces of leftist Leninist Communists (and leftist Westerners), on the other, will lead to a deep ideological split on an international, national and intraparty scale.

In the Soviet Union and other socialist countries, this process will lead first to a multiparty system (here and there) and to acute ideological struggle and discussions, and then to the ideological victory of the realists, affirming the policy of increasing peaceful coexistence, strengthening democracy and expanding economic reforms (1960–80). The dates reflect the most optimistic unrolling of events.

The author, incidentally, is not one of those who consider the multiparty system to be an essential stage in the development of the socialist system or, even less, a panacea for all ills, but he assumes that in some cases a multiparty system may be an inevitable consequence of the course of events when a ruling Communist party refuses for one reason or another to rule by the scientific democratic method required by history.

In the second stage, persistent demands for social progress and peaceful coexistence in the United States and other capitalist countries, and pressure exerted by the example of the socialist countries and by internal progressive forces (the working class and the intelligentsia) will lead to the victory of the leftist reformist wing of the bourgeoisie, which will begin to implement a program of rapprochement (convergence) with socialism, i.e., social progress, peaceful coexistence and collaboration with socialism on a world scale and changes in the structure of ownership. This phase includes an expanded role for the intelligentsia and an attack on the forces of racism and militarism (1972–85). (The various stages overlaps.)

In the third stage, the Soviet Union and the United States, having overcome their alienation, solve the problem of saving the poorer half of the world. The above-mentioned 20 per cent tax on the national income of developed countries is applied. Gigantic fertilizer factories and irrigations systems using atomic power will be built [in the developing countries], the resources of the sea will be used to a vastly greater extent, indigenous personnel will be trained, and industrialization will be carried out. Gigantic factories will produce synthetic amino acids, and synthesize proteins, fats and carbohydrates. At the same time disarmament will proceed (1972–90).

In the fourth stage, the socialist convergence will reduce differences in social structure, promote intellectual freedom, science and economic progress and lead to creation of a world government and the smoothing of national contradictions (1980–2000). During this period decisive progress can be expected in the field of nuclear power, both on the basis of uranium and thorium and, probably, deuterium and lithium.

Some authors consider it likely that explosive breeding (the reproduction of active materials such as plutonium, uranium 233 and tritium) may be used in subterranean or other enclosed explosions.

During this period the expansion of space exploration will require thousands of people to work and live continuously on other planets and on the moon, on artificial satellites and on asteroids whose orbits will have been changed by nuclear explosions.

The synthesis of materials that are superconductors at room temperature may completely revolutionize electrical technology, cybernetics, transportation and communications. Progress in biology (in this and subsequent periods) will make possible effective control and direction of all life processes at the levels of the cell, organism, ecology and society, from fertility and aging to psychic processes and heredity.

If such an all-encompassing scientific and technological revolution, promising uncounted benefits for mankind, is to be possible and safe, it will require the greatest possible scientific foresight and care and concern for human values of a moral, ethical and personal character. (I touched briefly on the danger of a thoughtless bureaucratic use of the scientific and technological revolution in a divided world in the section on "Dangers," but could add a great deal more.) Such a revolution will be possible and safe only under highly intelligent worldwide guidance.

The foregoing program presumes:

(a) worldwide interest in overcoming the present divisions;

(b) the expectation that modifications in both the socialist and capitalist countries will tend to reduce contradictions and differences;

(c) worldwide interest of the intelligentsia, the working class and other progressive forces in a scientific democratic approach to politics, economics and culture;

(d) the absence of unsurmountable obstacles to economic development in both world economic systems that might otherwise lead inevitably into a blind alley, despair and adventurism.

Every honorable and thinking person who has not been poisoned by narrow-minded indifference will seek to insure that future development will be along the lines of the better alternative. However only broad, open discussion, without the pressure of fear and prejudice, will help the majority to adopt the correct and best course of action.

Proposals summarized

In conclusion, I will sum up some of the concrete proposals of varying degrees of importance that have been discussed in the text. These proposals, addressed to the leadership of the country, do not exhaust the content of the article.

[1]

The strategy of peaceful coexistence and collaboration must be deepened in every way. Scientific methods and principles of international policy will have to be worked out, based on scientific prediction of the immediate and more distant consequences.

[2]

The initiative must be seized in working out a broad program of struggle against hunger.

[3]

A law on press and information must be drafted, widely discussed and adopted, with the aim not only of ending irresponsible and irrational censorship, but of encouraging self-study in our society, fearless discussion and the search for truth. The law must provide for the material resources of freedom of thought.

[4]

All anticonstitutional laws and decrees violating human rights must be abrogated.

[5]

Political prisoners must be amnestied and some of the recent political trials must be reviewed (for example, the Daniel-Sinyavsky and Galanskov-Ginzburg cases). The camp regime of political prisoners must be promptly relaxed.

[6]

The exposure of Stalin must be carried through to the end, to the complete truth, and not just to the carefully weighted half-truth dictated by case considerations. The influence of neo-Stalinists in our political life must be restricted in every way (the text mentioned, as an example, the case of S. Trapeznikow, who enjoys too much influence).

[7]

The economic reform must be deepened in every way and the area of experimentation expanded, with conclusions based on the results.

[8]

A law on geohygiene must be adopted after broad discussion, and ultimately become part of world efforts in this area.

With this article the author addresses the leadership of our country and all its citizens as well as all people of goodwill throughout the world. The author is aware of the controversial character of many of his statements. His purpose is open, frank discussion under conditions of publicity.

In conclusion a textological comment. In the process of discussion of previous drafts of this article, some incomplete and in some respects one-sided texts have been circulated. Some of them contained certain passages that were inept in form and tact and were included through oversight. The author asks readers to bear this in mind. The author is deeply grateful to readers of preliminary drafts who communicated their friendly comments and thus helped improve the article and refine a number of basic statements.—A. Sakharov

---

People Mentioned in Sakharov Manuscript

Aragon, Louis (born 1895): French Communist writer, who protested Soviet literary trials.

Beria, Lavrenti P. (1899–1953): Stalin's chief of secret police; executed by Stalin's successors.

Bukovsky, Vladimir: young Soviet writer; sentenced in September, 1967 to three years' imprisonment for participation in an unauthorized demonstration.

Clausewitz, Karl Von (1780–1831): Prussian general and military writer.

Crimean Tatars: Soviet ethnic minority, exiled in World War II for alleged collaboration with the Germans; fully cleared of accusation in July, 1967.

Daniel, Yuli M.: Soviet writer, sentenced in February, 1966, to five years' imprisonment on charges of having slandered the Soviet Union in books published abroad under the pen name Nikolai Arzhak.

Delone, Vadim: young Soviet poet; sentenced with Bukovsky to one year's imprisonment.

Dobrovolsky, Aleksei: contributor to Soviet underground magazine Phoenix 1966; arrested January, 1967 with Ginzburg and Galanskov; turned state's evidence; sentenced in January, 1968, to two years.

Ehrenburg, Ilya: the Soviet novelist who died last August at the age of 76.

Eichmann, Adolf: SS colonel who headed Gestapo's Jewish section; arrested by Israel in May, 1960; tried and executed in May, 1962.

Galanskov, Yuri: editor of Soviet underground magazine Phoenix 1966; sentenced in January, 1968 to seven years' imprisonment for anti-Soviet activity.

Ginzburg, Aleksandr: author of a book on the Sinyavsky-Daniel case that was published abroad; sentenced in January, 1968, to five years' imprisonment for anti-Soviet activity.

Glavlit: the Soviet censorship agency.

Greene, Graham: the British novelist, who protested Soviet literary trials.

Grigorenko, Pyotr G.: former major general in World War II; cashiered in 1964 on charges of anti-Soviet activity.

Henri, Ernst: pseudonym for a Soviet commentator; Semyon Rostovsky, who contributes frequently to the weekly Literaturnaya Gazeta.

Himmler, Heinrich: Hitler's secret police chief; suicide in 1945.

Khaustov, Viktor: sentenced in February, 1967, to three years' imprisonment for organizing demonstration on behalf of arrested writers.

Kushev, Yevgeny: young Soviet poet; sentenced in September, 1967, to one year's imprisonment for participation of protest demonstration.

Leontovich, Mikhail A. (born 1903): Soviet nuclear physicist; an associate of Andrei D. Sakharov.

Malenkov, Georgi M. (born 1902): a close associate of Stalin; expelled from the Soviet leadership by Nikita S. Khrushchev in 1957.

Molotov, Vyacheslav M. (born 1890): a close associate of Stalin; expelled from the Soviet leadership by Nikita S. Khrushchev in 1957.

Nekrich, Aleksandr M.: Soviet historian, author of book on the German attack on the Soviet Union in 1941; reported criticized and ousted from Communist party in 1967.

Semichastny, Vladimir Y.: chairman of the K.G.B., Soviet secret police from 1961 until relieved of his post in May, 1967.

Sinyavsky, Andrei D.: Soviet writer, sentenced in February, 1968, to seven years' imprisonment on charges of having slandered the Soviet Union in books published abroad under the pen name of Abram Tertza.

Solzhenitsyn, Aleksandr I.: Soviet writer; author of "One Day in the Life of Ivan Denisovich"; in official disfavor and unpublished in recent years.

Wiener, Norbert (1894–1964): American mathematician; founder of the science of cybernetics, which laid the basis for computer technology.

Yagoda, Genrikh G.: Stalin's chief of secret police from 1934 to 1936; supervised early phase of great purges; was himself purged and executed in 1938.

Yezhov, Nikolai I.: Stalin's chief of secret police from 1936 to 1938; supervised the main phase of great purges; disappeared in 1939.

Zasulich, Vera I. (1851–1919): early Russian Marxist who had correspondence with Marx and Engels; she opposed terrorism as a revolutionary tactic and joined Menshevik faction against Lenin.

Zhdanov, Andrei A. (1896–1948): a close associate of Stalin, in charge of artistic and scientific policies at height of his career from 1945 to 1948.

Outspoken Soviet Scientist: Andrei Dmitriyevich Sakharov

In the fall of 1958, the Soviet Communist party newspaper, Pravda, opened its authoritative pages to the views of two prominent nuclear physicists in a nationwide debate on educational reform.

Academician Andrei D. Sakharov, then 37 years old, and a fellow academician, Yakov B. Zeldovich, urged separate schools for specially gifted children to train the future generation of scientists at an early age.

The authors contended that it was indisputable that mathematicians and physicists, at least, were most productive in the early stages of their careers and that many of the great discoveries in those fields had been made by scientists aged 22 to 26.

Dr. Sakharov, for one, was reasoning from personal experience. He earned his doctorate in physics at the age of 26, joined in making a major physical discovery at the age of 29 and, at 32, was elected a member of the Academy of Sciences, the most prestigious position for a Soviet scientist, having skipped the usual intermediate stage of corresponding member.

In recent years Dr. Sakharov (pronounced SAH-khah-roff) has continued to voice his views on public affairs. But instead of being officially sanctioned by publication in Pravda, his opinions, often critical of domestic and foreign policy, were circulating in manuscript among friends and associates.

His latest essay, written last month and now available here, outlines a plan for Soviet-American cooperation and ultimate rapprochement that he views as the only way to save mankind from thermonuclear war, overpopulation and famine, and pollution of the environment.

MEMBER OF THE ELITE

As a member of the scientific and technological elite of Soviet society, and as a man with broad intellectual horizons and range of interests, Dr. Sakharov has not been afraid to speak out, even if his views are in conflict with official policy.

In the spring of 1966, as the new Soviet leadership was preparing to convoke the 23d congress of the Communist party, the country was abuzz with rumors that Mr. Khrushchev's successors were planning to rectify his unqualified 1956 condemnation of Stalin's rule.

Academician Sakharov then joined fellow nuclear physicists and other intellectuals in a petition sent to Leonid I. Brezhnev, the new party chief, opposing any planned restoration of Stalin's status. The petitioners said the Soviet people "will never understand or accept" a rehabilitation of Stalin and they warned of a new split in Communist ranks, between the Soviet party and the Communist parties of the West, if such a step were taken.

It is unclear whether the high prestige of the signers and their argument proved per-

suasive, but no dramatic steps to change Stalin's status were taken at the congress in 1966.

Later that year, Dr. Sakharov again joined a group of petitioners, this time to object to a newly adopted decree that made unauthorized protest demonstrations a crime.

Entirely the product of the Soviet period, Andrei Dmitriyevich Sakharov was born May 21, 1921, and was graduated from Moscow University during the war year of 1942. Scarce published biographical data contain no information about his personal life or family background.

He joined the Lebedev Institute of Physics in Moscow, where he earned his doctorate in 1947 while working with Dr. Igor Y. Tamm, a specialist in quantum mechanics who, in 1958, became one of three Russians to share the Nobel Prize in Physics.

Research by Dr. Tamm and his students led in 1950 to a proposal that provided the theoretical basis for controlled thermonuclear fusion—the harnessing of the power of the hydrogen bomb for the generation of electricity for peaceful purposes.

The principle, involving the use of an electrical discharge in plasma (ionized gas) and heat containment by a magnetic field, furnished the basis for much subsequent controlled-fusion research, in which a breakthrough to commercial application is yet to be achieved.

For their work, both Dr. Sakharov and his teacher were elected full members of the Soviet Academy of Sciences in 1953. While Dr. Tamm had held the probationary corresponding membership for 20 years, his young associate moved directly into the highest level of the Soviet scientific elite.

Since 1959, Dr. Sakharov has been associated with Academician Mikhail A. Leontovich in research on the theoretical aspects of controlled fusion.

Dr. Sakharov's work has been publicized in the popular literature. A book for the general reader by V. P. Kartsev, entitled "Stories About Physics," scheduled for publication in Moscow later this year, describes his design for an "explosive-magnetic generator," a device that would produce electricity from an explosion contained by a magnetic field.

Dr. Sakharov was probably influenced in his outlook by Dr. Tamm, himself a candidate and courageous scholar who has attended some of the Pugwash conferences on science and international affairs. The meetings, which brought together scientists of East and West, were named for Pugwash, N.S., a Canadian village where the first conference was sponsored by Cyrus S. Eaton, the Cleveland industrialist.

SENATE RESOLUTION 388—RESOLUTION RELATIVE TO DEATH OF REPRESENTATIVE ELMER J. HOLLAND OF PENNSYLVANIA

Mr. BYRD of West Virginia (for Mr. Clark and Mr. Scott) submitted a resolution (S. Res. 388) relative to the death of Representative Elmer J. Holland of Pennsylvania, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Byrd of West Virginia, which appears under a separate heading.)

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 939

Mr. PASTORE (for himself and Mr. Javits) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. Pastore, which appears under a separate heading.)

AMENDMENT NO. 941

Mr. MUNDT (for himself, Mr. Murphy, and Mr. Young of North Dakota) proposed an amendment to House bill 18037, supra, which was ordered to be printed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO CERTAIN DEDUCTION BY FARMERS—AMENDMENT

AMENDMENT NO. 940

Mr. MILLER. Mr. President, I submit an amendment to H.R. 2767, to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts, a bill which is pending on the Senate calendar.

My amendment is designed tc remove a present inequity in our Federal income tax law with respect to the tax treatment of insurance proceeds received by farmers resulting from the destruction and damage of crops by hail.

Mr. President, the technical problem arises when a farmer produces crops and, quite often, does not sell those crops until the following year. When those crops are destroyed in the same year in which he sells the previous year's crop, under the present tax law, he is required to report and pay tax on the insurance proceeds, which are a substitute for the income from the crops, and the income from the present year's crops in the same year.

If the farmer had not been subject to the vicissitudes of hail, his crops would have been raised and he would have sold them in the following year. There would then have been no doubling up of income.

All my amendment does is to give the farmer the opportunity, where he has consistently followed the practice of selling crops produced in one year in the following year, of avoiding this doubling up hardship.

I trust that the Members of the Senate will recognize this inequity and see fit to agree to my amendment. I propose to call it up at the appropriate time.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

NOTICE OF HEARINGS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, September 12, 1968, at 10:30 a.m., in room 2228, New Senate Office Building on the following nominations:

William J. Holloway, Jr., of Oklahoma, to be U.S. circuit judge, 10th circuit, vice a new position created under Public Law 90–347 approved June 18, 1968.

Lawrence Gubow, of Michigan, to be U.S. district judge, eastern district of Michigan, vice Wade H. McCree, Jr., elevated.

David G. Bress, of the District of Columbia, to be U.S. district judge, District of Columbia, vice Joseph C. McGarraghy.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McClellan], the Senator from Nebraska [Mr. Hruska], and myself, as chairman.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Nebraska [Mr. Hruska] may be allowed to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. I thank the majority leader.

THE TEST OF COURAGE

Mr. HRUSKA. Mr. President, the first 8 months of 1968 produced one of the greatest tests of courage in this century. January saw the first halting step of a small country toward the goal of freedom. As the months passed, Czechoslovakia moved a little closer to its goal, and each month the Soviet Union became more threatening. The test of courage for the Czechs and Slovaks was whether, in the name of human dignity, they could stand face to face with an overpowering foe. The test of courage for totalitarian Russia was whether it dared allow one small country even a taste of freedom Czechoslovakia won that test of courage

The Russians used military force ruthlessly, not to suppress an armed rebellion as in Hungary, but to halt the mellowing of Communist Party rule of a satellite.

Freedom of expression for the Czechoslovak people, in the view of the Kremlin, was the most dangerous threat to the Soviet system. So the armed forces were ordered to crush the modest reform movement of Alexander Dubcek's Communist government.

The world watched the rape of Czechoslovakia. The courage of these people was magnificent. The cowardice of Russia was blatant. The President of the United States announced that the actions of the Soviet Union shocked the conscience of the world. Other countries, including Communist countries and Communist organizations, joined in the condemnation of this brazen act of oppression.

Western Europe, the United States, and the NATO organization were powerless to do little more than offer sympathy, express admiration for the heroic resistance by the Czechoslovak people, and issue statements criticizing the Kremlin.

The Kremlin may have underestimated the fierceness of the resistance of the people of Czechoslovakia, but I do not believe for a moment that these leaders miscalculated the reaction of the rest of the world.

For our own Nation that has thrived in freedom, it is especially painful to see the small spark of freedom's light crushed by the tread of Soviet tanks.

The proclaimed threat to Socialist order that was being put down by military might was the hint of freedom. Newspapers, intellectuals, students, men in the street wanted to be able to talk and think. At its best, the January movement was not fredom as we know it—for example, over 900 specific categories of news were still to be censored in the press. However, it was an important first step in the relaxation of Soviet control.

Here in the United States, in our schools, in our Labor Day speeches, we talk of the spirit of freedom and the drive within men to be free. Perhaps, in this modern cradle of freedom, we have forgotten how powerful a force freedom can be.

There is a lesson we can learn: Freedom, decency, and dignity are incompatible with the Communist system. Russia has not forgotten that freedom—national and individual—is its natural enemy. In the Soviet view, their system was threatened, and they struck fast and hard to preserve it.

The harshness with which the suppression was carried out suggests that there has been little erosion in the historic ruthlessness of Soviet Communist leadership.

DÉTENTE

The brutal suppression of Czechoslovakia not only shocked the conscience of the world; it shocked the policymakers in the White House. A military invasion was, in their reasoning, the one step the Soviet Union could not take because it would threaten all the recent peaceful developments and destroy efforts or pretentions at détente.

For several years, the United States has followed what has been called a policy of convergence. It assumes that as Russia develops and prospers, its interests will converge with those of the western democracies and the United States, and détente will result.

To further this convergence, the United States has gone more than half way in seeking accommodation in many ways including working for East-West trade. No treaty or agreement was too miniscule, because the steps were supposed to lead to peaceful coexistence, as we understand the term, and ultimately even to close friendship.

Sensible men cannot fault such attempts to negotiate peacefully with the Communists. But the degree of reliance placed on the assumptions of convergence in attaining our foreign policy objectives has long been in question.

The subjugation of the Czechoslovak people should force second thoughts on even the most ardent disciples of the theory of Soviet meloriation.

Let me review briefly six major assumptions underlying the United States recent attempts at détente, and let us consider them in the aftermath of Czechoslovakia:

First. The growing independence of Eastern European Communist countries, "polycentricism" as this loosening process is known, has convinced the Soviet Union that it cannot maintain an empire in which its own power is the final determinant.

This tenet of détente has been proven wrong.

Second. The growing demands of Soviet citizens for consumer goods has brought about an economic rationalism in the Soviet economy and forced the country to adopt certain capitalist techniques. It has become increasingly apparent that external aggression and revolution are incompatible with the wants and needs of the Soviet people.

The need of international Communist power dictated external aggression against Czechoslovakia without regard to economic rationalism.

Third. After the years of Stalinist terror, liberalization is the only path which the Soviet Union can follow.

Terror is still an effective weapon in the hands of those ruthless enough to use it.

Fourth. After disappointments in attempting to use Communist ideology, the Soviets have turned to realpolitik in world affairs. They will conduct international relations in terms of enlightened self-interest and settle back into conventional patterns of international politics observed by traditional nation states.

"Enlightened self-interest" this time meant a violent reaction wrought by fear of freedom.

Fifth. Faced with a "China" problem, the Soviet Union has realized the necessity of seeking aid from the West.

Russia deliberately alienated the West in order to control Eastern Europe.

Sixth. The Soviets admitted during the Cuban missile crisis they could not match the strategic power of the United States. Logically, then, Russia must come to terms with the United States.

Strategic power was irrelevant in this crisis, and the Soviet Union continues to ignore the United States and NATO as it threatens Rumania.

Mr. President, the deliberate, indefensible attack on Czechoslovakia has shown each of the premises to be wrong or misinterpreted. The conclusion drawn from them was a miscalculation. Russia has not been forced to follow peaceful ways.

It is these premises, nonetheless, that have guided the détente mentality of our relations with the Soviet Union in recent years. Always fearing to offend, we pursued foreign relations and national security from a position of self-effacing courtesy rather than a position of strength and firmness.

It is under the protective umbrella of détente that we have allowed NATO to deteriorate, that we have redeployed military forces in Europe, and that we have considered substantial troop reductions.

It is under the protective umbrella of détente that our Nation has announced and pursued a program and policy of building bridges from West to East.

On August 20, 1968, it became fatefully obvious that the umbrella was illusory. The premises on which our détente policy was based were swept away when Warsaw Pact troops crossed the borders of Czechoslovakia.

OUR RESPONSE

Mr. President, our policymakers have had a rude shock, and it is time to reevaluate and reexamine their decisions. I urge, therefore, thoughtful and serious review of U.S. policy in two critical areas:

First. A full-scale conference of North Atlantic Treaty Organization foreign ministers and defense ministers should be convened to review mutual defense arrangements in Europe.

Second. Concurrently, the United States must review, in depth, its current policy of bridgebuilding to the Soviets.

The announcement this past weekend that NATO is reviewing defense arrangements is a welcome one. But there was no sense of urgency in that action. The response belies the seriousness of the situation.

I am not suggesting a provocative overreaction by NATO to events in Eastern Europe. I am suggesting that the invasion of Czechoslovakia, the rumored threats to Rumania, and the admitted shift in the balance of power in Eastern Europe requires a response equal to the gravity of the situation.

The policy of silence followed by the administration in the Czechoslovak crisis was obviously ineffective as a deterrent to the Soviet power play. The President's warning not to loose the dogs of war in Europe indicates concern over the continuing crisis. But we must go further and take those nonaggressive steps which will demonstrate the serious view which the United States and its NATO allies take of the actions by the "new" Russia.

NATO's effectiveness must be scrutinized in the light of this most recent Soviet action as a testimonial to Soviet intentions. It ranks alongside the smashing of Hungary, the installation of missiles in Cuba, the underwriting of North Vietnam's war effort, the recent increase in the Soviet military budget, and the building and deployment in new locations of formidable naval power.

The strength or, more accurately, the weakness of NATO military forces apparently gave the Soviets little cause for concern. The Communist armies moved with impunity on Czechoslovakia. They will have similar freedom of action if they decide to punish Rumania.

Cognizance should be taken of the recent buildup of Soviet naval power in the Mediterranean because it has further upset the balance of power in Europe and the Middle East. The Mediterranean is no longer a Western lake. Russia also has made striking gains in the Middle East, where her influence is substantial for the first time in U.S. history.

The nuclear superiority enjoyed by the United States immediately after World War II, and well into the 1950's, is gone. Our nuclear deterrent, although vital, is deterred. The balance of power in Europe now rests with nonnuclear forces. And the Soviets have an abundance of superiority on the ground. Our belief in the theory of Soviet mellowing has debilitated our entire military strategy. Now it appears that NATO must be revitalized.

Strengthening NATO does not mean larger U.S. forces and support. We are contributing our share or more than our share now. It does mean greater cooperation by our European partners.

A reappraisal of NATO should look carefully into the reasons for the lack of enthusiasm in Western Europe for support of this organization for common defense. Has, for example, U.S. strategy made NATO uncreditable in Europe? Did General de Gaulle order NATO forces from France from mere petulance, or did he distrust the strategy that we dictated in NATO? If so, does the credibility gap extend to our other partners? These are questions the answers to which have been made urgent by Soviet actions.

Mr. President, I will not attempt to examine all facets of the need for reevaluation of our foreign policy in the light of our horror over Czechoslovakia. I do not have enough information or resources to carry out an exhaustive examination. But I do feel that the repressive steps taken by the Warsaw Pact nations are a clear and obvious rebuke to those who contend that communism is mellowing. It is in this light that we must review our policy of "building bridges" to the East.

The implication of Czechoslovakia, as well as other Soviet actions, suggest to me that U.S. policy toward Russia in recent years has been based on erroneous assumptions, and has been dangerous to our own best interests.

Seventeen months ago, I argued in this Chamber that the Communist threat to the free world had become greater and not less; that the increased threat was not just military, or political, or economic, but all of these—a strategic threat.

I raise this subject not as a partisan issue. Indeed, both party platforms recognize the real dangers offered by Russia today. The occupation of Czechoslovakia was called by the Democrats "a shocking reminder that we live in a dangerous and unpredictable world. The reimposition of Soviet tyranny raises the specter of the darkest days of the Stalin era and increases the risk of war in central Europe, a war that could become a nuclear holocaust."

The Republican platform, written before the invasion of Czechoslovakia, pledges that:

> Only when Communist nations prove by actual deeds that they genuinely seek world peace and will live in harmony with the rest of the world, will we support expansion of East-West trade.

Candor is necessary to unravel the issues of détente, and without recrimination, I refer to my remarks on the floor of this Senate on March 14, 1967, during the debate on the Consular Treaty. Today, I repeat in part what I said then:

> Basically, the entire matter boils down to how one views the Soviet Union and the international Communist movement today. If the Soviet Union is truly undergoing a period of deep and profound change, and if it is now charting a course of cooperation with emphasis on peace rather than conflict, then those who argue in the spirit of the "detente mentality" for "restraint" on the part of the United States and for expanded East-West trade are entirely correct. If, on the other hand, the Soviet Union has not undergone a meaningful change in terms of its long-range goals vis-a-vis the world, and if it persists in declaring that its ultimate goal is victory over the United States and other non-Communist countries, then the decisions made in the spirit of the detente and in such important matters as expanded East-West trade are wrong and, therefore, endanger in a most meaningful way our national security.

* * * * *

> If we were in fact prepared to pursue, in the most consistent and dynamic fashion certain political objectives vis-a-vis Eastern Europe and the Soviet Union in return for expanded East-West trade, then a very strong case could be made for a cautious and systematic expansion of the trade pattern with those nations. Thus, if we are prepared to make certain precise demands upon those countries which want and need our trade and credits necessary to support that trade, then our objectives should be clearly spelled out to the Congress of the United States and to the American people. Mere expansion of trade without accompanying concrete political goals will come to naught. Only the interests of the Communists will be served if we are not in fact able to achieve the political objectives which the Administration currently promises.

* * * * *

> Far from manifesting good will, the Communists repeatedly underscore their own desire to "win" over us, to defeat us thoroughly, and to see us "buried." The latter statement has been rationalized by those who share the detente mentality as a misunderstanding on our part, or a slip of the tongue by its author, Khrushchev. That such is not the case is clearly indicated by the mountains of evidence which have accumulated in Communist documents and other Communist sources over the past years.

Mr. President, in Vietnam American troops are being killed by Soviet-produced and Soviet-financed equipment.

From Cuba subversion is being exported throughout South America.

In Guatemala City, the U.S. Ambassador John Mein was machinegunned to death by Castroite guerrillas.

In the Middle East, Egypt rearms and Soviet ships ply the Mediterranean.

These are facts about the Soviet Union that must be weighed today.

Czech and Slovak patriots did not achieve freedom for themselves. They did, however, reach up to the Russian giant and strip away the mask of decency and reason. In this nuclear age, we must be willing to negotiate, but let us recognize the ruthless nature of our adversary.

OUR TEST OF COURAGE

In the light of this most recent shock of reality, I call upon the President to request a meeting of foreign ministers and defense ministers of the NATO countries; I call upon the Congress and the administration to reexamine the goals, the premises, and the interpretation underlying our policy toward the Soviet Union.

Just as for a man, it is difficult for a government to admit it was wrong. It is hard to search for realistic peace against a ruthless adversary. Regrettably, the optimists have nearly always been wrong concerning Soviet intentions. The threat has not diminished but has been successively intensified—politically, economically, and now militarily.

This Nation cannot allow wishful thinking to color the facts and obliterate obstacles. We must accept reality. This, Mr. President, is the test of courage for the United States.

Mr. DIRKSEN. Mr. President, will the distinguished Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. DIRKSEN. I wish to compliment the Senator and commend him for this very hard-hitting and forceful statement with respect to the crisis that has been engendered in Czechoslovakia.

I think it is patent now in every part of the world that, little by little, a ferment has developed in the Soviet Union as the people there reach out, not merely for more consumer goods, but also for the chance to express themselves; and the very fact that they have carried on these programs against the authors and the writers of the Soviet Union who speak out freely is the best evidence I can think of as to whether or not the old Stalinist viewpoint is coming back.

The only sin that was charged against Czechoslovakia, certainly, was that Dubcek, their leader, refused to discipline at least 60 editors who were bold and courageous enough to present, all over again, the story of Jan Masaryk, the great Czech hero, on the front pages of their newspapers. When the Soviet demand was made that Dubcek discipline those editors, he very forthrightly refused to do so.

I noticed that of the five items that seemed to be at the base of this matter and its motivation, three of them, certainly, deal with freedom of expression, whether by individuals or by groups, or whether through the publications that are published in Czechoslovakia.

On the heels of this matter comes Rumania and the threat to her freedom. Freedom is an indivisible fabric, Mr. President, and we do have to take account of it. I am glad that the distinguished Senator from Nebraska has suggested that the President now convene our leaders and take a new look at our policy so far as it appertains to the Soviet Union, because if this destruction of freedom can go on, then, of course, freedom is in jeopardy in every part of the world, including the United States of America.

We have those who think that communism is not a threat in this country, and who shrug off and laugh off the suggestions that it is. Mr. President, I went to a lot of trouble and took an awful scolding to carry on and keep alive the Subversive Activities Control Board. I do not know how much I was pilloried in the press and in the letters of people; but I was determined to keep it alive, because it is the only board in the executive branch of the Government that deals with the matter of subversion and our internal security; and if it had done even less than was alleged, I still would have made that struggle to keep it alive.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). The Senator's time has expired.

Mr. HRUSKA. I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. I commend the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the Senator from Illinois for his kind remarks.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. I, too, wish to express commendation to the Senator from Nebraska [Mr. Hruska] for the very forceful statement which he has made about the grave injustice perpetrated by imperialistic Russia upon the Czechoslovak people. I treasure what the Senator has said because I know of his Czech background. Probably more than any other Member of the Senate, Senator Hruska is sensitive to the heartbeat of the Czech people. He knows the ordeals through which they have gone in their history, in the effort to achieve freedom for themselves and other people around the world.

I am especially impressed by certain aspects of what the Senator has just said. He stated, if I may quote from his speech:

> We must go further and take those nonaggressive steps which will demonstrate the serious view which the United States and its NATO allies take of the actions by the "new" Russia.

The Senator further stated:

> But I do feel that the repressive steps taken by the Warsaw Pact nations are a clear and obvious rebuke to those who contend that Communism is mellowing.

I concur with what the Senator from Illinois said a moment ago, that too many in high public office in this country have taken the attitude that we have no cause for fear of Russia.

The Senator from Nebraska further stated:

> It is in this light that we must review our policy of "building bridges" to the East.

Can we, Mr. President, continue telling our people throughout this Nation, "Russia has mellowed, and the communistic world is not a monolithic aggregation of nations"? Should we not rather tell them to dismiss the idea that communism is content to remain where it is, and that we have no reason to be fearful of it?

The Senator has sounded a call to awaken Americans to understand that the maw of communism will never be satisfied until it has attained domination of free people, their souls, and their purposes everywhere, and it does not contemplate sparing the United States.

I now go to the conclusion of the Senator's statement:

> It is hard to search for realistic peace against a ruthless adversary.

We have yielded time and again. We have gone forward under the assumption that there has been a relaxation of Russian hostility to free people. Then the Senator makes the significant statement that "regrettably, the optimists have nearly always been wrong concerning Soviet intentions."

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. LAUSCHE. May we have 3 more minutes?

Mr. HRUSKA. I ask unanimous consent to proceed for 3 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I have been the object of abuse in the Foreign Relations Committee and on the floor of the Senate because I do not believe that Russia has relented.

The argument was made in a discussion in the Foreign Relations Committee that there is no communism in this world, that there is only socialism. It was stated that those governments in the Warsaw Pact with Russia are contemplating only to improve the economic and social conditions of their people.

The distinguished Senator from Illinois [Mr. Dirksen] stated that the crisis was created in Czechoslovakia a brief time ago. I do not agree with him on that statement. The crisis has been with us. It was with us in 1962 when we thought we had triumphed in Cuba by having them pull out their missiles. However, the fact is that Cuban military power was greatly strengthened at that time.

The crisis has been with us. This is merely another incident that demonstrates that the purpose of Russia is to conquer the world.

I commend the Senator for his statement. My own view is that Russia's veto of the action taken by the Security Council revealed the weakness of its position.

I deeply hope that our Government will go to the General Assembly and cause its members to go on record as to whether in the spirit of the United Nations they tolerate the action of one world power descending upon a little nation and telling that little nation: "You shall not think. You shall not speak. You shall not pray except in conformity with the dictates that come from on high, out of Russia."

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may have an additional 5 minutes, during which time I shall yield to the distinguished Senator from Iowa, the ranking minority member of the Committee on Foreign Relations.

The **PRESIDING OFFICER** (Mr. Lausche in the chair). Without objection, it is so ordered.

Mr. HICKENLOOPER. Mr. President, I shall not take a great deal of the time of the Senate. I commend the Senator most highly for presenting not only a well organized but also a most perceptive analysis of the situation in which we find ourselves.

Many people have been saying for years that Russian imperialism has not changed in the slightest, that only the raiments, the approach, and the propaganda have changed from time to time. However, this travesty recently committed in Czechoslovakia indicates that when a country or an area over which the Russians have taken control deviates in the slightest from the basic principles of Socialist imperialism laid down by Russia, Russia then moves, if it possibly can, to squelch the freedom that is being developed in that country.

I think the six points developed by the Senator from Nebraska should be taken to heart by every American. I certainly urge the reading of his remarks not only by every Member of Congress, but also by every citizen of our country that has access to the Congressional Record.

There are those in this country who keep preaching that there is a detente of sorts in existence now between our country and Russia. Nothing could be further from the truth. There is no more intention on the part of the Russians to accommodate themselves to an association with civilized freedom than there ever has been. Their purpose has been world dominion, and it continues to be world dominion. Every so often their fangs show, as they did in this travesty involving Czechoslovakia.

I know the world grieves about this matter. But public opinion has very little effect on Russian imperialism. The truth of that statement has been shown from time to time. It is only the opinion within the Russian orbit itself that, I think, may eventually have some effect on Russian attitude. The opinion of democracy means nothing. The attitude and public opinion of the free nations of the world have no real effect on them. They could not care less, and they have proven that so many times.

I only hope that a great many of the people who are saying that we should soften our association with NATO and build bridges with Russia will realize their mistake.

Successful building of bridges depends upon the solid foundation of each abutment. If we have a solid foundation at our end of the bridge but the foundation on the other side, in the Socialist country, is based upon quicksand, we have no bridge and no comity of action or approach.

I again congratulate the Senator from Nebraska on his very able presentation and on his perception.

Mr. HRUSKA. Mr. President, the Senator speaks from a long background in the field of international affairs. I am very grateful to him for his fine remarks.

Mr. BYRD of Virginia. Mr. President, I concur in many of the remarks just made by the distinguished Senator from Nebraska and the distinguished Senator from Iowa. The world was shocked at the invasion of Czechoslovakia by the Soviet Union.

I was in Czechoslovakia several years ago, and I have a warm feeling for the people of that land.

It was 30 years ago, in 1938, that Czechoslovakia was sold down the river by the leaders of four great nations. Then, 20 years ago, in 1948, as a result of a coalition government, the Communists were permitted to take over that fine little country. Now again, in 1968, the heavy, mailed might of the Soviet Union is running roughshod over the people of Czechoslovakia.

Mr. President, the Soviet Union is doing great damage in Europe. However, it is also doing great damage in the furnishing of supplies to the North Vietnamese who, in turn, are causing great casualties to the American troops.

Mr. President, for more than 3 years now I have been, almost every week, inviting attention to the casualty figures.

This past week, the U.S. troops in Vietnam suffered 2,921 casualties. Mr. President (Mr. Gore in the chair), during the first 8 months of 1968, January 1 through August 31, the United States suffered 83,533 casualties.

The significant part of this, to me, is that of all the casualties we have suffered in Vietnam, 41 percent have occurred during the first 8 months of 1968—namely, January 1 through August 31. We have been engaged in Vietnam, in one form or another, approximately 7 years, but we have been heavily engaged there for more than 3 years. Yet, during the first 8 months of 1968, we suffered 83,533 casualties, which represents 41.6 percent of all the casualties we have suffered during this war.

In that connection, Mr. President, during the same 8 months, January through August, the number of free-world ships going into the ports and harbors of North Vietnam totaled 98.

The figure of 98 free-world ships going into the North Vietnamese ports during the first 8 months of this year compares with a total of 50 ships which went into those ports during the first 8 months of 1967. So we can see that the amount of free-world shipping going into the North Vietnamese ports has practically doubled during 1968.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. LAUSCHE. Can the Senator state the nations whose ships are going in there? Which are the principal participants?

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. BYRD of Virginia. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. I shall be glad to supply those figures.

During this 8-month period, January through August, a total of 98 ships carried cargo into those ports. Of those 98 ships, 77 flew the flag of Great Britain. These 77 ships, 77 ships flying the flag of Great Britain, which carried cargo to and from the North Vietnamese ports during the first 8 months of 1968, compare with 41 ships flying the British flag which carried cargo to those ports during the first 8 months of 1967.

Here, again, we see that the number of ships going into the enemy port of Haiphong has almost doubled during the first 8 months of this year compared with the same time last year.

Is there any wonder that our casualties are increasing?

Is there any wonder that more and more Americans are being killed and wounded? Forty-one percent of all the casualties we have suffered during the Vietnamese war have occurred during the first 8 months of 1968.

It seems to me, Mr. President, that while the peace talks are going on in Paris—and certainly we want to do everything possible in the way of negotiations and in the way of discussions in an effort to bring the Vietnam war to a conclusion—we must not let the troops in Vietnam become the forgotten men.

I submit that these casualty figures—2,921 killed and wounded last week—suggest that we are permitting our troops to become the forgotten men. We are being lulled into a false sense of security and as a result we are suffering heavier casualties.

VIOLENCE IN CHICAGO

Mr. MOSS. Mr. President, with many of my Democratic colleagues, I spent most of last week in Chicago at our national convention. A celebrated former Senator and a distinguished Member of this body were nominated to head our ticket. But these nominations seem to have been overshadowed by the public outcry over the television reporting of the proceedings and of the confrontation outside between the police and the collection of just plain observers, the protesters, and the troublemakers.

Some reporters from my hometown press have strong opinions on this matter, and I have in my hand three columns which I submit for the information of the Senate. I call attention particularly to the column by Dan Valentine. I do so because the title "Nothing Serious" implies that this is a humorous column. Dan ordinarily writes in a humorous vein. I do not believe he has written more than three columns of straight serious comment in a decade. But this time his report is straight and serious, and it comes from personal observation at the convention. The column by Gordon White also comes from personal exposure in Chicago.

I ask unanimous consent that these two columns and a column by Harold Schindler be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

NOTHING SERIOUS

(By Dan Valentine)

I return from five days at the 1968 Democratic convention in Chicago disenchanted, disappointed . . . and with a deep feeling of despair.

I have seen the sleaziest element of our unthinking youth, manipulated by professional rabble rousers, defy all standards of decency—while adults cheered them on.

The real heroes of the Democratic convention in Chicago are the thousands of Chicago police officers—who laid their lives on the line for unholy stretches of time to maintain law and order.

And let's praise the soldiers of the National Guard units who stood strong against the barrages of vile language and tasteless actions of the "Hippies" and the "Yippies."

Yet, thanks to biased, emotional, undisciplined electronic reporting, the police officers and National Guardsmen have been pegged as the villains of this unsavory chapter in American history.

Television, by its very nature, has only one eye. Because it is essentially show business, and not a news media, it can show only the dramatic end-results of what is taking place.

TV viewers were treated to segments of young "Yippies" demonstrating in Chicago being dragged and kicked while being arrested.

But the other side of the story is not shown—the provocation!

IT WORKED LIKE THIS:

For stretches of three and four hours at a time police officers and National Guardsmen stood silent and stolid facing the "Yippies." The police were stoned and mauled. Their authority was flouted. Obscene taunts were yelled at them by thousands of young malcontents.

Finally, after hours of this, a youth races up to a police officer and slashes at him with his foot—on the edge of the shoe is a sharp razor blade. To protect himself, the police officer subdues the youth. This is the part filmed by the TV reporters and flashed on the air—just the incident of the youth being arrested—not the provocation!

In another isolated incident, a "Yippie" throws a brick at the head of a young police officer. The police officer is taken to the hospital. In retaliation, other officers drag the youth to a police van.

The TV cameras shoot the segment of the youth being dragged to jail. But no picture of the police officer hit on the head by a brick.

The TV newsmen interview the poor lad in jail . . . and he relates how the police were brutal to him. But the TV cameras do not interview the injured police officer in the hospital.

To make things worse, these sequences of so-called brutality, are shown over and over again to the TV viewers across the nation—creating an unfair sympathy for the "Yippies."

When I left Chicago Friday afternoon, more than 50 Chicago policemen were hospitalized with wounds from bouts with the the "innocent young people" protesting for a better world. Two Chicago policemen reportedly had lye thrown in their faces by "Yippies."

An innocent woman was hit on the head by a glass thrown from a top story of the Hilton Hotel . . . Most of the lobbies in major Chicago hotels were made unbearable by the throwing of "stink" bombs by the young hoodlums.

One of the "cute" devices used by the protesting youths who keep shouting for a better America was to fling a large potato into a group of policemen or National Guardsmen. Sticking out of the potato are several razor blades, the sharp sides pointing out . . .

Chicago's Mayor Daley has been labeled "a Hitler" for his tough police enforcement during the convention. But without it, the city would have been riot-torn. And perhaps the rest of the nation, too.

The long-haired hoodlums had vowed publicly to "tear-up Chicago" . . . The police kept them from doing it. That's their job.

The 1968 Democratic convention in Chicago is an ugly chapter in the saga of the United States. It will be a long time before the bad taste is out of America's mouth.

ANOTHER SIDE TO VIOLENCE IN CHICAGO

(By Gordon Eliot White)

CHICAGO.—The Democratic Party and Mayor Richard J. Daley of Chicago took a partly bum rap here on charges of racism and Gestapo tactics during the nominating session Wednesday night.

National television coverage of the riot areas was so restricted that only the final stages of the protest could be shown, when some Chicago police had lost their self-control and were using their nightsticks freely in a confused melee.

Earlier, thousands of Yippies had charged into police lines with rocks, sticks, and bottles flying. In a rapidly shifting pattern, the protesters had outflanked the police and National Guardsmen to get into the downtown Loop area across an unguarded Chicago River bridge.

What was shown on television in the International Amphitheatre consisted of scenes of helmeted Chicago police beating the demonstrators as they attempted to load them into paddy wagons, plus shots of the police using chemical Mace and tear gas on crowds, some of which were only bystanders. Some film footage showed the police working over reporters and cameramen.

There was, clearly, some brutality by the police, who finally attacked almost anyone in the riot area.

At the same time, bitterly disappointed backers of Sen. Kennedy, Sen. McCarthy, Sen. McGovern and Rev. Channing Phillips turned the rioters downtown into a symbol of their own defeat.

Even though the police lost control at the climax of the riot, when the demonstrators had moved within range of cameras at the Hilton Hotel, the television film could not show the hail of bottles, rocks and caustic solutions being tossed by the rioters, nor the water glasses being dropped on police from windows in the Hilton itself.

The police clearly made serious mistakes in beating newsmen and bystanders, and their strategy was faulty: If the bridges into the Loop area had all been blocked, only a few score of the rioters would have been able to confront the police at the Hilton.

Also, the police several times hemmed in groups of relatively passive demonstrators who appeared to panic and try to break through the police lines. Crowd dispersal tactics generally call for leaving open an avenue of escape through which demonstrators may be channeled harmlessly away.

But the Hippies were not innocent. They tossed stinkbombs into the Hilton and the Palmer House and other Loop hotels, broke scores of windows, smashed police car windshields, and themselves manhandled many bystanders.

The militants—nearly all of them white—appeared to oppose the war in Vietnam, but did not back any of the Democratic candidates. At one point earlier in the week they had threatened to mob Sen. McCarthy in the Hilton, and jeered him as a Fascist, finally chanting Ho Chi Minh, Ho Chi Minh, Ho Chi Minh, at the Minnesota senator.

Yippie publications bitterly wrote off McCarthy, McGovern, and even Sen. Kennedy as members of the "establishment" who had voted for military spending bills in the Senate.

At two points the police called in National Guardsmen, who stood shoulder to shoulder with fixed bayonets on their weapons. The appearance of the guard in late afternoon quieted the demonstrations, which later resumed when the guard was withdrawn. The troops returned after midnight and quickly restored order at the Hilton.

The Yippies had threatened violence in Chicago for weeks, and had trained their cadres in guerrilla tactics in Chicago parks. Led by Tom Mayden, of the Students for the Democratic Society, David Dellinger, a self-described Communist who headed the 1967 march on the Pentagon, and Jerry Rubin, of the Youth International Party, the protesters were carrying out what Staughton Lynd has called the "politics of confrontation."

The liberal wing of the party threw the disturbances at Mr. Humphrey's supporters all night Wednesday, attempting to hang "police state," "Gestapo," and "mindless brutality" tags on their party's nominee. Humphrey opponents spoke of "racism," and an "aura of suspicion" as though the Vice President were responsible for the demonstrations, the police tactics, and all else that the liberals objected to.

Some of the beaten newsmen may have been mistaken by police for rioters. Large numbers of cameramen, from both national media and the Hippie press, plus some reporters, have been covering the convention in tattered old cloths, sandals, and long hair that could easily be mistaken for Hippie attire. Some, at least appear to have actually taken part in the rock-throwing, though at least 35 legitimate accredited reporters were beaten in Tuesday's and Wednesday's rioting.

CONVENTION COVERAGE: WHAT REALLY HAPPENED?

(By Harold Schindler)

The International Amphitheatre is empty, the last gavel has sounded, and while Hippies and Chicago police lick their wounds perhaps this is the time—here in the Demilitarized Zone—to pause for a more penetrating look at television's coverage of the Democratic National Convention.

Millions of stunned Americans watched last week as the convention and its accompanying scenes of violence unfolded before their eyes. But now, after sober reflection, many of those viewers are wondering just exactly what it was they did see, for reports filed out of Chicago during the weekend are beginning to paint a substantially different picture than the one which dominated living rooms screens five days ago.

More disturbing than the incidents themselves is the nagging notion that much of the convention confusion and police confrontation with demonstrators—both on the floor and beyond the Amphitheatre's doors—may have in a large part been brought about by the presence of television.

(Sunday night the networks denied an allegation by Chicago police that militant demonstrators had been able to learn beforehand the location of television cameras outside convention hall.)

Since its appearance 20 years ago, commercial television has been considered an entertainment medium; an industry which accepts or discards programs solely on the basis of rating, with an almost fierce disregard for quality.

For weeks the political conventions have been a source of heated competition between the Big Three, each network scrambling for viewers. NBC alone budgeted seven million dollars for the Miami Beach and Chicago sessions, exclusive of regular schedule preemptions and the resultant loss of sponsor money.

With that kind of cash at stake, the networks went all out to enliven Chicago coverage rather than risk a repeat of the GOP convention, described by Vice President Humphrey as "a wake."

Once on convention floor, harried network reporters, admittedly rankled because Chicago Mayor Daley had restricted their numbers, flagrantly created, nurtured and mongered rumors among the delegates while anchormen treated these manufactured myths as legitimate leads.

One video reporter nailed a delegate with this pertinent query: "And you're here on the floor for what purpose, Senator?"

To which the bemused Democrat responded. "Frankly, Dan, I came down because you asked me."

"Of course," said the reporter.

That delegates were taking advantage of the TV situation became obvious as the convention continued. United Press International writer Robert Musel wondered, "Since most other delegates had gone to dinner, would the New York delegation mixed choir have continued singing and swaying as long as they did in the emptying amphitheatre if the cameras had stopped?"

Efforts to sustain coverage from gavel-to-gavel reached a low water mark when actress Shirley MacLaine, attending as a delegate, twittered, "I keep abreast of what's happening on my little TV set over there."

David Brinkley solemnly confided that "nameless, faceless men" were dogging his floor reporters, eavesdropping on interviewers. "We don't know who they are," he said. And on CBS Walter Cronkite noted the convention was being conducted "in a police state."

For a man anchored to one spot during the entire proceedings, he editorialized more than homeviewers would have dared with the facilities of all three channels and newspaper coverage available to them.

Through it all the networks had a single overrriding concern—one best summarized by this lead paragraph from a publicity release:

"NBC News' television coverage of the four days of the Democratic National Convention attracted a national audience 16 percent greater than CBS-TV's convention coverage and beat ABC-TV's combination of entertainment convention by 17 per cent during the 20½ hours of coverage estimated by National Arbitron (a rating service)."

Would you believe that single sentence is worth seven million dollars?

QUESTIONS AND ANSWERS ON THE NATIONAL GUN CRIME PREVENTION ACT—THE TYDINGS BILL

Mr. MANSFIELD. Mr. President, along with 17 other Senators, I have joined the distinguished Senator from Maryland [Mr. TYDINGS] in introducing S. 3634, the National Gun Crime Prevention Act, which provides for firearms registration and licensing. To answer the questions most frequently asked about the National Gun Crime Prevention Act, I have, with the assistance of Senator TYDINGS, prepared a brief document entitled "Questions and Answers on the National Gun Crime Prevention Act," which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ON THE NATIONAL GUN CRIME PREVENTION ACT

INDEX OF QUESTIONS AND ANSWERS

1. What is the National Gun Crime Prevention Act?
2. Why not just enforce existing state gun laws?
3. Congress just passed a gun law. Why do we need another?
4. Are registration and licensing proposals merely steps toward confiscation of all firearms?
5. Aren't registration and licensing bills actually just taxation measures?
6. Are registration and licensing constitutional?
7. What will the National Gun Crime Prevention Act cost the gun owner?
8. How does registration work?
9. Must every firearm be registered?
10. Would private firearms sales be registered too?
11. Doesn't registration impose a burden on the law-abiding?
12. But won't criminals refuse to register their guns?
13. Must an owner of several guns register each of them?
14. What about weapons which have no serial number?
15. What about antiques?
16. How does licensing work?
17. How about my son under 18 years old? Could he still hunt and shoot?
18. What's the difference between registration and licensing? Do we need both?
19. Must every gun be separately licensed?
20. Would there be any discretion to deny a license?
21. Won't criminals get guns anyway?
22. Why not just punish gun crimes more severely?
23. What about the argument that "guns don't commit crimes, people do"?
24. What about the argument that "No dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms?"

1. *What is the National Gun Crime Prevention Act?*

The National Gun Crime Prevention Act is a bill introduced by 19 Senators to help detect and deter gun crime. It provides for registration of all firearms and licensing of all firearms owners and ammunition users. It encourages state action by providing for state pre-emption of the federal law. Where a state enacts its own registration and licensing law, the federal law would not apply. Where a state fails to act to protect its own citizens, the bill would provide a minimum floor of federal protection in that state.

Registration of all firearms will give the police the means to quickly trace guns used in crime to their owner.

Licensing of gun users will weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age should not be entrusted with a gun in the first place.

2. *Why not just enforce existing state gun laws?*

Most states' gun laws are totally inadequate to protect their citizens. Many states have practically no gun laws at all, eight states have no law against felons buying firearms. In 35 states lunatics can legally own guns. Only 3 states require a license to own or possess a gun.

Most state gun laws are either obsolete or meaningless, such as a Texas law forbidding carrying guns in a saddlebag, except when you are traveling, Vermont's law forbidding schoolchildren to have guns in the classroom, or Arkansas' law forbidding using a machine gun for offensive purposes. Clearly, existing state firearms laws are totally inadequate to protect the public.

3. *Congress just passed a gun law. Why do we need another?*

The law Congress enacted as part of the Omnibus Crime Bill in June was a watered-down compromise which, while worthwhile, for practical purposes only requires that pistol purchases be made in the purchaser's home state. The new law does make it illegal to transport or possess a gun if you are under indictment, a fugitive, a felon, an adjudged mental incompetent, an illegally entered alien, have renounced U.S. citizenship, or have been dishonorably discharged from the armed forces, but provides no means to actually prevent such persons from making firearms purchases.

The provisions of the Omnibus Crime Bill do *not* provide any way to trace a gun lost, stolen, or used in crime. They provide no way for gun dealers to determine whether the man they are selling to is who he says he is, does not intend to use the gun in crime, is not a felon, addict, or mental patient or otherwise disqualified from gun ownership. These dangerous people can still get guns by simply lying.

To make the law passed in June enforceable, we need firearms registration and licensing. Firearms user licensing would prevent criminals, addicts, lunatics, and juveniles from purchasing firearms, and registration would help find them if they used a gun in crime.

4. *Are registration and licensing proposals merely steps toward confiscation of all firearms?*

Certainly not. Firearms ownership and use by law-abiding citizens is a healthful recreation and does not contribute to the gun crime problem. But we urgently need adequate records of gun ownership to help trace guns used in crime to their criminal users. Registration of all firearms is the only way to gather these records. And we urgently need to deny access to firearms by criminals, addicts and mental incompetents. A licensing system, in which all law-abiding citizens automatically are entitled to licenses and all criminals, addicts and mental incompetents are automatically denied licenses, and which punishes purchase, possession or use of a firearm without a license, will severely inhibit criminal access to guns.

Those who oppose reasonable firearms control because they fear "confiscation" should be much more concerned that the rapidly rising gun crime rate may well lead to public demand for confiscation if reasonable measures to stem the gun crime rate are not taken now. The threat of confiscation arises not from reasonable action to stem the gun crime rate, but rather from no action at all.

5. *Aren't registration and licensing bills actually just taxation measures?*

No. The National Gun Crime Prevention Act contains no fee at all for either licensing or registration. It would be paid for out of the general revenues. Direct controls against criminal access to guns and good records for tracing guns used in crime—not taxes—are the best way to control the gun crime rate.

6. *Are registration and licensing constitutional?*

Yes, without question. Here's what the Library of Congress says about the National Gun Crime Prevention Act and the Second Amendment's "right to bear arms"; "From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control are not subject to any serious Second Amendment challenges." (Library of Congress Study UC460B, 450/77 A–251: "The Second Amendment as a Limitation on Federal Firearms Legislation," July 8, 1968)

The U.S. Attorney General has stated: "A federal system requiring the registration and licensing of firearms is a necessary and proper means to two legitimate legislative goals, the regulation and protection of interstate commerce and the preservation of the peace of the United States . . . it is within the power of Congress to enact."

The bill also contains a special provision, Section 935(c), to conform to recent Supreme Court decisions (*Haynes* v. *U.S.*) dealing with the Bill of Rights provision on self-incrimination.

7. *What will the National Gun Crime Prevention Act cost the gun owner?*

The bill imposes no fees. The operation of the licensing and registration system proposed by the National Gun Crime Prevention Act would be paid for out of the general tax receipts of the country. As a law enforcement and public safety measure, the cost of the Act should be borne by all citizens. As originally introduced, the Act did provide a $1 fee for licensing and registration, but this provision has been deleted.

8. *How does registration work?*

A gun owner simply sends a law enforcement agency the makes, models, and serial numbers of his guns and his own name and address. It can be done completely by mail. Then, when a lost or stolen gun is found, its true owner can be discovered and his gun returned to him. If a gun is found at the scene of a crime, its last known owner can be quickly traced. When a suspicious character is arrested with a gun in his possession, its ownership can be quickly determined. If the gun has been stolen or is unregistered, the suspect can be booked for possession of stolen goods or possession of an unregistered weapon.

If a state enacts its own registration law, guns would be registered with whatever state agency the law designated. If the state failed to act, guns would be registered with the federal government.

9. *Must every firearm be registered?*

Yes, otherwise many guns lost, stolen, or used in crime could not be traced.

10. *Would private firearms sales be registered too?*

Yes. All firearms transfers, by dealers and private persons, would be registered so that up-to-date records of actual gun ownership could be maintained.

11. *Doesn't registration impose a burden on the law-abiding?*

Not a significant one. Everything can be done by mail on a form like this:

FIREARMS REGISTRATION FORM

Name: ----------------------------------
Address: -------------------------------
Firearm:
  Make: --------------------------------
  Model: -------------------------------
  Serial #: ----------------------------

The registration would be free and permanent. No fees. No renewals.

12. *But won't criminals refuse to register their guns?*

Some criminals may refuse to register their guns and risk being jailed for having an unregistered gun. But any suspected criminal found with an unregistered weapon can be jailed on that charge alone, *even if no other crime can be proved.* So it will become very risky for a criminal to have an unregistered weapon.

13. *Must an owner of several guns register each of them?*

He must supply the make, model, and serial number of each, but could do so for all his guns on a single form.

14. *What about weapons which have no serial number?*

The bill provides that firearms dealers can imprint serial numbers on such weapons for identification purposes.

15. *What about antiques?*

No firearm manufactured prior to 1898 is covered by the bill.

16. *How does licensing work?*

Licensing is simply a way of denying fugitives, criminals, addicts, and mental defectives access to firearms and ammunition. Every purchaser, possessor, or user of firearms or ammunition would have to have a license, except for juveniles with their parents' consent and hunters or sportsmen who have borrowed a weapon for temporary use.

To get a license, you would simply submit a statement affirming that you are over 18, have never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that you are not under indictment or a fugitive, and are not otherwise prohibited by law from obtaining a weapon. In addition, you would supply a physical description like that required for a driver's license and proof of identity (in the form of a draft card, driver's license, social security card, etc.).

If a state enacted a licensing law, the statement and identification would be supplied to whatever agency the state prescribed, but if the state does not act, then to any federal firearms dealer. The entire transaction could be conducted by mail.

Issuance of licenses would be automatic to all law-abiding ctlizens, without any discretion on the part of the issuing officer. Denial of a license would be automatic in the case of felons, fugitives, adjudged alcoholics addicts and mental incompetents, and those under 18.

17. *How about my son under 18 years old? Could he still hunt and shoot?*

Yes, definitely. Although he could not own a gun in his own name, the bill expressly provides that he will be able to hunt and shoot with his parents' consent.

18. *What's the difference between registration and licensing? Do we need both?*

Registration is a means of tracing guns used in crime. *Licensing* is a means of reducing the gun crime rate itself by denying access to guns by known criminals, addicts, and mental defectives. *Registration* is a means to *solve* gun crime once it has been committed. *Licensing* is a means to *prevent* gun crime from being committed in the first place.

19. *Must every gun be separately licensed?*

No. Firearms purchasers, owners and users are licensed, not the guns themselves. The purpose is to deny licenses to criminals, addicts and mental defectives.

20. *Would there be any discretion to deny a license?*

Not where the federal law applies. If the applicant is not under indictment, or a fugitive, a felon, an adjudged addict, alcoholic or mental incompetent, or under 18, the license must be issued. The state could establish a different system, if they wish, just as they can today.

21. *But won't criminals get guns anyway?*

If a licensing law were in effect a criminal, addict, or mental defective could not legally purchase, own or use a gun, because he would not be entitled to a license. Thus, lawful channels of purchase would be cut off to him. Today they are not.

Today, in most states, criminals, addicts and idiots have access to guns on the same basis as the law-abiding. Even if, after enactment of the National Gun Crime Prevention Act hard-core criminals may be able to get some guns, the small-time but frequently deadly crook who holds up liquor stores, bus drivers and filling stations or housebreaks will find it much harder and much riskier to possess a gun.

No one claims gun laws are airtight or foolproof. The question is whether we should do what we can to detect and prevent gun crime or continue to do nothing, as we do today.

22. *Why not just punish gun crimes more severely?*

Heavier penalties for gun crimes already exist, but haven't answered the gun crime problem. Armed robbery is a more serious offense than simple robbery; aggravated assault is more heavily punished than simple assault. Murder is the most heavily punished crime of all. Yet the commission rates of all these crimes are climbing intolerably. Armed robbery increased from 42,600 crimes a year in 1964 to 71,000 in 1967; aggravated assault by gun from 27,700 cases in 1964 to 55,000 in 1967; murder by gun from 5,000 in 1964 to 7,700 in 1967.

Gun crimes should be more heavily punished. But clearly, heavier penalties do not answer the gun crime epidemic. They do not help solve gun crimes, as registration would. They do not prevent criminal access to guns, as licensing would. They do not bring gun crime victims back to life, repair their wounds, or return their property. Only disarming the criminal can do that.

23. *What about the argument that "guns don't commit crimes, people do"?*

Of course, guns don't commit crimes, but *people using guns certainly do*. People using guns last year alone robbed 71,000 Americans, assaulted 55,000 Americans and murdered 7,700 Americans. People using guns murdered John Kennedy, Martin Luther King, and Robert Kennedy, along with more than 25,000 other Americans between 1963 and 1967.

24. *What about the argument that "No dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms?"*

That argument does not hold water. It is unsupported by fact and refuted by history. For example, regarding the German occupations of Europe, the Library of Congress has concluded:

"We can make no positive correlation between gun laws and dictatorships, as the following examples will show.

"First, four countries were examined which are democracies now, but in recent history came under Nazi dictatorships (Germany, Italy, France, and Austria). One may reasonably assume that if gun registration laws constituted a primary factor in the rise of dictatorships, these countries would have since revised their laws to prevent future dictatorships. This has not been the case. The four countries today have substantially the same gun laws as those in force prior to the advent of dictatorship. In fact, in Italy, where gun laws were relaxed by Mussolini, they have recently been restrengthened approximately to their pre-Mussolini level.

Secondly, two democracies were examined which have not suffered dictatorships in their recent history (England and Switzerland). Switzerland has had gun registration laws since 1874, England since 1831.

* * * * *

"It would be inaccurate of course to suggest that a dictatorship would be unconcerned about the possession of firearms by its populace. Nevertheless these few examples would seem to indicate fairly conclusively that there is no significant relationship between gun laws and the rise of dictatorships at least in these countries."

TRIBUTE TO SENATOR HILL

Mr. SPARKMAN. Mr. President, a recent issue of the Tennessee Valley Public Power Association News contained an editorial saluting Alabama's retiring senior Senator, Hon. Lister Hill, and his identification with the Tennessee Valley Authority during all of the years of the life of TVA. The editorial recalled that Senator Hill, who was then a Member of the House, coauthored the TVA Act which was signed into law by President Roosevelt on May 18, 1933. The editorial is a fitting tribute to one whose congressional efforts have meant so much to the Tennessee Valley. I ask unanimous consent that the editorial may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Historic Hearing

An era in the development of the Tennessee Valley and TVA came to an end last month.

It appeared to be a routine hearing on the 1969 TVA budget before a subcommittee of the Senate Appropriations Committee.

But this hearing had significance far beyond the TVA budget request for the new fiscal year. It marked the final appearance of U.S. Senator Lister Hill as Chairman of the Appropriations Committee subcommittee on TVA matters.

Senator Lister Hill is not running for reelection. His term as Senator expires before the next Congress goes to work.

And when he is no longer in the Congress, TVA will have lost the best friend it ever had. This is a broad statement, because TVA has had—and still has—many knowledgeable, capable Senators and Congressman supporting its multipurpose program. But close observers agree that no member of the Congress has done as much for TVA as Senator Lister Hill.

There was no major production made of the fact that the June 28 hearing was the last TVA hearing at which Sen. Hill would preside. TVA Board Chairman A. J. (Red) Wagner and Board Member Frank Smith paid brief tributes to the Senator, who responded by thanking them "for those kind and gentle words."

Red Wagner said there were developments all over the Tennessee Valley which stood as tributes to Senator Hill and his work. Director Smith said that few things in American government could equal Senator Hill's leadership on TVA matters.

But Wagner and Smith knew full well that they had not adequately stated the significance of Senator Hill's years of work in behalf of TVA. It was impossible, with ordinary words, to do so.

It was typical that at this appropriations hearing Senator Hill was asking probing questions about the need for added funds for TVA's fertilizer and chemical facilities at Muscle Shoals. The smile, the gentle manner and voice, the occasional "uh-wuh" as he searched for the exact word he wanted—these were familiar to those who have attended TVA hearings over the years. And the Senator displayed his usual vast knowledge of TVA and its programs.

But with Lister Hill it was more than knowledge. With him it was understanding. He knows, more than any other member of the Congress, why TVA carries on its multipurpose program of water and power and resource development.

He should know why. He was—with Nebraska Republican Senator George Norris—a co-author of the TVA Act, signed into law on May 18, 1933 by President Franklin D. Roosevelt. He was a member of the House-Senate conference committee which threshed out the final specifics of the TVA Act; and today he is the only member of that important conference committee still serving in the Congress.

He once said:

"In TVA we tried something new and bold. The heart of the concept lies in the fact that for the first time in the history of Federal legislation Congress accepted the unity of nature. For this one river basin the interrelationship of land and water, of trees and pastures, of men and nature, was recognized in a Federal statute."

"We gave one agency responsibility to inaugurate a total program committed to the full development of all nature's resources for all the people."

On May 18 of this year, TVA completed its 35th year.

During every one of those years, Lister Hill has been in the Congress—as a member of the House, and, since 1938, as a U.S. Senator. He helped write the TVA Act . . . he fought, year after year, to keep TVA moving ahead, to help it fight off its powerful enemies . . . he used his great prestige and influence, time after time, to pull TVA out of a legislative problem . . . he was the moving spirit and inspiration on TVA for new members of the Senate and House who turned to him for guidance.

Next May 18, when TVA observes its 36th birthday, Lister Hill will not be in the Congress. And TVA will, it deserves repeating, have lost its best friend.

For Senator Hill and for TVA, this should be an occasion for celebration, not sadness. For Senator Hill, there is a record unparalleled in American history in support of his unique Federal agency. A plaque on his office wall from the Tennessee Valley Public Power Association makes some small attempt to give him credit.

But the real credit, over the years, will be—as TVA Chairman Wagner put it—the developed resources, the controlled floods, the low-cost power, the growing, thriving region—all tributes to the genius and the dedication of this brilliant, mild-mannered gentleman from Alabama.

The Tennessee Valley salutes its greatest TVA statesman.

WYOMING RANCH WIFE "TELLS IT LIKE IT IS"

Mr. HANSEN. Mr. President, in these times of depressed prices for America's livestock producers, many persons and organizations have presumed to speak or write at length about the causes of this worsening situation.

Cattle producers themselves know their problem and what causes it, but because they comprise such a small portion of the country's population, their voice is usually lost in the din from the consumer and from others who seek to advise the world about the cattle industry.

Every now and then someone comes forth with a hard-hitting, right-to-the-point explanation of the reasons for low income to cattlemen and the ties that bind the consumer and the producer.

Such an explanation was recently presented to a group of women consumers by Mrs. James May, of Laramie—the articulate wife of a cattleman in my State of Wyoming.

In comments directed at "Mrs. American Housewife," Mrs. May bridged that mysterious gap between the beef grazing on the range and the beef sizzling on the patio barbeque grill.

In "straight from the hip" language, she told the housewives why it would be to their benefit to know the facts about cattle production and income and why factors which hurt the livestock industry, such as inflation, have a direct bearing on the price of food.

Noting that the double-edged sword of inflation cuts into the already low income of the producer, while adding to the food costs of the consumer, Mrs. May said:

> . . . Let's go where the action is to protest—not to the supermarkets, but to Washington, D.C., where inflation should be attacked.

Mr. President, I ask unanimous consent that Mrs. May's excellent speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A SPEECH BY MRS. JAMES MAY OF LARAMIE, WYO.

There is an old story that says you can't kill a frog by dropping him in boiling water. He reacts so quickly to the sudden heat that he jumps out before he is hurt. But if you put him in cold water and warm it up gradually, he never decides to jump until it is too late. By then he is cooked! People are just as foolish. Take away their freedom over night and you have a violent revolution. But steal it from them gradually (under the guise of "security," "peace," or "progress") and you can paralize an entire generation. Look at the income tax. It started with a harmless sounding 1%. It would have been easy to have jumped out of water as warm as this, but like the frog, we waited while it climbed ever higher. Try jumping now!

Worst of all we never learn. Even today we cannot believe that Medicare is the same warm water that will one day boil us in socialized medicine. We see no connection between farm price supports and nationalized agriculture. And if we draw a parallel between subsidized teachers' pay and federal control of education, we are called "extremists." The tragedies of history are always repeated by those who refuse to learn. To seek guidance from the past is not turning back the clock as we are so often told. It is merely a good way to stay out of hot water.

I want to visit with you about an aspect of Beef which probably interests you most—the price. I don't claim to fully understand why beef costs so much in the market but I'll relate some of the things that are involved. We, the rancher, receive a small amount of the price you pay retail. So what happens between us and you, the consumer? In the first place, only 60% of a carcass is edible meat and in the second place, only a small part of a carcass is steak, and there are many necessary costs between beef on the hoof and meat on the table.

Let's say the packer pays 25 cents a pound for the whole steer—the meat, but every other pound too—the hide, the hoofs, the head, the bone, the blood, the water, etc. So from a 1000 lb. steer he has only 600 lbs. of salable beef left. This has brought the price up to about 45 cents a pound. The packer has had the costs of buying, slaughtering, selling, delivering, etc., so he has to make a few cents to cover these costs before it goes to the retailer.

The retailer has many costs to prepare the beef for the consumer. Rent, help, taxes, equipment, refrigeration, supplies, advertising, losses due to trimming, shrinkage, etc. Now I believe the housewife asks for some of these costs because she wants her meat packaged and pan ready, and she has to pay for it. I call it built-in maid service.

When the retailer buys the carcass he pays the same price for every pound. But a carcass yields much more of some cuts than others; some cuts are in greater demand than others. He has to sell the cuts at varying prices—some for nearly twice as much and some for less than half. The more desirable and higher priced cuts represent a small portion, while the medium priced roasts, stew meat and hamburger, make up a larger part of the carcass. The price the retailer gets must average out to cover the original cost plus the cost of marketing.

Consumer boycotts of food stores might eliminate trading stamps and other gimmicks designed to build sales, but there is virtually no chance that consumers will be getting cheaper food in the future. Elimination of trading stamps and other promotion might cut 20 cents from a $10 grocery bill. Retail profits, food advertising, transportation and storing food amounts to 50 cents of a $10 grocery bill. So here is a total of 70 cents or 7% from the grocery prices without taking price cuts back to the farm. But of this total, only the stamps and gimmicks could be eliminated without also eliminating the food processors, storers, transporters and retailers. Food industries are simply low profit operations and modest levels of profit are necessary to keep them in business.

We'd like to boycott along with the women who have this in mind. But first we'd have to get together on what we are actually trying to accomplish. They have elected to boycott the supermarkets in protest of high food prices. This is quite understandable because that is where they feel the pinch. We'd like to register our protest in Washington, D.C. against the basic cause of the "symptom" toward which they have directed their boycott.

Let me, a cattleman's wife, tell you how it looks out in the country. For the past six years our husband's share of the food dollar has consistently gone down. This has meant that the budget to run our ranch, feed and clothe our family, has been mighty tight. Meanwhile, we are told your husband's pay has been increasing. Chances are, as in many reports, the increase is bigger in the report than in the pay envelope. Even so, we on the farms and ranches have not generally shared in the recent American affluence. We are receiving the same price today that we did 20 years ago, while our production costs have gone up 25%.

These are the facts—from ranch to plate is a small profit operation; at the ranch level it has been a hand to mouth deal for years. The cattle feeder has lost more than he has made in recent years; the meat packing business has the lowest net earnings of any similar sized business in the nation; the net earnings of the wholesalers and retailers would amaze you because they are so slim.

What you are looking at is inflation. Inflation finally catching up with the market basket. You've been spared that unpleasantness up to now by every one on the food team foregoing reasonable profits. But we are backed to the wall now and boycotts which might momentarily depress food prices cannot provide a permanent solution.

So let's go where the action is to protest—not to the supermarkets, but to Washington, D.C. where inflation should be attacked.

Farmers and ranchers are a minority group, but don't sell them short. Agriculture's progress has resulted in sharply *lowered* food prices *relative* to *income*. This both reduces inflationary tendencies and provides a larger market for industry. U.S. consumers last year paid out only 17.7% of their disposable income for food, and most of this went for marketing and other services. The world average is 60% of disposable income spent for food.

All of this points up the tremendous job that American agriculture has done during the past twenty years. If this job is to continue on into the future, it is absolutely mandatory that the profit motive be once again shared by American agricultural producers.

PRESIDENT'S COMMISSION FOR HUMAN RIGHTS AGAIN CALLS FOR RATIFICATION OF CONVENTIONS

Mr. PROXMIRE. Mr. President, on August 9 of this year, during the congressional adjournment for the conventions, the President's Commission for the Observance of Human Rights Year issued another public call for Senate ratification of the pending human rights conventions.

Time and time again the Commission, the President, and the Secretary of State have called for ratification of these conventions. A number of Senators, including myself, have called for a vote on these international guarantees of the rights of all men everywhere. Yet the Senate continues to abdicate its responsibility to again place the United States in a position of leadership in human rights and their protection.

We have before us the tragic examples of Biafra and Czechoslovakia. In these two areas the basic rights of man are being trampled. The existence of these basic rights are being effectively denied, and to some degree the responsibility for that denial is ours.

We have, as of now, failed to do everything within our power to guarantee to individuals those rights, which when secure, provide the foundation for national tranquillity and world peace.

As the resolution of the President's Commission clearly states:

> It is generally recognized that peace is related to progress and ultimately depends on the quality of life of the people governed. The quality of that life depends on the interest and willingness and capacity of each country to assure and to respect human rights. In a world in which enlightened and effective government is such an important and such an elusive goal, *cooperative* efforts to help countries promote internal tranquillity and progress are proper activities for our Government.

Mr. President, surely guaranteeing the rights of man and insuring world peace are proper activities for a government built and maintained on principles enunciated in the Declaration of Independence and the Constitution.

Mr. President, I ask unanimous consent that the press statement of the President's Commission, their resolution calling for ratification, the list of Commission membership, and the status report of the pending conventions be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR, 1968, WASHINGTON, D.C., AUGUST 9, 1968

The President's Commission for the Observance of Human Rights Year 1968 announced today its support of President Johnson's appeal for Senate approval of the human rights conventions. The Commission ex-

pressed "its strong hope" that the Senate Foreign Relations Committee would "act favorably at its earliest opportunity" on the seven conventions pending before the Senate.

Since the founding of the United Nations, eight human rights conventions (treaties) have been submitted to the Senate by Truman, Kennedy and Johnson Administrations, Hearings were held on the Genocide Convention, in 1950; on the Convention on Employment Policy, in 1966; and on the Supplementary Convention on Slavery, the Forced Labor Convention, the United Nations Convention on Political Rights of Women, in 1967. However, the Senate Foreign Relations Committee recommended approval of only the Slavery Convention, which was ratified in 1967. The Committee has never held public hearings on two other conventions: the Inter-American Convention on Political Rights of Women and the Convention on Freedom of Association. The eighth of these conventions, the Protocol relating to the Status of Refugees, was sent to the Senate on August 1, 1968.

President Johnson urged the Senate to act on the human rights conventions last October 11, when he proclaimed 1968 as Human Rights Year in the United States. He repeated this appeal on January 30, when he established the President's Commission for Observance of Human Rights Year 1968. The Commission agreed at its third meeting, on June 11, to give public support to the President's position.

The Commission was established to help celebrate the 20th Anniversary of the Universal Declaration of Human Rights. The Commission is headed by W. Averell Harriman, Ambassador at Large, who is currently in Paris conducting peace talks with North Viet-Nam. The Vice Chairman is Mrs. Anna Roosevelt Halsted, daughter of President and Mrs. Franklin D. Roosevelt. In addition, the Commission is composed of the heads of seven Government agencies and nine other public members. Its purpose, as stated by the President, is to "enlarge our people's understanding of the principles of human rights, as expressed in the Universal Declaration and the Constitution and in the laws of the United States."

(Attachments: (1) Resolution adopted by the President's Commission; (2) Members of the President's Commission; (3) Status of the Human Rights Conventions.)

RESOLUTION ADOPTED BY THE PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR, 1968, WASHINGTON, D.C.

At the third meeting of the President's Commission for the Observance of Human Rights Year 1968 it was decided that the Commission should give the strongest support to the President in his call for the ratification of human rights conventions by the United States Senate.

The year 1968 was designated International Year for Human Rights by the United Nations General Assembly. The General Assembly in connection therewith requested Member States to ratify certain of the human rights conventions before 1968. In his Proclamation of Human Rights Year, the President also called for the ratification of human rights conventions. He stated:

"American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.

"It is my continuing hope that the United States Senate will ratify these conventions . . ."

This call to the Senate to ratify human rights conventions was repeated by the President on January 30, 1968, when he signed the Executive Order establishing the President's Commission for the Observance of Human Rights Year 1968.

The United States played a leading role in the drafting of the Charter of the United Nations and of the Universal Declaration of Human Rights. In the United Nations Charter we as a nation undertook to take joint and separate action with other members to promote "universal respect for, and observance of, human rights and fundamental freedoms for all. . . ." The United States also played an active part in the drafting of international conventions that would give legal force to some of the standards in the Universal Declaration. Thus far, however, the United States has ratified only one human rights convention—the Supplementary Convention on Slavery, in 1967.

It is generally recognized that peace is related to progress and ultimately depends on the quality of life of the people governed. The quality of that life depends on the interest and willingness and capacity of each country to assure and to respect human rights. In a world in which enlightened and effective government is such an important and such an elusive goal, cooperative efforts to help countries promote internal tranquility and progress are proper activities for our Government.

These human rights conventions are an expression of principles that have guided our own citizens in the development of a progressive and enlightened government. The fact that United States law is in accord with the provisions of these conventions does not mean that there is no necessity for this country to participate in them. It is the nature of international obligations, designed to promote a common objective, that they be cooperative in purpose and reciprocal in effect. Therefore, in the pursuit of world order and the welfare of all countries the United States must not deny to others its participation. By this participation the United States would not impose, or seek to impose, its laws or traditions upon any country; nor would any country impose its laws or traditions upon the United States.

The United States Senate should move forward on international human rights conventions, just as the Congress has moved forward on human rights legislation at home. Ratification of these conventions would help to set and uphold international standards. Ratification of these conventions would demonstrate once again our national commitment to a stable and democratic world order.

Therefore, the President's Commission for the Observance of Human Rights Year 1968 endorses the President's "earnest hope that the Senate will complete the tasks before it by ratifying the remaining Human Rights Conventions" and expresses its strong hope that the Senate Foreign Relations Committee will act favorably at its earliest opportunity on the six * conventions that are pending before it:

The Convention on Freedom of Association and Protection of the Right to Organize

The Convention on the Prevention and Punishment of the Crime of Genocide

The Inter-American Convention on the Granting of Political Rights to Women

The Convention on the Abolition of Forced Labor

The Convention on the Political Rights of Women

The Convention Concerning Employment Policy

THE PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR 1968, WASHINGTON, D.C.

Chairman: The Honorable W. Averell Harriman.

Vice Chairman: Anna Roosevelt Halsted.

The Secretary of State.

The Attorney General.

The Secretary of Labor.

The Secretary of Health, Education, and Welfare.

The Secretary of Housing and Urban Development.

The Staff Director for the Commission on Civil Rights.

The Chairman of the Equal Employment Opportunity Commission.

Bruno V. Bitker.

The Honorable Tom C. Clark.

Mrs. Elinor L. Gordon.

Dr. J. Willis Hurst.

Ralph E. McGill.

George Meany.

The Honorable Robert B. Meyner

A. Philip Randolph.

Maurice Tempelsman.

STATUS OF HUMAN RIGHTS CONVENTIONS

I. *Ratified* with advice and consent of the Senate: Slavery Convention, 1929; Nationality of Women, 1934; Supplementary Convention on Slavery; 1967.

II. *Pending in the Senate* (Date Transmitted by the President): Freedom of Association, 1949; Genocide, 1949; Political Rights of Women (Inter-American), 1949; Forced Labor, 1963; Political Rights of Women (UN), 1963; Employment Policy, 1966; Protocol relating to the Status of Refugees, 1968.

FOREST FIREFIGHTING

Mr. HATFIELD. Mr. President, an editorial written by William E. Towell and published in the July 1968 issue of American Forests magazine points up the fact that there is no national plan for dealing with fire emergencies. Disaster fires are bound to occur. Yet there is no program or organization set up to handle them.

Mr. Towell, who is chairman of the task force on a national program for wildfire control, has stated that national legislation will be needed to give the developing national program for wildfire control official recognition, emergency authority, and the financial capability to carry out its mission.

The National Governors' Conference, in July, adopted a resolution calling upon Congress to enact legislation promptly to provide a law similar to Public Law 99—relating to flood crises—which would make available to the States the services and resources of the U.S. Forest Service and other Federal agencies when fires become beyond the abilities and resources of the States to handle adequately.

I ask unanimous consent that both the resolution and the article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FOREST FIRE FIGHTING

(A resolution adopted at the 60th annual meeting of the National Governors' Conference, Cincinnati, Ohio, July 21–24, 1968)

Whereas, in most instances and in most years the several states have been able to handle their fire fighting problems adequately; and

Whereas, in major emergency years, such as 1967, the resources of the states, particularly in the West but potentially throughout the Nation, become exhausted in manpower and money; and

Whereas, the federal government, a major landowner in the West, but also represented throughout the Nation with the national forests and other federal ownerships, has extensive resources for use in times of emergencies; and

---

*The Protocol relating to the Status of Refugees was sent to the Senate on August 1, 1968.

Whereas, the Corps of Engineers under Public Law 99 has rendered invaluable services to the states in times of flood crises; and

Whereas, these same services are vitally needed by the states from the U.S. Forest Service and other agencies of the federal government in times of fire crises:

Now, therefore, be it resolved by the National Governors' Conference that the U.S. Congress enact legislation as soon as possible to provide a law similar to Public Law 99 which would make available to the states the services and resources of the U.S. Forest Service and other federal agencies when fires become beyond the control of the abilities and resources of the states to handle adequately; and

Be it further resolved that each state establish eligibility by implementing a basic fire plan for state and private forest land, embodying generally accepted minimum standards; and

Be it further resolved that all states cooperate in interstate forest fire training programs; and

Be it further resolved that copies of this resolution be sent to the President of the United States, Members of Congress, the Secretaries of Agriculture and Interior and all other persons concerned with enactment of this proposed legislation.

[From the American Forests, July 1968]

Disaster Fires—A National Program for Wildfire Control

(By William E. Towell, Chairman, Task Force on a National Program for Wildfire Control)

There's a hush in Northwest forests today. Fear is there. Even the wild things are infected with it. And with reason. Forests were as tindery dry in the spring as they would normally be on the Fourth of July. The snow pack was light last winter following an abnormally bad fire season. Now it's worse. "Hoot owl" rules are certain to be in effect again this summer. That means loggers will go to work long before dawn and close down in mid-day when the burning index rises to a critical level. Closures are certain to rise due to dangerous conditions. There will be disappointed children as camping families are turned away from favorite campsites.

The New York *Times* on May 18 took cognizance of this grim picture. Other newspapers followed suit. But members of The American Forestry Association had done so many months before. These members are worried and have been for a long time. Idaho's widely-publicized Sundance fire last year scared them stiff. They don't pretend to know what went wrong there or in other places. They only know that fires got away and they want something done about it—and *soon*.

This concern is getting results. Competent fire people are getting together to explore needs and prescribe remedial action. I am happy to report that all groups concerned, federal, state and private, have rallied behind the call of The American Forestry Association for corrective action. In fact, they all are ready to go.

To my mind, the most serious aspects in the present crisis is simply this: there is presently no national plan for dealing with fire emergencies and there should be. Disaster fires may not occur too frequently. When they do there is no program or organization set up to handle them. It seems incredible in a country that has become as conservation conscious as America that no system has yet been developed for putting out wildfires that exceed the capabilities of regular fire-fighting agencies. But that is the case. Even if an effective team of men and fire-fighting equipment can be mustered after fires get out of control, there is no reliable source of funds for paying the bill.

One thing is certain. Disaster fires are bound to occur. That is one of the weak links in our fire-fighting armor. In spite of our best efforts to prevent forest fires; in spite of research and better methods of fire control; in spite of a public awareness and determination to protect our natural resources, *there will be disaster fire situations*. There will be more Bar Harbors; more Los Angeles conflagrations (yes, suburban and even urban needs are tied into this picture, too), more Sundances!

Disaster fires occurring in the Northwest during the summer of 1967 attracted nationwide attention and pointed to the serious gap in fire control planning. Although voluntary cooperation is good between governmental and private fire control agencies, there is little or no planning for the emergency situations that involve many ownerships at one time and perhaps even adjoining states or our neighbors, Canada and Mexico.

Concern has been expressed, too, for the hesitancy on the part of fire control agencies to commit their manpower and equipment to fires under another authority's jurisdiction. If they do, who is in charge and who pays for them? Such problems as legal liability and financing make such decisions difficult even under disaster conditions.

There is need also for advanced research in fire control methods that will be more effective under "blowup" conditions. We need better methods of forecasting or anticipating fire emergencies so that some disasters might be avoided. The problem is not one of forests alone but all open lands that will burn under conditions of high winds and low humidities—prairies and grasslands, farm crops and buildings, and chaparrals and brushlands of the arid West.

Several recent actions further emphasize the need for a national wildfire control program. At the National Governors' Conference in October, 1967, a resolution urged that "the U.S. Congress enact legislation, before the 1968 fire season, to provide a law similar to Public Law 99 which would make available to the States the services and resources of the Bureau of Land Management and Forest Service when fires become beyond the control of the abilities and resources of the states to handle adequately." (P.L. 99 is the law under which the Corps of Engineers steps in to help when there is threat of floods.)

On May 5, 1967, Farris Bryant, Director of the Office of Emergency Planning, submitted to Congress "A Report on the Investigative Study of Forest and Grass Fires," pursuant to Public Law 89-769, Section 13. One recommendation contained in this report was that "the U.S. Forest Service establish a well-defined and aggressive program, supported by necessary administrative and budgetary measures to enhance the capabilities of existing interstate compacts and foster the development of new ones." The formation of these mutual aid groups recognized the need for emergency coordination and use of manpower, equipment and supplies.

In 1966, the National Association of State Foresters adopted a resolution calling for: "A Task Force to be designated to study the possibilities of a national program of state mutual aid through regional compacts or other organizational means to reduce losses from disaster fires." The State Foresters have not been able to come up with an acceptable solution and are still working on the problem.

Senator Jordan of Idaho, as an aftermath of the 1967 Idaho fires for which there are nearly $5 million suppression costs still outstanding, introduced an amendment to a bill (S. 438) in the 90th Congress that would provide that "The Office of Emergency Planning is authorized to make grants and loans to any state to assist such state in the suppression of a fire or fires on privately owned forest or grasslands which threatens destruction of such proportions to constitute a major disaster."

Such authorization is not necessary, however, as the President has such authority already under Public Law 85–875, the Federal Disaster Act administered by the Office of Emergency Planning. But, the only way O.E.P. funds can be made available to the states is through a declaration of disaster by the President upon request of a Governor. Fire disaster often cannot be recognized until the damage already has been done or the emergency is over. Often, the greatest need for emergency help is to prevent a fire situation from becoming a disaster. As valuable as they might be in times of real disasters, O.E.P. funds alone are not the answer to emergency fire needs.

Forest and grasslands must be protected against the destructive effect of fire in order to fulfill their role in the nation's economy. With rising standards of living increasing the drain upon our natural resources, there is also greater demand for and use of forest and water areas for recreation. Equally important is the role forests and grasslands play in the conservation of our water resources.

Adequate fire control is the essential foundation for all other conservation activities. Long recognized as the first requirement in natural resource management, however, fire control has been neglected for more sophisticated conservation problems such as air and water pollution control, natural beauty and outdoor recreation. The American public has taken fire control for granted or just left it to Smokey Bear. Unless public apathy and priority of resource management needs are reversed, we could encounter serious depletion of forests and grasslands through their oldest enemy, fire.

Recently, Dr. Maurice Goddard, Commissioner of Forests and Parks in Pennsylvania and a Director of AFA, told a group of professional foresters that forest fire control was taking a back seat in state conservation budgets. Growing needs for new parks and recreation areas, water pollution control and other natural resources programs, worthy as they all are, were making it difficult to obtain more than a bare minimum of state funds for fire control, an activity upon which all other resource values depend. "We are year after year fighting fires on a static budget while other resource needs attract any increases available in conservation appropriations," Goddard said.

Fire control agencies actually are the victims of their own efficiency because serious forest fires have become so infrequent. But, with added years of fire protection and the accumulation of forest fuels the potential danger increases. The need for fire control funds cannot be measured by the number of fires or the acreage burned each year but must be gauged by the hazard and the risk of keeping the forest unburned. Goddard's plea to fellow foresters was for some way to impress his needs upon both the public and state legislators who control public expenditures. What he feared most, of course, was being caught unprepared for the "blowup" or disaster fire situation that poses a constant threat to all forest areas.

Responsibility for fire protection on federal lands is centered primarily in the Department of Agriculture, Department of the Interior, and to a lesser degree in other agencies such as the Department of Defense and the Tennessee Valley Authority. The states have recognized their own responsibilities on state and private lands through the passage of numerous state laws and the development of state forestry agencies geared to protect these resources. Also, in many instances, private interests have established their own fire control organizations. As the protection of forests and wild lands often transcends property boundaries and even state lines, a strong link of coordination and cooperation between private, local, state and federal agencies has developed.

The disastrous fires which occurred during 1967 brought forth critical comment from the press, conservation organizations, forest industries and the forest-using public. They raise the question: "Why are the existing fire organizations unable to cope with emergency fire situations?" Many others besides The American Forestry Association have expressed deep interest in this situation and have indicated the need for a hard look at the problem. Why, it is asked, with our ability to send men and rockets to the moon and to explore eight miles below the surface of the oceans, are we unable to control one of man's oldest and most familiar enemies, fire in the forest? Is it lack of money? Or is it shortage of manpower, training, or research into more effective fire-fighting techniques? America must find out and prepare for such emergencies.

Late in 1967 a small group of interested people got together to discuss the problem. Merle Lowden, Chief of Fire Protection on the National Forests, suggested that The American Forestry Association could perform a much needed public service by directing its attention to a National Forest Fire Emergency Program. Participating in early informal discussions of the proposed program along with Lowden were Gordon Zimmerman of the National Association of Soil and Water Conservation Districts; Joe Penfold of the Izaak Walton League and President of the Natural Resources Council; Bill Bacon, head of state cooperation in the U.S. Forest Service; Osal Capps, President of the National Association of State Foresters; and AFA's staff.

It was decided to call together an ad-hoc group, assembled for the first meeting in Washington on February 27, 1968, which resulted in the formation of a continuing Task Force on a National Program for Wildlife Control. To the original group were added Art Roberts of the Western Forestry and Conservation Association; Jack Muench of Forest Industries Council; George Kelly and Jim McClellan of the American Forest Products Industries; Jim Johnson of the National Governors' Conference, Mitchell Wendell, Council of State Governments; Ernest Palmer of the Bureau of Land Management; Vernon McKee, U.S. Dept. of Agriculture; John Witherspoon of the Southern Pulpwood Conservation Association; Eliot Zimmerman of the Forest Service; Earl Plourde, State Forester of Alaska; with Tom Casey of the Office of Emergency Planning meeting with the group as an advisor. In subsequent meetings additional representation has been added and as the National Plan is developed others will be invited.

The need for a disaster fire plan is national in scope. Every forest region could experience a major fire situation and will be included in the planning.

Acknowledging the need for an emergency fire plan is not a criticism of any state or any region for past fires or how they were handled. It is an admission, however, that previous planning has not been adequate to handle all fires under the most extreme conditions. Even if our national fire record had been perfect we would still need to anticipate the catastrophe that can occur under the right combination of fuels, winds, humidity, topography and other factors that affect forest fire behavior. This is the purpose of the proposal for a National Program for Wildlife Control, and the Task Force will direct its efforts toward such a program.

Considerable progress already has been made by committees serving as a "Working Group" within the Task Force. It has already been agreed that a National Wildfire Advisory Committee is necessary and that it must be representative of federal, state and private fire control agencies as well as other organizations and government interests concerned with fire protection. Its purpose will be to develop general broad policies, guidelines and standards for preparing for and handling fire disasters, including dispersal of emergency funds. Regional and state coordinating committees also will be required to implement the plan at the local level, with the State Forester serving a key role in organizing an emergency plan in each state.

A reliable source of emergency firefighting funds must be provided and made available when disaster fires strike. The source of these funds must be worked out but an underlying principle will be to strengthen existing fire control organizations so that they are better able to handle their own emergency situations before they are eligible for outside assistance. Planning for the unexpected disaster fire will be a necessary prerequisite to participation in the program.

National legislation eventually will be needed to give the program official recognition, emergency authority, and the financial capability to carry out its mission. Regional fire compacts will need to be encouraged and strengthened where they exist. State laws may need changing in order for the states to participate in regional fire control activities and to permit movement of men and equipment across state lines.

Four committees now at work within the Task Force are directing their attention to these phases of the problem: 1) Organization and Planning; 2) Financing; 3) Legislation; and 4) Public Information.

All of their work is coordinated and directed by frequent meetings of the full Task Force. A study is being made of existing laws and federal programs for dealing with disaster situations in order to avoid conflicts or duplications.

The American Forestry Association occupies a key role in this effort to develop a National Program for Wildfire Control. It has been my privilege to serve as Chairman of the Task Force since its inception and both Jim Craig and Ken Pomeroy have been active in meetings of the Task Force and the Working Group. Our aim is to act as a catalyst to see this urgent natural resource problem through to a successful conclusion. Not being a land management agency itself, AFA can perform a great public service in helping to solve this national conservation problem by bringing together all those that are responsible for the wild lands of our country. AFA intends to do just that. But it cannot be overstressed that this is a *national*, not a regional or local problem. Right now, the crisis in Northwest forests is particularly acute. Next year it may be in the South, the Northeast, or the Lake States. Nor is it a problem to be relegated to Indian firefighting tribes in a far away state. It is as close to you as your nearest volunteer fire department. Yes, we've got to get them into the act, too, and train them to fight fires on our suburban fringes.

The plain truth is that Smokey needs some help. He's had it before and he will have it again. The Dixie Crusaders in the South, the Clarke-McNary Act for federal-state fire control, the Southern Fire Conference of 1965—these were all proud chapters in AFA and forest protection history.

Now we need a new chapter—a new awakening. Its main thrust must be to curb the disaster fire in the United States wherever it may strike and *do it now!*

TRIBUTE TO MISS MELINDA VON THRASHER OF ROSSTON, OKLA.

Mr. HARRIS. Mr. President, members of the Oklahoma congressional delegation recently hosted a coffee for members of the Oklahoma Farmers Union. At that time we were fortunate to have presented to us several prize winning speeches by Farmers Union Youth of Oklahoma. One such speaker was Miss Melinda Von Thrasher, of Rosston, Okla. I feel that her presentation was very outstanding, and I would, therefore, request that the text of her speech be inserted in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FARMERS UNION

(By Melinda Von Thrasher, Rosston, Okla., year 1968)

As a 4–H member or Farmers Union member, how are you promoting good community living? We, as Americans, are aware of our many blessings. They could not all be listed this morning, but one of them is the very foundation of our democratic way of life—the acceptance of each individual as a person of dignity and worth. In much of the world this ideal is unknown. In some parts of the world it is accepted, for men and boys, but not for women and girls. In our country, it's accepted for all of us. Today, both girls and fellows can have equal opportunity to enjoy a wonderful nation, to choose the type of education or career we like. It is not the opportunities we have, but what we do with them that counts.

4–H members are the back bone of industries and farm communities. It develops, trains, and opens doors to many career possibilities. 4–H has grown from its grass roots, so has the great organization Farmers Union. It is the largest and most influential farm organization in Oklahoma. Farmers Union is a great supporter of and encouragement to our 4–H members, not only state but county, and local.

Through 4–H work, I was privileged this last summer to attend the National 4–H Citizenship Short Course in which Harper County Farmers Union was my cosponsor. I have been made to realize that citizenship just isn't something to talk about but needs to be practiced everyday. So many times we take our American Heritage for granted, but ignorance is the great enemy of democracy. No person has ever understood this fact so basically as our forefathers who fought and even died to make America as great a nation as it stands today. Yet servicemen are fighting and giving their lives today to preserve this freedom we so cherish as our American Heritage.

Our nation was founded on the firm foundation of fundamental belief in God with the United States Constitution designed to serve the people. A strong democracy needs a pledge of loyalties from all its people and a determination on the part of all citizens to learn the ways of democracy and to apply their knowledge wisely and courageously. Only by cooperation and giving of ourselves and time are we able to strive to make the best better. Without cooperation we cannot reach our goals. A century and half ago Thomas Jefferson said, "The fate of our democratic government rests on the hope that every citizen does his own thinking." You and only you can fulfill this obligation.

As a recent area winner of the 4–H Personality Improvement Program, I've been made aware that each of us has a body, a mind, and a soul, and each of us has a responsiblity to make the most of what he has. Some poet said, "Use what talents you possess; how silent the woods would be if only those birds sang who sing the best."

Our body can be considered as our "social self." If our social self is in the right orbit, our goals will be chosen because of what they will do for someone else, rather than what they will do for ourselves.

Our spiritual being, our soul, is the most important. If we keep it on the right track, we will move in a positive direction—that is we will make the right decision to do the right thing. Our ethics, moral, and our religious training are a significant part of our life.

I'd like to challenge all of you, whether you are a leader or a follower, a boy or a girl, to be the kind of person who:

Is generous, and wants others to have a place in the limelight;

Is fair, and wants to see justice done;

Is honest, and not afraid to say, "That was my mistake;"

Is humble, and willing to be one of the group;

Is courageous and takes a stand for what is right;

Is patient, and willing to help a person who is less able;

Is tactful, and considerate of the feeling of others.

If you accept this challenge, you'll make your corner of the world a better place in which to be.

Farmers Union has been an inspiration to my local 4–H club by presenting 4–H jackets, plaques, awards of ribbons and gift certificates. Yes, 4–H members can depend on Farmers Union to give us a guiding and helpful hand in promoting good community living.

Again, I say my organization, 4–H Club, as Farmers Union, is the back bone of all progress. What we do now will make tomorrow.

BRITISH THINKING TAKES STRONG LEAP RIGHT

Mr. BYRD of West Virginia. Mr. President, last month while I was in the British Isles, my attention was attracted by a public opinion poll reporting a strong leap to the right in British thinking.

As stated in the Sunday Times, London, England, on August 25, that newspaper's opinion research center found that—

> Anglo-Saxon attitudes on a wide range of social and economic issues are fundamentally far more rightwing than might be suggested by the division of voting allegiances between the right and the leftwing political parties.

This summation was supported by a tabulation of opinions on a number of issues of major interest to the British people. Notably, these issues parallel those currently provoking deep concern here in our own United States. And I believe, too, that the conclusions drawn—that there should be a crackdown on crime, a cutback on the dole, that welfare services should be pegged, and that a great majority of the people oppose their Government's policy against the Rhodesian Government—closely parallel U.S. public thinking.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Great Leap Right: Crack Down on Crime—Cut Back on the Dole—Peg Welfare Services—Support the Whites in Rhodesia—Reduce Planning

(By Ronald Butt)

Anglo-Saxon attitudes on a wide range of social and economic issues are fundamentally far more Right-wing than might be suggested by the division of voting allegiances between the Right and the Left-wing political parties.

This is revealed by a special Sunday Times poll, conducted by Opinion Research Centre, which has put questions designed to separate "Right" from "Left," "conservative" from "radical" or (to use another pair of convenient alternatives accepted by some sociologists) "tough" from "tender" political attitudes.

The results of this survey reveal a much heavier Right-inclination on these issues than might be suggested by the voting intentions now being shown by the public opinion polls—which give the Conservative Party a substantial lead over Labour.

But, in addition, when compared with what is known about public responses three or four years ago—when Labour was at the peak of its popularity—the survey also shows a distinct movement towards the Right on particular issues as well as in general voting intentions.

In only one respect is the advantage now clearly with the "Left-inclined" but it could conceivably be a decisive one for the Labour Party. The poll showed that 54 percent. thought that "understanding ordinary people" was more important than "education and experience of governing" while only 36 percent made the opposite assessment.

On most particular issues, however the electorate normally feels more Right-wing than it votes—and this discrepancy has almost certainly been accentuated by the experience of Labour Government in the last four years.

This could have a profound significance for the Conservative Party's prospects. For it means that the electorate has criticisms of traditional Labour attitudes which go far deeper and wider than simple discontent with the Labour Government's failure, so far, to solve Britain's economic problems.

For example, 83 per cent regard punishment for crime as not tough enough; 79 per cent think it would be better if "unemployment" benefit were more difficult to get; 67 per cent would rather see taxation reduced than welfare services improved (if given the straight alternative) and, perhaps most significantly, 66 per cent, believe that the Government interferes (i.e., plans) too much with industry.

This last point is especially relevant when compared with the findings of an NOP poll in January 1964—the period when the fashion for planning was at its height and when even the Conservative Government had (during and after Mr. Selwyn Lloyd's Chancellorship) converted itself to a modified form of the doctrine.

In answer to the question "would you like to see more or less planning?"—65 per cent in 1964 answered "more"; 9.2 per cent, "less"; and for 25.8 per cent, the answer was "about the same" or "don't know." The Sunday Times poll shows that today these figures are now reversed.

Similarly, 49.2 per cent of all voters (including 35.6 per cent of Conservatives) thought in 1964 that more Government regulation would make the country more prosperous compared with 25.6 per cent who thought it would make it less prosperous and 25.2 per cent who thought it would make no difference.

The table indicates the opinions of the people interviewed on various questions. Inevitably, there are reservations to be made in interpreting these answers and in some cases there are significant differences according to class, party, age and sex.

One surprise is that on the "dole" question the working classes are very nearly as Right-wing as the middle classes—despite the fact that a high proportion of working-class people are potentially liable to need unemployment benefit themselves for at least a short time at some point in their working lives.

TABLE SHOWS, IN DESCENDING ORDER OF "RIGHTWINGNESS," PUBLIC OPINION ON THE QUESTIONS ASKED (FIGURES IN PERCENTAGES)

	"Right"		"Left"	
Crime: In general do you think that punishment given to people convicted of crimes in Britian is too severe, not tought enough, or about right?	Punishment not tough enough	[1] 83	Punishment too severe	[1] 1
Unemployment benefits: Do you think it would be better or worse if its was more difficult to get unemployment benefits—the "dole"?	Better if "dole" more difficult	79	Worse if "dole" more difficult	13
Taxation and social services: Which do you think is more important—to reduce taxation, or to increase and to improve the social services?	Reduce taxes	67	Increase and improve social services	20
Economic affairs: Some people say the Government should have a bigger say in the control and planning of industry, other people think the Government already interfere too much. Which do you think?	Government interfere too much	66	Government should have bigger say	20
Racial discrimination: Do you think it should be against the law to refuse a job to someone because of his race or color?	Should not be against the law	53	Should be against the law	42
Rhodesia: If there was a civil war in Rhodesia between white Rhodesians and black Rhodesians which side would you want to win?	Support white Rhodesians	44	Support black Rhodesians	17
Elitist/Populist Government: Which do you think is more important in a government—education and experience of governing, or understanding how ordinary people feel and think?	Education and experience	36	Understanding ordinary people	54

[1] 12 percent think the current situation is about right.

Note: The balance of percentages is made up by "don't knows."

However, it is not too difficult to see a likely explanation of the apparent inconsistency. The objection of most people is probably to the *abuse* of unemployment benefit which they believe is too prevalent—not to its application to deserving cases, in which category each man would presumably include himself if the need arose.

In assessing the 53 per cent, who, in the present poll, do not believe that racial discrimination should be against the law, allowance must be made for the position of many Conservatives who, though totally opposed in principle to racial discrimination believe it to be difficult, or impossible, to prevent by law.

In general there was little between the sexes on most of the questions asked.

The main differences were between age groups and classes. The middle-age groups (35–54) were much more Right-wing on Social Services and taxation than either the under-35s or the over-55s.

The middle-classes were more Right-wing on taxation and the social services, on economic policy and on "élitist" versus "populist" government; the working classes on Rhodesia as well as crime.

The fact that the only "Left-wing" majority response was in favour of a government "understanding ordinary people" as against the "élitist" (Conservative?) concept, presumably explains the discrepancy between the general predominance of Right-wing attitudes and the weight of built-in support for Labour in the electorate, particularly the working classes.

In the extremity of the polling booths, many voters will stomach particular Left-wing attitudes which predominate among Labour activists because they believe that Labour in general is the party which best represents working-people's material interests.

The crucial political question is how far this approach will remain for Labour an effective bulwark against the hardening of Right-wing attitudes on almost every major individual issue of social and economic policy.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORE in the chair). Is there further morning business? If not, morning business is concluded.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

Mr. MOSS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

WAIVER OF RULE OF GERMANENESS

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed with my address, notwithstanding paragraph 3 of rule VIII, dealing with germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN CZECHOSLOVAKIA: MOSCOW AT A CROSSROADS

Mr. MOSS. Mr. President, on July 29 I addressed this distinguished body on the crisis in Czechoslovakia. On that occasion, I warned of the real possibility of a Soviet military intervention, a repetition of the Hungarian tragedy of 1956.

My fears were justified.

At that time, the general expectation seemed to be that the Soviets would not invade Czechoslovakia, and the conclusion of the conferences at Cierna and Bratislava early in August seemed to fortify the judgment of those who believed that the Soviets had decided to compromise and permit Czechoslovakia's distinctive road to socialism.

CONFERENCE IN MOSCOW

It was in this evolving mood of hopeful expectation that I left the United States early in August to attend the Seventh World Power Conference in Moscow. I was assigned by the Senate Commerce Committee, along with my distinguished colleague from Pennsylvania, the Honorable HUGH SCOTT, to represent the U.S. Senate Committee on Commerce as a delegate to this conference.

I might add that this World Power Conference is made up of representatives of some 40 principal industrial nations of the world. It is held approximately every 4 years; this was the first World Conference in the Soviet Union. The conference lasted 4 days, from August 20 through 24, and I am proud to say that the United States played a prominent part in the technical discussions that were undertaken.

Prior to the convening of the conference, however, it was my opportunity and good fortune to visit various parts of the Soviet Union. In large measure, I retraced the route I had taken 9 years ago when I was chairman of a committee that was sent by the Senate to survey the water and power resources of the Soviet Union, and to report as to how they compared with those of the United States. I went out to Siberia, the Soviet Union's frontier, as far as Irkutsk and Bratsk, then down into Soviet Central Asia to Tashkent, Baku, and to Yerevan, and finally we flew to Leningrad. In all, I was gone about 18 days.

For me, this return trip to the Soviet Union was most instructive. The Soviets continue to make great progress in this field of power development. Their great hydro and thermal power stations are huge and efficient. In the technique of long-line transmission at high voltage the Soviets are undoubted leaders. In 9 years they have progressed greatly and their momentum continues.

My inspection prior to the power conference was completed and I was in Moscow during the most serious moments of the crisis in Czechoslovakia; for it was in those 4 days of the World Power Conference, August 20 to 24, that the second chapter of this crisis was being written, a chapter that we well know has been filled with tragedy, anguish, and despair.

STATEMENT IN COPENHAGEN

In the days preceding Soviet military intervention, I continued to be skeptical of the optimistic judgment that the Soviets would not so intervene. While in Copenhagen on August 7, during a stopover on the way to Moscow, I issued a statement in which I recalled my doubts expressed in the speech of July 29 and, directing my attention to the conclusion of the Cierna-Bratislava conferences, declared that we should view with cautious concern the drama unfolding in Central Europe. I expressed the hope that the ancient and proud people of Czechoslovakia might indeed regain full freedom, independence and self-determination, suggesting further that the Soviets would gain by permitting this course and in building a friendship of equals in political and economic independence.

Alluding to the great economic and military power of the Soviet Union, I expressed the further hope that a spirit of detente and cooperation would grow between the U.S.S.R. and the United States, and indeed among all nations of the world. But I warned that the suppression of freedom by the use of military threats and actual force would lead only to wider conflict and to an escalation of the arms race rather than political agreement and, the hope of all mankind, arms control.

THE INVASION VIEWED FROM MOSCOW

Unfortunately, my skepticism of Soviet acceptance of Czechoslovakia's new road to socialism was proved correct by developments on the opening day of the conference, August 20. For, on that day Soviet military forces, along with units from Poland, East Germany, Bulgaria, and Hungary, numbering, we were told, some 600,000 men, invaded Czechoslovakia and set out on a course to crush by force of arms the movement toward liberalization in that country.

Immediately, the Soviet press attempted to justify this military intervention. It was reported that Czechoslovak citizens concerned about the trend toward "counterrevolution," asked for Soviet assistance. Thus the best face was put on this brutal display of military power. Major efforts were made to seal off the U.S.S.R. from all information from the West. For the first time in about 6 years, the Soviets jammed all broadcasts in the Russian language that were coming into the Soviet Union, and we expected that they soon would jam all other foreign broadcasts.

In view of this political crisis and its implications for American policy, especially with the conference opening, the American Embassy in Moscow got in touch with us at once. Both Senator SCOTT and I conferred with Embassy officials on the advisability of withdrawing from the conference or otherwise expressing our disapproval. Ultimately, we decided that no practical value could be achieved by a walkout; much important work was to be done at this conference; and such a conference, essentially dealing with technical matters, was not really the proper channel through which to lodge a protest.

However, both Senator SCOTT and I advised our Embassy authorities that we thought they should make it perfectly clear to the Russians that we disapproved of the Soviet action and that we urged the withdrawal of Soviet forces from Czechoslovakia. We agreed to express such sentiments at any appropriate time and place.

CZECHOSLOVAKIA'S RESPONSE TO THE SOVIET INVASION

The Soviet invasion was swift; the military occupation was total. Czechoslovakia's military forces were no match for the 600,000 invaders. The invasion was unexpected; hence, Czechoslovakia was unprepared. Wisely, Alexander Dubcek, the First Secretary of the Czechoslovak Communist Party, and other Government leaders urged the Czechoslovak people to acquiesce in this brutal military act, to avoid provocations that would bring on bloodshed, and to support their own government in its efforts to reach some sort of a negotiated settlement with the invader. The goal of Dubcek was to reach agreement on the withdrawal of Soviet forces as quickly as possible and hope to resume the work of liberalization begun in January 1968.

Once again Soviet military forces were in Czechoslovakia but in 1945 they came as liberators, this time as oppressors. The contrast was not ignored by Czechoslovaks who taunted the invaders, painted swastika signs on their tanks, greeted them with cold contempt, staged strikes, and in countless individual acts demonstrated their hostility.

Faced with this awesome display of Soviet power, the people of Czechoslovakia were determined to resist, not by a senseless resort to military force, which ultimately could not succeed, but in a uniquely Czechoslovak manner of defiance by inaction, a sort of passive acquiescence in the inevitable but in a spirit that would draw world attention to this colossal blunder by the Soviet Union.

The people of Czechoslovakia listened to their leaders and in general abided by their warnings. Negotiations were undertaken at Moscow, negotiations in which the Prague leaders, who were spirited off to Moscow like common criminals, had little other choice than to accept the terms dictated by the Soviet Union. We are now told that at one point in the discussions the Russians, when faced with continued Czechoslovak resistance to their demands, stated categorically that they would destroy Czechoslovakia, annex Slovakia and establish a military protectorate over the Czech lands. The Czechoslovak leaders threatened suicide if this were done.

The Soviets appeared to be determined to destroy the enlightened Dubcek regime, set up a quisling government, and turn back the clock to Stalinism by imposing a new era of harsh suppression.

But the Soviets had miscalculated: They expected Dubcek to collapse under Soviet military pressure and they then could inaugurate a political takeover with little difficulty. However, they had failed to judge correctly the temper of the people, the attitude of the party, and the collective loyalty of the Czechs to their leaders.

The people resisted courageously, but passively and without undue provocation; they were unmoved in their support of Dubcek.

The Communist Party, having met in a secret congress, determined to support their Czech leaders.

The entire Czechoslovak nation was behind their Government, a very unusual spectacle in a Communist country.

Thus, the Soviets succeeded militarily but failed politically.

A NEGOTIATED SETTLEMENT

Faced with the open hostility of the Czechoslovak masses and an obstinate, popularly supported Government in Prague, the Soviets were left with only two alternatives: They could clamp down upon Czechoslovakia a military government with a Soviet military governor in command—clearly, they had the power to do this—or they could restore the Dubcek-Svoboda regime, and through negotiations reach a political agreement, the heart of which would be the continuation of the Government, but under serious, Soviet-imposed restrictions.

The Soviets chose the latter course.

Dubcek, who had been charged with treason by Moscow, was permitted to resume his position by the terms of a new compromise settlement. Other terms reached at Moscow were said to include a phased withdrawal of Soviet and Warsaw Pact military forces, but with the acceptance of a permanent garrison force of two Soviet divisions on the West German border and the reimposition of censorship. Whatever other terms were in the agreement and how the Soviets will play out their role as occupiers, are matters to be determined in the future. The essential point is that the Soviets are in control. However, this presence of power ought not to obscure the fact that the Russians have on their hands an enormous political problem, one which they clearly had not thought out in their hasty resort to military force; namely, the problem of leading a people.

At the moment, the people of Czechoslovakia are adjusting to the new situation. This is not easy, for fear infects the environment of this country as all are bracing for a new era of Soviet oppression. Purges of liberals are expected; the Soviets are said to have lists of thousands to be removed from the party and the Government. Censorship of the press and all other media of mass communications has been instituted. Czechoslovak citizens are fleeing their country by the thousands.

Uncertainty and fear seem to be the dominant mood of the nation as the engine of Soviet tyranny gives every indication of consuming the liberal leaders of Czechoslovakia and arresting their course of liberalization.

AMERICA'S RESPONSE

Earlier this year, the official response of the U.S. Government toward Dubcek's liberalization in Czechoslovakia was one of cautious optimism. Our Government did not want to embarrass the new regime by seeming to encourage a too rapid reorientation of Prague's foreign policy. We realized that the Dubcek government was in a difficult position in its relations with Moscow and any undue haste on our part to applaud the Czechoslovaks could hinder rather than assist the Prague government in its search for a new independent road.

Moreover, there was little else in a practical way that we could do beyond making understanding gestures; for in the power relationship that has taken shape between East and West during the postwar decade, Eastern Europe has come to be recognized internationally, by implication rather than by specific agreement, as a particular area of vital interest to the Soviet Union. For this reason, the United States did not intervene militarily in Hungary during the revolution of 1956; the underlying presumption was that a thrust by the United States into this area of Soviet vital interests could trigger a third world war, and this could be a thermonuclear war. Thus, in 1968, as in 1956, we were boxed in by existing political realities and by the harsh realization that the danger of thermonuclear war, like the sword of Damocles, hangs over all crises between East and West.

So, as the Czechoslovak crisis reached a new and dangerous stage in July, the United States was again faced with the same realities that existed in 1956; indeed the situation was even more complicated by our massive military commitment to Vietnam. The administration acted wisely, I believe, in its efforts to caution the Soviets against intervention. By a series of informal actions, the Soviets were made fully aware of the negative impact intervention would have on American public opinion and also how this would be translated into a slowing down of the detente between the Soviet Union and the United States.

But the Soviets must have placed their relations with Washington on a lower priority; they were willing to accept the risk of a negative impact on their relations with the United States which might be caused by their invasion of Czechoslovakia.

Americans were naturally stunned and shocked by the military invasion and occupation of Czechoslovakia. They did not expect it. Apparently, administration officials and specialists in the Government felt certain that the Soviets were willing to accept the Cierna-Bratislava settlement, at least momentarily. It was presumed that continuing détente in relations with the West, unity of the world Communist movement, and the obvious good behavior of the Dubcek government would together stand as valid arguments against the risk to their policies that was inherent in any invasion.

SOVIET DECISION FOR INTERVENTION

Presumably, these were valid assumptions during the first weeks after Cierna and Bratislava; it seemed as if the Soviets were indeed acting upon the terms of agreement announced. But military maneuvers were resumed in western Russia. These were ominous signs of things to come, for now we know these maneuvers were actually preparations for a possible invasion.

However, the final decision to intervene is believed not to have been made until the day before the actual invasion on August 20. On that occasion, some Soviet leaders were called back from their vacations; presumably some members of the Central Committee were consulted; and the decision was made at the highest level of political authority; that is, the party's Politburo.

Reports in the press indicate that the military, especially Marshal Grechko, had played a major role in influencing the political leadership; the military had long wanted a Soviet force in Czechoslovakia as added security against West Germany. The hardliners in the collective leadership, notably Pyotr Shelest and Andrei Kirilenko and possibly Shelepin, coalesced with the military, it is surmised, against those opposing intervention; the balance was tipped accordingly. Kosygin, Brezhnev, and Suslov were believed to be opposed to intervention.

WHY THE SOVIETS INVADED

The reasons for Soviet intervention must, of course, be a matter of conjecture. On the basis of what the Russians have said thus far and what was said during June and July, it seems evident that fear of the spreading infection of

Czechoslovak liberalism was the primary reason for intervention.

The Russians have been profoundly troubled by dissenting intellectuals in the U.S.S.R. In recent years, they have desperately tried to suppress them. The Soviet intelligentsia, notably the writers and some scientists, have advocated a wider range of freedom; they applauded enthusiastically liberalizing developments in Prague. The implication seemed to be that here was a model for the future, a scheme for leading Communist countries out of the dismal impasse in which they have found themselves, a scheme which had the promise of reconciling political authoritarianism with the irrepressible forward thrust of the human spirit into new realms of creativity.

But Soviet Russia was not alone in its trouble with the intellectuals. Poland has had its dissenters, and they have made their grievances known. Late in 1967 and early in 1968, some of Poland's leading philosophers, teachers, and writers joined with dissenting students in protesting against cultural suppression in their country. Gomulka responded with massive repression, with the result that Poland, in counterpoint to Czechoslovakia, has moved progressively to the right to the extent that observers now speak of a new Stalinism, even neo-Fascism, in a Poland suffused with heightened nationalism, acute authoritarianism, and blatant anti-Semitism. Gomulka fears the intellectual; and the dissenting intellectual he fears with a passion. He disliked what was going on in Prague; developments there were a threat to his regime, and he wanted something done about it.

East Germany, too, has been concerned about the infection of liberalism. While Ulbricht, unlike Gomulka in Poland, has instituted some economic reforms, and thus has improved the nation's economy, he has not modified his harsh Stalinist rule. He, too, feared the liberalizing developments in Prague.

Thus, fear of spreading liberalization—an acute concern for a threat in the ideological realm—was a key factor in the decision to intervene. Moscow was not alone in its purposes; it had willing allies in Poland and East Germany whose interests coalesced.

The other reason for intervention was undoubtedly related to national security, that is, a fear that liberalization in Czechoslovakia would create a chink in the defensive wall in this vital northern tier area adjoining West Germany. Soviet, Polish, and East German vital security interests are deeply involved here. Apparently, they came to believe that Dubcek's reformers could not be trusted to protect this vital sector against the possible threat of a resurging West Germany.

Together, the ideological and strategic factors apparently combined to persuade the Soviets that there was justification for intervention. These factors took a higher priority in the scale of Soviet foreign policy interests, so detente with the West and unity of the world Communist bloc had to go by the board.

JUSTIFICATION QUESTIONED

But, we might ask, was Soviet intervention justified?

Certainly on the ideological level the Dubcek government had given repeated assurances of its fidelity to Communist doctrine. This was done both by word and by deed. The 2,000-word statement by Czechoslovak liberal intellectuals asking for wider liberties and for forceful action against the conservative element within the regime was soundly rejected by the government. Moreover, administrative actions were taken that reduced the influence of the liberals and widened that of the conservatives. In addition, Dubcek had made it clear that competing parties would not be permitted; the monopoly of political power in Czechoslovakia was to continue in the CPC.

What Dubcek and his reformers were trying to do was not to destroy communism, but to purge it of some of its most offensive characteristics; their goals were to maintain the prerogatives of the party and preserve the essentials of doctrine. So sure were they of popular support for their brand of communism that they permitted a larger area of intellectual freedom. We must remember that these writers and journalists who supported the regime and subsequently were attacked by Moscow, are Communists; they are committed to the fundamental concepts of Marxism-Leninism. But these reformers, this new breed of Communists, sought to make communism work as a viable political system. They had seen doctrinaire communism bring the most progressive country in Eastern Europe before World War II to a point of ruin. But, rather than change the basic concepts governing this country, they sought to liberalize the national environment and at once harness the entire energies of the nation for the sake of making communism a success in Czechoslovakia. Even dissenting Soviet intellectuals saw in developments in Prague the possibility of a new form of communism that, adapted to the Soviet setting, would permit a massive thrust forward for Soviet power and world communism.

Dubcek's reformers were no threat to Moscow: If they could have created a humanistic socialism popularly supported and combining the best of public and private economic systems, that would have been a new model for world communism, especially in the underdeveloped areas of the world.

On the security level, Dubcek and his reformers were even less a threat to Moscow than on the ideological level. Time and again they reaffirmed their allegiance to Moscow's security system, the Warsaw Pact. These were not idle, meaningless declarations; they were declarations derived from the natural law of politics; that is, that smaller nations gravitate to the political orbit of great powers particularly when faced with what they believe to be a common danger—in Czechoslovakia's case what it regards as the potential threat from a resurging Germany.

As a people, Czechoslovakia suffered more from the Nazi war machine in proportion, than did the Soviet Union. None will ever forget Lidice. So their concern over German militarism is a real one, a concern derived from harsh experience. And it is ironic that the first Germans to violate Czechoslovakia's frontiers since 1945 came from the "fraternal" Communist East Germans.

Moreover, a serious issue remains between Germany and Czechoslovakia; namely, the irredentist ambitions of the many millions of Sudeten Germans who were expelled from Czechoslovakia in 1945 and have taken residence in West Germany.

This practical issue, along with other compelling political considerations, has created a natural bond of common interest between Prague and Moscow. Thus Moscow should have had no fears of a political rapprochement between Czechoslovakia and West Germany. What the Czechoslovaks wanted from West Germany was no more than what the Russians themselves have sought from the West Germans, the French, Italians, British, and others, namely, economic support in the form of technical assistance, possibly hard currency loans, and expanded trade.

It is hard for me, therefore, to see any justification for Soviet fears on either the ideological or strategic level. Presumably, Kosygin, Brezhnev, and Suslov were satisfied with Prague's assurances of continued fidelity; but others in the Soviet policymaking machinery felt otherwise.

RESULTS OF THE SOVIET INVASION AND MILITARY OCCUPATION

As for the results of the Soviet invasion and military occupation, we have only the perspective of just over 2 weeks upon which to make some judgments. But some things seem rather self-evident.

First of all, the Soviets have destroyed—at least for now—Czechoslovakia's dream of a new road to socialism, as it was initially conceived. How far they will turn back the clock we do not know. If it is true—as it now appears—that hardline Stalinist types have assumed the upper hand in Moscow, then it seems fairly clear that in form and content Czechoslovakia might well experience a great reversal, perhaps even revert to the days of Novotny. Reports from Prague indicate that a widespread purge of liberals is expected. A new fear seems to have gripped their country, a fear reminiscent of the worst days of Stalinism in the 1950's. How well founded these fears are can only be demonstrated in the future.

A second result seems to be a perceptible hardening of Soviet policy. Reports of Soviet pressure against Rumania, again in the form of a demand for Warsaw Pact military maneuvers on Rumanian soil, indicates the extent to which the Russians seem determined to reassert a hardline-inspired obedience from its allies within the pact. Rumania's trouble stems from its independent foreign policy; internally the regime is very much hard line in character. Thus, it is possible that all of Eastern Europe may experience a renewal of modified Stalinism.

IMPLICATIONS OF THE CRISIS

For Czechoslovakia the implications of the crisis are profound. For 8 months the Czechoslovaks had hoped for a genuine renewal of their country and the achievement of a new and higher form of political life, one that would preserve socialism but combine with it a genuine respect for the dignity of man. In a word, to synthesize the humanism of Thomas Masaryk with the socialism of Karl Marx.

All this appears to have been lost.

The Soviets have imposed a military occupation on Czechoslovakia; they now control all the mechanism of power. For a while they may continue to work through Dubcek, who has tried desperately to preserve the gains of his regime and the dignity of his country, but reports from Prague in the last week indicate the odds that he faces.

For the Soviets, the invasion and occupation has by far the most serious implications. For a few weeks they had a choice, whether to accept the natural evolution of what might have been a competing form of socialism or to insist upon the Soviet model. In other words, whether to face the future hopefully and boldly or return to the dismal and unpromising past: they chose the latter; and by so doing they have demonstrated again that they cannot tolerate any semblance of freedom within their system or that of a fraternal ally. From this clearly articulated political reality, it is possible to derive the most dire implications: a return of the cold war; an exacerbation of tensions in Europe; renewal of Stalinism on a modified scale not only in Eastern Europe but in Russia itself.

The problem of bloc unity has been exacerbated by the invasion; this has serious implications for Soviet claims to leadership and control over the world Communist movement.

Once the Russians crossed the frontier to chastise their fraternal Czechoslovak ally, they inevitably quickened the centrifugal forces of bloc disunity. In recent years the Soviets have tried to manage this problem; by and large, they have failed. Only by the most vigorous arm-twisting and application of much political pressure were they able to get even respectable support for their unity conference scheduled in Moscow at the end of this year.

Intervention has magnified this problem; it has deepened the rift in the world Communist movement; it has shaken the confidence of the fraternal parties; it has weakened Russia's control over the movement:

The Russians won for themselves the everlasting hatred of the Czechoslovak people, including the Communist Party of Czechoslovakia;

Threats of intervention in Rumania embittered relations with the Bucharest party leaders and firmly set that nation against Moscow;

The Chinese Communists seized upon the intervention issue to broaden their attack on Moscow's leadership;

The powerful Western parties in France and Italy and those of lesser strength elsewhere are visibly shaken and protested the invasion.

Even the CPUSA is split right down the middle, its leadership in open contention, its strength dissipated.

In brief, intervention has thrown world communism into disarray; it has sown the seeds of distrust of Soviet power; it has accelerated bloc disunity.

Can this bloc unity be restored?

I doubt it. Certainly it will take more than the next 3 months for the Russians to pacify their agitated brethren and to rebuild their shattered confidence in the "wisdom" of the Soviet leadership. Scrapping of the Moscow unity conference may be part of the cost to the Russians when the full bill of intervention has been totaled up.

At the same time the Russians will be hard pressed to repair their damaged image among their neutralist supporters in the underdeveloped areas of Asia and Africa. Having passed themselves off as protector and friend of the small nation against the imperialist West for decades, they are now faced with the problem of reconciling their propaganda claim with hard, demonstrated evidence of Soviet imperialistic intervention very much in the classic 19th Century manner.

We Americans can take little comfort in the events of the last weeks, however much we may insist that this was really a family affair. In a narrow sense it was a family affair, but it was a family affair that has far-reaching implications for East-West relations. Surely none of us can now advocate a policy of reducing our troop strength in NATO. The military balance in Central Europe has been radically changed by the presence of 600,000 Warsaw Pact troops in Czechoslovakia. Before the August crisis, reduction of our troop strength in Europe appealed to me; this is no longer the case. For, if this invasion has demonstrated anything, it has demonstrated the speed, the efficiency, and the skill with which the Soviets could launch an invasion of conventional forces and complete the conquest of a country. All this talk of nuclear deterrence now seems to have been somewhat meaningless: conventional forces have proven their value once again. The West must take this into account when it rethinks its military policy in the aftermath of the crisis in Czechoslovakia.

EAST-WEST RELATIONSHIP

Perhaps, it is in the realm of Soviet-American relations that the crisis may well have the most serious implications. This invasion has destroyed a premise of American policy and some of the basic assumptions of our Nation's policymakers. Ever since the Cuban missile crisis in 1962, perhaps even before that, we Americans, especially our specialists in Communist bloc affairs, came to believe that Soviet conduct in foreign affairs was becoming rational; that it was somewhat tractable and consistent, restrained and more according to traditional Russian interests. Threat of a thermonuclear war introduced a new ingredient in Soviet foreign policy calculations that tended to generate these characteristics. Serious analysts have never denied the Soviet commitment to ideology or its relevance to foreign policy; but all available evidence, particularly the compelling reality of the thermonuclear bomb with virtually instantaneous, massive, long-range delivery systems, pointed in the direction of a more stabilized Soviet Union, a nation whose stake in world peace and in the continuation of reasonably good relations with the United States were absolutely necessary.

August 20 seems to have changed this, at least at this reading.

If the Soviets cannot feel secure and stable with a Czechoslovakia whose ethnic origins are Slavic, whose ideological preferences—at least the leadership's—are Communist, and whose national policy and national interests are by any objective assessment directed toward a close relationship with Moscow—if this is the case with Czechoslovakia, if military invasion is their reaction to change within the political system of their friend and ally—how then can there ever be a tolerable relationship established in Soviet-American relations?

If this Czechoslovak crisis is indicative of the quality of thought and judgment of Moscow's collective leadership, then I do not see how we can avoid serious trouble ahead.

AND THE FUTURE

Probably within any political system, a collective leadership is a potentially dangerous leadership, for it can breed uncertainty and instability in policy formulation. We have seen the results of this phenomenon in the reversal of the decisions made at Cierna and Bratislava: the hardline faction was apparently able to overturn the judgment of the most prominent figures in the political leadership and commit the Soviet Union to a political course the end and implications of which only God knows.

In all probability the future will be filled with uncertainty for us. We have come to know Kosygin and Brezhnev, but who are these other men and what are their purposes? For this reason, I was delighted to read President Johnson's warning to Moscow against unleashing the "dogs of war" in Eastern Europe. While our foreign policy options remain severly restricted in Eastern Europe, still we have by this declaration put the Soviet leadership on guard that their actions can have the most serious impact on our relations and those of our NATO allies.

In the final analysis, therefore, the August crisis may well have more far-reaching implications for East-West relations than was the case in any other crisis since the fall of 1962. For, should the Russians, under the pressure of new hardline forces within that nation's leadership, inaugurate a new era of Stalinism in East Europe, they would inevitably sharpen the cold war, the consequence of which would surely be, a strengthening of NATO forces, particularly those of West Germany, a downgrading of the goals of detente, and a general renewal of East-West tensions.

We face a dangerous future; there seems to be no doubt of that.

What of the Czechoslovaks and their future? The situation is far from clear. A harsh Soviet occupation has been predicted. The exodus of reformers has already begun, certainly the most grievious commentary on Soviet tyranny; the brains of the country are being forced into exile at Soviet gunpoint.

Now there can be no doubt that the Soviet Union has the power to impose a total police state system on Czechoslovakia. But it is one thing to rule a nation; it is quite another to lead a nation. Novotny could rule Czechoslovakia; he could not lead it; he was a total failure and the Communists themselves disposed of him. The limits to which any ruler can go, including the Soviets, are imprecisely defined, but they exist. Being political realists, the Russians know this. Thus, this reality can and possibly will act as a mitigating force on Soviet rule on Czechoslovakia. It is significant that the Soviets have tried to avoid unpleasant confrontations with people; for the most part they accepted their taunts; and they have withdrawn their tanks from the cities to areas where they will be less conspicuous. The Russians know they have a serious political problem on their hands; they know there are limits to authoritarianism.

Another hopeful aspect is the nature of the Czechoslovak people themselves. They have the stuff, the inner discipline, the great qualities that it takes to resist the occupier and still seek to control their environment and political destiny. Centuries of foreign rule have instilled in them these unique qualities, qualities that have been amply manifested in recent weeks. By their obstinate resistance, the people of Czechoslovakia may yet force the Russians to adopt a more conciliatory course. The meeting of the CPC's Presidium over this past weekend and the carryover of many liberals by Dubcek into the new Presidium are manifestations of this manly courage. Surely, this is a subtle act of defiance; whether Dubcek can get away with it remains to be seen.

But we would deceive ourselves if we believed that developments in Czechoslovakia could ever go beyond the permissible limits established by the Soviet Union. In large measure, therefore, the future of Czechoslovakia depends on the future of the Soviet Union: it is the Russians who determine the bounds of liberalism, conservatism, reaction, and neo-Stalinism. In the final analysis it is they who call the tune. We can only watch with great concern political developments within the Soviet Union itself. If the Russians have clearly gone back to the past and to the path of Stalin with all its dire implications for world communism, the West, and Russia itself, then we can expect the worst for Russia as we can for Czechoslovakia; but if this August crisis proves to be only a momentary divergence, if it is recognized as a gross blunder and miserable failure—which objectively it is—to be righted by counterpressures and corrective action by leaders more responsive to Russia's genuine best interest and that of its people, then this reevaluation can be expected to make a favorable impact in Prague, as indeed elsewhere.

Meanwhile, we can only hope that a new, repressive madness has not taken over that strange land of Russia.

We can only hope that the demonstrated rationality and restraint of Russia's leaders in the immediate past will be resumed.

We can only hope that the Russians will not try to arrest and reverse the main thrust of history within the world Communist movement, the thrust toward divergency, diversity, independence, indeed, interdependence. We must hope that they cannot arrest and reverse the forward thrust of progress, especially in the political and social realm, that has been so marked a positive characteristic of Soviet life in the past decade.

For, our fate and that of all mankind is involved in the decisions taken in Moscow during the weeks and months ahead.

Let us pray that historians of the future will not write that the Russians in the autumn of 1968 turned their backs on their responsibilities to civilization.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUNDT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

Mr. MUNDT. Mr. President, I call up my amendment in the nature of a substitute for the amendment offered by the distinguished Senator from Virginia [Mr. SPONG] and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. In lieu of the language proposed to be inserted by the amendment offered by the Senator of Virginia [Mr. SPONG], insert the following:

On page 16, line 5, after the period insert the following language:

"For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), $90,965,000, fiscal year 1968; *Provided*, That these funds shall not be subject to the provisions of the Anti-Deficiency Statute, Revised Statutes 3679, 31 U.S.C. 665 (c): *Provided further*, That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968."

Mr. MUNDT. Mr. President, are we operating under any controlled time arrangement?

The PRESIDING OFFICER. There is no controlled time.

Mr. MUNDT. Mr. President, my amendment in the nature of a substitute deals with a very urgent matter concerning the schoolchildren of our country, as does the amendment offered by the Senator from Virginia [Mr. SPONG], for whose amendment my amendment provides a substitute.

In our conference just before the adjournment for the two political conventions, the Appropriations Committees of the Senate and the House agreed unanimously on the provision of $90,965,000 to meet these critical needs.

That money has been withheld by the President. The purpose of my substitute is to make this money immediately available for the duration of the fiscal year and to provide exemptions from the prohibitory statutes which the President relied upon in freezing the funds.

I propose to discuss the amendment a little later, as I understand the plan of the leadership of the Senate is not to pursue any rollcall votes today.

In that event, I shall defer my discussion in detail of the amendment until we are ready to begin operating on the bill.

I ask that my amendment be made the pending business.

May I have the attention of the majority leader? I have just offered an amendment in the nature of a substitute, which is lying on the desk. I understood the plan of the leadership was not to have any rollcall votes this afternoon. In that event, I shall defer action on my amendment until somewhat later.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may yield, without losing his right to the floor, so that I may suggest the absence of a quorum.

Mr. MUNDT. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MUNDT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. I yield the floor.

AMENDMENT NO. 939

Mr. PASTORE. Mr. President, on behalf of myself and the Senator from New York [Mr. JAVITS] I submit an amendment. I ask unanimous consent that it be printed and lie on the table, and I also ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, lines 20 and 21, strike out "$1,873,000,000" and insert in lieu thereof "$2,088,000,000".

Mr. PASTORE. I intend to call up the amendment tomorrow, and I should like to explain it at this time.

This is an amendment to increase the appropriation for the Office of Economic Opportunity by $215 million to a total of $2.088 billion for fiscal year 1969.

This modest increase is the absolute minimum with which we can effectively continue the attack on poverty. It is almost $100 million less than the amount Congress authorized for the antipoverty program and the amount the President requested for OEO in his budget.

Why does the Office of Economic Opportunity need an additional $215 million?

Only last December, Congress adopted a 2-year authorization bill for OEO. It proposed that $1.98 billion be appropriated for fiscal year 1968 and $2.18 billion for fiscal year 1969.

The President supported these authorizations and requested a $2.18 billion appropriation for fiscal year 1969.

Yet, last year, Congress appropriated only $1.773 billion—$200 million less than the authorization figure.

This year, the House and the Senate appropriations Committees have proposed an appropriation of $1.873 billion—a full $307 million under the authorization figure and the President's request.

I should like to add at this juncture, parenthetically, that I have heard time and time again, until I have become weary of hearing it, the criticism being leveled at the administration, that it talks big and then does not provide the money. The fact is—and if anyone wants to challenge me on this, I would like to debate the subject—that every time Congress has acted on authorizations for the poverty program, we have never appropriated the full amount that was authorized and the amount that was requested by the President of the United States. I believe this is our opportunity, at this time, to correct it.

Some may say this is a windfall—$100 million more than the program received last year—in a time of general belt tightening.

But is it? Let us look at the fiscal facts surrounding the antipoverty program.

In the arithmetic of the administration of Federal programs, an increase of $100 million does not mean 100 million of new money for an agency or department to use as it wills. In fact, the increase for OEO contained in the appropriation bill before us actually is less than the amount necessary to keep current OEO programs going.

OEO officials testified that simply to continue present programs at current levels, an appropriation of $1.392 billion is required. This means no money to start any new antipoverty efforts.

This situation comes about because of the refunding cycles of community action, legal services, Job Corps, health centers, and many other antipoverty activities. Further, a number of programs which need only modest funding in the startup stage require greater amounts when they become fully operational. For example, comprehensive health centers needed only $33 million in fiscal year 1968 but would require about $90 million to carry on this year.

Therefore, far from providing OEO with new program funds, the Appropriations Committee mark of $1.873 billion could actually necessitate a cutback in antipoverty programs. It falls $59 million short of the amount needed for current programs.

This will hardly prick the consciences of those who disapprove of the whole concept of OEO, but they may not be aware of what has been happening lately.

The latest figures show that almost 3 million Americans came out of poverty in 1967. Since OEO was created in 1964, well over 7 million people have left poverty—more than 2½ times the annual rate for the preceding 5-year period.

Obviously, somebody has been doing something right. OEO does not take credit for all of the improvement, but there can be no denying that the new programs of the last 3 years have had a significant impact.

Another exciting development in the war on poverty is the success of the partnership between the Federal Government and the Nation's business community in developing employment training and jobs for the hard-core unemployed.

This is the job opportunities in the business sector—JOBS—program operated by the National Alliance of Businessmen.

The most recent figures show that NAB has secured 165,000 pledges and has actually placed 40,000 previously unemployed, and once largely unemployable, persons in jobs.

It is significant to note that, last year, $60 million in OEO funds went into this important program.

But there are still 26 million Americans living below the poverty line. There are 5 million Americans whose earnings even when they are working full time do not bring them above the poverty line.

These are the poverty targets. These are the targets which an increased OEO appropriation will help us reach. We cannot do so by cutting the funds available in the war against poverty.

Look, for example, at what has happened to Headstart Follow Through. Headstart had the almost universal endorsement of the Congress and the public, but it has still been impossible to begin the entirely logical Headstart Follow Through program.

The Follow Through program is to find out how these programs develop and to reach out and talk with the people who are under these programs, to find out whether or not they have been effective. I believe it would be foolhardy on our part to spend millions and millions of dollars to initiate a program and to train people under it and then not follow through to find out how the program has developed.

Evaluation of Headstart has made it clear that there is a need for a program to reinforce the significant gains made in Headstart and to insure that Headstart children continue at a rapid rate of development when they enter school. This is particularly true in the case of more than two-thirds of the children who derive benefit only from the short summer programs of Headstart.

OEO and the Office of Education have been ready to implement this in-school phase now for almost 2 years. They need funds. In fiscal year 1968 the President requested and was ready to use $120 million to begin a Follow Through program; the Congress voted only $15 million—barely enough to maintain an experimental pilot program effort at a very modest level.

This year's tight budget request was $50 million, which would provide $26 million for program expansion beyond the operation of last year's classes and the continued participation of last year's children in the program. An appropriation of only $1.873 billion would hardly keep last year's token efforts going.

The JOBS program run by the NAB is another vital example of the promise of antipoverty efforts.

Yet, the appropriation reported by our committee falls $21 million short of the amount required to take advantage of the job opportunities offered by this unique program. Obviously, additional funds for these jobs could be found within the reported amount, but again only at the unconscionable cost of depriving the poor of what they have already been offered to escape their condition. It would be shameful to develop a father's job opportunity, but only through depriving his son of Headstart opportunities. When the private sector is responding so magnificently to our challenge, can we afford to turn our backs on it?

My amendment would add $215 million to the Appropriations Committee figure of $1.873 billion to meet some of these critical needs.

Of this amount, $59 million would permit full continuance of fiscal year 1968 programs, $26 million would permit mounting the President's recommended program for Headstart Follow Through, $9 million would permit additional emphasis in rural areas, and the remaining $121 million would permit full realization of the JOBS program.

This is still $92 million less than the President requested. Several smaller program expansions will regrettably have to go.

The poor, too, must apparently make some sacrifices to the Nation's need to tighten its belt. I trust that OEO, as programs are refunded in the coming year, will economize wherever possible and that the special concerns expressed in our committee's report will receive close attention. We cannot in conscience force the poor to bear the full burden of our efforts to reduce Federal spending.

I hope that when this amendment is called up it will be agreed to.

THE NATIONAL DEMOCRATIC CONVENTION

Mr. PASTORE. Mr. President, I shall make the following statement very slowly for the benefit of all who will listen to me.

I do not know in what lasting mood the American public is going to remember the recent Democratic National Convention in Chicago. I do know, and I feel this rather strongly, that as the situation now stands the American public will remember more of what happened in Grant Park and away from the convention hall than they will of the fine debate therein on the majority and minority Vietnam planks.

For myself, I have returned from Chicago with a feeling not too favorable. I want that clearly understood. I have received a flow of mail from constituents back home who have read the newspapers and who have viewed the television. The mail has been rather mixed. There are those who felt that the right thing was done, and there are other persons who felt the wrong thing was done. All seem confused as to where law and order begins and ends—or survives.

I am not here today to pass judgment on the rights or the wrongs of this situation. I feel pretty much as Milton Eisenhower feels, now that his Commission has been called upon to make an investigation of what happened in Chicago. He has stated he does not want to place himself in a position of prejudging the matter. That is exactly the position I take here today.

However, I believe the American public is entitled to know all the facts. What came through the television sets was rather ugly. There is absolutely no question about it. In my mind, whether what was done was done in the heat of the moment I do not know, nor do I know what the provocations may have been; but surely it appeared to me that possibly more force was used than was reasonably necessary.

Mayor Daley, on behalf of his city of Chicago, feels that he should be given time, at prime time, by the networks to explain his problems and his performance. I have no way of knowing what his case is, but I think the American people have a right to know and to make their own decision.

Mayor Daley has asked for this time on prime television time to be given by the networks. He has been turned down by CBS. NBC has offered to give him time on the "Meet the Press" program. At this moment I do not know what the attitude of ABC might be. I do know the networks are confronted with very delicate questions because all of these situations do set precedents. Their decision could plague them in the future and come back to haunt them, so they have to look down the long road to assess what the ultimate results might be.

Be that as it may, what happened in Chicago has rocked this Nation. Right, wrong, or indifferent, it has rocked the Nation and so much so that the American public is confused as to exactly what did happen. How much took place that did not show on television, and how much of what was shown on television might have been the result of provocation are questions needing to be answered and I do hope that in due time those questions will be answered.

Inasmuch as I am the chairman of the Subcommittee on Communications of the Committee on Commerce, I have a definite responsibility because no matter what the Commission reports, no matter what the President chooses to do, whether it be this President or the next President, whoever he may be, the fact still remains that the Congress has an independent responsibility of its own. I am sure my majority leader will agree with me. The Congress is the watchdog of communications.

My purpose in rising today is not to prejudge the situation and not to pass comment on the whys or wherefores, but merely to appeal to the networks to review their position, to become a little more condescending, so that America will have all the facts. I would hope, if Mr. Daley is given the time, it will not be another program of recrimination and indictment. I hope we will get the clear facts of all the evidence and incidents that led to this very rigid security that all of us experienced in Chicago.

How much of it was necessary, I am unable at this moment to say. I do know this: If as few as 2,000 young people—strong and able-bodied and even stronger minded—invaded or stampeded the convention hall with 5,000 or 6,000 people already there, only God in heaven knows what might have happened. That, of course, could not be tolerated. Whether there was provocation, I repeat, I do not know. But I do know this: The American people should be told.

On television, I know that 1 hour is sometimes too long. It might be much too long a time in this case. I would hope that the networks would sit down with the mayor. I do not know that it has to be across the board—NBC, CBS, or ABC—but they could straighten this out among themselves. Somehow, I think it will do us all a lot of good if at least we heard all sides of the matter. If Mayor Daley were given the time to explain to the American people his side of the situation. I think that in the long run all of us would be better off.

I repeat, I am not here as anyone's advocate, but because I am the chairman of the Subcommittee on Communications and, in all probability, I am going to receive a lot of mail on this subject, and pressing requests will be made of my committee, I am going to suggest, openly and publicly, here today, that the presidents of the three networks sit down with Mayor Daley to see whether they cannot reach a reasonable agreement and allow Mayor Daley to appear on television and explain his side of the story to the American people.

Then, let the American people judge who was right, who was wrong, and whether anyone went too far.

DEATH OF ROGER PEACE

Mr. THURMOND. Mr. President, during the August recess, our State and Nation, and especially the journalistic world, was deeply saddened by the death of Roger Peace, one of the ablest of newsmen, and one of the finest of civic leaders.

Roger Peace was no stranger to the U.S. Senate, since he was the interim U.S. Senator from South Carolina in 1941 after James F. Byrnes was appointed to the Supreme Court. His distinguished record while a Member of this body speaks for itself.

At the time of his death, Roger Peace was the chairman of Multimedia, Inc., an enterprise whose importance to our people is evident in the listing of its component divisions: The Greenville News-Piedmont Co., the Asheville Citizen-Times Publishing Co., and the Multimedia Broadcasting Co., consisting of WFBC-AM-FM-TV, Greenville; WBIR-AM-FM-TV, Knoxville, Tenn.; WMAZ-AM-FM-TV, Macon, Ga.; and WWNC, Asheville. As the steward of these operations, Mr. Peace turned in a remarkable record in the public interest.

Roger Peace was a pioneer in the newspaper, radio, and television fields, and his progressive policies were instrumental in the tremendous industrial growth of the Piedmont area of South Carolina, and especially Greenville. His father, B. H. Peace, bought the Greenville News in 1919 at his urging. Roger successively became sports editor, general manager, and editor before moving on to managerial positions. But it was the title of editor that he always liked best.

Roger Peace believed in our country and the principles that made it great. He always stood for what was best for the people. He had a great vision for the South, and spurned offers which would have made him rich, but which would have taken control of the vital news media out of the region. He had faith that the South would prosper, and his faith was rewarded.

Roger Peace always made himself part of his editorial columns. He attacked the growing centralization of the Federal Government, and the waste of Federal funds. He knew what the Constitution meant, and saw how it was being eroded. He had traveled in the Soviet Union and understood the nature of international communism and its threat of squelching the free world. Once we had gone into Vietnam, he favored a military victory.

I would be much amiss if I did not mention Roger Peace's astonishing record of community service. It has been said that not a single educational institution in our State has failed to benefit from his efforts and his substance. He was a trustee of the South Carolina Foundation of Independent Colleges. He was instrumental in organizing the Greenville County Foundation. He was a former president of the Greater Greenville Chamber of Commerce, and the Community Chest of Greenville.

Above all, Roger Peace remained a newspaperman to the end. In everything he did, he sought to raise the sights of the community. His newspapers set the standards, and they are standards which it will be difficult to surpass.

In the death of Roger Peace, I have lost one of my finest and most loyal friends. I frequently consulted with him, and valued highly his wise counsel. His views were imaginative and thought-provoking. His dedication and his enthusiasm for his country's welfare were a source of inspiration.

Roger Peace was a distinguished citizen, a true patriot, and a great American. In his passing, our State, the South, and the Nation have lost an eloquent spokesman. He was truly a great builder, and as the poet said:

> When a great builder dies
> For years beyond his ken
> The light he leaves behind him
> Will shine upon the path of men.

I have had personal experience with Roger Peace's effect upon the lives of others, especially our young people. Two of his grandsons served as pages in the U.S. Senate upon my appointment, Edmund A. Ramsaur, Jr., and Roger C. Peace III. Both proved to be splendid young men of character and ability and dedication, and the imprint of their grandfather's life was evident in them.

I wish to extend my deepest sympathies to his lovely daughter, Mrs. E. A. Ramsaur, his grandchildren, and his brother, Mr. B. H. Peace, Jr., and his sisters, Mrs. Gertrude P. Leake, and Mrs. Laura P. Echols, and other surviving members of the Peace family.

Mr. President, I ask unanimous consent that the following editorials and articles concerning this late distinguished citizen be printed in the RECORD at the conclusion of my remarks. They include editorials from:

"Roger Craft Peace," the Greenville News, August 22, 1968;

"Our Humble Gratitude," the Greenville News, August 25, 1968;

"Roger Craft Peace," the Greenville Piedmont, August 22, 1968;

"Roger C. Peace," the Index-Journal, August 22, 1968;

"Mr. Roger Passes," the Spartanburg Herald, August 22, 1968;

"Rogert C. Peace," the News and Courier, August 3, 1968; and

"Editorial, WSPA Voice of the Air," August 23 and 24, 1968.

Also the following articles:

"Roger C. Peace, Publisher, Civic Leader, Dies at Home," the Greenville Piedmont, August 21, 1968;

"Roger Peace Mourned by Community," Greenville Piedmont, August 21, 1968;

"Roger Peace, News Media Builder, Dies," Greenville News, August 22, 1968;

"Tributes Are Paid to Roger Peace," Greenville News, August 22, 1968;

"Roger C. Peace Funeral Planned Friday at 11," Greenville Piedmont, August 22, 1968;

"Mortal, but Irreplaceable, Said of Roger Peace at Funeral Rites," Greenville Piedmont, August 23, 1968;

"Roger Peace Called an Irreplaceable Man," Greenville News, August 24, 1968; and

"Roger C. Peace Tributes Flow In," Greenville News, August 24, 1968.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Greenville News Aug. 22 1968]

ROGER CRAFT PEACE

"Thou wert my guide, philosopher and friend."—Essay on Man, Pope.

Roger Craft Peace was all of these things and more to those of us who worked with him during a distinguished newspaper and broadcasting career which began when he was about 16 and ended only the day before his sudden death at 69 as he sat in the evening quiet of his home.

"Mr. Roger" looked upon all of us not as employes but as associates. He had the command presence of the natural executive which made orders superfluous and leadership ability which conveyed his advice and desires without the necessity of directives. When he spoke of employes of the company, he included himself.

The editorial "we" was literally that in the policies of the newspaper; he was not a personal journalist in the sense that many of his own and the preceding generation were. Rather, he insisted that what went into the newspapers represent the best thinking of all in position to contribute.

In later years, when the managerial burden had been partly shifted to others and he had time again, he resisted urging that he write a personal, signed column, insisting that he preferred to be merely a part of the editorial page. And, indeed, he was, regardless of whether he was actually writing. His high principles, set forth by precept and example, insured his imprint on the newspaper in a manner that will live longer than the youngest of us.

We recognized and admired the enormous grasp and depth of his intellect and his knowledge. We were grateful for his common sense which could strip a problem or a complicated situation down to its bare essentials, so that solutions and analyses came more easily.

Above all, he taught and he practiced personal and institutional integrity and intellectual honesty.

He was the "open door" kind of executive who was quickly available to an employe or a member of the public with a professional, personal or community problem. Except when he secluded himself to write or to think, he answered his own telephone without the screening of calls by a secretary.

As he was thus available with his wit and wisdom to all of us, so he was to the civic and governmental leaders of the community, state and nation which he believed in with fervent patriotism. He might have had a brilliant public career, but was unwilling to give up his great love, the printed page, to pursue it.

Even so, his advice and counsel were eagerly sought by elected and appointed leaders at all levels, just as his professional knowledge and judgment were known and respected nationwide.

While building and presiding over a communications organization which has few equals anywhere, Mr. Peace gave freely of his time and talents to civic causes too numerous to mention. His and the corporation's philanthropy touched thousands in ways calculated to help them to help themselves and others.

There isn't a single educational institution in the state which hasn't directly benefitted from his efforts and his substance, and he assisted many outside of it.

Thousands of South Carolinians work today at better jobs created for them by the wisdom and efforts of Roger Peace and a few other men back in the 1940's and 1950's.

Mr. Peace was chairman of the Preparedness for Peace Commission which blueprinted the post-World War II governmental reforms and set in motion the industrial development program upon which this state's present economy was built. He helped implement the South Carolina industrial revolution by a decade of service on the State Development Board which grew out of his commission's recommendations.

But first, and always, Roger C. Peace was a newspaperman.

In his teens he was a reporter, before the Peace family headed by his late father, B. H. Peace, acquired ownership of The Greenville News and some years later of The Piedmont. In his twenties he was an editor and in his thirties a publisher and manager.

The economics of publishing and broadcasting demanded more and more of his time. But despite this, and despite broad and deep involvement in public and other business affairs as a participant and consultant, he was in mind and heart fundamentally a reporter and editor.

In both these roles, which he combined and balanced, he had few peers. He possessed to a rare degree what newsmen know and feel as a sort of professional instinct. He was instrumental in launching the careers of several distinguished editors, in each of whom he discovered and developed this instinct which is more inbred than instilled or acquired.

His great regret in later years was that the pressure of other duties prevented his functioning more actively in the area of writing, a skill he exercised with unmatched facility and clarity, and editing, a task to which he brought extraordinary insights. This man who had held many titles, public and private, often said, "No title meant more to me than that of Editor."

But, so great was his capacity to adapt and to grow that, unlike most newspapermen, he also possessed or developed great business acumen marked by a rare combination of stability and daring, foresight and caution.

It was this foresight, wisdom and concern for the welfare of the state and community that prompted him to take several steps, which culminated in the formation of the public corporation, Multimedia, of which the Greenville and Asheville newspapers are a part. His basic purpose was to provide, as far as was humanly possible, that the newspapers, as quasi-public institutions, would continue under community control in perpetuity.

Nobility and compassion were hallmarks of Mr. Peace's relations with his fellowman. His capacity for friendship was virtually limitless and his friends were legion and representative of almost the whole spectrum of humanity.

He had a full measure of the divine gift of laughter, most often turned upon himself, and a natural and wholesome personal jollity. He insisted that those around him possess and exercise the trait he invariably referred to as "levity."

People were attracted to him because they could look upon him and say with the poet, "Here is a man!"

[From the Greenville News, Aug. 25, 1968]

OUR HUMBLE GRATITUDE

We are confident that our readers and friends will understand that it will be impossible for us, much less the Peace family, to acknowledge all of the tributes and expressions of grief and sympathy which have come in a comforting tide since the death of our beloved Roger C. Peace.

So many have been in the form of telephone calls and notes to individuals among the scores of men and women who make up The News-Piedmont and associated companies. Others have been simple verbal expressions impossible to record or to remember accurately. Many have come from strangers.

In many ways, these are more meaningful than the more formal messages from persons of prominence. Their manner and tone of themselves indicate that the speakers or writers recognize the personal sort of loss each of us has experienced and the grief we feel; and that members of the public share our feelings, for as a public man "Mr. Roger" belonged to them also.

We would be less than honest, and guilty of false modesty, if we did not say that the most pleasing gesture of all was that of Mayor David G. Traxler in asking that the United States flag be flown at half-staff on all city buildings during the hours of deepest mourning.

Postmaster Robert A. Jolley Jr. concurred in Mayor Traxler's opinion and directed that the flag on the city's principal federal building likewise be lowered in tribute to Mr. Peace.

We thank them both in their personal feelings and official capacities.

It first was an honor befitting a public spirited citizen who felt and practiced deep patriotism, dedicated the news media he headed and gave so much of himself to community, state and nation.

It also recognized his position as a former United States Senator, an honor bestowed upon him by another distinguished South Carolinian and his lifelong friend, the late Governor and Senator Burnet R. Maybank. It was he who as governor in 1941 appointed Mr. Peace to succeed James F. Byrnes for the interim term while he himself successfully sought the seat. Mr. Peace considered this position one of the highest and most honored an American could hold.

All of these things were said and done, not in pride but in humility for a man who was himself both great and humble.

As we often presumed to speak for him while he lived, we think we speak for him as well as for ourselves now when we acknowledge these gestures and express gratitude for the words of praise, sympathy and comfort—all in the spirit of the ennobling humility which enabled our beloved friend and mentor to "walk with kings, nor lose the common touch."

[From the Greenville Piedmont, Aug. 22, 1968]

Roger Craft Peace

Roger Craft Peace, above all else, was a working newspaperman.

His interests covered a broad spectrum—government, politics, finance, industry, business, education, travel, state and local planning—but his heart was in the newspapers he published, the people who put them together and their content.

Newspapers were his life, from the day in 1916 that he went to work on The Greenville News as a cub reporter till his death yesterday at 69.

Many honors came to Mr. Peace, local, state and national. From one of them developed the first of the two things in which he took paramount pride.

It was in 1942 that Mr. Peace was appointed chairman of the South Carolina Preparedness for Peace Commission. That commission, in 1945, presented a comprehensive postwar plan for South Carolina, including a recommendation for the formation of the South Carolina Research, Planning and Development Board. The Board and its extremely effective operation was a prideful thing to him.

The other of the two was the employes trust fund that he set up within the News-Piedmont Company. That was reflective of his immediate concern for his associates (he never called them employes) and was indicative of his larger concern for all who moved within his sphere.

Mr. Peace was a man of many facets. His business acumen was recognized by all with whom he had business. His integrity was just as great. His friendship was a thing of value. His love of family and friends, his compassion for others, his ability to bear sorrow with a strong heart—all had an amazing depth. His judgment, ability and dedication to whatever public or private task he undertook brought the greatest admiration.

He was a man who will be long and lovingly remembered because of the kind of man he was.—W.F.G.

[From the Greenwood (S.C.) Index-Journal, Aug. 22, 1968]

Roger C. Peace

The strong and restless mind of Roger Peace led him in many directions as a state and community leader, and for a time on the national scene.

But wherever these other interests led, they always spread out from the central core of his being as a newspaperman.

His identity was as the guiding hand of the Greenville News and the Greenville Piedmont, and later radio and television interests. But he served in many ways, not only as an active participant in programs for state and community uplift, but as a man whose counsel was often sought by those in public life.

Perhaps his greatest tribute comes in the deep respect and affection with which he was held by his associates on all levels in all departments of the newspaper and other interests he headed.

Our sympathy goes out to the Peace family, and to our friends on the Greenville newspapers who have lost a valued friend and counselor.

[From the Spartanburg (S.C.) Herald, Aug. 22, 1968]

Mr. Roger Passes

Twenty some years ago, we had the pleasure of working for Mr. Roger. He was president and publisher of two great newspapers . . . yet he was affectionately referred to as "Mr. Roger." He was "Mr. Roger" from Judson Chapman, editor of The Piedmont, to the bald-headed elevator man.

Normally when one writes an editorial of the passing of a fine citizen, the effort is made to list his accomplishments. With the passing of Mr. Roger the list is too long. He wouldn't have liked it, anyway.

Yet, one cannot refrain from thinking of the many great and lovely things he did for his profession, his community, state and nation. He was a newspaper reporter and later a United States Senator. That's a great spread in the endeavor of one man.

"Mr. Roger" was Roger C. Peace. When he died Tuesday, he was president and publisher of the Greenville Newspapers. He stood tall among present day Americans. His shadow will long stand bold and wide from the Piedmont of his South Carolina to the Atlantic Ocean.

So long, Mr. Roger.—Phil B.

[From the Charleston (S.C.) News and Courier, Aug. 23, 1968]

Roger C. Peace

An able business man with a keen sense of obligation to public service, Roger C. Peace combined the basic qualities for a successful newspaper publisher. His management of The Greenville News and The Greenville Piedmont, purchased earlier by his father, the late Bony Hampton Peace, was so efficient that radio, television and the two Asheville newspapers were added to the family holdings.

A man who commanded both respect and loyalty, Mr. Peace was held in high esteem by others in the publishing field and by fellow citizens generally. As a tribute to his leadership in South Carolina, he was appointed U.S. Senator to serve an interim term when James F. Byrnes became an associate justice of the U.S. Supreme Court.

We knew Roger Peace as a courteous, intelligent and affable colleague. He bore personal sorrows with cheerful fortitude. His death at 69 after a long illness is a source of grief to a large number of friends, associates and admirers.

WSPA: Voice of the Air, August 23 and 24, 1968

The sudden passing of Roger Peace removes from the South Carolina scene a public figure who can ill be spared in these troublesome times.

His perception was worldwide, but his heart and his dedication always were to his community, his state and his country, and in that order.

Although extremely successful in many and varied business enterprises, he was fundamentally a newspaperman. What he did in building the *Greenville News* and *Greenville Piedmont* into the outstanding publications they are today exemplifies the best in journalism. In this era when so many Southern newspapers have been bought up by outside interests, Roger Peace never gave a second thought to the fabulous offers received for the Greenville newspapers which would have made him several times a millionaire early in life.

Roger Peace believed a state's greatest asset was its young people. The only time he ever thought about leaving South Carolina was when his father, the late B. H. Peace, hesitated about taking advantage of an opportunity to buy the *Greenville Piedmont* on which young Peace cut his journalistic teeth. When Mr. Peace returned home one night, he found his eldest son sitting on his packed trunk ready to take off for faraway places to pursue his chosen profession unless his father bought the Greenville newspaper. Mr. Peace told his son if he wanted a newspaper that badly, he would buy it.

And there began the building of the two fine daily newspapers which have meant so much to the growth of Greenville and the growth of the Piedmont. The *Greenville News-Piedmont* are shining examples of what home-owned newspapers can mean to a community and a region.

The Greenville newspapers attained their success because the Peaces recognized that the news columns belonged to the readers, and they never lost their objectiveness.

One example will serve to show Roger Peace's devotion to true journalism. His papers had waged an editorial campaign for extension of the city limits to include a community outside of Greenville which resented the effort to bring it in. A carnival came to West Greenville, and Roger Peace and members of his family and staff attended it. The police arrested the party for some undisclosed reason and locked them up.

The elder Peace was furious. Of course, his son and party were released without difficulty, and then came the question of publicity. The elder Peace wanted to play down or kill the story. Roger ordered that it be put on the front page of the Greenville paper. His reasoning was that no one, not even the publisher's family, had immunity from the readers of the newspapers having the news.

There are scores of examples of the wisdom and courage of Roger Peace in the building of the Greenville newspapers. But when all is said and done, it was this man's big heart, friendliness and his ability to attract intelligent and loyal associates that enabled him to scale so many ladders of success.

Roger Peace will be missed and mourned by people in all walks of life. But those who will miss him and mourn him most will be those with whom he was associated over the years and who knew him best.

A real big 30 goes up on life's scoreboard in the passing of Roger Peace, and South Carolina journalism has lost its brightest star.

[From the Greenville Piedmont, Aug. 21, 1968]

Roger C. Peace, Publisher, Civic Leader, Dies at Home

Roger Craft Peace, 69, noted Greenville newspaperman, business and civic leader and chairman of the board of Multimedia, Inc., died last night at his home, 201 Crescent Avenue.

Mr. Peace was born May 19, 1899, the eldest son of the late Bony Hampton Peace and Mrs. Laura Estelle Chandler Peace.

Mr. Peace was married in 1920 to Miss Etca Tindal Walker. They had two children, the late Roger C. Peace, Jr. and Mrs. E. A. (Dorothy Ann Peace) Ramsaur of Greenville, Mrs. Etca Peace died June 21, 1965.

Mr. Peace's second wife, Mrs. Amy Newgren Peace, died Sept. 19, 1967.

Also surviving are a brother, B. H. Peace, Jr., of Greenville; and sisters, Mrs. Gertrude P. Leake and Mrs. Laura P. Echols of Greenville and grandchildren, Edmund A. (Ted) Ramsaur, Jr., of Greenville, Etca Ann Ramsaur of Greenville, Norlin Craft Peace of Coral Gables, Fla., and Roger C. Peace, III of Coral Gables, Fla.

Another brother, Charlie Peace, died in 1958, and a sister, Mrs. Frances P. Graham died in 1967.

He was educated in the public schools of Greenville and was graduated from Furman University with a bachelor of arts degree in 1919. He entered ROTC training in 1918 and served later as an instructor in the United States Army.

Mr. Peace began his newspaper career as a reporter in 1916 on The Greenville News. Soon thereafter, at the behest of two other sons, his late father, B. H. Peace, who operated a commercial printing business, acquired The News from the late Capt. Ellison A. Smyth. Father and sons began the building process that has developed the newspaper into one of the most successful in the Southeast.

Roger Peace served as sports editor in 1919–20 and as editor from 1920–24, at which time he became business manager. He remained active in the editorial direction of the paper. When his father's health began to fail about 1930, he began to assume more responsibility in the overall operation of what is now a large publishing company.

The Greenville News acquired The Piedmont in 1927 and merged it into the business operation of The Greenville News-Piedmont Co. In 1932 the company established Radio Station WFBC, which later entered the television field.

Upon his father's death in 1934, Mr. Peace became president of the News-Piedmont Co. and publisher of the two newspapers, holding the title of editor of The News for a period of time.

The News-Piedmont Co. purchased the Asheville, N.C., newspapers in 1954, forming The Asheville Citizen-Times Publishing Co., Inc., which publishes the Asheville Times and the Asheville Citizen and operates a radio station.

Multimedia, Inc., was organized last year. Its divisions are the Greenville News-Piedmont Co., the Asheville Citizen-Times Publishing Co. and Multimedia Broadcasting Co., the latter consisting of WFBC-AM-FM-TV, Greenville; WBIR-AM-FM-TV, Knoxville, Tenn.; WMAZ-AM-FM-TV, Macon, Ga., and WWNC-AM, Asheville, N.C.

Mr. Peace has served as director of the Peoples National Bank of Greenville, the Piedmont and Northern Railway, the Greenville Community Hotel Corp. and as chairman of the board of WMRC, Inc.

He served an interim term in the United States Senate from August to November, 1941, former Sen. James F. Byrnes was appointed to the United States Supreme Court.

Other community and civil activities ranged from presidency of the Community Chest to the Chamber of Commerce. He was connected with a number of charitable agencies.

He was a trustee of the South Carolina Foundation of Independent Colleges and was instrumental in organizing the Greenville County Foundation.

In 1942 Mr. Peace received an appointment as chairman of the Preparedness for Peace Commission, which in a 1945 report presented a comprehensive postwar plan for South Carolina. It embraced a complete study of the state and local governments with suggestions for sweeping reforms.

Among the recommendations was the formation of the State Research, Planning and Development Board, which was subsequently renamed the State Development Board. When the General Assembly created the agency, Mr. Peace was one of the first directors appointed and served continuously until his resignation in 1955.

Mr. Peace was honored on his 66th birthday in 1965, when friends, relatives and newspaper associates paid tribute to him for his contributions in the community, state and nation. He was praised especially for his role as publisher of newspapers that have "set the tone of the community."

Funeral arrangements will be arranged by The Mackey Mortuary.

[From the Greenville Piedmont, Aug. 21, 1968]

Roger Peace Mourned by Community

Mayor David G. Traxler expressed shock today over the death last night of Roger C. Peace, prominent Greenville Communications media executive.

"I am sorry to hear about the death of Roger Peace, who has consistently, over the years, been a friend and supporter of all of Greenville, especially of the city government," he said.

"The loss of him, one of our finest citizens, will be felt over a long period of time."

Mayor Traxler said Peace had planned to accompany him to Washington in January in connection with the Mayor's PERT plan to ease cities' tax problems.

Leonard M. Todd, president of the Greater Greenville Chamber of Commerce, spoke of the publisher's death as a "personal loss to me as a friend."

Todd said, "There is no question that Mr. Peace's handling of the news media has had a tremendous impact on this area's growth. He has handled it impartially. He has been interested in cultural activities and his efforts have greatly advanced the arts.

"His death will be a very great loss to our community."

Former Gov. James F. Byrnes of Columbia, a long time friend and associate of Mr. Peace, said, "I am shocked to learn of the death of Roger Peace.

"When I was appointed to the U.S. Supreme Court Roger Peace succeeded me as U.S. senator and ably represented South Carolina in that body.

"During all my public service I consulted Roger about important problems and always profited by his wise counsel. I had no more loyal friend and his death is a source of great sorrow to me."

[From the Greenville News, Aug. 22, 1968]

Roger Peace, News Media Builder, Dies

Roger Craft Peace, 69, chairman of the board of Multimedia, Inc., died Tuesday night at his home, 201 Crescent Ave.

His career as a southern newspaperman spanned more than half a century from his first days in 1914 as a reporter for The Greenville News, and he became eminently successful as editor and publisher, business and civic leader in later years.

Mr. Peace was born May 19, 1899, eldest son of the late Bony Hampton Peace and Mrs. Laura Estelle Chandler Peace, and was married in 1920 to Miss Etca Tindal Walker, who died June 21, 1965.

They had two children, Mrs. E. A. (Dorothy Ann) Ramsaur of Greenville and the late Roger C. Peace Jr.

Mr. Peace's second wife, Mrs. Amy Newgren Peace, died Sept. 19, 1967.

Also surviving are a brother, B. H. Peace Jr. of Greenville; two sisters, Mrs. Gertrude P. Leake and Mrs. Laura P. Echols of Greenville; and grandchildren, Edmund A. (Ted) Ramsaur Jr. and Etca Ann Ramsaur of Greenville, and Norlin Craft Peace and Roger C. Peace III of Coral Gables, Fla.

A brother, Charlie Peace, died in 1958 and a sister, Mrs. Frances P. Graham, died in 1967.

Funeral services will be conducted Friday at the Mackey Mortuary by Dr. L. D. Johnson and Rev. James G. Stertz. The time will be announced. Burial will be in Springwood Cemetery. He was a member of the First Baptist Church.

An honorary escort will consist of employes of The Greenville News and the Greenville Piedmont.

At Mr. Peace's urging, his father, B. H. Peace, in 1919 purchased The Greenville News and the newspaper rapidly progressed to become an influential enterprise. "Mr. Roger," as he came to be familiarly known, was editor, 1920–24, after serving a year as sports editor, then as business manager. However, he maintained interest and direction of editorial content throughout his career.

The Peace family acquired the Greenville Piedmont in 1927 and it was merged into the News-Piedmont Co. which became the nucleus of an expanding publishing and broadcasting endeavor. The elder Peace's health began to fail in 1930 and he died in 1934.

On his father's death, Roger Peace became president and publisher of The News-Piedmont Co. and also retained his responsibility as editor for a time.

With his leadership, the company established Radio Station WFBC in 1932, and in the 1950s WFBC–TV was founded. The Asheville newspapers and radio station WWNC were bought in 1954 and Mr. Peace was chairman of the board.

Mr. Peace for many years was a director of numerous corporations and civic organizations, and he was an interim U.S. senator in 1941. He was chairman of the Preparedness for Peace Commission for South Carolina during World War II years and a study of the commission resulted in the formation of the S.C. Research, Planning and Development Board, now known as the State Development Board.

He was U.S. senator from August to November 1941 after James F. Byrnes was appointed to the U.S. Supreme Court.

Mr. Peace was a trustee of the S.C. Foundation of Independent Colleges and was instrumental in organizing the Greenville County Foundation. He also was a former president of the Greater Greenville Chamber of Commerce and the Community Chest of Greenville.

He served as a director of Peoples National Bank, the Piedmont and Northern Railway and Greenville Community Hotel Corp.

Mr. Peace was honored on his 66th birthday in 1965, when friends, relatives and newspaper associates paid tribute to him for his contributions in the community, state and nation. He was praised especially for his role as publisher of newspapers that have "set the tone of the community."

Multimedia, Inc., of which he was chairman, was organized in 1967. Its divisions include The News-Piedmont Co., the Asheville Citizen-Times Publishing Co. and the Multimedia Broadcasting Co., the latter consisting of WFBC–AM–FM–TV, Greenville; WBIR–AM–FM–TV, Knoxville, Tenn; WMAZ–AM–FM–TV, Macon, Ga.; and WWNC, Asheville.

Mr. Peace was educated in Greenville public schools and was graduated in 1919 from Furman University, becoming sports editor of The Greenville News that year and assuming his first management responsibility in the newspaper field.

[From the Greenville News, Aug. 22, 1968]

Tributes Are Paid to Roger Peace

The death of Roger C. Peace, board chairman of Multimedia, Inc., and a moving force in Greenville and South Carolina, for many years, brought an immediate response from officials and citizens from all over the state and elsewhere.

His leadership among those who knew and worked with him was summed up by J. Kelly Sisk, president of Multimedia, Inc., and president and publisher of The Greenville News-Piedmont Co., who said of his long-time friend and associate:

"Roger Peace was a self-made leader, who all his life was quick to gain the respect of the common man and the great. He was humble but never meek. And he was fair, never allowing himself the privilege of making decisions based on petty personal reasoning but always thinking of the right and just cause of all concerned. His sound judgment cannot be replaced.

"His ability to inspire was unique. He will be missed."

Messages included one from former Gov. James F. Byrnes, of Columbia, a close friend and associate of Mr. Peace for decades. The state's elder statesman said:

"For 40 years he and I were the closest of friends. I had not a closer friend than Roger Peace.

"When I was appointed to the U.S. Supreme Court, Roger Peace succeeded me as U.S. senator and ably represented South Carolina in that body.

"During all my public service I consulted Roger about important problems and always profited by his wise counsel. I had no more loyal friend and his death is a source of great sorrow to me . . . a terrible shock."

Gov. and Mrs. Robert E. McNair said:

"South Carolina has lost an able and eloquent spokesman. We share with the family their deep loss and extend our heartfelt sympathies. We have long admired Mr. Peace personally and professionally and count his passing a great loss."

The state's two U.S. senators expressed their regrets in separate messages. Sen. Strom Thurmond said:

"I was shocked and grieved to learn of the death of my close friend, Roger C. Peace. Our state and nation have lost one of their ablest and most distinguished newsmen.

"He was a pioneer in the newspaper, radio and television fields and his progressive policies were instrumental in the tremendous industrial growth enjoyed in the Piedmont area of South Carolina, and especially Greenville.

"He was a great patriot and his wise counsel meant much to me and all South Carolinians."

Sen. Ernest F. Hollings said:

"The death of Roger C. Peace marks the further passing of a great era for South Carolina.

"Through the years he stood for the finest things that make our great state and we have lost some of our character with his passing.

"He was always a credit to his profession, to his community, to his state and—as a former U.S. senator—to his country.

"Men of his ability, integrity and principle can ill afford to be lost during times of such peril."

Evangelist Billy Graham said:

"I am shocked and grieved. He was one of the great men of the South."

U.S. Rep. Robert T. Ashmore telephoned:

"It was with great sorrow that I learned of the death of Roger, one of Greenville's leading citizens in many respects. Undoubtedly he was one of the ablest businessmen in this area and had achieved great success in the news media field.

"He was a loyal Greenvillian, always ready and willing to lend his great influence and support to those things which would improve and promote the interest of the city he loved so much. We shall miss him greatly."

U.S. Rep. W. J. Bryan Dorn of Greenwood said:

"Mr. Peace was one of the truly greatest men that it ever has been my privilege to know. He was a man of vision, of integrity, and was intensely patriotic and believed in the future of the Southland and the United States.

"He exemplified the very highest standards and ethics in the field of journalism. He was a leader and he will be greatly missed by thousands of people in our state and nation. For the period he served as U.S. senator, he was a statesman."

Dr. R. C. Edwards, president of Clemson University, said:

"Roger C. Peace, as a citizen and as a newspaper publisher, was a man of high attainments and broad interests. He was especially concerned throughout his career with the educational needs of South Carolina. He was a true friend of Clemson University, and the Clemson community is saddened by his death."

Wes Gallagher, general manager of The Associated Press, wired from New York:

"I deeply regret the death of Roger Peace. His was a long and most distinguished career and your community and state will surely miss his vision and leadership. His passing is a severe loss to journalism."

Ambrose Hampton, chairman and publisher of The State at Columbia, said:

"The South and its news media have suffered a great loss and we have lost a loyal friend."

Frank Daniels, president and publisher of the News-Observer Co. at Raleigh, N.C., said:

"Please express our deepest sympathy and regret to Roger Peace's family. The South and the nation have lost a great newspaperman."

Anderson Independent and Daily Mail publisher Wilton E. Hall said:

"Roger will long be remembered as a distinguished South Carolinian whose leadership in journalism and other endeavors will be greatly missed."

Mayor David G. Traxler said:

"I am sorry to hear about the death of Roger Peace, who has consistently, over the years, been a friend and supporter of all of Greenville, especially of the city government."

"The loss of him, one of our finest citizens, will be felt over a long period of time."

Mayor Traxler said Peace had planned to accompany him to Washington in January in connection with the Mayor's PERT plan to ease cities' tax problems.

Leonard M. Todd, president of the Greater Greenville Chamber of Commerce, spoke of the publisher's death as a "personal loss to me as a friend."

Todd said, "There is no question that Mr. Peace's handling of the news media has had a tremendous impact on this area's growth. He has handled it impartially. He has been interested in cultural activities and his efforts have greatly advanced the arts.

"His death will be a very great loss to our community."

[From the Greenville (S.C.) Piedmont, Aug. 22, 1968]

Roger C. Peace Funeral Planned Friday at 11

Funeral services for Roger C. Peace, 69, chairman of the board of Multimedia, Inc., who died Tuesday, will be conducted Friday at 11 a.m. at The Mackey Mortuary by Dr. L. D. Johnson, Rev. James G. Stertz and Dr. Billy Graham.

Burial will be in Springwood Cemetery.

Honorary escort will be his associates of The Greenville News and Greenville Piedmont.

Mr. Peace's death ended a career of more than 50 years which included prominence in writing, publishing and civic fields.

Mr. Peace was born May 19, 1899, eldest son of the late Bony Hampton Peace and Mrs. Laura Estelle Chandler Peace and was married in 1920 to Miss Etca Tindal Walker, who died June 21, 1965.

They had two children, Mrs. E. A. (Dorothy Ann) Ramsaur of Greenville and the late Roger C. Peace Jr.

Mr. Peace's second wife, Mrs. Amy Newgren Peace, died Sept. 19, 1967.

Also surviving are a brother, B. H. Peace Jr. of Greenville; two sisters, Mrs. Gertrude P. Leake and Mrs. Laura P. Echols of Greenville; and grandchildren, Edmund A. (Ted) Ramsaur Jr. and Etca Ann Ramsaur of Greenville, and Norlin Craft Peace and Roger C. Peace III of Coral Gables, Fla.

A brother, Charlie Peace, died in 1958 and a sister, Mrs. Frances P. Graham, died in 1967.

At Mr. Peace's urging his father, B. H. Peace, in 1919 purchased The Greenville News and the newspaper rapidly progressed to become an influential enterprise. "Mr. Roger," as he came to be familiarly known, was editor, 1920–24, after serving a year as sports editor, then as business manager.

The Peace family acquired the Greenville Piedmont in 1927 and it was merged into the News-Piedmont Co. which became the nucleus of an expanding publishing and broadcasting endeavor. The elder Peace's health began to fail in 1930 and he died in 1934.

On his father's death, Roger Peace became president and publisher of The News-Piedmont Co. and also retained his responsibility as editor for a time.

With his leadership, the company established Radio Station WFBC in 1932, and in the 1950s WFBC–TV was founded. The Asheville newspapers and radio station WWNC were bought in 1954 and Mr. Peace was chairman of the board.

Mr. Peace for many years was a director of numerous corporations and civic organizations, and he was an interim U.S. senator in 1941. He was chairman of the Preparedness for Peace Commission for South Carolina during World War II years and a study of the commission resulted in the formation of the S.C. Research, Planning and Development Board, now known as the State Development Board.

He was U.S. senator from August to November 1941 after James F. Byrnes was appointed to the U.S. Supreme Court.

Mr. Peace was a trustee of the S.C. Foundation of Independent Colleges and was instrumental in organizing the Greenville County Foundation. He also was a former president of the Greater Greenville Chamber of Commerce and the Community Chest of Greenville.

He served as a director of Peoples National Bank, the Piedmont and Northern Railway and Greenville Community Hotel Corp.

Multimedia, Inc., of which he was chairman, was organized in 1967. Its divisions include the News-Piedmont Co., the Asheville Citizen-Times Publishing Co. and the Multimedia Broadcasting Co., the latter consisting of WFBC–AM–FM–TV, Greenville; WBIR–AM–FM–TV, Knoxville, Tenn.; WMAZ–AM–FM–TV, Macon, Ga.; and WWNC, Asheville.

[From the Greenville Piedmont, Aug. 23, 1968]

Mortal, but Irreplaceable, Said of Roger Peace at Funeral Rites

Roger C. Peace, honored by hundreds of associates from over 50 years of enlightened service in business, community, state and nation, was eulogized and put to final rest today in ceremonies which matched the simplicity of his own "common sense" life.

"I have been nurtured by the flow of that greatest of all fountains, his fountain of common sense," was the personal eulogy of Dr. L. D. Johnson, Mr. Peace's pastor, who drew the phrase from Mr. Peace's recent praise of long-time friend Gov. James F. Byrnes.

Gov. Byrnes and hundreds of others associated with the Multimedia, Inc., board chairman through the years heard Dr. Johnson, former First Baptist Church pastor and now at Furman University; Dr. Billy Graham, famed evangelist; and Rev. James G. Stertz, present First Baptist pastor, repeatedly recommend Mr. Peace's life as an example of courage, devotion and service.

"We believe that God's noblest creation is man, and that man's best good is to honor God by making the most he can of the intelligence and ability entrusted to him," Dr. Johnson said. "Roger Peace was a man who did that—in his business, in his service to his community, state and nation.

"Our common mortality is the ultimate and indisputable answer to the human feeling that any man is indispensable. But some are irreplaceable. To a great many people who were indebted beyond calculation to him, Roger Peace was such a man.

"We have lost wisdom and common sense, a quality of life with which we are not abundantly endowed in the country just now . . . Roger Peace was a man who was content to know and to be unknown, a man who believed in the meaning of integrity, a man who knew how to listen, to extend the hand and heart of friendship and sympathy . . . He was a man who believed in the future of his own nation. He deplored the crepe hangers . . . He never doubted the clouds would break."

Dr. Graham, who read from Psalms 91, John 14 and Romans 8, said "When death comes we have the real Roger Peace. He is more alive now . . . His memory will help us redouble our efforts."

Brief services at the capacity-filled Mackey, Mortuary this morning were followed by even simpler final rites in nearby Springwood Cemetery. Dr. Graham read from the 23rd Psalm, Dr. Johnson offered verse, and Rev. Stertz short prayer.

The honorary escort included Mr. Peace's associates in The Greenville News and Greenville Piedmont. Representatives of far-ranging Multimedia operations in Greenville, Asheville, Knoxville and Macon also attended.

Also seen among those paying respects were Gov. and Mrs. Byrnes, several members of their family and Miss Cassie Connor, Mr. Byrnes' secretary for many years; U.S. Sen. Strom Thurmond; Republican senatorial candidate Marshall Parker; U.S. District Judge Donald S. Russell; U.S. Rep. Robert T. Ashmore; Greenville Mayor David G. Traxler, State Sens. Thomas Wofford, Dick Riley and Harry Chapman and other members of the Greenville County Legislative Delegation; S. L. Latimer, editor emeritus of The Columbia State; Ambrose Hampton, publisher of the Columbia newspapers; Dean Albert Scroggins and Dr. Reid Montgomery of the University of South Carolina Journalism School; Wright Bryan, Clemson University vice president for development; Franklin Way, Piedmont and Northern Railway president; Lee Ward of Ward-Griffith, national advertising representatives; Pierson Mapes of New York, representing the National Broadcasting Co.; Chief Judge Clement Haynsworth Jr. of the U.S. Fourth Circuit Court of Appeals; Dr. Gordon Blackwell, Furman University president; and Cliff Barrows of the Billy Graham evangelistic team.

Remembrances poured in from hundreds of others with whom Mr. Peace was associated during his 69 years of life, including more than a half-century in which Mr. Peace remained a working journalist as well as civic leader and foremost builder in the communications field.

[From the Greenville News, Aug. 24, 1968]

Roger Peace Called an Irreplaceable Man

Roger C. Peace was eulogized Friday as a man "who made the most he could of the intelligence and ability entrusted to him" in serving his community and fellowman.

The final tribute to the native Greenvillian who built a communications media organization after beginning his career as a cub reporter was delivered by Dr. L. D. Johnson, Furman University chaplain.

Hundreds of Mr. Peace's associates and friends attended the services. Among them were dignitaries from throughout South Carolina.

The rites were simple, in keeping with the life of the writer, publisher and civic leader, in whose death Tuesday, "we have lost wisdom and common sense, a quality of life with which we are not abundantly endowed in the country just now," Dr. Johnson said.

Dr. Johnson quoted Mr. Peace's own tribute to another great South Carolinian, former Gov. James F. Byrnes, of whom he said:

"I have been nurtured by the flow of that greatest of all fountains, his fountain of common sense."

The state's elder statesman and Mrs. Byrnes were among the host of long-time close associates who attended the final rites.

Dr. Johnson called Mr. Peace "irreplaceable."

"Our common mortality is the ultimate and indisputable answer to the human feeling that any man is indispensable. But some are irreplaceable. To a great many people who were indebted beyond calculation to him, Roger Peace was such a man," he said.

"Roger Peace was a man who was content to know and to be unknown, a man who believed in the meaning of old fashioned integrity, a man who knew how to listen, to extend the hand and heart of friendship and sympathy," Dr. Johnson said.

The Furman chaplain and former pastor of the First Baptist Church, of which Mr. Peace was a member, also commented on the patriotism of Mr. Peace, who served on many local public boards and organizations, on state advisory groups and for a time as U.S. senator:

"He was a man who believed in the future of his nation. He deplored the crepe hangers who keep telling us how sick we are. He never doubted the clouds would break."

The simple and brief services at The Mackey Mortuary were joined by evangelist Dr. Billy Graham and the Rev. James G. Stertz, pastor of First Baptist Church.

Brief graveside rites in Springwood Cemetery, including reading of the 23rd Psalm by Dr. Graham and a prayer by the Rev. Stertz, concluded the final tribute by Greenville and South Carolina residents to the man who had become a giant in the business and civic lives of both his hometown and state.

Honorary escort included associates of Mr. Peace at The Greenville News and Piedmont.

Joining Gov. and Mrs. Byrnes in paying last respects to Mr. Peace were other members of the Byrnes family and Miss Cassie Connor, Byrnes' secretary for many years; U.S. Sen. Strom Thurmond; U.S. Rep. Robert T. Ashmore; Chief Judge Clement N. Haynsworth Jr. of the 4th Circuit Court of Appeals; U.S. District Judge Donald S. Russell; former state Sen. Marshall Parker; Greenville Mayor David G. Traxler; State Sens. Thomas Wofford, Dick Riley and Harry Chapman and other members of the Greenville County Legislative Delegation; S. L. Latimer, editor emeritus of The Columbia State; Ambrose Hampton, publisher of the Columbia newspapers; Dean Albert Scroggins and Dr. Reid Montgomery of the University of South Carolina Journalism School; Wright Bryan, Clemson University vice president for development and a former newspaper editor; Franklin Way, Piedmont and Northern Railway president; Lee Ward of Ward-Griffith, national advertising representatives; Pierson Mapes of New York, representing the National Broadcasting Co.; Dr. Gordon W. Blackwell, president of Furman; and Cliff Barrows, of the Graham evangelistic team.

[From the Greenville News, Aug. 24, 1968]

Roger C. Peace Tributes Flow in From Across United States

Messages of tribute to Roger C. Peace continued to flow in Friday from business officials and friends all over the United States.

They included many from executives who knew and worked with him in the various news media fields, many of them in broadcasting:

Charlie Crutchfield, president of Jefferson Standard Broadcasting Co.—"He leaves behind a legacy of respect of citizenship, service and of significant contribution."

Julian Goodman, president, National Broadcasting Co.—"He was a leader in broadcasting and journalism whose accomplishments and services we will long remember."

Paul Rittenhouse, National Broadcasting Co.—"A gentle man."

Walter D. Scott, chairman of the board, NBC—"We will miss the warmth, affection, good humor and loyal support which he so generously gave for so many years."

David C. Adams, senior executive vice president, NBC—". . . vigorous and far-sighted leadership made so many contributions to Greenville and South Carolina."

Donald J. Mercer, vice president, NBC station relations—"We shall remember him warmly for his many contributions to the communications world."

R. C. Doane, board chairman emeritus, International Paper Co.—"He was a great person and will be missed by many persons."

William H. Gambrell of Belton, former New York City banker now associated with Peoples National Bank—"I knew him 50 years and always admired him. His life was an inspiration to thousands."

Mr. HOLLINGS. Mr. President, I should like to associate myself with the remarks of my distinguished colleague, Senator THURMOND, concerning the passing of a former Member of this great body, Senator Roger C. Peace, of Greenville, S.C.

Mr. Peace served here only a short time, but he won the admiration and respect of all his colleagues and indeed of all in government with whom he came in contact. Although Mr. Peace served as U.S. Senator, he was first and foremost a journalist with a long and distinguished career as publisher of one of South Carolina's leading newspapers, the Greenville News.

During my tenure as Governor, our State embarked on an extensive program designed to lure new industry to South Carolina. Through these efforts I learned that one of the first things a prospective industry looks at when considering a relocation or a plant site is the newspaper of the particular community involved. This is a prime reason that Greenville, S.C., succeeded in attracting the largest share of new industry.

Roger Peace's personal philosophy was reflected in his newspaper—a philosophy of fairness, free enterprise, community pride, and progressive local government. I am also happy to say that the policies and traditions of Roger Peace are now being ably carried on by Mr. Ned Ramseur and Mr. Wayne Freeman. Under their guidance, the Greenville News has continued to be the outstanding newspaper that Roger Peace sought to make it, and it continues to provide a living monument to a great and loved South Carolinian. Roger Peace's passing is mourned by many in the State of South Carolina, but his accomplishments will live long after the mourning has passed and indeed as long as the ideas of free enterprise, progressive government and a responsive democracy are cherished.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

A GOOD EDUCATION

Mr. HANSEN. Mr. President, there is one thing that cannot be taken away from a person after he has received it. And that is a good education. If our country and her citizens are going to be able to rise above the seething unrest that grips so many of our young people today, it will only be through the process of education—the process of providing the very best in facilities and teachers and equipment that can be obtained.

A great number of school people in thousands of school districts in the United States understand this and feel keenly their responsibilities to serve our country's best interests by helping to train young people for future leadership. Surely, no other process is so closely tied to our country's future greatness than is education.

Almost all of us can agree that in any kind of listing of priorities of spending—and certainly the time is well past due that these priorities should be established—education should occupy one of the highest positions.

I have been consistent in my support of expenditure cuts and yield to no one in my desire to stop the erosive effects of more inflation by hewing to a hard, tough position insofar as balancing the budget is concerned.

Many of the cuts I have supported have had a direct impact on Wyoming, but I cannot support the withholding of school district funds which are needed to provide the necessities of an adequate education for the children of my State.

Therefore, Mr. President, I am pleased to support the Spong and Ribicoff amendments that deal with school assistance in federally affected areas and I urge, in the strongest possible terms, their approval.

School has already started across America, and yet the Federal Government withholds the funds which were provided by Congress to finance activities in the 1967–68 school year.

Additionally, hundreds of school districts have begun the 1968–69 school year in an extremely vulnerable and frustrating position because of the uncertain status of Public Law 874 funds.

The money for 100 percent funding for these school districts with large numbers of children whose parents live and/or work on Federal property was provided by action of the Congress, but the President has chosen to withhold these moneys.

If his action is not corrected, funds for a school year that has already ended—back in May of this year—will be denied and school budgets already drawn up and approved for the current school year will be thrown into a state of confusion and doubt.

In my State of Wyoming, 26 schools depend to a great extent on Public Law 874 moneys—some of them for as much as two-thirds of their budgets.

In Fremont County, Wyo., School District No. 14, which depends on Public Law 874 funds for 70 percent of its budget, will not have a student counselor, a librarian, or an art teacher unless these moneys are released.

This school district, which educates Wyoming's Indian children, has been forced to change its budgetary plans almost as the direction of the wind changes, because of the varying status of Public Law 874 moneys. The superintendent of the school tells me the district cannot continue to operate under these conditions.

The situation is not confined to School District 14. It is repeated throughout Wyoming in federally impacted areas. Unless these funds are released, an adequate education will be denied to many Wyoming children.

I would hope these amendments could be approved so that the Public Law 874 program can go forward.

Mr. HILL. Mr. President, I offer an amendment to correct an error in reporting the bill, to make certain that States will receive their fair share, which the Congress intended they should receive.

The PRESIDING OFFICER. The Chair wishes to inform the Senator that amendments are pending.

Mr. HILL. What is the pending amendment?

The PRESIDING OFFICER. The Senator from Alabama can ask unanimous consent that the amendments be temporarily set aside.

Mr. HILL. Which amendment is pending?

The PRESIDING OFFICER. The Mundt amendment to the Spong amendment, in the nature of a substitute.

Mr. HILL. Mr. President, I know of no reason why we should not set that amendment aside, with all due deference to the Senator from Virginia. I understood he was not going to request action on the amendment until the Senator from South Dakota [Mr. MUNDT] had an opportunity to offer his amendment. The Senator from South Dakota [Mr. MUNDT] made a statement on his amendment and said he would ask for a vote on it tomorrow. So I ask unanimous consent that the Mundt amendment be laid aside temporarily.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HILL. Mr. President, I offer an amendment which would simply correct an error that was made in reporting the bill. It does not add any money at all to the amount provided by the bill.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be stated.

The legislative clerk read the amendment, as follows:

On page 14, line 20, insert the following: "*Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than the amounts allocated from the fiscal year 1968 appropriation to local educational agencies in such States for grants:".

Mr. HILL. Mr. President, as I have said, the amendment adds no money whatever to the amount provided by the bill, but corrects an error that was made in reporting the bill, which would have denied certain States that which it was intended they should receive. The amendment simply means that the money would be allocated exactly as it was in the past fiscal year, and those States would get their proper share of the amounts provided.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from South Dakota [Mr. MUNDT].

What is the will of the Senate?

Mr. HILL. Mr. President, since the Senator from South Dakota is not present, and since he announced that he would not ask for a vote on his amendment until tomorrow, and since the Senator from Virginia [Mr. SPONG] is also not present, and the two Senators are working in close relationship, I ask unanimous consent that the amendment of the Senator from South Dakota be temporarily laid aside, so that the Senator from New Jersey [Mr. WILLIAMS] may offer an amendment.

The PRESIDING OFFICER. Without objection, both amendments will be temporarily laid aside.

The Senator from New Jersey is recognized.

AMENDMENT NO. 925

Mr. WILLIAMS of New Jersey. Mr. President, I appreciate the courtesy of the Senator from Alabama.

On behalf of the Senator from Washington [Mr. MAGNUSON] and myself, I call up amendment (No. 925), and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment (No. 925), as follows:

Insert at the end of title II the following:
"SEC. 208. Appropriations in this title available for any of the health functions of the Department of Health, Education, and Welfare shall be available for the expenses of a fifteen-member President's Commission on Preventive Medicine the findings and recommendations of which are to be reported to the President by August 1, 1969, and the members of which are to be compensated while on business of the Commission, including traveltime, at rates not in excess of the rate specified at the time the service is performed for grade GS–18 in section 5332 of title 5, United States Code."

Mr. WILLIAMS of New Jersey. Mr. President, I am proud to join with the farsighted senior Senator from Washington [Mr. MAGNUSON] in urging the Senate to act today on a matter that could decide the health and happiness of tomorrow. I strongly recommend that the Senate adopt amendment No. 925 to the appropriations measure for the Departments of Labor and Health, Education, and Welfare. This amendment would provide for the funding of a Commission on Disease Prevention and Health Protection.

The need for such a Commission is outlined in a paper, "Ounce of Prevention," presented to the Senate on July 31. In that document, a distinguished group of physicians, medical educators, and private citizens state quite emphatically "that the most effective control of disease will always be prevention." The compelling case for a Commission is based on the "lack of a national goal, or a national will, to undertake preventive programs."

Clearly, in a nation where chronic disease costs $57 billion annually, but where we spend only about 8 percent of our national health outlay for disease prevention and health protection, an imbalance exists.

To alert the Nation, and to mobilize our resources for the task ahead, "An Ounce of Prevention" outlined the creation of the Presidential Commission, now under consideration in the amendment Senator MAGNUSON and I are supporting.

That Commission, as I told the Senate in an August 2 statement, will do far more than carry out a much-needed detailed investigation of our health maintenance structure. It will also give us the impetus we need to start planning for a national action program of health protection and disease prevention.

This is a particularly rewarding suggestion to me, because I have long argued the need for a system of health screening centers. Many of the arguments for the Commission extend and amplify the things I have been saying about preventive health screening—some call it "preventicare"—and both proposals share the philosophy that preparation and planning are better medicine than repair and restoration.

As chairman of the Senate Special Committee on Aging, I have heard time and again that prevention will be the ultimately workable solution to our health problems. The case for screening and effective followup was emphatically drawn in the 1966 report of the Health Subcommittee, "Detection and Prevention of Chronic Disease Utilizing Multiphasic Health Screening Techniques." The full committee supported the subcommittee findings when it reported that "there is great need for additional efforts to prevent chronic disease on a national scale."

The Committee on Aging was concerned about older Americans, because they suffer the severest penalties from chronic disease. But Americans of all ages would benefit if they could call on the resources and information needed to keep disease from taking its present toll.

Mr. President, the amendment before the Senate today could be the beginning of a major shift in emphasis and attitude toward medicine and illness. I urge that the Senate give its prompt approval of this vital measure.

Mr. President, I have a statement by the Senator from Washington [Mr. MAGNUSON], which includes as an attachment a letter from Secretary Wilbur Cohen, in which he endorses this proposal, and a letter from Deputy Assistant Secretary John Grupenhoff, of the Department of Health, Education, and Welfare, which states that there is no objection to the amendment by the Bureau of the Budget.

I ask unanimous consent that the statement of the Senator from Washington, together with the letters, be printed in the RECORD at this point.

There being no objection, the statement and letters were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

Mr. President, on behalf of myself and the junior Senator from New Jersey (Mr. Williams), I rise in support of an amendment to HR 18037, the Labor and Health, Education and Welfare appropriations bill, to make funds available for the expenses of a fifteen member Presidential Commission on Preventive Medicine.

As I said to the Senate on July 31, such a Commission would undertake four major tasks. First, after a study of existing knowledge, it would make a series of recommendations for immediate programs of preventive medicine. The Commission would investigate and recommend ways to increase the understanding, support, and implementation of preventive medical techniques by the health profession and the public. It would plan long-range programs for the prevention of disease and illness. Finally, a Commission on Preventive Medicine would spear-head a national effort to stimulate and support the field of preventive medicine.

The proposal for the Commission, which was presented to the President last month, was developed and put forward by a group of medical and business leaders with whom we have been most privileged to work. I am pleased to advise my colleagues that the President gave emphatic support to the proposal.

In addition, I offer for the *Record* a letter from Wilbur Cohen, Secretary of the Department of Health, Education, and Welfare. In this letter Secretary Cohen expresses his enthusiastic support for the proposed Commission on Preventive Medicine. I also offer, as a supporting letter, a statement from the Department of Health, Education, and Welfare indicating that the Bureau of the Budget has no objection to the proposal.

Mr. President, I believe that the Commission on Preventive Medicine will play a key role in developing the kind of national commitment to prevention which this most promising and important approach to disease and health hazards must have.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., September 4, 1968.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: The amendment which you have proposed to the 1969 Labor-HEW Appropriations bill, H.R. 18037, providing for a Commission on Preventive Medicine has my enthusiastic support. A vigorous, dynamic program emphasizing the preventive aspects of medical care can preclude needless suffering and insure longer, happier, more healthful lives for all Americans. Although medical science and the health professions have given us many benefits over the years, and although quality care is becoming increasingly available to our population, there is yet much to be done.

The toll of chronic diseases with their impairments and disabilities, the tragedy of accidents with their deaths and injuries and the attendant drain on our health resources are all increasing in spite of our efforts.

I believe it stands to reason that the application of some of the techniques and measures of prevention that have been so successful in controlling our infectious and communicable diseases—like poliomyelitis, and measles—and even some serious types of mental retardation—can and should be applied to the problems of heart disease, cancer, injuries, and other disease conditions.

The amendment you have proposed would provide Congressional recognition of the importance of preventive medicine to the Nation's health. Such a Commission would define the nature of the problem, examine the gaps in our existing knowledge, and point the way to application of techniques of preventive medicine. Hence, I endorse and support this proposal wholeheartedly.

Sincerely,

WILBUR J. COHEN,
Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., September 4, 1968.

Mr. MICHAEL PERTSCHUK,
General Counsel, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. PERTSCHUK: You should know that the Bureau of the Budget has indicated to us that there is no objection to the submission of our letter on the Commission on Preventive Medicine. We had been waiting for this clearance, but had not received it before Secretary Cohen signed the letter.

Perhaps Senator Magnuson could make the statement in his floor speech that the Bureau of the Budget has cleared the letter.

Sincerely,

JOHN T. CRUPENHOFF,
Deputy Assistant Secretary for Legislative Service.

Mr. WILLIAMS of New Jersey. Mr. President, after discussions with our revered chairman of the subcommittee handling the bill, who is also chairman of the Committee on Labor and Public Welfare, I hope I am not overstating it when I say that there is no objection to the amendment.

Mr. HILL. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. HILL. Mr. President, I understand the amendment of the Senator does not add 1 cent to the bill. No additional appropriation whatever is proposed to the bill. The amendment merely means that the President, with funds carried in the bill for health services, shall set up the Commission to study preventive medicine.

Mr. WILLIAMS of New Jersey. That is correct.

Mr. HILL. As the Senator knows, we have made much progress in the field of preventive medicine in recent years. The thought is that, with study by the Commission, we may be able to take further steps in the field of preventive medicine.

Mr. WILLIAMS of New Jersey. I would think there is no doubt about that. The answer to the money question is there is no additional money added.

Mr. HILL. No additional money.

Mr. WILLIAMS of New Jersey. Moreover, great strides have been made in early detection of possible disease; and an ounce of prevention, we all know, is worth many pounds of care.

Mr. HILL. That is right. We have found that, with the development of the measles vaccine, measles, which was a common disease a few years ago, has now been pretty well wiped out. Two or three years ago, we provided some funds to study rubella, or what we know as German measles. If a woman, during the first 2 or 3 months of pregnancy, has rubella, the child is likely to be born with some physical deformity, perhaps mental retardation, a deformity of the heart or circulatory system, or some other terrible physical disability. Certainly anything we can do in the field of preventive medicine to prevent such tragedies ought to be done. And the Senator's amendment adds not $1 to the cost of this bill.

Mr. WILLIAMS of New Jersey. That is correct. I thank the Senator very much.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 925) of the Senator from New Jersey.

Mr. HOLLAND. Mr. President, it is quite agreeable to have this amendment acted upon at this point.

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I deeply regret that arrangements made some time ago will prevent my being present tomorrow when, as I understand, the votes on this measure will take place. I have been in my seat today and yesterday. It was my earlier information that the bill would be acted upon yesterday and today.

The fall meeting of the employees of the Department of Agriculture of the State of Florida will be held tomorrow, and I have agreed to be there. Likewise, the Secretary of Agriculture of the United States has agreed to be there. I feel it is an appointment that I cannot break. Therefore, I ask unanimous consent that I may be excused from attendance upon the Senate tomorrow, Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the pleasure of the Senate?

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I am proud to be a cosponsor of the amendment offered by the Senator from Wisconsin [Mr. NELSON] and the Senator from Pennsylvania [Mr. SCOTT], increasing the entirely inadequate appropriation for the Teachers Corps.

Mr. President, in the dark world of poverty, one door that does remain is the one marked "education." With a good education, many opportunities can become available—jobs, income, advancement, housing. Without it all the other barriers remain.

But a headstart is not enough, for the dropout potential continues in our ghetto schools. Change all along the way is required if the disadvantaged child is to reach graduation. Teacher Corps members are change agents. It is they, like the VISTA and Peace Corps volunteers, who work to modify the system to meet the needs of the people it is supposed to serve. Teacher Corps members learn what the children need. They adapt traditional concepts and methods so that the young men and women who otherwise would be permanent underachievers can learn to their full potential.

Mr. President, we hear much rhetoric these days about law and order; about violence; about repression. Yet if we deal with the causes of the problem, we will not have to worry so much about the cure.

Mr. President, the Teachers Corps has only been in operation for a short time. Yet already its praises are being sung, not only by children and parents, but by professional educators as well.

As John B. Davis, Jr., superintendent of Minneapolis public schools has stated:

> I can report an early recognition of the value of the Teachers Corps as an agent for unifying the efforts of local school districts, teacher-training colleges, deprived communities and concerned and competent young adults into a combined attack upon the problems of poverty through education.

Mr. President, the Teachers Corps has proven a resounding success in Minnesota, and around this Nation. The currently approved $17.3 million is little more than half the administration request. It is a totally inadequate commitment to a program that has proved its worth. I urge and support the increase to the administration request level of $31.2 million.

I urge this because I believe we may yet find the Teachers Corps to be a two-edged sword in our battle to improve life for all Americans. It can bring hope to despairing young people in the schools of our central cities. And it provides an opportunity for committed young American men and women to devote themselves to helping solve the real problems of urban America, to work within the system to bring about change.

Mr. WILLIAMS of New Jersey. Mr. President, the Senate committee report on this measure earmarks $50 million of OEO title II funds for use in the senior opportunities and services program authorized by Congress last year. The report, also directs the Department of Labor to assure that not less than $10 million, over and above the amount obligated last year for community senior service programs, will be available to continue, to expand, and to extend these programs.

The Senate Special Committee on Aging on which I serve as chairman, has had a longstanding interest in making the war on poverty responsive to the needs of more than 5 million Americans over the age of 65 whose incomes are below the officially designated poverty level. During 1965 and 1966, our committee held hearings and issued a report on "The War on Poverty as It Affects Older Americans." As a result of those hearings, the Office of Economic Opportunity launched a number of programs to lift income levels and to improve living conditions generally among poverty-stricken older Americans. These included foster grandparents, medicare alert, green thumb, and other programs conducted locally.

As I have already indicated, the Congress last year authorized another program to benefit the elderly under the war on poverty. The purpose of this "senior opportunities and service" program is to identify and meet the needs of older, poor persons above the age of 60 in one or more of a number of areas listed in the law. The OEO Director is required to utilize to the maximum extent feasible the services of the Administration on Aging of the Department of Health, Education, and Welfare. Bright as the promise of this authorization is, thus far it has been only that—just a promise—since it has not been possible to obtain the legislative and executive action necessary for funding the program.

Now, the Senate Appropriations Committee has earmarked funds in the bill before us to implement this program of "senior opportunities and services." With the $50 million earmarked by the report for this purpose, the program could get off to a magnificent beginning, and could go far toward meeting the needs of our impoverished elders. One factor assuring the success of this program would be the cooperation and participation of the Administration on Aging, as required in the authorization enacted last year. The Office of Economic Opportunity and the Administration on Aging have already shown that they can work effectively together to benefit America's elderly poor, most notably in their highly successful foster grandparents program.

In my judgment, we can confidently rely upon the good faith and zeal of the Office of Economic Opportunity, the Administration on Aging, and other executive agencies in implementing this congressional directive.

As a member of the Committee on Aging, I appreciate the action taken by the Committee on Appropriations in funding "senior opportunities and services," a program which should be of tremendous assistance to the Nation's elderly poor.

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the pending amendment be temporarily laid aside?

Mr. HILL. I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by the Senator from New Jersey will be stated.

The assistant legislative clerk read as follows:

> On page 46, line 12, after "vocational rehabilitation," insert ", aging and other research and training by the Social and Rehabilitation Services."

Mr. WILLIAMS of New Jersey. Mr. President, the House of Representatives, by making the changes stated in the amendment the language of existing legislation, narrowed the use of counterpart funds for research and training under the special foreign currency program administered by HEW. This program is for research and training in social welfare and maternal and child health care. Many of these projects also affect the aged. This amendment would restore the program and would add no new funds to the appropriation.

I have discussed this matter with the distinguished Senator from Alabama [Mr. HILL], and I understand it is acceptable to him.

Mr. HILL. As I understand the amendment offered by the distinguished Senator from New Jersey, it would simply permit these counterpart funds to be used as they have been used in the past. Is my understanding correct?

Mr. WILLIAMS of New Jersey. The Senator's understanding is correct.

Mr. HILL. It is to make sure that they can be used this fiscal year, just as they have been used in past fiscal years.

Mr. WILLIAMS of New Jersey. I do not travel much, but wherever one goes, he sees the inadequacy of health care. We worked together on a hospital in Poland for children. We used counterpart funds for that.

Mr. HILL. These are counterpart funds. There would be no additional appropriations.

Mr. WILLIAMS of New Jersey. There would be no additional appropriations. It might cut down a little on congressional travel. That is the only thing.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I call up my amendment which is pending at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 22, line 13, strike out the figure "$87,967,000" and insert in lieu thereof "$92,967,000".

Mr. BYRD of West Virginia. Mr. President, in March of this year, President Johnson proposed a major model school experiment in the District of Columbia. The goals which he set forth for the experiment were to revive the interest of citizens in their schools, help teachers improve the skills of their profession through retraining opportunities, bring to students the best in teaching methods and materials, revise the curriculum to make it serve the young people of our city, equip high school graduates with marketable skills, seek alliances between employers and the schools, give children the chance to learn at their own pace, reducing both dropouts and failures, and serve a section of the city where the needs of students and schools are greatest.

To support this effort, the President requested $10 million in the 1969 budget of the U.S. Office of Education, Department of Health, Education, and Welfare.

The District of Columbia immediately began planning for the model school project proposed by the President. This planning has involved the District of Columbia government, the District School Board, a Community Planning Council from the neighborhood where the proposed model school project would be established, and many other interested organizations.

As the plans are now drawn, the people of the District of Columbia are now ready to launch what they hope will be an exciting new venture in education.

With new approaches to instruction, curriculum, and school organization.

With new learning and recreational opportunities for the family and the community.

With new services for young and old.

With new activities during the summer, on weekends, and in the evening.

Unfortunately, there is now apparently some question as to whether the Federal Government will do its part to make this project a success. When the budget request for the Office of Education was acted upon by the House of Representatives, only $1 million was provided for this program, instead of the $10 million requested by President Johnson.

I am well aware of the budgetary stringencies which have been imposed on all Federal programs. But to eliminate funds entirely or at least to appropriate only one-tenth of the amount requested by the President for this important educational project would be false economy. At least we should give it a try. We ought to give the model school project an opportunity to prove itself and perhaps become a model for the Nation.

What we are talking about here is not simply spending; we are talking about an investment. We are talking about an investment in people, an investment in the future, an investment in children. Funds for the model school project are concrete evidence that life can be made better for the disadvantaged children of our inner cities, and for people who have ambition and drive and who want to develop whatever potential may be within them.

I do not think anyone has ever regarded me as a pushover when it comes to voting for the expenditure of Federal tax dollars. In this case, however, the problem is clear, the need is great, and the justification is valid.

Mr. President, I have offered an amendment which would increase the amount in the bill by $5 million, making a total of $6 million in response to the budget request of $10 million.

This model school project would be in the Ballou area of Anacostia. It is thought that this would be the best location because of overcrowding, the higher ratio of public housing, and the very high juvenile delinquency rate.

The project has been developed on the basis of a plan which would include the newest ideas in education and provide a very concentrated program to significantly change the life prospects for these people.

The project, it is hoped, would become a model for the Nation, to be followed and utilized in other great urban centers throughout the country. The administration of the program and the responsibility for carrying on the project would be that of the District of Columbia School Board. The Office of Education would finance the project and would make grants directly to the District of Columbia School Board.

Mr. President, this project has never come before my subcommittee, the Subcommittee on Appropriations for the District of Columbia. It was considered by the House Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare.

As I have said, the project would be funded through the Office of Education and, therefore, appropriately comes within the province of the subcommittee which has jurisdiction over the bill before the Senate today.

However, as chairman of the Subcommittee on Appropriations for the District of Columbia I have manifested what I believe to be a very strong, enthusiastic, and appropriate interest in education in the District of Columbia, and throughout the country, for that matter, during the 10 years I have served on the subcommittee and during the 8 years I have served as chairman of the subcommittee.

It is because of my interest not only in the District of Columbia but also in the education of the children of the District of Columbia, and my interest in providing what may become a model project for education throughout the Nation, that I have offered this amendment, not to restore the full budget amount, but to restore $5 million out of the $9 million disallowed by the House. The House allowed $1 million so that with the amount of $5 million provided for in my amendment, the amount appropriated would total $6 million.

I have discussed this matter with the distinguished and able chairman of the committee, the Senator from Alabama [Mr. HILL], and I hope he will find it possible to accept the amendment.

Mr. HILL. Mr. President, I know of the authority with which the Senator from West Virginia speaks on this matter, inasmuch as he has been a member of the Subcommittee on Appropriations for the District of Columbia for some 10 years and for the last 8 years he has been the chairman of that subcommittee. I know the time, work, and effort he has put into these various programs for the District of Columbia and also the effect they may have so far as programs throughout the country are concerned.

I see no reason why we should not at least take this amendment to conference.

Mr. BYRD of West Virginia. Mr. President, I wish to express my gratitude to the distinguished chairman of the committee, the Senator from Alabama [Mr. HILL], for his generous remarks. I appreciate his willingness to accept the amendment and take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD].

The amendment was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after conferring with appropriate Members on both sides of the aisle, I send to the desk a unanimous-consent agreement and ask that it be stated.

The PRESIDING OFFICER. The unanimous-consent agreement will be stated.

The assistant legislative clerk read as follows:

> UNANIMOUS-CONSENT AGREEMENT
>
> *Ordered*, That effective on Friday, September 6, 1968, during the further consideration of the bill, H.R. 18037, an act making appropriations for the Department of Labor, Health, Education, Welfare and related agencies for fiscal year 1969, debate on any amendment, motion, or appeal, except amendments dealing with legislation which are subject to a point of order and can only be considered under a suspension of the rules, and except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Alabama [Mr. HILL]: *Provided*, That in the event the Senator from Alabama [Mr.

Hill] is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, before the motion is acted upon, that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, before any action is taken on the pending request.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

VACATING OF ORDER FOR ADJOURNMENT, AND ENTRY OF ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, now I ask unanimous consent that the order be vacated calling for adjournment of the Senate until 11 o'clock tomorrow morning and that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it would be my understanding, then, that tomorrow, immediately after the prayer by the Chaplain and the reading of the Journal, the time limitation will begin to run.

The **PRESIDING OFFICER.** The Senator from Montana is correct.

Mr. MANSFIELD. Mr. President, may I ask, What is the pending amendment?

The **PRESIDING OFFICER.** The amendment of the Senator from South Dakota [Mr. Mundt] in the nature of a substitute for the amendment of the Senator from Virginia [Mr. Spong].

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I am glad to yield to the Senator from Illinois.

Mr. DIRKSEN. It is assumed that action on the pending appropriation bill will be completed probably tomorrow; is that not correct?

Mr. HILL. If I may interject there, I would say that I would certainly hope so. I shall make every effort myself toward that end.

Mr. DIRKSEN. The reason for the inquiry is that I should like to ask the distinguished majority leader if he can tell us now what he proposes to calendar for next week.

Mr. MANSFIELD. Mr. President, may I say that it is anticipated, on Wednesday or Thursday of next week, that the gun control legislation, having to do with interstate traffic in firearms, will have been reported by the Judiciary Committee and the Commerce Committee and will thus be ready for consideration by the full Senate at that time.

In the meantime, we will take up one or two of those measures on the calendar that can be most readily agreed to, but as of now I am not in a position to state which or in what order.

I would anticipate that the gun control bill would take 2, 3, 4, or 5 days. After that, it would be anticipated that the Department of Defense appropriation bill might be ready.

It is hopefully anticipated that the foreign aid authorization bill will be settled in conference and the pertinent appropriation bill made ready.

Then, of course, there is the supplemental appropriation measure. It is also possible that soon, the Colorado River conference report, which I understand has passed the House today, will be ready for consideration.

Any other matters will be discussed with the distinguished minority leader as they become available for Senate consideration.

Mr. DIRKSEN. I thank the majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 449) to provide for the popular election of the Governor of Guam, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 20) to provide for a comprehensive review of national water resource problems and programs, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1004) to authorize the construction, operation and maintenance of the central Arizona project, Arizona-New Mexico, and for other purposes.

HILL-BURTON FUNDING

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Vermont [Mr. Aiken], who is necessarily absent today, is concerned over a problem concerning the Hill-Burton hospital construction and modernization program.

He has described for me a specific problem involving the construction of two new hospitals in his State which may well have counterparts in other sections of the country.

Hospital administrators are worried over a problem that stems partly from the Health Service Amendments of 1968 as passed by the House, which would allow Hill-Burton to expire next June 30. On the other hand, the Senate version of this bill provides only a 2-year extension of Hill-Burton instead of the usual 5. This concern is further enhanced by the work of a special Presidential Advisory Commission now studying the effectiveness of Hill-Burton. It is reasonable to suppose that such a study contemplates extensive overhaul of the entire program.

Against this background of uncertainty the Senator from Vermont says that in the Barre-Montpelier section of his State a new regional hospital known as the Central Vermont Medical Center was opened last month and the first patients admitted. Still needed is additional basic construction requiring about $304,000 in Hill-Burton funds. To qualify for this money, all work must be completed within 6 months after the first patient was admitted.

In the meantime, under the State program for the allocation of funds, the Central Vermont Hospital no longer enjoys top priority for support. Priority now rests with another regional hospital to be constructed in the Northeastern part of the State to serve residents of Vermont and New Hampshire living in that general area.

The Northeastern Vermont Regional Hospital's sponsors are understandably reluctant to surrender their priority to the Central Vermont Medical Center when there are reports Hill-Burton may be discontinued or supplanted by a new program with an entirely different formula for funding.

The Senator from Vermont wishes it to be clearly known that if any hospital willingly surrenders its priority under such circumstances as those just described and a new hospital construction program is enacted, provision should be made in the new law for hospitals in this predicament to receive full Federal funding under the revised schedule just as if there had been no change in Hill-Burton.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

Mr. MILLER. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside so that I may offer an amendment.

The **PRESIDING OFFICER.** Without objection, both amendments will be laid aside.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Between lines 5 and 6, on page 65 add the following:

"No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or grant to any individual who (A) has, within the 5-year period immediately preceding his application for such loan, guarantee of a loan, or grant, received a loan, guarantee of a loan, or grant the funds for which were made available pursuant to an Act making appropriations for the Department of Health, Education, and Welfare, and (B) has used any of the proceeds resulting from such loan, guarantee of a loan, or grant for any purpose other than the purpose for which the loan or grant was made."

Mr. MILLER. Mr. President, in the bill as passed by the House, section 411, starting on page 64, provides as follows:

SEC. 411. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Mr. President, I think most of us understand the meaning and intent behind the language which the House put in the bill. However, I do not believe that it covers another situation which has caused a number of Members of Congress, and also a number of students, concern. I refer to reported situations where some students—they are very much a minority, but they are still there—abuse the purpose for which a loan is granted.

I do not think it is good for one who has obtained a loan or grant under congressional legislation and who has observed the purposes for which that loan was granted, to have a friend obtain a similar loan and use it for the purchase of a car or furniture, a trip, a party, or any other purposes other than that for which Congress has appropriated the money.

I believe the proposed addition to section 411, which has been added by the House, will be helpful not only to insure taxpayers that the money they are spending will be properly used, but also for the purpose of letting the great majority of students who are taking advantage of this legislation know that all of their compatriots will observe the purpose for which Congress is passing the legislation.

I have discussed the amendment with my friend the able Senator from Alabama. I hope he will say that this amendment is acceptable to him.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HILL. Mr. President, as I understand the language of the amendment of the Senator from Iowa, it would simply insure that the money would be expended as Congress intended for it to be expended when Congress wrote the law and Congress so authorized the appropriation of the funds. It would simply mean that the money shall be expended as was the intent of the Congress at the time the Congress authorized the funds.

Mr. MILLER. The Senator is correct. The amendment provides that if there has been a receipt of a grant or a loan within the last 5 years which has not been spent according to the purposes for which Congress has appropriated the money, then the application will be denied.

Mr. HILL. Mr. President, I see no reason why we should not take this amendment to conference and make certain that the intent and purpose of the act of Congress is fully carried out, as the Senator from Iowa proposes.

Mr. MILLER. May I say to my friend from Alabama that I think section 411 probably is generally acceptable to Members of Congress. Certainly, the House saw fit to put it in the bill. There is some controversy about it, but I cannot see how there can be any controversy about my proposal. Rather than delete section 411, and perhaps offend the sensibilities of the House, I think it would be much better to add this amendment to what the House put in the bill.

Mr. HILL. And thereby put the whole matter in conference.

Mr. MILLER. That is correct.

Mr. HILL. I think the Senator is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

A $20 MILLION WINDFALL FOR NEW YORK SHIPBUILDING CORP.

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to a $20 million windfall—or unnecessary payment—which the Defense Department approved for the New York Shipbuilding Corp., Camden, N.J., a company controlled by the Louis Wolfson group.

On August 22, 1962, the New York Shipbuilding Corp., Camden, N.J., which was one of Louis Wolfson's operations, was awarded a contract—NOBs-4581—for the construction of one nuclear submarine at a fixed price of $33,500,000. Subsequently change orders totaling $5,405,236 were approved, bringing the potential cost to $38,905,236. The submarine was to be delivered during July 1966, but when the delivery date arrived the submarine was nowhere near completion.

The Department of the Navy files show that by the latter part of 1966 the Navy had become dissatisfied with the contractor's capability and actual performance in the construction of the submarine because of the contractor's slippage in the delivery date, its progressive disposal of its major submarine-building equipment, and its loss of skilled trade and engineering manpower.

On March 21, 1967, nearly 9 months after the scheduled delivery date, recognizing this failure of the company to fulfill the terms of its agreement to deliver the submarine, the Navy took action and notified the contractor of its intention to terminate the contract.

The original contract price had been adjusted as follows:

Basic contract price	$33,500,000
Negotiated change orders	3,655,236
Provisional increase for change orders to be negotiated	1,750,000
Potential adjusted contract price	38,905,236

At the time of termination, March 21, 1967, the contractor had already received payments totaling $29,685,787. But on July 6, 1967, 1 year after the promised delivery date and nearly 4 months after it was evident that the company had reneged on its contract, the contractor received another payment of $3,612,051 for what was described as reimbursement of costs incurred up to the time of termination. This brought to $33,297,838 the payments made on this contract which was originally awarded at $33,500,000.

The Government attempted to justify this latter payment on the basis that it was a "termination-for-convenience cancellation" of the contract by the Government under which the contractor would be entitled to receive reimbursement for all costs incurred, thus bringing the total payments to the contractor by the Government to $33,297,838, or 85.5 percent of the $38,905,236 adjusted contract price—$33,500,000 original contract price plus change orders which would add another $5,405,236.

This represented a substantial overpayment since the record shows the ship was only about 50-percent completed.

To determine the status of the uncompleted work on this submarine and to determine the amount that would be required to complete this submarine for service the Naval Ship Systems Command in June 1967 awarded a cost-plus-fixed-fee contract in the amount of $474,572 to the Electric Boat Division of General Dynamics Corp., Groton, Conn.

Under this survey the Government was told that the submarine was only about one-half completed. In October 1967 all material and documentation prepared by the Electronic Boat Division was sent to the supervisor of shipbuilding, conversion, and repair, U.S. Navy, Pascagoula, Miss., and at the same time the unfinished submarine was transferred to the Ingalls Shipbuilding Corp., at Pascagoula.

In November 1967, Ingalls proposed a cost-plus-fixed-fee contract of $19,148,371 as the amount that would be required for the completion of the submarine. The General Accounting Office estimates that if this amount proves to be the amount necessary to complete this nuclear submarine, the final cost to the Government for this one submarine will be about $59,300,000, as follows:

Interim proposal (including transfer charge)	$39,693,890
Electric boat contract	474,572
Ingalls' proposed cost-plus-fixed-fee contract	19,148,371
Total	59,316,833

This aggregate cost of $59 million for one nuclear submarine compares with an estimated cost of $75 million that the

Government paid for two submarines of the same class which were constructed by Newport News Shipbuilding & Dry Dock Co., Newport News, Va.

Thus this nuclear submarine will be over 2 years late in delivery and will represent an extra cost of about $20 million. An examination of this contract clearly establishes that the New York Shipbuilding Co. defaulted on this contract.

The contract with New York Shipbuilding Corp. provided, in pertinent part, that it could be terminated for default under the following conditions:

> (i) if the Contractor fails to make delivery of the vessels or supplies or to perform the services within the time specified herein or any extension thereof; or
>
> (ii) if the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the contracting officer may authorize in writing) after receipt of notice from the contracting officer specifying such failure.

Under a termination for default the Government could have been indemnified by the defaulted contractor for any additional costs incurred in the completion of the submarine. Instead we find the Government paying damages.

The questions which still remain unanswered are—

First. Why was this contract not canceled for default rather than ruled as a cancellation for convenience of the Government?

Second. Why did the Government not try to collect damages instead of paying a cancellation charge?

Third. Who was responsible for this decision which cost the Government an extra $20 million, and what steps are being taken to recover this amount?

Earlier in February 1968 I called this alleged overpayment to the attention of the Comptroller General for his examination. I ask unanimous consent that their interim report of July 11, 1968, as signed by Acting Comptroller General Frank H. Weitzel be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., July 11, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: In your letter of February 16, 1968, you requested that we review certain matters relating to the termination of a Department of the Navy contract with New York Shipbuilding Corporation, Camden, New Jersey. This interim report is being submitted in accordance with your request of June 13, 1968. We plan to submit a final report upon completion of our examination.

Contract NObs–4581 was awarded to the New York Shipbuilding Corporation on August 22, 1962, for the construction of one nuclear submarine at a fixed price of $33,500,000. The submarine was to be delivered during July 1966.

Correspondence in the Department of the Navy files indicates that, during the latter part of 1966, the Navy became dissatisfied with the contractor's capability and actual performance in the construction of the submarine because of the contractor's slippage in the delivery date, its progressive disposal of its major submarine-building equipment, and its loss of skilled trade and engineering manpower. Further, the Navy felt that, because of the reduced workload at the contractor's yard, the cost of completing the submarine at that yard would be higher than elsewhere. On March 21, 1967, the Navy notified the contractor of its intention to terminate the contract.

The contractor contended that the slippage in delivery was caused, in part, by the numerous design changes and late delivery of Government-furnished property.

TERMINATION OF CONTRACT

An agreement was reached in April 1967 between the Navy and New York Shipbuilding Corporation providing that, if the submarine were launched on or before June 3, 1967, the Navy would terminte the contract for the convenience of the Government rather than for default. The contractor met the launch date requirement, and the contract was terminated for the convenience of the Government on June 5, 1967.

The contract had not been settled as of June 21, 1968, although the contractor had submitted a final settlement proposal in the amount of $39,693,890.

At about the time of the termination, the potential adjusted contract price was $38,905,236, as follows:

Basic contract price	$33, 500, 000
Negotiated change orders	3, 655, 236
Provisional increase for change orders to be negotiated	1, 750, 000
Potential adjusted contract price	38, 905, 236

In June 1967, the Naval Ship Systems Command awarded a cost-plus-fixed-fee contract in the amount of $474,572 to the Electric Boat Division of General Dynamics Corporation, Groton, Connecticut. The contract required that the contractor, among other things, determine the status of completed and uncompleted work on the submarine and the amount and kind of work required to complete it. The contract required also that the contractor prepare a schedule for completion of the work and a workload analysis.

TRANSFER OF SUBMARINE TO INGALLS SHIPBUILDING CORP.

In October 1967, Electric Boat was informed by the Navy of a decision not to send the submarine to Groton for completion. Electric Boat sent all material and documentation to the Supervisor of Shipbuilding, Conversion and Repair, United States Navy, Pascagoula, Mississippi. The submarine was then transferred to the Ingalls Shipbuilding Corporation at Pascagoula.

In November 1967, Ingalls proposed a cost-plus-fixed-fee contract of $19,148,371 for the completion of the submarine. If this amount proves to be the amount necessary to complete the submarine, the total cost to the Government will be about $59,300,000, as follows:

Interim proposal	$39, 693, 890
Electric Boat contract	474, 572
Ingalls' proposed cost-plus-fixed-free contract	19, 148, 371
Total	59, 316, 833

This compares with an estimated cost of $75,000,000 for two submarines of the same class constructed by Newport News Shipbuilding and Dry Dock Company, Newport News, Virginia.

TERMINATION FOR DEFAULT

The contract with New York Shipbuilding Corporation provided, in pertinent part, that it could be terminated for default under the following conditions.

"(i) if the Contractor fails to make delivery of the vessels or supplies or to perform the services within the time specified herein or any extension thereof; or

"(ii) if the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the contracting officer may authorize in writing) after receipt of notice from the contracting officer specifying such failure."

Slippage in delivery dates, as well as the contractor's failure to maintain an adequate work force and acceptable inspection and quality control systems, might be considered conditions which fell within these termination provisions. We propose to examine into the termination action of the Navy from the standpoint of whether termination should have been for default rather than for convenience.

Under a termination for default, the Government would have the right to be indemnified by the defaulted contractor for any additional costs incurred in the completion of the submarine.

PROGRESS PAYMENTS

Contract NObs–4581 with the New York Shipbuilding Corporation provided that the Government make progress payments of 90 percent of the costs incurred until 50-percent completion of the submarine, after which progress payments would be 95 percent of the costs incurred.

Up to the time of the termination, the contractor had received payments totaling $29,685,787. On July 6, 1967, the contractor received a payment of $3,612,051 for reimbursement of costs incurred up to the time of the termination. This payment was made under the termination-for-convenience provisions of the contract by which the contractor was entitled to receive reimbursement for all costs incurred, and it brought the total payments to the contractor by the Government to $33,297,838, or 85.5 percent of the contract price, compared with the degree of completion of the submarine of 78.5 percent established by the Navy.

In view of the considerable additional work proposed by Ingalls, we plan to review the Navy's procedures for establishing the percentage of completion up to the time that the submarine left the New York Shipbuilding Corporation's yard.

We have not solicited comments from either the Navy or the contractors concerned on the contents of this interim report.

We plan to make no further distribution of this report unless requested by you.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business, for action on a nomination favorably reported earlier today by the Committee on Banking and Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

The legislative clerk read the nomination of Raymond H. Lapin, of California, to be President of the Federal National Mortgage Association.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE ELMER J. HOLLAND, OF PENNSYLVANIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to offer a resolution on behalf of the distinguished Senators from Pennsylvania [Mr. CLARK and Mr. SCOTT].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 388) was read, considered by unanimous consent, and unanimously agreed to, as follows:

S. RES. 388

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Elmer J. Holland, late a Representative from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order, pursuant to the resolution just agreed to, and as a further mark of respect to the memory of the deceased Representative Elmer J. Holland, from Pennsylvania, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was unanimously agreed to; and (at 3 o'clock and 43 minutes p.m.) the Senate took a recess until tomorrow, Friday, September 6, 1968, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1968:

IN THE MARINE CORPS

Col. Haywood R. Smith, U.S. Marine Corps, for permanent appointment to the grade of colonel.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Environmental Science Services Administration:

To be lieutenants

Fred S. Long
David M. Mauthe
Anthony Vecino
Roger G. Svendsen
Gary R. Polvi
Bernard N. Mandelkern

WITHDRAWAL

Executive nomination withdrawn from the Senate September 5, 1968:

POSTMASTER

I withdraw the nomination sent to the Senate on March 13, 1967, of Doris L. Oldham to be postmaster at Fishertown in the State of Pennsylvania.

CONFIRMATION

Executive nomination confirmed by the Senate September 5, 1968:

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Raymond H. Lapin, of California, to be President of the Federal National Mortgage Association.

HOUSE OF REPRESENTATIVES—*Thursday, September 5, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Brethren, ye have been called unto liberty; only use not liberty for an occasion to the flesh, but by love serve one another.—Galatians 5: 13.

O God, our Heavenly Father, in the quiet of this moment of prayer and with all sincerity of mind and heart we come to Thee who art the source of all wisdom, of all goodness and of all love.

Thou hast called us to work with Thee on behalf of our Nation and for the good of the world. Quicken Thou our love for our country and our concern for all mankind. Now and always may we keep our dedication to freedom, our devotion to truth, our delight in our democratic ways and our desire to make the world a better place for all people.

Grant us courage to be faithful in the struggle to make liberty the law and the life of all lands.

In the name of Him who sets men free we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

THE LATE HONORABLE RUSSELL TUTEN

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. STUCKEY. Mr. Speaker, it is with much sadness that I address my colleagues today to tell them of the passing of one of our former colleagues, James Russell Tuten.

James Russell Tuten was a fine man and a dedicated public servant. Some might think it strange that the man who battled with Mr. Tuten for the Eighth District of Georgia congressional seat as recently as 2 years ago would rise to praise Mr. Tuten's merits.

But, I do not think it strange, Mr. Speaker, and I want to unhesitatingly discuss this man who gave so much of his life to the service of his community and his fellow man.

It is true that Mr. Tuten and I did not see eye to eye on how some of the issues which are presently facing our country should be dealt with. However, even though we did not always agree on the solutions to our local and world problems, we each recognized and respected the other's genuine concern with these problems and with our fellow man.

Mr. Tuten was concerned and his concern lead to involvement. This was demonstrated throughout his lifetime, as he continuously served his community and his State in various capacities; among these, Representative in Congress for 4 years, mayor of Brunswick, Ga., for 4 years, and Brunswick city commissioner for 6 years.

Mr. Tuten was a religious man. He was a deacon of the First Baptist Church of Brunswick for over 11 years. And, he carried his devotion to God into his daily life. He was a kind man and a sensitive man.

After leaving the Congress, Mr. Tuten served as cochairman of the Coastal Plains Regional Commission where he was a credit to the position he held until those final hours.

Russell Tuten will be missed, Mr. Speaker. He will be missed by those who knew him. And, he will be missed by those who did not know him, but were affected by his dedicated and devoted service.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to my colleague from Georgia.

Mr. O'NEAL of Georgia. I thank the gentleman for yielding because it gives me the opportunity to express my deep sorrow and my great respect for Russell Tuten. Most of us knew for a long time that his death was coming, because he had a long and progressive and irreversible illness. Yet when it did come it was a shock.

Mr. Speaker, I was extremely sorry that I was not in the country at the time it occurred so that I might have attended the funeral and pay my respects in that way.

Mr. Speaker, Russell Tuten was a kind man. I know of no one who knew him who disliked him. He was a man who never sought revenge. He was a man who grew up from lowly beginnings. He was a farmer and a bricklayer, and became a contractor and then entered politics, and became mayor of his city, as the gentleman in the well has already stated. He served well in the House of Representatives, and he worked hard for his district and for his constituents. I am sure that all of us share in the grief which has been expressed by the gentleman from Georgia [Mr. STUCKEY].

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to our distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I recall one of the saddest letters I ever received in my life was one from Russell Tuten telling me that he was suffering from an illness from which he could not possibly hope to recover, and which meant certain death to him in a matter of not too many months. It saddened me because here was a kind and lovely person who had served conscientiously in the House of Representatives, friendly with everyone, quiet, unassuming, sincere, but effective. It comes as a shock to me today, notwithstanding the notice that Mr. Tuten personally had given me, that our friend from Georgia [Mr. STUCKEY], now has the sad duty of announcing the death of Russell Tuten to the House.

I extend my deepest sympathy to his loved ones.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me.

I want to extend my condolences to the family of Russell Tuten, and I want to state my appreciation to the gentleman in the well for taking this time, and I wish to associate myself with his fine remarks.

Russell Tuten and I had had considerable correspondence prior to his death concerning his problem. I did not know that it existed at the time that he left the House and service to his beloved Nation as one of our colleagues.

Mr. Speaker, I believe that as the sun increases in its iridescence each day that it rises over the horizon, certain men who are given by our good God above the privilege of knowing ahead of time that their days are numbered, and that their solution to a physical problem is beyond the ken of mankind, rise in direct proportion and expand their personalities and their compassion for their fellow men in proportion to that iridescence of the sun. I believe that Russell Tuten did this, because he expanded his condolences to other mankind and labored hard and long in the vinyard, even on to his last days for the salvation of others who might have the same medical problem that he had.

He was a man who demanded and earned the respect of all of his colleagues. In addition to being a great statesman, on his deathbed he was a great humanitarian.

Mrs. Hall joins me in extending along with the gentleman from Georgia and our majority leader, who has spoken with others from this side of the aisle, and with our minority leader, in heartfelt sympathy and regret at this untimely passing of such a fine person as Russell Tuten.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I share all of the kind and complimentary comments that have been made about our former colleague, Russell Tuten. He left a fine record, both at home and abroad as a citizen, as a statesman, and as a friend of literally thousands of people in his district and the State of Georgia.

Russell Tuten made a record here which will be looked upon by those who succeed him as a difficult mark to equal.

We on this side of the aisle enjoyed his friendship and admired his achievements. We extend our sympathy to his family in this hour of bereavement.

Mr. BRINKLEY. Mr. Speaker, I was greatly saddened to learn that Russell Tuten had lost his brave battle for life which was, indeed, a profile in courage. He was a man's man, and one of God's children. I will miss him.

My sincere sympathy goes out to his wife and family. May we take consolation in the fact that he bequeathed to us a rich legacy of good example towards a better tomorrow.

Mr. FUQUA. Mr. Speaker, the passing of former Congressman James Russell Tuten brings to a close a distinguished career of a fine gentleman.

When I first came to the Congress nearly 6 years ago, one of the first men I met was Russell Tuten. He had just been elected to Congress from the South Georgia district which bordered on my own.

I was impressed with his quiet sincerity and sense of purpose. Later I was to work with him on many matters of mutual concern to our section of the Nation and I always found him to be honest, able, dedicated, and perhaps the thing for which I remember him best—an ability to understand and appreciate the viewpoint of others.

In the time he served Georgia and his beloved Nation as a Member of the U.S. House of Representatives, he carved yet another niche in our never-ending quest for a better world for our children and our children's children.

He brought with him when he came to Washington a distinguished record of service as a city commissioner and mayor of Brunswick, Ga. I do not believe that Russell Tuten ever met a man who was not impressed with his friendly personality.

I know that the news of his passing came as a particular sad moment for me. To his wife and four sons I express my deep and profound sorrow. He passed away as he lived, with courage and determination.

I know one thing for certain, our Nation and his beloved State of Georgia are better off because of the life and work of this good man.

We will miss him.

Mr. DORN. Mr. Speaker, Russell Tuten was one of the kindest men I ever knew. It was a privilege for me to sit next to him on the Public Works Committee. I never saw him angry or ruffled in any respect. He was always gentle and epitomized the true southern gentleman with his courtesy and good manners.

Russell Tuten had a great concern in his heart for the underprivileged. He was compassionate and was a great humanitarian. He devoted much of his great energy to fighting poverty and disease. He promoted job opportunity and development of undeveloped areas.

Russell Tuten believed in State rights, local government, and individual liberty. He was dedicated and devoted to those great principles that made America the hope of all the free world. He was a great American and a great Georgian.

Mrs. Dorn joins me in my deepest sympathy to his devoted and lovely family.

Mr. O'HARA of Illinois. Mr. Speaker, it is with deep emotion that I join in the tributes to the memory of the Honorable James Russell Tuten. He came to the Congress in January of 1963. He wrote in a letter to me in March of this year, "with the feeling that I was extremely healthy." He then was 52, had served 11 years as deacon of the First Baptist Church in his native city of Brunswick, Ga., had been mayor of Brunswick, district master of the 11th Masonic of Georgia, grand marshal of grand lodge of Georgia, chairman of the board of trustees of Brewton Park College, and was looking forward into the future with confidence that all was well and the tasks ahead were many and challenging. Then the blow fell—tragedy dropping from skies that had been sunny—a sentence of certain death, an illness with no cure. I quote from his letter:

> I came to Congress with the feeling that I was extremely healthy but in the summer of 1966 I developed a weakness in my left ankle. In December 1966, Dr. Pearson arranged for my admittance to Bethesda Naval Hospital. After extensive tests and research, the doctors proposed only to observe me. In the spring of 1967, upon my request, Dr. Pearson arranged appointments with neurologists at Johns Hopkins Hospital in Baltimore. In June of 1967 I became impatient and demanded that Dr. Pearson furnish me a copy of my record which revealed that I was a victim of amyotrophic lateral sclerosis.
>
> AP and UPI published articles about my condition rather extensively and I received numerous pathetic communications from other victims of ALS, some of whom had been examined at Mayo Clinic, Duke University, Emory University, and other outstanding institutions. The cause is not known and there is no known remedy. The disease is fatal in two to three years and in rare instances, five years; the later portion of which the victim is entirely helpless.

Russell Tuten has left to us and to the world a noble pattern of courage. Doomed to die, he spurned self-pity and despondency, but gave all within him to a campaign that others might be saved. As a former Member of Congress, deservedly popular with all his colleagues, he wrote to me, and to others with whom he had served, in an effort to have adequately funded a research into this mysterious disease that at long last might produce a cure.

I continue quoting from his letter:

> My search for an answer has revealed that practically no research is in progress on this

disease with the exception of the untiring efforts of Dr. Donald T. Quick at the Teaching Hospital of the University of Florida College of Medicine in Gainesville. Dr. Quick's research is almost a one man effort because of a lack of funds. He seems to be making some progress. The Medical Journal and other such documents have made reference to his efforts and findings. He had the benefit of a grant but funds are now practically exhausted.

The University of Florida Medical School made application, No. NB 07897 01, on July 29, 1967, to the U.S. Department of Health, Education, and Welfare for a research grant to study ALS and related neurological diseases. The amount of $103,620 was requested for a five-year period. An application, No. 1–K3–NB–38, 650–01, was submitted on May 1, 1967, for a "research career program" grant of $105,285 over a period of five years for the purpose of increasing salaries in the Division of Neurology from $17,660 to approximately $20,000 per year. One of these applications was rejected by the National Advisory Neurological Diseases and Blindness Council at their November meeting. The other grant will be considered by the Council at their regular meeting March 21, 1968. The University of Florida needs personnel and equipment to carry out this program.

Any one with this disease, which allows him three years to make his funeral arrangements, would like to see some progressive research. You no doubt have constituents in this category since more than eight thousand people in the United States are known victims.

I last heard from Russell Tuten on April 29 of this year. He wrote:

DEAR CONGRESSMAN O'HARA: Your response to my letter and the interest you expressed in the grant applications of the University of Florida for research of amyotrophic lateral sclerosis and related neurological diseases is sincerely appreciated.

Although I am disappointed that the National Advisory Neurological Diseases and Blindness Council rejected the applications, I am grateful for your efforts in behalf of the 7,000 to 10,000 Americans who are hopelessly afflicted with this disease.

I have made an exhaustive search of those sources which could offer assistance in the treatment of this disease. Dr. Quick is one of the few people who has a knowledgeable approach to this problem and it is regrettable that his efforts in finding the answer to this malady cannot be financially supported. Funds are available for various research projects of much less importance.

I was scheduled to return to the University of Florida Teaching Hospital April 1, 1968. My appointment has been canceled or indefinitely postponed because funds aren't available to employ the necessary technicians required to continue the laboratory work which must be done to find the answers to a disease, the characteristics of which to some extent vary with individual cases.

I hope Congress will see that funds are provided for this important research.

Mr. Speaker, Russell Tuten was a good man. He was a deeply religious man. His life will not have been in vain if his words, coming as it were from the grave, spurs research into this strange disease until the period of its horrors has been ended. I extend my warmest sympathy to the loved ones of a beloved former colleague.

GENERAL LEAVE TO EXTEND REMARKS

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks with reference to the late Honorable Russell Tuten.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 3293, MILITARY PROCUREMENT AND PERSONNEL STRENGTH AUTHORIZATION, 1969

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on S. 3293, to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

VOICE FROM THE GRAVE—VIETNAM

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, rarely do we hear from those who have gone to eternity. A young man, in full bloom with a bright future, Paul McGrath, was a 24-year-old U.S. Marine lieutenant in Vietnam. He was killed on June 7, 1968. Prior to his death, he wrote a letter to his parents in Rye, N.Y., but addressed it "To Whom It May Concern" in order that the contents would be made public.

Paul McGrath, a graduate of Villanova College, has a message for all Americans:

MARCH 24, 1968.

To Whom It May Concern:

While my young Marines give their lives for what they know is right, too many Americans sit back and argue over trivial details. This letter is a plea from a Marine platoon commander in Viet-Nam, that Americans get together and support us in a cruel, miserable, but necessary war. Let us not lose sight of the basic truths under a pile of trite arguments.

As far as being a "popular war of liberation" or anything resembling such, this isn't. We here in Khe-Sanh are surrounded by numerous enemy troops. They are North Vietnamese regulars, not the "popular liberation forces" some people would have us believe are behind the war. The war is simply a case of North Viet-Nam (with agents and pawns in South Viet-Nam, and Red Chinese and Russian backing) trying to take over South Viet-Nam by force. There is no doubt in my mind what they have in theirs. The conquest of Asia. They have already begun the same thing in Laos. "Popular liberation forces" don't demolish cities and slaughter their own people in the streets.

The real question is not what is going on here, though. Anybody who does not know is either stupid or fooling himself. The real question is whether we as Americans consider it our job to stop them. It is a long way from home and seems not to bother our own security. It is costly in money, but more importantly, in American lives.

To me the answer is simple. Yes! We must stop them. Read again the inscription under the Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, the tempest-tossed, to me:
I lift my lamp beside the golden door."

The spirit that inspired that was one that said we must seek and accept responsibility in a positive manner, not just wallow in our own good fortune. The thing I love most about the United States is that spirit. "Give me your tired, your poor." We want them because we will do something with them!

Are we, today, willing to stand up for what we know is right or are we willing to make phony excuses for ourselves?

Please remember us in your prayers.

Semper Fidelis,

2d Lt. PAUL MCGRATH.

August 5, 1944–June 7, 1968.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT TODAY DURING GENERAL DEBATE

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

FOURTH ANNUAL REPORT OF THE ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 380)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed with illustrations:

To the Congress of the United States:

I am transmitting the fourth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission. The report covers the period July 1, 1967 to June 30, 1968.

During the past twelve months the Commission has made significant progress toward accomplishing the objectives of its investigation. The collection of data was substantially completed on Route 17 in Panama, one of the routes being considered for nuclear excavation. In the Canal Zone, subsurface drilling for geological data was completed and an evaluation made of the suitability and cost of conventional canal excavation along Route 14. In Colombia the first full year of data collection on Route 25 was accomplished.

The Commission has decided on a more extensive study of Route 10, a route for conventional excavation in the Republic of Panama close to the westerly limits of the Canal Zone. Extensive engineering measures would be required to insure the continued operation of the existing lock canal during the years of construction of a sea-level canal adjacent to and intersecting it. Also, the change-over to a sea-level canal on Route 14 would permanently close the existing canal. Route 10 would not have these disadvantages and could be competitive in cost. For these reasons, the Commission has now augmented its subsurface data collection program to produce a valid estimate of excavation costs on this route.

The Atomic Energy Commission has recently conducted the first two of the planned series of nuclear excavation experiments designed to determine the feasibility of nuclear excavation of a sea-level canal. The favorable results of these experiments are encouraging. Funds in the FY 1969 budget will permit continuation of this test program. I hope that the experiments will demonstrate the practical possibility of using this technique in building a new canal.

On June 22, 1968, I signed Public Law 90–359 in which the Congress granted an extension of the Commission's reporting date to December 1, 1970 and the additional appropriation authority needed by the Commission to complete its investigation. With this amending legislation, the Commission is now able to carry out its field surveys in both Panama and Colombia as originally planned to accomplish the mission given it by the Congress in Public Law 88–609.

The investigation has provided no final conclusions to date. However, no insurmountable technical problems are foreseen in the construction of a sea-level isthmian canal by conventional means. The best location for a new canal and the technical and political feasibility of construction by nuclear excavation are yet to be determined.

This anniversary sees the canal investigation well beyond the midpoint of its planned studies, and I take great pleasure in forwarding the Commission's fourth annual report to the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 5, 1968.*

CONFERENCE REPORT ON S. 1004, CENTRAL ARIZONA PROJECT

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 1004) to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1861)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1004) entitled "An act to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"TITLE I—COLORADO RIVER BASIN PROJECT: OBJECTIVES

"SEC. 101. That this Act may be cited as the 'Colorado River Basin Project Act'.

"SEC. 102. (a) It is the object of this Act to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as in the lower Colorado River Basin. This program is declared to be for the purposes, among others, of regulating the flow of the Colorado River; controlling floods; improving navigation; providing for the storage and delivery of the waters of the Colorado River for reclamation of lands, including supplemental water supplies, and for municipal, industrial, and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife, and the generation and sale of electrical power as an incident of the foregoing purposes.

"(b) It is the policy of the Congress that the Secretary of the Interior (hereinafter referred to as the 'Secretary') shall continue to develop, after consultation with affected States and appropriate Federal agencies, a regional water plan, consistent with the provisions of this Act and with future authorizations, to serve as the framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

"TITLE II—INVESTIGATIONS AND PLANNING

"SEC. 201. Pursuant to the authority set out in the Reclamation Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto, and the provisions of the Water Resources Planning Act of July 22, 1965, 79 Stat. 244, as amended, with respect to the coordination of studies, investigations and assessments, the Secretary of the Interior shall conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and to the Congress every two years. The first of such reports shall be submitted on or before June 30, 1971, and a final reconnaissance report, shall be submitted not later than June 30, 1977: *Provided,* That for a period of ten years from the date of this Act, the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River.

"SEC. 202. The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of this Act and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty: *Provided,* That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress and is in operation as provided in this Act.

"SEC. 203. (a) In the event that the Secretary shall, pursuant to section 201, plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in this Act, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

"(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this Act shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

"SEC. 204. There are hereby authorized to be appropriated such sums as are required to carry out the purposes of this title.

"TITLE III—AUTHORIZED UNITS: PROTECTION OF EXISTING USES

"SEC. 301. (a) For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes, the Secretary shall construct, operate, and maintain the Central Arizona Project, consisting of the following principal works: (1) a system of main conduits and canals, including a main canal and pumping plants (Granite Reef aqueduct and pumping plants), for diverting and carrying water from Lake Havasu to Orme Dam or suitable alternative, which system may have a capacity of 3,000 cubic feet per second or whatever lesser capacity is found to be feasible: *Provided,* That any capacity in the Granite Reef aqueduct in excess of 2,500 cubic feet per second shall be utilized for the conveyance of Colorado River water only when Lake Powell is full or releases of water are made from Lake Powell to prevent the reservoir from exceeding elevation 3,700 feet above mean sea level or when releases are made pursuant to the proviso in section 602(a)(3) of this Act: *Provided further,* That the costs of providing any capacity in excess of 2,500 cubic feet per second shall be repaid by those funds available to Arizona pursuant to the provision of subsection 403(f) of this Act, or by funds from sources other than the development fund; (2) Orme Dam and Reservoir and power-pumping plant or suitable alternative; (3) Buttes Dam and Reservoir, which shall be so operated as not to prejudice the rights of any user in and to the waters of the Gila River as those rights are set forth in the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59); (4) Hooker Dam and Reservoir or suitable alternative, which shall be constructed in such a manner as to give effect to the provisions of subsection (f) of section 304; (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; (7) Salt-Gila aqueduct; (8) related canals, regulating facilities, hydroelectric powerplants, and electrical transmission facilities required for the operation of said principal works; (9) related water distribution and drainage works; and (10) appurtenant works.

"(b) Article 11(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301(b). This subsection shall not affect the relative priorities among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

"(c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

"SEC. 302. (a) The Secretary shall designate the lands of the Salt River Pima-Maricopa Indian Community, Arizona, and the Fort McDowell-Apache Indian Community, Arizona, or interests therein, and any allotted lands or interests therein within said communities which he determines are necessary for use and occupancy by the United States for the construction, operation, and maintenance of Orme Dam and Reservoir, or alternative. The Secretary shall offer to pay the fair market value of the lands and interests designated, inclusive of improvements. In addition, the Secretary shall offer to pay toward the cost of relocating or replacing such improvements not to exceed $500,000 in the aggregate, and the amount offered for the actual relocation or replacement of a residence shall not exceed the difference between the fair market value of the residence and $8,000. Each community and each affected allottee shall have six months in which to accept or reject the Secretary's offer. If the Secretary's offer is rejected, the United States may proceed to acquire the property interests involved through eminent domain proceedings in the United States District Court for the District of Arizona under 40 U.S.C., sections 257 and 258a. Upon acceptance in writing of the Secretary's offer, or upon the filing of a declaration of taking in eminent domain proceedings, title to the lands or interests involved, and the right to possession thereof, shall vest in the United States. Upon a determination by the Secretary that all or any part of such lands or interests are no longer necessary for the purpose for which acquired, titled to such lands or interests shall be restored to the appropriate community upon repayment to the Federal Government of the amounts paid by it for such lands.

"(b) Title to any land or easement acquired pursuant to this section shall be subject to the right of the former owner to use or lease the land for purposes not inconsistent with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary. Such right shall include the right to extract and dispose of minerals. The determination of fair market value under subsection (a) shall reflect the right to extract and dispose of minerals and all other uses permitted by this section.

"(c) In view of the fact that a substantial portion of the lands of the Fort McDowell Mohave-Apache Indian Community will be required for Orme Dam and Reservoir, or alternative, the Secretary shall, in addition to the compensation provided for in subsection (a) of this section, designate and add to the Fort McDowell Indian Reservation twenty-five hundred acres of suitable lands in the vicinity of the reservation that are under the jurisdiction of the Department of the Interior in township 4 north, range 7 east; township 5 north, range 7 east; and township 3 north, range 7 east, Gila and Salt River base meridian, Arizona. Title to lands so added to the reservation shall be held by the United States in trust for the Fort McDowell Mohave-Apache Indian Community.

"(d) Each community shall have a right, in accordance with plans approved by the Secretary, to develop and operate recreational facilities along the part of the shoreline of the Orme Reservoir located on or adjacent to its reservation, including land added to the Fort McDowell Reservation as provided in subsection (b) of this section, subject to rules and regulations prescribed by the Secretary governing the recreation development to its reservation, including land added to the entire reservoir and federally owned lands under the jurisdiction of the Secretary adjacent thereto shall be in accordance with a master recreation plan approved by the Secretary. The members of each community shall have nonexclusive personal rights to hunt and fish on or in the reservoir without charge to the same extent they are now authorized to hunt and fish, but no community shall have the right to exclude others from the reservoir except by control of access through its reservation or any right to require payment by members of the public except for the use of community lands or facilities.

"(e) All funds paid pursuant to this section, and any per capita distribution thereof, shall be exempt from all forms of State and Federal income taxes.

"SEC. 303. (a) The Secretary is authorized and directed to continue to a conclusion appropriate engineering and economic studies and to recommend the most feasible plan for the construction and operation of hydroelectric generating and transmission facilities, the purchase of electrical energy, the purchase of entitlement to electrical plant capacity, or any combination thereof, including participation, operation, or construction by non-Federal entities, for the purpose of supplying the power requirements of the Central Arizona Project and augmenting the Lower Colorado River Basin Development Fund: *Provided,* That nothing in this section or in this Act contained shall be construed to authorize the study or construction of any dams on the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam.

"(b) If included as a part of the recommended plan, the Secretary may enter into agreements with non-Federal interests proposing to construct thermal generating powerplants whereby the United States shall acquire the right to such portions of their capacity, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as he determines is required in connection with the operation of the Central Arizona Project. When not required for the Central Arizona Project, the power and energy acquired by such agreements may be disposed of intermittently by the Secretary for other purposes at such prices as he may determine, including its marketing in conjunction with the sale of power and energy from Federal powerplants in the Colorado River system so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates. The agreements shall provide, among other things, that—

"(1) the United States shall pay not more than that portion of the total construction cost, exclusive of interest during construction, of the powerplants, and of any switchyards and transmission facilities serving the United States, as is represented by the ratios of the respective capacities to be provided for the United States therein to the total capacities of such facilities. The Secretary shall make the Federal portion of such costs available to the non-Federal interests during the construction period, including the period of preparation of designs and specifications, in such installments as will facilitate a timely construction schedule, but no funds other than for preconstruction activities shall be made available by the Secretary until he determines that adequate contractual arrangements have been entered into between all the affected parties covering land, water, fuel supplies, power (its availability and use), rights-of-way, transmission facilities and all other necessary matters for the thermal generating powerplants;

"(2) annual operation and maintenance costs shall be apportioned between the United States and the non-Federal interests on an equitable basis taking into account the ratios determined in accordance with the foregoing clause (1): *Provided, however,* That the United States shall share on the foregoing basis in the depreciation component of such costs only to the extent of provision for depreciation on replacements financed by the non-Federal interests;

"(3) the United States shall be given appropriate credit for any interests in Federal lands administered by the Department of the Interior that are made available for the powerplants and appurtenances;

"(4) costs to be borne by the United States under clauses (1) and (2) shall not include (a) interest and interest during construction, (b) financing charges, (c) franchise fees, and (d) such other costs as shall be specified in the agreement.

"(c) No later than one year from the effective date of this Act, the Secretary shall submit his recommended plan to the Congress. Except as authorized by subsection (b) of this section, such plan shall not become effective until approved by the Congress.

"(d) If any thermal generating plant referred to in subsection (b) of this section is located in Arizona, and if it is served by water diverted from the drainage area of the Colorado River system above Lee Ferry, other provisions of existing law to the contrary notwithstanding, such consumptive use of water shall be a part of the fifty thousand acre-feet per annum apportioned to the State of Arizona by article III(a) of the Upper Colorado River Basin Compact (63 Stat. 31).

"SEC. 304. (a) Unless and until otherwise provided by Congress, water from the Central Arizona Project shall not be made available directly or indirectly for the irrigation of lands not having a recent irrigation history as determined by the Secretary, except in the case of Indian lands, national wildlife refuges, and, with the approval of the Secretary, State-administered wildlife management areas.

"(b)(1) Irrigation and municipal and industrial water supply under the Central Arizona Project within the State of Arizona may, in the event the Secretary determines that it is necessary to effect repayment, be pursuant to master contracts with organizations which have power to levy assessments against all taxable real property within their boundaries. The terms and conditions of contracts or other arrangements whereby each such organization makes water from the Central Arizona Project available to users within its boundaries shall be subject to the Secretary's approval, and the United States shall, if the Secretary determines such action is desirable to facilitate carrying out the provisions of this Act, have the right to require that it be a party to such contracts or that contracts subsidiary to the master contracts be entered into between the United States and any user. The provisions of this clause (1) shall not apply to the supplying of water to an Indian tribe for use within the boundaries of an Indian reservation.

"(2) Any obligation assumed pursuant to section 9(d) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(d)) with respect to any project contract unit or irrigation block shall be repaid over a basic period of not more than fifty years; any water service provided pursuant to section 9(e) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(e)) may be on the basis of delivery of water for a period of fifty years and for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits and from such other points of delivery as the Secretary may designate; and long-term contracts relating to irrigation water supply shall provide that water made available thereunder may be made available by the Secretary for municipal or industrial purposes if and to the extent that such water is not required by the contractor for irrigation purposes.

"(3) Contracts relating to municipal and industrial water supply under the Central Arizona Project may be made without regard to the limitations of the last sentence of section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); may provide for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits; and may provide for repayment over a period of fifty years if made pursuant to clause (1) of said section and for the delivery of water over a period of fifty years if made pursuant to clause (2) thereof.

"(c) Each contract under which water is provided under the Central Arizona Project shall require that (1) there be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by irrigation in the contract service area; (2) the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate in his judgment to prevent excessive conveyance losses; and (3) neither the contractor nor the Secretary shall pump or permit others to pump ground water from within the exterior boundaries of the service area of a contractor receiving water from the Central Arizona Project for any use outside said contractor's service area unless the Secretary and such contractor shall agree, or shall have previously agreed, that a surplus of ground water exists and that drainage is or was required. Such contracts shall be subordinate at all times to the satisfaction of all existing contracts between the Secretary and users in Arizona heretofore made pursuant to the Boulder Canyon Project Act (45 Stat. 1057).

"(d) The Secretary may require in any contract under which water is provided from the Central Arizona Project that the contractor agree to accept main stream water in exchange for or in replacement of existing supplies from sources other than the main stream. The Secretary shall so require in the case of users in Arizona who also use water from the Gila River system to the extent necessary to make available to users of water from the Gila River system in New Mexico additional quantities of water as provided in and under the conditions specified in subsection (f) of this section: *Provided*, That such exchanges and replacements shall be accomplished without economic injury or cost to such Arizona contractors.

"(e) In times of shortage or reduction of main stream Colorado River water for the Central Arizona Project, as determined by the Secretary, users which have yielded water from other sources in exchange for main stream water supplied by that project shall have a first priority to receive main stream water, as against other users supplied by that project which have not so yielded water from other sources, but only in quantities adequate to replace the water so yielded.

"(f)(1) In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in New Mexico for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive use of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of eighteen thousand acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340). Such increased consumptive uses shall not begin until, and shall continue only so long as, delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this Act, in quantities sufficient to replace any diminution of their supply resulting from such diversion from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

"(2) The Secretary shall further offer to contract with water users in New Mexico for water from the Gila River, its tributaries, and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of an additional thirty thousand acre-feet, including reservoir evaporation. Such further increases in consumptive use shall not begin until, and shall continue only so long as, works capable of augmenting the water supply of the Colorado River system have been completed and water sufficiently in excess of two million eight hundred thousand acre-feet per annum is available from the main stream of the Colorado River for consumptive use in Arizona to provide water for the exchanges herein authorized and provided. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

"(3) All additional consumptive uses provided for in clauses (1) and (2) of this subsection shall be subject to all rights in New Mexico and Arizona as established by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59) and to all other rights existing on the effective date of this Act in New Mexico and Arizona to water from the Gila River, its tributaries, and underground water sources, and shall be junior thereto and shall be made only to the extent possible without economic injury or cost to the holders of such rights.

"(g) For a period of ten years from the date of enactment of this Act, no water from the projects authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 38), as amended (7 U.S.C. 1301), unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

"SEC. 305. To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of main stream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 403 of this Act) and on the same terms as would be applicable if main stream water were available for release in the quantities required to supply such consumptive use.

"SEC. 306. The Secretary shall undertake programs for water salvage and ground water recovery along and adjacent to the main stream of the Colorado River. Such programs shall be consistent with maintenance of a reasonable degree of undisturbed habitat for fish and wildlife in the area, as determined by the Secretary.

"SEC. 307. The Dixie Project, heretofore authorized in the State of Utah, is hereby reauthorized for construction at the site determined feasible by the Secretary, and the Secretary shall integrate such project into the repayment arrangement and participation in the Lower Colorado River Basin Development Fund established by title IV of this Act consistent with the provisions of the Act: *Provided*, That section 8 of Public Law 88–565 (78 Stat. 848) is hereby amended by deleting the figure '$42,700,000' and inserting in lieu thereof the figure '$58,000,000'.

"SEC. 308. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the project works authorized pursuant to this title shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213), except as provided in section 302 of this Act.

"SEC. 309. (a) There is hereby authorized to be appropriated for construction of the Central Arizona Project, including prepayment for power generation and transmission facilities but exclusive of distribution and drainage facilities for non-Indian lands, $832,180,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein and, in addition thereto, such sums as may be required for operation and maintenance of the project.

"(b) There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands. Notwithstanding the provisions of section 403 of this Act, neither appropriations made pursuant to the authorization contained in this subsection (b) nor revenues collected in connection with the operation of such facilities shall be credited to the Lower Colorado River Basin Development Fund and payments shall not be made from that fund to the general fund of the Treasury to return any part of the costs of construction, operation, and maintenance of such facilities.

"TITLE IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND: ALLOCATION AND REPAYMENT OF COSTS: CONTRACTS

"Sec. 401. Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable: *Provided*, That the nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized by title II of this Act and any future Congressional authorization. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213): *Provided*, That all of the separable and joint costs allocated to recreation and fish and wildlife enchancement as a part of the Dixie project, Utah, shall be nonreimbursable. Costs allocated to nonreimbursable purposes shall be nonreturnable under the provisions of this Act.

"Sec. 402. The Secretary shall determine the repayment capability of Indian lands within, under, or served by any unit of the project. Construction costs allocated to irrigation of Indian lands (including provision of water for incidental domestic and stock water uses) and within the repayment capability of such lands shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a), and such costs that are beyond repayment capability of such lands shall be nonreimbursable.

"Sec. 403. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Lower Colorado River Basin Development Fund (hereafter called the 'development fund'), which shall remain available until expended as hereafter provided.

"(b) All appropriations made for the purpose of carrying out the provisions of title III of this Act shall be credited to the development fund as advances from the general fund of the Treasury, and shall be available for such purpose.

"(c) There shall also be credited to the development fund—

"(1) all revenues collected in connection with the operation of facilities authorized in title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project;

"(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however*, That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona and Nevada provided for in section 2(c) of the Boulder Canyon Project Adjustment Act so long as revenues accrue from the operation of the Boulder Canyon project; and

"(3) any Federal revenues from that portion of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona which, after completion of repayment requirements of the said part of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said portion of the Pacific Northwest-Pacific Southwest intertie and related facilities.

"(d) All moneys collected and credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section shall be available, without further appropriation, for—

"(1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the projects, within such separate limitations as may be included in annual appropriation Acts; and

"(2) payments to reimburse water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam, Arizona, resulting from exchanges of water between users in the States of Arizona and New Mexico as set forth in section 304(f) of this Act.

"(e) Revenues credited to the development fund shall not be available for construction of the works comprised within any unit of the project herein or hereafter authorized except upon appropriation by the Congress.

"(f) Moneys credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section in excess of the amount necessary to meet the requirements of clauses (1) and (2) of subsection (d) of this section shall be paid annually to the general fund of the Treasury to return—

"(1) the costs of each unit of the projects or separable feature thereof authorized pursuant to title III of this Act which are allocated to irrigation, commercial power, or municipal and industrial water supply, pursuant to this Act within a period not exceeding fifty years from the date of completion of each such unit or separable feature, exclusive of any development period authorized by law: *Provided*, That return of the cost, if any, required by section 307 shall not be made until after the payout period of the Central Arizona Project as authorized herein; and

"(2) interest (including interest during construction) on the unamortized balance of the investment in the commercial power and municipal and industrial water supply features of the project at a rate determined by the Secretary of the Treasury in accordance with the provisions of subsection (h) of this section, and interest due shall be a first charge.

"(g) All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 307 and 502 of this Act, and (2) upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to section 201 and subsection 203(a) of this Act.

"(h) The interest rate applicable to those portions of the reimbursable costs of each unit of the project which are properly allocated to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the first advance is made for initiating construction of such unit, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issue.

"(i) Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

"Sec. 404. On January 1 of each year the Secretary shall report to the Congress, beginning with the fiscal year ending June 30, 1969, upon the status of the revenues from and the cost of constructing, operating, and maintaining each lower basin unit of the project for the preceding fiscal year. The report of the Secretary shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

"TITLE V—UPPER COLORADO RIVER BASIN: AUTHORIZATIONS AND REIMBURSEMENTS

"Sec. 501. (a) In order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico; the Dolores, Dallas Creek, West Divide, and San Miguel Federal reclamation projects, Colorado; and the Central Utah project (Uintah unit), Utah, as participating projects under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), and to provide for the completion of planning reports on other participating projects, clause (2) of section 1 of said Act is hereby further amended by (1) inserting the words 'and the Uintah unit' after the word 'phase' within the parenthesis following 'Central Utah', (ii) deleting the words 'Pine River Extension' and inserting in lieu thereof the words 'Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel', (iii) adding after the words 'Smith Fork:' the proviso '*Provided*, That construction of the Uintah unit of the Central Utah project shall not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted such report to the Congress along with his certification that, in his judgment, the benefits of such unit or segment will exceed the costs and that such unit is physically and financially feasible, and the Congress has authorized the appropriation of funds for the construction thereof:'. Section 2 of said Act is hereby further amended by (i) deleting the words 'Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, Animas-La Plata', and inserting after the words 'Yellow Jacket' the words 'Basalt, Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units)'; (ii) by inserting after the word 'Sublette' the words '(including a diversion of water from the Green River to the North Platte River Basin in Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah)'; and (iii) changing the period after 'projects' to a colon and adding the following proviso: '*Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14–06–W–194).'. The amount which section 12 of said Act authorizes to be appropriated is hereby further increased by the sum of $392,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized.

"(b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project.

"(c) The Animas-La Plata Federal reclamation project shall be constructed and operated in substantial accordance with the engineering plans set out in the report of the Secretary transmitted to the Congress on May 4, 1966, and printed as House Document 436, Eighty-ninth Congress: *Provided*, That construction of the Animas-La Plata Federal reclamation project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the following compact to which the consent of Congress is hereby given:

"'ANIMAS-LA PLATA PROJECT COMPACT

"'The State of Colorado and the State of New Mexico, in order to implement the operation of the Animas-La Plata Federal Reclamation Project, Colorado-New Mexico, a proposed participating project under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) and being moved by considerations of interstate comity, have resolved to conclude a compact for these purposes and have agreed upon the following articles:

"'ARTICLE I

"'A. The right to store and divert water in Colorado and New Mexico from the La Plata and Animas River systems, including return flow to the La Plata River from Animas River diversions, for uses in New Mexico under the Animas-La Plata Federal Reclamation Project shall be valid and of equal priority with those rights granted by decree of the Colorado state courts for the uses of water in Colorado for that project, providing such uses in New Mexico are within the allocation of water made to that state by articles III and XIV of the Upper Colorado River Basin Compact (63 Stat. 31).

"'B. The restrictions of the last sentence of Section (a) of Article IX of the Upper Colorado River Basin Compact shall not be construed to vitiate paragraph A of this article.

"'ARTICLE II

"'This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States.'

"(d) The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

"(e) In the diversion and storage of water for any project or any parts thereof constructed under the authority of this Act or the Colorado River Storage Project Act within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

"(f) The words 'any western slope appropriations' contained in paragraph (i) of that section of Senate Document Numbered 80, Seventy-fifth Congress, first session, entitled 'Manner of Operation of Project Facilities and Auxiliary Features', shall mean and refer to the appropriation heretofore made for the storage of water in Green Mountain Reservoir, a unit of the Colorado-Big Thompson Federal reclamation project, Colorado; and the Secretary is directed to act in accordance with such meaning and reference. It is the sense of Congress that this directive defines and observes the purpose of said paragraph (i), and does not in any way affect or alter any rights or obligations arising under said Senate Document Numbered 80 or under the laws of the State of Colorado.

"SEC. 502. The Upper Colorado River Basin Fund established under section 5 of the Colorado River Storage Project Act (70 Stat. 107; 43 U.S.C. 620d) shall be reimbursed from the Colorado River Development Fund established by section 2 of the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) for the money expended heretofore or hereafter from the Upper Colorado River Basin Fund to meet deficiencies in generation at Hoover Dam during the filling period of storage units of the Colorado River storage project pursuant to the criteria for the filling of Glen Canyon Reservoir (27 Fed. Reg. 6851, July 19, 1962). For this purpose, $500,000 for each year of operation of Hoover Dam and powerplant, commencing with fiscal year 1970, shall be transferred from the Colorado River Development Fund to the Upper Colorado River Basin Fund, in lieu of application of said amounts to the purposes stated in section 2(d) of the Boulder Canyon Project Adjustment Act, until such reimbursement is accomplished. To the extent that any deficiency in such reimbursement remains as of June 1, 1987, the amount of the remaining deficiency shall then be transferred to the Upper Colorado River Basin Fund from the Lower Colorado River Basin Development Fund, as provided in subsection (g) of section 403.

"TITLE VI—GENERAL PROVISIONS: DEFINITIONS: CONDITIONS

"SEC. 601. (a) Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a), or the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620).

"(b) The Secretary is directed to—

"(1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall include a detailed breakdown of the beneficial consumptive use of water on a State-by-State basis. Specific figures on quantities consumptively used from the major tributary streams flowing into the Colorado River shall also be included on a State-by-State basis. Such reports shall be prepared in consultation with the States of the lower basin individually and with the Upper Colorado River Commission, and shall be transmitted to the President, the Congress, and to the Governors of each State signatory to the Colorado River Compact; and

"(2) condition all contracts for the delivery of water originating in the drainage basin of the Colorado River system upon the availability of water under the Colorado River Compact.

"(c) All Federal officers and agencies are directed to comply with the applicable provisions of this Act, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

"SEC. 602. (a) In order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act, and the Boulder Canyon Project Adjustment Act. To effect in part the purposes expressed in this paragraph, the criteria shall make provision for the storage of water in storage units of the Colorado River storage project and releases of water from Lake Powell in the following listed order of priority:

"(1) releases to supply one-half the deficiency described in article III(c) of the Colorado River compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year that the Secretary makes the determination and issues the proclamation specified in section 202 of this Act;

"(2) releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources; and

"(3) storage of water not required for the releases specified in clauses (1) and (2) of this subsection to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three Lower Division States and taking into consideration all relevant factors (including, but not limited to, historic streamflows, the most critical period of record, and probabilities of water supply), shall find this to be reasonably necessary to assure deliveries under clauses (1) and (2) without impairment of annual consumptive uses in the upper basin pursuant to the Colorado River Compact: *Provided*, That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied in the States of the Lower Division to the uses specified in article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell.

"(b) Not later than January 1, 1970, the criteria proposed in accordance with the foregoing subsection (a) of this section shall be submitted to the Governors of the seven Colorado River Basin States and to such other parties and agencies as the Secretary may deem appropriate for their review and comment. After receipt of comments on the proposed criteria, but not later than July 1, 1970, the Secretary shall adopt appropriate criteria in accordance with this section and publish the same in the Federal Register. Beginning January 1, 1972, and yearly thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected operation for the current year. As a result of actual operating experience or unforeseen circumstances, the Secretary may thereafter modify the criteria to better achieve the purposes specified in subsection (a) of this section, but only after correspondence with the Governors of the seven Colorado River Basin States and appropriate consultation with such State representatives as each Governor may designate.

"(c) Section 7 of the Colorado River Storage Project Act shall be administered in accordance with the foregoing criteria.

"SEC. 603. (a) Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

"(b) Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

"SEC. 604. Except as otherwise provided in this Act, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this Act shall be deemed a supplement.

"SEC. 605. Part I of the Federal Power Act (41 Stat. 1063; 16 U.S.C. 791a–823) shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by Congress.

"SEC. 606. As used in this Act, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

"(b) 'Main stream' means the main stream of the Colorado River downstream from Lee Ferry within the United States, including the reservoirs thereon;

"(c) 'User' or 'water user' in relation to main stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), to use main stream water when available thereunder;

"(d) 'Active storage' means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

"(e) 'Colorado River Basin States' means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

"(f) 'Western United States' means those states lying wholly or in part west of the Continental Divide; and

"(g) 'Augment' or 'augmentation', when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system."

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and the House agree to the same.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
ED EDMONDSON,
MORRIS K. UDALL,
CRAIG HOSMER,
LAURENCE J. BURTON,
Managers on the Part of the House.
HENRY M. JACKSON,
CLINTON P. ANDERSON,
FRANK CHURCH,
ERNEST GRUENING,
CARL HAYDEN,
THOMAS H. KUCHEL,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 1004, to authorize the construction, operation and maintenance of the Central Arizona Project, Arizona-New Mexico, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The Committee of Conference adopted the form of the House amendment and for the most part the House language. The differences between the language of the House amendment and language agreed to in conference are explained herein along with other matters involved in the legislation which warrant comment or require clarification.

TITLE I—COLORADO RIVER BASIN PROJECT: OBJECTIVES

A short title for this legislation is cited in the Senate version of S. 1004 as the "Central Arizona Project Act" and in the House amendment as the "Colorado River Basin Project Act". The House language was adopted by the Committee of Conference. The Committee of Conference also adopted the remainder of Title I of the House amendment, none of which is in the Senate version of S. 1004.

The statement of the objective of this legislation and the establishment of Congressional policy with respect to meeting the long-range water needs of the Colorado River Basin, as set forth in this title, combined with the planning directive set out in title II clearly give to the Secretary of the Interior the authority and the responsibility for planning the best possible use of this Nation's water resources west of the Continental Divide and for meeting the future water needs of our eleven western States.

TITLE II—INVESTIGATIONS AND PLANNING

The language in this title is not in S. 1004 as passed by the Senate, and the major difference between the Conference Report and the House amendment occurs in this title.

Out of the deliberations of the Committee of Conference in connection with this title came a completely new Section 201 which, for the first time, provides for coordinated Federal water planning on a west-wide basis.

Section 201 in the House amendment called for a series of investigations and studies to be conducted by the Secretary of the Interior in connection with the long-range water needs in the Colorado River Basin and the availability of water to meet these needs. The Secretary would have been required, by the House amendment, to prepare reconnaissance reports covering all of the matters listed for study and to submit such reports to the President and the Congress not later than June 30, 1973. In addition, he would have been required to prepare a feasibility report on a plan which shows the most economical means of augmenting the water supply in the Colorado River by two and one-half million acre feet annually and to submit this report to the Congress not later than January 1, 1975.

The language developed by the Committee of Conference as a substitute for Section 201 of the House amendment directs the Secretary of the Interior to conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States, a term which is defined in Title VI of the Conference Report as those States lying wholly or in part west of the Continental Divide. The investigations and development of the plan are to be in accordance with reclamation law, and the studies, investigations and assessments of water availability must be coordinated with other water planning activities being conducted under the Water Resources Planning Act. The purpose of the reference to the Water Resources Planning Act is to assure cooperation and coordination among all Federal agencies, affected States, and study commissions established pursuant to the Planning Act and to eliminate possible duplication in the overall water resources planning effort. The reference to the Planning Act does not, of course, subject the Secretary of the Interior to the prohibition in that Act against the study of transbasin transfers of water.

It is intended that the Secretary initiate this west-wide planning effort by determining the water supplies available and the long-range water requirements in each water resource region of the Western United States. When this phase of the study is completed, the Secretary can then proceed with investigations to determine the most economical means of augmenting the water supply of the Colorado River in order to serve the most critical water-short area of our Nation. When the water needs of the Colorado River Basin and the time schedule therefor have been established, all possible sources of water must be considered, including water conservation and salvage, weather modification, desalination and importation from areas of surplus. However, for a period of ten years from the date of this Act, the Secretary cannot undertake studies of any plan for importation of water into the Colorado River Basin from any other drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah and Wyoming which are in the natural drainage basin of the Colorado River. As the studies proceed, the Secretary is required to submit progress reports every two years and to submit, not later than June 30, 1977, a completed reconnaissance report on water supplies and water requirements for the entire eleven western States area as well as the possibilities of augmentation from within the Colorado River Basin States. Both the progress reports and the final reconnaissance report are to be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and the Congress.

The investigations and studies under this title do not end with submission of this initial report in 1977. This is only the first phase. It is intended that, following the completion of this phase of the investigations and studies, the Secretary shall continue, pursuant to existing authority, to pursue vigorously the stated objective of Section 201 which is to develop a general plan to meet the future water needs of the entire Western United States. He is expected to make such recommendations with respect to feasibility studies as are justified and appropriate, including feasibility studies of augmentation opportunities within the Colorado River Basin States. Also, it is intended that the Secretary, when the 10-year moratorium on studies of importation from outside the Colorado Basin States comes to an end, will conduct such additional reconnaissance investigations as are justified of importation from outside the Colorado River Basin States and make such recommendations with respect to feasibility studies as are warranted. He will do this pursuant to existing authority and in the light of the investigations and studies he has completed up to that time.

The importance to the Central Arizona Project and to the entire West of the westwide water planning provided for in this legislation cannot be over-emphasized. While there is disagreement with respect to time, the cold fact remains that eventually the water supply for the Central Arizona Project from main stream Colorado River water will be reduced to less than 300,000 acre feet annually unless augmentation becomes a reality.

The remainder of the language in Title II adopted by the Committee of Conference is the language of the House amendment with one minor clarifying change. Section 202 warrants special mention. This section is a Congressional declaration that satisfaction of the water requirements of the Mexican Water Treaty constitutes a national obligation which shall be the first charge against any augmentation project. It relieves both the Upper Basin and the Lower Basin from the Colorado River Compact requirement covering deliveries of water to Mexico at such time as the Secretary of the Interior determines and proclaims that means are available and in operation for delivering annually into the Colorado River system sufficient water to satisfy the Mexican Treaty water requirements together with associated losses. A further provision in the House amendment made such relief to the Colorado River Basin States contingent upon the authorization of a plan to augment the Colorado River water supply by two and one-half million acre feet annually. This provision is retained in the Conference version of S. 1004 which, however, adds clarifying language to indicate that such plan has not only to be authorized but also to be in operation to the extent of providing the additional water necessary to satisfy the Mexican Water Treaty requirements.

The declaration that satisfaction of Mexican Treaty water requirements constitutes a national obligation carries with it a nonreimbursable allocation of the costs of providing the necessary water or replacement for such water. The authority for this allocation on a nonreimbursable basis is included in title IV of the Conference Report, and clarifying language adopted by the Committee of Conference with respect to it is explained in this statement under title IV.

Section 203 of the Conference Report is language from the House amendment which provides the fullest possible protection to States and areas of origin in the event of transbasin diversions of water.

TITLE III—AUTHORIZED UNITS: PROTECTION OF EXISTING USES

The second most important difference between the language adopted by the Committee of Conference and the House amendment occurs in Section 301 in connection with the capacity of the Granite Reef aqueduct, the main conduit for conveying water from the Colorado River to the Central Arizona Project service area. The Senate version of S. 1004 provides for a capacity of "not less than 3,000 cubic feet per second". The House amendment provides for a capacity of "not to exceed 2500 cubic feet per second". The language adopted by the committee of conference authorizes a capacity of "3,000 cubic feet per second or whatever lesser capacity is found to be feasible". The Conference language is intended to fix the capacity at 3,000 cubic feet per second if this is the desire and decision of the State of Arizona and it can be shown that an aqueduct of this capacity is economically justified and financially feasible.

The Committee of Conference added two qualifying provisions in connection with the aqueduct capacity. The first provides that any capacity in the aqueduct in excess of 2500 cubic feet per second shall be utilized for the conveyance of Colorado River water only when Lake Powell is full or releases of water are made from Lake Powell to prevent the reservoir from exceeding elevation 3700 feet above mean sea level, or when releases from Lake Powell are made under Article III (e) of the Colorado River Compact at times when the active storage in Lake Powell is not less than the active storage in Lake Mead. Releases of Article III(e) water is of lower priority than storage of water in Lake Powell to fully protect and assure all prospective annual consumptive uses in the Upper Basin under the Compact. Thus, the Upper Basin States are given assurance that any capacity in the aqueduct in excess of 2500 cubic feet per second will not be used so as to impair in any way Upper Basin rights and uses under the Colorado River Compact.

The second qualifying provision in connection with the aqueduct capacity requires that the cost of any capacity in excess of 2500 cubic feet per second must be repaid either from Central Arizona Project revenues, from that portion of the Lower Colorado River Basin Development Fund which, pursuant to subsection 403(f), is available to assist the Central Arizona Project, or from sources other than the development fund. This provision makes it clear that the cost of any capacity in excess of 2500 cubic feet per second shall not be an obligation against that part of the development fund which is dedicated to assisting the future construction of augmentation works.

Except for the difference in the capacity of the aqueduct, the plan of development and the plan of operation for the Central Arizona Project as set forth in the Conference Report is unchanged as compared with the House amendment. The conference report retains the provision in the House amendment which gives California 4.4 million acre-feet of water annually with a priority over Central Arizona Project water when there is less than 7.5 million acre feet of mainstream Colorado River water released annually for use in Arizona, California and Nevada. The Secretary must recognize this priority in the administration of the United States Supreme Court decree in *Arizona* v. *California*. The priority given California uses in the Senate version of S. 1004 was limited to 27 years. Arizona and its representatives on the Committee of Conference agreed to accept the House version in view of the fact that it called for assumption of the Mexican Treaty water requirement as a national obligation.

The Committee of Conference was made aware of the disagreement of the Pima Indians with the Globe Equity Decree Numbered 59 and their concern over the mention of this decree in connection with the operation of Buttes dam and reservoir. The mention of this decree in this legislation is not intended to constitute Congressional ratification or approval of the stipulated portions thereof or to enhance or impair any Gila River water rights.

Section 302 of the Conference Report relates to the acquisition of the Indian lands that are needed for construction of the Orme dam and reservoir. This section was not in the Senate version of S. 1004. The Committee of Conference adopted the language of the House amendment with two changes. The House amendment provided that if lands purchased from the Indian communities cease to be needed for the Orme Dam and Reservoir, or alternative, they should be restored to the community. The Committee of Conference added a requirement making restoration of the title contingent upon repayment by the communities of the amount paid by the Government for the purchase of the lands.

The other change relates to the fair market value of the Indian lands acquired by the Government. The language of the House amendment provided that the fair market value of the Indian lands acquired shall reflect the value of the right retained by the Indians to extract minerals, but not the value of any other uses permitted under section 302. The Committee of Conference took the position that the value of those other uses should also be considered when determining fair market value, and amended the House amendment accordingly. Those other uses include the right of the Indians to use or lease the lands for purposes not inconsistent with the project, the right to develop and operate recreational facilities on the lands, and the right to hunt and fish without charge.

Section 303 of the Conference Report establishes the procedure for meeting the pumping power requirements of the Central Arizona Project. It is the language of the House amendment with minor changes. It directs the Secretary to continue studies of ways and means of supplying the pumping power for the Central Arizona Project and of augmenting the Lower Colorado River Basin Development Fund, and it authorizes the "prepurchase" plan for meeting the pumping power requirements if this plan is determined by the Secretary to be feasible and in the best interest of the Federal Government. The Committee of Conference adopted minor language changes to permit the Secretary to acquire the right to powerplant capacity in more than one location if such a procedure should prove to be desirable.

In section 303(b)(1) the Committee of Conference substituted "contractual arrangements" for "contracts" to indicate that all of the required contracts in final form do not necessarily have to be completed and executed before any Federal funds are made available to start paying the Government's share of the cost of generators and other major equipment that require considerable time for delivery. For the purpose of this section the placing of orders for such equipment can be considered preconstruction activities. It is recognized that it may require as much as two years to complete execution of all the contracts, and it is not intended that the other participants have to bear the Government's share of progress payments during this period or that purchases be held up. Letters of intent or other suitable understandings which commit all parties to participation in the undertakings are deemed adequate to permit the United States to make such payments for equipment as are due under the provisions of this legislation and for which funds have been appropriated.

The committee of conference also modified the language of subsection 303(b) (2), which relates to operation and maintenance costs of the power plants, to make it clear that the United States will share depreciation cost only on such replacements as might be financed entirely by the non-Federal interests.

Subsection 303(b) authorizes the Secretary to dispose of power and energy acquired under the "prepurchase" plan when such power and energy is not required for project purposes. A proviso in Section 14 of the Senate version of S. 1004 relating to the disposition of this excess power and energy was eliminated by the Committee of Conference as surplusage since the sale or disposition of power or energy acquired pursuant to section 303 and surplus to the requirements of the Central Arizona Project will be in accordance with the provisions of Section 9 of the Act of August 4, 1939 (53 Stat. 1193), as amended. We believe this to be in accord not only with the Secretary's testimony before the House and Senate Committees but with the "Summary Report, Central Arizona Project with Federal Prepayment and Power Arrangements, dated February 1967", and will not limit the Secretary in his use and disposition of the prepurchase capacity for project purposes or other purposes authorized by this Act.

The limitation in Section 303(d) on the source of water for any thermal electric plant located in Arizona is not intended to preclude the Secretary from making, under existing laws, short term sales of surplus water, which would otherwise be wasted below Lee Ferry, for the purpose of generating electric energy in a coal-fired plant in Arizona. Neither is this language of Section 303(d) intended to impair in any way existing rights to water from the 50,000 acre feet apportioned to Arizona by the Upper Colorado River Compact.

Section 304 of the Conference Report deals with the furnishing of water from the Central Arizona Project. The Conference Committee adopted one subsection from the Senate version of S. 1004 which is not in the House amendment. This is subsection (g) which relates to surplus crops and prohibits, for a period of ten years from the date of enactment, the delivery of project water for the production on newly irrigated lands of any basic agricultural commodity which is in surplus supply as determined by the provisions of the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 unless increased production is called for in the interest of national security.

Sections 305, 306, 307 and 308 of the Conference Report are identical to language in the House amendment.

Section 309 of the Conference Report places a ceiling of $832,180,000 (subject to adjustment to reflect changes in price indices) on the amount authorized to be appropriated for construction of the Central Arizona Project. The increase of roughly $53 million over the amount included in the House amendment is for the purpose of constructing the Granite Reef aqueduct with a capacity of 3000 cubic feet per second rather than 2500 cubic feet per second. It is the intention of the Committee of Conference that, if this additional capacity or any part thereof is not constructed, the amount authorized to be appropriated is to be reduced accordingly.

TITLE IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND: ALLCCATION AND REPAYMENT OF COSTS: CONTRACTS

Section 401 of the Conference Report provides for allocation among the project purposes of project costs, including the costs of future units and augmentation works. It is the language of the House amendment with additional clarifying language in connection with the nonreimbursable allocation to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty. The new language adopted by the Committee of Conference provides that this nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized by title II of the Act and any future Congressional authorization. This language is intended to prevent a disproportionate share of the cost of any augmentation program from having to be borne by the taxpayers of the Nation. Under this new language, if a plan is authorized for augmenting the water supply available in the Colorado River by two and one-half million acre feet (the estimated amount necessary to satisfy annual consumptive use of 7,500,000 acre feet of main stream Colorado River water in Arizona, California, and Nevada and, thus, the amount most urgently needed and the amount contemplated for the initial augmentation program throughout the consideration of this legislation) and if it is assumed that 1.8 million acre feet are required to comply with the Mexican Water Treaty, then 18/25 of the cost of such a plan would be nonreimbursable and 7/25 of the cost would have to be repaid. However, should augmentation works be authorized to make available only increments of water within the amount required to comply with the Mexican Water Treaty, as would likely be the case should desalination be found to be the most economical means of augmentation, the total cost of such works would be nonreimbursable. On the other hand, should the investigations authorized by title II lead to authorization of a plan for augmenting the water available in the Colorado River by, say, eight million acre feet through importation from an area of surplus, the nonreimbursable allocation would be limited to 18/80 of the total cost of the plan.

The Committee of Conference adopted the remainder of the language of Title IV in the House amendment. The Lower Colorado River Basin Development Fund is established and dedicated to assist the future construction of augmentation works and construction of the Central Arizona and Dixie projects. Financial assistance to the Central Arizona Project from the development fund, other than project revenues, is limited to those revenues accruing to the development fund from the Pacific Northwest-Pacific Southwest intertie and those revenues from the Hoover-Parker-Davis power operations derived from the sale of power and energy for use in Arizona.

TITLE V—UPPER COLORADO RIVER BASIN: AUTHORIZATIONS AND REIMBURSEMENTS

Title V of the Conference Report deals with development in the Upper Colorado River Basin. The Committee of Conference adopted the language of the House amendment with minor clarifying changes.

Section 501 authorizes the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide and San Miguel projects in the Upper Colorado River Basin as participating projects under the Colorado River Storage Project Act, and authorizes the appropriation of $392 million (subject to adjustment to reflect changes in prices) for the construction of these five projects. The Uintah unit of the Central Utah Project is conditionally authorized, with construction contingent upon completion and submission to the Congress of a feasibility report along with the certification by the Secretary that the unit is economically justified and is physically and financially feasible. The Committee of Conference added language to make it clear that the Uintah unit cannot be undertaken until Congress has authorized the appropriation of funds for its construction.

The Committee of Conference adopted the language of the House amendment with respect to subsection 501(b) relating to concurrent construction of five Upper Basin reclamation projects with construction of the Central Arizona project. The intention of the language is to require the Secretary, in construction of the five Upper Basin projects, to plan and accomplish preconstruction and construction activities in such a manner that each of the five projects will be capable of operation not later than the date of first delivery of Colorado River water to water users under the Central Arizona project, assuming that appropriate repayment contracts have been executed in accordance with the terms of section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction begins. Not all of the projects will require the same length of time for construction. Therefore, in order to carry out the intent of the language it will be necessary for the Secretary to adjust the dates of initiation of construction of each project, within limitations of appropriation Acts, in order that the five Upper Basin projects will become operational within the period required for construction and initiation of operation of the Central Arizona Project. The attainment of this objective can resolve one of the major facets of the ages-old conflict over use of Colorado River water. Thus, by providing for concurrent construction of these projects, the Committee is also expressing its desire that they be adequately funded through support of the Executive Branch and appropriations of monies by the Congress.

The language of subsection 501(e) of the House amendment was adopted by the Committee of Conference after consideration at some length. The Committee of Conference was made aware of the fact that this language is intended to resolve sectional differences within the State of Colorado. It is in the legislation at the specific request of Colorado and for the specific purpose of assuring the people of the State of Colorado that the water laws of that State with respect to priority of appropriation will be complied with. The language provides that in the administration of projects authorized by this Act or by the Colorado River Storage Project Act that are within and for the sole benefit of Colorado, the Secretary must comply with the laws of Colorado with respect to priority of appropriation and with respect to Federal and State Court decrees entered pursuant to such laws in the diversion and storage of water. The Committee of Conference understands this requirement to mean that diversion and storage rights for these projects will be junior to existing rights recognized under Colorado law. This is merely a reaffirmation of the rule of law that would apply in any event. The Secretary is also directed to comply with any operating principles approved by the State which he may adopt for these projects. The Secretary is not required, however, to adopt any operating principles. This language is not intended to interfere with the executive discretion of the Secretary in contracting for the sale and distribution of water.

Section 502 deals with the financial problems created by the filling of Lake Powell and the resulting impairment of firm power production at Hoover dam. The Committee of

Conference adopted the language of the House amendment with one change to make it clear that the annual transfer of $500,000 to the Upper Colorado River Basin Fund from the Colorado River Development Fund starts with fiscal year 1970.

TITLE VI—GENERAL PROVISIONS: DEFINITIONS: CONDITIONS

The language of Title VI relates primarily to the reservoir operating criteria for Hoover and Glen Canyon dams. The Committee of Conference adopted the language of the House amendment with two minor changes.

Section 601(b) requires the Secretary to make reports at five-year intervals showing consumptive uses and losses of water from the Colorado River system. The Committee of Conference added language which requires that such reports include a detailed breakdown of the beneficial consumptive use of water and specific figures on quantities consumptively used from the major tributary streams flowing into the Colorado River on a State-by-State basis.

The Committee of Conference was fully aware of the long and arduous negotiations among the seven Colorado River Basin States with respect to the reservoir operating criteria set out in Section 602 and of the importance of these operating criteria toward finally settling the disputes which have long existed between the two basins. The language expressed in this title, which is in both the House amendment and S. 1004 as passed by the Senate, constitutes a fair and reasonable solution of the problem of protecting the future water resources development of the four Upper Division States and also providing for the use of the water in the Lower Division States until the water is required upstream, thus resulting in the greatest beneficial use of the available water.

Sections 603, 604 and 605 of the Conference Report are identical to language in the House amendment. Section 605 prohibits any licensing by the Federal Power Commission on the Colorado River between Hoover Dam and Glen Canyon Dam until and unless authorized by the Congress.

In Section 606, which defines certain terms used in the Act, the Committee of Conference added language defining "Western United States" as those States lying wholly or in part west of the Continental Divide.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
ED EDMONDSON,
MORRIS K. UDALL,
CRAIG HOSMER,
LAURENCE J. BURTON,
Managers on the Part of the House.

Mr. ASPINALL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I am pleased to be able to advise my colleagues that the Colorado River Basin project legislation which we bring back from conference today is in much the same form that passed this body on May 16. As the statement of managers on the part of the House indicates, the House amendment to S. 1004 was adopted by the committee of conference as to form, and relatively few changes were made in the language.

There are only two changes in the House language which I consider of major significance. The first relates to the study provisions included in title II which are directed toward meeting the long-range water needs of not only the Colorado River Basin but the entire western part of our Nation. You will recall that when this legislation was before the House, our colleagues from the Pacific Northwest opposed it because of their concern that the study provisions in title II might, in some way, adversely affect future development in the Northwest. They felt that their area was a target of the studies for new sources of water. This, of course, was not the case, and I was very disappointed that our attempts to develop language acceptable to the Pacific Northwest were not successful. Therefore, it is particularly gratifying to be able to report that in conference we have resolved this matter to the satisfaction of both the Pacific Northwest and the Colorado River Basin States and that we have done so without sacrificing the westwide water planning concept which I consider so important to future water development in the West.

The new study provisions developed by the committee of conference appear in section 201 of the conference report. This study directive along with the statement of congressional policy and objective in title I clearly give the Secretary of the Interior the authority and responsibility for planning the best possible use of this Nation's water resources west of the Continental Divide and for meeting the future water needs of our 11 Western States.

The new language agreed to in conference as a substitute to section 201 of the House amendment directs the Secretary of the Interior to conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States, a term which is defined as those States lying wholly or in part west of the Continental Divide. The Secretary is required to report periodically on the investigations and to make such recommendations as are warranted as the study proceeds. Top priority is to be given to determining the most economical means of augmenting the water supply of the Colorado River since the Colorado Basin is the most critical water-short area of our Nation. All possible sources of water must be considered, including water conservation and salvage, weather modification, desalination and importation from areas of surplus. However, studies of any plan for importation of water into the Colorado River Basin from other drainage basins lying outside the Colorado River Basin States are prohibited for a period of 10 years. During this moratorium all other phases of the westwide water study will go forward and after the moratorium ends the overall westwide study can continue without restriction.

Mr. Speaker, the importance of the provisions for westwide water planning as a part of this legislation cannot be overemphasized, for without augmentation of the water supplies available from the Colorado River, there can be no successful central Arizona project.

The agreement we reached in conference on the study provisions opened the way to a quick settlement of all the other differences in the legislation. The only other major change in the language approved by the House is in connection with the capacity of the Granite Reef aqueduct, the main conduit for conveying water from the Colorado River to the Central Arizona project service area. The language agreed to in conference permits an increase in the capacity of this aqueduct from 2,500 cubic feet per second to 3,000 cubic feet per second if such an increase is determined to be feasible. If this additional capacity is constructed it will add about $53 million to the cost of the central Arizona project, but all of this additional cost will be repaid.

Having explained the two major changes by the committee of conference in the language approved by the House, let me briefly refresh your memory on what this legislation does.

In addition to the planning provisions which I have already covered, the legislation declares that satisfaction of the water requirements of the Mexican Water Treaty constitutes a national obligation which shall be the first charge against any augmentation program. This means that the Colorado River Basin States will be relieved of the requirements of delivering water to Mexico under the treaty at such time as sufficient new water is made available through federally financed augmentation works to satisfy the treaty requirements.

As to physical works, additional water resources developments are authorized in both the Lower and Upper Colorado River Basins. In the lower basin, the central Arizona project is authorized at a cost of about $932 million while in the upper basin the Animas La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects are authorized at a cost of about $392 million. The Dixie project in Utah is reauthorized as a lower basin project and the Uintah unit of the central Utah project is conditionally authorized as an upper basin project.

In connection with the administration of the Supreme Court decree in Arizona against California, California is given 4.4 million acre-feet of main-stream Colorado River water annually with a priority over central Arizona project water.

A Lower Colorado River Basin development fund is established which will assist the central Arizona project and the previously authorized Dixie project, but which is dedicated primarily to assist the future construction of augmentation works which may be authorized by the Congress.

The legislation also includes guidelines for water management throughout the Colorado River Basin, and reservoir operating criteria for Hoover and Glen Canyon Dams which assure equitable treatment of all seven States of the basin now and in the future.

Lastly, the legislation removes that stretch of the Colorado River between Hoover Dam and Glen Canyon Dam from the licensing authority of the Federal Power Commission, thus reserving decision with respect to any development on this stretch of the river for action by the Congress.

Mr. Speaker, more important than the projects which this legislation authorizes is the fact that it represents the first real approach to unity in the West on water development since the 1920's—unity and cooperation not only among the Colorado River Basin States but between the Pacific Southwest and the Pacific Northwest. I believe that this legislation opens a way to a new era of water development and economic progress in the West, and I urge the approval of the conference report on S. 1004.

Mr. Speaker, at this time I yield to my friend, the gentleman from Oregon [Mr. WYATT].

Mr. WYATT. I thank the gentleman.

I should like for the purpose specifically of making legislative history to ask our distinguished chairman this question: Does section 201 of this bill change the responsibilities of the Water Resources Council and the river basins commissions organized in the Western States with regard to the preparation of coordinated budgets for water planning in the Western States in which the Secretary of the Interior is directed to make reconnaissance studies?

Mr. ASPINALL. May I advise my colleague that it does not. It is coordinated with those acts.

Mr. WYATT. I would also ask my colleague: Is there any intent to change the direction of the comprehensive studies already underway in the Pacific Northwest under the sponsorship of the Pacific Northwest River Basins Commission?

Mr. ASPINALL. There is not. That Commission will continue to act.

Mr. WYATT. Finally, my assumption is that it is not intended that the Secretary of the Interior be placed in any different relationship to the Water Resources Council and the river basins commissions insofar as those agencies are now authorized, than presently is the case. I do assume that the Secretary may be authorized to summarize and report from such studies and to conduct independent study of any factors not undertaken by the studies fostered by the Water Resources Council on river basins commissions. Is that correct?

Mr. ASPINALL. As I understand the situation, that assumption is correct.

Mr. WYATT. I thank the gentleman.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, the matter now before the House, the conference report on S. 1004, regarding the central Arizona project, is a most important piece of legislation. It is important because this legislation introduces a new concept in water resource development. We now abandon the traditional concept of river basin water resource development and embark upon the new concept of regional or "westwide" water resource development and planning.

I submit, Mr. Speaker, that the adoption of this new concept is a most convenient instrument for the benefit of certain vested interests in the Colorado River Basin, and most subtly devised as the price the State of Arizona must pay for its long-sought central Arizona project and the right to put to consumptive use its share of the Colorado River waters as decreed by the U.S. Supreme Court in *Arizona* v. *California* (376 U.S. 340).

Over the years that I have served in the Congress I have consistently supported the authorization of the central Arizona project. However, in the past, attempts to obtain Federal authorization of the central Arizona project have been thwarted by every possible means until the decree in *Arizona* v. *California* (376 U.S. 340) could be legislatively reversed.

Mr. Speaker, I want my colleagues to know that, in approving the conference report on S. 1004, they are legislatively reversing that Supreme Court decree.

As the member of the Committee on Interior and Insular Affairs who offered the motion sending the States of Arizona and California into the Supreme Court, I do not wish to support a legislative reversal of that decision.

While the conference report on S. 1004 authorizes the construction, operation, and maintenance of the central Arizona project, this authorization has not been without serious and bitter controversy.

During the 89th Congress, similar legislation authorizing the central Arizona project in the Lower Colorado River Basin project sought to place two dams in the Grand Canyon area as the "cash registers" for financing the project.

All of you in this body know that the attempt to place these dams in the Grand Canyon touched off one of the major conservation issues of our time. As an ardent conservationist, I was privileged to lead the fight in the Halls of Congress against placing the proposed dams in the Grand Canyon. And, I am happy to state that we conservationists won that fight. But more so, Mr. Speaker, I am proud that we were able to fight off the threat which would have destroyed a most treasured segment of our American heritage.

The conference report on S. 1004 now before us still contains some most controversial provisions. While the conference committee did make some improvements in the legislation as reported, the conference committee failed to remove from the legislation the provision making the Mexican Water Treaty burden a national obligation, and the provisions of the legislation which grant to the State of California a guarantee of 4.4 million acre-feet of water per year in perpetuity.

These two objectionable features which remain part of this legislation make it impossible for me as a conferee to sign the conference report.

The major premise espoused by the proponents of this legislation as the justification for its controversial provisions is the shortage of water in the Colorado River and "the fact that the river has never produced the water expected of it." If this is in fact true, then it would follow that the legislation should not contain provisions which guarantee the availability of 4.4 million acre-feet of water in perpetuity to the State of California. Is there now some guarantee from the Almighty that we shall have available in perpetuity at least 4.4 million acre-feet of water in the river? I think not.

The most objectionable provisions of this legislation remain the shifting of the burden of the Mexican Water Treaty from the Colorado River where it belongs to all the United States and at the expense of all the people of this Nation.

The import of these provisions is in the fact that if the satisfaction of the Mexican Water Treaty requirements is made a national obligation, the States of the Colorado River Basin receive a windfall of approximately $2.5 billion in the costs of the proposed Colorado River Basin project.

It is also stated that the apportionment of water to Mexico under the treaty was done on the basis of a mistake of fact as to the amount of water available in the river. An examination of the record clearly shows that all the basin States participated in the treaty negotiations as early as 1922, and since 1944, all the basin States have known the amount of water Mexico is entitled to from the Colorado River.

There is no reason at this time to unilaterally legislate the satisfaction of the Mexican Water Treaty burden nor to shift costs of satisfying this burden upon all the American taxpayers.

Mr. Speaker, because these controversial provisions remain in the legislation, I have refused to sign the report of the conference committee as a member thereof.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, it is with gratitude and humility that I speak today to my colleagues of the House in support of the Colorado River Basin project bill. After all, it was the great majority of you who so resoundingly voted for the bill on last May 16 who have made it possible for me to stand here before you today to ask for the final approval of this great natural resource act as it is proposed by the joint conference committee.

Yes, certainly, this bill benefits my own State of Arizona, and as a native son of Arizona I hold it very close to my heart. The central Arizona project is an essential ingredient of my State's future. But in the years during which so many dedicated Arizonans, both here in the Congress and at home, have labored to achieve their goal we have learned the special statesmanship of water which now reaches far beyond the boundaries of any one State.

This bill now before you was in a very real sense mastercrafted by the very wise chairman of the Interior Committee, the gentleman from Colorado [Mr. ASPINALL]. I am sure he would insist that he had the assistance of the many able members of his committee on both sides of the House. That, too, would be true, and I pay tribute to all of my colleagues who helped shape a bill which no doubt will become a milestone in a new era of water resource development in this Nation.

As you well know, this bill is the result of very difficult and agonizing compromise which required several years and involved a great many people and many areas of widely divergent interests. There has been no doubt of Arizona's need for the central Arizona project; and since the Supreme Court decree of March 9, 1964, there has been no question of Arizona's right to use its 2.8 million acre-feet of mainstream Colorado River water.

The basic issue has been the possible effect of the central Arizona project upon the equal rights of other States. Thus, regional considerations became primary, and the challenge became a national interest, testing old and new ideas and principles of vital natural resource development.

Believe me, this bill has been through the legislative mill again and again, and it comes before us now—ground, faceted, and polished to a state as near perfection as any such complex matter can be. Its enactment is supported by the administrative branch. It is essentially the same bill previously passed by the House on last May 16. It has gone through a joint conference committee with the other body, and we of this body can be justifiably proud that our work was so well done that no great difficulty was encountered in composing the differences between the bill which you, my colleagues, passed and the bill previously passed by the other House.

As is the case with most major legislation, the passage of this bill is the result of many difficult but important compromises. Perhaps the greatest of these was the ultimate resolution of the long and bitter controversy between Arizona and California concerning priorities in times of shortage. California contended that it should have a priority to 4.4 million acre-feet of water annually over the central Arizona project when there is less than 7½ million acre-feet of mainstream Colorado River water available for consumptive use in Arizona, California, and Nevada.

On the other hand, Arizona contended that, by the decision of the Supreme Court, its rights were equal to California's rights and that the Congress should not "reverse the lawsuit." Arizona did, however, in the Senate version, agree to give California a priority for a period of 27 years, which period coincides with bond payments for the metropolitan aqueduct.

The House version which is now agreed to by Arizona and approved by the conference committee does give California its desired priority—but with one important feature added. This feature is the assumption of the treaty obligation to Mexico as a national obligation. Without this, Arizona could never have agreed to California's demand. But with the agreement by the United States to provide Mexico's entitlement under the treaty, the so-called priority to California becomes of little or no consequence. When shortages do begin to occur—some time near the turn of the century—then the United States is obligated, under this compromise, to provide water needed for delivery to Mexico.

Furthermore, should a shortage ever in reality develop to the extent of bringing into force the priorities against some part of the central Arizona project diversions in some years, the available supply from that source can be supplemented in those years by the use of our precious but available groundwater.

Other provisions of the bill are not only intended to prevent the occurrence of shortages in water allocated to the Colorado River Basin States but are further intended to provide supplemental waters to meet the increasing water requirements of the entire basin.

The Secretary of the Interior is directed to conduct reconnaissance investigations for the purpose of "developing a general plan to meet the future water needs of the Western United States," and to make a final reconnaissance report by June 30 of 1977. Quite naturally, Arizona and the other Colorado Basin States wish that this bill did not impose a 10-year moratorium on investigation of the practicability of augmenting the supply of Colorado River water by importation from sources outside the Colorado drainage basin.

We sincerely believe that surpluses do exist and will continue to exist for the foreseeable future in some other basins, and that they could be utilized to the economic advantage of both the import and the export regions with adequate protection of the potential areas of origin. However, we accept the restriction in a spirit of interregional good will and understanding, and with the conviction that the delay will result in sound and mutually acceptable conclusions and action. In the meantime, other means for achieving some supply of augmentation can and will be investigated.

While on this subject, we ought to understand as precisely as possible what is meant by augmentation. Section 603(g) of the bill defines the words "augment" or "augmentation" of Colorado River water supply as any increase of the available supply in the river which is the result of an introduction of water into the main stream of the river or its tributaries, which introduction is in addition to the natural supply of the system.

Since the purpose of this bill is "to provide a program for further comprehensive development of the water resources of the Colorado River and for the provision of additional and adequate water supplies for use in the Upper as well as in the Lower Colorado River Basins," there can be no doubt that new water added to the system, whether by importation, desalting of sea or brackish waters, weather modification, watershed treatment, salvage, or other means, is in fact an augmentation of the "natural supply of the system." Certainly the conference committee intended that meaning.

We are indeed gratified that the bill does recognize and implement the contention of the Colorado Basin States that the water burden imposed upon the river by the Federal treaty with Mexico is a national obligation. Satisfaction of that delivery requirement is made the first obligation of any augmentation project for which plans are made. Augmentation of the Colorado River supply by an amount sufficient to meet the full burden of the Mexican Treaty will in fact make whole the presently allocated uses in the seven States of the Colorado Basin; and the priorities for present users in the lower basin, as against the central Arizona project in the event of flow shortages, will not become applicable.

A compromise feature of the bill which makes good economic and financial sense is that which provides for a central Arizona project Granite Reef aqueduct having a capacity of up to 3,000 cubic feet per second if such capacity is found to be feasible.

This provision relates to both the annually fluctuating supply of water available from the river under present conditions, and to planning for eventual augmentation of that supply. The original Granite Reef Aqueduct designed capacity was only 1,800 cubic feet per second. With this built-in physical limitation, no more than 1.2 million acre-feet of water annually could ever be diverted into central Arizona. We all know that there will be some years in which more than that will be available—available, but not usable unless there is adequate aqueduct capacity to deliver it. Any such available surplus can be used to proportionately reduce ground-water pumpage and thus store the extra water against years of reduced Colorado River water availability.

In addition to that advantage of greater aqueduct capacity, there is the obvious one that, with greater capacity, Arizona will be physically able to utilize some part of the increased water supply which will eventually become available from the Colorado River through augmentation by whatever means is found to be most feasible. Building to a greater capacity now will save many millions of dollars at a later date when costs will have very substantially increased.

Flexibility of designed capacity is thus in the national interest as well as being advantageous to Arizona. We understand that the 3,000 cubic feet per second is intended to set the capacity unless studies indicate a reduction thereof is essential under the construction feasible. Arizona is satisfied with this provision and appreciates the agreement and support of her sister States.

In examining the bill in more or less orderly fashion, I must at this point make a brief reference to a matter that is of great significance to users of water along the Gila River. In 1935 the U.S. District Court for the District of Arizona decreed—Globe Equity No. 59—certain water rights which have been the subject of legal disputes and negotiation among water users. It very definitely is not the intent of the Congress in any way to increase, diminish, alter, affect, or disturb the validity, if any, of Globe Equity No. 59 by the reference to it in section 301(a)(3) and section 304(f)(3) of this bill.

This Congress can take justifiable pride in the manner in which it has resolved the sticky problem of power generation required for the central Arizona project. The misguided but effective campaign of the preservationists who opposed the construction of hydroelectric power dams on the mainstream of the Colorado River between Hoover Dam and Glen Canyon Dam brought this problem to us in a forceful manner. This bill provides a moratorium on construction of dams in this reach of the river unless such dams are authorized by some future Congress.

Many water leaders in the Colorado River Basin States are firmly convinced that the proposed dams would have actually enhanced the value of the river and that the dams should have been built. Despite this feeling, it was the decision of the Congress to eliminate the dams even though the powerplants at these dams could have contributed so much to the central Arizona project, and to the economic and social welfare of two needy Indian tribes in Arizona.

Substituted for the hydroelectric dams, as a source of energy for pumping central Arizona project water is a prepurchase plan calling for a cooperative approach with the utility industry. The Secretary of the Interior will be authorized to make arrangements with non-Federal interests to acquire the right to a portion of the capacity and associated energy from large thermal powerplants to serve project purposes.

It is recognized that such a plan may result in the Bureau having excess energy for pumping from time to time. The disposition of excess power and energy acquired under the prepurchase plan will include negotiating power banking arrangements with the utilities in the area. This accords with the Secretary's testimony before the House and Senate committees.

Cooling water required for such a thermal electric generating plant located in Arizona will be acquired by contract with the Secretary of the Interior and shall be from the available portion of the 50,000 acre-feet allocated to Arizona annually by the Upper Colorado River Basin compact. We in Arizona, including the Navajo Indian Tribe whose lands comprise virtually all of Arizona's upper basin areas, agree that this use for that water is the best economic purpose to which it can be dedicated.

Although this bill makes no reference to the fact, it is nonetheless true that if the presently unused portion of the 50,000 acre-feet allocated to Arizona by the upper basin compact proves to be inadequate for the thermal plant operation, the Secretary is not precluded from making, under existing laws, short-term sales of presently surplus Colorado River water to operators of the proposed thermal plant in Arizona.

One other provision of this bill bearing on acquisition of power for central Arizona project pumping and augmentation of the Lower Colorado River Basin fund requires clarifying comment.

The language of section 303(b)(1) might be misinterpreted to require completely finalized formal contracts for the purchase of power generated at thermal plants to be built by non-Federal interests before the Secretary of the Interior could advance any Federal funds for purchase of generating capacity. Because of the complexity of such contractual negotiations, and the need to place orders for large generators and other major equipment by no later than January 1, 1969, letters of intent or other suitable understandings between the Secretary and plant participants will be deemed an adequate basis upon which the Federal Government can make its share of construction progress payments as such payments become due.

Those provisions of the bill which provide benefits for the upper basin have Arizona's support. I refer to benefits other than the primary one, which, of course, is the provision for investigations of river augmentation and the all-important assumption of the Mexican Treaty burden as a Federal obligation.

For the State of Utah, the Dixie project is reauthorized to make it eligible for repayment participation in the Lower Colorado River Basin development fund. Again, this represents a compromise in the interest of basinwide unity.

The bill authorizes six projects in the upper basin, one of which benefits both Colorado and New Mexico; four of which benefit Colorado only; and one in Utah. Collectively, these projects when completed will go a long way toward achieving utilization of the upper basin's share of Colorado River water. And in this case, too, Arizona agrees in the interest of regional unity.

Early in the period of negotiated and agreed-upon compromise, Arizona accepted the concept of a Lower Colorado River Basin development fund as a means of financing repayment of lower basin States projects, including the central Arizona project, and of financing whatever means is developed for augmentation of the water supply in the Colorado River beyond the Federal responsibility for the Mexican Treaty obligation.

Arizona did not anticipate being given separate treatment under the terms of the fund provision, and although we now accept those terms, we do so again only as a concession to the overriding need for regional unity.

The central Arizona project participates in the disbursement of moneys from the fund only to the extent of the surplus available from her usage of power from Hoover and Parker-Davis generating plants and the Pacific Northwest-Southwest intertie.

In summary, gentlemen, I ask for approval of the conference report. Arizona's life depends upon it. Her hope of continuing and expanding her role in the future of this great Nation of ours is wrapped in this legislative package. Beyond that we share with our sister States of the Colorado River Basin the belief that in this bill we have honestly faced and resolved problems of water resource development in a manner that opens a new era of regional accommodation and cooperation. We believe we have established a pattern that will serve the essential goals of all other States and regions as they, too, come to grips with the increasingly complex nature of water supply development.

Bringing peace to the Colorado River States—and that is what we believe this bill accomplishes—may be a small thing in a world that is torn by suspicion and ugly conflict, but where can a better beginning be made in peacemaking than here in our own land among our own people?

The Bible suggests that if we cast our bread upon the waters it will be returned to us again.

Arizona faithfully casts its bread upon the waters of regional cooperation. We trust that our act of faith will be rewarded by this act of the Congress.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield to me?

Mr. UDALL. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Arizona [Mr. UDALL].

Mr. RHODES of Arizona. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Speaker, I thank my colleague for yielding to me. Although I am not completely in accord with all of its provisions, I support the conference report. This is a great day for the West and for the State of Arizona. I wish to congratulate the members of the Committee on Interior and Insular Affairs for the job that they have done.

Mr. HANSEN of Idaho. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Speaker, I urge adoption of the conference report.

The conference report is infinitely better legislation than the bill which passed the House authorizing the Colorado River project in that it does not transfer to the entire United States, en toto, the obligation of the Colorado River Basin States under the United States-Mexican Water Treaty of 1944, but rather stipulates that they pay their pro rata share of any project built.

Another feature of the conference report that is superior to the House-passed bill is the amendment offered by the gentleman from Colorado, the distinguished chairman of the House Committee on Interior and Insular Affairs [Mr. ASPINALL], and Senator LEN B. JORDAN of my State of Idaho, which instructs the Secretary of the Interior not to undertake any study leading to the importation of water into the Colorado River Basin during the next 10 years from any other river basin.

This moratorium, Mr. Speaker, will give States in other river basins sufficient time in which to justify their own long-range water needs. It is absolutely essential for their continued growth and progress that this be done.

It has been a long time, Mr. Speaker, since the great State of Arizona first proposed their own central Arizona project, and I am pleased that the language of this bill will make their dream at last come true.

I would like to commend both House and Senate conferees for the statesmanlike approach they took in ironing out the differences in the House and Senate versions of this bill, and particularly I commend the gentleman from Colorado [Mr. ASPINALL] and Idaho's distinguished Senator LEN B. JORDAN for the solution they reached in allowing the State of Idaho and the other States of the Pacific Northwest the time needed to study their water resources and future needs. It has been a great pleasure working with House conferees on this matter and I am deeply gratified that they were able to see and support our position on this all-important aspect of the bill.

Mr. Speaker, again I urge adoption of the conference report.

Mr. ASPINALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYATT].

Mr. WYATT. Mr. Speaker, I thank the gentleman from Colorado for yielding this time to me.

This is indeed a great day for us in the West. In the 4 years that I have been on the House Committee on Interior and Insular Affairs this has been the major project and the big item that we have been considering. I could not sit through these hearings without compassion and real sympathy for the people of the Southwest and for our colleagues here in the House and on the Senate side with regard to the problems that they have had. Particularly I would like to note that we in the Northwest attempted to take an affirmative approach to this. I was a cosponsor of the bill authorizing Federal participation in the Bolsa Island plant, which is unfortunately running into great difficulty. Many of us have had a great interest in desalting and new techniques which have been developed with regard to that throughout the world. I personally visited 14 installations. We have not been negative in our attitude on the matter. I would particularly like to commend the conferees for the agreement they have achieved as represented by this report and would like to express my particular appreciation and gratitude to the chairman of the committee and to the ranking Republican member of the committee for the strong efforts that they have made during the last 4 years to accommodate the interests of the Northwest.

This has been done in this conference report. I had to vote "no" in committee and voted "no" on this bill when it came up for consideration on the floor of the House. However, today I am going to vote "yes" and I am proud of this vote and I congratulate the conferees for the job which they have done.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. WYATT. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I would like to associate myself with the remarks of my colleague, the distinguished gentleman from Oregon [Mr. WYATT]. There is no single more important item in the Far West, embracing the Southwest as well as the Northwest, than water. We in the Northwest are deeply concerned that the water needs of our friends in the Southwest be adequately taken care of, without damage to the water requirements of the Northwest. I believe that the compromise of conflicting desires achieved in this conference report is fair to all sides.

Mr. Speaker, I have joined my colleague from Oregon in following very closely the progress of S. 1004. In its earlier form I strongly opposed it when it was before the House for action. But in its amended form as it appears before us today in this conference report, I shall support it.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Speaker, I am happy to urge the adoption of the conference committee report on S. 1004. This bill is of vital concern to the rapidly growing States of the Western United States. It represents the best of the work of many individuals from those States who have worked diligently and long these past years. Enactment of the bill into law will be a great step forward in helping the people of the Colorado River Basin resolve numerous problems and controversies which have been created by the rapid population growth and dwindling water supplies.

I am especially pleased that the committee saw fit to include as a part of this bill two sections which affect only the State of Colorado. These sections are section 501(e) and section 501(f). The city and county of Denver being the First Congressional District of Colorado, which I have the privilege of representing, derives a significant portion of its water supply from the major tributaries of the Colorado River. Because of its dependence upon that source of water, it is vitally concerned with any Federal legislation affecting the Colorado River. Enactment of these two sections into law will help to eliminate the concern which has arisen because of this legislation.

My interest in these provisions stems from the fact that Green Mountain Reservoir is located on the Blue River, one of the major tributaries of the Colorado River, from which the Denver metropolitan area now derives a part of its water supply. That area must necessarily look to this river for increasingly large amounts of its supply to support its future growth. Denver's rights to the use of this water, created by the people of Denver at a cost of more than $70 million, are closely tied in with the operation of Green Mountain Reservoir under Senate Document No. 80, 75th Congress, first session, by reason of the incorporation of certain provisions of that document in that decree of the U.S. District Court for the District of Colorado which defines the rights of both the United States and Denver in the Blue River.

Under the law, the definition of those rights by the court is simply a description of what Denver and the United States, as appropriators, did to create their respective rights. In describing the rights of the United States therefore, the court, rather than presuming to intrude upon the functions of Congress, merely copied the language of Senate Document No. 80 without interpreting it. Since question exists, not as to any court interpretation, but as to the Congress purpose in creating Green Mountain Reservoir, it is appropriate that only Congress resolve any problem relating to this Federal property which may have arisen out of this congressional document.

In reporting on sections 501(e) and 501(f), the Committee on Interior and Insular Affairs of this House, stated in its report on H.R. 3300—Report No. 1312, 90th Congress, second session, at pages 81 and 82:

> In the administration of projects authorized by this Act or by the Colorado River Storage Project Act that are within or for the sole benefit of Colorado, the Secretary is required to comply with the laws of Colorado with respect to priority of appropriation and with respect to Federal and State Court decrees entered pursuant to such laws, in the diversion and storage of water. The Committee understands this requirement to mean that diversion and storage rights for these projects will be junior to existing rights recognized under Colorado law. This is merely a reaffirmation of the rule of law that would apply in any event. The Secretary is also directed to obtain the approval of the State of Colorado to any operating principles he may decide to adopt for these projects. The Secretary is not required, however, to adopt any operating principles. The Committee does not intend this language to interfere with the executive discretion of the Secretary in contracting for the sale and distribution of water.
>
> Subsection (f) has been included in the legislation in order to give congressional interpretation to the meaning of the words "any western slope appropriations" that appear in paragraph (i) of the section of Senate Document No. 80, 75th Congress, 1st session, entitled "Manner of Operation of Project Facilities and Auxiliary Features.' The meaning of these words which this subsection approves is the same as that approved by the Colorado Water Conservation Board. The section of Senate Document No. 80 referred to provides for three principal water components of the Colorado-Big Thompson Federal reclamation project; namely, for diversion of water to the eastern slope of Colorado, for storage of replacement water, and for storage of water for use in western Colorado. The replacement water (52,000 acre-feet) and water for use in western Colorado (100,000 acre-feet) are stored in Green Mountain Reservoir in western Colorado.
>
> The last sentence of paragraph (g) of the particular section of Senate Document No. 80 in question says:
>
> "The 100,000 acre-feet of storage in said reservoir shall be considered to have the same date of priority of appropriation as that for water diverted or stored for transmountain diversion."
>
> This quoted sentence is subsequently qualified by paragraph (i) of the same section which, with reference to the Colorado River Compact, states, in part, as follows:
>
> "Notwithstanding the relative priorities specified in paragraph (g) herein, if an obligation is created under said compact to augment the supply of water from the State of Colorado to satisfy the provisions of said compact, the diversion for the benefit of the eastern slope shall be discontinued in advance of any western slope appropriations."
>
> The Committee was informed that there has been considerable misunderstanding within the State of Colorado as to the effect of the additional projects herein authorized when viewed in the light of the above quoted provisions of Senate Document No. 80. Although the misunderstandings may be less real than they appear, the Committee agrees to resolving the matter by approving the interpretation of the words 'any western slope appropriations' to mean and refer to the appropriation heretofore made for storage in Green Mountain Reservoir on the western slope of Colorado. It is the view of the Committee that any other interpretation would interfere with water rights vested by law in prior appropriators, and that the approved interpretation defines and observes the purpose of said paragraph (i) of Senate Document No. 80, and does not, in any way, affect or alter any rights or obligations arising under Senate Document No. 80 or under the laws of the State of Colorado.

This matter concerning Senate Document No. 80 affects no other State than Colorado. If it did, as a Member of the national Congress, I would have to exercise my judgment, not only from the local viewpoint but from the viewpoint of national interest as well. Here I have no such problem; the State of Colorado has spoken officially through its water conservation board, its legislature, and its Governor who testified before the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs of this House on May 9, 1966—pages 1044 and 1045 of serial No. 89-17, part II, hearings on H.R. 4671 and similar bills, 89th Congress, second session.

Governor Love, in the following quoted testimony, refers to sections 501(d) and 501(e) of H.R. 4671, then pending before the committee. Sections 501(e) and 501 (f) of the conference committee report on S. 1004 are now identical with sections

501(d) and 501(e) of H.R. 4671, respectively. Governor Love said at that time:

> Because it is of interest to the State of Colorado only, I would like to call the committee's attention to sections 501(d) and 501(e) in title V of the committee print. We always have an educational problem in Colorado concerning reclamation projects, and I presume the same is true in other States. In planning any project there are always rumors circulated to the effect that the Federal Government is attempting to destroy vested water rights. While this has never been the case in our State, we feel that the matter is of sufficient importance to justify the insertion of a section directing the Secretary to comply with the priority of water rights established under our State Constitution. Actually, each project has always been planned by the Secretary on this basis. Nevertheless, from our viewpoint, it is highly desirable to have the Congress approve the language of section 501(d). We are not attempting in any way to interfere with the discretion of the Secretary in entering into appropriate contracts for the sale and distribution of water from the projects under his jurisdiction.
>
> The current controversy concerns the meaning of the words "any western slope appropriations." It appears clear enough from the document that such words apply only to the priority of water in Green Mountain Reservoir for use in western Colorado, as set forth in paragraph (g). Any other interpretation would do violence to rights vested by law in prior appropriations.
>
> Since it is a congressional document which creates the problem, we feel that it is necessary to have the matter clarified by the Congress. It is not our intention that any rights in western Colorado to the use of water from Green Mountain Reservoir be diminished or impaired. We ask only that the intent of Senate Document No. 80 be observed by all parties.

The Colorado Water Conservation Board, the official water policy group of the State of Colorado, when considering this problem at its meeting of February 8, 1966, in official action, adopted the following position:

> While the misunderstanding may be more vexatious than real, it now appears necessary that this Board adopt, as a matter of state policy, an interpretation of paragraph (i) of the section of Senate Document No. 80 entitled "Manner of Operation of Project Facilities and Auxiliary Features." This interpretation is that the words "any western slope appropriations" in said paragraph (i) mean and refer to the appropriations heretofore made for storage in Green Mountain Reservoir. This interpretation defines and observes the purpose of said paragraph (i), and does not, in any way, affect or alter any rights or obligations arising under Senate Document No. 80 or under the laws of the State of Colorado.
>
> The Colorado Water Conservation Board was not a party to nor heretofore has taken any position on Senate Document No. 80. It is now the position of the Board that it ratifies, confirms, and accepts all of the provisions of Senate Document No. 80, 75th Congress, 1st Section, as though it were originally a party signatory to said document, subject to the interpretation of paragraph (i) as above set forth.

The congressional interpretation of the meaning of paragraph (i) of Senate Document No. 80 as stated in section 501(f) and the official adoption by the State of Colorado of the provisions of Senate Document No. 80, including the interpretation of paragraph (i) thereof as contained in section 501(f), along with section 501(e), wherein the Secretary is directed to comply with operating principles, if any, adopted by the Secretary and approved by the State of Colorado, give further assurance that the intent of paragraph (i) of Senate Document No. 80 will be observed by all parties. That intent as clarified by section 501(f) was expressed in my question to the chairman of the Committee on Interior and Insular Affairs of this House on May 15, 1968, during the debate on H.R. 3300—CONGRESSIONAL RECORD, page 13466. My question was:

> Do you understand that the effect of section 501(f) is to cast the burden of providing water for a Lee Ferry deficiency upon all the water rights on the Colorado River within Colorado in the order of their priority under state law?

To which the chairman replied: "Yes, I do."

With sections 501(f) and 501(e) in the bill, I give my wholehearted support to its passage.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. FOLEY].

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. ASPINALL. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I am delighted to yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I too wish to join with the gentleman from Washington in commending the members of the conference committee for the manner in which they have worked out this problem, especially with respect to our water problem in the Pacific Northwest. All of us who represent the State of Washington feel that they did a very good job and we are very grateful to them for considering this matter in the way and in the efficient manner in which agreement on the controversy was reached.

Mr. Speaker, I too voted "no" when this legislation was under consideration in the House originally. However, I am going to support the conference report today.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Utah [Mr. BURTON].

Mr. BURTON of Utah. Mr. Speaker, I rise in support of the conference report. Water and its use is the life and death of this country. More specifically, and more important to my part of the country: water from the Colorado River.

The Colorado River bill, is the culmination of 46 years of give and take, problems of water rights, debate, and finally a House-Senate conference to iron out the problems.

It is understandable that the seven basin States should have problems, but other States have been concerned, too. After all, the water from the Colorado has been a life source for millions of people, an untold number of farmlands, and has been a source of water for our friends to the south, in Mexico.

It was fitting that the House version of the legislation included many projects of importance to the people of Utah.

If I might, Mr. Speaker, I would like to mention a few of these important Utah projeccts which have been given the green light by this conference report.

First there is the important Dixie project. The House saw the problem of the Senate's acceptance of only $42 million, certainly not enough money for the project. The House reauthorized the project, and the conferees accepted $58 million, a more reasonable figure.

The report today also authorizes the $43 million Uintah unit, the first segment of the comprehensive Ute Indian unit, and a planning acceleration of the Ute Indian unit by a 6-year stepup, from 1968 to 1974.

And of interest to the entire basin States was the lessening of the burden of delivery water, under the Mexican treaty, to Mexico. The bill now stipulates the burden be a national obligation rather than just one for the basin States.

These are just a few of the major points of interest to my constituents which are a part of this legislation.

Mr. Speaker, I think the legislation finalized by the House-Senate conferees is excellent. It was an honor to serve on the conference and to have worked harmoniously with its distinguished members. I, for one, am proud of the job we did.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Utah. I yield to the gentleman from Utah.

Mr. LLOYD. Mr. Speaker, I thank the distinguished gentleman from Utah for yielding to me at this time and I wish to associate myself with his remarks.

Mr. Speaker, I, too, would like to pay my compliments to the distinguished chairman of the House Committee on Interior and Insular Affairs as well as to the ranking minority Member for engineering a realistic compromise accommodating many of the objectives of all the various interests of the States involved. Also I would like to compliment my colleague from Utah, the Honorable LAURENCE J. BURTON, who as a member of the conference committee joined in support of the conference report. He has rendered great service to his State.

Mr. Speaker, it has been suggested by some that in the course of the conferee's meetings on this important legislation that the conferees had retreated from the matter of reconnaissance studies on augmenting the Colorado River, and that the State of Utah and other States of the upper basin had lost something in the shuffle. I submit that this is not the case. There is much in the final package drawn up by the conferees of vital importance to the water development of Utah and the entire Colorado River Basin. Among the provisions in the conference report are:

First. Language to make the Mexican Water Treaty burden a national obligation, rather than an obligation to be borne by the Colorado River Basin States.

Second. Provisional authorization for the $43,782,000 Uintah unit of the central Utah project.

Third. Reauthorization of an enlarged $58 million Dixie project for southwestern Utah.

Fourth. A provision setting a deadline

of 1974 for planning reports on the Ute Indian unit, largest and final unit of the central Utah project.

Although there is a proviso in the conference report delaying for 10 years reconnaissance studies for augmenting the Colorado River, it has been noted by the Central Utah Water Conservancy District that:

> Within the terms and conditions of the Colorado River Compact, by this legislation and from testimony presented at hearings on this legislation, water will be available for all the units of the central Utah project.

I believe the conference report represents a workable compromise among the Western States, and I wholeheartedly urge its immediate adoption.

I note for the record the resolutions from the Central Utah Water Conservancy District and the Utah State Board of Water Resources supporting the conference report. They are incorporated herein. I join with the many other Utahans to compliment my colleague, LAURENCE J. BURTON, on the work he has done as a member of the conference committee.

The resolutions follow:

CENTRAL UTAH WATER CONSERVANCY DISTRICT RESOLUTION

Whereas, the text of language has been agreed upon by the Senate and House Conferees for the Colorado River Basin Project Act, and

Whereas, the agreed to language includes:

(1) authority for the Secretary of Interior to conduct a comprehensive investigation for the purpose of developing a general plan to meet future water needs of the Western United States;

(2) that the satisfaction of the Mexican Water Treaty is a national obligation;

(3) the conditional authorization of the Uintah Unit of the Central Utah Project;

(4) a priority of planning status for the Ute Indian Unit of the Central Utah Project;

(5) the reauthorization, at a higher cost, of the Dixie Project and its participation in a lower Colorado River Basin Development Fund;

(6) the reaffirming of the Colorado River Compact and provisions for the establishment of operating criteria for the Colorado River;

(7) directives that the consumptive use of water in the upper basin available from the Colorado River System under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin; and

Whereas, the language includes an unfavorable proviso which directs that the Secretary of Interior shall not, for a ten year period, undertake a reconnaissance study of any plan for the importation of water into the Colorado River from any other drainage basin lying outside the States or portion of States of the Colorado River drainage basin; and

Whereas, within the terms and conditions of the Colorado River Compact, by this legislation and from testimony presented at hearings on this legislation, water will be available for all the units of the Central Utah Project; now, therefore be it

Resolved, That the Directors of the Central Utah Water Conservancy District recognize the difficulty in development of this important legislation—however believe the benefits that will accrue to the District and to the State of Utah from this legislation merits its support and encourage Utah's Congressional Delegation to support its passage; and be it further

Resolved, That copies of this resolution be provided to the Governor of the State of Utah, Utah's Congressional Delegation, Director of the Utah Division of Water Resources, Utah's Upper Colorado River Commissioner, and other interested parties.

RESOLUTION OF THE BOARD OF WATER RESOURCES

Whereas, the Senate and House Conferees have agreed on language on the Colorado River Basin Project Act, and

Whereas, the report of the Conferees will be considered by both houses of Congress in early September, and

Whereas, the time for compromise and further amending the legislation is past since the report must be either accepted or rejected, and

Whereas, the legislation contains items of great interest and benefit to the State of Utah, and

Whereas, the legislation represents the best overall compromise that can be achieved at this time: Now, therefore be it

Resolved, That the Board of Water Resources, in view of its statutory responsibilities in interstate stream matters, recommends to the Governor and to Utah's Congressional Delegation that they individually and collectively use their influence, give active support, and work to secure the final passage of the Colorado River Basin Project Act as reported by the House and Senate Conferees.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, I believe there are still certain matters that should be made clear. Although the gentleman from Pennsylvania views the terms of the bill to be what he considers a unilateral change in the treaty with Mexico, I believe the conferees by and large regarded it not as any such change in our obligations to Mexico, which of course could not be made by Congress in any event, but rather as a domestic change in positioning the burden of the Mexican Treaty. I would like to make that attitude clear for the record.

Also with respect to the complaint of the gentleman from Pennsylvania about what he chooses to call an alleged "guarantee" to California. The fact is that this bill does not guarantee California 4.4 million acre-feet of water annually. Rather, its provisions are an extension of the gradually developing water shortage formula for the Colorado River which has been taking shape by agreement among the States for several decades. And the fact that it is a fair and equitable extension of the shortage formula is evidenced by the fact that gentlemen from Arizona today arose, as did the other Representatives from other affected States, to express approval of these provisions and to urge favorable action on the conference report. Once such a group of States and their Representatives in Congress can agree on a bill in relation to such a vital matter as water in their arid States and a whole region of the Nation, then it must be a fair compromise and I believe the Congress should approve it.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the chairman of the subcommittee, the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, and Members of the House, I am very happy to be able to come here today and support the conference committee report. I want to say that as far as California is concerned, we are very well satisfied with the agreement that has been reached on the river.

I want to say to the chairman of the full committee that he is to be commended for the fine way in which he has handled this matter this year, and certainly his participation in the conference brought about the compromise that was necessary for all of the people to agree on this report for the most part.

I am very sorry that the gentleman from Pennsylvania did not see fit to sign the conference report, but I am sure nothing in here will be of any detriment to any areas of the United States.

It has been a pleasure for me to have worked with all of the people from the basin States that are affected, in perfecting this piece of legislation. It will resolve our problems for now. We can go ahead with planning and development.

I certainly hope we adopt the report this afternoon.

Mr. ASPINALL. Mr. Speaker, I yield myself 30 seconds to advise my colleagues that as soon as the previous question is ordered I shall ask for a quorum call.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

CALL OF THE HOUSE

Mr. ASPINALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman requests a straight quorum call?

Mr. ASPINALL. That is correct, Mr. Speaker.

The SPEAKER. The gentleman from Colorado makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 308]

Adair
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Baring
Barrett
Berry
Betts
Blatnik
Bolling
Bolton
Brown, Calif.
Brown, Ohio
Cabell
Carey
Casey
Clancy
Clawson, Del
Colmer
Conyers,
Corman
Cowger
Cunningham
Davis, Ga.
Dawson
Delaney
Denney
Derwinski
Dickinson
Diggs
Dow
Eckhardt
Evans, Colo.
Evins, Tenn.
Fallon
Flynt
Fraser
Fulton, Tenn.
Gallagher
Gardner
Gray
Gubser
Gurney
Halleck
Hansen, Wash.
Hays
Hébert
Herlong
Holifield
Ichord
Jacobs
Johnson, Pa.
Jones, Mo.
Karsten
Kee
King, Calif.
Kleppe
Kyl
Landrum
Long, La.
McClory
McCloskey
McDade
McMillan
Machen

Mailliard
Martin
Matsunaga
May
Miller, Calif.
Mink
Monagan
Moore
Moorhead
Morris, N. Mex.
Pirnie
Poage
Rarick
Resnick
Ronan
Roudebush
Ruppe
Satterfield
Scherle
Schweiker
Sikes
Sisk
Skubitz
Smith, N.Y.
Snyder
Stafford
Stephens
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Walker
Wiggins
Yates

The SPEAKER. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 1004, CENTRAL ARIZONA PROJECT

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 20, COMPREHENSIVE REVIEW OF NATIONAL WATER RESOURCE PROBLEMS AND PROGRAMS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 20) to provide for a comprehensive review of national water resource problems and programs, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman of the Committee on Interior and Insular Affairs if it is his intent to take a little time during which to explain the results of the conference between the two bodies, and to explain as to whether or not any amendments which were added are germane, or other points of interest to the members, to the bill as changed in conference from its structure as passed in the House.

Mr. ASPINALL. Mr. Speaker, if my distinguished colleague from Missouri will yield I shall advise him that at the right time I shall take some time to do what he desires.

May I say to my distinguished colleague from Missouri that as soon as we dispense with the reading of the statement of the managers on the part of the House I shall take 2 or 3 minutes during which to explain just what is contained in the conference report.

Mr. HALL. Mr. Speaker, I appreciate the response of the gentleman from Colorado and, therefore, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1862)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 20) to provide for a comprehensive review of national water resource problems and programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the language inserted by the House amendment insert the following:

"(b) The Commission shall be composed of seven members who shall be appointed by the President and serve at his pleasure. No member of the Commission shall, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States."

And the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
JAMES A. HALEY,
JOHN P. SAYLOR,
ED REINECKE,
Managers on the Part of the House.

HENRY M. JACKSON,
CLINTON P. ANDERSON,
ALAN BIBLE,
FRANK CHURCH,
ERNEST GRUENING,
THOMAS H. KUCHEL,
PAUL J. FANNIN,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes between the two Houses on the amendments of the House to the bill, S. 20, to provide for a comprehensive review of national water resource problems and programs and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

The language agreed upon is the language of the House with one exception. House amendment No. 1 includes a provision prohibiting appointment to the Commission of retired officers or employees of the United States. The conference committee recommends the removal of this language.

Although, therefore, the conference report language contains no restriction on the appointment of a retired officer or retired civilian employee of the United States as a member of the National Water Commission, it is clear that the appointment of retired Federal officials who have been deeply involved in Federal water resources development activities would not be consistent with the administration's stated position on the composition of this Commission. In his testimony before the House Committee, Secretary Udall stated:

"It [the Commission] is an outside-Government approach to the problem on the assumption. I think, that when you look at the big water problems that we face in the next 25 or 50 years, that it is wise from time to time not merely to have government agencies and government people make studies but to have distinguished outside people who, perhaps can detach themselves from the vested interests that government agencies have."

The administration's intention as thus stated was the basis for the House amendment. Thus, while removing this language from the legislation, the conference committee was in general agreement that only in unusual circumstances should consideration be given to the appointment of a retired Federal official as a member of the Commission, particularly an official who has had responsibilities closely related to Federal water programs.

As agreed upon in Conference, this legislation authorizes the establishment of a seven-member National Water Commission to conduct a comprehensive review of national water resource problems and programs and report thereon to the President and to the Congress within 5 years from the date of the act. This is to be a Presidential Commission which, in the President's words, "will be composed of the very best minds in the country" and "will examine our major water problems and develop recommendations guidelines, and long-range plans for the most effective use of available water resources".

The House conferees want to reiterate the position of the House Committee on Interior and Insular Affairs as set out in its report:

"The job of the National Water Commission will be a difficult one. If the Commission is to be successful in accomplishing its mission, its recommendations must be susceptible of fulfillment. This means that the Commission cannot approach the difficult problems involved in its mission without considering the views of all parties and interests involved. It must therefore work very closely not only with Federal Departments and agencies having responsibilities in the water field but also the States and public and private groups which will be affected by its studies and recommendations. The Commission must foster full discussion of the complicated and controversial water issues of this Nation and attempt, through negotiations and understanding, to forge a consensus.

"While the objective of this review of national water resource problems and programs is to improve water management and provide for maximum and best use of our water resources in the future and to assist in the formulation of consistent and effective national policies, it is not intended that the planning of urgently needed water resources development projects, or recommendations of the executive agencies concerning such projects, be delayed while the work of the Commission is underway. Neither is it intended that the Commission take a position on specific project proposals."

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
JAMES A. HALEY,
JOHN P. SAYLOR,
ED REINECKE,
Managers on the Part of the House.

Mr. ASPINALL. Mr. Speaker, to review briefly what is involved in this legislation, it authorizes the establishment of a seven-member National Water Commission to conduct a comprehensive review of national water resource problems and programs and to report thereon to the President and to the Congress within 5 years from the date of the act. The Commission must work closely with the Water Resources Council and the river basin commissions established pursuant to the Water Resources Planning Act, and with Federal agencies and States.

The conference version of S. 20, which we bring back to the House today, is identical to the House version with one exception. The committee of conference rejected a provision in the House language which would have prohibited the appointment to the Commission of retired Federal officers or employees. There was agreement in conference that such a restriction on membership would be inappropriate and unnecessary. Nevertheless, because of the intended non-Federal nature of the Commission, the conference committee was in general agreement that only in unusual circumstances would it be appropriate for the

President to appoint a retired official who has been closely involved in Federal water activities.

Mr. Speaker, the President has stated that this Commission will be composed of the very best minds in the country and that it will examine our major water problems and develop recommendations for the most effective use of available water resources. I hope that the President's appointments not only are recognized authorities in the water field but that they are men who recognize that the complicated and controversial water issues of this Nation can only be settled through negotiations and understanding among all levels of government and all parties and interests involved. Recommendations are of no value unless they are susceptible of fulfillment. The National Water Commission has a difficult job to do. I hope it will be successful in accomplishing its mission.

Mr. Speaker, I urge the adoption of the conference report on S. 20.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 20, a bill to provide for a comprehensive review of national water resource problems and programs.

This legislation passed the House on July 12, 1967, and proposes the establishment of a seven-member National Water Commission to conduct a comprehensive review of the problems, programs, and management of our national water resources. The Commission's activities will involve a Federal expenditure of approximately $5 million and will report its findings to the President and the Congress within 5 years from the date of enactment.

The members of the Commission are to be appointed by the President and utilize an outside-Government approach to evaluate our national water resource problems and programs. The Commission is also charged with the responsibility of developing recommendations and long-range plans for the more effective use of our water resources.

The major difference resolved by the committee on conference between the two Houses concerned the language in the House bill which prohibited appointment to the Commission of retired officers and employees of the Federal Government. This provision was placed in the bill as an amendment which I had the privilege to sponsor because one of the major premises upon which the administration justifies the need for this legislation is the need for "an outside-Government approach to the problem," and the need "to have distinguished outside people who can detach themselves from the vested interests that Government agencies have."

The conference committee adopted the position that the language prohibiting retired officers and employees of the Federal Government from serving on the Commission was too restrictive. On the other hand, the conference committee has expressly stated its general agreement in the statement of managers on the part of the House, that only in unusual circumstances should a retired Federal official or employee be appointed to serve as a member of the Commission.

Mr. Speaker, the task envisioned by this legislation for a Nation Water Commission is an enormous job to be accomplished. It is with some degree of optimism that I anticipate this Commission's work will bring order out of chaos in the more than 50 Federal agencies now involved in water resource activities and management. If the Commission is to carry out its mandate the number of Federal agencies involved in water resource activities should be curtailed.

Mr. Speaker, I urge the adoption of the conference report.

Mr. REINECKE. Mr. Speaker, the conference report on S. 20 is now before this body. Its adoption together with similar action by the Senate presents a great opportunity to advance the welfare of the entire Nation by establishing a National Water Commission.

This Commission is directed, within a 5-year period, to conduct a study of the entire water resources problem of our country; to consider the economic and social aspects of water development programs, including alternative means; and the impact of water resources development on regional economic growth, institutional arrangements, and esthetic values affecting the quality of life of the American people.

The Commission is to consist of seven members appointed by the President, none of whom shall be an officer or employee of the Federal Government while serving at the pleasure of the President.

This will assure a fresh approach for institutional prejudices and commitments will be eliminated.

There are now 38 Federal agencies involved in some aspect of water resource activities. It is almost certain that there is duplication, overlapping, and a working to cross-purposes, and that many crucial problems exist. The National Water Commission study would reveal these, and after consideration, in depth, of alternative means of development of our precious water resources, provide to the President and the Congress the basis for a considered judgment and decision as to the most efficacious and desirable means of development.

The Senate Select Committee on National Water Resources in 1959 completed a broad-based study of the Nation's water resources and needs which served admirably as an informed base for considerable progress in water resource development.

However, drawing upon my own experience of over 20 years as a professional engineer dealing with the problems of water conservation and, further, on my work as a member of the Committee on Interior and Insular Affairs, I felt for some time that this was not sufficient.

Circumstances change, new problems arise, and old methods sometimes prove to be inadequate.

Federal water resources policies are a rag and tag collection of legislative directives, mostly directed at single problems with little or no concern for interrelationships. The problems, needs, and solutions in one area or region are not necessarily those of other regions. Some methods of development designed to solve a problem even tend to create others.

What is needed is a broad-based, comprehensive study of all the water related problems of our country. Consideration must be given to all of the possible alternate solutions including the related ramifications involved before an adequate basis for decisions can evolve.

We know all too well that the precious resource of water is finite, and must be husbanded well if we are to survive.

It was in realization of this need that in 1965 I introduced a bill to establish a National Water Commission.

Both the House and Senate of the 89th Congress approved such legislation after a thorough hearing. However, final approval proved impossible when some disagreement arose over the question of sectional interests.

In this Congress I again introduced this bill, H.R. 5346, and a similar proposal, S. 20, was introduced in the Senate. Again, each body has approved it, in slightly different form.

Happily conferees of the two bodies have agreed on a final version which is now before you for approval. In conference, in which I was a participant, it was agreed that the bill substantially as it passed the House would be presented to both Houses.

The only difference is that in appointing members of the Commission the President may consider retired officers or employees of the Federal Government. This would occur only under unusual circumstances.

The function of the Commission is to review and study national water resource problems and programs of development in order to improve water management and to provide the President and the Congress the best information upon which to base consistent and effective policies.

In achieving this end it will have a professional staff and may utilize all of the services of all of the Federal agencies now concerned with water resources. It will consult with and hear from all interested parties public and private. It will consider all alternatives, evaluate them and forward them together with the comments of the Water Resources Council to the President and the Congress.

The work of the Commission will make it possible for the Nation to have an informed base upon which to formulate policies which will enable us to utilize most efficiently that most precious resource—water.

I strongly urge approval of the conference report on S. 20.

Mr. PETTIS. Mr. Speaker, I am delighted to pay tribute to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado, WAYNE ASPINALL, and the other conferees who have been able to do what no other men of the Congress of the United States have been able to do in the history of this country, in reaching an equitable solution to the complex problems which surround the development of water resources, not only for our parched

Southwest, but for other parts of our Nation as well.

By the adoption today of S. 20, which calls for a comprehensive review of national water resources problems and programs and the Colorado River Basin Project Act, whose object is to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as the lower Colorado River Basin, we have set the stage for solving one of the Nation's vital and critical problems—the problem of water, which is as important as life itself.

This legislation will also serve the purposes of regulating the flow of the Colorado River; provide for the storage and delivery of the water of the Colorado River; provide for reclamation of lands, including supplemental water supplies, and for municipal, industrial and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife; and the generation and sale of electric power as an incident of the foregoing purposes.

We will have also established as a policy of the Congress that we shall continue to develop, after consolidation with the affected States and appropriate Federal agencies, a regional water plan which will serve as a framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available to all our people.

We will have clearly indicated to the Secretary of the Interior that he not only has the authority, but the responsibility for planning the best possible use of this Nation's water resources west of the Continental Divide for meeting the future water needs of our 11 western States. We will have also indicated to our Secretary of the Interior the great need to initiate this west side planning effort by determining the water supplies available and the long-range water requirements in each water resource region of the western United States, and when this phase of the study is completed, it will then be possible to proceed to determine the most economical means of augmenting the water supply of the Colorado River, in order to serve the most critical water-short area of our Nation. When the water needs of the Colorado River Basin and the time schedule have been established, all possible sources of water must be considered, including water conservation, salvage, weather modification, desalinization, anti-evaporation measures and importation of water from areas of surplus.

All of us, from the State of California, can breathe a sigh of relief knowing that this Congress "guarantees" to California 4.4 million acre-feet of water annually, with a priority over the central Arizona project water when there is less than 7.5 million acre-feet of main stream Colorado River water in the lower basin, and the Secretary of the Interior must recognize this priority in the administration of the U.S. Supreme Court decree in Arizona against California.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE POPULAR ELECTION OF THE GOVERNOR OF GUAM

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 449) to provide for the popular election of the Governor of Guam, and for other purposes, with Senate amendments to the House amendment, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 7, of the House engrossed amendment, strike out lines 4 to 9, inclusive.

Page 13, of the House engrossed amendment, strike out lines 7 to 11, inclusive, and insert:

"(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive, the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.

"All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my own remarks in the RECORD at this point, and that the gentleman from Pennsylvania [Mr. SAYLOR] and any other Members desiring to do so may likewise have the same privilege.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, S. 449, provides for the popular election of the Governor and Lieutenant Governor of Guam, for the appointment of a Government comptroller and further extends the principles of local self-government to the Territory of Guam.

This legislation was passed by the House on June 17, 1968, with an amendment striking all after the enacting clause and inserting the House amendment. By action in the other body the House amendment has been agreed to with an amendment.

The amendment adopted by the other body to the House amendment strikes the provision of the bill providing for the popular election of members of school boards and boards of elections. The amendment of the other body also inserts language extending to Guam certain provisions of the U.S. Constitution not now applicable to Guam. These provisions are: Article I, section 9, clauses 2 and 3, providing that the writ of habeas corpus shall not be suspended; article IV, section 1 and section 2, clause 1, providing that the full faith and credit clause and the privileges and immunities clause shall have the same force and effect in Guam; the first to the ninth amendments inclusive; the 13th amendment; the privilege and immunities, due process, and equal protection clauses of the 14th amendment; and the 15th and 19th amendments.

Mr. Speaker, the amendments of the other body improve this legislation and resolve some technical questions raised by the House language.

AMENDING THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. O'HARA of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15045) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15045, with Mr. MACDONALD of Massachusetts in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday it had agreed that the committee substitute amendment be considered as read and open to amendment at any point.

Are there any amendments?

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: Beginning on page 4, line 19, strike everything through the end of page 5, line 16, and insert in lieu thereof the following:

"(b) Section 202 of the Act is further amended by adding at the end thereof the following new subsection:

"'(m) Nothing in this section shall prevent the funding of training in approved skill centers, on an annual basis.'"

Mr. STEIGER of Wisconsin. Mr. Chairman, I am proposing this amendment as a substitute for subsection 4(b) of the bill before us. This proposed substitute serves the same purpose as does subsection 4(b), and avoids some of the flaws which able and distinguished members of the committee see in the language of that section.

Section 4 of the bill seeks to overcome by legislation one major administrative problem which was discussed before the subcommittee, and which, I believe, the members of the full Committee on Education and Labor approach unanimity in seeking to correct.

During the several years that MDTA has been in operation, it has made a great many contributions to the array of institutional weapons we can utilize in our efforts to combat manpower problems. One of the major contributions has been the development of the skill center—an institution which provides a broad variety of skill training, specifically directed toward the needs of MDTA trainees, as distinguished from the more traditional clientele of the vocational education system. Skill centers, such as those in Detroit, Philadelphia, New York City, Atlanta, and in some 60 other areas, have been able to combine the talents and personnel of that vocational education system with the talent and abilities of other sectors in a "mix" which has produced excellent results with specific reference to the people MDTA is trying hardest to assist.

In the course of the hearings on this legislation—and, indeed, even before the hearings—it had become obvious that one major problem was affecting the efficient working and full utilization of these skill centers. In order to be utilized most efficiently, they must maintain a permanent operation, with the most economic use of space, of equipment and, above all, of staff. The ideal way to provide such use is to allow for annual funding, on a continuing, institutionwide basis, of such centers. But as the present law is interpreted, because of the requirement for a "reasonable expectation of employment" before a trainee can be referred to training, it is necessary for the Labor Department, through the State employment security agency, to conduct a survey before any course can be established in a skill center. These surveys take time, and there is, inevitably, a lag between the proposal that a course be set up and the certification of such a course as meeting an expected employment need. This means in theory, and very often in practice, an experienced and competent instructor's talents will be utilized for a period of 10 to 12 weeks, and that, before he is sure what will happen after that, a further survey must be conducted, and further delay incurred in setting up a new course.

In addition, the operation of a skill center on the basis of certifying each course separately, involves substantial extra bookkeeping, with a skill center, as one witness told the subcommittee, being required to operate on 40 or 50 separate and distinct budgets in the course of a given fiscal year.

Section 4 of the reported bill was an amendment, offered by me in the full committee, to give priority to skill centers, and to provide for mechanisms which, we all felt at the time, would insure such priority in a meaningful way.

After further consultation with members of the executive branch and with representatives of the vocational education profession, I am persuaded that it would be simpler and more effective to strike the second half of section 4; namely, section 4(b), the mechanisms by which I had hoped to insure priority for the skill centers, and to replace it with a simple provision that allowed directly for annualization of funding for skill centers. The substitute amendment which I have offered, is intended to allow such annualization, and to permit the operation of these valuable centers without removing the basic MDTA requirement that training be offered only where a reasonable expectation of employment exists. Such an expectation is essential. It would make no sense to run skill centers, however effective they might be, to train buggy whip makers and sasparilla bottlers. But it makes no sense, either, to allow job opening surveys to hold up training when there is a known demand for a given skill. I offer this amendment, not truly as a substitute for, but as a clarification and improvement of the original section 4(b).

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, I would like to point out that the other members of the committee share the gentleman's intention to make easier and more efficient the use of skill centers. I supported the gentleman's original amendment in the full committee, and if the substitute does the job the gentleman suggests, I am of a mind to support it on this floor.

I would like to ask the gentleman a question about that.

Does the gentleman intend that the requirement, now found in other subsections of section 202 of the act, that trainees only be referred where a "reasonable expectation of employment" exists, should be suspended or modified where skill center training is involved?

Mr. STEIGER of Wisconsin. No, indeed. The reasonable expectation requirement is essential to MDTA, and, as I said before, is left in full force by my substitute amendment. The thrust of this substitute amendment is to remove the procedural barrier which that language has posed to efforts to provide for annual funding. The Departments of Labor and Health, Education, and Welfare are, I understand, trying to eliminate the problems posed by the overly rigid application of the "reasonable expectation" language. This amendment, which preserves that basic requirement should enable them to surmount the technical obstacles which, they feel this language has so far offered to the annual funding of skill centers, and, will unmistakably indicate that the intent of the Congress is clearly that skill center funding is to be on an annual basis.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. O'HARA of Michigan, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. O'HARA of Michigan. Mr. Chairman, if the gentleman will yield further, I would like to say with that assurance I wish to commend the gentleman for having offered this substitute amendment. I think the substitute is better than the original. I supported the original, and I shall certainly support the substitute. The gentleman has made a constructive contribution to the operation of this program. I take pride again in the fact that this program is one in which Members on both sides, the majority and the minority, have had an opportunity to make such constructive contributions and are making them in this bill today.

I congratulate the gentleman for his having offered the amendment.

Mr. STEIGER of Wisconsin. I thank the gentleman for his support of the amendment and his kind words.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Since section 4(b) covers three paragraphs on pages 4 and 5, did I correctly understand that the gentleman's amendment would strike the language beginning on line 19 of page 4, through line 16 on page 5?

Mr. STEIGER of Wisconsin. Yes; the amendment would strike the language beginning on page 4, line 19, through to the end of line 16 on page 5, and would insert a new subsection (b).

Mr. GROSS. I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STEIGER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOODELL

Mr. GOODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODELL: On page 6, immediately following line 5, insert the following:

"SEC. 6. (a) Section 206(a) of the Manpower Development and Training Act of 1962 is amended to read as follows:

" 'SEC. 206. (a) To the fullest extent consistent with the effective administration of this Act and in order to achieve maximum coordination with all manpower training programs authorized by this and other Acts, the Secretary of Labor shall, in his discretion, enter into agreements to carry out the purposes of this part with each State so requesting, or with the appropriate agency of each State, pursuant to which the Secretary of Labor shall, for the purpose of carrying out his functions and duties under this Act, utilize the services of the appropriate State agency and, notwithstanding any other provision of law, shall make payments to such State or appropriate agency for expenses incurred for such purposes. Agreements with States or aproppriate State agencies shall assign to them the promotion, development, funding, monitoring and other services associated with implementation of training programs under this title, and responsibility for utilization of funds apportioned to the States in accordance with section 301 of this Act. In States where such agreements are entered into between the Secretary and the State or its appropriate State agency, the Secretary shall not enter into additional agreements which duplicate in any way the functions of the State or its appropriate agency authorized by agreements under this section.'

"(b) Section 301 of the Manpower Development and Training Act of 1962 is amended by striking the period at the end of the second sentence thereof and inserting in lieu thereof the following: " ';*Provided further*, That funds apportioned to the States and made available to appropriate State Agencies in fiscal year 1969 through agreements entered into under section 206 of this Act shall remain fully available to the appropriate State agency until either the funds have been completely encumbered or the State agency backlog of programs that meet Federal criteria have been exhausted; *Provided, however*, That the provisions of the preceding proviso shall not be effective until there shall have been appropriated for fiscal year 1969 under the authorizations for this Act not less than $48,000,000 to carry out the program known as Job Opportunities in the business sector and not less than $31,800,000 to carry out the concentrated employment program.' "

Mr. GOODELL. Mr. Chairman, this House has engaged in debate with reference to the problems in the manpower bill earlier this year, particularly in connection with the appropriation bill, to which the gentleman from Minnesota [Mr. QUIE] and I offered amendments to try to correct some deficiencies that had developed in the manpower training legislation largely because of the transfer of funds from the on-the-job training program to the two new programs started in the Labor Department, known as job opportunities in the business sector and concentrated employment programs. Both of these programs were started under the general authority granted in the MDTA and the Economic Opportunity Act, without specific authorization or hearings by the committees of the Congress.

We are facing this year a total budget request of $354 million for the manpower program, under title II of the MDTA. Of that amount, the budget plans to take $99 million of the title II funds to fund the JOBS program and the CEP program.

The amendments I have offered I have worked out with the majority. They are different from the amendments offered in the committee, and they are different from the amendments offered by the gentleman from Minnesota and me earlier this year on the floor of the House.

In effect they say to the Secretary of Labor, first, it was the intent of Congress, and still is, that these manpower programs to the maximum extent possible be administered through responsible existing State agencies, and where possible agreements must be entered into with such State agencies if they are responsible and prepared to administer the programs effectively in the discretion of the Secretary of Labor.

This language is very clear in my amendment. The discretion remains with the Secretary of Labor to determine whether the State is equipped to administer the program effectively, but it would carry out further the mandate of Congress that we wish in those States that have effective State labor departments to have these programs coordinated at the State level and that we have maximum involvement of the State agencies in administering the programs.

The discretion left to the Secretary in my amendment offered here today would permit the Secretary to turn down agreements with States where they were unwilling or unable to administer these programs effectively, where it would not be consistent with the objectives of the program to have a particular State administering the program.

The second part of my amendment goes to the heart of the question of the JOBS and CEP programs being funded out of regular manpower funds. Rather than request additional money for the new programs, to involve private enterprise in the solution of the hard-core employment problem, the Secretary of Labor sought funds and obtained them from the poverty program and from the manpower program and from other sources. This, in effect, depleted the regular on-the-job training program in many States, including New York, which found itself held up on programs that had been approved in substance and on their merits, but funds could not be obtained for them.

My amendment would prevent the transfer of funds that have been allocated to the States if the Congress has appropriated not less than $48 million for the JOBS program and not less than $31.8 million for the CEP, the concentrated employment program. Those are the amounts for these two programs that have been allocated for JOBS and CEP, respectively, from the title II, MOTA budget request.

I believe these amendments are fair compromises of the various views expressed on both sides. I believe we share on both sides of the aisle a deep concern over the problems which have developed because of the pinching in the budget and in the appropriations.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I am delighted to yield to the distinguished Speaker.

Mr. McCORMACK. Do I correctly understand the amendment now offered by the gentleman leaves this in the discretion of the Secretary?

Mr. GOODELL. That is correct. I would clarify by saying it leaves to the discretion of the Secretary the question of whether he enters into agreements with the States, whether the States are capable and willing to administer programs.

The second part does not leave it to the discretion of the Secretary. This is the one that says after the JOBS program and the CEP program have been funded at the level they request—and that means cash available and appropriated—then they cannot withdraw money allocated to the States which the States are planning on using for their own programs.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. GOODELL was allowed to proceed for 3 additional minutes.)

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, I have had an opportunity to work with the gentleman from New York on this program since its inception several years ago. I feel he is undoubtedly one of the most knowledgeable citizens in our country on this program, and certainly one who has contributed greatly to its success.

I have discussed with the gentleman, particularly these amendments. I would think that, under the amendments, as the gentleman has presented them, the proper emphasis would be contained in this legislation. Certainly the gentleman from New York has stated very cogently why he feels the State employment agency ought to be the operating agency in all cases where the State employment agency can do the job and wants to do it and is willing to do it. I would agree with him completely there.

Both of us recognize there may be some circumstances, such as these nationwide contracts with, for instance, the United Brotherhood of Carpenters & Joiners or the AFL–CIO Appalachian Council or the Labor International Union of Machine Tool Builders, where they cover a number of States and operate in a particular way, and other cases where a particular private agency might be the only one with the particular experience and association to do a very particular kind of job, where we want to be able to say to the Secretary in these cases, "Certainly, go ahead with your private arrangements."

I am in complete agreement with the gentleman from New York that for the ordinary, typical, traditional type of MDTA contract, the kind which has worked so well and the kind we want to promote, if the State employment service is willing and able and desirous of doing the job they ought to be given the opportunity to do that job.

Mr. GOODELL. I thank the gentleman for his generous comments, and particularly appreciate our agreement as a matter of legislative history here on what our objective is and the way we want the programs administered under the circumstances when it is feasible to accomplish the objectives of the act through the State agencies.

I believe the gentleman will agree that where a State is responsible and where it has an organization of employees who are experienced in administering these types of programs they can do a great deal to coordinate the many training programs we have.

Unfortunately, today in New York we have a minimum of 14 and probably a maximum of 30 or 35 different training programs, many of them emanating from different legislative sources than the Manpower Development and Training Act. I believe the States can help us in beginning to coordinate those programs because many of them are also administered at the State level.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I rise in support of the amendments offered by my good friend and distinguished colleague from New York.

With few exceptions, programs administered by the States under the Manpower Development and Training Act have been extremely effective in meeting the needs of those whose training is not adequate for our increasingly technological society.

Operation of MDTA has since its inception been almost free of the kind of criticism frequently leveled against some of our other legislative efforts.

Possibly it is MDTA's very popularity—and consequently its relative assurance of continued funding support—that is responsible for its present role as a source of funds for new programs initiated by the executive branch.

Let me make very clear, Mr. Chairman, my complete agreement with the minority report statement of wholehearted approval of the innovative concepts in CEP and JOBS programs.

But regardless of the worth of these new endeavors, State-run MDTA programs of proven merit should not be subject to severe cutbacks for the others' benefit.

By the same token, I would not favor gutting a successful and on-going education program so that funds might be placed in another.

The point is, Mr. Chairman, that successful programs operating under MDTA—programs which have demonstrated their effectiveness—programs meeting community needs—should not die for lack of funds so that those funds may be channeled elsewhere under nonexistent legislative authority.

Back-door pilferage is not consistent with responsible legislating.

Traditional manpower programs should be assured of continued existence until such time as Congress decides that they are no longer necessary or useful.

Their fate should not depend solely on whether a new approach might be equally or more effective.

I therefore strongly urge my colleagues to support the amendments before us today.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike the last word.

I merely want to say, speaking for myself, that the amendments offered by the gentleman from New York, as they were read to the Committee, certainly do nothing to detract from the effectiveness of the program, and I believe, by putting emphasis on our desire to work through State employment services, they enhance the effectiveness of the legislation.

With respect to the second portion of the amendments—that is, the use of the MDTA allocated funds for the JOBS and CEP programs—I can certainly understand the gentleman's concern.

I understand him to say that in New York, for instance, very, very little is left for the regular MDTA-OJT programs after the CEP and NAB programs have been funded from the State's allocations. At the same time the gentleman from New York recognizes he does not want to hurt those programs, either. As I understand his amendment, it only goes into effect after the requisite funds for the CEP and JOBS programs have been appropriated.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New York.

Mr. GOODELL. That is correct. The gentleman will recall that on the appropriation bill, as I earlier stated, we debated this point back and forth at some length. The gentleman from Minnesota [Mr. Quie] and I tried to clarify that we were not attempting to attack the concept of involving business in the CEP and JOBS programs, but we felt that we should protect the sanctity of the regular MDTA on-the-job program. The merit of adopting this amendment is that people will know exactly where they stand. If the appropriation process produces the money that has been requested for the JOBS and CEP programs, the State will get full funding for OJT. If not, then JOBS and CEP get their money and the rest will be allocated thereafter to the States. Even if Congress does not give all of the money necessary, as I think it should, we will avoid the situation we have had where the States thought that they would get a great deal more money and went through the process of approving applications and then found that the money was not available.

Mr. O'HARA of Michigan. I think that the amendment in its present form is certainly acceptable.

Mr. BROTZMAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

Mr. BROTZMAN. I thank the gentleman from Michigan for yielding to me.

I rise in support of the MDTA and particularly in support of the amendment offered by the gentleman from New York [Mr. Goodell].

Mr. Chairman, I support the extension of the Manpower Development and Training Act of 1962.

This act has been an important and, I might add, a successful tool in fighting unemployment in this country. Under this measure, hundreds of individuals have been given job training so that they can successfully compete in the job market and contribute to our growing economy in a positive way.

This measure can provide the answer to one of America's most pressing social problems. It can provide job training and employment for the disadvantaged—particularly the poverty-stricken who live in urban ghettos. It can take these people off the welfare rolls and make them active participants in our economic system.

The Manpower Development and Training Act is an outgrowth of a Republican effort to utilize the vast resources of American private enterprise in upgrading and developing our manpower resources. The Republican effort in this area began in 1961 with a study by the House Republican policy committee which became the basis of the Manpower Development and Training Act of 1962, enacted into law by the 87th Congress.

It is clear, Mr. Chairman, that Congress, when it passed this measure back in 1962, intended that the States should be full partners in the Federal manpower program. Section 301 contains an allocation formula which provides a method of distributing funds to the States. Section 206 encourages and authorizes the Secretary of Labor to enter into agreements with the States and to utilize the services of the State agencies.

The Johnson-Humphrey administration has disregarded this congressional intent. The States have experienced delays in the funding of projects. The Department of Labor has completely bypassed the States by proposing that the promotion, development, and funding of on-the-job training projects be assumed by Federal personnel. Many sound on-the-job training projects have been eliminated because the administration has diverted funds to finance new programs under the Economic Opportunity Act. These new programs should have separate funding—they should not be funded at the expense of a proven and on-going program.

In order to have an effective training program, States must be permitted to participate on an active partnership basis with the Federal Government. Efforts to involve private enterprise should be encouraged—not discouraged. Funds that have been appropriated to implement the Manpower Development and Training Act should be utilized for that purpose. Funds allocated to the States should be released to finance approved projects. The Secretary of Labor should be required to enter into appropriate agreements with the States and State agencies interested in becoming active working partners in the Federal manpower program.

Amendments will be offered today which, if adopted, will achieve these purposes. The Manpower Development and Training Act can be the basis for a successful program in the field of job training. It can utilize the training resources of the Federal Government, the States and private enterprise, all working together to provide meaningful training for jobs that are waiting to be filled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Goodell].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reid of New York: On page 6, line 5, after "Samoa, and the Trust Territory of the Pacific Islands", insert the following new section:

"Sec. 6. Section 106 of the Manpower Development and Training Act of 1962 is amended to read as follows:

" 'LABOR MARKET INFORMATION AND JOB MATCHING PROGRAM

" 'Sec. 106. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

" '(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

" '(2) job opportunities and skill requirements;

" '(3) labor supply in various skills;

" '(4) occupational cutlook and employment trends in various occupations; and

" '(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964, The Social Security Act, the

Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

"'(b) The Secretary of Labor shall develop and publish on a regular basis information on available job opportunities throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local recruitment, job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local, or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information.

"'(c) A report on the activities and achievements under this section shall be included in the report required under section 107.

"'(d) Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of subsection (b) of this section.'"

Mr. REID of New York. Mr. Chairman, this amendment would fill a most serious gap in our efforts to train unemployed and underemployed persons and place them in jobs of permanence and substance. Simply stated, it would gather data on job availability and labor supply in particular skills and geographic areas and match them by a variety of programs, utilizing the techniques of electronic data processing.

Mr. Chairman, this provision would be a significant part of the MDTA's effort to train and employ people at a job level which is comparable to their ability. It is already a part of the MDTA bill reported out by the Senate Committee on Labor and Public Welfare.

Mr. Chairman, according to the Bureau of Labor Statistics there are now some 3 million unemployed Americans. However, the important figure is the underemployed and the Bureau of Labor Statistics data is limited to some 2.3 million who are "employed part time for economic reasons."

Mr. Chairman, clearly there are four or five times that number. It is conservatively estimated that there are between 10 and 11 million people who fall into this category, who are working in jobs below their level of skill and ability. This information gap only serves to highlight the fact that our training programs are often unrelated to the location, ability, and potential of those to be assisted.

In addition, it is becoming increasingly difficult for us to formulate meaningful programs and to encourage private enterprise participation without accurate knowledge about the persons available to be trained and employed. A nationwide job opportunity statistics program which will provide periodic and timely information on the site, extent, and type of job vacancies, combined with a program of research and analysis by the Department of Labor, would further the objectives of MDTA.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I shall be happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Is this the identical language that is contained in the Senate bill?

Mr. REID of New York. It is the identical language.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, insofar as I am concerned and I do not know the position of the gentleman from Michigan [Mr. O'HARA] on this particular amendment, I cannot see any objection to the amendment which would make it unacceptable to the committee.

Mr. REID of New York. I thank the chairman for his comments.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Would this amendment involve any additional costs? Would it expand the program to the extent whereby it would call for any additional costs?

Mr. REID of New York. In response to the distinguished gentleman from Iowa, the amendment specifically provides that not less than 2 percent of the sums appropriated in any fiscal year to carry out titles I, II, and III of the act shall be available for this purpose. There would not be added funds. It would say that of the funds appropriated 2 percent could be utilized for collecting and disseminating data. The basic purpose would be to obtain data on skills needed and persons available to fill them. At the moment we do not have adequate information in this area.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further——

Mr. REID of New York. Certainly.

Mr. GROSS. While I have not had the opportunity to read the amendment, I did hear it read and I must say to the gentleman I am surprised that the Secretary of Labor is not presently doing the things that are proposed to be done under the terms of your amendment.

It is hard for me to believe that if this sort of information is necessary that we have to call upon the Secretary to act.

Mr. REID of New York. I can well understand the point raised by the gentleman. I have long felt that the Department should do this, but the Secretary of Labor, Mr. Wirtz, and Under Secretary Reynolds, whom I talked to this morning, would like to have this authority and feel that it would be very helpful to any intelligent planning for private enterprise participation in future programs to have inventories of skills and needs and capabilities. However, the fact is that the Department has not been doing it, and I believe they should.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I would like to add, in response to the inquiry of the gentleman from Iowa, that the Department under the provisions of title I of his act has been acquiring certain information with respect to the categories listed in subsection 1 of the amendment offered by the gentleman from New York, but they do not have this in a systematic inventory form. They have on several occasions requested appropriations from the Congress for the purpose of establishing this sort of system that the gentleman from New York [Mr. REID] envisions in this amendment. Those appropriations have not in the past been forthcoming, and I do not know if they will be now or not. I believe that would still remain the problem because, as the gentleman from Iowa clearly perceives, to do this on a thorough and large-scale basis would require considerable involvement of funds.

The amendment offered by the gentleman from New York authorizes the use of 2 percent of the sums appropriated under this act for this purpose.

I would want to inquire from the gentleman, if I could, does the gentleman envision—and I notice that the gentleman says here in his amendment, not less than 2 percent of the sums appropriated shall be available only for carrying out the provisions of subsection (b) of this section. Does the gentleman envision that no matter what the needs of the rest of the manpower program are, that they must use at least 2 percent of the funds appropriated under the MDTA authorization to do this job regardless of whether this shorts them in some other areas?

When I got to reading the amendment, I became worried about this.

Mr. REID of New York. That is not my understanding. I believe it would be discretionary, but I would hope, and I believe it is the view of the gentleman from Michigan as well, that the Department would be given the authority, and that the Congress in its wisdom would provide such funds as might in the future be necessary. But I believe if we have these various programs without establishing systems for the collection and dissemination of data—or without funding such systems adequately—that we would not be maximizing the skills we have in this country, and we will not necessarily be training people for existing or future jobs.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. O'HARA of Michigan, and by unanimous consent, Mr. REID of New York was allowed to proceed for 2 additional minutes.)

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, when I talked to the gentleman before he offered the amendment I expressed my agreement with the amendment, but since then I have become concerned about the last subsection, subsection (b). I wonder if the gentleman from New York would object to an amendment which would simply strike subsection (b) of his amendment so that it would simply say that this is one of the purposes for which funds appropriated under this act could be used?

This would leave the Secretary some discretion as to the level of funding for this operation.

Mr. REID of New York. I would have no objection to that. But I would hope the gentleman would join with me in expressing the hope that there would be an understanding that certain funds would be utilized.

Mr. O'HARA of Michigan. I would certainly be happy to do this, but I do not want to put them in any situation where they have to do this at the expense of their primary duties.

Mr. REID of New York. I understand that. I believe we ought to express the hope that they would find a way to do this.

Mr. O'HARA of Michigan. I thank the gentleman.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from California.

Mr. BELL. I thank the gentleman for yielding.

Mr. Chairman, my understanding is that this amendment primarily clarifies the authority of the Secretary in this area. Is that correct?

Mr. REID of New York. That is correct. That is because it is not systemized and it is not disseminated, so that the private employers as well as the public employers are not presently in a position to know what skills are needed or what training programs should be developed to match future job openings.

Mr. BELL. Mr. Chairman, I thank the gentleman, and I rise in support of this amendment. I wish to commend the gentleman from New York for bringing this amendment forward.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman.

Mr. GUDE. Mr. Chairman, I think this is a very good amendment and I rise in support of the amendment and the bill now under consideration by the House, to extend the Manpower Development and Training Act of 1962, and in particular to express my support of the amendment offered by my distinguished colleague, the gentleman from New York [Mr. REID]. This amendment would set up a labor market information and job matching program within the Department of Labor.

One of the many ways of combating poverty is to help the poor become productive members of society. Job training is one positive way; but obviously, training, by itself, is not always enough. We must also match people with jobs. I have long been aware that to do this, we must know what jobs need to be filled, to what extent, and where. The availability of such job vacancy information will certainly be a factor in bringing America's unemployed and underemployed into the ranks of fully productive citizens. I hope the amendment and this legislation are approved by the House.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman.

Mr. SCHEUER. Mr. Chairman, I rise in enthusiastic support of the amendment offered by my distinguished colleague, the gentleman from New York.

Would the gentleman's amendment also include the design of a computer system of linking available jobs with individuals who are in the job market?

I would like to call to the attention of our colleague the testimony that the Secretary gave about such a computer system that is already in existence throughout all of Japan where there is a computer bank which links individuals who are looking for jobs with jobs demanding those skills.

Mr. REID of New York. Mr. Chairman, in response to the gentleman, the answer would be in the affirmative.

The language in the amendment specifically states:

> In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information.

I would interpret that to mean a job computer banking system that would be broadly used and would be hooked up with various offices and which could provide very promptly the information to be disseminated throughout the country.

Mr. SCHEUER. And it would link the jobseekers with the available jobs.

Mr. REID of New York. Yes; and it is the linkage which, as the gentleman knows, is lacking in this important work.

Mr. SCHEUER. I congratulate the gentleman on the very thorough work he has done and I wish to say I am very much in favor of this amendment.

Mr. REID of New York. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. O'HARA OF MICHIGAN TO THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. O'HARA of Michigan. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York [Mr. REID].

The Clerk read as follows:

> Amendment offered by Mr. O'HARA of Michigan to the amendment offered by Mr. REID of New York: On page 3 of the amendment, strike out all of lines 21 through 24.

Mr. O'HARA of Michigan. Mr. Chairman, this simply strikes out the provision about the 2 percent.

It leaves this one of the functions for which funds are authorized under this act but sets aside no particular share of funds earmarked for this purpose.

This is the amendment that I discussed with the gentleman from New York, and we are in agreement that an effort should be made to institute and effectively operate such a system, but we do not want to set aside any particular sum. We want that to depend upon the other needs of the whole program and upon the amounts appropriated.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, that is a correct statement.

It is certainly our hope that nonetheless the work described in this amendment will go forward.

Mr. O'HARA of Michigan. Mr. Chairman, I ask that this amendment be agreed to and likewise that the amendment offered by the gentleman from New York be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. O'HARA] to the amendment offered by the gentleman from New York [Mr. REID].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. REID], as amended.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEIGER of Wisconsin: On page 6, immediately after line 5, insert the following:
>
> "LIMITATION ON SECRETARY'S REAPPORTIONMENT OF FUNDS
>
> "SEC. 6. The proviso to section 301 of the Manpower Development and Training Act of 1962 is amended by—
>
> "(1) striking out the words 'sixth month' and inserting in lieu thereof the words 'ninth month';
>
> "(2) striking out the words '30 days' and inserting in lieu thereof the words '15 days'; and
>
> "(3) striking out the phrase 'except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year.' "

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is an amendment that is in the bill in the other body offered by the distinguished Senator from Vermont, Mr. PROUTY.

The priviso to section 301 in the present law provides that MDTA funds apportioned to a particular State for a fiscal year may not be reapportioned by the Secretary of Labor until after the sixth month of such fiscal year. It further provides that funds may be reapportioned during the third quarter of the fiscal year after 30 days' notice has been given a State and during the fourth quarter without any prior notice to the State.

My amendment prohibits the Secretary of Labor from reapportioning a State's MDTA funds until after the 9th month of the fiscal year. It also requires that a State be given 15 days' prior notice if its funds are to be reapportioned.

Unfortunately there is often a freeze on approval of State programs during the early months of a fiscal year, while legislative deliberations are still taking place. This amendment will allow the States more time to develop programs and the Department of Labor more time to consider State applications, once the freeze is removed.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. I would like to ask the distinguished gentleman from Wisconsin if this amendment, as I understand it, in no wise takes away from the Secretary the authority to reapportion funds but merely changes the time from the sixth month to the ninth month before the Secretary can reapportion them and reduces the required period of notice from 30 to 15 days?

Am I correct in that statement?

Mr. STEIGER of Wisconsin. The gentleman from Kentucky is absolutely correct.

Mr. PERKINS. With that understanding there is no objection to the amendment that I know of on this side.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Steiger].

The amendment was agreed to.

Mr. QUIE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when the Economic Opportunity Act was extended last year an amendment was included whereby the General Accounting Office was directed to study the efficiency of program administration by the Office of Economic Opportunity and local public and private agencies and to determine the extent to which OEO activities achieved the objectives as set forth in the legislation. The legislation called for an evaluation of the effectiveness of the entire program as well as recommendations for additional legislation that GAO might deem advisable, with a final reporting deadline of December 1, 1968. The Office of Economic Opportunity presently allocates over $18 million for research, evaluation, and audit work. Yet, in spite of this great outlay of money, it was the thinking of the Congress that GAO, being the congressional instrument for the legislative oversight in checking the efficiency of governmental operations, should conduct an objective evaluation. This evaluation was considered advantageous in view of the substantial opposition to many of the programs operated by the Office of Economic Opportunity and their effectiveness in operating them.

Although the manpower development and training programs have not been as expensive as the programs operated by the Office of Economic Opportunity, there has been a considerable amount of money expended. There has not been, however, the degree of opposition to MDTA and other vocational and manpower programs as there have been to the Office of Economic Opportunity's. In fact, throughout the history of MDTA there has been strong bipartisan support, from the inception of the bill through its extensions and here again today as agreement has been reached on all amendments that have been offered.

We have found in the past that there have been internal studies and evaluations of programs by the governmental agencies operating them, but this has not been done in MDTA. I have some reservations regarding agencies conducting their own studies and providing objective evaluations comparable to those in which GAO is involved. The GAO has indicated that it does not wish to be obligated to a statutory requirement for another compulsory study as they were with the Office of Economic Opportunity. I would like to see now that MDTA has operated for approximately 6 years, that the effectiveness and efficiency of this program be studied and that the GAO be involved in it. I would go even further to say that in the future the Congress itself ought to address itself to oversight matters in its own authorizing committees. We have not, however, reached that point.

I would like to ask the gentleman from Michigan—and I would gladly yield to him—if he agrees with me in these observations and what comments he might have on this matter.

Mr. O'HARA of Michigan. Mr. Chairman, I would like to get on the record that I agree completely with the gentleman from Minnesota. We have been underway in this program now for about 5 or 6 years. We know a number of programs have worked out very well. Others have not worked so well. But I feel as the gentleman from Minnesota feels, that there is a much gerater need for definitive data in the evaluation of the several approaches that have been utilized in these MDTA programs that would offer some guidance to us as legislators in terms of the shaping of future legislation and in reshaping this legislation as needed.

I am optimistic that some steps have been taken in this regard that will be helpful. I like to think the Department has become more aware of the need for this sort of thing. I am also apprised of the fact that GAO has been getting involved somewhat in the Department's own evaluation of the program. I certainly hope they will continue, because I think their experience could be very useful here.

I am with the gentleman from Minnesota on this. I think the next thing we ought to undertake to do with MDTA is really to build into it some evaluation, and particularly I think we ought to exercise our own responsibilities in terms of getting some evaluation we think we can rely on and use to guide us in our future consideration of these programs. I think the gentleman is making a valuable contribution.

Mr. QUIE. Mr. Chairman, I thank the gentleman.

I hope next year and in the years thereafter we will consider evaluation not only in MDTA but in other vocational and educational programs. In a number of programs I have already indicated my desire for better coordination by recommending a new Department of Education and Manpower, in order that our decisions may be made wisely in future Congresses. I think we need better studies by the Department and also by the GAO itself—which at present is the only independent agency responsible to the Congress.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. McCormack, and by unanimous consent, Mr. Quie was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I merely want to state that I am wholeheartedly in agreement with the suggestion of the distinguished gentleman from Minnesota [Mr. Quie] and in agreement with the colloquy that took place between him and the gentleman from Michigan [Mr. O'Hara].

I certainly feel that in many areas the programs have not been properly evaluated. For instance, in the Office of Economic Opportunity we authorized an evaluation and study, and I have some information that some money has not been, in my judgment, wisely expended through contracts, on evaluating certain programs. But, be that is it may, there would be no way as I see it, to evaluate the MDTA programs by the General Accounting Office unless the Secretary of Labor participated.

The suggestion of the gentleman from Minnesota deserves consideration in the future, and I know that we will work toward that end to improve not only the MDTA and vocational education but also the quality of these programs.

Mr. QUIE. Mr. Chairman, I thank the gentleman from Kentucky.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 15045 which extends the Manpower Development and Training Act another 4 years to June 30, 1972.

This act when it was first conceived seemed to be the answer to turning unemployed and underemployed men and women into more useful and productive members of our society.

This program was an excellent opportunity to meet the needs of the hard core unemployed through a massive, coordinated effort by Federal, State, and local governments combined with the private sector.

But this has not been accomplished. We cannot look upon this bill as the whole answer to unemployment and underemployment. What has been accomplished in recent years is a disillusionment of the private sector through the unfulfilled promises of the Federal Government.

To carry out an effective program, more effort must be made to bring in the States and private sector as partners. Mr. Chairman, I have supported amendments to this act, H.R. 15045, which would enhance a partnership effort.

The Governor of my great State, the Honorable Nelson A. Rockefeller, in a telegram to me today, says that New York is ready and willing to join the Federal Government as a partner in this effort. New York is particularly interested in the on-the-job training aspects of this program.

Governor Rockefeller has urged support of those amendments which would clearly identify and delegate to the States those phases of Federal manpower training programs which the States are able and willing to undertake.

> It is of critical importance that this approach be incorporated in the final legislation of the nation is to have a viable Federal-State partnership in solving manpower problems.

The Governor said.

Just last week in my 36th Congressional District, a State senate hearing was held on this problem, clearly showing that this legislative body is aware of the problems.

My friend and colleague in the State legislature, State Senator Thomas Laverne of Rochester, chairman of the New York State Senate Committee on Labor and Industry, spelled it out when he said:

> This Committee, after a year-long study, has concluded that our government efforts are inadequate and misdirected. While we have made substantial investments in manpower, these investments are dwarfed by the size of our welfare budget.

In New York State alone the annual budget at all levels of government for welfare is $1.8 billion. Think what a substantial cut in the number of persons requiring welfare would mean to our economy.

The National Alliance for Business—NAB—says it is surpassing its quota of 100,000 jobs in 1968 for the hard core.

Well, I for one do not think we can be satisfied with meeting quotas on such a crucial problem. Our "quota" must be a job-training opportunity for all who seek work to upgrade themselves and provide for their families.

We have so far fallen far short of this goal.

There is a major example of an unfulfilled promise by the administration in my own district. This was the rejection of a retailers employment program by the Labor Department. More than 200 hard-core unemployed men and women in the Rochester area would have been trained for work in retail stores and warehouses.

This was a shortsighted act by the Department.

The administration has touted its NAB program as a major step toward solving urban unemployment and underemployment.

But like past programs, the administration has not followed through in a way which could achieve the publicized goals.

The job opportunities in business—JOBS—program launched by the NAB was supposed to be this year's glamor program. Businessmen in Rochester, including many of our retailers, were encouraged to prepare for the JOBS program. In the end they got 100 slots.

These businesses had cut back summer hiring in anticipation of the JOBS contract. They had already tooled up when the Washington ax fell.

Scores of businessmen are now disillusioned and rightly so.

What happens to unfulfilled promises, Mr. Chairman? They die off leaving many persons discouraged, such as the Rochester retailers who had actually geared up to absorb prospective trainees.

The manpower development training program in New York State has been the victim of unfulfilled Federal promises.

Similarly, appropriations for the Office of Economic Opportunity were not distributed fully resulting in severe cutbacks to the community action program, Neighborhood Youth Corps, Headstart, Job Corps centers, and migrant assistance programs.

These unfulfilled promises—no matter how well intended—do more harm than good. The administration should first assess the resources and its ability to apply them before promising us the moon.

Those companies, like Xerox, which have been able to participate in the JOBS program will find it worthwhile. But a communitywide effort must fill the void left by promises made to other firms and potential trainees.

One such program could be helped by a tax incentive to apply nationwide, for firms hiring and training the unemployed and unskilled.

This concept, called the Human Investment Act, which I have sponsored, would look to the private sector for its initiative and fulfillment.

Over the past several years America has experienced an unprecedented economic boom.

Within that expanding economy, however, there has been a major shift in the employment structure. The number of job openings for the untrained and unskilled drops drastically each year.

The continued existence of such groups is incompatible with our standards of human justice and threatens the stability and strength of our Nation.

Presently only about one out of every 10 jobs calls for unskilled labor and this percentage will continue to decrease. The vacancy rate for those few unskilled jobs is lower than for the more skilled positions.

The advances made into this space age require a more highly trained work force. The vitality of our economy depends on providing each individual with equal opportunity for meaningful employment.

Our increasingly complex society will no longer permit the unskilled, deprived, or disadvantaged to be absorbed into a sophisticated economy.

One thing is obvious. Despite steadily increasing productivity of the Nation's economy, significant levels of poverty, unemployment, and underemployment exist. This is visibly acute in the core areas of our major cities.

About one-third of those living in the blighted areas either do not work or earn a wage that is insufficient to maintain themselves and their families.

Poverty and underemployment are not limited to urban life.

About half of the Nation's unemployed are still in rural areas where employment opportunities are growing all too slowly. Unless rural economies can be rejuvenated or restructured, the rural poor will continue to move into the urban centers, compounding the problems there.

What we have in H.R. 15045, is a good start toward reaching our goals. But we must remember that it is only a start. It is imperative that we continue to develop new and imaginative programs to meet these problems.

I particularly support the committee recommendations to set aside 2 percent of the yearly appropriation for training and related technical assistance, and to allow a more effective and flexible use of skill centers.

But on top of all this we must assure greater cooperation at all levels of government and with the private sector. Through this cooperation we can really meet the needs of the people.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the adjournment that took place during August, one of the most respected Members of this body took the journey into the great beyond. I rise not to give a eulogy about him on this occasion, because eulogies will be given at a later date. I refer to our dear and valued friend, our late colleague from Pennsylvania, Elmer Holland. I was in Boston when I heard of his death. We knew he had been ill for some time, but his death apparently occurred with some unexpected suddenness. My purpose in making these few remarks on this occasion is to call attention to the fact that probably no Member of this body has contributed more toward the passage of manpower development and training legislation than did our dear friend, Elmer Holland. Other members of the committee also participated, and I commend them for their part.

I can remember when Elmer Holland was chairman some years ago—not so many years ago, but several years ago—of an ad hoc subcommittee to make a certain investigation, and out of the investigation and inquiry of the subcommittee emanated the first Manpower Development and Training Act. It was in the early 1960's.

The passage of this bill is a tribute to the memory of Elmer Holland. We all miss him. He performed his duties under great physical difficulties, even to the day we adjourned 5 weeks ago, being on the floor of the House and participating in the deliberations of this body. He always conducted himself not only in a gentlemanly manner but as a dedicated legislator.

My purpose in rising on this occasion is to let the RECORD contain the fact that Elmer Holland played a very important part, a leading part, in this legislation. In fact, he introduced the original bill, as I remember, in connection with the passage of the important legislation we are considering today.

I know all of my colleagues on both sides of the aisle will pause for a second or two on this occasion to pay tribute to our late friend and our late colleague, Elmer Holland.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I am glad to yield to the gentleman from New York.

Mr. GOODELL. I want to associate myself with the Speaker's comments.

I worked with Elmer Holland on that original legislation which he introduced first in 1961. We held long hearings. He was diligent and very much committed to the purpose of this act. It was a somewhat revolutionary or unusual approach in 1961. He was very constructive and cooperative in developing a bipartisan approach to the manpower program. It was because of his approach we were able, in 1962, to pass this legislation with a very major bipartisan imprint on it.

Certainly Elmer Holland deserves a great deal of credit for that.

More than that, it was always a privilege for me and I believe for his other colleagues who worked with him on the

Committee on Education and Labor to be associated with him, working in the best interests not only of the laboring man and labor legislation but also our Nation.

I am proud to join the Speaker at this time.

Mr. McCORMACK. I appreciate very much the remarks of my friend. I know his remarks will be very consoling to Mrs. Holland.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise to endorse H.R. 15045, a bill to extend the Manpower Development and Training Act of 1962. I wish also to add my voice to the chorus of tribute to the late Elmer Holland, whose patient and skillful efforts in earlier Congresses were primarily responsible for the enactment of the MDTA legislation, and, more generally, for the development of a coherent and balanced national manpower policy.

H.R. 15045 extends programs which, in my judgment, must be characterized as success stories. Since its inception, the MDTA has created 1.2 million opportunities to train and educate the human victims of automation and of an ever more sophisticated technology. These opportunities have not been of the busy-work variety. They have rather been chances to train for the skilled jobs which our economy has created, jobs which provide their holders with a productive and satisfying occupation.

I will leave to other Members the explanation of the specific provisions of H.R. 15045. I wish to discuss one aspect of the MDTA, the very successful skills centers. My home city of Trenton was fortunate to receive quite recently almost $600,000 in MDTA funds for the Trenton Skills Center. This project is designed to provide education and training to unemployed workers in several occupational skills, including automobile repair, welding, key punch operation, electrical appliance service, and others. As this brief description indicates, the Trenton Skills Center is concentrating on preparing men and women for occupations where qualified workers are sorely needed. This undoubtedly accounts for the extremely commendable 89-percent placement rate of trainees who graduate from the Skills Center. In my opinion, the Trenton Skills Center has already contributed a great deal to the economy and the people of Trenton. I fervently hope that the skills centers programs can be continued and expanded.

Mr. Chairman, I am sure others have similar success stories from their States which would testify to the merit of the MDTA programs. The human and economic value of these programs is obvious. I would make one final comment, which may not be obvious. This Congress has properly undertaken a firm commitment to stop the crime which threatens all of our constituents. But I think we should constantly keep in mind that although effective aid to our law enforcement agencies is an essential part of that commitment, it is not the whole answer. As the Report of the President's Commission on Law Enforcement and Administration of Justice concluded:

> The criminal justice system . . . was not designed to eliminate the conditions in which most crime breeds. It needs help. Warring on . . . unemployment is warring on crime.

H.R. 15045, like all measures intended to improve the opportunities of our citizens for a productive and dignified life, will be of long-range help in stopping the violence which we all detest.

Mr. Chairman, I strongly recommend enactment of this legislation.

Mr. PHILBIN. Mr. Chairman, I am in strong support of this very meritorious bill, H.R. 15045, to extend the Manpower Development and Training Act. The passage of this bill is necessary in order to maintain program continuity and insure continued progress toward full employment.

I have been interested in the proposals covered by this legislation since it first came before the Congress, and in its early stages indicated my strong support and urged favorable action.

I am convinced that this legislation moves in the right direction and has been a contributing factor in solving some of the problems of hard-core unemployment. There is no question whatever concerning the great merits of the basic legislation.

It is with a sense of real satisfaction that I support the measure and hope and believe that it will continue to be of great benefit to the many people who will receive consideration and help under its provisions.

Mr. MILLER of Ohio. Mr. Chairman, I have long been interested in establishing a program to help solve this country's manpower problems by utilizing the ingenuity and resources of private enterprise. Properly amended and administered the Manpower Development and Training Act of 1962 can do much to accomplish this end. From the beginning the Manpower Development and Training Act has contained provisions to make it clear that congressional intent is that States are to be partners in the Federal manpower program.

Unfortunately this intent has been downgraded during the past few years, resulting in delays in funding projects. Disregarding this congressional intent the Department of Labor has proposed that the promotion, development and funding of on-the-job projects be assumed by Federal personnel. The State agencies would only retain the responsibilities for monitoring and servicing such programs.

In order to have an effective training program States must be permitted to participate on an active basis, and efforts to involve private enterprie must be increased.

The Manpower Development and Training Act can be the basis for a successful program in a field that has been marked by frustration. Amendments offered by the minority on the House floor can go far to achieve an effective program for developing skills among the untrained in the Nation. I support these amendments, and the other provisions of H.R. 15045.

Mr. PICKLE. Mr. Chairman, I am happy to lend my support to the bill to extend the Manpower and Development Training Act of 1962.

The history of this program has been marked with significant progress, and as a former member of the Texas Employment Commission, I have some familiarity with the problems faced in this field. In the early days of this program, I am proud that I pushed the MDTA training program in Texas.

Manpower projects have traditionally been aimed to make employable those who, sadly enough, have not been able to get the kind of job they need to support themselves and families. It is a practical program: It talks dollars and cents to the little man who needs a job; it pays for itself in the form of increased tax revenues; and the bill before us now carries forward the requirement that there be a reasonably sound expectation that the type of training given will equip the person to get a decent job.

In my own district over the past year, we have seen concrete examples of the good flowing from manpower projects.

In February, a program was started in Austin to provide training to 20 hotel and restrauant cooks. Austin also was awarded a program to train 307 auto mechanics and auto parts countermen.

Another similar on-the-job training project in Austin provides experience in auto repair for 196 people.

These programs have been good. They have proven themselves for a number of years, and I am hopeful that we may continue this effort.

I realize that there have been problems in planning the financing available to the Manpower Administration over the past year and a half. I hope this bill will, in some measure, clear the air so that the jobs to be made available in the future will bring an even greater success story.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MACDONALD of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15045) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended, pursuant to House Resolution 1271, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 315, nays 0, not voting 118, as follows:

[Roll No. 309]

YEAS—315

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashbrook
Aspinall
Ayres
Bates
Battin
Belcher
Bell
Bennett
Bevill
Biester
Bingham
Blackburn
Blanton
Boggs
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carter
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Corbett
Cramer
Culver
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Devine
Dingell
Dole
Donohue
Dorn
Dowdy
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Everett
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hardy
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Marsh
Mathias, Calif.
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Minshall
Mize
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Mich.
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Podell
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ryan
St. Onge
Sandman
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Taft
Talcott
Taylor
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Williams
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—118

Adair
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ashmore
Baring
Barrett
Berry
Betts
Blatnik
Boland
Bolling
Bolton
Brown, Calif.
Brown, Ohio
Cabell
Carey
Celler
Clancy
Clawson, Del
Colmer
Conyers
Corman
Cowger
Cunningham
Daddario
Dawson
Delaney
Denney
Derwinski
Dickinson
Diggs
Dow
Downing
Eckhardt
Edmondson
Evans, Colo.
Evins, Tenn.
Fallon
Flynt
Friedel
Fulton, Tenn.
Gallagher
Gardner
Gray
Green, Pa.
Gubser
Gurney
Halleck
Hansen, Wash.
Hays
Hébert
Herlong
Holifield
Howard
Ichord
Jacobs
Johnson, Pa.
Jones, Mo.
King, Calif.
Kleppe
Kyl
Landrum
Long, La.
McClory
McCloskey
McDade
McMillan
Machen
Mailliard
Martin
Mathias, Md.
Matsunaga
May
Miller, Calif.
Mink
Monagan
Moore
Morris, N. Mex.
Morse, Mass.
Morton
Nix
O'Hara, Ill.
O'Neill, Mass.
Philbin
Pirnie
Poage
Rarick
Rees
Reifel
Resnick
Ronan
Roudebush
Ruppe
St Germain
Satterfield
Scherle
Schweiker
Sikes
Sisk
Skubitz
Smith, N.Y.
Snyder
Stafford
Stephens
Stubblefield
Stuckey
Sullivan
Teague, Calif.
Teague, Tex.
Walker
Wiggins
Wydler
Yates
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Philbin with Mr. Arends.
Mr. Hébert with Mr. Mailliard.
Mr. Downing with Mr. Berry.
Mr. Matsunaga with Mr. Pirnie.
Mr. Hays with Mr. Brown of Ohio.
Mr. Ashmore with Mr. Cunningham.
Mr. Blatnik with Mr. Derwinski.
Mr. Fallon with Mrs. Bolton.
Mr. Evins of Tennessee with Mr. Adair.
Mr. Edmondson with Mr. Johnson of Pennsylvania.
Mr. Holifield with Mr. Betts.
Mrs. Hansen of Washington with Mr. Roudebush.
Mr. Ronan with Mr. Smith of New York.
Mr. Satterfield with Mr. Martin.
Mr. Stubblefield with Mr. Andrews of North Dakota.
Mrs. Sullivan with Mr. Moore.
Mr. Teague of Texas with Mr. Dickinson.
Mr. King of California with Mr. Halleck.
Mr. Miller of California with Mr. Morton.
Mr. Monagan with Mr. Mathias of Maryland.
Mr. O'Neill of Massachusetts with Mr. Morse of Massachusetts.
Mr. Sikes with Mr. Clancy.
Mr. Sisk with Mr. Gurney.
Mr. Celler with Mrs. May.
Mr. Barrett with Mr. Stafford.
Mr. Green of Pennsylvania with Mr. Denney.
Mr. Gray with Mr. Del Clawson.
Mr. Friedel with Mr. Kyl.
Mr. Fulton of Tennessee with Mr. Conyers.
Mr. St Germain with Mr. Teague of California.
Mr. Yates with Mr. Wydler.
Mr. Andrews of Alabama with Mr. Reifel.
Mr. Boland with Mr. Gubser.
Mr. Brown of California with Mr. Ruppe.
Mr. Daddario with Mr. McCloskey.
Mr. Delaney with Mr. McDade.
Mr. Colmer with Mr. Kleppe.
Mr. Cabell with Mr. Scherle.
Mr. Carey with Mr. Gardner.
Mr. Gallagher with Mr. Wiggins.
Mr. Ichord with Mr. McClory.
Mr. Walker with Mr. Snyder.
Mr. Machen with Mr. Schweiker.
Mr. Young with Mr. Skubitz.
Mr. Jacobs with Mr. Ashley.
Mr. Corman with Mr. Dawson.
Mr. Long of Louisiana with Mr. O'Hara of Illinois.
Mrs. Mink with Mr. Conyers.
Mr. Dow with Mr. Diggs.
Mr. Resnick with Mr. Nix.
Mr. Morris of New Mexico with Mr. Landrum.
Mr. Eckhardt with Mr. Baring.
Mr. McMillan with Mr. Poage.
Mr. Stephens with Mr. Stuckey.
Mr. Rarick with Mr. Rees.
Mr. Flynt with Mr. Herlong.
Mr. Evans of Colorado with Mr. Howard.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "A bill to extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes."

A motion to reconsider was laid on the table.

Mr. O'HARA of Michigan. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill just passed, the Clerk be authorized to correct section numbers to reflect the amendments adopted to the bill.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, Monday is District Day, but there are no District bills.

On Monday we will program H.R. 10564, marketing orders on pears for canning or freezing, under an open rule, with 1 hour of debate.

For Tuesday and the balance of the week:

S. 3293, the Defense procurement authorization, fiscal year 1969, conference report;

H.R. 15681, the Foreign Military Sales Act, under an open rule with 1 hour of debate;

H.R. 15890, additional positions in certain executive agencies, under an open rule with 1 hour of debate;

H.R. 18707, the Department of Defense appropriation bill, fiscal year 1969—calling this bill up will be subject to the conference report on S. 3293 being approved by both Houses of Congress; and

H.R. 18260, the National Scenic Rivers Act of 1968, subject to a rule being granted.

In addition, Mr. Speaker, the distinguished chairman of the Committee on Ways and Means has advised that on some day next week he will call up, under unanimous-consent request, a number of bills unanimously reported by the Committee on Ways and Means; and I ask unanimous consent that a list of these bills may be included at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The list is as follows:

H.R. 6909, relating to the rate of duty on stethoscope parts;

H.R. 7567, relating to the definition of compensation under Railroad Retirement Tax Act;

H.R. 11394, amending Internal Revenue Code re distilled spirits;

H.R. 13419, providing for the free entry of Cuprophane;

H.R. 15003, preventing payment of multiple customs duties on certain racehorses;

H.R. 15114, relating to losses incurred in connection with redemption of savings notes; and

S. 1578, relating to authorization for appropriation for U.S. contribution for International Union for Publication of Customs Tariffs.

Mr. ALBERT. Mr. Speaker, the program which we have announced is, of course, subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. GERALD R. FORD. Although the Defense Department appropriation bill is listed fourth, if both Houses of the Congress approve the procurement authorization bill on Tuesday, would that bill be programed ahead of the other two listed?

Mr. ALBERT. If the distinguished gentleman will yield, I believe that would be covered under our reservation that any further program may be announced later. We might get that bill sooner, because it is obviously the paramount bill on the program for next week.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—I would like to inquire of the distinguished majority leader the prospects for adjournment sine die?

Ordinarily, if this were an off year, I would be inquiring from the standpoint of trying to get in a little fishing before the ice forms out in the Middle West.

Mr. ALBERT. The gentleman is a fisher for men.

Mr. GROSS. I am a fisher for votes this year.

Mr. ALBERT. That is what I mean to say.

Mr. GROSS. And I think there are a lot of others in the same boat.

This is not much of a workweek we have in front of us here. With the exception of a couple of bills, the rest of them could be scrapped, and it would certainly be a service to the public to scrap the rest of them, including this supergrades bill, I will say to my friend from Oklahoma. What are the prospects, so that we can make some firm commitments in the business of campaigning? We are getting close to October 1. I would hope that the distinguished majority leader could give us some information as to how we can respond to campaign requests.

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield.

Mr. ALBERT. The majority leader is very sorry that he cannot give the gentleman specific information at this time. I think I can make the general observation that any failure to adjourn at a reasonable time will not, I believe, be the fault of this side of the Capitol.

Mr. GROSS. I would think that the Democrat Members of the House would want to get out into the hustings and explain away the creation and then abandonment of Fort Daley and a few other things that I am sure you are going to be confronted with. At least some of us on this side of the aisle will be in the business of reminding you of the events of the past week or 10 days.

Mr. ALBERT. Will the gentleman yield further?

Mr. GROSS. Of course.

Mr. ALBERT. That was no Democratic fight. That was just a scrimmage. We were only getting ready for the Republicans this fall.

Mr. GROSS. I would suggest that you devote your dry runs to some other subject.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. PEPPER. The gentleman brought up the subject about Fort Daley. I would have thought that the distinguished nominee for the GOP for President, when he was out there yesterday, would have denounced Mayor Daley and everything the city of Chicago did. However, when the subject was raised, he, like Pilate, washed his hands and had nothing to say about it.

Mr. GROSS. Of course, I cannot anticipate what the next President of the United States is going to say on any subject.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to my friend from Missouri.

Mr. HALL. I appreciate the gentleman from Iowa yielding to me.

I am a little bit concerned about the statement of our distinguished majority leader in connection with H.R. 18707. My query is this: Would acceptance by unanimous consent of his statement "subject to conference report on S. 3293 being approved by both Houses of Congress" make it in order to consider H.R. 18707 before it had been signed into law by the President of the United States?

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ALBERT. The gentleman is referring to S. 3293 being signed into law?

Mr. HALL. That is correct.

Mr. ALBERT. I think the answer is, as the gentleman will recall, that prior to the recess for the conventions the distinguished chairman of the Committee on Appropriations had stated he would not call up the appropriation bill for the Department of Defense until the conference report on S. 3293 had been passed by both the House and the Senate. He did not limit or restrict that to the signing of the bill. Of course, the Department of Defense appropriation bill has a rule waiving all points of order. So if the conference report is agreed to, it would be in order both under his announcement and under the parliamentary situation governing the appropriation bill to bring it up before the President signed the authorization bill.

Mr. HALL. Mr. Speaker, if the gentleman from Iowa would yield further, I appreciate the fact that he has made the very point which I wanted to emphasize, and that is the fact that we will revert to the waiver of points of order as adopted under considerable duress in this House and great colloquy as contained in the legislative record in the interest of expediting the business of Congress.

Mr. Speaker, I know full well the need for the passage of the Department of Defense appropriation bill. I say this if the procurement authorization bill is agreed to in conference. I would only hope we could have some more appropriation bills next week for the consideration of the House and get the business of the Congress completed. However, I did want to make it clear that we would be operating under a waiver of points of order if this procurement authorization bill is not signed into law at the time of the consideration of the Defense appropriation bill.

Mr. ALBERT. This is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SOVIET INVASION OF CZECHOSLOVAKIA

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I am joining today with the distinguished chairman of the Committee on Foreign Affairs, Dr. MORGAN, and a number of other colleagues in presenting a resolution which condemns Soviet invasion of Czechoslovakia, expresses our admiration for the Czechoslovak people, and gives voice to the hope that the principles of equal rights and self-determination of peoples embodied in the Charter of the United Nations will be applied once again in that country.

Mr. Speaker, the conscience of mankind was shaken by the brutal Soviet military occupation of Czechoslovakia. This act undermined all the progress that has been achieved in recent years in building a solid foundation for lasting and just peace and for the reconciliation of Europe.

I know that all of us are deeply distressed by the developments taking place in Czechoslovakia not only because of our sympathy for the Czechoslovak people but also because of its impact on world affairs generally.

We call upon the Soviets and their allies not to "unleash the dogs of war." Let them call their troops home, and leave the Czechoslovak people free to pursue their own destiny.

Mr. Speaker, the text of our resolution reads as follows:

RESOLUTION CONDEMNING THE INVASION OF CZECHOSLOVAKIA

Whereas the invasion of Czechoslovakia by the armed forces of the Soviet Union, Poland, Hungary, Bulgaria, and the East German regime constitutes a flagrant violation of Czechoslovakia's territorial integrity and political independence, a disruption of the international order, and violation of the Charter of the United Nations; and

Whereas the people of Czechoslovakia by their calm and courage in the face of irresistible force have earned the respect of free peoples everywhere: Therefore be it

Resolved, That the United States House of Representatives—

(a) condemns the invasion of Czechoslovakia as an affront to human rights and as an unlawful use of force contrary to the fundamental principles of the United Nations Charter and of international law;

(b) expresses its admiration for the people of Czechoslovakia and its earnest hope that the principles of equal rights and self-determination of peoples embodied in the Charter of the United Nations will be applied once again in Czechoslovakia.

Mr. Speaker, on July 30, 1968, I placed in the CONGRESSIONAL RECORD beginning on page H7883, a chronology of events relating to Czechoslovakia, covering the period from January 1 through July 30, 1968.

Today I wish to bring that chronology up to date for the information of all Members of Congress. The chronology follows:

CHRONOLOGY OF EVENTS RELATING TO CZECHOSLOVAKIA SINCE AUGUST 1, 1968

August 1: Meeting at Cierna ends. Communique extremely vague, announces that a limited East European summit meeting would take place in Bratislava on August 3rd. The communique is followed by uninformative speeches by Svoboda, Dubcek, Smrkovsky, and Cernik.

August 2–3: Soviet, East German, Polish, Hungarian and Bulgarian leaders arrive in Bratislava for meetings with Czechoslovak officials. Subsequent declaration appeared to be a patch job of previously agreed-to cliches.

August 8: *Literarni Listy* publishes attack on Russian tactics leading up to the Bratislava meeting.

August 9: President Tito of Yugoslavia arrives in Prague for a 2-day visit, given a hero's welcome.

August 10: New Warsaw Pact maneuvers begin along the entire length of the Czechoslovak frontier.

August 12: The East German Communist Party First Secretary, Walter Ulbricht, meets with Czech leaders at Karlovy Vary.

August 14: Soviet press reacts sharply to the *Literarni Listy* article. Anti-Czech polemics, dormant for two weeks, resumed.

August 15: First Secretary Nicolai Ceausescu of Romania arrives in Prague for a 2-day visit and high level talks.

August 16: Soviet Politburo meets in special session, reportedly to discuss the question of direct intervention in Czechoslovakia.

August 17: Czech Party Presidium holds talks with press leadership and asks for restraint.

August 19: Brezhnev sends Dubcek letter complaining that loyal communists are being persecuted in Czechoslovakia. Dubcek asks the press to impose self-censorship.

August 20: Soviet, Polish, East German, Hungarian, and Bulgarian troops invade Czechoslovakia. Czech leaders taken into custody. Prague occupied. Borders sealed and communications cut off.

August 21: Czechoslovak Government and party officials state that they had no knowledge of, nor did they grant approval for, the invasion of Czechoslovakia by the Warsaw Pact Five. Soviets and allies maintain that they were "invited" into Czechoslovakia by "Party and Government officials." Czechoslovak leadership calls for calm; Army told not to resist.

August 21: Czechoslovak National Assembly calls invasion a violation of sovereignty and demands the immediate withdrawal of foreign forces. Representatives of Canada, Denmark, France, Paraguay, United Kingdom, and United States request that the UN Security Council be convened to discuss the Czech situation. President Johnson expresses shock on behalf of nation at the tragic news that Soviets and their allies have invaded Czechoslovakia.

August 22: Security Council convenes and considers the Czech question.

August 22–23: Czechoslovak Communist Party holds secret Party Congress and elects new liberal leadership.

August 23: Svoboda departs for the Soviet Union and negotiations; upon arrival in Moscow, demands that Dubcek and other leaders who were spirited away from Prague be allowed to join him. Czechoslovak representative addresses the UN Security Council and condemns the invasion of Czechoslovakia.

August 24: Tito and Ceausescu meet at Romanian-Yugoslav border. Czechoslovak Foreign Minister Hajek addresses Security Council and terms the occupation of Czechoslovakia unjustified and counter to international law.

August 26: Moscow meeting end. Communique ominous in content, calls among other things for occupation, censorship, and removal of Czechoslovak question from Security Council agenda.

August 27: Czechoslovak leadership returns from Moscow; includes missing members Dubcek and Smrkovsky.

August 28: Czechoslovak leaders address the nation and bluntly tell the population that the road ahead will be dangerous and difficult.

August 29: Reports of Soviet military buildup against Romania.

August 30: Soviet Ambassador assures Secretary Rusk that the Soviets have no intention of invading Romania.

August 30: President Johnson speaks on Eastern Europe, warns "let no one unleash the dogs of war."

August 30–31: Czechoslovak Central Committee meets and elects a new Presidium expanding that body from 11 to 21 members. The majority of members are believed to be liberals or progressives.

LIMITATION ON THE EXPORT OF LOGS FROM FEDERAL TIMBER

Mr. WYATT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, logs are the lifeblood of my State. And half of them come from Federal forests. Our national forests were established by Congress late in the last century to guarantee an adequate timber supply for the people of the United States. Later, in 1937, when Congress established policies for the management of the revested O & C Railroad grant lands in western Oregon, it said that their resources were to be used primarily for stabilization of the economy of local communities.

The forest industry in Oregon is our No. 1 employer with more than 85,000 direct jobs and an annual payroll approaching $600 million. Our forest harvest brings in a billion and a half dollars a year. More than twice as much as our second largest breadwinner—agriculture. Based as it is upon a renewable resource, forestry will always produce our basic economy. Oregon forests are not only important to those of us who live and work there, but because they contain a fifth of the Nation's timber supply are important to homebuilders, newspaper and magazine readers and TV viewers and others of the millions of forest products consumers throughout our Nation.

Our friends in Japan have been buying an increasing number of logs from the Pacific Northwest in the last decade. This year it will be more than 2 billion board feet. That is nearly 18 percent of our total annual domestic consumption of logs in Oregon and Washington. This heavy additional demand on top of our normal pressures to meet the needs of the people of the United States for wood has greatly boosted timber and log prices and is now raising lumber prices to the American homebuilders to almost unprecedented levels.

My colleagues and I have joined in urging an amendment to the foreign aid bill, now in conference, which would limit the export of logs from Federal timber in the West to 350 million board feet per year. Our Federal forest agencies and the industry agree that this is a safe level to allow without jeopardizing the domestic supply of forest products or opportunities for employment in our basic forest industry.

Mr. Speaker, I am hopeful that under the competent leadership of the distinguished chairman of the Committee on Foreign Affairs that the House conferees will support this amendment to the foreign aid bill to safeguard the timber supplies of the American people and jobs of the people in the hundreds of western communities where sawmills and plywood plants are the main source of employment.

PROBLEMS CONFRONTING MAYOR DALEY AND CITY OF CHICAGO DURING DEMOCRATIC CONVENTION

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on Wednesday this week my distinguished colleague, the Honorable Roman Pucinski, a former newspaperman in the city of Chicago, asked and was given permission for a special order for 1 hour in order to bring to the attention of the Members of the House and the people of America in proper perspective the problems confronting Mayor Daley and the city of Chicago during the recent Democratic Convention. Roman Pucinski is eminently qualified because of his background and training as a newspaperman to present a true picture of the happenings of Wednesday and Thursday of the convention week.

I share with him the belief that the whole country must be told in order that a fair and honest appraisal can be made before judgment is passed on an entire community. I have known Mayor Daley since 1940 and he is not the kind of a man who tackles a job haphazardly. He is a man of great human understanding. He is a man who uses tremendous discretion before a decision is made. He has had one of the most outstanding political careers as a public servant of any man I know in American politics. I have watched him as the minority leader of the Illinois Senate and in this capacity he was responsible for the enactment of social and liberal legislation that to this day is benefiting the people of Illinois. He served with great distinction and honor as a member of Governor Stevenson's cabinet as director of revenue. I, too, served in Governor Stevenson's cabinet working alongside Dick Daley and during those years I had the opportunity to observe the tremendous contribution that he made to the establishment of new procedures for the collection of much needed revenues in our State.

He became the county clerk of one of the largest counties in the Nation—Cook County—and under his jurisdiction are all of the election precincts in our county outside of the city of Chicago, Berwyn, and Cicero. He was one of the leaders to bring election machines to the precincts of Cook County and was responsible for many of the reforms in that office, again serving the people of his city and his county with humility, understanding, dedication, and devotion.

In 1955 he was elected mayor of the city of Chicago and during the past 12 years as mayor of our city he has completely reorganized, updated, and modernized every branch of service to the citizens of Chicago. Our police department, our fire department, our bureau of streets and sanitation, our air pollution department, our health department—in fact, every department, has felt the impact of this man's dedication to bring good, honest, and efficient government to Chicago.

I cannot and will not agree with the critics of Dick Daley—that he had any forethought or malice to hurt anyone at the Democratic Convention. The situation that occurred in Chicago would have occurred in any city in the United States had the convention been held in that city. It may be true that in many instances the police overacted but on the whole we must agree that the police department is to be congratulated for doing an outstanding job. With all of the so-called demonstrations or rioting that took place, the record will show that not one person was killed in Chicago. The record will show that not one delegate was bothered on the streets of Chicago. The record will also show that not one delegate was injured, that not one delegate was robbed nor molested. The record will also show there was not one complaint to the police department from any delegate, or alternate delegate, that he had been abused in any way.

The Conrad Hilton Hotel is located in the Seventh Congressional District which I have the honor to represent in the Congress of the United States. On Wednesday night I walked on Michigan Avenue from the Congress Hotel past the police over to the Conrad Hilton Hotel and I observed the demonstrations of these 10,000 people who came from outside our city as "visitors" to this convention. I observed the television cameras on these people and on the police, yet only a block away from the Conrad Hilton Hotel there were no demonstrations or riots. Life went on as normal, and except for the TV coverage of the events, no one outside of the small area around the hotel would have known that any disturbances were taking place.

I want to say in all frankness that in my entire district there is nothing but praise and plaudits for Mayor Daley because not one place of business and not one home was burned in Chicago. One must remember that in my district on the West Side of Chicago we have already had two riots. I have seen the businesses in two different sections of my district burned out. I have seen the peoples' homes burned and mothers, fathers, and children made homeless—because of the outside agitators who came in to destroy and I must say in all candor and frankness that we in Chicago are grateful to the Chicago Police Department and the great mayor of our city because no home nor business places were burned, no children were injured, and in fact, no one was hurt. We have had a proud record of noncasualties.

In my opinion I think it is the responsibility and the obligation of the television media and the press to tell the whole and complete story. There has been too much concentration on the scene that took place on Wednesday and Thursday night in a small area near the Conrad Hilton Hotel and Grant Park where over 10,000 demonstrators had gathered for the express purpose of causing trouble and disrupting the orderly procedures of the convention.

The American people must be told that the trouble that took place in Chicago was only in a small area and that the entire city of Chicago and the county of Cook did not know what was happening except what they saw on the television screen.

Mr. Speaker, I want to say to my colleagues that on Friday, Saturday, and Sunday our city looked as though we never had a convention. Our people went about their own business in a normal fashion.

I have heard many statements made about our great Attorney General, Ramsey Clark. I know the Attorney General. He visited Chicago on October 12, 1967, as the grand marshal of the Columbus Day parade and marched with me, Mayor Daley, and many other government officials and dignitaries.

There are those who are screaming for indictments of the Chicago demonstrators. Let us remember that we do not live in Communist Russia. We do not live in Hitler's Germany. We do not live in Fascist Italy. We live in the United States of America where evidence must be brought before a grand jury and indictments made before a grand jury and this evidence must be brought to a court of law. No man in America is judged guilty by an individual but he must be tried by a jury of his peers. This is the American way.

We are fortunate that Ramsey Clark is the Attorney General of the United States because he is a man of great stamina and believes in the American way of jurisprudence. I am sure that if there is any evidence, and when this evidence is collected, and indictments are made in a proper manner, that the strength and might of the Justice Department of the United States will be used to punish the guilty and protect the innocent.

Mr. Speaker, the Democratic Party is a party composed of southern Democrats, liberals, labor people, and many other elements. Our convention is over and I am asking that all of these groups give sober thought and judgment to what lies ahead, so that we can be united again to work in our party on behalf of America and the American people. I condemn any man or woman who uses what happened at the Democratic Convention for political purposes. This is demagoguery of the worst sort.

I have heard no Democrats nor Republicans criticize the convention in Miami where riots did take place, where men were beaten, where people were killed, and their homes and businesses burned.

No party and no man is without sin, but if we are to have a campaign in 1968 to elect a President who will represent all of the people of this country it is necessary that we go about our business in a manner which will bring the issues before the American people.

The television, radio, and the press must understand the important role they have if we are to save America from those anarchists who want to destroy us. The news media cannot present just one part of the picture—they must present the whole picture. Because when all of the facts are brought to the attention of the American people, they will vote their conscience as they have done from the beginning of our country. I know that when all of the oratory of the campaign is over, that the 1968 campaign will be resolved by the American people only on the issues, without hatred, without bigotry, without prejudice, but with love, understanding, and compassion for their fellow man.

ATTORNEY GENERAL CLARK MAKES SENSE ON LAW AND ORDER

Mr. **TENZER**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **TENZER**. Mr. Speaker, the Attorney General of the United States, the Honorable Ramsey Clark, has consistently made sense in analyzing the problems relating to maintaining law and order and meeting the challenges of our riot-potential cities.

There are those who call for use of maximum force to quell civil disorder—those who quickly support the use of an overwhelming militia to protect the people—and those who find it politically expedient to not only use a show of force, but also to call for shooting of looters.

There can be no law and order without social justice. We should be equally or even more concerned with improving the quality of law enforcement through modern training, better salaries, higher educational standards, and expanded opportunities for those who enter the field of law enforcement.

Attorney General Clark has long been an advocate of these progressive steps and a recent editorial broadcast over WTOP in Washington on August 23 and 24 strongly supported Ramsey Clark in opposing unwarranted overreaction, such as the shooting of looters.

With unanimous consent, I place the text of the editorial in the Record in its entirety:

This is a WTOP Editorial.

There are opportunists everywhere, it seems, who see political gold in the issue of looting. Emotional appeals for turning guns on people hauling goods out of store-fronts have been fairly common in the Washington area since the April disturbances. Too often they get a sympathetic hearing from those who are frightened by the times and desperate for a quick end to our social unrest.

U.S. Attorney-General Ramsey Clark warned in a speech the other day that those who encourage shooting in such situations are not doing the police or the nation a favor. "Anyone who thinks bullets are cheaper than adequate numbers of $10,000 per year, college-trained policemen," said Mr. Clark, "values life cheaply and misunderstands human nature."

Looting is a crime which must be punished; but under our laws it is not a capital crime punishable by death. "What is it that causes some to call for shooting looters," wonders the Attorney-General, "when noone is heard to suggest the same treatment for drunk drivers who kill 25,000 people each year?"

There is a dangerous inconsistency in the argument that deadly force is justified to protect property. Bank embezzlers, Mr. Clark notes, steal more property by far than looters, but there is no clamor among the seekers after votes to shoot embezzlers.

Well-trained and well-financed police agencies, strong police-community relations, adequate numbers of officers—these are the proper weapons for preventing riots and looting and for controlling such conflagrations when they occur.

The enlightened police agencies in this country have long operated under the rule that firearms should be resorted to only in self-defense or to protect the lives of other citizens. When police officers witness looting, they should use every means at their disposal—except bullets—to arrest the individuals involved.

The shrill politicians who want looters shot are wrong. The judicious Attorney-General who says such use of deadly force is neither necessary, effective, nor tolerable—is right.

This was a WTOP Editorial—Norman Davis speaking for WTOP.

Mr. Speaker, I urge my colleagues in the House to carefully review the advice of the Attorney General and to beware of the simple answers from those who seek political recognition first, and an answer to urban problems last.

THE LATE MAX HESS

Mr. **ROONEY** of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **ROONEY** of Pennsylvania. Mr. Speaker, the 15th Congressional District of Pennsylvania and the entire merchandising industry were stunned this week by the loss of a man who earned for himself international recognition as a retailing genius.

Max Hess, who propelled merchandising at Hess' Department Store in Allentown, Pa., to national and international prominence over a period of 33 years, died at his Allentown home Sunday.

It was only 6 months ago that Mr. Hess sold his retailing business. At the time of his death he was planning to seek the office of mayor of Allentown, the city which has maintained an extraordinary strong "downtown shopping district," largely through the efforts of Max Hess.

His merchandising techniques frequently attracted thousand of shoppers to Allentown, where they packed the sidewalks at all entrances to Hess', awaiting the start of business hours. His store became a mecca for name personalities who came to shop and to meet their public.

His citations for achievement in merchandising were numerous. Max Hess was one of six persons to receive the Eastman Achievement Award presented by the Eastman School of Business in New York. He received the Keystone Merit Award for "outstanding contributions to Pennsylvania," and his home city's bicentennial "certificate of merit."

He was named Chevalier of Honor by France for encouraging commercial relations between the United States and France. He was honored by the city of Rome and the Italian Institute for Foreign Trade.

As evidence of the high respect his community had for him, I would like to include in the Record at this point several newspaper articles and editorials which reflect the deep feeling of loss experienced by all who knew him. Allentown and Pennsylvania have lost a fine citizen and a tremendously energetic force.

The articles and editorials follow:

[From the Allentown (Pa.) Evening Chronical, Sept. 3, 1968]

Civic, Business Leaders Extol Hess' Contributions

The unexpected death Sunday of Max Hess, Allentown's retail merchandising giant, has thrust many segments of a shocked community into a sense of profound loss.

Mayor Ray B. Bracy, speaking in behalf of the community, said, "Allentown has lost a citizen who has probably done more to advance downtown Allentown and to promote Allentown nationwide than any other person in recent years. His dedication and confidence in Hamilton Street has helped keep that street one of the leading retail business sections of this country.

"Allentown and the Lehigh Valley have lost a great leader as well as a citizen, and Max Hess's family has lost a fine husband and father.

"The best memorial to Max Hess, and it will stand for years, is Hess's Department Store."

Philip I. Berman, president of Hess's since purchasing the store last March, also thought of the store as a memorial.

SHOCK EXPRESSED

"I was shocked when I learned of Max Hess's death. I expressed my deepest sympathy to the family on his untimely death.

"I can speak very highly of his contributions to this community. I would like to think of the great store which bears his name as his memorial, and we—all of us who work there—will make a great contribution to make this store even greater. I believe this is what he would have wanted.

"There is a bit of fate that in his own lifetime, by his own wishes, he turned the store over to us with the feeling it would be in hands that would carry on. We of the store are going to dedicate ourselves to fulfilling this faith and pledge."

Berman and Donald P. Miller, publisher of the Call-Chronicle Newspapers, were among the first to call upon Mrs. Hess after learning of Max Hess's death.

CARVED OWN NICHE

Miller said:

"Max Hess carved a niche in the community that was all his own. When we called him the 'Merchant Prince,' we really meant it because he was a master in his field. There was no phase of the great store unfamiliar to him, whether buying, pricing or advertising. He sat in on an advertising course developed for department managers, and within a year had doubled his ad volume.

"His policies, initiated by a shrewd understanding of the department store business, brought him national recognition. Allentown to many people in America, is Hess Brothers.

"It is a sheer tragedy that he sold the business so close to his heart with plans for rest and travel, only to be gone overnight.

"We will miss Max."

EXTRAORDINARY MERCHANDISER

Another with first-hand knowledge of Max Hess's contributions to Allentown is Don Dix, president of the Allentown-Lehigh County Chamber of Commerce. He said: "Max Hess was a truly extraordinary merchandiser.

"He built the image and reputation of Hess's of Allentown to the point where it was known worldwide. In so doing, he brought recognition and acclaim to Allentown. We are indebted to him for all that he did to make Allentown a leading retail center."

A keen competitor of Hess's for many years, one of the executives of H. Leh & Co., John Henry Leh, joined others in expressing shock at the loss to the community.

"Max Hess was a great merchant," said Leh. "He carried on the fine tradition of his father and uncle (Max and Charles Hess), the founders of Hess Brothers.

"It is a difficult assignment to step into the shoes of successful predecessors. Not only did he ably do this, but he succeeded in his own right in developing his great store. Allentown has been a good place in which to live because he has been a part in making it so."

A man who was friend to the founders of Hess Brothers as well as Max Hess, the former board chairman and president of the First National Bank, Frank M. Cressman, was shocked and sorrowed to learn of the untimely death.

"He was the leading merchandiser of this city and was looked upon as being a promoter of high standard merchandising. It was my privilege to know Max since his boyhood—knew both his father and mother through the Red Cross and Allentown Library, as well as the uncle, Charles Hess.

"Although I was a young man in those years, they symbolized good merchandising. Max followed through and improved upon their methods—and won worldwide renown in his field."

Jack K. Busby, president of the Pennsylvania Power & Light Co., whose office building stands across 9th Street at Hamilton from Hess's in Allentown, stated his feelings in this way:

"He changed the whole climate and pattern of activities of commercial Allentown and added a luster, local, national and international, to Allentown's name. He was a creative and innovative individual."

The general manager of Sears, Roebuck & Co.'s department store at Whitehall Mall, Charles Raab, said, "We'll miss one of the greatest merchants in the country. We did when he retired, but now more so. Max Hess was greatly respected in our business. He was an individualist, an imaginative entrepreneur. This respect was held for him throughout the country."

Donald G. Vollmer, president of Zollinger-Harned Department Store, said:

"I'm deeply sorry to learn about this." "It's a most unfortunate thing. I feel extremely sad for the family."

[From the Allentown (Pa.) Morning Call, Sept. 3, 1968]

MAX HESS—1911–68

Few contemporary careers in retail merchandising have been as glamorous and fabulous as the one that has come to a close with the death of Max Hess, until a few months ago the president and owner of Hess's department store.

Although his father and uncle established the foundations of the store some 70 years ago, in an era when few believed Allentown's business district ever would extend far west of 8th Street, their son and nephew was every bit as much of a pioneer. He expanded Hess's until it became what many regarded as the biggest single-store retail operation in the United States, an institution with a worldwide reputation and customers in every state.

Since he took over the full and active management of Hess's more than 33 years ago, he pioneered colorful merchandising techniques that brought customers pouring into his store and helped make Allentown one of the major shopping areas of the eastern megalopolis. Among these techniques were the kind of clearance sales that never let merchandise stay on counters or racks long enough to become shopworn or unfashionable, the art of making many husbands as fashion-conscious as their wives, the skill of catering as much to customers who count their pennies to meet family needs on strict budgets as to those who buy the most luxurious minks.

The decisions on which Hess's has grown through these years were basically his own. He made them as he moved through the store observing customers, talking to clerks and department heads, looking over the markets of the world either through the reports from his buyers or on his own frequent travels. The results indicate that the decisions were sound, for Hess's, for its 1,500 coworkers and for Allentown.

As he invested his energy, his talents and his means in his own store, Max Hess also expended them for Allentown. The success he achieved for his store has been an important factor in making the community that always was his home a better place to live, to work and to shop.

[From the Bethlehem (Pa.) Globe-Times, Sept. 3, 1968]

MAX HESS

The impact of Max Hess who died unexpectedly on Sunday is far-reaching. He was a merchandising marvel who built Hess's into one of the nation's finest department stores. He was a showman who hired anything and everything from roller-skating chimpanzees to movie stars to promote his store. He was a kind person sometimes moody, at times quick-tempered, but with a flair that made knowing him an adventure.

The rise of Max Hess to prominence in the merchandising world is a classic in the American tradition. He dropped out of Muhlenberg College in 1932 to take over Hess Brothers, the store founded by his father and an uncle. Sapped by the depression and hindered by staid practices, the department store found renaissance under its young leader. He instituted an inventory system that kept fresh stock constantly in front of customers. He built escalators, installed air conditioning, and gave customers the feeling of shopping excitement. He sent buyers to all corners of the world looking for fashions and new products to catch the fancy. Meanwhile, he never lost the hometown touch and never gave up his direct contact with shopper and employes. In 1951, the New York Times wrote of him: 'The ideas of young Hess have attracted nationwide attention. Some of the giants in the business could take a leaf from his book."

The influence of Max Hess upon retailing in the Lehigh Valley also went considerably beyond his bustling establishment at 9th and Hamilton. His Allentown competitors would be the first to agree that Mr. Hess brought traffic and gave Hamilton St. banner years when downtowns elsewhere were fading.

His impact upon Bethlehem was just as great, if not so evident. The challenge of every city retailer was to give the people something which would keep them from "going to Hess's." But each year Bethlehem shopping dollars helped swell Hess's gross volume of business to new records. In one year-end promotion, Mr. Hess rubbed it in by buying a full page ad in the Globe-Times which showed Lady Godiva riding down a deserted Broad St. while the crowds flocked to Hess's. Mr. Hess confided later he regretted the ad. Nevertheless, this was the measure of the competitiveness in the man. It is said that several prominent stores, after surveying the expansion potential in this area, were dissuaded because they did not wish to do battle with Max Hess.

Earlier this year at age 57, Mr. Hess sold out his department store to Philip Berman, a man with many similar promotional gifts. No one expected that would be the last of Max Hess. Indeed, by spring, he had already started testing the political pulses as a prelude to running for mayor when Allentown starts its first year of strong mayor—council government in 1969.

The success which Mr. Hess achieved as a merchandising genius stands as his monument. But it is regrettable that he was deprived of a chance to try for a second career in Allentown politics. His death so early in his mature years takes from this general community an exciting, venturesome man. So few of them cross our path in a lifetime.

MAX HESS, COMMUNITY ASSET

Most cities are best known for products of their factories.

The name of Allentown also is associated with certain products in many minds.

But it is even more widely known as the home of Hess's department store.

This is no accident.

It is the result of the magic worked by Max Hess, a master merchandiser who in 33 years developed the department store which bears the family name into the largest single retail store operation in the United States.

Less than six months ago Max Hess sold the store founded more than 70 years ago by his father and uncle. After 33 years as its guiding genius he was looking forward to a more relaxed life, including travel.

But now Max Hess is dead at 57, his life cut short unexpectedly while he appeared to be in good health.

Although Hess's now is under other ownership, the magnificent store at 9th and Hamilton Sts. will stand as a memorial to this man who had an unbelievable talent for promotion and development of merchandising techniques which brought him worldwide fame and acclaim, and gave Allentown the unique distinction for being better known for a store than for any other single reason.

Max Hess's faith in the future of downtown Allentown contributed greatly to survival of the midcity retail shopping district which has disappeared so rapidly in other cities.

He was a familiar figure in the markets of the nation and the world, where he joined his buyers in the quest for merchandise to appeal to all tastes, all levels of society and all economic strata.

Unquestionably, Max Hess was Allentown's most widely known citizen.

He also was a valuable community asset, not only because of the personal and business recognition he received from local, national and world bodies, but also because in making his mark in the world of merchandising he was making a mark for Allentown and the Lehigh Valley as well.

MORALITY IN MASS MEDIA

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the increase of violence and immorality in our country has alarmed the great majority of law-abiding Americans who support and work for orderly progress.

Statistical reports of law enforcing agencies are not encouraging. Indeed, through television news we are eyewitnesses to current disorders which can only ultimately divide, disrupt, and defeat even their own purposes.

Crime, assassination, and mob rule are not the American heritage. They will not be tolerated by the American people. The General Federation of Women's Clubs, an 11 million member organization, which I am proud to say includes 16,683 women in my home State of West Virginia, has announced a campaign for morality in mass media which I am pleased to commend.

Their announcement follows:

MORALITY IN MASS MEDIA

> A nationwide campaign to halt the proliferation of lurid sex, crime and violence in movies, television, magazines and paperbacks, has been launched by the General Federation of Women's Clubs, an international organization with eleven million members.
>
> Mrs. Walter Varney Magee, president of the General Federation, said that it was dismaying to her that "although far more youngsters today have a college education than ever before, the quality of life seems to be deteriorating. Consideration for others is practically a thing of the past, and a coarseness has replaced refinement, making life, in too many cases, a rather drab, subsistence affair."
>
> This situation she blames on the virtual takeover of the entertainment media by crime, violence and sex. "Self-regulation by the industries involved has not worked," she said. "Promises by the Motion Picture Association and heads of TV networks have not been carried out. Movies are increasingly vulgar and offensive, television is rampant with crime and violence."
>
> Mrs. Magee asked, "If we believe that the good and true and the beautiful have beneficial effect on our youth, why do not the cheap, the immoral and the salacious have a similar impact? The fact of the matter is . . . they do!" She cited as instances in point the skyrocketing number of illegitimate births, the broken marriages, the number of young fathers who refuse to accept their parental responsibilities and the upsurge in venereal disease.
>
> Through the organization's national magazine, GFWC Clubwoman, the Crusade for Morality in Mass Media will be brought to its 15,000 clubs in the States. An Agenda for Action each month will give clubwomen step-by-step procedures how to carry on the Crusade in their towns.

TO ALLOW GROUPS ASSISTING AMERICAN SERVICEMEN TO PARTICIPATE IN THE DISTRIBUTION OF SURPLUS FOOD COMMODITIES

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to allow groups providing assistance, entertainment and recreation to American servicemen to participate in the distribution of surplus food commodities of the Department of Agriculture.

The benefits of the United Service Organization, the Red Cross, the Salvation Army, and other similar groups can be no secret to anyone who has been in the service.

These organizations daily give our servicemen a place to spend leisure hours, to get oriented in a strange town, to meet friends in a hospitable and cordial atmosphere. In addition, they provide valuable contact between the serviceman and his family.

One of the greatly appreciated services of these groups is that of providing snacks and meals. As with all volunteer, donation groups, however, the budgets under which they must operate is tight, and the dollar otherwise spent on food could go a long way in providing other services.

Unfortunately, present laws dealing with the disposition of surplus foods are not broad enough to include groups providing aid to our servicemen. I feel this bill will improve the lives of our men in uniform, as well as benefit the overall operation of the food program.

Many of the surplus foods not of particular suitability to one of the programs already established could well be used to help the USO, the Red Cross, the Salvation Army and other groups.

I am hopeful, Mr. Speaker, that this move will be endorsed both by the Department of Defense, and the Department of Agriculture, and it is my strong hope that the Congress can move to give this question its closest consideration.

Currently, 16 commodities are being made available through the commodity distribution program. They include, dried beans, butter and margarine, cheese, corn grits, instant potatoes, cornmeal, flour, chopped meat, nonfat dry milk, peanut butter, dried split peas, raisins, shortening and lard, rolled wheat, and oats and rice.

REFORM IN THE IRS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Oklahoma [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SMITH of Oklahoma. Mr. Speaker, on August 30, 1967, and again on November 2, 1967, I brought to the attention of the House that serious charges made in a leading national magazine, the Reader's Digest, against an agency of the Federal Government, the Internal Revenue Service, had been investigated and "whitewashed" by a committee of this Congress.

The Treasury and Post Office Subcommittee, chaired by the Honorable TOM STEED, of Oklahoma, convened last fall to allegedly probe the charges contained in the August 1967 issue of the Digest entitled "Tyranny in the Internal Revenue Service." Editorial comments from various newspapers in Oklahoma and elsewhere endorsed this action, as I did, because of the impact of the article. To the dismay of the average taxpayers, however, even though documentation of the Digest's charges were offered to the chairman by the author of the article, John Barron, no one from the Digest was called to testify, and none of the injured parties mentioned in the article were interrogated by the committee.

Instead, the subcommittee, behind closed doors, heard only from witnesses representing the Internal Revenue Service, and received into evidence nine letters praising the IRS. With this the committee was recessed by the chairman, with his closing comments:

> Commissioner, on behalf of the committee I want to express our real deep appreciation to you and your colleagues for coming here today and providing us this information.
>
> We appreciate the candid and complete way you have responded to the questions and the information that you have made available. We hope that out of this will come some clarification of the facts in the minds of the people who are interested, both in and out of the Government.
>
> The probable bad result from such an attack made on the Service has been minimized, we hope. We think that you are doing a good job and will continue to do so and assure you that this committee will continue to cooperate with you.

This statement by a chairman of a subcommittee which has a constitutional duty to hear at least both sides, rather than be utilized as a forum for the propagation of the bureaucracy, did not indicate, in my opinion, that the chairman was willing to conduct a full investigation of a serious charge. A committee of the Congress is not in business to minimize damaging evidence against a governmental agency or department, but to arrive at the truth or falsity of the charges in the public interest.

After reading the subcommittee report, the Reader's Digest submitted a rebuttal document, their only recourse, which was placed into the RECORD on August 30, 1967, and it charges:

> The IRS has made (during the committee hearings) a number of deliberately false statements—statements clearly disproved by Federal court decisions as well as by previous admissions of the Government itself . . . In one case, IRS has fabricated a quotation and attributed it to the written decision of a Federal judge.

In connection with this, on page 45 of the printed subcommittee report concerning this investigation, my distinguished colleague from New York, Hon. HOWARD ROBISON, asked IRS Commissioner Sheldon S. Cohen:

> As I understand from what you have said, there is no quota or other standard of measurement by which IRS agents are judged with respect to their efficiency or productivity and by which measure they earn promotions?

The answer from IRS Commissioner Cohen was:

> Absolutely not. It would be silly of us to operate on that basis because an issue determined today on one basis may work to the taxpayer's advantage tomorrow.

However, Mr. Speaker, in the December 1, 1967, issue of the "Bulletin" which is published by the National Association of Internal Revenue Employees, a column entitled "It Already May Be Too Late" states:

> This column has repeatedly urged that the IRS Commissioner take decisive action to call a halt unconditionally to the production rat race, which has been operative in the Internal Revenue functions for some time now . . . It is not inconceivable that the courts will soon be deluged by law suits claiming that capricious and indiscriminate actions were taken against those citizens' rights by agents of the IRS. The main reason for such violations of taxpayers' rights doubtless will be because of the preposterous production goals set by the IRS for its employees.

On January 17, 1968, in a statement before the Senate Subcommittee on Administrative Practice and Procedure, the president of the National Association of Internal Revenue Employees, Mr. Vincent L. Connery stated:

> Aside from the outside pressures, however, it is our considered judgment that certain IRS management policies and procedures tend to generate and foster a climate in which offensive practices may well take root and flourish. We have in mind specifically management's emphasis on quotas and production goals. The pressure begins in Washington, is transmitted to the Districts through the Regional pipelines, and is vented on the working agent and Revenue Officer. Under such a system, quality of performance is a casualty, and in too many cases, the taxpayer may be the victim of an overzealous agent or officer frantically trying to meet his quantitative goals or quotas imposed upon him from higher up in the IRS management structure."

Judging from these statements by the revenue agents' representatives themselves, it is obvious that the credibility gap of this administration has even penetrated the taxgathering agency of our Government. Commissioner Cohen, in his testimony before the committee, was either misrepresenting the facts or simply does not know what is occurring within his own department. In either case the mistake is deplorable.

To further deepen the controversy and the resentment created by a committee of Congress being swerved from its constitutional duties of providing checks and balances between the various branches of Government, the Reader's Digest published another article, "Time for Reform in the Internal Revenue Service," in their September 1968 issue. This article, much of which is taken from evidence offered by IRS agents themselves, describes one IRS order which warned agents:

> We will be watching very closely the Revenue Officer who doesn't average at least one levy per week and one seizure per month . . . *Get the Dollar.*

After one reads this latest article with the examples of American taxpayers who have been bullied, crushed, and victimized by our Government's tax-collection agency, it renews one's determination to stop this sort of business before our whole tax-gathering system is destroyed.

Mr. Speaker, there must be immediate reforms in the IRS. Quotas and production goals must be stopped. The individual taxpayer's constitutional rights must be protected. Indiscriminate and arbitrary levies on personal property without justification must be halted. The Congress must undertake a thorough and unbiased investigation of this matter immediately.

It is not a matter of protecting or minimizing charges made against an agency with which one deals in making appropriations. It is the very integrity of the American Government and its system that is under attack. The honest, hardworking members of the Internal Revenue System, who suffer as well from the demands of the higher-ups, deserve a better deal than a cursory investigation which protects the Government or the Johnson administration's appointees.

Mr. Speaker, I offer today a resolution that there be created a select committee to be composed of five Members of the House, three from the majority party, and two from the minority party, to be appointed by yourself. The committee would be authorized and directed to conduct a full and complete investigation of the charges made against the Internal Revenue Service by the various articles published in the Reader's Digest during 1967 and 1968. I urge the House to pass this immediately, so that public confidence can be restored in the agency.

I have repeatedly called for this subcommittee to be reconvened, but my pleas have not been regarded. These latest revelations and the overwhelming evidence presented by these articles call for needed reform in the IRS. To do otherwise makes a mockery of our representative form of government.

TAX FAIRNESS IS THE GOAL

Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. DOLE] may extend his remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DOLE. Mr. Speaker, I appreciate the opportunity to speak on behalf of the beleagured American taxpayer. Most of the taxes paid in the United States are collected from middle-class, blue- and white-collar families, where every penny of family income is important and must be budgeted. When there is a conflict over payment of Federal income tax between the Internal Revenue Service and the taxpayer, the individual family has little real choice but to pay up.

Often a taxpayer is pressured into paying a claim against him when he knows he should appeal. He pays, because he cannot afford to fight the virtually unlimited resources of the IRS and its myriad of expert tax lawyers.

HEARINGS HAVE BEEN UNPRODUCTIVE

In August 1967, the Reader's Digest published an article charging the Internal Revenue Service with improper conduct in its aggressive pursuit of alleged tax delinquents. The article was so sensational that the House Appropriations Committee Treasury and Post Office Subcommittee held investigative hearings. Unfortunately, little of value evolved from those hearings.

Reader's Digest has again published a most provocative article, entitled "Time for Reform in the IRS" in the September 1968 issue. The allegations in this piece are most disturbing, for they allude to cases of IRS disregard for our greatest source of strength: the honest American taxpayer. Such disregard cannot be tolerated. If more than a few isolated agents are involved, positive action must be taken to reverse the trend, and taken soon. The burden is on the administration to clear the air and develop a program to remove all vestiges of oppression from the practices and policies of the Internal Revenue Service.

SMALL TAX CLAIMS MUST BE RESPECTED

Mr. Speaker, I am confident a great majority of the agents and employees of the IRS are completely dedicated to fair treatment of taxpayers. I have no evidence to indicate otherwise. But even with a determined effort on the part of all employees to be fair and unbiased, there will still be occasional cases of misunderstanding. There will still be disagreements and disputed interpretations of IRS regulations and statute law. There are appeal procedures which protect the wealthy in America, but legislation is needed to provide relief for the small taxpayer in contesting decisions of the IRS.

FEDERAL TAX FAIRNESS BILL

I have introduced legislation, called the Federal tax fairness bill, now pending before the House Ways and Means Committee. This bill, H.R. 5409, establishes a Small Tax Division within the Tax Court and provides for appointment of 20 tax commissioners—two for each circuit—to hear complaints from taxpayers who have been notified of deficiency or refused a refund, provided the contested amount does not exceed $2,500.

Under this legislation, the small taxpayer is allowed to plead his own case, if he so chooses. The Government can call for a Tax Court review of a Commissioner's decision, but only at its own expense.

INVESTIGATION IS URGED

Simply put, this legislation I have introduced will allow an individual to appeal what he considers unfair treatment by the IRS. He will not be burdened with long and costly Tax Court appeal procedures now in force. Today, legal fees would consume most contested payments, thus making appeal meaningless in economic terms.

I urge the administration, and the Congress, to investigate the various charges in the September 1968 Reader's Digest article, and to determine if these charges have substance. The American taxpayer deserves this consideration. I also urge passage of H.R. 5409 to establish a Small Tax Division to review the appeal of the individual citizen who believes his case has merit.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I wish to say to the gentleman I share his concern that nothing has been done—or that all too little has been done—to get at the facts of the controversy about which he speaks.

I want to commend the gentleman from Oklahoma for taking this time this afternoon to bring this matter to the attention of the Members of the House.

Mr. SMITH of Oklahoma. I thank the gentleman for his remarks.

Mr. ROBISON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I yield to the gentleman.

Mr. ROBISON. I appreciate the gentleman yielding to me.

Mr. Speaker, I also would like to commend my colleague, the gentleman from Oklahoma, for bringing this matter to the attention of the House.

I happen to serve on the subcommittee that the gentleman has mentioned. Of course, I do not wish to find myself in the midst of any pushing match between my good friend, the gentleman from Oklahoma, and chairman of that subcommittee [Mr. STEED], or my other good friend, the gentleman from Oklahoma [Mr. SMITH], now addressing us in the well.

But the gentleman has quoted the president of the National Association of Internal Revenue Employees to the effect that there is a quota system of sorts operating within the Internal Revenue Service, and bringing undue pressures on taxpayers. This is at complete variance from the statement as given to me by Commissioner Cohen, and given to other members of the subcommittee on numerous occasions, that there is no such quota system insofar as IRS employees are concerned, and this does produce a conflict here which does require further congressional consideration—whether it be by our subcommittee, or by a special committee such as the gentleman now in the well proposes, or whether it be by one of the other standing committees of the House. So I would like to commend the gentleman for having pointed this out and for his continued interest in this problem that we are all interested in.

I thank the gentleman very much for yielding.

Mr. SMITH of Oklahoma. I thank the gentleman from New York for his statement.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding.

I compliment the gentleman on his resolution and appreciate him bringing this to the attention of the Members of the House.

I have had many complaints of harassment and overbearing attitude on the part of these Revenue Service internal functionaries. I have heard many of the glib explanations that they give, and in certain instances have been able to solve a problem between our constituents and these people capped and bedecked with the power of appointment. I was one of the ones, and the research of our office revealed the covers that they were placing on the mail with the cooperation of the Postmaster General recently in order to replevin funds allegedly due the Internal Revenue Service from dividend checks and others, and I am glad to say that this process has been stopped by the cooperation of the two appointive bureaus under this administration. If, indeed, we cannot exercise surveillance and oversight in the legislative branch of the appointive executive branch, then I question if we are fulfilling our function and our duties.

It concerns me that the gentleman has stated that we cannot have an impartial investigation on the part of the legislative branch. For the last 3 years I served on the Joint Committee on the Reorganization of the Congress, and we have dealt with surveillance, oversight, and the review function very often. We have also dealt with our committee system and the Lobbying and Corrupt Practices Act and the Federal Practices Act.

Although I am not generally for establishing an additional study group, as the gentleman's resolution does, I think he has adapted himself in this resolution to the only modus operandi we have remaining to exercise our legitimate legislative function, and I therefore will be in strong support.

I wonder if the gentleman has any further comments about why the oversight has not been exercised?

Mr. SMITH of Oklahoma. I thank the gentleman for those remarks. My response would be that it is the responsibility of those powers that be, in this case the administration, to oversee the bureaucracy and the agencies of the Government which they have appointed, and it would be my viewpoint that it is their responsibility to see that this is carried out, and to date this has not been done to the satisfaction of the taxpayers.

To remove the credibility gap in this particularly connection, I believe this matter should be given a full hearing, and that an understanding be given to those members of the Internal Revenue Service who are doing a good job that no condemnation is being placed upon them, and, at the same time, the truth be brought forward to correct this matter so that people can have confidence in the tax-collecting agency of our Government.

The Johnson-Humphrey administration must bear the responsibility for this conduct inasmuch as they have a 2-to-1 majority in the Senate and a 3-to-2 majority in the House, which gives the Democrats the chairmanship of all committees.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I am glad to yield to the gentleman from Delaware.

Mr. ROTH. I, too, would like to associate myself with the remarks of the distinguished gentleman from Oklahoma. I commend him for the outstanding job he has done in researching this matter and, as has been said before, bringing it to the attention of the House. I can think of no matter more important than this to the already overburdened taxpayer, as well as the Congress, and I fully support what the gentleman is doing. This is another example of the excellent work and leadership the gentleman from Oklahoma has become so well known for in the 90th Congress. The people of the Sixth District of Oklahoma have just reason to be proud of the efforts of their Representative during the 2 years he has been a Member of this body.

Again, I commend the gentleman on bringing this matter to the attention of the Congress, and I am pleased to join with him in this very important effort.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I am glad to yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I, too, would like to join with the other gentlemen here in commending the gentleman from Oklahoma in bringing this subject to the attention of the House. I appreciate the gentleman's forthrightness. I think he is on the right road, and I wish to associate myself with his remarks.

Mr. SMITH of Oklahoma. I thank the gentleman.

Mr. Speaker, I yield back the remainder of my time.

Mr. PRICE of Texas. Mr. Speaker, I welcome this opportunity to join my colleague, the gentleman from Oklahoma, in stressing the need for reforms in Internal Revenue Service procedures.

As an example of the highhanded, rude, inconsiderate, and inhuman methods and tactics apparently employed by at least some IRS agents, I am entering a letter I have just received from a constituent whose property was confiscated and sold at auction at a ridiculous price while he begged for a delay so that he could meet the obligation:

AUGUST 31, 1968.

Hon. BOB PRICE,
Congressman,
Washington, D.C.

DEAR SIR: I hope you will take a little time out from your busy schedule to help me. We own two houses and a lot in Amarillo and business property in Hereford, Texas. My husband worked 24 years for Lee Way Motor Freight Line in Amarillo, when he took a commissioned station at Hereford for Red Ball Motor Freight. I have lived in Amarillo since 1926.

In March 1967 we were transferred to Clovis, New Mexico and on May 17, 1968 the Company folded leaving us unemployed. We had the trucks financed with Red Ball's credit union and they were paid for when they deducted the total balance from our final paycheck May 22, 1968.

We could not find employment in this part of the country so we decided to go to California to find work. We were stranded out there two months with no money and was unable to return to Clovis, New Mexico for the rest of our furniture and trucks until last Thursday, August 22, 1968. When I arrived I found the Internal Revenue here in Clovis had taken my trucks a 1959 Chev Tractor worth $1000.00 and a 1955 Chev Van worth $750.00. The trucks were to be auctioned off August 28. I drove another 1955 Chev Van to California on my first trip.

On Friday, August 23, I called the Internal Revenue Office and asked to make an appointment with Mr. William Dameron. I was told he was not in and they did not expect him the rest of the day. I then explained to the man on the phone I had arrived in Clovis yesterday and had just learned they were holding my two trucks and the reason

> I could not be reached. I told him I had a buyer for the two vans, $750.00 each as soon as Red Ball released the titles. The man said he did not know anything about it and would turn me over to Mr. Dameron's assistant. He identified himself as Mr. Jim Neibert. I again explained the situation to Mr. Neibert and he told me the only way I could redeem the trucks was to have $1310.95 in their office by 8:00 Monday morning as that was the day they were scheduled to be auctioned.
>
> On Monday morning I went to the office in the Federal Building to see Mr. Dameron. The girl in the office advised me he was not in yet and she would be glad to call his assistant. Mr. Neibert came into the outer office with my file and was very rude and told me it was too late if I did not have the full amount. I told him if he did not believe I had buyers for the trucks they could contact their office in Long Beach, California and the men could pay them for the trucks. He said this had never been done and could not be done. I again reminded him that if Red Ball had sent the titles we would have our income tax paid. He said this was not his worry and this time he said the sale was set for 10:00 Wednesday morning August 28th. While in the office the phone rang and someone reported Mr. Dameron ill and said he would not be in that day.
>
> I am living in the country without a telephone and transportation and could not contact Mr. Dameron again before the sale. I feel I was done a great injustice and Mr. Neibert was negligent in his duties as Mr. Dameron's assistant when he failed to forward our conversation on to him. I tried three times to see Mr. Dameron and each time I was confronted with his assistant.
>
> Due to this lack of communication in this office my $1000.00 Chev tractor sold for $350.00 and my 1955 Chev Van sold for $150.00. If these sales stand as sold I will lose approximately $1150.00 and still owe the Government quite a sum. Mr. Dameron said had he known this he could have helped me get my titles, save my trucks and the full amount I owed the Government would be paid in full. I showed a telegram from Rev. Weaver in Wilmington, California stating he would purchase the van truck for $750.00 upon receipt of a clear title.
>
> I hope this letter will not go unread nor filed in the waste paper basket. My family is living in California, my daughter and I are now stranded in Clovis. I have two new hip sockets, walk with the help of canes and am unable to work at just any kind of a job. The van truck sold at the auction was my only means of moving the rest of my furniture to our new home in California. I told Mr. Neibert this. I contacted the Internal Revenue five days prior to this sale. One of the men from their office stated he did not believe I would hear anything from this. If you are unable to help me would you please send me the name and address of someone that could.
>
> Very truly yours,
>
> Mrs. NADINE SIMPSON.

I am referring this case to the Commissioner of Internal Revenue with a request for a full investigation.

If the treatment this man received is as he states it, I believe the Government of the United States owes this man full restitution and, had he been treated like this by a company or corporation or a private individual, he would certainly have rights under the law for not only financial restitution but also damages for physical harassment and mental anguish.

I believe it high time that the appropriate committees of Congress took a real look at the apparent tyranny in the Internal Revenue Service.

Mr. LONG of Maryland. Mr. Speaker, I join with my colleagues in calling for reforms in the Internal Revenue Service.

Most citizens have not been treated unfairly, and their chief problems are with a tax code so complicated that even Einstein had to call in a tax consultant. Many, however, in modest income brackets, have been hurt by arbitrary IRS action and inconvenienced by delays and redtape.

My office receives moving appeals from honest taxpayers who do not know how to cope with the IRS. Unfortunately, many taxpayers do not think to ask for help, but wait years for a refund, or pay unjust deficiencies rather than launch an expensive court fight that would only swallow up the tax saving. As an August 1967 Reader's Digest article put it:

> Bewildered, afraid, lacking money to hire lawyers, the lone individual often succumbs in silence when the awesome powers of government are brought down upon him.

According to a more recent Reader's Digest article, much of the problem lies with the revenue agents, many of whom want to be reasonable and just, but are often under pressure to track down tax evaders and to increase their "output" of returns audited, deficiencies asserted, and cases closed.

Our citizens must have relief from these abuses. During the last congressional session I introduced a bill in the House of Representatives to help the small taxpayer with unjust tax assessments. The Long-Magnuson measure would set up a nationwide network of small claims commissioners, to which any citizen, who felt he was unfairly billed for underpayment of taxes or who was denied a refund, could present his own case. Numerous complaints about the IRS have proved the need for a fair and impartial intermediary between the taxpayer and the revenue agent, and this legislation would provide an inexpensive means for someone other than the revenue agent to judge the work of the Internal Revenue Service.

GENERAL LEAVE

Mr. SMITH of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks and include extraneous matter on the subject of my special order immediately following my remarks of today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROPOSAL TO LIMIT LENGTH OF TRUCKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, first I want to add my voice and my endorsement to those colleagues who have spoken about the contribution of the gentleman from Oklahoma and the articles appearing in the Reader's Digest, which I have read and which impressed me very much.

I am grateful the gentleman has taken the time to bring that to the floor of the House. Hopefully these matters will have the attention of the administration and somehow justice will be done in this area and improvements will be made.

Mr. Speaker, yesterday I introduced a bill which has for its purpose the study of the truck problem. I introduced a bill that would require the Public Works Committee to hold hearings to gather testimony and information on the advisability of limiting the length of trucks on the highways of America.

As all of us know, we now have established policy that we limit the weight and width of trucks. If this is good policy, then it is certainly in the interest of the public to set a limit on the length of trucks. So I hope members of the committee will take this under consideration and begin those hearings immediately.

Mr. Speaker, I urge my colleagues to give attention to the remarks I have been making on this subject and especially to the prepared text we have which will be inserted in the RECORD and which will help Members to make up their minds on this whole question which is before the Congress now on the trucks as far as the weight and width and length.

Mr. Speaker, yesterday I introduced House Resolution 1289 calling for the House Public Works Committee to make a full and complete investigation of the length of motor vehicles and to set, as a matter of national policy, the maximum length for these vehicles. With S. 2658 completely silent as to an overall length limit on these vehicles, I feel that now is a particularly critical time for us to confront this issue.

If passed, the truck bill will virtually open the door to truck-trains on the Nation's highway system. Francis C. Turner, Director of the Bureau of Public Roads, expressed his opinion in the July 19 Pittsburgh Press that the truckers really wanted this bill in order "to have the opportunity to work toward trains on the roads, trucks with triple and quadruple trailers." That Mr. Turner is correct in his observations is clearly revealed by the record over the past few months. Just a short while ago trucking interests succeeded in gaining access for triple-trailer combinations on the Massachusetts Turnpike. This they did despite the vehement protests of Massachusetts registrar of motor vehicles, Richard McLaughlin, who warned against the increased safety hazards such a move would bring. Pullman Inc.'s advertisement in the August issue of Dun's Review also lends credence to Mr. Turner's feelings. This advertisement which, I believe, reflects the true disposition of the trucking industry to get longer vehicles on as many roads as possible as quickly as possible, reads as follows:

> WHAT WE'RE TESTING IS ILLEGAL IN 47 STATES
>
> Eight short years ago, only 8 states allowed you to haul doubles over their highways. Today the number is 34.

But faster, more economical over-the-road hauling can't wait. That's why our Trailmobile Division is already hard at it testing triples . . . not just two trailers hitched together . . . but three.

We don't know when this new transportation efficiency will be legalized in all 50 states, but when it is, Trailmobile will know more about it than anyone else.

Solving problems that haven't come up yet is standard practice with the divisions of Pullman Incorporated. For example, ceramic processing equipment that is now producing 90% of America's sparkplugs . . . new ideas for ammonia production that are now responsible for a third of the world's recent nitrogen fertilizer output . . . a new rail car that unloads 100 tons of coal in 9 seconds.

All around the world, strange new questions are being asked about transportation, about production, about profits. We already have strange new answers to many of them.

What's your question?

PULLMAN INC.

John J. O'Mara, professor at the State University of Iowa, has outlined better than I can hope to, many of the problems the lack of any truck length limit would bring. Dr. O'Mara remarked:

> The characteristics of vehicles govern the design of many highway features including the steepness of grades; width, height and strength of bridges; sharpness of curves; and the width and thickness of pavements. Consequently, it is necessary that the public regulate the size and weight of vehicles in order that they not exceed the capacity of existing highways and streets and their components.
>
> Safety is the primary consideration involved in establishing most limiting criteria, and this is true of maximum lengths for vehicles operating on the public highways and streets.
>
> One aspect of the question of truck length concerns the fact that the rear wheels of a highway vehicle on a curve follow a path closer to the center of the curve than the path of the front wheels. For example, a long truck making a right turn at a street intersection often must encroach upon the left lanes of both streets in order that the rear wheels clear the curb on the inside of the turn.
>
> The same phenomenon occurs on a highway curve to a lesser extent. The longer the truck and the sharper the curve, the more the rear end of the truck will be displaced toward the adjacent lane.
>
> Although the National System of Interstate and Defense Highways has been built to high standards, it is likely that some parts of the System cannot safely accommodate trucks longer than 50 to 55 feet. These lengths are the design lengths recommended by the American Association of Highway Officials and used for the design of most of the System.
>
> It is certain that trucks longer than these lengths cannot negotiate some of the ramps, loops and similar components of the System and keep the whole of the truck within proper confines. Furthermore, it is likely that there are thousands of miles of access roads and streets over which Interstate Highway traffic must operate in order to use the System, which cannot safely accommodate longer trucks. On these highways, because of the narrowness of the pavement and the sharpness of the curves it will be impossible to operate long trucks without the rear of the unit encroaching on the opposite lane or coming dangerously close. If this should be true, it could be disastrous to the unwarned, unsuspecting drivers and passengers of vehicles in the opposite lane.
>
> Another one of the hazards of increased length is the increase in time and distance required for a passenger car to pass a longer vehicle. Using the American Association of State Highways official standard procedure 550 ft. more clear space in the left lane is needed to pass a 100 ft. long truck; the space now required for traffic width is 55 ft.
>
> On two-lane primary highways this would require increasing passing sight distance from about 2,500 ft. to 3,000 ft.—an almost impossible vision procedure economically.
>
> Sight distance consideration similarly would increase primary and interstate highways and even more so if one vehicle in operation is passing the passenger car or what is even worse if a truck is passing one or more trucks.

Realizing full well the dangers of unlimited truck length that Dr. O'Mara has discussed, I initiated a survey of the Nation's Governors, State highway patrol chiefs, State safety officials, and mayors to determine the sentiment of the representatives of these jurisdictions which would be most visibly affected by this bill.

As the initial returns have come in, the mayors of this country have overwhelmingly vocalized their opposition to this bill and its lack of an overall length limit. To date, 26 mayors favor a length limit somewhere near present limits. Only one mayor is opposed to the establishment of an overall length limit on trucks. These mayors, concerned about the problems these long trucks will have when they leave the interstates and have to negotiate narrow city streets, have commented along these lines:

> "The weight and length limits on trucks are particularly critical in the southeastern United States and in many areas of the country where the roads are curvilinear and in older cities where streets may not be as spacious as they are in the midwest and western parts of the country. The long tandem trucks, I believe, were developed in the western United States where grades are generally flat and where highways are usually straighter. They may be appropriate in those areas but on hilly and mountain terrain and in older cities where streets are narrow, their effect on safety would be much greater." Don Blackburn, Traffic Engineer, Raleigh, North Carolina.
>
> "Vehicles longer than (40 feet) cannot easily maneuver on city streets." Jere E. Meredith, Traffic Engineer, Saginaw, Michigan.
>
> ". . . obviously the city street system again is no place for truck or truck-trailer combinations of excessive lengths. The Colorado maximum of 60 feet seems to be a reasonable limit for city operations." Richard C. Thomas, Assistant Traffic Engineer, Denver, Colorado.
>
> "The length of the truck would affect its maneuverability which is important in urban traffic. It is believed that the truck length should be limited to 50–60 feet."

And yet under S. 2658, truck trains running upward of 100 feet with triple trailers would be allowed on our Interstate System. In no time at all the trucking interests would be able to successfully mount pressure to gain access for these monsters to our State and local road systems creating additional hazards for motorists as well as substantial cost increases.

Of the 10 State highway patrols which have responded to our questionnaire this far, all have urged strong length restrictions on trucks. John J. Harbinson, chief of the Minnesota Highway Patrol told me that:

> Sixty-five-foot limitations are absolute maximums on combinations of vehicles.

These State police officials also voiced their concern over the increased safety hazards double and triple bottom trailers would bring. Major E. Olaff, operations officer of the New Jersey State Police noted that double bottom trailers will slow movement on existing grades thereby causing congestion and creating a greater potential for accidents. He observed that it will double the amount of flammable material big tankers will be able to carry and deter some motorists from attempting to pass these long vehicles thereby further adding to congestion and safety problems.

Concurring with Major Olaff, Capt. C. R. Kimber of the planning and research section of the Ohio State Highway Patrol said:

> Any increase in lengths would create a hazard in passing, turning and other highway maneuvers. Here again, many Ohio highways will not accommodate longer vehicles. A special problem arises where highways are routed through cities and villages where streets are not of sufficient width to allow safe turning movements for longer vehicles.

Despite such statements, truckers are still pushing vigorously to gain access to all our Nation's roads for their 100-foot truck-trains.

By 16 to 3, State safety officials also strongly favor the establishment of an overall length limit. H. N. Kirkman, director of the Florida Department of Public Safety, made the following typical comment:

> We feel that vehicles which would exceed these (55 foot) limits on our present highway system would not be in the best interest of safety on our highways.

James F. Williamson, Rhode Island registrar of motor vehicles also agreed. He reported that:

> To go beyond (55 feet) would encourage use of vehicles that would create a hazard on the highways.

And Robert G. Barlett, secretary of highways for the Commonwealth of Pennsylvania, commented that:

> In the interest of traffic safety and highway capability, the maximum length of a tractor trailer or combination should not exceed 55 feet.

Several of our leading Governors have also been resolute in their opposition to the lack of a length limitation on these trucks. John W. King, Governor of the State of New Hampshire stated:

> I do wish to emphasize that my Highway Commissioner and I feel most strongly that our highway system cannot possibly accommodate double and triple bottoms, which we believe to be implicit in the lack of any length restrictions in the proposed legislation. If these rubber-tired highway trains are forced upon us it can only result in the creation of great and unwarranted safety hazards, as well as intolerable congestion.

His neighbor, Gov. John H. Chafee, of Rhode Island, was also vocal in his opposition to the lack of a length restriction. Governor Chafee said:

> I am particularly opposed to the use in this section of the country of double and triple bottoms. There isn't any question in my mind that their use on our already overcrowded interstate highways would create a danger to the many passenger cars which daily travel through Rhode Island on the interstates.

Despite this overwhelming support from State and local officials, there has been no overall length limit placed in the bill. This is why I have submitted my resolution calling on the House Public Works Committee to establish as a matter of national policy an overall length limitation for motor vehicles. This is crucial not only for the safety of the Nation's motorists, but also because of the need to hold highway costs down. Francis C. Turner, Director of the Bureau of Public Roads, wrote me that:

> An increase in length does require either greater radius of curvature or greater width on ramps at interchanges. For example, a tractor-semitrailer unit 50 feet long requires a lane width of about 15 feet to make a 270-degree turn on a 100-foot radius curve. A combination of a tractor-semitrailer and a full trailer totaling 100 feet in length would require 24 feet of ramp width to negotiate a 270-degree turn on the 100-foot radius curve. It could keep within a 15-foot width if the curve radius was increased to 225 feet.

To modify all the exits from our Nation's highways so that they can safely handle these longer trucks will prove costly indeed. And when these added costs are considered along with the increased safety hazards this bill would create, I feel we should give strong consideration to having the House Public Works Committee establish a national policy on overall truck length before we consider this bill before the House with no length limit whatsoever.

HON. LAWRENCE BROCK

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, the newspapers report the passing of a former useful and conscientious Member of this Assembly, the Honorable Lawrence Brock, of Nebraska. His death occurred August 28, 1968, at an Illinois hospital, after a long illness. Funeral services were conducted at Wakefield, Nebr., his home city, on Sunday, September 1. His immediate survivors include four daughters, to whom we respectfully offer our deepest sympathy.

Lawrence Brock, or Larry, as he was affectionately known to his many friends and associates, was elected to the 86th Congress in 1958. He was chosen for service in the Interstate and Foreign Commerce Committee, where his fine judgment and sincere devotion to the public interest gained him immediate recognition. His valuable contributions to the work of the committee, and to the deliberations of the House, are remembered with admiration and respect by those of us who were fortunate enough to be his associates.

Mr. Brock was by instinct and by choice a true son of the soil. His root interests lay in the production of food for a hungry world. After a term in the House, he accepted the post of Assistant Administrator of the Farmers Home Administration. His abiding bequest to his State and his Nation, and the fitting memorial to his usefulness as a citizen, lies in the many family farm ownerships which he helped to establish, and in the farm facilities which he set up in rural America. Agriculture is still a dominant force and an indispensible way of life in this land of ours, and it needs men like Larry Brock to nourish it. We mourn his passing.

A eulogy from the Washington, D.C., Star of August 29, 1968, follows:

LAWRENCE BROCK, FHA AIDE, EX-NEBRASKA CONGRESSMAN

> Lawrence Brock, 62, former Democratic representative from Nebraska and later assistant administrator of the Farmers Home Administration, died yesterday in a Zion, Ill., hospital after a long illness.
>
> He represented the 3rd District of Nebraska from 1959 to 1960, after which he joined FHA.
>
> In charge of the sale of insured loan notes to private lenders from the FHA, an Agriculture Department credit agency, Mr. Brock was involved in fund raising for more than 60 percent of the agency's annual $1.3 billion volume of loan programs for family farm ownership and operation, housing and community facilities in rural parts of the United States.
>
> Before he was elected to the 86th Congress, he was a cattleman and businessman at Wakefield, Neb. He had also been president of the Nebraska and Cornbelt Livestock Feeders associations, and highway and power commissions in Nebraska.
>
> A native of Platte County, Neb., he was graduated from the University of Nebraska College of Pharmacy in 1929. He lived at Wakefield, Neb., and at 1201 S. Courthouse Road, Arlington.
>
> Mr. Brock became ill in January while returning here after the burial of his wife in Wakefield.
>
> He leaves four daughters, Mrs. Harold Tell of Hoffman Estates, Ill., Mrs. William Gibson of Santa Ana, Calif., Mrs. Richard Rosenbahn of Omaha, and Mrs. Soderberg of Wakefield.
>
> Services will be Sunday in Wakefield.

LIMITING DIRECT PAYMENTS TO INDIVIDUALS FOR COMMODITIES AND PROGRAMS COVERED BY 1965 FOOD AND AGRICULTURE ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, just prior to our August recess, this body debated and finally passed legislation to extend the Food and Agriculture Act of 1965 for 1 year to December 31, 1970. However, before passing the bill, the House voted 230 to 160 to add an amendment limiting direct payments to any individual to $20,000 per year for commodities and programs covered by the 1965 act. As the author of the House motion to limit these agricultural payments, I have a very real and deep interest in this legislation. At the time I offered my motion, I stated that the Nation faced an extremely difficult financial picture, a situation which had required us to place expenditure and appropriation limitations on our fiscal 1969 budget. I felt that the payment limitation would help in dealing with our financial situation and at the same time correct an inequitable and unjustifiable Federal program.

Nothing has happened since that time to cause me to change my attitude as it relates to the need for a limit on the direct payments under our agricultural programs. In fact, there are several things which make a direct payment limitation even more warranted now than a month ago.

On August 14, the various newspapers carried reports which indicated that an additional $1 billion reduction would have to be made by the administration to carry out the provisions of the Revenue and Expenditure Control Act of 1968. According to the Budget Director, Charles Zwick, this resulted from unexpected increases in expenditures in two "uncontrollable areas"; namely, the Commodity Credit Corporation and welfare payments. Mr. Zwick has informed the President that outlays for farm price support and adjustment programs authorized by the Food and Agriculture Act of 1965 are exceeding earlier estimates by $700 million. This clearly indicates that present farm legislation authorizes relatively uncontrollable spending by the Commodity Credit Corporation and that a payment limitation could help to control Federal agricultural expenditures.

The second thing that has occurred since the 1-year extension of the farm bill was passed by the House is the recognition on the part of the Democratic Party for limiting direct payments to farmers, a recognition which followed my successful Republican-led efforts in the House. The Democratic Party platform adopted in Chicago certainly suggested the need for limitations of payments to extremely large corporate farms that participate in Government programs.

This statement in the Democratic Party platform indicates support for limiting direct payments to farmers such as the House authorized when the farm bill was up for consideration in late July. I assume the Democratic House Members will want to see their party platform carried out.

My reason for commenting on this matter is that I want to make it clear that I intend to do everything possible to make sure that any extension of the Food and Agriculture Act of 1965 that is voted on by the House contains the $20,000 payment limitation added by the 230-to-160 vote margin earlier this summer.

The Tuesday, September 3, Journal of Commerce contains a story that indicates that a farm bill compromise has been reached. The chairman of the House Committee on Agriculture, the gentleman from Texas [Mr. POAGE], according to the story, did not reveal details of the likely settlement but the story says that it "seems apparent that any compromise would not contain the $20,000 payment limitation tacked on to the 1-year extension voted by the House." I want to make it clear to the House conferees that I believe the attitude of the House of Representatives on this subject as demonstrated by our vote is very plain; namely, that any farm legislation must contain the $20,000 payment limitation approved earlier by this House. I am confident it was the clear intent of the House that this vote was to be interpreted as an instruction to them to support a payment limitation.

If farm legislation is brought to the House by the conferees that does not contain the $20,000 payment limitation, I will vigorously oppose it. The only way as far as I am concerned, that any farm legislation can pass the House this year is for it to contain a payment limitation. Any farm bill that does not contain such a payment limitation will be vigorously

opposed by myself and other Members of the House who feel that it is vital to have such a provision if we are to control Federal spending and eliminate the inequities of the present farm program.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ADDABBO] is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, it is said that a man can show no greater love than to lay down his life for his fellowman. Such a man amongst men was Pfc. Louis E. Willett, deceased, son of my constituents Mr. and Mrs. Louis Willett.

Mr. Speaker, it was with mixed emotions of deep sorrow and pride that I witnessed the presentation, posthumously, of the Congressional Medal of Honor to this young soldier's parents by the Honorable Stanley R. Resor, Secretary of the Army, on behalf of the President of the United States.

It is again with deepest sympathy to the family of Private First Class Willett on the loss of their son, a great American boy, and prayers that the good Lord will comfort them, and with a great sense of pride that I now read for the record of posterity the citation which accompanied the Congressional Medal of Honor:

> The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor, posthumously, to Private First Class Louis E. Willett, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:
>
> Private Willett distinguished himself on 15 February 1967 while serving as a rifleman in Company C, 1st Battalion, 12th Infantry, 4th Infantry Division during combat operations in Kontum Province, Republic of Vietnam. His squad was conducting a security sweep when it made contact with a large enemy force. The squad was immediately engaged with a heavy volume of automatic weapons fire and pinned to the ground. Despite the deadly fusillade, Private Willett rose to his feet firing rapid bursts from his own weapon and moved to a position from which he placed highly effective fire on the enemy. His action allowed the remainder of his squad to begin to withdraw from the superior enemy force toward the company perimeter. Private Willett covered the squad's withdrawal, but his position drew heavy enemy machine gun fire, and he received multiple wounds enabling the enemy again to pin down the remainder of the squad. Private Willett struggled to an upright position, and, disregarding his painful wounds, he again engaged the enemy with his rifle to allow his squad to continue its movement and to evacuate several of his comrades who were by now wounded. Moving from position to position, he engaged the enemy at close range until he was mortally wounded. By his unselfish acts of bravery, Private Willett insured the withdrawal of his comrades to the company position, saving their lives at the cost of his own. Private Willett's valorous actions were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

CHICAGO—ATTORNEY GENERAL SHOULD PROSECUTE

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, Communist sympathizers, anarchists, and their beatnik stooges tried to take over the great city of Chicago last week, create anarchy and break up the Democratic National Convention.

Had these subversive forces succeeded in overpowering the police, their sinister scheme of looting, stealing, and pillaging would have erupted throughout the city. Murder, arson, and destruction of private property would have become rampart. This bizarre and brazen attack on law enforcement had been planned for a long time. It was a ruthless, calculated attempt to make democracy look helpless and impotent before the eyes of the world.

It was timed to coincide with the Red Communist invasion of Czechoslovakia and renewed Communist attacks on Saigon.

Mr. Speaker, I commend Mayor Richard Daley and his outstanding police department for turning back this diabolical plan to wreck one of our greatest cities and destroy democratic processes in action. Mayor Daley and his men not only maintained law and order in Chicago, but they stood fast in the cause of national security and world freedom. Mayor Daley responded to this invasion of his city with firmness, alacrity, and decision. In so doing, Mayor Daley and his gallant men prevented disaster and saved our entire Nation from a humiliating setback at the hands of trained agitators and hard-core Communists. Mr. Speaker, I wish to also commend the National Guard who performed admirably under every type of insult and abuse.

Mr. Speaker, I urge the Attorney General to prosecute these subversive agitators who crossed State lines to incite riot and destroy the great city of Chicago. I ask the Attorney General to move under the antiriot law passed by this Congress and uphold the law and order in America. No community in this Nation will be free from violence, rioting, arson, and murder if the hard-core leaders of violence who invaded Chicago go unpunished.

Mr. Speaker, the Chicago invasion and attack upon the police does not warrant another advisory committee or study, but calls for action and prosecution of the ringleaders by the Attorney General of the United States.

"THE BEHAVIORAL SCIENCES AND THE FEDERAL GOVERNMENT": AN IMPRESSIVE REPORT OF THE NATIONAL ACADEMY OF SCIENCES

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, September 3 was one of the most important of all days for the social and behavioral sciences in the United States.

On that date a distinguished group of our social and behavioral scientists issued an impressive report on the place and the potentialities of the behavioral sciences in Federal programs.

The report is the result of more than 2 years of studies and discussions conducted by the Advisory Committee on Government Programs in the Behavioral Sciences of the National Academy of Sciences and the National Research Council.

The central theme of the report is that "the decisions and actions taken by the President, the Congress and the Executive departments and agencies, must be based on valid social and economic information and involve a high degree of judgment about human behavior."

To this end, the report recommends that the knowledge and the methods of the behavioral sciences be applied as effectively as possible to Government decisionmaking.

The findings of this report parallel many of the recommendations of the House Foreign Affairs Subcommittee on International Organizations and Movements, which I have the honor to chair.

As early as 1965, in a report on "Behavioral Sciences and the National Security"—House Report No. 1224, 89th Congress, second session—our subcommittee urged that the Federal Government avail itself more extensively and effectively of the insights and the knowledge produced by the social and behavioral sciences.

One of the most far-reaching recommendations outlined in the National Academy of Sciences report calls for the creation of a "National Institute for Advanced Research and Public Policy."

This is an interesting concept which, in some respects, elaborated and builds upon legislation which I introduced during the past two Congresses, calling for the convening of a White House Conference on the Social and Behavioral Sciences, and for the establishment of a National Social Sciences Foundation.

Mr. Speaker, I want to commend the National Academy of Sciences report to the careful attention of my colleagues.

The report's "Summary and Recommendations" follow:

SUMMARY AND RECOMMENDATIONS

> The primary purpose of this report is to examine how the knowledge and methods of the behavioral sciences can be brought to bear effectively on the programs and policy processes of the federal government. The federal government faces increasingly complex decisions in foreign affairs, defense strategy and management, urban reconstruction, civil rights, economic growth and stability, public health, social welfare, and education and training. These decisions must be based on all the information that can be made available to administrators and policy-makers. The lack of vital social and economic information on critical issues and the lack of methods for analyzing information and relating it to policies and operations have been constantly emphasized in recent years by a number of public commissions, study panels, and government groups. These have included the National Commission on Technology, Automation, and Economic Progress; the President's Commission on Law Enforcement and Administration of Justice; the Committee on Foreign Affairs Personnel; and the United States Advisory Commission on Information.

In response to the needs of policy-making, there has also been increased support from government departments and agencies for building up the bases of knowledge and information for social and economic programs. The Manpower Training and Development Act of 1962, the Elementary and Secondary Education Act of 1965, the Public Works and Economic Development Act of 1965, and the programs of the Office of Economic Opportunity and the Department of Housing and Urban Development, together with established programs in the Department of Agriculture and the Department of Defense, all include a range of behavioral science activities from data collection to techniques for program evaluation, as well as support of fundamental research related to agency missions. These activities represent recognition of the relevance of the behavioral sciences to government affairs. They underscore the need to examine the way behavioral science research is related to planning and management and the methods used for testing research for quality and relevance.

There is no assumption, in this review of the role of the behavioral sciences in the federal government, that knowledge is a substitute for wisdom or common sense or for decision-making. Behavioral science knowledge is a source of understanding about social and individual behavior that has been confirmed by as careful observation, testing, or statistical analysis as is possible. Much of the knowledge of the behavioral sciences is fragmented, much is based on limited verification, and many propositions are only approximate explanations of complex social and behavioral phenomena. The behavioral sciences are, nonetheless, an important source of information, analysis, and explanation about group and individual behavior, and thus an essential and increasingly relevant instrument of modern government. At the same time, there is need to be concerned as much with the development of the behavioral sciences as with their use; indeed, to see both the development and use of the behavioral sciences as parts of a total and continuing problem.

EFFECTIVE USE OF KNOWLEDGE

Past experience in the use of the behavioral sciences provides a reference point for examining the organization of research in government. In the field of statistical services, the Bureau of the Census, for example, has contributed to, and relied heavily on, the development of research knowledge and methods. The experience of the Bureau of the Census—with its expertly trained staff, its close ties with the professional communities, its concern with methodologies, and its systematic procedures for substantive review and analysis—provides a pattern of research planning and utilization applicable to research throughout the government. Likewise, there is valuable experience in the application of economic information and analysis to the formation of fiscal and monetary policies. The evolution of the economic advisory system in the federal government has had several results: large-scale participation by professional economists in extending and improving the federal statistical system; employment of trained economists in departments and agencies; creation of high-level advisory agencies, such as the Council of Economic Advisers; and the stimulation of basic research in economics, inside and outside the government, as a result of increasing needs of government for both information and knowledge.

The economic advisory system, like the federal statistical system, is a highly advanced example of applying the knowledge and methods of the behavioral sciences in government. Its development is the result of a good deal of trial and error; increased understanding about the use of the knowledge and methods of economics in the professions and occupations from which many policy-makers come; the accumulation of large and manageable sources of economic data; and increasingly reliable instruments of analysis and projection. Similar developments must be encouraged in other fields of the behavioral sciences, especially in sociology, social psychology, political science, and anthropology, that are relevant to new social programs at home and to programs of development assistance in the international field.

From past experience, three sets of conditions appear necessary for the effective use of the knowledge and methods of the behavioral sciences in government. These conditions are: (1) an understanding by top administrators of the nature of the behavioral sciences and their relevance to the policies and programs for which they are responsible; (2) a professional environment to attract behavioral scientists into government and to provide incentives and opportunities for their scientific development; and (3) a strategy for research to give cohesion and purpose to behavioral science activities carried on by a department or agency and to relate them to policy processes and program operations.

In order to strengthen these conditions throughout the federal government, the Committee recommends:

1. That each major department and agency, with the support of the Office of Science and Technology and the Civil Service Commission, initiate a staffing study to identify positions for which substantial training and experience in the behavioral sciences should be an increasingly important criterion for appointment, most especially positions involving policy planning, program evaluation and analysis, and research administration and operation.

2. That each major department and agency, with the support of the Office of Science and Technology and the Civil Service Commission, initiate a series of continuing programs to strengthen its staff competence in governmental activities involving the behavioral sciences, including:

a. In-service training for planning, evaluation, and research staff in the scope and methods of the behavioral sciences;

b. Opportunities for planning, evaluation, and research staff to gain advanced university training in the behavioral sciences and to participate in professional activities; and

c. Fellowships and internships for university-based behavioral scientists and graduate students to participate in governmental activities involving the behavioral sciences.

3. That each major department and agency, with the assistance of an advisory panel of behavioral scientists, develop a strategy for the use and support of the behavioral sciences and maintain under continual review a long-range research program that includes:

a. A broad spectrum of research activities from applied research to investigations of fundamental behavioral and social processes relevant to department or agency missions;

b. Opportunities through internal staffs and contract and grant arrangements to utilize research resources both inside and outside the government;

c. Continuing programs for the systematic maintenance of historical and operating records as essential sources of research data; and

d. Application of behavioral science knowledge and methods to program evaluation and analysis with provision for experimental projects designed to provide relevant information for future planning.

FOREIGN AFFAIRS

These recommendations relating to the effective use of the behavioral sciences apply to departments and agencies involved in foreign operations as well as to those chiefly responsible for domestic programs. Nevertheless, research in foreign affairs agencies depends heavily on information sources in foreign countries. This special feature has been complicated by the convergence of three developments since the second world war: the social, political, economic, and technological changes in the world; the increasingly complex international position of the United States; and the growth of the behavioral sciences and their relevance for government planning. This convergence has created two major problems for the government in supporting behavioral science research overseas: the problem of relating the several research programs of foreign affairs and military agencies; and the problem of reconciling the use of research by the government with the requirements for international cooperation in the behavioral sciences.

By and large, the research programs of departments and agencies with foreign operations have developed according to the perception each had of its needs in relation to its own mission. The variety of research programs has encouraged a pluralism in approach to policy issues that is important to retain. It has also reflected the lack of central coordination that has been a constant problem of American foreign policy since the second world war. It has produced pluralism without the counterbalance of central overview and a heavy domination of funding from defense agencies. Generally, research in civilian foreign affairs has been fragmentary, erratic, and weakly defended. Moreover, a low value has been placed on research as an instrument of planning in the Department of State. This has served to limit the Department's role in providing leadership for government-wide research in international affairs and in supporting a place for research in other foreign affairs agencies.

The major mechanism for relating research programs in international affairs on an interagency basis is the Foreign Area Research Coordination Group (FAR). FAR, however, is a voluntary group of some 20 participating agencies with no binding authority over its members and no firm lines to the policy planning process. The Foreign Affairs Research Council in the Department of State serves as another clearinghouse through its function of reviewing research projects for their sensitivity to foreign policy issues. Neither mechanism provides a basis for defining government-wide objectives for research in international affairs. There are no organized means of assuring that areas of research essential to policy planning are supported and that cumulative bodies of knowledge on international problems are developed.

In order to strengthen research in international affairs and achieve balance among the research programs of foreign affairs and military agencies, the Committee recommends:

4. That, in the field of foreign affairs, long-range behavioral science research objectives be drawn up by an interagency planning group headed by the Department of State, with the support of the Office of Science and Technology, and that the research programs of all departments and agencies that operate overseas, including the United States Information Agency, Agency for International Development, Department of Defense, and the Peace Corps, be continually related to these long-term objectives through the Foreign Area Research Coordination Group and foreign affairs planning mechanisms like the Senior Interdepartmental Group.

INTERNATIONAL COOPERATION IN RESEARCH

The effective use of research in foreign affairs must be reconciled with the requirements for international cooperation in the behavioral sciences. A lack of financial support threatens the continued growth of international and comparative studies in colleges and universities throughout the country. This situation has been created by the failure to establish the Center for Educational Cooperation authorized under the International Education Act of 1966 and by the decisions of the major private foundations to reduce their support for research and education in international affairs before the government's new program was fully funded.

The level of government support for research and education in international affairs is, however, just one part of the problem. The behavioral sciences have a special need for free and healthy international exchange in research. The important influence of culture on social and human behavior makes it necessary to undertake observations on a cross-cultural basis in order to test general hypotheses. Such research requires, in turn, free access to different national groups and extensive exchange among behavioral scientists from all countries.

From a practical point of view, international and comparative behavioral science research cannot be carried out by Americans without the cooperation of foreign scientists. From both political and scientific perspectives, "unilateralism" will be resisted increasingly and opportunities for research in foreign countries progressively delimited unless research is made a matter of international cooperation. Major responsibility for international cooperation rests with behavioral scientists themselves. A responsibility of the government is to create the most advantageous environment for this development. Such an environment would be enhanced: (1) by placing major governmental responsibility for supporting university-based research overseas in science- and education-based agencies rather than in departments and agencies that have foreign policy or military missions; (2) by strengthening research programs in international organizations; and (3) by programs to assistant behavioral science training and education in the developing countries.

The Committee, therefore, recommends:

5. That primary responsibility for government support for behavioral science research and training conducted in foreign countries by universities in the United States be placed in agencies and programs committed to basic research and research training, particularly the National Science Foundation, the National Institutes of Health, and the proposed Center for Educational Cooperation under the International Education Act.

6. That a pattern of programs be developed to strengthen the bases for international cooperation in behavioral science research and to assist in the growth of behavioral sciences in foreign countries, especially in Asia, Africa, and Latin America, through:

a. Provision in technical and economic assistance programs for the development of faculties and facilities in the behavioral sciences in foreign universities;

b. Special institutional grants to United States universities by the National Science Foundation and the National Institutes of Health to support fellowships for foreign students selected by academic departments and to permit continuing cooperative programs of research and training with foreign universities; and

c. The extension of bilateral and multilateral programs of scientific cooperation in the behavioral sciences and increased support for the behavioral science programs of international organizations like UNESCO and the United Nations Institute for Training and Research.

SCIENCE POLICIES

The development of research strategies and staffing and training policies to strengthen the research component in the government depends on the value attached to the knowledge and methods of the behavioral sciences. This is true, not only within departments and agencies, but also at the highest levels of the government, where policies on the use and support of the sciences are shaped. There is, at present, no central forum for dealing with common problems of behavioral science research or for giving top-level support to policies designed to strengthen the behavioral sciences as an instrument of policy-making and program operations.

The science policies of the federal government are the responsibility of the President and the Congress. With the increased relevance of science to public policies, a number of mechanisms, largely stimulated by new advances in the physical sciences, have grown up within the Executive Branch to bring scientific advice to the top level of the government and to support the effective growth of scientific activities throughout the federal establishment. These mechanisms have included the Office of Science and Technology (OST), the President's Science Advisory Committee (PSAC), and the Federal Council on Science and Technology.

In practice, problems presented to OST and PSAC have been discussed mainly in terms of the physical and biological sciences. As a consequence, OST and related organizations have been slow to recognize responsibility for reviewing behavioral science programs or for assessing the impact of behavioral science knowledge on national policies. OST has never developed a staff competence in the behavioral sciences, and only recently was the first behavioral scientist appointed to PSAC. Nevertheless, on a number of occasions, issues of behavioral science research, such as the rights of privacy in relation to research, have been the subject of study by OST- or PSAC-sponsored groups. Also, many technological problems examined by OST, PSAC, and the Federal Council have been infused with economic, social, political, and legal elements. In such cases, OST and PSAC have made use of behavioral science resources, usually on a limited *ad hoc* basis.

The question of greater behavioral science capacity in both OST and PSAC gains in importance as behavioral science activities increase in government and as technological problems raise increasingly difficult social and economic issues. There are alternatives to placing responsibility for behavioral science activities in OST. It is possible that such responsibility might be exercised by the Bureau of the Budget, by an expanded and more broadly conceived Council of Economic Advisers, or by a separate office under a new Special Assistant to the President. In the case of the Bureau of the Budget and the Council of Economic Advisers, responsibilities for review of research programs would detract from their primary policy obligations. At the same time, it would be unrealistic and mistaken to separate the impact of the behavioral sciences from that of the physical and biological sciences in top-level policy processes by setting up what would be two Special Assistants for Science.

In the fields of public health, urban reconstruction, and economic and social development at home and abroad, a key requirement is the ability to work out comprehensive programs that utilize and relate knowledge from all the sciences. By the same token, the policies of the federal government regarding scientific development and educational growth need to be conceived in comprehensive terms, especially as federal support of science becomes increasingly related to federal support for higher education. The Committee therefore recommends:

7. That the functions of the Office of Science and Technology be broadened and its resources strengthened in order to assume the same responsibilities for governmental programs in the behavioral sciences as it now exercises for programs in the physical and biological sciences, including the review of government support for the continuing growth of these sciences and special problems with regard to their application to government programs and processes.

8. That the President's Science Advisory Committee be organized to include behavioral scientists in its membership in order to deal with the full range of matters brought to its attention, including the social and economic effects of scientific and technological change, the state and needs of American higher education, and the role of the federal government in strengthening scientific developments in all fields, including the behavioral sciences.

SUPPORT FOR BASIC RESEARCH

The needs of government departments and agencies for new sources of social and economic information and for new tools of analysis increase the need for a structure within which basic research of a theoretical and methodological nature can be encouraged and supported.

While the federal government finances basic research in the universities and research institutes through a pluralistic system of support, major responsibility for supporting scientific development falls on the National Science Foundation (NSF). The behavioral science program of the NSF has developed in scope and depth in recent years with increased support for the full range of disciplines and methods and with the initial extension of departmental and institutional grants to the behavioral sciences in addition to the more established project grants. The question has arisen, however, whether the patterns of support within the NSF are sufficient to meet the development needs of the behavioral sciences or whether there is need for the establishment of a separate National Foundation for the Social Sciences.

The future expansion and direction of government support for the behavioral sciences require a full and balanced assessment of the current state and future needs of these sciences. Such an assessment, together with indications of the ability of the NSF to meet the needs of the behavioral sciences, should emerge as three current reviews are completed: the congressional action to amend NSF legislation to specify the social sciences for NSF support and to authorize the Foundation to fund applied as well as basic research; the review of the needs and opportunities for scientific growth being undertaken by the Behavioral and Social Sciences Survey Committee sponsored by the National Academy of Sciences—National Research Council and the Social Science Research Council; and the study of the Special NSF Commission on the Social Sciences on the utilization of the social and behavioral sciences to meet the problems of society.

The combined effect of these reviews could lead to changes in the government system of support for the behavioral sciences within the current structure of the NSF or through new institutional arrangements. Pending completion of these studies, certain general directions and requirements for the development of the behavioral sciences, nonetheless, have become increasingly evident. These were outlined in the report, *Strengthening the Behavioral Sciences*, issued by a special panel sponsored by the PSAC in 1962: the extension of general education in the behavioral sciences; support for graduate training; systematic collection and processing of basic behavioral data for the United States and for other societies; and larger units of support for basic research.

The recommendations of the PSAC-sponsored panel provide guidelines for an expanded NSF program in the behavioral sciences that need not await the result of current studies. Expansion along these lines, moreover, would provide the Foundation with increased operating experience as a base for a larger effort once the direction of these studies becomes clear. The Committee, therefore, recommends:

9. That the National Science Foundation, which has special responsibility for the growth and development of all the sciences and for continuing support of training programs in the sciences, give increased emphasis to institutional and departmental grants in the behavioral sciences and to support of centers that are organized to develop cumulative information and knowledge in the behavioral sciences, and begin to develop an organized base through which to examine and implement the recommendations of cur-

rent major study groups on the future needs for development and use of the behavioral sciences.

FUTURE-ORIENTED RESEARCH AND PUBLIC POLICIES

The recommendations in this report have thus far emphasized strengthening existing instrumentalities in the federal government for the use and support of the behavioral sciences. The report seeks to stress that there are no "instant" answers to the effective use of knowledge. The use of research requires an integration of the knowledge and methods of the behavioral sciences into the on-going processes of government and not necessarily the creation of new and separate institutions. The application of knowledge to public programs and the formation of science and educational policies, moreover, require the combined efforts of all the sciences—physical, biological, and behavioral.

The pluralism of the federal science structure, nevertheless, provides a framework for new and innovating institutions aimed at advanced research and at a continuing examination of the relevance of knowledge to current and future problems of the society. The National Institutes of Health, the national laboratories, the special non-profit research corporations, and the contract method have all served to bring intellectual resources to bear on public policies. They supplement the research, evaluation, and analytical services within the government that, no matter how broadly conceived and administered, are often restricted by pressures of time and by the operating assumptions of existing policies. In a period of rapid and substantial change at home and abroad, the policies and programs of the federal government must become increasingly future-oriented. This orientation will always require new kinds of information, new ways of analyzing data, new collaboration among scientists, new relations between scientists and policy-makers, and new attitudes about the nature of planning.

A new federal institute to sponsor advanced research related to public purposes would serve to strengthen the recommendations for internal review and organization made in this report. It could go farther to provide a kind of lightning rod for future changes as an alternative to the frustrating process of analyzing social and economic crises after they have occurred and taken their toll. It could have important effects, not only on the role of knowledge in federal policy-making, but also on the growth of a deeper sensitivity throughout the society to the problems of applying knowledge to practical issues.

Such an institute would need an independent base of support in order to be free to examine, not only the issues of the society, but also the prevailing premises and perceptions of these issues. Providing this kind of independence would give positive recognition to the place of knowledge in democratic government. The Committee, therefore, recommends:

10. That the President and the Congress create and independently endow a National Institute for Advance Research and Public Policy in Washington, D.C., to undertake continuing and long-range analyses of national policies and problems, to serve as a center for continuing interchange between government policy-makers and scientists, and to provide a forum in the nation's capital for the full exploration of the growth and application of knowledge from all the sciences to the major issues of the society.

NEW YORK TIMES EXPRESSES CONCERN OVER POTENTIAL DANGER OF ATOMIC POWERPLANTS

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, a New York Times editorial on August 15 recommended a thorough examination of the more obvious perils from radioactivity as well as the danger of thermal pollution before a license is granted for a proposed reactor at nearby Fort Slocum. I request unanimous consent to have this statement—along with my letter to the Times—inserted in the RECORD at the conclusion of my remarks.

Growing concern among the Nation's editors over the dangerous aspects of nuclear powerplants may convince Congress of the necessity for adopting House Joint Resolution 599, which I introduced on June 1 of last year to create a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program.

As greater attention is directed toward the policy of allowing construction of atomic plants while safety problems remain unsolved, the general public can be expected to rise in indignant protest in the realization that AEC is promoting a program with latent disaster consequences. Equally disturbing is the fact that there is a limitation on the liability of companies operating nuclear generating stations while at the same time damage by radiation is completely excluded in a homeowner's insurance policy.

The Times editorial and my letter follow:

[From the New York Times, Aug. 15, 1968]

POWERPLANT AT FORT SLOCUM

An eighty-acre island in Long Island Sound off New Rochelle has much to recommend it as the site for the world's largest nuclear-fueled electric generating plant. If the Atomic Energy Commission approves the construction of an atomic power plant so close to a large urban area—something it has never yet done—Con Ed's newest will arise in place of the antiquated works of Fort Slocum.

It is easy to understand the enthusiasm that both Mayor Lindsay of New York and Mayor Alvin R. Ruskin of New Rochelle have expressed for the proposal. It would provide four million kilowatts of badly needed power for the homes and industries of the metropolitan area without either polluting the air or despoiling the scenery.

We will be just as pleased as the two mayors are if New York and its environs can thus obtain a future source of ample power free from the drawbacks that seem inseparable from coal or oil fueled plants, and that too often appear in hydroelectric plants of the pumped storage variety, such as the one proposed for Storm King Mountain.

A serious note of caution needs to be sounded, however. It must be remembered that when Con Edison first put its nuclear generating plant into operation at Indian Point in the Hudson River, tens of thousands of fish were killed by thermal pollution. Eventually the utility installed a system of screens and walls that, it says, put a stop to this slaughter.

If the initial effect of the discharge of hot water from the 280,000-kilowatt plant at Indian Point was so lethal, what would be the effect on the ecology of Long Island Sound of the discharge from a four-million-kilowatt plant? Worry on this score is compounded by the fact that several other atomic reactors are already planned along Long Island's north shore.

Such questions, as well as the more obvious perils from radioactivity, must be thoroughly examined before a license is issued for the Fort Slocum plant. It may well be, as Con Edison argues, that advances in nuclear technology have been so great that the new plant would be of unquestionable safety; but does Con Ed or anyone else have dependable answers to the effect on the environment of a project of such dimensions? Until it is clear that the dangers are minimal, the new proposal—attractive as it first appears—must be greeted with reserve.

Because of the possible hazards from thermal pollution and radioactive wastes, Senator Edward M. Kennedy of Massachusetts has proposed that the Atomic Energy Commission declare a moratorium on the licensing of nuclear powerplants until after the Federal Power Commission shall have made a study of their potential dangers to public health and safety, and recommended necessary protective measures.

This is a sound proposal. The Atomic Energy Commission, which is charged with the development of atomic power, should not be the judge of its own standards for safeguarding the ecology and the public. These should be passed upon by another agency competent in the field, so that no conflict of interest arises.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 5, 1968.

EDITOR,
Letters to the Editor, New York Times,
New York, N.Y.

DEAR SIR: The Times editorial, "Power Plant at Fort Slocum," of August 15 lends emphatic support to my long-standing position which proponents of the Atomic Energy Commission reactor program have attempted to ridicule because I represent a district heavily laden with coal.

Like the Times, I feel that the obvious perils from radioactive wastes and the possible hazards from thermal pollution should be thoroughly examined before a license is issued for Fort Slocum or any other plant. I have also demanded a moratorium on the licensing of nuclear plants pending an objective study on transportation and disposal of nuclear materials as well as on plant operation and its effect on the environment.

I would remind those who scoff at the potential danger of reactors that the AEC's own Brookhaven Report of 1957 estimated that a single accident at a nuclear plant could cost 3,400 lives, injure 43,000 more persons, and cause as much as $7 billion property damage. Today's reactors are considerably larger and, as admitted by the AEC, could in the event of an accident bring substantially greater losses.

What is not generally realized is that utilities which operate reactors are protected by a law limiting their liability to $560 million—or slightly less than 10% of the 1957 estimate of damage potential.

Nor are all homeowners aware of the provision written into their insurance policies which excludes liability from the effects of radiation.

House Joint Resolution 599, which I introduced June 1, 1967, is currently lying idle in the Joint Committee on Atomic Energy. The Times could implement the recommendations of the August 15 editorial by placing its prestige and influence behind this resolution to create a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program.

While the safety factor is being explored, the nation need not worry about the adequacy of fuel to satisfy demand. Pennsylvania alone has more than 35 billion tons of mineable coal reserves, or four times the amount extracted in the State in two centuries of mining. New York is not affected by air pollution from the mine-mouth generating stations which are now supplying the East Coast with electricity; nor from the plants fifty or more miles from the city which are supplied with coal by unit train from Central and Western Pennsylvania.

Modern power plants are equipped with electrostatic precipitors which capture 99% of particulate matter before it leaves the stacks. If the Federal government would make proper use of research funds now being used by AEC to promote its reactor program, sulphur dioxide also would be quickly eliminated as an atmospheric contaminant.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

LEADING EXPERT ON CORPORATE ECONOMIC POWER, A. A. BERLE, JR., COMMENDS RECENT BANKING AND CURRENCY SUBCOMMITTEE REPORT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on Sunday, August 11, the Washington Post carried as one of its lead articles in the Outlook section an article entitled: "The Problem of Financial Power," by Prof. A. A. Berle, Jr., of Columbia University. Professor Berle has been recognized for the last 40 years as one of America's leading experts on corporate power as it affects the American economy.

Professor Berle's article was an appraisal of the recent staff study on "Commercial Banks and Their Trust Activities: Emerging Influence on the American Economy," put out by the Domestic Finance Subcommittee of the House Banking and Currency Committee. He praised this report highly by saying:

> A huge gap in our knowledge of American economic power has now been filled by . . . an outstanding piece of work, providing a goldmine of material for American economists and political scientists.

Professor Berle concludes from his examination of this study that—

> America must do some hard thinking and make some decisions about the men, the machinery and the standards by which the managements of its corporations shall be selected.

This noted lawyer and teacher also supports many of the legislative recommendations contained in the report and adds a few of his own.

Before placing in the RECORD in its entirety Professor Berle's article, let me point out to the House that the demand for copies of this study has been unprecedented. In 9 days' time after the printing of the study the entire supply both of the subcommittee and of the Government Printing Office was exhausted. Since that time requests for copies of the Domestic Finance Subcommittee report have continued unabated. These requests, which until a reprinting is made cannot be filled, have come from Members of both the House and Senate, college and university professors, economic consultants, law firms, businessmen, bankers, Government officials at all levels, students and interested private citizens. The subcommittee has at the present time approximately 1,000 unfilled requests. Every day brings more and more requests. In addition, the Government Printing Office intends, because of orders it has received, to put on sale an additional 1,000 copies if the report is reprinted.

Because of this tremendous demand for copies of this important study from such a wide variety of sources all over the country, it is imperative that the GPO be authorized to reprint the report. Anticipating this demand, on July 12, 1968, I introduced House Concurrent Resolution 797. This resolution is now pending before the House Administration Committee. It would be very unfortunate, considering the amount of interest that this study has generated, if the Congress did not act on this resolution immediately, or certainly before adjournment of the 90th Congress. Therefore, I respectfully urge that House Concurrent Resolution 797 be given immediate and affirmative consideration.

The article referred to follows:

OUR PROBLEM OF FINANCIAL POWER

(By Adolph A. Berle)

(NOTE.—A former Assistant Secretary of State, Prof. Berle is considered a leading authority on concentration of power in an industrial society and the role of the corporation in American life. A professor emeritus at Columbia Law School, he resides and still practices law in New York City.)

Who controls American finance and industry—and how? The evidence now points to two groups: the managements of several hundred big American corporations and, increasingly, the trust departments of the large commercial banks that vote stock they hold in trust for others.

Until recently, the power of these banks was suspected but unproved. A huge gap in our knowledge of American economic power has now been filled by an excellent staff report to the Domestic Finance Subcommittee of the House Committee on Banking and Currency headed by Rep. Wright Patman (D-Tex.). Patman and his committee—and especially their staff—have done an outstanding piece of work, providing a gold mine of material for American economists and political scientists. Whether credit should go to the chief investigator, Curtis A. Prins, or to the counsel, Benet D. Gellman and James F. Doherty, or to the minority staff member, Orman S. Fink, I do not know, but there is credit enough to go around.

The report notes a steadily growing concentration of control in a few hands and observes that the "snowballing economic power described in this study . . . is a situation which can only be ignored at great peril."

The report's figures prove it, though there is some question as to what the peril really is. Given our system, I feel that control is certain to be concentrated somewhere; that is unavoidable. But America must do some hard thinking and make some decisions about the men, the machinery and the standards by which the vast American economic machine shall be guided and by which the managements of its corporations shall be selected.

The salient facts are these. Some 500 corporations make 60 per cent of all the sales of any kind in the United States. Add another 300 or so, and it appears that the big corporations of the United States are the real source of supply for more than 200 million Americans—not to mention large sectors of foreign countries.

These corporations are "owned" by 24 million or more stockholders. So numerous and so scattered a group obviously cannot "control" anything. The directors and executives of these corporations really make all the decisions—including the choice of the corporations' directors and their successors.

There is nothing new about this. Rep. Patman's staff kindly notes that Dr. Gardiner C. Means and I documented that fact as long ago as 1932. Theoretically, stockholders determine managements by their power to vote. Practically, they do not and cannot.

Somebody has to make nominations, mobilize stockholders' votes and tell them what to do. Until relatively recently, the corporate managements did this. About once in 35 years, some outside group organized a proxy fight and put up an opposition slate—but these fights were rare and in any case did not threaten the largest corporations.

Then came the second development almost entirely since World War II. The big employe pension trusts (the staff report calls these "employe benefit funds") wisely began to invest in common stocks. In the 20 years following World War II these funds grew enormously. They now aggregate about $72 billion and are headed for a far higher figure. As they bought they acquired huge amounts of voting shares. With these their power increased.

In 1959 I noted their rise in an essay called "Power Without Property" and Dean Paul Harbrecht of the Detroit Law School outlined the figures in a Twentieth Century Fund study called "Pension Trusts and Economic Power."

The Patman committee took these studies as a take-off and have updated and expanded them. It observed that most of these funds were actually administered by the trust departments of big commercial banks. In fact, ten big New York banks and another ten banks scattered through the big industrial cities manage an overwhelming proportion of them. These trust departments thus were indicated as the focal points where voting control of American corporations was steadily gathering.

The trust departments of big banks do a great deal more, however, than manage pension and employe benefit funds. They also are executors and trustees for an enormous number of individual holdings. About these, little or nothing was known till the Patman staff report came along. The staff investigators noted that ten years ago, information about trust department stock holdings was a jealousy guarded secret. But the Committee on Banking and Currency could get information available to no private scholar and got it.

It developed that the trust department of the commercial banks hold altogether $253 billion (!) of trust assets—of which $72 billion are employe benefit funds, another $126 billion are the total of private trusts and a further $54 billion are held in agency accounts. This quarter-trillion dollars of assets are held by less than 400 banks—the ten largest banks alone hold about 37 per cent of the total. Prudently (no one quarrels with their judgment), the trust companies have invested an increasing proportion of this huge aggregate in common stocks.

With this investment goes, for practical purposes, power to vote and stocks and, by consequence, to influence American corporations if not to control them outright. The Patman committee staff estimates that by 1970, institutions will hold more than one-third of all the stocks listed on the New York Stock Exchange and there is no reason to suppose that their holdings will not increase. These holdings apparently will be concentrated in big banks—notably in the 10 or 15 largest. If control of corporations is located anywhere outside corporate managements themselves, here is where you would expect to find it.

Now add another factor. Banks not only run trust departments; through their loan powers, they are also creators as well as lenders of money. They supply credit to American corporations who are, perhaps, the largest users of it. As lenders, they have considerable influence. When to this is added their ability to vote large blocks of the stock held in their trust departments, their power-position becomes formidable. Add to that the further fact that bank directors regularly turn up as directors of large industrial corporations and vice versa—interlocking directorates—and you have the picture.

As trustees, these banks are large stockholders. As suppliers of credit, they have the influence of lenders. With interlocking directorates, they potentially can influence the decisionmaking function of the operating corporate managers.

FACTS ARE UNANSWERABLE

The facts are established by the committee report. In my opinion, they are unanswerable. Bank by bank, stock holding by stock holding, corporation by corporation, interlock by interlock, the staff report documents its conclusions.

The situation is largely the product of the last 20 years. Apparently, however, we are only halfway along. Employe benefit funds are continuing to skyrocket. Trust arrangements continue to be a very popular and on the whole successful form of estate planning so trust holdings also are likely to grow. Banks themselves like to merge and have been doing so; the trend is toward growing size. Nothing in this picture suggests that the conditions outlined by the staff report will change—rather they will grow in intensity.

Well, if the trust departments of big banks are the heirs apparent to stockholder voting power, who controls the banks? Here a curious situation emerges. According to the report, 6 per cent of these trust companies hold (in trust, of course) stock *of their own banks*—many of them more than 10 per cent. In seven big banks, their trust departments hold more than 30 per cent of the bank stock itself—a clearly controlling minority where the stock is widely distributed. Each trust department also has trust investments in substantial blocks of stock in other, often competing, trust companies.

The possibilities of self-dealing and self-service are enormous, to put it mildly. The possibility of an ironclad, self-perpetuating control of corporate power is emphatically there. One remembers, more than half a century ago, Samuel Untermeyer's famous investigation of the "Money Trust," when the Pujo Committee studied the banks about 1910, and the Pecora investigation of banking control in 1931–2. Apparently the problem turns up acutely about once in every generation.

Now it is one thing to say that the possibility is there and another to conclude that the whole system is dangerous or rotten and should be changed. The companion fact is that the system in our time has not worked badly. Unlike the days of the Untermeyer and later the Pecora investigations, there have not been major scandals.

Some indeed have come to light. The committee report notes some startling cases where the commercial trust companies have abused their power or have sacrificed the interest of their beneficiaries to their own power interests.

In the struggle of the Pennsylvania Railroad and the Santa Fe to hold onto their control of the Toledo, Peoria and Western in 1954, Guaranty Trust Company and J. P. Morgan & Company (now merged into the Morgan Guaranty Trust Company) prevented a vigorous new competitor from moving in.

Again, the control of a newspaper, the Denver Post, was finally determined by intervention of the Denver United States National Bank, which handled its trust holdings so as to block the higher bidder, S. I. Newhouse, from buying a majority of the paper's shares. Probably for each such case there are a dozen others we know nothing about.

Even so, given the vast number of situations in which trust companies could have thrown their power-weight around, the number of cases where they did is probably tiny. In general, American corporations have been well, though not ideally, managed, whether their stock was held in trust by banks or individually owned, stockholder investors have prospered over the years.

Individuals have regularly confided their assets to trust companies and these concerns have made their money not by manipulating corporate control but by collecting their fees as trustees. Opportunity has existed and undoubtedly does exist for huge manipulation, but so far as appears, it has not been used.

When Warren Hastings was tried for enriching himself through his control of the East India Company operations, he said that he was amazed at his own moderation, considering his opportunities. That answer would scarcely do today, but the fact is that despite their opportunity for dealing for themselves instead of for their clients, trust company managements overall have benefited their beneficiaries and have not visibly harmed corporate managements. Unlike the Pujo and Pecora investigations, the Patman committee does not exhibit a shrieking scandal of vast oppression and wrongdoing.

Partly this is due to the fact that no one, but no one, in or out of a trust company, can know, let alone use, all the interrelationships. Justice Brandeis used to say that no man could understand a billion dollars. Still less could the heads of any set of trust departments know or understand the possibilities buried in the quarter-trillion dollar block of assets—much of it corporate stock—they control.

The unanswerable fact is that some 25 million scattered stockholders cannot control anything or even know enough either about finance or corporate operations to cast intelligent votes in corporate elections. This automatically sets up a vacuum in effective economic control that is bound to be filled by somebody. The apparatus of the trust companies seems to have not done too badly. The real problem is, if not this method of control what effective method can be devised?

As long as affairs go along as at present, no great demand for change is likely to emerge. Yet, given the rapid trend towards its greater concentration, the problem is bound to arise soon, as the Patman committee points out. Periods invariably come when standards of conduct are eroded, when business morals become lax and when opportunities for enrichment overcome scruples against conflicts of interest.

OUTLAW SELF-PERPETUATION

Then the question is, what method other than the present has anyone to suggest? I have no ready-made answer but here venture a couple of observations.

First, the self-perpetuating machinery ought to be outlawed. No trust company of a bank ought to be allowed to vote the stock of its own bank.

Sixty years ago, the then privately owned Prudential Insurance Co. bought a controlling block in the Fidelity Trust Co. and at once caused Fidelity to buy a controlling block in Prudential—an airtight machine for everlasting self-perpetuation. But when a stockholder sued for their injunction, a New Jersey court stoutly said that this kind of thing was illegal and stopped it. The same principle applies here.

A bill is presently pending in Congress—and should promptly pass—to outlaw voting by any Federally insured bank of stock of its own bank, directly or indirectly. This legislation would help.

Second, there should be a forum (other than a probate court in a private quarrel over trust administration) in which the use of a trust company's control powers should be periodically reviewed. At present, there is no effective dialogue between the management of a trust company and its beneficiaries, still less between it and the corporations whose stock winds up in its trust department.

The problems are not primarily those of beneficiary versus trustee. They are problems of overall policy. Conceivably, an annual disclosure to some agency—perhaps the Securities Exchange Commission—could be required and a forum provided in which anyone interested could present his observations or complaints.

The Patman staff report suggests, but does not develop, the possibility of a regulatory agency to take jurisdiction over management of part of the accumulated trust funds, notably the employe benefit (pension trust) funds, though its suggestion is limited to standards of protection and their enforcement. In effect this would create a Federal law for protection of beneficiaries.

Probably more is needed: an impartial agency capable of being called in when the power of the bank, as holder of a block of stock, may conflict with its interest as lender or as holder of other blocks of stock. After all, if the owners—that is, the beneficiaries—cannot choose how the power of the block of stock should be used, there is no particular logic in handing the power over to the bank to be used for the bank's purposes, which is what happens now.

If there is no conflict of interest, the bank's trust department will serve well enough. But as banks expand, conflicts become inevitable. Their holdings in corporation A indicate one policy, while their holdings in competing corporation B may dictate a contrary course. Then an impartial agency to which the question could be referred might be as much protection to the bank as to the beneficiaries.

In the long run, it seems likely that the deposit and lending activities of banks should be separated from trust and fiduciary operations. An intermediate suggestion would be leaving the mechanical trust functions in the hands of the bank, but placing the power to vote any stock in its trust department in the hands of a committee completely independent of the bank management.

A QUESTION OF NATIONAL POLICY

Finally, we are dealing with something far deeper than questions between powerless stock ownership and concentrated control. We are dealing with national policy as well as with commercial problems.

In France, these problems are resolved by a system of "indicative planning." The French Planning Commission lays down guidelines. It does not tackle directly the problem of who shall hold power and industrial control. Rather it indicates what results the controllers of industry ought to seek.

This conclusion goes beyond the excellent list of suggestions made by the Patman committee staff. They rightly want full disclosure, standards of protection for investment of funds, prevention of use of inside information and conflicts of interest, protection against "short-swing" profits and like safeguards. All well and good as far as they go. But they do not deal with the fundamental question.

Some group, it seems, is bound to centralize control of American industry in relatively few hands. There seems to be no way of preventing this. The real problem is to indicate the results the United States wants out of its industry and to make sure that the apparently inevitable controlling groups move toward achieving them.

CONVENTION REFORM AND REVIEW

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I am introducing legislation today calling for the formation of a bipartisan, representative commission to consider revamping or abolishing national presidential nominating conventions. We must face the realization that there were many Americans who watched both national conventions on television with a feeling of disenfranchisement.

In some instances, as they were informed by national news commentators, there were whole State delegations picked by a single man, responsible to no one, or by an unrepresentative party committee. It is clear to me that unless State delegations can more nearly reflect the political viewpoints of a majority of its voters, the democratic pledge of a national convention is open to serious challenge and statements of popular mandate are empty words.

The 30-member commission I propose, concurrent with, the thoughts of my distinguished colleague in the Senate, the Honorable Senator GAYLORD NELSON, would include Members of Congress, appointees of the President, representatives of the six leading presidential candidates to the 1968 Democratic and Republican Conventions as well as State and local government leaders. The commission would hold an extensive review of the presidential nominating process and make its recommendations to the next session of Congress.

It is difficult for the American voter to believe that serious questions of grave national peril can be adequately discussed and resolved during the same 4 hectic days that a national presidential and vice-presidential candidate is chosen.

To insure that youth has a voice in the commission, I propose that two of the six Presidential appointments be youthful leaders under the age of 30.

As a possible point of reform, I would suggest that serious consideration by the commission be given to holding a separate convention by each party for the purpose of charting national goals and priorities. This convention of party delegates would be held in a year preceding the nominatiing convention and insure ample time for unlimited discussion of all points of view.

LAST CHANCE FOR THE VICUNA

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, Jeanne Bellamy of the Miami Herald has discussed the possible extinction of the vicuna, a relative of the llama, in a column entitled "Last Chance for Vicunas," published in the September 4 edition of her newspaper.

Mrs. Bellamy's column has a distinct bearing on the "endangered species bill" which I had the pleasure of supporting in the House Rules Committee and for which I presented the rule on the floor. As you know, I have been a strong supporter of this legislation and I was very gratified when the bill passed the House on August 1.

Mrs. Bellamy, who has written many thoughtful columns on conservation in the past, points out that only some 17,000 vicunas remain alive in all of Peru and Bolivia. One of the more active markets for poached vicuna hides has been the United States, where the mass importation of vicuna furs in the late 1950's resulted in a major scandal and congressional hearings in 1958.

The near extinction of the vicuna has led Peru's director of Forest and Game Service, Eduardo Izquierdo, to suggest an agreement between Peru and Bolivia to ban the export of vicuna hides for 10 years. The effect of the endangered species bill, now pending in the Senate, would broaden and compliment such an agreement enabling the Secretary of the Interior to end the traffic of vicuna hides in the United States.

With this in mind, I include Mrs. Bellamy's thoughtful remarks in the RECORD:

THE POLITICAL FUR FLEW: LAST CHANCE FOR VICUNAS

(By Jeanne Bellamy)

Vicuna is known in the United States mainly as a buffy brown color and as the exotic subject of a Washington scandal 10 years ago. We may be hearing more soon about this furry relative of the llama because it's close to extinction.

The plight of the vicuna is a lively topic in Peru, one of the four Andean lands where countless herds ranged the uplands in pre-Columbian times. Vicunas were valued by the Indians for their meat as well as their fur. The Incas used thousands of men to encircle and kill 10,000 or more in a single drive.

As many as 8,000 a year were being killed in the early 1900s, and the slaughter goes on despite protective laws which are poorly enforced. The finished fur, and cloth made of its silky wool, command premium prices which encourage poaching.

The value was implied at a Washington hearing in 1958 when textile tycoon Bernard Goldfine, who died last year, admitted giving lavish presents to key federal officeholders. A vicuna coat was one of Goldfine's gifts to Sherman Adams, ex-governor of New Hampshire, who was President Eisenhower's right arm in the White House. The testimony caused Adams' political downfall.

The creamy-coffee color of vicuna is as pleasing to the eye as is the fur's softness to the touch. Neither may be within reach much longer unless the extermination of vicunas ceases.

That was a major point raised at the Fourth Round Table on Conservation of Natural Resources last month in Lima. The director of the Forest and Game Service of Peru's Agriculture Ministry, Eduardo Izquierdo, suggested a solution. He favors an agreement between Peru and Bolivia to ban the export of vicuna hides for 10 years.

Such a ban would take the profit out of poaching, and give the graceful little creatures a chance to come back.

Sr. Izquierdo estimates that only about 15,000 vicunas are left in Peru and Bolivia, with another 2,000 or so in the Pampa de Galera.

The round table is one of the little known activities of the Organization of American States. It is cosponsored by local governmental and educational institutions. The worth of this OAS project can be seen from the unwelcome status of the vicuna as an endangered species. Nor is the vicuna alone in that category.

The need for sound conservation practices is acute in most of the New World. It is a proper concern of the OAS and of each member nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MONAGAN (at the request of Mr. ALBERT), for today, September 5 through September 17, on account of official business.

Mr. FLYNT (at the request of Mr. ALBERT), for today, on account of official business.

Mr. ARENDS (at the request of Mr. GERALD R. FORD), for Thursday, September 5, 1968, on account of death in his family.

Mr. MCMILLAN (at the request of Mr. DORN), from September 5 to September 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MAYNE) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 1 hour, on September 10.

Mr. CONTE, for 10 minutes, today.

Mr. STAGGERS, for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. ADDABBO (at the request of Mr. BRINKLEY), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. TUNNEY (at the request of Mr. BRINKLEY), for 60 minutes, on September 9; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. JOELSON.

Mr. FASCELL in two instances.

Mr. HALL and to include extraneous matter.

Mr. REINECKE to revise and extend his remarks immediately following the discussion on the bill S. 20.

Mr. FOLEY to revise and extend his remarks following the remarks of Mr. ASPINALL on the bill S. 20.

Mr. PETTIS to extend his remarks following the remarks of Mr. REINECKE on the bill S. 20.

Mr. MADDEN and to include extraneous matter.

Mr. PUCINSKI in 10 instances.

(The following Members (at the request of Mr. MAYNE) and to include extraneous matter:)

Mr. ZWACK.

Mr. FULTON of Pennsylvania in five instances.

Mr. CURTIS in three instances.

Mr. SPRINGER.

Mr. TAFT.

Mr. JONAS.

Mr. WATSON.

Mr. MCCLOSKEY.

Mr. WYLIE.

Mr. HOSMER in three instances.

Mr. REID of New York.

Mr. SCHERLE in two instances.

Mr. ASHBROOK in two instances.

Mr. MILLER of Ohio in two instances.

Mr. DERWINSKI in three instances.

Mr. PELLY in two instances.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mrs. GREEN of Oregon in five instances.

Mr. EILBERG.

Mr. LONG of Maryland.

Mr. MONAGAN in two instances.

Mr. MURPHY of New York.

Mr. GONZALEZ in three instances.

Mr. BROWN of California.

Mr. PODELL in three instances.

Mr. PEPPER in two instances

Mr. GALLAGHER.

Mr. EDWARDS of California in two instances.

Mr. RODINO.

Mr. BRADEMAS in five instances.

Mr. GRIFFIN.

Mr. MONTGOMERY.

Mr. BROOKS.

Mr. ROGERS of Florida in five instances.

Mr. MARSH in three instances.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, September 9, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2170. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation for "Management of lands and resources," Bureau of Land Management, Department of the Interior, for the fiscal year 1969, has been apportioned on a basis which indicates a need for a supplemental estimate of appropriation, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

2171. A letter from the District of Columbia representative, the Ladies of the Grand Army of the Republic, transmitting a copy of the minutes of the 1967 national convention; to the Committee on the District of Columbia.

2172. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a letter and a declaration of the Rumanian National Assembly, as requested by the Rumanian Ambassador; to the Committee on Foreign Affairs.

2173. A letter from the Secretary of Health, Education, and Welfare, transmitting a supplemental report of property donated to public health and educational institutions and civil defense organizations during the period of January 1 through June 30, 1968, pursuant to the provisions of section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2174. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report of claims paid for the fiscal year 1968 by the Department of Agriculture under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240–243); to the Committee on the Judiciary.

2175. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a request for withdrawal of a case involving suspension of deportation under the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2176. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of the number of employees in each general schedule grade on June 30, 1967, and on June 30, 1968, pursuant to the provisions of 65 Stat. 736, 758; to the Committee on Post Office and Civil Service.

2177. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 26, 1968, submitting a report, together with accompanying papers and illustrations, on a review of the reports on Walnut Bottom Run, Beaver Falls, Pa., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 1, 1958; to the Committee on Public Works.

2178. A letter from the Chairman, Federal Council for Science and Technology, transmitting a report that the Council has requested that the National Science Foundation continue until further notice its collection of information on weather modification activities; to the Committee on Science and Astronautics.

2179. A letter from the Administrator, Veterans' Administration, transmitting reports on the activities of the Veterans' Administration during fiscal year 1968 under programs for sharing medical facilities and exchanging medical information, pursuant to the provisions of 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1866. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 6498. A bill proposing Welfare and Pension Plans Act; with an amendment (Rep. No. 1867). Referred to the Committee of the Whole House on the state of the Union.

Mr. UDALL. Committee on Post Office and Civil Service. H.R. 12881. A bill to authorize the payment of allowances to defray commuting expenses of civilian employees of executive agencies assigned to duty at remote worksites, and for other purposes; with an amendment (Rep. No. 1868). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee of Conference. S. 3293. An act to authorize appropriations during fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. (Rep. No. 1869). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CURTIS:

H.R. 19566. A bill to amend the Internal Revenue Code to allow single persons the privilege of producing wine for their use in the same manner as head of family under section 5042 (a)(2); to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 19567. A bill to authorize the Civil Aeronautics Board to relieve congestion at certain airports having a high density of air traffic by designating the specific airport to be utilized by air carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 19568. A bill to make certain additional uninsured individuals eligible for hospital benefits; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 19569. A bill to permit the donation of surplus agricultural commodities to certain nonprofit organizations serving American servicemen; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 19570. A bill to amend title 10 of the United States Code to prohibt the assignment of a member of an armed force to combat area duty if certain relatives of such member died or became totally disabled while serving in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. REID of New York:

H.R. 19571. A bill to amend section 203(a)(2) of the Immigration and Nationality Act to provide that parents of lawful resident aliens shall be eligible for second preference immigrant visas; to the Committee on the Judiciary.

By Mr. SCHADEBERG:

H.R. 19572. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHWENGEL:

H.R. 19573. A bill to amend title 38, United States Code, to provide employment and relocation assistance for veterans; to the Committee on Veterans' Affairs.

By Mr. SMITH of Oklahoma:

H.R. 19574. A bill making a supplemental appropriation for the fiscal year ending June 30, 1968, to carry out title I of Public Law 874, 81st Congress, and for other purposes; to the Committee on Appropriations.

By Mr. WILLIS:

H.R. 19575. A bill to authorize the purchase of agricultural commodities under section 32 without charge to a quota; to the Committee on Agriculture.

By Mr. ZWACH:

H.R. 19576. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.J. Res. 1441. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H. Con. Res. 813. Concurrent resolution expressing the sense of the Congress with respect to the occupation of Czechoslovakia by military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Con. Res. 814. Concurrent resolution expressing the sense of Congress that the United States should have one uniform nationwide fire reporting telephone number and one uniform nationwide police reporting telephone number; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H. Res. 1290. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. FOUNTAIN:

H. Res. 1291. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. JOELSON:

H. Res. 1292. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Zablocki, Mrs. Kelly, Mr. Hays, Mr. Selden, Mr. O'Hara of Illinois, Mr. Farbstein, Mr. Murphy of Illinois, Mr. Gallagher, Mr. Nix, Mr. Rosenthal, Mr. Roybal, Mr. Culver, Mr. Hamilton, Mr. Tunney, Mrs. Bolton, Mr. Adair, Mr. Mailliard, Mr. Frelinghuysen, Mr. Broomfield, Mr. Whalley, Mr. Thomson of Wisconsin, Mr. Findley, Mr. Buchanan, and Mr. Taft):

H. Res. 1293. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. PUCINSKI:

H. Res. 1294. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. SMITH of Oklahoma:

H. Res. 1295. Resolution creating a select committee to conduct an investigation and study of certain charges made against the Internal Revenue Service; to the Committee on Rules.

By Mr. VANIK:

H. Res. 1296. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

377. By the SPEAKER: Memorial of the Legislature of the State of California, relative to timber exports; to the Committee on Banking and Currency.

378. Also, memorial of the Legislature of the State of California, relative to national cemeteries; to the Committee on Veterans' Affairs.

379. Also, memorial of the Legislature of the State of California, relative to tax-sharing programs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 19577. A bill for the relief of Shee Ming Mah; to the Committee on the Judiciary.

H.R. 19578. A bill for the relief of Stanley Wing Soon Wong; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 19579. A bill for the relief of Caterina LoPipero and minor child, Guiseppino LoPipero; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 19580. A bill for the relief of Eufemio Dacanay Felix; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 19581. A bill for the relief of Jamie Chuntianlay Siy; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 19582. A bill for the relief of Miss Boon Ok Kim; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 19583. A bill for the relief of Capt. Norman W. Stanley; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 19584. A bill for the relief of Mrs. Serafina Accurso; to the Committee on the Judiciary.

H.R. 19585. A bill for the relief of Mr. and Mrs. John Anagnostopoulos; to the Committee on the Judiciary.

H.R. 19586. A bill for the relief of Antonio Benanti; to the Committee on the Judiciary.

H.R. 19587. A bill for the relief of Mr. Giacomo Fragale; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 19588. A bill for the relief of Miss Bianca Maria Brazzola; to the Committee on the Judiciary.

H.R. 19589. A bill for the relief of Dr. Manuel Nate Roco, his wife, Nellie Marcelo Roco, and two children, Jonas Marcelo Roco and Manuel Marcelo Roco; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 19590. A bill for the relief of Irene G. Queja; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 19591. A bill for the relief of Daniel L. Pitzer; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 19592. A bill for the relief of Richard Guerra; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 19593. A bill for the relief of Michael Beno; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19594. A bill for the relief of Josef Shvinger; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 19595. A bill for the relief of Dr. Aminollah Jazab; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 19596. A bill for the relief of Dr. Rameshchadra C. Shah; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 19597. A bill for the relief of Aniello De Chiara; to the Committee on the Judiciary.

H.R. 19598. A bill for the relief of Mario Sarni; to the Committee on the Judiciary.

H.R. 19599. A bill for the relief of Dimitrios P. Tassios; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 19600. A bill for the relief of Feliciana G. Avecilla; to the Committee on the Judiciary.

H.R. 19601. A bill for the relief of Jaime C. Avecilla, Sr.; to the Committee on the Judiciary.

H.R. 19602. A bill for the relief of Joo Bok Lee; to the Committee on the Judiciary.

H.R. 19603. A bill for the relief of Virginia Sansano Quidangen; to the Committee on the Judiciary.

By Mr. WILLIS:

H.R. 19604. A bill for the relief of Aravamudhan and Edelgard Raman; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COMMUNISM'S CHARACTER UNCHANGED

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, September 5, 1968

Mr. THURMOND. Mr. President, the Anderson, S.C., Free Press of August 15, 1968, contains a syndicated column entitled "Communism's Character Unchanged," written by the distinguished columnist Mr. Thurman Sensing. This column, reasserting a belief in the monolithic threat of communism, appeared in print a full week before the Soviet show of power by invading Czechoslovakia.

Mr. Sensing offers ample admonition for the need of a serious reevaluation of our Nation's foreign policy. Whereas he uses the Czechoslovakian incident as just another example to illustrate the Soviet power over the satellite countries, he also brings to mind the far more important idea of the monolithic threat of the Communist world.

The author is a strong opponent of the popular idea that the Communist world is divided and exists in a polycentric nature. To the new generations of Americans who have been nurtured with such propaganda and to those who have never experienced the flagrant tactics of a Stalin or a Beria, he offers us the following recent reminders of Soviet brutality: Hungary, 1956; the exploits in Africa; the entanglements in the Middle East; the penetration in Southeast Asia; Cuba, 1962; and now Czechoslovakia, 1968.

Mr. President, can we detect any mellowing in the Communist ideology? Do we now have any reason to doubt Moscow's direction of events in the satellite countries? Czechoslovakia is merely the most recent example.

However, even when presented with such evidence as this recent episode, our policymakers neglect to realize that Moscow still "calls the shots" in the Communist world.

Men such as Mr. Sensing are performing a valuable service to our Nation by constantly reminding us of the Soviet challenge. Such a prophetic voice crying in the wilderness is not always greeted with honor or popular reception, but such a mission is a noble and valuable one as the tide of history affirms his judgment.

I invite the attention of the Senators to this column and I implore them to take notice of Mr. Sensing's timely words.

I concur in his beliefs. I ask unanimous consent that his article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUNISM'S CHARACTER UNCHANGED

Whatever the immediate outcome of the Czechoslovakian situation, it should be clear from a reading of recent news that Communism has not changed its character. Hopefully, American "liberals" who have been saying that the Russia of today is vastly different from the Russia of Stalinist times will acknowledge to themselves and to others that they were wrong.

A few years ago Walt Whitman Rostow, then head of the State Department Policy Planning Council and now a top White House adviser, was the author of the thesis that Communism is "mellowing." The Czechs, however, have discovered that there is nothing mellow about the thinking or actions of the Soviet Union. As soon as the Soviets saw that their power position in Czechoslovakia was even slightly threatened, they began to display their military muscle. They demanded that the Czechs fall into line.

One of the pet phrases of recent years has been "polycentricism," meaning a variety of centers. The "liberals" vowed that communism no longer has a single center, Moscow, but is decentralized and developed in a variety of independent ways. From the Czech situation, however, we can see that the Russians hold that they are the one and only source of policy for the Communist world. They demand that their Central European satellites toe the mark and respect the authority of communism in the Soviet Union.

The end result of these developments on the international scene is that communism can be viewed as having the same face it had under Dictator Joseph Stalin. It is still an armed doctrine representing the Soviet dictatorship and utterly opposed to the slightest breath of personal or economic freedom.

It is instructive that the Czech situation should develop in this period before the American presidential election. The future of the cold war is still the chief issue facing the American people. If the U.S. fails to actively strive for victory in the cold war, it will continue to lose ground in the worldwide conflict between capitalism and communism.

A new generation of Americans has grown up with no memory of the communist record of tyranny and betrayal. Young Americans in their twenties aren't old enough to remember the soft-on-Communism outlook of the Roosevelt New Deal, the giveaway of lend lease supplies to the USSR, the surrender of Eastern Europe to the Russians at the end of World War II. These young Americans don't have personal recollections of the Soviet spy cases which showed that the Russians built their first atomic weapons on the basis of information stolen from the U.S. or supplied by traitors. They don't recall the case of Alger Hiss, the high-ranking State Department official who served as a Soviet agent.

Older Americans need to help educate younger Americans and explain to them how the interests of the U.S. were sacrificed by disloyal elements and appeasement types in our midst. The young also need to know about the struggle of anti-communists in this country over a 20-year period. They should be informed as to who stood for firmness against Communism and who had an ignorant or sentimental view of the communist threat to freedom. Young voters should ask themselves where the leaders and candidates of today stood in the decisive struggles involving communism and the cold war. For example, what was Hubert Humphrey's view of the Hiss case when it was the raging issue of the moment? Or, looking at more recent events, what was Mr. Humphrey's view when President Kennedy ordered withdrawal of U.S. missiles from Turkey in exchange for the alleged removal of Soviet rockets from Cuba?

These questions aren't ancient history. They are living questions that pertain to basic attitudes regarding the cold war, the struggle between the forces of freedom and the forces of tyranny.

The record will show that America's "liberals" have been consistently wrong about communism for 20 years. They have laughed at anti-communists, saying they "see Reds under beds." Meanwhile, the Soviets have swept on from success to success, capturing Cuba and penetrating Africa, the Middle East and Southeast Asia. The "liberals" have been determined to see communism as containing reforming elements, whereas communism is as brutal and ambitious as ever. The United States is in danger today because "liberals" have guided American foreign policy. It is imperative that there be a change in leadership in Washington, in foreign policy thinking as well as in the handling of domestic strife, which also stems from communist agitation.

America hasn't much time to adopt a new, vigorous posture toward the communist threat. The people need to act in 1968.

CRISIS IN AMERICA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. TEAGUE of Texas. Mr. Speaker, it was my privilege to deliver the keynote address to the annual convention of the Disabled American Veterans in Philadelphia, Monday, August 19, 1968. Under leave to extend my remarks in the RECORD, I include the text of my remarks, as follows:

CRISIS IN AMERICA

There is one, few can doubt. In the past decade we have seen: Our cities convulsed with mindless destruction in the name of "civil rights"—universities shut down by self-styled revolutionaries in the name of "academic rights"—sedition and draft-evasion by cowards and over-educated milquetoasts, in the name of "morality"—militants and radicals openly advocating guerrilla warfare and anarchy in order to disrupt the democratic process and overthrow the government, in the name of "freedom"—a youth culture anesthetized and sustained by drugs, in the name of "self-expression"—hippies and flower children aimlessly wandering and littering the streets in the name of "love and peace"—an unprecedented, steadily rising crime rate, five times faster than the population—the assassination of political leaders—and finally, a shambles of primitive lawlessness in the nation's capital, in the name of "the right to equal shares for everybody."

What is happening in America? Why do we indulge and permit these excesses and outrages? Why do so many, even now, continue to perpetrate and sanction them? The answers, while complex, are not as difficult and mysterious as they may seem.

At the heart of the problem is an age-old moral dilemma with which every healthy society must come to terms. It is that of balancing the rights of the individual against the good of society as a whole, drawing the fine line between the function of government and the obligation of the citizen to himself and to his country. A stable, vigorous democracy must preserve the proper balance between the duties of government and the responsibilities of its citizens—each must uphold, so to speak, its end of the bargain. When one is exaggerated at the expense of the other, and the balance is lost, societies decay and eventually collapse from within. Rome fell when its citizens became so obsessed with greed and personal ambition that they lost sight of the long range goal—the good of the nation as a whole (without which there can be no fulfillment of individual interests).

In many ways we are experiencing symptoms of a similar moral breakdown. We are slowly losing perspective in the proper role of government in relation to the individual and are abandoning genuine rights for the sake of instant satisfaction of needs and desires. Too many of us confuse the desire for something with the right to something. There are certain rights in a free democracy which are the function of government to guarantee and protect. Among these is the right to life, liberty, and the pursuit of happiness. But there are other so-called rights, about which we hear a great deal lately, which are not really rights at all. They have taken on an aura of credence as "rights" because of the myths surrounding them. In the process of perpetrating these myths, genuine rights—such as the right of the majority to freedom from fear, to protection by the law, and to the freedom to choose—have been so twisted and degraded that not only has its true meaning been obscured, but the acts committed in its name have made a mockery of its original intention. It is becoming increasingly fashionable today to justify almost anything by calling it a "right".

It is time to take another look at the mythical rights on the altar of which we are slowly sacrificing our legitimate rights. Liberty does not mean license from the law. The right to dissent means protest within the bounds of law, not mob rule. The right to the pursuit of happiness means equal opportunity, not guaranteed income and equal shares.

The recent so-called "poor people's campaign" is a good example of misguided goals under the banner of "rights". Democracy calls for equal opportunity under the law. It does not believe in guaranteeing equal results for everybody irrespective of effort. It is not the function of government to guarantee prosperity for everyone. It is the function of government to provide a climate in which everyone is free to prosper. The present outcry for "equal rights" for the poor is really a demand for "special rights" for equal shares. While an affluent society ought to help those who cannot help themselves, and whereas we do cultivate the ideal of charity to the extent that we are probably the most giving nation in the world, that is charity and not a basic right. It is a gross distortion of the concept of equal opportunity to equate it with the right to equal shares. There is no such right in a free democracy. The right to equal property is a cardinal principle of communism. Even communistic countries have abandoned it because the apathy it breeds stifles everyone and in the end benefits no one.

The philosophy of equal shares is contrary to a man's fundamental right to place a value on his work. A man's work is an expression of himself. When you deprive him of the means by which to judge the quality of his efforts, namely, proportionate reward, you take away not only the dignity and incentive of work, but also pride in achievement. The philosophy that goes with the demand for guaranteed income is not only impractical; it is a direct denial of principles which have made this the richest nation in the world—the right to competition, free enterprise, and reward based on merit.

A popular fallacy perpetrated in connection with welfare demands is the belief that a huge segment of America is hopelessly trapped in grinding poverty. First, the so-called poverty is not as grinding as many like to believe. Professor Parish—a professor of economics at the University of Illinois—cites in a study, entitled "Poverty in America: The Myth and the Reality," that based on consumer statistics, 96 percent of the U.S. families currently own T.V. sets, and in the active age group, 90 percent own cars. Over half the families with annual income under $3,000 have telephones, and among those with incomes under $5,000, 60 percent have telephones. A 1967 Bureau of Census survey of the kinds of things poorer families buy showed that of those under 25 years of age and earning less than $3,000 annually, 5 percent bought new automobiles and 49 percent bought used ones; 54 percent purchased T.V. sets. A TIME magazine survey of hunger showed that even in Mississippi's Tunica County, one of the poorest in the nation, 8 out of every 10 families living on less than $3,000 a year, 37 percent owned washing machines, 48 percent owned cars, and 52 percent had T.V. sets. You cannot eat or wear cars and T.V. sets. A major portion of the so-called poverty-stricken class of America enjoys fruits of affluence which the middle-classes of Europe cannot, or are only now beginning to be able to, afford, not to mention the rest of the world.

Secondly, it is a myth that poorer people in this country are "hopelessly" trapped. Today in America, anyone who really wants to work, and is willing to work, can get an education and a job. Thousands are working at something they are able to do while learning an additional skill. Yet, every day, as the demands for more money grow louder, the want ads grow longer with job offers, and the welfare lists grow longer with people who either lack the skills to fill the jobs or consider them too menial to be worth their while.

The trend today to make the government the scapegoat for every conceivable social ill is as irresponsible and unrealistic as the belief that the government can miraculously cure these ills in one stroke. For every 100 poor people, there are 100 different reasons. The instruments of government are not finely enough tuned to solve the individual grievances of 200 million Americans. The government can, and does, throw billions of dollars each year into attacking the root causes, such as lack of education, and ignorance of available opportunities.

But there are some things which are simply beyond the realm of government and money to cure. More often than not, the underlying causes of poverty are lack of initiative or just plain laziness. The government cannot make a man learn a skill. It cannot keep a woman from having children for whom she is unable to care. Money will not buy incentive, perseverance, the will to work, or the desire to take advantage of educational and job-training programs. It will not buy the wisdom or prudence to use one's money for balanced foods, instead of a shiny new automobile or a color T.V. set.

The core of the poverty problem often is psychological, not physical. We should be fighting human attitudes that cause poverty. We should stop appealing to men's weaknesses and start appealing to their strengths. Instead of excusing ourselves by blaming the government for every social ill, we should accept the responsibilities that rightly belong to the individual. We should replace the ethics of slavery—the brazen demands that "somebody do something" and the slogans that "the government owes it to us"—with the ethics of self-reliance. The leaders of the so-called poor people's campaign would do better to substitute self-reliance for servility and initiative for dependence. The illusion that society is responsible for one man's misery accomplishes nothing. It re-enforces the vicious idea that he is the victim of circumstances, incapable of self-support, instead of teaching him to rely on his own resources.

Akin to the poverty issue are the social abuses committed in the name of civil rights. Most people agree that the right to dissent must end where another man's freedom begins. Yet the same people who pay lip-service to peaceful protest, excuse violence when they feel it serves a useful purpose. They may feel that it takes disobedience of a law to change the law. These people may decide in their own minds which laws are worth obeying. They then find it easy to justify every kind of social atrocity in the name of civil rights.

No society can tolerate a breakdown of its laws and expect to survive. Dissent is healthy when it acts as a catalyst for needed improvement and change. But constructive change must come about as a steady, slow, and sure evolution; it cannot take place violently. Reform by anarchy and guerrilla tactics, using fear and crime as weapons, is self-defeating. Without laws, and more importantly, without the enforcement of those laws, there can be neither justice nor freedom. "Human rights" is a meaningless phrase when there are no laws to define them and no means to safeguard them. Law and order is the only thing that protects the rights of the individual from tyranny—a tyranny in which strength is measured by brute force and the laws of the jungle, not by the laws of justice.

That so much coercion and violation of the law has been allowed is, I believe, due in part to an unspoken assumption that, because there are social reasons for it, somehow it isn't crime. In part it is due simply to the spineless response of our national leaders. They excuse themselves by perpetrating the myth that violence is an inevitable result of just grievances and civil rights issues—that riots are spontaneous expressions of grief and rage for centuries of oppression. This is a convenient charade. The riots in Washington, for instance, had little to do with civil grievances. Self-styled revolutionaries and hoodlums saw an excuse for kicks—a chance to feel important in the only way they approve—through guns and molotov cocktails—using fear to gain the illusion of power. It escalated into an orgy of looting, vandalism, and arson when bystanders saw an easy way to get something for nothing. For two weeks, the Constitution of the United States was virtually suspended. There were hundreds of fires, eleven dead, one by the forces of law; property damage in the millions. And many persons felt afterward that congratulations were in order—that law enforcement officials had handled the uprising peacefully!

The rioters were not the ignorant, the oppressed, and the poor, as many would like to believe. A bail bond analysis of those arrested showed that 90 percent had jobs paying from $85 to $150 a week. Many of the rioters drove to the riot area in their cars. Washington, D.C. has few so-called oppressed people. It has a negro mayor, many negroes in high offices, fully integrated schools and little unemployment. The average citizen paid the price—in lost jobs, burned homes, incessant fear, not to mention the cost of millions of dollars in property damage and the bill for added police protection.

It is time to put an end to the no-backbone, soft-line response to violence. Too much disorder has been permitted for personal advantage under the guise of civil rights. Even if their were a just cause, which there is not, no end could justify the means. Our first duty is to uphold the law and to protect the rights of the majority. Decent, law-abiding citizens have a right to walk the streets without fear, a right to see their taxes spent for constructive purposes, and, above all, a right to the preservation of their property.

The current excuse for the permissive approach, that property is not as valuable as lives, is totally wrong. It not only establishes a dangerous precedent, which could result in complete anarchy; it is mistaken in principle. Property rights, along with the right to live, are among the oldest of all human rights. A man's property—his work—is an extension of himself. It is the concrete expression, the sign, of what he is and of his creative abilities. If you take away the product of his efforts, his life work, you destroy him as surely as if you had taken his mind and left his body as a live shell.

It is sheer folly, finally, to condone lawlessness in the belief that it is a form of social unrest which must have an outlet; or out of fear that to counter with surmounting force would result in more violence. That is to admit the criminal has become stronger than the law. The real oppressor is ignorance. To sacrifice the social order and the rights of the majority for the sake of pacifying a few depraved, warped minds is the epitome of misguided humanitarianism at best. At worst it approximates social suicide.

The tendency to blame the government for every social affliction, like the thinking which pardons simple licentiousness as retribution for imagined grievances, is symptomatic of a deep internal illness—a moral crisis in America. The disease could be characterized as the breakdown of values. It is sustained primarily by some very fundamental confusions of moral concepts.

We tend to forget what freedom really means. Freedom should not be confused with an equally strong and universal craving—the desire for recognition and the search for status. The need to be recognized, to be understood, to belong and not to be ignored, or patronized, is not the same as freedom to act. Free governments can guarantee equal opportunity under the law. They cannot legislate respect and social status. To attempt this would result in the worst despotism imaginable, a despotism which would control the opinions, attitudes, and tastes of its people. John Stuart Mill aptly described the consequences when he said, "unless men are left to live as they wish, in the path which merely concerns themselves, civilizations cannot advance; the truth will not, for lack of a free market in ideas, come to light, there will be no scope for spontaneity, originality, genius, for mental energy or moral courage. Society will be crushed by the weight of collective mediocrity. Whatever is rich and diversified will be crushed by the weight of custom, by men's constant tendency to conformity, which breeds only withered capacities . . . and warped and cramped human beings."

We must stop calling every adjustment in social position an increase in liberty. It is only the confusion of the desire for status with the need for liberty that makes it possible for men, in the words of Isiah Berlin, "while submitting to the authority of dictators, to claim that this in some sense liberates them." The great attraction of socialism and the paternalistic view of government, is that it takes the burden of real freedom and responsibility off the individual and places it upon the state—along with the illusion of freedom. To continue in the direction of gradually imposing more and more responsibility on the government is to treat men as if they were not free but must be shaped and cared for by a great benefactor . . . as if they are incapable of molding their own goals and purposes . . . as if they cannot determine their own destinies. While progressive socialism may give the outward appearance of benefitting the individual, ultimately it demoralizes him. It robs him of self-reliance and binds him in a mind of spiritual slavery. Real freedom is to be allowed to be one's own master. When the erosion of the ethics of self-reliance and discipline has progressed far enough, all forms of authority will seem oppressive. Freedom will be looked upon as license from restraint and responsibility replaced by power. The internal chaos generated in the individual will become manifest in society as a whole. We are indeed already seeing visible signs of this everywhere.

It is manifest in the student unrest in the universities . . . in their demands for "student power", in the use of subversive tactics to achieve such goals as seizing the role of administrators and wanting to teach rather than to learn, and in their choice of heroes such as Ho Chi Minh, Che Guevara, and Castro. Their parents pay tuition and board while they court communism and play at guerrilla warfare, without conception or concern for the consequences. It is a sad spectacle that many of our youth have become so immune to genuine values that they can take their own hypocritical attempt to play at being little men so seriously that they become a threat to themselves and to their country; when they can succeed in deluding themselves to the extent that annihilation of all authority seems a worthwhile goal and the swaggering demagogic posture of contempt for work, family, the home and society, a fulfilling life. It is an irony and a tragedy that the affluent permissive environment, out of which many of these so-called revolutionaries came, has backfired; that instead of contributing to the development of character and a sense of responsibility, it has led them to seek a life of continuous ease and escapism; a life in which the gap—the human need for socially worthy meanings—is pathetically filled by latching on to utopian, bizarre ideals, which, because they are so unrealistic, allow them to remain perpetual children. The danger to the country is that in their naivete such students become easy victims for real revolutionaries.

The same lack of integrity is evident in the aimlessness and rebellious mood of the militant "New Left". It is simpler to advocate anarchy and the destruction of the "power structure" than to try to influence constructive change from within. They claim "the system" is oppressive. The truth is that the lack of discipline and family control has left them with a sense of alienation and chaos. To fill the void and to give vent to their frustration, they project it onto and blame society as a whole. The absence of an internal system of controls and guidelines makes "the system", or any outward restraint, for that matter, seem oppressive. So, rather than formulate positive goals, they prefer to acquire an illusion of power through destruction and to counter with even more repressive totalitarian methods, arrogance, and deviation from the status quo. This too, is pathetic. To require the status quo as an object for destruction in order to achieve a sense of identity is a pitiful dependency on just that status quo. Those who rely solely on deviation to make their message meaningful are in effect saying that without the status quo and by themselves, they are nothing.

This is true of the black power movement with its need for exaggeration and belligerence. It is true of the hippies who require offensive manners, indolence, beads, beards, and filth to feel "turned on", and withdrawal into the unreal world of drugs to "really live". It is true of just plain hoodlums who must have crime to get their kicks, and it is true of those who need to burn draft cards to feel moral.

The real breakdown of law and order is in the individual. The frenzied aimless search for values, for Utopia and for absolutes indicates that the evil protested by the militants and the radicals is not so much in society as in themselves. It is manifested in the cries for instant change but the inability to say specifically what kind of change—in the preoccupation with personal desires in the name of rights—the quest for material goods at the expense of spiritual autonomy—the eagerness to generalize blame onto the government, or "the establishment", or "the system", as a scapegoat for all social ills—the trend to make the government take over obligations which should belong to the individual—the philosophy that the world owes me a living—twisting liberty into license from law, and finally, in the failure to recognize that freedom and responsibility to one's country are two sides of the same coin.

Present crime rates are a grave threat and of great concern. But a greater danger lies in a complacent attitude and false sense of security in the face of the root cause of widespread lawlessness—a breakdown of the moral fiber. The militants, radicals, and criminals can be identified and dealt with accordingly. But it is difficult to recognize and pinpoint the insidious concessions that slowly and imperceptibly undermine the principles of freedom and democracy.

It is time to counter the trend of overapplying concepts such as freedom and rights to the point that they are no longer recognizable; time to re-establish the balance between the role of government and the responsibility of the individual. We must affirm the ethics of individual strength and substitute them for collective dependence. We should remind ourselves again, and teach our children, that real power lies in moral strength and mental integrity. These qualities are hard-won products of a long process. They do not come from slogans, nor are they the prerogative of the young or underprivileged. They cannot be acquired or replaced by insolence, bad manners or violence. And we must never forget that freedom is not a gift, automatically bestowed, but something not easily attained and difficult to keep.

THE PRESS IS NOT THE PUBLIC

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, September 5, 1968

Mr. **FANNIN**. Mr. President, the violence that embroiled Chicago last week and the subsequent tarnishment of the political and civic reputations involved need no particular comment from me at this time. There has already been a deluge of words and newsprint on the matter, and I think most Americans are fully capable of making up their own minds provided they are fully informed.

There is, however, some reaction within the public media that I think is worthy of repetition. I refer to a column written by Joseph Kraft, and published in last Tuesday's Washington Post. In this commentary on the press reaction to the events in Chicago, Mr. Kraft makes a most cogent observation and one that members of the profession called journalism need to keep before them. Mr. Kraft says:

> The press is not the public.

His column basically concerns itself with the question: Is the press merely a neutral observer of events, or does it have a prejudice of its own? Mr. Kraft answers by stating:

> Most of us in what is called the communications field are not rooted in the great mass of ordinary Americans—in Middle America.

He goes on to examine some of the reasons why this may be and what some of the results may be. Essentially he notes that this disparity may result in an inordinate amount of attention given to those groups and issues that do not necessarily concern most Americans to the same degree.

Perhaps Mr. Kraft will not be popular among the members of the journalistic fraternity for pointing this out, but I think it is certainly a reasonable and well-justified argument and one that has wanted utterance for a long time. It hardly needs to be said that I imagine Mr. Kraft and I disagree, often fundamentally, on the public issues important enough to appear on the editorial pages of major newspapers; nonetheless, I commend him for his introspection at this point and suggest that if this attitude were more generally held among those who consider themselves "shapers of public opinion," there would be more understanding, less animosity, and thus more progress in America.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DALEY AND POLICE HAVE A POINT IN CLAIMING PRESS IS BIASED

(By Joseph Kraft)

If nothing else, the violence generated at the Democratic Convention in Chicago made it plain that the police are not merely the neutral custodians of public order. They are also part of an embattled social group, acutely hostile to student demonstrators and by no means friendly to reporters and cameramen.

But how about those of us in the press and other media? Are we merely neutral observers, seekers after truth in the public interest? Or do we, as the supporters of Mayor Richard Daley and his Chicago police have charged, have a prejudice of our own?

The answer, I think, is that Mayor Daley and his supporters have a point. Most of us in what is called the communications field are not rooted in the great mass of ordinary Americans—in Middle America. And the result shows up not merely in occasional episodes such as the Chicago violence but more importantly in the systematic bias toward young people, minority groups, and the kind of presidential candidates who appeal to them.

To get a feel of this bias it is first necessary to understand the antagonism that divides the white middle class of this country. On the one hand there are highly educated upper-income whites sure of themselves and brimming with ideas for doing things differently. On the other hand there is Middle America, the large majority of low-income whites, traditional in their values and on the defensive against innovations.

The most important organs of press and television are, beyond much doubt, dominated by the outlook of the upper-income whites. Increasingly, those of us in communications are well-educated and comfortably off. Many, particularly in television, have the aggressive self-confidence that comes from a rapid rise.

Our professional duty, moreover, gives us a vested interest in the free flow of ideas. We are necessarily concerned with that which yesterday was not—that which is new. And our special interest is less in ordinary men than in celebrities, headline figures, names in the news.

The impact of these ties can be seen most dramatically in almost any issue involving the Negroes. The media, following the general thrust of upper-income white opinion, tend to be sympathetic toward Negro claims for a better life and tolerant of even such means of forcing the claim as boycotts and sit-downs. Low-income whites, by contrast, feel threatened by many of the Negro demands and they resist pressure tactics.

More importantly, but less obviously, the split reveals itself in such major events as presidential campaigns. Enormous press attention goes to activities related to Negroes and young people. Reporters and cameramen galore followed the late Robert Kennedy through the ghettos and trailed Eugene McCarthy to the universities. Nelson Rockefeller, when he wanted to make a maximum splash in the late stages of his campaign, quite rightly addressed himself to young people and Negroes.

But there is no corresponding press interest in ordinary things done by ordinary Americans. And candidates who concentrate their appeal on Middle America attract relatively little attention in the media.

Richard Nixon was almost entirely out of the news in the weeks before he walked off with the Republican nomination. Except for supposed differences with President Johnson on Vietnam, the same would have been true of Hubert Humphrey before his nomination. Judging by press attention, indeed, it is hard to see how either man could possibly have been nominated.

What this means is that the press is not the public. Between the news media and Middle America there is an imperfect relation, a lack of touch, a disharmony. That being so, there's an element of privilege in our work. It is done on the sufferance of the great majority. * * *

In these circumstances it seems to me that those of us in the media need to make a special effort to understand Middle America. Equally it seems wise to exercise a certain caution, a prudent restraint, in pressing a claim for a plenary indulgence to be in all places at all times as the agent of the sovereign public.

THE DRAFT AND ITS ALTERNATIVES

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. ESCH. Mr. Speaker, since I first came to the House of Representatives, I have been deeply concerned at the refusal of the Congress and the administration to take constructive action to correct the inequities in the present Selective Service System. Objective criticism of our draft system is a national necessity if we are to bring equality into the law which determines the future course of life for so many of our young men.

As you may recall, Mr. Speaker, I last year strongly supported amendments to the extension of the draft bill which would have assured that all young men, throughout the country, would be examined and considered under the same set of national standards. Although that amendment was included in the House measure, it was unfortunately deleted by the conference committee.

At the same time, Mr. Speaker, I fought for the inclusion in the legislation of a national commitment to move toward an all volunteer military. Once again, this amendment was deleted by the House-Senate conferees.

At the end of our short floor debate on this subject, it became clear to me that the leadership of the 90th Congress was unwilling to accept new ideas or to give serious consideration to the inequities which were present in the system. I therefore joined in supporting a motion to extend the draft for only 2 years in the hope that the next Congress would be more willing to accept its responsibilities in this field. Once again, however, the reform forces were defeated.

In the months since that debate, I have made every effort to bring about a climate favorable to change in our antiquated military manpower policies. I have endorsed the excellent work "How To End the Draft, the Case for an All Volunteer Army," written by several of my House colleagues and have encouraged debate and discussion of this issue among concerned citizens in my district and throughout the Nation.

Along with many other Members of Congress and educators throughout the Nation, I was shocked when the Selective Service System announced the abolition of all graduate deferments except in the areas of medical and dental health. The implications of this decision are long-lasting and may well rob our Nation of the teachers, scientists, and engineers we will need so desperately in the years ahead. At the same time, it will certainly do a great deal of damage to the graduate schools throughout the Nation and cause serious problems in all institutions of higher learning.

It was for that reason that I called for extensive hearings on this subject before the House Special Education Subcommittee of the Education and Labor Committee. In that committee I was joined unanimously in calling for a reversal of this most unfortunate policy. Our pleas fell on deaf ears—and despite the consequences for the Nation, the Selective Service System let its ruling stand.

Mr. Speaker, my concern on this issue is a deep one and I pledge that I will not drop the fight for a more equitable system until the Congress has lived up to its responsibility and taken constructive action.

It was my privilege recently to author an article for the Forensics Monthly on the Selective Service System, its alternatives, and immediate action that can be taken to correct its inequities. Under unanimous consent I include text of that article in the RECORD following my remarks:

Throughout the past few years more and more people have begun to discuss and debate the antiquated draft system of our nation. As draft calls have increased, so too have the number of young men and their families who have been caught up in the debate on the system of the draft. As more people become involved, the inequities have become more obvious.

Just five years ago, the Senate approved the extensions of the Selective Service Act with only ten minutes of debate. The debate on the House Floor was only slightly more extensive. Today, however, people are beginning to call for reform. More and more people are recognizing that objective criticism of our draft system is certainly not unpatriotic but rather a national necessity if we are to bring equality into the law which determines the future course of life for so many of our young men.

Compulsory service, whether it be to an individual through a system of slavery or to the government through forced labor or military draft, is antithetical to the basic tenets of democracy. Our national heritage was built on citizen protests against a government ordering the details of their lives. Our goal has been the reduction of compulsion in our national life.

Nevertheless, our nation has turned to a system of compulsion in times of grave national need—the Civil War, the First World War and again in World War II. Because our international commitments to maintain the peace and protect freedom have remained at a high level since the end of World War II, the draft has been extended since that time. It has been widely assumed that there was no alternative to the present system and that the draft has become a permanent, though unfortunate, fixture of our society.

Only in the past few years have persons come to challenge that assumption. Only recently have people urged the nation to find a military manpower system which is compatible with our democratic structure while meeting the needs of our armed forces.

Because there are both immediate and long range problems, our analysis of the revisions necessary to reach such a system must be twofold. First, we must consider the immediate problems facing the system and correct the inequities that are present because of its administrative fumbling. Second, we must consider long-term alternatives which can meet the qualifications of a military manpower system in a democracy which must fulfill world-wide commitments.

THE PRESENT SYSTEM

The antiquated system under which we now call men to serve their nation imposes unequal, unfair and frequently irrational requirements on those it processes. It leaves in a state of limbo for seven years—never being able to make concrete plans or commitments. It fails to provide them with understandable information regarding their alternatives and denies them basic civil rights in presenting their personal situation to the draft board. It uses varying standards in their examination—depending on their geographical location, the state of world peace and the personal idiosyncrasies, likes and dislikes of their local Selective Service Board members.

It is important, in any such discussion, to point out that no system can ever be entirely equitable when one man is called to serve while another is left home to begin his career and family life. In his Draft Message to the Congress, President Johnson recognized this point "For the unavoidable truth is that complete equity can never be achieved when only some must be selected and only some must serve."

Within this framework, there are clear and broad inequities that can and must be corrected. Among the most ironic of the inequities in the system is the fact that draft calls are based not on the number of registrants, but the number of registrants "classified and available for service." Thus a draft board which is inefficient, which processes papers slowly and tolerates or causes long delays before classification, is rewarded for its inefficiency by the allotment of a smaller draft quota. This has led to broad differences in the burden which individual areas are required to bear.

In my home state of Michigan, for instance, there were only 764,218 registrants between 18 and 25. Of these, 16,166 were drafted into active service. Yet Pennsylvania, with 1,076,396 draft-age men (over 300,000 more) at the same time furnished only 14,829. Indeed, during the Fiscal year of 1967 for which these figures were furnished, a young man from Michigan has more than 33% more liability to bear his share of the military service.

Clearly, a first step in correcting national inequities in draft calls should be the institution of calls on a national, rather than geographical basis. This could be established through a nationwide computerized pool of draft manpower. This would guarantee the same treatment from coast to coast for all 1-A men. Where they happened to live or where their draft board was located would no longer matter.

The crazy patchwork quilt of geographical inequities takes place not only in the assignment of quotas but in the classification of registrants. Many states, for instance, have extremely high IV–F ratings. In Maryland, for instance, 10.3% of all registrants were deferred on a IV–F rating while in Michigan that percentage dropped to 1.6%. Partial as I am to the wonderful climate and environment of my home state of Michigan, I find it extremely difficult to believe that young Michiganers are more than 3 times as healthy as Marylanders. Variances of a few percentage points from year to year might be understandable, but it is clear that the present system of classification imposes much more rigid standards in Michigan than in Maryland. The moral appears to be that if you have fallen arches you should move to Maryland.

The application of physical standards also appears to vary with the demands of the service for personnel. At times rejections for physical disqualifications may run as high as 60 to 70%. In mid 1961, for instance, the rejection rate was 72% while at the end of the year, just following the Berlin crisis, it dipped to 14%. As Bruce Chapman put it, "It definitely appears that the man found "unfit" in May would have been quite acceptable in December, depending more on the health of world affairs than on his."

The differences between draft boards appear not only in the rating of physical ability but in their viewpoints about the broad deferrment categories established by law. Because the categories are broad, there are no guidelines as to how they should be interpreted by local boards, thus leaving the decision up to them and their own concepts as to what is in the national interest. As Congressman Richard Schweiker said in his speech before the Congress on February 7, 1967, "local boards, and not Congress or the President, hold all the chips in the national manpower game of who gets deferred. . . . The particular draft board with which a young man registers at age 18 is probably the most important factor in determining when, and even whether, he is drafted." (Congressional Record, February 7, 1967.)

The House of Representatives last year included language to require national standards in deferments. Unfortunately, the Senate deleted this requirement and the language was not included in the conference report which was passed into law.

It was not our intention to remove local autonomy and personal consideration of all matters. It was, conversely, to provide guidelines so that local boards could have more complete knowledge regarding the legislative intent and the national manpower requirements. It still would have provided for the consideration of special community needs, but would have brought some semblance of unity of purpose and decision among the many boards.

One of the most common, and most justified, complaints made about the current system of involuntary conscription is that it provides no opportunity for a young man to plan his future. Though undergraduate deferments have now become a matter of law, there is extreme uncertainty when a man finishes his schooling as to whether he will be allowed to enter and complete graduate school, accept a job, or make plans for marriage and a family. This uncertainty is even more difficult for persons who are enrolled in Junior or Community Colleges—where their deferments can be 11–S, 11–A, or none at all—and where students enrolled in precisely the same program are treated differently by their individual boards. Most difficult of all, however, is the position of young men who do not attend college but who enter the job market upon leaving high shcool. Few employers are willing to invest the time and money involved in training a man to fill a skilled position when they know that at any time he can be called into involuntary service. No man is secure in making commitments or planning his future until his 26th birthday.

This is, perhaps, the most widely recognized objection to the draft and is the most easily rectified. The President's Civilian Advisory Commission on the Draft which was established to study the draft recommended the drafting of younger men first. The Department of Defense quite openly expresses its desire for younger soldiers and the President proposed the drafting of younger men in his message on the draft to the Congress.

Both the House and the Senate Armed Services Committees recognized the validity of this process and urged that it be instituted. Over a year has passed and the unanimous conclusions of the national experts on this issue have not been followed. The program can, and should, be by a simple executive order. The advantages to the men and the service would be great.

Recent Selective Service rulings which remove 11–S deferments for all graduate students (except medical, dental and theological) promise to be particularly discriminatory and contrary to the national need. There is a serious question as to whether, through drafting graduate students in the middle of their careers, we won't have cut off the majority of our future teachers, scientists, sociologists, biologists, etc. Evidence strongly indicates that a high percentage of students who would have completed their academic training will not return to school after their military experience, despite the advantages offered by veterans educational benefits. Our nation can ill afford to lose the teachers who are so desperately needed in the schools throughout the nation. We cannot continue to compete, in any orderly way, with nations who protect the talents of their brightest students and who are producing several times the number of science and engineering students each year.

I do not argue, however, that students should be exempted from the draft—merely that their deferral must be done on a rational basis. Once again, the adoption of the "younger men first" appears to be the preferable answer.

There are numerous other changes that can be made which would make the system more efficient and equitable. It is almost impossible for a young man to discover the military alternatives that are available to him. There are forty-four separate programs (with many varying alternatives within each one) through which a man can meet his military obligations, yet there is no one central place where he can be informed of his choices. A simple communications system setting forth these alternatives (probably a detailed booklet) to be given to a man at the time of his registration would certainly be a step in the right direction.

It is also difficult, if not impossible for a man to find out his rights within the Selective Service system itself. As Bruce Chapman has pointed out, "when a man does register he is given a tiny flyer whose chief function is to list the eighteen different categories of Selective Service classification—without explaining what they are and how one gets assigned to them. One is told that any appeal or classification must be entered to the local board in writing no more than ten days after notification, but one is not told under what circumstances an appeal should be made or what to put in the appeal.

Present Selective Service regulations forbid the appearance of a lawyer on the behalf of a client appearing before a Board. This is not a serious handicap to an articulate young man who is capable of presenting all the relevant facts in a concise manner, but it is a serious handicap to one who is unaccustomed to defending his views in public and is ignorant of the variances in the draft laws. Indeed, it seems in basic conflict with all the recent rulings of the Supreme Court which emphasize the importance of a right to counsel in litigation with the State. Presenly, the only lawyer who can be consulted on a free basis is the Government Appeals Agent, and his obligations are clearly stated to be with the Board rather than with the registrant. It is a poor defense indeed that is committed by law to the prosecution!

In summary, there are a great number of inequities which could be corrected with slight administration action of change in the law. They should in no way effect the basic nature of the system, but would greatly improve its equitability. The correction of these obvious fallacies in the system would certainly be helpful in providing equality under the law for all our young citizens.

LONG RUN SOLUTIONS

There are two long-range alternatives which have received support on a broad basis. The first is a national service system whereby all men (and perhaps women as well) would be required to give a period of service, either military or civilian, to their country. Despite the obvious advantages in having a wide base of workers for social projects, this plan has little to offer in a democratic society. Instead of lessening compulsion, it merely spreads involuntary service over a wider percentage of the society. If the draft is antithetical to a free society, national service is even more so—and without the justification that it has been necessary.

"It has been charged against national service that to achieve its objectives would require wholly unparalleled state control of human endeavor, far beyond the constitutional provision for conscription to provide for the national defense. Originally, proponents argued in reply that "assignments" to various social projects bearing the government stamp of approval would take into account individual interests and abilities. But the same might be said of the Communist system, the only difference being that national service proposes to conscript persons for only two or three years (though longer periods have also been suggested.)

It seems obvious to me that there is only one long term answer to the problems of military manpower procurement which is consistent with our democratic ideals—that is to make the military an attractive career which will attract men to serve on a voluntary basis. I strongly believe that such a system is both possible and desirable.

It is not my contention that we should suddenly abolish the present system of conscription immediately, or, indeed, that the draft should not be retained as an emergency manpower supplier. It is, I believe, important however that we commit ourselves to the long-term goal of an all-volunteer military. There are numerous steps that we can take to move in that direction.

The present system of pay in the military is badly out of date and imposes a disgraceful burden on the young men who serve. A recruit, be he volunteer or draftee, receives only $2191.77 in his first year of military service—including his pay and additional benefits. That is far below the national "poverty level" as established by the Administration, and does nothing to attract young men to the service of their nation. Indeed, this salary is below that which the government allows private industry to pay under the minimum wage regulations. It is inconceivable to me that we should continue to ask men to risk their lives in defense of their nation while, at the same time refusing to provide them with a minimum living wage.

A raise in the pay scales is, however, only a portion of the reform that must take place in the military pay system. The system is established totally on the basis of rank, length of service and number of dependents. There is no incentive based on the responsibilities a serviceman is performing. His pay will be the same whether he is a highly skilled technician or an orderly. There is little coordination between the pay a soldier receives and the compensation he would rate for equivalent services in a civilian job. Indeed, it has become a common practice for men to take skilled military training and then leave the military for a far higher-paying, but similar, job in the civilian defense industries.

It is also clearly necessary to reorder the entire concept of military manpower usage. As Congressman Thomas Curtis of Missouri so accurately pointed out, "Every man who has ever served in the peacetime army is well aware of the staggering amount of featherbedding and goldbricking that goes on. It is practically a maxim that if a job can reasonably be done by two men in four hours, it will require six men for eight hours."

Not only is there a great deal of wasted motion (indeed, often no motion at all) among military personnel, there are also a great number of jobs which could better, and certainly more efficiently and cheaply, be handled by civilian contract. "Because manpower is cheap to the military, they now tend to waste it, using enlisted men for tasks that could be performed by civilians or machines, or eliminated entirely." It is a waste of the taxpayer's money and a soldier's time for him to be responsible for the maintenance of bases in the United States, bartending in a commanding officer's home, furnishing the meals for other servicemen, etc. Studies have shown that the government would save almost $500 per position if such jobs were accomplished by civilians under employment by the Defense Department or by civilian contracts. Any move toward an all-volunteer army would benefit greatly by a thoroughgoing house cleaning in military manpower utilization.

There are numerous other changes which could be made in the military to attract sufficient volunteers. These include: increased recruiting services by the armed forces and improvement of the quality of information furnished prospective volunteers; opportunities for advancement on the basis of contribution and skill; improved in-service education and technical training; enlistment of men who cannot meet combat physical standards for utilization in non-physical capacities; expansion of Project 100,000 to improve opportunities for those unable to presently meet mental and physical standards.

Very few persons presently doubt that an all-volunteer military is possible except in times of hot war and sudden and extensive manpower needs. There are a wide variety of estimates on precisely what the monetary costs might be (estimates run from approximately $4 billion per year to $20 billion per year) but there is considerable evidence that the savings in terms of efficiency, turnover rate, training costs and expertise would come close to meeting in savings the increased payroll costs.

"A volunteer army would be manned by people who had chosen a military career rather than at least partly by reluctant conscripts anxious only to serve out their term. Aside from the effect on fighting spirit, which would produce a lower turnover in the armed services, saving precious man-hours that are now wasted in training or being trained. Also it would permit intensive training and a higher average level of skill of the men in the service. And it would encourage the use of more and better equipment. A smaller, but more highly skilled, technically competent, and better armed force could provide the same or greater military strength." (Milton Friedman, op. cit., p. 4)

There are a number of non-financial questions about the advisability of a volunteer military which must receive attention. First it is charged that an all-volunteer military would place inflexible restraints on our use of military manpower and would be incapable of full expansion in emergency situations. First, it must be pointed out that most proponents of an all-volunteer military urge that the Selective Service system be kept alive for just such emergencies. Certainly it would take no longer to draft and train men in those circumstances than it does today. Second, as the Ripon Society pointed out "It must be said that to some extent inflexibility of numbers would be compensated by the greater flexibility and reliability of trained, seasoned personnel . . . from a military point of view it is quality, not quantity which matters."

It has also been argued that an all-volunteer military would be an all-negro military. While it is true that a professional and nondiscriminatory military might attract proportionately more black people, this is not necessarily an argument against its adoption. Certainly there is little wrong with any government policy which provides an opportunity for any citizen, no matter what his color or creed, to obtain a decent living and professional training and competence. "The military services should not be operated for the purpose of offering a better life to those in society who are deprived of the opportunity to share meaningfully in the Nation's prosperity. But neither is it alarming that the military services, while intending to serve only the objectives of National security, do offer as a by-product just that kind of better life."

There has also been concern that an all professional military would lead to a predominance of military control in the nation. Such a charge ignores three salient facts. First, the influence of the military on the politics of a nation is concentrated primarily in the decision makers—the officers. This is largely a professional class at the present time, and would continue to be so. Surely any "military coup" (which is what critics seem to hint might take place) would surely originate in this class, which is already as professional as it would be under a new system. Second, there is no historical evidence that the presence or absence of a professional military is a key factor in the raising of revolt. Napoleon, for instance, led his revolt with a volunteer force. Third, and most importantly, the tradition of civilian control over the military is thoroughly ingrained in the military establishment. Appropriations, appointments, authority to take action, etc. all must come through civilian channels in either the Administration or the Congress. It is hardly conceivable that a coup of some sort could take place—and it is just as unlikely that it could happen under today's system as that under discussion. I cannot believe that there are any who would believe, however, that such a possibility is a serious one. Our nation has been based on democracy since its birth and there is no reason to believe that our military is not just as dedicated to that democracy and that freedom as any other sector of our national life. Indeed, the dedication of a lifetime of sacrifice and service in the defense of that freedom contributes to an even greater, and ever present respect for that freedom.

SUMMARY

It is clear that the present system of Selective Service is contrary to the basic beliefs of our society and that it should be altered. Some of those alterations can come within the present system to make it more equitable but, in the long run, there must be a complete re-evaluation and revision of our military manpower procurement.

The advantages of changing that system to one of an all-volunteer military are also obvious in terms of efficiency, training, and technical ability to respond to challenges is clear. Though there are differing viewpoints on the cost factor, the advantages clearly outweigh the possible small increase in the national budget. Most importantly, an all-volunteer military preserves the concept of liberty and freedom of choice which is so central to our national life. "A voluntary army would preserve the freedom of individuals to serve or not to serve. Or, put the other way, it would avoid the arbitrary power that now resides in draft boards to decide how a young man shall spend several of the most important years of his life—let alone whether his life shall be risked in warfare."

THE 12 BIG GAPS IN OUR DEFENSE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, September 5, 1968

Mr. THURMOND. Mr. President, on July 29, 1968, Mrs. Phyllis Schlafly addressed the Republican platform committee in Miami on the subject "The 12 Big Gaps in Our Defense."

I have always been extremely interested in and concerned about the problem of national defense. Mrs. Schlafly does an excellent job in pointing out our deficiencies in this area. She has rendered a great service to our Nation by calling to the public's attention the mistakes of this administration in the field of national defense. Her presentation also offers positive steps by which we can reverse the trend toward unilateral disarmament.

Mr. President, Mrs. Schlafly has long been a student of military affairs and is well known as a competent military analyst. Not only did she work as a ballistics gunner and technician during World War II, but she has also found the time to coauthor two books with Rear Adm. Chester Ward, U.S. Navy, retired—"The Grave Diggers" and "Strike From Space."

Mrs. Schlafly is most knowledgeable in the field of national security. She is a great patriot and a great American and deserves to be highly commended for her distinguished service on behalf of an effective defense policy for this Nation.

Mr. President, I ask unanimous consent that at the conclusion of my remarks her speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE 12 BIG GAPS IN OUR DEFENSE

(Statement to the Republican platform committee, July 29, 1968, by Phyllis Schlafly, delegate from Illinois)

PREAMBLE

The Republican Party lost the last *two* Presidential elections on the issue of *the nuclear threat to America*.

In 1960, John F. Kennedy used as his *principal* issue against Richard Nixon the so-called "missile gap," which alleged that the Soviet Union was ahead of the United States in the development of nuclear missiles.

In 1964, Lyndon Johnson used as his *principal* issue against Barry Goldwater the charge that Goldwater was trigger-happy and risking nuclear war.

Both charges were a hoax and a fraud on the American voters. Yet, these issues won two Presidential elections for the Democrats.

Will Republicans allow themselves to be deceived and defeated on the nuclear issue again in 1968?

This Statement is presented in the hope that the Republican Party, Platform, and Presidential candidate will seize our *best* issue and speak out with a loud, clear voice which the voters will understand before election day. The nuclear issue is the most important issue today because it concerns the very survival of 200,000,000 Americans, and the winning issue in the 1968 election because Republicans can point with pride to our record of maintaining overwhelming nuclear superiority on land, sea and air, but Democrats are highly vulnerable because the present Administration is *solely* responsible for our inferior position today.

FROM STRENGTH TO WEAKNESS

In January 1961 when the Republican Administration of Dwight Eisenhower turned over control of the Federal Government to the newly-elected Kennedy-Johnson Administration, the United States had decisive military superiority over every other nation in the world. We enjoyed more than a 5-to-1 lead in nuclear striking power over our nearest rival, the Soviet Union.

Our great nuclear power, built up under the Administration of President Eisenhower and Vice President Nixon, was what saved America from disaster at the time of the Cuban missile crisis in 1962. The intermediate-range nuclear missiles which Khrushchev had sent into Cuba were capable of destroying targets everywhere in the United States except in the far Northwest.

Anyone who thinks that Khrushchev "backed down" because President Kennedy confronted him "eyeball to eyeball," is cherishing a dangerous illusion. Khrushchev pulled his missiles off their launching pads in Cuba *only* because (after a U–2 flight proved they were there) our Strategic Air Command went on alert with 50,000 megatons of nuclear striking power. This was the great shield which protected our nation in its hour of most critical danger since the founding of our Republic.

Since the Cuban missile crisis in 1962, the United States has suffered a 50% decline in nuclear striking power, while the Soviets have increased theirs approximately 300%. The more than 5-to-1 lead in nuclear strength which the United States had over the Soviet Union is now completely gone, and our nation is in great and increasing peril. The responsibility for this decline must be laid upon the Johnson Administration, and particularly upon Robert Strange McNamara who was Secretary of Defense during the period when this drastic decline took place.

In 1960, the principal issue used by John F. Kennedy in his Presidential campaign against Richard Nixon was the so-called "missile gap." There was no such thing as a missile gap. It was merely a figment of the imagination of Kennedy's speechwriters. After Kennedy was elected, his own Defense Department admitted that there never was any "missile gap."

Let us look at the twelve real and grave "gaps" in our nation's defenses which exist *now* after seven years of Robert McNamara.

THE MEGATONNAGE GAP

The most striking result of seven years of the McNamara policies is the megatonnage gap which now exists, and the massive megatonnage gap which will exist within the next three years if present policies are not reversed immediately.

"Megatonnage" is the word we use to measure the firepower of nuclear weapons. "Megatonnage delivery capability" means how much nuclear firepower we can hit the enemy with. In the nuclear age, this is the most important measure of a nation's military strength.

The following chart from the U.S. House Armed Services Committee report of July 1967 entitled *The Changing Strategic Military Balance, U.S.A. vs. U.S.S.R.* proves what happened to the nuclear strength of America during the McNamara years. It shows that, in 1962 at the time of the Cuban missile crisis, we had at least a 5-to-1 lead over the Soviets in nuclear firepower. Since then, our nuclear strength has steadily decreased, while the Soviets have increased their nuclear firepower at a rapid rate.

The year 1967 was the crossover year when the Soviets went ahead of the U.S. in megatonnage delivery capability. If present policies are continued, the Soviets will have a massive lead over us by 1971. This graphic summary of what happened to the defense of America when it was entrusted to the stewardship of Robert McNamara was prepared by a distinguished committee which included General Bernard A. Schriever, chairman (longtime chief of our missile command), General Curtis LeMay (former Air Force Chief of Staff), General Thomas Power (former Commander-in-Chief of SAC who for seven years was in charge of 90% of the Free World's firepower), General Albert Wedemeyer (author of the Wedemeyer Report), and Dr. Edward Teller (father of the H-bomb).

The above chart (not printed in RECORD) means that in 1962 our country was safe from the evil designs of any aggressor—but in 1968 our nation is increasingly at the mercy of the Soviets who have repeatedly boasted that they intend to bury us. Within the next couple of years, the Soviets will have the nuclear capability of doing exactly that—because the McNamara megatonnage gap has stripped us of half of the nuclear striking power we had when President Eisenhower was in the White House.

THE DELIVERY VEHICLE GAP

When the Republican Administration left the White House in 1961, the United States was vastly superior to the Soviets in strategic nuclear delivery vehicles, which means the *vehicles* which can deliver nuclear weapons on the enemy (land-based missiles, submarine-based missiles, and bombers). During the McNamara Administration, our lead was lost because McNamara literally scrapped hundreds of delivery vehicles we had under the Eisenhower Administration, and McNamara refused to build any new ones except those already ordered by the Eisenhower Administration.

By 1967 the Soviets had gone ahead of the United States in strategic delivery vehicles, thus creating a gap which places our nation in great danger. The following chart is from the report entitled *The Soviet Military Technological Challenge* published by the Georgetown University Center for Strategic Studies in September 1967, and prepared by Admiral Arleigh Burke, Lt. General Arthur Trudeau (former Army Chief of Research and Development), Dr. Harold Agnew (Weapons Development Leader, Los Alamos Scientific Laboratory), et al. Note how sharply the U.S.S.R. is pulling ahead of us, and how fast the gap will increase within the next few years if the McNamara policies are not reversed at once.

The actual figures which went into this chart (not printed in RECORD) are specified by one of the authorities at the Georgetown Center for Strategic Studies, Dr. James H. McBride, in the following table from *U.S. News & World Report* of February 26, 1968, page 84:

"SOVIETS' MISSILE THREAT—A DANGER FOR UNITED STATES

"As Dr. McBride Assesses the Picture—

"Today: U.S. has 2,345 strategic nuclear delivery vehicles, U.S.S.R. has 2,700.

" 'Strategic nuclear delivery vehicles' include not only ICBM's—intercontinental ballistic missiles—and submarine-launched ballistic missiles, but submarine-based cruise missiles, strategic bombers and Soviet medium-range ballistic missiles.

"By 1972: U.S. will have 2,121 strategic nuclear delivery vehicles, U.S.S.R. will have 4,230.

"Soviet arsenal in 1972 will include 1,780 ICBM's, against 1,000 U.S. Minuteman ICBM's, Dr. McBride reports. He adds: 'The Soviet ICBM carries about 10 times the weight, or megatonnage, of the Minuteman, meaning that a Soviet ICBM may be able to carry at least six multiple, individually guided warheads, each capable of striking a different target with the explosive force equal to one Minuteman warhead. There is the strong possibility, therefore, that the Minuteman force of 1,000 missiles may be the equivalent of less than 200 Soviet ICBM's.' "

THE REAL MISSILE GAP

The first line of our nuclear missile defense is made up of the 1,000 Minuteman one-megaton missiles. This splendid weapon was developed and ordered under the Eisenhower Administration. McNamara cut back the number of Minutemen originally planned from 2,000 to 1,200, and finally fixed the number at 1,000.

McNamara scrapped three-fourths of our multi-megaton missiles—the so-called "big guns" in our nuclear arsenal. McNamara hired electricians and demolition men to deactivate 149 of our 203 multi-megaton missiles and then he sold their launch silos. He destroyed all our Atlas and Titan I missiles, built at great cost; and before he left the Defense Department he announced plans for scrapping all the Titan II missiles. McNamara called them "obsolete," although each one was seven times more powerful than each Minuteman. If you believe in the defense of our country, you should not scrap a weapon until you have something better to replace it.

The present Administration has refused to build any missiles larger than the one-megaton Minuteman, and McNamara cancelled our most powerful weapon, the 24-megaton bomb (reported by *Newsweek* on January 12, 1965). Meanwhile, Soviet weapons average 10 megatons, and McNamara testified on August 13, 1963 that the Soviets have tested weapons up to 100 megatons in power. Just as a good big man can usually beat a good little man, so a country equipped with big strategic weapons is better defended than a country with smaller strategic weapons.

During most of his Administration, Secretary McNamara argued that it didn't matter that the Soviet warheads were *bigger* because the U.S. had *more* missiles. He left the Defense Department just in time to escape admitting that Soviet production of strategic nuclear missiles has increased so greatly that now they even have *more* missiles than we have, in addition to a monopoly on the bigger ones. Study the following chart (not printed in RECORD) taken from *The Soviet Military Technological Challenge*, which compares U.S. and U.S.S.R. missile production. It shows that our missile production has been at a standstill for two years, while the Soviets are adding 380 ICBMs a year. This is the real missile gap.

McNamara scrapped *all* U.S. intermediate and medium-range missiles, while the Soviets have 750 such missiles threatening NATO cities and bases. Nothing is left of the extremely expensive U.S. complex of Thor and Jupiter missiles which were capable of countering these Soviet missiles in Europe. This is shown by the following chart taken from *The Changing Strategic Military Balance, U.S.A. vs. U.S.S.R.* referred to previously.

When McNamara scrapped all our IRBM and MRBM missiles, he argued that they were "obsolete." The fact is, however, that they had hardly been installed when they were removed, and the Soviets did not scrap their IRBMs and MRBMs of the same type.

THE BOMBER GAP

When President Eisenhower left the White House, the United States had 2,710 strategic bombers, i.e., bombers capable of carrying nuclear weapons to the enemy.

During the last seven years, McNamara scrapped 1,445 of these strategic bombers and also disarmed 600 carrier bombers of their strategic nuclear weapons. This means that McNamara did what no enemy could have done; he "took out" three-fourths of our strategic nuclear bombers. Many of them today are rotting in the desert sun near Tucson.

The excuse given for scrapping the B-47s was that they are obsolete. But General Thomas Power, who headed our Strategic Air Command during the Cuban missile crisis, said: "I think the B-47 fleet in the hands of professionals could deliver weapons in the year 2000."

We should not scrap planes until they are replaced with something better. This, McNamara did not do. He absolutely refused to build the B-70 or any advanced manned strategic bomber. He simply ordered a fantastic 75% reduction of our bomber force.

STRATEGIC NUCLEAR-ARMED BOMBERS

	Under Eisenhower	1968
B-47's	1,400	0
B-52's	630	585
B-58's	80	80
Carrier based	600	0
Total	2,710	665

On December 8, 1965 McNamara announced plans to scrap more than half (345) of the remaining B-52s, and all 80 B-58s, and replace them with 210 F-111s. Our 6,000 Marines who were trapped at Khe Sanh can be grateful that this is one disarmament project which McNamara did not complete before he left the Defense Department. It was the precision bombing of the great B-52s which finally broke the siege of Khe Sanh and saved our brave Marines. The failure of the F-111 is described later in this Statement.

McNamara's last act before leaving the Defense Department was the cancellation of our airborne alert. He did this *after* admitting that the Soviet fractional orbital bomb (FOBS) could strike our bomber bases with zero warning. The SAC airborne alert was a brilliantly-conceived way to secure a powerful deterrent effect, without extra cost, by making use of the routine training flights of our strategic bombers. The cancellation of the airborne alert was craven appeasement of the Soviets and a severe blow to the defense of the United States.

THE ANTIMISSILE GAP

One of the principal functions of the Federal Government, according to the Preamble of the U.S. Constitution, is to "provide for the common defense." The clearest case of the failure of the present Administration to provide for the common defense is its stubborn refusal to build any anti-missile system which can protect America from a nuclear attack.

For three years, the Joint Chiefs of Staff have unanimously and urgently recommended the building of an anti-missile system. For at least three years, the Soviets have been deploying their own anti-missile defense. Yet, the McNamara Whiz Kids gagged the Joint Chiefs and refused to permit the United States to erect any defenses against a missile attack. The result is the anti-missile gap which is pictured in the chart below (not printed in RECORD) clearly showing that the Soviets have this essential weapon and we have not.

Finally, in the face of Congressional demands for an anti-missile system, McNamara reluctantly agreed to make a start on a "thin" anti-missile system which would protect us only against Red China in the 1970s. This "thin" system was named the Sentinel.

Although this Sentinel system was announced by McNamara in September 1967, no start on it has yet been made, and it appears to be subject to the same stall and delay that has doomed every new weapon under the McNamara Administration. Furthermore, the "thin" anti-missile is *not* what the Joint Chiefs recommend; they believe we must have a full anti-missile system to protect America from a *Soviet* nuclear attack today.

In addition to making the United States vulnerable to a *missile* attack, the civilians in the Pentagon have also rendered us vulnerable to a Soviet nuclear *bomber* attack. The present Administration quietly phased out most of our bomber defenses years before we can hope for new ones. Each year, McNamara rejected the military's unanimous request for new bomber defenses with the specious argument that, since we have no defense against missiles, little would be served by bomber defenses. High military sources have been quoted as saying that this is "another in a long series of 'calculated risks.'" Although we have developed a fine 2,000-mile an hour bomber-interceptor plane (F-12), McNamara refused to produce it.

THE SPACE WEAPONS GAP

The space weapon gap is shown by the following illustration from the report on *The Changing Strategic Military Balance, U.S.A. vs. U.S.S.R.* It makes clear that the U.S. has *no* space weapon whatsoever, while the Soviets have their 30-megaton weapon called the Scrag. This weapon has been repeatedly displayed in Moscow beginning in May 1965.

On November 3, 1967, Secretary McNamara announced at a press conference that the Soviets now have an orbital bomb called the FOBS which is capable of hurling nuclear warheads with zero warning on the United States from space in 1968.

In his press conference, McNamara went on to say that the new Soviet orbital bomb would *not* violate the space treaty which we signed with the Soviets under the United Nations—because the Soviet orbital bomb is designed to hit its target *before* it makes a complete orbit, and only weapons which make one full orbit around the earth are considered to be "in space." This is one of the most appeasing statements ever made by a Secretary of Defense.

In other words, McNamara told the Soviets that we will not consider it a violation of the space treaty if their new orbital nuclear bomb (the FOBS) destroys U.S. cities—provided the bomb strikes the U.S. before it completes its first orbit. This interpretation of the space treaty was confirmed by the State Department.

THE OVERSEAS BASES GAP

A base close to the enemy is one of the most important of all strategic advantages. When President Eisenhower left the White House, we had important missile and bomber bases close to Soviet borders. Secretary McNamara closed down all our strategic missile and bomber bases close to Russia, including those in Turkey, Italy, England, and North Africa. While McNamara was retreating from our Mediterranean bases, the Soviets moved into the former great French naval base of Mers-el-Kebir in Algeria, as well as the former British bases, Alexandria and Port Said in Egypt. The Mediterranean used to be virtually an American lake, but now the Soviet Navy interferes with U.S. Navy maneuvers with impunity and even deliberately *bumps* our ships.

Yet, the Soviets, in violation of the Monroe Doctrine, have built missile and submarine bases in Cuba, only 90 miles off our coast. The Soviets can also use Cuba for electronic "terminal guidance" of their ICBMs to score direct hits on U.S. targets.

THE SUBMARINE GAP

The Soviet submarine fleet consists of about 350 conventional-powered and 50 nuclear-powered submarines, according to the Center for Strategic Studies report. In testimony released on July 5, 1968, *The New York Times* reported that Senator John Stennis said: "The U.S. is substantially inferior to the Soviet Union in terms of numbers of operational submarines." Soviet production of nuclear-powered missile-firing submarines continues at the rate of five or more per year. The U.S.S.R. has developed new nuclear-powered *attack* submarines for anti-submarine purposes. Typical are the new Leninsky-Komsomol hunter-killers which are fast, deep-diving attack submarines designed to shadow and destroy our Polaris submarines.

Vice Admiral Hyman G. Rickover testified in June 1968 that the Soviet submarine fleet is entirely post-World War II, while two-thirds of American attack submarines were built during World War II and are nearly 25 years old.

Despite Rickover's protests, McNamara refused to authorize the building of any new nuclear-propelled attack submarines to counter the large new Soviet attack submarine fleet. Admiral Rickover charged that McNamara kills a program through the device of "studying it to death." McNamara also refused to build any more missile-firing submarines and froze the number of our Polaris submarines at 41.

Almost all Soviet surface ships and many submarines are equipped with ship-to-ship or cruise missiles carrying conventional or nuclear warheads. The United States Navy is not equipped with any such missiles.

In a quarter-billion dollar blunder, McNamara refused to permit our latest carrier, the *John F. Kennedy*, to be nuclear powered. This was like building a new locomotive with an old-fashioned steam engine which requires frequent refueling.

THE NEW WEAPONS GAP

American inventive genius has developed many new strategic weapons which could play an important part in the defense of America in the nuclear age. The Eisenhower Administration invested millions of dollars in the development of new weapons, believing that the United States must stay ahead, scientifically and technologically.

The present Administration has refused to produce any new weapon system, and has cancelled or stalled many that the Eisenhower Administration started, including Skybolt, Pluto, Dynasoar and Orion.

One of the techniques developed in recent years to protect a nation's missiles from being destroyed by the enemy is "mobility." A moving target is obviously much harder to hit than a stationary one. All our land-based missiles are in fixed locations, well known to the enemy. Many Soviet missiles are known to be mobile.

Our Strategic Air Command developed a plan to equip each of 60 moving trains with five Minuteman launchers and crews. McNamara vetoed this plan.

The Navy developed a plan to ensure mobility of MRBMs by putting them on surface ships. McNamara vetoed this.

On July 7, 1968 the Senate Preparedness Investigating Subcommittee made public recent testimony of General Earle G. Wheeler, Chairman of the Joint Chiefs. General Wheeler listed the following measures recommended by the Joint Chiefs for the current budget which were vetoed by McNamara:

1. Full-scale development of a new, super-sized ICBM.
2. A prototype of a new ballistic-missile ship.
3. Air-to-ground missiles for late-model B-52 bombers.
4. Full development of an advanced strategic bomber.
5. Further improvement of Polaris A-3 missile system.
6. Deployment of Nike X anti-missile defense for cities.
7. Production of F-12 jet interceptors.

THE NUCLEAR TECHNOLOGY GAP

On August 15, 1963 the Joint Chiefs of Staff told the Senate Foreign Relations Committee: "The U.S.S.R. is ahead of the United States in the high-yield (tens of megatons) technology . . . and in the yield/weight ratios of high-yield devices."

The House Armed Services Committee report on *The Changing Strategic Military Balance* concluded: "Thus it would appear that since 1961, the Soviets have had a 5-to-1 advantage over the U.S. in yield/weight ratio in contrast to their pre-1961 inferiority."

What this means is that, if both countries use their best weapons, Soviet strategic bombers can deliver 2½ times more megatons than U.S. bombers. This is one part of the nuclear technology gap.

Another part of the nuclear technology gap is the Soviet advance in knowledge and use of the X-ray effect. The X-ray concept "is that in the vacuum of space a thermonuclear explosion gives off most of its energy in the form of highly energetic X-rays that can travel hundreds of miles with the speed of light. If these X-rays impinge on an object, such as a warhead, their energy is translated quickly into heat." When added to an anti-missile defense, the X-ray effect thus destroys incoming missiles in space without having to score direct or near-direct hits.

The Soviets conducted four times as many high-yield tests in space as we did, and this is how they discovered the X-ray effect.

TFX—THE FLYING EDSEL

Every nuclear weapon which defends our country today was built or developed under the Eisenhower Administration. Robert McNamara scrapped 45 B–52s, 1,400 B–47s, the Atlas, Titan I, Jupiter and Thor missiles; he cancelled the B–70, Skybolt, Pluto, Dynasoar and Orion; he stalled the F–12, the Nike X anti-missile, and a new attack submarine.

The *only* new weapon which was produced during the seven years of the present Administration is the TFX plane, later christened the F–111, but usually referred to as the Flying Edsel.

The contract to build the TFX plane was the largest contract in the history of Federal spending: $6.5 billion. Every evaluation board in the Pentagon recommended the bid of the Boeing Company as a better plane at a cheaper price. But McNamara and his political aides overruled them and awarded the contract instead to General Dynamics which promised to make the plane in Texas (whereas the Boeing plane would have been made in Kansas).

The price tag which was originally $6.5 billion has doubled; it is now $13 billion, and this is for 400 fewer planes. Production is three years behind schedule, and the plane has been constantly plagued by technical difficulties. Eight F–111s have crashed because of what the Pentagon called "in-flight emergencies." In one test, the wings fell off. The F–111s sent to Vietnam were not used in combat with MIGs; three crashed in Laos and Thailand and all were grounded.

The Navy version is now admitted by everyone to be a total failure, unfit for use. The Senate killed it on March 29 by refusing to appropriate one more dollar for it. The Pentagon buried it on July 10 when it announced final cancellation. This means at least one billion dollars down the TFX drain, and now the Navy is calling for new bids to start all over again.

The TFX is a sordid tale of corrupt politics and conflicts of interest beyond anything ever before seen in the United States. (Two high Defense Department officials who participated in the contract award received financial favors from General Dynamics.) But that is not all. The worse part is the six years of time which have been lost. While billions have gone into the TFX, we have not bought the weapons we need for the defense of America. Six precious years have been lost while the U.S.S.R. has produced a swing-wing fighter plane and new-model MIGs which are so much faster that the TFX is no longer classified as a fighter plane.

THE PEACE GAP

During the Eisenhower Administration, no American boy was killed in any foreign war. On the other hand, four of the last five Democrat Presidents have led us into four bloody foreign wars. None of the last six Republican Presidents has involved us in any war.

In 1916, Woodrow Wilson won reelection on the slogan "He kept us out of war." Within a few months, he had the United States involved in World War I.

In 1940, Franklin Roosevelt won reelection with this famous promise: "Mothers and fathers, I give you one more assurance. I have said this before, but I shall say it again and again and again. Your boys are not going to be sent into any foreign wars." This line was put into Roosevelt's speech by ghost-writer Robert Sherwood, and today even the Roosevelt lovers no longer try to defend it. The historical fact is that Roosevelt, in the words of his own Secretary of War, Henry Stimson, tried to "maneuver them (The Japanese) into the position of firing the first shot without allowing too much danger to ourselves."

On June 1, 1950, Harry Truman said: "We are closer to peace now than at any time in the last five years." Within a month, he had us involved in the Korean War.

In 1964, the Democrats sponsored those infamous television spots which showed a little girl picking daisies being incinerated in an atomic mushroom cloud. These spots were deliberately designed to mislead the voters into believing that Barry Goldwater was a trigger-happy warmonger. We now know that, at the same time in 1964 that Lyndon Johnson was promising peace, he was committing American boys to fight the same type of a land war in Asia, with privileged sanctuaries for the enemy, which had cost us so many lives in Korea.

America is never so close to war as when the Democrats are promising peace. The American voters have been deceived again and again and again. By now the voters should know that the surest key to peace is to elect a Republican President.

"The credibility gap" has become a familiar expression in our nation's capital today. This is simply a polite term to describe the fact that nobody believes anything the Administration says.

This is particularly true of the civilians in the Defense Department where the chief of public relations during most of the past seven years was Arthur Sylvester, best known for his famous words, "The government has the right to lie." The Freedom of Information Committee of Sigma Delta Chi, the journalism fraternity, reported in 1967 that the Administration is guilty of "deliberately misleading the public, the press and Congress through flat lies, through half truths and through the clever use of statistics that distort." Sigma Delta Chi singled out the Defense Department as the worst offender and said the Pentagon continues to "pour out inaccurate information on everything from the controversial TFX plane matter to the question of whether there was Joint Chief disagreement over the conduct of the Vietnam War."

STRATEGY FOR PEACE

Weapons may be complicated—and in the nuclear age they certainly are—but the principles of war and peace remain the same. Weakness invites attack from greedy aggressors. Military strength is our basic guarantee of continued freedom and independence.

The Republican position—so successful under President Eisenhower, and still valid now—is based on a posture of overwhelming military superiority over any possible aggressors. This is the policy which will keep us out of war and safe from nuclear attack.

The McNamara policies, which have determined our defense for the last seven years, are based on three fallacies:

1. The fallacy that we can secure peace by treaties. The Soviets have broken treaties with every nation with which they ever signed an agreement, and they believe with Lenin that "promises are like piecrusts, made to be broken." Historian Dr. Anthony Bouscaren lists 93 major treaties which the Soviets have broken.

2. The fallacy that "parity" in nuclear weapons between the U.S. and the U.S.S.R. will either (a) persuade the Soviets to abandon their goal of world conquest, or (b) bring about a nuclear stalemate in which neither side will have the advantage. There is absolutely no evidence to support this most dangerous myth. The Soviets have not been striving for parity—they have been striving for superiority, and they have been approaching this goal at an alarming rate.

3. The fallacy of McNamara's "assured destruction capability." McNamara's whole strategy is based on his hope that the Soviets will be deterred from attack by the knowledge that—*after* they have hit us with a surprise nuclear attack and killed 150 million Americans—then we can hit back and knock out one-third of the Soviet Union. There are many holes in this argument: (a) What good will it do to kill one-third of the Russians *after* they have killed three-fourths of Americans? (b) There is no evidence that the Soviets would be deterred by the threat of our killing one-third of their people, since they care nothing for human life. (c) Competent authorities such as Congressman Craig Hosmer have computed that McNamara's figure of what we *can* destroy in Russia is inflated by at least 100%. (d) In any event, McNamaras' calculations were made before the Soviets deployed their anti-missile defense.

Therefore, as the 1968 election approaches, the Republican Party must pledge itself to:

1. Undo everything McNamara did to destroy U.S. nuclear power and the credibility of our deterrent.

2. Restore our posture of overwhelming nuclear superiority so we can protect the 200,000,000 Americans from nuclear incineration and assure the survival of the United States in peace and freedom.

HUBERT H. HUMPHREY'S ACCEPTANCE SPEECH: "THE BEGINNING OF A NEW DAY"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. MOORHEAD. Mr. Speaker, the Democratic Party is extremely fortunate to have chosen as its nominee for the Presidency of our great Nation a leader capable of meeting the terrible tests of these times—the Honorable HUBERT H. HUMPHREY.

In his brilliant acceptance speech before the Democratic National Convention on August 29, Mr. HUMPHREY boldly stated his determination to make of "this moment of crisis" in our history "a moment of creation." He hailed "the beginning of a new day" in which a united America will move to end war abroad and injustice at home under his leadership.

Mr. HUMPHREY called upon all Americans to assert their "basic goodness" and to "risk the hard path of greatness." If we are to meet our challenges, he said, we must "put aside recrimination and dissension, turn away from violence and hatred, believe—believe in what America can do, and believe in what America can be."

Mr. HUMPHREY's acceptance speech was an eloquent appeal to the best instincts in all Americans. Under leave to extend my remarks, I insert the speech at this point in the RECORD.

[From the New York Times, Aug. 30, 1968]

HUBERT H. HUMPHREY'S ACCEPTANCE SPEECH: "THE BEGINNING OF A NEW DAY"

Mr. Chairman, my fellow Americans, my fellow Democrats—I proudly accept the nomination of our party.

This moment—this moment is one of personal pride and gratification. Yet one cannot help but reflect the deep sadness that we feel over the troubles and the violence which have erupted, regrettably and tragically, in the streets of this great city, and for the personal injuries which have occurred.

Surely we have now learned the lesson that violence breeds counterviolence and it cannot be condoned, whatever the source.

I know that every delegate to this convention shares tonight my sorrow and my distress over these incidents. And for just one moment, in sober reflection and serious purpose, may we just quietly and silently, each in our own way, pray for our country. And may we just share for a moment a few of those immortal words of the prayer of St. Francis of Assisi, words which I think may help heal the wounds, ease the pain and lift our hearts.

Listen to this immortal saint: "Where there is hatred, let me know love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light."

Those are the words of a saint. And may those of us of less purity listen to them well and may America tonight resolve that never, never again shall we see what we have seen.

Yes, I accept your nomination in this spirit and I have spoken knowing that the months and the years ahead will severely test our America. And might I say that as this America is tested, that once again we give our testament to America. And I do not think it is sentimental nor is it cheap, but I think it is true that each and every one of us in our own way should once again reaffirm to ourselves and our posterity that we love this nation, we love America!

But take heart my fellow Americans. This is not the first time that our nation has faced a challenge to its life and its purpose. And each time that we've had to face these challenges we have emerged with new greatness and with new strength.

We must make this moment of crisis—we must make it a moment of creation.

As it has been said, in the worst of times a great people must do the best of things—and let us do it.

SEES A NEW DAY

We stand at such a moment now in the affairs of this Nation, because, my fellow Americans, something new, something different has happened. There is an end of an era, and there is the beginning of a new day.

And it is the special genius of the Democratic party that it welcomes change—not as an enemy but as an ally—not as a force to be suppressed but as an instrument of progress to be encouraged.

This week our party has debated t[illegible] great issues before America in this very h[illegible], and had we not raised these issues—[illegible]oublesome as they were—we would have ignored the reality of change.

Had we just papered over the differences of frank, hard debate, we would deserve the contempt of our fellow citizens and the condemnation of history.

Yes, we dare to speak out and we have heard hard and sometimes bitter debate. But I submit that this is the debate, and this is the work of a free people, the work of an open convention and the work of a political party responsive to the needs of this nation.

Democracy affords debate, discussion and dissent. But, my fellow Americans, it also requires decision. And we have decided here, not by edict, but by vote; not by force, but by ballot.

Majority rule has prevailed but minority rights are preserved.

There is always the temptation, always the temptation to leave the scene of battle in anger and despair, but those who know the true meaning of democracy accept the decision of today but never relinquishing their right to change it tomorrow.

In the space of but a week this convention has literally made the foundations of a new Democratic party structure in America. From precinct level to the floor of this convention, we have revolutioned our rules and procedures.

And that revolution is in the proud tradition of our party. It is in the tradition of Franklin Roosevelt, who knew that America had nothing to fear but fear itself!

And it is in the tradition of that one and only Harry Truman, who let 'em have it and told it like it was.

And that's the way we're going to do it from here on out.

And it is in the tradition of that beloved man, Adlai Stevenson, who talked sense to the American people—and oh, tonight, how we miss this great, good and gentle man of peace in America—

And my fellow Americans, all that we do and all that we ever hope to do, must be in the tradition of John F. Kennedy, who said to us: Ask not what your country can do for you, but what can you do for your country.

And, my fellow Democrats and fellow Americans, in that spirit of that great man let us ask what together we can do for the freedom of man.

CITES JOHNSON TRADITION

And what we are doing is in the tradition of Lyndon B. Johnson, who rallied a grief-stricken nation when our leader was stricken by the assassin's bullet and said to you and said to me, and said to all the world—let us continue.

And in the space, and in the space of five years since that tragic moment, President Johnson has accomplished more of the unfinished business of America than any of his modern predecessors.

And I truly believe that history will surely record the greatness of his contribution to the people of this land.

And tonight to you, Mr. President, I say thank you. Thank you, Mr. President.

Yes, my fellow Democrats, we have recognized and indeed we must recognize the end of an era and the beginning of a new day—and that new day, and that new day belongs to the people—to all the people, everywhere in this land of the people, to every man, woman and child that is a citizen of this Republic.

And within that new day lies nothing less than the promise seen a generation ago by that poet Thomas Wolfe—to every man his chance, to every man regardless of his birth his shining golden opportunity, to every man the right to live and to work and be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America.

Yes, the new day is here across America. Throughout the entire world forces of emancipation are at work. We hear freedom's rising chorus—"Let me live my own life, let me live in peace, let me be free," say the people.

THREE REALITIES

And that cry is heard today in our slums, on our farms and in our cities. It is heard from the old as well as from the young. It is heard in Eastern Europe and it is heard in Vietnam. And it will be answered by us, in how we face the three realities that confront this nation.

The first reality is the necessity for peace in Vietnam and in the world.

The second reality, the second reality is the necessity for peace and justice in our cities and in our nation.

And the third reality is the paramount necessity for unity—unity in our country.

Let me speak first, then, about Vietnam.

There are differences of course, serious differences within our party on this vexing and painful issue of Vietnam, and these differences are found even within the ranks of all of the Democratic Presidential candidates.

But I might say to my fellow Americans that once you have examined the differences I hope you will also recognize the much larger areas of agreement.

Let those who believe that our cause in Vietnam has been right, or those who believe that it has been wrong, agree here and now, that neither vindication nor repudiation will bring peace or be worthy of this country!

The question is not the yesterdays but the question is what do we do now? No one knows what the situation in Vietnam will be when the next President of the United States takes that oath of office on Jan. 20, 1969.

But every heart in America prays that by then we shall have reached a cease-fire in all Vietnam and be in serious negotiation toward a durable peace.

Meanwhile, as a citizen, a candidate and Vice President, I pledge to you and to my fellow Americans that I will do everything within my power, within the limits of my capacity and ability to aid the negotiations and to bring a prompt end to this war!

May I remind you of the words of a truly great citizen of the world, Winston Churchill. It was he who said—and we should heed his words well—"those who use today and the present to stand in judgment of the past may well lose the future."

A LESSON CITED

And if there is any one lesson that we should have learned, it is that the policies of tomorrow need not be limited by the policies of yesterday.

My fellow Americans, if it comes my high honor to serve as President of these states and people, I shall apply that lesson to the search for peace in Vietnam as to all other areas of national policy.

Now let me ask you, do you remember these words at another time, in a different place: Peace and freedom do not come cheap. And we are destined—all of us here today—to live out most if not all of our lives in uncertainty and challenge and peril. The words of a prophet—yes, the words of a President—yes, the words of the challenge of today—yes. And the words of John Kennedy to you, and to me, and to posterity!

Last week we witnessed once again in Czechoslovakia the desperate attempt of tyranny to crush out the forces of liberalism by force and brutal power, to hold back change.

But in Eastern Europe as elsewhere the old era will surely end, and there, as here, a new day will dawn.

And to speed this day we must go far beyond where we've been—beyond containment to communication; beyond the emphasis of differences to dialogue; beyond fear to hope.

We must cross those remaining barriers of suspicion and despair. We must halt the arms race before it halts humanity.

And is this, is this a vain hope, is it but a dream? I say the record says no.

Within the last few years we have made progress, we have negotiated a nuclear test ban treaty, we have laid the groundwork for a nuclear nonproliferation treaty.

We have reached agreement on banning weapons in outer space. We have been building patiently—stone by stone, each in our own way—the cathedral of peace.

And now we must take new initiative, new initiative with prudence and caution but with perseverance. We must find the way and the means to control and reduce offensive and defensive nuclear missile systems. The world cannot indefinitely hope to avoid nuclear war which one last act, one erring judgment, one failure in communication could unleash upon all humanity and destroy all of mankind.

But the search for peace is not for the timid or the weak, it must come from a nation of high purpose—firm without being belligerent, resolute without being bellicose, strong without being arrogant. And that's the kind of America that will help build the peace of this world.

But the task of slowing down the arms race, of halting the nuclear escalation—there is no more urgent task than ending this threat to the very survival of our planet, and if I am elected as your President, I commit myself body, mind and soul to this task.

Now our second reality is the necessity for peace at home. There is, my friends, let's see it as it is—there is trouble in America. But it does not come from a lack of faith. But it comes from the kindling of hope.

When the homeless can find a home, they do not give up the search for a better home. When the hopeless find hope, they seek higher hopes. And in 1960 and again in 1964, you, the American people, gave us a mandate to awaken America. You asked us to get America moving again, and we have—and America is on the move.

And we have, we have awakened expectations. We have aroused new voices and new voices that must and will be heard.

We have inspired new hope in millions of men and women, and they are impatient—and rightfully so, impatient now to see their hopes and their aspirations fulfilled.

We have raised a new standard of life in America, not just for the poor but for every American—wage earner, businessman, farmer, school child and housewife. A standard by which the future progress must be judged.

CHALLENGE OF THE CITIES

Our most urgent challenge is in urban America, where most of our people live. Some 70 per cent of our people live on 2 per cent of our land, and within 25 years 100 million more will join our national family.

I ask you tonight—where shall they live? How shall they live? What shall be their future? We're going to decide in the next four years those questions. The next President of the United States will establish policies not only for this generation but for children yet unborn. Our task is tremendous and I need your help.

The simple solution of the frustrated and the frightened to our complex urban problems is to lash out against society. But we know—and they must know—that this is no answer.

Violence breeds more violence; disorder destroys, and only in order can we build. Riot makes for ruin; reason makes for solution.

So from the White House to the courthouse to the city hall, every official has the solemn responsibility of guaranteeing to every American—black and white, rich and poor—the right to personal security—life.

Every American, black or white, rich or poor, has the right in this land of ours to a safe and a decent neighborhood, and on this there can be no compromise.

I put it very bluntly—rioting, burning, sniping, mugging, traffic in narcotics, and disregard for law are the advance guard of anarchy, and they must and they will be stopped.

But may I say most respectfully, particularly to some who have spoken before, the answer lies in reasoned, effective action by state, local and Federal authority. The answer does not lie in an attack on our courts, our laws or our Attorney General.

We do not want a police state. But we need a state of law and order.

We do not want a police state but we need a state of law and order, and neither mob violence nor police brutality have any place in America.

And I pledge to use every resource that is available to the Presidency, every resource available to the President, to end once and for all the fear that is in our cities.

Now let me speak of other rights. Nor can there be any compromise with the right of every American who is able and who is willing to work to have a job—that's an American right, too.

Who is willing to be a good neighbor, to be able to live in a decent home in the neighborhood of his own choice.

Nor can there be any compromise with the right of every American who is anxious and willing to learn, to have a good education.

And it is to these rights—the rights of law and order, the rights of life, the rights of liberty, the right of a job, the right of a home in a decent neighborhood, and the right of an education—it is to these rights that I pledge my life and whatever capacity and ability I have.

And now the third reality, essential if the other two are to be achieved, is the necessity, my fellow Americans, for unity in our country, for tolerance and forbearance for holding together as a family and we must make a great decision. Are we to be one nation, or are we to be a nation divided, divided between black and white, between rich and poor, between north and south, between young and old? I take my stand—we are and we must be one nation, united by liberty and justice for all, one nation under God indivisible with liberty and justice for all. This is our America.

Just as I said to you there can be no compromise on the right of personal security, there can be no compromise on securing of human rights.

If America is to make a crucial judgment of leadership in this coming election, then let that selection be made without either candidate hedging or equivocating.

Winning the Presidency, for me, is not worth the price of silence or evasion on the issue of human rights.

And winning the Presidency—and listen well—winning the Presidency is not worth a compact with extremism.

I choose not simply to run for President. I seek to lead a great nation.

And either we achieve through justice in our land or we shall doom ourselves to a terrible exhaustion of body and spirit.

I base my entire candidacy on the belief which comes from the very depths of my soul—which comes from basic religious conviction that the American people will stand up, that they will stand up for justice and fair play, and that they will respond to the call of one citizenship—one citizenship open to all for all Americans!

So this is the message that I shall take to the people, and I ask you to stand with me.

To all of my fellow Democrats now who have labored hard and openly this week at the difficult and sometimes frustrating work of democracy, I pledge myself to that task of leading the Democratic Party to victory in November.

And may I say to those who have differed with their neighbor, or those who have differed with fellow Democrats, may I say to you that all of your goals, that all of your high hopes, that all of our dreams, all of them will come to naught if we lose this election and many of them can be realized with the victory that can come to us.

And now a word to two good friends. To my friends—and they are my friends—and they're your friends—and they're fellow Democrats.

To my friends Gene McCarthy and George McGovern—to my friends Gene McCarthy and George McGovern, who have given new hope to a new generation of Americans that there can be greater meaning in their lives, that America can respond to men of moral concern, to these two good Americans: I ask your help for our America, and I ask you to help me in this difficult campaign that lies ahead.

And now I appeal, I appeal to those thousands—yea millions—of young Americans to join us, not simply as campaigners, but to continue as vocal, creative and even critical participants in the politics of our time. Never were you needed so much, and never could you do so much if you want to help now.

Martin Luther King Jr. had a dream. Robert F. Kennedy as you saw tonight had a great vision. If Americans will respond to that dream and that vision, if Americans will respond to that dream and that vision, their deaths will not mark the moment when America lost its way. But it will mark the time when America found its conscience.

These men, these men have given us inspiration and direction, and I pledge from this platform tonight we shall not abandon their purpose—we shall honor their dreams by our deeds now in the days to come.

I am keenly aware of the fears and the frustrations of the world in which we live. It is all too easy, isn't it, to play on these emotions. But I do not intend to do so. I do not intend to appeal to fear, but rather to hope. I do not intend to appeal to frustration, but rather to your faith.

I shall appeal to reason and to your good judgment.

The American Presidency, the American Presidency is a great and powerful office, but it is not all-powerful. It depends most of all upon the will and the faith and the dedication and the wisdom of the American people.

So I call you forth—I call forth that basic goodness that is there—I call you to risk the hard path of greatness.

And I say to America: Put aside recrimination and dissension. Turn away from violence and hatred. Believe—believe in what America can do, and believe in what America can be, and with the vast—with the help of that vast, unfrightened, dedicated, faithful majority of Americans, I say to this great convention tonight, and to this great nation of ours, I am ready to lead our country!

INTO THE DAYLIGHT—ADDRESS BY HON. BARRY GOLDWATER

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, September 5, 1968

Mr. FANNIN. Mr. President, early last month a former colleague and distinguished Member of the Senate delivered a stirring address to the Republican National Convention in Miami Beach. As the standard bearer of the Republican Party 4 years ago, his remarks deserve recognition and a place in the records of the Nation.

Barry Goldwater, with outstanding magnanimity and certainly a remarkable spirit of fairness and perspective, delivered a clarion call to those who would see America regain the heights of respect and prestige enjoyed in former years. To domestic eyes as well as international vision he displayed his dreams and hopes for a better America. Even though he is my personal friend and fellow laborer in public service from the State of Arizona, I believe the address Barry Goldwater gave before the Republican National Convention displays to the world the workings of the democratic process in this Republic and is worthy to be included in the permanent RECORD of Congress.

I ask unanimous consent that Mr.

Goldwater's address, delivered August 5, 1968, before the Republican National Convention, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

We are here, all of us, to select and then to *support*, the men whose administration will move history's mightiest nation out of a nightmare of doubt and disaffection and into the daylight of confidence, compassion and creativity.

We are not here to accuse, we are not here to divide. We are not here to bemoan the past. We gather here among other reasons to assure the target which the preservation of freedom has assigned us. This target is not to be found in this convention hall in Miami; it is not to be found in the Republican Party anywhere. Our assigned target is the winning of the Presidency, the taking of the House of Representatives, the gaining of strength in the Senate, the gaining of more Republican Governors and the accumulation of more seats in the State Legislatures of our fifty states.

We are here to deliver a message to the future and to find a meaning for today. We are not here to moan about yesterday. We can learn from yesterdays. We cannot live them nor go back to them.

On one yesterday, four years ago, this convention rang with the realization that more and more Americans were finding less and less meaning in their lives and hope in their future.

For year after year since then, the Johnson-Humphrey administration has made promises, spent money, spun webs, divided our people and wasted the substance of this nation.

But we cannot ask support merely on the rubble of their record and broken promises. It is performance that we always have offered and it is performance—not promises—that we must continue to offer.

Our Party stands now, stood then, and always *has* stood for the philosophy that holds that the meaning of a man's life and the hope of his future must come from within himself. It is not a gift that a nation, a leader, a Congress or a political party can confer upon him.

Our Party, our philosophy does not promise to give, and give—so that it can get and get. Our philosophy says that if the promisers and the power-seekers would only get out of the way, that Americans *would* be free to perform, free to perform person by person, people to people.

The meaninglessness that has marked and marred so many lives over the past years is summed up in the single question and complaints so many have voiced:

"What can I do? It's all beyond me." The callous response from the Johnson-Humphrey administration has been: "Nothing. You can do nothing. *We* must do it for you."

After January, 1969, two hundred million Americans can ask that question again. What can I do?

And the Republican Administration will answer:

"Everything! You can do everything."

On that day, my friends, it will be people—and not politics—that will have come back to power in these re-United States.

On one yesterday, four years ago, black Americans in particular felt that we had nothing to say to them. Our platform contained long and strong denunciations of racism. It contained long and strong commitments to civil rights. It stood head and shoulders above the virtual blank on civil rights in the platform of the other party. But black Americans felt we had nothing to say to them.

Now they know different.

Let me say here today what I have said in one way or another during my entire life: The merit of a man is only to be found within himself and not on the surface of his skin. There, too, and not on the surface of laws and political promises, will we find the only enduring answers to love of brother, respect of self, and the end of discrimination.

Black people do not need and no longer ask the promises and the pie-in-the-sky of white politicians. They have had enough of the promises of politics. They want a piece of the action. They must have it! Republicans have never promised them anything more and, mark this—Republicans have never asked anything *less* for all our citizens!

Because I feel this so deeply I will try to emphasize it most deeply.

Laws cannot change people. Promises cannot free people. This tired, frustrated, sometimes fearful, sometimes embattled land and all its people are sick to death of trying to build brotherhood through bureaucracy and trying to end discrimination through red tape.

This fruitful land cannot live or prosper in fear or in frustration. It cannot replace the handshake with handcuffs. It can't substitute social psalm singing for the right to earn three square meals a day.

We *can* turn this thing around!

Black power, white power, green power—red, white and blue power; it all adds up to *people power!*

We are one people with many differences. Within the oneness we can afford and respect those differences. But we cannot afford privilege and partisanship in this matter.

This is not now and it never has been a political matter. It is a matter of very simple right and wrong.

It is wrong to deny any man opportunity in this land. It is wrong to administer justice unequally or to refuse to administer justice at all. It is wrong in any way to use the power of the state to oppress anyone and it is equally wrong to use the power of the state to give advantages to one man and deny them to another.

The power of people finally to see what is right and to do it, is the only real hope we have. The power of the state is not and never has been the answer. People are the problem and people are the answer.

And our country's next administration, our Republican administration—will unleash all of *that* power—all of that *people* power!

It will use every law we have—just as we said we would four long years ago. But it will know that the final answer is in the constant reiteration for all our people of the flat truth: that hate of race is wrong, dead wrong, ugly, vicious, sick, warped and wrong, wrong, wrong.

America, heart, hand and soul is ready now to do what is right. It *knows* what is right. It has been moving toward it.

In January we will be free to go all the way!

Freedom, my friends, is what it is *all* about.

Freedom is what has drawn us together and it is what guides us as we meet.

Freedom drew us here today and freedom guided us four years ago as freedom has always guided our Party.

The freedom in which we choose a government does not confer a crown to rule, but only a consent to be led. And yet ruinous rule has been the return we have reaped for four unfortunate years.

One man strategy has bogged us down in a bloody war that has divided us at home, distorted us abroad, and deprived us of even any widespread understanding of where we are going, how to get there or even where we are now.

One-man partisanship has turned government into a factory for the preparation of monuments to a personality rather than being the performer of service to a people.

For four years, unless I badly miss my guess, millions of Americans have just been waiting to tell a certain party that this land is *our* land, yours and mine, and not the personal preserve or ranch of *any* party or person.

Those millions get their chance this year. They get their chance to say that Americans *are* individuals and not numbers in some bureaucrat's computer!

They get their chance this year to say that we consent to be governed, we do *not* elect to be ruled!

They get their chance this year to say that more of the same won't do. That we are two hundred million separate and sovereign souls in this country—not a mob, not a herd, and certainly not an ant-heap!

They get their chance this year to say that we understand that government *cannot* give meaning to our life; that plans and promises cannot give fullness to our life; that pleaders and politicians cannot give dignity to our lives. Only we the people, one by one, can do those things, achieve those things, earn and keep those things.

We all get our chance this year to say that we want to be set free, left alone, treated like responsible men and women and not helpless children.

I know that there are many issues that will occupy us during this campaign. I know that many are of urgent importance in every detail and that they will be discussed in detail, by our candidates.

We cannot discuss all of those details in this convention and we could never have debated them in all the conventions of all the elections of all the years of our entire history.

We do not assemble to quibble and to quarrel. We assemble to select men and to state principles.

This convention is not a shopping list, it is a sign post—not endlessly promising but emphatically pointing a way. We know and the country knows what political shopping lists have led to. They have led to the purchase of the worst possible political bargains which now endanger freedom and its future.

The confidence of our people has been dashed nearly to death in the yawning gaps of an administration that has put political survival on an exactly even par with national survival. Republicans warned of this four years ago. But that was yesterday. Tomorrow, Republicans will restore confidence by electing men who, very simply, will level with the American people and who will demand that every man and woman paid by your tax dollars do the same!

The security of our people has been dissipated by the absurdities of an administration that has permitted free world alliances to crumble. Republicans warned of this four years ago. But that was yesterday also. Tomorrow, Republicans will begin to restore that security by reaching out once again to become part of the world, to become a partner in the world and not a lonely recluse, huddling at home behind a wall of regulations and secret diplomacy and a dangerous isolationism.

And let me say that when a Republican administration sees signs of freedom behind the Iron Curtain, as we now are seeing in Czechoslovakia, it will not sit on its hands—it will applaud with those hands as loud as it can and ask, "How can we help?" Republicans always will ask of men wanting to be free anywhere—how can we help? And note I said "ask"—not "tell."

The integrity of our people has been abused in the massive ego of an administration that has denounced dissent, dodged debate, dodged justice and been insensitive to differences. Republicans warned of this four years ago. But that was yesterday. Tomorrow, a Republican administration will restore the integrity of dissent and difference by electing candidates and following principles dedicated to the notion that government is instituted among men to *protect* their right to disagree and to be different and never to diminish that right for its own convenience or even its own political safety or survival.

The identity of our people has been distorted in the defeatism of an administration that has seen nothing but problems in the exuberance of a generation, nothing but programs in the potential of a nation, and nothing but slogans in the aspirations of what can be the most productive, peaceful, understanding, achieving, and exciting time in the history of mankind.

Now perhaps Republicans *have* been remiss here. Perhaps we have, also, let a generation gap grow in our own thinking. Certainly it is true that the tide of liberty, even of libertarianism that runs through all Republicanism has somehow escaped the notice of some of those who most loudly call for liberty today.

Perhaps we too often have let the heart of Republicanism be covered by the good, gray business suits of sound Republican respect for honest trade, industry and labor. But, so help me, and as hard as it will be for some who will hear me tonight to believe it, the heart of Republicanism always has beaten with ardor and respect for the youngest dreams of all—the dreams of people. People liberated to live their lives as they see fit so long as they do not harm or hinder the lives of others.

That is still the heart of Republicanism and in our minds we know that heart is right.

Today there is talk of a "new politics" and yet all we see is the same old weary politics of promise and program.

Republicans cannot tag their politics as new and many would hesitate to tag it politics at all—but they can tag their principles as the politics *of* people, politics *for* people, and politics *by* people—politics with the goal of letting people *be themselves!*

Now there is ample evidence that I am *not* a politician—but there also is ample evidence that I *am* a Republican!

And so this Republican, this one Republican among many peers and many friends—and a nation of neighbors in citizenship—this one Republican who looks forward to getting back to Washington even if it is the long way, this Republican asks of this convention and this Party only one thing:

Pride in our principles and determination to follow them.

Ours are the principles of liberty and never has a world been more ready for them or a generation more receptive.

Ours are the principles above all of the sovereignty of person against all the pretensions of political power and programing.

We Americans are not cogs in a political machine.

We are not numbers on a triplicate form; we are free men and women.

We are each of us a person, each of us important, each of us born free and with a potential that should never be bounded by more than our own ability and exertion.

Liberty such as this is found in the mood and in the manner of a people and not in the guided tours of an elected elite. It is found, rather, in the election of men who know that liberty's way is walked one by one, by living, thinking, striving men and women everywhere and that politics and politicians are assigned only the job of *guarding* the way, keeping it open.

When they block that way they must go, or liberty will go.

This convention will select the team who, with all our citizens, will now tear down the roadblocks of political arrogance.

This convention will select the team who, with all of our citizens, will retire the red-tape engineers of our long frustration.

This convention will select the team who, with all our citizens, will deliver this plain, clear and simple message in a wonderful new year: The way is clear! Clear for those who are not ashamed of being American; clear for those whose faith is strong; clear for those of courage; clear for all Americans. Let us provide the leadership, then follow it.

LAW AND ORDER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. MICHEL. Mr. Speaker, there seems to be a good deal of discussion these days on the subject of "law and order" and it appears that this will be one of the major issues during the upcoming campaign.

During the congressional recess for the month of August, two editorials appeared in the Peoria Journal Star discussing some aspects of this critical social problem and I include the editorials at this point in the Record:

[From the Peoria (Ill.) Journal Star, Aug. 14, 1968]

ABA Passes the Buck Again

(By C. L. Dancey)

The American Bar Association has held another national convention and once again managed to make asses of themselves.

The last time the ABA made news was when it decided it was the business of the national press to solve procedural problems in court by handling crime with censorship and secrecy.

This time ABA members passed the buck again—in a different direction, and agreed that "Law and Order" is an inapt phrase, because "Law" doesn't have anything to do with "Order," and can't do anything about it. "Order" is up to the sociologists—not to them.

If this were true, we should dismantle this entire massive multi-billion dollar legal machinery we have constructed in this country and re-invest the money in "social work."

The tragedy is that the "Rule of Law" on which the whole of this and every civilization has been built is being deserted by a sizable group of its specialized practitioners.

A body of the organization, apparently, is eager to enjoy the personal privileges and profits of practice but equally eager to avoid the public responsibility involved.

Led by the retiring chief justice of the supreme court of the U.S., and the attorney general of the U.S., the ABA convention was an endless series of appeals to "drop out" of the problem, to pass the buck, to proclaim that "law" plays no decisive role and that crime and disorder spring solely from poverty and cannot possibly be dealt with except by relieving that poverty.

The policy of the American Bar association now appears to be that the "law" abdicates its responsibilities to deal with crime and the abuses of the citizenry on the one hand, and demands that the news media be muzzled so that this "do nothing, "appeasement" policy cannot be reported daily to the public!

Curiously, there was one dissenting vote—and it came from outside the American bar, from a visiting British jurist, Lord Justice John Widgery of the Court of Appeals of England.

He expressed some shock that police were never mentioned, and told them flatly that there is no way to keep the peace except through an "efficient police force."

He pointed out that Nazi bombs produced a massive "urban renewal" replacing the bombed out slums of England, and that Socialist Britain's "Robin Hood policies" of taking from the rich and pouring out the funds to the poor has produced no reduction in the crime rate but quite the opposite—increases in all categories.

He said flatly that the "loss of discipline" is responsible for the increases in crime and disorder in the whole western world, and that while the doctrine of "permissiveness" has enabled many young people to develop more fully than might otherwise have been the case, the "price" for this is a constant increase in the number of "undisciplined louts" among us.

"Law and order is the greatest privilege that a citizen can enjoy . . ." he told them and cautioned the American lawyers that "there should be no bargain and no concession for those who would have it otherwise."

It was a small dent in the stampede of the American Bar association to escape from the traditional responsibility of "the law" to provide a workable system for maintaining domestic peace.

It is clearly "fashionable" to seek magical "social" answers to problems of force and violence, but it is absurd when it becomes "fashionable" to consider that such are the only answers and that such efforts can function without the support of an effective system of law enforcement.

It is the last straw when such an approach is taken by the comfortable professionals whose duty and responsibility is to make the legal machinery effective.

And it is manifestly absurd when they defy the facts of record, which show a massive reduction in the scope of poverty simultaneously with a massive increase in crime, and postulate the opposite theory!

The only conclusion is that for the past two years the American Bar Association has specialized in "funking" its responsibilities toward improving the effectiveness of law in favor of passing the buck to other professions of which they know far too little, and concerning which they adopt fashionable, cocktail-party-type doctrines.

Does the ABA really represent the legal profession in this country? Have the lawyers generally, really become this decadent? This cowardly? This contemptuous of their own profession and role in society?

Are they only around to make money? With no responsibility to affect the climate of society?

This is indeed shocking.

[From the Peoria (Ill.) Journal Star, Aug. 16, 1968]

Law and Order Versus Social Needs

(By C. L. Dancey)

We confess to being nettled by Chief Justice Warren, Attorney General Ramsey Clark, and a series of speakers at the American Bar Association—by Gov. Sam Shapiro (for whom we have a very high regard), by Sen. Hubert Humphrey,—by all those who speak of "social needs" being "the real answer" and "law and order" as something only "on the side."

When did "law and order" cease to be a basic "social need?" When did "law and order" cease to have anything to do with social change, social climate? When was the role of restraint, accountability and discipline dropped from the science of sociology?

I missed it.

It is still my understanding that the basic social advance that most drastically changed the social climate and the quality of life in the western world occurred when the concept of crime prevention and organization of regular police forces came into being.

Lawlessness was at a particularly and peculiarly high level . . . it had become a characteristic associated with American society and, strange as it seems today, with British society.

Then came police forces, and no other drastic social change, and America and England quickly became models of security and tranquility in the world—thus going from one extreme to the other.

The respect for law then marked the Anglo-American world for a long period.

Then, came a series of "reform" ideas, crippling what had been normal police practices and especially the prevention role of police in the United States—without similar changes in Britain.

In aspite of a greater prosperity in America, in spite of a rate of three million people moving out of the "poverty bracket" annually (including last year according to the OEO figures), crime in the United States began, simultaneously with a series of "liberal" court decisions, to skyrocket. It now outruns population growth spectacularly in epidemic fashion.

History contains many such examples of where domestic peace was achieved (by good regimes and bad) not by "painless" social devices, but by the dedicated application of "law and order" producing a vast social change throughout the land.

Where is the example of domestic peace achieved without police action, but by some other mystic means of "social action?"

It is not to be found.

The separation of "law and order" from "social action" and "social needs" seems to be a device for people placed in positions of direct responsibility seeking to shirk that responsibility—to pick up their paychecks and avoid their unpleasant duty.

For the separation is unreal. "Law and order" is a prime "social need." It is indeed an absolute social necessity. It is a proven, effective form of social action. It is an inescapable part of the whole necessity for effective social action.

They are not "opposite" things or separate things.

They are completely intermixed, part and parcel of each other.

The "argument" is phoney.

It is a political device for some, and pure intellectual cowardice for others.

Unhappily, our problems require facing facts, pleasant and unpleasant alike because they won't be solved by finding attractive garden paths of promise to run down.

We had some experience with that in recent years. The bright blossoms of promise led us into a jungle of weeds.

FLETCHER THOMPSON REPORTS FROM U.S. CONGRESS

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. THOMPSON of Georgia. Mr. Speaker, in order to make my newsletter available to as many people as possible in the Congress and all of those receiving the CONGRESSIONAL RECORD, I insert the text of the newsletter in the Extensions of Remarks, as follows:

FLETCHER THOMPSON REPORTS TO YOU FROM U.S. CONGRESS

RECESS ENDS

DEAR FRIEND: The 90th Congress is now back in session after having recessed for the National Democratic and Republican Conventions. I took advantage of the recess by making a number of speeches and talking to as many people as possible to determine their views on matters confronting the Congress. Yet I did not get as many opinions on the national issues as I would like to have had.

LITTLE CAMPAIGN TIME

The President has indicated that he will keep the Congress in session all the way through the November elections. As your Congressman, my first duty is to represent and serve you in Congress. So far this year I have had a 92.7% voting record. Because Congress is in session, Congressmen from all over the nation will not be able to be home as much as they would like to. However, I will attend as many meetings as possible at home and still not neglect my job as your Congressman in Washington.

WHAT'S AHEAD

Although Congress has not yet completed action on a number of bills such as Labor, Health, Education and Welfare; Agriculture and others, the Congress could complete action by October 15, except for the likelihood of a filibuster over the President's insistence that the Senate confirm his choices for the Supreme Court. Many feel the primary reason for the President keeping Congress in session is his determination to obtain the confirmation of his appointees, Abe Fortas and Homer Thornberry, as Chief Justice and Associate Justice of the United States Supreme Court. Look for the Senate to resist pressure and not confirm appointments even though Congress is held in session.

JUDICIAL QUALIFICATIONS

Though a Congressman does not take part in the Senate's confirmation of Supreme Court appointees, I have introduced a bill which, if it became law, would guarantee that only qualified jurists be named to our nation's highest court. At present, an appointee does not even have to be an attorney, much less a judge. The bill provides no one can be appointed to Supreme Court who has less than four years' experience as judge on a state's highest court or a federal appellate court. Chief Justice would have to have four years' experience on Supreme Court. This will give us a better Supreme Court.

RUSSIAN INVASION

Following the Pueblo incident where the U. S. took no action to force the release of our sailors and ship captured on the high seas by the North Koreans, I predicted we would see more events where the Communists would become bolder, believing the United States did not have the backbone to stand up to them. The Russian invasion of Czechoslovakia and its occupation is probably only one of a series of thrusts which will be made by the Communists throughout the world, for they believe we are too timid to resist. Let them not underestimate our strength for we are still the most powerful country in the world.

IKE'S RECORD

American thoughts have been focused on General Dwight D. Eisenhower's record of service. He led us to victory in North Africa and Europe in World War II. He ended the Korean War when he became President. Little known, however, is Ike's record regarding law and order in the Nation's Capital. Official figures of District of Columbia Police show that the crime rate in 1954 when he took office was 2,524 per 100,000 people and by the end of his term in 1960 it had dropped to 2,472. Since that time, in the last eight years, the rate has risen to 6,850 per 100,000. The last time the United States had a balanced budget was in 1960, Ike's last year as President. In 1968, we went in debt by more than $25,000,000,000.00 which equals about $500.00 for the average American family. That's quite a legacy to leave to your country.

ASKING YOUR OPINION

As your Congressman it is my privilege to serve you in Washington. However, to serve you best, I need to know what you think. Will you help by answering this questionnaire and mailing it to my Washington Office at 1641 Longworth Building, Washington, D.C. 20515. Please feel free to give more detailed answers on a separate sheet. In a future newsletter I will report to you the results of how you and your neighbors replied.

It is a high honor for me to serve you in Congress.

Yours very truly,

FLETCHER THOMPSON,
Member of Congress.

Do you favor—	Yes	No	Undecided
1. The agriculture program which takes land out of production and pays for crops not grown?	☐	☐	☐
2. Requiring Supreme Court judges to have prior experience as a judge before being appointed?	☐	☐	☐
3a. Apologizing to North Korea and paying blackmail to obtain the release of our servicemen captured on the Pueblo?	☐	☐	☐
3b. Serving notice on North Korea that we are not going to allow them to get away with seizing our Navy ships and sailors on the high seas though we might have to fight to protect our rights?	☐	☐	☐
3c. Forgetting about the 82 American sailors from the Pueblo now held by the North Koreans?	☐	☐	☐
4. Using restraint rather than taking immediate and strong action to stop riots?	☐	☐	☐
5. Stopping the bombing and allowing Communists to be a part of a new government in South Vietnam?	☐	☐	☐
6. Self-help programs of job training and education to help the poor become independent of welfare?	☐	☐	☐
7. My continuing to send you these reports and asking your opinion on various issues?	☐	☐	☐

THE YOUTHFUL COURAGE OF GLEN KEIR

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. WYLIE. Mr. Speaker, in a day when so much is heard of the misdeeds and evasions of responsibility by young people, I am honored to call attention to the heroism of my young constituent, Glen Keir, of Columbus, Ohio.

Glen risked his own life to save Andy Boli, aged 5, from the icy waters of the Olentangy River.

This story of youthful courage is told in these words by Ned Stout, in the Columbus Dispatch:

(By Ned Stout)

Andy Boli, the penny-bright, 5-year-old son of Mr. and Mrs. Mark Boli of 3679 Olentangy Blvd., went "looking for clams" Monday afternoon on the Olentangy River ice beside Northmoor Park.

Andy, a kindergarten pupil at Clinton Elementary School, has found clams there before, he said. "They're dirty and gold inside," Andy explained to a reporter Wednesday.

Andy had been cautioned against going to the river, "right behind our house," and he didn't let his mother know he was going.

The little boy's sister Amy, who is 8, got on her bicycle and rode about the neighborhood looking for her brother when Mrs. Boli could not find Andy.

Andy had fallen through the ice and plunged, screaming, into the icy water.

Nearby, a big and affable student at North High School special class, 17-year-old Glen Keir, son of Mr. and Mrs. W. J. Keir of 119

W. Dunedin Rd., heard the younger boy's outcries.

Glen ran onto the ice to reach him and "kept falling down"

Finally, the teenager sprawled and crawled the ice until he could reach Andy and drag him to safety.

The venturesome Andy, physically unscathed by his dip, understands now, he said Wednesday, why his mother does not want him wandering along the river alone.

MEMPHIS RECORD OF PROGRESS IS ANSWER TO TIME SLANDER

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. KUYKENDALL. Mr. Speaker, in order to keep the record straight in the running attack by the editors of Time on the great city of Memphis, I would like to call attention to the tremendous record of progress in the community I am privileged to represent.

Time's latest anti-Memphis report was contained in its issue of August 16. In an editorial analysis of the Time article, the Memphis Press-Scimitar answers each charge with the true facts. I would like to insert the Press-Scimitar article and an editorial from the same paper in my remarks at this point:

TIME'S NEW ANTI-MEMPHIS REPORT COMPARED TO FACTS

(EDITOR'S NOTE.—When an individual becomes the target of malicious slander, there are legal remedies at hand. He can go to court.

But what redress is there for a whole city? What can a community of people do when it is slandered as Time Magazine has slandered Memphis in its Aug. 16 issue?

The Press-Scimitar knows of only one weapon that can be effective in the face of published misinformation and shabby reporting, and that is honest reporting. In an effort to do that, The Press-Scimitar is publishing here Time's article in full and alongside it an item-by-item analysis, backed up by the facts as we are able to find them.

Inaccuracies and inflammatory language in Time's article are plainly obvious. That is The Press-Scimitar's opinion, but to back up our opinion we are going to the record. We are perfectly content to leave the verdict to any fair-minded reader.)

Below is the text of Time Magazine's new anti-Memphis report in its Aug. 16 issue:

ON THE BRINK IN MEMPHIS

"The sanitation workers' strike in Memphis erupted into one of this year's first race riots. Martin Luther King's murder stirred a second outbreak and a stiff curfew. The steamy city on the Mississippi still seethes in the residue of April's unlearned lessons, and the aloof attitude of Mayor Henry Loeb and other officials hardly helps. This week the Southern Christian Leadership Conference convenes defiantly in the city where its founder was murdered. The S.C.L.C. national convention could bring Memphis to flash point.

"An older catalyst is the Memphis police department's traditional policy of heavy-handedness toward Negroes, which ranges from routine rudeness to blatant brutality. Since King's visit and the marches, the Commission on Civil Rights has collected more than 50 documented cases of police brutality.

"Crime and punishment. Memphis Negroes are in a volatile mood over such recent cases as that of Larry James Mitchell Holt, 24, who crumpled the fender of his red Dodge while fleeing (at an estimated 40 mph) from a pursuing police car. The car's glass was unbroken; yet it took 180 stitches to close gashes in Holt's face and head. Holt contends that the two cops dragged him from his car and beat him. The cops maintain that Holt's injuries came in the crash, but do not explain why no blood was found on the white upholstery of his car.

"Last month Robert Stewart, 21, emerged from a grocery and was challenged by two cops. "Hey come here," commanded one, grabbing his arm. "Get yourself off this corner right now." When Stewart replied that he was there to buy canned milk, the cop spat, "Don't go getting smart." Stewart and eight witnesses claim that he was grappled into the squad car and pounded with night stick, fist and flashlight. Subsequent photos show Stewart's nose broken, eyes swollen nearly shut on a puffy face, the back of his head cratered by deep open wound. Stewart received a probationary sentence for loitering and resisting arrest.

"Deepened frustration. Four ranking cops were dismissed in a brutality incident last year, but all have been reinstated under the administration of Mayor Loeb. Such wrist-spanking discipline deepens Negro frustration. So does the chest-thumping of Fire and Police Director Frank Holloman, who recently promised an applauding white civic club that if Memphis' Negroes revert to "lawlessness," as he put it, "we'll knock them on their ass." There was further frustration when a bid by Negroes to prevent a sales-tax rise—partly to finance a 50-man increase in the police force—was defeated. The tax hike passed 3 to 2, which is roughly the ratio of whites to Negroes in Memphis."

Here are the facts, as Press-Scimitar reporters found them, on eight apparent charges in Time's story:

1—MAYOR'S ALOOFNESS

Said Mayor Loeb today:

"I am accused of being aloof. I don't see how I could become more involved. Long before I became mayor, when I was elected commissioner of public works, I was the first man to get these garbage workers vacations, sick pay and grievance machinery. They never had these things before.

"Since I took office on Jan. 1, I have appointed more Negroes to commissions and high city offices than ever before, including Odell Horton to be director of the Department of Health and Hospitals. And I'm saying right now, publicly, he is doing a damned good job.

"I have appointed the first Negroes to the Memphis Light, Gas and Water Division Board, the Airport Commission and to the Park Commission. I have appointed or reappointed many others.

"So far as my relations with Negroes are concerned, I have opened my doors to the public, both white and black, every Thursday to listen to complaints. I answer every letter I receive, from white or black citizens. Only this week I received a very warm letter of thanks from a Negro Vietnam war veteran whom I helped to get a better job, so he could support his family.

"I believe I am the best friend the Negroes in this town have and many of them know it."

2—POLICE "HEAVY-HANDEDNESS" TOWARD NEGROES

Frank Holloman, director of Fire and Police, said today:

"In December, before I took office I made a television appearance in which I said, speaking to both white and Negro citizens, that from now on there would be no second- or third-class citizens, but only first-class citizens.

"In January, immediately after taking office I issued an order to all police officers, directing them to use courtesy titles (Mr. and Mrs.) in dealing with Negroes. I have repeated that order. Both I and Chief Henry Lux have personally appeared at roll calls before all the men, reminding them that it is our duty to earn the respect of all the citizens and warning them about any conduct that could be termed police brutality.

"Since the first of the year I have instituted a re-training program for all veteran officers and human relations has been one of the items we stressed most. I have invited two prominent Negro leaders, Judge Ben Hooks and Odell Horton, to lecture to each one of these retraining sessions. I gave them a free hand to say what they wanted to say, and I can tell you they have been laying it on the line, with my blessings and support.

"I have also placed two Negro police lieutenants in positions of command where they have supervision over white officers.

"We have gone out of our way to recruit Negro police officers and I can say almost 50 per cent of our next recruit class will be Negroes. I don't know what more I can do than this."

3—FIFTY "DOCUMENTED" CASES OF BRUTALITY

Holloman pointed out that the "documentation" consisted of testimony by witnesses before the Commission on Civil Rights, without cross-examination or rebuttal testimony.

He also pointed out that the NAACP and other Negro agencies had declined his invitation to bring these cases to him for investigation.

"We have investigated 33 cases brought to our attention since Jan. 1, from other sources. Two of these were substantiated and the officers disciplined. In a number of others, where testimony was conflicting, we took no action, but we did have a talk with the officers accused, pointing out the seriousness of the acts they were accused of. We also took those unsubstantiated cases to our retraining classes, had them read and analyzed before all the men."

4—THE HOLT CASE

Time reported that Holt "crumpled a fender" while fleeing from police at an estimated 40 miles per hour.

Actually, according to Officer B. G. Cox and J. S. Coop, who chased Holt, the speed was from 90 to 100 miles per hour and the chase lasted some five to six miles during which Holt ran three red lights and at least seven stop-signs at high speed. He drove without lights and crashed his way through a road block.

Even when the case was tried in Traffic Court yesterday the driver of the car struck by Holt, Herbert Moon, 36 of 329 Peebles, also a Negro, testified that Holt was going at least 65 miles an hour when he struck Moon's car. This, after laying down some 300 feet of skid marks. Such skid marks, according to skid mark charts, would indicate speeds as high as 70 to 80 miles per hour, without counting the impact.

In court Holt was not put on the stand by his attorney, former mayor William B. Ingram, and no testimony of brutality was introduced.

Cox testified that when police approached the Holt car after the crash that Holt, bleeding from injuries received in the crash, came out of the car swinging a large screw driver, striking Officer Coop on the head. The screw driver was shown in court. Cox testified and Coop wrote in his report, that they did strike Holt to subdue him. Judge Beverly Boushe fined Holt $51 each on charges of resisting arrest and reckless driving, merging and dismissing the three red light and seven stop sign charges. Holt was held to the state on a reckless driving charge. None of the charges was refuted or denied in court.

5—THE STEWART CASE

There is one immediate discrepancy in the Time version and witnesses' statements to the Police Internal Security Bureau. Time said Stewart was buying a can of milk while the witness himself said it was a can of vienna sausage.

Other than this, the record does show that Stewart and several witnesses did accuse police of beating him and squirting Mace in his face.

The police version is that officers went to Trigg and Mississippi in answer to a disturbance call on the night of May 28. Officers J. S. Coop and B. G. Cox, the same officers as in the Holt case, said they found a crowd and everyone ran at sight of police except Stewart.

The officers said they ordered him to leave, then drove away. When they came by again several minutes later they found Stewart still there, they said. When the officers attempted to arrest him he began cursing and fighting, striking one of the officers, they testified.

They also said they struck him, but that he was not seriously injured until after he reached John Gaston Hospital and refused to allow doctors to treat him. They said it appeared he suffered a broken arm when he leaped out of bed while handcuffed to the bed.

The record also shows that Stewart did not come to police with his complaint, but that officers of the Internal Security Bureau went to his home to obtain a statement.

Stewart has a long police record going back to April, 1962, when, as a juvenile, he was sentenced to two years at Pikeville on an armed robbery charge. He has since received prison sentences on two convictions, one on auto theft and the other on carrying a pistol.

6—REINSTATEMENT OF OFFICERS

The Police Internal Security Bureau did find evidence of brutality on the part of the four officers, including an inspector and three lieutenants.

The evidence was presented to the old City Commission, which dismissed the officers from the force. The officers appealed to the Civil Service Commission, which after a hearing, ordered them reinstated. The case was also presented to the Grand Jury, which refused to indict them.

The Grand Jury which did not indict anyone in the case of the four detectives consisted of five Negroes and seven white men.

But all this happened four months before Loeb and his administration took office. In fact it happened before the city election last November.

7—HOLLOMAN'S STATEMENT

Holloman is accused of making, at a club meeting, the statement police would "knock Negroes on their ass."

"This statement was an off-the-cuff remark and has been taken entirely out of context," said Holloman today. "What I did say was that if lawlessness came again to Memphis that Memphis police would not stand by, as had been done in some other cities, to allow looting, but that if the law was broken by ANYONE—I did not use the word Negro—that we would 'knock them on their arses.'"

8—THE SALES TAX INCREASE

Concerning the charge of frustration of Negroes at being unable to stop the sales-tax increase, this is the real joker.

Only about 13 per cent of the registered voters voted on the sales-tax referendum and the vote was so light that if Negroes had really been interested in defeating the measure they could easily have done so. Only 38,157 voters voted on the sales tax referendum and there were 94,640 registered Negro voters. The Negro community could have defeated the measure by drumming up less than 10,000 additional votes.

An Editorial

What is Time trying to do to Memphis . . . make trouble?

Implied in the caption over the magazine's article—"On the Brink in Memphis"—is the thought that something explosive is about to happen, triggered by the presence here of the Southern Christian Leadership Conference's annual convention.

Is this responsible journalism? Surely, Time cannot pretend that it is reporting "news" in its article. It contains no news except that the SCLC is meeting here.

The article says the SCLC "convenes defiantly" in Memphis.

Defiance? Until this afternoon when Dr. Ralph Abernathy made disparaging remarks about Memphis police, every statement uttered by SCLC leadership including Mrs. Martin Luther King Jr. and Memphis leaders, has been couched in terms of genuine friendship and goodwill. As far as we are able to observe, the gathering in Memphis of Negroes from all over the South is like any other convention.

On the brink? If we are on the brink of anything in Memphis, it is the brink of a new era of understanding and reconciliation between our racial groups. The Press-Scimitar believes that the men and women of the Southern Christian Leadership Conference are trying to do their share in bringing about this new era.

Time Magazine, in its article, suggests that the SCLC convention here "could bring Memphis to a flash point." It takes anger and hatred to create a "flash point." We see no evidence that Memphis, as Time says, is "seething" with anger and hatred as the SCLC meets here, though Time in its current article, and in the one it published just after Dr. King's assassination, seems to have a project of trying to keep racial feelings stirred up in what it called, in its April 12 issue, a "decaying Mississippi River town." This appellation simply betrayed Time's ignorance of our city.

As for "decay," all Time has to do to see it is to look out its window at some of America's worst slums, urban sore spots that Mayor John V. Lindsay says will cost billions to cure.

Yes, Memphis has its problems. We must be candid about that. We have an increasing crime rate, we have slums, the City Council has fiscal problems inherited from the previous administration, the sanitation situation still has not been straightened out.

These problems will be solved because our public officials are determined to solve them and because our citizens—black and white—are determined to live together in good fellowship.

It takes decaying people to make a decaying town, and Memphians are not decaying.

As further proof of what the people of Memphis are doing and the progress we have made in improving the lives of all our citizens, I would like to include some further articles. An article from the Memphis Commercial Appeal showing the number of new jobs for our black citizens created through a program of the Memphis Area Chamber of Commerce. Also four additional articles from the Commercial Appeal and an editorial presented by radio station WDIA relating what is being done to help black businessmen.

These news stories and editorials prove how baseless Time's charges are. One wonders why a major publication takes it upon itself to destroy the good relations enjoyed by the people of one of America's finest cities. The articles follow:

Jobs

The program of the Memphis Employers' Merit Employment Association has led to new jobs for 2,007 Negroes since its launching 10 months ago. Membership in the MEA has grown from 11 firms to more than 70 since November, 1967. A Memphis Area Chamber of Commerce survey revealed the large increase in new jobs among 43 participating firms. (The 2,007 jobs they provided raised Negro employment in these businesses to a total of 7,428, an increase of 27 per cent in Negro employment since the firms joined the MEA. This increase in jobs for Negroes ranks the Memphis MEA program as one of the most successful of the 65 programs now being conducted in major cities across the country.)

City Praised for Negro Opportunity

(By Gary Goodman)

Berkeley G. Burrell, president and chairman of the National Business League, yesterday ranked Memphis as one of the three most progressive American cities in providing new opportunities for "black entrepreneurship."

"We are very encouraged with Memphis," Mr. Burrell said after he addressed a luncheon meeting at the Sheraton-Peabody of members of the Downtown Association and NBL.

In his speech, Mr. Burrell called for the "development of a hand-holding operation that will prime the pump of (Negro) entrepreneurial talent until there is an outflow of capable small contractors and businessmen that are indigenous to the inner city."

He pointed with pride to the Memphis NBL chapter's plans for constructing "Freedom Center," a shopping plaza which will be built exclusively for businesses owned by Negroes or which have Negroes as business partners. One of the purposes of the meeting was to interest local business leaders in backing the venture.

Mr. Burrell said increasing Negro ownership of business "needs priority attention in high places, in both the public and private sector." Increasing the number of Negro businessmen, Mr. Burrell said, will fill a leadership void in the Negro community.

"We don't have enough natural leadership in the ghetto. It's missing in the black community, and it must be there if we are to have the tranquil urban society we all long for."

Mr. Burrell said Negroes must receive help from the white majority because "society has in the past imposed the prejudicial limitations and restrictions which resulted in our exclusion from the mainstream of economic activity.

"Therefore, it is society's responsibility to assist us in our effort to acquire our rightful position in that society."

Although government has taken some "tiny steps in the right direction," Mr. Burrell told the business leaders that "the majority business community holds the key to our nation's future."

But Mr. Burrell painted a dark picture of the reaction by many white businessmen and government leaders to his plea for increasing Negro business participation.

"The tragic fact is that this nation remains on the brink of disaster, and most of its stubborn, proud majority population—which happens to be white—has no intention of yielding to the legitimate demands of a long-suffering, deprived minority populace."

He said the present trend in American business indicates the beginning of "corporate plantationship, not interracial partnership."

"I implore you to be the exception," he told the leaders at the meeting.

He said he hoped his visit to Memphis coupled with the construction of Freedom Center and other similar projects here "will be effective in helping to reverse the trend of separatism which our great nation can ill afford at this critical juncture in its history and development."

"Our efforts need your assistance. For the sake of peace, let us move ahead together. Not later—now."

Black Business

The call given here for "black entrepreneurship" by Berkeley G. Burrell, president of the National Business League, is one all Memphians can support.

Mr. Burrell was encouraged, as all should be, with plans for a "Freedom Center" shopping plaza exclusively for businesses owned or partially owned by Negroes.

The center and others like it will be a boon to ambitious Negroes who can organize and run competitive businesses, create jobs and pay rolls and eliminate some of the clogs in our consumer oriented economy.

Too long Negroes have felt—with some justification—that "business" was anti-Negro. White merchants, as the Kerner Commission reported, have often become a hated symbol of oppression. And in one of his wisest statements of the present campaign Richard Nixon has argued that Negro militants have a legitimate request demanding a larger share of the amazing American economy for black people.

The free enterprise system is, of course, not anti-Negro and any racism in it has been imposed by other forces. Actually it works better when it is color blind, when the businessman turns to the employe, customers, wholesaler or whatever who, black or white, can do the best job for him.

Black business, therefore, should not mean separation from the resources of the general economy. Special efforts are needed to give black businessmen and black communities full participation in the system. A great majority of the business wealth and talent for this is in the hands of whites and both races have much to gain if it is shared. The local businesses that are helping Freedom Center have offered a fine example.

As Andrew F. Brimmer, a member of the Federal Reserve Board and a Negro, points out "the prospects for a viable all-black economy are not at all promising. The advocates of a self-contained and self-sufficient all-black community," he says "are misguided and headed for a bitter disappointment." Black business should be part of American business.

White businessmen should realize that the right kind of black business means both a more stable community and a better economy. Healthy competitive black business is one kind of "Black Power" that should be encouraged and not condemned.

TEAMWORK BY BUSINESSMEN SEEN WINNING RACIAL PEACE

A nationally known Negro business leader has called for a cooperative effort between Negro and white businessmen in a plan to dispel tension between the races.

Berkeley G. Burrell, president of the National Business League, said to white businessmen, "If you join hands with us here and now we can reduce the tremendous liability of public welfarism and high police costs by making the elements contributing to these costs productive units within the society.

"We will do this not with hattrick speed but through sustained motivational effort visible examples of material rewards for diligent performance, and positive images of responsible citizenship."

His remarks Monday night at LeMoyne College kicked off the Memphis chapter of the league's "Project Outreach."

The project, said Lawrence S. Wade, executive vice president of the chapter and vice president of Mutual Federal Savings & Loan Association, seeks "to mobilize technical and management resources to provide management training and technical assistance to disadvantaged small business owners and aspirants eligible for the Title IV business loan program of the Economic Opportunity Act."

Mr. Burrell, head of a cleaning firm in the nation's capital, called violence "an emotional response to immediate stimuli underwritten by deep-seated grievances ignored. To suppress violence is to expend resources; to support the indigent is to expend resources to transform the nonproductive to roles of productivity is to create and add to the nation's resources."

He said white businessmen could find in NBL members "the kind of responsible citizens who can—with your help and support—provide the positive leadership that will serve to maintain stability and tranquility in our teeming urban ghettos."

Calling the need for basic business training critical, he said the private business community should till the toil the government now has seeded.

Mr. Burrell said lack of readily available capital is the most serious and psychologically depressing factor facing the Negro businessman. "Here too," he said, "the most efficient method" to solve the problem is a government-business partnership.

Neither black power nor white power is involved in his proposals, he said, but "solid economic power, legitimate power born of initiative, perseverance and ability."

E. A. Leone, owner Leone's Liberty Cash Super Market and chairman of the special membership committee of the chapter, outlined ways businessmen could support the project.

Among others on the program were Jerrold A. Moore, representing the mayor, and Carl Carson, representing the Chamber of Commerce.

NEW SITE SELECTED FOR SHOPPING PLAZA

A 10-acre Freedom Center South Shopping Plaza will be built on the north side of E. H. Crump Boulevard between Danny Thomas Boulevard and Fourth, the Metropolitan Memphis Development Co. announced yesterday.

Plans call for construction to start within a few months and the center is to be finished in about a year. No cost estimates were available.

Lawrence S. Wade, president of the company, said the company ran into problems in starting Freedom Center North, on Thomas between Wells and Vollintine, and the opportunity arose to start the south one so the company decided to go ahead.

The company was formed by the Memphis chapter of the National Business League, which has one of its projects the training of Negro businessmen with the advice of white businessmen.

About 10 of the tenants in the south shopping center will be partnerships between whites and Negroes. One, Marketland Foods, was organized specifically to run a 25,000-square foot grocery store. E. A. Leone, a supermarket owner, is president, Mr. Wade vice president and Leonard J. Small, secretary. Mr. Small is director of Project Outreach for the NBL chapter.

John T. Pitts, president of the John T. Pitts Realty Co., will handle leasing of the center for the development company. He said he had letters of intent from a bargain goods store, drug store and other firms interested in leasing space.

Architect Robert Lee Hall said the center will be of contemporary design with 95,000 square feet of store space. It will have nearly 400 parking places, all within 200 feet of the stores, covered walkways and will be air conditioned.

Mr. Pitts said the center will be financed through a loan from the Small Business Administration and conventional financing.

HELPING THE NEGRO SMALL BUSINESSMAN FIND HIMSELF

Almost everyone agrees that the future of the Negro lies in establishing a solid middle class.

And the middle class of any group of people has a firm core of small businessmen. Along with doctors, lawyers, dentists, and teachers they give such a community stability and a firm economic base.

So, at *WDIA*, we are delighted with the work being done by Project Outreach, which started in Memphis on February 1.

Negro and white businessmen are working together, through the predominantly Negro National Business League, to teach business skills to persons in disadvantaged areas.

Leonard J. Small, director of Project Outreach, said that in his brief span of effort three Negroes *have been readied to open their own businesses.*

Mr. Small said, "We think that by raising his economic level, a person in a ghetto can serve as an image to others and provide them with incentive to become productive members of society."

Project Outreach hopes to open a supermarket in a Negro neighborhood where unskilled persons will be trained. Small said, *"After two years working in the store, a Negro will be able to come out and operate a business of his own."*

The program has limitless possibilities. Leonard Small knows that he must have the co-operation of many business leaders for *Project Outreach* to achieve his potential.

At *WDIA*, we know that he deserves it. *And we think that he'll get it.*

KUDOS FOR AEC ON PUERTO RICO NUCLEAR CENTER MEDICAL UNIT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. HOSMER. Mr. Speaker, I was pleased to receive from an expert qualified to render expert judgment in matters pertaining to nuclear medicine the following communication:

ST. MARY'S LONG BEACH HOSPITAL,
Long Beach, Calif., August 26, 1958.

Hon. CRAIG HOSMER,
Member of Congress, House Office Building, Washington, D.C.

DEAR MR. HOSMER: Thank you for your letter of June 26th, 1968, prior to my visit to Washington. I am sorry that the shortness of our stay there precluded my visiting you in your office and I hope that I shall have the opportunity to do this on another occasion.

Following my visit to Washington, I spent a month in San Juan, Puerto Rico, visiting at the Puerto Rico Nuclear Center there.

As you probably are aware, this is a medical unit operated by the University of Puerto Rico for the United States Atomic Energy Commission. My interest was primarily in the clinical radiotherapy, nuclear medicine and radiobiology section. The group of very excellent clinicians headed by Dr. Victor Marcial have over the past ten years proven that first class clinical cancer treatment can be very beneficial in a developing country, particularly one with a high cancer risk population. Not only do they do a superb job of diagnosis and treatment of cancer, but they have also been active in training physician-radiotherapist medical students and x-ray therapy technicians in their several programs. Their level of patient care and medical personnel training would be considered excellent by any standards in the continental United States.

The Atomic Energy Commission and the varying Congressional committees interested in atomic-related programs (of which I believe you are a member) should be highly commended for their farsightedness in this vital part of medical care in the Commonwealth of Puerto Rico. I was impressed at the effectiveness of this use of United States aid money spent in an underdeveloped country.

Sincerely yours,
WILLIAM C. JOHNSON, M.D.

THE RESPONSIBILITIES OF THE FEDERAL BAR ASSOCIATION TO THE PUBLIC

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. EILBERG. Mr. Speaker, on August 3, 1968, I had the honor of addressing the Federal Bar Association banquet meeting, which took place in conjunction with the meeting of the American Bar Association in Philadelphia.

The subject dealt with the responsibilities of the Federal Bar Association to the public—and this includes the Congress.

So that I may share my thoughts on this subject with my colleagues, I include the text of that talk in the CONGRESSIONAL RECORD, as follows:

FOR BROADER AWARENESS—SOME PUBLIC RESPONSIBILITIES OF THE FEDERAL BAR ASSOCIATION

The first question too many lawyers ask before they write the check for their Bar Association dues is: "What have they done for me lately?" Under these circumstances, I suppose there is no Bar Association which can avoid completely becoming involved in projects oriented toward the self-interest, the material interests, of its members.

It is not inappropriate therefore for an officer of the Federal Bar Association to testify before the Senate and House Post Office and Civil Service Committees when they are deliberating on pay raises for Government employes.

For the same reason it is not surprising that officers of state and local Bar Associations, or the ABA, would appear before congressional committees when they are considering proposals like the Keogh-Smathers Act, which permits significant tax savings to self-employed lawyers in setting up their own retirement plans.

Similar considerations prompted the Federal Bar Association, after exploring the duties of estate tax examiners in the Treasury Department, to inform the chairman of the Civil Service Commission that the FBA was opposed to any attempt to assign non-lawyers to such positions.

Other members of Bar Associations may be more concerned with their image than they are with financial standing. Most of these lawyers have it made monetarily but are concerned because a public opinion poll might have shown that lawyers command less respect than nuclear physicists or airline pilots.

Lord knows the image of lawyers has needed improving for a long time. Shakespeare and Dickens made things rather unpleasant, "image-wise," for our brethren abroad. But we've had some bad press over here, too.

In a colonial joke-book, which antedates even Joe Miller's by a few years, there is a story about the colonist who saw a tombstone inscribed: "Here lies Thomas Crockett—A lawyer and an honest man." "A lawyer and an honest man" mused the colonist, "I wonder how the two of them get along together in that one grave."

Things may have improved somewhat since those days. But not too much. To call a man a "Philadelphia lawyer" is not precisely a compliment, you know.

The American Bar Association is concerned enough about improving the image of lawyers to have appointed retired Associate Justice Tom Clark as chairman of a Special Committee on Evaluation of Disciplinary Enforcement, which is expected to come up with some concrete suggestions to the bar for cleaning its own house.

This is an admirable effort. I can have very little patience, however, with any effort which smacks of Madison Avenue, with any attempt to improve the image of lawyers without improving lawyers.

More important than any of these responsibilities to its members, however, so important that if it does not fulfill them it should not exist, are a Bar Association's responsibilities to the public. And of all its responsibilities to the public, the single most important function of a Bar Association is to engage in politics. That was intended to be a shocking statement. I would have been disappointed if there had been no reaction to it. Because if there is anything a Bar Association should not engage in, it is partisan politics in the ordinary sense. The sense in which I used the word politics, however, is not the ordinary sense. I use it in the sense Woodrow Wilson used it when he said: "Politics is the struggle for law, for an institutional expression of the changing life of society." To engage in politics in this sense is, I repeat, the single most important function of a Bar Association.

From the beginning of our nation, of course, individual lawyers have been engaged in politics. It seems safe to say that lawyers were the most effective molders of that spirit of independence which made us the great and free nation that we are. John Adams, Robert Treat Paine, Thomas Cushing, James Otis, the New England roll call sounds. In Virginia, Thomas Jefferson, James Madison, Richard Henry Lee and Patrick Henry were among the more familiar names. Three of the committee of five that drafted the Declaration of Independence were lawyers. No less than thirty-two of the fifty-five signers of the Declaration were lawyers. Thirty-five of the fifty-five members of the Constitutional Convention of 1787 were lawyers. And the public acceptance of lawyers in politics did not stop there. Twenty-three of our thirty-five Presidents have been lawyers. And at the present time there are more than three hundred lawyers in the United States Congress. Unquestionably many of these lawyers were engaged in politics in the Wilsonian sense. Yet all of them were also engaged in partisan politics. The Bar Association's engagement in politics, in a struggle for law to meet the changing needs of society, can never be partisan.

It is much easier for a Bar Association than it is for an individual lawyer to engage in this struggle for law. Such a struggle takes time. Time for research. Time for writing. This kind of time is a lawyer's stock in trade, his bread and butter. But the political goals of which I speak have nothing whatever to do with a lawyer's bread and butter and it is a rare individual lawyer who would be able to afford all the time it takes to achieve them. It is an even rarer individual lawyer whose personal efforts would have enough influence to effect this kind of change in law to meet the changing needs of society. The best way to get the job done is for the individual experts who are members of a Bar Association to pool their time and talent, to study the problem and write a report. The end product of their efforts not only embodies their collective expertise, it has the additional prestige that backing by the Bar Association gives it. I should add, here, however, that that prestige would be nonexistent if the Bar Association were customarily engaged in partisan politics rather than politics in the Wilsonian sense. Let me give you some illustrations of the good politics and the bad.

One of the best examples of a Bar Association's participation in politics in the Wilsonian sense was the ABA effort on the Twenty-fifth Amendment to the Constitution, the one that deals with Presidential Inability and Vice-Presidential Succession.

Unquestionably, the assassination of President Kennedy was the most important factor in galvanizing public demand for a solution to the problem. Yet there had been other Presidents assassinated and other attempts by Congress to agree on a solution without success.

If the experts assembled in Washington by the ABA in January, 1964, had not been able to reach a consensus, to agree on a method for determining when the Vice President should act as President during periods in which the President was unable to carry out the duties of his office and for replacing the Vice President whenever that office should become vacant, the likelihood is that Congress would not have been able to agree upon a solution this time, either.

Ratification would have been impossible if the American Bar Association had not summarized the consensus of its experts and their reasons for reaching it. Ratification would have been impossible, if that explanation had not been made available to State legislatures during their deliberations on that matter.

This is the kind of struggle for law a Bar Association should be engaged in. The American people are better off for the ABA's efforts. Yet this effort did not increase the income of a single lawyer. It did not enhance the status or improve the image of a single lawyer. There can be no doubt, though, that the bar as a whole is better off for the ABA's effort.

My illustration of politics in the bad sense is a hypothetical one. Any resemblance to real persons or real events is purely coincidental.

Six months before the expiration of the final term of President J of Party D, the Chief Justice announces his intention to retire, leaving the date to the pleasure of the President. The President writes the Chief Justice that he will be sorry to see him go but that, if it's all right with him, the retirement will be effective on the date his successor qualifies. The President then sends to the Senate for its advice and consent the name of Associate Justice F to be appointed as Chief Justice. It would be engaging in politics of the worst sort for any Bar Association (except perhaps the Bar Association of Party R, if there were such an organization) to submit a report to the Senate Judiciary Committee suggesting that, although the President has the power to fill vacancies in the Court until the day his term expires, it would be wiser and fairer to leave a lifetime appointment like this to his successor, in view of the possibility that his successor may belong to a different party. And in any case, since there is no vacancy until the Senate acts to confirm the successor to the retiring Chief Justice, it would be wiser and fairer for the Senate to withhold its consent and wait until the newly elected President nominates a successor.

Let a Bar Association engage in that kind of politics very often and it will soon develop a credibility gap.

There would be no danger of the FBA developing a credibility gap, if it resists any temptation it might have on the one hand, to be an administration rubber stamp, and, on the other, to take on the role of the loyal opposition. Actually, the most significant part of the FBA's role in the development of law, as I see it, is not so much the positions it takes as the reports it makes. With all of the talent it has at its disposal, the FBA can produce a better analysis, a better criticism, a better recommendation for change, of any Federal law, than any organization in the country. For a very selfish reason, I should like to see the appropriate committees of the FBA writing more reports on pending legislative proposals and making them available to Congress and its committees. I can have much more confidence in the objectivity of a comment on a crime bill prepared by the FBA's Committee on Criminal Law than I can in one prepared by the Department of Justice. If the bill is an administration proposal, the Justice Department comment has to be favorable. If it is not an administration proposal, it can't be a very good proposal or the administration would have thought of it. There are some who suggest that FBA committee members can't really be, or can't afford to be, objective because they are employed by the administration or do business with it, even if they are not of it. My answer to that is that the bar is in a sorry state if a lawyer can not afford to have, or is not permitted to have, opinions different from those of his clients.

The FBA has some ninety committees ranging from one on administrative law and procedure to one on veterans. There is a committee for almost every conceivable area of Federal law. There are committees on antitrust law, labor law, torts, motor carriers and highways. I suppose there is no objection to these committees having a luncheon once in a while with a prominent speaker featured. But think of the real contribution to the law that could be made if each of those committees wrote and published just one report a year focused on some significant legislative proposal.

The FBA has committees on constitutional law and civil rights. Congress could have used some help from both of them during the last few years. It would have appreciated objective reports on the scope of its powers to prohibit racial discrimination in the use of privately owned public accommodations and in the sale or rental of privately owned housing. It could have used an FBA report on the extent of the power of Congress to eliminate the effect of *Baker* v. *Carr* and *Reynolds* v. *Sims*, in the area of apportionment, by statutory withdrawal of jurisdiction over such matters from Federal Courts.

It could have used an FBA report on the use of a similar statutory technique to reverse the *Mallory*, *Miranda* and *Wade* decisions.

I understand that the Criminal Law Committee under Colonels Solf and Hagopian actually undertook to study the Omnibus Crime and Safe Streets Bill but that the results were ready too late to be useful to Congress.

I also understand that a new Committee on Legislation has been established and that one of its functions is to identify those legislative proposals which are likely to get some serious consideration and alert the substantive committees concerned so that they may begin serious studies of the proposals. This committee could be a real help in getting the FBA to do the kind of job it is eminently capable of doing and for which it has a real responsibility.

It can never fulfill that responsibility, however, simply by passing a resolution advocating adoption or rejection of a particular legislative proposal. It can fulfill that responsibility only if it makes available to Congress a well-considered report on the proposal. I am aware that at its meeting last November the National Council adopted resolutions supporting the Safe Streets Act and the National Theft Prevention Campaign. I am also aware of the more recent adoption by the Executive Committee of a resolution supporting the passage of effective firearms control legislation. I know that such resolutions are not considered unless they have been recommended to the Executive Committee or the National Council by the substantive committee concerned. I do not remember what documentation accompanied these recommendations. If the substantive committee work, however, consisted principally of drafting the resolution, as I suspect it sometimes does, no matter how universally accepted the resolution might be, the action of the organization comes dangerously close to partisan politics. What is necessary to transform the action to Wilsonian politics is the committee study, the documentation which persuaded the committee to make its recommendation in the first place. The documentation which should be available to the National Council and the Executive Committee before it adopts a resolution. The documentation, the report, which should also be made available to Congress. As far as I am concerned, the report is more important than the resolution. Despite the criticism which is inherent in my observations, I am encouraged by developments within the organization this year. I am satisfied that it will not be long before the Federal Bar Association will be discharging this responsibility just as capably as it has so many of its others for so many years. The FBA may ride the coattails of the ABA in adopting resolutions like the one approving direct popular election of the President. But the ABA is taking a leaf out of the FBA book in the matter of continuing legal education and briefing conferences.

Let me mention, here, that my laudatory comments on the ABA's role in the ratification of the Twenty-fifth Amendment were not intended to indicate that the ABA has always lived up completely to its responsibilities in this area. My impression is that it has not always been so quick to pick up the ball as it was on that occasion.

At a talk he gave last month to the Younger Lawyers of the FBA and the legal interns in Washington for the summer, F. Lee Bailey wondered where the lawyers and the Bar Associations were after the Supreme Court, in *Betts* v. *Brady*, decided that it was not a denial of due process for a state court to refuse to appoint counsel to represent an indigent defendant accused of robbery. I must confess I don't know what the ABA reaction was. I would have expected, however, that the ABA and the state Bar Associations affiliated with it would have been camping on the doorsteps of the legislatures of those states which did not guarantee the services of counsel to indigent defendants. *Betts* v. *Brady* went to the heart of the image of the lawyer as well as to the heart of the public interest. Whatever the ABA and its local affiliates did to overcome its operation, it is ironic that 21 years later a non-lawyer, an indigent one at that, was the one who persuaded the Supreme Court to re-examine *Betts* v. *Brady* and overrule it, in *Gideon* v. *Wainwright*. When the public sees a non-lawyer accomplishing what some lawyer should have been able to do, it becomes more difficult to persuade them not to prepare their own wills or draft their own leases. It is more difficult, also, to persuade them that they are not really qualified to be estate tax examiners. All that the public remembers about the case is that Gideon got off because he was smart enough to say the right thing in a handwritten note he sent to the Supreme Court. They forgot, or perhaps they never knew, that Abe Fortas, a pretty fair country lawyer, represented Mr. Gideon before the Court.

Bar Associations can keep the public favorably disposed toward lawyers only if Bar Associations are ever alert to the public interest. By mentioning how helpful this new FBA Committee on Legislation would be, I did not intend to suggest that all the other committees should just sit back and wait for some problem to be referred to them. No indeed. All of the committees must be broadly aware of the great Federal issues arising in their areas of special competence. If they are doing their job well, they will, on occasion, be proposing legislation, not just commenting on others' proposals. In these areas of Federal law, it is the FBA members who are the experts. The public, and I consider the Congress a part of the public, should have the advantage of that expertise. The FBA can, and should, feel obligated to point us toward new directions in Federal law. If ever a society needed some new directions, ours does. I said directions, not directors.

VOTING RECORD OF CONGRESSMAN WAYNE L. HAYS ON MAJOR LEGISLATION

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. HAYS. Mr. Speaker, I include at this point in the RECORD my voting record on major bills which have come before the House of Representatives during the 90th Congress to date. I have done this since I have been in Congress and mailed out copies so that my constituents could have a convenient method of checking my record. As voters in the 18th Congressional District, they have the right to know how their Congressman represented them in Washington and how he voted on the major issues. The record follows:

My vote	Bill	Status
Yes	Extension of Appalachian Regional Development Act for 2 years	Enacted.
Yes	Expand the Clean Air Act and authorize planning grants to air pollution control agencies	Enacted.
Yes	Truth in lending bill	Enacted.
Yes	Automobile insurance study	Enacted.
Yes	Omnibus Crime Control and Safe Streets Act	Enacted.
Yes	Extend Elementary and Secondary Education Act for 2 years	Enacted.
Yes	Higher Education Act extension for 5 years	In House-Senate conference.
Yes	Vocational Education Act extension	In House-Senate conference.
Yes	Uniform Services Pay Act to Increase pay of servicemen	Enacted.
Yes	Provide pay increase for postal and classified Federal employees	Enacted.
Yes	Social Security Act amendments to increase benefits	Enacted.
Yes	Extend Older Americans Act for 5 years	Enacted.
Yes	Arms Control and Disarmament Act extension for 2 years	Enacted.
Yes	Health Manpower Act of 1968 to extend and improve health professions programs	Enacted.
Yes	National School Lunch Act amendments to improve and expand food service programs for children.	Enacted.
Yes	Housing and Urban Development Act of 1968 to extend and revise existing housing programs and provide new programs for low and moderate income families.	Enacted.
Paired	Eliminate reserve requirements for Federal Reserve and U.S. notes	Enacted.
Yes	State Firearms Control Assistance Act to prohibit interstate mail-order sales of rifles and shotguns. Registration not included.	Enacted.
Yes	Civil Rights Act of 1968	Enacted.
Yes	Increase in railroad retirement benefits	Enacted.
No	Foreign travel tax	Passed House.
Yes	Extension of the food stamp program for 4 years	Passed House.
Yes	Age Discrimination in Employment Act of 1967	Enacted.
Yes	Federal Aid Highway Act of 1967	Enacted.
Yes	American Hunger Commission Act	Passed House.
Paired	Revenue and Expenditure Control Act of 1968 providing for $6,000,000,000 expenditure reduction and temporary tax surcharge.	Enacted.
Yes	Interstate Taxation Act providing a system for taxation by States of interstate commerce	Passed House.
Yes	Interest equalization tax extension for 2 years to relieve U.S. balance-of-payments deficit	Enacted.
Yes	Veterans Pensions and Readjustment Assistance Act including cost of living increase in pensions.	Enacted.
Yes	Service-connected compensation increase for veterans	Enacted.

COURAGEOUS CAREER U.S. AMBASSADOR JOHN GORDON MEIN KILLED IN DEDICATED SERVICE TO COUNTRY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. FASCELL. Mr. Speaker, as my colleagues are sadly aware, an American Ambassador, a dedicated and able Foreign Service officer, was murdered last week in Guatemala. I rise to pay tribute both to him and to his service.

Ambassador John Gordon Mein was well aware of the dangers to his life but chose to ignore them. He was a career diplomat of quiet, effective charm and was respected and admired by Guatemalans.

I will say no more about this tragic event, deplored in Guatemala as it is here and wherever civilized men exist, but I insert in the RECORD a Washington Post editorial of August 30, an Evening Star editorial of August 31, a New York Times editorial of September 1, and an article from the Washington Post of September 2:

[From the Washington (D.C.) Post Aug. 30, 1968]

MURDER IN GUATEMALA

The daylight street murder of the American Ambassador to Guatemala, John Gordon Mein, is a foul, cowardly act which removes from his country's service a particularly able and courageous diplomat. Mr. Mein was a knowing partisan of the reforms listed by the Alliance for Progress, and his counsel in the State Department will be missed. Although he was well aware of the personal risk, he chose to go about Guatemala City with minimal security rather than take more precautions and thereby give his country the appearance of being intimidated. His devotion to duty has now cost him his life.

Government in Guatemala proceeds on the narrow middle path left to it by terrorists on either side; the assassins could have come from left or right. Suspicions fall most strongly, however, on a Castro-supported Communist organization called FAR, whose likely motive was to create enough of an uproad to provoke U.S. military intervention. It is a melancholy fact of life in Guatemala that, by general agreement, another intervention—the last was in 1954—probably would polarize the country, destroy the government and ignite civil war. How simple were those days when American intervention was desired more by its friends in Latin America than its foes.

The Johnson Administration's level-headed reaction in this instance, however, is not to send in the Marines but to support the authority of the Guatemalan government by asking it to investigate. If it is possible to offer that government aid in the investigation, perhaps that can be done. Presumably the government will improve the security it offers diplomats as well. Otherwise, the assassination indicates only what some 2000-odd other political murders in Guatemala have already indicated: the paramount urgency of reform. For it is the terrible social trends and economic inequities that have spawned the tensions making the political arena virtually a graveyard. Admittedly, it takes a very great optimist to believe that reform is a feasible alternative in Guatemala; the pessimists, who believe that keeping the lid on is a more realistic policy, have the upper hand in American policy councils. Perhaps the murder of Ambassador Mein will aid the reformers' case.

It is not out of place to note that the Republicans have a responsibility too. When Guatemala dismissed an earlier American Ambassador, in 1950. Senator Wiley declared: "If a relatively small nation the size of Guatemala can get away with (this) . . . then the United States can just as well take a back seat in international affairs and can classify herself as a fourth-class power." The temptation to repeat this jingoistic approach is with us again. It should be resisted. Maturity consists not of throwing power around, but of wielding it carefully and well.

[From the Washington (D.C.) Evening Star, Aug. 31, 1968]

GUATEMALAN TERROR

On Wednesday afternoon, the United States Ambassador to Guatemala was machine-gunned to death three blocks from his residence, the victim of a Castroite guerrilla attack. John Gordan Mein was an able career diplomat of quiet personal charm. His murder was a wanton and senseless act which has shocked and grieved his many friends here and in Guatemala.

The Guatemala government has declared a state of siege to aid police in the search for Mein's killers. There is every reason to believe that it will be pursued with great determination.

In 1956, in an apparently free-election, Guatemalans elected Mendez Montenegro president in a race featuring two rightist colonels. After twelve years of military regimes, this victory for constitutional democracy was a welcome development for all but the extremists of the right and left. Ever since, they have subjected Guatemala to the terror and counter-terror of bombings, kidnappings, and assassinations.

It appears that the rightist White Hand wants to create conditions of anarchy that would justify a return to military government. Ironically, it is widely believed that the Castroite guerrilla outfits, the FAR and MR–13, also would welcome an army takeover. For one thing, it might catalyze a unification of all political factions from the moderate left to the Communists. Also, so the theory goes, it conceivably could prompt a United States military intervention, and thus bog us down in "another Vietnam" on our Latin American doorstep.

While Castroite insurgency has largely been eliminated in the countryside, it flourishes in Guatemala City itself. The government has failed to crack down on the University of San Carlos, which provides the guerrillas with a barracks from which they launch weekend forays. Also, it apparently has adopted a hands-off approach to the White Hand, many of whose members reportedly are professional soldiers who operate in guerrilla mufti. More vigorous action against both camps is indicated.

But the government, racked from right and left, can do only so much. The rest depends on the Guatemalan people. What is needed now is a spirit of reconciliation and widescale economic and socal reform. Mendez has made a start but much more remains to be done.

[From the New York Times, Sept. 1, 1968]

TERROR AGAIN IN GUATEMALA

The slaying of Ambassador John Gordon Mein is a grim reminder of the hazards United States officials face in Guatemala and of how far this Central American republic still must travel to domestic peace. It was barely seven months ago that high-ranking United States Army and Navy officers were murdered, also on Guatemala City streets in daylight.

In June Guatemala's chronic terrorism by left and right extremists had subsided sufficiently to encourage President Mendez Montenegro to lift a state of siege and restore constitutional rights. Sneak attacks in the capital have been increasing again lately, however, and the gunning down of Ambassador Mein is only the most shocking event of a dismal new round.

The pro-Castro Rebel Armed Forces (F.A.R.) did the killing, but says it had intended only to kidnap Mr. Mein in an attempt to force the Government to release a captured guerrilla leader. Whatever the truth about that, the episode raises again the question of whether these guerrillas, frustrated in their effort to organize a peasant revolt, have turned to a deliberate campaign of killing American officials. The F.A.R. boasted that it murdered the two officers last January, though some observers suspected right-wing vigilantes had done it to give the Guatemalan Army an excuse for savage "retaliation" against all left-wing elements.

Guatemalans may have legitimate complaints about past United States policies, but Mr. Mein had no responsibilities for these. On the contrary, he had earned wide respect. Washington's current policy, in fact, has encouraged President Mendez to curb army and right-wing extremists as well as leftist guerrillas in order to carry out long-overdue social and economic reforms.

Americans are hardly in position to criticize violence and murder in other countries, but friendly relations are bound to suffer if Guatemala cannot provide more effective protection for American diplomatic representatives.

[From the Washington (D.C.) Post, Sept. 2, 1968]

SLAIN U.S. ENVOY TRAVELED DESPITE DANGER OF ATTACK

(By Lewis H. Diuguid)

GUATEMALA CITY, September 1.—The late U.S. Ambassador John Gordon Mein circulated throughout Guatemala with a casual ease that unnerved many of his countrymen and most security officials as well.

His nonchalance was in part calculated, however. He knew he was taking risks. But he believed that one purpose of Guatemala terrorists was to drive North Americans into an armored shell. He was determined to show that this would not happen.

Mr. Mein died in pursuit of his policy, ambushed on a Guatemala City street last Wednesday. His attitudes emerge as part of a composite picture drawn from interviews with Guatemalans and North Americans who knew the Ambassador during his three years here.

U.S. officials who still believe in Mr. Mein's policy of broad and informal contacts are concerned that Washington may now emphasize security to the point that important activities of the Embassy could be undercut.

Mr. Mein frequently met with politicians of the opposition as well as of the government. He sought and easily found friends even among outspokenly anti-American elements, though not on the far left. He drove his own car to church on Sundays and his wife did all of her driving unaccompanied. Just last week they drove some visitors through the north of the country. He was seen routinely alone on the streets running errands.

When Guatemalan military officials tried to ring him with guards, he discouraged the practice. A 24-hour security watch was clamped on following the assassination last January of two U.S. military officers. But it lasted only a month before he had it removed.

A Guatemalan colonel said that he was so concerned about Mr. Mein's habit of riding only with a chauffeur that the officer once personally enacted a mock ambush. The colonel said he pulled alongside in his car and pointed his finger at the Ambassador. Mr. Mein smiled and kept his habits.

Although the Ambassador approved basic security rules for Embassy employes, such as varying the time of their departure and route to work, Mr. Mein himself usually could be seen at the same time on the same street daily.

Americans here do believe that greater caution must be exercised, but the Ambassador's general premise—that Americans ought to be engaged in legitimate activities here and ought to be seen in carrying them out—appears to have survived him at the Embassy among some important officials.

He felt this was the way to offset anti-Americanism. Among those who also hold this view are Dr. and Mrs. Calin Wallis, Presbyterian missionaries here for 25 years. They say that although they hear shouts of "Yankee, go home," from time to time, they believe anti-Americanism is on the decline.

"The Meins were very helpful in this," Mrs. Wallis said. Mr. Mein's approach seems to have been to respond as actively as possible to what he felt were responsible requests from Guatemalans for assistance.

He applied this to the aid program. He tried to encourage only projects that had unequivocal support from the host government. Some observers saw vindication of this policy in the eulogy offered by Foreign Minister Emilio Arenales Catalan: "Guatemala lost a loyal friend . . . respectful of our sovereignty, but always sincerely interested in stability, welfare and progress of the people."

In the tradition of the Foreign Service, Mr. Mein kept his politics covered. But he was most often described as mildly liberal on economic and social issues and conservative in religion. He was a devout and active Baptist.

Even the people interviewed who disapproved of the Ambassador's easygoing exposure in the capital concede that conditions in the countryside are better now for informal mixing with the people than they have been for years.

One American said, "It would be a great loss if the terrorists succeeded in scaring off the Americans just when they are begininng to be associated with positive reforms."

One theory about the terror activity is that instead of trying to scare the Yankees out, the far left is trying to provoke the Marines to come in.

LEGISLATION TO AMEND THE IMMIGRATION AND NATIONALITY ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. REID of New York. Mr. Speaker, I am today introducing a bill to amend the Immigration and Nationality Act to provide that parents of lawful resident aliens shall be eligible for second preference immigrant visas.

Under the present law, parents of permanent resident aliens must qualify as domestics or skilled workers in order to enter the United States permanently. Without question, this works a hardship on many people, particularly the elderly, who wish to spend their remaining years with their children.

By adding parents to the spouses, unmarried sons and unmarried daughters who already qualify for second preference, I think that we would be furthering the goal of uniting families and we would be carrying out the true spirit of the immigration law of 1965.

A BILL TO AMEND THE INTERNAL REVENUE CODE TO ALLOW SINGLE PERSONS THE PRIVILEGE TO PRODUCE WINE FOR THEIR OWN USE WITHOUT PAYMENT OF TAX

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. CURTIS. Mr. Speaker, why should the privilege of producing wine for one's own use without payment of tax be limited to heads of multimember families and exclude single people? This question was posed to me in a letter of July 22 from a constituent, Mr. Millard S. Cohen, who is a bachelor and who had just unsuccessfully completed a yearlong dispute with the Internal Revenue Service where, in an almost comic sequence of events, was denied first the privilege of producing wine for his own consumption without taxation, and then after offering to pay the tax was refused permission from the Alcohol Tax Division of the IRS on the grounds that his apartment and equipment were less than adequate for a commercial wine operation.

Most of us would have given up, as Mr. Cohen was confidentially advised to do by an Internal Revenue agent in an attempt to be helpful. However, we should be grateful for citizens like Millard Cohen who refuse to knuckle under such odds. Because of Mr. Cohen's persistence the matter has now reached the U.S. Congress for needed review and hopefully for amendment. I am introducing legislation today for this purpose.

I would estimate that most of the corrective legislation I have introduced in Congress has arisen from similar constituents' complaints although encompassing a much larger area than in this particular case. The individual citizen, the one who feels the effect of a law or regulation, is often a far better judge of that law's fairness than are the legislators and the administrative agencies.

The legislation I am introducing today would amend section 5042(a)(2) of the Internal Revenue Code to extend the privilege to produce tax-exempt wine to single-member households as well as multiple-member households. I think that Mr. Cohen's logic was sound when he reportedly asked of the Internal Revenue Service:

> Is it your contention that a glass of home-produced wine is to be afforded only to married citizens of the United States.

If ever there was a reason for this distinction I think that it has lost its vitality today, and that the Congress ought to review whatever reasons exist for limiting this privilege to "heads of any family" and decide whether or not we want this distinction in our laws to continue.

According to the Treasury Department, in a letter to Mr. Cohen, the statute on "family wine" first appeared in title IV, section 402(b) of the Revenue Act of 1916 (40 Stat. 784) which reads:

> Nor, subject to regulations . . . shall the tax imposed by this section (the excise tax on still wines) apply to the wines produced for the family use of the producer thereof and not sold.

The regulations set down by the Treasury in 1918 excluded single persons unless they were the head of a family. The law was amended in 1954 to read "head of any family."

Thus, the operative words which restrict single people are those imposed by executive regulations. It is clear that under the original statute, and as amended in 1954, the regulations regarding "family use" could as reasonably include single member families as well as multimember families. Despite this fact that the controverted language is executive created, over 50 years of operation under it has solidified it to the strength of statutory law, and it is therefore the responsibility of the Congress, and not of the Internal Revenue Service, to make whatever changes may be necessary.

In their letters to Mr. Cohen, which I shall place in the RECORD following these remarks, Treasury officials point this out. However, their claim that they have no authority to change these longstanding regulations is interesting and ironical. It makes baloney out of their recent unilateral alterations of IRS regulations regarding taxation of advertising income of publications of nonprofit institutions which have stood for about 18 years, and of their unilateral changes of the regulations relating to taxation of industrial development bonds, which have been on the books for about 10 years, and regulations regarding prepaid insurance premiums which have also been longstanding, and many others.

Nevertheless, whatever the motivation of the IRS, I am happy if in this instance they are deferring to the judgment of the Congress, even though it seems clear to me that the Congress' language could have been interpreted broadly. Congress should now clarify its intent. I hope that my bill will be a vehicle for this purpose.

ANALYSIS OF BILL

The bill I am introducing today is quite straightforward. The present language of section 5042(a)(2) reads:

> FAMILY WINE.—Subject to regulations prescribed by the Secretary or his delegate, the duly registered head of any family may, without payment of tax, produce for family use and not for sale an amount of wine not exceeding 200 gallons per annum.

My bill would amend this section by simply adding the words "including a single member family" after the words "head of any family."

The purpose of the bill is to insure that any single person, male or female, has the same tax privileges as a married head of a family. It is written so as not to allow each member of a multimember family living together to claim an allotment, but only the head of that family.

In taking up this matter Congress would be wise to review the nomenclature used by the various Federal agencies with a view to improving its precision and reducing confusion. For example, the Bureau of Labor Statistics considers a single person living alone as the "head of a household" but not as the "head of a family." The Internal Revenue Code uses "head of a family" in this excise tax provision regarding home production of wine and uses "head of household" under the income tax provisions. The social security and welfare laws define the terms differently still. In each context each term has meaning, but greater understanding may be achieved for developing uniform meanings for these terms.

The above-mentioned letters follow:

U.S. Treasury Department,
Internal Revenue Service,
Washington, D.C., October 20, 1967.

Mr. Millard S. Cohen,
University City, Mo.

Dear Mr. Cohen: Your letter of September 20, addressed to Secretary of the Treasury Henry T. Fowler, asked for an explanation as to why a person's marital status is the determining factor that governs whether he may or may not produce wine for family use under the exemption provisions of 26 U.S.C. 5042 (a) (2).

The provisions for production of wine for family use, free of tax, first appeared in Title IV, Section 402(b), of the Revenue Act of 1916 (40 Stat. 784), reading:

". . . nor, subject to regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall the tax imposed by this Section (the excise tax on still wines) apply to wines produced for the family use of the producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year."

Regulations implementing this law were issued in 1918, which in pertinent part stated as follows:

"The exemption does not apply to . . . (b) wine produced by a single person, unless he is the head of a family; (c) wines produced by a married man living apart from his family, and not for the use of that family, as in such case the wines are not made for family use; . . . ." "Each person entitled to and desiring to avail himself of the exemption must file a notice with the collector of internal revenue before commencing to manufacture wine."

Similar provisions have been included in all subsequent revisions of the regulations concerning production of wine for family use.

The law was amended in 1919 to specifically provide for the registration by producers of wine for family use. This change was designed to clarify the authority for tax assessment on illegally produced wine. The law was also amended in 1954 to include the words "the head of any family" in the statute, to further clarify the intent of the law.

As stated above, the exact wording of the law and regulations has been changed over the years; however, the basic requirements governing the production of wine for family use without payment of tax have remained unchanged since 1918, except that during Prohibition all such production was illegal. Therefore, it is not one's marital status, but whether or not he is, in fact, the head of a family that establishes his privilege to produce wine without payment of tax. The exemption has always been tied to the production of wine for family use, as distinct from production for individual use; and in view of the wording of the law we can not administratively extend the exemption to a single person who is not the head of a family.

We hope that this will clarify any previous misunderstanding you may have had relative to the basis for a person's qualifications to produce wine for family use. However, if you have any further questions in this regard, please advise.

Very truly yours,
Harold A. Serr,
Director, Alcohol and Tobacco Tax Division.

U.S. Treasury Department,
Internal Revenue Service,
Washington, D.C., November 17, 1967.

Mr. Millard S. Cohen,
University City, Mo.

Dear Mr. Cohen: This is in response to your letter of October 24, 1967, in which you ask for comment beyond that given in our letter of October 20, 1967, relative to why a single person, who is not the head of a family, is not permitted to produce wine for his own consumption without payment of tax.

The exemption providing for tax-free production of wine for family use was enacted into law by Congress, after conferring with parties who indicated an interest. Since Congress did choose to limit the exemption to the production of wine for family use, a further extension of the privilege to single persons, who are not heads of families, may be granted only by Congress through amendment of the law.

I regret that we, as a part of the Executive Branch of the Government, are unable to tell you "why" the Congress, i.e., the Legislative Branch, drew the statute in its present form. We have searched but are unable to find any legislative reports which supply the background you desire.

Very truly yours,
Harold A. Serr,
Director, Alcohol and Tobacco Tax Division.

U.S. Treasury Department,
Internal Revenue Service,
Washington, D.C., July 16, 1968.

Mr. Millard S. Cohen,
University City, Mo.

Dear Mr. Cohen: In the course of our correspondence you raise certain questions which you believe are relevant to why you were not found eligible for the production of wine for family use, exempt from payment of tax.

The law governing the production of wine for family use provides that the Secretary of the Treasury or his delegate prescribe the regulations implementing the statute. The Alcohol and Tobacco Tax Division drafts the regulations covering alcoholic beverages. Such regulations implementing any part of the Internal Revenue Code are issued after approval by the Secretary of the Treasury and, except under special circumstances, after public notice. The regulations are being constantly reviewed and modifications proposed, within the limitations of applicable law, to meet the needs of both the government and the public. Many of the changes result from suggestions made by the public, while others are initiated by us when the need becomes apparent.

In the case of either single persons or married persons, the exemption from payment of tax on wine produced for family use is extended only to heads of families. This is provided for by law, Section 5042, IRC. What constitutes a family has been defined in many court decisions. We believe the present regulations implementing the statute are fair, equitable and proper.

The decision not to extend the privilege of producing wine without payment of tax for use by single persons who are not heads of families was made a half century ago, when regulations were formulated implementing the law which first imposed a tax on the production of wine.

In view of the specific language of the present statute and our long and consistent adherence to this concept, we are of the opinion that this may not properly be changed unless the statute is changed by Congress or unless the regulations implementing the present statute are declared improper by a court of competent jurisdiction. Until such actions occur we do not propose to initiate any changes in the regulations governing the production of wine for family use.

Very truly yours,
Harold A. Serr,
Director, Alcohol and Tobacco Tax Division.

WHICH?—REBELLION OR REVOLUTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. EDWARDS of California. Mr. Speaker, there is much talk now about the communications gap between young and old—and surely there is much validity to this. In a personal essay, an old friend of mine, Mr. Harold L. Mack, of Carmel, Calif., has touched upon this gap and the rebellion of young people today, a rebellion, as he says, directed at the failure of institutions as well as individuals to keep pace with the modern world the youth of America are faced with and must work with for meaning and quality in their lives. Mr. Mack also delivers a warning, however, and that is to take care and guard against a completely destructive view.

These are wise words, put forth calmly and reasonably; and, under unanimous consent, I place Mr. Mack's comments in the Record. The essay follows:

Which?—Rebellion or Revolution

Youth all over the world is in rebellion and in my opinion for good and sufficient reasons. The war in Vietnam is the trigger which touched off this long simmering unrest, a war which demands that youth be called upon to make the supreme sacrifice for a cause he firmly believes to be wrong. But above and beyond the war and basic and most important is that customs, laws, religions, political systems and economic processes are in many ways obsolete and have failed to keep pace with the growth of human knowledge. Youth is called upon to live his life in support of causes resulting from the clash of one illogical ideology against another. He must put up with the world mess he faces and for which mess he is not responsible. He rebels against the status quo his elders have imposed upon him and who insist on preserving for their own pleasure and enjoyment. Youth today is facing a world not of beauty, not of hope, not of love, but a dreary world of useless strife, illogical thinking, run by political self seeking hacks and offering him disillusionment, soul hunger and frustration. It's a hell of a mess he is facing and the older people who safely entrenched in their havens and with the power on their side are not going to give up their privileged position without a fight.

However, it is vital that youth does not turn his rebellion into revolution. There is a vast difference between the two. Revolution has only complete destruction as its aim. It would destroy the good along with the bad. It would scuttle the ship to get rid of the rats. Much in the world today is good and must be preserved. Rebellion by youth should have as their goal the ability to discriminate between the good and the bad. Rebellion must not follow hot headed demagogues who usually show up in rebellious times to take over legitimate rebellion and turn it into destructive revolution. College students must exercise great care that this does not take place. They must be sure that those who try to take over leadership are not doing so to promote their own ideologies which are generally as bad or worse than the regimes they wish to overthrow.

People all over the world must be allowed to live a life of dignity and not be soul starved by obsolete business practices, not be pestered by obsolete laws and not be in danger of having their life snuffed out by the death dealing devices we are constantly developing.

Use the education you have received at your university to learn what is wrong with the world. See that the curriculum at your university is made to include, among others, the following subjects.

I. A study of the way machines may be used at full capacity to bring to all the people in the world the benefits they are capable of accomplishing. Machines today are being used at only a small part of their capabilities in order to conform to an economic system which depends upon scarcity to insure profits to their owners.

II. A study of the many religious bigotries and superstitions which have been responsible in the past for more killing, hatred and intolerance than any other single cause and are still today a main factor in keeping millions of people all over the world ready to kill each other because of religious differences.

III. A study of human behavior and its relation to economic and political systems in order to understand whether a particular type of political system can meet the human aspirations and desires—or whether the system is self defeating because of its failure to meet basic human aspirations.

These are a few of the subjects which universities should add to their curriculum and which students should study and discuss so that their rebellion may be put into useful channels and not degenerate into childish and immature demonstrations which are bound to play into the hands of demagogues and result in destructive revolution.

So I say to youth—keep up your rebellion but don't let it degenerate into an obscene mess of filth, hatred and destruction. Don't let rebellion turn into revolution. If you do—you will find that revolution will destroy you along with everything else worth saving.

UNITED STATES STEEL CORP. CELEBRATES THE 250-MILLIONTH TON OF STEEL

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. MADDEN. Mr. Speaker, on Monday, August 19, 1968, I was present at the anniversary gathering of steel officials and witnessed the production of the 250-millionth ton of steel produced by the Gary Plant of the United States Steel Corp. This production is a record for any steel plant throughout the world. Production by this plant began in 1909 and the 150-millionth ton mark was reached in 1953 and the 200-millionth was poured July 12, 1961.

Speaking at a luncheon held at the plant on that day George A. Jedenoff, general superintendent, commenting on the record tonnage, said:

> I am proud of the many men and women at U.S. Steel who made this record possible. Employes and management have worked hard over the years to develop a competitive team, insuring the continued operation and growth of these facilities. This outstanding production record is proof of their effective cooperation.
>
> This hard-won achievement by the plant employes has not been easily attained in view of rapidly changing technology in the industry with its related problems of investment in, and successful operation of, highly sophisticated facilities. In the months ahead, the proven combination of men and equipment at this plant may be more than offset by a continuation of recent trends in the increasing flow of imported steel into the marketing area of this mill and in the sharp escalation of local property tax costs which must be paid from the sale of products from the mill.
>
> These two factors of foreign steel imports and disproportionate property tax costs are formidable economic obstacles to overcome in our day-to-day objective of making the highest quality product to sell at competitive prices.

Gary, Indiana's big steel plant is one of the largest producers for United States Steel, and provides employment for thousands of residents of Gary and neighboring communities. Facilities include blast furnaces, open hearth furnaces, and a BOP—Basic Oxygen Process—shop, which went into operation in December of 1965.

Gary Steel Works transforms its steel into an estimated 40,000 different shapes and sizes of finished and semi-finished steel which are distributed across the country. Railroad wheels, axles, and rails are included in the finished line.

Mr. Jedenoff also gave some interesting statistics regarding the record-making production of the Gary Works Plant as set out in the following comments:

> Just how much steel is 250 million tons? Well, it's a quarter of a billion tons. That's 500 billion pounds—or 99,978 pounds for every man, woman, and child in the state of Indiana. Any way you look at it, it's a lot of fish hooks and beer cans and razor blades. Or any other of the countless products made of steel which serve man and industry and agriculture.
>
> Here are a few slide rule statistics, courtesy of one of U.S. Steel's computers.
>
> If all the steel produced at U.S. Steel's Gary Works since it began to pour steel on a cold day in February, 1909, up to the 250-million-ton record pour at 11 a.m. today, went into just one product, it would have made:
>
> More than 200 million automobiles—or a two-lane bumper-to-bumper traffic jam more than 350,000 miles long, which would circle the earth 15 times.
>
> Or—250 million small tractors—nearly 80 tractors for every farm in America.
>
> Or—one billion 875 million refrigerators, or enough to supply one for every family on the face of the globe today—and all of 'em with lots of room for easy-to-stack beer and soft drinks in cans.
>
> Or—nearly 94 billion toasters, or 250 billion electric irons which, piled on top of each other, would undoubtedly fall down and bury the army of workmen silly enough to try the stunt.
>
> Put it all together into one giant-size package, it would be a little cube nearly 1,000 feet wide and 1,000 feet high and 1,000 feet deep.
>
> That 250 million tons of steel would make 5,952 buildings the size and shape of the 100-story John Hancock center in Chicago. Or to convert it into copies of another leading tourist attraction, it would make about one and a half million statues like the Chicago Picasso, on the Civic Center Plaza.
>
> And finally, for the railroad buffs, that much steel would build conventional railroad tracks to send two trains side by side to the moon, with two others on the return trip at the same time. (And they would be another set of switching tracks for most of the way.) And if they travelled at 100 miles per hour, the round trip would take a little over six months.
>
> As for the number of hairpins that 250 million tons would produce, that'll take another computer.

The Calumet region, the State of Indiana, and the Middle West are indeed proud of the stupendous contribution that the Gary plant of United States Steel Corp. has made toward creating employment, accomplishing mass production, and contributing greatly to the prosperity of our Nation.

AIR SAFETY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. HALL. Mr. Speaker, a great deal of attention has been focused recently on the subject of air safety. Much of this concern stems from the widely publicized "slowdown" of the air controllers at airports across the Nation. Also concerned in this issue is the relation between commercial and general aviation. Recently I received a letter from Mr. H. W. Arnold, of Carthage, Mo., a private pilot who also is a frequent user of commercial airline services; he has made a prudent and thoughtful analysis of the controversy. I include Mr. Arnold's letter at this point in the RECORD:

> JULY 28, 1968.
>
> Hon. DURWARD G. HALL,
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. HALL: As a private pilot and also a frequent user of the commercial airline services I would like to make some observations relating to the "crisis" on the airways that has suddenly become front page news.
>
> The complaints of the many who have been concerned about air safety with the overcrowding of air traffic facilities have gone comparatively unheeded for several years. Now that travelers are being inconvenienced and airline revenues are actually suffering, the same problems, long known, are getting all kinds of prominent attention and publicity.
>
> I write you *not* because of the urging of the Aircraft Owners and Pilots Association because I believe that organization, just like the Air Line Pilots Association and the Air Transport Association, in its enthusiasm for support of its own cause may be somewhat prejudiced in its analysis of statistics.
>
> However, I'm afraid that neither general aviation nor the country's airline passengers have the organizations with the resources to overcome an obvious campaign by the airlines to achieve expansion of airway facilities, at the expense of anyone except the airlines, and to then drive general aviation off those same airways. Recent pronouncements by the Department of Transportation, and the recommendations of that department for new legislation, give evidence of the success of that campaign.
>
> The final straw that brings me to write this letter was the reference in Friday's widely published wire service release which inferred that recent lengthy delays at major international airports were created by the overwhelming preponderance of general aviation traffic and then stated that 75% of control tower operations were for the handling of general aviation planes.
>
> I have some figures for the year 1967, taken

from official sources, which show the following:

a. At Chicago-O'Hare, the busiest airline terminal with 588,527 operations, general aviation's share was only 13%. Second busiest was New York-JFK with 451,533 operations of which 15% were general aviation. Third was Los Angeles with 437,533 take-offs plus landings with 20% representing general aviation. These are facilities with 24 hour per day operations.

b. The tower at Opa-Locka, Florida, operating only 16 hours per day, was the busiest in the world with 596,949 operations in 1967 and 98% were general aviation. Have you heard of any complaints of airliner delays at Opa Locka? Or, how about Van Nuys, Cal. which also operates only 16 hours per day and in the same year handled 543,324 flights of which also 98% were general aviation. Similar figures are true for Ft. Lauderdale, Florida and San Jose, Cal.

You can see how by totaling figures and coming up with a 75% average for general aviation operations you can bring the otherwise uninformed public (or legislators) to a conclusion that general aviation is the culprit in the airways mess.

A couple of other points are of interest. As of August 1, 1967:

1. There were only 309 FAA control towers in use, largely confined to airports serviced by scheduled air carriers.

2. There were, on that date, 6,262 *privately* owned airports of record, *not* financed by Uncle Sam, and 3,093 of these were open to public use.

So, please don't get the idea that the big bulk of the taxpayer's aviation dollar is going to the support of the "Sunday Pilot".

On the other hand it should be recognized that a large part of the cost of federal airways operations is for the provision for excellent instrument flight facilities. This includes not just the control tower operations but also the vast Air Traffic Control system which handles the enroute IFR traffic. Air carrier flights are, as a routine matter, covered by IFR flight plans. A very small percentage of total general aviation flights are conducted on IFR flight plans for the simple reason that a minority of private pilots have IFR ratings and so most are prohibited from flying the airways except under VFR conditions. (The formerly available Special VFR privileges have even been recently withdrawn at all major terminals.)

I'm sure there are many pilots, like myself, who do their best to avoid the vicinity of those airports where high density airline traffic exists, particularly at those peak traffic hours when all airlines feel they must schedule departures and arrivals at identical times. Most of us have nightmarish thoughts of a DC–9, on descent or long final approach, running us down from the rear as one did to a general aviation plane near Urbana, Ohio a couple of years ago and another more recently near Lambert Field in St. Louis. Both these incidents occurred under clear VFR conditions.

Next time you have occasion to fly on a DC–9 ask to see the pilot's cabin and the check list he and his co-pilot must comply with during descent and final approach for landing. You'll realize then why these poor devils have little time to be looking for other aircraft. Also note the very restricted visibility from their cabin as compared with that of most general aviation light aircraft.

These conditions also concern me because I have frequent occasions when I travel as a passenger on these planes. I believe the decision to permit these aircraft to operate without a third crew member (pilot-engineer) on the flight deck must have been sold to the FAA by the airlines on the basis of this being a two engine craft. I believe this decision should be reviewed because the difference between two engines and three engines does not necessarily equate to 2 men versus 3 men in the complex manipulations involved in preparing for the landing of a jet aircraft.

I've had the very finest service from the very dedicated FAA controllers and the Flight Service Station personnel that I've come in contact with. I don't mind paying my share for the maintenance, and improvement, of what I consider to be already a very excellent facility.

However, we don't give trucks and buses traffic precedence or tax advantages over private passenger cars on our public highways and I want our public air space shared on the same basis. Why, as proposed by the DOT, should my tax on aviation gasoline be increased by as much as 800% and the tax on my airplane ticket go up 60% if the profit making airlines, who stand to benefit the most, are not to share in paying increased taxes?

One argument for letting all our people contribute to the support of highways is the fact that they are vital to military logistics. By the same token it might be well to note that in fiscal year 1967, beyond the operations at strictly military bases, FAA control towers handled 3,548,386 military aircraft operations. In this period the FAA handled 228,508 instrument approaches for military aircraft, not too far behind the pace of 354,552 such approaches made by general aviation aircraft. (There were 715,635 instrument approaches by scheduled commercial airliners.)

I hope that some of the foregoing may help provide a basis for a conviction that here is a case where your constituents need your strong support in a fight against special favors for special interests.

Out here in southwestern Missouri we don't have very frequent, very fancy, (or even always reliable) scheduled air carrier service. We need to continue to develop and promote our general aviation, with improved facilities, if we are to keep up with the mainstream of this country's progress. Won't you please help.

Sincerely yours,

H. W. Arnold.

NATIONAL SEVERE STORMS SERVICE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. ZWACH. Mr. Speaker, on June 13 of this year, a tornado roared into the village of Tracy in our Sixth Congressional District of Minnesota and chewed a good part of that town into oblivion.

Only a timely warning by a farmer who saw the tornado approaching Tracy kept the death toll to 10 lives. Without that farmer's warning, well over a hundred lives could have been lost.

In addition to the lives lost, 25 homes were completely destroyed, 50 suffered major damage, and minor damage was inflicted on 225 homes. Dollar damage to buildings was estimated at just under $2 million.

Four businesses were destroyed, 20 suffered major damage, and 20 minor damage to the extent of another million dollars. Churches and schools were also hard hit. All of this in a town of less than 3,000 population. Many farms were also completely wiped out.

I made an inspection trip to the stricken area the day after the tragedy. The power of a tornado is horrible to behold, but you really have to see the damage to realize the utter devastation it can cause. Houses are demolished, trees uprooted, and crops flattened.

At Tracy, a boxcar was picked off the railroad tracks by the tornado and dropped down again a half-mile away. Mail, from some of the destroyed buildings, dropped out of the sky two weeks later and hundreds of miles away.

We know we have a well-defined tornado alley in this country which starts in Texas, goes through Oklahoma, Kansas, Nebraska, Missouri, Iowa, and Minnesota. My congressional district is at the northern end of the alley and tornadoes are no strangers to my constituents. In fact, while back home during the recent congressional recess, I heard several tornado warnings on the radio.

Perhaps this year-after-year destruction by tornadoes can be stopped. Perhaps a method can be discovered to dissipate them before they attain their destructive fury. Perhaps their paths can be altered to steer them away from populated areas.

We really do not know what we can do about these storms because, although tornadoes, squall lines and other weather turbulances are quite common in many parts of the Nation, scientific knowledge and knowhow is still quite sketchy.

Mr. Speaker, in an effort to fill this knowledge gap, in an effort to lessen the overpowering loss of life and property from these destructive storms, I have introduced legislation to authorize the Secretary of Commerce to conduct research programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting such storms, for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service.

If we can prevent just one tornado from hitting an area such as Tracy, this project will have been proven economically feasible.

I urge my distinguished colleagues to join me in supporting this legislation.

MISS ELLEN FLEISCHER WINS ROBERT A. TAFT MEMORIAL AWARD ESSAY ON ACCELERATED PROGRAM FOR NEGRO ADVANCEMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. TAFT. Mr. Speaker, on Friday, I will have the honor of awarding first prize in the 1968 Robert A. Taft, Sr., memorial competition to Miss Ellen Lee Fleischer, 36 Burton Woods Lane, Cincinnati, Ohio.

Her essay, "Sociological and Economic Advancement for Negroes—An Accelerated Program," is a remarkable paper, as good, if not better than, many I have seen at the highest levels of business and government.

The annual competition, inaugurated in 1963 by the Thomas J. Emery Memorial at the University of Cincinnati, is held to encourage students to write es-

says relating to the principles and practices of government in the United States and the individual liberty of her citizens. This year's topic, "The Economic and Social Status of the American Negro: A Program for Accelerated Advancement," generated a number of excellent papers.

Ellen Fleischer, a 22-year-old June graduate of the University of Cincinnati, majored in the University of Cincinnati's 4-year premanagement program. She is presently employed by the Cincinnati Gas & Electric Co.

Selecting a winner in a competition of this sort is never easy. Mention must be made, therefore, of the other winners, whose papers were all thoughtful examinations of the topic. Second-prize-winner Jerome F. Schmutte, 3918 Grace Avenue, Cincinnati; third-prize-winner Michael L. Walton, 3709 Brotherton Road, Cincinnati, and fourth-prize-winner Robert D. Beam, 262 Greendale Avenue, Cincinnati, can take great pride in their entries.

In her paper, Miss Fleischer calls for a "change in the thinking among all people in America to effectuate solutions to the problems" of the Negro. She declares that "the way out of the ghetto and into jobs which reduce poverty is through education." I believe that her essay is well worth reading.

The essay follows:

SOCIOLOGICAL AND ECONOMIC ADVANCEMENT FOR NEGROES—AN ACCELERATED PROGRAM

(By Ellen Fleischer)

INTRODUCTION

Negroes, sold as slaves, were brought to Virginia in 1619 by Dutch traders. The slaves, for the most part, came from Guinea on the west coast of Africa and Angola, near the Congo. The practice of selling slaves started among the African tribes themselves. For example, the Hausea tribe of North Nigeria, being conquered by another tribe, were then sold by the victors to Dutch traders. Before long, however, a more direct approach was initiated whereby Europeans conquered, captured and sold the Africans, thus eliminating the "middle man". Because large numbers were sold together, the Africans who were brought to South America were able to preserve their own culture. Here hundreds were able to live together and with very little contact with whites their own ethnic background easily survived. While in the United States they were dispersed and thinly scattered with three quarters of the plantations having less than fifty slaves. Because of this they were absorbed into the life of the plantation rather than continuing as a cohesive group.

Life in America for the negro was both strange and terrifying, the obstacles to surmount were endless. All too often the adjustment to life in America depended solely on the character of the plantation owner. This was an unfortunate factor in the metamorphosis of the negro because the personality of the plantation owner was both variable and volatile and this could only contribute to their insecurity. Many slaves died from sheer misery due to the harshness and cruelty of their owners. Hostility developed among the slaves themselves. Newer slaves were resented by older ones because of their being less "Americanized". There was, of course, a new language to learn and an entirely different concept of living to which these people had to adapt themselves. To say the difficulties were horrendous is indeed an understatement of the fact. The most destructive force of all was the breaking up of the clan or family group as the slaves were sold. Without the ties of family the security of these people was shattered and life in this strange country was very difficult. Their fate was determined by the degree to which they became assimilated. In fact, it can be said that many social and economic problems among negroes today had their roots in the tragic effect of separating these people from their families when they were sold as slaves. It would seem that assimilation and isolation were the main determinants of adjustment. And so their culture did not continue, even moral and spiritual beliefs were diluted and dissipated. To try to adapt to the strange world was all that remained. Since the family unit is the prime transmitter of culture it is easy to see how the African culture did not survive. The need to reorganize was necessary in order to fit into the world in which they were forced to live. In South America, however, where the negro heritage survived, there are African religions practiced. The Baptist religion in America has the greatest appeal for the negro as it more closely resembles the rituals and practices with which they are familiar. It has similar forms of self expression.

A feeling of cooperation is a characteristic of most immigrants and their cooperation was influenced by their African tradition. The transition was difficult and the help of relatives and friends, which was of prime importance, was lacking. In the beginning there was a difference between servitude and slavery. The concept of slavery was similar to that of indentured servitude. If one were baptized, one worked for four years as an indentured servant and then got paid. Slavery, however, was work for a lifetime without pay and with lodging and food at subsistence level. In early years negro and white servants were considered equal legally, but factually, that was not at all true. For instance, if a white and negro escaped, the white servant had to work for four more years, the negro had to remain a slave for life. In 1682 a "slave" was defined as anyone of non-Christian nationality, entering the country by land or sea. In an effort to discourage intermarriage, the off-spring of mixed marriages were treated as slaves and both parents were required to serve as slaves for a period of seven years as a penalty. There was a covert if not overt attempt to discourage intermingling of slave and non-slave.

The plantation system was responsible for the concept of slavery in the U.S. In the beginning, the necessary labor force to run the plantations consisted of whites indentured for seven years. The number of workers was inadequate and so a labor force was imported and kept in slavery for life. The plantation was not only an economic institution but a political one as well. The owner was the ruler of the small principality and so was exempt from the laws of the land. As the plantation economy grew in importance, the slave population increased both by slave trade and by natural procreation. There was an increase from 700,000 slaves in 1700 to 4 million slaves in 1860. There was no demand for slaves in the north of the U.S. Inasmuch as slave labor was unskilled, there was no demand for it in the manufacturing economy of the industrial north.

In 1793 the cotton gin was invented and cotton became the all-encompassing industry of the south. The plantation industry developed and expanded all through the Gulf states. Plantations became the foundations of southern culture. It was inevitable that the industrial north and the plantations of the south would have very different opinions, both toward economic and moral issues. The gap between the north and south of the country widened because of the difference in attitude toward "slavery". For the south, slaves were a vital and very necessary part of their economy. For the north, slavery was a moral issue and one which they could not condone. The south's concept of a negro was only as a slave and, due to all the restrictions imposed upon him, slavery was his only recourse. The slave was necessary to the southern system of coercive capitalism but to the north it was morally incomprehensible and so was the background for the breach that finally resulted in war.

Negro slavery was a political and an economic factor. It was also a social phenomenon which established race relations then and is in no small part the background for the pattern of race relations through the history of the negro in America.

There developed factors which set the trend of life for the negro in the United States. The social organization and African background was broken up and, as the negro was brought to the U.S. in small numbers, he was not assimilated but isolated. There was no substitute for a lost culture—only a void. The displaced negro was further displaced by rapidly changing technology. For a time his services or labor was of utmost importance. However, an economic conditions changed, his skills became obsolete and again there was nothing to replace old skills—only a void. The very environment existing then, and to a lesser degree now, harshly limited possibilities for development and progress. As the negro moved North to the big city ghetto, his problems and limitations followed him. As death control outran birth control population increased in most areas. Importantly, the ghetto population increased very rapidly and introduced population pressure to the existing pressures which only accelerated the rate of unhappiness and discontent. The situation started out badly and continued to get worse for the negro. This cycle must be stopped and is being stopped. Suggestions for improvement must be made but they will have to include not only changes in tangible areas but changes in intangible attitudes and prejudices. There needs to be a change in the thinking among all people in America to effectuate solutions to problems of this magnitude.

PROGRAM FOR ADVANCEMENT

Education

"Social evolution is a consequence of technical evolution".[1] The technical evolution is well underway for the vast majority. The problem is to bring this evolution to those who need it most—the poor, the unemployed, the ghetto dwellers. A key to unlock this door which stands in the way of progress is education. Education for the negro is of crucial importance because through education the negro can gain the skills which will enable him to enter the labor market and participate in the technical evolution. Employment and all of its economic and social ramifications will enable the negro to see and understand and take part in a social evolution which is so badly needed. The way out of the ghetto and into jobs which reduce poverty is through education. Therefore, since schools are so important in the endeavor to wipe out unemployment and poverty, there should be legislative and moral pressure for desegregation of schools. Educational opportunities should be equally available to all, not only in ease of access to them, but also in quality. Definite attempts to reduce the number of dropouts through positive incentives to remain in school should be stressed. Let young students know of the opportunities available to them if they stay in school. Let the business community allow this information to disseminate through the schools systems. Let local groups speak to students to try to convince them of the need for an education to get a good job. There must be great emphasis on remaining in school and this emphasis is necessary to compensate for lack of positive incentive to remain in school given at home. When parents, along with officials and business leaders all stress the same goal, it is more likely to be achieved.

Along this line would be continuation of programs like Headstart. If underprivileged children are given a chance to catch up scholastically and culturally, then there is again more incentive to stay in school. They will not feel that they are behind the rest of the class and thus become discouraged and quit when they are legally able to do so.

---

[1] L. A. White, "The Science of Culture". Farrar, Straus and Cudahy, 1949.

Attention should be given to the practical part of education—vocational training. The need for this type of education can readily be seen by the student and he may be significantly more interested and motivated to learn skills which he can use in getting a job. Perhaps a co-op system could be initiated in high school similar to the co-op system used in colleges. The student could be trained for a certain length of time then he could go out and gain experience in work. This work-school process would alternate until the student graduated from high school. This program has the advantage of showing the student what work is like, allowing him to earn money, and at the same time, show him the need to increase his knowledge so he can move ahead in his job.

A concerted effort should be made to eliminate illiteracy completely. Adult education should be available and adults should be strongly encouraged to attend these classes. Employers could suggest adult education to the employees and show the positive correlation between job advancement, promotion, higher wages stemming from education. Adult education could be promoted on an incentive plan just as increased productivity is encouraged by incentive plans. With strong emphasis on education, better jobs and reduction of poverty can be achieved.

Through their history in the U.S., negroes have had disproportionate representation in agriculture and low level skills. The technological evolution hit agriculture and displaced many small farmers. There have been massive changes in the labor market and a decline in the need for lower level skills. The demand for labor has been skewed to the more skilled sector. These changes mean that there must be increased training and preparation. Education is necessary to adapt to the changes and profit from them. High school graduation should be the target goal because less education than that results in higher unemployment rates and increasing economic and social disadvantage in a continually changing and technically oriented society.

Employment

Employment can be the cure to poverty. However, if this is to be true, education must precede employment. The skills of today must be learned and access to learning should be free and easy to attain. Employment can also be used as a stop-gap to poverty on a temporary basis. Business can hire the hard core unemployed but the effort and impetus must be stimulated by total commitment to the goal of hiring all who seek employment. Stimulation can also come from the government, possibly in the way of tax credits for business which hire and train unemployed. This, or some other kind of economic incentive, is needed because of the drain on resources and productivity resulting from lowering hiring standards. The drain would be a short term setback but it could result in a long term gain to all of society, similar in idea to Friedman's "neighborhood effect".

Some of the problems concerning employment and "Negro Economics"[2] can be illustrated by statistics: white unemployment rate is 3.5% while negro rate is 6.7%—it is probably even higher due to hidden unemployment, frictional unemployment, and subemployment. About 50% of negro families have incomes under $5000 a year—more than double the proportion of white families. About 40% of those on welfare are negro—a disproportionate amount for a minority group which constitutes 18% of the population in the United States. About 30% of homes of negroes are substandard. Negro education is unequal and generally of lesser duration than that of whites. All of these facts strongly illustrate the need for a change—in institutions, in business, and in attitude of all people, blacks and whites. Remedies for unemployment include not only hiring but also training, elimination of discriminatory barriers; encouragement of business to build in the ghettos and employ the people who live there; government assistance to those businesses which initiate action of this nature. Government incentive to businesses which offer incentive to ghetto dwellers is economically necessary and socially desirable. No one segment of the economy can fight massive poverty or unemployment. Complementary action of the government and private sectors is needed.

Once education and employment are achieved, negroes can be economically independent, they can turn their full attention to social equality. It would seem that once a minority has proven itself there would be a significant lessening of discrimination based on myth because these myths would be destroyed. Educated employed people can respect themselves and gain the respect of others. A view in direct conflict with the Kerner Report is held by Professor Killingsworth of the University of Michigan who feels that class discrimination is more pervasive than race discrimination.[3] If his view were correct, then drastic reduction of discrimination would result from economic independence of negroes. Economic independence could be more easily gained than social independence so if there is a casual relationship between the economic and social, then one would logically follow the other; this has yet to be substantiated.

The issue remains that investment in people in the form of education and training is of vital importance. The minimal effect would be to greatly reduce poverty and unemployment in future generations. This can be done, as can alleviation of poverty now in this generation. It takes planning, organizing, thinking and acting. Eliminate the gross causes of poverty and the lesser causes will disappear too. Since the problem is so important, it takes participation by everyone to accomplish it. If this could be achieved so people could know each other in the aggregate, then perhaps the goals of individuals could also be fulfilled. There must be equality of financing for small businessmen. Discrimination exists in a de facto sense, and also in the geographical location of prospective businesses. This must be eliminated to allow the entrepreneur to exist and prosper in the ghetto and out.

The negro is the last immigrant group to come to the cities. However, they have not gone through the same cycle as other minority groups, they have been held down due to visual differences. Other immigrants were assimilated, the negro is shunted out of the mainstream before he gets a chance. If this is stopped, the negro will have opportunities to help himself.

Housing

Housing improvements can be the quickest to be instigated as a sign of sincere effort on the part of legislators and local communities toward desegregation. Education and employment take time to achieve their ends but passing laws prohibiting de facto segregation in housing (and other facilities) can have a more immediate impact. On the local scale, real estate and financial institutions can revamp policies to ensure that there is equality in dealing with all people. Home financing should have the same down payment, mortgage, and other arrangements for all people. Ability to pay should be the only determinant of loans—not skin color or religion or nationality.

Federal housing projects can help alleviate existing conditions by constructing low cost housing in various areas randomly so that as slum clearance is initiated, families can move out to different areas and thus avoid setting up another ghetto in a different location. Breaking up the ghetto and scattering its inhabitants would make for a more heterogeneous society, a desegregated society where people could live in any part of town they chose.

Where the government cannot set up housing projects, incentive should be given to private business to do so. This incentive could also be in the form of a tax credit or low interest loans or other economic reward for undertaking a socially desirable operation.

The issue of prime importance here is the necessity of ending de facto discrimination on an absolute basis. After discrimination has been done away with, preferably by law at first, then by general acceptance, policies can be enacted to further scatter settlement patterns in cities. Housing information should be readily available to all newcomers and those considering moving. If necessary, government subsidies should be available to private business to encourage housing construction which is integrated and low in cost.

Ghetto conditions must be alleviated. High crime rates, poor housing, poor health, "exploitation" by local merchants, are all symptomatic of the crowded and restricted way of life forced upon a minority group. Ghettos developed from urban migration of formerly rural negroes—a movement based on a dream of better things to come in the big city—but the dream fell apart when the harsh realities of discrimination and prejudice precluded negroes from urban advantages. The very concentration of negroes in one area has to be a result of social and economic forces working against them. It is of paramount importance therefore that in slum clearance and housing developments negroes are encouraged (financially and socially) to move to different areas. The ghetto pattern must be changed. Negroes can move out and, as slums are cleared and rebuilt, whites and blacks can move back into the city if they so desire. The important point is that there must be free access to various parts of the city for all groups. Intermingling and heterogeneity are the keys to getting to know members of minority groups and getting to know and understand people is the way all society can work together to help everyone. Housing reforms are of vital importance for they can be the link to a mutual understanding through contact of all groups with all groups.

Welfare

The welfare system is in dire need of reform. As it stands now, there is positive incentive for families to break up in order to collect needed relief. This is just what should be avoided: family unity is very important to the development of children and parents. As welfare is now, money is channeled away from its most productive and efficient route. The system is bogged down by administrative costs and what is given out is insufficient. It has been said that only one dollar out of five ever gets to those who need it. This rate of return to the poor is deplorable—there is no justification for it, based on costs of administering relief.

Policies like the negative income tax or the guaranteed annual income are a step in the right direction. The negative income tax pays money to those poor who are below a standard money income. This system has merit because it provides incentive for families to stay together and earn more. Due to the scaling of the rates, as income earned increased, the amount paid out by the government decreased, but at a proportion calculated so that one would be better off to earn more and collect less than to sit back and only collect tax payouts. This system maintains the family at a certain level of living and is flexible enough so that when income levels change, the tax paid out changes in relation. The guaranteed annual income has the same effect. The object is to maintain people above the poverty level yet provide incentive so that they will not be content to avoid earning money and live on the dole. It is said that these systems, which are more comprehensive than welfare as it is now, would in the long run be less expensive to the government. This system also has the advantage to the poor of giving them the most usable form of relief—cash, not farm subsidies or other forms of relief which are less liquid.

---

[2] Sylvia Porter, "Your Money's Worth". Post-Times Star, Cincinnati, 1968.

[3] Professor C. Killingsworth, in a seminar given at the University of Cincinnati, May 6, 1968.

Poverty, "or income level which falls markedly behind that of which the community . . . regards as a minimum necessary for decency,"[4] is what in some of the above ways must be stopped. This is what welfare is for—its raison d'être. The cure for poverty is basically investing in people. If this could made profitable, then there would be no poverty for there would be ample investment but unfortunately the dividends are paid in human decency which is not lucrative, even though it is right and proper.

Welfare can offer temporary relief to the poor, but the goal is elimination of poverty. This can be accomplished through education, training, job opportunities and an end to discrimination of all kinds.

CONCLUSION

After the Civil War, the Emancipation Proclamation freed all slaves. However, socially the negro was still an uneducated, poor, unskilled person unfit for the changing life of that era. The big migration of negroes to the cities came in about the 1920's as a result of World War I. The negro came to the city but he was held back by restrictive legislation in the form of Jim Crow laws. In the early period of city life, the negro "knew his place" and accepted the system of white dominance. Things have changed today, as well they must. The transition from slavery to freedom was in name only but the real transition came with the decline of predominantly negro subsistence-agriculture. Due to technology, small farmers were all but eliminated and their skills were unfit for city life. Without skills and knowledge negroes were forced to work wherever they could. They remained untrained and uneducated as a result of racial discrimination. Now there needs to be a concerted effort to change the stagnation of this minority group. It must be changed into a dynamic and productive and satisfied part of American society.

Assimilation into the mainstream is needed and can be achieved through these factors: income levels raised to standard, education improved in quantity and quality, occupations open according to skill of the individual, residential freedom, associational membership freedom, consumption freedom, and dispersion freedom. There needs to be a convergence of negroes and whites in economic and social and political realms. Kenneth Stamp stated the situation truely when he said "The negro is a white man with black skin". There must come a realization that all people have goals and feelings and needs and they are all important to each person. Working conscientiously toward freedom and equality, these goals can be achieved.

It is very difficult for one group to understand another, especially when they do not want to or do not care to trouble themselves to do so. Prejudice is the easy way out. But what comes easily is not usually worth getting.

When there are riots, they are often blamed on one incident but generally this is not the real cause. It is human nature to want a chance, the opportunity to prove oneself—and it is everyone's right to have such a chance. Perhaps if these people were given the opportunity to catch up with the rest of society they would cease to protest. Riots are just as wrong as what has caused them and violence is not the answer. Real progress can be made through cooperation and hard work. This is the way to progress for blacks and whites because both groups need to change their thought patterns and actions.

Maybe all men were not created equal but there is no inequality inherent in skin color. Men differ in ability, wisdom, talent and capability but these differences know no race, no religion, nor nationality. It is indeed true that a "Negro is a white man with black skin" just as the reverse of this quotation is true.

BIBLIOGRAPHY

Books

1. Galbraith, John Kenneth, "The Affluent Society". The New American Library, New York, 1958.

2. L. A. White, "The Science of Culture". Farrar, Straus and Cudahy, New York, 1949.

Articles

1. Business Week, "Business and the Urban Crisis". McGraw-Hill Publication, February 3, 1968.

2. Life Magazine, "Cycle of Despair: The Negro and the City". Time, Inc., Chicago, Ill., 1968, March 8.

3. Look Magazine, "Do We Owe People a Living". Cowles Communications, Inc., Des Moines, Iowa, April 30, 1968.

4. Porter, Sylvia, "Negro Economics", Post Times-Star, Cincinnati, Ohio, 1968.

Lecture

1. Killingsworth, C., "White Racism Isn't Enough of an Explanation". University of Cincinnati, May 6, 1968.

EMPLOYING THE UNEMPLOYABLES

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. CURTIS. Mr. Speaker, an article in the August 12 issue of the Wall Street Journal describes the success of hiring the hard-core unemployed for assembly line production by the automobile industry in Detroit.

The results were surprisingly similar to regular employment programs. The companies have retained 60 percent of the hard-core workers, a rate comparable to that with other hourly employees hired during the same period. The performance of the hard-core worker is at least equal to that of the regular employee.

Auto officials admit that they may have miscalculated the potential of chronically jobless workers. It may be difficult to tell whether or not the job outlooks have changed, but they certainly look more hopeful. Many of the workers interviewed at the automobile plants find that the new job gives them a chance to straighten out their lives.

I have long believed that those designated "unemployable" can be made employable through proper training and education. Experience has shown that the private sector, particularly business, can efficiently and effectively turn the hard-core unemployed into valuable, productive workers. I have sought to stimulate this process through legislation designed to help private enterprise help the unemployed. Among these are the Human Investment Act of 1967 and the Employment Incentive Act of 1967. I think this article is a good indication of the progress that can be made in providing training and jobs to those who need them.

The article from the Wall Street Journal follows:

A NEW LIFE: UNEMPLOYABLES HIRED BY DETROIT CAR FIRMS SURPRISE THEIR BOSSES—PERFORMANCE OF EX-CONVICTS, HEAVY DRINKERS IS EQUAL TO OTHER WORKER GROUPS—"THEM CHECKS COMING IN"

(By Kenneth C. Field)

DETROIT.—Spike, a lean and balding Negro of 42, had been a "hustler" since 1949, when he quit his last regular job. He shot craps, sold narcotics, sponged from various women and friends and slept in automobiles when times were tough. Along the way, there were prison terms for narcotics violations, assault, shoplifting and breaking parole.

But last September General Motors Corp. hired Spike as a press operator at its Pontiac, Mich., plant. As part of its civil rights effort—and to fill a need for new workers—the auto giant had relaxed its hiring standards in a deliberate attempt to employ the "hard-core unemployed."

"Things got tough in the streets, so I took this job," Spike explains. "I figured I'd work a couple of weeks, make a little money, then quit." He pauses. "Then them checks started coming in . . ." Spike is still on the job.

The big auto companies have pioneered in the effort to pluck new workers from the bottom of the employment barrel. Interviews with several dozen of the workers and with company personnel officials show that the gamble has been strikingly more successful than anybody expected.

AT LEAST EQUAL

"Their performance on the job is at least equal to that of the regular employe," says Theodore B. Bloom, personnel director at Spike's plant. Since September the Pontiac division has hired 379 "unemployables." About half have quit or been fired—a turnover about equal to that of other auto plant workers at GM.

Ford Motor Co., which opened two hiring centers in Detroit's ghetto last fall, says it has retained 60% of the first 5,700 hard-core workers it hired, a rate comparable to that with other hourly employes hired during the same period. "We made a conscious decision to take a bath on this," says John Denman, manager of Ford's urban affairs department. "In every category we were most pleasantly surprised."

Many of the workers see the new job as a last chance to straighten out their lives. "I've been up and down all my life," says Reggie M., a 30-year-old Negro hired by GM as an assembler despite his prison term for shooting at a policeman. "My life has been a seesaw."

Reggie quit school when he was 16 because "my family needed money, even though my dad was working." He blames a poor education for his previous job record—a succession of bus boy and table-waiting posts that he quit "because they didn't pay me enough and they had lousy working conditions."

BLUE TO WHITE COLLAR

But now Reggie is ambitious. He already has moved off the assembly line to a job as a machine welder, and he hopes to get a white collar job, "like a counselor or sales representative." Eventually he intends to study astrology and psychology and possibly "open an office as a horoscope consultant."

For Rohne Miller, a 20-year-old Detroiter hired as a GM assembler last May, drinking had been a problem. "I wanted to go into electronics by studying at the Detroit Institute of Technology," Rohne recalls. "I got drunk and didn't make it. I spent too much time partying." Now Rohne is trying to mend his ways.

---

[4] John Kenneth Galbraith, "The Affluent Society". New American Library, New York, 1958, p. 251.

Auto officials acknowledge that they may have miscalculated the potential of chronically jobless workers. "Many of these guys merely have been underemployed," says Lawrence J. Washington, a Ford employe relations executive. Another industry man says, "Apparently if you're a Negro and unemployed, you're automatically considered hard-core."

Actually, not all the hard-core workers are black. Chrysler Corp. recently hired a white alcoholic, 45 years old, who once had been with Studebaker. He has had three "lost weekends" at Chrysler, each lasting a week, but the company is keeping him in the pre-employment training program. "I've invested too much time in this guy to lose him," says his counselor, who, ironically, is a Negro.

AN EX-CON GOES STRAIGHT

A fair number of the hard-core workers are ex-convicts. "This is my last shot and I can't afford to blow it," says Harold D. Howard, who had spent 26 of his 44 years in prison before he was hired as an assembler last February. Harold, whose past jobs included "digging holes," shoveling snow and loading boxcars, is grateful to his new supervisor. "I'll make this job kill me before I let this man down," he says.

That kind of gratitude isn't universal. "This foreman of mine only wanted to train me for five minutes, then expected me to be as good as an old-timer," says Lonnie M., a 20-year-old Chrysler assembler. Lonnie says he almost quit because of the foreman's demands.

Bob B., an 18-year-old assembler at another Chrysler plant, suspects discrimination. "When a white boy messes up, the foreman calls him aside and talks real nice to him," Bob says. "When I do something wrong, he yells at me clear across the floor."

The auto companies acknowledge that attitudes among lower management men occasionally need revising. A Ford official, briefing recruiters, was asked by one, "How do you know a guy with an African hairdo isn't going to blow up the plant?" A Negro consultant was asked about this problem. "Do you think that every girl you see in a miniskirt is promiscuous?" he commented.

Though the employment record of the hard-cores equals that of other workers, both Ford and GM are trying to find out why those who quit do so. At GM's Pontiac plant, 91 of the 137 who have left "just walked off the job and never showed up again," a personnel man says.

One lanky 31-year-old who left Ford after collecting two or three checks (each for about $111 take-home) decided he could do better by having his wife collect welfare checks. "Between it (welfare) and what I can hustle, I'll be better off than working," he says.

Some find assembly-line work too hard. "When I first started in May, my hands were so swollen up I couldn't make a fist," says Bill K., a 24-year-old assembler at Chrysler. "I was going to quit until my foreman talked me out of it."

Some leave because the future prospects seem slim. "You can qualify for a job here all right," complains Harry Palmer, a 36-year-old ex-convict who works a metal sampler at Ford's iron foundry in Dearborn. "But if you don't have a diploma you don't make progress fast enough."

Firings, which account for fewer departures than the men who quit, usually stem from absenteeism or insubordination. "Its generally a case of a guy getting paid on Thursday, putting on a blast, then not being able to make it to work until Monday," says a Chrysler personnel man. "With his overtime, he's often paying more money in taxes than he made on his previous job. What can you expect?"

Many a check is used to celebrate the new affluence. Bob B., the 18-year-old Chrysler worker, gave a party with one $136 check. He invited so many people that he rented another house to accommodate the overflow.

But most spend their money on more urgent needs. One man who had been out of work for seven months before Chrysler hired him used most of his first check (for $111) to buy shoes and work clothes. Lonnie M. sends part of his pay to his mother in Mississippi, and he is looking for a house, "so I can bring her up here." Herman Wicker, a 42-year-old father of six, is saving to buy a house.

Whether the new jobs have changed the fundamental outlook of the hard-core workers is hard to tell. But there are hopeful signs. Many of the ex-convicts are agreeably surprised that big companies would hire them.

"I didn't think I'd be given a chance," says James Carter, a 21-year-old parolee. "I'd been in the pen and I didn't have any work experience. I was scared because I didn't finish high school." GM hired him in May.

Others say their attitude toward another summer "rebellion" in Detroit would be different this year. One truck assembly plant worker at Chrysler says he helped himself to free groceries during last summer's rioting because "everyone else was." But now that he has a job, he says, "I'm through with all that."

THE FLORIDA ATTORNEY GENERAL PLANS FURTHER FIGHT AGAINST ORGANIZED CRIME UNDER PROGRAMS OF NEW FEDERAL LAW

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. FASCELL. Mr. Speaker, one of the purposes of the Omnibus Crime Control and Safe Streets Act of 1968 is to assist State and local governments to strengthen law enforcement, with special emphasis on programs and projects dealing with the prevention, detection, and control of organized crime.

I am pleased that the attorney general of the State of Florida has early moved to implement the purposes of that legislation by planning a new program, which is designed to fight organized crime, by establishing special units for that purpose within State prosecutors' offices, and that this is proposed to be done under grants to be made available under the Omnibus Crime Control and Safe Streets Act.

The Palm Beach Post for September 2, 1968, carries an article which briefly describes the Florida attorney general's proposal. Because I believe it will be of great interest to all Members who have supported the legislation, I am submitting that article for the RECORD. It is as follows:

FAIRCLOTH OUTLINES PROGRAM TO FIGHT ORGANIZED CRIME

TALLAHASSEE.—Atty. Gen. Earl Faircloth Sunday proposed a new program to fight organized crime by setting up special units within state prosecutors' offices.

He said his office would provide training to the local officials with federal funds that will be made available under the new Omnibus Crime Act.

He said the program would include establishment of an organized crime training school for prosecutors, creation of a central repository for organized crime intelligence in Florida and development of a coordinated effort among prosecutors, administrative agencies, the Legislature, grand juries and citizens' crime commissions.

"I believe this program will insure careful investigation and successful prosecution of organized crime figures in this state," the attorney general said. "I also believe that its implementation will soon make Florida the state that mobsters will avoid.

"Effective police work and effective prosecution are the keys to an effective campaign against organized crime. I think our office can do much to provide the keys we need."

He said special federal agents would be used to teach at the training school so students can "delve minutely and comprehensively into each of the areas where organized crime has gained a foothold."

The program would lead quickly to a "legislative program, both practical and realistic, that can be both justified and enforced," Faircloth said.

He said the effort would be aimed primarily at large cities, but prosecutors from all over Florida would be allowed to participate in it.

He said he has already discussed the program with Mack S. Futch of Gainesville, president of the Florida Prosecutors Association, and with prosecutors from Jacksonville, Tampa and Miami, and their reaction "has been excellent."

"The prosecutors made it clear they had long sought such a program, but had been hampered by a lack of funds," he said.

He said he plans to discuss the proposal in more detail with prosecutors at a meeting on Sept. 11 and then present the idea to the Florida Bureau of Law Enforcement.

THE WORLD BANK STEPS IN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. DERWINSKI. Mr. Speaker, Mr. McNamara who misdirected defense policy as well as foreign policy during his period of service in the Kennedy-Johnson administration was conveniently moved into the World Bank to continue the erroneous foreign policy actions of the administration at that post.

It is extremely interesting to note that the administration plans to circumvent the actions of Congress in reducing the foreign aid program by increasing World Bank lending and engaging in dubious lending practices directed by Mr. McNamara.

This situation is very clearly outlined in an editorial which appeared in the Chicago Tribune August 13.

The editorial follows:

THE WORLD BANK STEPS IN

Like Young Lochinvar riding to the rescue of the developing countries, President Robert McNamara of the World bank has announced that the bank will increase its lending to make up for the billion-dollar cut inflicted by Congress in our own foreign aid program. Tentative plans call for the bank to double the 847 million dollars it raised last year thru bond issues, and it has already started off by borrowing 400 million marks [100 million dollars] in Germany.

"It is essential," said Mr. McNamara, "that the World bank expand its lending activities to prevent the development effort from grinding to a halt."

We're not sure that Mr. McNamara is quite the hero that he suggests. After all, our foreign aid has been notoriously ineffective in contributing to any development effort, and it is hard to detect anything that has ground to a halt as a result of previous reductions in it. Mr. McNamara's sense of alarm may stem from the fact that he backed the program as secretary of defense in both the Kennedy and Johnson administrations.

But heroic or not, his decision is nonetheless welcome. If foreign aid is to be given—and there are no doubt occasions when it should be given—it is much wiser to have it given by the World bank than by the erratic bureaucracy in Washington. For one thing, the bank's money does not have to be extracted from taxpayers; it is put up voluntarily, chiefly by private investors. Second, most of the money it raises [over and above the initial subscription by governments] now comes from outside of the United States, thus reducing the pressure on our balance of payments.

Finally, and most important, the World bank has established a reputation for making its loans judiciously and for backing them up with technical advice. This means that its money is normally well spent and that its loans are repaid on schedule. Being an international agency, the World bank is not suspected of imperialist designs. And because of its businesslike approach, the receiving countries themselves are likely to derive more lasting benefit from a World bank loan than they would from a foreign aid loan or handout. At first the bank's loans went only for self-liquidating projects like railroads and power plants. But more recently, it has made loans for education and agriculture, the benefits of which are just as real but less direct.

If there is a danger to the bank in trying to substitute for Santa Claus, it is that it may inherit the Santa Claus psychology, and that it may turn from judicious loans to increasingly careless and risky ones. This could defeat the major purposes of the World bank, which in the words of Mr. McNamara's predecessor, George Woods, is "to improve the quality of the economic performance of the developing countries." It could also wreck the World bank by destroying the confidence which investors now have in it.

WHY CONGRESSMAN PETER RODINO VOTED AGAINST THE TAX INCREASE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. RODINO. Mr. Speaker, the tax surcharge is now taking a further bite from the pay check of the already overtaxed average American, so I believe this is an appropriate occasion to outline the reasons for my vote against the Revenue and Expenditure Control Act of 1968 when the conference report came before the House. Basically, of course, the measure provides for a 10-percent personal income tax surcharge and a mandatory reduction of $6 billion in governmental expenditures for fiscal year 1969.

I fully recognize the danger of inflation which threatens to engulf us—indeed, estimates show that if the present pace continues this will be the most inflationary year since 1950–51, when the consumer price index increased 8 percent. And it has been suggested that an income tax surcharge, coupled with a sizable reduction in expenditures, offers one viable economic means of attacking inflation.

However, I strongly believe that low and moderate income families simply should not be forced to carry the additional burden of a tax surcharge.

I have long made my position clear that a tax increase without some long overdue tax reforms and the elimination of obvious inequities and loopholes would have my strong opposition. Why should the average American family be forced, in effect, to subsidize millionaires and huge corporations that pay no income tax or only a minimal amount that is completely disproportionate to their actual income? It is obviously unfair, unjust and discriminatory to overtax the many in favor of the few.

Statistics show that over 50 million Americans earn under $20,000 a year. Yet they pay the majority of all the taxes collected. By contrast, five of our largest oil companies in 1964 paid from 0.8 percent to 8.6 percent in Federal taxes, while 19 millionaires paid no tax and the remaining 463 millionaires paid in 1964 less than 30 percent of their income in taxes.

As on so many occasions in the past, on August 5 I again urged Chairman MILLS of the House Ways and Means Committee, to take action on tax reform legislation. The committee should exercise its responsibility now—this session—and not wait for the proposals the administration is required to submit by the end of 1968.

Of deep concern to me also was, and continues to be, the mandatory $6 billion expenditure cut imposed by the Revenue and Expenditure Control Act. The President indicated earlier that a cut of $4 billion would not be too damaging to vital domestic programs, and I voted for a motion to instruct our House conferees to insist on limiting the level of reduction to this amount. Unfortunately, this motion was defeated, and when the Congress was not provided with any indication of where the $6 billion cuts would be made, I was forced to conclude that a vote for the combined surtax-expenditure reduction measure would be a vote to cripple essential governmental functions in such fields as education, health, housing, community development, and postal and veterans' services.

And we have already seen the beginnings of the adverse impact I predicted. On July 13, the Postmaster General announced an order for a series of drastic reductions in postal services that would be essential in order for his Department to comply with the employment cutback required by the act. The closing of first- and second-class post offices on Saturdays was the most significant of the actions to be taken.

Congress reacted swiftly, however, and approved legislation to exempt the Post Office Department from the mandatory employment cutback, thereby assuring for the present no curtailment of existing services. And I am sure other exemptions will be adopted, such as that already approved for the Federal Aviation Administration in the discharge of its awesome responsibilities for air traffic safety. I understand also that this irresponsible cut can be expected to cripple the Internal Revenue Service's ability to audit tax returns, thereby resulting in a further loss of revenue.

These examples clearly demonstrate the absence of wisdom and logic in imposing such a sweeping and indiscriminate cut for vital governmental services.

In addition, there is strong evidence to suggest that any required budget cut could most effectively be made in the Department of Defense's $77 billion 1969 budget request. In fact, Congressional Quarterly reported that defense experts both in and outside the Government have told Congressional Quarterly that huge cuts—totaling at least $10.8 billion—can be made in the defense budget while retaining or even improving the current level of the Nation's defense.

How could I sanction the reduction of Federal expenditures by use of a "meat ax" approach which would jeopardize programs essential for solutions of the urgent needs and problems confronting the Nation, while tax reforms needed now are being put off to another day and an oversized defense budget is being allowed to swell beyond the efficient needs of a strong national security?

Mr. Speaker, I could not therefore in conscience or in good judgment vote for an inequitable tax increase whose greatest impact falls on those least able to pay.

FACT SHEET—SALT RIVER PROJECT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. RHODES of Arizona. Mr. Speaker, too many times the mass communications media refer to public works and reclamation projects as "pork barrel." This generalized appraisal of these programs is completely unfair. For every "horror case" involving expenditures which could be described as a waste of public money, there are at least 100 which are sound investments in the future of the United States of America and of the region in which the project is located.

The Salt River project was the first major reclamation project to be built under the Reclamation Act of 1902. It paid the last installment on the original Federal loan some years ago. The growth which has resulted from this project is phenomenal. It has resulted in increased wealth and a better standard of living for all Americans.

Under leave to extend my remarks, I enclose a fact sheet containing pertinent data about the Salt River project:

FACT SHEET, SALT RIVER PROJECT

Item	Data		Remarks
Authorizing agreement	Signed June 25, 1904, by Secretary of the Interior, Ethan H. Hitchcock and Salt River Valley Water Users' Association president, John P. Orme.		Salt River project is now in its 65th year since its authorization.
SRP crop production, 1913–67	$1,650,742,207 total crop value over this 55 year period. Lowest annual, $3,661,769 in 1915. Highest annual, $64,739,656 in 1951. Latest annual, $40,878,599 in 1967.		In terms of 1967 constant dollars the total crop value is $2,547,436,914.
Community population in 1968	The SRP area and the 8 cities[1] within it have a present population of 870,000 which is 97 percent of Maricopa County population which has multiplied 26 times since 1910 (from 34,488 to 901,000).		County population has the following composition: Spanish surname, 11.9 percent; Negro, 3.8 percent; Indian, 1.2 percent; other nonwhite, 0.5 percent; total of above, 17.4 percent.
Community employment (Maricopa County, June 1968)	Total civilian labor force	338, 400	Unemployment is 3.3 percent of labor force. Agricultural is 5.3 percent of labor force.
	Employment, total	327, 400	
	Wage and salary	271, 300	
	Agricultural	18, 000	
	Other	38, 100	
	Unemployment	11, 000	
Community education (SRP area and its 8 cities)[1]	Students:		Schools: 1 State university, 4 colleges, 3 junior colleges 34 high schools and 102 elementary schools.
	Elementary	138, 299	
	High school	50, 120	
	College	42, 780	
	Total	231, 199	

---

[1] Phoenix, Scottsdale, Mesa, Tempe, Glendale, Peoria, Chandler, and Gilbert.

CARE FOR KIDNEY PATIENTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. EILBERG. Mr. Speaker, for several weeks during this summer, neighbors of mine have been conducting block parties for the benefit of two young girls who require kidney dialysis to stay alive.

These two girls are among the lucky ones—the mere 20 kidney patients within Greater Philadelphia from whom hospital kidney dialysis facilities exist.

The hundreds of others so stricken must wait for a vacancy—for a patient to go on home dialysis or to get a successful kidney transplant. Many die while waiting.

It is estimated that of nearly 100,000 deaths annually due directly or indirectly to kidney disease or malfunction, 7,000 are ideal candidates for dialysis or transplant.

Yet 90 percent of these die each year, not because our medical professional does not have the knowledge to save them, but because it lacks sufficient tools and adequate personnel.

Since last January, a bill has been pending in the Senate Committee on Labor and Public Welfare and the indication is that there it will die.

Therefore, I have today introduced H.R. 19420 which seeks a comprehensive attack upon a multitude of problems involving organ transplants but also addresses itself specifically to the enormous needs in the kidney field.

Similar to S. 2882, which was introduced by Senators HENRY JACKSON and WARREN MAGNUSON, H.R. 19420 would amend the Public Health Service Act to provide for a comprehensive review of the new problems created by new lifesaving techniques developed by medicine.

These problems are financial, legal, sociological, and technical, in addition to being medical.

While this bill addresses itself generally to all forms of transplants and artificial organs, at the same time it zeros in on some solutions for problems we know already exist in the kidney field.

It provides the expenditure of $20 million the first year and $30 million each additional year for the assistance of non-Federal institutions to establish regional kidney centers, with facilities for inpatient and out-patient treatment, plus training of medical, nursing, and technical personnel so badly needed in this field.

Basically, I believe that strong cooperation is needed between State and Federal authorities. Therefore, I have called upon the Governor of Pennsylvania to exercise his good offices to expedite a pending State bill which would provide $1 million for the establishment of a regional kidney center at Philadelphia General Hospital.

The letter follows:

SEPTEMBER 5, 1968.

Hon. RAYMOND P. SHAFER,
Governor of Pennsylvania,
Harrisburg, Pa.

DEAR GOVERNOR SHAFER: Have you ever had the feeling that you were standing fast while a mammoth truck was hurtling down the highway directly toward a small child immobolized in its path?

Unfortunately, this is very much the case in the attitude of responsible public officials toward a giant killer in our community today—kidney disease.

I, for one, do not intend to stand still any longer as this killer hurtles toward a helpless child. I shall try either to apply the brakes to the killer or snatch its victim from its path.

I urge you, as chief executive of the Commonwealth of Pennsylvania, to work with me on the state level as I work on the Federal level, for a coordinated, intensive kidney program which will not only save the physical lives of the victims, but also protect the economic lives of their families.

Ironically—and miraculously—today we have the medical means of saving the lives of some 7000 kidney disease victims annually, but some 90 percent of these die because we do not have sufficient facilities, sufficient trained personnel to operate existing facilities or the families cannot afford the burdensome, astronomical costs.

Currently within my Congressional District, neighbors, friends and even strangers have "adopted" two young kidney disease victims. Without this help, these two young girls—from hard-working families of moderate means—could not afford the high-cost, life-saving treatments needed for thier survival.

I pay the highest tribute to the philanthrophy of these friends and neighbors who are keeping these two young girls alive; but I ask if the state is not neglecting its responsibilities, not only to these two girls in question, but to the thousands who are dying, either awaiting their turns at the existing pitifully limited facilities or for lack of funds to pay for this treatment.

On the Federal level, I have introduced a bill in the U.S. House of Representatives which, among other things, would provide $20 million the first year and $30 million a year thereafter for the establishment of kidney transplant and dialysis centers throughout the nation in teaching institutions.

In addition, it would establish a national commission to study the medical, legal and sociological aspects of organ transplantation in general, with immediate emphasis on kidneys.

Further, my bill would provide for Social Security assistance for those who require kidney transplants or dialysis to sustain their lives—for without this financial aid many could not afford the facilities even if they existed.

A similar bill was introduced in the Senate earlier this year but has been stalled in committee.

While I shall make every possible effort to get favorable action on my bill during the remaining weeks of the 90th Congress, perhaps not enough time remains.

If this is so, then, if I am re-elected, I shall re-introduce this bill on the first day of the 91st Congress and do all within my power to see it enacted into law.

What can you do, as Chief Executive of Pennsylvania? Governor Shafer, a bi-partisan bill introduced by Reps. Bernard Gross and Charles Mebus in the Pennsylvania House of Representatives has been languishing.

As the titular head of the party which controls both houses of the State Legislature, you could and should use your good offices to get favorable action on this measure before this legislature expires.

The Gross-Mebus Bill provides for $1 million to establish a community kidney center at the Philadelphia General Hospital with 30 beds, equipment to handle this patient load and facilities for training personnel to operate these facilities.

At present, in the Greater Philadelphia area, there are facilities for a mere 20 patients for dialysis at one time. There are perhaps hundreds of persons awaiting their turn—either for those on hospital treatment to go on home dialysis or to get kidney transplants.

Many die while they are waiting.

We, Governor Shafer, should wait no longer. Won't you join with me in this humanitarian project?

Sincerely,

JOSHUA EILBERG.

Apropos of the situation, I think the gravity will be impressed upon my colleagues by the following article, which appeared in the Sunday Bulletin of August 18, 1968:

Twenty Kidney Patients Here Take Turns on Dialysis Machines

(By David M. Cleary)

Christine Baranoski, whose need for $15,000 to purchase an artificial kidney machine was described in The Bulletin two weeks ago, has 19 comrades in Greater Philadelphia.

All 20 have had their own kidneys removed because they became inoperative, and are staying alive only by taking turns using the artificial kidneys in five area hospitals.

They must live that way, spending several hours hooked up to the machine two or three times a week—and at a cost of $300 to $600 a week—until:

A compatible donor is found so a kidney transplant can be performed;

Or some close family member can be trained to operate a similar machine, and the machine is installed at home.

SOME DIE WHILE WAITING

There would be more than 20, except that the artificial dialysis centers in hospitals are all working at capacity. As soon as one patient moves out to home dialysis, another has diseased kidneys removed and becomes dependent upon the machine. Others die while waiting.

This isn't just a matter of more machines, expensive as they are. It's more a question of skilled operators.

Dr. Jerry L. Rosenbaum, in charge of the kidney program at Albert Einstein Medical Center, Northern Division, complains that not enough nurses are attracted to dialysis, and there's not enough money to pay for training them.

Dialysis at home reduces the cost, because a family member can perform the work done by the nurse. But it's still expensive. Room and board charges during the period of hospital training run $3,000 or more, and supplies for the artificial kidney cost from $1,500 to $7.50 a year.

FIFTEEN THOUSAND DOLLARS ANNUALLY INDEFINITELY

Health insurance pays none of the cost of home dialysis, and kidney disease victims almost always have used up their maximum hospital benefits under insurance before they even start a training period.

There may also be a need for return trips to the hospital after dialysis has begun at home.

"Unless the family can see its way clear to spend $15,000 a year for an indefinite period, we seldom recommend dialysis at home," said Dr. Albert N. Brest at Hahnemann Medical College.

The alternative is a kidney transplant. That's expensive too, but if it works, it doesn't require huge expenditures for the remainder of the patient's life, and he can go back to work fulltime, instead of spending two or three full days each week attached to the machine.

MORE RECIPIENTS THAN DONORS

Drawbacks to kidney transplant are even greater. Unless the donor is an identical twin—and few people have those—the new kidney may be rejected. Close relatives make the best donors, and the sick person doesn't want to ask his loved one to make that sacrifice, even though a person with two healthy kidneys can get along just as well on one. There's always the chance that the donor's remaining kidney might develop disease, leaving him none at all.

Strangers aren't as suitable as donors, and even those are scarce. In California, where a computer is used to match donors to recipients in transplants of various organs, there are always more potential recipients than potential donors.

Accordingly, Dr. Brest recommends transplant only if home dialysis is out of the question financially, and in the few instances where it is preferred to dialysis for medical reasons.

At Chester-Crozer Hospital, transplants aren't done at all. Dr. Richard R. Soricelli points out that there are so many more two-year survivals on home dialysis than after transplant that transplant is regarded as an experimental procedure, not as yet developed to the point that it can be recommended.

"We're a treatment center, not a research center," said Dr. Soricelli, "and if we get a patient who insists on a transplant rather than home dialysis, we send him to a transplant team."

DIALYSIS OR TRANSPLANT

Jefferson Medical College and the Hospital of the University of Pennsylvania both have dialysis units, as do Hahnemann and Einstein. All four also transplant kidneys, with results that are called "encouraging," but do not match the results of home dialysis.

At the University of Pennsylvania, for example, kidney transplants have been performed for 13 people, and nine of them are still alive. One girl who had a transplant at Einstein is still alive and apparently normal almost five years later.

By contrast, not one of the 20 people who have gone into elaborate home dialysis from the five institutions has died, partly because only those with a good outlook for survival go into the elaborate, expensive procedure.

Small wonder that given a choice, a patient whose own kidneys are completely inoperative will prefer lifelong dialysis, if it's medically applicable to him. Some choose transplant only because they refuse to saddle their families with the longterm cost of the home procedure.

Many experts in kidney disease believe the cost of home dialysis, training period and all, should be paid by government, and government has taken some steps in the direction. Among them:

Last year the Federal government sponsored "demonstration" projects in a dozen cities. Philadelphia submitted a request for one of those money grants, and it was "approved but not funded," meaning the available money ran out.

AREA DIALYSIS CENTER

A grant of $69,000 has been made by the Federal government for a "feasibility" study, in which the possibility of establishing a single dialysis center for the entire Greater Philadelphia area—perhaps at Philadelphia General Hospital—will be explored. But that study may take two years.

The Vocational and Rehabilitation Commission of the Pennsylvania Department of Labor and Industry is authorized to purchase dialysis machines for certain disabled workers. But not many people qualify for that kind of vocational rehabilitation, and the entire budget of the Commission isn't large enough to buy an artificial kidney for everyone who needs one.

Efforts are being made to reduce the cost of home dialysis, designing better machines that can do the job with less need for expensive supplies, but progress is slow. Some of the simpler dialyzers, hailed as great advances when introduced, are proving dangerously inefficient.

PRUDENCE RUNNING OUT

Meanwhile, kidney disease victims do the best they can. Kurt Moldauer, 56, of 1600 E. Barringer st., was prudent enough to carry a special insurance policy that would pay his expenses up to $25,000.

He went through $17,000 of that getting ready for home dialysis—the machine, the training period for his wife, and repeated trips to the hospital for surgery and other treatments—and is now watching the remaining $8,000 disappear, at $100 a week. It will be gone before the end of the year.

When the victim is young, as Christine Baranoski is, the community may organize to raise funds.

Residents of the Lawndale-Olney section of the city, for example, have rallied behind the cause of 19-year-old Kathy Walsh, of 542 Carver st., just off Rising Sun av. at 5700 north.

KATHY WALSH FUND

Kathy is a patient of Einstein's Dr. Rosenbaum, who recommends a kidney transplant, rather than home dialysis, as her best chance. The cost of that operation and its attendant hospital care can't be predicted in advance, but is expected to exceed the available research grant money at Einstein's disposal.

Under the chairmanship of Mrs. Claire Naulty, 551 E. Sanger st., a Kathy Walsh Kidney Fund has been established. Dozens of civic and fraternal organizations are holding fund-raising events for the fund, and donations may be sent to P.O. Box 161, William Penn Annex, Philadelphia 19105.

With a goal of $20,000—any money not needed for Kathy's treatment will go into the Einstein kidney fund to help others—the organizers have set up a block party for the 500 block of Carver st., for Thursday, Friday and next Saturday evenings.

And just as the block party won't go unnoticed, there will be a parade Thursday evening. Marching units will include the Cardinal Dougherty High School Band, six string bands, four drug and bugle corps, and floats.

KATHY'S ONLY CHANCE

Starting at Rising Sun av. and Godfrey st. at 7:30 Thursday evening, the parade will move north on Rising Sun to Martin's Mill road, east to Bingham st., and south on Bingham to the block-party site on Carver st.

Kathy Walsh is well aware that her new kidney, which will be transplanted when a donor suitably matched to her dies, may not be accepted by her body. It may have to be removed making her dependent upon the machine again, until another suitable donor dies.

But she knows too that the success rate in kidney transplants is rising as doctors gain experience. And since Dr. Rosenbaum isn't recommending home dialysis for her, the transplant is her only chance for staying alive.

THE "PUEBLO" INCIDENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. ANDERSON of Illinois. Mr. Speaker, during the recess of Congress for the political conventions, I was presented a petition bearing the signatures of 10,696 constituents expressing their dismay over the bungled policies of the President and his advisers in regard to the *Pueblo* incident. This is of particular interest to the people of my congressional district and to me personally inasmuch as one of the crewmembers of the U.S.S. *Pueblo*, William T. Massie, is from Roscoe, Ill.

I ask, Mr. Speaker, how much longer must we wait for some definitive action by the Johnson-Humphrey administration in securing the release of the U.S.S. *Pueblo* and its crew? The honor of America is at issue as well as the lives of the *Pueblo* crew. I, for one, refuse to allow this administration to buy off my conscience with platitudes and the passing of time. I cannot forget the present fate of the *Pueblo* crewmen, nor the continuing and daily agony of their families, wives, and children.

I have written to Secretary of State Rusk asking that he substantiate his claims that the present policies are making progress toward obtaining the release of the *Pueblo* and its crew. As of yet, I have not received Mr. Rusk's reply. But in anticipation of his reply, allow me to say that the American people have become tired of mere words.

The administration has been talking about the release of the *Pueblo* and its crew for over 8 months. But assurances and promises are not enough for a people that has become weary of broken pledges and promises from this administration. The credibility gap which has become a benchmark of the Johnson-Humphrey administration covers the matter of the *Pueblo* as well. Even members of the House Committee on Foreign Affairs and of the Senate Committee on Foreign Relations have expressed dissatisfaction with the way information concerning the *Pueblo* has been parceled out in paltry bits and pieces.

How much longer must we wait for the full facts concerning the *Pueblo,* Mr. Speaker? How much longer must the captured crewmen be kept subject to the mental and physical strains of the North Korean internment? How much longer must parents, wives, and children wait for their families to be reunited? How much longer, Mr. Speaker, must we as Members of the Congress of the United States be placated by mere words from the Johnson-Humphrey administration concerning the *Pueblo?*

The conventions of both political parties have clearly shown that the Johnson-Humphrey administration has lost touch with the American people. I cannot help but feel that the way in which the administration has handled the *Pueblo* affair is one of the reasons for the disillusionment of the masses with this country's present political leadership.

The conscience of America can no longer stand the burden of the 82 forgotten *Pueblo* crewmen and their families. The honor of America insists that something be done to rectify this situation. And the people of America call on the administration to forsake its "speak loudly, but carry a small stick" policy. Nobody calls for rash action, Mr. Speaker; but everybody calls for an end to inaction.

GO NOT IN SEARCH OF MONSTERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. ASHBROOK. Mr. Speaker, present administration policy appears to be grounded in an absurd desire to antagonize, alienate, and subvert the strength of the southern portion of Africa. At a time when this Nation has as a major concern a serious imbalance of trade we are eliminating our historically profitable trade relation with Rhodesia. We are embarrassing friends in South Africa and turning up our noses at our longtime ally, Portugal, because of her African possessions.

Mr. John Davenport, distinguished former editor of Barron's and present member of the editorial board of Fortune magazine has placed our policy toward southern Africa into perspective. In doing so he has knocked some of the present liberal notions into a cocked hat.

Writing in the August 31 edition of Human Events, Mr. Davenport notes that the "monster which the United States is enjoined to slay is in large measure the figment of perverted Liberal imagination."

I submit this excellent treatment at this point:

GO NOT IN SEARCH OF MONSTERS

(By John Davenport)

Edmund Burke once remarked that you cannot indict a whole people. For a good many years now, U.S. Liberals working through the State Department and the United Nations have been attempting something more dangerous and more difficult—namely, the indictment of the whole southern third of the African continent.

Not so long ago the Carnegie Endowment for International Peace put out a study of how many cruisers, tanks, planes, and guns it would take to reduce South Africa to ruin—a strange use of tax-exempt funds by a society of that name! Turn now to the summer (July) issue of the quarterly, *Foreign Affairs,* which is published by the top-drawer Council on Foreign Relations, and one finds an equally stupefying proposal.

In an article entitled "The Coalescing Problems of Southern Africa," Mr. Ernest A. Gross calls for a U.S. policy of mounting economic warfare and reprisal not only against South Africa but against the present status of South West Africa, Rhodesia and the great Portuguese possessions of Angola and Mozambique. It is, if we may say so, an incredible venture into foreign affairs by a distinguished member of the American bar.

Yet precisely because Mr. Gross is a man of goodwill and accepted credentials, his essay merits scrutiny and analysis. As in the famous South West Africa case, which he unsuccessfully argued before the World Court, his piece is little concerned with facts and indeed opens with what can only be called a caricature of the "two Africas." In the north those multiplying nations "groping towards the fulfillment of freedom" and, by implication, models of progress. In the south vast communities subject to "domination by white minorities," the loci of racial tensions and discrimination and of revolutionary explosions and blood baths to come.

It is almost as if modern liberals closed their eyes to the true history of our times—the rise of dictatorship in Ghana under Nkrumah, the barbarities of the Mau Mau under Kenyatta, the awful disintegration of what was once the Belgian Congo, the tragic fate of Nigeria in whose tribal war hundreds of thousands are even now perishing.

Against this background the record of the southern African states, whatever their blemishes, assumes a certain dignity and coherence. To the discomfiture of those who will sacrifice American foreign policy on the altar of those twin abstractions—one man, one vote and racial integration no matter what the human cost—southern Africa stands forth as the one great area on the continent to date which is achieving a laudable amount of economic and industrial progress, rising standards of education and literacy, and above all the maintenance of order, and in general respect for law, without which individual freedom for black and white perishes.

As usual, available evidence pointing towards these great accomplishments is conveniently bypassed in Mr. Gross' headlong rush to prove that southern Africa is "the last refuge of a twisted concept of the individual and society." Again as usual no mention is made of the differing norms of racial relations which obtain in the various areas considered. In Angola and Mozambique the races intermix and intermarry as they have to some degree in Latin America under Portuguese influence. In Rhodesia, at least until the coming of sanctions, the lines of race were far more flexibly drawn than in the studied policy of apartheid adopted by South Africa. With respect to that institution Mr. Gross states that its defects are "too well known to require elaboration."

One might wish that he had taken the time and trouble to elaborate a little more fully—taking into account South Africa's peculiar historic development, the multiplicity of its racial mix which includes white, coloreds, Bantu, and Indian, and the creative if expensive effort now being made by the South African government to give a large measure of self-determination and self-rule to racially divergent communities.

If in the end an old-fashioned liberal condemns forced separation of the races, it will be for the same reason that he opposes forced integration of the races in this country; i.e., it involves too much exercise of coercive government power. But such old-fashioned liberalism will also have due regard for human betterment, as perhaps as important as abstract principles, and it surely would be on the lookout for constructive alternatives.

Such alternatives do not interest Mr. Gross and much prevailing opinion. The policy advocated is one of smash, pure and simple. South Africa, hub and center of southern Africa's development, is to be further harassed and harried by all members of the United Nations, of which she was a founding and charter member. South West Africa is to be ripped unceremoniously from South Africa's protection without regard to legal rights that are perhaps as good as those of the U.S. to Texas, and without regard to all that this savage and inhospitable territory, bordering the southern Atlantic, has gained through de facto economic union with South Africa, and without regard to political and strategic consequences.

These could be serious. Of the half million blacks who inhabit South West Africa, nearly half live contentedly in northern Ovamboland; and, were South West Africa to be given independence tomorrow on the principle of one man, one vote, the Ovambos would have to rule the whole immense territory and face the predictable revolt of their fratricidal enemies, the Hereros in the south. For such a task they have little stomach—the more so because Ovamboland, under South African guidance, is now on its way to self-rule.

But the policy of smash spreads wider. In the name of "freeing" Angola and Mozambique, which have been stoutly resisting Communist subversion, the U.S. and Britain are to launch a new economic offensive against Portugal, despite interlocking strategic interests in the case of the Azores and an Anglo-Portuguese treaty of friendship which has survived many centuries.

Meanwhile, the U.S. and Britain are to set up combined economic and strategic staffs for supporting the U.N's futile effort to overthrow the present constitutional government of Ian Smith in Rhodesia, on the grounds that it is a threat to the peace. What peace and whose peace? As former Secretary of State Dean Acheson has pointed out on more than one occasion, Rhodesia has threatened nobody, unless it be the peace of mind of her fanatic critics whose "Humpty Dumpty" reasoning he is at pains to expose. In measured words, which lawyer Gross and his colleagues should ponder, Mr. Acheson has stated that present U.S.-U.N. policy towards Rhodesia is "barefaced aggression unprovoked and unjustified by a single legal or moral principle."

Stripped of its verbiage, the Liberal attack on southern Africa adds up to a policy of war.

Mr. Gross in *Foreign Affairs* does not use that word but in his fondness for boycotts, sanctions and embargos, he has traveled pretty far down ammunition road.

The lurch is all the more incomprehensible coming at a time when the U.S. is trying to extricate itself from a real war in Southeast Asia, when there is mounting pressure for a detente with Soviet Russia whose enthusiasm for human rights is less than apparent, and when one might think that the U.S. had enough to do in finding a solution for racial problems at home without venturing club-fisted advice to other nations.

Whatever the explanation for this strange position, it is simply no basis for U.S. policy, which on any rational calculus should lift sanctions against Rhodesia forthwith. As John Quincy Adams remarked many years ago, the U.S. should always look generously on real efforts towards enlarging the scope of freedom, but *"she goes not in search of monsters."* In the case of southern Africa, this advice of Adams is doubly applicable because the monster which the U.S. is enjoined to slay is in large measure the figment of perverted Liberal imagination.

VAST PACIFIC NORTHWEST IS WATER WONDERLAND

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mrs. GREEN of Oregon. Mr. Speaker, several weeks ago there was an article in the Washington Post which my love for the Northwest compels me to make more widely known. It was written by H. P. Koenig and is, in essence, a preplanned tour guide to the Pacific Northwest. Anyone who has never seen this area of the country and of British Columbia may very well find the description so enticing that a trip up the coast from southern Oregon will become his next vacation. And anyone who knows the area will experience a delightful reminder of the charm and variety which Oregon and Washington offer.

Mr. Speaker, I insert Mr. Koenig's article in the RECORD at this point:

[From the Washington (D.C.) Post, Aug. 4, 1968]

VAST PACIFIC NORTHWEST IS WATER WONDERLAND

(By H. P. Koenig)

VICTORIA, BRITISH COLUMBIA.—In summer, in and around the water wonderland of the Pacific Northwest, it's easy to tell the natives from the visitors. Those who live here take to boats; the rest of us depend on automobiles to move us from place to place, which isn't as much of a hardship as one might suppose.

And in the island-studded maritime world of Washington State and British Columbia, even cars become seaborne for long, fascinating stretches.

There is, of course, far more to the Pacific Northwest than its shorelines. There are mountains, plains, prairies, fruit country, miles and miles of cool, green forests, more lakes than one could count, along with volcanos, rivers, streams, Indian reservations . . . you name it and the Pacific Northwest has got it. Almost.

But going on the assumption that one can't experience it all within the span of a single vacation, the coastline becomes the number one obligatory attraction.

The mountains one will see anyway. Pines line the seaside by the millions. Starting from the redwood country of northern California, following the beautiful Oregon coast to the Columbia River and then continuing on up through Washington State to the Olympic peninsula and arriving in British Columbia by way of a whole series of ferry cruises can make for a memorable journey, spring, summer or fall.

Oregon's coastal drive has been called "the outstanding marine border drive in the world," which may be overstating the case a bit. Still, this probably comes close to being the most splendid stretch of seashore in the hemisphere.

What makes the Oregon coast so special is the fact that all but two dozen or so of the 400 miles of seashore remain in the public domain. There has been little change since the first settlers arrived here a century and a half ago. Dramatic headlands. Surf and sand. Dunes and beaches. A rugged coast that must be described by that overworked term "unspoiled."

Even the built-up areas have a weathered, lived-in look. Ports exude character and individuality. The few resorts have not (as yet) been taken over by the packagers.

At Oregon's northern extremity, overlooking the Columbia River and connected by a new giant bridge to Washington, Astoria stands as the oldest American city in the West.

Fort Clatsop National Memorial marks the site where the Lewis and Clark Expedition established winter quarters in 1805. Five years later, members of John Jacob Astor's company arrived by sailing ship from around the Horn, built Fort Astoria and set themselves up in the lucrative fur trade.

Today, a colorful waterfront is jampacked with commercial fishing vessels. The 125-foot Astoria column, situated on top of Coxcomb Hill, affords stunning views of the whole region.

In Washington, Hwy. 101 heads "out to sea" by way of the Olympic Peninsula. Take time off to visit a rain forest. Drive through part of an Indian reservation. Pass along the wild Pacific shore. Then follow the Heart o' the Hills Hwy. to mile-high Hurricane Ridge for the finest views of the Olympics and northward across the Strait of Juan de Fuca to Vancouver Island on the British Columbia side.

Stop at Dungeness for a meal of cracked crab and garlic bread, the big specialty of the region.

Port Townsend, jumping off place for the islands, comes as the first of several surprises. Once upon a time this port had been on a par with San Francisco; alas, no more. But some of its Victorian glory has been preserved. And on Whidbey Island, Coupeville, a sleepy little place drowsing in the sun, has old-fashioned false-fronted stores, a block house and a collection of Indian war canoes.

Cross the mighty bridge at Deception Pass, with tidal rapids boiling below. From Anacortes, take off on a ferry cruise to the romantic San Juans, touted as "America's most beautiful water trip." From Friday Harbor continue by another ferry all the way to Sidney, British Columbia.

Victoria, the provincial capital, turns out to be exactly as "Empire" as everyone promised it would be. Quaint, charming, Old World and Victorian. "More British than Britannia." As though the old queen were alive and well and living along the edge of the sparkling blue sea.

Along Chaucer Lane, full-scale replicas of Shakespeare's birthplace and Anne Hathaway's cottage have been erected. Lampposts are festooned with flowers. Gardens flourish in Canada's mildest climate.

Move into a deluxe front room at the famed old Empress. Enjoy a "foreign" holiday in elegant surroundings. You can settle for a rugged outdoors existence by day and return to the quiet splendor of Victoria by night. Stream fishermen will find the upper reaches of Vancouver Island a haven for fighting steelhead. The Gulf Islands lie amid perhaps the finest salmon fishing area in the whole world.

OREGON LUMBER PRODUCTION

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. ULLMAN. Mr. Speaker, my State of Oregon has one out of every five trees growing in the United States today. It is No. 1 in lumber, plywood, and particleboard production. It is high on the list in pulp and paper, poles and piling, and other forest products.

Our forest industry brings in a billion and a half dollars a year. It is the largest employer of people and payer of wages in my State.

Our vast and productive forests are principally owned by the Federal Government—nearly 60 percent. And because for a century our forest harvest came principally from private lands, the Federal timber holdings in Oregon today include three out of every four trees in the State.

While most of the forest products we manufacture are sold throughout the United States, in the last 10 years there has been a steadily increasing demand by the Japanese forest industry for Pacific Northwest logs.

At the urging of the Oregon congressional delegation our Government negotiated at two sessions, first in December last in Washington, D.C., and the second in February this year in Tokyo, to try to recognize the mutual need for taking the pressure off Pacific Northwest forests through the heavy Japanese export of logs therefrom.

The members of our trade mission, both governmental and industrial, had a chance to see first hand in February the tremendous need of the Japanese economy for wood. They now understand the inability of Japanese forests to provide adequate amounts for Japanese consumption.

But when the demand for logs for exporting outside the Pacific Northwest reaches the level that it is doing this year of more than 2 billion board feet then we must look at our responsibilities for providing employment to the 85,000 people in our State which depend upon our timber harvesting and processing industry.

Mr. Speaker, that is why I support the amendment to the foreign aid bill adopted by the Senate which would limit the foreign export of logs from Federal timber at a level of 350 million board feet annually, which is the amount that our economy can stand without drastically curtailing its wood products operations and laying off thousands of people. I hope that my colleagues will join with me in urging the House conferees on the foreign aid authorization bill to support this amendment and thereby help us solve the No. 1 economic problem facing the Pacific Northwest today.

NAVY HONORS NORMAN REAM

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. BROOKS. Mr. Speaker, today the Secretary of the Navy, the Honorable Paul R. Ignatius, presented Norman J. Ream the Navy's Meritorious Civilian Service Award for outstanding performance as Special Assistant to the Secretary of the Navy from November 1966 until September of this year. Norman Ream's task which he has accomplished so effectively, was to design and begin implementation of a modern information system and data processing management system for the Navy.

In the past 2 years, the Navy has made significant advances in the exploitations and the management of computers. These advances reflect the policies of the Congress and the President that data processing be managed in an economical, business-like manner and be used to the fullest to give this Nation more effective and more responsive government.

The effective work that Norman Ream has done in the Navy is more than a manifestation of his own capabilities and those of his fine staff of Navy and civilian personnel. His success also reflects most favorably on the Secretary, Paul R. Ignatius, as well as the Under Secretary of the Navy, Charles F. Baird. Their wholehearted support and their awareness of the true potential of computer techniques created the proper environment in the Navy for the progress that has been made.

As Norman Ream leaves the Navy, he can carry with him the satisfaction of having performed a real public service. He is most deserving of the tribute the Navy has extended him.

Under unanimous consent I submit the citation of the Secretary for inclusion in the CONGRESSIONAL RECORD, as follows:

The Secretary of the Navy takes pleasure in presenting the Meritorious Civilian Service Award to Norman J. Ream in recognition and appreciation of the services set forth in the following citation for outstanding and meritorious performance while serving as the Special Assistant to the Secretary of the Navy from November 1966 to September 1968. Demonstrating an unusually perceptive understanding of management, decision-making and information systems, Mr. Norman J. Ream introduced and successfully managed a structure for the development of the Department of the Navy information systems. This included the Navy Integrated Command/Management Information System, the Navy Logistics Information System, and the Marine Corps Integrated Information System. He instituted centralized computer systems selection procedures for the Navy, and took steps to overcome the complex problems associated with the acquisition and maintenance of computer programs. Through the use of the service center concept, he has assured maximum availability of computer power to the greatest number of users in a geographic area at the least cost to the Navy. He developed a comprehensive Navy information systems manual and initiated a program for long-range information systems planning which will assure the achievement of goals stated in the Navy Management Information and Control Systems Concept. In recognition of these and many other noteworthy contributions to the Navy and Marine Corps information systems, Mr. Ream is eminently deserving of the Navy's Meritorious Civilian Service Award.

PAUL R. IGNATIUS.

AUGUST 12, 1968.

LEAGUE OF UNITED CITIZENS TO HELP ADDICTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. BROWN of California. Mr. Speaker, in these critical days of our country when black citizens are pitted against white citizens, when the bloody and seemingly open ended war rages in Asia, when poverty and alienation from public affairs increases, when protracted street violence threatens, and when crime spreads, one breathes more hopefully when he hears of a grassroots community effort to ease tension and discomfort, and to curb crime.

I bring to the attention of my colleagues, Mr. Speaker, the name of just such an organization, the League of United Citizens To Help Addicts. I am proud to report that this very worthwhile endeavor has centered its activities within and surrounding my congressional district in Los Angeles, which I have had the honor and privilege of representing for the past 6 years.

These are the kinds of endeavors by the community which merit our strong, unqualified support.

I must stress, once again, Mr. Speaker, that the time for action and reconstruction in America is at hand. The war against poverty must be energetically pursued and improved. We must work hand-in-hand with the poor and alienated to assist them in their efforts to lift themselves up. Our refusal to give this helping hand will serve to encourage those who preach violence and hatred. We must open up new avenues of progress, new courses for hope, and new implements for carrying on the antipoverty efforts of our Government.

The League of United Citizens To Help Addicts is a hopeful venture in the direction of community improvement. I support them, and urge all present to review carefully the description below of the aims and plans of this organization:

LEAGUE OF UNITED CITIZENS TO HELP ADDICTS

Lucha is a non-profit corporation whose specific and primary purposes are to provide educational, preventative and rehabilitation services to narcotic addicts, drug users and persons afflicted with similar problems; to provide education and counseling services for youth and others likely to become involved with drugs.

Expressing ourselves from a framework of reference derived from varied experiences as prisoners and parolees we are intimately aware of the economic and sociological needs of ex-offenders, ex-addicts and potential addicts.

Educational: Instruction will be given by members of Lucha in: Sensitivity Training, Social Orientation, Motivation.

Preventative: A detoxification program will be implemented whereby Lucha members will take two addicts into their (the member's) own home and will restore them back to physical health. Ten homes will be used. A withdrawal period lasts from two weeks to one month.

Rehabilitation: The word rehabilitation should mean to all of us the following: To restore the rank, privileges and social morale which one has lost.

To restore ones good name or reputation thereof; to reinstate in good reputs.

To put back in good condition; re-establish on a firm and sound basis.

To restore to a state of physical, mental, and moral health through treatment and training.

Vocational Training: Shop training will be provided by qualified instructors in the following trades: Auto Mechanics, Book Binding, Auto Painting, Machine Shop.

The Center will rent facilities and purchase necessary equipment. Every effort will be made to make the shops self sustaining.

Intake: We propose that men from the East Los Angeles Area who are already designated for release dependent upon an offer of immediate employment, be released at once under the guidance and training of our proposed center, there to be trained and given employment opportunities.

We propose that men be released with a complete documented history of their prison experiences, with special notations of all educational and vocational skill that may have been learned or improved upon while in prison.

SUMMARY

The problem of narcotics addition has grown to alarming proportions; it has spread to the youth of our entire nation. It becomes increasingly apparent that the established institutions are not able to cope with problem by themselves.

Lucha proposes to assist in allowing the problem thru this new self help concept.

Respectfully submitted by the Board of Directors,

EDUARDO AGUIRRE.
ROBERT MORALES.
JOEL FLORES.
CARMEN MORAGA.
ALFREDO SALAZAR.
GEORGE URIBE.
ARMIDA A. PEREZ.
WILLIS BEASLEY.

THE FORTAS FOLLIES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. ASHBROOK. Mr. Speaker, the impact of the Fortas liberal, leftwing influence on the Supreme Court has not been felt merely on matters relating to the national security, law and order, and fundamental constitutional issues. It reaches all the way down to Washington's only live burlesque show, the Gayety Theater. I notice in their ad in the September 5 issue of the Washington Post, page C–10, that the Gayety Theater proudly proclaims—in no small part due to Justice Fortas—that "Supreme Court rules 100-percent nature no longer obscene."

Good ole Abe—just exactly the kind of man the stripteasers have been looking for. And now while they are changing the reels on the next feature—oh well.

JOE ASBILL: A MAN OF COURAGE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. WATSON. Mr. Speaker, just recently Americans were shocked to read of yet another instance in New York City of the failure of bystanders to come to the aid of a fellow human being in trouble.

This latest example of gross callousness occurred in that mecca of indifference and detachment, the New York subway. A blind Negro musician with his seeing eye dog was waiting for a train. The dog ventured too close to the edge of the platform and fell. Despite repeated cries by the owner for assistance in rescuing his dog, no one was willing to step forward. Now, Mr. Speaker, there were a great number of people, or should I say "robots," looking on at this scene of impending tragedy. After several anxious minutes for master and dog, the train arrived all too soon and crushed the poor animal to death.

Mr. Speaker, the story did not end at this point. Oh, no. Man's apathy must be complete and irrevocable. Everyone stepped on the train, and, God forgive them, rode to their destinations. The blind man, minus the only real eyes he would ever have, wandered about desperately until finally he discovered a telephone booth. A policeman was dispatched to rescue him. The pathos was complete.

Mr. Speaker, for all Americans disillusioned by this latest in a series of despicable acts of cowardice and indifference, I would like to relate a little story which recently took place in my congressional district in South Carolina. I will not attempt to draw any parallels here. I am making no inferences. The story speaks for itself—individual acts of courage and bravery always do.

Mr. Speaker, I commend the following newspaper article to my colleagues and the Nation as follows:

[From the Batesburg-Leesville (S.C.) Twin-City News, Aug. 1, 1968]

JOE ASBILL HEROISM REVEALED—WESSINGERS TO REBUILD HOME

(By Paul Brigham)

There is a moment when decision is just a matter of reaction, an instinct almost, like a blink of the eye or a cough. Such moments of decision bring out the real truth of a man, because there is no time to think or to weigh in the balance. What a man's soul is made of; that's what he does!

The morning of June 4, '68, was one of those errand running type of mornings, and Joe D. Asbill, of Batesburg, was running an errand out to the country club. The woman standing in the road waving her arms on Lee Street, Leesville, was more a curiosity than anything. When Joe stopped to satisfy his curiosity, he was shocked into action when Rosemary Stokes told him that the V. E. Wessinger home was on fire!

The Wessinger home was a noisy little hubbub. Mr. Voight was shaving, while Miss Emily was trying to get some breakfast into the grandchildren, who had been staying with them. Some more milk was needed for the cereal, so Miss Emily went into a small room adjoining the kitchen, to raid the refrigerator there for the milk. This was the room where Miss Emily did her painting, a hobby she was quite good at. The room was crowded with the artifacts of a painter; easel, paints, subject matter, completed and incomplete paintings. The love and devotion of many years given to her husband, her family, her friends, and her hobby was a tangible thing in that room.

Returning to the kitchen table, Miss Emily poured out more cereal and milk for the children, and sat talking with them. Her attention was caught by a tinkling sound like glass falling. She got up from the table and walked back toward that small room. It was then that she noticed smoke and tongues of flame coming through the empty panes of the French door, from which heat had broken the glass. Galvanized by fear for the safety of the children, and for her husband, Mrs. Wessinger shouted for the children to get out and for her husband to come out, because the house was on fire. She hurried up the hallway to the telephone to call the fire department. Before she could finish dialing, she was enveloped in a blinding cloud of thick, acrid smoke. She couldn't breathe—her eyes were burning and filled with protective tears against that terrible smoke. She stumbled out onto the front porch searching for the children and calling frantically for her husband, who was trapped in the house.

Mr. Wessinger's stroke a few years earlier had left him unable to get around very well. Movement was slow and difficult, and always with the aid of a cane. This morning, with the chatter of the children in his ears, Mr. Voight was happily shaving, leaning against the sink bowl for support. When he heard Mrs. Wessinger shout that the house was on fire, it was like a blast of freezing air. It froze him for a moment. He dropped his razor and forgetting his cane, began to move through those familiar rooms.

Joe Asbill saw the smoke pouring out the open front door, and Mrs. Wessinger standing on the porch. The car had hardly stopped moving when Joe was out of it and up on that porch beside her.

"Is anyone in there?" "Yes, my husband is in there. And where are the children?" Joe dropped to his knees and crawled into the living room. His eyes filled with water from the smoke—he couldn't breathe. He turned and crawled and fumbled his way out onto the front porch again.

"Is there a back way in?" "Yes, at the kitchen!" Around to the back, not in panic but thinking as he ran. Seeing the children—they were all right. Up on the back porch. There's flame in that room to the left, and smoke so thick you'd have to chain-saw your way through it.

Waving his arms in front of him trying to feel his way around, Joe's fingers touched something—a human being—it had to be Mr. Wessinger. Just standing there feebly flailing the air with his arms. Another two minutes—another minute and Mr. Wessinger would stop trying to breathe that choking smoke. With a big man's strength and a big man's courage, Joe Asbill led Mr. Wessinger out into the fresh air and sent a bystander to call the doctor.

The charred and smelly mess that was home, with all its memories in ashes, will rise again some day soon, and the nightmare of those terrible minutes will fade away, but the heroism of Joe D. Asbill, and the mark his courage made upon the lives of Mr. and Mrs. Voight Wessinger will never fade away.

The act performed by Mr. Asbill could have endangered his own life but these thoughts never entered his mind at the time. Several years prior to this, Joe recalls vividly that several doctors had not given him much chance for survival following several major operations due to hypertension caused by a diseased kidney. A kidney graft had been performed, which didn't hold up. Later, one kidney was removed.

Although Joe has not had the best of health since the removal of the kidney, he has often pondered over the same thoughts, such as, "I must have been left on this earth for some special purpose—and following this incident, I thought seriously that this might be one of the reasons."

Joe and wife, Dot, have one son Al, age 12, and twin girls, age 8, Alice and Ann. At this writing, all indications point to the fact that they may soon be parents of additional twins, or more!

The Asbills are members of the First Baptist Church, Batesburg. Joe is a traveling hardware salesman. His wife was formerly associated with South Carolina National Bank in Leesville.

INVASION OF POLAND

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. MURPHY of New York. Mr. Speaker, 29 years ago today Nazi Germany invaded Poland, a move which eventually led to the outbreak of World War II.

Poland was the first European nation to offer resistance by force to Nazi invasion. They were no match for the German Army, which was equipped with the most modern weapons ever invented, but their courage and determination were an inspiration throughout Europe.

The brave Polish patriots continued their resistance during the entire war, and hundreds of thousands of them organized in neighboring countries to continue their struggle to free their homeland from occupation.

But freedom proved to be an elusive goal for the Polish people, for while Germany was eventually defeated, the war left a power vacuum in Eastern Europe and prepared the way for Russian occupation.

On Sept. 17, 1939, little more than 2 weeks after the Nazi invasion began, Soviet troops crossed the Polish border to seize their share of the spoils of war. When the war was over, however, the Russians remained.

Communist organizers, trained in Russia, infiltrated Poland, and backed by the presence of the Soviet Army, Communist domination was established. For the people of Poland it was an especially sad fate, for they had endured the worst of the war, and the freedom they had fought for for so long and desired so much was denied.

Freedom of religion, cultural and political expression, were all brutally denied. The economy was planned according to Communist theories and private initiative was denied. Freedom of movement was limited. The political process was Communist-controlled and totally unresponsive to the wishes of the people.

Even with this brutal repression by a totalitarian power, however, the desire of the Polish people to be free has never been conquered, and as long as this desire is evident, as long as the light of hope continues to flicker, we must not abandon their cause.

DEFENSE PROFITS: ARE THEY DECLINING OR RISING?

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. GONZALEZ. Mr. Speaker, I believe the question posed by an article in a recent issue of the New Republic magazine entitled "Defense Profits: Are They Declining or Rising?" should be of interest to each of my colleagues.

My position on this question is mentioned in this informative article by Michael Miles. For anyone interested in the specifics of my position, I will be happy to refer them to any of 31 speeches I have inserted into the CONGRESSIONAL RECORD.

The article follows:

DEFENSE PROFITS: ARE THEY DECLINING OR RISING?

(By Michael Miles)

War is a seller's market. In times of "crash procurement," government purchasing officers must forego lengthy contract negotiations, scrupulous consideration of cost estimates, and the threat of an audit in order to get the goods fast. With a negotiating position of this kind, the seller will improve his profit profile. During World War II, when military procurement increased from negligible to some $100 billion, a regulatory commission managed to recover $11 billion in excess profits. The Renegotiation Board reclaimed some half a billion dollars of profits during the Korean war when procurement rose from $5 to $40 billion in two years.

When, in addition to the crash procurement during the Vietnam war ($27 to $45 billion in three years), the military aerospace corporations have the benefit of subsidized research and development, plant and equipment on loan from the Defense Department, legal and accounting staffs superior to their DoD counterparts, and a close relationship with these contract officers which is often transformed into identity through a job offer, it would seem the mean average of moderation to suppose that these corporations are maintaining a high and probably increasing level of profits. "To the contrary," Secretary of Defense Clark Clifford recently informed Sen. Richard Russell, "Department of Defense officials frequently have expressed concern with the steady decline in profit rates between 1956 and 1963." And for the last five years, Clifford said, the "limited data" available to him "show no improvement in realized profits."

The "limited data" consist chiefly of a study by the Logistics Management Institute, a military research organization whose board of directors is peopled by prominent military-industrial figures. In its analysis completed late last year, LMI concluded that military/aerospace corporations were making a low, low 2.4 percent on sales and a modest 6.9 percent on investment compared to 5 percent on sales and 10.8 percent on investment in their commercial business. A representative selection of chiefly commercial corporations made a more lucrative 5.5 percent on sales and 12.4 percent on investment. All this seems slightly alarming to DoD when it considers that military corporations made a respectable 10.2 percent on investment 10 years ago. Thus, profits on military contracts are declining absolutely and in proportion to profits on commercial business.

It is a doubtful result, considering the profit policy promulgated in 1964 in Armed Services Procurement Regulation 3–808: ". . . Effective national defense in a free enterprise economy requires that the best industrial capabilities be attracted to defense contracts. These capabilities will be driven away from the defense market if defense contracts are characterized by low profit opportunities. Consequently, negotiations aimed merely at reducing prices by reducing profits, with no realization of the function of profit, cannot be condoned." Furthermore: ". . . low average profit rates on defense contracts are detrimental to the public interest."

During the McNamara regime, the Defense Department de-emphasized cost plus fixed-fee contracts, which guaranteed corporations a percentage of profit, in favor of fixed-fee and various forms of incentive contracts. The firm fixed-fee contracts commit the corporation to fixed payments on costs from DoD, but for the greater risk, the contracts also offer higher profit margins (assuming the company can maintain its original cost estimates). These contracts now constitute over half of all defense procurement; cost-plus contracts are down to 10 percent. These modifications and other changes in procurement policies follow from the "cost reduction" program, the fundamental principle of which is that the reduction of costs for DoD is not only compatible with but facilitated by higher profits for efficient producers. This is the faith of the corporate technocracy of DoD.

The LMI study, however, has skewed the anticipated results of the cost reduction program, since profits have not risen although costs have presumably declined. Secretary Clifford fears that "unless such [profit] improvements do occur in the future" the department may be under pressure from the industry to revert to the old, cushy cost-plus contracts. Clifford also advised Sen. Russell, chairman of the Armed Services Committee, that "we cannot properly expect industry to accept greater risks, and to apply an ever larger share of their own financial resources to the performance of complex military undertakings, without a valid opportunity to obtain profit results commensurate with the lower cost to the government."

While Secretary Clifford contemplated the fate of a complex in decline, Murray Weidenbaum, professor of economics at Washington University, cast the question in an altogether different mold before the Senate Antitrust and Monopoly subcommittee. Weidenbaum, whose military-industrial papers—as a former Boeing economist and associate of the Stanford Research Institute—are in order, estimated in his June testimony that military industry's profit margin on sales was 2.6 percent, approximating the LMI figure. "However," Weidenbaum noted, "as a result of the large amounts of government-supplied capital, which are not reflected on the books of these companies, the defense contractors report a far higher ratio of capital turnover (dollars of sales per dollar of net worth)." In short, Weidenbaum calculated that industry's return on investment is a healthy 17.5 percent, only one percentage point lower than in the Korean era—the silver age of what is known in Washington as the "so-called" military/industrial complex.

Weidenbaum's estimate is vulnerable since his sample was small—only six corporations compared to 40 companies in the LMI sample. However, as Rep. Henry B. Gonzales (D, Texas) noted in his virtual one-man congressional investigation of war profits, Weidenbaum bases his figures on the companies' annual reports while LMI relies on data voluntarily furnished.

The fundamental distinction between the Weidenbaum and LMI studies is their consideration of government-supplied capital. Since this capital is routinely employed for commercial as well as defense purposes, it is difficult to calculate the figures for costs incurred and capital employed between defense and commercial work. Weidenbaum outflanked the problem by selecting large corporations which did the overwhelming bulk of their business in military contracts. Thus, he may have succeeded in factoring out distortions arising from the allocation of government capital to commercial business.

In 1965 this government-supplied capital amounted to $7.2 billion. In subsequent years it has grown to almost $15 billion. On the request of the Joint Economic Committee, the General Accounting Office undertook an investigation of this material and found "weaknesses in the control of special tooling due to deficient inventory practices, the absence of financial controls, and the absence of a requirement for surveillance by government property administrators. In some instances, equipment was not even identified as government property or in the property records." Contractor companies are nominally required to pay rental fees for capital used in commercial production and to limit themselves to 25 percent utilization for non-defense work. However, the firms themselves keep the only utilization records, and a House Armed Services investigating subcommittee found this year that it was "unable to determine the usage of equipment at many contractor plants because most property accounting systems did not include utilization records."

Still, the problem to DoD is profit decline. In 1962, it established the "weighted guidelines" method of profit determination—a classic example of technical rationality in the service of corporate objectives. The purpose of the system was to ensure reasonable profit levels from DoD contracts and to establish objective standards which were also flexible enough to assign varying levels of profit under varying conditions. The contract officer was authorized to weight within a prescribed range three main profit factors—risk assumed under the type of contract, the performance record of the company, and its contributions in engineering, overhead, etc. In an investigation of the system for the House Appropriations Committee last year, the General Accounting Office found that weighted guidelines allowed contractors to be "rewarded indefinitely for the same achievement and to receive several increases in fee for the same accomplishment." Conceding that higher profit levels were justified for the greater risks assumed under firm fixed-price contracts, the GAO still determined that the system had resulted in an average increase in the profit rate of one percentage point. For the companies investigated in 1966, GAO found an average profit level of 9.7 percent, well above the 6.9 percent LMI figure and a rate *increase* of two percentage points over the average level for the years 1958–63. From its series of interviews with industry, LMI meanwhile has observed that military/aerospace corporations were incensed that many government negotiators persist in believing that "they are performing their jobs by reducing contractor's profits."

What is fundamental here is not only the negotiated profit rate but the reliability of what are formally estimated as costs. In the late 1950s, for example, Boeing attempted to charge the Defense Department for the costs of the design development and the prototype construction of the 707 commercial airliner. To protect the government against inflated cost estimates, Congress passed the Truth-in-Negotiations Act in 1962, which requires contractors to certify that their estimates are "accurate, complete, and current." After spot-checking more than 200 contracts, the Comptroller General informed Congress last year that in only 20 cases was there adequate compliance with the law. It has been customary for contractors to certify the accuracy of their cost data without supplying the government with sufficient information to verify the certification. Contract officers are entitled to waive the law altogether if a contract is awarded on a supposedly competitive basis.

Sen. William Proxmire (D, Wis.) and Rep. William Minshall (R, Ohio) have introduced bills in the Senate and House to strengthen

Truth-in-Negotiations with the legal provision for a post-award audit. These bills duplicate provisions in the Armed Services Procurement Regulation with the intent of applying pressure for their enforcement. It is standard procedure for Defense Department officials to blithely concede malpractice charged by Congress and to reply with New Regulations which somehow never affect the issue. The right to a post-award audit was earlier written into the ASPR, but a letter from the Defense Department assured the contractors that the audits would be for the "single purpose of determining whether or not defective cost or pricing data were submitted," and not for "evaluating profit-cost relationships" much less re-pricing contracts. If the cost contingencies cited (or invented) by the contractors did not materialize, so much the better for their balance sheets.

All that is certain about the profit margins of military/aerospace corporations is that they are unknown—particularly to DOD. Considering its assertion, however, that a decline in profits should result in decline in the attractiveness of military business, it is curious that Defense has not produced evidence of any desertion of defense contracts by corporations.

The military profits issue has meanwhile become audible on Capitol Hill because of the efforts of three men: Congressman Gonzalez, Sen. Proxmire, chairman of the Joint Economic Committee, and Admiral Hyman Rickover, director of the Navy's nuclear-propulsion program. Gonzalez, who is one of nine congressmen who voted against the renewal of Selective Service last year, has been able to save from extinction the Renegotiation Board, an independent agency which regulates excess profits by military/aerospace contractors. The industry, which nearly killed the board two years ago, was checked with the help of several Ohio congressmen on the Ways and Means Committee mobilized by a series of articles by Sanford Watzman in the Cleveland Plain Dealer.

Although the Renegotiation Board has been effective within its means, it is not equipped, with its 200-odd employees, $2.5 million budget and limited authority, to regulate $45 billion in procurement, 40,000 purchasing officials, and huge corporations caparisoned with law and accounting firms. In the hope of improving practices within the Defense Department itself, Gonzalez, Rickover, and Proxmire have favored the establishment of uniform accounting standards in the computation of corporate costs. As distinguished from a uniform bookkeeping and accounting system for every company, which is not practical, uniform standards in the treatment of depreciation, R&D inventory, lease financing, and the like might prevent the inflation of cost estimates which is accomplished by the manipulation of variable "generally accepted accounting principles." Gonzalez and Proxmire succeeded in getting a "feasibility study" of uniform standards from Congress after some furious lobbying by industry associations. The industry frequently complains that it is being transformed into a "semi-nationalized" industry. The refrain is that "there is no more free enterprise." This is correct. "The reality," Admiral Rickover suggested before the House Banking and Currency Committee, "is that a new economic order is emerging, characterized by large industrial organizations that maintain a partnership between themselves and government."

Under these circumstances, there is a positive but also limited appeal to uniform accounting standards, Truth-in-Negotiations acts, and the sophisticated forms of contract competition which have been proposed in hearings before the Senate Antitrust and Monopoly subcommittee. These proposals may affect costs and profit rates, but they hardly suspend the "new economic order" which disposes costs to rise and profits to increase. A high level of profits and the momentum of the Defense establishment are problems that have to be treated together.

Since World War II, there has been a clear correlation between low levels of procurement and low levels of profit. The reduction of procurement automatically increases competition among corporations, which the DoD constantly endeavors to create by ersatz methods amidst a surfeit of military hardware. It was the relatively low procurement of 1961–64 which was probably the inspiration for the Department's concern over declining profits in the first place. Nothing would be so salutary for inflated profit levels and a militarized society than merciless reductions in the military budget. Highly-placed officials within the Pentagon itself are convinced that not only could the $30 billion annually spent for Vietnam be cut out but an additional $10 to $15 billion per year could also be eliminated without unduly tempting their Soviet military/industrial counterparts. But for reasons that have less to do with national defense than with domestic politics, a Pentagon official has estimated that the post-Vietnam budget could range as high as $80 billion—"twice the necessary budget."

OCCUPATION OF CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. DERWINSKI. Mr. Speaker, I have today introduced a concurrent resolution expressing the sense of Congress with respect to the occupation of Czechoslovakia.

I believe that the policies of the Johnson administration which are based on coexistence with and bridge building to the Soviet Union, are a complete failure. It is also obvious that the dependency of the administration on the Soviet Union to extract them from the quicksand in Vietnam is a complete error.

When the Czechoslovakian crisis erupted, I called upon the President to suspend diplomatic relations with the Soviet Union and its satellite governments of Poland, Hungary, and Bulgaria and I also called for the resignation of Secretary of State Dean Rusk as a result of the foreign policy disasters that have occurred under the Johnson-Kennedy administration.

I insert into the RECORD, as a continuation of my remarks, a copy of the resolution:

H. CON. RES. —

Concurrent resolution expressing the sense of the Congress with respect to the occupation of Czechoslovakia

Whereas the occuption of Czechoslovakia by the military forces of the Soviet Union, East Germany, Poland, Hungary, and Bulgaria contravenes the independence of sovereign states and the Wilsonian doctrine of self-determination; and

Whereas such occupation is in violation of the United Nations Charter which states that "all members shall refrain in their international relations from the threat or use of force against the territorial sovereignity or political independence of any state"; and

Whereas such occupation is further evidence of the perpetuation of colonialism as practiced by the Soviet Union; and

Whereas the agreement in Moscow between representatives of Czechoslovakia and the Soviet Union was reached under duress: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should take such steps as may be necessary—

(1) to prohibit the extension of any Government trade credits or guarantees to any of the occupying states;

(2) to prohibit sales, either for dollars or local currency, and grants under any title of the Agricultural Trade Development and Assistance Act of 1954 to any of the occupying states; and

(3) to suspend all commercial air traffic between the United States and any of the occupying states.

SEC. 2. It is further the sense of the Congress that the President, acting through the United Nations and other international organizations, should take such additional steps as may be necessary to end as quickly as possible the military occupation of Czechoslovakia by the Soviet Union and its satellites.

SPACE SPENDING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. TEAGUE of Texas. Mr. Speaker, Mr. William J. Donnelly, associate editor of Space Age News, discussed the serious fiscal and technological crisis associated with our space program in an editorial in the July 1968 issue of the magazine. It is significant because Mr. Donnelly's words are equally applicable in September as they were in July. Our national space program is at the crossroads and our decisions over the next year will largely determine our technological initiative in the 1970's. Mr. Donnelly's short but significant editorial is commended to your reading:

SPACE SPENDING

Will Rogers could have been speaking for NASA when he said: "Our problem is not what the dollar is worth in London, Rome or Paris, or even what it is worth at home. It's how to get hold of it, whatever it's worth." We may be in the middle of a fiscal crisis but we are also in the middle of a technological crisis. Robbing Peter to pay Paul is no way to solve either crisis.

The President has set the maximum budget for NASA in Fiscal 1969 at $4-billion and he has directed NASA Administrator James E. Webb to support that figure in Congressional hearings. This maximum figure is more than $362 million below the inhibiting $4.37-billion recommended by the President in January.

The general results are obvious, but their specific enumeration is overwhelming. A 40,000 reduction in NASA in-house and contractor personnel took place in Fiscal 1968 with an average loss of 3000 to 4000 men a month. James Webb told a Senate Appropriations sub-committee that under the $4-billion budget for 1969, NASA would lose a total of 55,000 in-house and contractor personnel with an average reduction of 4000 to 5000 a month.

Webb told the Senate subcommittee that "it is not possible to absorb a reduction of this magnitude without considerable damage to the nation's capabilities in aeronautics and in space." He didn't have to be any Cassandra to predict that.

Maybe Will Rogers was right when he said that "America invents everything, but the trouble is we get tired of it the minute the new is wore off." There certainly is no reasonable explanation for eroding the tremendous national resource represented by the in-house and contractor teams assembled in the national interest by NASA.

Even if the glamour of space exploration has worn off, and even if the "Red Menace" no longer motivates us, NASA still has important contributions to make to the country. The Senate Subcommittee commented, for example, that NASA's program of technology utilization is "a significant innovation . . . to the problem of transferring space technology to the non-aerospace community."

It seems that current panic has made ostriches out of Administration and Congressional budgetters. With their heads in the sand, they think saving a dollar today will serve tomorrow. When they apply this thinking to NASA, they couldn't be more wrong.

BARE SECRET PLANS OF YIPPIES TO TEAR UP CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune has performed another notable public service by disclosing that leftist agitators prepared press releases charging Chicago police with brutality more than 3 weeks before demonstrators even began arriving in Chicago for the Democratic National Convention.

The advance preparations of the National Mobilization Committee, a radical leftist coalition of antiwar and antiestablishment groups, were disclosed in the secret minutes of the National Mobilization Committee, which were obtained by the Chicago Tribune.

These disclosures, Mr. Speaker, fortify my determination that U.S. Attorney General Ramsey Clark seek indictments against the leaders of the rioting in Chicago under the Federal act we enacted here in Congress barring the crossing of State lines to incite or participate in a riot.

The Chicago Tribune article, written by Ronald Koziol, follows:

BARE SECRET PLANS OF YIPPIES: PREPARED BRUTALITY CHARGES AGAINST POLICE WEEKS EARLY: HELD MEETING IN HIGHLAND PARK ON AUGUST 4

(By Ronald Koziol)

Leftist agitators prepared press releases charging Chicago police with brutality more than three weeks before demonstrators even began arriving in the city for the Democratic national convention, it was learned yesterday.

The advance preparations of the National Mobilization committee, a radical leftist coalition of anti-war and anti-establishment groups, were disclosed in the secret minutes of the N. M. C., which were obtained by the Chicago Tribune.

MEETING HELD AUGUST 4

The meeting, held Aug. 4 in a Highland Park hotel, was attended by 48 persons, including at least 10 known Communists. The meeting was led by David Dellinger, 52, chairman of N. M. C., who made an unauthorized visit to North Viet Nam in 1966.

In his report to the group, Don Rose, public relations chief for N. M. C., said that "statements were already prepared for victims of police brutality."

Undercover agents also reported that Rose announced that statements had been prepared for delegates to the convention which were favorable to the N. M. C.

BLANK LEFT FOR NAME

Blanks were left in these statements where a delegate's name could be inserted.

Rennie Davis, 28, Chicago leader of the N. M. C., also noted at the Aug. 4 meeting that a request would be made to the justice department to investigate the police.

Unknown to the radical leaders, police and federal undercover agents attended several other meetings where disruptive plans for the convention were outlined.

WOULD CLOSE LOOP

At an Aug. 18 meeting attended by the leaders at 1012 Noble st., the group was told that "if no permit was issued to march on the Amphitheater, we will attempt to close down the Loop." Plans also were made at the meeting to prevent key organizers of the disorders from being arrested.

On Aug. 28, only hours before disorders erupted near the Conrad Hilton hotel, leaders of the N. M. C. and the Students for a Democratic Society, a radical student organization, met and decided on their course of action.

Aware that they would not be permitted to march on the Amphitheater, the group made plans to "sit down in the street, while others used a more militant form of resistance."

Thomas Hayden, 28, a founder of the S. D. S., was reported to have told the gathering, "If the city doesn't meet our demands, it will be war in the streets and it should be."

WARN 15 COMMUNISTS

The participation of known Communists in all phases of the disruptive planning also was noted by investigators. On the afternoon of Aug. 28, when the demonstrators had gathered in Grant park, detectives identified themselves to 15 Communists in the group.

All 15 were told that if trouble began, they would be taken into custody immediately. Within 5 minutes, all had left Grant park. Two picked up their belongings and ran from the park.

Secret reports compiled by under cover agents are being studied by the state's attorney's office with an eye toward grand jury action and conspiracy charges.

CONTINUE PROBE

Another investigation into the activities of the hippies and the disturbances continued under the supervision of a team of city officials appointed by Mayor Daley Tuesday.

The team is investigating all police reports, including a special report issued Tuesday on events that occurred last Friday in a suite of rooms, filled with supporters of Sen. Eugene McCarthy [D., Minn.], on the 15th floor of the Conrad Hilton hotel.

The police were charged with invading the suite and beating some of its occupants. Daley said Tuesday the police went to the room and dispersed its occupants after they were observed throwing objects, including beer cans, ashtrays, and a coffee pot, from the 15th floor windows.

Some of the objects were filled with human excrement, the report said.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. SCHERLE. Mr. Speaker, this is the 227th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

REGISTRATION AND VOTING REQUIREMENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, as an added personal service to the good people of my South Hills 27th Congressional District in Allegheny County, western Pennsylvania, I have compiled the rules, regulations, and procedures for registration and voting in our national, State, and local election on Tuesday, November 5, 1968.

It is a pleasure to place in the CONGRESSIONAL RECORD today a copy of the letter—not printed at Government expense—which I am sending to every individual in this large city and suburban congressional district.

To those young people in my district who are just reaching the voting age of 21 years, I have enclosed an additional letter outlining the procedures and the important deadlines for initial registration. The letter likewise urges young people to take an active part in the government of their community and our good country.

I insert both letters in the CONGRESSIONAL RECORD today as official documents of the 90th Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: I am writing to give you registration and voting requirements for you, your family, and friends, for the coming *election* on *Tuesday, November 5,* 1968—make sure you are able to vote at this important Presidential and Congressional election—also to be elected then are Penna. legislators, Judges and other officials.

Be sure you are registered *by September 16th!* and remember to vote early on election day—Tuesday, Nov. 5. Take the time to vote for *individual* candidates who are best qualified in your opinion. You can ask election officials at the poll for advice as to operation of the voting machine if you need assistance—so don't hesitate—

Cordially, your US Congressman,
JIM FULTON.

REGISTRATION AND VOTING INFORMATION

You are qualified to vote in Pennsylvania:

1. If you are a citizen of the United States.

2. If you will be at least 21 years of age on or before November 6, 1968.

3. If you have been a resident of Pennsylvania since August 8, 1968.

4. If you have lived in your election district since September 6, 1968. (If you move from one election district to another within the State within 60 days prior to election, you may vote in the election district from which you moved your residence.)

5. You must be registered to vote.

You must register:

1. If you have not previously registered in Allegheny County.

2. If you are a new resident of the County.

3. If you have changed your name legally. (Married women who are still registered under their single name can vote. They may register in person in order to have their married name recorded.)

4. 21 year olds must register to vote if they will be 21 on or before November 6, 1968. (They cannot vote on age any more simply by going to the polling place on election day. They must first have registered on or before September 16, 1968.)

If you have voted before in Allegheny County—you must re-instate your voting registration:

1. If you have moved from your last registered address without notifying the Registration Commission of your change of address.
2. If you failed to vote at least once within the last two years (1966 or 1967) and neglected to file a Reinstatement notice.

REINSTATEMENT

Any elector previously registered in Allegheny County whose registration has been *suspended* for failure to vote during two calendar years or any elector whose registration has been suspended for failure to notify the Commission of his removal of residence—is *not required to re-register*. The elector need only file either in person or by mail, a *Permanent Registration Notice* (change of address or reinstatement card) which thereby reactivates his registration. The *Permanent Registration Notice must be signed* by the ELECTOR himself. You may pick up this card at your Post Office, local field registration office, or downtown.

WHERE TO REGISTER

You may register *In Person* at any place of registration in Allegheny County.

Allegheny County Registration Commission, Room 102, County Office Building, Pittsburgh, Pennsylvania 15219.

Downtown Office Schedule—*Hours:* Daily—Monday through Friday, 9 a.m. to 4 p.m. (Saturdays, 9 a.m. until Noon). *Evening Hours:* Monday, September 9 through Friday, September 13, until 8 p.m. *Deadline:* Monday, September 16—office open until 8 p.m.

Watch your newspapers for dates and places of local field registrations or consult your local postmaster.

ABSENTEE BALLOTS

Registered voters who will be unavoidably absent from the County on Election Day due to business, duties, or occupation (including attendance at an out-of-county college) may vote by absentee ballot.

Registered voters who are unable to go to the polls because of illness or physical disability may vote by absentee ballot.

Make application between September 16 and October 29 to the County Board of Elections.

In an emergency, a ballot may be secured up to 5 p.m. of the day before the Election.

Your ballot must be *voted and postmarked* no later than Election Day, November 5, 1968.

MILITARY BALLOTS

1. Those 21 and over by November 6, 1968 in military service need not register to vote.
2. Any friend or relative of a serviceman may file an application to the Allegheny Couty Election Board for a military ballot on his behalf.
3. In an emergency, a military ballot may be secured up to 5 p.m. of Monday, November 4.
4. Prompt application is suggested so that the ballot can be mailed to the serviceman as military ballots must be voted by the serviceman and postmarked no later than Tuesday, November 5, 1968.

VOTING INSTRUCTIONS

To vote for any candidate of your choice, be sure the voting lever *over* his name is turned down.

NOVEMBER GENERAL ELECTION

September 16—last day to register.

September 16 to October 29—Absentee ballots available.

Tuesday, November 5—General Election (Polls will be open between 7 a.m. and 8 p.m.).

On any question on procedure or location of your local polling place—call Allegheny County Election Board AT 1-4900.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FIRST VOTER: Hearty congratulations on reaching your twenty-first birthday this year! As your US Representative in Congress, I am writing to welcome you to full citizenship in our United States.

As a voter you will be making important decisions in the government of our Community, our State, and our good Country.

It is a pleasure to send you personally a pamphlet I have prepared telling you how to register, and requirements for voting in the important election on Tuesday November 5, 1968.

Final date to register to vote in this election for your choice for President, US Senator, Congressman, state legislators and other officials is Monday September 16, 1968.

The recent news from around the world reminds us all that good government depends upon every citizen taking an active part in government and community affairs.

Be sure to register by September 16th, and remember to vote on Tuesday November 5, 1968. Take the time to vote for *individual candidates* best qualified in your opinion.

With best wishes,

JIM FULTON.

P.S.—You can ask election officials at the polls for advice as to operation of the voting machines if you need assistance—so don't hesitate—Jim.

A COLUMNIST COMMENTS ON HIS COLLEAGUES

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. SPRINGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include herewith a thoughtful article by Joseph Kraft of the Washington Post of September 3, which I feel my colleagues will be much interested in reading:

If nothing else, the violence generated at the Democratic Convention in Chicago made it plain that the police are not merely the neutral custodians of public order. They are also part of an embattled social group, acutely hostile to student demonstrators and by no means friendly to reporters and cameramen.

But how about those of us in the press and other media? Are we merely neutral observers, seekers after truth in the public interest? Or do we, as the supporters of Mayor Richard Daley and his Chicago police have charged, have a prejudice of our own?

The answer, I think, is that Mayor Daley and his supporters have a point. Most of us in what is called the communications field are not rooted in the great mass of ordinary Americans—in Middle America. And the result shows up not merely in occasional episodes such as the Chicago violence but more importantly in the systematic bias toward young people, minority groups, and the kind of presidential candidates who appeal to them.

To get a feel of this bias it is first necessary to understand the antagonism that divides the white middle class of this country. On the one hand there are highly educated upper-income whites sure of themselves and brimming with ideas for doing things differently. On the other hand there is Middle America, the large majority of low-income whites, traditional in their values and on the defensive against innovations.

The most important organs of press and television are, beyond much doubt, dominated by the outlook of the upper-income whites. Increasingly, those of us in communications are well-educated and comfortably off. Many, particularly in television, have the aggressive self-confidence that comes from a rapid rise.

Our professional duty, moreover, gives us a vested interest in the free flow of ideas. We are necessarily concerned with that which yesterday was not—that which is new. And our special interest is less in ordinary men than in celebrities, headline figures, names in the news.

The impact of these ties can be seen most dramatically in almost any issue involving the Negroes. The media, following the general thrust of upper-income white opinion, tend to be sympathetic toward Negro claims for a better life and tolerant of even such means of forcing the claim as boycotts and sit-downs. Low-income whites, by contrast, feel threatened by many of the Negro demands and they resist pressure tactics.

More importantly, but less obviously, the split reveals itself in such major events as presidential campaigns. Enormous press attention goes to activities related to Negroes and young people. Reporters and cameramen galore followed the late Robert Kennedy through the ghettos and trailed Eugene McCarthy to the universities. Nelson Rockefeller, when he wanted to make a maximum splash in the late stages of his campaign, quite rightly addressed himself to young people and Negroes.

But there is no corresponding press interest in ordinary things done by ordinary Americans. And candidates who concentrate their appeal on Middle America attract relatively little attention in the media.

Richard Nixon was almost entirely out of the news in the weeks before he walked off with the Republican nomination. Except for supposed differences with President Johnson on Vietnam, the same would have been true of Hubert Humphrey before his nomination. Judging by press attention, indeed, it is hard to see how either man could possibly have been nominated.

What this means is that the press is not the public. Between the news media and Middle America there is an imperfect relation, a lack of touch, a disharmony. That being so, there's an element of privilege in our work. It is done on the sufferance of the great majority. And in these conditions, it seems to me that those of us in the media would be wise to exercise a certain caution, a prudent restraint in pressing for a plenary indulgence to be in all places at all times as the agents of the sovereign public.

In these circumstances it seems to me that those of us in the media need to make a special effort to understand Middle America. Equally it seems wise to exercise a certain caution, a prudent restraint, in pressing a claim for a plenary indulgence to be in all places at all times as the agent of the sovereign public.

LABOR DAY: ITS CHANGING MEANING

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. QUILLEN. Mr. Speaker, Labor Day has come and gone, and I believe that it is time to reevaluate its real significance. Originally, the day was set aside to honor "the unskilled and semiskilled laboring man, the blue-collar legions of an industrial society in the making," but "progress persists in chipping away at what was once its major significance."

Let us reevaluate the real purpose of Labor Day.

An interesting editorial appeared in the Bristol Virginia-Tennessean on Monday, September 2, 1968, entitled "Labor Day: Its Changing Meaning." This editorial presents some sound logic and food for thought, and I would like to share it with the readers of the RECORD:

Labor Day: Its Changing Meaning

Even as Labor Day becomes ever more deeply entrenched among American traditions, progress persists in chipping away at what was once its major significance.

It was the unskilled and semi-skilled laboring man, the blue-collar legions of an industrial society in the making, that the first Monday of each September initially was set aside to honor.

Many a sunny day of picnics, parades, ball games and just plain taking it easy has since been crossed off the calendars. And the nation that was building an industrial society has crossed a few bridges. It is now deep into the age of computers and automation, not the least of the effects being a steadily diminishing role for the nonspecialized worker.

As is so often the case with those affected by change yet not fully understanding it, the immediate reaction is fear—fear of loss of jobs by flesh-and-blood men to steel-and-circuit machines. That there is some basis for fear cannot be denied. It is visible in the steady decrease of jobs not requiring some degree of technological competence and the declining significance to society of those still available.

Blind resistance to change itself is not, of course, the answer. Particularly not where change is not only inevitable but essential. We have succeeded in building a society where much more than muscle is necessary to maintain momentum.

To try to hold fast to obsolete job skills and titles is like requiring every garage to keep a blacksmith on its staff, or forcing each office to maintain a quill sharpener.

Education is, of course, the heart of the answer, retraining a man replaced by a machine in one job to do another the machine is incapable of—or may very well itself have created.

Our experience in technological development shows that for every job lost through innovation, more are created. Automation actually is creating something like three times as many occupational slots as it is eliminating.

And who knows? Perhaps in the bright, new world the more exuberant prophets say awaits us. Labor Day may acquire a meaning exactly the opposite of the original. It may not be a day off the job, but the one each year when we all take a break from our lives of leisure, turn off the machines and, for a change, go to work.

DOROTHY FROOKS' RESOLUTION TO THE AMERICAN BAR ASSOCIATION CONVENTION

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. KUPFERMAN. Mr. Speaker, my friend and constituent Dorothy Frooks, Esq., attended the American Bar Association Convention in Philadelphia early in August and submitted to the resolution committee the following statement concerning the disintegrating moral situation in the United States.

Because so many people in the United States continue to be similarly disturbed by the world situation, I thought that my colleagues would be interested.

Dorothy Frooks Resolution

Whereas there is increasing in this nation the anarchous tendency to settle social, civil and legal problems by force as evidenced by assassinations, riots and skyrocketing increase of crime,

Whereas all the negative manifestation is symptomatic of the moral disintegration predicted by our enemies for destruction of the Free World and the victory of Communism,

Whereas this increased moral disintegration has never been analyzed and thoroughly explained to the people,

Whereas all efforts of individuals, organizations, splinter groups to rouse the people to their national and personal dangers have proven unavailing,

Whereas all this expenditure of effort for many years has failed because of a superficial knowledge in depth of the philosophy of Communism,

Whereas this lack of uniform sophistication in knowledge of Communism could destroy a united effort to sustain Government in an eventual rebellion which could germinate from unleashed blind racism and from the blind impulsive plans emanating from splinter groups,

Whereas many plans including a plan by General David Sarnoff, have been submitted to deaf ears in Washington for an all-out Government-People combined operation to combat insidious and undetected communistic inroads into the national and individual mind through mass media and education with a serious vein,

Whereas there is no Government Agency directed to use mass media to educate the people with emphasis that is positive: Be it

Resolved, That this organization embark on maximum effort with speed and dispatch to have the Government set up a mass medium campaign to educate the people and to prevent the maneuvering of activities of the Communistic politicians who keep the Free World confused and uncertain.

AIR TRAFFIC CONGESTION

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. GALLAGHER. Mr. Speaker, on April 3, 1967, in a letter to Chairman HARLEY O. STAGGERS, of the Interstate and Foreign Commerce Committee, I warned that air traffic congestion "has reached such potentially disastrous proportions that I feel the Congress can no longer stand idly by and watch an approaching catastrophe. The congestion in our air corridors has reached and indeed passed the critical point." I further suggested immediate congressional hearings which would end, I hoped, in affirmative actions and recommendations to clear the air.

Today, national attention is focused on the overcrowded skies. Passengers using many metropolitan airports are forced to wait for 2 hours to take-off and land. Aircraft are stacked up over every major airport during peak hours. Delays at Kennedy International and La Guardia Airports in New York have caused planes coming from as far away as Los Angeles to hold over distant airports, thereby creating a rippling effect of delays and congestion. These operational delays are estimated to have cost the airlines $80 million last year and cost businessmen-travelers almost $60 million in lost time. But most importantly, there are millions of lives put in danger each day by the traffic jam in our airways—both passengers and those who live in the vicinity of major airports. Last year I pictured the situation as critical. Today, we are on the verge of a complete and catastrophic breakdown of our entire air transport system.

The statistics point up the growing danger. In 1960 air route traffic control centers handled 9.4 million aircraft. By 1967 this number had jumped to 15.1 million planes. By 1979 this number is expected to be 44.9 million. In 1960 FAA airport control towers directed 25.8 million flights. In 1967 the FAA towers controlled 47.6 million. This number is expected to rise to 167.4 million by 1979. During the past 4 years air traffic control centers in the "Golden Triangle"—Chicago, New York, Washington—have experienced a 62 percent increase in traffic as compared with a nationwide increase of 30 percent. Most frightening of all, in the period 1960–66 there were 146 mid-air collisions and 3,724 reported near misses. Fortunately, of the mid-air collisions, only two involved air carriers. But the grim results of a mid-air crash between two 490 passenger jumbojets are unthinkable.

The meaning of all this is obvious to anyone who has traveled by air from Washington to New York in recent weeks. In growing numbers of situations, airplanes no longer represent the fastest means of travel along the east coast. At the same time, the probability of a serious air disaster over a large metropolitan area is steadily rising.

There are numerous and divers reasons behind this crisis in air travel, and solution will not come through any single policy decision nor through the action of any single department or agency. If we are to avoid strangulation by immobility and if we are to have our "mobility revolution," national policy planning must embrace all forms of transportation and all of the complex inter-relationships among the various modes. We must begin to think in terms of total trip—door-to-door travel. If we fail to think in terms of total trip, travelers will soon find the glamour of the jet age has become the dispair of our age.

The time is long overdue for the Federal Government, in concert with State and local governments, to begin to make decisions and formulate policies to deal effectively with the threatening breakdown of transportation in America. The air transport situation is only a forewarning of the critical failings of our entire transportation conglomeration. Today I will discuss one aspect of the overall problem—our overcrowded airports—and I will propose specific measures to help alleviate some of the conditions that have lead to this congestion.

There is simply no question but that the current congestion over the hub airports is attributable, in large measure, to a gross failure to utilize our existing resources. While the 9,900 airports that comprise the national airport system will certainly be inadequate to meet future needs, we can, by a proper allocation of available ground facilities, lessen the current overcrowding and long waiting periods for takeoffs and landings.

As an example of the present underutilization, the annual capacity of flights into and out of New York's Kennedy Airport, estimated to result in severe congestion, is 430,000 per year. On the basis of current monthly figures, however, Kennedy is handling about 468,000 flights this year, far above the severe congestion figure. On the other hand, nearby Newark Airport is capable of efficiently taking 315,000 flights annually, yet, again using current monthly figures, Newark will receive only 270,000 flights this year.

At Washington, D.C., National Airport handles two and one-half times the volume of traffic for which it was designed, while neighboring Dulles International Airport operates at a mere one-fourth of its capacity. There are a total of eight metropolitan areas served by more than one major airport.

The bill I am introducing today would require the Civil Aeronautics Board to designate specific airports for use by intercity flights rather than allowing the current practice of individual air carriers to pick and choose fields on a random basis. It has become evident that the airlines, faced with a tremendously competitive situation, are not going to rearrange their schedules to meet the critical problems of airport selection in areas served by two or more airports.

In addition to providing a measure of immediate relief, I believe this bill can assure full utilization of airports constructed in the future. Private investors as well as State and local governments will be encouraged to speed development of sorely needed new airport sites and facilities. It is estimated that $6 billion will be required by 1975 for the construction of essential airports; approximately one-third of this sum will come from the Federal Government. Over $4 billion will have to come from private and local government sources. But today's investors look at Dulles International Airport and look somewhere else to invest their money. I think this legislation can provide the spur to investment of private and public capital for new airports.

Another factor contributing to the airway congestion is the heavy flow of general aviation during peak periods of activity at major airports. Today, takeoff and landing sequence is based on a first-come, first-serve basis, except in emergency situations. This means that a giant airliner carrying 250 passengers may be forced to go into a holding pattern to await the landings of several small private aircraft. Unquestionably, general aviation holds great promise for the future of air travel, but of greater present significance, general aviation traffic at large metropolitan airports during rush hours contributes greatly to the prevailing confusion and congestion. As Joseph S. Murphy, editor and publisher of Air Transport World, said in a recent editorial:

> Congress should focus only upon what is in the public interest and that is a safe and efficient air traffic control system.

The legislation I am introducing today would require the FAA to prohibit general aviation traffic during peak hours at certain overcrowded airports. This provision is not meant to place an unfair burden on private aircraft operation. It is intended to lessen the hazard of collision during vital operating periods at major airports.

I also recommend that the FAA develop policies that will encourage development of V/STOL strips to accommodate smaller general aviation craft. I read recently of the new STOL runway being tested at Kennedy Airport. I think this will be the pattern for the future, and indeed if there is to be a future for air travel, these STOL runways are a must. In addition, I believe policies must be enunciated to encourage construction of safe, adequate satellite airports surrounding metropolitan areas to handle the predicted surge of general aviation activity. The larger airports must soon be restricted to larger craft, but such restrictions cannot be brought into play until there are reliable and efficient airports within reasonable distances to major centers of activity. This concept necessarily includes development of ground transportation systems to provide smooth links between the satellite airports and the metropolitan areas and larger commercial airports.

I do not mean to imply that the major airlines are without fault. The airlines must begin to voluntarily rearrange their schedules to eliminate the bunching that occurs during peak traffic hours. Airlines should, moreover, cease offering scheduled flights that are greatly in excess of demand. For example, I understand that airlines offer 16,000 seats daily for flights from New York to Chicago, whereas there is a market for only 8,000. These extra aircraft, some carrying only a 30-percent load, add to the congestion.

Mr. Speaker, this legislation represents only a beginning, but, I believe, a significant start. Our transportation dilemma can be solved by a major emphasis on planning for the future and commitment of capital. As the former FAA Chairman Najeeb E. Halaby said in a recent speech:

> If there is one word which characterizes the future of air transportation it is MORE. There will be more of everything in the years that lie ahead—more passengers and mail and cargo, more speed, more aircraft, more comfort, more schedules, more routes, more safety, more jobs, more money invested. . .

If we are to have more comfort, schedules, safety, and money invested, then we must begin to make some hard and fast decisions now. If we do not anticipate and plan for the future of air travel, and its relation to other modes of transportation, then all we will have is more congestion, more delays and more death and destruction.

Mr. Speaker, I include at this point several editorials which discuss the problem of air traffic congestion:

[From the Newark Evening News,
Aug. 29, 1968]

Spreading Air Peaks

During the height of the continuing air congestion over metropolitan airports, the cry most frequently raised was that some agency—the FAA, CAB or other federal authority—should order rescheduling to spread out the peaks and fill in the valleys.

When the suggestion finally reached the decision stage, the first to back off were the FAA and CAB, the two agencies most directly concerned with regulating commercial flights. The reason for the unusual reversal of bureaucratic form was the sheer complexity of scheduling. For example:

Servicing the New York area alone requires 2,000 daily schedules involving 15 airlines serving 100,000 persons traveling to 200 points, including 70 foreign countries. Excluding shuttle flights, each of these aircraft schedules is part of a network of hundreds of others, often with close-order connections. Each schedule commits a $6-million airplane, seven flight crew members, airport accommodations and the ground crews whose job it is to keep the planes in safe operating condition.

Little wonder, then, the government agencies were pleased to pass the slide rules and computers back to the airlines with orders to work out some improvements. Naturally, the airlines will be inclined to consider the economic return on their investment in equipment along with meeting the demands of their customers in a safe and convenient way.

Needed is a clearinghouse set up by the airlines which can fairly apportion the more popular arrival and departure times. The CAB might also retain its authority to order changes when the danger of overcrowding recurs.

Since general aviation fills as much as 25 per cent of the workable air space around the major metropolitan airports during peak hours, attention also should be directed to diverting the smaller aircraft to fringe airports like Teterboro in New Jersey and Republic on Long Island.

There's no longer much doubt, the convenience of a few must be sacrificed to the safe and serviceable operation of the major airlines which carry anywhere from 120 to 185 passengers per flight.

[A WABC radio editorial]

Takeoffs and Timetables—Airline Scheduling Should Be More Realistic

The Federal Aviation agency made a survey of scheduled takeoffs after the first big tieup at Kennedy Airport five years ago. It found that more than 50 per cent of the flights were scheduled to depart in about three per cent of the time. Since then, according to the Port Authority, the airlines have been adding flights at peak hours. It seems obvious to WABC Radio that if 12 planes are supposed to take off at 6 p.m. 11 of them are bound to be delayed. The airlines say they schedule flights to meet passenger demand. But passengers don't like delays any more than the airlines do. Each 60 seconds' delay in the air costs an airline about $10. We think it's time the airlines started rearranging their flight schedules—instead of forcing the air traffic controllers to do it for them.

[A WABC–TV editorial]

The Airport Squeeze—Don't Blame the Flight Controllers for Airport Delays

The tri-state area needs a fourth jetport. Channel 7 has been saying so for years, and Kennedy Airport is proving it every weekend. Two-hour flight delays are routine on Sunday nights. When your plane finally lands, you can't get a cab. And even if you could, you'd be in a traffic jam caused by overflow from the parking lots. Obviously this mess is not the fault of the air traffic controllers. The fact is there are just too many planes over our three existing jetports. One air trip out of every four in this country begins or ends here. The obvious answer is another jetport to spread the traffic around. The Federal Aviation Administration is already dropping hints about the alternative—higher fares on flights scheduled in peak hours. Nobody wants a jetport for a neighbor, but we've got to have another one somewhere.

[From the Washington Post, Aug. 18, 1968]

It's About Time

The announcement by the Federal Aviation Administration that it will do something this fall about the traffic congestion in the skies is welcome, but it is long overdue. Everyone involved in the air traffic business has known for years that some day there would be more airplanes wanting to use airports than the airports could handle. The public became aware that this saturation point had been passed early in July and those who use the air—passengers and pilots alike—have been suffering ever since. This suffering is going to go on for some time unless the FAA and the Department of Transportation move much faster in the future than they have in the last six weeks.

The hope, expressed both in the FAA's announcement and by Secretary of Transportation Boyd earlier this week, that the aviation industry can solve this congestion problem within itself seems to be just wishful thinking. The airlines and the general aviation people have not shown the slightest sign of producing constructive proposals either jointly or separately. The hope that they could has been ruptured by the desire of the FAA and the Department of Transportation to keep from being embroiled in a bitter fight and to postpone the day when tough decisions must be made.

The choices facing Secretary Boyd and the FAA are somewhat limited. They can restrict commercial aviation—by forcing scheduling changes or moving flights from congested airports to less congested ones—or they can restrict private aviation by limiting or closing certain airports to noncommercial traffic during peak hours. The ultimate decision, FAA's announcement makes clear, will involve a little of both, perhaps for no reason other than to make everyone angry instead of making one group totally furious.

It would seem, in light of the number of people transported, that the airlines ought to have priority on the use of major airports. But they ought not to be given this by the Government except as part of a package that shifts some international flights out of Kennedy Airport and shifts domestic flights among the alternate airports of the same city to increase the utilization of less crowded fields like Dulles or Newark. In fact, this crisis in the skies opens up an opportunity for setting straight some of the snarls that have gradually grown up in commercial aviation. It almost demands, for example, that the FAA move ahead with the task of making Dulles this city's major airport for medium-range, as well as long-range, flights.

The airlines, of course, want nothing done to their scheduling practices or to their use of the busiest airports. They already have turned down suggestions that they agree among themselves to cut back peak-hour flights and to accept a freeze on certification of new routes into congested airports. These actions, plus some of the silly scheduling practices now observed, undercut substantially any complaints the airlines as a whole may make against whatever solution the FCC adopts. It is ridiculous, for example, in terms of traffic control or of passenger convenience to have 20 to 30 flights scheduled to use O'Hara field in Chicago at precisely the same second or to have three Miami-bound flights leave Kennedy at 9 p.m. when there are no other flights between 6:40 and 9:30.

Undoubtedly the task of the FAA in untangling the air congestion around New York, Washington and Chicago will be extremely difficult. Huge financial interests are at stake and the airlines and the general aviation people are astute at appealing over the head of the FAA. In this instance, the FAA must move vigorously, as well as quickly, and Secretary Boyd must be prepared to give it the kind of backing it has sorely lacked in the past.

[From the Elizabeth (N.J.) Daily Journal, Aug. 22, 1968]

The Sky Boom

Last month a plane bound for Kennedy Airport in New York circled for two and a half hours in a stacking pattern, landed in Newark to refuel, and then returned to circle Kennedy for another two and a half hours.

It was but one of the many incongrous happenings in the skies over New York and New Jersey because of the air traffic jam. Part of that burden has been shifted to Newark Airport, which has incurred only slight delays on takeoffs and landings. Newark Airport, however, is only a temporary means of relieving the congestion.

The projections are that the demand for airline service will grow at more than 15 per cent a year. The airlines have committed $13 billion for aircraft and $5 billion for ground facilities by the mid-1970s. Newark will undergo the principal expansion in the metropolitan area, unless and until a new field is developed.

The Republican party platform takes a vague look at the nation's air transport system, and pledges to evaluate the need for new equipment and facilities. The Democrats are expected to adopt the same general attitude to aviation.

But unless a much bolder approach is sought, such as through an air transport trust fund built up through a tax on air freight and passengers, the states and local government authorities will not have the resources to do the job, estimated at about $12 billion.

Furthermore, any federal aid to aviation must consider noise abatement action. As long as ten years ago, a committee of municipal officers, headed by former Elizabeth Mayor Steven J. Bercik, recommended the adoption of a standard of noise levels for airplanes flying over congested areas. That committee's recommendations, incorporated in a bill now before a Congressional committee, should be attached to any appropriations for aircraft development.

TRUST FUNDS FOR EDUCATIONAL SCHOLARSHIPS AND DAY CARE CENTERS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. MILLER of Ohio. Mr. Speaker, as our technology advances the demands for higher education increases. I believe the bill under consideration, H.R. 14314, will provide a better chance for additional education for great numbers of our citizens without the use of Federal funds.

Higher education in our society is no longer a luxury, but it is unobtainable in many cases because of the costs involved.

Mothers who must work to help meet family financial obligations are currently burdened by a lack of adequate child care centers.

This bill, providing for trust funds for educational scholarships and child care centers, would help greatly to overcome these two hurdles.

This bill proposes to enlist the energy and resources of the private sector of our economy by permitting employer contributions to jointly administered trust funds or child care centers.

Trust funds to provide scholarships to employees and their dependents would ease the financial burden and make higher education financially possible for many young people.

An opportunity to entrust young children to good day care centers would be a major attraction to employment in industries which depend heavily on women employees for their labor force. In addition, well-operated care centers can have a good influence on the children who attend them.

This bill specifically states that no labor organization or employer shall be required to bargain on establishment of these trust funds. The legislation is "permissive" and will not be made a bargaining subject. I support passage of H.R. 14314.

SOCIAL SECURITY SCARE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. MONAGAN. Mr. Speaker, a contrived scare campaign has been waged in my congressional district—and in other districts—recently and I wish to bring it to the attention of my colleagues for their protection and information. Notices, leaflets, and articles appeared in factories, offices, and were distributed on the streets and in public parking lots, alleging that a bill before the Congress would convert the social security system into a welfare-type program.

I have supported the social security program since coming to Congress 10 years ago, and I supported the amendments of 1967 which increased benefits by 13 percent and expanded coverage to hundreds of thousands of our citizens. I would never stand for any watering-down of the provisions of this valuable program, and resent the misrepresentations which this campaign seeks to make effective.

Confused and irate constituents concerned with the claims made in this campaign wrote to me and to the Senators from Connecticut and the gentleman from Arkansas [Mr. MILLS], chairman of the Committee on Ways and Means, upon my request, has provided a clear refutation of the erroneous claims. His statement is as follows:

> As you know, H.R. 5710, which was introduced early in 1967, contained the Administration's proposed amendments to the Social Security Act. Hearings were held on this legislation last March and April. Subsequently, however, the Committee on Ways and Means reported out a clean bill, H.R. 12080, which was approved on January 2,

1968, as Public Law 90–248, the Social Security Amendments of 1967. Consequently, the original Administration bill, H.R. 5710, can now be considered as a dead bill since it was superseded by the bill that was enacted into law.

Let me assure you that the allegations you have received are a complete misrepresentation of the provisions of the bill. There is no provision in H.R. 12080, nor was there any provision in H.R. 5710, which would have the effect described. Taxes will still be collected and benefits will still be based on wages earned in covered employment, and workers will be entitled to these benefits as a "matter of right." In other words, H.R. 12080 (P.L. 90–248), instead of reversing, preserves the concept of a wage-related system.

As a complement to the Social Security Insurance System, as you know, we do have the public assistance programs which the Federal Government helps the states maintain under a matching formula, under which both Federal and state funds are used to make public assistance payments. This system has always been and will continue to be based on a needs test under H.R. 12080.

~~I think it~~ is obvious that no administration ~~would~~ propose nor would Congress enact any such proposal as the one described by the circular to which you refer.

The local social security administrator in the Waterbury, Conn., area described the anonymous campaign as a "hoax," and also explained the genesis of the Social Security Amendments of 1967. I include at this point in the Record a copy of an article which appeared in the Waterbury, Conn., Republican on August 24, 1968:

Social Security Flyer Called Hoax by Sullivan

Describing the contents of an anonymous flyer now circulating in the Waterbury area as a hoax, the local social security administrator said Friday that there is no House Bill 5710 as the flyer alleges.

Although Social Security officials haven't seen a copy of the flyer, reportedly it says the bill provides for the conversion of Social Security to a welfare-type program. Further, it is assumed, it points out the bill provides changes of Social Security from an earned right to a need.

Social security officials labeled the possibility as completely false. No such bill presently exists, they said.

Edward A. Sullivan, Social Security district manager in Waterbury, said that articles urging people to write to their congressmen and senators are being posted in factories and offices.

Sullivan explained that some of the articles have been posted on public bulletin boards, some have been reprinted in plant newspapers and some have been given out in the street or placed under car windshield wipers.

Misled by the articles, people have written to their senators and congressmen and have been informed that the flyers are completely erroneous, Sullivan said.

He noted that House Bill 5710, which the flyer identifies as the bill before Congress, is not before the Congress. There was a House Bill 5710 over a year ago. But it would not have done any of the things described in the flyer, he said.

The House Ways and Means Committee, after hearing an extensive consideration of the measure, amended House Bill 5710 and gave it a new number. As House Bill 12080, it passed the House and Senate and was signed into law by President Johnson Jan. 2.

"This is the legislation," Sullivan said, "that increased social security benefits of the nearly 24 million people on the social security benefit rolls by 13 per cent—that made over 300,000 additional persons newly eligible for payments—that added new Medicare benefits—and that made many other significant improvements in Social Security."

Mr. Speaker, I have not yet been able to discover how this campaign began, or who is behind it, but I think that it should be called to the attention of my colleagues at this time in the event that they are faced with similar misrepresentations. I hope that this hoax is above the realm of partisan politics, but in any case am confident that it will be recognized for the sham it is.

FIVE FROM STATE DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. LONG of Maryland. Mr. Speaker, five Marylanders were recently killed in action in Vietnam. They were: L. Cpl. Donald L. McClanahan, Pvt. Leslie M. Dyson, L. Cpl. Ernest Postorino, 1st Sgt. Clarence Fulton, and Cpl. Jimmie J. Richardson. I wish to commend the courage of these men and to honor their memory by including the following article in the Record:

Five From State Die in Vietnam, Including Khesanh Survivor

Five Marylanders, including a Glen Burnie Army man who survived the siege at Khe Sanh, have been killed in action, the Defense Department announced yesterday.

The five are:

Marine Lance Cpl. Donald L. McClanahan, 19, son of Everett L. McClanahan, 1314 Gatewick road, Glen Burnie.

Army Pvt. Leslie M. Dyson Jr., 19, son of Mr. and Mrs. Leslie M. Dyson, Sr., 6617 Alleghaney avenue, Takoma Park.

Marine Lance Cpl. Ernest Postorino, son of Mr. and Mrs. August Postorino, 4209 Southend road, Rockville.

Army 1st Sgt. Clarence Fulton, husband of Mrs. Inez L. Fulton, 4002 West Franklin street, Baltimore.

Army Cpl. Jimmie J. Richardson, son of Mr. Greer L. Richardson, 1121 East Baltimore street, Baltimore.

Mr. McClanahan said his son contracted malaria and was hospitalized for a brief time at Khesanh. He had been wounded in February in the right leg while on patrol at the outpost in the northern part of South Vietnam, the father said his son told him in letters home.

Corporal McClanahan was killed August 25 while serving with the 1st Marine Division as an assistant machine gunner, the father was notified.

"He never complained about the fighting. The only thing he ever complained about in his letters was carrying machinegun ammunition, mortar shells and his regular gear," Mr. McClanahan said.

His son was sent to Vietnam at the end of January after enlisting about a year before that. He described his son as an ardent hunter and fisher.

Private Dyson's mother received a letter from him the day he died, August 27. He had been sent to Vietnam only about six weeks ago after finishing paratroop training, she said.

"I came pretty close to being shot last week," Private Dyson wrote. He also said he had been sent out on patrol often and had been in at least one ambush.

He died as a result of chest and stomach wounds received in a firefight, Army officers told the mother. A member of the 9th Infantry Division, he had enlisted June 7, 1967, his mother said.

Private Dyson was graduated from Montgomery Hills Junior School and worked as a helper on a truck for a hospital supplies firm, Mrs. Dyson said.

STATEMENT BY GEORGE J. BURGER, JR., ASSISTANT TO THE PRESIDENT, NATIONAL FEDERATION OF INDEPENDENT BUSINESS, BEFORE THE ECONOMIC AFFAIRS SUBCOMMITTEE OF THE REPUBLICAN PLATFORM COMMITTEE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. McCLOSKEY. Mr. Speaker, in today's world of giant corporate enterprise mergers, it is well to take occasional note of the contribution to our continuing economic prosperity by the small independent businessmen. An excellent summary of this contribution, as well as a proposed legislative program, was recently tendered to the Republican platform committee by the representative of the National Federation of Independent Business, a professional association representing over 257,000 members. Insomuch as the federation maintains its national headquarters in my district, I am pleased to insert this statement in the Record for review by our colleagues:

Statement by George J. Burger, Jr., Assistant to the President, National Federation of Independent Business, Before the Economic Affairs Subcommittee of the Republican Platform Committee

We are convinced that the key to a sound nation and to a meaningful approach to a solution of the problem of the ghettos lies with small, independent business and professional enterprise.

Our conviction is based—not on blue sky—but on hard facts—facts disclosed by more than 25 years of questioning independent business and professional people concerning 1,000 bills and issues that have been before succeeding Congresses—and facts disclosed by over 7 years of increasingly intense economic surveys among our membership. This year we will cover, in our survey, over 250,000 individual independent business and professional enterprises located in all areas of the country, active in all lines of enterprise and at all levels of each line. We will receive responses from more than 100,000 of these enterprises. In other words, our recommendations are based on what actual operating independents tell us. To know a business or professional enterprise you have to ask a man who owns one.

Thus, let us consider the true picture. Despite the weight of laws, regulations, taxes and edicts and whims of bureaucracy on many levels, there still miraculously exist: 5,000,000 smaller, independent business and professional enterprises which account for: 73% of national retail sales; 73% of national wholesale sales; 82% of the construction activity; 80% of the service function; 34% of the manufactured value added to the economy each year.

These are the cold statistics. Now let's look at the human involvement—people.

These smaller, independent business and professional enterprises provide 34 million jobs—or half of our civilian employment. Restated in another way, six out of every ten American families depend on small business for a livelihood. Thus, small business is everybody's business.

Senator Winston Prouty puts it this way: "Over the years the phenominal growth of the economy in the United States has in large measure been the result of individual incentive. Our system of government has made it possible for small entrepreneurs, men with ability, initiative and a willingness to run risks, to found and expand their own business enterprises. This has meant jobs for an expanding population in our country and the highest standard of living in the world. Some of these once small businesses have grown into great corporations and on the whole this has been good for the country. But if the time ever comes when the little man with initiative and competence is unable to make it on his own, then the whole fabric of our society will be drastically altered."

Here are the recommendations: First, that there be enacted measures which will encourage the development of the economically under-developed regions of America. By a majority of 66% the nation's independent businessmen support the bill by the Chairman of the House Small Business Committee, Joe Evins, to encourage establishment of new employment—providing enterprises in rural areas through tax incentives.

Note: This measure calls for NO new appropriations. It only calls for reasonable provisions for partial tax credits on taxes that at present are non-existent.

There are also other benefits.

1. Not growing ghettos, but better living for all through providing more job opportunities throughout the land, to curb the migration to the big cities, with no cost to the taxpayers, and . . .

2. Better health at less cost, controlling the twin hazards to national health today—created largely by concentrated packed masses of humanity: water pollution and air pollution.

3. Plus help for the American farmer. Rural economic development would mean redistribution of consuming units for shorter hauls to points of easier access, permitting the farmer a greater share of the consumer food dollar now eaten by transportation costs.

Second, the "Plowback Allowance" is urgently needed. This legislation, first sponsored by all members of the Senate Small Business Committee, would permit a business before taxes, to put back into operations 20% of a year's profits, limited to a maximum of $30,000 in one year. Eighty percent of independent businessmen report this would result in the expansion of business and employment.

Here's why.

1. Independent enterprise working capital has been badly clipped. While the "off-again, on-again" 7% investment incentive has been helpful for needed machinery and equipment, governmental policy has helped to create an even greater problem: that of maintaining inventories and accounts receivables. Rising costs have eroded working capital.

High interest rates (averaging nationally 6.7% by mid-1968) discourage borrowing when according to Dun & Bradstreet, the median profit in ratio to sales is 1.09%.

The presumed temporary loss of taxes is low compared to the permanent tax loss that *will* result if small business can no longer keep up in financing its inflation created requirements . . . especially if and when the Vietnam war ends.

Or in human terms . . .

2. Four years of Federation surveys 1964 through 1967 show 5,120,000 new jobs created.

1,900,000 were created in 1964 in the favorable climate created, in important part, by the 1958 optional additional depreciation enactment and the 1962 7% Investment Credit.

1,700,000 were created in 1965 before the high level of escalation in Vietnam.

1,300,000 were created in 1966 when 68% of all respondents answered "yes" to the question, "Could you take unskilled people into your business and be prepared to train them?"

In 1967 new job creation eroded to 220,000.

Why? The answer is in two parts. One part is that the erosion of working capital through higher interest rates and higher costs encased independent business in a straitjacket.

Unless the climate for independent enterprise quickly improves, peace in Vietnam could create chaos.

Second, these business and professional people recommend strongly that the urge to merge be submerged. The appalling rash of mergers, particularly those called conglomerate mergers represents an alarmingly unhealthy concentration of economic power. While many hold, with some truth, the villain in this tragedy is the big greedy corporation, there is an even bigger villain involved.

This is the inheritance, estate or death taxes. These taxes by any name have sounded the death knell for many family-owned, or closely held enterprises. Valuations, placed on today's inflated prices, often result in death duties far exceeding the cash on hand. This results in one of two things:

1. Either on death of a principal, the business must be liquidated to meet the death taxes, or,

2. In anticipation of such an occurrence, the small firm actively seeks the security resulting in an exchange of its value for the stock of a big corporation.

With votes as high as 66%, the nation's independent businessmen request practical amendments to the estate, or death tax laws. After all, the entire amount collected Federally by this tax, up to this year, has not equaled an average year's foreign aid expenditure.

Additionally, in the area of antitrust we urge that (a) there be enacted a law or laws which will provide a means of curbing unfair price discriminations which occur in dual distribution systems—systems in which a supplier sells both through independently-owned outlets and supplier-owned outlets which are competitive with the independently-owned outlets, and (b) the position of Assistant Attorney General in charge of the Justice Department's Antitrust Division be made more permanent than it is at present—the short tenures in this position (within the past 10 years there have been five different Assistant Attorneys General) does not, in our estimation, provide a setting that is conducive to a strong, continuing anti-monopoly enforcement program.

Third, these business and professional people ask that youth be given a chance. Late in 1966 Congress again amended the Wage/Hour law, which is the second reason for the high drop in new job creation in 1967. Federation-collected data from continuous surveys show conclusively this law forced out of gainful employment, 1,212,000 people composed of the aged, the handicapped, the crippled; but over and beyond this sad fact that can be related to statistical study is the sadder fact that untold thousands of job opportunities were closed to youth everywhere. This much we do know—the rate of unemployment among teenagers today is double that of 1953. This is well documented, not by theory, or abstractions, but by our files of hundreds of personally signed reports by employers.

What independent business and professional people desire is to encourage on the part of youth meaningful involvement in society—rather than alienation—through jobs.

Independent business is willing to resume its classical role with youth, which is:

1. Teaching unskilled youth proper work habits.

2. Starting their training in a vocation.

But independent businessmen must be permitted to offer pay commensurate with productivity, and community economic circumstances. Thus, teenagers should be exempt from the minimum wage provisions of the laws. Bear in mind 68% of the nation's independent firms have said they are willing to employ and train the unskilled without one cent of cost to the taxpayer.

Government should not be permitted to interfere with this process. Crocodile tears and impassioned TV pleas to hire the youngsters cannot supplant the old maxim that the laborer must be worthy of his hire.

Fourth, these business and professional people hold that unrestrained union power is capable of creating economic infanticide. While there is a proper place for unionism in our society, the present lack of limitations on union power is perpetuating the economic colonialism existing in huge areas of this nation with the result that workers, in order to work, must of necessity exist in crowded industrial centers.

The independent businessmen have voted by a majority of 80% in favor of the bills introduced by Congressman David Martin to prohibit nationwide labor bargaining whereby a few big corporations and a few labor leaders dictate the basic labor laws of the land. This has killed new enterprise aborning.

A free economy, a growing economy, the attack on the ghettos, requires that employer-employee relations be on a more flexible local basis, allied more closely to local problems and conditions.

Fifth, our members urge that there be an automatic approach to imports. American business must be placed on a competitive basis in the domestic market and protected against inroads of imports produced at low labor costs.

Voting among independent businesses shows 60% oppose a quota system on imports on the basis this places the economy under control of bureaucrats who are the least qualified to deal in this area. But by a majority of 80% they support the Congressional proposals to peg tariffs to differentials in labor costs between the U.S. and nation of origin of imports.

This would not only keep the market free on an even competitive basis, but also, by serving as an encouragement—hopefully—to foreign producers to raise their wage rates, would enhance the ability of foreign labor to purchase American goods.

Sixth, they firmly believe that small business can play an important role in solving the balance of trade problem. Federation surveys show that 4% of independent firms engage in export. It is our belief this activity could be substantially expanded to the benefit of all. While we are conscious of aids offered by the Department of Commerce, they have not been sufficiently published; neither do they surmount the big barrier to export expansion.

One principal barrier to such expansion is inability to finance export shipments of great value in expanding exporting by the independent sector of our economy.

Seventh, our members recommend that full recognition be accorded independent, smaller business and professional enterprise. While the National Federation of Independent Business has long been most appreciative of the fine research and study functions performed by the Select Small Business Committees of both Houses of Congress, it holds most urgent that both of these bodies be equipped with legislative authority, to permit the problems of small business to be referred directly to the elected representatives for vote . . . the same privilege that is given labor, agriculture, and other important segments of the economy. This urgency is recognized and supported by many Congressional leaders.

These same business and professional people recommend with equal urgency that the

Small Business Administration be continued as an independent, effective agency of the Executive Branch of Government, and that it be staffed with people knowledgeable of, and sympathetic with, small, independent business and professional enterprises.

Finally, the Federation is furnishing you a detailed documented report on the areas we have discussed.

This presentation gives the highlights of the salient points toward solution of the most pressing social, economic and financial problems of the times.

This program does not involve government expenditures. Obviously, with the financial straits the nation is now in, expenditures of further billions on untried, panaceas, can well lead to disaster.

Rather these proposals are based on the realistic practical approach to these problems by the men and women actually operating enterprises.

Not only will the steps recommended here cost the taxpayers nothing, but they will also, in the course of time, generate new revenues.

And more importantly, they will set once again into activity the yeast of individual initiative which caused the phenomenal rise of America.

MESSAGE OF THE PRESIDENT OF THE REPUBLIC OF POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. DERWINSKI. Mr. Speaker, at a time when the Polish satellite government in Warsaw continues to function as a complete puppet of the Soviet Union, it is practical for us to remember that the Polish Government in exile in London continues to function and this group is the legitimate spokesman of the Polish people.

Therefore, I am pleased to insert into the RECORD a message of the President of Poland, August Zaleski, issued in London, September 1, on the 29th anniversary of the German invasion of Poland:

MESSAGE OF THE PRESIDENT OF THE REPUBLIC OF POLAND ON SEPTEMBER 1, 1968, THE 29TH ANNIVERSARY OF THE GERMAN INVASION OF POLAND

His Excellency August Zaleski, legitimate President of the Republic of Poland, has issued in London the following message to Poles all over the world on the twenty-ninth anniversary of the German invasion of Poland in 1939:

"September 1st is the twenty-ninth anniversary of the outbreak of the Second World War when Nazi Germany attacked Poland.

"Germany's invasion of Poland was carried out with an understanding with Soviet Russia following prolonged negotiations between these two countries. The talks began in April 1939 when, on behalf of the Communist Russian government, the Soviet envoy in Berlin proposed an understanding with Germany for yet another partition of Poland—a proposal which the Nazi government enthusiastically accepted.

"It was not the first time in Poland's history that her eastern and western neighbours invaded the territories of the Polish Republic. As in the eighteenth century, so most recently, a free and independent Poland hindered the plans for annexations and conquests harboured by autocratic and totalitarian States of Germany and Russia. Just as with the Tsarina Catherine and Frederick of Prussia, so did Stalin and Hitler reach an understanding when on 23rd August 1939 they concluded in Moscow their pact to partition Poland.

"Already prepared for hostilities, the troops of Nazi Germany invaded the Polish Republic a few days after this agreement was signed. At the height of bitter fighting when Poland's armed forces, attacked from the west, north and south, fought for every foot of their native land and inflicted severe losses upon the invaders, Russian troops treacherously struck from the east and, in the outcome, the two highly imperialistic countries delimited a boundary between themselves which ran through the very heart of the Polish Republic's territories. It was short-lived, for that matter. By 1941, war broke out between the two enemies of Poland.

"The World War which broke out twenty-nine years ago bid fair to be a struggle to assure the freedom of man, the freedom and independence of nations, and respect for law in international life.

"Such were the aims presented to the world in 1941 by the United States and Great Britain in the Atlantic Charter to which the other allied Powers acceded. Unfortunately, although Soviet Russia likewise joined in this declaration when the German attack thrust her against her own will into the allied camp, these aims were lost to sight owing to Stalin's cunning and the short-sighted policies of the Western statesmen. Thus today, nearly a quarter of a century after hostilities ceased, the world still awaits the longed-for peace.

"Division of the world into spheres of influence has thrust under the rule of Russian neo-colonialism—as the modern incarnation of the old imperialism of Moscow—the east-central European nations despite their long history. And this at a time when the colonies of the Western Powers were relinquished, when new, independent States arose upon artificially delimited African territories with no traditions of Statehood. On the other hand, the Iron Curtain descended in the heart of Europe, dividing the Old World into a free and a captive group of countries.

"Freedom is indivisible. It is not possible to enjoy freedom in one country when basic human rights are violated in a neighbouring one. There can be no freedom in the world when one nation rules over another as international cooperation, upon which world peace depends, can be built up solely on the basis of voluntary commitments of nations.

"There can be no peace in the world without a Poland free and independent in company with the other nations of east-central Europe.

"We should propagate this truth and strive that world public opinion comprehend how essential its realization is, and to this end we implore Almighty God to bless our efforts.

"AUGUST ZALESKI.

"LONDON, *September 1, 1968.*"

SEPTEMBER CULTURAL EVENTS SPONSORED BY THE NATIONAL GALLERY OF ART

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call to the attention of the U.S. Congress and the American people the fine schedule of cultural events sponsored by the National Gallery of Art in the month of September 1968.

The schedule follows:

CALENDAR OF EVENTS, NATIONAL GALLERY OF ART, SEPTEMBER 1968

MONDAY, AUGUST 26, THROUGH SUNDAY, SEPTEMBER 1

*Painting of the week: Corot. *A View near Volterra* (Chester Dale Collection) Gallery 89, Tues. through Sat. 12:00 & 2:00; Sun. 1:00 & 3:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00, 1:00 & 3:00, Sun. 12:00 & 2:30.

Sunday film: *Henry V,* Lecture Hall 2:30.

MONDAY, SEPT. 2 THROUGH SUNDAY, SEPT. 8

Labor Day film: *Henry V,* Lecture Hall, Monday 2:30.

* Painting of the week: Philippe de Champagne. *Omer Talon* (Samuel H. Kress Collection) Gallery 52, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Church Art.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00, Mon. (Labor Day) 1:00; Sun. 5:00.

Sunday lecture: *Why Were They Wrong?—19th-Century Art Criticism Re-examined, Guest Speaker:* Sterling A. Callisen, Professor of Art, Pace College, New York, New York, Lecture Hall 4:00.

MONDAY, SEPT. 9, THROUGH SUNDAY, SEPT. 15

*Painting of the week: Jacques-Louis David. *Napoleon in His Study* (Samuel H. Kress Collection) Gallery 56, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Court Art.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Continuity in the Art of Édourd Manet, Guest Speaker:* S. Lane Faison, Jr., director, Williams College Museum of Art, Williamstown, Mass., Lecture Hall 4:00.

Painting of the week: Manet. *The Plum,* (Lent by Mr. and Mrs. Paul Mellon) Gallery 71, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Illusion in Art.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Michelangelo and Mannerism, Guest Speaker:* Earl E. Rosenthal, Professor of Art, The University of Chicago, Chicago, Lecture Hall 4:00.

MONDAY, SEPT. 23, THROUGH SUNDAY, SEPT. 29

*Painting of the week: John H. Twachtman. *Winter Harmony* (Gift of the Avalon Foundation) Gallery 60A, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The Exhibition of British Prints, Drawings, and Water Colors.* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *A New Style in France and England Around 1830, Guest Speaker:* J. Haydn Huntley, Professor of Art History, Northwestern University, Evanston, Illinois, Lecture Hall 4:00.

Sunday concert: National Gallery Orchestra, Richard Bales, *Conductor,* Zina Schiff, *Violinist,* East Garden Court 8:00.

SPECIAL EXHIBITION

On display this month in the Central Gallery are prints, water colors, and drawings by British artists working in the first half of the twentieth century. Landscapes and architectural views predominate in this selection from the Rosenwald Collection.

---

* 11" x 14" reproductions with texts for sale this week—15c each. (If mailed. 25c each.)

LABOR DAY FILM

Sir Laurence Olivier's memorable film version of Shakespeare's *Henry V* will be shown in the auditorium at 2:30 p.m. on Sunday and Monday of Labor Day week end; running time is 2 hours 17 minutes.

SUNDAY EVENING CONCERTS

Weekly concerts resume September 29 at 8 p.m. under the direction of Richard Bales in the East Garden Court.

CHRISTMAS CATALOGUE

The 1968 catalogue of National Gallery Christmas cards is now available and may be requested from the Publications Office by mail or telephone (737-4215, ext. 217).

NEW REPRODUCTIONS

Color Postcards: Amadeo, *Kneeling Angel;* Gentileschi, *Saint Cecilia and an Angel;* El Greco, *The Holy Family;* Hicks, *The Cornell Farm;* Index of American Design, *Carrousel Reindeer;* Mino da Fiesole, *Madonna and Child;* John Toole, *Skating Scene.*

RECORDED TOURS

The Director's Tour. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director. The portable tape units rent for 25c for one person, 35c for two. Available in English, French, Spanish, and German.

Tour of Selected Galleries. A discussion of works of art in 28 galleries. Talks in each room, which may be taken in any order, last approximately 15 minutes. The small radio receiving sets rent for 25c.

GALLERY HOURS

Weekdays and Sunday, September 1, 10 a.m. to 5 p.m. Remaining Sundays, 12 noon to 10 p.m. Admission is free to the Gallery and to all programs scheduled.

CAFETERIA HOURS

Weekdays and Sunday, September 1, Luncheon Service 11 a.m. to 2 p.m.; Snack Service 2 p.m. to 4 p.m; Remaining Sundays, Dinner Service 2 pm. to 7 p.m.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737-4215, ext. 272.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

SENATE—*Friday, September 6, 1968*

(Legislative day of Thursday, September 5, 1968)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

O gracious and loving Lord, we stop for a moment to seek guidance and inspiration for this day.

We need guidance of the highest intelligence because we see how many times we have wandered in the wilderness of ignorance. We have not understood Thee; we have not understood ourselves; we have not understood our neighbors. Thus, we pray for guidance in a world of confusion and distress.

We seek inspiration for living. The thrill and joy of living are needed in our experience as we seek balance and solution to the tragedies of war, hunger, injustice, and hate. Inspired living comes from a heart that is fed with God's love. For this inspiration we pray.

Bless all leaders of government with that guidance and inspiration from the most high. May they feel the strength for their tasks. Strengthen this Nation under God, direct this world which is Thy creation, and love us, Thy children, forever. We pray in the Master's name. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, September 5, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF SURGEON GENERAL—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to transmit the 12th Annual Report of the Surgeon General on the Health Research Facilities Construction Program for FY 1967.

The effectiveness of current medical practice rests largely upon discoveries of medical research—an activity which must continue to grow if we are to bring better health and a fuller life to all Americans. Since 1956, the Federal Government—through the Health Research Facilities Program—has played an important role in providing funds for constructing and equipping health research facilities. During that period, the Health Research Facilities Construction Program has provided over $400 million in matching grants to about 400 universities, hospitals, and research institutions in all 50 States of the Nation.

This program has been a vital part of our efforts to increase man's understanding of disease and human development. It complements the Federal Government's continuing support of health research, which has grown from $1 billion in 1963 to nearly $1.5 billion today, 65 percent of the Nation's total expenditures for biomedical research.

This program has also been an important part of our overall effort to assure that the benefits of modern medicine are available to all of our people. To reach this goal, we have in just the last four years enacted over 30 new health measures and increased the Federal health investment from $6 billion to nearly $14 billion annually.

It is accordingly with pleasure that I submit to the Congress the 12th Annual Report of the Surgeon General on the Health Research Facilities Construction Program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 6, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 15045) to extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15045) to extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

The Senate proceeded to consider the bill.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the majority leader, I yield 1 minute on the bill to the distinguished Senator from Connecticut [Mr. DODD].

GUN CONTROL BILL—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1501)

Mr. DODD. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent to file a report to accompany S. 3633, to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, together with individual views.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that this report be held at the desk for 1 hour before being referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE subsequently said: Mr. President, today the Committee on the Judiciary reported the so-called gun bill, with the recommendation that it be referred to the Committee on Commerce. In view of the fact we are in an emergency session, when the matter was brought to my attention, I asked the director of the staff of the Committee on Commerce to consult with the Senator from Washington [Mr. MAGNUSON], who is now campaigning in the State of Washington, as to whether or not it might not be the better part of prudence to waive the right of the committee to have it referred to the Committee on Commerce and have it placed on the calendar, so the Senate can work its will and we can take advantage of all the remaining time during this session.

Therefore, I ask unanimous consent that that be done.

Mr. MUNDT. Mr. President, reserving the right to object, I do not see the minority leader in the Chamber. I do not see the ranking Republican member of the committee in the Chamber. I appear to be the ranking Republican member present. This comes as a complete surprise. I suspect it is perfectly all right, but I believe we should consult with our leadership.

Mr. PASTORE. This matter has been taken up with the Senator from New Hampshire [Mr. COTTON], who is campaigning in New Hampshire, and he agrees.

Also, I have been informed by Mr. Lordan that all the Republican members of our committee have been consulted and they agree with it. That is my authority for making the statement. I am doing it because we were allowed 1 hour to make this judgment, and in 1 minute that 1 hour will expire.

The PRESIDING OFFICER. Without objection, that part of the previous order is vitiated, and the bill will be placed on the calendar.

Mr. MUNDT. Under those circumstances, I will not object. It is a somewhat unusual proceeding, I must say. I take the word of the Senator from Rhode Island that it has been cleared all the way.

CZECHOSLOVAKIA: AN EYEWITNESS ACCOUNT

Mr. DODD. Mr. President, I invite the attention of my colleagues to an eyewitness account of the Soviet occupation of Czechoslovakia, which I have just received from Dr. Paul Saffo, a longtime friend, who now lives in California, where he is a physician.

Dr. Saffo was born and raised in Bridgeport, Conn., where his family still resides.

After graduating from Yale Medical School, he took a graduate course at Charles University in Prague. He, therefore, knows the country well and speaks the language fluently.

Dr. Saffo and I have been friends since our student days. He is a meticulously careful observer, and this, combined with his knowledge of the Czech language, makes his testimony particularly valuable.

I ask unanimous consent to have printed in the RECORD the complete text of the letter which Dr. Saffo sent me on September 1.

I invite the attention of Senators in particular to the fact that the story was put out that U.S. troops were going to invade Czechoslovakia on August 23, and I would also call their attention to Dr. Saffo's conclusion:

> We must make ourselves strong, strong, strong, no matter what the price. Otherwise God help us.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 1, 1968.

DEAR TOM: I arrived via London to Prague about noon on Tuesday, August 20th. During the night of August 21st—I was awakened by all the noises that tanks made on Belgian blocks. This was the main artery to Prague—and 35 KM. away. Because of this vantage point and because I visited the American Embassy on August 21, 22, and 23—I had a continuous opportunity to observe the tremendous amount of Russian motorized equipment. I also watched with deep concern the behavior of the Czech people. The Czechs revealed perfect unity. If there were any Russian sympathizers, they were afraid to reveal themselves. The Czech courage was absolutely tremendous. They were constantly reminded not to provoke the Russians. On 8–20, I saw Russian soldiers wave to the populace from their tanks. Whistling and clenched, shaking fists was their derisive answer. The tempo of Czech anger rose daily. Highway signs were removed or pointed in the wrong direction or painted over. I never saw the tiniest red flag, not even on the official Czechoslovakian Communist Party Headquarters either in Prague or the suburb town of Melnik. I never saw the slightest demonstration for Russia anywhere. And I was always on the move. In Melnik, twelve foot marble monument surmounted by a Hammer & Sickle was overturned after steel rods in its base were sawed through. Day-in and day-out these soldiers met only vituperation anger and hate. In Prague itself, the people clustered around tanks five and six deep. These things *I saw*. Also I *listened*. They told the Russians to go home, they didn't need them. The underground radio stated that the Russian Commander considered his troops brain washed. He wanted complete and new replacements. The people said—the Russian soldiers said that they were going to the Suez Canal—that U.S. troops were going to invade this country on August 23. What I saw Tom, proved to me that Russia was aware that Czechoslovakia had already taken itself out of the Communist orbit.

Once and for all, the American people should understand that as long as the Russian government is as it is at present—it will never change, it can never be trusted. We cannot even hope for peace. We must make ourselves strong, strong, strong, no matter what the price. Otherwise God help us.

Sincerely,

PAUL.

P.S.—I kept a diary. I will have Joan type it.

GUN CONTROL LEGISLATION

Mr. DODD. Mr. President, a letter to the editor of the Daily Herald-Examiner, Bloomington, Ind., written by Mr. William B. Edgerton, is, in my opinion, an excellent appraisal of the problem of gun abuse in the United States, the need for corrective measures, and the positive deterrent effect of gun control laws.

I believe that the concern for the problem of gun abuse, as expressed by Mr. Edgerton and millions of other responsible Americans, has been a prime factor which has been most helpful in moving firearms controls through the Senate and into law.

Crime and violence in our streets and in homes and places of business is one of the crucial issues of our times, and I believe that the enactment of enforceable and just firearms controls, such as those recently enacted and those now pending in this body, will do much to curb the scourge of violence that exists in America.

I ask unanimous consent to have Mr. Edgerton's letter printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Gun Stand Shot Down

To the Editor:

This letter is written in the hope that it will be read by all my Hoosier neighbors around the state who are afraid of any effective gun-control law and think it would be the government's first step toward taking guns away from everybody. This fear is absolutely unfounded, as anyone who will examine the facts for himself can see. But unfortunately, a powerful gun lobby, led by the National Rifle Association, has so frightened a great many decent, reasonable people that they really do believe it.

A staff member of the Senate Special Subcommittee that has been investigating the need for gun controls said this not long ago about the people who are so afraid of laws to regulate firearms: "These sportsmen are mostly ordinary, decent fellows. They have no idea that they have been intentionally misled for someone else's personal gain, and that they are indirectly responsible for thousands and thousands of unnecessary deaths and injuries every year. If we could only get the truth across to them, they'd back us all the way."

The fact is that in spite of all the propaganda by the gun lobby the great majority of American citizens do want gun-control legislation. The Gallup Polls have shown for the past thirty years that more than 84 per cent of the American people favor effective gun controls. In January 1967 a Gallup Poll showed that 73 per cent of all Americans would support a law requiring registration of all rifles and shotguns, and 85 per cent favored a law requiring registration of all handguns. Even a majority of the nation's gun owners favor gun-control laws. A Harris Survey has shown that 66 per cent of the 27 million white Americans who own guns are in favor of a law requiring all persons to register all gun purchases, and a Gallup Poll last year showed that 60 per cent of the nation's gun owners would vote in favor of a law requiring a police permit for the purchase of any gun.

The overwhelming majority of law enforcement officials in our country have been on record for years in favor of gun-control laws. For more than thirty years the International Association of Chiefs of Police has favored a law requiring Federal registration of all firearms. FBI Director J. Edgar Hoover has long been in favor of gun controls and has stated: "Those who claim that the availability of firearms is not a factor in murder in this country are not facing reality . . . a review of the motives for murder suggests that a readily accessible gun enables the perpetrators to kill on impulse." The American Bar Association supports strong gun controls. So does at least two thirds of the press, including such a highly respected farm publication as the 127-year-old Prairie Farmer, whose editor made a survey covering the states of Indiana and Illinois and concluded: "I doubt very much that the gun lobby speaks for the American people. It certainly doesn't speak for the urban citizen like myself. And we offer you proof from personal interview polls that it does not speak for midwestern farmers."

What is the truth about the need for gun controls? Here are some facts I hope my Indiana neighbors will examine carefully.

In the United States there were 6,552 murders with firearms in 1966 and 7,700 in 1967; there were 43,500 aggravated assaults with firearms in 1966 and 55,000 in 1967; there were 60,000 robberies with firearms in 1966 and over 71,000 in 1967. This adds up to more than 110,000 gun crimes of all kinds, from armed robbery to murder, in the United States in 1966 and more than 133,000 in 1967. (I won't even talk about the 10,407 suicides and 2,557 accidental deaths by firearms in 1966.)

How does this compare with countries that require gun licensing and registration? In Great Britain, which has one fourth as many people as the United States, instead of 6,552 gun murders in 1966 there were 30—about the same number that are shot to death in the United States every 36 hours. In France, a nation of enthusiastic hunters with a population one fourth our size and 2 million hunting rifles and shotguns registered in 1967, there are about 500 deaths by shooting each year, or 1 per 100,000 population—less than a third of the rate in America. In Paris and its suburbs, with 5 million people (a little more than the population of Indiana), the number of homicides and attempted homicides with firearms has been going down since 1962. That year it was 145; in 1966 it was only 76. In Japan, with 98 million people, almost half as many as the United States, there were only 2,111 murders of all kinds in 1967 and only 37 of these involved firearms. In Holland, which has just about three times the population of Indiana, the total number of gun murders for the entire year of 1967 was 15, and for a period of three years in the early 1960's there was not a single gun murder in all of Holland.

But perhaps somebody may argue that the lower rate of gun murders in all those countries is not really due to their gun-control laws but just to the fact that in those countries conditions are somehow "different." All right, let's look closer home. Canada is so close and similar to the United States that the Canadians sometimes wonder whether they aren't little more than the fifty-first state. They are a nation of outdoorsmen and hunters, and they have even more great open spaces than we have. But they also have registration of all firearms. With a population about equal to that of Indiana, Illinois, Iowa, and Kentucky, Canada had a total of 281 murders of all kinds in the whole year 1967. Of these, only 140 were committed by firearms, or an average of .8 per 100,000.

Your chances of getting deliberately shot to death are nearly 5 times greater in the United States than in Canada, 27 times greater than in Holland, 29 times greater tnan in West Germany, 60 times greater than in England, and 89 times greater than in Japan. Why? Are the people in all those countries more moral than we are? More peaceful? More law-abiding? I refuse to believe it. I am convinced that the difference between us and all the rest of the civilized world is very simple: we still stubbornly insist on being anarchists when it comes to the control of firearms, and the rest of the civilized world has learned better.

The firearm anarchists like to claim that the gun-control laws already passed by some states and cities do not really make any difference. But the facts do not support them. The first column of figures in the table below shows the percentage of murders that were committed with firearms during the period from 1962 to 1965 in each of the states named. The second column of figures shows the overall murder rate per 100,000 population.

	Firearms murders, 1962–65 (percent)	Murder rate per 100,000 population
1. States with gun controls:		
Rhode Island	24	1.4
Massachusetts	35	2.4
New York	32	4.8
New Jersey	39	3.5
Pennsylvania	43	3.2
2. States with minimal or no gun controls:		
Louisiana	62	9.9
Arizona	66	6.1
Nevada	67	10.6
Texas	69	9.1
Mississippi	71	9.7

Again let me ask you: are the people in Mississippi twice as murderous by nature as the people in New York? Are the people in Nevada three times as murderous as the people in New Jersey? Or is it the gun-control laws that make your chances less of getting murdered in New York and New Jersey than in Mississippi and Nevada?

Firearms are involved in only 25 per cent of the murders committed in New York City, which is under the Sullivan Law, while in Dallas, Texas, and Phoenix, Arizona, which have virtually no laws controlling firearms, the rate is 72 per cent and 65.9 per cent respectively. Moreover, despite what those of us who were born in the country or in small towns may like to think about the wickedness of New York City, it has the fifth lowest assault rate in the nation's ten largest cities, the third lowest murder rate, and the lowest robbery rate of them all. If the rest of the United States were likewise under the Sullivan Law, so that New York residents could not get around their own state's gun-control law by buying firearms out-of-state, the crime rate in New York City would very likely be even lower.

We hear a great deal nowadays about crime in the cities. My wife and I have just returned home after living for four months in Washington within three blocks of the Senate Office Buildings, and we know at first hand how bad conditions are in the capital city of our nation. But we also know that Washington cannot cope with its crime problem by itself. Persons with criminal records are prevented by law from buying handguns in the District of Columbia. But no District of Columbia law can keep a criminal from going out into the suburbs and buying a gun where the D.C. laws do not operate. One major gun dealer just across the Maryland line was recently found to be selling 60 per cent of his firearms to Washington residents, and 40 per cent of these Washington purchasers had criminal records.

Neighbors, if you are among those who have been pressuring our Congressmen to vote against gun controls, then you bear part of the responsibility for perpetuating the crime in our nation's capital. Washington and the other cities cannot control their crime with local laws as long as the small towns and the countryside insist on firearms anarchism. Incidentally, a Senate investigation has shown that in our own state of Indiana one person out of every ten purchasing a gun by mail order had a prior criminal record.

Why is that our country lags behind every other civilized nation in laws to regulate traffic in firearms? The answer is to be found in the hysteria created among a minority of otherwise reasonable, decent Americans by the most powerful lobby in the United States, the gun lobby. Here is the way this hysteria was described in a major Senate speech last May by Senator Thomas J. Dodd, of Connecticut, who in addition to leading the campaigns for adequate gun controls is also one of the strongest anti-Communists in Congress:

"Some of the more reckless critics of the gun bill have charged that it is all a part of a Communist plot to disarm the American people so that the Communists can take over and impose their dictatorship. Registration, they say, leads to confiscation, and confiscation, in turn, makes a Communist takeover easier. Not only is there not a word about 'confiscation' in the legislation, but to anyone who knows anything about the history of Communist takeovers, this argument is the worst kind of nonsense. Virtually every mountaineer in Albania had an unregistered gun before the Communists took over in their country. But that did not prevent the Communists from taking over. On the other hand, the Swiss are a nation of sportsmen and gun lovers who for decades now have practiced the strictest kind of registration. But registration has not led to confiscation—and Switzerland remains one of the most stanchly anti-Communist countries in Europe . . . If the gun lobby were to carry this argument to its logical conclusion, the first measure they would have to take would be to destroy the entire membership list of the National Rifle Association and the subscription lists of the dozen or more gun magazines. For if a Communist regime were ever to take power in this country, it could, by impounding these various lists, instantly be able to compile a nationwide master list of the names and addresses of gun owners."

Senator Dodd went on to say, "There is a tendency to forget that the gun lobby is only a relatively small group, and that it depends on terror for its success. It moves its membership to write letters to legislators, newspapers, and Congressmen by telling them falsely the law threatens to take away their firearms. Nothing could be further from the truth . . . This small group, motivated and financed by the self-interest of the gun-runners, is the one who has succeeded in opposing laws that most of America wants, to disarm the criminal and those similarly unqualified to go about armed to the teeth."

It is time to stop being terrorized by the gun lobby. Neighbors, if you love our country and are concerned over its welfare, I suggest that you write to Senator Birch Bayh and your Congressman and urge them to defy the gun lobby and vote for effective gun controls.

WILLIAM B. EDGERTON.

AGONY OF BIAFRA

Mr. DODD. Mr. President, this Wednesday's paper carried the welcome news that the International Red Cross, with the support of its member nations, plans to mount an emergency airlift of food to starving Biafra.

It was also good to learn that the Nigerian Government, after first threatening to shoot down Red Cross mercy planes, has now retreated from this position and has announced its willingness to permit such flights for an initial period of 10 days.

This action is long overdue, because the mass starvation in Biafra has been a matter of international knowledge for months now, with estimates of the death rate running as high as 5,000 or 6,000 a day.

I think it not inappropriate to recall that almost 2 months ago, on July 20, I wrote to Secretary of State Rusk urging that emergency shipments of food to Biafra be organized under U.N. auspices.

> Because every day's delay means many thousands of deaths—

I said—

> it is my belief that this emergency action should not be made contingent on the acceptance of any conditions by either side, nor should it be complicated by tying it in with the larger issues involved in the Nigerian-Biafran war.

On August 2, I again urged that we try to organize an emergency airlift under international auspices. But, regrettably, the position at that time seemed to be that there had to be some kind of agreement between the Biafran and Nigerian authorities before an airlift was mounted. This, of course, gave the Nigerian an effective power of veto.

The logjam has now been broken simply because the International Red Cross had the courage to inform the Nigerian authorities that, while they preferred to operate with their permission, they did not intend to wait any longer for this permission before they started moving in emergency food supplies to alleviate the famine which now threatens the lives of millions of Biafrans.

As one Senator, I want to salute the International Red Cross for its courage and initiative in this matter. I take it for granted that our own Government will do everything in its power to make the emergency airlift of food to starving Biafra as effective as possible over the coming period.

According to this morning's news, the Red Cross has already stepped up its night flights to Biafra. But the daylight shuttle service which it planned to inaugurate yesterday has been delayed because of differences beteen the Nigerian and Biafran authorities over the airfield to be used as the terminal point for the Red Cross daylight flights. I earnestly hope that the Red Cross will succeed in resolving this difference without further delay.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides, on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 941

Mr. MUNDT. Mr. President, I call up my amendment No. 941.

The PRESIDING OFFICER. The Senator's amendment No. 941 is the pending business. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the language proposed to be inserted by the amendment offered by the Senator from Virginia [Mr. SPONG] insert the following: On page 16, line 5, after the period insert the following language:

> For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), $90,965,000, fiscal year 1968: *Provided*, That these funds shall not be subject to the provisions of the Anti-Deficiency Statute, Revised Statutes 3679, section 665(c) of title 31, United States Code: *Provided further*, That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968.

Mr. MUNDT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MUNDT. Mr. President, as I understand, 30 minutes are allotted to each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MUNDT. Mr. President, it should not take very long to explain what we propose to do by this amendment.

Mr. President, in the star print of the amendment it will be noted that there are a number of cosponsors from both sides of the aisle. This amendment would once again do what the Congress did with an overwhelming vote shortly before the recess, and that is to reappropriate $90,965,000 which was in the second supplemental bill in order to reimburse the school districts which are operating under Public Law 874, and which have very definite and serious financial problems created by the Government due to impacted area problems in the various school districts.

We did appropriate that money but the President, exercising his authority, has frozen it and it is not now available, so that we have school districts in virtually every State which are in very serious financial circumstances because our Government has failed to keep faith with them under arrangements, promises, and precedents which have virtually the same impact as contractual arrangements would have.

The law which governs the funds for payments to school districts, Public 874, was passed on September 19, 1950, 18 years ago. The first appropriation to fund this program was made in 1951 and provided approximately for full entitlement payments to school districts. In each succeeding year the Congress provided sufficient funds to maintain this program at approximately 100-percent entitlement through 1967. Congress appropriated for fiscal year 1968 $416,200,000 in the regular Labor-HEW appropriation bill for this program which provided for 90 percent of entitlement. Subsequently Congress passed Public Law 90–218 and the executive branch decided to cut funds for the payments to school districts by $20,810,000. This reduction by the executive branch reduced the $416,200,000 and 90-percent entitlement to $395,390,000, which amount provided for 80 percent of entitlement.

Recognizing this was wrong and that it was a failure to keep faith with school districts, Congress appropriated an additional $90,965,000 in the second supplemental bill for fiscal year 1968 for this program. This additional amount provided a total of $486,355,000 and 100-percent entitlement for fiscal year 1968.

The executive decided that they would freeze this additional amount, thereby cutting back the program to $395,390,000 and 80 percent of full entitlement.

Mr. President, what the distinguished Senator from Virginia, the distinguished Senator from Connecticut, the other cosponsors of the amendment, and I are trying to do here is to appropriate once again the $90,965,000 which the President chose not to use. If my amendment is adopted I believe there is sufficient muscle in it so that we can get back on the track with this well-established program, and take care of these school districts which are in financial distress through no fault of their own but through the failure of their government to keep a commitment in the same degree which was kept for 17 preceding years.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a table showing the amounts of money appropriated and the payments as a percent of entitlement from fiscal year 1951 to fiscal year 1968, and a table showing the amounts each State will receive if my amendment is adopted.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PAYMENTS TO SCHOOL DISTRICTS

[Allocation to States, Public Law 874, as amended]

State or territory	1968 presently available	House allowance
Total	$395, 390, 000	$486, 355, 000
Alabama	8, 955, 406	10, 888, 075
Alaska	9, 762, 046	12, 172, 490
Arizona	6, 285, 722	7, 837, 792
Arkansas	1, 953, 560	2, 435, 933
California	60, 978, 019	76, 034, 711
Colorado	10, 290, 723	12, 831, 708
Connecticut	2, 616, 498	3, 262, 564
Delaware	2, 350, 131	2, 671, 001
District of Columbia	4, 618, 402	5, 758, 437
Florida	12, 953, 787	16, 030, 492
Georgia	12, 330, 086	14, 496, 199
Hawaii	6, 857, 193	8, 550, 371
Idaho	2, 418, 106	3, 015, 185
Illinois	9, 983, 678	12, 448, 848
Indiana	3, 039, 259	3, 789, 713
Iowa	1, 787, 388	2, 228, 730
Kansas	6, 196, 140	7, 726, 091
Kentucky	6, 040, 371	6, 413, 502
Louisiana	3, 001, 338	3, 713, 288
Maine	2, 661, 479	3, 318, 651
Maryland	18, 746, 284	23, 377, 258
Massachusetts	10, 412, 223	12, 812, 595
Michigan	4, 981, 623	6, 211, 685
Minnesota	1, 706, 172	2, 127, 460
Mississippi	2, 478, 037	3, 089, 914
Missouri	5, 221, 005	6, 510, 176
Montana	3, 228, 800	4, 026, 055
Nebraska	3, 802, 700	4, 741, 663
Nevada	2, 719, 033	3, 390, 417
New Hampshire	1, 859, 828	2, 319, 057
New Jersey	7, 904, 435	9, 856, 198
New Mexico	7, 912, 906	9, 866, 761
New York	21, 055, 954	26, 039, 763
North Carolina	9, 344, 737	10, 516, 563
North Dakota	2, 359, 730	2, 942, 395
Ohio	9, 660, 120	12, 045, 397
Oklahoma	8, 932, 441	11, 138, 039
Oregon	1, 945, 923	2, 419, 913
Pennsylvania	7, 313, 773	9, 018, 024
Rhode Island	2, 638, 017	3, 289, 396
South Carolina	6, 682, 898	8, 041, 698
South Dakota	3, 446, 992	4, 296, 706
Tennessee	4, 915, 534	6, 129, 278
Texas	20, 904, 631	26, 066, 402
Utah	4, 505, 686	5, 618, 230
Vermont	122, 508	152, 758
Virginia	24, 455, 489	29, 794, 811
Washington	10, 549, 718	13, 154, 654
West Virginia	465, 327	580, 226
Wisconsin	1, 669, 789	2, 082, 093
Wyoming	1, 304, 017	1, 626, 005
Guam	1, 307, 307	1, 630, 107
Puerto Rico	5, 429, 002	5, 465, 710
Virgin Islands	104, 419	130, 202
Wake Island	223, 610	223, 610

PUBLIC LAW 874, AS AMENDED—HISTORY OF ENTITLEMENTS AND PAYMENTS, 1951–68

Fiscal year	Entitlement	Payments	Payments as a percent of entitlement
1951	$29, 686, 018	$28, 501, 577	(1)
1952	47, 815, 681	47, 815, 681	100
1953	57, 697, 895	57, 697, 895	100
1954	71, 861, 047	71, 861, 047	100
1955	75, 287, 517	74, 918, 604	(2)
1956	85, 895, 851	85, 895, 851	100
1957	111, 320, 777	111, 320, 777	100
1958	122, 379, 829	122, 379, 829	100
1959	156, 847, 056	156, 847, 056	100
1960	184, 820, 640	184, 820, 640	100
1961	208, 244, 128	208, 244, 128	100
1962	251, 330, 356	251, 330, 356	100
1963	264, 269, 382	264, 269, 382	100
1964	292, 690, 225	292, 690, 225	100
1965	319, 250, 689	319, 250, 689	100
1966	369, 831, 165	269, 831, 165	100
1967	419, 748, 036	416, 200, 000	(3)
1968	486, 355, 000	486, 355, 000	(4)
1968 "A" children	(115, 230, 000)	(115, 230, 000)	[4] 100
1968 other	(371, 125, 000)	(371, 125, 000)	[4] 100

[1] Secs. 6 and 8(a) were funded in full; secs. 2, 3, and 4 prorated at 96 percent.

[2] Secs. 6 and 8(a) were funded in full; secs. 2, 3, and 4 prorated at 99.5 percent.

[3] Secs. 6 and 302(a) and disaster provisions were funded in full; secs. 2, 3, and 4 prorated at 98.7 percent.

[4] This payment level is based upon the House allowance of $486,355,000, included in the 2d supplemental appropriation bill, H.R. 17734, for fiscal year 1968.

Mr. MUNDT. Mr. President, at this point I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Alaska [Mr. BARTLETT] in support of the amendment, which he has handed to me and ask that I have incorporated, in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BARTLETT

FULL FUNDING FOR PUBLIC LAW 874 PROGRAM

Mr. BARTLETT. Mr. President, I support the amendment offered by the Senator from South Dakota [Mr. MUNDT] to appropriate approximately $91 million to provide full funding of the Public Law 874 program for fiscal year 1968.

This amendment also exempts that fund from provisions of the antideficiency statute and exempts this expenditure from the provisions of the Revenue and Expenditure Control Act of 1968.

Mr. President, efforts to provide full funding for the Public Law 874 program for fiscal year 1968 have been long and at times tedious.

I do not intend in this statement to review what has come before or review my role in seeking these funds.

At this time, however, I want to say, and say most emphatically, inasmuch as the school districts receiving Public Law 874 funds did not know the extent of any cutbacks in this program until well after their budgets were established, and inasmuch as many of these districts, particularly small ones, have no fat in their budgets to make up any loss of funds, the only fair thing to do, the only responsible thing to do is to provide for the full funding of the program

And further, inasmuch as these funds we seek to appropriate today are for fiscal year 1968 appropriations, I see no reason why they should be considered as 1969 expenditures for the purposes of the Revenue and Expenditure Control Act of 1968.

Once again, I would like to repeat one of my reasons for voting against the Revenue and Expenditure Control Act of 1968. I have always felt that if the budget is to be cut, it is up to Congress to do the cutting through the appropriations process. When the Revenue and Expenditure Control Act was passed, I predicted that there would be a number of conflicts between the executive and legislative branches over where cuts should be made. My argument is not with the executive branch, which understandably might have a different set of priorities than the legislative branch. My argument is with those persons, many of whom have complained that Congress is not playing its full role in our system of government, turned over to the executive branch the congressional responsibility of cutting the budget.

This amendment is most important to my state.

Under the present level of funding of the PL 874 program, Alaska has received $9.7 million. If the additional $91 million is appropriated and Alaska school districts are paid their full entitlements, the state will receive a total of $12.1 million, an increase of $2.4 million.

Again, I urge immediate and favorable action on this amendment.

Mr. MUNDT. Mr. President, I am now prepared to answer any questions.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HILL. As I recall the Senate put this $90,965,000 in the appropriation bill.

Mr. MUNDT. The Senator is correct.

Mr. HILL. The committee put it in and the Senate passed it.

Mr. MUNDT. The Senator is correct.

Mr. HILL. Then, it went to conference and the conference did not agree to it. But in the second supplemental the House put this amount in and the Senate agreed to it.

Mr. MUNDT. The Senator is correct.

Mr. HILL. What the Senator is doing is appropriating money which the Senate has twice voted for.

Mr. MUNDT. The Senator is correct, and which the House, in the second instance, initiated.

Mr. HILL. Yes; which the House initiated in the second instance.

Mr. MUNDT. This has the complete concurrence of the two Houses of Congress who feel that when the Federal Government has a commitment with the school districts of this country, Uncle Sam should keep it. It is not relevant to discuss here what changes should be made in the basic law. I happen to think that some changes are needed and should be made. But, the law is there. It is the law. We should not seek to repeal it or amend it by the arbitrary withholding of funds. The school districts have the right to believe that they will get the money. This is a good faith amendment which provides them the money, to which the school districts are entitled.

Mr. HILL. Not only is it the law but twice the Senate committee and the Senate itself has voted to appropriate it; is that not correct?

Mr. MUNDT. That is absolutely correct.

Mr. RIBICOFF. Mr. President, will the Senator from South Dakota yield me 3 minutes?

Mr. MUNDT. I am happy to yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. RIBICOFF. Mr. President, I rise in support of the substitute amendment of the distinguished senior Senator from South Dakota, and ask unanimous consent that my name be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, as Governor and as Secretary of Health, Education, and Welfare, I have seen the importance of these funds to our local districts.

The Public Law 874 program is absolutely essential if our Nation's schools are going to achieve a standard of excellence.

In Connecticut alone 39 communities are affected. Across the Nation, 4,300 school districts are being cut. All have a high concentration of federally employed parents.

It is essential that the Congress make good on its covenant to these school districts. It is essential that the Congress make sure that they are not undercut in their efforts to educate our Nation's children.

It is not hard to appreciate the difficulties faced by these school districts. They drew up their budgets in advance for the coming school year. They must expect to receive the full entitlements provided them by the Congress under Public Law 874 or else they would fail in their duty to plan efficient education programs for our children.

But this year, only 80 percent of the money was provided. Efficient school programs simply cannot be run that way. Educational programs cannot be dropped in midcourse nor teachers let go in midyear without great cost to our children's future as well as the taxpayer's dollar.

We cannot let this happen. Saving money here is a false economy. It is the most expensive kind of spending. It guarantees the taxpayer the least return for the dollar he has paid the Federal Treasury.

The education of our young is an investment in the future. It is one of our great priorities. Budget cuts in this area makes no sense at all.

Our educational system cries out for improvement and expansion. To tear it down by cutting back on what we have would be a senseless act of self-destruction.

So we must do more than simply make available to these school districts the money Congress has already voted. We must also make sure this situation does not occur next year.

So I urge my colleagues to join in supporting this amendment which exempts the federally impacted school program from future budget cuts required by the 1968 tax bill.

Congress voted this money once because we felt an obligation to fully fund those schools which had a high concentration of Federal dependents including the children of military personnel.

The schools counted on this money to pay teachers, to buy textbooks, and to purchase other materials. We must not let them down. We cannot go back on our commitment to the 4,300 school districts of the Nation.

Mr. HARRIS. Mr. President, I am glad to be associated with my senior colleague [Mr. MONRONEY] in support of the amendment of the senior Senator from South Dakota which would free some $90.1 million of funds appropriated by the Congress for impact area schools from the provisions of the antideficiency statute.

We are all aware that Congress has consistently supported the impact area concept in dealing with the problem of the way in which Federal activity has affected educational programs throughout the country. Especially in the time of national emergency, the resultant military buildup has brought increased dislocations in school districts near military bases. It is essential that this impact principle be continued in full force. Therefore, the failure of the administration to release the $90.1 million appropriated and made available at the end of the last fiscal year has caused disastrous consequences for thousands of our public school districts. Immediate action is needed, and the amendment before us is worthy of our support.

When these funds were not released, the effect in Oklahoma was similar to that felt in almost every State; some $2.2 million were not made available to districts throughout the State but, as my senior colleague and I have found as we have traveled throughout the State and talked with school officials, the effect is felt unevenly. For instance, three school districts, including the district in my hometown of Lawton, will lose $375,000. Since all of these districts have already utilized maximum local and State financing as permitted by law, there is no way for those losses to be made up except by decreasing school services. This means that the children of the men whom we have called to military service and who have been assigned to military bases such as Fort Sill will be forced to pay the cost of our neglect.

Mr. President, I believe that the best way to make it possible for action to be taken on this emergency matter is to remove from the provisions of the antideficiency statute these funds which have been previously appropriated. In this way the intent of Congress will again be made clear and action can be taken to meet the emergency situations being faced as this school year opens in school districts where the school population has been swelled because of Federal activity, activity which does not bring to these school districts the tax dollars that activity in the private sector of our economy would bring.

Mr. President, Congress has consistently acted on this problem before. I am confident that we will act again, this time in support of the amendment now before us.

Mr. TYDINGS. Mr. President, as a cosponsor of modified amendment No. 928 to the Labor-HEW appropriations bill, I rise to support it and amendments Nos. 933 and 938. Thanks to the efforts of Senators SPONG, RIBICOFF, and MUNDT, authors of these three amendments, we have an opportunity now to extend the life of the $91 million we appropriated earlier this year for school districts entitled to Federal assistance under Public Law 874—districts in areas with high concentrations of Federal employees.

In the second supplemental appropriations bill for fiscal 1968, Congress provided $91 million for impacted area school aid. This amount would have brought the level of assistance up to approximately that which was established by formula in Public Law 874. However, the administration declined to allocate these funds, and the appropriation lapse on July 31. As a result, school districts throughout the country have come to the close of the fiscal year with considerably less funds than they had expected and, indeed, expended. The State of Maryland will be short over $4.6 million. School budgets have, of course, included these funds, and consequently plans and programs are being thrown into considerable disarray as the new school year begins.

I ask unanimous consent that a series of letters and a telegram I have received from school superintendents in Maryland appealing the Budget Bureau decision be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, last month, in an address before the National Association of State budget officers, the Director of the Bureau of the Budget criticized Congress for insisting upon a $6 billion spending cut while also insisting that the impacted area program be fully funded. I think that criticism is unwarranted. In the same speech Mr. Zwick reportedly pointed out that Montgomery County, Md., receives more impacted area aid than the 100 poorest counties in the country put together. This may be true, but it does not follow that the program should be jettisoned in Montgomery County or any of the other counties in the country with a dense population of Federal employees. This was subsequently explained to Mr. Zwick in a letter from Homer O. Elseroad, superintendent of Montgomery County's schools. I commend that letter to the attention of my colleagues and ask that it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, the funding formula for Federal aid to impacted area schools is written into the law and relied upon by those school districts which are thereby entitled to it. The administration's budget request for fiscal 1968 would have reduced the program to a fraction of its authorized extent. Congress passed a supplemental appropriation of $91 million to prevent the damage that would have resulted from that reduction. By withholding expenditure of those funds the administration appears determined to exact a special sacrifice from school districts in impacted areas. The amendments we are considering today will extend the appropriation through the end of October and exempt it from the provisions of the Revenue and Expenditure Control Act and the antideficiency statute. Thus the administration will be given an opportunity to reconsider this decision and release that $91 million as Congress intended.

The $6 billion expenditure cut and tax surcharge were necessary to pay for the war in Vietnam and repair the damage it has done to our economy. I voted for that legislation because I felt it was necessary to stem inflation and protect the dollar. I have also expressed my disagreement with the administration over the conduct of this war and have done everything I could to encourage negotiations and a reduction of our involvement. It should be very clear to everyone by now that we cannot afford this war. It has already cost over $100 billion, and we are paying for it now out of our children's education and out of housing and health and human progress. We are mortgaging our future, and this is a debt which our people—and particularly our young people— do not want to assume.

In this particular instance, the administration is picking on schools in impacted areas. They are withholding $91 million which Congress has already appropriated and on which these schools have based their yearlong plans. Ninety-one million dollars only slightly exceeds the cost of one day of war in Vietnam.

For these reasons, Mr. President, I hope the Senate will vote today to extend the life of the appropriation for aid to schools in federally impacted areas. And as we do this, I appeal to the President to release those funds without additional delay.

EXHIBIT 1

MONTGOMERY COUNTY
PUBLIC SCHOOLS,
Rockville, Md., August 21, 1968.

Mr. CHARLES J. ZWICK,
Director, Bureau of the Budget,
Executive Office of the President,
Washington, D.C.

DEAR MR. ZWICK: The Baltimore Sun Newspaper on August 13 carried an article in which it reports that you cited Montgomery County as a reason for not paying impacted aid to school districts according to the law.

I think it is grossly unfair and unjust for you to single out Montgomery County and present a picture of selfish citizens who want the federal government to pay their education costs.

You cite, according to the article, that there are 100 poor counties which were not paid as much as Montgomery County under the impacted aid program. I do not see the relevance. I am confident that the U.S. Office of Education administers this program in accordance with the laws as written by Congress and approved by the President. I cannot imagine either Congress or the U.S. Office of Education deliberately favoring Montgomery County or penalizing the 100 poor counties.

The federal Impacted Aid Law has nothing to do whatever with the economic level of a political subdivision. The Impacted Aid Law was passed by Congres so that the federal government as a large employer would pay its fair share toward the cost of education as is done by other employers throughout our land.

As you must know, almost all of the cost of education is borne locally by real estate tax. In those instances where the employer is a private business or industry, that business or industry pays real estate tax, and thus contributes to the cost of education in the political subdivision. The same principle applies to the federal government under the Impacted Aid Law. Under this law the federal government installations pay a share toward the local cost of education just as if they were a private business. Montgomery County is in the group you cited which receive less than 5 per cent of total revenue from this source.

As a citizen of Montgomery County interested in the future of education for this county, as a person who realizes that in the county we pay tremendous amounts of money into the state and into the federal government for education and then have to bear over 70% of the cost of education from local taxes, I feel that it is grossly unjust to have a high officer in our federal government cast Montgomery County in the role of a greedy, self-centered place, seeking funds to which it is not entitled.

Sincerely yours,
HOMER O. ELSEROAD,
Superintendent of Schools.

BOARD OF EDUCATION OF
HARFORD COUNTY,
Bel Air, Md., July 26, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I have been informed that the $91,000,000 supplemental appropriation for fiscal year 1968 has not been released by the Bureau of the Budget to the Department of Health, Education, and Welfare.

As this means $4,500,000 for the school systems of Maryland and $315,000 for Harford County, I would appreciate your contacting the Bureau of the Budget officials immediately and requesting the release of these funds.

Sincerely yours,
CHARLES W. WILLIS,
Superintendent of Schools.

BOARD OF EDUCATION OF
PRINCE GEORGES COUNTY,
Upper Marlboro, Md., August 12, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: First, may I thank you for the support which you gave to the Supplemental Appropriation Bill, which would have permitted the payment of all entitlements in full of Public Law 874.

As all of us realize, this supplemental legislation did not succeed in accomplishing its purpose, and, as a result, we will lose $1,689,000 which had been budgeted for the coming school term.

I am now writing to you to ask your support once more in an effort to secure this money. We have been informed that, when the Congress reconvenes in September, Senator Spong of Virginia will make an effort to suspend the rule and add an amendment to the Departments of Labor and Health, Education and Welfare and Related Agencies Appropriations Bill, 1969. This amendment will be presented on September 4 and will include a provision to make the Supplemental Appropriation Bill for school assistance in Federally affected areas available for expenditure until September 30, 1968.

I sincerely hope that we may call on you to support Senator Spong, and, if you feel it appropriate, to contact him offering to join him in sponsoring this amendment.

I know that you will do everything you can to assist us with the fiscal problem that we will face due to the loss of this appropriation.

Sincerely yours,
WILLIAM S. SCHMIDT.
Superintendent of Schools.

ANNAPOLIS, MD.,
July 26, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.:

Earlier this month we were bolstered by the news that Congresswoman Patsy Mink of Hawaii had introduced and successfully pursued an amendment to the second supplemental appropriation of Public Law 874. We eagerly anticipated the benefits that would be made available by Anne Arundel County's $454,000 share of these funds. Now we learn that the Bureau of the Budget has failed to release the appropriated monies to HEW. July 31 is the deadline for the payment of this appropriation. May we respectfully urge that you contact the Bureau of Budget officials and request the release of these funds. We will appreciate receiving any information regarding progress of this matter. Failure to receive these funds poses serious budget implications for us.

Dr. EDWARD J. ANDERSON,
Superintendent of Schools of Anne Arundel County, Md.

Mr. MONDALE. Mr. President, the senior Senator from Washington, Senator MAGNUSON, had hoped that he would be able to be present for the discussion of H.R. 18037 but very important prior commitments in his home State prevented his presence here today. He had prepared a statement which he had planned to make on the Senate floor and he has asked me to read that statement into the RECORD, as follows:

Mr. MAGNUSON. Mr. President, I am deeply concerned about two matters relating to the Fiscal 1969 appropriation for the Office of Education.

First, I endorse the amendment offered by the distinguished Senator from Michigan (Mr. HART) providing the full budget request for Title I of the Elementary and Secondary Education Act. For three school years this attempt to improve the education of impoverished children has limped along because of inadequate, and usually late, funding. The result has been that too many eligible youngsters have been deprived of its benefits; or that well-designed programs have been watered down.

The amendment under consideration would provide the money which the Office of Education believes necessary to continue this vital program effectively. To provide less would be to hamper seriously the efforts of large cities to develop and improve their Title I projects. I urge the adoption of this amendment.

My second concern is with the impacted aid program, Public Law 874. This Congress, in the Second Supplemental Appropriation Act, 1968, provided an additional $90,965,000 to meet the federal commitment to local school districts. The money was not released, and school systems were unable to fulfill plans made on the assumption that funds would be available.

Therefore, Mr. President, I support the amendment offered by the distinguished Senator from Connecticut [Mr. RIBICOFF], making the additional funds available for obligation until October 31, 1968, and exempting such funds from the limitations contained in sections 202 and 203 of the Revenue and Expenditure Control Act of 1968. I of course also support the combined amendment offered by Senators Mundt and Spong.

We are faced with difficult choices in a difficult year, but we cannot in good conscience break faith with our school children. Economies in government we must have, but we cannot sacrifice our children simply to preserve the sanctity of the budget cutting process. These are good amendments to a good appropriation bill. Let us continue to build more comprehensive programs of school support, for education is the ultimate solution of our social problems.

Mr. PASTORE. Mr. President, will the Senator from South Dakota yield me some time?

Mr. MUNDT. Yes. I am happy to yield.

The PRESIDING OFFICER. How much time does the Senator from South Dakota yield to the Senator from Rhode Island?

Mr. MUNDT. Whatever time he desires—preferably 3 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. All I shall have to say will take me only 2 minutes.

Mr. President, so far as I am concerned, and my State of Rhode Island is concerned, this impacted area problem is an old story. We have had it time and time again since my first year in the Senate. It erupted again only a short while ago as I sat by the right side of my distinguished friend from Alabama [Mr. HILL], who is one of the most respected, one of the most compassionate, and one of the most understanding Members of this body. I digress for a moment to speak my regret that he has decided to leave us and not come back after January 1969. There will be a vacuum in the Senate when LISTER HILL leaves, because I do not think there is any other man in this country who has done more to promote the health and education of its young people than LISTER HILL. He is a friend—and a respected friend, a revered and valued friend—and I regret very much, I repeat, that he is going to leave us.

On the day in question Mr. Gardner, then Secretary of Health, Education, and Welfare, appeared before our committee. He made the argument that the administration had no heart in the impacted area program, that it felt a proper substitution had been made because we had passed the aid to elementary and secondary schools.

The fact is that one is not a substitute for the other. The two problems are different.

When the U.S. Government sets up a naval or a military establishment of some kind in a particular area of the country, many times it has to go to an isolated area. This usually means a rural area, where the people are not adequately equipped in dollars to take care of the tremendous influx of pupils induced by families who have come to live or labor on Federal property. That is the genesis of the problem. That is the reason for the impacted area program.

If one argues with me that we should not give this aid to the State of Maryland or to the State of Virginia, because these are affluent parts of the country; I will be happy to debate that at another time, but I am not going to discuss that subject today. Some very good taxes are assessed and paid in the adjoining areas of Virginia and Maryland. Many people who work for the Government in those areas are on a salary scale of $15,000 a year and more, so that the problem may not be too great.

However, when we come to my own little State of Rhode Island and begin to talk about East Greenwich, or North or South Kingstown, those are rural areas. Their only income is from property taxes. A Federal facility mushrooms in the area and families flock to Rhode Island. That is wonderful. I am one of those who believe that large families are good families. So the children go to school but the town cannot meet the sudden and staggering responsibility. It has been the custom since 1951 that the Federal Government contribute a share.

Now, without adequate notice, merely by appearing before committees, the administration has made it known that they would like to discontinue the program. They may have their reasons for that, and they may be good reasons; but the fact still remains that these communities have a problem and a peril for which they are not prepared. If you short-change these little Rhode Island communities out of this Federal help, you invite disaster.

If we are going to repeal the law, we should repeal it not by sudden fiat but by bringing the matter before the proper legislative committee, so that all these communities will receive proper notice. Now that commitments have been made by the communities, if the money is shut off, naturally havoc will ensue in some of those communities.

That is the problem with which we are confronted, realizing that Congress has always funded the program. This time I think the program is about $91 million short. We had the representative of the agency come before the committee. If we are going to fund it at all—and he gave the figure of $91 million as the proper figure—I can understand that the administration has a real problem.

Congress has cut the budget by $6 billion. We have told the President of the United States to cut the budget by $6 billion. A long time ago, the President said the best cut he could recommend would be $4 billion. Now when we begin to look for this extra $2 billion cut we have put on his back by legislative fiat, the President begins to feel worried as to where he is going to make the cuts.

All the Senator from South Dakota would do by his amendment would be to exempt the $91 million from the limitations and requirements of the control act we have passed. That would make it $6 billion less $91 million, and not $6 billion plus $91 million. That is what the Senator's amendment would do.

I think we should go along with it. If we are going to insist on spending the $91 million, which I think has to be spent, we must take into consideration the problems of the administration and give it a way out.

We cannot simplify this too much because if we command the administration to spend the $91 million, as some will insist that we stick to the figure of $6 billion, it will make the job even harder. Before, the President had to find $2 billion. That was difficult. Now he has to find $2 billion plus $91 million, which will make it even tougher.

Therefore, I suggest that we help the administration on this. If we are to spend the $91 million, then we should say to the administration, "All right, if you have difficulty in working out the $6 billion, we will not include the $91 million on that awesome task you already have."

That is all this amendment does, and I am going to support it, and I hope the Senate will support it.

Mr. MUNDT. Mr. President, I now yield to the distinguished Senator from the affluent State of Virginia [Mr. SPONG].

Mr. SPONG. Mr. President, I thank the Senator. I may say I am not prepared this morning to speak on the affluence of the Commonwealth of Virginia. I am pleased to join the Senator from Connecticut in cosponsoring the amendment offered by the Senator from South Dakota. I spoke on Wednesday concerning compelling reasons why this money should be reappropriated, and I think the Senator from Rhode Island, as always, has eloquently covered them this morning.

I would, however, reiterate that this is an obligation to the local school districts throughout the United States that have budgeted and depended on this money for fiscal year 1968. That year has ended. It is a commitment this Congress has already recognized.

I urge my colleagues in the Senate today to join the Senator from South Dakota and to support the amendment.

I thank the Senator.

Mr. MUNDT. I thank the Senator very much.

Now, Mr. President, I am happy to yield to a Senator from another affluent State from another area of the country, the distinguished Senator from California [Mr. MURPHY], to speak in support of the amendment.

Mr. MURPHY. Mr. President, I thank my distinguished colleague.

Mr. President, as a cosponsor, I rise in support of this amendment. The impacted-aid program is a badly needed and a most popular education program. This program was enacted by the Federal Government in recognition of its responsibility to assist school districts where Federal activities have placed additional burdens on the local school systems. Federal activity in an area in effect does double damage to a school district. First, it often results in a great influx of children to the school system, and second, the Federal facility also removes from the local tax rolls the property on which the Federal activity is located. Thus, the local school district is burdened with additional children to serve and has less of a tax base to support the schools.

When the second supplemental was enacted on July 9, the Congress and educators felt the matter was settled. Indeed, the executive branch must have shared these feelings because the Department of Health, Education, and Welfare gave to many of the school districts permission to spend these impacted-aid funds. Since the President's refusal to release these funds, the Department will now have to recoup funds which in many cases have been spent by the school districts. The Department has two choices. The funds that local school districts were given can either be recouped or they can be subtracted from the impacted-aid funds for the next fiscal year. Either alternative produces harmful consequences for the impacted school district.

The President's refusal to fund the impacted-aid program is not only contrary to the intent of the second supplemental appropriations act, but also contrary to the intent of the Senate as evidenced by its passage of the Fannin-Murphy amendment of July 31.

This amendment, which attempted to pry loose the impacted-aid funds before the July 31 deadline of the second supplemental, prohibited the administration from carrying over certain fiscal year 1968 foreign aid funds unless the impacted-aid program was funded. This amendment, I might add, is in the Senate version of the foreign aid bill which is now subject to conference.

Passage of the amendment we are now considering will revive the Fannin-Murphy amendment, and I hope that the conferees will consider whether it is appropriate to carry over certain fiscal 1968 foreign aid funds when the administration fails to carry out the will of the Congress and fund the fiscal 1968 impacted-aid program.

Mr. President, since coming to Washington, I have been a strong supporter of the impacted-aid program. I have observed repeated administration efforts to harm this program. Perhaps the administration continually attacks this program because it is a program where there are no Federal strings attached. I am convinced that the failure to release these impacted-aid funds will seriously damage the education programs in some of our school districts. The effect is so drastic that many of the school superintendents in California have come to Washington personally to point out the disastrous consequences of the administration's actions. I also have received letters from almost every impacted-aid district in California pointing out the need to fund the programs.

Many of the school districts eligible for these funds are defense connected. It is indeed unfortunate if the school districts, many of whom are educating children of our military men or defense-connected employees, were forced to reduce the quality of education for their children. For some it is not just a matter of quality, but of actual survival of the school system. A good example is the China Lake School District in California, where all of the children enrolled in the district schools live on the Naval Weapons Center in federally owned homes and all are dependents of the employees working at the center. Thus, the school district has very little taxable property, and the money it receives from the impacted-aid program constitutes a large part of the district's budget. The school district described to me the effect that the loss of the impacted-aid funds would have as follows:

> The School District at this Naval Station is a slave of Federal and State legislation because it has no way to make up losses through local taxation. Funds must be made available through P.L. 874 if the China Lake School District is to survive.

Mr. President, I hope the Senate will adopt this amendment and, equally important, after we do, I hope that this administration, which professes to have such a deep interest in education, will fund this program, which Congress has repeatedly indicated it wants funded.

I thank the Senator for yielding.

The **PRESIDING OFFICER.** Who yields time?

Mr. **MUNDT.** Mr. President, the proponents of the amendment have only begun to fight. We have not heard from the opponents. If there is no opposition, we can expedite the matter by getting on with the rollcall. If there is opposition, I suggest that the opponents use part of their time. I withhold part of my time to see what occurs.

Mr. **WILLIAMS** of Delaware. Do I understand correctly that the chairman of the subcommittee is supporting the amendment?

Mr. **HILL.** Mr. President, the Senate committee and the Senate have twice passed this amendment. The schools have the right to expect the money, we having twice passed it. I do not see how we can very well oppose this amendment.

Mr. **WILLIAMS** of Delaware. I was not questioning the position of the Senator. I was trying to find out the parliamentary situation, because under the unanimous-consent agreement if the Senator opposes the amendment he controls the time in opposition to the amendment. I was going to ask him to yield me some time. If he does not oppose the amendment then the control of the time in opposition goes to the minority leader.

Mr. **HILL.** Very well.

Mr. **WILLIAMS** of Delaware. Mr. President, I yield myself 10 minutes.

First, I am not going to take exception to the arguments made by the Senator from Rhode Island, the Senator from Virginia, the Senator from South Dakota, or any other Senator supporting the merits of the impacted areas program. The program was adopted several years ago, and I supported it. But we are not debating the impacted areas program here.

Money has been appropriated for that program. This is another exemption.

This amendment proposes to exempt the expenditures of this Department from the $6 billion mandatory reduction for 1969 as approved earlier by the Congress.

Congress has already made several exemptions for other agencies concerning the manner in which they would be affected by control over the number of employees. Those earlier exemptions were made from the $6 billion cut which was embraced as part of the tax increase bill.

I make one point about the impacted areas question. While I think there is merit with respect to some areas, it must be pointed out that many of these impacted areas result from installation of defense projects which the various States scramble to get into their areas because they bring a lot of employees into those States. Once the States get the project they want the Federal Government to underwrite the difference in the tax receipts as a result of taking land off the tax rolls. I suggest that some of the States that do not get these defense contracts would be happy to relieve the other States of some of this defense work, some of which has been concentrated in some places in too great a degree.

Aside from that, the Senator from Rhode Island mentioned that Congress, in passing the 10-percent tax increase, put on the back of the President the responsibility to cut $6 billion from the fiscal 1969 expenditures. That is not quite correct. Congress did pass a mandate that the 1969 expenditures had to be cut by $6 billion, but at the time the Congress adopted that mandate—it was an amendment, of which I, along with the Senator from Florida [Mr. SMATHERS] was the author—the Congress had not acted on a single appropriation bill for fiscal 1969. So, as it was very properly argued at that time, Congress would have a full opportunity, as we discussed and debated each and every fiscal 1969 appropriation bill for each agency, to designate where this $6 billion expenditure reduction should be made; that is, if Congress wished to exercise its authority. These expenditure reductions did not apply to fiscal 1968 because Congress had already acted on those. So when we speak of putting this burden on the President's back, the Senator from Rhode Island is correct that as of the moment it has been put on his back.

But it has only been put on his back since the tax bill was passed and because we in Congress, as we have acted on these various appropriation bills, have not discharged our responsibility in telling him where the cuts ought to be made.

Mr. **PASTORE.** Mr. President, will the Senator yield at that point?

Mr. **WILLIAMS** of Delaware. I yield.

Mr. **PASTORE.** That is exactly the point I was making. I do not think there is any disagreement between the Senator from Delaware and myself.

Mr. **WILLIAMS** of Delaware. I do not think there is either.

Mr. **PASTORE.** That is what I said. I said from the very beginning that the administration was opposed to this funding to begin with, but Congress felt differently about the matter. What Congress has done to try to force the President to spend money where he believes it should be spent, and at the same time force him to cut out $6 billion, which he thinks is too much.

All the President says is, "If you are forcing me to spend $91 million here, do not force me to cut $6 billion plus $91 million from other programs."

I think that is a fair position. The President says he is going to withhold this money because he does not believe in the program. If we dispute him, then I think we ought to at least take it out of the $6 billion reduction, if we really care to achieve it, because the last word is that of the President. Say what you will, do what you will, the President of the United States has a right to hold up this $91 million, and he is exercising that right. The practical question here is how to release the money. The Senator from South Dakota has the answer.

Mr. **WILLIAMS** of Delaware. Mr. President, I realize the Senator from Rhode Island understood this background, but I was merely pointing out that Congress has had ample opportunity in each and every case to designate where these cuts should be made. To the extent we have not exercised our responsibility—and I must say we have miserably failed in designating where cuts should be made—we have delegated the authority to the President. Then, if the President later makes a cut in an area where we think he is wrong I do not think the Members of Congress should be too critical of the President, even though they may disagree with him. If Congress refuses to make these cuts it delegates him that authority. Let us specify in these bills where cuts shall be made.

What I am disagreeing with is that here we are specifying exemption of those agencies we do not want to be cut, but Congress has not as yet designated one single area where we say cuts ought to be made. We pass that unpleasant task to the President.

I think the time has come to face the issue squarely and to ask ourselves, Do we want to cut $6 billion from expenditures in 1969, or were we just shadowboxing?

This $6 billion reduction provision was passed by the Senate and approved in conference; but before it was approved in conference, before we brought that conference report back, the chairman of the Committee on Finance went before the full Senate Appropriations Committee and outlined to it the conference agreement, which called for a $6 billion mandatory cut, and asked, "Do you, as the committee which has jurisdiction over this $6 billion cut, agree with us that the cuts should be made and will you back it and support it?"

The Senate Appropriations Committee backed that $6 billion cut, instructing our conferees to accept it. Many of them supported it on the floor. So this $6 billion reduction is not something that was forced on the Senate or on the Appropriations Committee. We voted for it.

Yet the same Appropriations Committee which endorsed this $6 billion cut made no exceptions to it, endorsed the mandatory rollback in numbers of Federal employees, and is now coming in on every appropriation bill saying, "We are with you, we meant it, but don't take this agency but don't cut this program, but don't cut this," and we are about to slide into bankruptcy on the "buts" of the U.S. Senate. I say it is time to get off our "buts" and if we really want to cut the budget, to do it. If we do not want to cut the budget then let us pass the word out to the taxpayers that we are going to expand all these programs—not just this one for this is only one instance. I am talking in general, because this trend is what we have been following in general.

We have other amendments coming up later which would exempt other phases of this bill from having the employee reduction control provisions of the law. If we are going to increase employees we are going to have to pay them.

So what we are doing is whittling away the claimed $6 billion expenditure reduction; and what I am afraid of is that we are going to end up with just a 10-percent tax increase, pouring the extra money into the spending stream for these expanded programs.

Maybe that is what should be done. That is for every Member to decide for himself. I realize there can be honest differences of opinion on this point. But it gets back to the question, Are we here in Congress going to designate only those programs of which we say to the President, "You cannot cut this project, you cannot cut this agency, and so forth." If so, where do we want the cuts to be made?

The point is, if we are going to spell out in various amendments, saying to the President, "You cannot cut this one, you cannot cut that one," then it is about time somebody in Congress came up and asked, "Where are we going to make these cuts?"

Let us face it—we are gradually repealing the $6 billion cut entirely in allowing the continuous expansion of the Federal payroll with no controls, and we will end up with another staggering deficit next year.

I think we should remember that the American dollar came very close to being pushed over the precipice a few months ago. We all recognize that. At the time Congress was very much concerned. We sponsored, accepted, and passed both a tax increase bill and expenditure controls.

Officially they announced a $25 billion deficit last year, but it was actually a deficit of around $29 billion if we take into consideration that it was only $25 billion by virtue of the fact that they subtracted the participation certificates, seigniorage, and accelerated payments of taxes.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a report prepared by the staff of the Joint Committee on Taxation which shows that in the past 5 years we have spent $69.5 billion more than we have taken in and that the deficit for fiscal 1968, based on the old administrative procedure of accounting for deficits that we have always used heretofore, was $29.5 billion. This is over $2 billion per month.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, D.C., September 3, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your letter of August 2, 1968, outlining information you need concerning revenues since 1964. The fiscal 1968 figures on the administrative budget basis were not available until the last week in August so we could not send them to you in Delaware as you suggested.

We have prepared a table showing the Federal deficit on the administrative budget basis for the fiscal years 1964 through 1968 with the various adjustment items you wanted. The sales of FNMA participation certificates were applied to reduce expenditures consistently for these deficit figures, so we included them in the table through fiscal 1968. We did not attempt to show fiscal 1969 figures because the revisions of the budget figures are incomplete.

I hope the enclosed table meets your needs.

Sincerely yours,
LAURENCE N. WOODWORTH.

BUDGET DEFICITS, 1964-68

[In billions of dollars]

Fiscal year	Administrative budget deficit	Sales of FNMA participation certificates	Acceleration of corporate tax payments	Accelerated payment of excises and withheld taxes	Seigniorage	Total deficit plus adjustments
1964	8.2		0.3		0.1	8.6
1965	3.4	0.3	1.0		.1	4.8
1966	2.3	1.8	2.9	0.9	.6	8.5
1967	9.9	2.9	4.3	.3	.8	18.1
1968	25.1	3.2	.8		.4	29.5

Note: Detail may not add to totals due to rounding.

Mr. WILLIAMS of Delaware. Next year's deficit would have been at least that much, if not more, except for the fact that Congress did pass a 10-percent tax increase, and we provided the $6 billion mandatory reduction in expenditures for fiscal 1969. But we are repealing piecemeal, item by item, that mandatory reduction in expenditures. We have already made a series of exemptions for other agencies in the past few weeks. There will be others made here in the next few days; perhaps today. I am aware of the trend.

Everybody seems to take such great pleasure in spending the taxpayers' money.

But, as one who cosponsored this tax increase bill, I wish to say that I cosponsored it not because I wanted that honor but because the President of the United States, who has a majority of his party in both the House of Representatives and the Senate, could not find a single Member of his own party who had the courage to offer and introduce his tax increase bill, and only one-third of the membership of his political party in the Senate had the courage to vote for it. So the record is clear. We have too many spendthrifts who have not the courage to tell the American people the true cost of these programs.

I ask, Are we going to have fiscal responsibility, or are we not? In my opinion we have got to hold down this spending. There may be but one vote against this proposal, but I am going to vote against it. I am going to vote against it because I am not going to be a party to whittling away the mandatory $6 billion reduction in expenditures, and the control over Federal employment. I think it was just as important, or even more important, to curtail expenditures than the 10-percent tax increase.

If we are only going to raise the tax 10 percent only to pour more money into the spending stream in expanding these Great Society programs, then we are only fanning the fires of inflation. Sooner or later we will reach the day when Congress will be back at the same point again, frightened because of what is going to happen to the American dollar.

I will have no part of such fiscal irresponsibility, and I certainly hope that the Senate will reject this amendment.

I would like to read the proviso here. It reads:

> *Provided further,* That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968.

That proviso exempts this $91 million from the $6 billion proposed reduction. This is but one of the many proposed exceptions.

I think the time has come when we in the Senate, if we really want the $6 billion cut, ought to start to implement it. If Members of Congress do not want it, why does not someone have the courage to introduce a bill or an amendment to repeal the entire $6 billion cut and all control over expenditures? If Congress wants to pass such a measure let Congress do it openly and above board, telling the American taxpayers to get ready to shovel it out because Congress will continue to spend it.

Even if we were to cut the $6 billion or hold tightly to the $6 billion cut we would still be appropriating and allowing $3.25 billion more for the same domestic programs than those programs were allowed in 1968. The 1968 figure is as much as I think we can afford at this time.

Mr. President, I withhold the remainder of my time.

Mr. **PASTORE**. Mr. President, will the Senator yield?

Mr. **WILLIAMS** of Delaware. I yield to the Senator from Rhode Island.

Mr. **PASTORE**. Mr. President, I compliment the Senator from Delaware for his consistency. He has maintained his position consistently throughout this matter. Today, he is echoing what the Senator from Rhode Island said a long time ago: that the Congress of the United States was in dereliction of its responsibility in not allocating the cuts where they should have been allocated. I made that statement on the floor.

I said at the time, and I will use the words again: "What we are doing, for political reasons, is putting the cat on the back of the President."

The responsibility to appropriate or not to appropriate is on the Congress of the United States. If we wanted to cut out the money, we should have done it. The mistake we made is that we took the figure of $6 billion out of the thin air and threw it to the White House because we did not have the courage to stand up and be counted. That is the reason we are in the dilemma we are in now.

Mr. **WILLIAMS** of Delaware. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator from Delaware has 12 minutes remaining.

Mr. **WILLIAMS** of Delaware. Mr. President, I yield myself 2 minutes.

The **PRESIDING OFFICER**. The Senator from Delaware is recognized for 2 minutes.

Mr. **WILLIAMS** of Delaware. Mr. President, I partly disagree with the Senator from Rhode Island on that point. Originally Congress did not throw this to the White House. At the time we passed on the $6-billion cut the Senate Appropriations Committee—of which the Senator from Rhode Island is a member—had not acted on one single appropriation bill for any of the agencies for the fiscal year 1969. So Congress did have plenty of time to designate where the cuts could be made. We went on record that we were going to do the job; but Congress has not done it, and the job is not done in the pending bill. On that point I agree with the Senator.

Mr. **PASTORE**. Mr. President, why does the Senator disagree with me if he says what I said? I said that we were in dereliction of our responsibility. The Senator says that we have not done our job and that he disagrees with me. We are engaged in semantics here. We did not do our job as Members of Congress.

Mr. **WILLIAMS** of Delaware. I certainly agree with that statement. Congress has not done its job. However, I am pointing out that at the time the Senate passed the tax increase bill with the $6 billion cut we had plenty of opportunity to do the job; however, in the weeks and months that have passed since then we have not done the job. Congress has been derelict in its responsibility.

While I am putting the responsibility on Congress, I also point out that we have had no cooperation from the White House except promises. The President of the United States through the Director of the Budget, Mr. Zwick, told Congress that he would accept, live with, and support the $6 billion cut, as part of the tax increase package. After the tax increase was passed he then changed and began to disagree with it and disregard it.

I say it is that failure to live up to his promise that is responsible for the credibility gap.

The administration promises there will be cuts. In fact, there has never been a man in the White House who has promised so much in the interest of economy as has the present occupant of the White House.

To paraphrase the language of a great English statesman: "Never has any one man promised so much and delivered so little." It appears that every time he promises a cut we receive an increase in expenditures. While I am critical of Congress I am not exempting the White House from some responsibility. We have had no support from the President. Actually we were told a moment ago that the President is in favor of this amendment to exempt it from the $6 billion cut.

This control over expenditures is the responsibility of both the President and the Congress. I am not excusing Congress. This is a dual responsibility. The President cannot spend any money that we do not appropriate. However, on the other hand, he could help us to cut back on some of the programs.

What we are passing on here in this amendment is a repeal of part of the $6 billion cut. I think that the Senate understands what we are doing, and certainly the American taxpayers will.

Mr. **LAUSCHE**. Mr. President, will the Senator yield 3 minutes to me?

Mr. **WILLIAMS** of Delaware. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. **LAUSCHE**. Mr. President, when the $6 billion cut was approved in the Senate, I took the position that I would vote for the 10-percent surtax only if Congress indicated a desire to cut expenses. I was not going to put the 10-percent surtax on the backs of the taxpayers unless we could also effectuate a reduction of public expenditures.

While others did not perhaps make that same statement, the principle which dominated the thinking in the Senate was: "We do not dare to place another 10 percent of the workers' income on the tax bill unless we also reduce spending."

We did not dare to impose the tax without promising an expenditure cut. That was the message that was sent throughout the country: Thrift in government; new taxes are to be added so as to avoid the collapse of the dollar. The expenses were to be cut. "Glory" was the song throughout the Nation because Congress had adopted a position of courage and finances were to be put in order. The word went through every hamlet and village in the Nation.

It is now 3 months later, and our true color is revealed. Three months ago we made a proclamation that there would be a cut in spending. However, on every appropriation bill we now have an exemption to the spending cut. First we had the exemption in the case of the Federal Aviation Administration. Then we had it in the Post Office Department. Now we have it in the Department of Health, Education, and Welfare.

The next bill will have a similar exemption for some other agency. Are we really trying to cut? The House bill provided $17,232,000,000. The pending bill, the bill which came to us from the Senate committee, added $1,255,000,000 to the measure.

The proclamation concerning spending cuts has turned out to be a mockery. What an insult to honesty and intelligence.

If the public knew the motivations of this incomprehensible and indefensible conduct, it would seem to me that it would rise up in rebellion and declare: "Stand your ground. Stand where you did 3 months ago." However, the Senate will not do it. I will do it. The Senator from Delaware said that if he were the only one, he would still vote against the exemption. The Senator from Delaware will do it, and I will be standing humbly at the side of the Senator on this matter.

Mr. **PEARSON**. Mr. President, will the Senator yield me 1 minute?

Mr. **MUNDT**. Mr. President, I yield 1 minute to the Senator from Kansas.

The **PRESIDING OFFICER**. The Senator from Kansas is recognized for 1 minute.

Mr. **PEARSON**. Mr. President, I should like to respond to the first point developed by the Senator from Delaware. I believe he is absolutely correct that every community in every State vies for Federal installations, and they are of great economic benefit. But I believe the record should show that when the Federal installation comes in, the land occupied or owned by the Federal installation is exempt and is removed from the property tax rolls. It is the property tax, in community after community—certainly throughout Kansas—which is the foundation and the source of revenue for the school districts.

So, despite the benefit that comes to each community, they are caught with a reduction in their tax base and an increase in the number of pupils they have to serve.

Mr. **WILLIAMS** of Delaware. Mr. President, I yield myself 1 minute.

I do not agree with the remarks of the Senator from Kansas. I said in the beginning that I thought there was an argument for the school impacted area program and that I had supported it originally, although I did point out that there was another side to that coin, as he frankly admits.

What I am arguing about in this instance is the fact that we are spelling out again an exemption from the $6 billion mandatory cut. We are whittling it away one by one. Sooner or later we might just as well repeal all of it.

Mr. PEARSON. I thank the Senator.

Mr. MUNDT. Mr. President, I yield myself 3 minutes.

First, I ask unanimous consent to have added as cosponsors of the amendment I have offered the names of the Senator from Virginia [Mr. SPONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Oklahoma [Mr. HARRIS], the Senator from Kansas [Mr. PEARSON], and the Senator from South Carolina [Mr. HOLLINGS].

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). Without objection, it is so ordered.

Mr. MUNDT. Mr. President, I appreciate the sincerity of the distinguished Senator from Delaware. He has fought a valiant fight. I have supported many of his efforts and he has made some progress. Things are not quite as dark, however, or as pessimistic as his remarks would indicate, in his understandable enthusiasm, to try to stop the growing tendency to make exemptions.

I should like to point out, first, as a member of the Appropriations Committee, that things are not quite so bad with our committee as has been indicated, because the $6 billion which the Williams-Smathers amendment mandates Congress and the White House together to cut has already been reduced by the Appropriations Committee by approximately $3 billion, and we are not through. We have more appropriations to come, as we endeavor to cut back the other $3 billion.

I have not kept a tally of what the White House has cut back. It may have cut back a great deal or nothing at all. We know about this particular cutback, of course, and that is why we are working on this one today. I want to say for the Appropriations Committee that, with many appropriation bills still to be considered, we have gone approximately 50 percent in the direction we were mandated to go by the Williams-Smathers amendment. We shall continue our economy efforts.

With regard to this particular cutback of approximately $91 million, it is in a somewhat different category from the expenditures in which the Williams-Smathers amendment and the Senate and the House expected the cuts to be made. We never anticipated that any of the $6 billion was going to be saved by reducing the interest rates paid to Americans who buy Government bonds. That would be a default. Nor did we anticipate any effort to reduce pensions or veterans benefits. We do not expect to save any of the $6 billion by default or by manifestations of bad faith.

The Senator from Delaware talks about the credibility gap, and it is present, and it has hurt us at home and abroad. But something hurts a government even more than a credibility gap, and that is when it starts defaulting on its payments. That is a default which is of tremendous significance and which can have shattering consequences.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUNDT. I yield myself 2 additional minutes.

While default on political promises is bad and hurts the country and shatters confidence in public officials who break them and discredits us abroad, when you default on the payments due to a nation's citizens, this is very, very serious. And this withholding or freezing of $91 million is in the nature of a default. We made a commitment; school districts had a rightful expectation; and by withdrawing it, it is a default on the payment, which we cannot permit to continue. It was never intended that cuts of that kind were going to be made, under our $6 billion economy legislation.

May I also point out to the Senator from Delaware and those who support him that in this case not a single Federal employee will be added with the $91 million. This is money which goes directly to the school districts, to which they have an entitlement and an expectation, and it does not involve the employment of any additional personnel. It is simply a matter of writing the checks which are authorized to be paid.

I hope the Senate overwhelmingly will vote to keep faith with the school districts of this country.

With respect to missile bases that the Senator would like to invite into Delaware, I suggest that he see some of them first, because they are not altogether an unmitigated blessing. They require access roads and security areas and security fences, and people are pushed back. I doubt that the people of Wilmington, Del., are willing to move out and let the missile crews move in. The missile bases are put in sparsely populated areas, in open spaces. We are glad to have them, but they do create some problems.

As the Senator from Kansas [Mr. PEARSON] has pointed out, when they bring in a great number of people with children to be educated, it is Uncle Sam's responsibility to pay the bill, as it is Uncle Sam's responsibility to build the missile bases and supply them in the first instance.

I reserve the remainder of my time, but I am prepared to yield it back, if the Senator from Delaware is willing to do the same.

Mr. WILLIAMS of Delaware. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from South Dakota has 1 minute, and the Senator from Delaware has 5 minutes.

Mr. WILLIAMS of Delaware. I yield myself a couple of minutes.

When the original $6 billion expenditure reduction proposal was passed, we made two exceptions, and only two exceptions. They were the uncontrollable items. One was the cost of the war in Vietnam, which we could not control or anticipate. The second was the interest on the national debt, which cannot be controlled and which must be paid. These are not controllable items.

When we got to conference the Director of the Budget and the Secretary of the Treasury, representing the White House, and the House and Senate conferees, and then the Senate Appropriations Committee and the House Appropriations Committee after consultation with the conferees, all agreed that the way to make these cuts was to do so without any exceptions. The plan was to designate these cuts on the floor as the appropriation bills were acted upon. I regret that that has not been done.

Mr. President, I wish to repeat again that I will not go along with these exemptions.

I withhold the remainder of my time. I understand the Senator from South Dakota wishes to make a brief statement.

Mr. MUNDT. Mr. President, there is a matter in the debate in the last few minutes that should be emphasized. We had a number of uncontrollable expenditures in our Economy Act which could not be anticipated. Obligations due bondholders could not be decreased, a man's pension could not be decreased, and this particular amount, which is also an uncontrollable expenditure, could not be decreased without breaking faith with the school districts of this country. Therefore, it comes under the same classification as other uncontrollable expenditures if the Government is going to keep faith with the people.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. WILLIAMS of Delaware. Mr. President, in this remaining minute I call attention that the language of this particular amendment not only appropriates an extra $91 million but it also provides that the expenditure of this appropriation "shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968." In other words, it spells out an exception from the originally planned $6 billion expenditure reduction. This is a legislative proposal, and I make the point of order that the Spong amendment and the substitute for the Spong amendment offered by the Senator from South Dakota [Mr. MUNDT] represent legislation on an appropriation bill and, therefore, are not in order.

Mr. MUNDT. Mr. President, I ask to be heard on the point of order.

The PRESIDING OFFICER. A point of order is not debatable except at the discretion of the Chair.

Mr. MUNDT. Mr. President, simply for the purpose of providing information to the Senate, anticipating that the point of order would be made, because it properly lies, let me say I gave due advance notice in writing to vote on the measure despite that fact.

The PRESIDING OFFICER. The Chair rules, as the Senator from South Dakota has observed, that this is obviously legislation on an appropriation bill and the point of order is sustained under rule XVI.

Mr. MUNDT. I make the motion, notice having been filed, to suspend the rules in order to offer my amendment.

The PRESIDING OFFICER. The question is on the motion to suspend the rule pursuant to the notice filed previously.

Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 minute. I might say, as far as I am concerned, the debate on this proposal has been made. I do not know how the Senator from South Dakota feels about the matter but I am willing to yield back the time and vote on the proposal. It is the same debate as to the merits.

Mr. MUNDT. I believe that is the appropriate way to handle the matter. We are all aware it is legislation on an appropriation bill. Adequate notice was filed. The vote would be the same.

I am prepared to yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays on the motion to suspend the rule.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

Mr. MUNDT. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back the question is on agreeing to the motion of the Senator from South Dakota to suspend the rule.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from Florida [Mr. Holland], the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Jordan], the Senator from Georgia [Mr. Talmadge], and the Senator from Texas [Mr. Yarborough] are absent on official business.

Also I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Maryland [Mr. Brewster], the Senator from Arkansas [Mr. Fulbright], the Senator from Florida [Mr. Holland], the Senator from Washington [Mr. Magnuson], the Senator from Oklahoma [Mr. Monroney], the Senator from Florida [Mr. Smathers], the Senator from Texas [Mr. Yarborough], and the Senator from Nevada [Mr. Cannon] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. Allott] is absent on official business.

The Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from Utah [Mr. Bennett], the Senator from Massachusetts [Mr. Brooke], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Colorado [Mr. Dominick], the Senator from Hawaii [Mr. Fong], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. Dominick], the Senator from Utah [Mr. Bennett], the Senator from Massachusetts [Mr. Brooke], the Senator from Hawaii [Mr. Fong], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from California [Mr. Kuchel], the Senator from Vermont [Mr. Prouty], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "yea."

The yeas and nays resulted—yeas 59, nays 5, as follows:

[No. 263 Leg.]

YEAS—59

Baker
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Clark
Cooper
Dodd
Eastland
Ellender
Ervin
Fannin
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Hollings
Jackson
Javits
Jordan, Idaho
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Morse
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Scott
Sparkman
Spong
Stennis
Symington
Thurmond
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—5

Dirksen
Lausche
Proxmire
Russell
Williams, Del.

NOT VOTING—35

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Cannon
Church
Cotton
Curtis
Dominick
Fong
Fulbright
Holland
Hruska
Inouye
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Monroney
Morton
Muskie
Prouty
Smathers
Smith
Talmadge
Tower
Yarborough

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the motion to suspend the rule is agreed to.

Mr. MUNDT. Mr. President, I now call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk proceeded to read the amendment, offered by Mr. Mundt for himself and other Senators.

Mr. MUNDT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 933—star print—is as follows:

On page 15 after line 14, insert the following:

"For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), $90,965,000, fiscal year 1968: *Provided*, That these funds shall not be subject to the provisions of the Anti-Deficiency Statute, Revised Statutes 3679, section 665(c) title 31, United States Code: *Provided further*, That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968."

Mr. MUNDT. Mr. President, inasmuch as the Senate has just expressed itself on the language of my amendment through the vote which it took, which was necessitated since this was language on an appropriation bill, I see no reason to consume the time to debate it until the time is used up and there is a rollcall. So I ask unanimous consent that all time be yielded back and that the order for a rollcall be rescinded.

Mr. DIRKSEN. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Chair is informed that the yeas and nays have not been ordered on the amendment.

The question is on agreeing to the amendment of the Senator from South Dakota, offered for himself and other Senators.

The amendment was agreed to.

AMENDMENT NO. 937

Mr. MURPHY. Mr. President, I call up my amendment No. 937.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read the amendment (No. 937) as follows:

On page 13, line 24, strike out "$10,000,000" and insert in lieu thereof "$20,000,000".

Mr. MURPHY. Mr. President, this amendment is a simple one. It provides an additional $10 million for the dropout prevention program. Coupled with the $10 million recommended by the Appropriations Committee, this would make $20 million available for the dropout program.

The dropout prevention program was authored by me and was incorporated in section 707 of the Elementary and Secondary Education Act Amendments of last year. The program attempts to deal with the critical problems of the school dropout in a practical way. It has been endorsed at the authorized $30 million level by the President in both his education and in his budget messages. The Kerner Commission recommended full funding of the program. Outside of Government circles, the program has generated a great deal of enthusiasm. I have heard from educators from all parts of the country, all of whom were very excited about the program's potential.

Naturally, I was very disappointed when I learned that the House, in passing H.R. 18037, the Departments of Labor-HEW appropriations bill, failed to provide a single cent for either the dropout program or another important program which I cosponsored, the bilingual program. Because I feel so strongly about both programs, I testified before the Senate Appropriations Committee urging the reversal of the shortsighted actions of the other chamber, and the funding of these two promising programs.

I want to take this opportunity to thank the Appropriations Committee members, not only for the friendly reception given my presentation, but also, and more importantly, for its decision to appropriate $10 million for both the bilingual and the dropout programs. These programs will, I predict, lay the groundwork for important breakthroughs in education.

Mr. President, I am not unmindful of the fiscal problems confronting the country. In my testimony before the committee I stated:

> I know the many important items you must consider in making your funding recommendations to the full Senate. These are difficult decisions in any year, but both the fiscal troubles and the many needs of the country combine this year to make your task almost an impossible one.

Although exceedingly grateful for the farsighted action of the Appropriations Committee, and being fully aware of the fiscal problems, I am nevertheless convinced that the magnitude of the dropout problem and the urgency to find answers that will make dramatic and practical changes in poverty area schools compel me to offer this amendment today increasing the appropriations for the dropout program from $10 million to $20 million. I would like to emphasize to the Senate that even with the increase provided by the amendment, the dropout program will still be funded at 33⅓ percent below the President's budget. Also, I believe it is imperative, in view of the House action, that the Senate indicate it strong endorsement of this program.

Mr. President, there is general agreement that breakthroughs are badly needed. In 1961, Dr. James Conant, the noted educator, warned that "social dynamite" was accumulating in the Nation's cities. Since then, this "social dynamite" and its explosiveness has been brought home to all Americans. Much of this "social dynamite" results from those who have dropped out of school and who are out of work.

Yet, Mr. President, 1 million youngsters drop out of school each year. The "social dynamite" of which Dr. Conant warned continues to accumulate. In our Nation's 15 largest cities, the school dropout rate varies from a high of 46.6 percent to a low of 21.4 percent. These statistics, although frightening enough, reflect only the total school picture within the large cities. To really comprehend the seriousness of the situation, one must move from the total picture and focus on particular schools within the educational system of our large cities.

Mr. President, shockingly, 70 percent of the youngsters in these poverty area schools drop out before completing high school. Because I want all members of the Senate to appreciate the seriousness of the problem, I repeat that 70 percent of the youngsters in poverty area schools drop out before completing high school. In my State, the McCone Commission found that in three schools in a predominately Negro area of Los Angeles, two-thirds of the students drop out before completing high school.

It is these schools and these statistics that prompted me to persuade the Congress last year to add the dropout prevention program to the Elementary and Secondary Education Act Amendments of 1967. It is these schools and these statistics that prompted me to label the dropout problem as the Achilles' heel of our educational system. It is these schools and these statistics that prompt me today to ask the Senate for an additional $10 million for this dropout program.

The dropout program's target is these schools. Its purpose is to prevent, or reduce the 70 percent dropout rate.

Mr. President, my staff and I have given considerable study and thought to the shaping of this program. We discused the problem and possible approaches with various experts. I am particularly grateful for the assistance given to me by Dr. James Conant of New York, Dr. Max Rafferty, superintendent of public instruction of the State of California, Superintendent Jack Crowther of Los Angeles city school system, Dr. Ralph Dailard of the San Diago school system, Dr. Wilson Riles of the compensatory education system in California, and Dr. Jenkins of San Francisco.

At first, I considered spelling out in the statutes specific approaches such as reducing classroom size, providing remedial reading teachers for reading classes in the elementary grades, and the use of teaching machines. School districts wanting to try a particular approach would have made application for Federal funding. But, Dr. Conant and others convinced me this was unwise. So, in its final form, the amendment gives maximum flexibility and freedom at the local and State level for experimentation. It is based on the premise that answers have not as yet been found which will make dramatic changes in poverty area schools. Under the program, local and State educational agencies will submit innovative proposals which zero in on a particular school or a particular classroom in an effort to have a major impact on the dropout problem. The amendment requires that eligible schools be located in an urban or rural area, have a high percentage of children from families of low income, and have a high percentage of children who drop out of school.

Before approving projects conceived at a local level, the school district is required to identify the school dropout problem, analyze the reason for and tailor programs to meet it, provide effective procedures, including objective measurements of educational achievement for evaluating the program, and secure the approval and active participation of the State educational agency.

Many Members of Congress have repeatedly expressed their impatience over the lack of objective education evaluation data. As the Office of Education, itself, has stated:

> Evaluations of the dropout prevention programs have suffered from a lack of achievement data on particular pupils. Such evaluations have been further hampered by the difficulties of setting up controlled experiments and isolating treatment effects.

By targeting poverty area schools and concentrating resources where the problem is most severe, and by requiring objective evaluation data, the dropout prevention program will provide and speed the collection of evaluation information needed by Congress and the country.

It is clear that the 70-percent dropout rate is intolerable. We know that we are in the midst of an education explosion and a technological revolution. We are told that the supply of knowledge now doubles each decade. The truth of the Chinese proverb that "learning is like rowing up stream; not to advance is to drop back," becomes increasingly apparent. At one time in our history, the failure to complete high school did not result in the serious consequences that it does today. In fact, it was a common occurrence and those who did were not even looked upon as dropouts. Most jobs did not require a formal education. There was a great need for unskilled labor. This certainly is not the case today.

Where little or no formal education was required, today a high school education is needed.

Where a high school diploma was needed, a college degree is now a must.

Even the college bachelor's degree is often insufficient as more and more college graduates go on to graduate degrees.

So, the knowledge explosion makes even the educated citizens struggle to keep from dropping back. The dropout, confronting both the education explosion and the shrinking unskilled job market, is likely to sink. The high dropout rates, combined with the rapidity of change that has taken place in our Nation, makes it imperative that we launch a major attack on the problem now.

H. G. Wells' famous quotation, "that human history becomes more and more a race between education and catastrophe" while conveying a general truth also has special significance for today's dropout and for our society. For both society and the individual, the effect of youngsters leaving school today is "catastrophic." Society's stake, in short, is too high to allow a million youngsters to drop out of school annually, ill prepared to find employment and a useful place in our competitive society.

In my testimony before the Appropriations Committee I cited the growing realization of the relationship of education and income. I cited a study by Dr. Harold Kastner, a consultant for the Florida State Office of Education which divided individuals based on the 1960 census into levels of educational achievement as follows: less than 8 years, 8 years, 1 to 3 years of high school, and 4 years of college. Dr. Kastner then projected the aggregate income gain if the individual had been able to complete the next income level. If those who had not completed the eighth grade had been able to do so, and if those who had completed the eighth grade had been able to complete 1 to 3 years of high school, the national income would have increased annually by 6.5 percent. A 6.5 percent increase would have added $50 billion to our national wealth. These calculations help convey the monetary costs to society.

In addition to the earning loss to individuals and to the Nation, the dropout is costly to society in other ways. For the dropout reappears in our spiraling crime statistics and our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Mr. President, Mr. Nixon, in a moving paragraph in his acceptance speech, described more eloquently than I, the personal tragedy and the need to change the "prospects of the future" for poverty-area schoolchildren. I quote:

> None of the old hatreds mean anything when you look down into the faces of our children. In their faces is our hope, our love and our courage. Tonight I see the face of a child, it lives in a great city, he is black or he is white, he is Mexican, Italian, Polish. None of that matters, what matters is he is an American child. That child in that great city is more important than any politicians promise. He is America. He is a poet, he is a scientist, he is a great teacher, he is a proud crest, he is everything we have ever hoped to be and everything we dared to dream. He sleeps the sleep of childhood, he dreams the dreams of a child.
>
> Again when he awakes, he awakes to a living nightmare—poverty, neglect, despair. He fails in the schools, he ends up on welfare. For him the American system is one that feeds its stomach and starves it's soul. It breaks his heart, and in the end it may take his life in some distant battle. To millions of children in this great land, this is their prospect of the future, but this is only part of what I see in America.

Mr. President, the dropout program is aimed at changing the "prospects" of these children. The dropout program seeks to change the present odds that 70 percent of the city children of poverty-area schools will drop out. The dropout program throws a challenge to the educational community. Prevent dropouts. I urge the Senate for both the country's sake and for the children's sake to provide the resources to enable the educational community to meet this challenge. I urge the adoption of my amendment.

Mr. President, I ask unanimous consent that an editorial from the Los Angeles Times, entitled "Congress and the Dropout Disgrace," and an editorial from the Oakland Tribune, entitled "False Economy," both of which endorse full funding of the dropout prevention program, be printed at this point in the Record. In addition, I ask unanimous consent that my testimony before the Appropriations Committee on this subject be printed in full.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, July 8, 1968]

Congress and the Dropout Disgrace

Issue: Although in a fiscal bind, Congress should give high priority to programs aimed at reducing school dropout rates.

The 1 million young Americans who drop out of school each year represent an immense social and economic problem for the entire country.

No nation can ignore the consequences to the individual and society when 70% of the students in urban slums fail to finish high school. These are the prime candidates for welfare rolls and penal institutions. Instead of contributing to the economy, they become a costly and tragic liability.

Congress, therefore, must give high priority to dropout prevention efforts even as it seeks ways to cut spending. This was the plea made by Sen. George Murphy (R–Calif.) last week as he urged restoration of funds for two such programs, which he authored.

The money sought by Murphy is relatively modest in comparison to the magnitude of the problem and the resulting economic loss to the nation. A total of $30 million would be made available to school districts which have high dropout rates and which have developed innnovative programs to keep youngsters in the classroom.

Murphy quoted Dr. James Bryant Conant's warning that in this decade some 7.5 million students will have dropped out of school, creating "social dynamite" in U.S. cities.

The loss to the economy is staggering. One study indicated that if all those who had not finished the eighth grade had done so, national income over a 40-year period would have been increased by nearly $1 trillion.

The California senator also urged the funding of a special program for bilingual students, primarily aimed at Spanish-speaking children. Half of the Mexican-American youngsters in California drop out of school by the eighth grade, according to estimates.

An appropriation of $5 million would put into effect the bilingual program already authorized by Congress. Lack of instruction in their native tongue has resulted in an average grade level of 7.1 for Mexican-Americans in the United States as compared to 9.0 for Negroes and 12.1 for Anglo-Americans.

Congress should at least make a start on remedying the disgraceful dropout situation. A modest investment now could produce great social and economic dividends in the future.

[From the Oakland Tribune]

False Economy

If the United States could significantly reduce its high school dropout rate, the benefit to the nation would be enormous.

Every youngster who drops out before at least completing a high school education starts a tragic cycle of circumstances that costs the nation billions. Dropouts are the nation's chronic unemployment problem. They make up the bulk of the welfare load. Because they usually find employment only at the lowest skill level, dropouts are particularly vulnerable to being automated out of a job.

All this is both a tragic waste of human resources and an increasingly heavy burden on the public purse. That is why the nation should be energetically exploring ways to reduce the number of youngsters who quit school.

That is the purpose of two amendments to the Elementary and Secondary Education Act which Sen. George Murphy of California sponsored last year.

One of the amendments would provide funds to finance experimental programs aimed at curbing the school dropout problem, with special emphasis on urban poverty areas. The second would help finance bilingual instructional programs for youngsters who come from homes where the native language is not English.

California has a special interest in both programs because of its high dropout rate, a problem that is particularly acute among the Spanish-speaking.

Congress acknowledged the need for the type of projects covered by the Murphy-sponsored legislation last year. But the House did not include the $30 million required to fund either the dropout or bilingual instruction program.

We hope the Senate heeds Senator Murphy's plea and provides the funds for these two programs. Both the Johnson administration and the Kerner Commission on Civil Disorders urged an appropriation for this type of program.

Funds invested now in reducing the dropout rate can be multiplied in tax savings many times by enhancing the educational level and earning potential of youngsters who otherwise will become costly social burdens.

Remarks of Senator George Murphy, Republican, of California, Before the Senate Appropriations Committee

Mr. Chairman. I appreciate the opportunity to appear before the committee today. I know the many important items that you must consider in making your funding recommendations to the full Senate. These are difficult decisions in any year, but both the fiscal troubles and the many needs of the country combine this year to make your task almost an impossible one.

I personally testify today because of my strong feelings on two problems and two promising programs that have been enacted to deal with them. Unless this committee reverses the actions of the House Committee last week, two programs, the dropout prevention projects and the bilingual school program will remain mere promises. I am hopeful that my testimony will convince this committee that these programs are urgent, and that the failure to fund them is shortsighted.

First, I wish to discuss the dropout program which was authored by me and is incorporated in Section 707 of the Elementary and Secondary Education Act of 1965. The program attempts to deal with the critical problem of the school dropout in a practical way. The program has been endorsed at the authorized $30 million level by the President, both in his education and in his budget messages. Further, the Kerner Commission recommended that "this program be fully funded." Outside of government circles the program has generated a great deal of enthusiasm. I have heard from countless educators from all sections of the country, all of whom were very excited about the program's potential.

Now the dropout problem is not new. This nation has been concerned with the problem in the past. In fact, the efforts of our educational systems and others have resulted in more and more youngsters staying longer and longer in school. Some statistics might help to illustrate this.

At the turn of the century, approximately 80 percent of youngsters aged five through seventeen were in school. Last year's estimate for the same group was 97 percent, an improvement of 17 percent.

Further, of the 2.7 million ninth graders in 1956, 1.9 or 65 percent subsequently graduated from high school. Of the 3.8 million youngsters enrolled in the ninth grade in 1967, it was estimated that 2.9 million or 77 percent will ultimately graduate. Thus, in a little over a decade, the dropout rate has been reduced 12 percent.

This is a welcomed improvement. Yet if the projections for last year's ninth graders prove accurate, we will still face a dropout rate of 23 percent in 1970. Truly, as I said last year, the dropout problem is the Achilles' Heel of our educational system.

To translate these statistics to more understandable terms and to better picture the magnitude of the problem, I want to emphasize to the committee that there are approximately one million youngsters dropping out of school each year. In two short years the decade of the sixties will draw to a close. It is estimated, for this decade, that we will produce some seven and one-half million dropouts. I urge the committee to reflect on these statistics and to ponder these projections with all their implications. Dr. Conant in his 1961 book, "Slums and the Suburbs" warned that social dynamite was accumulating in our large cities. Much of this "social dynamite" results from those who have dropped out of school and are out of work. I asked the Library of Congress to provide me with the dropout rates in our Nation's fifteen largest cities. These percentages varied from a high of 46.6 percent to a low of 21.4 percent.

Dropout rates—Percent of September 1960 grade 10 class not graduating in June 1963

City:	
New York City	37.05
Chicago	33.95
Los Angeles	22.83
Philadelphia	46.60
Detroit	37.84
Baltimore, Md	34.98
Houston	21.39
Cleveland	31.37
Washington, D.C	29.61
St. Louis	24.70
Milwaukee	26.19
San Francisco	33.15
Boston	35.90
Dallas	27.74
New Orleans	27.10

Source: Library of Congress.

We must keep in mind that these statistics reflect the dropout rate for the entire school system and if we were to focus on schools in the disadvantaged areas of the cities, the rate would be staggering. For example, the McCone Commission found that in three schools in a predominantly Negro area of Los Angeles, two-thirds of the students drop out before completing high school. Probably similar projections would hold true in the other cities also. We are told that in the poverty neighborhood schools of our 15 largest cities, 70% drop out before completing high school.

These statistics show the extent to which we are allowing "social dynamite" to accumulate in our large cities, and demonstrate the need for the funding of my dropout amendment.

In addition to the personal tragedy that results in the failure of an individual to develop to his full potential, the dropout is also costly to society. For the dropout reappears in our spiraling crime statistics and our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Even then, one might ask, "Why all the alarm?" The dropout rate is serious, but we are making progress. "What is the urgency that justifies the commitment of funds in this difficult fiscal year?" To adequately answer these questions it is necessary to understand and to emphasize it is not the dropout rate so much as it is the rapid changes that are taking place in our society. We truly are in the midst of an "education explosion" and a "technological revolution." Too, the speed of these changes are revealed in figures indicating the accumulation of knowledge by mankind. We are told that mankind's knowledge doubled for the first time between the dawn of history and the year 1700. This knowledge doubled again by 1900. The third doubling occurred fifty years later, around 1950 and the fourth in ten short years, in 1960. So, we are living in a time when the world's supply of knowledge will double each decade and at the same time the jobs available for the unskilled, the dropout, shrink.

H. G. Wells' famous quotation, "that human history becomes more and more a race between education and catastrophe" while conveying a general truth also has special significance for today's dropout and for our society. For both, society and the individual, the effect of youngsters leaving school today is "catastrophic." Society's stake, in short, is too high to allow a million youngsters to drop out of school annually, ill prepared to find employment and a useful place in our competitive society.

We have been aware for some time of the relationship between education and income. Dr. Harold Kastner, Jr., a consultant for the Florida State Department of Education, in the American School Board Journal a few years ago calculated the economic consequences to the individual and the country when a youngster drops out of school.

He determined that a young man's completion of eight grades of school would result in a mean lifetime income of $52,343 above the income of persons who did not complete the eighth grade. The completion of one to three years of high school would result in an additional $30,871 for those who had completed only the eighth grade. A male high school graduate would receive an additional $45,887 above that of one with one to three years of school. Thus, an individual with a high school education over his lifetime would earn over $120,000 more than an individual who left school without an eighth grade education.

As might be expected, cumulative economic loss to society is truly staggering. Dr. Kastner also calculated such losses. He divided individuals, based on the 1960 census, by levels of educational achievement as follows: Less than eight years, eight years, one to three years of high school and four years of college. He then projected the aggregate income gain over a 40-year period to the nation if the individual had been able to complete the next educational level.

If all who had not completed the eighth grade, for example, had been able to do so, over a 40-year period national income would have increased by $954 billion.

If those who had completed the eighth grade had attained the next educational level, namely, the one to three years of high school, the national income over a 40-year period would have expanded by $380 billion.

The total loss over the 40-year period for these two groups would have totaled over one trillion dollars, a figure which Dr. Kastner says represents two and one-half times the national income of the United States in 1962.

For a single year if the two groups just mentioned had completed the next educational level, national income would have increased by six and one-half percent. A six and one-half percent increase in our gross national product for 1967 would have added $50 billion to our nation's wealth. Further, Dr. Kastner contends that if "the dropouts at the various levels had continued their education to the level commensurate with their abilities, the national income of the United States would be at least twice as large as its current level . . . the aforementioned increased incomes would increase the tax base. This could lead to an increase in government services and a redistribution of the current tax burden in such a manner as to reduce the current amount paid per taxpayer."

Because of the urgency of the dropout problem and the cost to the individual and to the nation, I persuaded the Senate Education Subcommittee, the full Senate Labor and Public Welfare Committee, and the Senate to accept my dropout prevention amendment designed to make a major concentrated attack on the dropout problem.

In shaping the amendment my staff and I discussed the problem and possible approaches with various experts. I am particularly grateful for the assistance Dr. James Conant of New York, Dr. Max Rafferty, Superintendent of Public Instruction of the State of California, Superintendent Jack Crowther of Los Angeles City School System, Dr. Ralph Dailard of the San Diego School System, Dr. Wilson Riles of the Compensatory Education System in California, and Dr. Jenkins of San Francisco have given.

At first, I considered spelling out in the statutes specific approaches such as reducing classroom size, providing remedial reading teachers for reading classes in the elementary grades and the use of teaching machines. School districts wanting to try a particular approach would have made application for federal funding. But Dr. Conant and others convinced me this was unwise. So, in its final form, the amendment gives maximum flexibility and freedom at the local and state level for experimentation. It is based on the premise that answers have not as yet been found which will make dramatic changes in poverty area schools. Under the program, local and state educational agencies will submit innovative proposals which zero in on a particular school or a particular classroom in an effort to have a major impact on the dropout problem. The amendment requires that eligible schools be located in an urban or rural area, have a high percentage of children from families of low income, and have a high percentage of children who drop out of school.

Before approving projects conceived at a local level, the school district is required to identify the school dropout problem, analyze the reason for and tailor programs to meet it, provide effective procedures, including objective measurements of educational achievement for evaluating the program, and secure the approval and active participation of the state educational agency.

Members of the committee, as you well know, our society spends dollar after dollar on program after program to rescue the dropout. These rescues or educational repair jobs are extremely costly and equally difficult, often not successful—witness the Job Corps.

My amendment seeks to find and reach the root causes of the dropout problem. It provides additional resources. It throws a challenge to the educational community. Prevent dropouts. If our educational system can reduce and prevent the dropout problem, it will not only be a saving to society of the cost of the cure, but it also, if Dr. Kastner's calculations are correct, add billions of dollars to our economic growth. I hope that my testimony today demonstrates the unsoundness of permitting the dropout problem, the Achilles' Heel of the educational community, to continue. In terms of society, it is costly, dangerous and a tremendous waste of manpower. In terms of the individual, it is tragic.

In closing, I would once again like to quote Dr. Kastner who said: "the failure of society to allocate a few million dollars to solve adequately the dropout problem represents a cost of billions in economic growth."

Mr. Chairman, I do hope that despite the economic difficulties facing the nation that the Dropout Prevention Amendment which I offered last year, which has been endorsed by the President in both his budget and educational messages, and by the Kerner Commission Report and applauded by educators throughout the land will be fully funded. The amendment is in the best interest of the nation, and individuals, and makes sound economic sense.

BILINGUAL PROGRAM

The second program I wish to discuss and urge full funding is the Bilingual Education Act of 1967 which was also incorporated in the 1967 amendments to the Elementary and Secondary Education Act. I was pleased to co-author the bill. As the members of the committee probably know, this program was conceived and initiated in the Congress and was enacted over the opposition of the Administration. The program has now been embraced by the Administration, but the level at which funds have been requested indicates that the Administration's endorsement lacks the enthusiasm which the program needs. For, like the dropout prevention program, the program is of little value unless it is given life by adequate appropriations. The House Appropriations Committee also refused to appropriate any funds for this much-needed program.

The magnitude of the problem is evident by the following appalling statistics:

(1) Of 1.6 million Mexican-American children entering the first grade in the five Southwestern States, one million will drop

out before they reach the eighth grade. In my own State of California, I understand that 50 per cent of the Mexican-American children drop out by the eighth grade.

(2) Mexican-Americans in the United States have an average grade level of 7.1, compared to a grade level of 9.0 for Negroes and 12.1 for Anglo-Americans. Mr. Chairman, evidence and experience suggest that this need not be. Other countries have confronted the problems of educating bilingual children and some nations such as the United States and certain parts of Africa have insisted that instruction be in the national language only. Many countries have successfully solved the problem by instructing first in the youngsters mother tongue and as soon as possible, instructing the youngsters in the national language. Last year, Governor Reagan of California signed into law legislation that would permit instruction in Spanish in California's public schools.

It would appear that even Russia has a more enlightened policy than the United States in its approach to the problem. I understand that approximately 50 per cent of the Russian population have a mother tongue other than Russian. In 1938, the Russian Government reversed its insistence that instruction be in Russian and permitted instruction in the mother tongue. As a result I am told there has been a great increase in literacy as well as the use of the Russian language. Similar experiences have occurred in Mexico, the Philippines and in Puerto Rico. In the latter case, the United States at one time insisted that the educational system in Puerto Rico instruct in English, notwithstanding the fact that the mother tongue of the children was Spanish. Mr. Bruce A. Gaarder of the Office of Education in testifying before the Senate Special Subcommittee on Bilingual Education, outlined the experience which was documented in a study by Columbia University that occurred in Puerto Rico as follows:

"The Columbia University researchers, explaining the astonishing fact that those elementary school children in Puerto Rico—poverty-stricken, backward, 'benighted', beautiful Puerto Rico—achieved more through Spanish than continental United States children did through English, came to the following conclusions, one with extraordinary implications for us here.

"The conclusion is, in sum, that if the Spanish-speaking children of our Southwest were given all of their schooling through both Spanish and English, there is a strong likelihood that not only would their so-called handicap of bilingualism disappear, but they would have a decided advantage over their English-speaking schoolmates, at least in elementary school, because of the excellence of the Spanish writing system. There are no reading problems, as we know them, among school children in Spanish-speaking countries."

A Florida effort points not only to substantiation of the Puerto Rico experience, but also to its expansion. In 1963, public schools in Dade County, Florida, embarked on a model bilingual education program. Although final statistical data is not available, preliminary reports are most encouraging. Perhaps even more significant are the results regarding the English-speaking children in the bilingual program. Amazingly, these English-speaking children are doing better in English than their counterparts who were instructed in English. Not only does the bilingual program have the potential and promise of successfully attacking education problems of youngsters whose mother tongue is other than English, but, apparently, if the Florida Study is correct, the "implications for education are extraordinary."

Mr. Chairman, I recognize the fiscal limitation under which we are laboring, but I urge you to see that these two important programs which will lay the groundwork for exciting breakthroughs in education be permitted to move ahead. Society can afford to do no less.

Mr. MURPHY. Mr. President, reserving the remainder of my time, I yield the floor; but first I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HILL. Mr. President, the House did not allow one single penny for the dropout program. The fact of the matter is that on the floor of the House, an amendment to appropriate funds for this program was voted down. So the House did not allow any money for this program. The Senate committee provided $10 million for this program.

As the manager of the bill for the Senate committee, I think I should say that we should stick by the action of the Senate committee and allow the $10 million, just as the committee, after hearings, after consideration, after discussion of the matter, approved the $10 million. Therefore, we should reject the amendment of the Senator from California.

Mr. MURPHY. Mr. President, I yield myself 3 minutes.

I wish to point out to my distinguished colleague that I was most thankful for the consideration of the Appropriations Committee in allowing the sum of $10 million. I was most appreciative of the fact that the Appropriations Committee, along with the subcommittee, understood the necessity and realized that this was not money wasted. In my humble opinion, this will be one of the finest investments we could possibly make—to find out how to eliminate this problem. If we can eliminate only 10 percent of it, I assure my colleagues it will be worth a hundredfold the dollars we are talking about in this particular amendment.

I understand that my colleagues on the House side voted down the amendment. I do not think it was a rollcall vote. Sometimes, perhaps in the confusion of the busy and complex times in which we live, there is not a complete understanding.

Perhaps the amendment had not had the full consideration to which it should be entitled. I believe it is that important, and that is why I have asked my fellow Senators to support this amendment, which would add another $10 million.

It is for that reason that I bring this amendment back, and that I ask for the yeas and nays, and I hope that my fellow Senators will vote in favor of the amendment in such strong proportion that the Senate enthusiasm for the program and the need will be carried clear across the Capitol to the other Chamber.

I thank my distinguished colleague, and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HILL. I just wish to reiterate what I said previously: The House of Representatives did not appropriate one single dollar for this program. In fact, on the floor of the House of Representatives, they rejected an amendment to put some funds into the program.

The Senate committee, after hearings, consideration, and debate on this matter, put in $10 million for this program. Now my friend from California wants to double the amount, and make it $20 million. Speaking for the committee that put in the $10 million, I think we ought to stay by the action of the committee in appropriating the $10 million, and reject the amendment of the Senator from California.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HILL. I yield the Senator from Ohio 1 minute. Does the Senator want to ask a question, or does he want time?

Mr. LAUSCHE. I wish to ask a question.

Mr. HILL. All right.

Mr. LAUSCHE. There has been considerable discussion about the PRIDE program in Washington. I read in the CONGRESSIONAL RECORD a statement made by Representative BROYHILL that a number of individuals involved in the Pentagon disturbance were put on the payroll of PRIDE, and that one of the leaders was hired as an adviser at $50 a day. To repeat, a demonstrator, one who tried to kick out the doors of a police car at the Pentagon, has been hired by PRIDE at a compensation of $50 a day for the purpose of giving advice.

Do they seek his advice as to how to knock over ambulances and police cars? I should like to know what the situation is with respect to the information that the committee has on this private agency which has received taxpayers' money to help what are supposed to be indigent, and I suppose incorrigible, young people. Is the Senator able to give any information about the claim that PRIDE, Inc., in Washington hired this particular individual as an adviser at a compensation of $50 a day?

Mr. HILL. I cannot tell the Senator about that individual, because I had not heard about it. We had no testimony before our committee as to that individual, I say to the distinguished Senator.

Mr. LAUSCHE. I do find in the report, on page 86, that the committee has pointed out that there are some reports or evidences that PRIDE, Inc., a private agency financed by the Government, has not kept its books in the manner which good business practices would dictate.

Mr. HILL. That is correct.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. LAUSCHE. The Senator from Alabama has the floor.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. MURPHY. Will the Senator from Alabama yield 30 seconds for a remark with regard to the observation of the Senator from Ohio?

Mr. HILL. I yield 30 seconds to the Senator from California.

Mr. MURPHY. I merely wish to point out that this matter of PRIDE, Inc., is of interest to me alone, but that it has no bearing on the particular amendment I am proposing.

Mr. LAUSCHE. Oh, yes; I understand that.

Mr. MURPHY. I thank my colleague. I just wanted to make it clear to the Senate.

Mr. LAUSCHE. But I thought I would use this time that is available to make an exploration of this subject.

May I ask the Senator from Alabama whether the program in Chicago that was investigated by the McClellan committee, showing that thugs, hippies, drug addicts, and murderers were used by an agency financed by the Government to act as teachers of youth—in other words, the murderers, thugs, hippies, and drug addicts were the teachers of the youth in Chicago—is the same program as this, under which PRIDE gets its money?

Mr. HILL. That is an OEO program.

Mr. LAUSCHE. This is OEO also.

Mr. HILL. I believe that is an OEO program. That information has not been presented to the Committee on Appropriations. It has been presented to the McClellan committee.

Mr. PASTORE. Mr. President, will the Senator yield to me on this point?

Mr. HILL. Yes; surely.

Mr. PASTORE. I believe I can illuminate this situation a little bit. In the committee, at the behest of the Senator from West Virginia [Mr. BYRD], we had quite a bit of discussion with reference to the PRIDE program. It was the Senator from Rhode Island who made the remark at the time that we cannot tolerate insufficient records, inadequate records, records that are kept away from legitimate and authorized governmental agencies. No one condoned that practice. We are all condemning it.

But as I said in the committee, I would hope that we would put these abuses in their proper perspective. We have got to make it clear to these agencies that they simply cannot indulge in these abuses, and that one rotten apple spoils the whole barrel. But then, by the same token, I do not think, because of an isolated case of abuse, we ought to destroy a noble and meritorious program. I realize the impact and the dramatic effect of the incident that is being brought out by the Senator from Ohio; but I wish to assure him we were deeply concerned about this matter in the committee, and that no one is going to tolerate this kicking through of doors of automobiles and this besieging of the Pentagon, or all these wild demonstrations. They are just as obnoxious to the members of the committee as to the Senator from Ohio. We do not propose to tolerate that. The point is that we wrote a strong statement in the report to the effect that if they care to receive this Government money—and I was the one who suggested the precise language—that we are dealing with taxpayers' money, and taxpayers' money is sacred, and must be protected, 100 pennies of every dollar.

Mr. LAUSCHE. I am glad to hear the explanation given by the Senator from Rhode Island. I do not, however, agree with him that this is an isolated case. It has been happening all over the country in the programs administered by the Office of Economic Opportunity.

I now find in the report the statement to which I have referred. Mark what it says:

> On May 20, 1968, the committee requested the Department of Labor to furnish the committee payroll data on persons employed by Youth Pride, Inc., a recipient of financial assistance administered by the Department under title I of the Economic Opportunity Act of 1964, as amended. Because the information was not furnished as requested, the committee on June 5, 1968, requested the Comptroller General of the United States to secure the information. Despite the diligent efforts of the Comptroller, his Office to date has been unable to obtain from Pride any information whatsoever.

What is this sacred cow?

Mr. PASTORE. Mr. President, why does not the Senator read the remainder of it?

Mr. LAUSCHE. I certainly understand that the committee is pressing it.

Mr. PASTORE. Certainly we are.

Mr. LAUSCHE. The committee has set down the date of September 15 as the limit of time within which the report has to be made.

Mr. PASTORE. And that is within 1 week.

Mr. LAUSCHE. The Senator is correct. I am not condemning the committee. I point out what is happening with the taxpayers' money. However, is it not odd that PRIDE, Inc., the recipient of the taxpayers' money, refuses to disclose in its books what it is doing with the money?

That is what I complain about, and I have a right to complain about it.

Mr. PASTORE. Absolutely.

Mr. LAUSCHE. On the basis of the communications I receive, taxpayers are pleading for some help to relieve them of the great burden they have to carry in the payment of money which is used exclusively and extravagantly and indefensibly by governmental agencies.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. PASTORE. Mr. President, I can realize the indignation on the part of my good friend, the Senator from Ohio. It is sincere. It deserves every possible consideration. However, after all, he is not the only Senator who is alarmed by the facts. We are all alarmed. He says that he is criticizing it and that he has a right to criticize it. The Senator from Rhode Island not only criticized it, but he also roundly condemned it. I was outspoken in the course of that committee proceeding. I admonished some of my friends and allies who believe in these programs that we cannot tolerate their abuse and allow one bad apple to spoil the whole barrel.

I wish that at some time we would put the spotlight of publicity on the good that has been accomplished. We have developed the habit of saying that we should shoot a man if he is plagued by a toothache. I say that we should yank out the bad tooth and save the man's body.

If we have abuse in any of these programs, let us yank out the abuse, but let us not kill the entire program that is serving so many worthy people in a very honorable way.

I will later on give the statistics as to what the antipoverty program has achieved for the good of the Nation.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HILL. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, let us take a look at the situation. PRIDE, Inc., receives money and hires a man who deliberately demonstrates in front of the Pentagon. He was a leader. He was arrested. But they hired him and paid him $50 a day as an adviser. Where is the toothache there? It is not in that man alone. It involves the people in charge of administering the whole program.

We are not far apart in the matter, but I do not want to remain silent on the floor when I know that a man of the type I have described has been hired as an adviser and as a teacher. How low and how base can people become in the spending of Government money?

Mr. PASTORE. Mr. President, if I may answer the statement of the Senator, I would point out that if at the time that man was hired they knew he had kicked in this door and that he was wasting the public money, I would have fired him on the spot, and maybe would have done worse. If they did not know at the time he was hired that he was going to indulge in these extreme acts and they did not find out, I would fire the man who hired him.

I want the Senator from Ohio to know that those of us who believe in the antipoverty program and believe that something needs to be done for the 30 million Americans living on the edge of poverty should not be put in the position here of becoming the devil's advocate. We are not the devil's advocate.

We do not tolerate or want these abuses.

All I am saying is that just because we have some abuse, we should not destroy or unfund these programs and say to a lot of hungry children: "You can starve yourselves to death because some guy that was not worthy tried to kick in the door of the Pentagon."

Mr. LAUSCHE. That is not the position taken by the Senator from Ohio, and the Senator from Rhode Island knows it.

Mr. PASTORE. Let us look at the record.

Mr. LAUSCHE. The record shows that there has been unpardonable abuse in the funding of taxpayers' money. The McClellan committee announces today that it is going to reveal forgeries and misspending of funds in the Ranger program in Chicago.

Mr. PASTORE. The Senator is correct.

Mr. LAUSCHE. That situation is being duplicated all over the country. I want to help the millions of Americans. I will not go along with the Senator from Rhode Island that there are 30 million, because there are others that we should also consider. I refer to those whose money we have been taking in order to spend extravagantly when it is not justified in many instances.

Mr. PASTORE. That statement may be true, but I want the Senator from Ohio to know that the senior Senator from Rhode Island is as much an American as he is and as such is as much interested in the programs as anyone.

Mr. LAUSCHE. I hope the Senator from Rhode Island will understand that the Senator from Ohio is as deeply American as is the Senator from Rhode Island.

Mr. MURPHY. Mr. President, I ask unanimous consent that the most interesting and delightful colloquy of my colleagues, the Senator from Rhode Island and the Senator from Ohio, appear at the end of the discussion on my amendment which is the pending business.

I agree that there are bad spots and that the whole program should not be destroyed. It is up to us to find out the bad spots. However, in my experience it is not easy to find the bad spots because the bureau in charge is very reticent about giving information. For that reason, the General Accounting Office is now doing a survey so that the Senator from Pennsylvania and I, who serve on the committee, will be able to find out the bad spots and cure those bad spots and make the antipoverty program finally work.

Mr. PASTORE. Mr. President, reserving the right to object, I do not see what harm the colloquy would do to the amendment of the Senator from California. As a matter of fact, I think the statement made by the Senator from Rhode Island plays into the hands of the Senator from California very favorably. Does not the Senator want my vote?

Mr. MURPHY. I need it.

Mr. PASTORE. Then the Senator had better not ask for unanimous consent to isolate the discussion because I feel it is most germane.

Mr. MURPHY. Mr. President, I merely intended to ask that the colloquy be placed elsewhere so that my amendment would not interfere with the very able presentation of the Senator from Rhode Island.

Mr. PASTORE. That is why I think it should stay in there, because it was "able" as the Senator says—and applicable and appropriate.

Mr. MURPHY. Mr. President, if the Senator would like to have the colloquy surrounded by the Murphy amendment, I accede to the wishes of the Senator.

Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The **PRESIDING OFFICER.** The Senator from Pennsylvania is recognized for 10 minutes.

Mr. CLARK. Mr. President, I strongly support the amendment of the Senator from California. As the chairman of the subcommittee dealing with the antipoverty program, I commend the Senator from California for moving to increase the authorization for expenditures on the school dropout problem.

I had the privilege this morning of being on the "Today" show, on the subject of juvenile delinquency. The Senator from California was a valued member of the subcommittee which helped push through Congress the extension of the Juvenile Deliquency Act earlier this year. As he knows, a great deal of the problems of juvenile delinquency come from school dropouts. If we can use an ounce of prevention, we will save a pound of cure. We will be in a position in which we can really do a more effective job than at present to cut the enormous expense for juvenile delinquency which the country is suffering at the moment.

Again, I thank the Senator from California for taking on this job of getting us $10 million more for this program; and I thank him for acting in a situation in which perhaps I should have taken the lead instead of he. I pledge him my strong support for his amendment.

Mr. MURPHY. I thank the Senator, the chairman of the subcommittee, who has had far more experience in these matters than I. I am pleased that he has seen fit to join in urging the adoption of this amendment.

As the Senator has said, and as I pointed out before he entered the Chamber, prevention is most necessary. We have gone through a series of experiences recently in many areas of our country in which we have tried to figure out what to do after the problem has exploded. We are at the stage now at which prevention is needed. Let us not have these explosions.

The Senator from Pennsylvania, who has great knowledge and experience in this matter, is absolutely correct in saying that a very high percentage of juvenile delinquency stems directly from the fact that some young fellow did not learn to read and fell behind in his homework. He was embarrassed to go to class. So, instead of going to class and being known as the dummy, he did not go to school at all and hung around the corner. I know it; I have done it. This young fellow would hang around the corner—idle hands and idle time—and, unfortunately, in many cases would start on the road to becoming a problem for the remainder of his life.

I believe that this would be money well spent. The main thrust of the amendment is to make a carefully planned examination of the conditions with respect to the funding that must be made. The application must spell out completely the conditions existing in the area and in the neighborhood, and must spell out with great care the proposal and the approach. Evaluation is required.

I believe, as truly as I believe anything, that this is the most practical and most needed approach to this ever-increasing problem and that this is the only way in which the answers finally can be found. This is a clinical approach. It is focused sharply on areas where the rate is the highest. We will not find the answer to the entire problem. It varies. But it is clear that we cannot continue to tolerate dropout rates that exist in some of our slum schools.

Hopefully, with the care that I believe can be applied to the expenditure of these funds, we can find answers.

Mr. President, I yield back the remainder of my time. I do not wish to belabor this matter. I believe the story is understood, is clear, and is known; and I believe the reasons for the request for an additional $10 million are clear to all Members of the Senate. I strongly urge that the Senate indicate its endorsement by a strong vote.

The **PRESIDING OFFICER** (Mr. Moss in the chair). Does the manager of the bill yield back his time?

Mr. HILL. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from Florida [Mr. Holland], the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Jordan], the Senator from Georgia [Mr. Talmadge], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Arizona [Mr. Hayden], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Smathers], are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr Bartlett], the Senator from Indiana [Mr Bayh], the Senator from Maryland [Mr. Brewster], the Senator from Washington [Mr. Magnuson], and the Senator from Oklahoma [Mr. Monroney] would each vote "yea."

On this vote, the Senator from Texas [Mr. Yarborough] is paired with the Senator from Florida, [Mr. Holland].

If present and voting, the Senator from Texas would vote "yea," and the Senator from Florida would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. Allott] is absent on official business.

The Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from Utah [Mr. Bennett], the Senator from Massachusetts [Mr. Brooke], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Colorado [Mr. Dominick], the Senator from Hawaii [Mr. Fong], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from California [Mr. Kuchel], and the Senator from Vermont [Mr. Prouty] would each vote "yea."

If present and voting, the Senator from Maine [Mrs. Smith] would vote "nay."

On this vote, the Senator from Utah [Mr. Bennett] is paired with the Senator from Massachusetts [Mr. Brooke]. If present and voting, the Senator from Utah and would vote "nay," and the Senator from Massachusetts would vote "yea."

On this vote, the Senator from Colorado [Mr. Dominick] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 42, nays 21, as follows:

[No. 264 Leg.]

YEAS—42

Baker
Boggs
Burdick
Carlson
Case
Clark
Cooper
Fannin
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hickenlooper
Jackson
Javits
Jordan, Idaho
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morse
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Scott
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—21

Byrd, Va.
Byrd, W. Va.
Dirksen
Dodd
Eastland
Ellender
Ervin
Gore
Hill
Hollings
Lausche
McClellan
Miller
Randolph
Russell
Sparkman
Spong
Stennis
Symington
Thurmond
Williams, Del.

NOT VOTING—36

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Cannon
Church
Cotton
Curtis
Dominick
Fong
Fulbright
Hayden
Holland
Hruska
Inouye
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Monroney
Morton
Muskie
Prouty
Smathers
Smith
Talmadge
Tower
Yarborough

So Mr. MURPHY's amendment (No. 937) was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 939

Mr. PASTORE. Mr. President, I call up my amendment No. 939 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 59, lines 20 and 21, strike out "$1,873,000,000" and insert in lieu thereof "$2,088,000,000".

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. PASTORE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, yesterday I sent the content of this amendment to the desk and asked that it be printed. At that time I made a statement explaining the amendment and my reasons for offering it.

I shall not take too much time today because I think I can safely say this is an old chestnut. The President has been accused from time to time for talking big and doing little, especially on poverty, by the very critics who have voted time and time again to cut down the amount he requested.

Since we have begun our war on poverty in this program, I do not believe we have ever funded the program to the extent that it was authorized. As a matter of fact, in fiscal year 1968 we were about $100 million below the budget estimate. Here again today in fiscal year 1969 the House cut the President's budget request by $307 million. In the committee I made a motion that we restore $300 million of the $307 million that had been cut by the House. The rollcall vote on the Appropriations Committee was 13 to 11, at that time I gave notice that I would pursue the matter on the floor of the Senate.

Immediately after that meeting of the Appropriations Committee, I got in touch with OEO and asked them to sharpen their pencils and get me the precise figure that would be necessary in order reasonably to carry on this program for the benefit of the poor of this country.

They came back with a recommendation of $215 million, which is $85 million less than what I asked for before the committee.

Following is what the $215 million is for, which I can explain very easily:

Fifty-nine million dollars of the $215 million is the amount required to keep the on-going programs in 1969 on the same level as 1968. In other words, if we do not increase the amount granted by the Appropriations Committee, we will fall short, we will retract, we will subtract, we will circumscribe the on-going programs to the tune of $59 million, which will mean that we will do less in 1969 than we did in 1968.

Twenty-six million dollars of the $215 million is for the Headstart followthrough program. Let me explain to the Senate how that got in there. I was presiding when the item came up before the committee on the question of the Headstart program, and as the senior Senator from Rhode Island I asked Sargent Shriver at the time, "What followthrough procedure do we have to determine whether this program has done any good?" In other words, we have a Headstart program that has to do with a lot of preschool children but no one has bothered to find out how they made out later on.

Here we are, spending a tremendous amount of money to do what we feel needs to be done in order to bring the children up to the standard required when they get into the first grade, and then nothing is done to follow through.

Sargent Shriver agreed with me that there should be a followup, but he said, "I do not have the money for it."

So this time we are going to do something about it. In order to do that something, we need $26 million, and that is the item in my amendment of $215 million.

Nine million dollars is for rural areas. We hear a lot of talk about urban areas and do everything for them, but we seem to do very little for the rural areas. So now we are going to do something a little more for the rural areas. I urge this even though I come from an urban State. We are adding the $9 million on that.

One hundred twenty-one million dollars is for jobs. That is a program being worked out with the private sector of the economy. Many speeches have been made on the floor of the Senate to the end that we should induce private enterprise to come into these programs, to do more, to become involved. We have heard that all over the country from all the potential presidential candidates; but we have never actually done very much about it in the Congress. This is a program wherein industry will cooperate and wherein the Government will cooperate, and we need some money with which to bring all this about.

We cannot fight poverty with words, we must fight it with deeds. And when we promise deeds it takes a little bit of cash to make good on that promise. Let us face it, that is a fact. Either we want it or we do not want it, and money talks.

That explains the $215 million in my amendment.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. PASTORE. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 additional minutes.

Mr. PASTORE. We keep hearing from the critics about this and that abuse. I do not condone wrongdoing. I do not think I should be placed in the position, I repeat, of being the devil's advocate. I am against abuses as much as anyone else. We must stop abuses. But we do not close all the banks in this country because some cashier runs away with a couple of hundred thousand dollars from his bank. We just put him in jail.

If anyone steals the taxpayers' money then I say, put him in jail; and if anyone in authority in a Government agency permits the taxpayers' money to be stolen, I say put him in jail, too.

But I say, "Don't throw out the baby with the bath water. Don't burn the barn to get at two or three mice." Let us do what needs to be done. If these programs need purification then, I say, let us purify them. If there is any pollution involved, I say, let us eliminate the pollution. I think we are big enough, strong enough, and intelligent enough to do that. If we need a little determination, I think we should use a little more muscle—and I refer to the muscle of the will and the wisdom, not the muscle of the arm.

Since 1964, when we indulged in and engaged ourselves in the antipoverty program, 7 million people have been taken off the poverty rolls. That is the record. That is something. That is nothing to laugh at or laughed off. That means that 7 million human beings today are working at worthwhile employment, rather than being on the relief rolls.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. PASTORE. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 additional minute.

Mr. PASTORE. Mr. President, that improvement is 211½ times the annual rate of the preceding 5-year period. That, too, is the record.

Now, Mr. President, I do not think I have to labor this issue further. We have known the facts right along. The amount

I am suggesting still falls $100 million below the budget estimate.

As I said before the committee where I fought hard for these programs and I repeat it here today, I have stood shoulder to shoulder with this gallant warrior from Alabama [Mr. HILL] in doing something about funding properly the NIH programs.

We spend over $1¼ billion a year to prevent the kind of diseases which might be a scourge to children yet unborn.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. PASTORE. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3 additional minutes.

Mr. PASTORE. But while we go over the budget for those programs, we are always below the budget in putting food in the mouths of children now living.

How do we separate, how do we define, how do we divide compassion? How can we be so compassionate in seeking to prevent disease in children yet unborn, but deny adequate food to the children now living?

Mr. President, those are the things that stick in the conscience of the Senator from Rhode Island. I have stood on this floor and fought for appropriations over the budget requests for cancer, heart disease, tuberculosis, arthritis, rheumatism, retarded children, and so forth. I have stood on this floor and stated that if we make a mistake, let us make a mistake in favor of the sick.

Today, I declare that if we make a mistake, let us make a mistake in favor of the hungry children of America.

Is it not a sad commentary upon our times that in the most affluent society in the world, our Nation of 200 million Americans, there are 30 million of our fellow Americans living on the edge of poverty?

The words of John F. Kennedy linger in my mind day in and day out, and I close with what he said in his inaugural address:

> If a free society cannot help the many who are poor, it cannot save the few who are rich.

Mr. President, I went to the National Democratic Convention in Chicago last week. I stayed at the Drake Hotel, a very beautiful hotel, located right on Lake Michigan. They call that area the Gold Coast.

How much do Senators suppose an apartment with two bedrooms costs in that area? About $500 a month.

Yet, within the shadow of that beautiful hotel and locality, lie the ghettos of the poor. Poverty is the neighbor of plenty—and poverty is the problem of plenty.

Something has to be done about it, Mr. President. The time is now.

I hope that the Senate will vote for this amendment.

Mr. JAVITS. Mr. President, will someone yield me time?

Mr. PASTORE. I am happy to yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, the Senator from Rhode Island has made an extremely eloquent argument. We all respect him so much that I would not consider taking the time of the Senate to repeat anything he has said; but I did have one or two points of my own which I should like to place before the Senate.

First, I invite Senators to examine an analysis, which has now been placed upon their desks, of the impact of the committee reduction upon many of the most promising and desirable programs in the antipoverty field. They include specifically those referred to by the Senator from Rhode Island [Mr. PASTORE], relating to job training and job creation, as well as Headstart and Follow Through. They also include comprehensive health centers, and health is one of the major problems in the slums in the United States. They include also emergency food and medical assistance, and, whatever may have been the evidence on starvation, the fact that malnutrition has a very deleterious effect on health is practically universally admitted. So there is going to be a very serious impact upon that program if we do not vote the additional amount which the Senator from Rhode Island has mentioned.

As I am the ranking minority member of the legislative committee which deals with poverty, and as the Senator from Alabama [Mr. HILL], our very beloved and distinguished colleague, is the chairman of that committee, as well as the chairman of the subcommittee which deals with this appropriation, I would like to address myself to something which it seems we have now learned in the course of the antipoverty program.

Mr. President, we have learned two things. We have learned, one, that a community which is able to carry on a good and effective antipoverty program which acts as a safety valve is a community in which there is unlikely to be riots. We found a rather important connection between the failure to really get going in respect of these programs and the areas which were riot susceptible.

Second, and to my mind of the most incisive importance, is the fact that we cannot expect the American business system to get into this situation, as we want it to and as indeed it must if it is really going to respond to the war on poverty, unless the Government assumes its share of the responsibility. The business community will enter into it if it is likely to succeed. It does not want to enter into it if there is a likelihood of failure. It is loath to enter into it if the logistics and bases have not been laid for it. That means looking after the children. It means legal services. It means that kind of program which is to be paid for in the JOBS program.

That is the main point I would like to leave with the Senate—if Senators want the business system to really cooperate in the program, the Government must give the business community the proper basis for its entering the program.

We have heard from the Kerner Commission that this is a $15 billion a year job. We are putting up $1.8 billion in the poverty program. The Senator from Rhode Island [Mr. PASTORE] wants us to put up $2 billion. The leverage, as we say in finance, is $2 to $15 billion. We do not want to have to put up the $13 billion. We cannot. And yet the time is running against us. The time, in terms of how much the poor are going to stand for, is running against us. How do we make the two meet? We do it by our giving a little more, by giving the proper basis for what needs to be done by the business community, and then really bring the business community into the program in a big way.

I have no doubt that, just as we are paying the difference between an economic wage and a paid wage to induce business to train people and give them jobs, we will be giving business tax incentives next year. That is very desirable and very important, and business wants that. But it will not be effective unless we have taken care of those elements which Government really should take care of. That is all the Senator from Rhode Island is seeking to accomplish, on a minimum basis.

Mr. President, domestic tranquillity is a great issue in our country. The words "law and order" have, unfortunately, become synonymous, in the minds of the black community and many minorities, with repression and the police presence. We are not going to change the words "law and order." There is a tradition for them, as there was in the open frontier, but we can give the poor the feeling that we will try to do justice at the same time wc apply the principles of law and order.

That is what the Senator from Rhode Island [Mr. PASTORE] is trying to do. I joined him with deep conviction in the committee, and I join him with deep conviction now. I cannot think of any more false economy than this kind of reduction in this appropriation. I think by now, by offering it himself as a member of the Appropriations Committee in high standing, he has given us precisely the figure which is needed to do the minimal job.

I hope very much, in the interest of the tranquillity of our cities and the tranquillity of the country the Senate will adopt the amendment.

Mr. HILL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. HILL. Mr. President, I regret to find myself in opposition to my distinguished friend, the Senator from Rhode Island, who spoke in such beautiful and generous terms earlier in the day. I regret to be in opposition to my friend from New York. But I am here representing the Senate Committee on Appropriations, and that committee considered this matter. It had hearings on it. It considered it.

I may say this is the first time the OEO appropriation has been placed in this particular bill. In the past it has been considered in a supplemental bill. But after considering this matter, the Senate Committee on Appropriations voted down the amendment of the Senator from Rhode Island to increase these funds. The Senate Committee on Appropriations voted to accept the funds as provided by the House, in the amount of $1,873 million. That $1,873 millon is an increase of $95 million over the funds made available for the OEO during the past fiscal year, 1968.

So here we are, Mr. President. The committee voted the $1,873 million; the house voted the $1,873 million, after careful consideration, an increase over what had been provided for the past fiscal year, 1968; and the Senate also voted for the $6 billion reduction in expenditures.

I did not vote for that $6 billion reduction in expenditures, but I find that many who did vote for the $6 billion reduction in expenditures now vote for increases in these appropriations. We cannot have that $6 billion reduction and still increase these appropriations.

We have heard much and seen much in the press about some of the funds that OEO wrongly expended. We know the committee headed by the Senator from Arkansas [Mr. McClellan] brought out facts which showed that some of these funds had gone into the hands of gangsters in Chicago and other misuses of these funds.

Speaking for the Committee on Appropriations as the manager of the bill for that committee, I say we should vote down this amendment of the Senator from Rhode Island. There would still remain $1,873 million, and there is bound to be another supplemental appropriation bill before the Senate before we adjourn. At that time, the Senator from Rhode Island will be the chairman of that supplemental appropriations committee, and he can consider further, if he sees fit, this matter of whether there should be additional funds for the Office of Economic Opportunity. But surely, in view of the action of the House of Representatives, and in view of the action of the Senate committee, the Senate should support the action of its committee and keep these funds which, as I have said, represent an increase of $95 million over the funds provided for the past fiscal year, 1968, and make no further appropriation, certainly until the supplemental appropriations committee, headed by the Senator from Rhode Island, has had an opportunity to investigate the matter, and the Senator from Arkansas has been able to conclude his investigation, wherein he has already shown many rather outrageous matters.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. Go ahead.

Mr. PASTORE. I am very grateful to be able to make this statement before my dear friend from Arkansas speaks.

Mr. HILL. I yield the Senator from Rhode Island 3 minutes.

Mr. PASTORE. Mr. President, I want the Record to show clearly that I pay the highest tribute and the highest degree of commendation to the Senator from Arkansas for the wonderful job that he is doing in his investigation of the situation in Chicago. Let no one on this floor take the position that I condone that in any way. As a matter of fact, the sooner Senator McClellan is instrumental in putting these wrongdoers in jail, the happier I shall be.

That is not my argument here today, and I have made that abundantly clear. I am not the devil's advocate. What I am saying is that we need this money to take care of the legitimate poor. If the money is getting into the hands of anyone who is either a gangster or a thief, or one undeserving, let him be put in jail, and let the man who hires him or distributes the money to him be put in jail, as far as I am concerned. If he is doing anything wrong, he should be prosecuted to the full extent of the law.

But I hope we do not confuse the guilt of the few with the plight of the many, because I do not think the two are related. If it is true that, because of some abuses, we ought to cut here and prosecute there, it does not follow that to eliminate those abuses we should abandon the deserving.

Here we are talking about principle, we are talking about policy, we are talking about programs, and we are talking about the poor. If we are using the argument we ought to cut it $300 million because there have been some abuses in Chicago or somewhere else. I say if this is a program abused in its entirety, we ought to knock it all out. That would make sense to me.

But if we are going to have a poverty program, we cannot just throw out a 10-foot rope to a man who is drowning 20 feet from the shore. That will not work. If we are going to do this job, we have to do it. There have been too many accusations against the President of the United States that he is talking big and doing little. The fact of the matter is that every time he has asked for money, he has never received it, Congress just has not given it to him. I hope we will rectify that today. And I want the record to show that even if my amendment is agreed to, we will still be below the budget request, but I am not going to make a fetish of that point today.

Mr. HILL. Mr. President, I yield the Senator from Arkansas such time as he may require.

The PRESIDING OFFICER. The Senator from Arkansas may proceed.

Mr. McCLELLAN. Mr. President, I feel, because of the situation with respect to the committee of which I am chairman, the Permanent Subcommittee on Investigations, and some work which it has done, that I should make some statement about this amendment.

As the distinguished Senator from Rhode Island says, he does not condone or in any way approve, but condemns as much as anyone in this body, the conditions which this committee has exposed, and would should be corrected. For the same reason, Mr. President, I do not condemn everything in this program, by any means. That is not my attitude about it, nor is such an attitude justified by the revelations that the committee has made so far.

But I do point this out, Mr. President, and I do it in all sincerity: In my judgment, if the character of projects that are useless and not beneficial, and some of them very detrimental, were eliminated, such as this Chicago project and the way it was administered, I think the program can possibly get along on the amount of money provided in the bill, and it it very well.

The Chicago incident is not the only one. We have two or three other very flagrant cases, on the face of them, at least, of scandal in this organization in connection with the way it is administering these funds, the character of projects it is approving, and the quality of people it is having administer them and run them. This thing needs to be cleaned up; and the only way to clean it up is to hold these appropriations down at this time, and then, on the supplemental bill, have a real hearing on the matter, have the administrators of the program, those responsible for it, up here, check out these programs and projects, and make certain that we are going to eliminate those which should never have been approved in the first place. Some of them, at least, never should have been approved, in my judgment, and certainly should have been discontinued long ago.

Let me give an illustration of the way the administration has been carried on in some cases. This Chicago project, I think—and I say it on my own responsibility and my own judgment—was a subterfuge and a fraud from beginning to end. The Government has been defrauded of hundreds of thousands of dollars. It could have been detected. This agency has a contract with the University of Chicago, at a cost of $70,000, to make an evaluation of the project. I do not know how much they have paid them already, but they did not send in any report until this committee got to investigating. Then they sent in a preliminary report, and no final report is in even now. It could easily have been ascertained. They did ascertain it, because they are on the job, to see what is going on. One of them reported he could not make any evaluation of it because of conditions. We are paying out money to evaluate a $900-and-some-odd-thousand project; it has not been evaluated, though it has been over since May, and we still do not have a report.

That is simply the lack of proper and adequate administration, and nothing else. There is no reason why they could not have evaluated it long before now and made a report. But this simply illustrates the looseness of administration.

If this program is administered right, there is a lot of good in it; but if it is to continue to be administered in the fashion of just approving projects and then letting them take their course, certainly when they are in the hands of and under the control and supervision of some elements that have been in the control of them, then, Mr. President, this program is destined to do a lot of harm, perhaps as much harm as good.

I would suggest, in all candor, that this bill be approved as reported by the committee, and when the supplemental comes in, that this agency be brought before the investigating committee, and make available to the committee the information we have developed as to what the record may reflect up to that time, and then the Appropriations Committee can make a judicious evaluation of some of these projects, and make appropriations with instructions to the agency as to how to revise its program and revise its policies in order to bring the matter under control.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, the Senator from Arkansas is, of course, entitled to his opinion, and I honor it, although I strongly disagree with it.

I am chairman of the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare. The Senator from New York [Mr. JAVITS] and the Senator from Vermont [Mr. PROUTY] are the ranking Republican members of that committee. Beginning late last year, our subcommittee got a large authorization from the Committee on Rules and Administration with which to make an investigation in depth and in detail as to the administration of the poverty program. We heard 401 witnesses in 33 days of testimony. We went to nine States. We hired consultants who made reports on communities in all seven of the regions into which OEO is divided for administrative purposes.

I can say without any doubt that not one single major scandal was uncovered. I can say that this program is well administered. I would not contend, nor would anyone else, that a program started in 1964 can achieve perfection in 3 short years.

I would not contend that mistakes have not been made in this program. Mistakes have been made just as they have been made in every other program that Congress has authorized this year or any other year.

If we do not agree to the pending amendment, we will be taking the money out of the hides of the innocent kids of America who are involved in the Headstart program, the Neighborhood Youth Corps program, and in the Job Corps. We will be taking it out of adult education and a host of programs which have taken out of the poverty category 7 million Americans since 1964.

I beg that we not throw the baby out with the bath water because there has been some criticism about a controversial program in Chicago.

The Senator from Rhode Island deserves to be commended by every Senator for standing up against a majority of the members of the Committee on Appropriations in order to make this badly needed amount of money available for the children and the poverty-stricken citizens of America.

They deserve our support and not our condemnation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 10 minutes remaining.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I sit on the committee of the Senator from Arkansas. I have not been there as often, naturally, as I would like to be because I have my own time problems now. However, I have done my utmost to get something of the flavor of the Woodlawn episode to which the Senator refers. It involved, in round figures, $1 million. It was an extremely bold experiment to try to see what could be done about a hard-core gang in Chicago. Let us assume that it failed and that very serious and bad things were uncovered.

My people say that the Office of Economic Opportunity's own auditors uncovered frauds and sent their reports to the Department of Justice. However, by that time the Senator from Arkansas [Mr. MCCLELLAN] had already gotten into the matter. That is good. That is the kind of race we like to see.

We often lament that Government agencies are dead on their feet and do not take any chances. In this instance a Government agency took a chance. The Office of Economic Opportunity was not dishonest. It took a chance in an effort to try to do something that would have been great if it had succeeded. They tried to take over and work with a most difficult group of young men—some of whom even have criminal records—in an effort to make good citizens of them. The effort was not entirely successful.

I do not think we want to inhibit an agency as new as this by penalizing it because it took an honest chance on something which, if it had succeeded, would have been great for America. They are not guarantors or underwriters of the success of the program. They would take no chances if they were.

With full cognizance of everything that the Senator from Arkansas has had to say, I still think it is not an argument against the amendment, but an argument for the amendment.

The fact that this agency was bold enough to take a chance and try to do what needs to be done shows that they are trying hard to be successful. I honor them for that. It is perhaps true that we must do something to tighten up procedures. However, the fact that a Government agency has taken a chance in an effort to accomplish some good should not necessarily be a disastrous blow to that agency.

Mr. HILL. Mr. President, I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, I oppose the amendment of the Senator from Rhode Island which would add $215 million to the OEO appropriation.

It seems to me that the Senator from Arkansas made a very effective point when he said that if the OEO were to be cleaned up and better administered and the waste were to be eliminated, the amount of money recommended by the Committee on Appropriations would be fully adequate.

Mr. President, there are good programs in the OEO. One that I feel is particularly good is the Headstart program.

I am convinced, however, that the OEO generally speaking is a very wasteful agency, poorly administered, and with inadequate auditing procedures. When Congress appropriates funds to help the poor, I want that money used to help those for whom it is intended.

Four years ago next month, we are told, we began the war on poverty.

What is meant by that, of course, is that 4 years ago we added another bureau to the Federal Government and opened another window at the U.S. Treasury.

The Office of Economic Opportunity was not the beginning of America's war on poverty.

That struggle has been going on for 200 years. That is what America is all about—a system where freemen are given the opportunity to better themselves, to make full use of their talents and abilities and to enjoy the fruits of their labor, and to help those less fortunate.

It was that promise which drew millions of immigrants to our shores. And it was that system which has given to our citizens the highest standard of living in history.

Today, U.S. citizens are better fed, better housed, better clothed, and better educated than any other people in the world. Our per capita income is double that of the next leading countries.

Yet, despite this unparalleled abundance, there are Americans who have not shared in the good fortune of the vast majority. We have not eliminated all poverty in 200 years of trying, and I seriously question whether we will ever abolish poverty altogether even with another 200 years of trying.

There are reasons for this.

For one thing, poverty is a relative matter. Many people today are regarded as poor and underprivileged, not because they lack the necessities of life, but because they have less of them than some other Americans.

When the figure $3,000 was fixed as the poverty level, a Census Bureau official reported that of the families making less than that income, 79 percent owned television sets, 51 percent had both a television and a telephone, 73 percent owned a washing machine, 65 percent lived in a residence that was considered sound, and 14 percent had bought a car that year.

In too many cases, the word "poverty" is used not in reference to deprivation but rather to describe a difference in income and standard of living.

When that is the case, how can we ever do away with poverty?

The American system of free enterprise is based on economic incentives, and these inevitably lead to economic disparities.

If equality of income is the goal of the war on poverty, then we are not talking about the American system but socialism; we are not talking about bringing the minority up but rather taking the majority down.

There is another reason why all poverty is not likely to be eliminated, at least not in our lifetimes. And that is because there are individuals who simply do not want to work.

To say this, is not to argue there is not real poverty in America, poverty which can be alleviated. There is.

There are people who can and should be helped through public and private efforts. I believe these people should be given the opportunity and the assistance they need to help themselves find a better life, particulary the best education we can make available. And they need opportunities to put that education to work in useful employment.

Given these things, I am confident that most Americans will take care of the rest themselves. That is what they have been doing for generations and each generation has reached higher than the one before, and achieved more. Each has helped to build a greater America.

No, the Office of Economic Opportunity did not begin the war on poverty in this country.

What it did do was to attempt to centralize Federal control over the process and, I submit, with disastrous consequences.

The failures of OEO stem from two basic faults in its philosophy and its approach toward the problem of poverty.

The first is its utopian faith that poverty can be wiped away given enough Federal money and programs. This has led to an outpouring of funds on an unprecedented scale without any real knowledge of where the money is going, what it is likely to achieve or how well it is spent. The result has been enormous waste and inefficiencies and, I submit, very little progress toward the goal of bettering the lives of the poor.

Even more disturbing than this, however, is the fact that OEO money has been used to finance extremists and militant elements whose approach is to riot and to demonstrate and to agitate for more Federal funds.

They are not interested in opportunities to help themselves through study and work, but rather to help themselves to more and more Federal grants.

There are endless studies and reports which document the failures of OEO. Most of us in the Senate are all too familiar with them to require much detail today. But I would like to note a few such facts.

In its review of the Community Action program in the Los Angeles area, the General Accounting Office found that many persons who were far from poor nevertheless were receiving assistance from various OEO programs. It recommended to OEO that priority in these programs be given only to people in genuine need of assistance.

The report went on to state, however:

> OEO advised us that it did not concur in our suggestions and stated several reasons why income has not been used as a governing or predominant eligibility criterion in all programs.

Yes; the level of income is not considered a dominant factor by our antipoverty agency.

This same study uncovered actual and potential overcharges in just one program in excess of $600,000. Yet, OEO resisted recommendations that detailed instructions be issued to field organizations on the proper spending and auditing of poverty grants.

In this regard, I am disturbed by the report of the Committee on Appropriations that the Department of Labor, in effect, defied its efforts to obtain payroll informaion on a youth program which was being administered by the Department under the Economic Opportunity Act. I would like to quote from page 86 of that report:

> On May 20, 1968, the Committee requested the Department of Labor to furnish the Committee payroll data on persons employed by Youth Pride, Inc., a recipient of financial assistance administered by the Department under Title I of the Economic Opportunity Act of 1964, as amended. Because the information was not furnished as requested, the Committee on June 5, 1968, requested the Comptroller General of the United States to secure the information. Despite the diligent efforts of the Comptroller, his Office to date has been unable to obtain from Pride complete data; and information as to when it will be furnished remains indefinite.

To me, this is an intolerable situation and I wholeheartedly support the committee in its ultimatum to the Secretary of Labor that this information be provided or that the program be discontinued.

I believe that we should take the same firm attitude toward all instances of waste and misdirection in the antipoverty program.

In a study of a $2½ million OEO program, the General Accounting Office questioned $435,000 of expenditures, because of "inadequate accounting for funds, questionable billings, and unauthorized deviations from the approved budgets."

Reviewing the programs of the United Planning Organization in the District of Columbia, GAO auditors reported:

> Our review of the financial records maintained by the Southeast Neighborhood House showed that the Washington Welfare Association requested reimbursement from the United Planning Organization for certain costs that had not been incurred, for insurance premiums that had been overpaid and for merchandise that had not been received. We also found that certain expenses had been paid twice, the costs had been charged to the wrong program components, that certain employees had been occupying more than one position, and that inventory records had not been maintained currently.

In the child-day-care program of this organization, the GAO found more than 40 percent of the children enrolled were from families not considered poor even by OEO standards.

Again, listen to this summary of a community action program in Shreveport, La., by the GAO:

> Our examination of selected financial transactions showed instances where purchase orders were issued without being authorized by the responsible officials; where supply invoices were paid without evidence of receipt of items purchased; and where payroll costs were not supported by any evidence of work performance, such as time and attendance reports.

The list of examples of waste and extravagance in this program seems endless. Let me note a few others.

The community action director of Indianapolis, Ind., received a salary from OEO while he was on the payroll of another Government agency, a violation of Federal regulation.

In New York City, more than one-half of the $13,393,430 in antipoverty money received by the Haryou-ACT were for salaries; an additional $281,000 were marked off against "consultant fees." An audit later showed that many of these so-called experts were really "routine clerical employees."

Other incidents of waste and lavish spending in our so-called poverty programs are easily found—too easily. The cost per enrollee in the Job Corps program, for instance, is more than $7,000 a year—or almost enough to finance a college education.

Millions of dollars are spent in make-work projects while 1 million jobs in our private economy go begging and 50,000 vacancies are unfilled in other manpower programs.

Clearly, the OEO has been one of the most wasteful and expensive programs ever undertaken by the Federal Government. The few incidents of waste that I have noted—most of them taken from reports by the General Accounting Office—could be multiplied many times.

The typical response of OEO officials to charges of this kind is that they are involved in a "crash" program to alleviate the conditions of poverty and that there is neither time nor a disposition at this point to worry much about administrative regularities.

Let me say here and now that I, for one, am concerned about how the taxpayers' money is spent and for what purpose. I am concerned about OEO programs which encourage division and unrest in our Nation.

An example is the OEO-financed Nashville Liberation School. According to testimony by Nashville police before a Senate investigating committee, the school was used to teach Negro children "pure, unadulterated hatred."

The New York Times reported that a teacher at this school was arrested during the 1967 Nashville riots for teaching rioters how to make gasoline bombs. Other rioters were identified by Nashville police as having graduated from a similar Nashville school.

At least two of the leaders of the Black Panther group, which staged an armed intrusion into the California State Legislature last year, worked for OEO neighborhood antipoverty groups.

Another OEO group in Houston, Tex., tried to use OEO funds to purchase telescopic rifle sights. That requisition was approved by OEO in Washington, but was stopped when a conscientious civilian employee of the Air Force refused to honor the order because he did not believe it was the sort of thing a poverty organization ought to be buying.

General Accounting Office reports verify that antipoverty workers have engaged in labor disputes and have served as union organizers while on the payroll of OEO-financed organizations. For instance, in Fresno, Calif., in 1966, 16 trainees from an OEO center in Watts joined in picketing on behalf of farm labor groups.

This activity was defended by a spokesman for the California poverty program as part of teaching the poor how to use nonviolent methods to make economic gains.

It is not well known, but H. Rap Brown drew his salary as a Federal poverty worker with the United Planning Organization in Washington until quitting his job to take over from Stokely Carmichael as head of the Student Nonviolent Coordinating Committee.

During the Newark riots last year, an accountant for the OEO-financed United Community Corporation was arrested for firing a rifle from a car window.

Another leader of that antipoverty agency was quoted as having told a crowd to buy guns and to keep them until the rioting began again.

The Senate has heard testimony from the mayor of Newark and police officials of Newark that so-called antipoverty workers played a significant role in inciting rioters. Similar allegations have been made by officials of other riot-torn cities.

In one of the most reckless uses of tax funds, OEO awarded a grant of nearly $1 million to subsidize two Chicago teenage gangs—the Blackstone Rangers and the Devil's Disciples. A key element in the program was that the instructors be youthful gang leaders.

Who were these instructors?

Testimony before the Senate Committee on Government Operations revealed that one of them—the president of the Rangers who was being paid $6,500 a year—has recently been convicted of conspiracy to solicit murder.

Another, a vice president of the Rangers was said to have been taught to read and write while he was serving a prison term—all of this after he had been selected as a leader of the project.

Testimony indicated that five other Rangers, all of whom participated in the program, have been awaiting trial on charges ranging from rape to murder.

How could it be seriously proposed that these people teach other youngsters? How could it be imagined that respect for law could be furthered through the efforts of these individuals who themselves are the worst examples of lawlessness?

Yet, the Federal organizers of this project believed that by supporting these gangs, they could enlist them as a constructive force in keeping order in southside Chicago. What the Federal Government sought to do, with tax money, was to bribe these gangs, these hoodlums, to be good.

According to Chicago police, however, the crime rate in that district of Chicago was on the decrease until this project began and gang members started recruiting students to join in the program. Then it began to rise.

It was charged in these hearings that gang members were involved in obtaining kickbacks from participants in the program, protection money from smaller youths who were threatened with beatings, and contributions from fearful neighborhood businessmen.

I have expressed my sense of shock at this reckless disregard for the use of tax funds to the acting director of OEO, Mr. Bertrand M. Harding. I told Mr. Harding that I could not submit an affirmative recommendation to the Senate committee considering his nomination to become the director of OEO until I had written assurance that no projects similar to that in Chicago will be permitted.

In a letter to me dated August 21, 1968, Mr. Harding wrote, and I quote:

> I am happy to reaffirm my personal statement to you that I have no intention of approving the type of project in Chicago, or elsewhere, next summer, or at any other time, which would produce the objectionable results of this particular grant.

This would seem to eliminate one highly objectionable activity of OEO, but it is only one of many that could be cited.

Mr. President, I could go on for the rest of this day and probably into next week reciting instances of waste and misdirection of Federal funds in the OEO program.

But somewhere along the line the question should be asked, How much is enough?

How many millions of dollars must be squandered, how many cases of misappropriation must be uncovered, how many incidents of violence and agitation must we experience before we in this Congress demand an end to such misuse of tax funds?

Most tragic of all is that the people we seek to help through this program—the poor and underprivileged of this Nation—have received precious few benefits from billions of dollars poured into this program.

I see a real danger in the way the OEO program is being directed.

Too many of those participating in the program are being encouraged and helped to seek their ends through radical political action. These people have come to regard Federal grants as a right and as a payment owed to them for past injustices, real or imagined.

The concept of self-help which was written into the program has been corrupted in many minds to mean self-service, usually through militant and sometimes violent political action.

Mr. President, I submit this is a dangerous trend. The Federal Government should not be in the business of underwriting revolution. We have not created OEO to preside over the dismantling of the American way of life.

Until such time as this program can be put on a different foundation—one that assures that the taxpayers' money is being used for the purpose of helping the poor of this country—I cannot support additional appropriations for the Office of Economic Opportunity.

When the Congress appropriates tax funds to help the poor, I want it used to help those for whom it is intended.

Mr. PASTORE. Mr. President, I yield 3 minutes to the junior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, I support the amendment of the distinguished Senators from Rhode Island and New York for practical and realistic reasons.

I think that an investment in this area will be of great benefit to the people and the Government of the United States. Let me take three programs and comment for a moment on each of them.

The pending amendment would provide an additional $121 million for the JOBS program. This is to support the effort of the National Alliance of Businessmen to create jobs for the hard-core unemployed.

I defy any Government agency to propose a better management than is behind this program. The management consists of the cream of American industrialists. These are hardheaded, practical businessmen who are investing their time, energy, and money to put people to work who are now on the relief rolls and the delinquency rolls. It is an effort to try to give them constructive jobs.

This is not theory. This is practice. These men, under the leadership of Henry Ford, have reported that they have already created jobs for 165,000 individuals.

At $5,000 a person, that means that a payroll of $825 million has been created. At a tax level of 20 percent, the U.S. Government in the first year would get back $165 million in taxes. That is not a theoretical program. That is an investment that will pay back dividends.

Mr. President, I speak next of the Headstart followthrough program. We do not hesitate to put billions of dollars in higher education. We have proven now for some 20 years that, as a Federal program, that is a good investment in this country. We have proved it through the improved quality of higher education.

The next 20 years will prove the importance of an investment in the early education of our young people that is the time at which to reach these young people. We have to start with the culturally deprived and give them the advantage of the Headstart program and follow through. The Headstart program is one of the most successful of our programs.

I would next like to comment on the Office of Economic Opportunity's comprehensive health centers.

In recent months I have had the opportunity to visit some of these centers. I visited the comprehensive health center in the Mile Square area of Chicago.

It is run by St. Luke's Presbyterian Hospital, which has one of the most eminent medical staffs in the United States. Every one of these doctors thinks that this is one of the best investments the Federal Government has made. We are bringing people back to health who can become employable. We are giving children a chance in life that they would not otherwise have.

We must take health centers and health services right to the poor, right to the ghetto, rather than expect them to travel, as we do in Cook County, sometimes 50 miles, to stand in line for 7 hours at a county hospital, where four out of five are rejected because they are not bed patients.

I visited the health center in Watts a month ago, and the one in Elviso, which Senator Robert Kennedy had promised to dedicate.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The time of the Senator has expired.

Mr. JAVITS. I yield the Senator 1 minute on the bill.

Mr. PERCY. I visited that center to fulfill the commitment made by Senator Kennedy who said he would dedicate that center. It was built by the people of that community—Mexican Americans. They bought that building; they moved it there. They are helping to staff it. And for the first time those people are getting decent health care that will make them more employable.

I urge every Senator who can do so to visit the center on Mission Street in San Francisco, to see the crowded facilities, and to see the dedication of the Medical Society of San Francisco to a bold experiment that is bringing health care for the first time to thousands of poor citizens.

For that reason, because it is a good investment, I support this amendment, and I commend my two colleagues for their foresight.

Mr. HILL. Mr. President, I yield to the Senator from Arkansas such time as he requires.

Mr. McCLELLAN. Mr. President, I was very interested in the remarks of the distinguished Senator from Pennsylvania—I do not see him in the Chamber at this time—to the effect that if we do not vote for this appropriation we will be taking money away from the children of this Nation. I did not hear him criticize the gangsters in Chicago, the gangs, and the administration of this program and taking away over $1 million from the children of the country.

All I am asking is that the program be cleaned up. Let the money go where it will do some good. I do not believe anything will be accomplished, bold or not bold, by subsidizing criminal gangs, if you please—gangs that go into the schools and take the children out, under threat and intimidation, and then take them into this school and make them kick back the money, forge their names on the payroll, on the receipt for the checks, and on the checks.

This program costs more than a million—$70,000 is being paid to Chicago University to evaluate it, and $30,000-odd is being paid to someone else to furnish the literature. That amount is not included in the $900,000-some odd.

Mr. President, we do not need bold programs, when we have them crying, as the Senator from Pennsylvania has illustrated, for the need that is apparent, and we can see where it is. Clean up this program, and support will be forthcoming from every Member of the Senate for the legitimate expenditures that contribute to something worthwhile.

Mr. HILL. Mr. President, as I have said, the House appropriated $1,873 million for this program. The Senate committee voted down an amendment to increase this amount, but recommended this amount. It is the amount in the bill now—$1,873 million.

Surely, in the light of what the Senator from Arkansas has said and what we know about this program, there is no reason why we should not agree to the recommendations of the House and the Senate Committee on Appropriations for the $1,873 million. In the past, these appropriations have been handled by the supplemental appropriation committee. When the supplemental appropriation bill comes up, that committee can look into this matter. By then, the Senator from Arkansas no doubt will have concluded his investigation. The Senator from Rhode Island can investigate the matter thoroughly, and if additional funds are needed, they can be provided in the supplemental appropriations bill.

On behalf of the Committee on Appropriations, I insist we vote against the amendment of the Senator from Rhode Island, and accept the figure of $1.873 billion, as approved by the House of Representatives and as recommended by the Senate Committee on Appropriations.

Mr. PASTORE. Mr. President, I do not question anything the Senator from Arkansas has said. I believe in law and order, and I believe anyone who has been stealing the Government's money should be in jail. I have said that. I do not think I have to keep repeating it.

I know we can become emotional about this matter. But I believe we have lost sight of what my amendment would do. For the edification of the Members of the Senate, let me say once again what it would do.

Of the $215 million I am attempting to add, $69 million is to put the ongoing programs on the same level in 1969 as they were in 1968. That is only $59 million.

And $26 million is for the Headstart followthrough program. If my amendment is not adopted, there will be no followthrough program to determine what good has been achieved by the Headstart program, which has been praised by everyone here. So that followup would be cut out. That is a new program.

The next program is $9 million for the rural areas. The gangster business has nothing to do with the rural areas of America. I am talking about $9 million.

Finally, the biggest part of the $215 million is the $121 million for the JOBS program, which deals with the cooperative effort between the Government and private industry. If you do not vote for my amendment, you will have to do without that money. If you want private industry to train the hard-core unemployed and unemployable so they can secure profitable and lucrative jobs, vote against my amendment. But if you want the participation of private industry in cooperation with the Federal Government in doing something about the jobless in America, vote for the amendment—$121 million is for that purpose.

The argument has been made that the matter should be taken up at the time of the supplemental bill. That is only trying to transfer the cat from the back of the Senator from Alabama to the back of the Senator from Rhode Island. As a matter of fact, I cannot do any better 3 weeks from now than I am doing this afternoon. If I am successful today, I am going to be successful period. If I fail today, I am going to fail 3 weeks from now, because minds in the Senate do not change that easily.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I yield myself 1 additional minute.

I realize the emotions involved. I realize the situation in Chicago. That has nothing to do with my amendment. I am talking about the new programs that have been advocated by the committee. I was the one who said to Sargent Shriver, "You had better do something about a followthrough program." Now they are doing it, and the cost is $26 million. Everyone in the country has said, "Bring in private industry," and you need the $121 million to do that.

I am not doing anything for the gangsters in Chicago. I say: Put them all in jail. But that has nothing to do with the poor. If you believe in the poor, you will vote for my amendment.

Mr. HARRIS. Mr. President, as a member of the National Advisory Commission on Civil Disorders who has examined the frustration that is felt by many of the poor, I cannot stress too strongly the importance of continuing and strengthening the war on poverty. I wish many of the programs operated by the Office of Economic Opportunity could be greatly expanded, but other current commitments make this impossible. At the very least, however, we should provide the appropriation requested by the President.

Continuing this program will allow many poor people to become taxpayers, easing the burden on the part of the population that is already taxed. When this happens, they will more than repay our investment.

But this will not happen if our commitment does not remain strong and our appropriations adequate.

Look for a moment at the JOBS program that encourages businessmen to hire people who have been among the hard-core unemployed. The National Alliance of Businessmen which runs the program has already placed 40,000 people in full-time jobs.

Yet many more remain unemployed. Businessmen have shown that they are willing to create innovative programs for such people if they receive some outside support. If America's largest capitalists have made this social commitment, can we afford to discourage them? If we fail to restore the President's requested allocation for OEO, the JOBS program will have to cut its anticipated program by 7,400 people. Both the President and the businessmen have made a commitment to find jobs for these people. But this will be impossible if we reduce our support. If we do reduce our support of JOBS, thousands of families will see the American dream deferred once again. Actions like this breed further frustration, Mr. President.

As is true of every State, Oklahoma has its thousands, both in our cities and rural areas, who have been left behind as our economy has moved forward. OEO programs have already meaningfully reached many of these.

There are programs operating in 75 of our 77 counties. More than 37,000 will have a better chance at getting a good education because they participated in Headstart. Fourteen counties in northeastern Oklahoma have been selected for the one OEO pilot project for meeting poverty in rural America to be supported during the coming year.

Yet with all this activity, less than a third of the poor people in Oklahoma have been touched by the antipoverty programs. These people have not been able to take the first step out of poverty.

As long as so many people are waiting and hoping, we cannot give OEO anything less than the President has requested. We must continue our commitment. I support the amendment.

Mr. CASE. Mr. President, may I have a couple of minutes?

Mr. PASTORE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute remaining.

Mr. PASTORE. I yield 1 minute to the distinguished Senator from New Jersey.

Mr. MANSFIELD. I yield 1 minute to the Senator from New Jersey, on the bill.

Mr. CASE. I thank the Senators.

Mr. President, I rise to support this amendment, which would restore $215 million of the $307 million which has been cut from the administration's request for appropriations for the Office of Economic Opportunity.

This amendment is selective. It restores funds only in the most crucial areas. It proposes restoration of $59 million to the amount provided for continuation of programs which were being carried on last year. In addition, it proposes $26 million for the Headstart follow-through program, $9 million for rural areas programs under CAP, and an additional $121 million for the Job Corps.

No one is satisfied with the progress we have made to date in the war on poverty. The Senator from Rhode Island has made that clear. No one will be completely satisfied until the war is won. But it is important to recognize that we are making progress and that the war can be won.

The earlier days of OEO were the most difficult as we explored new terrain. But the Office of Economic Opportunity reported to President Johnson recently that the number of people escaping from poverty has increased greatly since the agency initiated its programs. The program is too important to allow it to flag now.

Recent figures indicate that just under 9 percent of the population of my State of New Jersey is at the poverty level. We are proud of the fact that this is below the national average. But we are by no means satisfied with the situation.

New Jersey is the most highly urbanized State in the Union. The people of our cities have been introduced to the poverty program and it has given them hope and opportunity.

It has given them faith in the American dream that people who are poor can work their way out of poverty and improve their environment.

It is essential that these people be allowed to solve their own problems. But we have to provide them with the opportunity to prepare themselves for the battle.

In New Jersey, we have three Job Corps installations where youths from poor families can receive the education and training they need to establish themselves as members of the taxpaying community. We are proud of what has been accomplished.

We are proud of the 74 New Jersey residents who are working as VISTA volunteers throughout the Nation and we are grateful for the 47 VISTA volunteers working in our State.

The people of New Jersey have helped themselves by planning programs with OEO. They want these programs continued. And they want to search for new solutions to the problems of poverty.

We cannot afford to destroy their hopes and their aspirations at this point. We must provide the funds to continue present programs and to search new answers. I urge the Senate to accept this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HILL. I yield 1 minute to the Senator from Washington.

SUBSTITUTION OF CONFEREES ON S. 827, NATIONWIDE TRAILS BILL

Mr. JACKSON. Mr. President, I ask unanimous consent that the Senator from California [Mr. Kuchel], and the Senator from Colorado [Mr. Allott] be excused as conferees on S. 827, the nationwide trails measure, and that the Senator from Idaho [Mr. Jordan] and the Senator from Wyoming [Mr. Hansen] be appointed in their places.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. Does the Senator from Alabama yield back the remainder of his time?

Mr. HILL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from Florida [Mr. Holland], the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Jordan], the Senator from Georgia [Mr. Talmadge], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Smathers] are necessarily absent.

On this vote the Senator from Indiana [Mr. Bayh] is paired with the Senator from Florida [Mr. Holland]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Florida would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Washington [Mr. Magnuson], and the Senator from Texas [Mr. Yarborough] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. Allott] is absent on official business.

The Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from Utah [Mr. Bennett], the Senator from Massachusetts [Mr. Brooke], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Colorado [Mr. Dominick], the Senator from Hawaii [Mr. Fong], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton] the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from Utah [Mr. Bennett]. If present and voting, the Senator from California would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from Massachusetts [Mr. Brooke] is paired with the Senator from Colorado [Mr. Dominick]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 37, nays 26, as follows:

[No. 265 Leg.]

YEAS—37

Byrd, W. Va.
Case
Clark
Cooper
Dodd
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hatfield
Hayden
Jackson
Javits
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morse
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—26

Baker
Boggs
Byrd, Va.
Carlson
Dirksen
Eastland
Ellender
Ervin
Fannin
Hansen
Hickenlooper
Hill
Hollings
Jordan, Idaho
Lausche
McClellan
Miller
Mundt
Murphy
Russell
Sparkman
Spong
Stennis
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—36

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Burdick
Cannon
Church
Cotton
Curtis
Dominick
Fong
Fulbright
Holland
Hruska
Inouye
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Monroney
Morton
Muskie
Prouty
Smathers
Smith
Talmadge
Tower
Yarborough

So Mr. Pastore's amendment was agreed to.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. JAVITS and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion to lay on the able was agreed to.

AMENDMENT NO. 934

Mr. NELSON. Mr. President, I call up my Amendment No. 934 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 16, line 21, in lieu of $17,300,000" insert "$31,200,000".

Mr. NELSON. Mr. President, I ask unanimous consent to yield briefly to the Senator from Tennessee [Mr. Gore], and that the time be taken from the bill.

Mr. BYRD of West Virginia. Mr. President, how much time does the Senator desire?

Mr. GORE. Five minutes.

Mr. BYRD of West Virginia. Mr. President, I yield 5 minutes to the Senator from Tennessee on the bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

NONPROLIFERATION OF NUCLEAR WEAPONS TREATY WITH THE SOVIET UNION

Mr. GORE. Mr. President, I am concerned about a possible delay in consideration and ratification of the Treaty on Nonproliferation of Nuclear Weapons.

Those who have suggested a delay seem to regard the ratification of this treaty as, in some way, a favor to the Soviet Union.

As the Senate's delegate-adviser to the conference in Geneva, I am keenly aware of how earnestly the United States has sought the conclusion of this treaty for more than 4 years.

After diligent and earnest negotiation, the United States finally succeeded in concluding this treaty with the Soviet Union and Great Britain. The U.S. Government has assiduously sought adherence to the treaty by other nations. We have had magnificent success. Almost 80 nations have now adhered to the treaty. True, there are some who have not yet adhered; namely, India, Israel, West Germany, and others, but there are indications that these countries, and others, will adhere, unless the United States hesitates, unless the United States, out of timidity in an election year, slows down the momentum, thus creating doubt.

Mr. President, it is eminently in the interest of the United States to discourage the proliferation of nuclear weapons because, in case of a nuclear conflagration, it would be the United States and other great nuclear powers that would be in grave danger.

I wish to acknowledge that, in my view, the ratification of this treaty by many nations would also be in the interest of the Soviet Union. It is in our mutual interest. This is the only basis upon which a treaty can be concluded between two great powers. But, it is also in the interest of all mankind.

Yet, it is suggested that we hesitate, that we create doubts in the minds of those who have already adhered to it, at our urging, and those who have not yet adhered to it, but whose adherence we beseech.

Yes, as I have said, there is a mutuality of interest in the ratification of this treaty. Indeed, there is no graver mutuality between nations great or small than mutual survival.

I would not wish to ratify the treaty as an approval of what Russia has done in Czechoslovakia. I have denounced that, and I denounce it here on the floor of the Senate. But, let us not bite off our nose to spite our face.

This is a time for the Senate to show some courage and proceed, despite irritations and obstacles, discouragements and disillusionments, to act in the national interest, in the interest of world peace, in the interest of lessening the presently growing threat of a nuclear holocaust.

Fortunately, the Senate Foreign Relations Committee has a meeting scheduled for next Tuesday to consider unfinished business. I shall be there, and I shall move that the treaty be approved and sent to the floor of the Senate. I call upon my colleagues to ratify the treaty in the year 1968. Let the world know that we are firm of faith, firm in dedication to save the world, if possible, from nuclear warfare.

The PRESIDING OFFICER. The 5 minutes of the Senator from Tennessee have expired.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. NELSON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. NELSON. Mr. President, the pending amendment proposes to raise the appropriation for the Teacher Corps to $31,200,000, which is the administration's budget request.

I joined with Senator Edward Kennedy, of Massachusetts, 3 years ago to offer this amendment. Any survey of editorials or of statements of education leaders all over America, and anyone else who is familiar with the program, shows that they are enthusiastically for it. I have heard to this day not one single criticism of the program. Many insertions will be placed in the Record showing widespread endorsement for expanding the National Teachers Corps—a significant device for assisting deprived children in the deprived schools of America.

Mr. President, I make this motion on behalf of myself, the distinguished Senator from Pennsylvania [Mr. Scott], and 24 additional Senators. In addition, I ask unanimous consent that the name of the Senator from Alaska [Mr. Gruening] be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, this week, as classrooms open across the Nation we again face the tragic shortage of teachers that we deplore each year.

Education is universally recognized as the crucial path to genuine opportunity in this complex technological world. Yet despite some advance in recent years we have failed to provide it financial resources adequate to do the job.

The shortage of teachers is serious for all schools. For poverty schools, urban and rural, it is a disaster for the communities and a personal tragedy for millions of poverty-stricken children.

For many years we averted our eyes from the problems of staffing the poverty classroom. Many of us thought that only teachers of saintly dedication—or those who could find no better position—would take jobs in our poorest schools.

But since 1963 there has been an awakening to the seriousness of poverty in this Nation—and a violent, brutal awakening it has been.

With this awakening there has come a new spirit of social commitment among our young people. It first found institutional expression in the Peace Corps and in thousands of local projects, including projects in poverty education.

On the model of several of these successful education projects—notably at Cardozo High School here in Washington and in Prince Edward County, Va., Senator Edward Kennedy and I proposed in 1965 the concept of the Teacher Corps.

It was based on the belief that our ablest young men and women would be willing to serve in poverty schools if provided opportunity for special preparation for their jobs and a program that held out the reasonable possibility of success.

It was also based on the concept that local universities that had not been preparing teachers specifically for poverty teaching assignments would be willing to do so if funds and able students were available.

And finally that local schools, which had suffered a good deal of bitter criticism for their inability to cope with the education problems of disadvantaged children—even though they had never been given resources adequate for anything more than a stab at the problem—that these schools would be eager to run such Teacher Corps programs.

With the wise council and support of Senator Morse, chairman of the Education Subcommittee, and the assistance of the distinguished chairman of the Labor and Education Committee, Senator Lister Hill, and with the timely help of President Lyndon B. Johnson, the Teacher Corps became law as part of the Higher Education Act of 1965.

Has it been a success? This year, with a maximum of 1,500 places available in the program, the Corps has received over

20,000 inquiries and 10,000 applications for positions in the Corps.

These are young people who are eager to take on the toughest job in American education, the job that most needs doing but in the past has lacked for able candidates.

And those who graduated from the Teacher Corps after 2 years of service fully 85 percent say they plan to continue in teaching, and 72 percent plan to continue in the poverty classroom.

The Corps has been praised on all sides.

The President's Advisory Commission on Civil Disorders recommends that it be expanded into a major national program.

The National Education Association, which has long supported the program, endorses this recommendation.

Newsweek has called it the only innovative program to shake up the educational establishment in a decade.

And Life magazine calls it the best bargain among the Federal programs.

I ask unanimous consent that these comments, and additional editorial comments on the Teacher Corps be printed in the RECORD at this point in my remarks.

It is not surprising, then, that local schools and universities are crying for Teacher Corps programs. On the one hand they are under great pressure to act swiftly and effectively to meet the poverty education need. On the other the Teacher Corps offers them a proven, workable format, very attractive young teachers to work with the Federal funding for an entirely locally controlled program.

There was at the beginning some anxiety on the part of some Members that the Teacher Corps represented Federal control of education.

But safeguards were written into the original legislation to assure that local schoolmen would have complete control over the final selection, the assignment, and the content to be taught by the particular Corps members serving their schools. In fact, since he has the right to dismiss a Teacher Corps member at will and for any cause, a principal actually has more control over the Teacher Corps members than he usually does over his regular staff.

Under the able leadership of Richard A. Graham, the Teacher Corps Director, there has been not a single complaint from a local school about Federal control over the operation of a local program.

There is a good deal of concern today about the role of young people in this society and the pressure they are putting on us to change our institutions.

In poverty education, however, we are all agreed that change, vast change and the quicker the better, is needed in the quality of education provided to our children from disadvantaged communities. The problem has been very largely one of a lack of resources. Resources in terms of money, yes, but even more critically, in terms of dedicated, specially trained teachers.

In volunteering for service in the Teacher Corps—and at wages that approximate the level paid to VISTA volunteers in the larger cities—the young people who seek to join the Teacher Corps indicate that they want to effect institutional change not through demonstrations but through long hours of study and dedicated work where talented people are most needed. Can the Nation afford to turn these young people away?

If we will only appropriate the money, 1,500 of these young men and women can begin service this fall in programs that have already been planned and approved.

But if we do not raise the House figure substantially not more than about 1,000 can be used. This means a difference of perhaps eight programs in communities that are anxious to have the benefits that the Teacher Corps can bring.

The bulk of the money we seek, however, in this amendment is for forward funding.

FORWARD FUNDING

Forward funding used to be a rather complicated concept to most of us, involving as it does the overlap of the calendar year, the Federal fiscal year, the academic year—on which school budgeting is based—and most complex and unpredictable as well, the congressional appropriations process.

But 3 years of experience have acquainted those of us who have followed the fortunes of the Teacher Corps with the necessity for forward funding in this program.

The very best time to begin a Teacher Corps program is in mid-June, when a university's summer school is likely to be getting underway, or by mid-July. You can then recruit college graduates during the early spring before they have made final decisions. And you can give them their preservice training during the summer months so that they are able to start working with the schoolchildren at the beginning of the regular school year in September.

But to begin a program in June or July that requires complex planning by local school officials, boards of education, State departments of education, universities, community groups, requires many months. Advance planning should begin in the fall and must be completed by late April or May.

But Congress has failed over the last 3 years to appropriate the money to be spent in a given fiscal year until August or September. Last year it was November.

How do you run a program under these circumstances? Schools and communities gamble their planning and staff time and even recruiting efforts on the hope for congressional action and then they cross their fingers and place anxious phone calls to friends and officials and Congressmen and Senators, none of whom really knows or can predict what is going to happen.

Each year Teacher Corps funds have been less than expected. Each year a number of excellent schools with the courage to gamble on this fine program have ended up with nothing to show for it.

The way out of this dilemma—pending some distant reform in the budgeting process itself—is the device of forward funding. Under this principle, money appropriated in one fiscal year can be spent in the next.

Specifically in the case of the appropriation proposal now before the Senate, part of the $31.2 million we are now asking would be spent for planning and contracting this fall and winter for programs that would begin next June or July.

All of the $17.3 million in the current appropriation would be needed simply to fund programs that have already begun or are about to begin this summer and fall. Without additional money, the Teacher Corps program will continue in the same fiscally unworkable basis it has been struggling with for 3 years.

The idea is not novel. All other Office of Education programs that contract with universities for regular training programs are now on a full year's forward funding basis.

And the outcry from local school people about the havoc wreaked on the local schools in connection with the title I program because of the unpredictable funding levels and the delays in congressional decisionmaking led to an amendment this year in the title I authorization to provide for forward funding.

In summary, this amendment is simply critical to the whole program. Local school officials, State governments and affiliated universities cannot properly develop their programs and plans for the ensuing year without it.

Back in 1966 some educators questioned the wisdom of introducing novice teachers to tough, poverty classrooms.

Today, these same educators are leading the fight to expand the Teacher Corps beyond its current level. Principals and schoolteachers who were initially suspect of the Corps now consider it essential to the educational well-being of their schools. The major education associations view the Teacher Corps as one of the most effective instruments for accomplishing needed educational change.

Let us look at the Teacher Corps. It represents, in microcosm, the whole of what we are trying to do in education.

The Teacher Corps brings fresh, new minds into the ranks of qualified, certified teachers: The National Education Association reports that in order to achieve optimum education conditions, America needs an additional 400,000 teachers. Nearly half a million teachers. A phenomenal figure particularly when one considers the decreasing number of college students training for teaching. Of those who are preparing to enter the teaching profession, 50,000 or 25 percent drop out before they ever teach. And 30 percent of those who do begin teaching drop out by the end of the first 3 years on the job. This means that only 45 percent of the people currently being trained in the teachers colleges of America will go on to make the classroom their career. By comparison, a survey of the first graduating class of Teacher Corpsmen shows that 72 percent plan to remain in teaching. Fifty percent of these people are young men, the most scarce commodity in poverty schools. Couple this with the realization that the Teacher Corps has managed to do what the teaching profession could not. It has attracted thousands of young, energetic people into the profession who had not previously intended to teach. In the last 6 months alone, with minimal public exposure and a shaky future, the Teacher Corps has received 20,000 inquires for service. During these same 6 months, public school systems have been scurrying about trying to enlist even untrained personnel to man the classrooms. Of the 20,000 interested in joining the Teacher Corps, most were college graduates who had not prepared for teaching but who were challenged by the concept and format of the Corps. The appropriation provided does not do justice to the need nor to the dedication and enthusiasm evidenced by these applicants. These young people are offering their energy and brains to help educate the children of America. What better cause can you think of—what better motivation could you ask for? Why in heavens name do we not give them the chance to serve their country?

The Teacher Corps provides comprehensive, professional training: Those of us on the Education Committee have heard much testimony questioning current teacher training practices. Yesterday's techniques no longer find success in today's schools, specially in poverty area classrooms. The Teacher Corps is serving as a training model. It is demonstrating that teachers can be better trained on the job than in the lecture hall. Colleges such as Temple University in Philadelphia; the University of Southern California in Los Angeles; and, Xavier University in New Orleans have found the Corps formula of teams led by experienced team leaders far more effective.

They have been so encouraged by their Teacher Corps results that each of these institutions has modified its undergraduate and graduate schools of education along Teacher Corps' lines. The story is the same at other schools. In the academic world, as elsewhere, the Teacher Corps has proved itself an effective agent for constructive change in educational techniques.

The Teacher Corps generates new teaching ideas and methods: Many Teacher Corpsmen have been successful in developing the kinds of techniques needed to capture and hold youthful minds. They have used television assisted instruction, drama, music, teaching machines, and countless devices to stir their students. And these children have learned to love learning because somebody in that classroom has cared enough to find out what makes a child want to learn. This is the creativity that is the Teacher Corps. It is a program that plays to its audience. Its first and last consideration is the pupils it is supposed to be reaching. And it reaches them, because each Corps program encompasses local needs. A Corps member working with Spanish-speaking youngsters must know their native tongue. A corpsman working with Appalachian children must know their cultural heritage. A corpsman working in the ghettos of Watts, or Harlem or Hough must know what the inner city is all about. That's why the Teacher Corps succeeds where others have failed. Because it understands the personality of the school and community it serves.

A fourth and most important element of the Teacher Corps is its ability to bring together school and community. The Teacher Corps has extended education beyond the schoolyard. We all know that education cannot end in the classroom. Unfortunately, this is what has been happening in many impoverished areas across the country. In those communities where poverty prevails, the learning process stopped at the school door. The Teacher Corps has attempted to build an invisible bridge into the community. It has inspired the old just as it has excited the young. In almost every town where it operates, Teacher Corps has set up tutorial storefronts, lending libraries, adult basic education classes, teen centers, weekend recreation programs. Common efforts, such as these, toward the education of children are excellent ways to knit together the social fabric of riot threatened communities.

This, my colleagues, is the Teacher Corps.

To the idealistic young, the Teacher Corps offers an opportunity for creative service to the country. It stirs their social conscience and makes use of their inventive minds. To the more mature, the Teacher Corps is a bright chance at a second career. Many of the current corpsmen are former housewives, retired military, one-time shoe salesmen—men and women who are rejuvenated by the social call of the sixties. To the public school systems, the Teacher Corps is a chance to try, to experiment, to measure the old against the new. The Teacher Corps gives these systems the resources they need to conduct laboratory and demonstration classes. It permits them long-overdue small group instruction and individual tutorial programs. To the colleges and universities, the Teacher Corps represents a new academic thrust that pulls together various departments of our great universities. To the parents and children the program is touching, the Teacher Corps is people. People who care; people who are concerned; people who have respect for the poor of America.

The Teacher Corps has made good on its promise of excellence to the Congress and to the country. And we in the Congress must make good on our promise of equal educational opportunity for all. We must provide this program with more funds so that it may swell its ranks, extend its services and secure its position in the schoolrooms of America.

Mr. President, I have a large collection of endorsements from various distinguished leaders in education and in magazine articles. They include that of Mr. Braulio Alonso, president of the National Education Association, and the President's Advisory Commission on Civil Disorders. I also have a letter from the very distinguished and creative mayor of the city of New York, Mr. Lindsay, who states:

> I would like to express my personal admiration and the strong support of my entire Administration for the work of the National Teacher Corps in New York City.

I ask unanimous consent that the entire letter and a series of editorials and comments by thoughtful people in behalf of the National Teacher Corps be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
New York, N.Y., January 23, 1967.

Hon. JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: In looking ahead to a year which promises to bring a review of many federal programs which intimately affect the cities, I would like to express my personal admiration and the strong support of my entire Administration for the work of the National Teacher Corps in New York City. Since the idea of the Teacher Corps was first introduced while I was in Congress, I have watched with interest its growth and development in its first year in New York.

Far too often, imaginative innovation is at a premium in government. Yet few qualities are more seriously needed at all levels of government. The National Teacher Corps represents the kind of innovation which is imperative to urban public education if it is to respond to the immense challenges facing our schools today.

The 93 teacher corpsmen who are now working in 16 of our public schools in the Bronx, Brooklyn, Queens, and Manhattan have brought a great spirit of open-minded change to a system which sometimes seems to have built-in rigidities. I have become familiar with the constructive role played by the city's teacher corpsmen through reading reports of their activities. Members of my own staff and the Human Resources Administration have also been greatly impressed with the corpsmen with whom they have had the opportunity to discuss the work of the National Teacher Corps. At New York University, Hofstra, Hunter, and Queens College, working in neighborhood storefronts, voter registration drives, clean-up campaigns, after-school music classes, and extra language training. The inters have refused to accept the bounds of a textbook definition of teaching. They have helped their students by helping the community, and they have brought new hope to children who too often give up in school because they believe the school has given up on them.

The Teacher Corps has brought a much-needed infusion of genuine commitment and imaginative talent to the schools of New York City. I would count it a serious setback to the cause of quality education for every American if the Teacher Corps were not to be allowed to continue and expand its work in New York and across the country. We need more such young men and women who believe in the right of every child in every American school to broaden their world beyond the invisible prisons of poverty.

With best regards,

JOHN V. LINDSAY,
Mayor.

COMMENTS ON THE TEACHER CORPS

The Committee believes that the Teacher Corps deserves the continuing support of the President, the Congress, and the educational community. The Corps offers a unique opportunity to meet the educational needs of disadvantaged children through the participation of well-qualified young people in an effective training program with direct opportunities to work with these children. (Resolution by Executive Committee endorsed by the Annual Business Meeting American Association of Colleges for Teacher Education.)

The Teacher Corps with its turbulent legislative history has demonstrated that able young Americans will step forward to serve in the nation's poverty schools if they are offered imaginative training and support. The Corps has already made a significant contribution to ghetto school education which has enabled school systems and local universities to provide a practical demonstration of new methods in instruction and teacher training. We in the AFL–CIO hail these efforts. In this connection we urge the expansion of teacher training programs to effectively upgrade the skills of those teachers serving in ghetto school areas. (From the Resolution on Education Adopted by the 7th Constitutional Convention AFL–CIO.)

The American Federation of Teachers reaffirms its long standing support of the Teacher Corps. Now that two years of successful practice in the Teacher Corps has shown that its theory works, we urge that all teachers be given the experience and training that the men and women of the Teacher Corps are now getting. We endorse an extended work-study program in the public schools and the schools of education for *all* teachers, suburban, rural, or inner-city.

Charles Cogen,
President,
American Federation of Teachers.

Report on the National Advisory Commission on Civil Disorders: Improving the Quality of Teaching in Ghetto Schools

The teaching of disadvantaged children requires special skills and capabilities. Teachers possessing these qualifications are in short supply. We need a major national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.

The Teacher Corps program is a sound instrument for such an effort. Established by the Higher Education Act of 1965, it provides training in local colleges or universities for teacher interns—college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of a local school system and with approval of the state education agency. They are employed by the school system and work in teams headed by an experienced teacher.

The Teacher Corps has been enthusiastically evaluated by the National Advisory Council on the Evaluation of Disadvantaged Children and the National Education Association in terms of its ability to attract dedicated young people to the teaching profession, train them to work effectively in poverty areas and make a substantial impact on students in these schools.

The impact of this highly promising program has been severely restricted by limited and late funding. As a result, there are now only 1,506 interns and 337 team leaders for the entire nation. The Teacher Corps should be expanded into a major national program. Funding should be provided at a level realistically scaled to the supply of interns and the need for Corpsmen and on a timely basis, so that prospective applicants can plan to enroll.

National Endorsements

(Placed in Congressional Record by Senator Nelson this spring)

In the brief period of its existence, the Teacher Corps has already made an impact on American education. The young people involved as interns, with few exceptions, have brought new vitality to the school systems in which they serve. Perhaps more importantly, because of the potentially far-reaching effect on teacher education institutions, the Teacher Corps program has led teacher educators to make their curricula more meaningful, more applicable to the situation that a great number of beginning teachers face in the disadvantaged urban and rural communities.

We hope the Teacher Corps will be expanded and extended, for the successes thus far prove it to be essential in meeting the challenges of modern America.

Braulio Alonso,
President,
National Education Association.

Experience . . . indicates that the quality of classroom teachers is probably the most important factor in the schooling of economically deprived children.

The Elementary and Secondary Education Act and the Teacher Corps should make an impact on the structure of the school system.

("The People Left Behind," a report by the President's National Advisory Commission on Rural Poverty.)

We did and will continue to cooperate with programs which show the ability to adapt themselves to a real federal-state-local partnership in education. The Teacher Corps did and we did.

Edgar Fuller,
Executive Secretary,
Council of Chief State School Officers.

I insist that we have to know those other factors which make learning difficult and we must innovate. We must change our methods and offer techniques so that the children do learn. This to me is the exciting thing about the Teacher Corps. The interns very often are living in the communities and are given, hopefully, some familiarity with the problems which make learning difficult for the children. And thus they are made aware that the same methods, the same materials which have proved effective with white middle class youngsters will not be adequate for teaching youngsters whose frame of reference and his whole background is different. Teacher Corps interns will indeed know that maybe the kid in the class who keeps falling asleep is not being insolent. They'll know that he didn't sleep last night because the entire family is crowding into a one room flat in a Harlem. Or maybe the rats were running around that night. Or maybe he cannot concentrate because he did not have breakfast. Perhaps mama did not get home in time to fix his breakfast or, worse, perhaps there was nothing in the refrigerator, if there was a refrigerator.

James Farmer,
Professor of Social Welfare, Lincoln University; Former Director, CORE.

There is one aspect of the (Teacher Corps) program which is of special interest to us. The program offers an avenue of socially useful activity to veterans who during their term of service in the Armed Forces have had experience as teachers in vocational as well as perhaps in more academic courses and who have absorbed modern teaching and training techniques. In view of the professed interest of the Armed Forces in helping discharged members of the Armed Forces to find civilian jobs, there is in the Teacher Corps an opportunity which should not be neglected.

Rudolph Sobernheim,
Chairman, National Affairs Commission, American Veterans Committee.

Some people have said that the Teacher Corps really ought to be a new change agent. It is clear what they are saying. I do know that you were given license out of the need, that you have an image that is positive, that you have support, and that you can translate these, if you have the strategy, into a force for fundamental reform. Or you could succumb and become part and parcel of the outdated system and be swallowed by it. I think this is your challenge.

Mario Fantini,
Program Officer, Public Education Division. The Ford Foundation.

Programs such as the Teacher Corps seem useful for bringing new ideas and teaching methods into disadvantaged schools . . . We recommend that the Teacher Corps be increased to an enrollment of 5,000 to 10,000 annually, and that the emphasis be broadened to include ancillary educational personnel as members of Teacher Corps teams. (Report of the Task Force on Juvenile Delinquency President's Commission on Law Enforcement.)

[From Newsweek, Nov. 20, 1967]

ABC's of Race—To Save Ghetto Children: Parent Power, New School Systems—And a Big Dose of U.S. Aid

The young Negro student sat listening intently as his teacher at Proviso East High School in suburban Chicago told the class some facts about democracy, U.S.A. To begin with, the teacher said, the Declaration of Independence spells out the fundamental belief that all men are created equal. The boy shot back: "That's a lie. The black man isn't equal."

In the field of public education, where equality is vitally essential, the boy was tragically and absolutely correct. The schools have already failed most Negro adults. And now they are threatening to fail the hope of the future: Negro children of the next generation.

If America is productively to reclaim its black people—and honor the Declaration's charge—it most obviously needs a revolution in education. For a brief, exhilarating time dating from Sputnik, just such a revolution seemed to be in the making. New funds, new programs, new concepts and new commitments were marshaled to boost U.S. education across the board. Not only that, but efforts were launched to eradicate the gross disparities between schools in the suburbs and those in the cities—and, even more important, between schools in the cities and those in the ghettos. The most dramatic of the educational innovations were:

Title I, the diversified and wide-ranging section of the 1965 Elementary and Secondary Education Act that authorized more than $1 billion in educational services specifically for disadvantaged, low-income schoolchildren.

The Teacher Corps, the one imaginative program to shake the education establishment in decades by sending enthusiastic teams of specially trained teachers into slum schools.

Head Start, the preschool program for ghetto children.

But then the counter-revolution set in. In the face of local opposition (by, among others, neighborhood-school advocates such as Boston's Louise Day Hicks), plus general public apathy and truly monumental problems, these ventures were either mortally wounded or seriously impaired. The result, says John W. Gardner, U.S. Secretary of Health, Education, and Welfare, is that today "the pieces of the education revolution are lying around unassembled."

The lost revolution is attested by more than its scattered pieces. It is borne out by the familiar statistical litany of Negro educational inferiority: a 60 per cent greater dropout rate than whites, an average reading level three years behind whites by grade twelve, a minuscule handful of college applicants. But the demolition of the guiding concept of equal educational opportunity is most forcibly underscored in preferential treatment that educators themselves have regularly given white middle-class schools. In Washington, D.C., for example, the school board actually spent $100 more per pupil in white schools than in Negro schools—until it was restrained by a court order last summer.

All this has not been lost on the black world. Educational failures have bred Negro frustration. That frustration is particularly high in the South, where the Federal government has relied on "free choice" desegregation plans—meaning that Negro pupils must bear the burden of transferring to formerly all-white schools, leaving themselves and their families open to reprisals and intimidation. At the same time, Negroes have begun to realize that for now integration is effectively out. To begin with, Negro migrations are transforming the color of central cities—and making integration increasingly difficult. Already, more than half the public-school enrollment is Negro and Puerto Rican in New York, Chicago, Cleveland, Detroit, St. Louis, Baltimore, Washington and Philadelphia. "Negroes have given up on integration," adds Winifred Green, a school specialist with the American Friends Service Committee. "They are frustrated, and they're turning back to the idea of improving their own schools."

HERE, TEACHERS ARE INTERESTED IN YOU—THEY PUSH YOU BUT THEY DON'T PUSH YOU OUT

That is indeed just what has begun to happen. As in so many other areas, Negroes have confronted the reality of their isolation—and started to struggle with their own school problem. The inward turn and the surging growth of black consciousness have been reflected in more than the proliferation of African dress and hair styles in school corridors; it has led to classroom projects such as the formation of Negro history clubs. The exciting ventures, however, have come outside the classrooms. In a mood of self-help and self-reliance, Negroes have begun to attempt to shape and control the institutions serving blacks. These are some of the signs of the times:

In East Harlem, at I.S. (Intermediate School) 201, a community Planning Board is working toward the goal of self-determination—with the help of a $51,000 grant from the Ford Foundation—by trying to screen teachers and set the school curriculum. Thus this fall the all-black board placed newspaper ads for 21 new teachers. About 500 applied, and so far the board has hired fifteen.

In Washington, D.C., the Thomas P. Morgan elementary school has been turned over to the Antioch-Putney Graduate School of Education—and the new leadership quickly sponsored an election of fifteen local school-board members. The local board, in turn, hired its own principal and started ungraded classes. Beyond the goal of self-realization, such local control experiments offer the chance to break old patterns of education. "The Negro children haven't been learning the old way," says Mrs. Verna Davis, a Morgan teacher. "We just have to give it a chance the new way."

In Chicago, eight churches in the East Garfield Park ghetto formed the Christian Action Missionary Academy (CAM) last February, emphasizing black consciousness to get Negro dropouts back into the classroom. CAM teachers wear black-power buttons and greet student militants with "black power!" instead of "Hello." So far, CAM has 70 pupils who might otherwise be on the streets. And that, at least, is a start in Chicago, where 1,000 pupils drop out of school each month.

In Harlem, other black groups, discouraged by the failure of existing educational systems, have set up their own institution: Harlem Preparatory School. It opened this fall in the 369th Regiment Armory a block from the Harlem River and will eventually have school blazers, a glee club and athletic teams. The goal of Harlem Prep is to move dropouts and other young adults from the Urban League's Street Academies in Harlem to college. "Here, teachers are interested in you as a human being," says 17-year-old Michael Kay, a former dropout. "They push you but they don't push you out."

CONTROL FROM THE GHETTO CUTS THROUGH THE FACELESS—AND OFTEN HEARTLESS—BUREAUCRACY

Such educational experiments are still young and fragile. But one encouraging point about control from the ghetto is already clear: it is a means of cutting through the faceless—and often heartless—bureaucracy of a white-oriented school system to make local schools directly accountable for their failures. Yet the concept of local control patently confronts the mighty obstacles of the inconstancy of ghetto parents and the excesses of ghetto sentiments. One of I.S. 201's community advisers, for example, is Herman Ferguson, president of the Jamaica Rifle and Pistol Club, who was suspended as assistant principal of another school after he was accused of involvement in a plot to assassinate Whitney Young and Roy Wilkins.

More fundamentally, there must be deep skepticism that the undernourished black slums can ever make more than a psychic start at solving their school problems. Massive external aid from the white majority is required. Thus, the parents from Boston's Roxbury ghetto who organized Operation Exodus to bus 967 Negro pupils to open seats in white schools are the first to admit their scheme is stopgap at best.

Aside from the expense, the inconvenience and the uncertainties of suburban cooperation, busing as a concept has its serious drawbacks. It often takes the best and most highly motivated pupils out of the ghetto schools. And busing does nothing to improve the education of Boston's 22,500 students left in the slums. Even the number who can escape is limited by the number of suburban seats available. In a frank moment, Samuel Graves, principal of suburban Wellesley High, says that busing "will always remain token."

To move beyond tokenism, the white school establishment must first begin to reassert constructive leadership—although this probably means total revamping of city school systems. There are a few encouraging instances where cities are already doing exactly that. Pittsburgh, for one, is planning what superintendent Sidney P. Marland Jr., calls a "major overhaul" by building "Five Great High Schools," each on a 40-acre site, to draw pupils from all sections of the city. Each school will cost $24 million and hold about 5,000 pupils; the first is scheduled to open in 1971. Such large schools offer powerful academic advantages by providing the best facilities and teachers to all pupils. Says Marland: "These schools will be good enough to confront white flight from the city."

Pittsburgh's Great High Schools are really versions of so-called educational parks, large schools holding up to 30,000 pupils, which have been proposed in many cities to provide genuine equal education. The creation of such parks, however, requires a truly massive investment in money and planning. At present, the U.S. Office of Education is spending about $2 million to plan such parks in seventeen school districts, from Berkeley to Brooklyn, but more money is needed desperately. Most large cities would have trouble building a large elementary school for $2 million.

BUSINESS, LABOR AND CHURCHES MIGHT BREAK THE PUBLIC-SCHOOL MONOPOLY

For all the local initiative, true educational breakthroughs probably will have to be imposed from outside present school systems; most large-city systems today are simply too tired and too rigid to change from within. In one far-reaching proposal, a New York City school-decentralization panel under McGeorge Bundy, president of the Ford Foundation, last week advocated reorganizing the entire city into 30 or 60 locally governed community school districts. Each would be ruled by a local board, with a majority of members elected from the community. Each board would hire its own superintendent, principals and teachers and set school policies within the framework of the state school code. Such a system, the panel said, "should encourage constructive competition . . . in effective educational ideas and practices, not in social or economic status." The panel's proposals will have a turbulent future. Hopefully, however, the germs of Bundy's revolution will carry to other cities, where the entrenched bureaucracies may be less resistant.

There are still other innovative alternatives under discussion by concerned educational experts. Academics including James S. Coleman, sociologist at Johns Hopkins, have proposed that the Federal government set up voluntary boarding schools to overcome the environment of the slums. And Kenneth Clark, the noted New York psychologist, thinks that business, labor, churches and other private groups should create competing school systems to break the public-school monopoly. Business is unlikely to educate all the children of Harlem, but it could establish invaluable success models.

All the while, however, the school year is running. Many steps can be taken within the existing system to keep the revolution from faltering further. The Federal research budget for education, now less than 1 per cent of a total $17 billion U.S. research-and-development budget, should be greatly enlarged. Above all, new programs, once started, should be supported fully and not, as with Head Start, allowed to wither after the first flush of enthusiasm. All levels of government should place additional emphasis on reading skills in terms both of more teacher training and of a special Reading Summer catch-up program for grade-school children. They should also support the hiring of more sub-professional teacher aides from the school area, thereby involving the community, reducing the effect of large class size, and providing career opportunities for those who want to become teachers.

In short, the innovative outlines of the education revolution in America of a few years ago must not be allowed to fade away. Now is the moment to go forward and fulfill the promise of an equal education before yet another generation of ghetto children is lost.

[From the Washington (D.C.) Sunday Star, May 12, 1968]

The Teacher Corps—A Rare Opportunity Lost

(By Carl T. Rowan)

A long-standing mark of this country's greatness has been the ability to make the most of available resources.

Whether it was a mass of scrap iron, a bundle of used newspapers, or 40 acres of scrubby land, there was someone who could turn it into something useful—at a profit to himself and to society.

It is only human resources that we have been inclined to waste—and we seem to become more expert at that every month.

Consider our young people. They are fired up with idealism, "turned on" by the notion that they can make a better world than their elders have fashioned.

But look at the way thousands of them are venting their frustrations, manifesting their idealism; they spread chaos across scores of college campuses, trample on the basic rights of others—all in the name of free speech. They close down institutions like Columbia University, and besmirch the reputations of other fine educators and institutions.

What a pity that we cannot somehow channel these youthful energies and ideals into something truly constructive!

Why are these young men and women who demonstrate so loudly and violently in the name of justice and decency not drawn into programs to help the 30 million Americans who live in poverty or the 12 to 15 million who are malnourished, or flirting with starvation?

Why are these college idealists not motivated to help those millions of youngsters in the big-city ghettoes who need so desperately the liberation of learning?

It is because these young firebrands don't know how to fashion the pragmatic machinery of social change, and their elders don't seem to care enough to do so.

The Teacher Corps is a perfect example of our country's wasting resources—and an opportunity to move our society away from the miseries, conflicts, hatreds, and hopelessness that now afflict it.

President Johnson's original concept was that 10,000 young men and women would now be teaching in poverty schools—would be providing that special knowledge, understanding, sympathy that disadvantaged children need so badly.

But there are now only 1,900 young people in the Teacher Corps, which has labored in the shadows of death since its very inception. Even as it has escaped death, money has come too little and too late to permit building the kind of program the country needs.

The Teacher Corps was handicapped at first because the National Education Association, organization of a million professional teachers, was dubious if not downright hostile. Some professional educators didn't want any wet-behind-the-ears "do-gooders" stirring up things in their school district.

But NEA recently said the Teacher Corps has proven itself "essential in meeting the challenges of modern America." It said the young men and women in the corps had "brought new vitality to the school systems in which they serve."

The President's Commission on Civil Disorders emphasized that an essential step toward saving America's cities is to improve the quality of teaching in ghetto schools. The commission said that the Teacher Corps "should be expanded into a major national program."

Congress has authorized a piddling $46 million for the fiscal year beginning in July. But, thanks to a bureaucratic hassle in the Department of Health, Education and Welfare, the administration is asking Congress for only $31 million. If that is approved, there will still be only 2,500 teachers in the corps—a long way from what NEA and the Kerner Commission have urged.

And, most assuredly, this is a long way from what is needed to avoid squandering human potential in the ghettoes or wasting human ability and idealism within the ranks of the nation's youth.

[From the Washington (D.C.) Post, June 6, 1968]

PENNYWISE CONGRESS

The slashing of funds for the Teachers Corps, decreed by Congress a year ago in the name of economy, may well take title as the decade's most profligately wasteful "saving." Teachers are, and always will be, an indispensable element in any system of education; but it takes time to train them. Thanks to congressional parsimony, the several thousand teachers who might have been trained by the Teachers Corps turned out to be no more than several hundred in the program's first graduating class this month.

The Teachers Corps was designed to give training to young college graduates with a fervor for public service, a gift for dealing with children and a willingness to take on the demanding, difficult task of teaching in ghetto schools. It would be hard to imagine a greater lift or enrichment for children desperately in need of special help from devoted teachers. But Congress preferred saving money to saving kids and cut the appropriation for the program so severely as to short-circuit its potentialities. The bill for this "economy" will be presented subsequently—in terms of delinquency and civic disorder.

[From the Washington (D.C.) Post, June 28, 1968]

ROBIN HOOD IN REVERSE

The House of Representatives had better from now on forbid publication of the *Congressional Record*. That journal, in publishing an account of the debate of June 26, when the House resolved itself into the Committee of the whole House on the State of the Union to consider the appropriations bill for the Department of Labor, and Health, Education and Welfare and related agencies, exposed the members of Congress to scorn and obloquy. No agitator or alien propagandist could have done the House of Representatives greater injury. A legislative body bent upon vandalism ought to have the common decency to commit it in total darkness.

The problem before the House was how to cut the funds available for vital needs in the United States in order to pay the ransom demanded for release of the recently enacted tax surcharge law. The House elected unhesitatingly to cut it from appropriations sought to help the portion of the population most in need and least able to make itself felt politically—children, Negroes and poor people generally.

Funds were reduced for almost every facet of the country's educational program. Federal aid to primary and secondary schools was drastically cut. The minor sums recommended for bilingual education, for training and rehabilitation of the handicapped, for enlarging the Teachers Corps, for the prevention of school dropouts—in short, for the whole roster of assistance to schools in slum areas—were callously rejected. As Rep. John Moss put it, simply and accurately, the House "welshed on a moral commitment." It crippled the country's school system in the places most vital to the national welfare.

At the same time, as though determined to add insult to injury, the House demonstrated the spuriousness of its "economy" pretense by adding $138 million to the "impacted area" program—a program which long ago outlived the justification for its establishment and which gives handouts, politically rewarding from the point of view of Congressmen, to school districts, needy or not, which can claim student enrollment as a result of Federal activities. The sum cropped from educational programs totaled about $135 million. Plainly, the House robbed the poor to pay the rich.

[From the Washington (D.C.) Evening Star, July 5, 1968]

TEACHER CORPS

The economy ax in the House of Representatives cut deeply last week into a broad spectrum of worthy educational programs. One activity, however, the Teachers Corps, sustained a blow which stands as a momentous example of congressional shortsightedness.

The Teachers Corps evolved three years ago from a premise that perhaps the very best thing that could happen to schools in urban ghettos and backward rural areas might be a new breed of teachers—a corps of young, tough, intelligent, idealistic college graduates motivated toward teaching careers in this country by much the same drives which have filled the ranks of the Peace Corps overseas.

There is no reason to question the validity of that concept in terms of the attitudes and the performances of the first group of several hundred teaching interns to emerge from their two-year training periods this month. Yet, rather than expanding, the size of the corps would be reduced by the action of the House last week below the levels at which the program began. Less than a thousand new recruits could be enrolled this fall. And the ultimate irony is that 10,000 dedicated young college graduates are ready and eager to serve.

The $31.2 million sought by the administration for the next fiscal year was not excessive. It got from the House, however, $15 million—$2.3 million below the last 12 months' appropriations. That action was a miscarriage of judgment which the Senate surely will not allow to stand.

[From the New York Times, July 10, 1968]

YOUNG INMATES AT RIKERS ISLAND TO BE TRAINED FOR SPECIFIC JOBS

(By Charles G. Bennett)

A special rehabilitation program for young prisoners on Rikers Island to prepare them for specific jobs waiting for them on their release from jail was announced yesterday at City Hall.

Mayor Lindsay and Senator Jacob K. Javits announced the project at a joint City Hall news conference. The program will use Volunteers in Service to America (Vista) volunteers and Teacher Corps interns.

The work will be financed by the Federal Government under legislation introduced by the late Senator Robert F. Kennedy. It was cosponsored by Senator Javits and 16 other Senators.

The program, to be supervised by the city's Department of Correction, is designed to reduce the rate of recidivism among youthful offenders. It is also expected to serve as a model for similar projects in other cities.

On the basis of experience, it is estimated that of the two million offenders who enter penal institutions in the United States each year, more than one million will get into trouble and return. It is estimated also that the typical young offender is 3.4 years behind his contemporaries in basic skills.

TAILORED TO INDIVIDUAL

Fifteen Teacher Corps interns now preparing for their duties at New York University will instruct individual prisoners at the New York City Correctional Institution for Men on Rikers Island in mid-September.

The teachers will tailor the instruction to each prisoner's education level and the requirements of the job he will undertake after completing his sentence.

Twenty-five Vista workers will find specific jobs for individual prisoners and will work with the former prisoners for six months after their release to help them adjust to society.

The 40 young men and women who will participate in the work were present in the Board of Estimate chamber at City Hall yesterday as Mr. Lindsay and Mr. Javits announced the plans.

Senator Javits, specifically addressing his remarks to the group of 40, told them "the only memorial Senator Kennedy would want would be a living, working memorial like this one."

"If you admired Robert F. Kennedy and want to create a memorial to him," Mr. Javits told the group, "put an extra 10 per cent into your job."

The Teacher Corps members will work with the young prisoners, ranging in age from 16 to 25 years, six months before they are scheduled to be released.

The Correction Department will provide facilities on Rikers Island for the young teachers, and will supervise the Vista volunteers who will live and work in the neighborhoods to which the young prisoners will return.

[From the New York Times, July 12, 1968]

TEACHERS, NOT NIGHTSTICKS

"The Teacher Corps should be expanded into a major national program." So said the National Advisory Commission on Civil Disorders in its far-reaching report. But unless Congress moves quickly, the Teacher Corps will be neither national nor major nor a program worthy of the name.

In the last two years the Teacher Corps under the Department of Health, Education and Welfare has gone where the action is—into the troubled schools and communities of the nation. Able college graduates have participated in a program of professional training and service in poverty-area school systems.

But a parsimonious House has voted only $15 million for fiscal 1969—actually $2 million less than this year. If this pittance for slum teaching stands, it would mean only about 800 new interns would be able to sign up. The Teacher Corps could train 1,500 dedicated graduates if its requested $31 million were granted. This sum would enable interns to be placed in more than fifty cities.

Applications are on hand from over 10,000 young Americans, black and white, who have volunteered to go to work in slum schools and contribute to community programs. Most are this year's graduates, and they are willing to work for subsistence wages. To deny thousands of potential teachers this opportunity is to shortchange the communities that can profit most by education.

In their stress on "law and order," let Congressmen think of sending teachers in preference to nightsticks into the areas of underprivileged America.

[From the Washington (D.C.) Sunday Star, July 14, 1968]

TEACHER CORPS CITES RECORD

Currently engaged in its annual battle for funds, the Teacher Corps announced yesterday the results of a partial survey showing that 72 percent of its first class of teacher interns say they will teach in poverty area schools next fall.

The survey results announced by Richard A. Graham, corps director, also estimate that 86 percent of the first corps interns say they will continue working in education next school year.

And 51 percent indicate they will remain in the school district where they got their training.

The figures are derived from an analysis of replies from more than half of the 657 interns.

Teacher Corps interns spend two years in training in inner city and poverty area schools. They are paid $75 a week while teaching and working toward their master's degrees.

Interns under the supervision of experienced teachers begin teaching small groups, especially in their first year, instead of being placed in full classes.

Health, Education and Welfare Secretary Wilbur J. Cohen said the survey shows the "Teacher Corps is doing what it was created to do. It is reaching the disadvantaged child and its first graduates are planning to continue this dedicated work."

The administration had requested $3.1 million for an expansion of the corps during the budget year that began July 1. The House recently cut back the request to $15 million. Corps officials say $25 million is needed to continue the corps in its present size.

[From the New Republic, June 29, 1968]

LEARNING TO TEACH THE DISADVANTAGED

On the 14th of last month, the day the Philadelphia contingent of the Poor People's Campaign left for Washington, 15 first-graders from Pratt Arnold Elementary School, under the leadership of Teacher Corps intern Kenneth Vernon, staged their own march. They paraded around the corridors with signs constructed from the words in their *Bank Street Reader* for inner-city schools. By rearranging the simple words in the text, students made up signs reading, "People Need Good Houses," and "People Want Good Jobs." This mock march was the finale in a sequence of three "role-playing" games designed by intern Vernon. The first was designed to teach fairness; the second, to point out the advantages of going to school; the third, the march, to make students aware of the effect of housing and jobs on people's lives.

While Kenneth Vernon was devising these games, another Teacher Corps intern, Cecile Betit, two grades up, was creating one of her own to explore interracial tensions. In her game, a Negro child moves into an all-white neighborhood. The dominant reaction of the black children was fear. When the roles were reversed, a white child moving into an all-Negro neighborhood, black children, playing themselves, expressed feelings of warmth. Afterwards, students discussed the reasons for their response, to the amazement of old-line teachers who thought you couldn't discuss race with kids.

Remarkable as these games are in themselves, it is more remarkable that they arose from a teaching technique interns learned in a course called "Inter-Group [i.e., interracial] Education" at Temple University in Philadelphia. Until the Teacher Corps came to Temple three years ago, the university did not have one single course on teaching the disadvantaged. Now it has quite a few. They are offered as a unit to Teacher Corps interns in accordance with regulations stating that corpsmen be trained as a group, apart from other education students; but some of the courses have also been introduced into the regular education curriculum and others are likely to be in the future.

The Temple Teacher Corps program includes "sensitivity training" to root out vestiges of racial and poverty prejudice; micro-teaching (mock teaching, videotaped, to show the teacher how effectively he is, or is not, communicating); and what is referred to in education circles as inter-disciplinary studies; courses in ghetto psychology, urban sociology, anthropology, linguistics (with an emphasis on the evolution of ghetto dialects), and Negro history (which interns later incorporate into their classroom lessons).

Also included are a number of teaching techniques, such as the role-playing, designed to bring the ghetto child from what one intern describes as "the subdued feelings of inferiority verging on fear, or the unrestrained boisterousness fringing on anarchy, to genuine feelings of self-confidence and creativity."

When Congress set up the Teacher Corps in 1965, it was regarded primarily as a means of producing teachers specifically trained to teach disadvantaged children in the ghettos, on Indian reservations, and in backward rural areas, particularly in elementary schools. The Corps takes liberal arts and science graduates with no teacher training and puts them through a two-year apprenticeship, during which they serve as teachers' aides in the mornings and community workers in the afternoons. In the evenings and summers, they take education courses. At the end, the interns have a master's degree in teaching or education, teacher certification (needed to teach in public schools), and two years' experience. The program is financed basically by the federal government, but the participating local school systems paying 10 percent of the interns' $75-a-week stipend. The federal grants go directly to the universities which have submitted proposals to the national Teacher Corps offices (HEW).

With the first two-year cycle just ended, it appears that 90 percent of the graduating interns plan to remain in teaching, mostly in disadvantaged areas. This figure is heartening, but the number it represents is small—765 (there are roughly 2000 interns in all cycles). Because of the limited impact such small numbers can make, Teacher Corps director Richard Graham now feels that the Corps' greatest effect will be in forcing schools of education to modify their curriculums, giving more attention to teaching the disadvantaged. Heretofore, teacher training, in the words of one educator, has been "an endeavor of the middle class, by the middle class, for the middle class." It has been increasingly recognized, however, that disadvantaged children need teachers armed with different methods and material.

Until the Corps was founded, the only school offering a complete program geared to teaching in ghetto schools was Hunter College in New York City. Other colleges had a smattering of inter-disciplinary courses. Others sent would-be teachers into the ghetto for community work or practice teaching. But without the specific training needed to support them, many cried out, as one did to her former professor, "Please to God, if you're going to send teachers into urban schools, prepare them more than I was prepared." Even the best intentions could not prevent these ill-equipped teachers from fleeing, like others before them, to more comfortable middle-class schools, black or white. (The corps is 22 percent black, but interns feel the line separating them from their pupils is more one of class than of race. It is significant to note that not one intern interviewed at Temple, black or white, feels inadequately trained.)

Now, nearly 40 universities have developed courses in teaching the disadvantaged. To receive money for this purpose the universities must show:

Evidence that various departments are participating in the planning and staffing of the Teacher Corps program. From this requirement stem the far-ranging sociology, psychology, and history courses the interns get. This broadening of training is not an innovation of the Corps but the acceleration of a trend.

Evidence that teacher corpsmen will be offered on-site instruction, a point consistent with the idea that teacher training should involve more practice and less philosophy; that it should be taken out of the seminars and into the schools. Conversely, there is a movement afoot to bring the community into the college. At Temple, a course in community relations is taught by community leaders and not by the Ph.D's who see the community only on the way to work.

Evidence that corpsmen will be enrolled in related courses focused on the disadvantaged. Obviously if the interns are to be enrolled in such a program, the universities must develop one.

Evidence that changes in the approaches to education arising out of the Teacher Corps experience will be incorporated into the regular education curriculum, a requirement all programs applying for a continuation of grants are expected to meet. If a university is unwilling to modify its course of study, the Corps will not grant or renew its program, as has happened in a handful of cases so far, sometimes with beneficial results. Failure to get a renewal has led several universities to reexamine their curriculums.

Now, what looks good on paper may be less good in fact. Assistant superintendent of Philadelphia schools, Dr. Bernard Watson, who did his Ph.D. dissertation last year on the Teacher Corps, found that universities occasionally resort to sleight-of-hand tricks to make their proposals seem up-to-date. He cites the case of one university that slapped the title "Urban Sociology" on the same old general sociology course that had been taught for the past 15 years by a professor who was trained in rural sociology. In this, the universities are not entirely to blame. An associate dean of one university reports, "We don't know how to deal with the disadvantaged ourselves, so it's hard to prepare others for it." Part of the problem in refashioning teacher education is the lag in expertise. But there is also the traditional sluggishness of departments of education. The "antiquated," cumbersome university structure of committees and channels led Dr. Evan Sorber, head of the Temple Teacher Corps program, to resort to what he calls the "asterisk technique" to get a successful Teacher Corps adopted. He listed the suspect course in the catalogue with an asterisk and an italic *For Teacher Corps members only*. So many regular students requested the course that it was opened to all. "Once a course exists and a demand is shown," says Sorber, "it's much easier to get something done."

Three years after the corps was conceived and two years after it was put into practice, four-fifths of the participating universities report they have developed special courses for teaching the disadvantaged. Over half say these courses have influenced other teacher-training programs. A further third indicate that Corps-developed courses are now given in toto, to other students.

HARRIET DOUTY.

[From the Washington (D.C.) Evening Star, July 24, 1968]

NICE GUYS MAY WIN GAME

(By Toni House)

"Nice guys do win ball games if they hold up in the extra innings; field the fast one or steal a base now and then."—Anon.

The above is one of many quotations which line the walls of the office of Richard Graham, director of the National Teacher Corps.

The history of the three-year-old domestic version of the teaching Peace Corps, is reflected in that homily—the "nice" much-lauded Great Society legislation versus the budget-snipping representatives in the congressional ball game.

LOOKING UP

Things are looking up, Graham said yesterday at a press conference for women reporters, since the fear of "federal interference in education" has been alleviated from the minds of such legislators as Rep. Edith Green, D-Ore.

The quest now, he stated, is for funds, and a quicker way to obtain them.

There is, he said, no advance funding for the teacher-training program, so projects scheduled to begin in June or July are not guaranteed funds until the following September or October.

The Teacher Corps, he explained, relies on local invitation and participation, with up to 90 percent federal money.

Local school boards are "enervated" by the uncertainty, said the former Peace Corps administrator, since they cannot launch a total community effort or assure recruits of placements until the last minute.

Despite the fact its appropriation has been cut more than $2 million from last year's amount by the House and the current proposed budget of $15 million has not yet passed the Senate, the corps tentatively has accepted 1,100 trainees for this fall, Graham said.

IN 50 CITIES

The corps is, he added, hoping for a foundation grant in the next few days and is drumming up money from participating school boards.

As of now, he said, the Teacher Corps operates in 50 cities in cooperation with 49 colleges and universities.

Program participants are provisionally certified by local education boards and are candidates for master's degrees in teaching.

The minimally paid trainees teach part-time under a master teacher and attend classes at participating universities.

A special part of the project is community contact and the teacher-students frequently live in the underprivileged areas in which they work.

Sen. Gaylord Nelson, D-Wis., co-author with Sen. Edward Kennedy, D-Mass., of the original 1965 bill, has introduced an amendment to the 1968 Higher Education Amendments Act to expand the Teacher Corps to admit college graduates as volunteer teachers' aides for one or two years. It awaits action by the House.

The Nelson amendment would, said Graham, provide young Americans with an opportunity to serve their country in addition to strengthening school-community ties.

"There is not enough asked of our young people. They're gutsier than our generation," said the 46-year-old Graham, "and would gladly help if they could really be of service."

[From the Columbia (S.C.) State, Apr. 10, 1967]

A CALL TO SERVICE

"Please to God," wrote a distressed first-year teacher to her college dean, "if you are going to send new teachers into urban schools, prepare them a bit more than I was prepared."

This dramatic appeal from a new teacher in a slum area vividly points up a major difficulty that has cropped up in the nation's effort to upgrade the educational opportunities of disadvantaged children.

The problem: Special techniques, special training, and special understanding are needed by the teacher to reach these children who are often so sadly deficient in so many ways.

Southern Education Report, a magazine published in Nashville, surveyed colleges and universities throughout the South to see what they were doing to train teachers to meet this new need. The answer came back: Almost nothing.

"The education of teachers," said SER, "has been—and still is—primarily an endeavor of the middle class, by the middle class, and for the middle class. As a result, school teachers are generally ill-prepared to deal effectively with disadvantaged children."

The federal government, for its part, has shown a great affection for disadvantaged children. Program to aid and upgrade them abound. There have been no fewer than 59 institutes funded in the Southern and Border states to re-train experienced teachers to cope with the special problems inherent in these programs.

But the federal government's single effort to train new teachers for this work is the Teacher Corps. Unfortunately, this program has been less than a smash success to date. Colleges which have participated have not expressed much enthusiasm, although a majority believes it has promise.

So does *The State,* which has not exactly been a champion of anti-poverty programs in general. Regardless of how the Teacher Corps has worked to date the concept of sending eager, dedicated young people into the slums and rural areas to help America's poverty-stricken children makes as much sense—or more—as sending them around the world under the flag of the Peace Corps.

If and when our schools of education get around to establishing specialized courses of study for teachers of the disadvantaged, problems will still exist. The average young would-be teacher is not going to be eager for a career among the lower levels of society. That takes a dedication above the ordinary garden variety.

Furthermore, there is a pressing need for good teachers in the middle class schools. Things can be hectic enough in these schools without seeking out additional problems, including even physical abuse, that teachers in slum areas encounter.

Presently at least three Teacher Corps bills are resting in a committee of Congress. One would expand the Corps to 5,500 volunteers by September, 1968; another would enlarge the role of states in training and assigning Teacher Corps personnel; and the third would provide a supplemental appropriation of $12.5 million for the Corps in fiscal 1967.

Congress certainly should take a close look at the program and attempt to iron out any bugs that have crept in. But it should also take care not to allow a program that offers such promise to languish.

[From the Des Moines (Iowa) Tribune, May 20, 1968]

TEACHER CORPS HERE

A Teacher Corps program for disadvantaged school children in the Des Moines metropolitan area seems assured for next school year. Drake University has received a $3,600 federal planning grant for the program and Alfred Schwartz, dean of the school of education, is confident the full program will be approved by July.

The National Teacher Corps, established by Congress in 1965, is similar to VISTA and the Peace Corps, Recent college graduates volunteer for work as teacher interns with youngsters in isolated rural schools or city schools in poverty-stricken neighborhoods.

Graduates are chosen from a wide range of college disciplines—fine arts, engineering, science—preferably with no prior studies in education. After a concentrated summer training program, they are assigned to schools in teams of five or six, led by an experienced teacher.

The volunteers work four days a week at the school and attend graduate classes one day, taking special studies leading to a master's degree in education. They live in the neighborhood where they work and are expected to be active in community affairs.

Corpsmen are paid $75 to $125 a week, depending upon living costs where they stay, and generally receive free college tuition.

The interns are expected to be unconventional in their approach to teaching, applying new methods and ideas to draw the children out. A corpsman in one city plays rock and roll music in class, hoping that uncommunicative pupils will learn to express themselves by explaining the lyrics.

Nationwide, the Teacher Corps has had a spotty record in its short life, for two main reasons—local control and reluctant congressional support. The Corps goes only into schools where it is invited, and the schools have complete control of the program. Much depends on vigorous, imaginative local direction, and this is not always provided.

Congress has often delayed action on funding the Corps, so that planning is tenuous, but the program must be started hurriedly when the appropriation is made. In addition, a slim budget has kept the program small—with enough for only 1,200 volunteers for the 1966-67 school year instead of the minimum 6,000 requested by President Johnson. Congress has yet to approve funds for next year, and is unlikely to increase them much.

Despite these faults, the program has had considerable impact. Nearly every school with Corpsmen wants more. One North Carolina principal said his school's education program would be set back 10 or 15 years without the interns. The Teacher Corps has also influenced numerous university education departments in re-evaluating curricula for teacher training.

Forty-two interns will train at Drake this summer for assignment to schools in Des Moines, West Des Moines, Southeast Polk and Saydel. If they follow the national pattern, 80 percent of them will want to continue teaching in disadvantaged areas after completing their two-year internship.

In the face of congressional limits on the program, Des Moines is fortunate to be getting a Corps contingent. The program has the potential of stimulating fresh ideas and vigor in teaching poor youngsters here. For Drake University, Dean Schwartz said it will be a good opportunity to become involved in experiments with team teaching and community service.

[A Florence (S.C.) station WBTW-TV editorial, July 21, 1967]

THE TEACHER CORPS

Among the social programs being promoted by the Administration in Washington we rather like what we know about the Teacher Corps. About two weeks ago the Teacher Corps received an eleventh hour new lease on life when the Congress voted a three year authorization which will keep the Corps in business through 1970. This action released $3.8 million dollars of 1967 supplemental funds which had been frozen by the Congress. These funds will pay for the training of those college graduates who have volunteered to help improve the education of the children of the poor.

It's a brutal fact of life that where families are the poorest the schools are the poorest too. This applies in Carolina Appalachia communities where most families earn under

$2,000.00 per year as well as in rich cities like Los Angeles and Chicago whose ghetto schools cannot attract or hold good teachers. To the schools in poor rural communities and poor urban areas the Teacher Corps Teams bring new hope and new life. Their professional qualifications as excellent teachers, their dedication to the job and their belief that something can be done make them a priceless asset to the schools where they work. Naturally the Federal Government must pay the bulk of their salaries because the schools which the poor and underprivileged children attend could not afford to pay them.

Actually a Teacher Corps Team consists of a leader, a veteran teacher who is paid by the local school system at the going rate, plus Teacher-Interns. Teacher-Interns are Corpsmen and Corpswomen in training and receive $75.00 a week plus $15.00 for each dependent. The Federal Government then reimburses the local school system for up to 90% of the Teacher Corps salaries and pays the administrative costs. This means local control and that the local people must contribute 10% of the Corps salaries. And it's important that they provide this 10% because they're then helping to help their own children.

South Carolinians, who now spend a higher proportion of their tax dollars on education than most other states, are well aware of the importance of education in providing a better life. That's why there should be increasing awareness of the Teacher Corps and what it can do for schools where there is a high concentration of pupils from low-income families.

Proposals for Teacher Corps programs are filed jointly by a local school system in cooperation with a neighboring university and with the approval of the State Board of Education. Like the Peace Corps the Teacher Corps gives young people with a desire to serve, the opportunity to make an important contribution in the field of human welfare. But when Teacher Corpsmen encourage a youngster to learn, to stay in school and get an education and become a productive citizen, they also make a solid contribution to the state and to the nation. You can't beat the Peace Corps for glamor but, in our opinion, you can't beat the Teacher Corps for patriotic, meaningful service at home.

[From the Salina (Kans.) Journal, June 3, 1968]

WHY NO TEACHER CORPS TRAINING IN OUR STATE?

Here's a project for a Kansas university or college.

The Teacher Corps program was established by the Higher Education Act of 1965. It came about as a result of dissatisfaction with education being provided in the ghettos and rural poverty areas. This grew into a dissatisfaction with the kind of training teachers were receiving.

At first, there were problems with appropriations, but subsequent legislation has ironed out the kinks and placed more authority in the hands of the supporting university.

It appears to be working well in the projects which have begun operation in the last three years. But no such project operates in Kansas. None of the state education agencies can initiate such a program. The initiative must come from a university.

The Corps involves college graduates who have not prepared to teach. There is a summer orientation and a two-year internship in poverty schools.

In some of the programs, the summer orientation session is used to provide the interns with some basic teaching skills and provide them with a realistic feeling about the ghetto or rural poor. Teachers from ghetto schools have served as visiting professors.

What has come about is a learning experience for the teacher and the taught. Those involved have enjoyed a search for relevant materials which replace traditional education course content. They have discovered the traditional has little bearing on the situations encountered in the ghetto school.

Probably the most significant outcome of the program has been the realization that educators have much to learn about teaching disadvantaged children. It also demonstrates that such things can be learned.

What should be surprising to us is that education schools have not been working on this principle before.

Too many of our universities only offer education courses aimed at the typical middle-class school and in many cases the courses do not provide a realistic approach even to this.

Interns who have worked in the Teacher Corps projects have cited several examples of important lessons learned. These include the realization that students blossom when given attention, that teachers can help failing students to achieve, that values and attitudes are learned from colleagues and that skills in teaching and human relations are developed by teaching and having human relations.

It seems incredible that every education school in this country is not able to provide such incentive. These lessons are basic. It would seem persons interested in teaching could glean such knowledge on their own. But, since it appears they can't, the education schools should provide it.

A Teacher Corps program is a step in the right direction. All of our education schools may have much to learn from the methods used here.—J.H.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. NELSON. I had agreed to yield to the Senator from Pennsylvania. Did the Senator from Oregon have a brief comment?

Mr. MORSE. I would like to take just a few minutes, but I shall wait.

Mr. NELSON. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. SCOTT. Mr. President, I ask for 10 minutes.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield 10 minutes to the Senator from Pennsylvania?

Mr. NELSON. Yes.

Mr. SCOTT. Mr. President, as one of its 27 sponsors, I rise in support of the pending amendment to the Labor-HEW appropriation bill, which would increase the appropriation for the Teacher Corps from $17.3 million to $31.2 million.

The Teacher Corps has proven over the last 3 years that it can accomplish one of the most difficult jobs facing us: it can put the aroused social concern of our young people to work in dealing effectively with the crisis in poverty education.

And though it is a Federal program, it manages this accomplishment in a locally initiated, locally controlled manner.

This is a very proud boast for any program. And Republicans take great pride in the role they have played in assuring that the Teacher Corps would indeed represent genuine federalism and not merely another Washington-run program.

A year ago last June, when concern about Federal control of teachers through the Teacher Corps threatened the very existence of the program, it was the Republican members of the House Education and Labor Committee who contributed most significantly to rewriting the legislation to provide ironclad guarantees that the administration of the program would be at the local level.

In supplementary views to the House committee report, these Republicans stated:

> The Teacher Corps as authorized in this bill is a program which most Republican members can conscientiously and even enthusiastically, support.

I ask unanimous consent that the full text of the supplementary views of the Republican members of the House committee be printed in the RECORD at this point in my remarks.

There being no objection, the supplemental views were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS ON H.R. 10943—THE TEACHER CORPS

We, the undersigned, support and urge enactment of this legislation which we believe will strengthen and consolidate existing Federal programs of assistance for teacher training while preserving State, local, and private initiative and control in their administration.

BILL REFLECTS REPUBLICAN VIEWS

This legislation has been drastically altered in committee—consistent with the views of Republican members—and no longer concentrates wide discretionary powers in the U.S. Office of Education as proposed by the Johnson administration. The following major changes were made in the administration proposal:

(1) The Teacher Corps will no longer involve national recruitment, selection, or enrollment, or assignment of members without State approval, or Federal dictation of the terms of their training.

* * * * *

THE NEW, LOCALLY CONTROLLED TEACHER CORPS

The Teacher Corps as authorized in this bill is a program which most Republican members can conscientiously, and even enthusiastically, support. Most of us had vigorously opposed a National Teacher Corps which was recruited, selected, enrolled, and training criteria established, entirely at the discretion of the U.S. Commissioner of Education, with 100 percent Federal financing, and operated in local schools without State approval. We opposed an elite guard of Federal teachers under any circumstances.

The program will no longer have any of these characteristics. Even the word "National" is struck from its title. Recruitment, selection, and even enrollment will now be the exclusive province of institutions of higher education and local educational agencies. Arrangements for training will be made by the same agencies or by the State educational agencies. Teacher Corps "teams" will be made available to local schools only with the approval of the appropriate State educational agencies, and local school districts will be required to pay at least 10 percent of the cost of services rendered, and all such costs if they can afford to do so.

The authority of the Commissioner of Education will be limited to rendering technical services upon request and making information about the Corps available to the public.

This is a complete change from the National Teacher Corps in operation this last year, and we are confident that had these suggestions been followed in the first place there would never have been a controversy over the Teacher Corps. We are deeply concerned over the plight of inner city and isolated rural schools, and this bill provides a practical, proven means of helping to upgrade these schools without turning them into Federal installations.

We believe that these Republican-sponsored amendments to the Teacher Corps exemplify truly creative federalism which the administration would be well advised to adopt as a pattern for other legislation. Creativity stems from a genuine partnership in solving problems—not from "carrot and stick" domination by the Federal Government.

William H. Ayres,
Albert H. Quie,
Chas. Goodell,
Alphonzo Bell,
John N. Erlenborn,
John Dellenback,
Marvin L. Esch,
Edwin D. Eshleman,
William A. Steiger.

Mr. SCOTT. I am proud to note as well that the fight to increase the Teacher Corps appropriation on the House floor this year was led by a very able young Republican Congressman William Steiger of Wisconsin.

These Republicans recognize that despite this year's budgetary pressures Congress must exercise discretion in cutting back, and must set priorities that protect and advance these programs which are working most effectively in areas of the most critical national need.

The Teacher Corps is a case in point. Last year it had only a total of $17.3 million—enough to enroll some 1,150 new Corps members and to run programs in 150 school systems and 45 universities in some 30 States.

Though small, the program was where it was most needed, in 19 of our 25 largest cities, including Philadelphia and Pittsburgh in my Commonwealth, in Appalachia, in rural Mississippi and on Indian reservations.

We are only beginning to put up money for poverty education—to make a record to match our rhetoric—about equal educational opportunity for all.

The fruit of this neglect of education for those who need it most is to be read in the faces of the young boys who have been rioting in American cities over the last two summers. For a 14- or 15-year-old boy failure and hopelessness in life have been largely a matter of failure at school.

The task of reaching young people from homes without books and with uneducated parents is very difficult indeed. But it cannot be shirked.

The universities that train teachers have prepared them in the past largely for the middle-class schoolroom. These universities had little contact with the poverty area schools.

And the schools themselves, under great pressure to do better, have been faced with shortages of resources of all kinds, most critically a shortage of specially trained, dedicated teachers.

In fact many educators, in despair over the situation, have spoken in terms of a 20-year wait before really good education can be provided in the ghetto. Indeed we cannot wait that long.

The Teacher Corps provides answers to this dilemma. First, it provides a setting in which local universities and schools and neighborhood community groups can together plan and administer a program of teacher preparation and utilization—a plan that includes new, more relevant university work, on-the-job internship training in the poverty school and community and small group instruction to introduce the interns to successful teaching.

The Corps supplies to both the university and the school a number of bright able college graduates who are eager for the challenge of working with disadvantaged children, and the money needed to train them.

The Teacher Corps interns serve in teams of five under the close supervision of an experienced teacher from the school system. They work about 30 hours a week in the school and divide the rest of their time between study at the university and work in the community. Their $75 a week is about equivalent to what a VISTA volunteer is paid in our larger cities.

The program works.

More than 10,000 young Americans have applied for the little more than 1,000 places available in the program this summer and fall. And of those graduating from the program's first cycle last June, fully 85 percent plan to continue in education, 72 percent in poverty area classrooms.

As the New York Times stated recently in an editorial:

> Applications are on hand from over 10,000 young Americans, black and white, who have volunteered to go to work in the slum schools and contribute to community programs. Most are this year's graduates, and they are willing to work for subsistence wages. To deny thousands of potential teachers this opportunity is to shortchange the communities that can profit most by education.

Under the auspices of Temple University and the University of Pittsburgh, the Teacher Corps is operating on a modest but successful basis in the two largest cities of Pennsylvania—Philadelphia and Pittsburgh. Philadelphia School District Superintendent Mark R. Shedd feels that he has been "personally revitalized by the spirit of commitment to urban children which Teacher Corps members bring with them. Teacher Corps members have explored and discovered new ways to reach children. They have accomplished, in many schools a oneness of purpose between teachers, parents, and children. Their achievements are real and solid." Pittsburgh Public Schools Superintendent Sidney P. Marland, Jr., concurs in this assessment, pointing out that the program has done "an excellent job in training people as teachers to understand the problems of children and their parents in a deprived community. Our program has an excellent background of university work in the cycle of human growth, development, and learning. Sociology and economic understanding are vital to our training of the Corps interns."

I ask unanimous consent to have printed in the Record statements from educators around the Nation lauding the Teacher Corps program.

There being no objection, the statements were ordered to be printed in the Record, as follows:

ARIZONA

George E. Burns, Superintendent of Public Schools, Fort Defiance, Arizona: "We look forward to the work of the Teacher Corps. It will be a real asset to the school, the community and the trainees."

ARKANSAS

Frank W. Smith, Superintendent of Schools Menifee, Arkansas: "Teacher Corps members are getting a new type of training which fits perfectly in the scheme of things, as designs of the Office of Economic Opportunity are portraying and as the modern educational practices determined the academic and professional procedures necessary to meet today's intellectual and economic needs."

State of Arkansas, Governor's Council on Childhood Development: "The Arkansas Teacher Corps program which is funded by the U.S. Office of Education approved by the Arkansas State Department of Education, directed by the State College of Arkansas and functions in 10 local school districts represents an impressive means of providing specialized services to disadvantaged children in elementary schools. Further, the Teacher Corps program is providing a systematic means whereby teacher training programs can be evaluated and important changes can be instituted. The Governor's Council on Childhood Development wishes, therefore, to endorse and support the Arkansas program because it has (a) demonstrated that cooperative relationships between colleges and local schools can be established; (b) initiated change in teacher training procedures, and (c) emphasized that individual assistance will enable disadvantaged children to realize significant benefits from their formal educational experiences."

Dr. John L. Vandiver, Superintendent of Schools, Russellville, Arkansas: "The Russellville Public School area is composed of a community of open minded people who are readily willing and able to accept any progressive attempt to improve education. Our Corps at Russellville has been accepted without reservation."

C. Franklin Sanders Sr., Superintendent, Clinton School District No. 1, Clinton, Arkansas: "The Teacher Corps has been an excellent program. The Corpsmen have helped us reach students in ways we had not previously considered."

CALIFORNIA

Donald Hodes, Assistant Superintendent, Enterprise City School District, Compton, California: "The Teacher Corps impact in this district has opened doors for children that have remained closed for too long."

Lawrence A. Elrod, Superintendent of Schools, Cutler-Orosi School District, Orosi, California: "I see in the Teacher corps another dimension added to the district which will provide well trained teachers at the end of two years. With this additional manpower supplied by federal funds, the faculty will have more time to devote to imaginative and creative teaching experience to enhance the education of all kids."

DISTRICT OF COLUMBIA

John M. Lumley, Assistant Executive Secretary, National Education Association, Washington, D.C.: "The Teacher Corps has been a great stimulant in assisting schools to meet the needs of central city schools through the enthusiasm and spirit of the Corps members."

FLORIDA

John Beery, Dean of School of Education, University of Miami, Coral Gables, Florida: "I feel that Teacher Corps is the best program I presently know of to secure effective and committed teachers for our schools in disadvantaged areas."

H. Franklin Williams, Dean, University College, University of Miami, Coral Gables, Florida, and Chairman, Economic Opportunity Program, Miami, Florida: "I have been aware of the needs for special teacher skills in schools in disadvantaged areas. My conversation with members of the Teacher Corps and with the faculty and master teachers who work with them, convinces me that the Teacher Corps offers one way to get the necessary skills to those schools. The special knowledge of the community and the dedication which these candidates acquire must certainly enrich the educational resources of this country."

Reverend T. Wright, President, and Father Theodore Gibson, Secretary, Coconut Grove Ministerial Alliance, Miami, Florida: "We believe the Teacher Corps is one of the finest programs for better education that has been on the horizon for a pretty long time."

James McKenna, Principal, Tucker Elementary School, Miami, Florida: "The Teacher Corps has enabled the schools to experiment and discover new and more appropriate ways to instruct children who are having little success in their academic experiences. These teachers are being properly equipped with the skills that are essential for coping with the learning disabilities of our children. Not only are they being afforded an opportunity to become more effective in their instructional programs, but they are also gaining an awareness and understanding of the environmental factors that contribute to the child's learning. They have ~~informed~~ themselves on the problems they ~~think are~~ community and the agencies attempting to solve them. This program has given a ray of hope that our schools will have more teachers with the dedication to persevere, the skills to achieve success, and the knowledge and desire to bring about change."

Mrs. Charles Williams, Assistant Principal, Booker T. Washington School, Miami, Florida: "The Teacher Corps is a relatively new program in the United States but without a doubt, will have effectiveness for a long-range educational program and long-needed uplift. There is no question about its value."

Terence O'Connor, Teacher Corps Coordinator, Dade County Public Schools, Miami, Florida: "The carrying out of many effective programs in our schools in Dade County would have been impossible without the extra assistance from teams from the Teacher Corps."

Manola Reyes, Spanish News Editor, Miami, Florida: "The Teacher Corps has been recently formed but in its short life has proven to be a bridge of understanding between cultures."

GEORGIA

Dr. Jarvis Barnes, Assistant Superintendent for Research and Development, Atlanta Public Schools, Atlanta, Georgia: "The Teacher Corps has, through the expressed opinions of principals in the schools, provided a most worth while function to the educational community. The teachers with whom the interns worked expressed enthusiasm for the program and gratitude for assistance in providing a wholesome classroom environment."

John W. Letson, Superintendent, Atlanta Public Schools, Atlanta, Georgia: "Atlanta just ran a statistical analysis last spring on the performance and attitudes of Teacher Corpsmen, Title I teachers and regular classroom teachers. Teacher Corpsmen made the highest rating—well above any other group. I think this shows that Teacher Corps training has significant bearing on the performance and attitudes of its members."

HAWAII

The Honolulu Star Bulletin, October 25, 1967, Honolulu, Hawaii: "The idea for the Teacher Corps is buttressed by records—the records of youngsters who drop out of school, the records of police and courts, the records of generation after generation who retain a place on welfare or seldom move far from that niche."

ILLINOIS

James F. Redmond, Superintendent, Chicago Public Schools, Chicago, Illinois: "Recruiting, Preparation and Early Development of Teachers . . . Cooperative efforts between the Chicago Public Schools and teacher preparation institutions should emphasize instruction regarding the city and initial work contact in the inner-city through student teaching, cooperative work-study, Teacher Corps, and service as teacher aides. *Increasing Desegregation of Faculties, Students and Vocational Education Programs.*"

Jerome Sachs, President, Northeastern Illinois State, Chicago, Illinois and Chairman, Chicago Teacher Corps Consortium: "Chicago's Teacher Corps—a six-college complex collaborating with Chicago Public Schools—pools the resources of the seven institutions to develop a common curriculum for inner-city school tachers. School personnel, as well as faculty from the six universities, cooperate in planning courses which are taught by the best faculty available from the six colleges and other Chicago universities. We believe this experimental program will uncover new ways to harness Chicago's tremendous educational and community resources to the solution of ghetto school problems."

Miss Maude Carson, Principal, Jensen Elementary School, Chicago, Illinois: "The Teacher Corps is a tremendous way to train prospective teachers. It takes them away from pure textbook training and puts them in live situations while they're getting their theory so that they can apply and/or modify the theory in practice. It is not only a time-saver, but a more practical way to develop teaching skills. I feel that it also gives the school a chance to use these special people to experiment with different kinds of groupings such as special reading and special math groupings. It provides the children in my community with an opportunity for organized, supervised, creative recreational and educational hours in the community. This has tended to link the school, the parents and the community more closely. I wish all prospective teachers could have been through such a program."

Burton Friedman, Principal, Oakenwald North Elementary School, Chicago, Illinois: "Teacher Corps has been an asset in my school. These are my reasons: The Teacher Corps people bring into the school another point of view. They also bring a fresh young vitality and exuberance into inner city schools which was needed to stimulate some teachers who had been teaching for a long period of time and had gotten into a sort of doldrum. Helping to train the interns of the Teacher Corps, is also helping the administration to review and where necessary revamp programs in my school. Teacher Corps also gives an opportunity to do extra things such as better training for the day-to-day substitutes and supervisory work that would not be otherwise possible.

"In my school, in my experience, the Teacher Corps team has formed another link to the community. For example, there has been no Headstart program but the Teacher Corps moved into a school program which had already been instituted by people in the community but which had no trained personnel. This project is located in one of the low cost housing developments in the South Side of Chicago adjacent to the school. They give time and talent to this school project working with parents, and have had so much success that the program is now being expanded."

Mrs. Hermese Roberts, Principal, Mayo Elementary School, Chicago, Illinois: "I believe the Teacher Corps is a very wonderful idea and in my school the interns have performed well. I feel that Teacher Corps could set a new model for teacher training that would be beneficial to all teacher training programs."

Citizens Schools Committee, Chicago, Illinois: "The Citizens Schools Committee of Chicago applauds the concept of the Teacher Corps and the efforts of the young men and women who are enrolled in it. By working both in a school and in that section of the inner-city where it is located, a Corpsman is able to effect that mutual understanding and intercommunication which is essential to the task of arousing and sustaining a pupil's desire and ability to learn. A college graduate who voluntarily assumes this difficult, time-consuming, poorly paid task is performing a very valuable service."

INDIANA

Dr. George F. Ostheimer, Superintendent of Schools, Indianapolis, Indiana: "The resources and instructional activities of the Teacher Corps interns have strengthened the educational program for children of low-income families. With imaginative professional leaders, the Corpsmen were innovative and resourceful in meeting the needs of the disadvantaged pupils."

Carl S. Riddle, Assistant Superintendent of Instructions, Vigo County School System, Terre Haute, Indiana: "The presence of the National Teacher Corps at Woodrow Wilson Junior High School has served as a model for other teachers in creating an awareness of the need for special motivation in dealing with economically deprived children. The result has been an improved attitude on the part of other teachers as they attack these problems."

Donald Dake, Assistant Superintendent of Schools, South Bend, Indiana: "I think the quality of the interns is outstanding. They are extremely interested in the students, the instruction and the community life. They have been able to do things in the community that teachers have not had the time to do. We have teachers who have taught in these schools for years and they are now saying, 'We thought we knew how to teach but we don't know how to teach inner-city children.' I think the Teacher Corps concept is a way to make an impact on this problem."

Daniel McDevitt, Indiana State Department of Education: "The Teacher Corps hasn't really identified anything new in the way of problems. However it has identified some successful methods and approaches that probably should be studied and attempts should be made to incorporate these into regular teacher training programs. As an example, all secondary teachers, regardless of the specialty, should have a background in basic reading techniques, many of which the Corps has found successful."

KENTUCKY

James Cawood, Superintendent of Schools, Harlan County, Kentucky: "I think the Teacher Corpsmen have been most helpful and have served in the deprived areas very well. They are a dedicated group and have been willing to help and work in any area in which they can be helpful. In the lunchroom, classroom, and in the community they are quite an enrichment to the community. I have had no report of any conflict and we have had three groups up here. This is better than many government programs. It is a well accepted program by the teachers, the students, the community, the Board of Education and myself. It is a very fine program. It points the way for education to better itself by allowing trainees to earn while they learn. The state should try to initiate a program similar to Teacher Corps. It is a very fine program."

Jack M. Meisburg, Administrative Assistant for Instruction, Louisville Public Schools, Louisville, Kentucky: "The Teacher Corps is a splendid idea! It has helped to bring on a new era of cooperation between the college campus and the public school system which is mutually advantageous. In fact it is difficult to decide who benefits most: the Corpsmen, the cooperating teachers, the supervisory staff of the school system, the college departments of education, or the children. I suspect it is all of these, equally. We are enthusiastic about continuing the program."

Mrs. Carrie Smith, Principal, Perry Elementary School, Louisville, Kentucky: "I am very happy to have the Teacher Corps team in the building. They are a help to the children particularly in the disadvantaged area. The teams are energetic and cooperative and helpful to the teacher and children. Everything I know of these people is to their credit. I do hope that this program will be continued. The Corpsmen are a help and inspire the people in the community. They present a good image . . . what we need. They have leadership and we hope some of them will stay here in Louisville. They are really a credit and I do hope the program will last for a long, long time."

J. M. Meisburg, Administrative Assistant for Instruction, Louisville, Kentucky: "The community is very much aware of this fine program. One community organization recently presented the Board of Education with a list of 'suggestions,' and one of these was a suggestion that the Louisville Public Schools use the Teacher Corps as a model to work out a similar plan with local personnel.

Gene C. Farley, Superintendent of Schools, Hopkinsville Independent School System, Hopkinsville, Kentucky: "The Teacher Corps was a great help."

Owen B. Smith, Principal, Johnson School, Lexington, Kentucky: "It is a big help in the school system. It gives the kids individual help. It provides more personnel in the schools so each teacher has more time to devote to such small groups as reading groups. The Teacher Corpsmen can teach one reading group while the teacher works with another. The program has been a help and should be continued."

LOUISIANA

Carl J. Dolce, Superintendent, New Orleans Public Schools, New Orleans, Louisiana: "The Teacher Corps effort in New Orleans Public Schools has been a very successful one. Activities engendered by the Teacher Corps are providing the seeds for long overdue and, hopefully, more successful educational interventions. We look forward to continuation of this project."

Joe I. Giarrusso, Superintendent of Police, New Orleans, Louisiana: "Credit for the success of the community relations program at Gerttown should be given to you and the many other (Teacher Corps) people who have worked so diligently on the project. We all have a unity of purpose in mind and that is to improve conditions in these underprivileged areas."

MASSACHUSETTS

Harding J. Stewart, Coordinator Teacher Corps, Springfield Public School System, Springfield, Massachusetts: "Our community has responded to the Teacher Corps with hesitancy, with surprise, with warmth, and with an increasing desire to use whatever talents Corpsmen offer."

MICHIGAN

Norman Drachler, Superintendent of Schools, Detroit, Michigan: "Despite the usual problems of organization and program occurring in any school-university cooperative venture, there is reason to believe that the Teacher Corps is proving effective both as a way of preparing teachers and recruiting teachers for the inner-city.

"The on-the-job training has included a variety of experience which appear to have been productive for school and children as well as a part of the training process. Those experiences have ranged from the establishment of after school activities such as cooking, art, drama, dancing, negro history, basketball and travel clubs, to working with the community to set up a pre-school hour during the day where mothers can participate in a parent education program with their children, to other kinds of community action such as successfully petitioning Parks and Recreation to open a local facility on Saturday and Sunday. In addition, Corpsmen have tutored individuals in small groups. The principal at Northern credits a career conference with increasing the number of college-bound students at that school. Corpsmen have conducted classes and in at least one school they have established a materials center where, under the direction of the team leader and the school consultant, they are actually developing and preparing materials to be used by teachers in that school. From all indications, including the evaluations of principals and our own consultant, these activities are of great value in the preparation of the Corpsmen, even as they bear fruit to the school system. Twenty Corpsmen began in September 1966 with four team leaders assigned from the teaching staff of the school system. A second cycle of nineteen Corpsmen and four team leaders began in September 1967. Twelve of the first twenty remain and all have agreed to teach in Detroit next fall. Of the nineteen in the second cycle, sixteen are still with us, most of whom have indicated a desire to remain in the inner-city."

J. Wilmer Menge, Dean, College of Education, Wayne State University, Detroit, Michigan: "The College of Education at Wayne State University is exceptionally pleased to conduct a Teacher Corps program in this community. We are in our second year of operation, and have 62 interns in the field. The Teacher Corps is one of the most realistic and relevant approaches to preparing urban teachers and in serving disadvantaged children at the same time. The impact on the college is positive and is infusing changes in our regular teacher preparation program. We are especially supportive of the close working relationship between the college and cooperating school systems in the program."

Edward Fort, Superintendent of Schools, Inkster, Michigan: "The team of Teacher Corps specialists which is operating in the Inkster, Michigan, school systm at Carver Elementary School, has rendered a singularly significant service. Not only has its involvement made a discernible difference in the lives of youngsters with whom the team is working, but its liaison with parents has resulted in increased open lines of communication between the home and school. Teacher Corps must not only be retained, but expanded."

R. Clayton Jones, Assistant Executive Director, Pontiac Housing Commission, Pontiac, Michigan: "I believe the Teacher Corps can and will play an important role in developing communications channels between the parents and the teachers, especially in the area of minority group problems. During recent discussions held relative to this area, it became quite clear that many teachers were actually isolated and insulated as far as understanding the problems of minority group students. The Teacher Corps can serve as an in-service training program to sensitize teachers to these problem areas."

B. C. VanKoughnatt, Teacher Corps Coordinator, Pontiac, Michigan: "The five teams of Teacher Corps interns in Pontiac, Michigan have contributed to the educational program of our schools. We are interested in the continuation and expansion of a Teacher Corps program. The immediate benefits are equally divided between help given students and the liaison between school and community."

MINNESOTA

John B. Davis, Jr., Superintendent, Minneapolis Public Schools, Minneapolis, Minnesota: "As the superintendent of schools in Worcester, Massachusetts and more recently the superintendent in Minneapolis, I can report an early recognition of the value of the Teacher Corps as an agent for unifying the efforts of local school districts, teacher-training colleges, deprived communities and concerned and competent young adults into a combined attack upon the problems of poverty through education . . . It is our earnest hope that more adequate appropriations by the present Congress will make possible a realization of the potential role Teacher Corps can play in effecting an improvement in educational opportunities for all American children."

Larry E. Harris, Director, Urban Coalition of Minneapolis, Minneapolis, Minnesota: "You can be assured that we will do everything possible to help the people of our community become more aware of this excellent (Teacher Corps) program and to provide whatever support we can."

MISSISSIPPI

Carl Loftin, Superintendent, Marion County Schools, Columbia, Mississippi: "The Teacher Corps is a very good program and I personally would like to see it set up permanently for training future teachers."

Sam Spinks, Superintendent, Hattiesburg Public Schools, Hattiesburg, Mississippi: "The use of the 'team approach' has been an excellent way of beginning integration of faculty. Acceptance by a small group and a limited number of schools has spread over the entire system."

NEBRASKA

James Cisar, Principal, Howard Kennedy School, Omaha, Nebraska: "I would like to see the Teacher Corps become a permanent service supported by the local Board of Education. This type of service training as an asset to our school and community as well as to the individual intern, who because of this experience, will have a more thorough background and understanding of the problems existing in poverty areas."

Paul J. Turnquist, Assistant Superintendent of Schools, Omaha, Nebraska: "Teacher Corps, in my opinion, is one of the most realistic approaches to preparing teachers for disadvantaged children. It is a break in the traditional program which in many cases has been inadequate. Much of Teacher Corps can be copied in teacher training programs."

NEW MEXICO

M. E. Linton, Superintendent of Schools, Hatch, New Mexico: "The community has accepted the Teacher Corps as an important aspect of the total educational program. Teacher Corps personnel through performing a supporting role, contribute much to the social, cultural, and educational advancement of the students with whom they come in contact."

NEW YORK

Joseph Manch, Superintendent, Buffalo Public Schools, Buffalo, New York: "The Buffalo Public Schools has had an excellent experience with the Teacher Corps over the past two years. The program has provided our schools with a highly innovative service of great value to both inner-city pupils and teachers.

"Aside from the value of having Teacher Corps teams operating in the schools, the program offers an opportunity for a close working relationship with the State University of New York College at Buffalo. This has been of great value to the Buffalo Public Schools and the college. The innovative practices which were initiated and carried out by the Corps in cooperation with the schools has provided new education procedures which are being added to our existing program.

"In conclusion, we are extremely pleased with all aspects of our experience with the Teacher Corps. Because of our satisfaction we are eager to participate in another cycle of the program and are prepared to offer fullest cooperation in assuring its success."

Bernard E. Donovan, Superintendent of Schools, New York City, New York: "Our experience this year already indicates that the interns constitute a valuable resource for the enrichment of education, and that the training received by Teacher Corps interns is extremely valuable in enabling them to better cope with the problems of teaching disadvantaged children. Also our school system is being provided with a reservoir of additional teachers."

NORTH CAROLINA

Samuel S. Smith, Secondary Supervisor, Haywood County Board of Education, Waynesville, North Carolina: "Of all the Federal programs in operation, the Teacher Corps program is, in my estimation, the most promising from the standpoint of dollar-return, personnel development, conservation of human resources, and alleviation of the problems presently facing our society in general and the impoverished in particular. In addition, it is the shot-in-the-arm needed so long in public school education being, as it is, a vehicle for constructive change, teacher training—and up-grading certification."

T. L. Woodard, Superintendent, Almond Elementary Schools, Bryson City, North Carolina: "The Almond Elementary School community and faculty were somewhat reluctant to cooperate with the Teacher Corps in the beginning but before very long they were enthusiastic and excited because of the work they were doing with under-privileged children.

"It has been a very worthwhile experience for the Teacher Corps Interns, the school faculty and the community. It has been beneficial to all concerned."

Berry Floyd, Teacher Corps Coordinator, Macon County Schools, Franklin, North Carolina: "Parents feel that the Teacher Corps provides a direct contact between the home and the school. This works for better relations with deprived homes feeling that they belong as never before. Our Teacher Corpsmen work well with deprived students."

Paul Buchanan, Superintendent, Jackson County Schools, Sylva, North Carolina: "It's as though Teacher Corps were designed especially for Canada Township."

J. H. Melton, Superintendent, Haywood County School System, Waynesville, North Carolina: "The Teacher Corps is an excellent example of local, state, and federal cooperation in a critical area of our society. This program is having a profound influence on the profession in the form of changes in teacher certification, techniques and methods; the role and responsibility of a teacher; and the relationship of the teacher to the community and its problems. Too long have we uttered pious words about the child-centered school and the community-minded teacher while both drifted farther away from reality. Corpsmen are bringing us back to the needs of children and the real problems of our communities."

Mrs. Gertie Moss, Principal, Canada Township, Canada, North Carolina: "For the first time, the children and their parents feel like they are really people. We have all begun to hold our heads a little higher because CAP, VISTA, and the Teacher Corps, have come into our community to help us."

OHIO

Paul W. Briggs, Superintendent, Cleveland Public Schools, Cleveland, Ohio:

"The Teacher Corps has provided a useful service in Cleveland's central city schools and their neighborhoods. Bright, able, and committed, Cleveland's Corpsmen have not only done their jobs well in the schools but they have also involved themselves with the community agencies of Greater Cleveland. Their activities include tutoring and counselling at the Bell Center in Hough, working with Neighborhood Youth Corps drop-outs to help them stay on the job, developing special reading classes for Central and Glenville youth, teaching at Cleveland's Adult Education Center.

"I believe that Corpsmen will be better inner-city school teachers because of their extended work-study internship which combines university study with actual work in city schools and communities. The Corps is particularly useful to us because we are training people to work with the disadvantaged."

OREGON

Willard Fletcher, Teacher Corps Coordinator, School District #1, Portland, Oregon:

"Local recruitment has shown that we have fine local resources. The calibre of this year's Teacher Corps recruits leaves nothing to be desired."

PENNSYLVANIA

Mark R. Shedd, Superintendent, School District of Philadelphia, Pennsylvania:

"Simple statistics indicate that our response to the needs of urban, and particularly inner-city, children and youth have a long way to go. Quick 'gimicky' responses and programs have not effected significant results in our attempts to grapple with the functioning of the schools which should serve these children. If anything, they have only reaffirmed the central significance of the teacher and his approach. At a time when teacher unions speak more and more of the impossibility of the task, the Teacher Corps has responded with powerful and hopeful alternatives within Philadelphia schools.

"I have been impressed, indeed, personally revitalized, by the spirit of commitment to urban children which Teacher Corps members bring with them—a spirit concretized in a storefront community center serving the young people of one of our most troubled high schools, in a mobile bookstore serving the North Philadelphia community which locks a single bookstore; in the study centers conducted in four homes within an elementary school neighborhood; in a drop-out program organized in collaboration with the Temple University Mental Health Center.

"Teacher Corps members have explored and discovered new ways to reach children. They have accomplished, in many schools, a new oneness of purpose between teachers, parents, and children. Their achievements are real and solid. But it is their process which counts. It is a process which is contributing to a growing conviction that the emergence of a new school system within our city is not a lost dream, but a possibility."

Sidney P. Marland, Jr., Superintendent, Pittsburgh Public Schools, Pittsburgh, Pennsylvania:

"The Teacher Corps is doing an excellent job in training your people as teachers to understand the problems of children and their parents in a deprived community. The neighborhood school laboratory is providing experiences designed to foster community involvement. In addition strategy of teaching are based upon the problems presented.

"Our program has an excellent background of university work in the cycle of human growth, development and learning. Sociology and economic understanding are vital to our training of the Corps interns.

"The first cycle interns are really begining to find the 'feel' for full-time teaching."

Marcus Foster, Principal, Simon Gratz School, Philadelphia, Pennsylvania: "At Simon Gratz High School, which is in the heart of the pocket of poverty, a disadvantaged community has great need of teachers who have an understanding of subject matter *and* of the community. The Teacher Corps has demonstrated proficiency in both. In a recent mobilization of community support for the expansion of the high school, the Teacher Corps played a prominent part in bringing to the attention of the public the disadvantaged that plague our city. The situation of overcrowding has, for a number of years, denied our students maximum intelligent fulfillment. The Teacher Corps has also helped to cure this situation."

Leon Osview, Assistant Dean, College of Education, Temple University, Philadelphia, Pennsylvania: "Temple University's College of Education is now operating some 22 cooperative programs with the Philadelphia School District. In our judgment, Teacher Corps is quite probably the most significant of these, for several basic reasons. One is that Teacher Corps' planning and work experiences are contributing new, exciting and effective ideas to our entire teacher education program. The second is we are really preparing—for the first time—teachers who are specialists in teaching children from the urban ghettos. The third is that our cooperative relationship with school district and community people have been greatly strengthened. A fourth is that Corpsmen success has changed the attitudes of Philadelphia from hostile to supportive, not only for Teacher Corps but for many other programs as well. We hope that Teacher Corps in some form or another becomes a permanent institution."

PUERTO RICO

Juan Antonio Otero Colon, Superintendent of Schools, Torrecillas Parcelas, Morovis, Puerto Rico: "There is a favorable attitude of Corpsmen toward their work and toward school. They have felt the necessity of working out projects leading up to improve the teaching-learning situation and the relationships between teachers, directors, students, and community."

RHODE ISLAND

Charles O'Connor, Superintendent, Providence Public Schools, Providence, Rhode Island: "I feel that the Teacher Corps has been of inestimable value to the Providence School Department in achieving its goal of city-wide integration. Through the cooperation of the Teacher Corps personnel, we have been able to reduce class size in the ghetto schools of the city and to achieve a degree of mediation never before tried in this system."

TENNESSEE

Tipton Estep, Superintendent, Carter County Schools, Elizabethton, Tennessee: "We were skeptical of Teacher Corps at first, but now that we have learned what a tremendous contribution they are making to our school system we wouldn't know what to do without them. Some of the contributions which come to mind are: First, they're providing tutorial assistance for some of our most disadvantaged pupils. Secondly, they're helping to reduce the teacher-pupil ratio in some of our most overcrowded schools. Thirdly, they're operating community centers in our county. And last they're finally getting parents involved in an adult basic education program which we feel will be of value to the total school system."

Robert Grindstaff, Principal, Pine Grove School, Hampton, Tennessee: "I didn't want anything to do with the Teacher Corps when it first came here. As you know, I have the most unusual school in this county, 23 students, grades one through eight and no modern facilities. Well, after a while I gave your intern a chance to do something. Now he has actually taken four of the grades and is teaching them some modern stuff. His influence in the community has helped the parents a lot. They finally started to be interested in our program and to make demands on the school system. I think he is a great asset to our total program."

Everett Gilley, Principal, Bernard School, Johnson City, Tennessee: "I would like to say 'Amen' to the praises of the Teacher Corps. I don't know what I did before they came to my school and this community. But I guess now I would have to close the doors if they left. We can see many innovations taking place as a result of Teacher Corpsmen here. I'm just happy to be associated with them."

Earl C. Sams, Supervisor of Instruction, Carter County Schools, Elizabethton, Tennessee: "The Teacher Corps has raised the standard of living in the poverty homes of our country in both Black and white, and has helped give the students a new outlook on life."

Isaiah Goodrich, Principal, Ford Road School, Memphis, Tennessee: "The Teacher Corps is the best thing that ever happened to our school. Every day it is a delight to be with them. What's going on here inspires me to want to do more."

TEXAS

Frank Dzierzanowski, Director of Programs, Fort Bend Independent School District, Stafford, Texas: "Our principals and teachers have been happy to have Teacher Corps personnel work with them. The requests for Teacher Corps personnel have been greater by far than the number available."

Jack N. Gray, Superintendent, Waelder Independent School District, Waelder, Texas: "The school administrators in the Waelder Independent Schools felt that Teacher Corps personnel contributed very much to the success of the total school program."

G. M. Blackman, Superintendent of Schools, Smithville Independent School District, Smithville, Texas: "Teacher Corps personnel has enabled us to provide services and experiences to our disadvantaged students that we would not have been able to provide otherwise."

Keith H. Ferrell, Teacher Corps Coordinator, El Paso Independent School District, El Paso, Texas: "Our Teacher Corps members sort of made life worth while in a school where all of us work extra hard to make that extra measure of progress with children who have so far to go to make it to equal footing with other young people in our society. We think it takes a little more of everything in our school to do the job . . . and most of all a little more of pupil personnel services as well as the extended instruction."

Rodolfo A. de la Garza, Superintendent, Rio Grande City Consolidated I.S.D., Rio Grande City, Texas: "From the purely educational point of view, the Teacher Corps, in my opinion, is the best that Washington has come up with."

A migrant parent, Ben-Bolt Palito-Blanco School District, Ben-Bolt, Texas: "These people have done more for our kids than we have done. When they're gone, it will all stop unless we start helping now so we can do it all when they leave."

VIRGINIA

S. B. McMullen, Member of Executive Committee PTA, Gloucester, Virginia: "We wish that a Teacher Corps team could remain with us forever."

WEST VIRGINIA

Daniel B. Taylor, Superintendent of Schools, Wood County, West Virginia, Parkersburg, West Virginia: "This is the single best educational program funded by Congress in the past four years. It should be adequately funded. 75% of our Teacher Corps members have chosen to stay on with us after their two year commitments."

WISCONSIN

George W. Denemark, Dean, University of Wisconsin-Milwaukee, Milwaukee, Wisconsin: "In spite of the complications which we encountered here at the University of Wisconsin-Milwaukee in the initiation of our program and its funding, we have been delighted to be associated with this important project. Of particular significance, in my judgment, has been the opportunity which our Teacher Corps program has provided for close University-Public School System cooperation. Our present program includes interns working in both the Milwaukee Public Schools and the Racine Public Schools. The program has provided a means by which a number of our faculty members could work closely with representatives of the public schools in a common effort to improve the education of boys and girls. In the case of the Milwaukee Public Schools such cooperation has developed to a point where the director of our program is on a joint appointment with the Public Schools. Further, a key member of the Public School staff, recently retired, has joined our staff and has greatly facilitated the relationships between School System and University.

"Another important contribution of the Teacher Corps program can be found in its emphasis on the designing of teacher education programs to meet local school needs. Rather than detaching preparation programs from the realty of school and community as is too often the case at many institutions, this program has emphasized efforts to build in prospective teachers a sensitivity to community problems and school needs and to design their training programs to effectively meet those problems and needs.

"Much more could be said in support of the Teacher Corps program but let me simply conclude with reaffirmation of our enthusiasm for the program and our sincere hope that it will be continued and expanded in the years ahead. If there are ways in which this office can be of assistance to you in support of the National Teacher Corps please feel free to call upon us."

Mr. SCOTT. The challenge is squarely up to the Senate. This year the House allowed only $15 million for the program, a reduction from the $17.3 million spent during the last year. The Senate Appropriations Committee restored only enough to bring the figure up to last year's level.

This is a program that deserves the highest priority. It ought to and must be expanded.

Speaking in all candor, Senators are familiar with the bargaining process that goes on in an appropriations conference between the Senate and the other body. If we are serious in our recognition and support of the Teacher Corps program, if we are serious about providing the maximum possible opportunity for our young people to put their sense of concern to work where it is most desperately needed, then we must support a truly adequate level of funding for the Teacher Corps today.

Let me close by saying just a word about the problem of forward funding.

For the past 3 years funding for the Teacher Corps has been in doubt up until the last minute. In order to have any programs at all it has been necessary for schools and school boards and universities to plan for these programs, even to commit staff for running them, without solid assurance that funding would ever materialize. It is a great tribute to the quality and excitement of the program, and to the willingness of schools and universities to seek ways to change and improve, that so many have been willing to take these chances.

All have gone through prolonged periods of anxious uncertainty. Many have been disappointed in the end when the funds were not available. This is no way to run a business, let alone a program that requires a complex planning process at the local level involving a school system, school board, university, community groups and the State department of education.

Virtually every other Office of Education program that contracts with universities for education programs is now on a full year's forward funding so that a university knows in the fall of one year how much Federal program money will be available to it for the following academic year.

The amendment to the appropriations bill now before the Senate asks for $3.2 million to provide partial forward funding for the Teacher Corps—enough money to provide for 1,500 interns this summer and partial forward funding for another 1,500 interns next summer.

It is crucial to the continued success of the program, and especially necessary if the full value of local planning and local control of the program is to be realized.

I therefore urge the adoption of the amendment, and yield back the remainder of the time.

Mr. NELSON. Mr. President, I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, during this debate on the Labor-HEW appropriation bill I would like to call your attention to an important aspect of that bill. The Appropriations Committee has recommended that the Teacher Corps be funded for $17.3 million in this fiscal year. This is the same amount that the Corps spent last year. This means that this excellent young program will not be able to expand. In fact, in some cases, it will have to cut back on its programs.

More than 10,000 young men and women, representing the best of our youth, have applied for the Teacher Corps. This $17.3 million that has been recommended will only allow the Teacher Corps to maintain 1,500 interns in the field. Ten thousand college graduates want to go into the ghettos and poor rural areas of this Nation—they want to work for a pittance—they want to do their bit to help solve our most serious educational problems. Yet, under this funding arrangement, we are allowing only a little over one out of 10 to help. I believe in economy but this is the pennywise and pound-foolish type of economy. The Teacher Corps wants to make future taxpayers out of these children—not taxeaters—but we will not let the Teacher Corps do its job.

The Teacher Corps is the only Office of Education program contracting with universities, that does not have forward funding. The Corps needs the full $31.2 million appropriation not only for programs that can begin later this fall, but even more importantly so that adequate planning and commitment can be done for programs beginning next June and July.

Schools and universities work 6 months to a year ahead in planning their programs. If forward funding for a Federal program is not available schools and universities have to gamble on favorable congressional action for the Teacher Corps. This amendment introduced by Senator NELSON and by Senator SCOTT would eliminate this uncertainty.

Because the Teacher Corps programs are local in control and inspiration it is absolutely vital for them to get an early start.

The Teacher Corps is involved in many dynamic new programs. Let us not tie their hands. Let them go forward. I recommend that the Teacher Corps be funded for its requested $31.2 million.

As chairman of the Subcommittee on Education, I have followed this program in great detail ever since the Senator from Wisconsin [Mr. NELSON] and the Senator from Massachusetts [Mr. KENNEDY] introduced it in the first place. It has already produced great benefits for the amount of money we have spent on it. I plead for the full amount requested by the Nelson-Scott amendment.

Mr. NELSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 13 minutes. The opposition has 30 minutes.

Mr. NELSON. How much time does the Senator from California wish?

Mr. MURPHY. I would like 4 minutes.

Mr. NELSON. I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, as one of the signers of the letters to the Appropriations Committee urging full funding of the Teacher Corps program, I rise in support of the amendment.

I might point out that last year I voted against increasing funds for this program. I am now satisfied that the program is doing a good job, and doing it very well. There are some areas where there can be improvement, but I heartily and enthusiastically support it.

Mr. MORSE. Mr. President, will the Senator yield for 30 seconds?

Mr. MURPHY. I am happy to yield.

Mr. MORSE. I simply wanted to say that this is typical of the work of the Senator from California on my committee. Furnish him with the facts, and I can submit many instances in which he has changed his position. I am always glad to see people able to change their positions when the facts justify a change.

Mr. MURPHY. It is fair to say that many in the Congress as well as many educators across the country were somewhat skeptical when the Teacher Corps program was begun. California educators also had mixed feelings regarding the program. Many adopted a wait-and-see attitude.

Some of the concern and fears were that the Teacher Corps program might "steal" teachers from the regular school system. However, as the program has developed, the facts are, as reported to me by Dr. Max Rafferty, State superintendent of schools in California—and, may I say, presently a Republican candidate for the U.S. Senate—that the Teacher Corps has attracted college graduates who, but for the Teacher Corps program, would not have entered the teaching profession. Even more important, Dr. Rafferty advises me that the vast majority of the college graduates attracted to teaching continue to stay in the teaching profession after their Teacher Corps experience. I am told that this figure, nationwide, is running as high as 85 percent. In California, I understand the figure is 90 percent.

Second, there was concern over Federal control. As my colleagues know full well, I am one of those Senators who not only is opposed to Federal control, but also I am in favor of returning much more control to the States.

As initially proposed, there were some grounds for these fears, but Republican-sponsored amendments designed to assure local control of the Teacher Corps in my judgment not only strengthened the program itself but was also responsible for removing this fear of Federal control.

Mr. President, the country hears much of the small minority on the college campuses who would disrupt and tear down our society. The Teacher Corps program, in my judgment, is tapping the tremendous resources of the idealism of our youth that wants proper direction and proper goals. It is providing a needed lift, a dedication, and some needed teachers for our disadvantaged children whether they be in our slum or rural schools. Also, they are serving the migrant children whose needs are very great. For the migrant children, in addition to sharing the handicaps of many slum and rural children, frequently have language problems and this, combined with the mobility of their families, compound the educational problems of the children.

It is a shame that the press gives so much attention to the few in our society who would disrupt and so little attention to the many young people such as those serving in the Teacher Corps. They are doing exactly the opposite. They are building. They are providing progress rather than destruction.

Mr. President, we know the difficulty in attracting and retaining quality teachers in our slum and our disadvantaged rural schools. Yet, we know that 70 percent of the youngsters in the slum schools within our large cities drop out of school. Whatever obstacles exist, whatever the odds, an imaginative and determined teacher can make a difference and can change these odds. Young members of the Teacher Corps are trying and, from what I hear, are making a difference. I believe we should allow their efforts to continue and allow them by their acts to demonstrate what youth idealism combined with responsible and needed action can do to bring about change in the Nation.

I hope that the Senate will express its confidence in these young people and in this program on the actual record of accomplishment.

I support the amendment most enthusiastically.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes remaining.

Mr. NELSON. Mr. President, I yield first, 4 minutes to the Senator from Oklahoma, and I will then yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 4 minutes.

Mr. HARRIS. Mr. President, I very strongly point out that there is no program with which I have been associated since I have been a Member of the Senate that I have been prouder of than that of the Teacher Corps.

Mr. President, I rise in support of the amendment offered by the distinguished Senator from Wisconsin [Mr. NELSON] which would appropriate for the Teacher Corps $31.2 million, the amount requested by the administration.

Some 13 months ago when a similar amendment was being debated, mention was made that the President's Commission on Civil Disorders was beginning its deliberations. At that time I was able to report to the Senate that early testimony before the Commission pointed to the need for emphasizing innovative approaches to education in the ghettos and in other poverty areas if long-range solutions to the problems of civil strife were to be found.

Mr. President, as members of the Commission visited city after city where civil disorders had occurred, we heard universal praise for what the Teacher Corps was doing. Mayors and local school officials were crying for many more corpsmen.

It is therefore not surprising that one of the recommendations in the Commission report concerned the Teacher Corps. A portion of it speaks directly to the issue we face today:

> The teaching of disadvantaged children requires special skills and capabilities. Teachers possessing these qualifications are in short supply. We need a major national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.
>
> The Teacher Corps program is a sound instrument for such an effort. Established by the Higher Education Act of 1965, it provides training in local colleges or universities for teacher interns—college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of a local school system and with approval of the state education agency. They are employed by the school system and work in teams headed by an experienced teacher.
>
> The impact of this highly promising program has been severely restricted by limited and late funding. As a result, there are now only 1,506 interns and 337 team leaders for the entire nation. The Teacher Corps should be expanded into a major national program. Funding should be provided at a level realistically scaled to the supply of interns and the need for Corpsmen and on a timely basis, so that prospective applicants can plan to enroll.

Mr. President, unless this amendment is passed, the number of interns for this school year will be reduced, not expanded. The House-passed figure of $15 million would force a 50-percent cut in corpsmen to only 1,000, and the Senate Appropriations Committee figure of $17.3 million would cause a reduction of 25 percent to some 1,250. Equally damaging, neither of these amounts permit any forward funding so local school boards, universities where training takes place, Teacher Corps applicants and Teacher Corps officials would continue to be hamstrung, unable to make the necessary plans to implement a dynamic program.

Mr. President, this amendment offers the Senate an opportunity to support the Teacher Corps to an extent which it has earned. As Edgar Fuller, executive secretary of the Council of Chief State School Officers, has said:

> We did and will continue to cooperate with programs which show the ability to adapt themselves to a real federal-state-local partnership in education. The Teacher Corps did and we did.

It is time for the Federal legislative branch to appropriate adequate funding so that this partnership can move forward.

There is general agreement that today's young people are the best educated, the most dedicated, and the most committed of any generation. This past year more than 10,000 of them applied to serve the Nation's disadvantaged children through the Teacher Corps. It is past time for us to unshackle this agency so that they may more effectively be the channel for this desperately needed service. I strongly support the amendment.

Mr. NELSON. Mr. President, I thank the Senator from Oklahoma. I point out that there are 24 sponsors of the amendment, of which the distinguished Senator from Oklahoma is one, and that 40 Senators signed letters approving it.

Mr. President, I yield 3 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. FANNIN. Mr. President, I support the amendment. I do so because of some special educational programs badly needed in some regions of the country—nowhere more so than on Indian reservations in Arizona and throughout the Southwest. It is a proven fact that Indian children are among the Nation's most educationally disadvantaged groups and I have urged on numerous occasions, primarily as a result of findings of my work on the Special Subcommittee on Indian Education, that Government underwrite the cost of making more teachers and more educational services available to schools, Federal and State, with sizable Indian enrollment.

The Teacher Corps has, in fact, started doing this though certainly not on a scale required to make more than a dent in the problem. The Teacher Corps program at Northern Arizona University, which trains new and experienced teachers for work on the giant Navajo Reservation, has been remarkably successful. Many of the corpsmen are themselves Indians and all have had intensive training in the language and culture of the Navajo people.

There are, however, great expenditures of millions of dollars wasted in this and other OEO programs poorly conceived and poorly administered. There have been instances of abuses of taxpayer funds, blatant and widespread. I hope that it is curtailed and, in fact, eliminated.

Wisdom dictates that we get our financial and administrative houses in order, but the need for Indian educational improvement is so great that I will support the request for additional funds at this time.

I hope in the future there will be greater cooperation and coordination of effort by the OEO personnel with the tribal councils, the chairman, and other leaders on the Indian reservation.

One very disturbing statement I heard emphatically expressed by Indian leaders was that in the Federal programs on the reservations "the right hand did not know what the left hand was doing." I hope this situation will be corrected along with the elimination of waste that is so abundantly evident.

The tribal council and reservation leaders have a right to enter into the decisions and planning on all Federal programs on the reservations.

The Indian leaders on reservations should have the same freedom from Federal controls that are prevalent in other areas.

Mr. President, I ask unanimous consent that an article and editorial supporting this program be placed in the Record following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Report on the Teacher Corps Program in Arizona

The first Teacher Corps program in the country serving only Indian schools is now underway in the State of Arizona. The participating institutions are Northern Arizona University, a recognized leader in improving educational opportunities for Indian children of the Southwest, has joined with seven public and BIA boarding schools located on the Navajo reservation. They have developed a program that will provide special assistance to Indian children whose education has been handicapped by poverty and lack English.

A great deal of planning went into the design of the program, in order to meet the need for Corps members to live at the schools and yet pursue their education at the University. The program has been approved by the State Department of Education and the State Director of Teacher Education and Certification, John A. Freestone, who stated:

"As I study the basic purposes of Teacher Corps, it seems there couldn't be a more relevant application of those principles than those afforded in this project . . . The great purpose that will be the preparation of teachers, preferably Indians, for teaching on the Reservation. Along with training on the Reservation, we want them to continue teaching there and this pattern of training will give them a thorough understanding of the Navajo culture. I consider one of the strong features of this program is the training of Corps members in the Navajo language. There is a trauma for children in the present situation because language is a barrier as they come from a Navajo-speaking home to an English-speaking school. This language component of this project is one of the exciting parts of the program."

Under the direction of Dr. Christian L. Pederson and the local school administrators, 34 interns and 5 team leaders are now undergoing intensive preservice training at the University, including study of the Navajo language and culture. Both undergraduates and graduates are enrolled as interns, and 11 of the undergraduates are Navajo Indians.

The interns will serve in 5 teams under the 5 experienced teachers chosen from regular staff at the schools. Participating schools are the Tuba City, Chinle, Window Rock, and Ganada Public Schools, and the Chinle, Dilcon, and Leupp Boarding Schools. Once a week, during the two years of inservice training, they will drive to Keems Canyon, in the center of the reservation, for their university coursework. Professors from NAU will fly to Keems Canyon for "on-site" university. Undergraduates in the program will work toward a Bachelor's degree in education, while graduate students will receive a Master's degree at the end of two years. All interns will be certified to teach in Arizona at the successful completion of their service in the schools.

The first Teacher Corps program in the State of Arizona was developed by the University of Arizona at Tucson and the Tucson Public Schools. A new proposal was not submitted this year to continue the program.

Teacher Corps programs have won the enthusiastic endorsement of educational leaders across the country for their flexibility in adapting to local situations. The new Northern Arizona program is one of the best examples of a locally-developed project specifically designed to meet the needs of a particular area. Experience has shown that two years of on-the-job training and service creates a desire among graduate interns to remain in the community and accept regular teaching positions.

[From the Arizona Daily Sun, Aug. 12, 1968]

Aims at Indian Education: Navajo "Intern" Plan Set

A two-year Teacher Corps program is underway at Northern Arizona University and its prime aim is to promote education for Indian youngsters on the Navajo reservation.

Currently 34 interns and five team leaders are going through a six-week orientation period. Immediately after the pre-service program concludes on Aug. 30, the interns will report to one of seven reservation schools for assignments as tutors to individuals or small groups, or assisting the classroom teacher.

Generally the interns (teacher aids) will learn teaching techniques as they apply to Indian students. After the 1968–69 school year closes, the interns will return to NAU to continue their schooling. In the case of the 14 undergraduates they will pursue coursework that will lead to their bachelors degree and those with B.A. degrees will work on advanced degrees.

Schools, beside NAU, participating in the program are: Leupp, Dilcon, and Chinle, all boarding schools while public schools are Chinle, Tuba City, Window Rock, and Ganado.

The U.S. Office of Education and NAU are working cooperatively on the $580,000 project according to Christian L. Petersen, a member of NAU's College of Education faculty who is directing the program.

At the culmination of the two-year program on May 30, 1970, the participants will have either a bachelor of science degree in elementary education or a master of arts in elementary education.

A preliminary study by NAU indicated the educational situation on the Navajo Reservation includes the following problems: (1) Children come from families with incomes of less than $1,300 a year—less than $30 a week; (2) Less than half of the Navajo people speak or write English; (3) Cultural differences between the teacher and student is often too great for the youngsters to overcome; (4) Because of the cultural differences, the teacher (non-Indian) is unable to plan effectively; and (5) Lack of communication frequently causes the teacher to reject the Indian student.

The "Indian Teachers for Indian Students" movement hopes to stimulate Indian students, once they obtain their college degrees, to enter the teaching profession—something very few are currently doing.

Of the 34 interns, 11 are Indians.

Other objectives of the program include: (1) Encouraging potentially qualified degree holders into teaching; and (2) Attract good teachers into the teaching communities on the Navajo Reservation.

The Interns will study rudiments of the Navajo Language, learn to teach English as a second language, become familiar with the economic structure on the reservation, study anthropological and sociological foundations as they apply to the reservation communities, and establish a better link of communication between the school people in these reservation schools, as well as obtaining a realistic view of what to find in these teaching communities.

The intern program has attracted six husband-wife combinations, they are: Pete and Pat Belletto of Hollister, Calif.; John and Sharon Boomer of Chico, Calif.; James and Clara Canaris of Lemon Grove, Calif.; Mike and Judy Hughes of Phoenix; Don and Donna Williams of New Boston, Tex.; and Albert and Bessie Yazzie of Wide Ruins, Ariz.

Northern Arizonans participating include Christina Arnsten, Charles Carter, and Bill Gillenwater, all of Flagstaff; Guy Archambeau, Cynthia Lomadafkie, Dennis Nebe, Idella Poocha, and Geraldine Tauchin, all of Tuba City; Valerie Begay, Emma Jean Cooper, Carmen Dykema, Della Klassen all of Ganado; Richard Mike, Chinle; and Priscilla Mowrer are from Fort Defiance.

Team Leaders are: Robert Beatty, Leupp; D'Wayne Farr, Window Rock; James Hamilton, Chinle; Luis Sanchez, Tuba City; and John Trodden.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 1½ minutes remaining.

Mr. NELSON. Mr. President, I reserve the remainder of my time.

Mr. HILL. Mr. President, I yield myself such time as I may require.

The House allowed $15 million, and the Senate allowed $17.3 million. We increased it by $2.3 million. The representatives of the Teacher Corps, from the Department of Health, Education, and Welfare appeared before the committee, and they asked that we restore $9,667,000, which would make a total of $24,667,000.

I wonder whether that would be agreeable to the Senator, since the Department asked for that amount.

An amendment was offered on the floor of the House to add $2.3 million for the Teacher Corps, and the amendment was rejected by the House. The Senate committee did add the $2.3 million although the House had rejected it.

When the representatives of the Teacher Corps came before the committee, they asked for an additional $9,667,000, making a total of $24,667,000.

Would that be agreeable to the Senator from Wisconsin?

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. HILL. I yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I ask unanimous consent that the orders for the yeas and nays on the amendment be rescinded.

Mr. MORSE. Mr. President, reserving the right to object, I would like to know why.

Mr. NELSON. A number of Senators are not in the Chamber at present, and we think we could handle the matter with a voice vote.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. I will yield to my leader, the chairman of the committee.

The PRESIDING OFFICER. Without objection, the order for the yeas and nays is rescinded.

Mr. NELSON. Mr. President, does the Senator from Alabama yield back the remainder of his time?

Mr. LAUSCHE. Mr. President, if there is to be a voice vote, I should like to express my view.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. HILL. I yield to the Senator from Ohio. How much time does the Senator desire?

Mr. LAUSCHE. Three minutes.

Mr. HILL. I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I can well understand why the manager of the bill has yielded to the suggestion that there be a voice vote on the amendment. Thus far we have had six amendments offered to increase the expenditures in this Department of Government. Each of the amendments has been adopted by a vote of approximately 2 to 1. So the fearless and brave Senator from Alabama has concluded that it would be futile to try to break the barrier of what is happening, and thus has surrendered what I believe to be his honest judgment about the inadvisability of expanding the spending in this program.

The total amount of increases is $385,164, but the last voice still has not been heard. I do not know how many more amendments will be offered to expand the spending. The committee itself, in the recommendation it made, increased the spending for the program over the amount recommended and passed by the House by $1,255 million.

I suppose that on the basis of the signs that have been prevalent today, we can expect that the spending program in this Department will be increased by $2 billion above the amount recommended by the House. Well and good. I cannot go along with it. I cannot go along with it on the basis of the fact that we are going to have a $25 billion deficit. I cannot go along with it on the basis that the Senate loudly spoke out to the people of the Nation not more than a quarter of a year ago and said, "We will make you pay a 10-percent surtax, but we will also cut spending." Well, the 10-percent surtax will have to be paid. Instead of being cut, the spending will be increased. I cannot subscribe to that type of conduct.

Mr. CASE. Mr. President, as a cosponsor of this amendment, but more importantly as a Senator who long has been concerned about the education of the children of this Nation, I urge the Senate to grant full administration request for funding of the Teacher Corps.

This program, along with other education programs, deserves the highest priority. It should be expanded and strengthened.

The Teacher Corps was established by the Higher Education Act of 1965 to focus increased attention on the educational needs of disadvantaged children in poverty areas of this country.

The program is based on the concept that this country does not lack well-qualified and highly motivated young people, a concept that has been proven successful by the Peace Corps.

Since initiation of the Teacher Corps, the young people of this Nation have once again demonstrated that they are eager to get involved in solving the problems of this country. They have shown that they are ready to accept a challenge to help those less fortunate than themselves.

Some 10,000 of them have applied to help solve an annual shortage of 172,000 teachers. Those who have already completed the program are staying with the challenge. Seventy-two percent of this year's first graduating class say they will stay in poverty classroom work. Eighty-five percent say they will stay in teaching.

The potential of the program has been widely recognized. Calls for expansion have come from the National Education Association, the American Federation of Teachers, the Kerner Commission, and many other groups.

But the impact of the program to date has been severely restricted by limited and late funding.

My own State of New Jersey, the most urbanized State in the Nation, provides a vivid example of both aspects of this restriction.

Last year there were only 10 Teacher Corps interns in the whole State of New Jersey. There was no shortage of volunteers, but limited funding prevented a more expansive program.

Because of confusion caused by late funding, it is possible that there will be no Teacher Corps interns in New Jersey this year.

The 10 interns in New Jersey last year were sent to Trenton, the State capital, from Temple University. Temple dropped its Trenton program this year because Trenton State College and the Board of Education of New Jersey planned to begin a program to recruit 35 interns and experienced teachers. That plan has been approved by the State department of education and the Teacher Corps. But the Teacher Corps approval is conditioned on the size of the appropriation we provide for the program.

Trenton State is gambling that Congress will act responsibly and that funds will be available for the program. If their gamble fails, there will be no Teacher Corps as far as the disadvantaged children of the poverty areas of my State are concerned.

The gamble was necessary because the Teacher Corps is the only one of nine Office of Education programs which does not have forward funding. Under the program as it is currently operated, local officials have to initiate and plan their program with no assurance that funds will be available to implement it.

The request made by the administration this year for the Teacher Corps provides for forward funding so that local officials will know in advance whether funds will be available for their program. The request also includes funding for a program of recruiting 1,500 interns. That figure will provide the funds for going ahead with the Trenton State program.

The Teacher Corps is an excellent example of genuine federalism. It is a Federal program which relies on local initiative and local control. Republicans take great pride in the role they have played in promoting this principle. It is a principle which anyone can be proud of so long as everyone involved lives up to their responsibilities.

But local officials could not be blamed for losing faith in the principle if all of their initiative and planning goes for nought because funds are not available to implement their program.

If we are serious about genuine federalism, if we are serious about providing equal opportunity to our disadvantaged children, then I believe we must support appropriations which will let these programs go ahead and will let local officials plan their programs in advance.

The PRESIDING OFFICER. Does the Senator from Alabama yield back the remainder of his time?

Mr. HILL. I point out to the distinguished Senator from Ohio that the budget estimate submitted to the Senate included far more money than that submitted to the House—$1,560,688,000 was submitted to the Senate for the first time, for the Office of Economic Opportunity, for inclusion in this bill. As I said earlier in the debate, that item had always been carried in the supplemental bill. There are also items of very large amounts that were not submitted to the House but were submitted to the Senate.

Mr. LAUSCHE. Does the Senator know how many more amendments to increase the spending will be offered? Does the Senator have any idea?

Mr. HILL. I cannot give an accurate figure.

Mr. LAUSCHE. The tide is running on high, and the spenders are going to put themselves on the crest and move as the flood goes on, I suppose.

Mr. GRUENING. Mr. President, I support the amendment offered by the Senator from Wisconsin [Mr. NELSON] and the Senator from Pennsylvania [Mr. SCOTT] increasing funds for the Teacher Corps from $17.3 to $31.2 million.

Because of the low level of funding, due to our military involvement in Southeast Asia, the Teacher Corps has been unable to respond to requests for Teacher Corps programs in Alaska, I am reliably informed.

The Teacher Corps relies on local invitation and participation, with up to 90 percent Federal money.

We know that nationally we have an annual shortage of more than 170,000 teachers. We know that classrooms are overcrowded and often outmoded. The Teacher Corps is building a positive record. Those who participate in the program generally remain. The majority will teach in areas deeply in need of their assistance.

I urge the Senate to increase this modest increase in funding which will only meet the administration's original request and keep the Corps at a modest strength of 1,500.

The Teacher Corps was established by the Higher Education Act of 1965. It provides training in local colleges or universities for teacher interns—college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of a local school system and with approval of the State education agency. They are employed by the school system and work in teams headed by an experienced teacher.

Finally, it should be clear that education and democracy are one and inseparable, and that education is the first responsibility of a free society. To sacrifice the coming generation's opportunities in education is a betrayal of everything that America has stood for and should stand for.

Mr. NELSON. Mr. President, the senior Senator from Alaska [Mr. BARTLETT], who is necessarily absent, is greatly concerned that proposed reductions in the funding of the Teacher Corps program will have serious adverse effects on the program. He discusses some of the reasons for his concern in a statement which he has asked that I bring to your attention. The Senator urges that this body provide the full funding of $31.2 million for the Teacher Corps program requested in the President's budget.

I ask unanimous consent that the statement of the Senator from Alaska be printed in the RECORD at the appropriate place.

There being no objection, the statement by Senator BARTLETT was ordered to be printed in the RECORD, as follows:

REDUCTION IN FUNDING COULD KILL TEACHER CORP

Mr. BARTLETT. Mr. President, it is beginning to seem that each year we can look forward to the eruption of the Nation's ghettos. The desperate, frustrated voices of people so long neglected cry out for attention. And attention they do get. Unfortunately it has come more in the nature of repressive measures than constructive efforts to redress the legitimate grievances of the poor and oppressed.

Perhaps we in the Congress can take some pride in the fact that we have heard the cry of our ghettos' denizens and have answered that call with new laws and new programs. The 90th Congress probably will be distinguished for the social legislation it has enacted, and each new enactment has brought renewed hope that at least something is going to be done to redress the grievances of our poor and oppressed citizens. Just at the point that we begin to transfer programs from paper to action, however, they have crashed to the ground in resounding failure. The problem has been a familiar one: no funding or inadequate funding.

We are about to witness a repetition of this distressingly familiar story in the HEW appropriations bill now under consideration. In the name of economy we have embarked upon the systematic reduction of the money to be provided for critical programs well below the President's budget estimates. In the case of appropriations for one of those programs, the Teacher Corps, the funding recommended both in the House and Senate are so far below those estimates as to signal serious trouble for the program throughout the nation.

The figures are appalling, Mr. President. When we passed this legislation in 1965, it was our considered judgment that $46 million would be needed to fund the Teacher Corps program adequately in fiscal 1969. Keeping in mind its commitment to economize in all areas of federal spending, the Administration requested only $31.2 million. The bill which passed the House reduced this amount to $15 million. Here in the Senate we are being asked to appropriate only $17.3 million for the Teacher Corps program, an increase of only $2.3 million over the amount passed by the House and only slightly more than half of the amount requested by the Administration.

If nothing else, it is perfectly obvious, Mr. President, that you cannot do with half as much money what could be done if the full amount were available. One of two things is likely to happen. Either available funds will be stretched to provide training for as many teachers as possible, risking impairment of the quality of training and the effectiveness of those trained, or quality is retained and the number of teachers trained reduced proportionately. Either course, in my opinion, would be a disaster.

Few new federal programs have occasioned so much praise from all quarters of the nation as the Teacher Corps. It is widely hailed as a potent weapon in fighting one of the gravest problems existing in our ghettos, critical educational deficiencies. And, unlike other programs, it has demonstrated its effectiveness. Two years of experience with the program have shown that it is not just a grand idea on paper but that it does work. It has already brought into the ghettos, young people interested in the problems which make learning difficult there, trained in the techniques for tackling those problems, and anxious to do all they can to help remedy the situation. It is, of course, much too early to measure its effects in terms of impact on ghetto children, but there is no doubt that the program is being well received.

Mr. President, I think it is past time that we address ourselves to those things which cause the periodic explosions of the ghettos. Repressive measures can certainly be mustered in sufficient force to put down riots when they occur. It is unlikely that they will be any more effective in preventing riots than the death penalty has been in deterring capital crimes. Continuing to smoulder in the aftermath of any civil insurrection are embers which will ignite again and again. It is to causes that we must address ourselves. The Teacher Corps program does just that.

Mr. President, I am convinced that it is not only important but urgent that we vote to provide appropriations for the Teacher Corps at least equal to the $31.2 million requested in the President's budget. To do otherwise would be to vote for an illusory and harmful economy.

Mr. HILL. Mr. President, I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. MORSE and Mr. SCOTT moved to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 936

Mr. HART. Mr. President, I call up my amendment (No. 936) and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 14, lines 17 and 18, in lieu of $1,123,127,000" insert "$1,200,000,000".

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. HART. Mr. President, I yield myself such time as is necessary. I believe I can explain the amendment very briefly.

Mr. President, the amendment I have offered is cosponsored by Senators BROOKE, CASE, CLARK, METCALF, MONDALE, RIBICOFF, and YOUNG of Ohio.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MORSE. I ask that the Senator include my name on the amendment.

Mr. HART. I am delighted that the Senator who understands the subject more thoroughly than any of us, the distinguished senior Senator from Oregon, would join us. It makes a very great difference to all of us.

Mr. President, this is an attempt to get the Senate out of the vise of two conflicting commitments. There had been proposed by the Senate committee an appropriation for title I of $1,123,000,000. This amount is about $77 million below the 1969 budget request.

Yesterday the manager of the bill, the able senior Senator from Alabama [Mr. HILL], offered an amendment, which was agreed to, which pledged that no State will get less than 100 percent of 1968 funding. The figure of $1,123,000,000 simply is not sufficient to fulfill that pledge.

The amendment that is now pending would add the $77 million needed to fund the Hill amendment. Without the pending amendment, allotments for each of the States could only be about 90 percent of the 1968 funding.

This amendment was proposed long before the action on the floor of the Senate yesterday. It was conceived first as a counter measure to the cut the House made of $127 million in title I funding.

Those of us who have offered the amendment are convinced that this title I program is too vital and too essential to bear any cutback or any whittling from the existing level. It is our view that the action the Senate took yesterday pledging that no State would get less next year than this year adds new force to the arguments for full funding.

None of us would argue that any single aspect in the educational effort can reverse the deterioration and the problems that have developed over generations of failures to meet the needs; but any one of us who has reviewed, even superficially, the magnificent annual report of title I prepared by the Department of Health, Education, and Welfare and issued by the Office of the Commissioner, entitled "Title I—Year Two" is persuaded that unless the effort contained in title I funding, which we are now debating, is maintained, we will have one terrible time in persuading those areas in this country, which we have acknowledged to be in need of extra help, that we have gotten the message, that we are sincere, and that we intend to stay with our commitment to upgrade all elements of our society, and acknowledge there are some persons entitled to more help than others. This is not an oversimplification of the case. This is the "meat and potatoes" of the argument.

I do hope we will by explicit provision for the additional money make it possible to deliver on the proposition that this year we do not reduce the level of the effort from the present year, either the percentage across the board or by dumping 900,000 or 1,000,000 children from the program.

I do hope the Senate will support the amendment.

Perhaps the Senator from Alabama would comment with respect to the measure.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HART. I am pleased to yield to the Senator from Alabama.

Mr. HILL. I understand the amendment would give the schools practically the same amount of money for this fiscal year as in the past fiscal year.

Mr. HART. The Senator is correct.

Mr. HILL. Under the circumstances I do not object to the amendment.

Mr. HART. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. Mr. President, I wish to say to the Senator that I am very gratified that he did what he did. I tried in committee and finally had to settle in committee for an increase of $50 million. The Senator is now adding the amount to that which is required by the budget.

I never could have gotten the $50 million without the help of the distinguished Senator from Alabama, as he is now helping the Senator from Michigan. This is typical of his devotion to the great Federal compromise which has resulted in bringing aid to many children, without regard to where they study and without regard to race, color, or creed.

I greatly appreciate the privilege of joining the Senator from Michigan in sponsoring the amendment.

Mr. HART. All of us who offered the amendment are delighted that the Senator from New York joins us in cosponsoring it. The Senator from New York and the Senator from Alabama in committee did persuade the addition of $50 million to forestall in some measure the harm that would have flowed from the House cut.

Mr. MORSE. Mr. President, will the Senator yield to me for 3 minutes?

Mr. HART. I yield to the Senator from Oregon for 3 minutes.

Mr. MORSE. Mr. President, I wish to commend my distinguished colleague from Michigan [Mr. HART] for his wisdom and foresight in offering the amendment to provide restoration of funds to title I of the Elementary and Secondary Education Act.

As the Senator has pointed out, his amendment is essential merely to restore the budget level recommended by the President, which in turn is the minimum amount needed to assure all States that their allocations will not be reduced in the current year below the amount received in fiscal year 1968. School populations are up and costs are up. Yet we are asking only what we spent in 1968 for the benefit of the children in this country. That is the least that we as a Congress can do if we are to keep our promises to the schoolchildren of the Nation. It would be unfortunate, indeed, if we selected the children of the poor as the ones to be the victims of a broken promise. They are the ones who will suffer if we do not guarantee as much as we spent in 1968. For these children, education is salvation, and on the other hand we know that their failure in school will result in wasted lives with all the social ills which accompany poverty if we do not provide adequate resources for education.

I wish to cite also the record of the Senate Committee on Labor and Public Welfare and its legislative recommendations which have been enacted into law for formula authorizations which would permit this great program to achieve its purpose. The formula which we as a Congress have enacted into law would authorize this year $2.7 billion for title I. The committee which I have the honor to chair has repeatedly recommended that the President and the Congress fully fund the authorizations in the law. We all recognize that this has not been possible for the past 3 years because of the growing costs of the Vietnam war. Personally, I am greatly saddened that we have sacrificed the educational needs of poor children to this costly enterprise in Vietnam, but that is not the issue in our consideration of the Senator's amendment. We are concerned here only of the amounts proposed by the President in his budget, which represents only one-half of the amount that the Congress has authorized. We must leave for another day and another year the question of full funding of the formula.

I support the Senator's amendment wholeheartedly. I further caution the Senate against any further tinkering with the appropriation language which has as its purpose the cushioning of a reduction for all the States and all the schools to something like 90 percent of the allotments of last year.

The President's budget barely provides the schools with the same amounts they have received in fiscal year 1968 and, therefore, does not recognize the continuing cost increases, such as teacher salary raises, which add at least 5 percent to the expenses of the schools. There is no basis for cutting the amounts below last year by any percentage—other than the false and reckless economy which the House has initiated.

Let us not shortchange the children of poverty again by a sleight-of-hand procedure in the appropriation process which appears to be applying "harmless cuts" to all States and to all schools. The schools need more, not less, than they received last year, and we as a Congress should measure up to that responsibility.

I thank the Senator from Michigan for his foresight and statesmanship in offering the amendment which seeks to accomplish one main objective, and that is to see to it that the poor children in the poor areas of this country are not denied the educational resources they must have if we are ever going to lift them up to the bright hope of full and splendid citizenship in this Republic.

Mr. HART. The Senator from Oregon has stated the case most effectively.

I thank the Senator from Alabama [Mr. HILL] for his expressions of support.

Mr. MURPHY. Mr. President, I rise in support of the amendment increasing the funds for title I of the Elementary and Secondary Education Act.

Title I has alerted America to the education problems of disadvantaged children and evidence is a realization that special efforts are needed to overcome the educational disadvantages of these children. The Elementary and Secondary Education Act has been a popular program in California. Last year under title I the State of California received over $74 million that aided 370,000 children in 940 school districts. Concern over inadequate funding, while shared by educators throughout California, was particularly great among superintendents of the cities in the State.

Mr. President, all of us are aware of the problems of our cities. As I have stated, 70 percent of the students from slum schools in our Nation's 15 largest cities failed to graduate from high school. As a member of the Senate Labor and Public Welfare Subcommittee on Education, I have authored and supported various programs to reverse these statistics. I supported and continue to support the Elementary and Secondary Education Act.

I share however, the impatience of many Members of the Congress over inadequate evaluation data. There are other problems with the program, for example, there is evidence that too many of the school districts, instead of concentrating resources, are spreading the funds too thinly and thus failing to have the maximum impact that a concentrated effort might produce. The State of California in their title I report outlines the progress under the program in California as follows:

> Relatively few school districts reported average gains of less than a month for every month of instruction, while in some districts the average was almost 3 years' gain during the year.
>
> "In rare instances, the growth exceeded four years in special tutorial programs with highly individualized instruction."
>
> Out of 1,050 Title I projects in California, 83.1 per cent showed progress that exceeded previous performance.

In summary, Mr. President, title I of the Elementary and Secondary Education Act is an important and needed program. It is the vehicle that is helping to carry education opportunities to the disadvantaged. Federally funded, but locally and State operated, the Elementary and Secondary Education Act has great long-run potential in helping to solve our poverty and many other social problems. I believe that the Senate should fund the program at the budget request.

Mr. HARRIS. Mr. President, I wish to add my hearty endorsement to the amendment proposed by the distinguished senior Senator from Michigan. This amendment would provide only an additional $76 million above the amount contained in the Senate committee appropriation bill for the Department of Health, Education, and Welfare.

To provide anything less than the $1.2 billion requested for title I would inflict additional penalties upon the millions of educationally deprived children who have already been severely handicapped by virtue of the limited environments to which they have been exposed.

Over the past 3 years of title I operation, nearly 17,000 school districts have established programs which provide special services for approximately 9 million disadvantaged boys and girls. Experience to date has shown that more—not less—effort is required if the job is to be done adequately. A reduction of $76 million from the requested amount would dilute the local effort and undoubtedly reduce the quality of the results to a far greater extent than the funding reduction would indicate.

Title I is designed to provide special services to children of poverty wherever they may be. It not only benefits the deprived children in the innercity slums but those in rural areas as well. One example of the latter category includes the American Indian children attending public schools. These children are probably one of the most culturally isolated groups in the Nation and generally attend schools that have very limited resources.

Mr. President, Oklahoma universities and colleges long have produced many teachers well trained to work with children who have handicaps in such areas as speech and reading. Then we have watched these teachers leave the State, going to richer school districts elsewhere. Only since programs such as those supported by title I have been started have a significant number of these specialists been employed in our rural areas where so many of our educationally deprived children live.

This legislation must be considered as a long-range effort designed to upgrade student achievement and ultimately return them to their grade level. It will reduce the school dropout rate and provide the educational background necessary for employment. By increasing the number of young people who become contributing members of society and reducing the numbers who are relegated to the welfare rolls or institutionalized for delinquency or criminal acts, the ultimate result would be a significant economic gain for the country. Accordingly, it is my opinion that this program should not be crippled in its infancy by appropriating anything less that the requested amount.

The pending amendment is worthy of our support. I hope that it will be adopted.

Mr. CASE. Mr. President, I rise to support this amendment to restore the full funding requested by the administration for title I of the Elementary and Secondary Education Act. I support this amendment even though it makes absolutely no difference in the amount of funds which will be available for the education of the children of poverty in my State of New Jersey.

Although the $50 million restored by the Senate Appropriations Committee has already increased the funds available to New Jersey schools to the level which would be reached under this amendment, I also am concerned about economically deprived children in 20 other States which would be affected by this amendment.

One of the highest priorities in the Nation today is meaningful education for those children who stand no chance of escaping from their poverty environment unless their educational needs are met.

Congress recognized these needs when it authorized over $2 billion to supplement special programs for children from low-income families to help overcome their educational and cultural deficiencies. But the administration did not request the full amount of the authorization. It requested only a little over $1.5 billion. And now Congress is proposing, in the name of economy, to reduce this even further.

But this is false economy. If we do not meet the educational needs of children of poverty today, they will never become self-supporting and contributing members of our future society.

As I said, this amendment would make no difference in the funds available to schools in my State in the next year. But no State, like no man, is an island. And what we do to meet the educational needs of the children of poverty anywhere in this country today, certainly will have a bearing on the tax burden New Jersey residents and residents of all other States will have to pay in the future.

We in New Jersey are happy that the Appropriations Committee, on which I am privileged to serve, has seen fit to recognize the needs of schools in our State. But we also hope that the Senate will demonstrate that it is aware of the high priority education deserves in all areas of our country.

I urge you to accept this amendment.

Mr. RIBICOFF. Mr. President, as one of the sponsors of Senator HART's amendment, I urge the Senate to restore the full amount proposed in the President's budget for title I of the Elementary and Secondary Education Act.

The President requested an appropriation of $1.2 billion for this purpose.

The House cut the estimate by $127 million. The Senate Committee on Appropriations has restored $50 million of the cut. The amendment under consideration will increase the Senate appropriation bill by $76 million. It will provide no funds above the amount of $1.2 billion requested for the title I program. This sum is approximately the same as that appropriated for the 1968 fiscal year.

It should be made clear that the passage of this amendment will not mean a windfall for school districts that are providing special programs for millions of educationally deprived children from low-income families. But it will help the 17,000 school districts that receive funds from title I to maintain the enriched programs which have helped some 9 million children from poverty homes to overcome their educational and cultural disadvantages.

In my State of Connecticut for example, some 40,000 children participated in title I programs during the past school year. Remedial instruction, summer activities and tutorial help are important aspects of these programs that are giving disadvantaged youngsters the extra boost which encourages many to stay in school when they might have dropped out. Still others will have the background preparation—and the will—to go on to advanced training and education.

Last year Connecticut received $9,212,813 for title I programs. This year, if the amendment we are discussing passes, Connecticut will receive $9,326,709. But if this amendment is not passed, Connecticut will receive $916,818 less than expected. This figure represents almost a million dollars of badly needed educational services for disadvantaged children.

Surely we cannot neglect the children of Connecticut—or the children of any other State in our Nation.

Yet, this will be the result if the amendment under consideration is not passed.

In a letter to the superintendents of schools in Connecticut, William J. Sanders, the State commissioner of education, wrote that a cut in title I funds would mean that many deprived children could not be included in these special programs because of a shortage of funds.

Let us remember that when we invest in American education, we are affirming what our country can be in the future.

When we invest in the education of disadvantaged elementary and secondary school children, we are saying that there is bright hope and promise for the future. We are showing in a concrete way that we mean what we say. For surely each of us has said that the goal of American education is to give to every child the best education that he is capable of absorbing.

Every child in our Nation must have the opportunity to fulfill his potential. And whatever his potential may be, the child must be given the kind of education that will develop him—even stretch him—to the fullest.

Youngsters who had had limited advantages need additional help. Many of the schools attended by these children do more than teach. They mind the young—they open up the windows of his house—they challenge his horizon.

We must make sure that they continue to do so.

We must see that help to our schools with large numbers of disadvantaged children will continue—for the future of our young people and the health of our Nation.

We must pass the amendment under consideration in order to guarantee a continuation of title I programs at their authorized level.

I urge my colleagues to keep faith with the children of America by voting for this amendment.

Mr. RANDOLPH. Mr. President, title I of the Elementary and Secondary Education Act has proved to be of significant value in overcoming the barriers to learning of our children reared in a culturally deprived environment. It has been directed toward helping children whose educational achievement is below the norm, including those with physical, mental, or emotional handicaps. Since the enactment of this legislation, communications have been received from the educational leaders in my State documenting the effectiveness of these programs.

Mr. President, I support the amendment of our colleague from Michigan [Mr. HART] to restore the full amount proposed in the President's budget request for title I of ESEA. Although the Senate Appropriations Committee has recommended the restoration of $50 million of the $127 million cut by the House of Representatives, this is not enough.

I am fully aware of the necessity for trimming the Federal budget. However, I am cognizant also of the critical needs of our disadvantaged children. We must not compromise the future of America's children. We have authorized programs for all age groups in our endeavors to eliminate poverty. But none is more vital than those which emphasize the young of school age. It is now that they are developing the base around which their entire lives will revolve.

Education cannot be limited to those areas or those families which can afford the comprehensive and progressive school system and the special education facility. Education is a vital key to the future development of our society. It is the key to the development of the potential and capabilities of our young people. These are the vulnerable years. There is not provision for delay. Opportunity lost in this period of learning can never be completely recovered. The funds expended will be an investment which will mean significant savings in the future.

Mr. HART. Mr. President, I hope that the Senate will accept this amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back on the amendment.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. HART and Mr. MORSE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 64, line 22, strike section 411 and insert in lieu thereof the following:

> Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I should like to address myself to the amendment which is before the Senate and should like to read the amendment. I am glad the Senator from Oregon is in the Chamber because he really is the leader in this particular situation, as he is chairman of the Subcommittee on Education in the Senate.

The amendment would substitute for section 411 of the bill, which is legislation, but not subject to a point of order, because it comes over from the House—remember our rules—so that we can act on it without suspending the rule.

Section 411 now in the bill reads as follows:

> No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

I would propose to substitute for that the very same provision that the Senate has included in the higher education bill, which is now in conference, with the Senator from Oregon as a conferee—and I am a conferee also—so that the appropriations "legislation"—because that is what it is—would be put in the same posture as the higher education bill.

What we included in the higher education bill was the following:

> Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

Mr. President, the essential difference between these two legislative provisions is the following: The provision which the committee has brought to the floor is a mandatory prohibition where there has been a conviction of any crime, and I quote: "which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property"—whereas the provision which we would substitute would give the authority to deny such a benefit to a student to the institution itself.

The real question is: Shall it be mandatorily ordered by law under the appropriations bill, or shall it be within the discretion of the institution itself?

I believe—and that is the way I voted in respect of the legislative authorization which is in conference, and that is the way I believe this provision ought to read, too—that it should be left to the institution.

I say that for two reasons. With respect to this whole argument relating to violence by students, we in New York had an actual takeover at Columbia University, an occupation, as it were, by dissident students, who did massive damage and who finally had to be cleared out by massive action. So I hope Senators will judge what I have to say in light of the fact that, as a politician running for reelection, I do not want to be soft about this; I want to be realistic about it.

It seems to me that what we complain about is that our institutions of learning have lost their authority; that they are defied; that the president of a university is defied; that the dean of a college is locked in his office; that students have lost their respect for authority. It is my argument that youth loses more respect for institutions when there is a mandatory requirement by the United States of the kind that is contained in this bill. Rather than gain their respect for law, such a provision loses respect for law, because we are obviously taking away our confidence in the institution, to wit, the college or university in which we wish the youth, himself, to have confidence.

The end result will be the same. It is inconceivable that any college or university will make any of the funds available, if it can by law refuse to do so, when a student has been convicted by any court of general jurisdiction of any crime which involves the use of or assisting others in the use of force, trespass, or seizure of property.

So the result, in my judgment, will be precisely the same, but we will be sustaining the authority of a college or university—critically important at this time—and serving our interest very much better than by a mandate from on high which takes away that authority.

That is the difference between the Appropriations Committee, which handles a thousand matters and is not skilled in the problems of higher education, and the Subcommittee on Education, headed by the Senator from Oregon [Mr. Morse], of which I am the ranking minority member, which deals with education itself.

So the difference is between those who work with the subject and those who sort of come new to it and, very understandably, say here, "We are not going to lend money or credit to be used by a student who is a rioter or is trespassing or rioting on school property."

The other question involved—and I do not think it is remotely as important as the first question—is its flexibility. As a lawyer I pointed out to the Appropriations Committee that section 411 could be read so that if a young man engaged in a "panty raid" in a college or university, which also involved the use of force, trespass, or the seizure of property, and which could be big enough and widespread enough, and often is, to interfere with the operations of the university or college, or, as this provision says, to prevent officials or students from engaging in their studies or pursuing their studies, the mandate would be that that kind of young man would be deprived of any benefits under the law.

Most American people would laugh at that as being a basis for any such denial.

So I think, preponderantly for the reason of strengthening the hands of institutions themselves, and secondly, in the interest of not blasting young lives because of some breach which is not considered on an individual basis, we would be advised not to have this provision stand as it is in the bill, but change it in accordance with the amendment I have pending.

The Senator from Oregon [Mr. Morse] may have other advice or some other idea on this matter, which I shall view with the highest respect, but I think the principle which is involved is very clear: Shall we delegate this responsibility to the institution involved, to wit, the college or university, or shall we make it mandatory on the part of the top command in the Federal Government?

One further word before I am through. It used to be popularly supposed that we had to get tough, and the fact that one was tough was likely to be the most salutary way to end violence and disorder, student riots, or any kind of riots.

We have seen that this is not universally true. I may mention that Mayor Stokes, in Cleveland, instead of sending in troops or police, sent in a lot of people to talk to the rioters. That does not always work. I am the first to agree that very often police and troops must be sent in and that nothing else will do. But it indicates that sheer physical force is not necessarily the best answer, and also it is always subject to overreaching. That is one of the big arguments about Chicago—that it was not handled wisely or intelligently, even the use of force.

Therefore, I am not proposing a soft amendment. I am proposing a practical amendment. The practicality of the amendment is to localize responsibility and to put it in the hands of the very interests whose authority we are seeking to build up, and not tear down. The best method is by the approach I have proposed in my amendment, rather than by the mandatory dictate which is contained in the bill at present.

Mr. President, there are two items—if I may have the attention of the Senator from Alabama—which I have already discussed with him, and which I thought would go into the committee report but did not appear in that report. Provided that we can get the matter clarified here, I see nothing lost of that account, but I feel that those items deserve clarification.

First, when we were discussing in committee certain aspects of what could be done about poverty, we also discussed the concept of what could be done for the small business community in the slums. These businesses need an enormous amount of help, and this is provided for by the general legislation under the poverty program, with the Small Business Administration now administering that part of the program but with the OEO Act providing the funds for it. It was understood that we would instruct the OEO and the administration to utilize or earmark $10 million of the fiscal year 1969 OEO funds for this small business program under title IV of that act, specifically sections 406 and 407.

It is my understanding that through inadvertence, that request did not appear in the committee report. If the chairman would be kind enough to comment, I hope that we could then at least have the Record clear.

Mr. HILL. Would the Senator please make his statement again. I was interrupted.

Mr. JAVITS. I referred to the fact that when we were considering the bill in the Appropriations Committee, I raised the issue of earmarking $10 million for the small business program in the slums, and it was agreed that it would be included in the report but, through inadvertence, it did not appear. Does the Senator from Alabama agree with that?

Mr. HILL. The Senator is correct.

Mr. JAVITS. So that we may consider the report as making that request?

Mr. HILL. That is correct.

Mr. JAVITS. I am very grateful to my colleague.

The other point was also discussed in committee with respect to the report, on a matter of great interest to both Senators from Illinois.

There is a program in the Chicago area which relates to the establishment of a rehabilitation, research, and training center in the Chicago area. Apparently, this matter has entered into its first stage, and the desire is to have it enter into its second stage of development.

The report of the House of Representatives on the bill deals with that specific question and reads as follows:

> The Committee notes that action has been taken for planning a rehabilitation research and training center in the Chicago area, as provided for by the statement of the managers on the part of the House in connection with the conference report on the 1968 Labor-H.E.W. Appropriation Bill. The Committee expects that funds will be made available in such amount, consistent with other program objectives, as the agency may find necessary for the second stage of the construction of such a center, and that the Service will continue to give its attention to expediting subsequent stages and completion of this center at the earliest feasible date.

Mr. President, I should like to ask the chairman if he would confirm for me that this matter, too, was discussed by the Senate committee. It is not included in the report, but I understand from the distinguished committee staff member, that the reason was that such language was superfluous since it was already in the House report.

Could we have it established by legislative record that it is the desire of the Appropriations Committee that the House will go along with it?

Mr. HILL. That is correct. It was carried in the report last year.

Mr. JAVITS. I thank the Senator. I am also very grateful to Mr. Downey for his help.

Mr. President, I yield 5 minutes to the Senator from Oregon [Mr. Morse].

Mr. MORSE. Mr. President, I rise to support the proposal of the Senator from New York. The proposal by the Senator from New York is the Javits-Morse amendment that was adopted in the full Committee on Labor and Public Welfare. I want to urge it upon the Senate today.

I am very much concerned about the numerous riders which have been attached to various appropriation bills in the past several months, in Defense, National Science Foundation, NASA, and Labor-HEW. Officials at HEW have expressed real concern that the language now in the Labor-HEW appropriation bill now pending will become locked in since the House and Senate provisions are identical.

If the language of the Labor-HEW appropriation bill becomes law, the actions of the Senate and House conferees on the Higher Education Act conference, scheduled to resume on Tuesday, will become a nullity, since a limitation on appropriations would take precedence over language in substantive legislation.

The administration, speaking through HEW, would like to see identical language enacted in each of the bills containing "student unrest" amendments, thereby alleviating what could be a major problem in having a number of different related laws applicable to students of higher education.

I happen to think the Javits amendment is the best answer to this problem as of now. I particularly want the attention of the Senator from Wisconsin [Mr. Nelson], because he and I have talked about this matter, as has the Senator from New Jersey [Mr. Case] and the chairman of the full committee and the Senator from New York. In my judgment, there are many difficulties with the proposal in the appropriation bill, but first let me point out what the Senate has already done.

The Senate already passed the Javits-Morse amendment when it passed the higher education bill, and we had a discussion of it at the time. I have stood on this floor year in and year out, since 1946, when I introduced my first education bill on the floor of the Senate, and I have pleaded that we do nothing that represents a Federal interference with the administration of education in this country.

I speak respectfully, but one cannot deny the fact that what is in this appropriation bill is a case of Federal interference in telling the colleges of this country what they must do in handling discipline problems.

Mr. President, I would like to leave it to the faculties of the colleges. I have served on faculty disciplinary committees, Mr. President; and we have no more effective watch dogs, may I say, in respect to student misbehavior.

We ought to place the responsibility squarely upon the universities. Let me point out some of the problems that arise in connection with the Appropriations Committee's language.

There is no determination of when a student is convicted of a crime. If we are going to do it on the basis of conviction of a crime, when are we going to cut off the funds? Are we going to say that the decision in the lower court is to be the basis for cutting off the funds? The student has his right of appeal. And may I say, as a lawyer, time after time, upon appeal, we find the lower court in error and the case reversed.

If we were to make conviction in the lower court the basis for denying the student the funds, then look what we would be doing as far as many innocent students are concerned. For conviction does not mean they are guilty in finality. They are guilty in finality only at the end of the appeal procedure. This is one legal problem that greatly concerns me in connection with the language of the Appropriations Committee.

Does the conviction have to be one in a court of record? What do we mean by conviction, in connection with the language of the Senate bill?

I also point out that the language permits arbitrary enforcement, since there is no language to guarantee uniform enforcement. There is no indication whether the crime must be substantial or serious.

Mr. President, there are so many legal bugs, in my judgment, that will arise in connection with the Senate Appropriations Committee language, that I think what the Appropriations Committee ought to be willing to do is leave it to the legislative committee that has jurisdiction over the matter. That happens to be the committee of which the Senator from Alabama [Mr. HILL] is chairman.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORSE. May I have 2 more minutes?

Mr. JAVITS. I yield the Senator from Oregon 2 additional minutes.

Mr. MORSE. The Senator from Alabama is chairman of the committee that has jurisdiction over the substantive legislation in this field, and we have acted. We are now in the midst of conference on that bill. I think we ought to wait and see how we come out in conference with the House of Representatives in regard to this subject matter. I have reason to believe that we will come out with a satisfactory solution of this matter, that does not involve Federal interference in the running of education at the State level.

Mr. President, there are other substitutes that can be offered if it becomes necessary. I may offer a substitute, as the Senator from New York and the Senator from Wisconsin know. But I think the best way to handle the matter is for us to take the language that the Senator from New York [Mr. JAVITS] has offered, which is identical with the language already adopted by the Senate in connection with the higher education bill, and go to conference on that; then we will be going to conference with the House of Representatives on the higher education bill also, and that will give us some time in the future to reach a final decision on this matter.

To adopt the committee language this afternoon would lock it into the bill. There would be nothing left, then, for compromise in conference; and I think we would also do, may I say most respectfully, a great injustice to our legislative committee, the Committee on Labor and Public Welfare, that has already served the Senate well on this subject, because the Senate has already approved of what it did when it passed the bill with the Javits-Morse amendment in it.

I therefore believe we ought to adopt the Javits-Morse amendment.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Assuming hypothetically—and I hope it never develops into a reality—that the Javits amendment is not accepted by the Senate, would the Senator from Oregon still be in a position to offer an additional amendment on the subject?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HILL. How much time does the Senator from Ohio wish?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

The House language would still be amendable. It would still be in order for the Senator from Oregon to offer an amendment.

Mr. HILL. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I support the provision which the committee wrote into the bill now pending before the Senate. I presume that this amendment was adopted by the committee because of the numerous instances throughout the country in which militant, violent members of student bodies have seized absolute control of institutional facilities. Without having made any inquiry, I assume that the principal motivation for the adoption of the language in the bill was the seizure made by certain students of the buildings, the president's office, and offices of other high officials at Columbia University.

The first query that has to be answered is this: Can we tolerate defiance of the duly constituted officials of our institutions of higher learning by militant, violent students, in seizing property to the absolute defiance of government and the duly constituted authorities at the universities?

What does section 411 provide, that is sought to be stricken by the amendment offered by the Senator from New York? The provision as written by the committee is as follows:

> No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

What is wrong with the Federal Government saying to a student, "If you are convicted of unlawfully seizing institutional property, you shall be denied the right of the benefits under the subsidy program provided by the Federal Government to help students in institutions of higher learning"?

Section 411 says there must be a conviction by a court of general jurisdiction. No conviction can be said to have occurred until all of the processes of the judicial proceedings are exercised, and a final determination is made that the accused is guilty, and he is so declared by the court.

The amendment offered by the Senator from New York contemplates striking this provision, and substituting therefor a provision that the eligibility of the student for governmental aid shall be related to the decisions made by the board of trustees or the duly instituted officials of the institution.

The President of Columbia University resigned. His offices were seized by a group of students who arrogated to themselves authority in excess of that possessed by the government and by the officials of the school. At Ohio State University, about 18 months ago, the students seized the office of the president. They held him captive. They prevented him from making calls. They were asked to surrender, but they would not do so.

I cannot understand this theory of dealing with kid gloves with these challenges of the law. There is no justification for it.

The Federal Government in all of its mercy says to these students: "We want to help you go through college. We will lend you the money. We will give you the money. We will guarantee the repayment of the debts which you incur to go to college."

Yet, those students with complete indifference reject the mercy of the Federal Government and proceed to seize by violence the facilities used for the teaching of students and disrupt the institution and deprive the innocent students of those services.

The committee recommendation is

sound. It ought to remain in the bill. The amendment of the Senator from New York ought to be rejected.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HILL. Mr. President, I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for one additional minute.

Mr. LAUSCHE. Mr. President, President Kirk of Columbia has not related why he resigned. However, I suppose he threw up his hands because he did not want to carry any further the burdens of the office, knowing that times would arise when he would again be dispossessed, his office seized by the rebels, and duly elected officials cast aside, and the students would be sitting on high and running the institution.

I cannot subscribe to the idea of Congress giving encouragement to that type of conduct.

I hope the Senate rejects the amendment of the Senator from New York.

Mr. President, I ask for the yeas and nays.

Mr. JAVITS. Mr. President, before the Senator asks for the yeas and nays, I point out that there are not enough Members present at this time.

Mr. President, I modify my amendment to provide that it replace the provisions of section 411 insofar as they are contained on page 64 of the bill from line 22 to page 65, line 5, inclusive.

The reason for the modification is that the Senator from Iowa [Mr. MILLER] had an amendment agreed to yesterday to that very section, and I have no desire to disturb that amendment. Therefore, I wish to confine the matter to the issue facing us today, the issues debated by the Senator from Oregon and the Senator from Ohio and me.

The PRESIDING OFFICER. Does the Senator mean the first paragraph of section 411?

Mr. JAVITS. I do.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, I wish to comment upon the very eloquent address of the Senator from Ohio because it so typifies the argument.

There is no real difference between the Senator from Ohio and me, interestingly enough, although there may seem to be. The only difference is how do we best get to that point.

There we do have a real difference between us. I say that we best get to that point by arming the college administrators with authority to correct the situation. The Senator from Ohio says that we would best do it by a mandate on the part of the U.S. Government. I say that it the wrong way to deal with the problem because we do not have enough policemen or soldiers or the will to use them to control the youth of America if they become rebellious.

Is it the purpose of Government to encourage insurrection and rebellion, or is it the purpose of Government to find intelligent ways to deal with the matter and avoid it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, the Senator from Oregon and the members of the committee think that the best way to handle the matter is to place the power in the hands of the heads of the universities. If the university president does not feel that he wants that power or that he is prepared to use it, let us say to him what Harry Truman said to politicians: "If you can't stand the heat, stay out of the kitchen."

That is what we are up against here. We think it is best in dealing with the educational institutions to arm the colleges and universities with power. We cannot tolerate the existing course of action in our country.

Courts can still convict and will. And young people can still have their lives ruined by going to jail, and they will be.

We are only talking about cutting off the participation in Federal programs enjoyed by college students.

Mr. MORSE. Mr. President, will the Senator yield me 5 minutes.

Mr. HILL. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I would like to have the attention of my very warm and close friend, the Senator from Ohio. I think we ought to take a look at what is proposed by the opponents of the Javits amendment.

I have heard many Senators talk about how we are going to have the Federal Government run educational policy in our States. That is exactly what the language of the Appropriations Committee refers to. Who will step in and make the determination? Who will make the determination? Somebody in the Department of Health, Education, and Welfare? Somebody in the Department of Justice?

It does not spell out where the determination will come from. This is a clear Federal intervention with the operation of educational policy at the State level.

It is the hard cases that put one to the test as to whether he believes in the principle.

I do not yield to the Senator from Ohio or to any other Senator in the matter of opposition to student riots, student law-breaking, and student violence.

I bespoke myself in a speech 2 years ago on this subject. That speech has been used on the campuses of this country by college administrators. In that speech I came out against demonstrations that violate the law.

What do we have here? What is the legal hodgepodge contained in the language of the committee? It reads:

> No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves . . .

It then sets it out. That is all that has to be shown. Suppose 6 months after a conviction, the case is reversed. The man would still not get his money.

Mr. LAUSCHE. Then he has not been convicted.

Mr. MORSE. He has been convicted by a court of general jurisdiction. As the Senator from Ohio knows, there is no provision for an appellate review or reversal of the case.

Furthermore, this is not even in futuro. The language in the bill applies to someone now in college that was convicted of a crime some years ago. If that man has been granted a loan or a grant, we could apply this amendment to him now in spite of the fact that he was convicted years ago.

This is of great importance to the States' righters, and I have heard them speak over the years. I say to them now: "If you believe in States' rights, practice it this afternoon and pass the Javits amendment, because we are merely saying we will leave it to the local authorities and to the universities."

For the benefit of my friend, the Senator from Ohio, President Kirk of Columbia University has written the committee a letter in opposition to the committee language. This is not what the President of Columbia University wants.

Mr. President, I ask unanimous consent that the letter from President Kirk to the committee—which I ask the committee to provide—be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, listen to the college presidents of this country, by and large, as they have written to the committee and talked to the chairman of the subcommittee and the other committee members and pleaded that we not pass the Appropriations Committee language.

If we want to help them, we should give them the jurisdiction to settle their own problems on their own campuses. If we want to create problems for them, we should pass the committee language.

I am always willing to stand on the words I bespeak. If this becomes the policy of the Federal Government, instead of solving the problems on the campuses, we will be creating problems, because we will create a determination on the part of students on many campuses that they will not have the Federal Government interfere with what they consider to be State prerogatives and State rights in this matter.

The Javits amendment would strengthen the arm of every college president in this country. It would strengthen the power of the faculties of every university in the country, and it would keep faith with what we have claimed has been our policy in regard to Federal aid to education, because this is a Federal aid to education section of the appropriation bill.

We are talking about Federal money going into education, and it is not for the Federal Government, in my opinion, to become the enforcement officer in regard to disciplinary problems on the campuses of our country.

Therefore, I plead for the support of the Javits amendment.

EXHIBIT 1

COLUMBIA UNIVERSITY IN THE CITY
OF NEW YORK,
New York, N.Y., May 17, 1968.
Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Enclosed is a copy of a statement which I made on Monday, May thirteenth, with regard to proposals that have been made to enact legislation to withhold governmentally supported scholarship and fellowship funds from students who have participated in university disturbances.

I trust that you and your colleagues on the Subcommittee on Education of the Senate Committee on Labor and Public Welfare (the Special Committee on Education of the House Committee on Education and Labor) may find this statement helpful in your deliberations.

Sincerely,

GRAYSON KIRK.

STATEMENT BY PRESIDENT GRAYSON KIRK OF COLUMBIA UNIVERSITY, MAY 13, 1968

During the past three weeks, the faculty, the administrative officers, and most of the students of Columbia University have been engaged in a struggle to preserve academic freedom—freedom to teach, to learn, and to carry on research—against a small minority's effort to employ violence and fraud in order to bring to a halt the basic operations of the University. We who have been fighting to preserve the integrity of this University and of other universities have constantly been aware that, even in the midst of crisis, we must hold to our commitment to academic freedom and to our respect for truth and the conscience of the individual. We have, therefore, resisted a natural temptation to imitate the tactics of those who are bent on destroying the principles and the practices by which a university must live.

It is for these reasons that we cannot support any effort, no matter how well-intentioned or how emotionally satisfying it may be, which seeks to punish participants in university disturbances by means that endanger either academic freedom or the proper autonomy of the university community. Any attempt by governmental authorities to deprive these offending students of financial aid which they are now receiving under Federal or state programs would be difficult to administer equitably and would pave the way for the adoption of tests of political orthodoxy that would endanger the freedom of opinion and expression which all universities cherish.

At Columbia, we do not intend to use financial sanctions as a disciplinary measure in place of, or in addition to, regular academic discipline. Students of limited means who happen to be placed on disciplinary probation should not be compelled to withdraw by being deprived of financial aid. If students are suspended or expelled from the University, the question of financial aid is no longer an issue, since they cannot receive any form of assistance if they are not registered.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. NELSON. Does not this present provision in the Appropriations Act raise another very serious question—that is, if we pass here a Federal statute which establishes some standards, any time a student, any place in America, is charged with being within the contemplation of this statute and is deprived of a loan, have we not established the situation in which he then is able to get into the Federal court to test every single dismissal or deprivation of a loan, in every Federal court in the United States?

Mr. MORSE. I believe the Senator is correct. That is why I call it a legal hodgepodge, a legal can of worms.

Mr. LAUSCHE. Mr. President, will the Senator yield me 2 minutes?

Mr. HILL. I yield 2 minutes to the distinguished Senator from Ohio.

Mr. LAUSCHE. Mr. President, I wish to restate my position, though it does not accord with some of the reasoning just advocated by the Senator from Oregon.

If we provide the gifts, the loans, and the guarantees to the students, we should have the right to expect a course of conduct from those students that will be absent of any purpose to seize the properties of the institutions which they are attending. They ask us for help to go through college. We give them the help. Then they proceed to destroy the institutions they are attending, and proceed to completely disregard the charity and the purpose of the Federal Government to help. It has been a black spot on the United States and a black spot on our educational institutions.

Riots have been rampant in the big cities. Riots have been rampant in Chicago. Riots have been rampant on the college grounds.

I humbly suggest that the provision recommended by the committee is sound. Any student who forcibly seizes the property of the school he is attending should be denied the aid of the Federal Government.

At Ohio State, they seized the offices of the vice president. They held him prisoner. They did not allow him to go into the washroom.

Now, then, deal with them with gentle hands and kid gloves? Not in my judgment. And it will not happen if I can help it.

Senator RUSSELL, the amendment of the committee provides that in the event a student is——

Mr. RUSSELL. I am familiar with it. I am a member of the committee.

Mr. LAUSCHE. I yield the floor.

Mr. MORSE. I say to the Senator from Ohio what I said in my State on several occasions, that if the students had tried to take over the building when I was dean of the law school, one of two things would have happened: either the police forces of our State would have removed them forthwith, or they would have had a new dean by night.

But my plea is that that is where it should be left. It would not be transferred to the administration of a group of bureaucrats in Washington, to pass judgment as to whether or not those people complied with the law.

I have already given my reasons as to the legal mistakes involved in the language of this provision. It would create very serious problems, in my judgment, if the Federal Government sought to determine what should be done educationwise at the State level. Senators have heard me say many times, as I have opposed attempts to direct educational policy at the State level, that you cannot start doing it without it snowballing and running away from you. What would be done here would be to let the Federal Government come in and dictate the policies that should be followed on the campuses of this country in regard to their disciplinary matters. If they are given the authority which the Javits amendment would give, it would be a clear indication from Congress that we expect them to follow sound disciplinary procedures, and the results would be much better than would be accomplished by the language of this bill.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator has expired.

Who yields time?

Mr. HILL. I yield 2 minutes to the Senator from California.

Mr. MURPHY. Mr. President, I am in complete sympathy with and very sensitive to everything that the distinguished Senator from Ohio has said.

Perhaps the emphasis has been placed in the wrong area. I believe that in the last year the heads of colleges have grown up and have learned a great deal about this matter. In my State, where there was trouble at the great university at Berkeley, the new board of regents, under the leadership of the new Governor, said, "If you do not like the rules of this university, pack up and go someplace else. You are not going to disrupt the curriculum."

I had a record last week of an occurrence at the University of Denver. That is not a large university, but certainly an important one. The president wrote a letter to every member of the alumni, in which he said he saw no reason why 200 dissidents, troublemakers, faultfinders should disrupt the curriculum of 8,000 students, and therefore he had asked the 200 to resign from the university immediately.

There are many other cases, and it is my hope and belief, after listening to the debate in the committee, that this is proper and it can and will work this way. If it does not, then, as a last resort, perhaps the Federal Government should step in. However, at this point I believe that this is a good amendment. I believe the committee language is good language, and I think it will work.

The PRESIDING OFFICER. Who yields time?

Mr. HILL. I yield 2 minutes to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I support the position of the Committee on Appropriations.

I should like to restate the committee amendment as I understand it. The committee amendment provides that tax funds shall not be used for the benefit of those convicted of using force, or for those who trespass or seize property under the control of an institution of higher education.

The statement has been made that the college presidents do not like this amendment added to the bill by the Committee on Appropriations. Mr. President, the college presidents are not elected by the people of the United States to appropriate tax money. As I visualize it, it is the responsibility of the tax levying authority, the Congress of the United States, to lay down reasonable and proper regulations and rules under which money taken from the pockets of the taxpayers shall be spent.

The amendment put in the bill by the Committee on Appropriations merely says that the money you take from the pockets of the taxpayers, the money you take from the truckdrivers of this country, the money you take from the waitresses of this country, the money you take from the coal miners of this country, the money you take from those individual citizens of our Nation who work and earn their money by the sweat of their brows, will be appropriated to help educate people; but we will not take the taxpayers' money and use it to help those who use force, who trespass or seize property under the control of an institution of higher education to which this money is appropriated. How can the Senate vote to eliminate this amendment?

Mr. President, if the Senate is not willing to agree to this committee amendment then it seems to me that we have reached a very unusual stage in our Nation; and I guess we have reached a very usual stage in our Nation when one reflects on what took place in Chicago, on what has taken place in the city of Washington, and what has taken place on the campuses throughout this great and beloved country of ours.

I support the committee amendment.

The **PRESIDING OFFICER**. Who yields time?

Mr. **MORSE**. Mr. President, will the Senator yield to me for 1 minute?

Mr. **HILL**. I yield to the Senator from Oregon.

Mr. **MORSE**. Mr. President, I appreciate the view of the Senator from Virginia but he has not joined issue with me in what I think is the basic problem. Let me use a hypothetical example and it was not too hypothetical a couple of years ago in educational debates. Suppose Congress were to pass a measure providing Federal funds shall be used to bus students in local school districts in this country from segregated schools to integrated schools. I stood on the floor and opposed that proposition because it clearly violated the right of the Congress under our system of government to use public funds for such purposes.

I am saying here today that it is not for the Committee on Appropriations of the Senate or the Congress to appropriate funds for a use that is going to create, as I am sure this will, serious difficulties in our respective States.

It is true that college presidents do not appropriate money but they are a part of our constituency and they not only have the right but they have the duty to advise us what would be good policy in keeping with some legislative action we are taking. We do not tell them. The constituents tell us.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **MORSE**. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. **HILL**. I yield 1 additional minute to the Senator from Oregon.

Mr. **MORSE**. If the constituency, which consists of men of such expertise as college presidents, warns us of the disadvantages of the language of the committee, we better heed it because we are elected to carry out the public will and not dictate to it.

The Senator from Virginia makes my argument for me because we are the servants and not the masters of the people of this country.

We have to come to grips with whether or not it is sound Federal policy for the Federal Government to be determining this matter or whether it should be left where it belongs, in the States, and, through the States, in the college presidents of this country.

Mr. **HANSEN**. Mr. President, will the Senator yield to me for 3 minutes?

Mr. **HILL**. I yield to the Senator from Wyoming.

Mr. **HANSEN**. Mr. President, I have been listening with a great deal of interest to the debate this afternoon on the amendment offered by the distinguished Senator from New York. I appreciate very much what he and the distinguished Senator from Oregon said about States rights. I join with them in their conviction that we should recognize the proper role States can play and should play.

However, I must say in this instance I must support the committee amendment because I think the issue is not primarily States rights but, rather, What shall be the policy of the United States insofar as support of higher education is concerned when that support or part of it is used by students to pervert the very educational process that the Government of the United States intended to foster? That seems to me to be the issue here. In other words, are we going to say it shall be left entirely up to the discretion of university authorities to take disciplinary action, if any at all is taken, rather than to say that these grants-in-aid to students shall be denied if, by the actions of those students receiving help from the Federal Government, other students are denied the right to enjoy the benefits of the tuition paid by the taxpayers of this country, and privately paid, for their sons and daughters to go to school.

I do not think it is right at all for a student who is enjoying the benefits of a grant made by the Federal Government to take such action as would deny other students the right to go to classes. That is what is involved here. I see no invasion on the part of the Federal Government insofar as the exercise of States' rights are concerned.

I share the dismay of everyone in this Chamber, I am sure, when I note that some of the college presidents and college administrators throughout the United States have not had the courage to take the action immediately that I think should have been taken in kicking those students off of the campuses who attempted to take over forcibly the educational institutions so as to deny other students the right to matriculate in class.

I will support the committee amendment because it seems to me entirely proper for the taxpayers of this country, through Congress, to say this support will be denied anyone who is guilty of the "use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

Mr. **LAUSCHE**. Mr. President, will the Senator yield to me?

Mr. **HILL**. I yield 2 minutes to the Senator from Ohio.

Mr. **LAUSCHE**. Mr. President, I do not know if I am correct in this recollection. I will state it as I understand it.

For 3 or 4 years every time the school integration bill was brought up amendments were offered providing for the denial of funds to those school districts which failed to desegregate. Is that the law now?

Mr. **HILL**. Title 6 of the act of 1964.

Mr. **LAUSCHE**. I venture to say amendments were offered 50 times to deny aid to those school districts which failed to comply with the Federal Government's requirement. In this bill the committee recommends that aid be denied to those students who by force seize the buildings and offices of the institutions which they are attending.

The paradox is that with respect to school desegregation the principle of denial was right; with respect to the granting of aid to students who engage in criminal conduct in seizing the buildings the denial of aid is wrong.

I ask Senators to mediate. How can the two principles be reconciled? Is preferential treatment to be given in one instance and prejudicial treatment given in the other instance? If it is right in one instance it would necessarily be right in the other instance.

The argument of States rights, as it has been advocated here today, is completely in conflict with the arguments I have heard in the past with respect to the same subject. I will be at least consistent in casting my vote.

Mr. **MORSE**. Mr. President, I say to my dear friend from Ohio that there is nothing in common between the two issues that he raises. The matter of integration involves the matter of constitutional law. As Bob Taft expressed it so many times on the floor of the Senate, when we come to a constitutional principle, there are no States rights which come in conflict with the rights of the people. If the State is following a course of action that contravenes the Constitution, the Constitution shall prevail. That is what is involved in the matter of integration under the 1954 decision and the 1964 Civil Rights Act. But here we do not have a constitutional principle. To the contrary, we have a question as to whether the Senate and the House of Representatives will say to the States, "We are going to pass judgment upon the prerogatives of law enforcement in your State."

My plea is we should leave it to the States to enforce the laws. That is why I made the point that if students take over a university, if I were in an administrative capacity, they would move them out under State law, or get a new administrator. There is no constitutional principle involved in this case. It is bottomed upon the matter of carrying out constitutional prerogatives.

Mr. **JAVITS**. Mr. President, I believe I have 2 minutes remaining and I yield myself those 2 minutes.

The **PRESIDING OFFICER**. The Senator from New York is recognized for 2 minutes.

Mr. **JAVITS**. Mr. President, if I can have the attention of the Senate, I think that in the course of our deep feeling about this matter we are straying far from the point, because we are not dealing with the matter of a penalty for a wrong, we are dealing with a sanction. The penalty for a wrong should be jail, if one is guilty of trespassing, rioting, or doing violence.

The penalty which we are imposing is a sanction. It does not have a relation to the wrong. It has a relation to denying a privilege which we otherwise would enjoy.

Second, none of us is arguing about the merits. We are arguing about the means; namely, shall it be done by the Federal Government making it mandatory, or shall it be placed in the hands of the individual institution?

When we talk about precedents, I ask Senators to remind themselves about the farmers who stopped milk trucks and spilled the milk all over the road. Has anyone in this Chamber suggested that they should be deprived of the benefits of commodity stabilization?

What about people who enjoy benefits from the Federal Government in many other ways? What about businessmen who get export licenses? Has anyone suggested that they should be denied them under the antitrust laws should they have violated them?

Has anyone suggested they are guilty of a misdemeanor who would deprive a citizen of his right to vote unless State laws deprive him of it?

We know that the whole doctrine of American jurisprudence is against sanctions. Our Constitution is against sanctions.

That is why I feel as strongly as I do. That is why I believe that students will feel as strongly as they will about this matter, because it is not based on the tradition of American jurisprudence. It is the Congress acting out of resentment. It feels that this will stop the riots or future violence.

The **PRESIDING OFFICER**. The time of the Senator from New York has expired.

Mr. **JAVITS**. Mr. President, I yield myself 1 minute on the bill.

The **PRESIDING OFFICER**. The Senator from New York is recognized for 1 minute.

Mr. **JAVITS**. We are mad. We are angry. We are striking back. That is not the way for this great deliberative body to react to a given situation. We know the best means to discipline the college campus which will prevent students from interfering with their professors or their colleagues. We know that students can do that just by being boisterous. I have lived in college dormitories and I know that just playing the radio long enough can prevent everyone in the dormitory from studying.

Are we going to legislate that way? Or are we going to do other things which will be disruptive to study, because we are angry, we are mad, and we are striking back?

That is not the way to legislate, out of resentment.

Thus, I hope that my amendment will carry.

The **PRESIDING OFFICER**. All time has been yielded back on the amendment.

The question is on agreeing to the amendment, as modified, of the Senator from New York [Mr. Javits].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. **BYRD** of West Virginia. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from Florida [Mr. Holland], the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Jordan], the Senator from Georgia [Mr. Talmadge], the Senator from Maryland [Mr. Tydings], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Montana [Mr. Metcalf], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Smathers] are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Florida [Mr. Holland]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Florida would vote "nay."

I further announce that, if present and voting, the Senator from Louisiana [Mr. Long] and the Senator from Florida [Mr. Smathers] would each vote "nay."

Mr. **HICKENLOOPER**. I announce that the Senator from Colorado [Mr. Allott] is absent on official business.

The Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from Utah [Mr. Bennett], the Senator from Massachusetts [Mr. Brooke], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Illinois [Mr. Dirksen], the Senator from Colorado [Mr. Dominick], the Senator from Hawaii [Mr. Fong], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senator from Nebraska [Mr. Curtis], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from Massachusetts [Mr. Brooke] is paired with the Senator from Utah [Mr. Bennett]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from Illinois [Mr. Dirksen]. If present and voting, the Senator from California would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 25, nays 35, as follows:

[No. 266 Leg.]

YEAS—25

Case
Gruening
Harris
Hart
Hartke
Hatfield
Jackson
Javits
McCarthy
McGee
McGovern
McIntyre
Miller
Mondale
Morse
Moss
Murphy
Nelson
Pell
Percy
Proxmire
Ribicoff
Scott
Williams, N.J.
Young, Ohio

NAYS—35

Baker
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Cooper
Dodd
Eastland
Ellender
Ervin
Fannin
Gore
Griffin
Hansen
Hayden
Hickenlooper
Hill
Hollings
Jordan, Idaho
Lausche
Mansfield
McClellan
Montoya
Mundt
Pastore
Pearson
Randolph
Russell
Sparkman
Spong
Stennis
Symington
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—39

Aiken
Allott
Anderson
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Burdick
Cannon
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Fong
Fulbright
Holland
Hruska
Inouye
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
Metcalf
Monroney
Morton
Muskie
Prouty
Smathers
Smith
Talmadge
Tower
Tydings
Yarborough

So Mr. Javits' amendment, as modified, was rejected.

Mr. **MORSE**. Mr. President, I send to the desk an amendment, which I ask to have stated.

The **PRESIDING OFFICER**. The clerk will state the amendment.

The Legislative Clerk. The Senator from Oregon, for himself, Mr. Javits, Mr. Nelson, Mr. Case, and Mr. Yarborough offers an amendment to strike out the language beginning on line 22, page 64, through line 5, page 65, and insert in lieu thereof——

Mr. **MORSE**. Mr. President, I ask unanimous consent to dispense with further reading of the amendment and ask unanimous consent that it be printed in the Record.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

Strike out the language beginning on line 22, page 64, through line 5, page 65, and insert in lieu thereof:

"Sec. 411. (a) If an institution of higher education determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution that such individual—

"(1) has been convicted by any court of record of any crime which was committed after the day of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of such institution to prevent officials or students in such institution from engaging in their duties or pursuing their studies, or

"(2) has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act,

and that such crime or refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then the institution shall deny any further payment to, or for the direct benefit of, such individual under any of the following programs:

"(A) The student loan program under title II of the National Defense Education Act of 1958.

"(B) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

"(C) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

"(D) The college work-study program under part C of title IV of the Higher Education Act of 1965.

"(E) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958.

"(b) Nothing in this subsection shall be construed to limit the freedom of any student to verbal expression for individual views or opinions."

Mr. MORSE. Mr. President, I yield myself such time as I need. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, may I make these points briefly? First, the Senate has just reversed itself in regard to the position it took when it passed the higher education bill. The language of the Javits amendment was in the higher education bill. The bill passed the Senate unanimously. There was not a single dissenting voice. This has been the decision of the Senate.

I am offering now an additional amendment, which I want to explain. It seeks, in my judgment, to carry out the will of the Appropriations Committee, which the Senate has just underwritten, but it offers some guidelines. It protects the basic principle of States rights that I argued a few moments ago in connection with the Javits amendment. It seeks to clear up the legal can of worms contained in the Appropriations Committee language. We are going to find that the language of the Appropriations Committee will create some most difficult legal problems in the enforcement of it.

I speak respectfully, but, on the basis of what has happened in the past, we are moving into the same kind of problem we moved into some years ago when we passed the so-called loyalty oath provision in the Senate, which caused many college professors to come out against it. It caused many universities to refuse any funds from the Federal Government because of that kind of Federal interference.

We have moved into a very interesting hybrid situation, in which we are going to have the Federal Government, now, interfere in the carrying out of State laws. All the other reasons I gave a few moments ago in support of the Javits amendment and in opposition to the committee's language I incorporate into the legislative history of this amendment by reference, and turn to the explanation of my amendment.

I have told you what the amendment would do. The best argument I can make, I think, is to read it, with brief explanatory remarks as to its sections.

The amendment, which would be a substitute for the language of the Appropriations Committee in section 411, is as follows:

SEC. 411. (a) If an institution of higher education determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution that such individual—

(1) has been convicted by any court of record of any crime which was committed after the day of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of such institution to prevent officials or students in such institution from engaging in their duties or pursuing their studies, or

(2) has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act,

and that such crime or refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then the institution shall deny any further payment to, or for the direct benefit of, such individual.

I interrupt the reading of the amendment to state that this respects the basic right, and I happen to think the authority and responsibility, of the institution to make these value judgments. This is placing the responsibility where it belongs, rather than do what is done by the committee language, which I shall comment upon again very briefly after I have finished this paragraph. But I stress here the institutional responsibility in determining whether or not "such crime or refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution."

The amendment continues:

Then the institution shall deny any further payment to, or for the direct benefit of, such individual under any of the following programs:

(A) The student loan program under title II of the National Defense Education Act of 1958.

(B) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(C) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(D) The collge work-study program under part C of title IV of the Higher Education Act of 1965.

(E) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV of VI of the National Defense Education Act of 1958.

(b) Nothing in this subsection shall be construed to limit the freedom of any student to verbal expression for individual views or opinions.

What this does, in essence, is place the determination of the effect of the misconduct of the student upon the institution to determine, as the language says, "that such crime or refusal was of a serious nature, and contributed to a substantial disruption of the administration of such institution."

Are we going to take the position that any other conduct on the part of the student shall be the basis for denying him financial benefits? As I said earlier this afternoon, just take a look at the language of the committee, as to what the Appropriations Committee's language would do:

No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance of others in the use of force . . .

And so on. It is that conviction that denies him the funds. There is not even any provision here for appellate procedure. Take the hypothetical case that you get the conviction, then 6 months later, after appeal, a superior court reverses the conviction. He does not get his money back; he is not eligible for further funds; he has been convicted, and the action of the appellate court does not change the finding of the court of general jurisdiction.

This is an example of the difficulty encountered when the Federal Government undertakes to establish educational policy at the State level.

How are we going to do it? Are we going to have the Commissioner of Education do it? Are we going to have the Department of Justice do it? Who is to render the verdict?

My amendment would place the rendering of judgment where it belongs, with the institution of higher learning.

Oh, I know, Senators do not like to face up to the fact that what we are doing is intervening with regard to educational policy at the State level. Many who voted for the committee language have been heard to say, time after time, that they do not want any Federal aid program in education which would direct, in any way, educational policy at the State level. I do not, either. I have never failed, standing over there at the managerial desk, as I have taken Federal aid to education measures through the Senate, to see to it that the bills I sponsored did not involve Federal interference with education at the State level.

This committee language does that. It is a clear intervention in State policy, at the State level, in the field of education.

Do not forget, there is no constitutional principle here, but there is a constitutional question involved in the example used in the argument against me a few moments ago, as I pointed out at the time, with regard to the integration question. A State has no right, in its educational policy, to violate the Constitution of the United States. That is where the constitutional issue comes in.

But remember 2 years ago, in regard to the busing provision, when I stood up at that desk and said I would never support a Federal aid to education bill that directed busing at the school district level within a State, but I said that as far as Federal funds are concerned, where they are to be used at the discretion of the local school district, if they decided to use the funds for any of various purposes, including buying buses, that was their decision, and that was my long-held view in regard to the right of the States to determine educational policy.

I have tried to clarify the objectives of the committee. I think my substitute amendment will accomplish every purpose the committee has in mind, but it leaves the administrative prerogative where it belongs. It leaves the value judgment to decide whether or not the crime or the refusal to carry out policy really was of a serious nature, or contributed to a substantial disruption of the administration of the institution.

Why do we propose to set ourselves up to be the judges, and intervene in State educational policy?

I close with the argument I made at the beginning. I simply want to state that in my judgment, we are buying ourselves, not only a peck of trouble, but great trouble, on campus after campus, because I believe we will find that a lot of law-abiding students will give support to those who challenge this section just as they did on the loyalty oath question, on the ground that they are not going to have Congress pass that kind of restriction upon what they think are their individual rights.

But they are bound to carry out the rules and regulations of the university; and I want to put the responsibility for enforcing those rules and regulations and for maintaining order on the campuses on the college presidents and the disciplinary committees on the various campuses.

I press for my amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield the Senator from New York such time as he may need.

Mr. JAVITS. Mr. President, there is a very essential difference, I think, between this amendment and the amendment which was defeated, which does make it a middle ground and a sort of compromise position. I think the Senate should understand that, because this does indicate a clear directive to the institutions concerned that they shall—the wording of the amendment is that they shall—deny the student any further payment, and so forth.

It seems to me, therefore, that whereas my amendment would have left the question open as to what the Federal Establishment could do if a university or college failed to act, I do not think it would be open under this provision. I think the Federal Establishment would have a right at least to call a university or a college on the carpet and say: "You made a determination to such and such an effect in this case which negatived the denial of benefits. The law says that you shall deny them. What is your basis for this? Is it not right that you shall deny them when the facts in our judgment show that a sufficient case was made?"

I believe, therefore, that this would add an additional element. I had hoped that the Senate could have faced this particular compromise, even in lieu of my own amendment. However, I see no harm in that. I am proud to have done what I did. I think it is right.

I join the Senator in his amendment. However, I point out to the Senate that there is a substantive difference. And so that the legislative record is clear, the authorities charged with the handling of these student affairs and other matters would have a right to call to account any college or university which after hearing and consideration failed to act in a situation in which the Federal Government felt it should have acted.

Mr. MORSE. Mr. President, I offered the amendment on behalf of the Senator from New York [Mr. JAVITS], the Senator from Wisconsin [Mr. NELSON], the Senator from New Jersey [Mr. CASE], and the Senator from Texas [Mr. YARBOROUGH]. They join me in offering the amendment.

Mr. JAVITS. I thank my colleague. Does my colleague agree that the difference I have pointed out is a real substantive difference?

Mr. MORSE. It is of real substance. Placing the responsibility where we tried to place it would accomplish the committee language and avoid the pitfalls I have been speaking about.

Mr. HILL. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, in my opinion the difference between the two measures is the difference between willy-nilly and willy-shally.

Our country is faced with riots everywhere. The Chicago convention has called the attention of the people of the world to the fact that we are in a gross state of disorder. Riots prevail in the cities, in the colleges, in the political conventions, and everywhere else.

The question before us is whether we are going to give encouragement to riots or are going to adopt measures that will discourage them.

If we read the language of the committee amendment, in my opinion, we must come to the conclusion it contemplates discouraging riots. In simple language it says to the student: "We will make you a grant; we will lend you money; or we will guarantee the payment of money which you borrow. But, if you have been found guilty of seizing unlawfully the property of a college you are attending, you shall then be barred."

The argument is made about constitutional rights or the nonconstitutional rights. I pose this question: What constitutional rights does a student have to get a grant or a loan from the Government?

He has no constitutional right. It is a beneficence conferred upon the student through the good will of the people of the United States.

If we give him a grant, if we bestow upon him a beneficence, do we not have the right to attach conditions to that grant?

The right to attach conditions are greater with respect to nonconstitutional rights than they are with respect to constitutional rights. A legal right as distinguished from a constitutional right justifies Congress in imposing conditions far greater than it would impose with respect to the recognition of a constitutional right.

What does the amendment propose? It proposes that the colleges set up boards of inquiry in a manner similar to the administrative procedure. In my opinion, the provisions make for obfuscation.

The amendment proposed by the committee is sound, and it ought not to be disturbed.

Let us, through this Congress, announce to the people of the United States that we contemplate doing everything within our power to bring to an end the defiance of government.

The amendment which was just rejected and the amendment which has been offered, in my opinion, will encourage riots rather than discourage them in the institutions of higher learning.

Mr. MORSE. Mr. President, I yield 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, as a cosponsor of the amendment, I direct my comment to one point. It is quite true that the Federal Government has the right in the sense of power to do what it wants to do in the way of attaching conditions.

The question concerns the wisdom and the rightness of it under our Federal system.

The Senator from Oregon and I are often on different sides of some arguments and on the same side of other arguments. However, the Senator has been absolutely consistent this time. I do not mean to suggest any absence of consistency on his part in any matter. However, in the matter of the Federal system which we are sworn to protect, the Senator has been consistent all the way through and is consistent here.

We do not want to have the Federal Government, the Department of Education, or any other Federal bureau or bureaucracy, interfere with the administration of our colleges, even in respect of the continuation or noncontinuation of what the Senator from Ohio has called beneficences.

That ought to be left to the colleges themselves. This is true whether the money comes from the Federal Government, the State government, or any other public source. The college administration ought to have this responsibility and ought not to be able to duck it.

Mr. MORSE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. Mr. President, I do not agree that the Federal Government, through the guise of this language, should take it upon itself by way of mandate to add an additional punishment for the violation of the law and that we ought to find whether the particular violation has the effect of substantially disrupting the educational processes of the institution.

There are all kinds of crimes. The committee language calls for a conviction. We certainly do not want in addition to the penalty provided by State statute to add an additional penalty on the part of the Federal Government, to be administered pursuant to a decision to be made at the bureaucratic level in Washington, D.C.

If that is not interference by the Federal Government at the State level, I do not know what it is.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 additional minute.

Mr. MORSE. I think this is a fair compromise of those differences and carries out every legitimate objective that the committee had in mind. At the same time it provides for these protective safeguards to which I think the institutions of higher learning are entitled.

Mr. President, I yield back the remainder of my time.

Mr. HILL. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we should remember the provisions in the report of the bill reported by the committee. We should not break it up in different sections and thus distort the real intent we are trying to invoke in this debate and the objectives we are trying to accomplish.

We debated this matter at some length in the committee. Read the provisions very carefully—and thought by thought.

First:

> No part of the funds appropriated under this act shall be used to provide a loan—

We are talking about Government money being loaned to a student to acquire an education principally at Government expense. This is the money of the taxpayers of the United States.

Second:

> guarantee of a loan—

Here, again, the Federal Government is pledging its credit in order that a loan might be secured, so that a young man may become educated in college. That is a greater good fortune than I ever had, because I never had the privilege of going to college. Fortunately, I am a trustee of Brown University, and I stand behind the verbiage in the bill.

Third:

> or a grant—

Which is a gift—

> to any applicant who has been convicted—

These are the important words. After all, are we going to say that our courts are incapable of deciding the guilt or innocence of an individual, especially when guilt must be established beyond a reasonable doubt? This is the rule of law; this is the constitutional rule of law.

> by any court of general jurisdiction—

What is wrong with that?

> of any crime which involves—

This does not mean somebody who merely stole an apple from an orchard—this is what it involves—

> the use of or the assistance to others in the use of force—

It has to be physical force. To do what? Trespass. Trespass is what they did at Columbia. They walked into the dean's office and held him prisoner all night. That is what we are talking about—

> trespass or the seizure of property—

They went in there and took President Kirk's desk, and scattered his property all over the floor. That is what we are talking about—

> seizure of property under control of an institution of higher education—

Not merely belonging to an individual, but belonging to that particular institution of higher education—

> to prevent officials or students—

Students are the decent kids who want a college education and want to mind their own business—

> at such an institution from engaging—

In what?

> in their duties—

On the part of officials—

> or pursuing their studies.

On the part of the decent students. What is wrong with that?

I yield the floor.

Mr. MORSE. Mr. President, I yield myself 1 minute.

Everything is wrong with it, from the standpoint of our trying to protect our States rights in regard to the operation of our educational institutions.

This is what Mr. Kirk, the president of Columbia, says in opposition to the language of the Committee on Appropriations:

> It is for these reasons that we cannot support any effort, no matter how well-intentioned or how emotionally satisfying it may be, which seeks to punish participants in university disturbances by means that endanger either academic freedom or the proper autonomy of the university community. Any attempt by governmental authorities to deprive these offending students of financial aid which they are now receiving under Federal or state programs would be difficult to administer equitably and would pave the way for the adoption of tests of political orthodoxy that would endanger the freedom of opinion and expression which all universities cherish.
>
> At Columbia, we do not intend to use financial sanctions as a disciplinary measure in place of, or in addition to, regular academic discipline. Students of limited means who happen to be placed on disciplinary probation should not be compelled to withdraw by being deprived of financial aid. If students are suspended or expelled from the University, the question of financial aid is no longer an issue since they cannot receive any form of assistance if they are not registered.

I hold no brief for their misconduct. But I believe that the university administration rather than the Senate has more expertise in the matter of how best to bring wayward students back into decent behavior. The adoption of this type of punitive course of action would simply mean that the university would be given no chance to try to rehabilitate the student, to bring him to his senses, and to try to prevent in the future the wrong conduct in which the student has been engaged.

It would result in the kind of reaction, by thousands of students in this country, that President Kirk gives in his statement. Instead of helping the universities, it would create problems.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PASTORE. I do not mean any impertinence by this.

Mr. MORSE. The Senator is never impertinent.

Mr. PASTORE. Is the Mr. Kirk whose letter the Senator has read the same Mr. Kirk who was driven from the presidency of Columbia by those dissidents?

Mr. MORSE. It is.

Mr. PASTORE. He was driven out by those people.

Mr. MORSE. If I had been in Mr. Kirk's position, I would have insisted on the strictest enforcement of State law. But I do not intend to vote this afternoon to have the Federal Government take over when it is the State's responsibility to enforce the law.

Mr. HILL. Mr. President, I yield 1 minute to the Senator from South Dakota.

Mr. MUNDT. Mr. President, I endorse 100 percent the very cogent and persuasive arguments of the Senator from Rhode Island [Mr. PASTORE]. He is a trustee of one of our great American universities, and it seems to me that his testimony, based on his connection with a great university, is much more persuasive than the testimony of the president of a college—from which I happen to hold a degree—who failed in the administration of his own institution and was finally driven out of office and off the campus.

No aspect of States rights is involved in this decision. This is Federal money, and we have control of the Federal funds. I do not want any Federal money, if I can help it, being used to subsidize violence or as a bonus for rebellion on the campus—and that is what one would be voting for if he voted to weaken the fine language as presently included in the bill and submitted by the committee.

The PRESIDING OFFICER. Who yields time?

Mr. MORSE. I yield back the remainder of my time.

Mr. HILL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Oregon. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from Florida [Mr. HOLLAND], the Senator from Hawaii [Mr. INOUYE], the Senator from North Carolina [Mr. JORDAN], the Senator from Georgia [Mr. TALMADGE], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Maine [Mr. MUSKIE], the Senator from Florida [Mr. SMATHERS], the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. Metcalf], the Senator from Minnesota [Mr. Mondale], and the Senator from Oklahoma [Mr. Monroney] are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi [Mr. Eastland], the Senator from Florida [Mr. Holland], the Senator from Louisiana [Mr. Long], and the Senator from Florida [Mr. Smathers] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Louisiana [Mr. Ellender].

If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. HICKENLOOPER. I announce that the Senator from Colorado [Mr. Allott] is absent on official business.

The Senators from Vermont [Mr. Aiken and Mr. Prouty], the Senator from Utah [Mr. Bennett], the Senator from Tennessee [Mr. Baker], the Senator from Massachusetts [Mr. Brooke], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Illinois [Mr. Dirksen], the Senator from Colorado [Mr. Dominick], the Senator from Hawaii [Mr. Fong], the Senator from California [Mr. Kuchel], the Senator from Kentucky [Mr. Morton], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senator from Nebraska [Mr. Curtis], the Senator from Maine [Mrs. Smith] and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from Massachusetts [Mr. Brooke] is paired with the Senator from Utah [Mr. Bennett]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from Illinois [Mr. Dirksen]. If present and voting, the Senator from California would vote "yea," and the Senator from Illinois would vote "nay."

The result was announced—yeas 28, nays 26, as follows:

[No. 267 Leg.]

YEAS—28

Case
Gore
Gruening
Harris
Hart
Hartke
Hatfield
Jackson
Javits
Mansfield
McGee
McGovern
McIntyre
Miller
Montoya
Morse
Moss
Murphy
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Symington
Williams, N.J.
Young, Ohio

NAYS—26

Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Cooper
Dodd
Ervin
Fannin
Griffin
Hansen
Hickenlooper
Hill
Hollings
Jordan, Idaho
Lausche
McClellan
Mundt
Pastore
Pearson
Russell
Sparkman
Spong
Stennis
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—45

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Burdick
Cannon
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Fong
Fulbright
Hayden
Holland
Hruska
Inouye
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Metcalf
Mondale
Monroney
Morton
Muskie
Prouty
Smathers
Smith
Talmadge
Tower
Tydings
Yarborough

So Mr. Morse's amendment was agreed to.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the motion to table the motion to reconsider.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The question is on agreeing to the motion to table. [Putting the question.]

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 43, line 23, strike out "$30,056,000" and insert in lieu thereof "$32,556,000".
>
> On page 44, line 1, strike out "$3,500,000" and insert in lieu thereof "$6,000,000".

Mr. HARTKE. Mr. President, the amendment which I offer affects the appropriation of funds specifically for just one program. That is the construction of mental retardation facilities under part C of the Mental Retardation Facilities Construction Act.

Part C deals with the community mental retardation facilities construction program, which the House funded at $6 million. The committee bill lowers that amount, which is the budget figure, to $3.5 million. My amendment restores the House figure, and in doing so adds $2.5 million to the total mental facilities program, which now stands at $30,056,000.

Many of us recall the passage of the Facilities Construction Act in 1963, when it became Public Law 88-164. In addition to the community facilities under part C, it also covers construction of community mental health centers, of centers for research on mental retardation, and of university-affiliated facilities for the mentally retarded. It is only the first of these that my amendment is directed to.

The authorization set up a 4-year program, later extended for 2 additional years. It has made a start, but there is much more needed, and I am confident that further authorization will be provided next year for its continuance. But let us look at what has been happening lately. I think you will agree with me that the evidence shows that last year and this, in fiscal 1968 and now in fiscal 1969, we have seen the program sabotaged for lack of funds. Authorization for the first year of operation was in the amount of $10,000,000 for fiscal 1965, $12,500,000 for 1966, $15,000,000 for 1967, and $30,000,000 for 1968. The extension, accomplished by Public Law 90-164, called for another $30,000,000 for this year—fiscal 1969—and $50,000,000 for fiscal year 1970.

But what happened? The first 3 years went well and the much-needed program, providing help to the mentally retarded children throughout the Nation, operated as scheduled at full funding. Thus we provided in successive years $10 million, $12.5 million, and $15 million. Then came last year, with the claims of Vietnam on our resources. The budget recommendation, in spite of plans made and construction begun on a large array of facilities, was for $15 million rather than $30 million—a slash directly in two of the funds the States and the local communities had expected on the basis of the past 3-year history.

Last year, therefore, I set forth before the Senate the situation and described the urgency of the needs, for whose provision the smaller sum would cause great difficulty. We adopted, as a result, the figure of $25 million instead of $15 million for this purpose. In conference final agreement was reached on $18 million, cutting the additional amount provided by my amendment from $10 to $3 million.

Today, with the same authorization of $30 million for fiscal year 1969, we are faced in this bill with a House-passed figure of $6 million, which the Senate committee has further cut to $3.5 million—scarcely a tenth of full authorization. I personally would prefer an appropriation far greater than the $6 million I am asking to be restored, but I am also a realist. In the present era of denial of funds to all manner of worthy projects—and I am a cosponsor of the Hart and the Nelson amendments to give more adequate funding to the Teacher Corps and to title I of the Elementary and Secondary Education Act in this bill also—in the circumstances I know that a proposal to appropriate the same amount as last year, $18 million, would not carry the day. Neither would $15 million, which the budget called for last year although it was only half of authorization.

But $6 million is the amount recommended in this year's tight budget, rather than the Senate allotment of $3.5 million. It is an honest, realistic, even though tragic, reduction to meet the changed situation wrought by our vast overextension in Vietnam in what has now become the third most costly war in our history. In fact, $6 million is only enough to supply the Moloch of war in Vietnam with fuel for its insatiable maw for 1½ hours. The $2.5 million additional I seek is enough for Vietnam's cost for less than 39 minutes. But what a difference that modest amount can make in the lives of our retarded children.

Now, in reducing the House and budget figure from $6 million, the Senate committee has left the overall mental retardation figure at the same amount. They have shifted the $2.5 million difference out of the part C funds for community use to the university-affiliated program. This, too, is a worthy program, and I am for its funding at the Senate committee's figure. It will make a difference in Indiana with regard to the Bloomington retardation facility now in construction with Indiana University as its mentor. You will find the committee explanation on page 70 of its report, which notes that when the House added $2,500,000 to the university-affiliated program it took the sum from the hospital improvement program. With Department approval, the hospital improvement funds would be restored by the Senate change at the expense of the community service facilities program. To this I object in the strongest manner.

If the hospital improvement program which the House cut should be restored, and if the university facilities program should be restored as the Senate committee recommends, why should the pitifully small community facilities program be the one to bear the cut?

These community facilities are for the retarded children of our Nation. Modern methods, which are so far ahead of those previously used in most of our States in their outworn facilities and terribly limited capacity, can make the retarded, for the most part, into useful self-supporting individuals for life rather than social cripples, by virtue of their limitations. But they are also rather impotent politically. Hospitals have administrators and clientele who can effectively protest, and so do universities. So the easy thing is to take a slice where the complaint is less likely. Indeed, had I not been concerned last year and investigated the conditions now, no voice would have been raised on this floor on behalf of the mentally retarded facilities construction program at this time.

Now, let me revert again to the story of our shabby treatment. As I said, last year's action on my amendment led to funding of $18 million for 1968 fiscal, which was still $12 million below the authorization even if it was more than the request. But that is not the end of the story. The administration clamped a spending embargo on two-thirds of it. Thus $12 million was not spent even though appropriated; only $12 million found its way from that appropriation into the projects already approved and started. This defeat by design of the express intentions and provision of the Congress caused a great deal of difficulty throughout the country. The people who administer the program supplemented the $6 million as well as they could by again transferring some funds from the community mental health centers money—$3 million to be precise.

So it is true that there remains this year, as in previous years, some carryover funds—but the new obligational authority, the new money in this bill, is only $3.5 million in the Senate version.

Now let me point to another result if we do not adopt the amendment I have offered. That is an inequity among the States. Even with the $6 million in reserve, the $3.5 million makes the total which can be spent only $9.5 million. But under the law, it is mandatory that each of the 50 States receive a minimum of $100,000. This means that the mandatory distribution will take $5 million of the total amount available, leaving less than half for formula distribution.

But under the formula, if you disregard the $100,000 minimum, a number of States would receive less than that sum. Yet, with the situation as it stands, enactment as reported would have to cut the pro rata share of other States to provide the mandatory minimums. To be specific: Indiana's Federal share of this matching program in fiscal 1967, which they received, was $345,337. If last year's slightly increased appropriation had been allotted and used, that would have been increased by about 20 percent. Instead, because of the administrative freeze, in fiscal 1968 Indiana received only $262,416. Now, with the Senate reduction, the amount for Indiana in fiscal year 1969 will be only $198,000. Other States, of course, will be in proportion, except for those who inequitably receive more than their pro rata share through the $100,000 minimum. My amendment will only hold the line at last year's figure of $6 million actually spent so far as new obligational authority is concerned.

What does that mean in Indiana—and by extension, in all the other States?

As I noted last year, Indiana got behind this program solidly. Its State legislature in early 1967 voted a special dedicated cigarette tax to provide State funds. Through 1969 that will provide $3 million for the purpose annually, and thereafter $6.6 million in State funds earmarked for both construction and operation under the 1963 act.

Five mental retardation centers in Indiana were federally approved for funds through fiscal 1967, for a total Federal share of $1,065,583. Requests for fiscal year 1968, which were denied only because of the stringent allocation of appropriated funds, included a proposal for my home city of Evansville and a project for our largest city, Indianapolis. These have not been able to get off the ground, and they will not be started under the new appropriation even if it is increased to $6 million.

What is the prospect for this year, then?

A check with the Chicago field office made only today shows that only three Indiana projects, out of a total of nine which could be, and should be, moving forward, will be given funds for sure. South Bend will receive $44,600 from the 1969 appropriation, plus $229,366 in the carryover funds. The Hendrix Habilitation Center at Logansport will get only $1,000 in new money plus $4,000 in carryover. And the Lake County Sheltered Workshop Training Center at Gary will receive $11,800 in new money and $29,000 from last year's appropriation. The total of $57,000 in 1969 funds, together with the others I have named, are needed to complete the projects now being built.

This is a very meager minimum. The State agency currently has five projects waiting Federal funding. They have already been approved, but even with my amendment they cannot be started. One of them is the one I mentioned for Evansville; another is Indianapolis; and there are also the second phase of the Logansport project, and Elkhart. Your own States, I am sure, can show a similar unfulfilled need. Yet, as I noted last year, a survey of the Nation showed that in 49 States the combined waiting list for entry into the existing institutions was almost 32,000 persons now getting no rehabilitation at all. In some States, without new facilities the wait is as long as 5 to 6 years.

Mr. President, I move the adoption of my amendment.

Mr. HILL. The amendment is confined entirely to the item for mental retardation?

Mr. HARTKE. The Senator is correct.

Mr. HILL. There is a great need for it. There is no reason why we should not accept the amendment.

Mr. HARTKE. I thank the Senator from Alabama.

Mr. President, I yield back the remainder of my time.

Mr. HILL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

ORDER FOR ADJOURNMENT UNTIL MONDAY, SEPTEMBER 9, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

The Senate resumed the consideration of the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

AMENDMENT NO. 935

Mr. HART. Mr. President, I call up my amendment No. 935 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 35, line 12, in lieu of "$86,900,000", insert "$94,823,000".

Mr. HART. Mr. President, I can briefly summarize this amendment, which is cosponsored by the Senator from Massachusetts [Mr. BROOKE]. It would increase appropriations for clinical research units under the National Institutes of Health in the sum of approximately $8 million.

How did this need come to our attention? It came to our attention in a fashion that would not have permitted the committee to be aware of the situation at all.

Last week, we learned that a citizen in Kalamazoo, Mich., Philip T. Barnum, was in urgent need of a heart transplant at the clinical research unit which had been established under this program at the University of Michigan Hospital at Ann Arbor. It was a life-and-death matter for him.

After the emergency became apparent, it was discovered that because of lack of funds, as a result of operating increases occurring over the last 12-month period, the unit at the University of Michigan Hospital had had to close down.

Mr. President, I ask unanimous consent to have printed in the RECORD a rather full article describing the situation, which was published in the Detroit News for August 25, 1968, entitled "Budget Ills Place Medical Research in Quarantine."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit (Mich.) News, Aug. 25, 1968]

BUDGET ILLS PLACE MEDICAL RESEARCH IN QUARANTINE

(By Eric Ludvigsen)

WASHINGTON.—President Johnson's 10 percent surtax and a pending Congressional slash in spending are threatening to hobble medical research in the nation, including work at three Michigan universities.

The National Institutes of Health (NIH)—the principal research arm of the U.S. Public Health Service—faces a budget cut of up to $38.5 million when House and Senate conferees get together in September.

That's only 3 percent of NIH's billion dollar-plus budget, but any cut is traumatic for an agency once so favored that it had to be cajoled by Congress to take money that hadn't been requested.

The squeeze showed up when the University of Michigan disclosed that it had lost federal money with which it had planned to finance an expensive heart transplant operation, the first in the state.

Furthermore there is a $72 million backlog of projects already approved but for which there are no funds. By next June, the value of new projects pending approval is expected to climb to $145 million.

Among the projects already approved but without funds are three in Michigan: Michigan State University's medical school ($1.9 million), the U. of M. medical school ($1.8 million) and Wayne State University's school of medicine ($255,000).

No funds are going out now, except for projects of the very highest priority, according to NIH spokesmen.

In theory, every federal agency suffers equally from the $6 billion cut in the 1968–69 budget exacted by Congress as the price for passing the surtax.

But some are "more equal than others."

Postmaster General Marvin W. Watson stayed the axe by the simple expedient of threatening to curtail service. When daily mail deliveries are at stake, Congressmen imagine they hear constituents screaming before the first angry telegram arrives.

But agencies like NIH, whose work is carried on mostly out of the spotlight, rarely can point to such graphic examples as the U. of M. case.

Most federal support of medical research at universities, hospitals and private institutions is funneled through one or another of NIH's six disease-designated divisions.

Funds now must be found to maintain NIH's own facilities at its sprawling grounds in Bethesda, Md.

Costs rise much more sharply in the medical field than in machine shops or steel plants. This is particularly so at the 91 clinical research units operating with NIH financial aid, like the one at University Hospital in Ann Arbor.

The program was started in 1960 to translate breakthrough techniques often perfected on animals into practical procedure for human medical treatment.

The supporting equipment must often be designed and built from scratch, and the first patients require long periods of intensive care.

Without a final 1969 budget, and with prior allocations nearly exhausted, NIH is having to cut back the program.

Besides the one at the U. of M., 10 other clinics have reported operating deficits of more than $50,000, and have announced they are suspending operations or are on the point of doing so.

The others are at the University of Pennsylvania, Vanderbilt University, the University of Southern California, Northwestern University, the Universities of Texas, and Puerto Rico, Children's and Peter Bent Brigham hospitals in Boston, Children's Memorial Hospital of Chicago and Children's Hospital in Washington, D.C.

Because of rising research costs, NIH has usually considered a 10 percent annual increase in its allocations as the minimum required just to maintain current programs.

This year NIH was down for only a 4 percent increase in Mr. Johnson's budget request. House cuts reduced the margin over 1968 to less than one percent.

The Senate restored some of the funds cut, but NIH officials expect the compromise worked out will be closer to the House version. That's because all but $5.9 million of the amount deleted by the House was part of the reduction imposed by the tax bill.

In his report to the Senate, Senator Lister Hill, of Alabama, chairman of the Labor and Public Welfare Committee, disputed the House contention that the cuts were "token."

He noted that the House version not only would reduce the appropriations ceiling for five NIH divisions from 1968 levels, but also would authorize less than was actually spent in 1968 for three of them (dental, heart and arthritis).

"This could have been a disastrous effect on the (research) grant programs of all the divisions," he warned.

Mr. HART. Mr. President, as the article indicates, we now discover that there are 10 of these units which have operating deficits and which have or are on the point of closing.

The article enumerates the units as: University of Pennsylvania, Vanderbilt University, the University of Southern California, Northwestern University, Universities of Texas and Puerto Rico, Children's and Peter Bent Brigham Hospitals in Boston, Children's Memorial Hospital of Chicago, and Children's Hospital in Washington, D.C.

Mr. President, when this matter came to our attention, we turned for counsel to the Health, Education and Welfare Appropriations Committee report and found there that the committee, indeed, did recognize the critical situation that confronts these units.

The report, on page 55, states as follows:

> For the general clinical research centers program, the bill provides $35,677,000, the amount available in 1968. This program provides funds for the establishment and operation of clinical research facilities which are not limited to research on any specified disease and which provide a vital link for translating the results of laboratory research into new diagnostic and therapeutic tools for the treatment of patients. The committee noted in its report last year that rapidly rising hospital costs would force a curtailment of the general clinical research center program unless funds for it were substantially increased. There has, in fact, already been some curtailment—during the past year one center has closed and the number of research beds has dropped from 1,129 to 1,006. Hospitalization costs rose 15% during the past year and are expected to rise by another 12% to 15% during the next 12 months. It is now estimated that the amount requested in the President's budget will only be sufficient to permit 70% occupancy of the existing research beds. In other words, it will only be possible to use the equivalent of 700 of the existing 1,006 beds for research purposes. Due to the rise in personnel costs, the budget will also support only 2,092 center staff, instead of the 2,478 positions approved when the general clinical research center grants were made. The committee suggests that the special financial problems of this important research-resource program be given special consideration in the development of the fiscal year 1970 budget estimates so that these centers can be restored to maximum usefulness.
>
> The bill provides the amount available for the current year. The committee suggests that the special financial problems of this important research resource program be given special consideration in the development of fiscal year 1970 budget estimates so that the centers can be restored to maximum usefulness.

Understandably, as the committee considered this item, not having a literal, life and death man at the door, the thought was, "Well, let us continue the existing level and recognize now that next year we will have to do something about it."

Mr. President, none of us knows how many human beings in the future will be in the situation of Mr. Philip T. Barnum of Kalamazoo, Mich., but we do know that he will not be alone.

Having been alerted to the problem, I hope that the sum of $8 million, which is large in one meaning but relatively small in comparison with some of the concerns to which we address ourselves here in the Senate, I do not know how many men and women in this country to which that sum will mean life, or its denial will mean death.

We tend to overstate cases in the Senate on occasion, but this is literal truth that it will mean life or death to some of our citizens in the future.

Having had this matter brought to our attention, I hope that the Senate will respond by adopting the amendment.

Mr. HILL. Mr. President, there is no doubt about the critical situation confronting us, just as the Senator from Michigan has outlined it. This situation has developed to a very large extent since the committee considered the hearings, which were over 2 months ago, I believe.

I believe that we should at least take the amendment to conference.

Mr. HART. I am very grateful to the Senator from Alabama. I know that he shares this concern and will do all that is proper to save the amendment in conference.

Mr. President, I yield back the remainder of my time.

Mr. HILL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to the amendment of the Senator from Michigan [Mr. HART].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HILL. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 57, after line 5, insert the following:

> SEC. 207. The limitations in section 201 of the Revenue and Expenditure Control Act of 1968 on the number of civilian employees in the executive branch shall not apply to the Social Security Administration and direct medical care activities of the Department of

Health, Education, and Welfare, and employees in such Administration and such activities shall not be counted in applying such limitations to the rest of the executive branch.

Mr. HILL. Mr. President, the committee explains the amendment in these words:

> The uncontrollable nature of the social security program is recognized by virtue of its exemption from the expenditure and new obligational authority reduction provisions of Public Law 90-364. The committee has been further advised that the claims workload which SSA will be required to handle in 1969 already gives every evidence of being substantially higher than that predicted in the budget.

That budget was made up nearly a year ago, and social security has gone up, up, up—

> Under the circumstances, the committee feels it is essential to avoid endangering the timely payment of social security benefits to millions of Americans by continued application of the restriction on filling vacant positions to the Social Security Administration.
>
> Direct patient care activities of HEW include the Public Health Service hospitals and clinics, the NIH Clinical Center, the NIMH Clinical Research Centers at Fort Worth, Tex., and Lexington, Ky., the Indian health program, and St. Elizabeths Hospital. Here again, the committee has deemed it advisable to exempt these activities from the provisions of section 201 of Public Law 90-364 rather than risk endangering the health and safety of patients, most of whom are statutory beneficiaries of the Federal Government.

That is the purpose of this amendment. Its purpose is that the Social Security Administration and the hospitals and clinics operated by the Government may not be impaired in their service because of any reduction in their personnel.

The PRESIDING OFFICER. Who yields time?

Mr. HILL. Mr. President, I ask for a vote.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WILLIAMS of Delaware. Mr. President, the Senator may yield back his time, if he wants to, but I would like to say a few words about this amendment.

First, I suggest the absence of a quorum, and ask that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. Mr. President, I did not hear that request.

Mr. WILLIAMS of Delaware. I want to see if there is a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, I understand, from my friend from Delaware, that there will be a bill down here that will deal with this matter directly.

Mr. WILLIAMS of Delaware. Mr. President, I do not know whether or not there will be. I read on the ticker that the administration will try to get Congress to exempt other agencies from the $6 billion expenditure cut, or at least to reduce it to the extent of $1.5 billion to $2 billion. That is unofficial. What I know about it officially is that the Director of the Budget, speaking for the President, the last time I talked with him said he was fully satisfied with the law as it was and that he was fully satisfied with the $6-billion cut. As far as any conversation I have had, he has not asked for any exemption for this agency. I have not heard differently from him. Like Will Rogers, on this suggestion I only know what I read in the papers, and I believe only half of it.

I want to make clear, however, that I am going to oppose any proposal that will violate the expenditure reduction which the Senate adopted, because I sponsored that amendment providing for a $6-billion reduction in good faith. There will be a record vote on this amendment if the Senator presses it. I leave it to the Senator from Alabama whether he wants to press his amendment or withdraw it. I leave it entirely to him.

Mr. HILL. Mr. President, from the information I have, I doubt if there would be a quorum here. I would like to see us finish this bill tonight if we can.

Mr. WILLIAMS of Delaware. I would, too, but there would be debate and it would take a quorum.

Mr. HILL. If I withdrew the amendment, then, I take it we could move on to third reading?

Mr. WILLIAMS of Delaware. As far as I am concerned.

Mr. HILL. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Alabama withdraws his amendment No. 918.

Are there further amendments to be offered?

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read a third time.

The bill was read the third time.

Mr. BYRD of West Virginia. Mr. President, I yield myself 10 minutes on the bill.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I think it should be pointed out to the Senate that the Appropriations Committee report on the Departments of Labor, and Health, Education, and Welfare appropriation bill contains language which relates to Youth PRIDE, Inc., an OEO title I-d project administered by the Department of Labor.

References were made earlier today by the Senator from Ohio [Mr. LAUSCHE] and other Senators to Youth PRIDE, and reference was made by the chairman of the subcommittee, Senator HILL, to the language in the committee report with respect to Youth PRIDE, Inc.

I ask unanimous consent to insert in the RECORD at this point extracts from the committee report to which I have just referred.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

> On May 20, 1968, the committee requested the Department of Labor to furnish the committee payroll data on persons employed by Youth Pride, Inc., a recipient of financial assistance administered by the Department under title I of the Economic Opportunity Act of 1964, as amended. Because the information was not furnished as requested, the committee on June 5, 1968, requested the Comptroller General of the United States to secure the information. Despite the diligent efforts of the Comptroller, his Office to date has been unable to obtain from Pride complete data; and information as to when it will be furnished remains indefinite. It is noteworthy that at no time has any information been requested by the committee of the Comptroller General that Pride was not required to maintain either by law or the terms of its contract.
>
> The committee is disturbed at the seeming lack of application of proper accounting and recordkeeping procedures in the operation of Youth Pride, Inc. It believes that every tax dollar should be properly accounted for, and that full access to all agency records must promptly be given to the Comptroller General, as well as to the committees of the Congress. The committee directs that the Secretary of Labor, as the contracting officer, require the keeping of proper records and the accounting for all tax moneys entrusted to the grantee.
>
> The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and account-procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary.
>
> The committee is convinced from its review of the administration of this agreement and from information received from the General Accounting Office of the desirability of requiring recipients of financial assistance under title I of the Economic Opportunity Act of 1964, as amended, to exercise the same types of fiscal controls and be subjected to the same types of management controls which were established by section 243, title II.
>
> The committee therefore urges that the provisions of section 243 of the Economic Opportunity Act of 1964 as amended be applied to all future agreements under title I of the act.

Mr. BYRD of West Virginia. Mr. President, I shall read one paragraph of the extracts which have been inserted in the RECORD. It reads as follows:

> The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary.

Subsequent to this report, and contrary to the direction of the committee, the Secretary of Labor renewed the contract on August 5 for a period of 12 months, and the new contract substantially increases the funds available, to a total of $3.8 million for the new contract period.

Mr. President, I ask unanimous consent that articles from the August 6 editions of the Washington Post and the Washington Evening Star relating to this subject and relating to the renewal and extension of the contract be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Aug. 6, 1968]

PRIDE GETS $3.8 MILLION GRANT FROM LABOR DEPARTMENT

(By Leon Dash)

Pride, Inc., which provides jobs and training for city youths, received a $3.8 million refinancing grant yesterday from the Department of Labor.

Secretary W. Willard Wirtz said a year ago he had gambled $300,000 on the Pride project, followed by $2 million grant last September to keep it going for a year.

"Today I announce an investment, not a gamble, of $3,772,010," Wirtz said.

The new grant came after the Senate Appropriations Committee last week ordered the Labor Department to report to Congress by Sept. 15 on Pride's bookkeeping and accounting practices.

The language was put into the report on the recommendation of Sen. Robert C. Byrd (D-W. Va.) who reportedly received information charging kickbacks and payroll padding within Pride.

In answer to a question, Wirtz said he did not propose to kill Pride by inches and weeks while waiting for a congressional decision.

"The contract with Pride says that if in the determination of the Secretary of Labor there is anything out of order, the Labor Department can cancel the contract."

Wirtz said his auditors were checking Pride's accounts and nothing has been found to be "incorrect."

"Pride, Inc., has given me more satisfaction than anything else around here (the Labor Department) in a long time," he said.

After his press conference Wirtz went to Pride headquarters at 16th and U Streets nw. and spoke to some 60 youths. Mayor Walter E. Washington arrived during the ceremony and also spoke to the group.

The Mayor said the organization was helping to make Washington a better community.

"I've seen what you have been doing and I think you want a city," the Mayor said.

Pride's executive director Carroll B. Harvey, and assistant directors Marion Barry and Mary Treadwell signed the $3 million contract with Wirtz amid the deafening cheers of the crowd.

Immediately afterward, the Pride workers celebrated the extension for another year by parading down U Street to Florida Avenue, down New Jersey Avenue and to O Street.

[From the Washington (D.C.) Evening Star, Aug. 6, 1968]

PRIDE RECEIVES $3.8 MILLION GRANT

(By Betty James)

Labor Secretary Willard Wirtz has announced that an additional $3.8 million is being made available in federal funds to Pride, Inc., to continue community improvement and rat control programs and to fund four Pride subsidiary business firms.

Pride will launch two new business enterprises and expand two present ones.

These profit-making operations will be carried on in addition to Pride's non-profit community service work, which began last summer. Pride has already received $2.3 million from the Labor Department.

The new money will provide jobs and work experience for about 900 young Negro men on a year-round basis, and 1,100 when summer hirings are counted. The youths are 14 years old and up.

The money for Youth Pride Economic Enterprises, Inc., comes from President Johnson's JOBS program. The four firms will hire and train 296 hard-core jobless youth.

The largest portion of the $1.7 million, two-year JOBS contract is being invested in Pride Automotive Center, Inc., at 2600 14th Street NW.

This new venture will be based in a gasoline service station leased from the American Oil Co., which will provide basic supplies and technical know-how to train 155 youths for 52 weeks. The Labor Department is providing $726,410 to train managers, automobile diagnosticians, mechanics, technicians, parts men and driveway salesmen.

The other new firm is Pride Painting and Maintenance Co., which will train 71 youth as painters, maintenance men and supervisors for a headquarters not yet announced.

Pride Landscaping and Gardening, Inc., 2301 Pennsylvania Avenue SE, launched last October with a $25,000 Small Business Administration Loan, will train 50 youth.

Pride Artco, 1535 U Street NW, an art reproduction company currently thriving on the promotion and sale of medallions of Dr. Martin Luther King Jr., will open up 20 new jobs, including assistant sales managers and salesmen.

The firms, under Negro management, recruited employees from the economically depressed sections of the District. Twenty-three different occupations are involved.

The non-profit community improvement effort will be continued with a one-year, $2.6 million contract from various labor manpower programs.

At a press conference yesterday, Wirtz said of the effort, which was launched a year ago last Saturday with a short-term, $300,000 experimental Labor Department contract, "I gambled $300,000 of public funds on a project here in the District of Columbia which represented more risks than it is our inclination to take."

But the gamble has paid off so well that providing $3.8 million more in public funds is an investment, not a gamble, he said.

Pride also received a $2 million, 9-month contract after its first contract expired last summer.

Wirtz said the money was being invested in the youth and pride of a group of Negroes who have proven they have the know how to do the job every one else is trying to do.

He believes in black pride and what it has done in the District, Wirtz said.

The contracts were signed at the Pride Office, at 1536 U. St. NW, after the press conference.

In response to a question, Wirtz conceded that the Senate Appropriations Committee instructed the Labor Department not to renew Pride's contract beyond Sept. 15 without a determination by the Controller General that Pride has established proper accounting procedures.

He said the contract with Pride is written so that it is possible to cancel it on or after Sept. 15 if any inadequacy in the accounting procedure is found.

Mr. BYRD of West Virginia. The chairman of the Appropriations Committee wrote the Secretary of Labor on August 6, requesting an explanation of the Secretary's action in extending the contract beyond the date set by the committee. I ask unanimous consent that the chairman's letter, and the reply of the Secretary of Labor of August 15, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
August 6, 1968.

Hon. WILLARD WIRTZ,
The Secretary of Labor,
Department of Labor Building,
Washington, D.C.

DEAR MR. SECRETARY: Because of circumstances of which you are aware, this Committee included the following language in its report on the Labor, Education, and Welfare Appropriation Bill:

"The committee is disturbed at the seeming lack of application of proper accounting and recordkeeping procedures in the operation of Youth Pride, Inc. It believes that every tax dollar should be properly accounted for, and that full access to all agency records must promptly be given to the Comptroller General, as well as to the committees of Congress. The committee directs that the Secretary of Labor, as the contracting officer, require the keeping of proper records and the accounting for all tax moneys entrusted to the grantee.

"The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary."

It was, therefore, with concern that I read in this morning's "Washington Post" that a one-year contract with Pride had been signed by you on August 5, increasing Government grants to this activity by over forty percent and extending the term of the commitment over ten months beyond the date set by the Committee. I would appreciate an explanation as to why this action was taken in the face of the language of the Committee's report.

Very sincerely yours,

CARL HAYDEN,
Chairman.

U.S. DEPARTMENT OF LABOR,
Washington, August 15, 1968.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C. 20510

DEAR MR. CHAIRMAN: I have your recent letter expressing concern about the report that a contract had been granted to Pride in apparent non-conformity with the report of the Committee on Appropriations of the United States Senate.

Please be assured that, to the contrary, the views and concerns of your Committee were very much before me during the final negotiations that led to the new contract with Pride. The following special clause is contained in the contract:

"6. Cancellation: If the Secretary determines on or before September 15, 1968, through his own investigation and after consultation with the Comptroller General, that the record keeping and accounting procedures of the sponsor are not in proper order, he shall have the right to cancel this agreement in accordance with the determination procedures set forth in clause 15."

I have provided Senator Byrd with copies of correspondence with Pride as well as the final contract, and I would be glad to provide the Committee any further information you may desire.

Sincerely,

WILLARD WIRTZ.

Mr. BYRD of West Virginia. Mr. President, I quote from the letter of the Secretary of Labor:

Please be assured that, to the contrary, the views and concerns of your Committee were very much before me during the final negotiations that led to the new contract with Pride. The following special clause is contained in the contract:

"6. Cancellation: If the Secretary determines on or before September 15, 1968, through his own investigation and after consultation with the Comptroller General, that the record keeping and accounting procedures of the sponsor are not in proper order, he shall have the right to cancel this agreement in accordance with determination procedures set forth in clause 15."

In view of the language contained in the committee report, a request was made of the Comptroller General for an interim evaluation of PRIDE's recordkeeping and accounting procedures, in order that this information would be available during the Senate's debate on the bill before us today. This information is now available, and is contained in a letter from the Comptroller General dated September 4, 1968, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., September 4, 1968.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to respond to your request of August 19, 1968, for a report from us no later than September 7, 1968, on our evaluation of whether the recordkeeping and accounting procedures of Youth Pride, Inc. (PRIDE) are in proper order.

Pursuant to your request, dated June 5, 1968, we are making a review of two contracts between the Department of Labor and PRIDE, a sponsor under the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701), and the Manpower Development and Training Act of 1962 (42 U.S.C. 2571). Because of its close relationship with PRIDE, we are also making a review of PRIDE's affiliate, Youth Pride Economic Enterprises, Inc. (PEE). One of the purposes of this review has been to determine whether all Government funds utilized under the contracts have been properly expended and accounted for.

During the course of this review, the Senate Committee on Appropriations in its Report No. 1484, dated July 30, 1968, stated that:

"The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary."

We have construed the reference in the Committee report concerning the propriety of the recordkeeping and accounting procedures to mean that an evaluation is required as to whether PRIDE's accounting systems and the internal controls directly related thereto are currently in proper order. Management controls not directly related to the accounting systems, such as those involving performance of operating programs, have not been considered in the evaluation discussed herein.

When PRIDE was organized and the first contract was awarded in August 1967, it had no formal system of accounting and internal control. In October 1967 it retained a firm of Certified Public Accountants to design and install an acceptable accounting system, train employees in the implementation of the system, prepare quarterly financial statements, and make an annual audit of PRIDE's financial statements. The public accounting firm designed an accounting system for PRIDE, prepared an accounting manual, and began to install the system in January 1968. The system was gradually implemented and its installation was substantially completed by June 1968. The firm has also established separate accounting systems for two of the businesses operated by PEE, Pride Landscaping and Gardening Co., and Pride Artco (an art company).

On the basis of our review of PRIDE's and PEE's accounting systems and related internal controls, we have concluded that as of this date certain weaknesses will have to be corrected before we can certify to the Secretary of Labor that the recordkeeping and accounting procedures are in proper order. The weaknesses which we noted pertain to (1) distribution of payroll checks to enrollees, and (2) preparation, submission and verification of employees' time and attendance reports which form the basis for making payroll payments to enrollees.

Our review disclosed that time and attendance reports used to prepare enrollee payrolls are maintained and approved by the same supervisory personnel who control the distribution of paychecks to enrollees. Such a procedure does not provide for adequate internal controls and safeguards to avoid check payments on the basis of time and attendance records approved for nonexistent persons. We noted also that numerous recipients of payroll checks could not adequately identify themselves. We believe that paymasters should be designated to distribute payroll checks independently of the supervisory personnel who maintain and approve time and attendance reports and that payroll checks should not be distributed unless enrollees provide paymasters with appropriate identification.

Also, we concluded that the payroll office at PRIDE was not performing a sufficient amount of verification work in connection with enrollee payroll preparation, such as comparing information on time and attendance reports with Operations Department Morning Reports, and testing payroll calculations made by the contractor engaged to prepare enrollee payroll checks. We believe that these procedures need to be strengthened to assure reasonable accuracy and propriety in payroll operations.

We note that both the Department of Labor and PRIDE officials have agreed to the need for correcting the above weaknesses. The Department has assured us that corrective action would be implemented by September 15, 1968. As of that date of this letter, however, such action has not been taken and we are therefore not now in a position to certify that PRIDE's and PEE's current recordkeeping and accounting procedures are in proper order.

We believe that other actions which, although not directly relevant to our making a certification, should be taken by PRIDE to strengthen existing internal controls. These actions include (1) employment of a controller or comparable individual who will have overall responsibility for accounting and recordkeeping, budgeting, accounting systems, internal controls, contract compliance, and related matters, (2) improvements in PRIDE's filing system, (3) appropriate integration of the budget and accounting system, (4) independent verification, on a test basis, as to the propriety of payroll check distribution, and (5) preparation of additional written policies and procedures covering the accounting system, including related internal controls, for the guidance of PRIDE employees.

Our interim report on the audit of PRIDE is being submitted to you within a few days. We believe that some of the weaknesses described therein might have been averted, if PRIDE had initially established adequate accounting systems and appropriate internal controls. However, no system of accounting and internal controls, regardless of how well devised, can be expected to provide complete protection against all types of fiscal irregularities, such as kickbacks of pay by employees to their supervisors and collusion between employees for the purpose of diverting funds to unauthorized uses.

Subject to the satisfactory and timely implementation by PRIDE of the procedures outlined above for payroll check distribution and time and attendance reports, we expect to be able to certify to the Secretary of Labor that the recordkeeping and accounting procedures of Youth Pride, Inc., and Youth Pride Economic Enterprises, Inc., are in proper order.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. BYRD of West Virginia. Mr. President, I shall read a parargaph from the September 4 letter addressed to the chairman of the committee by the Comptroller General:

> The Department has assured us—

Reference is made here to the Department of Labor—

> that corrective action would be implemented by September 15, 1968. As of the date of this letter, however, such action has not been taken and we are therefore not now in a position to certify that PRIDE's and PEE's current recordkeeping and accounting procedures are in proper order.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, quoting from the final paragraph of the Comptroller General's letter, I read as follows:

> Subject to the satisfactory and timely implementation by PRIDE of the procedures outlined above for payroll check distribution and time and attendance reports, we expect to be able to certify to the Secretary of Labor that the recordkeeping and accounting procedures of Youth Pride, Inc., and Youth Pride Economic Enterprises, Inc., are in proper order.

Mr. President, Youth PRIDE, Inc., of Washngton, D.C. is one of eight similar OEO projects, all of which are located in Los Angeles, New York City, or Washington, D.C. Although it was initially funded in the amount of $291,525 on August 2, 1967, by the Department of Labor as a Manpower Development Training Act program, it operated from October 1, 1967, to August 5, 1968, under a contract with the Department of Labor obligating $2,037,090 in OEO funds. The stated purpose of this project is "to provide work training experience to hard core Washington, D.C., youth." Under this program the District of Columbia furnishes certain facilities and services in support of the project.

Earlier this year, as chairman of the Appropriations Subcommittee for the District of Columbia, I began receiving reports through different channels that noticeably large numbers of PRIDE employees were becoming problems to law-enforcement officials with increasing frequency, and that employee controls were the Secretary of Labor renewed the contract on August 5 for a period of 12 months, and the new contract substantially increases the funds available, to a total of $3.8 million for the new contract period.

Mr. President, I ask unanimous consent that articles from the August 6 editions of the Washington Post and the Washington Evening Star relating to this subject and relating to the renewal and extension of the contract be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Aug. 6, 1968]

PRIDE GETS $3.8 MILLION GRANT FROM LABOR DEPARTMENT

(By Leon Dash)

Pride, Inc., which provides jobs and training for city youths, received a $3.8 million refinancing grant yesterday from the Department of Labor.

Secretary W. Willard Wirtz said a year ago he had gambled $300,000 on the Pride project, followed by $2 million grant last September to keep it going for a year.

"Today I announce an investment, not a gamble, of $3,772,010," Wirtz said.

The new grant came after the Senate Appropriations Committee last week ordered the Labor Department to report to Congress by Sept. 15 on Pride's bookkeeping and accounting practices.

The language was put into the report on the recommendation of Sen. Robert C. Byrd (D-W. Va.) who reportedly received information charging kickbacks and payroll padding within Pride.

In answer to a question, Wirtz said he did not propose to kill Pride by inches and weeks while waiting for a congressional decision.

"The contract with Pride says that if in the determination of the Secretary of Labor there is anything out of order, the Labor Department can cancel the contract."

Wirtz said his auditors were checking Pride's accounts and nothing has been found to be "incorrect."

"Pride, Inc., has given me more satisfaction than anything else around here (the Labor Department) in a long time," he said.

After his press conference Wirtz went to Pride headquarters at 16th and U Streets nw. and spoke to some 60 youths. Mayor Walter E. Washington arrived during the ceremony and also spoke to the group.

The Mayor said the organization was helping to make Washington a better community.

"I've seen what you have been doing and I think you want a city," the Mayor said.

Pride's executive director Carroll B. Harvey, and assistant directors Marion Barry and Mary Treadwell signed the $3 million contract with Wirtz amid the deafening cheers of the crowd.

Immediately afterward, the Pride workers celebrated the extension for another year by parading down U Street to Florida Avenue, down New Jersey Avenue and to O Street.

[From the Washington (D.C.) Evening Star, Aug. 6, 1968]

PRIDE RECEIVES $3.8 MILLION GRANT

(By Betty James)

Labor Secretary Willard Wirtz has announced that an additional $3.8 million is being made available in federal funds to Pride, Inc., to continue community improvement and rat control programs and to fund four Pride subsidiary business firms.

Pride will launch two new business enterprises and expand two present ones.

These profit-making operations will be carried on in addition to Pride's non-profit community service work, which began last summer. Pride has already received $2.3 million from the Labor Department.

The new money will provide jobs and work experience for about 900 young Negro men on a year-round basis, and 1,100 when summer hirings are counted. The youths are 14 years old and up.

The money for Youth Pride Economic Enterprises, Inc., comes from President Johnson's JOBS program. The four firms will hire and train 296 hard-core jobless youth.

The largest portion of the $1.7 million, two-year JOBS contract is being invested in Pride Automotive Center, Inc., at 2600 14th Street NW.

This new venture will be based in a gasoline service station leased from the American Oil Co., which will provide basic supplies and technical know-how to train 155 youths for 52 weeks. The Labor Department is providing $726,410 to train managers, automobile diagnosticians, mechanics, technicians, parts men and driveway salesmen.

The other new firm is Pride Painting and Maintenance Co., which will train 71 youth as painters, maintenance men and supervisors for a headquarters not yet announced.

Pride Landscaping and Gardening, Inc., 2301 Pennsylvania Avenue SE, launched last October with a $25,000 Small Business Administration Loan, will train 50 youth.

Pride Artco, 1535 U Street NW, an art reproduction company currently thriving on the promotion and sale of medallions of Dr. Martin Luther King Jr., will open up 20 new jobs, including assistant sales managers and salesmen.

The firms, under Negro management, recruited employees from the economically depressed sections of the District. Twenty-three different occupations are involved.

The non-profit community improvement effort will be continued with a one-year, $2.6 million contract from various labor manpower programs.

At a press conference yesterday, Wirtz said of the effort, which was launched a year ago last Saturday with a short-term, $300,000 experimental Labor Department contract, "I gambled $300,000 of public funds on a project here in the District of Columbia which represented more risks than it is our inclination to take."

But the gamble has paid off so well that providing $3.8 million more in public funds is an investment, not a gamble, he said.

Pride also received a $2 million, 9-month contract after its first contract expired last summer.

Wirtz said the money was being invested in the youth and pride of a group of Negroes who have proven they have the know how to do the job every one else is trying to do.

He believes in black pride and what it has done in the District, Wirtz said.

The contracts were signed at the Pride Office, at 1536 U. St. NW, after the press conference.

In response to a question, Wirtz conceded that the Senate Appropriations Committee instructed the Labor Department not to renew Pride's contract beyond Sept. 15 without a determination by the Controller General that Pride has established proper accounting procedures.

He said the contract with Pride is written so that it is possible to cancel it on or after Sept. 15 if any inadequacy in the accounting procedure is found.

Mr. BYRD of West Virginia. The chairman of the Appropriations Committee wrote the Secretary of Labor on August 6, requesting an explanation of the Secretary's action in extending the contract beyond the date set by the committee. I ask unanimous consent that the chairman's letter, and the reply of the Secretary of Labor of August 15, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
August 6, 1968.

Hon. WILLARD WIRTZ,
The Secretary of Labor,
Department of Labor Building,
Washington, D.C.

DEAR MR. SECRETARY: Because of circumstances of which you are aware, this Committee included the following language in its report on the Labor, Education, and Welfare Appropriation Bill:

"The committee is disturbed at the seeming lack of application of proper accounting and recordkeeping procedures in the operation of Youth Pride, Inc. It believes that every tax dollar should be properly accounted for, and that full access to all agency records must promptly be given to the Comptroller General, as well as to the committees of Congress. The committee directs that the Secretary of Labor, as the contracting officer, require the keeping of proper records and the accounting for all tax moneys entrusted to the grantee.

"The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary."

It was, therefore, with concern that I read in this morning's "Washington Post" that a one-year contract with Pride had been signed by you on August 5, increasing Government grants to this activity by over forty percent and extending the term of the commitment over ten months beyond the date set by the Committee. I would appreciate an explanation as to why this action was taken in the face of the language of the Committee's report.

Very sincerely yours,

CARL HAYDEN,
Chairman.

U.S. DEPARTMENT OF LABOR,
Washington, August 15, 1968.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C. 20510

DEAR MR. CHAIRMAN: I have your recent letter expressing concern about the report that a contract had been granted to Pride in apparent non-conformity with the report of the Committee on Appropriations of the United States Senate.

Please be assured that, to the contrary, the views and concerns of your Committee were very much before me during the final negotiations that led to the new contract with Pride. The following special clause is contained in the contract:

"6. Cancellation: If the Secretary determines on or before September 15, 1968, through his own investigation and after consultation with the Comptroller General, that the record keeping and accounting procedures of the sponsor are not in proper order, he shall have the right to cancel this agreement in accordance with the determination procedures set forth in clause 15."

I have provided Senator Byrd with copies of correspondence with Pride as well as the final contract, and I would be glad to provide the Committee any further information you may desire.

Sincerely,

WILLARD WIRTZ.

Mr. BYRD of West Virginia. Mr. President, I quote from the letter of the Secretary of Labor:

Please be assured that, to the contrary, the views and concerns of your Committee were very much before me during the final negotiations that led to the new contract with Pride. The following special clause is contained in the contract:

"6. Cancellation: If the Secretary determines on or before September 15, 1968, through his own investigation and after consultation with the Comptroller General, that the record keeping and accounting procedures of the sponsor are not in proper order, he shall have the right to cancel this agreement in accordance with determination procedures set forth in clause 15."

In view of the language contained in the committee report, a request was made of the Comptroller General for an interim evaluation of PRIDE's recordkeeping and accounting procedures, in order that this information would be available during the Senate's debate on the bill before us today. This information is now available, and is contained in a letter from the Comptroller General dated September 4, 1968, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., September 4, 1968.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to respond to your request of August 19, 1968, for a report from us no later than September 7, 1968, on our evaluation of whether the recordkeeping and accounting procedures of Youth Pride, Inc. (PRIDE) are in proper order.

Pursuant to your request, dated June 5, 1968, we are making a review of two contracts between the Department of Labor and PRIDE, a sponsor under the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701), and the Manpower Development and Training Act of 1962 (42 U.S.C. 2571). Because of its close relationship with PRIDE, we are also making a review of PRIDE's affiliate, Youth Pride Economic Enterprises, Inc. (PEE). One of the purposes of this review has been to determine whether all Government funds utilized under the contracts have been properly expended and accounted for.

During the course of this review, the Senate Committee on Appropriations in its Report No. 1484, dated July 30, 1968, stated that:

"The Secretary of Labor shall report not later than September 15, 1968, to the Congress as to whether the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order, and that the Comptroller General has so certified to him by letter, and the committee directs that no action be taken on the renewal of the contract beyond September 15, 1968, unless such an affirmative report has by that date been submitted by the Secretary."

We have construed the reference in the Committee report concerning the propriety of the recordkeeping and accounting procedures to mean that an evaluation is required as to whether PRIDE's accounting systems and the internal controls directly related thereto are currently in proper order. Management controls not directly related to the accounting systems, such as those involving performance of operating programs, have not been considered in the evaluation discussed herein.

When PRIDE was organized and the first contract was awarded in August 1967, it had no formal system of accounting and internal control. In October 1967 it retained a firm of Certified Public Accountants to design and install an acceptable accounting system, train employees in the implementation of the system, prepare quarterly financial statements, and make an annual audit of PRIDE's financial statements. The public accounting firm designed an accounting system for PRIDE, prepared an acounting manual, and began to install the system in January 1968. The system was gradually implemented and its installation was substantially completed by June 1968. The firm has also established separate accounting systems for two of the businesses operated by PEE, Pride Landscaping and Gardening Co., and Pride Artco (an art company).

On the basis of our review of PRIDE's and PEE's accounting systems and related internal controls, we have concluded that as of this date certain weaknesses will have to be corrected before we can certify to the Secretary of Labor that the recordkeeping and accounting procedures are in proper order. The weaknesses which we noted pertain to (1) distribution of payroll checks to enrollees, and (2) preparation, submission and verification of employees' time and attendance reports which form the basis for making payroll payments to enrollees.

Our review disclosed that time and attendance reports used to prepare enrollee payrolls are maintained and approved by the same supervisory personnel who control the distribution of paychecks to enrollees. Such a procedure does not provide for adequate internal controls and safeguards to avoid check payments on the basis of time and attendance records approved for nonexistent persons. We noted also that numerous recipients of payroll checks could not adequately identify themselves. We believe that paymasters should be designated to distribute payroll checks independently of the supervisory personnel who maintain and approve time and attendance reports and that payroll checks should not be distributed unless enrollees provide paymasters with appropriate identification.

Also, we concluded that the payroll office at PRIDE was not performing a sufficient amount of verification work in connection with enrollee payroll preparation, such as comparing information on time and attendance reports with Operations Department Morning Reports, and testing payroll calculations made by the contractor engaged to prepare enrollee payroll checks. We believe that these procedures need to be strengthened to assure reasonable accuracy and propriety in payroll operations.

We note that both the Department of Labor and PRIDE officials have agreed to the need for correcting the above weaknesses. The Department has assured us that corrective action would be implemented by September 15, 1968. As of that date of this letter, however, such action has not been taken and we are therefore not now in a position to certify that PRIDE's and PEE's current recordkeeping and accounting procedures are in proper order.

We believe that other actions which, although not directly relevant to our making a certification, should be taken by PRIDE to strengthen existing internal controls. These actions include (1) employment of a controller or comparable individual who will have overall responsibility for accounting and recordkeeping, budgeting, accounting systems, internal controls, contract compliance, and related matters, (2) improvements in PRIDE's filing system, (3) appropriate integration of the budget and accounting system, (4) independent verification, on a test basis, as to the propriety of payroll check distribution, and (5) preparation of additional written policies and procedures covering the accounting system, including related internal controls, for the guidance of PRIDE employees.

Our interim report on the audit of PRIDE is being submitted to you within a few days. We believe that some of the weaknesses described therein might have been averted, if PRIDE had initially established adequate accounting systems and appropriate internal controls. However, no system of accounting and internal controls, regardless of how well devised, can be expected to provide complete protection against all types of fiscal irregularities, such as kickbacks of pay by employees to their supervisors and collusion between employees for the purpose of diverting funds to unauthorized uses.

Subject to the satisfactory and timely implementation by PRIDE of the procedures outlined above for payroll check distribution and time and attendance reports, we expect to be able to certify to the Secretary of Labor that the recordkeeping and accounting procedures of Youth Pride, Inc., and Youth Pride Economic Enterprises, Inc., are in proper order.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. BYRD of West Virginia. Mr. President, I shall read a pararagraph from the September 4 letter addressed to the chairman of the committee by the Comptroller General:

> The Department has assured us—

Reference is made here to the Department of Labor—

> that corrective action would be implemented by September 15, 1968. As of the date of this letter, however, such action has not been taken and we are therefore not now in a position to certify that PRIDE's and PEE's current recordkeeping and accounting procedures are in proper order.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, quoting from the final paragraph of the Comptroller General's letter, I read as follows:

> Subject to the satisfactory and timely implementation by PRIDE of the procedures outlined above for payroll check distribution and time and attendance reports, we expect to be able to certify to the Secretary of Labor that the recordkeeping and accounting procedures of Youth Pride, Inc., and Youth Pride Economic Enterprises, Inc., are in proper order.

Mr. President, Youth PRIDE, Inc., of Washngton, D.C. is one of eight similar OEO projects, all of which are located in Los Angeles, New York City, or Washington, D.C. Although it was initially funded in the amount of $291,525 on August 2, 1967, by the Department of Labor as a Manpower Development Training Act program, it operated from October 1, 1967, to August 5, 1968, under a contract with the Department of Labor obligating $2,037,090 in OEO funds. The stated purpose of this project is "to provide work training experience to hard core Washington, D.C., youth." Under this program the District of Columbia furnishes certain facilities and services in support of the project.

Earlier this year, as chairman of the Appropriations Subcommittee for the District of Columbia, I began receiving reports through different channels that noticeably large numbers of PRIDE employees were becoming problems to law-enforcement officials with increasing frequency, and that employee controls were loosely administered and sometimes appeared to be virtually nonexistent. Allegations of widespread payroll padding and kickbacks were also reported and carried by the news media.

In early May I requested through the Appropriations Committee staff, and later through the chairman of the committee and the Comptroller General, certain employee data which PRIDE was required to keep, either by law or by the terms of its contract. The files of both the committee and the General Accounting Office are replete with promises made and dates set, extended, and broken. Suffice it to say, however, that complete and accurate information has not been forthcoming in the well over 3 months since it was initially requested.

The Secretary of Labor has until September 15 to report to the committee as to whether or not the recordkeeping and accounting procedures of Youth Pride, Inc., are in proper order and that the Comptroller General has so certified to him by latter. It is my understanding that the General Accounting Office and the Department of Labor have been in communication with reference to the matter.

In its original request of June 5 the committee asked the Comptroller General to make a determination as to whether or not Government funds utilized under the contracts with Youth Pride, Inc., had been properly expended and accounted for. The Comptroller General has advised that it will not be possible to complete and render a formal report in response to the committee's request until November 30, 1968. At the committee's request, however, an interim report of the GAO's findings to date has been prepared and is available, and I ask unanimous consent that this interim report be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **BYRD** of West Virginia. Mr. President, I have been charged with no direct responsibility in overseeing the operations of this particular project, even though it is operating largely within the confines of the District of Columbia and with some measure of assistance from the Government of the District of Columbia. I have, however, felt that it was my responsibility to bring to the Senate, as I did to the Appropriations Committee, the information which had come to my attention. This I have done.

Inasmuch as the $3,772,010 made available under the new contract will come from funds made available by the bill presently before us, I do feel that this is a proper time to take note of some of the difficulties which have been encountered and reiterate the need for full and complete accountability for every tax dollar expended under any appropriation bill. The Appropriations Committee has endeavored to ascertain that this is done with reference to the $2,328,615 spent in connection with this project in the past, and the $3,772,010 committed to it over the next 12 months. To this end, I hope that the committee will receive the support of all of the governmental agencies charged with responsibility in protecting the public's interest in matters of this kind.

Mr. President, I hope that the Comptroller General will be in a position to certify to the Secretary of Labor by September 15 that the accounting and payroll procedures of PRIDE, Inc., are in order; and that may very well be done. But I call attention to the fact that the September 4 letter which I am placing in the RECORD today indicates that as of the date of that letter, these procedures had not been brought into conformity with the regulations and the laws, as requested by the Appropriations Committee. I do hope that this can still be done, and will yet be done. I also call attention to the interim report which I am placing in the RECORD today.

I ask every Senator to read this interim report. I shall not take the time of this body, at this point, to extract from the report. I know that many Senators wish to vote on the bill that is pending, and get on to other engagements; but I ask that Senators read the report, and I call it particularly to the attention of the senior Senator from Arkansas [Mr. McCLELLAN].

In this regard, I ask unanimous consent to have printed in the RECORD a letter which I wrote to Senator McCLELLAN on July 24, calling attention to the information that had been brought to the attention of the Appropriations Committee, and urging that consideration be given by his committee to any action which it might deem advisable.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 24, 1968.

Hon. JOHN L. McCLELLAN,
Chairman, Senate Permanent Subcommittee on Investigations, Washington, D.C.

DEAR MR. CHAIRMAN: Youth Pride, Inc., of Washington, D.C., is one of eight OEO Title I, Part D projects which are located in Los Angeles, New York City, and Washington, D.C. Although it was initially funded on August 2, 1967, by the Department of Labor as a Manpower Development Training Act Program, it has been operated since October 1, 1967, under a contract with the Department of Labor obligating $2,037,090 in OEO funds. The stated purpose of this project is "to provide work training experience to hard core Washington, D.C. youth."

In early May, I read that Ernest M. Greely, a Pride employee, was arrested and charged with first degree murder in the shooting of Benjamin Brown, a Washington merchant. About this same time, I began to receive reports through several different channels that Pride trainees were becoming problems for law enforcement officers on a noticeably frequent basis. It was also reported that normal accounting and payroll controls were sadly deficient and that there were allegations of wide-spread payroll padding and kickbacks.

I initially endeavored to obtain directly from the Department of Labor sufficient information to check the accuracy of reports I was receiving. Numerous requests were made by telephone, letter, and in person by members of the Appropriations Committee staff. The information was promised on dates set by the Department and its contractor, but was not forthcoming in a usable form.

On June 5, I requested through the Chairman of the Senate Appropriations Committee that the Comptroller General obtain the information originally requested by the Committee and in addition undertake an investigation to determine whether Government funds had been properly expended and accounted for. (Enclosure A.) Promptly upon receipt of the Committee's request, the General Accounting Office initiated its investigation. Its efforts, however, have also been frustrated. To be specific, the General Accounting Office reports that Pride initially indicated that the employee information requested by the Committee in early May could be furnished in two weeks, which would have been June 19. This date was not met, and subsequently, commitments were made and not fulfilled to place the information in the hands of the General Accounting Office on June 20, July 3, July 8, and July 12. Although Pride is required by law and the terms of its contract to keep each item requested, as of this writing the information promised on these numerous occasions has still not been received in complete form. The sundry data which has been supplied has been described as incomplete and inaccurate and Pride's efforts to date as perfunctory and careless.

A target date of November 30, 1968 has been set by the Comptroller General for rendering a final report to the Committee on this matter. As you know, the General Accounting Office deals primarily with accounting and fiscal matters and has a policy of referring allegations of possible violations of criminal law to the Federal Bureau of Investigation. It should be noted that certain allegations of this nature have been uncovered and such a referral has been made in this instance. (Enclosure B.)

You are aware of my efforts through the appropriations process to bring about effective controls in the disbursement and accountability of funds committed to this and other similar programs which have been established under Title I of the OEO Act of 1964, as amended. Because of the diligence exercised by your Committee in similar areas of congressional concern, I wanted to bring this situation to your attention for any action you might deem advisable.

With the thought that they might be helpful in gaining an insight into some of the problems that have been encountered, I am also enclosing two letters from the General Accounting Office dated June 14 and July 18 and summary reports dated July 11 and July 19. (Enclosures C, D, E, and F.)

With every good wish, I am,
Sincerely yours,
ROBERT C. BYRD,
U.S. Senator.

Mr. **BYRD** of West Virginia. Mr. President, I am today sending a telegram to the Senator from Arkansas calling his attention to the interim report which has been received only this afternoon from the Comptroller General and expressing the hope that his committee will determine the advisability, in the light of the information therein, of instigating a thorough investigation into the past activities of PRIDE, Inc.

I make no charges against PRIDE. Inc. I think that the idea in back of the program is an excellent one. I have urged that young people be given jobs in Washington and in other communities.

But I do not think we can tolerate abuses merely because we may like a particular program. I place this material in the RECORD to let Senators make their own judgment in regard thereto.

I urge that the distinguished subcommittee, the chairman of which is the very able senior Senator from Arkansas, closely scrutinize the contents of the interim report. Moreover, I trust that the Secretary of Labor will take another look at the language of the committee report urging and, in fact, directing that the contract not be extended beyond September 15 unless certain conditions were met by that date.

I hope that if, after consultation with the Comptroller General, it is deter-

mined that the accounting and budgetary procedures of PRIDE, Inc., are not in order by September 15, the Secretary will make use of the escape clause in the contract and cancel it.

EXHIBIT 1

INTERIM REPORT ON AUDIT OF YOUTH PRIDE, INC., AND YOUTH PRIDE ECONOMIC ENTERPRISES, INC., AN AFFILIATED COMPANY—DEPARTMENT OF LABOR

INTRODUCTION

At the request of the Senate Committee on Appropriations, dated June 5, 1968, the General Accounting Office is making an audit of Government funds utilized under two Department of Labor contracts with Youth Pride, Inc. (PRIDE), to examine into whether such funds have been properly expended and accounted for. Because of its close relationship to PRIDE, we are also making an audit of PRIDE's affiliate—Youth Pride Economic Enterprises, Inc. (PEE). This interim report on the audit was requested by the Committee on August 19, 1968, for submission no later than September 7, 1968.

Our review, being conducted at the offices of PRIDE, PEE, and the Department of Labor, Washington, D.C., includes reviews of pertinent legislation, policies and procedures, contract provisions, and financial transactions. Our review also includes visits to PRIDE work areas and enrollees' [1] homes, for the primary purpose of seeking information relating to possible misuse of Government funds. In addition, we are monitoring, reviewing, and utilizing to the extent deemed appropriate, audit work performed by PRIDE's public accountants and the Department's auditors.

SUMMARY OF PRELIMINARY FINDINGS AND OBSERVATIONS

Following is a summary of our preliminary findings and observations to date.

Personal interviews of PRIDE enrollees

Through September 3, 1968, we had completed interviews with 80 enrollees, or in a few instances their parents, of whom 70, or 87.5 percent, made one or more allegations of irregularities in activities carried out by PRIDE. The more significant allegations appear to involve criminal violations, such as payroll padding, kickbacks of wages, and other irregularities involving enrollees' wages. Also, Department of Labor investigators, in following up on certain questionable endorsements through interviews of 28 enrollees or their parents, found 12 cases of apparent fraudulent check endorsements. The Department of Labor referred its findings to the Department of Justice.

Observations of paycheck distributions

Observations of paycheck distributions were made by PRIDE's public accountants, departmental auditors, and General Accounting Office (GAO) representatives. As a result of these observations, PRIDE officials have agreed to strengthen internal control procedures relating to paycheck distribution. In our opinion, checks should be distributed by paymasters independent of PRIDE's Operations Department and enrollees should be required to present PRIDE identification (ID) cards and sign the payroll before receiving their checks.

Visits to PRIDE work areas

We made two visits to PRIDE work areas to observe work performance and test payroll procedures. Repeated efforts by a PRIDE official to locate for us a missing team during our first visit were unsuccessful, and he subsequently informed us that this team was working outside of its assigned area without the knowledge of the area supervisor. We found that 27 enrollees of a total of 113 enrollees were absent from work at the time of our visits. We found that, of these 27 absent enrollees, 12 had been paid for working on the days of our visits. We have requested PRIDE to explain why nine of the absent enrollees were paid; follow-up work on the other three absent enrollees is in process.

Listings of PRIDE personnel

Our repeated attempts to obtain complete listings of all PRIDE personnel employed from the inception of PRIDE, containing basic information required to be recorded under its contracts, have not been successful. The listings furnished by PRIDE to date are incomplete and inaccurate.

Audits by PRIDE's public accountants

We are in the process of reviewing, appraising, and utilizing to the extent deemed appropriate the audit work performed by PRIDE's public accounting firm. The firm plans to issue a report on its audit of PRIDE's financial statements by September 15, 1968, and a further report by October 31, 1968.

Audits by Department of Labor auditors

Departmental auditors made an audit of PRIDE's first contract with the Department of Labor and a preliminary survey of PRIDE's accounting system and related controls under its second contract. Their reports on this work were critical of PRIDE's system of accounting and internal controls, including the placing of dual responsibility for keeping time records and paying employees in the same individuals. This deficiency was not corrected. The departmental auditors subsequently performed additional audit work under the second contract, including the identification of paychecks with questionable endorsements and the observation of paycheck distributions. The additional audit work also revealed that numerous invoices were missing from the files.

Additional work in process

Certain audit work which we plan to complete is referred to in the various sections of the report. We plan to complete certain additional tasks not specifically mentioned elsewhere in the report.

BACKGROUND

PRIDE was incorporated in the District of Columbia as a nonprofit organization on August 4, 1967, for the basic purpose of providing employment and job training to hard-core, multiproblem in Washington, D.C., youth while at the same time providing neighborhood services, such as street and alley cleaning and rodent control. In pursuance of this objective, PRIDE obtained three contracts from the Department of Labor as follows:

Contract No.	Amount	Period		Statutory authority
		From—	To—	
82-09-68-01	$291,525	Aug. 2, 1967	Sept. 30, 1967	Manpower Development and Training Act of 1962 (42 U.S.C. 2571).
P2-8901-09	2,037,090	Oct. 1, 1967	Aug. 4, 1968 [1]	Economic Opportunity Act of 1964 (42 U.S.C. 2701) special impact project.
F9-9002-99	2,600,000	Aug. 5, 1968	Aug. 5, 1969	Economic Opportunity Act of 1964 (42 U.S.C. 2701) work-training program.
Total	4,928,615			

[1] Expiration date of June 15, 1968, extended to Aug. 4, 1968.

PEE was incorporated in the District of Columbia on March 29, 1968, as a profit-making corporation, to give employment and job training to hard-core, multiproblem Washington, D.C., youth and other persons and to provide businesses for dispensing goods and services.

On August 5, 1968, PEE received the following contracts from the Department of Labor pursuant to the Economic Opportunity Act of 1964. Each contract expires August 5, 1969, and covers a separate division as indicated in the following summary.

Division	Contract No.	Amount
Pride Landscaping & Gardening Co	09-9-7036	$130,000
Pride Artco (art company)	09-9-7037	60,000
Pride Painting & Maintenance Co	09-9-7038	225,600
Pride Automotive Service Center	09-9-7039	726,410
Total		1,142,010

On August 27, 1968, these four contracts were merged into one agreement with PEE for $1,172,010, which represents an increase of $30,000 over the combined total of the above four contracts.

As of September 4, 1968, only Pride Landscaping and Gardening Co. and Pride Artco were in operation.

The total dollar amount of the contracts awarded to PRIDE and PEE since inception is $6,100,625.

The officers of PRIDE as of September 4, 1968, were: Executive Director, Carroll B. Harvey; Director of Administration; [2] Director of Operations, Marion S. Barry; Director of Program Development, Mary J. Treadwell.

The three persons named above constitute PEE's board of directors.

The number of PRIDE and PEE employees on the rolls as of July 27, 1968, according to PRIDE's records, is summarized as follows:

Administrative personnel	104
Painting, landscaping, and art activities	52
Enrollees	850
Total	1,006

PRELIMINARY FINDINGS AND OBSERVATIONS

Personal interviews of Pride enrollees

Result of General Accounting Office Interviews

In a letter dated August 19, 1968, the Chairman, Senate Committee on Appropriations, requested us to conduct personal interviews with a selected number of PRIDE enrollees for the primary purpose of seeking information relative to possible misuse of Government funds.

We prepared a basic list of PRIDE enrollees who had been removed from the payroll since June 15, 1968, or who were on the June 15 payroll but were not paid during the 2-week period ended July 27, 1968. We selected the June 15 payroll, because we received an allegation that this particular payroll included names of individuals who had not worked for PRIDE. We also considered names on other lists of individuals who appeared to be involved in possible irregularities, such as enrollees who couldn't adequately identify themselves when they received their paychecks.

From these lists and other sources, we selected a group of 133 enrollees for interview. Since the enrollees selected for interview were those concerning whom we had some indication of irregularities, the results of our interviews may not be representative of results that might be obtained from interviews of other PRIDE enrollees.

---

[1] Enrollees are youth participating in PRIDE's employment and job training programs.

[2] The functions of this position are being carried out by a representative of the public accounting firm retained by PRIDE and PEE.

We attempted to locate the enrollees at the addresses recorded for them in PRIDE's records and at other places where they were likely to be found. The status of this work through September 3, 1968, is summarized below.

Status of enrollees [1]

Interviews completed:	
Enrollees alleging irregularities	70
Enrollees not alleging irregularities	10
Total	80
Not available for interview	11
Total	91
Interviews not completed	42
Total enrollees selected for interview	133

As shown above, interviews were completed with respect to 80 enrollees, of whom 87.5 percent made one or more allegations of irregularities concerning PRIDE. Eleven enrollees could not be reached, and we concluded that further efforts to reach them were not warranted.

The more significant irregularities alleged by PRIDE enrollees appear to involve possible violations of criminal laws and are related to wages paid to enrollees. We received numerous allegations of payroll padding, kickbacks of wages by enrollees to team captains and area supervisors, and under- and over-payments of wages. Other alleged irregularities were related to a variety of matters, some of which were relatively minor. Following is a summary of the various types of alleged irregularities revealed during our interviews. We have made only limited attempts to date to verify these allegations.

Payroll padding (alleged in 17 interviews):

1. Enrollees and other individuals were paid, although they did not report for work.
2. Checks were issued in the names of individuals who did not work for PRIDE.
3. Area supervisor submitted time report for individuals who had other jobs and did not work for PRIDE.
4. Checks were issued and cashed in names of individuals who no longer work for PRIDE.

Kickbacks of wages (alleged in 18 interviews):

1. Area supervisors and team captains who reported that absent enrollees were on duty shared in wage payments to enrollees. (Also involves payroll padding)
2. Area supervisor and team captains threatened enrollees if they did not agree to share their pay with them and actually retained part of their pay.
3. Enrollees paid team captains for the privilege of leaving work early but getting full pay. (Also involves payroll padding)
4. Individual who had another job was reported as present by area supervisor who shared in the proceeds of PRIDE payroll check. (Also involves payroll padding)
5. Enrollee paid supervisor $2 for cashing his checks.

Underpayment and overpayment of wages (alleged in 44 interviews):

1. Amounts of enrollees' paychecks were less than amounts due and differences were not adjusted.
2. Enrollees did not receive checks due them.
3. Enrollees who left PRIDE did not receive pay for accrued annual leave.
4. Enrollees were paid when they did not work during inclement weather.
5. Idle enrollees gambled or played games while on duty.
6. Enrollees went home early but were paid for full day.
7. Enrollees were paid for full day, although they did not report for work or reported late.

Other irregularities (alleged in 54 interviews):

1. Enrollees claimed that they worked for PRIDE in 1967 but PRIDE records showed no payments made to them in 1967.
2. PRIDE records showed amounts of payments to enrollee which were less than amounts enrollee stated he received.
3. There were discrepancies between information concerning enrollees recorded on PRIDE's records and information obtained in interviews.
4. Enrollees had no social security cards.
5. Area supervisor collected money from enrollees for a party which was never held.
6. Older workers and team captains threatened younger workers with physical violence.
7. PRIDE enrollees assaulted other enrollees and stole their PRIDE checks and cash.
8. Two PRIDE checks were issued to same enrollee for same pay period.
9. Enrollees collected checks of other enrollees not present on payday.
10. Enrollees were never issued PRIDE ID cards.
11. Enrollees paid twice for PRIDE ID cards.
12. Area supervisor collected enrollees' ID cards and did not permit enrollees to keep them.
13. PRIDE officials were arrested on narcotics charges.
14. PRIDE official was addicted to narcotics.
15. PRIDE official was selling narcotics.
16. PRIDE enrollee obtained narcotics from a PRIDE official.
17. PRIDE official was fired for being involved in narcotics.

Examples of the results of our interviews with PRIDE enrollees are presented in the appendix.

Interviews with PRIDE enrollees were also made recently by representatives of the Department of Labor, as discussed in the next section of this report.

Results of Department of Labor Interviews and Referral to Department of Justice

Based on information furnished by departmental auditors, departmental investigators interviewed 21 enrollees and members of the families of seven other enrollees. These interviews indicated that 12 checks, aggregating $900.66 had not been endorsed by the enrollees and that these enrollees had not received the proceeds of their checks. The Department of Labor referred information relative to this matter to the Department of Justice by letter dated August 22, 1968, with the following conclusion:

"The Labor Department's audits and interviews indicate the probability of criminal activity in the payroll area, specifically with respect to 12 forged checks in the amount of $900.66, and the evidence appears to focus on a few individuals rather than indicating widespread or systemic fraud. It appears likely that a full-scale investigation would disclose additional forgeries in proportion to the original sampling of 500 checks out of 25,000—that is, in terms of the total funding of $2 million, the total fraud would probably be on a very small scale."

Our review of the work performed by the departmental auditors and investigators with respect to questionable payroll checks disclosed the following information.

1. A sample of 478 checks bearing two or more endorsements was selected by the departmental auditors from a group of about 11,000 checks, not 25,000 as indicated in the conclusion quoted above. We were informed by the auditors that most of the 11,000 checks bear two or more endorsements.

2. Departmental auditors attempted to compare the first endorsements on the 478 checks with signatures on file in PRIDE's personnel office with the following results:

Signatures on checks appeared to match signatures in personnel files	299
Signatures on checks for 33 individuals totaling $2,078.99 did not appear to match signatures in personnel files	35
Signatures on checks for 128 individuals totaling $6,540.50 could not be compared because no signatures were available in personnel files	144
Total	478

3. Departmental investigators attempted to interview 35 enrollees to verify the authenticity of their endorsements on the 35 checks in category 2(b) above and 3 checks in category 2(c). They succeeded in interviewing 21 enrollees and members of families of seven others. The results of the attempted interviews were as follows:

Considered to bear forged endorsements		12
Not verified because payees not interviewed:		
Could not be located	7	
Other members of family contacted	7	
Total		14
Considered properly cashed on basis of interview		12
Total checks		38

We believe that the results of the Department's interviews are significant, particularly in view of the results of our interviews in which we received allegations of additional irregularities.

Observations of paycheck distributions

In connection with our review of PRIDE's internal controls over disbursements for wages earned, we made observations of certain biweekly paycheck distributions and reviewed reports of observations made by PRIDE's public accountants and Department of Labor auditors. The purpose of these observations was to test the adequacy of PRIDE's controls to prevent the distribution of paychecks to unauthorized recipients.

Division chiefs and area supervisors in PRIDE's Operations Department are responsible for distributing paychecks to enrollees in the four divisions comprising 19 work areas. Also, area supervisors prepare and submit enrollees' time and attendance reports which are used as the basis for computing the enrollees' pay. Ordinarily, sound fiscal controls require that the function of paycheck distribution should be independent from that of preparing time and attendance reports.

Four observations of paycheck distributions have been made since our audit has been in progress, as follows:

Date	Areas covered	Checks distributed by—	Distribution observed by—
June 21, 1968	All	PRIDE personnel	Public accountants.
July 19, 1968	32, 34, 35	Public accountant	GAO representative.
Aug. 2, 1968	31, 35, 520	do	Do.
Aug. 16, 1968	All except those in division 1	PRIDE personnel	Departmental auditors.

---

[1] In a few instances parents were interviewed together with, or in lieu of, enrollees.

The results of these observations are summarized below:

	June 21		July 19		Aug. 2		Aug. 16	
	Number of paychecks	Percent	Number of paychecks	Percent	Number of paychecks	Percent	Number of paychecks	Percent
Checks distributed to:								
Enrollees who could adequately identify themselves	569	45.2	61	70.8	32	36.8	468	79.0
Enrollees could not adequately identify themselves but were identified by their supervisor	651	51.7	22	24.7	52	59.8	104	17.6
Checks not claimed by payees	39	3.1		4.5	3	3.4	[1]20	3.4
Total paychecks	1,259	100.0	87	100.0	87	100.0	592	100.0

[1] 8 of these checks were delivered to payees at PRIDE headquarters prior to the observation at the site.

On the basis of these observations, we believe that there is a need for PRIDE to strengthen its internal control procedures relating to paycheck distributions. In our opinion, all PRIDE enrollees should be issued a PRIDE identification card and no enrollee should receive a paycheck unless he presents his ID card to the person from whom he receives his check. Also, we believe that checks should be distributed to enrollees by independent paymasters who are not directly connected with PRIDE's Operations Department.

Department of Labor officials have agreed that there is need for these procedures and have recommended to PRIDE officials that they take action to ensure that all PRIDE employees have ID cards and that ID cards be presented at the time of paycheck distribution. Department officials have recommended further that PRIDE use independent paymasters to distribute payroll checks and that the paymasters require that the enrollees receiving checks sign their complete names on the payroll register. PRIDE has expressed agreement with these recommendations but, as of September 4, 1968, had not implemented them.

We are still in the process of following up on the disposition of the checks not claimed by the payees.

Visits to PRIDE work areas

We made two visits to PRIDE work areas to observe work performance and to test payroll procedures.

On July 18, 1968, we visited work areas 39 and 42. We inspected area 39 and observed two teams at work. Repeated efforts by a PRIDE official on that day to locate for us the third team assigned to the area were unsuccessful. We were subsequently informed that this team was working outside of its assigned area without the knowledge of the area supervisor. We also inspected area 42. Of the five teams assigned to area 42, only three were present. We were advised by the area supervisor that the other two teams had not reported for duty. The names of the enrollees present in area 42 were recorded.

On August 8, 1968, we visited areas 34 and 42 and recorded the names of enrollees present in both areas. Some enrollees assigned to these areas were absent from work that day.

The results of our tests in areas 34 and 42 are summarized below:

	July 18, area 42	Aug. 8	
		Area 34	Area 42
Enrollees assigned to area	33	45	35
Enrollees present	20	41	25
Enrollees absent	[1]13	4	10
Wages of absentees:			
Unpaid	4	3	8
Paid	9	1	2
Total	13	4	10

[1] Includes enrollees of the 2 teams which were not present at the time of our visit.

On August 8, 1968, we informed PRIDE of our findings with respect to the absent enrollees noted in our July 18 visit to area 42 and requested PRIDE to furnish us with an explanation as to why nine of the absent enrollees had been paid. As of September 4, 1968, the explanation had not been furnished to us. Our work concerning the three absentees noted in our visit of August 8, who were subsequently paid, is in process.

Listings of PRIDE personnel

In his letter of June 5, 1968, as subsequently modified, the Chairman of the Senate Committee on Appropriations requested us to determine the following information with respect to each employee on the PRIDE payroll from the inception of the organization: Full first and last name and middle initial, if any; Home address; Social security number; Date of birth; Employee number; Gross earnings. Title or job description of administrative and supervisory personnel.

On June 10, 1968, we orally requested PRIDE to prepare and furnish us with listings showing this information and with a certification as to the accuracy of such listings. Complete listings were initially promised to us by June 20, 1968, and several new target dates were subsequently established by PRIDE; but only partial listings, which were incomplete and unsatisfactory, were furnished.

On July 12, 1968, we made a written request to PRIDE to submit complete listings by July 16. Partial listings, dated July 16, were delivered to us on July 17 and again on July 24. On July 26 we requested PRIDE to furnish us with an estimate of the date by which it would be able to supply the remainder of the information requested. PRIDE subsequently established August 18 as the estimated target date. Because we had not received any additional information by August 23, we requested PRIDE by letter on that day to establish a new target date. As of September 4, 1968, we had not been advised of a new target date and no additional information has been furnished.

The incompleteness of the partial listings furnished by PRIDE is evidenced by the following tabulation of missing or incomplete data.

Items missing or incomplete

Employee numbers	2
Names	318
Dates of birth	479
Social security numbers	207
Addresses	205
Wages, 1967	249
Wages, 1968	65
Total	1,525

Seven items of information should have been submitted for each of the 1,749 employees on the partial listings, or a total of 12,243 items. The 1,525 items missing or incomplete amount to 12 percent of this total. Also, no information was furnished with respect to enrollees employed under the first contract.

Although PRIDE certified to us that the listings of June 16 were accurate within a normal range of human error, our analysis of the partial listings and tests of their accuracy revealed numerous errors. For example, in 116 instances the same enrollees were listed more than once. Also, there were numerous discrepancies between the listings and the payrolls involving enrollees' names and wages paid.

Clause 18(d) of the contracts requires the sponsor to maintain payroll records containing (1) name in full, (2) home address, (3) date of birth, (4) wages paid, and (5) other information pertinent to the employee's compensation.

It appears that the principal reason for the incompleteness and inaccuracy of the listings was the failure of PRIDE to maintain readily accessible payroll and personnel records containing all the information required by the contracts. PRIDE's procedures are being revised to provide for recording the required information with respect to employees presently on the payroll and new employees.

Audits by PRIDE's public accountants

On October 31, 1967, a certified public accounting firm agreed to design and install an acceptable accounting system for PRIDE and to train PRIDE employees in the implementation of the system. The firm also was to prepare quarterly unaudited financial statements and to make an annual audit of the financial statements of PRIDE. In addition to furnishing services to PRIDE, the firm, on June 10, 1968, agreed to set up accounting systems, prepare unaudited quarterly financial reports, and make an annual audit of PEE which was incorporated on March 29, 1968.

The public accounting firm had substantially completed installation of the PRIDE accounting system, as originally designed, by June 1968. It had also trained PRIDE employees in the implementation of the system. An employee of the firm has been assigned as a full-time consultant to PRIDE since February 15, 1968, until the present. An Acting Director of Administration, he has been responsible for supervising financial, personnel, and accounting operations.

In our audit of PRIDE we are reviewing, appraising, and utilizing to the extent deemed appropriate the audit work performed by the public accounting firm.

The firm is currently in the process of making its annual audit of PRIDE's financial statements as of June 30, 1968. A representative of the firm informed us that about 90 percent of the fieldwork had been completed by August 29, 1968, and that the firm was planning to issue a report by September 15, 1968, which would include a balance sheet, a profit and loss statement, a statement of contract transactions, and an opinion on the financial statements. The estimated reporting date represents a revision of the firm's previous estimate that a report would be furnished by August 15, 1968. By October 31, 1968, the firm plans to issue another report which is to include comments on the contracts with the Department and on management controls.

The areas being covered by the firm's audit are cash, receivables, payables, fixed assets, and payrolls and other types of expenses.

A representative of the firm informed us also that, in the performance of the audit, the firm was considering the audit guidelines established by the Department of Labor in its publication entitled "Audit Guide for Bureau of Work Programs Agreements." Our review of the firm's audit program and selected workpapers will not be completed until after its audit is completed.

The firm has substantially completed installation of accounting systems for Pride Artco and Pride Landscaping and Gardening Co. The accounting systems for Pride Automotive Service Center and Pride Painting and Maintenance Co. have not been developed because these divisions are not yet in operation.

The firm published unaudited financial statements as of June 30, 1968, for Pride Landscaping and Gardening Co. and plans to make an audit of its financial statements as of March 31, 1969. Financial statements for Pride Artco were not prepared because it was in operation for only about 1 month before June 30, 1968.

Audits by Department of Labor auditors

An audit was made of the first contract with PRIDE and a draft report of the findings and recommendations was submitted to the Manpower Administration, Department of Labor, for review and comment on May 21, 1968. Comments on this draft report have not yet been received by departmental auditors. In April 1968 the departmental auditors completed a preliminary survey of PRIDE's accounting system and related controls under the second contract. An interim audit report based on this survey was issued to the Administrator, Bureau of Work-Training Programs (Bureau), on May 6, 1968. Both reports were critical of PRIDE's system of accounting and internal controls.

Comments on the interim audit report were furnished to the Administrator of the Bureau by PRIDE and its public accountants in a letter dated May 28. They disagreed with many of the criticisms in the report. The points at issue, most of which related to inadequate control over funds expended under the contracts, including inadequate documentation, have not yet been resolved. We did note, however, that PRIDE acknowledged certain deficiencies in its administrative system, which included:

1. Placement in the same individuals of the dual responsibility for keeping time records and for paying the employees. While recognizing that this procedure violated principles of internal control, PRIDE stated that the procedure was necessary to expedite the program.
2. Existence of too small a number of professional employees and lack of experienced administrative and accounting personnel.
3. Loss or replacement of records when the office was relocated on two occasions.

During June and July 1968, departmental auditors reviewed PRIDE's expenditures for the period September 15, 1967, through May 31, 1968. They noted that PRIDE did not have on hand 192 invoices to support payments totaling $70,875. Department officials informed us that these expenditures were supported by interoffice memorandums signed by PRIDE officials. A Department official informed us also that the Department would not approve these expenditures until PRIDE had presented documentation acceptable to the Department.

Also, during the review in June and July 1968, the departmental auditors selected 478 paychecks with two or more endorsements for special investigation. See section in this report entitled "Results of Department of Labor Interviews and Referral to Department of Justice."

Also, the departmental auditors have made observations of paycheck distributions. See section in this report entitled "Observations of Paycheck Distributions."

As of September 3, 1968, the departmental auditors had not issued a report on the audit work done during July and August 1968.

Additional work in process

In addition to performing the work in process previously referred to in this report, we plan to complete the following tasks.

1. Inquire as to whether PRIDE has complied with other significant provisions of its contracts with the Department of Labor.
2. Monitor progress by PRIDE on implementation of suggestions for improving accounting system and internal controls.
3. Review further any listings of personnel or data relative thereto submitted by PRIDE pursuant to our formal request of July 12, 1968.
4. Inquire into PRIDE's procedures relative to preparing, filing, and distributing forms W-2 for each employee for 1967.
5. Reconcile, if possible, differences between total wages earned per general ledger with payroll summaries and with wages earned per special personnel listings submitted to us by PRIDE pursuant to the request of the Senate Committee on Appropriations.

APPENDIX

EXAMPLE NO. 1

Summary of allegations

Payroll padding and kickbacks of wages—Individual who had another job was reported as present by area supervisor who shared in the proceeds of PRIDE payroll check.

Allegation by certain PRIDE enrollees

Three PRIDE enrollees advised us that a PRIDE enrollee whom they named is paying a PRIDE supervisor to keep him on the PRIDE payroll by turning in time and attendance reports in enrollee's name although enrollee is not actually working at PRIDE. These enrollees advised us further that the named enrollee worked somewhere other than PRIDE during the summer months.

GAO verification work to date

It was determined that enrollee was on the payroll of both the District of Columbia Government and PRIDE concurrently. Enrollee was paid by both organizations for the following hours.

2-week pay period ended—	Total	Hours reportedly worked	
		PRIDE	District of Columbia government
June 29, 1968	133	53	80
July 13, 1968	152	80	72
July 27, 1968	120	40	80
Aug. 9, 1968	144	64	80

EXAMPLE NO. 2

Summary of allegations

Kickback of wages—Area supervisor who reported that absent enrollees were on duty shared in wage payments to enrollees.

Allegations from three pride enrollees

1. Enrollee A said that, when he would agree to kick back part of his paycheck to his supervisor, he would receive pay for days that he did not report for work. He said that this happened frequently both to him and to many other enrollees in the area. He said that he gave his supervisor as much as half the amount of his check. Enrollee said that this practice was continued by a subsequent supervisor after previous supervisor was fired.
2. Enrollees B and C stated that they had essentially the same experiences as enrollee A.

GAO verification work to date

None.

EXAMPLE NO. 3

Summary of allegations

Kickback of wages—Team captains reported enrollees who came in late as being on duty and split pay with them. Team captains threatened enrollees if they didn't agree to share their pay with them and actually retained part of their pay.

Allegations made by enrollee

1. Enrollee said that there were numerous instances where the PRIDE enrollees kicked back money to the team captains. He said that his friends in other areas told him that the same situation existed in their areas.
2. Enrollee said that kickbacks were made for the following reasons:
   a. Being signed in when not at work and reporting later, thereby requiring a kickback to the team captain for signing him in.
   b. As a result of threats by team captains to "mess up their time," the young and timid are required to make kickbacks of part of their earnings.

GAO verification work to date

None.

EXAMPLE NO. 4

Summary of allegation

Payroll padding—Checks issued and cashed in name of individual who no longer works for PRIDE.

Allegations made by enrollee

Enrollee said that he worked for PRIDE from January 1968 to about April 1, 1968.

GAO verification work to date

Paychecks were issued to enrollee by PRIDE after the date he said he left PRIDE—April 12 through June 7, 1968. These checks (totaling $164.85) appear to have been endorsed by someone other than the named enrollee, based on our comparison of endorsements prior to April 12, 1968, with endorsements of April 12, 1968, and subsequent dates.

EXAMPLE NO. 5

Summary of allegations

Various—Payroll padding, kickbacks of wages, underpayment of wages, overpayment of wages.

Allegations made by enrollee

1. Enrollee, who stated that he was a team captain, but no longer works for PRIDE, said that the amount of his paycheck was frequently less than the amount that he should have received and that he never was able to obtain the difference.
2. Enrollee said that he never received his last paycheck for 2 weeks' work.
3. Enrollee said that his area supervisor would inflate the number of hours worked on the time records and would sometimes report that an individual worked a full week (40 hours) although he had not come to work at all during the week. He said that the supervisor would then take a "cut" from the individual's check, sometimes as much as $40 or $50.
4. Enrollee said that enrollees reported for work on rainy days and got paid for the full day although they did not work, and many times they went back home.
5. Enrollee said that his group hardly ever worked. He said that they just tried to look busy when the bosses came around visiting. He said that most of the time the area supervisor, the team captain, and the workers sat around and shot dice.

GAO verification work to date

None.

EXAMPLE NO. 6

Summary of allegations

Various—Payroll padding, overpayments, underpayments.

Allegations made by enrollee

1. Enrollee said that he discountinued working for PRIDE because of frequent difficulties in getting his paycheck. He cited four instances of such difficulties. In the first instance, he said that he asked his area supervisor about his lost check and received some excuse and a promise to look into the matter. The second time his check was lost, he said that he argued with his supervisor about it but never received either of the two checks. He said that the third time his check was lost a PRIDE official came down from the main office and issued a check to him and to a number of other enrollees whose checks were also lost. He was told, however, to keep quiet about not having received this check previously. Enrollee said also that he never received his final paycheck from PRIDE.

2. Enrollee said that he had seen little kids crying when they did not get paid or when their checks were taken and cashed by their team captains.

3. Enrollee said that, if anyone was absent on payday, the area supervisors would have a story or some excuse for enrollee when he attemped to pick up his paycheck the following week, and he would never get his check.

4. Enrollee said that the team captains and an area supervisor were carrying individuals on the payroll and were recording that they had worked full time although the individuals only showed up on paydays. He said that such persons, when paid, would then give $40 or $50 out of their paycheck to team captains and an area supervisor. He said further that some persons who never worked also received checks.

5. Enrollee said that there were kids who appeared to be 7 or 8 years of age working for PRIDE. The enrollee's mother confirmed this and said that she had seen some of these kids about 2½ months ago sweeping the streets near her home.

6. Enrollee said that there was never enough work to keep the Rat Patrol busy for a full day's work. He said that the employees often left to go home at 12:30 or 1 o'clock in the afternoon and that they sometimes played basketball or cards.

7. Enrollee said that he never worked a full day during the whole time that he was employed by PRIDE.

GAO verification work to date

The canceled final paycheck to the enrollee, dated June 6, 1968, in the amount of $114.18, was located in PRIDE files. The check bore an endorsement signature that appeared to be different from that of the enrollee.

EXAMPLE NO. 7

Summary of allegation

Payroll padding—Checks issued and cashed in name of individual who no longer works for PRIDE.

Allegations made by enrollee and enrollee's mother

1. Enrollee said that he worked for PRIDE for only a short period of time and quit because his mother wanted him to. He said he received one check for about $18.

2. Enrollee's mother said that her son worked for PRIDE for 1 week and that she made him quit because she disliked the organization.

3. Enrollee's mother showed us her son's pay slip for the period he worked for PRIDE. The gross earnings were shown on the slip as $12.60 and the net earnings as $12.05. The slip was dated October 2, 1967, and showed that enrollee worked 9 hours.

GAO verification work to date

Listing of PRIDE employees provided to GAO for Senate Appropriations Committee shows that enrollee received gross pay totaling $158.20 in 1967 and $532 from January through June 1968.

EXAMPLE NO. 8

Summary of allegations

Various—Payroll padding, kickbacks of wages, and other irregularities.

Allegations made by enrollees

1. Two enrollees (brothers) whom we interviewed together said that they knew of instances where the team captain would sign in enrollees who reported late or did not report at all and would split with the enrollee the pay received for the period that he did not work.

2. The two enrollees named a person who they said was on their team but never worked although he received paychecks from PRIDE.

3. The two enrollees said that their area supervisor collected $2 from enrollees for a Thanksgiving party which was never held and that he did not return the money.

4. The two enrollees said that they were supposed to work from 8 a.m. to 1 p.m. on Saturday but that they generally were released from work at 11 a.m. and got paid for the 2 hours that they did not work.

5. The two enrollees named one PRIDE supervisor who they said was involved with dope. They said he was arrested on narcotics charges about the time of the riots in April 1968.

6. The two enrollees said that they witnessed the exchange of dope by a PRIDE official in a specified location. They said that this occurred weekly and that they knew a PRIDE official was involved because he wore a green PRIDE coat. The two enrollees said that another PRIDE official, whose name they did not know, was a dope addict because they saw "shot marks" on his arm.

GAO verification work to date

None.

EXAMPLE NO. 9

Summary of allegations

Overpayments of wages—Enrollees were paid when they did not work during inclement weather. Enrollees went home early but were paid for full day.

Kickbacks of wages—Enrollees paid team captains for the privilege of leaving work early but getting full pay.

Allegation made by enrollee

1. Enrollee said that he worked for PRIDE from August 1967 to June 1968. During this time, he said that he and other enrollees played Ping-Pong whenever it rained or snowed and that they were always paid for those days.

2. Enrollee said that, when PRIDE enrollees wanted to leave work 5 or 6 hours before the end of the workday, they would give their team captain $4 or $5 and get paid for 8 hours. He said that many team captains were involved. He said that this practice started in August 1967 and continued for quite a while thereafter.

GAO verification work to date

None.

EXAMPLE NO. 10

Summary of allegations

Various—Kickbacks of wages and other irregularities.

Allegations made by enrollee

1. Enrollee said that his group was paid for not working on rainy days. He said that enrollees just reported for work, signed in, and were dismissed.

2. Enrollee said that team captains would tell enrollees that, if they didn't kick back $2 or $3 or some other amount, they would cut their hours for "goofing off." Enrollee said that he saw some of the boys kick back $20.

3. Enrollee said that on one occasion his paycheck was cashed by the area supervisor. He said that both he and some other boys saw this. Enrollee said that the supervisor would not return his money so he reported it to PRIDE, but PRIDE refused to believe him. He said that he never got his money.

GAO verification work to date

None.

Mr. RUSSELL. Mr. President, without getting into the merits of PRIDE, Inc., do I correctly understand the Senator to say that after the Secretary had been instructed not to extend the contract, he not only extended it, but also increased it?

Mr. BYRD of West Virginia. The Senator is correct. The contract was extended by 1 year and a $3.8 million grant was made available from Federal funds.

Mr. RUSSELL. I do not know of anything that could better demonstrate the loss of prestige and power of the legislative branch of the Government than the facts just recited by the Senator from West Virginia.

Up until a few years ago no department of the Government would have dared to flout a request or a directive from a legislative committee, particularly from one that was directing that a contract not be extended, as in this case involving the Secretary of Labor.

I never thought I would serve in the Senate to see the day when the Senate of the United States would receive such cavalier, if not contemptuous, treatment from the head of any department of the Government.

That has nothing to do with the merits of the question. It has to do with the comity between the three branches of the Government. If it submits to such treatment, the Senate of the United States can no longer—or the Congress of the United States for that matter can no longer—claim that it is one of the three coequal branches of the Government. We are not even coordinate, because if I understand the Senator, we were not even notified that the Secretary intended to disregard the directive of the Committee on Appropriations.

I can only say that Congress has fallen on evil days when it accepts treatment of this kind and in the language of the times, sits down and lets it pass by.

No wonder Congress falls into contempt in the minds of the people when it permits itself to be treated in this fashion by one of the heads of an executive department.

Mr. BYRD of West Virginia. I thank the distinguished Senator for his remarks. And I agree with the viewpoint he has so eloquently expressed.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRUENING. Mr. President, I ask the Senator from Georgia whether he thinks this deterioration in the power of the Senate is due to abdication on the part of Members of the Senate or due to an overweaning pressure on the part of the Executive. Where does the Senator place the responsibility?

Mr. RUSSELL. I think it is divided. I think the overweaning pressure is caused because we have delegated such great power to the executive departments that we have to go to them on our hands and knees to get benefits for our people to which they are entitled. It makes us subservient to the executive branch of the Government.

Mr. GRUENING. I find myself in complete agreement with the Senator's analysis.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I am glad I was present to hear the Senator's remarks. The Senator spoke to me a few days ago about having sent to me the letter to which he has referred today. I have been unable to find the letter for some reason. It is misplaced or miscarried.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield 3 additional minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. McCLELLAN. Mr. President, my attention has been called to probable conditions that prevail with respect to the Pride project. And suggestions have been made that the subcommittee look into those problems and make some investigation of the matter.

I have directed the staff to make a preliminary investigation. That is in process now or will be in process immediately, and we will give careful attention to the Senator's suggestions.

I am sure the committee will make proper disposition of them and of the report to which he has referred.

Mr. President, we have many complaints regarding this particular program and how it is being administered.

It is just impossible with the staff that the committee has and with the workload of the members of the committee to process all of them. We have to be a little selective. We will never be able to investigate all of the complaints. However, apparently there are sufficient complaints now to warrant an expansion of the inquiry the committee has been making. I think the investigation has been quite revealing and possibly shocking in some of the disclosures that have been made.

We will pursue other complaints that we have, particularly with reference to the matter referred to by the distinguished Senator from West Virginia.

Mr. President, I requested the yeas and nays on the pending bill, and I did so because I feel constrained to vote against it, not because I am against all of it and not because I am against a substantial part or a major part of it.

I would have gladly supported the bill reported by the committee. I compliment the distinguished Senator from Alabama [Mr. HILL], the chairman of the subcommittee, for his handling of the bill. He reported a reasonably good bill taking all things into consideration. However, on the floor of the Senate today we added another $215 million to the OEO, the agency in which we have just made these disclosures.

I said earlier in the debate that I felt then that we should wait for a supplemental and have an opportunity to further interrogate the Administrator and others responsible for the program to see whether they were going to eliminate the character of projects that everybody must condemn or whether we are going to get a better administration. I said that if they were going to be eliminated, I felt reasonably confident that the amount of money in the bill would be adequate to take care of the worthwhile and meritorious programs that the OEO administers, has jurisdiction over, and is responsible for administering.

So, I will be compelled to vote against the bill because of the amendments that have been added to it in the Senate.

It is my hope, however, that in conference the conferees can agree on a bill substantially in conformity with what the Appropriations Committee of the Senate reported.

It will be my hope that when it comes back from conference, I will be able to support the conference report and thus vote for the appropriation of funds that are proper and needed. However, I must take this method of protesting against an increase of the amount provided in the bill by some $500 million under the circumstances and because of the purposes for which they have been made.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 additional minute. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, the Senator from West Virginia is rendering an outstanding service in bringing this matter to the attention of the Senate.

It was evident to the Appropriations Committee, when we handled this bill, that PRIDE, Inc., may well have misused its funds. There may have been kickbacks. They may have been mishandling of funds of the worst order. This was the reason why the committee, I believe, unanimously wrote a provision in the bill that the Secretary of Labor would not enter into any more contracts with PRIDE, Inc., until this matter was thoroughly investigated.

Mr. BYRD of West Virginia. Until certification had been received from the Comptroller General with regard to the adequacy of procedures governing the expenditures of future funds.

Mr. YOUNG of North Dakota. The Senator is correct.

Mr. BYRD of West Virginia. The audit concerning which the interim report speaks has to do with the possibility of improper expenditure of funds in the past—alleged kickbacks, payroll padding, and overpayment and underpayment of wages, and other irregularities.

Mr. YOUNG of North Dakota. The committee was aware of it or had a suspicion of it at the time, to the extent that we wrote into the bill the provision of which the Senator speaks.

When the Secretary of Labor not only continues the contract for another year but also increases the funds, this represents to me the most contemptuous action any administrative officer has committed during my service in the Senate.

Mr. BYRD of West Virginia. I thank the Senator, and I share his sentiments. I yield the floor.

Mr. ERVIN. Mr. President, will someone yield me 2 or 3 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. I yield 2 minutes on the bill to the Senator from North Carolina.

Mr. ERVIN. Mr. President, a few weeks ago, the Senate, acting as part of Congress, made a pledge to the American people that it would see that Federal expenditures were reduced at least to the extent of $6 billion. We did this to justify to the American people the imposition upon them of a 10-percent surtax. I construe our action on that occasion to be a solemn pledge by Congress in general and by the Senate in particular that we would make an honest effort to curtail Federal expenditures.

This bill, in its present form, with the amendments, totals approximately $19 billion, in round figures, which is $2 billion, in round figures, above the amount expended for the purposes covered by the bill in the last fiscal year. When the House voted on this bill, the House made a diligent effort to keep the pledge which Congress had made to the American people when it said that it was going to make an honest effort to reduce expenditures of the Federal Government and thereby keep the promise we made when we imposed the 10-percent surtax upon the American people. The House passed a bill which was $2.1 billion, in round figures, below the budget request.

The Senate now has added to the House bill approximately $1.8 billion. The net result is that this bill, in its present form, is only $300 million less than the budget estimates which were compiled before we made the promise to the American people that we were going to make an honest effort to reduce Federal expenditures. Manifestly, Congress cannot keep its pledge to reduce Federal expenditures by $6 billion if it reduces appropriations for the purposes covered by this bill only $300 million below the budget proposals. This is precisely what the bill does in its present form.

Like the Senator from Arkansas, I am in favor of the vast majority of the appropriations included in this bill, but I know of no way in which to protest against the repudiation of our promise except to vote against the bill. I expect to vote against it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I ask for 1 additional minute.

If Congress does not have any honest intention to keep its promise to the American people, it should tell them so and stop trying to lure them into believing that there is any real intention on the part of Congress to reduce Federal expenditures.

Mr. GRUENING. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. I yield 1 minute to the Senator from Alaska.

Mr. GRUENING. I ask the Senator from North Carolina whether he believes that Senators who disapproved of the $6 billion cut and the tax increase are bound by the action of the Senate. I do not take that view. I think the tax was completely unnecessary and that the $6 billion cut in vital domestic programs outrageous.

Mr. ERVIN. I would say that that is a matter for the conscience of the Senator from Alaska or any other Senator.

Mr. GRUENING. My conscience feels that I am not bound by the mistaken action of the entire Senate.

Mr. MANSFIELD. Mr. President, I yield back the remainder of the time on the bill.

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time on the bill has been yielded back. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from Florida [Mr. HOLLAND], the Senator from Hawaii [Mr. INOUYE], the Senator from North Carolina [Mr. JORDAN], the Senator from Georgia [Mr. TALMADGE], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Florida [Mr. SMATHERS], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Florida [Mr. HOLLAND], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Maryland [Mr. TYDINGS], and the Senator from Maine [Mr. MUSKIE] would each vote "yea."

Mr. YOUNG of North Dakota. I announce that the Senator from Colorado [Mr. ALLOTT] is absent on official business.

The Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from Massachusetts [Mr. BROOKE], the Senator from New Hampshire [Mr. COTTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Illinois [Mr. DIRKSEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is detained on official business.

If present and voting, the Senator from Colorado [Mr. DOMINICK], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from Massachusetts [Mr. BROOKE], the Senator from Illinois [Mr. DIRKSEN], the Senator from Hawaii [Mr. FONG], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from California [Mr. KUCHEL], the Senator from Vermont [Mr. PROUTY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 45, nays 8, as follows:

[No. 268 Leg.]

YEAS—45

Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Cooper
Dodd
Fannin
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hill
Jackson
Javits
Jordan, Idaho
Mansfield
McGee
McGovern
McIntyre
Miller
Montoya
Morse
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Sparkman
Spong
Symington
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS 8

Ellender
Ervin
Hollings
Lausche
McClellan
Russell
Thurmond
Williams, Del.

NOT VOTING—46

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Brooke
Burdick
Cannon
Church
Clark
Cotton
Curtis
Dirksen
Dominick
Eastland
Fong
Fulbright
Hayden
Hickenlooper
Holland
Hruska
Inouye
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
Metcalf
Mondale
Monroney
Morton
Muskie
Prouty
Smathers
Smith
Stennis
Talmadge
Tower
Tydings
Yarborough

So the bill (H.R. 18037) was passed.

Mr. HILL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such necessary changes as are needed in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. RUSSELL, Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. JAVITS, and Mr. COTTON conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, this measure provides funds for the Departments of Labor, and Health, Education, and Welfare, and certain related agencies. It appropriates sums necessary to carry on the many vitally important programs and projects involved. Its passage today is a tribute to the Senator from Alabama [Mr. HILL]. And it is with the greatest regret that I note that along with the many measures that have been led through the Senate in years past by the senior Senator from Alabama, his outstanding service on this yearly appropriations bill will be sorely missed.

Senator HILL's dedication to achieving greatness for this Nation in the fields of health and welfare, education, and economic development have been unsurpassed. That dedication was clearly demonstrated by the manner in which he handled this measure. To it he applied the same care and diligence that he has applied to all such measures. Its overwhelming success speaks loudly and clearly for the effective and highly competent legislative skill of Senator HILL. The Senate and the Nation are again in his debt.

Joining to assure such an overwhelming success on this matter today was the Senator from New York [Mr. JAVITS], the ranking minority member of the subcommittee. His broad knowledge and deep appreciation of all facets of the proposal contributed immensely to its wide acceptance. The Senator from Rhode Island [Mr. PASTORE] is to be singled out for his splendid contribution. His successful urging of an amendment, his clear and persuasive explanations of the many features of the proposal were greatly appreciated.

Other Senators are also to be commended for their participation. The Senator from Michigan [Mr. HART], the Senator from Wisconsin [Mr. NELSON], the Senator from Indiana [Mr. HARTKE], and the Senator from West Virginia [Mr. BYRD] joined with their own strong and sincere views on the matter. Our particular thanks goes to the Senator from Delaware [Mr. WILLIAMS] who generously cooperated to secure final disposition today while urging his own strong and differing views on certain parts of the proposal.

Finally, I wish to thank the Senate as a whole for its splendid cooperation in disposing of this measure so efficiently and with full consideration for the views of every Member.

RENEGOTIATION AMENDMENTS ACT OF 1951

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1462, H.R. 17324, an act to extend and amend the Renegotiation Act of 1951. I do this so that the bill may be the pending business on Monday next.

The PRESIDING OFFICER (Mr. Williams of New Jersey in the chair). The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection the Senate proceeded to consider the bill.

EXEMPTION OF ANTIBALLISTIC MISSILE SYSTEM FROM BUDGET CUTS

Mr. THURMOND. Mr. President, it is refreshing to read in the press this morning the announcement by Defense Secretary Clark Clifford that the U.S. antiballistic-missile program has been exempted from any Pentagon budget cuts.

In view of reports of missile limitation talks between the United States and the Soviet Union, it is vital that if and when we negotiate, we do so from a position of military superiority.

Apparently the Soviet multiwarhead missile tests of August 23 and the military suppression of the liberalization movement in Czechoslovakia have enabled the administration to realize further delays in the ABM program could be fatal.

It also should convince the administration that further efforts to reach a detente with the Russians at this time would be foolish and would destroy the faith of the free world in the Nation's foreign policy strategy.

Certainly, the Senate should not further consider the nuclear nonproliferation treaty when the Russians have just broken treaties with Czechoslovakia. It shows once again that the Soviets view any treaty as a worthless piece of paper if their leaders feel such scrapping is necessary to forward the goal of Communist world domination.

How could we hope to deal with the Russians at this time when their hands are bloodied by the Czech invasion, a military move against people within their own camp?

The $6 billion ABM program only provides for a thin defense for the whole United States against unsophisticated missiles. This is not sufficient to meet our defense needs, but it is a critical and urgent first step which should be pushed ahead without budgetary considerations.

Earlier this year, I expressed my disappointment with the Defense Department to deploy only the thin Chinese-oriented system when what we need is a larger deployment aimed at meeting the greater threat which comes from the Soviet Union.

I have also reminded my colleagues of the dangerous trend in our overall strategic weapon strength in comparison with the Soviet Union. Some of the Senate will remember that I pointed out, in terms of total megatonnage delivery capability—not the number of launchers in place—the Soviets have made tremendous strides in competition with the United States.

We must press forward with all due speed in developing our ABM system which the Congress has supported but which the Defense Department, formerly under Robert McNamara, has delayed.

Mr. President, Secretary Clifford's announcement is encouraging, and it is my hope that additional moves in other neglected weapon system areas will also be pushed forward to maintain our Nation's military strength.

POSSIBLE PRESIDENTIAL TRIP TO THE SOVIET UNION

Mr. THURMOND. Mr. President, a few hours ago, the President held a press conference at which he was asked whether he had any travel plans in the near future. This was in reference to the speculation that the President intended to go to Moscow or elsewhere to hold a series of high-level talks with the Soviet Communist regime. The President now says that he has no travel plans in the offing at this point.

I was astonished that he did not come straight out and say that he had abandoned all thoughts of such a trip, in view of the rape of Czechoslovakia. The statement indicates nothing final in the way of a decision by the President. He leaves the door open for further consideration. I believe that the door should remain shut as long as Soviet aggression continues.

The rationale for such a trip was said to be the President's desire to climax his policy of bridge building. There are even those who maintained that such a trip would exploit the desire of all men for peace, and thereby increase the President's popularity among the people.

Such a course would most certainly be a misreading of the public sentiment. We have only to look about us to see that the bridge-building policy is in ruins. Our ship, the *Pueblo* is still held by North Korean Communists whose party's central committee is dominated by Koreans who maintain Soviet citizenship and military rank. In Vietnam, our casualties increase, and heavier attacks are launched against Saigon even while we are in the midst of negotiations.

Most significant, of course, is the heavy massing of troops in Czechoslovakian territory. It is clear that the invasion of Czechoslovakia is more than an attack on Czechoslovakian aspirations. The number of Soviet ground forces in Central Europe has at least doubled. The State Department says that there are 200,000 Warsaw Pact troops in Czechoslovakia. The Czechoslovakian leaders have stated that the number is 650,000. Whatever the truth, there is a significant shifting of troops into the territory next to West Germany.

Mr. President, this massing of military strength indicates that the Soviets intend to keep the Iron Curtain in good repair. When the Soviets use brute force to repress the citizens of other countries, no one can maintain any longer that these countries are not satellites of the Soviet Union. For all practical purposes, Czechoslovakia has been absorbed into the Soviet system.

This action of the Soviets places all treaties and commitments of the Soviet Union in doubt. Today's papers say that the fate of the nonproliferation treaty in the U.S. Senate is exceedingly grave. I think that these stories reflect a true sentiment. As I have said many times, a treaty with the Soviets is nothing but a scrap of paper. The Czechoslovakian invasion has shown many people how true this is.

For example, under the nonproliferation treaty, Czechoslovakia was to be maintained as a nonnuclear nation. With such a status, Czechoslovakia was tacitly to have been guaranteed safe from aggression. What good would the treaty have done for Czechoslovakia if it had been in effect on August 21?

I trust that the President will see fit to avoid meetings with the Soviet leaders as long as they continue their aggression. No trustworthy agreement or sincere exchange of views could be expected. The only result would be to make the United States look ridiculous in the eyes of our allies and the nonallied nations. Such meetings might even lead some people to condone what the Soviets are doing, and they will lead them to believe that the United States acquiesces in the action. I repeat, it would be a great mistake for the President to meet with the Soviet leaders under such circumstances.

THE CHILDREN OF BIAFRA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to insert a statement by Senator Bartlett entitled "The Children of Biafra."

There being no objection, the statement by Senator Bartlett was ordered to be printed in the Record, as follows:

Mr. Bartlett. Mr. President, I am compelled today to speak out on the atrocious spectacle of death and despair that the world is witnessing in Biafra. The sight of despair and death amongst the juvenile population of secessionist Biafra is so shocking and appalling that one is tempted to ignore the plight and turn to another page, to ignore the photographs and instead put down the paper. To idly witness the plight of these starving children and do nothing is akin to watching the lions at work in the arena.

Perhaps it would be utopian to suppose that the resolution of a revolution or secession could be bloodless. I do not address myself to this issue but, as Senator Hartke has said: "There is no political principle so certain, so decisive, so inclusive as not to admit of the compromise that would permit alleviation of the desperate straits of innocent individuals."

I add my voice today to that of Senator Proxmire, who stated on July 25, 1968:

"I do not speak today to indict any one for what is going on in that area. Rather, I wish to add my voice again to the call of many others that all involved in this dispute moderate their positions so that aid can be rushed overland in sufficient quantities to save these millions of human beings.

"There are signs of hope, in that talks may soon result in agreement—agreement that will permit the many innocents in Biafra to be fed and receive medical attention. But time is running out and every week thousands will be added to this necrology of the innocent."

Mr. President, life, it has been said, is neither good nor bad. It is original. It is these children with lives yet uncommitted, and with the inability to be combatants, who are being subjected to the horror of starvation and the rigors of protein-calorie malnutrition or kwasiokor. As President Johnson has said, ". . . innocent persons should not be victims of political maneuvering."

Accordingly, I request our administration to do everything in its power to convince those bearing responsibility to allow increased food and supplies through to the children of Biafra.

The Biafra-Nigeria argument constitutes a terrible tragedy. If any problem in today's world can be denominated as internal, this problem can so be classified. However, the enlightenment of the twentieth century, the lessons of the Second World War and the very nature of internationalism as embodied by the United Nations should not permit the death by starvation of these innocents. Humanity should not leave to historians the answer on what should have been done.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1969

Mr. LAUSCHE. Mr. President, I voted against the appropriation bill for the Departments of Labor and Health, Education, and Welfare and related agencies for the year 1969.

I subscribe to the general purposes for which the appropriation was made. I voted against the bill, however, because I believe that it is a complete breach of the commitments solemnly made to the people of the United States by the Senate on April 2, 1968, when it adopted the bill imposing a 10-percent surtax and mandatory reduction in spending of $6 billion.

Mr. President, on April 2, the Senate declared that there shall be imposed a 10-percent surtax. That meant that for every dollar of income tax paid by an individual, he would also have to pay an additional 10 cents as a surtax.

To pacify its conscience, the Senate said that it was imposing the 10-percent surtax but would mollify the thinking of the public by telling them it would reduce spending by $6 billion. That was on April 2, 1968.

Today, September 6, 1968, how different is the thinking on September 6 compared to the commitment made on April 2.

What the Senate did today, September 6, completely belies the solemn commitments it made on April 2, promising the taxpayers of the United States that it would cut expenditures in 1969 compared to 1968 by $6 billion.

Now what is the status of the expenditures financed by the House appropriations bill and those financed by the Senate?

The House tried to keep its solemn promise. It tried to cut expenditures. It authorized appropriations of $17,232,000,000. That figure was in excess of what we authorized for 1968.

What did the Senate do? It raised the figure of $17,232,000,000 to $18,488,000,000 through the recommendations of the committee. In other words, the committee said, "The House did not assign adequate money. It should have given $1,255,000,000 more."

But today the Senate comes along and passes nine amendments involving additional expenditures of $500 million. Thus, the Senate completely forgets its solemn commitment made on April 2 that it would cut expenditures by $6 billion and proceeds to raise the appropriations of the House by $1,255,000,000.

Morality in the fulfillment of commitments is a matter that all civilized nations ought to give grave attention to. The Senate of the United States, with the great respect in which it is held in the Nation and the world, over and above civilized people, ought to keep its solemn promises.

Tragically, it has not kept its solemn promise. The promise which it made on April 2, in trying to pacify its conscience in imposing a 10-percent surtax, that it would reduce expenditures by $6 billion, has been abandoned.

Today there has been an orgy on the Senate floor. The tide of spending money was moving with great speed. The money spenders put themselves on the crest of the tide, and in the flood and flow, they moved on toward their objective. Every proposal made by the money spenders was passed, even though those proposals were in complete conflict with sacred, solemn commitments made to the taxpayers of the United States.

I shall be asked why I voted against this bill. I would want to support it. Its general objectives are sound. They should be supported by Members of the Senate. But, Mr. President, we have the problem of the taxpayers of our Nation. There are countless programs I would like to support. In my file right now I have two tax bills from the U.S. Government, one from the city of Cleveland, one from the county of Cuyahoga. I can bear the burden of those taxes, but there are thousands and millions of Americans who are feeling the burden of excessive taxation.

I have no qualms about how I cast my vote. I have no qualms because my vote was cast with courage and honesty, and without any surrender to political expediency.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I, too, voted against H.R. 18037, an act making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

I wish to commend the distinguished and able Senator from Ohio for the remarks he made setting out his reasons for voting against this bill, and I wish to associate myself with those remarks and also with the remarks of the distinguished Senator from North Carolina [Mr. ERVIN].

I realize that voting against an appropriation bill is a serious matter. However, it is my feeling that we must put a halt to excess spending. When we voted to impose additional taxes on the people, there was at least a moral commitment to reduce expenses.

This bill not only does not decrease expenditures, but it increases the appropriations for the purposes set out in the bill.

In addition, it has become apparent that the OEO has funded many unwise and, indeed, even dangerous projects. The current hearings regarding Federal financing of criminal gangs in Chicago are one example.

For these reasons I cast my vote against the bill.

Since the bill passed, I am pleased that the Senate retained the amendments intended to prevent HEW officials from using funds under this bill to intimidate local school boards.

COMMON SOURCES OF RADIATION EXPOSURE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to insert in the RECORD a statement by Senator BARTLETT entitled "Common Sources of Radiation Exposure," with an attachment.

There being no objections, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BARTLETT

Mr. BARTLETT. Mr. President, shortly before H.R. 10790, the Radiation Control for Health and Safety Act of 1968, was reported from the Senate Commerce Committee, the magazine, the American Engineer, in its July 1968 issue, carried an article that is directly relevant to what this legislation seeks to do.

I was very interested in the article, both because of its content, and also because it author, Dr. Karl Z. Morgan, has been one of the leading witnesses before the Senate Commerce Committee and for the other body on present dangers of radiation from certain electronic products, namely x-ray machines. Dr. Morgan is the director of the Health Physics Division of the Oak Ridge National Laboratory, where he had had a distinguished career in protecting scientists, engineers, technicians and other workers from radioactive materials of all varieties, forms and amounts. He has lived daily with radiation protection ever since the days of the Manhattan project. I should add that his testimony was difficult, for it was up-hill, and bucked the party line of rather prestigious organizations.

In the July issue of the American Engineer he writes about common sources of radiation exposure and in doing so adds to the record which supports enactment of H.R. 10790.

I request unanimous consent that a copy of Dr. Morgan's article be printed in the RECORD at the conclusion of my statement.

(See exhibit 1.)

However, first, I would like to note several of the highlights of the article.

Concerning non-medical sources of exposure, he said:

"The industrial radiographic X-ray machine is in some cases rather notorious for its use under poor supervision such that not only the operator but other workers have been overexposed.

"Devices such as the high voltage vacuum switch or the high voltage vacuum condenser were just spotted in 1967 as potentially very dangerous X-ray sources by health physicists at Oak Ridge National Laboratory. . ."

Not only that, but "in spite of the fact that some of the vacuum switches tested at subrated voltages produced X-ray fields several feet from them that were hundreds of times the maximum permissible levels for occupational, no warnings or indications of shielding requirement are given in the available literature describing their installation and operating characteristics. In fact, no mention is made that they might produce X-rays."

Yet, as Dr. Morgan points out, these devices are used in industry, in research, in hospitals, in universities.

Dr. Morgan also describes other sources of ionizing radiations and some of the related problems, such as that of radioactive materials from fall-out of nuclear tests, and the use of man-made radioactive materials. Then he comes to a point which has intrigued me throughout our hearings on H.R. 10790. He points out that in terms of biological consequences, it does not matter whether a radioisotope is produced in a nuclear reactor or by a high voltage accelerator, or is recovered from mineral deposits. The exposures produce equivalent damage. Likewise the effects of X-rays, whether they are produced by an X-ray machine, a high voltage vacuum switch, or an improperly designed or adjusted television receiver, are similar. In all these cases, says Dr. Morgan, the radiation source should be kept under proper surveillance and adequate control, if the radiation from the source is sufficient to produce a risk of exposure in excess of presently accepted levels. He concludes by reminding all of us, and I join with him in his thought, that ionizing radiations are not something to be feared, but are to be respected and treated with the same regard, care and understanding as all other important sources of energy. We do not take tools from the hands of men because they may be dangerous. Instead we assure the safe use of dangerous tools by education, by setting safety standards of design and use, and by following up to see that safe usage is the rule rather than the exception.

I think Dr. Morgan makes a good point when he points out that the effects of ionizing and other radiations depend not upon their source, but upon their characteristics as they fall upon the human body. It is with this in mind that I am preparing a statement to further bring out the gaps and inconsistencies which presently exist in Government control of radiation.

Dr. Morgan's facts and his analysis of these facts in this article underscore once again the reasons why H.R. 10790 should be enacted by the Senate. It will enable the Secretary of Health, Education, and Welfare can get on with the job of assuring that safety is built into the design and manufacture of electronic products which emit potentially dangerous X-ray like and other electromagnetic radiations.

Exhibit 1

Common Sources of Radiation Exposure

(By Dr. Karl Z. Morgan)

Ionizing radiation, like all other known sources of energy, can and has brought many great benefits to man. Perhaps the most important have not yet been discovered or fully realized. Also, like other sources of energy, for example, heat or electricity, it can and does produce serious damage when delivered in excess amounts to an individual. For example, it has caused cataracts, radiation sickness, malignancies, and death. Unlike most forms of energy, in relatively small amounts of exposure to large populations it is believed to increase appreciably the incidence of leukemia, bone cancer, thyroid cancer, and genetic injury at a rate which is more or less proportional to the amount of exposure. Unlike other sources of energy, ionizing radiation can be received in dangerously large amounts—even lethal amounts—by the unwary and careless individual without any sensation of pain or injury at the time of exposure. Radiation exposure may be from a source external to the body or from radioactive material (radioisotope) taken into the body and incorporated in the body organs. Ionizing radiation may be in a form that is electromagnetic (wavelike) or particulate.

There is a host of commercial, industrial, medical, research, and consumer product devices which fall for the most part in a class in the intermediate voltage range of 10 kv to 200 kv. It is a simple fact of physics that if a high electrical potential is applied across a partial vacuum, an electron current will flow between the electrodes which reaches a peak at an optimum gas pressure in the tube. The electrons are accelerated by the high voltage and upon striking material of high atomic number such as tungsten, iron, copper, glass, etc., they are slowed down, producing penetrating eletcromagnetic radiation.

This radiation is called X-ray if the voltage equivalent is above about 10 kv. Some of these devices, such as diffraction analyzers and electron microscopes, have been recognized by the health physicists as potentially dangerous X-ray sources for many years, but even today such equipment in industry and universities leads to many overexposures because of improper supervision and failure of some to recognize the conditions under which X-rays may leak out from these devices into the area where, for example, the eyes of the researcher may be overexposed, leading to an increased risk of radiation-induced cataracts. The industrial radiographic X-ray machine is in some cases rather notorious for its use under poor supervision such that not only the operator but other nearby workers have been overexposed. Devices such as the high voltage vacuum switch or the high voltage vacuum condenser were just spotted in 1967 as potentially very dangerous X-ray sources by health physicists at Oak Ridge National Laboratory, who were checking a number of such devices for radiation safety. In spite of the fact that some of the vacuum switches tested at subrated voltages produced X-ray fields several feet from them that were hundreds of times the maximum permissible levels for occupational exposure, no warnings or indications of shielding requirement are given in the available literature describing their installation and operating characteristics. In fact, no mention is made that they might produce X-rays. Yet these devices are used in industry, research, hospitals, universities, etc. Perhaps the more widely publicized electronic device that can produce X-ray exposure is the color television set. There have been many exaggerations both relative to the radiation hazards from color television and from those who claim the risk is negligible. It is true that the standard set by the National Council on Radiation Protection (NCRP) of "0.5 mR hr at 5 centimeters from any readily accessible location on the color television receiver" is in some respects conservative, but this I believe is as it should be for radiation sources which are unnecessary and for which there is no direct X-ray benefit to the exposed individual. If one assumes the 14 million color television sets in the United States were operated right at the maximum limit set by the NCRP and that these sets are viewed on the average of 20 hours per week each by two persons at a distance of eight feet, you can make a number of interesting estimates. I have assumed the attenuation factor is such that the gonad dose from each of the sets operating at the NCRP level of 0.5 mR/hr at 5 centimeters is 3 mrad/yr at eight feet. I have assumed further that for chronic exposure of this type there are 8 x 10^{-4} mutations per year per roentgen.

This is the lower limit of genetic mutations based on recent data of W. L. Russell which indicate that perhaps fiive out of six damaging mutations might be repaired at this low dose rate. Under these assumptions, we arrive at the relatively low figure of about 70 genetic deaths per year in the United States at equilibrium. I submit this is not a negligible risk but agree that it is extremely low compared to others in our environment. Some would say that two genetic deaths per year per million color television viewers is completely negligible and insignificant. In any case, I would still insist it is proper the NCRP has set this risk very low. On the other hand, the recent survey of the HEW-USPHS of color television sets in Washington, D. C., did indicate about 6 percent of the 1,124 sets surveyed exceeded the NCRP standard and two sets exceeded this level by a factor of more than 25 (the readings were beyond the range of the survey instruments used). Also, it is interesting to note that measurements have been made on a set containing a selected 6EF4 shunt regulator tube operating under conditions chosen to produce maximum X-ray emisssion and produced an exposure rate of 83 R/hr at floor level below the set and 800 R/hr immediately below the receiver. Hopefully, there are no sets in homes operating under these conditions. Such a set could produce erythema and epilations perhaps in about a week in a child who watched television at floor level and could result in much more serious damage such as cataracts and perhaps leukemia and other malignancies after extended exposure. Also, such a set could be a serious threat to the eyes of the television repairman. The Washington survey indicated that most sets meet the NCRP standard but a considerable number of brand names were on sets that exceeded the NCRP standard. The primary sources of trouble were the high voltage shunt regulator tube, high voltage rectifier tube, and the picture tube. In general, the higher the operating high voltage, the greater the risk of excessive dose rate, e.g., all the sets operating above 31 kv in the survey exceeded the NCRP standard. Most of the sets exceeding the NCRP standard were purchased after 1965 and the left side and back of the sets were the most likely locations of high radiation readings.

The most important source of population exposure to ionizing radiation is the medical X-ray machine. In fact, it is estimated that of man-made sources of ionizing radiation in the United States at present, about 94 percent of the gonad exposure is received from medical sources, 5 percent from weapons fallout, and less than 1 percent from all other sources, a few of which are discussed here. I will limit this discussion to medical diagnostic X-ray exposure in contrast to therapeutic X-ray exposure because therapeutic exposure accounts for only a small fraction (about 10 percent) of the exposure of the average person in the United States from medical sources and because it is usually administered by a radiologist who is actually aware of the urgent need to keep the dose as low as possible to normal tissue while destroying that which is malignant. Diagnostic X-ray exposures in the United States are much higher than those in many other advanced countries such as the United Kingdom (where it is less than one-fourth of that in the United States) and it is conservatively estimated that diagnostic X-ray exposure in the United States could be reduced by a factor of 10 while at the same time improving X-ray diagnosis and obtaining finer detail and far more information on the X-ray films. The one single development which could be expected to reduce medical exposure more than all others is that of education and the development of a proper motivation on the part of all the medical profession to take this problem seriously. At the present time, only California requires the teaching of courses in radiation protection (or health physics) in the medical schools and specifies that there must be questions on this subject on the state board examinations. Only in New York is the operation of X-ray equipment limited to the educated, trained, and certified X-ray technologists and this does not apply even here to dental technicians. It is little wonder then that many surveys have indicated skin doses for chest X-rays ranging from 1,000 mR to 10 mR and for dental X-ray series ranging from 300 mR to 300,000 mR. Yet, almost without exception, those medical men or dentists delivering doses toward the lower range of the scale obtain better radiograms with more medical information. It is little wonder that there is this wide variation in X-ray dose and quality of medical information when many of those who own and operate X-ray equipment have never had instruction in its use. Often the cross-sectional area of the X-ray beam is several times that of the film and the USPHS surveys two years ago indicated most of the dentists were overexposing the films and underdeveloping them—a sure way to get an image on the film but a guarantee of poor quality X-rays and of patient over-exposure. Although high-speed X-ray film and long, open-ended cones have been recommended for a long time, few dentists are using both and many neither, even though the combination can reduce the X-ray dose to the patient by a factor of 10 to 20. In my congressional testimony last year supporting bills S. 2076 (Senator E. L. Bartlett) and H.R. 10790 (Representative Paul G. Rogers), I listed some 63 ways in which medical exposure to the patient can be reduced. There are many others which I could add to this list but all of them can be summarized under education, training, certification, legislation, enforcement of minimum control limits, inspections, the use of proper and reasonably modern equipment, and the application of the best of techniques by a properly informed and motivated medical and paramedical profession.

Some radioisotopes such as strontium-90 and cesium-137 are beta emitters that are common in the fallout debris from the atmospheric testing of nuclear weapons and are of particular concern when they are taken into the body. Strontium-90 is of concern because it deposits in the bone, thus increasing the risk of bone tumors and leukemia. Cesium-137, on the other hand, deposits rather uniformly throughout the body and increases the chance of various forms of malignancies in the individual and adds to the probability of genetic damage to his descendants. These two radioisotopes are among the more dangerous of those in weapons fallout and that are produced in a nuclear reactor and are separated from the reactor fuel in the less widely distributed reactor fuel reprocessing plants. Another common reactor and weapons-produced beta-emitting radionuclide of primary concern is iodine-131. This can present a problem because if liberated into the environment, much of it settles onto the grass and the cows eating this contaminated grass pass much of it on to the milk where, if consumed by the child, it concentrates largely in the child's thyroid. He it increases the risk of thryoid cancer in the child.

In addition to man-made radioisotopes, there are many such as radium-226, polonium-210, thorium-232, and uranium-238 which occur naturally in our environment. Usually, these do not represent a problem, however, unless man tampers with or concentrates them. Radium-226 was a serious problem during the decade following World War I, especially among the radium dial painters who tipped their brushes with their lips. In doing this, they ingested some of the radium such that a few millionths of a gram deposited in their skeltons, thus leading to bone cancer. The recent congressional hearings on radiation exposure to the uranium miners in some of the southwestern states emphasizes dramatically again that ionizing radiation—external or internal from man-made or naturally occurring sources—can and will create a serious problem if it is not kept under proper surveillance such as that provided by the health physicist in the nuclear energy industry. Most of these underground mines have operated for years with radon and its daughter products (produced by the natural radioactive decay of uranium-238) at 10 to 100 times the air concentration which was recommended by the National Council on Radiation Protection and the International Commission on Radiological Protection (ICRP) as the maximum permissible concentration for the radiation worker. As a consequence, it was reported in the 1967 congressional hearings that 89 uranium miners had already died of lung cancer as the result of prolonged radon and daughter produced exposure and the projected number based on the past record is 1,150 cases of lung cancer by the end of 1985. As a consequence of these hearings and the action of the Federal Radiation Council (FRC), the permissible working level of airborne radioactivity in the mines was set at a value that is approximately three times the level set in 1959 by the NCRP and ICRP.

This represents, however, a large forced reduction of the air concentration in most of the underground uranium mines in the United States, and I believe it is probable and desirable that the permissible working level will be further reduced in the near future. This is because scientific evidence seems to indicate there is no threshold level of exposure to any form of ionizing radiation so low that the risk of radiation damage becomes zero. In other words, there are certain types of radiation-induced risks such as leukemia, bone tumors, thyroid cancers, and genetic damage that seem to relate more or less linearly with the dose. The accepted opinion of many of the world's most knowledgeable scientists in this matter is perhaps best illustrated by a summary of statements of the ICRP regarding the three basic assumptions on which maximum permissible levels of exposure to all types of ionizing radiation are set. ICRP states that the levels recommended are so low that (1) the probability of serious radiation damage such as leukemia is very low (but not zero), (2) the more common and unavoidable types of damage such as life shortening are very slight or are of a minor nature and would be acceptable by the exposed individual, and (3) the risks of somatic and genetic injuries are comparable to those of other well-conducted modern industries.

Radioisotope sources such as strontium-90, cobalt-60, cesium-137, and radium-226 can damage man either as external sources or as internal sources. As external sources, they may be relatively safe initially but when tampered with or otherwise damaged, the protective coating is removed, or the source begins to leak due to internally developing pressure or fire damage, it can become a serious contamination problem. Most of the sources containing reactor-produced radionuclides are under the surveillance of the USAEC or, in some cases, under state control. However, accelerator-produced sources and sources of natural origin are, in most cases, under very limited control or essentially no control. Sources such as plutonium-239, hydrogen-3 or carbon-12 present damage only as internal sources because of the short range of the radiation in tissue but for this very reason they may deliver their radiation in more intimate contact with the most radiosensitive tissue in the body. Radioisotopes may enter the body by inhalation, ingestion, injection, or through the intact skin and they may originate in hazardous form as a gas, dust, spray, liquid, or surface contamination. Most of the larger and more dangerous radioisotope sources are found in national laboratories, government and industrial laboratories, hospitals, and industrial radiographic establishments where, except in the latter case, they are usually under adequate health physics supervision and control. There are many cases on record where individual radiographic sources have been improperly handled, leading to excessive radiation exposure of a few individuals and in some cases to widespread contamination which led to decontamination procedures costing in the tens of thousands of dollars. Perhaps the most dramatic case involving a radiographic source occurred in Mexico in 1962 when four persons died as a result of a cobalt-60 radiographic source left in their home accidentally and unclaimed for some time. The father also was seriously injured by this source but still survived at the last report.

In terms of biological consequences, it doesn't matter whether a radioisotope is produced in a nuclear reactor or high voltage accelerator or is of natural origin. Exposures from x and γ rays, or *a*, *6* and η particles in terms of rem units or gram rem units produce equal damage. Likewise, an exposure to X-rays of a given voltage in these units is the same whether it is generated by a medical X-ray machine, a color television set, or a high voltage vacuum switch. In fact, such exposure is the same whether generated by X-rays or gamma rays from a cobalt-60 source if the energy distributions are the same. In all these cases, the radiation source should be kept under proper surveillance and adequate control of the health physicist at all times if its concentration and availability to man are sufficient to produce a risk of exposure in excess of those levels established by the NCRP, ICRP, and the FRC for the occupational worker and for members of the population at large. Ionizing radiation is not something to be feared but it is to be respected and must be treated with the same regard, care, and understanding as all other important sources of energy. Of all the sources mentioned above, medical X-ray diagnostic machines produce by far most of the unnecessary population exposure.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report of Claims Paid Under the Military Personnel and Civilian Employees' Claims Act of 1964

A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, a report of all claims settled pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on the Judiciary.

Minutes of 81st National Convention, Ladies of the Grand Army of the Republic

A letter from the District of Columbia representative of the Ladies of the Grand Army of the Republic, transmitting, pursuant to law, the minutes of their 81st National Convention, August 5–10, 1967 (with accompanying papers); to the Committee on the Judiciary.

PETITION

The PRESIDING OFFICER laid before the Senate resolutions adopted by the Nebraska Rural Electric Association, of Lincoln, Nebr., demonstrating against the merger of urban and rural electric distribution facilities, and so forth, which were referred to the Committee on Agriculture and Forestry.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, and in accordance with Senate Resolution 281, 90th Congress, second session, appoints the Senator from Illinois [Mr. PERCY] to the Select Committee To Study the Unmet Basic Needs Among the People of the United States.

The Chair, on behalf of the Vice President, and under the provisions of Public Law 816, 80th Congress, appoints the Senator from Arizona [Mr. FANNIN] as a member of the Board of Visitors to the U.S. Naval Academy, in lieu of the Senator from Tennessee [Mr. BAKER].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONTOYA, from the Committee on Agriculture and Forestry, without amendment:

S. 3736. A bill to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex. (Rept. No. 1502).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

H.R. 18146. An act to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineers Corps of the Navy (Rept. No. 1503).

By Mr. PEARSON, from the Committee on Armed Services, without amendment:

H.R. 18786. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and for other purposes (Rept. No. 1504).

By Mr. BYRD of Virginia, from the Committee on Armed Services, without amendment:

H.R. 15268. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes (Rept. No. 1505).

By Mr. YOUNG of Ohio, from the Committee on Armed Services, without amendment:

H.R. 10573. An act to provide authority to increase the effectiveness of the Truth-in-Negotiations Act (Rept. No. 1506).

By Mr. STENNIS (for Mr. DOMINICK), from the Committee on Armed Services, without amendment:

H.R. 17780. An act to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea (Rept. No. 1507).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 4006. A bill for the relief of Alessandro La Rocca, his wife, Maria Vittoria La Rocca, and their two daughters, Daniela and Gianluca La Rocca; to the Committee on the Judiciary.

By Mr. HART:

S. 4007. A bill for the relief of Erlinda Zaragosa;

S. 4008. A bill for the relief of Gertrude Grazek Giniatczyk; and

S. 4009. A bill for the relief of Dr. Che-Shen Chiu; to the Committee on the Judiciary.

By Mr. MORSE:

S. 4010. A bill to provide that certain lands shall be held by the United States in trust for Indians of the Burns Paiute Indian Colony of Harney County, Oreg.; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS:

S. 4011. A bill to improve judicial machinery by repealing the provisions of section 41 of the act of March 2, 1917, as amended, concerning the U.S. District Court for the District of Puerto Rico, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK:

S. 4012. A bill for the relief of Angelo Caruso; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 4013. A bill to provide for meeting the manpower needs of the Armed Forces of the United States through a completely voluntary system of enlistments, and to further improve, upgrade, and strengthen such Armed Forces, and for other purposes; to the Committee on Armed Services.

S. 4010—INTRODUCTION OF BILL TO PROVIDE THAT CERTAIN LANDS BE HELD BY THE UNITED STATES IN TRUST FOR INDIANS OF THE BURNS PAIUTE INDIAN COLONY OF HARNEY COUNTY, OREG.

Mr. MORSE. Mr. President, I introduce for appropriate reference a measure placing certain lands in trust for the Indians of the Burns Paiute Indian Colony of Harney County, Oreg. The bill that I introduce today is a companion bill to H.R. 4789, as sponsored in the other body by my colleague, Congressman AL ULLMAN. I understand that the House bill is pending before the Committee on Interior and Insular Affairs.

I am glad to give my support to a measure that is so important to the economic future of the Burns Paiute Indians. It is my hope that this much-needed legislation can receive the early attention of both the Senate and the House.

I, therefore, introduce this bill and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4010) to provide that certain lands shall be held by the United States in trust for Indians of the Burns Paiute Indian Colony of Harney County, Oreg., introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 4011—INTRODUCTION OF BILL TO IMPROVE JUDICIAL MACHINERY OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Mr. TYDINGS. Mr. President, the bill I am introducing today is directed to a relatively small area of Federal district court jurisdiction which I think we have inadvertantly overlooked while altering the general jurisdiction of the Federal courts. Section 863 of title 48, United States Code, is a special provision covering several diverse aspects of the jurisdiction and administration of the U.S. District Court for the District of Puerto Rico. In most respects it is now duplicated in other sections of the United States Code, and in the area in which it is not duplicated I believe that we should revise the jurisdiction of the district court. I am therefore proposing legislation to repeal section 863.

This action has the support of the Judicial Conference of the United States, which last year recommended repeal. The conference report, to which I fully subscribe, was as follows:[1]

> The Conference agreed to recommend to the Congress the repeal of Section 41 of the Act of March 2, 1917, as amended by Section 20 of the Act of June 25, 1948 (c. 646, 62 Stat. 989, 48 U.S.C. 863). This section of the statute has four separate parts, three of which are regarded as obsolete or fully supplied by other statutes and the fourth not only obsolete but also confusing and unnecessary. The provision with respect to the naturalization jurisdiction has been superseded by Section 310 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1421) which expressly confers upon the district courts of the United States, including the Puerto Rico District Court, jurisdiction of naturalized persons as citizens of the United States. The payment of salaries of the judges and officials and other expenses of the court are now made directly by the Director of the Administrative Office of the United States Courts pursuant to Section 604 of Title 28, United States Code. Authorization for payment is given in several sections relating to court personnel in Title 28, all of which apply to the District Court for the District of Puerto Rico as they do to any other district court of the United States. The provision of the designation by the President of a judge of the Supreme Court of Puerto Rico as a temporary judge of the District Court in the case of the death, absence or disability of the district judge antedates the full integration of the District of Puerto Rico into the Federal judicial system by Sections 41, 119, 132, 133 and 134 of Title 28, United States Code. The provision for special diversity jurisdiction antedates the enactment of 28 U.S.C. 1332 which confers diversity jurisdiction and is applicable to the District Court for Puerto Rico in common with all the other district courts of the United States. By the passage of Public Law 89–571 the Congress has now amended 28 U.S.C. 134(a) so as to confer the same life tenure upon the United States district judges in Puerto Rico as is provided for other United States district judges and thus the last remaining barrier to the full and complete integration of the District Court in Puerto Rico into the federal constitutional judicial system has been eliminated.
>
> The Conference, therefore, agreed that the courts of Puerto Rico should handle so much of that special jurisdiction as is not comprehended within the general diversity jurisdiction granted to all United States district courts by 28 U.S.C. 1332, and that direct action cases should be handled by the local courts as they are now required to be in Louisiana and Wisconsin.

As the last paragraph of the report indicates, the jurisdictional grant of section 863 is slightly broader than the general diversity jurisdiction grant found in section 1332 of title 28. Further, when the jurisdictional amount prerequisite for diversity jurisdiction in section 1332 was revised upward from $3,000 to $10,000,[2] no reference was made in the amendatory bill to increasing the $3,000 minimum found in section 863, and the Federal courts have accordingly construed it as being unaffected.[3] Hence, in two respects it is possible for litigants in the District of Puerto Rico to gain access to a Federal forum where litigants in any of the other districts of the United States could not. The continued existence of this jurisdiction in the Federal court is an anomaly, working to the advantage of a limited class of litigants who, so far as I can see, have no basis upon which to claim this preferential treatment.

---

[1] Reports of the Proceedings of the Judicial Conference of the United States 18–19 (1967).

[2] 72 Stat. 415 (1958).

[3] *Ritchie* v. *Heftler Const. Co.*, 367 F. 2d 358 (1 Cir. 1966); *Compagnie Nationale Air France* v. *Castano*, 358 F. 2d 203 (1 Cir. 1966); *Firpi* v. *Pan American World Airways, Inc.*, 175 F. Supp. 188 (D.P.R. 1959).

The Court of Appeals for the First Circuit, which was appellate jurisdiction over the U.S. District Court in Puerto Rico has, understandably, expressed doubt as to the wisdom of this distinction. As Chief Judge Aldrich stated:

> It may be that in the present social and political development of Puerto Rico, the extent of the diversity jurisdiction of the district court should be reconsidered.
>
> However—

He continued—

> this is a legislative, not a judicial function.[4]

My purpose is to fulfill that function. Litigants who are no longer able to bring suit in the Federal court will still have access to the insular courts of Puerto Rico, where they are afforded procedures basically similar to those employed in the Federal courts. I submit that the insular courts are fully capable of handling the cases that will devolve upon them as a result of this amendment. Thus I am proposing that we establish equality of treatment among litigants in an area where no justification for diverse treatment exists.

I ask unanimous consent that the bill be printed in the RECORD.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4011) to improve judicial machinery by repealing the provisions of section 41 of the act of March 2, 1917, as amended, concerning the U.S. District Court for the District of Puerto Rico, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 41 of the Act of March 2, 1917 (c. 415, 39 Stat. 965), as amended (48 U.S.C. sec. 863) be and hereby is repealed.

ADDITIONAL COSPONSORS OF BILL AND RESOLUTION

Mr. **JAVITS.** Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Michigan [Mr. HART] be added as a cosponsor of the bill (S. 3629) to amend the act of October 3, 1965.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **MURPHY.** Mr. President, on July 29 I introduced S. Res. 383, which authorizes the sale of Phantom jet fighters to the Government of Israel. I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor of the resolution.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RESOLUTION

SENATE RESOLUTION 389—RESOLUTION AUTHORIZING THE PRINTING OF A REVISED EDITION OF "EQUAL RIGHTS AMENDMENTS" AS A SENATE DOCUMENT

Mr. **McCARTHY** submitted the following resolution (S. Res. 389), which was referred to the Committee on Rules and Administration:

S. RES. 389

Resolved, That a revised edition of Senate Document 164 of the Eighty-seventh Congress, entitled "Equal Rights Amendments—Questions and Answers Prepared by the Research Department of the National Woman's Party", be printed as a Senate document.

SENATOR JENNINGS RANDOLPH AND THE FEDERAL-AID HIGHWAY ACT OF 1968

Mr. **SPONG.** Mr. President, full recognition of the role played by the Senator from West Virginia [Mr. RANDOLPH] in securing passage of the Federal-Aid Highway Act of 1968 was made in a speech by Hon. Alan S. Boyd, Secretary of Transportation, before the joint session of the West Virginia Bar Association and the West Virginia Chamber of Commerce at the Greenbrier, White Sulphur Springs, W. Va., on Friday, August 30, 1968.

All of us who work with Senator RANDOLPH, the chairman of the Committee on Public Works recognize the leadership which he displayed in bringing to fruition one of the most forward looking pieces of highway legislation in the history of Congress. This act, Public Law 90–495, includes provisions which are designed to reorient the highway program to make it more responsive to people, especially those who are most directly affected by it or disadvantaged because of it.

The measure includes a sophisticated and far-reaching relocation assistance program for those who suffer private injury for the public benefit.

It requires that effective and meaningful equal employment opportunity programs be instituted in every State to insure that no man, regardless of his race, color, or creed is denied employment. The equal employment provision puts great emphasis on the need for training so that no one can be denied the opportunity to participate in highway employment because of lack of skill.

Increased aid to cities is another key feature of this legislation. Programs for traffic operation improvement on our city streets and fringe parking are both included within its scope. Great emphasis on the involvement of local people and local governments in highway decisions is stressed by the approach taken.

In addition, language to insure against a repetition of the tragedy which occurred with the collapse of the Silver Bridge was added so that citizens everywhere will be able to make use of these vital facilities without fear or risk.

Much of the adverse comment about this legislation carried in the daily press stems from a misunderstanding of the provisions relating to parklands and the District of Columbia highway program. The parkland protection language agreed to by the conferees and approved by Congress is in many respects stronger than existing provisions of law. As with the positive features as outlined above, it is the method by which it is implemented by the responsible agencies that will make it good or bad.

As Senator RANDOLPH said when he recommended Senate approval of the conference report on this legislation:

> It is the most significant highway bill brought to this body since the adoption of the Federal-Aid Highway Act of 1956. In many ways its provisions will insure that the people will have the finest roads at the least social and economic cost. The provisions of this Act will enable us to meet our total responsibilities to the people of this Nation.

I respectfully invite the attention of Senators to a portion of the remarks made by Secretary Boyd in his West Virginia speech:

> As President Johnson said when he signed the measure into law, it is "in many respects the most important highway authorization bill since the start of the Interstate Program over a decade ago." It shows, he said, "more of a concern for our citizens than for concrete."
>
> And the fact that it meets these needs as well as it does is to a large extent a measure of the leadership and concern of your own Senator Jennings Randolph.
>
> As the President pointed out in his signing message, the bill was not perfect. The President has to balance what he called the "positive and progressive features against its shortcomings." And I think we are all persuaded that it was the hard work of Senator Randolph on the floor and in conference which produced a bill that—on balance—had more good than bad.

I join in this tribute to the chairman of the Senate Committee on Public Works, the Honorable JENNINGS RANDOLPH, and understand the pride which his constituents must have felt when they heard these fine words about their Senator.

I ask unanimous consent that Secretary Boyd's address be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY ALAN S. BOYD, SECRETARY OF TRANSPORTATION, BEFORE THE JOINT SESSION, WEST VIRGINIA BAR ASSOCIATION AND THE WEST VIRGINIA CHAMBER OF COMMERCE AT THE GREENBRIER, WHITE SULPHUR SPRINGS, W. VA., FRIDAY, AUGUST 30, 1968

The fundamental strength of democracy is its ability to accommodate change.

One of the most important of these changes is now taking place in relations between business and government.

There is a new willingness in this country to recognize that very little social progress results from programs that are purely private or entirely public.

For its part, Washington has begun to design its programs to enhance the role of the private sector in the pursuit of national goals. At the same time, leaders of commerce and industry have increasingly taken a broader view of their responsibilities for the social health of the nation.

There is also a growing awareness that many public problems occur in forms which are not amenable to solution in the market place.

---

[4] *Ritchie* v. *Heftler Const. Co., supra,* at 360.

When society was less complex, the distinction between private and social goods was easy to maintain. National defense, the Post Office and the bulk of the educational system were public matters and most of the remainder was held to be a private concern, or nobody's concern.

Nowadays, as more people crowd into less space; as the ecology of nature is replaced with the artifacts of man; as the world becomes one industrial system, more and more decisions must be made in the market of the public good.

I believe both government and business today are paying more than lip service to this concept.

Part of my optimism stems from the increasing evidence that we are on the way toward a rational, modally integrated, socially responsive transportation system in the U.S. We have just begun and the journey will be long, but I detect unmistakeable signs that transportation is coming to be recognized as one of the essential components of any serious plan for national, regional and urban reform and development.

The turning point in national awareness of the potential of transportation came during the present Administration.

When the Congress—at the request of President Johnson—created the Department of Transportation, it became possible for the first time in the history of this country to go beyond talking about a total transportation system to actually doing something to achieve it.

As a result, we are beyond the point where we see transportation merely as an isolated part of the industrial infrastructure.

Transportation is more and more viewed as one of the elements in a new social topography that is being created by the coaction of government, community leaders, and social scientists.

We have begun to see that highways, for example, have a critical impact upon the total environment, and unless carefully planned by states and communities, can ruin neighborhoods, add to pollution, displace thousands of poor people, absorb valuable park land, and promote congestion instead of relieving it.

This year's Federal-Aid Highway Act is a historic attempt to deal with these problems and—at the same time—respond to the people's need for better streets and highways.

As President Johnson said when he signed the measure into law, it is "in many respects the most important highway authorization bill since the start of the Interstate Program over a decade ago." It shows—he said—"more of a concern for our citizens than for concrete."

And the fact that it meets these needs as well as it does is to a large extent a measure of the leadership and concern of your own Senator Jennings Randolph.

As the President pointed out in his signing message, the bill was not perfect. The President has to balance what he called the "positive and progressive features against its shortcomings." And I think we are all persuaded that it was the hard work of Senator Randolph on the floor and in conference which produced a bill that—on balance—had more good than bad.

Under this new act:

We can move ahead to complete the Interstate Highway system.

As we do so, families—particularly the poor—who are displaced from their homes by highway projects—will receive the help they need to find and move into decent dwellings.

We can authorize highway departments to buy rights-of-way in advance to help assure better planned, less expensive routes that cause a minimum of disruption.

We can provide up to $250 million a year in matching funds for cities to improve their traffic flows and cut congestion without resorting to expensive new construction.

We can provide financial help for the construction of fringe parking facilities that will tie in with public transportation and—again—cut congestion in crowded business districts.

Highway planners will be required to consider social and environmental factors in determining the location of urban highways.

And there will be more effective guarantees of equal employment opportunity in the highway construction industry.

The measure, as I said, does have drawbacks. It weakened the effort to beautify America's highways. It weakened the protection we have given to some park lands. It extended the Interstate System without any systematic study of priorities.

And in a provision for expanding the highway system in the District of Columbia it bordered—as the President said—on an "infringement of basic principles of good government and executive responsibility."

But the good *did* outweigh the bad—largely, as I have said, due to the efforts of Senator Randolph. And as President Johnson pointed out, the Congress can amend the undesirable features of the bill in future sessions.

Any transportation system that succeeds *only* in moving passengers and freight efficiently is by definition a social failure. The criterion is no longer machines, but people. We are discovering for whom and for what ultimate purposes highways are built and runways laid. Mobility is not enough.

What, then, will be the shape of the transportation system to come? You can get the clearest picture by examining the concerns of the Department of Transportation today, and by taking a hard look at our encouraging progress in some 400 projects of research and demonstration we have initiated during the last 18 months. There is no phase of transporation save the maritime industry where the Department does not have a mandate for innovation.

We have begun to implement meaningful safety programs on the highways, in the air, and on the rails. We are persevering with tests of high speed trains.

We have a little science fiction project involving studies for a tracked, air-cushioned bug that will go 300 mph. and carry regional communters from city to city faster than they can now get downtown from suburbia.

We are also committed to the first full-scale study of auto insurance, and the design of safety test cars and better road signs and signals.

Parenthetically, somebody produced a motion picture of traffic on the Capitol Beltway that I wish I had with me today. It shows the rage and bafflement of drivers when they come up against confusing signs on the superhighway and have to make up their minds where to go with just split-seconds to spare. I've often been in this dilemma—I'm sure you have too—and it is a hazard we are trying to do something about.

In Baltimore and Chicago we are trying the design-concept team approach to iron out what I call "route and consequences"—the inescapable conflicts that arise between expressways and the people whose homes and businesses are in the path of these concrete juggernauts.

We have continuously asked ourselves how a highway can be made a source of community pride and a thing of beauty. How can it be used to develop linear parks and to act as a thread tying together the life of a community? We must find answers to these questions if post-industrial society is to fulfill its human potential.

We are already helping to finance planning for a proposed linear city of schools, shops, and housing to be built in the airspace over six miles of the Cross-Brooklyn Expressway in New York City. This unique experiment should obviate a great deal of local traffic by providing community facilities within walking distance of living quarters. Recreation facilities will line the rights-of-way, and much urban land will be saved for productive use.

The overall effect of this design team approach will be to help decongest the borough, even though local population density may increase. This result cannot be achieved by letting highways take the route of least fiscal resistance, but it can be accomplished by a farsighted land resources point of view, strong leadership, and a spirit of cooperation in the community.

Indeed, I believe the number of decisions made at random without careful study of the long-range consequences will diminish in the next ten years as transportation planning by Federal, state and local governments becomes more closely coordinated.

I think, also, that we will see—within the next ten years—some kind of research and development center for transportation in which government and private industry will pool their talents to design and perfect better systems.

American business is starting to get the picture of transportation as a system, not just a congeries of isolated land and air vehicles going their merry way. This is evident from the creation of systems-oriented divisions in companies that were once preoccupied with single items or a limited product line.

It is clear, too, in the scramble for engineers and others with broad experience in transportation planning. The systems concept is now seen to be the ideal approach to social problem-laden technologies, even though when it was first applied to the social realm it was laughed aside as a precious boondoggle, an eccentric grab for some of Uncle's research money.

Linked to computers, systems analysis could give us the clue to such dollars and cents bonanzas as where all the railroad cars are at a given time, and what they are hauling, and why some of them are empty but going the wrong way for cargo.

The significance of such studies for underdeveloped regions of the country could hardly be exaggerated. Indeed, the appearance of integrated, containerized, continuous freight systems will encourage the dispersal of people and manufacturers from the saturated supercities to outlying regions, and at the same time draw them into the orbit of megalopolitan system.

The same process of rationalization is at work throughout the world, of course, and we must be prepared for the day when the economies of states like West Virginia will be linked much more closely than now with the markets and challenges and opportunities of the rest of the world.

I think it is clear from the foregoing that big changes are coming in the organization and social conscience of transportation. We have begun to ask the right questions about our goals. We have begun to see that the real business of transportation is to enhance human life, and that it shapes the development of nations and communities whether we direct its growth and think through its consequences carefully or not.

I for one am delighted to see a growing consensus that transportation ought to be directed if it is to serve man instead of dominating him.

We have finally come to a sense of what a promethean, creative force our roads, rails and airways can be if we design wisely. They can help alleviate the effects of poverty by providing a road out of the ghetto for the unemployed. They can actually protect the kind of natural beauty this state is blessed with and can safeguard our historical sites while giving access and pleasure to millions. They can express and amplify our spirit of adventure instead of stifling it.

And since we are becoming every day more and more an urban society, whose megalopolitan tentacles now reach up and down both seacoasts and into the hinterlands, we must not forget that perspicuous transportation planning can help preserve the ultimate resource—the land itself—from crowding and spoliation.

The Europeans are even more congested than we are, of course, and they have tried to exploit the power of transportation systems to preserve space, greenery, and the amenities. In Stockholm, even the subway has been so employed.

The Swedes have slums and delinquents just as we do, so they defused discontent by making the subway stations, each decorated by a different artist, into neighborhood centers attracting a variety of clienteles. Even at night the stations are oases of light and human activity, safe for commuters and community alike. The subway system—not the highway system—is the backbone of the city's master plan for land use and community development.

One thing the history of the post-war era should have taught us most emphatically: that building more highways through valuable urban land, adding more lanes, and double-decking the expressways cannot untangle our bumper-to-bumper traffic to and from work everyday. There seems to be an inverse ratio between the excellence of our highways and how fast we can get from one place to another.

We have to make better use of the facilities we have, expand others selectively, and try new strategies wherever traditional methods fail to work.

I believe we are in a race between prosperity and common sense, testing whether this nation can drop its prodigal attitude toward the land and begin to treat it as a finite resource—before the parts of it located where most of our people live are wholly exhausted, subdivided, and ruined for public use. In this, West Virginians have a great opportunity to develop and conserve their resources.

The Department of Transportation hopes to be able to expand such opportunities, and to make transportation responsive to a society that for most of us is rapidly moving beyond prosperity, and on to a form of social existence that is deeper, more equitable and more satisfying.

As President Johnson so eloquently put it, the question is not "how we can achieve abundance, but how shall we use our abundance."

BALANCED PERSPECTIVE

Mr. BYRD of West Virginia. Mr. President, the column by Drew Pearson published in today's Washington Post helps to throw needed light on the controversy that has been aroused over the television coverage of the Democratic National Convention and the serious disorders that erupted in Chicago during the convention.

As Mr. Pearson points out, outside agitators also caused considerable difficulty during the Republican National Convention in Miami Beach, and six persons were killed, in contrast with the situation in Chicago in which no lives were lost.

I think it important that any discussion of the rioting in the two cities and the television response to it be put in a proper and balanced perspective. Mr. Pearson's column should help to do this.

The column should also help to bring about a better understanding of the fact that the highly criticized security restrictions in force in Chicago also had a counterpart in Miami Beach.

The American people, I think, are entitled to more than a one-sided view of the events that transpired in Chicago.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NETWORKS SLANTED CHICAGO COVERAGE

(By Drew Pearson and Jack Anderson)

This is a column which will make a lot of TV executives sore. It may also make some viewers skeptical about the TV coverage of the recent Chicago convention.

We attended both political conventions and witnessed violence in both Miami and Chicago. Outside agitators came to both cities to foment trouble that they hoped would attract the spotlight and tarnish the U.S. image.

Anyone who watched the two conventions on television might think that Chicago was exploding with violence while Miami was comparatively peaceful.

Yet in Miami, six persons were killed and the riot area was put under curfew. In Chicago, sniper fire was reported, but only one policeman was wounded. A bullet also hit a bus. The outbreaks never became serious enough to require a curfew.

After the Miami Beach convention we reported that the TV networks, angry over the $3 million it was costing them to pull up their cables and transfer everything to Chicago, intended to retaliate by focusing attention on Democratic "disturbances."

The networks got their revenge. In Chicago they played up the violence which they had virtually ignored in Miami. They complained about tight security restrictions, which, incidentally, had also been imposed by the Republican Convention. They sought out the dissidents and featured them while the Democratic orators were expounding.

TELEVISION'S JOB

This raises two important questions about the role of TV at the Democratic Convention.

1. Did the TV cameras help incite the violence? There is little doubt that the provocations were planned largely for the benefit of television. We stayed at the Conrad Hilton Hotel, which was the center of most of the trouble. During the disturbances we mingled with the hippies and yippies. We found almost no action outside the circle of the TV kleig lights. Aside from some shouting and surging, little was happening in the darkness.

2. Did the TV networks make news? There is evidence that the TV networks, perhaps in their eagerness to generate high ratings for TV sponsors, encouraged dissidents to make inflammatory statements and helped to stir up controversies. When the networks sell convention time to cigarette and oil sponsors for several million dollars, they have to keep up the viewing interest. One way of doing this is to pick fights, stimulate excitement, interrupt dull speeches and rollcalls. Once, the sound was switched on before the cameras focused on a TV newsman about to interview a prominent Democrat. The interviewer was overheard coaching his subject: "Let's keep this Kennedy story going."

The TV networks also presented an outrageously biased picture of the events in Chicago. They gave the impression, for instance, that the police were beating up innocent young people who had come to Chicago for peaceful demonstrations.

Certainly, the police were too zealous in swinging their billy clubs, and a lot of innocent people were hurt.

HIPPIE HECKLERS

But the TV networks scarcely mentioned the provocations that finally made the police lose their tempers. The hippies shouted obscenities, hurled rocks and bottles, sprayed police with caustic chemicals, damaged police cars and generally defied police orders.

One group tore down the American flag and tried to raise a Communist flag in its place. Other agitators waved red flags and North Vietnamese flags. A couple of demonstrators slammed a huge chunk of cement through the window of a police car. Others stoned police cars, tossed cherry bombs and stink bombs, smashed windows, broke into liquor stores.

Jerry Rubin, the yippie leader, cried through a bullhorn for violence against the police, whom he called "pigs." Black Panther leaders, taking the stump in Lincoln Park, urged the demonstrators to break up into small groups and go on a rampage through Chicago's Loop. Other agitators made speeches that sounded like Radio Hanoi and Radio Peking.

The same night that police began cracking heads, 70 policemen were also injured. Several officers had to be hospitalized. By the end of convention week, 118 officers had been hurt.

This was a side of the story that the TV networks largely ignored.

We reported that the leaders ranged from Communists and anarchists to sincere pacifists. They were directed loosely by the National Mobilization Committee to End the War in Vietnam. The co-chairmen are Dr. Sidney Morris Peck, a former Communist, and David Dellinger, a pacifist who has been to Hanoi and is an apologist for Ho Chi Minh.

THE LATE REPRESENTATIVE ELMER J. HOLLAND, OF PENNSYLVANIA

Mr. CLARK. Mr. President, it was with deep regret that I learned during the adjournment of Congress of the death of my friend and colleague, Representative Elmer J. Holland.

Elmer Holland represented Pennsylvania's 20th District in eight Congresses, and he served his constituents and the Nation well.

It was Elmer Holland in the late fifties, when half a million Pennsylvanians were jobless, who introduced and fought through the House of Representatives the Manpower Development and Training Act. This farsighted legislation is today responsible for training more than a million men and women for jobs they could not have held without the technical skills acquired through MDTA. Had this been his only contribution, Elmer Holland would have earned a memorial in the hearts of millions of Americans who have benefited from his legislative skill. But he gave us far more than this.

As chairman of the Select Labor Subcommittee and the third-ranking member of the House Education and Labor Committee, Elmer Holland has left his imprint on virtually every piece of labor, poverty, education, and job legislation passed by Congress during his years in the House. His work on behalf of minimum wage, Medicare, veterans, postal workers, elementary and secondary education, and occupational health and safety, will be long remembered. He was a great Pennsylvanian and a great legislator who has left a living memorial in the form of a better life for millions of Americans.

WHAT AMERICANS CAN AND MUST DO IN THE HUMAN RIGHTS FIELD

Mr. PROXMIRE. Mr. President, the Senate, in this the year dedicated to the furthering of the basic human rights of men, has failed thus far to ratify the

Human Rights Conventions that are the special focus of this year of rededication to the cause of human rights.

While a majority of my colleagues deplore this, while the President deplores this, while our official and unofficial representatives around the world and at the United Nations deplore this, and certainly a majority of informed Americans deplore this, there is still much that we as Americans can do to further the cause of human rights in a practical way.

In the last analysis, Mr. President, the phrase, "the rights of all men guaranteed to all men" has little if any real significance unless it springs from the personal convictions of every individual across the Nation. It is our own personal dedication to the principles of fairness; nondiscrimination; and equal opportunity, dignity, and justice for every man that will eventually achieve not only official approval of the U.S. Senate for the Human Rights Conventions but the practical and effective protection of these rights for all men.

There is a sense of accomplishment in the United States because of our advances in the civil rights field. This sense is, to a great degree, justified. However, we all realize that legislation and court decisions alone are not sufficient to insure the protection of rights. The only sure means of guaranteeing these rights without discrimination is the conviction in the heart of every citizen that these rights truly belong to every citizen.

Thus, to the degree that we all deepen our commitment to these principles of basic justice, we also bring closer that day in which the rights of man will truly be universal.

It would seem to me that the only way this is to be achieved is through education backed up with example. While every teacher, no matter what the educational level of the pupils, tries to create an environment of fairness in which the rights of all pupils are recognized, perhaps a special course should be designed dealing specifically with the concepts of human dignity and the rights that inhere in all men because of that special dignity. While dealing with somewhat abstract concepts, such a course should personalize the course by bringing into discussion specific opportunities for respecting and furthering the rights of those with whom the students come in contact.

Mr. President, time and again, we are told that we are giving our children a legacy of hate and disassociation; perhaps this type of course would help give them trust and confidence.

The battle always comes down to the individual soldier and his dedication to his cause.

As Eleanor Roosevelt said:

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Mr. JAVITS. Mr. President, during the hearings of the Appropriations Committee on the budget of the Office of the Special Representative for Trade Negotiations, I asked William M. Roth, the President's special representative, to seek an opinion from the Department of Justice on the question of whether this office is a temporary one or not. During hearings on the President's new trade bill before the House Ways and Means Committee, questions have arisen as to whether with the expiration of the President's trade-negotiating authority this office has a legal basis to continue.

Ambassador Roth has complied with my request, and the Department of Justice has rendered an official opinion. In that opinion, Assistant Attorney General Frank Wozencraft concludes:

> After reviewing the matters you have brought to our attention, we see no reason to disagree with your conclusions that the Special Representative, his staff, and his Office were not given a temporary character by the Trade Expansion Act or the Executive Orders, and that therefore the authority for their continued existence is not now limited as to duration.

I agree with this ruling and ask unanimous consent that the letter from the Office of the Special Representative for Trade Negotiations and the reply from the Department of Justice be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Office of the Special Representative for Trade Negotiations,
Executive Office of the President,
Washington, June 17, 1968.

Mr. Frank M. Wozencraft,
Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, D.C.

Dear Mr. Wozencraft: At our hearing before the Senate appropriations subcommittee, we were asked to obtain the views of the Justice Department as to whether or not our agency is a temporary one.* In this connection, I am setting out below our own views on this question, for your consideration.

The question, it seems to me, may be broken down into the following subsidiary questions:

1. Did Congress intend the position of the Special Representative for Trade Negotiations to be temporary?
2. Did Congress intend that the Special Representative be assisted by a temporary staff?
3. Is the Office of the Special Representative a temporary agency?

We think that each of these questions should be answered in the negative for the reasons given below:

Question 1. Sections 241 and 242 of the Trade Expansion Act of 1962, 19 U.S.C. 1871–1872, confer upon the Special Representative two continuing functions, whose duration does not appear to be limited. Although his function as chief negotiator for the United States in negotiations under the Act expired on June 30, 1967 (section 201, 19 U.S.C. 1821), his function to conduct "such other negotiations as in the President's judgment require that the Special Representative be the chief representative of the United States" (section 241(a)) is a continuing one. Second, he is chairman of the Cabinet-level interagency committee whose responsibilities include advising the President on basic policy concerning the trade agreements program (section 242(b)(1)). This advisory function is also a continuing one. It concerns not only negotiation of trade agreements but also participation by the United States in the General Agreement on Tariffs and Trade. Accordingly, in at least two important respects, the position of Special Representative is by the terms of the Act not a temporary one. And while the grant of negotiating authority in section 201 was temporary, the Trade Expansion Act itself is a permanent statute.

Question 2. The House version of H.R. 11970—which was enacted as the Trade Expansion Act of 1962—provided that the Special Representative would be the chief representative of the United States for "each negotiation" under the Act and for such other negotiations as the President might determine. The Senate version, however, provided that the Special Representative would be the chief representative of the United States for each "general multilateral negotiation" under the Act. It also made him chairman of the interagency committee charged with the duty of making recommendations to the President on basic policy issues arising in the administration of the trade agreements program. In conference, the House and Senate conferees agreed that the Special Representative would have the negotiating authority contemplated in the House bill, and the trade committee chairmanship provided by the Senate bill.

When the conferees decided upon the scope and nature of the position of the Special Representative, it was first realized that he would need a staff to assist him. However, under the rules of conference, it was not possible to write this into the bill. To meet this problem, it was stated by the managers on the part of the House, H. Rept. No. 2518, 87th Cong., 2d Sess., p. 7 (1962):

"The Special Representative has authority to employ a staff to assist him in carrying out his various responsibilities under the bill. In addition, he may from time to time draw upon the personnel and resources of other agencies for his needs in this regard."

It seems to me proper to conclude from the foregoing that the staff was to be an ongoing one.

Question 3. The Office of the Special Representative was established by Executive Order No. 11106 of April 18, 1963 (28 Fed. Reg. 3911), amending Executive Order No. 11075 of January 15, 1963 (28 Fed. Reg. 473), as an agency in the Executive Office of the President. There is nothing in these Orders which in any way suggests a time limit on the duration of the Office. Indeed, the fact that the later Order elaborates the responsibilities of the Special Representative, so as to include the function of advising the President on non-tariff barriers and international commodity arrangements (48 CFR 1.3(b)), serves to highlight the continuing nature of the Office.

Sincerely yours,

John B. Rehm,
General Counsel.

Department of Justice,
Washington, June 28, 1968.

Mr. John B. Rehm,
General Counsel, Office of the Special Representative for Trade Negotiations, Executive Office of the President, Washington, D.C.

Dear Mr. Rehm: This is in response to your letter expressing the opinion that your agency is not a temporary one, and soliciting our views on this issue.

The basis for arguing that the agency is temporary, we take it, is section 201 of the Trade Expansion Act of 1962, 19 U.S.C. 1821. That section provides for the expiration, before July 1, 1967, of certain negotiating authority, concerning which the Special Representative was to act as chief representative of the United States.

---

* This year's report of the House Appropriations Committee characterizes our agency as "temporary". H. Rept. No. 1468, 90th Cong., 2d Sess., p. 24 (1968). To our knowledge, however, this is the first time our agency has been so described by a committee of Congress.

Your letter points out, however, that the duties which expired last year constituted only one of the Representative's three functions under section 241 of the Act, 19 U.S.C. 1871. You state that the other two functions—namely, chief representative in other assigned negotiations and chairman of the presidential advisory committee on trade—constitute significant responsibilities which are ongoing in nature, and not limited in time. Your letter points out further that the legislative history of the Act supports the authority for the employment of a regular staff. H. Rept. No. 2518, 87th Cong., 2d Sess., p. 7 (1962). Finally, you state that the executive orders concerning the Office of the Special Representative do not provide for its expiration or termination. E.O. 11075, 28 Fed. Reg. 473 (1963), amended by E.O. 11106, 28 Fed. Reg. 3911 (1963).

After reviewing the matters you have brought to our attention, we see no reason to disagree with your conclusions that the Special Representative, his staff, and his Office were not given a temporary character by the Trade Expansion Act or the Executive Orders, and that therefore the authority for their continued existence is not now limited as to duration.

Sincerely,

FRANK M. WOZENCRAFT,
Assistant Attorney General, Office of Legal Counsel.

ADDITIONAL SUPPORT FOR MUTUAL FUND LEGISLATION REGARDING PRICE FIXING

Mr. McINTYRE. Mr. President, the New York Times of September 3, 1968, published an editorial entitled "A Boon to Mutual Fundholders," relating to the mutual fund legislation which was approved earlier this year by the Senate.

The editorial concludes that the public interest would be well served by prompt action by the House of Representatives on this legislation.

What particularly interested me was the editorial call for further action on the question of mutual fund sales commissions. Senators who followed our debate earlier this summer will recall that the mutual fund industry is prohibited from sales load competition by section 22(d) of the Investment Company Act of 1940. Under this provision, sales loads, over the years, have risen higher and higher for small purchasers.

The Senate, recognizing the adverse impact on the public, has given its approval for regulation of sales loads by an industry group operating under the supervision of the Securities and Exchange Commission. However, the New York Times believes that we might well have gone further and actually opened up this aspect of the mutual fund business to competition, so that the forces of a free market could determine the proper level of sales loads.

I feel that this comment from such a responsible voice of the financial capital of the Nation should be read with care. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A BOON TO MUTUAL FUNDHOLDERS

The Administration's bill to protect investors in mutual funds, already passed by the Senate, is not by any means a perfect instrument. But it does begin to attack two pervasive abuses—excessive "front end loads" and investment advisory fees—and should not be permitted to languish and die in the House Commerce Committee.

Unfortunately, the wrong approach was taken to the issue of mutual fund commission fees, which now typically exceed 9 per cent. We think that instead of proposing a ceiling on commissions, the Securities and Exchange Commission should from the outset have urged the repeal of the price-fixing provisions of the present laws, the prohibition against price cutting in the sale of mutual funds. By opening the industry up to the force of price competition, the need for regulating commissions would in all likelihood have vanished. What emerged instead was a compromise in which an industry organization would be instructed to establish "reasonable" commissions.

But other provisions of the bill offer hope of genuine protection to mutual fund investors. Front end loading—the bunching up of sales charges at the beginning of monthly mutual fund plans which are forfeited if the buyer drops out—would be lightened. And the S.E.C. would be empowered to regulate investment advisory service fees and end abuses where the advisers and the fund promoters are identical.

When Congress resumes tomorrow, Chairman Harley O. Staggers of the Commerce Committee can make a contribution to the public interest by pressing to push the Investment Company Amendments Act on to the floor of the House, where it probably can be passed with little difficulty.

POLITICAL AGONY OF YOUTH OF TODAY

Mr. GORE. Mr. President, Mr. Charles Bartlett, distinguished columnist and Pulitzer prize winner, has written a perceptive column on the political agony of the youth of today and on its challenge to Vice President HUMPHREY.

I ask unanimous consent that the article, entitled "Young Dissenters Face a Choice," published in the Washington Evening Star, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUNG DISSENTERS FACE A CHOICE

(By Charles Bartlett)

He was plainly a disconsolate, shaken young man. It is a jolting experience to lose at a convention, and when defeat comes in the first flush of political commitment, it is especially tough.

He was one of the young who had enabled Eugene McCarthy to reach Chicago and whose attitude will bear on whether Hubert Humphrey reaches the White House. A leader in his class at Harvard with an inherited taste for politics, he is one of the young who stands at difficult crossroads.

"It's going to be hard to support Humphrey," he groans. His reasoning is complicated, part emotion from the long struggle and part suspicion that Humphrey is only an amiable camouflage for Lyndon Johnson's policies. He doesn't dislike the vice president, but he doesn't find in him what he seeks most urgently, a promise of "major surgery" in American political life.

What are the cancers which call for this surgery? They are first the war and then the domestic blemishes "the racism, the apathy, the loss of idealism, the TV dinners." The convention was a galling experience because it seemed to ratify all that is wrong.

Does Richard Nixon offer the promise of this surgery? He has been so busy in his assault on the Democratic establishment that he has had little time to ponder what a Republican administration will bring. But he speculates that this may be a time when it is better to create a mess and start fresh, to let the Democratic party go down the drain so that it can be reborn in a new spirit.

The young man finds himself in a political vacuum. He can simply ignore the campaign or he can join the "movement" of revolutionaries, the strange new breed of students who talk excitedly of spectacular blows against the society. He sees these radicals for the nihilists they are and they do not attract him. To join the movement is to "drop out," a course which holds little promise for one who wants to make his idealism count.

The drop-outs pose no practical challenge for Humphrey. They are agitated ciphers, simple kids, brilliant exhibitionists, rebels with whatever causes lay at hand. They are grist for the sociologists' mill, but they offer nothing to a candidate because their political action is a process of spitting in the public's eye.

But thoughtful young dissenters like the Harvard boy will be a test of Humphrey because they are within his reach and he has an obligation as well as a need to reclaim their sympathies. McCarthy has stimulated these young and now Humphrey has a chance to bring them into the system.

The new generation poses a challenge to the two-party system because the young are not attracted by its labels. Dismayed 18 months ago by surveys showing that only 35 percent of college students call themselves Democrats, the Democratic National Committee launched a campaign for campus support. It has produced little response.

Both parties have made a special reach for young sympathies in their platforms. Both endorsed the vote for 18-year-olds along with reform of the draft. Both invited the young to participate in shaping America and the Democrats went further in proposing a commission to make youth's influence felt.

But the problem is more in the young themselves than in the parties. They have to wrestle with their own impatience as well as with their diffidence. They have conjured up symbols like "Teddy is good—Hubert is bad" and, until they blend some grays into their black and white view of political life, they will find it hard to join the dialogue.

They learned with McCarthy that they can have an impact and they are going to have to work out the next step for themselves. It is important that they decide to apply their reform instincts to the two-party system instead of ignoring it.

HEART OF LONGMONT DOWNTOWN DEVELOPMENT PROJECT

Mr. MURPHY. Mr. President, the distinguished Senator from Colorado [Mr. DOMINICK] wished to present a statement today but is unable to be present. I ask unanimous consent that his statement and an article entitled "Longmont Flexes Its Muscles," written by Helen Rothfus, and published in Colorado Municipalities magazine for August 1968, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOMINICK

Mr. DOMINICK. Mr. President, all of us are well aware of the urban crisis and the critical difficulties facing the inner core of our great urban centers. However, the pressures of the population explosion, deteriorating downtowns and inadequate facilities are not limited to only the large metropolitan areas.

We in the West have always taken great pride in our independent, do-it-ourselves attitude, and I point with pride to a Colorado town that upholds this proud tradition.

The community of Longmont, Colorado, recently completed an ambitious downtown development project which saw nine square blocks of the shopping area transformed into a modern, dynamic and viable inner core of business, office and shopping facilities.

The Longmont Daily Times Call newspaper has as its motto: "To build a better world, start in your own community."

I believe the Heart of Longmont Downtown Development Project is proof that the true strength of a city lies in its citizens. The story of this outstanding achievement by hardworking and dedicated citizens can serve as an inspiration and example to countless other cities, large and small. The story is told in an article written by Helen Rothfus, managing editor, and published in the August issue of Colorado Municipalities Magazine.

LONGMONT FLEXES ITS MUSCLES

(By Helen Rothfus, Managing Editor)

If you combine leadership with a lot of money, a lot of effort and total cooperation, you may be lucky enough to come up with a downtown development project like the City of Longmont.

About three years ago the city was faced with the prospect of a blighted downtown area. Parking facilities were inadequate, and as a result, the retail stores were not attracting the business they needed to ensure future growth.

Today, the core area businesses are easily accessible with spacious and numerous parking areas. have a pedestrian park no more than a block away and have the spirit of new shopping center. Within the heart of Longmont, there are five new off-street parking lots which are equipped to handle approximately 170 cars. The lots have a self-policed two hour limit. Businessmen can park all day directly outside of the downtown area which makes the new parking lots available to shoppers and clients.

In addition, five malls or pedestrian parks were constructed and lead from the parking lots to the Main Street businesses. A rest station also was provided and is located in the largest of the new parking lots.

This is the face of downtown Longmont today, but how the face lifting was accomplished is the real story. It all began when the Longmont Chamber of Commerce set a ten-man committee at work to survey the parking conditions in the district. Following this study, Arnold Burger, the Texaco distributor in the Longmont area, called a group of retailers together to brainpick a way of stopping depreciation in the downtown area. At that meeting the 21-member group pledged to raise $20,000 for planning purposes.

As it evolved, however, the cost for planning was reduced to approximately $6,000. The results of the parking survey and other information available at the local Chamber of Commerce made much of the original planning concept unnecessary.

After the planning study was completed, the Heart of Longmont committee was organized as an offshoot of the retailers meeting. Clair Smith, President of Ideal Markets, was named chairman. The committee's first decision was to form the Longmont Improvement District to stop the blight in the downtown area and to stimulate business.

The 15-man committee then set out in early 1966 to obtain signatures on petitions for the improvement district. There were no petitions circulated for exclusion, and 149 signatures of the 182 qualified taxpaying electors owning property in the district were obtained. The district was determined to include a nine square block area in the "heart of Longmont."

The total assessed valuation of real property within the proposed district was $1,645,360 and the value of inventories was approximately $1 million. Signatures on the petitions represented 68% of the total assessed value of real property.

In September of 1966 the $400,000 bond issue election was held. With approximately 80% of the eligible voters casting ballots, the issue was passed by a 5 to 1 margin. This meant that the real property owners in the district had voted to tax themselves an additional 10 mills for the next 20 years. The successful bond election re-emphasized the desire of Longmont citizens to finance any improvements themselves, without aid from the federal government.

Once the improvement district had been created, the Heart of Longmont committee became an advisory committee. According to Colorado Statutes, the city council became the governing board of the district, and it relied on the advisory committee as an intermediary between the governing board and the real property owners.

As had been determined earlier, it was necessary to acquire 13 pieces of property for use as a parking lot or pedestrian mall. With the help of eight members of the Longmont Board of Realtors who volunteered their services, options were acquired on all the property. No condemnation proceedings were necessary.

Following these negotiations, Keith Ames, a local man, was selected as the architect and supervisor of the building program. He took a contemporary approach to the project and used old materials in a new way. Since 90% of the buildings in the district were constructed of red brick Ames used the red brick for beams and columns which formed the pedestrian parks.

The malls were constructed in midblock. They serve as a passageway from the parking lots to the Main Street and also serve to break up the long blocks that previously characterized downtown Longmont. Planters were constructed at the Main Street end of the malls and provide beauty and identify for the city as well as serving to discourage jaywalking.

Another advantage of the downtown development project is that the five pedestrian parks make it possible for neighboring stores to have three entrances. Although only two stores to date have elected to take advantage of a third entrance for customers, more businessmen are contemplating the move. One of the major benefits of the project, however, is that property values within the heart of Longmont have increased.

No project, though, is without its minor setbacks and the Longmont plan was no exception. In early 1968 project leaders realized an additional $4,883 was needed to complete the work. But, just as cooperation and community spirit had characterized the operation from the beginning, so now, an additional one mill levy on the property in the district for a period of two years was approved to finalize the project.

What is also notable about the Heart of Longmont project is that the qualified voters approved the measure demanding an increase in taxes even though the citizens recently had approved two other major money issues. A $.01 city sales tax and a $4.8 million bond issue to build a dam had been approved by substntial majorities also in 1966.

But, now that the Longmont project has been completed, the businessmen still realize they cannot sit back and let business run itself. Chamber Manager Cliff Johnson, perhaps, best sums up the prevailing attitude. "The physical aspects of the Heart of Longmont are not the complete answer to our community's needs," Johnson said. "Like any living heart, it will need coursing life-giving blood, which in this case is good merchandising practices, inventories which fulfill the needs and desires of the customers in our retail area, increasing advertising, redecorated and rearranged store interiors, new store fronts and signs that are in good taste, and an increasing awareness of a proper retail market, if it is to survive."

The retailers are well aware of the need for continued development. Many store owners already are constructing new store fronts and erecting modern signs. A group of approximately 80 retail businessmen has been organized to see that progress continues. As Chuck Geise, co-chairman of the newly-organized retailers association, said. "This is just the beginning."

ACHIEVEMENTS OF VIETNAMESE PEOPLE—ADDRESS BY DONALD MACDONALD

Mr. McGEE. Mr. President, in a speech before the Saigon Lion's Club last month, Mr. Donald MacDonald, Director of the U.S. AID mission to Vietnam, discussed the achievements of the Vietnamese people over the past few years. Mr. MacDonald stressed the fact that, in striking contrast to the too often discouraging picture that is painted of events in Vietnam, the South Vietnamese have been building at the same time they are fighting. And he continued:

> I take considerable pride that AID involvement has frequently been a significant and sometimes an essential element in these achievements. But I would stress that what I have cataloged here this afternoon are primarily Vietnamese successes, in which we have played a supporting role.

To share this record of progress with the Senate, I ask unanimous consent that Mr. MacDonald's speech of August 12, 1968, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A SPEECH DELIVERED TO SAIGON LION'S CLUB BY DONALD G. MACDONALD, MINISTER-DIRECTOR, U.S. AID MISSION. VIETNAM, AUGUST 12, 1968

It is always a pleasure to join with this group as I have done from time to time during my two years in Vietnam. As I have said here before, I always feel very much at home and among friends on these occasions because the principles embodied in the charter of the Lion's Club are so familiar to me: The brotherhood of man, service to humanity, and community development.

These are some of the principles which guide U.S. programs of economic and social cooperation all over the world.

I have a second reason, however, for being specially pleased to be here at this time. Just last month the President of Vietnam met with the President of the United States in Honolulu for the second historic conference at that place. Naturally, in anticipation of that conference I had occasion, as did many of my American and Vietnamese colleagues, to take stock of what has been accomplished in the course of the two and one half years between those conferences.

In the 1966 Declaration of Honolulu, President Johnson said, "we will help (the Vietnamese people) build even while they fight . . . to stabilize the economy, to increase the production of food, to spread the light of education, to stamp out disease."

I want to speak to you this afternoon about the extent to which these objectives have been achieved and to suggest that the gains have been made are—in any historical perspective—not only heartening, but in striking contrast to the too often discouraging picture that is painted of events here.

In January 1966, the pace of war was quickening. Since that time the rate of social and economic progress has necessarily been far slower than could have been achieved if there had been peace, and, of course, the inevitable human cost of war—the homeless refugee, the wounded civilian—has been heavy. Yet, other human costs have been largely avoided. Famine and epidemic disease, the traditional handmaidens of war, are nowhere present in Vietnam. Despite the restraint of allied military forces and because of deliberate enemy tactics, civilian casualties stil occur in large numbers. Yet, the nation's capacity to provide medical care is impressive in amount and improving in quality.

On the more positive side, significant agricultural and industrial progress has been achieved and notable economic gains secured. With all its force, the war has failed to halt economic and—to a frequently unnoticed extent—social progress. The work of U.S. A.I.D. has been to help Vietnam achieve that progress.

Let me speak briefly about the economy itself. The direct burden of the war on the economy is all too visible. What is less evident is the indirect burden: the enormous demands placed on the Vietnamese economy by military and security requirements. Over 750,000 Vietnamese are today serving in the Armed Forces of Vietnam and there are an additional 150,000 in the police and paramilitary forces. The government of Vietnam this year will spend about 70 billion piasters to support these forces.

On top of this, U.S. and free world forces in Vietnam are spending approximately another 40 billion piasters to carry out their efforts here. Together, these expenditures consume more than one-quarter of the nation's gross national output. In other words, between one-quarter and one-third of all of Vietnam's resources are devoted to the war effort. However productive these resources are in military terms—and they are increasingly productive—they are lost to productive economic use. This is a massive loss for a nation at this stage of development. Yet such relatively good use has been made in the past two and one-half years of remaining resources, that agricultural and industrial production have not collapsed. Except for the production of rice, agricultural production has more than held its own. And there is now great promise for a sweeping improvement in rice production. Industrial output has risen by 15 per cent. Health care for most Vietnamese has improved; the numbers of children being educated have dramatically increased. And many other technical advances have been achieved—the nation is now equipped with modern physical facilities in its seaports, airports and roads; in its telecommunications capability; in its ever growing numbers of highly skilled personnel in all walks of industrial and economic life. One could name many more. The economy of Vietnam has proved more durable and resilient than most economists dared hope in early 1966. It was feared then—and with every reason—that there could be runaway inflation and, possibly, economic collapse. Instead, there has been a remarkable measure of economic stability.

You will recall that the major anti-inflation program of mid-1966 had several features. It included a rapid increase of imported goods supplied to the economy through commercial channels; a moderate increase in taxes; controls on American piaster spending; and, effectively, a 100 percent devaluation of the piaster. In combination, these measures were successful in checking the headlong monetary expansion then developing. The consumer price level rose 62 per cent in 1966. It was held to a further 31 per cent increase in 1967. In the first six months of 1968—despite the impact of the enemy's Tet and May offensives—prices rose again only 14 per cent. (I must add, parenthetically, that prices have shown a sharp upward trend in July and that the price outlook for the rest of the year is still unclear.)

Imports, financed directly and indirectly by U.S. funds have played a major role in the relative success of anti-inflation efforts here. Rice has been imported in large quantities, and a wide variety of consumer goods has been made available in substantial volume. These imports have permitted an increase in consumption as well as providing the means for increasing investment and production. These imports would not have helped if the serious bottleneck of ships' cargo unloading in the port of Saigon had not been broken in early 1967. For example, in December 1966, there had been 350,000 tons (metric) of cargo on ships in the harbor. By June 1967 this backlog was down to 50,000 tons, a normal level for any major port, and this highly efficient record has been maintained and at times even improved upon.

It is often said that the dependence of the Vietnamese economy on imports is an indication of the artificial nature of economic progress in Vietnam. To some extent, this is true—but to a large and unappreciated degree, imports serve simply to replace resources claimed by the war.

Vietnam remains a relatively poor country—imports have helped prevent it becoming poorer. Moreover, imports are not rising—quite the contrary: in 1966 there were $660 million of import licenses issued, in 1967 only $531 million, and in the first half of 1968 only $219 million. Similarly, rice imports rose from none in 1964, and 130 thousand tons in 1965, to 434 thousand tons in 1966 and a peak of 750 thousand tons in 1967. This year they may actually decline, and next year they are expected to be significantly less.

In the face of intensified military action, the Vietnamese economy has supported an increasingly heavy military effort and a more or less constant standard of living without rising levels of imports. This is very significant, I believe, and holds much promise for the future.

Indeed, 1967 was a remarkable year for the Vietnamese economy. Not only did the urban and industrial sectors continue to progress, but the signs of emerging, economic transformation in the countryside were unmistakable. High prices for agricultural products, the other side of inflation I might point out, led not only to higher rural incomes, but to increased demand for fertilizer and pesticides and motor pumps and agricultural machinery needed to raise rural productivity and lay the base for genuine agricultural development. And we saw, as an important part of this process, in 1967, the development of a rural distribution network, linking farmers everywhere—but particularly in the Delta—with the resources and commercial energy of the towns and cities.

The general improvement of the economic situation during 1967 was dealt a severe blow by the Tet attacks lasting through February of this year. Recovery has been slow and it, in turn, suffered further damage in the May offensive against Saigon. The price increase between last December 24 and this July 22 has been 21 per cent. The economy is still sluggish and businessmen have been hesitant to invest new capital. But the Government has taken constructive action to assist recovery. A war risk insurance law has been enacted and a VN $1 billion industrial recovery loan fund has been established, supplemented by a U.S.A.I.D. grant of $10 million to finance the replacement of machinery destroyed in the enemy's attacks. Most domestic, indirect tax rates have risen substantially. Finally, new mobilization efforts pose added problems—but to date, they have been largely absorbed—at a cost, but not at the cose of economic crisis.

In general, the Vietnamese economy is in satisfactory condition. Business could be better, incomes could be higher, prices could be lower. Is there a country anywhere about which this could not be said? In any case there is no economic crisis in Vietnam today. Apart from refugees, there is no unemployment, and no apparent dire poverty. It can be said that even with the problems of the last few months, the country's economic situation is considerably better than it was two and a half years ago.

Inflation is, of course, still a threat—a constant threat, that must—I repeat must—be taken seriously. Yet I cannot but conclude that the prospects for succeeding in the fight against inflation in early 1966 were much less promising than those for continuing that success in the time ahead. The events of the last two and one-half years here are in striking contrast to the rampant inflation which took place over a comparable period of time in Korea, for example, when inflationary increases were measured in the thousands of per cent; when there were no compensating improvements in the income of ordinary people; when the nation's industrial facilities were virtually destroyed instead of expanded; and when human starvation was not uncommon.

I would like to talk next for a few minutes about the production of food.

With the increase in the tempo of the war in 1965 and early 1966, there was a quick, sharp and dangerous decline in Vietnam's production of primary food staples—of rice and proteins. In 1967, not only was this halted but the groundwork was laid for a dramatic production increase beginning with this year's rice harvest. Crop yields have been increased by wider use of fertilizer, by fertilizer-responsive crop varieties, by pesticides, by irrigation, and by improved methods of cultivation. Incentive prices and educational agricultural extension programs have stimulated farmers to modernize their methods and to invest their money in greater productivity. Fertilizer usage in South Vietnam is now, proportionately, the highest in Southeast Asia—ranging from three to ten times as great as that in India, Thailand, Cambodia and the Philippines.

Distribution of the new "miracle rice" (IR–8 and IR–5 stock) has been successful. A pilot project inaugurated at Vo Dat only ten months ago, and under poor conditions, produced a harvest double the average yield for that area. This year's post-Tet program envisages that these new rice seeds will be planted on up to 37,000 hectares with technical assistance provided to farmers who invest in the new rice seeds. The first harvest will begin in late September and it is confidently expected that average yields of these new seeds, nation-wide, will exceed the 100 per cent increase achieved at Vo Dat. Despite the war and the obvious difficulties entailed in achieving radical production increases in the short run, the progress of the recent past gives the Vietnamese every reason to strive for self-sufficienty in rice production by 1971.

The United States Secretary of Agriculture, Orville Freeman, declared here just last month that South Vietnam is achieving an agricultural revolution. You may recall that his last previous visit to Vietnam was also two and a half years ago, just following the first Honolulu Conference. He had noticed then that few of the things farmers needed were available to them and said on his departure that the non-military war was of equal importance to the military effort—that providing fertilizer for farmers was as important as providing bullets for soldiers. On his recent visit, he was impressed to see that Delta farmers now seemed to have access to virtually all the production inputs they require—including new seeds, fertilizers, pesticides, pumps and, to a lesser extent, farm machinery as well.

During the same period, farm credit has been multiplied, largely as a result of the government's establishment of the agricultural credit bank in January 1967. In its first year, the bank made three times as many individual loans as the annual average of its predecessor Agency, The National Agricultural Credit Organization, the total loan amount, $1.5 billion piasters, was four times that previously loaned by NACO.

Similarly, protein production has revived. In 1966 diseases destroyed one-third of the total swine stock. Since that time a major effort to develop local vaccine has been undertaken and its production has gone up sharply. Livestock diseases are being reduced. Meat and poultry production is beginning to increase.

As a consequence, with the exception of temporary hardships among those hardest hit by the war, in different places, at different times, I believe that the great majority of the Vietnamese people has enjoyed a diet well above normal health standards in caloric requirements, nutritional value and variety. Anyone who remembers the spartan rations of Europe in World War II must be impressed by the comparative abundance and quality of the diet of the Vietnamese people. What has been done during these years to "spread the light of education?"

From the 1965-66 school year to the present one, elementary school enrollments have risen 20 per cent and secondary school enrollment nearly 50 per cent. An even more remarkable contrast can be made if one compares the present with the last years of the colonial system. Since 1955–56, school enrollment has risen more than 400 per cent in the elementary grades and 900 per cent in the secondary. In absolute numbers in the 1955–56 school year there were only some 500,000 elementary and 51,000 secondary pupils; last year there were approximately 2,000,000 elementary and 470,000 secondary school pupils.

Today, 76 per cent of the elementary school age group is in school, and about 20 per cent of the secondary school age group. The literacy rate is estimated to be over 70 per cent. These levels compare in a highly favorable way with those of other developing countries at peace.

Also, the nation's normal schools are producing more teachers, 1,500 this year as compared to 1,100 in 1966. More than 11,500 elementary teachers have been trained in accelerated ninety-day courses since these were instituted in 1964. The loss of about 3,000 teachers to the military services in the last three years has been made up by accelerated teacher training programs and should in the future be substantially minimized by increasing the numbers of women teachers.

School expansion has been so rapid that traditional textbook publishing resources could not keep up with it. To meet this problem, the government's instructional materials center has distributed more than 8,000,000 textbooks from June 1966 to December 1967, and will issue 3,000,000 more this year. Moreover, not only are more study materials being made available but their quality is steadily improving as the Ministry of Education continues the modernization of its instructional system. By all objective standards of measurement, the light of education has been more and more widely spread since the first Honolulu Conference.

What has been done to stamp out disease?

Improved health care services to more and more people in South Vietnam have shown rapid growth. In February 1966, the Vietnamese civilian hospital system treated less than 30,000 patients per month, including outpatients and admissions. This year, the average per month is 205,000.

By the end of 1966 the total bed capacity of the Health Ministry's Hospital System had been brought to 15,555.

It has been further increased to 16,055 at present. The treatment capability has been multiplied largely by an outpatient care system reinforced by American and free world public health assistance teams throughout the country. Free world medical assistance personnel have been sent by ten countries; their numbers on duty in Vietnam average over 90 doctors and nearly 300 nurses and technicians, U.S. health assistance teams comprise approximately 400 doctors, nurses, technicians and administrators. Also, some 500 American physicians have served 60-day tours in Vietnam as unpaid volunteers.

In early 1966 the Vietnamese Government had hospital facilities in almost every province but many were rudimentary or otherwise inadequate. Since then 10 provincial hospitals have been modernized by major renovation projects. One is currently being renovated and is due for completion this year. In eight provinces where existing facilities were wholly inadequate, completely new, simple but practical, hospitals are under construction and all but one should be finished by the end of this year.

In 1966, medical services to village and hamlet communities were extremely limited, improved medical services have since been deployed to these local communities. Two hundred and twenty-one maternity dispensaries in villages and hamlets were completed last year; another 134 are scheduled for completion this year.

In addition to these medical facilities programs, there has been a steady buildup of Vietnamese medical personnel for the care of the civilian population. At the beginning of this year Ministry of Health hospitals had 232 medical doctors, 1,267 registered nurses (three-year graduates) and 1,559 assistant nurses (graduates of one-year training). These numbers are being increased rapidly, assistant nurse training schools have been increased from two to six. These schools produced 390 new assistant nurses this year. Registered nurse training facilities have also been expanded.

The Vietnamese government has arranged to assign military medical officers and pharmacists to civilian hospital duty. By the end of July, 176 such personnel, including 118 physicians, were assisting with civilian medical care. This is still a low doctor-population ratio, but efforts to overcome the shortage are continuing in medical education and through further transfers of military medical officers to civilian public health services.

Immunization against smallpox, cholera and plague is being carried out on a large scale. In 1966 such immunizations totalled 4,100,000. In the first four months of this year alone, nearly 9,000,000 immunizations have been given.

This, then is the record of some of the Vietnamese accomplishments over the past two and one-half years in the economic and social sphere—a record in which is mirrored the activities of the U.S. Agency for International Development during that time. The A.I.D. has been extensively engaged in programs supporting each of the Vietnamese efforts I have discussed. I take considerable pride that A.I.D. involvement has frequently been a significant and sometimes an essential element in these achievements. But I would stress that what I have cataloged here this afternoon are primarily Vietnamese successes, in which we have played a supporting role.

Finally, in taking inventory of the economic and social progress we have seen, I have not meant to suggest that it is in any sense sufficient compensation for the human costs of this cruel and bitter war, nor a substitute for the benefits a just and honorable peace will ultimately bring to the people of Vietnam. But I think all will agree that in the time between the Honolulu conferences, the people of Vietnam have built even while they fought—not only to stabilize the economy, but to improve the economic well-being of most Vietnamese; to increase the production of food; to spread the light of education; to stamp out disease.

OEO LEGAL SERVICES PROGRAM AIDS MICHIGAN LEGISLATURE

Mr. JAVITS. Mr. President, the Michigan State Legislature, with the strong support of an OEO-funded community-action legal services program at the University of Detroit Law School, has made significant history this summer by passing a "bill of rights" for tenants. The OEO project drafted the legislation and helped to refine it.

This legislation should be of prime importance to Michigan's poor tenants and can set an example for other States. I draw the attention of Senators to the article for possible consideration in their own States and also as an example of the kind of multiplier effect which a relatively small number of Federal dollars can have when devoted to legal reform and legal services.

I ask unanimous consent that several memorandums describing the different Michigan bills be printed in the Record.

There being no objection, the memorandums were ordered to be printed in the Record, as follows:

House Bill 3188, Housing Code Enforcement

In Michigan in the past, as in most states, the housing codes rely almost exclusively upon criminal sanctions and governmental enforcement. Such enforcement in the criminal courts has been particularly ineffective and has been characterized by delay and fines so light that they have often been treated as the price of a license to continue the violation.

The following measures included in the bill are necessary to achieve improved code enforcement:

1. Fines as penalties for code violation are replaced or supplemented by a variety of flexible civil remedies such as injunctions, authorized repair by the city with a lien placed on the property for the cost of the repair, and appointment of a receiver to take charge of and repair the premises when there are serious and persistent code violations.
2. Tenants are given the means to enforce the code themselves. At present tenants must rely on the city to do so.
3. A mechanism is provided, in the case of recalcitrant landlords, to have all or part of their tenants' rent applied to repair dilapidation.

The proposed bill is not an entire code. It modifies only the enforcement provisions of the existing act. Its provisions are amendatory and are intended to accomplish three major objectives.

First, the duties of the local enforcing agency are spelled out in great detail. Thus, there should be no confusion or hesitation on the part of the local health department or enforcing agency as to the appropriate time and manner of inspection and the obligation to seek compliance. Also clearly spelled out are the obligations of the owners and tenants or occupants with regard to regulated premises. There is an obligation on the part of both parties to maintain the premises and to keep them in decent and sanitary condition. If the owner fails to comply, he will be liable to the sanctions provided in the statute. And if the tenant or occupant fails to comply he will be subject to the sanctions of the act.

Second, the local enforcing agency is given a clearly defined arsenal of legal weapons to use in securing compliance with the code. Whatever uncertainty may have existed in the past as to the availability of certain remedies is now dispelled. Provisions for injunctive relief, for the right to make repairs or seek demolition of the premises, and for the right to have a receiver appointed are set forth in detail.

Third, private individuals, the tenants and occupants, are given certain rights which heretofore were non-existent. When premises are in violation of the code, rent may be withheld and paid into an escrow account, the accumulated funds to be used to defray the cost of correcting the violations. The tenant or occupant also has a right to secure enforcement of the housing code against a recalcitrant owner when the city fails to do so.

House Bill 3384, Defenses to Summary Eviction

This bill enacts changes in the state summary possession law and alters the rights of landlords to terminate tenancies and to evict tenants in both public and private housing. Under present law, eviction procedures do not permit the tenant to effectively raise matters which are appropriate to his defense. The amendments embraced by this bill seek to provide a measure of equity to tenants, without substantially altering the landlords' rights.

In the area of public housing, no eviction may be had except for just cause, as cause will be established by law or by rules and regulations of the local housing commission. This means, in effect, that there can be no arbitrary or capricious evictions. The private landlord continues to exercise the right to regain possession upon proper notice, and without a showing of cause, except where the eviction is retaliatory, as explained below.

In both public and private housing, certain other changes are accomplished. First, the tenant is permitted, in suits for possession for non-payment of rent, to plead as a defense the fact that the landlord has breached a duty owned to the tenant.

Second, the tenant is permitted to plead that his eviction was retaliatory and was instituted as a penalty for exercising lawful rights, such as filing a complaint with the local health authorities that the leased premises are without heat or water. If the tenant succeeds in convincing the court that the eviction has been instituted as a penalty, judgment is entered for him.

Third, the appeal bond provision, which now requires a deposit of nine-months rent as a bond, has been changed to require only a "reasonable" bond. The court is empowered to condition the bond on regular payments of rent money to the court, to the plaintiff, or to an escrow account.

House Bill 3395, Bill Creating Landlord's Covenants to Repair

This bill establishes in every lease, as a matter of law, covenants by the landlord that the premises are fit for the purpose intended when the tenant takes possession, and that the landlord will keep the premises in repair throughout the duration of the lease.

Other statutes impose such burdens upon the landlords as an exercise of the state's police power. These statutes are the state housing law and other health and safety codes and ordinances. In effect the only change which is accomplished through this act is to make such obligations an express part of the lease between the landlord and the tenant, thereby giving the tenant a cause of action if the landlord fails to comply with his already existing statutory duty.

Provision is made in the bill for modification of the statutory convenants in the case of long-term leases, that is, those leases which have a duration of one year or more. The bill is thus meant to govern short term tenancies.

Note: The House Code of Michigan did not impose a statutory duty to repair upon owners of non-multiple dwellings, nor did it apply to cities of under 10,000 population. Under this new statute tenants in single dwellings and multiple dwellings, no matter where situated, have a right of action to enforce the convenant of fitness and repair.

House Bill 3396, Board of Tenants Affairs in Public Housing, Detroit Only

The bill creates a Board of Tenants Affairs for each community that builds and operates public housing facilities. There will be one board for the entire community, and not a separate board for each project.

A board will be composed of tenants from the local facilities, to be elected by their fellow tenants; indigenous persons from the neighboring community to be selected by the mayor or chief executive; and other persons, also to be selected by the mayor or chief executive.

The major functions of the board are three:

1. The board will advise the local housing commission on matters of tenant-management relations, and on matters of tenant welfare.

2. The board will have the power to review those rules and regulations adopted by the local housing commission that affect the status of the tenants and that affect the tenants in their relationships with one another and with the local project management or the housing commission. Such matters would include, for example, the qualifications of those who seek to enter public housing, the obligations and duties of tenants, and the questions of termination of tenancies and penalties for rule violations. The right to review rules and regulations is limited to rules adopted by the commission. If the state, by law, or the local unit of government, by ordinance, enacts the applicable rule or regulation, then it is not subject to review.

3. The board will have the power to review decisions of the local housing commission or project management, made under any rules and regulations, when such decisions affect the status or rights of a tenant or applicant. Included in the categories of reviewable matters would be decisions to terminate tenancies, decisions denying applicants admission, and decisions changing the status of tenants of imposing penalties.

Decisions of the Board of Tenants Affairs, when it sits as a board of review, will be binding on the local housing commission.

As a corollary, the bill requires that local housing commission adopt reasonable rules and regulations regarding tenant relations and tenant welfare.

House Bill 3397, Cause Upon Conviction in Public Housing

This bill remedies what has been a somewhat difficult situation for tenants in public housing. The power to terminate a tenancy or to terminate a right of use and occupation is the strongest power a landlord, whether he be public or private, can exercise in his relationships with his tenants. No attempt is made in this bill to alter the right of the private landlord to terminate a tenancy. But the right is here modified in the case of public housing. Terminations must be based on cause, and cause is defined in the bill as a repeated failure to comply with the lawful rules and regulations of the local housing commission, with examples given. The effect of the bill would be to make unlawful and void the current termination clause of the Detroit Housing Commission lease, which provides that a tenancy may be terminated "at any time upon thirty days notice and without cause."

INTERESTING WALL STREET CONFLICT OF INTEREST

Mr. McINTYRE. Mr. President, last week the Securities and Exchange Commission ordered administrative proceedings on charges that Merrill Lynch, Pierce, Fenner & Smith, Inc.—the Nation's largest brokerage house—supplied nonpublic information to 14 institutional investors in June 1966.

According to the Commission, the institutions sold more than 190,000 shares of stock from their own holdings or through short sales on the basis of information not available to the general public.

An article published in the Wall Street Journal of August 29, 1968, explains the implications of the SEC action. I ask unanimous consent that the article entitled "Investment Concerns Review Procedures To Avoid Possible Conflicts of Interest" be printed in the Record at the conclusion of my remarks.

I wish to note here that the SEC charges highlight three areas in which securities firms and institutional investors must show restraint. The first is the use of inside, or nonpublic, information which a securities firm may learn through its underwriting activities. The second is the conflict of interest that may result when a securities firm acts as both an underwriter and as a broker and has obligations to corporations on the one hand and to customers on the other.

Finally, the SEC proceedings raise the question as to whether small customers get the same information received by larger institutional customers, who through split commissions or "give-up," reward brokers for various services, including the transmission of inside information.

The SEC action makes it plain that securities companies must restrain the use of inside information and that institutions must not use their substantial economic leverage to gain services and information not available to the general investing public.

I feel that the current SEC proceedings regarding give-ups have been given a new note of urgency as a result of the disclosures of Merrill Lynch's activities. I have been following these proceedings carefully and intend to propose remedial legislation in the event that the SEC and the industry are unable to reach agreement on ways in which the financial community should police itself.

There being no objection, the article was ordered to be printed in the Record, as follows:

Merrill Lynch Case Impact: Investment Concerns Review Procedures To Avoid Possible Conflicts of Interest

Dozens of big investment firms were examining their own procedures yesterday, fearful of possible "conflict of interest" complaints similar to that filed against Merrill Lynch, Pierce, Fenner & Smith Inc. by the Securities and Exchange Commission's staff.

The staff alleged that the nation's largest brokerage house favored some large institutional customers with inside information derived from a corporate underwriting venture.

Merrill Lynch, 14 of its salesmen and officers and the 14 institutional investors named in the action have denied any wrongdoing. But the impact of the charge has shaken Wall Street to its roots. "A blockbuster," one investment official termed it yesterday.

Lawyers and investment men see these broad effects flowing from the case:

First, the action seems aimed at forcing investment firms to re-examine the dual role many play as underwriter and broker. As an underwriter, helping corporations raise capital by selling stocks and bonds to the public, the firm's responsibility is to the corporation. As a broker, buying and selling for clients, its responsibility is to these customers. The two roles aren't always compatible, some investment firm partners concede.

Second, the SEC action is seen as a further effort on the part of the regulatory agency to attack "give-ups"—forced commission-splitting in return for services, such as tips on inside information.

Third, the action is expected to ignite many lawsuits against Merrill Lynch by small customers who, the SEC charges, weren't given the same information as its big customers.

The SEC action orders an administrative hearing into charges that Merrill Lynch supplied certain institutional investors with "non-public information" it had learned about plummeting earnings of Douglas Aircraft Co., now part of McDonnell Douglas Corp.

Merrill Lynch gained this information, the SEC charges, through its role as a prospective underwriter of a Douglas offering of $75 million of debentures. The favored institutional customers, alleges the SEC staff, sold Douglas stock on the basis of this "inside" tip before the public learned the bad news and the price of the stock tumbled.

POSSIBLE PENALTIES

If Merrill Lynch is found guilty of the charges, its registration could be revoked or suspended, putting it out of business for a period of time. The individual officers and salesmen of the firm named in the allegations could be suspended, fined or censured.

The institutions involved could be barred from associating with broker-dealers for a period of time, a meaningless penalty for all but those who engage in brokerage. Dreyfus Corp., one of the institutions named, does operate a brokerage firm, Dreyfus & Co., that could be penalized.

In an administrative hearing, an examiner not connected with the earlier investigation is appointed by the SEC. He acts as a judge in the case and decides it on the basis of the hearings. This decision can be appealed to the full commission and, after that, to the Federal Court of Appeals.

The proceedings are to start within a few weeks when those named in the case file their answers to the charges.

The Merrill Lynch case follows close on another case that lawyers say tightened the responsibilities of anyone possessing inside information that might affect the price of a corporation's stock.

This was the Texas Gulf Sulphur Co. decision by a Federal appeals court. The court's opinion pointedly noted an "insider" doesn't necessarily have to be an officer or director of a corporation. It can be anyone in possession of material facts about a company.

Under the SEC's rule 10b-5, an insider may not act on information before it becomes public knowledge. Security analysts and advisors say there are still many questions involved in trying to fit the requirements of the Texas Gulf case into their regular methods of doing business. Now, they say, the SEC's action against Merrill Lynch apparently seeks to broaden the "insider" definition even more.

ALTERNATIVES FOR INSIDERS

The net effect of these cases, if the SEC prevails, will be to give anyone in possession of information not known to the public only these alternatives: He may keep it secret, but he must not buy or sell shares of the company involved and he mustn't tell anyone who might trade in the stock. Or, if he wants to trade in the stock, he has a strict obligation to make sure the information becomes public, either by announcing it himself or by persuading the company to do so.

The requirement is especially demanding for investment firms. A firm's underwriting department routinely comes into secret information because of the fiduciary relationship of trust it holds with corporations raising capital. But its brokerage department buys and sells stock for clients, who often act upon the recommendations of sales representatives or the firm's research reports.

Investment firms say they recognize the potential for conflicts of interest, and many have set up strict rules for dealing with it. They range from strict secrecy to wide distribution.

BROKERS' RULES

"We operate on the basis of a 'need to know' and our people are pledged to secrecy," says the head of a New York firm. "If we're putting together a merger, for example, only the men directly involved know about it, even within the firm."

"Any of our company contacts (men who deal directly with corporations) have to keep confidential from their own clients and our sales department, including institutional sales, any inside information they receive," says Benjamin Edwards, president of A.G. Edwards & Sons Inc., of St. Louis. "And we also put pressure on companies to release news as soon as they have it."

Roulston & Co., a Cleveland brokerage firm, "makes a very big point of not wanting confidential information that isn't available to anyone interested enough to inquire," say Thomas H. Roulston, president. He says, "If we do accidentially get some confidential information from an assistant treasurer or someone, we put a freeze on all orders in that stock, refusing to buy or sell until the news is out. We also immediately encourage the company to make that development public."

But many brokers concede the temptations to take advantage of tips are great. Commissions on big transactions by institutional investors are large and these orders often are given to firms that help the institutions, either by providing information or selling its mutual-fund shares. Even if the tipster firm doesn't get the order, it can share in the commission through customer-directed give-ups. This is a system, under attack by the SEC, under which the customer directs the broker handling an order to share his commission with other firms.

SERVING TWO MASTERS

Harry Campbell, a senior partner of Edelstein, Campbell & Co., a San Francisco brokerage firm, ponders whether underwriting and retailing might better be handled by separate entities. "I don't know how it would be done," he admits, "but it's difficult to serve two masters."

Mr. Campbell also acknowledges he's unsure how a decision against Merrill Lynch would affect his company. "Right now, I'm trying to get some information others don't have and I'll probably use it," he says. "It's fun to see the lion get his tail twisted but maybe the SEC will march in here some day."

[During the boom of the 1920's preceding the Depression, commercial banks were active in underwriting stock and bond issues of corporations. Economic historians say the venture was dangerous and led to severe conflicts of interest between banks, which made investments, and their underwriting affiliates, which helped companies sell securities. The failure of one large bank was traced directly to this situation, according to one economic history.

[As a result, Congress concluded commercial banking should be separated from investment banking and, in the Banking Act of 1933, ordered banks to dispose of their investment affiliates. Among those affected: J. P. Morgan & Co., which gave up its investment banking business and later became Morgan Guaranty Trust Co. Its former partners established the investment firm of Morgan, Stanley & Co.]

STUDYING PROCEDURES

Many firms said yesterday they are studying their operating procedures with an eye towards tightening them.

"Anyone in this business would be negligent if they didn't re-look at their rules at this point," says the head of the Midwest concern.

The case "is going to bring some changes. There are going to have to be some rules, some guidelines," says Charles C. Pierce, president of Rauscher Pierce Securities Corp., Dallas. Present policy at the firm requires distribution of inside information from the underwriting department to all offices, "through a wire or memorandum through the mail," says Mr. Pierce.

"We are tightening up as much as possible to insure that any information received by our underwriting department is fully disclosed and that no benefit comes to the partners or anyone connected with us," says John F. Bunn, Jr., chairman of Bioren & Co., of Philadelphia. "We have always tried to act this way but with the Texas Gulf Sulphur case and now this one, the SEC has thrown us some new rules which, if we want to play the game, we must go along with. The entire industry is going to have to be extremely careful in the future."

The New York Stock Exchange recently called attention to the broadened interpretation of an "insider" and the restrictions on his actions. The exchange's rules have long stated that a director of a corporation has a fiduciary obligation not to reveal privileged information. Thus, a partner in a member firm who serves—as many do—as a director of another corporation must avoid giving inside information to his partners, employes of his firm or his firm's research department.

In a circular to members dated July 18, the exchange called attention to its expanded policy on timely disclosure. It noted that "the ground rules should be substantially the same" for any representative of a member firm who is "acting in an advisory capacity to a company and discussing confidential matters." This would include members of a firm involved in prospective underwriting because, as underwriters, they have access to confidential information.

Reaction by small investors to the SEC action yesterday was slight, a fact some brokers attributed to the Wednesday shutdown of the stock exchanges. A Merrill Lynch salesman in the firm's Pittsburgh office indicated surprise at the lack of public response, but said he expects some reaction today when the market reopens.

All 170 branches and 11,700 employes of Merrill Lynch were sent a home-office message yesterday over the firm's teletype wire saying, "we do not feel our people acted wrongfully." Over the signature of James E. Thompson, vice chairman, the message said, "our counsel has advised us not to try our case in public. Accordingly, discussions of our position or what may or may not have happened should be nil. Obviously nothing should be discussed with the press."

A prominent securities lawyer, who declined to be identified, said if the SEC charges are substantiated, the firm will be open to a barrage of litigation from customers, "both those who were buying (Douglas stock) while Merrill Lynch was telling its big customers to sell and those who already owned the stock and didn't sell because they didn't have the information" the investment companies had.

"The law suits will pour in," predicted a Los Angeles broker. In fact, he said grimly, "We'll probably all be facing a flurry of nuisance suits. This kind of thing tends to spark such a reaction from anyone who's disgruntled with his brokerage people and there are a lot of disgruntled investors around."

GUNRUNNERS IRRESPONSIBLE AS EVER

Mr. DODD. Mr. President, 7 years ago, when I began an investigation of the wide-open traffic in mail-order firearms, I said that anyone could arm himself to the teeth with impunity.

I said that murderers, rapists, addicts, mental patients, juveniles, and even children could buy what weapons they choose for a few dollars and go about their deadly business.

Things have changed in that time only in that they have gotten worse. There are more firearms around now than ever.

The gunrunners still accept no responsibility for the effect of their business on public safety.

The gunrunners are still as irresponsible as ever.

A first-class example of this public-be-damned attitude of many of these gunrunners was published in the August 31, 1968, issue of the Christian Science Monitor.

Author John Kelly began his article this way:

> Almost anybody can get a gun. The ease with which firearms can be acquired in the United States is a source of continuing concern in an era when resort to violence is all too prevalent.

Mr. Kelly then presented a case study. He went to a gun shop just off Times Square in New York City, also known as the crossroads of the world, and purchased an arsenal. He had it shipped to James D. Kelly III, of Hamden, Conn. No questions were asked. Within 36 hours delivery was made to James D. Kelly III, who is 18 months old.

The shipment included a 60-millimeter mortar, a .30-caliber carbine, mortar shells, and repackable handgrenades.

I ask unanimous consent that the entire article be printed in the Record. I ask Senators to refer to it as they consider the firearms legislation pending before the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

Almost Anybody Can Get a Gun

(Note.—The ease with which firearms can be acquired in the United States is a source of continuing concern in an era when resort to violence is all too prevalent. Here is a case study of what lax gun laws allow.)

(By John Kelly)

New York.—It is possible for almost anyone under any pretense to obtain weapons in New York City as well as in other urban communities. As an example, this reporter, posing as an organizer of a private army, a few weeks ago had Kaufman Surplus & Arms ship an order that included a 60 mm. mortar, a 30-caliber carbine, mortar shells, and repackable hand grenades to an 18-month-old nephew, James D. Kelly III, who lives in Hamden, Conn.

The ease with which these weapons were shipped to a baby is a case in point. Delivery was made without any questions, 36 hours after the order was placed. Neither New York nor Connecticut authorities will ever exchange reports about the purchase as it is not required by law.

Kaufman's, like a number of other big dealers in New York and other Northern cities, has been doing a lucrative business both locally and with out-of-state residents.

In addition to a midtown store, Kaufman's has a branch and a warehouse downtown not far from the financial district. Both outlets are along the paths of the commuters, and business usually picks up about 5 p.m.

Available is everything from swastika armbands and supposedly authentic Viet Cong knives to World War I cannon, two of which sit outside flanking the West 42nd Street doorway. For potential customers there is an 80-page catalogue titled "Combat" that lists rifles, ammunition, knives, bayonets, and swords. It also features a $295 "sniperscope" for observing "enemy movements in the dark without being detected." Kaufman's also offers for $1.50 a booklet titled, "How to Convert Military Weapons" from semiautomatic to automatic.

CONVERSATION REPORTED

While posing as the organizer of a private army, I recently stood with 15 other men, nine black and six white, in a section of the midtown store which houses weapons and ammunition.

On the wall were more than a hundred rifles ranging in price from $19.95 to $240. Leaning across the counter I asked to see an M–1 carbine. The salesclerk plucked it from the display and placed it in my hands saying, "It's got a good sting and comes with a 30-clip magazine."

Pointing to a new M–16 rifle, the type used by United States forces in Vietnam, one of two Negroes at my side turned to his companion, and said, "That'd sure make a big hole in whitey."

"Yeah," replied his companion, "but not at $240."

"If I got on a roof with that, there wouldn't be a cop in Newark," answered the first.

A white man tugged at my sleeve as I examined the carbine.

"How much is it?" he asked.

"One hundred and nine dollars," I replied.

"That's a lot of money, but I sure need something around the house," he said.

The salesclerk interrupted: "If you want one you better give me a down payment because I only got a couple left, and I can't get no more because the factory isn't turning them out fast enough."

When I told him I was interested in buying a large number of rifles and at wholesale, the clerk turned me over to the store manager, Harry Finklestein.

CUSTOMER REFERRED

"You better go down to the warehouse on Broadway and talk with Mrs. Korn if you want 300 rifles. She handles that type of thing," Mr. Finklestein told me.

Our conversation was periodically interrupted by a voice bellowing from the rear through an intercom, "Ammunition coming up." Presently a well-dressed white man stepped to the counter; the cash register rang out and 100 rounds of .30 caliber ammunition costing $18.95 was carried from the store in an expensive looking black leather attaché case. Seconds later the voice bellowed again and a Negro walked from the store with $56.40 worth of ammunition. He walked from the store and placed his purchase beneath a blanket in the trunk of a New Jersey registered car parked at the curb.

Asked if he could provide gunpowder, Mr. Finklestein replied, "We don't keep that around. It's touchy stuff, you know. You got to be careful; the cops and the FBI and everybody comes around asking questions. It's getting so you can't make a decent living."

At the downtown warehouse, Mrs. Dorothy Korn, a graying woman wearing a pale blue smock, discussed weaponry with perhaps matchless female knowledge. She balked at cutting prices for even a large order. "Why should I sell to you at a discount?" she asked. "If I could get 300 carbines tomorrow they would be moved out of here in a day."

When asked if she could provide bazookas, she said, "They're hard to come by ever since those fellas fired at the UN. The only heavy equipment we have now are mortars."

Walking me to the door, she said, "It's going to be a long hot summer; you can't come around now and expect to find any good stuff. It's been gone for months.

"Glad to do business with you," she continued, "and I'll see if I can't get those 300 carbines. Give me a call tomorrow. It's all legal."

LICENSE A HURDLE

Besides Kaufman's, this reporter, while posing as a person seeking from 300 to 500 carbines and up to a half million rounds of ammunition, visited several gun stores in the New York metropolitan area. All regretted they were unable to deliver weapons because, as a dealer said, "the manufacturers aren't turning them out fast enough."

One dealer said he would be willing to wholesale 300 carbines at a third off. Another, also interested in making a large sale, said he feared jeopardizing his license if the weapons were used for something nefarious and traced back. He suggested I set myself up with a dealer's license in a state with lax laws where he would be able to ship without encountering difficulties.

Violence begets violence. President Kennedy was assassinated, and so was his killer. Sen. Robert F. Kennedy was assassinated, and an attempt was made to shoot down the brother of the man accused of assassinating him.

REACTION EXPECTED

Authorities expect this reaction, and as a result, Sirhan Sirhan and James Earl Ray are under tight security. At no other time in United States history have incarcerated persons been so extensively and elaborately protected from bullets of would-be killers.

As mourners passed Senator Kennedy's bier at St. Patrick's Cathedral, Kaufman Surplus & Arms, just two blocks from Times Square, was doing above-average business.

Business was also extraordinarily brisk at a gun store eight blocks from the late Senator's Manhattan apartment the day after he was killed. If this and the jump in gun sales after the slaying of the Rev. Dr. Martin Luther King Jr. are any indication, another boom in over-the-counter and mail-order pistols and rifles is in the making.

A week prior to the Kennedy assassination and two months after the slaying of Dr. King, it seemed as though the arms race in the tense urban communities of the North was nearing its end.

This was perhaps because military-type weapons had been bought up by blacks and whites and their paramilitary organizations here and in Chicago, Detroit, Newark, Baltimore, and Los Angeles.

Police in these cities report increases of as much as 60 percent in pistol and rifle purchases in recent months.

New York City law prohibits one from having a pistol at home without a permit—which is difficult to obtain. Yet it is possible for a mentally deranged person to carry a loaded rifle through the streets. In the last two years, five persons have been shot and killed in Manhattan parks:

In 1966, a mental patient killed two men in a West 42nd Street park and was wounded in an exchange of gunfire with police. An hour earlier he had bought a $19.95 rifle at a nearby gun store.

Earlier this year another man, armed with a pistol, killed three persons and wounded two police officers before being killed by police after a two-hour gun battle in Central Park. Investigating detectives entered the slain gunman's apartment and found poster-sized pictures of Hitler and other Nazi leaders pasted to the walls.

A man was arrested July 20 on Manhattan's West Side after he began firing a semiautomatic .30 caliber carbine from his apartment window at 6:30 a.m. Police said a photo of Hitler was found in the accused gunman's wallet, glued back-to-back to his own photo. The police also said the gun was bought at Kaufman's.

The price tag on the American "privilege" of owning a gun gets higher by the day.

EXPORT OF UNPROCESSED LOGS

Mr. JORDAN of Idaho. Mr. President, I urge the retention by the Members of the 1968 Foreign Assistance Act House-Senate conference committee of the amendment offered by the distinguished Senator from Oregon [Mr. MORSE]. The amendment limits annually for the next 5 years the export of unprocessed logs from Western States to 350 million board feet, a figure which is approximately one-third the present level of exports.

I cannot stress too strongly the danger which exists to the economy of the Northwest in general and to the lumbermills of Idaho specifically if steps are not taken to limit the overseas flow of our logs.

Under the original Conservation Act of 1897 it was determined that the timber resources of the United States should be used for the people of the United States and this directive was strengthened by the 1926 amendments to that law which declared that public timber should not be exported unless such export would not endanger the supply for local use.

The facts seem clear enough—the Senate Subcommittee on Small Business only recently issued a report which reveals that there are no surplus logs available and that to export the quantities of logs which Japan desires is in violation of the 1926 amendments.

The Secretary of Agriculture earlier this year placed a 1-year's ceiling on log exports from the coastal lumber regions of Oregon and Washington because of a lack of surplus logs and the fact that the prices which foreign governments have bid have skyrocketed the price of lumber to homebuilders and homebuyers. It is imperative that this ban also be extended to public land in Idaho, California, and Montana. Make no mistake about it: we are dealing not only with log exports, but with job exports, as well. Western mills are being forced out of business by the excessive prices such bidding has produced. The ultimate squeeze placed on the American consumer is obvious.

Our national forests, our lumber industry, and our economy must not be sacrificed in the name of foreign trade. Resources which belong to generations yet unborn must be guarded as the Nation's trustee obligation; the amendment in question will provide us the means to carry out that trust.

CALIFORNIA LEGISLATURE URGES ADOPTION OF MURPHY AMENDMENT NO. 884 TO MANPOWER DEVELOPMENT AND TRAINING ACT EXTENSION, S. 2938

Mr. MURPHY. Mr. President, on July 15, I addressed the Senate, pointing out the difficulties California was having with the Federal Government in implementing bipartisan proposals to deal with the problems of the disadvantaged.

The California Legislature recently unanimously passed Assembly Joint Resolution 45, which both urges the Federal Government to cooperate with California in this creative effort and Congress to adopt my amendment No. 884 to S. 2938, designed to provide States such as California with the needed freedom and flexibility to assist the chronically unemployed.

I ask unanimous consent that the California resolution and the text of my amendment be printed in full at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ASSEMBLY JOINT RESOLUTION 45

Joint resolution relative to the chronically unemployed

(Introduced by Assemblymen Monagan and Unruh, July 16, 1968, referred to Committee on Rules)

Whereas, The California Legislature has developed an imaginative program with bipartisan support to train and place the chronically unemployed into meaningful jobs; and

Whereas, Representatives of the United States Department of Labor have threatened use of discretionary power by the Secretary of Labor which could result in a possible loss of federal funds if California enacts this program because of possible nonconformity of California statutes with federal law; and

Whereas, This program, consisting of Assembly Bills 1463, 109, 1777, 210, 1046, 1966 and 1464 of the 1968 Regular Session of the Legislature, represents an effort by the state to pool available federal and state resources and concentrate them on providing a unified unbroken sequence of services to the chronically unemployed to place them in productive employment; and

Whereas, Implementation of this program requires cooperation from various agencies and officials of the federal government, including the Secretary of Labor and the Secretary of Health, Education, and Welfare, as well as other federal officials; and

LEGISLATIVE COUNSEL'S DIGEST

AJR 45, as introduced, Monagan (Rls.). Chronically unemployed. Notes that the Legislature has pending certain legislation designed to provide a program of training and placement services to assist the chronically unemployed in California, and memorializes the President and Congress to take specified steps to provide the federal support needed to carry out this program.

Whereas, Every effort has been made by legislative leaders in California to cooperate with federal officials in developing this imaginative program; and

Whereas, The President of the United States has publicly supported the concept of creative federalism which rests upon federal support of efforts by states to innovate and create bold new programs to solve major problems facing the state and the nation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the Secretary of Labor, the Secretary of Health, Education, and Welfare, and other federal agencies to make every effort to cooperate with the State of California in interpreting current federal statutes to authorize this state to carry out the program envisioned by Assembly Bills 1463, 109, 1777, 210, 1046, 1966, and 1464 of the 1968 Regular Session of the Legislature; and be it further

Resolved, That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to support amendments to the Manpower Development and Training Act this session and to authorize a new title to that act which would provide federal matching funds to states for job training, placement, and related services in a flexible manner which would provide necessary federal support to carry out the comprehensive program envisioned by legislation now before the California Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

AMENDMENT NO. 884

At the end of the bill add the following new section:

"SEC. 12. The Manpower Development and Training Act of 1962 is amended by adding at the end thereof the following new title:

" 'TITLE IV—SUPPLEMENTARY STATE PROGRAMS

" 'STATEMENT OF PURPOSE

" 'SEC. 401. It is the purpose of this title to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of supplementing, coordinating and improving the effectiveness of, or correcting imbalances among, the services available from all Federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment.

" 'AUTHORIZATION FOR GRANTS

" 'SEC. 402. The Secretary of Labor (hereinafter in this title referred to as the Secretary) is authorized to grant to any State which meets the requirements of section 403 an amount, for fiscal years 1969 and 1970, not to exceed 75 per centum of the cost of the supplemental efforts and activities undertaken by a State pursuant to the provisions of this title.

" 'APPLICATIONS AND CONDITIONS

" 'SEC. 403. (a) Any State which desires a grant under this title shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

" '(b) No grant may be made under the provisions of this title unless the Secretary finds that—

" '(1) after consultation with said State, the effectiveness of Federal manpower and related programs seeking to move disadvantaged persons into productive employment within such State can be facilitated or improved by additional State efforts and activities; and

" '(2) such application (A) describes how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with such State's cooperative area manpower planning system plan, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this title, and (D) provides assurances that the State will pay the non-Federal share of the cost of such efforts and activities under this title.

" 'RULES AND REGULATIONS

" 'SEC. 404. The Secretary may prescribe such rules and regulations under this title as he deems necessary.

" 'AUTHORIZATION OF APPROPRIATIONS

" 'SEC. 405. There are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1969, and $50,000,000 for the fiscal year ending June 30, 1970, to carry out the provisions of this title'."

Mr. MURPHY. Mr. President, also, I have received a letter from Mr. Stanley H. Ruttenberg, Assistant Secretary and Manpower Administrator of the Department of Labor, differing with California's version of the Federal Government's "cooperation" with the State in implementing its program.

I understand that since this controversy has arisen, the Labor Department has indeed become more cooperative and apparently has made efforts to clear up the misunderstanding. I would say that Assistant Secretary Ruttenberg and some

Labor Department officials have tried to be most cooperative, but apparently there has been internal disagreement within the Labor Department regarding the California effort.

One California official remarked:

> When the "bad guys" came to California, there was little doubt that they were more concerned with raising the specter of conformity and potential loss of Federal funds than making positive suggestions. When the "good guys" came, we were able to work out our problems with a cooperative spirit.

Mr. President, the problems of dealing with the disadvantaged are too big and too important to have levels of Government pulling in opposite directions. I am hopeful that this new "cooperative spirit" will continue and that the Senate will adopt my amendment, thus allowing California to get on with its creative effort, which will provide results that I believe will be of interest to the Nation.

Mr. President, I ask unanimous consent that the Assistant Secretary's letter to me be printed at this point in the RECORD; and in addition that Secretary Ruttenberg's correspondence with California officials on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., July 19, 1968.

Hon. GEORGE L. MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: In the *Congressional Record* for Monday, July 15, you included several letters and press releases on the Department of Labor's relationship to California A.B. 1463, which presented an inaccurate picture of the Department's position and activities in connection with this bill. In the interest of preserving a cooperative Federal-State relationship, I would like to correct the misunderstandings reflected in the *Record*.

The Department has always supported the bill's stated objective, as I clearly indicated in my telegram to Senator Dolwig of June 10 (copy enclosed). We have not tried to dictate State legislation, or to make any threats.

Many different approaches have been suggested to the difficult problems of the hard-core unemployed, and a number of statutes have been enacted by Congress. The Department of Labor and the States have worked hard, and cooperatively, in initiation of new ideas and new programs and in efforts to integrate them into a framework which will eliminate duplication and assure better service to the hard-core disadvantaged. In this effort, however, the Department must operate within constraints established by Congress.

You will recall that when Speaker Unruh appeared before the Senate Subcommittee on Employment, Manpower and Poverty on May 10 to support the proposal, he recognized that it would, in his words, "require precedent-breaking changes in Federal statutes and in rules and regulations of federal agencies."

Although those changes had not been made in Federal law, A.B. 1463 was passed by the California Assembly on May 23. As passed, the bill conflicted with requirements of the Wagner-Peyser Act and other Federal laws. In accordance with long-standing Department policy of advising a State whenever pending State legislation appears, on the basis of established Department interpretation of Federal law, to raise a conformity issue, my telegram dated June 10 to Senator Dolwig noted four major areas of conflict with Federal requirement.

Following that telegram, Department personnel met with representatives of California, both in Washington and in Sacramento, in an effort to resolve the issues and a number of changes were made in the bill. The changes made through July 1 still presented some issues of conflict with the requirement of the Wagner-Peyser Act that an integrated employment service be available to all without regard to any income limitations. This requirement is not a legal technicality but is the foundation on which the public employment service rests. It not only makes for the most efficient use of money and staff by preventing duplicating and competing employment services, but also assures that the full range of services is available to those most in need of help. The bill also conflicted with requirements that Federal funds made available to a State must be used in accordance with the limitations and directives in Federal law.

Mr. Goodwin's July 3 appearance before the California Senate Committee on Government Efficiency was at the express request of Chairman Dolwig to explain questions raised in my telegram of June 10. My letter to Speaker Unruh of July 12 (copy also enclosed) summarizes the advice the Department of Labor gave to Senator Dolwig and his Committee. This letter also sets forth the reasons behind the questions raised in my telegram of June 10 and in Mr. Goodwin's testimony before the Committee.

You know, I am sure, that the Department has continued to work with California in an effort to resolve the conformity issues raised by A.B. 1463. Mr. Odell, Director of the United States Employment Service and Curtis C. Aller of my office, made another trip to California on July 15. At that time we offered some suggestions that were accepted. We made every effort to restrict these suggestions to those required to meet minimal conformity questions. I understand that the framers of the legislation are satisfied with the result that has been attained.

To make the record complete, I would appreciate it if you would arrange to have this correspondence also included in the CONGRESSIONAL RECORD.

Sincerely,

STANLEY H. RUTTENBERG,
Assistant Secretary and Manpower Administrator.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., July 12, 1968.

Hon. JESSE H. UNRUH,
Speaker of the Assembly,
Sacramento, Calif.

DEAR MR. UNRUH: At the Secretary's request, I am responding to your letter of July 3, concerning the appearance of Mr. Robert C. Goodwin, Director of the U.S. Department of Labor, Bureau of Employment Security, before a State Senate Committee hearing on California A.B. 1463. It is to be regretted that you interpret Mr. Goodwin's testimony to be reflective of an over-bureaucratic federal agency and inconsistent with a concept of creative federalism.

The testimony reaffirmed the assurances which I gave to your representatives here in Washington. We are in complete sympathy with the stated objectives of your bill—that is, to eliminate duplication of manpower programs and assure better service to the hard-core disadvantaged. Our commitment to this goal is demonstrated by our own efforts to concentrate and direct a greater share of the fiscal and program resources available through the employment service, MDTA and Economic Opportunity Act to meet the needs of the hard-core unemployed and the disadvantaged. The Youth Opportunity Centers, the Human Resources Development Program, the Concentrated Employment Program, the Skill Centers Program and the NAB–JOBS Program have all been directed primarily to the needs of the disadvantaged and have focused upon target areas of heavy hard-core unemployment. We have also supported and assisted in funding the Governor's Community Service Centers in California.

In all of our efforts we have carefully adhered to the requirement of the Wagner-Peyser Act that an integrated employment service be available to all without regard to any income limitation. While it may well be that more needs to be done to coordinate and consolidate the administration and funding of these programs, we must insist that it be done in a manner consistent with the federal laws under which we are required to operate.

Of the requirements that must be met for a State Employment Service to become a part of the Federal-State system and to receive Federal grants covering 100 percent of administrative costs, probably the most basic is the one requiring a single State employment service. A single, integrated, full-functioning employment service is essential both to serve adequately those who most need help to get jobs and to make the most efficient use of resources, both money and personnel.

A.B. 1463, even with the many amendments through July 1, would provide for two employment services; one service, not a part of the nationwide Federal-State system, would serve only the disadvantaged (as defined in the bill) in "economically disadvantaged areas", and the other, a part of the Federal-State system, would serve only those not eligible for service from the new division. There are no parallels in any State for this kind of separation in the existing organization of the employment service. Where there are offices specializing in placement of young people, and other offices specializing in certain industries or occupations—such as Farm Labor Offices, Industrial Offices, or clerical and professional offices, these offices are required to—and do—meet all the requirements of the Wagner-Peyser Act, and are open to all without restrictions relating to economic need.

The second major area of conflict not removed by the July 1 amendments, relates to the use of funds. Federal enabling statutes and appropriation acts contain directives and limitations on the expenditure of Federal funds. The Department of Labor is bound by these conditions in making funds available to States either as grants under the employment security grant-in-aid program, or as allotments to an agency acting as an agent of the Federal government under a program like MDTA. A.B. 1463 even as amended continues to provide for diverting a portion of the funds granted under the Wagner-Peyser Act to the restricted clientele of the new division. It also provides that the funds made available to California as an agent of the Federal government under provisions of the MDTA are to be used in accordance with directives and limitations in this bill. Inclusion in section 10500(b) of the phrase "to the extent permissible under Federal law" does not remove the problem since there are federal limitations and requirements on expenditures in addition to the proportion of funds to be spent in disadvantaged urban areas.

The actions of Department personnel in connection with this bill provide no basis for the allegations in your July 3 letter and press release.

The Department does not generally, and did not in this case, attempt to dictate legislative action to a State. The Department has a long-standing practice, however, of advising a State whenever there is substantial question as to the conformity with Federal requirements of a pending legislative proposal. My June 10 telegram was pursuant to this practice.

Appearance of Department of Labor representatives at the July 3 hearing of the State Senate Committee was, as you know, at the express invitation of the Committee Chairman to ". . . appear before our Committee and testify on issues and points raised in your teletype . . .". Because of the complexity of the issues, and the limited time of the Committee, the Department representative, Mr. Goodwin, presented a written statement and oral testimony.

In both his written and oral testimony, Mr. Goodwin clearly recognized that there had been numerous amendments "directed to meeting the problems raised by the conflict between the State bill and Federal law." While the written statement related to A. B. 1463 as it passed the California Assembly and as amended through July 1, the oral testimony was directed entirely to the amended bill. Mr. Goodwin made clear in both statements, that a finding that a State's employment security program is out of conformity with Federal requirements is the responsibility of the Secretary of Labor not delegated to anyone—and is made only after a State has been given notice and opportunity for a hearing.

The Department of Labor personnel involved in the lengthy discussions with your representatives of the conflicts between A.B. 1463 and Federal requirements and of the possible changes did not make any commitments as to the effect of the changes being discussed. Rather they pointed out that the changes proposed did not, in their opinion, entirely remove the issues raised by the original bill, but in any event, the amendments would have to be carefully reviewed by the Solicitor's office in Washington.

There are limits, of course, established by the Congress that both of us must observe. Within these constraints, though, I'm convinced there is abundant room for the display of creative state initiative. We have been and earnestly continue to welcome your efforts and will respond in good faith and with good will to any suggestions you may wish to make as to where we go next.

Sincerely yours,

STANLEY H. RUTTENBERG,
Assistant Secretary.

JULY 10, 1968.

Senator RICHARD J. DOLWIG,
Chairman, State Committee on Government Efficiency, State Senate, Capitol Building, Sacramento, Calif.:

California Assembly bill 1463 as amended May 23 conflicts with requirements of Wagner-Peyser Act, and other Federal laws. Enactment of A.B. 1463 would necessitate call for hearings by Secretary of Labor on withholding of Federal grants for employment service and unemployment insurance and on terminating MDTA agreement.

The 4 major conflicts are: (1) Federal statutes require that Federal training and placement moneys made available to States be spent for the purposes for which they are made available and in accordance with the authorization and appropriation statutes; A.B. 1463 calls for commingling Federal funds with State funds, and allocating such funds in accordance with State established priorities and determinations. (2) The Federal statute on employment service requires that service be given to all "men, women and juniors": A.B. 1463 would limit placement services by any State agency to certain needy categories. (3) Federal employment service statute also requires a single State employment service agency; A.B. 1463 would create duplicating employment services. (4) Federal statutes on unemployment insurance require that unemployment insurance be paid through public employment offices, and that it be paid without regard to individual economic need: A.B. 1463's provisions for employment services on the basis of economic need conflict with these requirements. Detailed explanation of these conflicts is given below.

(1) Section 5(b) of the Wagner-Peyser Act provides that the Secretary of Labor determines the amount necessary for proper and efficient administration of a State's public employment offices. See also 20 CFR 602.22. Under section 9 of the Wagner-Peyser Act, if a State has not complied with the Secretary's standards of efficiency or has not properly expended the moneys paid to it in accordance with the approved plan, the Secretary withholds further grants. In Federal programs such as MDTA, California is agent of the Secretary and Federal funds must be spent for the purposes for which they are made available, and in accordance with the authorization and appropriation statutes.

A.B. 1463 establishes a manpower development fund to which would be deposited State funds, employment service grants for YOC's, MDTA funds, and Federal funds under other anti-poverty programs.

These funds would be commingled and appropriated to the Department of HRD for the purposes of this act. A.B. 1463 specifies the conditions of eligibility and priorities for service, which differ from those under the various Federal programs. Provision is made for periodic review by the State legislature, but not for accountability to the Federal agency providing Federal funds. (2) Section 3(a) of the Wagner-Peyser Act requires the employment offices to provide services for all "men, women, and juniors" who are legally qualified for employment. Section 3(b) of the Age Discrimination in Employment Act of 1967 contains a prohibition against age classification by the public employment service with respect to individuals between 40 and 65. Public employment services are also required by Federal law to give priority in service to veterans, and to have arrangements with vocational rehabilitation agencies for special services to the handicapped, and with vocational educational authorities.

Sections 9106–9110 and 10500 of A.B. 1463 set forth limitations on expenditure of job placement funds and services which restrict services of the HRD Department to those who meet specific requirements of need in terms of family or individual income, family status, age and sex, as well as geographic location and ethnic characteristics. Section 9609 requires HRD disapproval of any publicly funded placement program with private employers administered by any State agency which is inconsistent with this bill. No Federal money granted under Wagner-Peyser Act for employment service operation can be used for placement programs subject to the limitations set by A.B. 1463.

(3) Section 4 of the Wagner-Peyser requires "a State agency with all powers necessary to cooperate with the uses under this act" including authority to submit the plan of operations required under section 8, and the reports of operations and expenditures required under section 9. Single agency requirement designed to assure most efficient use of funds by preventing duplicating employment services. California State Department of Employment is, by California legislative action, designated as the single State agency. Section 9609 of A.B. 1463 provides that the department of HRD shall "be the sole State agency to approve and coordinate publicly funded training and placement programs with private employers," and requires the department to disapprove plans not consistent with the bill. Since the director of HRD has a veto over the plans of the California Employment Service, the Department of Employment does not have "all powers necessary" to cooperate with the uses.

Moreover, A.B. 1463 provides for performance in HRD Department of many services essential to a public employment service. Even if section 9609 of A.B. 1463 is construed by State authorities as not limiting the California State Employment Service to those eligible for service under the bill and the State Employment Service is permitted either to service everyone who comes to it or only those not eligible under A.B. 1463, with members of the eligible group being referred by it to HRD, the result would be duplication of services and programs which defeats both the objective of A.B. 1463, to ensure no duplication, and the congressional requirement of a single State employment service.

(4) Section 303(a)(2) of the Social Security Act and section 3304(a)(1) of the FUTA require payment of unemployment insurance through public employment offices or such other agencies as the Secretary of Labor may approve. Objective of the requirement is to assure that claimants receive appropriate help in reemployment, irrespective of individual economic need. The Secretary has never approved any other agencies, and has specifically ruled against payment through welfare offices. Requirement of A.B. 1463 that placement programs be consistent with objectives of giving all placements to those "in genuine need" makes it questionable that unemployment insurance claimants get necessary placement services. If unemployment insurance claimants are classified according to need to determine whether they are to receive placement service from employment service office or HRD office, there is conflict with basic principles that unemployment insurance must be paid without regard to need.

STANLEY H. RUTTENBERG,
Assistant Secretary and Manpower Administrator.

GRASSROOTS DEMAND BETTER FIREARMS LAWS

Mr. DODD. Mr. President, public demand for the strictest kind of Federal firearms laws has not subsided. It has been on the increase for 30 years and is now at an alltime high.

Grassroots public opinion is clear.

Our people want to live secure in the knowledge that deadly firearms are out of the reach of those hellbent on a public outrage.

And it is also clear that the public is ready to accommodate a minor inconvenience for that security.

I would like to call this public concern to the attention of my colleagues as we approach debate on the firearms legislation now pending before the Senate.

Mr. President, I ask unanimous consent that this brief sampling of editorial opinion be printed in the RECORD. I shall add to it in some quantity from time to time.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Asbury Park (N.J.) Press,
July 17, 1968]

OUR ATTITUDE TOWARD GUNS

Officials at Boy Scout headquarters in New Brunswick have indicated that the organization's attitude toward guns may be drastically altered. Programs such as the merit badge award for marksmanship and the acceptance of gun advertising in the official magazine are under review.

In suggesting a change in its "attitude" toward guns the Boy Scout organization is cooperating in a nationwide campaign to reassess the place of guns in the American society. For generations ranging back to the earliest settlements on the east coast guns were part of our heritage. They were needed to hunt the wildlife that were a major source of food, to keep the Indians at bay, and to protect the family homestead against malicious trespass. Had it not been for the muzzle loaders the Minute Men could not have fired the "shot heard 'round the world" and Washington's army would not have won the independence that created a new nation.

In the decades that followed guns were essential to the conquest of the west and to supplying food and protection to stalwart people who settled in the wilderness. And for another century a society that was largely rural considered a gun hanging on the mantel as indispensable as the clock above it.

But in a rather sudden fashion, as time is measured, we have become an urban society and to the apartment dweller in a teeming city a gun is about as useless as a horse and buggy. Weapons that good citizens once used to protect themselves are falling into the hands of criminals who use them in a murderous attack on society. Thus it has become advisable to place the sale and possession of guns under controls in an effort to reduce the tragic toll taken by those who abuse them.

The Boy Scout movement is steeped in rich traditions, in love of country and love of nature and the ability to cope with it. Guns were part of this tradition and they will remain so in the hands of law abiding marksmen and hunters and law enforcement officers. But we have learned that the indiscriminate advertising and sale of lethal weapons leads to the assassination of leaders and to murder in the streets. Such violence is in ugly contrast to the traditional use of firearms as a source of food and protection. Not only the Boy Scouts, but the entire nation, should review its attitude toward guns lest they become a grim rather than a glorious part of the American heritage.

[From the St. Louis (Mo.) Post-Dispatch, Aug. 22, 1968]

Why Guns Are Bought

Statistics compiled in a survey by the Stanford Research Institute provide a powerful argument for adequate gun control legislation. The researchers found that twice as many firearms were sold in 1967 as in 1963; the only conclusion that can be reached is that these guns were not bought for sporting purposes, but for purposes connected in some way with urban riots.

The researchers said that the increased gun sales were partly the result of "grossly exaggerated" reports of sniping and use of firearms in civil disturbances. It is quite likely that most persons who have purchased weapons because of their reaction to riots are the very persons who should not have guns at all. The chances are they are inexperienced in handling firearms responsibly, and are a danger to themselves as well as to others.

Registration and licensing laws might not get all the weapons now in private hands (the researchers placed the number at 115 million) but they certainly would put brakes on this sort of dangerous panic buying. As the researchers said, "The dangers of living in a society where violence by firearms has reached unacceptable levels clearly outweigh the inconvenience for those who would be required to register under an effective law."

The ineffectiveness of current law was demonstrated in St. Louis just the other day when two young men displaying shoulder guns turned up as former Congressman Adam Clayton Powell visited the city. Both were in apparent violation of the National Firearms Act, but the city would have an easier time moving against them under a proposed ordinance being considered by the Board of Aldermen. Stronger laws are needed at both the national and local levels.

[From the Las Vegas (Nev.) Sun, Aug. 5, 1968]

Lawmakers Shun Action on Gun Control Laws

The action of the nation's lawmakers, or perhaps lack of action is the more appropriate term, in failing to write an effective gun control defies all logic.

A recent Congressional Quarterly survey discloses that there is a definite correlation between strict laws governing the possession and sale of firearms and lower murder rates and murder by guns.

The Eastern states, for example, have the strictest gun laws and they have the lowest murder and gun death rates.

The Southern states, which have the most lax gun laws and whose lawmakers generally oppose stringent gun laws, have the highest murder rates and the largest percentages of murders by guns, according to FBI statistics.

Nevada's national lawmakers generally vote right along with the Southerners on matters of gun control, ranked fifth in the United States in 1966 in the murder rate and 11th in the number of deaths by gunshot.

The FBI's 1966 Uniform Crime Report showed that Nevada's murder rate is 10.6 each 100,000 population, fifth in the nation and that there were 48 murders in the state during the year.

Of all the murders committed in Nevada in the years 1962–65, 66.9 per cent were gun deaths and that gives the state an 11th ranking nationally.

However, last May, when Sen. Edward Kennedy, D-Mass., proposed an amendment to the omnibus Crime Bill to ban the interstate shipment of rifles and shotguns, both Nevada Sens. Alan Bible and Howard Cannon voted against it.

And on July 24, when the House passed H.R. 17735, which prohibits the interstate shipment of rifles and shotguns and handgun ammunition and restricts the out-of-state purchase of rifles and shotguns, Rep. Walter Baring was among those voting "No."

Nevada's murder rate of 10.6 for each 100,000 population is surpassed only by Alaska, District of Columbia, Alabama, Georgia, and South Carolina.

A District of Columbia law which goes into effect in November, requires the registration of all firearms and the licensing of gun owners.

Many of the Eastern states with low murder and death-by-gun rates already have similar laws, but their effect is reduced by the fact that many mail-order houses ignore state and local regulations when selling firearms.

The 12 Eastern states had 4.4 murders per 100,000 population in 1966, with firearms used in 39.2 per cent of all murders between 1962 and 1965.

The 13 Southern States had a murder rate of 10 and a murder-by-gun rate of 66.9. The far west rate is 5 and 54.7 respectively and the national average is 5.6 with 50 per cent by the gun.

The Nevada rate is much higher than the national average and is more near the Southern rate statistically.

[From the Leesburg (Fla.) Commercial, Aug. 11, 1968]

A Factual Case for Gun Controls

If someone really wants to do you in, he will, whether or not he can lay his hands on a gun.

This statement, frequently expressed these days because of the debate over gun control laws, is plausible enough. If someone really wants to do you in, he'll find a way.

A look at actual homicide statistics, however, indicates that a substantial percentage of homicides result from attacks that were not made with the single-minded intent to kill.

Franklin E. Zimring, assistant professor of law at the University of Chicago, studied more than 1,400 homicides and 22,000 assaults recorded during 1965, 1966 and 1967 by the Chicago Police Department. His findings show that:

No less than 78 per cent of all killings, as classified by the police, resulted from quarrels based on domestic problems, liquor, sex, etc.

The gun and the knife were interchangeable weapons for persons who resorted to violence to settle personal arguments.

Some 70 per cent of all gun homicides resulted from a single wound, although a "single-minded intent to kill" should prompt the attacker to insure his result by multiple wounding.

Knife attacks resulted in more multiple woundings than gun attacks, yet there were five times as many killings by gun as by knife.

Zimring thus concludes that the elimination of guns would reduce the number of homicides.

Perhaps we can never solve the problem of interpersonal violence. But perhaps we can make it a little less deadly?

[From the Toledo (Ohio) Blade, Aug. 7, 1968]

Gun-Lobby Challenge

A pet argument of opponents to gun controls is that regulatory laws would deprive citizens of weapons they may need to defend themselves against an attempted takeover by a Communist or other dictator country. In a speech the other day on the need for firearms legislation, Toledo Councilman Andy Devine called this contention a "false sense of security." His understatement was generously kind to those who hold the view.

First, of course, there is no seriously proposed gun bill we know of that is aimed at depriving anyone of firearms except those such as criminals and incompetents who obviously ought not to have them. The legislative efforts are not intended to take guns away but to regulate their sale, possession, and use for the reasonable protection of society.

Second, the customary underpinning of this argument about defending against an enemy is the Second Amendment to the Constitution. Gun enthusiasts interpret it as bestowing an individual right upon all citizens to bear arms, conveniently ignoring the reference in the first words of the amendment to "a well-regulated militia." Courts generally have considered that an important qualification, however, and no bar to regulation of individual firearms ownership.

But third, and most important, there is no need to bog down in legal arguments to show how false is the notion that the defense of the country depends upon small arms in every home. One need only ask: If the argument is valid, why have we spent staggering billions of dollars annually to build and deploy around the world the most powerful, most sophisticated military establishment on the globe and in history?

Ah, some will say, but suppose the invader manages to slip by or even defeat our military forces; what would the citizens do then if they had no guns handy? Obviously the citizens would be in trouble. But it is hardly sensible to believe that, if an attacker had enough power to wipe out the most massive defense establishment in the world, he could then be stopped with pistols and shotguns and rifles—even if they were blasting from every house in the land.

Nevertheless, if—as is probably the case from our experience—the pro-gun people stubbornly persist with their argument, we think it fair to suggest a challenge: While they are lobbying so vociferously against firearms regulation, are they willing at the same time to lobby just as hard to stop spending money on the military establishment in which they profess to have so little faith?

[From the Detroit (Mich.) Free Press, Aug. 15, 1968]

Great but Not Perfect

James Brickley, the Wayne County assistant prosecutor, might have gotten a little carried away in his enthusiasm for Toledo's new gun control law. It is good news, but it is a long way from being the whole answer.

As Brickley pointed out, the law doesn't cover Toledo suburbs bordering Michigan, where just about anybody with 10 bucks can buy a handgun. But the sorest spot was the city itself, and a tough law on hand guns is welcome.

Since Michigan has reasonably strict laws on hand guns, a great proportion of those used in committing crimes in the southern part of the state are imported from Ohio. And while the Toledo law does not prohibit their sale, it does make the process more difficult, with police controls on the purchaser and the dealer.

This, though, is only part of the problem. Congress has been willing to go almost as far as Toledo in controlling the sale and interstate shipment of handguns, but the powerful National Rifle Association has lobbied down any action concerning long guns.

As Robert B. McClear, Detroit's assistant corporation counsel, pointed out, anybody old enough can legally carry a loaded rifle anywhere he wants. Gun dealers don't even need a license.

We concede that most gun murders, which account for more than half of all murders, are committed with handguns. But 30 percent are committed with rifles and shotguns.

The argument that gun control laws don't prevent crimes can be refuted with simple statistics. In New York, which has a stiff law, only 32 percent of all murders were committed with guns in the 1962–1965 period. In Texas and Nebraska, which cling to the pioneer tradition, 69 and 70 percent were, respectively.

Murders, in most cases, are crimes of passion. They depend on the instant availability of a suitable weapon—a gun of any sort, a butcher knife, a switchblade.

For our part, we can see no reason whatever why any private citizen should be allowed to have a handgun. It is questionable whether private guards, for that matter, should be armed with lethal weapons. And we can see no reason why anyone who owns a long gun, whether rifle or shotgun, should not be required to register it, to have a license, and to produce the license when purchasing ammunition.

This is no more infringement on the rights of citizens than the requirement that auto drivers have licenses and cars have registered tags.

[From the Battle Creek (Mich.) Enquirer and News, Aug. 15, 1968]

IN BITS AND PIECES, GUN CONTROL ARRIVES

The Toledo City Council passage of a city law to control sale of handguns in that Ohio municipality further convinces us that, in time, we're going to have widespread curtailment of gun traffic, even if it is a patchwork quilt of regulations.

San Francisco also has just enacted a new law requiring registration of all firearms by Oct. 1, more proof of our point.

Toledo's action must be of special comfort to law enforcement agencies in lower Michigan.

For many years, police in the Detroit area especially have complained that hoodlums had only to travel across the state line into Ohio, which has been more permissive than Michigan on gun control, and buy the weapon of their choice from a wide assortment.

The Toledo ordinance requires all gun owners to register them with the police within a month. Gun dealers and pawnshops must purchase licenses within 30 days or stop selling firearms.

Minors can't buy guns under the ordinance and out-of-towners must apply for registration and wait out a police check for possible criminal record.

Authorities in the Lake Erie city are pleased, but they lament area suburbanites aren't affected.

Ohio's legislature, spurred by lawmakers from the Toledo area, turned an ear to appeals for a state gun control law last year. But the plug was inserted when the state chapter of the National Rifle Association and hunter and collector groups protested.

So the piecemeal approach to lawmaking on a subject crossing local community and state lines reigns again.

In defense of local and state bodies, it must be said that many of them were expecting stronger action from the Congress than we got. Congress this spring went just part way toward alleviating the gun traffic problem, despite a Louis Harris poll conducted in April indicating 71 per cent of the American public favored passage of federal gun control laws.

A so-called anticrime measure touching handguns became law in June as the first significant step toward federal gun control in 30 years.

Provisions, though, are limited to prohibition of interstate mail-order sales of handguns to individuals; banning of over-the-counter sale of handguns to nonresidents of a state or persons under 21; and curbing of imports and sales of surplus military weapons.

There was no provision for regulating sales of rifles or shotguns across state lines, but another bill for that has passed the House and is before the Senate now.

Americans have listened to the smokescreen argument long enough that gun registration is "a misguided step toward a police state."

Good sense and the heat of the times say that somewhere under these layers of local, state and federal legislation law-abiding Americans may be able to find some confidence to feel a little safer again.

Having a gun in total secrecy doesn't guarantee that feeling. Not when you know every thug in town finds it easy to amass an arsenal.

[From the Dover (N.H.) Foster's Democrat, July 31, 1968]

THE THWARTING MINORITY

Not long ago the city council of a middle-sized Western city had a public hearing on a proposed gun control ordinance. The measure suggested was mild enough, its salient provisions being directed at keeping guns out of the hands of juveniles, criminals and mental incompetents, and at establishing a "cooling-off" period between purchasing and taking home a gun.

Mild or not, the proposal brought out the gun control opponents in force. Nearly 1,000 persons, all but a few of them against any city ordinance at all on the subject, were mustered in a mass attempt to sway the city fathers.

A few days later, the mayor—who had incidentally, been the object of threats and vilification because he called the hearing—announced the results of a citywide opinion survey done by a professional polling group. He noted that it showed overwhelming public support for some kind of gun control ordinance.

The episode is illustrative of what has been happening in Congress. The strident, organized opposition mounted by a distinct minority of the American public has once again thwarted efforts to enact effective federal gun control law. What we will have, when all the backing and filling is over, is a watered down substitute for the sensible measures that were proposed.

Without commenting on evidence in the case we might point out that the murder of a Rochester woman this past weekend would probably never have occurred had a strict gun controls law been in effect.

The great majority of Americans favor nationwide regulation to lessen the innate hazards in substantially unregulated sale and possession of firearms. The American people have been profoundly disturbed by the assassination of President Kennedy and the successive political murders that followed. They are dismayed to find that our gun-murder rate is far higher than in most civilized countries, and that guns have taken more lives here at home in this century than were lost in all the nation's wars.

Most people, in short, want effective controls; poll after poll has shown that. But Congress has responded again, instead, to the pressures of the National Rifle Association and like-thinkers. A little progress was made this time around, but not much. The task of enacting the sort of gun controls a large majority of the American people want will be up to the next Congress.

[From the Cleveland (Ohio) Plain Dealer, Aug. 18, 1968]

GO SLOW ON GUN IMPORT BIDS

By being in no hurry to complete its study of a flood of applications for handgun import licenses, the United States Department of State is performing good public service.

What the country does not need at this point is an additional stockpile of 400,000 low-price, low-caliber weapons that are the favorite of holdup men and others bent on crimes of violence.

Prior to June 19 when President Johnson signed the Omnibus Crime Control Act, the State Department this year had approved import licenses for 1,314,000 handguns.

The new law's ban on imports of the cheap, foreign-made guns does not become effective until Dec. 15. A flood of license applications which would cover importation of 400,000 weapons was received after June 19. Obviously they sought to beat the Dec. 15 import deadline.

Action might be taken, when Congress returns in September, on a bill to advance the effective date of the import ban. That is one good reason for the State Department to continue taking plenty of time for study of the import license applications.

Another good reason is that Congress in the Crime Control Act declared handguns to be a threat to public order. It is the duty of all agencies of the federal government to recognize and deal with that threat.

America does not need an additional supply of 400,000 cheap but deadly weapons.

[From the Perkasie (Pa.) Central News-Herald, July 3, 1968]

GUN LAWS

Few legislative efforts have stirred the public more than proposals on gun laws since the recent Kennedy tragedy. The fact interest is so widespread and down to the grass roots of American society is emphasized right here in the Pennridge. The community is divided.

Many sportsmen here speak out against any gun registration just as they are elsewhere. Some of their arguments merit consideration. Some also promote general misconceptions.

Their best arguments are that many laws already are on the books and not enforced; that regardless of new legislation, the punks will continue to get firearms and that due process should be followed in establishing any new codes. It's true, rapidly drafted, emergency legislation certainly won't be as satisfactory as well-considered, well-conceived acts might be.

On the other side of the coin, there is reason to look with reservation to some of the stories being promoted. Some sportsmen seem to imply gun registration would be a first step in stripping the public of all its firearms. Also that registration is against an individual's human rights. Neither argument holds water.

Almost all effort towards any type registration is established for one of several reasons, (1) safety and welfare; (2) revenue; (3) establish permanent proof of ownership. We deed properties for proof of ownership. We buy dog tags because revenue is raised in the process. We register cars. In many areas, families must register with authorities for the privilege of moving furniture from the premises. A strange law indeed, but its geared to catch up with that very small minority that would leave without completing its tax obligations.

None of these codes were established to strip the public of anything. None created public controversy except perhaps the related fees.

Sportsmen are presently rightly concerned. And they should be. The public joins them in seeking fair legislation.

But efforts towards fair legislation, should not get an immediate cold shoulder and opposition for the fair-minded sportsman.

Its difficult to comprehend how registering a firearm can be called a major handicap to the average citizen. There are far more cumbersome codes in effect now on other matters. History shows they have created little handicaps.

[From the New Brunswick (N.J.) Home News, Aug. 5, 1968]

Private Enterprise Acts To Control Guns

Despite the Congress' apparent inability to see their way clear to enacting meaningful gun control legislation, private enterprise, in the form of large chain department stores, has apparently seen the light and, on their own, have begun some important changes in their gun selling policies.

For example, Bradlees Department Store, a New England based chain with a new store under construction at the Routes 1–130 traffic circle, has decided to discontinue selling guns and ammunition.

As a spokesman for the chain pointed out, "Anyone who is community minded will agree that something should be done about the increase in violence. This is our attempt to do something."

Perhaps the most far-reaching revision of a chain store's gun-sale policy came from Sears Roebuck and Co. A Sears retail store at Route 1 and Route 18 sells rifles, shotguns and ammunition.

Richard Carter, regional director of public relations in Philadelphia, said recently that the company has eliminated its mail-order sale of guns, an area where Sears had traditionally done substantial business.

To purchase a weapon from Sears, a person now must come to the store personally and prove he is over 21 years of age, in addition to complying with local laws.

Sears is also de-emphasizing the advertising and sales promotion of weapons and ammunition in its retail stores, although sales will continue. In addition, the display of weapons will be greatly toned down.

E. J. Korvette's has discontinued completely both the sale and the display of weapons of any kind, while at Two Guys from Harrison, the gun sale policy is currently under study.

Needless to say, we are glad that such action has been taken by the chain department stores in our area. This certainly is the right and proper place in which private enterprise should operate. It is good to know that there are many companies with enough public conscience to take action on their own without waiting for a law to be enacted which would force them to take that action.

[From the Pittsburgh (Pa.) Post-Gazette, Aug. 12, 1968]

Gun-Lobby Challenge

A pet argument of opponents to gun controls is that regulatory laws would deprive citizens of weapons they may need to defend themselves against an attempted takeover by a Communist or other dictator country.

First, of course, there is no seriously proposed gun bill we know of that is aimed at depriving anyone of firearms except those such as criminals and incompetents who obviously ought not to have them. The legislative efforts are not intended to take guns away but to regulate their safe, possession, and use for the reasonable protection of society.

Second, the customary underpinning of this argument about defending against an enemy is the Second Amendment to the Constitution. Gun enthusiasts interpret it as bestowing an individual right upon all citizens to bear arms, conveniently ignoring the reference in the first words of the amendment to "a well-regulated militia." Courts generally have considered that an important qualification, however, and no bar to regulation of individual firearms ownership.

But third, and most important, there is no need to bog down in legal arguments to show how false is the notion that the defense of the country depends upon small arms in every home. One need only ask: If the argument is valid, why have we spent staggering billions of dollars annually to build and deploy around the world the most powerful, most sophisticated military establishment on the globe and in history?

Ah, some will say, but suppose the invader manages to slip by or even defeat our military forces; what would the citizens do then if they had no guns handy? Obviously the citizens would be in trouble. But it is hardly sensible to believe that, if an attacker had enough power to wipe out the most massive defense establishment in the world, he could then be stopped with pistols and shotguns and rifles—even if they were blasting from every house in the land.

Nevertheless, if—as is probably the case from our experience—the pro-gun people stubbornly persist with their argument, we think it fair to suggest a challenge: While they are lobbying so vociferously against firearms regulation, are they willing at the same time to lobby just as hard to stop spending money on the military establishment in which they profess to have so little faith?

[From the Lorain (Ohio) Journal, July 26, 1968]

Firearms Abuse Data's Figures Are Alarming

The Justice Department report on firearms abuse throws a welcome bucket of cold water on some of the arguments frequently advanced by those who oppose firm gun control legislation. Anyone who tries to consider the matter rationally and fairly, without regard to emotional charges that an attempt is being made to "disarm the American people" and so on, cannot fail to be disturbed by these figures.

Statistical data on the firearms toll in this country have long been available. It has often been noted, for example, that during this century many more Americans have died through firearms abuse here at home than were killed in the nation's wars. The special impact of the Justice Department report comes from the fact that, for the first time, it presents all pertinent data in one document.

The figures are harrowing. It is noted, for example, that on the average there is one death by firearms in the United States every 30 minutes—a total of almost 20,000 firearms homicides, suicides and fatal accidents annually. The report also provides the estimate that more than 42 million Americans own firearms, and that four and a half million were purchased for private use last year.

One of the most significant passages of the report, in light of the present controversy, is this: "States with strong firearms laws tend to have fewer murders with guns than states with weak firearms laws and tend to have lower overall murder rates." The Department of Justice supports its conclusion with figures: whereas firearms murders range from 24 per cent to 43.2 per cent of the murder total in the "strong gun law states," in the "weak gun law states" the percentages range from 62 to a high of 70.9 per cent.

There has been a lot of propaganda and loose talk on both sides of the gun control question. Those who would like to make a judgment on the basis of pertinent facts should consider the Department of Justice report.

[From the Portsmouth (N.H.) Herald, July 30, 1968]

Gun Law Fight Not Yet Over

The assassination of President Kennedy, for all its profound traumatic effects, was not a sufficient stimulus to counteract the work of the gun lobby and prod Congress into enacting strong gun control legislation. The assassination of his brother, Sen. Robert F. Kennedy, has now also failed to provide the necessary impetus to force passage of such law.

One might argue, perhaps with a touch of cynicism, that this is as it should be—that isolated events of this kind do not in themselves warrant passage of effective federal law curbing the sale and possession of firearms. The argument has some merit if taken simply at face value. Clearly, the murderous acts of two men—political fanatics, psychotics, call them what you will—are not in themselves a satisfying argument for such legislation.

The essential point ignored in this outlook is that the assassinations—and additionally the shooting of Dr. Martin Luther King Jr.—cannot be considered out of context. They merely dramatize the atmosphere of violence which infects American society, and whose manifestation is fostered by the loose controls we exercise over the scores of millions of guns possessed by citizens. The point made by the more reasonable advocates of firm gun control is not that this would prevent political assassinations, but that in due time such law would tend to put a damper on use of the gun as the "great equalizer."

The phrase, significantly, is still advanced by gun control opponents as an argument for their viewpoint. The fact is that this concept tends to undermine the whole rationale of virtually uninhibited access to guns. For the gun is indeed the "great equalizer," in the unintended sense that it enables one madman to destroy a great leader and disrupt a nation.

Congress has again, in large part, bowed to the will of the gun lobby. The matter must be taken up again early next year when the new Congress convenes. The need for firm, sensible gun controls remains.

[From the Cocoa (Fla.) Today, Aug. 14, 1968]

Scratch 1,087 Floridians

A great tide of statistics have swept across this desk in the past month, "facts and figures" used to bolster the case against gun controls.

Because we are in favor of a strict gun control law, we'd like a moment for rebuttal.

Firearms took the lives of 1,087 Floridians last year—double the number of a decade ago.

The increase during the 10-year period ran far ahead of the state's population growth.

The rate for homicides by firearms for each 100,000 population rose from 5.4 in 1957 to 8.6 in 1967.

The national rate, 3.3, has been virtually steady since 1950.

There has been a constant rise in the state however, year by year, of deaths involving firearms.

A comparison over the decade looks like this:

Deaths:	*1957*	*1967*
Homicides	168	525
Suicides	231	446
Accidents	37	116

If the case for or against gun control is going to be argued statistically, we thought you'd like to see both sides.

[From the Florence (S.C.) News, July 23, 1968]

Rock Hill Evening Herald: South Carolina's Shocking Homicide Rate

The report that South Carolina leads all of the mainland states in the homicide rate is shocking. Oddly, only Alaska has a higher rate of murder in relation to population.

According to the Federal Bureau of Investigation, the homicide rate per 100,000 persons in South Carolina is 11.6, just under the rate of 12.9 in Alaska.

The figure for the Palmetto State is even more disturbing when matched against those of other states with reputations which might have led to the assumption that more violence existed in them.

New York State, for example, has a rate of only 4.7 homicides per 100,000 of population, about the same as the California rate.

Pennsylvania and New Jersey, both highly industrialized, have rates of only 3.2 and 3.5, respectively.

Why is the rate so high in South Carolina? Columbia Detective Harry T. Snipes makes the point that New York and California have more rigid controls over the sale of firearms, and from this draws the conclusion that more stringent control is needed in South Carolina.

This may be the case; it also may be an oversimplification. But it is worth wondering about—and worrying about, too.

[From the Chicago (Ill.) Sun-Times, Aug. 21, 1968]

And the Gun Traffic Mounts

With the nation's legislators engrossed in political rhetoric, it may appear fruitless to cry out again for tough gun controls.

Yet, since much of the rhetoric concerns law and order, it should be pointed out that firearms—those machines of potential lawlessness and disorder—are being purchased by private citizens at an alarming rate.

The Stanford Research Institute, in a five-month study financed in part by two major gun manufacturers, found that more than twice as many guns were sold in 1967 as were sold five years earlier. At a conservative estimate, the study said, there now are about 115,000,000 firearms in private hands in the United States.

Perhaps more important than the figures, however, is the finding that the citizens are arming themselves "in anticipation of future riots."

The enormous potential for needless bloodshed is frightening, particularly since, in the absence of strong national gun controls, there is little that can be done to weed out incompetent and even deranged gun purchasers.

Law enforcement agencies are charged with protecting the public and maintaining order. It is apparent from comments by police quoted above that the responsibility is taken seriously. Formation of armed citizen camps will just make their job more difficult. Congress should recognize that and pass strict gun controls.

[From the Fremont (Ohio) News-Messenger, July 26, 1968]

Firearms Abuse Data

The Justice Department report on firearms abuse throws a welcome bucket of cold water on some of the arguments frequently advanced by those who oppose firm gun control legislation. Anyone who tries to consider the matter rationally and fairly, without regard to emotional charges that an attempt is being made to "disarm the American people" and so on, cannot fail to be disturbed by these figures.

Statistical data on the firearms toll in this country have long been available. It has often been noted, for example, that during this century many more Americans have died through firearms abuse here at home than were killed in the nation's wars. The special impact of the Justice Department report comes from the fact that, for the first time, it presents all pertinent data in one document.

The figures are harrowing. It is noted, for example, that on the average there is one death by firearms in the United States every 30 minutes—a total of almost 20,000 firearms homicides, suicides and fatal accidents annually. The report also provides the estimate that more than 42 million Americans own firearms, and that four and a half million were purchased for private use last year.

One of the most significant passages of the report, in light of the present controversy, is this: "States with strong firearms laws tend to have fewer murders with guns than states with weak firearms laws and tend to have lower overall murder rates." The Department of Justice supports its conclusion with figures: whereas firearms murders range from 24 per cent to 43.2 per cent of the murder total in the "strong gun law states," in the "weak gun law states" the percentages range from 62 to a high of 70.9 per cent.

There has been a lot of propaganda and loose talk on both sides of the gun control question. Those who would like to make a judgment on the basis of pertinent facts should consider the Department of Justice report.

[From the Perth Amboy (N.J.) News, July 15, 1968]

Gun Control Hysteria

The suggestion of the president of the New York City Board of Education that school rifle teams be abolished is an example of gun-control hysteria.

Such extremist measures are as invalid as the hysteria being mounted on the opposite side of the issue by those opposing any and all gun curbs.

It is important to note that hysteria on the gun-control question is by no means confined to those arguing against controls.

Training in marksmanship and hunting represent two major sports fields in this nation that have always existed and which will continue to exist.

The point that extremists on both sides fail to understand is that gun registration and federal controls over their sale in no way should deprive anyone from having a gun or using a gun in a lawful manner.

The only purpose of such legislation would be the effort to keep guns out of the hands of persons for whom gun ownership cannot be justified.

Regulation is not confiscation. Hysteria on both sides hinders progress toward a civilized control system in the best interests of the public.

[From the Oxford (Pa.) Press, July 1, 1968]

Toy Guns

In the wake of the assassination of Dr. Martin Luther King and Senator Robert Kennedy a number of recent reactions which could lead to national deemphasis on our cowboy and violence-filled heritage are being taken.

The latest significant omen was the announcement by Sears Roebuck that it would no longer advertise and promote the sale of firearms, ammunition and toy guns. Other firms have announced they were halting such sales. Mail-order sales of guns and ammunition had been halted altogether by Sears and several other major houses earlier.

Gun control legislation recently passed by Congress and a national awakening on the subject of television violence and the growing crime rate in the United States indicate the day may not be far away when youngsters will no longer play so much shoot-em-up.

Instead of portraying cowboys who do a lot of killing in a stupid and lawless primitive society as heroes, it would seem we could focus the attention of our young people on a more meaningful and morally worthwhile interpretation of U.S. history.

Actually, the last four hundred years in America have produced much of great interest, historically, but most of this story has been overlooked because film producers discovered that violent tales of the "wild west" were money-making properties.

[From the Ellsworth (Maine) American, July 24, 1968]

The Gun Debate

There are a great many legitimate misgivings about any legislation that imposes upon ordinary citizens new burdens of inconvenience and new intrusions of governmental discretion, however insubstantial. These misgivings apply to proposals for registering firearms of all kinds and licensing gun owners. Expressions of these misgivings are strictly in order and a part of reasonable debate and discussion.

Much of the opposition to all kinds of gun legislation goes far beyond these rational doubts into a kind of emotional hysteria and irrational frenzy. No one has seriously proposed legislation that would deny the constitutional right to bear arms. No such legislation is before Congress and none has been before it. The Courts long since have held state legislation regulating the use of firearms to be within the reach of the Constitution. The Constitutional issue is a red herring.

A letter in this issue raises this issue. In addition, it makes the equally fallacious argument that the strict provisions of New York's Sullivan Law have not curbed crime in New York. Actually, New York's record on crimes and accidents involving firearms is far better than that of states without gun laws.

Of course gun registration and licensing laws are not going to eliminate all crimes and accidents involving guns. It is wrong of the advocates of these measures to infer or suggest that they will do so. It is reasonable to hope that by limiting mail order sales of firearms and registering their ownership the apalling annual loss of life from firearms might be diminished.

How much inconvenience are we willing to submit to in order to cut down a casualty rate rivaling that of the war in South Vietnam? That really is the question. It can be debated reasonably without conjuring up false alarms of "socialism" or false hopes of eliminating all weapons deaths and injuries.

[From the Lakeland (Fla.) Ledger, Aug. 15, 1968]

Lives Hang in Balance

A room at Lakeland General Hospital. Doctors at hand, constantly on the alert. Nurses checking oxygen valves, pulses, blood pressures, temperatures.

All while life hangs in the balance.

In Lakeland General lies Detective B. W. Wilson of the Lakeland Police Department while his family waits and prays.

And every minute, while he fights for complete recovery, someone, somewhere in the U.S.A., is walking into a sporting goods store or hardware store and picking up a handgun, just like the one that stopped Wilson in his pursuit of duty.

A white-clad nurse comes in and checks Wilson's pulse and blood pressure, and smiles back at the grateful smile in his eyes.

Even as Wilson smiles, another of our 54 American killers a day fires another .22 or .38 slug into another police officer or civilian and runs for a car or the bushes. Our armed camp of 100,000,000 unregistered, unlicensed guns takes another toll.

Quietly, a team of doctors hovered over Wilson, after his second operation to stop internal bleeding from the bullet wound in his liver.

And every hour they struggled for Wilson's life, two more Americans died from gunshot wounds.

Last year, over 20,000 Americans, a record high, succumbed to violence with guns while Congress debated the need for gun control.

Wilson is alive. He's out of the intensive care unit, but, still far from full recovery. His family files in to say "hello."

Meanwhile, U.S. gun manufacturers continue to mass produce handguns and rifles and shotguns at the rate of 2,000,000 per year. And importers bring in another million to sell like cameras over the counter.

And Congress, swayed by powerful lobbies, passes half-way measures to restrict mail order sales.

Wilson fights on. He's alive after facing the hidden gun of a hoodlum.

Not so with 1,087 other Floridians last year, many from "peaceful" Polk County. They died, like 750,000 Americans have died since 1900 . . . by gunshot wounds.

Ironically, more U.S. citizens have died from gunshot wounds at home than the 627,000 Americans killed in all our wars.

Tragically, our Congress and state legislatures have vascillated on real gun control measures, like registration and licensing. When Wilson recovers, perhaps we should send him, and others like him, to Congress. Maybe then all our lives wouldn't hang in the balance.

[From the Morristown (N.J.) Record, July 22, 1968]

The Fight Goes on for Gun Control

Although there are strong indications that Congress may fail to pass a strong gun control law to include registration and licensing of weapons, the fight is not yet over.

At the moment, it appears that a bill calling only for a ban on mail order sales of rifles and shotguns will be moved.

Nevertheless, there are many who are not surrendering. They comprise another lobby, one which does not have the support of gun merchants or the National Rifle Association.

This is a group known as the National Committee for Gun Control, and it is headed by former astronaut John H. Glenn. Supporting this organization is a unit organized a few days ago, the New Jersey Emergency Committee for Gun Control.

The New Jersey group has a program that deserves vast public support. Its aim is to help gain a federal law prohibiting mail order sales and the licensing and registration of small and long guns. While most of our representatives in Congress favor strict controls, the committee wants to make certain that none of them change their minds before a vote is taken and that others join the camp for strong prohibitions.

The New Jersey committee contends that about 80 per cent of the nation's populace favors a tight law, and this attitude must be put before Congress again and again until the air of congressional compromise disappears under the strength of forthright action.

The call has been made by the committee for those who deplore uncontrolled gun ownership to act now—to write, telephone or telegraph members of Congress and express the nation's need to lessen the chances for new savagery.

There has been a high tide of demands for hard controls, but there also has been a concerted effort against them stimulated by the NRA and others. What is needed now is another flood of opinion from those who see no reason why guns of all kinds should be easily available to those who would use them for criminal purposes.

The New Jersey committee is asking for more than letters, telephone calls and telegrams. It is requesting that gun control committees be formed in every county, that the mayor of every municipality in the state proclaim a Gun Control Week to further stimulate Congres to act as it should. The committee also is asking each local governing body to permit use of its municipal building as a central place where the public can sign petitions in favor of stringent measures.

Should Congress fail to enact the tough law required to combat a vicious evil, it would be to the entire nation's discredit. Failure to act also would put a stigma on Congress. The public's respect a Congress needs to maintain its prestige will not spring from genuflecting to lobbyists; it will come from disregarding professional pressures and from laboring for an important need.

There are 39 municipalities in Morris County. We urge that in each one a Gun Control Week be proclaimed soon, that every municipal building be used as a center for signing of petitions.

Three assemblymen are serving as co-chairmen of the New Jersey Emergency Committee for Gun Control. They are George C. Richardson (D.-Essex), Thomas H. Kean (R.-Essex) and Robert N. Wilentz (D.-Middlesex). They are leading the good fight, but they need the public's support—including those who already have voiced their desire for strict laws to their congressmen.

Write, mail or telegraph today! Sign a petition as soon as they become available! We hope the committee can secure sufficient funds to send copies of the signed petitions to every representative and every senator so there will be no doubts throughout the entire Congress about where New Jersey stands on gun control.

[From the Boston (Mass.) Herald Traveler]

The Psychology of Guns

More Americans (34,229) were killed by guns between 1962 and 1967 in the United States than were killed in Vietnam (26,793) from 1961 to mid-August 1968.

This fact from the FBI's report on crime statistics, supported by current psychological research, reaffirms the necessity for Congress to pass effective gun control legislation when it reconvenes this week.

Because most murders are committed by relatives or friends of the victim, the FBI concludes, "criminal homicide is, to a major extent, a social problem beyond police prevention." And among the social factors that influence murder by firearm (58 per cent of all murders) is the availability of the weapon. In states with gun control laws, a generally smaller percentage of murders are committed by gun than in states with no laws or ineffective laws.

In New England, for example, Vermont and New Hampshire have notoriously weak laws and the other states relatively good laws. In Vermont and New Hampshire the percentage of murders involving firearms is well above the national average and in the others well below it.

The Stanford Research Institute estimates conservatively that there are 115 million guns in private hands in the United States. This figures out to about two guns for every male between 14 and 65. Noting that the U.S. is the leader among free industrialized nations in both total deaths by gun and in the rate per capita, the institute concluded that, with our generally lax gun laws, "The availability of firearms apparently contributes to human propensity to violence."

The current issue of Psychology Today magazine described experiments that showed that the mere sight of a gun strengthens aggressiveness. A group of volunteer college students were deliberately humiliated by the experiments. All were then given a chance to inflict electric shocks on their "antagonists." The group was divided in two. Half of the subjects were "accidentally" shown a gun before they fingered the electric switch. These students administered more shocks and longer shocks than did the subjects who did not see a gun.

As Psychology Today noted, quoting playwright Anton Chekov, "If in the first act you hang a pistol on the wall, by the third act you must use it."

[From the Raleigh (N.C.) News & Observer, Aug. 21, 1968]

Gun Business

Anticipating the enactment of new gun control legislation soon after Congress returns, federal officials have delayed approval of import licenses for about 400,000 foreign made handguns. The imports being delayed are described generally as "Saturday night specials," the cheap favorites of hold-up men in the big cities.

Obviously, somebody in the State Department is cutting a corner. Title IV of the omnibus Crime Control Act passed this year bans the importation of such guns specifically—beginning December 15. The basis for ignoring the date so clearly spelled out is the preamble to the law, which states that handguns are a threat to public order. Also, a bill pending in the Congress and awaiting the end of the recess called for party conventions, would remove the December 15 date, making the import ban effective from the date the President signed the original act.

That the State Department is acting a bit high-handedly cannot be denied. But it is equally apparent that the gun importers placing their flood of orders to get under the wire, are determined to make a last fast buck out of questionable commerce.

The greed of the gun merchants doesn't justify the arbitrariness of the bureaucrats. But the contrast deserves noting. Government officials are expected to have a high sense of fairness and neutrality. The profiteers in the cheap means for violence are only participating freely in the market place.

[From the Royersford (Pa.) Weekly Advertiser, July 25, 1968]

Congress Ignores Wish of People

The overwhelming numbers of citizens who have, since the senseless assassinations of Dr. King and Senator Kennedy, beseeched Congress to enact a comprehensive gun control law, are about to learn that the American people are no match for the powerful gun lobbys to which their representatives cow-tow.

The Congress, which could have made a major contribution to law and order in this troubled nation, has side-stepped that responsibility, despite the fact that violence hangs like a heavy cloud over the whole land.

What makes the threat so real and terrifying is that the ruthless, the mentally sick and the person overcome by momentary passion can in this country find it so easy to get their hands on a gun. In no other advanced country in this world is it so easy. As former Justice Arthur Goldberg pointed out last week, an American is killed or wounded by gunfire an average of every two minutes of every day.

At the heart of proposed gun control legislation which the Senate has already rejected, and upon which the House is reluctant to act, is the registration of every gun and the licensing of every gun owner with police. The worn out argument about "hardship" for sportsmen is absurd. It would be no more of a hardship than it is for a prospective driver to apply for a driver's license.

The American Rifle Association slogan, "Guns don't kill people; people kill people," is patently silly. People with guns kill people, and more often than would be the case if guns weren't so accessible. After all, a one-armed dwarf with palsy could forever silence a Wilt Chamberlain, but he would think twice if he had to use a knife to do the job.

The mood of the nation in this matter is reflected in a report of this week from Texas in which President Johnson announced that an appeal to governors of the 50 states to survey and tighten gun-control laws brought favorable answers from 40 of them. Georgia's Lester Maddox was the only one flatly opposed. Congress this year did not get the message the people tried to convey. It is up to the people to make sure Congress gets that message in November.

[From the New York (N.Y.) Irish Echo July 27, 1968]

RETREAT FROM SANITY

In an incredible series of moves, Congress has ignored the vast majority of the people and has killed two major gun control bills. Apparently bowing to a vociferous minority lobby, Congress has rejected gun registration as essential to the national good.

It is difficult to understand this blatant disregard for the peace and safety of all our citizens. The future of other gun control legislation according to most Washington sources is not good. Congress seems content with the fact that it has passed a law regulating the sale of guns by mail.

Though you must possess a license to fish, our federal legislators feel it is not necessary for you to go through a similar process to buy firearms. This reasoning is incomprehensible.

Opponents of gun control legislation pretend that the majority of Americans are also opposed to the passage of these bills. They have been most effective at promulgating this false premise. Apparently some members of Congress believe them. We think they will soon find out that this noisy lobby has led them down the garden path.

Recently President Johnson asked the governors of the 50 states to join in a study of how state gun control laws can be strengthened to prevent unqualified people from obtaining firearms.

Forty-five governors have now answered the President's appeal. One is opposed to it, four are noncommittal and 40 support the President's plan. The state chief executives are showing much better understanding of the electorate than is the Congress.

The Emergency Gun Control Committee, headed by Colonel John Glenn, is not taking Congress' action sitting down. The rapidly growing national organization is making plans to oppose Congressmen who have bowed to the gun lobby. It is a wise decision—one that deserves support of all.

How many rooftop snipers does it take? How many demented murders must we survive? Perhaps it's time for those in Congress who don't understand the problems of 1968 to retire to the porch. Gun control legislation—with strict gun registration—is essential to the health of this nation now.

[From the Duluth (Minn.) News-Tribune, Aug. 18, 1968]

WHAT OTHERS SAY: FEDERAL GUN CONTROL NEEDED

The approval of a limited gun control bill by the Minneapolis City Council is another example of what will continue to be done until Congress finds the gumption to enact a meaningful national law.

The Minneapolis ordinance provides for registration of sale of hand guns.

However, there is no mention of rifles, or long guns.

There were several reasons why the council stopped short of including rifles. One was the strong protest by members of the National Rifle Assn. and others urging on outdated constitutional grounds.

Of more significance and the one which produced at least equal pressure was the point of Minneapolis businessmen. They said prospective purchasers of rifles merely would go to suburban communities which did not have gun control ordinances and make their transactions there.

So it is across the nation with states which already have gun control laws, cities which have ordinances, or the more numerous which have none at all. Each reads differently and each leaves a varying degree of escapement which tends to nullify their effectiveness.

Congress has shown few collective signs of passing stiff gun control legislation. The lawmakers would prefer to palm the whole thing off on the states—basically a good idea, but it is only a form of buck-passing in face of the hodge-podge of laws, outright indifference or delays which would result.

The frustrating experiences of the Minneapolis City Council—as illustration of what could have been done but wasn't—is doomed to be repeated in the continued absence of definitive and comprehensive Federal gun control legislation.—Mankato Free Press.

[A WTOP editorial, Washington, D.C.]

GUN CONTROL

(Editorial broadcast August 27 and 28, 1968, over WTOP radio and television)

This is a WTOP Editorial.

During the next several weeks, the suburban jurisdictions surrounding the District of Columbia will have their turn with the urgent proposition of gun control.

Prince Georges and Montgomery Counties will lead off with public hearings next week. Various governments in neighboring Virginia will confront the issue later in September and in October.

Some emotional turbulence is to be expected any time tight controls over firearms are being proposed, but this can be isolated for what it is if the residents of these communities understand clearly what the suggested do—and do not—prescribe.

None of the proposed firearms measures so far as we know, seeks to deprive the average citizen of the right to possess a pistol or a rifle. This central feature should not become clouded.

Registration and licensing of guns *would* be required, because only in this manner can such deadly weapons be denied to the potentially destructive individuals among us. Most of the proposed laws would not permit ownership of guns by persons convicted of crimes of violence, by narcotics addicts, by fugitives from justice, or by persons under 21 years of age—although, with parental consent, minors could own long guns.

Other laws long taken for granted in this country similarly withhold privileges—like the operation of motor vehicles or the practice of medicine—from persons in various categories. The obvious fact that regulation in any of these areas is never 100 per cent effective is no justification for avoiding an attempt to limit these activities for the common good.

Those who oppose strict but reasonable gun laws are, in effect, defending the right of volatile elements of the population to acquire exceedingly dangerous armaments.

It is not a sane public policy to permit the unlimited spread of guns. With courageous leadership, reason can prevail in the counties and cities surrounding the nation's capital, and the rest of the country can benefit from the example.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

NEWS MEDIA COVERAGE OF DEMOCRATIC CONVENTION

Mr. McGEE. Mr. President, much has been said since the Democratic National Convention about the events that transpired in the streets of Chicago and about the coverage afforded these events by the news media, but particularly by the television networks. Certainly there were instances of severe provocation of police and National Guard troops in Chicago. This cannot be denied, any more than it can be denied that there was a bit of overzealous club swinging by those so provoked, so that some innocent people were, unfortunately, injured.

Quite intentionally, Mr. President, I viewed the events in Chicago at firsthand, and, as a result, I am among those who must be counted critical of the coverage which was transmitted to millions of American living rooms by the networks. I did, in fact, witness incidents being staged for the benefit of TV cameramen. I came away very disturbed because of the impact television so obviously had on the minds of people everywhere in this country.

Mr. President, I was not, by any means, the only person so disturbed. In this morning's Washington Post, columnists Drew Pearson and Jack Anderson have indicted the television networks for their coverage in Chicago. Their column deserves attention, not only from those of us here in the Senate, but even more from the executives who are responsible for the operations of this powerful medium. They had best take an inward look at their operations. Soon.

I ask unanimous consent that the Pearson-Anderson column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NETWORKS SLANTED CHICAGO COVERAGE

(By Drew Pearson and Jack Anderson)

This is a column which will make a lot of TV executives sore. It may also make some viewers skeptical about the TV coverage of the recent Chicago convention.

We attended both political conventions and witnessed violence in both Miami and Chicago. Outside agitators came to both cities to foment trouble that they hoped would attract the spotlight and tarnish the U.S. image.

Anyone who watched the two conventions on television might think that Chicago was exploding with violence while Miami was comparatively peaceful.

Yet in Miami, six persons were killed and the riot area was put under curfew. In Chicago, sniper fire was reported, but only one policeman was wounded. A bullet also hit a bus. The outbreaks never became serious enough to require a curfew.

After the Miami Beach convention we reported that the TV networks, angry over the $3 million it was costing them to pull up their cables and transfer everything to Chicago, intended to retaliate by focusing attention on Democratic "disturbances."

The networks got their revenge. In Chicago they played up the violence which they had virtually ignored in Miami. They complained about tight security restrictions, which, incidentally, had also been imposed by the Republican Convention. They sought out the dissidents and featured them while the Democratic orators were expounding.

TELEVISION'S JOB

This raises two important questions about the role of TV at the Democratic Convention.

1. Did the TV cameras help incite the violence? There is little doubt that the provocations were planned largely for the benefit of television. We stayed at the Conrad Hilton Hotel, which was the center of most of the trouble. During the disturbances we mingled with the hippies and yippies. We found almost no action outside the circle of the TV kleig lights. Aside from some shouting and surging, little was happening in the darkness.

2. Did the TV networks make news? There is evidence that the TV networks, perhaps in their eagerness to generate high ratings for TV sponsors, encouraged dissidents to make inflammatory statements and helped to

stir up controversies. When the networks sell convention time to cigarette and oil sponsors for several million dollars, they have to keep up the viewing interest. One way of doing this is to pick fights, stimulate excitement, interrupt dull speeches and rollcalls. Once, the sound was switched on before the cameras focused on a TV newsman about to interview a prominent Democrat. The interviewer was overheard coaching his subject: "Let's keep this Kennedy story going."

The TV networks also presented an outrageously biased picture of the events in Chicago. They gave the impression, for instance, that the police were beating up innocent young people who had come to Chicago for peaceful demonstrations.

Certainly, the police were too zealous in swinging their billy clubs, and a lot of innocent people were hurt.

HIPPIE HECKLERS

But the TV networks scarcely mentioned the provocations that finally made the police lose their tempers. The hippies shouted obscenities, hurled rocks and bottles, sprayed chemicals, damaged police cars and generally defied police orders.

One group tore down the American flag and tried to raise a Communist flag in its place. Other agitators waved red flags and North Vietnamese flags. A couple of demonstrators slammed a huge chunk of cement through the window of a police car. Others stoned police cars, tossed cherry bombs and stink bombs, smashed windows, broke into liquor stores.

Jerry Rubin, the yippie leader, cried through a bullhorn for violence against the police, whom he called "pigs." Black Panther leaders, taking the stump in Lincoln Park, urged the demonstrators to break up into small groups and go on a rampage through Chicago's Loop. Other agitators made speeches that sounded like Radio Hanoi and Radio Peking.

The same night that police began cracking heads, 70 policemen were also injured. Several officers had to be hospitalized. By the end of convention week, 118 officers had been hurt.

This was a side of the story that the TV networks largely ignored.

We reported that the leaders ranged from Communists and anarchists to sincere pacifists. They were directed loosely by the National Mobilization Committee to End the War in Vietnam. The co-chairmen are Dr. Sidney Morris Peck, a former Communist, and David Dellinger, a pacifist who has been to Hanoi and is an apologist for Ho Chi Minh.

IMPLEMENTATION OF THE WORK OF THE SENATE SELECT COMMITTEE ON NATIONAL WATER RESOURCES

Mr. HART. Mr. President, shortly after my election to the Senate in 1958, I was privileged to be appointed as a member of the Select Committee on National Water Resources. The committee was established by Senate Resolution 48 of the 86th Congress which was submitted by our distinguished majority leader, Senator MANSFIELD, and his colleague, the late Senator James Murray, of Montana. The late Senator Robert S. Kerr, of Oklahoma, was chairman, and the distinguished minority whip, Senator KUCHEL, was vice chairman. Theodore M. Schad, now Deputy Director of the Legislative Reference Service of the Library of Congress, was staff director.

The submission of Senate Resolution 48 and the formation of the select committee reflected the increasing concern of the Senate over the ability of the Nation's water resources to meet the needs of the decades ahead. Over the years immediately preceding the submission of Senate Resolution 48, Congress had been subjected to a barrage of reports on water resources which painted an alarming picture of the water resources problems faced by the Nation and made all kinds of recommendations for their solution. There were the two Hoover Commissions, President Truman's Water Resources Policy Commission, the Missouri Basin Survey Commission, President Eisenhower's Advisory Committee on Water Rseources Policy, and a number of others. Most of the recommendations went unheeded and the reports gathered dust on the shelves of our committees in the absence of any definitive program for their implementation.

The select committee was different. Comprised of 17 Members of the Senate, this group of practical men, under the leadership of Senator Kerr, conducted a series of studies which pointed out the problems in a realistic way and made realistic recommendations for action necessary to their solution.

Several of us felt that the select committee did not go far enough toward pointing up the extreme urgency of the water situation, and I was joined by the late Senator Clair Engle, and Senators GALE MCGEE and FRANK E. MOSS in submitting supplemental views and additional recommendations which were appended to the committee's own report and recommendations.

In concluding our supplemental views, we stated:

> . . . we believe that the water crisis is not something to be feared for the future. It is here now. It urgently demands immediate attention from all segments of our economy—governmental and nongovernmental. The American people must proceed with the programs and provide the governmental mechanism to assure more and faster water resource development.

A great deal of progress has now been made toward implementation of the recommendations of the select committee, by legislation or, in some minor items, by administrative action taken in the executive branch of the Federal Government. Nevertheless, the comments we made at that time are still true today. The task ahead looms even larger today than it did in 1961, because so many of our efforts have been too little and too late. Man is going to have to fight to preserve his right to exist on this planet. Continuation of past abuses of our environment can lead only to disaster for the human race.

It is my intention today to describe the recommendations of the select committee and how they have been implemented. But my principal purpose is to point out that we have only begun to do the job which must be done. We must mount an ever-continuing and increasing effort, if the needs of the Nation for water resource conservation and development in the decades ahead are to be met.

The committee's major findings and recommendations were contained in a 19-page summary and discussed in a substantiating report containing but 52 pages. Sixty-four additional pages were devoted to describing the activities and the studies undertaken by the committee. Our supplemental views, and the individual views of Senator MCGEE added another 11. The studies themselves were printed in a series of 32 committee prints. Further support for the findings of the select committee was contained in the printed record of the hearings held by the committee in 1959 and 1960 which filled four volumes.

In its report, the committee briefly defined the water resources situation in the United States in terms of water diversions as well as consumptive use. These were developed for the various purposes for which water is used, and related to water supply in each of 24 water resources regions into which the contiguous 48 States of the United States were divided for the purpose of the studies. The committee's principal recommendations were five in number and covered a series of steps which the committee believed necessary to enable the Nation to meet demands on its water resources over the decades ahead. In addition, the committee made a number of recommendations for progress in more technical fields.

The committee's water supply-demand study defined the national water supply and pollution abatement problem in terms of a minimum cost program to meet needs for a medium projection of economic activity in the years ahead based on an estimated growth rate for the economy of about 3¾ percent annually. The minimum cost program indicated the need for 315 million acre-feet of reservoir capacity for river regulation between 1954, the base year for the study, and 1980, at an estimated cost of $12 billion, and an additional 127 million acre-feet between 1980 and the year 2000, estimated to cost $6 billion more. Municipal and industrial sewage collection and treatment works under the same program would require new investments estimated at $42.2 billion between 1954 and 1980 and an additional $39.4 billion between 1980 and the year 2000. Total program would involve $18 billion for storage facilities and $81.6 billion for collection and treatment facilities or, in round numbers, a $100 billion program.

Mr. President, these were rough estimates, based on a number of gross assumptions, but in my judgment they reflected the minimum program required to meet our needs.

Both the administration and the Congress accepted the challenge laid down by the committee, and over the years following the issuance of the report the Congress concerned itself with legislation to implement the select committee's recommendations to create a climate under which the Nation's water needs could be met.

The select committee's first recommendation called for the Federal Government, in cooperation with the States, to prepare and keep up-to-date plans for comprehensive water development and management of all major river basins of the United States, taking into account prospective demands for all purposes, giving full recognition to non-revenue-yielding purposes such as streamflow regulation, outdoor recreation, and preservation and propagation of fish and wildlife, and keeping in mind the ultimate need for optimum development of all water resources and for considering all practicable means of meeting demands. The committee suggested that the executive branch of the Federal Government submit plans to the Congress by January 1962 for undertaking and completing such studies in all basins by 1970, and that future reports on specific projects submitted by Congress for authorization should specify how the project fitted into the comprehensive plan, and should discuss the range of alternative purposes that might be served by the resources needed for the recommended projects.

Second, the committee recommended that the Federal Government stimulate more active participation by the States in planning and undertaking water resources development and management activities. This would be accomplished by a 10-year program of Federal grants to assist the States in river basin planning, with a minimum of about $5 million in Federal funds being made available for matching by the States in preparing the comprehensive plans contemplated by the first recommendation.

Third, the committee recommended that the Federal Government should undertake a coordinated scientific research program on water aimed both at increasing available water supplies and making more efficient use of existing supplies. It was recommended that this would be accomplished primarily by first, expanding basic research programs, deemed essential by the committee for a major breakthrough in water resources; second, a more balanced and better-constructed program of applied research for increasing water supplies; third, an expanded program of applied research for water conservation and making better use of available water resources; and, fourth, evaluation of completed projects with a view to making them more effective in meeting changing needs and providing better guidelines for future projects. Again, the committee suggested that the executive branch should review on-going research programs and develop a coordinated program of research to meet the foregoing objectives and submit it to Congress in January 1962 so that it could be considered along with budget estimates for the next fiscal year.

The committee's fourth recommendations was that a periodic assessment of water supply-demand relationships, somewhat along the lines of the committee's own endeavor, should be made biennially for each of the water resource regions of the United States and submitted to the Congress by the executive branch of the Government, beginning in January 1963.

The fifth recommendation suggested steps to be taken by the Federal Government to encourage efficiency in water development and use by first, regulation of flood plain use to reduce flood losses, and delineation of flood hazard areas; second, more detailed studies of emerging water problems in areas in which water shortages will be most acute by 1980, with emphasis on minimizing adverse effects on the economy of the area caused by water shortages; third, a study of future needs for major storage reservoirs with recommendations as to steps that should be taken to preserve any necessary sites so that they would be available for use when needed at minimum cost; and, fourth, holding public hearings in connection with Federal programs in order that the people affected may be more fully informed and that their desires may be more fully considered.

In addition, some specific recommendations were made throughout the substantiating material contained in the report for increasing research programs in what the committee called new technical methods for increasing the usefulness of water supplies.

Some of the first actions taken toward implementation of the recommendations of the select committee involved these ancillary recommendations and the action necessary to start on the major construction program which was shown to be needed. The select committee's findings to the effect that the water resources problems of the Nation involved more than $4 expenditure for water pollution control and abatement for every $1 for water supply augmentation through reservoir storage was immediately recognized by the Public Works Committee which, under Senator Kerr's leadership, pushed through to enactment the Federal Water Pollution Control Act Amendments of 1961. This legislation which was approved July 20, 1961 as Public Law 87–88 authorized a substantial increase in Federal grants for developing pollution abatement programs and for construction of sewage treatment plants by non-Federal entities. The act also established storage and release of water for water quality control as a recognized Federal purpose in construction of reservoirs by Federal agencies such as the Corps of Engineers and the Bureau of Reclamation. New research programs were authorized and the enforcement procedures of the Water Pollution Control Act were extended to apply to navigable waters, in addition to interstate waters encompassed under the earlier pollution abatement acts.

Congress also acted promptly to increase the authorization for research and development in the field of saline water conversion, with the enactment of the Saline Water Conversion Act Amendments approved September 22, 1961, as Public Law 87–295. This has continued under that act and the program was expanded in 1965 when additional appropriations were authorized by Public Law 89–118 approved August 11, 1965. Just last year, Federal participation in the huge new combined water desalination and nuclear powerplant at Bolsa Island off the coast of southern California was authorized by Public Law 90–18, approved May 19, 1967, as a further demonstration of progress toward making use of the ocean's water. None of these acts have given us the final answer, but all have helped set the stage for future progress in meeting the Nation's water needs.

In a more traditional way, the Congress used the recommendations of the select committee to stimulate Federal water resources planning work through provision of additional funds in the appropriations for the Corps of Engineers, the Bureau of Reclamation, and other agencies with programs related to water resources development. Acting to implement the budget recommendations of President Kennedy, which were later supported and increased by President Johnson, the Congress provided very substantial increases in funds for preparation of water resource development plans for major river basins through the annual appropriations acts. The magnitude of these increases can be shown by the fact that the appropriations for general investigations of the Corps of Engineers have increased from about $12 million in fiscal year 1961 to over $34 million in fiscal year 1968, and for the Bureau of Reclamation, from over $5 million to about $16 million in the same period.

The latter increases include a substantial amount for the Bureau of Reclamation's program of research on weather modification as a means of increasing water supply in the Western States. Funds for this program were added to the Bureau of Reclamation's appropriation act by the Senate Committee on Appropriations several years ago, largely as a result of the comments on this subject made by the Select Committee on National Water Resources.

But the major legislative actions which have been taken by Congress as a result of the recommendations of the select committee have been in the fields of water resources planning and water resources research.

President Kennedy accepted the recommendations of the Select Committee on National Water Resources and adopted them as goals of his admistration in his message to the Congress on natural resources transmitted February 23, 1961. Following introduction by Senator ANDERSON and Senator Kerr of several proposed measures which would have partially implemented the select committee's recommendations, President Kennedy, on July 13, 1961, transmitted a proposed bill to Congress under the title, "Water Resources Planning Act of 1961." I was pleased to join Senator CLINTON P. ANDERSON in sponsoring the President's bill which was introduced as S. 2246 of the 87th Congress. The Water Resources Planning Act, which moved on to enactment eventually as Public Law 89–80, approved July 22, 1965, contained four titles.

Title I provided for establishment of the Water Resources Council which President Kennedy proposed to consist of the Secretaries of the Army, Agriculture, Health, Education, and Welfare, and Interior. Later, the Chairman of the Federal Power Commission was named as a member, before the bill became law. Title II proposed the establishment of presidentially appointed Federal river basin commissions for water resources planning in major river basins or regions in the United States. Titles I and II provided the basis for implementing the first and the fourth recommendations of the select committee dealing respectively with comprehensive planning for water resource development and a periodic assessment of water supply-demand relationships in the several river basins.

Title III was taken from legislation introduced earlier by Senator ANDERSON and Senator Kerr to authorize financial assistance to the States for water resources planning to implement the second recommendation of the select committee. Title IV of President Kennedy's bill and of the act which finally became law covered miscellaneous administrative provisions.

A great deal of opposition was expressed in the first hearings on the bill in 1961 because of a feeling that it would strengthen the Federal Government at the expense of the States. Senator ANDERSON took the lead in working with representatives of the Council of State Governments toward effecting a compromise. This finally came in the form of amendments to title II which provided that the river basin commissions would be Federal-State organizations, with members appointed by the President to represent Federal agencies and members appointed by the States to represent State interests. With this basic amendment, the bill passed the Senate in 1963 and the House in 1964, but died with the 88th Congress in the Rules Committee of the House of Representatives.

The bill moved on to enactment in the 89th Congress, and, under it, the Water Resources Council has been set up as an independent agency. So far, four river basin commissions have been set up under title II. These cover the Columbia River Basin, the northeastern region, the Great Lakes Basin, and the Souris-Red River of the North Basin. Most of these commissions have been set up within the last year and their effectiveness has yet to be fully demonstrated.

On the water resources research side, President Kennedy's natural resources message proposed studies by the National Academy of Sciences and the Federal Council for Science and Technology aimed at evolving a coordinated Federal program. President Kennedy's first proposal was for establishment of a water resources research institute as a part of the Geological Survey in the Department of the Interior. This was proposed in the Federal budget for fiscal year 1963, but it failed to receive congressional approval. Again our colleague, Senator ANDERSON, stepped into the breach and introduced legislation patterned after the Hatch Act to set up a water resources research program. The Hatch Act of 1887 established the agricultural experiment stations at the land-grant colleges and universities, and provided for the basic research which had made the United States the world leader in advancing the agricultural sciences. Senator ANDERSON's bill was first introduced in July of 1962 as S. 3579 of the 87th Congress. Introduced for discussion purposes, the bill received enthusiastic support of the land-grant colleges and universities, as well as private organizations and institutions engaged in water resources research, and it became the basis for S. 2 of the 88th Congress. This passed the Senate in 1963, the House of Representatives in 1964, and eventually became Public Law 88–379, to authorize the establishment of a water resources research institute in each of the 50 States.

Proposed amendments to this legislation in the 89th Congress, which became Public Law 89–404, expanded the program to include authorization of funds for contracts and grants to institutions other than the land-grant colleges and universities for research in water resources fields related to the mission of the Department of the Interior.

A significant part of the Water Resources Research Act of 1964 authorized the President to coordinate the efforts of the several Federal agencies engaged in water resources research and to have prepared a catalog of water resources research underway. Under these provisions, along with regular appropriations for the Federal agencies engaged in water resources, we now have a very substantial water resources research program underway, thus implementing the second recommendation of the Select Committee on National Water Resources.

A few comments also might be made on the points covered in the fifth recommendation of the select committee. With respect to the regulation of flood plain use, the Congress has authorized Federal agencies to compile and disseminate information on flood hazards to State or responsible local governmental agencies. Several studies have been undertaken by the Federal agencies culminating in a report to Congress under date of August 10, 1966 under the title, "A United National Program for Managing Flood Losses." This has already led to legislation to reinstitute a Federal flood insurance program which was incorporated in the Housing and Urban Development Act and became law August 1, 1968.

Many studies of emerging water problems in areas of acute water shortage have been undertaken in line with the second part of the select committee's fifth recommendation. Numerous plans have been proposed for the Pacific Southwest which is our area of greatest water shortage. The Lower Colorado River legislation passed by the Senate late last year will provide a basis for moving ahead in that area. Another major study was authorized in the Northeastern United States under title I of the Rivers and Harbors and Flood Control Act approved October 27, 1965.

The study of future needs for storage reservoirs recommended by the select committee has not yet been reported to Congress, although President Kennedy in 1961 announced that he was having legislation prepared to accomplish the necessary reservations of reservoir sites.

The select committee also recommended more public hearings to increase public knowledge and understanding of proposed water resource facilities. Beyond a doubt, there has been a substantial increase in public understanding of these works, so that the objectives of the select committee in this respect appear to be on the way to being achieved.

In spite of the record which has been made in implementation of these recommendations, it is fair to say that we have only begun to find solutions to the Nation's water problems. The select committee's recommendations were tempered by the recognition that any attempt to undertake too ambitious a program in one stage might be doomed to failure, as had the many earlier recommendations. Thus, only the first and most immediately needed steps were recommended. The Congress has already gone beyond the specific recommendations of the select committee in some instances, where the needs have been apparent. We still have much to do.

The great increases in the Federal Water Pollution Control programs authorized in the amendments of 1965 and 1966 have not yet been fully implemented because of difficulties in reaching agreement on acceptable standards and the failure of the administration to recommend adequate appropriations. While a number of actions have been undertaken, it appears that they may be too little and too late to stem the deterioration of the Nation's water resources. The increasing programs of some of our States have shown that even the expanded Federal program will provide only a fraction of the funds required to do the job. New legislation now under consideration to authorize Federal assumption of bond carrying charges may get around the immediate financial limitations but still leave us far short of the needed effort, which the Department of the Interior has estimated will require from $20 to $23 billion in capital outlays over the next 5 fiscal years, 1969–73. Local expenditures for operation and maintenance of the expanded plant are increasing rapidly, and are expected to reach a total of $5.8 to $6.2 billion, so that local financial resources will be strained to keep up with this phase of the program.

On the water supply end of things we are not any better off. The needs of municipalities alone for new water supply facilities, now estimated at roughly the $2.5 billion annual level, are increasing at roughly 5 percent a year, and there is no let-up in sight if present trends continue.

In the matter of providing reservoir storage for stream regulation for all purposes, the Nation's programs are lagging far behind the goals of the select committee, and, in fact the rate of construction has slackened. From 1947 to 1954, the base year of the select committee's studies, controlled storage in reservoirs over 5,000 acre feet in size in the United States increased over 71 percent from 163,000,000 acre-feet to 278,000,000 acre-feet. In the 9-year period from 1954 to 1963, an increase of only 81,000,000 acre-feet was achieved, to a total of 359,000,000 acre-feet. In more than one-third of the time period between 1954 and 1980, only about one-fourth of the additional storage projected by the select committee has been added, and with the objections that are continually being raised to construction of new reservoirs, it is likely that the rate has slowed down even more in the last several years.

Clearly, we will be far short of meeting the goals expressed by the select committee for the minimum cost program for water supply and pollution abatement by 1980. Instead of the expansion needed in our water programs, it appears to me that there has actually been a relative slowdown. We must make amends by increasing our efforts.

In the field of watershed protection and flood prevention our efforts lagged even further behind the needs. From a level of less than $40 million annually in fiscal year 1961, by dint of great struggle, we got the appropriations up to about $76 million in fiscal years 1967 and 1968, a level of effort, which I must add, is still far short of what is really needed. It is my understanding that funds are available for planning only 50 percent of the watershed protection programs for which applications have been made. Of the plans that have been completed, from 70 to 100 are held up by the dispute between the administration and the Congress over the constitutionality of the legislative provisions which have been in effect since 1954 for approving these plans. In the face of these delays, then, it is a real tragedy to find that the fiscal year 1969 budget requested only $6 million for continued planning at roughly last year's level, and $42 million for implementation of work programs.

The Department of Agriculture's flood prevention work under the Flood Control Acts of 1936 and 1944, which has been running at a level of about $25 million annually, was even more drastically reduced in the 1969 budget with an appropriation request of only $12,395,000. Clearly, these important programs are suffering heavily in the efforts to trim the Federal budget. Mr. President, these are the programs which help prevent our topsoil from washing down to the sea, filling up our lakes and estuaries. These are the programs by which man is attempting to reverse his profligate and wasteful actions of the past in an attempt to maintain habitability of our land.

Mr. President, while the legislation to effectuate the recommendations of the Select Committee on National Water Resources has been enacted, the necessary programs have not yet been fully implemented. We must move ahead toward their implementation through providing the necessary funds, and by developing more imaginative approaches to the even more serious water problems which lie ahead.

URBAN OPPORTUNITIES: NO LONGER BUSINESS AS USUAL

Mr. JAVITS. Mr. President, many of us in the State of New York have been very proud of the progress made by the city of Rochester since its nights of turmoil and curfew in 1964. The bitterness of that summer spilled over 2 years later into the stockholders' meetings and policy discussions of a major corporation in that city, the Eastman Kodak Co.

What the management of the Kodak Co. realized, and decided to do something about, was that the old efforts, the old slogans of nondiscrimination, and the separation of the public and private sectors, no longer sufficed. This company chose to join forces with existing private and local governmental structures, and to create new organizations and programs where needed. The result has been a community mobilized in the fields of low-income, open housing; job-training orientation; and minority entrepreneurship. This is a history that bears study and widespread emulation. Rochester's story of progress was recently summed up in an eloquent and urgent call for continued action by Mr. Fred S. Welsh, vice president of the Eastman Kodak Co., in a presentation entitled "Urban Opportunities: No Longer Business as Usual." This speech was addressed to the 51st Annual International Marketing Congress of the American Marketing Association, on June 17. Mr. President, I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

URBAN OPPORTUNITIES: NO LONGER BUSINESS AS USUAL

(By Mr. Fred S. Welsh, vice president, Eastman Kodak Co., to the 51st Annual International Marketing Congress, American Marketing Association, June 17, 1968)

Let's begin by reviewing three "happenings." Four years ago, something happened in a city that was used to being described in terms out of *Camelot*.

It was a city with a reputation as "a great place to live and work." A national magazine had written it up as "a cautious, quiet city" where "people are patient," and where "when night falls, traveling salesmen prefer to push on to Buffalo some 60 miles to the west."

It was a city that had enjoyed continual industrial growth and generally showed the lowest unemployment rate of any of the 39 major industrial areas in the United States. At any given time, there were likely to be more jobs seeking people than people seeking jobs. It was a city whose concern with recreation, health, and welfare programs was considerable. From year to year, it had the highest per capita Community Chest budget in the country. And it never failed to meet that budget.

What happened in this almost-model city was one of the first outbreaks of what has since grown into a national problem. The pattern has become all-too familiar. We now acknowledge it by such code names as "urban crisis" . . . "crime in the streets" . . . and "long, hot summer."

Two years later, something happened to the largest company in this city. It was a company that had been founded by a man known around the world for his philanthropy, whose personal convictions about social responsibility had lived on after him in corporate policy. It was a company that had done much for the community which was its home and for the people who worked for it. Its employee activities and benefit programs were among the most extensive in all American industry. Probably as a result of this it was a company that had never had a serious labor dispute. In a word the people here who worked for it and the people of the community at large were happy with this company.

What happened to this company was a surge of protest that it was stifling the legitimate aspirations of black people in the community to earn a living.

The demonstration swept right into the company's annual meeting. Let's face it, confronted with action like that, how many reporters were interested in digging into facts like these:

The fact that contributions by this company to Negro colleges dated all the way back to 1924 and it had been a regular recruiter at Negro colleges.

The fact that it was among the first companies to sign up in President Kennedy's 1962 Plans for Progress Program.

The fact that on its own, two years before these demonstrations, this company had initiated an on-the-job training course to upgrade applicants who could not meet normal hiring standards.

The point is, if these things could happen to a city like Rochester and a company like Kodak, they could happen to your cities and to your companies.

But I promised you three "happenings," didn't I? The third took place only a couple of months ago. The occasion was the murder of Dr. King. It has been reported that "the shooting . . . sparked four days of rioting looting, and violence in more than a hundred cities." What happened in the City of Rochester at this time was . . . nothing.

Oh, there was considerable tension—as there was in other cities with a sizable black population. But, unlike most of those cities, in Rochester the emotions did not boil over into destructive action.

It would be dangerous to attribute too much to it, and events could make a fool of me next week, but the absence of any incidents worth a newspaper story during those critical days has given some of us at least a glimmer of hope. Perhaps we have learned a little something as a community—both white and black—about living together from what we have gone through over the past four years. But I am not trying to justify my community—or my company. Rather I am trying to share with you some of the experience of having "been there."

For this particular audience, it seems to me that there are three useful ways of looking at the Rochester case history:

1. As a concerned citizen.
2. As a manager in an involved company.
3. As a marketing man.

At this point I am going to do you a disservice. I am going to assume that not a single one of you is interested in doing anything to help your poorer neighbors out of a sense of justice, morality, compassion, or any such commendable motivation. Rather, I will follow the prescription of the psychologist Kenneth Clark, who has said: "Appeals to be nice to Negroes are out. Self-interest angles must be vigorously exploited."

Incidentally, the same Dr. Clark, who stands out as one of the most positive of Negro spokesmen, has also said: "Business and industry are our last hope, because they are the most realistic elements of our society." So, profit motivation which I have assigned as a limit to our discussion is not the worst reason in the world for doing something about the problems of American cities.

First, let's look at that problem from the viewpoint of a concerned citizen. As a starter, we ought to recognize in one simple declarative sentence what is often only hinted at or covered under many layers of sociological jargon: *The principal problem of the cities is that there are too many black people in them who are poor*. When it comes to priorities, no other economic problem in the country has the terrible compression of black people in the ghetto, as expressed in numbers like these:

About one out of nine Americans now is black.

About one out of eight Americans is poor by prevailing standards.

But more than one out of three *black* Americans are poor.

And more than two out of three black Americans now live in metropolitan areas.

A study made of the Rochester metropolitan area 2 years ago showed that 98 percent of "the nonwhite unemployed" lived in our inner city.

This brings us to one of the first major propositions we should consider: the idea of immediately creating *x* million jobs. It has been urgently advanced as the solution for clearing up this picture of ghetto people living out each day with little hope of anything better. I'd like to go behind the picture and examine that idea more thoroughly.

In the Rochester area, we have had no shortage of jobs, according to the statistics. During 1960, we had 280,000 people employed and an average of 5000 vacant jobs. By 1966, employment had grown to 317,000 and there were 10,000 jobs available. In other words, over a 6-year span, 26 percent more people were working but we had twice as many jobs still open as before! And here's something that might come as a surprise: Proportionately, more of those new jobs by far went to black people. Employment of white people increased 11 percent, but employment of "nonwhites" (that's the study's word again) increased 43 percent. That's right, 43 percent. So what's the problem?

Here's the problem: during the same period the nonwhite population of working age increased by 46 percent. In spite of what we thought was a rather remarkable record of putting minority people to work, we were actually losing ground!

Compounding the situation was the fact that 3 out of 4 persons making up the increase in the nonwhite working population were newcomers. Most of them—as in other northern cities—had moved up from the south, where they had known only an agricultural economy, into a white-collar and blue-collar economy.

This is a fairly familiar pattern, but once more I'd like to go behind the picture and try to put some dimensions on the problem. Although there were 10,000 vacant jobs listed in the Rochester area in 1966 almost 80 percent of them were in the "White-collar," "Skilled," and "Semi-skilled" categories.

But those weren't the jobs most of the black people in Rochester were qualified for. Seventy percent of the nonwhite unemployed in the area were signing up in the "Unskilled Labor" and "Service" classifications. To sum it up: employers were offering most of the jobs where the fewest black people were looking, and most of the black people were looking where the fewest jobs were being offered. The conclusion, I guess is that you can't form a simple equation between open jobs and unemployed people, then sit back and wait for a match-up to occur automatically. You have to make an active effort to bring people together with what suitable jobs do exist for them.

One approach we have come up with is Rochester Jobs, Incorporated, a broad-based new organization made up of representatives from public agencies, ethnic groups, the clergy, and industry working in partnership. RJI collects unskilled job openings from local employers. But it doesn't stop at the usual referral-agency role. It takes the jobs out to where the people who need them are and through personal interviews helps to discover what people can do.

Fifteen hundred jobs for an estimated 4000 to 5000 hard-core unemployed was the ambitious target the organization established as an 18-month goal. At its first year anniversary, it had already practically reached that goal. It placed almost 1400 people in the first year.

But employment is only one facet of a complex problem. As some black people have noted from time to time. "Down on the plantations, we had *full* employment."

What has happened to living conditions in our cities could not help but distress any thinking person. And the distress does not have to go beyond pure self-interest to be considerable.

Decay of the inner city hurts everyone right in the pocketbook. It drives out business, thus shrinking the tax base. It raises the cost of municipal services generally. It makes the hiring of new talent difficult. And finally, it changes the middle of town from a center for pleasurable activities into a place nobody wants to be—day or night.

Here we should test another proposition: if the community at large knew what conditions in the ghetto were like, it wouldn't allow them to go on that way. I'm sure no well-intentioned citizen would ever vote in favor of ghetto housing for any human being.

We haven't any lack of good intentions. There are no fewer than 60 separate agencies working to improve housing in the community. Yet it is still difficult for black families to find housing outside the ghetto.

What I am suggesting is that good intentions, like jobs, are not in themselves enough. You must have people who will stand up and be counted.

In Rochester, we have several groups that have demonstrated a willingness and ability to assert leadership on this front. One is the Metropolitan Rochester Foundation, a private corporation whose board of directors is made up of top management from local businesses. In addition to its vital role of planning better housing, one of the valuable contributions it has made is influencing the acceptance of moderate income housing that was being opposed in a predominately white neighborhood. Also, the Metropolitan Rochester Foundation applies a couple of million dollars worth of proven managerial talent to the project of building new housing for the people of the inner city.

This brings up another proposition worth looking into. One of the common remedies advanced for clearing up the particular kind of social ailments that we have allowed to grow up in our cities is a massive infusion of dollars.

There's no doubt that it will take money—and lots of it—to cure the blight of the inner city. But if there is one point on which we have come to agreement in Rochester, it is that money is not enough—by itself. Over the long haul, self-help is the only help that really takes.

One approach to this self-help idea is the Rochester Business Opportunities Corporation, which, like Rochester Jobs, Incorporated, is one of the positive outgrowths we can point to from the discussions between FIGHT and Kodak. It is managed by an executive on leave of absence from the Ritter-Pfaudler Company in our city. What this organization does is to provide the needed doses of cash and counseling to help people of the inner city start up and run their own businesses profitably. RBOC lends a helping hand to such budding entrepreneurs as the bricklayer who wanted to lease the abandoned gas station he passed every day on his way to work, or the dry cleaner who needed to find out how to arrange a small-business loan.

There is one last observation that a concerned citizen should make: if you do nothing else, get to the young people. Their hopes and expectations are the highest. Their despair and frustration are the most bitter.

You may remember that the President's Riot Commission found that "the typical rioter was a teenager or young adult."

One of the most promising avenues Rochester has established along this line is Teens on Patrol, a program funded by Kodak through Rochester Jobs, Inc., and administered by city police. TOP seeks out young people with leadership ability and nothing but time on their hands. It gives them jobs paying $1.75 an hour to perform such "square" occupations as supervising playground activities. The great thing is they get to like it.

The TOP young people don't have any police power, as such, but our police chief credits them with cooling off at least a couple of incidents that could easily have blown up into riots.

So much for some observations of a citizen whose community has gone through the experience of a major race riot. Let's turn now to a consideration of matters from the point of view of a businessman whose company has felt the pressure of open protest from black people.

The key proposition we ought to examine here is the idea that the absence of discrimination means equal opportunity for employment. Long before the phrase "Equal Opportunity Employer" became current, Kodak had a stated policy of nondiscrimination in hiring. Any person, regardless of race, creed, or color could be assured of fair consideration for any available job for which he was qualified.

Qualified was the catchword. We paid well. Our standards were high. As openers, we traditionally asked for a high-school diploma.

But what meaning did it have for the dropout or the boy whose education had been disrupted by family troubles and constant moving? To these people, it meant that Kodak's open door was just as effectively closed as if it had been consciously shut in their faces. The terrible fear of failure had been drilled into them over the years. What was the sense of applying and being turned down again?

In the early 1960's Eastman Kodak came to a realization that many of your companies may also have come to: some of our hiring standards, which were set up to find workers with ability to do given jobs, actually screened them *out* on the basis of what they hadn't done, as opposed to bringing them *in* on the basis of what they could do. To look at it in the most selfish terms possible, we were cutting off a potential source of supply for manpower.

So, we started looking for ways of adapting our hiring standards to the realities without lowering performance standards on the job. This, incidentally, was well before our first hassle with the FIGHT organization.

The initial experiment with more flexible employment practices took the form of Pre-Apprentice Training. We hired undereducated youths, who in the ordinary scheme of things would not qualify, gave them paying jobs learning what they needed to bring them up to the level where they would be able to tackle the Skilled Trades Apprentice Training Program. Please note that we did *not* lower the standards of this program, which we had run with outstanding success for 30 years. We opened up a new route to get into it.

Pre-Apprentice Training worked out so well that two years later we initiated other opportunities at Eastman Kodak for people who couldn't have made it under our former employment policies.

The Machine Operator Program introduces the trainee to the shop and tools he will be using there, beginning with things as basic as a pair of pliers.

The Laboratory Trainee Program gives participants a year of on-the-job experience, coupled with basic familiarization in elementary chemistry, techniques, instrumentation, and safety.

And we have begun to attack the dropout problem head-on by instituting, in conjunction with the Rochester Board of Education, a High School Student Trainee Program. The idea is to catch the young people while they are still in school and keep them there by giving them a taste of the kind of knowledge they have to have to hold down a job these days.

The girls are not being left out of it. We are also cooperating with a number of Rochester employers in sponsoring the Urban League's Advancement through Clerical Training. And when they have upgraded their typing and shorthand skills to the requirements of our offices, we see to it that they get responsible desk jobs there.

So, experience on many fronts, at many levels, in training people to fit into jobs, rather than interviewing them out of jobs, has enabled us to form certain impressions regarding what the whole business is all about. I think some of these impressions might be worth your consideration.

For one thing, when you get into training the so-called "unemployables," *you may have to change your ideas of what constitutes industrial training these days.*

At the time we made our first venture into training pre-apprentices, we assigned some of our best craftsmen as instructors on the theory that the man who knows the job best can teach it best. After a while, we made a discovery.

The instructors weren't teaching tools and tolerances. They were teaching reading, writing, and arithmetic. They had correctly sensed what was needed, all right, but this kind of training wasn't exactly their specialty.

So we called in some people whose specialty it is—the Board for Fundamental Education. They explain their success in teaching adults comes through *not* trying to teach them. They train them to learn. The Board for Fundamental Education runs two programs for us: one to bring people along from zero education to the equivalent of the fourth grade and another to take them from the fifth through the eighth grade. Students attend class 2 hours a day for 10 to 12 weeks as part of their paid working schedule.

A related principle on which we have firmly fixed is that *make-work projects don't work*. We hire these men at the outset—putting them on our regular payroll. And from the day he reports, a man is working on projects that have a tangible purpose. These not only help to give him a true sense of accomplishment, but they also make it clear that the company is not patronizing him. He gets paid for a contribution to Kodak operations—however basic it might be. A typical starting project, for example, might be the tote box in which he will carry the tools provided for him as a Kodak worker.

Another pointer that we have picked up is that *education only begins with the trainee*. The men who will be supervising need to adapt to new ways of understanding things just as much as the men who will be supervised. For our foremen and supervisors, we now schedule seminars to give them new insights into the job they have to do.

For example, there's a story that's making the rounds. It has to do with the new worker who had his supervisor mystified by an erratic pattern of attendance at work. To appreciate this one, you have to have some of the deductive powers of a Sherlock Holmes and know one fact: Rochester has about the highest incidence of precipitation of any city in the country.

The new man came from farm country, where they never worked on rainy days. So, whenever it rained in Rochester, what did he do? He did what came naturally. He stayed home. Case closed.

This little story suggests another proposition that we might put to you: *what works in one place may not necessarily work in another*. You have to tailor your solution to the specifics of your local situation.

One of the most imaginative new approaches to the interlocking problems of ghetto people was devised by Aerojet General in Los Angeles. Most of you have probably heard about it. What Aerojet General did was to build a plant virtually on top of the ruins of the riot, thereby giving residents a source of employment in which they did not have to travel 2 hours each way.

This example, naturally, has been held up to other companies, and the suggestion was made that we build a plant in the ghetto area of Rochester. We gave the idea consideration, and came to the conclusion that the circumstances are not at all the same. We already have plants within easy walking distance of the ghettos, where there are job vacancies right now.

But we didn't leave it there. One of our regional marketing directors suggested that what the company's Rochester operations needed was to speed up the routine servicing of cameras sent in from the field. We saw that this need of ours coincided with the need of inner-city residents to gain experience of their own in business. The upshot of all this was the birth of Camura, Inc., a camera-repair business that will make a profit and provide jobs by helping Eastman Kodak solve its customer service problem. Camura, Inc., illustrated a point that was probably apparent in the earlier examples: *no organization, however large, can afford a "go-it-alone" approach to this problem*.

My company, for example, is the largest employer in the area, yet 7 out of 8 of the area's job opportunities are outside our premises. So, coordination is the key word. And Camura provides a model of coordinated effort. The Urban League is sponsoring it; Rochester Business Opportunities Corporation is handling the financing; Eastman Kodak people are training the people who will form the nucleus of the new company. This suggests another major observation based on our experience: *probably the most useful contribution business can make is not money or products, but the time and talents of its people*.

A case in point is a motion picture called "Sloppy Sam," which was written, directed, produçed, and starred in by children of Rochester's inner city under the guidance of a specialist on loan to the school system from the Eastman Kodak Research Laboratories.

One of the handicaps of ghetto kids, the educators tell us, is a fear of expressing themselves vocally or on paper. But turn them loose with pictures and watch out!

Well, "Sloppy Sam" has a happy ending, both in the film and in real life. The little boy who was the inspiration for Sloppy Sam got the film's message and did a complete turnabout.

At Brockport State University outside Rochester there are a couple of other Kodak men on loan assignment. They work with children transported from the city and the surrounding area, trying to find ways of putting learning more nearly on a one-to-one basis without jacking the costs way up.

I feel a need here to reassert my earlier contention that good business alone can justify this sort of thing. After all, some of you may be Kodak stockholders!

We have always encouraged Kodak people to take an active part in filling community obligations, whether that means giving blood or helping underprivileged kids discover the kick of competing in the soapbox derby. But this is something else again. When we assign qualified Kodak people as part of their jobs to work on special educational projects, we do it not to be nice guys but because Education is a highly promising market for us.

And I ask each one of you to consider if there isn't a market in all this for your companies. This is not as crass as it may sound at first. Any number of thoughtful people have suggested that this approach may be the only one that will actually get something done about the problem—as opposed to talking about it.

A former Defense Department official, John Rubel, perhaps put it best when he said a couple of years ago: "The method of creating a market for a solution to a problem has proved itself capable of producing the technology to solve the problem. When you create a market for rockets to the moon, you get rockets to the moon."

Can't we create markets for cities that are livable again?

With that question we are right in the middle of the third viewpoint, the marketing viewpoint, from which I would like to consider the urban crisis in our nation. We must recognize among ourselves that marketing as a specific function of business does not have a great deal to show yet. It is not as far along as, say, the manufacturing function in defining what needs to be done and doing it. Yet, marketing, of all functions, would seem to have a key role to play as business and industry become more involved in the problems of our cities.

In the January issue of Fortune, devoted to the Urban Crisis, there was this statement: "American business, busily generating change, has in the main stood apart from the responsibilities and the opportunities of coping with community needs that arise from change. The ardent efforts of the nation's business institutions will be especially needed, because they have the special qualities specifically demanded by the double crisis of the Negro and the city. Modern corporations are flexible and innovative. They are accustomed to sensing and meeting and evoking the changing desires of the public. After all, they practice the difficult art of mobilizing special knowledge for action . . . i.e., the art of mediating progress, of managing change."

And if that is not a job description of the marketing function, then we had all better march out of here right now and make a bonfire of our file copies of "Marketing Myopia."

To look at the whole thing in the most basic terms, jobs are one of the three indispensable elements required to ease the hardship of black people. But there are jobs and there are jobs. Made work satisfies the requirements of neither economics nor self-respect.

Real jobs cannot be invented, wished, or legislated into existence. They come about only through a valid increase in demand. And it is the marketing function that is charged with identifying and stimulating demand.

We in marketing are fond of proclaiming that a business continues to grow not through building bigger and better plants to turn out products but through finding new wants and needs to satisfy. It follows, then, that the better the performance of the marketing men, the more real jobs he is helping to bring into being.

But jobs are only part of the picture from this point of view. The black person seems to have another need these days that is addressed squarely to the marketing function; it is a need for the honor of being treated as a customer. To the marketing professional, market segmentation is not a new idea. But it seems that we have been largely ignoring a market segment that had a purchasing power last year roughly equal to the total of all United States export sales. I'm thinking, of course, about the Negro market, which amounted to some $30 billion.

Each year black people have been saying to us that they are a distinct group of people with distinct preferences, distinct media, distinct buying habits, and they want to be treated that way. But on the whole we haven't been very responsive.

Marketing is in charge of most of the mass communication apparatus of business. We expend large amounts of money, time, and effort painting a picture of the good life. It is invariably a picture as seen through the eyes of the white man.

Oh, sure, we've gotten smarter about seeing to it that every tenth person or so in our advertising illustrations is black. And I don't mean to knock that. After half a century of invisibility, the discovery that black people buy and use our products, too, represents a giant step in the right direction. But our thinking could range so much further.

We have always considered ourselves reasonably sophisticated in our market research. We could talk to you all day about the amateur market, the professional market, the East Coast market, the West Coast market, the women's market, and the teenage market. But awhile back, it struck us that we didn't know much about ethnic markets as entities in themselves. So we set out to find out something about them.

In outlining for you a few of the things we have gotten into, I do not mean to suggest that we think we know all the answers. As a matter of fact, we are becoming more and more aware that we don't even know all the questions yet. But we have begun to ask, and that's something.

Now, it would seem basic that if you are going to find out something about black people, you ought to employ black people to do it. It appeared to us, however, that too many studies suffer precisely from a lack of that basic. Under the National Urban League summer fellowship program, we engaged a business school professor from a leading Negro college as a consultant to steer our efforts. He helped us examine our advertising efforts—including media, copy, types of illustrations, etc.—in our consumer marketing area.

A most revealing project was a study of Harlem as a photographic market, made for us by a research firm run by Negroes. We followed up by assigning two young Negroes in our Consumer Markets Division to make calls in Harlem on Negro-owned businesses just as thoroughly as we would cover any major market area. One of the interesting conclusions that has already turned up is that Kodak products seem to be moving like crazy in Harlem—largely by accident. Most of the people who run stores selling Kodak products were not aware of the selling and advertising aids available to them—in spite of the efforts of our many wholesale accounts operating in the New York area. In fact, few of them knew we had a New York Regional Office.

As a result, we find ourselves deeply involved in the educational experience of setting up dealerships in a ghetto. If you should ever get into this sort of thing, forget whatever you know about the normal routines of credit, banking, insurance, and related matters. It seems to be an entirely different ball game in the inner city. And this is one factor that has frustrated the desire of the people there to run their own businesses.

But if we don't exactly break the rules outright, we are becoming more expert at bending the rules to fit the situation. And we feel that this sort of guidance is one of the principal contributions a company like ours, which has been setting up independent businesses for more than 75 years, can make to this pressing urban problem. There is something out of balance about an economic system in which 1 out of 9 customers is black, but not even 1 out of 100 entrepreneurs in the system is black.

If you are aiming at the Negro market, it makes good sense to advertise in the Negro press, which we are doing in 25 newspapers. It also makes good sense to have some Negro marketing people on your team. It makes good sense even if you are not aiming at the Negro market.

In attempting to enlarge the number of black people on our marketing staff, we ran into much the same problem that the manufacturing people did in hiring apprentices—paper qualifications. We ordinarily look for a college degree to be held by people considered for professional jobs in marketing. But it is a basic fact of life that black men do not make it through college yet in the same proportions as white men.

Our answer was to start up our own "marketing college" for young men who have demonstrated in other ways that they have what it takes to make a career in marketing. This is in addition to over 100 now in regular sales training. Our Basic Marketing Training Course currently has a student body of ten—eight of whom are Negroes. In one year they get an exposure to marketing-related subjects that will enable them to meet the same requirements as any recruit off the campus. And from there on, they will become members of our Marketing Program on exactly the same basic as college graduates.

This bring up another important question. How far should special treatment go? It's easy to talk in the abstract about fairness, but we were faced with the painful reality of the problem recently. One of our Basic Marketing Trainees just wasn't making it. The cause was clearly not lack of ability but attitude, and it was affecting the other trainees. After some efforts to bring him around, we made a decision to cut him from the program, prepared to encounter at least some recriminations.

Paradoxically, he seemed rather impressed that we expected as much of him as of everybody else. Wherever he goes from here, he has learned something from the episode—and so have we.

By way of summary, then, it is not only as concerned citizens and as managers within our companies but specifically as marketing professionals that we have an opportunity to do something about our country's racial strife.

On the subject of professionalism, there's a story they tell about the actor, Tom Ewell, who is recognized as one of the real "pros" of his business. But at one point in his career, Ewell had an incredible run of something like 16 or 17 straight flops that closed after a couple of performances, in spite of rave notices for him personally.

Then he finally connected with a show called "The Seven Year Itch," and became a star in one night after all those years of bumping his head against a stone wall. Next day, he ran into a young actor at the stage door who asked: "Well, was it worth it?" Ewell thought for a moment, then answered: "It has to be."

That's the attitude of the real professional. And that is the attitude with which I urge you to undertake this vital job that faces all of us.

It's not going to be any snap. But whatever effort is needed to mend this tear in our society *has to be worth it*. There is no other course.

THE UNCIVIL WAR

Mr. FANNIN. Mr. President, I invite the Senate's attention to a news dispatch moving on the wires of Associated Press from Saigon. The opening sentence reads:

> A veteran Viet Cong battalion, herding women and children in front as human shields, smashed into a company of American paratroopers in three waves early today.

The dispatch goes on to say that 31 Americans were killed and 27 wounded; that the first wave of enemy troops came running shoulder to shoulder through the night, screaming, firing assault rifles, and pushing women and children in front of them.

Mr. President, I wish to ask the yippie-hippie people why they do not raise their voices in protest as quickly as they raise the Vietcong flag in downtown Chicago. I wish to ask the backers of the yippies and the hippies if they condone such wanton brutality. Furthermore, I wish to ask those political leaders who have accepted the backing of the new left, who have called for the inclusion of the Vietcong in the Government of South Vietnam, who have openly voiced support of the National Liberation Front forces—which is the Moscow-coined phrase for these barbarians—if they do not wish to reconsider and disassociate themselves from such support.

Mr. President, I cannot conceive of an American political leader, indeed of anyone who loves this Nation, failing to condemn this kind of action or repudiating the support of those who endorse it.

Can you imagine, Mr. President, the dilemma that faces an American fighting man when he realizes a ruthless enemy is willing to sacrifice the lives of innocent women and children deliberately to mount an attack? Such inhumanity is utterly repugnant and loathsome to the civilized mind. It should illustrate the depths to which the Communist-backed NLF will go to achieve its aims and demonstrate for all the world the futility of thinking that such brutality can be accommodated at the negotiating table.

Where are the protests of those who have countless times protested the actions of Americans in defending the freedom of South Vietnam? Why are there no cries of outrage from those who have been so quick to show us innocent civilians wounded and killed in battle areas? Is their case so weak that it cannot withstand the tide of indignation that will sweep America when such atrocities become fully understood?

Mr. President, so far as I am concerned, the Vietcong flag, which symbolizes the brutality and inhumanity perpetrated in the name of the NLF, should have no place in America. It is abhorrent to the concepts of freedom and civilization for which American blood has been shed all over this globe. I wish to hear no more of a "civil war to determine the course of Vietnam." This Nation, the United States of America, has endured a civil war. There are no shameful, bloody instances such as this recorded in the actions of that war. Other nations have undergone civil strife and these demonstrations of pitiless brutality are not recorded. Such savagery is reserved for those conflicts where one side assumes the role of barbarian, and when that happens there is no dealing with them in honor.

Because of the length of this war, we have perhaps grown callous to the loss of life. It takes an episode such as this to reawaken our consciences and revitalize our sense of perspective. The road to peace in Vietnam is obviously long, and dark and filled with many dangers, but we will make it no shorter, brighter, or less dangerous by underestimating the enemy or allowing those who espouse his cause to subvert and confuse us here at home. Mr. President, by these and similar acts the Vietcong drops its mask and shows its true face—that of a Communist-dominated savage, moving at the will and direction of the centers of international communism. Let us have no more weasel words regarding his "civility."

I ask unanimous consent that the Associated Press wire dispatch of September 6, 1968, be printed in the RECORD.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

VIETNAM.

SAIGON.—A veteran Viet Cong battalion, herding women and children in front as human shields, smashed into a company of American paratroopers in three waves early today. Thirty-one Americans were killed and 27 wounded.

The waves of troops from the Viet Cong's Cu Chi regiment broke through a company from the U.S. 101st Airborne Division 26 miles northwest of Saigon. The Viet Cong and the paratroopers were still locked in battle as night fell.

Thirty-one Viet Cong have been reported killed so far.

AP Photographer Max Nash reported from the battlefield that many of the Americans were killed by the Viet Cong as they lay wounded on the field.

The battle was one of three fought northwest and southwest of Saigon today in which, according to incomplete reports, at least 110 of the enemy were killed and 150 persons seized as suspected Viet Cong.

A Communist defector had told U.S. Intelligence officers that Viet Cong troops were meeting Thursday in the village of Ap Trang Dau, nine miles from a major allied military base housing the headquarters of the U.S. 25th Infantry Division and a South Vietnamese training base for Rangers.

Troops from the 25th Division put a cordon around the village, and the Viet Cong tried unsuccessfully three times to break out.

Suddenly, Photographer Nash reported, about 300 enemy troops charged through rice paddies into one American paratroop company 150 yards away. They came in three waves. At command headquarters in Cu Chi, the voice of a radio operator came through: "They are coming, they are coming." Then the radio went dead.

U.S. officers said the first wave of enemy troops came running shoulder-to-shoulder through the night, screaming, firing assault rifles and pushing women and children in front of them as human shields.

After breaking the cordon, the enemy vanished into the darkness, leaving 31 of their own dead on the battlefield. Nash said some of the third wave enemy troops had bamboo poles with them to carry off some of their dead.

The American troops seized 123 persons as suspected Viet Cong in this area.

American soldiers also battle enemy troops 12 miles southwest of Saigon and South Vietnamese troopers were engaged in a third fight about 40 miles northwest of the capital.

About 14 miles north of the paratrooper battle, South Vietnamese forces, part of a multiregimental operation to clear the Boi Loi woods of Communist troops, killed 39 of the enemy in daylong fighting and seized six suspects. South Vietnamese losses were put at 10 killed and 18 wounded.

WORDS INTO ACTION

Mr. MONTOYA. Mr. President, the Bilingual Education Act was passed last year in recognition of the very grave problems which confront children of limited English-speaking ability in the United States. Comprehensive hearings were held not only in Washington, but in New York, California, and Texas. The enthusiastic conclusion of the experts was unanimous—bilingual education presents us with a workable solution to many of the problems of minority groups which have too long been ignored.

Bilingual education won wide bipartisan support from the Congress, as the need for such programs became self-evident. The demonstrated success of the few projects now in operation in local school districts served to convince those who were still dubious.

Passage of the Bilingual Education Act in December of last year was widely heralded as the first real sign of national concern for the plight of the Spanish and Mexican Americans, the Indians, and the Puerto Ricans who are trapped by linguistic circumstance in the cycle of poverty.

The Bilingual Education Act authorized an appropriation of $15 million for fiscal 1968, $30 million for fiscal 1969, and $40 million for fiscal 1970. Funds for 1968 were not appropriated, but expectations for 1969 still ran high. I can assure Senators that the President's budget request for only $5 million was met with astonishment and great disappointment by the many supporters of this act.

The glaring disparity between legislative concern and fiscal action can best be summarized by the aphorism which refers to the "many slips twixt the cup and the lip." The House carried the administration's request for budget cuts to the extreme by refusing to appropriate any funds at all to the Bilingual Education Act.

The Senate Committee on Appropriations has increased the President's budget request of $5 million by recommending an appropriation of $10 million. Given the enormity of the need, however, such a sum can make very little impact.

I do not suggest that we ignore the economic crisis which currently confronts us, but the need for thrift must not be allowed to justify the slow starvation of a program which has such vital potential.

In view of my dual concern for the health of our economy and for the needs of our non-English speaking population, I am speaking out in support of the Senate committee's recommendation of $10 million for education. I would far prefer to see this act fully funded. In the absence of this probability, however, I submit that the addition of $5 million to the President's recommendation and $10 million addition to the House bill can make all the difference to the future success of bilingual education.

There are two top-priority demands which must be met if the educational needs of our 3 million children of limited English-speaking ability are to be satisfied. First, we must train far more teachers in the special techniques of bilingual education. Harold Howe II, Commissioner of Education, stated in his testimony in the Senate hearings on bilingual education that:

> If bilingual education is to make a significant impact, the supply of personnel specially trained for service in bilingual programs must be increased substantially.

Statistics based on Office of Education estimates show that a $10 million appropriation could provide short-term and academic year programs for up to 1,140 teachers, as compared to the 750 teachers who could receive training under a $5 million appropriation.

Funds for program planning and the dissemination of information are also desperately needed if our schools are to be able to use their money wisely once the Bilingual Education Act has received the acceptance and full funding which it deserves. A $10 million appropriation would provide approximately $510,000 for such purposes as compared to $220,000 under the $5 million appropriation. It would also allow $900,000 for research and $970,000 for teaching materials as compared to $700,000 and $750,000 respectively.

It is estimated that up to 75,000 children would benefit from the Senate committee's action, as compared to the 20,000 who would be served by the $5 million budget request. The small investment recommended by the Senate committee would mean hope for 75,000 children who might be rescued from the academic retardation which has afflicted our non-English-speaking population for so many years. I submit that as a Nation we cannot afford to cut these children off from the productive lives which bilingual education can help them to lead. Their numbers are still negligible in the face of the 3 million children who might benefit, but such programs also have their effect on the children's families and communities. We must do all that is within our fiscal means to reassure those whom this legislation proposes to help that we intend to back our words with action.

Dr. Bruce Gaarder of the Office of Education, presented a most convincing summary of the reasons which support the introduction of bilingual education in the Nation's schools. In his testimony before the Senate Special Subcommittee on Education, he listed the following five items:

> 1. Children who enter school with less competence in English than monolingual children will probably become retarded in their school work to the extent of their deficiency in English, if English is the sole medium of instruction. On the other hand, the bilingual child's conceptual development and acquisition of other experience and information could proceed at a normal rate if the mother tongue were used as an alternate medium of instruction. Retardation is not likely if there is only one or very few non-English-speaking children in an entire school. It is almost inevitable if the non-English language is spoken by large groups of children.
>
> 2. Non-English-speaking children come from non-English-speaking homes. The use of the child's mother tongue by some of the teachers and as a school language is necessary if there is to be a strong, mutually reinforcing relationship between the home and the school.
>
> 3. Language is the most important exteriorization or manifestation of the self, of the human personality. If the school, the all-powerful school, rejects the mother tongue of an entire group of children, it can be expected to affect seriously and adversely those children's concept of their parents, their homes, and of themselves.
>
> The other two reasons apply when the bilingual child becomes an adult:
>
> 4. If he has not achieved reasonable literacy in his mother tongue—ability to read, write, and speak it accurately—it will be virtually useless to him for any technical or professional work where language matters. Thus, his unique potential career advantage, his bilingualism, will have been destroyed.
>
> 5. Our people's native competence in Spanish and French and Czech and all the other languages and the cultural heritage each language transmits are a national resource that we need badly and must conserve by every reasonable means.

Dr. Gaarder's words were echoed by witness after witness who testified to the damaging effects of our present system on the academic competence, the earning power, and the self-concept of the child of limited English-speaking ability.

Ten million dollars is a small price to pay for an education which can lead these children to the equal opportunity which this Nation has promised to all her people. I commend the Senate committee's recommendation for the approval of my colleagues. As I have stated, I would prefer to see full funding—$30 million—of the Bilingual Education Act for fiscal year 1969. However, faced with the realities of the need for economy, the minimum that we can provide is the $10 million recommended by your committee. Certainly a 67-percent reduction from the original request is more than should be expected. Let us not provide less.

Mr. President, as illustrative of the added benefits which funding at various appropriation levels would provide, I ask unanimous consent to have printed in the Record a table prepared with the assistance of the U.S. Office of Education which outlines the number of children and the types of programs that would be made possible by appropriations at various levels.

There being no objection, the table was ordered to be printed in the Record, as follows:

ESTIMATED ALLOCATION OF FUNDS AT VARIOUS APPROPRIATION LEVELS

	Research (Indian language, etc.)	Short-term institutes (number of teachers)	Academic year programs (number of teachers)	Teaching materials	Local school support (number of pupils)	Planning orientation and dissemination
$5 million	$700,000	600	150	$750,000	20,000	$220,000
$10 million	900,000	900	210-240	970,000	72,000-75,000	510,000
$15 million	1,100,000	1,200	300	1,100,000	129,000	800,000
$20 million	1,100,000	1,500	450	1,700,000	174,600	1,000,000
$25 million	1,100,000	2,100	600	2,700,000	194,600	1,600,000
$30 million	1,100,000	2,100	600	2,700,000	214,600	1,600,000
$40 million	1,100,000	2,100	600	2,700,000	408,400	1,600,000

ADJOURNMENT TO MONDAY, SEPTEMBER 9, 1968

Mr. BYRD of West Virginia. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock noon, Monday next.

The motion was agreed to; and (at 6 o'clock and 39 minutes p.m.), the Senate adjourned until Monday, September 9, 1968, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 6 (legislative day of September 5), 1968:

In the Army

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593 (a) and 3384:

To be major generals

Brig. Gen. John L. Boros, O405754.

Brig. Gen. Leonard W. Cronkhite, Jr., O405134.

Brig. Gen. Ray D. Free, O331127.

Brig. Gen. Herman H. Hankins, O387472.

Brig. Gen. Norbert J. Hennen, O331461.

Brig. Gen. Herbert T. Johnson, O336101.

To be brigadier generals

Col. William T. Archibald, O418917, Infantry.

Col. Thomas F. Butt, O366194, Judge Advocate General Corps.

Col. Joseph P. D'Arezzo, O2275114, Artillery.

Col. Harold A. Hyde, O556949, Infantry.

Col. Albert B. Jones, O365579, Armor.

Col. Robert D. Partridge, O370382, Civil Affairs.

Col. Richard S. Payne, O366067, Infantry.

Col. Eugene Phillips, O378935, Armor.

Col. Conrad D. Philos, O1305471, Judge Advocate General Corps.

Col. James M. Roberts, Jr., O287809, Infantry.

Col. Moise B. Seligman, Jr., O410535, Infantry.

Col. Harry L. Willard, O901311, Corps of Engineers.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3385:

To be major generals

Brig. Gen. Kenneth W. Brewer, O411361.

Brig. Gen. Edward F. Logan, O408471.

Brig. Gen. Hugh B. Mott, O1056820.

To be brigadier generals

Brig. Gen. James H. Biddy, O390683, Adjutant General's Corps.

Col. Erle H. Bridgewater, Jr., O395400, Corps of Engineers.

Col. William T. Burgoyne, O166239, Artillery.

Brig. Gen. Jack K. Elrod, O2091158, Adjutant General's Corps.

Col. Carl E. Lay, O1292546, Armor.

Col. Andrew W. H. McKenna, O421008, Armor.

Col. Narvol A. Randol, O360088, Corps of Engineers.

Col. Vahan Vartanian, O403398, Artillery.

Col. Walton K. Weltmer, O360986, Artillery.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier generals

Col. Harry W. Barnes, O1307936, Adjutant General's Corps.

Col. Robert F. Wilson, O2020777, Adjutant General's Corps.

EXTENSIONS OF REMARKS

ELOQUENCE IN THE PRAISE OF FLOWERS—ADDRESS BY HON. EVERETT McKINLEY DIRKSEN

HON. FRANK CARLSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. CARLSON. Mr. President, few voices in Congress can equal the eloquence of our beloved colleague, the distinguished senior Senator from Illinois [Mr. Dirksen]. And even fewer can match his eloquence in the praise of flowers.

To Everett Dirksen, the humble flower is a thing of beauty, a part of gracious living and a true expression of sentiment. He has often said:

> I can go without a meal, but I cannot go without flowers.

So, Mr. President, it comes as no real surprise to learn that Senator Everett M. Dirksen has received the highest honor of American floriculture—the Golden Rose Award—in recognition of his great contribution and unswerving advocacy of the beauty of flowers in daily living.

The Golden Rose Award, established by Florists' Transworld Delivery Association in 1960, was presented to the distinguished Senator at the association's convention at Miami Beach on August 19. He is the second figure in political life to receive the award. The first was our First Lady of Flowers, Senator Margaret Chase Smith, of Maine.

The presentation of the award was the highlight of the convention attended by nearly 2,000 florists from all over the United States, Canada, and Latin America. The Golden Rose, designed in gold vermeil by Cartier, is in the form of two perfectly shaped rose blossoms held aloft by golden stems with finely wrought leaves.

Introducing Senator Dirksen to the Nation's leading florists, FTD president, Adolph LeMoult, from New York, described the 1968 recipient of the Golden Rose Award as "a universal man with a genuine interest in flowers and an almost evangelical belief in the need for esthetic beauty to make life itself more beautiful."

The acceptance speech by Senator Dirksen received a tumultuous ovation. His knowledge of flowers and their language and history touched a very responsive chord in his audience. One lady florist remarked:

> He's just told me why I've been in this business for 30 years.

Mr. President, I commend this speech to Senators and ask unanimous consent that it be printed in the Record. In his usual superb, colorful style, Senator Dirksen commits to history his deep and abiding love for flowers in which he sees "the majesty and beauty and the mystery of the Lord."

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by the Honorable Everett McKinley Dirksen, Senator, Illinois, Minority Leader, U.S. Senate, at the 55th Annual Convention of Florists' Transworld Delivery Association, Americana Hotel, Bal Harbour (Miami Beach), Fla.

Mr. President—and fellow florists: It's so good to see you and believe me, it's good to be here. It constitutes such a change of pace; but there is no partisanship about a flower just as there is no partisanship about beauty.

I wasn't sure I was going to get here. I had a time of it yesterday. The meetings are so many, and the distances are so long, and the weather is so unpredictable, that yesterday I had to do without lunch. I had to do without dinner too. Although, I finally sat down to dinner. I then looked at my watch and realized I was due at 9:00 o'clock at O'Hare Field in Chicago if I was to be here. It required a squad car to get me there and they were boarding the plane when I arrived. But I made it, so once more I must knock on wood.

I remember that man who married a very nagging shrewy wife. From the day of their wedding until she was gathered up in the bosom of Abraham she nagged him. That's a polite Senatorial way of saying she died. At the graveside they had the usual ceremony and there came a great rolling peal of thunder and then a jagged bolt of lightning. The bereaved husband contemplated this phenomenon for a moment and then tapped the minister on the shoulder and said "Parson, I think she made it." So I made it—and I am delighted to see you.

But you know I am delighted to see you for still another reason. I doubt very much whether anyone can give a good share of his life to flowers without having it create in him or her a greater feeling of the majesty and mystery of nature that you get in no other way. For if we fully understood flowers, we would know every secret of the universe. So that sets you apart and makes you a different breed of people in my book.

In fact, it brings to mind an experience I had on the western front 50 years ago . . . and that's a long time ago. Two chaplains had become separated from their respective military organizations and they were wandering around in the mud and water of the shallows of the western front. After hours of fruitless wandering they heard a rather deep stentorian voice say, "Who in the devil led the ace of spades?" They got up, embraced each other and said "Thank goodness we are among Christians." So you see, I set you apart from so many people.

Now I am sure I'm here this morning not for any expertise that I have given the field of flowers. I do work at it, but I do not want to lose my amateur standing, please—because that would be too bad for me.

But this much I can say, I doubt whether I need yield to any person when it comes to my deep and intrinsic devotion to the whole domain of flowers. Yes, as your president said, I can skip a meal, but I cannot skip a flower. And to me there is something more for that mere cliche you might remember from long ago. They used to say "he is one that sells bread by hyacinth." Yes I am like that. I can walk along the street in Washington, and if I have only one sou in my pocket, I say a flower would be bread to me.

So I am honored today by this very beautiful symbol, and I feel very deeply about it. One reason I feel deeply is the meaning that's in it. What was it that Tennyson said long ago? "Flower in the crannied wall, I pluck you out of the cranny. I hold you in my hand, root and all, little flower. And if I could understand I would know what you are, root and all, and all in all, and I would know what God is—and man."

You see, that is what a flower means. There is no way of explaining the mystery of the flower except that it came from the hand of the Creator. In my garden is a sign, and I am sure there are signs in thousands of gardens just like it. Oh, it goes like this, I believe: "The kiss of the sun for pardon, the song of the birds for mirth, one is nearer God's heart in a garden than anywhere else on earth." If you don't have one of those signs, you ought to, if you fool and fiddle with flowers as I do, in all their great variety.

When I think of flowers, I think of them in their many aspects. First of all, of course, the flowers that might properly be called shrubs . . . the hydrangea, the spirea. And then the rose and the primrose and the lilac—oh, there are so many varieties—and strangely enough I have all of them. And then there are what one might call the leafy flowers. The fern is an example. The caladium is a better example, and so is the coleus. Because of the beauty of the leaf and the beauty of the form, I have them also. You'd be amazed at the variety of flowers I have. I like those humble flowers. I like such annuals as zinnias, marigolds, impatiense, dahlias, snapdragons—oh, a great variety and a great display. And the one great comfort I have after a long day in the Nation's Capitol is to drive out to Virginia and just lose myself in the beauty of the flowers. I can pick up one damn petunia and just behold it and say, "They call you Commanche, and that is only a man-made name—but Commanche, where did you get your color and where did you get your beauty?" Or I can pick a canna that is double tinted yellow and orange and red and say, "Who made you, and why are you different from the petunia?" I could go on and on and try to spell out those differences. Finally, I see the majesty and beauty and the mystery of the Lord, but there is no way to understand it. So it brings great comfort to me.

Of course, flowers are messengers. And I must remember to accent the rose, the favorite over so many generations and in so many countries. I'm not sure I remember exactly how the rose does in the tropical countries. I have no recollection, on the basis of my travels in Latin America, Africa, or in Asia, that I readily recall the rose. But certainly in every country in the Northern Hemisphere or the northern latitudes there is the rose. And if I got there in the growing season, what a rare privilege and delight it was to see them. I remember the first time I saw tree roses in Vienna and, oh, how much they made of them. I wished I could take some along, but I didn't know how to pack and store them to bring them back.

But you find the rose everywhere. It's been the object of solicitude not only of the botanist but of the poet as well,—and that is understandable because the rose is a messenger. First, a messenger of love. Isn't it wonderful, after all, that in this rather cynical age—and it is a cynical age—the young people can still fall in love, and old people can fall in love all over again. After 41 years, I think I'll fall in love with Mrs. Dirksen . . . certainly on our wedding anniversary. And I can think of no more tender message than those deep red long stemmed roses. They convey everything I want to say, and they pour out from my heart all the happy sentiments that somehow are inspired by 41 years of a rather happy married existence. So you see, the rose is a messenger of love.

But the rose is a messenger of remembrance, also. During the times I have been in the hospital, oh, the flowers that came. I was simply overjoyed to know that people remember, and evidently miss me just a little bit, and so they send a message. Those messages, of course, become two-fold. Because in the hospital, as I could move around, I gathered up many flowers and took them down to the Vietnam Ward. Walter Reed is one of those terminal hospitals where they receive the evacuees from Vietnam. What a ghastly business it really is to see these youngsters minus arms and hands and legs . . . so badly battered, and in some cases where both arms and both legs are gone. So I strode into that ward with my arms full of flowers, and had the hospital orderly bring a cart to get all the rest of them. I wanted them to share this beauty, notwithstanding the mayhem that is commited upon the human body by the cruelty of war. Oh, you saw something light in their eyes as they beheld a flower or a bouquet. So you see, they are a message of remembrance.

But it is something more: they're a message of friendship. You know you don't get a lot of real friends in life. I think you are lucky if you have three or four durable friends. Sometimes you are lucky if you have one. And when I say one, or two, or three, I am speaking now about friends who under any and every circumstance are there to hold your hand, to give you comfort, and to help you over the tortuous places in life and never forsake you.

Then when, perhaps, you're laid up, here comes a floral bouquet—roses—to mark an enduring friendship. But it's a messenger also for anniversaries. Isn't it wonderful on your birthday to get a bouquet, and isn't it awful to forget to send a bouquet on your wife's birthday? You're not permitted quite to forget it, and it is just as well that you are not . . . because it adds so much.

Then, of course, there is still another area where the rose especially is a messenger that goes from one heart to another. It is in those distressing and anxious days when the icy finger of disillusion touches someone in the family and they go to their eternal sleep. What a comfort when the flowers come—messengers from friends in those anxious hours of family grief. The fragrance and the beauty which God put there by way of a flower somehow seems to assuage the grief and take the sting out of that bereavement.

Flowers are also messengers which know no politics or partisanships although when I introduced a bill to make the marigold the national floral emblem I was promptly confronted with a list of competition. There were those who thought the carnation should be the floral emblem. My former colleague in Illinois thought that the corntassel should be the national floral emblem. I had quite a time talking a lot of people in the corn country out of the idea that the corntassel is a flower. Of course, they ran to the experts in the Department of Agriculture in order to try to prove their case. But somehow, no one ever came along to make the petunia our national flower. And yet, I don't know of any flower to which I am so greatly devoted as the petunia, unless it is the marigold.

I think I have introduced that bill at five different sessions of the Congress. My enemies chide me and say, "Look, he can't even get the marigold made our national flower." That is supposed to be the sign of political impotence, or something. And then it becomes a campaign issue, notwithstanding the fact that I tried to keep it out of the campaign. I might say parenthetically that the marigold has, on occasion, got me into no end of trouble.

For reasons completely unknown to me, the people out in Pasadena thought I would be an excellent Grand Marshall of the Rose Bowl Parade. Well, I could think of no good reasons for not going, particularly since Mrs. Dirksen was entranced by the idea. So we went to Pasadena. I thought it would be one of those easy undertakings. But they put me to work, and I think they worked me 18 hours a day.

Then the trouble began. That was the Tournament of Roses—and the rose must have emphasis. Nothing must be ahead of the rose. So when that parade got underway—the streets were jammed with people, they said a million people—the people began to shout, "Where is the marigold?"

I fooled them and I defied them, for I had equipped myself with just a little bouquet of scrawny marigolds. It was all I could find in Pasadena. So as we went along, I waved this little bouquet and it excited a lot of interest.

But I noticed the driver of the car and the president of the tournament of roses were getting a little pink around the collar. And as this went on, they became pinker and then slightly red. I thought perhaps I had trespassed on courtesy and kindness perhaps too long. If I had not given up on this endeavor to convert the tournament of roses into the tournament of marigolds, I might not have gotten out of the Golden State alive.

So the marigold can do that for me. But all in all—flower in the cranny wall, I pluck you out of the crannies—I hold you in my hand—root and all—little flower, and if I could but understand what you are, root and all, and all in all, I would know what God is—and man.

That's what flowers mean. And there is something absolutely holy about the pursuit of this beauty and this mystery—because it can't help making a person a better person. It cultivates this esthetic sense, and somehow it makes him a better citizen. And may that devotion to floriculture to all flowers—particularly as a messenger of sympathy, love, remembrance ,and friendship—never wither.

How greatly you honor me by asking me to come here today. And you honor me doubly by presenting this Golden Rose. I shall treasure it forever.

PUBLIC OPINION SURVEY IN NORTH CAROLINA'S EIGHTH CONGRESSIONAL DISTRICT

HON. CHARLES RAPER JONAS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 1968

Mr. JONAS. Mr. Speaker, under leave to extend my remarks, I am including the results of my annual public opinion survey among residents of the Eighth Congressional District of North Carolina.

I would like to express appreciation to all those who took the trouble to inform me of their stands on some of the important issues facing the country today. A total of 13,379 persons completed questionnaires and mailed them to my Washington office.

One especially gratifying aspect of this year's questionnaire is that a great majority of those responding added comments elaborating their views on one or more of the questions or on some other issue of concern to them.

Questionnaires were mailed to the broadest possible cross section of district residents and returns were received from all of the counties of the district. This would indicate that the responses constitute a fair reflection of the thinking of the Eighth District residents, and also indicates that people are anxious to have their views solicited.

Answers were tabulated by Data Management, Inc., of Washington, D.C., by the use of data-processing equipment.

Following are the questions listed in the 1968 survey and the responses by percentages:

1. In the event current negotiations fail to bring the parties to the conference table, indicate which of the following policies you recommend in Vietnam:

(*a*) Continue limited warfare including resumption of bombing of selected targets in North Vietnam. (The policy before the President's announcement of Sunday night, March 31, 1968)	4.0
(*b*) Crank up an all-out offensive in an effort to win a military victory as soon as possible	39.3
(*c*) Stop U.S. bombing in an effort to get the V.C. and North Vietnamese to the conference table	2.9
(*d*) Deescalate the war by withdrawing troops to selected strong positions but remain in Vietnam	4.5
(*e*) Get out of Vietnam	15.9
(*f*) Make greater diplomatic efforts to get peace negotiations started	13.7
(*g*) I have another idea	5.7
No answer	14.0

(*h*) If your views about Vietnam have changed recently, indicate in which direction:

More "dovish"	22.6
More "hawkish"	30.2
No answer	47.2

2. Which of the following courses do you think should be followed in an effort to prevent future rioting in the cities:

(*a*) Stronger police action by use of such force as is necessary to stamp out the riot in early stages	73.8
(*b*) Mount a massive effort, by use of increased Federal funds, to clean up the slums in the cities	7.9
(*c*) I have a better idea	8.1
No answer	10.2

3. Inflation is becoming a serious problem, resulting in higher living costs at home, and loss of confidence in the dollar abroad. In an effort to curb inflation and restore confidence in the dollar, would you:

(*a*) Raise Federal income taxes, as recommended by President Johnson	3.2
(*b*) Make substantial cuts in the administration's spending programs	57.9
(*c*) Both	30.3
No answer	8.6

4. If you said you would make substantial cuts in spending, where would you cut:

(*a*) Defense	4.9
(*b*) Regular programs such as space, foreign aid, public works (post offices, Federal buildings, dams, highways, rivers and harbors), agriculture, etc	14.5
(*c*) So-called "Great Society" programs such as poverty, model cities, public housing, etc	46.0
(*d*) Other	4.3
No answer	30.3

5. Indicate whether you think the Federal Government should do more, less or continue present level of support in the following areas.

(*a*) Space:

More	14.5
Less	37.7
Same	41.9
No answer	5.9

(*b*) Foreign Aid:

More	1.8
Less	85.4
Same	8.3
No answer	4.5

(*c*) National Defense:

More	26.7
Less	14.5
Same	50.7
No answer	8.1

(*d*) Aid to the poor:

More	21.7
Less	43.0
Same	29.0
No answer	6.3

(*e*) Aid to cities:

More	14.9
Less	57.6
Same	21.0
No answer	6.5

(*f*) Highway construction and improvements:

More	32.8
Less	10.5
Same	50.5
No answer	6.2

(*g*) Beautification:

More	12.5
Less	49.9
Same	30.1
No answer	7.5

(*h*) Housing for low-income families:

More	26.7
Less	35.0
Same	32.0
No answer	6.3

(*i*) Air and water pollution:

More	61.3
Less	7.2
Same	25.9
No answer	5.6

(*j*) Public works:

More	11.7
Less	38.7
Same	40.7
No answer	8.9

(*k*) Hospital and medical care:

More	23.5
Less	29.1
Same	41.2
No answer	6.2

(*l*) Medical research:

More	51.4
Less	8.9
Same	33.4
No answer	6.3

(*m*) Parks, recreation and conservation:

More	26.0
Less	21.9
Same	45.2
No answer	6.9

(*n*) Education:

More	48.0
Less	15.8
Same	30.4
No answer	5.8

(*o*) Job training:

More	47.6
Less	19.5
Same	27.2
No answer	5.7

(*p*) Law enforcement:

More	75.9
Less	5.7
Same	14.5
No answer	5.9

MIGRANT WORKERS' HOUSING ON LONG ISLAND

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. JAVITS. Mr. President, some Americans in Riverhead, Long Island, N.Y., are accomplishing the wish of their lives. These people are finally going to own their own homes after many years of wandering over the country. The people I refer to were migrant workers.

Now, due to the Suffolk County Opportunity Council, they have been able to settle down in their own homes. Isaac Beamon and William Lenihan, ex-migrant workers, have been taught the fundamental skills of carpentry through the adult education classes offered by the Suffolk County Economic Opportunity Council. They are furnishing their own labor to build the houses—which serves, in essence, as the "downpayment."

The educational self-help program which was so instrumental in helping Beamon and Lenihan to obtain their first homes is representative of the fine programs being conducted by the Suffolk County Economic Opportunity Council. That these men were able to achieve their goal—homes of their own—is a tribute to their determination as well as an achievement for the local opportunity program.

Because the success of these Americans will be of interest to Senators, I ask unanimous consent that the article entitled "Skills Pooled by Long Island Poor to Build Their Homes," and published in the New York Times of June 26, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SKILLS POOLED BY LONG ISLAND POOR TO BUILD THEIR HOMES

(By Francis X. Clines)

RIVERHEAD, LONG ISLAND, June 25.—Soon after Isaac Beamon first went on the migrant farming cycle 15 years ago, his wife began asking, "When are we going to make our last move?"

And for years, Mr. Beamon replied, "Woman, when we go to the cemetery."

But this year, the Beamons have invested their only asset, the sweat of their brows, to build a permanent home under a self-help program in which farm workers are building their own houses here on eastern Long Island. Their own labor, in effect, is serving as their down payments.

Under the program, which is sponsored by the Suffolk County Economic Opportunity Council, former migrant workers banded together to learn basic construction skills at night.

The Federal Government is guaranteeing low-interest mortgage loans, despite skepticism and even opposition from some farmers, real-estate dealers and other residents in this conservative farm area.

WORK BEGUN ON 9 HOUSES

The first nine of 45 families who have applied for the program have begun construction, spending evenings and weekends prefabricating the shells of their future homes in an old produce plant here.

The first nail was driven last month and now there are neat piles of roof trusses, wall frames and window frames ready for the first two foundations, which were begun last weekend.

Mr. Beamon's family and the eight others in the first group are Negroes, like most seasonal farm workers on Long Island's East End. Racial prejudice shown by real estate dealers, they said, was the greatest obstacle in a year-long struggle with bureaucracy and banks that has now been rewarded with the smell of fresh-cut lumber.

The dealers kept trying to sell the nine families a single tract of land to subdivide, while members of the Self Help Home Building Association insisted on individual widely scattered sites.

"They wanted to create a new ghetto for us," said Mr. Beamon, an even-tempered man who quit a strawberry farm eight years ago in disgust at "the shack I had to live in."

Mr. Beamon now works at a commercial nursery. Some members of the housing program still work on farms, as seasonal employes rather than migrants, while others have obtained more permanent jobs through the local antipoverty center. One man is a bus driver, another a carpenter's helper, one is an asphalt worker and three are workers in a duck-processing plant.

In some cases, the building sites were obtained by proxy purchase with the help of white persons. In another, a real-estate dealer secretly arranged a sale but recorded it through a dealer in another area to avoid community resentment.

Mr. Beamon visited more than a dozen dealers without success before obtaining a half-acre in an integrated area, near a stream in Southampton.

"One real-estate lady made a date to meet me and when she saw I was black, didn't say a word and drove off so fast she splashed mud on me," Mr. Beamon said. "I kept telling them 'If you don't want to do business with me, I don't want to deal with you.'"

Edward Geyer, an antipoverty worker who directs the program, said most of the nine homesites are in integrated areas. A second group of hopeful homebuilders, who are now completing the necessary paperwork, includes two white families, Mr. Geyer said. He said that if more whites joined the program, a single, racially balanced subdivision might prove feasible.

One of the white applicants, William Lenihan, the father of seven children, has been in the hospital and on welfare for the last several years. He heard about the program through Seasonal Employes in Agriculture, an agency here that assists farm workers.

FINANCIAL BENEFIT EXPECTED

"I'm paying $130 rent for the place I have now," Mr. Lenihan said of a house here on Franders Road, a decrepit community of predominantly Negro, low-income former migrant workers.

"We're not only helping ourselves, we're helping the taxpayer," Mr. Lenihan said, comparing his present welfare-aided rent with the anticipated monthly payment of about $80 for mortgage and taxes.

The basic self-help house is a three-bedroom raised ranch-style building with room for two additional bedrooms on the basement level, a valuable feature since the nine families have a total of 49 children. The individual mortgages are $500 to $10,000, including about $2,500 for land.

HOMES WORTH $16,000

Add to this the value of each owner's labor—estimated at $6,000 for 1,500 hours on each house—and the product is a $16,000 house. Such a house has been beyond the reach of poor farm laborers, mainly because they cannot afford to save for a down payment.

The nine families are working in concert, much like this area's pioneer farm families. Their skills include plumbing, masonry, carpentry and wiring. They learned the crafts from experts at the Seasonal Employes in Agriculture headquarters on Flanders Road and from volunteers like Orban Chase, a middle-income Negro familiar with construction.

Lisa Werner, an antipoverty worker, said many of the men who now saw, hammer and glue into the night were skeptical of the program but responded to prodding from their wives. The wives have been repairing old furniture. In a program where wage-earners have to travel from the farms in $100 used cars, furniture and shrubs are luxuries.

WASHINGTON BACKS LOANS

The mortgage loans are guaranteed by the Farmers Home Administration which has backed more than 1,000 self-help homes in 25 states. While the housing group here said they once encountered months of Federal red tape, relations are reported greatly improved with both the Federal agency and a three-man panel of local farmers who review each loan application.

One problem, since solved, was the definition of poverty. Applicants must be seasonal farm workers and poor by the Federal standard of $3,200 or less in annual income for a family of four. Once accepted by this definition, however, the families have had to seek extra or better-paying jobs to be able to carry the mortgages, which are for 33 years at 5 per cent interest.

Mr. Beamon said his 20-year-old son, Norvin, was recently drafted and ordered to Vietnam, casting a shadow over the celebration of the "first and best home" the family ever owned.

"I was in the Army," said Mr. Beamon, the son of Virginia tenant farmers, "and I learned that each of us is only a man who wants to be free in a place where he can be left alone."

CONCERN FOR LAW AND ORDER

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. GRIFFIN. Mr. Speaker, unquestionably the subject of law and order is currently of foremost concern to all responsible citizens of this Nation. James M. Lambert, editor of the award-winning Natchez, Miss., Democrat, recently published an editorial containing what I consider to be a sound and reasonable commentary on certain recent events. The editorial was prompted by a telegram directed to Mayor Richard Daley, of Chicago, by Sheriff William T. "Billy" Ferrell of Adams County, president of the Mississippi Sheriff's Association.

Mississippi peace officers are very familiar with the tactics of demonstrators. As a matter of fact, many of those in Chicago have been in Mississippi taunting and attempting to provoke our law-enforcement officers. Communist rabble-rousers and pinko demagogs must be dealt with sternly and swiftly. Otherwise their poison would inflame the ignorant and the indolent so as to cause widespread violence.

I commend to my colleagues the careful consideration of the timely editorial which follows:

CONGRATULATIONS, SHERIFF

Our sincere and heartfelt congratulations to our own Sheriff William T. "Billy" Ferrell on his telegram as President of the Mississippi Sheriff's Association to Mayor Richard J. Daley of Chicago, Ill., for his actions during the National Democratic Convention.

There has never been a time in the entire history of these United States when law and order was more badly needed than at the present time.

There has never been a time when our peace officers, whether the Sheriff and his Deputies; Chief of Police and his Officers; Federal Bureau of Investigation men; Security Officers and others, need to exercise the right and power given them under the U.S. Constitution, than at the present time.

There has never been a time when our Peace Officers should be instructed and told by their Superiors to "use force when necessary" for the maintenance of law and order in our country, in our states and in our communities, than NOW.

There has never been a time when all of this "hog-wash" about "Police Brutality" should be totally disregarded and thrown out the window, than the present.

If we in this community, this state and this nation are to know and enjoy the peace and tranquility that we have a right to expect as "Free People", it must be the result of the strict enforcement of ALL laws to the very fullest extent and through the use of FORCE, if necessary.

There may be laws which we individually may not think and believe are right, just and equitable, but, they ARE laws and so long as they remain laws they must be obeyed and must be enforced.

The vast majority of our laws are designed and intended for the protection of ALL of our people and for insuring the peace and tranquility of the communities, state and nation. Without their rigid enforcement none of the above can be reality.

Now is the time to let all violators of law, whether they are bewhiskered, dirty beatnicks; So-called Pacificists; White or Negro; Rich or Poor, be firmly made to understand that their violations of laws and order will not be tolerated.

Again, Congratulations Sheriff Ferrell. It is only to be regretted that more Peace Officers and more leaders on the local, state, and national levels have not done likewise.

We certainly join Sheriff Ferrell in extending our congratulations to Mayor Daley "on a job well done".

THE SENATE AND THE SUPREME COURT

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. MOSS. Mr. President, I concur in the statements expressed in the lead editorial, entitled "The Senate and the Supreme Court," published in this morning's Washington Post. I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> THE SENATE AND THE SUPREME COURT
>
> The confirmation of Mr. Justice Fortas as Chief Justice of the United States is the most important obligation currently confronting the Senate. It is an obligation because only the crassest political partisanship could explain a failure to confirm the President's nomination of a man already confirmed as an Associate Justice. It is important because such a failure would seriously interfere with the Supreme Court's current work and would imperil its independence for the future.
>
> Two principal arguments have been advanced against the confirmation of Justice Fortas. One is Senator Griffin's argument—to which Mr. Nixon has given a measure of support—that the selection of a Chief Justice ought not to be made by a President in the final months of his tenure in office. It seems to us that precedent and logic alike consign this contention to the discard. Appointments to the Supreme Court and to inferior Federal courts are not made at the President's pleasure but when vacancies occur. Presidents from John Adams on have made appointments to the courts close to the conclusion of their terms; and indeed there is no good reason why they should not do so. A President who has decided not to run for re-election is no more disqualified from making appointments at the close of his tenure than he is from discharging the other duties of his office—say, for instance, negotiating the settlement of a war or giving his approval to an act of Congress.
>
> A more dangerous and no less meretricous argument against the confirmation of Justice Fortas has been advanced by Senators Thurmond and Ervin. They contend that he should not become Chief Justice because they disagree with some of the decisions of the Supreme Court in which he concurred—or which, at any rate, he declined to criticize, when he appeared before the Senate Judiciary Committee, as a purchase price of confirmation. This is an argument that disgraces its authors. It is designed to subordinate the Supreme Court to the Senate.
>
> If confirmation of a judicial nomination is made dependent upon the nominee's agreement with a majority of the Senate, that majority will obviously be able to exercise a controlling influence on the Court. It emphatically ought not to do so. In the American tripartite constitutional system, the Federal courts are made independent of the Congress and the Executive—by a grant of life tenure to their members—precisely in order to assure them the independence requisite to their counterbalancing role. And that independence is designed to give them freedom from the political pressures that inevitably color the judgment of men obliged to stand from time to time for re-election. It would be tragic for the Senate to compromise the independence of the Supreme Court.
>
> There is a practical consideration which should lend impetus to the Senate in confirming Justice Fortas. If he has not been confirmed when the October term of the Supreme Court begins, Chief Justice Warren will be obliged either to remain in office despite his desire to retire or to leave the Court without a Chief Justice. Either course will seriously impede the Court's work. Cases argued before it while he sits will have to be reargued if they are not decided before his retirement.
>
> All of these considerations argue for a prompt resolution on the Fortas case. Delay by the Judiciary Committee—as on last Tuesday's pretext that a quorum was lacking—or by a filibuster would be unconscionable. The Senate ought not to tolerate either form of obstruction. The nomination should be brought to a vote.
>
> The situation, in our judgment, presents an opportunity to Richard Nixon for statesmanship of a high order. To his credit, he characterized Justice Fortas on Wednesday as "one of the ablest Justices on the Court." On moral and pragmatic grounds alike, he would do well to go the logical step beyond this and indicate a repugnance to any part in the effort to block the Fortas confirmation. Four years, or eight years, from now he may be sending to the Senate a judicial nomination of his own. He can hardly wish to lend color to the pernicious doctrine that retiring Presidents should be rendered powerless. And he can hardly wish to accept any portion of the obloquy that would be justly attached to the rejection of a manifestly qualified nominee on purely partisan grounds.
>
> Abe Fortas has had an extraordinarily distinguished career in the law—as a teacher, as a Federal administrator, as a lawyer in varied private practice, as a judge. In terms of intellect, character and experience, his fitness to be Chief Justice cannot reasonably or fairly be assailed. The Senate has a clear duty to confirm him now—and to save the Chief Justiceship from the tumult and the hazards of a national election.

SOME MEMBERS OF THE SUPREME COURT ARE TAKING UNDUE LIBERTIES WITH THE CONSTITUTION

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 1968

Mr. PELLY. Mr. Speaker, during the August congressional recess I was privileged to spend 4 weeks in Washington's First Congressional District where I enjoyed the many opportunities afforded me to discuss the matters of greatest concern to the people at home. Many of these discussions were predictably about war in Vietnam, violence at home, and the state of our economy.

But, concern over some of the recent decisions by the U.S. Supreme Court appeared to me to be at a new high. The issue I heard raised again and again was whether or not the Supreme Court was stepping out of its constitutional role in our Government and into the lawmaking legislative branch as a result of some of its recent decisions.

In the past, I have taken strong objection to many decisions. For example, the decisions in which the Court found that a Communist has a right to work in a defense industry where, of course, our national security is involved; or other decisions which set free confessed murderers and rapists on minor technicalities. It has seemed to me that the rights of society have been subverted in favor of the rights of individuals.

However, in general, my feelings as to the Supreme Court taking undue liberties with the Constitution are appropriately covered in the September 2, 1968, issue of U.S. News & World Report which includes a report entitled, "From State Judges: Growing Attacks on the Supreme Court." Here, I read some of the same arguments I had heard raised at home, and this time they were coming from Justices of the Utah State Supreme Court and from a justice of the Pennsylvania Supreme Court.

The issues raised by Justice Michael A. Musmanno, of Pennsylvania, included his conclusion:

> The Supreme Court is acting as a super-Senate. It is now unabashedly making law.

The statement of the Utah Supreme Court, I place in the RECORD for the attention of my colleagues. It is an opinion in a criminal case that contained passages concurred in by all five justices of the Utah Supreme Court, three of whom were Democrats and two Republicans serving on a nonpartisan court:

> The United States Supreme Court, as at present constituted, has departed from the Constitution as it has been interpreted from its inception and has followed the urgings of social reformers in foisting upon this nation laws which even Congress could not constitutionally pass. It has amended the Constitution in a manner unknown to the document itself.
>
> While it takes three fourths of the States of the union to change the Constitution legally, yet as few as five men who have never been elected to office can, by judicial fiat, accomplish a change just as radical as could three fourths of the States of this nation.
>
> As a result of the recent holdings of that Court, the sovereignty of the States is practically abolished, and the erstwhile free and independent States are now, in effect and purpose, merely closely supervised units in the federal system.
>
> In addition . . . we are disturbed in the attitude of the criminal element in our society since the federal courts have arrogated unto themselves the powers and duties which rightfully belong to the State courts. It is a daily occurrence when some known burglar or thief flouts a police officer and threatens to "get his badge" and threatens the trial judge with having him taken before the judge of the federal court. . . .
>
> The prime prerequisite toward a good relationship between a prisoner and his rehabilitation is his acknowledgment and acceptance of the fact that he has done wrong and a realization on his part that society is his benefactor, trying to improve his lot so that he can become a useful citizen.
>
> It is difficult to supervise a man who is looking for loopholes through which he may escape from the results of his criminal tendencies. Each time he is let out on a technicality, he believes the court is on his side and so he does not have to conform to any

standard except that which he sets for himself.

A constant stream of writs of habeas corpus flows from the prison daily, complaining about the lack of beefsteak and pie, and other frivolous matters. Suits are filed against judges who, in the performance of their duties, sentence criminal to prison, etc. . . .

The decision of the United States courts have in effect invited or caused prisoners to look for technicalities of how to "get out of it" or to "beat the rap."

The time was when a lawyer could counsel his client to plead guilty and receive supervision and training so that he might be a better citizen when he had paid his debt to society. Such advice came from honest lawyers who thought more of the future of the defendant than they did of getting a guilty man off.

No longer can an attorney safely do that, for to do so will likely result in a release of the prisoner on habeas corpus upon the ground that the lawyer was incompetent and had not put the State to as much expense as possible.

THE GREAT DRUG ROBBERY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. METCALF. Mr. President, the Small Business Committee's Monopoly Subcommittee, under the chairmanship of the able Senator from Wisconsin [Mr. NELSON] is the subject of an article entitled "The Great Drug Robbery." In the September issue of the Progressive, a fine and informative magazine, Mr. Morton Mintz pinpoints some of the confusing and contradictory facts uncovered during the course of the subcommittee's hearings on the drug industry.

The American people owe a real debt of gratitude to Senator NELSON and his subcommittee for the work they are doing in their efforts to expose and resolve some of the problems within this industry. As the article so aptly points out, this investigation has opened up several new areas of knowledge.

The Senator from Wisconsin was rightly appalled at the pricing practices within the industry. A drug which is sold to a druggist in the United States for $17.90 per 100 tablets, was sold by the same firm to druggists in Bern for $4.34 and in Rio for $5.30.

The subcommittee has made every attempt to get an explanation of this wide price variance, yet not a single industry witness could satisfactorily account for it. I applaud my colleague for saying "The pricing policy seems to depend on what the traffic will bear. Even if you don't call it that, I do." Mr. President, I think the American people do, too.

Furthermore, the Senator and the subcommittee were shocked at the advertising policies followed by the industry. Nowhere was this more dramatically illustrated than in the case of chloromycetin, a drug which has been responsible for hundreds of needless deaths in this country from aplastic anemia, a horrible and usually fatal disease.

The Parke, Davis Co., manufacturer of the drug, is required by FDA to meet stringent standards of advertising in this country. Yet, in England, to cite one example, the company's ad contains no warning regarding serious and fatal side effects whatsoever. When asked to explain this, the Parke, Davis executive could not. He conceded that the effect of chloromycetin is the same on people in other countries as it is here, and he stated the company always complies with the requirements of the law in each country.

Senator NELSON called this a shocking "when in Rome do as the Romans do" policy which placed the lives of people in other parts of the world at the mercy of American drug companies. He said:

> That means, of course, that there is not a single underdeveloped country in the world that has any defense against the exploitation of their people for profit by an American corporation that does not warn them of the serious, mighty serious, possibly fatal consequences.

As the Senator so clearly stated, there is, indeed, a very serious moral question involved in this.

Mr. President, I know I speak for my fellow Americans when I say we can all be grateful to Senator NELSON and the Small Business Committee's Monopoly Subcommittee for courageously and steadfastly continuing to probe a matter which affects not only the pocketbook of every citizen of this land, but his very health and life, as well.

I commend the Progressive for its coverage of a subject so vital to the health and welfare of our people.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT DRUG ROBBERY

(By Morton Mintz)

(NOTE.—Morton Mintz, a staff writer for The Washington Post, won the Raymond Clapper, Heywood Broun, and George Polk awards for his 1962 reporting of the thalidomide tragedy. He wrote "By Prescription Only," published in hard-cover by Houghton Mifflin and in paperback by Beacon Press, which is a 60,000 word updating of his earlier book, "The Therapeutic Nightmare.")

"I will match the integrity and morality of the pharmaceutical industry with that of our accusers any time."—Foster Whitlock, chairman of the Ortho Pharmaceutical Corporation, a division of Johnson & Johnson, in a speech May 15, 1968 at the Seventeenth Annual Rutgers Pharmaceutical Conference.

President Johnson long has had close ties to the drug industry. His friends have included lawyers who represent the Pharmaceutical Manufacturers Association and its member firms, including Thomas G. (Tommy the Cork) Corcoran and Lloyd N. Cutler. While president of Merck & Company, John T. Connor served as a co-chairman—with Henry Ford II—of the National Independent Committee for Johnson and Humphrey in the 1964 campaign and later became Secretary of Commerce.

But such ties did not bind the President last March 4 when, in his health message to Congress, he used some of the toughest language about the drug industry ever spoken in public by a high Government official. Requesting legislation similar to that sponsored principally by Democratic Senators Russell B. Long of Louisiana and Gaylord Nelson of Wisconsin to prevent payment of what the President called "needlessly high and exorbitant prices for prescription drugs used in Federally supported programs," Mr. Johnson cited prices ranging from $1.25 to $11 for the same quantity of various drugs of the same formulation and dosage. "The taxpayer should not be forced to pay $11 if the $1.25 drug is equally effective," the President said. "To do this would permit robbery of private citizens with public approval."

Mr. Johnson's use of the word "robbery" was a perceptive recognition of public hostility to the drug industry. How intense this hostility can get was suggested seven weeks earlier in a story in *The Washington Post* on a poll taken in New York City for Chas. Pfizer & Company, Inc. The poll, conducted by Roper Research Associates, Inc., showed that of the persons sampled, ninety-seven per cent were critical of the profits and pricing practices of the drug industry.

"I cannot recall any study we have done where an industry has been criticized by such a vast proportion of the population," said Burns W. Roper, the polling organization's president. "In fact, male voters surpassed Ivory Soap's 99-44/100ths per cent with a full 100 per cent citing the drug industry negatively on one or more of . . . six questions," he commented. "In our experience, it is rare indeed to find 100 percent of any group agreeing on anything."

For such a fall from grace many causes could be cited, including the industry's greed, rigidity, clumsiness, and moral insensitivity. All of these characteristics were displayed in a sensational criminal anti-trust case in which, shortly before the Roper poll, a guilty verdict was returned against Pfizer, American Cyanamid Company, and Bristol-Myers, Inc. In Federal Court in Manhattan last December 29, these firms were convicted of conspiring to fix the prices of three "wonder" antibiotics (tetracycline; Pfizer's Terramycin, or oxytetracycline; and Cyanamid's Aureomycin, or chlortetracycline); of conspiring with each other and with the Upjohn Company and the Olin Mathieson Chemical Corporation (Squibb) to monopolize a $100-million-a-year market for the products, which are effective against a broad range of infections, and of actually achieving a monopoly.

The trial brought such devastating disclosures as these: The cost of producing 100 tablets of tetracycline in the 250-milligram dosage was disclosed in hitherto confidential company documents to be as low as $1.52. But from 1953 to 1961, the period covered by the indictment, the price to druggists was $30.60—and to consumers $51. In the six years ending in 1955, Cyanamid's sales of antibiotics totaled $407 million. Gross profits totaled $342 million, or only $65 million less, and were at an annual rate of between 82.6 and 85.7 per cent.

The trial, despite its importance to what the *Columbia Journalism Review* called "readers' essential concerns of life and health," was seriously neglected by major news media, including *The New York Times*. Other factors, therefore, must account significantly for the low esteem of the drug industry by the Roper pollsters. And so it is noteworthy that of the 516 persons in their sample, 278 asserted knowledge of Congressional or other Government drug-price inquires. Of the 278, there were 166, or sixty per cent, who said there were "just causes" for such inquiries, compared with nineteen per cent who considered them to be "politically inspired."

"Just causes" are precisely what constitute the heart of the continuing hearings begun in May, 1967, by Senator Gaylord Nelson, Wisconsin Democrat, as chairman of the Subcommittee on Monopoly of the Senate Select Committee on Small Business. Formally, Nelson's purpose is to inquire into the "Present Status of Competition in the Pharmaceutical Industry." But with a tiny

Subcommittee staff, economist Benjamin Gordon and his research assistant Susan H. Hewman, and with the pioneering investigation led by the late Senator Estes Kefauver as a building block, the Wisconsin Senator has opened up several new areas of knowledge. Some of these areas concern "The Strange Ethics of the Ethical Drug Industry," in the words of the title of a 1960 article by economist Alek A. Rozenthal in *Harper's*. Nelson has shown, in the thirty-six days of hearings completed thus far, that the industry's ethics are nowhere stranger than in its international dealings. This applies not only to prices, but to matters of drug safety which have direct bearing on health and life.

Last November 29, the Nelson Subcommittee heard testimony from Leslie M. Lueck, director of quality control of Parke, Davis & Company, who appeared under sponsorship of the Pharmaceutical Manufacturers Association. Lueck presented evidence that Chloromycetin, the Parke, Davis brand of chloramphenicol, enters the bloodstream in therapeutically useful amounts with greater speed than chemically similar, cheaper versions of the antibiotic. Readers of *The Progressive* will recall from my article last June ("How Doctors Learn the Easy Way") that Chloromycetin has been responsible for hundreds of needless deaths in this country from aplastic anemia, a usually fatal disease which destroys the ability of the bone marrow to make vital blood components.

In questioning Lueck, Senator Nelson asked if the extensive warnings required in Chloromycetin advertisements by the Food and Drug Administration "are justifiable." Lueck replied, "Yes; I think they are. I think they are very adequate." An advertisement to which Nelson had specific reference was published in the *Journal* of the American Medical Association on February 20, 1967. Nine days earlier, the *British Medical Journal* had carried a Parke, Davis advertisement for Chloromycetin. This "does not have any warning in it at all," Nelson said. "How do you explain that?" Lueck really couldn't explain it, because he had to concede Nelson's point that the effect of Chloromycetin "is the same on people in other countries as it is here." Instead, the Parke, Davis executive took a When-in-Rome-do-as-the-Romans-do tack. His company, he said, "has always met all the requirements, the legal requirements of whatever country we distributed our products in. . ."

But the question was not whether an advertisement met the "requirements" of other countries. "There is a very serious moral question involved," Nelson said angrily. "It sure shocks me. What the witness says is we will meet the standards of the country where the drug is sold. That means, of course, there is not a single underdeveloped country in the world that has any defense against the exploitation of their people for profit by an American corporation that does not warn them of the serious, mighty serious, possibly fatal consequences here. Do you mean to testify that your company will stand on the proposition that we will send drugs to Tanganyika, we will send to Latin American countries, we will send drugs to all the underdeveloped countries in the world and since they do not have any standards, we will fool them all we can and make a great big profit and never tell doctors that there is a risk of serious blood dyscrasias? Is that what you are telling the Committee?"

Lloyd Cutler, special counsel for the Pharmaceutical Manufacturers Association, who had helped trigger Nelson's attack, entered a general denial and then said, "You are indicting every drug company in Great Britain and the United States." Nelson shot back that any company that would do what Parke, Davis had done in this case, "I would be pleased to indict on moral grounds. . . . I would think you would not sleep at night, frankly, you or any drug company that would do that."

Two weeks later, Nelson recalled what the company had done, and the defense made for it, to George S. Squibb, a former vice president of E. R. Squibb & Sons. "I think that is horrible," Squibb said. Because every lifesaving drug can have a dangerous potential, he went on, every manufacturer has a "special social responsibility." This requires disclosure "without limitation or selection at all times . . . to everybody who is a potential customer" of the full facts about a drug. Any other attitude "is just disastrous, it is immoral, it is unethical, it is stupid," Squibb said. "I cannot see how a responsible company can fall back on 'the law' to limit its burden for proper disclosure of things it knows about its products, good and bad both."

But Parke, Davis hardly could be alone, as was clearly indicated by Cutler when he accused Nelson of "indicting every drug company." On May 3, a large entourage from Merck & Company appeared before the Nelson Subcommittee to testify about indomethacin. Sold in the United States as Indocin and in about 100 other countries as Indocid, this drug is permitted by the Food and Drug Administration to be recommended in the labeling for physicians as principally for use against rheumatoid arthritis. So far as use for numerous other diseases is concerned, the agency has not recognized as substantial the evidence submitted by Merck that indomethacin is safe and efficacious. In the United States, therefore, Merck cannot legally promote indomethacin for these unapproved indications.

Nelson asked Merck's president, Henry W. Gadsden, about its policy in a country that is underdeveloped, that lacks a sophisticated scientific community, or that is without a regulatory agency and thus unable to protect itself. In such a country, Nelson inquired, "what is your standard of guidance for advertising . . .?"

"Our standard of guidance, sir, is whatever has been approved by the scientists of Merck as appropriate medical positioning of the product," Gadsden replied.

Then you do not use the standard of what is approved by FDA in this country?" Nelson asked.

"No, we do not," Gadsden responded. He explained that the standard which governs promotion in other lands is what is "in the request" made by Merck to FDA—whether or not the requested uses have agency approval.

"The principle that bothers me," Nelson said, "is there are lots of companies in this business that may not be as conscientious as Merck, and you will end up with all the companies supplying drugs to other countries that do not have drug standards, so that a drug might be used for purposes that it should not be."

For those who had been at the hearing the previous day, Nelson's remark about companies "that may not be as conscientious as Merck" had an ironic sound. The reason was that twenty-four hours before the exchange with Gadsden, Nelson had heard testimony from the FDA that because of false advertising of Indocin in the United States, the agency had recommended a criminal prosecution of Merck; whether the recommendation would be forwarded to the Justice Department was being considered by the agency's counsel. And a month before the hearing, in April, the counsel, William W. Goodrich, had recommended to Justice that a criminal prosecution of Merck be begun for its failure to notify FDA promptly after its discovery, in 1965, of an alarming finding—breast cancer in dogs given an experimental oral contraceptive which also was being given to about 500 women.

In March, 1967, Abbott Laboratories ran an advertisement in the *Journal* of the American Medical Association for Enduron, the trade name for methyclothiazide which is used to combat high blood pressure or congestive heart failure. In removing excess fluids from the tissues, Abbott claimed, Enduron caused "less potassium loss" than rival thiazide diuretics. The claim was deemed misleading by the FDA, which compelled Abbott to send a "corrective letter" individually to the nation's prescribing physicians and hospital pharmacists.

In a story last May in *The Washington Post,* I reported that a year after sending the "corrective letter" in April, 1967, Abbott was making claims substantially the same as the one it had repudiated—but in Canadian medical journals which are beyond the FDA's reach. There the trade name was Duretic. Nelson inquired of Abbott Laboratories if there were countries other than Canada which had been exposed to this peculiar double standard, but this and other questions in his letter were met only with uninformative answers by George R. Cain, Abbott's board chairman.

In the light of such disclosures, a noncommercial program such as the Public Broadcast Laboratory's might give Foster Whitlock of Ortho Pharmaceutical the opportunity he seeks to "match the integrity and morality of the pharmaceutical industry with that of our accusers any time."

The first witness before Senator Nelson's Subcommittee was William F. Haddad, chairman of the Citizens Committee for Metropolitan Affairs, Inc., of New York City. Haddad testified May 15, 1967. This was just seven days before Justice Tom Clark, in an unusual dissent in a case brought by Abbott Laboratories, said: "The pharmaceutical companies, contrary to the public interest, have through their high-sounding trademarks of long established medicines deceitfully and exorbitantly extorted high prices therefore from the sick and the infirm. Indeed, I was so gouged myself just recently when I purchased some ordinary eyewash drops and later learned that I paid ten times the price the drops should have cost."

Another kind of eyewash was cited by Haddad. He called Nelson's attention to a complaint made in April, 1965, by Philip Colebrook, chairman of the Chas. Pfizer & Company subsidiary in the United Kingdom, about a plan of the British Government to buy drugs cheaply in Communist Poland. "This whole question is not one of commerce but of politics," Colebrook protested. "In purchasing Communist material at totally uneconomic prices the Minister [of Health] is achieving a short-term gain. . . He is trying to obtain the best of both worlds by buying the most vital and widely used medicines from unlicensed manufacturers and still expecting established manufacturers to continue hazarding their resources on research."

Six months later the *London Sunday Times* disclosed that from September, 1965, Pfizer had had a contract with an outfit called Medimpex to import oxytetracycline (sold by Pfizer under the trade name Terramycin) into Belgium. Medimpex was, it turned out, the state-owned drug-marketing firm of Communist Hungary.

The first hearing day also produced disclosures by the Subcommittee itself which helped to explain how in 1966, for example, Smith Kline & French Laboratories could at once have ranked 280th in size on the Fortune list of the 500 largest industrial corporations and third in rate of profit, whether figured on invested capital (31.6 per cent profit) or on sales (17.3 per cent).

In repeated annual performances of that sort a dominant role was played by two highly important and potent tranquilizers which were discovered not by SKF, but by the French firm of Rhone-Poulenc, for which SKF is the exclusive licensee in the United States. Not only in the country of origin, but also in seven other countries in a survey made by the State Department for the Subcommittee, prices to the pharmacist were far below those in the United States. Here, for example, are the prices for 100 tablets of Thorazine in the 25-milligram dosage: Paris and London, $1.08; Bonn and Rome, $2.40; Teheran, $2.52; Rio de Janeiro, $2.53; Vienna, $3.48; Mexico City, $4.80; and the United States, $6.06.

At a later hearing, Nelson brought out another contrast involving sales of the same tablets of Thorazine, but in lots of 1,000. SKF's price to the U.S. Defense Supply Agency was $32.62. This was twelve times the $2.60 charged by the firm's Canadian counterpart, Bell-Craig, Rhone-Poulenc's exclusive licensee in Canada, to that country's Department of Veteran Affairs.

One of the principal rationales offered by SKF was that it had done the development and research which established the great usefulness of Thorazine and Compazine. In May, 1967, I asked Arthur L. Davis, SKF's Washington representative, questions such as how much this work had cost in dollars, so that it might be measured alongside SKF's prices and profits. Davis assured me he would get the answers. Well over a year has gone by. I am still waiting.

Some drugs are researched, developed, and manufactured in the United States, shipped to distant countries—and sold there for less than here. Such a drug is Meticorten, the Schering Corporation brand of prednisone. This is an anti-inflammatory hormone much used by, among others, rheumatoid arthritics. In July, 1967, Schering president W. H. Conzen appeared by invitation to testify about the pricing of Meticorten. Like some others who twisted and turned on a similar hook in the earlier Kefauver hearings, Conzen talked solemnly, although hardly relevantly, about international differentials in "living standards," the "expense of doing business," and the "purchasing power of an average workman." He invoked fluctuations in "exchange rates" and the "discount pattern," not missing the opportunity to note a "galloping inflation" in Brazil.

The trouble was, none of this came within a mile of explaining why it was that a druggist in the United States had to pay $17.90 for 100 tablets of five-milligrams of Meticorten when a druggist in Bern paid Schering $4.37. Or, to press the point, why a pharmacist in Rome paid $12.20, which was six cents less than in Mexico City. In Rio the price was only $5.30. But in adjacent Canada the price was $22.70, $15 more than in Australia, half way around the world. The explanation was simple enough, Senator Nelson told Conzen. "Wherever you have competition you charge a substantially lower price. . . ."

In September, Charles T. Silloway, president of the CIBA Pharmaceutical Company, floundered about as badly as Conzen in trying to make sense of the pricing pattern for Serpasil. This is the CIBA brand of reserpine, which is widely used to lower blood pressure. The basic research was done by CIBA of Switzerland, the parent firm. Selling to a druggist in Bern, it charges $1.24 for one hundred 0.25-milligram tablets of Serpasil. Selling to a druggist here, the wholly-owned American subsidiary charges $4.50, or three and one-half times as much.

The price in Bern is more than in Bonn ($1.05) and in London ($1.19), although less than in Rome ($1.52), Vienna ($1.56), Rio ($1.60) and Mexico City ($3.00).

At one point Silloway sought asylum in a strained comparison of the daily cost of hospital rooms ("$40 in the United States and $13 in Bonn"). But Nelson brought the dialogue back into the real world when he said, "But there are a lot of people over here taking drugs who are just as poor as people you will find in Bern or Rome. The pricing policy seems to depend on what the traffic will bear. Even if you don't call it that, I do."

In the real world, the price of a drug is related—or should be—not to the price of a hospital room, but to the cost per unit of drug produced. And so Nelson laid down a challenge. Show that this cost "is greater in the United States than it is in Rome, Bern, and Bonn, and that it justifies the differential in the price charged, he said. "If the cost justifies the price, fine, the argument is over. Is that fair enough? Are you willing to do that?"

Silloway's answer was ambivalent: "I am not sure that I can do that, sir, but I will accept your charge." There is nothing ambivalent about what has happened since. None of the facts requested from Silloway has been supplied to the Nelson Subcommittee.

CAMPOBELLO ISLAND

HON. FRED R. HARRIS

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. HARRIS. Mr. President, on behalf of the distinguished Senator from Maine [Mr. Muskie], who is necessarily absent today, I ask unanimous consent to have printed in the Extensions of Remarks a statement prepared by him relative to Campobello Island and an article entitled "Campobello—Island of Contradictions," written by Bill Caldwell, of Maine, and published in the Boston Sunday Globe.

There being no objection, the statement and article were ordered to be printed in the Record, as follows:

Campobello Island

(Statement by Senator Muskie)

Mr. Muskie. Mr. President, for the past four years I have been privileged to serve as one of three United States Commissioners of the Roosevelt Campobello International Park Commission, which administers the Roosevelt Campobello International Park on Campobello Island, New Brunswick, Canada.

During these years, I have often visited Campobello and have come to understand the special affection that Franklin Delano Roosevelt had for his "beloved Island." Situated off the coast of eastern Maine and connected to Lubec, Maine, by the Roosevelt International Bridge, Campobello is an island of quiet natural beauty and quietly individual people.

In a recent article published in the *Boston Sunday Globe*, Bill Caldwell, of Maine, wrote about "Campobello—Island of Contradictions". I ask unanimous consent that it be printed in the Record.

Campobello: Island of Contradictions

(By Bill Caldwell)

Campobello Island.—This delightful island is a mass of marvellous contradictions. They blend. And jumbled together they make the island a beautiful and interesting side-trip for anyone vacationing in Downeast Maine or heading toward the Maritime Provinces of Canada.

First contradiction is that Campobello is Canadian, although the island is best known as the Summer home of Franklin D. Roosevelt. Here it was that FDR was struck down by polio.

Next contradiction is that you get to this piece of Canada by a bridge from the United States mainland at Lubec, Maine. The Customs and Immigration officers, American and Canadian, at either end of the bridge find no contraband, no smugglers, no fugitives from justice, no forged passports. They hand out smiles instead of fines.

Another contradiction is that the Roosevelt Campobello Bridge was largely the dream-child of some of the finest, staunchest Republicans ever to come out of Republican Maine—the remarkable Pike brothers of Lubec. (This is another story; but too good to pass up entirely even here. Eldest brother Sumner Pike has served with huge distinction on the Security Exchange Commission and the Atomic Energy Commission; Moses Pike runs the family's flourishing Maine sardine business here; Radford Pike is a professor at New Hampshire University and one of America's leading botanists; and youngest brother, Algar, made a quick million on Wall st. 30 years ago, hurried home at age 35 before he lost it and has since gained fame as the inventor of Algar's Gasless Bean—a boon to all New Englanders.

FDR's Summer cottage is of course the strongest magnet to most Campobello visitors. The broad highways and the large parking areas, the fine reception offices housed in a separate building, the kindly-mannered and well-informed guides are all geared to handle up to 100,000 visitors in the Summer months.

The 34-room "cottage" itself is a big, rather ugly, nondescript and comfortable waterfront home. Unhappily (but authentically) it is painted a harsh red and green. The rooms are kept as they were in FDR's time. They are spartan, and simple for easy Summer living for an active family. They are not beautiful; but, most important, they are very genuine "Franklin and Eleanor".

All rooms are open to the public; and kept just as the Roosevelts used them. Perhaps the most interesting feature of all is the rare and excellent collection of family photos. While these were not all in the house in FDR's lifetime, they are a fine and useful chronicle of his memorable days.

Through the joint efforts of Canada and the United States 2600 acres of the island have been set aside as an International Park.

Visitors therefore are able to swim at one of the finest white sand crescent beaches on the East Coast, and enjoy their own cook-outs close to the promontory where Eleanor Roosevelt gave her famous hot dog picnics for world dignitaries.

There are miles of unspoiled walking trails through woods and bird sanctuaries.

The Roosevelt Memorial comprises less than one-third of the area of Campobello Island. The rest of the island centers around a Canadian fishing fleet, with headquarters at Welshpool.

Good roads give access to spectacular views seaward, across the Bay of Fundy toward Nova Scotia, and inland toward Maine.

In the secluded harbors, finely equipped, brightly painted and heavily subsidized Canadian fishing boats land their rich harvest of herring.

Good restaurants and modern motels are available. Gift stores offer Canadian and British goods—especially tartans, woolens, English candies and chinaware—at low prices.

Unlike so many spoiled and over commercialized "memorial-meccas" Campobello does not exude FDR for the tourist trade. FDR is an incident—a highly important, much loved, deeply venerated incident. But Campobello Island keeps its own very substantial and strong character. Without any connection with FDR, this is a grand island on which to spend a Summer day or a Summer month. Of course, this is why the Roosevelts—and scores of other families from the United States—chose Campobello as their Summer place, when they had all the world to choose from.

They chose well. For here is an island of beauty; fine for fishing, fine for swimming, fine or riding, fine for simple living. The fact that the Roosevelt Memorial can bring you into close and intimate, understanding of one of the century's greatest figures adds one more big plus to an island rich in pluses.

NEW YORK'S HARLEM MARKET THRIVES AS A CO-OP

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. JAVITS. Mr. President, I invite the attention of Senators to the dramatic progress being made in the Harlem community by a newly established cooperatively owned supermarket.

Under the leadership of Mrs. Cora Walker, a Harlem lawyer, some 3,300 shareholders have invested $5 each to found a cooperative market.

This is the kind of ghetto economic development in action about which so many persons have recently speculated. I invite the attention of Senators to an article published in the New York Times of August 10, 1968, describing the progress of this important venture.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARLEM MARKET THRIVES AS CO-OP—3,300 SHOPPERS OWN STOCK IN AREA ENTERPRISE

(By Rudy Johnson)

"After Labor Day, look out for the upward roar," predicted William Holmes, manager of the Harlem Co-op.

Mr. Holmes was speaking optimistically last week about the cooperative supermarket that Harlem residents opened at 147th Street and Seventh Avenue on June 4.

After two months of operation, business has been good, but peak sales are not expected until after the summer, when families return from vacation, the manager said.

The store has won wide approval, not only inside Harlem, but outside, too, as a point of pride as well as a decent place to shop.

Mrs. Cora Walker, the Harlem lawyer who was the market's prime mover, noted that the income from sales of shares has grown from $161,000, when the store opened, to $209,000 as of last weekend. She said the number of investors buying shares, at $5 each, had grown to 3,300 in the two-month period.

The shareholders receive dividends determined by the number of shares held, and annual rebate on the costs of the products they have purchased at the store.

MEETING THE PROBLEM

Mrs. Walker said the cooperative was established in answer to what she described as a long-standing problem in the Harlem community—"high prices and inferior products."

She called the market's rate of progress "fantastic," attributing its success to "the pride and dignity of the Harlem community—they're part of it—it's their store.

The store operates independently of any outside support.

Mr. Holmes emphasized that people come from other sections of the city to shop there.

Inside the bright, air-conditioned market, a shopper who identified himself as H. Anderson, was pushing a shopping cart the other day, a cigar clenched between his teeth.

He said he patronized the Harlem Co-op because the stores near his home, 160 West 174th Street, the Bronx, did not have as much variety.

"The choice of meats is better here," Mr. Anderson said "The prices are more reasonable on meats and vegetables, and even on ice cream."

"SOUL FOODS" ON SALE

The store sells a variety of meats ranging from smoked ham hocks, frozen chitterlings and other "soul food," to lamb and chopped liver, all of which seem to sell well.

Although it was predicted that the "deli" counter would "flop in this neighborhood," the delicatessen department, specializing in such items as lobster and shrimp salads, is said to have great appeal.

As for prices, Mrs. Walker emphasized that the store stressed quality over economy. One housewife said she felt some items were a few pennies higher than the same goods elsewhere, but she felt the shopping convenience at Harlem Co-op compensated for it.

For the most part, however, food prices are comparable with costs at most large food stores, according to surveys by the city Department of Markets. The price of medium white Grade A eggs ranges from 43 to 59 cents a dozen, the current price, and chicken sells at about 45 cents a pound.

Offering turkey at about 45 cents a pound, the Co-op seems not to have features one of this week's special buys at other stores—turkey at 33 to 39 cents a pound. But there were good buys in other items. Peaches, for example, were selling for two pounds for 25 cents and fresh corn at eight ears for 39 cents.

GEN. EARLE WHEELER, CHAIRMAN, JOINT CHIEFS OF STAFF, ADDRESSES 43D ANNUAL REUNION OF 36TH INFANTRY DIVISION, DALLAS, TEX.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 1968

Mr. TEAGUE of Texas. Mr. Speaker, on Saturday, August 31, 1968, I had the distinct pleasure of attending the 43d annual reunion of the 36th Infantry Division, a Texas division, in Dallas. The principal speaker at this reunion was Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff. General Wheeler made an excellent address and again pointed out our policies and objectives in Southeast Asia and I think it important that this speech be read by all who are concerned about this part of the world.

The speech follows:

ADDRESS BY GEN. EARLE G. WHEELER, U.S. ARMY, CHAIRMAN, JOINT CHIEFS OF STAFF, BEFORE THE 43D ANNUAL REUNION OF THE 36TH INTANTRY DIVISION, DALLAS, TEX., AUGUST 31, 1968

I am happy and honored to be here with you today. When I say this, I assure you that I am not uttering the usual speaker's cliche. I mean it from the bottom of my heart, because, from the day in September 1941 when I joined the 36th Infantry Division as General Fred Walker's aide-de-camp until the day in September 1942 I relinquished command of the 2nd Battalion, 141st Infantry Regiment, and regretfully departed the Division, I felt at home and among friends. Today, I feel as I did then—at home.

Since my only participation in combat with the 36th Division occurred on 29 April 1945 when you relieved the 63rd Infantry Division, of which I was Chief of Staff, near Landsberg, Germany, I can comment briefly on your achievements in World War II without having to face charges of immodesty or exaggeration.

Into five years and twenty days of World War II Federal service, the 366th Infantry Division: (a) undertook seven campaigns in four countries and endured 366 combat days in the process; (b) suffered in excess of 27,000 casualties—the 3rd highest total of any US division; and, (c) produced fifteen (15) winners of the Medal of Honor.

A history of the Division summed it up very nicely at the end of its narrative treatment with these words, "The 36th had had a tough time of it, but they had given more than they had taken." I agree with this sentiment with the observation that I think it an understatement which gives the lie to allegations made by some envious persons relative to Texans.

Have you ever compared the situation of World War II with our problems of today? If you have, I think you will agree with me that, despite our massive military effort during World War II and the bloody path we had to follow to achieve victory, it was a simple war. Pearl Harbor unified and galvanized the American people. The danger to the United States was clear; what needed to be done was obvious. We buckled down and, despite enormous obstacles and many setbacks, we did it.

We live today in a dangerous world. But, unlike World War II days, to many of our people the danger is not clear, what needs to be done is not obvious.

We cannot, in my view, understand what is at stake today without understanding how history functions as a "back azimuth" leading backward in time from the present and projecting a proper course for the future.

I conjecture that World War II probably could have been avoided if the capacity and will of the democratic nations to employ national military power had been made clearly evident in timely fashion. There was nothing inevitable or irrepressible about the Panzers and Stukas of September 1939. For one reason or another, national leaders elected to let events run their course until war erupted. Thus, the "back azimuth" of history should have taught us one indelible lesson: that large-scale events of danger and strategic dislocation occur when the United States and other nations of the Free World for whatever reason, make little or no active effort to influence events in faraway places. We, and much of the world, are forced to ante up later when the price of strategic poker has gone way up; and strange new players have dealt a brand new deck of strategic choices.

So much for history as a taskmaster. What strategic tasks we do face today in the light of events, known to all of us, which have occurred over the last year or so?

One inescapable requirement, clearer today than ever, is to keep the North Atlantic Alliance cohesive and militarily strong. There are non-military pressures that argue for increased and accelerated troop reductions. For a variety of causes, the pound sterling has weakened and the U.S. dollar has been under assault. Views are advanced which call for expanded U.S., U.K., and Canadian redeployments from the center of Europe.

My words on NATO will be brief. We need the alliance and the alliance needs us, now more than ever. Some might have truly believed that the Soviets are so concerned with meeting the consumer needs of their people that the brave new world is on us. Tragically, as we have seen, this is not the case. The facts we face are (1) an increase of the Soviet ICBM Force; (2) the appearance of a Soviet ABM System; (3) the continuing modernization of Russia's landpower; (4) the projection of Soviet seapower into the Mediterranean and Indian Ocean and (5) the demonstrated capacity and will of the Soviet Union to employ force with power and precision even against one of their own allies. This brutal and cynical maneuver gives special meaning to the old saying "with friends like these who needs enemies."

The threat to NATO, a "blue chip" area, has not receded. President Johnson spoke right to this point when he reminded us that "we must not forget in success and abundance the lessons that we have learned in danger and in isolation: that whatever the issue that we share, we have one common danger—*division:* and one common safety—*unity.*"

I now call upon you to take note of these additional strategic facts of life.

The decline of British power, particularly as deployed east of Suez, is no longer a matter for gloomy speculation. It is now detailed for all to see. Beyond the size of the forces involved, what we may also see ebb away is that form of stability that is the clear outgrowth of a British administrative presence.

The situation in the Middle East has deteriorated recently despite, or even in an ironic way, because of Israel's dramatic feat of arms during the Six Day War in June, 1967. The USSR has become the principal arms supplier to a number of increasingly dependent states in that troubled region. A new configuration of Soviet seapower—including a force to intervene—shadows the Sixth Fleet.

I should like to carry forward my remarks by outlining for you my thoughts on two crucial areas. These are: first, an assessment of the nature and scope of the modern Communist threat; and, secondly, to summarize for you my military appraisal of the war in Vietnam.

There are those who argue that the Communist camp is in ferment, citing the recent dramatic events in Eastern Europe. I am not in the business of gauging changes in "atmospherics," and neither are my colleagues on the JCS.

Whether Communist power is now "polycentric" as opposed to being "monolithic," I find little strategic difference. I don't want the United States to be squeezed to death by *one octopus or several octopi.*

There are now, and in the foreseeable future there will be, only two super powers: The U.S. and the USSR. Today we hold a measure of strategic superiority over the USSR. This situation, I submit, is not preordained to remain in force if we should ever embark upon one or more of the following errors: (a) view the "balance" as being static as opposed to being a dynamic state of technological, hence, strategic, flux; (b) allied to the foregoing announce and act upon the unsound concept of "plateaus" being achieved to spare ourselves the necessity of conscious choice between and among strategic alternatives; or (c) enthrone "assured destruction" and slight the "damage limiting" function.

Turning, briefly, to Czechoslovakia there are a number of crucial strategic considerations raised by the sudden and overwhelming application of Soviet power against that hapless state.

First among these lessons is the clearly demonstrated requirement to maintain our focus upon Soviet capabilities. It may be more intellectually stimulating for some to pursue the will-of-the-wisp of Soviet intentions. Certainly attention must be paid to this field, but never can we permit these speculative exercises—based upon volatile intentions—to become the principal determinants of our strategic posture.

A second lesson which we must draw is that the Soviet Union will not, where it believes its vital interests to be at stake, refrain from a sudden and overwhelming application of military power despite any and all written and oral assurances to the contrary. If anything has been clarified for us, it is this unhappy fact of life.

While time does not permit, nor this comradely occasion suggest, an exhaustive listing of all the "lessons learned," there is one final thought on this matter that I should like to leave with you—it is the enduring military value of having forces in being and in place. In saying this I in no way slight the importance of strategic mobility in widening our present choices or, if required, in opening new choices for us. Our security needs in Europe, however, cannot be principally met by long range, heavy lift aircraft. I believe a substantial requirement persists in that area for US forces in being and in place.

Red China, of course, muddies up everyone's neat, two-sided strategic war game. The worst case, from our point of view, would be unmistakable evidence that China's geographic and political militancy, supported by a single-focus technology, becomes realigned with Soviet power. Not likely to be sure, but being "surprised" is the special province of those unable or unwilling to consider all the possibilities. We can, however, say for certain that China poses an unsettling current threat to her neighbors and a growing threat to us—a threat which is partially offset by the currently projected level of SENTINEL deployment.

Let us never forget that the global strategic balance can be tipped against us if we fall into the error of assuming that they, "like us," understanding the nature of modern weapons, will invariably seek a reasonable accommodation of basic differences. "They" are not like us, and I am convinced that it is the power of our arsenal that keeps "them" away from us.

Turning to a military appraisal of the war in Vietnam, let me state at the outset that I understand full well the complex character of the war in Southeast Asia. Interacting forces are political, military, economic, psychological, and even ethnic in nature.

I wish to make clear that, while I recognize the many important forces at play, I am convinced that the military outcome in Southeast Asia is fundamental to the nature of the settlement which will someday be reached.

Let me define war as I understand it. War is a political act; it is the employment of military force to achieve a political objective. Put another way, war is violence organized and utilized to destroy the capability and will of a hostile state to pursue a course of action inimical to national interests.

The political objective established by our government to be gained in Southeast Asia is simple and limited—indeed, the most limited war objective of which I have knowledge. It is, as the President reminded us on the 31st of March, "to bring about a recognition in Hanoi that its objective—taking over the South by force—could not be achieved."

Implicit in my definition of war is the thesis that war is not a passive act; it must be dynamic. That is, a war cannot be conducted defensively; strategically, it must be prosecuted offensively if the war effort is to be successful.

The two foregoing statements express in basic terms the problem with which the American military have been dealing. Our limited political objective has established the following policy guidelines:

(a) We seek to avoid widening the war.

(b) We have no intention of invading North Vietnam.

(c) We do not seek the overthrow of the Government of North Vietnam; and,

(d) We are guided by the principles set forth in the Geneva Accords of 1954 and 1962.

In consonance with these guidelines, our war effort in South Vietnam is a strategic defensive, although it is conducted tactically in a major way by offensive operations. In contrast with our operations in South Vietnam, our air and naval campaign against targets in North Vietnam is a strategic offensive. The difference is this: in South Vietnam the enemy can control—at a cost—the type and level of combat activity and, hence, the degree of destruction and number of casualties. The contrary is true in North Vietnam; there we have the strategic initiative, and it is we, not the enemy, who can control the combat situation.

Viewed against our own limited war objective—causing Hanoi to recognize they cannot take over the South by force—what are Hanoi's objectives? General Giap in September, and again in October of last year, spelled them out in major policy addresses. These objectives are:

(a) To protect NVN;

(b) To overthrow the present government of SVN and to seize its apparatus; and,

(c) To unite all of Vietnam under Communist control.

It is instructive, I believe, to contrast our limited, and essentially defensive, objective with Giap's last two goals. No one could argue, in the normal course of events, with his aim of protecting NVN. This is a central purpose of governments of all lands. The war, however, came to pass when our objective—causing Hanoi to recognize that they could not take over the South by force—was directly challenged by Hanoi's twin aims of overthrowng the government of SVN and uniting all of Vietnam under Communist control. Let us make no mistake on this score. As the *Economist* of London pointed out, however the war ends—and personally I support our negotiators and hope for their success—there will be a "winner" and there will be a "loser." The North Vietnamese Communists either will impose their control on the South, or they won't. This is the inescapable issue.

The situation today finds our enemy attempting to (a) gain political and psychological mileage out of "lulls" in combat—which I attribute directly to his weakened offensive potential; and, (b) attempting, alternatively, in the face of superior fire power and spoiling tactics, to create an impression of power by mounting psychologically-conceived and militarily-futile attacks on "prestige" objectives—and suffering staggering losses in the process.

Clearly the enemy's purposes are to sustain pressure on the capital and other key cities, to raise tension, create havoc, and to induce a sense of hopelessness and despair. (These means are used to achieve Giap's object #2—overthrowing the GVN and seizing its apparatus.)

My thoughts are these:

(a) The US Armed Forces in South Vietnam remain unbeaten and unbeatable. The enemy has lost whatever chance he had of taking over South Vietnam by military force;

(b) Our forces have achieved an unbroken string of victories which, in the aggregate, is something new in our military history. They won while they were learning. There were no Bladensburgs or Bull Runs.

(c) The combat effectiveness of the ARVN has improved steadily over the past few years;

(d) Much hard fighting lies ahead. The NVA/VC will fight for headlines, as much as for military purposes, during the months ahead. No one can have more reasons than the person occupying my position to want an honorable end to the fighting; but, if our efforts toward a peaceful settlement are to succeed, we must continue to convince the enemy that they are not going to achieve their objectives by military force and its psychological by-products.

(e) Despite the torrents of words and pictures that have come from Vietnam, this war remains the least understood in our history. Americans, as they more fully understand the magnificent record of our armed forces in Vietnam, will accord these young men that full measure of respect and honor which is their due. I know that people in this room will help in this regard.

In closing let me make this point: Our answer to the current situation in Southeast Asia is, of course, a matter for national decision now and in the weeks and months ahead. I have, in the past, and will, in the future, furnish the President with the most realistic advice the JCS can develop. In this connection, Khe Sanh, I need not remind you, has scarcely been a "Dien Bien Phu." In fact, as has been publicly reported, Khe Sanh wiped a single word, a single strategic concept from the mind of General Vo Nguyen Giap and his associates: that of "Dien Bien Phu." There was to be no overrunning of any position the US chose to hold, whatever the odds, no victory of the kind that shattered the French grip on Indochina.

What are our stakes in this faraway fight?

In my view, we are using our military power now to assure the widest possible role for our political influence later. If we crawl back from Vietnam, which means Southeast Asia as a whole, we will be verifying for all to see that it is the Communists, and not ourselves, who understand and are dominating current history.

In this regard, we all hear from time to time that while America's "power" has never been greater, our "prestige" has never been lower. I wonder if those who suggest this condition know what they are talking about.

"Prestige" is to "power" as credit is to cash. And military force, properly understood and applied, is to "power" as gold is to paper money and checks.

In short, neither "power" nor "prestige" are free agents. The status of one has a direct bearing on the condition of the other.

What must we do? I have argued, am arguing, and will argue, for an American military posture which is (1) strong, but not belligerent; (2) too determined to be frightened and too strong to be defeated; and (3) unwavering, despite setbacks, disappointments and opposition in following that course which we know is the right path to organize a stable and durable peace.

Can we stay the course? We all hear, from time to time, that we have grown tired of meeting foreign responsibilities in the face of allied indifference and competing domestic needs. The final answer to this question will emerge over the not too distant future. I'm betting that we can and we will stay the course. Certainly, we are somewhat more "tired" than we were fifteen or twenty years ago, but to me the test of true greatness of a man or of a nation is what they can do when they are tired. And I believe that the United States of America is a great nation.

If my thesis has any merit, an observation I heard attributed to General Eisenhower is apt:

"Hindsight is more accurate, but foresight is more valuable."

CURIOUS STORY OF AMERICAN CIVIL LIBERTIES UNION

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. FANNIN. Mr. President, there is an organization in America of which many of us are vaguely aware but about which most of us know little. It is the American Civil Liberties Union.

The most recent prominent association of the ACLU in the public mind is in connection with the defense of the accused slayer of Senator Robert F. Kennedy.

Mrs. Shirley Scheibla, Washington correspondent for Barron's weekly, has begun an outstanding series of articles on the background and work of this organization. In order to give this excellent research and reporting wider distribution among Members of the Congress, I ask unanimous consent that her article, published in the August 26 issue of Barron's be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROS AND CONS: THE CURIOUS STORY OF THE AMERICAN CIVIL LIBERTIES UNION

(By Shirley Scheibla)

WASHINGTON.—Violence and civil liberties these days seem to be inextricably entwined. Chances are that whenever violence erupts, someone representing the American Civil Liberties Union is already on the spot or quickly appears to jealously guard the rights of the violent ones. A famous recent instance: shortly after TV viewers witnessed the brutal murder of Robert F. Kennedy, an official of the ACLU hurried to protect the civil liberties of the Senator's alleged assassin.

Established 47 years ago with the stated aim of providing legal help in preserving constitutional rights, the ACLU handles litigation chiefly through cooperating attorneys who serve without pay. Through its 46 affiliates in 44 states, the ACLU has defended communists and their sympathizers, fascists, pornographers, draft dodgers, admitted burners of flags, crosses and draft cards and alleged burners of cities. The diversity of its defendants has confounded its critics. Seemingly, the organization's only purpose is the announced one of preserving rights guaranteed by the U.S. Constitution. And ACLU's insistence that it defends the liberties of all by defending those of the most despised has won it many friends.

HITS U.S. DEFENSES

Careful study of ACLU cases, however, reveals that nearly all the causes it has taken up tend to weaken law and order and the ability of society to defend itself. Some landmark cases give communists more freedom to destroy the nation from within. Those involving the draft erode the state's ability to defend itself against armed attack. Other significant ACLU cases diminish the authority of schools and police and the influence of religion.

The cases ACLU refuses to take are just as significant as those it does handle. It has refused to defend right-to-work laws. It also has turned down a request to protect the civil liberties of one group of Washington, D.C., merchants whose businesses were destroyed by riots last spring.

According to the ACLU, holding federally funded Head Start classes in churches and having Catholic nuns as teachers of such classes do not violate the constitutional separation of church and state. Yet it has argued in court that church-and-state separation is violated by inserting the phrase "under God" in the oath of allegiance.

What, then, is this organization which voices such good intentions, yet exhibits such unfortunate tendencies in its litigation? The genesis goes back to the beginning of World War I. The American Union Against Militarism was established to prevent U.S. involvement in the war, and Roger Baldwin, a young Harvard graduate who called himself a "philosophical anarchist," became head of the organization's Civil Liberties Bureau.

Public sentiment forced dissolution of the Union soon after the U.S. entered the war. Its Bureau lived on, however, defending conscientious objectors and occasionally members of the International Workers of the World, an organization devoted to waging a class war "until the workers of the world organize as a class, take possession of the earth and the machinery of production and abolish the wage system."

Of necessity, however, the Bureau functioned without Mr. Baldwin. Shortly after the U.S. enered the war, he was jailed as a conscientious objector and not released until July 21, 1919. Following his release, he attended a meeting at the home of Socialist Norman Thomas to decide on the future of the Bureau. Among those attending were Elizabeth Gurley Flynn, who later became chairman of the Communist Party, U.S.A., and Agnes Smedley, who served as a Soviet agent in China until she died and was buried in a Red Chinese cemetery. From that meeting the Bureau emerged in 1920 as the American Civil Liberties Union.

Many years later Mr. Baldwin wrote an article, published in the September 1934 issue of Soviet Russia Today, in which he said: "When the power of the working class is once achieved, as it has been only in the Soviet Union. I am for maintaining it by any means whatsoever. . . . The class struggle is the central conflict of the world; all others are coincidental." According to a pamphlet by Organizational Research Associates quoted by Rep. John A. Rousselot (R., Calif.) in the Congressional Record for September 20, 1961, Mr. Baldwin "has a record of over 100 Communist-front affiliations and citations." He was the first national director of the ACLU and served in that post until 1950. Currently he is its International Work Adviser.

"ADVOCATE OF TREASON"

Dr. Harry Ward was the ACLU's first chairman. According to the same issue of the Congressional Record, he has over 200 Communist-front affiliations and citations listed by the House Un-American Activities Committee and was chairman of the American League for Peace and Democracy at the same time he was ACLU chairman. The League has been cited as Communist and subversive by the Attorney General, as subversive and un-American by a House Appropriations subcommittee, as a Communist front by the Senate Internal Security subcommittee and as "nothing more nor less than a bold advocate of treason" by the House Special Committee on Un-American Activities.

Serving on Dr. Ward's ACLU board of directors was Scott Nearing, who was also a member of the Garland Fund. The House Un-American Activities Committee said in 1944 that after the establishment of the Fund in 1922, "it was a major source for the financing of Communist Party enterprises. . . ." The Committee has described Mr. Nearing as a "leading writer for the party." The late William Z. Foster served as a member of the ACLU National Committee when he headed the Communist Party, U.S.A.

In its first official statement, in January 1920, the ACLU declared: "Today, the organized movements of labor and of the farmers are fighting the big fight for civil liberty throughout the United States as part of their campaign for increased control over industry. Publicity, demonstrations, political activities and legal aid are being organized nationally and locally. . . . The union of organized labor, the farmers, radical and liberal movements is the most effective means to this."

Before the end of the ACLU's first year, a New York legislative committee characterized it as "a supporter of all subversive movements" and said it "attempts not only to protect crime but to encourage attacks upon our institutions in every form."

CELEBRATED CASES

The Sacco-Vanzetti case, one of the ACLU's first, involved the defense of two anarchists accused of murder. One of the ACLU lawyers in the case was Felix Frankfurter, then a Harvard professor and later a Supreme Court Justice.

Another celebrated early ACLU case concerned Fred Beal, charged with shooting a policeman during a textile workers' strike in Gastonia, N.C. According to the California Senate Fact-Finding Subcommittee on Un-American Activities, Mr. Beal was then a member of the Communist Party, and his bail "was provided by the instrumentality of the ACLU."

In 1925, the ACLU achieved great fame as a result of the so-called Scopes Monkey Trial case. Tennessee state law prohibited public schools from teaching Darwin's theory of evolution. The ACLU advertised in Tennessee papers, offering free legal defense for any teacher who would violate the law. John T. Scopes volunteered. Two brilliant and famous lawyers handled the case, Clarence Darrow for the defense and William Jennings Bryan for the prosecution. Although the ACLU lost, the case launched it on the road to wide popularity. Among government officials who subsequently joined the ACLU were Harold L. Ickes, Secretary of the Interior; Frances Perkins, Secretary of Labor; Lloyd K. Garrison, chairman of the National Labor Relations Board; and Francis Biddle, U.S. Attorney General. (Last year, the ACLU again challenged the Tennessee law and won.)

In the 'Thirties, a bitter fight erupted within the Union between moderates and leftists; the upshot was that in 1940 it adopted a resolution barring Communists from leadership. Miss Flynn refused to resign and was dismissed. Dr. Ward then resigned in protest. (William Foster already had resigned, saying that since he had moved to Chicago he found it too difficult to attend the ACLU meetings.)

Since the resolution applied only to those holding office in the ACLU, it did not keep Communists out altogether. Herbert A. Philbrick, who was a Communist for the FBI in the 'Forties, wrote in his book, I Led Three Lives: "Communists had orders to infiltrate the ACLU. They always had kept a token representation in it and were told to strengthen their ties with it." He told Barron's recently that the secretary of a state chapter of the ACLU at that time "was a secret member of the Communist party and a member of my own cell."

The Southern California Staff Counsel for the ACLU's Roger Baldwin Foundation is Abraham L. Wirin, the ACLU lawyer who rushed to the aid of Mr. Sirhan. According to the Congressional Record for September 20, 1961, Mr. Wirin practiced law in partnership with Leo Gallagher, who once ran for office in the Communist party in California. The same issue of the Congressional Record says that in 1954 Mr. Wirin was a candidate for the executive board of the National Lawyers Guild, an organization cited as a Communist front by both the Senate Internal Security Subcommittee and the House Un-American Activities Committee.

STRONG OPINIONS

The Rev. A. A. Heist resigned as executive director of the Southern California chapter of the ACLU in 1952 to become director of a new organization which he founded called the Citizens' Committee to Preserve American Freedoms. According to the Congressional Record of September 20, 1961, "This organization is run by its executive secretary, Mr. Frank Wilkinson, an identified Communist." The Record says: "The Rev. Heist stated in a speech to an audience of high school and junior college students in Pasadena that 'the Constitution of the United States is outmoded, outdated and impotent'."

William A. Kilpatrick, long a prominent member of the ACLU on the East Coast, declared in his 1939 book The Teacher and Society: "The revolution by force and violence was probably necessary in Russia, but it would not be necessary in America. Here, the same goals could be achieved by effectuating change within the framework of the Constitution."

The anti-Communist resolution, of course, has not kept the ACLU from helping the Communists in the courts, and on this score it has an astonishing record of success. In the Steve Nelson case it persuaded the Supreme Court to make state prosecution of Communists virtually impossible. Over-turning the conviction of an admitted Communist party leader for allegedly violating the Pennsylvania state sedition law, the high tribunal said the Smith Act of 1940 gives the federal government exclusive jurisdiction in the field of sedition. Then, in the Yates case, the high court accepted the ACLU contention that advocating overthrow of the government does not violate the Smith Act if the advocacy is "divorced from any effort to instigate action to that end."

A FEDERAL OFFENSE?

In a recent Kentucky case the ACLU argued successfully that sedition is strictly a matter for federal prosecution. The defendants were Alan and Margaret McSurely, Carl and Anne Braden and Joseph Mulloy. According to the Washington Post of September 17, 1967, the local sheriff had hauled a truckload of allegedly seditious material from the Mulloy and McSurely homes. At the time, the Post said, the McSurelys were organizers for the Southern Conference Education Fund. The Senate Internal Security Subcommittee in 1954 found the fund to be under the same Communist leadership and to have the same purpose as its predecessor organization, the Southern Conference for Human Welfare. (The House Un-American Activities Committee has cited the latter as a Communist front.) The Bradens have been identified as members of the Communist Party by the Louisiana Joint Legislative Committee on Un-American Activities. Mr. Mulloy was a poverty worker. The aforementioned William Kunstler was an ACLU attorney in the case.

Thanks to the Union, the Supreme Court has made it virtually impossible to deny membership in bar associations to Communists. The ACLU won the Rudolph Schware case in which the high tribunal ruled that he could not be denied membership in the New Mexico Bar Association because of past membership in the Communist party. Bowing to the ACLU's argument on behalf of Raphael Konisberg, the court declared he could not be prevented from joining the California Bar Association although he would not say whether he ever had been a Communist.

At the behest of the ACLU, the courts also are making it difficult for state governments to deny employment to persons because they are Communists. In a recent case brought by ACLU affiliates, a Kansas federal court struck down a state loyalty oath required of all public officials, employes and teachers. The Minnesota CLU has asked the state supreme court to declare unconstitutional the Minnesota civil service rules denying employment to anyone who advocates Naziism, Communism, Anarchism, Fascism or is "in any manner disloyal to the U.S." And the Northern California CLU won a ruling in a federal district court that a man's refusal to say whether he is a Communist could not bar his employment as a postal worker.

The ACLU also has been effective in blocking at least one subversive investigation. In Tennessee it obtained a federal district court order prohibiting a legislative investigation of alleged subversive activities at the Highlander Education and Research Center.

In like vein, the ACLU has asked the U.S. Supreme Court to declare unconstitutional the provisions of the Subversive Activities Control Act which requires Communist-front organizations to register with the Attorney General. It also filed a complaint against a Justice Department order that the W. E. B. DuBois Clubs register as a Communist-front organization.

LEFT AND RIGHT

When criticized for defending the Left, the ACLU regularly replies that it also has defended the Right. Close examination of its activities of the latter type leads to some disturbing conclusions. The Union defended the Ku Klux Klan—contending that the House Un-American Activities Committee had no right to investigate it. This, of course, fits right in with the ACLU's call for abolition of the Committee.

The ACLU also has defended the right of policemen to belong to the John Birch Society. This dovetails with an ACLU aim to abolish all control over which organizations government employes may join. It also has defended Jehovah's Witnesses, contending that they cannot be required to give the pledge of allegiance to the American flag as a condition for attendance at public schools.

The Union protested revocation of the visa of Michael Struelens, director of the Katanga Government Information Office in New York City. The organization objects to Uncle Sam deciding who shall or who shall not enter the country.

When Governor Ross Barnett was charged with contempt of court for barring James Meredith from the University of Mississippi, the ACLU stepped in with an amicus curiae brief which contended that he had a right to a trial by jury. The Union's critics say that if it obtained all the jury trials it wants in civil rights cases, the courts would break down from sheer overload.

While the ACLU urges college presidents to allow Dow Chemical Co. to recruit students on campus, the Southern California CLU is defending four students who were arrested for allegedly participating in a demonstration to protest the same company's recruitment at State College in Los Angeles.

The Union enthusiastically supports the right of both Left and Right to demonstrate. In a case now pending in the Supreme Court, the ACLU has argued that the threat of a race riot in Princess Anne, Md., was insufficient reason for a court order banning a series of segregationist rallies in that town about two years ago by the National States' Rights Party.

Too, the ACLU contested a regulation of Washington police putting a 100-man limit on demonstrations at the White House. It also applied for an injunction to keep District of Columbia police from using the chemical Mace during riots, and it is seeking an injunction to prevent them from enforcing the statute prohibiting demonstrations at the Capitol. It sued the Los Angeles police chief for breaking up a demonstration against President Johnson. In Washington it argued that an alleged threat against the Chief Executive was, in fact, only rhetorical criticism of foreign policy. After a demonstration against the President in Killeen, Texas, the ACLU went to court on behalf of the demonstrators and won a ruling that the Texas disturbing-the-peace law was unconstitutional.

"BRUTALITY" CASES

In conjunction with lawyers employed by the Legal Service Program of the federal Office of Economic Opportunity, it launched, but lost, suits asking U.S. district courts in Newark and Philadelphia to appoint federal receivers to run the local police departments as a means of eliminating "police brutality." particularly during riots. (The Union also has five "police brutality" cases pending in Mississippi and three in Louisiana.)

The Philadelphia suit also asked for nullification of state laws against carrying concealed deadly weapons, sedition, riot, conspiracy, loitering and obstructing justice. The Newark case asked for a halt to the compilation of police dossiers on civil rights groups.

Asked why the ACLU rushed to the aid of Sirhan Bishara Sirhan, the accused killer of Senator Kennedy, Lawrence Speiser, director of the Washington office of the ACLU, told Barron's: When President Kennedy was shot, Oswald was questioned by police without counsel; we didn't want this to happen with Sirhan."

NOMINATION OF SENATOR MUSKIE AS VICE PRESIDENTIAL CANDIDATE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. MOSS. Mr. President, I commend to the Senate a reading of the editorial entitled "The Choice of Mr. MUSKIE."

published in the St. Louis Post Dispatch, and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CHOICE OF MR. MUSKIE

In selecting Senator Muskie of Maine as his running mate, Vice President Humphrey took his first concrete step toward an independent candidacy. He successfully resisted the pressure brought upon him to choose Gov. Connally of Texas, or some other Southern conservative, and picked a man who represents something close to an ideal political choice.

If the selection can be faulted at all, it is on the ground that Senator Muskie is not too well known to the national electorate. He is well and favorably known, however, to officials of the big urban centers through his effective work on the big-city problems, and he will strengthen the Democratic ticket in the cities where Mr. Humphrey hopes to win.

Mr. Muskie has an enviable background for any American political candidate. The son of a Polish immigrant, he worked his way through college, won a Phi Beta Kappa key and obtained a law degree at Cornell. He served in World War II, was a member of the Maine House of Representatives for six years, served two two-year terms as Governor, and then, in 1958, became the first popularly-elected Democratic Senator in Maine's history. In the Senate Mr. Muskie has worked quietly, industriously and effectively, and is exceedingly popular with his colleagues.

Because of his phenomenal vote-getting record in a state once considered a bellwether of Republicanism Mr. Muskie has been in demand as a Democratic political speaker in almost every state, so that he has a considerable acquaintance with national politics. He is a person of liberal leanings, substance and good judgment, and in general meets the most important test of all—whether he is qualified to act as President if the President should die or be disabled.

He seems to us to be well qualified, which is all that really ought to matter to the voters.

"RETIREMENT HAS ITS RICH REWARDS"—ADDRESS BY SENATOR RANDOLPH

HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. WILLIAMS of New Jersey. Mr. President, the distinguished senior Senator from West Virginia [Mr. RANDOLPH] today addressed the convention of the American Association of Retired Persons at Pittsburgh, Pa. AARP was founded in 1958 to provide all retired persons the privileges and services already available to the National Retired Teachers Association which was founded in 1947. The two associations now have a total retired-person membership of approximately one and a quarter million.

This nonpartisan organization is dedicated to the taking of a leadership role in the search for solutions to the problems facing older Americans.

AARP President George Schluderberg, who has been elected for another term, introduced Senator RANDOLPH to more than 1,000 persons in attendance at the convention.

As chairman of the Special Committee on Aging, of which Senator RANDOLPH is a veteran member, I feel certain that the senior Senator from West Virginia interpreted clearly our committee's vital interest in the welfare of older Americans. Although ours is a committee without legislative jurisdiction, we have held many hearings and have conducted much research, and, based on our evaluation of the research findings and the expert testimony received, we have made many recommendations to the Senate and to committees of this body with legislative jurisdiction.

We are pleased to have the American Association of Retired Persons and other groups with allied missions working with us as the search continues for improved solutions and new answers to problems of our country's senior citizens. The Special Committee on Aging is especially gratified to have had a vital role in developing studies and reports which were of substantive value in the legislative processes under which Medicare and the Older Americans Act of 1967 were developed and became law.

Mr. President, I ask unanimous consent that the address made today at Pittsburgh by the senior Senator from West Virginia be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RETIREMENT HAS ITS RICH REWARDS

(Address by U.S. Senator JENNINGS RANDOLPH, Democrat, of West Virginia, at convention of American Association of Retired Persons, Pittsburgh, Pa., September 6, 1968)

I am happy that the American Association of Retired Persons gives serious thought to the three words written on its emblem; namely, Independence, Purpose, Dignity.

Each is rich in meaning, and there is substantial evidence that your organization makes practical use of these purposeful words.

Independence is more than taking care of one's self. It is also the ability to keep one's own judgment free of pressures that might otherwise force conformity. For that reason, the older people of the United States will never become a unified "bloc" of voters or a pressure group. They are the possessors of wisdom that comes with the perspective that sees beyond self.

Dignity is another word of significance for older Americans of today and for those who will be older Americans. The dictionary provides several definitions, but most relevant is:

"Behavior that accords with self-respect."

Surely a man or woman who works for the greater part of a lifetime has a desire for dignity in retirement. Self-esteem is proper. Younger citizens should know of their accomplishments and accord them esteem.

And, there is your *Purpose*.

Your founder, Ethel Percy Anrus, made a stimulating declaration:

"Aging is an achievement. The later years have meaning and purpose. Activity is life, and work is one's salvation."

The twenty of us who serve on the Senate Special Committee on Aging have evidence to support the fact that worthwhile activity helps keep people young.

The Committee is chaired by the dedicated Senator from New Jersey (Harrison A. Williams, Jr.). There is no partisanship among the following members who compose our Committee: Alan Bible, Frank Carlson, Frank Church, Everett McKinley Dirksen, Hiram L. Fong, Clifford P. Hansen, Edward M. Kennedy, Edward V. Long, Jack Miller, Walter F. Mondale, Wayne Morse, Thruston B. Morton, Frank E. Moss, Edmund S. Muskie, Winston L. Prouty, George A. Smathers, Ralph Yarborough and Stephen M. Young. I am not listing them as Democrats or Republicans because of our intense interest in developing meaningful programs for persons like yourself.

These men are joined with people like yourself for a common purpose and realistic goals for retired citizens.

We have heard from those who serve as foster grandparents in institutions for youngsters who need help and loving attention. Foster Grandparents were mobilized. Before this program our doctors and nurses were overworked; they cared, but could not spare the time other than professional attention to a child. Foster Grandparents are performing important work, and they deserve our gratitude. But they don't seek thanks; they feel they gain more than those they serve.

The same mood is expressed by men in the Green Thumb Program, which enlists retired people in highway beautification. Green Thumbers from Arkansas testified on a proposed Older Americans Community Service Program last year, and one witness said:

"In our country, before this Green Thumb Program started, we had a number of citizens that were sitting on their porches, even letting their lawns grow up. Since this started, the chair has hit the floor, the wife is fixing a lunch pail, she is watching her husband go back to work. She is living again, and she knows when he goes out that gate that he is going to do the job, because she has confidence in him. I think that our Nation should be very proud of the stockpile of knowledge in our elderly citizens."

Yes, purpose can be expressed in new programs that put the talents and experience of older Americans to work. But there are other ways to demonstrate purpose. Your organization knows most of them. Your Institute of Lifetime Learning is an impressive example. Here is an entirely new approach to adult education; here is a model for action throughout the Nation. We are impressed, too, by your statement of legislative objectives. You are concerned about the quality of life for *all* Americans.

But even more fundamentally, your organization has done much to generate healthy attitudes toward retirement. And I think you know that much more must be done in this area because, unfortunately, our democratic society still suffers because of outmoded, irrational attitudes toward age.

Such attitudes toward age are irrational. There are the problems faced by men and women whom we do not usually consider to be aged or even aging. They are younger than most members of your organization. They are the so-called "older workers" thus classified when they reach "the grand old age of 45."

I am Chairman of the Subcommittee on Employment and Retirement Incomes in the Senate Committee on Aging, and I have heard much testimony about senior citizen problems. Within recent weeks the Subcommittee has joined with the Subcommittee on Federal, State and Community Services in a study of "Adequacy of Services for Older Workers." Senator Edward M. Kennedy is chairman of our allied subcommittee.

We believe that the time has come for a really intensive study of that which is happening to millions and millions of Americans who—solely because of age—are having employment problems.

Others may be left jobless by plant shutdowns.

Others may find that their jobs disappear when their skills become obsolete.

Others may simply feel that they would like to move on to different work but that they lack adequate training.

And others—the underemployed—know that they are earning too little in jobs that do not interest or satisfy them.

The time is now for an in depth study of older workers problems. Congress has passed the Age Discrimination in Employment Act. A man or woman between the ages of 40 and 65 is now protected from arbitrary hiring or firing policies rooted in discriminatory attitudes toward age. That is the purpose and the intent of the law.

The Age Discrimination Act can become the cornerstone of a national effort to provide services and employment opportunities to Americans of middle-age and beyond. And there is a clear need for such services. Secretary of Labor Willard Wirtz told our Subcommittee about the world of the older worker:

One out of every two jobs which becomes vacant is closed to all persons over 55; and one out of every four jobs is closed to all persons over 45;

One out of every eight unemployed men 45 to 64 is unemployed for six months or more;

The proportion of long-term unemployed men who are 45 or older *has increased by 10 percentage points since 1961;*

The risk of unemployment is 25 percent greater after 45 than 10 years earlier; and 37.5 percent greater again after 55;

The risk of remaining unemployed for a half year or longer is more than twice as great for men after they reach 45 as it is for adult men under 45.

Secretary Wirtz also said *that action must be taken to keep these facts from becoming a perpetual feature of American life.*

What would happen to this Nation if it were to have a chronic unemployment condition affecting men and women dropped from the labor market 20, 15, 10, or 5 years before that period which we now regard as normal retirement age?

And, as our technology transforms itself more and more rapidly, think of all the skills that will become outmoded, all the workers in need of new training, and all the plants that will close or be absorbed by larger enterprises.

And think, too, of the sheer numbers of people involved.

There are now more than 22.6 million persons between ages 45 and 54, and 17½ million between 55 and 65—or more than 40 million middle-aged people in this Nation.

We have gathered compelling evidence on the need for action on many fronts.

I am, therefore, preparing—in consultation with other members of the Committee on Aging, and also with Representative Scheuer of New York—legislation to fulfill the following objectives:

One: To examine present training opportunities for older workers and to make adjustments that will throw open such opportunities to many more people.

Two: To strengthen the United States Employment Service in its efforts to provide more services to older workers.

Three: To open more employment opportunities for the elderly and to recruit and train retired individuals to serve in establishing and conducting such programs.

Four: To direct the U.S. Civil Service Commission to conduct a study of potential opportunities for part-time work suitable for older workers in Federal offices.

Five: To make the Age Discrimination Act more effective.

I regret reporting to you that Congress has not provided adequate funds for implementation of the Age Discrimination Act.

Secretary Wirtz told the Subcommittee that he will be hard-put to find the staff with fund limitations to oversee its enforcement provisions.

Congress has failed to provide funds for the essential research and educational programs to be established under the Act.

We heard at the hearings that many employers or personnel directors refuse to interview a person past age 50, because they believe he or she will be less effective than a younger worker. And yet, study after study shows that the older worker has many attributes which may make for a superior employee. The research and educational programs were intended to help change such attitudes by searching out facts and helping employers to understand.

The Age Discrimination Act needs more than money for full effectiveness. It also needs national understanding of the problems and the potential of the older workers. How big is the job which is ahead? For part of the answer I refer you to the words of a man who, at age 54, was informed one day that his 18 years of service with a New York City publishing company had been terminated. He was the victim of a merger. He wrote a book—called "The Journal of a Discarded Man"—to tell how it feels, over months or years, for a person in his fifties to look for work in today's market. And please remember that his experiences took place in New York State where an anti-discrimination law is in effect. I quote:

"When a person is up against discrimination based on prejudice, he is up against a kind of social automation, a blind process that just kicks along in its own way and is seemingly impervious to anything that can be brought against it. Rational argument is impotent and plain facts are laughed at or angrily denied.

"Upon first encounter, the whole thing seems unbelievable; then when its full shape is seen, disgust is aroused, and fear, scorn, and blazing anger. Perhaps later, after long experience, one becomes resigned.

"In the job market every job-seeker is immediately plastered with all kinds of tags and labels. The law has been moving in against this practice, and against the more glaring forms of discrimination, but it doesn't do much good. An employer can reject you because you're a Jew or because you're 'too old', but he knows better than to say so. He'll simply say, 'Not qualified.' For the most part, legislation only makes prejudice cagier and less outspoken."

I have placed much emphasis on attitudes toward aging. In this Nation we are too careless in our treatment of, and our thinking about, the aging and aged citizen. We have yet to realize that retirement—and the years just before it—should be regarded as a transitional time toward a new stage in our life. We have many "beginnings"—Our first day in school, our graduation day, marriage, children, a new home. Retirement is a beginning, too, and it should be, as former Secretary of Health, Education and Welfare John Gardner so aptly described, a period of self-renewal—exploration, satisfaction, curiosity. The day is coming when most Americans will not think of older Americans as a problem group. The "Dynamic maturity" sought and found by so many members of your organization will truly be the rule, not the exception, for the retired. They will understand as you understand that: "You are as young as your faith, and as old as your doubts; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair."

I am grateful to have counselled with a group of splendid citizens rewarded in all that keeps men and women young, often in body, but more importantly—in mind, and spirit!

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 6, 1968

Mr. SCHERLE. Mr. Speaker, this is the 228th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

NEW YORK'S CATTARAUGUS COUNTY GREEN THUMB PROJECT

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. JAVITS. Mr. President, one of the few programs for our senior citizens which has been sponsored under the Economic Opportunity Act is the green thumb program administered by the Department of Labor. The program is particularly useful because it can be implemented in predominantly rural areas which often has tended to be overlooked by antipoverty programs that are typically concentrated in the big cities.

I am pleased to say that the Cattaraugus community action program in upstate New York has now received a Federal grant for such a green thumb program under which 14 men will be employed on the improvement of roadside areas. I am especially pleased with this project announcement because many months ago I had taken the initiative, with Dr. Blue A. Carstenson, of the National Farmers Union, which is the nationwide sponsor of this program, to bring the New York State Department of Transportation into contact with the Farmers Union to plan for the program in New York State.

Mr. Thomas F. Cusack, the executive director of the Cattaraugus community action program, is particularly to be congratulated for his efforts on this and other antipoverty programs in this section of our State.

I ask unanimous consent to have printed in the Record an article entitled "Plan To Start Green Thumb Work in County Next Week," published in the Salamanca, N.Y., Republican Press of June 15, 1968.

There being no objection, the article was ordered to be printed in the Record, as follows:

Plan To Start Green Thumb Work in County Next Week

Plans to start a "Green Thumb" employment program for elderly persons with low incomes next week were announced today by Floyd Printup, Jimersontown, supervisor for Cattaraugus and Chautauqua Counties, and Thomas F. Cusack, director, Cattaraugus Community Action, Inc.

Fourteen men will be employed in Cattaraugus County on two projects, improvement of the roadside rest areas on Rt. 62, just north of the community of Conewango, and on Rt. 16, between the Village of Delevan and Yorkshire Corners.

These projects will be carried out in cooperation with the State Dept. of Transportation, with the Department providing tools, trees, shrubbery, fertilizer and "know how" as its contribution to the program.

The program, conceived by the National Farmers Union, operates under a grant from the U.S. Dept. of Labor, covered by the Nelson Amendment of the Economic Opportunity Act. Additional contributions are provided by local participating units, plus Farmers Union and other nonprofit groups.

The program is open to those more than fifty-five years of age, whose income in 1967 did not exceed $1,400 per couple for farm residents, or $2,000 per couple for others.

It is expected to prove of much help to those living on limited Social Security or other retirement programs.

Some additional applications are being accepted, with men more than sixty-five being given preference. Men up to ninety-nine years of age have been employed, according to Henry E. Wilcox of the National Farmers Union, who has worked on setting up the Green Thumb program in communities from Oregon to New Jersey.

Working a three-day week, eight hours daily, at $1.60 per hour, the men will have an opportunity to earn up to $1,500 permitted under Social Security regulations.

It is planned to operate the program in this county until December, or until inclement weather forces a shut-down. Mr. Williams said it has filled an important need with many retired people, supplementing their income and providing a sense of accomplishment.

ACCOMPLISHMENTS OF RALPH NADER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. METCALF. Mr. President, through the efforts of one man, the Nation has been made acutely aware of many of the dangers that beset our society. I speak of Ralph Nader, author of "Unsafe at Any Speed." Besides his one-man crusade against the automobile industry, Mr. Nader has called to the consumers' attention unpublicized hazards in connection with gas pipeline safety, air pollution, and the meat industry. These topics all share the common denominator of being of vital interest to the American consumer.

Mr. President, Dave Prosten speaks of many accomplishments of Mr. Nader in the August 22 issue of the International Union of Electrical, Radio, & Machine Workers News. I ask unanimous consent that this article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RALPH NADER

(By Dave Prosten)

There's this guy, his name is Ralph, who lives in one of the cheaper sections of Washington, D.C. He pays 20 bucks a week to live in a rooming house, has maybe five suits to his name, doesn't have his own telephone or own a car.

Sounds like the average working stiff, right? Perhaps one who's even a little worse off than most of us, as a matter of fact. Just a little guy, like most working men.

Well, that's true in part. He's sure no millionaire. But he's not exactly the average little man. His first name is Ralph, and his last name is Nader.

He's the guy who singlehandedly took on the auto industry with his book, "Unsafe at Any Speed."

He's one of the people who went before the Congress of the United States and demanded effective intrastate meat inspection.

He's the guy who dropped a section of worn-out gas pipeline into the laps of our lawmakers, and demanded something be done before people get killed because of it.

SLIM AND SOFT-SPOKEN

Ralph Nader is a crusader in every sense of the word, but he sure doesn't look the part. He's thin—almost skinny—shy, and he speaks softly. He doesn't go much for publicity, and he doesn't grab for the headlines—though he sure gets them. As a matter of fact, he looks like an accountant or a school teacher.

But he doesn't act like one. When "Unsafe" was published, one of the auto companies had an investigator scrounging around, trying to pick up some dirt on him so he could be discredited. Much to the company's dismay, though, the private eye just couldn't find anything against him. If anything, Nader was found to be just what he was—an honest guy sincerely worried about the needless slaughter on our highways. Slaughter, much of which could be avoided if the auto industry worried as much about safety as it does about sales.

Nader refused to be intimidated. He fought back, and filed suit. And he continued speaking out, not only on unsafe cars but on other things—the meat and pipeline dangers, radiation, fish inspection, "corporate behavior," and even the legal profession.

Nader, a lawyer himself, just can't seem to accept any sacred cows. If something needs knocking, he knocks it. If something needs improvement, Nader does all he can to bring about that improvement.

In honor of his continuing fight for America's working men and women, the League for Industrial Democracy recently gave Nader its annual award. IUE President Paul Jennings, a member of the LID board of directors, presented the award for Nader's "championship of consumer rights and his reforming zeal."

Not long ago, the IUE News got hold of the number of the hallway phone in Nader's rooming house, called him and asked for an interview. When told it was for a union publication, he said: "Let's do it as soon as possible." That turned out to be the next afternoon.

Sitting in a little restaurant behind the Treasury Building in Washington, Nader told how he became involved in the auto safety fight; and, more importantly, he told what union members can do to help bring about better and safer working conditions on the job.

The concern over auto safety, Nader said, "started in law school when I became interested in the inadequacy of the law as it related to automobile design and construction. The law goes by the theory that all accidents are related to driver failure, but that escapes the point. Whatever may be the cause of the accident, the thing to do is cut down on the number of people getting killed and injured.

"The first priority for this," Nader said, "is to design the vehicle to protect people during collisions. It is the most controllable solution, the cheapest and the one that's most easily administered. And it lasts the longest; human beings will always make mistakes in operating machinery, so we have to have machines that are so designed as to make these mistakes less injurious.

"Having more well-designed vehicles is the first priority, rather than trying to cope with 100 percent effectiveness on the part of 95 million drivers—which we simply are not going to achieve."

HOW NADER PICKS TARGETS

Noting that he has touched a lot of bases in his safety and health crusades, we asked how he chooses his "targets."

"Well," he answered, "I have two criteria: first, is it important to consumers; second, is the problem being ignored. If the answer is yes in both cases, then I go after it."

What can the average guy in the shop do when he spots something potentially dangerous on the job? Where does he go?

"If you find a hazard," Nader said, "go to your shop steward and have him approach the company, as I'm sure you do now. But if the company doesn't do anything about it, write to your Congressman or Senator.

"I get letters from union people myself, and some of the important details about what's going on in the plants come from them. They know exactly what's going on—they're there.

"The thing is, don't let 'George' do it, because he won't. The unions have to be their own 'George.'"

And our concern must be not only in the plant, Nader said, but when we're away from the job also.

"The dangers of a modern industrial age have gone beyond the confines of a factory, and they affect us all," he said. "We're all subjected to the hazards of pollution, contamination and hazardous products. And we always have to be on the alert, both on and off the job."

SERVICE BENEFITS FOR RESERVISTS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. THURMOND. Mr. President, the Navy Times of July 24, 1968, published a hard-hitting and persuasive editorial in favor of H.R. 14739. The bill was passed by the House on May 6 and is now in the Senate Committee on Armed Services.

The editorial makes the point that a reservist who is injured or killed while on active duty is just as injured or as dead as a serviceman with a longer tour of duty, and his dependents have needs which are just as great.

Mr. President, I ask unanimous consent that this editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Despite the drive towards adjournment early in August, the Senate Armed Services Committee should immediately approve, and push through the Senate the Reserve-National Guard benefit bill, HR 14739, which was passed by the House back on May 6 after 12 years of Reserve effort.

In a nutshell, the bill gives non-Regulars reporting to, serving on, and returning from short periods of active duty about the same death, hospitalization and burial benefits as servicemen serving 30 days or more.

Additionally, it abolishes some differences in the benefits various non-Regulars receive under such circumstances—differences which apply not only to Reservists as distinguished from National Guardsmen, but even as between Reservists of one service and those of another.

That such distinctions between non-Regulars on short tours cannot be justified and should be wiped out is too obvious to need further comment.

That the distinctions between non-Regulars performing more than 30 days' duty and those less—during drills, annual active duty and the like—also need be abolished, as HR 14739 would do, also is clearly justified.

A Reservist killed incident to a drill is just as dead, in the service of his country, as a serviceman killed in his 40th day (or 20th year) of service.

A Reservist injured or becoming ill incident to a drill is just as hurt in the service of his country as a military man on a more-than-30-day tour. And he's just as much in need of medical care.

The need of the dependents of the one can be just as great as the needs of the other.

Compounding the difficulties the short-duty non-Regulars face is the fact that their own insurance often is void with respect to the casualties occurring on duty. (Non-Regulars, by the way, are excluded from the Uniformed Services Group Life Insurance plan. Navy Times has several times called attention to that, particularly as it affects fliers performing vital air supply missions in support of the Vietnam War.)

The need for action *this* year on HR 14739 is all the greater, with Defense seeking authority to call Reservists for short-term riot duty in the same manner as guardsmen.

The need for action *this* year is pointed up by the estimated annual cost of the bill—$566,000. In the total Federal budget, the amount is peanuts. The terms of the impact on individuals—the few individuals who are actually affected each year—the $566,000 points up how staggering is the individual impact of the exclusion of the short-duty Reservists from the benefits available to those on longer tours.

It would not take the Senate Armed Services Committee long to act on this bill. And if the Committee acts, the Senate undoubtedly would pass the bill on a routine calendar call.

If the Committee acts . . .

WOLFPACK JOURNALISM

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. **FANNIN**. Mr. President, Mr. Roscoe C. Born, associate editor of the National Observer, has delivered an attack upon a journalistic phenomenon called "Wolfpack Journalism" which he says is rampant here in Washington.

Mr. Born suggests that rather than being controlled by some power structure, wolfpack journalists dominated by front-page mentality follow the cry of the pack after one of the leaders produces a sensational bit of reporting. The leaders, he says, have seniority by virtue of their past successes or the influence of their particular news outlet.

The National Observer editor noted that he was not attempting to defend all the causes or individuals who have been subjected to the wolfpack treatment. Rather, he is arguing for the brand of journalism that goes beyond learning to "fold a gob of copy paper three ways, carry a stub of editing pencil in your pocket, back a news source against the wall, get the goods, and rush it into type in time for the next edition."

This viewpoint holds a particular interest to this body, and to me personally, because Mr. Born mentions the Wholesome Meat Act of last year that owes its passage largely to the panic situation created by the wolfpack with little regard for investigative reporting that would have uncovered the real facts in the meat inspection story. The National Observer has performed an excellent service for the Nation in this regard by publishing the memoranda of the Department of Agriculture in its attempt to produce lurid stories about filthy meat. Some of the victims of this mess were Arizona citizens. I have already put that story in the RECORD.

More recently the National Rifle Association has been the subject selected by the "villain-of-the-month club" as the cry of the pack sounds the cry for more restrictive gun legislation.

In my opinion, Mr. Born is entirely correct when he suggests that editors and reporters reflect upon the increased level of sophistication and education of the American reader and give him the "thorough, responsible reporting and good writing that he has a right to expect."

I ask unanimous consent that an article written by Gerald B. Healey, detailing Mr. Born's talk, and published in Editor & Publisher of August 31, 1968 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOLF PACK JOURNALISM IS ASSAILED

(By Gerald B. Healey)

LAWRENCE, KANS.—Wolf pack journalism "rampant in Washington" and not entirely absent from the local scene underwent a caustic attack by Roscoe C. Born, associate editor of the *National Observer*, following his acceptance for his publication of a reporting award from the American Association of Journalism School Administrators here this week.

Born described wolf pack journalism as a practice in which reporters work in gangs, in packs, the result being that the "readers, or at least the more perceptive reader, know that somehow the leaders of the pack have picked a victim, and that the pack members are already in full cry after the quarry."

Born said he does not suspect these packs are deliberately planned by some unseen power who is unable to make the press of America do his bidding for his own purposes.

NO POWER STRUCTURE

"It is pure nonsense to suggest, as some of the naive radicals of the day do, that the press is uniformly controlled by the power structure, by the advertisers, or by anybody," Born declared. "No, the wolf pack operates without direct orders from anybody. Its leaders have seniority by virtue of their past successes, by the influence of their publications. Sometimes by the figurative display of medals on their journalistic tunics, testifying to their ingenuity and valor in the service of the Fourth Estate.

"The cry of the pack is heard after one of the leaders produces a sensational bit of reporting, an exposé. The exposé usually must involve a major public figure or a major public interest. The object at this stage of the game is to get picked up by a wire service. Overnight, other reporters leap to the attack.

"Shortly it will become clear what a line has been established on how this person or this subject is to be reported. The villain-of-the-month club has picked its newest target, and from there on all the rules of fairness, of honest, thorough reporting, are scattered to the winds."

UNFAIR TO HOFFA

Two of the better-known victims of wolf pack reporting were named by Born, who said he was not defending them or contending that all were honorable men or institutions that shouldn't have been brought to an accounting.

He mentioned Jimmy Hoffa, whom Born covered as a Washington reporter. Of Hoffa, he said that almost no effort was made by the press to report him fairly and almost no attempt was made to learn and publish the facts about what was going on in the teamster's union.

Born singled out the National Rifle Association "known to any newspaper reader as the advocate of assassination and indiscriminate murder in the streets and parks."

"I favor gun control," he said, "but I don't believe that justifies making the NRA into such a heavy that it must be hissed and booed by the press every time it puts in an appearance."

Born examined the Wholesome Meat Act of last year and claimed the wolf pack was "especially successful on this effort, using as a base for much of the reporting a survey taken by the Department of Agriculture in non-federally inspected meat plants."

THE REAL MEAT STORY

But "precious little real reporting" went into the issue, Born charged.

It was after the law had been passed that the National Observer discovered that while it had not gone along with the wolf pack "neither had we done the kind of reporting that, it turned out, we should have been doing."

The weekly Dow Jones newspaper assigned a reporter to six months of discovering the real story which showed that some of the reports written by federal inspectors after visits to meat plants had been "doctored" in Washington, eliminating favorable references and emphasizing the unfavorable findings.

The reporter also found that, although 183 of 15,000 plants had been inspected—"what would appear to be a fair sampling"—a memorandum had gone out from one regional meat office that specifically directed the inspectors to go only to plants where they would find bad conditions.

Trying to determine the existence of such a memorandum proved unavailing and finally National Observer had to resort to the Freedom of Information Act. The newspaper's lawyers were on the verge of filing suit when the Agriculture Department released the memorandum which contained detailed instructions for what it described as "project quick, quiet and confidential."

"That was the basis of the 'fact' used to produce some of those lurid stories about filthy meat," Born said. "It was on that basis that Congress decided that the conditions in the state plants were so appalling they required legislation."

"HOAX" DELUDED CONGRESS

The National Observer's point, Born said, was to put on the record the fact that a few men in Washington were able to stage an elaborate hoax, to delude Congress, and to delude the public in the interests of passing some headline-making consumer legislation.

"My point . . . here," Born continued, "is to note that this hoax couldn't have been accomplished if the press corps had been doing a thorough reporting job all the way along. It was another example of wolf pack reporting, and it is frightening to think we could be that easily hoodwinked.

Born said he thinks the press is justified in asking for reforms where reforms are needed, in rooting out villains who should be jailed, in exposing public officials who need to be ousted. "But I would ask that these efforts be made after thorough reporting, honest reporting, fair reporting. If a judgment is made without real reporting, it is not a judgment at all but is based on a hunch or on a whim, or—much worse—on malice."

Born added that although there are exceptions "most of our news-writing style is still geared to the Front Page Era."

"Too often," he said, "the merits of a reporting job are based on whether it was sensational, did it put someone in jail, did it get a public official fired, did it help a legislative body conduct an equally sensational investigation.

BAD EXAMPLE

"The evil is self-perpetuating," he continued. "The journalism student or the young reporter grows up knowing full well how to succeed in this business. He learns that you don't do it by being perceptive and knowledgeable and understanding—and by really good writing. No, you learn to fold a gob of copy paper three ways, carry a stub of editing pencil in your pocket, back a news source against a wall, get the goods, and rush it into type in time for the next edition."

Born contended that in the main American newspapers are not being read. "Nobody doubts," he said, "that newspapers are being bought—they just aren't being read and for a great number of reasons beyond the control of editors and the schools that are producing journalists of tomorrow.

"The weakness I have singled out today," he concluded, "is an especially egregious fault. We could do a lot to cure our ills if we could rid ourselves of the front page mentality, if we could put the wolf pack journalism behind us, if we could dispense with the anachronistic notion that we are racing against the clock to finish the news to our readers. . . . We have long since lost the race against the clock. Now we should take the time needed for the thorough, responsible reporting and good writing that today's better-educated, more-sophisticated reader has a right to expect."

COMPREHENSIVE CRIMINAL JUSTICE PLANNING—A NEW CHALLENGE

HON. FRED R. HARRIS

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. HARRIS. Mr. President, the distinguished Senator from Maine [Mr. Muskie] is necessarily absent today. On his behalf, I ask unanimous consent that a statement prepared by him and an article entitled "Comprehensive Criminal Justice Planning—A New Challenge," which was published in the July issue of Crime and Delinquency, be printed in the Record.

There being no objection, the statement and article were ordered to be printed in the Record, as follows:

Statement of Senator Muskie

Mr. Muskie. Mr. President, enactment of the Omnibus Crime Control and Safe Streets Act of 1968 opened the way for a new and more comprehensive approach to the complex problems of law enforcement throughout the nation. It also pointed up the increased national attention and concern being given to the problems of crime and criminal justice in our society.

Mr. Daniel L. Skoler, Deputy Director of the Office of Law Enforcement Assistance at the Department of Justice, has written an article entitled "Comprehensive Criminal Justice Planning—A New Challenge," which appeared in the July issue of *Crime and Delinquency*. Because of the great relevance of the article, I ask unanimous consent that it be printed in the Extension of Remarks.

Comprehensive Criminal Justice Planning—A New Challenge

(By Daniel L. Skoler, Deputy Director, Office of Law Enforcement Assistance, U.S. Department of Justice; associate director, Joint Committee for Effective Administration of Justice, American Bar Association, 1961–62; executive director, National Council of Juvenile Court Judges, 1962–65; LL.B., 1952, Harvard Law School)

(Note.—This article is based on remarks presented at the Eastern Regional Conference on Criminal Justice Planning, Boston, Mass., March 11–12, 1968. The opinions expressed are the author's and not necessarily the position of the Department of Justice.)

Under new federal legislation, the development of comprehensive criminal justice plans will be a prerequisite for receipt of federal matching grants to strengthen state and local crime-control capabilities. This will be a difficult task in a national structure administered by a variety of disciplines, by numerous and often overlapping political jurisdictions, and with distinct subsystems for processing juvenile and adult offenders. The current status of criminal justice planning offers some guides, promising new instrumentalities, and the experience of federally financed planning in other fields to assist in the effort. However, few models of comprehensive criminal justice planning are available. A concerted program of technical assistance through training workshops, planning materials, and clearing-house and consultation services will be needed if the nation is to meet this challenge successfully. Finally, although the exact requirements of criminal justice planning will be determined by the final anticrime enactment, some basic requisites are likely to appear under any legislative formula. These include (1) a view of planning as a continuing process, (2) a bias toward the detail necessary to translate general improvement standards into solutions workable for a given jurisdiction, (3) serious attention to all facets of criminal administration and a strong burden of justification for ignoring any, (4) a recognition in federal planning standards of the time needed to evolve and refine quality plans, (5) the establishment of planning machinery which involves all necessary competencies and is representative of all criminal justice interests, (6) well-designed and orderly programing for the planning mission, both in relation to long-term plans and annual action programs, and (7) the incorporation of explicit, quantified program goals and evaluative mechanisms capable of measuring their achievement.

All indications are that 1968 will be the year in which federal aid to law enforcement and criminal justice will join federal aid to education, health, highway safety, public welfare, and similar subjects of social concern as a major program in support of services administered at state and local government levels.

National interest in the crime and delinquency problem has reached new peaks, pilot programs have probed approaches of federal aid in this area,[1] and a searching President's Commission study has identified major avenues for improving crime control and criminal administration capabilities.

Legislative blueprints for the new federal program were introduced in 1967 and are now in the final stages of congressional consideration.[2] Briefly, they provide funds for development of comprehensive improvement plans; offer annual matching grants to help implement the programs, projects, and goals established in such plans; and permit special support for education and training and for research, development, and demonstration programs designed to produce or test new knowledge and techniques for the criminal administration community.

A basic principle and mandate under all versions of the anticrime legislation now pending is that state and local governments must develop and maintain *comprehensive* improvement plans—that is, the plans must consider all aspects of criminal administration: law enforcement, correction, courts and prosecution, citizen action, crime prevention. They must also integrate, to the greatest extent possible, the work of all agencies and levels of government carrying law enforcement and criminal justice responsibilities in the planning jurisdictions.

When the new federal aid partnership becomes law, the states and communities of the nation will be obliged to undertake a collective planning effort of a scope and depth unknown to our institutions of criminal justice administration. The impact of this will be felt by correctional administrators, police commissioners, judicial structures, state budget agencies, and others as they are asked to work on plan components, analyses, and data-gathering efforts. The perspectives and understanding by all concerned must be sufficient to produce the most useful and effective programs possible. This article will seek to explore the role of comprehensive planning, its current status in the federal aid and criminal justice contexts, and possible issues and requirements likely to be considered as the concept is defined under the coming grant-in-aid program. The precise standards and formats to be developed will depend on the legislation ultimately approved. They will undoubtedly undergo evaluation and refinement as experience is accumulated under that legislation and initial planning efforts help reveal what can realistically be achieved and which approaches to planning offer most promise for the crime-reduction goals of the program.

PLANNING AS A PREREQUISITE FOR ASSISTANCE

The experience of past years has amply demonstrated that the mere infusion of even a vast amount of federal money is no assurance of success or effective action. Well-defined objectives, realistic goals, appropriate techniques, proper allocation of resources, and careful study and program design are requisites for assuring prudent use of public funds and for guaranteeing, in an increasingly complex age, that the desired results will be achieved.

Accordingly, federally financed planning has become a basic tenet of national aid policy, and virtually every important program launched in recent years has included a planning requirement as a condition of eligibility for large-scale aid.[3] The Highway Safety Act of 1966 requires approved "highway safety programs"; the Comprehensive Health Planning and Public Health Services Amendments of 1966 requires approved plans for "comprehensive state health planning"; the Demonstration Cities and Metropolitan Development Act of 1966 requires approved plans for "comprehensive city demonstration programs"; the Land and Water Conservation Fund Act of 1965 requires "comprehensive statewide outdoor recreation plans"; and even more modest efforts, such as the Technical Services Act of 1965 (programs to communicate technical and scientific data for use of commerce and industry) and the Older Americans Act of 1965 (programs for the aging) begin with planning grants as a condition of aid for action projects.

Recognizing that programs such as crime control embody at least the order of complexity that has launched a "generation of planners" in these other areas of public activity, Attorney General Ramsey Clark noted at the 1967 National Conference on Crime Control:

"Our purpose is to commit ourselves to excellence as we now see it and later refine it. This will require definitive planning coordinated with all relevant agencies. Our time, our numbers, the complexity of our lives compel planning."[4]

Similarly, the President's Crime Commission accorded priority to planning as a first step for criminal justice improvement:

"A state or local government that undertakes to improve its criminal administration should begin by constructing, if it has not already done so, formal machinery for planning. Significant reform is not to be achieved overnight by a stroke of a pen; it is the product of thought and preparation. No experienced and responsible state or city official needs to be told that. The Commission's point is not the elementary one that each individual action against crime should

---

Footnotes at end of article.

be planned, but that all of a state's or a city's actions against crime should be planned together, by a single body. The police, the courts, the correctional system and the non-criminal agencies of the community must plan their actions against crime jointly if they are to make real headway."[5]

The Commission caveat has been embraced in the pending legislative proposals for law enforcement aid and has attracted little opposition from federal legislators. However, planning in criminal justice, as in other social problem spheres, must deal with important constraints. These include the "state of the art," available resources, intergovernmental complications. and the demands of the "comprehensive planning" mandate.

CURRENT STATUS OF CRIMINAL JUSTICE PLANNING

Today, the nation has almost no validated models of good comprehensive planning in crime control. It confronts its mission, however, with (1) a variety of personnel, operational and performance standards, and codes of good practice, and (2) some models of good survey work in specific segments of criminal justice activity—both largely the work of responsible professional groups supported, in varying measure and at different times, by academic and public agency competencies. Guides such as the American Correctional Association's *Manual of Correctional Standards,* the American Bar Association's new *Minimum Criminal Justice Standards,* the U.S. Children's Bureau's *Standards for Courts Dealing with Children,* and the National Council on Crime and Delinquency's model legislation and other publications are available to aid planners as they assess local needs and frame action plans. Similarly, recent state correctional system surveys by the National Council on Crime and Delinquency (in Oregon and Indiana) and a variety of metropolitan and municipal police agency studies by the International Association of Chiefs of Police (in Baltimore, Puerto Rico, Washington, D.C., and elsewhere) offer valuable models of the level of analysis, comprehensiveness, and detailed action programing that might be expected in the correctional and police components of a comprehensive criminal justice plan.

The best of this body of accumulated professional experience, standards, and reform goals has been integrated into the report volumes of the President's Commission on Law Enforcement and Administration of Justice, which has added important new insights and improvement measures. This is all to the good. However, translating standards and precepts into well-designed and properly phased programs responsive to the conditions and circumstances of particular state and local governments is the largely uncharted course which intelligent federal assistance must nurture.

Much remains to be done to develop resources. State and local planners in criminal justice are in short supply. Organizations currently capable of providing study and survey services have inadequate capacity to meet the demands of the national planning effort contemplated by the proposed legislation. Although they are beginning to show interest in criminal justice work, firms and organizations with general systems analysis, operations research, and organizational development capabilities have relatively little experience with and knowledge of the field. Planning and research units in correctional, police, and other criminal justice agencies are, for the most part, in early evolution. General criminal justice planning and coordination units, new on the scene, offer promising potential but are still few in number and have not had enough experience to offer the required levels of guidance and leadership.

A further complication confronting comprehensive planning is the fractionalization of responsibility for police, court, and correctional activities on the local level. With important exceptions, states and counties remain dominant in operation of correctional institutions, counties and municipalities have prime responsibility for police activities, and states and counties shoulder the major load in operation of court and prosecution systems. In a given metropolitan area, all three levels of government may play important roles in the police, court, and correctional services provided to residents. Planning must therefore transcend jurisdictional boundaries and individual agency responsibilities, a difficult task under the best of circumstances.

BUILDING PLANNING COMPETENCE

Such problems, large as they may seem, are not greatly different from those facing intergovernmental partnerships which address other contemporary needs. Many responses are possible. A particularly important one is the opportunity presented to the federal government to match grant funds with an aggressive technical assistance program aimed at building planning competence. This could include national workshops for training of criminal justice planners, development of materials and guides for planning, provision of consultant services to planners, and development and dissemination of successful planning models. This kind of help has frequently been neglected in other federally stimulated mass planning programs, often to the detriment of program quality.[6]

Federal assistance of this type will undoubtedly have to draw on the capabilities of universities, leading crime control agencies, professional associations, and qualified consulting organizations.[7] Federal agencies have themselves no superior wisdom or store of resources for this purpose, although encouraging progress is being made through such instrumentalities as the Bureau of Prisons' new Community Services Division, which was established expressly to provide technical assistance and consulting services to state and local correctional agencies. However, because of its national perspective and grant dollar stewardship, the federal government is uniquely situated to marshal qualified resources, often in short supply, and deploy them to maximum advantage. It is important to recognize, moreover, that the "technical assistance" role is as appropriate and proper to the federal-state-local partnership as the grant-in-aid technique. Because of its advisory nature, it is consistent with the trend toward greater local autonomy in defining problems and mapping programs of action and yet meets a need particularly important at the starting juncture of the crime-control planning effort.

Through other federal help, all states and major localities are today developing technologists and permanent planning agencies whose skills, blended with those of criminal justice specialists, can provide a valuable resource for crime-control planning. These include the forty-four state planning agencies and more than two hundred regional planning agencies and metropolitan councils of government supported by urban planning grants from the Department of Housing and Urban Development (an investment aggregating nearly $80 million over the past ten years) and, more recently, the core-city planning bodies to map comprehensive neighborhood improvement schemes under the Model Cities Program.

Within the past three years nearly thirty states, assisted by Department of Justice pilot grant funds, have established special commissions, councils, or committees to examine criminal justice needs and map comprehensive programs for improved criminal justice administration.[8] An increasing number of cities and other local units are taking similar action, even before the advent of federal subsidies to assist in such efforts. For the most part, the staffs of these units are too small, their resources too modest, and their origins too recent to permit substantial progress toward complete models of comprehensive plans. However, as they build strength and get their bearings, these specialized state and local criminal justice planning agencies should be able to demonstrate increasing effectiveness and themselves assume major roles in providing technical assistance for coordinated criminal justice planning. Thus, experienced state criminal justice planning agencies might well assume a major part of the training, consulting, and guidance services which initially will require federal impetus.

THE SHAPE OF COMPREHENSIVE PLANNING

Despite the newness of the comprehensive planning concept in crime and delinquency control, we can discern the directions indicated by limited past experience, the lessons of planning efforts in other social problem areas, and the results the new federal aid partnership hopes to achieve.

How much

Planning is a continuing process; any program for effective plan development must recognize that fact. Although the production of a comprehensive written plan is contemplated as a condition of aid eligibility under all versions of the anticrime legislation now under consideration, it must be recognized that planning efforts cannot stop with achievement of a jurisdiction's initially approved "comprehensive plan." Indeed, it is a virtual certainty that this first-year plan will be rudimentary in relation to the fully delineated and refined plan achievable over, say, the five-year initial operating period contemplated for the new legislation. Accordingly, all planning authorizations anticipate federal support not merely for the initial preparation of a plan, but also for its modification, revision, and expansion. Planning agencies should expect increasingly demanding standards of quality and thoroughness as time and experience provide the opportunity for the research, care, and detail which may not be possible in meeting initial plan deadlines.

How detailed

A dominant purpose of comprehensive criminal justice planning is to permit jurisdictions to select, adapt, and apply general measures and concepts of improvement to the context and needs of a particular state, city, or metropolitan area. This being the case, the most thorough analysis and detailed planning possible, within realistic constraints of time, money, and the need for action, would seem desirable. It will be easy enough for a jurisdiction to echo general standards, tenets, and goals of improved operation in planning documents. These abound in the report volumes of the President's Crime Commission and in the "standards of good practice" which each of the disciplines has developed through its professional and research arms. More difficult will be the tailoring of these to the resources and special problems of the jurisdiction so that maximum prospects for success will be assured and, before that, ascertainment of which measures are valid for that jurisdiction. A high level of detail will help lay bare deficiencies, inadequate assumptions, faulty data, and feasibility of implementation. What must be watched in the process of detailing is the introduction of detail at the proper stage of planning. The comprehensive plan that determines a need for a new facility may not need to produce a detailed design of that facility in the long-range program, but jurisdictions should be prepared to delineate and justify in much greater detail the action program to be undertaken with their fund allocations for a program year.

Footnotes at end of article.

How comprehensive

A comprehensive plan must cover all aspects of criminal administration. This means that police, correction, prosecution, and court services should each receive attention, that all major phases of their operations should be examined, and that the work of all agencies carrying responsibility in a particular jurisdiction should be accounted for. It probably means further that the need for citizen action, crime prevention efforts of other governmental agencies and private groups, and reform undertakings having no significant "money" dimension (e.g., criminal code revision) also be reviewed and, where appropriate, planned for. This will be a complex task and dilemmas are bound to arise.

For instance, what if a significant law enforcement agency (e.g., the state police) operating in the planning jurisdiction is not under the authority of that jurisdiction; and what if the planning jurisdiction feels that intensive upgrading of a particular function (e.g., police) should be pursued to the substantial exclusion of other criminal justice operations (e.g., courts and correction)? These conditions could create serious imbalances in plans which, before extension of plan approval, should carry a heavy burden of justification to show, in one case, that efforts would be integrated with those of the nonsupervised agency or, in the other, that the priority is reasonable and justified in the light of local progress and needs.

How soon

The deadlines for comprehensive planning can have a critical effect on the quality of that planning. At present, it appears that plans will have to be produced before the end of the first year in which the new grant-in-aid program becomes operative to permit a jurisdiction to qualify for its share of action funds appropriated for that year. This is because action fund requests must be based on previously submitted plans which have been approved as complying with statutory standards. This could create unfortunate pressures. Notwithstanding opinion that a number of jurisdictions are well advanced in developing comprehensive state and local plans, no such plans are yet on the scene and many jurisdictions will be hard pressed to develop the data and to conduct the studies they require, distill these into an accurate profile of existing resources and needs, prepare a comprehensive master plan, and reconcile opposing viewpoints along the way, all within the first fiscal year of federally supported planning operations. The experience of the existing state planning committees suggests that we may be underestimating the time needed for such work, including time to organize and properly staff a new planning operation.

Three types of remedial measures for such deadline problems have been accorded recognition in different versions of the anticrime legislation:

1. Permitting a jurisdiction's first-year action funds to be carried over to another fiscal year so that they will not be forfeited if the plan takes longer to develop than anticipated (utilized also in the Urban Mass Transportation Grant Program).[9]

2. Permitting the jurisdiction to apply for first-year action funds without first submitting a plan, thereby enabling a more deliberate pace in plan development (utilized also in the Highway Safety Aid Program).[10]

3. Accepting an "interim plan," admittedly incomplete in scope and quality, as a basis for release of first-year funds but not as a substitute for the detailed, comprehensive plan which will ultimately be required (utilized also in the Outdoor Recreation Grants-In-Aid Program).[11]

What machinery

The machinery that a state or local jurisdiction establishes for comprehensive planning can measurably affect the success of the planning effort. It is important, first, that planning groups have strong commissions, committees, or advisory boards to help review and establish programs and priorities. This is especially critical where the planning program encompasses more than one kind of jurisdiction and addresses multiple criminal justice fields (police, courts, and correction). Board representation of all interests, including not only operating agencies but research and educational resources, should be welded into a structure suited to the planning jurisdiction's needs and political structure. A number of "commission-subcommittee-advisory group" mixes are possible; the determination of the mix should be left to local initiative.

Equally important are strong planning staffs with capabilities spanning all criminal justice specialties. These will be needed even where substantial elements of planning are delegated to concerned operating agencies. Without this staff capability, the integration of plan components and the necessary attention to total system performance required by comprehensive planning may be put in jeopardy. Planning machinery must also fix ultimate responsibility in a single unit of state or local government enjoying support of the chief executive and the jurisdiction's legislative authorities. Such a unit can be effectively housed in a variety of structures—in an independent agency or in an office within an existing state department (for example, the attorney general's office or a public safety unit)—so long as the responsibility is pinpointed and the necessary staff capability provided.

The quality of planning machinery not only will have a critical effect on the planning process but also will be an important determinant of plan implementation. Appropriating necessary local funds, securing cooperation of criminal justice agencies in carrying out the plan, and accepting plan priorities should prove as large a task for the planning agency as formulating the plan.

Steps in planning

The planning process must itself be an orderly development. After the first steps of organization and staff, it would normally involve (1) design of the planning study, (2) collection of data and conduct of studies and surveys necessary for plan formulation, (3) formulation of the total plan, (4) delineation in detail of components for short-term or immediate implementation, and (5) review and approval of the plan and its priorities. Work on each of these phases can, to some extent, be advanced concurrently and certain studies and efforts can be assigned for future accomplishment as part of the plan scheme. Whatever the case, a well-conceived and specific, albeit flexible, work plan and time sequence should be developed. Stinting in preliminary stage work (e.g., design of the planning effort, data collection and surveys, problem definition) to arrive at final results more quickly could seriously impair the quality of the final plan. To insure against omissions, some federal programs have established requirements for interim submissions which delineate such components as problem analysis, general goals, and program stategies to be used in plan formulation.[12]

Goals and evaluation

Well-defined long- and short-range targets are, of course, essential to a meaningful improvement effort. Equally essential is a system for evaluation of progress in attaining the goals, and this should be an integral component of the plan. As with other endeavors in social measurement in our dynamic and changing society, evaluation of the crime-control effectiveness of improvement plans will be a difficult undertaking. Validation may be slow in coming until programs have a chance to take hold and we can factor out variables that obscure the picture. Federal guidance will probably be needed to define expectations and provide a common measurement base to which state and local jurisdictions can, if they desire, add refinements.

Evaluation should deal with attainment of both "capability" goals (e.g., achieving model casework levels in correctional treatment programs, or securing crime labs or computerized information centers in law enforcement programs) and "performance" goals (e.g., reduction of serious crime, or lowering the recidivism rate, or raising the conviction rate in prosecuted cases). The objectives should be explicitly stated in quantified terms so that measurement is possible and expectations can be tested and adjusted against the realities of actual program experience. Cost analysis should be built into evaluation efforts wherever possible because costs are important determinants not only of what can be attempted but of the comparative value of alternative solutions or techniques.

Movement in this direction can be seen in other programs. The Model Cities Program is asking planning grantees to define both one-year and five-year performance goals in quantitative terms (e.g., specified percentages of reduction in personal assault rates, in infant mortality differentials, in low rental housing deficiencies, etc., toward levels normal for the total city) and is providing guidance on how progress toward these should be measured.[13] Something comparable should be fashioned for anticrime programs, supported by adequately defined and nationally conducted collection of statistical data.

As the criminal justice community moves toward large-scale planning, it is important to keep in mind that the technique must serve and not dominate our crime control efforts. Some aid programs have had their disappointments with planning efforts; some are searching for more effective applications; none appears to have developed clearly superior or error-free approaches. We hope that our commitment to planning will feed on critical examination as well as intelligent adherence to the formulas and formats which emerge and that sufficient flexibility will be maintained by those administering the program to permit the fullest expression of state and local creativity. The attorney general cautioned a group of criminal justice planners in 1966 that "the vital purpose of reform is action, not abstraction."[14] Planning is action and should be seen in that light. Properly executed and utilized, it can prove to be one of our most effective tools in the cause of criminal justice reform.

FOOTNOTES

---

[1] Under the Law Enforcement Assistance Act of 1965, P.L. 89–197, 89th Congress, the Department of Justice has provided more than $20 million in grant and contract support for over 350 training, demonstration, and study projects covering all phases of law enforcement, correction, and criminal justice administration. Under the Juvenile Delinquency and Youth Offenses Control Act of 1961, operative from 1961 to 1967, a comparable $47 million investment in delinquency and youth crime projects was administered by the Department of Health, Education, and Welfare.

[2] Safe Streets and Crime Control Act of 1968, S. 912, 90th Cong.; Law Enforcement and Criminal Justice Assistance Act of 1967, H.R. 5037, 90th Cong. At May 1, 1968, versions of this legislation had been approved by the House of Representatives and were ready for floor action in the Senate. See also, Juvenile Delinquency Prevention and Control Act, H.R. 6160 and 12120 and S. 1248, 90th Cong.

[3] In late 1966, the Bureau of the Budget tabulated eighty-two federal grant-in-aid programs (nearly 75 percent of them enacted since 1961) which required plans or planning as a condition of assistance. See *Creative Federalism,* Hearings before Subcom-

mittee on Intergovernmental Relations, 89th Cong., 2d Session.

[4] *First National Conference on Crime Control*, Proceedings, U.S. Department of Justice, 1967, p. 16.

[5] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S.G.P.O., 1967), pp. 279–80.

[6] One new comprehensive planning program where proper emphasis has been given to preparation for planning is the Partnership for Health Program, P.L. 89–749, 89th Congress. Here, the statute makes specific provision for training grants in comprehensive health planning, and these grants were processed as a priority item even before planning grants were awarded to eligible states and regions.

[7] Excellent examples in the correctional sphere of technical assistance provided for state and local agencies by professional associations under the Law Enforcement Assistance Act are the American Correctional Association's self-administered study guide for measuring local achievement and needs against national correctional standards (LEAA Grant No. 306) and the National Council on Crime and Delinquency's correctional training information clearing house (LEAA Grant No. 224).

[8] See state planning committee grants listed in Appendix 2, *Third Annual Report to the President and the Congress on Activities under the Law Enforcement Assistance Act of 1965*, U.S. Department of Justice (April 1968).

[9] *Urban Mass Transportation Act of 1964*, 49 U.S.C. 1604(b).

[10] *Highway Safety Act of 1965*, 42 U.S.C., Sec. 402.

[11] *Land and Water Conservation Fund Act of 1965*, P.L. 88–578, Sec. 5.

[12] *See Plan Submission Requirements*, CDA Letter No. 1, Model Cities Administration, Department of Housing and Urban Development (October 1967). The "Statement of Problem Analysis, Goals, and Program Strategy" must be submitted by planning grantees midway through the planning period.

[13] See "Measures of Living Quality in Model Neighborhoods," Technical Assistance Bulletin No. 2, Department of Housing and Urban Development (April 1968).

[14] Address, Conference of State Planning Committees in Criminal Administration, University of Maryland, Oct. 15, 1966.

IMPROPER USE OF NATURAL RESOURCES—POEM BY H. FRANCIS ROSEN

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. SCOTT. Mr. President, Mr. H. Francis Rosen, superintendent of the Palmerton Area School District of Pennsylvania, at the age of 15 wrote a poem expressing his disapproval of the improper use of natural resources. Mr. Rosen's youthful outcry of the thirties has been sounded in each decade since by others similarily impressed by man's mishandling of forest and stream.

I ask unanimous consent that Mr. Rosen's verses be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

METAMORPHOSIS

Sweet quiet wooded, sublime land,
How are you cursed by man's rude hand.
Thy wooded copse of grassy sheen,
Is now so wracked by a factory's steam.

At the top of the hill the great white oak,
For that there is now no more hope.
A cottage built by the hands of man,
Takes its place on the forest stand.

As the years go by, and time goes on,
The pond is there, but the boys are gone.
Here am I, a single one,
To see what the hands of man hath done.

He cut the forest, he dammed the stream,
He ruined every school boy's dream.
He calls it progress, I call it sin,
To see my forest bleak and dim.

BANKS AND DROPOUTS, NOW GETTING ACQUAINTED, ARE FINDING THEY LIKE EACH OTHER

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 6, 1968

Mr. JAVITS. Mr. President, I invite the attention of Senators to a feature article published in the business and finance section of the New York Times of July 14, describing the Chase Manhattan Bank's pace-setting program for training unskilled high school dropouts. Chase Manhattan's program for training unemployables began last January and has proved so successful that several other banks in the New York City area have plans underway to sponsor similar programs of finding the unemployed and training them for jobs they are presently unqualified to hold. These programs are indicative of what the banking industry is doing across the Nation to provide meaningful employment opportunities for the hard-core unemployed.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANKS AND DROPOUTS, NOW GETTING ACQUAINTED, ARE FINDING THEY LIKE EACH OTHER

(By Leonard Sloane)

Last December, the Chase Manhattan Bank began a program for training unskilled high school dropouts. The initial results of its work with these "unemployables" have been so successful that the bank now says it will train 1,000 in the next three years.

In two weeks, the First National City Bank will open a training center in lower Manhattan, where it will provide remedial and technical skills for entry-level jobs for the hard-core unemployed. Some 700 young men and women will receive this instruction in the next 18 months under a contract between the bank and the United States Department of Labor.

And just last week, the American Institute of Banking began classes in basic education and banking terminology for ghetto residents who are employed by 34 commercial and savings banks in the New York area. Its goal is to provide this training for more than 700 members of minority groups over the next year.

These programs are indicative of what the banking industry is beginning to do across the nation to make the phrase "equal opportunity" in employment more meaningful. Other banks working through different means to achieve a greater rapport with the Negro community include the Bank of America in California, the nation's largest, and the Industrial National Bank in Rhode Island, the biggest in that state.

Why are banks, both locally and nationally, taking such an interest in finding the unemployed and training them for jobs they are presently unqualified for? For one thing, banks are highly visible institutions and their employment of Negroes and Puerto Ricans is usually obvious to the public, unlike the situation in most manufacturing industries whose factories are not normally visited by passers-by.

"Banks draw their employe and customer populations from the city," says a veteran banker. "You just can't pick up your bank and move it to the suburbs as some other companies can. So if you have to stay locked in with the city and its working class, you have to be aware of who the people are."

But why are banks going in for these various programs at this time when the population mix in the big cities has already been changing for many years? One banking official puts it this way:

"Training minorities for employment has just become respectable with the formation of the National Alliance of Businessmen and the leadership of such men as Henry Ford [chairman of Ford Motor Company] and J. Paul Austin [president of the Coca-Cola Company]. And since banks see themselves as the capstones of business anyway, they figured that this is the time to do something in that area."

One of Chase's "somethings" is its training program for young men between the ages of 17 and 22 who are unable to meet the bank's qualifications for white-collar employment. The men are referred by social agencies, bank liaison officers, employment interviewers and others and have in common a basic motivation to succeed as bank employes.

"We're looking for the young men who have some potential that can be tapped and who want to go to work," says Arthur J. Humphrey, a Chase assistant treasurer and director of the program. "We don't mind his being skeptical but we want that will to win."

PHASES DESCRIBED

There are three phases to the remedial program in reading, language skills and mathematics that Mr. Humphrey and other bank officials have worked out with the six teachers employed by Chase. The first encompasses a six-week, all-day session during which trainees receive a nontaxable training allowance of $1.60 an hour.

During phase two, employes are placed in entry-level jobs at which they earn about $75 a week but return to the 28th floor training center at 1 Chase Manhattan Plaza for up to two hours of remedial education a day. The final phase is geared to make the young men better qualified for promotions as they open up at the bank.

"I love it because it's a lot different from school," says Gilbert Rivera, 17 years old, who dropped out of high school in the 10th grade. You get more individual instruction here."

"We have more confidence in the teachers than we did at school," adds Rudy Martinez, 21, who has completed phase one and is now working as a tape feed clerk in the domestic money transfer department. "They're not like teachers, they're more like friends."

Venise Greene, an 18-year-old from Brooklyn who left high school last March, points out that "in school they didn't start at the root of things. Here they start at the root and go on up."

One reason for this unusual teacher-student relationship is the small class sizes of 10 to a group. Another is the informality that prevails with teachers called by their first names and students able to walk out of the room at any time for personal reasons. And then there is the fact that students even help to organize the curriculum by selecting their own books to read.

For instance, one poem read by the students in the Chase program is "The Ballad of the Landlord," by Langston Hughes. Educational critic Jonathan Kozol was dismissed from the Boston school system in 1965 for reading this poem to his students because of its alleged antiwhite tone.

CENTER BEING SET UP

As Linda Kunz, a teacher of language arts, observes, "We have no set syllabus here. Content is geared in two directions, toward their own backgrounds and toward anything to do with banking. The students should not deny their own backgrounds nor should they only get into the banking area when they start their jobs."

At First National City, two floors are being outfitted at a building on Canal Street and Broadway for the first two 20-student classes in its training program for the unemployed and underemployed. Over a 16-to-22-week period, these young men and women will be given remedial skills and technical training for such jobs as general clerk, typist and check-processing machine operator.

While they are being trained by the bank—as part of the Federal Government's Job Opportunities in the Business Sector program—the students are bank employes and are paid a salary of $65 a week. Upon completion of their training, they receive an increase of at least $10 a week and move into a beginner's job at the bank.

Robert W. Feagles, a City Bank senior vice president, emphasizes that "the entry-level position is not the end of the road. These men and women have career opportunities absolutely on a par with any other employes. Our whole purpose is to erase the hard-core stamp and make them nonidentifiable as anything but employes of the bank."

This will be accomplished even at the new training center through the immediate establishment of an employer-employe relationship, rather than a continuation of any government aid situation. The environment, moreover, will be that of work—with its 9-to-5 day, punctuality and dress requirements, etc.—instead of a high school for adolescents.

Funds for the students in the J.O.B.S. program were provided by the Government to the tune of more than $1.5-million. However, the bank figures that more than $150,000 of its own money is involved in providing administrative and other services not covered by the training contract.

According to Mr. Feagles, this money is well spent. "Social problems are only resolved in an atmosphere of economic equality and well-being. We have been aware of the need to do more as we re-examined our criteria for entry-level jobs. This is a major step toward the first requirement, economic equality.

ADDITIONAL SCHOOLING

The classes at the American Institute of Banking are providing, in effect, for a consortium of banks what giant institutions like Chase and City Bank are doing on their own. Students with average fifth to eighth-grade achievement levels will be given six weeks of training to lay the educational and career foundations for bank employment.

Afterwards the students will return to A.I.B. classrooms for nine hours a week of additional training. "This instruction plus departmental bank experience will point the successful trainee directly toward the mainstream of departmental promotability and a successful banking career," says the institute.

While the A.I.B. is providing its facilities at the Woolworth Building for the classes, the actual teaching and counseling will be done by the Board for Fundamental Education, a nonprofit organization that designs programs for the disadvantaged. Bankers from the participating institutions—such as the Morgan Guaranty Trust Company, the Bowery Savings Bank and Brown Brothers Harriman & Co.—will also conduct panel discussions with the trainees.

HOUSE OF REPRESENTATIVES—*Monday, September 9, 1968*

The House met at 12 o'clock noon.

Dr. Philip W. Walker, chairman, Bible Department, North Texas State University, Denton, Tex., offered the following prayer:

Isaiah 54: 2 *Enlarge the place of thy tent—spare not, lengthen thy cords, and strengthen thy stakes.*

Eternal God, before whom civilizations have flowered and faded, lived and died, once again in history's course we have come to the crossroads; and, as did the men of old, we turn to Thee for wisdom and strength.

Overwhelmed by the newness of our world, its swiftness of change, complexity of events, strife of persons, ours is a search, earnest and immediate, for the true, the just, the rightful direction of American destiny.

Upon this House, summoned to creative leadership in this crisis hour, may Thy face shine, enabling each Representative to be bigger than little things, equal to the great, a true instrument now in forging the vision for which all the world waits.

This we ask in Thy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 5, 1968, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 18037. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18037) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hill, Mr. Russell, Mr. Magnuson, Mr. Stennis, Mr. Bible, Mr. Byrd of West Virginia, Mr. Javits, and Mr. Cotton to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 2687. An act to amend section 17 of the Interstate Commerce Act to provide for judicial review of orders of the Interstate Commerce Commission, and for other purposes; and

S. 3738. An act to amend the definition of "felony" in title IV (adding chapter 44 of title 18, United States Code) and title VII of the Omnibus Crime Control and Safe Streets Act of 1968.

The message also announced that Mr. Jordan of Idaho and Mr. Hansen were appointed conferees on the bill S. 827 entitled "An act to establish a nationwide system of trails, and for other purposes," and that Mr. Kuchel and Mr. Allott were excused.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. Monroney and Mr. Carlson members of the Joint Select Committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 69-1.

The message also announced that the Senate had passed the following resolution:

S. Res. 388

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Elmer J. Holland, late a Representative from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

DR. PHILIP W. WALKER

Mr. WHITE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Speaker, it was my pleasure and honor today to introduce as the visiting chaplain, to offer a prayer for this House and for the Nation, my father-in-law, Dr. Philip W. Walker.

In his native Texas, Dr. Walker is widely known as a spiritual leader of the young, as a preacher of comanding eloquence in the pulpit and on the radio, as a philosopher, and as a man of boundless energy and wide experience.

At present, Dr. Philip Walker occupies the Methodist Bible chair at two universities—North Texas State, and Texas Woman's University. Previous to this important assignment he served for 15 years as pastor of the First Methodist Church in Denton, Tex. For 10 years, he was widely known as the radio preacher on the program "Today We Live"—a series which emphasized the Christian's philosophy of life in facing our daily problems.

As a vigorous hobby, he has long pursued the sport of fox hunting and is a recognized expert on hunting dogs. He is the author of a book recognized as the hound-man's classic, entitled "Hounds and Men."

Mrs. White and I are proud to have her parents, Dr. and Mrs. Walker, as our guests, and it is with great pleasure and affection that I introduce him to this House to call us to the service of our Maker as we begin another day's work.

McNAMARA CONTINUES HIS STRANGE WAYS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I have dispatched a letter to former Defense Secretary Robert S. McNamara, now President of the World Bank, protesting his announced loan of $5.3 million to Ecuador for the expressed purpose of enabling Ecuador more fully to exploit its abundant offshore fish resources.

Mr. Speaker, time and time again I have stood in this Chamber and documented the illegal seizures of American fishing vessels by Ecuador. The latest act of piracy by Ecuador came just last month when four American tuna vessels, fishing more than 20 miles off Ecuador's coast, were boarded at gunpoint by the Ecuadorian Navy, forced into port, held for 4 days, and fined more than $200,000.

Ecuador claims an outrageous 200-mile territorial sea, contrary to any international convention. And, despite these repeated criminal acts against U.S. citizens on the high seas this huge and unbelievable loan was made by McNamara's Bank.

Mr. Speaker, I certainly think that where our citizens have an opportunity to influence foreign nations in the interest of the American economy and the protection of our citizens on the high seas, organizations such as the World Bank would do well to exert their resources in that direction, rather than financially aid a nation which criminally attacks American citizens who are peacefully pursuing their vocation in international waters.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. It is about time for the President or whoever is responsible to withdraw those destroyers or patrol boats we loaned to Ecuador. We ought to demand the immediate return of our armed vessels that are being used for the purpose of committing acts of piracy on American fishing vessels.

Mr. PELLY. The loan agreements, I will say to the gentleman, provide that they not use those naval vessels as they have been used. I would certainly object to letting our military loan vessels to any foreign nations who illegally seize our fishing vessels on the high seas. Tomorrow when legislation comes before this body I intend to put in an amendment to so provide.

Mr. GROSS. I commend the gentleman for his statement.

SUMMER REVIEW OF THE 1969 BUDGET

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, the Honorable Charles J. Zwick, Director of the Bureau of the Budget, has today released a summer review of the 1969 budget. This review is highly significant and very important to Congress and to the country generally. It refers to the impact of the Revenue and Expenditure Control Act of 1968 which requires a reduction in outlays—lending and expenditures—of not less than $6 billion and a reduction of not less than $10 billion in new budget obligational authority.

One very encouraging feature of the review is the anticipated deficit for fiscal 1969 in comparison to last year. According to today's release, the fiscal 1969 budget deficit would drop by some $20 billion, plus from $25.4 billion in fiscal 1968 to $5 billion, tentatively, for the current fiscal year 1969.

Mr. Speaker, because of the importance of this matter, I am inserting the full text of the release at a point later in today's RECORD.

[The matter referred to appears in the Extensions of Remarks.]

GOP AGRICULTURAL TASK FORCE SAYS DAIRY IMPORT SITUATION WARRANTS IMMEDIATE ACTION

Mr. LANGEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LANGEN. Mr. Speaker, our American dairy producers have lost more than $600 million because of dairy imports and a decline in exports since 1963. During these last 4½ years, the dairy farmers' market has been affected by the equivalent production of nearly 80,000 25-cow farms, or more than 17 billion pounds of milk equivalent.

The task force was pleased to see the administration take positive action on our requests to restrict massive dairy imports, in June of both 1967 and 1968. We are also encouraged by the July call for an investigation into apparent circumventing actions by foreign suppliers, which are keeping the door open for continuing high dairy imports.

Six-month dairy import totals just released by the USDA confirm the need for the present Tariff Commission hearings to come forth with added restrictions at the earliest possible moment. If immediate action is not taken, our dairy farmers will be faced with further income and market losses.

Evaporated milk imports during the first 6 months of this year have increased 527 percent over January-to-June totals of 1 year ago. Other items that have increased over the same period include milk chocolate used for commercial purposes, up 140 percent, and certain cheese and cheese substitutes, up 53 percent.

These statistics serve notice on all government officials who administer our dairy programs. What is clearly evident is that inaction at this critical time will only be a disservice to our struggling rural economy, which has been continuously driven backward during recent years.

TRANSFERRING SPECIAL ORDER OF REPRESENTATIVE TUNNEY TO SEPTEMBER 16

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special order granted for 1 hour today to the gentleman from California [Mr. TUNNEY] be vacated and transferred to September 16, 1968.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE 12TH ANNUAL REPORT OF THE SURGEON GENERAL ON THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM FOR FISCAL YEAR 1967—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 381)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit the 12th Annual Report of the Surgeon General on the Health Research Facilities Construction Program for FY 1967.

The effectiveness of current medical practice rests largely upon discoveries of medical research—an activity which must continue to grow if we are to bring better health and a fuller life to all Americans. Since 1956, the Federal Government—through the Health Research Facilities Program—has played an important role in providing funds for constructing and equipping health research facilities. During that period, the Health Research Facilities Construction Program has provided over $400 million in matching grants to about 400 universities, hospitals, and research institutions in all 50 States of the Nation.

This program has been a vital part of our efforts to increase man's understanding of disease and human development. It complements the Federal Government's continuing support of health research, which has grown from $1 billion in 1963 to nearly $1.5 billion today, 65 percent of the Nation's total expenditures for biomedical research.

This program has also been an important part of our overall effort to assure that the benefits of modern medicine are available to all of our people. To reach this goal, we have in just the last four years enacted over 30 new health measures and increased the Federal health investment from $6 billion to nearly $14 billion annually.

It is accordingly with pleasure that I submit to the Congress the 12th Annual Report of the Surgeon General on the Health Research Facilities Construction Program.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 6, 1968.*

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 310]

Adair
Ashley
Ashmore
Baring
Barrett
Blackburn
Blanton
Blatnik
Boland
Bolling
Bolton
Brasco
Brock
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Button
Carey
Casey
Celler
Clancy
Cleveland
Collier
Collins
Conyers
Corbett
Corman
Culver
Cunningham
Curtis
Dent
Derwinski
Diggs
Dole
Donohue
Dorn
Eckhardt
Edwards, La.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fino
Flynt
Fountain
Fraser
Friedel
Fulton, Tenn.
Galifianakis
Gardner
Goodell
Green, Oreg.
Griffiths
Grover
Gude
Gurney
Hansen, Wash.
Hardy
Hébert
Heckler, Mass.
Henderson
Herlong
Holifield
Jacobs
Jonas
Jones, Mo.
Jones, N.C.
Karsten
Keith
Kuykendall
Kyros
Landrum
Lloyd
Long, La.
McClory
McDade
McMillan
Macdonald
Machen
Mathias, Md.
Minshall
Monagan
Moorhead
Myers
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
Patman
Pike
Pirnie
Poage
Podell
Pucinski
Quie
Quillen
Rarick
Reifel
Resnick
Reuss
Rhodes, Pa.
Rivers
Rogers, Colo.
Rogers, Fla.
Ronan
Roudebush
Roybal
Ruppe
Satterfield
St. Germain
Saylor
Schadeberg
Scherle
Schweiker
Selden
Sisk
Smith, Iowa
Smith, Okla.
Stafford
Steed
Steiger, Wis.
Stephens
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tuck
Udall
Watkins
Whalley
Willis
Wolff
Wydler
Wyman

The SPEAKER. On this rollcall 293 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 17023, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT OFFICES APPROPRIATIONS, 1969

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and appoints the following conferees: Messrs. EVINS of Tennessee, BOLAND, SHIPLEY, GIAIMO, MARSH, PRYOR, MAHON, JONAS, MINSHALL, WYMAN, TALCOTT, and BOW.

MARKETING ORDERS ON PEARS FOR CANNING OR FREEZING

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1224

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10564) to amend section 2(3), section 8c(2), and section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio [Mr. LATTA] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1224 provides an open rule with 1 hour of general debate for consideration of H.R. 10564 to amend the Agricultural Marketing Agreement Act of 1937, as amended.

At present there are five commodities for canning or freezing that are eligible for marketing order programs. In addition, apples for canning or freezing in certain States are also eligible for this program. The commodities are asparagus, olives, grapefruit, cherries, and cranberries. Certainly producers of pears for canning or freezing should also be given the opportunity to establish a marketing order program.

The purpose of H.R. 10564 is to add pears for canning or freezing to the list of commodities for which Federal marketing orders may be made applicable, and it would permit the inclusion of a checkoff for marketing promotion projects, including paid advertising, for this commodity.

The annual cost for administering each new marketing order program is approximately $25,000.

Mr. Speaker, I urge the adoption of House Resolution 1224 in order that H.R. 10564 may be considered.

Mr. LATTA. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. QUILLEN. Mr. Speaker, House Resolution 1224 provides for an open rule with 1 hour of general debate for the consideration of H.R. 10564 which would bring pears for canning and freezing under the marketing control provisions of the Agricultural Marketing Agreement Act of 1937.

No doubt few Federal statutes are as complex and as devoid of clarity as is the Agricultural Marketing Agreement Act of 1937 and its various amendments. Nevertheless, few statutes have a more direct impact on the prices we, as consumers, pay for the agricultural products which form the essential parts of our daily diet.

Ever since it first adopted the Agricultural Marketing Agreement Act, Congress has acknowledged the wisdom and desirability of maintaining the general marketing order exemption for canning and freezing crops. Congress has recognized that it is one thing to authorize growers to control their own production and shipment of raw products for the fresh market—where they have a substantial financial risk and investment in the product as purchased by the consumer.

But it is quite a different thing to tell growers they can get together and control the production of the canned product—when the canner has the principal investment in the commodity as purchased by the consumer and has taken over entirely the grower's financial risk and marketing responsibilities.

So that the House may have a clear idea of why I am opposed to the authorization of marketing orders for canning crops, it may be helpful for me to review briefly how a marketing order could be adopted for pears for processing, and what it could provide if this bill is enacted.

The Secretary of Agriculture initiates the proceeding by publishing a proposed marketing order, developed either within the Department or by some other party, such as a grower's organization. All interested persons are given an opportunity to appear at the hearing, present evidence, and file arguments or briefs.

If the Secretary decides that the issuance of an order will tend to effectuate the declared policy of the act, the order is published. But it does not become effective until the Secretary determines that it is approved or favored by at least two-thirds of the producers—that is, the growers—of the commodity, or by producers who produce at least two-thirds of the volume of the commodity.

Thus, although processors and other handlers of pears could appear at the hearings and file comments, they would have no vote as to whether the order issued by the Secretary of Agriculture would become effective. And the policy sections of the act make it clear that it is only the interest of producers, not processors, that must be considered in formulating the provisions of an order.

Once approved and adopted, the order would be administered by a committee of growers, because the act contains no requirement that any handlers be represented on such committees. The development of marketing policy under the order is in the hands of this grower committee, and the final decision lies with the Secretary.

The expenses of operating the marketing order would be borne not by the producers for whose benefit it was adopted, but by the handlers—in this instance, the canners who purchased pears for processing. The amount of the assessment would be set by the committee and the Secretary, but producers would pay no part of the costs of operations under the order.

A Federal marketing order cannot impose any controls on producers. Only the canners and other handlers would be regulated. And penalties for noncompliance would, of course, apply only to canners, not to growers, who are completely free, if they wish, to try to evade any restriction or requirement imposed by the order.

On the raw product side, the order could regulate what, when, and how much a canner could purchase for processing. He could be told what grades he could buy, and in what amounts from which growers. No greater degree of outside control over a canner's procurement of the raw product could be imagined.

The order tells the canner what he can buy. It does not tell the grower what he can sell. Perhaps if the House realizes that fact it will understand exactly why the canning industry is opposed to this legislation and why they believe it is unfair for the canning industry not to have a say in what is adopted and authorized.

Surplus elimination could be imposed, and reserve pools could be established, to be held in processed form and disposed of at a later date, under the direction of the committee.

Now to present some arguments against H.R. 10564, the pear marketing control bill.

The canning and freezing industry is also opposed to the bill because it would permit pear growers, through a Federal program administered by the U.S. Department of Agriculture, to control the conditions under which processors could obtain pears for canning and freezing.

This proposal is undemocratic in that it would deny canners and freezers the right to vote on a marketing order program, and it does not assure them representation in the administration of an order. While some say that a marketing order program involves only the interests of the producers, the truth is that any control program would be designed to indirectly control the marketing of the canned product. Thus, the canner, with a total investment greater than that of the grower and including the raw product, the processing labor, the can and the shipping case, and the marketing expense of the canned item would be subject to a USDA administered control and marketing program.

What are the results of such a marketing control program? Here is what they are:

First. The consumer will pay more.

Second. Growers will get relatively less.

Third. The inefficient will be kept in a marginal status.

Fourth. The United States will move another step closer to a total agricultural cartel run by the Department of Agriculture.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by my friend, the distinguished gentleman from Texas [Mr. YOUNG], concerning the rule granted by our Committee on Rules for the consideration of this legislation, H.R. 10564. However, I hasten to point out the fact that this Democrat-controlled Congress should not attempt to mislead anyone into believing that this Congress is about to do anything of substance for our Nation's farmers in passing a bill to provide marketing orders for a handful of pear producers on the west coast.

Rather than considering this bill today, Mr. Speaker, I believe the House should be considering legislation to increase farm income immediately. I say this as I believe we have a real farm crisis in America, and this administration and this Democrat-controlled Congress either cannot recognize it or they do not want to recognize it.

As I informed this House on July 31, 1968, our Nation's farmers are receiving only 73 percent of parity for their products—the lowest in 30 years—and all my Democrat friends want to do about it is to extend their same price-depressing programs for 4 more years. Frankly, Mr. Speaker, I cannot understand how my Democrat friends can in good conscience ask the farmers of the Nation to continue them in the majority in this Congress when all they have to offer them is "more of the same."

I think it would be worthwhile to take time here and now to see what has been happening to our farmers under this Democrat administration and under Democrat-controlled Congresses:

First. Realized farm income declined by $1.9 billion from 1966 to 1967. In 1967 alone, farmers suffered an 11.5-percent drop in realized net income. Our farmers suffered this drop in income at the same time every other segment of the economy was experiencing an increase in income.

Second. A 31-percent increase in the farmers' cost of production occurred during the past 7 years.

Third. A drop of over 6 points occurred in the farm parity ratio over the past 7 years.

Fourth. Farm debt increased by 90 percent in the last 7 years. Total farm debt in the United States is now $49.9 billion, a figure greater than the entire Federal budget in 1951.

Fifth. Rural poverty as identified by the President's Commission now encompasses 14,000,000 Americans, which proves that the administration is long on talk and short on action in improving farm income.

Sixth. The Nation has suffered a loss of more than 900,000 farms since 1960, and this rate of loss continues at more than 100,000 farms per year.

Seventh. Farm prices are now so low, Mr. Speaker, that it takes two bushels of corn or two bushels of wheat to purchase a $2 haircut. A farmer must sell four bushels of oats to pay for this same haircut. In 1967, only 17.7 percent of our citizens' disposable income went for food, down from 18.1 percent in 1966. In comparison, a consumer in the United Kingdom spends about 26 percent of his income for food; in France, 29 percent; in Austria, 32 percent; and in Italy, 42 percent. Is further evidence needed to prove that our farmers are not getting their fair share of our gross national product under this administration?

Mr. Speaker, I think it is well to note here some of the administration actions which have contributed to the plight of our farmers:

First. Historically, Government price support programs have fixed the market price of the commodities and continue to do so. The administration has steadfastly refused to increase the support price of price-supported commodities. On July 31, 1968, had I had Democratic support for my amendment to fix the level of price support to be made available to wheat and feed grain cooperators at 100 percent of parity, my amendment would have passed with Senate and White House approval, farm income would have been increased almost immediately. Under my amendment, farmers would have received $2.61 for wheat; $1.62 for corn; and 89 cents a bushel for oats.

Second. The administration has dumped huge stocks of commodity credit grains upon the domestic market in order to depress grain and livestock market prices and to force noncooperators into Government programs. The Secretary of Agriculture dumped surplus corn on the market to depress the price on one occasion and was so successful that he later announced he was "pleased" when corn prices fell. The New York Times reported this was the first time in the memory of Federal officials that a Secretary of Agriculture had declared he was pleased at a decline in income for farmers.

Third. The administration has delayed necessary action to reduce price-depressing dairy imports.

Fourth. The administration cut back

purchases of pork and dairy products by the Department of Defense.

Fifth. Underestimated cattle by 4 million head and turkey population by 5 million birds, thereby bringing an already weak market down further.

Sixth. Restricted exports of cattle hides.

Seventh. Failed to take effective action against beef imports.

Eighth. Boosted imports of raw sugar.

Ninth. Federal Government purchased foreign food products for our Armed Forces at the same time these commodities were in surplus in the United States.

Tenth. The administration attempted to inflict drastic cuts in certain agricultural research and other programs that serve our Nation.

Eleventh. The President urged housewives to reduce buying of certain food items in an effort to depress prices.

Twelfth. Failed to exact any meaningful agreements that could have helped the American agricultural economy at the Geneva tariff negotiations.

With this record, Mr. Speaker, is it any wonder that the American farmer is disenchanted with this administration and this Democrat-controlled Congress? I am convinced that unless farm prices are substantially increased between now and November 5, our farmers will be voting for a Republican administration and a Republican-controlled Congress. Our Nation's farmers cannot continue to receive such a small share of our Nation's income and will be voting for a change on November 5.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. **YOUNG**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **GATHINGS**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10564) to amend section 2(3), section 8c(2), and section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended.

The **SPEAKER**. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10564, with Mr. VAN DEERLIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from Washington [Mr. FOLEY] will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. BELCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. **FOLEY**. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would advise the Committee that this bill authorizes a marketing order for the canning and freezing of pears.

As the members of the Committee will recall, similar legislation was enacted earlier in this Congress for cherries.

I might say to the Committee that the enactment of this legislation does not necessarily mean that a marketing order will actually be implemented by the Department. There is a procedure under the law by which a referendum must be held among the growers and two-thirds of the growers or producers by volume or by number must support the referendum before a marketing order can be issued.

Mr. Chairman, the Subcommittee on Domestic Marketing held hearings in early 1967 and at that time an overwhelming number of producers and farm organizations indicated their support for this bill. Indeed, this is one of the very rare examples in agricultural legislation where all the major farm organizations support the bill. This bill is supported by the American Farm Bureau Federation, by the Grange, by the National Farmers Organization, by the Farmers Union, and by all large farm organizations, and any of us who serve on the Committee on Agriculture can advise the Committee here that this is a most unusual circumstance.

The legislation affords an opportunity for producers to band together to improve the quality of their product, to provide for promotional advertising, to set grading standards, and to otherwise engage in basic self-help operations.

There is no payment attached to this legislation.

Its cost is minimal. It is estimated at $25,000 annually. It provides a technique by which the producers themselves can improve their own income and improve the quality of their product.

It follows a long line of authority given by Congress for the establishment of marketing orders for other commodities.

Mr. Chairman, I know of no opposition against this legislation in the producer area. The support for this legislation is virtually unanimous.

I might advise the Committee that most of the production occurs in California, Oregon, and Washington so it has a limited impact on the country as a whole.

A committee amendment requires each State to support a marketing order by the same 66⅔ level as the entire producer group or the order will not apply to such State. Under this amendment each State has an opportunity to determine whether it will be affected by the marketing order or remain outside. Although I would imagine that any marketing order which would be implemented in this legislation would have the support of the three major States; California, Washington, and Oregon.

The **CHAIRMAN**. The time of the gentleman from Washington has expired.

Mr. **BELCHER**. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. **MAY**. Mr. Chairman, the American farmer is a price-taker, not a price-maker. When he takes his crop to market he is seldom in a position to name the price he wants, and in most cases must accept the price that is offered. The same is true when he goes to buy—he either pays the price asked, or he does without.

The U.S. farmer wants and needs more opportunity to do something about this. He needs a bigger voice when it comes to setting the price, and the only justification needed for this statement is a look at the low level of most farm prices today. The parity ratio currently stands at a level which brings to mind the depression years of the thirties—74.

Clearly, in the interests of fairness alone, the economic scales need to be weighted more on the farmers' side, and through legislation such as that before us today, farmers themselves can bring the scales into better balance.

I believe the key to improving farm prices is through farmers themselves, and the record of the Federal Government in this field for the past 30 years certainly substantiates that idea. I believe a more effective role for the Federal Government is to find ways to make it easier for farmers to work together to achieve their objectives.

U.S. farmers are finding strength together through farmer cooperatives, through bargaining groups, through buying and selling together. The legislation we are considering is a step in the direction of helping farmers to help themselves rather than toward a more involuntary, rigid pricing system, and for this reason and the others I have outlined, I support it.

Mr. Chairman, the bill before us would do two things; first, it would add pears for canning or freezing to the list of commodities for which Federal marketing orders may be made applicable, and second, it would permit the inclusion of a checkoff for marketing promotion projects, including paid advertising, for this commodity.

As is pointed out in the House Agriculture Committee Report, there are presently five commodities for canning or freezing that are eligible for marketing order programs: asparagus, olives, grapefruit, cherries, and cranberries. Apples for canning or freezing are also eligible for this program in certain States.

The bill has a favorable report from USDA, and Department witnesses testified favorably at the committee hearings.

The three principal States which would be affected by this bill are Washington, Oregon, and California. Because the marketing problems in these States differ, I proposed and the committee accepted an amendment which would permit producers in any State to exclude themselves from a marketing order, regardless of the approval by other producers, or the appropriate volume of production represented by these other producers in other States. The amendment requires that at least two-thirds of the producers in every State where a marketing order for canning or freezing pears is proposed must indicate their approval under the voting and referendum procedures provided in the act.

In conclusion, Mr. Chairman, I see this legislation as another movement in the direction of self-help for the American farmer, and I urge my colleagues to give it their support.

Mr. DELLENBACK. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to the gentleman from Oregon.

Mr. DELLENBACK. I thank the gentlewoman from Washington for yielding.

I agree wholeheartedly with the remarks made earlier by the gentleman from Ohio [Mr. LATTA] that there are major improvements that badly need to be made in this Nation's farm program. Unfortunately, the farmers and ranchers of this Nation have not been and are not now sharing to the degree they deserve in the food dollar being spent by the average American consumer.

The bill before us today, H.R. 10564, is no panacea. But it will be helpful to the small pear grower in my State. It will assist him to receive a fairer price for the crop he works so hard to raise. It will not seek to do for the farmer, but it will give him an opportunity to join together with his fellows to do for himself, if in any given area it appears helpful to him to do so. And it protects the producers in my State of Oregon, or in any other State, from having the producers in one State force a marketing order upon the producers or growers in any other State. For these reasons I favor this bill.

There is on the bottom of the second page of H.R. 10564, Mrs. MAY, the amendment which I understand you were instrumental in having adopted.

Mrs. MAY. Yes.

Mr. DELLENBACK. In order to make clear the intention of the language "in the event that producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State," I have a question I would ask for the purpose of making legislative history. May I inquire as to whether it is the intention of that amendment that in any given State at least 66⅔ percent of the producers in that State must approve or favor the issuance of a marketing order before it shall become effective for that State?

Mrs. MAY. That is correct. May I tell the gentleman from Oregon that this was the intent of the committee and the intent of the amendment that was adopted.

Mr. DELLENBACK. And that would be its purpose and effect.

Mrs. MAY. If over one-third, therefore, fail to approve in that State, the order could not be adopted.

Mr. DELLENBACK. I thank the gentlewoman very much.

Mr. CRAMER. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Florida.

Mr. CRAMER. I have reservations about the bill based on some information I have received from the State of Florida, in particular the Florida Canners Association, expressing concern about the fact that this is limited to producers and does not extend to processors, they having no rights under this legislation relating to a marketing order, and particularly in view of the fact that the 1967 Florida Legislature passed legislation relating to citrus known as the Orange Stabilization Act that includes the policymaking decision by vote of processors and shippers as well as producers. This brings up the matter at least as a question of policy; even though this bill applies to pears and thus obviously does not apply to citrus, it sets a precedent in their minds, according to communications which they have sent to me, which they do not consider in step with either the present existing Florida law or with the interests in Florida of producers as well as processors. Can the gentlewoman answer that criticism?

Mrs. MAY. Yes. I think the gentleman has brought up a most important point. I believe we are all aware, I am certainly aware, that the canners and processors, at least the majority of them, I would say, in my own State, as well as in the gentleman's State, and probably in Oregon and Washington, do not favor this legislation. I think this is because they figure it further clouds a situation already in existence and perhaps would set a precedent.

Let me explain what I mean. As a general rule, as the gentleman knows, agricultural commodities for canning or freezing are not eligible for Federal marketing agreements and orders.

There are six exceptions to this general rule, however. The following commodities for canning and freezing are eligible: asparagus, olives, grapefruit, cherries, cranberries, apples for canning and freezing in the States of Washington, Oregon, and Idaho.

However, such orders cannot go into effect on cherries, apples or cranberries for canning or freezing unless processors handling a majority of the volume of such commodities approve the order. In other words, we have a situation that is not consistent here. Several commodities are under marketing orders where processor representation is not required, although I might point out there is usually a processor or canner representative sitting on the board. There are three commodities I believe—and particularly if a bill that passed this House, the cherries bill, passes—that do have processor representation.

I agree with the gentleman that very soon this issue must be joined. Perhaps it would take legislation that would at least give statutory representation to canners and freezers.

Mr. CRAMER. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, the gentlewoman does not then consider this a precedent in that it might at some future date be applied to future legislation on citrus fruit?

Mrs. MAY. It is not a precedent for citrus fruit.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I am pleased to have had the colloquy occur between the gentlewoman from Washington and the gentleman from Florida, because the gentleman has asked a question of interest to me.

Mr. Chairman, I extend my appreciation to the gentlewoman for her great interest in this particular problem in relation to the growers. I intend to support this legislation because I sincerely believe the growers are deserving of consideration in their ability to bargain more effectively.

However, I feel that the Congress in the future should give serious attention to enactment of a statutory provision that will give the canners and processors equal opportunity for representation in the marketing order process.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I rise in full support of H.R. 10564, as amended, which has to do with marketing orders affecting the canning of pears.

In the State of California we grow a great many pears for canning purposes. I would like to say we have a great new acreage just now coming into production. Sometime ago we had a very serious disease known as pear decline. Many of our pear orchards are coming back now and new plantings are just now coming into production. Certainly there is need for the American farmer to be protected in the marketing of his product which he is able to produce.

Mr. Chairman, the producer certainly needs the bill we have before us today. As the gentlewoman from Washington so ably stated, this would affect only the States of California, Washington, and Oregon, where 95 percent of the pears grown in the United States suitable for canning and freezing are produced. Also, about 95 percent of pears processed to go into canning or freezing are processed in these three States.

Pears marketed as fresh pears are under marketing order provisions now. About 80 percent of the pear crop that will be grown in the three States will go into canning. I think necessarily there is the need to have this very effective order to give them protection.

At the present time, the gentlewoman has told us also, there are other crops that are now under marketing order provisions that were put into effect in 1937. We grow in California a great many of the items which come under these particular marketing orders: Asparagus, olives, grapefruit, cherries—all but cranberries—and we do grow a considerable number of apples, although we are not included in the apple marketing order at the present time. The Department of Agriculture has recognized this problem and is very much in support of the measure that is pending before the House today.

All of the growers in our State of California, and I presume in Oregon and Washington, are very much in support of the legislation.

As stated before, this takes a two-thirds vote on the part of the growers to make it become effective, and each State is protected. The other States outside of California, Oregon, and Washington could come in and ask for coverage also.

The gentleman from Florida just a moment ago asked about the producers having a voice on the board. I would say that in this order we do not provide for that, as they do not come into play on other marketing orders.

Mr. HALL. Mr. Chairman, will the gentleman yield on that point?

Mr. JOHNSON of California. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from California yielding. It is to that point I should like to address a question for him.

Does this amendment in H.R. 10564 change the basic law to preclude cooperative block voting? If it does not change that, so that the individual farmers or producers could vote, would it not again be the same problem we have had with all these marketing orders; namely, that few of the large co-ops could, by casting their participators' or constituents' votes, so to speak, vote the entire two-third requisite in, in any given State?

Mr. JOHNSON of California. I had better yield to the expert from the committee, but I will give my answer later.

Mr. FOLEY. I say to the gentleman that the amendment requiring two-thirds support of the producers within a State does not exclude so-called block voting by cooperatives.

Mr. HALL. I thank the gentleman.

Mr. JOHNSON of California. I was going to say that, but I wanted to hear from the gentleman to make certain.

The cost of this program will be borne by the growers, and there will be a Federal cost to it so far as administration on the part of the Federal Government is concerned, as it relates to the other orders now in effect. This would come up to approximately $25,000 annually.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FOLEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. JOHNSON of California. I want to say at this time, while all of the growers are in support of the legislation, the canners are in opposition to it. I believe we should all know that.

I presume that the growers outnumber the canners in our particular States. The canners are an organization that come from throughout the United States. There are many more canners than there are pear growers in the States of Oregon, California, and Washington.

I assure the Members, with this new crop coming on in increased volume, if we are going to protect what goes into the can it is very essential that we have this marketing order passed today so that in the future it will be in effect, and if the growers choose to vote the necessary two-thirds in the areas affected it will be an order that will be in operation and for the benefit of the consumers as well as the producer.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I want to commend my colleague from California who just addressed the committee [Mr. JOHNSON] for his candor in finally bringing out the fact that there is opposition to this bill.

I, for one, am strongly opposed to this legislation, and I regret very much that we take it up under these circumstances this afternoon, when there cannot be present on the floor more Members. I believe if they understtood what the bill was all about, if they understood what was being attempted here, they would join me in my opposition to the bill.

Surely until the gentleman had spoken the implication was that there was no opposition to the bill and that the farm organizations are united behind it.

I am more interested in what this bill is going to do to the American consumer. There is not any question: if we raise the price to the grower we are going to raise the price in the marketplace.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I will yield in just a moment.

Mr. Chairman, I want to say right here and now that I have never seen an administration like this one which professes such an interest in the consumer. We have considered consumer protection legislation until it is coming out of our ears, but when it comes to the point of protecting the consumer against higher prices, I do not hear anything from Miss Furness at the White House or from any other administration spokesmen who are always talking about consumer protection. When I go back to Illinois and talk to the housewives there, that is the kind of protection they are interested in. They want protection against the higher prices that this administration has brought about.

Mr. Chairman, I have another reason why I think this bill ought to be defeated. We have had an agricultural marketing order provision on the statute books for 30 years which provides for a whole range of supply management controls relating to quality, quantity, reserve pools, rates of shipment, and so on. All of these can be accomplished under a marketing order. The people proposing this legislation today tell us, "Oh, we want this bill because we want a checkoff." They say, "We want a producer checkoff system whereby we can collect funds to administer research and promotion and advertising programs." Well, if that is the case and if that is what you want, you presented this House today with a real case of legislative overkill, because you will put pears for canning and freezing under all of the mandatory supply management controls of the Agricultural Marketing Act. If all you want, Mr. Peargrower is a checkoff of funds to be used for research and promotion and advertising so that people will eat more pears, then I am all for it, but why do you not come in with that kind of a bill and come in with legislation that is limited to permitting that kind of a checkoff? I have no opposition to that. It has been helpful to the wool growers, as I remember it, and it has been helpful to the meat industry. There is certainly no reason why you could not use a checkoff with respect to the peargrowers, I suppose, but why in all of this must the consumer be the forgotten man? We must remind ourselves that just a few weeks ago we had legislation very similar to this involving cherries. That bill passed this House by only 12 votes, by a vote, I believe, of 197 to 185. If there had been a little more time and thought given to that bill, it would have been defeated, too, I believe, because there, as in this piece of legislation, the processor is not going to have any right to vote in that referendum. What astounds me is that many of the costs that would accrue because of the adoption of one of these orders are costs that are going to be borne by the processor, and yet he does not have a right to vote. By this legislation you deprive him of any right to vote or to have any say about the costs of the program. It seems to me that in all conscience and in any equity, if you are going to have a program like this that will be financed by processors, then they ought to have a vote on the question of setting up a program pursuant to an order.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I will say, of course, we can understand why the processors should oppose this. They do not only pay the cost of the administration of this program, but the producers set up the regulations and it can provide for or there is no restriction on the amount of pears that the producer can produce.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BELCHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

In addition to that, it does limit the amount of processed pears that the processor can sell. It even tells him what kind of a container it should go in and when he can sell it.

Mr. ANDERSON of Illinois. It goes far beyond just a fund for promotion and advertising and research. It gets into the whole field of supply management, which will in turn affect the price in the marketplace. This is an anticonsumer bill. That is what we call it here today and what we will call it if this House passes it.

Mr. BELCHER. It completely regulates the producer's business without giving him any voice at all in it, in setting up the marketing order or in the operation of the marketing order. In addition to that which the gentlewoman said awhile ago, that this shall be no precedent, yet the cherry bill was a precedent for the pear bill and the pear bill will probably be a precedent for some other additional bill. And, eventually, we will have marketing orders on all of these commodities.

Mr. ANDERSON of Illinois. I thank the gentleman for his observation.

Mr. BELCHER. But, in addition to that if we only needed, as the gentleman said, a checkoff system for the purpose of supplying a fund or pool to provide for advertising, research, and so forth, we could have brought in a bill similar to the cotton bill which passed this House and which I think is a very good bill, that would provide for that very thing and would not regulate any processor at all. It says merely there is a checkoff in which even the farmer might get the money back. If he did not want it, he could leave it in the fund or in the pool.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BELCHER. Mr. Chairman, I yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Illinois is recognized for 1 additional minute.

Mr. BELCHER. Mr. Chairman, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield further to the gentleman from Oklahoma.

Mr. BELCHER. That money was used to create more bales of cotton, and if you create more of a demand for pears or any other commodity, naturally you increase the price of pears and help the processers as well as the producer.

Mr. ANDERSON of Illinois. Mr. Chairman, I would say in conclusion that I have not heard one word, that I have not seen a scintilla of evidence to the effect that there are such kinds of depressed conditions in the pear industry or in the growing of pears that would justify inflicting this bill upon them. Again I will say that we are not talking about grapepickers. We are talking about pear growers and we will load onto the consumer the higher prices if we pass this bill today.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. FOLEY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from California.

Mr. JOHNSON of California. Certainly I did not time this bill to come up at this particular time. That was done under the leadership. It is true that we do have a small number of Members on the floor of the House, but that is not the way we would like to see it either.

However, I will state to the gentleman from Illinois that there was no consumer group which appeared in opposition to this bill and insofar as I know the people in the State of California, the consumers, are in favor of this bill.

Another matter which should be taken into consideration is the fact that the farm groups from our States and the three States in the West are in support of it.

Mr. Chairman, the quality in the can is very important to the person who buys this product off the shelf. However, all he has an opportunity to do is to take a look at the label and size of the can which does not tell him what is inside that container.

Mr. ANDERSON of Illinois. Is it necessary to extend the whole range of supply management controls that are brought up under the Agricultural Marketing Act? If all you want to do is to determine the kind of can it comes in for the purpose of promotion and advertisement, why did you not bring in legislation dealing with, and limited to, that particular problem? Then, we would not have any opposition to this legislation here today.

Mr. JOHNSON of California. Mr. Chairman, if the gentleman will yield further, the processor or canners, of course, do engage in the payment of a portion of the expense of this program. It is our opinion that the programs for which we are asking will be paid for by the growers while the administration of the program will be paid for by the Federal Government. In other words, the processor will pay the balance.

Mr. FOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN. Mr. Chairman, I rise in support of this bill and especially in support of the gentleman from California [Mr. JOHNSON] and what he has said with reference to this legislation. It is my opinion that the consumers of pears ought to know what is in the can and I think this is the only method by which we can know what "quality" is in the can.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, I am the owner and operator of a small pear orchard. So, obviously, I have a personal interest in this matter which I construe as a conflict of interest. I therefore take this time to announce to the membership of the House that if a rollcall is held on this bill, I shall vote "present."

Mr. FOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCFALL].

Mr. MCFALL. Mr. Chairman, I want to join in support of this legislation. This is the kind of a bill which will provide for the farmers much-needed organization to permit them to compete in the marketplace. The proposal is entirely consistent with the recent recommendations of the National Commission on Food Marketing established under provisions of Public Law 354 of the 88th Congress.

In its June 1966 report the Commission finds, in discussing the position of farmers:

> There is frequently need for group action by farmers to adjust sales more uniformly to market demands at reasonable prices, to improve product quality and uniformity, to negotiate with buyers, and to protect themselves against trade practices and abuses of market power to which they are otherwise vulnerable.

One of the three key recommendations of the Commission is the extension of Federal marketing agreements and orders, and I would like to call attention specifically to the following:

> The second and often complementary approach is through marketing agreements and orders, which have been available for use for certain products for about 30 years.
>
> We conclude that Federal marketing agreements and orders should be authorized for any agricultural commodity produced in a local area or regional subivision of the United States.

The problem today is to give the farmer some leverage in the marketplace. He does not get his share of the consumer's dollar. He must have some procedure, some organizational ability to permit him to bargain, not with the consumer, but with the processor.

I do not know of any consumer who is opposed to this bill. The consumers are not going to be hurt by better quality pears, they are going to be helped.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FOLEY. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. MCFALL. I thank the gentleman for the additional time.

Continuing the price of the pears that go into a can is an almost insignificant portion in the price that is charged for that product in the market. The pears are a very small part of the price. The can costs more than the pears, or peaches, or any other kind of fruit that you get in the grocery store. But the amount of the price to the farmer is life and death. He should have some opportunity to organize so that he can discuss price with the processor.

The people who are opposed to this legislation naturally are the processors—my good friends, the processors, with whom I have the greatest affection and admiration—but it is the farmer who should be protected. He should be permitted to bargain.

And what kind of a price is he going to get? That price is going to be determined by the marketplace, but he should have an opportunity to discuss it with the processor in a proper manner.

Mr. FOLEY. Mr. Chairman, may I inquire as to how much time we have left?

The CHAIRMAN. The Chair will state to the gentleman from Washington that he has 14½ minutes remaining.

Mr. FOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. Mr. Chairman, first I want to thank the gentleman from Washington for his courtesy in giving me this time, knowing full well that I oppose this bill. I opposed the cherry marketing agreement, and I oppose such an agreement for pears, both as a matter of principle and really as to whether it is necessary or not. I completely agree with the gentleman from Illinois [Mr. ANDERSON] in his statement that this is an anticonsumer bill. I believe that the ultimate result, if the bill is passed, will be to raise the price of pears.

Mr. Chairman, as Members of the House are well aware most canners of fruits and vegetables are opposed to supply control programs. They are not opposed, however, to grower or producer programs for promoting their crops or advertising, research, inspection, or grading activities.

I have looked through the testimony presented at the hearings held last year on this bill to learn why the proponents want pears for canning or freezing brought under the Agricultural Marketing Agreement Act. I find that they want to enter into a regional marketing program in the States of California, Oregon, and Washington for the purpose of advertising and promoting canned pears, engaging in market research and third party grading of the raw product. They now have such programs under State enabling laws, but they feel they can do a better job if they have one Federal order.

As far as I know the canning industry has no opposition to this, but the Federal law authorizes a number of supply control possibilities: Under the Federal statute, a marketing order could be put into effect that would control the quantity of the canner's supply from each pear grower, it could limit the total production of each canner, it could allocate the supply or pears available to the fresh market and to canning and freezing and drying, and it could establish reserve pools of declared surpluses of pears. These are the types of programs that the canners oppose. Canners have learned that when a law makes available a wide range of supply programs, producers get tempted to use them. Although the proponents are quite sincere today in only being interested in advertising and grading, tomorrow they may want to control the supply.

Experience with long-term supply control programs shows them to be of no real value to the producers. They invite others to enter the market when the short-term programs have raised the price to the grower. This means greater production and the development of additional surpluses to be managed and the necessity for greater controls. The result is that inefficient producers are kept in business at the expense of the efficient, and the consumer pays an artificially high price.

Canners also are opposed to these supply control programs because under the Federal law they are made the vehicle through which the controls are managed and they are required to pay the costs of administering the programs.

Finally, the bill before us would authorize all these controls without providing the canner with the right to vote his judgment as to the value of the proposed order. Only the pear grower could vote and two-thirds of those voting—not two-thirds of all pear growers—could put an order into effect. The law likewise does not guarantee the canner any representation on the administrative board. If the canners are allowed representation, it is at the whim of the Department of Agriculture.

That, I think Members of the House will agree, is bad enough, but when you consider that the canner has the far greater investment in the item to be controlled, the total inequity of these programs is apparent. The canner buys the pears, he also pays the labor in canning the product, he bears the marketing and selling expense; and, of course, pays for the cans and boxes and shipping and distribution expenses. These total much more than the raw product value.

If this legislation is to receive favorable action by the House, it should be amended in two major respects: One, canners should be given an equal vote in the referendum held on a proposed marketing order, and two, the scope of the act should be limited to those programs the proponents say they desire—advertising, grading, market research. Without the adoption of such amendments I ask the House to vote down this bill.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in opposition to this bill. I note that it has been a long time coming—having been introduced a year ago last June, and it is before us at last. That suggests to me that it probably is one of those bills which might have fallen by the wayside had this session of the Congress adjourned when everybody expected it was going to adjourn, before the political campaign got started.

But speaking to the merits of this bill—it is the same kind of bill we had up here several months ago having to do with cherries—only this time it is pears.

The law—that is the marketing order law—now provides that any marketing order having to do with fresh pears can be drawn. The producers of pears under the present law can impose all kinds of controls, as to quantities, quality, and everything else. But this bill proposes to bring the processor under the thumb of this control without giving him any voice.

It seems to me that that is unfair. It is unfair because the processor of pears has a very major stake in this matter, as has been pointed out by previous speakers.

Some indication has been made in the debate that this bill affects only the growers of California, Oregon, and Washington. But that is not so, on the face of it. It is nationwide.

I want to assure the Members of this House that we in Michigan have what we think is a very good Bartlett pear industry. We have a lot of Bartlett peargrowers. They are in my district and in the district of the gentleman from Michigan [Mr. VANDER JAGT].

There are a good many pear growers in our congressional districts and I want to report to you that neither one of us has heard a word from any pear producer from the State of Michigan either in behalf of or in opposition to this bill. Well, you might say, maybe if they have expressed no opposition to it, they might be all for it. But the fact of the matter is that they are not for it. I know them well. I am personally acquainted with a great many pear producers in Michigan and I will state to this House that they've not contacted me on this legislation. We have some very excellent pears in Michigan, bartlett pears. We think they are excellent in quality. But the point is we can never grow them as large as they can grow them in the West. Our Michigan bartlett pears never grow as large as they will grow in California.

But if a pear marketing order were to be issued, defining the sizes that can go into a can, it would just about put the Michigan pear industry right out of business. There is no question about it. So I speak for the Michigan pear producers and the Michigan pear processors when I tell you that this bill on its face just goes too far. You are placing in the control of some grower organizations, presumably on the west coast, power to just absolutely throttle the pear industry in the eastern part of this country, including the State of Michigan.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Washington.

Mr. FOLEY. The gentleman is aware that the amendment to the bill requires that each State covered by the marketing order must agree to the extent of 66⅔ percent of its producers.

Mr. HUTCHINSON. Yes; I am aware of that amendment, and I am glad to have the gentleman point it out again at this time.

Mr. FOLEY. Does not that provide us that the State of Michigan could not be drawn into the marketing order without its consent?

Mr. HUTCHINSON. They cannot be, and I certainly hope they will not be. But the point is that they might be at some time in the future. I say to you further that what you would do is to leave it entirely up to the producers to decide about whether pears are going to be processed in a particular State.

Mr. FOLEY. If the gentleman will yield further, is it not true that the gentleman just finished expressing concern that the pear producers in his State would be thrown into a marketing order which would benefit the west coast, and does not the gentleman, by recognizing the committee amendment, in effect say the only way they could be drawn in is if 66⅔ percent of their number would approve it?

Mr. HUTCHINSON. Yes. Without the amendment the bill would be absolutely insufferable. But even with it I submit that it goes much farther than is necessary to reach the desired end of promoting the sale and consumption of pears. I agree with the gentleman who spoke before me that if there is a specific problem, let us attack that problem and not subject this industry to the complete blanket control of the marketing order.

Mr. FOLEY. Mr. Chairman, will the gentleman yield to me further?

Mr. HUTCHINSON. I yield to the gentleman from Washington.

Mr. FOLEY. Is it not true that a negligible portion of the crop in your State is frozen or canned, and that most of it is a fresh pear crop?

Mr. HUTCHINSON. No, I do not agree with that. In Michigan, Bartlett pears are largely frozen or canned.

Mr. FOLEY. The gentleman will agree that 95 percent of the production is in the three States of the west coast?

Mr. HUTCHINSON. I am not willing to agree that it is 95 percent, though it is a tremendous majority. There are growers out our way who are interested in pear production.

Mr. FOLEY. The gentleman will agree that fresh pears are under an existing marketing order?

Mr. HUTCHINSON. Certainly fresh pears in my State are subject to a marketing order; that is, they could be. I am not aware that they are, but they could be.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, I would like to make one point very emphatically here. Those who have taken the well to express their concern over the consumer in every instance cannot produce a record one bit better than mine in support of consumer legislation.

I have no pear growers in my district now. I have many canneries in my district. This is not an anticonsumer bill. I have watched the price of pears fluctuate many times to the growers. I have not seen that reflected in the marketplace. I defy anyone here to produce evidence to the contrary.

This will permit orderly marketing. It will permit quality marketing and, if it has to be given any characterization, it is a pro- rather than an anti-consumer bill.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LEGGETT], an author of the bill.

Mr. LEGGETT. Mr. Chairman, I support H.R. 10564, to include canned and frozen pears under the Agricultural Marketing Agreement Act of 1937. The bill, as amended, passed unanimously out of the Agriculture Committee and would give canned and frozen pears and their products equal treatment with grapefruit, cherries, apples, and cranberries.

The pear industry in my district alone accounts for 26 percent of all pears grown in California and 15.1 percent of all pears produced in the country. The Bartlett pears in my district are known for their high quality and are sold both as fresh fruit and canned.

At the present time, however, only the fresh fruit market which comprises approximately 20 percent of the total pear production is covered by Federal marketing orders. As of now the peargrower has had practically no means of assuring a price on his canning pears that will permit him to even break even. The result has been that peargrowers have suffered severe ups and downs with losses falling most heavily on the small- to medium-size producers. What can be done to rectify this situation?

I believe this legislation will provide at least a partial answer, for it will enable growers, if they so desire, to utilize the Federal marketing order.

Federal marketing orders have been used in this country for the past 30 years in many farm commodities. They are grounded in the great American tradition of self-help. After enabling legislation is passed by the Congress, an interested party may propose a marketing order. Hearings are held on the proposal and then the growers vote on whether to adopt the order. It takes two-thirds of the grower vote to enact an order and under the committee amendments each State included must so vote.

Federal marketing orders are most often used to regulate on an industrywide basis the size, quality, and advertising and promotion volume of the product to be sold. Such orders are designed to improve the prices available to the grower-producer at very little added expense to the consumer.

The need for a Federal marketing order is especially important for the pear industry because pears are grown in more than one State, hence State marketing orders are ineffective.

Another feature of this legislation is that it enables growers to advertise their produce.

There is absolutely no logical reason why fresh pears should be covered by a Federal marketing order while canned pears are not. The only historical reason for this is to be found in the lobbying power of the canners as compared with the traditionally weak bargaining position of the grower-producer.

In conclusion, Congress long ago decided that Federal marketing orders were a good thing. Congress long ago endorsed the idea of self-help and there is no reason why the opportunity for self-help should not be extended to the canning pear growers.

In the 1966 report of the National Commission on Food Marketing the Commission states in unequivocal language:

> We conclude that Federal marketing agreements and orders should be authorized for any agricultural commodity produced in a local area or regional subdivision of the United States.

Needless to say, the Commission is concerned also with the cost to the consumer and not just the welfare of the farmer.

The reasons for the pending legislation were amply described before the committee by Mr. Robert E. Collins, president of the California Canning Pear Association. His testimony is in part as follows:

> Canning pears, the commodity to be affected by this bill, are produced mainly in the three western states of California, Oregon, and Washington, Bartlett pears are the major processing variety.
>
> While pears are used for both fresh consumption and processing, and both markets are important to us, in recent years the processing uses have greatly outgrown the fresh outlets—some 75% to 85% of the crop now being processed. The fresh usage has just barely managed to hold its tonnage although losing ground heavily on a per capita basis.
>
> The growth in the use of canned pears, both as halves and in fruit cocktail, is expected to continue. California, Washington and Oregon all constitute one large marketing area using the same nationwide outlets. Because of the time of harvest and the availability of other fruits, fruit cocktail is produced in California while the Northwest pack is primarily in pear halves.
>
> The original Agricultural Marketing Agreement Act was established by Congress in 1937. Congress at that time and in subsequent amendments pointed out the public concern with the well-being of farm producers and through this vehicle provided the means through self-help marketing agreements for producers to work toward a parity of income.
>
> Since that time many commodity groups have used these federal marketing agreements to great advantage. They have been able to bring a measure of stability and order into what had become chaotic conditions.
>
> This has been good legislation, not only for farmers, but for the general public, With proper safeguards it has permitted growers to work together to develop information and to coordinate their marketing efforts in many problems that reach beyond state boundaries.
>
> As pear growers, we have also made good use of the act. But unfortunately only on the very small portion of our fruit shipped fresh, since canning fruit is prohibited from using this act except in several specific items.
>
> However, despite this exclusion and perhaps because of it, pear growers on the Pacific Coast have developed a number of regional and state programs, in an attempt to accomplish these same objectives for our canning pears that Congress has said are in the public interest for our fresh pears. (It is hard for us to understand any logic in this distinction, since the fruit in both cases may have come from the same twig on the same pear tree.)
>
> These programs are in the form of state marketing orders or agreements having varying legal authorizations and managements depending on the basic laws of the three states. They are all voted into effect, paid for and administered by growers' funds under state supervision and have been a great step forward in an orderly approach to marketing.
>
> Growers, again at their own expense and on a voluntary basis, have formed two effective bargaining cooperatives representing California and Washington and Oregon. These actions have been of great help to the pear industry in the past. Growers have gained a great deal of knowledge about the economics that go into making our markets. It is a result of this knowledge that impels us to request this next step in the growth and extension of industry cooperation; for producers now realize that the economics of pear production and distribution go beyond the boundaries of a given state, and beyond the legal capacity of a state marketing program.
>
> It was for this very reason that the Federal Marketing Agreement Act was established by Congress and the reason producers of other farm commodities make use of it, just as we do in the fresh fruit portion of our crops. We can see no valid reason why these same programs should not be available to our canning pears.
>
> We are, therefore, requesting through H.R. 10564 that pear producers be given the right to employ the provisions of the Agricultural Marketing Agreement Act of 1937 for the purpose of adopting a Federal Marketing Order should growers wish to do so. We request the right to incorporate any of the provisions authorized under the act, including those for trade promotion and advertising.
>
> With the enactment of these provisions we are requesting we will only have gained the right to enter into a marketing agreement. It will still require a great majority of the producers to act affirmatively by appearing at public hearings and by voting the proposals into an agreement. These protections and the administration of the act by the United States District Attorney guarantee that decisions are soundly supported by producers and within the meaning and intent of the act as provided by Congress.
>
> I would like to mention some of the past objections that have been raised by opposition.
>
> Processors object that they pay the assessment and are denied representation in a vote on the adoption of the order. This is not our experience in the federal order we now have on fresh pears nor on our state marketing orders. The cost or assessment is taken from grower returns and this is known both to the grower and the handler or processor. While it is true that this assessment is collected by the handler or processor the order is clear in indicating this is a producer cost. This has been the practice in California since our marketing order was enacted in 1938 and we would expect producers would similarly bear the cost of any federal marketing order.
>
> The real issue that is at stake in this matter is the veto power which would go with a provision providing for a processor vote. It is not reasonable that processors be given such a veto power over what is essentially a producers' program paid for and administered by producers. Experience in other commodities has shown that the possession of this veto power has effectively prevented producers from obtaining any meaningful marketing order even after all other conditions have been met.
>
> Legislation designed to assist or strengthen any economic group cannot be useful if veto power is placed in the hands of those with whom this group must deal. California canners have not had this power and I do not recall any great problems over this issue.
>
> Another objection by canners is that this is undercutting free enterprise and replacing it with federal legislation.
>
> The record of pear industry leadership and actions in programs now in effect is the best answer to this objection.
>
> Pear growers have historically had a great concern for the freedom of the markets to operate in accord with supply and demand. All industry programs have been developed with a realization that they must contribute by improving economics not despite economics.
>
> The objectives of a fair return and stability can only be achieved by giving full recognition to the problems of processors and handlers and consumers as well as those

of growers. Pear growers can point to a long record of statesmanship in this regard. Recognition of this has been made by processors in public statements and articles appearing in their trade papers.

Since the founding of the California Canning Pear Association in 1953 under the leadership of former Congressman Jack Z. Anderson, this concern for sound judgments and responsible actions has been a basic precept.

Canners have shown a great concern that growers might enact a number of market controls permitted under the federal act, that in their opinion would be harmful.

In this respect the history of California experience should provide some assurance. Under almost identical conditions in California which is the heaviest producer of processing pears, and the nation's major concentration of processors, growers have not sought to include these so-called undesirable features.

The passage of this bill will permit the continuance of the orderly evolution in pear marketing. In the relatively short time since the first marketing acts were voted by growers in California, the producers have learned to work together, first on the local level and then in gradually expanding marketing areas.

The cooperation that has now been achieved by three States, each working under different marketing authorities, has demonstrated the willingness to work together on our mutual problems, and the need for legislation permitting this to be done in an orderly and uniform manner throughout the marketing area.

Aware of the future problems our statistics indicate, we have earnestly tried to expand on this cooperation and an industry-wide study group composed of representatives of canners and shippers both private and cooperative, as well as of growers, has been meeting to find solutions. In all of the deliberations the one constant problem is the many variables in grades, programs, statistical data and reporting because of state lines which cut through this large producing and marketing area.

Perhaps the greatest contribution this legislation could make would be to provide the vehicle by which present programs could be combined and coordinated.

There is a need for research in many areas of marketing. A uniform grade for the three-state area has been suggested. This may or may not be desirable or practical.

A third-party grading system now used in some areas may be useful; further enlargement of trade stimulation or advertising programs, the use of economic surveys and maturity standards are all items needing further consideration from a marketing area basis.

At this point it is certain pear growers do not seek any controls beyond those absolutely necessary, and these would only be put into effect by the Secretary of Agriculture through a marketing order voted in by a great majority of growers, after full public hearings in which all interested parties could appear.

In conclusion—Pear growers are finding that farming has changed. We are no longer able to move in and out of one crop to another. Specialized equipment with the accompanying heavy investment and increasingly stringent tax laws have become strong limiting factors. With this heavier commitment we find an accompanying loss of alternatives open to us—and alternatives are a major component of bargaining power. For this reason we have had to turn more and more to a compensating power in marketing.

What pear growers really desire is an increased ability to know more about their industry; to work together as responsible producers and to utilize without subsidy from public funds provisions in the Federal Marketing Act which Congress saw fit to enact some thirty years ago for this very purpose.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from New Jersey.

Mr. JOELSON. Is not the purpose of this bill to increase the prices we pay to the farmers, and therefore to be passed along to the consumers?

Mr. LEGGETT. The idea is not to subsidize prices. It is not to give direct payments to farmers. But it is to allow farmers to tax themselves to build up the need for and the utilization of a commodity, on a self-help basis, if they vote for it by a two-thirds vote in each State.

If they can advertise and if they can convince the consumers of America that they should buy pears and that they need pears for their vitamins and vitality and vigor, then they will be doing their job.

It may well be, because of this increased publication and because of increased research on better quality pears and because of research on better production methods, that people will want to pay more for some of the commodities which are produced and put into cans in our great State of California and in Oregon and Washington. Indirectly, in a 5-year time span, it may well be prices might rise.

But I will say this: if the farmers of our State in a nonsubsidized industry were paid parity prices for their canned product in accordance with the 1955–56 price index, they would not be charging $6 a case for pears but they would be charging the American consumer today $12 a case for pears.

The **CHAIRMAN.** The time of the gentleman from California has expired.

Mr. FOLEY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Washington.

Mr. FOLEY. Is it not correct that there have been wide fluctuations in pear prices which have affected the income of the producers?

Mr. LEGGETT. That is exactly right.

Mr. FOLEY. Is it not true that the fluctuation has not been evidenced by the same fluctuation in the prices consumers pay in the market? When the prices are down to bedrock for the producers it is not necessarily true that the consumer pays less, in the same degree, for his pears at the grocery store.

Is it not part of the reason for this legislation that there is a desire to stabilize the market, not necessarily that the consumer pay more but that there be a more reasonable and stable price to the producers?

Mr. LEGGETT. The gentleman is exactly right.

Pears are exactly like potatoes. When there are a lot of them they are dirt cheap and the farmer sells under cost. When there are only a few of them the farmer can "make a buck."

I would say to the gentleman from Oklahoma, who was eulogizing the cotton bill a few moments ago as being a great program, that is a great program at a cost of about $750 million a year. This program does not cost the American taxpayers one dime.

The **CHAIRMAN.** The time of the gentleman from California has again expired.

Mr. BELCHER. Mr. Chairman, I yield myself 2 minutes.

I will say to the gentleman in the well, he says that they will use this money to make the consumers want to buy more pears, and therefore that will raise the price.

In addition to that, the producers can keep the processors from selling pears, and can hold the pears off the market. The only excuse on earth for holding pears off the market is to increase the price, is it not?

Mr. LEGGETT. One cannot hold pears off the market. They are going to spoil. We are getting to a point where we can do something about that.

Mr. BELCHER. There is not a question of spoilage. These are pears after they are canned by the processor. They are bought from the producer, but they can still be held off the market by the marketing order.

Mr. LEGGETT. Well, any canner can do that at the present time, but as a practical matter the dictates of the industry are that it is so competitive we will find every canner in the country is not speculating on a high market. They are trying to get rid of every can of produce they can at a fair price and at a cost price.

Mr. BELCHER. But, under this order, it is set up for the specific purpose mentioned, whether it is good or bad. I do not object to farmers getting more for their commodities, but I just want to make the record straight for the gentleman over there who asked a question a while ago. They can hold processed pears off the market in order to increase the price of pears.

Mr. LEGGETT. They could do the same thing with cherries, with grapefruit, with apples, and with cranberries, but this has not happened. The gentleman is just talking about some kind of mystery drama that is not going to occur.

Mr. BELCHER. There is no mystery about this. It is set up for the specific purpose of increasing the price of pears to the consumer.

Mr. LEGGETT. That is not the specific purpose. The specific purpose is to increase the utilization.

We have had pear blight, if the gentlemen is knowledgeable—and I know he is—about agricultural conditions in this country. We have had an attack on root stock of pears in the western part of the United States, and the total number of pear orchards that we have in the country today is less than it was 5 or 10 years ago. We have to do something with this industry, which is rapidly dwindling.

Mr. BELCHER. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the purpose of this legislation is to bring orderly marketing to a highly fluctuating crop. In the last 2 years we have had an example of what happens when there is a crop failure as there was in California. The result in my area and in that of the gentlewoman from Washington was premium prices paid to producers. They were receiving up to $155 a ton. That is followed usually by a crash in the price as overproduction drives the market down. It then goes down to $30 or $40 a ton or less. There is no stability at all in such a market. This bill is not an attempt to increase prices to the consumer, but it is an attempt to even out to some extent the price that producers get for their product so that they can have a reasonable opportunity to obtain a decent income. The fact of low-farm income is obvious to all of us. We hear a great deal about the 73-percent parity rate. Everybody on both sides of the aisle bemoans this sad fact. This bill offers a program which does not require payments from tax funds but gives the producers an opportunity to organize their market and to modify to some extent these tremendous cycles in the price of pears. The producer benefits, obviously, when there is a healthy market. He does not see the price of his product go up and down 200 or 300 percent and fluctuate back and forth every year. He does not find that the price of pears going down to one-third or 25 percent of what it was the preceding year. If we are serious about trying to assist the farmer with self-help measures, this is one which has worked for other commodities and will work for pears.

I urge the Committee to support it.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2), as amended, is further amended by inserting "pears," after the words "canned or frozen" where they first appear and also before "olives" in subdivision (a) in the first sentence thereof.

(2) Subsection (I) of section 8c(6), as amended, is further amended by striking "fresh" immediately before "pears" in the proviso.

(3) Section 2(3) of the Act is amended by inserting "such marketing research and development projects provided in section 8(c)(6)(I)," immediately after "establish and maintain".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, after line 7, insert the following:

"(4) Section 8c(19) is amended by adding at the end thereof the following: 'For the purpose of ascertaining whether the issuance of an order applicable to pears for canning or freezing is approved or favored by producers as required under the applicable provisions of this title, the Secretary shall conduct a referendum among producers in each State in which pears for canning or freezing are proposed to be included within the provisions of such marketing order and the requirements of approval or favor under any such provisions applicable to pears for canning or freezing shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of 66⅔ per centum except that in the event that producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State.' "

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Van Deerlin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10564) to amend section 2(3), section 8c(2), and section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, pursuant to House Resolution 1224, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. ANDERSON of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ANDERSON of Illinois. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Anderson of Illinois moves to recommit the bill H.R. 10564 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ANDERSON of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 111, nays 164, answered "present" 1, not voting 156, as follows:

[Roll No. 311]

YEAS—111

Abernethy
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Brooks
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Carter
Celler
Clark
Clausen, Don H.
Colmer
Daniels
Davis, Ga.
Delaney
Dellenback
Dow
Evins, Tenn.
Fascell
Feighan
Flood
Foley
Frelinghuysen
Fuqua
Gathings
Gilbert
Gonzalez
Griffin
Hagan
Hamilton
Hathaway
Hawkins
Hays
Helstoski
Hicks
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kee
Kelly
Kirwan
Kleppe
Kornegay
Leggett
McCarthy
McCloskey
McClure
McFall
Madden
Mahon
Matsunaga
May
Mayne
Miller, Calif.
Mills
Mink
Moorhead
Morgan
Morris, N. Mex.
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Olsen
Passman
Pepper
Perkins
Pettis
Pickle
Pike
Price, Ill.
Purcell
Randall
Rees
Reuss
Roberts
Rodino
Rooney, N.Y.
Roush
Roybal
St. Onge
Selden
Shipley
Staggers
Steed
Stephens
Stubblefield
Stuckey
Sullivan
Tiernan
Tunney
Ullman
Van Deerlin
Vigorito
Walker
Watts
Whitener
Whitten
Wright
Young
Zwach

NAYS—164

Anderson, Ill.
Arends
Ashbrook
Ayres
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bolton
Bow
Bray
Brinkley
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Cederberg
Chamberlain
Clawson, Del
Cohelan
Conable
Conte
Cowger
Cramer
Davis, Wis.
Dawson
de la Garza
Denney
Devine
Dickinson
Dingell
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Everett
Findley
Ford, Gerald R.
Garmatz
Gettys
Gibbons
Goodling
Gross
Gude
Haley
Hall
Halleck
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrison
Harsha
Harvey
Hechler, W. Va.
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Irwin
Joelson
Johnson, Pa.
Kazen
King, N.Y.
Kluczynski
Kupferman
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Long, Md.
Lukens
McCulloch
McDonald, Mich.
MacGregor
Mailliard
Marsh
Martin
Mathias, Calif.
Meeds
Meskill
Michel
Miller, Ohio
Mize
Montgomery
Moore
Morton
Mosher
Nedzi
Nelsen
Nichols
O'Konski
Patten
Pelly
Poff
Pollock
Price, Tex.
Pryor
Railsback
Reid, Ill.
Reinecke
Rhodes, Ariz.
Riegle
Robison
Rogers, Fla.
Rosenthal
Roth
Rumsfeld
Ruppe
Ryan
Scheuer
Schneebeli
Schwengel
Scott
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton
Steiger, Ariz.
Stratton
Talcott
Taylor
Thomson, Wis.
Utt
Vander Jagt
Vanik
Waggonner
Waldie
Wampler
Watson
Whalen
White
Wiggins
Williams, Pa.
Winn
Wyatt
Wylie
Yates
Zion

ANSWERED "PRESENT"—1

Gubser

NOT VOTING—155

Abbitt
Adair
Adams
Ashley
Ashmore
Baring
Barrett
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brock
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Button
Cahill
Carey
Casey
Clancy
Cleveland
Collier
Collins
Conyers
Corbett
Corman
Culver
Cunningham
Curtis
Daddario
Dent
Derwinski
Diggs
Dole
Donohue
Dorn

Eckhardt
Edwards, La.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fino
Fisher
Flynt
Ford, William D.
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Gardner
Giaimo
Goodell
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gurney
Halpern
Hansen, Wash.
Hardy
Hébert
Heckler, Mass.
Henderson
Herlong
Holifield
Jacobs
Jonas
Jones, Mo.
Jones, N.C.
Karsten
Keith
King, Calif.
Kuykendall
Kyros
Landrum
Lloyd
Long, La.
McClory
McDade
McEwen
McMillan
Macdonald, Mass.
Machen
Mathias, Md.
Minish
Minshall
Monagan
Morse, Mass.
Myers
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Philbin
Pirnie
Poage
Podell
Pucinski
Quie
Quillen
Rarick
Reid, N.Y.
Reifel
Resnick
Rhodes, Pa.
Rivers
Rogers, Colo.
Ronan
Rooney, Pa.
Rostenkowski
Roudebush
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schweiker
Sisk
Slack
Smith, Iowa
Smith, Okla.
Stafford
Steiger, Wis.
Taft
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tuck
Udall
Watkins
Whalley
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wydler
Wyman
Zablocki

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Brasco for, with Mr. Hébert against.

Mr. Holifield for, with Mr. Satterfield against.

Mr. Monagan for, with Mr. Teague of Texas, against.

Mr. Fountain for, with Mr. Fallon against.

Mr. Barrett for, with Mr. Flynt against.

Mr. Carey for, with Mr. Cahill against.

Mr. Diggs for, with Mr. Gurney against.

Mr. Eilberg for, with Mr. Kuykendall against.

Mr. Farbstein for, with Mr. Myers against.

Mrs. Hansen of Washington for, with Mr. Pirnie against.

Mr. King of California for, with Mr. Smith of Oklahoma against.

Mr. Minish for, with Mr. Widnall against.

Mr. Nix for, with Mr. Sandman against.

Mr. Gallagher for, with Mr. Morse of Massachusetts against.

Mr. Podell for, with Mr. McDade, against.

Mr. Resnick for, with Mr. Reid of New York against.

Mr. Ronan for, with Mr. Watkins against.

Mr. Rooney of Pennsylvania for, with Mr. Halpern against.

Mr. Tenzer for, with Mr. Minshall against.

Mr. Rhodes of Pennsylvania for, with Mr. Clancy against.

Mr. Green of Pennsylvania for, with Mr. Button of New York against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Adair.

Mr. Philbin with Mr. Fino.

Mr. Donohue with Mrs. Heckler of Massachusetts.

Mr. Boland with Mr. Fulton of Pennsylvania.

Mr. Macdonald of Massachusetts with Mr. Cleveland.

Mr. Wolff with Mr. Goodell.

Mr. O'Neal of Georgia with Mr. Dole.

Mr. Zablocki with Mr. Taft.

Mr. Casey with Mr. Keith.

Mr. Edwards of Louisiana with Mr. Quillen.

Mr. Brown of California with Mr. McClory.

Mr. Adams with Mr. McEwen.

Mr. Abbitt with Mr. Derwinski.

Mr. Hardy with Mr. Cunningham.

Mr. Blatnik with Mr. Collier.

Mr. Boggs with Mr. Mathias of Maryland.

Mr. Dent with Mr. Brown of Ohio.

Mr. Culver with Mr. Reifel.

Mr. Daddario with Mr. Whalley.

Mr. Brademas with Mr. Saylor.

Mr. Giaimo with Mr. Corbett.

Mr. Dorn with Mr. Brock.

Mr. Fisher with Mr. Curtis.

Mr. Henderson with Mr. Quie.

Mrs. Griffiths with Mr. Stafford.

Mr. Gray with Mr. Wydler.

Mr. Jacobs with Mr. Grover.

Mr. Blanton with Mr. Brown of Michigan.

Mr. Corman with Mr. Roudebush.

Mr. Evans of Colorado with Mr. Schweiker.

Mr. William D. Ford with Mr. Gardner.

Mr. Friedel with Mr. Teague of California.

Mrs. Green of Oregon with Mr. Wyman.

Mr. Pucinski with Mr. Lloyd.

Mr. Ashmore with Mr. Jonas.

Mr. Rogers of Colorado with Mr. Brotzman.

Mr. Machen with Mr. Blackburn.

Mr. St Germain with Mr. Collins.

Mr. Smith of Iowa with Mr. Thompson of Georgia.

Mr. Charles H. Wilson with Mr. Steiger of Wisconsin.

Mr. O'Hara of Michigan with Mr. Scherle.

Mr. Rostenkowski with Mr. Schadeberg.

Mr. Sisk with Mr. Herlong.

Mr. Thompson of New Jersey with Mr. Tuck.

Mr. Ashley with Mr. Karsten.

Mr. O'Hara of Illinois with Mr. Conyers.

Mr. McMillan with Mr. Kyros.

Mr. Jones of North Carolina with Mr. Long of Louisiana.

Mr. Patman with Mr. Udall.

Mr. Rivers with Mr. Ottinger.

Mr. Landrum with Mr. Willis.

Mr. Baring with Mr. Eckhardt.

Mr. Fraser with Mr. Fulton of Tennessee.

Mr. Galifianakis with Mr. Rarick.

Mr. Slack with Mr. Bingham.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

THE REWARDS OF PIRACY

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, just 4 weeks ago today President Johnson signed into law a bill for withholding U.S. aid from countries that seize our fishing boats on the high seas.

This is a stern measure, but also urgently needed. Some of these countries clearly regard the illegal detentions as a consistent source of revenue.

Take Ecuador, the most blatant offender of all. So far, just this year, Ecuador has grabbed six of our American tuna boats outside the 12-mile limit recognized by practically all civilized nations. Four of these ships were hit last month by fines totaling more than $200,000.

In view of the black record of aggression compiled by Ecuador, I was astonished to learn last week that the World Bank has just rewarded that nation with a $5.3 million loan for, of all things, upgrading its fishing industry.

The World Bank, as all of us know, is primarily a U.S. production, and the loan could not have been authorized without the specific approval of U.S. officials, such as Covey T. Oliver, the Asssistant Secretary of State for Inter-American Affairs.

Oliver, for one, has said he is willing "to take the heat" for the consequences of this ill-considered loan. He must be starting to sweat a little already. The American Tunaboat Association has pointed out that the loan "rewards Ecuador for its piracy," and Chairman GARMATZ of the Merchant Marine and Fisheries Committee has made clear his own displeasure.

Friday, I demanded an explanation of this incredible largesse, and was told by the State Department that a prepared statement purporting to jusify the loan would be sent to me at once. As of this morning, 72 hours later, the promised information had still not been delivered to my office.

The striped-pants set apparently is as oblivious to the wishes of Congress as it is to the needs of our hard-pressed fishermen. And these omniscient statesmen are obviously not troubled by the Ecuadorean brand of gunboat diplomacy.

Maybe we ought to transfer some of the burden for funding the World Bank from our own taxpayers to the Ecuadorean treasury, which is currently swollen with blood money extorted from our fishermen.

ABOLISHING CORONER'S JURY

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I am today introducing a bill aimed at abolishing an anachronism in the District of Columbia law—the Coroner's jury—and establishing instead a medical examiner system similar to that in my home town of Rochester and other jurisdictions including nearby Maryland and Virginia.

Present District of Columbia law requires that the Coroner who, incredibly, need not even be a physician, much less a pathologist—fortunately the present District of Columbia Coroner is a physician—conduct an inquest in the presence of the body of "each person found dead in the District when the manner and cause of death is not already known as accidental or in the course of nature." Currently, however, almost all of the inquests held by the Coroner involve cases of persons slain by the police.

In practice the present Coroner jury system tends not only to be useless, expensive, and without legal force but at times tends to confuse and further irritate an already inflammatory situation because some laymen misinterpret the findings of a Coroner's jury as being a court decision.

Two years ago the young lawyers section of the District of Columbia Bar Association studied the Coroner's inquest system and made this summary of its findings:

> (1) The inquest serves no necessary purpose.
>
> (2) The inquest is a waste of time and money.
>
> (3) The inquest lacks elementary legal requirements of fairness because hearsay evidence, personal opinions, and leading questions are permitted where such would be inadmissible in court.

The bar members further observed that even if there is an inquest, the findings of the Coroner's jury are not admissible in court as evidence. The lawyers concluded that the inquests are unnecessary because all deaths involving possible criminal prosecution are investigated by the U.S. attorney's office anyway and no matter what the verdict of the Coroner's jury is the U.S. attorney's office still has the final authority over whether to present the case to the grand jury.

As present matters stand, no one—including the District's judges, lawyers, policemen, government officials, even the Coroner himself—likes the present system and would not grieve at its demise.

Adding to the consensus for the removal of the present system, the District of Columbia City Council's Subcommittee on Police-Community Relations took full cognizance of the dangers inherent in the present arrangement by recommending that the inquest system be eliminated and the Coroner be replaced by a medical examiner whose sole duty would be to make determinations of the medical cause of death, but would not conduct any quasi-judicial proceedings.

It was through the following Post-Newsweek radio station WTOP editorial that I became fully aware of the issue.

I would like to share this editorial by Norman Davis, of WTOP, with my colleagues and urge that they support this measure. The editorial follows:

THE OFFICE OF CORONER

> (This editorial was broadcast August 19, 1968, over WTOP Radio and Television.)
>
> This is a WTOP Editorial.
>
> Included among Parkinson's time-honored laws about government is one which affirms the tendency of public agencies to perpetuate themselves against all odds.
>
> It would be hard to find a better illustration of that principle than the coroner system in the District of Columbia.
>
> Nobody likes it—not policemen, not lawyers, not judges, reportedly not even the coroner himself. Yet the inquest system clings stubbornly to life and perenially shows up in an unobtrusive place in the D.C. budget.
>
> As a legal instrument, proceedings before the coroner's jury are a waste of time, inasmuch as the results obtained are not admissible in court as evidence. Furthermore, the exercise can be inflammatory when it confronts but fails to resolve a highly sensitive matter like the recent Lawson shooting case.
>
> There is an alternative to what we have, and various efforts are underway to replace the coroner with a medical examiner whose duties would be limited to inquiries on the causes of death.
>
> The opportunity is there. You'd think someone on the Congressional District Committees would leap at the chance to apply the ax to a governmental agency nobody wants.
>
> But don't be too expectant. If Parkinson had it right in the first place, it could be our luck to wind up next year with a medical examiner *and* a coroner.
>
> This was a WTOP Editorial—Norman Davis speaking for WTOP.

Mr. **GUDE**. Mr. Speaker, as a cosponsor of this legislation with the gentleman from New York, Congressman HORTON, I rise to urge that this measure be given quick consideration and passage. I would like to commend my colleague, the gentleman from New York [Mr. HORTON], for his work on this bill and the interest in general he has shown for the problems of the Nation's Capital.

This system of a coroner's jury is a carryover from 18th-century Maryland and Virginia law and under present practice has become nothing but a rubber-stamp procedure in cases of felony homicides.

Nothing I say here should detract from the work of the present coroner but he is operating under an archaic system.

Since 1801 when the first coroner was appointed by the circuit court the coroner has been given little direct guidance by Congress, and apparently none by the courts, for the development of detailed procedures in the conduct of inquests.

In recent years the practical functions of the coroner's inquest have been taken over by other jurisdictions. The inquest is now an unnecessary and costly duplication.

In 1966 at the request of the President's Commission on Crime in the District of Columbia, a special committee of the young lawyers section of the bar association initiated a study of the coroner's inquest system. Austin P. Frum and Frederick S. Hird, Jr., were cochairmen of the study.

The committee's conclusions were clear and it recommended abolition of the system.

Favorable comment on the recommendation has been received by the special committee from the Judicial Conference of the District of Columbia and from the coroner himself.

I would like to share this report with my colleagues.

It is now time, Mr. Speaker, that we take up this matter and eliminate this anachronism. There is no reason why the Nation's Capital should be saddled with such an outdated procedure which simply serves to duplicate more efficient and appropriate procedures.

I urge all of you to join with the gentleman from New York [Mr. HORTON] and myself in pressing for adoption of this bill.

RURAL INCOME DEPRESSED

Mr. **ZWACH**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **ZWACH**. Mr. Speaker, I have just spent 3 weeks in the Sixth District of Minnesota. This is primarily an agricultural area, extending over 19 counties.

Never have I found the general spirit and hopes so low. The reason behind this depressed feeling is the fact that farm prices, and thus rural income, are very low. Barley is at 57 percent of full parity. Corn is at a 26-year low.

In checking the August issue of the Economic Indicator, I again found evidence that our rural segment of the population is receiving less and less of the growth than all others are getting.

In 1959, total personal income was $383.5 billion, of which farmers received $11.4 billion, or nearly 3 percent of the total. In July of this year, computed at the annual rate, farmers earned $14.8 billion, while the total national earnings ballooned to $689.2 billion. The farm income was just over 2 percent. Farm income had increased by nearly 30 percent, while other segments increased by over 80 percent.

There is some relief for this situation available to the President and the Secretary of Agriculture in authority granted to the administration by congressional action. Therefore, I have called the President's and the Secretary's attention to this avenue in the following letter. So far, I have received only an acknowledgement of receipt of the letter and no positive action:

> AUGUST 19, 1968.
>
> Hon. LYNDON B. JOHNSON,
> *President of the United States,*
> *Washington, D.C.*
>
> DEAR MR. PRESIDENT: One of the gravest of travesties of all time is the present bypassing, economically, of a very basic segment of our nation's source of strength and hope for the future. I am, of course, referring to the large group of citizens who live and work in the rural areas of our United States, and who produce so much of our raw wealth and the majority of our sustenance of life.
>
> Much of the cost of producing crops comes from purchased inputs. These inputs have continued to spiral upward both in volume used and in unit price. Consequently, each of the recent decreases in farm prices causes further concern and misery to all farming areas.
>
> Therefore, I urgently request you to use all authority granted under the Agricultural Act of 1949, as amended, to raise the support level to 90 percent of parity for feed grains.
>
> I further suggest that you explore the availability of Section 32 funds to make emergency purchases of feed grains in order to bring the prices to farmers closer to the present Administration established support prices.
>
> Grain prices at the farms have plummeted to about 60 percent of parity. Full parity for corn is $1.65 per bushel while farmers are bid only 91 cents, and barley, bid at 68 cents a bushel, is 77 cents less than full parity.
>
> To prolong the economic starvation of the farm communities, especially when some needed relief is available, is completely unconscionable.
>
> I urge your immediate attention to this acute problem.
>
> Sincerely yours,
>
> JOHN M. ZWACH,
> *Member of Congress.*

PAYMENTS OF $20,000-PLUS TO INDIVIDUAL FARMERS

Mr. **FINDLEY**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, my purpose in these remarks is to clarify facts about the $20,000 limitation on payments voted by a record vote of 230 to 160 on July 31 when the House passed a 1-year extension of the Agricultural Act of 1965.

As I stated in remarks last Thursday, I do not believe extension of the act for even 1 year is in the best interest of farmers and other Americans, but if extension does occur the legislation definitely should include a limitation on the total amount of payments that any single farmer may receive.

Up to now the program—especially that for cotton—has been a bonanza for big farm operators.

Little effective help has trickled down to the small farmer, many of whom have been forced into bankruptcy by the cost-price squeeze which has developed under the Agricultural Act of 1965.

Under the circumstances it makes sense at least to put a top limit on the extent to which big farmers get financial support at taxpayer expense.

All Members may not be fully informed as to the specific effect of the $20,000 limitation.

Set forth below is detailed information as compiled by the Department of Agriculture. The figures reflect payments to individuals under the various ASCS commodity programs authorized by the Agricultural Act of 1965 plus the Sugar Act. Except for a few sugar producers who are not affected by the proposed legislation, the amounts listed for various States and individuals therefore show accurately the impact of the $20,000 payment limitation.

This listing will enable each Member to determine which of his constituents, if any, are getting more than $20,000 a year. The figures of course are for 1967.

Based on 1967 payments, the $20,000 limitation, which would take effect in the 1970 crop year, would reduce program costs by $209,099,006. In the wake of a fiscal year deficit of $25 billion and the necessity for belt tightening which has already caused the cancellation or delay of many worthy programs, this substantial reduction is welcome indeed.

It is notable that in 12 States, no farmer received over $20,000 in payments last year.

In the great Corn Belt States of Illinois, Iowa, and Indiana only 66 farmers in all were in that category.

Of the 9,952 farmers whose payments exceeded $20,000, 8,778 were in 15 "cotton" States. Total amount of payments of $20,000 or more for the Nation came to $408,139,006. Of this $362,220,699 went to the 15 "cotton" States. This means that 89 percent of the farmers getting over $20,000 live in 15 States and they get the same percentage of the dollars.

Texas was a country mile ahead of all other States with 2,975 farmers in the $20,000 plus category, pocketing a grand total of $99,619,326. This was 24 percent of the grand total for the entire Nation.

From this information, it is easy to understand why several Congressmen from Texas are quite vocal in objecting to a payments limitation.

By contrast, Illinois had only 24 such farmers and their total payments come to a relatively modest $703,245. Iowa and Indiana were about the same as Illinois.

Set forth below are: A summary of payments over $20,000 by States; a rearrangement of the same figures showing how 15 "cotton" States faired; and a listing of individual payments over $20,000, classified by States and counties:

Payments of $20,000 or more under 1967 farm programs, by States

State or territory	*Number of payments of $20,000 or more*	*Total amount of payments of $20,000 or more*
Alabama	296	$9,715,546
Alaska	0	0
Arizona	584	34,615,953
Arkansas	854	33,571,340
California	1,094	67,633,575
Colorado	147	4,534,701
Connecticut	0	0
Delaware	0	0
Florida	66	5,324,652
Georgia	224	6,878,865
Hawaii	26	9,808,390
Idaho	79	2,425,820
Illinois	24	703,245
Indiana	26	758,083
Iowa	16	615,450
Kansas	209	6,021,689
Kentucky	7	170,585
Louisiana	397	14,224,786
Maine	1	20,317
Maryland	0	0
Massachusetts	0	0
Michigan	5	134,252
Minnesota	11	280,849
Mississippi	1,440	63,206,052
Missouri	144	4,612,159
Montana	91	3,133,769
Nebraska	51	1,361,271
Nevada	6	291,448
New Hampshire	0	0
New Jersey	0	0
New Mexico	168	5,347,639
New York	0	0
North Carolina	71	2,618,590
North Dakota	47	1,303,836
Ohio	8	240,639
Oklahoma	100	2,926,041
Oregon	78	2,238,262
Pennsylvania	2	52,897
Puerto Rico	91	4,356,652
Rhode Island	0	0
South Carolina	249	8,153,583
South Dakota	22	629,853
Tennessee	116	3,772,592
Texas	2,975	99,619,326
Utah	12	333,297
Vermont	0	0
Virgin Islands	0	0
Virginia	2	62,486
Washington	197	5,993,854
West Virginia	0	0
Wisconsin	4	108,097
Wyoming	12	338,565
Total	9,952	408,139,006

15 Cotton States

State	*Number of payments of $20,000 or more*	*Total amount of payments of $20,000 or more*
Alabama	296	$9,715,546
Arizona	584	34,615,953
Arkansas	854	33,571,340
California	1,094	67,633,575
Florida	66	5,324,652
Georgia	224	6,878,865
Louisiana	397	14,224,786
Mississippi	1,440	63,206,052
Missouri	144	4,612,159
New Mexico	168	5,347,639
North Carolina	71	2,618,590
Oklahoma	100	2,926,041
South Carolina	249	8,153,583
Tennessee	116	3,772,592
Texas	2,975	99,619,326
Total, 15 cotton States	8,778	362,220,699

37 other States and territories

State	*Number of payments of $20,000 or more*	*Total amount of payments of $20,000 or more*
Alaska	0	0
Colorado	147	$4,534,701
Connecticut	0	0
Delaware	0	0
Hawaii	26	9,808,390
Idaho	79	2,425,820
Illinois	24	703,245
Indiana	26	758,083
Iowa	16	615,450
Kansas	209	6,021,689
Kentucky	7	170,585
Maine	1	20,317
Maryland	0	0
Massachusetts	0	0
Michigan	5	134,252
Minnesota	11	280,849
Montana	91	3,133,769
Nebraska	51	1,361,271
Nevada	6	291,448
New Hampshire	0	0
New Jersey	0	0
New York	0	0
North Dakota	47	1,303,836
Ohio	8	240,639
Oregon	78	2,238,262
Pennsylvania	2	52,897
Puerto Rico	91	4,356,652
Rhode Island	0	0
South Dakota	22	629,853
Utah	12	333,297
Vermont	0	0
Virgin Islands	0	0
Virginia	2	62,486
Washington	197	5,993,854
West Virginia	0	0
Wisconsin	4	108,097
Wyoming	12	338,565
Total, 37 other States and territories	1,174	45,918,307

Payments over $20,000 under ASCS programs as compiled by USDA

[Senate Appropriaitons Committee Hearings on H.R. 1913, 90th Congress, 2d session.]

ALABAMA

Autauga County

McQueen Smith Farms	$92,427
J. D. Dismukes	36,293
Autauga Farming Co	29,248
Wadsworth Brothers	28,793
D. L. Yarbrough Estate	27,688
M. S. Murfee	26,677
W. H. Smith	25,911
C. Milton Johnson	23,438
O. C. Bruner	20,648
J. A. Rainwater	20,107

Barbour County

W. L. Corcoran	77,084
Ben F. Bowden	74,812
Emmett Scroggins	36,683

Bibb County

James Brothers	47,214
Young Brothers	45,190
J. C. Goodson	33,917

Blount County

Dean Pruett	93,010
Johnny Whitley	45,432
Henry Whitley	22,307

Butler County

J. N. Poole & Sons	49,785
S. L. Wise	25,882

Calhoun County

Sorrell Bruce Wesson	24,727
Louis Hammonds	22,103

Cherokee County

Ellis Bros	40,024
J. W. Stepps	33,758
Sanford Lafayette Flynt	26,441
Jeff D. Jordan & Co	25,168
Woodrow W. Rains	25,095
David E. Coley	21,858

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ALABAMA—Continued

CLARKE COUNTY	
Palmer Bedsole	$20,133
COLBERT COUNTY	
W.E. & W. C. Reid	64,394
Herbert C. Harris, Jr	54,856
R. Gordon Pruitt	47,854
Annie Lucille F. Bowles	46,896
En K. Fennell	40,659
Willie Posey	31,695
J. J. Johnson	30,363
W. T. Davenport	29,675
Paul Reid	28,224
William A. Pullen	27,496
Billy Pullen	27,332
G. W. Mann	26,731
Daniel Counts	26,000
Eugene V. Blythe	25,892
Hubert R. Stanley	25,111
Bill Blackburn	24,405
Ben Fennell, Jr	22,189
Claud Price Counts, Jr	21,880
J. T. Peters	21,800
Charles Keeton	20,917
Roe S. Woodis	20,875
V. Dewees Crockett	20,427
James M. Underwood	20,349
CONECUH COUNTY	
J. T. Ward	35,273
COVINGTON COUNTY	
W. G. Foshee	26,433
CULLMAN COUNTY	
T. J. Pate	27,806
Carman A. Maze	24,945
Forrest Ingram	24,814
DALE COUNTY	
Borland Bros	34,307
Curtis Espy Estate	25,349
DALLAS COUNTY	
Joe I. McHugh	103,870
Beers Bros	55,925
Beers Bros	55,925
James A. Minter, Jr	53,212
Carl Henderson	35,414
Watts Bros	32,228
W. J. Neighbors	31,303
J. W. Suttle	27,964
Cedar Creek Farms	26,655
R. Furniss Ellis	25,327
Nelson Norris	24,780
Thomas E. McHugh	21,840
Robert Culpepper	21,707
George Wood	20,539
J. B. Hain Co	20,087
ELMORE COUNTY	
J. Melvin Taylor	46,582
Harper Bros	30,551
John M. Hann	29,442
Ralph Till	28,315
George Douglas McCartha, Jr	26,096
Garnand & Thornton	26,018
Wood T. Dozier	24,949
Sherrill J. Woodfin	22,784
Graves H. Weaver	21,284
ESCAMBIA COUNTY	
George Prestwood	27,888
ETOWAH COUNTY	
O. B. Shaw	21,099
FAYETTE COUNTY	
J. C. Randolph	43,349
GENEVA COUNTY	
Gerald Chancy	24,601
GREENE COUNTY	
N. G. Garth	40,093
Bayne Ethridge	26,841
Elam Smith	25,909
K. R. Sanders	25,477
Harlon D. Williams	22,170
J. F. Cameron, Jr	20,869
Larry E. Gilmore	20,410
HALE COUNTY	
W. J. Chandler & Sons	$10,799
Turpin Vise	35,026
Marvin D. Johnson	33,354
Henry A. Bailey	24,043
Waller E. Wedgworth III	23,710
HENRY COUNTY	
Kirkland Bros	20,213
JACKSON COUNTY	
W. C. McCord	27,050
Robert Rudder	26,515
Lloyd Meeks	20,839
J. B. Worley	20,696
JEFFERSON COUNTY	
Jimmy Bagwell	33,967
LAUDERDALE COUNTY	
Robert Winters	40,489
Hugh L. Rice, Jr	31,126
Andrew C. Walker	28,786
Theo Scott	28,372
Harvell J. Walker	27,720
Alfred J. Buffler	26,997
Charles J. Vaughn, Jr	25,380
Roy C. Lee	24,729
Rufus W. Bratcher	23,224
James E. Hale	22,236
James Walker	21,691
Homer E. Liles	21,320
Bonnie Burgess	21,077
LAWRENCE COUNTY	
Edward F. Mauldin	165,003
G. T. Hamilton	89,011
Albemarle Corp	76,677
Guy Parker	67,309
Dewberry Bro	62,278
Dan Claborn	54,401
Grady Windle Parker	53,440
Daniel Gilchrist	49,911
D. L. Martin, Jr	45,030
James Blythe, Jr	43,742
Thos. A. Bowles	43,417
Sameul R. Letson	42,321
G. N. Turner	41,140
Russell Armstrong	35,942
Hollis O. Green	35,648
Lynn Cross	34,413
Roland Cross	33,279
Grady B. Rose	32,973
O. D. Brackin	32,967
Harold Green	29,836
Hubert Coffey	29,836
Robert Neal Williams	27,312
M. H. Harris	26,876
Billy Pitts	26,249
W. J. Lee	26,204
J. R. Knouff	25,226
W. W. Hamilton	24,671
Leon Hamilton	24,361
Fred O. Terry	24,243
George Collins	23,295
Wade Terry	22,470
LEE COUNTY	
Nelson Hillyer	27,356
T. W. Collier	24,828
F. B. Smith, T., Jr	23,898
Andrew Newt Ingram	20,755
Robert E. Gullatte	20,340
LIMESTONE COUNTY	
McDonald Farms	77,989
Joe E. Murphy	76,838
Walter B. Shaw	59,293
Glennes V. Moore	57,729
Gene Thomas Burgreen	54,769
Anderson Farms, Inc	47,779
Dan Atkinson	45,759
Henry Charles Baucom	44,616
John D. Anderson	39,631
James E. Horton, Jr	39,595
Robert W. Anderson	38,267
LIMESTONE COUNTY	
Rowe B. Sanderson	$37,740
Fred William Hays	37,320
Thomas H. Vann	37,245
Hargrave Brothers	36,969
Lloyd P. Black	32,120
Luke Pryor	31,488
James T. Sanderson	30,954
Wendell Barron	28,625
Vester M. Leonard	28,445
Pettus Menefee	28,233
D. E. Sandy	28,061
James Morris Black	26,783
Glenn Black	26,407
Horace L. Devaney	25,317
Robert Horace Marks	24,989
Ned Johnson	24,919
Roy W. Thorson	24,497
Edmond P. Garrett, Jr	23,910
James H. Garrett	23,910
Olin E. Shaw	23,515
Darden Bridgeforth	22,822
Thomas C. Downs	22,362
Grover C. Lawson, Jr	22,353
James P. Grooms	22,319
Joe D. Anderson	20,266
LOWNDES COUNTY	
Brady C. Rhyne	56,293
O. P. Woodruff	36,215
Harrell Hammonds and J. W. Casey	28,430
Fred W. Holladay	24,545
G. T. Meadows, Jr	24,544
C. H. Rhyne	21,706
R. S. Dickson, Jr	21,105
George Marlow Reese, Jr	20,533
MACON COUNTY	
A. L. Lazenby, Jr	51,608
Mrs. H. A. Torbett & Sons	35,683
Englehardt and Thompson	34,419
Ben W. Walker	25,882
Segrest Bros	22,304
John C. Carter, Jr	21,944
E. E. Story	21,197
C. A. Huddleston, Jr	20,236
MADISON COUNTY	
Douglass & Vandiver	67,210
Clyde Dublin	60,995
Carl A. Williams	58,598
John W. McCrary	58,510
John W. McCrary	55,418
John W. League	45,532
Wilburn B. Douglass	41,230
Tom E. Lowery	40,963
Donald Sublett	39,287
W. Homer Tate	38,026
Elon Balch	37,756
R. L. Pickens	36,560
John W. Hays	36,459
William H. Gray	36,278
Jack T. Clift	34,007
Ray Vandiver	32,791
Wesley, Thomas	32,408
W. R. Spears	31,257
C. A. Smith	29,002
Donald Spencer	28,979
C. Quinton Lowery	28,257
Orville H. Esslinger	27,475
Carlton, Ikard	27,422
A. D. Whitworth	26,304
Glenn Murphy	25,326
Walter E. Lowery	25,292
Dennis O. Bragg	25,275
Reece D. Betterton	25,180
Millard L. Sanderson	24,492
W. R. Rodman	24,439
Lowe, Hereford Farms	24,058
Don Martin	24,056
Robert M. Davis	24,023
Thomas Turner	23,963
Aaron Fleming & Sons	23,662
Edmund Payne	23,406
Kenneth Pike	21,994

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ALABAMA—Continued

MADISON COUNTY—Continued

Claude N. Buchannan	$21,044
Milton Carter	20,453
E. R. Howard	20,341
R. F. Vandiver	20,194
Dewey Taylor	20,159

MARENGO COUNTY

James W. Glass	28,139
Baker Brothers	27,145
John H. Chambers	20,067

MARSHALL COUNTY

Harold, Burnett	21,991

MONROE COUNTY

Owen Dawson	22,845
Maston & Bibb Mims	20,027

MONTGOMERY COUNTY

W. H. Mclemore	49,629
A. J. Mclemore, Jr	34,381
T. O. Mclemore	32,811
T. W. Oliver	20,449

MORGAN COUNTY

Percy Sharp	27,618
John B. Sewell	23,344
W. Aaron Beaver	21,833
Royce Sims	21,794

PERRY COUNTY

J. C. Moore Mercantile Co	61,436
T. J. Jones	32,844
L. B. Sprott Est	20,556

PICKENS COUNTY

H. G. Hankins	30,272
Everett C. Owens	23,582
Roy Goodwin	21,478
Jamie M. Summerville	20,476

RUSSELL COUNTY

J. Wayne Mott	21,744
George M. Adams	21,171
James M. Miles	20,552

SHELBY COUNTY

D. E. Morris	39,485
John M. Thompson	34,538
L-B-L Ranch	31,743
Ralph Caddell	24,236
Billy Joe Perry	22,996
Baker & Waites	21,974
John D. Kidd	21,435

ST. CLAIR COUNTY

Norris K. Waites	50,879

TALLADEGA COUNTY

J. D. Robinson	29,319
Robert M. Gambrell	23,451
T. J. Watson & Sons	20,532

TALLAPOOSA COUNTY

W. M. Wisener	53,796
Dan Herran	37,991
Roger M. Harper	22,043
William E. Crockett	22,002

TUSCALOOSA COUNTY

Joe Rice, Jr	44,063
J. L. Harper	36,893
Darden D. Barton	33,299
Mitt Keith	30,187
R. E. Spiller, Jr	29,838
Henry Rice	29,277
Fletcher Barnes	26,927
Grady Breland	20,789

WILCOX COUNTY

Raymond Pharr	23,715

ARIZONA

COCHISE COUNTY

Bill Hilburn	141,351
J. L. Kidd, Jr	86,014
Jones Ranches	47,990
Montierth Farms	47,707
Charles Wade	47,212
Kinard Bros	39,017
E. V. Hart	34,896
M. H. Barnes	34,623

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

COCHISE COUNTY—Continued

John Jerry Veck	$30,040
Dewey O. Neal	29,836
Wicks Ranches	29,755
Joe H. Hedges	27,520
Floyd Robbs	26,265
M. K. Sellers	23,490
Jack Robison, Sr	22,420
J. F. Schmelzla	22,296
Luckett Farms	21,915
Delbert Motes	21,410
Eugene Allison	20,771
V. C. Smith	20,297

GRAHAM COUNTY

Melvin R. Bryce	46,764
Daley Brothers	37,757
Alf B. Claridge	33,657
Eldon Palmer	22,340
F. X. Farm and Ranch	21,111
Norman Welker	20,724

GREENLEE COUNTY

Adrian Richins	22,766
James B. Whitmer	20,612

MARICOPA COUNTY

Farmers Inv. Co	554,817
Youngker Farms	327,523
Goodyear Farms	270,705
Community Gin	233,231
Harris Cattle Co	165,272
Belluzzi Farms, Inc	160,883
David A. Shumway	157,063
Waddell Ranch Co	154,878
Leyton Woolf	154,650
F. C. Layton	152,784
Ed Ambrose	141,086
Abel Bros	140,458
Martori Bros.	128,479
H. L. Anderson	127,363
Vans Farms	124,274
J. L. Hodges Farming Co	121,864
Morrison Bros.	119,011
Roscoe & Allen	114,086
Fridenmaker Farms	113,504
Southmountain Farms, Inc	110,298
Hardesty Bros.	102,247
D. & R. Farms	99,609
Phelps & Palmer	98,890
Woodrow Lewis	94,000
Henry L. Voss	93,500
Wallace Bales	93,220
AZ Pest Control Co	91,556
Power Ranches, Inc	89,915
W. A. Heiden & Son	85,100
W. H. Haggard, Jr	84,800
Travis H. Jones	84,670
Jacob S. Stephens	81,235
Arena Co. of Ariz	80,326
Chico Farms	79,233
J. S. Hoopes	78,004
Don B. Co	77,576
Skousen & Hastings	77,166
Sutton Bros	76,688
S. & P. Farms Inc	76,663
Ben Riggs & Son	73,916
M. I. Vance & J. A. Mortensen, Jr	73,491
F. M. Gorrell	73,125
King Farms	73,091
James M. Hamilton	72,941
Barney-Mecham	69,601
Carl E. Weiler	68,435
Robert B. Coplen	68,276
D. L. Hadley	68,232
Joseph D. Bickman	67,712
Dougherty Ranch	65,602
Phil Ladra	65,438
C. W. Neely	64,977
Painted Rock Ranches	64,124
Laveen Farming Co	63,439
Escobedo Bros	63,379
Raymond D. Schnepf	62,628
Dobson & Patterson	61,651
Jewell Turner Farms	61,056
J. R. Tucker	60,952
Don H. Bennett	60,335

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

MARICOPA COUNTY—Continued

M. B. M. Farms	$60,052
J. V. Pace	59,441
W. P. Haggard & Son	59,392
J. L. Golightly, Sr	58,675
J. L. Golightly, Jr	57,444
Joe A. Sheely	56,340
Win Farms	56,184
R. S. R. Ranch	54,804
Salt River Farms	54,274
Gladden Farms	54,207
Sossaman Farms	54,124
Donald Wiechens	53,992
C. O. Pitrat & Sons	53,979
Finley Ranches	53,626
Ed Weiler	53,623
William Hardison	53,561
Lee Wong Farms, Inc	53,014
Trimble Farms	52,405
Kempton & Snedigar	51,952
Chatham & Chatham	51,056
Earl C. Recker Co	05,751
Schnepf Farms	50,404
George Knapple	50,279
W. H. Jarnagin	49,174
W. H. Miller	48,982
R. D. Beebe & Sons	48,521
James M. Shahan	46,247
Sam Cambron	46,125
Wm. C. Brandon	45,700
Reed J. Kerby	45,172
E. G. Rhodes	45,143
Holly Ranch	45,005
A Tumbling T Ranch	44,831
E. W. Hudson, Jr	44,655
Maricopa Stake Lds	43,633
Percy L. Smith	42,905
Willis Livestock Co	42,408
Turner Ranches	42,372
Fred G. Hilvert Co., Inc., Dist	41,605
Red Mountain Ran	41,592
Robert Ellsworth	41,449
Germain H. Ball	41,396
L. R. Layton	41,160
Arid Zone Farms	41,140
Baskett Farms	40,923
John C. Badley	40,752
Ray & Wayne Vanosdell	40,738
Queen Cr. Pot. & Cold St. Co	40,496
Rudolph Johnson	40,434
Ray Farms Co	40,260
Gordon Cameron	40,256
John D. Vance	40,115
Jack & Helen Bennett	40,049
Tommy Wheelis	39,611
Fremon Coker, Jr	39,485
Ben F. Youngker, Sr	38,840
Jackson & Perkins	38,823
A. A. Freeman & Sons	38,753
Moore & Taylor	38,512
Kenly Farms	38,359
John D. Hamilton	38,323
J. L. Woolf	38,250
Milford Hutchison	37,524
George & Elver Veit	36,752
Joseph F. Bulfer	36,707
West Valley Farms	36,590
Grant-Vaughn Ellsworth	36,119
J. A. & R. Blasdell	35,013
Chet John & Sons	34,816
Russell Badley	34,788
Tom Waddell	34,510
Rulen Daley	34,568
Wayne A. Enloe	34,284
Phil Gould	34,278
Sands Trading Co	34,053
Bill R. Moore	33,798
Fred L. Lueck	33,530
Bartlett-Heard Co	33,477
James Marioneaux	33,438
Rala Singh	33,370
C. & R. Farms	33,123
Sanders & Sanders	32,713
Carl Mumme	32,576
James L. McBride	32,030
Ward J. Sanderson	31,306

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

MARICOPA COUNTY—Continued

Byron Patterson	$31, 229
Richard Mayfield	31, 227
George Dykes	31, 125
L. M. Conner	30, 983
Rainbow Ranches	30, 816
Cheatham Dairy, Inc	30, 795
Norman L. Knox	30, 773
S. L. Narramore	30, 713
Ralph S. Shepard	30, 560
Nichols & Nichols	30, 309
Jerome Thompson	30, 228
Bob Stump	30, 223
William Wade	30, 206
Marion I. Vance	30, 167
Jack Barnes	30, 131
Tolmachoff Farms	29, 412
Radius A. Hudson	29, 336
R. Leslie Ward	29, 202
Wiley Herman, Jr	29, 033
Richard Evans	28, 831
Talmage A. Barney	28, 490
Henry F. Backer	28, 411
Howard Henry	27, 919
Jimmie Gomez	27, 911
F. Roy Dobson Sr., Est	27, 482
R. R. Wood	27, 359
Howard Lydic	27, 356
Gilbert Turner	27, 069
Centennial Valley Farms	26, 817
J. B. Hill	26, 735
Ladell S. Wood	26, 723
Otto B. Neely	26, 660
Perry Bros	26, 564
R. M. Hume	26, 286
Richard Rogers	26, 159
D. E. McGinty	26, 153
John Petersen	26, 008
Allred Brothers	25, 888
Jerome Kantro Co	25, 754
Raymond Cook	25, 570
Hayden E. Ladra	25, 525
Jack Palmer	25, 462
John James Anderson	25, 445
Ray J. Hansen	25, 422
Delmar D. John	25, 399
Willis C. Chatham	25, 385
W. R. Collier	25, 281
Citrus Hts. Farms	25, 067
Arthur E. Price	25, 015
John Fornes	24, 901
Laveen Farming Co	24, 617
Versluis Ranches	24, 558
H. J. Black	24, 482
Leo C. Smith Farms	24, 366
Peterson Farms Inc	24, 303
Ronald Hansen	24, 156
Harry Porterfid	23, 990
D. R. Hiett	23, 763
Stanley McDaniel	23, 721
G. R. Rogers	23, 576
Spencer L. Wilson	23, 546
Malcolm Rice	23, 450
James E. Beauchamp	23, 366
R. W. Cheatham	23, 363
Fletcher-Anderson	23, 362
Jon A. Tucker	23, 152
Joe R. Petty	22, 987
H. C. McGarity	22, 964
Fisher Miller Hay & Dev. Co	22, 899
George Pew	22, 808
Ernest E. Hawes	22, 597
Bruce Brooks	22, 574
M. B. & C. E. Sanders	22, 506
Hugh Gieszl	22, 502
R. I. Dean	22, 444
Ray Killian	22, 359
John Thude	22, 049
G. K. Sasser	21, 736
John W. Hadley	21, 453
Geo. D. Ellingson	21, 385
F. G. Sanders Est	21, 333
Thayer Collier	21, 312
C. & R. Farms	21, 148
Fidel, Leon	20, 995
O. L. & Don Cluff	20, 898

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

MARICOPA COUNTY—Continued

Chris Peterson	$20, 890
Dale C. Riggins, Jr	20, 876
Larkin Fitch	20, 725
Joe Golden	20, 691
L. M. Pace	20, 658
A Lazy T Cattle Co	20, 612
Franklin Farms	20, 604
Tyler & Nicholson	20, 596
Tanita Farms Inc	20, 436
H. A. Fancher	20, 134
Jackson Bogle	20, 063

PIMA COUNTY

BKW Farms, Inc	321, 126
John Kai	175, 601
John J. and Ola V. Lord	112, 025
Argee Farms, Inc	108, 098
C. & W. Ranches, Inc	95, 120
Avra Land & Cattle	66, 732
Watson Farms	55, 426
J. Boyd White	52, 636
Buck Sam Chu	52, 619
Wallis Farms, Inc	49, 645
Claude Hughes	49, 615
Gladden Farms A Part	49, 066
Midvale Farm Co	42, 434
Dan W. Clarke	40, 146
Ray V. Gibson	37, 242
Bull Farms A Part	37, 111
J. Boyd White	36, 708
Evco Farms Syndicate, Inc	34, 574
Ludd Payne	34, 387
Woodrow Jarvis	34, 310
R. G. Buckelew	33, 891
W. R. Shumaker	33, 081
L. D. Ulmer	30, 131
Albert S. Oshrin Cotton Account	29, 270
Pat Tucker, Jr	28, 449
E. C. Barnett	28, 112
James Kuen Wong	26, 596
Tom Clark	26, 041
Silverbell Farms A Partnership	25, 649
Louis Anway	25, 379
Ray S. Bunger	25, 277
Edward Anway	22, 962
H. W. Brittain	21, 855
James Lupori	21, 394

PINAL COUNTY

C. & V. Sheep & Cattle Co., Inc	463, 003
Hamilton Farms	435, 531
Red River Land Co	416, 606
Kirby Hughes	388, 259
John D. Singh	350, 552
Ak Chin Enterprises	327, 122
Bogle Farms, Inc	317, 782
Pima Community Farms	260, 072
Arizona Farming Co	231, 805
Coury Bros	208, 378
L–4 Ranches	207, 575
W. T. Golston Farms	182, 033
J. A. Roberts	174, 651
Talla Farms, Inc	172, 128
Imperial Valley Cattle Co	169, 392
Thunderbird Farms	162, 931
Isom & Isom	152, 682
Rancho Tierra Prieta	147, 478
Milton P. Smith, Jr	137, 536
Peter J. Robertson	127, 959
Paul Brophy	125, 560
McFarland & Hanson Ranches	121, 513
McCarthy Hilderbrand Farms	118, 455
Empire Farms	109, 184
Anderson Bros	108, 641
Santa Cruz Farms, Inc	107, 378
L. Z. Farms, Inc	105, 672
Bud Antle, Inc	99, 762
Fred Enke	99, 473
Anderson-Palmisand Farms	92, 807
H. L. Holland	92, 529
Daley & Bogle Farms	91, 703
Crouch Bros	91, 027
Glenn Lane	90, 835
C. Ray Robinson	88, 322
Sunset Ranches, Inc	88, 142
Martin Talla	87, 540
Charles Urrea & Sons	86, 879

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

PINAL COUNTY—Continued

Jack Ralston	$86, 504
Telles Ranch, Inc	86, 067
Combs & Clegg Ranches, Inc	84, 325
Pinal Farms, Inc	84, 304
C. J. & L. Farms, Inc	84, 139
Edward Pretzer	83, 694
Emmett Jobe	81, 857
Finley Bros	80, 495
M. M. Alexander	79, 671
P. S. Thompson	79, 320
Duane Ellsworth	76, 545
Dunn Farms	74, 928
Franklin B. Cox	73, 356
Marathon Farms	71, 573
Diwan Ranches, Inc	71, 279
Alex & Norman Pretzer	70, 278
Jay Wilson	69, 925
K. K. Skousen	68, 625
J. H. Farms	68, 494
Rex Neely	67, 675
Roy Wales	66, 811
John Smith	66, 777
Robert D. Bechtel	66, 580
J. B. Johnston	65, 766
McFaddin Ranches, Inc	65, 647
Paul Carron	64, 937
Independent Gin Co	63, 682
J. O. Thompson	63, 261
Howard Arthur Wuertz	63, 105
Otice Self	62, 162
Sunshine Valley Rnchs	61, 986
Kortsen & Kortsen	61, 970
Dan C. Palmer	61, 083
Tolby & Boulais	60, 670
Larry R. Scott	60, 650
M. H. Montgomery	60, 167
R. P. Anderson	58, 587
Guy Gilbert Farms	58, 394
Buckshot Farms, Inc	58, 232
R. W. Neely	58, 156
C. V. Hanna	57, 545
El Dorado Rnch., Inc	57, 457
Bufford Gladden	57, 152
Picacho Buttes Farms	56, 897
Hamilton Farms, Inc	56, 249
Wm. E. Foster	55, 989
C. S. C. Farms, Inc	54, 798
H. L. Kendrick	54, 739
R. B. Elsberry	54, 196
John Dermer	54, 042
Ernest McFarland	53, 218
Red Eye Farms, Inc	52, 738
Pinal Ranches	52, 406
Rodney Kleck	52, 406
Wilbur Wuertz	52, 215
W. & J. Farms	52, 093
A. C. T. Ranches, Inc	52, 004
England & England	51, 935
G. Buster Brown	51, 239
D. H. Cole & Son	51, 075
Clifton C. Sides	50, 784
Worth K. Bartlett	50, 686
Bianco Bros	50, 614
Chanan Singh	50, 565
Noel E. Martin	50, 550
Florence Farms Inc	50, 548
Blackstone Investment	50, 420
Attaway Ranches Trst	50, 342
Robert W. Brooks	49, 931
Paul Ollerton	49, 880
Dr. P. F. Hartman	49, 559
Era Mae Barnes	49, 235
Harlan Russell	49, 061
W. S. Connors	48, 866
Jack Crain	48, 837
Herman & Carl Myers	48, 836
Max Nichols	47, 912
Frank Lang	47, 067
Harold L. Earley, Sr	46, 342
Tracy Hutchins	46, 335
Fred R. North	46, 162
C. W. England	45, 828
E. I. & J. E. Jones	45, 541
Paul Pearce	45, 361
Polly Getzwiller	45, 152

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

Pinal County—Continued

Sellers Farms Co	$44, 893
Harold Self	44, 381
Avra Plantations, Inc	44, 381
Robert Ellsworth	43, 887
Duncan Butler	43, 655
Hughes & Ganz Cattle Co	43, 405
C. & A. Equipment Co	42, 376
Stanley Ellis	41, 995
Woodman Moore	41, 975
Grant E. Peterson	41, 651
Rodney Delange	41, 403
Charles Hill	40, 767
Aulton S. Harris	40, 482
Warren E. Cox	40, 370
Earl Lane Estate	40, 293
Phil Taber	40, 286
Raymond Ford	39, 370
Frank Graham	39, 151
Luis V. Flores	39, 103
Bennett & Bennett Rchs	39, 024
David Tolmachoff	38, 942
Emmett Jobe, Jr	38, 893
Rogers & Rogers	38, 159
W. A. Ladd	38, 069
W. C. Brown	37, 838
Howell Wadsworth	37, 828
J. O. Burns	37, 778
La Osa Livestock	37, 539
Rio Bravo Rnchs., Inc	36, 991
Marie White	36, 580
C. P. Honeycutt	36, 340
K. T. Carlton	36, 322
James R. Urton	36, 241
Agnes K. Beggs	36, 162
Emmett Grasty	35, 910
Roger Goff	35, 803
Barbara Earley	35, 784
M. & W. Farms, Inc	35, 762
W. D. Storie	35, 628
R. C. Smith	35, 533
Stanfield Farms, Inc	35, 469
Forrest W. Cooper	35, 059
P. W. Vensel	35, 045
Arnold Hill	34, 606
J. R. Storey	34, 522
Allen McFaddin	34, 425
Robert Kanaga	34, 124
J. E. Robinette	33, 927
Robert A Taylor	33, 925
W. W. Ritchey	33, 668
Wm. T. Elliott	33, 398
Debb Stephens	32, 788
Jack Connelley	32, 689
Paul E. Sexton	32, 539
Jack Nichols	32, 476
Leonard Anderson	31, 667
R. K. & M. N. Palmer	31, 372
C. L. Skousen & Son	31, 068
Mickey A. Clark	30, 914
Black Land Farms, Inc	30, 591
Cooper Ranches, Inc	30, 390
Marcus Vanderslice	30, 090
Irene McCown Waugh	29, 610
Wayne Ray	29, 467
Robert M. Davis	29, 455
Mrs. Dale Combs	29, 427
Claude H. Evans	28, 964
Robert Kirkland	28, 924
F. O. Barnes	28, 539
Delbert Lewis	28, 507
C. B. Shiflet	28, 307
E. L. Farms, Inc	28, 292
Frank Hale	28, 186
Wootan & Casey	27, 937
R. F. Cunningham	27, 775
Frank W. Shedd, Jr	27, 537
J. M. Self, Jr	27, 524
Edward Nevitt	27, 344
Thamos M. Carlton	26, 839
Bill Warren	26, 709
Wesley D. Hood	26, 549
Charles E. Wright	26, 437
Spreckels Sugar Co	26, 344
Fred Wuertz	25, 829
Virgil Chandler	25, 201

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARIZONA—Continued

Pinal County—Continued

Paul J. Prechel	$25, 113
John Payne	24, 905
Harvey Davison	24, 688
Louis L. Johnson	24, 676
Edward J. Farrell	24, 484
Collerette Estate	24, 138
Sheba I. Macey	23, 767
Richard Cruz	22, 957
Alvan T. Ethington	22, 924
Davis Pretzer	22, 451
J. R. & Velma Urton	21, 968
Robert L. Meeks	21, 916
R. C. Goree	21, 590
Ellsworth & Kortsen	21, 586
H. H. Hanna	21, 438
Walter Gantzel	21, 400
Austin Weddle	21, 318
James Condon, Jr	21, 286
H. L. Tom Earley, Jr	20, 246
Eileen M. Nutt	20, 233
Tom Willmoth	20, 043

Yavapai County

Eldon K. Parish	79, 193

Yuma County

Barkley Co. of Ariz	375, 838
C. M. S. Farming Co	304, 676
J. W. Olberg	250, 020
Bruce Church, Inc	241, 689
Ben Simmons	185, 740
Cold River Trading Co	175, 694
Jones Ranches, Inc	135, 583
Earl Hughes	106, 597
Ed Hall	105, 759
Woods Co.	104, 879
C. C. S. Farms	97, 159
W. J. Scott	94, 167
Ferguson and Sons	77, 696
M. and V. Farms	71, 471
Clayton Farms	64, 223
Clyde Curry	59, 421
Pete Pasquinelli	51, 815
Archie Mellon	47, 338
Dean Stanley	47, 014
M. E. Lee	44, 156
T. W. Williams	42, 815
Smith Bros.	42, 629
Truman Osborne	40, 111
Cibola Enterprises	38, 669
Henry Leivas	38, 188
Chrismer Farms	37, 005
Jesse S. Shumway	36, 949
Wayne Sprawls	36, 582
Sherrill/Lafollette	36, 224
Chester Nall	34, 513
Louie Kehl	34, 404
A. Mellon / Sons	34, 107
J. W. Olberg and Son	33, 718
Texas Hill Farms	32, 874
Dunn Farms	32, 788
Jack Ramsey	31, 685
Clarence Phillips	30, 853
Marion Griffin	30, 331
Mauldin Mauldin	30, 252
Keller Farms	30, 243
Cuming and Sons	28, 885
Valley Packing of Ca	28, 569
Wm. Thacker	26, 722
Cuming Farms Inc	25, 797
C. M. Harvey	23, 314
Burnis Williams	23, 235
Wm. Floyd Dunn	22, 805
Perry M. Chisum	22, 689
D. S. Phillips	22, 051
Robert K. Ades	21, 858
E. F. Conrey	21, 117

ARKANSAS

Ashley County

Gus Pugh Sons, Inc	76, 406
W. W. & Earl Cochran	69, 733
Guy Botsford	57, 411
C. C. Morschheimer, Jr	45, 648
E. D. Gregory Co	42, 481
Pugh & Co	40, 740
William B. Deyampert	40, 343

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

Ashley County—Continued

John H. Ralph	$35, 033
James H. Gay	34, 615
B. E. Fisher	34, 008
James B. Young	33, 164
John Currie & William Deyampert	30, 939
R. E. Lee	30, 240
Kenneth Rice	30, 212
Victor Edwards	30, 054
W. T. Files	29, 524
Bobby Foster	29, 270
W. W. & L. M. Brooks	27, 456
Charles E. Bridewell	27, 401
Jack Edwards	25, 745
Leroy Haynes	25, 467
Robert D. & Joel W. Pugh, Inc	25, 173
Edith R. Robinson & Martha Rye	24, 532
Garrard Mountjoy	24, 111
E. E. Allison	23, 550
Austin Bordeaux	23, 514
John J. Gibson & Son	22, 729
Charles H. Smith	22, 579
McCombs Farm	21, 926
R. B. Newcome	21, 670
Barney Allison	21, 170
John W. Spivey	21, 062
M. M. O'Neal Farm	20, 962
Leslie M. Tullos	20, 953
William P. Holland	20, 770
Houston Burgess	20, 383

Chicot County

P. G. Keith	57, 709
Don Pylate	56, 683
W. T. Dixon	44, 277
James Dooley	39, 487
W. R. Smith	36, 689
Fred Woodall	36, 101
Alvin Ford, Sr	33, 394
Ray Black	31, 921
Burchfield Farms, Inc	28, 290
A. S. Rocconi	27, 962
Gillison Bros	27, 949
J. A. Gibson	27, 728
Ed Lawler	27, 482
R. E. Dunavant	26, 747
J. H. Hall Farms, Inc	26, 646
W. B. Bynum Cooperage Co., Inc	26, 311
A. G. Rocconi	25, 231
Sam Epstein Est	24, 575
W. J. Allums	24, 122
Garland Thompson	23, 658
Clyde Talkington	23, 220
Jerry Ford	22, 880
A. C. Mazzanti	21, 342
T. P. Borgognoni	21, 136
Alvin A. McHan	21, 115
Rosamond Carpenter	20, 432

Clark County

Sewel Daniell	20, 123

Craighead County

Zane G. Beaton	35, 467
T. W. Norwood	35, 448
Dudley Bros	31, 765
Aubrey Wood	29, 532
A. L. Looney, Sr	28, 783
Larry Burns	28, 557
Herbert Wood	28, 217
Paul Owens	27, 522
Albert Johnston	27, 079
William Starnes	23, 702
W. W. Holmes Gin Co	23, 400
Ray Dooley	23, 368
A. H. Barnhill, Sr	23, 251
Gibson & Stewart	21, 660
Central Gin & Elevator Co	20, 751
E. Sloan Farms, Inc	20, 667

Crittenden County

Kuhn Rieves Clarke Moore & Happell	247, 421
Bond Pltg. Co	127, 868
Carlson Brothers	126, 465
J. F. Twist Plantation	108, 097
Alpe Brothers	102, 223

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

CRITTENDEN COUNTY—Continued

Allen B. Helm	$95, 946
Pirani & Sons	90, 773
Mallory Farms	86, 901
Bruins Plng. Co	85, 833
J. O. E. Beck Trust	83, 407
E. H. Clarke & Co	81, 023
Lake Plantation	77, 948
A. Angeletti, Inc	76, 905
D. W. Rodgers	74, 441
N. S. Garrott & Sons	71, 371
Carter Planting Co	70, 061
D. & J., Inc	66, 186
William B. Rhodes, Co	65, 771
James W. Joung, Jr	64, 543
E. J. Barham, Jr	63, 779
Richland Plan, Inc	62, 304
Jim Nichols	62, 056
Morrison Bros	61, 523
O'Neal & Son, Inc	59, 811
Critt Farms, Inc	58, 495
Pacco, Inc	58, 395
Nickey-Eason Plantation	58, 208
Bloodworth Co	57, 808
David Harrison, Jr	57, 152
Ragland Plant, Inc	57, 065
Dana F. Sulcer	56, 509
Alton Grant Farms	55, 507
Earl Beck	55, 051
John H. Johnston	54, 219
Johnny Greer	53, 508
Fogleman & Son	53, 397
Charles S. Riggan	52, 932
Oliver Bros	52, 700
Looney Bros	52, 464
Nugenco, Inc	52, 129
Herman C. McDaniel	51, 885
Julian L. Hardin	50, 823
Beuford J. Wallace	47, 974
Joe Rodgers	47, 246
J. L. Currie	47, 167
Smith & Wallace	46, 802
John M. Swepston	44, 790
Wm. F. Wolbrecht, Jr	44, 260
Erle Biggs	42, 694
Dan Springfield, Jr	42, 285
Wylie & Currie Co	41, 698
Bollinger Bros	41, 532
Adolph Pirani	41, 524
Pat Burleson	41, 068
Joe & Willie Bramucci	39, 666
Nat Johnson, Jr	39, 620
F. G. Barton Cotton Co	39, 356
E. P. Rainey & Sons	38, 691
Dillard & Coffin Co	38, 351
L. C. Smith	37, 747
J. W. Prescott	37, 441
F. H. Griffin	36, 896
C. B. Britton	36, 704
B. P. Kelley	36, 607
L. G. Byford	36, 467
Hester Parker	36, 203
Rembert & Miller Farms	35, 775
Pirani Brothers	34, 706
Lehi Plantation	34, 598
Cupples Bros	34, 558
H. M. Brinkley	34, 435
C. L. Eubanks & Sons	34, 251
Cage Farm	33, 858
E. M. Ott	32, 573
Olga S. McNeely	32, 326
Bernard Farms	31, 629
J. W. Burrow	30, 081
Randall Johnson	30, 044
Lillian D. Marcellini	29, 595
Milton Lubin	29, 135
Lawrence Richard	29, 067
Henry Craft	29, 053
Rasco H. White	28, 848
Ralph Marconi	28, 558
Wallace A. East	28, 023
Sammy Hatley	27, 991
James R. Stockley	27, 261
I. D. Nodini	26, 997
Howard Atkins	26, 939
Bruce-Scifres Co	26, 355
T. L. Holmes	$26, 341
H. E. Weaver & Son	26, 176
Jack W. Ray	25, 817
Hurley Nash	25, 776
Manuel T. Sharp	25, 273
Medel Marconi	25, 107
H. E. Cupples	24, 555
Oliver I. Bollinger	24, 153
Everett Hood	23, 923
William M. Forman	23, 674
Julia B. Goodwin	23, 566
Sherman Bretherick	23, 537
W. H. Green	23, 373
Leo Linn & Son	23, 281
Paul Fallis	22, 512
Ralph D. Cato	22, 505
R. G. O'Neal, Jr	22, 454
J. A. Dickson	22, 357
Charles L. Williams	22, 260
L. C. McCuiston & Son	22, 191
Robert A. Caldwell	21, 834
Jude E. Pollard	21, 710
Brunetti & Baioni	21, 643
John J. Hardin, Jr	21, 349
Bob Seaton	21, 193
Alvin G. Stamps	20, 885
T. E. Garey	20, 833
Warren Christopher	20, 720
W. I. West, Jr	20, 339
Joe Baratti	20, 243

CROSS COUNTY

A. & M. Co	116, 334
J. H. Johnston, Jr	69, 137
H. P. Sisk	60, 093
Leslie Nix	57, 645
James Crowell Cherry	49, 326
Ruston Farms	44, 317
Simpson and Proctor	37, 103
S. A. Atkison	36, 650
Robert W. Spencer	36, 465
Richard Twist	34, 901
John A. Brenner	31, 807
Robert Twist	31, 724
Twist Parkin Co	31, 084
Paul McCutchen	30, 318
Wallace Martin	29, 562
Paul & Beene	28, 922
Abner Clements	28, 513
Bill Rucker	28, 436
Irvin Sisk, Jr	26, 109
Riley McCorkle	24, 751
Jimmy Wilkins	24, 588
Ira F. Twist	23, 923
Bernard J. Paul	23, 774
Gordon Morris	23, 311
Jesse McDermott	23, 075
Tommie Hare	22, 957
R. W. Byrd	21, 962
Forrest Mitchell & Sons	21, 173
Jess and George Bradford	21, 001
John G. Twist	20, 813
Dennis McKnight	20, 593

DALLAS COUNTY

Benny Taylor	30, 823

DESHA COUNTY

R. A. Pickens & Son Co	244, 265
Stimson Veneer & Lumber Trust	105, 458
Brooks Griffin	55, 223
Baxter Land Co., Inc	53, 861
Clay Cross	51, 348
Reedville Farms	49, 235
P. W. Teeter & Sons Co	39, 968
Stimson Katterhenry Trust	38, 279
McCulloch Planting Co	36, 170
Martin Wood	32, 416
B. A. McCann	28, 146
Bickham Bros	27, 907
McGehee Planting Co	26, 617
J. L. Britt	26, 496
Charles Dante	25, 545
M. L. Walt	24, 905
S. A. Banks Farms	21, 335
Clifton L. Meador	21, 271

Payments over $20,000 under ASCS programs As compiled by USDA—Continued

ARKANSAS—Continued

DREW COUNTY

Tillar & Co	$86, 047
Lephiew Gin Co	44, 494
William Bulloch	40, 914
Bilgischer and Sponer	28, 399
R. C. Greenway & Virgil Greenway	22, 126
E. R. Lambert, Jr	22, 046
Chas S. Holloway	20, 647

FAULKNER COUNTY

J. W. Brown, Jr	38, 703

JACKSON COUNTY

G. L. Morris, Jr	76, 414
Doyle and Wilmans Ptnrs	47, 941
Burton Merc & Gin Co	41, 260
R. D. Wilmans & Sons Co	41, 128
McDonald Bros	31, 486
Mack Bros., Inc	28, 950
O. R. Roden, Inc	28, 751
Robert Harvey	25, 335
Village Creek Planting Co	23, 500
Bly Story	21, 729
E. F. McDonald	21, 587
Lindsey Nicholson	20, 744
R. C. Biggadike	20, 406

JEFFERSON COUNTY

Cornerstone Farm & Gin Co	125, 893
Elms Planting Corp	86, 021
B. N. Word Co., Inc	64, 180
Lyons Planting Co., Inc	58, 263
Richland Planting Co	53, 869
Kenny Mitchell Bonds	52, 610
Lake Dick Elms Farming Co	47, 674
Jimmy Blair	44, 037
Chambliss Farms	43, 354
M. A. Rose & Sons, Inc	43, 071
Pipkin Farm	43, 006
W. A. Albright	42, 993
A. C. Hunter	42, 521
Hudgens Jeter	42, 484
S. R. Baugh	41, 963
Bost Farms	41, 913
Fairfield Farms	41, 708
Georgiatown Farms	41, 646
Stillwater Farming Co., Inc	40, 530
R. W. Morris	40, 388
The McDonnell Co	40, 283
New Gascony Elms Farming Co	38, 925
James Terkeurst	38, 578
Earl Lee Chadick	37, 857
R. E. Watkins & Son	37, 531
W. W. West Co	34, 562
Collins A Andrews, Jr	34, 323
Fish Lake Farms	34, 260
Richardson Elms Farming Co	33, 973
E. L. Burgess	33, 578
Luckie Brothers	32, 142
Noble Lake Planting Co	31, 340
Archer Farm	31, 195
John M. Barrett	31, 021
James Adams	30, 969
Sam R. Cady	30, 416
Townsend & Arnold	30, 258
C. H. Turk	29, 287
Lester Carter	28, 684
Lynch Bros	28, 237
Faver Bros	28, 189
Morris Allred	27, 995
Lyons Farms, Inc	27, 973
R. L. Bruton	27, 811
The C. H. Triplett Co	27, 523
Alex Brown	25, 805
Jimmy Dean	25, 641
Stone Planting Co., Inc	25, 448
Henry H. Jones & Son	25, 439
Elmos Johnson	25, 122
Jesse Page Walt	24, 767
William Shelby Jeter	24, 707
Oscar Homer Jones, Jr	24, 643
Dutton Brothers	24, 641
Delton Edward Stratton	24, 614
Leon Callahan	24, 599
Thomas J. Thornton Est	24, 348
Rob Roy Plantation, Inc	24, 159

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

JEFFERSON COUNTY—Continued

Walter Will Bryant	$23,852
Earl T. Phillips	23,127
W. I. Payne Trust	22,604
Clint Henderson	22,014
J. B. Chaney	21,949
Earl H. Clemmons, Jr. and Nonie S. Cletamo AR	21,336
Nellie C. Lee	20,785
Dan Fratesi	20,172

LAFAYETTE COUNTY

Lawrence E. Taylor	65,725
Troyce E. Endsley	49,536
Gerald Walding	39,414
Marvin McCalman	31,163
James R. Murphy	30,489
Andrew Whisenhunt	28,005
Moore Properties, Inc	26,954
Carl Adams, Jr	25,990
J. G. Allen, Jr	23,549
Horace M. Burks	20,349
W. C. Kilgore	20,112

LEE COUNTY

Sweet Brothers	107,694
H. T. Dillahunty & Sons	98,085
C. E. Yancey & Sons	88,506
Robert May	71,717
Miller Farms, Inc	62,603
Dick Ed Thomas	62,330
J. E. Ivy	60,254
C. M. Cooke	55,731
Dan Felton & Co	55,346
T. H. Barker	55,054
E. J. Chaffin, Jr	52,547
Lon Mann	52,376
Lipsky Brothers	46,335
Lindsey Farms, Inc	43,768
Lowell Partin	39,550
Vaccaro Farms	38,396
Jerry P. Hicky	36,155
W. E. Stiles	28,401
Ellis Evans	27,485
Oren C. Osburn	26,456
McGinnis Bros	26,299
Lawson Hughes	25,941
Bryant Vance	25,822
Stanfield & Barber	25,709
Ed Whitehead	25,160
George L. Ballard	24,806
Sherman Brothers	24,671
Thomas Gist	24,357
Jones Farms, Inc	23,982
Marvin Wilson	23,925
W. L. Benson	23,195
Eldon Reed	22,466
S. Y. May	22,384
E. V. Crossno	22,352
Flowers Brothers	21,041
Dan Felton, Jr	20,682
E. W. Reynolds	20,412
A. B. Thompson, Jr	20,302
Curtis & Briley	20,183

LINCOLN COUNTY

Ark Board of Penal Institution	177,207
Holthoff Bros	88,778
H. R. Wood & Son, Inc	65,680
Frizzell Farms, Inc	56,566
N. M. Ryall & Son, Inc	55,054
Marion Baugh	53,127
C. H. Clowers & Co	46,624
R. E. Dreher & Sons	45,726
Blagg & French	43,111
A. O. French	38,697
Knight Brothers	34,501
J. L. McEntire and Sons	33,141
R. D. Robertson	30,372
Lee Owen	29,604
Bruce Norton	27,374
B. F. McGraw	25,747
Knox W. Bitely	25,356
W. H. Venable	25,343
Roy Baugh	24,832
Ernest Eagle	23,741
K. Berzent Blagg	23,531
Edgar Farmer	22,929
Harry D. Fratesi	21,675

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

LITTLE RIVER COUNTY

E. C. Lavoice & Sons	$32,367
S. D. Matteson, Jr	23,160

LONOKE COUNTY

A. P. Henderson	53,632
Waylon B. Sims	44,716
Earl Basel Henderson	44,634
James W. Phillips	43,428
C. E. Holt & H. T. Holt	42,352
Robert L. Dortch, Jr	37,568
Odes Perry	36,297
Wm. J. Bevis	36,262
Turner C. Johnson	34,474
Doyne R. Townsend	31,225
Cobb Brothers & Co	31,210
Bobby Gene Wright	29,570
Arnold O'Neal	29,379
Hervey L. Patterson	28,887
Sam Stewart	28,213
Rex Warren Capps	27,386
Charles Capps	27,059
Franklin C. Henderson	26,322
Joy Leon Hill	24,854
James Workman	23,900
Luchen Walls	23,861
Jack H. Case	23,749
Thomas H. Jordan	23,603
W. T. Robinson	22,982
J. W. Benafield	20,729
H. B. Hayley	20,694
Elmer E. Willam	20,030

MILLER COUNTY

Price Plantation Inc	62,099
Doyle Stevens	27,221
Phillip N. Smith	24,515

MONROE COUNTY

Ralph Abramson	58,862
Carter-Clifton Co	38,389
Amos Everett	37,909
Lily Peter	33,944
Jay Calloway & Son	31,676
Rudolph Calloway	29,729
Noble Woodard	29,302
Tommy Calloway	28,942
Robert H. Mayo	28,799
Bruce Crow	26,541
Donald R. Dearing	26,352
Thomas Lawrence Coleman	25,000
John Martin	24,163
Orville McCastlain	23,167
Floyd H. Shaw	22,158
O. C. Bonner	21,693
Miller Bros	21,270
Donald D. Pettigrew	21,247
Willie Hartsell	20,802
Ray Fuller	20,435

PHILLIPS COUNTY

Howe Lumber Co., Inc	296,864
Brooks Griffin	162,914
Highland Lake Farm	141,657
Alexander Farms, Inc	111,402
Wood-Sanderlin Farm	81,675
R. J. Suddath	79,558
Tunney Stinnet	76,681
Ray H. Dawson	74,443
Buron Griffin	70,605
Curtis Clark	62,545
King-Wells Farm	61,618
Riverside Farm	59,514
J. R. Bush Estate	58,268
Martin Paschal	56,938
Dixie Farm Co	56,265
James Byrd	54,148
T. W. Keesee	53,440
E. T. Wells, Inc	49,991
M. M. Crisp	48,334
E. W. Higginbotham	47,785
David Inebnit	47,642
Lily Peter	46,204
Solomon Bros., Inc	46,198
David Solomon	46,196
Harry Stephens	40,996
C. E. Barnes	40,897
Catron Plantation	40,708
James E. Yancey	39,678
Loveless Farms, Inc	39,618

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

PHILLIPS COUNTY—Continued

J. O. Wheeler	$39,360
Chesterfield Crisp	38,155
Buford Culp	37,434
R. J. Young	37,332
Oneida Planting Co	36,939
Wooten-Epes Co	36,680
F. O. Griffin, Jr	35,507
R. M. Hornor	35,408
Lundell Plantation	35,044
J. M. Countiss, Jr	34,717
David Brooks Griffin Trust	34,178
Lester Crawford	33,393
R. L. Carnathan	32,127
Lester Helton	31,497
Jack Patton	30,851
Jake Crow	30,845
Woodrow Reed	30,276
Winston Foster	28,929
J. T. Barnes	28,641
H. & L. Farm Co	28,098
Clinton Hickingbottom	28,052
N. R. Hosey	28,017
J. A. Hill	27,815
W. W. Swanner	27,749
McCarty Farms	26,723
M. J. Lake	26,522
Ralph Bunch	26,412
A. F. Gregory, Jr	26,259
Henry L. Wooten	25,103
John W. Hall	25,044
J. E. Meador	24,493
Chip Wilson Franklin	24,329
C. C. Simmons	23,940
Grauman & Bryant	23,416
J. R. Johnson	23,262
F. O. Griffin, Sr	22,204
James H. Wood	21,727
S. W. Cooke	21,524
Lloyd Cothran	20,657
Hornor Planting Co	20,515
Terry Wayne Byrd	20,073
Jerry Caery	20,005

POINSETT COUNTY

E. Ritter & Co	198,759
Dan Portis	138,205
Ralph Cochran	80,037
Fairview Farms Co	63,614
Citizens Gin Co., Inc	61,669
Frank Dean	50,469
H. F. Underwood	46,948
S. C. Chapin	44,585
Walter H. Provost	43,430
Tecota Farms	43,070
Stuckey Bros	39,526
American Weona Farms, Inc	39,046
Dixie Weona Farms, Inc	36,682
J. C. Stuckey	36,265
Hyneman Farms, Inc	35,446
Norcross Farming Co	34,486
Moon & Cash, Inc	34,435
Eschol O. Terry	32,868
Bill Tyer, Inc	32,563
Winfred Pearson	32,505
Cecil H. Justus, Jr	30,917
Clyde Eason	30,897
Gipson Bros	30,320
W. T. Crews	29,953
Howington Bros	29,629
Edward Pittman	29,450
L. C. Shelton Farm, Inc	28,524
Morrisett Bros	27,360
James O. Campbell	26,928
Enrich Bros. & Sisters	26,503
Paul Earnhart	26,144
W. R. Payne & Zula D. Payne Estates	25,919
J. C. Portis	25,552
H. C. Bradford, Jr	25,495
Jiles D. Craig	25,278
Guy Prince	25,271
Woodrow Cummins	25,113
Byron Landers, A. H. & Laneal Landers	24,801
Charley G. Swindle	24,062
Utah C. Cooper	23,499
Teddy Thomas	23,290

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

POINSETT COUNTY—Continued

J. Clay Portis & Ernest Portis	$22,748
Mack Crow	22,431
Moreland Barton	21,875
Leo W. Powell	21,849
James A. Talbot	21,641
David Tyer	21,602
Eugene Richardson	21,364
Curtis E. Kent	21,034
J. D. Fletcher	20,862
William G. Hill	20,777

PRAIRIE COUNTY

George & Moore Farms	35,264
John D. Naill, Jr	32,213
C. F. Betzner	25,741

PULASKI COUNTY

W. G. Alexander	41,671
Reber McGhee	35,465
Craig Planting Co	34,959
Walter Isgrig	33,368
W. A. Ratcliffe, Jr	31,400
J. B. Morgan	30,101
Walderns Bros	29,269
Max Lasley	27,173
A. P. Kersey, Jr	25,744
Enry Lanehart	25,008
Walter C. Estes	23,775
George Brown	22,006
Robert H. Alexander	20,777
Hollis O. Nipps	20,261

RANDOLPH COUNTY

Lee R. Huckabee	26,057

MISSISSIPPI COUNTY

Lee Wilson & Co	619,489
Wesson Farms, Inc	206,354
Armorel Planting Co	167,232
J. A. Crosthwait	144,160
Rufus C. Branch	130,991
C. J. Lowrance & Sons	101,657
Jack Hale	96,977
R. Creecy & T. Tate	93,058
Howard Senter	90,451
Lowrance Bros. & Co	87,095
R. D. Hughes	86,673
Semmes Farm Corp	85,756
Midway Farms, Inc	83,161
Larry Woodard Farms, Inc	72,565
Robbins Bros	70,660
Charles, Nick & Richard Rose	67,068
M. J. Koehler	66,171
Henry Battle	63,562
H. T. Bonds Sons, Inc	63,116
C. W. Bowles	62,429
W. J. Denton Est	62,041
John E. Crain, Jr	61,933
Russell Gill	61,464
B. C. Land Co	60,798
R. J. Gillespie	60,110
Larry J. Woodard	59,139
Wesley Stallings	57,703
Riggs Bros	57,421
R. G. Edwards	57,129
C. L. Denton, Jr	56,182
Sullivan Bros	54,523
J. E. Crain Est	54,374
John M. Stevens, Jr	54,367
Joe H. Felts	52,703
John M. Speck	51,110
Clide Barnett	51,064
C. B. Robinson	50,680
Golden Lake Farms	48,424
Ohlendorf Farms	47,085
Amon Eugene Holt	46,161
Gillespie Bros. Co	45,972
Nancy M. Trimue	45,950
Earl Wildy	44,267
Chiles Planting Co	43,411
Ben Wood Farms	43,043
Chas. Robert Jackson	42,864
Speck Bros	40,723
E. H. Riley	40,674
Bryce Grant	40,631
W. M. Taylor, Jr	40,027
Cullom Bros	39,986
Ira G. Ashley	39,449

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

MISSISSIPPI COUNTY—Continued

A. A. Banks	$38,806
Charles Wildy	38,469
Roy E. Cox	38,081
Wilbur Wildy	37,795
Joe Dilldine	37,607
C. L. Whistle	37,482
Leonard Ellison	37,145
Willie Stutts	36,911
W. T. Metzger, Jr	36,774
A. E. Teaford	36,734
Charles R. Moore	36,416
Robert Gammill & Son	35,850
John B. Wilson	35,733
Richard Cromer Farm	35,640
Lee Wilson Estate	35,351
Allen Metheny	34,485
D. V. Graven	34,063
W. H. O'Keefe	33,460
William Knight	31,376
Edgar A. Stacy	31,291
B. S. Simmons	31,267
Charles E. Crigger III	31,246
Ralph Bros	31,081
Charles D. & Donald L. Baker	31,038
Paul Deaton	30,673
J. D. Smith	30,549
E. T. Gurley	30,524
M. E. Little	30,298
Glen A. Cook	30,182
Taylor Bros	29,885
James H. Woodard	29,810
Blythe Clark	29,596
John W. West	28,950
Frank A. Bell	28,924
Edrington Bros	28,855
Ashm Bros. & B. Brown	28,795
F. B. Crews	28,334
John E. Gann	28,258
Elmer E. Elam	28,254
Woodrow Wilson	28,146
R. B. Holthouse	28,139
Charles R. Haynes	27,954
J. R. Whistle	27,822
Weathers Bros.	27,802
M. G. Smith	27,687
Wrenacres, Inc	27,655
Jonny Creecy	27,512
Lester Gill	27,440
Carl Webster	27,237
John A. Edrington	27,214
C. C. Elliott	27,123
C. C. Elliott	27,123
Jimmy Baugher	26,970
J. Lynn Tranum	26,840
V. S. Johnson	26,791
Virgil Stewart	26,708
Riley Dunkin Est	26,664
Alex Goble	26,581
Moreland B. White	26,550
Vaughn L. Shownes	26,542
Eric Waddell	26,484
Oliver Coppedge	26,369
Florenden Plantation	26,179
W. H. Hyatt	26,159
Gaines Bros	26,151
Melvin Crosskno	25,720
John Ellis	25,226
Larry Joe Bell	25,133
J. P. Holiman, Jr	24,774
Jimmy Gill	24,724
Burdette Planting Co	24,702
J. H. Whittaker	24,635
Newsom & Crowell	24,462
Gerald Costner	24,446
McGuire & Sons, Inc	24,425
Cromer & Segraves	24,415
Dan & Chester Caldwell	24,392
Russell Simpson	24,110
Raydo Veach	24,062
Virgil Booth	23,947
Rose & Hitt	23,907
Gus Morris	23,896
Blan S. Heath	23,745
Harris McGinnis	23,700
Brothers & Cole	23,588
Burdette Gin Co	23,503

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

MISSISSIPPI COUNTY—Continued

George W. Dillahunty	$23,353
George A. Hale	22,804
L. T. Dillard	22,617
Jimmie Davis	22,443
Arthur Tusing	22,425
C. C. Langston	22,292
W. E. Bradford	22,285
W. R. Middleton	22,220
J. L. Gurley	22,160
C. W. Bell	22,024
Daniel H. Caldwell	21,601
Gilbert Lynch	21,540
Alex Goble, Jr	21,475
Thomas H. Callis	21,427
C. C. Councille	21,411
Forrest Moore	21,233
Trice Battle	21,096
George Stanford	21,081
E. S. Bollard	21,067
Stribling Bros	20,988
D. C. Wright	20,834
Snow Wilson Farm	20,665
Jackie C. Chandler	20,568
Alvin Wunderlich Est	20,412
Clarence Crosskno	20,280
Bryan Rogers	20,273
Gene Little	20,223
W. H. Heath	20,113
John H. Thweatt	20,073
J. A. Bowling	20,023

ST. FRANCIS COUNTY

J. G. Adams and Son	124,702
Miller Lumber Co	113,307
Shannon Bros. Entp	97,164
Lindsey Brothers	89,826
W. W. Draper, Jr	82,495
Kellogg and Hughey	69,666
Chappell & Moore	63,485
John T. Higgins and Son	62,968
L. E. Burch, Jr	59,367
Belle Meade Plantation	54,438
McCain Bros., Inc	54,247
C. J. Beasley & Son	53,747
Robert Brewington	52,557
Red Gum Plantation	51,896
Davis Biggs	47,123
Thomas McDaniel	45,955
Joe Burch	41,715
Claude Buford	41,482
V. E. Beene	39,863
J. C. Rice	39,545
R. T. Landrum	38,740
C. D. Brown	38,711
Rex Twist	37,846
Mound Planting Co	37,265
Riverdall Plantation	37,036
Bennett and Adams	36,303
T. L. Norsworthy	35,852
B. McCollum, Jr	35,214
Trigger Wall	34,799
Arthur B. Malkin, Jr	33,903
Freeman Nichols	33,546
F. W. Derossitt and Son	33,472
W. B. Burch	32,925
Minta Craig	32,477
Wheatley Mill & Gin Co. Farm	31,639
A. L. Devereux	31,518
Bob K. McKenzie	31,116
France Bros	31,096
M. E. Johnson	31,058
Alton Weeks	30,344
Carl H. Morris	30,308
Bob Nimocks	30,000
B. E. Beene	29,086
Jack Bridgforth	29,078
S. C. Rose, Jr	28,587
Wayne Campbell	28,352
Cupp Brothers	27,847
David Gates	26,875
Joe Oswalt	26,513
Clyde Sulcer	25,834
Leon Vaughn	25,485
William N. Lofton	25,274
Oscie Hardy	25,170
Floyd Martin	24,934
George B. Morledge	23,762

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ARKANSAS—Continued

ST. FRANCIS COUNTY—Continued

Carl and Clinton Adams	$23, 610
Sam Danehower	22, 210
Sam Ashworth	22, 200
Grady Trainor	21, 726
Bollinger and Sechrest	21, 395
Hubert Charles Christopher	21, 280
Paul Finch	21, 196
Cupp Brothers and E. McMinn	21, 167
Victor Beene	20, 916
J. M. Hassell	20, 867
Frank Williamson	20, 589
D. J. Gandy, Jr	20, 183
C. C. Fogg	20, 128

WOODRUFF COUNTY

Gregory Farm, Inc	59, 579
Bruce Tarkington	49, 391
L. L. Cole & Son, Inc	41, 641
The Conner Co	36, 757
Jennings-McAlexander	30, 022
Mayberry & Cover & Lee	27, 072
W. P. Galloway	25, 718
Ernest S. Coles	25, 170
Joe D. McGregor	24, 739
Davis Fitzhugh Rec	22, 484
A. L. Crittenden III	22, 394
Stanley Farms	22, 389
J. D. Nicholson	20, 550
Pauline Davis	20, 478
Porter R. Rodgers	20, 228

YELL COUNTY

Joe H. Vaughn	25, 817
Bob McClure	24, 854
W. H. McClure Trust	24, 290

CALIFORNIA

BUTTE COUNTY

Wright Lands, Inc	20, 063

COLUSA COUNTY

Wallace Bros	36, 358
Wm. D. Struckmeyer	31, 543
Myers Bros	26, 175
J. J. Gross	23, 133
Chas. Yerxa	21, 866

FRESNO COUNTY

Rancho San Antonio	2, 863, 668
Acco Seed	814, 714
M. T. Whitney Farms	591, 980
Boston Ranch Co	458, 020
Jack Harris, Inc	414, 970
Air Way Farms, Inc	329, 228
Savage Tivy Valley Ranch	256, 147
Timco	230, 969
McCarthy & Hildebrand	228, 215
Coit Ranch, Inc	214, 976
Schramm Ranches, Inc	207, 605
M. J. & R. S. Allen	195, 942
Raymond Thomas, Inc	194, 343
W. J. Deal	192, 803
Sullivan & Gragnani	191, 109
Redfern Ranches, Inc	173, 255
J. E. O'Neill, Inc	154, 382
Britz Chemical Co	151, 190
Desert Ranch	147, 399
V. C. Britton	145, 758
Pilibos Bros. Inc	133, 805
Telles Ranch, Inc	131, 249
Wood Ranches	131, 055
Hammonds Ranch, Inc	127, 774
Somner Peck Ranch, Inc	127, 389
Linneman Ranches, Inc	120, 713
Wm. Erickson	119, 296
Weeth Ranches, Inc	116, 930
Giusti Farms	113, 768
O'Neill Farms, Inc	109, 670
Rabb Bros	101, 046
Deavenport Ranches, Inc	100, 301
F. H. Hogue Produce	99, 843
Hugh Bennett	94, 493
Sam & D. M. Biancucci	94, 273
J. B. Hawkins	93, 338
Pappas & Co., Inc	90, 157
Ryan Bros	81, 223
J. C. Andresen	80, 957

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

FRESNO COUNTY—Continued

J. & J. Ranch	$80, 557
Hugh Bennett Ranch	77, 526
Starkey & Erwin	76, 350
Griffin & Griffin	75, 586
Drew Farms, Inc	74, 608
William H. Noble	73, 926
Vincent Kovacevich	71, 802
Marchini Bros	71, 719
Gordon Bros	67, 994
S. E. Lowrance Ranch	67, 953
M. L. Dudley & Co	67, 403
Robert Cardwell	66, 150
Verenon Swearingen	64, 361
Telles Farms	63, 204
Willson Farms	63, 097
Aladdin Ranch	62, 637
Claremont Farms	62, 623
S. & S. Ranch, Inc	61, 886
C. H. & G. Farms	61, 432
Coelho Farms	60, 482
Sierra Dawn Farms	60, 272
Davis Drier & Elevator, Inc	59, 299
M. Giffen Ranch, Inc	59, 043
Davis & Huey, Inc	57, 025
Arthur Cuelho Ranch	57, 010
John & Alex Kochergen	56, 841
Raven Land Co	56, 604
Pacific Farms Co	56, 511
Martin Costales	56, 435
Vierhus Farms	55, 975
J. C. Conn Farms	54, 926
Enrico Farms, Inc	54, 914
Markarian Farms	54, 059
W. F. McFarlane	52, 766
William E. Glotz	52, 696
Rusconi Farms	52, 291
Farley Company	50, 716
John L. Errecart	50, 377
Poso Dairy Farms, Inc	49, 418
Harold D. Banion	48, 895
McAvoy Ranch	48, 677
Reuben Crosno	47, 552
F. H. Waechter Est	47, 521
Half Moon Fruit & Produce Co	47, 196
Fred Rau	47, 108
Dean E. Pryor	46, 901
John A. Gentry Est	46, 508
Sommerville Farms, Inc	46, 115
A. & H. Farms	45, 958
Fairless Bros	45, 449
Irby Abercrombie	44, 840
C. E. & R. B. Klepper	43, 900
Gramis Bros	43, 597
Kriesant Opertaing Co., Inc	42, 998
Rogers Ranches, Inc	42, 522
W. A. Klepper & Son	42, 327
Joe M. Lovelace	42, 189
Paul Crevolin	41, 943
Ed Wilkins	41, 619
Bill & Ed Koda	40, 742
Hale Bros	40, 487
Joe E. Yraceburu	40, 453
Hubert Beeme	40, 362
Del Testa Farms	38, 830
B. T. V. Farms	37, 730
Perez Bros	37, 705
Hanson & Fortune	37, 589
Lorenzetti Bros	37, 140
Arthur J. Cuelho	36, 800
D. T. Locke	36, 058
Clayton Brown	35, 846
Fairless & Pifferini	35, 097
Erskine Makin Ranch	33, 915
Dubs Puckett	33, 207
Irwin R. Efird	33, 123
Carl Swearingen	32, 982
Edward Azhderian	32, 416
Leavelle Bros	32, 381
Carters Diversified Farms	32, 377
W. C. Crossland	32, 236
Pucheu Ranch	32, 211
Norman Fries	32, 098
Clarence Lawley	31, 500

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

FRESNO COUNTY—Continued

Motte Ranches	$31, 494
Walter Willms	31, 421
Melvin Coelho	31, 397
Alex Maul	30, 686
Des Jardins Bros	30, 651
Jarrott Ranch	30, 115
James Dodd	30, 113
Fred Zumthurn	29, 884
Nichols & Wood	29, 643
John Goulart & Sons	29, 237
E. Weeth & Son	28, 893
J. Teoore & G. Tavares	28, 687
United Packing Co	28, 382
Comfort Farm, Inc	28, 338
C. L. Anderson	27, 637
McKean Bros	27, 613
Levon Azhderian	27, 578
Frank Ayerza	27, 559
LeRoy Hardy	27, 556
Jack D. Jones	27, 504
J. Sanchez & Sons	27, 428
Diamond R. Farms, Inc	27, 191
Donald Bellando	27, 106
Double J. Farms	26, 998
P. R. Farms, Inc	26, 802
Mike Etcheberry	26, 384
James W. Wilson	25, 904
E. G. Rank, Jr	25, 689
Burnett Bros	25, 649
Frank Chounet Est	25, 642
Sam A. Ledbetter	25, 489
Gerawan & Penner Ranches	25, 351
Reece Bros	25, 117
Edward Wagenleitner	25, 089
J. O. Cooper	25, 088
Goodman Traction Ranch	24, 958
Pucheu Bros	24, 881
Britz Fertilizer	24, 880
Joe Zumthurn	24, 828
C. R. Wilkins	24, 700
Kenneth Peelman	24, 565
Francis A. Orff	24, 541
Hans P. Gunlund	24, 491
Re-Al Farms, Inc	24, 410
Louis J. Silveira	24, 340
Nino Groppetti & Sons	23, 940
A. M. Carvalho & Son	23, 510
Vie Del Company	23, 413
Jack Cardwell	23, 257
Frank C. Diener Ranch	23, 103
Toshio Ihara	23, 078
Frank Freitas	22, 882
Indart, Inc	22, 758
Walter Jalonen	22, 673
D. J. Rowland	22, 609
Crosno Farms	22, 603
Ru Ann Dairy	22, 347
Nicolini & Maitia	22, 133
Zozaya & Municha	21, 958
Harvey Stepanian	21, 874
Bidegaray & Sagardia Bros	21, 830
Harnish Five Points	21, 393
Georgia & John Orlando	21, 117
Hyde Ranch	20, 931
August Pereira, Jr	20, 912
Noble Ranch	20, 648
Joe Yribarren	20, 609
M. K. Mason	20, 561
J. E. Davis & Sons	20, 415
Jura Farms, Inc	20, 387
Tai Hing & Co	20, 188
Armas Bros	20, 065

GLENN COUNTY

C. M. French	20, 417

IMPERIAL COUNTY

H. B. Murphy Co	442, 327
Elmore Co	359, 740
Jack Elmore	299, 888
Sinclair Rches	208, 972
Russell Bros Rches, Inc	206, 916
W. E. Young & W. E. Young, Jr.	198, 852
Irvine Co	179, 695
Stafford Hannon	169, 070
J. H. Benson Est	166, 795
Donald H. Cox	161, 504

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

IMPERIAL COUNTY—Continued

Stephen H. Elmore	$159,728
C. T. Dearborn	159,472
Neil Fifield Co	144,715
Antone Borchard Co	140,010
Donald K. Donley	134,506
Adamek & Dessert	125,485
Griset Bros	121,243
Fifield Land Co	115,460
Raymond O'Connel & Son	110,565
Williams & Quick	107,433
Gerald R. Elmore	105,114
Jack Bros & McBurney, Inc	104,860
Hugh Hudson Ranches	102,887
George B. Willoughby	102,168
Chas. Vonderahe	101,991
Calif. Sturges Ginning Co	101,674
Dixie Ranches	101,299
Dearborn & Maraccini	97,554
Salton Sea Farms	96,715
Bonanza Farms	92,365
Fifield Farms	83,018
Abatti Bros	80,880
Jeankins Farms	74,425
Davis Beauchamp	73,704
Hawk & Sperber	73,543
Kenneth Reynolds	72,134
J. N. Osterkamp Rches	70,544
Ed Wiest	70,442
House & Haskell	69,541
Harold T. Greene	69,528
Johnny P. Singh	69,198
R. S. Reese	68,714
Jake Brown	65,663
Moiola Bros	65,136
J. M. Bryant	62,225
Harry Schmidt Farms	61,446
John Baretta	61,348
Belle Kruger Est	61,288
M. M. Cline	60,120
Robert C. Brown	57,946
James A. Taylor	55,041
San Pasqual L. & C. Co	54,122
R. B. Wilson Co	53,850
Sweetwater Feeders	53,239
Lerno Bros	52,356
Edwin Chew	50,564
J. Emanuelli & Sons	50,233
John H. Borchard	50,167
Dessert Seed Co., Inc	49,645
Dahm Bros	48,383
J. R. & B. R. Smith	48,060
Dubois Ranch	47,182
Michael D. Ayala	46,201
Edward M. Wavers	46,095
Leroy Edwards	45,989
Loma Farms	45,812
Adolph Weinberg	44,960
Brock Ranches	44,533
Earl W. Ashurst	44,068
Seybert Farms	43,017
Strahm & Sons	42,437
Peter J. Sanchez	40,643
Valley Properties	40,445
Robinson & Layaye	40,355
Allen B. Griffin	40,034
Baretta & Little Farms	39,311
Harold Brockman	38,648
James C. Simons	38,105
M. J. Labrucherie Rch	37,956
Green Valley Farms	37,807
Fritz Kuhn Jr	37,302
Correll Farms, Inc	37,154
C. W. Sanders	37,107
Kakoo & Rose Singh	36,552
Brandt Bros	35,993
Berylwood Inv. Co	35,833
L. L. Lyerly	35,772
Fleming & Jack	35,093
C. S. Sandhu	34,955
River Farms Co	34,763
Wiley C. Corn	34,590
Charles C. Bowles	34,431
Luckey & Hellis	33,325
Danny Danenberg	33,210
Claverie Bros	32,989

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

IMPERIAL COUNTY—Continued

Andrew Andreotti	$32,910
Guadalupe Deen	32,546
Perez & Morrell	32,044
Wilkinson Bros	31,719
H. E. Kelley & Sons	31,650
Elijah Bros	31,487
Bawa Singh Sanga	31,443
Harold Orff	31,290
Prediado Bros	31,076
Harold L. Wright	30,405
R. E. Bedwell	29,663
Hausmann & House	29,572
Johnson Bros	29,323
Kline & Kline	29,224
Connie B. Cloud	29,058
Bravo Ranches	28,940
George A. Mallory	28,305
Alvin Immel	27,663
James Adam	27,562
Charles K. Corfman	27,561
Harry Casey	27,353
Ernest Ayala	26,957
John Kubler	26,912
W. M. Watkins	26,583
J. R. & Chas. Jr. Kershaw	26,456
Berryman Farms	26,384
Nilson Bros	26,279
J. C. Reeves	26,141
Bob Weinberg	25,976
C. Alex Abatti	24,838
John V. Merten	24,735
Antonio Rodriguez	24,304
Robert C. Richter	24,181
Harvey S. Sidhu	23,197
Jack Rutherford	22,914
Nelson Correll	22,874
Martin Farms	22,765
Bernard Galleano	22,618
Lawrence B. Stewart	22,533
Bagga S. Sunga	22,524
F. P. Borchard Rches	22,435
R. & T. Shank	22,073
Marlin E. Medearis	21,846
Catherine Morrow	21,754
F. W. Schoneman	21,736
Glen L. Johnson	21,688
Kumberg & Son	21,537
Cole & Cole	21,506
Edward Dearborn	21,503
F. M. Riedman	21,457
E. E. Otto	21,333
Rex Wayne Farms	21,272
Louis Struikman	21,075
Deol & Sunghera	20,722
James Webb	20,335
Shaw Packing Co	20,192
Valjon Trst	20,123

KERN COUNTY

Kern Co. Land Co	838,130
S. A. Camp Farms Co	517,285
Guimarra Vineyard Corp	278,721
W. B. Camp & Sons	238,816
B. V. FMS & Miller & Lux	237,271
Houchin Bros. Farming	228,240
C. J. Vignolo	201,321
Mazzie Farms	186,259
Palm Farms Inc	180,490
D. M. Bryant Jr	177,597
M. & R. Sheep Co. Trust	175,597
Reynold M. Mettler	149,311
McKittrick Ranch	138,028
M. & I. Farms	134,195
Bidart Bros	131,147
Ridgeside Farms	126,321
Kern Valley Farms	123,809
Em. H. Mettler & Sons	122,718
Cattani Bros	120,482
Tejon Ranch Co	115,802
Wheeler Farms	113,969
Milham Farms	110,633
Willis & Kurtz	106,596
Twin Farms	105,865
Rossi Bros	103,875
Coberly-West Co	103,041

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

KERN COUNTY—Continued

Marvin Lane	$102,678
H. & H. Farms Inc	99,903
Tracy Ranch Inc	97,090
L. I. Rhodes & Sons	95,791
Voth Farms Inc	90,955
C. R. Wedel Est	90,770
W. A. Banks	90,478
Belluomini Bros	90,392
Sill Prop Inc	88,897
John Valpredo	86,050
E. O. Mitchell Inc	85,155
Parsons Ranch	84,010
Henson & Sons	83,714
Cerro Bros	82,551
Di Giorgio Fruit Corp	82,194
Paul Pilgrim	82,119
B. S. Baldwin	82,054
L. A. Robertson Farms Inc	82,023
Kenmar Farm	80,794
Sanders Farms	80,659
C. Mettler	80,166
Antongiovanni & Jarraro	79,704
Sanders & Sanders	79,386
The Mirasol Co	79,215
Torigiani Farms	76,024
Banducci Farming Co	74,807
Kennedy & Stephens	72,155
Campco Farming Co	71,140
Bloemhof Hay Co	69,929
Antongiovanni Bros	69,003
South Lake Ranch	68,331
W. B. Camp Jr., Inc	67,466
Three H Ranch	67,386
Elo & Vido Fabbri	66,244
Joe Freitas, Jr	66,155
Wayne Kirschenmann	65,899
J. Antongiovanni	64,705
Opal Fry & Sons	63,985
Porter Land Co	62,527
James O. Payne	62,125
H. Buller Farms	62,021
Barnard Bros	61,498
Bonanza Farms	60,732
Archie Frick	60,443
M. B. McFarland & Sons	60,054
Little & Hanes	59,501
H. Spitzer	59,056
Barling Bros	58,921
Fredlo Farms	58,651
Deno Fanucchi	57,761
Triple J Farms	57,332
E. D. Neufeld	57,330
S. K. Farms	57,297
G. Mendiburu & Son	56,250
J. Kroeker Sons	54,321
Joe G. Fanucchi & Sons	53,436
E. L. Goodspeed	53,299
D & R Farms	51,905
Jimmie Icardo	51,820
Scarrone Bros	51,284
Claude Botkin Co., Inc	50,384
Tejon Potato Co	50,373
Arnold Kirschenmann	49,937
Russell J. O'Grady	49,830
D. C. Crawford & Sons	49,706
Melvin McConnell Farms	49,478
Angelo & Eugene Fanucchi	48,949
Stoller Bros., Inc	48,733
Johnston Farms	48,371
R. E. Ballengee	48,105
Sandrini Bros	47,416
Camp & Lachenmaier	47,402
Crettol Farms	47,375
V & C Farms	47,349
R. A. Jacobsen, P.O. Box 605	47,202
F. W. Handel Farm Co	47,129
Haddad Bros. Farms	46,957
K. Malofy & Son	46,949
Haddad & Barling	46,766
John Kovacevich	46,489
A. Perelli Minetti & Sons	46,398
Delfino & Luchetti Farms	46,206
Gammon Bros	46,016
Weidenbach Bros	44,836

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

KERN COUNTY—Continued

Bruno Baggiani & Lido Isola	$44,767
Enbe Ranch	44,620
Chase & Harmon Farms	44,608
Costerisan Farms	44,427
A. Haddad & Sons Farms	44,220
Banducci & Son	43,976
Patterson & Hale	43,747
Woods Stone	43,710
Livio Palla	43,694
Allen Bottorff	43,233
Sam Andrews & Sons	43,211
D & B Moore	43,128
Nielsen Farms	42,179
Frank Del Papa	41,407
Double L Farms	40,935
Mike Hankins	40,626
Tazioli & Son	39,991
C. Valpredo	39,917
Maple Leaf Farms	39,887
Mahoney & Mahoney	39,886
Alina Farms	39,759
Howard Frick	39,697
Cowan Farms	39,550
El Tejon Cattle Co	39,526
R. H. Garlow Farms	39,518
Pomeroy & Jewett	39,487
Jack G. Thomson	39,455
Standard Oil Co	39,395
Shafter Wasco Invest. Co	39,241
Garone Brothers	38,791
Rancho Trio	38,592
Beatrice Foods Co	38,180
Destefani Farms, Inc	38,037
L. A. Grant & Sons	37,919
W. D. Henry	37,607
Hillside Farms	37,463
H. S. Jewett	37,133
Tollie Barton	36,983
Costa Farms	36,941
Russell Bros	36,886
W. S. Kimmel	36,673
M. Parker	36,563
Diablo Farms	36,521
T. Keith Bleecker	36,350
Carter Farms	36,309
Frank C. Bury	36,275
F. Palla	35,705
D. M. Steele & Son, Inc	35,199
Rene Fallot	34,957
G. H. Baumgardt	34,903
Ted Visser	34,107
L. Neufeld	34,075
Albert Angus	33,928
Floyd Billington	33,432
Torrigiani Bros	33,359
V. C. McLain Est	33,246
A. Palla	33,214
Bill L. Gibson	33,080
C. G. Muzinich	32,769
Jack L. Billington	32,564
Banducci Farms	32,529
Floyd Hudiburg	32,416
Scott J. Hodges	32,374
Delfern Farms	32,070
Ratzlaff Bros	31,974
Henry Miller Trust	31,880
Joseph J. Trino	31,668
P. N. Jeffries	31,639
Roland M. Vallicelia	31,616
Freeborn Bros	31,444
Harry Banducci	31,438
Orlando Torigiani	31,220
B. F. B. Farms	30,825
A. L. Muzinich	30,750
Guido Romanini	30,626
Delis Farms	30,246
Santiaga Ranch	30,112
Romanini Bros	29,983
Mason Snow	29,895
K. & P. Farms, Inc	29,861
O. D. Handel & Son	29,850
E. B. Antonell	29,287
Geo Nordian	29,253
Lee Roy Janzen	29,250
W. P. Romero	28,971

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

KERN COUNTY—Continued

W. Carabajal	$28,906
Vista Farms	28,754
Lee Herring	28,720
Fred Jr. & David Campbell	28,623
John G. Hill	28,424
Kenneth McClanahan	28,368
A. Neufelt Farms	28,363
Pete Romanini Farms	28,296
Pandol & Sons	28,292
Frick Bros	28,161
Amos S. Cole	28,033
Mouser Farms	27,924
R. L. Smith	27,918
Dan Tudor	27,912
Crawford Farms	27,895
A. L. Suckut	27,839
Jack Williams	27,727
Dante Giannini	27,710
Waldrip Farms	27,560
Alfred Palla, Jr	27,392
Robert T. Johnson	27,319
Sabovich Bros	27,219
L. C. Kreim	27,187
Paul Spolsdoff	26,998
Bob Cauzza	26,809
P. B. Thomasson	26,464
Edwin Neufeld	26,149
Tom Toretta	26,048
Ludy Bros	26,007
John Lachenmaier	25,938
Ediger Farms	25,771
Derby Farms	25,697
Joe C. Eyraud	25,535
Neffs Ranch	25,439
Donald Molatore	25,349
Elmer Andreotti	25,181
Louis Ricci	25,007
Frank Franceschi	24,804
Rose & Sons	24,760
Gideon Goehring	24,703
Coombs & Renfro Fms	24,668
Merz Farms, Inc	24,578
Robert K. Long	24,503
R. B. Tucker	24,359
Ervin Baublitz	24,332
Richard Elrich	24,252
Dave Bloemhof	24,162
E. L. Holderman	24,154
Kleen Seed Delint Co	23,873
Armstrong Nurseries	23,813
Precie Farms	23,806
M. L. Rockwell	23,766
Mose Bizieff	23,682
W. L. Johnson	23,634
R. Pascoe Ranches	23,566
E. Neuman	23,564
E. W. Suorez	23,513
Raymond Castanchoa	23,392
Two M Farms	23,149
I & M Sheep Co	23,120
Coleman Farms Co	23,112
Bermuda Ranch	23,050
Grayco Inv. Corp	22,665
J. Pavlina	22,533
C. Hair & Son	22,519
Bergman & Isaac	22,518
W. C. Handel & Sons, Inc	22,387
Arnold T. Cattani	22,377
Clare Rexroth	22,365
Robert McClain	22,216
A. H. Wegis & Sons	22,073
Edward Kraft	22,068
Warren McCulley	21,996
Walter L. Bergen	21,920
Paul Pierucci	21,798
O. O. Portwood	21,656
Gal-Co Farms	21,495
Morrison Fms	21,384
Regan Farms	21,344
E. R. E. Sheep Co	21,300
Jean Ralph Anderson	21,284
Schulte Farms	20,934
R. Palla	20,862
Ghilarducci Bros	20,843
Maurice J. Wahl	20,792

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

KERN COUNTY—Continued

L. K. Olsen	$20,692
Mitchell & Johansen	20,601
Victor J. Krause	20,528
Dale Snell	20,524
R. E. Shick	20,351
Ross & Ross	20,351
Kermeth Anderson	20,199
Poznoff Farms	20,192
Obie Hankins	20,182
Paul Enns	20,126
G. Chernabaeff	20,125
J. G. Banducci	20,064
Herman W. Long	20,062

KINGS COUNTY

J. G. Boswell Co	4,091,818
South Lake Farms	1,304,093
Salyer Land Co	789,910
Westlake Farms	363,652
Vernon L. Thomas Inc	305,653
Gilkey Farms Inc	274,314
West Haven Farming Co	180,003
J. G. Stone Land Co	170,554
Borba Bros	156,870
R. A. Rowan Co	155,424
Kern River Delta Farms	136,668
Boyett Farming	117,331
Wesley Hansen	111,401
Hadley Yocum	107,184
Schwartz Farms Inc	98,302
Newton Brothers	92,972
Jones Farms	90,067
Peterson Farms	85,579
Inco Farms Inc	74,026
P. Hansen Ranch	73,207
W. W. Boswell Jr	69,582
Lone Oak Ranch	69,161
Harp & Hansen	68,079
Murray Farms Inc	61,175
Loy & Chesley Wedderburn	59,867
R. S. Barlow	58,450
S. P. Land Co	50,400
Ralph Marshall	45,073
R. Gonsalves	43,487
L. E. Culp	40,910
Benedict Farms	37,294
Double O Ranch	35,374
Couture Farms	34,612
Lydia Avila & Sons	34,377
Eastside Farms	34,037
Basin Farms	33,106
Malcolm P. Powers	31,623
Ed Griswold	31,079
John Hild	29,857
CBM Enterprises	29,791
Dunlop Farms	29,658
Carl Martin	29,052
Fagundes Bros	28,637
Verburg Brothers	28,521
S. L. Newton DBA Newton FRM	28,202
W. J. Badasci	27,271
G. E. Brewster	26,327
Shaen Magan	26,201
L. E. Hansen	26,065
J. F. Gibson	25,879
Costa & Quintel	25,688
C. Elmer Spafford	25,641
Giacomazzi Bros	25,440
Albert Martin	25,252
Robert Wilkinson	24,415
Daniel Fadenrecht	24,398
Gregory Stanton	23,146
Grant W. Squire	23,109
Nunes & Pires	23,099
G. W. & W. Squire	23,001
Manuel Vieira Jr	22,016
Uselton Ranch	21,773
Berta E. Nieson	21,599
S. C. Pinheiro	21,529
Marcy J. Silva	20,666
Maaskant Bros	20,521
Chatom Co	20,096

LOS ANGELES COUNTY

John Fuson	82,549
Godde & Ritter	46,902
Alesso Farms	21,041

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

MADERA COUNTY

Newhall Land and FRMG	$181,684
Schuh Bros	112,350
Red Top Ranch	100,374
Sherman Thomas	78,031
Hooper Farms Inc	74,908
Ray Chiarelli	62,823
El Peco Ranch	59,183
W. L. Nesmith	54,671
A. K. Baker	49,930
Marshall Baker	48,299
Frank J. Martin	48,008
Triangle T. Ranch	45,832
Bill G. Clay	44,147
Burkhart Farms	40,824
J. V. L. Farms	38,808
Forrest Clayton	38,660
Red Top Cotton GRWS	35,395
Howard Glantz	34,935
Johnny Deniz	34,623
George Andrews	34,089
East Side Ranch	33,235
H-M Farming Co	31,255
Alma M. Hemme	30,503
Russell Bros	30,398
Fred Toschi	30,315
Ben Curutchet	29,759
George Johnson	29,227
John M. Lasgoity	28,521
Claude Clayton & Sons	28,520
Tom Flanagan	27,865
John L. Van Curen	26,135
Alvin Gomes	26,104
Richard Maddalena	25,667
D. B. Hope	25,654
Sagouspe Brothers	25,547
Hake Ranch	25,163
W. T. Creamer	23,996
Dan Branco	23,974
Willard Haynes	23,971
Jack Mendrin Jr	23,952
William Hagopian	23,539
Robert Saulsbury, Jr	23,504
L. D. McRee	23,292
Larry Chapman	22,673
Henry Watson	22,605
Fore Farms	22,386
J. A. & T. R. Hawkins	22,060
Leonard Frazier	21,936
Guy Houk	21,877
G. J. Schuh	21,126
Florence Averill	21,115
L. Markarian	20,729
John Galleand	20,601
Victor Kuhr	20,280

MERCED COUNTY

Wolfsen Land & Cattle	213,930
Sam Hamburg Farms	180,954
Bowles Farming Co	126,049
San Juan Ranching Co	108,462
Lindemann Farms, Inc	63,334
Eagle Loma Farms, Inc	50,506
F. M. Upton	42,508
Roy E. Martinelli	40,700
Santa Rita Ranch Co	38,158
Vernon Porter	35,989
Cozzi Bros	35,834
Bisignani Bros	35,412
Edward E. Thiel	35,179
Norman Vogt	35,094
Brights Nursery, Inc	33,978
J. A. Clay	28,852
Striblings Nurseries	28,586
Herman Willis	27,073
R. Palazzo Co., Inc	26,963
Ollie McDonald	25,254
D. B. Hope	24,979
R. H. Burns	24,891
Woo Bros	24,311
Vandenberg Bros	24,302
Lewis Maiorino	23,355
Pellissier and Sons	22,420
Wolfsen Bros	22,386
A. Lobue Farms	21,684
Edward R. Lewis	21,476
H. G. Fawcett Farms	21,389
Emory O. Banion	21,229
Sorg Bors	21,011

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

MERCED COUNTY—Continued

Ray Buie	$20,833
Favier Bros	20,497
John Harman	20,494
Christiana and Skaggs	20,304
Carlucci Bros	20,012

MONTEREY COUNTY

Mesa Farms, Inc	35,910
Jack A. Hayes	29,434
Latasa Bros	24,554
Huntington Farms	24,018
Frank Taylor	22,772
William D. Crinklaw	20,909

PLACER COUNTY

Evans Bros	24,616

RIVERSIDE COUNTY

Wilco Produce Co	359,261
Riverview Farm & Cattle Co	305,900
John Norton Farms	160,985
Clarence Robinson	158,685
Kennedy Brothers	132,173
Delta Ranches, Inc	86,708
Rummonds Bros. Ranches	85,585
Scott & Knappenberger	78,283
George Arakelian	69,836
Sunrise Farms	69,651
Schindler Brothers	68,556
Pi-Land & Cattle Co	68,073
Fisher Ranch	61,907
Joe H. Ulmer	56,099
Verne Wuertz	53,309
Harboe-Ensley	52,138
Lawrence Chaffin	50,556
E. C. Apodac	50,432
W. K. Kenworthy	48,743
E. O. Ehlers	46,794
Dale Hull	46,254
Elwin Hanna	42,380
High & Mighty Farms	35,877
Bud Antle, Inc	32,468
Ripley Land & Cattle Co	31,315
Sam Keoseyan	31,305
Harold Horton	30,055
Eaton Farms	29,290
Robert Logan	26,401
Garnet McBride	26,339
Marshburn Brothers	24,725
Jack E. Marlowe	22,605
Rancho Del Juan, Inc	22,553
Peter Rabbit Farms	22,026
Rheingans Bros	21,743
Palo Verde Land & Cattle	20,719

SACRAMENTO COUNTY

DH & P	22,448

SAN BERNARDINO COUNTY

John Vonderslice	22,175

SAN JOAQUIN COUNTY

M & T Inc	52,701
Reclaimed Island Lands	29,477
River Investment Co	26,319
Tanaka Farms	20,400
Calcagno Farms	20,107

SAN LUIS OBISPO COUNTY

Jackson & Reinert	46,197
Miller Bros	33,747
Kent Hansen	22,758
Grayson Owen Co	21,154
William S. Alley	20,810
Frances King	20,377

SANTA BARBARA COUNTY

R. L. Calhoun	39,713
Owen T. Rice & Son, Inc	28,488
Hanson Ranch	25,783

SOLANO COUNTY

Sanchez Bros	88,536
Chew Bros	66,430
Solano Farms Corp	32,415
Peter Cook	29,985
George M. Struve, Jr	29,480
Moore Bros	29,432
Giannoni Bros	25,449
Hamilton Bros	22,804
Jack Fukumoto	21,555
Sakata Bros	21,279
Karen Barsoom	20,603

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

SUTTER COUNTY

Oji Bros. Farm, Inc	$37,868
Howard Van Dyke	28,039
Lamb Brothers	21,682
Morris Stuhaan	72,990

TEHAMA COUNTY

George M. Stutz	28,935

TULARE COUNTY

C. J. Shannon & Sons	257,931
Nichols Farms, Inc	140,341
Roberts Farms, Inc	124,913
Roy D. Murray	116,962
G. L. Pratt	113,921
A. E. Panetta Farms	105,586
E. W. Merrit Estate	102,289
Rogers Farming Co	96,856
Correia Brothers	95,964
Don & Vern Thiesen	92,490
Lesley W. Smith	90,710
Shuklian Brothers	89,940
F. J. McCarthy & Sons	81,752
T. V. Cardoza & Son	75,908
Morris Stuhaan	72,990
Jack Phillips	72,530
Richard Berry	71,628
Bill White	70,185
Andy Wheat	68,974
R. A. Hildebrand	68,777
Earl Royer	68,628
Doe Cattle & Land Co	67,712
J & J Farms	67,554
M. F. Harris	65,662
G. E. Paxton	65,559
Glenn Schott & Sons	65,304
Edward L. Irwin	62,972
C & W Ranches	62,521
Mitchellinda Ranches	62,469
E. Batsch	62,233
Atilio Belezzuoli	61,390
M. Curti & Sons	59,676
C. J. Ritchie	57,450
Gailbraith Bros	56,878
Baker Bros	53,557
John Guthrie	53,044
J. D. Andreas & Sons	51,750
Porter Estate	51,568
S K Ranch	50,401
Sherman Land & Cattle Co	49,981
A. Caratan & Son	47,271
Doyle Ritchie	45,839
John Valov	45,024
J. J. and Joe Aguiar	43,623
Lapadula Farms	41,788
A. M. Falconer & Sons	41,740
Vernon Hutsell	41,686
Wilbur Ranch	41,411
J. L. Hill Estate	40,800
Melvin Miller	40,457
Geo. Brinkley Estate	40,308
Benson Brothers	40,213
V. W. Morehead	39,031
Don Elsner	37,891
J. R. Morehead	37,842
Glenn Newsom	36,272
Garth Cobbs	35,823
Watte Brothers	35,760
Carl & Paul Shannon	35,716
James A. Gordon	35,568
Hercal Corp	35,485
Thad Dresser	34,870
Manuel Torrez	34,165
John Torrez, Jr	33,954
W. L. Kiggens	33,506
Charlie Minoletti	33,326
J. X. Bettencourt	33,104
Louie McQuay	33,053
McCallister Bros	32,836
R. G. Burns	32,785
S. K. Warkentin	32,737
Luiz Menezes & Sons	32,722
Pryse Farms, Inc	32,623
Wayne Murray	32,361
J. Shankle	32,083
Overholt Brothers	31,671
Onel C. Jackson	31,544
Hochuli Bros.	31,487

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

CALIFORNIA—Continued

TULARE COUNTY—Continued

Nagatani Farms	$31,451
E. L. Beaver	31,346
Edgar Schieler & Sons	31,304
James D. Cupp	31,285
W. L. Rambo	31,130
Larry Fine	31,074
Frank L. Day	30,854
J. K. Frisch	30,775
Geo. Shannon	30,751
Hash Nursery	30,656
C. D. Speer	30,017
W. M. & D. L. Colson	30,015
Robert Taggart	29,940
L. W. Turk	29,780
Wm. H. Rogers	29,751
Clark Bros.	29,668
Alex Karle	29,620
Francis H. Johnson	29,240
H. A. Vossler & Sons	29,227
Richard White	28,570
Robert F. Bowman	28,540
Paul A. Enos	28,486
Richard Stuhaan	28,400
Manuel Martin, Jr	28,135
Poplar Grape Growers	28,065
C. Paul Johnson	27,574
Irene Vieira	27,122
Chas. Westbrook	26,876
George Bassett, Jr	26,865
Dudley & Oliver	26,746
Harvey Lauritzen	26,712
Fisher Bros.	26,535
Rex Nickell	26,422
Donald Bergantaz	26,198
Rollis Friend	26,077
Jess Cabrera	26,050
Briano Bros	25,996
Hank Anderson	25,950
Carl Hofmeister	25,808
Serpa & Co	25,787
Gerald Lang	25,777
Manuel Faria	25,749
Uchita Brothers	25,587
L. & W. Ellis	25,116
Amos Margosian	25,027
Hillman Corp	25,006
Bertorelli Brothers	24,691
Joe W. Ramos	24,595
Guido Lombardi	24,536
Elliott & Driver	24,532
Howard Trimble & Son	24,512
W. C. Morrison	24,358
Frank Ghiglia	24,312
Pradera Del Lago	24,284
Elliott Farms	24,243
Manuel I. Rocha	24,173
Joe Bettencourt	24,076
Frank Faria	24,059
J. P. & J. R. Gilbert	23,936
Glenn L. Cooper	23,895
G. D. Cross & Sons	23,861
Albert Kotchevar	23,631
Reliance Dairy Farms	23,604
Piepgrass Brothers	23,424
James P. Mathias	23,414
Geo. P. Orisio, Jr	23,349
Mary Rocha	23,275
Peter R. Gadd	23,170
Clarklind Farms	23,039
Larry Hawthorne	23,012
Harold Sheldon	22,968
Elmer Jost	22,950
Bowen Ragsdale	22,842
Gobel Brothers	22,825
Glenn H. Reed	22,792
Roy Brinkley	22,766
John E. Sola	22,746
A. E. McCallister	22,738
Bill J. Gibbs	22,738
Gist Farms	22,439
Malvin Klassen	22,222
McCloskey Bros	22,222
Joseph J. Lerda	22,216
Winfield Gilkey	$22,189
S. Trigueiro, Jr	22,096
A. G. Correia	22,087
Gilbert Hamilton	21,888
Folyd Ritchie	21,819
R. Wayne Lessley	21,817
Theodore Eberlein	21,694
George Efseaff	21,682
Henry Finck	21,664
A. T. & J. R. Villard	21,619
E. & J. Konda	21,602
Roy Langston	21,495
R. M. Parks	21,479
Ed Nagel	21,467
Rogers Ens	21,270
Anton Simonich	21,094
Louie F. Morris	21,058
Jack Twiford	21,979
J. H. & R. J. Cowart	20,955
R. W. & G. Stadden, Jr	20,931
Nick Della	20,905
Charles Neufeld	20,811
Raymond Donaldson	20,694
Melvin Santry & Son	20,694
Theodore Smith	20,680
Pete Rodari	20,557
Albert Swanson, Jr	20,519
Clyde Quillin, Jr	20,489
Arsan Iskenderian	20,454
A. R. Crabtree	20,372
Elroy M. Gruber	20,350
Charles Beals	20,349
Wm. & Jeff Hahesy	20,343
Sepeda Brothers	20,215
Sam Perry	20,179
J. C. Ribiero & Sons	20,174
Manuel Silveira	20,172
Sam Lessley	20,025

YOLA COUNTY

Heidrick Bros	61,644
Meek and Lemaitre	43,339
Alexander Ensher, Inc	39,030
Lloyd Eveland	34,570
C. Bruce Mace Ranch, Inc	28,617
Heidrick Farms, Inc	28,295
E. L. Wallace and Sons	25,302
G. A. Hanks	25,196
Scott Yamamoto	24,328
Conaway Farms, Inc	21,822
W. C. Payne	21,684
Woodland Farms, Ltd	20,853
E. L. Wallace	20,680
Parella Farms	20,246

COLORADO

Monaghan Farms, Inc	52,682
Kalcevic Farms, Inc	52,190
Box Elder Farms Co.	39,817
Ray M. Schmidt	30,807
Gene L. Linnebur	29,100
Flader Land Co	27,705
Alfred J. Linnebur	25,709

ARAPAHOE COUNTY

Joseph K. Turecek	22,841
L. J. Tippett	20,998
Roland K. Cronk	20,824

BACA COUNTY

T. F. Arbuthnot	50,731
R. R. Rutherford	50,540
William Greathouse	38,349
C. V. Cogburn	37,574
Samuel Thompson	35,873
Russell Loflin	35,567
Lewis Robbins	27,737
Bernard Neill	26,702
Alvis Hefley	26,206
Homsher Farms and Ranches	24,764
Wayne Drebaugh	24,142
Ferne Chick	23,436
Brownie Farms	22,977
R. D. Jones	21,120
J. T. McEndree	20,411
Roy Hanes	20,338
W. E. Tolbert	20,105

BENT COUNTY

Spady Brothers	$37,720
George & Ernest Tempel	25,014
George C. Camilli	24,778
C. R. Ely	21,937
Raymond J. Oberlander	21,240
Jake Broyles	20,248
Fred Rohlman	20,137

CHEYENNE COUNTY

John Kriss	60,157
Jeanne L. James	43,147
Rooney Farms	39,267
Henry Funk	30,178
Archie M. Lowe & Sons	28,725
John A. Watson	26,359
August Kern & Sons	26,094
John E. Harker	22,846
Dale Mitchek	22,530
Marvin Lowe	21,554
JH Bar Ranch Co.	21,341
Edwin Hendrickson	21,043
Harold V. Rother	20,701

CROWLEY COUNTY

Estate of Pete Franzman	31,212

EL PASO COUNTY

Ariz Colo Cattle Co	25,152

ELBERT COUNTY

Paul Stewart	21,051

HUERFANO COUNTY

Harry Willis	26,982
Maurice Saliba	23,302
Joe Faris	23,172
R. L. Lane	23,148

JEFFERSON COUNTY

Wilson and Co., Inc	31,649

KIOWA COUNTY

Olive W. Garvey	85,322
James S. Garvey	69,098
Ruth Fink	35,054
C. W. Schwerdfeger	31,450
Harold Wyckoff	31,440
Gene Schwerdfeger	29,700
Bill Marx	29,489
George A. Jacobs	29,306
M. E. Templer	25,843
Charles E. Tallman	25,422
Elwyn Hatcher	24,987
Harold Tuttle	24,873
Wayne E. Tallman	24,797
Woolfolk Grain Co	23,714
William J. Weber	23,203
W. D. Preisser	22,940
Stum & Schuler	20,912

KIT CARSON COUNTY

J. Baughman Tr	280,429
Delmer Zweygardt	90,775
Penny Ranch	53,139
Hinkhouse Bros	51,001
Wm. A. Davis and Sons	41,915
Dale D. Hanna	37,380
Leonard Feldhousen	32,264
Iron Mueller, Inc	30,262
Russell Scott	28,261
Wiley Cope	28,197
Quinby Demmitt	26,362
Elmer Kimball	25,297
Warren Hodge	25,244
Marvin Grusing	24,878
Orville Chapin	23,972
Lillian Carter	22,597
Buol Farms, Inc	22,530
Raymond Schulte	22,360
Dannie Weaver	21,609
C. E. McCartney	20,837
C. J. Herald	20,512
G. F. Bollwinkel	20,492

LARIMER COUNTY

Kenneth Thayer	20,824

LINCOLN COUNTY

J. F. Elliston	30,867
F. Poss Farms, Inc	27,030

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

COLORADO—Continued

LINCOLN COUNTY—Continued

Harold Kuckartz	$23,941
Taylor/Taylor	21,515
Iler P. Andersen	20,023

MESA COUNTY

J. Perry Olsen	21,341

MOFFAT COUNTY

Leland Ray Smith	20,868

MORGAN COUNTY

R. M. Hough	48,148
Raymond H. Roark	21,507

PHILLIPS COUNTY

Sprague Bros	30,325

PROWERS COUNTY

X. Y. Ranch Co	45,962
Charles H. Fletcher	42,523
Howard A. Ragsdale	41,822
C. Hart Farms	39,908
J. Willhite & Son	39,653
L. W. Bailey	38,815
C. E. Willhite	33,865
J. Marvin Willhite	32,270
C. A. and R. N. Barth	32,189
Jack Herrin	31,896
C. G. Cruikshank	31,670
L. C. Burkett	26,704
Creamer Ranch	25,984
Curtis Duvall	24,936
Dorenkamp Farms, Inc	24,323
John Swenson	23,962
Ruth Reyher	23,522
Eugene B. Rundell	20,553
Harry Heath & Son	20,394

ROUTT COUNTY

Gilbert Evans	20,946

SAN MIGUEL COUNTY

Hughes Bros, Inc	21,401

SEDGWICK COUNTY

Wm. Stretesky	27,755

WASHINGTON COUNTY

Alfred Ward & Son	36,481
Floyd Starlin	27,438
Roman Weninger	26,814
Joseph Kejr Test Tr. No. 2B	24,709
Andrew Blake	24,705
Wheat Farms, Inc	22,808
Henry Kahrs	20,893

WELD COUNTY

Lyle V. Cooksey	24,678
J. Burton Tuttle	20,830
Dorothy S. Linnebur	20,729
L. J. King	20,625
Henry S. King	20,593

YUMA COUNTY

Ralph Bowman	25,333
Perry J. Blach	24,670
George Wingfield	22,072
Gene Warner	21,038
C. D. & Don Seedorf	20,283
E. R. Trautman	20,070

FLORIDA

ALACHUA COUNTY

A. E. & R. E. Summers	20,500

GLADES COUNTY

Arbank Farms, Inc	49,255
John Tiedtke	48,027
Click Farms, Inc	42,651
Lykes Bros., Inc	32,040
J. E. Frierson	25,668
Moore Farms	23,872
R. D. Yoder	21,846
Roger M. Weeks	21,308

HENDRY COUNTY

U.S. Sugar Corp	1,275,687
OV Land Co	73,049
A. F. Saunders, Inc	33,089
Evi Sugar Co	24,594
Witt Bros	22,489
Hicpochee Farm	21,020

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

FLORIDA—Continued

JEFFERSON COUNTY

W. G. & Mary Lou A. Miller	$21,962

PALM BEACH COUNTY

So. Puerto Rico Sugar Co	610,923
Talisman Sugar Corp	419,178
Florida Sugar Corp	212,454
A. Duda & Sons	158,080
715 Farms Ltd	131,484
New Hope Sugar Co	120,956
Closter Farms Inc	116,890
S. N. Knight Sons Inc	110,784
Wedgworth Farms Inc	86,438
New Ranch Corp	71,346
Billy Rodgers Farm	68,821
South Bay Growers Inc	68,564
Sam Senter Farms Inc	66,549
Chanticleer Farms Co	64,159
C. A. Thomas	63,342
Sugarcane Farms Co	63,247
Hatton Brothers Inc	60,977
Eastgate Farms Inc	52,771
J. T. Boynton Farms Inc	49,452
Vandegrift-Williams Farms Inc	48,337
J. Allen Baker Farms	46,964
Camayen Farms Co	40,978
Hayes-Quackenbush Inc	40,834
F. W. Farms Inc	40,191
Okeechobee Farms Co	39,363
Harley Watson	39,130
Fritz Stein Jr	37,320
Vinegar Bend Farms Inc	37,111
Bueno Farms Co	36,503
Miami Sod Co	36,391
R. W. Bishop	32,571
Flava Farms Inc	28,772
Brown Sugar Corp	27,819
J. E. & J. W. Beardsley	27,389
S. D. Sugar Corp	27,141
Manatee Plantations Inc	26,343
Peace Cattle Corp	25,439
M. L. Bishop	25,373
Roy Brown	24,955
Rockridge Farms Inc	23,389
Valentine Farms Inc	22,880
Broad Acre Farms Inc	21,185
Robert C. Hatton Inc	20,284

SANTA ROSA COUNTY

J. E. Golden	44,107
Lem Strickland	26,889
J. W. Bauldre	24,746
James Thomas	23,243
Lewie F. Smith	21,723
W. T. Stewart	21,613

SUWANNEE COUNTY

Aubrey L. Ward	32,197

GEORGIA

BAKER COUNTY

W. C. Newberry	31,707
Newberry Angus Farms, Inc	20,815

BARROW COUNTY

P. R. Smith	26,139

BARTOW COUNTY

J. C. Evans	54,207
W. P. Lanier	48,058
H. E. Harris	47,088
Smith Gin Co	41,515
Glenn Nelson	33,956
J. M. Maxwell & Wesley Smith	31,952
Joe G. Brandon, Jr	29,508
Noble Maxwell	28,070
William Carl Maxwell	25,137
J. D. Ferguson	23,998
George Cagle	20,349

BEN HILL COUNTY

J. H. Dominey, Jr	27,659

BULLOCH COUNTY

H. S. Blitch & Son	29,685

BURKE COUNTY

Roy Barefield	65,963
T. R. Rowland	55,734
Quinton Rogers	51,790
B. G. Collins	40,559
Eliz. O. Barefield	39,379

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

GEORGIA—Continued

BURKE COUNTY—Continued

Paul Shivers	$39,024
J. H. Rowland	38,364
A. H. Sandeford	37,701
H. W. Mobley	34,610
R. L. Webster	34,145
R. L. Quick	32,493
W. T. McBride	30,512
Jackie B. Lovett	30,441
J. O. Cates	30,367
Frank C. Griffin	29,193
Porter W. Carswell	28,591
C. H. Kitchens	27,484
James Beall	27,305
Farris L. Wren	27,063
Irvin Reeves	26,511
Lamar Prescott	25,307
W. R. Glisson	22,635
W. T. Stone	22,619
M. J. Mobley	22,054
Robert W. Mobley	21,631
George F. Williams	21,137
Hammond Blanchard	20,441
O. C. Netherland, Jr	20,126

CALHOUN COUNTY

J. S. Cowart	27,289
R. M. Jordan	24,722
Chauncey Taylor	21,029
Jordan Farms Partnership	20,191
R. L. Perryman	20,095

CLAY COUNTY

Jack Hattaway	20,859

COLQUITT COUNTY

Samuel F. Brewer	31,285
Joe Parker	29,187
Donald Parker	23,433
R. C. Moss	22,509
W. D. Luke	21,530

COWETA COUNTY

W. J. Estes	57,723

CRISP COUNTY

J. R. Barry, Jr	21,313
Kenneth Smith	20,147

DODGE COUNTY

James J. Mullis	44,494
S. A. Rogers	28,494
Stuckey Timberland, Inc	28,361
Candler Farms	27,432

DOOLY COUNTY

Asbury Wright	44,624
Draughon and Griggs	42,356
R. L. Calhoun	38,720
Ike Everett	36,608
Olen J. Burton	34,786
J. R. McCleskey	33,914
Ben T. Ambrose	33,875
John S. Williams	33,854
W. R. Jackson, Jr	31,899
Madison B. Coley, Jr	29,094
F. H. Sparrow	24,326
Warren Taylor	24,205
Carl F. Williams	24,079
Ralph E. Burton	23,227
C. V. Cross	22,689
Ernest L. Taylor	21,502
Ronny Ledford	21,254
Millard Peavy	20,586
J. W. Sparrow	20,010

EARLY COUNTY

Singletary Farms	44,815
Leonard White	23,650

EMANUEL COUNTY

Billie Walden	28,060
Frank Flanders	21,224
D. E. Brown	20,292

FLOYD COUNTY

M. H. Bradshaw, Sr	30,435
L. G. Evans	23,766
A. A. Looney	22,732
Charles Smith	21,643

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

GEORGIA—Continued

FRANKLIN COUNTY

J. H. Davison	$21,623

GORDON COUNTY

Moss Land Co	50,990
Frank Erwin	30,794
N. R. Champion, Jr	28,223
W. P. Hunt	26,993
John Fowler	26,061

HART COUNTY

Hubert Cheek, Jr	73,003
Willis Bond	29,261

HENRY COUNTY

Grover A. Walls	27,702
J. D. McGarity & Sons	22,421

HOUSTON COUNTY

Charlie T. Kersey	58,936

JEFFERSON COUNTY

Fred C. Evans	69,413
Harry F. Jones	43,512
G. C. McGahee	39,745
T. B. Kelly Estate	38,660
Judson McNair	29,643
Paul Cobb	29,386
W. P. Smith	29,125
Lewis Alford	22,393
R. J. Jones	22,322
William W. Rabun	21,822
C. B. Lamb	21,458

JENKINS COUNTY

T. L. Black	32,324
Kelley Land & Cattle Co	28,014
A. S. Newton	25,187
Lamar Black	24,982
W. R. Roberts	21,716
Buck Brinson	20,660

JOHNSON COUNTY

W. R. & J. L. Jackson	50,420
Newte Jordan	27,380
Tarver Price	24,378
T. E. Jordan, Jr	22,057
Gladys J. Hendry	21,900
F. B. Jackson	21,190

LAURENS COUNTY

W. A. Rountree	82,207
W. H. Lovett	65,854
Estate of E. B. Claxton	44,537
Jack Cook	34,005
R. L. Hogan Est., 1st Natl Bank Ex	23,469

LEE COUNTY

Geise Usry	29,842
Wilmar Timber Corp	20,670

MACON COUNTY

Hixon Guest	47,140
C. J. Harp, Jr	28,092
Buck Creek Farms	27,842
Riverside Orchards	26,341
Mack Ham	25,000
Emily H. Harp	24,929
S. H. Bryan, Jr	21,709
Walter Forsling	20,236

MADISON COUNTY

Whitehead Farms	32,354
W. Reece Whitehead	20,407

MERIWETHER COUNTY

Gay and Keith	39,545
A. G. Estes, Inc	27,095
W. R. Arnall	24,712

MITCHELL COUNTY

Donald Hays	23,774
L. G. Hinson	23,481
Billy Hatcher	23,249
C. B. Cox	22,748

MORGAN COUNTY

D. W. Malcom	84,597
Otis Whitlock	66,207
Bonny Shepherd	47,380
William Norris Bryans	29,503
Bennie Malcom	22,130

NEWTON COUNTY

J. H. Anderson	$24,032

OCONEE COUNTY

Joe D. Murrow	41,445
Fonnie F. Dickens, Jr	35,748
B. A. Thomas	21,333

OGELTHORPE COUNTY

Carl Culbertson	30,083

PEACH COUNTY

Bateman Co., Inc	22,510
Marlon Maddox	21,305

PIKE COUNTY

R. F. Strickland Co	43,167
R. D. Crawford	33,853
Floyd Turner	22,909
Lanier Johnson	20,733

POLK COUNTY

Geston Womack	22,503

PULASKI COUNTY

John W. Dawson	66,684
George P. Anderson	23,309

QUITMAN COUNTY

Sunny View Farms	22,138

RANDOLPH COUNTY

Edward Sanders	30,372
James Grubbs	26,806
J. R. Curry	25,905
E. E. Morris	23,974

RICHMOND COUNTY

R. A. McElmurray, Jr	20,752

SCREVEN COUNTY

Millhaven, Co	38,400
Thomas V. Parker	30,462
W. P. Sanders	23,194
R. E. Oliver, Jr	20,182

SEMINOLE COUNTY

Raymond Odom	24,893
Hugh D. Broome	20,277

STEWART COUNTY

W. C. Bradley, Co	77,119
M. J. Lane	26,256

SUMTER COUNTY

W. C. Cornwell	27,798
Neill Hodges	25,406
George E. & Roy F. Daniel	23,201
T. E. Stephens, Jr	22,608
Storey Bro	20,147

TAYLOR COUNTY

D. W. Payne, Jr	39,989
E. B. Swearingen	31,518
Walter Wainwright	23,835
Willard Brunson	21,816

TELFAIR COUNTY

William H. Evans	25,489

TERRELL COUNTY

W. K. Jones	49,930
Huson Brim	46,383
Hugh Lee	35,075
James G. Raines	27,835
B. C. Arthur	25,653
Wilbur Gamble	24,076
Don Bridges	23,593
McLendon Bros	21,381
W. B. Johnson	20,767

THOMAS COUNTY

Conifer Farms	25,021
J. C. Griffin	21,118

TURNER COUNTY

E. G. Pirkle	36,575

UPSON COUNTY

L. L. Minor	24,845

WALTON COUNTY

Robert B. Chandler	26,198
John Harris	23,074
Robert M. Hawk	20,403
E. L. Poss	20,333
Robbie Adcock	20,246

WARREN COUNTY

Guy H. Shrivers Sr	$69,823
Jack B. Ray	30,227
Loyd Langford	28,491

WASHINGTON COUNTY

Ernest Smith	40,684
Eugene Cook	36,765
L. A. Garrett	36,250
E. B. Price	33,913
Gilmore Bros	33,834
Henry S. Brantley	26,454
Washington Ginning Co	24,980
Olen Price	21,069

WHEELER COUNTY

J. M. Johnson	26,133

WORTH COUNTY

Taylor Farms	29,008
A. L. Sutton	21,903
Cecil L. James	20,495

HAWAII

Haw'n Commercial & Sugar Co	1,353,770
Kohala Sugar Co	800,718
Waialua Agricultural Co., Ltd	600,477
Oahu Sugar Co	571,453
Lihue Plantation Co., Ltd	539,570
Pioneer Mill Co	600,296
Ewa Plantation Co	486,233
Kekaha Sugar Co., Ltd	430,061
Mauna Kea Sugar Co., Inc	392,900
Grove Farm Co., Inc	373,325
Pepeekeo Sugar Co	347,042
McBryde Sugar Co., Ltd	330,736
Puna Sugar Co., Ltd	321,637
Honokaa Sugar Co	320,735
Laupahoehoe Sugar Co	315,779
Hutchinson Sugar Co., Ltd	312,231
Olokele Sugar Co., Ltd	310,577
Wailuku Sugar Company	309,913
Hamakua Mill Co	281,880
Kahuku Plantation Co	222,457
Paauhau Sugar Co., Lmtd	194,412
Gay and Robinson	184,559
Kilauea Sugar Co., Ltd	181,540
Waimea Sugar Mill Co., Ltd	54,795
K. Mizuno 7 Sons	45,208
Robert M. Yamada	26,086

IDAHO

ADA COUNTY

Jump Creek Sheep Co	23,979

BANNOCK COUNTY

Dale Koester	20,876

BENEWAH COUNTY

Gaffney & Home	21,942

BINGHAM COUNTY

Lenard Schritter	34,771
J. Walt Vanderford	33,820
Lloyd Stolworthy, Inc	29,476
C. Leslie Williams	28,499
D. & R. Parks, Partnership	27,323
Vincent R. Benson	23,318
Matsuura Bros. Co., Inc	21,100
James S. Johnston	20,910

BONNEVILLE COUNTY

Jess Croft & Son	50,767
E. Bud Johnson	47,463
J. R. Hays & Son, Inc	39,150
Utah Idaho Sugar Co	31,829
Thurman Simmons & Sons	27,222
Elmer N. Jensen	26,992
Karl Brown	26,478
Clements & Jackson	26,260
L. W. Brown	20,964
Ernest Martin	20,664
Weeks Bros. & Sons	20,097

CANYON COUNTY

Kondo Farms, Inc	38,016
Farm Development Corp	33,067
Basin Land Co	31,744
Dry Lake Farms, Inc	31,029
Hyline Farms Co	30,477
Allen T. Noble	28,939
Elmer H. Tiegs	28,598
Harold E. Blanksma	20,885

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

IDAHO—Continued	
CARIBOU COUNTY	
Barker Bros	$52,432
CASSIA COUNTY	
Heglar Ranch, Inc	46,182
Parr Bros. Inc	37,849
Riviera Farms	36,845
Pewitt & Thompson	36,074
Simplot Industries Inc	31,542
Raymond H. Johnson	30,314
Cold Springs Farm	28,493
Matthews Bros	28,334
Gorringe Bros	23,584
Pickett Ranch & Sheep Co	20,534
ELMORE COUNTY	
Bruneau Sheep Co	36,929
FRANKLIN COUNTY	
Evan D. Koller	20,731
FREMONT COUNTY	
Keith D. Parkinson	21,247
Max D. Parkinson	20,220
IDAHO COUNTY	
Green Bros	39,025
Sam Alm & Sons, Inc	22,969
T. E. Robinson	20,344
JEFFERSON COUNTY	
Snake River Equipment Co	37,685
Browning Grain & Produce	28,817
Western Potato Co	24,300
Green Bros	20,001
KOOTENAI COUNTY	
Drechsel Bros	21,727
LATAH COUNTY	
Pfaff Bros, Inc	29,410
LEWIS COUNTY	
Aubrey Pratt	23,541
MADISON COUNTY	
Ross Parkinson	21,826
MINIDOKA COUNTY	
Morgan Shillington Farms Co	76,715
Vernon B. Clinton	63,555
Klinger Farms, Inc	23,211
NEZ PERCE COUNTY	
Wagner Brothers, Inc	65,967
Ira Mc Intosh and Sons	61,670
Meacham Land and Cattle Co	48,008
Stanton Becker Farms	25,365
Wittman Farms	24,105
Herndon Farms, Inc	22,941
Mc Gregor and Storey	22,832
POWER COUNTY	
Jay H. Hulet	41,367
Fred G. Mayer & Sons	34,554
Neibaur & West Farms	32,819
W. W. Hubbard-Sons	30,268
Wallace Hayes	30,010
Dean Meadows	25,551
Ralphs Brothers	24,433
W. E. Barkdull & Sons, Inc	24,294
TETON COUNTY	
Shayne Linderman	25,885
Van Parkinson	25,820
TWIN FALLS COUNTY	
W. B. Savage Ranches	25,791
Hope Land & Water	21,351
WASHINGTON COUNTY	
Soulen Livestock Co	20,689
ILLINOIS	
ADAMS COUNTY	
Richard Wittler	25,466
ALEXANDER COUNTY	
Elott Rafferty Farms, Inc	38,966
John Dowling & Sons	23,546
CARROLL COUNTY	
Richard Eads	22,853
DE WITT COUNTY	
C. H. Moore Trust Est	79,153

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

ILLINOIS—Continued	
FORD COUNTY	
John P. Gallahue	$22,100
GREENE COUNTY	
Hartwell Ranch	21,366
IROQUOIS COUNTY	
Edward C. Sumner, Jr	28,030
JERSEY COUNTY	
M. E. Isringhausen	35,798
Isringhausen L. & C., Inc	32,666
KANKAKEE COUNTY	
Tallmadge Ranch, Inc	41,282
Cote Farms, Inc	35,120
LA SALLE COUNTY	
George Lambourn	23,638
LAWRENCE COUNTY	
Earl Minderman	20,589
MCHENRY COUNTY	
L. O. Napier	25,941
Meyer & Schuring	20,552
MONTGOMERY COUNTY	
W. Darrell Kilton	31,939
PERRY COUNTY	
Southwestern Coal Co	21,792
PIATT COUNTY	
U. of I. by Donald Smith	20,704
PIKE COUNTY	
Richard Coultas	20,172
SANGAMON COUNTY	
Dawson Bros. A. Ptrp	23,745
STEPHENSON COUNTY	
William A. Oppold	26,139
WHITESIDE COUNTY	
Wilder Farms, Inc	20,459
WINNEBAGO COUNTY	
Dale F. Straley	29,002
WOODFORD COUNTY	
Martin Bros. Implement Co	34,327
INDIANA	
CLAY COUNTY	
Meadowlark Farms	46,134
DAVIES COUNTY	
Graham Cheese, Inc	28,460
DECATUR COUNTY	
Stewart Bros	23,914
GREENE COUNTY	
Garland Hasler	22,773
JASPER COUNTY	
William Gehring, Inc	47,385
James D. Green, Tr	24,921
Fred & Austin Moore	23,631
KNOX COUNTY	
Thompson Farms, Inc	28,422
James C. Bowers	24,146
Shenck Farms, Inc	21,792
William Cardinal, Sr	21,207
MARSHALL COUNTY	
William Erwin	21,985
NEWTON COUNTY	
Robert A. Churchill	23,472
POSEY COUNTY	
Edward C. Culley	24,392
New Harmony Realty	21,222
PULAKSI COUNTY	
Overmyer Farms	58,658
Arthur P. Gumz	33,881
STARKE COUNTY	
Richard Gumz	56,274
SULLIVAN COUNTY	
John Gray Kelly	49,778
TIPPECANOE COUNTY	
William Banta	20,286

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

INDIANA—Continued	
VANDERBERG COUNTY	
Donald E. Kolb	$23,106
VERMILLION COUNTY	
John Harvey Estate	20,018
VIGO COUNTY	
James Harlan	20,612
WARRICK COUNTY	
Meadowlark Farms, Inc	30,451
William Hepler	20,937
WHITE COUNTY	
Richard W. North	20.226
IOWA	
BLACK HAWK COUNTY	
Rath Packing Co	20,681
BUCHANAN COUNTY	
Charles Hoffman	23,479
CARROLL COUNTY	
Garst Co	45,214
CERRO GORDO COUNTY	
Clem Hebel	32,476
FRANKLIN COUNTY	
Lawrence W. Hamilton	22,993
FREMONT COUNTY	
Payne Valley Farms Inc	44,783
IOWA COUNTY	
Amana Society	88,499
LEE COUNTY	
William J. Pieper	24,598
MILLS COUNTY	
R. C. Good	34,094
Fay McManigal	20,020
MONONA COUNTY	
Jepson Bros	39,606
RINGGOLD COUNTY	
Claire Brown	37,183
SAC COUNTY	
Charles Lakin	107,136
TAYLOR COUNTY	
H. Dean Beemer	23,038
WORTH COUNTY	
Bev Ld	20,996
WRIGHT COUNTY	
Tomahawk Seed Company	30,654
KANSAS	
BARBER COUNTY	
G. M. Groendycke Est	23,940
Fred Schupbach, Jr	22,594
BARTON COUNTY	
Schartz Bros	23,675
CLARK COUNTY	
Dwight D. Klinger	21,927
EDWARDS COUNTY	
David Britton	34,541
McLean Bros	21,845
Slentz Bros	20,325
ELLSWORTH COUNTY	
Vondra Brothers Partnership	24,706
FINNEY COUNTY	
Garden Cy Co	88,594
Andrew E. Larson	43,354
Leroy F. Cooley	35,435
Leigh Warner	33,746
Leiand L. Crist	32,674
Roger Ramsey	28,187
Emanuel Doll	26,746
Ben & Abe Isaac	23,949
Eugene F. Ware	23,681
Frank McClure	23,297
Marion L. Russell	22,534
W. D. Daniels	21,610
William D. Foster	20,520
Raymond Crist	20,312
Victor Haflich	20,106

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

KANSAS—Continued

FORD COUNTY

Eleanore O. Rost	$24,098
Everett Steele	22,029

GOVE COUNTY

R. S. Coberly	31,465
A. L. Swart	24,099

GRANT COUNTY

Tuttle & Tuttle & Mawhirter	34,399
H. Cockreham	25,498
A. E. Alexander	24,213
Frank & Jake Wiebe	22,494
J. David Sullivan	22,295
C. E. Battin	21.092

GRAY COUNTY

W. D. Brady	44,124
Sidney Warner	43,134
Cecil Obrate	27,915
Diane W. Janof	25,585
Stephen J. Irsik	24,142
George Loewen	22,809
Lester Clark	21,838
E. A. Davidson	20,019

GREELEY COUNTY

Dale R. Steele	68,129
A. Sell Est	63,895
Kleyman Brothers c/o F. J. Kleymann	51,879
Smith Ranch Company	38,449
Ervin Schneider	37,476
Harold Nelson Hobart	36,960
H. C. Wear	27,409
Jay A. Hoffman	27,357
Duane F. Schneider	26,731
Floyd Tuttle & Son	25,852
Lemon & Maness	25,793
J. V. Kuttler	24,684
W. R. Houston	23,517
Chester I. Johnson	22,703
Dean Hornbaker	20,123

HAMILTON COUNTY

Dixon W. Burnett	38,950
C. J. Plunkett & Son	34,236
Lawrence Herrmann	25,521
Jessie I. Wilcoxen, Jr	25,311
Forrest Smith	23,591
Howard Barstow	22,971
E. C. Bray	21,119
Richard E. & F. N. Cheatum	20,776
Ray Jackson Enterprises	20,637
Louis J. Eddy	20,450

HASKELL COUNTY

Lemon and Miller	55,313
Ed Hall	31,657
Dorsey Elliott	30,900
Clyde F. Mercer	30,510
Kirby B. Clawson	26,333
Howard Redd	25,446
Forrest Cox	25,164
W. E. Orth	23,374
Randall Bird	21,248
Leslie A. Alexander	20,996
Murphy & Murphy	20,698
Edw. L. Yuncker Est	20,482
John W. Kelman	20,063

JEWELL COUNTY

Neil Durham	26,385

KEARNEY COUNTY

Ethel B. Martin	41,768
Raymond Dienst, Sr	38,158
Vernon G. Kropp	31,953
Ray Rohlman	30,748
Dan B. Ratzlaff	27,835
Inman Wiatt	27,050
Gordon W. Crone	26,700
B. E. Miles	24,634
Max R. Miller	22,339

KIOWA COUNTY

Pleasant Valley Farm & Ranch	24,385

LANE COUNTY

Sharp Bros	24,610
Edwin A. Borell & Sons	22,980

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

KANSAS—Continued

LINN COUNTY

Leonard J. Long	$29,926

LOGAN COUNTY

Keller Bros. c/o Ben Keller	42,849
John W. & V. A. James	41,418
J. Ernest Bertrand	38,455
Chas. Bertrand Est	33,312
Richard Bertrand	23,548
Jess R. Lee	22,384
A. F. Hueftle	21,423

MARION COUNTY

Vestring Bros	22,317

MEADE COUNTY

R. R. Eldridge	43,832
M. Collingwood Est	39,251
Edna Collingwood	33,845
W. R. Cottrell	31,913
Chester Rexford	22,948
Grace Y. Humble	22,903

MITCHELL COUNTY

Paul Mears	34,660
Neil Fuller & Sons	20,899
Robert W. Thibrolf	20,416

MORTON COUNTY

Leon Jackson	32,248
Martin R. Johns	26,861
W. J. Light	26,011

NESS COUNTY

W. V. Stutz & Sons	23,741
Dr. R. T. McCreight	23,360
Clarence Antenen	22,120

OSBORNE COUNTY

Adrian Schweitzer	24,933

OTTAWA COUNTY

H. Francis Meiller	20,636

PAWNEE COUNTY

Milford Zook	22,347

PHILLIPS COUNTY

Clarence Cox est	27,333
John B. Wyrill, Jr	20,100

RENO COUNTY

Nelson Kilbourn	20,043

REPUBLIC COUNTY

Swen E. Carlson	21,189
Eugene Aurand	20,309

ROOKS COUNTY

Jensen Bros	20,824

SCOTT COUNTY

Floyd M. Krebs	32,217
Hattendorf Bros	26,699
Arthur Huseman	26,501
Felt Farms	24,761
Marion Hutchins	24,532
Delmar Wesseler	23,796
Alfred Janssen, Jr	21,647
Charles Socolofsky	20,922
R. L. Crist	20,511
Claude Hughes	20,343
Keith Janzen	20,102

SEWARD COUNTY

Hitch Lnd Cttl Co	30,453
Leroy Stapleton	24,490
Kenneth Martin	22,950
Harold E. Lower	20,551

SHERIDAN COUNTY

E. A. Baalman	30,993

SHERMAN COUNTY

Lloyd Kontny	52,730
Walker Briney	45,868
Everett Dennis	42,599
Vernon Irvin	40,444
Robert Irvin	40,302
Charles L. Silkman	39,297
Kenneth House	36,031
C. Wilber White	35,803
Keith Cook	31,262
Arnold Schields	30,624
Fred H. Schield	28,832

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

KANSAS—Continued

SHERMAN COUNTY—Continued

Iron H. Mueller	$28,547
Golden Wheat Ranch	27,479
Joe D. Gutsch	24,206
Harry M. Armstrong	23,736
Harold L. Bair	22,948

SMITH COUNTY

Ferguson Bros	25,490

STAFFORD COUNTY

Carl McCune Sons	23,800

STANTON COUNTY

Clarence Winger & Sons	52,563
G. H. J. Farms, Ltd	50,035
Paul E. Pummer Agt	43,804
Ks Un End Asn	41,898
Theodore J. Julian	35,450
Kendrick Farms	34,881
Faye Collingwood	32,233
R. H. Trostle	31,319
Guy Rorick	28,818
Akagi Farms	27,222
John Lewis	25,766
Vivian Glenn	25,377
Walter Herrick	24,805
Lester Canny	22,833
Hoopingarner Bros	22,420
John Shore	22,325
Max B. Ainsworth	21,658
Stanley A. Julian	21,079
G. D. Troutman	20,606
H. H. Hume	20,559
D. E. Cockrum	20,461
Milton C. Graber	20,278

STEVENS COUNTY

Carl Brollier	43,309
Warren Spikes	38,917
Fred Walkemeyer and Son	37,238
Charles Dudley	25,061
Lawrence J. Lightcap	22,456
Harry Leonard	20,621

SUMNER COUNTY

Stewart Farm Account	34,156
Bob Casner	21,443

THOMAS COUNTY

Willard W. Garvey	42,221
Marshall Farms	40,904
Sam Medford	39,959
Harold Hills, Jr	34,623
D-C-K Farms	30,662
B. A. Hutton	28,902
Dumler Farms	21,400

WALLACE COUNTY

J. E. Eley Estate	51,460
Frasier Farms	31,310
Gareth J. McFadden	29,874
H. Shuman	29,141
Wm. H. Akers	27,794
Vernon L. Popp Agt	22,133
William Pletcher	21,656

WASHINGTON COUNTY

Herman Bott	33,817

WICHITA COUNTY

Jaeger Farms	29,427
Bernice M. Smith	27,482
J. W. Zellner	22,643
Bernard I. Rose	20,773
Walter Gorsuch & Son	20,302

KENTUCKY

ALLEN COUNTY

Big Four Feed & Implement Co	26,787

FULTON COUNTY

Robert Sanger	23,903
James E. White	20,423

HENDERSON COUNTY

S. S. Wathen	20,606

LIVINGSTON COUNTY

Wendell E. Gordon	31,776

TRIGG COUNTY

S. D. Broadbent, Jr	26,081
W. H. Cundiff	21,009

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

LOUISIANA

ASCENSION COUNTY

Churchill & Thibaut Inc	$53,365
Thibaut Farms	23,752
Lemann & Thibaut Inc	22,295
Sunshine Planting Co	20,673
Palo Alto Inc	20,549

ASSUMPTION COUNTY

Savdie Industries	55,565
Dugas & Leblanc, Ltd	42,611
Est E. G. Robichaux	42,164
B. & D. Thibaut	33,393
Little Belle N. Arcement Adm	25,226
Harang Farms, Inc	24,831
Dugas & Leblanc, Ltd	20,854

AVOYELLES COUNTY

Haas Inv. Co., Inc	43,585
J. B. Luke	25,669
Marion Goudeau	22,783
E. A. Townsend & F. C. Townsend	22,579
C. W. Tebow	21,508
Gladford Goux	20,745
Lloyd & Burton Newton	20,177

BOSSIER COUNTY

Scopena Plantation	127,927
L. H. Woodruff	63,782
Rosedale Planting Co., Inc	51,088
Elm Grove Plantation, Inc	43,075
R. J. Viola	42,632
Curtis Planting Co	41,724
Joe Clark	34,605
I. W. Whittington, Jr	29,979
R. T. Stinson	27,260
Joe Rich	26,795
J. T. White	26,630
E. D. Barnett	25,684
J. N. Averett	24,234
J. T. Rodgers	22,889
Beene Planting Co	22,009
Atkins-Sonnier	20,778
O. L. Gore, Sr	20,752
Milton Pittman	20,392
B. H. Snyder	20,345
Y. A. McCall	20,244

CADDO COUNTY

Mission Planting Co	87,354
Stinson & Stinson	68,761
J. W. Lynn Plantation	62,538
Cecilta L. Ellerbe	61,606
L. R. Kirby, Jr	59,404
G. A. Frierson	55,018
A. C. Dominick, Jr	54,995
Dalton R. Pittman	53,515
L. S. Frierson, Jr	53,340
Dan P. Logan	52,334
C. N. Frierson	49,088
W. J. Hutchinson Sons	48,999
Webb & Webb	45,269
Robinson Co	44,623
G. W. Vanhoose, Sr	44,509
Paul Dominick	41,837
G. W. Vanhoose, Jr	41,419
F. E. Volentine & Son, Inc	41,280
T. A. Tinsley	40,871
E. R.. Cupples	37,697
A. L. Sentell	37,240
C. M. Hutchinson, Jr	37,087
Paul Dominick, Jr	36,913
Clifton Dodson	35,684
Tom P. Moore, Jr	33,507
J. W. Glassell	32,818
C. C. Whittington	32,767
W. M. Yarbrough	32,658
R. L. Nance, Jr	32,474
Eunice W. Feist	32,257
Yearwood Bros	31,261
J. B. Carlisle	30,503
Bryan Connell	29,922
J. L. Teer	29,797
M. A. Roberson	29,210
W. L. Crain	28,943
R. G. Smitherman, Jr	26,287
E. H. Gleason, Jr	23,405
Malcom Dutton	23,252
W. L. Sibley	23,113

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

LOUISIANA—Continued

CADDO COUNTY—Continued

M. P. Connell	$22,938
Doles Brothers	22,158
R. R. McKinney	21,230
Dan Blanchard	20,824
J. H. Gardner	20,501
R. Mcl Jeter	20,393

CALDWELL COUNTY

Rowland Bros	54,919
Harold E. Cooper	43,321
Jack Keahey	34,212
Lelon Kenney	32,221
Mann and Jackson	21,967
Donald Greer	21,805

CATAHOULA COUNTY

George Yarborough	154,031
Carrol Rice	93,537
Jimmy Goode	25,731

CONCORDIA COUNTY

Innisfail Pltn	45,293
Pandla Land Dev Co	44,838
Harriss and Sons	32,760
Lucerna Planting Co	30,809
R. S. Rife, Jr	30,186
Rota Quinta Pltn	25,650
Nolan Rabb	20,440
Sam Calvert Sons, Inc	20,440

EAST CARROLL COUNTY

J P Brown	177,993
Deltic Farm & Timber Co., Inc	112,600
Hollybrook Land Co., Inc	111,175
Shepherd & Shepherd	65,783
Russel Fleeman	63,046
J. H. Gilfoil III	59,899
Keener Howard	59,021
Wendell Downen	50,791
Jack Hamilton	47,137
J. B. McPherson, Sr	45,688
Oliver Baker & Oliver	41,001
Jessie M. Blair	40,723
J. E. Brown & Sons	40,206
Howington Bros	39,434
W. H. Bullock	36,128
Bernard Rosenzweig	35,555
Reese Coleman	34,714
F. H. Schneider III	33,546
Edward Burgess	32,694
Fred Phillips	32,412
H. D. Harvey	31,923
Doris Pltn	31,347
Buckmeadow Plantation	30,916
Howell Pippin	30,322
H. H. Homington, Jr	28,998
Orville Coody	28,905
Olivedell Pltn Co., Inc	28,361
Clinton Fortenberry	28,077
W. H. Crews	27,636
Roy Burgess, Jr	27,501
R. L. Choat	26,627
J. H. Barrett, Sr	26,230
George R. Wise	25,920
Reynold Minsky	25,857
Philip Brown	25,444
Jeff Marsh	23,421
Jack Williams	22,529
Carl Pogue	22,115
Harry S. Shields	21,889
John Howard	21,665
A. & D. Davidson	21,225
W. B. Ragland, Sr	21,173
John Hankins	21,114
Wallace N. Oliver	20,900
Quitman Fortenberry	20,705
The Panola Pltn., Inc	20,606
Houston Condrey	20,414
R. W. Fletcher	20,015

FRANKLIN COUNTY

C. J. Grayson	38,200
Riley H. Graham	33,950
Earl Carroll	33,069
Earnest Reeves	29,513
Yarborough Brothers	29,444
Carl D. Batey	28,267
J. Aubrey Browder	26,077
Bill Bixler	24,880

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

LOUISIANA—Continued

FRANKLIN COUNTY—Continued

Gerald Sadler	$23,872
F. B. and H. B. Etheridge A. Ptnsh	23,016
W. M. Snyder, Jr	22,946
Lantz Womack	22,450
Eley Farms	20,909
J. M. Kenney	20,853
L. A. Braswell	20.018

GRANT COUNTY

Gordon Randolph	40,958
Urania Lbr. Co	23,299
Wallace E. Summerford	21,534
Richard S. Thompson	20,310

IBERIA COUNTY

M. A. Patout & Son, Ltd	33,754
Duhe Bros. Pltg. Co	31,711
W. C. Lanie & Sons, Inc	23,869
J. M. Brooks	22,944
East Linden Farms	22,466
D. & A. Gonsoulin & Blanchard	21,979

IBERVILLE COUNTY

A. Wilberts Sons L/S Co	75,928
J. Supples Sons Pltg. Co., Ltd	34,096
W. T. Burton Ind., Inc	25,149
Catherine Sugar Co., Inc	22,245
E. J. Gay P/M Co., Ltd	21,693

LAFAYETTE COUNTY

Youngs Industries, Inc	30,539

LAFOURCHE COUNTY

Valentine Sugars, Inc	40,678
J. B. Levert Land Co	34,127
Golden Ranch Pltn	20,221

MADISON COUNTY

Ashly Plantation	76,099
Elton Fortenberry	63,278
Dudley Pillow	54,822
Dudley Pillow	49,705
E. C. Woodyear	37,876
Jim S. Folk	34,800
Howard S. Sevier	34,670
Carpenter Plantation, Inc	34,652
William Yerger	32,360
Maxwell Plantation	32,124
Robert Graves	30,916
M. C. Sevier	29,563
E. S. Moberley	29,323
Richland-Foster, Inc	26,401
Jesse Anderson	25,354
J. M. Gilfoil	25,049
Bobby Joe Lee	24,748
Yerger Bros., Inc	21,978
James B. McPherson, Jr	21,502

MOREHOUSE COUNTY

Barham, Inc	115,880
James U. Yeldell, Jr	83,408
Max Broadnap	53,755
Duke Shackleford	50,620
Erle M. Barham	48,011
Kelly Bros	47,903
F. Earl Hogan	47,318
N. W. Mott	43,481
C. L. Clark, Jr	39,240
C. E. Shepard	37,988
H. A. Pipes, Jr	37,070
J. B. Newman	36,344
David Doles	33,654
William Davenport	32,426
Warren White	31,179
King Mott	30,811
John F. Shackelford	30,792
Pipes Planting Co	29,813
John S. Barr & Son	29,352
Don Sims	29,130
G. L. Shepard	29,123
Wesley Bunch	28,308
J. B. Rawlinson III	28,250
John Knox Nunn	27,447
R. L. Norsworthy	26,928
David Pipes	26,542
Conrad Stallings	25,413
Arthur Chappell	25,275
Thomas H. Rankin	24,754
Irie Johnson	24,301

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

LOUISIANA—Continued

Morehouse County—Continued

W. B. Greenwood	$23,301
George E. Eckles	22,826
Luther Aleen Day, Jr	22,738
Wayne J. McDonald, Jr	22,213
J. A. Davenport	22,048
Joe S. Carter, Jr	21,829
Rudie Mardis	21,749
B. B. Hunt, Jr	21,180
Robert F. Doles	21,112
James McKoin	20,664
F. E. Barham Co	20,333
Z. N. Stutts	20,251

Natchitocs County

J. H. Williams	163,749
Murry Lambre	47,819
G. S. Messenger	43,253
Prudhomme Bros	42,534
J. Alton Lambre	35,748
Est J. H. Henry	34,295
Est H. Cohen	33,608
Charles E. Cloutier	29,650
Richard L. Williamson	27,520
Henry Lemoine	26,088
Est of J. C. Carnahan	25,989
Deloy Blewer	25,117
P. E. Cloutier, Jr	24,967
Riverside Plantation	24,737
Herman Taylor, Jr	24,649
Bayou Camitte Plantation	24,313
Jared S. Pratt	21,843

Ouachita County

Mason & Godwin	83,484
M. A. Calloway	75,125
Paul S. Ransom	53,570
J. A. Moore	53,508
J. B. Johnston, Jr	49,763
Travis Howard	47,007
James E. McMullen	37,292
George P. Smelser	35,707
J. M. Pratt	34,120
C. M. McMullen	33,828
John H. Filhiol	29,005
Bruce F. Gregg	28,988
Fred W. Huenefeldt	28,350
J. W. Perry	25,720
Cities Service Oil Co	20,019

Pointe Coupee County

Alma Plantation, Ltd	42,453
Walter P. Hobgood	26,157
J. G. Beaud	25,868
Richard Glynn	23,931
Major Bros	22,077

Rapides County

Christophe Kelley, Jr	38,946
Well Co., Inc	36,369
John H. Robert	35,549
Frank J. Dautremont	33,958
Charles Woodrow Dewitt	31,836
Greenwood Plantation	29,505
H. Philip Wemple	29,498
Henry C. Boone, Jr	29,250
Carpenter and Jackson	28,955
Edward W. Lyles	27,911
Otto Smith Newman	25,239
H. K. Bubenzer Farms, Inc	24,687
Witchwood Plantation	23,606
James W. Dyer	22,548
James A. Cruikshank	22,235
Louis A. Marien	21,981
Roy A. James	21,363
Clyde Hoyt	21,098

Red River County

Wyche T. Coleman	38,545
Paul Bundrick	30,797
F. I. Waltman	29,591
J. T. Bierden, Jr	29,386
Larry Bundrick	27,852
William Prince	23,347
Woster Anderson	21,890
L. A. Drake	20,994
Ed F. Lester, Jr	20,843
Tom Bolan	20,389
R. F. Marston	20,288

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

LOUISIANA—Continued

Richland County

R. R. Rhymes Farm	$70,379
Elton Upshaw, Jr	59,603
C. W. Pardue	49,097
Goldmine Plt	47,236
C. L. Morris	41,071
Estate of C. M. Noble, Inc	34,037
Earl Patrick	33,567
Clyde Cartlidge	30,303
Charles D. Ware	29,870
Noah W. Robinson	28,485
James F. Parrish	27,711
J. U. Douciere	27,023
R. L. Bell, Jr	26,624
Edward E. Holley	26,408
W. H. Hubbard	26,354
J. E. Tarver	24,480
W. H. Mercer	24,057
A. W. Jones	23,232
Pat W. Earle	23,026
W. W. Holley	23,015
C. W. Earle Estate	22,988
Ralph V. Powell	22,073
Claude Morgan	21,640
K. E. McDonald, Jr	21,169
Guy C. Pardue	20,414
Ezra Rundell	20,371
Cleto Yates	20,061

St. James County

Homeplace Pltg. Co	44,972
Uncle Sam Pltg. Co	22,591
Charles & O. J. Gravois	21,651
Schexnayder Farms	20,944
Jules A. Dornier & Co	20,281

St. Martin County

Levert St. John, Inc	48,732
Regis LaGrange	28,734
Bushville Plantation	20,768
Willis Brothers	20,656

St. Landry County

J. A. Pickett	51,229
Hudspeth Bros	30,069
Nick D. Dubuisson	28,052
Katie H. Gordon	22,206
Richard Sanders	21,620
J. B. Lowrey	21,580

St. Mary County

Sterling Sugars, Inc	110,876
Cypremort Farms, Inc	36,797
Katy Plantation	33,476
A. V. Allain & Sons, Inc	33,038
Patout Roane, Inc	28,631
Shadyside Co., Ltd	26,818
Sunrise Planting Corp	26,387
Frank Martin Farms, Inc	23,818
The Maryland Co., Inc	22,482
Clay Terry	20,864

Tensas County

Panola Co	90,147
E. R. McDonald & Sons	70,953
Somerset Pltn	54,817
G. C. Goldman	37,693
Frank Burnside	37,375
Jim Huff	30,093
Cypress Grovepltn	29,775
Lakeplace Pltn	28,429
H. C. Miller III	26,483
R. E. Lancaster Jr	26,150
J. C. Crigler	25,995
Monticello Plt Co	25,961
Ed Y. Berry	25,412
Miller Trust	25,164
Osceola Pltn	24,541
Russell Ratcliff	24,104
Wade Vinson, Jr	22,994
George Bagley	21,616

Terrebonne County

Southcoast Corp	280,780
Southdown, Inc	185,662

Union County

E. R. Rogers	25,747

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

LOUISIANA—Continued

West Baton Rouge County

Little Texas, Inc	$86,857
Westover Pltg. Co., Ltd	54,326
Harry L. Laws & Co., Inc	52,405
Poplar Grove Pltg./Ref. Co	46,680
Margaret Pltn	28,588
J. C. Bueche Farm	23,768
Devall Co., Inc	22,584

West Carroll County

Larry Crowe	22,638

West Feliciana County

Louisiana State Penitentiary	89,697

MAINE

Aroostook County

Vahlsing, Inc	20,317

MICHIGAN

Lenawee County

Leland Bush & Sons	40,506
Richard Walters	27,357

Monroe County

Albert Heath	21,119

Saginaw County

Walat Brothers	23,885
Melvin Price	21,385

MINNESOTA

Kandiyohi County

Two Island Ent	30,809
Allan J. Molenaar	22,261

Kittson County

Prairie Farms	25,896

Marshall County

E. G. Melo	34,742

Renville County

Parks Dahlgren	20,348

Swift County

Minnesota Farms Co	21,978

Washington County

David A. Johnson	27,388

Watonwan County

Tilney Farms	23,724

West Polk County

Keith and Raymond Driscoll	32,056
Walter J. and Armin Ross	20,493

Wilkin County

James J. Walton	21,154

MISSISSIPPI

Alcorn County

Marvin Rainey	20,350

Attala County

Gideon W. Atwood	34,723
Parker Bros., Inc	25,329
H. S. Smithson, Sr	25,045
Clyde S. Hester, Jr	24,831
Maurice Crowder	24,145
Charles Donald	22,692
Alvin McCrory	22,640

Benton County

Leak Brothers	24,227

Bolivar County

Dental and Pine Land Co	653,252
Robbins and Long	155,989
Dan Seligman	149,547
Allen Gray Est	136,939
Brooks Cotton Co	116,559
J. A. Howarth, Jr	113,403
J. G. Gourlay	110,476
McMurchy Farms	101,739
Dossett Plantation, Inc	98,992
H. B. Hood	95,970
Lewis Barksdale, Jr	90,527
Carr Planting Co	82,997
Zumbro Plantation	77,150
Charles A. Russell	75,806
H. H. Lawler	69,563
Cloverdale Pltg. Co	68,845
Maryland Plantation, Inc	67,787
Sunrise Dairy	66,416

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

BOLIVAR COUNTY—Continued

Myres and Edwards	$63, 720
Valley Farming Co	62, 690
T. E. Pemble	62, 586
J. E. Bobo	61, 238
R. C. Malone	61, 081
William Peacock	60, 332
W. H. Howarth	57, 156
R. N. and E. C. Tibbs	56, 578
Warfield Brothers	55, 653
W. F. & W. H. Hardin	54, 292
H. J. Dattle	53, 753
Rogers Hall	50, 984
Allendale Planting Co	50, 557
L. B. Pate & Sons	50, 160
A. D. Murphree, Jr	49, 882
B. E. McDearman, Jr	49, 484
Ralph W. Ray	47, 379
E. M. Walton	47, 228
J. W. Magee & H. A. Wellman	45, 386
S. D. Long	45, 244
D. A. and J. E. Williams	43, 444
F. H. Nance	42, 857
James B. McCowan	41, 834
Charles Speakes	41, 342
Alfred Butler	41, 318
J. R. Dodson	40, 910
M. L. and W. M. Payne	40, 843
James L. Maxwell	40, 713
Denton Manufacturing Co., Inc	40, 249
Shelby Farms	39, 746
Sidney, Levingston	39, 556
Long & Robbins	37, 951
J. R. Parkinson	37, 657
J. W. Reynolds	36, 905
Robert L. Yeager	36, 463
Elmer Prewitt	36, 252
Mrs. Bessie F. Rayner	36, 193
J. and V. Aguzzi	36, 056
R. P. Herbison	35, 810
Hiter Farms	35, 695
A. J. Cowart	35, 352
I. C. Rayner, Jr	35, 242
Dalton Taylor	35, 216
J. C. McClure	35, 064
Rudolph Massey	35, 058
Cowan & Franklin	34, 459
Dr. D. Tumminello	34, 429
W. T. Tullos	34, 365
Norman Brown	34, 206
J. E. Dedford	34, 097
G. W. Litton	34, 014
Clayton Holder	33, 555
E. E. and D. T. Jones	33, 539
H. H. Huddleston	32, 870
Albert Day	32, 471
B. H. Bass, Jr	32, 301
Patterson Planting Co	32, 226
George B. Noland	31, 878
F. R. Armstrong	31, 782
Tony Antici	31, 669
Mrs. Roth Abroms	31, 406
J. A. Harris	31, 296
W. C. Brown	31, 027
Carl M. Pruitt	30, 967
C. T. Stanford	30, 928
The Wolfe Co	30, 890
W. T. Burroughs	30, 755
J. P. Riley	30, 750
Andrew Sanders	30, 667
L. E. Murphy	30, 524
A. & N. Fioranelli	30, 147
S. I. Gregory	29, 929
W. F. Ervin	29, 528
J. W. Parker	29, 337
C. E. Presley	29, 271
Dominic P. Rizzo	29, 271
Hillard Plantation	29, 256
James House	28, 931
A. R. Mann, Jr	28, 846
F. B. Alyward	28, 841
W. A. Welshans	28, 627
A. D. Murphree, Sr	28, 539
O. J. Scott	28, 281
G. A. Hood	28, 011
Butler Planting Co	27, 589

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

BOLIVAR COUNTY—Continued

H. C. Bizzell Estate	$27, 226
Pete Bramuchi	27, 209
A. K. McGarrh	27, 034
Delbert Farmer	26, 903
J. C. Newton & Son	26, 841
Sue Rayner Trust	26, 646
A. C. Wiggins	26, 311
Lawrence Gibson	26, 248
Carolyn Rayner Trust	26, 228
M. A. Bell	26, 208
W. S. Adams	25, 525
L. A. Peeples	25, 417
Triumph Farms	25, 253
E. F. Abel	25, 197
J. R. Turner	25, 133
Louis Bassi	24, 858
Criss Farms	24, 688
J. B. Lowe	24, 501
H. R. Wilson	24, 470
J. L. and J. V. Newman	24, 195
W. E. Adams	23, 898
W. J. Summrall	23, 857
P. D. Young	23, 857
Pleasant and Co	23, 728
Hard Scramble Plantation	23, 695
J. R. Taylor	23, 542
Bogue Plantation	23, 420
H. A. Denton and Son	23, 244
Allen L. Edwards	22, 926
Isaac Daniels	22, 883
Bolivar Farms	22, 587
W. W. Denton III	22, 485
James Watson	22, 388
W. S. Coleman	22, 354
J. H. Avritt, Jr	22, 289
T. M. Boschert	22, 205
J. T. Cox	22, 184
Warwick Smith	22, 168
Myles, Looney	22, 144
W. M. Carter	22, 033
E. J. Conn	22, 027
Joe R. Ross	21, 822
W. H. Frederick	21, 586
J. P. Skelton	21, 569
Charles W. Jones	21, 391
Harry Featherston	20, 721
W. B. Holmes	20, 590

BOLIVAR COUNTY

Bostick Bros., Inc	20, 564
R. M. James	20, 522
H. & H. Farms	20, 406
Richard Roberts	20, 303
M. D. Dunn	20, 045

CALHOUN COUNTY

Grady Easley	34, 544
W. A. Jennings	30, 013
Russell P. Shipp	29, 539
S. H. Davis	21, 984

CARROLL COUNTY

J. W. Hobgood	39, 129
B. B. Sanders	37, 688
Ralph Redditt	33, 885
R. C. Colvin	32, 585
Marshall B. Whitten	29, 534
Wilton L. Nash Trustee	27, 761
J. E. Hobgood	21, 432
J. S. Eades	21, 154
J. W. Fancher	20, 851

CHICKASAW COUNTY

R. W. Coleman	63, 925
W. J. Linn	62, 910
W. H. Gregory	31, 554
J. A. King & Sons	30, 885
Larry Carter	30, 153
J. Q. DeMoville	29, 875
Preston Sullivan	29, 307
J. A. Murphree	26, 391

CHOCTAW COUNTY

Rex Swindle	20, 987

CLAIBORNE COUNTY

E. A. Porter	24, 900
James Beesley	24, 841
L. B. Allen, Jr	20, 504

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

CLAY COUNTY

John E. Judson	$41, 884
J. T. Brand	37, 312
J. T. Brand	30, 379
Prairie Land & Cattle Co	24, 179
J. H. Tumlinson, Jr	22, 406
W. C. Loden	21, 346

COAHOMA COUNTY

John B. McKee, Jr	256, 363
Roy Flowers	210, 832
Kline Planting Co	150, 434
Roundaway Planting Co	147, 540
Oakhurst Co	124, 816
J. H. Sherard & Son	121, 018
Garrett & Son	118, 002
King & Anderson Inc	115, 441
Fred Tavaleli & Sons	114, 569
R. W. Jones & Sons Inc	109, 583
Leon C. Bramlett	92, 540
Fox, Bros	90, 253
Carr-Mascot Plantation Inc	87, 809
Mohead Planting Co	84, 361
H. H. Twiford	82, 168
W. S. Heaton Jr	75, 307
T. M. Luster	73, 099
Dan Crumpton Jr	72, 166
Graydon Flowers	72, 064
P. F. Williams & Son	71, 292
J. R. Weeks	70, 570
Connell & Co	68, 562
J. H. Pruett	68, 419
Johnson Bros	68, 257
Wheeler-Graham	68, 058
Maryland Planting Co	65, 033
Sigmon Planting Co	65, 426
Kirk Haynes	63, 294
W. E. Young	60, 806
Allen & Ritch	60, 755
J. F. Humber	59, 597
Lucille & C. W. Fyfe Jr	59, 369
J. W. Henderson	58, 283
Sigmon Planting Co	57, 763
T. W. Dulaney & Sons	57, 701
Simmons Planting Co	57, 665
Oscar Connell Farm	57, 127
H. M. Haney	56, 971
Fant Bros	56, 441
Flowers Bros	54, 413
Lea Planting Co	53, 616
Omega Planting Co	52, 972
Parker Springer Planting Co	52, 926
Rives & Brewer	52, 224
J. L. Stribling & Son	52, 000
G. L. McWilliams Sr	51, 746
R. N. McWilliams	51, 554
Prairie Planting Co	51, 160
J. B. Laney	51, 158
Stribling Planting Co	50, 654
W. H. Maynard Jr	49, 349
L. S. Powell Estate	48, 093
David B. Mullens	47, 095
Allen C. Evans	46, 869
J. T. Longino Jr	46, 827
Stribling & Smith	45, 993
David S. Manker	45, 653
Lea Planting Co	44, 702
Robert G. Johnson	44, 524
Viney Ridge Farms	44, 467
Edwin J. Mullens	44, 428

COAHOMA COUNTY

M. C. Stovall, Inc	44, 331
King & Anderson Ent	44, 169
Wilbur Welch	43, 840
Travis H. Taylor, Jr	43, 519
Ellendale Planting Co	42, 921
W. W. Cooper	42, 655
W. T. Salmon	42, 584
Eaglenest Pltg. Co	42, 085
Lake Roberson	42, 017
L. B. Shipp	41, 496
Massey Farms, Inc	41, 064
John C. Taylor	40, 765
John T. Hays & Son	39, 769
Russell Planting Company	39, 560
W. C. Luckett Farms	39, 512
R. M. Aust	39, 255

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

COAHOMA COUNTY—Continued

Mattie B. Boone	$39, 168
Graham Bramlett	38, 784
Weakley Brahan	38, 002
O. M. Malavassi	37, 851
Sam Parolli	37, 562
Dana Haynes	37, 560
Harry L. Black	37, 186
M. H. Mabry	37, 165
T. Earl Johnson	36, 849
Preston P. Bennett	36, 839
E. V. Catoe, Jr	35, 087
Charles Monty, Sr	31, 711
Richard Russell	34, 373
Rocco G. Morris	34, 173
Robert A. Boyce	33, 892
A. L. Brady	32, 928
Longino Farms	32, 847
W. E. Meredith	32, 465
William P. Howell	32, 434
L. T. Payne	31, 976
Charles Monty, Sr	31, 711
Montgomery Farms	31, 612
Tony Morris	31, 262
Carson Pelegrin	31, 140
John P. Pelegrin	31, 129
Cammack Company	30, 975
Belmont, Inc	30, 399
M. J. Commer	30, 092
B. M. Massey	30, 038
J. P. Fisher	29, 852
R. L. Perryman	29, 753
B. B. Smith	28, 920
G. W. Butler & Son	28, 793
Adams Farms	28, 288
John F. Rodgers	28, 249
C. M. Allen	27, 981
Mrs. T. K. Keating Estate	27, 899
John H. Garmon, Jr	27, 565
Tom McDaniel	27, 489
Jennie W. Haynes	27, 351
Waterloo Planting Co	27, 347
Clinton Bailey	27, 211
H. A. Greene	27, 160
W. J. Brady	26, 811
Peter Agostinelli, Jr	26, 498
Andrew J. Donelson	26, 391
W. H. Rainey	26, 174
H. J. McMillian	25, 848
Elsie W. Heaton	25, 794
L. A. Ross, Jr	25, 283
Jennie W. & G. Kirk & Dana Haynes	24, 604
Harold Mitchell	24, 337
W. W. Vaught & Son	24, 079
Buford Clyde Middleton	23, 650
J. J. Plantation	23, 497
James A. Russell, Jr	23, 308
J. W. Gray, Jr	23, 225
B. F. McLaurin	22, 448
T. O. Fulton	22, 288

COAHOMA COUNTY

Mike Antici	22, 119
Robert Louis Demilio	21, 792
William B. Matthews	21, 681
R. B. Lyon	21, 516
Bradford Parker, Sr	21, 430
C. E. Presley, Jr	21, 395
Lawrence Malone	20, 920
E. G. Larson	20, 874
Vito Sbravati	20, 849
Anthony Garst	20, 824
Van Meek	20, 484
Berryhill Farms, Inc	20, 322
Frank Aderholdt	20, 176

COPIAH COUNTY

W. S. Reed	33, 036
Allen Hood	22, 329

COVINGTON COUNTY

Homer Rutland	56, 875
Toxie Allen	34, 866
Vester Bond	20, 196

DE SOTO COUNTY

P. L. Sanders	195, 934
Banks & Co	123, 064
Howard & Blythe Plantation	113, 232

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

DE SOTO COUNTY—Continued

Topanga Caine Farm	$90, 859
R. L. Sullivan	73, 421
E. F. Crenshaw	65, 960
R. S. Jarratt	64, 400
Tract-O-Land Pltn	59, 490
Herman Koehler	59, 454
M. C. Sparks & Son	42, 951
J. S. Dollahite	39, 828
C. E. Clifton	37, 902
A. A. Whitten	33, 705
George B. Banks	33, 502
Richard Leatherman, Jr	33, 287
J. A. Earnheart	33, 049
U. O. Bibbs	27, 385
Russell Summers	26, 905
Dudley Bridgforth	24, 229
Milton W. Jones	22, 670
James H. Griffin	22, 237
J. H. Miller	21, 949
John Graves	21, 792
D. F. Wilson	21, 616
R. M. Treadway	21, 484

GRENADA COUNTY

Kraetzer Cured Lumber Co	53, 520
B. A. Little	36, 855
Paul L. Gray	28, 303
Thomas A. Ligon	23, 748
John M. Little	21, 948
Earl L. Gillon	21, 574
Reginald E. Forest	21, 519
D. K. Hayden	20, 069

HINES COUNTY

Gaddis Farms, Inc	74, 555
C. D. Noble	49, 032
Redfield Plantations	48, 741
C. C. Floyd	42, 319
B. H. Virden	32, 802
Gaddis & Mclaurin, Inc	29, 441
H. R. Bryant, Jr	27, 155
R. E. Floyd	26, 960
Ward Carraway	24, 889
Ray R. Cannada	23, 237
Harold Simmons	22, 799

HOLMES COUNTY

Stonewall Planting Co	101, 494
J. E. Cunningham, Jr	101, 487
Shotwell Plantation, Inc	99, 650
Lynchfield Planting Co	86, 215
Pluto Planting Co	73, 779
Wayne Watkins	70, 868
W. J. Waits	62, 522
Paul Wilson	61, 445
James P. Love	57, 191
E. W. Hooker	55, 679
Charley Wade	55, 250
Byron B. Sharpe	54, 227
George D. Wynn	51, 350
D. C. Conn	48, 640
J. E. Hays	46, 293
S. J. Foose, Jr	45, 826
R. T. Hardeman	44, 157
J. A. Killebrew	42, 130
Humphrey Farm	38, 118
Bonanza Plantation	36, 899
Gum Grove Planting Co	35, 620
D. C. Peaster	34, 889
M. K. Shute	33, 548
H. M. Brock	33, 529
Donald Parrish	32, 078
Graves Planting Co	31, 863
W. G. Gwin	31, 595
Will & Dick Barrett	31, 371
J. R. Peaster III	31, 086
J. A. Barrett	30, 407
C. R. Logan	30, 226
H. F. Flemming	30, 126
L. V. Alford	29, 975
Frank A. Jones	28, 497
Harry O'Neal	25, 857
H. H. Howard	23, 248
J. W. Potts	22, 766
D. C. Scott	22, 698
Frank Eakin	22, 415
Paul G. McCain	22, 279
D. S. Shuttleworth	21, 818

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

HOLMES COUNTY—Continued

E. E. O'Reilly	$21, 309
Lynn Jordan	21, 097
W. J. Waits, Jr	20, 859
E. O. Peterson	20, 475
Frank Gwin, Jr	20, 408

HUMPHREYS COUNTY

Blanche R. Slough	140, 477
B. W. Smith Planting Co	133, 764
James E. Coleman	115, 510
C. B. Box Co	108, 145
Gordon & Partridge	103, 303
Nerren Bros	102, 184
Spencer H. Barret	91, 038
R. D. Hines	74, 155
A. B. Jones, Jr	64, 366
B. A. Holaday Co	62, 632
R. D. Bearden	59, 884
Halbrook Farms	57, 119
T. M. Simmons, Jr	56, 411
Fouche Farms	55, 047
Wm. L. Dillard	53, 089
Gladstone B. Mortimer	49, 773
Rodgers Farms	48, 992
D. W. King	47, 761
R. B. Harris	45, 188
James G. Outlaw	44, 517
Homer Martin, Jr	42, 269
Robert Edwards	41, 343
Clint B. Aycock	41, 088
Curtis F. Johnson	40, 746
B. A. Seward	39, 971
Irby Turner	38, 877
E. L. Parker	38, 084
Hillsdale Pltn	37, 223
T. N. Turner	37, 195
Rokeby Pltn	37, 162
G. H. Hairston, Jr	37, 014
Mavis B. Ray	36, 477
Hallie S. Reed	36, 477
Robert L. Powell	36, 473
Crawford Bros	36, 397
R. P. & Tom P. Ellis	34, 944
Wise Bros	34, 592
J. W. Gammons	34, 370
J. D. Upshaw	34, 039
Claude R. Gholson	32, 815
O. M. Parker, Jr	32, 238
R. R. Roberts	32, 204
W. A. Pearson	31, 960
W. A. Pepper	31, 527
Stoner Farms	31, 003
R. E. Coleman	30, 773
Jones Planting Co	29, 891
Hollowell Bros	28, 952
S. W. Gardner	28, 612
C. B. Aycock, Jr	28, 473
Dave Bobbitt	28, 422
John M. Welch	28, 419
G. H. Hairston & Son	28, 156
John H. Daniels, Jr	27, 139
R. P. Hairston	27, 108
Seward & Son, Inc	26, 709
W. T. Turner	26, 484
Henry Reed	24, 937
J. A. Bridgers, Jr	24, 923
Bill Parks	24, 853
O. J. Turner III	24, 307
Mound Lake Pltn	22, 849
J. R. Walker	22, 817
B. A. Holaday, Jr	22, 335
L. G. Shelton	22, 076
T. A. Tharp	21, 599
Elizabeth D. Bryan	21, 403
Laura Betty Lightcap Barrier	21, 209
R. Y. Wright	20, 593
Royal Pltn	20, 391
Vincent Liberto	20, 126
L. D. McCoy, Jr	20, 013

ISSAQUENA COUNTY

W. T. Touchberry	134, 043
Loyd M. Heigle	57, 881
Johnson Bros	55, 757
Levee Plt., Inc	48, 086
Harper R. Myres	46, 933
Heigle, Heigle & Davis	42, 985

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

ISSAQUENA COUNTY—Continued

A. G. Mehaltic	$40,136
Rudy Plt	37,679
Esperenza Plt	29,951
James T. Mabus	27,436
W. E. Fleeman, Jr	25,340
W. I. Robertson	23,927
J. H. Fleming	23,758
L. T. Wade	23,517
W. C. Woodruff	21,684

JEFFERSON DAVIS COUNTY

Hubert Rutland	26,323

JEFFERSON COUNTY

Triple A Farms	30,123

LAFAYETTE COUNTY

Valley Plantation	63,364
R. B. Anderson	39,069
Walker E. Downs	39,059
Ralph Roy	22,409
J. T. Smith	22,282
D. H. Surrette	20,432

LEAKE COUNTY

Grady Williams	22,418
John H. Evans	21,437

LEE COUNTY

H. M. SCRUGGS	25,981
A. D. COGGINS	21,962
Joe Bucy	20,617

LE FLORE COUNTY

Buckhorn Planting Co	203,193
Wildwood Plantation	156,518
West, Inc	149,414
Four Fifths Plantation	142,798
The Brown Farm	129,829
O. F. Bledsoe Plantation	116,157
Race Track Plantation	106,528
Annapeg, Inc	105,920
L. W. Madd Farms, Inc	104,140
W. M. and J. C. Morgan	103,748
Roebuck Plantation	103,508
New Hope Plantation	102,237
Ruby Planting Co	97,856
H. C. McShan	96,650
Joe Pugh	88,683
Reynolds Planting Co	79,080
King Plantation	77,518
Ed Hunter Steele	73,276
Roberson Plantation	71,111
Runnymede Plantation	70,334
Maloney Farms	68,984
T. J. Carter	64,785
F. T. Leavell	61,483
Sturdivant & Bishop	61,296
B. G. McGeary	60,396
W. L. Craig	60,270
Holly Grove Plantation	58,829
Hobson Gary	58,219
W. D. Bradford	55,426
Elmwood Plantation	53,222
Landrum & Leavell	50,469
Hayward Jacks Farm No. 1	49,321
Ridgecrest Plantation	47,826
French Bend Plantation	47,537
Lake Henry Plantation	47,177
E. H. Neill	47,035
Fort Loring Plantation	46,743
Pee Dee Planting Co	45,291
BCS Corp	44,630
Lakeview Plant	44,093
W. G. Somerville	43,314
Shoe String Plantation	42,203
I. T. McIntyre III	41,922
R. T. Wade	41,774
Murphey Bros	40,438
Ray Tribble	40,218
Carrie P. Avent & Jones	40,199
L. E. Rowland	39,558
Sam Balkin Trust Estate	39,536
B. & S. Planting Co	39,428
C. L. Partridge	39,381
L. L. Walker & Sons	39,337
W. P. Kimbrough, Jr	39,012
E. D. Strain, Jr	38,844
Refuge Plantation	37,334

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

LE FLORE COUNTY—Continued

F. R. Morgan, Jr	$36,786
Robert L. Pillow Farms, Inc	36,341
A. McC. Kimbrough III	35,896
Cal-Miss., Inc	35,821
Leo Murphree	35,408
Bishop-Cottonland	35,009
Lundy Bros	34,767
Glen Burr Plantation	34,415
M. C. Tillman	32,842
Lock Eleven	32,638
King Plantation Highland	31,581

LEFLORE COUNTY

Rickswood Planting Co	31,579
Lake Side Plantation	31,405
W. H. Gillow, Jr	31,029
John Ellis William, Jr	30,681
Davis and Young	30,501
Wier Bros	28,787
Derwood Strain	28,475
Henry Gosa	28,249
Frank H. Coleman	28,186
Jerry Falls	28,080
T. J. Corley	28,067
R. C. Colvin	27,964
Harold Coleman	27,225
H. C. Pleasants	26,580
Gilliland & Strain	26,552
W. C. Haynes	26,534
Loyce Makamson	26,212
P. M. Kimbrough	26,060
W. E. Taylor	25,617
John F. Bratton	24,758
Gleeson and Jones	24,655
L. W. Wade Planting Co	23,526
Rex Makamson	23,163
Boyce Miller	22,914
Walter Walt	22,539
John W. Kearney	22,469
C. S. Ware	22,240
James D. Green	22,203
M. BG Farms	22,185
C. J. Hammond	22,002
Miller and Gregory Farm	21,957
D. C. Branham Jr	21,875
J. A. Bennett	21,641
Ronnie McCulloch	21,560
L. N. McGraw	21,376
Cypress Lake Plantation	20,595
Walter Pennebaker	20,559
William Dell Ellis	20,550
Jodie Hearon	20,541
A. D. Meredith	20,124
James D. Wood	20,014

LINCOLN COUNTY

C. C. Clark	28,956

LOWNDES COUNTY

J. A. Hanson	43,868
Saunders B. Carson	31,081
Chandler Richards	27,455
Gene D. Holliman	27,071
Gilmer Plantation	20,179
J. W. Patrick	107,709
Dubley Bozeman	83,573
George H. Moore	80,441
J. D. Rankin	75,468
M. S. Cox, Jr	62,893
Thomas L. James	55,695
E. D. Mansell	43,493
J. R. Tate	43,245
E. K. Bardin	36,235
Julius Edgar	33,876
Ben Stribling	29,018
A. M. Waits	27,115
Jacobs and Dulaney	26,115
James A. Cook	26,063
L. A. Millsaps	25,862
O. J. Sharpe, Sr	24,864
S. C. Dulaney & Son	24,414
A. B. Mansell, Jr	23,959
Clyde Edwards	23,413
Sim C. Dulaney	22,322
L. H. McMullen, Jr	20,649
A. W. Hardy, Jr	20,212
Willis Burton	20,026

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

MARSHALL COUNTY

Odell J. Wilson	$57,119
W. G. Ash	46,652
Polly R. Curl	42,616
C. B. Robinson	33,706
J. W. Cocke	33,458
Jack McClatchy	32,442
L. E. Devore	32,324
Jerry Skelton	32,171
Wallace Briscoe	30,724
Byron Hurdle	29,529
Simpson Hurdle	28,916
William P. Loftin	28,728
Chester Hurdle	26,584
Wayne Briscoe	25,859
Hargis Hurdle	25,621
Edgar L. Bolden	25,594
W. D. Liles	24,738
Egbert Jones	24,313
Artie Edlin	23,643
J. G. Bell	23,301
John Curl	22,880
Tom C. Lacey	22,501
W. H. Hurdle, Jr	22,484

MONROE COUNTY

Sid Sanders	40,107
Delmar Holloway	36,330
Fay Nevins	29,184
Lee H. Harrington	28,971
Fred Bell	28,000
Thomas E. Millender	27,876
R. J. Leuth	27,555
Carlos A. Thompson	26,757
Riley Dabbs	26,281
W. B. Watkins	25,353
Charles Sanders	24,461
Robert M. Watkins	23,549
Richard S. Cole	21,249

NOXUBÉE COUNTY

Harrison Evans	192,072
Circle M Ranch, Inc	41,908
J. B. Cunningham	40,890
B. S. Marler	25,875
A. B. Stevens, Jr	25,097
Ralph Spurgeon, Jr	21,342

PANOLA COUNTY

W. S. Taylor, Jr	59,962
Robert McMillan	57,532
J. H. Magee	56,992
Hays Bros. & Hall	53,819
Raymond Birdsong	46,886
Emily J. Pointer	46,345
J. B. Wardlaw & Co	44,587
Donald Bartlett	43,219
Est. of F. Taylor, Sr	38,576
Alton Milam	38,117
Leon Crigler	36,658
Maury R. Harris & Sons, Inc	33,804
Dilmore & Austin	33,576
Curtis McNemar	32,945
Crenshaw Bros	32,847
Steve Short	32,571
Charles R. Nix	30,097
Clarence Taylor	29,988
Virdo Chrestman	29,115
W. P. Lemaster	28,874
Leslie Busby	28,577
W. S. Hamer	28,408
C. Hal West	27,828
John J. West	27,743
Tom T. Floyd	27,183
David Ross Craig	26,930
Taylor Bros	26,895
H. G. Short	26,581
Dave Pointer	25,747
H. W. Bailey	25,747
Clarence Overall, Jr	25,521
W. D. Craig	24,923
Joe Reid	24,543
Short Bros	24,194
Short Planting Co	23,314
Tom Pugh	21,952
G. P. Milam	21,675
R. D. Swango	20,662
James Montieth	20,291
James H. Moore	20,142
Otis Jenkins	20,005

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSISSIPPI—Continued

PONTOTOC COUNTY

J. R. Patterson	$23,740

QUITMAN COUNTY

Yandell Brothers	167,068
Self & Co	122,563
John B. Ford	101,396
Dalmar Plantation	81,196
Roger Davidson	76,040
F. R. Trainor	72,268
Wise Bros	65,268
T. C. Haley	61,351
E. Q. Vance, Jr	59,332
H. T. Pittman	59,166
Garmon Farm	55,441
T. C. Potts	54,630
Fulmer Farms	51,796
C. W. Denton	51,544
Fletcher S. Haynes	48,891
E. M. Fedric Farms, Inc	48,710
Buckskin Plantation	47,732
Posey Hound Planting Co	46,445
Noel Wilborn	45,998
Belen Planting Co	44,905
F. R. Wright, Jr	42,508
B. D. Mason	42,255
Joe E. Benson	40,279
Starr Farm	38,997
East Miss. State Hosp	37,810
Bob Crenshaw	36,636
B. H. Cobb	36,377
G. H. Barker	36,276
H. Allen and T. Powell	35,524
L. P. Butler Est. and J. D. Peterson, Jr	35,329
I. L. Henry	35,235
Benny Pittman	35,051
Lillie P. Butler Est	34,876
Joe R. Small	34,626
B. O. Tedford	34,515
A. L. King, Jr	34,425
Mark Ham	34,424
Hubert Haynes	32,116
Victor Bailey	31,387
E. H. Anderson	31,213
W. W. Hughes, Jr	29,424
Wadlington Bros	29,326
Fred Bailey	28,828
Gordon Farms	28,807
C. B. Sigler	28,367
H. W. Howze	27,976
Corbin Bros	27,635
J. B. Lollar	27,104
Burl and Jearl Mahan	26,980
J. E. Furr, Jr	26,835
House and Carter	26,480
Glen Bailey	25,095
Richard Shellman	24,769
Hubert L. Respess	24,653
Perry Bailey	24,576
Smith Planting Co	24,439
Winfred Reid	24,089
V. A. Furr, Jr	23,860
J. W. Gartin	23,624
R. W. Dean	21,963
C. L. Mills	21,892
A. G. Strickland	21,787
Obia Owen	20,901
C. W. McCullar, Jr	20,895
James A. Jackson	20,821
F. Raynor Starr	20,513
J. D. Cobb	20,476
Harry Lewis	20,402
Sbravati Brothers	20,174
V. L. Howell	20,137
M. D. Bailey	20,017

RANKIN COUNTY

Paul Cross	26,982
J. B. Williamson	25,491
F. C. Lawrence	24,541
J. D. McKay	21,592

SCOTT COUNTY

Cochran & Myers	22,532

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSISSIPPI—Continued

SHARKEY COUNTY

Pantherburn Co	$212,303
Cameta Plantation, Inc	125,287
Hagan and Bruton	116,990
Murphy Jones	116,930
H. G. Carpenter	108,704
Raymond Brown & J. M. Brown	84,626
Moore Planting Co., Inc	74,319
Lynndale Planting Co., Inc	73,229
Little Panther Plantation	70,439
Powers Co., Inc	68,155
Reality Plantation, Inc	66,668
Baconia Plantation, Inc	65,622
Evanna Plantation, Inc	64,076
S. M. Montgomery	60,503
Martin Planting Co., Inc	59,406
M. C. Ewing Co., Inc	57,790
Carter Bros	55,654
Neff Farms, Inc	53,486
G. C. Cortright	52,622
James A. Boykin	51,935
Council Bend, Inc	49,094
H. T. Greer	49,067
M. Grundfest	47,913
Darden Co	44,337
Charles Kline	42,685
Rebekah Fields and Billy C. Fields	39,730
Louise Planting Co	38,882
T. M. & Q. Farm	35,730
Patton Planting Co	35,295
T. W. Harris	32,946
A. B. Williams	32,834
Pat R. Dunaway	31,505
Carl Dunaway	30,356
McKinney & Son	29,812
Dudley Moore	29,214
Ben Lamensdorf	29,187
Shiloh Plantation, Inc	27,667
W. A. Chase	27,607
Sojamax, Inc	26,660
Benard D. Lovorn	26,510
S. W. Bennett	24,557
G. M. Baggett	24,129
Kelso Plantation, Inc	24,107
W. E. Patterson, Jr	24,028
Clinkscales Bros	23,220
A. L. Rochelle	22,612
Omega Plantation, Inc	22,344
Ben Mary, Inc	22,147
Egremont Plantation	22,127
Boykin & Patterson	21,154
W. R. Rodgers	20,403

SMITH COUNTY

Clint Phipps	22,512

SUNFLOWER COUNTY

Duncan Farms Inc	161,615
Eastland Plantation Inc	157,930
Brooks Farms	123,598
William M. Pitts	119,032
Topanga Caine Farm	111,851
R. D. Mallette	108,554
Lipe Farms Inc	102,197
Billups Plantation, Inc	101,040
W. D. Patterson	100,759
Allen and Brashier Planting Co	95,726
Phillip Fratisi	91,063
W. P. Scruggs	89,686
Frank Brumfield	87,301
J. Levingston Estate	86,501
Mrs. Virginia Polk	85,246
P. K. McGregor	81,803
Brashier-Allen	71,328
Vivian A. Johnson	70,338
J. H. Hill	65,832
J. W. Stowers	64,812
W. O. Shurden	63,923
C. S. Simmons, Jr	61,456
H. T. Bonds and Sons	61,072
J. M. Montgomery, Jr	60,136
Garrard Estate	59,729
Lindsey Farms	58,757
Pauline V. Adair	56,894
Shurden and Owens	56,522
W. D. Simmons	55,891

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSISSIPPI—Continued

SUNFLOWER COUNTY—Continued

R. M. & C. H. McClatchy	$55,796
Brewer Morgan	55,432
Hugh M. Arant	54,496
A. J. Hill	54,066
James Bradshaw	53,474
Est of Noel Morgan	52,904
Billy Brewer	52,366
F. L. Tindall	52,237
N. H. McMath	50,796
A. K. Maxwell	50,557
W. E. Austin	50,460
F. T. Clark	50,064
Fletcher Bros	49,274
H. T. Miller Planting Co	49,255
J. P. Fisher, Jr	49,175
Dar Bayou Pltg. Co	48,283
St Rest Plantation	48,232
Ethel Lyons	47,838
Lindsey Farms	47,786
Robert Mullins	47,721
Bruce Brumfield	46,474
J. B. Reed	44,854
H. P. Watson	44,172
Allen Bros	44,165
W. E. Jefcoat	43,120
Jones Bros	42,484
R. K. Clark	42,237
Turner Arant	41,793
Louis Millen	41,503
Sidney Levingston	41,476
Scott & Fred Poindexter	41,005
Parker Planting Co	40,615
Bayview Plantation	40,592
H. W. King	40,204
H. A. Recker	40,121
F. T. Clark and son	40,026
A. E. Schuyler	40,003
Jack Griffith	39,448
Herbert Pearce	39,340
C. A. McGregor	38,322
George Rice	38,278
C. F. McGraw	37,995
J. T. McGregor	37,567
Max A. Hodges	37,430
Glenn McCoy	37,002
Kansas Plantation, Inc	36,986
L. A. Safley	36,975
Hugh G. Fisher	36,210
G. D. Lyon	35,858
Hugh Medders	35,830
J. A. Ely, Jr	35,816
J. B. Failing	35,719
V. E. Lester	35,446
Grittman and Adams	35,415
O. L. Cox	35,051
J. R. Dockery	34,883
Arnold Pryon	34,782
W. H. Baird	34,563
F. E. Mitchell	34,415
Patterson Bros	34,270
Dick Barrett	33,909
H. I. Clark	33,858
P. H. Brown Farms	33,786
Mittie P. Toler	33,581
J. C. Haney	33,092
Will A. Price	32,926
Florence B. Fisackerly	32,825
M. C. Pilgrim	32,809
J. B. Baird	32,774
Howard L. Grittman	32,680
Harris Russell	32,065
George W. Bowles	32,063
J. C. Miller, Jr	31,975
E. E. Shurden	31,947
Leroy Johnson	31,350
W. L. Patterson	31,304
H. C. Eastland	31,120
Jack Curry	30,928
Gordon Dement	30,773
James L. Beckham	30,695
Leroy Anthony	30,545
Dodd Bros	30,443
Hill Bros	30,173

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSISSIPPI—Continued

SUNFLOWER COUNTY—Continued

O. S. Cox	$30, 004
Watts Planting Co	29, 893
Berryhill Bros	29, 873
Fred V. Jones	29, 819
W. E. Lamastus	29, 224
W. B. Lovett	29, 185
C. W. Barrett	29, 124
W. C. Lester	28, 692
J. S. Parker, Jr	28, 679
J. L. Hall	28, 629
Hubert Robertson	28, 325
Ciro Nobile	28, 244
George E. Baird Jr	28, 062
P. & C. Planting Co	27, 845
Mrs. Nannie S. Parks	27, 260
Sheffield Farms	27, 002
B. R. Ammons	26, 753
Tommy Ellis	26, 461
Virginia P. Polk	26, 330
Black Bayou Pltn	25, 943
Herman Guest	25, 284
Parker Bros	24, 877
W. D. Baird	24, 686
David Williams	24, 519
C. T. Ellis	24, 465
Curtis A. Smith Farming Co	24, 349
Centralia Plantation	24, 368
J. R. Martin	24, 077
Bobby Clark	23, 539
Mrs. J. O. Bradford	23, 506
R. I. Waldrup	23, 409
T. A. Murtagh	23, 378
Ted Borodofsky	23, 346
P. H. Brown	23, 113
Noel Barrett	22, 951
L. A. Braswell	22, 808
W. T. Tims & Son	22, 462
D. E. Bright	22, 433
J. O. and H. C. Eastland	22, 314
A. W. Shurden	21, 535
B. N. Marlow Est	21, 146
Albert Whatley	20, 784
Hyman Turner	20, 657
Powell Poe	20, 465
William L. Ervin	20, 441
Bobby Kirk	20, 433
W. E. Coleman and Son	20, 283
John W. Baker	20, 252
Thomas B. Givens	20, 188
J. F. Barbour, II	20, 179
W. C. Hendon	20, 129
Cooper, Cooper & Turner	20, 089
G. W. Moody	20, 069
W. T. Skelton	20, 038
J. J. Stevens	20, 031

TALLAHATCHIE COUNTY

M. T. Hardy	168, 425
Mike P. Sturdivant	122, 640
Hoparka Plantation	101, 196
J. L. Hill, Jr	88, 525
Cotton Dixie, Inc	87, 912
Twilight Plantation	83, 799
E. D. Graham	82, 467
E. C. Fedric	82, 189
T. C. Buford	80, 453
Triple M Planting Co	79, 476
Ralph T. Hand, Jr	78, 734
Rainbow Planting Co	76, 168
A. A. Mabus	74, 649
Equen Plantation	73, 844
F. M. Mitchener, Jr	73, 818
S. M. Fewell & Co	73, 491
Jerry Falls	72, 444
Frank Sturdivant	69, 470
J. A. Townes	68, 984
Martha B. Lowe	67, 446
Frank Sayle	66, 641
J. R. Flautt & Sons	66, 510
H. T. Bond, Jr	63, 637
Herbert Rice	59, 901
Phil Thornton, III	59, 123
T. B. Abbey, Jr	57, 543
M. L. McMillan, Jr	54, 253
J. Noel Reed	52, 956
J. C. Hardy	51, 309
Billy Joe Waldrup	51, 134

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSISSIPPI—Continued

TALLAHATCHIE COUNTY—Continued

James Bros	$51, 008
M. S. Dale	48, 896
Bailey Brake Farm	48, 387
M. E. Foreman	47, 996
N. J. McMullen	45, 341
Stuart Denman	44, 043
A. G. Murphey	43, 496
Benford Brown	43, 390
Sammie Brasher	41, 175
Ray Roberson	40, 843
Tribble Farms	37, 893
R. W. Mabry	37, 682
Casburn Bros	36, 818
John W. Sherman	36, 757
Margaret M. Norman	35, 330
Bend Plantation	34, 181
B. A. Marley	34, 174
Bilbo Pennington	34, 103
Gene T. Fleming	33, 108
Curtis Ellett	32, 683
D. A. Tubbs	32, 644
C. E. Waldrup	31, 750
Lipe Planting Co	30, 683
Ernest Brasher, Jr	30, 091
Dry Bayou Planting Co	30, 069
C. S. Rankin	28, 798
Floyd Brown	28, 432
Jim Pennington	28, 141
Janice W. Herron	27, 767
Joe R. Wolfe	27, 173
W. A. Worsham	26, 924
Strider Bros	26, 691
W. C. Vinson	26, 499
G. C. Trout	26, 278
O. L. Ferguson	26, 204
Maggie W. McLellan	25, 767
W. G. Burkhalter	25, 683
Worley & Son	25, 523
William H. Morrow	25, 313
Tom Rice	24, 127
Frank B. Swearengen	24, 009
J. W. Fennell	23, 884
R. E. Seawright	23, 616
J. J. Webb, Jr	23, 372
W. O. Shurden	23, 153
R. M. Owen	23, 144
D. D. Bloodworth	22, 778
Don Allison	22, 657
J. W. House	22, 285
H. C. Strider, Jr	21, 589
C. F. Finke	21, 326
Eastside Planting Co	21, 290
Westside Planting Co	21, 146
James H. Morrow	21, 077
R. W. Lee	20, 217

TATE COUNTY

M. P. Moore	81, 380
E. E. Moore	55, 781
Double J Ranch	45, 209
R. G. Roseborough	31, 065
Thomas Smith	29, 915
Tom Wilson	29, 697
W. P. Veazey, Jr	29, 682
J. V. Moore	26, 618
Z. M. Veazey, Jr	24, 905
Senatobia Farm, Inc	24, 566
Harry B. House	23, 159
J. F. Watson	20, 760

TUNICA COUNTY

B. F. Harbert	131, 791
Richard Watson	124, 528
U. O. Bibb, Jr	106, 243
Paul Battle, Jr	105, 687
Abbay and Leatherman, Inc	105, 165
Hood Farms, Inc	96, 846
R. W. Owen, Inc	96, 763
D. C. Parker	92, 284
S. A. Arnold, Jr	91, 691
Arnold Farms, Inc	89, 924
Sterling W. Owen III	89, 003
Shelby Thomas Wilson	82, 106
M. L. Earnheart	81, 826
C. P. Owen, Jr	80, 165
Oaklawn Plantation, Inc	75, 937
Carl C. May	73, 758
S. W. Seabrook	65, 879

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSISSIPPI—Continued

TUNICA COUNTY—Continued

McClintock Farms, Inc	$59, 414
A. S. Perry	58, 832
W. H. Houston, Jr	56, 452
B. R. Smith	55, 145
C. A. Austin	54, 300
A. C. Caperton	53, 876
T. O. Earnheart	53, 720
W. C. McLean Co., Inc	52, 702
R. I. Abbay	51, 473
Francis C. Boyd	49, 298
Lloyd E. Ryals	47, 217
Irwin Company, Inc	42, 369
O. L. Houston, Jr	41, 751
C. R. Frank	41, 419
C. H. Block	41, 158
Clyde J. Perry	39, 358
Jack W. Perry & Co., Inc	35, 617
Ewing and Son, Inc	34, 478
Jerry Lake Planting Co., Inc	33, 866
Ransom A. Myers	33, 560
Wesley R. Bailey	33, 512
A. T. Earnheart	33, 480
A. M. Dye	32, 217
E. J. Lake	31, 628
Wayne McDonald	30, 692
C. Buck Graves	30, 252
L. J. Youngblood	30, 021
Vance Moore	29, 843
B. M. Martin, Jr	29, 634
R. C. Smith	28, 371
James Swindoll	27, 612
Pea Patch Plantation, Inc	26, 854
J. E. Sides & Son, Inc	26, 289
C. E. Pegram	26, 197
Doright Plantation, Inc	25, 731
James Pegram	25, 679
D. R. Houpt	25, 260
R. A. Harris, Jr	24, 859
R. A. Harris, Jr	25, 168
L. A. Gidden	24, 859
Indian Ridge Plant, Inc	24, 820
H. R. Watson & Sons	24, 133
John Canon	22, 602
S. C. Jones	21, 585
J. P. George	21, 447
Richmond Counts	21, 180
W. D. Fisher	20, 762
J. M. Boyd	20, 271
Hugh Monteith & Son	20, 218
Howard T. Bonds	20, 197
W. C. Bynum	20, 047

UNION COUNTY

Hugh Stephens	80, 716
T. F. McAlister	25, 867

WARREN COUNTY

Aden Brothers, Inc	94, 621
B. N. Simrall & Son, Inc	50, 680
W. O. Miller	42, 935
Johnie Brown	38, 265
H. A. Downey, Jr	34, 925
G. L. Johnson	30, 553
Dorothy G. Butts	30, 067
Ratliff Farms, Inc	25, 777

WASHINGTON COUNTY

Lakeland Farms	66, 468
Dean and Co	64, 757
H. R. Rich & Son	62, 874
Deloach Cope	62, 158
Andrews Bros	61, 947
E. J. Ganier	61, 723
Highland Pltn	60, 045
James Middleton	59, 793
Montgomery & Grissom	59, 730
Stevens Bros	58, 482
Barton Ingram	58, 182
Deandale	57, 066
Alex Curtis	56, 821
W. D. Atterbury	56, 398
Raymond Clark	56, 348
Walnut Bayou Pltg. Co	55, 949
Cope & Neff	55, 671
W. G. Trotter	55, 488
James A. Petty	54, 682
Mounds Pltn	54, 609
Metcalfe & Weathers	54, 586

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSISSIPPI—Continued

WASHINGTON COUNTY—Continued

D. K. Morrow	$54,103
John A. Aldridge	53,058
Wilmot Planting Co	51,176
H. T. Cochran	51,041
Isola Pltn	49,385
Thomas Hollingsworth & Co	48,206
Clyde V. Gault	48,056
E. W. & G. W. Stone	47,544
Osceola Plant Co	47,237
Ralph Owens	46,801
W. H. Neill & Sons	46,064
Refuge West End Farms	45,304
Hampton Collier	44,385
Collier Pltn	44,336
Marathon Pltn	42,478
Gus Pieralisi	41,671
Walcott Planting Co	41,477
V. C. Hammett, Jr	40,925
Word Planting Co	39,685
David B. Flanagan	39,500
C. D. Verner	39,435
Munn & Morgan	38,298
Four C Land Co	37,240
Polly M. Cooper	36,958
Don O. Baker	36,881
Park Farms	36,036
O. R. Horton	35,903
Ray Beckham	35,061
John J. Hall, Jr	34,827
Glen Taylor	34,769
Monty Payne	34,684
J. M. Brown Pltg. Co	34,013
J. C. Mitchell	33,819
Winston Walker	33,819
Bob Ainsworth	32,876
Sabatini Farm	32,729
J. P. Wilkerson	32,422
William C. McKamy	31,604
W. A. Dunaway & Son	31,312
W. O. Hester	31,309
W. J. Ureland	30,958
Wade Burns	30,944
G. W. McCool	30,912
Sam Pendergrass	30,706
Kirk Pltn	30,306
Edward Shackleford	30,211
George Stock	29,988
Edward P. Vieh	29,982
Max E. Phillips	29,621
Harris & Wilson, Inc	29,225
V. L. Sandifer	29,188
Milam Planting Co	28,395
J. E. Bratton	28,097
William L. Watson	27,829
Auburn Plantation	27,120
Marcus Treadway	26,768
D. & W. Jones, Inc	26,153
Bellwood Plantation	26,008
William E. Avis	25,882
R. M. Pritchett	25,846
Bobby Rippee	25,682
E. A. Currey, Jr	25,671
Mike McLaurin	25,615
Tony & Larry Fratesi	25,605
Foch Barnes	25,566
R. A. Barefield	25,316
Howard New	25,151
Malvina Pltn. Inc	25,006
Martha Pltn	24,722
James V. Nunnery	24,560
N. R. & W. T. Williams	24,513
Cecil Wingfield	24,427
Henry Hemphill	24,352
T. R. Pittman	24,219
Oma W. Soder	24,146
Gene Wingfield	23,905
Harry M. Key	23,601
Elizabeth Jeffreys	23,541
L. & B. Pltn	23,540
Guido Palasini	23,467
Fred Ballard	23,344
T. W. Hays	23,312
C. K. Fuller	22,966
E. A. Lafoe, Jr	22,465
Mrs. J. R. Kiker & Son	22,453
Elmo Gerald	22,439
J. L. Young	$22,114
Hollywood Pltn	21,776
J. P. Tonnar	21,089
F. M. Wigley	20,773
W. W. Trotter	20,637
Leo E. Frankel	20,521
Jack Middleton	20,379
Palmetto Plant Co	20,159
Marvin Jennings	20,151

Payments over $20,000 under ASCS programs as compiled by USDA—Continued
MISSISSIPPI—Continued
WASHINGTON COUNTY—Continued

WEBSTER COUNTY

Y. B. Gore	22,990
C. C. Hemphill	22,636
W. E. Stone	20,738

YALOBUSHA COUNTY

J. C. Sides & Sons	114,015
John N. Covington, Jr	46,285
H. H. White	35,330
Bill Hall	33,356
W. B. Moore, Jr	32,746
A. R. Ingram	24,904
Joe N. Bailey, Jr	20,703

YAZOO COUNTY

E. T. Jordan & Sons	117,089
Lakeview Pltg. Co	115,800
H. S. Swayze	106,379
S. C. Coleman	89,397
Ruby Walker	84,518
D. H. Dew, Sr	68,265
Seward & Harris	65,688
E. T. Schaefer	64,940
D. H. Dew, Jr	62,642
W. T. Clark, Jr	59,040
Ivanhoe Plant	56,666
Kinkead Plantation	52,959
Barrier & Barbour	48,971
J. J. Peaster, Jr	48,081
M. S. Johnson, Jr	47,872
L. M. Phillips	45,061
Barrier & Barrier	43,917
Koalunsa Plantation	43,433
John S. Howie	42,889
W. F. Cresswell	41,268
Frazier Thompson	41,060
Allen Bridgforth	39,816
J. N. Hart	38,563
J. V. Whitaker	38,402
H. T. Barrier	36,628
Jack F. Phillips	35,757
Eldorado Planting Co	34,552
Buford Atkinson	34,533
Joe Coker	33,145
D. H. Shipp	32,119
T. E. Fouche	32,017
Seward & Son, Inc	31,631
Ray Scroggins	31,605
Jerry B. Barrier	31,456
A. S. Nichols	30,527
Hamel Farms, Inc	30,369
Leon W. Rice	30,142
E. L. Coleman	29,383
F. W. Sharbrough	29,248
R. J. Hatchett	28,510
R. M. Bridgforth	27,515
Curran & Clark	26,443
W. R. Coleman	26,333
H. T. Barrier, Jr	26,108
R. Hancock	25,939
A. P. Crawford, Jr	25,817
McGraw Farms	25,692
Williams & Williams	25,664
Nabers Planting Co	25,527
L. G. Montgomery	24,736
C. S. Guion	23,848
Travis Fouche	23,763
H. R. Crowder & Son	21,778
Jack E. Landrum	21,515
E. E. Nixon, Jr.	21,365
Quail Haven Plt	20,982
Joe Stoner	20,585
Downer Planting Co	20,570
Morrison Farms, Inc	20,405
W. T. Hegman, Jr	20,136
W. W. Wyatt	20,116
J. T. Simmons	20,059

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

MISSOURI

ATCHISON COUNTY

Orville Wolf	$28,541
Bass Farms	24,404
Charles C. Martin	20,893

BUCHANAN COUNTY

Sonnenmoser Br	20,511

CARROLL COUNTY

D. N. M. Grain Co	27,968
Famuliner Brothers	26,262
R. E. Wiese Farms, Inc	22,432

CHARITON COUNTY

Quinn Bros	56,887

DUNKLIN COUNTY

L. R. Jones, II	25,665
Wright & Sons	22,841
Albert Hall	22,314
Paul Harris	21,794
Loyd Robertson	20,976
M. C. Collins	20,949
Jack Rollins	20,876
George Spence	20,872
Earl Sexton	20,864
Matthews Agency Account	20,237

HOLT COUNTY

G. D. Patterson	46,296
Donald E. Morris	26,428

HOWARD COUNTY

Ralph E. Davis	28,678
Roy J. Davis	25,649

JACKSON COUNTY

Reorg. Ch. of LDS	43,657

KNOX COUNTY

Frances McSorley	20,757

LAFAYETTE COUNTY

Batman Farms Co	30,507

LINN COUNTY

Roy B. Quinn	20,770

MISSISSIPPI COUNTY

Wolf Island Farms	89,025
Marshall Lands, Inc	67,442
W. C. Bryant	51,581
Dearmont Oliver	51,558
Burke Bros & Giltz, Inc	47,221
Big Oak Farms	41,590
Jim Bogle	33,854
Choate Farms, Inc	29,113
Goodin Bros	28,784
Moxley Farms	28,671
A. A. Cervantes, III	28,111
H. & D. Duenne	26,225
Babb & Deline	25,847
Robert C. Jackson	24,297
Thurmond Farms, Inc	23,141

MONITEAU COUNTY

Ernest G. Knipp	25,708

NEW MADRID COUNTY

Byars Orton	93,612
Swiney & Sons	60,757
E. B. Gee, Jr	46,775
Fletchers Gin, Inc	46,428
Nesselrodt & Campbell	44,704
A. C. Riley	44,626
E. B. Gee, Sr	38,018
Lorwood Plantation	36,578
Ernest Carpenter	36,121
E. E. Jolly	34,815
Raymond Ashley	34,692
W. V. Riley	33,995
David Barton	32,684
Oren Ross	32,068
Billy Sloas	30,830
James L. Doster	28,413
James B. Crouthers	28,335
Aubra Wrather	26,288
F. S. Hunter	24,167
Charles Pikey, Jr	24,027
C. J. Stancil	23,981
Farmers District Gin	23,808
R. A. Nesselrodt	23,496
Talmadge Burgess	23,486

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

MISSOURI—Continued

New Madrid County—Continued

B. & C. Harvesting Co	$23,424
Collis Maltbia	22,671
J. J. Bloomfield	22,137
Hunter-Smitten Fms., Inc	21,681
James S. Smith	21,477
C. E. Lavalle	21,393
Charles Barnett	21,205
A. R. Wrather	21,187
J. L. Laferney	20,927
Delisle & Pikey	20,898
Comer Hicks	20,542

Pemiscot County

Acom Farms, Inc	67,370
L. Berry Farms, Inc	61,420
R. O. Pierce	49,652
Mehrle Farms	42,905
W. E. Smith, Jr	42,855
Watkins Farms, Inc	42,344
Dolphin Land Co	40,130
Charles Dorroh	35,023
S. Crews Reynolds	32,668
John Leroy Whitener	31,649
J. R. Hutchison, Jr	31,555
T. A. Haggard	30,745
C. W. Reed III	30,651
W. B. Richardson	29,454
Coy Wilson	28,990
Harold Hinchey	28,785
Lloyd Massey	28,118
Donald Rone	27,249
John R. Franklin	26,042
Olin Dillard	25,550
T. R. Cole & Sons	25,259
Frank B. Taylor	24,703
J. W. Bradford	24,593
J. D. Long	24,568
Jeff Wade, Jr	24,468
George Killion	24,120
Harry C. Brown	23,974
Jerry McHugh	23,973
J. E. Ward	23,659
Max Wallace	23,523
J. E. Jones Estate	23,137
J. E. Jones Gin Co., Inc	22,550
J. Wesley Shrader	22,537
John L. Atwill	22,238
Cleo Brents	22,137
L. A. Riddick	22,080
Clinton Caudle	21,833
Royal Sanders	21,738
Tommy Pate	21,667
Paul Lynn	20,508
James O. Taylor	20,381
Quentin Still	20,334

Perry County

O. F. Gremaud	27,240

Ray County

Green Top Farms, Inc	26,229

Saline County

Stonner Brothers	56,189
Eugene Elson	55,986
Jim Franklin	29,604
Van Dyke & Co	23,186

Scott County

E. P. Coleman, Jr	103,271
Hermon Smith	39,959
North Ridge Co	31,967

St. Charles County

Saale Bros Farm & Grain Co	25,738

Ste. Genevieve County

Joseph R. Bartels	26,930
Loida Bros	22,157

St. Louis County

Emil Hoechst	35,978

Stoddard County

W. P. Hunter	73,807
Mahan, Mahan & Radcliff	58,437
Trailback Plantation, Inc	52,412
Taylor Bros	48,586
Claude Keasler	36,514
Gary Crump	31,859
T. E. Campbell	$26,533
Lane Brothers	26,435
Hermon Smith	26,269
The Albert Painton Co., Inc	25,796
F. S. Hunter	22,177
H. L. Goza	21,323

MONTANA

Beaverhead County

Jones Ranches, Inc	21,148

Big Horn County

Campbell Farming	166,336
Floyd Warren, Inc	47,040
Pryor Land Co	37,823
Robert Formanack	27,246

Broadwater County

V. R. Cazier & Sons	38,523
Hunsaker Bros., Inc	22,304

Carter County

Adolph Fix	25,507
Calvin A. Lamb	23,596

Cascade County

Prairie Nest Ranch, Inc	50,065
Sheffels Farms, Inc	31,939
Donald Bowman	28,307
William Neuman	27,021
Sun Prairie Farm, Inc	24,644
John Zoller	24,538
J. Edwin Lassila	21,147

Chouteau County

Onstad Grain Co	37,202
Judeman Grain Co	32,777
J. G. Robertson Corp	29,207
Birkeland & Son, Inc	27,251
Oscar A. Kalgaard	26,443
Chris Onstad	26,183
Robertson Ranch Co	25,580
J. R. Katzenberger	25,559
Lee A. Booth	24,676
Helland Land Co	24,138
Morris B. Stewart	23,629
George Gray	23,619
Wharram Ranch Co	22,281
Wyley P. Good	21,480
Perry Farms, Inc	21,391
Raymond Romain	20,163

Custer County

W. M. Nefsy	21,235

Daniels County

State of Montana	553,358
Charles Laurence & Nellie Fouhrichland	22,700
Frederick Brothers	22,522

Fergus County

Ralph Lee	24,165

Gallatin County

Henry Dehaan	22,108

Garfield County

A. G. Ballensky	30,734

Glacier County

Warren Swenson	25,610

Hill County

Leo M. Kraft	44,759
Lineweaver Farms	24,404
Spicher Brothers	23,407
Big G Grain Farm	23,343
Miller Brothers	21,734
Hilldale Colony	20,325
D. O. Kdeford Agt for I Larsen	20,111

Lewis and Clark County

Diehl Ranch Co	30,880
Milford Colony, Inc	24,425

Liberty County

Allen C. Kolstad	35,274
Mcnutt Brothers	27,609
A. C. Kammerzell	21,922
John Wanken	21,355

Madison County

Mariner Ballard	25,584
R. C. Rice	21,143

McCone County

Otis S. Waters	$35,919
Allan Schillinger	21,130
Kenneth Schillinger	21,127

Meagher County

Springdale Colony	24,423

Petroleum County

Ray Bohn	23,739

Pondera County

John Keil & Sons, Inc	34,367
Wood & Warwick	31,768
Iverson Ranch, Inc	27,408
New Miami Colony	25,578
Tom McCracken	24,839
Larry C. Iverson, Inc	24,397

Powell County

Max Cook	31,968

Richland County

Raymond Schmitz	25,949
Lloyd Parsons	20,043

Roosevelt County

Schnitzler Corp	48,339
Alvin O. Lien	31,831
Moe Farm Corporation	30,369
L. M. Lockman	26,087
Swank & Son	23,167
Bur. of Indian Affairs	22,399
A. A. Werner	20,200

Sheridan County

Nash Brothers	65,076
E. J. Lander Co	25,781

Stillwater County

Yellowstone Grain Co	21,336

Teton County

New Rockport Colony	23,339
Luinstra Bros	21,528

Toole County

Alvin D. Boxwell	29,268
S. A. Adaskavich	26,807
Aaberge Bros	24,206

Valley County

Mogan Bros	21,154
F. L. Bailey	20,593

Yellowstone County

Vale Creek Ranch	31,234
Walter John Baxter	28,598
Pearlie Lee Agt. for C. P. Lee Est	26,034
Lazy K. T. Ranches, Inc	20,765

NEBRASKA

Adams County

Ruth Hunt	34,615
Mary Lanning Hosp. Tr	20,805

Antelope County

J. Cleland Wilcox	37,415

Box Butte County

Ed Jelinek	33,443
Michael Manning	20,068

Buffalo County

Ronald Carman	21,148

Burt County

Ernest Hundahl	49,790
Mariane Tobin	28,935
John Tobin & Sons	27,552

Chase County

Leslie E. Smith & Sons, Inc	29,900
Yaw Farms, Inc	24,940

Clay County

Royal Woods	20,277

Colfax County

Frank J. Higgins	42,323

Dawes County

Robert Isham	23,429
Conway Norman	23,271

Deuel County

Grace Land and Cattle Co	30,242
Bailey Partnership	21,110

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

NEBRASKA—Continued

DODGE COUNTY

Harlan Milligan	$24, 145

FILLMORE COUNTY

Dale Lovegrove	26, 904

FRANKLIN COUNTY

W. J. Bach	28, 127

FURNAS COUNTY

Johnson Bros. & Jones	34, 414
Ten Bensel & Sons Corp	21, 242

GAGE COUNTY

Flo-Wal Farms, Inc	23, 460

GARDEN COUNTY

Leo Jessen	43, 057

GREELEY COUNTY

William H. Goldfish	22, 367

HAMILTON COUNTY

Kreutz Bros., Inc	28, 220

HARLAN COUNTY

Bernard Lueking	22, 627

HAYES COUNTY

Elmer Cox	29, 992

HOLT COUNTY

Wm. A. Curry	24, 786

JEFFERSON COUNTY

A. L. Rosener and Sons	36, 187

KEITH COUNTY

McGinley-Schilz Co	27, 058
Walter Armstrong	22, 802
Homer Shelburne	20, 280

LINCOLN COUNTY

Miron Moore	30, 317

MERRICK COUNTY

Dinsdale Bros., Inc	20, 669

NEMAHA COUNTY

A. B. Ritchie	22, 057
Vergil Lehr	20, 419

OTOE COUNTY

Hammond Farms	33, 483

PERKINS COUNTY

Kjeldgaard Farm, Inc	26, 747
Svoboda & Hannah	25, 073

POLK COUNTY

K. D. Strong	23, 037

RED WILLOW COUNTY

Ervain Friehe	22, 437
Myers Bros	20, 182

RICHARDSON COUNTY

Ralph J. Stalder and Ralph M. Staldesalem	24, 815

SALINE COUNTY

Mahloch Farms, Inc	24, 316

SCOTTS BLUFF COUNTY

Swift and Company	28, 794

VALLEY COUNTY

Leonard Jacobs	22, 173

WEBSTER COUNTY

Delbert Lewis	27, 325

YORK COUNTY

Broadwell, Inc	22, 397
T. W. Harrington	22, 032
Logan Otto	20, 067

NEVADA

ELKO COUNTY

Robinson & Sorensen	26, 126

HUMBOLDT COUNTY

Rio King Land & Inv. Co	31, 191

NYE COUNTY

Walter J. Williams	105, 271
Nevada Ginning Co	45, 164

PERSHING COUNTY

Brinkerhoff Ranch	44, 505
Herman Dennler	39, 191

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

NEW MEXICO

CHAVES COUNTY

A. W. Langenegger	$98, 750
Hal Bogle	61, 133
Jack Patterson	59, 908
J. P. White, Jr	56, 199
Crawford Brothers	43, 752
H. C. Berry	42, 798
Clardy Farms, Inc	40, 347
Fletcher Brothers	35, 801
James Norris	32, 057
Willard Watson	31, 804
Schrimsher Brothers	31, 533
Max Wiggins	30, 425
Bronson Corn	30, 312
Melvin Pearson	29, 590
Rosendo Casarez	28, 591
Poe W. Corn	25, 928
Malone Farms, Inc	25, 882
John H. Trigg	24, 365
Graves Brothers	23, 944
A. S. Wagner	22, 470
Delbert M. Robinson	21, 889
Herbert M. Corn	21, 530
W. E. Bonham	21, 212
James Grassie	20, 717
Berry F. Heine, Jr	20, 713
Marion Pirtle	20, 073

CURRY COUNTY

John Garrett & Sons	82, 641
Garrett Corp	71, 435
Lockmiller & Son	53, 450
James E. and John Garrett	49, 355
Green Est	44, 643
Eldon Blackburn	42, 255
Lillard R. Talley	41, 362
Dale Elliott	41, 031
Edgar Campbell	40, 585
George Hammond	40, 125
John Garrett, Jr	36, 909
John H. Spearman	35, 650
O. H. Pattison	32, 884
John W. Gunter, Jr	31, 351
J. W. Graham	30, 932
Lee Ross Hammond	30, 887
Frank Wicks	30, 536
L. E. Davis	30, 379
Eva B. Smith	30, 210
Hanes and Demaio	28, 991
D. D. Myrick	28, 426
Francis L. Decker	28, 253
M. M. Snell	28, 137
The Hecht Co	27, 833
Calvin Stout	27, 625
Sid Pipkin	26, 486
Leslie Pattison	26, 087
Waymon Mitchell	25, 226
Robert K. Goar	25, 100
James E. Garrett	24, 663
Gibbs Rucker	23, 975
Virgil Harrison	23, 578
H. L. Hughes	23, 208
Haney Tate	22, 825
C. E. Christian	22, 581
Max L. Kelso	22, 443
Ronnie G. Mitchell	22, 369
Vachrel Ridley	22, 309
Malcolm Garrett	21, 863
Williams Brothers	21, 850
Dudley Bailey	21, 789
Paul P. Harrison	21, 292
J. G. Palmateer	21, 275
James C. Woods	21, 193
Edith A. Lewis	21, 177
Michael Garrett	20, 317
B. P. Davis	20, 294

DONA ANA COUNTY

Stahmann Farms, Inc	41, 474
Tharp Farms	38, 325
Ramon M. Alvarez	34, 409
Robert S. Hayner	32, 956
J. K. Nakayama & Sons	31, 166
Clyde H. Simpson	30, 388
Sammie Singh	27, 995
Tony Salopek	27, 705
W. E. Esslinger	27, 303
Colonia Farms	24, 920

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

NEW MEXICO—Continued

DONA ANA COUNTY—Continued

P. R. Kuykendall	$24, 874
Manuel Morales	24, 826
Brady B. Porter	24, 241
Jose F. Apodaca	23, 665
William F. Hayner	21, 890
Jesus Acosta	21, 297
Ernest Harris	21, 209

EDDY COUNTY

Snodgrass & Carlisle	76, 182
Moutray Bros	70, 730
Roy Ingram	49, 146
Draper Brantley	38, 712
W. D. Bounds and Son	36, 057
James Thigpen	34, 473
Tom E. Vandiver	32, 119
Carter Farms	27, 736
Haldeman & Sons	27, 543
Candelario Carrasco	26, 997
Cottonwood Cattle Co	26, 573
Henry H. Grandi	24, 145
L. T. Lewis Est	23, 226
Alfalfa Dale Farms	22, 890
G. G. Armstrong and Son	22, 659
Donald Fanning	21, 902
Bogle Farms, Inc	21, 713
Ralph Pearson	21, 281
Sanders Terry	21, 076
Walterscheid Bros	20, 942
James C. Ogden	20, 822
S. G. Karr	20, 466

HIDALGO COUNTY

Bill Veck	52, 757
Richins Brothers	49, 409
Billy Veck	37, 831
Sidney O. Wright	26, 292
Franklin Farms	25, 533
R. H. Wamel	24, 217
Fred Kerr, Jr	22, 047
Adair Merrell	20, 401
Massey Farms	20, 137

LEA COUNTY

Emma G. Lawrence	135, 869
Brady Lowe	43, 319
Taylor & Heidel, Inc	36, 468
G. Bradford Feed Pens	36, 234
John Richardson	33, 708
W. G. Turnipseed	27, 974
Dwain F. Woody	27, 551
Elvis Jones	26, 844
Boyd Bros	25, 281
McCraw Farms	21, 812
Howard Gilchrist	20, 509

LUNA COUNTY

Jerry Lynn Hilburn	101, 724
L. G. Guaderrama	47, 546
James E. Keeler	31, 510
Leo W. Koenig	29, 763
Teddy Zachek	24, 994
Oliver Ruebush	23, 217
Charlie Ligocky	20, 888
Hal B. Keeler	20, 746

OTERO COUNTY

Truett L. Maddox	22, 799

QUAY COUNTY

Odus Rush	49, 061
Joseph J. Friemel	38, 669
Jack Gunn	37, 379
Charley Roy Best	36, 727
D. F. McCasland	35, 382
Ivan Rush	34, 919
Martin Burk	28, 923
Olen L. Yocom	26, 928
J. V. Curtis	26, 727
Jennings Stock Farm	25, 830
Akin & Akin Corp	24, 565
Horace J. Lee	23, 324
S. S. Williams	22, 318
James J. Harman	22, 211

ROOSEVELT COUNTY

Glen W. Thompson	33, 932
Thetford and Massey	32, 338
Allen Chapman	32, 290

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

NEW MEXICO—Continued

Roosevelt County—Continued

Harvey L. Balko	$29,730
E. B. Robbins, Jr	27,834
Sidney E. Pool	27,092
Delbert Brown	23,045
J. K. Frazier	22,412
Claudie W. Reeves	22,198
Orville W. Doak	22,109
Brown and Brown	20,941

Sierra County

Price Black Farms, Inc	26,311

Union County

Harvey Walker	21,514

NORTH CAROLINA

Anson County

John Robinson	29,908

Beaufort County

A. D. Swindell	25,538

Cleveland County

Morgan & Co., Inc	34,261
Edwin Y. Harrill, Jr	29,817
A. M. Boggs & Sons	29,019

Edgecomb County

M. C. Braswell Farms	62,441
Nan G. Clark Farm	31,244
Peoples Bk	24,945
Wiley Bulluck	20,221

Halifax County

Bill Pickette	35,374
A. H. & W. C. Taylor	32,644
A. F. Whitehead	25,609
C. H. Leggett, Jr	24,750
Cecil Moone	23,262
Peoples Bank & Trust Company	22,153
Charles L. Tillery	21,518
L. Graham Whitehead	21,440
Douglas Hill Farm	20,384

Hoke County

W. S. Thomas	35,936
R. L. Gibson	34,093
Dundarrach Trading Co	32,206
Agnes U. Johnson	22,880
J. K. McNeill Farms	22,701
Allen M. Shook	21,849
Alfred K. Leach	21,786

Montgomery County

Mack Chappell	32,463
Earl R. Parsons	30,983
Sunny Slope Farms, Inc	22,107

Moore County

Robert Chappell	48,105

Northampton County

John G. Burgwyn	36,841
Ruben L. Turner	33,719
Henry Bennett	29,583
J. C. Edwards, Jr	25,567
Lewis Farms	24,535
J. Bennett Stephenson	22,834
Seaboard Farm Service	20,249

Richmond County

Myers Waddell	24,726

Robeson County

McNair Farms, Inc	297,570
Southern National Bank	148,343
D. D. McCall	70,721
Ted Smith	61,457
Earl Parnell	42,720
Maxton Supply Co	37,346
Lewis McNeill	35,934
K. M. Biggs, Inc	31,692
J. D. Hagler	30,809
Pates Supply Co., Inc	30,267
Tom McRimmon	28,124
Bassil Gentry	27,193
J. H. Huggins	24,239
Neil Watson	21,529
Richard Gillespie	20,681
B. E. Simpson	20,655

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

NORTH CAROLINA—Continued

Sampson County

J. G. Warren	$23,051

Scotland County

Alice J. McLeod	65,128
Z. V. Pate, Inc	54,842
James R. McKenzie	54,290
John D. Carmichael	44,118
Emerson Langley	40,369
Albert McMillan	38,731
Evans Brothers	37,496
A. D. Gibson Store	30,388
Blue Invest Co., Agt	29,788
Jesse Snead	29,658
Morgan Farm & Merc. Corp	29,268
Sinclair Corp	28,412
B. C. McIntyre	27,399
J. N. Gibson, Jr	25,472
John A. McKay	25,160
J. B. and J. M. McGregor	22,321

Union County

Wade H. Howey	25,728

NORTH DAKOTA

Benson County

Alvin Kenner	20,790
Clarine Moe	20,380

Bottineau County

The Witteman Co	35,465
Ballantyne Brothers	34,373
Pearson Bros	25,313
Norman Glinz	24,416

Bowman County

Joe Bagley	21,153

Burleigh County

T. Clem Casey	23,133

Cass County

Mark Andrews	23,959
Geo. C. Howe, Jr	20,458
Ed Nesemeier	20,415

Divide County

Ruth A. Jensen	24,696
Lawrence Hagen	20,857

Golden Valley County

Lloyd Weinreis	23,986

Grand Forks County

Ryan Farms	27,368
Elk Valley Farms	27,066
Art Greenberg	21,287

Hettinger County

Swindler Bros	40,523
Benjamin Schaible	33,954
John F. Swindler	33,032
Arthur Schaible	25,572
Milton Hertz	22,259
August C. Kirschemann	20,843

Kidder County

Ward Whitman	35,409

McKenzie County

Joe Gudbranson	28,333
Peter A. Nygaard	26,636
Loyd Stevens	24,009

McLean County

Helen Zahnow	25,715

Mountrail County

Otto Engen	52,266

Oliver County

Wm. R. Van Oosting	24,170

Pembina County

Bert Olson & Sons	22,924
Morrison Bros	22,298
J. G. Hall & Sons	21,849
Bert Johnson	20,550

Ramsey County

Herman Dimmler	21,129

Sioux County

Peter Sittner	22,282

***Payments over $20,000 under ASCS programs as compiled by USDA*—Continued**

NORTH DAKOTA—Continued

Slope County

C. E. Dilse	$28,202

Stutsman County

Arvel Glinz	69,471
Frank R. Eddy	48,175

Towner County

Waldemar A. Schmidt	26,176

Traill County

John S. Dalyrymple, Jr	29,627

Walsh County

L. E. Tibert Co	31,091
Montelle Boone	20,105

Ward County

Earl Schwartz Co	43,040
C. Morris Anderson	22,960
Henry Neshem, Jr	21,246

Williams County

Earl Bauste	24,875

OHIO

Fairfield County

George Neeley	22,153

Franklin County

Derby Dan Farm Co	20,993

Lucas County

Wolf Farms	23,264

Madison County

AG Lands	35,781
Orleton Farms Co	21,890

Marion County

Ward Walton & Asso., Inc	65,710
W. S. Guthery & Son, Inc	30,574

Preble County

Artie Cain	20,274

OKLAHOMA

Alfalfa County

Bouziden Bros	48,576
M. Brothers	23,479
Robert L. Hadwiger	21,481

Blaine County

Harry Buckmaster	21,405

Bryan County

G. E. Kelly	25,742
Smith Lee Farms	23,092

Caddo County

S. G. Stevens	30,125
O. M. Ulery	26,467

Canadian County

Margaret Petree	30,693

Cimarron County

Billy Ray Gowdy Exec	42,894
Clifford Hinds	22,427
Don Edgington	20,675
Mabry Foreman	20,521

Cotton County

Frank Norton	23,559
Royce McGee	21,408
Hertis Baber	21,042

Custer County

Isaac Fransen	27,728
W. S. Donley	26,414
George Fransen	24,555
J. G. Stratton, Sr	23,360
George Donley	21,341

Garfield County

F. W. Zaloudek	33,407
Eddie Zaloudek	27,737
E. B. Mitchell & Sons	24,374
Wesley Kroeker	22,481
Dave Ediger and Sons	20,001

Grady County

Neil and M. T. Johnson	24,410

Grant County

C. W. Leforce and Son	33,036

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

OKLAHOMA—Continued

Greer County

Frankie Johnson	$27,428
Clinton Nesmith	25,495
R. V. Staton	24,080
I. V. Owen	23,790

Harmon County

F. E. Motley	69,218
Paul-Chas Horton	43,475
Arlis Motley	40,292
G. D. Payne	34,288
L. H. Christian	31,614
Elmo Jones	30,453
Shelby-Kirby	29,526
Harold Nichols	28,067
A. C. Mayhugh	26,044
Beanland & Sons	25,470
Carrick Brothers	24,306
C. B. Carter	22,035
Sherman Spradling	21,101
Bilbo Coke	20,205

Haskell County

Lee H. Tyler	25,343

Jackson County

Wayne Q. Winsett	75,382
Murray R. Williams	60,515
Harold D. Worrell	46,294
Gordon Thomas	41,067
Roy A. Holsey	31,781
Glen C. Southall	31,193
Carthal F. Mock & Son	31,128
Clayton Tinney	28,374
Hopson E. Pickett	25,145
Monroe B. Karcher	24,110
John Boyd McMahan	23,425
Brewer Bros	22,500
Marcus Wright	22,316
Elton C. Talley	22,286
Craig Minor	21,729
Laverne A. Fessenden	21,338
Charles D. Felty	20,948

Kingfisher County

Frank Schulte	28,055

Kiowa County

Levi Portwood	32,386
Glenn and Sam Pfenning Ptnrs	29,553
E. F. Bunch	27,973
W. C. Pfenning	25,374
Paul Edge	20,771

McCurtain County

Virgil Jumper	38,950
Dick Deberry	25,158
R. M. Tapley	21,815
Doyle Self	20,295

Muskogee County

Charles R. Sheffield	56,267
M. C. Finklea	28,980
Pearson Bros	26,124
J. R. Sheffield	20,557

Sequoyah County

Sloan Farms	36,744

Texas County

H. C. Hitch, Jr	70,939
Irvin Clark	42,849
Worth Jeffus	33,138
Russell Weeks	30,242
Walter M. Anderson	30,085
Fred R. Sweet	29,538
H & Y Cattle Co	27,427
Long Brothers	26,603
C. F. Webb	24,005
Hitch-Lee & Co	23,770
Gustav N. Dencker	23,567

Tillman County

H. W. Campbell	31,768
Izyal Stout	31,190
Galen P. Briggs	25,231
Kenneth Kimmel	24,380
Lester Dickey	22,936
Glen and I Froy Hargis	21,190

Wagoner County

Clifford C. Hatfield	32,270
Austin Livesay	26,592

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

OKLAHOMA—Continued

Washita County

Ridling & Sons	$33,991
Ira M. Johnson, Jr	21,137

OREGON

Gilliam County

Wilcox Investment Company	40,857
Sidney Seale	30,620
E. Earl Pryor	28,628
Weatherford & Runckel	28,104
Clay Barr, Inc	27,459
Roy Philippi, Jr	25,809
R. W. Potter & Sons, Estate	25,137
Van Reitmann	23,341
Marion T. Weatherford	21,745
Steinke Bros	20,533
D. A. Kaseberg	20,367

Jefferson County

Chase Land & Cattle Co., Inc	43,813
Kenneth Binder	29,311

Klamath County

O'Connor Livestock Co	24,086

Malheur County

Shigeno Farms, Inc	30,935

Morrow County

Ralph S. Crum	50,616
Frank Anderson	40,069
Tucker Ottmar Farms, Inc	37,673
Marquardt Ranch	33,609
Amanda S. Duvall	31,962
Perry Morter	26,129
McElligott Bros	25,605
Patrick Cutsforth	24,503
Fairview Ranch, Inc	24,313
Harvey Smith	24,189
Campbell Ranches, Inc	23,468
Charles Carlson	21,913
Delbert Emert	21,067
John Proudfoot	20,077

Polk County

R. L. Walker Farms	25,837
Robert E. Scharf	21,387

Sherman County

Charles Allen Tom	36,243
W. F. Wallace	26,165
Powell-Goodin Farms	23,987
Richelderfer Ranch	22,106
Hilderbrand Ranch	21,019
Fred Dormaier	21,017
F. L. Watkins	20,837

Umatilla County

Cunningham Sheep Co	77,372
B. L. Davis Ranch, Inc	58,166
S. E. Brogoitti	47,584
Glenn Thorne	47,459
McCormmach Bros	41,487
Key Bos, Inc	39,652
Robert O. Bafus	37,704
Thomas M. Campbell	34,088
Coppinger & Son Ranches	33,654
Barnett Rugg, Inc	32,057
Richard Hampton	31,016
Hoeft Ranches, Inc	30,601
Raymond & Son, Inc	29,875
R. M. Thompson	28,274
O. L. Straughan	27,530
Hill Ranches, Inc	27,503
H. T. Rea, Inc	27,024
Casper Ranch	26,731
Harry Proudfoot	26,248
V. R. Ranch	25,989
R & T Ranches	25,511
H & L Barnett, Inc	25,104
Johns Smith & Beamer	24,302
Don A. Woodward Farms, Inc	24,235
Purchase Ranches	23,790
John P. Weidert	22,426
King Ranches	22,068
Les King, Inc	22,018
G. M. Ransier	21,918
Hansell Farms, Inc	21,689
Merton R. Winn	21,278
Holdman Ranches	21,175
Carey Farms, Inc	20,257
C Springs Ranches, Inc	20,137

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

OREGON—Continued

Union County

Robert A. Brogoitti	$30,283
Case Bros	24,213

Wasco County

The Miller Ranch Co	30,788
Kenneth Kortge	21,522
Fax Bros	20,768
Eldon Emerson	20,230

PENNSYLVANIA

Northampton County

Howard W. Seiple	28,710
Schoeneck Farms, Inc	24,187

PUERTO RICO

Luce & Co	471,952
Antonio Roig Sucrs S En C	366,033
C. Brewer P. R. Co	289,140
Sucn J. Serralles	250,121
A. Martinez Jr., Trustee	135,595
Ramon Gonzalez Hernandez	97,843
W. Bravo Monagas	83,373
Carlos F. Quiles, Trustee	82,268
Mario Mercado E. Hijos	81,858
Agricola Del Monte Y Espinosa	78,787
Charles R. C. Openheimer Admin	61,684
M. A. Garcia Mendez	59,125
Hector L. Bruno	56,545
E. Quinones Sambolin	54,966
Wirshing & Co	54,451
Empresas Agricolas, Inc	49,961
M. Hernandez Vda Santaella Exec	44,749
Soller Sugar Co	42,882
Tierras Lafayette, Inc	42,433
Coop Azucarera Los Canos	41,308
Horacio Frau Subira, Trustee	40,170
J. Luis Novas Vargas	39,188
A. Tio Nazario Exec	38,217
Prop Prof Farm Santa Rita	38,180
H. Stella, Trustee	37,604
L. Vila Santana	36,776
Prop Prof Farm Fortuna	36,120
A. Aramburu Villanueva	35,841
D. Rodriguez Carlo	35,691
F. Rovira Calimano, Trustee	35,548
New San Vicente Inc	35,333
Prop Prof Farm Julia	34,934
Prop Prof Farm Cristina	33,224
J. Garcia Monagas, Trustee	32,471
Felix J. Serralles Nevares	32,378
Prop Prof Farm Providencia	31,678
Valdivieso Estates	31,476
E. Mercado De Ohanlon	30,933
I. G. Ramirez de Arellano	30,657
Prop Prof Farm Monte Grande	30,562
E. Calimano McCormick	30,134
Prop Prof Farm Ciclon	29,604
R. Gonzalez Rodriguez	29,188
Prop Prof Farm Maria Antonia	28,630
Armando Julio Wirshing Conesa	28,491
J. Rodriguez Favale	27,989
Prop Prof Farm Higuerito	27,710
Lcdo Efrain L. Rivera, Trustee	27,457
Prop Prof Farm Luciana	27,066
J. Juarbe Alfaro	26,710
Prop Prof Farm La Luisa	26,318
P. Serralles Tristani	25,953
A. Sofia Esteve Marques	25,635
Prop Prof Farm Fraternidad	25,181
D. A. Quinones, Trustee	25,099
M. Jose Oben Vando	24,773
U Ramirez De A. Puventud	24,659
Prop Prof Farm Caribe	24,614
Prop Prof Farm Mini Mini	24,606
Tarsilo Godreau Ramos	24,377
Robert Sefton Wallace	24,312
Hacienda Dolores Farms Inc	24,131
Prop Prof Farm Las Mercedes	24,075
Prop Prof Farm San Francisco	23,814
Prop Prof Farm San Pedro	23,583
Prop Prof Farm Carmen	23,098
M. Oronoz Font, Trustee	23,076
E. Esteves Marques	23,049
Antonio Roig Ferre	22,999

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

PUERTO RICO—Continued

Autoridad de Tierras, P. R	$22,928
Prop Profit Farm Constancia	22,743
Jose A. B. Nolla	22,234
Basilio Del Pilar	22,212
Fernando A. Emanuelli Perez	22,079
Prop Prof Farm Tiburones	21,544
F. Garcia	21,503
J. P. Valdiviesco, Inc	21,488
C. Calimano McCormick	21,466
A. Calaf Collazo	21,450
Prop Prof Farm Cibuco	21,142
M. Ramirez	21,133
Prop Prof Farm Consejo	21,081
Carmelo Mendoza Trustee	21,020
Prop Profit Farm Campanilla	20,975
South Puerto Rico Sugar Corp	20,910
F. Rovira Calimano	20,724
E. Rivera Nazario, Trustee	20,673
Prop Prof Farm Las Claras	20,366
A. Roman Gonzalez	20,214
F. Gonzalez Perez	20,213
Prop Prof Farm Islote	20,168

SOUTH CAROLINA

ABBEVILLE COUNTY

S. F. Sherard, Sr	22,226

AIKEN COUNTY

M. R. Warner	31,893
W. J. Dunbar	22,241
K. L. Flanders	21,662
J. Geo. McElmurray	20,731
John Anderson	20,155

ALLENDALE COUNTY

Kirkland & Best	55,364
J. V. Spigener	39,909
M. R. Johns, Jr	35,461
Cecil L. Dunbar	33,621
G. L. Rouse	32,987
W. M. Terry	31,638
J. D. Rouse	27,677
C. O. Handberry	26,466
N. B. Loadholt	25,445
C. O. Gray	22,549
Robert E. Connelly	21,599
S. M. Rice III	20,481

ANDERSON COUNTY

Lee Dobbins	27,631

BAMBERG COUNTY

H. W. Herndon	56,452
H. D. Free	50,531
C. & S. Storage Co., Inc	44,841
H. L. Free	43,980
James W. Hutto	33,601
George Cogburn	24,322

BARNWELL COUNTY

Wade H. Hutto	36,222
Harold R. Lott	30,206
J. David Bodiford	21,200
Hagood and Richardson	20,743
W. G. Jenkins	20,189

BERKELEY COUNTY

Clarence Gregg	25,569
Charles G. Marion	22,678
Robert F. Marion	20,552

CALHOUN COUNTY

W. W. Wannamaker Seed Farms Inc	43,057
Wiles Farm	34,792
F. M. Wannamaker	33,101
W. Wesley Stabler	31,766
Bull & Plowden	24,945
D. S. Davis	24,524
W. J. Houck	24,087

CHEROKEE COUNTY

Robert G. Scruggs	22,136

CHESTERFIELD COUNTY

J. Calvin Rivers	57,776
Thomas R. King, Gillum E. King, Jr.	53,844
Burr Farms	37,986
Dessie E. Laney	27,689

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

SOUTH CAROLINA—Continued

CHESTERFIELD COUNTY—Continued

HR AC McLeod	$26,422
William E. Eutsler	21,196
Raymond W. Jordan	20,223

CLARENDON COUNTY

H. Fox Tindal	53,029
Charles N. Plowden	50,617
D. Leslie Tindal	39,690
Rickenbaker and Sconyers	35,583
Samuel E. Durant	32,512
Henry T. Everett	30,212
Leo J. Berry	29,124
R. V. Elliott	28,569
L. E. Richardson	27,024
Dorothy J. Everett	26,574
James H. McFaddin	25,529
W. A. Brunson	25,205
C. D. Smith, Jr	24,557
J. R. Briggs	24,211
R. P. Felder, Sr	23,867
R. N. Johnson	23,256
D. C. Elliott	22,429
Scott Jackson	22,024
James H. Richbourg	21,850
L. E. Elmore	21,326
O. D. Harvin	20,052

COLLETON COUNTY

W. H. Varn, Jr	39,250
H. M. Kinsey	28,583
I. N. Rizer	21,310

DARLINGTON COUNTY

Coker Pedigreed Seed Co	61,847
Gary E. Byrd, Jr	48,405
A. R. Mims	39,984
John Jay James	26,527
J. T. Ross	25,640
Belbrown Farms, Inc	21,334
L. L. Gandy	21,255

DILLON COUNTY

Brown & Marion R. McCallum	38,446
Allen-Dew	35,660
T. C. McSwain	28,730
Henry C. Quick, Jr	22,827
F. C. Howell Est	22,050
Neil D. McLaurin	20,976
A. M. McDonald	20,082

DORCHESTER COUNTY

W. S. and J. D. Canady	20,815

EDGEFIELD COUNTY

Cecil Yonce	29,578
Maurice Smith	27,659
H. T. & L. F. Holmes	26,782
C. L. Clark	24,395
L. E. Smith	22,985

FLORENCE COUNTY

Cleo A. Young	39,296
E. S. Willis, Jr	38,632

HAMPTON COUNTY

Hugh T. Lightsey	53,724
C. P. Barnes	26,835
Corrin F. Bowers Exec	25,879

KERSHAW COUNTY

Lugoff Farms, Inc	36,019
L. W. Boykin II	22,540
Robert M. Marsh	20,489

LAURENS COUNTY

J. T. Hollingsworth	44,253
John M. Simmons	25,273
Billy Deshields	22,002

LEE COUNTY

C. E. Atkinson	66,010
J. E. Mayes	64,500
Hamilton Corbett	61,889
R. V. Segars, Sr	55,280
C. B. Player, Jr	52,085
E. B. McCutchen	46,669
Ashton Cribbs, Jr	45,832
H. R. Colclough	38,322
J. E. Turner	36,935
M. N. White	36,738
S. McBride Rhodes, Jr	36,711

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

SOUTH CAROLINA—Continued

LEE COUNTY—Continued

C. R. Woodham	$33,584
Marion J. Barnes	33,497
James W. Scott, Jr	33,359
R. Joe and Richard Hearon	33,107
Clyburn Bros. and Son	32,745
J. E. McCuchten, Jr	32,004
H. W. Shaw & Sons	30,513
Willis Woodsham	28,122
John McCutchen	27,424
Calvin Joyner	27,393
L. M. Chewning	27,092
W. A. Berry	25,302
B. K. Phillips	25,170
D. L. and C. F. Reames	22,786
Harris Hicks	21,243
H. L. Johnson	21,156
J. E. Atkinson	20,794
Wilfred Davis	20,101

LEXINGTON COUNTY

Lewis O. Rast	22,822
W. J. Fogle	21,667
John H. Dowd	20,789
Hilton S. Fulmer	20,531

MARION COUNTY

Hubert Baxley	24,048
James R. Baxley	23,652
E. J. Wiggins, Jr	22,291

MARLBORO COUNTY

Lawrence E. Pence	107,515
C. P. Polston, Jr	94,970
J. A. McDonald	86,746
T. A. & Charles O'Neal	65,886
Charles B. Lynch	65,493
Ernest C. McInnis	51,529
L. S. McColl, Jr	49,041
A. L. Calhoun, Jr. Co	48,191
R. M. Adams	48,162
John D. Kinard	44,913
George B. Kerr, Inc	41,776
Leon Driggers	41,142
James G. Lytch	40,903
Hugh Driggers	38,660
Brooks Odom	38,641
E. M. Otuel	37,732
Rufus M. Pegues	37,482
G. I. Byrd	37,231
F. M. Hinson	36,943
Joseph P. Hodges	35,740
R. A. Vail	35,729
William C. Covington	34,756
Jimmie C. Baker	31,857
John F. Everett	30,786
Marion F. Wright	30,333
Lawrence S. Norton	29,194
John McInnis	28,567
Julian M. Drake	28,209
Frank B. Rogers, Jr	27,829
J. E. Powe	27,340
W. Alex Hinson	27,264
Jimmy P. Wallace	26,328
Jimmy B. Hinson, Jr	25,716
D. H. McQuage	25,121
Neville Bennett	25,067
Noah A. Usher, Jr	24,567
Gordon W. Newton	24,472
Robert Stillwell	24,355
W. Lee Carabo	23,621
J. G. Hubbard	23,412
E. Hamer Smith	22,422
Angus G. Newton	22,159
Moore Brothers Farm	21,718
W. W. Carraway	20,696
Bloomfield D. Rogers	20,478

ORANGEBURG COUNTY

Edgar L. Culler, Jr	57,072
E. E. Gasque and Son	53,426
J. W. Williamson, Agt	46,493
Woodford Gin Co., Inc	36,570
T. W. Irick	35,321
Vallentine, S	33,828
Thomas T. Traywick	30,140
R. L. Zeigler, Jr	29,883
Norman V. Hughes	29,667

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

SOUTH CAROLINA—Continued

ORANGEBURG COUNTY—Continued

J. Walter Whisenhunt	$29, 236
Julian Crum	29, 037
John D. Clarke	29, 007
Thomas B. Jackson, Jr	27, 016
M. L. McIver	26, 013
Hugo L. Felkel	26, 008
Fred Connor Sons	25, 796
Rossie P. Hughes	24, 896
D. L. Rhoad, Jr	24, 036
M. E. Shuler	23, 736
Fred Lawton Irick	22, 996
Earl J. Smoak	22, 315
H. B. Salley	22, 288
Morgan Livingston	21, 301
W. B. Bookhart	20, 869
Blair Shuler	20, 722
J. M. Russell, Jr	20, 704
John A. Fogle	20, 283
Salley Brothers	20, 206

RICHLAND COUNTY

Alfred Scarborough	30, 941
Robert Lee Scarborough	27, 852
H. C. & F. C. Hill Est	23, 482
Willis M. Clarkson	20, 882

SALUDA COUNTY

R. M. Watsons Sons	53, 500
Harold E. Frick	27, 422
Harry S. Bell	21, 651

SPARTANBURG COUNTY

James W. Cox	24, 887
Gary Brockman	22, 997

SUMTER COUNTY

W. R. Mayes	188, 812
James F. Bland, Jr	97, 276
J. E. Mayes	94, 134
J. M. Edens, Jr	59, 305
B. J. Barnett, Inc	52, 448
Marvell W. Goza	39, 704
Clayton Lowder	27, 981
S. A. Harvin	27, 190
Riverdale Farms	26, 343
Eli E. Parker	25, 851
J. W. Brown & Sons	25, 681
T. D. Keels	25, 537
McBride Dabbs	25, 466
Julian E. Sanders	23, 182
H. C. & H. C. Edens, Jr	22, 983
H. D. Barnett, Et al	21, 690
J. C. Britton	21, 392
J. Lynwood Davis	21, 055
J. T. Brogdon III	20, 515
C. E. Phillips	20, 249
Sam W. Gillespie	20, 166

WILLAMBURG COUNTY

Leroy Epps, Jr	26, 197
S. Wayne Gamble	24, 610

YORK COUNTY

Roy J. McFadden	29, 790
Raymond E. Boyd	25, 464
Gene Daves	24, 875

SOUTH DAKOTA

BENNETT COUNTY

Elkhorn Farm	28, 756
John Hippen	27, 902

BROWN COUNTY

Clark Bros., Inc	33, 852

BUTTE COUNTY

McLeod Smith Ranches and Farms, Inc	36, 781
Jerry & O. V. Goeringer	21, 576

CHARLES MIX COUNTY

Pete Olson	21, 697

DAVISON COUNTY

Doyle Aslesen	38, 000

HUGHES COUNTY

Leon Crain	20, 028

LYMAN COUNTY

Verdun Stanley	23, 152
Alfred Ehlers	20, 582

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

SOUTH DAKOTA—Continued

PERKINS COUNTY

Isaac C. John	$25, 851

SHANNON COUNTY

Orville Schwarting	26, 163
R. W. Will	22, 466

SPINK COUNTY

Glendale Colony	24, 817

SULLY COUNTY

Stanley Asmussen	54, 432
W. J. Asmussen	44, 535
Donald Handcock, Inc	36, 909
Kenneth Kinkler	26, 828
D. L. Anderson Corp	23, 324
John Spaid	21, 515

TURNER COUNTY

Bones Hereford Ranch	24, 257

WASHABAUGH COUNTY

Donald Handcock, Inc	26, 430
Leslie Handcock	13, 915

TENNESSEE

CARROLL COUNTY

John A. Shoaf	$33, 468

CROCKETT COUNTY

H. H. & F. W. Raines	30, 907
Donny Cooke	23, 541
E. C. East	22, 682
Eli Young	20, 280

DYER COUNTY

E. F. Davis, Jr	20,690

FAYETTE COUNTY

Cowan Bros	60, 776
Ames Plantation	49, 341
L. J. & J. A. Williams	44, 222
Thomas Fowler & Alex W. Moore	43, 047
Jack McNabb	40, 720
H. H. Farley	34, 589
J. W. Owen	34, 228
Jimmy Kilby, Jr	30, 326
Allien M. Nunn	29, 802
B. L. Davis	28, 772
A. K. Morrison	25, 869
Luther Holland	25, 040
A. W. Blaylock	24, 803
Longtown Supply Co	24, 447
Don C. Pugh	20, 723
Hurdle Brothers	20, 037

FRANKLIN COUNTY

David R. Owens	47, 015
Emmett Owens	41, 974
O. R. Collins, Jr	22, 457

GIBSON COUNTY

H. L. Tracy	39, 688
Bobby Harper	22, 342

HARDEMAN COUNTY

Palmon Johnson	31, 298
Malcolm Hooper	30, 761
Mrs. Ruth R. Parham	29, 385
Jimmy L. Chamber	27, 633
Emmett T. Vincent	20, 168

HAYWOOD COUNTY

Tommy B. Willis	55, 428
Charles Haynes	46, 882
Billy F. Morris	42, 010
Clyde Caldwell	32, 700
E. W. Thomas	30, 951
Bill Powell	29, 515
Glenn Lonon	27, 658
Foncie Morris	23, 054

LAKE COUNTY

W. T. Jamison	67, 893
Tipton Bros. and Sullivan	52, 338
Bruce D. Wyatt	46, 671
Walter Delaney	44, 887
George Dial	40, 914
Billy Donnell	39, 136
William E. Lindamood	38, 366
Nard Shull	36, 654
Jack Fields	35, 210
W. E. Dunlap	34, 459

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

SOUTH DAKOTA—Continued

LAKE COUNTY—Continued

G. F. Parker	$30, 908
Leonard Fisher	29, 235
James Mooring	29, 178
Allen Robertson	28, 702
Riley Bros	28, 696
Margaret Jackson	27, 382
Clyde Cleo Eddlemon	24, 783
Frank T. Markham	24, 272
Fredrickson and Keiser	22, 465
Wade Lannom	21, 472
Jack Lowrance	20, 631

LAUDERDALE COUNTY

Jim Fullen	74, 850
Jack Crutcher	58, 203
Fort Pillow State Farm	36, 681
Kenneth Harley Blackwood	30, 207
Odell Williams	28, 900
Clyde Younger	25, 295
Steelman Brothers	24, 588
Lauren M. Shoaf	24, 077
Claude Shannon Carney, Jr	23, 927
Albert Leland Jennings	23, 672
Gaylon Smith	21, 864
T. L. Crihfield	21, 548
William Hudson Evans	21, 405
George Lawson Elder	20, 789
E. C. Charlton	20, 473

LINCOLN COUNTY

Billy N. Scivally	20, 538

MADISON COUNTY

Neely Robley	25, 350
Jack Lawrence	20, 668
Frank Upton	20, 552

RUTHERFORD COUNTY

Steve D. McKnight	28, 224
James R. Donnell	23, 559

SHELBY COUNTY

Riggan Planting Co	105, 309
H. S. Mitchell	81, 528
T. A. Densford	54, 728
Horne Brothers	48, 243
Robert G. Wilson	36, 239
Cedar Hill Farms	33, 090
James E. Cowles	32, 699
Paw Paw Block Farm	30, 779
C. D. Thomason	30, 645
W. H. Barton	27, 032
J. E. Warren	25, 562
William K. Bolton	25, 170
Oliver Albright	23, 916
James L. Mann	23, 111
John R. Thomas	22, 846
Leon L. Griffin	21, 750
James R. Scott	20, 811
Russell Kirk Jr	20, 451

TIPTON COUNTY

Horace E. Moore & Sons	62, 977
Johnson Brothers	48, 095
Charles L. Walker	38, 972
John C. Bolton	38, 267
R. M. Wooten	34, 435
W. E. Anderson	33, 501
Herbert Cates	31, 380
Johnny McIntyre	27, 507
Marshall C. Huffman	23, 907
R. W. Anderson	22, 466
H. M. Parr	21, 696
G. D. Ray	21, 542
J. A. Wooten	21, 329
L. A. Pinner	20, 556
W. F. & L. E. Davis	20, 221

WEAKLEY COUNTY

Kermit Cates	32, 981

TEXAS

ANDREWS COUNTY

W. H. Vanlandingham	43, 004
Marvin Hays	39, 619
C. C. Shortes	22, 122

ARANSAS COUNTY

Melvin Ocker	33, 447

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

ARMSTRONG COUNTY

Parker Cattle Co	$32,479

BAILEY COUNTY

Carl C. Bamert	79,568
Randy Johnson	79,333
J. Bert Williams	69,632
Horace Hutton	69,343
Bill Jim St. Clair	56,773
W. T. Millen	53,741
J. G. Arnn	51,979
Jim Claunch	51,385
John R. Young	49,238
Jack Schuster	48,009
Lester Howard	46,856
W. B. Little	44,071
M. E. Little	43,534
Homer Richardson	39,978
Buffalo Farms, Inc	37,463
J. F. Furgeson	37,330
Neal Caswell	35,664
H. M. Gable & Sons	34,877
Van Rogers	34,283
Elmer L. Hargrove	32,456
H. R. West	32,435
B. G. Free	31,583
O. A. Jones	31,449
C. J. Feagley	31,439
A. P. Fred	31,125
T. D. Davis	30,602
A. J. Shafer	30,381
F. W. Hagaman	30,319
N. A. Dunlap	29,719
Johnnie Wheeler	29,538
M. A. Snider, Jr	28,900
Joe L. Smallwood	27,839
Wesley Warren	27,583
Robert Hunt	26,970
Wiley R. Baker	26,918
Karl Cayton	26,557
Johnnie Prater	26,523
Jesse Carter	25,588
Buddy Wiseman	25,528
Robert Nunnally	25,463
Byron Gwyn	25,189
Freddie Parkman	25,116
W. E. Latimer	25,102
Wilbert Kalbas	25,029
W. H. Erickson	24,736
J. R. Austin, Jr	24,362
A. P. Childers	23,832
Lewis Bros	23,832
Jim Johnson	23,734
Byron Gunter	23,412
Neal Smith	22,095
J. P. Tarlton	21,988
Doyce Turner	21,879
Thomas W. Gregory	21,812
James Gore	21,543
Ernest Locker	21,394
S. M. Ethridge	20,920
Leldon Phillips	20,717
John W. Gunter	20,357
T. A. King	20,338
R. C. Everett	20,330
W. E. Meyers	20,309
Aubrey Heathington	20,241
Billy Gore	20,238

BAYLOR COUNTY

Emitt Golden & Co	25,421
Roy Butler & Son	25,006
Portwood Ranch & Co	22,244

BEE COUNTY

Amko Farming, Inc	21,032
Doyle Hair	16,627

BORDEN COUNTY

John Springer Stephens	46,876
Wolf Bros	26,510
Harold William Ludecke	21,619
Hubert W. Walker	20,561

BOWIE COUNTY

Three Way Land Co	156,052
Herbert L. Vance	65,281
Elwood Elkins	53,684
William H. Farris	38,016
Guy W. Farris	$29,223
Ely T. Moores	28,559
Jerry Byassee	27,209
Harold Day	21,364

BRAZOS COUNTY

H. H. Moore & Sons	302,799
Tom J. Moore	292,555
Brazos A. Varisco	98,092
J. P. Terrell & Son	77,665
Lee J. Fazzino	62,946
Tony Varisco, Jr	62,496
Vince Court	57,207
Joe Varisco	55,373
Matt Morello	52,234
Don Angonia	49,815
Leon F. Cash	31,224
Martin Merdian	28,581
Peter Pry	22,656
Mike Fazzino	21,374

BRISCOE COUNTY

L. O. Weaks	50,433
G. W. Lee	41,080
D. T. Northcutt	36,397
Gordon Montague	34,798
Fred W. Mercer	32,656
Joe B. Mercer	31,070
Edna Lee Cook	30,461
Roy Montague	29,712
Carroll Garrison	29,054
Deanie Henderson	28,619
Clyde Mercer	27,797
J. D. McGavock	24,789
Ray Teeple	24,362
Joe O'Neal	24,248
Harold Storie	23,591
Frank Mercer	22,598
George Long	22,254
Troy Burson	21,569
J. V. Self	20,742
Ben Whitfill	20,576
L. D. Griffin	20,566
Jim E. Mercer	20,315

BROWN COUNTY

L. L. Lawson	71,486
H. R. Stasney	26,682
A. E. Davis & Son	23,077

BURLESON COUNTY

Est Geo. C. Chance	141,422
Holland Porter	93,669
Porter Bros	93,580
H. H. & Edgar Baker	92,292
Joe C. Scarmardo	55,416
A. & M. Plantation	49,658
Phil Scamardo	49,067
Marvin M. Porter	44,392
Mitt A. Bush	37,372
Frank J. Fojt, Jr	33,658
Joe S. Campise	32,634
John W. Giesenschlag	31,509
Marion J. Malazzo	30,979
Luke Restivo	29,726
Sandyr Scarmardo	28,112
Cecil Giesenschlag	26,844
Luke Bush	22,519
Pete Altimore	21,544
Tony N. Salvaggio	21,013
Martin J. Destefano	21,009
Steve A. Scarmardo	20,159

CALDWELL COUNTY

Frank P. Watson, Jr	30,863
C. Fleetwood Richards, Sr	23,742
William H. Schroeder, Sr	21,850

CALHOUN COUNTY

Roy Smith	50,547
Henry C. Wehmeyer	33,413

CAMERON COUNTY

Porter & Wentz, Inc	143,778
Oscar Mayfield & Sons	128,135
Martha M. Russell	121,962
John A. Abbott	116,966
Simpson & Wilson	95,649
Est. D. L. Smith	75,527
George L. Labar & Sons	68,147
E. B. Adams & Sons	$67,466
Henry V. Macomb	65,157
Schmitt Bros. Farm Ptn	64,922
Rio Grande Equip. Co	64,587
Robert I. Taylor, Jr	60,067
Rex L. McGarr	59,093
P. Maurin & J. T. Maurin	58,682
Edward J. Wolf	58,473
Douglass S. Cantwell	54,062
Eubanks Bros	54,021
Oval A. Martin	52,577
Jack Lomax	52,500
Herbert W. Bode	50,455
Ballenger & Ballenger	49,766
Elmer E. Meek	49,304
Owsley Hill	47,847
Robert F. Ashley	47,673
Smith & Smith	46,125
Joe S. Wolf	45,859
Herman Lynch	44,243
Kenneth Shuckman	43,516
George Nixon	41,962
J. L. & Bill Gray	41,753

CAMERON COUNTY

William J. Bryan	41,637
Bauer Brothers	39,254
James A. McCarthy	38,694
McElwrath Farms	38,681
Hollie C. Lewis	38,054
Rodolfo B. Samano	37,899
Scoggins Brothers	36,989
Shimotsu Farms	36,791
Stephen M. Halbert	36,395
Lamon & Lamon	35,399
L. R. Cherrington	34,961
Melvin R. Davis	34,794
Edward E. Billings	34,378
Billy N. Cantwell	33,647
Cholick Farms	33,605
W. B. Mack	32,712
Est J. Kelly Cain	32,256
J. G. Wreden	31,469
Oscar B. Gray & Son	31,371
Sunny Ann Farms, Inc	31,346
Lester Nixon	31,264
Walter L. Clore	31,261
Edward H. Ostrowski	30,803
Lloyd G. Payne, Jr	30,480
F. H. Cherrington	30,095
Stephen F. Phillipp	29,977
Berg & Berg	29,773
Harry J. Garrett	29,511
Joe G. Ballenger	28,956
Pilar Cabrera	28,913
Circle X Ranch	28,125
Harry H. Shimotsu	28,015
W. P. & J. H. Heaton	27,665
Milan W. Nelson	27,648
Ortiz Brothers	27,576
Edward M. Smith	27,555
Robert L. Shuckman	27,533
Kyle L. Tanner	27,434
Geistman Farms	27,256
Walter J. Waters	27,178
Lee R. Farmer	26,907
Elijah B. Adams	26,901
Horace Wells	26,737
Ashley D. Youngblood	26,576
Wayne A. Collinsworth	26,415
Mathers Farms	26,324
James S. Norris	26,204
Harry H. Azuma	25,990
Jerry Tanamachi	25,438
Clifton W. Hansen	25,118
Nester Mack	25,078
Joe E. McCain	25,039
Brite A. Hart	24,468
Edwin W. Caughfield	24,415
Sams-Porter Corp	24,378
Joe W. Lane	24,215
Noriega Plantation	24,127
West Brothers	24,063
Charles L. Shofner	23,657
Norman F. Willms	23,580
Lawrence J. Phillipp	23,549
Clifford L. Smith	23,078

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

CAMERON COUNTY—Continued

D. E. Jackson & Son	$23,076
Ernest Long	23,015
Johnson Bros	22,991
Dean Alexander	22,853
John Canville & Son	22,800
Charles J. Buchen	22,786
William H. Thompson	22,722
Elvin Pederson, Sr	22,586
Jack N. Sutter	22,488
Eugene V. Machen	22,102
James E. Eubanks	21,901
Tom S. Tanamachi	21,796
Scheopner Bros	21,564
Carl L. Bauer	21,502
Portal Warren	21,472
Francis L. Phillipp	21,382
Garvin B. Macomb	21,074
Ross D. Waters	21,008
Bob F. Morrow	20,971
Leonard P. Simmons, Jr	20,833
P. McMurtry & Bo Taubert	20,768
John T. R. Benson	20,727
Howard D. Lievens	20,657
Lloyd G. Brotzman	20,575
T. C. Lambert	20,247

CARSON COUNTY

Texas Technological Research Farm	47,157
Frank Robinson	38,122
Raymond Blodgett	32,416
A. L. Stovall	30,484
Phil H. Hawkins	22,486
Albert Weinheimer	21,099
Ralph Britten	20,898

CASTRO COUNTY

Hill Farms	122,528
Jimmy Cluck	99,074
G. L. Willis, Jr	82,305
Ware Farms Co	79,532
Homer Hill	72,260
Carl Bruegel	68,137
J. F. Martin	68,003
Chas. E. Armstrong	64,373
Dulaney Bros	55,992
Clements Corp	55,265
Otto Steinberg	52,565
H. D. Smith	52,281
Miller Farms	46,955
Tom W. Miller	46,480
Fred Bruegel, Jr	43,919
Dan J. Heard	43,656
Kenneth Heard	42,586
Ray Robertson	42,322
H. W. Golden	40,879
Homer A. Hill	40,784
Woodrow Nelson & Sons	38,707
Gilbreath Farm Co	36,696
Jay Lee Touchstone	36,588
Truvis Campbell	36,381
Lorenzo Lee	35,303
Milburn Haydon	35,042
Jerry Cluck	33,539
Geo. Ed. Bennett	32,946
W. J. Giles	32,651
Shirley L. Garrison	32,359
Hugo Beyer	32,299
Chas. Heck, Jr	31,954
Jack Miller	31,443
Lamar Found	31,130
E. L. Howard	30,627
Truman Touchstone	30,387
Leon Griffin	29,918
Paul T. Brooks	29,915
Frank Wise	29,794
Melvin Barton	29,731
Floyd Cole	29,578
E. Herring Estate	29,544
W. W. Gilbreath	29,265
B. L. Moore	29,038
David Nelson	28,263
Loyd Farris	28,056
Donald J. Wright	27,968
L. L. Schultz	27,195
Carl E. Kemp Est	27,055
J. M. Wright	26,526

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

CASTRO COUNTY—Continued

Don Carpenter	$26,337
Dick Ellis	26,098
Margaret H. Ware	25,898
Andrews & Andrews	25,895
D. A. Bass	25,514
James Bradford	25,500
W. W. Lemons	25,490
Ivan L. Block	25,469
James H. Bradley	25,091
Kenneth Christie	25,090
Harvey C. Davis & Sons	25,043
Clint B. McFarland	24,899
Allan Webb	24,607
Harlan L. Barber	24,586
W. E. Warrick	24,489
J. M. Young	24,451
H. C. Nelson	24,265
Leo Witkowski	24,077
Jesse H. Johnson Est	23,978
Walter H. Schilling	23,934
A. D. Lee	23,932
Elbert Summers	23,931
Weldon C. Bransgrove	23,493
W. J. Martin	23,178
Ed. Wilson	23,098
T. G. McKinney	22,986
Joe M. Scott	22,785
George C. Heard	22,715
J. M. Snyder	22,332
Ray Joe Riley	22,292
G. E. McFarland	22,289
Roger E. Haberer	22,120
Carl Jones	21,961
Jerry Tunnell	21,765
Joe C. Newton	21,694
L. M. Blanton	21,471
Earl Harkins	21,418
Jay P. Boston	21,220
Merle L. McFarland	21,096
Luke McGuire	21,092
Vernon Andrus	21,058
Dale Carmichael	20,966
Bob Kay	20,656
Floyd Tomlinson	20,431
Galvin Petty	20,302
Robert L. Hawkins	20,247
Jack George	20,069
James Welch	20,047

CLAY COUNTY

P. P. Langford, Jr	22,480

COCHRAN COUNTY

J. K. Griffith	306,149
John A. Wheeler	168,547
F. O. Masten	108,308
C. C. Slaughter Farms	98,074
D. E. Benham	75,403
Jimmy Millar	73,222
Carl Ratliff	69,391
E. L. Palvado	64,650
T. K. Williamson	61,928
J. E. Polvado	55,700
James Adolph Greener	54,967
R. L. Polvado	53,984
Erma Griffith	53,070
H. B. Barker	52,244
Slaughter Hill Co	50,133
H. Y. Christian	47,350
J. C. O'Brien	39,941
Max Bowers Est	39,817
E. E. Silhan	38,326
T. T. Smith	36,859
C. C. Harvey	36,637
Hub Baggett	36,361
Bobby Smith	34,082
B. E. Sutton	33,226
Mrs. Syl Greener	33,072
Ike Williams	31,728
Everett Nichols	31,713
W. B. Merritt	31,568
Leonard O. Coleman	31,468
Clayton Stokes	30,450
Emmett E. Thomas	28,475
H. H. Kern	28,074
W. C. Eubanks	27,964
B. H. Tucker	26,716

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

COCHRAN COUNTY—Continued

George Smith	$26,551
Ronald Coleman	26,486
Roy B. Davis	25,696
Ira Brown	25,406
George G. Williams	25,392
R. W. Hill, Jr	25,151
L. T. Lemons	24,977
Francis Shiflett	24,854
J. W. Silhan	24,108
Robert Greener	23,647
Jerry Marks	22,814
E. Delbert Richardson	22,096
Charles Cumpton	21,941
W. L. Foust	21,741
Buddy Greener	21,499
J. B. Nicewarner	21,475
Virgil Coffman	21,200
Wm. T. Zuber	20,873
Morton J. Smith, Jr	20,660
J. D. Merritt	20,644
Omar Sims	20,353
Ben Kuehler	20,145

COLLINGSWORTH COUNTY

Elbert Watts	24,688
Louis E. Allred	23,648
J. B. Killian	23,638
Olan Farris	23,154
James Doneghy	22,875
John Coffee	21,339
Helen L. Oldham	21,243
Lewis A. Morris	20,783
Elvis D. Crawley	20,638

COLLIN COUNTY

Joe Doyle	27,332

COLORADO COUNTY

Mahalitc Bros	44,840
J. K. J. Mahalitc	36,356
T. Cattle Co	30,367
Arthur E. Mahalitc	25,734

CONCHO COUNTY

Monroe P. Dierschke	22,756

COTTLE COUNTY

Jack Tippen & Son	38,732
Jack Parnell	35,632
Donald D. Love	30,188
J. T. Martin	27,867
G. E. Piper	26,383
R. D. Wall, Jr	24,736
Loyd Mayes	24,553
Don Brothers	23,705
James Sweeney	22,563
George H. Moore	22,561

CROCKETT COUNTY

James Childress	27,265
Michael H. Moore	21,054

CROSBY COUNTY

Leslie Mitchell	109,899
Delton Caddell	80,089
Louis Garcia & Sons	77,531
Don Anderson	76,682
Lloyd Gambrel	69,894
G. J. Parkhill, Jr	62,214
J. P. Beck	58,679
Donald Aycock	45,675
The McLaughlin	45,665
Jessee L. Reese	45,594
Tom F. Oats	44,472
Marvin O. Greer	43,256
Elvis O. Martin	43,081
Elton Ellison	42,296
H. N. Watson, Jr	41,783
W. O. Lockwood	41,377
B. N. Gilbreath	40,964
Compton Cornelius	40,257
Cleve Cypert	40,063
R. H. Farris, Jr	40,020
J. W. Jackson	38,629
Loyd B. Parkhill	37,444
I. B. Davis	37,129
T. W. Stockton, Jr	37,030
Claude Adams	36,483
Wayne Wilson	36,381
John L. Haynes	36,107

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

CROSBY COUNTY—Continued

Lynn T. Smith	$35,662
Arvis E. Moore	35,429
D. D. Moore	35,155
Carroll Himmel	34,930
Kenneth Gray	34,343
Clyde Crump	33,866
David A. Prewitt	33,702
Raymond K. Ralls	33,700
Ray Marsh	33,297
Vernon D. Wheeless	33,297
Darrell J. Dunn	32,816
Bob Kimbrough	31,823
Craig McDonald	31,590
James W. Holman	31,556
Harold Hodges	31,556
Lynn E. Campbell	30,868
J. J. Griffin	30,839
Clay Kimbrough, Jr	30,639
Billy McClaran	30,538
J. B. Prewitt	30,367
James W. Sales	30,094
Clyde Crausbay	30,087
Kenneth Summerford	29,309
T. B. Edwards	29,736
Donald Wooten	29,465
James A. Boydston	29,357
J. R. Terrell	29,117
Jimmie W. Thornton	28,905
Dee Cash	28,526
Ross Cash	28,526
Jack E. Robertson	28,514
Dick Snodgrass	27,948
Will D. Griffin	27,832
Arnold Hodges	27,710
Bobby H. Kendrick	27,644
Burl Griffith	27,303
John R. Green	26,990
D. J. Moses	26,657
W. H. Ratheal	26,513
Dewey E. Wells, Jr	26,155
F. Eugene Woodard	26,086
W. Clayton Sellers	25,946
Roy Schluter	25,938
Byron Powell	25,938
Billy Kirk	25,860
L. E. Littlefield	25,814
Billy Crump	25,623
Charlie Wheeler	25,383
R. P. Kirkendall	25,284
Gene Fullingim	25,237
Eldred L. Mize	25,164
John Himmel	25,149
Rex Wheeler	24,751
H. P. Gregory	24,709
Arnold Ratheal	24,654
Vance Cypert	24,537
Nelton Chote	24,481
Jimmy R. Fullingim	24,470
Roy Lee Ellis	24,333
Eddie W. Verett	24,282
Joe D. Rankin	24,270
Robert Fullingim	24,175
Johnnie Nunley	24,138
Naasson K. Dupre	24,035
C. B. Hendrick	23,886
Roy J. Warren	23,763
Ernest L. Harris	23,731
C. M. Wheeler	23,730
G. W. Carter & J. Beavers	23,471
Eubank/Searsy	23,437
Howell L. Martin	23,407
Donald H. Berry	23,310
Charles E. Sanders	23,284
James E. Edinburgh	23,127
W. C. McDuff	23,054
George W. Poulson	22,737
James M. Chote	22,587
E. C. Simmons	22,494
Arvil Campbell	22,355
H. M. Reed, Jr	22,265
Wright J. Carlisle	22,141
Vernon O. Roye	22,094
L. M. Powell	22,020
Boney Winkler	22,017
Herschel A. Roye	21,877
R. Weldon Jones	21,391
Claude Collins	$21,391
Harold D. Joyce	21,352
Walter M. Wood	21,295
Billy J. Boyd	21,173
Harold Verett	20,971
John H. Moore	20,921
David & Judith & Joan Prewitt	20,787
J. B. Marshall	20,725
Garland Jones	20,701
Marvin Heinrich	20,640
Howard Harris	20,465
Jean D. Smith	20,403
Sid Capshaw	20,364
Thomas Farms	20,315
Grady Evans	20,264
D. B. Ellison	20,240
J. M. Kirksey, Jr	20,161
Billy Higginbotham	20,107
A. R. Brakebill	20,090
Mark Anthony	20,067
B. Harl Cypert	20,062
Thomas A. Poulson	20,062

CULBERSON COUNTY

Lee Talley	43,836
Olen Lane	34,659
Dick Guest	24,076
George Turner	23,829
C. W. Ivey	23,040
Johnson Hall and Hall	22,574

DALLAM COUNTY

Alex Stafford	31,115
Raman L. Chandler	25,681
Grover Swift	25,452
James E. Crabtree	22,832
Bob Yarbrough	22,599
Hugh L. Gordon	22,422
Kerrick Land & Cattle Co	22,215
George H. Noble	22,112
Leo J. Field	20,288
Elmer Heiskell	20,172
Jimmie O. Brewster	20,039

DALLAS COUNTY

Ralph B. Pickett	26,419
Olin B. Curry	26,157
Roddy Brothers	22,528

DAWSON COUNTY

Bill Weaver	158,636
Sam C. Jenkins	98,429
Gordon V. Waldrop	70,382
Donnell Echols	60,314
Woodward Farms, Inc	59,194
Ray Allen Noret	55,724
R. M. Middleton	53,353
Henderson and Son	48,519
B. L. Middleton	48,181
Eiland Crawley and Palmore	47,091
E. D. Adcock	46,032
Adcock Farming Co., Inc	45,842
Bill Treadaway	44,566
Carson Echols	43,287
George Eiland	41,528
John D. Banta	39,560
V. W. McGee	38,627
Bill-Bob Hale	31,804
N. B. Leatherwood	31,514
O. H. Preston, Jr	31,373
Donovan V. Phipps	30,540
J. R. Weaver Est	29,144
Charles Warren	28,954
Doyle Terry	28,361
W. M. Yates Est	28,327
Norris Barron	27,467
Alvin Smith	27,158
Arther Nolen	26,774
Lloyd Cline	26,739
Robert C. Koger	26,209
Graham & Virgil Addison	25,818
Bobby Warren	25,803
C. R. Taylor	25,757
Jack Wolford	25,475
E. L. Hendon	25,297
Leroy Holladay	25,206
Eddie Carpenter	25,122
Robert F. Hardberger	24,980
G. C. Clifft, Jr	$24,473
W. L. Gilliam	24,394
R. W. Jayroe	24,212
D. O. Huddleston	24,167
Raymond Orson	24,156
Donald Wayne Merrill	23,985
Ted Turner	23,865
Dopson Farms	23,560
Richard Woodward	23,444
E. E. Sumrow	23,314
J. T. Obrien	22,745
R. L. Riker	22,502
Dan Harp	22,439
D. D. Woodul	22,362
Arlan Youngblood	22,305
W. T. Pomroy	22,053
Edwin Rinewalt	21,925
Layton Oliver	21,919
S. N. M. N. Farm Corp	21,911
Ela Morris	21,741
Cecil Obrien	21,720
Lowell T. Warren	21,551
Tommie Gibson	21,383
J. V. Shite	20,970
G. W. Jones	20,854
Alvin Riley	20,770
Lloyd Mears	20,764
V. O. Barron	20,749
C. T. McKeown	20,567
Homer Hardberger	20,476
Broyles Lamesa Farms, Inc	20,293
Gonzell Hogg	20,270
David Hughes	20,226
Ronald Raney	20,215
C. C. Grigg	20,188

DEAF SMITH COUNTY

Delmar Durrett	129,768
Taft McGee	119,143
Perrin Bros	85,048
R. C. Godwin	75,921
Hosea Foster	57,745
Virgil F. Marsh	57,510
W. H. Gentry	54,802
J. R. Durrett, Est	53,731
B. T. Spear	50,106
A. R. Dillard	48,634
Wm. J. Schulte	47,430
R. K. Brooks	42,832
Don Kimball	42,269
Vernon Denson	40,785
White Farms & Cattle Co	38,636
D. D. Bingham	38,264
Brorman Bros	36,419
John Brorman	33,873
Billy Wayne Sisson	33,796
West AC Farms, Inc	33,734
Clarence D. Carnahan	33,386
Reinauer Bros	32,892
Forrester Ranch, Inc	31,326
D. T. Reed	29,552
McCathern & Heck Farms	28,949
Bridwell West Ranch	28,689
Herbert Friemel	28,239
Montgomery Farms	27,120
Higgins & London	26,894
Melvin May	26,784
A. C. Hays, Jr	26,564
Anthony Paschel	26,280
B. C. Hodges	26,229
Garrison Bros. & Nelson	26,152
Madison F. Fields	25,941
J. T. Gilbreath, Jr	25,845
James A. Bullard	25,456
Hickman Farms, Inc	25,448
S. A. McCathern	25,326
E. C. Reinauer	25,222
Charles T. Noland	25,009
Raymond Gerk	24,996
Harry Brorman	24,516
James Fangman	24,374
John A. & Raymond Smith	24,307
Joe Lyons & Lyons	23,817
Charles Hoover	23,781
Tom Robinson	22,267
Solomon Bros	21,906
D. Neumayer	21,543

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

DEAF SMITH COUNTY—Continued

Cruce G. Richardson	$21,432
Glenn B. Allred	21,419
S. A. Fangman	21,388
A. G. Flippin	21,290
Meyer Bros	21,243
Francis E. Barrett	21,224
Marston G. Mars	21,196
Gordon Elliott	21,061
Donald Hicks	20,788
Helen Godwin	20,532
Wesley Cox	20,532
Bill E. Kendall	20,506

DELTA COUNTY

Garland K. Cregg	22,777

DENTON COUNTY

Bennet V. Griffin	24,235

DICKENS COUNTY

G. B. Morris	58,108
Paul Dale Hagins	36,203
Paul Braddock	26,781
Raymon Harris	26,296
Earl Vanmeter	23,893
Lula L. Hagins	23,437
Dumont Bridge	22,605
D. W. Edinburgh	21,960
Ralph Bennett	20,647

DIMMIT COUNTY

Warren Wagner, Inc	25,382

DONLEY COUNTY

Hall S. Hardin	27,497

ECTOR COUNTY

Ector Co. Ranch & Cattle Co., Inc	24,394
Don Looney	23,395
John A. Baldwin	22,639
Bobs Casing Crews, Inc	20,392

EDWARDS COUNTY

Gilmer A. Morriss	34,978

ELLIS COUNTY

J. B. & Jas. Underwood	32,994
C. T. James	31,687
H. R. Burden	26,959
James H. Pruitt	22,266
C. C. Witherspoon	21,539

EL PASO COUNTY

Lee Moor Farms	102,474
L. R. Allison Co	57,509
Ralphs Farms Inc	44,753
Louis Burrus	40,428
H and D Dairy, Inc	40,102
Mike Maros	39,735
Fabens Prod., Inc	38,858
Jerry Rogers	37,768
Island Dairies and Livestock	33,400
Bills & Ellis Farms	30,425
Lettunich Farms	29,573
H. D. Hilley	27,684
Bills Farms, Inc	27,028
W. C. Passmore & Son	24,738
Joe Hanson	23,565
Schuster Farms, Inc	22,611
George Eads	22,412
C. P. Brown	21,442
Huereque Bros. Dairy	21,156
Hiram Whitaker	20,165

FALLS COUNTY

Basil Abate	117,558
Jack Falco	50,744
Felix Tusa	50,566
Morris Scanardo	50,118
Louis Corpora	42,419
Don Helbert	36,828
Falsone Brothers	34,872
William A. Hudgens	33,302
Tony Abate	26,644
Nick Roppolo	24,864
Lillian Degraffenried est	23,101
Billy Pat Bostick	21,416
H. H. Perkins	21,098

FANNIN COUNTY

R. A. Harling AG	$68,666
W. Frank Howell	25,942
R. E. Shelton, Jr., & R. E. Shelton, Sr	21,882

FAYETTE COUNTY

John E. Morgan	21,444
Milton Joost	14,976

FISHER COUNTY

John D. Ferguson	35,949
Stanley Nowlin	29,007
Max Carriker	28,204
R. E. McKinney	24,695
Max D. Stuart	22,724
Robert Martinez	22,649
Willingham Land Cattle	20,631

FLOYD COUNTY

Marble Brothers	117,251
Dorris Jones	68,841
William S. Poole	62,324
John C. Alford	62,075
J. E. Franklin	54,986
R. I. Bennett	54,615
Richard F. & Robert Stoval	53,779
Hershel Carthel	53,497
J. S. Hale, Jr	52,997
J. R. Turner	52,925
Marvin Shurbet	45,723
L. N. Johnson	44,886
Thomas Bros	44,360
Watson Jones	44,077
Luther B. Brandes	42,656
Malvin A. Jarboe	41,083
Hinton Bros	40,642
Lane Decker	40,396
Wayne Bramlet	38,859
R. G. Dunlap	38,802
Gene Belt	37,241
Robert L. Smith	35,267
Louis Pyle	34,237
Tate Jones	34,109
W. R. Ware	33,914
J. R. Belt	33,566
Kenneth Bean	32,595
K. E. Probasco	32,497
Reed Lawson	32,319
Everett Miller	31,884
Tom Snead	31,865
W. L. Norman	31,077
H. L. Porter, Jr	30,931
J. B. Robertson	30,930
Billy W. Fulton	30,491
G. W. Smith	30,318
Loyd Widener	30,135
Kinder Farris	30,013
Oscar Golden	29,795
R. Fred Brown	29,540
C. L. Henderson	29,399
Walter W. Taack	28,750
Lucie D. Stephens est	28,632
W. H. Simpson	28,479
Early P. Pritchett	28,309
George D. Probasco	28,249
Roy H. Tinsley	27,976
William E. Whitfill	27,795
Buren C. & Lucy Cates	27,680
Dale Widener	27,453
Norman Smith	27,241
Fred Jackson	27,100
Stewart Farms	27,012
W. M. & Gertrude Staniforth	26,871
Johnney West	26,619
Raymond Rucker	26,443
R. L. Neff, Inc	26,391
Weldon Hammonds	26,324
Barney Manning	26,195
Bill Sherman	26,054
Euell E. Norris	25,870
Lewis Reddy	25,869
J. A. Welch	25,513
Weiss-Hrbacek	25,132
L. L. Rhodes	24,964
Joe Appling	24,507
Paul Kropp	$24,503
Bruce W. Davis	24,440
Walter E. Bloys	24,336
V. H. Kellison	24,230
Lon M. Davis, Jr	24,153
C. C. Whittle	23,844
C. E. Flippin	23,740
Larry McCormick	23,517
Donal Akin	23,502
Klyce Ooley	23,308
Bernie Parkey	23,116
John P. Moss	23,109
A. L. Bigham	23,045
Mars Ratliff	22,971
G. C. Cattle Co., Inc	22,908
Dorsey Baker	22,832
R. C. Mitchell	22,612
William F. Bertrand	22,611
Johnnie Cates	22,611
Bobby McCormick	22,456
Leighton O. Teeple	22,441
John K. West	22,413
Charlie Boedeker	22,336
Milton Harrison	22,223
Travis Jones	22,145
Rex Smitherman	22,126
Tri C Corp	22,069
B. B. Wilkes	22,011
B. J. Terrell	21,965
Bryan Smith	21,845
Austin B. Meriwether	21,808
Ned J. Bradley	21,778
John B. Steele	21,622
Eugene Gilly	21,521
C. C. Burns	21,490
Harmon Handley	21,469
Carl F. Lemons	21,441
Strickland & Co	21,433
Hubert E. Frizzell	21,360
S. J. McIntosh	21,187
Joe N. Dunn	21,056
Ewald Quebe	21,005
Melvin Brock	20,968
Gene Hopper	20,953
A. R. Everitt	20,923
Mack Hickerson	20,879
W. T. Conner	20,681
Herman B. Thornton	20,633
Floyd Jackson	20,618
Ralph R. Ray	20,598
J. E. Rexrode	20,563
David Campbell	20,392
Fred Zimmerman, Jr	20,290

FORT BEND COUNTY

Tx. Dept. of Corr	335,777
Sugarland Industries, Inc	73,499
Foster Farms, Inc	56,257
Werlla Bros	31,434
Walter H. Schulz & Son	30,926
Eppolito Bros	30,640
Wessendorff Cattle Co	29,378
Eppolito & Cantello	26,486
Tilford Sulak	23,077
Mulle Bros	22,793
Adolph Horelica & Sons	20,379

FRIO COUNTY

A. E. Schletze Farms	53,388
Bennett Bros	45,065
Clyde Cox	38,448
Al Klopek	37,376
Eulan Cox	36,906
Tony Mann	36,116
Oscar W. Machen	33,670
H and B Farms	25,758
John Barkley	23,151

GAINES COUNTY

Vernon Goodwin	84,040
J. H. Jones	76,048
Verlon Hilburn	69,048
Earl Layman	56,831
Shamrock Farms	56,105
Charles Medlin	54,743

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

GAINES COUNTY

Paul Morgan	$54,274
Norman Hicks	47,221
C. E. Hilburn	47,027
V. H. Williams	43,018
H. L. Hill	42,397
Marion C. Bowers	41,935
Leon Foote	40,072
Robert Jameson	39,847
A. W. Byrd	39,681
Tommy Billings	38,329
Jim Grammer	38,216
Bob Moffatt	37,773
Troy Martin	36,839
Thomas Michael Jenkins	36,512
Mutual Farms	36,458
E Bar S Ranch	36,021
D. G. Chiles	35,793
Robert Sneed	34,828
W. O. Fortenberry	34,549
N. B. Fields	33,654
J. A. Benthall	33,628
Sam Teague	33,366
E. T. Foshee	33,250
J. M. Newman	32,804
M. H. Nance	32,699
Bill Moore	32,212
Jesse L. Smith	31,055
Douglas Floyd	31,031
B. J. Smith	30,823
Alton Faulkenberry	30,699
Floyd McGee	30,331
H. R. Cope	29,032
Tommy Lacy	28,221
Vandiver Farms	28,080
W. A. Freeman	27,960
Roy Wicker, Jr	27,841
E. D. Marion	27,810
Barrett & Owens & Barrett	27,631
Kenneth Hancock	27,406
Big Four Farms	26,831
W. D. Mills	26,740
Joe W. Grimes	26,704
Newell Bowen	26,699
W. D. Freeman	26,639
Keith Young	26,420
R. E. Vogler	26,332
Delmon Ellison	26,329
M. T. McIlwain	25,848
Alton Billings	25,604
Tom Hunt	25,533
Ray Garrett	25,516
Kenneth Bass	25,172
Roy Apple	24,957
Claude-Doak Hearne	24,864
Charles Nance	24,852
H. Dale Cope	24,745
Harmon Mills	24,681
Cline E. Morris	24,615
Rueben F. Owens	24,514
J. S. Knisley, Jr	24,498
Leonard H. Kelly	24,234
A. J. Jones	24,199
J. H. Flippo	24,198
Charles Cope	23,992
Earnest Spradlin	23,656
W. W. Thomason	23,351
Charles Lacy	23,204
Joe Tarbet	23,014
Alvin Ward	22,981
E. W. Cope	22,963
W. C. Taylor	22,665
Bill Oates	22,600
P. L. Childress	22,507
J. A. White	22,367
W. G. & G. R. White	22,323
Melvin D. Brookshire	22,296
M. R. Newman	22,049
G. Wimberly & J. Vickers	21,864
Wylie Hudman	21,662
Forrest Savage	21,459
George D. Norman Farm	21,342
Vester Smith	21,179
Carlos Berry	20,050
J. M. Teague	20,952
Thomas W. McKinzie	20,865
R. E. & F. W. Oliver	$20,801
Nix & Norman	20,519
A. P. McGuire	20,457
Dan Sanders	20,261
Thearl Creech	20,183
E. C. Harvey	20,107
J. C. Chaffin	20,100
G. D. Boldin	20,095
Don Ward	20,029

GARZA COUNTY

Horace W. Wheeler	38,687
Avery Moore, Jr	30,780
Clarence Besinger	27,726
S. C. Storie, Jr	25,630
D. W. & R. L. Eubank	23,958
Chester L. Morris	20,047

GLASSCOCK COUNTY

Bednar Bros	49,153
Eugene E. Hirt	31,940
Edwards & Edwards	31,721
James C. Johnson	31,174
August M. Frysak	30,272
Bennie W. Wilde	29,433
Fred J. Hoelscher	27,065
Lawrence A. Jost	24,769
G. T. Hall Estate	22,055
Edward Plagens, Jr	21,103
Charlie A. Smith	20,065

GRAYSON COUNTY

Bob Light	23,052
M. L. Carney	22,780
George E. Light	22,373

GRIMES COUNTY

Harris Farms	41,502
R. F. Keelan	23,255

GUADALUPE COUNTY

J. Emmett Harper	30,080
C. C. & T. D. Bagley	25,121
Clarence Krackau	24,892

HALE COUNTY

Ercell Givens	163,150
J. C. Mills	93,444
I. F. Lee	86,517
Elmo Stephens	79,615
Frank Moore	73,184
Jason H. Allen	65,197
James Cannon	64,557
E. A. Houston	63,880
M. Grady Shepard	62,165
Ballard & Hurt	55,926
Warren Mathis	53,184
W. D. Scarborough, Jr	52,410
Swann Pettit	51,916
Ralph Wheeler	50,647
Lee C. O'Neil	49,013
Neal & W. E. Burnett	48,902
John Trimmier, Jr	45,750
Lonnie Cannon	45,603
J. H. Kirby & Sons	44,149
Lewis F. Thompson	43,936
A. W. Sorelle, Jr	42,925
C. P. Smith	42,200
Raymond Akin	41,998
A. J. Givens	41,702
D. D. Rhodes	41,635
T. C. Clanton	41,533
Leo Mathis	41,329
Brownlake Farms	41,056
G. O. King	39,724
Edwin Adams	38,921
E. J. Pope, Jr	38,281
Bradshaw & Meador	38,234
Bob Riley	38,147
Wallace Cannon	37,551
Clayton Terrell	37,357
S. R. Heard	37,325
D. A. & C. E. Webb	37,156
John C. Carter	37,088
C. T. Minchew & Miller Trust	36,949
Davis Cannon	36,889
Carl Phillips	36,661
Burgess Farm Account	36,150
H. S. Tennell	36,129
Charles W. Lambert	36,011
John A. Bell	$35,814
T. R. Joines	35,243
Heck Gin Co., Inc	34,969
Heath Bros	34,399
Carl J. Marshall	34,298
Homer D. Ogle	33,927
C. E. Carter & Son	33,866
Lewis Lutrick	33,781
Marcus Breland	33,620
Winston T. Jones	33,553
Joe Sherrod	33,499
Horne Bros	33,408
Ross & Thompson	33,317
Benson Farms, Inc	33,154
Cobb Bros	32,712
Alton Leach	32,613
Ralph E. Davis	32,468
C. R. Kay	32,396
James W. Davis	32,339
Charles Scarborough	32,289
R. G. Russ, Jr	31,794
Orval Boyd	31,272
Jimmy McLaughlin	31,030
Kenneth R. Wiese	30,753
Miller Farms	30,722
The Waters Trust	30,633
Don L. McKenzie	30,432
Donald Hobgood	30,417
U. V. Helbert	30,348
Jerry Young	29,715
W. T. Settle	29,680
Raymond G. Miller	29,499
Miller Farms	29,406
Hoarce N. Wardlow	29,302
Jim Bob Curry	29,190
Millard J. Hancock	29,153
Roman Gonzales	29,149
Donald C. Ebeling	29,123
W. C. Harper	28,998
A. P. McWilliams	28,977
Joe Sharp	28,804
Forest Young	28,779
Megna & Riley	28,570
Elbert Harp	28,486
J. J. Kirchoff	28,382
Jimmy Dalton	28,364
Walker Bros. Produce	28,084
Austin O'Neil, Jr	28,034
Dee W. Martin	27,925
Earl G. Beach	27,781
William H. Finkner	27,776
Jack F. Jackson	27,661
Jerrell T. Cate	27,426
U. O. Hobgood	27,421
J. L. Miller, Jr	27,170
Rupert L. Allen	26,994
W. E. McPherson	26,899
Laura Faye McDougal	26,893
Virgil C. Phillips	26,890
J. O. Bass, Jr	26,849
Jack Robertson	26,820
Irvan Rhodes	26,681
Devurn Mandrell	26,384
Otey Shadden	26,261
Alva C. Jasper	26,253
J. L. Johnson	26,215
R. L. Tullis	25,955
Rae Groce	25,937
True H. Rosser, Jr	25,886
Mrs. J. S. McBeth	25,876
Quentin Redinger	25,695
B. L. Griffith	25,594
Gordon H. Branham	25,572
Oliver Harmel	25,556
Frank Woods	25,512
B. R. Bennett	25,232
A. E. Lewellen	25,192
Donald Lee Terrell	25,103
W. W. McCoy and son	25,052
Owen Benn	24,768
Lafont Farms	24,639
Doug G. Sopher	24,636
Max Sageser	24,518
J. W. Pope	24,510
Robert E. Wilson	24,475
Clyde W. Harrell	24,448

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

HALE COUNTY—Continued

Jan White	$24, 408
Wesley Davis	24, 367
Marvin Stephens	24, 222
Ernest C. Witten	24, 187
Melvin Mahagan	24, 132
Paul Stukey	23, 926
Thomas Johnston	23, 851
R. D. Hoffman	23, 831
Charles L. King	23, 684
Earl M. James	23, 611
Willis James	23, 481
Harvey Lutrick	23, 402
Owen E. Jones	23, 173
Willie V. Dunn	23, 138
O. A. Stout, Sr	23, 132
Wasson S. Price	23, 092
A. B. Teaff	23, 059
Royce Hillman	22, 985
Carl Laney	22, 918
Virgal Pierson	22, 916
Richard Mahagan	22, 874
Otis A. Stout, Jr	22, 827
Wilbur Wilson	22, 646
H. D. Hays	22, 568
Loy Eldon Teague	22, 486
Frank Megna	22, 482
Earl E. Dunn	22, 309
Welkin Farms	22, 294
Clyde Benn	22, 273
M. B. Stanton	22, 229
E. L. Criswell	22, 227
R. N. Hopper	22, 132
Rhodes and Rhodes	22, 049
Dwight Glenn	22, 034
Jack Gonzales	21, 989
Elmer Koenning	21, 973
Kathryn Raymond	21, 934
Weldon Reed	21, 924
Ted Boedeker	21, 884
Murfee and Ray	21, 880
James McDaniel	21, 690
Joe A. Evans	21, 660
Robert Pope	21, 656
Paul Robertson	21, 582
Charles Stroope	21, 573
John M. Norfleet	21, 461
Grady Murry	21, 458
R. Bruce Walker	21, 438
Frank Stanton, Jr	21, 366
Herschel Blankenship	21, 312
Homer Garrison	21, 133
A. W. Hardin	21, 128
Jack Connell	21, 124
G. B. Amonett	21, 028
Cloys Fancher	21, 026
William H. Rollow	20, 991
Ben Roney	20, 925
William J. Ingram	20, 767
Bill Riley	20, 649
Wilson Brothers	20, 647
Ray Copeland and son	20, 647
L. L. Ray	20, 642
M. K. Fisher, Jr	20, 613
Willie Teeter Farming, Inc	20, 555
R. B. Grant	20, 523
A. L. Stone, Jr	20, 479
Tommy Applewhite	20, 403
T. R. and W. T. Joines	20, 361
Ray F. Buchanan	20, 277
Travis Goree	20, 245
Patricia Roberts	20, 232
Warren Thomas	20, 071
Earl C. McClain	20, 045
Kitt McDaniel, Jr	20, 026

HALL COUNTY

Allen L. Monzingo	35, 630
Henry S. Foster	32, 624
Jim Hutchins	31, 215
Carroll Fowler	28, 184
W. H. Reed	26, 812
Becker & Dean	26, 363
Mack Richards	26, 157
Joe C. Montgomery	25, 280
Obie P. Leonard, Jr	25, 000
W. S. Montgomery	24, 571
M. P. Smith	22, 186

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

HALL COUNTY—Continued

Vera Dial Dickey	$21, 555
Robert R. Hutcherson	21, 524
F. G. Monzingo	21, 054
Jerald J. McDaniel	20, 934
S. D. Posey & Son	20, 646
Jack Barnhill	20, 564
Lonnie F. Widener	20, 536
Billy J. Rothwell	20, 371
R. W. Leonard	20, 217

HANSFORD COUNTY

R. L. Porter, Est	56, 065
Jack Hart	47, 301
Carl Archer	46, 614
C. H. Clawson	44, 425
R. E. and Rue Sanders	42, 864
Don Hart	40, 389
Louis Baxter	37, 923
Collier Bros., Inc	36, 793
Gus O. Birdwell	32, 857
A. Willard McCloy	32, 526
D. C. Dilley Estate	30, 844
Lynn and Jon Hart	29, 430
Maurine Etling	24, 998
John C. Vennenan	24, 756
L. H. Grover	23, 072
A. R. Bort	22, 624
Robert H. Novak	22, 510
Lloyd Buzzard	22, 312
M. D. McLaughlin	21, 978
Hez M. Frazier	21, 920
Vance B. Morris	21, 873
John C. Harris	21, 532
W. R. Murrell	21, 175
Joel D. Stavlo	21, 155
Bill M. Logsdon	21, 124
Coy M. Holt	20, 707
Fletcher Brothers	20, 369
Robert Nippert	44, 116
M. E. Watson, Jr	40, 280
1st Natl. Bk. Trus., C. G. Conley	34, 314
Roy Hines	29, 691
Carl Vestal	28, 574
Weldon Tabor	27, 857
James W. Tabor	26, 729
Nuckles & Gerald	25, 276
B. P. Henderson	23, 647
Edward E. Turner	23, 317
Kent, McSpadden	20, 442
Harry C. Becknell	20, 360
Robert E. Brown	20, 133
W. L. Wilson	20, 067
Harold H. Hogue	71, 129
Thomas L. Moran	55, 936
Carl J. Kuper	43, 700
Carl H. Kuper	36, 656
John W. Bookout	35, 857
Leopold J. Schmidt	28, 420
J. Y. McAdams	26, 288
Framack Farms	25, 535
Gary K. George	24, 684
Howell L. McCleskey	23, 311
G. Malcolm, G. Bryant	22, 552
Frantz & Frantz	21, 444
Lynn Isham	20, 737
George A. Mulilno	44, 148
Thomas J. Bevel	37, 827
Burson and Burson	35, 754
John L. Grindstaff, Jr	30, 763
Melvin C. Josselet	27, 980
Johnny D. Reid	26, 546
W. G. Ellie	26, 039
Virgil E. Sonnamaker	25, 013
Ray Carter	24, 745
E. H. Tankersley, Jr	24, 037
Amos D. May	24, 034
Billie Jake Myers	22, 879
Arlos W. Weaver	21, 943
L. Weldon Norman	21, 517
W. H. Patterson	21, 098
Joe W. Cloud	20, 990
Hollis Callaway	20, 727
Rio Farms, Inc	128, 515
Helen Engelman Stegle	128, 312
Krenmueller Farms	127, 411
Shary Farms, Inc	125, 711
Lloyd M. Bentsen	108, 904

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

HANSFORD COUNTY—Continued

J. W. Wallace & Sons	$107, 234
J. R. Stump	92, 501
Sam R. Sparks	91, 485
Valley Acres	85, 477
Beckwith Farms	80, 573
Ben Estes Bearden	79, 402
J. B. Hardwicke Co., Ptn	79, 219
Byron Campbell	78, 626
Guerra Bros	76, 465
Knapp Farms	75, 694
J. B. Pollock	71, 936
Davis & Gandy	65, 303
Turberville Farms	64, 065
Frank Schuster	60, 245
Davis & Gandy	59, 601
Joe Davis	59, 581
Fay M. Willis	58, 565
Fuller Farms	57, 936
Bryan Hanks	57, 775
Bell Bros	55, 890
La Perla Farms, Inc	55, 015
J. S. & Quinn McManus	54, 060
Carl Schuster	53, 192
J .A. Whisenant	52, 846
Las Palmas Farms	52, 159
M. D. & N. J. Moore, Jr	51, 668
Bill Burns	51, 591
Edgar R. Smith	51, 083
C. B. Shields, Jr	50, 905
Evergreen Farms, Inc	48, 135
Geo T. Helle	46, 919
J. R. Wade Farms, Inc	41, 672
Boyce Farms, Inc	40, 457
N. H. Kitayama	39, 318
American Farm, Inc	38, 623
J. R. Russell	38, 622
T. R. Morin	37, 475
Franklin Dusek	36, 724
W. A. Odom, Jr	36, 407
E. J. Blake	35, 848
Ralph Stevens	35, 786
W. H. Drawe	35, 742
Holcomb & Black	35, 503
R. O. Wade Farms, Inc	34, 361
Ray Yeary	34, 238
Utah Dickerson	33, 702
Everett Bell	33, 600
Jerry Block	33, 434
C. W. Butler	33, 372
P. D. Moore, Jr	32, 901
J. N. Wilsher	32, 790
Barr Ewing	32, 716
C. C. & Jack Harbison	32, 659
Edward Willis	32, 611
James E. Dyer	32, 588
L. H. Freeman	32, 260
M. & H. Farms	31, 981
L. J. Krska	31, 295
Roy W. Barnes	31, 057
M. F. Klose, Sr	29, 451
Donald Smith	29, 060
Dan Logan	28, 946
Edith Tyner	28, 920
T. E. Bottom	28, 543
Verner Gustafson	28, 389
Geo. V. Harren	28, 121
Keith Pollock	27, 944
Mike & Joe Chapa	27, 777
Pete Sakai	27, 699
Headley & Brandt	27, 522
Juan F. Moron	27, 262
Wm. T. Dudley	26, 950
Theser Bros	26, 845
Griffin & Brand	26, 710
Ned Westmoland	26, 130
Fred P. Hall	25, 526
Dalmon Moseley	25, 179
Leon McDaniel	24, 942
Marvin A. Schwarz	24, 788
Lewis Fry	24, 631
Arthur E. Schwarz	24, 486
Kirk Schwarz	24, 313
Claude H. Midgett	24, 237
R. V. La Duke	24, 212
La Strawberry & Veg. Dist. Co	24, 203
Martin Farina	24, 096
C. C. Harbison	24, 092

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

HANSFORE COUNTY—Continued

Bede Farms	$23,939
E. G. Pinkston	23,916
Bernard McDaniel	23,723
J. L. Bell, Jr	23,647
D. B. MacAllister	23,536
J. C. Wise	23,148
Raymond C. Jones, Jr	23,141
James Dyer	22,977
Norman & White	22,645
Dallas N. Stites	22,555
Hoblitzelle Ranch	22,455
Stanley A. Jarzombek	22,428
G. W. Jones, Sr	22,074
T. B. Waite, Jr	21,993
D. J. Schwarz	21,953
O. D. Emery	21,911
B. W. Carlson	21,222
Clifford Bros	21,116
Ardean McDaniel	21,089
Bradford & Eoff Ptns	21,083
Ed G. Vela	20,494
Joe Heller	20,137
E. L. Tyner	20,124
Joe A. Cunningham, Jr	20,049
Ed Good	20,023

HILL COUNTY

Ray Sawyer	26,388
Gerik Bros	25,295
Gerik Bros. Ptrns	25,280
Daniel Pustejovsky	23,382

HOCKLEY COUNTY

Post Montgomery C/O Monta Moore	88,786
Whiteface Farms	83,286
Spade Farms, Inc	79,243
Coble Land Farms	62,461
J. Walter Hobgood	59,668
Aubrey L. Lockett	57,856
William J. Brazil	47,452
Marvin E. Green	45,915
Hoyet Hamill	44,746
Jack McMillan	44,665
Flora Crenshaw	44,188
H. Joe Schwartz	44,097
Billy Ray McInroe	42,953
Joe W. Cook, Jr	39,725
W. N. Halliburton	39,225
Fred G. Owens	37,169
Barry Armes	37,069
Wendell Stacy	35,905
Chester Borders	35,537
Edward Pinkert	34,857
L. E. Mitchell	34,688
Joe B. Pate, Jr	34,260
W. L. Harris	33,860
J. T. Rackler	32,808
Earl D. Lewis	32,280
Douglas Kauffman	32,243
William M. Cain	32,036
Elwood Patterson	31,813
H. L. Fitzgerald	31,561
Jim J. Hobgood	31,417
Sam Hoover	31,019
Julius Blair	30,851
Ben M. McWhorter	30,618
H. E. Mowry	30,247
E. C. White, Jr	30,064
William E. Carr, Jr	29,972
Henry Steinfath	29,762
Billy Glasscock	29,370
Erlan D. Gresham	28,987
Kenneth Spradley	28,758
T. J. Redman, Jr	28,746
George R. Martin	28,323
Alton Lawson	28,170
Jewel D. Melton	28,106
Troy Overman	27,695
R. R. Hutcheson	27,663
Mallet Ranch	27,572
Slaughter Farms	27,527
Don Brazil	27,382
Ethel Sanford Est	27,354
J. T. Hall, Jr	27,258
T. A. Glasscock	$27,249
Cecil C. Cookston	27,175
Talmage C. Ivey	27,006
Johnnie Keen	26,843
Preston L. Lyda	26,808
Chesley G. Hobgood	26,712
James G. Marrow, Jr	26,563
J. T. Stout	26,381
L. C. Vance	26,251
B. D. Whitley	25,735
M. F. Gutersloh Tr	25,409
Jerry Biffle	25,401
Dale Newsom	25,373
Harold R. Phillips	25,311
Kenneth M. Kiser	25,287
Billy F. Sylvester	25,068
S. J. Clevenger	25,037
Howard Venable	25,007
Harley Stanley	25,002
Rayford Bynum	24,956
James Buford Chambers	24,083
C. E. Bradshaw	24,018
Hub Butler	23,986
Bill Ed Watson	23,806
Selmer H. Schoenrock	23,806
Robert Hill, Jr	23,692
C. F. Glenn	23,682
L. E. Mitchell, Jr	23,645
Leon Lawson	23,640
Clarence S. Saunders	23,542
Palmer & Dowell	23,466
Carl R. Rushing	23,385
Joe Bowman	23,011
Walter S. Carter	22,607
C. A. Jackson	22,535
Martin Lawson	22,527
W. Bryan Daniel	22,386
Felix Silhan	22,238
Jack Sherrod	22,172
Ron Cook	22,106
Lonnie E. Lyon	22,086
M. F. Guetersloh Trust	22,008
Roy N. Whittenburg	21,890
Oran E. Johnson	21,535
R. E. Bullin	21,528
Albert M. Storey	21,479
Ralph F. Wade	21,221
E. B. Burelsmith	21,178
Robert Pinkert	21,044
Melvin L. Hale	20,966
Chester P. Arnwine	20,894
Ed O. Johnson	20,853
Frank Motl, Jr	20,547
L. L. Alderson	20,419
R. L. Drachenberg	20,291
Weldon E. Butler	20,274
W. L. Cook	20,168
Buddy L. Miller	20,119
Al G. Herrin	20,074
Jack G. McMillan	20,059
Ray Gerik	20,008

HOUSTON COUNTY

Rials Bros	42,874
George L. Potter	37,856
C. A. Snell	28,620
Leon Bromberg	28,317
T. J. Maples	27,136
Homer Jones	22,422
Harry Marcus	21,133
J. E. Dawson, Sr. & Son	20,749

HOWARD COUNTY

Delbert Stanley	43,528
Robert V. Fryar	41,609
Harvey Fryar	34,669
G. C. Broughton, Jr	29,756
Edgar Phillips	28,655
James C. Barr	24,559
Fred Phillips	22,507
Donald Lay	22,463
Oliver Nichols	22,106
Paul Adams	21,868
James D. Fryar	21,319
Horace E. Tubb	21,180
C. Ray Russell	20,635
Jack E. Hopper	20,265

HUDSPETH COUNTY

R. T. Hoover Farms	$202,222
C. L. Ranch	87,428
B. E. Walker	54,127
Grady E. Miller, Jr	52,277
O. A. Thorp	33,825
Lorenzo Diaz	31,554
Gentry Bros	30,926
Seven X Ranch	28,805
Wayne Magee	27,654
John Segulia	27,403
Condido Holguin	26,909
Steve Sredanovich	26,058
Dave Payne	24,878
Louie Lutich	24,118
Sidney W. Cowan	23,222
Anson Wiseman	22,684
R. L. Skov	22,234
Gene Lutrick	22,229
Festus D. Gibson	20,721

HUNT COUNTY

Guy W. Ray	26,634

HUTCHINSON COUNTY

Claude Wigley	52,214
Mrs. M. W. McCloy & Sons	43,185
Billy Jarvis	30,152
Henderson & Parks	29,657
John C. Bergner	29,206
Jack Johnson, Jr	26,533
Noble Watson	24,378
Roscoe Womble	23,331
Coble Cattle Corp	22,726
O. O. Smith	21,340
Ray Moore	21,182
Armstrong & Thornton	20,883
Raymond Jarvis	20,509
R. E. Womble	20,051

JACKSON COUNTY

A. R. Vincik	25,635

JEFF DAVIS COUNTY

James P. Espy	28,255

JIM WELLS COUNTY

R. W. Miller	33,454

JOHNSON COUNTY

J. E. Kemp	70,473
John D. Thompson	22,640

JONES COUNTY

Hoke Propst	70,866
W. C. Matchett	45,717
Chas. M. Herndon	27,981
Herman T. Steel	25,492
Herman B. Propst	24,870
H. L. Ford	23,092
Charles F. White	22,874
Schoonmaker Bros	22,733
Wm. B. Harrison, Sr	22,331
Willie L. Byrd	21,399
Vernon Lovvorn	20,596
B. Franklin Godfrey	20,519
Oran Brigham	20,301
H. W. Madden	20,262

KAUFMAN COUNTY

Monty Clayton	44,031
Vernon Griffin	24,518
Jerry R. Maloney	23,914
S. C. Pratt	20,984
H. M. Kelly	20,387
J. L. Helm	20,050

KERR COUNTY

Y. O. Ranch	29,311

KING COUNTY

Allen D. Goodwin	28,634

KINNEY COUNTY

Pratt Cattle Co	29,703

KLEBERG COUNTY

Clarence C. May	21,264

KNOX COUNTY

Leland Floyd	38,914
William J. Goode	37,237
Eugene L. Thompson	37,070
Allen M. Hester	30,683
Floyd L. Reed	27,112

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

KNOX COUNTY—Continued

J. G. Hawkins	$26,084
Herbert Bellinghausen	24,562
Sam E. Clonts	23,799
Chalmer E. Hobert	23,535
Edward J. Smith	21,989
H. H. Partridge	20,952
J. C. Elliott	20,929
L. D. Offutt	20,745
League Ranch	20,534
James N. Smith	20,353

LAMAR COUNTY

Mashburn Farms, Inc	59,213
Hicks Graves	56,437
H. L. Schlottman	47,497
Thomas A. Roach	24,835
O.J.-Ross Rutherford Ptrs	23,467
J. D. Campbell	23,441

LAMB COUNTY

Busby Farms	99,577
Halsell Estate	93,643
J. D. Smith	76,767
E. K. Angeley	73,419
Parish Farms	66,160
Clayton Farms	63,567
L. C. Hewitt	59,274
Tom King, Jr	53,604
F. M. Smith	48,306
J. B. James	48,293
D. R. Hopkins	46,050
T. V. Murrell	44,757
Lonnie R. Smith	43,592
L. J. Welch	43,187
R. L. Masten	41,675
H. M. Sheats	41,605
Reginal Stephens	41,443
Thomas Harris	38,805
W. B. Jones	38,000
Charles Flowers	37,864
J. A. Stubblefield	37,531
Charles Wiseman	37,090
G. B. Timms	36,746
Fred Welch	35,985
Barton Bros	35,849
W. C. Stout	35,561
O. L. Walker	34,714
L. B. Montgomery	34,345
Earth Gin Farm Acct	34,231
Gene Templeton	33,702
Ross Lumsden	33,698
James A. Littleton, Jr	33,567
L. D. Williams	33,340
D. W. Bawcom	33,003
Brady F. Helms	32,977
M. P. Thedford	32,685
Randall Roper	32,115
Arthur H. Bussanmas	31,455
Raymond Durham	31,443
B. M. Farmer	31,226
Donald J. Bryant	30,661
Harley Bussanmas	30,399
Edward Wuerflein	30,209
J. L. Snider	29,769
Ray Wood	29,541
James E. Steffey	29,086
Jack Allcorn	28,694
Willie Steffey	28,008
Neil M. Woods	27,971
L. C. Grissom	27,965
Uil L. Gunter	27,740
Phillip C. Haberer	27,683
Dan Wood	27,650
W. D. Martens	27,111
Jack Nix	27,099
Kenneth Wiseman	26,858
Royce McFadden	26,500
R. D. Nix	26,423
J. D. Ratliff	26,312
N. W. Emfinger	26,107
J. F. Miller	26,073
J. T. Gibson	26,021
George F. Brown	26,001
W. W. Thompson	25,342
Kenneth Hinson	24,978
E. O. Feagley	24,892
Bennie Harmon	24,852

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

LAMB COUNTY—Continued

Matt Nix	$24,781
Ben L. Greener	24,753
Delwin L. Jones	24,739
Elmer McGill	24,642
Doyle Baccus	24,614
Travis Bundick	24,518
Eddie N. Wallace	24,375
Floyd Light	24,332
J. C. Brown	24,021
Hart Camp Corp	24,006
Billy Chester	23,937
Wallace O. Jones	23,817
Aldger B. Roberts	23,562
Calvin Wood	23,447
John W. Humphreys	23,387
James E. Jones	23,170
Thurlo Branscum	23,136
Richard E. West	23,038
F. D. Clayton	22,951
R. J. Sanderson	22,900
Wesley Neinast	22,881
Jack Angeley	22,674
Wm. R. Morris, Jr	22,603
L. E. Downs	22,564
DeWitt Tiller	22,225
Earl Watson	22,124
J. W. Gosdin	22,114
Jerry W. Kelley	21,828
Tavie Simmons	21,747
James C. Graham	21,745
Paul Yarbrough	21,599
E. D. Bingham	21,449
Robert Akin	21,370
Gaulbert Demel	21,328
Wiley H. Mudgett	21,309
Troy Blackburn	21,240
A. C. Light, Jr	21,182
James P. Glumpler	21,157
Roy A. Hutson	21,054
Drexel Lawson	21,024
Ollie Davis	20,834
O. D. Chester	20,753
Ernest E. Jones	20,622
Thomas M. Wiseman	20,377
Wayne McLarty	20,230

LAMPASAS COUNTY

T. W. Winters	38,558

LEON COUNTY

Oscar O. Brown	36,366

LIMESTONE COUNTY

Walter B. Honeycutt, Jr	29,863
J. F. Jackson	23,641

LIPSCOMB COUNTY

Vernon G. Schultz	27,466

LIVE OAK COUNTY

H. C. Yount	20,181

LLAND COUNTY

Fay Miller	22,185

LUBBOCK COUNTY

W. E. Armstrong	105,419
Medlock Farms	91,457
A. L. Cone	80,538
Layton L. Lawson	71,597
Standefer-Gray, Inc	70,011
Howard Alford	62,836
George A. Taylor, Jr	60,714
Annette O. Martin	59,470
J. Carter Caldwell	57,377
W. D. Vardeman	55,639
R. E. Jones	53,921
F. E. McNabb	53,037
B. J. Robbins	52,314
Ferman R. Priddy	52,173
Melville Hankins	51,185
Johnnie Joiner	49,548
San Augustine Ranch	49,449
Kirby E. Hobgood	48,087
Graham C. Holmes	47,845
Davis and Son	47,425
J. W. Furgeson	46,665
John M. Clark	46,260
DeBusk Bros	45,605

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

LUBBOCK COUNTY—Continued

Oliver Jackson	$45,393
Greenlee Farms	44,705
Bethel Attebury	43,210
O. B. Chessir, Jr	42,929
Leroy Grawunder	42,065
Morris S. Smith	41,266
B. J. Hutcheson	41,177
Hugh V. Newton	40,312
DeBusk Enterprise, Inc	40,300
Medfred Weaver	39,493
Max Barnett	39,269
Clifford Hamilton	39,140
James F. Davis, Jr	38,226
L. T. Foster	37,762
Ward W. Carroll	36,719
J. W. Shadden	36,135
Davies-Robertson, c/o K. Davies	35,816
Smith Bros	35,634
Darby & Darby Pts	35,623
Billy Meyers	35,567
J. C. Heinrich	34,861
Joe B. Lovelace	34,056
R. H. Holmes	34,018
Albert C. Henderson	33,477
Robert Melcher	33,124
Brodie A. Darby	32,984
Coyne E. Killian	32,892
Alton L. Lawson	32,671
Olan K. Dorsett, Jr	31,920
France Baker	31,560
C. W. Teal	31,396
Smith Keller	31,379
Sam A. Durham	31,206
Jay & Tommy Stanton Pts	30,789
W. V. Halford	30,681
Effie L. Middlebrook	30,680
Felix H. Macha	30,608
R. W. Woodruff	30,068
B. B. Hobgood	30,036
G. V. Lipps	29,892
Charles W. Wood	29,878
David S. Enger	29,639
Billy Bryan Boyd	29,532
J. Pete Thompson	29,222
Raymond R. Marshall	29,214
Henry & John Kveton	28,515
Henry W. Taylor	28,504
Doyce Middlebrook	28,387
E. Donald Bledsoe	27,950
Wesley W. Ferguson	27,883
W. C. Bill Neel	27,867
Omer D. Linsey	27,867
Bruce Gentry, Sr	27,783
J–J Farms	27,536
Wienke Brothers	27,416
C. E. Hobgood	27,305
R. & D. Bednarz	27,147
Bobbie J. Henderson	27,015
Potts Gilmore	26,750
M.J. Williams	26,714
Ray D. Langford	26,660
Paul E. Crosnoe, Jr	26,417
Excell W. McFarling	26,335
Ralph M. Harmon	26,218
George H. Harlan	26,187
Ed Foreman	26,071
Earl Reasoner	26,059
Jack Phipps	25,849
Bennie James	25,581
Steck Fm Tr-Lulain Est	25,564
Edward S. Smith	25,454
Roy C. Forkner	25,330
I. Arnold Chauncey	25,302
D. D. Mahon	25,289
Roy Dale McCallister	25,237
Troy Armes	24,987
M. & J. & Andrew Clark Tr	24,920
Franklin G. Dunn	24,720
T. E. Bills	24,672
James T. McMenamy	24,644
Paul Cates	24,324
Loyd E. Huffaker	24,302
Grady W. Haliburton	24,243
E. S. Moseley	24,113
D. J. May	24,077
B. H. Piercy	24,016

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

LUBBOCK COUNTY—Continued

Airport Farms	$23, 918
James Attebury	23, 794
Paul Perry	23, 724
C. O. McNabb	23, 676
Harold E. Campbell	23, 588
Roy Hugh McKelvy	23, 550
Donald E. Adrian	23, 544
Fred D. Bradshaw	23, 536
B. A. Stephenson, Jr	23, 482
W. R. Sage	23, 477
E. J. Batcheller	23, 464
Carroll D. Teeter	23, 254
Robert Fehletson	23, 239
A. C. McCallon	23, 061
Randal L. Rieger	23, 001
Walter Lupton	22, 940
Alex D. Bednarz	22, 889
Weldon M. Boyd	22, 822
Dan Gillett	22, 820
O. W. Smith	22, 725
H. G. Barrett	22, 605
Troy V. Snodgrass	22, 515
Vernice Ford	22, 507
W. E. Morgan	22, 484
Virgil M. Isom	22, 450
Walter O. Heinrich	22, 437
Volney T. Rush	22, 422
Hilton Foerster	22, 342
Dempsey D. Skipper	22, 331
Glen M. Wages	22, 325
Mabel Dixson	22, 160
Derl E. McGuire	22, 029
H. V. Newman	21, 973
Clifford Hilbers	21, 931
Glenn B. Payne	21, 513
Robert C. Baxter	21, 506
Harold E. Voigt	21, 434
Ottis Isom	21, 412
W. T. Leon	21, 319
Don Freeman	21, 310
Loren J. West	21, 234
W. E. Medlock	21, 229
Mary A. Stephenson	21, 195
Wendell F. Attebury	21, 145
Irving H. Grimes	21, 134
Carl D. Jones	21, 086
Laura L. Peeples Establishment	20, 983
Darrell Stephens	20, 937
Wright-Mitchell	20, 827
Looney & Looney	20, 728
Roy G. Cannon	20, 673
Hilburn Barrick	20, 644
Conrad J. Melcher	20, 608
Arthur Newton	20, 558
L. E. Bartlett	20, 531
Frank Basil Lovelace	20, 529
Milton T. Stanton	20, 424
Don Snowden	20, 361
W. H. Luker	20, 240
W. A. Bill Alspaugh	20, 206
Betty L. Petree	20, 202
Delphine J. Hlavaty	20, 189
A. B. Enloe, Jr	20, 102
Abb L. McClanahan	20, 087
J. T. Davis	20, 062
James E. Winder	20, 024
Billy Fortenberry	20, 015

LYNN COUNTY

W. C. Huffaker, Jr	85, 332
Cass Edwards II	80, 961
J. W. Gardenhire	64, 253
John Saleh	59, 987
Heirs Edwards Establishment	58, 802
Cecil Dorman	57, 497
Lynn West	56, 827
W. G. Lumsden	55, 831
Bryan Wright	53, 895
L. C. Unfred	51, 874
O. R. Phifer, Jr	51, 671
L. H. Nettles	47, 680
Billy G. Gardenhire	47, 313
W. W. Hagood	42, 234
C. G. Kieth	40, 657
W. T. Kidwell	40, 489
Mayland F. Taylor	38, 861
H. D. Vaughn	38, 149
Natt Park	38, 142

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

LYNN COUNTY—Continued

J. Weldon Martin	$35, 989
R. L. Warren	35, 024
A. P. Edwards	34, 448
Jim Bob Smith	33, 722
W. J. Kahl	33, 493
Carl Sanders	33, 308
Chester H. Smith	32, 475
W. E. Singleton, Jr	31, 613
Darrell J. Bessire	31, 086
C. L. Mason	30, 768
Draper & Sons, Partnership	30, 640
D. R. Adamson, Jr	30, 560
Othell Meeks	30, 036
Buster Todd	29, 920
J. T. Middleton	29, 751
Draper Bros. A., Partnership	29, 010
Fred McGinty	28, 686
J. A. Evans	28, 513
Jack Webb	28, 376
C. T. Louder	28, 003
J. T. Forbes	27, 697
Ray Cook	27, 617
Glynn Moore	27, 400
C. L. Littlepage	27, 294
Leroy Nettles	27, 263
Kenneth Davies	27, 092
H. G. Franklin	26, 642
Pearl E. Calloway	26, 510
Edward Bartley	26, 261
Clifton Clem	26, 199
Dick Franklin	25, 929
J. Robert Fillingim	25, 682
Maurice J. Huffaker	25, 457
D. C. Sikes	25, 420
R. L. Thomas	25, 140
Larry Hagood	25, 082
William Thomas Gardenhire	25, 026
Joe D. Unfred	24, 967
Sam Singleton	24, 746
L. M. Mires, Jr	24, 587
Jeff Emory Nance	24, 570
C. E. Thetford	24, 510
J. Martin Basinger	24, 027
Tekell Farms	23, 956
Aubrey Smith	23, 918
Miriam Collins Green	23, 906
G. W. Turner, Jr	23, 851
David L. Hill	23, 741
Elmer Schoppa	23, 400
Harold Brumit	23, 385
C. A. Moore	23, 340
H. T. Barrett	23, 215
V. O. Caswell	23, 206
R. W. Overstreet	22, 978
Oscar H. Lowrey	22, 863
A. C. Fillingim, Jr	22, 698
D. W. Gaignat	22, 662
Bill M. Clayton	22, 483
Buster Phipps	22, 409
Howard Moore	22, 295
B. B. McAllister	22, 272
Clarence Church	22, 236
Wayne Clayton	22, 235
R. M. Thomas	21, 748
J. T. Swinson	21, 731
L. D. Halford	21, 598
Arthur G. Cawthorn	21, 498
I. C. Dorman	21, 454
Edwin Nettles	21, 451
Stewart Rice	21, 449
W. A. Caveness	21, 442
Glenn Norman	21, 369
W. & G. Pennington	21, 272
Clifton Hamilton	21, 257
Bonnie Brown	21, 213
Eldon Gattis	21, 164
D. W. Hancock	21, 086
A. Earl Cummings	21, 008
Gene Eades	20, 883
Olen Renfro	20, 624
Lloyd Mears	20, 615
J. L. Crawford	20, 593
Cromer & Sons Partnership	20, 555
J. W. Pirtle	20, 470
A. A. Denzer	20, 379
E. M. Rudd	20, 120
R. A. Taylor	20, 003

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

MADISON COUNTY

William M. Forrest, Jr	$33, 245

MARTIN COUNTY

Glen Cox	69, 266
J. A. Pebsworth, Jr	60, 376
R. T. Kingfield	39, 637
Woody Bros	36, 184
James Newman Biggs	34, 810
Eddie C. Cook	33, 676
L. D. Freeman, Jr	32, 540
L. D. Snell	30, 667
A. C. Woodward	28, 915
D. E. Richards	26, 632
Newell Wayne Tate	26, 127
Edmond Tom Ranch, Inc	25, 837
Jack Hershell Kuhlman	23, 454
Jim Franklin	23, 098
John Woodward	22, 102
Sam B. Parham	21, 979
Billy Fryar	21, 672
Moncue McKaskle	21, 407
G. I. Snell	21, 089
Romine Bros	20, 644
Lois Calvin Madison	20, 586
James G. Sawyer	20, 473

MATAGORDA COUNTY

Clarence Fryar	20, 251
Carl M. Hansen, Jr	30, 582
George Hejtmanek	22, 562
Ralph L. Petersen	21, 254

MAVERICK COUNTY

Ed and Leo Jensen	20, 997
Dixie Farms	174, 707
Jack Keisling	42, 453
El Indio Land Co	31, 522
Marion Balch	22, 613
Roger Woodard	21, 539

McLENNAN COUNTY

James M. Warner	43, 069
J. Weldon Youngblood	40, 218
Jim Radle	34, 982
Walter Rush	24, 102
J. L. Sharp	20, 178

MEDINA COUNTY

Ed Wanjura	22, 712

MIDLAND COUNTY

Eugene F. Jones	50, 457
Allen Spinks	43, 767
Bob Evans	31, 146
Ervin A. Baumann	26, 653
L. C. Duke	25, 251
R. R. Graham	23, 184
A. C. Teinert	23, 120
Merwin Haag	23, 548
Forest G. Eggemeyer	21, 649
Louie Koonce	21, 225
James Brooks	21, 006
Jerome H. Hoelscher	20, 478

MILAM COUNTY

Cobb Bros	49, 610
Daniel D. McDaniel	45, 247
Walter Pyle	39, 269
Troy Lee Hunt	29, 318
Wilburn E. Beckhusen	29, 132
John J. Fagan	24, 312

MITCHELL COUNTY

A. K. McCarley, Jr	33, 397
Chas. N. Stubblefield	32, 271
W. H. Narrell	31, 209
A. Preston Morris	28, 180
Harold Hester	25, 241
L. A. Browne	24, 946
R. B. Golden	24, 748
Armando Baumann	24, 408
Curtis E. Latimer	24, 348
Warren Anderson	23, 559
Travis P. Turner	22, 492
Foy Webb	21, 342
Linden Solomon	21, 219
D. M. Smith	20, 851

MOORE COUNTY

Paul E. Hayes	67, 465
Marshall Cator	64, 624
Johnson, Johnson and Thomas	43, 481
Gossetts, Inc	42, 836

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

MOORE COUNTY—Continued

Schuman Farms, Inc	$41,800
Morris L. Hunt	40,314
Arthur B. Stavlo	36,020
Robert J. Ownbey	35,386
Raymond D. McMurry	35,308
Britain and Keith Cattle Co	34,723
Gaston Wells	34,480
John H. Goodwin	33,418
Carl Beauchamp	32,441
J. H. Burkett	31,016
Rex Hall, Jr	30,304
J. W. Huff	29,296
Gordon Taylor	28,830
Roscoe Beard	28,563
Ham and Messenger	28,328
H. D. Lewis	27,754
Joe Schuman	27,742
Harold N. Keisling	26,979
Jack H. Mills	26,337
Delmer W. Keisling	25,556
Stringer Farms, Inc	24,494
Dale M. Coleman	24,368
Eddie M. Stallwitz	24,073
J. Clay Harbert	23,718
Jennie Ledwig	23,448
Thurman E. Fisher	22,585
Paulus Schroeter	22,307
Verdie & Lloyd Beauchamp	21,746
A. J. Harris	21,636
Jessie Glynn Burnett	21,559
James Tatum, Jr	21,528
Nelson E. Burton	21,214
Arvel A. Perky	21,095
Edward L. Stallwitz	20,289
Palo F. Younger	20,261

MOTLEY COUNTY

Claudie A. Matney	28,370
Roy D. Grundy	22,526

NAVARRO COUNTY

Fortson Farms	83,089
Drew Gillen	62,294
William F. Mahoney	35,801
Webb Armstrong	24,803
Doyle H. Allen	24,542
James Fortson	23,791
Robert L. Colquitt	22,992
Joe Chapin	22,896
James Parker	22,877
Bancroft Bros	20,382

NOLAN COUNTY

Philip V. Haynes	53,872
D. S. Riggs	40,190
Herbert L. Williams	35,851
Ronda H. Whorton	35,589
Max Wright	32,621
T. D. Young	31,804
J. B. Cooper, Jr	30,835
Joe G. Williams	30,093
Althof & Julian Farms	29,189
C. C. Etheredge	28,774
Raymon Althof	27,796
Homer L. McLeod	27,023
Woodrow M. Smith	26,249
Dean D. Alexander	26,125
George E. Parrott	26,123
Mancle T. Pointer	25,980
Reuben Barnett Pieper	23,314
Clyde H. Ater	22,996
Harold Haynes	21,035
Luther R. Wright	20,836
Wilbert H. Althof	20,340

NUECES COUNTY

Randy Farenthold	35,952
W. W. Walton	35,311
Harlan Bros	28,405
J. W. Callaway	27,865
W. M. Bevly	27,069
W. M. Bevly, Jr	26,790
W. H. Mattiza	25,951
Hale & Hale	25,085
Flato & Hoepfner	24,982
Barkley Farms, Inc	24,452
W. E. Scarborough	23,573
H. L. Eichelberger, Inc	23,142

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

NUECES COUNTY—Continued

R. L. Garrett	$22,227
Mrs. Lee E. Herrmann & Sons	21,652
C. C. Albrecht	21,170
Driscoll Foundation	21,033
E. M. & Cornie Wilson Est	20,900
J. C. Mayo	20,661

OCHILTREE COUNTY

Earl Lelsie	44,290
Everett D. Clement	27,737
Dan Archer	25,089
Charles M. Share Est	22,555
Earl D. McGarraugh	22,535
William E. Pletcher	20,739
Batman & Son	20,205

OLDHAM COUNTY

Geo B. Doshier	39,141
Herman Grusing	37,343
Everett Wiseman	28,591
Charles B. Short	21,011

PARMER COUNTY

Clarence Martin	70,985
Verney Towns	61,749
Sloan Osborn	51,847
Ralph W. Shelton	47,051
J. C. Mills	45,792
Bruce Parr	45,171
Clawson Bldg. Co	43,063
Ranza Boggess	41,695
J. D. Kirkpatrick	41,323
Roscoe Q. Silverthorne	39,679
Fangman Farms Inc	38,810
Deon Awtrey	38,589
Mike Allen	37,419
Walter R. Mabry	36,098
T. N. Browning	35,537
James W. Barnett	35,471
Arlin L. Hartzog	35,127
Floyd T. Dyer	35,100
Tom Caldwell	33,734
E. D. Chitwood, Jr	33,710
William L. Lee	33,707
John L. Ray	33,393
Herman D. Gerles	33,100
Dave M. Thompson	31,566
Wyle M. Bullock	30,408
Leonard L. Grisssom	30,125
W. O. Chadwick	29,119
Louis L. Welch	28,732
M. A. Black	28,575
Keith Garner	27,278
Stephen L. Struve	26,807
Edwinston Clark	26,612
Robert G. Sparks	26,499
Van E. Nichols	26,469
J. E. Knight	26,372
Donald Christian	25,972
Gene Smith	25,760
A. Dargin Kirk	25,740
Ronald E. Minyen	25,537
David W. Grimsley	25,195
A. L. Black	25,195
C. V. Potts	25,103
Dean McCallum	25,082
Royce G. Welch	24,909
David E. Turner	24,721
Alphonse L. Reznik	24,491
Glenn Phillips	24,434
Thomas L. Whaley	24,257
Virgil Young	24,248
Billy L. Marshall	24,217
Cole Bros	24,064
John Renner	23,226
Dalton K. Caffey	23,109
Thomas W. Beauchamp	22,972
Jack Moseley	22,881
Jack London	22,875
A. O. Dickson	22,799
Joe F. Blair	22,758
T. F. Taylor	22,640
Lawrence Jamerson	22,398
Marion H. Carson	22,358
John W. Littlefield	22,286
James Ensor	22,275
Clarence A. Johnson	22,274
Ellis Tatum	22,198

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

PARMER COUNTY—Continued

Grady W. Sorley	$21,887
Jamess W. Dixon	21,882
Melvin Southward	21,824
Joe A. Schilling	21,425
Don B. Sudderth	21,409
W. M. Sherley	21,301
T. I. Burleson, Jr	21,258
J. H. Dunbar	21,198
Gilbert E. Wenner	21,157
Walter Kaltwasser	21,146
R. W. Jones	21,137
J. T. Ford	20,907
Murrell D. Foster	20,721
James M. Procter	20,678
Richard B. Vaughn	20,639
Lawrence J. Martin	20,528
Charles E. Trimble	20,475
Walter R. Riethmayer	20,468
J. R. Johnson	20,383
Raymond K. Schueler	20,339
David H. Carson	20,320
Freman Davis	20,315
Robert H. Schueler	20,315
Roland D. Dale	20,276
John Agee	20,275
Henry L. Ivy	20,252
Bill W. Carthel	20,170
J. T. Mayfield	20,112
Billy E. Bourlon	20,046

PECOS COUNTY

Coyanosa Farms	206,847
Belding Farms, Inc	150,117
C & C Farms	124,086
Marshall C. Rudder	122,368
Elvin Crow	108,857
Albert J. Hoelscher	98,389
A. B. Foster	86,777
Lakeside Farms	64,894
Luther C. Holladay	55,247
David C. McAteer	53,283
Melvin H. McKinney	53,196
John R. Dorr	47,311
Harrell & Harrell	45,341
Trans Pecos Farms, Inc	44,354
Glen J. Ellis	39,311
McKinney and Foster	36,397
Mike A. Burkholder	34,940
Marshall G. Nevill	34,246
Ralph C. Dickson	33,170
S. F. Williams, Jr	32,564
Allen Tipton	32,058
William A. Tipton	31,455
Virgil I. Church	31,287
Lelan D. Haren	29,371
Harral and Marable	29,348
Harlan Black	26,994
Walter Choate	24,096
Glen Brady Williams	23,519
Whittenburg and Harral	22,070
Broyles Stockton	22,004
Pecos Co. Statea Bank	21,778
Andrew J. Sitton, Jr	21,642
Clarence A. Stephan	21,246
Longfellow Corp	20,598
Gilbert J. Moore, Jr	20,489

POTTER COUNTY

E. B. Fite	20,386

PRESIDIO COUNTY

Charles Spencer	52,752
C. W. Adams	37,473
Valley Farms Co	28,832
L. M. Bennett	22,748

RANDALL COUNTY

Delmar Durrett Trustee	52,915
Earnest L. Barnett	34,428
J. R. Vincent	30,479
Robert C. Sims	30,109
Clinton Glenn	23,472
John A. Williams	22,965
Walter A. Graham	21,281
Ross B. Elliott	21,023
Max Rarick	20,619
John L. Butler	20,107

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

REAGAN COUNTY

Alfred J. Schwartz	$29,947

RED RIVER COUNTY

Nickels Gin Co	28,167
Mervin L. Slaton	21,697

REEVES COUNTY

Kesey Bros	193,844
Worsham Bros	189,497
Kenneth Lindemann	172,042
Clark and Roberts	167,093
Smallwood Farms	129,492
Trans-Pecos Dairy	125,170
W. W. Hill	123,223
G. G. Passmore	99,108
Joe Lee McMahon	109,711
Reetex Farms	108,285
W. T. Lattner & Son	102,220
Billy R. Michaelsen	24,311
U-Bar Land and Cattle Co	95,524
Loy Kilgore	94,198
Winterrowd Bros	93,854
W. A. Sullivan	89,251
J. F. Crews	73,963
J. W. Bryan	73,107
F. F. Bradley	70,084
Rowe and Turnbough	70,068
Davidson Bros	68,625
Broyles Pecos Farm	64,109
Tom Passmore	63,293
Walter B. Shaw	62,707
J. R. Lefevere	60,083
Coy Fraley	55,964
B. C. Kesey	51,890
Weinacht Bros	51,608
W. W. Clem	50,597
Peppy McKinney	50,320
T. J. Wilson	50,234
Jack Davis	49,731
H. R. Hudson, Jr	49,640
Jerry Jenkins	49,614
Charles Spence	49,368
Dale Toone	49,282
B. V. Shaw	49,163
William R. Ramsey	48,517
J. T. McKinney	48,203
David D. Davis	47,346
J. B. Hopkins	47,296
L. Barrett Johnson	45,947
Raymond Beauchamp	45,899
Frank Bounds	45,500
Chocolate Flats Farm Co	44,022
Virgil M. Glenn	43,972
Robert M. Owen	43,672
Rudolph Hoefs	43,131
Jack Duke	41,310
W. L. Kington	41,149
J. T. Moore and Son	40,033
James L. Sears	39,893
Hermosa Farms, Inc	39,852
Don Watkins	38,582
Ronald Miller	36,935
G. B. Scull	35,354
A. J. Carpenter	35,264
Roy Blahosky	33,140
Metz Rowe	33,123
C. S. Hess & Son	32,794
Dingler Farms	29,261
Cherry Creek Farm	28,703
Louis D. McNeil	27,920
William C. Smith	27,898
Clem Crowley	27,733
Evans Butler	27,345
Butler Brothers	26,138
W. B. Evans	24,363
R. M. Harding	23,917
Robert G. Davis	23,791
Herbert H. Toone	23,644
Ted Johnston	22,495
Finley Gunter	22,335
J. W. Fernandes	22,165
Garland Derword Rowe	21,883
E. L. McDonald	21,795
Marion A. Briggs	21,777
Hubert Nunn	21,672
L. M. Collier	21,541
M. C. Dixon	20,370
Don & Herman Bippes	20,280
Coy Nichols	20,212

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

REFUGIO COUNTY

Wright Bros. Farm	$43,640
Voges and Boenig	37,723
Hartmann and Schubert	31,488
J. C. Ermis	29,385
R. L. Shaw	26,126
Bevly Bros	26,095
C. L. Lehman	25,304
J. M. Tatton	24,789
W. F. Abney	24,626
Clifton E. Frazier	23,431
T. G. and R. L. Jackson	20,510

ROBERTS COUNTY

W. R. Holland	28,294

ROBERTSON COUNTY

John W. Nigliazzo	108,219
Joe Reistino	93,774
Goodland Farms, Inc	83,075
Vence S. Corpora	75,980
John C. Reistino	60,582
Sam Degelia, Sr	56,334
James H. Jones	54,199
Louis Muse	50,799
Clara Barton	50,297
Thomas D. Wilson	46,638
Anthony Denena & Son	45,899
Fred J. Ferrara	45,388
J. W. Foster, Jr	44,981
Joe Scarpinato	44,263
William P. Scamardo	43,589
N. R. Lutz	40,481
Anthony L. Scamardo	38,064
Pete L. Scamardo	38,050
Sam Destefano	37,030
Ned Fachorn	36,611
Anthony Denena	35,398
Sam Frank Destefano	34,264
Ross Cash	34,169
Joe Reistino, Jr	33,641
Frank Sam Loria	32,028
Pauline Doremus	30,736
Ben Perrone	29,715
Henry Seale	29,567
James & Tony Cortemelia	27,682
A. M. Lampson	27,320
Charlie P. Briggs III	27,045
A. M. & Carl Cotropia	26,460
Sam Morello	26,365
Frank Destefano	25,767
Gathan Reistino	23,720
Luke Scamardo	23,627
A. H. Judkins	22,237
R. F. Manning	22,036
Frank Cotropia	21,822
Louis Morello	21,642
Michael Muse	21,394
Douglas A. McCrary	21,067
Joe Cotropia	20,460

ROCKWALL COUNTY

Henry Zollner	30,429

RUNNELS COUNTY

Alderman-Cave	23,426
Noble L. Faubion	20,318
Walter B. Adami	20,134

RUSK COUNTY

Otho Morris	43,298

SAN PATRICIO COUNTY

F. H. Vahlsing, Inc	163,838
Heirs of Jos. F. Green	80,102
T. A. and K. G. McKamey	47,755
Jackson & Stripling	46,531
Irvin Hart	42,850
Charles H. Mayo	41,174
Floyd Webb, Jr	36,237
Fred Williams	36,150
R. E. Hart	30,928
H. G. Ritchie, Jr	30,366
Reynolds Metal Co	30,341
Thomas A. Setliff	29,107
W. O. Hart	26,589
Beyer Bros	26,287
Woodrow Hart	25,790
George J. Ermis	25,432
H. G. Ritchie Est	23,853
W. L. Shelburne, Jr	23,366
W. C. McDaniel	23,022

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

SAN PATRICIO COUNTY—Continued

Q. M. Priday, Jr	$22,715
John E. Owen	22,460
Stanley Webb III	22,282
Beasley Farms, Inc	21,965
Floerke Bros. Part	21,873
Mercer T. Ivey	21,872
Chester B. Brittain	21,531
Howard H. Webb	21,207
Daniel P. Moore	21,196
Roots & Roots	21,164
R. J. Garrett	21,163
Martin Schneider	20,858
Milton Gabriel	20,499

SCHLEICHER COUNTY

Virginia L. Bruton	25,329

SCURRY COUNTY

Billy Huddleston	34,107
J. B. Autry	30,457
Leroy Key	28,436
Clements Bros	28,280
C. A. Daugherty	27,604
G. E. Chorn	20,810
Ray Herring	20,474
Leo Schattel	20,119

SHERMAN COUNTY

R. M. Buckles Ind. Exec	49,085
Lasley Cattle Co	37,923
R. D. and Billy McClellan	34,006
Del Cluck	33,520
E. F. Fisk	29,847
W. R. Murrell, Jr	29,283
Glenn Reed	28,834
R. M. Buckles	28,177
Dietrich & Gurley	26,812
Huber R. Tillery	24,442
Jack Heil	24,168
Wm. L. Price	23,424
Claude W. Sloan	22,752
Carter & Wegner	22,162
Judd Cattle Co	21,996
Wood Craig	20,819
Pat Holt	20,615
William N. Jackson	20,609
Sam R. Cluck	20,608
B. Price	20,263
Luther Browder	20,207
Cartrite Bros	20,040

STARR COUNTY

Charles Roos III	101,403
Starr Produce Farm Acct	68,377
La Casita Farms, Inc	54,227
John Fish	45,912
Lynn F. Jones	33,737
H. L. Conger	33,433
M. Guerra & Sons	23,987
Valley Onions, Inc	20,993
Ringgold Farms	20,937

SUTTON COUNTY

Thomas A. Morriss & Sons	20,584

SWISHER COUNTY

Warner Reid	128,198
Fowler E. McDaniel	87,406
B. Raymond Evans	60,592
Tyline N. Perry	60,590
J. L. Francis	56,741
Henry O. Thompson	52,801
Corliss H. Currie	50,571
S. A. Barrett	49,581
Miller Farms Company	46,979
Lewis Glenn Mahagan	43,103
Jack D. Loring	41,755
Carl L. Hale Est	40,595
James W. Cox	37,708
Robert Devin	35,928
D. E. McEachern	33,943
Billy & Dale Street	32,459
Buck Garrett	32,151
Tye/Sons	31,692
Jack Foster	31,593
Nelson Borchardt	31,000
M. T. Glenn	30,260
Lloyd Glenn	29,235
Si G. Elliott	28,976
J. Fred Benefield	28,442
Daryl R. Dixon	28,194

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

Swisher County—Continued

C. Otis Harman	$27,560
Andrew Price	27,533
Harley L. King	27,110
Dr. Wm. B. Childress	26,158
James G. Cruce	26,012
Hoyet Burnam	25,830
Frank Kiker	24,963
W. E. Thurman	24,823
L. L. Armor	24,420
Jake Jones	24,119
A. H. Jennings	24,039
Allen Glenn	23,739
Oscar L. Gunkey, Jr	23,423
T. C. Measles	23,324
Harvey Milner	23,091
Woodie Boston	22,997
H. T. Copeland	22,779
Billy W. Evans	22,711
C. F. Harris	22,622
Earl Hillman	22,538
Newt Redmon	22,489
A. B. Raymond	22,422
Carl Weathers	22,294
Preston Roper	22,284
Jones Bros.	22,209
Boyd Thompson & Griffing	22,182
W. R. Stovall	21,957
Jack Middleton	21,869
Delbert L. Devin	21,618
Burle D. Byrd	21,569
Glenn Terrell	21,457
Lawrence Ludeman	21,388
Graham Brothers	21,338
Morgan Sturgess	21,304
L. F. Campbell	21,164
Leo Foster	21,092
Lonnie G. Todd	20,999
R. W. McClure	20,834
G. C. Carter	20,660
A. Emmet Pittman	20,511
F. J. & David Burgess	20,408
Haught Bros.	20,150
John B. Gayler	20,075

Taylor County

E. F. Shotwell	22,924

Terry County

Howard Hurd	79,409
Muldrow Farms	62,872
W. A. Fulford	62,373
Milton Addison	60,817
Charlie Caswell	60,748
Graham Swain	57,944
Bonard Stice	57,455
Robert Beasley	56,205
Dan Day	53,836
M. H. Wagner	51,776
Norman Caswell	51,488
Troy Phillips	49,914
Carter Farms, Inc	49,734
Olane Caswell	48,736
Doyle Moss	46,664
M. E. Hinson	45,865
Kenneth Purtell	45,360
Davis Beasley	45,204
Don C. Day	43,952
L. D. Hamm Estate	41,769
Elmo Adair	40,353
Milton Brisco, Jr	40,342
L. T. Hawkins	39,433
Val Garner	38,075
George W. Weiss	38,045
Robert Baumgardener	37,697
R. R. McNeil	36,851
D. Tatum Est and Freddie Tatum	36,716
H. L. King	35,918
Mack Wilmeth	35,047
George Kempson	34,930
Jess McWherter	34,834
Robert Irvin Oliver	34,610
Art W. Adair	34,229
Keith Vandivere	34,168
Tom Adams	34,155
J. V. & E. V. Riley	34,064
Billy Timmons	33,129

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

Terry County—Continued

Billy R. Jones	$32,966
Clarence Faught	32,931
James G. Davis	32,501
C. J. Falls, Jr	32,466
W. M. Hunter	32,184
C. A. Winn	32,044
G. I. Sims	31,841
Odell L. Lowe	31,288
Homer C. Hinson	31,236
R. D. Jones, Jr	30,689
Gene Newsom	30,595
G. M. Newsom	30,546
L. M. Williams	30,386
D. S. Carroll	30,183
Bill W. Blackstock	30,164
Sawyer A. Graham	30,127
Rufus W. Dill	29,464
W. C. Cabe	29,321
D. L. Adcock, Sr	29,315
Cletus Floyd	29,094
T. E. Ellis	28,836
Holland Johnson	28,802
Burton F. Foshee	28,518
J. C. Chambers	28,469
J. W. Christesson	28,252
Fred H. Turner	28,190
L. L. Banta	27,721
R. L. Burnett	27,245
Frank Ratliff, Jr	27,097
T. A. Hicks	26,821
C. R. Farrar	26,741
Thurman Skains	26,522
R. O. Webb	26,336
Robert E. Smith	26,331
Robert L. Noble	26,282
Russell Hendricks	26,201
W. Wayne Lewis	26,091
Bill Barnes	25,803
Donald Hancock	25,647
Ross Carter	25,511
J. C. Wooley	25,450
Charles Ray Smith	25,394
Carl Pye	25,197
Byron Cabbiness	25,197
James E. Thurman	25,156
Lloyd Hahn	25,152
Truman Hayes	25,131
Buddy Hawkins	25,114
N. R. Marchbanks, Jr	25,062
M. W. Baccus	24,836
Earl M. Fox	24,780
Homer C. Barron	24,727
Truett Flache	24,392
George Hudspeth	24,226
Earnest G. Hudson	24,198
Elvoyd Barton	24,143
Billy J. Keesee	23,907
B. J. McLaurin	23,904
Paul Blackstock	23,872
Dell Jordan	23,852
Aubrey Puryear	23,785
Jack Purtell	23,684
Frank Sargent	23,676
W. V. Lasiter	23,611
Sam Adair	23,584
M. E. Beck	23,569
Harry Stice	23,515
A. O. Waters	23,286
Billy McCallister	23,252
Grady Goodpasture	23,239
W. W. Fulton	23,004
Mitchell Flache	22,854
M. H. Ratliff	22,697
John R. McFarlan	22,536
Murphy May	22,369
Graves Nelson	22,322
H. L. Holleman	22,253
Earl Caswell	22,225
J. Frank Jones	22,013
G. W. Henson, Jr	22,010
M. R. Paddack	21,848
Whitt F. Coor	21,677
L. P. Joplin	21,556
Webb Brothers	21,520
J. E. Eakin, Jr	21,394
David Turnbough	21,359

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

Terry County—Continued

L. T. Rettmann	$21,350
Willie Hyman	21,223
J. D. Oliver	21,098
E. H. Farrar	21,030
Phil Addison	20,987
H. T. Oliver	20,780
James J. Martin	20,705
Freddie Howard	20,649
Johnny R. McKenzie	20,422
E. R. Edwards	20,373
Hubert Henson	20,345
Lewis Havran	20,259
J. Fred Bucy, et al	20,073
Jimmy Sargent	20,030

Throckmorton County

Francis D. Hamilton, Jr	21,301

Tom Green County

Dewey Parmer	42,951
B. R. Weatherford	38,695
Edwin J. Wilde	30,323
Ripple Brothers Part	25,762
Susan Peak Ranch	25,597
Fenton A. Wilde	25,165
Robert Lee Vidler	24,605

Uvalde County

Dolph Briscoe, Jr	27,803
Clint W. Bracher	24,595
W. C. Reagan	23,584
Otto Strube	23,468

Val Verde County

W. H. Wardlaw & Sons	23,509

Webb County

Palafox Exp. Co	26,701
N. H. Clark	22,673

Wharton County

Henry Knudsen	34,536
W. D. McMillan	31,339
Nilson Farms	28,060
Robert D. Williams	27,939
Wendel Properties	26,836
Billy R. Michaelsen	24,311
William B. Preisler	23,007
Lawrence J. Petersen	21,338
Julius Hlavinka	20,868
Lawrence Nilson	20,254
James O. Olson	20,108

Wheeler County

J. M. Tindall	29,218
Raymond Moore	21,074
W. T. Waggoner Trust Est	143,702
John H. Turner	26,571
Houston Belew	26,148
J. C. Riggins	26,144
Roy W. Judd	20,360

Willacy County

Sebastian Cot. & Gr., Corp	149,811
Daniel Gustafson	79,059
Alazan Farms	71,637
Joyce L. Smith	58,059
K. L. & D. E. Morrow Ptns	57,478
B. W. Kirsch	57,076
S. R. & C. D. Stone Trusts	56,384
S. & S. Seed	55,773
Funk Brothers	54,170
R. D. Smith	47,604
Adele M. Schmidt	43,392
Funk Farms, Inc	41,424
E. B. Lagerstam, Jr	38,962
James Whitfield	35,286
Wayne Labar	34,510
Clarence G. Johnson	34,402
W. Don Stone	33,989
A. C. Durivage	33,458
Alden Johnson	31,781
Enid E. Johnson	30,262
Virgil D. Oakes	30,228
John Wreden	29,272
G. M. & C. Ring	27,517
Donald Florence	24,497
Lewis A. Oaks	24,445
Weldon C. Haynes	23,189

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

TEXAS—Continued

WILLACY COUNTY—Continued

Fred Klostermann	$22, 560
D. B. Macallister	21, 643
J. A. Pennington	21, 629

WILLIAMSON COUNTY

Stiles Farm Foundation	48, 557
Telander Bros	22, 704

YOAKUM COUNTY

R. G. Hartman	61, 848
Wheeler Robertson	58, 937
James Warren	47, 463
Grady P. Warren	39, 569
Truett Jones	38, 691
Olen Edwards	37, 756
Wayside Gin, Inc	36, 668
Darvin Hobbs	34, 497
Don & Max Hawthorne	34, 062
Joe Joplin	31, 903
Robert A. Long	30, 637
A. L. Reynolds	29, 955
Russell S. Waulkenberry	29, 253
W. M. Nelson	28, 702
C. Loran Gayle	26, 102
W. R. Nelson	26, 070
A. O. Bearden	26, 048
Thomas A. Elmore	25, 747
Louis Eubanks	25, 326
T. J. Bearden	25, 018
Billy J. Smith	24, 869
Kent Welch	24, 820
Rayford E. Bearden	23, 932
I. W. Bailey	22, 572
Bobby Bailey	22, 543
Morris Lowe	21, 464
Mack Sealy	20, 224
Homer T. Sudderth	20, 166
Earl Kiser	20, 120
Barron Blair	20, 054
Garland Swann	20, 050

ZAPATA COUNTY

Ralph Hinkle	35, 889

ZAVALA COUNTY

Norment Foley	121, 132
Leslie H. Laffere	64, 815
Ritchie Bros	62, 209
Crescent PLTN	42, 782
Batesville Farming	27, 489
Malcolm A. Maedgen, Jr	26, 531
H. W. Kruse	26, 469
S. L. Shelton	26, 334
Felton Fitch	24, 465
Warren Wagner	23, 340
Howard Collins	22, 684
J. D. Lambert, Jr	22, 340

UTAH

BOX ELDER COUNTY

Don C. Rigby Family Partnership	44, 955
Wayne & Dallas Sandall	25, 033
Zollinger Farms Inc	21, 917
Laurence G. Whitney	21, 615
Oleen Garn and Sons	20, 634

SALT LAKE COUNTY

Deseret Livestock Co	36, 733
South Park Cattle Co	31, 067
Jones Brothers	20, 786
Thousand Peaks LVSTK Co	20, 208

UTAH COUNTY

R. Garn Holbrook	26, 943
Roy Tachiki	20, 458

WASHINGTON COUNTY

E. J. Graff	42, 948

VIRGINIA

SOUTHAMPTON COUNTY

C. E. Moore	29, 504

VIRGINIA BEACH COUNTY

W. R. Malbon, Jr	32, 982

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

WASHINGTON

ADAMS COUNTY

D. E. Phillips	$70, 757
Leonard & Henry Franz	52, 917
Hutterian Brethren, Inc	51, 585
Ralph Gering	50, 373
Robert V. Phillips	48, 494
Robert A. Franz	47, 298
Dwayne Blankenship	46, 693
Richard L. Kagele	40, 929
Don Damon	40, 621
Norman and Earl Wirth	38, 200
Elwyn & Rex Lyle	37, 162
J. Boyd Phillips	32, 610
Williams and Williams	31, 105
Baumann Farm, Inc	27, 550
Gene Kagele	26, 389
Arthur Johnson	26, 341
Bert Greib	26, 184
Nick Seivers	25, 513
Homer Evans	25, 030
Victor R. Franz	24, 047
E. C. Phillips	22, 419
Lester D. Lyle	21, 164
Elmer Schoesler & Sons	20, 800

BENTON COUNTY

Bi County Farms	66, 673
Vollmer—Bayne	52, 433
Gould Brothers	40, 138
Morrigan Farms	39, 615
Wirth Brothers	37, 201
Horrigan Inv. Co	35, 672
Bateman Bros	33, 181
Kenneth Lee Smith	30, 400
Emerson L. Eby	26, 981
Allen Carl Deffenbaugh	26, 253
Carl L. Smith	24, 911
R. P. Nicoson Ranch	23, 843
John Wiley	23, 190
R. J. McWhorter	23, 081
Walter T. Reese	22, 699
Harry G. Owens Ranch, Inc	21, 907
Esther Perrault	21, 862
Ice Brothers	20, 806
Edwin Wilkerson	20, 340
Steve Smith Farms, Inc	20, 173

COLUMBIA COUNTY

Broughton Land Co	122, 730
Mead Ranch	35, 616
Dallas W. Long	28, 116
R. F. Young	27, 828
Ferrell & Luvaas	27, 654
Wilfred Thorn	27, 200
Eslick Farms	26, 800
Herres Brothers	24, 118
Jack Penner	23, 342
Dewey Donohue & Sons	23, 325
Ellsworth Conover	23, 280
Tucker Farms	22, 887
W. H. Archer	21, 940
Robert Patton	21, 280
Gordon Anderson	21, 051
Fred Kimball	20, 709

DOUGLAS COUNTY

Ben Nelson	26, 969
Loebsack & Sons	23, 360
Dezellem & Son	22, 883
Josh Barnes & Son	22, 501
M. A. Sachs & Son	20, 765
Russell Hunt	20, 312

FRANKLIN COUNTY

Herron Bros	44, 390
Kenneth Owsley	41, 005
Melvin Moore And Sons	32, 463
Gloria Simons	29, 733
J. H. Klundt & Sons	28, 683
Wilbur Dent, Jr	26, 077
Francis Havlina	25, 499
Bauermeister Brothers	24, 969
L. V. Dougherty	24, 653
Lloyd K. Cochrane	24, 163
E. Roger Moore	23, 755

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

WASHINGTON—Continued

FRANKLIN COUNTY—Continued

Alvin Mittelstaedt	$23, 433
Harry Kawauchi	22, 277
John V. Fisher	21, 826
Rogers R. Neff	20, 776

GARFIELD COUNTY

Geo. D. Brown—Sons	42, 480
Klaveano Ranches, Inc	32, 211
John Elsensohn	28, 892
Wayne Beale	22, 833
Gordon Ruchert	22, 601
Pearl Gwinn	21, 272
C. C. Wolf Sons	20, 943

GRANT COUNTY

Neil Rasor	69, 991
Lawrence C. Dormaier	32, 558
Kelley Brothers	30, 557
Higginbotham Brothers	28, 063
Art Schorzman	24, 600
Harold Isaak	24, 156
Yoshing Brothers	24, 140
Oscar Schuh	21, 631
Dick Edwards	20, 142

KLICKITAT COUNTY

Robert Andrews	29, 864
Robert Imrie	22, 276

LINCOLN COUNTY

Robert C. & Gilbert J. Sheffels	47, 256
Timmco Inc	35, 742
Tanke Farms Inc	29, 327
Wilbur Security Co	26, 619
Ray and Dale Pfeifer	26, 218
Lawrence Timm	25, 604
George H. Ellis	24, 065
L. Sheffels & Son Inc	22, 299
Rockdale Farms /P/	20, 803
Don B. Piper	20, 118

SPOKANE COUNTY

Osborne Belsby	32, 749
Felgenhauer Bros	30, 034
Carlos F. White	26, 185

WALLA WALLA COUNTY

Grote Farms Inc	62, 224
Kent Land Co. Inc	49, 468
Lonneker Farms Inc	43, 664
John H. Rea	43, 621
Tucker Farms Inc	42, 639
Kenneth Smith	40, 498
Robison L. and L. Co	39, 329
Lasater Farms Inc	38, 815
Twain Bodmer	34, 373
Matt Lyons	31, 623
Robert E. Anderson	29, 902
Houstan H. Marshall	29, 216
Foundation Farm Inc	28, 566
Dwelley Jones	27, 074
Emeral Duncan	26, 640
Henry V. Zuger	26, 126
Casey Farms Inc	26, 027
Harold V. Gorham	25, 898
Fred Sherry	25, 790
Kermit Peterson	25, 400
Schwerin Farms Inc	25, 370
A. Fred Zuger	25, 352
John E. Hair	24, 931
S. Earl Cochran	24, 826
Allen D. Struthers	24, 727
Hofer Bros	24, 573
K. & R. Walters	23, 731
Martin Farms Inc	23, 561
Erwin Bros	23, 396
Marvin Tucker	23, 149
Albert F. Kibler & Son	22, 459
STS Farm Inc	22, 224
Gar Ran Inc	22, 075
D. J. Harvey EST	21, 490
Ernest Gluck	21, 455
R. D. Frazier	21, 388
Cecil R. Anderson	21, 371
Blacklaw Bros	21, 300

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

WASHINGTON—Continued

WALLA WALLA COUNTY—Continued

Fred Strohmaier	$21,297
Francis Munns	21,029
H. Vincent and W. Johnson	20,995
Don Thomas	20,818
Tompkins and Sons Inc	20,692
Lloyd Hair	20,505
James A. Stonecipher	20,270
Paul B. Dague	20,117

WHITMAN COUNTY

Department of Natural Resources	166,396
Glen Miller	98,936
McGregor Lands & Livestock Co	84,942
L. C. Staley Tr	47,582
E. C. Hay and Sons Inc	46,490
Dippel Brothers	45,671
Urgel Bell	36,161
James R. Davis	31,492
Wm. H. Evans, Jr	29,991
John G. Schlomer	29,437
Asa V. Clark & Sons	28,284
John W. Smith	28,259
Maley Land & Livestock Co	26,487
C. W. Hood	26,340
Gordon Knott	26,244
Joe Myers	26,044
Burdette Prince	25,935
Carl Boyd	25,656
Dee F. Camp	25,564
Richard E. Despain	25,563
Harold H. Smick	24,332
Bennett Land Co	24,280
Filan Brothers	24,028
Henry Fisher	23,564
Glorfield Bros	22,872
Dan Hood	22,653
Virgil Dechenne	22,279
Lehn Brothers	21,917
Hinderer Bros., Kenneth & Blaine	21,353
Don Camp	20,938
Melvin Klewend	20,807
Pioneer Stock & Grain Farm Inc.	20,608
R. Paul Cocking	20,566
A. S. Miller	20,399
Edgar L. Smith	20,302
Robert Whitmore	20,288

YAKIMA COUNTY

Virgil Feezell	26,700
Merritt Fines	26,187
Ralph Mains	25,082
Harold R. Clayton	23,094

WISCONSIN

COLUMBIA COUNTY

L. J. Kaasa	20,554

DANE COUNTY

Stoughton Farms, Inc	32,322
R. J. Schmitt Farm	21,367

WAUKESHA COUNTY

Bishop Farms, Inc	33,854

WYOMING

BIG HORN COUNTY

C. A. Lewis Estate	25,044

CARBON COUNTY

Anderson Farms, Inc	40,446

CONVERSE COUNTY

Morton's, Inc	35,302

GOSHEN COUNTY

Buford Reece Beaver	21,217
Milan Henby	20,224

LARAMIE COUNTY

Warren Livestock	29,236
Jimmy Jessen	22,009
Henry Jessen	21,364

LINCOLN COUNTY

Thompson Land & Livestock Co	39,287

Payments over $20,000 under ASCS programs as compiled by USDA—Continued

WYOMING—Continued

SHERIDAN COUNTY

Seven Up Ranches, Inc	$20,125

UINTA COUNTY

Broadbent Lvstck Co	29,780

WASHAKIE COUNTY

Coutis Land & Lvstk Co	34,531

THE LATE HONORABLE JOHN M. VORYS

Mr. WYLIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Speaker, I wish to commend my colleague, the gentleman from Ohio, the Honorable SAMUEL L. DEVINE, for his tribute to the Honorable John M. Vorys in the CONGRESSIONAL RECORD of Wednesday, September 4, 1968.

I am deeply grieved, as are many Members of the House and thousands of central Ohioans, at the passing of such a great and good friend as Mr. Vorys.

My sense of loss is all the greater, because I now have the honor to represent a part of the district which Mr. Vorys served faithfully and well for two decades. He was not only my friend but my mentor, in a sense, as he encouraged my interest in public affairs from the start.

In my first campaign for public office, city attorney of Columbus, Congressman Vorys and his brother, Webb Vorys, made available to me his law office as my campaign headquarters. This was arranged through the assistance of my good friend, Arthur Vorys, nephew of the Congressman.

In many hours together, I found Mr. Vorys thoughtful, wise, and always willing to take into consideration the views of others in reaching his own conclusions. Friends on both sides of the aisle honored him for his integrity and wisdom; constituents expressed their confidence in him by reelecting him term after term until, by his own decision, he withdrew from the House to return to the practice of law in Columbus, his home city.

Especially significant were his concern and understanding for foreign affairs, and he served that House committee wisely and well. His contribution to international understanding did not end with his retirement from the House. He continued to speak authoritatively in this area, never failing to accept invitations to speak before audiences of many kinds.

The Nation and especially his community have been made better by the service of this man. His life is both an inspiration and a challenge to those of us who follow him in these legislative halls.

We who were privileged to know and work with him join with the family of John M. Vorys in their sense of great personal loss.

PROPOSAL TO LIMIT LENGTH OF TRUCKS

The SPEAKER. Under previous order of the House the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, today I wish to place into the RECORD a paper prepared for the Committee on Highway Safety of the Highway Research Board of the National Research Council entitled "Some Safety Aspects of the Size and Weight of Vehicles."

Mr. Speaker, this paper was prepared by Prof. John J. O'Mara, of the State University of Iowa Civil Engineering Department, which in my opinion makes a notable contribution to our understanding of the safety hazards of S. 2658 and the damage it could bring to the safety records of our country. I urge all Members of the House to carefully read Dr. O'Mara's paper, along with his previous paper on the aspects of this bill which I have placed in the RECORD. This study is important in exploring all of the potential ramifications of this bill when coupled with the doctoral dissertation of Dr. John Fuller on S. 2658 which has also been placed in the RECORD. Thus we have had the opportunity to take advantage of the research done by the academic community on our national highway system. We should not let it go by without careful perusal and examination.

The material referred to follows:

SOME SAFETY ASPECTS OF THE SIZE AND WEIGHT OF VEHICLES

The physical characteristics of vehicles govern the design of many highway features including the steepness of grades, dimensions and strength of bridges, sharpness of curves, the geometry of intersections and interchanges, and the width and thickness of pavements. Consequently, it is necessary that the public regulate the size and weight of vehicles in order that they not exceed the traffic and structural capacities of existing highways and streets and their components.

Safety is the primary consideration involved in establishing most limiting criteria, and this is true of maximum dimensions and weights of vehicles. Legislative authorities, however, in adopting controls for these characteristics often enact measures which compromise safety and endanger the public. Such actions are partially due to the paucity of reliable information presented to legislators. One reason for this situation is that the safety aspects of vehicle size and weight are little understood, and many aspects have not been determined in a quantitative sense.

HISTORY OF REGULATION

State and local governments have long regulated the size and weight of vehicles allowed on the public highways and streets. For many years the American Association of State Highway Officials has recommended maximum dimensions and weights, and these recommendations have been followed by most states in establishing legal limits applicable to highways in the Federal-aid systems. With a few exceptions, deviations from AASHO policy have been small variations in the magnitude of numerical values, see Table 1.

The Federal Government entered this field of regulation in 1956. The Federal-Aid Highway Act of 1956 established maximum permissable weights and dimensions for vehicles operating on the National System of Interstate and Defense Highways. Though it constituted a departure from the policy of the past, this action was taken by the Congress in order to protect the Federal investment in Interstate Highways and to insure the safety of the traveling public. Previous Federal-aid statutes were silent on the subject.

Acceptance of, and compliance with, established limits on the part of vehicle manufacturers and highway users has been fairly good. A notable exception is excessive weight. Overweight trucks are frequently detected by enforcement authorities who also find an occasional oversize vehicle. Complete enforcement is an economic impossibility, and some truck operators violate limits repeatedly, apparently gambling that additional revenue will exceed penalties.

However, over the years there has been an ever-present effort to secure increases in statutory sizes and weights. In most states legislative bodies have responded by periodically increasing the limits, sometimes disregarding objections by state highway authorities and safety departments. The required corresponding increases in size and strength of highway elements usually have followed, rather than preceded, the increases in legal size and weight of vehicles.

CURRENT AND FUTURE REGULATION

Federal regulation may begin to follow this pattern of repetitive increases. A bill, S. 2658, was introduced in the 90th Congress, 1967–68), to "amend . . . . . the United States Code relating to vehicle weight and width limitations on the Interstate System, in order to make certain increases in such limitations."[1] Briefly, and with some simplifications, the bill as amended would increase:

Weight on a single axle from 18,000 to 20,000 lbs.

Weight on a tandem axle from 32,000 to 34,000 lbs.

Total weight from 36 tons to 69 tons, approximately.

Width of vehicle from 8′–0″ to 8′–6″ plus allowances for "safety devices".

Length of vehicle from approximately 55 feet to unlimited length.*

Height of vehicle from approximately 13′–6″ to unlimited height.*

The enforcement provision, like that of the previous act, is indirect, i.e., through the withdrawal of federal-aid funds. The bill states "No funds authorized to be appropriated for any fiscal year under . . . the Federal-Aid Highway Act of 1956 shall be apportioned to any State within the boundaries of which the Interstate System may lawfully be used by vehicles or combinations thereof with . . . (weights or dimensions in excess of the values previously indicated)."

At the time of preparation of this study the bill had passed the Senate and had been favorably reported to the House by the Committee on Public Works, but with a minority report requesting postponement to allow further study.[2] [3]

Statements favorable to the bill were presented at Congressional Committee hearings.[4] They emphasized the economic advantages of larger payload capacity of trucks and busses and suggested some improvements such as better lateral stability with increased width. Adverse statements covered structural damage to bridges and pavements, the ineffectiveness of limitation of the regulations to the Interstate System, the inequities of highway taxes among the various classes of users, and safety aspects. Concerning the latter, the reports of the committees state:

"Evidence presented to the committee with regard to highway safety did not demonstrate a meaningful relationship between the sizes and weights under consideration and the incidence of traffic accidents."

TRUCK LENGTH

One aspect of the question of truck length concerns the fact that the rear wheels of a highway vehicle on a curve usually follow a path closer to the center of the curve than the path of the front wheels. For example, a long truck making a right turn at a street intersection often must encroach upon the left lanes of both streets in order that the rear wheels clear the curb on the inside of the turn.

The same phenomenon occurs on a highway curve to a lesser extent. The longer the truck and the sharper the curve, the more the rear end of the truck will be displaced toward the adjacent lane.

It should be noted that the opposite effect is possible, that the rear of trailer units may be displaced toward the outside of the curve under certain conditions. Most trailer units are connected to the preceding unit or the tractor with a swivel or pin type of linkage or connection. This would allow the rear units to be thrust outward from the center of a curve due to the centrifugal force, modified by other factors. This could be especially true with the very long vehicles allowed by the proposed bill. Critics of the bill have pointed out that it makes possible "truck trains" containing three or more trailer units. At Interstate and primary highway speeds it would be quite possible to develop considerable outward sliding of the rear units on a curve—an effect analogous to that occurring to the rearmost members of the "whip" in the "crack the whip" games of children.

VEHICLE SIZE AND WEIGHT

It is, of course, difficult if not impossible to relate with certainty the incidence of traffic accidents to any single characteristic or pair of characteristics of vehicles. The same can be said of characteristics of roads, drivers and pedestrians. In most cases, however, general inferences can be drawn, e.g., the incidence of traffic accidents is higher among teen-age drivers.

There is considerable difference of opinion as to the relative accident involvement rate of passenger cars and trucks.[5] However, the preponderance of evidence of accident experience, especially that on Interstate Highways, toll roads and other arterial highways, suggests that the heavy truck is involved in serious accidents to a greater extent than is the passenger car.

Probably the latest presentation along this line was that of the American Trucking Association, made at the Congressional hearings on the proposed bill. Testimony by ATA showed that heavy trucks accounted for 1.54 percent of vehicle registrations in 1964, traveled 5.33 percent of all the miles operated in this country, but were involved in 11.6 percent of the fatalities.[3] [4] This agrees in general with experience on Interstate Highways in eastern and central Iowa where accident investigations and informal study suggest that more than 50 percent of fatal accidents on these highways involves a truck or trucks, in one fashion or another, although truck density amounts to only 25%, approximately, of the traffic volume.[6]

Another possible hazardous effect of swivel-linkage connected "truck trains" is that the rearmost units would slide toward the inside of superelevated curves when the combination was moving slowly, especially on wet, icy, or snow-packed pavement.

A common type of accident occurring with today's truck combinations is the accident which involves "jack-knifing", an action in which the rear of the trailer unit skids sidewise, and beyond the control of the operator, to the extent that it swings 90° or more, sometimes almost 180°, about the swivel at the rear of the tractor unit. This type of accident often causes serious injury or death to drivers and passengers in nearby vehicles as well as to the truck occupants. Just the thought of a 100 foot long combination "jack-knifing" on a busy arterial highway is enough to evoke visions of horrendous accidents.

Although the National System of Interstate and Defense Highways has been built to high standards, it is likely that some parts of the system cannot safely accommodate trucks longer than 50 to 55 feet. These lengths are the design lengths recommended by the American Association of State Highway Officials and used for the design of most of the System.[7]

It is certain that trucks longer than these lengths cannot negotiate some of the ramps, loops and similar components of the System and keep the whole of the truck within proper confines, and the lateral displacement of the rear wheels of long trucks on the flatter curves of the System could result in serious sideswipe accidents. Furthermore, it is likely that there are thousands of miles of access roads and streets over which Interstate Highway traffic must operate in order to use the System, which cannot safely accommodate longer trucks. On these highways, because of the narrowness of the pavement and the sharpness of the curves, it will be impossible to operate long trucks without the rear of the unit encroaching on the opposite lane or coming dangerously close. If this should be true, it could be disastrous to the unwarned, unsuspecting drivers and passengers of vehicles in the opposite lane.

PASSING TIME AND DISTANCE

Another hazardous aspect of increased length is the increase in time and distance required for a passenger car to pass a longer vehicle. Using the standard procedures of the American Association of State Highway Officials, computations show about 550 feet more clear space is needed in the left lane to pass a 100 foot long truck than the space allowed now for traffic with 55 foot trucks.

However, AASHO policy is very broad, and the procedures for computing passing distances are generalized to approximate average passing maneuvers as they occurred in traffic from 1938 to 1941, with some verification in 1957 at three locations where observations were made in the earlier study.[7] It is questionable that those passing operations are representative of today's traffic as it operates on Interstate Highways, other freeways and even ordinary primary highways carrying a large percentage of truck traffic.

For example, the highest speed group covered by AASHO, 60–70 mph with an average passing speed of 62.0 mph, is fairly representative of current traffic on such highways, but for the passing maneuver AASHO allows 11.3 seconds for occupancy of the left lane by the passing vehicle which makes the distance traveled during this part of the maneuver 1030 ft. all at a speed differential of 10 mph between the two vehicles. This policy does not encompass a very common situation of the type of highway under discussion: the passing of one long truck by another long truck at a very small speed differential.

It is quite common today to encounter such an operation, and for the driver of a following car, even on a freeway, it involves an aggravating delay. The slow speed differential is common, because nearly all traffic is moving at or near the maximum speed limit, and drivers desiring to pass often must do so at speed differentials of 2 to 3 mph. If trucks become 100 ft. long or longer, such passing operations may become intolerable. At speed differentials of 2 to 3 mph, left lane occupancy may be of the order of 200 seconds, and, at 62 mph, the corresponding distance traveled while the trucks are essen-

---

Footnotes at end of article.

tially side by side will be of the order of 18,000 ft. or 3 to 4 miles.

The apparent effect of such traffic operations on the capacity and safety of Interstate Highways and other freeways would be bad enough, but to try to accommodate them on two-lane primary highways under the present traffic control system is not credible. Providing the required passing sight distances, or even the necesssary safe stopping distances, would be virtually impossible at all except the most favorable locations.

TRUCK WIDTH

Increasing the width of trucks presents additional hazards in many ways. One is that they will be too wide for the width of existing lanes on existing highways.

As truck width has increased over the years, lane widths have needed to be increased from 7 or 8 feet to 9 feet to 10 feet to 11 feet and now 12 feet. A lane width of 12 feet is generally provided wherever there are more than a few trucks. These lane widths are because of 8′–0″ trucks. If trucks become 8′–6″, plus allowances, pavements should be widened additionally. The situation is compounded for wider, as well as longer, trucks on curves.

There is a limit to lane width, and we may have already reached it. When lanes are widened to 13 or 14 feet, some drivers try to force-fit 3 lanes of traffic into a 2 lane facility.

Referring to the American Trucking Association report which showed an excessive involvement of heavy trucks in fatal accidents, the Minority Report of the Committee on Public Works of the House of Representatives states:

"It is reasonable to assume that this record will continue to worsen if we permit bigger and heavier trucks on our Nation's highways and if we permit this legislation to pass with an increase in permissible width from a flat 96 inches to 102 inches plus safety gear, which means 108-inch widths, an increase of 12 inches.

"We will have 9-foot wide trucks on our Interstate System which has 12-foot lanes, or a safety clearance of 18 inches on each side. Imagine trying to steer a car through an opening with only 18 inches to spare on either side at 65 miles per hour."

TRUCK WEIGHT

Heavier trucks pose a very serious hazard to highway safety. A truck requires more distance in which to stop than does a passenger car.

Everyone understands that a body set in motion tends to continue in motion and that this is a function of the mass or weight of the body. It is true of vehicles—a heavy vehicle is more difficult to stop than a light vehicle.

The ordinary semi-trailer now in common use requires more than twice the distance to stop as that of a passenger car at average operating speeds on primary and Interstate Highways.[8] If the weight is further increased without a drastic change in truck braking systems, the stopping distance will become longer still, and this will increase hazards in many ways.

Another safety aspect of truck weight concerns the maneuverability of heavy vehicles. It is much more difficult to change the direction of a heavy vehicle than a light one and this is particularly true at high speeds.

It is often difficult to impossible for a truck driver to perform evasive actions in potential accident situations in high speed traffic, and this fact probably accounts for some of the excess involvement of heavy trucks in accidents. This situation would worsen grievously with any sizable increase in truck weights. Quick maneuvering of a 69 ton combination probably would be a virtual impossibility.

DAMAGE TO BRIDGES

Probably the first adverse effect of increased weight which comes to mind is that of damage to bridges. This is emphasized by the recent rash of bridge failures, some of which have resulted in very extensive loss of life.

Serious damage and failures would occur. At the Congressional hearings on S. 2658 the president of AASHO pointed out that Interstate bridges are designed for a 32,000-pound loading, and the Director of the Bureau of Public Roads stated that increasing permissive weights from the present 32,000-pound limit to 34,000 pounds would overstress the Interstate System bridges by 32 to 36 percent.

DAMAGE TO PAVEMENTS

Structural damage to pavements because of heavier trucks will affect safety in at least two ways. First, the pavement will become rough and the serviceability index will decrease at a much more rapid rate than the present rate. Rough pavement is a definite traffic hazard especially at high speeds.

Second, the rapid deterioration of the pavement will result in earlier and more frequent patching and repair operations and complete resurfacing projects. The latter also will require rehabilitation of the roadway and part of the roadside in order to bring shoulders, drainage structures, guard rails, etc., in compliance with the new elevations of the pavement. All this work will need to be done "under traffic", and there is no highway situation more fraught with danger than that produced by working in the roadway under traffic, especially high speed traffic accustomed to the relatively unrestricted and unconcerned driving conditions of freeways. Highway department experience continually verifies the extreme danger of working under traffic, danger not only to the workmen but to the highway users as well.

That heavier trucks will cause considerable extra damage to pavements almost goes without saying. The AASHO Road Test at Ottawa, Illinois clearly demonstrated the degree of distress imposed on pavements by heavy trucks.[9] It is not a purpose of this report to present a discussion of the numerical values of indexes expressing such distress, but it can be said that an increase from 18,000 to 20,000 pounds axle loads is likely to increase the wear and tear on pavements by some 25% or so.

An important factor in pavement distress is the number of repetitions of the loads. This factor should be considered in any evaluation of future truck traffic, because the growth in the use of trucks in the United States is much greater than that anticipated by most highway planners. To cite one instance, design criteria for Interstate 80 in the vicinity of Iowa City, Iowa showed the estimated 1975 traffic volume (AADT) to be 20,010 vehicles per day of which 12% was estimated to be trucks.[10] The actual traffic volume in 1968 is running about 15,000 v.p.d., which is probably about 2,000 v.p.d. more than anticipated, but the trucks constitute about 25% of the traffic volume. This means that the number of trucks in 1968 is almost twice the number for which the highway was designed to carry in 1975. Thus, the number of repetitions of heavy loads already greatly exceeds design values. Many miles of Interstate 80 have needed extensive pavement patching and resurfacing in only about five years of operation.

These truck volumes also bring the traffic flow up to or above the traffic capacity of the facility because of the large number of equivalent passenger cars indicated and because of the high operating speeds during peak flows. During these periods the speeds average about 65 mph on Interstate 80 in Iowa. Capacity traffic at such speeds probably breeds many accidents.

NEED OF RESEARCH

The assessment of prospective structural damage to bridges and pavements can be predicated upon a reasonable body of knowledge, but the same cannot be said of many of the other aspects of vehicle size and weight. For example, the geometry of the positions and paths of wheels and the overhang portions of combination truck units on curves and turns is so complex that much design data is based on measurements of small models. Other aspects of the truck-on-curve situation, such as the likelihood of sliding toward the inside or toward the outside, must be resolved intuitively.

One area of needed research is, then, that associated with the operations of trucks and truck combinations of various sizes and weights under actual field conditions. This testing should be done under all kinds of roadway, traffic and climatic conditions. This study should include the involvement of trucks in current traffic accidents.

At the same time, and perhaps of greater importance, research should be carried on in more fundamental aspects of the total problem. The movement of the persons and goods involved should be looked at from social, political and economic viewpoints to assess the public interest in the need of such movements. Then, the needed movements should be studied as a transportation problem, not just as a highway problem. It is possible that part or all of the prospective traffic could be better moved by air, rail, water, pipe line or other means. These studies should evaluate factors such as noise and pollution as well as traffic safety and efficiency.

It is ironic that present public policy is increasing the highway slaughter by encouraging more and more highway travel while at the same time it is throwing away a railroad transportation system which is at least ten times safer than highway transportation. The relative safety of rail travel is usually expressed in terms of passenger miles, but the same advantage holds true for freight: it can be moved much more safely than by truck.

Research and development work should also be devoted to the probability that larger and heavier trucks will be needed for some purposes on the public highways. These studies should not only concern the general problems previously discussed but also specific items such as horsepower, wheels, tires, brakes, and linkage and coupling systems. A safer environment should be provided for the driver, and regulations should be developed to control the hours of operation and rest of drivers. The highway environment should be studied, and finally, the entire system should be evaluated to see if a control system could be developed which would guide trucks in proper paths and prevent collisions.

Consideration should be given to developing highways specifically for trucks. Traffic counts in many locations across the country are showing truck volumes in terms of 4,000 5,000, and more trucks per day. When such figures are translated into equivalent passenger cars there is more than enough traffic to justify a separate facility, in many cases a freeway type of highway. Highway planners might consider providing truck highways in the system of national highways now being planned for construction after the Interstate System is completed.

RECOMMENDATIONS

The Highway Research Board could perform a signal service in encouraging and sponsoring the needed research in this important area of transportation. This service would be directly in accordance with the charter of the National Academy of Sciences which calls upon the Academy to act as an official adviser to the Federal Government. The research should produce information

---

Footnotes at end of article.

and guidelines which could help the Federal Government with the immediate problem of regulation and also help with the formulation of a national transportation policy and the planning for the various modes of transportation.

As to the immediate situation, before authorizing larger and heavier vehicles there should first be a demonstration of need for them, that their use is in the public interest, that the use fits properly into a balanced transport system, that it represents the best distribution of the resources involved, and that it will improve highway safety. If such a case can be made, then highway authorities should be instructed to design and construct new roads to the standards required to handle the larger vehicles and, perhaps, to use the new standards also in reconstruction projects.

It would be a grievous blunder to authorize larger and heavier vehicles to use highways not designed for them.

FOOTNOTES

[*] The bill contains no provisions for length and height. Opinion is that this, in effect, allows vehicles of unlimited length and height.

[1] An Act, S. 2658 (To Increase Weight and Width Limitations of Vehicles). 90th Congress, 2nd Session. Washington, D.C. (1967–1968).

[2] Report of the Committee on Public Works, United States Senate, to Accompany S. 2658. Washington, D.C. 1968.

[3] Report of the Committee on Public Works, House of Representatives, to Accompany S. 2658. Washington, D.C. 1968.

[4] Hearings, Subcommittee on Roads, Committee on Public Works, U.S. Senate. Washington, D.C. 1968.

[5] Traffic Control and Roadway Elements. Bureau of Public Roads and Automotive Safety Foundation. Washington, D.C. 1963.

[6] Brown, George W. An Analysis of 104 Eastern Iowa Motor Vehicle Casualty Accidents. Safety Research Center. Iowa City, Iowa. 1967.

[7] A Policy on Geometric Design of Rural Highways. American Association of State Highway Officials. Washington, D.C. 1954 and 1965.

[8] Braking Distances of Passenger Cars and Trucks. Society of Automotive Engineers.

[9] The AASHO Road Test. HRB Special Reports and Records. Various Dates.

[10] Design Designation. Interstate Highway 80 Construction Plans. Iowa State Highway Commission. 1962.

[11] House Document 354, 88th Congress, 2nd Session. Washington, D.C. 1964.

Mr. Speaker, the other day, September 6, I received a very interesting letter from Mr. Charles H. Trautman, of the Greyhound Corp. To say the least, their position is one of taking the Congress for granted when they are spending millions of dollars this year for the acquisition of wider buses before there is permission granted to use them. They are taking the Congress for granted in this matter and it is a very unfortunate development in my opinion.

I include this letter in the RECORD at this point along with my reply to that letter:

THE GREYHOUND CORP.,
Chicago, Ill., September 3, 1968.

Re Senate bill No. 2658.
Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWENGEL: There have been many irresponsible statements made concerning the above bill dealing with liberalized weights and measures for buses and trucks. It is, of course, disconcerting that certain newspapers, columnists, and organizations feel free to distort the facts concerning the above bill, but my point in writing to you is not to engage in a controversy with these people; rather it is to point out to you that in all of the recent furor over the bill the effect upon public *passenger* transportation in the United States has been completely overlooked. None of these opponents of the bill seem interested in the fact that this bill, which would permit the operation of larger buses over interstate highways, just as they are already permitted in certain states and in most metropolitan areas in the United States, would mean increased safety and decreased congestion on our interstate highways as well as increased comfort for the traveling public.

Greyhound, without any government subsidy, has developed a new larger bus which will be 102 inches wide, 40 feet long, and 12 feet high and which will be the safest bus ever produced. This bus on which Greyhound has already spent several million dollars is now in production, and it would be too bad to deprive the interstate traveling public of the comfort and convenience of this bus, to say nothing of the additional safety features which are listed on the attachment hereto.

Beyond this, I am sure you are concerned with the increasing congestion of our highways system. To the extent that buses such as ours are permitted to operate, they will contribute significantly to the reduction of this congestion.

Accordingly, I ask you to keep in mind when the above bill comes before you that a vote in favor of the bill will be appreciated by the 100,000,000 passengers which Greyhound carries every year, by the 125,000 Greyhound shareholders and by our 35,000 employees.

Respectfully yours,
GERALD H. TRAUTMAN,
President.

A WIDER BUS IS A SAFER BUS

Adding six inches to the width means—

Height can be increased to 12 feet; passengers and driver are raised above point of most collision impact; driver has better visibility—greater safety in case of head-on collision—reduced road splash and dirt on windshield and side windows in wet weather;

Lower center of gravity gives improved resistance to overturning and sidesway;

Stronger materials can be used—stainless steel for greater passenger protection, less structured weakening from corrosion—

Larger tires can be used—46 percent more tire in contact with road for better steering control, greater skid resistance, more effective braking, improved road adhesion;

Larger brakes can be provided—68.8 percent greater total brake shoe area—20.6 percent greater effective brake shoe area per ton of gross vehicle weight; and

Improved suspension—air suspension bellows can be located at extreme outboard points—2½ times farther apart than conventional buses—greatly improved stability, less sidesway, much higher resistance to overturn tendencies, improves steering, less "lean" or "roll" on curves and corners.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 6, 1968.

Re letter of September 3 regarding Senate bill No. 2658.
Mr. GERALD H. TRAUTMAN,
President, the Greyhound Corp.
Chicago, Ill.

DEAR MR. TRAUTMAN: I am particularly disturbed by your letter of September 3 for two reasons. First, the last paragraph seemed to contain a rather veiled and bald threat that I would be risking defeat at the polls if I voted my conscience and opposed the truck bill. You seem to imply that Greyhound's 100,000,000 passengers, 125,000 shareholders, and 35,000 employees will vote against any Congressmen who choose to oppose the bill. This type of persuasion is an affront to the workings of the democratic system. It is the worst sort of pressure tactics and typical of the methods used by the trucking industry to railroad this bill through the Senate and through the House Committees.

Secondly, I am also dismayed at the confidence of the bus industry in its ability to make Congress follow its whims. It has come to my attention, both from testimony in the hearings and from other sources, that motorbus operators have already ordered a good number of these large 102 inch buses. I have noticed as well that New York, Maryland, and Virginia have passed legislation to permit the operation of 102 inch wide buses on their State highways "when" the Federal limit is raised to allow such vehicles on the Interstate system. Isn't this rather presumptive? Similarly, in a trucking publication, I observed the following caption under a picture of your new 102 inch "super-bus:"

"Greyhound's new bus of tomorrow is undergoing exacting road and weather testing in the Far West. The 43-passenger bus is finishing a series of test runs across the Sierra Nevada Mountains between San Francisco and Reno, Nevada. It's next scheduled to begin road testing over a 112-mile desert route between Los Angeles and Las Vegas. The Supercruiser, six inches wider and a foot taller than other intercity buses, is *expected to become operational in Greyhound's four bus divisions later this year.*"

What remarkable clairvoyance into the minds of the Members of the Congress your company seems to exhibit! You seem to be telling us because you have had the gall to go ahead and spend several million dollars in research and have now begun production that we should rubber-stamp your decision. The Congress simply does not operate this way.

At present, as we both know, these buses are allowed to operate in less than a dozen States. What are you going to do with these intercity buses if Congress does not see fit to pass this legislation?

In your second paragraph, you speak of the additional safety features and the fact that the new proposed bus becomes much safer. I have two comments on this. The first has to do with the safety of the bus. I have discussed this with many competent people who are also safety engineers and they tell me that every one of the new features in the proposed wider buses could be provided in the present legal size or 96 inch wide bus. Second, I point out to you that according to the testimony of those representing you before the Committee, there are some 300,000 buses in America compared with 85,000,000 automobiles. Every safety engineer with whom I have visited has told me that making a bus or a truck wider makes it less safe for the 85 million people who also use the highways. So my comment is this: your claim of safety is not a valid one for your argument.

Mr. Trautman, to put it mildly, I am appalled at the operating procedures the motorbus industry seems to be employing. You appear to irrevocably commit yourselves to an expensive course of action and then assume you can bend the arms of Senators and Congressmen, as well as State legislators, to ratify your calculated gamble and turn it into a self-fulfilling prophecy. I can only say that I think the tactics and procedures you have exhibited are deplorable.

With warmest regards,
Sincerely yours,
FRED SCHWENGEL,
Member of Congress.

DISCOVER AMERICA, INC.

The SPEAKER pro tempore (Mr. PATTEN). Under previous order of the House, the Chair recognizes the gentleman from North Carolina [Mr. KORNEGAY] for 30 minutes.

Mr. KORNEGAY. Mr. Speaker, during the week of June 23 of this year, it was my privilege to represent the House Committee on Interstate and Foreign Commerce in Brussels, Belgium, at a conference organized and staged by Discover America, Inc. This event was held in cooperation with the U.S. Travel Service for the purpose of seeking ways to accelerate and expand development of travel from Europe to the United States.

This was a remarkable experience for me in that it gave me an insight into an activity which I recognize as extremely important. But, it is an activity in which there are ramifications and problems that are not fully appreciated.

The event essentially was a seminar, extending through 2 days and involving preconference and post conference contacts with European travel leaders and leaders of the travel industry from the United States.

There were quite a number of things that impressed me, some very favorably, but others with some disappointment.

It disappointed me to recognize that, with so much concern having been expressed in recent months and years about the precarious position of the U.S. dollar as a result of our growing balance-of-payments deficit, the force of the Federal Government in that gallant venture was nominal, to say the least. This is not intended to imply criticism of anyone. The U.S.T.S. was well represented as was our Department of Interior and the Department of Transportation, who were extremely helpful to the Discover America organization in this first effort to attach the deficit caused by the so-called travel gap by a positive and forceful approach to sell more travel to the United States from foreign countries.

The Discover America program was precipitated by a joint resolution of Congress, passed in 1964 and extended in 1965, which called upon the President to appoint a national chairman for the purpose of organizing a campaign, financed entirely by private enterprise, to promote travel to and within the United States, its territories and possessions, and the Commonwealth of Puerto Rico.

A nonprofit, New York-based corporation was created with an annual budget of $500,000 subscribed by the petroleum industry, the airlines, the aircraft manufacturers, automobile manufacturers, the railroads, the rubber industry, the Hertz Corp., the Diners Club and its affiliated companies, and the hotel and motel industry.

Until this year, Discover America had concentrated its efforts in the domestic field, and in that field it has been eminently successful. It has developed a public service campaign and with the cooperation of all advertising media, has succeeded in acquainting virtually every American with a persuasive appeal to discover their country through travel.

Additionally, Discover America has served to unite the major segments of the travel industry into a common force to apply their collective resources to make travel in America more exciting, more accessible, more convenient, more appealing, and more rewarding. All of this has, basically, an economic purpose, but it is a purpose that serves the national interest, not just economically but socially as well. We all recognize that as people travel more in America they will acquire a greater love of America and a greater understanding and appreciation for our heritage and institutions.

However, I need not dwell upon the success of the Discover America effort within the United States. We see evidence of it everywhere. Let me return to the Brussels conference.

The Discover America organization assembled the leading vendors of travel from all over Europe to meet with the travel leaders from the United States, not just to tell them how great a travel product we have in America, but to hear from them what they feel must be done to make our product more saleable to the millions of Europeans who can afford to vacation in America.

May I point out, parenthetically, that this objective, too, has a commercial motive. But we all recognize how important that motive is to our balance of payments and to our continuing effort to achieve understanding and harmony throughout the world.

The comments of the Europeans left no doubt that they believe, with enthusiastic conviction, that the United States is a great travel destination—unique, exciting, and filled with magnificent attractions molded by God and man, but, that even though we are great salesmen and great entrepreneurs, we are not selling our travel product competitively with the rest of the world. There are many voids in what we are doing in trying to vend the United States as a travel destination. One of these lies in our failure to demonstrate to the people of the world that we really do want them as tourists.

We have permitted to exist for many years an understaffed national tourist office which cannot with its budget compete with what other nations are doing.

Additionally, we have not always presented ourselves to visitors from foreign countries as an appreciative host.

We have allowed our airports at our gateway cities to become pitifully congested and confused. We do not always treat arriving visitors from foreign countries as though they were completely welcome. We have failed too often to provide for special needs of the foreigners at our public attractions and our recreational facilities.

There are other flaws in our tourist attraction program.

We talk about the importance of this industry but we have failed to act effectively or forcefully enough. And, I must confess, many of us in these halls have not given the matter the consideration or the priority it deserves.

A young and vibrant organization, barely 3 years old, with a budget of a half million dollars, has helped to show us what needs to be done. I submit that we owe to that organization and to all who are struggling to help America through travel our own help.

In specific terms, I suggest that we must begin immediately to consider the National Tourist Office as an agency with great potential, and that we must enable all Federal agencies to serve both the U.S. traveler and foreign traveler competitively with the rest of the world. We must modernize our thinking and we must modernize our methods. And we must persuade those in the Federal Government who are responsible for such matters to produce the kind of research and economic data that are needed to measure the size and scope of this enormous activity so that we may more readily understand its dimensions and importance.

If we fail in addressing ourselves to these needs, we will fail in our responsibilities to keep America strong and to keep America in its high status as one of the great nations of the world.

ACTION ON THE POTOMAC

The **SPEAKER** pro tempore (Mr. PATTEN). Under a previous order of the House, the gentleman from Maryland [Mr. MATHIAS] is recognized for 15 minutes.

Mr. MATHIAS of Maryland. Mr. Speaker, the return of Congress for the postconvention session at least gives us the chance to do some of those things yet undone which we ought to have done long ago. Surely the passage of legislation to protect and develop the Potomac River Valley falls in this category.

Potomac Basin plans have been drawn and redrawn for so many years that confusion, delay, and indecision seem to have become chronic. The most recent burst of activity began in February 1965, when the President directed the Secretary of the Interior to prepare a plan to make the Potomac "a model of scenic and recreation values for the entire country." In January 1966, on the release of his interim report, the Secretary told the President:

> We fully anticipate . . . that our final report and recommendations will be in your hands not later than January 10, 1967.

That deadline came and went almost 20 months ago, and the legendary "final report" still has not been released. Meanwhile the basin has been flooded by rumors, recommendations, proposals, counterproposals, revisions amendments maps charts charges and denials.

It is time to shed some light on the picture, to bring out into the open all of the proposals which have been circulating semiprivately, and above all to act where our direction is already clear. We have waited too long for the Interior Department to assert real leadership. Now Congress and the States and counties should take the lead in taking the first steps.

It seems to be that it would be desirable to begin by reviewing the proposals now pending before the Congress.

The administration has drafted the so-called national river bill, S. 3157, which has been embraced and sponsored by several Members of the Senate. The goals of this legislation—to promote scenic protection and recreational development along the Potomac's main stem—may be generally accepted, but the methods proposed in S. 3157 for reaching those goals are certainly open to long and searching debate.

It is difficult to see, for example, how Members of either House or Senate from the basin States can be expected to support the wholesale grant of Federal powers of condemnation over the entire length of both banks of the river, from Washington to Cumberland, for three reasons:

First. The Federal Government has not yet fully shown that it can and will develop and administer even its present riverside property—the C. & O. Canal—in the most progressive way, in full cooperation with affected cities, counties and private and semiprivate landowners, and with full respect for the legitimate interests of basin citizens and governments in residential, agricultural and commercial growth in the valley.

Second. Important and thorny questions have been raised about the impact of Federal acquisition of all riparian lands on physical access to Potomac River water and, even more basic, on control of future water use. The question of access across the canal property has been a persistent source of difficulty in western Maryland. Under present law, the Secretary of Interior may grant permits, easements and rights-of-way. Although cooperation from the Department is improving noticeably, a clear guarantee of physical access to the river should be included in all future park legislation.

The problem of control over water use is even more critical. The State of Maryland has traditionally governed the taking of water from the Potomac and discharging of water back into the river, and is now enforcing the water quality standards set under the Federal act of 1965. It appears, however, that Federal acquisition of all riparian lands and rights would give the Federal Government an absolute veto over all use of Potomac water by the communities and counties of Maryland and other basin States. The picture would be further complicated by the establishment of any interstate water authority or the introduction of Corps of Engineers jurisdiction when water begins to flow downstream from Bloomington Dam.

Thus the effect of S. 3157 could be to surrender to the Interior Department complete control not only over recreation along the river's banks, but over the entire course of development in the valley. I doubt that any elected official from the Basin States could endorse such a blank check, especially in the absence of clear, final proposals from Interior itself. I also wonder how such controls could be justified, since the State is already enforcing high standards of water quality.

Third. Further, the economic impact of the proposed national river project has not yet been clarified. Many questions have been raised about the proposal's contribution to the valley's economy, about its effect on adjacent areas of potential growth, and about its economic assets and liabilities when compared to those of alternate plans, such as proposals for a more flexible pattern of public and private ownership and use of riparian lands.

These questions in all fairness should be answered as we consider creating a massive, single-purpose Federal park.

There are other serious problems raised by the administration bill, including its cost of $77 million in the first 5 years, which lead to the conclusion that it is too controversial for immediate passage in the short time left to this Congress.

On the other hand my bill, H.R. 7201, the C. & O. Canal Development Act, is based on a premise accepted by nearly everyone. Even sponsors of the administration bill indicate that a first step in the development of the Potomac's resources should be to elevate the canal property, now maintained by the Government as a national monument, to national park status, and to undertake extensive restoration and improvement to meet immediate recreational needs. This work would cost relatively little initially and would set the stage for the systematic, orderly acquisition of additional lands, by purchase, gift, or exchange, to give greater utility and protection to the park.

Thus the C. & O. Canal would serve as the backbone for all future Potomac parkland activities. At the same time, instead of threatening condemnation left and right, cooperative arrangements could be negotiated with the States and cities which have land adjacent to the river. Private and semiprivate owners, such as conservation groups, have also indicated to me their willingness to discuss cooperative plans to utilize their properties in accord with a general Potomac Valley concept. A permanent advisory commission, with strong State and local representation, would give area citizens a continuing voice in the park's development and administration.

While these initial steps are being undertaken under the authority contained in my bill, H.R. 7201, we could work toward sensible resolution of the many long-range questions in an atmosphere of mutual candor and confidence.

The opportunity is at hand for a great experiment in joint effort to save our environment. The experience gained by blending the ideas and initiative of Federal, State, and private interests to attain a great conservation goal could be a byproduct as significant for the future as the goal itself. We should start now—yesterday was too late.

Thus I would recommend:

First. The Secretary of the Interior should complete and release the long-promised "final report" to the President, and should be prepared to discuss all aspects of those proposals frankly and fully with all interested parties.

Second. State and local officials in Maryland and other affected States should refine and release publicly their recommendations for safeguarding the access to Potomac water which is essential for all future growth in the basin. It might well be timely to establish a special study commission in Maryland to review this problem, to coordinate State, county and city plans, and represent Maryland's interests in discussions with the Federal agencies involved.

Third. Finally, I urge the distinguished chairman of the House Committee on Interior and Insular Affairs to give the House this year a chance to vote on H.R. 7201, the Chesapeake and Ohio Canal Development Act—to give the people of Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia a chance to work together to save and improve their own homeland—and to give the people of the Nation a chance to preserve a priceless part of the national heritage, which will have diminished a little further before the next Congress convenes in January.

RESPONSIBILITIES IN UTILIZING NATURAL RESOURCES TO THE GREATEST ADVANTAGE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address by Mr. Lindsay Johnson.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, recently, there has come to my attention an address made at Vail, Colo., by Mr. Lindsay Johnson, president of the New Jersey Zinc Co. Mr. Johnson has given a most unique talk on "Responsibilities in Utilizing Natural Resources to the Greatest Advantage." He has woven into the fabric of his talk the possibility and necessity of using the talents and contributions of the greatest of all natural resources, that is, the human resource—people.

I found the address very challenging, and I commend it to the attention of my colleagues in Congress, as follows:

RESPONSIBILITIES IN UTILIZING NATURAL RESOURCES TO THE GREATEST ADVANTAGE

(By Lindsay Johnson, president of the New Jersey Zinc Co.)

This evening I want to talk about natural resources. That, I must admit, is a very broad subject but before I have finished I hope I can narrow it down.

Accordingly, let me give you what I believe to be a reasonable definition of natural resources. Natural resources are constituted of anything organic or inorganic that God has put in this earth and on this earth, that can be utilized to sustain life on this planet, but beyond that can be utilized in setting the manner of living on this planet. Under this definition just about everything represents a potential natural resource.

I do not believe that today we have the full ability to conceive the extent of them. But we keep probing scientifically toward discovery of new resources to carry us beyond those that we now recognize and utilize.

There are some characteristics about us and about natural resources that should be mentioned in discussion of our relationship with them. First of all, unless and until we do something intelligent with it, a natural resource amounts to nothing more than an interesting phenomenon or perhaps a thing of natural beauty. Undiscovered or lying fallow, it contributes nothing to the welfare of mankind other than perhaps being a sort of undiscovered reserve. Discovery and recognition and intelligent utilization of natural resources are, therefore, the fundamental challenge to mankind.

A lot of people in our civilization are ready and willing to utilize the end products of our natural resources, often without understanding and in a wasteful manner—but they are not tuned in to the fundamental principle that natural resources represent the only place to go for progress, and natural resources, therefore, are the real starting point in pretty nearly everything that goes on.

You here are all engaged in a segment of our civilized economy that is concerned with the fundamentals of discovery and utilization, and are very close to the starting point. You can well be proud of this because it is the point of first contribution. It is my belief that stability and satisfaction of purpose from engagement in this first fundamental of natural resource utilization will long survive many other aspects of participation in our economic system. This is a point well to remember in relation to something we will talk about in a few minutes.

The second characteristic concerning natural resources is the plain fact that some of them cannot be replenished and some of them, at least in the span of time we can envision, are inexhaustible or can be maintained by intelligent action. We here are engaged in an area of natural resources that cannot be replenished. We are engaged in dissipating natural resources. It is true that in many cases conservation of a large part of a natural resource in different form takes place, as in the case of gold and copper, for example, but in the end there is dissipation of the resource that cannot be replenished.

This is what creates the exciting challenge of finding more, and there is a compelling need to find more of many things. I will not dwell on this challenging aspect of the picture because we all know it is there.

Rather I would refer you to two recent excellent papers that bring out the situation in this regard. One is a report by Dr. Walter Hibbard when he was Director of the United States Bureau of Mines, incorporated in hearings before a United States Senate Committee in March of this year, examining the subject of mineral shortages. The other is the 1968 Jackling Award Lecture by Frank Cameron, entitled "What is a 'Have-Not' Nation?" I recommend them to you highly.

Another point to remember is that very seldom is the development and utilization of a natural resource a thing within itself. There is always dependence on similar development and utilization of other natural resources.

Now let me narrow this down to a short discussion of the elements involved in the utilization of the type of natural resources with which we are primarily concerned, namely irreplaceable metals and minerals. This will be academic to most of you but I would like to introduce it here because I hope later to draw an analogy.

The ultimate utilization of natural resources in the form of metals and minerals involves three distinct phases.

First is discovery. We have to search, find, select and evaluate before we can do anything. As time has gone on, we know that the searching and finding have become more difficult for many reasons. To meet this, we have been inspired to develop more sophisticated tools and different methods of approach.

The second phase is development. Development is careful and thorough preparation for the next and final stage of utilization of the natural resource. Development requires precise planning of a course. It requires precise execution of plans. It requires great patience during a period when everything is going out and nothing is coming in in the way of economic benefit.

The third and last phase is utilization, when everything is set to move the natural resource from the ground through mining, metallurgy, processing and fabrication to consumption as a product useful to mankind in forming and maintaining his way of living on this earth.

A while ago I mentioned that there can be no development and utilization of a particular natural resource without the aid and assistance that comes from the utilization of another natural resource. This is true of development of the natural resources of metals and minerals, as it is with any other, because none of them can be utilized without concurrent utilization of the most important and the most spectacular and the most exciting natural resource on this earth—people.

I am sure that in the ordinary context we have not too often thought of classifying people as a natural resource. But they seem to fit my definition pretty well. Certainly they are organic. Certainly they are here. Certainly their utilization by themselves contributes to the manner of living on this earth.

How can one imagine a more exciting resource, one that not only replenishes itself but increases with abundance, and one that improves steadily in physical characteristics and above all in intelligence and knowledge.

Certainly the manner of utilization of this phenomenal natural resource has in our span of history determined the rise and fall of nations, even of civilizations, and so it will again. On a smaller scale, we all have seen how the manner of utilizing this natural resource has been the difference between the success or failure of a venture.

In the case of all natural resources, the occurrences and quality of occurrences vary greatly in different parts of the world. In some cases, certain geographical areas are more richly endowed than others and civilization sometimes has a hard time balancing them out. I happen to believe, and I know you will agree with me, that right here in our own United States we are endowed more richly than anywhere else with the natural resource of people.

All of us who have chosen to associate ourselves with metals and minerals have thereby assumed responsibility, each in his own place, for the discovery, development and utilization of these natural resources. That some of us are perhaps confined by choice to a specialized part of this process is not material. That some of us may at times feel remote from points of decision affecting the short-term picture is not material. Each and every one of us is important in the whole responsibility of utilizing the natural resources that are available to us to accomplish the job.

These natural resources which must be wholly integrated are the mineral in the ground, found or to be found, and the people above the ground, found or to be found, to join with us in carrying out our responsibility on a continuing basis.

In considering the tapping of the natural resource of people, to integrate with the natural resource of minerals, it seems to me that the phases involved are somewhat analogous, the phases being in each case discovery, development and utilization. Let us examine how these phases apply to the consolidation of the natural resource of people into our situation.

Taking them in the reverse order, utilization is the phase in which fully-qualified people are actively engaged in organized fashion in the numerous scientific, technical and managerial disciplines that are involved in the business of utilizing mineral resources. These are people such as we here, who have been inspired to become a part of a special group of people dedicated to the responsibility of utilizing mineral resources and are well qualified to carry out that responsibility.

Development, as in the case of mineral resources, is the phase intermediate to discovery and utilization. Stated broadly, this phase involves that period when people are training and equipping themselves to qualify for participation in the utilization stage. This phase begins when academic studies and other forms of training are directed specifically toward the mastering of a discipline required in the mineral resources field or even one closely related to it. The phase can begin at different times with different people, all the way from perhaps early high school age right on through to elective situations during college and university careers.

The discovery phase must precede the other two and involves a time somewhere along the line where a person discovers that he or she wants to, and becomes determined to, pursue development required for participation in the utilization of natural resources. As we shall see, this phase is perhaps at the same time the most important of the three and the most indefinite and difficult. One of the reasons is that in this phase the matter gets right down to the single individual level. It is in every case a single individual who discovers himself as a potential part of the utilization of natural resources.

Now let us ask ourselves a question. Where do we as a group dedicated to the utilization of mineral resources stand with relation to our need and our responsibility concurrently to develop and utilize the natural resource of people? The very theme of this conference—"Attracting New Engineers to the Mineral Industries"—is in a sense an admission that we may have something of a problem. Once again, let us consider the phases in reverse order, as we define the problem.

First, in the matter of utilization it is my judgment that in this place we have the least of our problems, for the proper and effective utilization of qualified people is a matter of good management and complete understanding. It is a matter of fitting challenges and demonstrated results in discovery, development and utilization of mineral resources. This can be accomplished only by the proper organization and functioning of qualified people. I think that the high level in the United States of scientific and technical development in geology, mining and metallurgy and operating performance is ample evidence that all of those engaged are carrying out their responsibilities to the utmost of their abilities. The only problem seems to be our ability to tap the natural resource of people to the degree that will assure us of continuity and growth and of more progress in ultiziation of mineral resources.

When we come to the development phase, it seems to me that our situation is less secure, not from a qualitative aspect but certainly from a quantitative one. Over the past 20 years we have seen the demise of mining engineering departments in some schools, a result of diminishing interest of students. We have seen the number of mining engineering graduates diminish. This has been partly due to the lesser availability of academic facilities but in large measure to the attraction of people to the currently more glamorous branches of science and engineering. We all know that the competition is rough and that makes our job more challenging.

It is our good fortune that we do have remaining academic facilities of the highest order but they must have people to utilize them. Those in the academic field are just as much a part of the whole responsibility as are the rest of us. They are highly qualified to carry out the responsibility of development but they cannot be expected to do it alone. They need constant help and support from all of us. And above all, they cannot be expected alone to carry the burden of discovery. Here is the place where they need the most help from us.

Discovery is the phase in integrating the natural resource of people where we are having our problems. There is a great awareness of this among us. And much organized effort goes into the problem. A number of programs, many of them under the auspices of the AIME and the Women's Auxiliary, are in effect and are accomplishing a very great deal. The programs of the Intermountain Section are noteworthy. But apparently the problem remains and is of grave concern to everyone.

Let me summarize and isolate the problems as they relate to our responsibility in tapping the natural resource of people. First, as far as utilization goes, there is no real problem that cannot be solved by the solution of those that prevail with respect to the other two phases, discovery and development. The challenges are there and they will increase in a manner to inspire qualified people to carry out their responsibilities.

In development we have the problem of arresting the trend toward a lessening of academic facilities that are needed and, if we do our job, will be needed to a greater extent. Here again the problem will be less difficult if the problems in the discovery phase are lessened. A demand for facilities usually will create them.

So, now we get down to the real problem area—that of discovery. This is simply the fact that not enough people are discovering that they want to be a part of our great fraternity that is dedicated to the utilization of the natural resources of metals and minerals. The prime question is—what more can we do than we are doing? I do not have a panacea but I would like to make some suggestions for your consideration that I believe will be helpful.

We all know full well that the basic problem is in the discovery phase and that this is the problem that compounds the problems in the other phases. We have somehow got to probe the almost unlimited store of people and find among them the relatively few that we need, who can be helped to the point where they discover they want to develop and find a place in what we are doing. As in the case of discovery of minerals, we have got to meet the situation with better tools and new methods of approach.

Earlier on I mentioned that in this matter of discovery it gets right down to the single individual level. It is just one person who discovers himself as a potential part of the utilization of natural resources.

No success is likely to come in any circumstance by persuasion of a person into something he has not fundamentally, or at least to a great provisional degree, accepted. Discovery in this case had best be based on facts, a belief in the facts and, above all, a liking for the facts. How best to get the facts to him? What does he want to know? What facts are likely to be most appealing?

Many cold facts are readily available. These in large measure relate to the physical, scientific and financial aspects of what we are doing. Striking annual reports and other special literature and visual material provide this type of cold fact, and there is little question that the mining and smelting industries are capable of showing any young person things that are quite awesome. These facts have to be shown, for they are an important part of the picture.

But what about some of the warm facts? These are the facts about people—people who are already there, people who are dedicated to a responsibility, people who are accomplishing things. To my mind these facts are far more important to a young man than the facts about physical aspects.

But how does one reduce to words and pictures facts about people, facts about how they feel, facts about what they believe and facts about what they are accomplishing? Though it is not new here, I think we have a tool that we can use to great advantage. We have got to get these facts to young men who may be potentials and the only way I know to do it, is for those young men to have an opportunity for person-to-person relationship with people who are already there. As far as we are concerned, this just about comes down to an individual effort.

Surely, if we believe in the importance of what we are doing and we are sensitive to our responsibility to see that what we are doing gets what it needs from the ever-replenishing natural resource of people, each of us can somehow make it his business constantly to scan the field and to talk with and to counsel any young person that appears to have potential. And they will not come knocking on the door unless and until they perhaps see the wisdom of such by example. We are going to have to search for them but it is most unlikely that in our daily lives we will fail to find one, not every day or every month or even every year, but the reward will be finding just one that is responsive and wants to know the facts. That will be the place where more formal methods of getting all the facts to a person can supplement the individual effort.

Much has been said about improving the industry image by bringing it more in line with the facts. There is a great awareness of the need for it in the industry ranks and much is being done and more is planned by corporations, associations and societies. This all will help.

Continued support, both personal and corporate, of our academic facilities is essential to enable them to maintain and even expand their facilities and to encourage young men with financial assistance. This all will help.

But these are not the full answer.

There are many thousands of people in this society and they are spread all over this country. There are many, many more thousands of young men each and every year reaching the stage where they are potentials to make a decision to develop themselves to become a part of our industries. We know that every effort cannot meet with success but no individual knows that until he has tried. If each of us makes an effort, and a continued effort, the laws of probability will certainly indicate more success than we have ever thought possible. My challenge to you is that you accept individual responsibility, that you constantly search for opportunities to transmit to young men of potential the warm facts about how people are the most important part of the utilization of metals and minerals, which in turn is a vital, stable and lasting part of our well-being as a nation and as a unique segment of today's civilization.

These warm facts are well known to each of you. You need no coaching because they are facts about yourselves. Use them well and a great part of the problem at hand can be solved.

MISS AMERICA 1969

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, I am sure that every Member of this Congress has heard the good news that Miss Illinois, Judi Ford, has been chosen as Miss America 1969. The people of Illinois, and more particularly the people of the 16th Congressional District, are proud of Judi Ford's selection as Miss America. We all know that Judi will represent America well, both at home and abroad, and we all share the joy and excitement of this event with her.

The Miss America competition is more than a mere beauty contest. Competition is based not only on appearance, but upon personal skills and qualities that go into the making of a well-balanced person. The fact that Judi won this competition speaks well not only of her, but of her parents and the community from which she comes.

Judi is from Belvidere, Ill., which lies within the 16th Congressional District. I am pleased to be Judi's Representative in the Congress, and I have taken the liberty of inviting her to our Nation's Capital. I am sure, Mr. Speaker, that the House joins with me in offering congratulations to Miss Ford and in assuring her of a ready welcome here in Washington.

I am happy to note that during the Miss America competition, Miss Ford won the talent competition as well as the title of Miss America 1969. I invite this House to join with me in extending to Miss Ford best wishes for a wonderful and exciting year.

THE REWARDS OF PLAYING THE GAME: THE SPRAGUE REPORT, 1960

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I have noted on several occasions that Government employees attempting to advance in their service are often torn between two loyalties. In many of the cases which have come to light in the past few years, employees who rest their future with the establishment rather than the best interests of their Nation have come out on top.

The standard against which all other cases are being judged is the tragic circumstances of Otto Otepka. The latest reflection against this standard is that of William H. Brubeck.

The crusading newspaper, the Government Employees' Exchange, has reported the contrast between the careers of Otepka and Brubeck in its August 21 edition. The facts surrounding the harassment of Mr. Otepka are well known and well documented. The facts surrounding Mr. Brubeck and his involvement with the Sprague committee report should be known; so should this man's incredible rise to the top of our country's Foreign Service.

Again I am reminded of the Code of Ethics for Government Service which was approved as a House document in 1958. The article from the Exchange would indicate that Mr. Brubeck violated at least three of the 10 "articles."

It states that a person in Government service should:

> I. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government departments.
>
> VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
>
> X. Uphold these principles, ever conscious that public office is a public trust.

I submit the article from the Exchange at this point in the Record:

Rusk Rewards Official for Leaking Secrets to Press

On July 31, 1968, the paths of two men, both personally well known to the Secretary of State, Dean Rusk, crossed on the corner of Virginia Avenue and 21st Street in the nation's capital.

One man had just come back from three years of service in England where he held a position of high prestige as an FSO-1 in the American Embassy in London. He was now about to visit his friends in the State Department just before beginning a year's course at the State Department's coveted Senior Seminar in Arlington, Virginia.

The other man, equally well known to Secretary Rusk, was on his way to the Civil Service Commission building across the way from the State Department.

So far as the Secretary of State was concerned, this second man was in deep disgrace. In fact, for many months now he had received no pay at all from the State Department.

As the two men passed each other on July 31, they could reflect on the irony with which the fate of each was sealed in the last two months of 1960.

The man on his way to the Civil Service Commission was Otto F. Otepka, the State Department's former top professional Security Officer, now dismissed from his security post, severely reprimanded and reduced in grade by Secretary Rusk. The reason for his disgrace? Without prior approval of his immediate superior, John Reilly, who since has resigned under the threat of a purjury charge, Mr. Otepka delivered a classified document to the Senate Internal Security Subcommittee. At the time, Mr. Otepka was under oath and felt he had to tell the Senators the truth.

The man on his way to visit close and powerful friends in the State Department was William H. Brubeck.

Like Mr. Otepka, Mr. Brubeck had also become famous for delivering, without prior authorization, a classified White House and State Department document to someone else. The only difference was that Mr. Brubeck was not under oath and he had passed the secret document to members of the press not authorized to receive it.

At the time, Mr. Brubeck was Director of Public Relations in the national campaign headquarters of John F. Kennedy. In November 1960, Mr. Brubeck's office was located on the fourth floor of 1737 L Street in the nation's capitol. A very close friend was Robert F. Kennedy.

On the afternoon of November 3, Mr. Brubeck received Roy Gootenburg, a Federal employee working in the Bureau of the Budget but assigned temporarily to a sensitive position in the State Department. Mr. Brubeck and Mr. Bootenburg had had several conversations about the secret document about to be passed.

The document, with the word Secret stamped on every page, was the 1960 Sprague Committee Report to President Eisenhower. Its authors included Allen Dulles, the Director of the Central Intelligence Agency; George Allen, the Director of the United States Information Agency; Gordon Gray and C. D. Jackson.

The pages contained secret draft texts still being worked upon in the Executive Offices of President Eisenhower and in the State Department and the United States Information Agency.

Mr. Brubeck had importuned Mr. Gootenburg to obtain the document because the race between John Kennedy and Richard Nixon was then "neck and neck." The contents of the secret report might win just enough votes to give the election to John Kennedy, Mr. Brubeck had said.

The Sprague report documented that public opinion polls abroad had indicated that the prestige of the U.S. had declined in comparison to that of the Soviet Union.

Mr. Brubeck immediately communicated with Robert Kennedy and then invited friendly correspondents from the *New York Times* and the *Washington Post* to read the secret Sprague Report and to make extracts from it.

After the *New York Times* and the *Washington Post* reported the contents, the story was picked up nationally by the Associated Press, the United Press International and the television networks.

Many persons believe this public relations coup produced the margin of victory for Mr. Kennedy.

In commenting on the usefulness in the election campaign of the leaked secret Sprague Report, Carl T. Rowan, the Director of the United States Information Agency under President Kennedy, wrote in October 1966, as follows:

"The late John F. Kennedy raised the issue of America's declining prestige shrewdly and effectively during the 1960 presidential campaign. Using polls gained surreptitiously he documented his charge that the American image suffered under the Eisenhower administration. There can be no doubt that this gambit won Kennedy some precious votes."

Both the late President, John F. Kennedy, and his brother, the late Robert F. Kennedy, informed Mr. Rusk of Mr. Brubeck's important personal role in the unauthorized leaking to the press of the secret Sprague Report. This was done about the time Robert Kennedy and Dean Rusk met with Otto Otepka in December 1960 to consider the security problems in connection with the appointment to the State Department of Walt Whitman Rostow.

Early in 1961 Secretary Rusk appointed Mr. Brubeck as Director of the Executive Secretariat in the immediate Office of the Secretary of State. He was given, as is the case with many "political appointees," the rank of Foreign Service Reserve Officer, Class 2.

After a subsequent promotion to Foreign Service Reserve Officer Class 1, Mr. Brubeck was named a "career" Foreign Service Officer Class 1. He is one of the rare Foreign Service Officers to have begun his "career" at the very top. It likewise developed that his first post abroad was the American Embassy in London, one of the prize plums of the American diplomatic service.

Thus the two men whose paths crossed on July 31, 1968, on the corner of Virginia Avenue and 21st Street in the nation's capital could only reflect with irony on how differently Secretary of State Dean Rusk, and Under Secretary George Ball, now Ambassador to the UN, have been able to react to the "unauthorized delivery" of classified documents to persons outside the Department of State.

THE ACLU—LIBERTY OR LICENSE?

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, Barron's, the national business and financial weekly, is currently running a three-part series of articles on the American Civil Liberties Union which is both exhaustive and highly informative. Written by the author and reporter, Shirley Scheibla, the articles present the Union's long, stormy and controversial history in a convenient form for consideration. Mrs. Scheibla will be remembered for her recent review of the abuses of the poverty program in her book, "Poverty Is Where the Money Is." As in the case of her book, her treatment of the ACLU is laden with specific information which could have resulted only from persistent effort and dogged investigation. Unlike some journalists, this author believes in letting the facts speak for themselves, while holding editorializing to a bare minimum.

It is all well and good to say that ours is a government of laws and not men, but it must be remembered that we are presupposing just, consistent, prudent, and balanced interpretations of such laws. One cannot stress civil liberties to the exclusion of civil responsibilities, nor discard community, State and Federal responsibilities under the guise of civil rights. This, in effect, would be the end result if the many ACLU positions in its many areas of endeavor were to be upheld. In fact, a good test of the overall radical nature of ACLU policies can be appreciated by supposing that all the cases mentioned in the following two articles were ruled in favor of the ACLU. What a state of chaos would prevail in this country, if indeed, there was any country left at all.

Although the ACLU has assisted some who have been members of the Communist Party, no Federal agency has found that the organization is a Communist front. As far back as 1939, Congressman Martin Dies, the chairman of a House committee which was the forerunner of the present House Committee on Un-American Activities, stated:

> This Committee found last year, in its report, that there was not any evidence that the American Civil Liberties Union was a Communist organization.

In 1960, Mr. Richard Arens, formerly counsel for HCUA, observed:

> The American Civil Liberties Union, ACLU, has never been investigated by the Committee on Un-American Activities, nor has it been found to be a Communist front by the Committee on Un-American Activities, or, so far as I know, by any governmental agency."

In 1961 the Senate Fact-Finding Subcommittee on Un-American Activities of the State of California, in its annual report for that year found that the California chapters of the ACLU were not "so infiltrated by Communists or fellow travelers at the present time to justify us in characterizing any of them as a Communist front." This subcommittee, at the request of the ACLU in California, reviewed the history, objectives, organizational structure, operational techniques and other detailed matter concerning the national organization and stated in part that:

> It seeks to exclude Communists from holding any office or serving on its staff—yet it permits them to become members and appears unconcerned about its representatives belonging to Communist fronts.

One current illustration of an extreme cause to which the ACLU seems to have an affinity for is the banning from entry into the United States of an issue of the Crusader, the publication issued by Robert Williams, the revolutionary who fled the United States in 1961 to escape a kidnapping charge and who turned up in Cuba, Red China, and now Tanzania. According to the Washington Post of November 3, 1967, the May issue of the Crusader for that year, "urges Negro servicemen in Vietnam to 'eliminate' their real enemies, and to generally sabotage the war effort." According to the Post the newsletter also advocated armed violence in American cities. The Post Office contends that using the mails for literature of this nature is in violation of U.S. law,

but Melvin L. Wulf of the ACLU thinks differently. According to the above-cited Post article, Wulf is quoted as saying that:

> It doesn't make a ——— bit of difference what it says. What is important here is that it has been prohibited from the mail.

If Wulf has been correctely quoted, then, in the light of past ACLU policies, we shouldn't be surprised.

The September–October 1967 issue of the Crusader provides a further illustration of the extreme and radical nature of this publication. On page 9 of this issue Williams instructs the reader on how best to make Molotov cocktails and how to use them effectively stating that "selective fires must be set over a wide area." In addition:

> All fire hydrants in safe, isolated or deserted places should have their caps removed and valves completely opened. This will hamper and sometimes completely negate the power structure's fire fighting capacity.

But according to Mr. Wulf of the ACLU material of this nature should be allowed to be transmitted through the mails, for, to again quote the Post article, "it doesn't make a ——— bit of difference what it says."

To give the American citizen background information on the American Civil Liberties Union, I have requested that the first two articles on that organization by Shirley Scheibla, appearing in Barron's on August 26 and September 9, 1968, be inserted in the RECORD at this point. In addition, I include the September–October 1967 issue of the Crusader, to which I have referred:

[From Barron's, Aug. 26, 1968]

PROS AND CONS: THE CURIOUS STORY OF THE AMERICAN CIVIL LIBERTIES UNION

(By Shirley Scheibla)

WASHINGTON.—Violence and civil liberties these days seem to be inextricably entwined. Chances are that whenever violence erupts, someone representing the American Civil Liberties Union is already on the spot or quickly appears to jealously guard the rights of the violent ones. A famous recent instance: shortly after TV viewers witnessed the brutal murder of Robert F. Kennedy, an official of the ACLU hurried to protect the civil liberties of the Senator's alleged assasin.

Established 47 years ago with the stated aim of providing legal help in preserving constitutional rights, the ACLU handles litigation chiefly through cooperating attorneys who serve without pay. Through its 46 affiliates in 44 states, the ACLU has defended communists and their sympathizers, facists, pornographers, draft dodgers, admitted burners of flags, crosses and draft cards and alleged burners of cities. The diversity of its defendants has confounded its critics. Seemingly, the organization's only purpose is the announced one of preserving rights guaranteed by the U.S. Constitution. And ACLU's insistence that it defends the liberties of all by defending those of the most despised has won it many friends.

HITS U.S. DEFENSES

Careful study of ACLU cases, however, reveals that nearly all the causes it has taken up tend to weaken law and order and the ability of society to defend itself. Some landmark cases give communists more freedom to destroy the nation from within. Those involving the draft erode the state's ability to defend itself against armed attack. Other significant ACLU cases diminish the authority of schools and police and the influence of religion.

The cases ACLU refuses to take are just as significant as those it does handle. It has refused to defend right-to-work laws. It also has turned down a request to protect civil liberties of one group of Washington, D.C., merchants whose businesses were destroyed by riots last spring.

According to the ACLU, holding federally funded Head Start classes in churches and having Catholic nuns as teachers of such classes do not violate the constitutional separation of church and state. Yet it has argued in court that church-and-state separation is violated by inserting the phrase "under God" in the oath of allegiance.

What, then, is this organization which voices such good intentions, yet exhibits such unfortunate tendencies in its litigation? The genesis goes back to the beginning of World War I. The American Union Against Militarism was established to prevent U.S. involvement in the war, and Roger Baldwin, a young Harvard graduate who called himself a "philosophical anarchist," became head of the organization's Civil Liberties Bureau.

Public sentiment forced dissolution of the union soon after the U.S. entered the war. Its Bureau lived on, however, defending conscientious objectors and occasionally members of the International Workers of the World, an organization devoted to waging a class war "until the workers of the world organize as a class, take possession of the earth and the machinery of production and abolish the wage system."

Of necessity, however, the Bureau functioned without Mr. Baldwin. Shortly after the U.S. entered the war, he was jailed as a conscientious objector and not released until July 21, 1919. Following his release, he attended a meeting at the home of Socialist Norman Thomas to decide on the future of the Bureau. Among those attending were Elizabeth Gurley Flynn, who later became chairman of the Communist Party, U.S.A., and Agnes Smedley, who served as a Soviet agent in China until she died and was buried in a Red Chinese cemetery. From that meeting the Bureau emerged in 1920 as the American Civil Liberties Union.

Many years later Mr. Baldwin wrote an article, published in the September 1934 issue of Soviet Russia Today, in which he said: "When the power of the working class is once achieved, as it has been only in the Soviet Union, I am for maintaining it by any means whatsoever. . . . The class struggle is the central conflict of the world; all others are coincidental." According to a pamphlet by Organizational Research Associates quoted by Rep. John A. Rousselot (R., Calif.) in the Congressional Record for September 20, 1961, Mr. Baldwin "has a record of over 100 Communist-front affiliations and citations." He was the first national director of the ACLU and served in that post until 1950. Currently he is its International Work Adviser.

"ADVOCATE OF TREASON"

Dr. Harry Ward was the ACLU's first chairman. According to the same issue of the CONGRESSIONAL RECORD, he has over 200 Communist-front affiliation and citations listed by the House Un-American Activities Committee and was chairman of the American League for Peace and Democracy at the same time he was ACLU chairman. The League has been cited as Communist and subversive and un-American by a House Appropriations subcommittee, as a Communist front by the Senate Internal Security subcommittee and as "nothing more nor less than a bold advocate of treason" by the House Special Committee on Un-American Activities.

Serving on Dr. Ward's ACLU board of directors was Scott Nearing, who was also a member of the Garland Fund. The House Un-American Activities Committee said in 1944 that after the establishment of the Fund in 1922, "it was a major source for the financing of Communist Party enterprises. . . ." The Committee has described Mr. Nearing as a "leading writer for the party." The late William Z. Foster served as a member of the ACLU National Committee when he headed the Communist Party, U.S.A.

In its first official statement, in January 1920, the ACLU declared: "Today, the organized movements of labor and of the farmers are fighting the big fight for civil liberty throughout the United States as part of their campaign for increased control over industry. Publicity, demonstrations, political activities and legal aid are being organized nationally and locally. . . . The union of organized labor, the farmers, radical and liberal movements is the most effective means to this."

Before the end of the ACLU's first year, a New York legislative committee characterized it as "a supporter of all subversive movements" and said it "attempts not only to protect crime but to encourage attacks upon our institutions in every form."

CELEBRATED CASES

The Sacco-Vanzetti case, one of the ACLU's first, involved the defense of two anarchists accused of murder. One of the ACLU lawyers in the case was Felix Frankfurter, then a Harvard professor and later a Supreme Court Justice.

Another celebrated early ACLU case concerned Fred Beal, charged with shooting a policeman during a textile workers' strike in Gastonia, N.C. According to the California Senate Fact-Finding Subcommittee on Un-American Activities, Mr. Beal was then a member of the Communist Party, and his bail "was provided by the instrumentality of the ACLU."

In 1925, the ACLU achieved great fame as a result of the so-called Scopes Monkey Trial case. Tennessee state law prohibited public schools from teaching Darwin's theory of evolution. The ACLU advertised in Tennessee papers, offering free legal defense for any teacher who would violate the law. John T. Scopes volunteered. Two brilliant and famous lawyers handled the case, Clarence Darrow for the defense and William Jennings Bryan for the prosecution. Although the ACLU lost, the case launched it on the road to wide popularity. Among government officials who subsequently joined the ACLU were Harold L. Ickes, Secretary of the Interior; Frances Perkins, Secretary of Labor; Lloyd K. Garrison, chairman of the National Labor Relations Board; and Francis Biddle, U.S. Attorney General. (Last year, the ACLU again challenged the Tennessee law and won.)

In the 'Thirties, a bitter fight erupted within the Union between moderates and leftists; the upshot was that in 1940 it adopted a resolution barring Communists from leadership. Miss Flynn refused to resign and was dismissed. Dr. Ward then resigned in protest. (William Foster already had resigned, saying that since he had moved to Chicago he found it too difficult to attend ACLU meetings.)

Since the resolution applied only to those holding office in the ACLU, it did not keep Communists out altogether. Herbert A. Philbrick, who was a Communist for the FBI in the 'Forties, wrote in his book, I Led Three Lives: "Communists had orders to infiltrate the ACLU. They always had kept a token representation in it and were told to strengthen their ties with it." He told Barron's recently that the secretary of a state chapter of the ACLU at that time "was a secret member of the Communist party and a member of my own cell."

The Southern California Staff Counsel for the ACLU's Roger Baldwin Foundation is Abraham L. Wirin, the ACLU lawyer who rushed to the aid of Mr. Sirhan. According to the Congressional Record for September 20, 1961, Mr. Wirin practiced law in partnership with Leo Gallagher, who once ran for office in the Communist party in California. The

same issue of the Congressional Record says that in 1954 Mr. Wirin was a candidate for the executive board of the National Lawyers Guild, an organization cited as a Communist front by both the Senate Internal Security Subcommittee and the House Un-American Activities Committee.

STRONG OPINIONS

The Rev. A. A. Heist resigned as executive director of the Southern California chapter of the ACLU in 1952 to become director of a new organization which he founded called the Citizens' Committee to Preserve American Freedoms. According to the Congressional Record of September 20, 1961, "This organization is run by its executive secretary, Mr. Frank Wilkinson, an identified Communist." The Record says: "The Rev. Heist stated in a speech to an audience of high school and junior college students in Pasadena that 'the Constitution of the United States is outmoded, outdated and impotent.' "

William A. Kilpatrick, long a prominent member of the ACLU on the East Coast, declared in his 1939 book The Teacher and Society: "The revolution by force and violence was probably necessary in Russia, but it would not be necessary in America. Here, the same goals could be achieved by effectuating change within the framework of the Constitution."

The anti-Communist resolution, of course, has not kept the ACLU from helping the Communists in the courts, and on this score it has an astonishing record of success. In the Steve Nelson case it persuaded the Supreme Court to make state prosecution of Communists virtually impossible. Over-turning the conviction of an admitted Communist party leader for allegedly violating the Pennsylvania state sedition law, the high tribunal said the Smith Act of 1940 gives the federal government exclusive jurisdiction in the field of sedition. Then, in the Yates case, the high court accepted the ACLU contention that advocating overthrow of the government does not violate the Smith Act if the advocacy is "divorced from any effort to instigate action to that end."

A FEDERAL OFFENSE?

In a recent Kentucky case the ACLU argued successfully that sedition is strictly a matter for federal prosecution. The defendants were Alan and Margaret McSurely, Carl and Anne Braden and Joseph Mulloy. According to the Washington Post of September 17, 1967, the local sheriff had hauled a truckload of allegedly seditious material from the Mulloy and McSurely homes. At the time, the Post said, the McSurelys were organizers for the Southern Conference Education Fund. The Senate Internal Security Subcommittee in 1954 found the fund to be under the same Communist leadership and to have the same purpose as its predecessor organization, the Southern Conference for Human Welfare. (The House Un-American Activities Committee has cited the latter as a Communist front.) The Bradens have been identified as members of the Communist Party by the Louisiana Joint Legislative Committee on Un-American Activities. Mr. Mulloy was a poverty worker. The aforementioned William Kunstler was an ACLU attorney in the case.

Thanks to the Union, the Supreme Court has made it virtually impossible to deny membership in bar associations to Communists. The ACLU won the Rudolph Schware case in which the high tribunal ruled that he could not be denied membership in the New Mexico Bar Association because of past membership in the Communist party. Bowing to the ACLU's argument on behalf of Raphael Konisberg, the court declared he could not be prevented from joining the California Bar Association although he would not say whether he ever had been a Communist.

At the behest of the ACLU, the courts also are making it difficult for state governments to deny employment to persons because they are Communists. In a recent case brought by ACLU affiliates, a Kansas federal court struck down a state loyalty oath required of all public officials, employes and teachers. The Minnesota CLU has asked the state supreme court to declare unconstitutional the Minnesota civil service rules denying employment to anyone who advocates Nazism, Communism, Anarchism, Fascism or is "in any manner disloyal to the U.S." And the Northern California CLU won a ruling in a federal district court that a man's refusal to say whether he is a Communist could not bar his employment as a postal worker.

The ACLU also has been effective in blocking at least one subversive investigation. In Tennessee it obtained a federal district court order prohibiting a legislative investigation of alleged subversive activities at the Highlander Education and Research Center.

In like vein, the ACLU has asked the U.S. Supreme Court to declare unconstitutional the provisions of the Subversive Activities Control Act which requires Communist-front organizations to register with the Attorney General. It also filed a complaint against a Justice Department order that the W. E. B. DuBois Clubs register as a Communist-front organization.

LEFT AND RIGHT

When criticized for defending the Left, the ACLU regularly replies that it also has defended the Right. Close examination of its activities of the latter type leads to some disturbing conclusions. The Union defended the Ku Klux Klan—contending that the House Un-American Activities Committee had no right to investigate it. This, of course, fits right in with the ACLU's call for abolition of the Committee.

The ACLU also has defended the right of policemen to belong to the John Birch Society. This dovetails with an ACLU aim to abolish all control over which organizations government employes may join. It also has defended Jehovah's Witnesses, contending that they cannot be required to give the pledge of allegiance to the American flag as a condition for attendance at public schools.

The Union protested revocation of the visa of Michael Struelens, director of the Katanga Government Information Office in New York City. The organization objects to Uncle Sam deciding who shall or who shall not enter the country.

When Governor Ross Barnett was charged with contempt of court for barring James Meredith from the University of Mississippi, the ACLU stepped in with an amicus curiae brief which contended that he had a right to a trial by jury. The Union's critics say that if it obtained all the jury trials it wants in civil rights cases, the courts would break down from sheer overload.

While the ACLU urges college presidents to allow Dow Chemical Co. to recruit students on campus, the Southern California ACLU is defending four students who were arrested for allegedly participating in a demonstration to protest the same company's recruitment at State College in Los Angeles.

The Union enthusiastically supports the right of both Left and Right to demonstrate. In a case now pending in the Supreme Court, the ACLU has argued that the threat of a race riot in Princess Anne, Md., was insufficient reason for a court order banning a series of segregationist rallies in that town about two years ago by the National States' Rights Party.

Too, the ACLU contested a regulation of Washington police putting a 100-man limit on demonstrations at the White House. It also applied for an injunction to keep District of Columbia police from using the chemical Mace during riots, and it is seeking an injunction to prevent them from enforcing the statute prohibiting demonstrations at the Capitol. It sued the Los Angeles police chief for breaking up a demonstration against President Johnson. In Washington it argued that an alleged threat against the Chief Executive was, in fact, only rhetorical criticism of foreign policy. After a demonstration against the President in Killeen, Texas, the ACLU went to court on behalf of the demonstrators and won a ruling that the Texas disturbing-the-peace law was unconstitutional.

"BRUTALITY" CASES

In conjunction with lawyers employed by the Legal Service Program of the federal Office of Economic Opportunity, it launched, but lost, suits asking U.S. district courts in Newark and Philadelphia to appoint federal receivers to run the local police departments as a means of eliminating "police brutality," particularly during riots. (The Union also have five "police brutality" cases pending in Mississippi and three in Louisiana.)

The Philadelphia suit also asked for nullification of state laws against carrying concealed deadly weapons, sedition, riot, conspiracy, loitering and obstructing justice. The Newark case asked for a halt to the compilation of police dossiers on civil rights groups.

Asked why the ACLU rushed to the aid of Sirhan Bishara Sirhan, the accused killer of Senator Kennedy, Lawrence Speiser, director of the Washington office of the ACLU, told Barron's: "When President Kennedy was shot, Oswald was questioned by police without counsel; we didn't want this to happen with Sirhan."

[From Barron's, Sept. 9, 1968]

LIBERTY OR LICENSE?—THE ACLU SOMETIMES HAS TROUBLE TELLING THEM APART

(By Shirley Scheibla)

WASHINGTON.—An influential lobbyist told a Senate subcommittee last May that the Communist Party constitutes no threat to the United States, and that the advocacy of violence is all right as long as it's not accompanied by violent action. His name: Lawrence Speiser, Washington director of the American Civil Liberties Union (Barron's, August 26). Mr. Speiser's testimony in opposition to the Internal Security bill of 1968, before the Senate Internal Security subcommittee, provides an apt illustration of how far ACLU can and does go—outside the courtroom—in its ostensible defense of civil liberties. Some of these tactics are, to say the least, questionable. Virtually all of them follow a central theme that runs through case after case of litigation as well: a clear attempt to undo law and order and undermine the nation's ability to defend itself from its enemies.

The chairman of the House Un-American Activities Committee (HUAC) says Mr. Speiser has misrepresented facts in public statements about the committee. The record indicates that several of Mr. Speiser's fellow-officials are guilty of much worse. No "Philadelphia lawyers," their activites include membership in a variety of subversive organizations, overt defense of Communism and the aiding of—even participation in—unruly demonstrations. Indeed, one ACLU official currently is charged with attacking a policeman; meanwhile, a federal court and a grand jury both have shown that widely circulated ACLU charges of police brutality were, in fact false.

DEFENDS CLOSED SHOP

Some idea of what ACLU is all about comes through in a brief review of certain cases it has turned down. It refuses, for example, to defend state right-to-work laws, finding no Constitutional guarantee of a man's right to earn a living without joining a union. Instead, it endorses the closed shop, which makes union membership a mandatory condition of employment. An ACLU policy statement once declared: "No worker should be allowed to participate in the benefits provided by the union without accepting the responsibility of union membership."

A few years ago, however, when it was fighting the blacklisting of the "Hollywood Ten"—screen writers who refused to answer questions of a Congressional committee about alleged Communist Party connections—ACLU declared: "The right to work is a human right . . . a Constitutional right; and the opportunity to earn a living cannot be unjustly withheld from a man without doing violence to the Constitutional guarantees protecting his liberty . . . ." Despite its present myopia about the Constitutional right to earn a living, ACLU does believe in a Constitutional right to receive welfare. Poverty, it says, prevents the enjoyment of rights guaranteed by the Constitution.

Take another example. Some merchants in the District of Columbia complained that their civil liberties were violated last spring when their stores were destroyed during the riots here. They asked ACLU to represent them in a suit against the government for failing to provide adequate protection. ACLU declined. It did agree, however, to file an amicus curiae brief on behalf of another group of DC shop-owners "supporting the correctness of any decision not to shoot suspected looters and supporting the property owners' right to compensation." Irma Thexton, executive director of the ACLU's Capital Area affiliate, explained that since the community obviously would benefit by any orders not to shoot looters, the community (i.e. the government) should reimburse the merchants.

FAVORS NOISY "PROTEST"

So much for which liberties ACLU ignores. What about the record of causes it has favored? Here's one: ACLU obtained the permit for last fall's huge, violent, wholly unprecedented anti-war demonstration at the Pentagon. According to FBI Director J. Edgar Hoover, a number of Communists and other known subversives took part in that notorious fracas. In the midst of what Mr. Hoover called a "scandalous display of obscenity and immoral behavior," ACLU was speaking out in behalf of the rights of those who made the display.

A few years earlier, ACLU had made its feelings plain: "Disorder is less to be dreaded than suppression of the right to protest." The organization can be blunter than that. A bill passed by the House of Representatives, making it a federal offense to cross state lines for the purpose of inciting a riot, "represents a typical know-nothing attitude in looking for the mythical scapegoat in response to the enormously complex and grave problems facing our society."

Last June, Washington Director Speiser urged members of Congress to vote against legislation which would keep demonstrators from camping overnight on federal property in the District of Columbia. (It also would require them to post bonds to cover the costs of potential damage resulting from their daytime activities.) The same lobbyist demanded that Congress vote down another bill to prohibit desecration of the American flag. Again, last February, he spoke out against a proposed law which would authorize the Secretary of State to restrict travel of citizens to countries whose military forces are engaged in armed conflict with U.S. forces. Americans who have gone to North Vietnam without U.S. government approval, Mr. Speiser said, "have performed a useful function in contributing to the debate on our involvement. . . ."

The ACLU lobbyist also is opposed to legislative proposals barring employment of Communists in defense plants and authorizing the Secretary of Defense to fire security risks. Further, Mr. Speiser's organization advised teachers not to answer questions from prospective employers about any student's loyalty or patriotism. ACLU's D.C. affiliate wants to "make it unlawful for an employer to ask an applicant whether he has ever been arrested." It even wants to end the practice of distributing copies of arrest records: it would prohibit record-keeping altogether on relatively "minor" infractions of law and "eliminate records of arrests for more serious crimes after a reasonable time—perhaps three years."

Chicago's ACLU branch, by the way, is no less windy. It has criticized infiltration of the city's peace groups as a "real police-state practice which is bound to have an effect on dissent."

ATTACK ON HUAC

One of the primary objectives of the ACLU is to abolish the House Un-American Activities Committee. According to HUAC, the Communist Party coincidentally has an identical goal: back in 1960, the party set up a National Committee to Abolish the Un-American Activities Committee. HUAC responded to the latter event by identifying seven of the National Committee's leaders as Communists. One member, though not named a Communist, is Arthur J. Adkins, who happens to be on the executive board of National Capital Area Civil Liberties Union.

Despite losing a court case to have HUAC declared un-Constitutional, the ACLU continues its fight for abolition. While the Union undoubtedly is entitled to express its views regarding the Committee, some of its tactics surely are open to question. Mr. Speiser, for example, told the Joint Committee on the Organization of Congress that he had represented "over 100 people" before HUAC and had never known it to observe House Rule 26(m). (This provides that if a Congressional committee determines certain evidence may incriminate, it may be received in executive session, and requests may be accepted to subpoena additional witnesses.)

HUAC Chairman Edwin E. Willis (D., La.), however, informed the Joint Committee: "The courts of this country, in numerous contempt cases, have had an opportunity to review the Committee's rules of procedure. In no instance have they found them unconstitutional or violative of witnesses' rights." Rep. Willis cited a recent court decision on this point. When Mr. Speiser represented Donna Allen and Dagmar Wilson in appearances before HUAC, he contended that the committee was not observing Rule 26(m), and advised them not to answer questions. The District Court here subsequently found that HUAC had in fact complied with the rule, and convicted Miss Allen and Miss Wilson for contempt of Congress. On appeal, the conviction was overturned, on a technicality unrelated to the Rule 26(m) dispute.

As for Mr. Speiser's claim that he had represented over 100 persons before the HUAC, Rep. Willis told the Joint Committee: "I have had a careful check made of the record, and it reveals that Mr. Speiser has represented a total of 39 witnesses who have appeared before the Committee on Un-American Activities—33 in public session and six in executive session. Therefore, that part of his statement about the number of witnesses he has represented before the committee is less than half true."

NONVIOLENCE?

ACLU people also can be somewhat less than civil. When Arthur Kinoy was representing witnesses before HUAC a couple of years ago, on behalf of ACLU, he disrupted the hearing and was ejected by police. The courts subsequently found him guilty of disorderly conduct. In 1962, the same Mr. Kinoy was a vice president of the National Lawyers Guild, cited by HUAC as a Communist front. He is a law partner of William Kunstler, who in turn is a member of ACLU's board and, among other things, an attorney for Rap Brown, the former head of SNCC, the Student Non-Violent Coordinating Committee. (Phillip Hirschkop, another of Mr. Brown's lawyers, is on the executive board of the National Capital Area CLU.)

When HUAC held hearings in San Francisco in May 1960, it had even more trouble: specifically, a riot. At the time, Michael Tigar, now a member of the executive board of the National Capital Area CLU, was an officer of "SLATE," a student group at the University of California organizing students for the demonstration. The California Senate Fact-Finding Subcommittee on Un-American Activities reported that SLATE played an important role in stirring up the disorders. According to HUAC, SLATE featured known Communist party members as speakers at meetings which is sponsored on the UC campus.

The California subcommittee declared that Mr. Tigar narrated a propaganda film in Cuba shown at Berkeley in November 1961. It also named him as one of a three-man committee which made U.S. preparations for the Communist Youth Festival at Helsinki the following year. According to a Washington Post story, "Tigar also was tagged as a student leader at the 1964 Berkeley riots." In that year, too, the California subcommittee found that Mr. Tigar was one of the signers of a call for a student convention in San Francisco, which resulted in the formation of the W.E.B. Du Bois Clubs. And a couple of years later, again according to The Washington Post, Supreme Court Justice William J. Brennan Jr. hired Mr. Tigar as a law clerk—then, following the ensuing public uproar, changed that incredible decision.

In any event, the riot at the HUAC hearings inspired the Communist Party to emphasize "police brutality" as a rallying cry—a brilliant bit of sloganese which since has attracted the sympathy of innumerable student groups. So concludes no less an authority than FBI Director Hoover. HUAC said the party circulated 20,000 leaflets on California campuses, saying that students were engaged in peacefully defending the most cherished American freedoms (at the HUAC hearings) when, without warning, clubs, blackjacks and fire hoses were turned on them.

According to California's subcommittee, the San Francisco demonstration inspired "another new practice on the campuses of some of our educational institutions . . . the holding of mock trials ridiculing the committee (HUAC) and usually sponsored by the political science departments of the institution together with the ACLU." It mentioned specifically a mock trial held December 2, 1960, before some 600 students at Long Beach State College. "The purpose," it said, ". . . was to ridicule this important Congressional committee and to enlist membership in the college branch of the ACLU as well as to get signatures on a petition circulated by that organization calling for the abolition of HUAC."

The subcommittee also revealed that in October 1960, a UCLA student paper announced that "a Marxist study group had been formed on the campus supported by the ACLU of Southern California. . . . The group stated that its fundamental purpose was to provide a medium for the radical movement on the campus and to secure noted speakers for the American radical press."

PHILADELPHIA STORY

ACLU has gotten plenty of mileage out of such tactics. In the January 1968 issue of its official publication, Civil Liberties, the Union gave its version of events in Philadelphia last November. Some 1,500 Negro high school students were "discussing their concerns with the school superintendent." Suddenly, presumably unprovoked, "about 200 uniformed policemen charged, clubbing wildly. Fleeing youths, boys and girls alike, were clubbed from behind or where they fell." The U.S. District Court for Eastern District of Pennsylvania, on reviewing the same events, found otherwise. "An unrestrained group of about 3,500 full-grown, vigorous people," it noted, actually were committing acts of vandalism, hurling missiles, attacking policemen and obstructing traffic.

The court gave details on the arrest of one demonstrator, Albert Hampton. After a policeman told Mr. Hampton not to cross a police line, it seems, Mr. Hampton shouted an obscenity, struck the officer with his fist, spat on him and went through the barricade. About three feet inside the lines he was placed under arrest, "at which time he called to the crowd, 'Riot, riot. Don't let them take me away.' . . . Two officers were required to take Mr. Hampton to the police van because of his struggles. Mr. Hampton conceded that he had called preliminary meetings and helped to organize the demonstration. . . ."

"CLEAR VIOLATIONS"

Concluded the court: "Forebearance by the police during a considerable period when the crowd was increasing in size, and tension was mounting, indicates that the police action was not taken in bad faith to 'chill' the exercise of First Amendment rights." The behavior of the demonstrators involved clear violations of criminal law, according to the court. Significantly, the plaintiffs did not claim that the principle of free speech sanctions incitement to riot. "Instead," the court said, "plaintiffs have contended that the Pennsylvania definition of 'inciting to riot' is void for vagueness. Their position is untenable."

During the 1967 riots in Newark, ACLU was even more involved. An Essex County grand jury recently found that Union, in cooperation with the Newark Legal Services Project, solicited and distributed false affidavits on "police brutality" (Barron's, April 29). ACLU has run into other difficulties in that New Jersey city. Last April, Henry M. diSuvero (then Executive Director of the N.J. chapter of ACLU) was arrested, charged with assaulting a policeman and creating a disturbance. The assault charge has been referred to a grand jury: the other will be heard September 11 in Newark Municipal Court. Mr. diSuvero, incidentally, has become National Director of the Emergency Civil Liberties Committee, identified as a Communist front by both HUAC and the Senate Internal Security Subcommittee.

REDS' DEFENDER

The record seems clear, in sum, that ACLU likes to defend Communists. Last March 25, Lawrence Speiser admitted to the Senate Internal Security Subcommittee, "I have had clients who have been members of the Communist party. . . ." Asked by J. G. Sourwine, chief counsel for the subcommittee, if he recognized the Communist Party as a conspiracy against the U.S. Mr. Speiser replied: "No, Mr. Sourwine. If it were as clear as you make it, then all the members of the Communist Party would be charged and in jail today."

Nevertheless, ACLU continues to speak out loudly in defense of what it regards as its lofty aims. ACLU actions, however, speak louder than words. The record, indeed, speaks for itself.

[The Crusader Newsletter, September–October, 1967]

UNITED STATES OF AMERICA: THE POTENTIAL OF A MINORITY REVOLUTION—PART III

In 1964 when I first advanced the idea of the potential of a minority revolution in the USA, among other things, I was called a "species of maniac out of touch with reality". Again in 1965 when I extended my discourse on the potential of a minority revolution there was very little change in attitude and response from certain "sane" quarters. Now in 1967 again I endeavor to provoke serious consideration of this highly emotional and controversial question. This time I write with certain knowledge and facts derived from Watts, Chicago, Newark, Detroit, Milwaukee and more than a hundred other places. In this brief treatise it is not my objective to teach and advocate the violent overthrow of the U.S. Government. This is not meant to be a blueprint for revolution, but is meant to inject sobering thought into the minds of those jingoists who so arrogantly extol the myth of American invincibility. I want to explore America's weakness and to advance the study of the potential of a minority revolution.

Once again, I raise the question could a minority revolution succeed in racist America? It most certainly could! Theoretically, how could a minority segment win if it collectively decided to embark on such a serious course? Total revolutionary unity would be required among the youth and a strong revolutionary nationalist spirit would have to prevail throughout the land. The spirit of self-sacrifice, self-less dedication to the triumph of a cause greater than any single individual, a feeling of confidence in ultimate victory, unshakable courage, and identification with the struggling oppressed peoples of the world would be some of the salient attributes for the success of a minority revolution. In keeping with the principles of people's war, wherein the great masses of exploited peoples of the world represent the rural masses surrounding the cities (the exploiting industrial countries) the Afro-American revolutionaries represent a mighty urban underground within the city. Our people must further develop and master people's warfare.

A high quality leadership would have to be developed. It must be wholly committed and devoted, selfless, devoid of ego, mentally alert, imaginative, fearless servants of the people acting as an instrument responding to the desires, necessities and aspirations of the revolutionary masses. All positions of leadership should be provisional on the basis of tried and proven performance in action. Selection on the basis of prestige is a form of accommodation that is inimical to effective struggle.

In racist, tyrannical and imperialist America the question of violence vs. passive resistance no longer confronts brutally oppressed black people. Savage and sadistical cops, racist terrorists and active bigots have already resolved the question of choices before us. They have decided for us in favor of violence. Now that violence is the only road left to brutally oppressed blacks, we have only to ponder the question of to what extent and methods we could respond in order to survive, in order to win. When one is forced to fight, he should fight desperately to win. If one is forced to resort to revolutionary violence to counteract tyranny, he should spare no effort to overturn the system and destroy the structure that serves as a medium for oppression and tyranny. Such an effort requires political theory, political guidance, and a dynamic nationalist spirit, fired and sustained by an endless torrent of propaganda. It is essential that armed resistance to tyranny be vigorously supported by that indispensable weapon commonly called psychological warfare.

We must analyze and probe in depth the situations and conditions underlying the plight of our oppressed people in racist America today. Kidnapped Africans were introduced into America's slave society as implements of agriculture and production. Captive black people, in the minds of the molders of American society, were never meant to enjoy the benefits of American society but were to be utilized as machines to produce for its enrichment and glory. Capitalist America's transition from a primitive to an industrial state was greatly aided by its brutal exploitation and enslavement of savagely victimized black people. Sociologically speaking, the black man has never been respected as anything more than a machine of production and a vast reservoir for exploitation. Herein lies the great tragedy of our present miserable plight and the system's insoluble dilemma.

The capitalist system was predicated on the abuse and dehumanization of black people. It was partially designed and fashioned to glorify white supremacy and to liberate the European from feudalism at the expense of colored people. The pitful cases of the American Indian and Mexico after ample evidence that Americanism is an evilly constituted authority fashioned to generate brute power and to institutionalize the white man's right to exploit, rape, rob and plunder in the name of white civilization. Yes, poor whites are exploited too, but the supreme white authority has been careful, even from the beginning, to afford the escape hatches built into the system. Even their slavery, what little of it that existed, was not of a permanent nature. They elected to call it indentured. Even today a white skin still carries a certain significant premium. It is still a badge of status in the system of racial caste.

American racism is inherent in its economic and social system. This inherent social evil cannot be drastically rejected without completely altering the political, economic and social structure of the nation. White supremacy cannot afford to yield its master position without a complete transformation of its way of life. This means that it must discard its psychic make-up. It must discard its white supremacy arrogance and egotistical Americanism. The status quo is life to it. Its survival means, in its warped concept, that the black man must remain in the caste ascribed to him. It is not in the nature of the oppressor to voluntarily relinquish his stranglehold on the oppressed. He may resort to deceit. He may feign, he may relax his pressure in order to gain a more firm control of the situation, but always his design is the same. He may shift his tactics. He may engage in a diversionary maneuver, but his objective is the same. It is always to perpetuate and to consolidate his power and privilege to oppress.

Each year uprisings and rioting, as a result of police brutality and oppression, become more and more extensive and ferocious. The gap between black and white is becoming ever more wide. Massive unemployment and hunger are symbols of the American way of life for the great masses of our people. In relation to justice for the black man, the U.S. legal system is a white supremacy instrument of kangarooism that sanctifies and dignifies the mayhem and cannibalism of white savagery practiced against America's captive black humanity. No sober thinking Black American can fail to see that fascist groups, with both overt and covert support on the part of the U.S. Government, are gearing for a vicious campaign against our people. In the sense of the black man's original role as a machine of production, because of automation, he is becoming obsolete and the need for his labor and production is diminishing as rapidly as that of the ole mule in this modern age of mechanized farming.

It is a great myth to believe that the surplus black man is needed by the big boss to threaten the jobs of the poor whites. There is also developing a surplus of white workers with which to threaten whites. As far as necessity is concerned, blacks are not even considered in the picture any more. The power structure is moving might and main to develop a black bourgeoisie Uncle Tom buffer group to inhabit the schizoid no man's land between America's black and white world's. This new class of nigra zombies is supposed to represent America's show case of democracy and multi-racial affluence. The power structure is stupid enough to believe that a crash program, aimed at integrating and elevating a small clique of good responsible nigras, will serve as a pacifier and sedative that will lull the ghetto masses to sleep until the program is over and the race problem is solved through intimidation, token integration and extermination. The white power forces in racist America are asinine enough to think that the black masses are so fantastically childish that they will be content to enjoy food, shelter, dignity and security vicariously; and that as long as they have examples of vulgarian Toms, who have made the suburban set, that this phenomenon within itself will allay the restive black masses' feeling of frustration, neglect and denial. White America feels no urgent need to relieve the oppressive and stifling colonial conditions of the black masses. The white man's relations with the black man in America are governed by an imperialist mentality. He sees no need to respond humanely to the black man's cry of anguish. His response is the club and the bullet. The masses are brutally subjected to the club while a microscopic, obedient and dog-loyal elite is transformed from peons to compradors. This old imperialist line of building a buffer class of petty bourgeoisie among the natives of the colony is a bankrupt policy. It is already obsolete and represents that stupid kind of folly hatched in reactionary minds haunted by the exigency of social change.

Dire poverty, dehumanization, brutal oppression, ruthless exploitation, terror and tyranny constitute the motive force that drives the victimized masses to a state of last resort. Man's final and ultimate response to the tyrannical intrasigence of an insensate power structure is revolution. Revolution is a final spark of hope that flares in the ashes of despair and the devastated faith in the institution of parliamentary buffoonery and demagoguery. Revolt is a natural human response to brutally sustained tyranny. The adamant colonial attitude of the racist, imperialist American power structure leaves the Afro-American but one of two choices; he must either meekly submit to tyranny and risk ultimate extermination or invoke the natural law of survival and resort to revolutionary resistance. It is not beyond the realm of possibility that he will turn to revolution and be determined to obtain victory at any price.

Theoretically, if the black man in America should elect to pursue the final course, what would he have to do in order to overturn tyranny? America's strength and weakness should be carefully analyzed. Strategically speaking America is a mighty giant with an exposed Achilles heel. The key to America's strength is its almost unlimited industrial capacity. Its staggering production is its life blood. From a military point of view it is also its greatest weakness. The American society is the most automated society in the world. It has become addicted to machinery. It has become enslaved by it. Without it it would soon wither and die like a green melon whose vine is severed from its roots.

Without consideration of the social and political ramifications of the evil systems of Hitler's Germany and Tojo's Japan, and strictly from a military point of view, we should study the causes of racist America's advantage during the Second World War. Aside from the effectiveness of dauntless allies, one very salient point is the fact that U.S. and allied air power was able to pulverize enemy production, communications and to greatly disrupt the normal scheme of life. While the enemy was made to suffer this disadvantage, American industrial power was allowed to intensely mobilize its abundant human and natural resources, rapidly expand and to fiercely feed the war effort unhampered. The American scheme of life was never violently disrupted and, relatively speaking, the civilian population was merely inconvenienced as a result of the war. In the past American production has been fortunate enough, because of technical limitations and geography, to escape the devastation of war. The fear of such devastation is the very reason the power structure is so hysterical about the proliferation of H-bombs and intercontinental rockets. Massive devastation of America's industrial centers would reduce it to a primitive nation.

The Afro-American is in range of the American giant's Achilles heel. American production, communications and the normal function of the affluent society are exposed to the Afro-American's natural revolutionary reaction to tyranny and oppression. A united well organized, armed and trained Black America is a potential force to be reckoned with in its own right. The American case is a unique case. Any Afro-American revolt would consequently constitute a unique form of urban guerrilla warfare. The match and gasoline would be his most effective weapon. Four hundred years of violent deprivation can be transformed into an indomitable fighting spirit that may burst forth on the American scene with an intensity more fierce than a hundred hydrogen bombs. The black man will have nothing to lose but his chains, while America has its very existence at stake. For it is better to live just 30 seconds in the glory of human dignity and freedom than to live a thousand years crawling in terror beneath the brutal foot that savagely maintains the tyrant's yoke of tyranny.

As the power structure applies ever more brutal repressive measures in response to the black man's just petition for social justice, a precision type urban guerrilla warfare is the prerequisite for the black man's survival and liberation in racist America. Such a campaign must be well organized and coordinated. There must be a vast network of communications and central planning. No matter how primitive, black freedom fighters must establish their own coded and clandestined communications system. There must be central planning and a national supreme command. Afro-American revolutionary forces must create a top-notch security agency. This agency must be responsible for the establishment of an efficient and extensive intelligence network. It must infiltrate the armed forces, the National Guard, the police, the FBI, the CIA, public utility services and all political groups, right, center and left. The power structure's facilities must be utilized to advance the cause of Afro-American liberation.

Such a revolutionary organization would require many facets. Armed defense guards would have to be formed throughout the land. These groups would be organized within the confines of the law. They would function only as defense units to safeguard life, limb and property in the ghetto communities. A tightly organized and highly mobile underground guerrilla force would have to be clandestinely organized. This well disciplined force would play a more aggressive role. It would be well versed in handling explosives and deadly accurate when deployed as snipers. Its mission would be retaliation, to visit attrition upon the enemy and to pin down and bring about a dispersal of his concentrated forces. This guerrilla force must operate in small bands and know every inch of that part of the city where it is to operate. It must control its fire and use its ammunition sparingly. It must be highly mobile and constantly shift its position when sniping to avoid detection, death or capture. It must have a perfect understanding of its mission at all times. When operating in full view of great throngs of people, its members should cover or mask their faces to prevent revealing identity. It should handle its weapons with gloves, especially the captured ones, so as not to leave incriminating fingerprints on weapons that may later fall into the hands of repressive authority. These groups, while sniping and performing other missions of sabotage, should be extremely careful in avoiding death and injury to the friendly black population. Friendly property should be diligently protected and safeguarded. The guerrilla forces must be so organized, coordinated and equipped as to prevent the power structure from rushing reinforcements to encircle and crush other defense groups engaged in battle with repressive forces by ambushing, sniping, bombing and sabotaging roads. These people's warfare tactics must be executed in a fashion that will reek frustration and exhaustion on the oppressive enemy forces.

A welfare corps would have to be formed. Persons with medical knowledge should be recruited and mobilized to care for the wounded during uprisings when many white hospitals and medical centers refuse or halfheartedly treat wounded black casualties. It should distribute food, aid victims of fire and look after the general welfare of the people. Such a corps should serve to build morale, encourage and educate the people to support the resistance fighters of the uprising and to maintain tight security about what takes place in the ghetto and as to what roles are played by certain individuals. It should raise funds in preparation for legal defense for those who fall into the vicious clutches of the kangaroo white supremacy law in the early stages, before the legal system is completely paralyzed.

The most aggressive and irrepressible arm of the overall organization would be the fire teams. They would work in complete secrecy and would be totally divorced in the organizational sense from the main bodies of defense and other forces. They would enjoy complete autonomy. The group's only tangible loyalty to them would be in times of distress. The fire teams mission would be sabotage. Thousands of these groups would be organized throughout racist America. These teams would consist of from three to four persons. They would only know the members of their immediate team. They would not identify with the civil rights movement and would appear to be apathetic and even Uncle Toms. They would often times masquerade as super patriots and be more than willing, in a deceptive way, to cooperate with the police. There would be no official meetings and discussions, only emergency calls and sudden missions.

The mission of these thousands of active fire teams would be setting strategic fires. They could render America's cities and countryside impotent. They could travel from city to city placing lighted candles covered by large paper bags, allowing enough air at the bottom to allow the flame to burn until it burned to dry leaves and grass, thus devastating the forests. The length of the candle would be determined by the amount of time needed to clear the scene. At night the bag would conceal the light of the flame. While unsparingly setting the torch to everything that belongs to the enemy in the cities, and while concentrating on urban guerrilla warfare, the rural countryside would not be neglected. Aside from the devastating damage that could be visited upon the countryside, such a mission could serve a twofold purpose. It would also divert enemy forces from the urban centers. State forces would be forced to spread their ranks and would not be able to sustain massive troop concentrations in a single community. The heat and smoke generated from the miles of fires would render some of the highways impassable to repressive troop re-enforcements. The rural countryside covers vast areas and would require exhaustive manpower, equipment and security forces. America cannot afford to allow its rich timber resources and crops to go up in smoke. The fire teams roving in automobiles would find unguarded rural objectives even more accessible. A few teams could start miles and miles of fires from one city to the other. The psychological impact would be tremendous. By day the billowing smoke would be seen for miles. By night the entire sky would reflect the holocaust and emit a feeling of impending doom.

What types of weapons should be in the arsenals of the Black Revolution? Guerrilla forces should rely heavy on simple and even home-made weapons. Much stress should be placed on obtaining highly portable weapons that are easily concealed. Soldiers on leave, AWOL or recently discharged should be induced to play a very active part in the Black Revolution. Full use should be made of this personnel's military training and experience. They can give invaluable instructions in the use of heavy machine-guns, hand-grenades, anti-tank guns, bazookas and demolitions. Militant minded brothers in the service will be able to aid in securing weapons of all descriptions. Revolutionaries must keep a sharp look out for hustling troops whose greatest preoccupation in life is to play the chicks and the night life; for a few bucks they can become a great source for supplying much needed military gear.

There is a great need for the black revolutionary to become proficient in ambushing and seizing arms and equipment from the enemy oppressor. This includes even the capture and use of tanks and armoured cars. Special effort should be made to locate and seize Minutemen and rightist fascist groups' arms caches. When U.S. Government surplus military and sporting goods stores are peopleized (looted), first aid packets, gas masks and helmets should not be overlooked. When stocked, the heavier type of model airplane equipped for remote control can play a big role in urban guerrilla warfare. These model planes can be used to deliver hand-grenades to targets. Firing pins or mechanisms can be so constructed that the impact of a direct head-on collision will set off an explosion. Dynamite and other explosives and deadly chemicals can be utilized from these heavy model planes. These model aircraft can also be used to reach the fenced in and inaccessible targets like oil storage tanks, industrial chemical tanks, high tension power installations, armoured cars, and troop carriers. They can also be used against inaccessible buildings and other targets that may require special attention.

The black revolutionary must become creative, must use his imagination, talent and training in the sacred cause of liberation. He must become consciously constructive in devising ways and means of harassing, bankrupting, exhausting, demoralizing, injuring, and destroying the enemy. He must not expend himself, his forces and supplies foolishly. While soberly respecting and analyzing the strength of the enemy, he must never fear him. He must seek the advantage of battle and be as certain as the realm of possibility will allow that skillfully planned and executed actions will heap great injury upon the enemy. Revolutionary forces must save themselves while destroying the enemy. Revolutionaries must make a strong bid for dramatic victories that will inspire the people, encourage them to want to participate in a war of dignity, retribution and liberation. At the same time the urban guerrilla must strike terror into the hearts of the enemy forces. He must be well disciplined, of high morale, devoid of ego and be able to work and think collectively. He must at all times project a double image. To the masses of the community he must project an image of a race conscious politically mature brother whose unshakable mission is to defend the human dignity of our downtrodden masses. His image should be that of a liberator rather than one of a thug rioter engaged in an orgy of pointless plunder. He should be seen as a Black patriot and savior who is convinced that it is more honorable to fight and die in battle against oppression and tyranny directed against the black people of the ghettos than to die in white men's wars of imperialism and the repression of freedom loving colored peoples abroad. He should equate his revolutionary actions, not to "looting" and "rioting", but to the spirit of the Boston Tea Party, the battles of Concord, Lexington and Valley Forge. He must feel and understand the nobility of his historical role; a role that affords him the opportunity of forging his own destiny and of bringing new direction to the world.

The fact that the power structure has called for an integrated National Guard that will be specially trained and equipped for counteracting urban guerrilla warfare will provide black revolutionaries with a never-before-opportunity to infiltrate the first line of the power structure's repressive arm and acquire the latest professional skills in military science and tactics and the handling of weapons. This is a golden opportunity that should be seized upon to the fullest extent. When security is tight and every individual concerned has been checked and double checked as a security risk, newly acquired tactical knowledge must be discussed and disseminated among small secret groups. Marksmanship and the handling and manipulation of weapons can be taught through the use of air rifles and pellet guns. Dummy rifles can also be used to improve marksmanship, by cutting slots in cardboard boxes that will hold a rifle snugly in position. The box can be mounted on a chair or table facing a small target tacked to a wall. The trainee sights the rifle in on the bullseye of the target and leaves it in the position he thinks to be accurate. The experienced shooter or instructor looks down the gun sights of the weapon just as it was placed by the trainee and can ascertain to a certain degree the marksmanship of the trainee. This exercise is repeated until accurate sighting comes naturally to the pupil. This exercise must be supplemented by a series of exercises in the practice of trigger squeezing. The trainee can be taught the proper method of trigger control by slowly squeezing triggers on empty rifles until he perfects a method of sniping that requires an ability to squeeze the trigger with the minimum of jerk. The shooter should not anticipate when the rifle is going to fire. The shot should come as a surprise to him. A jerk or impatient pull of the trigger throws the rifle off target and makes for poor marksmanship.

Molotov cocktails are very effective weapons in urban guerrilla warfare, however, a jumbo size is even more effective. The jumbo size or the Black Power Bomb can be most effectively used against tanks and armoured troop carriers where streets are narrow and buildings are 3 or 4 stories high. The jumbo size of the gasoline bomb can be made by using an empty syrup bottle of one gallon capacity. These gallon sized glass jugs are usually available around confectionaries, drug stores, restaurants and warehouses. Each is equipped with a screw-on cap and is fitted with a finger grip or a built-in ring by which to handle the bottle or jug with a single finger. This type of jug can be filled with almost three-fourths gasoline, about one-fourth extra heavy motor oil with lubrication grease added. The screw-on cap should be tightened after which a tampax, well soaked in gasoline, should be securely taped or wired to the jug. The soaked tampax or well soaked rag is lit when the individual is ready to heave the Black Power Bomb. The glass jug or container breaks on impact thus igniting the gasoline, oil and grease resulting in a *napalm-like effect*. This is highly effective when heaved from a roof top into personnel (troop) carriers. It can also be thrown as a sachel charge against tanks and other armoured vehicles. Sachel charges can deal deadly blows to armoured vehicles. U.S. regulation type and instructions can be obtained from U.S. service men.

During the time of all out conflict selective fires must be set over a wide area. This spreads the enemy forces thin and makes the situation more difficult for him to control. During the height of the fire offensive, car patrols should roam widely separated sectors of the city with heavy duty adjustable wrenches. All fire hydrants in safe, isolated or deserted places should have their caps removed and valves completely opened. This will hamper and sometimes completely negate the power structure's fire fighting capacity. Fire is the black man in racist America's most most effective weapon. It can be just as devastating as a hydrogen bomb. America is the black man's battleground and he cannot afford to hesitate to use whatever means necessary to remove the bitter and tragic consequences of almost 400 years of unmitigated white supremacy tyranny.

After initial incidents that trigger conflict with brutal police forces, Afro-Americans must more and more avoid massive congregation for confrontation. Fighters must quickly disperse and keep out of range of chemical sprays used to immobilize and identify freedom fighters. Some sprays can render the individual unconscious. Some types may result in permanent injury and may be used by the power structure unsparingly in a surreptitious campaign of genocide against the restive black masses. Snipers must always be conscious of the fact that even during night hours the sniper-scope, consisting of infra-red telescopes, can be used by enemy forces to zero in on their positions. The only defense against this is to fire and shift positions and to keep shifting positions and firing only at worth-while targets. The urban guerrilla fighter must rely on the elements of mobility, speed, surprise, terror, a friendly environment, knowledge of the community, concealment and cover when possible. He must consciously concentrate on the enemy's weakness, attack him at his weakest point and avoid becoming a target of his massive power.

Possibly, if the brothers should want to devise an effective defense against the thug cops' chemical warfare, club attacks and vicious close range shooting, it may be necessary to send special representatives to Africa for specialized training in the manufacture and use of the poisonous dart. This simple, silent but deadly technique was highly successful when used by the Congolese revolutionaries against Tshombe's butchers. This could become a highly effective secret weapon in the arsenal of the Black Revolution in racist America. It could be most potent at night during confrontations with killer cops. These vicious mad dog butchers would never realize what hit them. This type of warfare must be waged under top secret conditions.

The "honky" cops and the racist power structure are deadly serious in their war against black people. Afro-Americans can expect no humane considerations from such insensate savages. They are cold-blooded killers and they have no qualms what-so-ever about massacring our helpless and defenseless people. We must respond in kind. During all confrontations with racist thug cops and their loyal black running dogs, black freedom fighters must realize that it is a do-or-die situation and must fiercely act in the most violent and desperately daring fashion as a matter of survival. The thug cops are devoid of all mercy. When they have the upper hand they will not hesitate to viciously butcher black people. Revolutionaries must remember that there is no second chance or appeal from death. In situations of such savage confrontations what is to be done must be carried out instantly before the beast squeezes the trigger. It is better to die in action and to take at least one of the enemy along, than to die as butchered swine by an unscathed sadistical beast who lives to kill again and again.

No method of terror or destruction against the oppressor should be overlooked in urban guerrilla warfare. Freedom fighters should always try to invent and develop new methods of sabotage that can be carried out against targets of opportunity in particular areas. Students of electronics, chemistry and science should be organized and mobilized in a way that they can contribute greatly to the arsenal of the urban guerrilla fighter.

Fighters should also be able to obtain an almost unlimited supply of plastic bombs. When hardware stores and tool centers in department stores are raided compact sets of acetylene torches should rate high on the list of most desired weapons of struggle. These small portable sets can be ignited, set for slow cutting with the intense flame fixed to remain directed against gas mains, oil pipe lines, gas and oil storage tanks to effect explosions. If this is done at night the flame should be covered leaving a small space at the bottom of the cover for air while the flame is concealed to prevent detection. This set-up must be completed swiftly and the fighters must get as far away from the scene as fast as possible in order to avoid being caught in the explosion.

Revolution is not a festival and it must be approached with the utmost seriousness. Freedom is not a welfare commodity to be doled out as charity. It must be seized and taken with the ferocity of a wounded tiger. Nobody is going to give the black man freedom. Nobody is going to give him justice. He must take it. America's brutal oppression of the black man justifies any means that he may find it necessary to resort to remove the consequences of the savage legacy of slavery and dehumanization. Relentless oppression breeds hatred, violence and war. America more than deserves all that is coming to her. Those who insist on following an evil road of tyranny and injustice must ultimately expect to meet a harsh judgment of retribution.

Americanism or American capitalism is synonymous with brutal exploitation and is motivated by a ruthless drive for super profits, wealth and power. American society is a caste in which the black man is psychologically molded as a sub-human. He is expected to faithfully play the part of a sub-human and to show gratitude to his white deformer and mental mutilator for even extending the meager generosity of allowing him to breathe the oppressive air of the master's slave kingdom. The black man is expected to passively submit to all debasing and aggressive liberties that the racist white man sees fit to take against his life, limb and fortune. The black man is not expected to entertain any principle or cause of his own that is worth making war for, that is worth dying for. The long suffering and brutally oppressed black man is expected to meekly and dutifully make war and die in response to the white man's orders. This slave mentality must be cast away forever. If he is to know justice and prosper, the black man must take up the sword in his own hand and in his own cause. With the sword of war he must hew liberty and justice out of the social mountain of oppression and tyranny. He can wash away the evil filth of America and cleanse its soul with the sacred blood of martyrs whose highest calling is revolution.

More and more the most thinking element of white America is beginning to concede the fact that the Afro-American is capable of a potential that could very well lead to the destruction of racist, imperialist America. However, the question is invariably asked: "How can such a small minority expect to control and reconstruct a vast nation wherein the oppressors constitute such a great majority?" The fact of the matter is that the tyrannical conspirator has already offered a solution to this problem through negative example. The plundering white head-hunter first appeared in the Indian's America as a very small minority. Once he broke the resistance of the courageous Indian, he solved the imbalance in red-white population by massive immigration. He encouraged everything with a white face to settle on the land that he had just robbed from the Indian. This same method of solving the racial imbalance was successful in Australia and New Zealand, and Zionists conquerors appear to have the same thing in mind in the Middle East today. For the first time in history, why can't America be opened to unlimited colored immigration? Why can it not logically pass from colored back to colored? It is a foregone conclusion that even if whites were welcomed with open arms in such a just society, the overwhelming majority would resent living in an environment justly guided by colored power.

All degrees of white supremacists and their Uncle Tomboes and some honest, but retarded thinkers, are more than zealous in pointing out that a Black Revolution in racist America can never succeed because of the numerical superiority of white racists and the concentration of state power in the hands of the majority. These dismal hawkers of defeatism unwittingly concede the fact through this argument, that America is a hopelessly racist country and that all whites can be counted on to fight to the death for the evil cause of slavery and tyranny. What scientific laws reserve the victory of battle for the majority? If revolutions should only be undertaken under conditions wherein the insurgents hold the advantage of numbers and the edge in power, what is the need for revolution? Such conditions would be conducive to parliamentary change. Revolution is the medium through which the underdog can overturn the top dog villain.

Capitalism operates on the profit system. Profit is the motive force that nurtures its growth. Profit is the reason for its existence. Without profit it would eventually wither and die. The life blood of U.S. Capitalism is its productive capacity and its extensive commerce. If these two factors were to become paralyzed and rendered sterile the orderly function of the governmental establishment would degenerate into a state of chaos, and the superstructure of the system would collapse. The American economy and its delicate and automated society cannot withstand any sustained and violent dislocation. Massive, violent disruption would set off a chain reaction that would fragment the entire nation and usher in an all-consuming state of anarchy. Out of the ashes of anarchy and chaos a new order could be reconstituted.

The more automated a society is the more vulnerable it is to forces of calamity. The American society's better half is the machine. The modern machine has become a soulless extension of the American anatomy. It is the indispensable crutch on which a lame American society limps toward human sterility. The machine has transformed the American society to that of a collective semi-invalid, greatly dependent on it for mobility. What would highly mechanized America be without electrical power? What would it be without modern transportation? What would it be without its industrial capacity? Yes, what would it be without the modern and luxurious facilities that it has grown so accustomed to?

The insensate power structure realizes its vulnerability. It realizes the potential consequences of a Black Revolution. The very thought of such a possibility throws it into panic and hysteria. No oppressive system wittingly and willingly goes to its doom passively. It fights desperately and brutally for its existence. It does not hesitate to unleash frantic programs and campaigns of genocide. It has no compunction about resorting to extreme measures of fascist repression. America is no exception. The alternatives ahead for Black America are bloody and violent revolution or meek submission to tyranny and Nazi-like extermination. Revolution is a serious and costly endeavor. In America it would claim untold numbers of human lives. Property damage would be immeasurable, but in the final analysis submission to tryanny would be an even more expensive proposition for the black population. The power structure has an alternative to the approaching holocaust. Its only hope is an intense crash program of total justice and equality and possibly a geographical separation. It is not the nature of tyrants to honor the petitions of their victims. The tyrant's response to such just demands is always unmitigated force. Tyrants always entertain the illusion that brute force is a panacea for social ills. They inevitably make the fatal mistake of thinking that violence is an invincible pillar of state hegemony.

The shrill voices of white supremacy fools are rising from the turmoil of social dislocation and hysterically calling for extermination of that segment of America now called the Black peril. They want America's consequences of long standing racial injustice solved by wiping the victim from the face of the earth. They are overwrought with the white man's self-appraisal of invincibility. They have no conception of the world today. They don't know what time it is. The vicious power structure can murder, maim, imprison and plunder but it cannot destroy Black America without destroying white America. The two are joined together in a forced and incompatable wedlock, they have been unable to learn to love each other and the head of the household is unwilling to make a property settlement. The head of the household wants to have his cake and to eat it too. This is scientifically impossible.

Newark and Detroit were merely skirmishes of protest. Complete alienation is imminent. The black man is in for some rough days ahead. He will experience some jolting setbacks, but he will learn the hard way. Through negative examples he will learn the art of warfare. He will become steeled in his determination to overcome, and the conditions of battle will transform him into a fierce fighter. Great loss of life will not serve as a deterrent, but as a propellant. More and more the masses will come to realize that their greatest chance of survival lies in collective and fearless struggle. Anger will descend on the collective masses like a great torrent that flows from a crumbled dam. Such a force will be invincible. It will be powerfully driven by the fact that it has nothing to lose and a whole new world to gain. The great masses of Black Americans have nothing to lose, the power structure has everything that a ruling class can ever lose.

The cynics, the Uncle Toms, the capitulationists, the timid, and those socialists who disguise their white supremacy precepts behind a facade of pseudo-Marxism are more than blunt in reminding Black Americans that a minority revolution of black people cannot succeed in racist America. From a faulty dialectical point of view they have all of the stereotyped answers as to why such a noble undertaking is bound to fail. This prejudiced point of view is in the same vane as proclaiming that the Black African cannot run Africa without the white man. It is like saying that a youth is not mature enough to manage a responsible position. This negative view is the manifestation of either subconscious white supremacy or contempt for the black man's ability to match the white man in wit or revolutionary capacity. It can be said to be tantamount to a white man approaching an all black work crew, being directed to a black supervisor, but instead turns to a white bystander and asks if he is in charge of these black boys. He just cannot understand how a job can be carried out without the inevitable white brain and authority. We are invariably told that we cannot succeed without the master race.

Seven million Cubans can take a stand against the powerful USA and the whole world cheers and inspires them to resist. Fourteen million people in South Vietnam stand up to U.S. aggression and become the "Little David" against Goliath among the nations of the world. Two million Jews unleash aggression against one hundred million Arabs and the whole reactionary world cheers the success of their imperialist inspired aggression. More than twenty-two million Black Americans, who are massed in racist America's most sensitive regions, speak of massive resistance to genocide and tyranny and we are greeted with only the demoralizing words that "you can't win because you don't have a majority. You must have the good white folks on your side." And when we ask where are the good white folks and what is the formula for winning them to our side, there are no positive answers. In short, what we are being told is that we must have the white folks, and in-as-much as there is no possibility of their joining us, our cause is lost. In other words, we should do nothing other than to passively protest and make love to our oppressors and wait for them to fall in love with us on some vague and mythological date in the future.

Why should the black man in racist America love the white man? Why should the black man in racist America trust the white man? Is not the white man the one who created the hate barriers? Is he not the one who has betrayed and abused the black man? We know that there are white exceptions in racist America, but if we are going to be realistic we must concern ourselves with the rule rather than with the exception. Those who so readily proclaim to us that we cannot win such a conflict are sometimes actually expressing a secret wish. This is what they really hope. The same individuals who wish to convince us that we need the great white folks are also some of the very first ones to express a fear that the white masses will side with the power structure. The fact of the matter is that racism is a grand part of the American way of life. The great majority of the American working class constitutes a great manpower pool for world facism and imperialism. They cannot be expected to change until the conditions that molded them are shattered. So long as the great majority of them remain the cream of the world's working class they cannot be expected to manifest any strong altruistic drive in the formulation of meaningful solidarity ties with their less fortunate and oppressed fellow workers throughout the world. The overwhelming majority of the American working class, at this historical moment, must be seen as the conservatives and, to a great extent, as the counter-revolutionaries that they are.

In a minority Black Revolution in racist and imperialist America, the best our people can hope for, as far as the white working class is concerned, is the strategic neutralization of a great portion of these unreliable racist masses. The black man cannot leave such an accomplishment to chance either. This is why any all-out minority revolution must create a state of crisis wherein almost all of the white male population would be forced to remain in their homes to protect their property and families. A great factor in favor of the Afro-American is the fact that the middle class is very large. It is not accustomed to deprivation and terror. Because of its affluence, it has waxed soft. It has no stomach for massive fire, blood and violence. The motive force behind its life drive is its endless pursuit of prestige, conspicuous consumption and sensual pleasures.

"Historically, all reactionary forces on the verge of extinction invariably conduct a last desperate struggle against the revolutionary forces, and some revolutionaries are apt to be deluded for a time by this phenomenon of outward strength but inner weakness, failing to grasp the essential fact that the enemy is nearing extinction while they themselves are approaching victory." (Mao Tse-tung.)

A few years of violent sporadic and highly destructive uprisings will set the stage for the grand finale. After the stage is properly set, through protracted struggle, big bad racist and imperialist America could be brought to her knees in 90 days of highly organized fierce fighting, sabotage and a massive firestorm. This would be a unique type of urban guerrilla warfare that is only applicable to a highly industrialized and urbanized country like racist America. Such a campaign could only be mounted by a desperate and frantic people struggling for survival. This type of warfare must be based on the expediency of the last resort. This is the final hope of the brutally oppressed wherein intolerable misery has closed the hopeful gap between life and death.

The day of such confrontation draws near. Time is running out. The power structure prepares to respond to just and prayerful petitioning with more brute force, armour and steel. It has not learned its lesson in Vietnam. It has no understanding of the relativity of resistant violence to applied violence. Relative to revolutions and rebellions it is like a child who does not yet understand where babies come from; for it does not yet seem to know where rebellion comes from. Rebellion is born of oppression. Tyrants are the progenitors of revolution. Conditions of tyranny constitute the womb of revolution. Revolution is a Caesarean operation to facilitate the deliverance of the child of peace. It is the surgery needed to master the complications developed by a malfunctioning parliamentary delivery system.

Yes, a minority revolution could succeed in racist and imperialist America. Its chances of success today are better than at any previous time in history. America is an imperialist power with its tentacles spread around the world. Its greed makes it want to dominate the world. It has arrogantly proclaimed its hypocritical self savior of the entire world. The fact of the matter is that it can not even save itself. The American black man holds the balance of power in the world today. He holds the fate of America in his hands. The only thing left to the power structure is an alternative that its actions show that it has already rejected. Is there cause for a Black Revolution in racist and tyrannical America? Even by the evil white man's standard there is. And for the sake of those "responsible" wise men who are so prone to invoke the extremist indictment against those who believe in revolution and violence as the only forceful response to tyranny, I finally take refuge in a quote from that extremist document called the Declaration of Independence:

> ". . . Whenever any Form of Government becomes destructive to these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

Coming soon: "America is the Black Man's Battleground." A book by the editor of the Crusader dealing with the experiences, propaganda, motivations and philosophy now transforming a nonviolent civil rights struggle into a national liberation movement based on urban guerrilla warfare.

PROTEST THE BAN

The banning of The Crusader Newsletter from the U.S. mails is yet another warning of an ominous nightmare of fascism hovering over America. The fact that Lyndon B. Johnson personally ordered a probe of the "content and mailability" one week prior to the summary and arbitrary ban offers undisputable evidence of the dictatorial nature of the Johnson regime. It constitutes a graphic example of Johnson's callous disregard for civil liberties and constitutional guarantees. The fact that the Johnson regime is openly and shamelessly soliciting the aid of postal authorities in Hongkong in the enforcement of its fascist ban also proves that the Johnson gang expects the whole wide world to respond like ever-loyal running dogs to its every whim and command.

Since its inception nine years ago, as an organ of the Union County, North Carolina Branch of the National Association for the Advancement of Colored People, The Crusader has pursued an uncompromising policy of advocating armed self-defense for brutally oppressed and terrorized black Americans. It has never wavered in its stand against imperialism, fascism, racism and the enemies of freedom, peace and justice. The Crusader has always been a staunch advocate of the enforcement of the U.S. Constitution and equality for all Americans irrespective of race, creed or political persuasion, and from the very beginning maintained that the Afro-American struggle is part and parcel of the liberation struggles of the peoples of Africa, Asia and Latin America.

The summary punitive action taken against The Crusader is an alarming indication of the rapid erosion of civil liberties in racist America. As a matter of constitutional preservation, it warrants the protest and active opposition of all Americans who believe in the right to dissent and freedom of press and speech.

Send a protest against the banning of The Crusader to: Lawrence F. O'Brien, Postmaster General, U.S. Post Office Department, Washington, D.C.

Help devise ways and means to frustrate postal authorities' ban on The Crusader. Order copies today to pass along and to send to the brothers all messed up in the U.S. Armed Forces. The Crusader is hurting the man, you dig? Keep on pushin'.

ROBERT F. WILLIAMS.

TAI CHI CHANG, PEKING, CHINA.

[Printed in China as a personal journal.]

THE AIRCRAFT CARRIER "JOHN F. KENNEDY"

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a speech by Congressman HOLIFIELD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, on Saturday, September 7, the Navy accepted delivery of the aircraft carrier *John F. Kennedy*. The occasion was properly utilized to pay tribute once again to our late great President, John F. Kennedy.

The occasion also brought to my mind our unsuccessful attempts back in 1963 to have a nuclear powered propulsion plant installed in this ship. A nuclear powered *John F. Kennedy* would have been a much greater tribute to our martyred President who epitomized the new age of progress to so many. My colleague, and presently vice chairman of the Joint Committee on Atomic Energy, the gentleman from California, Congressman CHET HOLIFIELD, had some succinct comments to make on this matter on Friday, the day before the commissioning of the *John F. Kennedy*. I would like to include in the RECORD at this point the statement made by Congressman HOLIFIELD for the information of all of my colleagues:

STATEMENT BY CONGRESSMAN CHET HOLIFIELD

The conventionally powered aircraft carrier *John F. Kennedy,* CVA 67, will be delivered to the Navy tomorrow at Newport News, Virginia.

This commissioning will be an historic event from a number of standpoints. First, as a lasting tribute to our late great President. It is fitting to have a major naval warship named for our martyred President.

Second, it represents the end of an era, the last non-nuclear powered aircraft carrier for the U.S. Navy. However, it is unfortunate that the warship which will carry the name *John F. Kennedy* throughout the world for the rest of this century represents the end of an era rather than being a symbol of progress.

It is unfortunate that the ship which will carry the name of *John F. Kennedy* is obsolete before ever going to sea.

The first nuclear powered aircraft carrier, the U.S.S. *Enterprise,* joined the fleet in 1961 and has since clearly established the primacy of nuclear propulsion for aircraft carriers. In 1963 the Joint Committee on Atomic Energy investigated in depth the question of using nuclear propulsion for the Navy's aircraft carriers and other surface warships. At that time, the Joint Committee issued a report which concluded that the decision to install a conventional propulsion plant in the CVA 67, later named *John F. Kennedy,* was a mistake and recommended that the ship be changed from conventional oil-fired propulsion to nuclear propulsion. That report stated:

"In the light of our experience with nuclear surface ships; their demonstrated military advantages, and the relatively small additional costs properly attributable to nuclear power, the committee concludes that CVA-67 should be nuclear-powered.

"Subsequent to the authorization of the nuclear-powered aircraft carrier, *Enterprise,* CVA(N)–65, in 1957, only two additional carriers have been authorized; the *America,* CVA–66, and the as yet unnamed, CVA–67, both of which are designated to be nonnuclear.

"There may have been some justification in 1960 for deciding to make the CVA–66 conventionally powered and in early 1962 for authorizing the CVA–67 with conventional power because sufficient operating data was not available from the *Enterprise.* However, no such excuse now exists relative to CVA–67 for which no contract has yet been awarded. Operating experience gained since that time with the *Enterprise,* as well as the nuclear-powered destroyer, *Bainbridge,* and the cruiser, *Long Beach,* demonstrates the overriding superiority of nuclear propulsion."

* * * * *

"On the basis of this review, the committee concludes that: (a) Nuclear propulsion for surface warships has significant military advantages which have been underestimated by the Department of Defense.

"(b) The additional cost for nuclear propelled surface ships is minor in relation to their significant military advantages. The additional cost has been overestimated by the Department of Defense.

"The Committee concludes that the arguments advanced by the Department of Defense are not persuasive; that they form the basis for an incorrect decision by the Department of Defense on the question of whether CVA–67 should be nuclear powered; and finally, that the decision may portend a future of obsolescence for the U.S. Navy."

* * * * *

"Each new warship the United States decides to build for our firstline naval striking force should be the best that our technology will allow and should therefore have nuclear propulsion, even if a somewhat higher cost is incurred to pay for the increase in military capability."

* * * * *

"We must plan for time of crisis. It is precisely in such situations that the superior mobility, maneuverability and reliability of nuclear warships will give the United States an unequaled naval striking force. It is fundamentally illogical and wasteful to fit our new first line warships with powerplants that are perhaps, already obsolete."

* * * * *

"The Joint Committee on Atomic Energy recommends:

"1. That the decision to install conventional propulsion in the new aircraft carrier, CVA–67, should be set aside and plans made to install nuclear propulsion in this ship; and

"2. That the United States adopt the policy of utilizing nuclear propulsion in all future major surface warships; and

"3. That a vigorous research and development program for surface warship nuclear propulsion be continued."

However, shortly after being informed that the Joint Committee had scheduled hearings to review this matter the Secretary of Defense ordered construction of the conventionally powered carrier to proceed "in order to avoid further delay." He did this in spite of the Navy's strong recommendation to change the ship to nuclear propulsion and the fact that at that time the change could have been made without delaying delivery of the ship.

In the past five years, with constant prodding of the Congress, substantial—but painfully slow—progress has been made in getting the Department of Defense to agree to build new nuclear powered surface warships. In 1966, after the Congress made it clear that it would never again agree to build conventionally powered aircraft carriers, the Department of Defense recommended that a new nuclear aircraft carrier be built in fiscal year 1967 and recommended that two more nuclear carriers be planned in later years. The keel of the first of these three new nuclear aircraft carriers, the CVAN 68 named the *Nimitz,* was laid on June 22, 1968 in the same shipway where the *Kennedy* was built in Newport News. In his address at the *Nimitz* keel laying, Senator Henry M. Jackson said:

"This keel laying is a significant event in the history of the Republic, as a tribute to a great American, Fleet Admiral Chester W. Nimitz, for whom the mighty ship we start building today is to be named, and as the start of the first new nuclear-powered surface ship since the keel of the nuclear-powered guided missile frigate *Truxton* was laid down five years ago. Today marks the renaissance of a modern nuclear-powered surface Navy, a Navy Admiral Nimitz would have been proud to command.

"For some time, as you know, Congress and the Navy have been urging the Department of Defense to recognize the need to build more modern nuclear-powered warships to replace our aging surface fleet. A building program has finally been started. The Department of Defense has agreed to build three new nuclear-powered aircraft carriers beginning with the USS *Nimitz.* Two additional nuclear frigates are authorized and funded and the Department of Defense has agreed to request authorization for four more nuclear escorts—two each in the fiscal years 1970 and 1971.

"I am sure that Congress will see to it that more nuclear warships are built in the future. I am also confident that Congress will promote a continuing construction program of nuclear submarines that are superior to any others in the world."

We in Congress were pleased this year by the decision of the new Secretary of Defense to go ahead with construction of the nuclear powered guided missile frigate DLGN37 after it had been held up two years by the Department of Defense. We were also pleased by his decision to go ahead with the High Speed submarine proposed by the Navy which the Department of Defense had previously deleted from the Navy's planned shipbuilding program. A great many of us are also anxiously awaiting his decision to get going again on the electric drive submarine as soon as possible.

Recent world events have again emphasized the need for the United States to remain strong to protect our national security. In order to maintain our strength we must have a dynamic nuclear submarine and nuclear surface warship program. I hope the present Secretary of Defense will vigorously support a program which utilizes modern nuclear propulsion for all important naval warships. We in Congress will be most happy to work with him to attain this vital goal.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLYNT (at the request of Mr. NATCHER), for today, on account of official business.

Mr. FOUNTAIN (at the request of Mr. GETTYS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DULSKI, for 30 minutes, on September 11; to revise and extend his remarks and to include extraneous matter.

Mr. KORNEGAY, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. BUCHANAN) to revise and extend their remarks and include extraneous matter:)

Mr. MATHIAS of Maryland, for 15 minutes, today.

Mr. RUMSFELD, for 60 minutes, on September 10.

Mr. TAFT, for 60 minutes, on September 10.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASPINALL and to include a statement from the Wall Street Journal.

Mr. MADDEN and to include statistics from the Commodity Credit Corporation.

Mr. GUDE following the remarks of Mr. HORTON of today under the 1-minute rule and to include extraneous matter.

Mr. NEDZI and to include extraneous matter.

(The following Members (at the request of Mr. BUCHANAN) and to include extraneous matter:)

Mr. ROUDEBUSH in 12 instances.

Mr. RUMSFELD.

Mr. QUILLEN in four instances.

Mr. FULTON of Pennsylvania in five instances.

Mr. SCHERLE.

Mr. ASHBROOK in two instances.

Mr. RAILSBACK in two instances.

Mr. BRAY in three instances.

Mr. HUTCHINSON.

Mr. MORSE of Massachusetts in two instances.

Mr. CUNNINGHAM.

Mr. MESKILL.

Mr. NELSEN.

Mr. WATSON.

Mr. LIPSCOMB.

Mr. MICHEL.

Mr. HORTON.

(The following Members (at the request of Mr. KORNEGAY) and to include extraneous matter:)

Mr. LONG of Maryland in two instances.

Mr. PODELL in three instances.

Mr. GARMATZ.

Mr. BRASCO.

Mr. MILLER of California in five instances.

Mr. RODINO.

Mr. DINGELL.

Mrs. SULLIVAN in three instances.

Mr. PICKLE in three instances.

Mr. GONZALEZ in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2687. An act to amend section 17 of the Interstate Commerce Act to provide for judicial review of orders of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 3738. An act to amend the definition of "felony" in title IV (adding chapter 44 of title 18, United States Code) and title VII of the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 449. An act to provide for the popular election of the Governor of Guam, and for other purposes.

ADJOURNMENT

Mr. KORNEGAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 10, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2180. A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting a report of agreements for the use of foreign currencies for the months of July and August 1968, pursuant to the provisions of Public Law 85–128; to the Committee on Agriculture.

2181. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of increases in the costs of certain construction projects proposed to be undertaken for the Air National Guard, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2182. A letter from the Chairman, National Labor Relations Board, transmitting the 32d annual report of the Board for the fiscal year ended June 30, 1967, pursuant to the provisions of section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

2183. A letter from the Secretary, Export-Import Bank of the United States; transmitting a report of the amount of Export-Import Bank insurance and guarantees issued in June 1968 in connection with exports to Yugoslavia and Poland, pursuant to the provisions of title III of the Foreign Assistance and Related Agencies Appropriation Act of 1968, the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

2184. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2185. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, puruant to the provisions of section 244 (a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2186. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 25, 1968, submitting a report, together with accompanying papers and an illustration, on a letter report on Falmouth Harbor, Maine, authorized by the River and Harbor Act approved October 23, 1962; to the Committee on Public Works.

2187. A letter from the Deputy Assistant Secretary of the Interior, transmitting copies of the Department's study report of the problems of transporting visitors along the Mall, pursuant to the provisions of Public Law 90–264; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 8970. A bill to establish the North Cascades National Park and Ross Lake National Recreation Area, to designate the Pasayten Wilderness, and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes; with amendment (Rept. No. 1870). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 19605. A bill relating to the income tax treatment of certain sales of real property by a corporation; to the Committee on Ways and Means.

By Mr. HORTON (for himself and Mr. GUDE):

H.R. 19606. A bill to establish a new system in the District of Columbia for post mortem examinations conducted by the District of Columbia; to the Committee on the District of Columbia.

By Mr. KING of New York:

H.R. 19607. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MONAGAN:

H.R. 19608. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 19609. A bill to amend title XVIII of the Social Security Act to provide coverage for the cost of ptosis bars under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 19610. A bill to establish a community self-determination program to aid the people of urban and rural communities in securing gainful employment, achieving the ownership and control of the resources of their community, expanding opportunity, stability, and self-determination, and making their maximum contribution to the strength and well-being of the Nation; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 19611. A bill to provide for the sale of timber on tribal lands of the Eastern Band of Cherokee Indians, Cherokee Reservation, N.C.; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 19612. A bill to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required; to the Committee on Veterans' Affairs.

By Mr. ZWACH:

H.R. 19613. A bill to amend the Internal Revenue Code of 1954 to eliminate the requirements relating to declarations of estimated tax in the case of taxpayers who are farmers (or fishermen), by providing that the filing of an income tax return (on or before April 15) by any such taxpayer shall satisfy such requirements; to the Committee on Ways and Means.

By Mr. DULSKI:

H.J. Res. 1442. Joint resolution authorizing the President to proclaim October 26, 1968, as the date commemorating the 50th anniversary of the declaration of independence of the Republic of Czechoslovakia; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 1443. Joint resolution to establish a temporary Commission on Nominations for President and Vice President; to the Committee on House Administration.

By Mr. MOSS (for himself, Mr. BROWN of California, Mr. EDWARDS of California, Mr. HANNA, Mr. HAWKINS, Mr. HOLIFIELD, Mr. JOHNSON of California, Mr. LEGGETT, Mr. REES, Mr. ROYBAL, Mr. TUNNEY, Mr. VAN DEERLIN, Mr. WALDIE, and Mr. CHARLES H. WILSON):

H.J. Res. 1444. Joint resolution proposing an amendment to the Constitution of the United States to provide for a national preferential primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 1445. Joint resolution to establish a temporary Commission on Nominations for President and Vice President; to the Committee on House Administration.

By Mr. SCHWENGEL:

H.J. Res. 1446. Joint resolution authorizing the President to proclaim annually the first full week in October as Free Enterprise Week; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.J. Res. 1447. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. TUNNEY (for himself, Mr. ADAMS, Mr. ANDERSON of Illinois, Mr. BROWN of Michigan, Mr. EDWARDS of California, Mr. FULTON of Pennsylvania, Mr. HATHAWAY, Mr. HICKS, Mr. LEGGETT, Mr. OTTINGER, Mr. ROSENTHAL, Mr. ROYBAL, Mr. THOMPSON of New Jersey, Mr. WHALEN, Mr. WIDNALL, Mr. LUKENS, Mr. HORTON, and Mr. FINDLEY):

H. Con. Res. 815. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Con. Res. 816. Concurrent resolution expressing the sense of the Congress with respect to the occupation of Czechoslovakia by military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Res. 1297. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. RONAN:

H. Res. 1298. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mrs. SULLIVAN:

H. Res. 1299. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

380. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the chronically unemployed; to the Committee on Education and Labor.

381. Also, memorial of the Legislature of the State of California, relative to Federal education funds; to the Committee on Education and Labor.

382. Also, memorial of the Legislature of the State of California, relative to the security of water rights; to the Committee on Interior and Insular Affairs.

383. Also, memorial of the Legislature of the State of California, relative to meat prices; to the Committee on Interstate and Foreign Commerce.

384. Also, memorial of the Legislature of the State of California, relative to pest control; to the Committee on Interstate and Foreign Commerce.

385. Also, memorial of the Legislature of the State of California, relative to marine and coastal resources; to the Committee on Merchant Marine and Fisheries.

386. Also, memorial of the Legislature of the State of California, relative to a second Panama Canal; to the Committee on Merchant Marine and Fisheries.

387. Also, memorial of the Legislature of the State of California, relative to a commemorative postage stamp for the California Exposition; to the Committee on Post Office and Civil Service.

388. Also, memorial of the Legislature of the State of California, relative to planning for flood control projects; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19614. A bill for the relief of Marino and Antonia Stanco; to the Committee on the Judiciary.

H.R. 19615. A bill for the relief of Rocco Stanco; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 19616. A bill for the relief of Antonietta Rossi; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 19617. A bill for the relief of Domenico Calderone and Carmela Magazzu Calderone; to the Committee on the Judiciary.

H.R. 19618. A bill for the relief of Sebastiano Patti, Maria Rita Repici Patti, and Francesco Patti; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19619. A bill for the relief of Jesusa Lizada Golez; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 19620. A bill for the relief of certain aliens; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 19621. A bill for the relief of Angelo Joseph Bouchard; to the Committee on the Judiciary.

H.R. 19622. A bill for the relief of Laurent Couture; to the Committee on the Judiciary.

H.R. 19623. A bill for the relief of Jean Louis Gaumond; to the Committee on the Judiciary.

By Mr. COWGER:

H.R. 19624. A bill for the relief of Carlos Manuel Moran-Valdes; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 19625. A bill for the relief of Dr. Adolf Stafl, his wife, Jaroslava BuManova Stafl, and their minor children, Jan Stafl and Zdenek Stafl; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 19626: A bill for the relief of Francesco Paolo La Franca; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 19627. A bill for the relief of Mostafa Ahmed Selim and Dawn Antram Selim; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 19628. A bill for the relief of Ottavio Farnese; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 19629. A bill for the relief of Nicolas Alcasena-Gimenez; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 19630. A bill for the relief of Cho Johnny; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 19631. A bill for the relief of Cho Fae Man; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 19632. A bill for the relief of Mary Theresa Hartin; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19633. A bill for the relief of Manuel da Cunha Santos; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 19634. A bill for the relief of Eleuteria P. de Mesa; to the Committee on the Judiciary.

H.R. 19635. A bill for the relief of Bienvenido F. Velasco; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 19636. A bill for the relief of Dino Cucci; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 19637. A bill for the relief of Mr. Gus Assimakopoulos; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 19638. A bill for the relief of Longin Wroclawski; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 19639. A bill for the relief of Mr. Stefano Patti, his wife, Filippa Scaturro Patti, and their son, Benedetto Patti; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 19640. A bill for the relief of Soo Il Lee; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 19641. A bill for the relief of Mr. and Mrs. Vincenzo Culotta, Rosaria Culotta, and Fortunata Culotta; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 19642. A bill for the relief of Mordichai Greenstein; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 19643. A bill for the relief of Jose Antonio Urrutia-Malaxechevarria; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

396. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to amending the U.S. Constitution; to the Committee on the Judiciary.

397. Also, petition of Donald P. Walker, Leavenworth, Kans., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, September 9, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God and Father of mankind, who opens the gates of the morning, send us forth with powers of mind and body to front the duties of another day.

Thou art the reality behind all earth's shadows. Seeing that we spend our days as a tale that is told and that we pass this way but once, keep us from unkind words and from unkind silences, yet sure and strong in the faith that is in us.

Enrich us with those durable satisfactions of life so that the multiplying years may not find us bankrupt in those things that matter most. May the ruling passions and the deepest desires of those who here are called to serve the entire Nation be worthy for the facing of this hour.

Spirit of purity and grace,
  Our weakness pitying see;
O make our hearts Thy dwelling place,
  And worthier Thee.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 6, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 449) to provide for the popular election of the Governor of Guam, and for other purposes, and it was signed by the President pro tempore.

NORTH ATLANTIC ASSEMBLY—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Public Law 84–689, appoints the Senator from Mississippi [Mr. STENNIS], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. JACKSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Indiana [Mr. BAYH], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from South Dakota [Mr. MUNDT], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. COOPER] as members to attend the North Atlantic Assembly to be held in Brussels, Belgium, from November 11 to 16, 1968; and as alternates, the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maryland [Mr. TYDINGS], the Senator from Virginia [Mr. SPONG], the Senator from Nebraska [Mr. HRUSKA], and the Senator from California [Mr. KUCHEL].

PETITION

The PRESIDENT pro tempore laid before the Senate a petition, signed by H. Jenkins, and sundry other citizens of the State of Kansas, praying for the enactment of legislation to extend the National Labor Relations Act to cover farmworkers, which was referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3420. A bill to authorize a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation (Rept. No. 1510).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 2401. A bill to provide for loans to Indian tribes and tribal corporations, and for other purposes (Rept. No. 1508); and

S. 3072. A bill to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963 (Rept. No. 1509).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 16880. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gas leases (BLM-A-068348 and BLM-A-068348 (C)) (Rept. No. 1511).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10911. An act to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds (Rept. No. 1513);

H.R. 11552. An act for the relief of certain property owners in Tate County, Miss. (Rept. No. 1514);

H.R. 11782. An act to authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lieu allotment selection, and issue appropriate patents therefor to the heirs of Dolly McCovey (Rept. No. 1515);

H.R. 14205. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 21, and for other purposes (Rept. No. 1516);

H.R. 16211. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 276, and for other purposes (Rept. No. 1517); and

H.R. 16402. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket numbered 337, and for other purposes (Rept. No. 1518).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3728. A bill to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes (Rept. No. 1512).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 2589. A bill to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes (Rept. No. 1519).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN:

S. 4014. A bill to provide relief for Alley J. Register; to the Committee on the Judiciary.

By Mr. HART (for Mr. BAYH):

S. 4015. A bill for the relief of Christopher Ralph Sales; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 4016. A bill for the relief of Virgilio Cibellis, Gelsimina Cibellis, and Mauro Cibellis; to the Committee on the Judiciary.

EXTENSION OF RENEGOTIATION ACT OF 1951—AMENDMENT

AMENDMENT NO. 942

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, which was ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 9, 1968, he presented to the President of the United States the enrolled bill (S. 449) to provide for the popular election of the Governor of Guam, and for other purposes.

NO TIME FOR A SUMMIT CONFERENCE

Mr. DODD. Mr. President, there have been repeated reports that, despite the Czechoslovak crisis, President Johnson still hopes to be able to arrange a summit conference with Premier Kosygin at an early date. These reports lack official confirmation and it may well be that the information on which they were based was inaccurate.

No President has labored harder in the cause of peace than President Johnson. He has gone the extra mile, and 10 times that, in seeking to achieve agreements that would make the peace of the world more secure.

If his efforts have failed, it is not because of any lack of commitment or perseverance on his part.

The failure stems, rather, from the fact that he has been seeking arrangements with a foe who honors no agreements, and peaceful coexistence with forces that are fanatically committed to the destruction of the free world.

If any further proof was needed, we have it now in Czechoslovakia.

The failure also stems from another source. It is obvious that the administration, in its recent policies, has been motivated by the belief that there had been a significant moderation in Soviet policy, which was resulting in a growing detente between our two countries. Who they are

I do not know, but it is clear that there have been people around the President who were able to win him over to this belief. And this belief in a nonexistent detente, as I have pointed out on many occasions, has inevitably confused our judgment and paralyzed our will to act.

I consider it a safe assumption that the same advisers who sold the myth of the detente to the President are now among those who are urging him to seek a summit conference.

I am sure they are motivated by a genuine, and understandable, concern over the preservation of peace. But, in my opinion, a summit conference at this juncture would be a moral disaster that could only lead to further political disasters.

On this point, a recent comment of the Times of London stated the matter more cogently than any comment I have seen in the American press.

Let me quote what the Times said:

> At the present time to continue to talk about *seeking detente* with the Soviet Union as though nothing had happened is as *imprudent* as the continued attempts to seek detente with the prewar dictators while they were actually in the midcourse of aggression. It may be impossible to deal effectively with an aggressor, but it is *not necessary to pine for friendship.*

There may be exceptional circumstances under which a summit conference can serve a positive purpose; I do not go as far as saying that summit conferences are wrong under all circumstances. But the record shows that the summit conferences that have taken place to date have invariably wound up serving the interests of the Communist world. And this is so despite the fact that the good faith of our leaders, in entering into these conferences, was apparent to all the world.

These conferences have always served to enhance the prestige of the Communist leaders and to foster belief in the myth of the detente or in the possibility of a detente.

They have also contributed to the weakening of the Western alliance by recurrently sowing the fear that the United States was about to enter into a bilateral arrangement with the Soviet Union.

And, because of the exaggerated expectations they inevitably arouse, they put our leaders under pressure to arrive at some kind of agreement with the Soviet leaders in the course of several days' discussion. Conducting negotiations affecting our national security and the security of the free world under this kind of pressure violates all the rules of diplomacy.

I have always had grave misgivings about summit conferences for these reasons.

Despite the good intentions of President Roosevelt and President Truman, the Yalta, Teheran, and Potsdam conferences turned out to be failures for the free world.

Despite President Eisenhower's good intentions, the Geneva Conference and the invitation for Khrushchev to visit this country, also turned out to be mistakes.

And despite President Johnson's overriding commitment to the cause of peace, the Glassboro Conference turned out to be completely fruitless.

It is clear at this point that these conferences only served the interest of the Soviet Union.

A summit meeting at this juncture would be an even greater mistake.

If the Soviets pull their forces out of Czechoslovakia, a summit conference might be in order, because such a pullout would create the possibility of a wider understanding in the interest of world peace.

But now, instead of a summit conference, I believe that the appropriate response to Soviet aggression in Czechoslovakia would be to convene an emergency meeting of the North Atlantic Treaty Organization, to consider what measures must be taken to bolster the defenses of Western Europe.

For the implications of the Czechoslovak occupation go far beyond the frontiers of Czechoslovakia. Bismarck once said that whoever controls the Czech territory of Bohemia controls Europe. And this estimate of the strategic importance of Bohemia-Moravia has been shared by virtually every other strategist down through the centuries.

The entire balance of power in Europe has now been drastically altered by the fact that a Soviet army, 500,000 strong, stands on Czechoslovakia's frontiers with Western Europe. It is for this reason that the Governments of Austria and West Germany are openly apprehensive over the future.

The administration has indicated that it may seek to reassure our allies by publicly, and in unmistakable terms, reaffirming our commitment to the defense of Europe. But this reaffirmation will have to be backed up by concrete measures if it is to reassure our allies and deter the Soviets.

Among other things, I believe we should put our forces in Europe on an "alert" basis, and that we should return to West Germany, for participation in prolonged maneuvers, the 34,000 men who were recently withdrawn.

I believe we should also make an all-out effort to achieve a rapprochement with De Gaulle. Certainly, it is conceivable that, on the heels of the June insurrection in France which led De Gaulle to speak about "the menace of totalitarian communism," and now on the heels of last month's events in Czechoslovakia, the French President will be willing to join in an effort to revive and reinforce the Western alliance.

We should also mobilize all of our diplomatic, political and economic resources in an effort to induce the Soviets, in their own interests as well as in the interests of the peace of Europe, to withdraw their forces from Czechoslovakia.

One of the first things we should do—and this is a matter to which I have referred many times—is to impose an embargo on the shipment of all industrial and technological equipment to the countries that participated in the invasion of Czechoslovakia, and try to persuade the other countries of the free world to join in parallel action.

I welcome the initiative the administration has already taken in suspending our cultural exchange programs with the Communist countries involved in the invasion of Czechoslovakia, and in calling off a pending ceremonial flight by Aeroflot officials, intended to mark the inauguration of direct Moscow-New York flights. But the imposition of economic sanctions would carry a hundred times as much weight with the Communist governments because of their desperate need for sophisticated technological equipment which they can only obtain from the West.

These are the things we should be doing, instead of talking about a summit conference or about the revival of a detente which never really existed.

This is the surest way of preserving the peace in Europe.

NUCLEAR NONPROLIFERATION TREATY

Mr. BYRD of Virginia. Mr. President, I note that the distinguished majority leader has indicated that the invasion of Czechoslovakia by the Soviet Union may preclude Senate consideration of the treaty on nonproliferation of nuclear weapons.

Certainly, the brutal action by the Soviet Union shocked the world; hopefully, it will cause many in our Government to reappraise their thinking in regard to appeasing the Soviets.

But, I would hope it would not prevent Senate consideration of the nonproliferation treaty, the purpose of which is to prevent the spread of nuclear weapons.

As strongly as I condemn the action of the Soviet Union and its satellites against Czechoslovakia, that action serves to remind us that the Soviet Union has not forsaken its aggressive policies and that the risk of nuclear war is still very much with us.

The threat posed by the possibility of more nations, some under irresponsible leadership, obtaining nuclear warmaking devices is so grave that every reasonable precaution should be taken.

I speak as one who voted against the Consular Treaty with the Soviet Union, and I would do so today and for so long as the Soviet Union continues to supply North Vietnam.

I speak as one who played a part in defeating our President's determination to use American tax dollars to build a Fiat automobile plant in the Soviet Union—and would do so again.

I speak as one who strongly opposes the efforts of many high administration officials to appease the Soviet Union, believing as I do that appeasements of Communist dictators is as unfruitful and as futile as were efforts to appease Nazi and Fascist dictators 30 years ago.

But, the nuclear nonproliferation treaty does not appear to contain any of these elements.

I have read the testimony taken by the Committee on Foreign Relations, and while I might change my mind as the result of floor debate, the treaty appears to be a sensible one.

It may not be too much to the liking of some of our Western allies—and because of this we may wish to proceed slowly—but the treaty does not appear harmful to our own national interests and it could prove helpful in preventing the spread of nuclear weapons.

I note that the distinguished senior Senator from Tennessee [Mr. GORE] will seek tomorrow to have the Committee on Foreign Relations report the treaty to the Senate for its consideration.

I wish him well in this endeavor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF MAILING OF MASTER KEYS FOR MOTOR VEHICLE IGNITION SWITCHES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14935.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONRONEY, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. CARLSON, and Mr. FONG conferees on the part of the Senate.

THE NOMINATION OF JUSTICE ABE FORTAS FOR THE OFFICE OF CHIEF JUSTICE OF THE UNITED STATES

Mr. ERVIN. Mr. President, on August 9, 1968, the Washington Post printed a letter which I had written to its editor concerning the nomination of Justice Abe Fortas for the post of Chief Justice of the United States. On August 15, 1968, the Washington Post printed a letter written by Mr. Thurman Arnold to its editor which undertook to reply to my letter. On August 23, 1968, I wrote a letter to the editor of the Washington Post asking for space to comment on Mr. Thurman Arnold's reply to my statement on the Fortas nomination.

I ask that these letters be printed at this point in the body of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 9, 1968]

SENATOR ERVIN ON THE FORTAS HEARING

The Washington Post of August 2, contained an editorial entitled "The Least Effective Branch," which described the members of the Senate Judiciary Committee who believe that Associate Justice Fortas ought not to be made Chief Justice of the United States "as its nastiest and least respectable members."

Since I am unable to fathom why a newspaper of standing indulges in a verbal tantrum on its editorial page, I ignore the vituperation except to observe that it shed no light whatever on the only important issue, i.e., whether Justice Fortas' nomination for the post of Chief Justice should be confirmed by the Senate.

I am one of the members of the Senate Judiciary Committee who is convinced that the right of the American people to be governed by the principles of their written Constitution rather than by the arbitrary, inconstant and uncertain notions of Supreme Court Justices will be best served by denying to Mr. Fortas the office of Chief Justice of the United States.

As a member of the Senate Judiciary Committee, I merely undertook to perform forthrightly my obligation as a member of the Committee and the Senate to make known the qualifications of Mr. Fortas for the post of Chief Justice. This obligation arises out of Article II of the Constitution which provides that the President appoints Supreme Court Justices "by and with the advice and consent of the Senate."

The gravity of the obligation which this constitutional provision imposes on a Senator is clearly revealed by the nature of the office a Supreme Court Justice occupies and the awesome power he exercises in it. Supreme Court Justices hold office for life, and are not responsible in any way to the people. After they ascend the bench, no authority external to themselves can control their official conduct or make them keep their oaths to support the Constitution.

As Chief Justice Stone declared in the Butler Case: "While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our exercise of power is our own sense of self-restraint."

Since Mr. Fortas has been a Supreme Court Justice for about three years, the important question confronting the Senate is whether he ought to be elevated for life to the more prestigious office of Chief Justice—an office more powerful than that of the Presidency in its impact upon constitutional government.

The reason why it is essential for Supreme Court Justices to abide by their oaths to support the Constitution is clearly disclosed by Justice Benjamin N. Cardozo in his book, "The Nature of the Judicial Process." In disapproving the theory that judges are privileged to substitute their individual sense of justice for established rules of law when they decide cases, Justice Cardozo said: "That might result in a benevolent despotism if the judges were benevolent men. It would put an end to the reign of law."

Let me recount my actions at the hearing on the Fortas nomination.

I questioned Justice Fortas for a comparatively short time concerning general matters relating to the Constitution and his extrajudicial activities, and he freely responded to my questions.

I then informed Justice Fortas that I did not think it proper to put to him any questions relating to his future judicial actions and would not do so.

I informed him, however, that I did wish to make inquiry of him concerning past decisions in which he had joined in his capacity as an Associate Justice. The objective of my proposed inquiry was to ascertain whether he could reconcile those decisions with the words of the Constitution and the numerous prior decisions of the Court placing contrary interpretations upon them.

Upon being advised by Mr. Fortas that he did not feel free to answer questions relating to past decisions in which he had participated, I informed him I would not insist on his doing so, and that I would state my interpretation of those cases myself for the hearing record and then insert all the opinions filed in them in the hearing record so any interested person could thereby determine whether I had interpreted the cases correctly. Incidentally, a committee hearing record is made for the information of the Senate when it passes on committee recommendations.

Before stating my interpretation of the cases and inserting the opinions in them in the record, I advised Justice Fortas that as far as I was concerned he was at liberty to depart from the hearing. I added, however, that in the event he elected to remain he would be at liberty to make any comments he desired respecting the accuracy of any interpretation I placed upon any of the cases. Justice Fortas voluntarily elected to remain while I was stating my interpretation of the cases for the record and inserting the opinions in them in the record. My performance of this task necessarily consumed much time because the cases were numerous and the opinions in them rather lengthy.

Let me assure you that I was courteous to Justice Fortas throughout the hearing and treated him just exactly like I would have liked to have been treated had our positions been reversed.

In my deliberate judgment, the cases make it plain that in the performance of his work as an Associate Justice, Mr. Fortas has undertaken to carry into effect the words he spoke at American University on March 20, 1968. At that place and time he declared:

"But the words of the Constitution were not written with a meaning that persists for all time. Words are not static symbols. Words may be carved in impervious granite, but the words themselves are as impermanent as the hand that carved them. They reflect light and shadow, they are modified by rain and sun, they are subject to the changes that a restless life brings upon them. So the specific meaning of the words of the Constitution has not been fixed and unchanging. They never will be fixed and unchanging. The Constitution is not static. But the changes in those words—changes in the meaning of those words—have not, as one might think, been arbitrary or haphazard."

After reading these words of Justice Fortas, I wondered why George Washington, Benjamin Franklin, James Madison, Alexander Hamilton, and the other good and wise men who framed the Constitution put provisions in that document requiring Supreme Court Judges to take oaths to support a Constitution whose words Justice Fortas says have no fixed meaning, and specifying that the Constitution can be amended, i.e., changed only by the joint action of Congress and the States.

When all is said, America's greatest jurist of all time, Chief Justice John Marshall, said all that can be soundly said on the subject in *Marbury* v. *Madison*. After declaring that the principles of the Constitution "are designed to be permanent," he added:

"From these, and many other selections which might be made, it is apparent that the framers of the Constitution contemplated that instrument as a rule for the government of courts, as well as the legislature. Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies, in an especial manner, to their conduct in their official character. How immoral to impose it on them, if they were to be used as the instruments and the knowing instruments, for violating what they swear to support! . . . Why does a judge swear to discharge his duties agreeably to the Constitution of the United States, if that Constitution forms no rule for his government? . . . If such be the real state of things, this is worse than solemn mockery."

I close with this observation: If its words have no fixed meaning, the Constitution is indeed a "solemn mockery," and furnishes "no rule for (the) government" of Supreme Court Justices.

This letter may convince some of your readers that those who advocate the confirmation of Mr. Fortas do not have complete possession of all the truth.

Sam J. Ervin, Jr.,
U.S. Senator.

Washington.

[From the Washington Post, Aug. 15, 1968]

A Reply to Senator Ervin on the Fortas Hearing

In a letter published in *The Washington Post* of Aug. 9, Sen. Sam J. Ervin Jr. of North Carolina, sets forth his position with respect to the qualifications which should be considered in confirming the appointment of the Chief Justice of the United States Supreme Court, and the character of the hearings held to determine those qualifications. These views are important not only with respect to Mr. Justice Fortas, but also as a precedent in the kind of hearings which might be held in connection with future appointments.

The Senator relegates to a minor place the considerations which in the past have determined the qualifications of the Justice, such as outstanding integrity and legal ability. The sole qualification for appointment to the Court which Senator Ervin discusses is this: Will a new Justice reverse decisions which the Senator does not like? In support of the test of eligibility, the Senator first observes that once a Justice is confirmed, his future decisions will be independent of any control by the Senate or the people. It is therefore the duty of a Senator to put pressure on the Supreme Court by blocking confirmation of any Justice whose views do not coincide with the Senator's interpretation of the Constitution.

Senator Ervin does not put his argument in such blunt terms. The Senator says a Supreme Court Justice must take an oath to support the Constitution. If after confirmation the Justice delivers opinions contrary to the Senator's convictions, he violates that oath. It is clear that the Senator thinks the majority on the Warren Court have been violating their oaths to support the Constitution for the past several years. He intends to put a stop to this sort of thing, if he can. In such an effort, endorsement of the American Bar Association and the faculties of our greatest law schools becomes irrelevant.

The Senator quotes from a recent speech in which Mr. Justice Fortas says:

"So the specific meaning of the words of the Constitution has not been fixed and unchanging. They never will be fixed and unchanging. The Constitution is not static. But the changes in those words—changes in the meaning of those words—have not, as one might think, been arbitrary or haphazard."

These words prove to the Senator that Justice Fortas will violate his oath of office and ignore the written language of the Constitution. He sums it up with great simplicity as follows:

"I close with this observation: If its words have no fixed meaning, the Constitution is indeed a 'solemn mockery,' and furnishes 'no rule for (the) Government' of Supreme Court Justices."

It must be obvious, even to a layman, that words like "general welfare," "due process of law," "equal protection of the law," represent constitutional ideals, not definite rules. What the Senator is saying is that the constitutional fathers made a mockery of the Constitution by using such general terms.

Senator Ervin cites Chief Justice Marshall in support of his position that the words in the Constitution are designed to be permanent and have a fixed meaning. He overlooks a whole body of legal literature including Marshall himself who observed in *McCullough* v. *Maryland* that "Almost all compositions contain words which taken in their rigorous sense would convey a meaning different from that which is obviously intended." Such examples could be endlessly multiplied. I conclude with Learned Hand's observation which expresses a concept that Senator Ervin ignores:

"For a judge called upon to pass on a question of Constitutional law everything turns upon the spirit with which he approaches the question before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs or thistles, nor supple institutions from judges whose outlook is limited by parish or class. They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidity confined." Having come to the conclusion that the qualifications of a Supreme Court Justice depend on how he is likely to decide future cases, the Senator is faced with a procedural problem, i.e., how to find out in advance whether the new Justice is likely to violate his oath of office by handing down future decisions which contradict the Senator's views. The simple way of course would be to call the new Justice on the stand and ask him his views on each of the controversial issues which might come before the the Court. There is no doubt that this is what the Senator would like to do, but it would be indiscreet to use such injudicious language. Therefore the Senator adopts the more cumbersome procedure of reading the past decisions of the Court to Mr. Justice Fortas, giving him the opportunity to repent and repudiate them or to explain them away. This of course is an open attempt to put pressure on and influence a judiciary which the Constitution declares should be independent.

Of course the Senate has the actual power by majority vote to destroy the independence of the Supreme Court. There is little danger that this will ever occur. Even President Roosevelt at the height of his power could not get the votes to approve his Court packing plan. The danger represented by Senator Ervin and his collaborators is a different one. It is that a small minority, by the use of filibuster tactics, may impair the independence of the judiciary and influence the course of judicial decisions in the United States. This is the threat which is so ominous in the procedures which now threaten to block the appointment of Justice Fortas as Chief Justice of the United States.

Thurman Arnold.

Washington.

August 23, 1968.

The Editor,
The Washington Post,
Washington, D.C.

Dear Sir: I ask space to comment on Mr. Thurman Arnold's reply to my statement on the Fortas nomination.

I offer no defense to Mr. Arnold's attempt to belittle my position by attributing to me remarks I did not make, thoughts I do not think, and motives I do not entertain. These things are not relevant to the issue whether the Senate ought to advise and consent to the President's nomination of Mr. Fortas for the office of Chief Justice of the United States.

If it is to determine this issue aright, the Senate must consider and answer these questions: Why was the Constitution written? Do the words of the Constitution have fixed and unchanging meanings? What obligation does the Constitution impose upon a Supreme Court Justice? Will Mr. Fortas perform this obligation if he is elevated to the post of Chief Justice?

Before giving what I conceive to be correct answers to these questions, I mention some public remarks of Mr. Fortas and make some observations on Mr. Arnold's reply.

On one occasion, Mr. Fortas made this assertion to the Virginia Trial Lawyers Association: "The great invention of the Supreme Court by the framers of the Constitution makes change possible with some degree of care"; and on another occasion, he made this statement to an audience at American University: "But the words of the Constitution were not written with a meaning that persists for all time * * * so the specific meaning of the words of the Constitution has not been fixed and unchanging. They will never be fixed and unchanging."

These statements put Mr. Fortas among the judicial activists who regard the Constitution as something in the nature of a quivering legal aspen leaf, whose meaning trembles and changes when sitting Supreme Court Justices waver in mind and new Supreme Court Justices ascend the bench.

Mr. Arnold lends his support to judicial activism by saying that the provisions of the Constitution relating to "due process of law", "the equal protection of the laws", and the power of Congress to spend money for "the general welfare" represent constitutional ideals rather than constitutional rules.

It is amazing for a lawyer of Mr. Arnold's standing to assert that any provisions of the Constitution were written merely to express ideals, that is, conceptions of things existing merely as images in the mind.

It is even more amazing for him to suggest that there is something of the occult in "due process of law" and that we must consult the Delphic Oracle or delve into the cranium of a Supreme Court Justice to discover its hidden meaning.

The phrase "due process of law" means exactly the same thing as the term "the law of the land", which has been a familiar part of the language of the law ever since June 15, 1215, when the English barons confronted King John at Runnymede and wrung from him the pledge of Magna Carta that "no free man ought to be * * * deprived of his life, liberty, or property but by the law of the land."

Governmental tyranny has made it necessary for courts to hand down many decisions expounding and applying the guaranties of due process of the Fifth and Fourteenth Amendments, and the due process and law of the land clauses of the Constitutions of the several states. As a consequence, Justice McKenna said this in *Howard* v. *Kentucky,* 200 U.S. 164, 173:

"It is not necessary to enter into a lengthy discussion of what constitutes due process of law. That has been done in a number of cases and there is nothing in the present case which calls for a repetition and an extension of the discussion. It may be admitted that the words 'due process of law,' as used in the 14th amendment, protect fundamental rights. What those are cannot ever be the cause of much dispute."

There is likewise nothing of the occult in the provision of the Fourteenth Amendment which forbids a state to deny to any person the equal protection of the laws. This provision merely imposes upon a state the obligation to apply its laws in like manner to all persons in like circumstances.

Similar observations apply to Article I, section 8, which empowers Congress to levy and collect taxes to provide for the general welfare of the United States. The import of this clause is set out with lucidity in the writings of one of its authors, Alexander Hamilton. Besides, its significance is explained in understandable fashion by Justice Story in his Commentaries, and the Supreme Court in *United States* v. *Butler,* 297 U.S. 1, and *Helvering* v. *Davis,* 301 U.S. 619.

Despite these things, however, it must be confessed that judicial activists do complicate simplicity when they employ the constitutional provisions relating to due process, the equal protection of the laws, and the general welfare as mere vehicles for imposing their own arbitrary, inconstant, and uncertain wills on the American people.

I now turn to the four questions.

1. Why was the Constitution written?

While the framers of the Constitution undertook to answer this question in its preamble, the most telling answer to it is to be found in the opinion which Justice Davis wrote for the Supreme Court in its most courageous decision of all times, *Ex Parte Milligan,* 71 U.S. 1.

After alluding to the struggle of Englishmen against tyranny for freedom and the right of self-government and declaring that "the founders of our government were familiar with that struggle and secured in a written Constitution every right which the people had wrested from power during a contest of ages," Justice Davis declared:

"Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances."

2. Do the words of the Constitution have fixed and unchanging meanings?

The answer to this question is explicit in Article VI, which declares that the Constitution shall be the Supreme law of the land, and Article V, which authorizes Congress and States acting in combination to alter its meaning.

It is manifest that the Constitution cannot operate as the supreme law of the land unless its meaning is fixed, that is, established, and unless its meaning is unchanging, that is, stable.

Chief Justice Marshall rightly affirmed in *Marbury* v. *Madison,* 1 Cranch 137, 175, that the principles of the Constitution "are designed to be permanent"; and Justice Brewer rightly declared in *South Carolina* v. *United States,* 199 U.S. 437, 448, that "the Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted, it means now."

These things being true, the Constitution "speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States." *Scott* v. *Sandford,* 19 How. 393, 426.

3. What obligation does the Constitution impose upon a Supreme Court Justice?

The answer to this question is explicit in Article VI, which prescribes that Supreme Court Justices "shall be bound by oath or affirmation to support this Constitution."

The task of Supreme Court Justices is to interpret the Constitution and the laws, not to amend them. Their oath or affirmation to support the Constitution obligates them to accept that instrument as the rule for their government. If they fail to do so, they make the Constitution a "solemn mockery" (*Marbury* v. *Madison*); and "abrogate the judicial character of the Supreme Court" (*Scott* v. *Sandford*).

As Chief Justice Marshall so well declared in *Gibbons* v. *Ogden,* 9 Wheat. 1, 188: "As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said."

By this statement, Chief Justice Marshall makes it as clear as the noonday sun in a cloudless sky that the task of the Supreme Court as the interpreter of the Constitution is simply to ascertain and give effect to the intent of those who framed and ratified it. If the constitutional provision at issue is plain, the Court must gather the intent solely from its language; but if the constitutional provision at issue is ambiguous, the Court must place itself as nearly as possible in the condition of those who framed and ratified it, and in that way determine the intent the language was used to express.

There is no substance to the philosophy of judicial activism that Supreme Court Justices are at liberty to revise or update the Constitution while professing to interpret it, Indeed, this philosophy is utterly repugnant to the objective of a written constitution. As Justice Frankfurter declared in *Ullman* v. *United States,* 350 U.S. 422, 428: "Nothing new can be put into the Constitution except through the amendatory process. Nothing old can be taken out without the same process."

It necessarily follows that Judge Cooley was right when he asserted in his "Constitutional Limitations" that "a court * * * which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty."

4. Will Mr. Fortas perform the obligation the Constitution imposes upon a Supreme Court Justice if he is elevated to the post of Chief Justice?

Mr. Arnold says legal ability and personal integrity are the only qualifications requisite for a Supreme Court Justice. He is sadly in error. There is a third indispensable qualification.

No matter what other gifts or attainments one may possess, he is not qualified to be a Supreme Court Justice unless he is both able and willing to subject himself to the self-restraint which enables him to accept the Constitution as the rule for the government of his judicial action and makes him refrain from attempting to revise or update that instrument according to his personal views as to what is desirable when he undertakes to interpret it.

Chief Justice Stone certainly had this truth in mind when he affirmed in *United States* v. *Butler,* 297 U.S. 1, 78–79, "that while unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint".

Some men possess the ability and the willingness to exercise self-restraint in judicial offices; others do not. The reason for this is revealed by some illuminating observations of Daniel Webster. He said:

"Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

It is impossible to overstate the crucial importance of the requirement that a Supreme Court Justice be both able and willing to exercise self-restraint in his judicial labors. If he lacks either the ability or the willingness to do so, he cannot and will not support the Constitution, no matter how much he may proclaim his love for it.

The issue whether Mr. Fortas will support the Constitution if he becomes Chief Justice must be determined by his words and his deeds. His words and deeds make it manifest that he is either not able or not willing to perform his obligation.

In the very nature of things, he cannot support the Constitution if he believes, as he asserts, that it has no fixed and unchanging meaning and that the Supreme Court is at liberty to remake it.

His deeds as an Associate Justice are even more emphatic. They make it obvious that he is one of the judicial activists now serving on the Supreme Court who toy with the Constitution as if it were their personal plaything instead of the precious inheritance of all Americans.

I recount a few of these deeds.

Mr. Fortas joined in the 5 to 4 decisions in *Miranda* v. *Arizona,* 384 U.S. 436; *United States* v. *Wade,* 388 U.S. 218; *Gilbert* v. *California,* 388 U.S. 263; and *Stovall* v. *Denno,* 388 U.S. 293, which create artificial rules of evidence for all criminal trials in Federal and State courts. These newly-created rules are repugnant to the words and history of the Fifth and Sixth Amendments upon which they are allegedly based, and permit multitudes of murderers, rapists, burglars, robbers and thieves to go unwhipped of justice. In the final analysis, these decisions rest on the strange assumption that society needs little protection against criminals, but criminals need much protection against law enforcement officers.

Mr. Fortas joined in the 6 to 2 decision in *United States* v. *Robel,* 389 U.S. 358, and the 5 to 4 decision in *Keyishian* v. *Board of Regents,* 385 U.S. 589, which adjudge that the First Amendment right of association confers upon Communists a constitutional right to work in defense industries vital to our national security, of which they cannot be deprived by Congress, and a constitutional right to teach in the schools of the states, of which they cannot be deprived by the legislatures of the states. Mr. Fortas joins in these decisions notwithstanding he admits in his booklet on "Dissent and Civil Disobedience" that "The Communist party is devoted to overthrowing the government of the United States by force and violence."

Mr. Fortas joined in the 7 to 2 decision in *Katzenbach* v. *Morgan,* 384 U.S. 641, in which the Court adjudges that the fifth section of the Fourteenth Amendment empowers Congress to supplant a non-discriminatory state voting qualification with a newly-created Federal voting qualification, notwithstanding the state voting qualification is in complete harmony with the Fourteenth Amendment, and notwithstanding Articles I and II and the Tenth and Seventeenth Amendments vest the power to prescribe voting qualifications in the States and deny it to the Congress. This decision illustrates judicial activism in its most virulent form.

Mr. Fortas joined in the 6 to 3 decision in *Amalgamated Food Employees* v. *Logan Valley Plaza,* 20 L.ed. 603, which holds that by virtue of the freedom of speech clause of the First Amendment union pickets now enjoy a constitutional right to invade the private property of a businessman against his will for the purpose of urging his customers not to deal with him, and that no Federal or State court in the land can grant the businessman any protection against such invasion of his private property. This decision converts a trespass of great antiquity into a new judge-made right, and is inconsistent with the law of private property which has prevailed in Anglo-American jurisdictions for hundreds of years. To be sure, the decision does indicate the attitude of mind exhibited by Mr. Fortas and four other Justices in their 5 to 4 decision in *National Labor Relations Board* v. *Allis-Chalmers Manufacturing Company,* U.S. 175, which nullifies the clearly expressed purpose of Congress set out in section 7 of the Taft-Hartley Act that those who labor in American industry should be free to refrain from participating in strikes or other concerted union activities.

Mr. Fortas joined in the 6 to 3 decision in *Memoirs* v. *Massachusetts*, 383 U.S. 413; the 7 to 2 decision in *Redrup* v. *New York* 386 U. S. 767; and the 5 to 4 decision in *Ratner* v. *California*, 388 U.S. 442, which hold that States and municipalities are constitutionally impotent under the freedom of speech and freedom of press clauses of the First Amendment and the due process clause of the Fourteenth Amendment to enact effective legislation prohibiting the peddling of pornography for filty lucre, no matter how licentious such pornography may be, unless they can prove the nebulous proposition that the pornography is "utterly without redeeming social value."

I refrain from citing other numerous cases which illustrate Mr. Fortas' conviction that the words of the Constitution have no fixed and unchanging meaning, and that the Supreme Court is at liberty to remake that instrument at will.

These things mean little or nothing to those who would as soon have our country ruled by the arbitrary, inconstant, and uncertain wills of Supreme Court Justices as by the certain and constant precepts of the Constitution. But they mean everything to those of us who love the Constitution and believe it evil to twist its preceps out of shape even to accomplish ends which may be desirable.

If desirable ends are not attainable under the Constitution as written, they should be attained in a forthright manner by an amendment under Article V and not by judicial alchemy which transmutes words into things they do not say. Otherwise the Constitution is a meaningless scrap of paper.

I oppose the elevation of Mr. Fortas to the high office of Chief Justice of the United States. I do so because I love the Constitution and believe tyranny on the bench to be as objectionable as tyranny on the throne.

Sincerely yours,

SAM J. ERVIN, JR.,
U.S. Senator.

Mr. ERVIN. Mr. President, I wish to make two additional comments on Mr. Arnold's letter which I omitted from my letter of August 23, 1968.

Mr. Arnold stated in substance, that those of us who do not believe that Mr. Fortas ought to be elevated to the Office of Chief Justice of the United States seek to destroy the independence of the judiciary. Let me assert with all the emphasis at my command that I believe that members of the Supreme Court ought to be independent of the President, the Congress, and everything else on earth except the Constitution, which they are sworn to support. And herein lies a fundamental difference between Mr. Arnold and myself. He thinks that they ought to be independent of the Constitution itself—a view held by Mr. Fortas which disqualifies Mr. Fortas for promotion to the Office of Chief Justice of the United States.

I am intrigued by Mr. Arnold's quotation of one of Learned Hand's observations

I would remind Mr. Arnold and the Senate that among the last public utterances of Judge Learned Hand were the three lectures he delivered before the Harvard Law School in 1958, which were subsequently published in book form under the title "The Bill of Rights." In these lectures, Judge Hand asserted, in essence, that the Supreme Court had converted itself into a "third legislative chamber" which had actually usurped the power to legislate in violation of the Constitution creating it; and that if there is to be a "third legislative chamber" to write new laws, its members ought to be chosen by the people and not attain their offices by lifetime appointments which, in effect, make them "a bevy of platonic guardians."

I venture to suggest that any Supreme Court Justice who prefers to amend the Constitution and make laws rather than interpret them ought to lay aside his judicial robes, enter the political arena by seeking election to the Senate or House of Representatives, and thus give the people from whom all the just powers of government are derived an opportunity to declare by their votes whether they approve or disapprove his proposals for remaking our governmental and legal institutions and our society in his own image.

THE SELECTION OF SUPREME COURT JUSTICES

Mr. ERVIN. Mr. President, on July 23, 1968, I introduced a proposed constitutional amendment to change the present method of selecting Supreme Court Justices. My amendment, Senate Joint Resolution 194, would make it as certain as possible that only the best qualified people serve on the Court by limiting the President's choice to one of at least five men selected by a panel composed of the chief judge of the highest court in each State and the chief judge of each Federal judicial circuit. Of course, the Senate would still have to approve the President's choice. Thus, under my amendment, members of the Supreme Court would not be chosen on the basis of personal friendship with the President, political service rendered to the political party in power, or past association with politically potent groups. Undoubtedly, the objective of my proposed amendment is worthwhile.

On September 1, 1968, the Dallas Morning News published an editorial, entitled "The Supreme Court," which very eloquently supports my proposed amendment, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUPREME COURT

Appointment of Supreme Court justices by the president, by and with the advice and consent of the Senate, was provided in the Constitution of 1788 and has never been changed.

The reason for the original plan is obvious. Election was impracticable then, and still is. The electorate was and is unlikely to understand the qualifications needed. That the choice should be given primarily to the chief executive was logical in the late 18th century and for decades later because of the limited interstate communications. The president was the best medium through whom to obtain knowledge of qualification for the post.

It may be added that the early nation had better reason to trust its presidents not to play politics with so important an office as the court than would be the case later.

Sen. Sam J. Ervin Jr. of North Carolina now proposes a constitutional amendment that will offer far better opportunity and method for the appointment of qualified jurists on the top court.

If adopted, his plan would limit selection to men placed on a chosen list by the chief justices of the 50 states and those of federal appellate courts. This plan would enable experienced jurists to assure that only well-qualified men could be named to the court on which the nation must depend for sound judgment on legal questions where that judgment is needed most.

Rep. O. C. Fisher of San Angelo adds a proposal that Supreme Court members should have to be reconfirmed every 10 years. As sound as this looks on the face, it is open to question. A hostile party majority in the Senate could play politics by removing justices without real reason. Life tenure "during good behavior" was written into the Constitution to remove court members from the temptation to hold onto office by kowtowing to the winds of popular opinion. The Fisher proposal would be helpful where health and mental stability are concerned.

There is every reason to write Ervin's idea into the Constitution. There are 11 U.S. appellate court heads and 50 State Supreme Court chief justices. These 61 jurists know the law, lawyers, judges and their record of performance.

Surely they are better qualified than any president, lawyer, or otherwise, to name good top court members. Sen. Ervin is not proposing that they select the nominees. Their job would be to make a list, long or short, of men upon whose qualifications the president, the Senate and the country can rely.

You can look back on the makeup of the top court for the last 75 years and point out some members that would have had a very hard time, indeed, passing the scrutiny of the proposed selectors.

NEW MEXICO BECKONS THOSE SEEKING GROWTH

Mr. MONTOYA. Mr. President, any citizen residing in an overcrowded area of the Nation who seeks great opportunity in a new area can turn his eyes to my home State of New Mexico. Our State is experiencing significant growth, marked by the expansion of major planned communities.

Coupled with the unsurpassed climate and environment offered by New Mexico, they hold out a new opportunity to those who would start anew in a kind, growing, and bright new place. Recently, a major newspaper published a review of the progress being made in New Mexico by one of such planned communities, Rio Rancho Estates.

This is a venture which also seeks to attract industry, for which it will bend over backward in many ways in order to attract new jobs to the area.

I believe this chronicle of growth deserves further mention for the information and enlightenment of many among us. Certainly, this type of progress report makes fascinating reading to those seeking lower costs of living, excellent climate, and space in which to spread out in. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Sept. 6, 1968]

DESERT GIVES WAY TO HOMES

(By Charles E. Dole)

ALBUQUERQUE, N. MEX.—"When we moved out here, we wanted poles everywhere," said

Chester Carity, executive vice-president of AMREP Corporation. "Then people could see that we had electricity."

That was five years ago, and stories about bad land deals in the Southwest were rampant from coast to coast.

So the poles went into the ground, people bought land, a few houses were built—and Rio Rancho was on its way.

AMREP, then known as American Realty & Petroleum Corporation, already was developing a large piece of real estate in Florida near Ocala. Seeing a vast growth potential in the Southwest, and not willing to be caught on the outside looking in, the company decided to stake its claim in New Mexico.

It acquired some 55,000 acres of open land just northwest of the state's largest city and 60 miles south of the capital of Santa Fe.

When I visited the site in June, 1964, there was only one street and maybe 18 or 20 houses standing. The rest was barren, dusty desert starting at about 6,000 feet and rising as you drove to the far border on the west—with gophers and snakes and exquisite flowers abloom.

Off to the east are the Sandia Mountains, soaring loftily above the Rio Grande—changing mood and face as the sun and clouds sail across the sky.

Last month Rio Rancho had 268 houses either built or under construction and 117 contracted for construction. Total population in four years had climbed from a couple of handfuls to around 800.

"Future growth," according to John Sommerhalder, general manager of Rio Rancho, "should be much faster as Albuquerque continues to expand in our direction."

AMREP looks for 10,000 families here in the next 25 years. Already thousands of people are buying lots, and $10 million has gone into the development to date.

Albuquerque, fast-growing, eager, with a youthful work force, is ringing on three sides by federal land, Indian reservations, and mountains. The only route for growth is toward the northwest—"and," smiles Mr. Sommerhalder, "Rio Rancho Estates."

Despite the rising costs of land and labor, house prices generally are much lower than in the Northeast. The four-bedroom Territorial, for example, sells for around $24,000 above the land. Including an atrium and other covered areas, total square footage is 3,042, with 1,990 of it living area.

Homes already built range from $11,500 to $35,000.

With some 40 houses now in various stages of construction, Mr. Sommerhalder predicts "we'll build 125 to 150 houses this year." A fully furnished, $200,000 model village shows only four houses but the actual choice and adaptations run into the dozens. "The models are modified constantly," he says.

Of course, the Southwest is not for everyone. But neither is Florida, or Oregon—or New England, for that matter. New Mexico is dry; average annual rainfall in the Albuquerque area is only about eight inches.

But to many people that's a plus. Albuquerqueans say the sun shines 360 days a year.

Contrary to what many people believe, New Mexico is not low. Albuquerque ranges from about 5,000 feet up to well over 6,000 in the Heights section of the city. Santa Fe is above 7,000 feet.

Because of its desert-tempered climate humidity is low. Although the summer temperature can flirt with 100, the effect is less enervating than the moisture of the semitropics.

Last summer AMREP opened Panorama Inn just up the road from the sales office. Lot buyers have a place to stay when they come out to see their piece of land. Too, Aubuquerqueans in increasing numbers drive out to the inn for a meal.

So far the inn has been expanded once and plans call for another expansion in the next few months.

THE FREEDOM ACADEMY BILL

Mr. DODD. Mr. President, in 1960 the Committee on the Judiciary after extensive hearings, reported favorably the Freedom Academy bill. The purpose of this measure was to create an academy where personnel from the various departments of Government concerned with foreign policy could be given concentrated training on Communist political warfare and how to cope with it.

In reporting the bill, the Judiciary Committee described it as probably "the most important bill ever to come before Congress." It added:

> This is the first measure to recognize that a concentrated development and training program must precede a significant improvement in our cold-war capabilities. The various agencies and bureaus can be shuffled and reshuffled. Advisory committees, interdepartmental committees and coordinating agencies can be created and recreated, but until they are staffed by highly motivated personnel who have been systematically and intensively trained in the vast and complex field of total political warfare we can expect little improvement in our situation.

The bill passed the Senate by voice vote, without a single objection, but it was too late in the session to permit House consideration.

Since 1960 it has been reintroduced, in both the House and Senate, in each new Congress, always with wide bipartisan support. Regrettably, for one reason or another, it still languishes in legislative limbo.

I invite the attention of Senators to the testimony in support of the Freedom Academy bill recently given by Mr. Marx Lewis, chairman of the Council Against Communist Aggression, before the Democratic platform committee. Let me quote one paragraph from his testimony which, I feel, goes to the heart of the problem:

> To train people whom they call "conflict managers," the Communists have brought from countries they seek to subjugate thousands, over the years, tens of thousands, of carefully selected recruits. These people attend the institutes to receive intensive training on how to infiltrate every segment of the population in their native countries. The courses in many instances last as long as four years. They are taught how to penetrate the mass-media, achieve control of trade unions and other mass-membership organizations, organize demonstrations and create riots, build "front" organizations, acquire positions of trust in organizations of students, farmers, youth, even the churches, and again a foothold in Government agencies where they can influence foreign policy decisions. These trainees are then returned to their native countries to apply what they learned at the so-called universities. Some of the present dictators in Communist countries are graduates from these schools.

In a speech which I made on the floor of the Senate in reporting the Freedom Academy bill for the Judiciary Committee, I said that we have been losing the cold war because we have been amateurs fighting against professionals. I believe that this evaluation still holds good.

It is too late to do anything about the Freedom Academy bill in this session. But it is my hope that in the coming session, Congress will get around to enacting this long overdue legislation.

I ask unanimous consent to have printed in the Record the full text of Mr. Marx Lewis' testimony before the Democratic platform committee.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Marx Lewis, Chairman, on Behalf of the Council Against Communist Aggression

Mr. Chairman and members of the Committee: my name is Marx Lewis. I am chairman of the Council Against Communist Aggression. Its national office is at 1500 N. Broad Street, Philadelphia, Pa. It is not a mass organization, and primarily educational. It was organized with a large preponderance of trade union officials eighteen years ago, and has ever since followed a foreign policy position which parallels in all major respects that of the AFL–CIO. It is a non-partisan organization, consisting of persons of all shades of political opinion. It includes liberals and conservatives who differ widely on domestic social and economic issues, but who are agreed that these divisions are relatively unimportant where questions bearing on international policy, patriotism and national survival are involved.

In its educational efforts, the Council publishes a monthly bulletin which goes to about 3,000 people in the opinion-making fields, labor editors, educators, state and Federal legislators, clergymen, journalists, universities and libraries. It prints and distributes leaflets dealing with various aspects of the Cold War. It maintains a corps of foreign correspondents whose reports on Communist tactics and strategy used in their respective countries are made available to the persons and institutions I have already mentioned. Much of this information is not available from any other source. It has a number of local chapters in our larger cities, called Committees of Correspondence, which meet periodically, generally at luncheon-meetings, and which carry on educational activities in their communities. It supplies material to high school and college students to be used by them in their debates.

It does not engage in lobbying activities. It advocates and strongly supports legislation designed to establish and maintain a military establishment second to none in the world. The only legislative measure on which it has concentrated its attention during the past several years is a bill which proposes the creation of a Freedom Commission and the establishment of a Freedom Academy, which will do in the field of political and psychological warfare what our military, naval and air force academies are doing to train leadership for military service. It is of this measure, its needs and objectives, of which I wish to speak.

As its title indicates, our Council is primarily interested in Communism as an instrument of aggression, designed to take over the free world by force. We have no fear of Communism as an ideology. We reject it in toto, but are convinced that as ideology it can never gain the adherence of free peoples. Although the Communist movement has succeeded in obtaining control of one-third of the world's population, and dominates one-fourth of the world's land surface, we know of no case where any people, anywhere, has voluntarily and deliberately chosen Communism as a way of life. We do have many examples, the most recent that of Czechoslovakia, where people it has subjugated and enslaved seek an escape from bondage. People have risked, and lost, life and limb trying to scale the walls the Communists have erected to keep them confined. But if the Communists would want to submit their ideology, as against ours, to the market place of ideas, we would be glad to accept the challenge. Lenin once said that it would take five hundred years to convince people of the need for Socialism, or Communism. Nor are we concerned about Communism as an economic system. Its ghastly failures to provide people with the living standards achieved under our free enterprise system are well-known. To the extent that their economic system has been made to work at all it has been as a result of the introduction of some of the features of the free enterprise system, such as incentives and some form of profit motive, all of which they have long condemned as the worst features of the socalled capitalist system. No people, least of all ours, will want to exchange our system for theirs.

It is, however, as an aggressive force bent on world conquest and domination with which we are concerned. While they are creating a military force capable of achieving their objective, if necessary by war, and we are preparing to meet that challenge by our armaments, we believe that if they are successful in extending their present world empire it will be because they have developed to a degree never before known or devised a capability in the non-military area. The Free World is being assaulted by an extraordinary variety of conflict instruments which they have mastered, and orchestrated, and have integrated into a many directional strategy. Even today few of our people appreciate the remarkable research, development and training program in conflict techniques which has been in high gear in the Soviet Union for fifty years, and which has been expanded to cover every country under Communist control, and to many countries that have thus far escaped Communist tyranny. Guerrilla warfare, sometimes disguised as "wars of national liberation," subversion, propaganda, blackmail, culture, aid and diplomacy are all intermixed in a thousand-pronged offensive.

Our late President Kennedy recognized and pin-pointed the danger when he stated, on April 20, 1961:

"Too long have we fixed our eyes on the traditional military needs; now it should be clear that this is no longer enough; that our security may be lost piece by piece, country by country, without the firing of a single missile or the crossing of a single border."

Former United States Senator Paul H. Douglas, one of the first to advocate the establishment of a Freedom Academy as a new weapon for winning the Cold War, has said:

"Our experiences of the last decade and a half have shown conclusively that the confrontation between the free nations of the world and the Communist nations probably will primarily be non-military. . . . We have learned also that an essentially new form of power struggle has risen up beside the historic competitive forms of traditional diplomacy and open military action. . . . To deny ourselves and to our economically and politically less fortunate friends in other nations the fullest degree of non-military resources, which the Freedom Academy would help provide, is to leave half the battle to the Communists. We cannot fight a 20th century cold war with only traditional diplomacy and military might, important as these elements are. . . . It should have the support of every American who wants the United States to be fully protected and fully able to meet, defeat, and take the Cold War offensive against Communism."

Testifying before a Congressional Committee, General David Sarnoff, Chairman of the Board, Radio Corporation of America, said:

"Our best and surest way to prevent a hot war is to win the Cold War. World Communism has been making war on our civilization for more than three decades. . . . Periods of seeming Communist moderation have been used as a cover for frantic buildups and deployments for the next push. . . . Not a single country today under Communist rule was conquered by outright military assault. . . . For Moscow, the real alternative to a nuclear showdown is not 'Peace' but political, psychological warfare of a magnitude to demoralize, chip away and ultimately take over what remains of the free world.

"Unless we meet this cumulative Communist threat with all the brains and weapons we can mobilize for the purpose, the United States, at some point in the future, will face the terrifying implications of Cold War defeat. It will be cornered, isolated, subjected to the kind of paralyzing fears that have already weakened the fibre of some technically free nations. We will have bypassed a nuclear war, but at the price of our freedom and independence. I repeat: We can freeze to death as well as burn to death."

The well developed nature of the Soviet conflict technique makes our problems of defense and offense in the non-military area extremely difficult. It has rendered conventional military power ineffective and obsolete in many of the situations in which we find ourselves today. Theirs is political and psychological; it is designed to demoralize the enemy by propaganda and psychological methods, to control the actions of men, not to convince them.

To train people whom they call "conflict managers," the Communists have brought from countries they seek to subjugate thousands, over the years, tens of thousands, of carefully selected recruits. These people attend the institutes to receive intensive training on how to infiltrate every segment of the population in their native countries. The courses in many instances last as long as four years. They are taught how to penetrate the mass-media, achieve control of trade unions and other mass-membership organizations, organize demonstrations and create riots, build "front" organizations, acquire positions of trust in organizations of students, farmers, youth, even the churches, and gain a foothold in Government agencies where they can influence foreign policy decisions. These trainees are then returned to their native countries to apply what they learned at the so-called universities. Some of the present dictators in Communist countries are graduates from these schools.

We know what courses are being given. They cover a wide range of subjects. They provide for what they call the "peaceful" preparation for the revolution. During this "peaceful" preparation organizations are infiltrated, strikes are provoked, and political sabotage employed. Actual physical sabotage becomes possible on an effective scale once the masses are sufficiently charged and wired by the ideological preparations. But such physical sabotage is considered secondary to political sabotage and is carried out only by specially instructed select groups in places and at moments where it may count most. Following the period of "peaceful" preparation, the time arrives for armed insurrection. It develops into what the Communists call "wars of national liberation."

Democracies are of course considered favored playgrounds and easy marks for this sort of machinations. If and when a democracy takes measures to protect itself against these activities a clamor goes up from the Communists and their fellow-travelers in the "front" organizations which they organized, sometimes called "transmission belts", that democratic rights are being violated.

It is significant that when we take measures to prevent the expansion of the Communist by force, as we're now doing in Vietnam, demonstrations against our participation are held in every country of the world. When the free world resists other acts of aggression which violate the right of free peoples to determine their own destiny demonstrators appear before our embassies to picket, to bomb, to riot. When our rights on the high seas are violated by the seizure of ships, in violation of international law, no one rises to protest publicly, and the embassies of the Soviet bloc nations remain off-limits. We are told that we must "cool it."

In considering what must be done to avoid the Cold War from turning into hot wars there are several basic facts that must be recognized. One of them is that the struggle is global in space and indeterminate in time. It may go on for decades, and that the present capabilities of the Communist bloc nations are such that we cannot rely on half measures but must develop our full capacity to engage in the new dimensions of conflict.

The public must have a greater understanding of Communism, and its tactics and strategy, especially conflict techniques. Such an understanding is necessary to maintain the will to win and to overcome the apathy in a long and tedious struggle. In a free society, policy, to be effective, must have popular support.

The private sector must know how it can participate in the struggle in a sustained, systematic and constructive manner. There exists in the private sector a huge and untapped reservoir of talent, ingenuity and strength which can be developed, mobilized, and brought to bear in helping to solve our Cold War problems. A wide range of interrelated programs, some of which have already received the attention of experts in the field, can be implemented if certain pre-conditions are met.

Policy makers and Cold War agency personnel at many levels must understand Communism, again with special emphasis on Communist conflict techniques. Policy makers and those who advise them must understand the *full* range of measures potentially available to us in the public and private sectors to meet the entire Communist attack and to work towards our national objectives systematically. This means they will have to master a broad range of non-military measures which have yet to be thought through and systematized. They must be able to organize and interrelate these measures in an integrated strategy in which our national objectives are approached from many directions, using every promising method and means and fully utilizing our national capacity to compete in the new dimensions of struggle.

By and large we have failed to meet these basic requirements, largely because we have not understood that the necessary capacity can come only through a systematic, large scale research training program. This failure has been a source of great irritation to some people in the agencies and universities who have devoted much of their lives to finding methods of solving our Cold War problems. They know that some of it is done in Government, but only in bits and pieces, without coherence and without an overall conception of what is really required if our efforts along these lines are to be meaningful.

The War Colleges, for example, devote several weeks to a month to coverage of the Soviet bloc. Within that period the specific treatment of Communism and Communist conflict techniques rarely exceeds two or three days. It is true that the rest of the instruction is related to the Communist threat, but even in this it is presumed that the student already possesses an understanding of Communist operations, which is not the case in most instances.

The Foreign Service Institute has a *two week* seminar on Communism and the Soviet Union. It can only give very light treatment to the subject. By trying to cover everything in ten days of actual training, the course is necessarily superficial. For example, it provides 1 to ½ hours of lecture discussions each on Communism in the Far East, South Asia, Africa, Southeast Asia, Western Europe, Eastern Europe, Latin America and the United States.

Over the past few years some of these courses have been extended to cover longer periods, but in no case do they provide the study in depth which the subjects require.

Also, other agencies, including the USIA, the FBI, and the CIA, provide some courses of instruction. As to the FBI, its courses are intended to serve its internal security people, and are not operating so far as we know in the field of foreign affairs, over which it has no jurisdiction, but with which we are principally concerned at the moment.

Since the CIA operates in secrecy, we have no way of knowing the depth or scope of its program in this area. But based on what was revealed as to the CIA's operations through foundations and student organizations, we are not impressed. It sent young people, who have had no training in Communist propaganda and conflict techniques to youth festivals abroad, to contend, as amateurs, with professional "conflict managers", who have had years of training and experience. Some of the students who were sent on these missions declared afterwards that they were not even in sympathy with what the CIA was doing.

In any event, we do not believe that the CIA, which is supposed to be engaged in clandestine operations, ought to have anything to do with what we have in mind. What we propose to do should not be done surreptitiously, but publicly, and not by amateurs, but by professionals trained for the purpose.

None of these programs begin to touch the surface of the problem. They do not, individually or collectively, provide an adequate coverage of Communism. Only a small fraction of our agency people get even this formal exposure. Dr. Stefan Possony, an acknowledged authority on the subject, a leading authority on Communism, lecturer at the National War College and the Foreign Service Institute, and now engaged at the Stamford University on War, Revolution and Peace, who made a study of what is being done, and not done, in this field, has stated that "There is, to the best of my knowledge, no school within the Government which *specializes* in Communism, let alone operational Communism." His view is shared by other noted authorities on this subject.

We believe that while no complete answer can be given, as yet, to the problems we face in the area of political and psychological warfare, we feel that the Freedom Commission and Freedom Academy bill which we advocate is the first comprehensive attempt to deal with the problem, and to make a good beginning in this unexplored and new field.

The bill of which we speak provides for the creation of a Freedom Commission and Freedom Academy to conduct research to develop an integrated body of operational knowledge in the political, psychological, economic and organizational areas, to increase the non-military capabilities of the United States and other nations in the global struggle between freedom and communism, to educate and train government personnel and private citizens to understand and implement this knowledge, and to provide education and training for foreign students in these areas of knowledge under appropriate conditions. It does not propose that we adopt Communist techniques. We do not intend to learn from them, or to copy from them. Instead, we propose to determine how we can work to offset, and counteract, their offensive, but to do so in accordance with our traditions and culture.

The most important function of the Academy will be research. It will function as an institution in which students from this country and especially from other countries, drawn from the major areas of cultural and social life as well as government, are to study intensively the arsenal of techniques by which the Communists penetrate the fabric of the body politic and prepare the ground for their conquest of political power. The curriculum of the Freedom Academy will be geared to the development and mastery of the educational methods, the operational methods and organizational forms by which, in the various sectors of international life, in the schools, trade unions, cultural organizations, the activity of Communist groups is to be countered and free institutions developed.

It will also provide intensive interdepartmental training for foreign affairs personnel in the wide range of measures, many still to be researched, through which we can defeat Communist penetration while seeking to build free, independent and viable nations. It will not only improve our country-team operations, but by also concentrating on the problems of training private citizens a whole new range of methods will become available to defeat indigenous communist cadres who are undermining free societies.

We already have a considerable body of valuable and informative materials treating in detail with communist history, ideology, strategy and operational forms and techniques. Unfortunately, these materials are widely scattered, located both in and out of government. Also, much of this material is not in form for training use. Consequently one of the first research requirements must be the coordination and correlation of these existing materials and the preparation into suitable for teaching purposes.

Likewise there must be a similar correlation and preparation of the materials, already available, relating to our existing foreign operations programs. These materials would deal with economic, military and technical assistance, with foreign information operations, with cultural and educational exchange activities, and with political and psychological methods and techniques. Case materials must be prepared—for few are currently available—analyzing and discussing our experiences in the Cold War to date. These materials should assess both our successes and our failures; they must identify and classify to the maximum extent possible the ingredients of victory and defeat.

Additionally, it will be necessary to prepare certain "area study" materials covering the cultural, political, economic, geographic and other indigenous characteristics of the various under-developed areas of the world. Much of this material should already be available at the major university centers and the Foreign Service Institute. Research in all of these categories will, of course, have to be maintained on a continuing basis so that training materials keep abreast with current changes and developments.

Obviously, if the program is to be moderately successful, it must include all professional and officer personnel of the government serving in positions related to foreign affairs and security activities. The intensity and duration of a particular training course should be geared to the officer's operational responsibilities.

We must also train persons from outside government. We can no longer ignore the capacity of the private sector to contribute to our total Cold War effort. This group should be highly representative, including business, labor officials, professional people, educators, agricultural experts, performing artists and scientists. We must begin to think of international relations in its broadest sense encompassing both governmental and private intercourse. In the multiplicity of private activities on the international scene there is a vast and, as of now, a largely untapped potential force to strengthen and stabilize democratic government and institutions throughout the world.

Illustrative of what the private sector can do is the work of the AFL–CIO with the trade unions of Latin America. Through the Institute for Free Labor Development, American labor is seeking to provide the Latin American workers with the know-how to develop stable and democratic labor organizations, which we have learned are essential to a healthy and progressive society. Representatives of this private organization are standing shoulder-to-shoulder with the members and officers of the Latin American unions, who are struggling desperately against resourceful communists, seeking to resist the subversion and destruction of their labor organizations, as occurred in Cuba.

Training should be made available on a selective basis to foreign nationals. If there is one facet of the Cold War struggle in which the communists have been spectacularly successful, it has been in the recruitment of the young elite in the developing nations. These young people have a great sense of urgency about the need for modernization and reform. They desire to lead and the communists are eager to teach them their deceitful techniques of leadership and power acquisition. Reliable intelligence estimates indicate that in Latin America, alone, many thousands of young people have been intensively trained by the communists. We must offset this capture of the young elite, and provide them with training directly related to the problems which confront them.

I have touched on just a few of the things which the proposed Academy should attempt to do. Ideally, the type of agency to do it should, in our judgment, be located outside the organized structure of government. But there are at least two reasons why this is not feasible. First, some of the materials and data required for both research and training are available only within the structure of government. Second, and perhaps more important, we are talking about a sizable program, which should, when operating a full capacity, be training several thousand public and private students each year. This will require substantial resources not readily available to private institutions. Above all, this training and research facility must be a prestige institution, if it is to perform its vital mission. It must be able to attract to its staff and faculty leading scholars and experts from across the nation.

As nearly as possible the training and research center must be established as a thoroughly autonomous agency of government. It should, however, coordinate its program to the needs and requirements of our primary foreign affairs departments. It should not be under the direction and control of these existing instrumentalities of government.

In the Freedom Academy bill we have attempted to provide for these coordinate requirements of autonomous status and independence by establishing the training and research center within a commission structure patterned closely after the Atomic Energy Commission. The concept we are proposing to deal with in this agency is no less revolutionary at this time than were the potentialities of atomic energy and nuclear fission in 1946 when we created the Atomic Energy Commission.

The need for the kind of agency we are proposing has been widely recognized. In 1960, the Senate Judiciary Committee, after extensive hearings, reported the bill favorably, declaring it to be "the most important bill ever to come before the Congress." It added:

"This is the first measure to recognize that a concentrated development and training program must precede a significant improvement in our cold-war capabilities. The various agencies and bureaus can be shuffled and reshuffled. Advisory committees, interdepartmental committees and coordinating agencies can be created and recreated, but until they are staffed by highly motivated personnel who have been systematically and intensively trained in the vast and complex field of total political warfare we can expect little improvement in our situation."

The bill passed the Senate unanimously, but too late in the session to permit House consideration.

The bill represents the results of many years of intensive study by outstanding authorities who have devoted themselves to exploring the possibilities of making the most of our Cold War capabilities. It has been reintroduced in each Congress since it first passed the Senate. It has wide bipartisan support. The sponsors have been Republicans and Democrats. They included Senator Karl E. Mundt, of South Dakota, and Senator Paul Douglas, of Illinois.

The pending bill, S. 199, is sponsored, in addition to Senator Mundt, by Senator Case, of New Jersey, Senator Dodd, of Connecticut, Senator Dominick, of Colorado, Senator Fong of Hawaii, Senator Hickenlooper, of Iowa, Senator Lausche, of Ohio, Senator Miller, of Iowa, Senator Prouty, of Vermont, Senator Proxmire, of Wisconsin, and Senator Scott, of Pennsylvania. The House bill, H.R. 735, introduced by Representative Richard Ichord, of Missouri, is now on the House Calendar.

At the various hearings which were held by Senate and House Committees many outstanding and distinguished citizens appeared to testify in favor of the bill. Among those who appeared at hearings held in 1965 were four former Ambassadors, two of whom had also served as Assistant Secretaries of State, two who had served abroad as officials of the State Department and the USIA, and those in the Agency for International Development who had participated in high level policy meetings of the Government. Eleven of the witnesses who testified in favor of the bill have authored at least 40 books dealing with the subject of Communism, diplomacy, and international relations; six were journalists who had spent many years abroad and distinguished themselves as commentators on foreign affairs, reporters and war correspondents; the president of the Free Europe Committee, the founder and president of Project Hope; and the former Chief of Naval Operations. Representatives of the AFL–CIO, the American Legion, the Veterans of Foreign Wars, and other patriotic organizations testified in favor of the bill.

The measure has also received strong editorial support from a number of the nation's leading magazines and newspapers. These include such magazines as *Reader's Digest, Life* and the *Saturday Evening Post*.

The opposition came exclusively from Government departments and agencies. The State Department opposed the bill, and its lead was followed by Government agencies which have had some part, generally a small part, in what they call Cold War programs. None of them denied that more need be done to meet Cold War problems, and that we are deficient in the area of political and psychological warfare activities; but they maintained that existing programs carried on by the Foreign Service Institute, with some minor enlargement they proposed, are adequate. The State Department has also expressed some reservations about setting up an agency, not under its own control and direction, which might, or could, trespass on its jurisdiction.

We are convinced that the Foreign Service Institute, even with the proposed enlargement of its activities, does not begin to meet the problem, as we see it. As to the setting up of an agency over which it will not have control, we have had the bill amended to provide that the State Department would participate in the administration of the Academy through the Freedom Commission.

In this connection, it should be pointed out that our State Department engages in many diplomatic ventures and must, necessarily, maintain relations with unfriendly countries in the over-all effort to maintain a world which communicates together and develops areas of accommodation to the mutual benefit of all concerned. It is difficult for any State Department to wear two hats whereby under one it cajoles and corresponds and negotiates with a conspiracy dedicated to our destruction, while under the other hat it trains personnel, develops techniques, and engages in research projects to destroy those who would destroy us. But for an autonomous institution like the Freedom Academy to engage in such a program is no more incongruous than it is for the Department of Defense to carry on its plans and projects financed by the same Government that operates the State Department. We propose simply to dedicate ourselves as effectively and as energetically to winning the contest for all free societies against Communism without war and without bloodshed as we necessarily dedicate ourselves to training personnel and developing tactics and weapons to protect us against a military attack from the same source which is persistently attacking us and all other independent nations in non-military areas of international strife.

Despite the continued unwillingness of the Department of State to admit that its own Foreign Service Institute Program was neither broad enough nor deep enough to adequately prepare our people, recognition of our research and training deficiencies in the non-military sector has continued to grow. The State Department's satisfaction with the "status quo" was soundly rapped by the reports of several committees, such as the Herter Committee and the Perkins Panel, both appointed by several administrations to look into our existing programs. Both reports were sternly critical of our existing training programs in the area of foreign operations and both recommended substantial upgrading of these programs with special emphasis on the need for comprehensive inter-disciplinary study of the political, economic, psychological, ideological, informational, and military aspects of the conflict between free societies and the forces of Communism.

As to the administration of the Academy: The Freedom Commission, which is charged with the duty of establishing the Academy under its supervision and control, it is to serve as an independent agency in the executive branch. It would be composed of six members and a chairman. Not more than four members of any one political party. They would be appointed by the President, by and with the advice and consent of the Senate, and with the exception of the Chairman, who would serve at the pleasure of the President for six-year terms. Their functions, and responsibilities, are set forth in some detail. I don't think it is necessary to dwell on them at length here.

There would also be an advisory committee consisting of twenty members, nine of whom would be drawn from the executive agencies, four from congressional committees, two from the minority party in Congress (one each from the Senate and the House) and five from the private sector. The heads of the State Department, Department of Defense, the Department of Commerce, the Department of Health, Education and Welfare, the Central Intelligence Agency, the Federal Bureau of Investigation, the Agency for International Development, and the U.S. Information Agency would each appoint one representative.

In spite of the great empire the Communists have created they are more vulnerable than appears on the surface. In every one of the captive nations the people have been silenced, but not subdued. Periodically, they revolt. We have secret allies in every country over which they lord.

We can best serve our national security, and the cause of world freedom, by using our weapon to counteract theirs. The Freedom Academy bill can be such an effective weapon, if we will use it.

TV INTERVIEW WITH SENATOR BYRD OF WEST VIRGINIA ON HIS RECENT TRIP TO RUSSIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be printed in the Record a transcript of questions asked of me during a television interview on September 4, and of my answers thereto.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Television Interview With Senator Byrd of West Virginia Concerning His Recent Trip to the Soviet Union, September 4, 1968

Q. Senator Byrd, you have just returned from a trip to the Soviet Union. What was your impression of that country?

A. Well, this was my first visit to a Communist country. It is a controlled society with a high degree of strict regimentation in almost every aspect of life. Freedoms that we know and take for granted—freedom of the press, freedom of speech, freedom to plan one's life and one's future—are really nonexistent in the Soviet Union, in my opinion. The State is supreme, and the function of the individual is to serve the State, which is vice versa from what our own system requires.

The average Russian citizen is really unaware of the ways of life in the free world. His life, his work is planned for him by his government. He is thoroughly indoctrinated with the Communist ideology and taught to revere Lenin from infancy. His lot in life is much darker than that of the average American, and many comforts and conveniences available to our poorest families are really beyond the reach of the average Russian worker and peasant. Incentive is virtually nonexistent. I think that life would be very dull and drab and meaningless in the Soviet Union, as compared with life in the free world.

If some of the dissidents in our own society who want to tear down and destroy America and the American system could be sent to the Soviet Union with the prospect of having to live the rest of their lives there, I would imagine that it would not be long before most of them would be wanting to return to America, even if it meant crawling on hands and knees part of the way.

Q: Senator Byrd, what impression did your trip to Russia give you of the Soviet educational system?

A: Well, it was evident that the entire Soviet educational system is designed to serve the State and help it achieve its goals. Children are enrolled in kindergarten between the ages of three and six.

At the present time the Russian education system envisions eight years of compulsory attendance, with ten years being the goal by 1970. The average Russian student is treated to a much stronger dose of intellectual exercises than is the average American student.

For example, the Russian students attend school six days a week. Mathematics and the Russian language are taught beginning in grade one. The student is taught biology and foreign languages in grade five; physics, algebra and geometry in grade six; draftsmanship and chemistry in grade seven; astronomy in grade ten.

Now, one of the basic aims, of course, is to provide a comprehensive education. Also, the student is introduced to, and taught, the fundamentals of the sciences. A Communist spirit is developed, and the student is taught the rules of conduct and behavior in a socialist community.

Now, the students are selected for the 47 universities throughout the U.S.S.R. by comprehensive examinations that are given throughout the secondary schools. There is no tuition in the universities. As a matter of fact, 87% of the university students receive stipends from the government amounting to 35 to 40 rubles per month, which amounts, in U.S. dollars, to something like 39 to 45 dollars per month.

Now, students may receive higher stipends, if their grades are high, and, of course, low marks will result in possible loss of all, or at least part, of the stipend to the student.

Following graduation from the university—which requires five to five-and-a-half years of study—the student is placed in the job and the location which is determined by the government, with only the small top part of the class having any voice whatsoever in the determination.

Under the Soviet system, there are no "square pegs and round holes." Students are placed in jobs for which they have been trained, and in a location where they can best serve the all-important State.

Interviewer: Thank you very much, Senator Byrd.

POLITICAL CONVENTIONS

Mr. McGEE. Mr. President, in the wake of the 1968 national conventions of our two great political parties, there has been a heightened discussion of proposed alternative ways of nominating candidates for the Presidency and Vice Presidency of the United States.

A change, as the Sunday Star observed in its lead editorial yesterday, is definitely on the way, and the question is what kind of change we will see. One suggestion which apparently has wide support is a national primary. It looks simple. It looks clean. But before we endorse this idea, we must consider its very serious drawbacks, some of which were chronicled in the Star's excellent editorial.

What, we must ask, would a national primary do to our political parties? Would not a national primary serve to deny the opportunity to run for the highest office in the land to those who lack immense wealth? Would it not possibly turn into a grand popularity contest which could have little to do with political realities?

Before we go that route, we should carefully weigh the advantages of the present convention system and study carefully the changes needed to improve upon it. As the Star phrases it:

> Congress had better be certain that it has a sounder vessel at hand before abandoning the system that has kept this republic afloat for 136 years.

I ask unanimous consent that the Star's editorial entitled "Should We Scrap Political Conventions?" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHOULD WE SCRAP POLITICAL CONVENTIONS?

The two national political parties, in convention assembled, produced something more this year than a Republican and a Democratic ticket. The protracted tedium of Miami and the prolonged agony of Chicago have set off a shock wave of public reaction, shaking the foundations of the traditional system that has produced this country's political leaders since 1832.

Even before the conventions had ground their separate ways to their foregone conclusions, the outcry had begun. Partisans of Governor Rockefeller and Senator McCarthy, sensing the outcome of the delegate vote, raised the identical cry: The convention was rigged, it was undemocratic, it failed to represent the will of the people. This charge which is at once unprovable and irrefutable, was in large measure responsible for the inflamed youthful passions that invited the violence of Chicago.

The antipathy toward the present convention system is by no means limited to the Rockefeller troops, the McCarthy kids, the hippies and the Yippies. There is a demonstrable sentiment among the public at large demanding prompt and drastic reform. And the first order of business for the Congress, when it returned to face an untidy accumulation of unfinished legilslation, was a loud, bicameral demand for change.

So a change is definitely in the wind. The only question appears to be where we go from here.

The most frequently heard suggestion, both in and out of Congress, is that the nominating conventions should be scrapped entirely, to be replaced by a national primary election. On the surface, this suggestion has much to commend it. It is clean; it is simple; it is on the face of it, democratic. The party bosses, who in the popular opinion, manipulate their delegations and dictate the convention's choice, would be gone. The voice of the people would be heard.

The convention system, so this argument goes, is an anachronism that made some sense when one section of the country neither knew nor cared about another section—when, for example, the people of Connecticut might never have heard of Abe Lincoln of Illinois. But in this day of instant and total communication the voters know the candidates and the issues and their own minds. So let them speak those minds through a national primary, and consign the outmoded machinery of the nominating convention to the scrapheap of history.

The trouble with this simple, clean break with the past is that it may be neither as simple nor as clean as it first appears.

The first thing to consider is what happens to the political parties once their function of choosing their own candidates is taken away. Can the parties, each of which embraces a broad spectrum of opinion, hold together once the local leadership is deprived of its voice in the naming of the ticket? Or will the Democratic and Republican parties promptly fragment into as many splinters as there are factions of political opinion?

The concept of a national primary raises quite a few questions of its own. Assuming that the primary would not be open to all comers, what qualifications will be required? What is to prevent the primary from becoming more undemocratic than the convention system by making it impossible for anyone not possessed of a large personal fortune to compete for a spot on the ballot? Who is to foot the bill for the primary campaign and the cost of the election? If there is no majority as a result of a primary, will there be a runoff? How is the vice presidential candidate to be chosen? And—above all—what guarantee is there that backers of a losing candidate won't be able to claim, with fully as much justice as they do today, that they have been robbed, that the election machinery has somehow been rigged against them, and that further, drastic changes in the system are in order?

Aside from these questions which demand very precise answers, a closer look at the convention system itself is perhaps in order. There is a popular concept, currently gaining wide acceptance, that the delegates are, for the most part, empty-headed puppets gathered to do the bidding of some mysterious and unseen party boss, to carry signs, to wave banners and to look foolish on national television. That popular view departs considerably from the truth.

The delegates are, for the most part, holders of national or local offices or business and professional men who are concerned enough about the issues and the candidates to seek a position in the convention. Under that funny hat there generally is a head that is better informed and more involved than the general electorate can ever hope to be. Despite the appearance that comes through television, the delegates gather not for a prolonged and silly party, not to help some local hack hold down his job, not to thwart the will of the people. Their purpose is to name a ticket that will appeal most strongly to the greatest possible number of people. Their purpose is to pick a winner.

There are times, it is true, when conventions have turned away from the man who appears to be the popular choice. In 1952, Senator Estes Kefauver of Tennessee came to the convention in Chicago with the solid backing of the Democratic primary voters. The convention chose to ignore his impressive evidence of popular support and turned instead to a man that few outside Illinois had ever heard of. It might be interesting to know how many of Senator McCarthy's present followers seriously believe that Estes Kefauver, the choice of the people, would really have made a greater contribution to the political life of this nation than did Adlai Stevenson, the convention-picked candidate.

There seems to be a popular conception as well that the convention system itself is incapable of change—is somehow fixed in an archaic mold that separates it from the will of the people. The fact is that the system is in constant change; that the method of selecting state delegations has changed markedly—and democratically—in recent years. The abolition this year by the Democratic party of the unit rule marks a profound change, assuring that the voice of the minority will be heard from the precinct to the national level. Already in the convention just past, state delegations that chose to disregard the will of the local party were challenged and ousted from their seats.

Today, as a result largely of the chaos in Chicago, Congress has a number of proposals of reform before it. They vary from Senate Majority Leader Mike Mansfield's insistance that the convention system should be scrapped in favor of a national primary and a single six-year term for the president, to Senator Gaylord Nelson's bill for a 30-man commission to study possible reforms of the convention system.

Of the two proposals, Nelson's is far and away the more reasonable. It takes full account of the need for reform, and it provides some insurance that no drastic change will be made on a passing wave of emotionalism. For while there is nothing sacrosanct about the present way the parties go about picking their candidates, Congress had better be certain that it has a sounder vessel at hand before abandoning the system that has kept this republic afloat for 136 years.

"THERE ARE MORE YOUNGSTERS HERE NOW": THE PAOLA SUCCESS STORY

Mr. PEARSON. Mr. President, the newest shop on the town square in Paola, Kans., is a children's clothing store. And the shopkeeper's comment on its opening—"We needed it; there are more youngsters here now"—is fitting testimony to the success of economic revitalization efforts in this rural town of 5,000 people.

Efforts to reverse the economic decline of this community date back 10 years, and the successes which have followed serve as a striking example of what can be accomplished through community cooperation, imagination, and dedication to prevent the blight of economic deterioration which threatens thousands of rural communities across the Nation today.

I think we have now reached the stage where we can all agree that the economic and social revitalization of our rural communities is a national goal of the greatest importance. Indeed, I suggest that the realization of this goal is an absolute necessity.

Each community has its own special problem and its own special opportunities, and therefore what works in one community may fail in another. But I have followed the Paola story for some time, and I believe that many of the ingredients of this success story can be applied to other rural communities.

Therefore, Mr. President, to call the Paola example to the attention of Senators and the public, I ask unanimous consent that the article entitled "Fresh Life for Your Farm Town," published in the September 1968 issue of the Farm Journal magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRESH LIFE FOR YOUR FARM TOWN

(By Jerry Carlson)

This country town is jumping.

You drive for miles across Kansas, through dying main streets whose empty windows stare hollowly back at you.

Then—surprise! You see Paola's town square ringed with gay pastel store fronts. Shoppers browse along the rose-colored sidewalks, which have permanent awnings to shade them. You hear a fountain splashing in the park square.

It looks like a suburban shopping mall, but it's a county seat town of 5000.

Mayor Rex Kiser runs a barber shop on the south side of the square. Why, I asked him and dozens of other people, is everything up to date in Paola while Kansas City is still 40 miles northeast? What inspired the downtown renewal, plus even more basic improvements: a new machinery dealership, veterinary clinic, nursing home, new churches, new Vo-ag building, additions to local industries and new rural water systems?

The answers are important to you wherever you farm. You rely more each year on town schools, farm-supply businesses, and markets for crops and livestock.

"Sure amazed me to see those businessmen spend $50,000 to remodel the square," says a stockman west of town. "A couple of those guys are so tight with money they pick up pop bottles along the road when they go to Kansas City."

One of the first things Paola city fathers tell you: They asked not a dime of Federal "urban renewal" funds.

"We're too proud," says a councilman. "And maybe too practical. We could finish up half the square for what the government plans and red tape would have cost. And we could move—get some action."

But typical of American community life, it took a crisis to start the march. A water shortage 10 years ago aroused group action, and citizens bought city bonds to build Lake Miola reservoir.

"Cost $1 million," Mayor Rex Kiser told me as we drove past the dam and boat docks. "Worth three times that much."

Community leaders, a bit surprised that teamwork had brought them a lake—and with some investment money sunk there—looked for other self-help projects to keep the town viable.

"By about 1960 we decided we'd have to modernize the town government before we could modernize the town," says Ed Kahill, county ASCS manager and community leader. The eight councilmen and mayor were simply bucking decisions back and forth as abandonment stalked Paola. Three grocery stores moved off the square; four farm machinery dealers and some other industries pulled out of town.

"If you could ever get enough councilmen to a meeting," one citizen told me, "they'd just haggle a while and say the hell with it."

So in 1962, after a century of mayor-council government, the people hired a professional city manager. In 1966, they cut the council from eight members to four.

The Chamber of Commerce also hired a full-time executive officer.

That set the pattern: Cooperation between town government and citizens. Mayor Kiser, newly elected in 1962, soon appointed 14 businessmen to an Advisory Council. They advised: "If merchants agree to remodel their store fronts and install walk covers, the city should install new sidewalks."

The city did, for $23,000. While at it, the city installed new water lines and street lights around the square, plus parking for 220 cars half a block away.

The city has twice sold tax-exempt industrial development bonds, relending the money to new or expanding industries.

Farmers led another drive, this one for city-quality water piped to a thousand rural families around Paola. Rural Water District No. 1 went up south and west of Paola for 200 families in 1965, and led the way for No. 2: the largest rural water district in Kansas, serving 211 square miles.

A dairyman east of town told me, "The water's great. Gets the milk inspector off my back about my water supply."

Local financing of $1.2 million poured in for District 2 from three local banks, including the Bank of Louisburg 14 miles away. Financing is the backbone of any town's growth, and banks can either nourish it with local investment or starve it by squirreling funds away in outside bonds.

The Citizen's Bank, billing itself as "the bank that is helping Paola to build," has a portfolio stuffed with about two dozen loans for major facilities—including three new churches or church additions, the Knecht Equipment Co.'s new $75,000 Allis-Chalmers dealership, and $65,000 veterinary clinic.

The Miami County Bank a block away competes for local investment, too. "We have a solid base countywide," says Miami County's Bill Brownlee. "Farming is a $20 million business, equaling retail trade." He's pushing for more farm loans; next year he hopes to provide farmers with a computerized record-keeping service.

But action always creates friction, and farmer E. R. McClain says, "We've got our share of wrangling."

Dairyman Fred Knoche believes, "Paola has the best school system in the county," but some of his neighbors gripe about the rising tax load. Although the school board built the Vo-Ag section of the new school first, countryside votes shot down a supplementary $600,000 bond issue to get the rest of the school constructed. "They let the architect go wild," accused another farmer about the proposed school.

A scrap arose when farmers wanted to buy water from Paola's reservoir for their rural pipelines. Paola insisted on selling it at city-user prices. So District 2, headed by Board Chairman Ralph Winkler, got its own source of water east of Paola, from the Wea Creek.

But these abrasive issues were buttered over during a four-day gala last June. Paola's "Parade of Progress" celebration.

Hundreds of farmers jammed the stores and town square for special bargains and a free barbecue. Townsmen filled buses for a tour of nearby farms. Native Kansan John A. Schnittker, Under Secretary of Agriculture, flew from Washington to dedicate FHA-insured Rural Water District No. 2.

Rounding out the week were recognition dinners, visiting dignitaries and a parade.

Here are a few tips that may help you renew your community.

1. *Start a crisis.* Which simply means to define a need that's urgent enough to crack through local apathy and arouse joint action.

2. *Identify the real power people,* those who hold money and influence. Many aren't elected officials, or even public figures. Confide with them in advance so they'll help you—or at least remain neutral to your proposals. Include known "aginners" on your planning board so they can blast off steam and feel better. Besides, their public opposition can make news and win you support.

3. *Plan something dramatic*—small projects excite nobody.

4. *Don't wait for full agreement,* just get the ball rolling. Paola's remodeling "caught on" and spread once others saw what a difference it made.

5. *Praise and recognize* people for accomplishments. "After our recognition banquet, some of those property owners were still wearing their name tags on the street the next day," said Mayor Kiser.

Today, young people are moving into Paola's new residential areas and the rolling hills nearby. The newest shop on the square sells children's clothes . . . "We needed it; there are more youngsters here now," says the shopkeeper. Several of the more than 40 large and small industries around town are planning expansions, opening new jobs for young people as well as for older farmers who're pulling part way or all the way out of farming.

This region of Kansas is where the *Wall Street Journal* sent its reporter Dennis Farley to write up the nation's "rural exodus." He visited the Chase County seat, Cottonwood Falls, and reported: "This town is dying."

Had he jogged 70 miles east, he could have found how Paola is jumping—across a century from the days when most of it was built, to tomorrow and beyond.

FBI DOCUMENTS RISING GUN CRIME RATE

Mr. TYDINGS. Mr. President, 2 weeks ago FBI Director Hoover released the annual FBI report on "Crime in the United States." In the statement accompanying the report, FBI Director Hoover underscored this country's rapidly rising gun crime rate. He reported that last year firearms were used to commit over 7,600 murders, 52,000 aggravated assaults, and 73,000 robberies. Of the 411 police killings since 1960, Mr. Hoover said, 96 percent—19 out of every 20—involved the use of firearms. One in five of these policemen was murdered by rifle or shotgun, which were also used in 24 percent of all murders last year.

According to Mr. Hoover, these grotesque crime totals represented a 47-percent increase in gun murder, a 76-percent increase in aggravated assault, and a 58-percent increase in armed robbery since 1964.

Mr. Hoover reported that last year guns were used in 63 percent of all murders, 21 percent of all aggravated assaults, and 63 percent of all armed robberies.

Mr. President, I believe these FBI figures are the most tragic and yet compelling testimony we can have for enacting strong gun laws in this country.

I ask that Director Hoover's complete statement accompanying the crime report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Attorney General Ramsey Clark today released the FBI's Uniform Crime Reports—1967, a detailed nationwide summary of police statistics made possible by the voluntary cooperation of local, county and state law enforcement agencies.

VOLUME AND TREND

According to FBI Director J. Edgar Hoover there were over 3.8 million serious crimes committed in the United States in 1967, a 16 percent increase over 1966. The number of violent crimes exceeded 494,500, a 16 percent rise over the previous year. Crimes against property totaled more than 3,307,700 offenses, up 17 percent over 1966.

According to the FBI's Uniform Crime Reports, in 1967 robbery increased 28 percent, murder 11 percent, aggravated assault 9 percent, and forcible rape 7 percent over 1966. Specifically, with respect to the property crimes, auto theft was up 18 percent, larceny $50 and over in value 17 percent, and burglary 16 percent.

Mr. Hoover pointed out that the trends in serious crime were consistent in all areas and geographic regions. Suburban communities continued to show a sharp upswing with a 16 percent rise in the volume of crime. The large cities were up 17 percent and the rural areas 12 percent. The North Central States recorded a 19 percent increase, the Northeastern States 17 percent, and the Western and Southern States each registered a serious crime increase of 15 percent over the previous year.

From 1960 to 1967 the volume of serious crime in the United States climbed 89 percent with the violent crimes up 73 percent and crimes against property up 91 percent.

CRIME AND POPULATION

According to the FBI Director, in 1967 there were 1,922 serious crimes per 100,000 population in the United States, a 15 percent increase in the crime rate over 1966. The violent crime rate in 1967 was 250 victims per 100,000 population, up 15 percent. The property crime rate was 1,672 victims, up 15 percent over 1966.

Since 1960, the serious crime rate, or the risk of becoming a victim of crime, has increased 71 percent. From 1960 to 1967 the volume of crime has risen 89 percent and our United States population 10 percent. Thus, crime continues to outstrip population growth almost 9 to 1.

The FBI Director observed that the sharply rising crime rates in the 1960's are most significant with respect to the rapid rise in violent crime over the last several years. He expressed greatest concern with the fact that arrests for the young age population have more than doubled their population group increase during this period. He noted that this was particularly true in connection with arrests for violent crimes in our large metropolitan population centers. Mr. Hoover called for greater social action to prevent and abort more careers in crime, greater effectiveness on the part of law enforcement agencies in creating crime deterrents, and improved rehabilitation programs by the courts and corrections.

In his statement appearing in the current issue of Uniform Crime Reports the FBI Director again stressed the importance of improving communications and information exchange among local state and Federal law enforcement agencies. Mr. Hoover noted an increasing number of statewide and metropolitan area information systems under development which are contributing greatly to this objective. He pointed to the FBI's National Crime Information Center, a computerized nationwide index of law enforcement information, as the nucleus of these new systems which will greatly improve the efficiency and effectiveness of law enforcement. In building statewide systems the FBI Director reiterated his long-standing position that the states need to develop uniform systems of crime statistics in order to better plan for and evaluate crime control programs and the criminal justice systems.

Some of the significant facts from the FBI's Uniform Crime Reports—1967 are set forth on the following pages.

PROPERTY CRIME COSTS

Over 202,000 robberies in the United States in 1967 with an average loss of $261 per robbery. Total dollar loss approximated $53 million.

Over 1,600,000 burglaries in 1967 with average loss per burglary $273. Total dollar loss exceeds $438 million.

Almost 3,080,000 thefts reported to the police with an average loss of $95 Total loss exceeded $292 million.

There were 654,900 auto thefts in 1967 with 86 percent recovered through police action. Total dollar loss of $93 million, not including frequent damage to and stripping of recovered vehicles.

From 1960 to 1967 the volume of street robbery has increased 86 percent, residence robbery 64 percent, and bank robbery 248 percent.

Since 1960 burglary of residence during daylight hours climbed 187 percent and nighttime burglary of residence 64 percent.

From 1960 to 1967 the number of pursesnatchings rose 145 percent, shoplifting 112 percent, and thefts of personal property from automobiles 71 percent.

CRIMES SOLVED

Nationwide, law enforcement agencies solved slightly more than 1 out of 5 serious crimes in 1967.

Police solutions decreased 8 percent in 1967 when compared to 1966. This drop in clearances appeared in all crime classifications and in all geographic areas.

Police solved 88 percent of the murder offenses, 69 percent of the aggravated assaults, and 61 percent of the crimes of forcible rape.

PERSONS ARRESTED

Excluding traffic offenses, there were 37 criminal arrests for each 1,000 persons in the United States in 1967.

Arrests for all criminal acts increased 4 percent, 1967 over 1966. Adult arrests increased 2 percent and arrests for persons under 18 years of age increased 11 percent.

From 1960 to 1967 arrests for the Crime Index or serious crimes have increased 45 percent. Since 1960 arrests for serious crimes of persons under 18 years of age have increased 59 percent while the population of the 10–17 year age group increased 22 percent.

In 1967 male arrests for all criminal acts outnumbered female arrests 7 to 1. However, females arrests increased 7 percent while male arrests were up 4 percent, 1967 over 1966.

Arrests for Narcotic Drug Law violations were up 60 percent nationally, 1967 over 1966, and 165 percent over 1960.

CAREERS IN CRIME

Over 75 percent of the serious offenders arrested in 1966–1967 had a prior arrest. The average criminal career for the serious repeaters averaged 10 years during which they averaged 6 arrests, 3 convictions, and 2 imprisonments.

Profiles reveal that 70 percent of the burglars, 72 percent of the auto thieves, and 64 percent of the robbers had been arrested in two or more states during criminal careers ranging from 7 to 9 years.

A follow-up of 17,876 offenders released to the streets in 1963 revealed that 60 percent had been rearrested on a new charge by the end of 1967.

Of those released on parole, 59 percent repeated, mandatory release 72 percent repeated, and of those acquitted or dismissed 91 percent were rearrested on a new charge within 4 years.

By age group, 70 percent of those under 20 years of age repeated in 4 years, and 67 percent of those 20–24 years of age.

Of those charged in 1963 with burglary, 76 percent repeated, with auto theft 78 percent repeated, and robbery 58 percent repeated within 4 years.

POLICE EMPLOYEE DATA

In 1967 there were 2 police employees per 1,000 population in the United States, unchanged from 1966.

There were 76 law enforcement officers killed as the result of criminal action in 1967, substantially above the national average of 48 from 1960 to 1966.

In 1967 almost 14 of every 100 police officers were assaulted in the line of duty, an increase of 11 percent over 1966.

From 1960 through 1967, 411 law enforcement officers have been murdered in the line of duty. Of the 539 offenders involved in these police killings, 77 percent had been previously arrested, and 67 percent had been previously convicted. Of those offenders with a prior arrest, 54 percent had been previously charged with a violent crime, and 13 offenders had earlier been involved in a murder.

Two-thirds of these police killers previously convicted had been granted leniency in the form of parole or probation, and 3 out of 10 were actively on parole or probation when they killed a police officer.

USE OF FIREARMS

Firearms were used to commit over 7,600 murders, 52,000 aggravated assaults, and 73,000 robberies in 1967.

Since 1964, use of a firearm in murder up 47 percent, in aggravated assault up 76 percent. Armed robbery during the same period up 58 percent.

In 1967 a firearm was used in 63 percent of the murders, 21 percent of the aggravated assaults, and over 63 percent of the armed robberies.

Firearms used in murder were 76 percent handguns, 14 percent shotguns, and 10 percent rifles. Of the 411 police killings since 1960, 96 percent involved the use of firearms, specifically, 304 handguns, 52 shotguns, and 38 rifles.

From 1962 through 1967 firearms were used in 39 percent of the murders in the Northeastern States, 56 percent in the Western States, 60 percent in the North Central States, and over 66 percent of the willful killings in the Southern States.

PACIFICATION OF SOUTH VIETNAM'S COUNTRYSIDE

Mr. McGEE. Mr. President, the effort to pacify the South Vietnamese countryside, after many false starts and much lip service by the leaders of the Government of South Vietnam, is moving ahead under a new system of priorities that puts first things first.

The big question today is whether or not the South Vietnamese have the time—or will be given the time—to make the marked progress which seems possible today. As reporter Peter Braestrup noted in Sunday's Washington Post, war weariness in Vietnam and impatience in the United States threaten the program today. The comment by Braestrup should serve to remind us, again, that America must not weaken its resolve because of impatience. The South Vietnamese have demonstrated that they can succeed in the long, hard struggle to pacify their countryside.

In a related Sunday story, the Post, in a report by Lee Lescaze, tells us the success achieved in Batri district of Kienhoa Province, where pacification has gone forward under top priority. Across the entire country, the massive effort put forth in Biatri could not be duplicated, perhaps, but the district serves as a guideline of what can be done when security is achieved. Toward that goal, U.S. effort has been aimed at upgrading the regional and provincial popular forces. It cannot be done overnight, but the promise is great, largely because of

the commitment to pacification made by President Thieu.

Mr. President, I ask unanimous consent that the pacification reports by Peter Braestrup and Lee Lescaze, published in the Sunday Washington Post, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 8, 1968]

THIEU FINALLY PUTS PACIFICATION FIRST

(By Peter Braestrup)

"When the fighting stops, we will have to carry on a crucial political struggle against the enemy. If this struggle is successful, a temporary peace may become permanent and the overall problem of Vietnam may be solved."—President Nguyen Van Thieu.

SAIGON.—After years of lip service, conflicting U.S. advice and official euphoria, the Saigon leadership is finally facing up to the necessity of winning the countryside and thus surviving the war's end.

At this late date, President Thieu, Premier Tran Van Huong and their associates have little choice. After the shock of Tet, they face the certainty that the U.S. commitment will not increase. They face the imponderables of the U.S. election, the Paris talks and the war itself.

They also know that they cannot ignore the war-racked countryside, where at least 60 per cent of Vietnam's people live, less than half of them under government control. "The cities can prosper only when the countryside is secure," says Premier Huong.

It is in the rural areas, notably in the Delta and Central Highlands, that the National Liberation Front, while continuing to preach "military victory," has begun to prepare for Thieu's "political struggle." The Vietcong have stepped up terrorism, set up overt village "people's committees" and boosted their "Alliance of National Democratic Peace Forces" to attract neutralists and leftists.

THE NEW PRIORITIES

President Thieu has no discernible illusions about "winning the hearts and minds" of semiliterate rice farmers and slogan-weary villagers with new ideology and rhetoric. Nor does the head of the 5300-man U.S. pacification advisory network (CORDS), Robert W. Komer. Those days are over. The urgings and complaints of a handful of old Vietnam hands once viewed as cranks or worse have become official policy, if not grassroots practice.

"It is time," Komer told his senior advisers last month, "to put first things first."

Thieu is spreading the gospel to province chiefs and military commanders on weekly tours of the hinterland. Komer, as Gen. Creighton Abram's deputy, has done the same with the U.S. advisers.

The new priorities are these: stepped up territorial security; rooting out the Vietcong political underground; purging corrupt and incompetent officials; arming the people; reviving village government and the rural economy; bettering the lot of refugees and Vietcong defectors to the government cause.

The effort will probably be concentrated in 100 key districts (counties) where 76 per cent of the people live, clustered around the main roads, the cities and the best riceland. Some of these areas are secure; most are not sufficiently secure.

There are plenty of administrative hurdles. Nothing is simple in Vietnam. The GVN (Government of Vietnam) has no single chain of command for pacification. Officials of 15 ministries, 44 provinces, 252 districts and 2500 villages are involved in the effort, which not all regard as highly important.

French-style red tape and archaic pay and promotion systems frustrate the competent. Communications are erratic.

OVERALL IMPROVEMENT

But the pacification planning has not occurred in a vacuum. Overall, as most Allied officials see it, the general situation has begun to tilt in the Allies' favor.

"This isn't because we have arrived at any magic solutions to the old problems—corruption, inefficiency, lack of local security," observed one old Vietnam hand long known as a critic of Establishment euphoria. "We have made all the mistakes in the book."

But as he and other old hands see it, there have been compensating factors:

For the first time since the 1963 ouster of President Ngo Dinh Diem, a Saigon government shows signs of stability, respectability and sustained, if crablike, moves toward reform. Cautious, suspicious, shy in public, President Thieu is no charismatic Magsaysay. He is criticized for appointing too many Diemists to top jobs and for bypassing or curbing his popular reformist Prime Minister, 65-year-old Tran Van Huong. But Thieu's ascendancy over Vice President Nguyen Cao Ky has, for the moment, dampened internal feuding. Better men—the key to any progress in Vietnam—are being slowly appointed to top jobs.

Outside the Delta, Hanoi has brought in so many North Vietnamese regulars, partly to fill decimated Vietcong ranks, that the "big war" has changed character since Tet. It has become "semiconventional" and therefore somewhat easier for green American troops and American-trained ARVN (Army of the Republic of Vietnam) battalions to fight. The NVA (North Vietnamese Army) troops, strangers all, occasionally get lost, mixed up and surrounded as their South Vietnamese comrades never did. The few mass surrenders in Vietnam have not been Vietcong but NVA.

Since Tet, the enemy's offensive tactics have occasionally verged on the suicidal. Since his renewal of sporadic, scattered attacks Aug. 18, he has often tried to fight the Allies on their terms. For example, at Tayninh (Aug. 18–19), he sent most of his NVA assault force against "hard" targets, the dug-in fire bases of the U.S. 25th Division. Only two battalions, went after the city itself, and didn't stay long.

By all preliminary indications, Hanoi has failed to disrupt pacification except briefly in the few localities where sustained fighting occurred in August. South of Danang, near Locninh and around Duclap, security has deteriorated, but these districts were "hot" before Aug. 18. There is quiet confidence in the field and in Saigon that, with the possible exception of I Corps, where 40 per cent of enemy forces are concentrated, ARVN and U.S. troops can chew up any massive "third wave" offensive without Tet-style damage to the cities or to the rural pacification effort.

NO THIRD OUT

By U.S. estimates, the enemy is no stronger (and no weaker) than he was when he broke the Jan. 31 Tet truce with a nationwide surprise attack. The ARVN forces are better equipped and numerically stronger by 25 per cent. The U.S. has roughly 10 per cent more combat manpower. And, most important, Allied forces are now deployed to protect populated areas.

"We won't strike out a third time," Gen. Abrams has told his staff. Tet and the May attacks were enough.

The Tet offensive—aimed at the cities—seriously disrupted but did not "kill" rural pacification. "People in the United States claimed that 'pacification' was dead," observed one veteran of the business. "Hell, it hadn't even come alive, so how could it be dead?"

What the Tet offensive did do was scare the ARVN into withdrawing the military screen from the countryside into the cities and towns. Deprived of security, the rest of the thin government "presence"—civil servants, Revolutionary Development teams, police—also withdrew into the district and provincial capitals. These towns became barbed wire islands of security, often reachable only by air.

Not until late March, and under heavy prodding by Gen. William C. Westmoreland, did the ARVN begin venturing forth into the vacuum in the countryside. Even now, fewer than 20,000 of the 70,000 police are deployed at district level or below. The "defensive-mindedness" of GVN officials persists despite Thieu's exhortations.

The Tet offensive produced one million "displaced" persons, destroyed 171,000 homes and damaged or destroyed scores of hospitals, clinics, schools and other public buildings. Instead of being used for new pacification projects, GVN and U.S. cement, tin roofing and manpower went into reconstruction and urban recovery. This task—compounded by the destructive May 5–12 attacks on Saigon—is nearing completion.

But the effect on U.S.-aided public works projects is evident. For example, of 98 small rural bridges planned for 1968, only two have been built. Of 212 kilometers of new rural road planned, only four kilometers have been completed. The number of hamlet "self-help" projects—wells, privies, dispensaries, etc.—was cut from 25,000 to 16,000, and it is doubtful whether even this reduced goal can be achieved.

OLD IDEAS SCRAPPED

But this cutback in conventional "nation-building" projects causes relatively little concern these days in Saigon. The Tet offensive and its sequels also blew away a number of long-standing often contradictory U.S. "one-solution" concepts that had survived the May, 1967, merger of civilian and military pacification efforts.

The paternalistic U.S. aid notion that the "hearts and minds" of peasantry could be won by wells, irrigation projects and classrooms has finally been stamped out. The idea, originally fostered by the CIA in 1965, that black pajama-clad 59-man Revolutionary Development (RD) teams could spur "reform from below" and swing Vietnam's hamlets to the Saigon government has been drastically modified.

The State Department concept that elections or radical land reform would create spontaneous popular resistance to the Vietcong has died. So has optimism over prospects for rapid progress.

A weekly average of 100 civilians are slain, 200 wounded and 180 abducted by the Vietcong. Rarely do these "incidents" (5500 since Jan. 1) get into the Saigon newspapers, but the effects are painfully clear.

Six months after Tet, 60 per cent of RD teams in III Corps do not sleep in the hamlets they are supposed to pacify, although few of those hamlets are in officially "insecure" areas. Farm-to-market roads in the Delta area are dangerous. A bridge blown on Highway 4, the main Delta-Saigon route, boosts food prices in the capital.

And six months after Tet, in one-third of the hamlets rated "relatively secure," the local officials do not dare spend the night. Half of the village and hamlet committees elected last year simply do not function (although insecurity is only one major reason).

A large percentage of the rural population lives in "contested areas" where the government shows up by day and the Vietcong shows up, intermittently, by night. It is in such unhappy areas that Komer and Co. want to build up local security to make the government presence permanent.

Last year, before Tet and general mobilization, the ARVN was persuaded to assign 51 of its 150-odd regular battalions to "direct support of Revolutionary Development," i.e., protecting weakly armed RD teams in rural areas. After Tet, this number dropped to 31, and those 450-man battalions that remained were largely concentrated around district towns.

Now, under the new Pentagon theme that

the ARVN is supposed to take over the "big war" from the Americans, the ARVN's role in pacification and territorial security is not expected to grow. Its commanders, with some exceptions, were loath to do much in support of RD anyway, especially at night.

Since Tet, the long-neglected full-time militia has gotten high-level attention. These are the 130-man Regional Forces (RF) companies which operate under the province chief and the 35-man Popular Forces (PF) platoons which shield hamlets for the district chief.

General mobilization has swelled their ranks. The better RF companies have received new M-16 rifles, the PF getting automatic M-2 carbines, and, very slowly, M-79 grenade launchers with which to confront the modern Soviet-model Vietcong weaponry.

A COURTSHIP, ANYWAY

The U.S. Army has yet to copy the successful Marine practice in I Corps of "marrying" some 75 14-man Marine squads with as many PF platoons to provide better security for hamlets and Highway 1 bridges. But the Army, beginning in III Corps, has invested scarce combat manpower in specially trained five-man "Mobile Advisory Teams" (217 MATs are planned by year's end) which live with RF and PF units to upgrade outposts, train the militiamen and "take the night away from the Vietcong."

Moreover, special U.S. logistics teams have been set up to help RF-PF units (orphans of the ARVN supply system) get resupplied and paid on time. To keep tabs on the RF-PF, Komer has asked his district advisers to provide monthly data for a territory forces evaluation system. There is a 14-point RF-PF improvement plan.

In short, the full weight of the U.S. advisory logistic system has been brought to bear on "upgrading the Ruff-Puff." But, as Komer noted, "correcting RF-PF deficiencies is a long, slow process."

On the material side, MATs teams run short of jeeps. Most PF platoons still do not have one operational radio (in Khanhhoa Province, they are afraid to turn them in for repair, fearing they won't get them back). And, possibly because the MAT effort has just gotten started, the RF-PF have not begun to act aggressively.

A TINY DIVIDEND

In suburban Giadinh Province (population one million), which surrounds Saigon and is contested by the Vietcong, the United States has given every PF and RF soldier an M-16 and 17 MAT teams have been deployed. Yet Gen. Abrams discovered last month that out of 1600 "night ambushes" and "patrols" in Giadinh over one weekend, only two made contact with the foe.

"What this means is that the RF and PF are going where they know they won't run into VC," said a U.S. colonel. "Most often, they just go out 100 yards from the outpost, put one man on sentry duty and go to sleep. No one ever comes around to check."

"There is no way to counter the situation except for the GVN to issue definitive directives ordering night-time occupancy of hamlets by military and paramilitary units and regular night patrols," said an exasperated U.S. adviser at Bienhoa. Such directives are yet to come.

Here, the problem is leadership and the slow ARVN promotion system. U.S. advisers in the Delta would like to see province chiefs get authority to spot-promote good RF noncoms and bust bad ones. Others want the ARVN to give the territorial forces a bigger share of the more promising graduates of Thu Duc Officers School.

Prolonged cooperative ventures with American troops help. In several districts of Thuathien Province around Hue, six months of combined operations with the U.S. 101st Airborne Division have "turned PF lambs into tigers," as one U.S. adviser put it.

Lastly, one-third of South Vietnam's hamlets still don't have PF or RF protection because local authorities insist on keeping the militia close to towns. So the night still belongs to the Vietcong and "relative security" is not enough.

AN OVERLOADED GROUP

With the new hard-nosed post-Tet emphasis on the "first things first," the once-fashionable "Revolutionary Development" idea has undergone a cold reappraisal. Created in early 1966 as the spearheads for expansion of government control in rural districts, the 59-man, black-pajamaed RD teams have proved a mixed asset.

The idea was that they would go into a hamlet, stay for six months helping and organizing the people, then move on, leaving behind a viable, self-defended community. The Ministry of Revolutionary Development wound up doing the work of the other ministries almost everywhere outside the district towns.

The Ministry saw its teams misused and ill-supported by other GVN officials. The teams found themselves out alone in hamlets, exposed to Vietcong attack with little support from ARVN.

Changes are in the works. Deputy RD Minister Hoang Van Lac says that "quality instead of quantity" will be the word from now on. RD teams will be concentrated in villages (in Vietnam, five or six hamlets constitute a village) and stay there indefinitely.

A SECRET GOVERNMENT

Even as top-level attention has belatedly been given to defending the hamlet from Vietcong outsiders, so new effort has been put into uprooting the enemy within. This is the "VCI," or "Vietcong Infrastructure," as it is labeled by U.S. specialists.

It is the backbone of the National Liberation Front; the Communist "People's Revolutionary Party" forms its elite. It is a ubiquitous, secret hierarchy, born before the 1946–54 Indochina war, which parallels the GVN administration from province down through district to village and hamlet.

Its local groups vary greatly in zeal, strength and competence. They are weakest in the cities and towns, but in patches of rural central and Delta Vietnam, the Vietminh-Vietcong have exercised effective control for a decade.

Estimates of VCI numbers vary—from 80,000 to 125,000, depending on the educated guess. They include political cadres, tax collectors, propagandists, recruiters, terrorists, guides, spies, food gatherers and messengers. They are 20-year Vietminh veterans and 16-year-old youths, aging shopkeepers and school girls.

Without them, the Vietcong guerrillas could not survive and the war could not continue. And, as Saigon politicians are well aware, they form the only cohesive political organization in South Vietnam. In the event of a cease-fire, the VCI would form a natural base for future political struggle.

The recent interrogation of a defecting VC district cadreman in Phuoctuy Province disclosed that all members of a "showplace" village council, elected last fall as the climax of a pacification drive, were Vietcong.

At present, if Allied police and other security forces were withdrawn, an estimated 58 per cent of the population in "relatively secure" hamlets would be exposed to Vietcong resurgence because of the continued, if temporarily passive, presence of the VCI.

FBI-STYLE OPERATION

With prodding from Thieu and Interior Minister Tran Van Khiem, "Operation Phoenix"—the attack against the VCI—has begun to get organized for the first time. U.S. funds have financed the building of DIOCCs (District Intelligence Operations Coordinating Centers) in almost 200 of Vietnam's 252 districts, most of them with U.S. advisers.

In the best of these centers, the painstaking labor of identifying, tracking and catching the key Vietcong underground cadres has become a joint military-police process with "Ten Most Wanted" lists and FBI-style casework.

Komer sees improvements 6078 VCI killed, captured or defected in 1968's first six months. Many are bagged by the special CIA-run "Provincial Reconnaissance Units" (PRUs). Some are big fish, like Sang, the 41-year-old VC district chief of Phouong, north of Saigon. Most are small fry.

Many local GVN officials still hesitate to go after their Vietcong "counterparts," however. Cultural and social mores, said one U.S. field report in July, "seem to prohibit them from attacking individuals. Corruption and fear of reprisal are other reasons . . . If U.S. advisers were withdrawn, the Phoenix program would collapse."

Are the great mass of Vietnamese in "secure" territory still uncommitted or secretly sympathetic to the NLF? Rightly or wrongly, most GVN and U.S. officials think that the Communist failure to spur a "popular uprising" at Tet demonstrated the fading of the Vietcong's appeal since the Diem days.

THE PEOPLE ARMED

Thousands of ordinary Vietnamese in government-controlled areas—mostly district and provincial towns—have made a rather clear anti-Vietcong commitment since Tet. They have taken gun in hand to help shield their neighborhoods against CV incursions.

After weeks of debate, President Thieu last month decided to arm the people en masse. The demand for weapons has outrun the immediate supply.

Started by RD teams in a few hamlets before Tet, launched haphazardly in the cities after Tet, the loosely organized "People's Self-Defense Groups" (SDGs) now embrace 421,000 men and women. Thirty-nine thousand carbines and rifles have been issued and more are on the way. In rural areas, the cohesive Catholic Cao Dai and Hoa Hao communities have followed the townsfolk's example.

The home guard movement is not without risks and headaches. But Americans in particular view it as a political asset and, properly run, a valuable adjunct to local security.

Everywhere, protection against reprisal and destruction mean much. Keeping the roads open, stimulating the use of high-yield IR-8 rice seed (40,000 hectares planted this year), providing proper price incentives to Delta rice farmers and post-Tet industrial recovery—these are the Huong cabinet's chief economic concerns in pacification.

Spurred by Sen. Edward Kennedy's charges last fall of waste, corruption and neglect, the GVN's lagging program of aid to 1.1 million rural refugees has gotten more top-level attention.

Fifteen provincial refugee chiefs have been fired. A new CORDS adviser, John F. Thomas, with experience in Miami (Cubans) and postwar Germany, has worked hard to reshape the effort toward getting villagers out of shanty camps and into self-supporting communities.

Yet as long as the war goes on, there seems no end to the "refugee problem." In rural areas since Jan. 1, exclusive of the Tet and May "evacuees," more than 300,000 additional Vietnamese have become refugees.

As visiting author-theoretician Herman Kahn ("Can We Win in Vietnam?") has perceived, the Saigon government has showed that it can produce results when it undertakes a task that is (a) given top priority, (b) easily understood by all (c) and "checkable" by higher authority.

"General mobilization" has blindly scooped up scarce civilian cadres (14 of 16 public works directors in the Delta), temporarily hamstrung segments of the urban economy and decimated U.S. AID's chaffeur brigade, but 800,000 men are in uniform four months ahead of schedule. The post-Tet recovery program, a massive three billion piastre relief and reconstruction job, was tinged by scandal and marred by delays, but the cabinet ministries cooperated to get the job done.

The question ahead for Thieu and Huong is whether they can get similar results in the sustained, localized, bits and pieces business of pacification.

Thieu is trying to clean house in the administration—and solidify his own power base—but it has taken a long time to get to "first things first." The rural security situation is critical. War-weariness in Vietnam and, more markedly, impatience in the United States, are widespread. It will take three to six months—at best—before the new priorities in pacification can show tangible results.

Will Ho Chi Minh and the next President of the United States give Thieu that much time?

[From the Washington Post, Sept. 8, 1968]

SHOWCASE OF PACIFICATION: BATRI "IS WHAT VIETNAM MIGHT ALL BE LIKE IF THE SHOOTING STOPPED"

(By Lee Lescaze)

BATRI, SOUTH VIETNAM.—Batri is a model of successful pacification, a showcase district.

All Batri's roads can be driven safely day or night. None of the roads in the 300-square-kilometer district has been mined this year. (In the first four months of 1967, when the high-priority pacification effort here began, roads were mined 25 times.)

Nothing happened in Batri at Tet and the Vietcong presence is so weak that, unlike Saigon and all South Vietnam's major cities, neither Batri district town nor any hamlet has a curfew.

But the Batri model is not going to be followed in others of South Vietnam's 252 districts. The cost, particularly in manpower, is too great and there is not enough time to make this large an effort in such small areas.

Success was achieved here by making Batri one of the highest priority districts in Vietnam. In early 1967, the Minister for Revolutionary Development at the time, Maj. Gen. Nguyen Duc Thang, decided to mount a major program to pacify this rich coastal district, which outside of the district capital was then largely controlled by Vietcong.

With Thang and other Saigon officials keeping close watch, enormous material resources were made available to Batri. More important, more than 3000 troops were committed against an indigenous Vietcong force that probably never exceeded 500 men.

Batri's terrain also helped pacification succeed. Unlike the rest of Kienhoa province, Batri is mostly open rice fields, salt flats and vegetable patches. Only at the edge of the South China Sea is there enough overhead cover to allow Vietcong to mass without being detected.

Batri is an early example of what has become official doctrine among American and Vietnamese officials: the emphasis on security as the prerequisite for pacification.

"THIS YEAR, THEY BELIEVE"

Two battalions of the Seventh Division of the Army of the Republic of Vietnam (ARVN) were sent into the district at the beginning of 1967. The battalions are still here. In addition, Batri has five Regional Force companies assigned to its defense and 37 platoons of Popular Forces; seven more platoons will arrive in the next few months.

There is one South Vietnamese soldier for every 26 people in Batri. Estimates of remaining Vietcong strength range from less than 100 to 200. Following an attack in February in which Vietcong were badly mauled, the enemy has made virtually no effort to disrupt pacification this year.

Before pacification began in 1966 and moved into high gear in 1967, the government of Vietnam (GVN) controlled three of Batri's 16 villages in a rough circle four miles in diameter, centered on the district capital. About 18,000 of Batri's 78,000 people were controlled by the GVN.

Now, 18 of 96 hamlets are rated contested or Vietcong controlled, but the enemy is so weak that unarmed Americans and Vietnamese officials drive through even these areas.

Lt. Col. Tran Thanh Nhien, commander of the pacification campaign, remembers the initial suspicions the residents had when his two battalions came to Batri.

"They thought we would stay more than a few months," Nhien says. "They didn't trust us. But this year, they believe we really intend to protect them."

The district chief, Maj. Le Van Thanh, says that pacification is now ahead of schedule and will probably be finished in December. With American technical assistance, he is making plans for prompt replacement of a blown-out bridge leading to a village scheduled for 1969 pacification, because the villagers complained at having to wait until next year for Revolutionary Development teams and GVN officials to move into their area.

"When the people don't want to wait, and come to you, you really know you're winning," an American commented.

BLACK PAJAMAS FADE

Another example of the people's confidence in Batri's security is Tanxuan village, which was a 1967 pacification area and once had been a Vietcong area. Almost 100 families have moved back from Bentre, the provincial capital, Saigon and other cities where they took refuge between 1963 and 1966 when the Vietcong controlled Tanxuan.

The population of villages and hamlets under GVN control is rising, Vietamese officials say, while people are moving out of the few hamlets on the edges of Batri district where enemy influence is felt.

No assassinations, no bombings of buildings, no terrorism mar the quiet prosperity of Batri. The war has almost ended here. "This is what Vietnam might all be like if the shooting stopped," an American said as he drove a visitor over Batri's bumpy dirt roads to look at new brick school buildings, maternity clinics and bridges.

In 1967, the GVN recruited three Regional Force companies and 14 Popular Force platoons and drafted some soldiers from the Seventh Division here. "If we had done nothing in 1967, all that manpower—about 800 men—would have gone to the Vietcong," Col. Nhien said.

Col. Nhien and Maj. Thanh like to cite women's dress as another indicator of the success of pacification. "When I came to Batri," Thanh said, "All the women and girls wore black pajamas. No one wanted to look wealthy or call attention to herself. Now look at the pretty colors they wear."

YEAR 1969 IS TARGET

In the other districts of Kienhoa province, the war is still hot. In some, pacification has hardly begun. Vietcong recently threw satchel charges into movie theaters in the province capital and often mortar the city.

At Tet, Vietcong came close to overrunning all of Bentre and Mocay, the district capital just south of Bentre.

There is a firefight almost every day on the outskirts of Mocay district capital and all the district's hamlets are considered Vietcong controlled except those that make up the district town.

This situation has created some envy of Batri's ability to command troops and supplies. "I actually heard a Batri request for a jeep turned down," an American said in mock amazement at an instance of denying supplies to the favored district.

Officials in Batri hope to end pacification as a crash program in the first half of 1969. By then, they believe, all of the hamlets will have been pacified and Batri will no longer need as many troops and supplies.

At least one and probably both of the ARVN battalions will be moved elsewhere in Kienhoa—most likely to Giongtrom district, which borders Batri on the west.

By making a major 1969 pacification effort in Giongtrom, official hope to extend the success of Batri westward and at the same time keep open and improve Route 26, the highway linking Batri and the province capital.

Batri will retain its present Regional and Popular Force strength but will probably send four of its 11 Revolutionary Development cadre teams to Giongtrom.

FEAR OF VIETCONG RETURN

Some of Batri's residents are apprehensive that the Vietcong may try to reassert themselves here after the ARVN battalions pull out. The danger exists, but Allied officials do not feel it is inordinate and hope that quick reaction by the ARVN to any such move will keep Vietcong out.

"We've got to hold what we've won and that is the job of the local forces plus the intelligence system," an American observed.

The Vietcong infrastructure in Batri has been suppressed by the government effort, but no one believes that all of the enemy tax collectors, local administrators and cadres have been wiped out. Some have been forced to move to neighboring districts; others are perhaps in place but inactive because of the government's strength.

"Each time a Vietcong agent comes out in the open and tries to collect taxes or recruit men, we've got to step on him fast. The intelligence has to be good to make Batri a lasting success," a U.S. official said. In the last two months, one tax collector was killed, one cadre was captured and the only other one who surfaced managed to escape.

Thus, if everything goes according to schedule, Batri will be a completed pacification project in 1969. The process will have taken more than 36 months and will have tied down two of the 36 ARVN battalions that operate in the 16-province Mekong Delta IV Corps area. Seventy-eight thousand hearts and minds will have been won. There are 17 million people in South Vietnam, 64 per cent of them living in government-controlled areas, according to American statistics.

A FASTER METHOD?

Batri has been almost entirely a Vietnamese project. The usual U.S. advisory team is in place in the district capital, including two civilians and four military men. Two American military training teams are working with the Regional Force companies and the United States has provided directly or indirectly, much of the roughly $700,000 earmarked for Batri in 1967 and 1968.

The GVN and the Americans know they don't have the time to work at the Batri pace, with such a large troop commitment, on a countrywide basis. At best, with present Allied troop and material commitments, such a pace would bring pacification to all populated areas of South Vietnam in ten years.

Officials are looking for a faster method. The latest answer is improvement of Regional and Popular Forces plus People's Self-Defense Groups. In Batri, Self-Defense Groups have not yet begun to function.

Two ARVN battalions will not be tied down to future priority projects for so long. Local forces will have to provide more of the security.

Batri is an example of success following from a major effort to establish security. It is also an example of a magnitude of effort that will never be repeated in such a small area.

THE PENDING SUPREME COURT NOMINATIONS

Mr. GRIFFIN. Mr. President, since the last meeting of the Committee on the Judiciary, matters have come to light concerning pending Supreme Court nominations which should be explored and carefully considered by the committee. Among such matters are the following:

A report carried by UPI and published in Sunday, September 8, 1968, newspapers, reads in part:

> The controversy over Abe Fortas' nomination . . . heightened yesterday with a charge being prepared for Senate debate that Fortas helped draft legislation while serving on the Supreme Court. * * *
>
> (Senator Gordon) Allott contends that as associate justice, Fortas took part in the drafting of an amendment to an appropriations bill providing Secret Service protection for all presidential candidates. * * *
>
> The White House did not deny the allegation . . . Fortas could not be reached for comment.

Mr. President, I ask unanimous consent that the full text of the UPI story be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **GRIFFIN**. Mr. President, in addition, the committee's attention should focus on an article by Daniel Yergin which has appeared in the New York magazine, July 22, 1968, and reads in part as follows:

> Nonetheless, (President) Johnson called him (Richard Goodwin) back to the White House to help prepare the State of the Union message in 1966. He was up two days straight working on it, and then a doctor came in and gave him an injection, as though he were a machine, so he could stay up even longer.
>
> *Then Johnson handed the speech over to Abe Fortas* and Clark Clifford, the old New Dealers and Fair Dealers, *who began chopping it up*. Goodwin retired to his hotel room exhausted.

Mr. President, I ask unanimous consent that the full text of the article above referred to be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. **GRIFFIN**. Mr. President, the reports of these incidents contrast sharply with a statement made by Mr. Fortas before the committee when, after acknowledging participation in White House deliberations concerning Vietnam and the Detroit riots, he testified:

> I guess I have made full disclosure now. (P. 106 of the hearings.)

The incidents reported are completely consistent, however, with appraisals generally made in the press concerning a relationship between President Johnson and Mr. Fortas which continued after the latter was elevated to the Supreme Court. For example:

> Fortas has been one of the President's closest advisers, *in a wide range of government matters*, even while serving as an associate justice. (UPI, June 27, 1968.)

Members of the Senate are appropriately concerned about charges that the doctrine of separation of powers has been disregarded by Justice Fortas. Senators are depending upon the committee to make such investigations as may be required and to take such testimony as will enable them to reach proper conclusions.

It appears that the committee could determine the accuracy of the reports noted above by taking testimony from Mr. Richard Goodwin, Defense Secretary Clifford, staff members of the Appropriations Committee and others.

Particularly in view of the fact that the statement to the committee by Mr. Fortas was qualified—"I guess I have made full disclosure now"—and in light of the subsequent disclosure concerning his call to the Business Council, I have today directed a communication to the chairman and members of the Committee on the Judiciary urging the committee to proceed with a thorough investigation of these fresh reports with a view toward determining the full extent of Mr. Fortas' involvement in the operations of the executive branch while sitting as a Justice of the Supreme Court.

EXHIBIT 1

[From the Washington (D.C.) Star, Sept. 8, 1968]

FORTAS FACES CHARGE OF AID IN DRAFTING BILL AS JUSTICE

The controversy over Abe Fortas' nomination to be chief justice of the United States heightened yesterday with a charge being prepared for Senate debate that Fortas helped draft legislation for President Johnson while serving on the Supreme Court.

Sen. Gordon Allott, R-Colo., plans to make the accusation to support his opposition to opposition to confirmation of Fortas on the ground that the constitutional separation of executive, judicial and legislative powers, had been breached.

Allott contends that as associate justice, Fortas took part in the drafting of an amendment to an appropriations bill providing Secret Service protection for all presidential candidates. Congress approved the measure June 6, the day after Sen. Robert F. Kennedy was assassinated in Los Angeles.

NO WHITE HOUSE DENIAL

The White House did not deny the allegation. Press Secretary George Christian said, "This is the first I have heard about it. I don't know anything about it."

Fortas could not be reached for comment. A close friend and adviser to Johnson, Fortas has acknowledged taking part in White House policy meetings but denies he was ever consulted on any matter that might come before the Supreme Court.

An Allott aide said the senator made the charge recently in Denver and would elaborate in a speech before the Senate when and if the Fortas nomination reaches the floor. It could intensify the opposition of Republicans and conservative southerners led by Sen. Robert P. Griffin, R-Mich.

COMMITTEE MEETS TUESDAY

At Johnson's urging, Senate Democratic Leader Mike Mansfield spoke Friday to Sen. James O. Eastland, D-Miss., chairman of the Judiciary Committee where the nominations of Fortas and Federal Judge Homer Thornberry have been stalled for weeks. Thornberry would succeed Fortas as Associate Justice.

Mansfield reported that Eastland called another committee meeting for Tuesday morning. But he noted that any committee member could block a vote simply by talking throughout the session until the Senate meets and all committees, under senate rules, break up for the day.

Johnson has shown no evidence of backing down from his collision course with the Senate over the Fortas controversy, which promises to provoke a filibuster. If the nomination fails this way, Johnson said, it would be the first time a Supreme Court nomination has been filibustered to death.

EXHIBIT 2

[From the New York Magazine, July 22, 1968]

HOW DOES DICK GOODWIN GET AWAY WITH MAKING ALL THOSE JUMPS?

(By Daniel Yergin)

Hesitating slightly, a middle-aged woman walked toward the man who had just hung up the pay phone in the boarding lounge at Washington's National Airport. "I recognized you by your picture," she said to Richard Goodwin, who has an unforgettable face. "I think it's wonderful what's happening with McCarthy. Six months ago, who would have thought it could happen. I know you had something to do with it"—her eyes reflected a little nervousness—"and I want to say it's wonderful."

Goodwin had kept smiling while she talked, and then he nodded and said thank you. He's had more than something to do with the Eugene McCarthy for President campaign, but in the very strangest way imaginable.

The day before, Saturday, June 29, Goodwin had checked into a Washington, D.C. hotel; he was also checking back into the national McCarthy campaign as a chief strategist, with an office next to that of campaign manager Blair Clark. The week before, Goodwin had warned a group on Long Island about the instability in our society, delivered a rip-roaring attack on Democratic National Chairman John Bailey at the Connecticut state convention, and had tried to inveigle a Manhattan gathering of literati including Philip Roth and Claude Brown over to support for McCarthy.

But he was back in Washington this Saturday not to deal with the parts, but to find out about the whole. Things had changed a lot since the Wisconsin primary in April, after which Goodwin had decided that he couldn't work for a friend's defeat and had left McCarthy to join Robert Kennedy.

Early this Saturday evening in Washington, one of McCarthy's young speechwriters, Paul Gorman, an old pro at age 27, dropped by Goodwin's room. Slumped down in a chair, smoking a big fat cigar, Goodwin was already at ease in the room, oblivious to the unfamiliarity, as though he'd been there forever and was firmly in command. Unlike most travelers, when Goodwin takes over a hotel room, he permits no silences to accent the strangeness; the room is always filled with his telephone monologues or, as now, with the continually shifting dialogue of information, gossip, banter and strategy.

Slightly paunched, Goodwin has thick, black bushy eyebrows that curve around his eyes and start down toward the bridge of his nose. His native Boston can be heard in the way he draws out single syllables, particularly at the end of words, and he has a rapid-fire, but controlled, laugh. When he stands, he does so stiffly, with a slight sway-back. All this, combined with Goodwin's sense of irony, suggests an occasionally vicious but often benign nightclub comic who, with the whites of his eyes shining under the spotlight delivers his lines perfectly because he's superbly confident of the material.

But Goodwin in the hotel room was the politician seeking information, charging his batteries, anxious to get back into action, and the young man in the room with him was one of the first connections. Only once did Goodwin stop jingling the gold chain he carries with him, and that was when he stood up to stare out the window at a dish-rag-humid Washington evening. But even then the dialogue never really ceased.

The 27-year-old speechwriter was one year younger than Goodwin had been eight years before, in 1960, when Goodwin, discussing strategy in almost any hotel room of the Kennedy campaign, would have been the youngest person present. His credentials were already extraordinary. A poor boy from Brookline, Mass., he was summa cum laude at Tufts, number one in his class at the Harvard Law School and president of the law review, law clerk to Supreme Court Justice Felix Frankfurter, counsel to the House committee that investigated the possible fixing of television quiz shows.

During the Kennedy Administration, Goodwin was the resident boy wonder. Controversy swirled about him as he moved from Presidential assistant to assistant secretary of state to peace corps administrator. He was called arrogant, abrasive and self-aggrandizing by those who didn't like him, and brilliant and original and amazingly knowledgeable by those who did.

Much of the controversy centered on Goodwin's Latin American expertise; some said he didn't have any and that his job rotation showed Presidential dissatisfaction. However, when Goodwin moved to the Peace Corps, McGeorge Bundy told reporters that the move was not a demotion, that "Goodwin is one of the 10 or 20 New Frontiersmen that the President really respects." JFK, Bundy said, wanted Goodwin to start a new career.

Today at the age of 36 Goodwin is controversial in a different way. How could he have bounced from John Kennedy, for whom he coined the phrase Alliance for Progress, to Lyndon Johnson, for whom he came up with the phrase Great Society, to Eugene McCarthy to Robert Kennedy and back again to McCarthy? A recent David Levine caricature in the *Washington Post* showed him as a fluttering butterfly. Among those who don't like Goodwin, and they are there among both Kennedy and McCarthy people (the White House is another story altogether), the better image would be that of a moth, diving into a flame called power.

But Goodwin lends himself to almost antithetical critical interpretations. Is he all surface and word play, extreme verbal dexterity, or is there conviction underlying it all? Why so many interpretations? "He's the most forthrightly devious person I know," said one person who didn't discover that he liked Goodwin until he worked with him in Wisconsin. Politics, simply put, is a very tricky business, and Richard Goodwin happens to be very good at politics.

On Sunday, June 30, Goodwin was flying to Chicago to meet McCarthy and the other chief strategists and, as a last-minute stand-in for Paul Newman, to introduce the Senator at a benefit.

A room at the Blackstone Hotel in Chicago was waiting for Goodwin, and again he was instantly at home, moving from one room to another, conferring with the speechwriters, always appearing relaxed, smoking a cigar, conciliating, bringing people together, unruffling feathers in a campaign which because of its looseness is notorious for ruffling.

"Running a campaign," he said, rolling his cigar to one corner of his mouth as if for comic effect, a caricature of a tried-and-tested hack politician, "is like trying to put together General Motors in three or four months." It can't be done; the sort of corporate rationality that delights the business school professor is impossible. But Goodwin is adept at making things work. He can walk into a hotel room at two in the morning, where people have been struggling for hours with a speech, and in a few minutes have the speech blocked out.

He understands the dynamics of the organization. He was leaving the Blackstone with an aide to go to the auditorium two blocks away, where McCarthy was going to speak. "Let's walk," said the aide. "It's so close." Another aide was holding a cab for them, trying to shove them into it. "Come on, let's get in," said Goodwin, and after they were in, he added, "If a guy's job is transportation and he wants us to take a cab, we take it. Everybody's got to be able to do his job. Otherwise, all we have is chaos."

Goodwin knows how to make people feel appreciated, important. His intuition for issues and how to present them is very good, and he does best to trust his intuition over any polls. Goodwin finds that ideas develop in conversations, but even if he's saying for the fiftieth time that Hubert Humphrey is going to drag the entire Democratic Party into defeat, he still sounds as if he's saying it for the first time, and he still does believe it.

On Sunday, ten hours after arriving in Chicago, Goodwin was on the late night flight, an Electra prop-jet, back to Washington. At the beginning part of the flight, while a spectacular electrical storm tore open the sky, Goodwin sat in the rear lounge, casually talking with Tom Finney, chief McCarthy delegate hunter, about the reasons for the spate of Electra crashes several years ago. They also discussed the primary campaigns. Sometimes Goodwin would use the first person plural, *we*, but when he talked about Indiana and Oregon and California, when he was with Kennedy, he would speak of the McCarthy effort as *you*. Then Finney went up front to find a seat to get some sleep, and soon a liberal Democratic congressman, John Brademas of Indiana, came back to talk with Goodwin.

Chomping on his chewing gum with so much force that one might think he believed it had something to do with keeping the plane in the air, Brademas said, "It's not very good for fellows like me to hear McCarthy say he'd support Rockefeller."

"He didn't say it," said Goodwin with a little grin.

"Better tell the newspapers."

"He was asked if he would support Rockefeller if that was the only way to save the country."

"Hell, I'd support Wallace," said Brademas, "if that was the only way to save the country. But I wouldn't say it. He shouldn't answer questions like that."

"He likes to answer hypothetical questions," said Goodwin.

Brademas had been a strong Kennedy supporter. Partly he had come back to the lounge simply because it was late at night over the Midwest and he wanted to talk, to trade a few anecdotes about the Kennedy brothers. He said: "Jack Kennedy once had a group of us representatives, all Democrats, over to the White House just to talk, something that never happens with Johnson. Each of us had a chance to pop off. Finally, a congressman from the South said, 'Mr. President, I'm afraid I'm going to have to attack you in a speech for all the civil rights activity.' And the President replied, "Why can't you just call Bobby a ———?' " Both men laughed.

But Brademas also wanted to hear what Goodwin had to say. He seemed now to be for Humphrey, but perhaps now doubts were beginning to rise in his mind. He said that in New Hampshire McCarthy, if nothing else, had saved a whole generation of young people for politics. He and Goodwin chatted for the rest of the flight. They traded information and more anecdotes and Goodwin made some specific suggestions on how to utilize students in the congressman's recently gerrymandered district.

Goodwin was smiling, casually reaching for one fact after another as though his arms were moving in an easy Australian crawl through glass-smooth water, talking about how Hubert Humphrey represents the Democratic Party's death wish, and always listening well, very well indeed.

Arriving back at Washington National Airport at almost 2 a.m., Goodwin and Finney, passing the luggage area, ran into another congressman, dapper Roman Pucinski, a king-pin of the Daley machine that had just steamrollered the Illinois convention. Goodwin, tired yet still alert, chatted with him, told him, too, that the statement about Rockefeller was out of context and untrue; but the congressman wanted to believe that McCarthy had said it because it would prove that McCarthy puts something higher than party, and above anything else, Pucinski believes in party loyalty. As Goodwin climbed into a cab, the congressman called out from the curb, without too much awkwardness, "Keep the faith." Which faith, he didn't say.

Those who don't like Goodwin enjoy quoting him to the effect that the McCarthy campaign is "the only game in town," apparently proving that he's in it simply for the power. But, says a young novelist working in the campaign, "Dick's moral commitment is very clear. Look at this cartoon of the butterfly," he said pointing to the Levine drawing. "Dick knows people are going to say this about him but it doesn't matter."

The story of the development of Goodwin's convictions—the belief that America has reached a crisis point, the reason that he could work as closely with two men as different as Robert Kennedy and Eugene McCarthy—corresponds closely to the history of the Great Society.

Goodwin was the first Kennedy person tapped for a new position by Johnson. He came back to the White House as a special assistant in February, 1964. With Kennedy, Goodwin had been primarily involved with Latin America, then with the Peace Corps. He was slated to become Presidential advisor on the arts; a man-in-the-news profile about that appointment ran in the *New York Times* on the day John Kennedy was shot.

Now, with Johnson, Goodwin was deeply involved in the casting of domestic policy, the War on Poverty, the Great Society. These were programs aimed not simply at raising the level of over-all income, as the New Deal had been, but at the quality of individual life in this country. They were experimental programs. Some would succeed, some would not.

When Goodwin left the White House in the fall of 1965 to take a position as senior research fellow at Wesleyan University, it seemed to him that the Johnson administration had not only established a remarkable program of domestic legislation, but that it had also mapped in a very advanced way the outline for the direction of future progress.

The exchange of letters between him and Johnson at the time of his resignation went far beyond the demands of formality, in retrospect almost beyond the bounds of decency.

Goodwin wrote: "In a very short time you have ensured yourself a place as one of the great leaders of this country. I am grateful to have been even a small part of that. And I know as the fruitful years of your administration continue, this country and the entire world will have continuing reason to welcome your leadership . . . I will continue to support your policies and programs because I believe in them and find them consistent with my own thoughts and hopes."

He added: "No one has ever shown greater kindness or warmth towards me . . . I will always try to repay it with loyalty and devotion."

Within a year, Goodwin was urging Robert Kennedy to challenge Johnson in the next election.

But at this time in 1965, Johnson was no less cordial to the departing Goodwin: your service, he wrote to Goodwin, has been "a blessing to the country, for within the high councils of government you have articulated with great force and persuasion man's hunger for justice and his hopes for a richer life."

In the fall of 1965, it seemed to Goodwin that Johnson still could do anything. But he had not taken the Vietnam War into account. Goodwin now says that he believed the Administration was sincerely pursuing a negotiated peace. He also says that he always opposed the escalation. But once out of the Administration, his doubts began to come into clearer focus and to grow; and his relationship with Johnson, which one might reasonably have expected to endure through time, was already beginning to distintegrate.

Soon after leaving the White House, he

went to Latin America with Robert Kennedy, Johnson reportedly read all the speeches Kennedy delivered there, underlining the passages he thought Goodwin had written—though in fact Goodwin had nothing to do with those speeches.

Nonetheless, Johnson called him back to the White House to help prepare the State of the Union message in 1966. He was up two days straight working on it, and then a doctor came in and gave him an injection, as though he were a machine, so that he could stay up even longer. Then Johnson handed the speech over to Abe Fortas and Clark Clifford, the old New Dealers and Fair Dealers, who began chopping it up. Goodwin retired to his hotel room, exhausted.

The morning the speech was to be delivered, Goodwin was awakened by a phone call from the White House. The President wanted Goodwin to ride up to Capitol Hill with him. Goodwin said, call me back later. He went back to sleep, and that was the end of his personal association with Johnson.

In the summer of 1966 appeared Goodwin's *Triumph or Tragedy*, an analysis of the war as a series of escalating mistakes, but Goodwin also—and here some critics attacked it—went on to say the military tactics were wrong. At this point, he still believed that Johnson's mind was open. But in September, he delivered a major speech before the Americans for Democratic Action that left no doubt that he considered the war more than a mistake. He had given up on Johnson. From now on, he would be working against the war and against the President who was pursuing it. Goodwin was now convinced that the war was a double tragedy—for Vietnam and for the United States. The Great Society, which was really a response to the large problems of our society, was being squeezed to death.

In October, 1966, Goodwin was urging Robert Kennedy to run for the Presidency in 1968. There would be no doubt of Johnson's defeat, he told Kennedy, if the current decline continued, and Goodwin had no doubt that it would. It seemed to him that the roots of the decline were in Johnson's character, that he was incapable of extricating himself from the morass. The war had become too much a challenge to Johnson's own personality; it had become a necessary form of self-assertion.

In the winter of 1966–67, Goodwin's picture was in the paper as the Kennedy lawyer walking in to do battle with William Manchester over *Death of a President*. He had already either read or summarized to Mrs. Jacqueline Kennedy every passage "of a personal nature."

His attention, however, was still on the war. "In 1965, the decision was made to make it an American war," he said in February, 1967. "That is not a decision President Kennedy made. It is a decision President Johnson made." Six months later, Goodwin called the war "a blunder of enormously costly and bloody dimensions." During this year he also helped write Kennedy's major Vietnam speeches.

Two important articles by Goodwin appeared in 1967. The first, in *Commentary*, articulated the need for decentralization in government programs, for local direction so that people could feel they have some control over their own individual lives and their environment. Richard Nixon has been talking about this; he was citing Goodwin as a source until Goodwin joined McCarthy.

The second article, though Goodwin initially did not quite own up to it, appeared in *The New Yorker* over the signature of Bailey Laird—for John Bailey and Melvin Laird, officials of the Democratic and Republican parties, respectively. Ostensibly an interview with a Republican leader, it explained how to beat Johnson. The White House was stung because the article laid out a strategy for defeating Johnson, and doubly stung because the author was Goodwin. One White House aide angrily said of Goodwin shortly afterward, "I think he's a bright and somewhat irresponsible man. He suffered from an overwhelming arrogance when he was here and apparently still does."

Meanwhile Goodwin along with Arthur Schlesinger Jr., continued to lead the partisans urging the race on Robert Kennedy.

"Anybody who had ten friends should have known that Johnson could be defeated," Goodwin said recently. "All a person had to do was ask his friends, and he would have found out that they all didn't like Johnson. When a man isn't liked, he gets beaten."

BANG—POST POST MORTEM

Mr. DODD. Mr. President, a famous American editor of business publications, Malcolm S. Forbes, editor in chief of Forbes magazine, is a supporter of strong firearms laws. He has said so many times.

In an editorial recently he asked the question, "Who is it that blocks such firearms legislation?"

Reviewing the response to his rhetorical question, Editor Forbes concludes the following:

> . . . By exerting the rights of free citizens to be heard, by feeling strongly and expressing themselves unequivocally to all who might have a hand in legislation, those opposed to stronger gun laws continue to succeed in blocking such bills even though the polls show 89% of the citizenry favor passage.

Such is the condition of our democracy that 11 percent of the people can prevent the other 89 percent from moving.

Mr. Forbes did not address himself to the obvious organization behind this 11 percent, nor to the well-financed lobby that provides it with distorted information and encourages it to use dilatory tactics in delaying the progress of the majority. I will address myself to that portion of the problem in considerably more detail as this firearms debate continues.

However, I am grateful for Mr. Forbes' interest in the matter and for his calling it to the attention of our business leaders. His conclusion is particularly valuable. I would like to call it to the attention of those members of the public who make up the 89 percent who do not write their legislators. Mr. Forbes concluded:

> If there is anything the rest of us should learn from this experience, it's the enormous effect that individual citizens can have if they raise their voices and write as they feel to those who make laws.

Mr. President, I commend this article to the attention of my colleagues and ask that it be printed in its entirety in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Forbes magazine, Aug. 1, 1968]

Bang—Post Mortem

(By Malcolm S. Forbes, editor-in-chief)

If letters could kill, I'd sure as shooting be as dead right now as effective gun-registration legislation is dead in the Congress.

Here recently I wrote in support of a law that would require the registering of firearms and the licensing of users. The editorial concluded with these three questions:

"Who is it that blocks such legislation?

"Why do they block it?

"How are they *able* to stop it?"

Boy, I got the answers!

To date 123 letters of varying degrees of vehemence—including four subscription cancellations—have set forth the case of those opposed to such a measure. Most of these letters were from men of responsibility in business, including a number of corporate heads.

Those against such legislation have a genuine sense of outrage at what they feel would be a limitation of their individual freedom. Equally, they feel that guns in the hands of the citizenry are a valuable safeguard should domestic Communists ever attempt to take over the Government by force. In the opinion of many of the letter writers, the first thing a dictator-minded Government would do, if they know who had guns and where they were, would be to confiscate them. Most make the point that the fact of gun registration has not cut down the incidence of criminal gun use in such very strict gun-law towns as New York.

While I personally am not persuaded by the rationale, it certainly has been made very clear who it is that blocks such legislation, why they do it and how they do it. By exerting the rights of free citizens to be heard, by feeling strongly and expressing themselves unequivocally to all who might have a hand in legislation, those opposed to stronger gun laws continue to succeed in blocking such bills even though the polls show 89% of the citizenry favor passage.

If there is anything the rest of us should learn from this experience, it's the enormous effect that individual citizens can have if they raise their voices and write as they feel to those who make our laws.

SHORT TAKEOFF AND LANDING AIRCRAFT SEEN HEADING FOR PRODUCTION AND AVAILABILITY FOR SERVICE WITHIN 2 YEARS

Mr. RANDOLPH. Mr. President, the search for answers to the crisis of the airports and, especially, to the air traffic congestion at the major centers continues. In my view, the first truly significant solution—or partial solution, at least—will be the commercial availability of short-takeoff-and-landing—STOL—aircraft.

I have been encouraged beyond my previously expressed optimism in reading the opinions of well-informed journalists and scanning the news accounts of actual developments and aerospace industry plans.

Earlier today, I had an opportunity to review with the knowledgeable David D. Thomas, acting administrator of the Federal Aviation Administration, some of the recent pertinent accounts of STOL-plane progress. I was heartened to hear him say that we expect some truly significant breakthroughs in the feasibility, production, and utilization of vitally needed STOL aircraft within the next 2 or 3 years.

Mr. President, I believe our colleagues and the many officials and citizens who confront and must help to solve the crisis of the airports and the actuality of a growing air traffic congestion—especially at the major hub airports—will be encouraged to hope, as I do, that the future of the useful availability of STOL aircraft is becoming a much shorter duration of time than we had reason to believe possible in assessments of the situation only a year ago.

Seattle, the hub of a very large aerospace complex, is a community the citizens of which keep close contact with developments of that industry. I have learned to respect information and appraisals of aviation developments and prospects from that city and that area of our country. Both Washington Senators, Warren Magnuson, chairman of the Commerce Committee, and Henry Jackson, chairman of the Interior Committee, are active in aviation progress.

In the August 14, 1968, issue of the Seattle, Wash., Post-Intelligencer, we read an editorial "Takeoff for Tomorrow," a few sentences of which I will read:

> A 12-passenger commercial aircraft with short, stubby wings under the main wings and with extra large flaps rolls down the runway at 60 miles per hour and lifts off the ground only 10 seconds later after a 600-foot run. The scene is New York City's LaGuardia Airport and the occasion was the opening last week of the first short takeoff and landing strip for commercial airplanes in the United States. Such a strip is called STOL—and in the run of years immediately ahead, hopefully, it will be called a major remedy for much of our critical airport congestion. The new airstrip at LaGuardia is 1,095 feet long, as compared with 4,000 feet for the shortest regular runway at the airport. The STOL-plane, as it is called, lands and takes off at a speed of 60 to 70 mph, compared with 105 mph for other planes of its size. By taking off on its own short runway, a STOL-plane not only leaves a regular runway clear for conventional planes, but also provides more airspace because it flies out and in under a totally separate pattern. Airline officials predict . . . that within two years STOL-planes will be developed capable of carrying up to 100 passengers and at cruising at speeds over 300 mph.

Furthermore, Mr. President, an article in the New York Times of Friday, September 6, 1968, underscores and, in fact, expands on the comments of the editor of the Seattle Post-Intelligencer, the two leading paragraphs being as follows:

> Plans to build a 32-to-36 passenger short-takeoff-and-landing (STOL) plane for service late in 1970 have been announced by General Aircraft Corporation of El Segunda, California.
>
> The GAC–100 four-engine turboprop will be designed primarily to serve communities with airports too small for modern jets. It may also come in handy on high-density routes such as Boston-New York-Washington because it can operate from close-in air strips shorter than 2,000 feet, bypassing congested metropolitan airports and their access highways.

The September 6 New York Times article also interestingly and significantly reported that tryouts for fitting STOL aircraft into flight patterns at airports on the Northeast corridor route will begin in Washington, D.C., September 17 and in New York at La Guardia Airport on September 23. A 64-passenger French-made Breguet, designated the McDonnell Douglas STOL 188 in this country, will be used. It, the Times reported, will make a number of flights under the auspices of the American manufacturers and Eastern Airlines. The M–D STOL 188 is designed for 1,000-foot runways.

Mr. President, the editor of the Seattle Post-Intelligencer concluded his comment by writing that—

> STOL-planes and STOL-ports by no means would be the cure-all for the nation's airport headaches—but they would help a lot—and that's a great thing to hope for.

Because the air traffic and related ground traffic congestion problem grows more acute at the major hub airports—and because this condition is caused by the feeding of hundreds of thousands of passengers from airports all over the country into the major hubs—the advent of STOL planes to relieve the pressures caused by the huge space requirements of the conventional jets takes on very real significance. That their new potential is for coming on the scene commercially and feasibly as part of the scheduled airlines' fleets within 2 years—instead of the 5 years forecast a few months ago—is welcomed news.

Mr. President, the Times' September 6 article, "New STOL Plane Is Being Developed," is most interesting and informative, and I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 6, 1968]

New STOL Plane Is Being Developed

Plans to build a 32-to-36-passenger short-takeoff-and-landing (STOL) plane for service late in 1970 have been announced by General Aircraft Corporation of El Segundo, Calif.

The GAC–100 four-engine turboprop will be designed primarily to serve communities with airports too small for modern jets. It may also come in handy on high-density routes such as Boston-New York-Washington because it can operate from close-in air strips shorter than 2,000 feet, bypassing congested metropolitan airports and their access highways.

Tryouts for fitting STOL aircraft into flight patterns at airports on the Northeast Corridor route will begin in Washington Sept. 17 and here Sept. 23.

A 64-passenger French-made Breguet designated the McDonnell Douglas 188 in this country will be used. It will make a number of flights under the auspices of the American manufacturers and Eastern Airlines. It is designed for 1,000-foot runways.

The GAC–100, according to Dr. Lynn L. Bollinger, president of General Aircraft, will be the first STOL plane offering airline-quality comfort. It will have fully pressurized and air-conditioned cabins and lavatory, galley and other conveniences.

He also said he believed it would be the first STOL aircraft to meet the safety standards established for fully certificated air carriers under Part 25 of the Federal Air Regulations, which deals with transport aircraft over 12,500 pounds.

A Federal Aviation Administration spokesman said yesterday that it had not yet published any tentative standards defining either STOL aircraft or STOL runways. There has been no certification of any aircraft as specifically STOL in meeting Part 25 of the regulations, he added.

SPEED OF 325 MILES PER HOUR

At first glance, a model of the GAC–100 suggests a standard modern turboprop transport. It is to have comparable speed—325 miles an hour to 250 for the Breguet-built McDonnell Douglas 188. For stability at low speed it will also have several aerodynamic subtleties developed by Helio Aircraft Corporation on its smaller, lighter STOL planes. Dr. Bollinger is a co-founder and chairman of Helio, which is situated in Bedford, Mass.

Extra quiet for operations at airports close to city centers is another design objective. For this purpose, the Pratt & Whitney PT6A engines will have forward-mounted side exhausts and will drive the propellers at relatively slow speeds.

The plane will sell for $950,000.

COMPULSORY RETIREMENT

Mr. WILLIAMS of New Jersey. Mr. President, I have long been a fan of a certain baseball team that comes from New York City and is called the Yankees. But today I wish to speak about the Atlanta Braves, a ball team with lots and lots of heart for a great man of baseball, Satchel Paige.

Mr. Paige has been part of the baseball scene in the United States for decades rather than years. He happened every spring for as long as I can remember. He also happens to be past age 60. Mr. Paige therefore faces enforced retirement. It is true that he lasted many, many more years than most baseball players, but it is also true that the date fixed for his retirement fell short of the time required for him to collect a pension. It looked for awhile as if arbitrary retirement were about to claim another victim, but the Atlanta Braves management has stepped in and granted Mr. Paige 158 more working days so that he will meet the pension plan requirements.

We can rejoice about the last-minute save, but we should also pause for a few moments of thought about compulsory retirement. We who work on the Senate Special Committee on Aging hear the same old story: men and women, many of them at the peak of work capacity and experience, find themselves unwillingly idled because of fixed management retirement rules.

For this reason, I believe Federal and private employers should develop policies that will provide a greater variety of choice in planning the final years in employees work lifetimes. For example, why can there not be more widespread use of part-time work plans or sabbaticals for study or rest during the course of a career?

We shall continue to work toward such ends. In the meantime, each one of us, baseball fan or not, can take some satisfaction in the decision by the Atlanta Braves. Dr. Howard A. Rusk, the authoritative medical columnist for the New York Times, has added to that satisfaction by writing, in his column of August 25, about the latest chapter in the Satchel Paige story and its meaning to each one of us. I commend to everyone the final paragraphs giving Satchel Paige's advice to everyone who wants a long and happy life. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Waste of the Aged: Return of Satchel Paige Points up the Problems of Forced Retirement

(By Howard A. Rusk, M.D.)

In this last week of international tensions and sadness, the return of Satchel Paige to baseball was at least one heartwarming item in the news. It made one feel that compassion, sensitivity and human interest still exist in the world, it also illustrates and emphasizes the truism that age is psychological and not chronological.

Satchel Paige really doesn't know his age. It is certainly 60-plus. As he states, "The midwife died and all the books burned up," and no one seems to know how old he is.

It has long been recognized that some

persons are old at 50 and others are young at 80. The turn of the page in the calendar at that magic 65th birthday does not really signify one's ability or inability.

There have been many discussions on how the magic age of 65 was determined. Why not 60 or 68 or 70? The most logical explanation this writer has heard was that given many years ago by a student of geriatrics with a sense of humor.

He said: "I can only think of one logical way this magic age of 65 was reached. A hypothetical company had a board meeting some 50 years ago. Everyone on the board disliked and feared the president of the company. At this meeting someone suddenly remembered it was his 65th birthday so they promptly passed a resolution that there would be compulsory retirement at age 65."

UTILIZATION OF THE OLD

I well remember a meeting at the Department of Defense War College in Washington during the Korean War. A course was being given to more than 200 senior officers from all branches of the armed forces to study ways and means of obtaining better manpower utilization in the war effort. The problem of utilization of older workers was discussed this day.

Studies in this country and in Great Britain have shown that while the older worker may not be as fast as the younger in some instances, he is more accurate, reliable, and usually more dedicated than his junior counterpart.

After the meeting the commanding general, a tall wiry, 62-year-old man, said: "Never in the history of my country has manpower been more important nor has production been more needed. I established and organized this special section of the War College to meet this specific need. I know more about this program than anyone today. It has been my 'baby' from the beginning.

"Last week I passed my annual physical examination with a perfect record and yet by regulations I must retire in six months. Ironically, at the same age the average Senator becomes eligible for committee chairmanship."

Because of our lack of understanding in meeting the aging problems squarely and logically, we are wasting our most precious human resource and that is wisdom. Wisdom only comes with experience and experience only comes with time.

PRAISE FOR THE BRAVES

Satchel Paige's muscle fibers are old but the pitching wisdom he has developed through the years has made him a canny operator and for his period of physical tolerance a formidable foe.

In this "devil-take-the-hind-most" world, Satchel Paige's return to organized baseball was a heartwarming event. The Atlanta Braves are to be congratulated on their truly humanitarian gesture, which proved to be really enlightened self-interest, certainly from a public relations standpoint.

Satchel was 158 days short of the time needed to qualify for his pension. It seemed ironical that one of the most colorful figures in baseball and one who had done so much for the game as well as race relations should be disqualified on a technicality.

In the days to come, regardless of what team partisan baseball fans support, everyone will be pulling for Satch whenever he takes the mound for he will be pitching not only for his team but for senior citizens who want not just pension but an opportunity to be members of the community, to feel wanted and to have dignity.

The key to Satchel Paige's character is his simple philosophy of life published many years ago, which reads as follows:

"Avoid fried foods which anger the blood. If your stomach disputes you, lie down and pacify it with cooling thoughts. Keep the juice flowing by jangling around gently as you move. Go very lightly on the vices such as carrying on in society—the social ramble ain't restful. Avoid running at all times. Don't look back. Something may be gaining on you."

In these tense and trying times one could go further and do worse than to follow this homespun philosophy that has made "Old Satch" symbolic and great.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VISIT TO THE SENATE BY SENATORIAL DELEGATION FROM REPUBLIC OF VIETNAM

Mr. HARTKE. Mr. President, at this time I should like to introduce to the U.S. Senate a visiting delegation from the Senate of the Republic of Vietnam. The leader of the delegation is Senator Huynh Van Cao, chairman of the Foreign Affairs and Information Committee.

The other members of the delegation are:

Senator Do Quang Giai, member of the Foreign Affairs and Information Committee and member of the Economic Committee.

Senator Dao Dang Vy, member of the Agricultural Committee and member of the Culture and Education Committee.

Senator Tran Ngoc Nhuan, member of the Foreign Affairs Committee and Secretary General of the National Defense Committee.

Senator Vu Minh Tran, member of the Interior Committee and member of the Labor and Social Welfare Committee.

Senator Nguyen Van Chuc, member of the National Defense Committee and member of the Judiciary Committee.

Diep Van Minh, officer of the Senate of Vietnam.

RECESS

Mr. President, I ask unanimous consent that the Senate take a 2-minute recess in order that Senators who are present may meet members of the delegation.

There being no objection, at 12 o'clock and 40 minutes p.m., the Senate took a recess.

At 12 o'clock and 42 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. MONTOYA in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEGOTIATION ACT—INTERNATIONAL ANTIDUMPING ACT—INTERNATIONAL COFFEE AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, to suspend the International Antidumping Code, and to implement the International Coffee Agreement.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, this bill, H.R. 17324, extends the Renegotiation Act for a period of 3 years or from June 30, 1968, until June 30, 1971. In addition, the bill amends the present exemption for standard commercial articles and services to reduce the scope of that exemption and in this manner give assurance that article and services qualifying for the exemption are in fact commercial items.

The Committee on Finance approved two other amendments to H.R. 17324 which do not amend the Renegotiation Act. One suspends the application of the International Antidumping Code until Congress acts specifically to implement it. The other implements the International Coffee Agreement for a 2-year period and includes provisions to terminate U.S. participation in the agreement in the event of foreign discrimination against U.S. shipping.

CONTINUATION OF RENEGOTIATION

Mr. President, the purpose of renegotiation is to eliminate excessive profits from Government contracts and related subcontracts in the national defense and space programs.

There are three ways in which excessive profits are eliminated by renegotiation. First, the Renegotiation Board makes determinations of excessive profits in renegotiation proceedings with contractors. Second, the fact that contractors face the prospect of renegotiation often leads them to make voluntary refunds and voluntary price reductions under their Government contracts. Third, the fact that there is a Renegotiation Act exerts a restraining influence on the determination of prices in initial contract negotiations.

The reasons why we have renegotiation today and why we need to continue it for 3 years are relatively simple. Modern military and space procurement is characterized by highly sophisticated and rapidly changing technology. In this situation adequate cost and production experience often is not available for the items the Government must procure. As a result, the initial contract price often must be negotiated and determined on the basis of uncertain estimates. The after-the-fact review provided by renegotiation assures that the excessive profits, which may result from conditions like that I have discussed, will be returned to the Government.

In recent years the amount of military procurement has increased substantially, primarily because of the Vietnam buildup. Total military procurement rose from $28 billion in 1965 to $44.6 billion in 1967—an increase of 59 percent. Moreover, in many cases contracts already begun in the current year will not be completed for 3 or 4 years. As a result the Renegotiation Board's scrutiny of receipts or accruals with respect to defense contracts is sure to be required for at least the next 3 years.

Another sign of the need for renegotiation is the increasing amount of negotiated, rather than formally advertised, military procurement. In 1965, 82 percent of the value of military procurement was obtained on the basis of negotiated contracts. In 1967, this rose to 87 percent.

Mr. President, because of this buildup in military procurement, we must continue renegotiation. We need the after-the-fact review provided by renegotiation, despite any shortcomings the process may have, in order to compensate for the difficulty in determining a fair price where the necessary military procurement is so large and involves so many complex products and where there is no readily available method to determine a fair market-tested price. In view of these various factors, it is apparent that the 3-year extension of the Renegotiation Act, which is contained in this bill, is necessary.

We must not forget, however, that the renegotiation process by its very nature involves a high degree of subjectivity on the part of the renegotiators. Because of this it is necessary that Congress periodically have the opportunity to review the Renegotiation Act and how it is being administered. By limiting the extension of the Renegotiation Act to 3 years, this bill provides such an opportunity.

STANDARD COMMERCIAL ARTICLE EXEMPTION

Mr. President, in addition to extending the Renegotiation Act, the bill also contains a series of amendments to the present exemption from renegotiation for standard commercial articles and services. This exemption was originally adopted because it was felt the existence of market-tested prices for these items should limit the possibility of excessive profits in their case. In other words, it was thought that the competitive forces of the private marketplace would provide adequate limitations on the profits arising from the sale of these items.

Present law contains various requirements that must be satisfied for an article to be exempt as a standard commercial article. One of these requirements is that an article must either be an inventory item or an item for which there is a regularly maintained price schedule. Another requirement, which is probably of greater significance, is that at least 35 percent of the sales of the item must be nonrenegotiable sales. The purpose of this latter requirement is to assure that there are enough marketplace sales to establish an arms-length price for the item.

The House concluded that the requirements of present law regarding this exemption for standard commercial articles in certain respects do not assure that items exempted are in fact always of a commercial nature. To remedy this situation, the House of Representatives in several respects changed the requirements which must be satisfied for the exemption to apply. The committee is in general agreement with these changes and retained most of them in the bill.

First, under present law, contractors who claim the exemption for a standard commercial article are not required to obtain the approval of the Renegotiation Board. In addition, contractors whose total renegotiable sales during the year are $1 million or less are not required to file a financial statement with the Board. The combination of these two provisions means that a contractor may self-apply the exemption for standard commercial articles, thereby reducing his renegotiable sales below the $1 million level, and as a result the Board will have no information as to whether the contractor has applied the exemption correctly.

The House bill contains a reporting requirement to overcome this defect of present law. Under this requirement, which was accepted by the committee, persons who self-apply the exemption for standard commercial articles are to furnish information regarding the basis of the application and their total renegotiable sales to the Renegotiation Board, if the effect of claiming the exemption is to reduce the person's total renegotiable sales below the $1 million statutory minimum. This requirement will provide a basis for determining the extent to which the exemption is claimed and also will give assurance that contractors are correctly applying the exemption.

Second, the House bill provides that the standard commercial articles and services exemption is not to be available unless the price charged the Government in a renegotiable sale for an item does not exceed the price charged in commercial sales of the item in similar quantities. Various instances have been brought to the attention of Congress where the Government was charged substantially more for an item than were commercial purchasers. This type of price differentiation was not contemplated when the exemption was adopted and is not to be allowed under the House bill. This change was accepted by the committee.

Third, as I indicated before, under present law the exemption is not available unless at least 35 percent of the sales of an item are renegotiable. In other words, there must be this relative volume of commercial sales of an item for it to be considered a standard commercial item.

The House bill amended this requirement in two ways. It increased the required percentage of commercial sales to 50 percent and it redefined commercial sales to exclude nonrenegotiable Government sales from the commercial sales category.

The committee agreed with the House that the 35 percent requirement of present law does not give sufficient assurance that the basic premise underlying the exemption is satisfied; namely, that the required magnitude of commercial sales is sufficient to assure that the price of the item is in fact a market-tested price. The committee did not believe, however, that nonrenegotiable Government sales should be excluded from the commercial sales category. In most cases these sales may be made under conditions similar to those under which commercial sales are made. Moreover, the exclusion of these sales from the commercial sales category will create substantial administrative problems both for the Renegotiation Board and for the contractors and subcontractors. Therefore, the committee amended the House bill to restore the definition of commercial sales contained in existing law—in other words, nonrenegotiable sales. In addition, the committee increased the required percentage of commercial sales to 55 percent. This increase should more than offset the possible effect of not excluding nonrenegotiable Government sales from the commercial sales category.

Thus, under the bill as amended by the committee the exemption is not to be available unless at least 55 percent of the sales of an item are nonrenegotiable. The basic premise of the exemption—the market testing of prices—will accordingly be more adequately assured.

Fourth, at present an article may qualify as a standard commercial article if the percentage test is satisfied either with respect to the sales of the article in the current year or with respect to the sales in the current and preceding year. This alternate 2-year base period for applying the percentage test allows an article to qualify for exemption even though there may be a substantial question whether a market-tested price exists in the current year. This is not consistent with the idea that current market-tested prices exist for items which qualify for the exemption. Accordingly, the committee accepted the House bill provision which deletes this alternate 2-year base period.

The House bill makes one other amendment to the standard commercial articles and services exemption. This change is a technical one. It removes the exemption for an article which is "identical in every material respect" with a standard commercial article. This exemption is unnecessary since any item qualifying under it also qualifies under the exemption for a "class of articles." The committee has accepted this change.

Mr. President, the need for renegotiation is going to continue for the next 3 years. Military and space procurement is at a high level. The amount of this procurement has substantially increased in recent years. Amounts received by contractors as a result of this procurement will continue to come before the Renegotiation Board for the next 3 years.

I urge my colleagues to accept the committee's bill so that renegotiation may be continued for 3 more years and so that the standard commercial articles exemption may be modified to provide assurance that only true commercial type items qualify for it.

THE INTERNATIONAL ANTIDUMPING CODE

Mr. President, I shall turn now to the non-Renegotiation Act amendments added to H.R. 17324 by the Committee on Finance. On June 27, 1968, the Committee on Finance held a hearing on a controversial subject involving an unfair trade practice called "dumping." Many serious questions had arisen concerning the relationship between the so-called International Antidumping Code, negotiated at Geneva during the Kennedy round, and certain U.S. statutes dealing with dumping. The committee heard the administration's side of the controversy from the President's Special Trade Representative, Ambassador William Roth and his colleagues. Another side of the controversy was explained by Mr. Bruce Clubb of the Tariff Commission, and by various other public witnesses.

After the committee had heard all the arguments, it came to the conclusion that this code does contain substantial areas of inconsistency with U.S. law, and therefore could not be implemented without enabling legislation. The committee also found that the code's provisions tend to weaken seriously the effectiveness of existing remedies against the unfair trade practice known as dumping. It is for these reasons that the committee approved the amendment aimed at suspending implementation of the International Antidumping Code until such time as implementing legislation becomes effective.

Mr. President, I want to lay the full scope of this controversy before the Senate today because it involves issues of paramount importance to Congress.

DUMPING—AN UNFAIR TRADE PRACTICE

At the outset, let me make it clear that we are not dealing with an issue which can be polarized under a "free trade" versus "protectionist" slogan. We are talking about an unfair trade practice called dumping and an international agreement which has the effect of overruling U.S. laws aimed at preventing such unfair trade practices.

Dumping in a foreign trade sense occurs when a foreign producer sells his products in the United States at a price less than that which he charges purchasers in his home market, or in third country markets, and an industry suffers injury because of that price discrimination. Thus, there are two elements involved in a dumping case: first, price discrimination; and second, injury.

Price discrimination in domestic trade is considered the rankest kind of commercial injustice, and the offender is subject to antitrust action, treble damages, and even jail terms. The Robinson-Patman Act—which amends the Clayton Antitrust Act—specifically prohibits price discrimination, and gives the right to a person injured by such discrimination to recover treble damages.

The Federal Trade Commission Act states that unfair methods of competition and unfair or deceptive acts or practices in commerce are unlawful, and it empowers the Commission to issue "cease and desist" orders enforceable by the courts. Any person who acts in restraint of trade is subject to stiff fines and/or prison terms under the Sherman Antitrust Act. There are other laws which also call for prosecution of any person engaged in price discrimination.

Congress intended this body of law to protect American industry and American consumers against unfair trade practices. A domestic person found guilty "of price discrimination" in commerce is subject to a severe penalty—treble damage fines or even jail terms. Similar remedies also apply to foreigners who "dump" here. However, as a practical matter, foreigners engaging in this form of price discrimination are virtually immune to our criminal laws. We cannot reach them to prosecute.

For that reason, we have an alternative remedy in the form of penalties which are assessed directly on the offending goods. The most well-known act of this type is the Antidumping Act of 1921. Under this act, if price discrimination is found to cause injury to a domestic industry, a special dumping duty is assessed on the dumped goods which makes up the difference between the dumped price and fair market value. This act preserves for American industry a fair chance to compete in American markets. The international agreement with which this committee amendment is concerned violates the Antidumping Act and other of our laws directed at unfair trade practices.

THE ROLE OF CONGRESS IN INTERNATIONAL TRADE

Congress has a responsibility under the Constitution to regulate trade with foreign nations. It has delegated certain powers to negotiate tariff reductions to the Executive, and we are now at the point where tariffs themselves are not the major obstacles to trade between nations. It is in the area of nontariff barriers—including border taxes and export subsidies, variable levies, equalization fees, discriminatory procurement policies, quantitative restrictions, and others—that U.S. commerce is put at a serious disadvantage.

Congress, acting under its constitutional responsibility, has passed a number of laws to assure that American commerce is not put at an unfair disadvantage because of these barriers.

The Antidumping Act of 1921 is one of those laws. That brings me to the issue which we are confronted with today.

INTERNATIONAL ANTIDUMPING CODE

Acting without any specific authority—in fact, the legislative history of the Trade Expansion Act of 1962 makes clear that Congress and the Executive did not contemplate any negotiation which would affect our antidumping law—the executive branch negotiators entered into an International Antidumping Code which is in serious conflict with domestic law, particularly the Antidumping Act of 1921. I might add that the Senate, in approving Senate Concurrent Resolution 100 in June 1966, specifically "warned" the trade negotiators not to enter into agreements not authorized by the Trade Expansion Act of 1962. Unfortunately, they did not heed that clear indication of advice from the Senate in negotiating this code, which conflicts with the U.S. Antidumping Act.

The areas of conflict between the act and the code were clearly spelled out in a brilliant legal analysis of the Tariff Commission on Senate Concurrent Resolution 38, and by Commissioner Bruce Clubb in public testimony and other witnesses. Here are the areas in which the code and the act are in conflict.

TEST OF INJURY

The act requires that the Tariff Commission shall determine "whether an industry in the United States is being, or is likely to be, injured by reason of the importation of such merchandise."

The code states that before dumping duties can be imposed, it must be found that the dumped merchandise is "demonstrably the principal cause of material injury, or threat of material injury to a domestic industry"—article 3—and that the authorities—in this case the Tariff Commission—must weigh on the one hand, the effect of the dumping and, on the other hand all other factors taken together which may be adversely affecting the industry.

Thus, the code requires a weighing procedure, under which the Tariff Commission must evaluate whether other factors were more responsible for an injury to the industry than the dumped imports. Now, if an industry was suffering because of any other factors—a strike, a hurricane, competition from other U.S. producers, a drop in domestic demand, or any other adverse influences conceivable in a dynamic economy—the Tariff Commission must put all of them on one side of a scale and weigh that injury compared to the injury caused by the dumped imports. Only when the dumped imports are "demonstrably the principal cause of material injury" can there be an affirmative finding under this code. Now that is an impossible test.

Let me read what Commissioner Clubb said on this point:

> Well—

He said—

> you can conjure up all sorts of things that are the cause of injury. It is limited only by the ingenuity of the person that is looking at the situation and if you have to weigh all these things, it presents very sizeable problems in arriving at any affirmative determination.

He is right, and he is in the best position to judge the situation—far better it seems than those who negotiated this code.

Thus, on his crucial point—the test of injury—the code is clearly in conflict with the act. More importantly, however, the code is in direct conflict with the express intent of Congress. I say this because in 1951 Congress specifically rejected an administration recommendation to amend the Antidumping Act so as to require that a domestic industry must have been "materially injured" in order to qualify for the remedy provided by that act. The report of the Committee on Ways and Means of the House explained that the committee refused to approve this recommendation "in order to avoid the possibility that the addition of the word 'materially' might be interpreted to require proof of a greater degree of injury than is required under existing law for imposition of antidumping duties"—House Report No. 1089, 82d Congress, first session, July 1951. In effect, the negotiators of the International Antidumping Code have attempted to achieve by an executive agreement a result which Congress specifically refused to reach by legislation.

INDUSTRY TEST

Another area of conflict is in the definition of what constitutes an industry. The act simply states that dumping duties must be applied "if an industry in the United States is being or is likely to be injured" by dumped merchandise. It leaves to the good judgment of the administrators, based on the facts before it, the determination of what constitutes the industry for the purpose of its antidumping investigation.

The code, on the other hand, defines the domestic industry as "domestic producers as a whole of the like products"—article 4(a)—and defines like products as those which are identical or have characteristics closely resembling those of the dumped product—article 2(b). The code restricts the scope of competitive market area to a situation in which "all the producers within such a market sell all or almost all of their production of the product in question in that market, and none, or almost none, of the product in question produced elsewhere is sold in that market."

The Tariff Commission report states that—

> The code does not parallel U.S. precedent as to what constitutes an industry, or industries, to be considered under the Antidumping Act . . . Under the Antidumping Act, the Commission has considered whether an industry is being injured. There is no qualification as to the kind of industry nor the number of industries that might be affected by the imports being considered.

The Tariff Commission advised the committee that if the code had been in effect, they would not have been able to find injury in four out of five recent cases in which they did find injury under the existing law. This was confirmed by the attorney who prosecuted and won those four cases for the injured industry. He said:

> I was in charge in our firm of a group of us who worked on all of those cases. Not only do I know the record, I made the record. And I can categorically and without any equivocation say that the results would have been diametrically opposite under the code. (Hearings, page 94.)

The special trade representative did not contest this conclusion, and I questioned him very carefully on this, as the record shows. In fact, the record demonstrates that neither he nor his associates knew the facts involved in those cases.

Now, if 80 percent of the cases would have been decided in an opposite way under this code than under the act, how can there be any question of its inconsistency with the act. Changing the results of a case by international agreement is tantamount to changing the law itself.

Mr. President, it is a strange legal principle by which lawyers would argue that the language of the code can be so tortured to make it conform to the act, even though 80 percent of the positive injury findings under the act could not be made under the code. Nobody ever taught me that the judge is more important than the law.

MISCELLANEOUS

There are also some important procedures established under the act, and by subsequent legislation that would be completely changed by this code.

Under the act, the Treasury Department receives a complaint from a domestic producer and is then required to make the "arithmetical computation" to determine whether there have been sales at less than fair value. When it makes a finding of sales at less than fair value, the case must be referred to the Tariff Commission for investigation of the injury question.

The code, however, requires simultaneous consideration of the questions of price discrimination, and injury caused by such discrimination. In meeting the code's requirements, the Treasury's new regulations state that dumping complaints should be rejected by the Treasury unless there is sufficient evidence of injury to justify proceeding with the case—article 5(c).

The present division of responsibility between the Treasury and the Tariff Commission was established by the Customs Simplification Act of 1954, under which Treasury was relieved of the injury investigation. Thus, in putting the Treasury back in the business of making an injury determination—albeit a preliminary one—this code is in violation of yet another act of Congress.

Mr. President, these are the major areas where the code is patently in conflict with our domestic laws. The report of the Committee on Finance describes others.

CONCLUSION

Let me conclude by saying that this code should never have been agreed to by our trade negotiators. There was no specific authorizing language in the Trade Expansion Act of 1962. In fact, when the Senate became aware that our negotiators were contemplating actions outside the scope of their authority, it passed a resolution to the effect that they should confine themselves to their negotiating authority. The committee report accompanying that resolution made it quite clear that dumping was one of the areas in which Congress did not want to be bypassed.

In spite of lacking specific negotiating authorization from the Congress and in spite of a Senate resolution, our negotiators barged ahead with the so-called International Antidumping Code,

Now we find that first, the code is in violation of a body of domestic law dealing with unfair trade practices such as price discrimination; second, the code would not enable the Tariff Commission to find injury in four out of five recent cases in which they did find injury under the act; and, third, the code would create a legal battlefield, but provide no help to domestic industry suffering from the unfair trade practice of price discrimination or dumping.

For these reasons, the Committee on Finance, without a dissenting vote, agreed to add this amendment to H.R. 17324.

Specifically, the amendment would first, suspend the new Treasury regulations which implement the code's requirements; and, second, direct the Treasury to perform its duties and functions under the Antidumping Act in accordance with the regulations in existence on June 30, 1968, except that it could no longer dismiss a complaint or revoke a determination because, first, in its judgment the quantity of goods imported at dumped prices is insignificant; second, it has received assurances of price revisions to eliminate the likelihood of dumped prices; or, third, it has received assurances that shipments at dumped prices have terminated and will not be resumed.

The Tariff Commission would be directed by the amendment to perform its duties and functions under the Antidumping Act in accordance with precedents established in its prior affirmative determinations.

The amendment also requires that the Treasury Department and the Tariff Commission shall perform their duties without regard to the provisions of the International Antidumping Code until such time as legislation is enacted to implement the code.

Let me add a personal note. I pointed out personally in the hearings before the Finance Committee the implications of entertaining even the original ideas. Again, in my opinion personally and not that of the committee, the international negotiators would have been far better advised not to have taken unto themselves the legislative authority which lies solely within the realm of Congress.

INTERNATIONAL COFFEE AGREEMENT

Mr. President, with regard to the amendment which does not specifically deal with the substantive legislation involved; namely, the International Coffee Agreement, the second non-Renegotiation Act amendment added to H.R. 17324 by the committee provides authority for continued U.S. participation in the International Coffee Agreement for a period of 2 years, until September 30, 1970.

The committee amendment is similar to the legislation approved by the Committee on Ways and Means of the House, except that it first, provides authority to implement the agreement for 2 years instead of 5 years; second, includes a remedy against discriminatory shipping practices in the coffee trade; and third, requires reports to the Congress with respect to coffee transportation and discriminatory shipping practices.

By authorizing the implementation of the agreement for 2 years instead of the full 5-year period for which the agreement is to apply, the amendment provides Congress with an opportunity to review the effectiveness of the agreement while it is in operation, rather than when it is expiring. This shorter implementation period will also permit a review of the consequences of the agreement on domestic coffee processors, the shipping industry, the American consumer, the balance of payments, and its impact on this country's participation in the Alliance for Progress.

The committee added a provision to deal with discriminatory shipping practices in the coffee trade. This provision requires the President to investigate complaints that any country which is a member of the International Coffee Agreement is discriminating against U.S.-flag vessels. If the President finds that such discrimination, or threat of discrimination, exists he shall notify the Federal Maritime Commission which must promptly take appropriate action under section 19 of the Merchant Marine Act, 1920, as amended. If, after a reasonable time, the effect of discrimination or threat thereof, continues to exist, the President is directed by this amendment to suspend U.S. participation in the coffee agreement until such time as the discrimination is ended.

It is no secret that Brazil, our friendly neighbor to the south, has taken steps which discriminate against U.S.-flag vessels in the coffee trade. At one time they were quoting a much lower price per bag of coffee to the U.S. importer, if he used Brazilian-flag vessels to transport the coffee.

There also have been pooling arrangements which divide up the coffee trade—a sort of cartelization of the shipping business—which lowers the share carried by U.S.-flag lines. These are the kind of practices at which the shipping provision is aimed. If the discrimination is not ceased, then this country's participation in the coffee agreement will end.

The shipping feature is preventive, not punitive. I hope it will not be necessary to apply it. But, it would be folly to sit idly by and watch other countries take advantage of our generosity, and discriminate against our already underdeveloped merchant fleet.

Let me report, for a minute, the benefits of this agreement. First, the U.S. consumer has not had to pay higher prices for coffee under this agreement. The 1967 average annual price of green coffee was 34 cents per pound—25 percent lower than the average between 1953 and 1962, and 9 percent lower than the average price in 1965 when the original implementing legislation was being considered by the Congress. A pound of roasted coffee cost the consumer only 77 cents in 1967, or 10 cents lower than the average price between 1954 and 1964. The prices of instant coffee have also gone down since the agreement has gone into effect.

But, in spite of lower prices, the coffee earnings of the producing countries have increased by $500 million, from a preagreement level of $1.8 billion to $2.3 billion average in 1966 and 1967. They were able to do this by increasing their volume of sales, especially to Europe. This has had the added benefit of helping our balance of payments by drawing foreign exchange from Europe to these less developed countries.

The agreement has worked as it was anticipated. This new implementing legislation is designed to retain all the benefits of the agreement, while providing sufficient safeguards against injury to U.S. processors of coffee, the U.S. shipping industry, and the consumer.

Mr. President, this concludes my remarks on the renegotiation bill and the two principal amendments which deal with nonrenegotiation matters.

Mr. President, I ask unanimous consent that the Senate consider the committee amendments beginning on page 1, line 3, through page 8, line 6, and that they be considered en bloc.

The **PRESIDING OFFICER**. Is there objection?

Mr. **WILLIAMS** of Delaware. Mr. President, the committee amendments to be considered en bloc, I understand, are those from page 1, line 3, through page 8, line 6.

Mr. **HARTKE**. That is correct. The International Coffee Agreement and the question of antidumping are not included.

Mr. **WILLIAMS** of Delaware. I have no objection.

The **PRESIDING OFFICER**. There being no objection, the committee amendments will be considered en bloc.

The question now is on agreeing to the committee amendments en bloc.

The amendments were agreed to en bloc, as follows:

On page 1, at the beginning of line 3, after the enacting clause, strike out: "That this Act may be cited as the 'Renegotiation Amendments Act of 1968'."

And, in lieu thereof, insert:

"TITLE I—RENEGOTIATION AMENDMENTS ACT OF 1968

"Sec. 101. This title may be cited as the 'Renegotiation Amendments Act of 1968'."

On page 2, at the beginning of line 2, change the section number from "2" to "102"; at the beginning of line 8, change the section number from "3" to "103"; at the beginning of line 22, change the section number from "4" to "104"; on page 4, line 2, after the word "other", strike out "unusual" and insert "significantly different.";

On page 4, line 5, after the word "least" strike out "50 per centum of the receipts or accruals in such fiscal year are from sales for civilian industrial or commercial use"; and insert "55 per centum of the receipts or accruals in such fiscal year are not (without regard to this subsection and subsection (c) of this section) subject to this title;"; in line 25, after the word "least" strike out "50 per centum of the receipts or accruals in such fiscal year are from performance for civilian industrial or commercial purposes"; and insert "55 per centum of the receipts or accruals in such fiscal year are not (without regard to this subsection) subject to this title;".

On page 5, line 24, after the word "least" strike out "50 per centum of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from the performance of such service and such standard commercial service are from performance for civilian industrial or commercial purposes"; and insert "55 per centum of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from the performance of such service and such standard commercial service are not (without regard to this subsection) subject to this title;";

On page 7, line 6, after the word "other" strike out "unusual" and insert "significantly different"; in line 10, after the word "least" strike out "50 per centum of the aggregate receipts or accruals in the fiscal year by the contractor or subcontractor from sales of all such articles are from sales for civilian industrial or commercial use"; and insert "55 per centum of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from sales of all such articles are not (without regard to this subsection and subsection (c) of this section) subject to this title,"; after line 19 strike out:

"EFFECTIVE DATE

"Sec. 5. The amendments made by this Act shall apply with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after June 30, 1968."

And, in lieu thereof, insert:

"EFECTIVE DATES

"Sec. 105. The amendment made by section 102 shall take effect as of June 30, 1968. The amendments made by sections 103 and 104 shall apply with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after the date of the enactment of this Act."

Mr. **HARTKE**. Mr. President, I ask unanimous consent that the Senate consider the committee amendment beginning on page 8, line 7, and ending on page 9, line 11, which is the administration of the Antidumping Act amendment of 1921.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the committee amendment.

The committee amendment was agreed to, as follows:

On page 8, after line 6, insert a new title, as follows:

"TITLE II—ADMINISTRATION OF THE ANTIDUMPING ACT, 1921

"DETERMINATIONS UNDER THE ANTIDUMPING ACT, 1921

"Sec. 201. (a) Until otherwise provided by law hereafter enacted—

"(1) the Secretary of the Treasury shall perform his duties and functions under the Antidumping Act, 1921, in accordance with the regulations prescribed under such Act as in effect on June 30, 1968; and

"(2) the United States Tariff Commission shall perform its duties and functions under the Antidumping Act, 1921, in accordance with precedents established in affirmative determinations made under such Act by the Commission before June 30, 1968.

For purposes of paragraph (1), the duties and functions of the Secretary of the Treasury shall not include determinations as to whether the quantity of merchandise deemed to have been sold at less than fair value is more than insignificant, and shall not include the acceptance of assurances (i) of price revisions to eliminate the likelihood of sales below fair value, or (ii) that sales in the United States of merchandise at less than fair value have terminated and will not be resumed."

"(b) The Secretary of the Treasury and United States Tariff Commission shall perform their duties and functions under the Antidumping Act, 1921, without regard to the provisions of the International Antidumping Code, signed at Geneva on June 30, 1967, until such time as legislation enacted to implement the provisions of such Code becomes effective.

Mr. **HARTKE**. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. **WILLIAMS** of Delaware. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the committee amendments beginning on page 9, line 12, through page 14, line 4. This is the International Coffee Agreement Act of 1968.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the committee amendment.

The amendment was agreed to, as follows:

And, on page 9, after line 11, insert a new title, as follows:

"TITLE III—INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

"SHORT TITLE

"Sec. 301. This title may be cited as the "International Coffee Agreement Act of 1968".

"AUTHORITY FOR IMPLEMENTATION OF AGREEMENT

"Sec. 302. On and after the entry into force of the International Coffee Agreement, 1968, and for such period prior to October 1, 1970, as the agreement remains in effect, the President is authorized, in order to carry out and enforce the provisions of that agreement—

"(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency in such form as required under the agreement, and (C) the imposition of special fees or such other measures as he deems appropriate to offset discriminatory treatment by other governments in favor of the export or reexport of processed coffee;

"(2) to require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

"(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

"(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the agreement.

"DEFINITION OF COFFEE

"Sec. 303. As used in section 302, 'coffee' means coffee as defined in article 2 of the International Coffee Agreement, 1968.

"DELEGATION OF POWERS AND DUTIES; PROTECTION OF UNITED STATES CONSUMERS

"Sec. 304. The President may exercise any powers and duties conferred on him by this title through such agency or officer as he shall direct. The powers and duties conferred by this title shall be exercised in the manner the President considers appropriate to protect the interests of United States consumers. In the event the President determines that there has been an unwarranted increase in the price of coffee due in whole or in part to the International Coffee Agreement, the President shall request the International Coffee Council and the Executive Board to take appropriate action. At the same time he shall report his determination to the Congress. In the event the International Coffee Council has failed to take corrective action to remedy the situation within a reasonable time after such request, the President shall submit to the Congress such recommendations as he may consider appropriate to correct the situation.

"REPORTS TO CONGRESS

"Sec. 305. The President shall submit to the Congress an annual report on the International Coffee Agreement, 1968. Such report shall contain full information on the operation of such agreement, including full information with respect to the general level of prices of coffee and matters pertaining to the transportation of coffee from exporting countries to the United States. The report shall also include a summary of the actions the United States and the International Coffee Organization have taken to protect the interests of the United States consumers.

"PREVENTION OF DISCRIMINATION AGAINST UNITED STATES-FLAG SHIPS

"Sec. 306. (a) Upon complaint of any interested party filed after the date of enactment of this title, the President shall promptly make an investigation to determine whether any exporting country which is a member of the International Coffee Organization, or group of exporting countries which includes any member of such Organization, is taking action which, directly or indirectly, discriminates, or threatens to discriminate, against vessels registered under the laws of the United States in the shipping of coffee to the United States. If the President finds that discrimination, or threat thereof, exists, he shall notify the Federal Maritime Commission which shall promptly make appropriate rules and regulations under section 19 of the Merchant Marine Act, 1920. If, within a reasonable time thereafter, the President finds that the effect of discrimination, or threat thereof, still exists, the authority conferred by section 302 shall cease to apply such time as the President finds that the effect of discrimination, or threat thereof, has ceased to exist.

"(b) The President shall furnish to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the United States Senate a copy of each complaint filed under subsection (a) and shall promptly report to such committees (1) the results of the investigation made with respect to each such complaint and his findings thereunder, and (2) in the case of each complaint with respect to which he makes an affirmative finding of discrimination, or threat thereof, any rules and regulations made by the Federal Maritime Commission pursuant to subsection (a) and each subsequent finding made by him under such subsection.

"(c) Nothing contained in subsection (a) shall be construed to affect the powers and duties of the Federal Maritime Commission determined without regard to the provisions of such subsection."

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 887

Mr. PROXMIRE. Mr. President, I call up my amendment (No. 887), and ask that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record at this point.

The amendment offered by Mr. Proxmire is as follows:

EXEMPTION FROM LIMITATION OF NUMBER OF EMPLOYEES

Sec. 6. Effective on the date of the enactment of this Act—

(1) the provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall cease to apply with respect to employees of the Renegotiation Board, and

(2) in applying the provisions of such section to other departments and agencies in the executive branch, the employees of the Renegotiation Board shall not be taken into account.

Mr. PROXMIRE. Mr. President, I will explain the amendment. It is in two parts. First, to exempt the Renegotiation Board from the limitation on the number of employees provided in section 201 of the Revenue Expenditure Act of 1968. Subparagraph (2) further provides, that in applying section 201 to other agencies, the Renegotiation Board should not be taken into account.

Mr. President, we have had a number of instances in which Senators have offered amendments to exempt a particular agency from the personnel freeze. I think that in some cases, those cases were quite strong. But I submit there has been no case—none—in which a case is nearly so strong as it is in this particular instance.

The fact is, if we do not exempt the Renegotiation Board from the personnel freeze, the funding in the bill which provides for an increase of $600,000 might as well be forgotten.

The purpose of that funding is to provide that the Renegotiation Board can do the bigger job that it must do—indeed, that it must do to stay current, let alone to accomplish the future task, which we know for a certainty is going to be much bigger.

The Renegotiation Board has the function of renegotiating procurement contracts. Obviously, the size of its task depends on how big our procurement is. Since 1965 our procurement has increased by 60 percent, from about $28 billion in 1965 to $45 billion this year, a 60-percent increase. As a matter of fact, in 1965 the total number of personnel was 184. Today it is 185. Unless the number can be increased to at least 210, the Board is not going to be able to do anything like the job it has to do.

This is an agency that brings back $18 for every dollar it costs. Talk about false economy. If we refuse to permit the Renegotiation Board to hire the additional people to do the job, we are just throwing money away. There is not any question about it. Nobody disputes it. The figures are very clear. I am sure, in the course of this debate, if there is opposition to the amendment, no Senator will say that the Renegotiation Board does not bring in a whale of a lot more money than it costs.

Consider these simple statistics. For example, the number of filings rose from 3,673 in fiscal 1965 to 4,800 filings this year. The number of referrals—they are the cases assigned by the Washington office to regional boards for full development—rose from 355 in 1965 to 444 referrals in 1966. In 1967, there were 635 referrals. In 1968, there were 827 referrals. It is estimated that next year there will be 925 referrals.

In other words, the number of referrals has more than doubled; it has almost tripled the amount of work as measured by referrals; and without this amendment we are providing no increase. As a matter of fact, the number of personnel cannot be increased until they get back to 172. So the present restrictive legislation on the books is going to completely cripple this operation.

The upsurge in the workload of the Board is reflected by the following backlog figures: 422 cases in 1966; 678 in 1967; 938 in 1968. For fiscal year 1969, it is estimated that there will be 1,260 cases.

That is a tripling—an increase threefold—in the backlog of this agency; and we are saying to that agency that it cannot increase its personnel to handle it. It is obvious that the Board will not be able to do its job. It will not be able to renegotiate because the agency does not have the personnel to do it. It means the Government will lose money unless we exempt, by this amendment, the employee freeze.

It is only reasonable that the Board's capability, in terms of the number of employees, be allowed to expand to meet the increased workload. In fact, it is the intention that the Board have 210 employees, instead of the present 185 employees.

To sum up, the amendment provides that the Renegotiation Board shall be freed of the freeze that was put into effect by the Smathers-Williams bill which passed the Senate earlier this year.

There is no man for whom I have more respect in matters of this kind and matters of fiscal responsibility than the Senator from Delaware. He has been a great fighter for economy and efficiency in our governmental operations, and I think he has made a very strong case against exempting some agencies. He has said—and I think this may be his argument today—that if the Bureau of the Budget decides more people shall be allocated to the Renegotiation Board, there is nothing in the world that prevents the Bureau of the Budget from doing so. He is perfectly free to transfer personnel from other agencies to the Renegotiation Board and accomplish the result.

Mr. President, I think that is a good argument and a good point. The trouble is that we cannot control Budget Director Zwick. He makes his decisions, and he has made his decision. He has told the Renegotiation Board that it cannot increase its personnel. In a letter dated August 21 he told Mr. Hartwig, Chairman of the Renegotiation Board, that the Board cannot be exempted from what Congress has done.

Consider the position this puts the U.S. Senate in.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. WILLIAMS of Delaware. Mr. Zwick may have said the Board cannot be exempted from the act of Congress, but if so, he is wrong; Mr. Zwick, in his position as Budget Director, does have the authority to exempt that agency from any cut whatsoever, and he can apply those cuts to those departments which he thinks would result in the least disruption to the operations of the Government.

Mr. PROXMIRE. I do not deny that he can, but the fact is he has made his decision, and he has told the Renegotiation Board, "We are not exempting you." The letter was dated August 21. As I said, it was directed to the Chairman of the Board. He has that letter. There is nothing he can do about it.

Consider the position Congress is in, if the Senator will yield me 1 more minute. We have exempted the Post Office Department. We have exempted the Federal Aviation Agency. We have exempted a number of other agencies, including the FBI, from this freeze. If we fail to accept this amendment, the intention of the Senate will be very clear—we have chosen explicitly not to exempt the Renegotiation Board. I do not know how the Budget Director could interpret it in any other way.

The Budget Director is a fine and intelligent man. He may be wrong in this decision, but the Congress put the freeze into effect. We provided certain exemptions could be made if he wished to do so; but if we do not make an exemption for the Renegotiation Board, having made exemptions in other areas, I think there is a real danger the Renegotiation Board will not be able to function, and the Treasury will lose millions and millions of dollars.

Mr. WILLIAMS of Delaware. But it will be so only because of the arbitrary decision of the Budget Director. He admits he has full authority to exempt this Board.

I agree with the analysis of the Senator from Wisconsin up to a certain point. I will not admit that the present Budget Director is one of the ablest Budget Directors we have had. In my opinion he is the least competent and least reliable man who has ever held that office. He came before the committee and said he would endorse the full $6 billion cut and he would endorse the decision to roll the number of employees back. He made no exemption. He specifically agreed to the conference committee that there would be no exemption for any agency. Congress conferred on him full authority to make cuts in agencies that would result in the least disruption to service to the American taxpayer. Now he has completely failed to fulfill his obligation. I want to make it clear, and I have said it before—I do not like to say this about any member of the Cabinet or high official—in my opinion he is either inefficient or determined not to fulfill his duty. I shall not say he lied to the conference committee. That is strong language. I shall put it in more delicate language and say he did not tell the truth.

Mr. PROXMIRE. Whether the Senator agrees or disagrees with the Zwick decision—and I disagree with his failure to exempt the Renegotiation Board, and I assume the Senator from Delaware disagrees with that decision also—the Budget Director made that decision. Having made that decision on August 21 and having been told by the Congress of the United States that he must exempt the Post Office Department, that he must exempt the FAA, that he must exempt the FBI, if he is not told to exempt the Renegotiation Board—having made that decision—I think it is pretty obvious that the Renegotiation Board is unlikely to be exempted. If that Board is not exempted, I think the Senator from Delaware, who feels as strongly as anyone in the Congress that we must increase revenues and decrease the deficit, will find that the failure to adopt the amendment will result in an increase in the deficit.

Mr. WILLIAMS of Delaware. I think the American people on the 5th of November will take care of Mr. Zwick if he does not do his job before then.

We were confronted with a deficit of more than $25 billion in fiscal 1968, and many of us felt something had to be done. I was one of the cosponsors, here, of a proposal to raise taxes 10 percent, which would bring in about $10 to $12 billion additional revenue, which we felt we had to have, but we accompanied that measure by a $6 billion reduction in expenditures. This reduction was just as important a part of the bill as the tax increase.

Even if we held to the $6 billion reduction—which we are not; we are whittling it away dollar by dollar—but even if we held to the $6 billion reduction in expenditures, with the saving realized together with the increased revenue from the 10-percent surcharge we would still have a deficit next year of around $12.5 billion, based on the latest figures. I know a couple of days ago the administration said the deficit would be about $5 billion; that estimate is based on the assumption that they are counting $7.5 billion of trust fund receipts as though it were normal revenue; this is a farce as far as the taxpayers are concerned. The actual deficit next year will be about $12.5 billion, based on normal figures, even if we hold the $6 billion expenditure reduction.

But we are not holding to the $6 billion. I agree with the Senator from Wisconsin; I think this exemption may go that estimate is based on the assumption are being approved. It seems much easier for Congress to spend money than it is to save money, but we cannot afford a deficit for next year of at least $18.5 billion; something has got to be done.

This particular agency in June had 184 employees. In July they had 190, having added six. That is about the same basis it had been running for 12 months.

We have had this Vietnam war going on at least 3 years now. They may need some additional employees; they say they do. Frankly, I do not understand why they need more than they did a year ago. If they do I would say, "Furnish them, but take them from some other agency which is overstaffed."

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. PROXMIRE. The procurement has increased from about $28 billion in 1965 to $45 billion today. There is a lag, as the Senator well knows, from the time of procurement until renegotiation, of from 1 to 2 years.

We know, as a positive fact that cannot be questioned, that their work is going to be much greater in the coming year. As a matter of fact, the request for 10 employees is very modest, and they still will not be able to handle all the work they should handle.

Mr. **WILLIAMS** of Delaware. I agree with the Senator from Wisconsin; I am as anxious as he for an effective Renegotiation Act, and I agree that it should be fully implemented. But why can they not take those employees from elsewhere? According to the testimony before the Senator's own committee, the Subversive Activities Control Board for 2 years said it had not performed one single function.

Mr. **PROXMIRE**. The Senator could not be more correct. I fought as hard for its termination as he did. But the head of the Republican Party in this body has done a great job to keep the Subversive Activities Control Board alive.

Mr. **WILLIAMS** of Delaware. That is correct, with the Democratic majority voting with him. They had 13 employees on that board doing absolutely no work at all. Then this year they asked the Budget Director for five more employees, I presume because they got tired of playing pinochle with the same partners. That is the only possible reason I can think of. They still perform no duties.

Why does not the Budget Director say: "We will take those 18 employees and transfer them to where they can perform some constructive work"?

I agree with the Senator from Wisconsin that the Budget Director is not doing it; so let us get rid of the Budget Director and put somebody in there who has guts enough to do what he is supposed to do and not keep coming back here to Congress saying: "The only answer is to spend more and more of the money of the taxpayers." Some day they will wake up to the fact that the taxpayers are tired of putting up money for this overstaffed bureaucracy.

I submit that those who propose an exemption ought to accompany that proposal with another proposal, to eliminate employees from another agency. I know that the Senator from Wisconsin has been just as vigorous as I on the matter of this Subversive Activities Control Board. That agency does not need those employees. If the Senator will modify his amendment to abolish that agency and allocate its employees to this one, I will support him.

Mr. **PROXMIRE**. Mr. President, the Senator knows perfectly well that my amendment, if so modified, would not have a chance of passage. The Senator is correct when he says that many Democrats voted against abolishing the Subversive Activities Control Board. Both parties are guilty in this matter, although the Senator from Illinois [Mr. DIRKSEN] was the champion of keeping this useless, idle, nonfunctioning agency alive.

Moreover, the Senator is correct that we have to be concerned about the deficit; but I say that if my amendment is not agreed to, the deficit next year is bound to be greater. I think the Senator will stipulate with me that if this board is not permitted to keep its personnel, the 185 employees, or whatever the figure is, the Treasurer is going to lose millions of dollars, and the result will be a deeper deficit. It seems to me, therefore, that the adoption of this amendment would certainly be good fiscal policy, especially in the context of what the Senate and the House of Representatives have already done.

Mr. **WILLIAMS** of Delaware. Politicians can prove almost anything by figures. There is no question about that. You can take an alleged saving, multiply it, and show how still more additional employees would save an awful lot of money.

Mr. **PROXMIRE**. Does not the Senator agree?

Mr. **WILLIAMS** of Delaware. I am reminded of the argument of the Treasury Department when they said they needed an expansion of 20,000 or 25,000 more tax collectors because they said that as they increased the number of Internal Revenue agents they increased the revenue of the Government; but I say they overlooked the fact that the revenue of the Government was increasing because of the increase in productivity and in gross national product and the increased profits of corporations and individuals, not the increased number of Internal Revenue agents. Taking the other side of the argument, our national debt has increased every time we have added to the number of Government employees. Our deficit has increased every time we have added to the number of Government employees. Take this renegotiation bill as an example; merely spending more money is not the only answer. We need to correct some of the abuse in defense procurement. Why are there not more purchases made by competitive bidding? Hundreds of millions could be saved if we could halt these negotiated contracts that are being made more often on political rather than economical considerations.

I am just saying you can prove anything by figures, but it all gets back to the basic point, the only way to save money is to cut expenditures.

Mr. **PROXMIRE**. If the Senator will yield at that point, I think he must recognize the fact that we now have the largest defense procurement we have had since well before the Korean war, before the Renegotiation Board was established. Back in 1953, there were more than 700 employees of the Renegotiation Board, and throughout the Korean war period, the number varied between 500 and 740 or 750 employees. There are now only 185, and our procurement is greater. We are not asking for thousands of additional employees; we are asking for 25, to increase the total number from 185 to 210.

Mr. **WILLIAMS** of Delaware. If the Senator's amendment is agreed to he still has no assurance that they would put on the 25.

Mr. **PROXMIRE**. Certainly they would have a lot better chance than if they do not get it.

Mr. **WILLIAMS** of Delaware. After we passed the tax bill and after the conference committee had agreed the bill lay over there in the House of Representatives about 2½ weeks before they acted, and then after the Senate and House of Representatives had acted on the conference report and it had gone down to the President, it lay there for the full time limit permitted by law. He signed it, I think, the 29th day of June, but during that interval while the bill was lying around the Executive Department added 95,350 employees to the public payroll. Today the public payroll is at an all-time high with the exception of World War II.

They are still padding the payroll. They added 30,000 more in the month of July, so they are not suffering for lack of employees. They have more employees than they have had on the payroll in a number of years. They are simply not allocating them to the places where they can do the most work. They are not allocating the employees to areas where they can perform the most service.

Instead of adding those 25 or 30 employees to the Renegotiation Board, in July—while this law was in effect—they added 1,862 employees to the Department of Agriculture. We have more employees there than we have farmers.

Seven hundred fifty-three employees were added in July to the Department of Commerce.

The Department of Health, Education, and Welfare added 725 employees.

The Department of Housing and Urban Development added 77 employees.

The Department of the Interior added 1,333 employees.

The Department of Justice added 370 employees.

The Labor Department added 141 employees.

The Post Office Department added 5,431 employees. And we are getting slower mail delivery now than we did before. In fact, the Post Office Department had an additional 20,000 employees on the payroll when the Postmaster General threatened to curtail our services. The mail delivery was slower then than it was 60 days before, yet he said: "If you don't except my agency from any cutback we will shut down all mail deliveries."

The Treasury Department added 3,314 employees in July.

The Transportation Department added 57 employees.

All those employees were added in the month of July this year. However, they were not added to the Renegotiation Board or to other agencies where they could perform some useful function. They have been adding the employees in agencies where they think they can get more political votes.

I am not going to sit back and allow the exempted agencies to pad the payroll for political reasons. I know that the Senator from Wisconsin would agree with me on that point. I am not suggesting that he is trying to pad the payroll.

I agree that the Renegotiation Board renders a useful service. However, why they do not put the increase of 20 or 25 employees in the Renegotiation Board?

They even wanted to add an additional five employees to the Subversive Activities Control Board. Perhaps they want to change bridge partners because they are tired of sitting around with the same employees. These were employees, who by their own admission, have not performed one useful duty for 2 years. I think we had better transfer these employees to agencies where they can render some useful service.

That is all I am arguing about. As one who sponsored the tax increase bill and supported it, I point out the $6 billion savings is just as important a part of that bill in preserving the dollar as was the increase in taxes.

What we are doing here is whittling away, one by one, these savings. I most respectfully suggest that whittling the savings away, piece by piece, will destroy all the good we have accomplished. It hurts just as much to cut off half an inch of a dog's tail as it does to cut off all of it.

If Congress is going to continue to make all these exemptions we should be honest about it and bring in a bill to repeal all of the expenditure reductions. Let our actions be open and aboveboard. Tell the American people that there will be no reduction of expenditures but that instead Congress and the administration will insist on expanding the agencies and that the taxpayers are expected to shell out more and more money.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I defer to my colleague, the senior Senator from Delaware, who was the original author of the proposal to cut down on the number of employees. I do not find myself in a position to oppose the proposal of the Senator from Wisconsin.

As I understand the law, it provides at the present time that three out of every four vacanices may be filled.

Mr. WILLIAMS of Delaware. The Senator is correct. The Director of the Budget can allocate those cuts wherever he pleases. However, the overall total must reflect the filling of three out of every fourth in each quarter.

There is nothing revolutionary in the proposal. I got the idea from the man in the White House. On September 26, 1966, he issued an Executive order freezing the number of employees at the July 1, 1966, level.

The President said he was going to accomplish that goal without discharging a single employee, by filling three out of every four vacancies. We merely wrote the provision into the law. Far be it from me to say that the President of the United States was not sincere. All that Congress did was to write into the law what the President promised the American people he would do.

Mr. HARTKE. The law provides that three out of every four vacancies can be filled.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. HARTKE. However, Mr. Zwick, the Director of the Budget, as I understand it, has taken action which is legal and which he is perfectly entitled to take. He is creating an additional pool and providing that, rather than 75 percent of the vacancies being filled, only 70 percent of the vacancies can be filled. Thus, he is creating a pool of 5 percent, a differential which he has the authority under the law to create. He, by his own statement and direction, can transfer these employees to any agency he sees fit.

Mr. WILLIAMS of Delaware. The Senator is correct. That is the reason the policy was established. He may transfer 20, 25, or 50 extra employees to this Renegotiation Board if he wants to do so.

Mr. HARTKE. Mr. President, I did not support the Senator from Delaware in his original proposal. I do not do so today. I think it is a bad way to do business. I do not think it contributes to the efficiency of government.

I think that it creates a lot of trouble and difficulty. I really think that the procedure of going through with the exemptions is a poor way of proceeding. I agree with the Senator from Delaware that it would be better to proceed on an overall basis. However, we are not going to do that.

I understand almost $1 billion has been recaptured by the Renegotiation Board during its existence. It is a situation in which the Government itself is engaged in a field in which most of the contracts today are negotiated, especially in the Defense Department where over three-fourths of the dollar amount of contracts are negotiated. They are still not on a competitive or lowest-bid basis. All of these problems arise out of the war in Vietnam and out of the space program. However, we have an agency here which is bringing money back into the Treasury and helping to reduce the deficit.

I think if any agency of the Government is entitled to an exemption, they are entitled to it. They are much more entitled to an exemption than is the Post Office Department or the air traffic controllers, which latter case dealt with a question of safety.

This is not a big agency. We are not dealing with an agency as large as the Post Office Department. This Board has never been known to abuse its authority. The Board has been known to husband its authority. The Board has not tried to increase its employees by a large number, as an agency of this kind would probably have been justified in doing so.

This is one of the few agencies of the Government that has returned money to the Treasury through their operations. They have also done something else. They have kept the businessmen in the street honest, so to speak. We do not have the constant threat that people are using military sales to the Government to make what might be called blood money for themselves.

I think that the increase in employees is deserving. For that reason I cannot in good conscience support the Senator from Delaware. As the manager of the bill, I cannot oppose the proposal of the Senator from Wisconsin. Therefore, I defer to the Senator from Delaware.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I reiterate my statement that the manager of the bill, the senior Senator from Indiana, has made a very strong case in favor of the amendment. However, I want to make it clear that with respect to all of the proposed exemptions by the Director of the Bureau of the Budget—and there is no question that he has that authority—we have to recognize the fact that the Director of the Budget has written the Chairman of the Renegotiation Board to the effect they cannot increase the number of their personnel. Mr. Hartwig has requested an increase in personnel. He was told on August 21 he could not have it. So, unless the Senate acts, the Renegotiation Board is going to be tied down to only 185 people. They could use 210 people.

We have the largest amount of procurement today that we have had since World War II. It is much larger than during the Korean War. We have one-third of the employees we had at that time.

It is a very modest request by the Renegotiation Board. I think it is the very least we can do.

Mr. WILLIAMS of Delaware. Mr. President, I supported the Renegotiation Board with the adequate personnel to carry out their functions just as strongly as did any other Senator, but the Director of the Budget has this authority. He does not need this exception.

I regret very much that the Senators on the other side of the aisle have so little confidence in the man they have as Budget Director. I can offer them a ray of hope that in the near future we hope to change that situation by having in the White House a man who will put in that position as Budget Director someone in whom they will have confidence. I too share their lack of confidence in the present Director, but I dislike to see it so widespread that nobody trusts him.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HARTKE. I trust the Director of the Budget. The point is that I do not approve of the way we have been proceeding. I believe the Budget Director is a fine man and that he is doing a fine job. I do not want to put him under these restrictions. If the amendment of the Senator from Wisconsin is adopted, the Budget Director would be relieved of the onerous task which is upon his back. This is no reflection upon the President.

Mr. WILLIAMS of Delaware. I understand that the Senator from Indiana is in a little different position because he was opposed to the reduction in the number of Federal employees, he was opposed to the $6 billion cut in expenditures, and he was oppposed to the tax increase. While I do not know what plan he had to take care of the $25 billion deficit, yet I respect his right to support continued deficit spending.

Mr. HARTKE. If we get out of Vietnam, that will answer the problem.

Mr. WILLIAMS of Delaware. But we are not out of Vietnam. I happen to be one who is concerned about the $25 billion annual deficit. I do not believe we can keep pouring out the taxpayers' money and running a deficit of $2 billion per month. I know we were very close to devaluing the American dollar before the tax bill was passed.

While I respect the position of the Senator from Indiana, I do regret that he has too many friends who feel that they can keep pouring more and more money into the spending stream and that some day some miracle will take care of it. I do not believe the deficit will be corrected until Senators stand up on the floor and take a position that we are going to cut expenses or raise taxes or both. I do not believe they can get away much longer with the pipedream some have that we can keep spending more and more but that we have to cut spending or raise taxes. It just cannot be done without ultimate bankruptcy.

Mr. HARTKE. Let me say to the Senator from Delaware that the war in Vietnam represents a big increase in cost, and every Member of the Senate knows it. I do not wish to become involved in a debate on the question of Vietnam.

I have spent almost as much time criticizing the figures with respect to the spending in Vietnam as any other Senator. I called the attention of the Treasury in June 1966, to the fact that they were underestimating the cost of the war in Vietnam by 100 percent. I missed it by $300 million, and they missed it by $10 billion.

I have a system that I believe is much better than that we have been using. I think the approach we have used will cause us much more difficulty.

We are talking about 25 employees in the case of the Renegotiation Board, and the question is whether you are going to permit 25 employees to be exempt from the restriction to go out and do three things: First, to collect excess profits, which is their legitimate operation; second, to have corporations voluntarily return excess profits; and, third, to act as a restraining influence in making sure that contractors do not try to put their initial contract prices so high, because they know excessive profits will be recaptured under the Renegotiation Act.

The Renegotiation Board has been understaffed through the years. They should have had more people to do the job. They are in this position because they were not as anxious to increase the size of their staff as some other agencies were. They now, however, would be subjected to severe limitations by the employee cutback.

Mr. WILLIAMS of Delaware. We are unfortunate to have a Director of the Budget in whom the majority party has such little confidence.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I shall vote against the amendment offered by the distinguished Senator from Wisconsin. I supported the proposal advanced by the distinguished Senator from Delaware.

I believe that if all the facts were brought out, we would find that in the passage of the tax increase and the proposal to cut back on spending and the personnel, the United States was saved from serious difficulty, and it was a matter of hours.

If we continue to chip away at that again, no one can predict when serious trouble will be at our door once more.

I opposed the previous amendments to exempt agencies from the cutback on the ground that it was not necessary. It is not necessary today. Congress has enacted no law which prevents the executive branch from taking care of the most essential functions of Government first and eliminating the least essential, and we do not need any exemptions to bring that about.

Mr. WILLIAMS of Delaware. I thank the Senator.

The Director of the Budget, himself, in conference with the House and Senate conferees when acting on that tax bill, agreed that there should be no exceptions, and he agreed that he had the full authority to allocate cuts in those areas which would least disrupt the public service. He has that authority. Let us trust him and see if he will do it.

If, however, Congress does not have confidence in the Budget Director let us get rid of him. Let us not keep a man in that important office in whom apparently nobody on the other side of the aisle has confidence. I am amazed by their complete lack of confidence in one of their own Cabinet officials.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

VISIT TO THE SENATE BY DIGNITARIES FROM THE DOMINICAN REPUBLIC

Mr. MORSE. Mr. President, I believe it is particularly fitting that I should provide a pleasant interlude to the rocking debate that has taken place on the floor of the Senate, because the Senate today is honored by a visit from 10 distinguished parliamentarians from a neighboring country, the Dominican Republic.

It is particularly fitting that I should perform the introductions from the desk at which I now stand. When the Committee on Foreign Relations met with these visiting parliamentarians for lunch at noon, I said to the very distinguished and able Ambassador from the Dominican Republic that I would like him to explain to me the major differences between the two major political parties in the Dominican Republic, represented by these visiting parliamentarians—the Reformista Party and the Dominican Revolutionary Party. I listened to my good friend, the Ambassador from the Dominican Republic, and decided that he was having as much difficulty explaining the differences between their two major parties as I would have as a nonpartisan explaining the differences between our two major parties.

So I thought I would introduce these parliamentarians in a very nonpartisan manner today by occupying the chair of the minority leader of the Senate.

With such joshing aside, I now turn to the serious moment of my purpose in taking the floor.

Mr. President, the Committee on Foreign Relations considers it a great privilege to have had these guests at lunch with us, and we consider it a great privilege to bring them to the floor of the Senate and introduce them to the Senate and to the record of this great parliamentary body.

It is my privilege, Mr. President, to introduce at this time one of the Senators from the Senate of the Dominican Republic, Senator Antonio de Jesus De Moya Urena.

I also am privileged to introduce Senator Julio Sergio Zorrilla Dalmasi.

Also present in the Chamber are eight deputies from the Dominican Republic: Deputy Carlos Manuel Dilone Cabrera, Deputy Tancredo Duluc, Deputy Luis Felipe Fernandez, Deputy Honorato Mauriz Juanes, Deputy Julio Cesar Perez Soler, Deputy Jose Joaquin Ramirez, Deputy Fausto E. Sicard Moya, and Deputy Baron Suero Cedeno.

I wish to say to our guests, on behalf of the Senate, that we not only welcome them but we also stand ready to offer any service we can render during their 30-day visit in our country. You are most welcome indeed. [Applause, Senators rising.]

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may greet the visiting delegation.

RECESS

Thereupon, at 2:10 p.m., the Senate took a recess until 2:12 p.m.

During the recess, members of the delegation of parliamentarians from the Dominican Republic were greeted by Members of the Senate.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. SPONG in the chair.)

RENEGOTIATION ACT—INTERNATIONAL ANTIDUMPING ACT—INTERNATIONAL COFFEE AGREEMENT

The Senate resumed the consideration of the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, to suspend the International Antidumping Code, and to implement the International Coffee Agreement.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I shall yield to the Senator from Iowa in just a moment, but I wish to make an observation with respect to the statement by the Senator from Indiana.

It is true that if we did not have the cost of the Vietnam war to finance we would be in a far different financial position than we are. However, the point is that we do have the cost of that war to finance. There is a war going on, and much to my regret the administration has failed to recognize that fact for the past several years. Yes, the war is going on, it does have to be financed, and we do have a deficit of $2 billion a month. Those are the facts of life.

I do not quarrel with the Senator's right to state his position. I agree with the Senator that if we could stop the war we could cut the deficit. I agree, let us stop the war; but I do not have the answer with respect to how it might be stopped.

We do have the war and we do have the deficit, and as long as we do we have no choice except to cut expenditures and at the same time raise taxes. Certainly, having supported that position I am not going to sit back and be a party to what I think is a gradual erosion of the expenditure-reduction feature of that package, leaving nothing in the package except the tax increase. To increase taxes alone and not curtail spending would further fan the fires of inflation, and it would not accomplish the goals we sought.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I shall yield to the Senator in a moment, but first I had told the Senator from Iowa that I would yield to him.

Mr. MILLER. I thank the Senator from Delaware.

Mr. President, I simply would like to make a point, and if either the Senator from Wisconsin or the Senator from Indiana care to respond, I would appreciate it.

I think this matter is susceptible to compromise to achieve the ends of both parties.

I agree with the Senator from Wisconsin that the Contract Renegotiation Board probably should be exempted and, therefore, the first paragraph of the amendment would be in order. But what is wrong with deleting the second paragraph so that the executive branch would have to make up for the additional 25 people from some other agency? The Senator from Delaware furnished abundant evidence of the vast resources of manpower that would be available for this purpose. Why not do that? Then everybody would be happy. The Contract Renegotiation Board would be exempted and the personnel to meet that exemption could come from some other agency where the need is not as great.

Mr. PROXMIRE. With respect to the suggestion of the Senator from Iowa, who is a great mediator, he has a good point. If the Senator from Delaware would support it, I would modify my amendment.

I could not do so at this point without unanimous consent, since the yeas and nays have been ordered; but I would modify my amendment to strike the second paragraph if the Senator from Delaware would support the amendment.

Mr. WILLIAMS of Delaware. I do not support the amendment. The amendment could be modified by a unanimous-consent agreement. I will not object.

Mr. PROXMIRE. Why not compromise on the amendment?

Mr. WILLIAMS of Delaware. The point is they do not need the exception. Certainly this board is important, just as it is important that we staff the Veterans' Administration and the hospitals. However, when we sit down to figure the priorities with respect to what we are going to exempt from the expenditure reduction or the employee controls, it is time somebody started spelling out which agencies are not to be exempted? Where are these cuts to be made? All Senators talk about is where they do not want the cuts to apply.

Mr. PROXMIRE. Since the Senator will not accept the suggestion, let me state the reason. The reason is that the other agencies, the Post Office Department, the FAA, and the FBI had that second paragraph apply when they received their exemptions.

As the Senator from Delaware made clear, if we agree to the amendment, we do not make absolutely sure that the Director of the Budget will act. He can cut back or reduce in any agency. Under our form of government, he and the President have that power. If any increase were provided, it would have to come from other agencies.

I think there is some danger that the Board might not get the personnel they have to have if they are going to collect the taxes they must collect. The reason is much stronger in this case than in the case of the other agencies because we pick up $18 for every $1 it costs for Renegotiation Board personnel.

Mr. WILLIAMS of Delaware. I am in favor of collecting these overcharges just as much as is the Senator from Wisconsin, but much of this would go by the Board if the Department of Defense and GSA would operate with the same business principles as private businesses; namely, buying material from the lowest possible bidder.

Mr. PROXMIRE. I agree.

Mr. WILLIAMS of Delaware. But they do not. We had an example the other day where they were buying M–16 rifles and paying about $20 million to $30 million more than the bids received at the same time from the lowest responsible bidders. We have had numerous cases where departments have just arbitrarily placed contracts where it was more politically feasible than where it was the cheapest. One day last week I cited the procurement of a nuclear submarine from the New York Shipbuilding Co., where there was a fixed-price contract of $33½ million, while at the same time the Government was contracting for two other submarines of the same class with shipbuilding companies in Newport News, Va.—all three at about the same price. These were competitive bids. The change orders accounted for $3 million to $4 million on each submarine.

The Newport News Yard delivered the two submarines completed and acceptable to the Government at a total cost of around $75 million, including the change orders. But the other company collected around $31 million payment in advance on the submarine and then forfeited the contract with the submarine only about one-half completed. It reneged on its contract and the Government had to transfer the completion of the submarine to Pascagoula, Mississippi, where it is expected to cost $19 million additional to complete the submarine. This will be a total cost of around $59 million, the Comptroller General said, on a submarine which was originally contracted for a cost of $33½ million.

The point is, after the company had been over 9 months late in delivery and had only half completed the submarine, the Government arbitrarily paid cancellation charges on the contract and called it a cancellation for the convenience of the Government rather than a cancellation for default of contract, whereby they could have collected damages. We can put on an extra 10,000 employees for the Renegotiation Board, yet we will not overcome such sham in procurement as this. We will correct such practices only by firing the procurement officers who are approving contracts which are definitely not in the best interests of the Government.

Mr. PROXMIRE. I agree completely with the Senator from Delaware on that.

Mr. WILLIAMS of Delaware. We are not going to stop this waste and extravagance in Government until the Government itself insists on and carries out the mandate of Congress that procurement must be allocated to the lowest responsible bidder except, as the Senator knows, in those isolated cases where this would not be feasible; for example, when the first nuclear submarine was built.

Mr. PROXMIRE. May I say to the Senator from Delaware that we have held voluminous hearings before the Economy in Government Subcommittee of the Joint Economic Committee on this very subject, and instance after instance after instance was cited where the Federal Government is losing hundreds of millions of dollars—I can say responsibly, even billions of dollars—because of poor procurement practices. There is no question about that. The Senator is absolutely right. But that has continued no matter what the administration—the Eisenhower administration, the Kennedy administration, or the Johnson administration. It will continue whoever is President in 1969. We know that. We should try our best to improve the situation.

We are trying our best, but that does not seem to me to remove the fact we have to have the Renegotiation Board, of which the Senator says he approves, so that it can renegotiate and bargain, after we can establish the fact that excessive money has been paid out to firms by the Federal Government. We know that we can establish the facts, but we have to have the personnel to go out and bring the facts back. There is no question about that. We can talk about waste, inefficiency, and extravagance in procurement. That is all true. I agree with it. But, at the same time, we must try to improve on that situation by giving the Renegotiation Board the personnel it must have to do the job.

Mr. WILLIAMS of Delaware. I want the Renegotiation Board to have ample personnel to do the job, too. Where I part with the Senator from Wisconsin on this subject is that the Budget Director now has the authority, if he will use it, to provide adequate staff. I do not think we should expand personnel as long as we have at the head of procurement agencies men who have no respect at all for the problems and the burdens of the American taxpayers. That is what is lacking in the executive branch. They have no concern whatsoever for the plight of the taxpayers who have to pay the bills, with the result that millions of dollars are being poured down the rathole in excessive payments.

What about the TFX contract, which was placed with the highest bidder; and to make matters worse, the plane is a failure. Billions are being lost on this political venture.

Placing more and more personnel on the Federal payroll is not the answer. I have yet to hear one single agency of Government or one subdivision of any agency in Government come along and say, "We can cut back on our personnel." I have as yet to hear one single Member of this Congress say, "Here is where we should cut."

Everyone seems to be willing to cut but do not want this agency or that program cut with the result that there are no cuts.

I say that sometime, at some point, somewhere, we must start to make reductions. The American people have been kidded for too long a time as to whether there will be economy in the Government.

In December of 1965 President Johnson, speaking from his Texas ranch, held a press conference, which was carried all over the country on television and radio and was published on the front pages of all newspapers, where he said:

> I am going to cut 25,000 in personnel from the government during the remainder of the fiscal year.

The New York Times featured the story and the President received favorable editorial comment all over the country that this would be one step toward economy. Everybody cheered the President for going to cut 25,000 employees from the Federal payroll during the next 7 months.

What happened?

Instead of cutting 25,000 in personnel he added 187,305.

When the Director of the Budget testified before the committee I asked him, "How can you reconcile adding 187,305 employees in 7 months following this promise by the President that he was going to cut back 25,000?"

The Director of the Budget replied, "It is simple. What the press did not know about was that the President had it in his mind to add 225,000 employees to the Federal payroll, so in effect when he added only 187,000 he actually cut 35,000 instead of 25,000."

We are about to go broke on these "economy measures" with this Texas twist.

It is such statements as that that lead to the so-called credibility gap. That is what leads to the situation where members of his own party, as evidenced here today on the floor of the Senate, do not trust him. They do not trust the administration. I frankly admit that I agree with that distrust.

On September 20, 1966, after having added the 187,000 employees above what he had promised in December 1965, the President issued an Executive order and said, "I am going to freeze Federal civilian employment at the July 1, 1966, level." He was going to achieve that reduction not by firing any employee but by replacing three out of every four people who resigned or retired. That was an Executive order issued by President Johnson, the man now sitting at the White House. The same war was going on then that is going on now. Nothing new happened, except that the American people realize it is more of a war than the administration had been admitting. That freeze order has never been rescinded; it is still in effect, but they have ignored it. Up to last April they had added 144,000 employees. These were added in violation of his own Executive order, an order which the President has not rescinded.

Then when we passed the tax increase bill we wrote into law his own Executive order—that is all we did—we wrote into law his own Executive order. Again, what happened? During June 1968, just before he signed the tax increase bill, he padded the payroll with 95,350 extra employees. These were added in a 3-week period while the bill was being acted on in Congress.

I say we cannot trust that kind of promise. If they needed 25 extra employees in the Renegotiation Board why were they not taken care of in this group? But no, where did they put them? They put them not where it would do the most good for the taxpayers of this country, not where they could render the most service to the American taxpayers, but into strategic positions where they would have the greatest advantage to the Democratic Party in the 1968 election year.

I am not going to be a part of buying this election with taxpayers' hard-earned money.

Mr. MILLER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I appreciate the Senator's yielding to me. I am still trying to mediate this little dispute. I should like to repeat, I have heard the argument on both sides. The Senator from Delaware knows that I am sympathetic to the points he has raised about the additions to the personnel ceiling.

Mr. WILLIAMS of Delaware. If the Senator would yield there for a moment, I want to say that I appreciate his sympathy, but do not sympathize with me; let us all sympathize with the taxpayers who are paying for this overstaffed bureaucracy.

Mr. MILLER. I am just sympathizing with the position of the Senator from Delaware as being extended to the taxpayers because he well knows that I have joined him in this matter many times.

I am also in sympathy with the position of the Senator from Wisconsin, because I understand very well the current problems of the Renegotiation Board and its important work.

As I understand the position of the Senator from Wisconsin, he says the contract of the Renegotiation Board needs 25 more employees and, therefore, it is a bad thing to put on this limitation that we previously had passed on their backs.

Therefore, let us exempt them. This makes sense. The Senator from Delaware says, "But if we are going to exempt them, and they are going to get 25 more employees, let us make sure they get the additional 25 employees from one of the other agencies which is going to have to curtail its employment, so that there will be a tradeoff with the priority of the 25 extra employees going to the Renegotiation Board."

The way to settle it, if we want to settle it, is to leave the first paragraph of the amendment of the Senator from Wisconsin alone and in the second paragraph to strike the word "not" in line 10, so that the second paragraph will read:

> In applying the provisions of such section to other departments and agencies in the executive branch, the employees of the Renegotiation Board—

Namely, the 25—

> shall be taken into account—

Rather than "shall not be taken into account," as the amendment now reads.

I would think that would satisfy the problem, so that the Senator from Delaware would be assured that if the 25 additional employees are given to the agency, one of the other agencies which is hiring additional employees will have to reduce that number by 25.

I would hope this suggestion would bring the two positions together, because they are reconcilable.

Mr. PROXMIRE. Mr. President, that is precisely what I proposed by deleting paragraph 2. I am happy to accept the suggestion of the Senator that we drop the word "not" and that, therefore, this fact has to be taken into account, if the Senator from Delaware will accept it and support the amendment.

Mr. MILLER. I appreciate that position, but I think it would be stronger to have the paragraph stand with the word "not" removed. That states the position of the Senator from Delaware in black and white.

Mr. PROXMIRE. If the Senator from Delaware so interprets the situation and agrees with the Senator from Iowa and will support the amendment, with the word "not" deleted, I ask unanimous consent to modify my amendment.

Mr. WILLIAMS of Delaware. If the Senator will let me put the word "not" where I please, I can place it where it would satisfy me. Otherwise, I suggest that the Senator modify his own amendment.

Mr. HARTKE. Mr. President, may I suggest that we are involved in a bad approach to legislation. When Senators talk about cutting expenses, I do not want anyone to get the impression that I think we should waste the taxpayers' money. After all, I think my voting record on cutting appropriations speaks for itself. Specifying how much the agencies can spend through an appropriation bill is much more important and accomplishes more good than a three-quarter limitation or the application of a general cut. It takes courage to vote against a specific program.

In the last fiscal year I voted for cuts amounting to $8 billion. I voted for cuts that would have resulted in savings of $5 billion more than the Senate itself voted. So I do not think I have wasted the taxpayers' money.

Let me state why I think it is important to take appropriations into consideration. Any Senator who does not support the amendment of the Senator from Wisconsin is then faced with the proposition of meeting the conference report on the Renegotiation Board's appropriation on which the Senate has already acted. The board requested an increase of $480,000 for fiscal year 1969. The

House provided only $400,000. But the Senate, after the passage of the Revenue and Expenditure Control Act of 1968 with the employee limitation, granted the full amount. The reason why the Senate granted it was to allow the increase of the staff to 210. In other words, we find ourselves in the position that we have already passed legislation which provides funds for an increase in the number of the Board's employees. In fact, I could go further than that in defining it. But the fact still remains that what we did, after the Revenue and Expenditure Control Act was passed, when we had a chance to vote against the appropriation, and had a chance to vote for the amount the House passed, was, instead, to grant the increase the Renegotiation Board asked for, $480,000, and for the purpose for which the Board asked it, to increase the number of employees to 210.

Now are we to say, "Yes, we are going to vote what you asked for—you need the money—but we still insist that you have to live up to the Revenue and Expenditure Control Act." Without the amendment of the Senator from Wisconsin, we have done that work for nothing, and we ought to vote the $480,000 down in conference, which I will not do.

I think it is important to remember that there is a statute of limitations against any determination by the Renegotiation Board which goes beyond 2 years, from the time a renegotiation proceeding is started. If more than 2 years elapses the contractor is exempt from any repayment under the Renegotiation Act. If we approve the pending bill, however, we are going to expect the Board to do two additional things. One, we are going to require that contractors not sell to the Government at higher prices than they could get at the marketplace in order to obtain the standard commercial article exemption. The only way for the Renegotiation Board to administer this is for the Board to have sufficient personnel to evaluate the necessary information. The second additional thing the Board is going to have to do is process and evaluate the information to be submitted on self-applications of the standard commercial article exemption where the exemption reduces a contractor's sales below the $1 million floor.

We have given the Renegotiation Board two new assignments to help recoup more money for the Government. We have given the Board additional funds, more than what the House of Representatives provided it, but now we say, "But you cannot employ those people and do these additional functions, because we are going to require you to live up to a previous act which we passed."

Mr. WILLIAMS of Delaware. Mr. President, I point out to the Senator from Indiana that Congress has provided adequate money, and I supported the Renegotiation Board legislation. Congress has also provided authority to the Budget Director to assign extra personnel to this agency, if he thinks they need it. I regret the Senator from Indiana has so little confidence in his party's Director of the Budget. I do not know of anything I could say to increase that confidence in him, because, I am frank to say, I have no confidence in him. That is why I am not willing to exempt these agencies. The Budget Director has the authority to give any agency the extra employees if they are needed. This proposal is just another step in whittling away the $6 billion cut Congress provided for. As far as I am concerned we can proceed to vote. The issue is clear.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. WILLIAMS of Delaware. I yield.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(This order was later modified to provide for the Senate to adjourn until Wednesday, September 11, 1968.)

RENEGOTIATION ACT—INTERNATIONAL ANTIDUMPING ACT—INTERNATIONAL COFFEE AGREEMENT

The Senate resumed the consideration of the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, to suspend the International Antidumping Code, and to implement the International Coffee Agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from North Carolina [Mr. JORDAN], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Ohio [Mr. YOUNG], and the Senator from Arizona [Mr. HAYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting the Senator from Pennsylvania would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senator from Colorado [Mr. DOMINICK], the Senator from Hawaii [Mr. FONG], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Colorado [Mr. ALLOTT] is absent on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 23, nays 35, as follows:

[No. 269 Leg.]

YEAS—23

Burdick
Dodd
Gruening
Harris
Hart
Hartke
Hill
Inouye
Jackson
Mansfield
McGee
McGovern
Metcalf
Miller
Montoya
Morse
Nelson
Pastore
Proxmire
Sparkman
Spong
Symington
Tydings

NAYS—35

Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Cooper
Curtis
Dirksen
Ellender
Ervin
Fannin
Griffin
Hansen
Hatfield
Hickenlooper
Holland
Hruska
Jordan, Idaho
Lausche
McClellan
Morton
Moss
Mundt
Murphy
Pearson
Percy
Prouty
Randolph
Russell
Scott
Stennis
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—41

Aiken
Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Cannon
Church
Clark
Cotton
Dominick
Eastland
Fong
Fulbright
Gore
Hayden
Hollings
Javits
Jordan, N.C.
Kennedy
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
McIntyre
Mondale
Monroney
Muskie
Pell
Ribicoff
Smathers
Smith
Talmadge
Tower
Williams, N.J.
Yarborough
Young, Ohio

So Mr. PROXMIRE's amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I send to the desk a unanimous-consent request, which I think has been cleared all around, and ask for its immediate consideration.

The PRESIDING OFFICER. The unanimous-consent request will be stated.

The assistant legislative clerk read as follows:

> *Ordered*, That, effective on Wednesday, September 11, 1968, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill: *Provided*, That in the event the bill manager is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.
>
> *Ordered further*, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. CURTIS. Mr. President, reserving the right to object, would the proposed unanimous-consent request prevent me from offering an amendment relating to the issuance of so-called industrial bonds?

Mr. MANSFIELD. Not if the Senator offers the amendment today.

Mr. CURTIS. I am having it prepared at this time.

Mr. MANSFIELD. The Senator's word is good enough.

Mr. CURTIS. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO WEDNESDAY, SEPTEMBER 11, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of the Senate adjourning at 12 o'clock tomorrow when it finishes its business today, it stand in adjournment until 12 o'clock noon Wednesday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RENEGOTIATION ACT — INTERNATIONAL ANTIDUMPING ACT—INTERNATIONAL COFFEE AGREEMENT

The Senate resumed the consideration of the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, to suspend the International Antidumping Code, and to implement the International Coffee Agreement.

Mr. PROXMIRE. Mr. President, the Senate just acted to reject my amendment which would have vitiated a freeze on the personnel of the Renegotiation Board.

I want to make it emphatically clear that failure to permit this agency to hire the personnel needed to do its job would be a serious mistake.

The distinguished senior Senator from Delaware, the principal opponent of the amendment, expressed the position that the Renegotiation Board should have adequate personnel. At no time did the Senator from Delaware indicate that the number of personnel should not be increased to 210.

I made the argument over and over again that the Renegotiation Board should be allowed to increase the number of employees to 210. I think it is most important that the Budget Director be urged to take a very careful look at the RECORD and the debate of the distinguished Senator from Delaware and that the Director consider very seriously permitting the Renegotiation Board to increase their personnel to 210.

If this is not done, in the judgment of all Senators who took part in the debate the Federal Government will lose money hand over fist.

I ask the Senator from Delaware, who is the leader of the opposition to my amendment, to state his position.

Mr. WILLIAMS of Delaware. The Senator is correct.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. The Senator from Wisconsin is correct. I completely agree with him that this Board should be adequately staffed, and if they need 200, 210, or 220 employees—which would mean 25 or 30 more—they should have them.

The point I made then—and we were in agreement—is that the Director of the Budget does have adequate authority. Congress has appropriated adequate money with which to pay these employees, and I believe that the Director of the Budget should exercise the authority he unquestionably has to increase the personnel in areas where they are needed and to make reductions applicable in those areas where they would have the least adverse effect so far as the taxpayers are concerned.

I would be delighted to join the Senator from Wisconsin in urging that the Director of the Budget to provide adequate staff for these essential agencies. The Director has ample authority. It was the intention not only of myself but also of the committee that this be done.

Mr. PROXMIRE. I thank the distinguished Senator from Delaware. He has taken a very statesmanlike position.

I think the executive branch should give the matter the most careful attention, because Congress has taken a position now in denying an exemption from the freeze specifically; but, at the same time, all the arguments in the debate on both sides have made it clear that it is in the interest of the public, in the interest of fiscal responsibility, that the Director of the Budget give careful consideration to an increase, as the Senator has said, to 200, 210, 220—whatever is needed—to provide for adequate handling of procurement cases. Otherwise, there is sure to be excess expenditures by the Federal Government, and a loss of revenue.

I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EVINS of Tennessee, Mr. BOLAND, Mr. SHIPLEY, Mr. GIAIMO, Mr. MARSH, Mr. PRYOR, Mr. MAHON, Mr. JONAS, Mr. MINSHALL, Mr. WYMAN, Mr. TALCOTT, and Mr. BOW were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS—WAIVER OF THE RULE OF GERMANENESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to speak at this time notwithstanding the rule of germaneness.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE SUPREME COURT NOMINATIONS

Mr. BYRD of Virginia. Mr. President, in accordance with article II of the Constitution, the Senate has been called upon to give its consent to the nomination of a Chief Justice of the United States.

The Senate's responsibility to advise and consent is a vital element in our constitutional separation of powers and in our system of checks and balances.

Under the Constitution, the nomination of members of the Supreme Court are subject to confirmation by the Senate. Once a nomination is confirmed by the Senate, assuming the nominee's good behavior, there are no checks or restraints upon his lifetime appointment.

The decisions of the Justices of the Supreme Court are not reviewable. The only restraint on Supreme Court Justices, once confirmed, is their own self-restraint.

I submit that the Senate has a solemn duty to examine Supreme Court nominations with the utmost care. A Court appointee differs substantially from a Cabinet officer, who is an administrative aide of the President. The Court is independent of the Executive and is coequal.

A review of the congressional history of the past quarter century indicates clearly that both the Senate and the House of Representatives have voluntarily given too much power to the executive branch of Government; and it likewise makes clear that where Congress has not given, the Chief Executive has taken for himself undue power, with inadequate response from Congress.

So, today, we find the executive branch and the Supreme Court assuming more and more power, and the elected representatives of the people having less and less power. Part of this is clearly the fault of Congress for not facing forthrightly its responsibilities.

If representative government is to continue, if our democratic processes are to have the meaning intended by the Constitution, then this imbalance must be corrected—and now.

This brings us to the President's nomination of Associate Justice Fortas to be Chief of the United States.

The nomination of Mr. Justice Fortas was submitted on June 26. Many of my colleagues have argued that because President Johnson asserted on March 31 that he would not be a candidate for reelection, he therefore, is a "lame duck" President and should not submit nomination for the Federal Judiciary.

I do not agree with such a view.

Every President continues to have the power and the responsibilities of his office until the hour he relinquishes it to his successor. To argue otherwise defies logic.

When does a President become a "lame-duck" insofar as submitting nominations is concerned? Seven months before he leaves office, 14 months, or 4 years? Bear in mind that the Constitution now prevents a President from serving more than two terms. So any President who begins his second term automatically is barred from seeking reelection.

So I put little credence in the arguments of those who say that President Johnson should not, 7 months before his term ends, submit a nomination for the Supreme Court.

The Senate's responsibility, as I see it, is to meet the issue head on, to deal squarely with the qualifications and the philosophy of the appointee, and whether a vacancy actually exists in the office of Chief Justice.

Chief Justice Warren has stated in press interviews that if the nomination of Mr. Justice Fortas is not confirmed, he, Mr. Warren, will continue to serve as Chief Justice.

Whether a vacancy does in fact exist, I feel, is debatable, and I have not in my own mind reached a firm conclusion. It can be argued that if a vacancy does exist, then Mr. Warren cannot continue as Chief Justice unless his nomination is again confirmed by the Senate—which confirmation, I submit, would not be forthcoming.

Mr. Warren, in the way he conditioned his retirement, has acted in a manner unbecoming the great office of Chief Justice. It is unprecedented in the Supreme Court.

The method used by Mr. Warren and the President says, in effect, that Mr. Warren will retire as Chief Justice provided the Senate will confirm Mr. Fortas as his successor.

In other words, Mr. Warren is retiring conditionally or provisionally and saying to the Senate, "Either you take my preference as a successor or I won't retire." I should think that the Senate would not want to be so coerced.

It has been contended that the procedure used by Mr. Warren insures that there will always be an administrative head of the Supreme Court. However, the United States Code provides:

> Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

Thus, there will always be an acting Chief Justice, whether or not the office is filled.

Undoubtedly, Mr. Warren has sought to determine his own successor, a colleague who has proclaimed the Warren era "the greatest era of Court history since John Marshall, and perhaps one can drop that qualification."

In determining whether the Senate should consent to the nomination of Mr. Justice Fortas to be Chief Justice, one must consider, I feel, his legal attainments and qualifications; his judicial philosophy; his adherence, or lack of adherence, to the constitutional separation of powers, and whether the Court should be the maker of laws as well as the interpreter of laws.

As I look back on the history of nominations to the Supreme Court, I have noticed that there have often been vigorous debates concerning the qualifications and philosophy of nominees. Of 125 nominations submitted for the Supreme Court, 21 have failed to receive Senate confirmation.

In this century, however, only one such nomination has not been confirmed. In 1930, the nomination of Judge John J. Parker, of North Carolina was rejected because of his approach to the great questions of his day.

Senator William E. Borah, of Idaho, a noted constitutional lawyer, voted against the confirmation of the nomination of Judge Parker. Senator Borah stated:

> I am opposed to the confirmation of Judge Parker because I think he is committed to principles and propositions to which I am thoroughly opposed . . .

Senator George Norris, of Nebraska, the Senate's foremost liberal, also opposed this nomination. He noted:

> When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of those qualifications—but we ought to know how he approaches these great questions of human liberty.

Five of the seven nominations to the Supreme Court since 1950 have been confirmed by voice vote. Of the nine members of the present Court, four were confirmed by a voice vote, including Mr. Warren. This suggests that inadequate attention has been given by the Senate to judicial appointments.

I believe strongly that members of the Supreme Court should be of a caliber like and in the tradition of Oliver Wendell Holmes, Louis D. Brandeis, Charles Evans Hughes, Harlan Fiske Stone, Benjamin H. Cardozo, and Felix Frankfurter.

I believe, as did Mr. Justice Cardozo, "that Justices are not commissioned to make and unmake rules at pleasure, in accordance with changing views of expediency or wisdom."

Yet, the majority of the Warren court consistently has done just this.

I believe, as Mr. Justice Frankfurter asserted, that the Court should not repudiate "the experience of our whole past in asserting destructively novel judicial power."

Yet the Warren court majority consistently has done just this.

I might say that when Felix Frankfurter was nominated for the Court, I, as a young editorial writer, supported his nomination—one of the few Virginia editors to do so—in fact, the only one, if my memory serves me accurately.

I felt that Mr. Frankfurter, an eminent legal authority, was dedicated to the constitutional processes of our Government and to the Court's role as an interpreter of laws and not a maker of laws.

As Mr. Justice Frankfurter later put it in dissent:

> The Court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction. Such feeling must be nourished by the Court's complete detachment . . . from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.

The Warren court—and when I use that term I mean the majority, not the total membership—has plunged deeply into political waters and has lost public confidence.

It is important, I think, to consider nominations to the Court in the context of the times. I already have noted my high regard for Justice Holmes, Brandeis, Stone, Hughes, Cardozo, and Frankfurter. Four of those six adhered to a liberal philosophy of government, but none sought to have the Court usurp authority to which it was not entitled.

Most of those were appointed, too, to bring a balance to the Court. President Hoover, for example, appointed both the conservative Mr. Hughes and the liberal Mr. Cardozo.

Today's Court badly needs to be brought into balance. Under Mr. Warren, it has become an extremist Court. A majority, which generally includes Mr. Fortas, has taken the Court to the far left.

The Warren court has become so extreme that I am frank to say that I have lost confidence in its majority. That is what has caused me to doubt the wisdom of consenting to the nomination of Mr. Justice Fortas to be Chief Justice of the United States.

I do not question his professional credentials. He is an able lawyer.

I am deeply concerned that he has become a part of the extremism of the Warren court.

To me, it seems clear that a majority of the Warren court has determined to establish itself as a super-legislature. Yet, under the Constitution, the Supreme Court's only function is to interpret. Its proper power is purely judicial, not legislative.

If members of the Court wish to serve as legislators, they should submit themselves to the electorate as candidates for the Senate or the House of Representatives. Laws should be made by elected representatives of the people—not by judges appointed for life.

The Constitutional Convention rejected on four occasions the proposition that the Supreme Court should have the power of veto over a bill passed by Congress. The Court's function is related only to the legality and constitutionality of the judicial question before it.

It was because the convention wished to confine the Court to its proper legal functions that it refused to grant to it broader, and really legislative, powers which have no proper connection with judicial functions.

As Alexander Hamilton noted in the Federalist papers, this power of the Supreme Court to consider the constitutionality of statutes does not imply a superiority of the judicial to the legislative; it only supposes that the power of the people, as expressed in the Constitution, is superior to both.

To insure that the Supreme Court confines itself to its constitutional limitations, the doctrine of judicial self-restraint as expressed by such great Justices as Holmes, Brandeis, Stone, Hughes, Cardozo, and Frankfurter, became one of our most hallowed legal principles.

The doctrine of judicial self-restraint provides that courts should not invalidate laws unless they are inconsistent with some specific constitutional prohibition.

Mr. Justice Stone in his dissent in the case in which the Court declared the Agricultural Adjustment Act unconstitutional, declared:

> The power of courts to declare a statute unconstitutional is subject to two guiding principles of decision which ought never to be absent from judicial consciousness. One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that while unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government.

Mr. Justice Holmes asserted that Supreme Court Justices must be careful not to let the Constitution become the mere partisan of their own set of ethical or economic principles.

If the Justices are permitted to substitute their personal sense of justice for rules of law, the reign of law will end, Mr. Cardozo noted, and the rule of benevolent despots will begin.

Is not that about where we find ourselves today?

Thomas Jefferson recognized the danger of government by men rather than by laws when he counseled:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Our constitutional system is based upon a respect for the rights of the individual. But it is a logical inconsistency and a social impossibility for every individual to have unlimited rights against all other individuals.

Only with the restraint of law impartially applied, can there be justice, tranquillity, welfare, and freedom for all. And respect for the law in a democracy is a respect for justice, tranquillity, welfare, and freedom.

In recent times, however, we find that respect for the law has been eroded.

One of the factors which has contributed to this decline of respect for law and order has been the recent trend of decisions rendered by the Supreme Court.

In a nationwide poll, in fact, it was shown that nearly 60 percent of the citizens of our Nation disapprove of the performance of the Supreme Court.

This is alarming. But this lack of confidence, I feel, is justified.

Criticism of the Warren court is far from isolated. Individuals and groups from the Court itself, the States, the legal profession, and law enforcement agencies have sounded their alarm.

Listen to a present member of the Supreme Court, Mr. Justice Harlan:

> . . . this court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it, and respects as well the principles inherent in its own processes. In the present case . . . we exceed both, and . . . our voice becomes only the voice of power, not of reason.

This too often has been the hallmark of the Warren court; the voice of power, not of reason.

Mr. Justice Harlan noted in a reapportionment case that the Court's opinion "in every accurate sense of the term involves the Court amending the Constitution."

This, too, has become the hallmark of the Warren court.

Mr. Justice Clark concluded in a decision outlawing a loyalty oath:

> I regret to say—and I do so with deference—that the majority has by its broadside swept away one of our most precious rights, namely, the right of self-preservation.

In 1958, the chief justices of the various States criticized the Warren court in a manner which could well have been written today. These top appellate judges were gravely concerned that "individual views of the members of the Court as to what is wise or desirable" had begun to override "a more dispassionate consideration of what is or is not constitutionally warranted." In a resolution adopted by a vote of 36 to 8, the Court was charged with "impatience," with "a lack of self-control," with "tending to adopt the role of policymaker without proper judicial restraint."

Recently, Chief Justice John C. Bell, of the Pennsylvania Supreme Court, noted:

> The recent decisions of a majority of the Supreme Court of the United States which shackle the police and the courts and make it terrifically difficult to protect society from crime and criminals, are, I repeat, among the principal reasons for the turmoil and the near-revolutionary conditions which prevail in our country.

Another State supreme court justice has stated:

> Not only is the Supreme Court taking liberties with the Constitution in its interpretation of that document, but it is also setting itself up as a body that is not by the remotest interpretation even mentioned by the Constitution. The Supreme Court is acting as a super-Senate. It is now unabashedly making law.

A former president of the American Bar Association, John C. Satterfield, charged that the Court was submerging State powers in a trend toward centralized government and was giving "inordinate weight" to individual rights in the areas of law enforcement and national security.

A high police enforcement official has stated:

> Our legal system today no longer tries defendants on evidence . . . Court decisions have become so restrictive on police that it is most difficult to make an arrest or conduct a search and seizure which is technically legal.

Yes, the Court continues to give constitutional credence to the permissiveness rampant in our society.

Chief Justice Warren is beginning to feel the public wrath. In a political speech last month, he sought to shift the blame for lawlessness from the Court to the public saying, "All of us must assume his share of the responsibility."

He admitted the Supreme Court is facing increasing criticism over its liberal rulings. In an apparent reference to recent attacks by Members of the Congress, Chief Justice Warren declared that no branch of government "can strengthen the democratic process by climbing over the weakened body of another."

I ask this: If the Court usurps power and seeks to become a super-legislature, should the Congress stand by and say nothing?

So far as the senior Senator from Virginia is concerned, I intend to speak out against the extremism of the Warren court. It is time, high time, that the Congress—whose Members, unlike the members of the Court, are subject to the will of the people—reasserts its authority.

To dramatize the extremes to which the Warren court has gone and how brazenly it is flouting the will of the elected representatives of the people, the Court this year took a statute passed 102 years ago and used it to supercede an act passed by the Congress last March.

At a time when government should be brought closer to the people, the Warren court is determined to centralize more and more power in Washington.

To me, the record is clear.

The Warren court has usurped power to which it is not entitled.

The Warren court has established itself as a super-legislature.

The Warren court has shackled the people's elected representatives as well as the law enforcement officials of our Nation.

The Warren court has thrown precedents out of the window and has said, in effect, that the law is whatever five present lifetime appointees say that it should be.

During the time Mr. Fortas has been a member of this Court, he has established himself as a disciple of Chief Justice Warren and has embraced wholeheartedly the Warren philosophy.

If I were to vote to elevate him to the position of Chief Justice, I would be voting to give him the authority to influence a decision by assigning cases to other justices to write opinions; and the authority to assign judges and retired judges to circuit and district courts throughout the Nation.

If I were to support the confirmation of Mr. Justice Fortas to the position of Chief Justice, I would be voting to promote a member of the Court who has embraced, and become a part of, the Warren philosophy—a philosophy that decrees that the Court may cast legal precedent aside when it does not square with personal desires of the judges.

If I were to cast my vote for Mr. Justice Fortas, I would be placing my stamp of approval on the extreme leftist trend of the Warren court, a trend to which Mr. Justice Fortas apparently has dedicated himself.

If I were to consent to promoting Associate Justice Fortas to Chief Justice, I would be rewarding one who voted to allow admitted Communists to work in defense plants; who voted to strike down a loyalty oath which would have kept Communists from teaching in public schools; who cast the all important fifth vote in the 5-to-4 Miranda decision, which virtually barred the use of confessions in criminal cases and greatly complicated the prosecution of criminals throughout the United States.

Were I to vote to ratify the nomination of Mr. Justice Fortas to be Chief Justice, I would be voting to perpetuate, in the key judicial position in our Nation, the Warren philosophy.

As one who feels the Warren court has done great damage to our Nation—to the future welfare and freedom of our people—how can I vote to confirm as Chief Justice one who proclaims the Warren era the greatest in Court history; not only proclaims it in words, but by deeds, namely, by his decisions as Associate Justice?

As a Senator from the State of Virginia, as one who believes deeply in the fundamental constitutional principles upon which our Nation was founded and developed—and on which our liberties are based—how can I vote to give the chief judgeship to one who follows a policy of judicial oligarchy; to one who espouses a philosophy of concentrating more and more power in Washington, when I feel that the great future danger to the liberties of our people is big Government?

For nearly 3 months, I have pondered a decision in regard to Mr. Justice Fortas. In fairness to him, in fairness to President Johnson who nominated him, and in fairness to the American people, I wanted to give full, thorough, and painstaking consideration to this all-important appointment. I spent most of the congressional recess so doing.

I have concluded that I cannot support the nomination of Mr. Justice Fortas to the position of Chief Justice of the United States.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I have listened with great interest and deep appreciation to the remarks of the distinguished Senator from Virginia. I want to compliment him on his excellent presentation and upon the fundamental soundness of his argument and upon the compelling persuasion of his presentation. I ask to be associated with his remarks and the reasons he has given for the decision he has made on the confirmation of Mr. Fortas' nomination to be Chief Justice of the Supreme Court.

We hear much argument, and there is often an implication at least, that if a nominee for the Court is honest and if he has the legal qualifications, the Senate has no business, has no responsibility to inquire further; that it is incumbent upon this body to give its advice and consent.

With that, I do not agree. So I was glad to have the Senator cite instances in the past, when a nomination was rejected, Judge Parker's, because of his philosophy.

I think we have a greater responsibility than to determine that a nominee is honest and has the required legal ability, because today, particularly in these troubled times, it is the philosophy and the approach that a judge may make in arriving at decisions, that can be even more dangerous than lack of ability or lack of complete integrity. If we should be ruled by a dangerous philosophy, we can surely come to a tragic end.

As I see it, the philosophy that the majority of the Supreme Court has been following is dangerous for the security and welfare of this country; and I think it is incumbent upon the Senate, before it gives its consent, before it votes for confirmation, to examine carefully, thoroughly, and extensively the philosophy of any nominee to the Supreme Court.

I voted for the confirmation of the nomination of Justice Fortas as Associate Justice. I did so with some misgiving. I did it by resolving existing doubts in favor of the appointment. But I no longer have to doubt. We have his record, to which the distinguished Senator from Virginia has so eloquently referred.

This time, when I vote on confirmation, I will vote with my eyes open. I no longer have to hope and wish in resolving doubts. The record has been made; and it is upon that record that I am unable to give my consent or to vote for confirmation.

That record speaks loudly. It speaks conclusively. The suggestion that the Senate ought to shirk its duty, or to perform it perfunctorily and not with a purpose to fully meet its responsibilities, is something to which I hope we will not succumb. I hope we will weigh the appointment in the light of the record. Then, if we endorse that record, the nomination should, of course, be confirmed. But if the majority of the people of this country are correct in their judgment of the Court, that it has gone too far, that it is an extremist court, as the Senator has said, then we have the responsibility, as their elected representatives, to withhold our consent, and reject confirmation.

Speaking of the separability of powers, our responsibility is not separable. We cannot escape it. We have a joint responsibility with the Chief Executive of this Nation with respect to who shall compose the Supreme Court of the land. We cannot shirk it or shift it to the President. We must stand up here and face it. I believe this issue should be carefully debated, and every aspect of qualification, of philosophy, and of what the consequences to the country of perpetuating this court with its present philosophy will be, should be carefully considered. Upon that basis we should make our judgment. I believe that judgment should be to withhold confirmation.

I thank the Senator from Virginia for yielding to me.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Yes, if the Senator will wait just a moment. I am deeply grateful for the comments of the distinguished senior Senator from Arkansas. There is no one for whom I have greater admiration, and to find that he feels my remarks were well reasoned in regard to this appointment means a great deal to me.

I found it very difficult to make this decision. I delayed nearly 3 months.

I am not an attorney; but I felt, just as the Senator from Arkansas pointed out in the latter part of his remarks, that this is not the President's responsibility alone.

The matter of appointments to the Supreme Court is the responsibility of the Senate, equally with the President; and if we take any nominations that are sent to us, without examining the appointees' philosophy, as the great Senator Borah, a liberal Senator from the State of Iowa, stated in the Judge Parker case, and the great liberal Senator from Nebraska, Senator Norris, stated in the same case—if we do not examine their philosophy, if we do not determine where they stand on the great issues of the day, then, Mr. President, it seems to me we might as well go back to our hometowns and practice law, run a newspaper, or do whatever we want to do, and cease being a part of the processes of the U.S. Senate.

I thank the distinguished Senator from Arkansas, and I am most happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator.

Mr. President, I want first to commend and congratulate the Senator from Virginia. I think that his statement has been scholarly, and I mean really scholarly. It shows a depth of concern, a soundness of principle, and a correctness of approach to this problem which I hope will be followed throughout the debate which undoubtedly confronts the Senate.

I believe that the distinguished Senator has put his finger upon the exact point of deep concern to every Senator, in calling attention to the fact that it is the legal philosophy and the judicial philosophy of the nominee which is and should be of deepest concern to every Senator who is called upon, as the Senator has said, to exercise his judgment, his discretion, as to whether he shall confirm or refuse to confirm the judgment and discretion of the Chief Executive, the President, who has sent to us the name of the nominee.

I wish to make only a brief comment, and that will go to the point that I think in this case the Senate is singularly fortunate, in that we are not having to pass, as a matter of first impression, upon a nominee who had a splendid professional record and background, as did Mr. Fortas as a practicing attorney, who had recognized character as an individual, as did Mr. Fortas as a citizen, and who was known as a good family man, as was Mr. Fortas as a citizen. We pass now upon the qualifications of a man who has served in this high post of Associate Justice of the Supreme Court for 3 years, and who has taken part actively in most of the decisions and opinions written in that Court in 3 years. So we have an opportunity that is denied us in most cases.

When the name of Mr. Fortas came before us as a nominee for Associate Justice, we simply knew of him in the capacities made known to us up to that time, as a man, as a citizen, and as a lawyer and advocate of very high standing. Mr. President, there are many fine lawyers in this country and many decent human beings in this country who are fine lawyers, who do not have the soundness of judicial philosophy that entitles them to be judges in high places.

I think the record of Mr. Justice Fortas, therefore, gives us the exceptional opportunity and the very high responsibility of examining, as the Senator from Virginia has stated, the opinions and decisions in which Justice Fortas has taken part. The Senator from Florida has done just that. He intends to take the same position when the nomination comes on for debate as his distinguished friend from Virginia has indicated, and he wants to call attention only to one point: that the philosophy of Mr. Justice Fortas as a judge speaks louder than any other words that could be uttered on the floor of the Senate or anywhere else as to his qualifications, in the opinion of the Senator from Florida.

Senators will not be of the same opinion, because there are some Senators whose philosophy—and I think this is unfortunate—will be the same as the philosophy displayed by Associate Justice Fortas. But other Senators do not partake of that philosophy, and they represent States where the great majority of the people do not believe in the philosophy of activism and ultraliberality and left wing reasoning which I feel the decisions of Mr. Justice Fortas show he has definitely adopted and has definitely followed in his judicial career.

We are passing now upon a career and a record and upon whether we think that that record justifies our promoting to a position of higher trust and much higher responsibility the one who made the record. So far as the Senator from Florida is concerned, he approves completely the statement and the opinion expressed by his friend the Senator from Virginia. He compliments the Senator again. The Senator from Virginia has shown himself to be a scholar in the finest meaning of the word in going into this matter. I thank the Senator for yielding.

Mr. BYRD of Virginia. Mr. President, one of my many great privileges as a Member of the Senate, one which I cherish very much, is to have luncheon frequently with the distinguished senior Senator from Florida.

I remember that when the nomination of Mr. Justice Fortas was made, I asked the distinguished senior Senator from Florida his views, and he very clearly, quickly, and forthrightly gave me his position, he having studied for a long time the decisions of the new appointee.

Despite my high regard and my warm affection for the Senator from Florida, and for several other Members of the Senate with whom I have discussed the nomination, I delayed almost 3 months before making my decision. If my talk today had any merit, the discussions I had with the Senator from Florida and his kindnesses to me in giving various viewpoints concerning this difficult decision had much to do with its formulation.

I am extremely grateful to the Senator for his overly kind and overly generous remarks.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator for his kindness.

The Senator from Florida has borne a heavy burden in this particular matter because of his personal relations with Mr. Justice Fortas. In 1933, when Mr. Fortas had just come out of the Yale University Law School, the Senator from Florida had a series of contacts in the city of Washington with Mr. Fortas in connection with the examination and the drafting and the hearings upon a proposed marketing agreement for Florida citrus. The Senator from Florida was highly impressed with the professional character, the high sense of ethics, and the kind personality of Mr. Fortas.

Again, in the following year, in 1934, the Senator from Florida had a similar but, if anything, a more difficult relation with Mr. Fortas along the same line. That matter involved an exhaustive hearing in the city of Orlando, Fla., and the Senator from Florida came out of that proceeding with the same feeling of great respect and liking for Mr. Fortas. He is a great advocate. He still entertains that feeling insofar as the personal qualities of Mr. Fortas are concerned and insofar as his knowledge and practice of the law are concerned and insofar as his sense of ethics and his treatment of other lawyers in his cases is concerned. While not on intimate terms with Mr. Fortas, the Senator from Florida, in his occasional contacts with Mr. Fortas during these 22 years in the Senate, has retained his high regard for Mr. Fortas as a person and as a lawyer.

Those facts made it extremely difficult for the Senator from Florida to consider this case in an objective way. He felt that he must consider it in an objective way, and he has followed with great disappointment the positions of Mr. Justice Fortas, beginning with the decision in the so-called Virginia State poll tax case shortly after the time of his appointment. Because of his interest and concern, the Senator from Florida followed the record with reasonable closeness and felt that he had a duty to perform here and that he would try to perform it in the least objectionable way possible, but without any hesitation whatever to express his conclusions as to the legal and judicial philosophy of Mr. Justice Fortas.

I thank the Senator for yielding. I also thank him for his kind expressions relating to the Senator from Florida.

Mr. BYRD of Virginia. Mr. President, I am glad that the Senator from Florida mentioned his personal appraisal of Mr. Justice Fortas because what the Senator has told the Senate today is exactly the same as he has said to me several times when we have had lunch together.

I do not know Mr. Fortas personally. So far as I can remember, we have not met. But all of our mutual friends speak very highly of Mr. Justice Fortas as an individual citizen. What the Senator from Florida has said as to Mr. Fortas' personal qualifications has been confirmed by every mutual friend who has discussed the subject with me.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I commend the Senator from Virginia for a most eloquent speech, a speech which I trust will be of material assistance in the fight for the preservation of constitutional government in the United States.

I invite the attention of the Senator from Virginia to a statement of Mr. Justice Fortas in a booklet he wrote entitled "Concerning Dissent and Civil Disobedience." However, before I do so, I wish to make an observation on something which is more or less paradoxical.

When Mr. Fortas was before the committee, he said it would be improper for him as a Supreme Court Justice to make statements concerning decisions of the Supreme Court in which he had participated. When he wrote this book intended for sale to the general public of the United States, however, he did not hesitate to express his opinions concerning decisions of the Supreme Court in which he had participated.

I quote only the part of the sentence from this book relevant to the matter under discussion. He said on page 22 of this booklet:

> The Communist Party is devoted to the overthrow of the Government of the United States by force and violence.

Yet, as the Senator from Virginia stated in his very eloquent speech, Mr. Justice Fortas joined in a 6-to-2 decision in the case of the *United States* v. *Robel* (389 U.S. 358), in which it was held that the Congress of the United States is deprived by the Constitution of the United States of the power to pass a law denying to a card-carrying member of the Communist Party who believes in overthrowing the Government of this country by force and violence the right to work in a defense industry essential to the survival of the United States.

That decision is allegedly based upon the first amendment which provides that congress can pass no law abridging the freedom of speech or the freedom of the press.

Can the Senator from Virginia find anything in those words of the Constitution which say that a man has a constitutional right, as a Communist, under the right of freedom of speech and the right of freedom of the press to work in a defense industry? Does not the decision of the Robel case stretch those words far beyond their obvious meaning?

Mr. BYRD of Virginia. The Senator from Virginia cannot. That is one of the many things that have concerned me greatly about the reasoning and philosophy of the appointee for the chief justiceship, Mr. Justice Fortas. It seems to me that as a member of the Warren court—and he has embraced so completely its Warren philosophy—he renders decisions which would appear to be completely contrary to statements he has made in the booklet to which the distinguished Senator from North Carolina has referred.

The distinguished Senator from North Carolina is one of the great constitutional lawyers of our time. He was a longtime member of the Supreme Court of the State of North Carolina, and he is one of the great constitutional lawyers not only of this body but also of the United States.

I feel that if my position is similar to his and reaches the same conclusion as does this great constitutional lawyer from North Carolina, I am on pretty sound ground.

Mr. ERVIN. I thank the Senator from Virginia.

I invite the Senator's attention to another case, *Keyishian* v. *Board of Regents* (385 U.S. 589). The Legislature of New York State had passed a law providing, among other things, that no person who believes that the Government of the United States is so sorry that it should be overthrown by force and violence should be permitted to teach in the schools of New York. Despite the fact that Mr. Justice Fortas stated on page 22 of his booklet that the Communist Party is devoted to overthrowing the Government of the United States by force and violence, he cast the deciding vote—it was a 5-to-4 decision—which held that the New York Legislature had no power under the freedom of speech and freedom of the press clauses of the first amendment to deny Communists the right to employment as public school teachers in the State of New York.

Can the Senator from Virginia reconcile a holding such as that with anything that he knows about the Constitution?

Mr. BYRD of Virginia. Most certainly, the Senator from Virginia cannot.

It seems quite clear that the Senate is being called upon to confirm, in the highest judicial position in our Nation, the nomination of a man who admits and proclaims that the Communist Party seeks to overthrow the U.S. Government by force. Yet Congress, according to the ruling of Mr. Justice Fortas, cannot pass legislation preventing a Communist from working in defense plants, building aircraft, and other equipment which is sent to our men fighting communism in Vietnam.

The decision mentioned by the distinguished senior Senator from North Carolina says that a State cannot prevent a Communist, who wants to overthrow this Government, from teaching the children of law-abiding American citizens in the public schools.

To me, the reasoning of the Warren Court in the cases mentioned by the distinguished Senator from North Carolina emphasizes again the extremism of the Warren Court.

Mr. ERVIN. I do not wish to trespass upon the generosity of my good friend the distinguished Senator from Nebraska, but I should like to ask another question.

On March 20, 1968, Mr. Justice Fortas delivered a speech at American University, in Washington, D.C. In the course of that speech he said:

> But the words of the Constitution were not written with a meaning that persists for all time.

A great Virginian, John Marshall, who happened to be the Chief Justice of the United States, declared in the great case of Marbury against Madison that the principles of the Constitution "are designed to be permanent."

I should like to ask the Senator from Virginia, if he will, to reconcile the statement of Mr. Justice Fortas, that the words of the Constitution "were not written with a meaning that persists for all time," with the words of Chief Justice Marshall, that the principles of the Constitution "are designed to be permanent." Can the Senator from Virginia reconcile those two statements?

Mr. BYRD of Virginia. Mr. President, I believe it is impossible to reconcile those two statements.

A rereading of the history of the Constitutional Convention of 1787 will disclose that the men who wrote our Constitution had lived under what, thank God, none of us has ever lived under.

They had lived under a dictatorship.

They had lived under a rule of men, not a rule of law.

They were trying to forge an instrument of government, a constitution, which would guarantee that they and those who came after them would have individual liberty based on this constitutional document.

As I see it, the Constitution is above the Government itself, protecting the people from the excesses of Government, and certainly it is above any individuals.

When we consider the philosophy enunciated by Mr. Justice Fortas as just read by the Senator from North Carolina, it seems to me that Mr. Justice Fortas is saying that we in this country should have not a rule of law but should operate under a rule of men: what five men of the nine on the Supreme Court say in their opinion the law should be—not what it is, but what it should be.

Mr. ERVIN. In the same speech at American University, Mr. Justice Fortas said this, also:

> So the specific meaning of the words of the Constitution has not been fixed and unchanging. They will never be fixed and unchanging.

I invite the attention of the Senator from Virginia to two provisions of article VI of the Constitution, and I omit words not germane to my question:

> This Constitution . . . shall be the supreme Law of the Land . . .

Will the Senator from Virginia tell the Senator from North Carolina how the Constitution can operate as the supreme law of the land if the meaning of the words of the Constitution is not fixed and unchanging?

Mr. BYRD of Virginia. I do not believe that the Constitution can operate as the supreme law of the land under the conditions enunciated by Mr. Justice Fortas. It seems to me that the words he has used make a mockery of the Constitution.

Mr. ERVIN. Article VI also provides, among other things, that Supreme Court justices "shall be bound by oath or affirmation, to support this Constitution."

I ask the Senator from Virginia whether it is possible, in his judgment, for a man to support a document the meaning of which he says is not fixed and unchanging?

Mr. BYRD of Virginia. I do not see how it is possible for him to do so.

As a matter of fact, what it conveys to me is that he is not particularly interested in the Constitution in its traditional, historic sense.

He is not interested in the Constitution as an inviolate document in which the freedoms of the people are guaranteed and determined, but he follows a philosophy which says that if the legal representatives of the people, the Congress, do not pass laws the way he and four other judges want them passed, then he and the four other judges can make the law themselves.

Mr. ERVIN. I would say that the decisions in which Mr. Justice Fortas has participated verify the observation of the Senator from Virginia. The decisions in which Mr. Justice Fortas has participated emphasize the fact that he is either unable or unwilling to interpret the Constitution according to the intent of those who framed and ratified that instrument; but that on the contrary, they make it crystal clear that he intends to do in the future as he has done in the past, and that is to assign such meaning to the Constitution as suits his personal notions.

I thank the Senator from Virginia, and

I congratulate him on a magnificent and eloquent address.

Mr. BYRD of Virginia. Mr. President, I am very grateful to the distinguished Senator from North Carolina. The questions that he developed and the statements of Mr. Justice Fortas which he pointed out to the Senate emphasize the point I tried to make in my remarks, and that is that the Warren court, of which Mr. Justice Fortas is normally a part of the majority, has become an extremist court and is determined to take this country further and further to the left, when what we need is to get it into better balance and to get it back on an even keel.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the distinguished Senator from Virginia for the magnificent address he has delivered in connection with the Fortas matter, and I also commend him for taking the position he has taken. The able Senator from Virginia is following the high road. I do not know of any more able man in the Senate since I came here than the father of the distinguished Senator from Virginia, and the present Senator from Virginia is following in his footsteps. I do not know of any Member of the Senate who has come here in recent years who has made a finer impression than the Senator from Virginia.

I am proud at this time to associate myself with the remarks he has made. If Senators will take the time to investigate the record of Mr. Justice Fortas, it is my judgment that the majority of Senators will not vote for his confirmation.

If recent cases involving matters of criminal procedure, the State-Federal relationship, subversive activities, and the matter of the pornographic literature, are studied by Senators, the position of Mr. Justice Fortas would be sufficient to warrant them to vote against his confirmation.

The position of Chief Justice of the United States is the second most powerful position in the U.S. Government. I cannot imagine a position that is of such significance as this important position. It is my hope that Senators will study this RECORD. It is my hope that they will read the Miranda case, the Jacobs case, the Roth case, the Corinth Publications case, and all the cases in which Mr. Justice Fortas has taken a position against the best interests of the people of this Nation and against constitutional government.

Mr. President, again I thank the distinguished Senator from Virginia for the position he has taken.

Mr. BYRD of Virginia. Mr. President, I am grateful for the words of the distinguished Senator from South Carolina, and particularly I am moved by his reference to my predecessor, who was not only my father but also my dearest and closest friend.

I again thank the able and forthright Senator from South Carolina for his remarks.

Mr. MOSS subsequently said: Mr. President, I have listened with much interest to the colloquy concerning the nomination of Justice Fortas to be Justice of the United States. It called to mind an editorial which was published in the Washington Post on yesterday, Sunday, September 8, 1968, concerning this subject.

Because of the information contained in the editorial, I think it should be seen by all those who read the CONGRESSIONAL RECORD and, therefore, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 8, 1968]

THE PRESIDENT, THE SENATE, AND THE COURT

The idea that President Johnson should have abstained from nominating a new Chief Justice in order to allow the next President to make that choice ought to be understood for what it is: a phony gimmick, so alien to American tradition, so devastating to the operations of the Supreme Court, so open to retaliation that it can only be a smokescreen behind which politicians hide their animosity toward the President or their real reasons for opposing Mr. Fortas.

The idea promulgated by Governor Agnew that the current situation is all the fault of Chief Justice Warren is the same kind of gimmick. Since the summer is the only time a member of the Supreme Court can leave it without disrupting its acitvities, the full implication of the Governor's comment is that a Justice is denied the right to retire in presidential election years regardless of his age or personal inclination.

Despite the statements of Sen. Robert Griffin and Richard M. Nixon that Mr. Johnson should have held the nomination open for the incoming President, all of American history says he should have not. No President has ever handed a vacancy on the Supreme Court along to his successor without trying to fill it. George Washington was the first to nominate a justice during an election year and Dwight D. Eisenhower was the last. In between, Adams, Jefferson, John Q. Adams, Van Buren, Tyler, Fillmore, Buchanan, Hayes, Cleveland, Harrison, Taft, Wilson, Hoover and Franklin D. Roosevelt sent nominations to the Senate during an election year. In fact, eight of those Presidents made nominations for Supreme Court seats *after* the election in which their successor was chosen but before the date arrived for him to take office.

Similarly, there is no tradition in American history of the Senate denying confirmation to nominees in order to give an incoming President a chance to choose a different man. Five of the 96 men to sit on that bench were confirmed by the Senate although they were nominated by a President who had already been voted out of office. Among those is John Marshall, the greatest Chief Justice of all, who was nominated by John Adams in January of 1801 after Adams had lost the Presidency to Thomas Jefferson. Another 11 were nominated by a President a few months before an election. Among those were Chief Justice Oliver Ellsworth who was nominated by George Washington in March of 1796, and Chief Justice Melville W. Fuller who was nominated by Grover Cleveland in May of 1882.

Only two of the 11 Presidents who sent Supreme Court nominations to the Senate in the ten months immediately preceding an election have had their choices turned down. Those two, John Tyler in 1844 and Millard Fillmore in 1852, were caught in the political and sectional bitterness of their times. Tyler made five nominations to fill two vacancies just before and just after the 1844 election and had only one confirmed. The Senate refused to confirm all three of the men nominated by Fillmore in his last year in office. Three other Presidents, John Q. Adams, James Buchanan and Rutherford B. Hayes, were unsuccessful in their efforts to fill Supreme Court vacancies in their last months in office but each of the three sent his nomination to the Hill after his successor had been chosen.

Only once since the Civil War has the Senate refused to confirm a nomination made by a President during an election year. That was when retiring President Hayes appointed Stanley Matthews two months after the 1880 election. The Senate refused to act pending the inauguration of President Garfield. Garfield promptly resubmitted Matthews' name and he was then confirmed. Since that time the Senate has confirmed before that year's election nominations made in May of 1888, July of 1892, February of 1893, February of 1912, January and July of 1916, March of 1932 and January of 1940. The latest election year nomination was made on Oct. 15, 1956, by President Eisenhower. That was Justice William J. Brennan Jr., who served with a recess appointment until he was confirmed the following March.

These facts, we think, make it clear there is no substance to the claim of Senator Griffin and Mr. Nixon that President Johnson should have deferred to his successor in selecting a new Chief Justice. This is particularly true in light of the difficulties a delay until next spring in replacing Chief Justice Warren will impose on the Supreme Court.

Nor do we think there is any substance to the claim that the Senate should enforce such a period of abstinence upon the President. Mr. Nixon should be the first to recognize the possibility that a barrier erected by his friends in the Senate now could encourage other Senators to erect a similar barrier if he is elected and has the opportunity to make nominations to the Court. The spirit of retaliation has ranked high in history among the causes of senatorial refusal to confirm presidential nominees to the Court. Of the 19 men the Senate has turned away, 12 were caught in the violent struggles between the President and the Senate between 1830 and 1870.

Since Mr. Nixon can look forward to making two or three nominations within the next four years, if he is elected and even if the pending nominations are confirmed, he would do well to reconsider the false ground on which his latest comment about the Fortas nomination is based, particularly in light of the fact that he considers Mr. Fortas to be "one of the most able justices in the country."

Mr. CURTIS. Mr. President, although I rise for a different purpose, I too, wish to commend the distinguished Senator from Virginia on the speech he has made. His speech is scholarly, convincing, and sound.

RENEGOTIATION ACT—INTERNATIONAL ANTIDUMPING ACT—INTERNATIONAL COFFEE AGREEMENT

The Senate resumed the consideration of the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, to suspend the International Antidumping Code, and to implement the International Coffee Agreement.

AMENDMENT NO. 942

Mr. CURTIS. Mr. President, earlier today the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], propounded a unanimous-consent request relating to H.R. 17324, the unfinished business.

At that time, I made a reservation to

the request. I inquired of the distinguished majority leader whether, if his unanimous-consent request were agreed to, it would be in order for me to offer an amendment relating to industrial development bonds. His reply was that it would be in order if introduced today.

Therefore, Mr. President, I send to the desk an amendment. I ask unanimous consent that it be printed and that it be received as an amendment germane to H.R. 17324 pursuant to the colloquy with the majority leader.

The PRESIDING OFFICER (Mr. Ervin in the chair). Is there objection? The Chair hears no objection, and it is so ordered.

The amendment will be received and printed, and will lie on the table.

Mr. CURTIS. Mr. President, I shall make a brief explanation of the amendment.

For some 30 years States and subdivisions of the States have issued bonds for industrial development to create jobs. A few months ago the Treasury Department by a ruling put an end to the function or proposed to do so.

A bill was before the Senate and the junior Senator from Nebraska offered an amendment which was agreed upon that provided that industrial bonds would be treated as tax-free bonds until the Congress changed the rule.

Thereafter, in the consideration of that same measure, the distinguished Senator from Connecticut offered an amendment which eliminated the tax-exempt status of industrial bonds. Both amendments were before the conference committee. The conference committee had many problems before it: The entire issue of a tax increase, a reduction in spending, and a ceiling on personnel. I am not critical of the decision they arrived at.

The conference committee did take the position that industrial bonds should have a tax-exempt status and they fixed a maximum for such bonds of $1 million.

As I have said, there was no opportunity to go into the matter in detail. There were many other matters pending in that one measure. I believe a majority of both Houses of Congress favor the industrial bonds, and they believe a limitation of $1 million is not adequate.

The distinguished chairman of the Committee on Ways and Means in the other body, Representative Wilbur Mills, a few weeks ago introduced a bill relating to the tax status of industrial bonds. Thereafter, the junior Senator from Nebraska introduced a bill in the Senate, S. 3782. The cosponsors of that bill were Senators Hruska, Baker, Hansen, Javits, McClellan, Monroney, Morton, Mundt, Stennis, and Harris. That bill, S. 3782, fixed a limitation of $5 million on tax-free industrial bonds but it also had another feature, whereby through definition and by finding of acute unemployment and certain other facts, there would be no limit.

The amendment I am offering would be limited merely to raising the existing $1 million to $5 million. In doing so, I am not rejecting the other parts of S. 3782. I take the position, however, that those other sections of the bill which have been introduced should not be advanced until the committee can hold appropriate hearings and examine the language and proceed to take appropriate action.

Therefore, the amendment which I have offered, and which will be considered under unanimous consent on Wednesday next, is limited to changing the $1 million in existing law to $5 million. This means that a municipality in connection with any one project would be limited in the amount of industrial bonds it could issue and have a tax-free status onto $5 million.

This limitation to any one present project is done in the same manner as the existing $1 million limitation.

I hope that when this amendment is presented on Wednesday it will have the unanimous support of all the Senate.

The issue of industrial revenue bonds on a tax-free status has gone on for many years. The practice has been criticized because in recent months very large deals were made and approved. One or two were perhaps for over $1 million. It is perhaps fitting that we have a limitation. That is what my amendment would do; it would permit the good work to go on without abuse, and I hope it will be adopted by the Senate.

COLORADO RIVER BASIN PROJECT ACT

Mr. MOSS. Mr. President (Mr. Burdick in the chair), I rise to announce that I shall vote for the conference report on S. 1004 when it comes before the Senate. The House has acted and the conference report should be before the Senate very shortly. But I shall do so with great reluctance. At best, it is a mixed blessing for my State of Utah. I cannot, in all conscience, see it go through without first expressing my grave reservations about it, and explaining why I am fearful about Utah's future under some of its terms.

Let me say first that I realize that this report will be approved by the Senate. The managers of the bill have skillfully marshalled great power behind its passage. The proponents include: the administration, whose spokesman in this case is the Secretary of the Interior; the conservation purists who oppose the building of a dam in the Lower Colorado River gorge, a coalition which encompasses not only wilderness organizations but tremendously influential eastern publications; some of the States of the Southwest, all of the States of the Northwest, and numerous of my colleagues from Eastern States who have no direct interest in Colorado River development but have been impressed with the arguments of the eastern press.

This is a mighty array. But it does not change the fact that under some of the provisions of the bill Utah is victimized, and its future development and prosperity is threatened. I refer, of course, to the 10-year ban on any study of how the waters of the Colorado River can be augmented by importation from any Columbia Basin source. The effects of this delay may be irremediable. I refer also to the specified completion time for the projects of the State of Colorado. This arrangement will leave Utah and Wyoming to bear the brunt of the river's all but inevitable water shortage.

Increasingly, an adequate supply of quality water is an indispensable key to any region's prosperity. But for our intermountain country, water has unique significance.

The Mormon pioneers who followed Brigham Young into the Great Basin were looking not for a bountiful land but for protection from enemies who had repeatedly driven them into the wilderness, burned their homes, and seized their farms. Therefore, they sought the most inaccessible region of the West—and from Great Salt Lake City sent colonizing parties in every direction to secure their domain. It was a near-arid land they settled. Recognizing that water was its most precious resource, Brigham Young enunciated the principle that no man may keep out of use water which another can use to raise bread. This principle had a profound influence on the development of the doctrine of beneficial use which underlies western water law.

Since water is of such importance to us, it is essential the Utahans understand the effect of this legislation on the State's ability to put to use its legal share of the Colorado. Writing in 1960 on the need for national purpose, Senator John F. Kennedy said:

> The sagest bit of advice ever offered man was the ancient admonition to "know thyself."

It is in that spirit that these remarks are offered. Utah cannot afford self-delusion as to the effect of this bill.

Since the language proposed by the conference report gives to every interested State except Utah and Wyoming their full legal entitlement from the river—almost everything they could ask for—it is to be expected that a little bait would be thrown to us. And that, in my opinion, is what the Utah projects in the bill amount to. But, I have been urged by men whose opinions I respect—the membership of the Utah Water and Power Board and of the Central Utah Water Conservancy District, and others—to support the bill. This I intend to do when it comes to a vote in the Senate.

However, making the decision to do so has been harder for me than it appears to have been for others. Perhaps this is because, as a member of the Committee on Interior and Insular Affairs, I have made a more thorough study of this bill's effect on my State's water plight. The Senator from Colorado stated that he signed the conference report only with "some concern over certain provisions." My Utah congressional colleagues have voiced no such concern although—as I shall show—this act is many, many times more beneficial to Colorado than it is to Utah.

No question of self-delusion existed concerning the Senate version of S. 1004. Utah could find little good to say about it. The press, water users organizations, and members of the congressional delegation were virtually unanimous in their opposition. But today some Utahans praise the language of the conference report.

I recognize that new facts call for new opinions, but both previous and present statements should be on the record if the citizens of Utah and the upper basin are fully to understand the implications of the bill.

Upon approval of S. 1004 by the Senate committee on July 25, 1967, Utah's senior Senator was quoted in the Deseret News of Salt Lake City as expressing "major disappointment with it." Noting that provision was made for the integration of the Dixie project into the lower basin fund, Senator BENNETT said:

> However, despite these minor additions, I still cannot support the bill that has come to the Senate with no provisions for importing water into the Lower Basin and with no authorization for construction of the Hualapai Dam, which would help finance imports.

Representative LAURENCE J. BURTON, a member of the House Committee on Interior and Insular Affairs, stated in the Salt Lake Tribune of Salt Lake City on Wednesday, July 26:

> I believe it will be disastrous to Utah's interests if any bill for this purpose should be enacted that (1) does not contain provisions for the study of means to import water into the Colorado River Basin, (2) does not provide for construction of the huge Bridge Canyon Dam for which revenue derived from power sales can be applied toward costs of water importation, and (3) does not provide inclusion of a comprehensive Dixie Project as part of the Lower Colorado River Development.
>
> The bill reported favorably by the Senate Interior Committee several days ago—and for which Utah's Senator Frank E. Moss voted—is deficient in every one of those aspects. Those of us in the House from the Upper Basin States will have our hands full repairing the damage done by the Senate action.

Well, some of the damage was repaired. On April 24 of this year, the House committee approved the bill. It left out one of the "must" provisions of my Utah colleagues—neither Bridge nor Hulapai Dam was included. But it did contain a water importation study; it left Dixie integrated in the lower basin fund and, in addition, provided an increased authorization; and it took a forward step in the conditional authorization of a unit of the ultimate phase of the central Utah project.

In one of his weekly columns in the Ogden Standard Examiner, that of July 28, Representative BURTON declared that from Utah's standpoint, and from that of the other six Colorado River States, the House version was by far the better bill. It was indeed a better bill, and I announced my intention of voting for it should I have that opportunity.

Then came the conference.

On July 26, the Deseret News reported from Washington that it had learned that—

> A proposed compromise on a controversial augmentation provision would allow studies, but place a ten-year moratorium on diversions from the Northwest.

On August 2, Gordon White's report of the conference agreement in the Deseret News headlined the Dixie project while leaving this statement until the end:

> No studies on tapping water from other areas into the Colorado River watershed from places like the Columbia River would be made for the next ten years.

He quoted Senator BENNETT and Representative BURTON as applauding the agreement, and the Ogden Standard Examiner attributed to BURTON the statement that it was "a great step forward for water development in Utah and the West."

The Salt Lake Tribune editorially quoted me as stating that deletion from the bill of provisions for reconnaissance studies on augmenting the flow of the Colorado River was a "bitter disappointment." The title of that editorial was "Bill Provides for Projects, but Not Water." It then said:

> The compromise bill actually amended the basic reclamation clause so as to rescind, for a period of ten years, authority the Secretary of the Interior now has to make studies of water importation, one of the three most likely ways of getting new water into the river.

And it said:

> We fail to see how the Dixie Project and the Uintah Unit of the Ute Indian Project in Utah, the Central Arizona Project and the five projects in Colorado all authorized by the compromise bill, are going to benefit anyone if there is not sufficient water in the basin to make them work. To delay for ten years even the most elementary studies of water importation seems short-sighted and dangerous.

On the other hand, the Deseret News called those who objected to the bill "nitpickers." Noting the lack of provision for importation studies, the editorial said cheerfully that there was no barrier to the States of the upper basin undertaking such studies themselves.

The Ogden Standard Examiner stated:

> Utah basically gained by the compromise 1968 Colorado River Bill hammered out this week in Washington.

That editorial mentioned with favor reauthorization for Dixie, provisional authorization for the Uintah unit, speeding up of planning for the Ute Indian unit, and the decision to place upon the National Government the obligation to meet water guarantees to Mexico. The editorial then said:

> We do regret that the Secretary of the Interior will be restricted for the next ten years from conducting any studies on possible importation of water into the Colorado Basin.

The editorial concluded:

> Utah didn't get all it wanted in the new Colorado River Water Project Bill. No state can when a compromise must be made. But we did well and should be satisfied.

So it is obvious that no clearcut opinion exists in my State as to whether this is or is not a good bill for Utah.

Before discussing in detail my view of that question, I will say a word on the general import of this act.

Heretofore, Congress has established hydroelectric units as the cash registers for reclamation projects. For example, some 95 percent of the reimbursable costs of the Colorado River storage project will be paid from sales of power generated at the great dams. What might be called the fuel for generation is the gravity stored energy in the water, and the supply of water is being constantly renewed. Capital costs are the principal costs.

Such projects are able to produce revenue long after the capital outlays are repaid. Hoover Dam will be paid off in 1987, after which $11 million worth of electric power revenues will be available each year to help pay for other lower basin projects. And there is a further characteristic to hydroelectric generation we are just beginning to appreciate—the air remains clear and unpolluted.

All that is changed for the central Arizona project. Here we will generate the electricity by burning fossil fuel. Unlike water, coal and petroleum and natural gas are not eternally renewed by the hydrologic cycle. On the contrary, the longer the central Arizona project operates, the more the fuel can be expected to cost.

The Senate report on S. 1004 contains tables of payout figures, and they may turn out to be accurate. But we must prove this pudding by eating it. Whether such a novel arrangement will meet the practical needs of the CAP as well as it has the political needs of the proponents of the bill may not be known to many of us. We are sowing the seeds; others must gather the harvest.

Some fear a sizable Federal subsidy in perpetuity. In April, the noted magazine Arizona Highways published a comprehensive article on the Colorado River by a prominent Arizonan—Lewis W. Douglas, one-time Director of the Budget. On this point he said:

> The Federal taxpayer will foot a large part of this bill.

Now to the effect on Utah. The first Utah benefit is integration of the Dixie project into the lower basin fund, and its reauthorization at the increased figure of $58,000,000. The first provision was put in the bill on the Senate side at my request, and is by far the most important. As the Senate knows, Dixie was authorized by Congress in 1964. Detailed site studies—which are made as a matter of policy following authorization—demonstrated that the original Virgin River site would not hold water and could not be made safe for construction. A new and feasible site has now been selected. But power cannot be developed there to supply revenue and, consequently, additional capital had to be found. Section 2(j) of the Senate report states:

> The Dixie Project located in Utah has been authorized but is not yet under construction because present studies indicate they will be $25 million to $30 million short of being able to repay the reimbursable cost. This amendment provides that the Dixie Project may receive financial assistance from the development fund and thus become a financially feasible project.

The House amendment increasing the money figure in the authorization is helpful, of course, but participation in the development fund is the essential advantage to Dixie.

A second item of benefit to Utah is the provisional authorization of the Unitah Indian unit of the central Utah project. This is a step forward, and I publicly commended Representative BURTON for the action of the House Interior Committee on it. Another related benefit is the speeding up by several years of the plan report on the entire Ute Indian unit—ultimate phase—of the central Utah project.

But, compared to the Colorado authorizations, the Utah authorizations are strictly second class. I call the Senate's attention to page 14 of the text agreed upon by the conferees. Authorizations for participating projects under the Colorado River Storage Project Act are increased by $392 million—plus or minus such amounts as may compensate for changes in construction costs—which shall be available "solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects."

In addition—and this is a major provision of this act—Colorado's share of the waters of the river is given protection available to no other upper basin State in this language which is subparagraph (b):

> The Secretary is directed to proceed as nearly as practicable with the construction of the "five Colorado projects" concurrently with the construction of the Central Arizona Project, to the end that such projects will be completed not later than the date of the first delivery of water from said Central Arizona Project.

By contrast, the Uintah Indian unit may not be constructed until the Secretary of the Interior "has completed a feasibility report on such unit" and submitted it to Congress along with his certification that in his judgment, the benefits exceed the cost. Moreover, not 1 cent is authorized for Uintah unit.

These provisions—in conjunction with others in the bill and the situation of the Colorado River—simply means that all the States of the Colorado River Basin except Utah and Wyoming are given a practical priority to use their share of the waters although no such priority exists in law. California is assured 4.4 million acre-feet in perpetuity; the shares of Nevada and New Mexico are assured and not at issue; by the terms of this bill Colorado and Arizona are concurrently guaranteed the use of their share; thus any deficiencies must fall on the projects which must be authorized later in Utah and Wyoming.

It is these facts I have just been reciting that lead me to question the optimism of those Utahans who have praised this bill. It is true there are two Utah projects mentioned in it, but these supposed benefits to us are impaired by benefits granted to others.

An example of this kind of thinking is embodied in the Deseret News editorial previously quoted. It states that the approval of the Dixie and Uintah projects in the current bill is a "remarkable victory." in view of the "strong inclination in any economy-minded Congress to ax reclamation projects." If this Congress has a tendency to ax reclamation projects, Colorado would hardly be receiving an authorization of $392 million for her five projects. For that matter, it is unlikely the bill would be enacted at all. Moreover, it cannot be supposed that this bill is the only vehicle that will ever come along to carry Utah projects. One Dixie project bill has already been passed—in 1964. The necessary authorizations were long ago enacted for the initial phase of the central Utah project, and it has always been anticipated by Congress that—when the proper time came—the ultimate phase would also be authorized. The experience of all the reclamation States with dozens and dozens of projects can lead to no other conclusion than that all feasible projects for the Colorado River Basin would ultimately be built—if water remains available in the river.

A third benefit is recognition in the committee report of the Mexican Treaty burden as a national, rather than a basin, obligation. But the implementation of this decision is left to future Congresses. This treaty requires that the United States furnish Mexico with 1½ million acre-feet of Colorado River water each year. This bill says augmentation to provide for Mexican treaty water shall be a national obligation, but it provides no such augmentation. Since one Congress does not bind another, the real effect of this provision is to advise future Congresses that—when the necessary practical action is taken—in the opinion of the 90th Congress the Mexican Treaty obligation should be borne by the Nation.

This is not to say that such a provision is not a benefit to the Colorado River Basin States. It is. But it is far from a bird in the hand. The history of this legislation indicates how long and arduous the road will be until additional water to satisfy the Mexican obligation is actually poured into the Colorado River.

Moreover, this advantage does not accrue to Utah alone. It is a basin benefit. A further advantage in the bill is the establishment of criteria for the operation of Lake Powell and relief from the upper basin of an obligation of more than $3 million incurred during the Powell filling period.

By the terms of the filling criteria, until Lake Powell reaches the elevation of 3,700 feet and Lake Mead is simultaneously at or above elevation 1,146 feet or until May 31, 1987, whichever occurs first, the upper basin fund bears the cost for the computed diminution in firm energy generation at Hoover Dam attributable to filling upper basin storage units.

An additional regulation (1) provides in effect that, after Hoover payout in the late 1980's, a portion of Hoover revenues would be used to reimburse the upper basin fund the amount of actual payment without interest previously paid out of storage project funds under the filling criteria. This would take no more than 25 years. Under S. 1004 the amount of $3,790,000, paid out to date and any future expenditures, would be reimbursed beginning in fiscal year 1970 at the rate of $500,000 per year from the Colorado River development fund. However, this is an upper basin benefit—the obligation has been relieved quite as much for Colorado as it has for Utah.

It may be noted that there is also another amount which the upper basin fund has paid to the lower basin. During the time that Lake Powell was filling to minimum powerhead, Secretary Udall, contrary to the filing criteria, permitted Lake Mead to go below its rated powerhead. The amount that has been paid for the resultant impairment of energy and capacity amounts to $3,652,000 and is not repayable to the upper basin fund from any source.

For Utah and the upper basin, the hopeful part of the conference report lies not in legislation but in its statement of principles. Title I declares the objective of the act to be provision of "further comprehensive development of the water resources of the Colorado River Basin and additional and adequate water supplies for use in the Upper as well as in the Lower Colorado River Basin."

Paragraph B of section 102 elaborates, saying:

> It is the policy of the Congress that the Secretary of the Interior shall continue to develop . . . a regional water plan . . . to serve as the framework under which projects under the Colorado River Basin may be coordinated and constructed . . . to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

These are noble objectives which I applaud.

If these words mean anything, they mean that the conference committee believes it to be the obligation of the national Government to provide for an adequate water supply for Utah and all the States of the Colorado Basin. It is not possible to interpret such a statement in any other way. But so far as the upper basin is concerned, what is apparently given with the right hand is taken away with the left—the left in this case being those provisions which govern actual preparation of the water plan.

Title II sets forth the program in these words:

> "The Secretary of the Interior shall conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States." It then requires submission of progress reports to the President, the National Water Commission (which is still to be named), the Water Resources Council, and the Congress. A final reconnaissance report shall be submitted by June 30, 1977.

Then appears the famous limitation:

> *Provided*, That for a period of ten years from the date of this act, the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the states of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are the natural drainage basin of the Colorado River.

The serious question raised by this 10-year moratorium is whether or not anyone can carry out a feasibility study worthy of the name if he is prevented from even considering interbasin transfer.

Section 202 indicates the intention of Congress to see water augmentation for the Colorado River because it specifically discusses such augmentation and the means for bringing it about. This is done in asking that the Mexican treaty obligation be a national, rather than a basin, burden. But it says that the obligation does not become a national one until "such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by 2½ million acre-feet shall be authorized by the Congress and is in operation as provided in this act."

Yet, how can the Secretary present to Congress a feasibility plan showing "the most economical means" of adding water to the Colorado River unless he can study all possible methods?

This limitation on the Secretary is in the same class as one which would permit the Department, in the preparation of cost-benefit studies, to use even numbers but not odd numbers. Or a comparable provision would be one requiring the General Services Administration to recommend the most economical method of transporting household goods allowing consideration of water, truck, and air transportation, but not rail.

Moreover, in section 203, the possibility is discussed in that the Secretary shall plan "works" to import water into the Colorado River system, and—quite properly—insists on "adequate and equitable protection" for the interests of the States and areas in which the water originates.

Surely, these provisions of the conference report are a very model of contradiction and inconsistency.

The preparation of comprehensive water development plans is a course of action I have been advocating for a number of years. Early in the 90th Congress, with 10 cosponsors, I introduced a Western United States Water Investigation Act to authorize an examination of the water requirements of the 17 reclamation States and Alaska and Hawaii. I pointed out then that one of the objectives of such a study would be to move from a river basin concept to a regional concept. The conference report provides a simliar investigation for the mainland area west of the Continental Divide. I urge the Secretary to proceed as fast as the conference language will permit to collect the needed data and carry out the needed studies. If work on the several projects here authorized will tax the engineering capability of the Bureau of Reclamation, outside assistance should be obtained.

It also must be emphasized that no commitment can ever be made to transfer water between basins until Congress has examined the proposal fully and weighed the needs of the areas of origin. Only after the requirements of water-producing areas are satisfied will transfer even be considered by the Congress.

It is true that the limitation on interbasin transfer applies for just 10 years. The Senator from California, a member of the conference and an authority on reclamation legislation, has taken cognizance of this moratorium but says:

> Ten years is but as a nighttime in the development and progress of our country and represents no insurmountable burden on the Government of the United States in its duty to help provide sufficient water to sustain the life of the American people and their economy in the days ahead.

But it is not only this 10 years that concerns me. A 1966 pamphlet issued by Californians for Water Action quoted another distinguished son of California, the then Governor, Edmund G. Brown, as saying:

> There is a gap of 25 years from planning table to the water tap.

So it is obvious that a delay of 10 years in any discussion of interbasin transfer may mean a much longer delay in the provision of works to augment the waters of the Colorado River from any source whatever.

The true meaning to the Colorado Basin States of this ban on the study of importation was made quite clear in the statement the Senator from Washington issued on August 1. Listen to part of it:

> The Secretary of the Interior is directed to make a full and complete reconnaissance investigation of the Western United States, with periodic progress reports to the Congress, the President, the National Water Commission and the Water Resources Council, with a final report on June 30, 1977. This reconnaissance investigation is to be coordinated with the River Basin Commissions and the Water Resources Council under the terms of the Water Resources Planning Act of 1965. I see this as a guarantee that every potential opportunity for proper resource development in the Northwest, the Southwest—in every part of the West—will be fully explored. In carrying out the reconnaissance investigation, the Secretary is, of course, prohibited from studying the importation of water into the Colorado Basin States from the Northwest or any other area under the terms of the prohibition I mentioned earlier.
>
> I foresee the acceleration of planning to meet the water needs of the Southwest through desalination and weather modification.

More than any region of the United States, the Southwest must have more water to generate its share of the Nation's prosperity. Yet, by this legislation such augmentation is cast upon the weak shoulders of two unproved methods—changing the weather and desalting the sea. Both are successful as experiments. Neither is yet practical as a producer of substantial quantities of water.

When Frank C. DeLuzio was head of the Office of Saline Water, he addressed a nuclear energy symposium held at the University of Arizona in March 1966. He warned against overoptimism, saying:

> The lead time between the glassware of the laboratory and the hardware of a commercial desalting plant is long and arduous. It is unrealistic to assume that cheap desalting plants or processes to meet the great variety of requirements in terms of plant sizes and types of water and different processes will burst upon the scene like the first bright rays of the rising sun. The facts of life are that plants and processes will be produced as a function of time and effort in a broad spectrum, and they will be initially economically viable only for selective application.

Director DeLuzio also emphasized in that talk the need for the basic technical and economic data on "the wide range of alternatives from which to choose the best alternative or combination of alternatives." His conservative views on the speed with which we could expect to move into commercial operation of large desalting plants have proved to be correct.

The difficulties still besetting desalination were emphasized in remarks which Max N. Edwards, Assistant Secretary of the Interior for Water Pollution Control, made before the Los Angeles Chamber of Commerce in June.

Secretary Edwards' speech amounted to a sales talk urging his hearers to accept a large Federal subsidy being provided by the Department of the Interior and the Atomic Energy Commission. Speaking of the proposed Bolsa Island Nuclear Power and Desalting Plant, he said:

> This is Southern California's big chance to prove the viability of the desalting response to the challenge of major water shortage . . . for the first time in history, government proposes to join forces with industry to produce an unprecedented amount of desalted water and power on an island constructed just for this purpose.

The reluctant partners in what Edwards called "this bold venture" are the Metropolitan Water District of Southern California—the largest water supply agency in the world—Southern California Edison, San Diego Gas & Electric, the City of Los Angeles Department of Water and Power, and, for the Federal Government, the Office of Saline Water and the Atomic Energy Commission.

What is proposed is a dual-purpose plant which would produce more than 1,800 megawatts of electricity and 150 million gallons of desalted water a day. This would be enough water for a population of 750,000 persons and enough power for 2 million persons. The plant would be located on a 43-acre island off the coast of southern California. It would utilize nuclear reactors to supply the heat for a distillation process plant. The idea was first proposed in 1959 by the metropolitan water district.

Edwards also said:

> The Federal government will contribute substantially to the project but will not own any part of the facilities, nor receive any income from the sale of the water or electricity.

He then posed the question:

> Why, with all of these things going for it, is the project still pending?

The answer is that the metropolitan water district and the public and private power companies are gun shy because, he said:

> The cost estimates have gone up considerably since they were made initially in 1965.

He did not give the figures, but here they are. When first proposed, the Bolsa Island project was expected to cost $444 million; the current estimate is $765 million.

As for the second method of augmentation prescribed for the Southwest: What can we look for from weather modification?

So far, water in the sky is just like pie in the sky.

There is no doubt that man can change the weather; but ever so slightly. I, for one, believe that, in the years ahead, there is a definite possibility we may learn enough to induce clouds to drop more of their moisture or drop more of it where it is needed. "Cap clouds" clinging to the summits of western mountains have already been induced to do this. I have seen the optimistic predictions of the Bureau of Reclamation concerning Project Skywater. The first operational programs, we are told, could begin as early as 1972, and by 1975 operations within the Colorado River Basin could provide up to 2 million acre-feet of additional streamflow at production costs of $1 to $4 per acre-foot.

But a Project Skywater press release—March 17, 1968—cautions:

> Progress, while quite substantial, has served also to identify many problem areas which must be solved before operational capability can be achieved.
>
> These areas include knowledge of—what atmospheric conditions are best suited for seeding, the amount of artificial nuclei required to achieve best results for given conditions. The behavior of nuclei inside real clouds, measuring and evaluating the effects of seeding, determining meteorological side effects, and the legal, social, biological, and other implications of precipitation management.

Senators will agree that this is quite a list of "problem areas." Changing the federalese to plain English, it means that the Bureau cannot now take title to, or direct the moisture in the atmosphere, or evaluate the ecological effects of directing it.

The release also states:

> Precipitation management, by itself, cannot overcome the water supply problem.

And says:

> It is an exciting and important contributor to the solution.

It is further cautioned that, to meet the target dates, "activities are dependent on funding levels." During fiscal year 1967, Bureau of Reclamation weather modification research was conducted on a budget of $3.75 million. Twenty-six contractors conducted programs in 10 Western States. The 1968 program was budgeted at $4.5 million, and that proposed for fiscal year 1969 was $5.5 million.

So it will be something of a miracle if Utah and the Southwest gets the water it needs when it needs it from the sea or from the sky.

Moreover, restricting any area to the results of these experiments—prohibiting even a study of importation—has major implications for national water policy which must not be glossed over in the air of euphoria surrounding this matter.

For one thing, there may be a constitutional barrier to such a prohibition. Does Congress possess the authority to permit study of interbasin transfer in all river basins but the Colorado? As a matter of law, is such an exception reasonable? Is such a restriction in any way necessary—or helpful—to the essential purposes of the bill?

But operational questions may be of more immediate concern here.

How can the Department of the Interior decide whether weather modification or desalting are the best methods of augmenting the water supplies of the Colorado Basin—or are even acceptable methods—if they cannot compare them with all possible alternatives, including interbasin transfer? Such a prohibition means that weather modification and desalination must be studied in a vacuum.

In my discussion last year of the Senate version of this bill, I commended what I believe to be Senator JACKSON's position on the National Water Commission—that such a body must be free of any restrictive directions either from Congress or the President.

But then I pointed out that there is such a thing as restricting the freedom of the Commission by denying it information on which to base judgments. If we make the Commission responsible for a truly informative report on the water needs of the United States, and give it 5 years to produce such a report, we must expect that body to rely upon other agencies of the Government for assistance, particularly assistance in providing information. Unless the Commission has available to it at some time during the 5 years the information on which to base recommendations on multibasin interchange of water, we cannot possibly get any guidance on this subject.

That concern is valid today. It is the intention of Congress and the administration that the National Water Commission rely on the water agencies of the executive branch for major technical and informational assistance. This is made explicit in the bill establishing the Commission which says it may utilize such services, including "the use of informational resources," and "the detailing of personnel to temporary duty with the Commission."

Making the point more emphatic, the analysis of the bill in the report of the Interior Committee includes this:

> The National Water Commission and the Water Resources Council will cooperate and work together in a coordinated and complimentary manner.

Yet the Water Resources Planning Act which established the Water Resources Council also contains a prohibition against study of interbasin transfer, saying that the Council is not authorized to "study, plan, or recommend the transfer of waters between areas under the jurisdiction of more than one river basin commission or entity performing that function."

The proposed legislation would be administered by the Secretary of the Interior. He also serves as chairman of the Water Resources Council. Ask yourselves what the Secretary would reply in view of the restrictions I have been discussing if the National Water Commission asks for data on the comparative costs of providing water for the Colorado River Basin from all possible sources. Put yourselves in the Secretary's position, and you will see how the development of national water policy is being circumscribed by this act.

A most important possibility is that these restrictions against the study of interbasin transfer could be used to prevent gathering the necessary data to evaluate the possibility of diverting water from the Arctic south to the American West and Midwest.

Such true continental planning of water resource development makes sense for both Canada and the United States. It appears that, as further data becomes available, Canada is moving to the belief that she has a real surplus of water. It appears likely that she will find she can profitably export water to the United States as a sustained yield crop which is not subject to depletion.

Should that come about, exchange transfers of Canadian or Alaskan water into the Columbia Basin and transfers of the same quantity out of the Columbia Basin into the Great Basin or the Colorado Basin would become a definite possibility. Such transfers would mean no diminution of the amount of water in the Columbia Basin, but would require studies of the kind prohibited in this conference report.

The most prominent of these Arctic water proposals is the NAWAPA concept advanced by the Ralph M. Parsons Co. Although the particular plan may have faults, the validity of the idea is surely demonstrated by the fact that others have brought forward plans which are similar in purpose, though different in detail.

There is the Kierans plan which would serve primarily the eastern third of the continent. It originated in Canada. It centers on the Great Lakes.

There is the Kuiper plan, also Canadian, which is probably more solidly grounded in actual field data than the others. It would collect the North Central Canada waters for redistribution in the Southern tier of the prairie provinces of Canada, with provision for export to the Great Plains of the United States and to the East via the Great Lakes.

The Magnuson plan, again Canadian, embodies the essential features of the Kuiper plan.

The Tinney plan, known as the central North American water project, comes closest to NAWAPA in scope, but avoids such controversial elements as the Rocky Mountain trench. It would serve the Great Plains and the Southwest. It is simpler from an engineering standpoint, but apparently does not have the power potentials of NAWAPA.

Most recently has come the Smith plan, designed to meet almost the same goals as NAWAPA in the Western States, indeed drafted for the Federation of Rocky Mountain States by Lewis G. Smith, of Denver. It would not provide any water for the Great Lakes but would solve the Colorado River problem.

The point is that continent-long and continent-wide water diversion is generating more interest every day, while this act raises a definite roadblock to the kind of planning which must be done if these imaginative solutions to American water shortage problems are to become realities.

I remind the Senate—and particularly

Senators from the States west of Missouri—of the projection of the Senate Select Committee on National Water Resources that eight of the 22 water resource regions of this country would have their water in full use by the year 2000. These eight regions encompass an area stretching from Kansas City on the east to Los Angeles on the West, and from the Canadian border to Brownsville, the southern tip of Texas. It excludes, of course, the Columbia Basin and northern California.

But this extensive area of our Nation will be looking for additional water by the turn of the century. How long is that away? The end of the 10-year moratorium in this bill will take us within 22 years of that momentous event.

Mr. President, having made clear my misgivings, I must record my pleasure at one aspect of this measure. It will begin a long-delayed move to assure the State of Arizona her share of the Colorado's waters at least to the extent that the stream has the capacity to supply it. This legislation stands as a monument to CARL HAYDEN. It marks the culmination of a career without precedent in the Congress of the United States. It is a deserved achievement. He has stood for decades as a friend of wise natural resource development. The West owes much to his foresight, industry, devotion, and benign use of the great power he has wielded in Congress.

Down through the years he has supported other bills to authorize the central Arizona project—bills which in my view more truly served the Colorado River Basin interest. Nevertheless, this bill will put to use in Arizona millions of acre-feet of water for which he has fought many a battle.

Closing my remarks on the Senate version of S. 1004 last year, I said we were left with this question: "Where do we go from here?" That is still the question.

First, we of the upper basin must put away rose-colored glasses. The year 2000 approaches. Our population grows, and and water must be found to quench our thirsts, cool our powerplants and keep our trout streams full.

In his statement of August 1, the able chairman of the Committee on Interior and Insular Affairs said the result of the conference "could be called a great victory for the Northwest."

An Associated Press report quoted Senator Church as calling the moratorium provision "a solid victory." And he continued:

> Idaho emerges in a better position than before. The Interior Department may not even make general surveys of the possibility of diversion for at least a decade.

The conference language cannot at the same time be a victory for the Colorado Basin, and it is not. If adequate appropriations are voted for the central Utah project, my State's water development will proceed at a somewhat satisfactory rate for a few years. But the squeeze is coming on the Colorado River. Unless we quickly learn more about changing the weather and desalting the sea, Utah's development could be hogtied.

So we must burst the bonds and find the water to meet the Colorado's commitments. We look with hope to the policy statements in this bill, to the warnings of the Senate select committee, and to the wisdom of the National Water Commission.

I believe that our countrymen, and indeed all who live on this continent must soon see the necessity of truly unified and fully comprehensive water management.

Thanks to a bountiful nature, North America enjoys ample resources of water. Our task is to distribute it with skill and fairness to areas of need.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HANSEN in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

WHITE HOUSE CONFERENCE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, I move that House Joint Resolution 1371 be removed from the table and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A resolution (H.J. Res. 1371) to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes.

Mr. WILLIAMS of New Jersey. Mr. President, House Joint Resolution 1371 has the same purpose as Senate Joint Resolution 117 which declares it to be the sense of the Congress that the White House Conference on Aging be conducted. This joint resolution, which I introduced with 19 other Senators, was passed by the Senate on May 6. The House version of the resolution was passed on July 30.

I send to the desk an amendment and asked that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 3, line 16, strike out "Commissioner of Aging" and insert in lieu thereof "Secretary of Health, Education, and Welfare".
>
> On page 4, line 3, insert after the word "assistance" a comma and the following: "including financial assistance,".
>
> On page 4, line 23, after the comma insert the following: "and, as necessary, to establish technical advisory committees".
>
> On page 5, line 3, strike out "Members of the committee" and insert in lieu thereof "Members of any committee appointed pursuant to this section,".
>
> On page 6, line 2, strike out "$1,300,000" and insert in lieu thereof "$1,900,000".

Mr. WILLIAMS of New Jersey. Mr. President, this amendment—which is the result of discussions with House leaders and other interested parties and which has the concurrence of these people and the minority members of the Senate committee—is an attempt to reconcile several major differences in the two resolutions.

The amendment accomplishes this reconciliation of the major differences in the following manner:

First. State participation: The Senate authorized funds for States to conduct conferences and other preparatory activities in advance of the White House Conference, as had been the case when the last White House Conference on Aging was conducted in 1961. The Senate wished to provide for grassroots participation in all States of the Nation. Eminent witnesses had assured us that local action would be essential for a successful White House Conference. House Joint Resolution 1371, however, removed all authority and funds for State action.

The amendment I am offering authorizes funds for State activity but reduces the total authorization for all Federal and State activity to $1,900,000, as compared with the original Senate authorization of slightly over $4 million, and the authorization of House Joint Resolution 1371 of $1.3 million.

Second. Date: The amendment offered today accepts the House recommendation that 1971, rather than 1970, be the year for the Conference. A substantial case by convincing testimony was offered at the House hearing on the need for the later date.

Third. Other changes: The amendment also offers other technical amendments of no substantive importance.

Mr. President, since action of this kind is necessary to reconcile the two resolutions, I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask the Senate to adopt the joint resolution as amended.

The PRESIDING OFFICER. The resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 1371) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (Mr. HANSEN in the chair). Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 11, 1968

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment.

The motion was agreed to; and (at 5 o'clock and 25 minutes p.m.) the Senate adjourned until Wednesday, September 11, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 9, 1968:

POSTMASTERS

The following-named persons to be postmasters:

ARIZONA

Anne M. McKeown, Lukeville, Ariz., in place of O. S. Bennett, removed.

ARKANSAS

Eddie Farris, Evening Shade, Ark., in place of J. F. Dickerson, deceased.

CALIFORNIA

Charles B. Westfall, Oakdale, Calif., in place of C. R. Tryon, resigned.

August G. Kettmann, Palm Springs, Calif., in place of F. C. Parker, retired.

FLORIDA

Jeff W. Williams, Graceville, Fla., in place of E. M. Stewart, retired.

Delma E. Fields, Ocoee, Fla., in place of J. N. Peacock, removed.

GEORGIA

Frank L. Phillips, Snellville, Ga., in place of Vera Nash, retired.

ILLINOIS

Marie C. Watson, Brighton, Ill., in place of M. H. Stewart, resigned.

Gloria M. Guhl, River Grove, Ill., in place of M. M. DeCoste, retired.

INDIANA

Basil B. Niccum, Covington, Ind., in place of C. F. Youngblood, retired.

James L. Trueblood, Shelburn, Ind., in place of Willard Miller, retired.

IOWA

Walter F. Keenan, Lansing, Iowa, in place of F. A. Riser, retired.

KENTUCKY

W. Paul Duncan, Georgetown, Ky., in place of C. A. Cantrill, retired.

MARYLAND

A. Leroy Willey, Cambridge, Md., in place of J. E. Walter, deceased.

MASSACHUSETTS

Francis J. Sullivan, Marshfield, Mass., in place of Paul Callahan, retired.

MICHIGAN

Barbara J. Rourke, Henderson, Mich., in place of L. J. Telfer, retired.

Donna B. Besko, Ovid Mich., in place of R. B. Baker, retired.

MINNESOTA

Ralph Fennie, Kenyon, Minn., in place of V. R. Buffington, resigned.

Frank J. Lano, Long Prairie, Minn., in place of I. F. Lano, retired.

MISSOURI

Joe A. Crook, Butler, Mo., in place of H. C. Nicolay, retired.

Ann B. Wichman, Doe Run, Mo., in place of L. L. Raby, retired.

NEW JERSEY

Louis J. Cirillo, Bernardsville, N.J., in place of Joseph Bearlepp, retired.

Robert J. McCracken, Monroeville, N.J., in place of H. F. Johnson, deceased.

NEW YORK

George M. Prehoda, Granville, N.Y., in place of C. E. Statia, deceased.

OKLAHOMA

Kester I. June, Bartlesville, Okla., in place of E. R. Christopher, retired.

Margaret E. Blasingame, Duke, Okla., in place of M. C. Heidenreich, retired.

Kenneth L. Boydston, Roosevelt, Okla., in place of M. L. Johnson, transferred.

OREGON

Henry E. Wiseman, Clackamas, Oreg., in place of R. E. Walter, retired.

PENNSYLVANIA

Eugene S. Taylor, Elizabethville, Pa., in place of J. J. Botts, retired.

Jesse C. Havice, Jr., Yeagertown, Pa., in place of H. E. Ready, retired.

PUERTO RICO

Antonio Lopez-Rodriquez, Maricao, P.R., in place of Domingo Lopez, removed.

SOUTH CAROLINA

Calhoun N. Hinton, Pickens, S.C., in place of E. R. Baker, retired.

WEST VIRGINIA

Orla A. Davis, Jr., Salem, W. Va., in place of G. C. Ross, retired.

WISCONSIN

Stanley R. Anderson, Lake Delton, Wis., in place of J. F. Kaminski, retired.

Donald M. Clark, Minocqua, Wis., in place of Jack Rantz, resigned.

EXTENSIONS OF REMARKS

SULLIVAN'S NAVY

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. MORSE of Massachusetts. Mr. Speaker, typical of the patriotic spirit we find in all of our military services, is the Navy choice of all four sons of Mr. and Mrs. Ernst G. Sullivan, formerly of Lowell, Mass.

Mr. Sullivan was one of the first in his community to enter the service in World War II and his four sons have chosen naval careers. David, Greg, Richard, and Ralph Sullivan are all serving our country in the U.S. Navy. They are a credit to their family and their community and I feel sure they will be a credit to their service as well. Under unanimous consent I include an article by Gail Pearsall, which appeared in the Lawrence, Mass. Eagle-Tribune in the RECORD:

TWINS JOIN TWO BROTHERS: IT'S SULLIVAN'S NAVY FOR FOUR

(By Gail Pearsall)

A new generation of Sullivan brothers will confuse the Navy and prove to America that patriotism is not old-fashioned.

No relation to the famous five Sullivan brothers of World War II, these four Sullivan tried to make it five by enlisting the remaining sibling, but sister Donna said "no go."

George David, 23, and Gregory James, 20, are already in the Navy and have been serving aboard the USS Hartling, a destroyer, together. David, the first to enlist in Feb. 1964, will remain on the Hartling. Greg has been transferred to another destroyer, the USS Krause. He joined in November, 1965.

On July 9, twins Ralph Gary and Richard Guy, 19, will be sworn into the Navy in Miami. The 9th is also brother Greg's 21st birthday, so it will be a big day for the whole family.

Although all four brothers are not allowed to serve on the same ship, which their mother says they would love, they will work in pairs.

Ralph plans to join Greg aboard the Krause. Richard hopes to serve on the Hartling with David. Both brothers already in the Navy are machinist mates, and the two new recruits want to do the same work, maintaining main propulsion machinery for the destroyers.

The boys, all sons of Mr. and Mrs. Ernst G. Sullivan, 1604 SW 13 Ct., Ft. Lauderdale, were born in Lowell, Mass.

Their father was the first Lowell man to go into World War II. Although he was an Army man, he has always encouraged the boys to join the Navy.

"David was the first of the boys to join," said their mother. "He was enthusiastic about the Navy. The first time he came home, Greg tried on his uniform, and I think his mind was made up, too."

Ralph and Richard agree that they had always planned to be Navy men.

"We never thought of anything else," Ralph said. "And we always wanted to serve with Dave and Greg."

Mrs. Sullivan credits Chief Dave Holland of the Ft. Lauderdale Naval Recruiting Center for the boys' interest in the Navy.

"When Greg went in, Chief Holland even came to the house to talk to us," she said, "and the twins and the whole family think the world of him."

At least one Sullivan plans to make the Navy a career. David has finished his first four years and has re-enlisted for six more.

The only Sullivan not in the service is Donna, who is married to Christopher Gizzi and has just adopted a baby. The boy has been named after David.

Greg is the only one of the boys married. His wife, Janet, lives with her parents, Mr. and Mrs. Richard Trent, in Tallahassee but plans to visit the senior Sullivans after the boys leave.

"We've had teenagers around so long, the house will be empty," said Mrs. Sullivan. "But we are very happy with the choice they have all made."

"Maybe our new grandson will be a Navy man, too," she added.

OUR PUBLIC LAND LAWS

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. ASPINALL. Mr. Speaker, our public land laws were the subject of a September 3, 1968, article in the Wall Street Journal. Reporter Burt Schorr has focused attention on just some of the problems that surround the administration of our public lands.

As the article indicated and, as my colleagues know, the congressionally authorized Public Land Law Review Commission is now in the midst of preparing its study and recommendations concerning all of our laws and regulations which affect our public lands. When the Congress is called upon to act on the recommendations of the Commission, it is my highest hope and expectation that it will be armed with the most thoroughgoing and far-reaching study that is possible to obtain.

As an example of the areas that the study is now covering, I recommend the following article to my colleagues:

CRITICS SAY LAW LETS VALUABLE PUBLIC LANDS SLIP FROM U.S. HANDS—OLD MINING CLAIMS ACT MAKES IT EASY TO GET WESTERN ACRES—INDUSTRY OBJECTS TO CHANGE

(By Burt Schorr)

As she has for many years, Mrs. Martha B. Kesterson, the widow of a wealthy lumberman, is summering at her mining claim on choice Federal land along the Rogue River in Josephine County, Ore.

If the forest-bordered 4.9-acre tract bears no resemblance to a mining camp, well, that's exactly what Mrs. Kesterson and her late husband intended when they purchased the claim 30 years ago for about $9,000. Today her establishment includes a main house, guest house for six, caretaker's cottage, boathouse and 10-horse stable—improvements worth $150,000, the 71-year-old widow figures.

To Uncle Sam, though, Mrs. Kesterson is nothing more than a poacher. The Government charges her mining claim never was valid because the Federal tract had been reserved for a power site and later set aside for recreation use.

Mrs. Kesterson probably won't be packing any time soon, however. Twelve years already have elapsed since the Interior Department's Bureau of Land Management first asserted her claim was null and void, and it could be well into the 1970s before she exhausts her remaining departmental and court appeals. "My husband never would have forgiven me if I gave up without a fight," Mrs. Kesterson declares. Should she lose, the Government could take over the land without compensating her and could even send her a bill for having lived there.

For her success in clinging to increasingly valuable Federal real estate, Mrs. Kesterson—along with hundreds of other suspected trespassers on Federal land—can thank the workings of basic U.S. mining law. The original statute has been amended several times since Californians pushed it through Congress in 1872 to legalize the improvised claims of early gold miners. But the law still makes obtaining an interest in 600 million Western and Alaskan acres (80% of total Federal real estate) about as easy as voting.

OIL SHALE CLAIMS

Because of the 96-year-old statute, too, Interior Department attorneys now are battling to stave off claims to Federal oil shale lands in Colorado, Wyoming and Utah—a public resource some experts say contains mineral wealth worth more than three trillion dollars. The shale-land claims all are invalid, department solicitor Edward Weinberg insists, but he acknowledges a final decision may be five years or more away.

There is more action eleswhere on the claims front. Las Vegas-area sand and gravel companies are seeking public land close to former U.S. tracts that have proven a real estate bonanza. A California claim holder threatens to evict archeological investigators of what could be North America's oldest known inhabited site. And careless miners have bulldozed more than six miles of the historic Oregon Trail in Wyoming and created landslide conditions in Oregon's scenic Mt. Hood National Forest.

Most of the public land in question passed into Federal ownership as a result of the Louisiana Purchase from France, the war wtih Mexico and a treaty with Great Britain. The 1872 law, in effect, enables almost anyone to initiate a mining claim on these holdings by filing a description of its location in the local county courthouse. This simple action arms the claimant with a vested land interest that can't be extinguished without often slow-moving administrative and court proceedings.

Only if challenged by the Government or rival prospectors must the holder defend his claim (and the related right to enter Federal land and work it) by proving that it represents a valuable mineral deposit, or that its boundaries have been properly staked and he has spent at least $100 yearly to develop the tract.

TIMBER AND BUILDING LOTS

Should a claim holder make a mineral strike sufficient to satisfy the Federal requirements, he can go on to obtain a patent, or full title, to the land, by paying the Government as little as $2.50 an acre. Even if located in national forests (which, unlike most national parks and military reservations, aren't exempt from mining claims), patented tracts can be mined without restriction, shorn of their timber, even sliced into building lots.

The mining law doesn't provide for central recording of claims, so Bureau of Land Management officials have no idea how many lie buried in hundreds of county courthouse files. "There must be at least several million," says Irving Senzel, the bureau's assistant director in charge of lands and minerals. If the Government decided to catalogue and challenge claims currently recorded, Mr. Senzel adds, the task might cost $500 million under present procedures.

Not surprisingly, conservationists are escalating their attacks on the 1872 law as an anachronism having no place in modern management of nationally owned resources. "The 1872 act is an obsolete relic of our frontier days," says Interior Secretary Stewart Udall. "It's a giveaway law and an anti-conservation law."

Thomas L. Kimball, executive vice president of the National Wildlife Federation, says that new legislation should deal with "more than the pure economies of planning." Recreation, protection of wildlife, watersheds and timber, and water pollution dangers all are ignored by existing law, he says.

The answer, conservationists argue, is to abolish present claims procedures and place all Government-owned minerals under the 1920 Minerals Leasing Act, which already covers, among other things, natural gas, coal petroleum and oil shale (the disputed shale-land claims in Western states were filed prior to the 1920 law). In that way, competitive bidding for leases and payments for royalties would boost Government mining revenues, and lease terms could require land conservation practices.

Such a proposal, in fact, is among the many now before the public land law review commission whose findings, due by mid-1970, could lead to a thorough-going Congressional overhaul of the mining statutes. Secretary Udall, for one, sees the issue of the 1872 law as one of the most important the commission must consider; soon he'll make a detailed personal pitch for commission support of conservationist reforms.

It's clear, however, that Mr. Udall's crusade will clash head-on with the mining industry. Speaking through the American Mining Congress, the industry already has told the commission that, except for certain updating, it likes the 1872 law pretty much the way it is.

Certainly, easy procedures helped small prospectors lay claim to important uranium finds during the uranium rush of the mid-1950s. (The Atomic Energy Commission says approximately 65% of today's known U.S. uranium reserves are located on public lands.)

Thousands of legitimate prospectors continue to swarm over the public lands—and are quick to bombard sympathetic mining-state lawmakers, who largely dominate the key House and Senate Interior Committees, with protests against mining law reform. Solicitude for the small miner's interests, in fact, caused the Senate Interior Committee to bury an Administration bill for central claim recording this year.

Not every prospector is legitimate, however. A mining company obtained title to 8,200 acres of public land near booming Phoenix, after Interior Department engineers confirmed its claim of minable gold in the desert tract. But they became suspicious when the company's vice president subsequently sought title to 13,320 more acres even closer to the city. Some ore samples tested for the Government at the second location assayed as $27 a cubic yard—a fantastic figure compared with the 50 cents a yard deemed sufficient for profitable gold mining there.

FBI agents, alerted by the engineers, observed the vice president lifting a tarpaulin after hours and tampering with ore scheduled for testing the next day. The vice president was indicted for salting his claim, the investors he represented dropped their patent applications and the Government filed suit to recover title to the original tract.

Judge Walter E. Craig found the first group of patents covering the 8,200 acres had been issued "by mistake" and should be canceled. Had both groups of applications not been successfully challenged, Uncle Sam would have received $53,800, or $2.50 an acre, for land estimated to be worth over $5 million for real estate development.

WHAT'S HAPPENED TO AMERICA?—SERMON BY DR. KARL BENNET JUSTUS

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Monday, September 9, 1968

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a sermon preached at Bethesda Methodist Church, Sunday, July 28, 1968, by Dr. Karl Bennet Justus, executive director, the Military Chaplains Association.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

What's Happened to America?

(Sermon by Dr. Karl Bennet Justus, executive director, the Military Chaplains Association)

Text: Romans 13:1—Everyone must obey the state authorities; for no authority exists without God's permission.

Somewhere I read the words, and I cannot remember if the great Bard wrote them, "Oh, Justice thou art fled, and men have lost their reason." It would seem that many Americans have "lost their reason" as they seek that "Justice" which has, partly or totally, escaped them.

Recently I happened to tune in a special show on the NBC TV network. The subject was, "What's Happened to America?" That evening, NBC correspondent Ed Newman was interviewing Mayor John Lindsay and Frank Mankewicz—press secretary for the late Senator Robert Kennedy. The hour-long discussion dealt with the riots and disorders in our cities, and the crying need for law and order, the enforcement of which may not be as "vague" as some people seem to think. At the end of the show I learned there were three others in the series, which I did not see, on which psychologists, psychiatrists, hippies and student-revolters were interviewed—so I never heard their views on "What's Happened to America?"

As I work and travel for The Military Chaplains Association, and join in serious dialogue, I increasingly hear the query—What's Happened to America?

I agree with President Johnson that ours is not a "sick society" and that we cannot blame 200-million Americans for the ghastly tragedies that have haunted this great land, with nightmarish effect, in recent months and years.

Nevertheless, we would be foolish—and blind—not to recognize we surely have some serious moral ailments in our citizenry and this great body politic. Frank Carlson, the Senator from Kansas, said not long ago; "Modern Americans are accepting and tolerating conditions never before permitted by any generation of our ancestors . . . Never have public officials been so brazen and open in seeking the vote of people through promises of things that are morally and spiritually wrong . . . Never have ministers of the Gospel turned their pulpits and their pastoral duties toward the direction of the social order to the near exclusion of the salvation of order as abounds in our time." The very disorders we have experienced surely testify to our moral crisis.

Let us take a partial census: The assassinations of President Kennedy, Martin Luther King, and Senator Kennedy; the wanton murders that occur daily; the senseless looting and arson; the scandalous rioting, premeditated, or on the slightest pretext (which Mr. McKissick of CORE prefers to call "rebellion", and seems to condone); the insurrection on university campuses, which ought not to be allowed, the ridiculous reasoning and talk (such as I have heard on television) that because one man makes $15,000 per year (for which he is qualified), another man should make that too, even if he lacks the qualifications, the ever-increasing crime rate, rising faster than the population growth, particularly the crime rate in the Nation's Capital; the mounting disrespect for law and order and whatever smacks of established authority; the belittling and trampling of our American Flag and the idea that patriotism is outmoded; these facts, and many others relevant to the American scene today make me certain that we are "ailing" and that something *has* happened to America.

In passing, I wish to cite a case in point about patriotism and the American Flag. Recently I read a timely editorial, written by Barbara Cross, in the Sykesville Herald over in Carroll County, Maryland. She related a story that late one afternoon she was passing a Post Office where an employee was lowering the Flag. As he did so he conversed with a friend, and the Flag, unnoticed, dragged in folds on a dirty sidewalk. Miss Cross told the postal clerk he should show more respect for the Stars and Stripes. Both men laughed at her—and the postman said, "What the hell, I don't do this out of respect. They tell me to take it down, I take it down. They didn't say I had to respect it."

This instance does not represent an entirely isolated attitude today. Nevertheless, I still feel the vast majority of Americans are patriotic, peaceful, law-abiding citizens—and most of them would agree with what I have set forth so far, but they do not know what to do or say about the situation—and may even be afraid to say or do anything.

In my humble opinion, one thing must be done, at least—from The White House, the Congress, and on down through the precincts of the land—and that is, law and order must be enforced. It is true there is injustice and inequity in our social structure and in our human relationships. Nevertheless, this does not constitute either a moral or legal justification for people to take matters into their own hands and cause a breakdown of law and order. Our land with all its freedoms is a nation where liberty under law is advocated. If we make license out of liberty, there is no law—all our citizens are affected, and chaos results, which has happened in many of our great cities—Cleveland and Akron, Ohio, being the latest this past week.

It is not poverty and discrimination *alone* that have brought us where we are today. It is, also, the naive, progressive, totally-permissive attitudes, and the abdication of exercising any kind of authority, that have held sway the last two decades—among educated, cultured, affluent people—which has kicked respect out the window and hindered the enforcement of law and order. It has begun in many fine homes, Christian homes if you please, by parents being afraid, or unwilling, to exercise any control over their children. We do not have to go to the ghettos to see the results. I say, God save the child who has grown up without any discipline, or without any respect for authority, or for persons and property—which includes his parents.

Recently in this Capital, two law officers were making an arrest on a disturbance of the peace complaint. Those they were seeking to arrest grabbed the officers' pistols—shot one—and killed the other. Shortly afterward, the Black United Front (*not* so united)—an organization of Negro leaders from agencies militant and otherwise, drafted a resolution, adopted unanimously according to the press, that "The shooting of the honky cop was justifiable homicide."

By what wild imagination, or by what incomprehensible process of rationalization, can any man term such action "justifiable homicide"? It is further scandalous, to me, that two much publicized Negro ministers in Washington had a part in this. One, a National Democratic Committeeman, helped draft the resolution; the other, not present, condoned it—and he is Vice Chairman of the new City Council for the District of Columbia. Yes, "Men have lost their reason."

Speaking of the clergy—there is a growing schism in Church thinking and action today. It is not between "fundamentalism" and "modernism" but rather, it is whether the mission of the Church is to bring men to a new life of commitment, understanding and love for their fellowmen—and thus help build the better society; or, to spend all of its energies, efforts and resources on changing the social and political aspects of life to create that better society. An increasing number of clergy are avidly devoting ALL of their ministry to the social and political aspects.

For what it is worth, I think both sides of the divided church are wrong. It is not a case of either/or, but both/and. One thing seems clear to me: we cannot build a better society as a sole endeavor, and expect men to be better as a result. The prime mission of the Church is to bring men to commitment to God—and to that way of life wherein understanding and vision makes it easier to create that society where poverty is adequately dealt with, strangers become friends, and the health needs of the sick are met. When that first commitment is made, that second objective becomes easier.

We should all remind ourselves on a basic matter we sometimes forget, both Negro and White, as Americans: If we desire "inalienable rights" we must accept unalterable responsibilities. One goes with the other, like two sides of a coin. I, for one, am certain that we have some laws that can and must be improved. However, we have proper ways to do that—by changing the laws—and that process should be followed. To teach, and preach and condone civil disobedience, and to openly advocate breaking the law—just because we do not like or agree with it, is wrong. It is un-civil, un-Christian, and un-American.

Those of us who term ourselves "Christian" should call to mind some of our teachings. Both the Old and the New Testaments uphold the importance of law. Indeed, the basic structure of the laws of this land stem from the Ten Commandments. One day a man put a catch-question to Jesus, inquiring if tribute should be paid to Caesar. Jesus, with a coin in hand parried with—"Whose inscription is this?" When the man replied "Caesar's"—Jesus said, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's." He recognized the need for authority in the land, and in each man's life, and respected that.

The Apostle Paul whose teachings and writings have been a cornerstone of the Christian faith, both regarded and respected the law. He wrote to the Romans, "Everyone must obey the state authorities: For no authority exists without God's permission . . ." This is not to say that every official in government is scrupulously honest and dedicated. It is to say that we should respect and uphold our government and the authority it represents. After all, in America, we elect our politicos—and if they don't produce, we should "throw the rascals out" at election time. One Old Testament characterized his age and country by saying—"and everyman did that which was right in his own eyes." In part, this is what has happened to America and the resultant confusion, disorder and chaos should be evident. Our day is characterized not by dialogue, but by defiant debate. It has not been our great wisdom that has led us to disregard authority, but our colossal conceit and wilful, wayward departure from what we know the path of right to be.

Before I completely turn from the matter of law and order, I want to say a word about our police. Of all the professional men in America today, the police have the most difficult job. And, by the way, they are "professionals." We expect our law officer to protect us from every conceivable danger, yet scarcely allow him to do it; in addition, we think he should, also, be a psychiatrist, a trained social worker, a professor of human relations and an economic expert. When he does his job well, we rarely compliment him; if he needs assistance, we stand aside; if he doesn't do his job, we raise hell. And the great body of good, law-abiding citizens, who do respect him—never raise a voice to challenge the raucous, hate-filled cry of "police brutality" which I have challenged for many years.

Individual citizens, the community and the Nation should back up our law enforcement officers in every legitimate way—starting with selective enlistment, the best possible professional training, adequate salary, and the knowledge that we will stand behind them in enforcing law and maintaining order. If we don't do that—then we have no right to complain about "What's happened to America."

On another subject, to which I cannot now devote adequate time. I think that what has happened on many of our university campuses is disgraceful—and should not be tolerated. For instance, after tumult and upheaval at Stanford University, that great institution of learning is partly run by students who had such insight and wisdom that they made a topless, go-go girl a major candidate for President of the student body. Look what happened at Columbia! We do not have time to call the roll of universities that have been disrupted. Carl Rowan, a noted Negro columnist, former head of the United States Information Agency, wrote: "It is clearly time for college administrators to meet and adopt some joint strategy to deal with this absurd business."

I think that most colleges have a great number of serious-minded, law-abiding, earnest students seeking to learn and prepare themselves for a full life. By what great knowledge and insight does a minority of students think it knows more about how to conduct university academics and life than the trained administrators of these great institutions.

It is not right or fair that this vocal, defiant minority of wild-eyed, far-out, hippy-type, free thinkers should disrupt university life, close the doors, browbeat the administrators, and take over buildings. This should not be allowed. Desirable changes can be made to improve things; that is the way of life. But if I were a college president, which is the last thing on earth I want to be, I would agree to reasonable demands for legitimate changes that would improve things for all, but I would never give in to ridiculous demands, threats, and violence. Before I did, the Trustees would have to dispense with my services.

Americans, I say it is time to wake up! We have a great land! It deserves our love, loyalty, respect and patriotism. We have come a long way. To those who think this land is so bad, who disrupt it by violence, and who cannot abide the progressive, orderly process of change—I say go and see how you would fare under Mao, Castro or the Kremlin.

If we do not give to America the love, loyalty, respect, honor and patriotism I just spoke of—I predict the night will be darker before we see the light of a new dawn of peace and freedom.

THE STRATEGY OF CONFRONTATION: CHICAGO AND THE DEMOCRATIC NATIONAL CONVENTION—1968

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. PUCINSKI. Mr. Speaker, Mayor Daley and his legal staff have prepared an outstanding report on the events leading up to the Democratic National Convention held in Chicago and also a forthright description of the events themselves which took place outside the convention hall while the convention was in progress.

I believe Mayor Daley has performed a notable public service in bringing to the American people the full facts of what really happened during the hectic days of rioting while the convention was taking place.

I am today placing into the RECORD the full contents of Mayor Daley's report. It is my hope that my colleagues on both sides of the aisle will read this historic document and see for themselves how it was necessary to take the steps which were taken by the city of Chicago to protect both the delegates to the convention and the citizens of that great city.

I call particular attention to the fact that this report categorically states that those leaders responsible for the rioting in Chicago have designated 200 to 300 similar demonstrations and riots across the United States.

There can be no question that the evidence contained in this report clearly shows the evil designs that exist in this country to destroy the very fabric of our Republic.

It is my very fervent hope that my colleagues will join me in urging the U.S. Attorney General to forthwith seek indictments against the leaders of this rioting under the Federal law which prohibits the crossing of State lines to participate in riots.

Only through forceful action by the Federal Government in removing from society those who have started these riots can we hope to restore peace and harmony to our Nation.

Mayor Daley's outstanding report follows in its entirety:

THE STRATEGY OF CONFRONTATION: CHICAGO AND THE DEMOCRATIC NATIONAL CONVENTION—1968

INTRODUCTION

From the beginning of 1968, the Democratic National Convention was "D" Day for many dissident groups in the United States. The most obvious efforts were those of the National Mobilization Committee and the Youth International Party. Plans were made to disrupt the National Convention and paralyze the City of Chicago. The plans were announced publicly, training for the encounter was carried on publicly, and the attempt to disrupt was openly launched.

Responsible governmental agencies noted the plans and preparations and took the appropriate measures necessary to cope with the promised attack. Members of the 12,000-man Police Department were placed on twelve hour duty rather than the normal eight hour tour of duty; the Illinois National Guard was activated and readied in case of emergency at the Armories within the City; and Federal troops, who never entered the City, were conveniently located in readiness at O'Hare and Glenview air stations.

Psychological warfare was waged by the dissidents for weeks in Chicago and several outbreaks of actual violence did occur during the Convention week of August 25–30, 1968—the most serious being the incident which occurred in front of the Hilton Hotel on August 28 from 7:57 P.M. to 8:15 P.M.

Although publicity, largely unfavorable, was enormous, arrests and injuries were moderate. The Convention was not disrupted; the City was not paralyzed. Not one shot was fired; not one life lost.

Now, as a natural aftermath of recent events, we enter into the period of assessment of the performance of governmental officials, police and military units, radio, television and newspapers. Toward this end and in an effort to begin to detail what happened in Chicago during the Convention Week, we have prepared this report.

BACKGROUND OF EVENTS LEADING TO CONVENTION

On October 8, 1967, the National Democratic Committee announced that Chicago had been selected to be the site for the Democratic National Convention scheduled for August 26th through 29th, 1968.

It soon became apparent that thousands of delegates and newsmen plus families and friends were not the only ones planning to visit Chicago that week. As far back as November 16, 1967, *The Village Voice* reported the leader of the Youth International Party, Jerry Rubin, as saying "See you next August in Chicago at the Democratic National Convention. Bring pot, fake delegates' cards, smoke bombs, costumes, blood to throw and all kinds of interesting props. Also football helmets." [1]

Early in 1968 the National Mobilization Committee Against the War in Vietnam headed by David Dellinger organized a Chicago Project Committee and placed Rennie Davis in charge with instructions to work closely with Tom Hayden, leader of Students for a Democratic Society and Jerry Rubin, head of the Progressive Labor Party and also of the Youth International Party, more commonly known as Yippies. All had previously cooperated in the march on the Pentagon in October of 1967. Many other, less prominent militants from other groups were also invited to a meeting on March 24, 1968, at the Y.M.C.A. camp near Lake Villa to coordinate plans. It was announced that some 85 organizations were scheduled to move into Chicago for the "battle of the century".[2]

Dellinger and Hayden held a press conference in New York on June 29th and were quoted by the magazine *Guardian* as saying "We are planning tactics of prolonged direct action to put heat on the government and its political party. We realize that it will be no picnic but responsibility for any violence that develops lies with the authorities, not the demonstrators."

Barron's which reported the interview explained that: "In New Left rhetoric 'direct action' can include street barricading, fire bombing, seizure of buildings and massive confrontations with the police . . . Hayden means, of course, that Chicago police must not stop his shock troops if they invade the convention hall, block traffic, or make exits and entrances impossible. Such tactics, refined at Columbia were tested first at the Pentagon . . . ten of the 'peace protesters' actually managed to penetrate the Pentagon. With their ranks greatly swelled in Chicago how many more might gain access to the convention floor, even physically taking it over? More than a hundred anti-war groups mustered for the march on the Pentagon produced a mob force estimated at 55,000. For Chicago that number easily could double or triple. On June 29, both Dellinger and Hayden stated that most of the organizations present at the Pentagon will return for the Convention. The Yippies marshalled 5,000 at Grand Central . . . All told, the motley crowd converging on Chicago could number a quarter-million." [3]

The *Saturday Evening Post* commented: "The anti-war protest movement promises to bring tens of thousands of demonstrators—mostly young students—into the city. According to present plans, the crowds will build to a climax at the time of the nomination, when they will surround the meeting site with a 'sea of people'. . . . Their presence could trigger the discontent of Chicago's own slum residents . . ." [4]

Local newspapers carried almost daily stories enlarging on protest plans and detailing ways that dissidents could make it unpleasant and even impossible for the Convention to transact its business. Richard Strout writing in the *Christian Science*

Footnotes at end of report.

Monitor observed: "The news media in this city may be indicted for inciting to violence. The mildest parade of young people brings a TV camera crew like a hook-and-ladder truck to a three alarm fire. Any youngster who will denounce the authorities finds himself surrounded by a ring of extended microphones. The press has talked so much about violence that it has a vested interest in violence. It will look silly if it doesn't get it. This is a case where 'the medium is the message.' " [5]

Meanwhile the Chicago Police, in cooperation with the Secret Service and the Federal Bureau of Investigation were collecting additional intelligence. At a July 13 meeting at National Mobilization Committee Headquarters, 407 S. Dearborn, over which Rennie Davis presided, plans were revealed by the National Mobilization Committee to bring in 100,000 protesters to the Convention; also tie up two Army divisions and make surface transportation to the Convention site impossible.[6]

On August 9, leaders Rennie Davis, Tom Hayden and others met with Abbie Hoffman, Yippie organizer, to discuss plans for demonstrating during the Convention. Classes in street fighting and guerrilla tactics taught by Hoffman were scheduled to begin on August 20 and strategy to force the Police Department to spread itself over a large area laid.

Early in August, Rennie Davis appeared before a meeting of the Chicago Peace Council held at the Lawson YMCA. He displayed two large 3' by 3' maps of the area surrounding the International Amphitheater, noting locations where police, National Guard, FBI and other security forces would be situated during the proceedings. He stated that if trouble starts at the Democratic National Convention, among other things "the loop will fall" implying the demolition of the downtown Chicago area.[7] Fourteen "Primary Targets" are listed in Appendix A.

Private citizens and newspaper reporters did, as a matter of fact, witness the training carried on by Hoffman and others. Snake dancing, defensive blocking, kicking of adversary in leg or groin were demonstrated and practiced during the "Marshals" training. Use of red or green flares as weapons, also oven cleaning spray, hair spray and manufacture of primitive but effective missiles such as nails stuck into golf balls, razors concealed in canes and darts made from sharpened coat hangers was also part of the instruction. A list of stores near Lincoln Park reporting unusual sale of caustic materials is included in Appendix B and a list and brief description of weapons confiscated from demonstrators is compiled in Appendix C. All potential participants in the demonstrations were advised to try to be photographed while being arrested and several demonstrators arrested carried lists of telephone numbers of local and national news media. Violence in this situation was inevitable, expected and even sought. The demonstrators organized their own "first aid units" and also conducted practice with these "medics". They were in contact with a "Committee of 100 Lawyers" to give them legal assistance in case of arrest and spoke of a bail bond fund.

Incredible as it may sound in the light of later occurrences, the August 9th Intelligence Division Report of the Chicago Police Department concludes:

"Due to the talk around the office of the National Mobilization Committee and the general attitude of Rennie Davis and Tom Hayden, the reporting investigator feels that the night of 28 August 1968 there will be wide-spread trouble through efforts of Davis and Hayden. It is felt that there will be trouble in the Loop area and possibly on the South and West Sides. This would be done in an effort to draw the Police away from the Amphitheatre." [8]

Of a different but equally menacing type were the plans arriving to Police Intelligence of schemes to assassinate Senator Eugene McCarthy, Vice President Hubert Humphrey, Mayor Richard J. Daley and other political and civic leaders. Perhaps the most unnerving rumor was one of a plan to murder a young female supporter of Senator Eugene McCarthy and blame it on the police. The police did not want to publicize any of these plots and rumors of plots for fear of planting the idea in still other minds.[9]

BIOGRAPHICAL NOTES REGARDING RADICAL LEADERS

The following notes [10] give some background on a few of the principals who were involved in confrontation with law enforcement authorities during the week of August 25 to August 30, 1968. These biographical sketches show that they are not strangers to the tactics of confrontation, having been involved in many of the recent mass disorders extending from Berkeley to Columbia to the Pentagon. The outline shows travel to communist countries, draft evasion and disregard for orderly processes of dissent.

Rennie Davis: Rennard (Rennie) Cordon Davis served as local Coordinator of the National Mobilization Committee. He is a chief planner of the Center for Radical Research, a radical left-wing organization; an organizer of Resistance Inside the Army (RITA), which has as its purpose the subversion of military personnel within the Army; and actively engaged in the program of Students for Democratic Society (SDS), a radical left-wing organization. Davis, during the month of November, 1967, visited North Vietnam at the invitation of the Hanoi government.

Tom Hayden: Thomas (Tom) E. Hayden is an organizer and former Secretary of the Students for a Democratic Society. He is also an organizer of a group known as the Newark Community Project which was very active during the Newark, New Jersey riots which took place on July 12 through July 17 of 1967. Hayden was referred to by newspapers in New Jersey as the "Maoist Messiah from Michigan". He served behind the scenes at the Columbia University riots and rebellion. Hayden has also visited Hanoi in North Vietnam, against United States policy. His encounters with police in Chicago including resisting arrest and battery on August 27, 1968, obstructing police officers and resisting arrest and disorderly conduct on August 26, 1968. He is considered among the "hip" movement as a violent revolutionary.

Abbie Hoffman: Abbie Hoffman is one of the organizers of the Youth International Party (Yippies). He served as a coordinator of the proposed Festival of Life to be sponsored by the Yippies during the Convention. On May 9, 1968, Hoffman advised a meeting of the Students for Democratic Society of his involvement in the disorders at Columbia University. On May 18, 1967 Hoffman participated in the Washington Square Park (in New York City) march to protest alleged police brutality and to prove that "the streets belong to the people". On November 25, 1967, Hoffman sponsored another demonstration marching from Washington Square Park to Times Square and then to the United Nations in New York, a march alleged to have been conducted by a group known as PTA (Protesters, Terrorists and Anarchists).

Jerry Rubin: Another Yippie leader who devoted his time and talent to bring disruption in the City during the Democratic National Convention was Jerry Rubin. Rubin is a member of the National Coordinating Committee to end the war in Vietnam, which is Communist infiltrated. Rubin visited Cuba during 1964. He attended, and was arrested for participating in a demonstration against General Maxwell Taylor on August 24, 1965. He was also arrested for disorderly conduct in Washington, D.C. on August 19, 1966 for being a public nuisance, and in Oakland, California for criminal trespass on November 30, 1966. He was convicted in the student sit-in at the University of California in Berkeley on January 28, 1967. On August 28, 1968, he was arrested at Madison and Dearborn Streets for having led a large group of Yippies who had entered the downtown area and commenced throwing cans and garbage into the streets.

David Dellinger: David Dellinger is Chairman of the National Mobilization Committee. He was convicted in 1939 and 1943 for violations of the Selective Service Laws. Dellinger was jailed for ten days by the Washington, D.C. police, in a demonstration against the Central Intelligence Agency in 1961. He visited Cuba during the May Day Celebrations in 1964, Dellinger was arrested during a demonstration of the "Assembly of Unrepresented People to Declare Peace in Vietnam" held in Washington, D.C. in 1965. He also visited North Vietnam in 1967 contrary to United States policy. He is alleged to have admitted being a Communist.

ATTEMPTS TO ACCOMMODATE DISSIDENT GROUPS

Meetings in mayor's office

In spite of the unpopular views espoused by the dissident groups and the notorious background of their leaders the City of Chicago sought to protect their constitutional rights of freedom of assembly and freedom of speech. Meetings were held with officers and representatives of the Youth International Party and the National Mobilization Committee to end the war in Viet Nam. In the office of the Mayor, several meetings were held in which David Stahl, Mayor's Administrative Officer, Raymond F. Simon, Corporation Counsel and Richard Elrod, Assistant Corporation Counsel, participated.

At these meetings, it was pointed out that all of the public facilities in the City of Chicago would be available to members of the "Yippies" and "MOB", so long as they were used in a peaceful, orderly and lawful manner. It was pointed out that plans could not be approved for members to sleep in the parks since park ordinances of long standing prohibit the use of parks after 11:00 P.M. In regard to routes of march and places of assembly, the City's position indicated that the area immediately adjacent to the International Amphitheater could not be used for a mass assembly of persons because of security preparations of federal and local authorities. An invitation to submit plans for marches and assemblies which would not conflict with these security precautions was made and continuously reiterated.

Meetings in chambers—Hon. W. M. Lynch, U.S. District Court

Nonetheless, suit was filed in the United States District Court by the National Mobilization Committee.[11] On Wednesday, August 21, 1968, extensive discussions were held in the chambers of the United States District Court Judge William Lynch. During these discussions the City of Chicago pointed out its willingness to accommodate any reasonable march which was desired by the National Mobilization Committee. The following specific proposals were made by the Corporation Counsel, Raymond F. Simon, and are part of the official proceedings.[12]

1. A march from the Monroe Street Parking Lot at Monroe and Columbus Drive, south to the band shell at 11th Street and Columbus Drive in Grant Park.
2. A march from the parking lot at McCormick Place, northbound along the Outer Drive to the band shell at Grant Park.
3. A march from Lake Shore Park located at Chicago Avenue and Lake Shore Drive, southbound along the Outer Drive to Columbus Drive and south on Columbus Drive to the band shell at Grant Park.
4. A march from Wacker Drive at Jackson Boulevard, eastward on Jackson Boulevard, through the loop to Columbus Drive and

---

Footnotes at end of report.

then south on Columbus Drive to the band shell at Grant Park.

Places proposed by the Corporation Counsel for holding assemblies included the Band Shell at Grant Park, an assembly at Burnham Park, Lincoln Park, Washington Park and Garfield Park. None of the offers, except an assembly on Wednesday, August 28, 1968, at Grant Park, were accepted. Throughout the negotiations, held in the United States District Court on August 21 and 22, the spokesman and attorney of the National Mobilization Committee continuously reiterated their insistence upon a meeting site within "eyeshot" of the Amphitheater. The parking lot located at 47th and Halsted Streets on the private property of the Community Discount Centers was sought. Upon inquiry, the Corporation Counsel was advised that it could not be made available because the Center would be open that evening and the area was needed for customer parking. This information was reported to the National Mobilization Committee in an open court session before Judge Lynch and is part of the official proceedings before the court. In addition to the location at the northwest corner of 47th and Halsted Streets, the Mobilization Committee indicated a desire to meet just west of the International Amphitheater. This also was private property and was not available. *No other specific request for an assembly area was made by the Mobilization Committee* in spite of repeated request from the City for locations of any place where it would be reasonable to bring a large number of demonstrators.

Numbers expected

The applications for parade and assembly permits signed by Rennie Davis (made part of the complaint in the lawsuit filed by the "MOB"), indicated that 200,000 persons would march to the Amphitheater on August 28, 1968. A second application indicated that 150,000 persons would march and assemble at the Amphitheater on August 28, 1968. The duration of the marches would be from 11:00 A. M. until 12 midnight. Another application requested the use of the Grant Park Band Shell for an assembly of 150,000 persons on August 28, 1968. In the light of these projected figures, traffic and security considerations precluded any street rally point in the vicinity of the Amphitheater. The City stated that the purpose for wanting to march and assemble, which was ostensibly to point out criticisms of the country's policy in participating in the war in Viet Nam, could be achieved by a march in the downtown area and an assembly at Chicago's famous Grant Park Band Shell.

The National Mobilization Committee suit was dismissed by United States District Court Judge William Lynch (see Appendix D for Memorandum Opinion). In a similar lawsuit, the Youth International Party sought permission for "thousands of persons" to sleep in the public parks of Chicago, especially at Lincoln Park. This suit was dismissed by plaintiffs.

Insistence upon amphitheater

The position of the City that the rights of free speech and free assembly would be upheld and that any effort to march or assemble in a reasonable way would be accommodated by the City, were rejected by the continuous insistence by the Mobilization and Yippy organizations that they would march to the Amphitheater with or without permission, no other place being satisfactory. The appeals to assist the police of the City of Chicago and the security agencies of the federal government, appeals to avoid adding congestions to an already crowded area, were ignored. In dismissing the suit, Judge Lynch cited recent decisions of the United States Supreme Court, holding "that local governments are entitled to regulate the use of their streets and other public places [citations omitted] . . . The prevention of public disorder and violations are important objects of legitimate state concern when protest takes the form of mass demonstrations and parades [citation omitted]". The court also cited the fact that numerous alternative routes and alternative places of public assembly had been suggested by the City of Chicago and Chicago Park District and concluded that the City and Park District acted in a reasonable and non-discriminatory manner. The court held that . . . "it would be a novel interpretation to hold that the First and Fourteenth Amendments require municipal government to provide a public park as sleeping accommodations for persons desiring to visit the City."

CHRONOLOGY OF EVENTS OF CONVENTION WEEK [13]

The facts which are set out in the following outline are based upon information furnished by officers of the Chicago Police Department, the United States District Attorney's office and the Chicago Law Department. The events cover a five (5) day period and include an 18 minute encounter at the Hilton Hotel which was widely publicized but not placed within the perspective of the week long series of events. This exposition shows the tactics and demeanor of radical agitators in attempting to precipitate violent confrontation with law enforcement officials.

Sunday—August 25, 1968 [14]

March from Lincoln Park to Hilton Hotel

At 12 Noon Rennie Davis and Tom Hayden led a group of approximately 300 marchers South on the sidewalk on Clark Street from Lincoln Park to Monroe Street, East on Monroe to Michigan, South on Michigan to Balbo where they were diverted to the east sidewalk because of the crowd already assembled in front of the Conrad Hilton.

March From Hilton Hotel to Lincoln Park

Later that afternoon, the demonstrators conducted a march down State Street which was participated in by approximately 500 of their number and extended approximately two blocks; they moved down State Street to Ohio; west on Ohio to LaSalle and LaSalle to Lincoln Park. No arrests were made. However, during their march several times they sat in front and obstructed the driveways of gas stations on their route. When advised by the police to move or be subject to arrest the Yippies moved on their march. At Lincoln Park about 2000 protesters gathered. They had various assemblies in which they discussed certain of their leaders's trips to North Viet Nam (Rennie Davis) and how they intended to stay in the park and what they would do in case the police forced them to leave. They gave the members of the crowd two alternatives: either leave or form bands of 7 to 10 and resist. At about 2200 hours Tom Hayden was caught letting the air out of a police vehicle. The officers placed him and his companion under arrest—He began yelling to the crowd of 300 who surrounded the police and allowed Hayden and his companion to escape.

Incident at Tribune Tower Area Sunday Evening

About 11:30 P.M. there was a gathering at Michigan Ave. near the Wrigley Building.

At about 11:50 P.M. shotguns and tear gas were requested by Commander Riordan at Wacker & Michigan. At 11:58 the gate was lowered at the Michigan Ave. bridge. This group disbanded and came north along Wabash, breaking some windows near Oak St. Neither the tear gas nor the shotguns were used.

Clearing Lincoln Park Sunday Evening

At about the same time, 11:30 P.M., another group gathered in the vicinity of Lincoln Park. About 600 persons were concentrated around North & LaSalle and about 600 around North & Wells and about 400 people still remaining in the west portion of Lincoln Park near the corner of Clark and LaSalle. Most of the crowd west of Clark St. at Wells and LaSalle had left the park when the police began announcing its closing around 11:00 P.M. over bull horns. (During this period the police were going through the park in small orderly groups and suffering all sorts of taunts from the crowd.)

Shortly after 11:30 P.M. there was a general movement of much of the crowd back into the park. It was noted that several members of the news media were in the forefront of this move.

About 11:50 P.M. the police had formed a skirmish line in Lincoln Park about 1000 feet long running in a north-south direction anchored on the north at the General Grant Statute and extending parallel to the Outer Drive about 150 yards inside the eastern boundary of the park. An announcement by the Traffic Safety Education Division was made several times over the bull horn "This is a final warning. The park is closed, all persons now in the park, including representatives of the news media, are in violation of the law and subject to arrest. The police have information that there are persons in the park who intend to injure police officers. The police will take what steps are necessary to avoid injuring anyone. This is a final warning you are in violation of the law—Move out—now!"

This warning was repeated several times and the skirmish line moved forward at 12:19 A.M. The police were in 3 lines. Commanding officers marched in front of the lines. Commander Linskey walked backwards much of the way between the crowd and the skirmish line calling out orders like "Go slow—Keep moving slowly—dress up the line." At Stockton Drive the skirmish line was halted. The mob which was about 1500 in number at this time began to throw some rocks and pieces of building tile at the police. Firecrackers were going off after being thrown toward the police. The crowd was chanting "Hell No, we won't go" and "Kill the pigs." The police skirmish line reached the west edge of the park at 12:29 A.M. The crowd was now lining the west edge of Clark Street opposite the park screaming invective at the police. "Kill the pigs", "——— the pigs", "Your wife ——— ———" are typical examples of the chants being used. An occasional rock or bottle would be thrown across the street at the police. Several rocks struck private cars parked along the curb.

At 12:31 the police skirmish lines moved across Clark Street to the west side and the mob began to run north and south on the street screaming invective and taunting the police.

Numerous demonstrators marched down Wells Street and threw bottles and rocks at police squad cars. Some arrests were made at this time.

A reporter from UPI and a reporter from Chicago's American were arrested for violating the park curfew during this incident. This incident resulted in a station adjustment, *i.e.*, no formal charges were filed and the arrestees were released. After being removed from the action situation and placed in the calmness of an office at police district headquarters, both participants were able to see more clearly each other's point of view. The police were able to recognize that the newsmen, to gather a news story, must be close to where the action is taking place. The newsmen recognized that when the police are deployed in a skirmish line it is virtually impossible to make distinctions among demonstrators and newsmen, none of whom have the legal right to be in the park after curfew.

Monday—August 26, 1968

March From Lincoln Park to Central Police Headquarters and Hilton Hotel

At about 2:45 P.M. a march of about 1000 demonstrators left Lincoln Park and marched down the middle of Dearborn Street toward the loop, picking up rocks along the way. The few police present finally managed

---

Footnotes at end of report.

to keep the marchers on the sidewalks. They had a loud speaker, red flag, two Viet Cong flags, a black flag and many obscene signs most of which said "—— the draft", "—— the pigs" and many which said "Free Hayden".[15]

The marchers crossed to State Street at Madison St., south on State to 11th Street, east on 11th Street to Michigan, north on Michigan to the Hilton where they assembled east of the Hilton. The march was quiet and uneventful (excepting the constant chanting of slogans "Hell no, we won't go", "Kill the pigs", "Peace now" and "Free Hayden"). The single exception occurred when the demonstrators climbed a statue (Gen. Logan statue) at about opposite 10th Street on the east side of Michigan. About 15 demonstrators climbed on the statue with the red flag and the Viet Cong flag and remained on it for about 10 minutes. When a squad of police went up to the knoll on which the statue stands to clear the people from it the marchers who had not climbed the knoll ran back toward it in a large group and began to rush the hill. The police surrounded the statue and all the demonstrators climbed down except one who refused and mounted the statue's head where he gave the "peace" sign to great cheers from the crowd. This demonstrator was finally pulled down from the statue and arrested.

Immediately following this arrest and the scuffle which ensued during which no one was struck by the police, a man was seen sitting on the grass with his back against a tree. The man had a bandage in his lap and was having a conversation with three men who had camera equipment. He then leaned back, put the bandage to the left side of his forehead and the cameraman began taking pictures. The United States Attorney who was present and observing the action approached asked for their names and for whom they worked. They all scurried off without answering.

The marchers then assembled in Grant Park opposite the Hilton at about 5:30 P.M. They stayed only about 45 min. during which time they taunted the police facing those who were lined up along the east curb of Michigan. The vilest conceivable language was used toward the police by men and women alike. There were many incidents of demonstrators spitting on police at this time and some firecrackers going off and inflammatory talk on the loud speaker.

Monday Evening on Streets of Near North Side

The crowd then disbanded until about 9 P.M. when about 1000 began marching around the near north side in the middle of Wells, LaSalle, Burton, Clark Streets. Some rock throwing and many firecrackers accompanied the marching. Trash baskets had fires started in them and then they were thrown into the street. This group was confronted by a small number of police officers and was turned back to Lincoln Park. A melee erupted during this attempt to clear the streets and open them for vehicular traffic in which some newsmen were injured.[16] About an hour later the demonstrators assembled again at the Hilton with their flags and obscene signs and did a lot of shouting and chanting of their "Kill the pigs" and "Hell no, we won't go" slogans.

Clearing Lincoln Park Monday Night

At about 11 P.M. the crowd at the Hilton dispersed and within an hour the crowd in Lincoln Park was estimated to be about 3000 demonstrators. They had constructed a large barricade of picnic tables, snow fence, park benches and trash cans. The barricade was about six feet high and about 100 feet across in a half moon shape. It was located in the same area where the police had assembled the night before. Rocks were being thrown at private cars leaving the park. The barricade was mounted with a red flag, two Viet Cong flags and the black flag of anarchy. They had bull horns and a bugle. The bull horn was chanting with the crowd, "Kill the pigs," "F - - k the pigs", "Hell, no, we won't go". A virtual barrage of rocks, building tiles, beer cans filled with sand, cherry bombs and half bricks was coming from behind the barricade. Two police cars had the windows broken out while driving near the crowd making the same announcement as was made the night before. It was made four times in about five minutes just before the sweep and had been given about 10 times in the previous hour. About 12:25 A.M. the police skirmish line moved out. Five or six officers ran toward the demonstrators and fired tear gas cannisters. One policeman was struck in the head with a brick and as he stumbled the crowd cheered. As soon as the gas approached the demonstrators, they broke and ran to the west across the park. One small group of about 25 ran north toward the north end of the police line and the police officers at that end of the line charged them and several of them were struck with night sticks.[17]

When the action subsided, one demonstrator lay motionless. Standing over him swearing in filthy language, was a protester who shouted, "You dirty —— —— —— killed a priest." A police van moved in and picked up the man and left for the hospital. The man was not seriously injured, neither was he a priest. The skirmish line continued through the park and the demonstrators were gone when the police reached Clark Street.

The demonstrators ran down LaSalle Street, throwing rocks and turning over trash baskets. They also threw some bottles with cherry bombs in them. Police pursued in an effort to clear Clark St., Wells St. and North Ave., all of which were blocked. Orders were given to clear the area, which involved breaking up the mob. In this connection, several complaints were filed claiming use of excessive force against newsmen and unknown bystanders.[18]

Tuesday, August 27, 1958

March To Join With Striking Transit Workers

At approximately 8:00 P.M. a large group of marching hippies and yippies were observed marching from the 2200 block on north Clark Street to demonstrate at the Chicago Transit Authority barn located at the 2600 block of North Clark Street. A group of police officers met the marching group and advised them that marching would be permitted only on the sidewalks. The officers permitted the marchers to proceed and the parade was conducted for approximately four and a half hours and the number of persons involved was estimated at approximately 1200. None of the marchers was arrested. Some of the persons observed among the marchers were Robert Lucas of CORE and Leslie Friedman of the Young Socialists Alliance. Rumors began to spread that Stokely Carmichael was in town.

From Lincoln Park to Hilton Hotel Car Barns

George Seals, Black Panther militant, harangued another crowd of 1500 in Lincoln Park at about 8:00 P.M. Immediately after the crowd moved out to the Loop—about 800 headed for the Hilton Hotel, the other 700 went to the bus barn at Clark and Schubert. About 10:45 P.M. the crowd at the Hilton built up and became unruly and began to throw rocks at the police. Other projectiles included glass ash trays thrown from the windows of the Hilton, Pepsi-Cola cans filled with urine and beer cans filled with sand. A number of golf balls with nails driven through them were thrown into the street. Plastic baggies full of urine were thrown from the hotel windows. Some of the same kind of ceramic tile that had been thrown at Lincoln Park was thrown from the crowd at the Hilton, too.

March from Lincoln Park Down LaSalle Street

At about 9:00 P.M. on the sound of bugle playing "When the Saints go Marching In" and no other orders, a group of about 500 started to march with locked arms down the middle of LaSalle St. to about Burton St. where they broke up and returned to the park. Dick Gregory was seen leading this march.

Clearing Lincoln Park Tuesday Night

At approximately 11:30 P.M. another barricade had been put up in the Lincoln Park area where the police started their sweep. About 14 of the photographers joined the police skirmish line. The police cars made the same announcements as before and two of them were stoned. Some Assistant United States Attorneys observed about 20 young men throwing rocks and bottles at the police. A person on a loudspeaker, thought to be Benjamin Ortiz, was urging the crowd to hold fast and the crowd was screaming obscenities at the police.

Two "light" trucks joined the police line and were badly stoned. Gas was released and the demonstrators ran and recongregated on top of a small hill. A small group of 20 policemen charged the group on the hill and broke them up. One demonstrator was pulled down from a tree. At Clark and LaSalle the street was mobbed with people, two squad cars were trapped. The windows were broken by the mob with trash baskets and the mob surrounded the squads hurling stones, rocks and bottles through the broken windows of the squad. One squad got out of the crowd. The other squad had to be abandoned by the two officers, one of whom drew his gun and held the crowd at bay and the two police took temporary refuge in a passageway where the crowd continued to stone them.

Mobs of demonstrators ran down LaSalle Street toward Division Street, setting fire to trash baskets and throwing them in the street. Two empty squad cars with all the windows broken out were on LaSalle Street near Germanie Place. What appeared to be gun fire was heard back at Division Street. An abandoned squad car which had 3 bullet holes in its windshield was standing just south of Division on Wells. Police were sweeping LaSalle Street and making some arrests. One policeman used Mace on a man.

Crowd Spends Night in Front of Hilton Hotel

In the meantime the Hilton crowd was continuing to be rowdy, missiles were flying, obscenities and filthy taunts were being hurled at police. A policeman had human excrement thrown at him by a girl. The crowd was being harangued by Rennie Davis at this time. Superintendent Rochford's men had been on duty for 14 hours. The mob continued to build from Lincoln Park and the Coliseum crowd which had let out. It reached a size of about 5000. John Mulchrone, Police Commander, Richard Elrod, Assistant Corporation Counsel and Thomas Foran, United States Attorney, went into the crowd in an attempt to talk to Davis and other leaders. They were surrounded by hippie types who kept yelling obscenities at them. They were not permitted to talk to anyone and returned to the street. About 3:20 A.M. on the 28th, the National Guard began to replace tired police. 700 guardsmen were brought in. The crowd began to diminish and was virtually gone at 5:30 A.M.

Wednesday, August 28, 1968

Grant Park Assembly

About 2:00 P.M. the crowd began to gather at the Grant Park Band Shell. The crowd continued to grow until it totaled about eight to ten thousand. The police handed out thousands of pamphlets which said that while the Band Shell assembly was legal, no permit had been issued nor would any march

---

Footnotes at end of report.

or parade be allowed. At about 3:00 P.M. a young male about 22 years old began to lower the American flag from the main flag pole. His companions were arranging a black flag of anarchy for substitution when a squad of eight to ten police rushed the base of the pole and arrested the individual. The police were showered with bottles, sticks, rocks and other objects. Assistant United States Attorney John Simon who was at the flag pole was struck with a plastic "baggie" filled with a mixture of paint and urine. A squad of about 40 police rushed through the crowd swinging their night sticks and after another barrage of various kinds of debris, the crowd quieted down again. During this entire time from 1:00 P.M. to 5:00 P.M. many different speakers were addressing the crowd. George Seals of the Black Panthers, Rennie Davis, Tom Hayden, Norman Mailer, David Dellinger, Sydney Peck and many others. The main thrust of their statements was that they were going to march to the Amphitheatre no matter what the police said; that they were ready for arrest or death and that if there was violence it was the fault of the police. The usual chants of "Kill the pigs," "Kill the fascist pigs" and cheers for the Viet Cong and Ho Chi Minh were constantly being heard. An occasional rock would come out of the crowd into police ranks that were standing about 50 yards from the crowd. A number of crowd "marshals" assembled immediately in front of the police in their Japanese snake dance style. These marshals had on various kinds of helmets and were a particularly rough looking group.

Attempt to March to Amphitheatre

The crowd was then told by Dellinger to form into two groups. One was to head south from the southeast corner of the Band Shell area led by the marshals and the other was to head north and over the bridge into the Loop. The group going south were the ones who were ready "to be arrested or to die" and those going north were to be peaceful.

They lined up, about a third of the crowd joined the march line. The rest of the crowd began to drift all over the park and consisted of generally more normally dressed people than those in the march line.

In the meantime, about 2000 people, mostly normally dressed people had assembled opposite the Hilton. A large crowd had assembled behind the police line along the east wall of the Hilton. This crowd was heavily infiltrated with "yippie" types and was spitting and screaming obscene insults at the police. Assistant United States Attorney McDonnell and a policeman named Walsh were sprayed in the face with oven cleaner at this time which was about 5:00 P.M.

Back at the Band Shell, the line of march, without any announcement that could be heard, turned around from facing the police who were across Columbus Drive as it enters the Outer Drive and began moving north out of the Band Shell area into Columbus Drive. The group that had been at the south end moved to the front of the march. They were carrying their usual flags and bull horns.

At the corner of Balbo and Columbus, there were National Guardsmen. The police had formed a line directly in front of the head of the march. On the west side of Columbus Drive, there were police, spectators and press. The line of march had been divided about its center by the police and a line of police stood in front of the second group also. Dellinger and Peck were doing most of the talking. They announced that Davis had been arrested at the flag pole and had been injured badly. (This was not true insofar as the seriousness of the injury was concerned.)

The marchers sat down on the sidewalk and announcements were made from time to time that negotiations for a march were going on.

At a conference between Deputy Superintendent Rochford, Assistant Corporation Counsel Elrod, Sidney Peck of the National Mobilization Committee, Tom Young, Students for a Discriminatory Society and a medical doctor, it was tentatively agreed subject to Dellinger's approval, that if the march were to continue, it would go to the area across from the Conrad Hilton. Rochford, Elrod and Peck went to Dellinger who indicated that the purpose of the march was to go to the Amphitheatre. Elrod informed Dellinger that the march was unlawful and would not be permitted. About 5:00 P.M. the crowd started to drift away. They were going north and crossing the bridge at Monroe, at Jackson through the railroad yards. Finally at about 6:00 P.M. some of the crowd tried to penetrate the Guardmen's lines at the Congress bridge and a Guardsman fired two cannisters of tear gas. The crowd generally ran north and crossed over the railroad at Jackson and began to assemble in a large mass in that area. The gas drifted west across the tracks to Michigan Avenue and into the Blackstone and Hilton Hotels.

Mule-Train

By this time about 7:00 P.M. the Southern Christian Leadership Conference mule-train came south on Michigan. It had a police escort. There were two mule carts and about 80 people. They seemed to have no idea what they were getting into but they were immediately surrounded by this huge crowd, totally engulfing Michigan Avenue, the sidewalks on the east and west sides and much of the park on the east side of Michigan up to the tracks. All came south on Michigan, led by the flags, the loud speaker, with the mule train in the middle of the crowd to the south side of Balbo at Michigan. The crowd filled almost the entire block north of Balbo on Michigan and much of the park east of Michigan opposite the Hilton. The crowd was a total mixture, hippies, yippies, newsmen, cameramen, a mobile TV truck. The TV lights were up on the canopy of the northeast corner of the hotel. A single line of police was formed diagonally across Michigan at the south line of Balbo to divert this crowd off the street and into Grant Park. The police were also lined up along the east side of Michigan facing the crowd in Grant Park. There was a huge crowd that had spilled west on Balbo toward Wabash where there was another police line across Balbo.

Many speeches were now being given by the leaders of the march. Rev. Ralph Abernathy of Southern Christian Leadership Conference was in the midst of the crowd but not participating in its activity. The police escort got out of the crowd. The mule train was engulfed by the crowd. It kept inching toward the police line. The tension was enormous. The demonstrators were chanting in unison, "Let's go, Let's go, to the Amphitheatre. Move on, move on, Don't stop! You can't stop us!"

At this same time, Vice President Humphrey reportedly came back into the hotel and a call was received that the Amphitheatre was to be blown up at 7:30 P.M. There were speeches calling Humphrey a pig, a war monger, and a racist. The person leading the "let's go, let's go, move on, move on" chant was a man wearing a dark blue cap who was later identified as Benjamin Ortiz from Camden, New Jersey. The crowd would regularly start its favorite chant of "Kill the pigs". The TV lights were on and the cameramen were running around.

Mule Train Rescued by Police

At about 7:30 P.M. a tall, well built black man was let through the police line. He spoke to United States Attorney Foran and Richard Elrod and then Deputy Superintendent Rochford. He said that he was in charge of the mule train, that they wanted no part of this mob, that he had 80 people with him, that they included old people and children and Dr. Abernathy and he wanted to get them out of the mob.

At this time the mob was screaming foul language of every type at the police, about their families and themselves. They were spitting on them and daring them to come and hit them.

The mule train was led through the line and moved up in front of the Hilton. The young man came back and said there were more of his men "trapped in there". He stood behind the police line and identified about 6 more men as they came through. At 7:57 P.M., Dr. Abernathy and about 6 of his people came walking back toward the line.

The Hilton Encounter

Just as Dr. Abernathy reached the line, several objects came flying out of the crowd, a roar went up and the chant "Let's go, Let's go" became a roar. The flags which were in the forefront of the crowd on the west half of Michigan surged forward and the violent disorder began.

The policemen at the surge point began to shove back and hit with their night sticks, missiles came flying out of the crowd and the rest of the police line charged into the crowd swinging their sticks. Many arrests were being made. Sidney Peck came up to Deputy Superintendent Rochford and assaulted him saying that "you are responsible for this" while pushing at him. An arrest was attempted by Sgt. Ray O'Malley but he was surrounded by demonstrators and beaten. The arrestees were struggling and screaming. One man was carried by four policemen and he grabbed one of the lead policemen by the ankle and all four of the police fell to the ground. The police got up and one of them kept hitting the man with his night stick. The policeman whose leg had been grabbed was yelling "The ——— is biting me." It took two other policemen and an Assistant Corporation Counsel to disengage the policeman's leg from the mouth of the prisoner.

There was a great deal of violent action at this time. The arrestees were being literally thrown into the vans. One policeman carried a young teenager in his arms toward the rear and another escorted an elderly woman away from the mob. Missiles were coming from all over, from the north and from the east and south of the police line where the crowd in Grant Park was being held back by other police.

Simultaneously, the crowd next to east wall of the Hilton on the sidewalk north of the entrance, began to surge to the south and to the east onto the sidewalk. The people were trying to hold them back at the south end and holding them in with the police lines on the east of the crowd. Some of the mob that had been around the loud speaker were pushing the crowd to the south. The police were pushing them north. Two windows were smashed in the east wall and about 6 of the crowd jumped in through the windows. Some police began swinging their night sticks. Some innocent bystanders may have been injured in this particular sweep.

The crowd was obviously stunned and began to move north on Michigan about 50 feet in front of the police line which was walking north toward them. On Michigan at the site of the initial clash, the street was littered with shoes, hats, rocks, pepsi-cola cans filled with sand, a black duffle bag filled with rocks and other debris. The time noted by both Deputy Rochford and Mr. Foran was 8:15 P.M.

Activity at Jackson and Michigan

As the crowd moved north, they pelted the police with missiles of all sorts, rocks, bottles, firecrackers. When a policeman was struck, the crowd would cheer. The policemen in the line were dodging and jumping to avoid being hit. The crowd moved north up Michigan past Harrison, Van Buren and Congress where the police line stopped. A group of cameramen started a trash fire in the street behind the police lines and put a "Welcome to Chicago" sign on the fire and then took pictures of it. The crowd continued north to Jackson. At each intersection, members of the crowd would drop off down the side streets, both east and west of Michigan and into the Park on the east. At Jackson there was a police van in the center of the street. It was being pelted by missiles by that portion of the crowd still going north on Michigan.

With a roar of motors, squads, vans and three wheelers came from east, west and north into the block north of Jackson. The crowd scattered. A big group ran west on Jackson with a group of blue shirted policemen in pursuit, beating at them with night sticks. Some of the crowd would jump into doorways and the police would rout them out. Some of the crowd ran up the alleys; some north on Wabash and some west on Jackson to State with the police in pursuit.

About 10:30 P.M. the crowd opposite the Hilton had built up again and the National Guard had moved in. The crowd continued to shout and scream and occasionally throw missiles. At 11:07 P.M. a policeman was injured by a "nail ball" thrown from the crowd. Occasional missiles, ash trays, beer cans, filled and unfilled were coming down from rooms in the hotel. Many guardsmen were present. About 2:00 A.M. the crowd began to quiet down and about 4:30 A.M. began to disperse. 267 arrests were reportedly made during this evening.

Thursday—August 29, 1968

Another Attempt To March on the Amphitheatre

A crowd of 5000 had assembled opposite the Hilton in Grant Park by about 3:30 P.M. They were addressed by a number of persons including Senator McCarthy about 4:15 P.M. Shortly after his speech, they started to march to the Amphitheatre. About 2000 marchers arrived at 16th Street and State Street. They were met by police at 16th Street and Michigan and most of the marchers returned to Grant Park.

Some Delegates March

Mr. Gregory showed up again at Grant Park. He had a conference with General Dunn who agreed to let the crowd march to 18th and Michigan for further conference. At about 6:00 P.M. a group of 40 demonstrators, delegates and newsmen reached 39th and State, from the Grant Park area. They were met with a cold reception from black youths who eventually had a small scuffle with them at about 41st and State. The demonstrators returned downtown.

At 6:50 P.M. General Dunn asked for meeting of Chicago Police Dept., Secret Service and the United States Attorney at 18th and Michigan. At 7:21 P.M. the crowd opposite the Hilton began marching south on Michigan. The crowd built up to about 5000 and met strong guard units at 18th Street on Michigan. General Dunn, Deputy Supt. Rochford, Secret Service Agents Boggs and Burke, United States Attorney Foran and Assistant Corporation Counsel Elrod met and discussed dangers of this crowd going to Amphitheatre and going through Robert Taylor Homes area.

Mr. Gregory came through from crowd with Mr. Elrod and Mr. Foran. A conference was held among Mr. Elrod, Deputy Rochford and Mr. Foran regarding possible alternatives. Deputy Rochford offered to lead the delegates to Amphitheatre. He also offered to transport a reasonable number of guests to Gregory's home for dinner. Mr. Gregory claimed he wanted all 5000 to come to his house. Suggestions were made about alternate marching routes, such as Martin Luther King Drive to 35th Street; or Michigan to 22nd Street and back downtown; or 18th to Indiana and over to the Band Shell. Mr. Gregory would not consider any alternatives. He wanted to march to 40th and Michigan and then decide whether he would take the crowd to his house or to the Amphitheatre. About 9:15 P.M. some persons including Mr. Gregory and 9 delegates, there were 60 delegates in all, intentionally disobeyed police and National Guard orders and peacefully submitted to arrest. One delegate tried to give a speech from the steps of the van. A Yippie tried to fight when he got to the van. Mr. Ortiz on the loud speaker started leading the same old chants. He finally started "Let's go, Let's go, We die here. To the Amphitheatre". The crowd surged forward and the front ranks of the National Guard were sprayed with a liquid that caused a burning sensation. The guard pushed them back with rifle butts, then released tear gas. The crowd returned downtown. One man was injured when he ran into a gas station sign on 16th Street. A lot of "medics" treated people's eyes for tear gas on 16th Street near Indiana. Some missiles were thrown from the crowd. The crowd returned to Grant Park. The National Guard line up on east side of Michigan in force.

The singing and speech making started again. An occasional missile came out of the crowd and many objects came out of windows of the Hilton. This went on until about 2:45 A.M. when a bag containing a caustic powder was thrown from a window of the hotel. It hit on the hotel side of a parked jeep. Assistant United States Attorney McKenzie was called by a guardsman to examine the powder and it blew in his eyes causing temporary blindness and great pain. He was taken to Henrotin Hospital for treatment. Missiles continued to come from the crowd and the hotel including ash trays and cans both filled and unfilled.

There was an incident in the McCarthy Hospitality Suite about 5:00 A.M. and an interview with Senator McCarthy in the lobby.

The crowd quieted down, inside and out. About 300 hippies tried "face down" with guardsmen at 8:00 A.M. and then began to leave.

At 8:40 A.M. the guardsmen went off duty. All was quiet.

M'CARTHY SUPPORTERS—HILTON HOTEL INCIDENT

This incident occurred at the Hilton Hotel on the fifteenth floor between 3:00 A.M. and 5:20 A.M., on Friday, August 30, 1968. Police action was confined to the period between 5:00 and 5:20 A.M.

The space in question on the fifteenth floor occupies the eastern tip of the hotel wing immediately north of the main entrance. It consists of two rooms. 1506A is a sitting room, 13'10" x 21'8", with two windows facing east on Michigan Avenue and one facing north on a courtway. It connects with 1505A, a bedroom 13'10" x 13'10", to the south.

The hotel rented this suite to J. K. Galbraith, J. H. Lynford and Peter Sturgis. The fifteenth floor, other than a few rooms at the southwest corner of the hotel, was occupied by McCarthy supporters.

Shortly before 5:00 A.M., Colonel Robert E. Strupp, the senior commanding officer of the National Guard present, requested the police to clear Room 1506A because civilian pedestrians, military personnel, and police on the west side of Michigan Avenue below this suite were gravely endangered by many objects being thrown from the two Michigan Avenue windows of this room. The objects thrown included many beer cans, some filled with various liquids (some according to Colonel Strupp with human waste), heavy glass ashtrays, cocktail glasses, a metal coffee pot, ice cubes and ball bearings. George Mathews, night manager of the hotel, saw a pedestrian couple, wearing delegate badges, narrowly missed by a thrown beer can which struck the sidewalk heavily within inches of the woman.

Four military medical vehicles, parked in the street in front of the subject hotel room, plainly marked with Red Cross insignia, had to be abandoned because of the danger of missiles landing on them. The hotel lowered five window awnings on the first floor, below the rooms in question, to give protection to Guard personnel.

The National Guard set up a number of observation posts on the east side of Michigan Avenue equipped with riflescopes and binoculars in order to pinpoint with certainty the offending room. With the assistance of hotel employees it was clear that the missiles were being thrown from 1506A.

At the request of the commanding officer of the National Guard, Chicago Police officers, National Guardsmen and the security officer of the hotel went to the fifteenth floor. There they found fifteen persons standing in the elevator lobby near a messenger table. In the east-west hallway there were about twenty persons, some sleeping on the floor, some sitting, some drinking highballs. One young woman told the police that she was the watch. As the police approached, she ran through the north-south corridor which joined the main hallway to the suite in question, calling out "Jiggers, here they come!" The door from the corridor to the sitting room of the suite was open. At first only a few of the police and National Guard entered the sitting room. There they found some twenty persons, more men than women. In the adjoining bedroom, 1505A, two young women were asleep. Captain Cotter, in a quiet voice, told the group that because of the many objects being thrown from the windows the suite would have to be closed and that all persons who were not registered in the hotel would have to go down to the main floor. At first the group refused, but when all the military and police entered the room they moved to the elevators.

The National Guard personnel and the hotel security man stated that the police spoke softly and dealt gently with the crowd. Nobody was shoved or prodded. The only real instance of force was when one of the men from the group lifted the fifteenth floor message table above his head and struck a uniformed patrolman on his chest. Then as he raised the table above his head again, the patrolman struck him with his baton and the table wielder fell to the floor. His injury is described by the National Guard surgeon, Captain Glatter, as a "small laceration (2-cm. in length) over the left temporal region . . . bleeding slightly". The injured refused medical attention other than a field dressing. Two of the other men who attacked officers in attempting to get off down elevators were repulsed, one with mace, and the other with a baton. Neither had serious injuries.

Afterwards, some of the persons removed from Room 1506A threatened a sit-in in the main lobby off the hotel, but after a few minutes dispersed. Many of them were carrying on in a loud and emotional manner.

The hotel personnel described the condition of the room as being the worst appearing hotel room that they had ever seen. There were 14 fifths or quart size liquor bottles; two were filled with whiskey, two were partly filled with gin or vodka. There were numerous beer cans, some full, some empty. There was a large carton filled with empty cans. There were many empty beer cases. Used glasses, food and cigarette butts were strewn on the furniture and carpeting. There was evidence of recent burns on the carpeting and baseboard. Only one of the suite's 15 glass ashtrays could be found. On the following day Mr. Quigley of the McCarthy staff refused to permit a press photographer to take a picture of the room.

INJURIES SUSTAINED DURING CONVENTION WEEK

From the following information which relates to injuries which were sustained during the confrontations encountered during Convention Week in Chicago, it is interesting to note the large number of police officers who sustained injuries. The Police Department is presently investigating all complaints of excessive force which were lodged with the Department by newsmen and civilians who were injured during this week (see Appendix F for list of patients receiving emergency care).

Police officers

During the disturbances involving confrontations with dissidents, 161 Chicago Police Officers were injured—some seriously (see Appendix E). National Guard personnel also suffered injuries during their tour of duty between August 25 and August 30. Many law enforcement officers received medical treatment for human bites, kicks in the groin, as well as from the weapons used and objects thrown by the dissidents. Others were injured, but saved from serious injury from bricks and sharp objects thrown at them only by their wearing of protective riot helmets.

Civilians

The partial survey of the Chicago Hospitals indicates that approximately 60 persons were treated for injuries sustained during the course of the disorders. Some of these persons may be innocent victims injured by the dissidents themselves or injured by the police after being maneuvered into the front lines by the experienced agitators to force the confrontation.

Newsmen

An estimated 4,000 out-of-town newsmen came to Chicago to report the Democratic National Convention and surrounding events. Also in the City were 2,300 local newsmen who hold press cards issued by the Chicago Police Department.

During the period of the convention, complaints were made to the Department that 13 newsmen were assaulted by police officers. These complaints are being probed by the Internal Investigation Division. Also under investigation are 9 other allegations of attacks on newsmen which were reported in the press but not officially reported to the Police Department.

As of this date, none of these 22 investigations has been completed. Only 14 of the 22 newsmen have been available for statements. Many of the injured newsmen already have left Chicago and must be contacted by the I. I. D. in their home cities (see Appendix G for list of injured newsmen).

ARRESTED PERSONS

There were 641 arrested (see Appendix H) during the disorders of the week of the Democratic National Convention. Of these, only 280 were under the age of 21. Only 208 were students. At the most, 175 were residents of the City of Chicago. The conclusion is inescapable: *An overwhelming majority of the persons arrested were not youngsters, were not students and were not Chicagoans*. They were adult trouble makers who came into the City of Chicago for the avowed purpose of a hostile confrontation with law enforcement.

Another noteworthy aspect relates to post arrest procedures. There is no dispute that the processing of those persons arrested, including the setting of bail, availability of defense counsel, and Judges has been fair and speedy and within the guidelines of the "Kerner" and "Austin" Reports.

INCIDENTS AT CONVENTION HALL

Dan Rather: Mr. Rather was not struck by a Chicago police officer. He was struck by a private security guard at the Democratic National Convention (who claimed the incident was accidental). CBS has dropped the matter.

Mike Wallace: Mike Wallace admittedly grabbed the face of a Chicago Police Captain. The captain hit Wallace, allegedly in self-defense. After the incident, the participants shook hands and agreed to drop the matter.

David Hoeh, Delegate from New Hampshire: On August 29, 1968 at about 7:30 P.M. Mr. David Hoeh was taken into custody and detained for causing a disturbance at the extreme west delegate pass gate. Mr. Hoeh discovered that a credit card would activate the automatic delegate pass scanner. While attempting to give a public demonstration of this a remonstration was made by an Andy Frain usher which caused Mr. Hoeh to become loud and boisterous. Sgt. McCann of the Chicago Police Department was attracted to the disturbance but nothing could quiet Mr. Hoeh.

Mr. Hoeh began hollering and punching and kicking the investigating officers. He tore Sgt. McCann's star from his shirt and bit the finger of another officer. This injury was treated at Mercy Hospital. Mr. Hoeh suffered a slight scratch on his forehead some time during the melee.

Mr. Hoeh was handcuffed; removed from the Amphitheater and taken to the 9th District Police Station in order that his status as a delegate could be evaluated. He was discovered to have 5 delegate passes.

Hoeh was released and driven back to the Amphitheater.

Hoeh has since been publicly criticized by a fellow New Hampshire delegate for his conduct at the National Convention.

PROBLEMS OCCASIONED BY THE STRATEGY OF CONFRONTATION

To hold the convention or refuse it

The first problem proposed by the Politics of Confrontation was whether to advise the Convention, as a result of widely publicized threats to seek another site. Since the dissident groups intended to descend upon Chicago precisely because it *was* the Convention site, it would have actually solved nothing to refuse the Convention, except to shift the problem elsewhere. During the previous four months two of the nation's most outstanding men, the Rev. Martin Luther King, Jr. and Robert F. Kennedy had been assassinated in entirely different sections of the country. In this atmosphere any public gathering of prominent men constituted great risk. However, if the normal operation of our governmental processes were not to be halted by fear or submission to blackmail by threat, it seemed clear that Chicago should take proper precautions but proceed with the Convention.

To permit yippies to sleep in the park

The next specific decision which had to be made by city officials was the response to the request for permission to sleep in the parks. The City has had, and enforced, since 1940 an ordinance which prohibits citizens from sleeping or otherwise occupying the parks after 11 P.M.[19] In view of the fact that our local citizens, the taxpayers who maintain the parks, are not permitted to sleep in them and since the persons requesting this permission had openly announced their intention to disrupt our City and disturb our invited guests, it seemed doubly inadvisable to permit this unusual use. In addition, city departments of health, sanitation and law enforcement foresaw grave difficulties in maintaining even minimum standards of cleanliness and order.

What limitations to place on assemblies and marches

As has been previously detailed, the City of Chicago was disposed to grant all reasonable requests for permits to assemble and march to demonstrate opposition to the conduct of the war. The petitioning groups did not want to assemble or march anywhere except to and around the Amphitheatre, which request was unreasonable because of the size and duration of the marches proposed and the security measures necessary on the Convention premises. Alternatives were offered. The only specific request for an assembly area which was accepted was for the Grant Park Band Shell on Wednesday, August 28. It was after this assembly, as a matter of fact, that the protesters massed at the Hilton directly across the street from Grant Park and the major disorder occurred.

Whether to call the Illinois National Guard

The Mayor and other city officials were constantly aware of the great responsibility which they had to protect the safety of the candidates, the delegates and the millions of citizens and visitors who would be present in Chicago during the week of the Convention. Large demonstrations were expected. Wednesday, August 28th had even been pin pointed by Police Intelligence. Since the authorities were fully aware of the past performance of many of the leaders of the dissident groups planning to come to Chicago in turning demonstrations into riots, it was clearly necessary to be prepared for this eventuality. According to the report of the National Advisory Commission on Civil Disorders (Kerner Report): "Outside forces will need a relatively long lead time before response. A survey of National Guard capabilities, for example, shows that an average of four to six hours is required from time of notification to the time of arrival of an effective complement of men . . . local authorities must not wait until the critical moment to alert the National Guard." [20]

The recently released Report to the Chicago Riot Study Committee (Austin Report) also stated: "In emergency situations in the future the National Guard should be called at the earliest practicable time and the police should not hesitate to recommend such calls. . . ." [21]

And from the same report: "Police department civil disorder procedures and policies, including those related to the use of the Illinois Army National Guard and federal troops should be reviewed to be certain that they satisfy the fundamental proposition that *responses to civil disorders must be met with overwhelming manpower and not with firepower*. . . ." [22]

These guidelines are reiterated in a survey of law enforcement officials conducted by U.S. News and World Report:

"Raymond Momboisse, deputy attorney general of California and author of police manuals and training texts for handling riots . . . 'Police must learn to move very rapidly into a riot area. It takes tremendous manpower.' Col. Jacob W. Schott, the chief of police of Cincinnati, Ohio: 'No police department in the country has enough policemen when a riot really gets started . . . many departments are afraid to move in and use necessary force until things are out of hand.' . . . Professor Philip B. Kurland, University of Chicago Law School asks 'How do you arrest a mob? There is a problem of taking away those arrested and still maintaining police lines. Part of the problem is logistics—having enough men to confront large numbers of rioters in unexpected situations. I know of no way of meeting anarchy other than by force. This requires substantial numbers of troops instantly available. No city can afford the number of police needed to handle massive outbreaks such as in Detroit and Newark. There's the problem of economics, and of our unwillingness to live in a police state with troops on every corner 24 hours a day. But we may be forced to. Quick, aggressive action by the police will lessen blood shed." Philip M. Hauser, professor of sociology at the University of Chicago: "There is no alternative to using whatever superior force is necessary to restore order. Either that, or we have anarchy—not a society. From Julian Levi, professor of urban affairs at the University of Chicago: "It has been repeatedly demonstrated that the only way you can control an escalating riot is to provide the most visible public power you can. And you must be willing to use force if it is required—though it should be made very clear that it will be used impartially. More mistakes are

---

Footnotes at end of report.

made by delaying the calling up of the Guard than in calling it too soon'." [28]

The Chicago Police Department numbers 12,000 men. Even with leaves cancelled and working 12 hour shifts, only part of this complement of men can be available at any given period and this number must continue all the normal law enforcement activities necessary in the City in addition to the special assignment. For this reason the decision was made to call the Guard. It must be recalled that at the time these arrangements had to be made, the authorities could have no way of knowing the actual number of persons who would participate in the various demonstrations nor how many of these latter would occur or in which widely scattered areas.

Public reactions

Unfortunately it appears that the news media generally attributed malice to the authorities while presuming good will and sincerity on the part of the protesters. This is all the more inexplicable when it is recalled that it has largely been through the news media that the intentions and exploits of the dissidents have been documented over the preceding nine months. The local news media are beginning to show some aspects of what has come to be called "The Other Side" but ugly and distasteful scenes have been reported all over the nation and the world without sufficient explanation to allow the reports to be placed in perspective.

Citizens of the city have manifested overwhelming support of the civil authorities in letters and calls to City Hall. As of September 4, the letters and wires opened and read indicate that 41,185 persons support the Mayor and the Chicago Police Department while 4,290 did not approve their action. The mail is arriving at the rate of approximately 6,000 to 8,000 letters per day.

CONCLUSION

This report is offered not as a defense of the City of Chicago but primarily in an effort to point out the nature and strategy of confrontation as it was employed in Chicago.

We have examined what actually transpired in the city as well as what had been forecast and threatened for the week.

The leaders of the dissident movement are nationally known agitators who had arrived fresh from triumphs at Berkeley and Columbia. Their publicly stated purpose in coming to Chicago was twofold. The immediate object was to disrupt the Convention and the City. Their ultimate goal, also publicly proclaimed, was to topple what they consider to be the corrupt institutions of our society, educational, governmental, etc., by impeding and if possible halting their normal functions while exposing the authorities to ridicule and embarrassment. They are anxious to destroy these institutions, but it is unclear as to what replacements they envision, as Senator Daniel Inouye of Hawaii observed in the Convention's Keynote address when he asked "what trees do they plant?"

The dual goals of immediate disruption and ultimate destruction were pursued in Chicago against the government under the guise of a protest against the war in Vietnam. This promised to be a very successful ploy since, as debates at the Convention demonstrated, everyone wants peace and disagreement occurs only over methods.

In spite of such attractive bait, the guerrilla or psychological warfare tactics which were employed by these revolutionaries erupted in few serious incidents, the main one being an eighteen minute encounter in front of the Hilton Hotel. As is so often the case, the trusting, the innocent, and the idealist were taken in and taken over. The news media too responded with surprising naivete and were incredibly misused. Indeed, any success the revolutionaries achieved in their ultimate objective of fomenting hatred and ridicule among the citizenry against the authorities was in large part attributable to the almost totally sympathetic coverage extended by reporters to the revolutionary leaders and more understandably, to the attractive idealistic but unwary young people who unwittingly lent them assistance and camouflage.

For us in Chicago, the aftermath will involve investigations and assessment of the performance of governmental officials, police and military units, radio, television and newspapers. We are concerned about injured newsmen, injured policemen, injured civilians, injured protesters, injured reputations, but most of all we are concerned about the lack of public awareness of the significance of the departing words of the Yippie and "Mob" leaders, "We won" and "The revolution has begun."

It seems clear that a nucleus of adult trouble makers avowedly seeking a hostile confrontation with the police will be engaging in the same activities detailed in this report in other cities and towns across the nation. They have announced their intention "to create 200 to 300 Chicagos." All who believe in the essential desirability of our present form of government are challenged to find the best response to what is frequently a violent and revolutionary attack upon our institutions—a response at once effective yet consistent with the dignity and freedom of each and all our citizens.

APPENDIX A—PRIMARY TARGETS PROPOSED FOR DISRUPTIVE DEMONSTRATIONS

INTELLIGENCE DIVISION REPORT, CHICAGO POLICE DEPARTMENT, AUGUST 21, 1968

1. Federal Courthouse and Office Building, 219 S. Dearborn Street;
2. Main Police Building, 1121 S. State Street, plus all other police facilities and installations;
3. United States Armed Forces Induction Center, 615 W. Van Buren Street;
4. Booz-Allen & Hamilton, 135 S. LaSalle Street;
5. Booz-Allen Applied Research, Inc., 100 W. Monroe Street;
6. First National Bank of Chicago, 38 S. Dearborn Street;
7. Chicago Title & Trust, 111 W. Washington Street;
8. Illinois Institute of Technology, 3300 S. Federal Street and 10 W. 35th Street;
9. Cook County Jail, 26th and California;
10. Hallicrafters Co., 4401 W. 5th Avenue and 4400 W. 45th Street;
11. Motorola, Inc., 9401 W. Grand Avenue, Franklin Park, Illinois and 1450 N. Cicero Avenue, Chicago, Illinois;
12. Radex Corporation, 2076 Elston Avenue;
13. Dow Chemical Corporation 3636 S. California and 6000 W. Touhy Avenue; and
14. Zenith Radio Corporation, 1900 N. Austin Avenue and 1500 N. Kostner Avenue.

APPENDIX B—RECORD OF PURCHASES OF CAUSTIC MATERIALS AND ATTEMPTED PURCHASE OF NARCOTICS IN OLD TOWN DURING CONVENTION WEEK

During the week of the Democratic National Convention, various store owners in the Old Town area reported as to sale-patterns of certain items bought by Yippies and other dissidents. These dissidents used the Old Town area as their headquarters during the August 25–August 30 week. Although some of these materials are innocuous, in and of themselves, their potential and demonstrated use by the Yippies was not innocent.

LIGHTER AND CLEANER FLUID

Several Old Town area stores reported unusual and large sales of lighter and cleaner fluid to Yippie-type persons. This material can be used as torches for offensive purposes. The Walgreen Drug Store at 101 W. North Avenue reported unusually large sales of cleaner fluid. Woolworths at 1206 N. Clark Street sold 60 bottles of cleaning fluid. The National Tea Store at 2480 N. Clark Street sold out of lighter fluid. Bob King's Dry Cleaners at 55 W. Division Street noted the run on the purchase of cleaning fluid and decided to refuse to sell any during this period.

NARCOTICS

Store owners were approached in regard to the purchase of narcotics. Bergman's Pharmacy at 2264 N. Clark Street reported that many persons asked to purchase narcotics and cough syrup. The store, of course, refused to sell these items without a prescription.

ASTHMATIC POWDER

Many stores reported large sales of asthma remedies. These are used by Yippies as an inhalant stimulant in order to get "high". The Walgreen Drug Store at 101 North Avenue reported that it had to remove all asthma remedies from their display counter because they were being stolen by Yippies. Dressler's Drugs at 1201 N. Clark Street also reported unusually large sales of asthmatic powders.

EASY-OFF OVEN SPRAY

Many stores reported large and unusual sales of Easy-Off oven spray. Many Chicago police officers were temporarily blinded by the spraying of this material into their eyes. The label on the Easy-Off cans warns against the spraying of this material into the eyes. The National Tea Store at 2480 N. Clark Street sold out of Easy-Off oven spray in a short period (approximately two cases). Eshoo's Grocery at 234 W. North Avenue reported the sale of 23 cans of Easy-Off oven spray during this period. This is an unusually large amount of sales in that most large chain stores (and Eshoo's Grocery is a small store) sell on the average of only about 12 cans for this length of time.

HAIR SPRAY

Large amounts of hair spray were sold in the Old Town area stores during the time of the Convention. The expulsion of hair spray from a can when set fire to works as a home-made flame thrower. Royal Blue Food Store at 744 Fullerton Avenue reported large groups of Yippies purchasing large quantities of hair spray. It is common knowledge that Yippies have no use for hair spray or other cosmetics for personal use.

BANDAGES, MASKS AND VASELINE

It has been widely reported that one way of minimizing the effects of tear gas and mace is to wear a mask or bandage over the nose and mouth and to coat the surface of the skin with vaseline. The Walgreen Drug Store at 101 W. North Avenue reported unusually large sales of bandages and vaseline. H. Braun Pharmacy at 2075 N. Lincoln Avenue reported a run on the sale of surgical masks and vaseline.

VOLUNTARY REMOVAL OF CAUSTIC ITEMS FROM STORES

On the advice of wholesalers and in cooperation with the Chicago Police Department, many stores in the Old Town area removed caustic materials from their shelves during the stay of the Yippies. For example, the Lake View Food Mart at 2411 N. Clark Street, after conferring with its wholesaler, removed these items from its shelves.

APPENDIX C—WEAPONS USED BY DISSIDENTS

During the August 25 through August 30 attacks against the Chicago Police and the Illinois National Guard many weapons were used against these law enforcement officers by members of dissident organizations and their followers. Some were merely disgusting such as:

—Cellophane bags of human excrement.
—Cans of Urine.
—Paint hurled at officers.

Others were lethal weapons such as:

—Rocks.

Footnotes at end of report.

—Bricks.

—Two-by-fours.

—Dart Guns.

—Glass ash trays.

—Golf balls with nails impaled therein.

—Potatoes with razors hidden inside.

—Live black widow spiders.

—Molotov Cocktails.

—Knives and Stilletos.

—Cherry bombs.

—Cans of noxious chemicals.

—A piece of metal with tenpenny nails attached to it.

—Aerosol can with contents which acts as a stink-bomb. (Scissors to puncture same.)

—A piece of wood with a razor attached. (Has the word "Peace" written on the wood.)

—Golf ball with nail forced through it.

—One-half of a wooden rolling pin filled with lead.

—Bottle top with a wick for use with inflammable liquid.

—Empty beer cans.

—Baseball bat inscribed, "Cops are pigs."

—Staple nails taped together to be used as a weapon. (Sometimes called guerrilla mine.)

Often these missiles were hurled by persons in the back of the crowd, thus making detection and arrest of the offenders virtually impossible.

Several downtown convention hotels suffered costly damage to carpeting and upholstered furniture because of the spilling of butyric acid, a nauseous chemical commonly called a "stink bomb". The hotel guests endured needless discomfort from offensive odors emitted by these chemicals. Three female radical activists were arrested and charged with these offensives.

Other material recovered from persons arrested included the following "battle" supplies:

—Helmets.

—Gas Masks.

—Vaseline to protect the body from Mace.

—Revolutionary literature and "battle" plans.

—Dangerous drugs.

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
For the Northern District of Illinois,
Eastern Division.

NATIONAL MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM; RENNIE DAVIS; TOM HAYDEN; MARK SIMONS; MARY LOU NOWKA; MARIE ZELEK; and LINDA TURNER, individually, and on behalf of all others similarly situated,
Plaintiffs,

vs.

RICHARD J. DALEY, Mayor of the City of Chicago, and as Chairman of the Democratic Party Central Committee of Cook County, Illinois; JOSEPH I. WOODS, Sheriff of Cook County; JAMES B. CONLISK, Superintendent of Police of the City of Chicago; JAMES J. McDONOUGH, Acting Commissioner of the Department of Streets and Sanitation of the City of Chicago; CHICAGO PARK DISTRICT; WILLIAM F. McFETRIDGE, President of the Board of Commissioners of the Chicago Park District; and THOMAS BARRY, Acting Superintendent of the Chicago Park District,
Defendants.

[No. 68 C 1528]

MEMORANDUM OF DECISION

The plaintiffs in this action seek an injunction restraining officials of the City of Chicago and the Chicago Park District from taking any action to interfere with public meetings, parades, and demonstrations planned by the plaintiffs for certain times and places specified in the complaint. The plaintiffs are also seeking a declaratory judgment holding unconstitutional certain sections of the Municipal Code of Chicago and the Chicago Park District which pertain to the issuance of permits for parades and assemblies on public property.

The plaintiffs have accepted an offer, made by the City of Chicago and the Chicago Park District at a pre-trial conference for the use of Grant Park for an assembly from 1:00 P.M. to 4:00 P.M. August 28, 1968. The plaintiffs have rejected other parade routes and places of assembly offered by the City of Chicago and the Chicago Park District.

The Supreme Court has consistently recognized the strong interest of state and local governments in regulating the use of their streets and other public places. *Cox* v. *New Hampshire,* 312 U.S. 569; *Kovacs* v. *Cooper,* 336 U.S. 77; *Poulos* v. *New Hampshire,* 345 U.S. 395; *Adderly* v. *Florida,* 385 U.S. 39; and *Walker* v. *City of Birmingham,* 388 U.S. 307.

The prevention of public disorder and violence are important objects of legitimate state concern when protest takes the form of mass demonstrations and parades. *Walker* v. *City of Birmingham, supra.*

In *Cox* v. *Louisiana,* 397 U.S. 536, the United States Supreme Court stated: "We emphatically reject the notion . . . that the First and Fourteenth Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech."

And in *Cox* v. *New Hampshire, supra,* a unanimous Supreme Court stated: "Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses. The authority of a municipality to impose regulations in order to assure the safety and convenience of the people in the use of the public highways has never been regarded as inconsistent with civil liberties but rather as one of the means of safe-guarding the good order upon which they ultimately depend."

With these standards in mind this court can find no constitutional infirmity in Chapter 36–31 of the Municipal Code of Chicago, governing the issuance of parade permits, or in Sections 8–4 and 17–8 of the Code of the Chicago Park District, governing the issuance of permits for public meetings on Park District property.

This court is unable to find that the Park District and City of Chicago have acted arbitrarily in declining to issue permits for the particular places and at the particular times sought by the plaintiffs.

The plaintiffs complain in particular about their inability to obtain a site for a massive demonstration within what they term "eyeshot" of the convention hall on the evening of nominations for the Democratic National Convention. Attorneys for the City of Chicago stated that several sites proposed by the plaintiffs cannot be made available because of the problems of traffic and security. Several other sites suggested by the plaintiffs are on private property and not within the City of Chicago's control. At the request of the plaintiffs, the Corporation Counsel of the City of Chicago contacted the owners if one of the private sites to ask if plaintiffs could use the site for a demonstration. The owners refused to grant permission.

In view of the numerous alternative routes and alternative places of public assembly which have been suggested by the City of Chicago and the Chicago Park District, this court concludes that the defendants have acted in a reasonable and nondiscriminatory manner so as to preserve the public safety and convenience without the deprivation of any First Amendment guarantees of free speech and public assembly.

The plaintiff organization also seeks a large public park or facility in which its members could sleep. Such a use of the parks is in violation of existing ordinances, and permits have never been granted for such a purpose in the past. This court believes that it indeed would be a novel interpretation to hold that the First and Fourteenth Amendments requires a municipal government to provide a public park as sleeping accommodations for persons desiring to visit the city. Yet this in effect is what the plaintiffs ask this court to do.

For the reasons stated herein Counts I and II are dismissed. Count III dismissed for failure to state a cause of action.

/s/ W. J. LYNCH,
Judge, United States District Court.

Dated: ------------------------------------

APPENDIX E—POLICE OFFICERS INJURED

During the period 24 August to 29 August a total of 198 police officers were injured in connection with the riot events.

OFFICER AND INJURY

August 24

Cahill, Thomas; burns on face.
Angelo, Thomas; Inflammation of eye.
Lyons, John J.; bruised left hand.
Subtotal, 3.

August 25

Kob, Anthony; Laceration Achilles right foot.
South, Kenneth; laceration left foot and forehead.
Subtotal, 2.

August 26

Logue, Neal; laceration both knees.
Fleming, Thomas; fractured right index finger.
Karl, Frank; contusion to ribs and both knees.
Gorgius, Paul; sprayed in eyes by unknown chemical.
Kelleher, Fred; bruised left shoulder.
Swagler, George; fractured finger left hand.
Janecek, John; laceration left hand.
Holder, David; head injury.
Stokes, James; eye injury.
South, Kenneth; laceration to foot and head.
Matranza, John; sprained ankle.
Esposito, James; sprained left thumb.
Rogers, John A.; contusion to right elbow.
Gianani, James; sprained back of neck.
Marrello, Lewis; bruised left knee and wrist.
Anderson, Richard, smashed nail left middle finger, bruised left hand.
Keating, Robert; bruised right shoulder.
Subtotal, 17.

August 27

Buttitta, Frank; hit in chest with brick.
Lunk, Joseph; human bite, elbow.
Lewis, Elmer; contusion R/forearm and upper arm.
Blackburn, Clifton; laceration on chest and 6th rib cage.
DeYoung, Darryl; gassed.
Fitzgerald, R.; abrasion, left forearm.
Rittenberg, I.; laceration to left arm.
Wendt, B.; laceration to both arms.
Chorvath, Kenneth; bruised muscle right arm.
Montgomery, John; abrasion to finger right hand.
Conroy, Martin; injured left leg and head, helmet broken.
O'Halloran, Thomas; bruised arm and right side.
Subtotal, 12.

August 28

Deleo, Dominic; laceration right elbow.
Merk, Robert; bruised back.
Sullivan, Patrick; twisted left knee.
Kane, William; bruised left shin bone.
Casey, Leonard; laceration to right hand.
Majka, Leonard; abrasion to right knee.
Waigand, Robert; abrasion to right leg.
McDermott, Thomas; bruised left leg.
Carioscia, John; laceration to left eye.

Avena, James; human bite, index finger.

Gilhooly, Raymond; laceration to right leg.

Rodonis, Joseph; contusion right knee.

Smith, Bill; laceration to right elbow.

Thomas, J. T.; gassed.

Kwasiak, Eugene; injured left jaw.

West, Gerald; laceration to left wrist.

Bowen, Lester; cut left hand.

Lackowitz, John; gassed.

Vallejo, Carlos; bruised left thigh, gassed.

Lajczak, John; bruised chest, gassed.

Martorano, Andrew; bruised left knee and leg.

Manno, Joseph; cut left hand.

Finnelly, Vincent; kicked in groin.

Martinez, Jose; gassed.

Alexa, Joseph; cut left hand, gassed.

Wilson, Kenneth; injury left rib cage.

Anderson, James; human bite, left hand.

Mullarkey, Martin; bruise, right chest.

Britton, Alvin; contusion lower arm, whiplash, back.

Fitzpatrick, Elbert; bruised right elbow.

Lappe, Donald; kicked in right knee.

Healy, Joseph; contusion left thigh, right knee.

Clisham, John; bruised foot and right knee.

Guarnieri, Joseph; severe swelling left ankle.

Hayes, Clarence W., Jr., bruised left knee, laceration, left side face.

Kuelbs, William; laceration to fingers.

Little, Ronald; lacerated and bruised right leg.

Wilkerson, Laman; kicked in solar plexus.

Miley, Donald Ray; bruised groin.

Morris, Selles; bruised left hand.

Saunders, Willie; hit right arm brick and bottle.

Quinn, Bernard; lacerated right arm, abrasion to left leg.

Ross, Reginal; hit on hand and back by brick.

Rowan, Thomas; injured left calf, ribs and elbow.

Starr, Leroy; swollen right wrist.

Stewart, Jack; contusion to left elbow by a rock.

Washlow, William; bruised right knee.

Jones, Robert; lacerated left middle finger.

Barnett, Ronald; bruised right thumb.

Bigby, William Charles; right hand swelled.

Bosak, William; injured left wrist.

Burns, Michael; bruised left arm, lacerated left leg.

Butler, Desmond; laceration left wrist.

Ariemma, John; bruised right hip and back.

Topel, Richard; laceration to tip of left finger.

Gavin, Vincent; bruised left ankle, lacerated right foot.

Kearns, Thomas; lacerated right shin, bruised left leg.

Whiteside, George; bruise on left foot.

Groth, Daniel; back injury.

Johannson, Donald; bruised right knee.

Riordan, John; bruised left hand.

Vollick, Monroe; lacerations and abrasion right arm, left shin.

Chiappetta, Michael; contusion to forehead and back.

Temple, Ronald; laceration to the shoulder and arm.

Daniels, Cordell; laceration right elbow and forearm.

Jenkins, Charles; sprained ankle.

Smith, William; contusion left shoulder.

Sadauskis, Thomas; cuts and lacerations to both hands.

Wendt, William; laceration to finger.

Gonzalez, Guadalupe; abrasion to thumb.

Garippo, Robert; abrasion left leg and back.

Duffy, Edward; injured left arm.

Galluzzi, Edward; abrasion to leg, forearm and thumb.

Pfister, William; gassed, pain lower back.

Bribiesca, John; abrasion to left shoulder, gassed.

Dragon, Dennis; kicked in groin.

Pienta, Clifford; bruised knuckles.

Nakutis, Edward; scratches forearm.

Martinez, Jose; sore back.

Scornavache, Harry; gassed.

Salveson, Harry; bruised left elbow.

Klinsky, Burton; abrasion to right finger.

Deleo, Dominic; gassed.

King, John; laceration, right knee.

Ogonowski, Edwin; injured right hand.

O'Donnell, William; gassed, back injury.

Hale, William; bruised left arm and leg.

Mannes, Richard; bruised left arm and right leg.

Welninski, Anthony; bruised right thigh.

Scafidi, Gregory; bruised left leg.

Jaconetti, William; bruised right arm.

Neville, Donald; bruised ribs, right side.

Naughton, Stephen; abrasion to upper lip.

Mastro, Joseph; bruised right hand, hit with brick.

Hage, Donald; bruised right thigh, hit with brick.

Hoban, William; laceration to right arm.

Ryan, John; abrasion to left elbow.

Jones, Robert; split fingernail.

Hennegan, James; human bite.

Gruber, John; gassed.

Donegan, Henry; bruised leg, hit with brick.

McCarthy, John; hit in groin and leg with bottle.

Smith, William; contusion to left shoulder.

Frost, Thomas; bruised left ankle.

Zwier, Henry; contusion, right shoulder blade.

Kody, Leonard; contusion to lower back.

Davis, Harold; laceration to ear and mastoid.

O'Malley, Raymond; contusion to left knee, ankle and elbow.

Murray, Robert; contusion to right arm.

Nealis, Paul; contusion to thigh.

Strocchia, Ralph; laceration to left elbow.

Caskey, August; teargassed.

Schlobohm, Ronald; struck in groin and hernia.

McNichols, Thomas; teargassed in eyes.

Rothmund, Ronald; abrasion to knees.

Tumbarello, Pete; eyes gassed.

Garber, Robert; fractured right foot.

Goodman, Patrick; contusion to left shoulder.

Kyritz, Gregory; infraorbital fracture, left eye.

Bells, James; eye sprayed, unknown substance.

Faragoi, Thomas; contusion and sprain to left wrist.

Edgar, Robert; eyes and wrist sprayed with mace.

McCann, Neal; contusion to left index knuckle.

Krajecke, Albert; human bite arm, wrist sprain.

Merrick, Toby; bruised to right rib, shoulder, right leg and back of head.

Crawford, Franklin; bruised leg and shoulder.

Iosello, Daniel; hit in stomach, left shoulder, right leg, right side of neck.

Krasinski, Dennis; hit in arm, leg and back with rocks.

Rossi, Robert; bruised left and right ankle, laceration left shoulder.

Salvato, Salvatore; bruised left shoulder, elbow, laceration left forearm.

Bischoff, Arthur; laceration left shoulder.

Mattson, Karl; bruised right ankle, left thigh and back.

Vercillo, John; bruised right thigh and right toe.

Baumgartner, Robert; bruised left foot and right leg.

Hanlon, Edward; lacerations to right arm back of neck and both legs.

Stubbs, Calvin; laceration left side back and right arm.

Gilroy, Thomas; contusion left elbow.

Scornavache, Harry; gas sprayed in face unknown.

Pigoni, Dave Sgt.; bruised left little and ring finger, hand.

Lyons, Edwin; contusion left elbow.

Bork, Lawrence; bruised and sore right thigh.

Daly, William; bruised left hand.

Wagner, Robert; contusion right hip—bruised knee and shoulder.

Dobrich, Carl; contusion to eye.

Corcoran, William; contusion to left knee.

Hyatt, Kenneth; bruised left hand.

Irang, Bernard; bruised left knee.

Belda, Clement; large contusion, right hand.

McErlean, Daniel; bruised thigh and right leg.

Bouvat, Robert; laceration to top of left hand.

McGovern, Thomas; laceration to chin.

Ware, Willie; puncture wound right leg, thumb.

Subtotal, 152.

August 29

Buttita, Frank; bruised groin, right thigh.

Shinner, Richard; gassed.

Miller, Brian; gassed.

Albert, Richard; gassed.

Storto, Dominic, gassed;

Collins, William; gassed.

Conklin, Walter; contusion to shoulder, left leg, laceration to hands.

Mattson, Karl; sprained right ankle, laceration to forearm.

Kenny, Donald; gassed.

Sullivan, Eugene; gassed.

Moreth, Ralph; gassed.

Terrile, Fred; swollen and bruised left eye.

Subtotal, 12.

Grand total, 198.

August 30

Nolan, Timothy; acute abrasion wrist, swollen, eye sprayed.

Hays, James; Abrasion right wrist.

Eraci, Sal; severe abrasion to chest area.

Angelo, Thomas; abrasion to eye, unknown chemical.

APPENDIX F—TOTAL NUMBER OF PATIENTS RECEIVING EMERGENCY CARE DURING THE RIOT

FIFTY-FOUR WERE IDENTIFIED AS POLICE OFFICERS; 60 WERE IDENTIFIED AS CIVILIANS

Name of hospital; number treated; and injuries

Louise Burg: 1, Laceration—arm, no fractures.

Henrotin: 8, 3 tear gas in eyes (Chemical conjunctivitis); 2 scalp lacerations; 1 injury to left knee; 1 injury to right knee; 1 fractured foot—hematoma scalp.

Wesley: 6, 4 head lacerations; 1 tear gas in eyes—injury to right arm and left thumb; 1 laceration—left elbow.

Passavant: 4, 1 tear gas; 1 syncope; 1 scalp laceration—fractured finger; 1 fracture of finger.

Mercy: 16, 6 Laceration of scalp; 3 Hand lacerations; 2 Human bites; 1 Struck with club in abdomen—bruises; 1 Abrasion of leg; 1 Abrasion of chin; 1 Tremor of left elbow; 1 Abrasion of shoulder.

Michael Reese: 15, 9 scalp lacerations; 1 alleged exposure to tear gas; 1 fractured nose; 1 scalp and eyelid laceration; 3 contusions.

Presbyterian-St. Luke's; 16, 12 lacerations; 4 contusions.

Cook County: 14, 1 fracture of hand 2 abrasions of skull; 9 lacerations of head; 1 wrist injury; 1 leg laceration.

Total, 80.

PATIENTS RECEIVING EMERGENCY CARE DURING THE RIOT, 8-29-68

Louise Burg: 0, 1 Refused Rx and was not examined.

Henrotin: 8, 3 lacerations of scalp; 1 fractured knee; 1 fractured shoulder; 1 sprained knee; 1 injury to groin; 1 injury to finger.

Wesley: 2, 1 injury to left shoulder; 1 injury to left wrist.

Passavant: 1, 1 abrasion—head.

Mercy: 3, 1 abrasion of scalp; 1 laceration of scalp; 1 abrasion of elbow.

Michael Reese: 3, 1 scalp laceration; 1 contusion; 1 fracture of finger.

Presbyterian-St. Luke's: 8, 3 lacerations; 2 knee injuries; 1 ankle injury; 1 wrist injury; 1 tear gas.

Cook County: 9, total 34.

APPENDIX G—ALLEGATIONS OF POLICE ASSAULTS ON NEWSMEN

The following list contains the names of the newsmen whose complaints of assaults by police officers are being investigated by the Police Department's Internal Inspections Division:

Delos Hall, Columbia Broadcasting System.
Robert Black, Chicago Sun-Times.
James Peipert, Associated Press.
Robert Jackson, Chicago's American.
Donald Jonjack, Chicago Sun-Times.
Mark Saunders, Booth Publications.
Jeff Lowenthal, Free lance photographer.
Paul Sequeira, Chicago Daily News.
Howard Berliant, Free lance photographer.
Claude Lewis, Philadelphia Evening Bulletin.
Marshall Goldberg, Manhattan Tribune.
Michael O'Sullivan, Business Week.
Allan Katzman, New York Post.
Carl Carlason, DeKalb Daily News.
Steve Northrup, Washington Post.
Robert Kieckhefor, United Press International.
Marvin Kupfer, Newsweek.
John Linstead, Chicago Daily News.
Duane Hall, Chicago Sun-Times.
James Jones, Newsweek.
James Stricklin, NBC News.
David Satter, Washington Post.

APPENDIX H—LETTER AND REPORT, JAMES B. CONLISK, JR., SUPERINTENDENT OF POLICE

SEPTEMBER 5, 1968.

Mr. RAYMOND F. SIMON,
Corporation Counsel,
511 City Hall,
Chicago, Ill.

DEAR MR. SIMON: The following is a breakdown of places of residence of 641 persons arrested by the Police Department during the disorders.

175 persons residing in Chicago.

The remaining 466 were not Chicago Residents.

The following is a breakdown of employment and student status of persons arrested.

282 were employed (44%)
208 were students (32%)
151 unemployed (24%)

The following is a breakdown of persons arrested by age.

Persons under 21 years of age 279.
Persons 21 years or over 362.

The following is a breakdown of persons arrested by sex.

Males 565.
Females 76.

Sincerely,
/s/ JAMES B. CONLISK, Jr.,
Superintendent of Police.

Breakdown of arrested persons by age and sex

Age	M	F	Total
(1)	10	0	10
17	59	0	59
18	68	11	79
19	65	10	75
20	52	4	56
21	69	11	80
22	36	9	45
23	21	6	27
24	25	4	29
25	27	3	30
26	13	3	16
27	13	2	15
28	15	3	18
29	13	0	13
30	10	0	10
31	1	1	2
32	9	0	9
33	5	0	5
34	5	0	5
35	9	1	10
36	3	1	4
37	4	1	5
38	4	0	4
39	2	0	2
40	5	1	6
42	6	0	6
43	2	1	3
44	1	0	1
46	2	0	2
48	3	0	3
49	0	1	1
50	2	0	2
51	0	1	1
52	3	0	3
55	1	0	1
59	1	0	1
61	1	0	1
67	0	1	1
68	0	1	1
Total	565	76	641

[1] Unknown.

APPENDIX I—A STATEMENT BY MAYOR RICHARD J. DALEY TO THE DELEGATES OF THE DEMOCRATIC NATIONAL CONVENTION, AUGUST 29, 1968

On behalf of the City of Chicago and its people and the Chicago Police Department I would like to issue this statement and I expect that in the sense of fair play it will be given the same kind of distribution on press, radio and television as the mob of rioters was given yesterday.

For weeks and months the press, radio and television across the nation have revealed the tactics and strategy that was to be carried on in Chicago during the convention week by groups of terrorists.

The intention of these terrorists was openly displayed. They repeatedly stated that they came to Chicago to disrupt the national political convention and to paralyze the city.

They came equipped with caustics, with helmets and with their own brigade of medics. They had maps locating the hotels and the routes of buses for the guidance or terrorists from out of town.

To protect the delegates and the people of Chicago from this planned violence the city worked with the Secret Service, the Federal Bureau of Investigation, the Department of Justice and other agencies directly involved in the maintenance of law and order. In every instance the recommendations of both the Kerner and Austin reports were followed—to use manpower instead of firepower.

The newspapers stated specifically that the terrorists were planning to use those who were opposed to the present Viet Nam policy as a front for their violence. It was also pointed out that they would attempt to assault, harass and taunt the police into reacting before television cameras. Fifty-one policemen were injured. Sixty percent of those arrested did not live in Illinois.

In the last two days we have seen the strategy of these announced plans carried on in full and the whole purpose of the city and law enforcement agencies distorted and twisted.

One can understand how those who deeply believe in their cause concerning Viet Nam would be deeply disappointed but to vent their disappointment on the city and law enforcement agencies—that these dissenting groups and television could be used as a tool for their purposes of calculated disruption and riot, is inexcusable.

In the heat of emotion and riot some policemen may have over-reacted but to judge the entire police force by the alleged action of a few would be just as unfair as to judge our entire younger generation by the actions of this mob.

I would like to say here and now that this administration and the people of Chicago have never condoned brutality at any time but they will never permit a lawless violent group of terrorists to menace the lives of millions of people, destroy the purpose of this national political convention, and take over the streets of Chicago.

(This report has been prepared with the cooperation of officials of the Chicago Police Department, United States Attorney's Office, City of Chicago Law Department and their cooperation is gratefully acknowledged.—Raymond F. Simon, Corporation Counsel, City of Chicago.)

FOOTNOTES

[1] *The Village Voice*—November 16, 1967.

[2] *Saga Magazine*—August 6, 1968.

[3] Barron's National Business & Financial Weekly—August 19, 1968. "Ballots or Bullets" by William Good and Jeffrey St. John.

[4] Saturday Evening Post—August 24, 1968. "Can the Ringmaster Keep the Show Going" by Milton Viorst—Page 26.

[5] Christian Science Monitor—August. "News Media 'prepare' Chicago for Violence" by Richard L. Strout.

[6] Intelligence Division Report—Chicago Police Department—July 15, 1968.

[7] Intelligence Division Report—Chicago Police Department—August 2, 1968.

[8] *Ibid.*

[9] Intelligence Division Report—Chicago Police Department—August 20, 1968.—These threats coming as they did upon the heels of the assassinations of President John F. Kennedy, Rev. Dr. Martin Luther King, Jr., and Robert F. Kennedy, such reports deservedly required more than prefunctory treatment. A Federal Grand Jury probe was initiated by the United States Attorney's Office in regard to this matter.

[10] Compiled from reports contained in the office of the Chicago Police Department and the Federal Bureau of Investigation.

[11] *National Mobilization Committee to End the War in Viet Nam, et al.* v. *Richard J. Daley, Mayor, et al.*, United States District Court for the Northern District of Illinois, 68 C 1528.

[12] *National Mobilization Committee to End the War in Viet Nam, et al* v. *Richard J. Daley, Mayor, et al.*, United States District Court for the Northern District of Illinois, 68 C 1528. The "confrontation" in court over parade permits which occurred on August 21 was filmed and witnessed by numerous TV stations. These interviews which showed the National Mobilization Committee and Youth International Party refusing all alternate parade routes offered by the authorities would have done much to ameliorate the criticism that the protesters had been offered no legitimate outlet. These films were never shown.

[13] Compiled from official records and interviews with officers of the Chicago Police Department, the United States District Attorney's Office and the City of Chicago Law Department.

[14] While this chronology begins with Sunday, August 25, 1968, many events which occurred on Friday and Saturday, August 23rd and 24th, might well be included in the chronology. For example, on Friday, August 23, 1968, the members of the Youth International Party released a pig at the crowded Chicago Civic Center during the hours in which courts are in session and large numbers of the public are present on the Plaza. Half a dozen arrests resulted from this incident. On Saturday, August 24, 1968, Yippies were lighting bonfires in Lincoln Park litter baskets. A police officer effectuated an arrest on a Yippie who had started the fire, when another Yippie threw a rock

at the officer and then hit an Assistant Corporation Counsel with his fist.

[15] Tom Hayden had been arrested earlier in the day as the result of events which took place on Sunday, August 25, 1968, when he had escaped from police and was charged with obstructing police officers, resisting arrest and disorderly conduct.

[16] 22 members of the Press charged police with misconduct. These incidents aroused great indignation on the part of the communications media and resulted in a conference with the Superintendent of Police in which a full investigation of each of the events was promised. The investigation is in progress. The officials of the communications media expressed satisfaction with the attitude of the Superintendent and this was expressed in a television interview following the conference with the Superintendent of Police which took place on Tuesday, August 27th, 1968.

[17] *Ibid.*

[18] *Ibid.*

[19] Chicago Park District Code, Chapter 17-27. This ordinance was challenged in Federal Court. The plaintiffs themselves dismissed the suit.

[20] Kerner Report, Bantam Book Edition, page 488.

[21] Austin Report, page 115.

[22] *Ibid.* page 45.

[23] United States News and World Report, August 7, 1968, "Anarchy growing threat to big cities", page 30.

*Injured the night of the 30th at the Conrad Hilton and not included in the grand total above.

REMARKABLE RECORD OF SMALL BUSINESS ADMINISTRATION REGIONAL OFFICE, LOUISVILLE, KY.

HON. THRUSTON B. MORTON

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Monday, September 9, 1968

Mr. MORTON. Mr. President, the remarkable record of the Small Business Administration regional office in Louisville, Ky., has long been acknowledged by the business community of my home State. The office, directed by Mr. R. B. Blankenship, recently was recognized and honored as the Nation's most outstanding regional office of SBA.

I ask unanimous consent that a newspaper account of this honor, published in the Louisville Courier-Journal of July 30, 1968, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SBA OFFICE IN LOUISVILLE TO BE HONORED

Louisville's regional office of the Small Business Administration (SBA) will be honored today as the top regional office in the nation in ceremonies in Washington.

R. B. Blankenship, director of the regional office, will receive the award. It was won in competition with 66 other regional offices of the federal agency.

Criteria used in making the selection included a variety of services to small business, such as individual production, delinquency percentage, bank relationship, development of management program implementation.

The Louisville region includes all of Kentucky.

The Louisville SBA office previously received a similar award for the Middle Atlantic Area, which includes several states and Washington, D.C.

SUMMER REVIEW OF THE 1969 BUDGET

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. MAHON. Mr. Speaker, elaborating on my remarks made under the 1-minute rule earlier today, and pursuant to permission granted, I am including the full text, with supporting tables, of today's release by the Director of the Budget, containing a review and revised outlook with respect to the fiscal 1969 budget.

Especially since far more than half of the appropriation total is involved in the five regular appropriation bills still pending final congressional approval, the totals in the outlook, at least on the appropriation and expenditure side, are necessarily tentative and subject to later adjustment.

And, Mr. Speaker, the totals would be significantly affected—by over $1 billion—if, as the executive branch has suggested, the $6 billion expenditure reduction law is amended to exempt expenditures fixed by basic law for farm price supports and public assistance. According to the present estimate, expenditures for those purposes exceed the original January budget projections by over $1 billion. That introduces a significant new dimension in the actions that would be necessary to come up with a net reduction of $6 billion in outlays as the law now requires. It would mean approximately $7 billion in spending reductions, rather than the $6 billion which was the basis for the action by Congress in voting the reductions in the Revenue-Expenditure Control Act.

Expenditure for farm price supports and public assistance stand on the same footing as several other categories of expenditures that were originally exempted from the overall expenditure ceiling, such as social security trust funds, interest, and veterans benefits. That is, they are relatively uncontrollable through the regular appropriations process because they are fixed by provisions of basic legislation which, as a very practical matter, cannot be abrogated or effectively controlled through the annual appropriation bills. And they are so classified in the annual budget.

According to the budget figures—in table 7—Congress, with the original January estimates before it, took actions which reduced Agriculture Department outlays by $243 million. Unless fixed farm support expenditures are exempted from the ceiling, the target figure in the review calls for a further cut of $467 million. That would severely cripple a number of well-established programs important to agriculture and the economy generally, including the consumer.

With respect to fixed public assistance expenditures, which includes medicaid, the amounts now foreseen in excess of the original January estimates approximate $375 million, which would have to be offset in other areas unless they too are exempted from the overall ceiling.

Otherwise, Mr. Speaker, here are some highlights of the revised tentative outlook issued today:

First. Budget receipts are now estimated to be $1.3 billion higher than foreseen in January.

Second. Outlays—expenditures and net lending—are down by the net amount of nearly $1.7 billion from the January estimate of $186.1 billion. There are some overruns in both exempted areas and areas not exempted from the $6 billion reduction law.

Third. The deficit is projected to drop from the original $8 billion January budget figure to $5 billion, a decided improvement over the $25.4 billion deficit in the year ended last June 30.

Fourth. The present assumption is that congressional actions in the appropriation bills, and in other bills affecting 1969 outlays, will contribute some $3.3 billion to the $6 billion cut mandated in the Revenue-Expenditure Control Act.

Fifth. To achieve the $6 billion, and to offset the overruns on farm price supports and public assistance programs, some $3.5 billion additional would have to be cut by the executive branch. If fixed farm price support and public assistance expenditures are exempted—as it seems to me they will have to be—, then the additional reductions—all other figures being firm—would be in the area of $2.5 billion rather than $3.5 billion.

Sixth. With respect to the new budget—obligational—authority as to which the expenditure control law requires a reduction of not less than $10 billion, the review projects final appropriation act reductions of $11.8 billion. But this is offset by increases in certain other acts and by overruns in some of the so-called permanent appropriations areas—mainly trust funds and interest. And the projection in table 2 of the review includes certain other requirements to be requested at a later date. The release states that when congressional action is completed on all the bills, "further reductions to comply with the provisions of the Revenue and Expenditure Control Act of 1968 will be determined by the President."

Mr. Speaker, the full text of the release and review follows:

SUMMER REVIEW OF THE 1969 BUDGET

Charles J. Zwick, Director of the Bureau of the Budget, today announced the results of a Summer Review of the Fiscal Year 1969 Budget. Noting that congressional action is not yet completed on 5 of the 14 appropriations, Director Zwick said:

"The currently estimated amounts must be considered tentative. As soon as all the facts are in, we will move quickly to make the necessary adjustments to complete compliance with the Revenue and Expenditure Control Act of 1968. The current estimates represent strong efforts to make the reduction decisions in the light of needs and priorities but no cutback of this magnitude can be accomplished without difficulty."

The Review showed that:

Receipts are now estimated to be $1.3 billion higher than foreseen in January, reaching $179.4 billion;

Outlays will be reduced by nearly $1.7 billion (to $184.4 billion);

Deficit is expected to decline from $8 billion to $5 billion.

Special attention in the Review is focused on the reductions in outlays, which were required by the Revenue and Expenditure Control Act of 1968. Program costs exempted by the law have increased from January estimates by $4.4 billion—with $2.3 billion accounted for by increased support for Vietnam operations. The $6 billion reduction required by the law will have even greater impact than had been anticipated as a result of higher than estimated expenditures in so-called uncontrollable programs. For example, over $1 billion more will be needed to meet the outlays fixed by law for farm price supports and public assistance. Thus, approximately $7 billion in spending reductions will have to be made.

The Bureau of the Budget now estimates that when Congress completes its actions on 1969 spending, it will have cut $3.3 billion from the January budget proposals affected by the cutback law. In addition, to meet the roughly $7 billion of required reductions, administrative actions will be undertaken to cut:

$1 billion in Defense spending not required for support of Vietnam (or other critical defense needs);

$1 billion in loan programs, placing greater reliance on the private money market for these activities;

$200 million in the Federal-aid highway program;

$100 million for the space program (below the amount resulting from congressional action) outside of requirements for the manned lunar landing.

$1.2 billion of reductions among all other civilian agencies. However, key social programs such as manpower, low-income housing, and safe streets are being protected.

Interim measures to achieve the required reductions have been instituted, and detailed agency plans are now being reviewed. When congressional action is completed, these plans will be modified where necessary and put into effect.

The following table sets forth summary budget outlay data:

ESTIMATED 1969 OUTLAYS

[In billions of dollars]

	Total outlays	Exempt from Public Law 90–364	Affected by Public Law 90–364
January budget estimate	186.1	84.1	101.9
Amendments and reestimates	+5.0	+4.1	+.9
Total	191.1	88.2	102.8
Estimate of congressional action on total budget	−3.1	+.2	−3.3
Further reductions required by Public Law 90–364	−3.5		−3.5
Current estimate	184.4	88.5	95.9
Current estimate compared with January estimate	−1.7	+4.4	−6.0

Note: Details in the table may not add to totals due to rounding.

This Review presents current estimates of the Federal budget for fiscal year 1969 (July 1, 1968–June 30, 1969), taking account of developments as of the time the Congress adjourned in early August—to reconvene on September 4. Since congressional action on appropriations was not completed at that time, the estimates in this Review are necessarily tentative and will require later adjustment. Moreover, they are overall estimates by agency, rather than the item-by-item results of a detailed examination such as is made in preparing the annual budget.

In revising the January budget estimates, consideration was given to the latest congressional action, reestimates of workloads, program trends, and the requirements of the Revenue and Expenditure Control Act of 1968.

BUDGET TOTALS

The following are the currently estimated totals of budget receipts and outlays compared with those estimated in the budget last January.

TABLE 1.—BUDGET RECEIPTS AND OUTLAYS

[Fiscal years. In billions of dollars]

Description	1968 actual	1969 January estimate	1969 Current estimate	1969 Change
Expenditure account:				
Receipts	153.5	178.1	179.4	+1.3
Expenditures	173.0	182.8	182.3	−.5
Expenditure deficit (−)	−19.5	−4.7	−2.9	[1] 1.8
Loan account: Net lending	5.9	3.3	2.1	−1.2
Total budget:				
Receipts	153.5	178.1	179.4	+1.3
Outlays (including net lending)	178.9	186.1	184.4	−1.7
Budget deficit (−)	−25.4	−8.0	−5.0	[1] 3.0

[1] Down.

As shown in Table 1, the budget deficit for fiscal year 1969 is currently estimated at $5.0 billion, down $3.0 billion from the January estimate and $20.4 billion below the deficit incurred in the preceding fiscal year. This substantial year-to-year improvement in the Government's deficit position will contribute to a significant reduction in inflationary pressures and, in turn, to an improvement in our balance of international payments and a further relaxation of pressures in our financial markets.

Receipts are currently estimated to be $1.3 billion above the estimate of last January, combining the effects of (1) a later-than-assumed enactment of the income tax surcharge and other tax proposals and (2) reestimates based on actual experience with collections in 1968.

Total budget outlays are estimated $1.7 billion below the January estimate. Programs covered by the Revenue and Expenditure Control Act of 1968 are down $6.0 billion, while those excepted from the Act's limitation on outlays are up by $4.4 billion.

On the basis of incomplete congressional action, budget authority for fiscal year 1969 is currently estimated at $194.5 billion, which is $7.2 billion below the January estimate. To date, completed congressional action on appropriation and other acts affecting budget authority has resulted in a net reduction of $1.6 billion compared with the January budget.

Five regular appropriation bills—comprising over half of total budget authority—still await final action this year. However, all of these bills have been passed by at least one House or action has been taken on related authorization bills. Based on these actions to date, it is estimated that the Congress will reduce the remaining appropriations by a total of around $9.3 billion. When action is completed, further reductions required to comply with the provisions of the Revenue and Expenditure Control Act of 1968 will be determined by the President.

The current estimates include amounts which will need to be requested at a later date. Requests are expected to be required for expansion of various food programs, for military credit sales under the military assistance program, for public assistance grants (including Medicaid), and for the U.S. share of a replenishment of the International Development Association's resources.

TABLE 2.—BUDGET AUTHORITY TOTALS FOR FISCAL YEAR 1969

[In billions of dollars]

Description	January estimate	Current estimate	Change
Requiring current action by Congress:			
Enacted to date:			
Appropriation acts	19.6	17.2	−2.5
Other acts	2.4	3.4	+.9
Awaiting final action: Appropriation acts	117.8	108.5	−9.3
Estimated to be required later:			
Pay increase of July 1, 1968	1.6	1.6	
Other (necessary additions and contingencies)		1.8	+1.8
Available without current action by Congress (permanent authorizations) [1]	73.1	75.8	+2.7
Deductions for interfund and intragovernmental transactions and applicable receipts	−12.9	−13.7	−.9
Total	201.7	194.5	−7.2

[1] Totals consist mainly of trust funds and interest.

Note: Details in the table may not add to totals due to rounding.

SUMMARY OF EFFECT OF REVENUE AND EXPENDITURE CONTROL ACT OF 1968

The Revenue and Expenditure Control Act of 1968, signed by the President on June 28, 1968, provides specific limitations on 1969 budget authority and outlays which are $10 billion and $6 billion, respectively, below the levels estimated in the 1969 budget sent to the Congress by the President on January 29, 1968. Under these provisions, budget authority must be held to $191.7 billion and budget outlays to $180.1 billion in 1969—with certain specific exceptions.

The Act (hereafter referred to as P.L. 90–364) excepted the following programs from the required reductions—thereby permitting the above totals to be exceeded: (1) special support of Vietnam operations, (2) interest, (3) veterans benefits and services, and (4) Social Security Act trust funds. In a subsequent Act, the Congress added to this excepted group the portion of the Tennessee Valley Authority's activity which is financed from power proceeds and borrowing.

Under P.L. 90–364, the Congress has the first opportunity to reduce the budget through its traditional appropriations process. If the Congress fails to accomplish the requisite amount of reduction in authority and outlays, the law requires the President to make up the difference—a task made more difficult by a current estimated increase of over $1 billion in outlays fixed by law for farm price supports and public assistance.

Budget authority.—Table 3 summarizes the effects of P.L. 90–364 on budget authority for fiscal year 1969, as currently estimated. The figure in the table on congressional action is necessarily incomplete, since—as noted earlier—the Congress has not yet enacted five of the regular appropriation bills for fiscal year 1969 (including the appropriations for the Departments of Defense and Health, Education, and Welfare, and for the foreign assistance program). The figures shown in Table 3 therefore represent the best overall estimate which can be made at this time as to the final outcome of congressional consideration of these bills. When the precise outcome is known, it will be possible to make a specific determination as to the extent of further reductions in budget authority necessary to comply with P.L. 90-364 and where they will be made.

Budget authority for the programs excepted from the requirements of P.L. 90-364 is currently estimated to be $0.9 billion higher than the January estimate. The relatively small reduction for Vietnam operations is in the programs of the Agency for International Development.

Of the remainder, which is covered under P.L. 90-364, the total reduction estimated to occur from final congressional action is $10.5 billion. Action on appropriation bills is estimated to reduce authority covered under the Act by about $11.1 billion, but some offsetting increases have taken place in bills which carry budget authority of a type other than appropriations.

The $10.5 billion total includes $2.2 billion representing reductions of proposed authorizations for sales of participation certificates (PCs) on loans of the Department of Housing and Urban Development, the Farmers Home Administration, and the Small Business Administration. (An additional $.5 billion reduction in PC sales authority of the Veterans Administration is reflected in the figure shown in the table for veterans benefits and services.)

TABLE 3.—BUDGET AUTHORITY FOR FISCAL YEAR 1969—SUMMARY OF EFFECT OF PUBLIC LAW 90-364

[In billions of dollars]

Description	January estimate	Current estimate	Change
Programs excepted from Public Law 90-364 limitation:			
Special support of Vietnam operations	25.4	25.3	−0.1
Interest	14.4	15.3	+.9
Veterans benefits and services	7.8	7.6	−.2
Social Security Act trust funds	41.8	42.0	+.3
Old-age and survivors insurance	(27.2)	(27.4)	(+.2)
Disability insurance	(3.7)	(3.7)	(−)
Health insurance	(6.8)	(7.2)	(+.4)
Unemployment insurance	(4.1)	(3.7)	(−.3)
TVA (portion financed from power proceeds and borrowing)			
Subtotal, excepted programs	89.4	90.3	+.9
Remainder—covered by Public Law 90-364 limitation	112.3	104.2	−8.1
Estimated reduction from congressional action			(−10.5)
Other changes			(+2.4)
Total	201.7	194.5	−7.2

Note: Details in the table may not add to totals due to rounding.

Apart from congressional action, increases of $2.4 billion over the budget estimate are now anticipated. Over half of this amount is in the form of permanent contract authority for the Commodity Credit Corporation, reflecting greater than anticipated price support operations. Other major increases are for highway trust fund programs; for public assistance, including Medicaid; for increased loan authority provided by recent legislation for the Federal intermediate credit banks; and for expansion of various food programs.

Outlays.—Procedures put into effect at the time of passage of P.L. 90-364 call for the establishment of outlay reduction targets for all agencies, to comply with the aggregate limitations in the law. Each agency is responsible for preparing a detailed plan to meet its target, subject to approval by the President.

Targets have now been given to the agencies, representing the best current judgment as to the magnitudes of the reductions which will be required. While they are the basis for present planning, they are, of course, subject to adjustment for differences from the current assumptions on final congressional action and for other unforeseeable developments. The outlay amounts for each agency are shown in Table 7. The following table presents an overall summary of the effect of P.L. 90-364 on budget outlays.

TABLE 4.—BUDGET OUTLAYS IN FISCAL YEAR 1969—SUMMARY OF EFFECT OF PUBLIC LAW 90-364

[In billions of dollars]

Description	January estimate	Current estimate	Change
Programs excepted from Public Law 90-364 limitation:			
Special support of Vietnam operations	26.3	28.6	+2.3
Interest	14.4	15.3	+.9
Veterans benefits and services	7.3	7.7	+.4
Social Security Act trust funds	36.0	36.7	+.7
Old-age and survivors insurance	(24.6)	(24.7)	(+.1)
Disability insurance	(2.6)	(2.7)	(+.1)
Health insurance	(5.8)	(6.3)	(+.5)
Unemployment insurance	(3.1)	(3.1)	(+.1)
TVA (portion financed from power proceeds and borrowing)	.1	.1	(1)
Subtotal, excepted programs	84.1	+ 88.5	+4.4
Remainder—covered by Public Law 90-364 limitation	101.9	95.9	−6.0
Total	186.1	184.4	−1.7
Increase due to reestimates			(+5.0)
Reduction estimated from congressional action			(−3.1)
Presidential Public Law 90-364 reductions			(−3.5)

Note: Details in the table may not add to totals due to rounding

[1] Less than $50,000,000 increase.

For the budget as a whole, a reduction of $1.7 billion is estimated for total outlays. This change includes upward reestimates of $5.0 billion, mostly in programs excepted from the spending limitation. The best judgment at this time is that congressional action will result in a reduction of $3.1 billion, including $2.1 billion for the Department of Defense and military assistance. To attain the reduction required under P.L. 90-364, it will be necessary for the President to make further cutbacks totaling $3.5 billion. An allowance of $300 million is included in the current estimates to provide for possible future increases not now foreseen.

As Table 4 shows, estimated outlays for the group of programs excepted from the terms of the Act are up by $4.4 billion from the estimate made last January. The largest single increase is $2.3 billion for special Vietnam support, with Defense outlays up slightly less than the amount announced on March 31, and AID outlays in Vietnam also down somewhat. Interest outlays are now estimated above the amount included in the January budget, because of higher interest rates and because the debt at the start of the fiscal year was at a higher level than originally assumed. Veterans benefits will be higher than estimated last January, mainly because Congress enacted more costly compensation and pension rate increases than had been proposed and did not enact certain reforms in veterans programs recommended by the President. Outlays of the Social Security Act trust funds are also revised upward, mostly for Medicare.

For the remainder of the budget—the portion which is covered by the required reduction under P.L. 90-364—total outlays are currently estimated to be $6.0 billion below the January budget estimate. The overall $6.0 billion reduction in covered programs will be made approximately half in the Department of Defense and half in the civilian agencies of the Government. In determining the targets needed to accomplish a total reduction of $3 billion for civilian agencies, the policy followed was the one noted in the President's statement when he signed P.L. 90-364: "In carrying out these Congressional mandates, I will do my best to fulfill our most urgent priorities and to continue the essential operations of Government." To the extent possible, key social programs were shielded from further reduction below congressional enactment—including, for example, manpower training, low-income housing, anti-poverty activities, education of the disadvantaged, and safe streets and crime control.

To arrive at the $3 billion cut in outlays of civilian agencies, allowance had to be made for two significant upward reestimates in uncontrollable programs. The current estimates for Commodity Credit Corporation price support activities and for public assistance are more than $1 billion higher than the January budget estimates. The target figures for the Departments of Agriculture and Health, Education, and Welfare call for them to absorb these increases—in effect, holding these two agencies to their January estimates for programs covered by the P.L. 90-364 limitation. Accordingly, the $3 billion reduction will have to be made in the other civilian agencies' covered programs.

Of this amount, over $1 billion is planned in loan programs, such as those of the Farm Credit Administration, the Export-Import Bank, and the Small Business Administration. Increasing reliance will be placed on the private market for these activities, made possible in part by fiscal policy actions reducing pressures on the money market.

Construction activities will have to be guided by an even more restrictive policy than recommended last January. For example, the targets for water resource projects represent the levels passed by the House of Representatives, rather than the larger amounts enacted by the Congress as a whole. A reduction of $200 million is planned for the Federal-aid highway program.

NASA outlays—outside of those for the manned lunar landing—will be held to a level $100 million below that resulting from congressional action.

As a general rule, both construction and developmental activities can bear short-term deferral of benefits without substantial loss of long-term gains to a much greater extent than can on-going operating programs.

No cutback of the magnitude required by P.L. 90-364 can be accomplished without difficulty. The current estimates represent strong efforts to make the decisions in the light of needs and priorities and in the Nation's best interests.

BUDGET RECEIPTS

The current estimate of budget receipts in fiscal year 1969 is $179.4 billion, up $1.3 billion from the January estimate.

Basis of the current estimates.—The fiscal year 1969 budget assumed that a 10% tax surcharge on individual and corporation incomes would be enacted promptly and would become effective as of April 1, 1968 and January 1, 1968, respectively. The surcharge was not enacted until late June, however, and tax withholding and corporation payments under it did not begin until July. Partly because of the later effective date of this fiscal restraint, economic activity during the first half of calendar 1968 was greater than was projected in the January budget and the level of activity for the entire year is expected to be somewhat higher than assumed in January.

ECONOMIC ASSUMPTIONS, CALENDAR YEAR 1968

[In billions of dollars]

	January projection	Current projection [1]
Gross national product	846	854
Personal income	675	683
Corporate profits before taxes	87	89

[1] Recent upward revisions by the Commerce Department in the estimates of national income and gross national product account for part of the increases in the current projections over the January projections.

Change in budget receipts.—The increase of $1.3 billion in total receipts over the estimates made last January reflects mainly the impact on collections of the delay in the enactment of the tax proposals included in the January budget (with retroactive collection of receipts that would have been realized in the previous fiscal year), offset in part by downward revisions in the estimated yield of the existing tax system.

TABLE 5.—EFFECT OF TAX LEGISLATION ON BUDGET RECEIPTS

[Fiscal years. In billions of dollars]

	1968		1969	
	January estimate	Actual	January estimate	Current estimate
Income taxes:				
Surcharge:				
Individual income taxes	0.9		6.9	7.8
Corporation income taxes	1.0		2.9	3.7
Acceleration of corporation income tax payments	.8		.4	1.0
Subtotal, income taxes	2.7		10.2	12.5
Excise taxes:				
Automobiles	.2	0.1	1.5	1.6
Telephone service	.1	.1	1.2	1.2
Subtotal, excise taxes	.3	.2	2.7	2.8
Total effect of tax legislation	3.0	.2	12.9	15.3

Note: Details in the table may not add to totals due to rounding.

The budget last January proposed—

A surcharge of 10% on income tax liabilities effective April 1, 1968 for individuals and January 1, 1968 for corporations, terminating on June 30, 1969.

An acceleration of corporation tax payments.

Extension of excise tax rates on automobiles and telephone services at 7% and 10%, respectively, through June 30, 1969.

Transportation and other user charges.

Enactment of these proposals was estimated to result in added revenues of $3.0 billion in fiscal year 1968. However, the proposed surcharge and corporate tax acceleration were not enacted in time for any collections to occur before June 30, 1968. The surcharge as enacted carries the same effective dates as proposed, on a retroactive basis, so most of the $1.9 billion that would have been received as a result of the surcharge in fiscal year 1968 will instead be collected in fiscal year 1969.

The acceleration of corporate tax payments, as enacted, will also shift into fiscal year 1969 most of the collections originally estimated to occur in 1968. A slower schedule was enacted than had been proposed for eliminating the present exemption on the first $100,000 of corporate tax liability from the requirement of payment on a current quarterly basis. The budget proposal called for this to be accomplished over a 5-year period; the enacted legislation allows 10 years, reducing the exemption from $100,000 to $5,500 in the first five years and providing for complete elimination over the next five years. Legislation also increased from 70% to 80% the percentage of estimated tax to final liability which must be paid currently, as recommended in the budget. Collections in fiscal year 1969 will be about $0.2 billion lower than they would have been under the proposed legislation.

The excise taxes on automobiles and telephone services were extended at 7% and 10%, respectively, through December 31, 1969, but the delay in enactment increased by $0.1 billion the amount to be collected in fiscal year 1969.

The transportation user charge proposals are still pending in the Congress. Delay in enactment of this legislation has reduced estimated receipts in fiscal year 1969 by $0.1 billion.

In addition to these changes attributable to legislation, there were changes from the January figures as a result of revisions in the basic revenue estimates. The current estimates are associated with revisions in the underlying economic data and assumptions and in the yield of the tax system based on the latest actual experience. These estimates are shown in the following table.

TABLE 6.—CHANGES IN BUDGET RECEIPTS, BY SOURCE

[Fiscal years. In billions of dollars]

Source	1968 actual	1969			Of which	
		January estimate	Current estimate	Total change	Effect of tax legislation	Other
Individual income taxes	68.7	80.9	81.8	+0.9	+0.9	
Corporation income taxes	28.7	34.3	34.8	+.5	+1.4	−0.9
Employment taxes	29.2	34.2	34.4	+.2		+.2
Unemployment insurance	3.3	3.6	3.2	−.3		−.3
Premiums for other insurance and retirement	2.0	2.3	2.3			
Excise taxes	14.1	14.7	14.7	(1)	+.1	−.1
Estate and gift taxes	3.0	3.4	3.3	−.1		−.1
Customs	2.0	2.1	2.1			
Miscellaneous receipts	2.4	2.7	2.7			
Total	153.5	178.1	179.4	+1.3	+2.4	−1.2

[1] Less than $50,000,000 increase.

Note: Details in the table may not add to totals due to rounding.

BUDGET OUTLAYS

In total, including both programs covered and excepted under P.L. 90–364, budget outlays are currently estimated at $184.4 billion, down $1.7 billion from the January estimate of $186.1 billion. Congressional action when finally completed is estimated to result in net reductions totaling $3.1 billion. Largely as a result of upward revisions in estimated outlays for programs excepted from the provisions of P.L. 90–364 and for uncontrollable covered programs, total reestimates—upward and downward—indicate a net increase over the original budget estimate of $5.0 billion. The current agency target reductions under P.L. 90–364 total $3.5 billion to reach the required $6 billion cutback.

Table 7 shows the estimates and changes for each agency in total. Major *decreases* from the January estimates, based on assumptions concerning incomplete congressional action, are:

[In millions of dollars]

Department of Defense (military) and assistance: Estimated congressional appropriation reductions in military personnel, operation and maintenance, and procurement will be more than offset by the upward reestimate of outlays for Vietnam. An additional reduction is planned, under the Public Law 90–364 requirements, in non-Vietnam outlays—including steps already taken to inactive 50 Navy ships and 8 naval air squadrons, to close 23 Army Nike-Hercules air defense sites and 7 Army headquarters installations, and the decision not to complete activation of the 6th Infantry Division	−542
Corps of Engineers: Congressional reductions and the target Public Law 90–364 reduction will hold the Corps' water resource projects to the level of outlays indicated by the action on appropriations by the House of Representatives	−100
Housing and Urban Development: Almost all of the reduction reflects reestimates, including (1) an increase for FNMA mortgage purchases and financing of FHA sales, reflecting mortgage market conditions, more than offset by decreases for (2) an earlier than originally expected completion of the transfer of FNMA's secondary market operations to private ownership, (3) the transfer of the urban mass transit program to the Department of Transportation, and (4) slower than estimated outlays in other grant and loan programs	−414
Interior: The decrease represents mainly (1) reductions by the Congress for the Bureau of Reclamation, the land and water conservation fund, Indian programs, and other activities and (2) a higher estimate of receipts from mineral leases on the Outer Continental Shelf, which are offset against the Department's disbursements	−415
Post Office: The reduction reflects a decrease by Congress, a reestimate of transportation costs, and further administrative reductions made possible through additional improvements in operating efficiency	−100
Transportation: Congressional reductions are largely for the supersonic air transport and for the highway beauty and safety programs. An upward reestimate is included for the transfer of the urban mass transit program from HUD. The major Public Law 90–364 reduction is for highway construction	−300

Foreign economic assistance: The decrease mainly represents anticipated congressional action and a slower rate of outlays in Vietnam because of slower progress in AID programs caused by the Tet offensive .... −201

Office of Economic Opportunity: Most of the decrease is based on anticipated congressional action. The balance of the reduction is the result of a reestimate .... −85

Atomic Energy Commission: Most of this reduction results from completed congressional appropriations action .... −100

National Aeronautics and Space Administration: About 70% of the estimated reduction reflects anticipated congressional action. The remainder represents a planned further reduction under Public Law 90-364 to be accomplished in areas other than the manned lunar landing effort .... −350

Export-Import Bank: An upward reestimate of the rate of disbursements under existing loans will be more than offset by an estimated reduction in net outlays based on plans to sell more loans abroad and at home. Sales abroad will contribute to lowering the balance of payments deficit as well as reducing budget outlays .... −300

Farm Credit Administration: This reduction is estimated to result from (1) holding loans by the Federal intermediate credit banks which are outstanding at the end of fiscal year 1969 to the levels forecast in the budget for the end of the fiscal year 1968 and (2) holding the increase in loans by the banks for cooperatives in 1969 to about one-half the level forecast in the budget .... −650

Major *increases* over the January estimates are:

Health, Education, and Welfare: The estimated increase is for the Social Security Act trust funds, mainly health insurance, which are excepted from Public Law 90-364. HEW's Public Law 90-364 reduction target will require curtailment of other programs because of upward reestimates for public assistance, including the increases resulting from a postponement for 1 year of the freeze on aid to families with dependent children—also provided in Public Law 90-364 .... +651

Treasury: An upward reestimate of interest costs, because of higher interest rates and a higher than assumed debt at the start of the year, more than offsets scattered reductions .... +875

Veterans' Administration: The increase reflects congressional enactment of more liberal compensation and pension rates than proposed in the budget, coupled with nonenactment of certain reforms in benefit programs which were recommended in the budget .... +405

As Table 7 shows, no change from the January estimate is currently being made for the *Department of Agriculture*. Congressional reductions in that Department's appropriations, largely for P.L. 480 activities, are more than offset by a substantial upward reestimate of Commodity Credit Corporation outlays due to larger than anticipated crop yields and lower exports. The Department's target reduction under P.L. 90-364 assumes that cutbacks in other programs will be made to hold total outlays to the estimate in the January budget.

TABLE 7.—CHANGES IN BUDGET OUTLAYS, BY AGENCY

[Fiscal years. In millions of dollars]

Agency	1968 actual	1969			Of which		
		January estimate	Current estimate	Total change	Reestimates	Estimated congressional action	Further Public Law 90-364 reductions
Agriculture	7,326	7,167	7,167	....	+710	−243	−467
Commerce	800	853	885	+32	+62	−25	−5
Health, Education, and Welfare	41,048	45,769	46,420	+651	+972	+59	−380
Housing and Urban Development	4,088	3,216	2,802	−414	−398	−13	−3
Interior	259	923	508	−415	−291	−114	−10
Justice	430	555	533	−22	+8	−26	−4
Labor	3,268	3,800	3,864	+64	+98	−31	−3
Post Office	1,084	767	667	−100	−24	−31	−45
State	420	439	428	−11	+1	−12	....
Transportation	5,731	6,282	5,982	−300	+150	−220	−230
Treasury	14,719	15,425	16,300	+875	+890	−9	−6
Corps of Engineers	1,284	1,287	1,187	−100	+14	−65	−49
Foreign economic assistance	1,835	2,224	2,023	−201	−51	−150	....
Office of Economic Opportunity	1,888	2,000	1,915	−85	−35	−50	....
Atomic Energy Commission	2,464	2,546	2,446	−100	+24	−95	−29
General Services Administration	417	493	503	+10	+32	−10	−12
National Aeronautics and Space Administration	4,722	4,573	4,223	−350	....	−250	−100
Veterans' Administration	6,878	7,382	7,787	+405	+91	+314	....
Export-Import Bank	790	566	266	−300	+50	....	−350
Farm Credit Administration	519	701	51	−650	....	....	−650
All other civilian agencies	5,670	5,082	5,101	+19	+281	−60	−202
Subtotal, civilian agencies	105,640	112,050	111,058	−992	+2,584	−1,031	−2,545
Department of Defense, military, and military assistance	77,847	77,112	76,570	−542	+2,505	−2,058	−989
Allowances for:							
Pay increase of July 1, 1968	....	1,600	1,600	....	....	....	....
Contingencies	....	350	300	−50	−50	....	....
Undistributed intragovernmental payments [1]	−4,596	−5,048	−5,120	−72	−72	....	....
Total	178,892	186,062	184,408	−1,654	+4,967	−3,089	−3,534

[1] Represents Government contributions for employee retirement and interest received by trust funds.

Note: Details in the table may not add to totals due to rounding.

RURAL SUBSIDY AND THE COMMODITY CREDIT CORPORATION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 9, 1968

Mr. MADDEN. Mr. Speaker, few Members of Congress realize the terrific financial drain the Agricultural Act of 1965 has inflicted on the American taxpayers and also its relations with the Commodity Credit Corporation.

I was aware that the Commodity Credit Corporation is the financial institution within the Department of Agriculture that is used to finance these programs but little did I realize the extent to which the Commodity Credit Corporation has failed to restore its realized losses.

The Commodity Credit Corporation has a borrowing authority from the Federal Treasury of $14,500,000,000. This money is used to make payments to farmers, to make loans on commodities, and so forth. And, as I recall the original legislation, it laid down the policy that the realized losses in this operation should be restored on an annual basis. I would like to submit for the record the latest report of the Commodity Credit Corporation, which was that the unrestored realized losses of this agency amounted to $9,332,957,770. The interesting thing about this figure is that more than $8 billion of these unrestored losses have come about in fiscal years 1966, 1967, and 1968. This has been the period when the Agricultural Act of 1965 has been in operation.

In 4 years' time, from June 30, 1963 to June 30, 1967, Commodity Credit Corporation losses for programs for wheat, feed grain, and cotton were over $9 billion. The losses from 1933, when the Commodity Credit Corporation was founded, through June 30, 1963 were $10.6 billion. In other words, farm program costs over the past 4 years nearly equaled that which was spent during the first 30 years of the operation of the Commodity Credit Corporation.

I call to the attention of the House a more recent development in connection with the operation of the "fat cat" program under the act of 1965. The Director of the Budget has informed the President the outlays for farm price support and adjustment programs authorized by the Food and Agriculture Act of 1965 are exceeding earlier estimates for $700 million.

We will be faced soon with the decision as to what we do about the extension of this most costly program. It seems to me that the evidence is overwhelming that we should vote against any extension of this costly rural subsidy program.

Even if our farmers were faring well under the current program, the outlay of funds direct from the Federal Treasury should give us a great concern. But farmers are in trouble and, as I have stated before, the act of 1965, which we are being asked to extend, has been a failure. The latest parity figure shows the ratio to be only 73 percent. This is the lowest level since 1933, the year that the Commodity Credit Corporation was founded.

I do not know how much more evidence the Members of Congress need to convince them that this "rural relief bill" which is 75 percent for the wealthy corporation farmer has been a failure.

Six weeks ago the House gave a 1-year extension—through 1970—for this 1965 act but placed a $20,000 annual ceiling to any one farm operation. I voted and supported this 1-year extension with the $20,000 limitation.

If 500,000 boys can sacrifice income and school years in Vietnam, the large corporation farm operations can sacrifice $2½ billion in Government subsidies during these years of war crisis. The Agricultural Act has 16 more months to operate. The 91st Congress next January can legislate a new bill which might be a success.

Mr. Speaker, I submit a financial analysis of this "agricultural bonanza" as it pertains to the Commodity Credit Corporation:

EXHIBIT C

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE—COMMODITY CREDIT CORPORATION
ANALYSIS OF DEFICIT AND NET RESTORATION OF CAPITAL BY U.S. TREASURY

A. Deficit as Mar. 31, 1968

Item	Cumulative to June 30, 1967	Fiscal year 1968	Cumulative to Mar. 31, 1968
Total realized gain or loss* exclusive of cost of wartime consumer subsidy program	*$31,785,848,133	*$2,877,131,129	*$34,662,979,262
Cost of wartime consumer subsidy program	*2,102,281,073		*2,102,281,073
Subtotal	*33,888,129,206	*2,877,131,129	*36,765,260,335
Allowance for losses, program	*602,212,000	[1] 323,529,000	*278,683,000
Net operating gain or loss*	*34,490,341,206	*2,553,602,129	*37,043,943,335
Net restoration of capital from U.S. Treasury	25,434,420,334	[2] 1,399,725,000	26,834,145,334
Adjustments for recovery of price-support losses, charges to the reserve for post-war price support	500,000,000		500,000,000
Recovery from Secretary of Treasury, Public Laws 389 and 393, 80th Cong	56,239,432		56,239,432
Recovery of emergency feed program losses, Public Law 40, 84th Cong	41,915,799		41,915,799
Net deficit	*8,457,765,641	*1,153,877,129	[3] *9,611,642,770

[1] Represents adjustment of allowances for losses.

[2] Net after transfer of $275,000 to Agricultural Research Service pursuant to Public Law 90-113, approved Oct. 24, 1967.

[3] Comprised of the following:

Unrestored realized losses:	
Fiscal year 1961	$1,057,047,170
Fiscal year 1966	1,585,131,389
Fiscal year 1967	3,813,650,082
Fiscal year 1968 through Mar. 31, 1968	2,877,131,129
Total as of Mar. 31, 1968	9,332,959,770
Allowances for losses as of Mar. 31, 1968	278,683,000
Net deficit as of Mar. 31, 1968	9,611,642,770

Note: Asterisks indicate loss of deficit.

HON. JAMES RUSSELL TUTEN

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 5, 1968

Mr. HAGAN. Mr. Speaker, I was deeply saddened when I learned of the passing of my very good friend and former colleague, James Russell Tuten, on August 16 at Fairfax Hospital in Virginia. Although I knew he was suffering from an incurable disease, his death came as a shock to me.

Russell Tuten was a gentleman in the finest and fullest sense of the word. He had a concern for his community, his State, and his Nation. He was a man of compassion devoted to the needs of his fellow man. He became involved in the problems of the underprivileged and gave much of his time and effort to serving their needs. Even though he suffered the weakening effects of this disease he continued to work for better things and showed great courage in his devotion to duty as cochairman of the Coastal Plains Regional Commission.

As Representative of the Eighth District of Georgia, Russell Tuten was held in high regard by those who knew him and worked with him. He had respect for the dignity of man and was himself greatly respected. To be his friend was a privilege. We who knew him are richer for the association.

Mrs. Hagan joins me in extending our heartfelt sympathy and our prayers to his devoted wife and family.

THE "PUEBLO"—HOW LONG MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. SCHERLE. Mr. Speaker, this is the 231st day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HEARING DIFFICULTIES

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. BRASCO. Mr. Speaker, hearing difficulties afflict a substantial portion of our population. In the Greater New York area, there are approximately 1 million persons who are hard of hearing to some degree. Projected on a national scale, this means that about 20 million people in this country—children as well as adults—have a hearing problem.

A loss of hearing can have a number of serious side effects. The individual who is hard of hearing may sustain personality damage; his mental attitude and poise can be adversely affected. He may discover also that his ability to perform in a job will be diminished, and that family relationships can suffer greatly.

Mindful of the magnitude of the problem, the New York Hearing Aid Dealers Guild, comprised of dealers in the five boroughs of New York City and in Nassau, Suffolk, and Westchester Counties, has embarked on an educational program as a public service to warn people of the onset of hearing difficulties and to stress the need for corrective measures.

The need to provide the public with a series of "danger signals" takes on special significance when we consider that many people have a loss of hearing, yet do not recognize it. Consequently, they can put their lives—and the lives of others—in severe jeopardy.

The guild recommends that adults be on the alert for the following "signals" in themselves, and also look for the symptoms in children.

Turning one ear to a speaker, head noises and earaches; a dull, listless expression, voice or speech peculiarities; failure to respond when called or questioned, and a general voidance of social contact.

Distorted sounds, a failure to understand words or phrases though sounds are heard and an inability to follow conversation in a group discussion also are warning signs.

The New York Hearing Aid Dealers Guild, whose president is Dominick Porcelli, emphasizes that the first step for an individual who suspects that he has a hearing loss, or who is clearly hard of hearing, should be to visit his ear specialist.

If an examination shows that medical treatment or surgery will be unnecessary in the case in question, the physician usually will recommend that the individual visit a hearing aid dealer and obtain a hearing aid to make more effective use of residual hearing.

In determining hearing aid needs, guild members use electronic testing devices that determine a person's hearing level for various sounds. These test results provide the information as to what power and tone requirements are necessary to give the individual the best possible compensation with a hearing aid.

Meticulous care is given in the fitting of a hearing aid, and power and tone requirements are carefully adjusted to the individual's precise hearing needs and tolerance over a period of time. This great diligence on the part of the guild member is because the individual must, in a sense, learn to hear all over again.

It is important to point out that the hearing aid industry has made great strides in recent years in the types of aids that are available. Today, hearing aids are remarkably unobtrusive, and have helped to eliminate the self-consciousness which often deterred people from using such a device.

We all recognize that young people with hearing difficulties tend to do poorly in their studies, and that adults with a hearing loss can incur personality problems and be ineffectual in their job.

In light of this, the New York Hearing Aid Dealers Guild is to be commended for calling attention to an important health problem, and for educating the public to the need for corrective measures.

Indeed, guild members are performing a yeoman job in emphasizing that through the wonders of modern science, hearing aids are able to compensate for hearing deficiencies.

NIXON'S KICKOFF

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. MICHEL. Mr. Speaker, the Republican presidential campaign got off to a roaring start last week with the tumultuous reception accorded Mr. Nixon on his arrival in Chicago. In spite of some misguided comment that Chicago was selected as a kickoff point because of the debacle at the Democratic Convention, the facts are that the decision to open in Chicago was made some time ago.

Since then Mr. Nixon has received a tremendous reception in San Francisco and in Houston and this, together with the crowds which have come out to see and hear Governor Agnew, certainly augurs well for our ticket this fall.

An editorial from the Washington Evening Star of September 5, 1968, makes some interesting observations on these events and I include the editorial in the RECORD at this point:

NIXON'S KICKOFF

There has been some suggestion, which has been denied, that Richard Nixon's visit to Chicago was timed to take advantage of adverse public reaction to the unholy spectacle staged there last week by the Democrats, the demonstrators and the police.

It seems reasonable to believe, however, that the visit was not arranged on the spur of the moment but rather, as Nixon said, that it had been in the planning works for some time as part of an all-out effort to bring Illinois back into the Republican column this year. Whatever the case as to this, it really doesn't matter very much. The incontestable fact is that the roaring reception for the GOP candidate, in one of the few remaining big-city Democratic bastions, gives a big psychological lift to the Nixon campaign and certainly bolsters the party's hopes of carrying the state.

Nixon was well advised, we think, to refrain from trying to capitalize on the embarrassment of the Democrats last week. Pointing out that several investigations of the rioting are under way, the Republican candidate said: "Political figures should not make partisan comments from the sidelines. I'm not going to get into it."

One is entitled to suspect that there will be some partisan comments from the GOP contender before this campaign is over. But they may be muted, especially if there is in fact a "new Nixon." And indeed there may be. It sounded like it when Nixon told reporters: "I am quite a bit older and a little wiser this time."

WORLD BANK LOAN TO ECUADOR DESPITE SEIZURE OF U.S. VESSELS BY THAT COUNTRY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. GARMATZ. Mr. Speaker, under permission to extend my remarks in the Extensions of Remarks, I include a recent statement I made on the approval by the World Bank of a loan to Ecuador, while that country is illegally seizing our fishing vessels:

Congressman Edward A. Garmatz (D., Md.) today charged that United States officials have permitted the World Bank to approve a $5 million loan to Ecuador to modernize its fishing fleet at the same time that nation is illegally seizing United States fishing vessels.

Garmatz, who is Chairman of the House Committee on Merchant Marine and Fisheries, noted that on August 7, 1968, the Ecuadorian Government seized 4 U.S. tuna vessels and forced them to pay $202,000 in fines before releasing them.

Ecuador claims exclusive fishing and territorial rights 200 miles from its shores. Most other nations—including the United States—do not recognize such claims. The United States claims a 12 mile exclusive fishing zone and a 3 mile territorial sea. The American tuna vessels were fishing about 25 miles off the Ecuadorian coast when seized.

"In addition to committing these belligerent acts of piracy," Garmatz said, "Ecuador has rubbed salt into the wounds by having the audacity to seize our U.S. tuna boats with a former United States naval vessel that is on loan to Ecuador.

"It might not be possible to stop the loan advanced by the World Bank, but Congress can and should recall our U.S. naval vessels unless these seizures are ended."

Under an arrangement called a "service to service lease," the United States Navy loans its older vessels to friendly foreign powers when it is considered in this country's national interest to do so. Ecuador is currently using 7 American vessels under this plan. Garmatz said one of these—a 306-foot, high-speed amphibious transport, formerly the U.S.S. *Enwright*—was one of the vessels Ecuador used to seize the U.S. tuna ships. Under the service to service agreement, either nation involved can terminate the loan 30 days after giving notice of such intentions.

"When U.S. vessels are used by foreign powers to illegally seize U.S. private fishing vessels," the Maryland Democrat said, "such acts can hardly be interpreted as being in our country's national interest. These acts of piracy cannot be tolerated, and if the Defense and State Departments are unwilling to take appropriate action, then I intend to see Congress force this issue into the open and demand retaliation."

The Committee Chairman said he intends to ask the Secretaries of Defense and State to adopt a "get tough" policy in regards to seizures and ship loans.

Garmatz revealed that—since 1954—approximately 80 U.S. fishing vessels have been seized and innumerable others harassed while fishing on the high seas. Seizure incidents have increased in the last three years, and thousands of dollars in fines levied against the U.S. vessels. Garmatz said the offending nations and the fines they have collected are: Ecuador, $322,996; Mexico, $114,800; Honduras, $44,000; Panama, $22,500; Peru, $22,128; and Colombia, $8,277. These figures—totalling $534,701—were documented during hearings held on seizures by the Garmatz Committee.

The United States Government reimburses the owners of American vessels for any fines they are forced to pay. But Garmatz said that, "although the State Department is charged with the responsibility of recovering such payments from the seizing nations, not one penny has been recovered since 1954.

"This means the American citizen and taxpayer, in addition to bearing the insults of such piratical acts, is actually paying the cost of these illegal fines," the Congressman said. "I feel certain the American public will fully support any retaliatory action taken by Congress."

Because the State Department failed to recover fines paid to foreign nations, the Garmatz Committee held hearings on the problem and reported out legislation to amend the Fishermen's Protective Act. Now a public law, the amendment requires the State Department, in cases where seizing countries fail to reimburse the United States for such fines, to deduct an equal amount from foreign aid extended to the offending nations.

The Chairman also criticized United States officials connected with the World Bank for allowing the loan to Ecuador to be approved in spite of the seizures. The approval was announced September 4, 1968. As a contributor and member, the United States Government pays approximately one-third of the operating cost of the bank and Robert S. McNamara—former United States Secretary of Defense—is the bank president.

"Despite the belligerent actions of Ecuador," Garmatz said, Mr. McNamara and other U.S. members of the World Bank allowed the loan to slip through without any opposition. When U.S. money is involved in this way, they should be more concerned about protecting this country's interest.

"Mr. McNamara is showing the same indifference to the problems of America's fishing industry that he exhibited toward the American merchant marine while he was Secretary of Defense. Since he has failed to protect America's interest in this respect, I intend to see that Congress assumes the responsibility for making these offending nations respect America's fishing rights on the high seas."

DEFENSE BUDGET

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. RAILSBACK. Mr. Speaker, one of the major pieces of unfinished business this post-convention session of the Congress is the appropriations bill for the Department of Defense. Heretofore, the Defense budget has been considered sacrosanct from spending cuts. However, in view of the need to reduce expenditures this year by $6 billion, it becomes apparent that some of these reductions will be made in the Defense budget. I would like to call my colleague's atten-

tion to two articles that appeared recently, suggesting areas where these cuts could be made.

[From the Moline Daily Dispatch, July 2, 1968]

THE UNTOUCHABLE: MILITARY SPENDING

Military expenditures are sacred cows. Too often, voting against them is commonly regarded as the equivalent of voting against national defense—and the flag.

It is virtually impossible for ordinary citizens—and many members of Congress—to make informed judgments as to just what military programs are and are not worth the money spent on them in terms of maintaining the nation's armed strength at a necessary level.

In this area of government, most people have to make a selection of the particular brand of experts on whose opinions they are going to rely. Congressional Quarterly has a deserved reputation for objectivity and accuracy in reporting on events and trends in the national capital, and when this service concludes, as it does in the article on this page today, that the military budget is dripping with "fat," it is (but probably won't be) cause for action by the expenditure-trimmers in Congress.

The need to sharply reduce the expenses of the federal government, as one phase of the effort to slow down inflation and to buttress the international standing of the dollar, is clear and present—and widely agreed to among the various wings of political opinion. The Johnson Administration has agreed to cut its budget by $6 billion, in exchange for congressional approval of the income surtax.

On the basis of this Congressional Quarterly piece, and other sources of information, it appears that a great deal of the budget cut—if not all of it—could be made in military expenditures.

But neither the White House nor Congress is likely to so act. Any expenditure that has a "national defense" tag on it promises to be popularly acceptable; also at work in this sector is the influence of the "military-industrial complex," which, as Congressional Quarterly set forth in a previous article, often causes money to be spent on military projects of dubious value.

The economizers are wielding their hatchets most openly on appropriations for urban rehabilitation, anti-poverty programs, education and other undertakings, directed at calming the crisis of the cities and the racial unrest. They say that while these programs may be desirable, the country can't afford them in a time of war and debilitation of the dollar. Their arguments sound plausible until one contemplates all that "fat" in the military budget.

A specific example of military projects of dubious value is that of the anti-ballistic missile system—a system of defense missiles designed to shoot down intercontinental missiles fired by an enemy.

The Senate recently, by a large margin, approved an initial outlay of money for a so-called "thin" ABM system (aimed at China). The cost estimate on this enterprise is $5.5 billion. But that might be just a beginning. Backers of this plan want to go all the way with an ABM defense against Soviet missiles. That would cost at least $40 billion—probably much, much more than that.

On the surface, it seems like a very good idea to protect the country against Soviet and Chinese missiles, hang the cost. The joker here is that, in the opinion of many persons highly qualified to have an opinion on the subject (including former Defense Secretary Robert McNamara) any anti-missile defense is essentially futile, for the reason that no conceivable defense system could be perfect and that enough enemy missiles could penetrate any system to virtually wipe out the country. One (ONE!) nuclear missile can destroy a city.

In an age of nuclear missiles, the best defense is an overwhelming offensive capability—the most effective deterrent to nuclear war is the "balance of terror."

If this is true, how necessary is an ABM program costing $40 billion (and up and up)?

[From the Congressional Quarterly, June 28, 1968]

DEFENSE BUDGET CUTS OF $10.8 BILLION SEEN FEASIBLE

Defense experts both in and outside the Government have told Congressional Quarterly that huge cuts can be made in the defense budget while retaining or even improving the current level of the nation's defense.

Highly placed sources in the Pentagon and industry told CQ that cuts totaling at least $10.8 billion could be made in areas they classified as "fat." None of the cuts would affect U.S. combat capabilities, they said. Instead, only logistical elements they view as excessive and weapon systems they consider overlapping, unnecessary or of doubtful combat effectiveness would be cut back.

Although numerous officials in the Pentagon favor the massive cuts, the actual decisionmakers remain unconvinced. Defense Secretary Clark M. Clifford told a June 20 press conference that the Administration probably would impose defense spending cuts of $2 to $3 billion as part of the $6 billion reduction ordered by Congress as the price of enactment of President Johnson's coveted tax increase. One Pentagon source who favors the higher cuts told CQ it was surprising that Clifford would accept any reductions at all, in view of "pressures from the military and defense industries to keep the budget intact."

In addition to the logistical support, the major areas cited by sources as "fat" include the new antiballistic missile system (ABM), "unnecessarily sophisticated" equipment in both Air Force and Navy aircraft, an expensive air defense system deployed against what sources see as "weak and outmoded" Soviet bomber forces, the Army's helicopter program and antisubmarine carrier task forces of high cost and, sources said, "dubious" combat effectiveness.

One Pentagon civilian said these areas tied down "fantastic amounts of manpower despite the generally low level of combat effectiveness they afford. Cutting them back in many cases actually would improve the nation's defense. Not only would additional manpower be freed for direct combat needs, but the mobility of U.S. forces would be enhanced by the lack of extraneous equipment and a sluggish logistical tail." By "de-escalating sophistication," he concluded, "we could escalate combat effectiveness."

In view of the Government's financial crisis, another official said, it would "border on the irresponsible if these programs are not cut back. These areas should be cut anyway, but in view of the nation's other pressing needs, the case is overwhelming."

Another Pentagon civilian said other funds might be saved by deferring desirable projects until later fiscal years. The source said there were "a lot of nice things the military would like to have and probably should have under normal circumstances. But with the dollar under attack, we can't just go on with business as usual. For the next year, at the very least, we've got to drive a Volkswagen instead of a Cadillac."

Sources emphasized that the cuts not only would mean dollar savings but also balance-of-payments gains. Cuts affecting overseas forces would be worth direct payments savings of almost $1 billion. As the spending cuts cool the economy, they said, there would be further payments savings due to returns of capital which had flowed abroad to escape the U.S. inflation.

Clifford has not yet spelled out which areas will be cut to make up the planned reductions of $2 to $3 billion. Sources told CQ, however, that the most likely action will be deferral of weapon systems rather than stripping programs they consider "fat." Some of the items Clifford reportedly is considering include the Navy's $1.7 billion shipbuilding program, the Air Force's military space project, formation of a new 6th Army division, and new air defense missiles.

What follows is a compilation of major areas in which substantial cuts are thought feasible without reduction in the country's military strength; it is the result of detailed interviews in each area with numerous defense industry experts, civilian and military officials. The Administration's justification for funding each program also is presented.

Breakdown of proposed cuts

Following is a compilation of cuts that a consensus of CQ's sources feel could be made in the fiscal 1969 defense budget without diminishing U.S. combat capabilities (*for details and Administration justifications, see text*). Figures in parentheses are sub-totals.

Item:	*Suggested cut*
Antiballistic Missile System (ABM)	$1. 1 billion
Bomber Defense System (SAGE)	1 billion
Surface-to-Air Missiles	850 million
Manpower	(4. 2 billion)
Army	2. 2 billion
Navy	900 million
Air Force	675 million
Marine Corps	400 million
Tactical Aircraft Programs	(1. 8 billion)
Army	510 million
Navy	635 million
Air Force	700 million
Antisubmarine Carrier Forces	400 million
Attack Carrier Forces	360 million
Amphibious Forces and Fast Deployment Logistic Ships (FDLs)	500 million
Manned Orbiting Laboratory	600 million
Total	10. 8 billion

SOVIET INVASION OF CZECHOSLOVAKIA CONDEMNED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. NELSEN. Mr. Speaker, on August 24, the Minnesota Republican State Central Committee passed a resolution condemning the Russian invasion of Czechoslovakia. The resolution urges the U.S. Government to do its utmost to cope with this new Soviet aggression, and to continue to recognize the Dubcek regime as the legitimate government.

I wish to commend our Minnesota nationalities chairman, Alexander Melnychenko, Jr., and his vice chairman, Erik Dundurs, for their sound initiative in bringing this resolution before the State committee. I request that the resolution be drawn to public attention through publication in the RECORD at this point in my remarks:

The Republican Party of Minnesota, being deeply shocked by the military invasion of Czechoslovakia, masterminded and executed by the Soviet Union and its cohorts, expresses its most sincere sympathies to the Czechoslovak people in their hour of sorrow and suffering.

It condemns the U.S.S.R. for the blatant violation of basic human rights of the citizens of Czechoslovakia in a malicious disregard of the United Nations charter and the Universal Declaration of Human Rights.

Firmly believing in the implementation of Human Rights on a global basis, the Republican Party of Minnesota strongly urges the United States government to do its utmost, so as to properly and honorably cope with this renewed manifestation of Soviet aggression.

It further urges the continued recognition of the Dubcek regime by the United States as constituting the legitimate government of Czechoslovakia.

TROUBLE IN THE AIR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. DINGELL. Mr. Speaker, the Wall Street Journal of August 14, 1968, carried an editorial stating that "the overcrowding of the Nation's airways has reached alarming proportions." The editorial makes the further point that overcrowding of our airways is only one aspect of the transportation crisis which faces the Nation and it calls for concerted action by the Federal Government and private enterprise to develop not only emergency measures to meet the airways problem but also to construct a truly coordinated transportation system.

I strongly concur in the points made by the Wall Street Journal and so that my colleagues may have an opportunity to read the August 14 editorial, I include it at this point in the CONGRESSIONAL RECORD:

TROUBLE IN THE AIR

In recent weeks the overcrowding of the nation's airways has reached alarming proportions, particularly over large cities such as New York, Chicago, Washington and Los Angeles. The trouble in the air is in a sense only part of the problem of U.S. transportation generally.

Like other forms of transportation, the airways are operated by private enterprise and private firms must bear a share of the blame for the present difficulties. But a large part of the fault rests with the Government, which is deeply involved in every facet of travel.

The involvement, unfortunately, has developed piecemeal, with a minimum of planning and no central coordination. The upshot is something that hardly deserves to be dignified as a transportation "system."

Before the turn of the century the Government stepped in to regulate the railroads, fearing—with some reason—that they were abusing their near-monopoly position. The regulatory grip has loosened little in the ensuing three-quarters of a century, although the monopoly has been drastically undercut by the highways and airways.

As a result the railroads, not always too sprightly anyway, have lacked flexibility to adjust to meet new conditions. One effect has been the continuing disappearance of rail passenger service, which is still the most efficient means of getting people from one place to another.

Even without this development, highway and air travel would of course have grown; the growth has merely been speeded. Yet the Government has mainly floundered around while matters went from bad to worse.

On its face the Transportation Department, set up last year, was supposed to be an effort to pull the Government together. So far, however, the new department has not been given the power to accomplish much. Private lobbies still push their friends in Congress for more Federal funds for roads, airports or whatever.

The present airways mess obviously calls for emergency measures. Perhaps the suggestion of higher fares in peak travel hours (provided they're accompanied by lower fares in off-hours) would help lessen the traffic jams that have developed over major airports in the past few weeks. The schedule changes discussed at yesterday's airline meeting also may be of help.

On a longer-range basis, much more obviously must be done. With larger and larger airplanes, and more and more passengers, a certainty, the air travel situation otherwise will get completely unmanageable.

One obvious step is a true coordination of Federal transportation efforts. Since the Government seems sure to be involved in transit into the indefinite future, it is high time that it start looking at the entire situation, not separately at its various facets.

The Interstate Commerce Commission has already begun examining the need for rail passenger service; actually the question is not whether the need exists but how great the need is. Perhaps the service has so far degenerated that it can be revived only with substantial subsidy; if so, so be it.

With a broad view of transportation, perhaps the Government could more accurately gauge transit trends; the Federal Aviation Administration has admitted a vast underestimation of air travel gains, which has contributed to the shortage of traffic control personnel. Perhaps, too, it will then be possible to control the planless proliferation of superhighways across the land. The Government cannot deliver a reliable transportation system on its own, but it certainly should stop working at cross purposes to prevent its realization.

That is, or at least ought to be, something for Federal officials to think about as they are stacked up over Washington's National Airport trying to get to work.

ADVICE NEEDED ON HOW TO RETURN MONEY TO UNCLE SAM

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. MESKILL. Mr. Speaker, I rise today to call the attention of the House to a school district in my area which, for more than a year, has been trying without success to return money to the Federal Government.

This is what has happened:

On September 20, 1966, Regional School District No. 10, comprising the towns of Harwinton and Burlington in my district, received $3,744 in Federal aid for educationally deprived children under Public Law 89-10.

During the period between September 20, 1966, and August 31, 1967, the district disbursed $2,113.50 under this program to provide extra help for children requiring extra help. The program was discontinued by local officials who felt that it was not fulfilling its purposes.

This left a balance of $1,630.50 which has been carried on the credit side of the school budget since August 31, 1967. It is deposited in a special account. School officials tell me that efforts by them and by the State department of education to return the money to the Federal Government have been unavailing.

I am sending a copy of this statement to the Comptroller General of the United States. Surely, he will be able to advise me and the officials on how to turn back money to Uncle Sam.

Of course, this is but a microscopic drop of money in the sea of spending in Federal aid for education but one wonders if there are other similar situations across the land and how much of our tax money may be sitting in special accounts.

I praise the school district for refusing to continue an unproductive program. This is a splendid example for other communities and for the Federal Government itself. It seems absurd and regrettable, however, that this free-spending administration does not seem to understand what has happened and cannot handle the situation where someone actually wants to return unneeded funds to the Treasury.

A PLANK FOR ALL PARTIES: PEACE IN THE MIDDLE EAST

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. PODELL. Mr. Speaker, I should like to submit for inclusion in the RECORD the text of my statement before the Democratic Party platform committee on August 19, 1968, urging approval of a firm plank pledging the Democratic Party to a program of aid to Israel to include the sale of Phantom supersonic jets as a means for preserving peace in the Middle East; as the prevention of further war between Israel and her Arab neighbors is of great importance to all American political parties and to all Americans.

The text of my statement is respectively submitted as follows:

STATEMENT OF HON. BERTRAM L. PODELL, DEMOCRAT OF NEW YORK, BEFORE PANEL NO. 2—PLATFORM COMMITTEE, NATIONAL DEMOCRATIC CONVENTION—AUGUST 19, 1968, IN WASHINGTON, D.C.

Mr. Chairman: Our party platform must reflect our determination to achieve peace in the Middle East.

In the past we have affirmed and reaffirmed America's friendship for both Israel and her Arab neighbors. We want them to live together in peace.

The Six Day War made some things very clear. We cannot remain aloof and indifferent and rely on ineffective international agencies or instruments, on flimsy cease-fire arrangements and fragile armistices imposed on the parties.

We cannot ourselves withdraw and disavow our responsibility. We must take positive measures to curb the belligerent and encourage those who are desirous of peace. I am not a pessimist about peace. I believe that there are Arabs who would be willing to accept the reality of Israel. But they must be encouraged by the international community to come forward and make their views known.

We must commend the Johnson Administration for the strong stand it took by steadfastly refusing to yield to Soviet-Arab pressures to force Israel to withdraw without agreement after the June war. In light of the disastrous blunder that was made in 1957, Israel surely cannot be expected to withdraw from occupied territories except in the context of a general settlement which fixes secure boundaries and guarantees the independence of all the parties.

Our platform must call for direct Arab-Israel negotiations. The failure to do so offers no strength or encouragement to those who would prefer the course of peace. If we do not speak of peace, who will?

We must encourage more and more Arab leaders to turn their backs on the counsel of belligerence which has so long dictated Arab policies. At the same time, we must move to discourage and deter those who press for war. As long as the Arab states are permitted to believe that their next attempt on Israel's life may be successful, there will always be a next attempt. Ideally we should strive for arms limitation agreements in the Middle East. All of us subscribe to that desirable objective. But there can be no disarmament unless there are peace treaties and unless there are agreements reached by the great powers. While disarmament is probably the best hope for peace, *unilateral* disarmament is an open invitation to renewed Arab aggression. We must make sure that Israel is strong enough to deter threatened Arab attacks.

When the Six Day War ended in a cease-fire last summer, the Soviet Union lost no time in resuming the shipment of weapons to restore the Arab military machines in Egypt, Syria, and Iraq. But our Administration, for reasons which are not clear clamped an arms embargo on the area for 135 days.

During this period the Government of Israel requested our Government's permission to buy 50 supersonic jet planes. Now, Israel was not asking for a gift. And Israel was not asking for American soldiers to defend her. Israel was asking only that she be permitted to be strong enough to fight her own battles, to defend her people, to curb the perverted ambitions of her neighbors.

In April I introduced a sense of Congress resolution urging the Administration to approve Israel's urgent request for Phantoms. A petition was circulated in many cities and within a very short time my office had received the signatures of 475,000 Americans. At the same time, many other members of Congress who shared my view sponsored similar resolutions. There are now more than 100 sponsors, and about three-quarters of them are Democrats.

In our past platforms we have declared against arms imbalance in the Middle East. In fact, it has been the policy of our Government since 1962 to provide Israel with the equipment regarded as essential to deter her foes and defend her from attack. Both President Kennedy and President Johnson have authorized shipment of tanks and aircraft to Israel. What we now urge upon the Administration is consistent with our past policy.

When the House took up the foreign aid bill a few weeks ago, through a bi-partisan effort, my resolution, H. Res. 1135, was offered as an amendment to the bill calling on the Administration to sell Phantom jet planes to Israel; this amendment passed in the House by a voice vote. Shortly thereafter, the Senate adopted a sense of Congress declaration reflecting the view that we should sell supersonic planes to Israel as soon as practicable.

The Administration previously had agreed to provide Israel with Hawk missiles, a decision similar to that we took in 1962. But providing Hawks instead of Phantoms *now* is much like providing band-aids to a patient who urgently needs a blood transfusion.

There should be no doubt about our policy in this matter. Consider these facts. The Soviet Union has provided the Arab states with the most sophisticated weapons—planes and missiles—thus putting these tools of destruction into the hands of irresponsible governments which daily preach hatred against Israel and the United States. In addition, Russian soldiers and technicians are training Arab soldiers in the use of these weapons.

The Arabs now have five times as many supersonic planes as Israel. And there is no country in the world ready and willing to sell Israel the supersonic planes that she needs to match the weapons in the hands of her enemies. If the United States continues to refuse Israel's application we shall be encouraging the Arab states to believe that they may soon prosecute their war anew; we will be discouraging and demoralizing every other nation in the area which may look to the West for support in the event of a threat to its independence.

We must not allow democratic nations to be weakened. We must help them to be strong. I hope that we say this in our platform.

UNITED STATES LEADERLESS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. ROUDEBUSH. Mr. Speaker, my weekly newsletter for September 12, 1968, follows:

UNITED STATES LEADERLESS

WASHINGTON, D.C.—It may be a harsh indictment, but since the President decided not to seek re-election, the U.S. has been leaderless.

The President has done little this year except nail down Federal jobs for his cronies from Texas. If there is an LBJ Texan who isn't living on the public payroll, it isn't Johnson's fault.

From the Postmaster to the Attorney General to the Supreme Court and all points in between, we find Johnson hacks who have contributed to his political rise over the years.

Even in the dying months of his administration the President is devoting his last political gasp to the entrenchment of Abe Fortas as Supreme Court Chief Justice.

This would be a tragedy for America. But, Fortas will never make it. The American people have informed the Congress loud and clear that they won't accept Fortas for Warren.

But, when the President returned to Washington in recent days his first pronouncement was a demand that Congress go ahead with Fortas' appointment. If I read the temper of the Congress correctly, even though it is lop-sidely controlled by the President's party, Fortas will never assume the Chief Justiceship.

Johnson's other big demand to Congress for the remainder of the year was for Federal gun control. Johnson is insisting on Federal control of firearms as another legislative goal before he leaves office.

The American people are overwhelmingly opposed to Johnson's gun control demands, which would be the first and fatal step to confiscation.

The only people who would comply with Johnson's gun control legislation are the law-abiding, taxpaying Americans who have learned that they can expect no law enforcement and public safety from Johnson's pathetic Attorney General Ramsey Clark.

I thought that the rape of Czechoslovakia by the criminal Russian communists would silence forever the LBJ-Humphrey pleas for disarming the American people.

If the Czechs had not been disarmed years ago by their Russian slave masters, can there be any doubt that they would have been able to offer strong and perhaps successful resistance?

The first step to conquering a people is the removal of their means of self defense, and if Johnson-Humphrey succeeded in their gun legislation schemes in the United States the criminal element in this country would have an even bigger field day than at present.

* * * * *

Hubert Horatio Humphrey, who is asking the American people to substitute the dummy for the ventriloquist, has indicated that if he is the next President he will not remove LBJ's recently enforced surtax for at least "three or four years" because of new "social programs" he wants to institute.

* * * * *

Humphrey's pleas for law and order are sickening in view of his radical leftist history. Hubert was leading the cheers a few years ago when the street revolutionaries were breaking down law and order around the country.

Hubert shouted in New Orleans that he could lead a mighty good revolt himself, and was out front in the encouragement of radicals to obey only the laws they wanted to obey.

But, Hubert sensing the rising anger and disgust of the American people with the anarchists, traitors, hippies, trash and other filth who have reached the point of open revolt, now bleats for law and order as if he and his fellow members of the Johnson administration had nothing to do with encouraging the present situation.

PFC. JOHN THOMAS FATALLY WOUNDED NEAR SAIGON

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. John Charles Thomas, a fine young man from Maryland, was killed recently in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

GRENADE BLAST KILLS CITY GI, 20—PFC. JOHN THOMAS FATALLY WOUNDED NEAR SAIGON

A 20-year-old Baltimore soldier was killed near Saigon last week by fragments of an exploding grenade, the Defense Department reported yesterday.

Army Pfc. John Charles Thomas was struck in the head by the grenade fragments, according to Army reports, as he rode in a truck convoy outside of Cu Chi, northeast of Saigon, around 6:30 P.M. August 17. He died about three hours later, the Army said.

IN VIETNAM SINCE MARCH

Private Thomas was the son of Mrs. Mamie M. Thomas, of the 2500 block Brookfield avenue, and Harry Williams, of the 800 block of Cumberland Street.

In Vietnam since March, he was assigned to the 34th Calvalry Regiment of the 25th Infantry Division, which aids in the defense of the Vietnamese capital.

Private Thomas's unit was on a combat mission, according to Army field reports, when Viet Cong guerrillas burst through the jungle foilage, firing at the truck convoy. Private Thomas was among those hit, and an operation to remove the grenade fragments failed.

ENLISTED IN OCTOBER

Private Thomas enlisted in the Army last October and received training at Fort Bragg, N.C., and Fort Polk, La.

Born in Baltimore, he had attended Booker T. Washington High School and had worked a year in a glass factory before enlisting.

In addition to his parents, Private Thomas is survived by two brothers, James and Robert; two sisters, Jeanette and Pamela, and a son, James C., Jr.

ADDRESS OF CONGRESSMAN JOHN BRADEMAS: "GOVERNMENT, THE FOUNDATIONS, AND THE UNIVERSITIES," 64TH ANNUAL MEETING, AMERICAN POLITICAL SCIENCE ASSOCIATION, WASHINGTON, D.C., SEPTEMBER 6, 1968

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. BRADEMAS. Mr. Speaker, on September 6, 1968, in Washington, D.C., I had the privilege of joining two distinguished Americans, McGeorge Bundy, president of the Ford Foundation, and President James A. Perkins, of Cornell University, in addressing a panel on "Government, the Foundations, and the Universities," at the 64th annual meeting of the American Political Science Associations.

I include at this point in the RECORD the text of my address on that occasion:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS, PLENARY SESSION, 64TH ANNUAL MEETING, AMERICAN POLITICAL SCIENCE ASSOCIATION, SEPTEMBER 6, 1968, WASHINGTON, D.C.

Mr. Chairman, President Perkins, Mr. Bundy, distinguished guests, ladies and gentlemen, I come to you straight from the Hoosier hustings where I have been crowning blueberry queens, eating sausages—Polish and Hungarian—and greeting workers at plant gates at six in the morning—in short, engaging in some of "the old politics".

But I'm told that the forces of "the new politics" are on the rise in the APSA this year—and if I can learn some winning ways from them, I'll be immensely greateful . . . because a funny thing happened to me on the way from Chicago—and like most Democratic Congressmen seeking re-election this fall, I am more receptive than ever to new ideas!

And by the way, though I realize this is not a partisan forum, I must remind you that only one candidate for the Presidency of the United States this year is a dues-paying member of the American Political Science Association. Forgive the ethnic appeal but for some of you, it may be your last chance to put one of your own in the White House!

I count it an honor to share the platform with such distinguished leaders in American life as James Perkins of Cornell and McGeorge Bundy of the Ford Foundation. As a practicing politician myself, I feel completely at home with two others!

The one is a former philanthropoid, now a university president and author of *The University In Transition* required reading among university administrators and all those concerned with American higher education.

The other has been within a decade Dean of Harvard College, dean of the White House staff and is now dean of the nation's largest foundation. His soon to be published Godkin Lectures will, I predict, also become must reading for all.

You could not have chosen two persons more highly qualified to discuss the relationship of government, the universities and the foundations than Mr. Perkins and Mr. Bundy.

My own perspective is the more limited one of a former student and teacher of political science who for the past ten years has served as a Congressman from an Indiana district which does not grant tenure to its Representatives.

THE TIE THAT BINDS GOVERNMENT UNIVERSITIES, FOUNDATIONS

The tie which binds government, the universities and the foundations seems to me a peculiarly American one, though of fairly recent origin.

What I propose to do is review very briefly some of the history of this relationship, comment on the increased investment of the Federal government in higher education and then focus on two kinds of questions that derive from the triangular bond: first, where to get the money; and second, how to use it.

The bond which has characterized the government-university-foundation relationship is the view that higher education and organized philanthropy should act in the public service.

The Land Grant College Act erected the principle of public support of higher education in the expectation of public good. Around the turn of the century the third party of the alliance appeared with the establishment of the first of the great private foundations with their institutionalization on the grand scale of the use of private means for public ends.

Tonight I want to talk to you briefly about the growth of this alliance, its achievements and some of the problems which have arisen because of it.

One useful way to describe the interaction of government, the universities and the foundations is by example and it is difficult to find a better one than the early and remarkably effective collaboration of the three institutions early in this century in the cause of medical school reform. The Carnegie Foundation for the Advancement of Teaching financed the famous Flexner report which diagnosed the defects of American medical education and prescribed for change. The Rockefeller Foundation, Commonwealth Fund and other foundations provided funds, particularly to strengthen medical research in university medical schools, and the Rockefeller Institute for Medical Research, set up in the early surge of Rockefeller benefactions, provided a model which was to influence profoundly the development of American biomedical research in the years that followed.

State governments encouraged medical advance by their willingness to use their licensing powers to stimulate the reform of the medical profession. And public health authorities, federal and state, organized themselves to apply the results of medical research.

But this example of tripartite collaboration was a reasonably rare one in the period before World War II. Government remained almost a passive partner in the alliance, its support of research limited largely to agriculture and health and the scale of its support modest. The federal government, however, was an important if silent partner, since the granting of tax exemption to nonprofit institutions and tax deductibility for gifts to them has played a great part in making philanthropy palatable in the United States. In Europe both the traditions and the tax laws are different. Though private benefactions there may be princely in scale, few would argue that they rival the impact of American philanthropy in education, health and social advance. On the other hand, Europeans have been more generous in the use of public funds in the cultural sector as robust state operas and national theaters attest.

COOPERATION SINCE WORLD WAR II

In the United States the government-university-foundation troika has flourished remarkably since World War II. The extraordinary military research and development effort which caused the liaison between the scientific community and the government during the war flowered into the post-war marriage of government and the universities after the war, one based on an exchange of federal funds and university expertise. The needs of national security provided the original impetus, but other demands of society forced the rapid growth in the support of nonmilitary research, notably in health and basic research in the natural sciences.

In this period, it was the foundations that provided a model of organization and method for the government funding of research. The National Institutes of Health can be said to have followed the lead of the Rockefeller Institute in shaping its extramural program and of the private foundations in conducting its extramural research programs. The National Science Foundation is said to have been shaped by men who had the Rockefeller Foundation specifically in mind.

Working relations between the universities and foundations were, of course, well developed before the war.

Academic pensions had increased the security of scholarly life and foundations played a key role in financing travel and underwriting research in a period when funds were in short supply. As more federal funds became available after the war, particularly for research in the natural sciences and health, the foundations have sensibly redeployed their resources, A pattern emerged in which the foundations often pioneered new frontiers in a sector of research and then moved on when federal support became available.

To cite an example, we in the House of Representatives in the last decade have become accustomed to the presence of scholarly prospectors, usually foundation-sponsored, observing the operations of the House from the inside. Richard Fenno, David Kovenock and Nelson Polsby are names you all know. Their work offers a fresh perspective and, incidentally, gives the current generation of university students an unprecedently intimate portrait of the institution, warts and all.

APSA CONGRESSIONAL FELLOWSHIPS

Still closer to home, the foundation-financed American Political Science Association Congressional Fellowships have given able young professionals an illuminating look behind the scenes, and, incidentally provided a welcome annual supply of migrant talent to the legislators whom they serve. The White House internships have followed the same pattern and now the traffic has become 2-way with Capitol Hill staff members able to spend a year in academic surroundings. Internships are in vogue and the APSA fellowships are largely responsible.

We have all grown accustomed to the extraordinary mobility of American professors. In the 19th century, the best political scientists were amateurs, De Tocqueville, and Bryce, were or course foreigners, and our own Henry Adams, with his horrified fascination with American democracy and his hereditary political connections, remained an outsider. Since the New Deal, political scientists and their colleagues in the other social sciences have moved easily between government and universities. And of course most of the foundation men also carry academic credentials.

Parenthetically, I should note that professors are no longer restricting themselves to the roles of government administrators or advisers. The three men at the top of the ballot at the Democratic Convention were all sometime college teachers. And this year there has been an eruption of academics, most of them social scientists, in to electoral politics, both as candidates and in the party organizations.

As ultimate examples of mobility we can turn to two cabinet members of the Kennedy-Johnson years, Dean Rusk and John W. Gardner, who came to the cabinet from top posts in, respectively, the Rockefeller Foundation and Carnegie Corporation. It was Gardner's

sensitivity to problems of political and social equality and economic opportunity, sharpened, I am sure, by his experience as a foundation executive, which made him such an effective Secretary of Health, Education and Welfare.

And of course Mr. Bundy himself went from the highest levels of the Federal government to the leadership of the Ford Foundation.

EXPANDING FEDERAL SUPPORT OF HIGHER EDUCATION

Now let me turn from these general comments on the government-university-foundation relationship to some specific observations from where I sit as a member of the House Committee with chief responsibility for education legislation. I want to stress some of the issues raised by the expanding role of the Federal government in supporting higher education.

Clark Kerr has recently written that the Federal government has had two great historic influences on higher education in the United States.

The first was the land grant movement and the second, the World War II and post war pattern of heavy reliance by the Federal Government on the universities for scientific research and training.

We are now witnessing a third powerful impact as the Federal government has undertaken a major and continuing commitment to strengthen higher education in general.

In the past 10 years, we have witnessed a remarkable growth in both the amount and kinds of Federal aid to colleges and universities. Since the National Defense Education Act of 1968, the last five Congresses have voted funds for purposes far beyond research—preparation of teachers, construction of facilities, student aid, community service and adult education.

The total Federal investment in higher education has expanded enormously over the past decade, from a little over $1.1 billion in 1958 to an estimated $4.5 billion to the current fiscal year.

And we can expect continued expansion in the years ahead. Even now a House-Senate Conference Committee is nearing final action on a major bill authorizing substantial support for colleges and universities over the next several years. The thrust of the legislation is to extend programs under NDEA, the Higher Education Facilities Act, the Higher Education Act of 1965, and to initiate several new programs, including public service education, special remedial services for disadvantaged college students, interinstitutional cooperation and sharing of resources, and cooperative work-study programs at the college level. The House bill would authorize $3.6 billion in new funds over a two-year period while the Senate version would provide more than $12 billion for four years.

Of course, authorizations are not appropriations, and the cutbacks in domestic spending of recent months give little cause for optimism. The Vietnam budgetary squeeze has taken a serious toll in appropriations for education programs this year and its end is not yet in sight. College facilities construction and research and development have been particularly hard hit. Federal research funds going to the universities this fiscal year have risen only 2 per cent over last year—a sharp drop in growth from previous years and a disaster for research programs across the country, according to many in the universities. Graduate school programs are also feeling serious pressure with the reduction in the number of Federally sponsored fellowships and traineeships.

FEDERAL INVESTMENT IN HIGHER EDUCATION WILL RISE

Despite the current economy pressures, however, I am convinced that over the long haul—looking ahead two to five or ten years—the Federal investment in higher education will continue to rise.

There are several reasons for this prediction.

Reason number one is more students. In the academic year 1955–56, there were some 2.6 million students enrolled in degree programs in our colleges and our universities. Today there are 6.5 million and by 1975, there will be over 9 million.

Beyond mounting enrollments, other demands on the colleges and universities contribute to steep increases in expenditures; an expanding volume of research and a widening commitment to public service foundations are just two. The rapid accumulation of new knowledge and the resulting trend toward specialization have meant a broadening of the curricula, a need for sophisticated new equipment and increased library resources—all very costly. A sharp rise in graduate and professional education has further inflated costs because the expense of educating a graduate student is several times that of an undergraduate.

All these pressures, and others, have meant ballooning costs. In 1955–56, the overall capital and current expenditures of all higher education institutions was 4.1 billion dollars; a decade later, 11.4 billion dollars. Office of Education projections are that in 1975–76, we must invest 34 billion dollars in higher education; others estimate more.

Where is the money to come from?

In a significant address earlier this year, Alan Pifer, President of the Carnegie Corporation, responded, "We are forced . . . to a very simple conclusion, if this nation's needs for higher education are to be met in the years to come the Federal government will have to accept the principal part of the consequent financial burden."

Mr. Pifer predicted that the Federal share could come to represent 50 per cent of all support for higher education by the year 1975, compared to the current figure of 23 per cent in fiscal year 1968.

He warned that income from endowments and gifts and income from tuition and fees will constitute a declining share of the total support for higher education.

He likewise foresaw the same proportional decrease in income from state and local governments.

Necessarily, therefore, the Federal government must fill the gap.

OTHER VOICES PREDICT INCREASE

Pifer's judgment has been seconded several times in recent months by major voices in the higher education community:

The American Association of Universities, representing 42 major universities, issued an appeal in June for across-the-board Federal support for all types of institutions, warning that without such support the widening gap between institutional income and expenditures would pose a "threat to the nature and vitality of American higher education."

Several weeks ago the Carnegie Commission on Higher Education urged a doubling of Federal aid to higher education in the immediate future—from $4 billion to $8 billion annually. And

PLANNING FOR HIGHER EDUCATION

Given the pressures and these enlightened predictions of further massive expansion of Federal support for higher education, I believe we must give much more thought than we have been doing to the nature, conditions, and shape of this government support and, more broadly, to the question of effective national planning for the balanced development of American higher education.

In education, as in other areas, the Federal role has evolved in ad hoc fashion. Programs have often been shaped to meet particular needs of the government at different times—the traditional pattern of sporadic response to individual crises. As a result, more than 20 executive departments and agencies now have a hand in administering Federal education and training programs, and we do not have any intelligible set of national policies to guide future government assistance to the colleges and universities.

I am not suggesting that there is any easy mechanism by which order and rationality can be achieved in the area of Federal support for higher education—any more than in other fields of Federal involvement. Nor do I need to be persuaded of the values of diversity and pluralism and competition. And I am certainly not calling for Federal control of our universities. I am saying rather that if the Federal government is soon to become the largest financial supporter of colleges and universities, all us—both in and out of higher education—and I here specifically include the foundations and the professional associations—have a responsibility to give much closer consideration to how the major national policy decisions affecting higher educaton are to be made in the years ahead.

Should a council or committee be appointed at the highest level of government? To whom should such a panel be responsible? How should it be appointed?

Here is an opportunity for political scientists, who are supposed to be professionally concerned with how decisions are made, to help us. First, they can do more than they have done to understand the present pattern of decision-making within and for American higher education. Second, perhaps political scientists can suggest ways of improving that process.

I think it significant that this APSA meeting has a panel entitled, "Is Political Science Relevant to Secondary Education? A Challenge to Political Scientists."

But no similar panel exists on the relevance of political science to American higher education. Perhaps you can take that one up at your next meeting.

INTERNATIONAL EDUCATION

Let me offer just one example, lying close to my own interests, which illustrates in part the effects of the absence of such broad national planning for higher education. I refer to the field of international education in American colleges and universities.

The great American private foundations—most notably Rockefeller beginning in the 1930's, Carnegie beginning immediately after World War II, and Ford after its emergence as a major national foundation a few years later—played a role of great importance in strengthening, from a very low baseline, American resources in international studies and research and training.

Two years ago the 89th Congress authorized but did not appropriate funds for the International Education Act. The prospect embodied in this legislation of major Federal support for international studies and research has led many of the foundations to scale down their own programs in this area. However, to this date, Congress has voted no appropriations for the International Education Act.

As a consequence, with the foundations cutting back on their support, international programs in many universities and colleges are suffering.

This single instance is only one argument for the kind of national planning I suggest, planning which would have seen the problems whole and considered the various kinds of public and private resources available to meet them.

I have been talking about some of the problems within the academic-foundation government triangle of finding the money we need. But even if unlimited funds were available, there would still be difficulties involved in how the money should be spent.

In this respect one issue, especially relevant for social scientists, is that of federal support of the social sciences including the support of classified research and of overseas studies and research.

A PROPOSAL FOR FEDERAL SUPPORT OF OVERSEAS STUDIES AND RESEARCH

Those of us who worked on the International Education Act of 1966 were acutely aware of the pressures that can arise with federal support of such activities.

Indeed, I believe that a discussion of an appropriate mechanism for providing government funds for overseas education and research may contain the seeds of resolving some of the dilemmas identified with federal support of the social sciences generally.

Let me then here confine myself to the question of a device for channeling public support into international studies and research. In my view, last year's CIA-NSA revelations dramatically spotlighted the need for some such mechanism.

I have no specific recommendations to offer at this point on the instrumentality or instrumentalities which we might develop. I do believe that in large measure, "form must follow function", and that the crucial function served by an entity which evolves or is created is that of administering appropriated Federal funds under both substantial and apparent private control. Private control must be substantial for the plan to work. It must be apparent in order to convince.

From the perspective of a Congressman, I see the basic dilemma as that of private control versus public accountability and legislative oversight. Many people both inside and outside government, for instance, have suggested as useful parallels the National Science Foundation or the National Institute of Health.

The NSF and NIH present appealing analogues, yet the analogies are not exact for both NSF and NIH possess built-in advantages which we cannot assume will be inherent with respect to the role played by the United States in the world community of educational intellectual and cultural endeavor, first, the activities supported by NIH and NSF are clearly important to every Congressman and to his constituents. Second, the activities supported are generally those which the great majority of Congressmen have decided are too complex for them to master in terms of significant detailed understanding. They are areas in which Congress has long since accepted the necessity of relying heavily on the counsel of experts, many of whom are in private life.

We are faced, therefore, with the prospect of considerable difficulty in achieving the degree of private control which exists at NSF and NIH. I would suggest further that the functions we are speaking of might best not be carried on within a government agency at all, for the simple reason that the more directly any proposed entity is connected with the formal structure of our government, the less acceptable will be its activities or indirect presence overseas. To use my earlier phrase, the private control might be substantial—but to a foreigner, at least, I doubt that it would be apparent.

PUBLIC SUPPORT BUT PRIVATE CONTROL

How, then, do we proceed? First, I think it fair to assume that there is a genuine desire to carry on a number of facets of our intellectual and educational interaction with the rest of the world under truly private auspices and control and that this sense is shared by responsible leadership in both parties and both Houses of the Congress.

Second, if this awareness does exist—and I believe it does—we ought to be able to design an instrumentality under both genuine and apparent private control which will operate in such a way that our national legislators will believe themselves justified, in terms both of their personal convictions and of their relationship with their constituencies, in committing reasonable amounts of public funds to activities some of which may be controversial and all of which will be carried on somewhat outside the usual structures of Congressional control.

I doubt the suitability of any existing organization, public or private, to carry on the full spectrum of activities which might be carried out by a new institution. Whatever the mechanism, it should probably be able to make grants to private organizations concerned with a much broader range of activities than those related to what we might call the CIA legacy. The new mechanism ought also to be able itself to carry on certain overseas activities where appropriate. More important, the new entity should be authorized and equipped to examine and assess the ways in which our own society and its institutions can participate in international activities with their foreign counterparts.

A NEW MECHANISM

My own feeling, as of now, is that we are faced with the necessity of creating something new under the sun. The private control versus public accountability dilemma might best be solved by having a basically private organization with a Federal charter; some of the obvious analogues here are the Smithsonian Institution, the American National Red Cross, and the National Academy of Sciences. We should consider the possibility that the basic legislation for this institution would contain a permanent authorization for the appropriation of Federal funds, much as NSF now enjoys.

THE CRUCIAL FACTOR

Yet legal structure alone will not suffice to resolve the public-private dilemma, either as viewed by Congress or from abroad. The crucial factor, in my mind, is the selection of a highly distinguished Board of Regents or Trustees—numbering among its membership representatives from the Executive Branch and from both houses of Congress, perhaps, but with private citizens in the clear majority, and with policy control effectively in their hands. If membership on this Board could involve a sufficiently challenging intellectual experience, quite aside from any honorific aspects, the very best men in our society would be eager to serve on it and to become committed to its work and to guiding its operations. We might then have taken a long step toward resolving the public-private dilemma.

If some such mechanism could prove useful in meeting the difficulties in supporting international studies, perhaps it can help us resolve the broader question of federal support of the social sciences and specifically of classified research.

A SUMMARY

Let me try to summarize. I have spoken of the history of the relationships among the federal government, the universities, and the foundations.

I have talked about the problem of finding the money with which to support the enterprise of higher education, and I have urged that we develop a capacity for rational, nationwide planning for higher education.

Finally, I have touched on just one facet of the thorny problem of federal support of the social sciences, using as an example the field of international studies and research.

In conclusion, I must say that I think that I would be strongly opposed to a Full Employment Act for American political scientists. There is plenty of work in the field of higher education alone to keep all of you busy for some time to come, whether you are in the "Caucus for the New" or the "Old Political Science."

ARMENIA: A LAND OF ROCKS AND PRIDE

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. NEDZI. Mr. Speaker, Americans of Armenian descent have made notable contributions to our Nation. They are invariably industrious, law abiding, and "good family people." They also have a certain verve and elan to which anyone who has attended Armenian festivals and dances can attest.

We seldom read, however, of the land from whence they came—Armenia. I consider it our good fortune, therefore, to have the benefit of impressions of a recent visitor who has a keen eye, a blood tie, and an instinctive feel and insight into things Armenian. This visitor was Mitch Kehetian, the able managing editor of the East Side Newspaper of Detroit.

Three articles by Mr. Kehetian, which appeared in the August 14, 21, and 28 issues of the East Side Newspapers, provide us with a rare view of a historic land and a proud people.

Under leave to extend my remarks in the Record, the articles follow:

Editor Visits Ancestral Armenia: A Land of Rocks and Pride—I

(By Mitch Kehetian)

Yerevan, Armenia.—When Alexander the Great reached this northern outpost of old Armenia he said: "This is a land of rocks."

The rocks are still here but somehow, so the saying goes, the Armenians are able to grow wheat out of the layers of rocks the armies of the Greek commander once marched across.

This visit to the ancestral land is still like a dream for my wife Rose and your editor—a dream trip we decided to make when we married 15 years ago.

For Rose the visit to Armenia, a Soviet republic, also meant meeting for the first time her only living aunt and a host of cousins.

Her aunt and mother were separated during the infamous Turkish massacres that claimed the lives of nearly two million Christian Armenians during World War I.

My wife's mother died several years ago in Ambridge, Pa. Her last wish was that one of her three daughters would someday visit the "homeland" and her sister.

This wish is being fulfilled and hopefully we will return in the years to come for other visits to the "land of rocks."

Fortunately, both of us are able to converse (to a limited degree) in Armenian with the people. Surprisingly, many of the younger people can speak English and are keenly interested in the presidential campaign in America.

If Senator McCarthy could find a way to get their votes—he'd have three million backers.

We arrived in Yerevan, the capital of Soviet Armenia, on July 19. The flight over the Caucasus Mountains was as inspirational as our own Rocky Mountain chain.

As we approached the ancestral land, the plane was suddenly filled with cheers, tears and embraces by the some 50 other American-Armenians on the tour.

For many of the old-timers, this was their first visit to the "homeland." "Now I can close my eyes—I've seen the mountain top," they wept.

Mount Ararat, to the Armenians scattered in all four corners of the world, is both symbolic and historical. The scriptures say Noah's Ark came to rest on Mt. Ararat.

Though now held by Turkey—the majestic snow-covered mountain top can be seen from Yerevan, less than 20 miles from the Turkish border.

The scene at the airport cannot be expressed in words. Throngs of Armenians had been waiting for hours in the hot Armenian sun to welcome their loved ones from America.

For many their embraces quickly erased 48 years of separation when Armenia was divided by the Soviets and the rampaging armies of Kemilist Turkey.

Historic Armenia, once covering most of Asia Minor, is now reduced to an 11,500 square mile republic of the Soviet Union.

To the south lies the major portion of old Armenia. But for all practical purposes, Turkish Armenia is a land without Armenians . . . and painful memories.

Those who were fortunate to escape from the Turkish sword found refuge in what is now Soviet Armenia, and another million or so into friendly Arab states and the shores of America.

Armenia, the oldest nation within the established Federation of Soviet Republics, traces its history back to 880 B.C. Yerevan, the present capital, will be 2,750 years old in September.

Today the tiny Armenian republic boasts a population of nearly three million. During the dark days of the Turkish onslaught in 1920, fewer than one million were left to build a new nation on the rocks of northern Armenia.

Yerevan is now a city of some 700,000 and is being rebuilt street by street. The mud huts of yesteryear are rapidly disappearing and as the Armenians will tell you: "We've been given a chance to breathe and build and populate our land. We do not fear that in the night our villages and cities will be sacked and burned by the Turk."

They also tell you about a new life as citizens of the Soviet Union since the death of Josef Stalin.

"Stalin was a ruthless man and he killed those who opposed his philosophy—whether you were Russian or Armenian, he spared none. The leaders of today have restored justice to the Union and the right for all groups within the Federation to retain their national heritage."

The Armenian also points with great pride to the recent construction of national shrines to remind future generations that the Turk massacred their ancestors and still holds land that is historically the land of the Armenians.

But for now their thoughts are of rebuilding present Armenia into a showcase for all Soviet republics. Based on what I saw and heard from the people—they will succeed.

In every instance, peace was also a major subject of discussion. Whether a villager or the more cosmopolitan citizen of Yerevan—the Armenian hopes that the "peoples of the Soviet Union and the United States can live in peace."

"If we are to compete—let it be in the arts and sciences and raising the standard of living for all peoples of the world," they professed.

I also found a genuine affection for America among the people of Yerevan and in Moscow.

Though our stay in Moscow was limited to less than two days, the people on the streets, in the restaurants and stores were most cordial and warm to the American people.

They still idolize the late President John Kennedy and Senator Robert Kennedy. The most frequent question went like: "How could you permit two great brothers to be killed in your country. They stood for peace and the poor of America."

Not too long ago, during Stalin's era, the people who believed in a Supreme Being kept such beliefs within their hearts.

Yet as I mingle with the people and hear them out on the issues of the world, I find they are unafraid to express themselves—privately or publicly.

Impossible under Communist rule you ask? I thought so too—until these first several days in Soviet Armenia.

In next week's editions I'll attempt to write about the moderization of this land of rocks, discussions with the leading journalists and the future they see for their land.

I'll also write about "a voice from the grave" that fate may have a hand with to tell me that somewhere in Turkish held Armenia lives an old woman named Paracin who did not perish during the massacre.

Armenians See a New Dawn: A Proud and Progressive People—II

(By Mitch Kehetian)

Yerevan, Armenia.—How does one measure progress and a better way of life under Communism for a people who can trace their ancestry back to 800 years before the birth of Christ?

As a visiting American who loves his free enterprise, democratic form of government—it is difficult.

This is Soviet Armenia. The ruling government is the Communist Party—and monuments to Lenin are constant reminders that I'm a long way from Detroit, U.S.A.

Here you don't ask for the "owner of the store." They tell you "The people own the store."

Once I hurdled the obstacle that the government owns everything (or as they say here, the people) I was able to understand the Armenian who talks about the future of his country . . . a Soviet Republic.

Soviet Armenia has a population of approximately three million living on 11,500 square miles of land, mountains and rocks.

"Someday we'll get old Armenia back," you hear from a university student while relaxing on a park bench in Lenin Square.

He senses I'm not a native Armenian, but continues to talk and I listen.

The young man makes a point of letting me know that his country is progressing with the help of Soviet power—and a chance to breathe.

"We don't have to worry about them (the Turks) attacking and killing us anymore. Now we can re-build our land and look to the kind of a future our ancestors were denied for hundreds of years," he continues.

To the south of Yerevan is old Armenia—now held by the Turks and practically depopulated as an Armenian community.

My friend continued with: "But here in Soviet Armenia we have three million brothers and sisters. We have schools, factories, hospitals, science academies, museums, and new buildings going up all over the country."

Nearly two-thirds of Yerevan, the capital of Armenia, now glistens with pink tuffa cement block high-rise apartments. Next month this ancient city observes its 2,750th birthday—founded at the time of the Urartu state.

As my friend and I were about to part, he turned and said: "Come back in 10 years and you'll see the most beautiful city in the world."

I wasn't about to argue. His face was filled with pride and determination.

The same kind of pride and determination I see everywhere in this tiny Communist outpost amid the Caucasus Mountains.

My next chat resumed with workers at a leather factory—men and women. There too I got the same pitch on how progressive Armenia is and how great it will be in the future.

But those a little older than the young university student were quick to admit their chance to "breathe" came after Stalin's death.

About this time I was determined to seek out at least one Armenian who wasn't satisfied. I did at an ice cream parlor down the street from the Hotel Armenia . . . my home away from the U.S.A.

A young father with his two sons said it in these words: "I won't be satisfied until every village and city in Armenia looks like Yerevan. We're an ancient people but Soviet Armenia is still an infant country."

I was reminded that in 1920 the invading Turkish army was less than 10 miles away from Yerevan. "That's how close we came to physical extinction, and we only had one million people left. I think we've progressed from those darkest pages of Armenian history," the young father concluded.

My next encounter on the subject of progress and the future of Armenia came with some of the leading journalists of newspapers here in Yerevan.

I spent about six hours conferring with Hachig Hovakimian, editor of the daily 'Soviet Hayastan' newspaper who also serves as president of the Armenian Journalistic Society.

Hovakimian proudly displayed four awards the newspaper won while competing with newspapers throughout the Soviet Union. Of course not having to worry about advertising space to subsidize the newspaper helps.

The government owns and absorbs the cost of printing the newspaper—like all other businesses.

"But we're still competitive," the Armenian editor reminded me. There are three other daily newspapers, coupled with some 70 weekly, semi-weekly and bi-weekly newspapers in Armenia.

My next stop was the "Hayastan Voice" newspaper and offices of the Committee for Cultural Relations with Armenians Abroad.

The invite came from Patrik Serian, whose credentials revealed him as a member of the Supreme Soviet Central Committee. Talk about an American getting the "red carpet" treatment—I did.

Here I spent considerable time outlining the role of the American-Armenian and his contributions to the American way of life to Vahakn Davtian, a noted poet, journalist and vice president of the Cultural Relations Committee.

Here too I heard about the progress of Armenia and its bright future. Without being called a brainwashed tourist, I have to admit that progress is visible. Maybe it's the Armenian in my blood—or just fulfilling a dream trip to the land of my ancestors who somehow survived the invasions of the Mongols, the Romans, the Assyrians, the Mamelukes of Egypt, the Persians, Alexander the Great, the Seljuk and Ottoman Turks, and others bent on crushing a small people who embraced Christianity in 301 A.D.

Next week I'll conclude my series from Armenia with a report on the church and practice of the Christian faith in a land governed by the Communist sickle and hammer.

Atheism Versus Christianity: Armenians Cling to "Faith"—III

(By Mitch Kehetian)

Yerevan, Armenia.—In the year 301 A.D. St. Gregory the Illuminator converted the then Zoroaster-worshipping Armenians to the Christian faith.

Historians, and many Armenians, claim the conversion to Christianity in a part of the world then infested with violence-prone anti-Christian religious sects brought upon the persecution and near destruction of the Armenian people.

FAITH TO SURVIVE

Others contend the Christian religion gave the Armenian the faith needed to survive centuries of subjugation at the hands of the

Mongols, Persians, Assyrians, Turks and other rampaging non-Christians.

In the dark days of 1915–18, it is estimated that some two million Christian Armenians perished in Western Turkish-held Armenia.

Which brings us to the question: Is Christianity being practiced in Soviet Armenia?

Yes . . . but to a limited degree.

Here in the capital city, there is one "active" Armenian church—St. Sarkis.

In total there are approximately 12 "active" churches in Armenia—I'm told. Others are in ruins, and others are tabbed as "inactive" and historical shrines.

DOCTRINE OF ATHEISM

Despite the Soviet Government's proclaimed doctrine espousing atheism, a large number of Armenians still believe and attend services.

My wife Rose, and I, attended a Sunday service at Holy Etchmiadzin, the Holy See of the Supreme Patriarch and Catholics of All Armenians, Vasken I.

Though Vasken I was away on a worldwide tour of Armenian centers—Detroit included—the ancient cathedral was packed with Armenians who came to pray, light a candle, and kiss the Holy Cross.

We saw village people who brought sheep, chickens and doves for baptismal sacrifices. Some had walked for miles over mountains and rocks to rekindle their faith.

I also talked to a young lady who will be entering Yerevan University next month. When the girl learned I was a visiting American of Armenian ancestry a conversation struck up.

In a few short minutes we learned the charming 17-year-old didn't believe in Christian teachings—and for that matter—any other form of God-fearing religion.

I asked, if you don't believe, what brings you to Etchmiadzin. She replied: "To appreciate its beautiful Armenian architecture and for its historical values."

PAGAN EXPRESSION

For the young lady, baptism to the Christian faith is merely an old pagan expression of chasing evil spirits out of a new-born child.

"When I marry and have children, I will bring them to Etchmiadzin—because the church is a part of our ancient history and its legend must be preserved," she said.

In a final parting word, the dark-eyed Armenian beauty, said: "How can I believe in a religion that only brought death and misery to my people?"

Yet we saw other young people filing into the cathedral—many with gold cross necklaces and making the sign of the cross.

Another point of interest on our tour was a visit to the ruins of the ancient Cathedral of Zvartnots—not too far from Etchmiadzin.

A NATIONAL SHRINE

The cathedral was built in 641 A.D. and destroyed by invading Assyrians in the 10th century. Yet this ancient Christian church has become a national shrine, if you're a believer—and a historical site if otherwise.

I also visited an old "inactive" village church about 15 miles from Yerevan where supposedly the remains of St. Mesrop—the father of the Armenian alphabet—is buried in a steel and concrete vault . . . for safe keeping.

A priest from Etchmiadzin tends to burning candles in memory of St. Mesrop and to welcome tourists and students of history. No one from the village comes to the old church for services.

While in New York City last May, Catholicos Vasken said: "Dear faithful, God is not dead, neither is humanity in man. We believe that men are destined to know God and immortality. Let us, therefore preach Christ's Gospel with renewed faith."

"We also pray that your great and glorious land, Christ-loving America, exists in peace and prosperity."

CHRIST AND FREEDOM

His Holiness also said: "The history of the Armenian people and their church has been an authentic witness for the Christian faith and martyrdom in the name of Christ and of freedom."

Yet here in Soviet Armenia, the Christian church struggles to reach the people—who once boasted that their country was the first to establish Christianity as the state church of the land—that was in 301 A.D.

In summary, it must be said that faith does exist in Communist Armenia—though not as visible and active as back home.

Instead I find another kind of faith—a faith in the rebuilding of a new Armenia and an eye on the historical lands of Western Armenia—now held by the Turks.

SIGNS OF PROGRESS

In my two previous reports from Armenia, I attempted to convey the determination of the people to build a new society, the signs of progress, rebuilding of ancient Yerevan, and in conclusion that some form of religion still exists—though the government proclaims atheism.

Tomorrow (August 5) we leave for Moscow and the trip back home. We will come back for another visit to the Valley of Noah's Ark—the land of my ancestors whose recorded history dates back to 800 years before the Birth of Christ.

YOUTH SPEAKS OUT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. QUILLEN. Mr. Speaker, it is good to know that our young people of today are publicly voicing their views on important matters that confront them as individuals and as members of a free society.

I think this is an appropriate time to commend the members of the 4–H Club public speaking program for their hard work and efforts toward speaking out for the betterment of America.

An editorial appeared in the Johnson City Press-Chronicle on Monday, September 2, 1968, entitled "Youth Speaks Out," which I would like to share with the readers of the RECORD:

YOUTH SPEAKS OUT

The American public will hear hundreds of speeches during the next few months from hopeful political candidates. Personal appearances, radio and television broadcasts will carry to the listener not only the speaker's message but also his personality.

Another group—considerably younger—is also being heard throughout the country via the same media. They are the young people active in the 4–H Club public speaking program.

They polish up their oratory in their home counties—and hope for state and national recognition.

The top boy and girl in each state will get a $50 U.S: savings bond. The state champions can then enter national competition. The national award is a $600 scholarship for the two most outstanding 4–H speakers from coast-to-coast, plus expense-paid trips as delegates to the National 4–H Congress to be held in Chicago the first week in December. In addition, the most eloquent pair of speakers in each county earn medals of honor.

The public speaking program is steadily gaining in popularity according to enrollment figures reported by the Cooperative extension Service. Well over 115,000 members participated last year. This was an increase of 16,000 over the last three years.

Who knows, one of these youngsters may some day be barnstorming across the country as a presidential candidate!

MATT MAGUIRE, THE ORIGINATOR OF LABOR DAY

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. JOELSON. Mr. Speaker, some very significant historical research has been conducted by Murray Zuckoff of the Morning Call which is published in Paterson, N.J. Mr. Zuckoff has summed up this research in two Labor Day articles in 1967 and 1968.

His articles should be of special interest to historians of the American trade union movement as they indicate conclusively that the true originator of Labor Day, Matthew Maguire of Paterson has never been accorded the recognition which is due to him.

I congratulate Murray Zuckoff and the Morning Call for this extraordinary detective work in history, and I now set fourth in full the two Zuckoff articles:

[From the Paterson (N.J. Morning Call, Sept 4, 1967]

FATHER OF LABOR DAY: PATERSON'S MAGUIRE?

(By Murray Zuckoff)

Labor Day as a national holiday in large measure belongs to Paterson. It was one of this City's residents who campaigned for the establishment of a day of rest for working people.

His name was Matthew Maguire, an Eighth Ward Alderman who ran on the Socialist Party ticket and twice defeated his Democratic and Republican rivals in 1894 and 1896.

Maguire spent most of his life in Paterson, served it and died here in 1917. Today he has become what George Orwell would have called an "unperson."

His name is not to be found in any history book, including radical histories of the American labor movement, in Congressional records, or library files. He may just as well not have existed for all history is concerned.

Yet it was he, not the man history credits as founding Labor Day, Peter J. McGuire of Camden, who was the holiday's real founder. The two men were not related and the likelihood is that they never met.

The only known reference Maguire made about McGuire was in a story he wrote for the May 11. 1895 issue of the "Paterson People", a weekly Socialist newspaper published and edited in Paterson. In the story Maguire denounced McGuire as a misleader of labor and an opponent of Socialism.

Except for the perseverance of his youngest granddaugther, Mrs. Doris Atherton of Paterson, Maguire's role as a labor leader and uncompromising Socialist might have continued as it had been—consigned to oblivion.

How did it happen that Maguire was not credited with the establishment of Labor Day? How did he become involved? Who was he? Most important, what evidence is there to substantiate Maguire's role other than his granddaughter's claim?

Not much, and then again, a great deal. Maguire's existence, activities, contributions had to be unravelled like a mystery novel. Clues seemed to peter out, evidence was elusive, there was no identification available.

Philip Foner, radical labor historian and author of several works including a 4-volume history of American labor, was asked what he knew about Maguire.

"Frankly, I've never heard of him before," Foner replied. "I've never come across his name in my investigations. Of course, I don't rule out the possibility he may have been the founder of Labor Day. Maybe what you have is a historical find."

Morris U. Schappes, editor of "Jewish Currents" and a radical labor historian, also said he had no knowledge of Maguire. "I've heard of McGuire but your man doesn't sound familiar."

Maguire's name isn't found in any standard history book. Leo Troy, author of Organized Labor in New Jersey", written as part of the New Jersey historical series, doesn't list the name. Neither does Paul W. Brissenden, author of the history of the Industrial Workers of the World and their predecessors. Even Charles and Mary Beard's epic "History of American Civilization" bears no mention of Maguire.

The man forgotten by history was a member of the Socialist Labor Party, once an influential radical group, now a sect claiming to follow the doctrine of Karl Marx. John Timm, an S. L. P. official in New York was contacted for information about Maguire.

"You said this man's name was spelled M-a-g-u-i-r-e not M-c-G-u-i-r-e?" he asked. "Let me check some of the files here. Timm checked.

"Here's something. Samuel Gompers (founder and first president of the American Federation of Labor) mentions a Matt Maguire in his book "Seventy Years of Life and Labor", Timm said. "It's just a reference to and effort by Maguire to stop John Swinton (reporter for the New York Sun in the 1880's) from writing a story that was not true. Nothing about Labor Day though."

Was there any other reference to Maguire in the S. L. P. files, Timm was asked.

"He was a member of the S. L. P.", he was told.

"That's possible," Timm responded. "But he may have been one of those members who worked with the A. F. L. If he was, he wasn't in good standing with the party."

Maguire was not a member of the A. F. L., although he had been a member of its predecessor and rival, the Knights of Labor, Timm was informed. "Oh?", he answered. The conversation ended.

In spite of this, two tangible bits of evidence remain that identify Maguire. One is the only available bound volume of the "Paterson People" which Maguire published from June 30, 1894 to July 13, 1895 while an Alderman. This was the local edition of the then thriving national organ of the S. L. P. "The People".

Another tangible bit of evidence about the life and role of Maguire was an obituary printed in the Morning Call January 2, 1917, a day after he died. Both are owned by Mrs. Atherton.

Maguire was born in 1855 in New York and lived during a period of strife between labor and industry. From the 1860's to the early 1900's America was involved in the birth pangs of newly emerging national union and socialist movements and newly forming industrial empires seeking to crush them in embryo.

That period witnessed the birth, formation, decline, and death of several labor organizations and socialist groups and the birth and still flourishing union organizations.

It was into this climate that Matt Maguire was born and evolved politically from a Republican to Democrat to Greenbacker to Socialist.

His parents moved from New York to Paterson while he was still a child and settled in the Eighth Ward where he spent the greater part of his life.

MAGUIRE AND LABOR DAY

Maguire attended the local public schools and later St. John's Parochial School where a classmate, John Hinchliffe, went on to become Paterson Mayor from 1897 to 1904 and was later elected State Senator. After leaving school, Maguire became an apprentice in a machine shop here, and moved to Brooklyn in 1871 to work for the Columbia Iron Company.

This was the beginning of his entry into the labor movement. For the next 36 years his energy was entirely devoted to the cause of the workingman.

While employed in the Brooklyn firm, Maguire successfully led the workers there in their first strike for shorter hours. As a result, he was elected delegate in the Eight Hour League which was campaigning for shorter hours.

In recognition of his work at the plant and in the League, Maguire was elected secretary of the Machinists' and Blacksmiths' Union, later reorganized as the Knights of Labor Assembly 1562.

According to the obituary in The Morning Call, "Plans to complete the reorganization of the ironworkers' unions in New York and vicinity were begun. Mr. Maguire was one of a committee of three appointed to collect, arrange, and systematize all workingmen and unions in such a manner that they might be brought together and united in one solid body. In short time this committee became known as the 'sleepless three' because of their untiring efforts."

From that venture Maguire took a prominent part in organizing the Central Labor Union of New York to which 53 labor unions became affiliated. The united effort of the C.L.U. was responsible for the reduction of work hours for street car and brewery workers and bakers, the establishment of a Bureau of Labor Statistics, and factory inspections.

In 1882, according to the obituary, Maguire conceived the plan to set aside one day in the year for working people as a day of rest from toil. Through his efforts, President Grover A. Cleveland signed a bill proclaiming Labor Day a national holiday. For the next dozen years it remained a localized holiday in various States. In 1894, it became nationwide through an act of Congress.

The first Labor Day parade in New York was organized by Maguire. Twenty-five thousand men marched, and were led by William McCabe of the Typographical Union.

During the winter of 1881, Maguire played a prominent role in the struggle of the Irish people against landlordism. A demonstration of labor organizations was arranged in sympathy and support of the Irish people in their no-rent strike, and Maguire was made secretary of the demonstration, which was attended by 50,000 people in Union Square.

MAGUIRE THE POLITICIAN

He returned to Paterson with his family and began his political career when he was elected Eighth Ward Alderman as the Socialist Labor Party candidate in 1894, and again in 1896. In 1894, he was also nominated Socialist Labor Party vice-presidential candidate.

During his 4 years as Alderman he served as chairman of the finance committee and the Board of Public Works. A tireless fighter for better labor conditions, Maguire offered resolutions for the reduction of the work day to 6 hours, more educational facilities for poor children, legislation for higher property taxes for those who could afford them, municipal ownership of transportation and public utilities, progressive income tax, abolition of capital punishment, and recall of public officials by their constituents if they failed to represent them.

In July 1894, Maguire introduced a resolution permitting unemployed workers in the City who could not afford to pay their property taxes to be hired by the City to grade, curb, and improve the municipal streets and roads in lieu of paying taxes. He proposed the City employ these workers instead of paying contractors.

After a lengthy debate the resolution was adopted and a committee of three, including Maguire, was appointed to organize the unemployed to do the work.

Referring to his victory, the Paterson News in its July 17, 1894 issue wrote: "Alderman Maguire has since his election steadily advocated Socialistic doctrines but that a Republican Board of Aldermen should subscribe to his doctrines seems almost beyond belief."

During Board meetings, Maguire's wry sense of humor often amused the audience and other Aldermen. During a meeting in August 1894. Democratic Alderman Boylan opposed an ordinance to challenge the name of Madison Avenue west of Main Street to Montclair Street.

Asked why he opposed the change Boylan said: "It is the name of a good dead Democrat." Maguire rose to the occasion.

"Mr. President," he addressed the Board, "I move the name be changed to Boylan Avenue. It is the name of the only great living Democrat, and besides the street is very short."

At another meeting Boylan again tangled with Maguire. "My colleague says you can't educate us Democrats," Boylan said. "I remember when he was a Democrat, when he was a Republican, when he was a Greenbacker. Now he is a Socialist. God knows what he'll be next."

Writing about the encounter in the "Paterson People" Maguire stated: "And thus with the good foot in his mouth, Boylan paid another high tribute to Alderman Maguire by showing the difference between the man who can progress and the animal with tail and ears."

After another bout with Boylan, Maguire wrote: "When this great 'Democratic leader' opens his mouth to speak he generally puts his foot into it. This time it was his sore foot."

A week before Labor Day was to be celebrated in Paterson in 1894, Maguire estimated that 1,000 workers would participate. Several days before the scheduled parade there was rumor that nonunion men would not be allowed to participate in the festivities.

Maguire, who was in charge of the parade wrote in his newspaper: "The committee in charge of the big Labor Day parade desire to disabuse the minds of some workers who believe that none but members of unions will be allowed to participate. Nonunion men are cordially invited to join with the union men of their craft, and this invitation is general."

A week after the parade Maguire wrote: "There was in Paterson a combined parade, 3,000 strong of all the labor organizations with the Socialist Labor Party. The enthusiasm along the line of march could not have been surpassed and augurs well for the future achievements of organized labor under the banner of New Trade Unionism."

Maguire, deeply imbued with the ideas of Marx and revolutionary socialism, called upon all working people to unite under the banner of organized labor. In an editorial on October 14, 1894 he wrote:

"The dignity of labor will only be realized when those who perform honest toil stand by one another. . . . Be a partisan, but be a labor partisan! And when you are a labor partisan, neighbor, then your home is in organized labor's ranks."

With the passage of years Labor Day, founded and honored by Socialists, fell into disfavor among them. Leaders of the S. L. P. and the I. W. W. repudiated the day as a government-sponsored holiday in opposition to May Day, which they declared was the genuine workers' holiday. At one time both had been regarded as workers' holidays.

In an editorial on Labor Day in September 1894, Maguire described both the strength and weakness of the holiday as he saw it. In that editorial he wrote:

"Flattery is the homage virtue pays to vice. Conscious of their vice as the representatives of an idle class, the office holders in Congress have declared Labor Day a national holiday. But dishonest, as vice always is, the homage which idleness thus paid to industry comes accompanied with all the hypocricy of flattery.

"Labor Day, defective though it is today is a harbinger of what will be in the near future, when actual rest like a Sabbath festival, will cheer the masses from one end of the country to the other. Buoyed up with this hope, cheered with this prospect, and convinced of the gladness the future has in store for the workers, let those who can give themselves and their families over to all the cheering sentiments this great day suggests."

In 1898 he was defeated in his third bid for Alderman by Thomas Brogan, a Democrat. In 1907 he retired from public life. During the long and bitter silk strike in Paterson in 1913 Maguire was ill and did not participate.

The obituary of Matthew Maguire began: "Matthew Maguire, former Alderman of this City and prominent in the labor world as an agitator and union founder, passed away yesterday shortly after noon at the home of his sister, Mrs. Ellen Toohr, of 194 Jackson Street, this City. He was aged 62 years."

Several paragraphs later, it stated: "While it is not generally known, the deceased was in reality the originator of the national holiday known as 'Labor Day'."

Matt Maguire died on January 1, 11 months before the Russian Revolution.

Holderman was named manager of the New York-New Jersey District of the American Federation of Hosiery Workers, American Federation of Labor, in 1926. Two years later he became a vice-president of the international union, and a member of the New Jersey State Federation of Labor executive board. He assisted Sidney Hillman in 1934 in setting up the textile workers organization when the Congress of Industrial Organizations broke away from the A. F. of L.

[From the Paterson (N.J.) Morning Call, Sept. 2, 1968]

MATT MAGUIRE WINS HIS RIGHTFUL PLACE

(By Murray Zuckoff)

Mathew Maguire of Paterson is the real father of Labor Day.

A great deal of evidence is now available to substantiate that claim and to scrap the prevailing contention that Peter J. McGuire of Camden was founder of the national labor holiday.

Material uncovered during the past year from obscure and defunct labor journals and newspapers, from newspapers still in existence, and from dust laden history books disclosed that:

No meeting occurred on the date and at the place here, according to most historians, Camden's McGuire was supposed to have proposed the idea of Labor Day.

The accounts of what occurred at that so-called meeting was provided 15 years later by none other than McGuire.

No one present at the meeting where the idea of Labor Day was proposed ever confirmed McGuire's account. Those present at this meeting credited Paterson's Maguire with the idea.

Historians dealing with the origin and founder of the holiday have relied solely on McGuire's version and that of Samuel Gompers, the first president of the American Federation of Labor.

Newspaper reports and writers from 1894 (the year Congress declared the first Monday in September as a national Labor Day) to 1924 credited Maguire with founding the holiday.

President Grover Cleveland, who signed the Congressional measure into law in 1894, originally sent a letter to McGuire congratulating him for initiating the idea. Later, he sent a letter to Maguire apologizing for the error in not crediting him.

The AFL officialdom perpetuated the McGuire myth because he was an official of the federation who toward the end of his life repudiated his earlier Socialist views. Maguire was never in the AFL and never repudiated his Socialist principles.

Until last year Maguire was unknown to even such nationally famed labor historians as Philip Foner, radical labor writer and author of a 4-volume history of the American Labor movement, and Dr. Leo Troy of Rutgers University, author of "Organized Labor in New Jersey."

Even an official of the Socialist Labor Party, to which Maguire belonged and on whose platform he was twice elected Paterson Alderman in 1894 and 1896 becoming the first Socialist declared to office in the country, said he had never heard of Maguire.

The Paterson Alderman, who had been a member of the Knights of Labor, the secretary of the Central Labor Union in New York which he helped found in 1882, the organizer of the first Labor Day parade in New York and Paterson, was a man history passed by.

Last September, in the Labor Day issue of The Morning Call, Maguire emerged from the oblivion to which he had been consigned by history, to challenge the credibility of history.

At that time there was no indisputable confirmation that Maguire was the father of Labor Day.

All that was available then was the contention of his granddaughter, Mrs. Doris Atherton of Paterson, that her grandfather was the founder of the holiday.

The only sources she had to document her claim was an obituary printed in The Morning Call Jan. 2, 1917 referring to Maguire as the father of Labor Day, memories of stories her father told her about his father, and a weekly Socialist newspaper Maguire published in 1894 and 1895, the "Paterson People."

Since then, evidence was unearthed to restore Maguire to his rightful place in history. Now, the onus of proving that McGuire was the father of Labor Day is on those who still cling to this contention.

Credit for finding the evidence belongs to George Pearlman of Clifton, a 67-year-old retired tool and die maker, a former employe of Continental Can Company in Paterson, and a member since 1924 of the International Association of Machinists, the same union Maguire belonged to when he was active in the labor movement.

After reading the article in The Morning Call, Pearlman scoured libraries and historical societies in the country and Canada for material to determine who was the rightful father of Labor Day.

Before he began his year long odyssey, Pearlman wrote a letter to this reporter stating:

"Mrs. Doris Atherton's claim is valid. Records show that Matthew Maguire read from prepared resolutions, statements, and proclamations when he had something to propose at Central Labor Union meetings. Further investigation is necessary."

Pearlman added: "Somewhere, some place, there may be a letter, a labor paper, or report of a CLU delegate that will fix the meeting place, date, and the man that proposed the idea. Matthew Maguire can be that man."

What did Pearlman find? The single most important piece of evidence to puncture prevailing claims is the date and place of the meeting where the idea for Labor Day was first proposed.

Most available historical accounts claim that McGuire proposed the idea of a national labor holiday to the CLU at its May 8, 1882 meeting. Foner, in his 4-volume history, places the date as May 18.

Several historians, including Edward Pinkowski, author of "Forgotten Fathers", claim the meeting took place at Clarendon Hall on 13th Street and Broadway in New York.

The question is: what did this information come from?

The primary source comes from an article McGuire wrote in the September 1897 issue of "The Carpenter", official organ of the Carpenters Union which he founded.

In this article, he stated about himself:

"On May 8, 1882, the writer made the proposition. He urged the propriety of setting aside one day in the year to be designated as 'Labor Day', and to be established as a general holiday for the laboring classes."

McGuire wrote an identical article for the September 1902 issue of the "American Federationist", the official journal of the AFL with only one minor change.

Again writing about himself, he stated:

"Many were the excellent reasons he advanced and at once the idea was enthusiastically embraced." In the 1897 article he referred to "cogent reasons."

This is where the skein of history begins to unravel.

There was no meeting of the CLU on May 8, which was a Monday. Not a single newspaper that regularly reported meetings of the CLU—The New York Times, The World, The New York Herald, and the New Yorker Volkszeitung—had any accounts of a May 8 meeting.

Newspapers did carry accounts in their May 8 issue of the CLU meeting of May 7, a Sunday. The CLU did not meet on Mondays, nor according to newspaper accounts, did the union meet in Clarendon Hall. Its meeting was conducted at Science Hall on 8th Street and Broadway.

The only proof so far of McGuire's claim is McGuire himself. There is no proof that McGuire was present at the May 7 meeting despite the fact that he was a delegate to the CLU.

There is proof that Maguire was there. He was secretary of the CLU.

Several pertinent questions require answers:

Is it possible that McGuire could have forgotten so important and memorable a date as May 7 or is it more than likely that he wrote about the meeting from newspaper accounts dated May 8 and that this date remained in his memory?

If McGuire regularly attended CLU meetings would it have been possible for him to have forgotten that the meetings were on Sundays—a normal day of rest for workers—and not a Monday, a working day?

If McGuire conceived the idea of a Labor Day, why was Maguire chosen by the CLU to correspond with other labor organizations in New York to ask for approval? Granted he may have been asked to do as CLU secretary, why was there no mention of McGuire as the author of the idea in any of his correspondence? An oversight? Jealousy? Because he didn't consider it important?

Then why was Maguire asked to organize the first Labor Day in New York and the first one in Paterson?

Why wasn't McGuire's name mentioned once by anyone in any publication as the founder of Labor Day until he referred to himself in the 1897 article?

Why is it that McGuire, who was editor of the publication from 1881 through 1884, waited until 1897 to publish the account?

If, however, Maguire conceived the idea of a national labor holiday and presented the proposal at the May 7, 1882 meeting, why did President Cleveland credit McGuire with the idea?

Here is where a quirk of history came into play which both Mrs. Atherton and Pearlman feel was responsible for consigning Maguire to historical oblivion.

In 1893, a year before Cleveland signed the Congressional measure, Terence V. Powderly, head of the Knights of Labor, issued the first volume of a labor year book called the "Annual".

In it, he noted, that the idea for a national labor holiday was discussed at K of L meetings prior to 1882. Maguire was an active member of the union and participated in the discussons. This would have given him the background and material to draft a proclamation or resolution on labor's own holiday.

The K of L delegates to the CLU knew about the plan and were at the meeting when it was proposed by Maguire. The idea of a national labor holiday would not have been known to McGuire who was never a member of the K of L.

In writing about the background of Labor Day, Powderly referred to a meeting of the K of L on September 5, 1882 in New York. The meeting was described by Powderly this way:

"The Knights of Labor of New York were not working openly at that time . . . Under different names the local (K of L) assemblies were represented in the Central Labor Union and the coming of the General Assembly to New York was a subject for discussion at several meetings previous to the opening of the convention.

"When the General Assembly was opened on September 5, a communication was read from the secretary of the New York Central Labor Union, Matthew McGuire, inviting members of the body to review the great parade (Labor Day parade) from the grand stand at Union Square."

Notice that Powderly spelled Maguire's name as McGuire. This same spelling error was repeated in the Paterson directory that year and for a number of years after that when Maguire's name was spelled McGuire.

Mrs. Atherton said she doesn't know how that error cropped up, but it was this error that led President Cleveland to congratulate Peter J. McGuire instead of Matthew Maguire. She also said that McGuire was present, along with Gompers, when Cleveland signed the act and presented Gompers with his pen.

"From stories I heard from my father, Peter J. McGuire was introduced to President Cleveland who mistakenly thought he was my grandfather," she said.

"Having been introduced to a McGuire and probably having seen that name in print in connection with Labor Day, Cleveland sent Peter J. McGuire a letter of congratulation."

Continuing, she added: "A short time later, Cleveland realized his error and sent my grandfather a letter of apology telling him that he deserved credit for the idea of Labor Day."

Over the years, however, the letter was lost travelling from one member of the Maquire family to another, Mrs. Atherton said. She is in the process of trying to locate it.

But there is other substantiating material that gives credence to Maguire's role as father of Labor Day.

"Those who attended the CLU meetings, the chairman, delegates, and the secretary, would have acknowledged that McGuire proposed the idea, if he had really done so," Pearman said. "This would have stopped others from making a similar claim."

Yet, an editorial in the July 2, 1894 issue of The Morning Call, titled "Honor To Whom Honor Is Due", stated:

"Representatives of labor unions in this city and men prominent in the same are dissatisfied with the announcement that the pen with which President Cleveland signed the bill making Labor Day a national holiday, is about to be presented to Samuel Gompers, president of the American Federation of Labor.

"These men claim that the souvenir pen should go to Alderman Matthew Maguire, who is the undisputed author of Labor Day as a holiday."

The same editorial noted that Maguire issued the first proclamation for a national labor holiday in 1882 while he was CLU secretary and organized the first Labor Day parade.

Continuing, the editorial stated: "It will thus be seen that Mr. Maguire, the father of the Labor Day holiday, is the person who should get the souvenir pen . . ."

Maguire reprinted this editorial in his own newspaper, but without any comment.

On Sept. 4, 1894, The Morning Call carried a report of the Labor Day festivities in Paterson and mentioned the names of prominent people present. The article added: "There were a number of socialists headed by Alderman Matthew Maguire, the father of Labor Day."

William S. Walsh, author of "Curiosities of Popular Customs", published in 1894 by B. Lippincott Company of Philadelphia, Pa., stated:

"In 1882 Matthew Maguire, secretary of the CLU in that city (New York), with the approval of the union, corresponded with the various labor organizations in the State with a view to setting aside one day in the year as their own holiday. The proposition was well received. The first Monday in September was chosen. Maguire was made chairman of the committee to arrange for the first Labor Day celebration that year.

In 1912 Doubleday and Company published a book by Burton and Stevenson titled, "Days and Deeds."

To Matthew Maguire, secretary of the CLU of New York City, belongs the credit for first actually putting the idea into execution," the authors wrote.

In 1924 the publishing firm of Lyons and Carnahan of New York and Chicago published a children's book, "Why We Celebrate Our Holidays." Mary I. Curtis, the author, wrote:

"Nobody knows just when the idea of having a holiday devoted to the cause of labor originated, but Mr. (Matthew) Maguire was the first man to put the idea into execution. In 1882 he wrote to the leaders of some other labor organizations in New York State about the matter, and with their approval he chose Sept. 5 for a labor holiday and a great parade."

In September 1932, a few days before Labor Day, The Morning Call carried an article with the headline: "Labor Day Owes Its Existence to Efforts of One-Time Patersonian." The article noted:

"It will also be of interest to many to know that the first Labor Day parade was ordered in New York by Mr. Maguire almost a half century ago, according to newspaper clippings which recorded his death here in 1917."

The clipping of Jan. 2, 1917, a day after Maguire died in Paterson at the age of 62, stated: "While it is not generally known, the deceased was in reality the originator of the national holiday known as Labor Day. It was he who first conceived the plan . . ."

Historians might have benefited had they read the editorial Maguire wrote in the Oct. 14, 1894 issue of the "Paterson People."

"The dignity of labor will only be realized when those who perform honest toil stand by one another. It will be an accomplished fact when men learn to read history right."

The last five words can serve as a summation of the reason for Maguire's disappearance from history and the memory of men: those who wrote the weighty tomes about Labor Day failed to read history right.

THE ADMINISTRATION'S POLICY OF "LIMITED WAR" IN VIETNAM: "THE LANCES UNLIFTED, THE TRUMPET UNBLOWN"

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. BRAY. Mr. Speaker, do the American people realize that the administration's policy of "limited war" in South Vietnam, where our troops fight in an area smaller than the State of Missouri, has so far cost the United States more casualties than the first 2 years of World War II, a total, unlimited war where we had fighting men on every continent and ocean of the globe?

On December 22, 1961, the first American soldier was killed in Vietnam. It is significant that the first casualty did not appear until after the ill-fated Bay of Pigs operation earlier that year, which made our enemies feel we would not follow through with something we started and hence could be attacked with impunity. On September 5, 1968, after 6 years and 8 months of fighting, American casualties passed the 200,000 mark. During World War II, the United States did not reach that figure until the early months of 1944.

After 200,000 casualties in Vietnam, there is absolutely nothing at this time to indicate the end of the war is in sight. In contrast, by the time American casualties had reached 200,000 in World War II, our forces had gone through the Battles of the Coral Sea and Midway; had won back the Solomon, Gilbert, and Marshall Islands; landed in North Africa; and driven across to link up with the British 8th Army in Tunisia; helped clear the Germans and Italians out of Africa, out of the Mediterranean, and out of Sicily; and landed on the continent of Europe itself, at Salerno and Anzio, to begin the slow, costly drive up the road to Rome.

To be sure, we were not alone in World War II; we had Allied Armies to fight with us. But when the numbers of American troops involved are considered, the extent of our participation—we carried the war practically alone in the Pacific during those years—and the nature, skill, and resources of our enemies in World War II, it is obvious we were achieving greater military results at a relatively much lower cost in military casualties.

The war in Vietnam became the longest in our history on June 22, 1968, when it was 6 years, 6 months and 1 day old—the War of the Revolution was our longest—and 3 months before this, on March 14, 1968, our casualty rate had passed the mark set by 3 years fighting in Korea. The Vietnam war is now not only the longest but it is the fourth bloodiest in casualty terms, and World War I, with its 321,000 casualties, is not too far ahead for third place.

At this time there is not the slightest solid indicator that Hanoi wishes to quit on anything but its own terms, which as everyone knows would mean not only a humiliating, tragic defeat for the United States but imposition in a very short time of a brutal reign of terror in South Vietnam.

On September 2, 1968, in Paris, Le Duc Tho, who is the North Vietnamese probably holding the key to Hanoi's strategy at the peace talks, said:

> The pressure of American public opinion will increase and force President Johnson to change his policy.

This statement came after the North Vietnamese were greatly impressed by the antiwar protests in Chicago. It is known many North Vietnamese delegation members stayed up all night in Paris to listen to live radio broadcasts of the convention.

These remarks of Tho's were made at a North Vietnamese Independence Day celebration in Paris. Hanoi's chief negotiator, Xuan Thuy, had written a poem for this occasion in which he spoke of using "words as hard as brass" to the Americans. When Le Duc Tho was asked for a comment on the peace talks, he bluntly responded:

> Whether in the field or at the conference table, our goals will be attained. We are confident of final victory.

After 200,000 American casualties in the longest war in our history the end is not in sight and people want to know why. The following, taken from a report made by the Special Subcommittee on National Defense Posture of the House Committee on Armed Services, a committee on which I have had the honor to serve for 16 years, tells why:

> The fact of the matter is that the war in Vietnam is a limited war with limited objectives. It is a defensive action which, by its very nature, restricts our combatant forces from achieving a victory in its true sense. . . . the definition of military victory in Vietnam must be translated in terms of the minimum acceptable conditions which the United States will agree upon if a cease fire can be reached by negotiation. Whatever the definition, it is quite apparent to the subcommittee that no plan exists to achieve a military victory in the normal and recognized connotation of the term.

Then what are we doing? What are we aiming at? What have we been doing? Has there been any progress at all? What is there to show after almost 7 years? Two sections of the report, "Progress and Problems," and "Command Relations in the Decisionmaking Process in the Vietnam War" give the answers:

PROGRESS AND PROBLEMS

> All tactical engagements with any substantial numbers of enemy forces throughout the past year have resulted in their defeat and withdrawal. Only their quick access to jungle hideaways and neutral sanctuaries has prevented their complete destruction. Despite the pressures of Communist discipline to continue the war, their huge and disproportionate losses confront them with the approaching limit of their manpower sources. This has been evidenced by the youth of prisoners and other indications from captured intelligence documents.
>
> Despite our dissatisfaction with the slow pace of the pacification program, there have been no signs of revolt or defection on the part of the South Vietnamese civilian population—even those who have been heavily subjected to terroristic pressures by the Viet Cong. In fact, these pressures have had the reverse effect of finally alerting many of the previously passive civilian groups to their real enemy, and causing them to seek the protection of our own or South Vietnam forces.
>
> As previously noted, the leadership and capability of the South Vietnamese armed forces continue to improve. A major effort is being made by our own forces to assist in this development so vital to the final outcome of the war.
>
> There have been steady advances by Navy surveillance and assault craft in preventing the coastal entry of supplies for the Viet Cong and in gaining control of most of the Mekong Delta area.
>
> An impressive series of large and modern bases for supporting the war has now been completed throughout South Vietnam and Thailand. These bases also enable better use to be made of our great air and seapower capabilities for both combat and logistic purposes. Most of these are of a permanent rather than temporary nature and will serve important purposes in developing the future economy of those countries as well as all of Southeast Asia.
>
> While significant restrictions are still being imposed on the bombing of North Vietnam, much progress has been made, especially during the past six months, with the authorization of a good number of targets previously on the prohibited list. It has forced a slow-down in the enemy transportation system, hampered the movement of supplies, and put out of commission most of the basic industries. An estimated 600,000 men have had to be diverted to man the air defense system and damage repair facilities. They would otherwise be available to support the enemy war effort in the south—all of which lessens the combat burden on our forces there. But it must also be added that the resulting enemy air defenses have been developed into an extremely formidable hazards to our planes.
>
> By far the most important unresolved problem in the war is the fact that North Vietnam continues to receive from external sources all of its war materiel and a large part of its economic supplies—mostly through the port of Haiphong. This has done more to prolong the war than anything else. Without this vital external assistance, most of which comes from Red China and the Soviet Union, North Vietnam would be forced to end the war within a relatively short period.
>
> We have allowed this situation to exist primarily because of an inordinate fear that our putting an end to it would bring China and Russia into the war. And it was the direct cause that led to our adopting the misguided policy of gradualism, whereby we applied our great military power only in a piecemeal fashion. Not only has this allowed the enemy to build up his highly effective air defense—from one that was practically nonexistent—but it also provided him with a clear forecast of our fears and our whole strategic attitude.
>
> It is frustrating indeed to think that we might have ended this war long before it reached its present proportions had we firmly applied our sea and air power to prevent North Vietnam from receiving from outside sources the bulk of her supplies. Even the early announcement of our intention to do so might have done it. And stronger measures than blockade could have followed as necessary.
>
> That lost opportunity has now passed into history. But the Subcommittee is of the opinion that we may still be compelled to remove all present bombing restrictions in North Vietnam if we are to attain an acceptable and permanent solution to the Vietnam war. Meanwhile, however, we allow Haiphong to continue as an open port and to furnish North Vietnam with some 80 percent of its external supplies. Every one of our principal military advisors and commanders who are engaged in the war considers that the closing of Haiphong would be a major step in forcing North Vietnam to end the war.
>
> It is true that substantial progress has been made in blocking the lines of land and river communications leading out of Haiphong—but at a heavy and continuing cost in pilots, air crewmen and aircraft. It still remains, however, a vital source of enemy supplies.
>
> The Subcommittee's views on the need to close Haiphong were included in its interim report.

COMMAND RELATIONS IN THE DECISIONMAKING PROCESS IN THE VIETNAM WAR

> In the course of this inquiry, the Subcommittee has conferred with all of the principal military commanders involved in the Vietnam war, and has been impressed by the fundamental, far-reaching importance of command relations to the conduct of the war and our overall defense posture.
>
> Briefly stated, command relations can be regarded as the lines of authority and the procedures for translating objectives and instructions, as determined at the decisionmaking levels, into action for producing the desired results. The effectiveness of command relations can make the difference—and frequently does—between understanding and confusion, timely action and damaging delay, success and failure.
>
> No military force, or any other large organization for that matter, can be successfully operated if the decisionmaking authority is concentrated too heavily at the top. Where such a condition exists, important decisions are too often made on an arbitrary, ill-considered basis, and become subject to frustrating and dangerous delays—especially in critical situations. Another longer range consequence is that it strongly tends to produce military leaders who lack the capacity and willingness to make difficult decisions on their own responsibility.
>
> Over the past twenty years, an extensive statutory and administrative structure has been developed for the purpose of providing more coordinated direction of the armed forces than previously existed. It was also intended to incorporate many of the valuable command lessons from World War II, and to provide a more comprehensive and unified program for the national security. And it firmly establishes the traditional principle of civilian control under the Secretary of Defense, subject to direction of the President.
>
> In actual practice, especially during the past few years, there has been a much stronger emphasis on increasing the degree of direct civilian control over military matters. The result has been a heavy concentration of decisionmaking authority at the top—in the office of the Secretary of Defense. The influence of his civilian staff has grown to the point where it equals or exceeds that of professional military advisors. This has applied not only to administrative and procurement matters, but also to the conduct of the Vietnam war, as well as to the strength and disposition of all the combat forces.
>
> Existing law provides that the members of the Joint Chiefs of Staff are to be the principal military advisors to the President and the Secretary of Defense. But, as of the time of the Subcommittee's hearings, it appeared that this had not been the case for several years. Judging by the number of times the Secretary of Defense had disapproved or opposed the recommendations of the Joint Chiefs, and the fact that they were represented only by their Chairman in nearly all discussions of defense matters with the President, it appears that the statutory intent had been ignored.
>
> The importance of the role of the Joint Chiefs of Staff as the principal military advisors has long been recognized. It is pro-

> vided for and contemplated by the law that the President and the Secretary of Defense are to have the most competent advice available on all aspects of land, sea and air warfare—to include military organization and strength, operational concepts, the preparation of strategic plans and directives, weapons requirements, and ability of the services to perform their assigned roles and missions. Their decisions and recommendations are being too frequently overruled within the Department of Defense. The erosion of their influence is indicated by the greater emphasis on cost effectiveness, computerization and cost reduction, along with the growing disinclination of Defense Department officials to obtain professional military advice wherever appropriate.
>
> These conclusions are supported by facts which include the following:
>
> 1. The adoption of proposals and recommendations on military matters without the approval of the Joint Chiefs of Staff, including key policies relating to the conduct of the Vietnam war and the capability of our armed forces to meet other contingencies and treaty obligations.
>
> 2. Exclusion of the Joint Chiefs from attendance at the highest councils where important military decisions are under consideration. While they are represented by the Chairman of the Joint Chiefs, it becomes necessary that he act as the single spokesman and advocate for the other members regardless of the nature of the military matter under consideration. The Subcommittee has no intention of casting the slightest reflection on the outstanding ability of the incumbent Chairman. It is simply a matter of the Subcommittee having some doubts as to whether any career officer, whose background, training and experience have been necessarily confined to his own service, can possibly be the most competent advisor and advocate on the operations and weapons of the other armed services.
>
> 3. The growing influence of the Assistant Secretary of Defense for Systems Analysis and his recommendations, from a scientific basis, in the formulation of strategic policies, military assessments, and weapons requirements. The Subcommittee found that this office possesses the power of review over all such matters, and its recommendations to the Secretary of Defense are frequently opposed to those of the Joint Chiefs of Staff and professional representatives of the individual services.
>
> This inquiry has led the Subcommittee to conclude that, at the time of its hearings, the views of the Secretary of Defense, not those of the Joint Chiefs of Staff or the principal military commanders, had been the dominant influence in the determination of the objectives and conduct of the Vietnam war. This influence was likewise extended to the setting of force levels, procurement of existing weapons and authorization of new ones and decisions affecting the strength and disposition of our forces to meet contingencies arising in other parts of the world. In addition, the Secretary of Defense had preempted the role of the Joint Chiefs of Staff as the source of principal military advice and has relegated them to a status more closely resembling a military liaison body.
>
> Consequently, the Joint Chiefs have not had a strong voice in the formulation of current military objectives. It is neither expected nor desired that they initiate and advocate any advice or recommendations on matters which in their military judgment should be considered. The fact that such a situation exists in the command relations between the Joint Chiefs of Staff and the Secretary of Defense is reflected by a comment from one of the Joint Chiefs who appeared before the Subcommittee in August 1967. On being asked for his views as to what he would do to win the Vietnam war as quickly as possible—he made this significant remark:
>
> "My first comment would be that you are asking me the question about two years too late."
>
> He later spoke of the frustrations he had felt on some of the decisions taken, which had caused him to consider requesting retirement; but felt it was his duty to remain.
>
> Another member, commenting on the effects of our graduated pressure from the time the Vietnam war first began had this to say:
>
> "Of course, what we have done is militarily unacceptable in many ways—one that violates principles of military strategy and tactics—and that is a piecemeal commitment. This invariably brings you into trouble in this type of problem, because it permits the other side to gauge what you are doing, element by element. For example, they have had two and one-half years to build up their anti-aircraft defense in North Vietnam because we didn't apply the maximum pressures as quickly as we could."
>
> Thus, it is evident to the Subcommittee that serious military measures of far-reaching consequence have been formulated and carried out in opposition to the views of the Joint Chiefs of Staff, who are supposed to be the primary military advisors.

Civilian supremacy over the military is one thing; civilian interference with the actions of field commanders, and civilian ignorance of their advice and counsel, is something else again. There are plenty of historical examples to underscore this monumental folly.

Over 2,000 years ago, Rome was locked in its third Macedonian war, 171 to 168 B.C., a conflict to determine whether Roman prestige in Greece, Asia Minor, and Egypt was to stand or fall. There were several unsuccessful campaigns against Perseus of Macedonia that were just short of total disasters, and finally Lucius Aemilius Paullus was elevated to the consulship and given command of the campaign of 168 B.C.

Paullus asked for, and received, a commission to investigate affairs in Greece—and Paullus appointed the commissioners himself. He asked for, and received, authority to select the tribunes for his two legions, and when his force had been assembled and was ready to embark for Greece, Paullus left the Senate and went to the assembly of the people, to speak to them. His speech is preserved in the writings of the historian Livy, and, as one military commentator has written:

> It is of considerable interest, because it shows that hitherto the direction of the war had largely been influenced by armchair strategists whose suggestions, schemes and criticisms had paralysed commanders in the field.

Paullus said:

> In every circle and at truly every table there are people who lead armies in Macedonia, who know where the camp ought to be placed; what ports ought to be occupied by the troops; and when and through what pass that territory should be entered; where magazines should be established; how provisions should be conveyed by land and by sea; when it is proper to engage the enemy; and when to lie quiet. And they not only determine what is best to be done, but if anything is done in any other manner than they have proposed, they arraign the consul as if he were on trial before them . . .
>
> If therefore, anyone thinks himself qualified to give advice respecting the war I am to conduct, let him come with me into Macedonia . . . but if he thinks this too much trouble, and prefers the repose of city life to the toils of war, let him not on the land, assume the office of pilot. The city, in itself, furnished abundance of topics for conversation; let it confine its passions for talking, and rest assured, that we shall be content with such councils as shall be framed within our camp.

Paullus set out from Rome in the early spring. On June 22, 168 B.C., at the Battles of Pydna, the Macedonians lost 20,000 killed and 6,000 captured; another 5,000 were taken during the Roman pursuit that went on for 14 miles. By this one stunning victory, Paullus had consolidated Roman supremacy over most of the known world.

At least two of our Republic's past Chief Executives have learned this lesson.

> Military affairs should be left to military men.

Wrote President James Monroe after the Battle of Bladensburg, on August 24, 1814, during the War of 1812. Monroe had meddled in the measures for the defense of Washington, and much if not all of the extensive blame for this, one of our country's military disasters, was laid at his door.

Every schoolboy knows Abraham Lincoln's reply to critics of General U. S. Grant:

> I like that man; he fights.

And President Lincoln went ahead and specifically let Grant do just that:

> The particulars of your plan I neither know nor seek to know . . . I wish not to obtrude any constraints or restraints on you.

Wrote the President to the general in March 1864, when Grant had been made lieutenant general and given command of all the Union Armies. The Civil War ended 13 months later.

U.S. involvement in Vietnam is without historical parallel. Never before has a government claimed to seek so much, yet, by its actions, seemed to deliberately wish to attain so little.

As a result, we now appear indecisive and hesitant to our allies. Even worse, and more disastrous, we appear weak to our enemies. We have literally allowed our enemies to dictate the terms of battle and in so doing given them every reason to believe they can write the terms of peace as well.

The fruits of this policy are bitter and tragic. For our country, it has meant disrespect abroad—the *Pueblo* incident is a case in point—and bitter division at home that has materially aided the growth elements dedicated to nothing less than revolution and anarchy.

> Those who cannot remember the past are condemned to repeat it.

Wrote the philosopher Santayana. It is foolish not to learn from another's mistakes, but it is nothing less than idiotic to not only ignore but also keep on repeating your own.

REPORT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. CUNNINGHAM. Mr. Speaker, periodically I report to my constituents in the Second Congressional District of Nebraska to keep them informed of events concerning my work as their Representative in Congress.

I am reporting to them on some of the events here in Washington, and I think this might be of interest to the other Members of this body.

My report follows:

WASHINGTON REPORT

THE GROWING AND UNBELIEVABLE WASTE IN THE FOREIGN AID PROGRAM

By the way, I have never voted for it and never intend to.

When the Foreign Aid Bill comes before the Congress some newspapers may use the phrase "the lowest price tag since the inception of the Foreign Aid Program in 1948." *The cost of Foreign Aid in this coming year will actually be the highest in three years.* The price the liberals will be talking about will be the 2.1 or 1.9 billion dollar cost for the Foreign Aid Bill recommended by the Foreign Affairs Committee of the House of Representatives.

The present Administration's request for Foreign Aid money totals over 10 billion dollars. This figure is higher than in the past two years. In 1967, it was 9.2 billion dollars and in 1966, 8.2 billion.

During its debate over the Foreign Aid Bill Congress in reality will be looking only at the "tip of the iceberg". *The bulk of Foreign Aid money is scattered throughout the budget and is carried under 20 different titles, chapters, items or separate bills. The annual cost is increasing, instead of decreasing as the liberals would have the public believe.*

IN TROUBLE

The foreign giveaway program is always in trouble and continues to lose supporters even among the liberals in Congress although pro-Foreign Aid Congressmen still have the votes to put it through. The Foreign Aid bureaucracy still finds ridiculous ways to spend your tax dollars. Here are but a few examples:

In a recent case the U.S. gave Nationalist China 2.5 Million Dollars supposedly to teach them and the Japanese how to grow vegetables. This is like teaching fish to swim. The Japanese and Chinese are among the best vegetable farmers in the world.

And in another case, Foreign Aid officials were taken in by a Lebanese promoter who asked for help to run a school in Beirut. He received half a million dollars in U.S. Aid even though the school never existed.

JUNKETS

Much of your tax money is spent on *junkets* and frequently ridiculous overseas missions. For example, a former driver training instructor from Florida, received the sum of $21,438 to help the King of Jordan organize youth centers and athletic programs.

A former Supreme Court Justice picked up $6,223 to junket through New Zealand, Australia, Japan, Hong Kong, Singapore, Malaysia, Indonesia, and Thailand, where he was to "meet and discuss mutual interests with his peers," and so it goes.

OVERHEAD EXPENSES

Even with many examples of the misuse of Foreign Aid money the most shocking aspect of the program is the sky-high cost of salaries and expenses.

The Library of Congress reports that over 18,000 Federal employees have been hired to administer this one program—the Foreign Assistance Act (the high-sounding title for Foreign Aid). The rundown includes 11,572 employees paid out of appropriated funds and 6,472 persons paid from "counterpart funds" or foreign money we have on call overseas. The cost for their salaries and expenses in 1968 will run about $65,000,000.

There are 2,725 foreign nationals and 518 consultants working for the foreign aid agency.

These consultants are paid up to $100 a day plus expenses of from $14 to $20 a day. The consultants *who are sometimes defeated politicians on a boondoggle* could be costing taxpayers up to $62,160 for a single day.

The grand total cost of Foreign Aid from 1946 through 1968 is $171,235,000,000. It's your tax money they are traveling on. That is, 171 Billion, 235 Million Dollars that you and I have paid the Federal government through our income taxes.

INDIA

As the largest single recipient of U.S. Foreign Aid in fiscal year 1967 the program in India deserves close examination. *By July 1969, India will have received nearly 7 Billion Dollars in U.S. aid.*

Over 3700 persons are connected in some way or another with the giveaway program in India. The cost for wages and expenses allowances received by Foreign Aid employees is over $9,000,000. The rundown of persons connected with the program includes 635 "regular" employees, 1190 dependents, 1,812 foreign nationals and *94 so-called consultants. The results of the U.S. Foreign Aid Program in India have been questionable.*

HOLY RATS

The U.S. Foreign Aid Program operates amid both prosperity and waste while trying to support India's farm program. A "Washington Post" foreign correspondent says that a farmer named Singh Hara who farms near Ludhiana, India, has just harvested a wheat crop that averaged 65 bushels an acre. His profits was about $8700 and the writer says that Indian farmers are paying cash for new U.S. tractors. *I have been told that the tax burdened U.S. farmers have to borrow money to buy American tractors.*

In an example of fantastic waste in the same country, In the State of Rajasthan, *the people worship and feed rats.* The rat population there is estimated at 25 million while there are 20,100,000 people. At a temple in Deshnoukh, India, *the "holy rats" are fed more than 250 pounds of food a day while people starve.*

HAS YOUR MONEY MADE FRIENDS FOR THE UNITED STATES?

In an official report this year, members of the Foreign Affairs Committee of the House of Representatives stated:

"While relying heavily on U.S. aid to prevent famine at home, it is reported that *the government in India is acquiring a large quantity of expensive military equipment including jet fighters, tanks and submarines from the Soviet bloc countries.*

"As an example India has established the following facilities with Soviet help:

"A plant designed exclusively for the assembling of Mig-21 jet fighters,

"The Hindustan aeronautics plant at Bangalore for production of HF-25 fighters" . . . and the list continues—tanks, small arms, air-to-air missiles, etc.

India uses our foreign aid to support their economy and uses their wealth to purchase arms and military equipment from the Communists. After providing them with 7 Billion Dollars in aid, wouldn't you think the least they could do would be to put some of their soldiers in Viet Nam to help us?

With the fouled up conditions of the U.S. Foreign Aid Program in India, it is no surprise that there have been reports of *disenchantment with Mrs. Gandhi's Administration.* The "U.S. News and World Report" stated recently, *"Prime Minister Indira Gandhi of India, say observers in New Delhi, is in danger of being removed. Right-wing leaders of the Congress Party argue that Mrs. Gandhi is unable to make decisions, and that India's foreign policy has collapsed."*

Nothing tugs at the heartstrings of an American like the thought of a starving child and if our money was being spent on food for the hungry people of India, I would approve of the expenditures. I do not believe, however, that U.S. Aid is really being effectively used to help the poor nor does the government of India properly distribute the food grown in that country.

ANTI-OBSCENE ADVERTISEMENT FORM

Enclosed is one of the official forms to be used in enforcing the "Cunningham Law" which gives parents the means to halt the flow of obscene literature to the family mail box. The pamphlet describes the law and the steps to be taken in curbing the flow of obscene advertisements through the mails. If additional copies of the form are needed, please call my Omaha office or write to my Washington office.

"HARDHEADED BUT NOT HARDHEARTED CREDIT POLICIES"—ADDRESS BY CONGRESSWOMAN SULLIVAN BEFORE BOARD OF DIRECTORS OF NATIONAL FOUNDATION FOR CONSUMER CREDIT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mrs. SULLIVAN. Mr. Speaker, enactment of the Consumer Credit Protection Act of 1968, Public Law 90-321, will result, next year, in a vast improvement in the quantity and relevance of the information given to consumers in the utilization of credit, but will, by no means, solve all of the problems inherent in the sensible use of credit, particularly by families of low income.

I was therefore pleased to have the opportunity last Friday, as chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, and as the principal author of the Consumer Credit Protection Act, to meet with the members of the board of directors of the National Foundation for Consumer Credit, which includes some of the top leaders of the American retailing, manufacturing, banking, lending, and finance industries. For the first time, I believe, this board now also includes some outstanding spokesmen for consumer interests as well.

As explained to me, the foundation has, as its principal concerns, the education of youth in the intelligent use of consumer credit through study materials offered to schools and colleges, and also the sponsorship of nonprofit consumer credit counseling services to help families extricate themselves from credit difficulties.

In my remarks at the luncheon meeting of the all-day annual meeting of the board of this foundation, I discussed what I believe are some of the great challenges to the legitimate consumer credit industry, and also to the voluntary organizations interested in assisting low-income families. The disclosure requirements of the truth-in-lending title of the Consumer Credit Protection Act will be of invaluable assistance to most consumers in understanding the relative costs of competing forms of credit, but many of the families which most need guidance and protection in the use of credit—the uneducated, the nonreaders, and particularly the guillible poor—will still be at a great disadvantage in the marketplace unless additional help is forthcoming at the local level.

Mr. Speaker, because of the widespread interest in the whole question of credit use and abuse, as demonstrated by the nearly unanimous passage by Congress of the far-reaching Consumer Credit Protection Act, I submit herewith the text of my remarks last Friday, as follows:

HARDHEADED BUT NOT HARDHEARTED CREDIT POLICIES

(Address by Congresswoman LEONOR K. SULLIVAN, Democrat, of Missouri, chairman, Subcommittee on Consumer Affairs, House Committee on Banking and Currency, at annual luncheon meeting of Board of Trustees of National Foundation for Consumer Credit, Madison Hotel, Washington, D.C., Friday, September 6, 1968)

I may be wrong but I think that this may be one of the last occasions between now and a certain Tuesday in November when anyone running for reelection to Congress, or anyone who is vitally interested in the election of one or the other party to the Presidency, will be able to discuss important issues in a nonpartisan and nonpolitical fashion. Up to this point, most of the political battling has been between and among members of the same political parties, but, Labor Day having passed, the effort in both parties undoubtedly will be to make things as hot for the other side as they were making it for themselves during the heat of August.

I am delighted to have the opportunity to participate in the annual meeting of the Board of Directors of the National Foundation for Consumer Credit because it is my understanding that this organization is attempting to do what a great many of us who have become deeply concerned about the quality of credit in the United States would like to see done—and that is, provide more information and education for the consumer on the pitfalls and problems in the use of credit as well as the pleasures and privileges and opportunities for self-improvement through the use of credit. We all know, that like many pleasures, privileges or opportunities available to the individual, credit can easily be abused, and often with shattering consequences to the individual as well as to the economy generally.

THE "CREDIT ADDICT" OR "CREDIT DRUNK"

Several years ago, when I was meeting with the Missouri Credit Union League and talking about some of the consumer issues then before Congress—this was before we began consideration in the House Banking and Currency Committee of Truth in Lending legislation—I discussed at some length the problems of what I called the "credit addict." I had encountered many instances of credit addiction through the research work we were doing in the Subcommittee on Consumer Affairs of the House Banking and Currency Committee—reviewing bankruptcy cases and individual instances of excessive use of credit—and I thought then, as I still do, that this is one of the most serious aspects of the use of credit. I think other people have taken up this concept in talking about the "credit drunk," which is a term I have recently seen used.

I would like to think that the Consumer Credit Protection Act of 1968, Public Law 90–321, will provide significant assistance in educating the individual consumer in the cost of credit, but I have no real conviction that the information which will, by law, have to be made available to the consumer after July 1, 1969, will cure credit addiction or prevent, to use the other term, credit drunkenness. So the efforts of groups such as yours must be increased in the work you are doing through the schools and through credit counselling, and the assistance must be recruited also of the churches, labor unions, credit unions, and all of the voluntary organizations which work with youth or with low-income families, particularly.

ENVY TO BITTERNESS TO LAWLESSNESS

One of our major social problems these days is that the prevailing well-being and affluence of the vast majority of the American people is so vividly visible to those who are without the advantages of income and status that envy quickly turns to bitterness and bitterness turns to lawlessness. But before the envy turns to bitterness and the bitterness to lawlessness, it is often temporarily diverted by the myth of easy accessibility to the good things of life through the use of credit.

None of us would today be enjoying our present status in life if, along the way somewhere and at some time, someone or many people had not demonstrated confidence in our ability or integrity or prospects, or compassion for our needs, and extended credit to us. This is true for businessmen as well as for individuals. There are some among us, I am sure, who remember retaining possession of life's most precious possession—a home—only because of the existence at *that* time of the Homeowner's Loan Corporation instituted by Franklin D. Roosevelt in his first term as President. So we dare not be hard-hearted today in assessing the legitimate needs of low-income or disadvantaged families and individuals for credit of the kind which would give them an opportunity they sorely need to rise up the economic ladder.

NEW HOMEOWNERSHIP PROGRAM FOR LOW-INCOME FAMILIES

In the new Housing Law recently enacted, and, in fact, since 1966, we have had provision for the extension of low-interest rate loans to low-income families to purchase their own homes. This concept was originally written into the law in 1966 as a result of a rather spectacularly successful experiment *on a small scale* in St. Louis. Now it has been vastly expanded under the 1968 Act. I assume that there will be some failures under the act: that some people who have been enabled to purchase a home under this Federal assistance program will turn out to be very poor risks indeed and will lose their homes. But I am also sure that the successes will far, far outweigh the failures. The program can succeed, however, *only* to the extent that the businessmen and civic and community leaders, and the community as a whole, help in the development of this home ownership program and provide guidance to the individual families to help them avoid the traps and overcome the complexities of budgeting and maintenance and related aspects of functioning effectively as a homeowner.

But once a low-income family obtains a good home, a well-built and solid and clean structure, that family is going to upgrade its expectations and is going to want to furnish the home nicely and decorate it attractively and be proud of it. It is going to want better furniture, attractive window drapery, colorful rugs, electrical appliances for the kitchen—and it is going to be impatient to get them and reluctant to wait for them. The television set will be beckoning constantly to the family to acquire all of these good things. And there will always be convincing invitations from one seller or another to come and get them now.

Who is going to tell that family: "Don't do it!"

NEED FOR GUIDANCE IN CREDIT USE

Is the merchant going to say it? His business is to increase sales and make profits, while also providing the public with the kind of merchandise it wants to buy under credit terms that it can afford. Unless he is to go into the family's financial resources in depth—and he can hardly do that with every prospective customer—he is inclined to make the sale, accept the down payment, fill out the installment contract and then discount the paper and pocket the proceeds. Or, if he handles his own accounts receivable, the chances are that he will eventually get paid because most people are honest and want to pay their bills.

I am looking for the agency, or the person, or the institution which can say to that low-income family: "You can't afford, *at this time,* to buy all the new furniture and all the rugs and all the draperies and all the appliances and all the other things that you would like to have for your new home."

But that *same person* or agency or institution should also be able to *guide* that family into the *intelligent buying* of those things which it *does* have to have in order to live properly in that home. And it must be prepared to make some suggestions as to price and credit terms and have the confidence of the family in making these suggestions.

Who is going to do that?

These are some of the things which worry me as we pass into a new era of consumer information through truth in lending without having, at the same time, adequate machinery for educating the poor, the nonreaders, and particularly the gullible poor. Out of an organization like this I think good suggestions can evolve for taking some of the hit-and-miss impulsiveness out of the credit extended to families which cannot afford to handle the obligations.

EXPLOITATION OF POOR THROUGH "CONSTANT SALE AND REPOSSESSION AND RESALE"

I know I would welcome such suggestions because I have, for a very long time, been deeply concerned over the psychological exploitation of the very poor through the constant sale and repossession and resale of the same merchandise over and over again. I am always distressed to see an advertisement which entices mothers on public assistance to buy a color television set or a high-priced stereo set. I have seen such ads. How in the world can a family on public assistance support the payments on such a purchase and still provide food for the children, and shoes for the children, and clothing for the children, and lunch money for the children, and heat in the winter?

One of the keystones of the success of the home ownership program for low-income families in St. Louis which formed the prototype for the Federal assistance program in the Housing Act of 1966, which was vastly expanded in the Housing Act of 1968, was, and is, *the involvement of businessmen in the project*. The idea for this experiment in home ownership was originated by two priests working with families living in public housing. They "sold" this idea to several bankers, savings and loan executives, lawyers, and other outstanding citizens, who then formed the St. Louis Bicentennial Civic Improvement Corporation.

TAKING FAMILIES "IN HAND AND BY THE HAND"

And they approached this whole thing on a soft-hearted, but definitely hard-headed practical basis. People were not necessarily noble or honest or upstanding or moral or thrifty merely because they were poor. The opposite is more likely to be the case. So they selected their families carefully, stressing motivation. And once they decided upon a family as a potential purchaser of a rehabilitated home of their own, they worked *with* that family to teach it the fundamentals of prudent management of a limited income. These families had to join a credit union and save up $200 for the necessary down payment on the home—the closing costs. They had to *learn* how to budget, how to set aside money which was not really "extra" money, but which had to be conserved for a higher purpose—a goal. They then schooled these families in the responsibilities of paying taxes, of showing up regularly for work, of meeting their family obligations, and so on.

The proudest boast of the corporation has been that after taking these families in hand and *by* the hand, so to speak, not a single member of any of the member-families has gone to jail.

They have taken a slum area and turned it *not* into a paradise, but into a decent community of well-kept homes and hopeful people. It is an exhilarating place to visit, after you have seen other areas of the same city occupied by families of similar income levels.

Passage of truth in lending legislation, along with the other provisions of the Consumer Credit Protection Act, particularly on garnishment, should have a tremendous impact in the coming years on the quality of credit offered to low-income families, but I know—as all of you know—that this protection, broad as it is, requires for its success a degree of sophistication in the use of credit which most-low-income families do not have. Your help will be needed in that respect.

OPPORTUNITIES TO STRENGTHEN THE LAW

I appreciate the fact that once enactment of the consumer credit law became inevitable, most of the responsible segments of the credit industry did come forward to provide technical assistance which was very helpful to us. Of course, each segment of the industry was intent on trying to construct its own escape hatches in the law, or at least some competitive advantages for itself, but as we got down to the wire I think there was a general acceptance—not necessarily enthusiastic support but reluctant acceptance—of fairly uniform treatment for all, with a minimum of loopholes. Time will tell, of course, whether we overlooked some.

But whatever was done, or was left undone, in the Consumer Credit Protection Act, can now be subjected to careful study in the forthcoming investigation by the National Commission on Consumer Finance created by Title IV of the law. As a House-appointed Member of that Commission, I hope we will have the full cooperation of every part of the credit industry in getting the facts a Commission of such broad responsibility will need in order to do its work effectively.

And I hope, too, that in that effort we will have the active assistance of this organization. Last year when I invited your officers to send a witness to our hearings on the Consumer Credit Protection Act, H. R. 11601, the invitation was declined on the grounds that, as an organization, you had no common agreement among your membership "on policy with respect to the intricacies of legislation." Undoubtedly, that was true. But you *did* have knowledge, experience, expertise, in a field we were trying our best to study and understand. It is not always necessary to tell a Congressional Committee how a particular piece of legislation should be drawn, or a National Commission what to recommend in the way of legislation, *if* you can help that Committee or that Commission to understand the *technical aspects of a problem* the legislation eventually might help to solve. So I hope you will not be reticent about participating in the hearings of the National Commission on Consumer Finance when you have information which can be useful to us in understanding the scope of this complex subject.

IT IS NICE TO KNOW WHAT THE WITNESSES ARE TALKING ABOUT

And if you do come into our hearings—I assume we will be having hearings—I hope that you will not try to do what some industry witnesses attempted during the House hearings on the consumer credit bill last year—that is, make the whole subject sound *incomprehensible* to anyone who has not had a Ph.D. in mathematics and 20 years of high level accounting experience. I am sure we will have expert staff people to help us cut through the jargon and statistics, but, speaking for myself, at least—and I think also for some of the other Congressional members of the Commission—it is always nice for us to know what the witnesses are talking about. When I first went on the Banking and Currency Committee in 1955, as a second-term Member way down the seniority list, I was ashamed to ask elementary questions about some of the issues being discussed in the hearings, but finally I decided that if the other Members wanted my vote on their bills or amendments, I had a right to know, and an obligation to know, what the issues were and what the explanations were for things I just didn't understand. So, when my turn came finally to interrogate the witness—after all of the senior Members had finished—I asked my simple, uncertain, puzzled questions feeling that I was probably disgracing the entire Committee by being so confused.

I soon discovered that my questions often brought out the information other Members had also been puzzled about—but they hadn't dared to ask the questions because they didn't want to sound stupid. I learned a valuable lesson from that experience, and I have pursued the same policy ever since. Otherwise, I am sure I never would have dared to present some of the questions I asked our witnesses on consumer credit when I found it difficult to follow and understand some of the esoteric, highly technical arguments being used in opposition to various provisions of the legislation.

The credit industry jargon I frequently found so hard to follow and understand in our hearings on consumer credit is often used on the average customer, too. How often does he "sign here" in a credit transaction because he doesn't want to let on he is "too dumb" to know what the salesman or credit clerk is talking about?

In any event, I want to thank you for asking me to be present with you today and express some of my worries about the problems of that segment of our consuming public which is least able to defend itself from the misuse or abuse of credit. No law ever dreamed of will solve all of those problems. Good will, a decent respect for the problems of others, a sense of compassion, a desire to help people even when that involves talking them out of doing something they desperately *want* to do—these are the basic ingredients of an improved use of credit, along with the essential protective legislation. I think we can work together usefully in seeking the atmosphere a healthy credit economy requires.

Thank you.

MEMBERSHIP OF BOARD OF DIRECTORS OF NATIONAL FOUNDATION FOR CONSUMER CREDIT

Mr. Speaker, following is the list of members of the board of directors of the National Foundation for Consumer Credit:

Mr. Junius L. Allison, Executive Director, National Legal Aid and Defender Association, Chicago, Illinois.

Mr. Crowdus Baker, Vice Chairman of Board of Directors, Sears, Roebuck and Company, Chicago, Illinois.

Mr. Donald L. Barnes, Jr., President, American Investment Company, St. Louis Missouri.

Mr. William M. Batten, Chairman of the Board, J. C. Penny Company, New York, New York.

Mr. Clark W. Blackburn, General Director, Family Service Association of America, New York, New York.

Mr. Alfred Bloomingdale, Chairman of the Board, Diners Club, New York, New York.

Mr. Wallace E. Breuner, Sr., Chairman of Executive Committee, John Breuner Company, Oakland, California.

Mr. Robert E. Brooker, Chairman of the Board, Montgomery Ward, Chicago, Illinois.

Dr. David Caplovitz, Department of Sociology, Columbia University, New York, New York.

Dr. O. C. Carmichael, Jr., Chairman of the Board, Associates Corporate Services Company, Incorporated, South Bend, Indiana.

Mr. Rafael Carrion, Jr., President, Banco Popular de Puerto Rico, San Juan, Puerto Rico.

Mr. C. Malcolm Davis, President, Fidelity Union Trust Company, Newark, New Jersey.

Mr. William L. Day, Chairman of the Board, The First Pennsylvania Banking and Trust Company, Philadelphia, Pennsylvania.

Mr. Harry E. Fuller, President, Capital Finance Corporation, Columbus, Ohio.

Mr. G. R. Griffin, Chairman of the Board, The Exchange National Bank of Tampa, Tampa, Florida.

Mr. Joseph L. Hudson, Jr., President, The J. L. Hudson Company, Detroit, Michigan.

Dr. Milton J. Huber, Director, Consumer Affairs, The University of Wisconsin, Milwaukee, Wisconsin.

Dr. Robert W. Johnson, Professor of Industrial Administration, Purdue University, Lafayette, Indiana.

Mr. Donald L. Jordan, Chairman of the Board, Johnson-Caper Furniture Company, Roanoke, Virginia.

Mr. Charles G. Klock, President, General Electric Credit Corporation, Stamford, Connecticut.

Mr. Kenneth Kroehler, Chairman of the Board, Kroehler Manufacturing Company, Naperville, Illinois.

Mr. Ervin E. Lampert, Chairman of the Board, Norman's Custom Draperies, Incorporated, Salisbury, North Carolina.

Mr. Clarence L. Landen, Chairman of the Board, The Central National Insurance Group of Omaha, Omaha, Nebraska.

Mr. Mills B. Lane, Jr., President, The Citizens and Southern National Bank, Atlanta, Georgia.

Mr. Ralph N. Larson, President, The Morris Plan Company of California, San Francisco, California 94103.

Mr. Ralph Lazarus, Chairman of the Board, Federated Department Stores, Incorporated, Cincinnati, Ohio.

Mr. Harold E. MacDonald, Chairman of the Board, Household Finance Corporation, Chicago, Illinois.

Mr. James B. McMahon, President, Koller and Smith Company, Incorporated, Brooklyn, New York.

Dr. Paul W. McCracken, Edmund Ezra Day University Professor of Business Administration, Graduate School of Business Administration, University of Michigan, Ann Arbor, Michigan.

Mr. S. C. Patterson, President, National Foundation for Consumer Credit, Incorporated, Washington, D.C.

Mr. DeWitt J. Paul, Chairman of the Board, Beneficial Finance System, Morristown, New Jersey.

Mr. Stanley G. Petzel, President, Appliance Buyers Credit Corporation, St, Joseph, Michigan.

Mr. Harold M. Short, President, Mecklenberg Furniture Shops, Incorporated, Charlotte, North Carolina.

Mr. John L. Spafford, Executive Vice President, Associated Credit Bureaus of America, Incorporated, Houston, Texas.

Mr. Allan E. Weidman, President and Chairman of the Board, Seaboard Finance Company, Los Angeles, California.

Mr. Davis Weir, Chairman of the Board, American Finance Management Corporation, Fort Lauderdale, Florida.

Mr. Whitney M. Young, Jr., Executive Director, National Urban League, Incorporated, New York, New York.

WEST CAN'T FORGIVE, FORGET

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. LIPSCOMB. Mr. Speaker, under leave to extend my remarks I submit for inclusion in the Record an editorial which appeared in the September 5, 1968, issue of the Los Angeles Times.

In the editorial the Times outlines some meaningful steps the United States could and should take to show our deep concern over the brutal invasion of Czechoslovakia.

I believe the Los Angeles Times' position on this important issue will be of interest to the membership of the Congress. The editorial follows:

West Can't Forgive, Forget

(Issue.—What can Washington do to show the depth of its displeasure with the Soviet bloc invaders of Czechoslovakia?)

Now that the Soviet Union has crushed the "democratization" movement in Czechoslovakia, the Kremlin has launched a campaign to persuade the Western powers that the invasion was a transitory incident which should not be allowed to impair East-West relations.

Up to a point, of course, they are correct. This is too dangerous a world for the Big Two ever to stop talking to each other. The price of miscalculation is simply too great.

This does not mean, however, that the American and other allied governments have any obligation to turn their heads and pretend that nothing has changed.

Instead, the Russians and their hard-lining Warsaw Pact allies must be taught that they cannot move a half-million troops around in the heart of Europe—upsetting the balance of power and trampling a small country's independence in the process—without paying a heavy political price.

The Soviets have already, of course, taken a beating from world opinion.

In the days immediately after the invasion, angry demonstrations broke out all over the globe. Only a Soviet veto prevented the U.N. Security Council from formally condemning the Russians and their partners in aggression.

However, the matter should not be dropped there.

For a starter, the United States, in concert with like-minded nations, should consider the practicality of urging the U.N. General Assembly to override the veto by condemning the Soviet action and calling for withdrawal of all the invading forces from Czechoslovakia.

It should be understood, however, that the men who rule Russia have only a limited concern for what Thomas Jefferson called "the decent opinions of mankind." Thus, something a little more persuasive than wrist-slapping is called for.

For example, Washington should be in no hurry to implement the U.S.-Soviet cultural exchange agreement which was signed July 15. As the London Times put it, "this is no time for social chit-chat with aggressors."

Quite obviously, too, this is not a proper time for any more talk about easing the restrictions on U.S. trade with Soviet bloc nations—particularly Russia and those who joined her in crushing Czech independence.

Most-favored-nation status should be withdrawn from Poland—the only Warsaw Pact nation enjoying such treatment—because she has forfeited by her actions any claim she ever had to special favors.

Finally, the Johnson Administration should make it clear that no further reductions will be made in U.S. troop strength in Europe until all Soviet troops are withdrawn from Czechoslovakia's borders with Austria and West Germany.

In considering such measures, the Western powers should not be impressed by speculation—assiduously promoted by the Russians themselves—that Czech "liberalization" will be allowed to proceed, or that Soviet troop withdrawals are imminent.

To begin with, the proof of the pudding is in the eating, and the fact remains that massive numbers of Russian troops remain in Czechoslovakia. Even when and if they do leave, the West has been taught a lesson in Soviet brutality and treachery that it will forget at its own peril.

METROPOLITAN PROBLEMS RECOGNIZED

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. RUMSFELD. Mr. Speaker, an editorial in the August 7, 1968, edition of the Arlington Heights, Ill., Herald pointed out that the platform adopted at the Republican National Convention in Miami Beach, Fla., "seeks to relate the GOP to the realities of a society that is urbanized, industrialized, automated, and internationalized."

The editorial continued:

The platform shows the GOP's desire to be a national party committed to solving the problems of daily life that vex the majority of Americans in urban and suburban areas: spreading slums, increased crime, declining taxes, education, air and water pollution, mass transportation, job opportunities, orderly community development, and mounting tensions between the races.

Mr. Speaker, I share the Herald's point of view. The Republican Party in 1968 is offering the people of America a program which exhibits a deep understanding of urban problems and a realistic approach toward solving these problems.

I offer the Herald editorial at this point in the Record.

The Way We See It: GOP Platform

If Republicans fail to capture a significant share of the metropolitan area vote this November, it will not be the fault of the platform-builders.

The document approved yesterday by convention delegates in Miami Beach seeks to relate the GOP to the realities of a society that is urbanized, industrialized, automated, and internationalized. It clearly indicates that the lessons of 1964 were not lost on the party.

The platform shows the GOP's desire to be a national party committed to solving the problems of daily life that vex the majority of Americans in urban and suburban areas: spreading slums, increased crime, declining taxes, education, air and water pollution, mass transportation, job opportunities, orderly community development, and mounting tensions between the races.

Citing as "intolerable" the continuing decay, deepening misery, and limited opportunity of urban centers, the platform calls for "a relentless attack on economic and social injustice in every form."

There is also a warning that violence will not be tolerated; law and order is stressed as a prerequisite for minority and ghetto progress.

Special attention is paid to problems of mass transportation, home ownership, air and water pollution, redevelopment of cities, and other urban ills with an emphasis on greater decentralization of power away from Washington and back to the local communities.

The platform pledges federal support of new state and local programs to redevelop cities and sharing of federal revenue with state governments. To enable greater flexibility, the GOP proposes to eliminate overlapping and competing federal programs with a sweeping overhaul and restructuring of the grants-in-aid system.

Increased emphasis is given to the private sector's involvement in curing urban ills. The platform proposes tax breaks and other economic incentives for businesses that participate in programs to help solve problems of unemployment, housing, health, pollution, and transportation. These would be spurred by vigorous state and federal action, regional planning, and increased inter-community cooperation.

It will be the responsibility of the party's Presidential nominee to translate this necessarily broad statement of party goals and principle into specific proposals and practice. To accomplish this, the candidate must possess a deep understanding of urban problems and be able to approach those problems with a positive program of action which makes sense to the people who live with them. Such a program is the precondition for success—even survival—on the part of the Republican Party in 1968.

A STEP TO IMPROVE THE QUALITY OF LIFE OF OUR SENIOR CITIZENS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. PODELL. Mr. Speaker, I was privileged to dedicate the Lasha Pavilion of the Sephardic Home for the Aged in Brooklyn, N.Y., on Sunday, September 8, 1968. The pavilion was built through the efforts of the ladies auxiliary of the Sephardic Home for the Aged and it is this kind of dedication which does so much to improve the quality of life of our senior citizens.

The full text of my dedicatory remarks is respectfully submitted for the Record as follows:

I feel deeply moved and privileged to join with you at these inspiring ceremonies, dedicating the Lasha Pavillion of the Sephardic Home for the Aged. It is barely twenty years since leaders of this Sephardic community had the vision and the courage to undertake so difficult, yet so urgently needed, a program for the welfare and care of the aged, a program to make the sunset years as full of hope as the dawning days of a new born infant.

What we see here today, and what we are dedicating today, is the physical manifestation of the wise planning initially envisoned by your predecessors and carried forward by your leaders today. What is not so visible, but is nonetheless real and even more important, is the affection, respect, warmth and comfort that you lavish upon the residents of the home. It is within this area that community dedication and community responsibility can fill a void that cannot be met by government responsibility acting alone.

Government action is indeed essential. In recent years we have acquired a substantial body of knowledge in meeting the challenge of the aged, largely under the auspices of federally financed research programs.

We amended the Social Security Act to provide medicare and medicaid programs. We have Federal programs to stimulate State action to organizing local commissions on aging, which have developed and administer various service training and cultural programs for our senior citizens.

I am the sponsor of a bill for a special White House conference on the aging, so that various bodies of accumulated knowledge can be coordinated and integrated for the welfare of all our people.

In just three years, Federal investment in public housing has more than doubled. The Housing and Urban Development Act of 1968 will make available rent and mortgage subsidies for the elderly and enlarge substantially the housing supply specially designed for older people.

In 1900 life expectancy at birth was 47 years for men, and slightly more for women. Today life expectancy for men is 67 years and 74 years for women. Just in terms of numbers then, the challenge before us is a great one.

The progress we have made in creating a better life for older Americans has indeed been significant. Yet we are only at the stage of the pioneer. A great deal more needs to be done. New and imaginative approaches must be found to meet our obligations to these members of our society who have contributed so much of their toil and talents to the strength of our Nation.

To resolve the problems of income, health, and housing, for all of our citizens, and especially the elderly, will require the best efforts of all of us. Longevity, after all, is not a major preoccupation either of society or the individual. It is the quality of life that matters. Independence, security and usefulness are the basic ingredients of the good life.

It is really within that area that the women who are members of the Ladies Auxiliary of the Sephardic Home for the Aged are to be congratulated for their splendid work. Their intensive efforts built this pavillion. Their dedication brings to the elderly that sense of respect and affection which brings meaning to their lives.

WORLD'S MOST MODERN PLANETARIUM TO BE DEDICATED

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. HORTON. Mr. Speaker, people throughout this country are becoming more and more interested in what is going on in outer space. They want to know what is beyond our atmosphere. The dream of the science fiction writer of years past is becoming a reality today.

Astronomy is a fast growing science. Only a handful of men will get firsthand views of outer space in our lifetime. The rest of us will have to satisfy our curiosity through books, movies, and planetariums.

In my 36th Congressional District the most modern planetarium in the world is about to be dedicated. The $2.3 million Strasenburgh Planetarium at the Rochester Museum and Science Center is the work of many years.

Planetarium Director Ian C. McLennan has told me that his staff visited more than 100 planetariums on five continents to develop the design of this magnificent structure. Much of the equipment was designed specifically for the planetarium including a quarter million dollar computer-controlled projector.

The dedication of this planetarium on September 14 will be a momentous occasion. James Webb, Administrator of the National Aeronautics and Space Administration, and Astronaut Pete Conrad will take part in the ceremonies.

I am pleased to be able to present to Director McLennan and Dr. John A. Leermakers, chairman of the planetarium planning committee, a certificate of commendation.

Mr. Speaker, I would also like to share with my colleagues two excellent articles on this most remarkable planetarium.

One appeared in the Genesee Valley Newspapers in my district—the Brighton-Pittsford Post, Henrietta Post, East Rochester Herald, and the Penfield Republican—and the other in the Rochester Democrat & Chronicle.

The articles follow:

[From the Genesee Valley Newspapers]

STRASENBURGH PLANETARIUM: MOST OUTSTANDING IN WORLD

(By Marilyn Moran)

There is nothing in the world like the new Strasenburgh Planetarium at the Rochester Museum and Science Center, and that's exactly the way the planetarium's designers wanted it.

"As far as equipment and sophistication are concerned," said Planetarium Director Ian C. McLennan, "it is undoubtedly the most outstanding planetarium in the world. We visited more than 100 planetariums on five continents, and tried to pool the best ideas we found, while eliminating the common errors."

Such precision and "made to order" qualities of the planetarium did not come cheaply by any means, and this may be one reason the new center is unique.

Total cost for the planetarium hovers around $2.3 million, with $250,000 of that amount spent for one piece of equipment alone.

It was the awesome Zeiss Model 6 planetarium projector, which is literally the central attraction of the building.

It rises majestically out of the floor of the planetarium's domed astro-theater, and in the months and years to come will thrust thousands of minds into outer space, for an intimate encounter with their universe.

Early this week, the Zeiss projector was the most finished looking aspect of the new planetarium. With less than two weeks before the preview opening, parts of the facility are definitely still in the fetal stages.

Outside, trucks and bulldozers roar and groan under the strain of tons of damp earth resisting its future as a parking area.

Inside, the smell of wet cement mingles with the scratchy feeling of sawdust in the air to give the assurance of steady progress.

Boards clatter, workmen shout and the exposed insides of walls show a fantastic array of wires being carefully placed.

"If you think it looks unfinished now, you should have seen it a month and a half ago," Director McLennan said with a smile.

He is not worried about the Sept. 22 deadline for the public opening, though, and promises that all but final details will be ready by opening day.

"We're working mostly on the public areas now," he said, "and will finish offices and workshops a bit later."

The most unique and overwhelming aspect of the planetarium is its projection system, the first in the world to be completely controlled by computer.

The visitor will be hurtled into outer space and engulfed in a simulated solar system, which, as it grows, makes him feel smaller and smaller.

He will be seated in one of 240 luxurious, upholstered chairs, each of which is wired for sound and can tilt and swivel in every direction.

As the lights dim, the huge Zeiss projector will rise silently on an elevator platform in the center of the theater, and a night sky will spread across the 40-foot high dome.

Made of perforated aluminum, the dome, when lighted from behind is transluscent, a little like a huge cheesecloth. When the back lights are out, of course, the dome appears solid and becomes the depthless home of a trillion stars.

In the opening program, called "Journey from Infinity," the visitor will watch the birth of the universe, with exploding stars, brilliant flashes of light and the eerie depth of limitless space.

The experience will be almost sensory, as hundreds of projectors, amplifiers, and pieces of climate control equipment combine effects to create an astronomical atmosphere.

All the effects are channeled through and controlled by a moderate-size computer located in a control room just outside the theater.

Programmed beforehand to synchronize the program, the computer signals, through a high-voltage relay system underneath the theater, to 500 small projectors positioned in "windows" around the theater.

While the projectors are responding with the proper lighting and film, sound equipment is being activated to provide music. Air-conditioners lower the temperature to give the feel of night air.

"By coordinating the visual and sound effects," McLennan said, "we hope to establish the mood for forgetting worries for the day, and for thinking about the universe and galaxies. It tends to put things in perspective that way."

"Journey from Infinity" is only one of many programs scheduled for the theater, each running two months.

The computerized programs will show spectators a range of phenomena from daytime to night skies, jet contrails, rocket launches—from both a ground view and in-flight view—and innumerable specific sky details.

Each program is synchronized with appropriate music, from symphonic to jazz, and the designers have gone so far as to install gadgets under the seats which will chirp like crickets.

The purpose of the planetarium's elaborate efforts to absorb the visitor, said McLennan, is to educate him. It is something astronomers have tried to do through lecture, demonstration and illustration, he said, but the job is just too complicated for one individual to handle.

Take an explanation of a rocket launch, for example.

"If a lecturer were simulating a rocket take-off from Cape Kennedy," McLennan said, "he would have to push buttons and make arrangements for the sound of take-off, flames, ultra-wide-angle photo shots of the cape, and 50 or 60 other things—all within a 15 to 20 second period. The more complicated a lecture becomes, the more things the lecturer has to do with his hands, and it gets pretty funny sometimes.

"You have the choice of simplifying the demonstration, which makes it unrealistic, or of having the lecturer do 50 things with his hands."

So to preserve the reality of such a demonstration McLennan said, astronomer-teachers have turned to computers. The more items programmed on the computers, the more complex and realistic a demonstration can become.

What the designers of the Strasenburgh Planetarium aim to do is educate the public in what is happening in astronomy, in the most "visual and spectacular" way possible, McLennan said.

The Zeiss projector, the key to the theatrical program, is the prototype for a new kind of planetarium instrument.

It was made according to the specifications of planetarium designers, including McLennan and technical director John J. Paris.

Plans and directions made a round trip of some 6,000 miles between Rochester and the Carl Zeiss Optical Works in Oberkochen, West Germany.

"I don't know how many times we traveled overseas to consult with those people in long, complicated, technical sessions," McLennan said.

One custom-designed feature of the Model 6, an imposing creature of 160 projectors, 29,000 parts and 67 miles of wiring, is a set of miniaturized, low-voltage controls.

The reason the designers wanted the small controls was so the projector could be operated from within the theater itself. From within a small, circular panel of buttons and knobs, the operator sends commands to a high-voltage relay room downstairs, which in turn signals the computer to activate the light and sound effects around the theater.

Unlike most other planetariums, this one is set up to introduce the visitor first to the theatrical show, and then to the still exhibits.

When he walks through the entrance of the glass fronted building, the visitor will be headed through a tunnel leading to the theater.

On his way, he will hang his coat in an electronically operated checkroom, then pass under a suspended projection screen which will give him a preview of the program ahead.

After his hour-long experience in the theater, he will leave by another tunnel and enter the exhibit area.

Included in the exhibit hall will be a space tunnel, in which the scale of the universe, solar system and other galaxies will be projected.

The National Aeronautics and Space Administration, with whom the planetarium planners worked extensively in preparing the space aspects of the planetarium, is loaning a one-third scale model of the Apollo moon capsule, which is scheduled to carry American astronauts to the lunar surface within the next two years. The capsule will be located in a space under the highest spot in the graded ceiling. The ceiling was designed to slope upward, McLennan said, to accommodate future exhibits of rockets, pendulums and other large objects.

Near the Apollo capsule, which is scheduled to arrive at the museum in a few days, visitors will find a curved screen bearing daily sky information, including what stars to look for as the sun begins to set.

At the opposite end of this area, on a large overhead screen with projectors behind rather than in front of it, one is likely to see representations of everything from the galaxies to changing seasons. Anything, McLennan said, that rotates.

The temperature in the exhibit area, as well as in every other part of the planetarium, is rigidly controlled to within two degrees. Likewise, humidity is kept to four per cent. The strict controls are set not only to preserve the sensitive machinery, but also to create specified moods and feelings for visitors in the theater.

The equipment in the planetarium ranges from dozens of small, mobile telescopes, to a giant permanent one to be erected on the roof of the planetarium, an invigorating 60-step climb from the main floor.

The telescope, shipped to the planetarium from the Cave Optical Co. in California, will be attached to a 20-foot concrete shaft sunk into the floor of the observation platform, but completely independent of the main body of the building. It has its own pedestal, so it will be free of tremors and vibrations which naturally travel through the walls of any structure.

The outdoor platform will hold 80 stargazers and provides "a pretty good horizon, considering we're so near the city," McLennan said.

Other gadgets in the new planetarium include many pieces of optical and photographic equipment from local industries, including Eastman Kodak, Graflex and Bausch and Lomb. In addition are projectors and amplifiers from Bell and Howell Corp., and computers, cameras, lenses, and so on, from companies in California, Japan, and Europe.

[From the Rochester Democrat & Chronicle]

All Systems "Go" at Planetarium

(By Don Byington)

Strasenburgh Planetarium will open at 1 p.m. Sunday, Sept. 22, with a stellar extravaganza, that, officials say, will rival any planetarium in the world.

More than $2 million, 700 projectors, 600 speakers, a computer, and four years of work and planning have gone into the new building at 657 East Ave.

Virtually everything in the place is custom-designed to portray the birth of a star, a trip through space, or the breakup of a stellar body.

The Star Theater's first showing will be "Journey from Infinity" which will take viewers from a point beyond the observable universe, past a number of galaxies and, finally, to Earth.

December's display will be an exploration of the astronomical events of the first Christmas, including the appearance of the Star of Bethlehem.

And in January, a trip to Rio with stargazing under the Southern Cross is planned.

An observation platform at the south end of the building will allow direct celestial viewing through a 12½-inch Cassegrain telescope.

A walk through the Space Tunnel will take a visitor past some of the most distant objects in the universe. An Astro-Screen is set up for space programs and a separate screen will describe what's happening in the heavens on any given night.

But the Star Theater is the main attraction.

The cloakroom is automated. On the way up a ramp into the theater a recorded message describes the evening's program and gives the latest news in astronomy and satellite movements.

The theater seats look as if they came from a private airliner. The walls offer a view of the Rochester skyline. On another night it might have views of Bristol Hills or any other skyline in the world.

Occasionally a flash of distant lightning and the roll of thunder silences the noise of crickets that comes from speakers under the chairs.

"Our technicians have also come up with a fantastic rainbow," said Ian McLennan, planetarium director. "If it's possible, it looks better than the real thing."

The heart of the theater is a 2½-ton Mark Six projector by Carl Zeiss Works of Oberkochen, West Germany. Developmental costs for the prototype model were shared by Zeiss and the museum.

It cost $250,000 and was built under the supervision of McLennan and Robert E. Hopkins, former director of the Institute of Optics at the University of Rochester.

They specified an ultrabright xenon-type arclight and lenses that let through twice as much light as standard planetarium projectors.

The stars promise to be brilliant pinpoints of light, with a natural, cold appearance. A flip of a switch also makes them twinkle.

Other modifications have been made to produce more realistic sunsets. Zoom lenses let the viewer take a closer look at the rings of Saturn and the surface of Jupiter.

All technical components of the theater are controlled by a computer so that sequence changes in lighting, sound, hydraulic systems, switches, motors and projectors can be repeated at will.

In addition to traditional star watching, more than 500 projectors have been placed around the Star Theater for other programs.

McLennan said this will allow his staff to place emphasis on nuclear structure, stellar evolution, galactic rotation, the expanding universe, and quasar research.

Navigation lessons, time-lapse geological shows, and probes of the atom and the depths of the oceans can also be given.

The theater will seat only 240 persons, but tickets can be ordered up to 28 days in advance. Shows will be at 8 p.m. Monday through Friday; at 11 a.m. and at 2, 3, 4, and 8 p.m. on Saturday and at 2, 3, 4, and 8 p.m. on Sundays.

McLennan said the programs will begin promptly at these times and, because of the required low light level, doors will not be opened for latecomers.

Admission prices are $1.25 for adults, 75 cents for students, grade 7 through college, and 50 cents for children, kindergarten through grade 6.

In addition to the public programs, showings are planned for area school children. The planetarium will also be able to produce tapes for educational TV.

Development of the planetarium was a community effort. Heading the list of donors were Mr. and Mrs. Edwin Strasenburgh Sr., with a gift of more than $2 million.

Dr. John A. Leermakers, director of research at Eastman Kodak Co., was planning committee chairman.

Other key people included Richard G. Bennett, Dr. Walter Clark, Howard T. Cumming, Arthur A. Davis, William C. Gamble, George H. Hawks Jr., Dr. Robert E. Marshak, W. Stephen Thomas, William S. Vaughn, George R. Williams, George T. Keene, Dr. R. E. Stauffer and Emil Muller.

McLennan said that dozens of individuals at Kodak, Xerox, Bausch and Lomb, Graflex and area specialty firms also donated time in helping adapt new optical designs to planetarium use.

THREE MARYLAND MEN DIE IN VIET ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. LONG of Maryland. Mr. Speaker, Lt. Donald P. Caldwell, Lt. Danny L. Blake, and Sp4C. Earl S. Bazemore, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the Record:

Three Maryland Men Die in Viet Action—Latest Casualties Include Two Army Lieutenants

Three Maryland men, two of them with similar careers in the United States Army, were killed in South Vietnam, the Defense Department announced yesterday.

Two of the men were officers, both former students at the University of Maryland, serving as platoon leaders, and the third was a squad leader, in the 25th Infantry Division.

KILLED IN FIRE FIGHT

The two officers were killed in a fire fight near their camp in Cu Che, which is about 50 miles northeast of Saigon near the Cambodian border.

The men were identified as:

First Lt. Donald P. Caldwell, Jr., 24, the son of Mr. and Mrs. Donald P. Caldwell, Sr., of Berwyn Heights, Md.

First Lt. Danny L. Blake, 21, the only son of Mr. and Mrs. Bradford N. Blake, of the 5400 block Hilltop avenue, Baltimore.

Spec. 4 Earl S. Bazemore, 21, husband of Mrs. Donna M. Bazemore, of the 200 block West Saratoga street, Baltimore.

Lieutenant Blake's father said his son, who enlisted in the Army after a year at the University of Maryland, had "looked forward" to serving in Vietnam and "never complained" once he arrived there about three months ago.

"But it must be one terrible place to be in," Mr. Blake added, explaining he received that impression from his son's letters.

Lieutenant Blake was wounded on both legs, the hips and chin, Mr. Blake said, and had received two Purple Hearts.

A graduate of City College, Lieutenant Blake served as an instructor at Fort Knox, Ky., and earned his paratrooper wings and Ranger tab before being sent to South Vietnam.

ATTENDED UNIVERSITY OF MARYLAND 3 YEARS

Lieutenant Caldwell, who was also wounded in the right arm and leg, chest and cheek, and received the Purple Heart shortly after he arrived in Vietnam three months ago, graduated from Dematha High School before enrolling at the University of Maryland. He attended the university three years.

Besides his parents, Lieutenant Caldwell is survived by a brother, Ronald B. Caldwell, and three sisters, Francis E. Caldwell, Mrs. Joseph J. Walsh and Mrs. David M. Butler, all of Maryland.

Specialist Bazemore, who graduated from Edmondson High School in 1965 and was drafted a year later, would have been discharged from the Army in October.

PLANNED HAWAII MEETING

His wife said he wanted her to meet him in Hawaii after his discharge from Vietnam.

"He didn't like Vietnam," Mrs. Bazemore said, "The war itself bothered him with how bad the figthing was."

Specialist Bazemore died Monday from wounds he received when he was caught in enemy crossfire Sunday. He served as a tanker in Company C, the 423d Mechanized Infantry Battalion, 25th Infantry Division.

Surviving him, in addition to his wife, are his parents, Mr. and Mrs. Kelley Bazemore; three brothers, Enid Bazemore, Vonzeol Bazemore and Edward Bazemore, and two sisters, Cheryl Bazemore and Mrs. Shirley Stanley, all of Baltimore.

IS A PRIMARY THE ANSWER?

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. HUTCHINSON. Mr. Speaker, there is widespread demand for change in our national political convention system, and the alternative most frequently suggested is a national primary.

An editorial in the Washington Sunday Star of September 8 made a substantial contribution to the current debate on the issue, and, under leave granted I insert it at this point in the RECORD:

SHOULD WE SCRAP POLITICAL CONVENTIONS?

The two national political parties, in convention assembled, produced something more this year than a Republican and a Democratic ticket. The protracted tedium of Miami and the prolonged agony of Chicago have set off a shock wave of public reaction, shaking the foundations of the traditional system that has produced this country's political leaders since 1832.

Even before the conventions had ground their separate ways to their foregone conclusions, the outcry had begun. Partisans of Governor Rockefeller and Senator McCarthy, sensing the outcome of the delegate vote, raised the identical cry: The convention was rigged, it was undemocratic, it failed to represent the will of the people. This charge, which is at once unprovable and irrefutable, was in large measure responsible for the inflamed youthful passions that invited the violence of Chicago.

The antipathy toward the present convention system is by no means limited to the Rockefeller troops, the McCarthy kids, the hippies and the Yippies. There is a demonstrable sentiment among the public at large demanding prompt and drastic reform. And the first order of business for the Congress, when it returned to face an untidy accumulation of unfinished legislation, was a loud, bicameral demand for change.

So a change is definitely in the wind. The only question appears to be where we go from here.

The most frequently heard suggestion, both in and out of Congress, is that the nominating conventions should be scrapped entirely, to be replaced by a national primary election. On the surface, this suggestion has much to commend it. It is clean; it is simple; it is, on the face of it, democratic. The party bosses, who, in the popular opinion, manipulate their delegations and dictate the convention's choice, would be gone. The voice of the people would be heard.

The convention system, so this argument goes, is an anachronism that made some sense when one section of the country neither knew nor cared about another section—when, for example, the people of Connecticut might never have heard of Abe Lincoln of Illinois. But in this day of instant and total communication the voters know the candidates and the issues and their own minds. So let them speak those minds through a national primary, and consign the outmoded machinery of the nominating convention to the scrapheap of history.

The trouble with this simple, clean break with the past is that it may be neither as simple nor as clean as it first appears.

The first thing to consider is what happens to the political parties once their function of choosing their own candidates is taken away. Can the parties, each of which embraces a broad spectrum of opinion, hold together once the local leadership is deprived of its voice in the naming of the ticket? Or will the Democratic and Republican parties promptly fragment into as many splinters as there are factions of political opinion?

The concept of a national primary raises quite a few questions of its own. Assuming that the primary would not be open to all comers, what qualifications will be required? What is to prevent the primary from becoming more undemocratic than the convention system by making it impossible for anyone not possessed of a large personal fortune to compete for a spot on the ballot? Who is to foot the bill for the primary campaign and the cost of the election? If there is no majority as a result of a primary, will there be a runoff? How is the vice presidential candidate to be chosen? And—above all—what guarantee is there that backers of a losing candidate won't be able to claim, with fully as much justice as they do today, that they have been robbed, that the election machinery has somehow been rigged against them, and that further, drastic changes in the system are in order?

Aside from these questions which demand very precise answers, a closer look at the convention system itself is perhaps in order. There is a popular concept, currently gaining wide acceptance, that the delegates are, for the most part, empty-headed puppets gathered to do the bidding of some mysterious and unseen party boss, to carry signs, to wave banners and to look foolish on national television. That popular view departs considerably from the truth.

The delegates are, for the most part, holders of national or local offices or business and professional men who are concerned enough about the issues and the candidates to seek a position in the convention. Under that funny hat there generally is a head that is better informed and more involved than the general electorate can ever hope to be. Despite the appearance that comes through television, the delegates gather not for a prolonged and silly party, not to help some local hack hold down his job, not to thwart the will of the people. Their purpose is to name a ticket that will appeal most strongly to the greatest possible number of people. Their purpose is to pick a winner.

There are times, it is true, when conventions have turned away from the man who appears to be the popular choice. In 1952, Senator Estes Kefauver of Tennessee came to the convention in Chicago with the solid backing of the Democratic primary voters. The convention chose to ignore his impressive evidence of popular support and turned instead to a man that few outside Illinois had ever heard of. It might be interesting to know how many of Senator McCarthy's present followers seriously believe that Estes Kefauver, the choice of the people, would really have made a greater contribution to the political life of this nation than did Adlai Stevenson, the convention-picked candidate.

There seems to be a popular conception as well that the convention system itself is incapable of change—is somehow fixed in an archaic mold that separates it from the will of the people. The fact is that the system is in constant change; that the method of selecting state delegations has changed markedly—and democratically—in recent years. The abolition this year by the Democratic party of the unit rule marks a profound change, assuring that the voice of the minority will be heard from the precinct to the national level. Already in the convention just past, state delegations that chose to disregard the will of the local party were challenged and ousted from their seats.

Today, as a result largely of the chaos in Chicago, Congress has a number of proposals of reform before it. They vary from Senate Majority Leader Mike Mansfield's insistence that the convention system should be scrapped in favor of a national primary and a single six-year term for the president, to Senator Gaylord Nelson's bill for a 30-man commission to study possible reforms of the convention system.

Of the two proposals, Nelson's is far and away the more reasonable. It takes full account of the need for reform, and it provides some insurance that no drastic change will be made on a passing wave of emotionalism. For while there is nothing sacrosanct about the present way the parties go about picking their candidates, Congress had better be certain that it has a sounder vessel at hand before abandoning the system that has kept this republic afloat for 136 years.

HOUSE OF REPRESENTATIVES—*Tuesday, September 10, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The kingdom of God is not in word, but in power.—1 Corinthians 4: 20.

O Thou who art seeking to lead us along the paths of freedom and righteousness and good will, grant that in these decisive days we, the leaders of our people, may make wise decisions, be strengthened by Thy spirit to stand for what is sacred in life, and be given insight to see Thy way and inspiration to walk in it.

May we keep extending to one another the handclasp of friendship as together we march forward to the great task of establishing peace on earth and good will among the people on this planet.

Give to the nations the spirit which shall turn their hearts to the right and their minds to the rights of all that the darkness may turn to dawning and the dawning to noonday bright and Thy great kingdom shall come on earth, the kingdom of love and light.

In the name of Him who makes real the kingdom we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 1371. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14935) entitled "An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Monroney, Mr. Yarborough, Mr. Randolph, Mr. Carlson, and Mr. Fong to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed the following Members on the part of the Senate to attend the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, November 11 to 16, 1968: Mr. Stennis, Mr. Gore, Mr. Jackson, Mr. Lausche, Mr. Bayh, Mr. Hickenlooper, Mr. Mundt, Mr. Javits, and Mr. Cooper.

The Vice President also appointed the following Members as alternates to the above conference: Mr. McIntyre, Mr. Tydings, Mr. Spong, Mr. Hruska, and Mr. Kuchel.

VIETNAM

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, I read in this morning's paper that Vice President Humphrey said yesterday that it is possible that U.S. troops could be brought home from Vietnam early next year. While I know it is difficult to find much in the Johnson-Humphrey record to point to with pride, I cannot believe that Mr. Humphrey thinks the American people are going to fall for this old rerun of past unkept promises.

I recall that on November 20, 1963, the then Secretary of Defense Robert McNamara said that American troops would start being withdrawn before year-end. Then, before a congressional committee on January 27, 1964, McNamara said that most of the 15,000 U.S. troops in Vietnam could be withdrawn before 1965 year-end. Throughout that election year the promises were piled on promises that the "boys would be brought back."

Now we have Mr. Humphrey following in the footsteps of the master, making the same hollow promises. I call attention to the fact that Mr. Humphrey has claimed that he was a part of all the major decisions made by the Johnson-Humphrey administration. He was part and parcel of the escalation into a land war in Asia. He was part and parcel of bombing halts that gave the Vietcong opportunity to regroup and resupply their forces.

Mr. Speaker, I do not believe the H.H.H. reruns will get a very high rating from the American public come November.

PERMISSION FOR CERTAIN MEMBERS OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE MINORITY VIEWS TO ACCOMPANY HOUSE REPORT NO. 1858

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that certain members of the Committee on Interior and Insular Affairs may have permission to file minority views to accompany House Report No. 1858.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 3068, TO AMEND THE FOOD STAMP ACT OF 1964, AS AMENDED

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, with a House amendment thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. Poage, Gathings, Purcell, Foley, Belcher, Teague of California, and Mrs. May.

CONFERENCE REPORT ON S. 3293, AUTHORIZING MILITARY PROCUREMENT, 1969, AND PRESCRIBING PERSONNEL STRENGTH

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1869)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I—PROCUREMENT

"Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1969 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

"AIRCRAFT

"For aircraft: for the Army, $735,447,000; for the Navy and Marine Corps, $2,406,988,000, of which $241,800,000 is authorized to be appropriated only for F–4J aircraft and $162,800,000 is authorized to be appropriated only for EA–6B aircraft; for the Air Force, $5,212,000,000.

"MISSILES

"For missiles: for the Army, $956,140,000; for the Navy, $848,212,000, of which $55,500,000 is authorized to be appropriated only for the Phoenix missile; for the Marine Corps, $13,500,000; for the Air Force, $1,768,000,000.

"NAVAL VESSELS

"For naval vessels: for the Navy, $1,581,500,000, of which $52,000,000 is authorized to be appropriated only for the procurement of long leadtime components that could be used in vessels of either the DXGN or DLGN types and $22,500,000 is authorized to be appropriated only for long leadtime components for an improved nuclear-powered attack submarine of new design.

"TRACKED COMBAT VEHICLES

"For tracked combat vehicles: for the Army, $299,426,000; for the Marine Corps, $10,800,000.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1969 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, $1,611,900,000;

"For the Navy (including the Marine Corps), $2,205,721,000, of which (a) $46,900,000 is authorized to be appropriated only for the development of the Phoenix missile system, (b) $170,000,000 is authorized to be appropriated only for the development of the VFX–1 aircraft, (c) $4,000,000 is authorized to be appropriated only for development of an improved nuclear attack submarine to be included in the fiscal year 1970 procurement program, and (d) $16,400,000 is authorized to be appropriated only for an improved nuclear-powered attack submarine of new design to be procured in years after fiscal year 1970.

"For the Air Force, $3,438,594,000; and

"For the Defense Agencies, $487,522,000.

"SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1969 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

"SEC. 203. None of the funds authorized to be appropriated by this Act may be used for development or procurement of the F–111B aircraft.

"TITLE III—RESERVE FORCES

"SEC. 301. For the fiscal year beginning July 1, 1968, and ending June 30, 1969, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

"(1) The Army National Guard of the United States, 400,000.

"(2) The Army Reserve, 260,000.

"(3) The Naval Reserve, 128,407.

"(4) The Marine Corps Reserve, 47,204.

"(5) The Air National Guard of the United States, 77,371.

"(6) The Air Force Reserve, 45,526.

"(7) The Coast Guard Reserve, 17,700.

"SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, not including those units ordered to active duty in January 1968, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units, including those units ordered to active duty in January 1968, or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

"SEC. 303. Subsection (e) of title I of Public Law 89–687 (80 Stat. 981) is amended by deleting 'June 30, 1968' and substituting 'June 30, 1969'.

"TITLE IV—GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows: "Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1969 on such terms and conditions as the Secretary of Defense may determine."

"SEC. 402. It is hereby declared to be the sense of the Congress that the Department of Defense, as soon as practicable, institute such measures as may be necessary to modernize the contract commercial airlift services provided to the Armed Forces of the United States.

"SEC. 403. (a) Chapter 153 of title 10, United States Code, is amended by adding at the end thereof the following new section:

" '§ 2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies

" '(a) The Secretary of Defense, under regulations prescribed by him, may sell to State and local law enforcement and firefighting agencies, at fair market value, pistols, revolvers, shotguns, rifles of a caliber not exceeding .30, ammunition for such firearms, gas masks, and protective body armor which (1) are suitable for use by such agencies in carrying out law enforcement and firefighting activities, and (2) have been determined to be surplus property pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

" '(b) Such surplus military equipment shall not be sold under the provisions of this section to a State or local law enforcement or firefighting agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary and suitable for the operation of such agency by the Governor (or such State official as he may designate) of the State in which such agency is located. Equipment sold to a State or local law enforcement or firefighting agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency.'

"(b) The table of sections at the beginning of chapter 153 of such title is amended by adding at the end thereof the following:

" '2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies.'

"SEC. 404. No funds authorized for appropriation for the use of the Armed Forces of the United States under the provisions of this Act or the provisions of any other law shall be available for the purchase, lease, rental, or other acquisition of multipassenger motor vehicles (buses) other than multipassenger motor vehicles (buses) manufactured in the United States, except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States.

"SEC. 405. Section 2304(g) of title 10, United States Code is amended by inserting a comma after the word 'proposals' where first used in that section and inserting after the comma the words 'including price,'. "

And the House agree to the same.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. EDW. HÉBERT,
MELVIN PRICE,
WILLIAM H. BATES,
LESLIE C. ARENDS,
WILLIAM G. BRAY,
Managers on the Part of the House.

JOHN C. STENNIS,
STUART SYMINGTON,
HENRY JACKSON,
HOWARD W. CANNON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TITLE I—PROCUREMENT

Navy missiles

The Department of Defense requested $86.5 million for the Phoenix missile. Both the Senate and the House granted $55.5 million for this purpose. The Senate version of the bill, however, indicated that only $31 million was authorized although the total granted by the Senate for Navy missiles included $55.5 million for Phoenix. This has been corrected by insertion of the House figure in place of the Senate figure.

The Senate recedes.

Naval vessels

DX's: The Senate granted $246 million for the DX program, the total requested by the Department of Defense. The House restricted its grant to $25 million, an amount representing long leadtime items which would be procured during fiscal year 1969. The conferees agreed that the importance of this program was sufficient to warrant the inclusion of the additional $221 million both for the reason that authority would then exist against which appropriations could be made and as an indication of the strong congressional support for this important new destroyer-type program.

The House recedes.

CVAN spare parts: The House, for reasons set out in its committee report, added $39.3 million for spare parts for the *Nimitz*-class carrier. This had not been requested by the Department of Defense. The Senate version of the bill had not added this authority. After discussion it was agreed that this authority should be granted.

The Senate recedes.

FDL's: The Senate version of the bill granted the four fast deployment logistic ships requested by the Department of Defense at a cost of $183.6 million. The House version of the bill did not contain this authority. The conferees after extended discussion agreed that while there were many reasons why this program should be supported, the lack of immediacy of the need for these vessels in the light of the current fiscal situation dictated that they should be eliminated from the program, without prejudice, this year.

The Senate recedes.

TITLE II—RESEARCH AND DEVELOPMENT

General

Both the Senate and the House modified the research and development program of the Department of Defense. The conferees agreed upon the following:

Under title II of the bill, research, development, test, and evaluation, the conferees agreed on a total of $7,793,737,000. This amount is $221,702,000 below the amount requested in the President's budget and is $72,214,000 below the amount in the House bill.

Army

For the Army, the conferees agreed on $1,611,900,000. This is $20 million below the amount in the House bill. The conferees agreed on the House amendments reducing military sciences by $10 million and management and support by $20 million. The House receded on an additional $20 million reduction contained in the Senate 3-percent cut. The conferees agreed that wherever possible the $20 million reduction in management and support should be taken from all budget activities containing funds for management and support efforts.

Navy and Marine Corps

For the Navy and Marine Corps, the conferees agreed on a total of $2,205,721,000. This is $13 million more than that in the House bill. The conferees agreed on a general reduction of $75 million in lieu of the Senate cut across-the-board of 3 percent. The Senate receded on a reduction of $10,436,000. The House receded on $12 million of the $50 million added for anti-submarine warfare research and development for a net add-on of $38 million for this program.

For the VFX–1, the House receded on its transfer language and added $100 million in new obligational authority for a total of $170 million for this important aircraft program. The Senate receded on the House reduction of $20 million for the DXG's; $9 million for military sciences; and $9 million in the budget activities including management and support efforts.

Air Force

For the Air Force, the conferees agreed on the Senate committee's recommended total of $3,438,594,000, which is $115,214,000 below the amount contained in the House bill and $135,214,000 below the President's budget. The House recedes and accepts the Senate reduction.

Defense emergency fund

For the Defense emergency fund, the Senate committee recommended $121,250,000. The House struck this amount in its entirety from the bill. The conferees agreed to restore a total of $50 million. Therefore, the House recedes and agrees to a $50 million restoration.

TITLE III—AUTHORIZED STRENGTH FOR SELECTED RESERVES

There was little disagreement between the Senate and the House with respect to the provisions of title III.

The Department of Defense requested 125,407 personnel in the Navy Reserve and the Senate bill as passed contained this figure. The House increased this figure to 128,407.

After discussion the conferees agreed to the House figure.

The Senate recedes.

The House added to its version of the bill language which would give the President authority until July 1, 1969, to order units of the Ready Reserve to active duty. The Senate version of the bill did not contain this language.

The conferees agreed that this authority was appropriate and should be granted.

The Senate recedes.

TITLE IV—GENERAL PROVISIONS

All section numbers referred to below relate to the House version of the bill. The agreement by the conferees that section 402 would be eliminated caused the subsequent general provisions section numbers to be appropriately modified.

The Senate version of the bill (sec. 301(b) in that version) contained language which would create a preference in Defense contract awards in favor of contractors who, in carrying out the contract, were willing to hire and train unemployed or low-income persons.

After discussion the conferees, taking into consideration programs already in existence within the Department of Defense, agreed to delete this provision.

The Senate recedes.

Section 402—Shipyard manning

A provision in the House bill would have exempted civilian employee manning levels at naval shipyards from any numerical manpower limitations applicable to the Navy.

The conferees agreed that upon further examination and study of this provision it had become evident that other solutions to this problem could be found without a specific legal mandate.

The House recedes.

Section 403—Contract airlift

The House version of the bill contained language designed to require rapid modernization of contract commercial airlift services provided to the armed forces. The Senate version of the bill contained no such language.

The conferees agreed to substitute the following language in place of the language of the House bill.

"It is hereby declared to be the sense of the Congress that the Department of Defense, as soon as practicable, institute such measures as may be necessary to modernize the contract commercial airlift services provided to the Armed Forces of the United States."

The airlift procurement policy adopted by the Department of Defense some eight years ago, whereby preference was given to participants in the Civil Reserve Air Fleet (CRAF) program, had the objective of modernizing and strengthening the Civil Reserve Air Fleet on the premise that the full and proper use of civilian airlift resources in peacetime and war emergencies ultimately would produce savings in military capital equipment and benefit the public through a healthier industry and lower cost air transportation. The soundness of that policy is reflected in the increased strength and productivity of our Civil Reserve Air Fleet as it is constituted today. Since the establishment of this airlift procurement policy, some 252 turbine powered aircraft, having an estimated value of close to $2 billion, have been added to the CRAF program. Also, during this time period the minimum rates established by the CAB for the modern equipment have decreased yearly.

The conferees understand that the international CRAF, by the end of the third quarter of fiscal year 1969, will consist of a pure jet fleet, whereas the domestic CRAF remains predominantly piston powered. The Department of Defense fiscal year 1969 long-term airlift contracts for international services will be performed, as of September 1, 1968, exclusively by turbine powered aircraft. Thus the problem of modernization is particularly significant with respect to the domestic Logair and Quicktrans cargo airlift contracts. (Logair is a contract airlift operation providing logistic support to Air Force bases in the continental United States. Quicktrans is a similar contract airlift operation in support of the Navy).

Section 403 is intended to make clear to the Department of Defense that future negotiations for commercial airlift services should give preference to the maximum extent practicable to offerors who have, or will introduce into their operation during the contract period, turbine powered aircraft and who offer to operate those aircraft at minimum fair and reasonable rates established by the Civil Aeronautics Board.

In view of the increased reliability demonstrated by turbine powered aircraft, as well as their greater speed, and thus greater flexibility to respond to changing requirements, the maximum practicable preference for turbine powered aircraft over piston aircraft means an overriding preference except where factors such as requirement size or airfield limitations make efficient performance by turbine powered aircraft impracticable.

The incorporation of this policy will be consistent with the goal of the Air Force to secure the use of modern equipment to meet its airlift requirements. The importance of maintaining a modern aircraft base for the domestic CRAF cannot be overemphasized in view of the need for a responsive and viable domestic air cargo system. It is the desire of the House conferees that the Department of Defense report in writing to the Congress before January 1, 1969 as to how this section will be implemented in subsequent airlift procurements. It is further desired by the House conferees that the Department of Defense report to the Congress with respect to any airlift procurement under which preference is not given to offerors of turbine powered aircraft.

The House conferees were especially concerned with respect to the segments of less than 100 miles in the Logair and Quicktrans domestic cargo routes. The Department of Defense is directed to review these route segments and take action to eliminate those considered to be uneconomical or unproductive. In this connection, it is intended that the Department of Defense will consider the possibility of utilizing, where practicable and economical, other available means of transportation. Lastly, it is the desire of the House conferees that the Department of Defense report in writing to the Congress with respect to any route segment of less than 100 miles which is to be retained and explain why the use of surface transportation would be more costly or otherwise unacceptable.

The Senate recedes with an amendment.

Section 404—Sale of surplus equipment

The House version of the bill contained language designed to assist State and local law enforcement and fire-fighting agencies in obtaining surplus equipment appropriate for use by such agencies. The Senate version of the bill contained no such language.

After discussion of various versions of language which would accomplish the purpose the conferees agreed upon the following:

"Sec. 403. (a) Chapter 153 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"'§ 2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies

"'(a) The Secretary of Defense, under regulations prescribed by him, may sell to State and local law enforcement and firefighting agencies, at fair market value, pistols, revolvers, shotguns, rifles of a caliber not exceeding .30, ammunition for such firearms, gas masks, and protective body armor which (1) are suitable for use by such agencies in carrying out law enforcement and firefighting activities, and (2) have been determined to be surplus property pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

"'(b) Such surplus military equipment shall not be sold under the provisions of this section to a State or local law enforcement or firefighting agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary and suitable for the operation of such agency by the Governor (or such State official as he may designate) of the State in which such agency is located. Equipment sold to a State or local law-enforcement or firefighting agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency.'

"(b) The table of sections at the beginning of chapter 153 of such title is amended by adding at the end thereof the following:

"'2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies.'"

Although the foregoing language is permissive in form it was agreed by the conferees that full use of the authority granted by this section should be exercised by the Department of Defense. Specific discussion was had with respect to the existing statutory authority for the sale by the Federal government of such items as personnel carriers, communications equipment and three-quarter ton trucks and the conferees agreed that requests by law enforcement and firefighting agencies for these items should receive more expeditious consideration. The language is not intended to limit any other power that the Secretary of Defense has with respect to the transfer of military equipment to law enforcement agencies, nor will such disposals have any adverse impact on existing Federal programs for disposal of surplus personal property to public or nonprivate agencies and institutions.

The Senate recedes with an amendment.

SECTION *405—Procurement of bus services*

The House version of the bill contained language prohibiting the purchase, lease, rental or other acquisition of buses other than those manufactured in the United States "except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely effect the national interests of the United States."

The conferees after a review of all of the considerations involved agreed Section 405 should be retained in the legislation.

The Senate recedes.

Section 406—Negotiated procurement

The purpose of this section is to close the loophole which allowed the Army to make the recent awards for the procurement of M-16 rifles without considering price proposals from all qualified bidders. It would insure that on future negotiated procurements of the type mentioned the military departments will have to consider at least ceiling prices proposed by all qualified bidders.

The conferees wish to make it entirely clear that their agreement on the inclusion of this language in the bill is not intended to modify in any way the traditional method of procuring architect engineer services.

The Senate recedes.

Section 407—Assistant Secretary for Health Affairs

The House version of the bill contained language providing that one of the Assistant Secretaries of Defense be the Assistant Secretary of Defense for Health Affairs, and providing further that there would be within that office a Deputy Assistant Secretary of Defense for Dental Affairs. The Senate bill contained no such provision.

The conferees agreed that the establishment of these offices should not be imposed by law at this time. The conferees also agreed, however, that not including this language in the conference bill in no way indicates their lack of agreement that there should be, functionally, within the Office of the Secretary of Defense persons and authority truly responsive to the health requirements of the military services. The conferees did indeed agree that the best health interests of the services were served when there was in the Defense secretariat a position which embraced this specific responsibility and function.

The House recedes.

The conferees are also concerned by a proposal under consideration in the executive branch to establish an Interdepartmental Committee on Federal Medical Affairs. The concern is that such a Committee might attempt to dictate the health and medical activities to be conducted within the Department of Defense and that it might attempt to control the procurement or assignment of members of the Armed Forces responsible for providing health care. The conferees have no objection to a full exchange of information and the coordination of health policies between the Department of Defense and other Federal agencies, but they are resolutely opposed to any administrative arrangement that would override the statutory responsibility and authority of the Secretary of Defense to decide questions affecting the health and medical care to be provided members of the Armed Forces. Specifically the conferees emphasize their intent that the procurement and assignment of military medical personnel not be subject to direction by officials of the executive branch who are outside the Department of Defense.

The House conferees had previously communicated their concern over this general problem to the President and the Secretary of Defense through letters written by the chairman of the House Committee on Armed Services. The chairman of the House Committee on Armed Services was subsequently given assurances in writing that the executive branch did not contemplate any administrative or legislative action which would diminish or dilute either the responsibility or the authority of the Secretary of Defense to act on policy matters affecting the health and medical care of our uniformed services personnel and their families. In view of the pertinency of these communications they are set out below and hereby made a part of the statement of managers:

THE WHITE HOUSE,
Washington, D.C., July 11, 1968.

Hon. L. MENDEL RIVERS,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The President has asked that I respond to your letter of July 2, 1968, regarding the report submitted by the Secretary of Health, Education, and Welfare proposing reorganization of health programs within the Department of Health, Education, and Welfare and proposing the establishment of a new Federal interdepartmental health policy council.

I have carefully checked into all aspects of the report rendered June 14, 1968, to the President and have consulted with appropriate departmental officials about it.

Although I am satisfied there was no such intent, some of the words and phrases could lead to the concerns expressed in your letter of July 2 to the President.

The creation of a Federal health policy council as proposed by Secretary Cohen would not remove any responsibilities from the Department of Defense, would not diminish the Defense Department's present policy role, and would not endanger in any way the status of the Department of Defense with respect to the medical care provided our military service personnel and their families or the other health and medical activities of the Department of Defense.

The President believes that the growth of the Federal health programs in recent years makes it imperative that we achieve the most efficient and economical operation possible. To this end, he requested in his March 4, 1968, message to Congress on health in America the broad study which culminated in Secretary Cohen's report of June 14.

The data contained in the Secretary's report does point up the necessity for effective coordination of health activities within the government if we are to make the most effective use of scarce medical manpower, realize the full potential of national research capabilities, and move toward achievement of our health goals.

The function of the interdepartmental health policy council would be to coordinate and advise, to collect and analyze pertinent data, and to provide a central point for the full exchange of information. It is *not* contemplated that this council or its presiding officer would exercise any oversight in the sense that any agency would be subject to the authority of any other agency or department. No agency function would be restricted in any manner by this council or its chairman.

So that there will be no misunderstanding, let me assure you that the establishment of a Federal interdepartmental health policy council will in no way impinge on the present authority of the Secretary of Defense to report directly to the President, or to deal first-hand with the Bureau of the Budget, the heads of other agencies and departments, and the concerned Committees of Congress.

Secretary Cohen's report to the President did not propose any administrative or legislative action which will diminish or dilute either the responsibility or the authority of the Secretary of Defense to act on policy matters affecting the health and medical care of our uniformed services personnel and their families.

Sincerely,

DOUGLASS CATER,
Special Assistant to the President.

THE SECRETARY OF DEFENSE,
Washington, D.C., August 24, 1968.

Hon. L. MENDEL RIVERS,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have your letter noting the concern of the Committee on Armed Services over the possibility that the Secretary of Health, Education, and Welfare will be placed in charge of the medical programs of the Department of Defense.

Neither Secretary Cohen nor I believe there is any cause for committee concern on this score. He assures me there is no HEW plan or proposal to such effect, and there certainly is none in this Department.

The draft Executive order to which you referred in your letter would, if promulgated, establish an Interagency Health Council having an advisory role only. The draft contains the following language:

"SEC. 4. *Construction*. Nothing in this order shall be construed as subjecting any Federal agency or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other Federal agency or head or as abrogating or restricting any such function in any manner."

If the proposed Executive order were ultimately promulgated, the quoted section would provide clear, unmistakable Presidential guidance that the medical responsibilities and programs of this Department were not being placed under the direction of any other Department.

In this connection, I am satisfied that the proposed Executive order is consistent with the July 11, 1968, statement to you by Douglass Cater, Special Assistant to the President, that:

"The creation of a Federal health policy council as proposed by Secretary Cohen would not remove any responsibilities from the Department of Defense, would not diminish the Defense Department's present policy role, and would not endanger in any way the status of the Department of Defense with respect to the medical care provided our military service personnel and their families or the other health and medical activities of the Department of Defense."

The Bureau of the Budget, which has coordinating responsibility in such matters, informs me that agency comments are still being analyzed and that final action on the proposal is not being considered at this time.

I trust that the foregoing will allay the concern expressed in your letter.

Sincerely,

CLARK M. CLIFFORD.

LIMITATION ON APPROPRIATION

The Senate bill contained a provision (sec. 403) which stated that "the aggregate amount to be appropriated by this Act shall not exceed $21,341,738,000." The House bill had no corresponding section.

In view of the conferees agreement with respect to specific dollar amounts throughout the bill, this provision no longer had pertinence and it was agreed that it should not be included in the bill.

The Senate recedes.

RESTRICTIVE LANGUAGE

All restrictive language appearing in either House or Senate versions of the bill was agreed upon for retention with the exception of that (appearing only in the House version of the bill) relating to Army research and development.

The deletion of this restrictive language was agreed upon because of the reference in the House report indicating that reductions in management and support should be taken in *all* budget activities that include management and support activities.

SPECIAL CONSIDERATIONS

EA–6B Aircraft

The EA–6B is an electronic countermeasures aircraft that will provide valuable protection to pilots of our Armed Forces flying aircraft against targets in hostile environments. Both the House and Senate versions of the bill had added authority for appropriations for this aircraft. The House conferees wish to stress the importance of this program and urge that every effort be made by those responsible for this procurement to proceed with it as rapidly as possible.

Electric-drive submarine

The House conferees view with ever increasing alarm the rapidly growing Soviet submarine threat. The increase in numbers and quality of the Soviet submarines can best be met by continued production of American nuclear attack submarines. However, in earlier years the Department of Defense announced the end of the construction program with the last of the submarines to be authorized next year. Last year the Congress fully funded an electric drive submarine. This year both the House and the Senate have voted to add funds for a new fast submarine. Both submarines should be built, promptly. There is no need to defer the construction of the electric drive submarine for more study or to make a further study of the fast submarine to be built next year. The House conferees cannot express their position too strongly that they want all of the submarines funded thus far to be built and that the United States must continue to build more submarines of new classes if we are not to encounter, sooner than we realize, a major and perhaps fatal submarine gap.

F–106/F–12

The conferees agreed that the Department of Defense request for $28 million to initiate modifications of the F–106 would not be included in this bill. The House conferees, however, wish to point out that they would look with favor upon a reprogramming action contemplating the initiation of an improved Air Defense System utilizing both the F–106X and the F–12.

SUMMARY

The bill as presented to the Congress by the President totaled $22,385,052,000. The bill as it passed the House totaled $21,626,964,000. The bill as it passed the Senate totaled $21,341,738,000.

The bill as agreed to in conference totals $21,625,750,000.

The figure arrived at by the conferees is $1,214,000 less than the bill as it passed the House, $284,012,000 more than the bill as it passed the Senate, and is $759,302,000 less than the bill as it was presented to the Congress by the President.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. EDW. HÉBERT,
MELVIN PRICE,
WILLIAM H. BATES,
LESLIE C. ARENDS,
WILLIAM G. BRAY,
Managers on the Part of the House.

Mr. RIVERS (during the reading). Mr. Speaker, in view of the fact that the conference report has been printed, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object—and I will not object—will the distinguished gentleman from South Carolina, the chairman of the Committee on Armed Services, take some time and is it his plan to make a statement about the differences in the bill and to allow other speakers to participate?

Mr. RIVERS. Yes.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER. The gentleman from South Carolina is recognized for 1 hour.

Mr. RIVERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is what happened in the conference on S. 3293, the military weapons procurement and research and development bill.

PROCUREMENT

I will first discuss the procurement portion of the bill.

With respect to naval vessels, the Senate had granted four FDL's—fast deployment logistic ships. The House had stricken this request from the bill. The Senate receded on the FDL's.

The House added to the departmental request $39.3 million for spare parts for the *Nimitz* class nuclear aircraft carriers. This had not been requested by the Department and had not been included in the Senate version of the bill. The Senate receded with respect to this addition.

A new kind of destroyer is to come into our naval inventory; it is now designated as the DX. Two hundred and forty-six million dollars was requested by the Department for this program and this amount was granted by the Senate. The House had granted only $25 million for contract definition. The House receded in this instance principally on the basis of what I will call the morale boost that this authority will give to the program.

RESEARCH AND DEVELOPMENT

In research and development the conferees agreed on a total of $7.8 billion. There were many internal adjustments in the research and development area and the final figure arrived at by the conferees is about $72 million less than contained in the House version of the bill.

RESERVES

In title III of the bill relating to the strength of the selected Reserves, there was little disagreement between the House and the Senate. The one strength figure that was the subject of conference was that relating to the Naval Reserves. The Department's request was for 125,407 personnel and this number was granted by the Senate. The House, however, on the basis of testimony received, felt that this figure should be raised by 3,000 to 128,407. The Senate receded to the House figure.

In further reference to the Reserve portion of the bill the Department of Defense requested that certain language be inserted in the bill subsequent to the presentation of the program to the Congress. The language sought by the Department would give the President authority until July 1, 1969, to order units of the Ready Reserve to active duty.

As the Members of the House will recall, the Committee on Armed Services in acting on the Department's request simply recommended, and obtained House approval, of an extension of the Presidential authority previously provided by Congress in Public Law 89–687 to order units of the Ready Reserve to active duty for a period not to exceed 24 months.

This continuation of the President's authority until July 1, 1969, therefore applies to all units in the Selected Reserve Force—Public Law 90–168—our Ready Reserve units which are in receipt of drill pay and consist of approximately 1 million reservists.

The House included this authority in its version of the bill. It had not been included in the Senate version. The Senate receded to the House with respect to this authority.

GENERAL PROVISIONS

The House committee added a number of new general provisions to the bill. I will deal with each of them briefly.

The House added language which would have exempted civilian employee manning levels at naval shipyards from any numerical manpower limitations applicable to the Navy.

The conferees agreed that since other solutions to this problem should be found, a legal mandate was not desirable at this time, and the language was deleted.

The House committee had added language to the bill designed to require rapid modernization of contract commercial airlift services provided to the Armed Forces. The House language was modified in conference by deleting the effective date of January 1, 1969, and, in effect, substituting the language "as soon as practicable."

The substitute language allows the military to continue using piston-powered aircraft during fiscal year 1969 for a portion of the Air Force contract airlift known as LOGAIR.

The Department of Defense fiscal year 1969 airlift contracts for international services will be performed exclusively by turbine-powered aircraft for the last three-quarters of the fiscal year.

The economy, efficiency, and reliability of turbine-powered aircraft over piston aircraft is well-established. It is the desire of the House conferees that the domestic airlift performed for the military reap these benefits as soon as possible by insisting upon further modification of the equipment used by the airlines performing this contract service.

The House version of the bill had language, added by the committee, designed to assist State and local law enforcement and firefighting agencies in obtaining surplus equipment appropriate for use by these agencies. The Senate version of the bill contained no such language.

The Senate receded with respect to this provision and this valuable and important language will remain in the bill.

The House version of the bill contained language prohibiting the purchase, lease, rental, or other acquisition of buses other than those manufactured in the United States "except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States."

The conferees after a review of all of the considerations involved agreed that this section should be retained in the legislation.

As a result of hearings held by the Armed Services Committee it was felt highly desirable to insert language in the bill which would close the kind of loophole that allowed the Army to make the recent awards for the procurement of the M-16 rifle without considering price as an essential element. The language inserted by the committee, and agreed to by the House, insures that on future negotiated procurements of the type mentioned, the military departments will be required to consider at least ceiling prices proposed by the qualified bidders. The Senate receded and accepted the House language.

The last of the sections added under the general provisions portion of the bill provided that one of the Assistant Secretaries of Defense be the Assistant Secretary of Defense for Health Affairs. It provided further that there would be within that office a Deputy Assistant Secretary of Defense for Dental Affairs.

After extended discussion it was agreed that this section would not be included in the bill. I wish to draw your attention, however, to that portion of the statement of the managers which deals with this whole matter of health care in the military services. It begins at the bottom of page 10 and goes over to page 13. You will note that the conferees take the position that—and I quote—

> Not including this language in the conference bill in no way indicates their lack of agreement that there should be, functionally, within the Office of the Secretary of Defense persons and authority truly responsive to the health requirements of the military services. The conferees did indeed agree that the best health interests of the services were served when there was in the Defense secretariat a position which embraced this specific responsibility and function.

You will note further that concern is expressed by the conferees with respect to a proposal under consideration in the executive branch to establish an Interdepartmental Committee on Federal Medical Affairs. The concern is that such a committee might attempt to dictate the health and medical activities to be conducted within the Department of Defense and that it might attempt to control the procurement or assignment of members of the Armed Forces responsible for providing health care.

Specifically—

The report says—

> the conferees emphasize their intent that the procurement and assignment of military medical personnel not be subject to direction by officials of the Executive Branch who are outside the Department of Defense.

I want to point out that two Senate floor amendments were successfully opposed by the House conferees. One of these would have created a preference in defense contract awards in favor of contractors who were willing to hire and train unemployed or low-income persons. The House conferees felt that there was no need for a provision of this kind in view of programs already in existence within the Department of Defense. The Senate receded.

The other Senate floor amendment placed a limitation on the amount of money that could be appropriated by the act, and the limitation was less than either the bill as presented by the President or the bill as it passed the House. The conferees agreed to eliminate this provision and the Senate receded.

All in all, Mr. Speaker, your House conferees came out of the conference with virtually everything that they sought.

There is nothing now in the bill which could be reasonably opposed to by the House in view of the overwhelming passage by the House of the weapons procurement and research and development bill on July 11, 1968.

As an extension to these remarks I wish to deal with the very important subject of the electric-drive submarine and the new fast submarine, both of which are gone into in some detail toward the close of the statement of the managers.

SUBMARINE DEVELOPMENT AND CONSTRUCTION

I want to call special attention to the statement concerning the electric-drive submarine and the new fast submarine near the end of the conference report.

Several congressional committees, including the House Committee on Armed Services, and its ASW Subcommittee, the Senate Armed Services Committee and its Preparedness Investigating Subcommittee, and the Joint Committee on Atomic Energy have investigated the alarming improvements the Soviets have made recently in nuclear submarines. It is clear to me that if we do not respond with a vigorous and broad program of new developments in our nuclear submarines, the Soviets will within a very few years achieve technological superiority over us in this vital area.

The top civilian and military officials in the Navy have been unequivocal in their support for an aggressive nuclear submarine development and construction program. They have urged that existing developments—such as the electric-drive submarine, not be further delayed; and that new developments, such as the new fast submarine, be initiated immediately. The electric-drive submarine, for which both the Senate and the House voted funds for fiscal year 1967 and 1968, will be designed to be significantly quieter than any nuclear submarine—existing or planned. The new fast submarine, for which funds for procurement of long leadtime equipment were added by Congress to the fiscal year 1969 defense authorization now before you, will incorporate a new design, high powered propulsion plant enabling it to make higher speeds than any other submarine. Top naval officials have explained in detail why the Navy needs both types of submarines to perform the wide variety of missions assigned to nuclear attack submarines.

The Department of Defense refused to include funds for the new fast submarine in the fiscal year 1969 budget request. Fortunately, the Congress, working with our new Secretary of Defense, was able to get this decision reversed. We have been assured that the design and construction of the fast submarine will go forward as rapidly as possible.

Unfortunately the civilian staff of the Department of Defense took it upon itself several months ago to suspend further commitment of funds for the electric-drive submarine. They are currently delaying completion of this important warship while they make more studies.

In a recent press conference, Secretary Clifford said that his staff is still studying the electric-drive submarine. However, he said that he will want the benefit of the opinions of those of us in Congress who are interested in this submarine. He now has our position; the conference report makes it clear that the House wants this submarine built as soon as possible.

Secretary Clifford has expressed his concern that the electric-drive submarine will be expensive. I have assured him that Congress will make the necessary funds available to build this important ship. This country cannot stand idly by and watch the Soviets surpass us in nuclear submarines. It is clear that it would be folly to try to save money by further delaying this urgently required nuclear submarine.

Secretary Clifford has assured our committee that the electric-drive submarine has his personal attention. I have told him that our committee is awaiting his request to reprogram the funds needed to complete this submarine so that the Navy can get on with this urgent program.

The conference report goes on to say:

> The United States must continue to build more submarines of new classes if we are not to encounter, sooner than we realize, a major and perhaps fatal submarine gap.

In this regard, the Navy research and development section of the bill before you states:

> $16,400,000 is authorized to be appropriated only for an improved nuclear-powered attack submarine of new design to be procured in years after fiscal year 1970.

This money was added to both the Senate and House versions of the bill to permit the Department of Navy to get started on development of a new nuclear propulsion plant so that our future submarines can have capabilities superior to those now attainable. Congress is authorizing these funds for this specific purpose so that this work can get started immediately. Our national security requires that these funds be released to the Navy as soon as possible.

There are also several very important items in this bill concerning nuclear-powered surface warships. They are:

First, $82.4 million for procurement of long-lead-time items for our third nuclear-powered carrier, CVAN 69. These funds must be released to the Navy as soon as possible in order not to delay delivery of this vital warship.

Second, $52 million for procurement of long-lead-time items for two nuclear-powered guided missile escort ships which the Department of Defense has promised to include in the fiscal year 1970 shipbuilding program. The Department of Defense has stated they want these ships to be of a new design called DXGN. Both the Senate and the House versions of the bill provided that the long lead components must be of a type which can be used in either DXGN's or the current class of nuclear escorts called DLGN's. The design and schedule of the DXGN is not yet firm. The most important thing is to include two more nuclear escorts in the fiscal year 1970 program. The Navy research and development authorization includes $17.4 million for contract definition of the DXGN. We can decide next year whether the next two nuclear escorts will be DLGN's or DXGN's, when we know more about how the DXGN design compares to the DLGN. Meanwhile we can expect the procurement of long-lead-time items for two more nuclear escorts to proceed immediately.

Third, $39.3 million for spare and replacement nuclear propulsion plant components and fuel for the *Nimitz*-class carriers. The House version of the bill included these funds for the reasons stated in our committee report. The Senate conferees agreed with us on the importance of this item, and the funds are included in the bill.

It is essential that adequate air and submarine defense be provided for our carrier striking forces. This is particularly so for our new nuclear carriers. Since they are the most modern and the best we have, they will be expected to carry out the most difficult assignments and will thus need the best possible protection. The rapidly improving and expanding Soviet nuclear submarine fleet makes the need for additional nuclear-powered escorts for attack carriers especially urgent. The Congress has repeatedly made it clear that the Department of Defense must take urgent action to increase the number of nuclear-powered escorts to be authorized in the next several years.

By following the present Department of Defense plan to build the DLGN 36 and DLGN 37 and follow these with four ships of the DXGN class, it will be 1976 before we have four nuclear escorts for the nuclear carrier *Nimitz*, which will then have been in operation for 4 years. It should be noted that by this time the third nuclear carrier, the CVAN 69, will also have been delivered with no nuclear escorts available for her. The fourth nuclear carrier, the CVAN 70, will join the fleet in 1976 with no nuclear escorts available for her either, according to present Department of Defense plans.

This is an unsatisfactory situation. I urge the Department of Defense and the Navy to work out a satisfactory nuclear escort building program. If they cannot, the Congress will have to continue to do it for them.

It is important that every Member of Congress understand that there are actually only two nuclear warships authorized in this bill—two *Sturgeon*-class submarines. This is the smallest number of new construction nuclear warships included in any defense authorization bill in the last 14 years. Just think of that.

Here we are—faced with a rapidly expanding Soviet submarine threat which greatly increases the need for nuclear surface and submarine warships in our Navy—and our response is to authorize the smallest number of new nuclear ships in any one year since 1955. That is what cost effectiveness has done to this country.

Let me tell you something. The Department of Defense has committed itself to the Congress to include two nuclear submarines, two nuclear escorts, and one nuclear carrier in the 1970 program. That is the absolute minimum program that can be accepted. There must be more in future years. We will not accept less than this minimum program next year.

Mr. Speaker, I do not wish to preempt the explanation which will be given by the distinguished gentleman from New York [Mr. ROSENTHAL], with respect to section 403 relating to the sale of surplus military equipment, although I do not think the gentleman clearly understands the situation. It is my understanding that the gentleman circulated information to the Members of the House on this item. However, wherever the gentleman is in error I shall be glad to correct him.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. Why, of course.

Mr. ROSENTHAL. I do not think I am in error. However, the chairman has been gracious and kind enough to yield to me this time and during that presentation I shall present what I understand to be certain facts and figures with respect to my version of the conference report.

Mr. RIVERS. We shall yield to the gentleman the 5 minutes and where the gentleman is wrong, we will put the gentleman back on the track.

Mr. ROSENTHAL. Mr. Speaker, if the gentleman will yield further, I hope the gentleman will not prejudge my presentation.

Mr. RIVERS. We will not prejudge it but we shall be happy to correct the gentleman wherever he is wrong.

Mr. ROSENTHAL. I want to explain which of us is right.

Mr. RIVERS. We shall be happy to help you do that.

Mr. Speaker, I yield 30 minutes to the distinguished minority member of our Committee on Armed Services, the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Speaker, I rise at this time in support of the conference report on the bill, S. 3293.

There is little that I can add to the inclusive statement which has just been made by the distinguished chairman of the committee on the substantive portions of the bill. On those matters which were in controversy, he has explained them in full.

Mr. Speaker, this bill does not do everything that I would like to see it do. But I believe it is the best that we could possibly work out under the circumstances.

I am sure that no one either in the House or in the Senate is completely satisfied with the bill as it is. But then that is in the nature of the negotiation that transpires in a conference committee.

I think it is important to notify the House and I think, Mr. Speaker, it is also important that the country know, that so far as I am concerned, there is every indication there will be a supplemental military appropriation early next year. Much of what we should have undertaken this year remains to be done and many of the programs that we had firmly established have been stretched out. In a real sense this is unfortunate because after a very careful survey of our military needs, it was determined what our country required. This bill is giving them less than what we felt necessity demanded.

The supplemental after the first of the year will not only be for Southeast Asia but will include programs that we must have against the Soviets. Their recent action in Czechoslovakia should awaken a lot of people who have been going to sleep in recent weeks and recent months and recent years.

People talk about detentes. They talk about us weakening our defense so that the Soviets will follow suit and peace will reign throughout the world. To those people who are so inclined, let me say to them "Look at Czechoslovakia. Look back to the days of Hungary, and so far as communism itself is concerned, remember the *Pueblo*."

Last week, Mr. Speaker, there was an editorial in the Washington Post that I would like to have included in the RECORD.

A portion of that editorial reads as follows:

> It takes a special measure of faith in the gullibility of one's fellow men to assert, as Moscow has just asserted, that the sudden movement of a quarter-million combat troops into a country lying at a strategic salient between East and West has not affected the military balance of power.

Yes, Mr. Speaker, it takes a special measure of faith in the gullibility of the free world, if we do not look at the world situation today as accurately as the situation demands and do what is required to protect this country of ours.

Mr. Speaker, I do not wish to be dramatic, but I take no comfort in the knowledge that the Soviets have a fighter called the Foxbat which is 5 years ahead of anything we have in the United States or in the free world.

I do not feel secure when I know that the Soviets have increased their merchant force by 500 percent while ours has decreased by 26 percent.

I do not feel very comfortable when I realize that during the last 2 years the Soviets have tripled the number of ballistic missiles which they have. And I do not feel very safe either, Mr. Speaker, when I read the words of Admiral Rickover that he would prefer the Soviet submarine force as is and as planned over that which we have in the United States.

During the last 10 or 15 years that I have been in this Chamber I do not know how many times speakers have come down into the well of this House and, if they ever did any boasting about any aspect of our military strength, they did so in the field of our nuclear submarines. But now the father of our nuclear submarines has warned us and has warned the Nation that the program that we presently have is inadequate and something must be done about it.

Mr. Speaker, it is time for us to wake up. In all the time I have been in Congress, now 19 years, our relative strength with the Soviets has never been weaker, and with each passing year our relative strength becomes more so. I do not believe it does much good to sit down and negotiate with the Soviets, to write strong letters of protest to them, unless our pleas and our demands are backed up by a strong military power. Somehow during the last few years too many have been satisfied with mere parity. I believe we should have superiority. I believe that the American people are willing to be taxed so that their Nation will remain secure.

If our country is to survive, and if the free world is to survive, Mr. Speaker, we cannot negotiate from weakness. We can only negotiate from strength. It is only that which the Soviets understand, and, as far as I am concerned, I believe that early next year we should come up with an aggressive program to meet the temper of the times, and to make certain that our beloved country will not be second best in the world.

There remains the important matter in the conference report with reference to submarines that merits more specific comment.

Since the initiation of our nuclear submarine and surface ship program, Congress has continually encountered an unexplainable reluctance by the Department of Defense to build the nuclear Navy this Nation urgently needs. Congress had to override the Department of Defense to get the *Nautilus* built; we had to override the Department of Defense to get more nuclear-powered surface ships; now we face Department of Defense delays in moving forward with an aggressive program for new design nuclear submarines. I know of no area in which the Department of Defense has been so consistently shortsighted and misdirected.

Several congressional committees have conducted detailed investigations into the rapid progress being made by the Soviets in nuclear submarine design and construction. Security limitations preclude making the details of this progress publicly available. However, I can assure you it is frightening. Everyone I know in Congress who is aware of the progress the Soviets are making is deeply concerned. The Soviets have clearly made superiority over us in nuclear submarines a prime national objective and they are applying extraordinary efforts to achieve this objective. Their accomplishments in the past 2 years are remarkable. There is evidence that their latest nuclear submarines may be superior to ours in some respects. If we do not respond to this clear threat to our security with an aggressive program of our own, there is no question that the Soviets will surpass us in this area within a very few years.

For several years the Department of Defense has grossly underestimated the ability of the Soviets to improve their nuclear submarines.

The Department of Defense now apparently admits to the demonstrated Soviet ability in this area. However, they refuse to appreciate fully the significance of the rapid strides the Soviets are making. In simple terms, while the Soviets made alarming progress, our Department of Defense continued its record for shortsightedness and disregard of our needs in this vital area. I do not believe that any program so important to our national security has been so mishandled and delayed in the past by the Department of Defense as this one.

The conference report makes it quite clear that Congress fully supports the urgent need for this Nation to get moving with an aggressive program of new developments in nuclear submarines. The top officials in the Navy, both civilian and military, have urged such a program. Only the Department of Defense and its civilian staff, which for too long has held the cost-effectiveness stranglehold on this program, stand in the way.

Fortunately, with strong congressional backing the new Secretary of Defense has reversed the earlier Department of Defense position and has agreed to go ahead with the new high-speed submarine. This ship must be built and tested at sea as soon as possible.

I hope that the announcement by Secretary Clifford that he is going ahead with the high-speed submarine will be followed by a program which continues building the nuclear attack submarines so urgently needed in the fleet.

There is one item where delay continues. The Department of Defense continues to delay the electric-drive submarine. The conference report records the strong position of Congress that this submarine should be built as soon as possible. This submarine is being designed to be substantially quieter than any other nuclear submarine. In view of what the Soviets are doing there is an urgent need for this new submarine. I recall that when the electric-drive submarine was originally proposed to Congress in 1966 it had already been subjected to the usual Department of Defense overstudy. It had already been delayed to give the cost analysts a chance to apply their opaque logic. However, once submitted to Congress it was quickly approved and the necessary funds were made available. Now in 1968 the commitment of these funds has been held up and the cost analysts are studying the electric-drive submarine again. This country could never afford this sort of stagnating overstudy but now, with the Soviets moving forward at an alarming rate in nuclear submarines, further delays in our program can be disastrous.

I strongly endorse the statement in the conference report:

> The House conferees cannot express their position too strongly that they want all of the submarines funded thus far to be built and that the United States must continue to build more submarines of new classes if we are not to encounter, sooner than we realize, a major and perhaps fatal submarine gap.

Mr. RIVERS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Speaker, I rise to call the attention of my colleagues to section 404 of the conference report, to which I wholeheartedly object. If opportunity permits under the time limitation which the gentleman from South Carolina has graciously extended to me, I believe my colleagues will agree with me.

The conference report authorizes the sale of military weapons designed for combat conditions to local police and fire departments. It opens, for the first time, the whole Federal small arms arsenal to local agencies, which vary greatly in their training and competence to handle such weapons.

The distinguished chairman has said that the Defense Department has previously had legal authority to sell surplus weapons to State and local law-enforcement organizations. However, he did not tell you that in September 1963, the Defense Department stopped such sales after officials of that Department discovered that a sheriff in a locality with a population of 15,300 people had purchased as surplus 197 pistols, 85 shotguns, and 5,000 rifles.

The Defense and Justice Departments decided, as a result of an investigation at that time, that the sales were both unnecessary and too difficult to control. The

Armed Forces have since been destroying surplus weapons and selling them for scrap.

Section 404 was inserted, Mr. Speaker, by the House Committee on Armed Services without hearings, without reports from the affected agencies, and, in my judgment, without regard for the problems of this country in the summer of 1968.

The President's Commission on Civil Disorders stated, in addressing itself to this problem, as follows:

> Equipping civil police with automatic rifles, machine guns, and other weapons of massive and indiscriminate destruction is not warranted by the evidence. We should not attempt to convert our police into combat troops equipped for urban welfare . . . Great harm is likely to result from the use of military weapons of mass destruction by police forces which lack the command and control in firearms discipline of military units.

More importantly, Mr. Speaker, this is the first time that any agency or body of the Federal Government has suggested that firemen should be able to carry weapons. In September, 1967, because there had been conversation around the country on this very point, the International Association of Fire Fighters passed this resolution, to which I direct the attention of Members:

> ARMING AND DEPUTIZING FIRE FIGHTERS DURING CIVIL RIOTS AND DISORDERS
>
> Whereas fire fighters have been required during recent civil riots to bear arms, act as deputized police officers and otherwise discharge police functions; and
>
> Whereas, the public responsibility of fire fighters is to prevent and combat fires and preserve human life and limb involved in such fires and not to engage in police activities; and
>
> Whereas, it is the corresponding responsibility of city and state authorities to provide proper protection to its citizens and its fire fighting employees, against crime, violence and harm arising from civil riots and disorders; Now, therefore, be it
>
> *Resolved,* That the International Association of Fire Fighters through its executive board strongly opposes deputizing fire fighters as police officers, or arming fire fighters or otherwise requiring fire fighters to exercise police functions, and it hereby instructs its local union and membership to abide by and comply with this policy.

What kinds of weapons, Mr. Speaker, might be loosed in our communities and given to our police and fire departments? This is a list I have procured from the Defense Department of the weapons covered by this new provision, which could be available under this section 404, which have been declared excess during the past 5 years: .30-caliber carbines, 424,826 available; .30-caliber rifles, 112,457 available; and .22-caliber rifles, 10,633 available.

Mr. Speaker, it is a serious decision that we are making here today to give firemen and police the opportunity to purchase combat weapons. I do not believe it should be taken lightly. I do not believe it should be taken without hearings and without testimony from the officers and their unions. We should not do this in an atmosphere of emotional irresponsibility. What we are doing here is giving 500,000 weapons—neither designed for nor appropriate to them—to the civilian police and firemen for their use.

Many are automatic or semiautomatic weapons which we are being asked to turn over to local agencies without adequate training safeguards and without any indication that civilian agencies need them.

Under this provision, the Governors of the States or officials they designate, may certify these weapons as "necessary and suitable" for use by local and State agencies. We know what this will mean. A local fire department or police department will ask for a certificate from the Governor and it will be given. Then the Secretary of Defense "may sell" these weapons, but we should not be misled by the apparent discretion he is given. The conference report says explicitly:

> Although the foregoing language is permissive in form, it was agreed by the conferees that full use of the authority granted by this section should be exercised by the Department of Defense.

This means that the Defense Secretary should not stand in the way of local fire and police departments, armed with a Governor's certificate, when they ask for these weapons.

If some fire departments or police departments really need combat weapons, let Congress consider this matter openly and thoroughly. Let us hear what the executive branch of the Federal Government thinks about these needs. Let us proceed in an orderly manner consistent with the serious nature of this obscure provision which we are about to consider without hearings, without open agency reports, and without the deliberation we owe ourselves and our communities.

It is a serious decision to reject a report prepared by the House conferees on the important subject of defense procurement. This is the decision facing the House. I urge that we take this unusual step because of the grave possibilities which could follow from accepting this bill in its present form.

Mr. BATES. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Speaker, I am grateful for the opportunity to respond to the gentleman from New York, since the amendment that the gentleman takes exception to was offered by the gentleman from Michigan.

I would like to say to my colleagues that all we are trying to do with this amendment is simply to provide the equipment that is needed for our law enforcement agencies as they deal with the difficult problems that they face throughout the country today.

I should like to say at the outset, and I do not presume to speak for anyone else in this Chamber, that I have a basic faith in the police of our Nation, and they have a most difficult job to do. I say we must make certain that they have the equipment which is necessary for the preservation of law and order throughout the land.

Let me tell you of the background of this amendment. Back in the spring of the year I received a letter from the director of the Michigan State Police. Members will remember that last summer we had some very serious problems in Detroit. After receiving his needs the director of our Michigan State Police wrote to me, and he said:

> We need 1,500 gas masks. We need 1,500 armored vests. We need combat footwear for our police when they are called to riot duty. We need 1,000 cots. We need 1,000 air mattresses. And we need 300 M-1 carbines. We need 30,000 rounds of ammunition, smoke grenades and teargas grenades.

This was what our Michigan State Police needed for riot control. They were having difficulty finding this kind of equipment throughout the country.

Now, the 300 rifles which the Michigan State Police needed were finally purchased right here across the Potomac River in Alexandria, at Interarmco, and they had to pay $46 for each weapon. They have them in inventory now. These 300 rifles cost $13,800.

With more than 60,000 M-1's in surplus, and after having sold them—thousands for $20 apiece—the Michigan State Police had to buy the same weapons from Interarmco at $46 each.

Whose side are we on? If the Federal Government has leftovers, I say we ought to make them available to our State police organizations.

If you think this is ridiculous, let me tell you that the budget for this year provides $294,000 for a furnace to burn up and to destroy these weapons which we refuse to sell or make available to State law enforcement agencies.

In order to determine whether or not there was a broad need for surplus military equipment by other State police organizations, and whether or not the Michigan situation was an isolated situation I wrote letters to the heads of our State police organizations of our several States. Of 42 responses, there were only two which did not indicate a current need for such equipment.

For the gentleman's information, the State of New York was one of the two States in the Union which indicated no current need. But the director of the State police in New York did say—Mr. Kirwan, superintendent of police:

> If law enforcement agencies elsewhere in the country have a need for such materiel, we certainly believe your proposal is worthwhile.

The other State which did not have a need for equipment was the State of Mississippi.

Mr. Speaker, I ask unanimous consent to include in the RECORD the responses I had from the heads of our State police organizations throughout the country.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The responses are as follows:

> STATE OF ALABAMA,
> DEPARTMENT OF PUBLIC SAFETY,
> *Montgomery, Ala., June 10, 1968.*
>
> Hon. CHARLES E. CHAMBERLAIN,
> *Member, House of Representatives,*
> *Congress of the United States,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN CHAMBERLAIN: I am in agreement with the Director of the Michigan State Police. There have been many occasions when law enforcement agencies have experienced difficulty (and even refusal)

in securing surplus Army weapons and riot-control equipment and devices.

We feel that it is in the best interest of the nation, the states, and subdivisions that this materiel be made available. A genuine purpose would be served by making effective use of available surpluses, and at the same time would permit the military to keep its devices current.

It would be well, in our opinion, to also make military surplus in the way of audio-visual equipment, communication devices, and field office equipment, and all types of instructional aids, available to duly constituted law enforcement agencies who can show a need and a use for them.

It was a pleasure to hear from you, and reassuring that you with others are giving thought to aiding your law enforcement people to do a better job.

Sincerely,

Floyd H. Mann, *Colonel,*
Director of Public Safety.

Arizona Highway Patrol,
June 13, 1968.

To: James J. Hegarty, Superintendent.
Subject: Surplus Military Equipment.

1. I have the following observations regarding surplus military equipment:

a. There is little surplus military equipment available for local law enforcement agencies due to the fact that all of the various military services and governmental agencies have first call on any items declared surplus by a particular military service. Therefore, we find only a few items filtering down to the local law enforcement agency.

b. Another problem is knowing when and what is available and more importantly, its condition. Most of the items are located out-of-state which makes it difficult to determine its true condition. They report the condition of the item in the manual, but you cannot depend on what is indicated. Some items are not worth the expense of repair. The bus we recently obtained was in fairly good condition and was worth the expense it took to repair and recondition it, but we had a person who knew what we wanted and found a bus worth the expense of fixing it up. I usually associate surplus with the feeling that it is no longer useful or worth maintaining.

c. Then there is the problem of accountability and the eventual problem of disposal. The red tape involved makes you wonder if it is worth the trouble. Under some circumstance you can buy the item and avoid these problems.

d. I believe many law enforcement agencies could make good use of surplus military equipment that it is suitable for crowd control situations and other emergencies, but there has to be controls on what kinds of equipment and how much would be available to any one agency. And I think we would want to know what strings are attached.

e. I called Mr. Howard Teselle, State Surplus Property Director, and he is checking with several governmental surplus property agencies and will give me a call when he finds out more about the availability of military surplus equipment. At this time, the situation is about the same as it has been over the years. Little equipment filters down and you may be lucky to get a good "buy."

W. R. Reynolds,
Major.

State of Alaska,
Department of Public Safety,
Juneau, June 10, 1968.

Hon. C. E. Chamberlain,
House of Representatives,
Congress of the United States,
Washington, D.C.

Dear Congressman Chamberlain: I would certainly be in favor of making available, to law enforcement, surplus military equipment which is compatible to non-military use; however, it has been our experience, in the past, that much of the equipment which would be of value to law enforcement is not generally declared surplus, and that which is, has a very limited value, because of the condition or unique characteristics for military use.

I am, however, in favor of any assistance which can be directed toward the very critical problem of adequate equipment for law enforcement needs.

Very truly yours,

Mel J. Personett,
Commissioner.
By Capt. J. H. Barkley.

Arizona Highway Patrol,
Phoenix, Ariz., June 12, 1968.

Congressman Charles E. Chamberlain,
Armed Services Committee, Congress of the United States, House of Representatives, Washington, D.C.

Dear Congressman Chamberlain: I appreciate the opportunity of making comment in regard to the availability and problems in obtaining surplus military items.

Naturally, the range of items that we are interested in comprises only a small part of the items used by the military as the scope and nature of our problem are not the same. Rather than paraphrase, I am enclosing for your information a report from my staff assistant who handles these matters.

The concept is excellent, but in practice many difficulties have been encountered.

Sincerely,

James J. Hegarty,
Superintendent, Arizona Highway Patrol.

State of California, Department
of California Highway Patrol,
Sacramento, Calif., June 20, 1968.

Hon. Charles E. Chamberlain,
House of Representatives,
Washington, D.C.

My Dear Congressman Chamberlain: The California Highway Patrol's basic responsibility is traffic law enforcement; and, therefore, we are not directly responsible for riot suppression.

Our Department's involvement has been restricted to support operations, and so far we have not needed the equipment the Armed Forces might have available through surplus sales. However, I can foresee the equipment may be needed by some law enforcement agency, and I intend to place your letter before the Governor's Law Enforcement Advisory Committee, which may decide to accept your generous offer of assistance.

Very truly yours,

H. W. Sullivan,
Commissioner.

Little Rock, Ark.,
June 10, 1968.

Congressman Charles E. Chamberlain,
House of Representatives,
Washington, D.C.:

Re your letter June 7 last Arkansas State Police need surplus weapons gas masks and other equipment. Believe other departments this State would welcome similar assistance.

Ralph D. Scott,
Director, Arkansas State Police.

Colorado State Patrol,
Denver, Colo., June 12, 1968.

Representative Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: I was pleased to receive your letter of June 7th and to learn of your interest you express in the possibility of state patrol and state police organizations obtaining surplus army weapons and other riot control devices.

It is extremely difficult for many of the highway patrols who depend upon the highway users tax money for their operation, to budget money for purposes other than for the patrolling of streets and highways. To allocate funds for purposes other than patrolling is often in conflict with constitutional amendments.

This department has been invested with the authority to assist, upon request, other police agencies, in any type of emergency that might exist.

I want to take this opportunity to thank you for your interest in this problem. I am sure that the Director of the Michigan State Police has advised you, in detail, concerning the problems that do exist in obtaining this equipment. Attached is a list of the equipment that we could use in the vitally important work that confronts all of us at this time.

I hope this is the information you desire and I will be most appreciative of any assistance that we might obtain.

Sincerely,

G. R. Carrel,
Chief.

Colorado State Patrol,
Denver, Colo.

A. Chemical Agents
1. Bulk C S Gas
a. Source for Refill
(1) For Portable Devices
2. Gas (CS Type) Hand Grenades
a. Cannister Type
b. Baseball Type
3. Smoke Grenades
a. Varied Colors
4. Adequate Gas Masks
B. Communication Equipment
1. Portable Public Address Systems
2. Handi-Talkies 150 Megacycle Range
C. Arms
1. Shotguns (12 Gauge)
a. 00 Buckshot Ammo
2. Rifles with Scopes
D. Bullet Proof Body Armor
1. Flak Jackets
2. Shields
3. Helmets
E. Aircraft
1. Fixed Wing
2. Helicopter

State of Connecticut,
Department of State Police,
Hartford, Conn., June 20, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: I have been concerned for some time about the problems associated with our efforts to obtain surplus Army weapons and other equipment which would be of value to law enforcement. As an example, we tried to obtain Army M–1 carbines for use by members of the Connecticut State Police Department but supplies of such weapons then in the hands of the National Guard were being recalled by the Army. Shortly thereafter, this type of weapon was made available at a cost of about $70.00 through private gun dealers. I can only assume that these weapons offered for private sale were some of the same ones recalled from the National Guard.

I am reasonably sure that there are many other items of military equipment which would be equally useful to law enforcement. It would be of substantial benefit to my department if such items could be made available. In the past I have contacted Senator Abraham Ribicoff in regard to the problem of the M–1 carbines and I am certain that you would find him interested in your efforts.

May I thank you for your interest in law enforcement and I hope that these efforts, as well as those of others such as Senator Ribicoff, will be successful.

Sincerely,

Leo J. Mulcahy,
Commissioner.

Delaware State Police,
Dover, Del., July 15, 1968.
Hon. Charles E. Chamberlain,
U.S. Representative,
Washington, D.C.

Dear Congressman Chamberlain: Please excuse the delay in answering your letter of June 7, 1968, as it was inadvertently misplaced.

I agree that the states have had some difficulty in acquiring surplus firearms and equipment for use as riot-control measures. I also agree that acquisition of specific types of hardware and surplus equipment would be of immeasurable value to states experiencing these difficulties.

I hope I have been of some assistance to you in this matter and anything you can do to alleviate the situation will be appreciated by all concerned.

Col. Charles G. Lamb,
Superintendent.

State of Georgia,
Department of Public Safety,
Atlanta, Ga., June 27, 1968.
Representative Charles E. Chamberlain,
The House of Representatives,
Washington, D.C.

Dear Mr. Chamberlain: I certainly do think it would be of substantial benefit if surplus weapons and riot control equipment could be made available or purchased by our state and local enforcement agencies.

I am sure you are aware of the fact that most police agencies are faced with a serious recruitment problem as well as budgetary ills. Procurement of surplus equipment would serve to some extent to span this void.

I also strongly feel at this time that careful thought should be given to the final disposition of any lethal weapons. If surplus weapons are made available to local police agencies, I feel a clause should be included restricting redisposal of such weapons.

I appreciate your letter and your obvious interest in law enforcement.

Sincerely yours,

R. H. Burson,
Colonel-Director.

State of Florida
Department of Public Safety,
Tallahassee, June 17, 1968.
Hon. Charles E. Chamberlain,
House of Representatives,
Washington, D.C.

Dear Mr. Chamberlain: This is in response to your letter of June 7, 1968, requesting information on surplus army weapons and other riot control hardware.

A few years ago we purchased some army surplus shotguns and carbines for $10 each. We have since been advised that we could no longer make these purchases. We feel it would certainly be of benefit to this Department if these items were again made available to us through the army surplus program.

Thank you for your interest.

Sincerely yours,

H. N. Kirkman,
Director.

State of Idaho,
Department of Law Enforcement,
Boise, Idaho, June 12, 1968.
Congressman Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Sir: Idaho has experienced some difficulty in securing riot equipment from surplus property, especially in the area of gas masks and helmets. Because of the unavailability of these items, Idaho has purchased new equipment.

We have not made an attempt to secure weapons from surplus property, but have felt that the dependency upon these weapons that they should be new.

Thank you for your consideration of local law enforcement agencies.

Sincerely,

Warner C. Mills,
Commissioner, Department of Law Enforcement.

State of Illinois,
Department of Public Safety,
Springfield, June 17, 1968.
Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Chamberlain: In answer to your inquiry of June 7, 1968, I think that it would definitely be advantageous to local and state police departments for the Federal Government to make surplus army weapons and other riot control hardware available. I presently have a need for a substantial supply of gas masks and other chemically related paraphernalia. Most of the manufacturers of these items are working on back orders and cannot guarantee a satisfactory delivery date. I also feel certain that the Armed Services have many other items and equipment that could be of value to law enforcement agencies not only from an economical standpoint but, more importantly, because of their availability.

In closing, I would like to say that the Department of Public Safety here in Illinois appreciates your concern about one of the most serious problems facing law enforcement in this nation today and commends you for devoting your time, wisdom and interest in attempting to alleviate it.

Sincerely,

Ross V. Randolph,
Director.

Indiana State Police,
Indianapolis, Ind., July 5, 1968.
Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Chamberlain: We gratefully appreciate your interest in police problems and feel that it would be very beneficial if the Federal Government would either through a loan or purchase basis make surplus equipment available to police agencies. We are definitely interested in this program and would be willing to assist in any manner to help inaugurate the plan.

For your information, we cooperate and work very closely with our Indiana National Guard and on occasions we have obtained some military equipment on a loan basis. In many cases we find it is impossible to buy the equipment we need because the manufacturers are producing solely for the military. In addition, it is very costly.

If we can be of any further assistance, please do not hesitate to contact us.

Very truly yours,

Robert A. O'Neal,
Superintendent.

Iowa Highway Patrol,
Des Moines, Iowa, July 1, 1968.
Hon. Charles E. Chamberlain,
U.S. Congressman,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: Your recent letter addressed to Commissioner Jack H. Fulton, Commissioner of Public Safety for the State of Iowa, has been referred to me for reply since the matters referred to in your letter are pertinent to the responsibilities of the Iowa Highway Safety Patrol.

Your interest in obtaining surplus military equipment for police organizations will certainly be appreciated by police officials. There are certain types of defensive equipment which this department would be interested in obtaining such as protective vests, gas masks, and flood-lighting equipment. The military also has equipment which uses infra-red rays to detect persons at night who require surveillance by officers and yet the officers do not wish the individual to know that they are being observed.

We certainly wish to thank you for your interest in the needs of law enforcement and each of us in this field realize the need for strong support from citizens and legislators.

Respectfully yours,

James Machholz,
Lieutenant Colonel, Assistant Chief, Iowa Highway Safety Patrol.

Kansas Highway Patrol,
Topeka, Kans., June 24, 1968.
Charles E. Chamberlain,
Member of Congress,
Sixth District, Michigan,
Washington, D.C.

Dear Congressman Chamberlain: We are aware of Colonel Davids' interest in the military making available to state police groups surplus weapons and riot control equipment. In fact, the matter was discussed at length at our International Association of Chiefs of Police conference in Columbus, Ohio. Agreement was unanimous that such an idea would be excellent. If not making badly needed equipment available free of charge, it would serve the purpose of at least reducing the cost. The effectiveness of many agencies is hampered in riot control situations because of the lack of proper equipment.

We urge you to make this recommendation to the Armed Services Committee.

Very truly yours,

R. N. Woodson,
Superintendent.
Allen Rush,
Assistant Superintendent.

Kentucky State Police,
Frankfort, Ky., June 18, 1968.
Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: Commissioner Newman has referred your letter to me due to the fact that I have been trying to coordinate our efforts to secure riot control equipment for the Kentucky State Police.

In recent months we have been trying to secure surplus military gas masks. Until recent times our need for gas masks had been limited to a few such masks on each post that might be worn by officers who had used tear gas in an attempt to dislodge barricaded persons. As a result of the formation of riot control squads within our department, we now find a need for a considerable number of such masks. The average retail cost of such masks runs anywhere from $35.00 to $45.00. When we think in terms of several hundred such masks, the purchase of these items becomes rather prohibitive.

On the occasion of attending the Civil Disturbance Orientation Course at Ft. Gordon, Georgia, I talked to a number of regular army and national guard commanders from different locations throughout the country. I was advised by these people that the national guard units had recently been supplied with the newer M-17 gas masks and at the time these were made available to their units, the M-9 masks that they had been issued prior to that were taken up and they assumed could be considered surplus. We have written to the Department of Defense, Surplus Sales Office, Columbus, Ohio, in an effort to locate the gas masks to no avail.

In addition to these masks, we feel that there are several items of military equipment that would be most beneficial to police agencies in times of civil disturbances. Such items as steel helmets, protective vests, portable amplifiers for communicating with the crowd, tear gas grenades, and weapons such as M-1 carbines, Browning Automatic rifles and shotguns could be very useful for such purposes. The only such items our department has been able to secure in the past have been approximately 20 carbines and approximately 100 gas masks, some of which date back to World War I vintage, that were secured by some of our personnel from army installations within the state.

As a member of the Armed Services Committee we certainly appreciate your interest in our problem and hope that it might be possible for the Congress to make such items available to civilian police agencies during these times of a rather dire need for such equipment.

Very truly yours,

Paul M. Smith,
Lieutenant Colonel, Deputy Director.

Maryland State Police,
Pikesville, Md., June 20, 1968.

Hon. Charles E. Chamberlain,
House of Representatives,
Washington, D.C.

Dear Mr. Chamberlain: Thank you very much for your letter of June 7 and for your interest in being helpful to law enforcement agencies regarding the procurement of riot control equipment.

I am pleased to say that for many years the Maryland State Police has benefited from the exceptionally good relationship we have had with the various departments of the Armed Forces. Particularly significant has been the cooperation and assistance received from the United States Army at Fort Meade and the Provost Marshal General of the Army in our continuing effort to improve capabilities for controlling demonstrations, civil disturbances, and riots.

Primarily, this assistance has consisted of training instruction and materials, the loan of certain protective equipment (gas masks, flak vests, etc.), and making available for purchase by this Department certain protective items useful in riot control situations and obtainable in kind only through army procurement channels. The benefits we have derived from this assistance causes me to recommend unhesitatingly the exercise of such a policy in all areas of the country, if such is not already the case.

We have been advised that existing Department of The Army policy prohibits their making other than protective equipment available to law enforcement agencies for riot control purposes. It is suggested that this policy be reconsidered in the interest of making available on an "as needed" basis such items as chemical munitions (tear gas grenades, tear gas dispersers, grenade launchers, etc. Much of this equipment which is available to the military is, in our opinion, a great deal more effective in massive riot control situations than that available on the commercial market for law enforcement use.

I am not completely sure of the reasons why such items are not available on the commercial market. I assume, however, that certain equipment for which the military has a critical yet extremely limited need, has been designed and developed through extensive and costly research which commercial enterprise cannot duplicate because of the high development cost compared to the small sales potential in the law enforcement market.

In further support of my suggestion and to be more specific, there are several pieces of equipment (there may be others) which are tremendously effective in certain situations which are available to the military and yet are not available to law enforcement agencies through normal procurement channels. Also, in my opinion, there is no equal counterpart available through commercial outlets. These items of equipment are:

M-3 Personnel Tear Gas Disperser

M-5 Tear Gas Disperser, Truck or Aircraft Mounted

It is my understanding that the above equipment is available to state National Guard forces. However, the great value of this equipment in the very beginning phases of civil disturbances is sometimes lost by the unavoidable delay, brief as it may be, in getting the National Guard on the scene with the equipment.

In view of the comparatively small number of these items required for adequate standby protection in the hands of law enforcement agencies, and as I see it this should probably be limited to state police and large municipal police agencies, I would recommend that they be made available to such agencies on a loan or lend-lease basis so that subsequent modifications, mechanical changes, repairs, etc. could be processed through the well established supply and maintenance system facilities of the United States Army. This type of support to law enforcement by the military would substantially increase its effectiveness in exercising prompt initial control of disturbances and consequently minimize the need for subsequent troop personnel support. Substantial economies to government would be realized, I believe, when comparing the cost of making equipment available to increase the effectiveness of law enforcement as compared with operational costs associated with committing a large military unit to regain control once the situation has gone beyond the capabilities of civil law enforcement.

Thank you again for your interest. I hope that my comments will be of help to you in this very important matter. Please do not hesitate to let me know whenever there is anything further I can do.

Sincerely yours,

Robert J. Lally,
Superintendent.

Maine State Police,
Augusta, Maine, June 12, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: Thank you for your letter of June 7 pertaining to any difficulty this Department may be experiencing in obtaining surplus Army weapons and other riot-control hardware.

We have not made any request, directly, to obtain this equipment. However, I believe the New England State Police Administrators Conference (NESPAC), through its Chairman, has made inquiries in this regard, with negative results to date.

There is no doubt in my mind that this type of equipment would be of substantial benefit to the State of Maine, as well as to the other New England States.

Again, thank you for your interest and concern in this matter.

Respectfully,

Col. Parker F. Hennessey,
Chief, Maine State Police.

Massachusetts Department
of Public Safety,
Boston, Mass., June 13, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congressman: In reply to your June 7 letter it certainly would be most beneficial to the Massachusetts State Police and other law enforcement agencies if surplus Federal weapons and riot-control equipment were made available by transfer or purchase.

In anticipation of civil disorder, we have, in the past on occasion, received through loan certain protective equipment for which we are most appreciative. The equipment, however, had to be returned when the situation was resolved.

Any changes that you can effect whereby surplus equipment is made available on a permanent basis will be appreciated.

Sincerely,

L. L. Laughlin,
Commissionr.

State of Minnesota,
Department of Highways,
St. Paul, Minn., June 18, 1968.

Hon. Charles E. Chamberlain,
House of Representatives,
Washington, D.C.

Dear Mr. Chamberlain: I appreciate your letter of June 7, 1968, in which you state that there may be a possibility for state and local law enforcement agencies to receive surplus army weapons and other riot-control hardware.

I am sure local law enforcement agencies would be very much interested in the availability of these items.

We as a highway patrol, due to our limited powers, would be interested in items other than weaponry. We are now in the process of processing gas masks through Civil Defense.

If we can be of further assistance in your efforts in this area, please let us know.

Sincerely,

John J. Harbinson,
Chief, Minnesota Highway Patrol.

State of Mississippi,
Department of Public Safety,
Jackson, Miss., June 12, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: Your interest in assisting state and local police officers by making equipment available which is surplus to the Armed Forces is appreciated. At the present time, our organization is fully equipped for riot duty. The need was foreseen several years ago and a program was placed into effect to secure this equipment through commercial jobbers.

The assistance might very well assist local departments who are not equipped as we are.

We wish to thank you for asking our viewpoint and needs.

Sincerely,

Giles W. Crisler,
Commissioner.

Missouri State Highway Patrol,
Jefferson City, June 20, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.:

In reply to your letter of June 7, 1968, I am enclosing a copy of a statement received by the Missouri Army National Guard with reference to requests from National Guard and civil authorities for loan of U.S. Army equipment to control civil disturbances. This statement was received by the Missouri State Highway Patrol on November 8, 1967.

We have inquired as late as June 15, 1968, with the U.S. Army at Fort Leonard Wood, Missouri, and were advised that the same policy is in effect reference the loan of equipment to civil authorities.

This directive, to make certain articles available to civil authorities, appears to be rather binding on the loanee since a security bond must be posted for the full value of the material borrowed. I can see no valid reason why a steel helmet or armor-proof vest should depreciate 50% in value and reimbursement at this rate required.

Defensive type military items we would classify as desirable for use during civil disturbances are: helmets, gas masks, and armor-proof vests. Offensive type military items we would classify as desirable for use during civil disturbances are: .30 caliber carbines, ammunition, armored personnel carriers, tear gas, and tear gas equipment.

We understand that the loan of certain military equipment to civil authorities can be approved by the Commanding General, 5th U.S. Army, Fort Sheridan, Illinois, while other articles must be approved by the Commanding General, U.S. Continental Army Command at Fort Monroe, Virginia. It would appear that there should be only one approving authority regardless of the classification of the articles. It should be that the civil authorities have only one place to write or call to obtain permission to loan articles.

There has been some talk by the military of stockpiling riot control equipment at strategic locations near large cities for use by civil authorities or National Guard units should the need arise. We have received no information that this has been done. To our knowledge, no U.S. Army equipment has been "earmarked" for riot control in the State of Missouri.

While we experienced no equipment deficiency during the riot in Kansas City, April 9 to 16, we saw a need for more tear gas and tear gas equipment to be available if it had been needed. Our armament was adequate, but there was also a need for armorproof vests. Only a few were available. The Missouri National Guard borrowed 200 vests from the U.S. Army during this operation.

I hope the information I have presented will be of value to you. We have learned that the more we can equip our individual officers in the field, the less problems we have with mobilization for a civil disturbance.

E. I. Hockaday,
Superintendent.

Requests From National Guard and Civil Authorities for Loan of Army Equipment To Control Civil Disturbances

The following are guidelines disseminated by higher headquarters and which Headquarters Fifth U.S. Army must comply with in the loaning of military material to civil authorities and the National Guard for the controlling of civil disturbances:

a. All requests for loan of military material to control civil disturbances must be approved by the Commanding General, Fifth U.S. Army. Request should be called or forwarded to Headquarters, Fifth U.S. Army, ATTN: DCSO&T.

b. Headquarters Fifth U.S. Army has authority to approve requests for loan of material which are of a protective nature, such as, helmets, gas masks, armor vests, etc. Requests for all other types of equipment such as weapons, tank/automotive equipment, etc., must be forwarded by this headquarters to the Commanding General, United States Continental Army Command (CG, USCONARC) for approval.

c. Equipment approved for loan to National Guard must only be utilized by the National Guard. Equipment intended for use by civil authorities must be submitted in accordance with a above by concerned civil authority as a separate request.

d. Headquarters Fifth U.S. Army may loan (considering b above) that equipment which is within its inventories to the National Guard.

e. If CG, USCONARC or Headquarters Fifth U.S. Army approve the loan request, the requestor assumes all responsibilities, liabilities and cost related to the movement, utilization, loss, damage and repair of the material which is loaned. Further, requestor will have to reimburse the U.S. Government for decline in value of material loaned. In this case, all items classified as clothing/textiles (C&T) which are issued new, automatically depreciate in value by fifty (50) percent (items included in this category are steel helmets with liner complete, armor proof vests, etc.).

f. For loans to civil authorities, in addition to e above, a surety bond for the full value of the material loaned must be posted by the requestor.

g. Loan agreements incorporating terms of loan, to include e and f above, will be prepared and executed between this headquarters and civil authorities (not applicable to National Guard) prior to the loan of equipment. Exceptions to executing loan agreement prior to loan of equipment may be granted by this headquarters only during times of emergency where prudence dictates best interest of all concerned would be served by execution after the fact.

Montana Highway Patrol,
Helena, Mont., June 10, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Representative Chamberlain: In reply to your letter of 7 June 1968, we actually have not tried to obtain any Army surplus weapons or riot control hardware for use by our department.

We would be very much interested in having a list of material of this nature that might be of use to us in the future. As you are well aware, it is becoming a problem of the greatest magnitude to keep abreast of the growing crime rate and civil unrest. We are fortunate in our State to have been out of the area of great concern; however, the planning of the future needs to be done now.

Any information we could get as to the available hardware and cost of this material, plus the restrictions of use, would be most beneficial and of great interest to our department.

Sincerely yours,

S. W. Hancock,
Colonel, Acting Chief, Montana Highway Patrol.

State of Nebraska,
Lincoln, Nebr., June 10, 1968.

Congressman Charles E. Chamberlain,
House of Representatives,
Washington, D.C.

Dear Congressman Chamberlain: This will acknowledge receipt of your letter referring to conditions involved in obtaining surplus Army weapons and other riot-control hardware from the Armed Services. I feel that the availability of this type of surplus equipment would very definitely be a substantial benefit to our state.

Your interest in this matter is appreciated and I can assure you that the Police profession generally will be grateful for any effort made by you in this area or any other which supports the Police profession in its effort to carry out the ever-increasing responsibility placed upon it by the problems of social unrest now existing in this country.

Thank you.

Respectfully yours,

James E. Kruger,
Colonel, Superintendent.

State of Nevada
Department of Motor Vehicles,
Carson City, Nev., June 17, 1968.

Hon. Charles E. Chamberlain,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Congressman Chamberlain: In reply to your letter of June 7, 1968, regarding the release of surplus weapons to police agencies, please find attached correspondence between this office and the Commanding General, U.S. Army Weapons Command.

I certainly feel that if the Armed Forces may make weapons available to citizens through the National Rifle Association, they certainly should make weapons available for the benefit of its law enforcement agencies upon request. I should well imagine that there are millions of rifles, carbines, et cetera, collecting dust in armories all over the nation.

Your interest in this matter will be appreciated by all law enforcement agencies.

Very truly yours,

Don F. Brown,
Chief, Nevada Highway Patrol.

August 21, 1967.

Commanding General,
U.S. Army Weapons Command,
Rock Island Arsenal,
Rock Island, Ill.

Dear Sir: Your command has been referred to us by the National Rifle Association of America in an effort to obtain information about the availability of weapons at reasonable surplus prices for the exclusive use of the Nevada Highway Patrol.

In view of the situation of civil disturbance and riot prevalent over the past two years, a re-evaluation of our weaponry has been made. The great amount of incident sniping accompanying these disturbances indicated that the standard law enforcement arsenal consisting primarily of shotguns and sidearms is inadequate to meet this problem.

We have decided to employ the trained sniper team concept in the event of such disorder within our state. The problem is that existing equipment budgets have not allowed for the purchase of this type of weapon in any quantity at retail prices. We are specifically interested in obtaining 12 to 18 M1D Sniper Rifles complete with mounts and telescopic sights at reasonable surplus prices.

If these weapons are available we would also like to obtain a quantity of M1 ammunition in Garand clips as well as a quantity of .30 M1 Carbine ammunition to supplement the supply for men of this organization who have armed themselves with this weapon at their own expense.

Any help that you may be able to give us in this matter would be greatly appreciated.

Very truly yours,

Don F. Brown,
Chief, Nevada Highway Patrol.

Department of the Army,
Rock Island Arsenal,
Rock Island, Ill., August 25, 1967.

Mr. Don F. Brown,
Chief, Nevada Highway Patrol, Department of Motor Vehicles, Carson City, Nev.

Dear Mr. Brown: This is in reply to your recent letter regarding your desire to obtain weapons for law enforcement purposes.

The sale of weapons by the United States Government to state or local law enforcement agencies was cancelled in August 1964.

We regret that we cannot be of assistance to you at this time.

Sincerely yours,

G. Mayrnick,
Deputy Chief, National Match Coordinate & Sales Office.

New Hampshire
Department of Safety,
Concord, June 18, 1968.

Hon. Charles E. Chamberlain,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Chamberlain: Thank you for your letter of June 7, 1968. It is most gratifying to know that there is a congressional interest in this matter, and I would like to personally commend you for your interest and efforts.

Surplus Army weapons and other riot-control hardware, if made available to local and State Law Enforcement, would certainly provide greater quantity and variety of equipment, at sizeable savings. Budgetary allowances for these items when compared to their actual cost at purchase, make the stockpiling of this equipment almost impossible.

There is no doubt that any equipment made available to us would be of tremendous help and would aid us to more effectively accomplish the Law Enforcement task.

I am including a sampling of some of the equipment the military has that could be used to great advantage by local and State Law Enforcement Agencies.

I am looking forward with great expectation to the success of your endeavor. You can rely on my support and assistance whenever required, as I am most anxious to do whatever I can to accomplish our mutual purpose. As you no doubt recall, our experience in riot-control dates back to 1964 at Hampton Beach and 1965 at the Weirs Beach involving motorcyclists from all over the nation.

Looking forward to hearing from you on your progress, I am,

Very truly yours,
Col. JOSEPH L. REGAN,
Director.

STATE OF NEW JERSEY,
DEPARTMENT OF LAW AND PUBLIC SAFETY,
West Trenton, N.J., July 2, 1968.

Hon. CHARLES E. CHAMBERLAIN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: Please excuse the delay in answering your letter of June 7. Inasmuch as I have been out of the state, I am just getting around to catching up on some of my paper work.

In answer to your specific question concerning surplus military equipment, please be advised that we do certainly believe that making this surplus available to state and local law enforcement agencies would be of substantial benefit to everyone concerned However, it is important that this surplus material is of a standard nature which would be compatible with our functions and needs as a police agency. For example: If certain surplus shotguns are made available to us, it would be advantageous if they were all of the same make, model and gauge. I think that when you consider the training factors involved, you will readily understand why this item is important.

Nevertheless, we would appreciate being notified of any surplus equipment which is available and the procedures to take in acquiring this equipment if we so desire.

I thank you for your letter and for taking the time to seek our suggestions.

Sincerely,
D. B. KELLY,
Colonel.

NEW MEXICO STATE POLICE,
Santa Fe, N. Mex., June 10, 1968.

Hon. CHARLES E. CHAMBERLAIN,
U.S. Representative, New House Office Building, Washington, D.C.

DEAR CONGRESSMAN: Pursuant to your correspondence dated June 7 regarding law enforcement agencies obtaining surplus army weapons and other riot-control equipment to be utilized by law enforcement departments, this is to advise you, on March 18, 1968, I personally corresponded with Congressman E. S. Johnny Walker, U.S. Representative, State of New Mexico, regarding this same matter.

At the time, we felt it would be of substantial benefit to the New Mexico State Police if equipment, as described in your letter, could be made available to this Department. Our request to Congressman Walker was made in an attempt to solicit 100 carbine rifles, which, had they been approved, would have been utilized by the New Mexico State Police. Congressman Walker stated he would keep us informed of the developments in this respect.

In accepting any surplus equipment from the armed services, I cannot emphasize strongly enough that such equipment be serviceable, at the time of requisition, to **eliminate burdening** the law enforcement agency with a heavy expenditure of money to insure the equipment secured is operational.

I personally appreciate your concern and any assistance you may render this Department will be greatly appreciated.

Very truly yours,
Col. JOSEPH A. BLACK,
Chief, New Mexico State Police.

NEW YORK STATE POLICE,
Albany, N.Y., June 12, 1968.

Mr. CHARLES E. CHAMBERLAIN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. CHAMBERLAIN: We do not have any need at this time for surplus Army weapons to be used in riot-control. A recent survey of most of our major municipal police departments indicated that they do not have any such need either. It appears that law enforcement agencies in New York State are reasonably well-equipped insofar as riot-control is concerned.

If law enforcement agencies elsewhere in the country have need for such materiel, we certainly believe your proposal is worthwhile. We do appreciate your active support of law enforcement.

Thank you for considering our opinion in connection with this matter.

Sincerely,
W. E. KIRWAN,
Superintendent.

STATE OF NORTH CAROLINA
STATE HIGHWAY PATROL,
Raleigh, June 11, 1968.

Hon. CHARLES E. CHAMBERLAIN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: Thank you for your letter of 7 June 1968 regarding your desire to make available, through the Armed Services, surplus weapons and related hardware to State Law Enforcement Agencies.

There is a great need to make such equipment, which has been declared surplus, immediately available to State Highway Patrol and State Police Agencies. As you know, these organizations have been forced to assume responsibility for supporting local law enforcement agencies in civil disorders throughout the Nation for the past several years. In addition to weapons and various types of gas, there is a real need for helicopters and small aircraft, walkie-talkie radios and other communications items.

I commend you for your interest and desire to be of assistance to the Nation's State Police Organizations. I have the highest regard for the Michigan State Police, and Colonel Frederick Davids is a personal friend.

If I can be of further service in any way, please do not hesitate to contact me.

With best wishes.

Sincerely,
CHARLES A. SPEED,
Colonel, State Highway Patrol.

STATE HIGHWAY PATROL,
Columbus, Ohio, July 12, 1968.

Hon. CHARLES E. CHAMBERLAIN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CHAMBERLAIN: I appreciate receiving your letter and your interest in attempting to obtain Army surplus equipment for police agencies.

We, like many other police agencies, have found more and more use of military type equipment for the prevention and control of crowd disturbances.

If we could purchase such surplus items as weapons, tear gas, cartridge carriers, gas masks, etc., at surplus prices rather than retail costs, it would definitely be a considerable financial savings for our Division.

Your efforts on behalf of the police agencies are certainly appreciated.

Very truly yours
ROBERT M. CHIARMONTE,
Superintendent.

STATE OF OKLAHOMA, DEPARTMENT OF PUBLIC SAFETY,
Oklahoma City, Okla., July 2, 1968.

Hon. CHARLES E. CHAMBERLAIN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR SIR: In reply to your letter of June 7, 1968 I strongly agree that Law Enforcement Agencies be permitted to obtain surplus army weapons and other equipment whenever it can be shown that this equipment will be used in the protection of the lives and property of the citizens of our country. Too often we find that equipment we could use has to be purchased through private agencies who have obtained it from the federal government at little cost.

If there has ever been a time when Law Enforcement needed the support, financial and other, from federal, state and local government it is now; and your attention to this specific problem is to be commended. You have my approval to use this letter in any way possible in pursuing your efforts.

Respectfully yours,
ROBERT R. LESTER,
Commissioner.

STATE OF OREGON, DEPARTMENT OF STATE POLICE,
Salem, Oreg., June 17, 1698.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives, Washington, D.C.

DEAR SIR: In answer to yours of June 7, 1968, we submit that the following items could be of substantial benefit if they were available for purchase at a reasonable cost or were made readily available for use in an emergency:

1. Gas masks
2. Protective vests
3. Protective headgear or helmets
4. Sniper rifles with scope
5. Ammunition for sniper rifle
6. Shotguns, 12 ga.
7. Tear gas and other non-lethal riot control agents
8. Portable-type radios
9. Small fixed-wing aircraft.
10. Observation and reconnaissance type helicopters.

Please accept our sincere apology for the lateness of this reply and we hasten to add that we appreciate your interest in this critical area.

Yours very truly,
HOLLY V. HOLCOMB,
Superintendent.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, DIVISION OF STATE POLICE,
North Scituate, R.I., June 10, 1968.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: This is to acknowledge receipt of your correspondence of June 7th, 1968, concerning the mutual problem that we in law enforcement have experienced in obtaining surplus military weapons and other equipment which could be utilized by law enforcement agencies throughout the United States.

The Rhode Island State Police has, on numerous occasions, atempted to obtain surplus military equipment, only to find that some other organization has priority over our request.

An outstanding example of this problem took place last year when the six New England State Police administrators, who make up what is known as NESPAC (New England State Police Adimnistrators' Conference), made an inquiry into the possibility of obtaining surplus M–1 rifles, which in the past, have been made available to private groups for the sum of twenty (20) dollars. As of this date, we are still attempting to obtain these surplus rifles.

It is my opinion that we in law enforcement, have the lowest priority of any public agency. It is indeed gratifying to know that an outstanding legislator such as yourself, has taken an interest in this matter, and I know that all of the police administrators throughout the country will appreciate whatever assistance you can render in obtaining this vital equipment.

If either I or the members of my staff can be of any assistance to you in this endeavor, please do not hesitate to contact me.

With kindest personal regards, I am

Respectfully yours,
Col. WALTER E. STONE,
Superintendent.

SOUTH DAKOTA DEPARTMENT OF HIGHWAYS,
Pierre, S. Dak., June 13, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR SIR: This is in response to your letter dated June 7, 1968, concerning difficulty in obtaining surplus Army weapons and other riot control items for local law enforcement use.

Please be advised we have not made any attempts in recent months to secure such items from surplus outlets. In fact we have no knowledge of such items being available. It would be a great help if surplus items as mentioned above could be made available. In addition there should be some system of communication established so that we could be informed as to what is surplus and where it could be obtained.

Thank you for your interest in bettering law enforcement as well as helping to make possible a better job done for the citizens of our great country.

Sincerely,
DELTON R. SCHULTZ,
Superintendent, South Dakota Highway Patrol.

SOUTH CAROLINA STATE HIGHWAY DEPARTMENT,
Columbia, S.C., June 13, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: Your correspondence dated June 7, 1968, regarding the obtaining of surplus army weapons and other riot control equipment for police use is hereby acknowledged.

We have not attempted to obtain very much equipment in this category here in South Carolina; never-the-less, it would be desirable to have the opportunity to obtain surplus equipment if and when needed.

Thanking you for your interest.

Yours sincerely,
Col. P. F. THOMPSON,
Commander, South Carolina Highway Patrol.

TEXAS DEPARTMENT OF PUBLIC SAFETY,
Austin, June 13, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This will acknowledge receipt of your recent letter in which you inquired as to whether or not we believe it would be of substantial benefit to our State if surplus weapons and riot control equipment could be made available to or purchased by state and local law enforcement agencies.

In reply it is our belief that the ready availability of such surplus equipment would certainly benefit all law enforcement agencies and all law abiding citizens, and is most desirable at this time.

Since we have not attempted to secure riot control equipment from these sources, we are not aware of the difficulty being experienced, but if such surplus does exist, it could not be put to better use.

We thank you for the opportunity to comment and express our thoughts in this regard, and we trust that it will merit the prompt consideration of the Armed Services Committee.

Sincerely yours,
WILSON E. SPEIR,
Acting Director.

VERMONT DEPARTMENT OF PUBLIC SAFETY,
Montpelier, June 12, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: Thank you for your letter of 7 June 1968 in regard to surplus Army weapons and other riot control hardware for law enforcement agencies. I am sure that there is material considered surplus that could be most beneficial and at the present time to my knowledge there is little or no opportunity for the police service to obtain same.

All purchases in Vermont, regardless of the agency, are routed through the State Purchasing Division. According to them we would have no problem for items available that we might need.

I would be hopeful that any type needed for enforcement would be available to the police on a top priority at the military excess level and that it could be obtained through direct channels with the military.

I know that I as well as many of my colleagues in the New England State Police Administrators Conference of which I am Chairman have expressed a desire for rifles, helmets and gas mask equipment. I am sure that there are other items that could be most beneficial to all.

Sincerely,
E. A. ALEXANDER,
Commissioner.

VIRGINIA DEPARTMENT OF STATE POLICE,
Richmond, Va., June 11, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CHAMBERLAIN: I have your letter of June 7, 1968.

This Department is fully equipped for the control of riots or other civil disturbances. We have no need for additional equipment in the foreseeable future; however, it would appear advantageous to civil law enforcement officials if they could be kept advised of the availability of this type equipment.

Sincerely,
H. W. BURGESS,
Superintendent.

WASHINGTON STATE PATROL,
Olympia, June 17, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAMBERLAIN: Our department would be most interested if surplus weapons and riot control equipment could be made available or purchased by State and local law enforcement agencies.

We have recently conducted several meetings with local law enforcement agencies in order to compile logistics needed to perform functions necessary to quell unusual occurrences that might occur in our State. We have found that there is military equipment that would be most helpful to us; however, the means of obtaining this equipment are rather difficult.

Anything that can be done to assist in the procurement of this much needed equipment would certainly be most appreciated.

Sincerely,
WILL BACHOFNER, *Chief.*

WISCONSIN DEPARTMENT OF TRANSPORTATION,
Madison, Wis., June 17, 1968.
Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR SIR: Administrator Karns asked me to respond to your recent letter. We wish to wholeheartedly concur with the Director of the Michigan State Police in regard to the problems police agencies face to obtain surplus military materials and supplies for the use of state and local law enforcement agencies.

It is disheartening to us to find that the opposition in many cases has these items more readily available to them than the very agencies who have the greatest need, and are charged with maintaining law and order.

There is a dire need at this time for all law enforcement agencies to have rifles, shotguns, helmets and liners, mine detectors, armored vests, night glasses, communications equipment, camouflage clothing, and many other items that are now found in surplus property stores all over the Nation, but unobtainable in quantity to police agencies.

As former deputy director of Wisconsin's Emergency Police Services and now Director of the Wisconsin State Patrol, I have received many requests from local agencies to attempt to locate these surplus property items for them. The successes are almost nil.

We are in need of steel helmets and liners now in several of our major communities and counties.

Anything you can do to change the priority disposal of these items to law enforcement agencies will gain for you the eternal gratitude of the police throughout the Nation.

You can rest assured of our complete support to you in your efforts.

Very truly yours,
LEWIS V. VERSNIK,
Director, Enforcement Bureau and Wisconsin State Patrol.

WYOMING HIGHWAY DEPARTMENT,
Cheyenne, Wyo., June 12, 1968.
Hon. CHARLES E. CHAMBERLAIN,
Armed Services Committee, Congress of the United States, House of Representatives,
Washington, D.C.

DEAR SIR: Reference to your letter of June 7, 1968, in regard to surplus weapons and riot equipment made available for purchase by Law Enforcement Agencies.

I am not fully acquainted with all types of weapons and equipment used by the Military, however, I feel all state and local law enforcement agencies should be given an opportunity to appraise the surplus equipment you mentioned, and have first priority to purchase it.

Many state and local agencies operate on a limited budget, and it is difficult for them to acquire proper weapons and equipment for use in performing their duties on the money made available to them for this purpose.

It is my belief that during these troubled times, the very best equipment possible should be made available to all police forces.

I hope this information will prove of value to you.

Yours very truly,
Col. F. J. WICKAM,
Director, Highway Patrol Division.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield for just one question?

Mr. CHAMBERLAIN. I decline to yield until I finish my comments.

There are adequate safeguards, I say to my colleagues, to protect the interests of the public. This amendment provides that the Governor of a State, or his designee, must request in writing this equipment. This should make certain that we are not going to have frivolous requests coming to the Department of Defense.

Second, beyond that protection, the legislation is permissive. It says that the Department of Defense "may"; it does not say "shall." It was specifically for this reason that the word "may" was used.

I say that this should be adequate. What we are trying to do is to share Federal leftovers with the law enforcement agencies throughout the country.

The public has paid for this material once. Our taxpayers are now overburdened. It is not fair to ask our citizens to pay more than necessary for the equipment needed for our law enforcement agencies.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BATES. Mr. Speaker, I yield the gentleman one additional minute.

Mr. CHAMBERLAIN. Mr. Speaker, I would say in closing, that in talking with the director of the Michigan State Police just before the House convened today I was told that our State police still need gas masks, cots, and mattresses for riot-control work. They still need combat boots. We have a bill here today providing for more than $21,625,000,000. The gentleman from New York asks that we disapprove this report and send the bill back to conference solely because here in one amendment we are attempting to share Federal surplus equipment from the Department of Defense with our law enforcement agencies. I urge the approval of the conference report.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. CHAMBERLAIN. I will be glad to yield if I have any time left.

Mr. ROSENTHAL. Is the gentleman in support of giving the leftover weapons to firefighting agencies, as the report provides?

Mr. CHAMBERLAIN. I would say to the gentleman that was not in my amendment as it was originally drafted. I provided for law enforcement agencies only. The colleague of the gentleman from New York [Mr. STRATTON] suggested firefighting agencies be included, and I presume it may have been to help to provide gas masks.

Mr. BATES. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Speaker, the members of the House Armed Services Committee have been worried for some time over what we believe to be an attempt to gradually place the medical care of servicemen under the Department of Health, Education, and Welfare. The administration denies this is their intent, yet we know there is a proposal under consideration by the executive department to establish an Interdepartmental Committee on Federal Medical Affairs.

To protect the serviceman against this, the committee provided in this legislation that one of the Assistant Secretaries of Defense be the Assistant Secretary of Defense for Health Affairs. The conferees on the part of the Senate would not agree to this, but all conferees did agree to the following:

> The conferees are also concerned by a proposal under consideration in the executive branch to establish an Interdepartmental Committee on Federal Medical Affairs. The concern is that such a committee might attempt to dictate the health and medical activities to be conducted within the Department of Defense and that it might attempt to control the procurement or assignment of members of the Armed Forces responsible for providing health care. The conferees have no objection to a full exchange of information and the coordination of health policies between the Department of Defense and other Federal agencies, but they are resolutely opposed to any administrative arrangement that would override the statutory responsibility and authority of the Secretary of Defense to decide questions affecting the health and medical care to be provided members of the Armed Forces. Specifically the conferees emphasize their intent that the procurement and assignment of military medical personnel not be subject to direction by officials of the executive branch who are outside the Department of Defense.

I believe this is a matter on which we must be on constant alert.

The Veterans' Affairs Committee of the House has been confronted with what appears to be attempts to place all veterans rights under the Department of Health, Education, and Welfare, instead of the Veterans' Administration. This attempt is being vigorously opposed by the Committee on Veterans' Affairs and I repeat that this body must continue on the alert to maintain adequate medical services for our servicemen and also to protect the rights of the veteran and his dependents.

Mr. BATES. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I rise to underline and emphasize to the Members of the House that which the distinguished chairman of the Committee on Armed Services and the ranking minority member of the committee, the gentleman from Massachusetts [Mr. BATES] emphasized, pertaining to section 407. I think that the committee and the conferees are to be commended for what they have done concerning both the Assistant Secretary of Defense for Health and Medical Affairs on the one hand, because they have made a legislative record and, if I interpret the report correctly, it would make in order separate legislation for this in the future inasmuch as it deals with the only totally mobilized critical shortage of trained manpower for quality care of our defense personnel. On the other hand, in the same remarks, on page 11 and thereafter of the conference report, they have wrested from a power-grabbing social worker the intent to establish a Federal health council where he as chairman would be the sole recourse and the only contact with the White House and the only consultant on matters pertaining to quality care of the sick and to the battle casualties as well as the nonwounded of the armed services in the Department of Defense. It is important first and paramount next, that we take note of the action first of the Committee on Armed Services of the House in its attempt to write this into the legislation and, second, to yielding on the legislative record in the report, only to establish and to make in order further consideration of this and indeed to gain consent and concurrence of the other body.

I commend the group and ask that the conference report do pass.

Mr. RIVERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Speaker, I rise in support of the conference report and particularly the section providing material for local law enforcement and firefighting agencies, as the gentleman from Michigan [Mr. CHAMBERLAIN] has already indicated.

Actually, Mr. Speaker, the conference version on this point has been changed rather considerably from the manner in which the amendment was offered in our committee and as it was passed on the floor of this House. The gentleman from Michigan offered the amendment to furnish surplus equipment from the Department of Defense to police agencies, and I offered an amendment to make such surplus equipment from the Department of Defense available to local firefighting agencies as well.

Mr. Speaker, we are all familiar with the fact that when riots occur we usually have a good many fires. This happened recently in the District of Columbia. And, when the firemen come out to put out those fires, they have been subject to attack and injury upon many occasions. They certainly ought to be provided with adequate protection. That was the purpose of my original amendment relating to firefighting agencies.

The conference version has now narrowed this language rather considerably by restricting it chiefly to rifles and ammunition. But I would point out to the distinguished gentleman from New York [Mr. ROSENTHAL] and to others the fact that the conference reports also refers to gas masks and protective body armament, something that might be of especial interest and importance to firemen fighting fires under riot conditions.

I would also call to the attention of the Members of the House the language which occurs at page 10 in the conference report which states that "full use of the authority granted by this section should be exercised by the Department of Defense. Specific discussion was had with respect to the existing statutory authority for such items as personnel carriers, communications equipment, and ¾-ton trucks, and the conferees agreed that requests by law enforcement and firefighting agencies for these items should receive more expeditious consideration." The report also encourages the Secretary of Defense "with respect to the transfer of military equipment to law enforcement agencies."

Finally, it also ought to be pointed out to the gentleman from New York [Mr. ROSENTHAL] that the controlling point in all this discussion is the Governor of the State. If the Governor of a particular State does not think that certain equipment is required and that firefighters or police departments do not really need the kind of help which this section provides, then he can turn down the request.

The SPEAKER pro tempore (Mr. GIBBONS). The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Speaker, I yield the gentleman 30 additional seconds.

Mr. STRATTON. Mr. Speaker, I would like to use the time remaining to me to call to the attention of the House one other point in the conference report in which I have had a great deal of interest for some time. That is the language on page 6 where the conferees mention their agreement to include $38 million for research and development work in the field of antisubmarine warfare. As I informed the House some weeks ago, our subcommittee on antisubmarine warfare had evidence presented to it that there have recently been some very important advances made by the Soviets in submarine warfare that desperately need to be countered. I wish we had been able to have obtained the full sum of $50 million for this purpose, which the House approved, but I am glad that the conference report does contain at least $38 million of this total. It is most urgently needed, let me assure the House, and I am most hopeful that the full $38 million will also be included in the defense appropriation bill, to be considered by this House later in the week.

Mr. DOW. Mr. Speaker, today I am changing my vote on authorizations for military procurement, research, and development. When this legislation was recently before the House, I voted for it. However, it has come to light that the bill contains provisions for sale of surplus military equipment to State and local firefighting agencies. No committee hearings were ever held on this provision, which opens up the military arsenal to surplus sales to localities. No reports have been submitted from the Federal agencies to justify the provision.

Apparently, under the bill as now drawn, it would be possible to unload Government surplus to firefighting agencies as well as local law enforcement agencies. Items included would be pistols, revolvers, shotguns, rifles, ammunition for such firearms, gas masks and protective body armor.

Mr. Speaker, all of this represents the hysteria sweeping through our Nation which is converting us into a police state. At the Chicago convention of the Democratic Party, we observed police and military forces driving against American citizens who came to assemble and petition as the Constitution allows, as if these were a military enemy.

At the same time that legislation is being considered to limit the sale of arms to individuals, to license owners of weapons and to register firearms, apparently the intention is to arm community authorities more heavily. This would place the populace even more at the mercy of arbitrary or fearful community leaders. It would give local governments the mechanisms for carrying out their opinions by armed force rather than democratic process.

In these days of trial, while dissent is expressed by racial minorities, the economically underprivileged, and by students and intellectuals, there seems to be little willingness by constituted authorities to investigate or debate the issues. Instead they are seizing arms, carried away by the impulse to settle all problems by stamping out any who question what may be wrong in our society.

If we couple this new plan to distribute surplus arms to fire and police departments with the police atmosphere of cities like Chicago, with the widespread use of chemical Mace, with the "get-tough" method of dealing with dissenters in our cities, we can surely see the near-coming of the police state.

Under the police state all problems can be settled with the club and a few public officials will manage all our affairs, like Caesar's, subject to no restraint except their own whims.

I have in the past reguarly supported all defense measures for maintenance of our military forces in the normal manner, and I greatly regret that the ominous intent to provide more arms to police and to civilian firefighters causes me to vote in the negative on the bill before us, S. 3293.

Mr. PRICE of Illinois. Mr. Speaker, the Defense procurement authorization conference report before us today warrants the support of all of us. From my vantage point of membership on the Armed Services Committee and the Joint Committee on Atomic Energy, I would like to add a few comments pertinent to the nuclear warship items in this authorization bill.

The conference report before the House today contains authorization for continuing the strengthening and modernization of the Navy through development and construction of nucelar powered submarines and surface warships.

This authorization bill contains long lead time funds in the amount of $82.4 million for a third nuclear powered aircraft carrier, the CVAN 69, which are in addition to $50.5 million provided by Congress last year. Congress expects the Department of Defense to request the remaining funds for the CVAN 69 in the fiscal year 1970 budget. I am most pleased to note that the Defense Department has now accepted nuclear propulsion for all of our new carriers. As indicated in my remarks in the RECORD yesterday—pages 26105–26106—the *John R. Kennedy* which was commissioned Saturday, September 7, marked the end of an era, the last non-nuclear powered aircraft carrier for our Navy.

Also in this bill is $39.3 million which was added by the House and has now been agreed by the Senate for spare and replacement nuclear propulsion plant components and fuel for *Nimitz*-class nuclear carriers. The Navy recommended buying these spares to support construction of the three *Nimitz* class carriers to minimize the possibility that any of these important ships might be delayed in being delivered to the fleet. Further, these nuclear components and fuel will be less expensive if bought now as part of the carrier production than if bought separately at a later date.

Another important provision in this bill is funds for long leadtime procurement for two nuclear powered guided missile escorts to be built in the fiscal year 1970 program. The language in the bill specifically earmarks these funds only for this purpose and holds open the question of whether they will be the new design DXGN's that the Department of Defense has recommended, but which have not yet been designed or more DLGN's like those now being built. This decision will depend on the relative costs, military characteristics, and schedules for the DXGN's compared to the DLGN's. We expect to go into this question when the ship authorization question is before the Congress early next year.

The bill also includes funds for construction of two *Sturgeon*-class nuclear submarines in fiscal year 1969, long lead funds for two more submarines to be included in the fiscal year 1970 shipbuilding program at least one of which is to be a high-speed submarine of new design.

It is clear from testimony received this year from the Navy, in particular Vice Admiral Rickover, that the current progress the Soviets are making in their submarine program is cause for grave concern on our part. We must continue building nuclear attack submarines to meet this threat. Further, we must build the best, most modern nuclear submarines our technology will permit.

I was pleased when Defense Secretary Clifford announced that the Department of Defense would proceed with building the high-speed nuclear submarine Admiral Rickover and the Navy recommended. This was a sound decision on the Secretary's part. There is no one in the Department of Defense who knows as much about nuclear submarine design as Admiral Rickover, and I know many Members of Congress look to the admiral for advice in these matters.

We are still awaiting Secretary Clifford's decision to continue with the electric-drive submarine. Congress provided funds for this important new design submarine in the fiscal year 1967 and fiscal year 1968 budgets. However, earlier this year the Department of Defense stopped further commitments of these funds to conduct further studies. The conference report makes it clear that further studies are not necessary—this submarine should be built as soon as possible. The cognizant committees of Congress have all delved into this issue in depth and have made their views known.

Since the technology of submarine nuclear propulsion must continue to advance in the future, this bill contains $4 million of research and development funds to support Admiral Rickover's high-speed submarine propulsion plant development and $16.4 million for research and development work on a nuclear propulsion plant for an even more advanced submarine to be built after 1970.

The cognizant committees of the Congress have investigated the overall matter of nuclear propulsion for warships at length. All have concluded that elements in the Department of Defense have been extremely shortsighted in its failure to recognize the vital importance to our national security of nuclear-powered surface warships and submarines.

Working with the new Secretary of Defense we have been able to correct a few of the mistakes. For example, the Department of Defense is now going ahead with the DLGN 37 and has promised to proceed with the new high-speed submarine.

However, much work remains to be done. We still do not have assurance that the Defense Department will continue a reasonable nuclear submarine building program; the nuclear escort program planned by the Department of Defense is clearly inadequate, and the electric-drive submarine is still held up.

It is clear that Congress will have to continue to take the initiative to see that the proper emphasis is placed on establishing and pursuing a dynamic nuclear submarine and surface warship program.

In conclusion I would like to compliment the Secretary of Defense on his statements before the National Press Club on September 5. He made it clear that it is his responsibility as Secretary of Defense: "To seek to assure the survival of this Nation no matter what the strength of any of its enemies."

He said he intends to work to preserve our margin of advantage by bringing into being more advanced defense systems. The Secretary of Defense also made it abundantly clear that: "A position of strength is the best position from which to negotiate agreements that may make the threat of nuclear war increasingly remote."

Mr. SCHEUER. Mr. Speaker, I voted against S. 3293 when it first came before the House in July. The version before us today is substantially the same and I am still opposed to it.

The bill authorizes large sums of money for deferable research and development expenditures, at a time when our defense budget has already climbed to an unprecedented level. I am concerned that we appear to be so eager to grant carte blanche for defense appropriations and so reluctant to appropriate the necessary funds to alleviate America's pressing urban problems.

It is not merely the vital importance of certain domestic programs that causes me to have reservations concerning S. 3293. I am also dubious about both the need for and effectiveness of the very expensive anti-ballistic-missile system, which is partially funded by S. 3293. The article from Congressional Quarterly, the respected and impartial reference publication, which I inserted in the CONGRESSIONAL RECORD in July, indicated very persuasively that the proposed ABM system is not reliable and the currently programed Sentinel system adds little to our national security. Additionally, Congressional Quarterly reported that many high-ranking defense experts feel that our military strength would be unimpaired by a reduction in the annual budget of $10 billion.

When I voted against S. 3293 in July, I was unaware of still another unwise provision in it. My colleague from New York [Mr. ROSENTHAL] has just called to our attention, section 404 of the bill which allows significant quantities of surplus military weapons to be given to local police and fire departments.

Mr. Speaker, no Member has worked harder than I, trying to improve crime prevention techniques, and the capability of our State and local forces to deal with rising crime rates. My bill creating a National Institute of Law Enforcement and Criminal Justice, which is now law, will help our communities do a better law enforcement job. In my judgment, S. 3293 moves in the wrong direction. Turning police stations into armories and equipping policemen for battle like soldiers in the field will not serve to reduce crime, and may well have the opposite effect.

Mr. Speaker, I realize it is a grave decision to oppose a conference report. However, this matter is serious enough to warrant such action.

Mr. RIVERS. Mr. Speaker, I have no further requests for time.

Mr. BATES. Mr. Speaker, I yield back the balance of my time.

Mr. RIVERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROSENTHAL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 322, nays 15, not voting 95, as follows:

[Roll No. 312]

YEAS—322

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Blanton
Boggs
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Collins
Colmer
Conable
Conte
Corman
Cowger
Cramer
Curtis
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Devine
Dickinson
Dingell
Dole
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Everett
Evins, Tenn.
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Fulton, Pa.
Fuqua
Galifianakis
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Halleck
Hamilton
Hammerschmidt
Hanley
Hanna
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Long, Md.
Lukens
McCarthy
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Podell
Poff
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roush
Rumsfeld
Ruppe
Sandman
St. Onge
Scherle
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Taft
Talcott
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Wiggins
Williams, Pa.
Willis
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Young
Zion
Zwach

NAYS—15

Bingham
Brown, Calif.
Dow
Edwards, Calif.
Farbstein
Gilbert
Helstoski
Kastenmeier
Mosher
Rees
Reuss
Rosenthal
Roybal
Ryan
Scheuer

NOT VOTING—95

Adair
Ashmore
Barrett
Battin
Blackburn
Blatnik
Boland
Cahill
Casey
Celler
Cleveland
Collier
Conyers
Corbett
Culver
Cunningham
Daddario
Derwinski
Diggs
Donohue
Eckhardt
Edwards, La.
Evans, Colo.
Fallon
Flynt
Fraser
Friedel
Fulton, Tenn.
Gallagher
Gardner
Garmatz
Goodell
Green, Pa.
Griffiths
Grover
Gurney
Halpern
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Herlong
Holifield
Jacobs
Jones, Mo.
Jones, N.C.
Karsten
King, Calif.
Landrum
Lloyd
Long, La.
McClory
McEwen
McMillan
Macdonald, Mass.
MacGregor
Machen
Mathias, Md.
Minshall
Monagan
Moore
Morton
Murphy, N.Y.
O'Neal, Ga.
Patman
Pepper
Philbin
Pirnie
Poage
Pollock
Pucinski
Rarick
Reid, N.Y.
Resnick
Rogers, Colo.
Roudebush
Satterfield
St Germain
Saylor
Schadeberg
Schweiker
Sisk
Stafford

Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Tunney
Udall
Widnall
Wilson, Bob
Wilson, Charles H.
Wyman
Zablocki

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Philbin with Mr. Adair.
Mr. Donohue with Mr. Corbett.
Mr. Daddario with Mr. Saylor.
Mr. Blatnik with Mr. Morton.
Mr. King of California with Mr. Battin.
Mr. Monagan with Mr. Mathias of Maryland.
Mr. Celler with Mr. Halpern.
Mr. Murphy of New York with Mr. McEwen.
Mr. Satterfield with Mr. Blackburn.
Mr. Hébert with Mr. Minshall.
Mr. Holifield with Mr. MacGregor.
Mr. Garmatz with Mr. Cahill.
Mr. Sisk with Mr. Pirnie.
Mr. Green of Pennsylvania with Mr. McClory.
Mr. Barrett with Mr. Cunningham.
Mr. Fallon with Mr. Reid of New York.
Mr. Teague of Texas with Mr. Moore.
Mr. Tenzer with Mr. Collier.
Mr. Charles H. Wilson with Mr. Pollock.
Mr. Casey with Mr. Lloyd.
Mr. Evans of Colorado with Mr. Roudebush.
Mr. Friedel with Mr. Cleveland.
Mr. Rogers of Colorado with Mr. Schadeberg.
Mr. St Germain with Mr. Stafford.
Mr. O'Neal of Georgia with Mr. Derwinski.
Mr. Culver with Mr. Teague of California.
Mr. Zablocki with Mr. Widnall.
Mr. Ashmore with Mr. Goodell.
Mr. Fulton of Tennessee with Mr. Wyman.
Mr. Flynt with Mr. Schweiker.
Mrs. Hansen of Washington with Mr. Grover.
Mr. Machen with Mr. Eckhardt.
Mr. Patman with Mr. Hansen of Idaho.
Mr. Pepper with Mr. Gardner.
Mr. Macdonald of Massachusetts with Mr. Gurney.
Mr. Edwards of Louisiana with Mr. Pucinski.
Mr. Resnick with Mr. Diggs.
Mr. Gallagher with Mr. Conyers.
Mr. Long of Louisiana with Mr. Karsten.
Mr. Tunney with Mr. Jones of North Carolina.
Mr. Fraser with Mr. Taylor.
Mrs. Griffiths with Mr. Hawkins.
Mr. Stuckey with Mr. Udall.
Mr. Jacobs with Mr. Rarick.
Mr. McMillan with Mr. Landrum.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15263, AMENDING FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Mr. MORGAN submitted a conference report and statement on the bill (H.R. 15263) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FOREIGN MILITARY SALES ACT

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentleman from California [Mr. SISK], I call up House Resolution 1252 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1252

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1252 provides an open rule, waiving points of order, with 1 hour of general debate for consideration of H.R. 15681 to consolidate and revise foreign assistance legislation relation to reimbursable military exports. The reason for the waiver of points of order is that there is a transfer of funds in two places in the bill in violation of clause 4, rule XXI, page 7, line 23, through page 8, line 2, and page 18 lines 1 through 5.

H.R. 15681 provides the basic authority for the U.S. Government to sell military equipment and services to foreign countries and international organizations. Authority for such sales has heretofore been included in the Foreign Assistance Act of 1961.

The bill revises and consolidates the authority contained in existing law.

The bill grants no additional discretion or authority for the administration of the program, nor does it provide for its enlargement. Instead, it imposes new restrictions and limitations.

Mr. Speaker, I urge the adoption of House Resolution 1252 in order that H.R. 15681 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman making the statement that he did, in conformity with the new policy of our Committee on Rules, to explain waivers of points of order. However, could the gentleman tell me when this action was taken by the Committee on Rules? Was it before the recess? I feel sure that it was.

Mr. ANDERSON of Tennessee. Yes; it was before the recess.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does the gentleman have the exact date as to the consideration of this waiver of points of order in granting same by the Committee on Rules?

Mr. ANDERSON of Tennessee. The time we have here is July 10, 1968.

Mr. HALL. I thank the gentleman, and am I correct in understanding that in the wisdom of the committee, the reasons that he has cited by page and paragraph in the bill as to the specific waiver of points of order are worthwhile and cogent, as contained in this bill; and that it is necessary to take this prerogative away from the individual Members; is that correct?

Mr. ANDERSON of Tennessee. That was the understanding of the members of the committee when the bill was presented.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Tennessee, House Resolution 1252 does provide for a 1-hour open rule for the consideration of H.R. 15681, the Foreign Military Sales Act.

Mr. Speaker, the waiver of points of order are necessary because of the transfer of funds.

Mr. Speaker, it is my opinion that this is a very interesting bill. I think it is a good bill and that it takes a new approach to many problems and more or less combines them into one activity.

The purpose of the bill is to provide the basic authority for the Government to sell military equipment and services to foreign countries.

Prior to this year—fiscal 1969—such sales were provided for in the annual foreign assistance bills and were also surreptitiously handled by the Department of Defense through the Export-Import Bank. This bill consolidates all such sales and financial guarantee authority in one piece of legislation and adds a number of sales restrictions and limitations. No new discretionary authority is granted by the bill. The bill also continues and increases the emphasis from grants to actual sales, thus reducing our overseas grants and assisting our balance of payments.

The bill grants to the President the authority to make sales of military hardware and services to friendly countries. The ceiling on such sales for fiscal 1969 is fixed at $816 million. The bill also authorizes $296 million to finance credit sales during 1969 to these same friendly countries.

No revolving fund, as previously operated by the DOD, is permitted. Any sales to economically underdeveloped countries are subject to the annual appropriations process to insure that such sales are for necessary items only and not to expand or create an arms race in such areas as Africa or South America. Eximbank involvement in financing military sales to less developed countries is forbidden, though it may be involved in such sales to fully developed friendly countries on a fiscally secure basis. Again the DOD may not be involved in the sale or financial-security arrangements.

The following types of sales are authorized by the bill:

First. Cash sales, payment to be made within 120 days.

Second. Credit sales of two types:

First. Sale to foreign countries or international organizations from DOD stocks at terms negotiated between the purchaser and the United States.

Second. Payment by the United States to commercial sellers for necessary items which are delivered to foreign nations.

In addition to the worldwide ceiling of $296,000,000 on credit sales, regional ceilings are established for yearly sales to both Africa and Latin America. For Africa the ceiling is $40 million; for Latin America it is $75 million. These ceilings do not include military training costs—they cover equipment sales only.

The bill also requires that when the President finds that any underdeveloped country is diverting economic development assistance funds obtained from the United States for purchases of unneeded military equipment or is similarily diverting its own resources to the purchase of necessary military equipment, he must terminate credit sales to such country until the situation is remedied.

The bill sets several major restrictions on sales permitted by the legislation:

First, credit sales must be paid in full within 10 years.

Second, cash sales must be fully paid for within 120 days.

Third, annual congressional authorizations are required with respect to all credit sales to insure full congressional knowledge of such activities.

No departmental views are contained in the committee report. There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. ABBITT].

(By unanimous consent, Mr. ABBITT was allowed to speak out of order.)

CONSTITUTIONAL AMENDMENT ON SUPREME COURT JUSTICES

Mr. ABBITT. Mr. Speaker, I have today introduced a proposed amendment to the Constitution requiring that Justices of the Supreme Court be reconfirmed by the Senate every 10 years and providing for mandatory retirement of Justices at the age of 70.

No problem in our governmental structure is more evident to the public today than the need for some corrective action with respect to the Supreme Court. In the past two decades the Court has arrogated unto itself powers never intended by the Constitution. To a large extent these have been legislative functions which the Constitution clearly designated to the Congress. There has been a persistent and consistent effort by a majority of the Court to force upon the public its own political, economic, and sociological views. In many respects these decisions of the Supreme Court have transcended the acts of Congress and changed the fundamental philosophy of the separation of powers which is a basic foundation of our system of government.

In 22 years, between 1937 and 1959, six Federal laws were held unconstitutional by the Supreme Court, but in the past 5 years more than twice that number have been declared unconstitutional by the Court. Judicial restraint has been abandoned and judicial activism has taken its place. The Court has usurped the authority of Congress and set itself up as a dictatorial force which was never envisioned by the Constitution.

Supreme Court Justices—unlike Members of Congress who are elected by the people and responsive to the people—are, in effect, the final voice in what is the law of the land. Many of us have felt for years that Supreme Court Justices should deal with the law as it is and should stop making law by judicial fiat. We have waited and waited, hoping that the situation would improve but have year by year seen decisions of the Supreme Court undermine and undercut many of the foundation stones of our system of law in this country.

We are all familiar with the controversial positions taken by the Supreme Court in recent years, such as outlawing prayers in public schools, the school segregation decisions, the "one man, one vote" policy, and other far-reaching pronouncements. Such decisions have imposed upon the Nation new rules of conduct and, more importantly, many of these so-called rules and unwritten laws have been imposed without congressional support.

The Supreme Court through its extension and interpretation of the Constitution has revamped many areas of our national life and has created by virtue of its decisions a society which is much different than many of us have known before.

No greater challenge or danger faces our Nation today than the problem of crime in America. The recently released annual report of the Federal Bureau of Investigation shows that there were increases in all categories of major crimes in the United States during the past year. Cities all over America have been required to increase their police forces to cope with the threat of crime and disorder. Dissident groups and the criminal element have to a large extent put the law enforcement authorities in a defensive position primarily because of decisions of the Federal courts.

Never in the history of America—even in the frontier days—has there been such widespread apprehension and fear on the part of the vast majority of Americans because of the lawlessness that threatens our land. Our law enforcement officials to a large extent have been forced to govern their law enforcing activities by giving first consideration to how the Federal courts are likely to view their every action.

This deplorable situation has gone far enough. We cannot tolerate conditions under which the lawless element and those who would undermine our society are given the upper hand in the control of that society. The Court in its blind attempts to protect the rights of the individual who commits a crime have all but overlooked the rights of the law-abiding citizens against whom crimes may be perpetrated. We cannot hide the fact that many of the major crimes in the United States are today made more enticing to the criminal element simply because they feel they have a better chance of beating the law than heretofore. We must throw off the shackles which today impede law enforcement throughout the land and restore the confidence of the general public that laws will be enforced.

The only way that I know to curb such usurpation of power is to place some restrictions on the office of Supreme Court Justice itself. I realize that this is not an easy task and one which will be violently opposed by the liberal element who always seem to find some excuse to coddle and protect the offender while closing their eyes to the injustice done to the general public.

The purpose of my bill would be to limit the term of Supreme Court Justice to 10 years—subject to confirmation by the U.S. Senate—and set a mandatory retirement age at 70. Two of the judges now on the Supreme Court were confirmed in the 1930's and under present law there is no way that retirement can be forced nor can their decisions be brought to any forceful accounting. Members of Congress must periodically stand for reelection; the President is limited to two 4-year terms; but under present law Supreme Court Justices may serve until death if they so desire.

I realize, of course, that it is too late in this session to expect favorable action on my resolution. I present it now, however, in the hope that study will be given to the problem and some action can be taken in the next Congress. I will, of course, reintroduce the resolution in January and I call upon Members of this House and Members of the other body to consider the whole question in a cool, objective manner. We cannot let our great country be undermined by those who have no regard for our constitutional principles, who care little about where we are headed, and who rejoice every time the Federal courts make it more easy for them to carry out their nefarious activities. I am convinced that a constitutional amendment of this type would greatly strengthen our governmental system and would prevent further erosion of the bulwarks of our society. This proposal is not designed to take away the rights of anyone but to protect the rights of everyone. We do not want to make it easier for the criminal and lawless element to riot, loot, and steal at will. In my opinion this is what the Federal courts are now making possible and the only way to turn the tide is to somehow limit the powers of the courts.

Mr. ANDERSON of Tennessee. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports.

The SPEAKER pro tempore (Mr. Albert). The question is on the motion offered by the gentleman from Pennsylvania [Mr. Morgan].

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15681), with Mr. Patten in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. Morgan] will be recognized for 30 minutes, and the gentlewoman from Ohio [Mrs. Bolton] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. Morgan].

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 15681, the Foreign Military Sales Act.

Authority for the U.S. Government to make military sales to foreign countries has been, up to now, included in the Foreign Assistance Act.

The bill before us transfers from the Foreign Assistance Act, with very minor revisions, those provisions relating to military sales for cash to a comprehensive bill dealing only with foreign military sales and, in addition, includes authority to make military sales on credit terms which has been substantially modified.

The bill has two principal objectives:

First. To provide separate legislation authorizing sales of military equipment and services to foreign countries apart from the Foreign Assistance Act; and

Second. To revise completely the provisions relating to military sales on credit terms.

The authority to make military sales on credit terms and to guarantee payment expired on June 30, 1968, and authority contained in this bill is necessary if such military credit sales are to be made in the future.

Unless this bill is approved by Congress, the United States will find itself in a position where it can provide military equipment and services to foreign countries either on a grant basis or for cash but cannot make such sales on credit terms to lesser developed countries who are capable of assuming a larger role in their own defense, but who for banking reasons are unable to obtain financing without Department of Defense guarantees.

Mr. Chairman, I believe that almost everyone will agree with me that as long as it is in the interest of our own security to assist foreign nations to defend themselves, it is in our interest to be ready to sell weapons and services as well as to make them available free of charge.

It also seems to me to be clear that if we are prepared to make military sales, we should be willing to make sales on credit.

The number of countries who are able to buy for cash is limited. Most of our NATO allies do buy defense articles and services from us for cash, and most of our military sales have been and will continue to be for cash, but there are many other countries to which it is in our interest to supply military equipment on credit.

Mr. Chairman, on February 1, 1966, President Johnson reported to Congress that—

> We will shift our military aid program from grant aid to sales wherever possible—and without jeopardizing our security interests or progress of economic development. Military sales now exceed the dollar volume of the normal grant aid program. This not only makes a substantial favorable impact on the balance of payments but it also demonstrates the willingness of our allies to carry an increasing share of their own defense costs.

The continuing shift from grant aid to military sales is consistent with the national interest. The controlled sales of appropriate types of military equipment to allied and friendly nations not only reduces the cost to the United States of supporting allied and friendly forces which are essential to the common defense of the non-Communist world, but also helps to offset the adverse effect on the international balance of payments resulting from overseas deployment of U.S. forces.

In recognition of the expanding role of reimbursable military exports, the Foreign Assistance Act of 1967 reorganized the provisions of part II of the Foreign Assistance Act of 1961, as amended, to consolidate and delineate those provisions relating to grant aid and those relating to foreign military sales.

However, in the course of congressional consideration of the Foreign Assistance Act of 1967, concern was expressed by some Members of Congress and by the public, about the volume and character of sales of U.S. arms abroad, particularly sales to economically less developed countries. Some questioned whether sales were being made under adequate restraints and controls and whether the Export-Import Bank should be involved in financing military sales to economically less developed countries.

Mr. Chairman, this bill consolidates and revises foreign assistance legislation relating to military sales. It sets forth goals, authorizations, and controls governing the administration of foreign military sales, particularly credit sales to less developed countries.

The bill provides the authority for the President to make sales of defense articles and services to friendly foreign countries.

As I have pointed out, most such sales have been and are expected to continue to be made for cash. It is estimated that cash sales during fiscal year 1969 will total $816,000,000.

The bill authorizes $296 million to finance credit sales of defense articles and services under standards and criteria established by the President.

In short, the bill provides for consolidating and revising in a separate act foreign assistance legislation relating to military sales referred to as reimbursable military exports. No provision is made for a revolving fund to finance military sales; credit sales to economically underdeveloped countries are to be financed solely from annual appropriations; and, the act bars the Export-Import Bank from any involvement in financing military sales to economically less developed countries.

The sums requested cover all U.S. Government financing of credit to economically less developed countries, except that it does not affect the authority of the Export-Import Bank to finance sales of military articles and services to developed countries when such financing is not guaranteed by the Department of Defense. In the case of a developed country, the Department of Defense would provide the arms or services just as they would where a purchasing country would pay cash for the items. There would be no commitment of Department of Defense funds, and the financial aspects of the transaction would be between the Export-Import Bank and the purchasing country.

The figure does, however, include funds for financing procurements by certain countries designated as economically developed by Executive order for the purpose of the interest equalization tax, to which the Export-Import Bank, for various reasons, prefers not to extend military export credits.

The bill places no limitation on the quantity and types of defense equipment and services which can be provided to economically developed countries for cash providing that they are qualified to make such purchases under the bill and it has been determined that it is on our own best interests to make the sales. There are additional legislative restrictions, apart from this bill, however, which limit the amount of cash sales which could be made to economically less developed countries.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. The chairman has mentioned legislative restrictions. I would like to ask the question whether any legislative restrictions would be placed on the sale to Israel of arms or military equipment? For example, would the $296 million credit limit itself in any way so that there could be no sales?

Mr. MORGAN. There would be no limitation. The credit limitation is $296 million, and credit sales to Israel would be included in this total.

Mr. FULTON of Pennsylvania. Then the cash sales, of course, would be over that?

Mr. MORGAN. There is no limitation on the volume of cash sales.

Mr. FULTON of Pennsylvania. One other point along those lines: There are not going to be U.S. armed services salesmen going around the world selling arms and military equipment, inducing countries to take those arms because of their pride or their local disputes?

Mr. MORGAN. No; in the first place there is a limitation of $296 million. There are restrictions in the bill governing the eligibility of any country to buy arms. These limitations are more strict than those that were included in the Foreign Assistance Act of 1967. These limitations would bar the type of salesmanship to which the gentleman refers.

Mr. FULTON of Pennsylvania. So in this bill there are adequate safeguards?

Mr. MORGAN. There are.

Mr. FULTON of Pennsylvania. Thank you, Mr. Chairman.

As a member of the Committee on Foreign Affairs in the House of Representatives, I support the bill H.R. 15681, and strongly favor many of its specific provisions. First, I think it is good legislative practice to separate the sales and credit terms of military equipment and services from the general consideration of our U.S. foreign aid programs.

Second, I agree that a certain amount of military sales is vital to the security of the United States and to assure the unhampered development of many smaller countries in the world today. I am glad to note the limitations placed on credit sales of arms and equipment by this legislation.

The bill limits the authorization to $296 million for fiscal year 1969 to finance credit sales. For the more affluent countries, the bill imposes no restrictions, but leaves the purchase details in the discretion of the President. By explicit reference, the bill limits the methods of our U.S. Government's financing this military assistance to foreign countries as well.

With the less developed countries in mind, H.R. 15681 provides for a shutoff of sales and guaranties to any developing country diverting development assistance or Public Law 480 commodity sales resources into unnecessary military programs. This should discourage smaller countries from wasting their precious natural and economic resources on a military show or a rivalry with neighboring states over defense establishments. Scarce resources must be channeled to advance agriculture and the country's economy for the good of the average person. They should not be lavished on unnecessary military buildups or escalation of local disputes.

Third, I support the bill because it defines and limits the mechanisms for extending credit. It does not authorize any revolving fund and it explicitly removes the Export-Import Bank from the field of military sales credits. Annual authorization of credit and guarantees is required by Congress. The President must also report to the Congress a review of our arms sales abroad.

We should not be establishing a system which sends U.S. merchants or U.S. Government personnel abroad seeking buyers for surplus armaments in countries that can ill afford such purchases. Where it is absolutely essential to the security of the United States, military equipment and services should certainly be sold. The requirement of security should be definite and clear, and the legislation so stipulates.

Where the sales of military equipment and services directly and significantly affects the security of the United States, I strongly favor facilitating sales with the necessary credit arrangements. Of course, without this legislation, no sales of military equipment would be authorized for fiscal year 1969 at all. Accordingly, I am in favor of the provision authorizing cash sales without limit in the discretion of the President and under the criteria already established for the less developed countries.

A prime example of where American assistance in the form of authorized arms sales of the latest equipment has contributed to the preservation of the balance of power is the important Middle East. As I have often said, the United States should give firm and strong support to her friends and allies around the world. Israel has made effective use of the opportunity to purchase American military equipment to withstand the Arab challenge to her very existence as a state. Patton tanks, Skyhawk bombers, and Hawk antiaircraft missiles continue to contribute to Israel's strength and act as a deterrent to further aggression in the Middle East.

With the latest intelligence indicating that Egypt now has two types of supersonic aircraft, the Mig 21 and the Sukhoi 7, both purchased from non-Western sources, I feel it is imperative that Israel be authorized to purchase American supersonic Phantom F-4 jet aircraft. The ratio of replaced Egyptian jets to those which Israel has is 4 or 5 to 1. Such a ratio is crucial in a political balance where military strength is the only deterrent to resumed aggression. Since the United States has a firm unwavering commitment to the continued existence and well-being of Israel, I support the sale of Phantom jets to provide for Israel's defense.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Florida.

Mr. FASCELL. With reference to the comment made by the distinguished gentleman from Pennsylvania, in respect to a possible limitation on sales to Israel, is it not a fact that if we do not pass this bill, the U.S. Government could not make any credit sales to Israel?

Mr. MORGAN. As the gentleman knows, the volume of credit sales to individual countries raises questions of security, and we cannot name countries or amounts. But I am sure that Israel is included in the $296 million.

Mr. FASCELL. Mr. Chairman, what I mean to say is this: Without this authorization we could not make credit sales to Israel.

Mr. MORGAN. Without this authorization we could not make any credit sales whatsoever. We could make only cash sales.

The bill makes no change in section 620(s) of the Foreign Assistance Act, the Symington amendment, which provides that development loans and Public Law 480 sales will be terminated if the President determines that a country is diverting development assistance or Public Law 480 commodities, or is diverting its own resources to unnecessary military expenditures. Neither does it affect the provision of the Foreign Assistance Appropriation Act of 1968, the Conte-Long amendment which directs the President to withhold an equivalent amount of economic assistance from any underdeveloped country that uses its resources to purchase "sophisticated equipment" from any country unless the President determines that such a transaction is vital to the security of the United States.

As a matter of fact, this bill goes further and provides that all sales and guarantees under the authority of the bill shall be cut off when the President finds that a country is diverting development assistance furnished pursuant to the Foreign Assistance Act, or sales of Public Law 480 commodities to military expenditures or is diverting its own resources to unnecessary military expenses.

Mr. Chairman, it is in our own national interest to make carefully controlled and selective arms sales to some underdeveloped countries to assist them to maintain the internal security which is so vital to orderly development of democratic, social, economic, and political institutions. And it is consistent with the foreign policy objectives of the United States. It has been, and continues to be, our desire to limit the proliferation of defense equipment throughout the less developed countries.

It has been suggested that the United States, as a great power, should take the initiative in discouraging arms purchases by refusing to make defense equipment and services available to would-be purchasers, particularly less developed countries.

This is neither feasible nor wise. The United States is not the only arms supplier in the world. Indeed, the major source of arms to the underdeveloped countries is the Soviet bloc, principally the Soviet Union. Soviet military sales, integrated with grant programs, play a major role in Soviet foreign policy in the Middle East, Southeast Asia, the Western Hemisphere through Cuba and in the subcontinent.

There is also a great deal of evidence available that the larger non-Communist countries are expanding their arms sales programs throughout the world.

Let me cite some examples where U.S. efforts to discourage the purchase of military equipment by certain less developed countries have failed.

In 1966 Argentina purchased 50 modern tanks from France at an estimated $200,000 each, after the United States had failed to persuade that country that her needs could be satisfied by acquiring 50 Korean-war-type light tanks from the United States at $20,000 to $30,000 each.

Peru, unable to obtain modern supersonic jet aircraft from the United States, also turned to France and purchased 12 Mirage supersonic jet aircraft in spite of threats by the United States to withhold economic assistance if the negotiations were completed.

It is obvious, therefore, that U.S. arms sales policy cannot operate in a vacuum, taking no notice of the arms sales policies of other countries. Until some general agreement on limitation of arms sales among the world's arms suppliers can be reached, the United States has little control or influence on the volume of arms sales throughout the world.

The United States can assist in the development of a more stable world by helping selected less developed countries to purchase equipment or services necessary for internal and external security by making carefully controlled and selected equipment available to them.

This bill is a modest bill. It authorizes $296 million for credit sales and guarantees of defense arms and services to selected less developed countries whose security is considered to be vital to the national interest. It is not a giveaway. It is a loan. The money will be returned to the U.S. Treasury as it is repaid. It will help provide jobs for American workers. And it will enhance the national security.

Mr. Chairman, I urge passage of this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding. Mr. Chairman, where in the bill do we find the interest rate on credit sales?

Mr. MORGAN. Credit sales are currently being made at 6 percent.

Mr. GROSS. Is it stipulated in the bill?

Mr. MORGAN. It is not stipulated in the bill. The only thing stipulated in the bill are credit terms of 10 years, and most of these loans are 6- or 7-year loans at a 6-percent interest rate. The Secretary of Defense testified, as shown on page 31 of the hearings, that we intend to charge an interest rate equivalent to what it costs the United States to borrow the money.

Mr. GROSS. I would like to see something in the bill.

Mr. MORGAN. We are just continuing what has been the practice on loans for military sales.

Mr. GROSS. What happens if there are deobligated funds? Is there a revolving fund in this bill?

Mr. MORGAN. There is no revolving fund in this bill.

Mr. GROSS. No revolving fund at all?

Mr. MORGAN. No.

Mr. GROSS. It is $296 million which is the total?

Mr. MORGAN. The total is $296 million. It is an annual authorization of appropriation. It relates to only 1 year.

Mr. GROSS. The total of the money to be appropriated by Congress to finance those provisions of the bill that are not self-financing—is that correct?

Mr. MORGAN. That is correct. This is to be an appropriation on an annual basis.

Mr. GROSS. This is to be considered $296 million in addition to the foreign handout bill. Is that not correct?

Mr. MORGAN. As the gentleman from Iowa knows, I remember the time when military aid was almost entirely on a grant basis, not on a credit basis. We used to make grants of $2 billion a year. Under President Eisenhower and President Kennedy and President Johnson our grants have been reduced and our sales have gone up, and this year we expect to present to the House a bill carrying grant military assistance of $375 million.

By making military sales we have been cutting down on what the gentlemen sometimes calls a giveaway program, and we are getting on a cash basis.

Mr. GROSS. I would not know how we could collect for a tank we sold on credit to Nigeria. I would not know how we would collect, if they elected not to pay us at the end of 10 years. Would the gentleman have any idea how we would collect?

Mr. MORGAN. Of course, it is dependent on the integrity of the country. I believe many countries, if they expect credit terms in the kind of world in which we live, will pay their obligations.

The CHAIRMAN. The Chair recognizes the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, I rise in support of this bill. May I suggest that we all remember that the United States is not the sole arms supplier to the world. The United States does not have a monopoly on either the production or the supply of military equipment. There are other countries which are eager to assume the U.S. share of the military market for political as well as economic reasons.

To any nation, new or old, large or small, developed or underdeveloped, the primary objective is national survival. Given the present world situation there is no alternative for the United States other than to provide military assistance not only to help those countries that need it but to help the United States achieve its foreign policy objective of a world free from war in which all efforts can be aimed at peaceful growth of democratic political and economic institutions.

The denial of arms to a country cannot possibly have the desired effect if the reason is to prevent that country from obtaining weapons and equipment. Arms of all varieties are available from all over the world.

The United States does not desire to encourage an arms race in any part of the world. As a matter of fact, it is in our own best interest to discourage arms purchases. This has been the policy of this country and will continue to be under this bill.

The foreign policy interests of the United States vary from country to country and each request for arms purchases must be judged on its own merits. A decision to sell arms to a particular country must, first of all, be based upon what is best for the United States. There are other elements considered while arriving at a decision. These include the nature and the extent of the military threat, the direct and indirect military benefits to the United States, the options open to the buyer, the effect of such options on U.S. interests and the economic and financial capability of the purchasing country to pay for required equipment.

This legislation will enable the President to weigh all of these factors—it will give him the flexibility necessary to employ this important tool of U.S. foreign policy and it will keep the Congress informed as to the type and quantity of equipment being sold each year to both developed and less developed countries.

Mr. Chairman, I urge adoption of this bill.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I am happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I should like to compliment the Congresswoman upon her excellent statement, because it is clear and lucid. In these times when we hear a lot of talk about generalities, the gentlewoman certainly has brought the subject down to earth.

Second, I should like to comment about the fact that this is not encouraging an arms race anywhere in the world. The gentlewoman wished to emphasize that, I believe.

Mrs. BOLTON. I tried to emphasize it in what I said.

Mr. FULTON of Pennsylvania. I congratulate the gentlewoman.

Mr. ADAIR. Mr. Chairman, Members will recall that last year there was a furor in this House and in the other body over the provisions for military sales contained in the foreign aid bill. As one of the conferees on that measure I can attest to the long and difficult hours spent in conference to reach agreement. Some of the disagreement was predicated on fundamental differences in philosophy and policy, but much of it arose out of confusion and misunderstanding about foreign military sales.

Let me state very clearly that in my judgment foreign military sales are an important facet of our foreign policy.

Our chairman, the gentleman from Pennsylvania [Mr. MORGAN] has highlighted many provisions of this bill. In order that Members may more easily understand the different types of military sales that are possible under this bill, I want to enumerate them in simple terms.

First, sales may be made for cash. Such sales may be from Department of Defense stocks. The price must reflect the value to the United States. Payment must be made in dollars within 120 days in lieu of the provision in existing law that permits payment within 3 years. In addition to cash sales from our own stocks the bill authorizes procurement for cash sales of defense articles by the Department of Defense on behalf of a foreign government. There are several reasons for the procurement provisions contained in section 22 of the bill. The purchaser may want to take advantage of the technical skills and services of our military services in such procurement. Or the military services may be able to include foreign orders along with their own orders to manufacturers to the advantage of both parties. In any case the purchaser must agree to pay the full amount and to guarantee the United States against loss. As payments become due under a procurement contract the purchaser must make funds available. The detailed language on page 8 of the bill simply authorizes the setting of a firm price in advance of procurement in order that the purchaser will know the cost.

Second, sales may be made on credit terms. Existing authority for such sales has expired. Without this bill only cash sales or grant assistance will be possible.

Credit sales may be financed with Department of Defense funds for a maximum period of 10 years. Or credit may be made available by a bank or other firm with payment guaranteed by the Department of Defense. Or, finally, credit may be financed by the sale to banks or firms of promissory notes of the purchasing government. In any type of credit sale it should be noted that U.S. Government agencies are specifically excluded. This means that the Export-Import Bank is out of the picture.

The authorization of $296 million is the ceiling for credit sales under this bill.

The bill also contains numerous restrictions on, and requirements for, foreign military sales. These are spelled out on pages 6 and 7 of our committee report. A careful reading of those pages will reveal that this is a well-structured measure designed to meet the criticisms raised last year.

Of no less importance in my judgment is the fact that all sales under this bill must be consonant with our foreign policy. This is made abundantly clear by section 2 which states that cash or credit sales by the Government will be under the supervision and control of the Secretary of State.

Finally, the bill assures legislative control and information through an annual authorization for military sales, semiannual reports to the Congress, and detailed presentation materials.

Mr. Chairman, I urge the passage of H.R. 15681.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I wish to compliment the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. MORGAN] for his very thorough and conscientious consideration of this program.

I personally feel that this is one of the most important instruments of our foreign policy. I only regret that the bill before us does not go far enough.

I regret the action of the House in limiting, and eventually prohibiting entirely, participation in this program by the Export-Import Bank. I do not believe that it was necessary or in our national interest. I feel that the developments of the past month in Eastern Europe have amply demonstrated the need for continuing defense sales to those countries which desire to protect themselves and to remain free. Certainly the threat to their freedom, the threat emanating from the east, has not vanished or disappeared.

I also wish to compliment my colleague from Ohio [Mrs. BOLTON] for emphasizing the fact that the United States is not the only country which produces weapons. I would add to that statement that the Soviet Union is so anxious to furnish military equipment to some nations—for example, the radical Arab States of the Middle East—that it can hardly keep up with new shipments.

Mr. Chairman, in rising in support of the military sales bill of 1968, I should like to underscore three points which sometimes tend to be neglected, or even totally obscured, in our discussions of this program.

They are as follows:

First. The military sales program is an integral part of our foreign policy undertakings—particularly of our mutual security program.

It is not, as some people seem to believe, a careless and carefree venture designed to locate dumping grounds for our obsolete military equipment, or markets for current military production.

Nothing could be further from this program's real purpose. This undertaking is planned and implemented with but one goal in mind: namely, to advance the objectives of our foreign policy by promoting internal stability and mutual security in the free world.

This is a very important objective—one which we must strive to achieve if we want to make any progress in our effort to build a safer, a more orderly, and a better world.

The second fact about the military sales program is this: From its inception during the early post-World War II period, this program was designed and supervised by the Congress. It was not the brainchild of the military or of the people who manufacture military equipment. It originated right here, in the Congress, and for a very good reason.

I know this because as a member of the Committee on Foreign Affairs, and later as chairman of its Subcommittee on Europe, I personally participated in the shaping of this undertaking.

We authorized the forerunner of the present sales program at the time when the United States was providing military assistance to its allies on a grant basis. We had to pay for it 100 percent in those days.

Some of us believed, as the European recovery program got under way and began to produce results, that our friends ought to begin contributing something to our mutual security. And the Congress approved of that burden-sharing approach. As a result, we first authorized loans, and then sales, of U.S. defense articles and services.

Let us keep this in mind: Through these sales, we are enhancing the security of our world—and we are doing it on a cost-sharing basis with our friends and allies abroad. If this is not sensible, then I do not know what is.

Now my third point is this: The military sales program is carefully limited and circumscribed. Its total impact is restricted. It cannot go beyond the total of $296 million authorized in this bill.

Further, the direction of this program is carefully defined.

We have strict limitations on military sales to different geographical regions.

We also have limitations on the sales of sophisticated equipment to the developing countries.

And the bill before us proposes strict limitations on the use of resources of U.S. Government agencies to facilitate, support, or finance military sales.

Mr. Chairman, I would like to take a moment to read a paragraph from the committee report on the bill before us. It states:

> Military assistance in the past has supported major forces on the periphery of the Soviet Union and Communist China. It has helped deter Communist aggression. And perhaps the best defense of our miltary assistance program was made by former Secretary of Defense Robert S. McNamara, when he said that "it would be extremely shortsighted to begrudge the several hundred millions of dollars needed for military assistance when at the same time we are willing to spend tens of billions of dollars on our own general-purpose forces whose primary mission is to defend the same allies against the same threat. (Armed Services Committee hearings, 1967, pp. 883–884)."

Mr. Chairman, I do not think that I need to add anything else. The passage which I quoted argues eloquently on behalf of the bill before us.

I urge the committee to approve this legislation without delay.

Mrs. BOLTON. Mr. Chairman, I yield such time as he may consume to the distinguished and eminent gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, I rise in support of H.R. 15681, and to associate myself with the remarks of the chairman of the Committee on Foreign Affairs and the distinguished ranking minority member of the committee, the distinguished gentlewoman from Ohio [Mrs. BOLTON].

Mr. Chairman, may I say in this connection that this is a matter about which certain moral questions have been raised, and when it comes to moral leadership in this House, the distinguished ranking minority member of the House Foreign Affairs Committee has no peer. Her endorsement of this legislation is certainly a strong endorsement of the fact that there is a moral case as well as a case based on the national interest of the United States for an arms sales program.

Mr. Chairman, as the chairman of the House Foreign Affairs Committee and distinguished gentlewoman from Ohio have indicated, we have to consider the alternatives to such a program in evaluating its merit. We cannot control the national policies of other nations. We cannot say to a sovereign state, "You cannot have a certain kind of national defense." We can, however, recognize that when a nation looks to us for arms needs, given the kind of restrictions and restraints that are written into this legislation, and in the cases where we feel there is merit in supplying such arms we can both place ourselves in a better position to influence their armament policies and help keep such a nation from becoming a military pawn of irresponsible suppliers such as the Soviet Union. The U.S.S.R. is heavily, wantonly, and with evil design using arms sales and military assistance programs as an instrument of a foreign policy aimed at world domination. We can in supplying ourselves such nations help to build the peace and help them from falling into the clutches of nations such as the Soviet Union, which would use such arms sales as a means to extend their influence in the Middle East, in Africa, Asia, and Latin America, regardless of the consequences to other peoples. The Soviet record in the Middle East is a clear illustration of this reality. Reason dictates and our national interest demands that we provide those nations which in our judgment need arms for national defense or internal security some better alternative.

Mr. Chairman, I believe the right policy for the United States is a restrained arms sales program in which we try to help bring about peace through such restraint and through exercising the influence which such a program can give us.

I strongly support this bill and urge its adoption.

Mr. MORGAN. Mr. Chairman, I reserve the balance of my time.

Mrs. BOLTON. Mr. Chairman, I yield 5 mintues to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, the distinguished gentlewoman from Ohio [Mrs. BOLTON] never spoke a greater truth in her life than when she said the United States is not the only supplier of arms around the world.

We have all been reading about the situation in Nigeria, where the Russians were supplying the Government with arms and ammunition, and this Government has been guilty of giving them some military assistance. Now the British are providing that government with the bulk of the arms and ammunition they are receiving, and the atrocities and massacres that have taken place in Biafra are utterly beyond belief. Negroes are killing Negroes by the thousands.

Mr. Chairman, in this peddling in one fashion or another of $2 billion worth of American arms around the world every year, I wonder when these arms and ammunition will come back to haunt us—when they will be used against us.

Mr. Chairman, I am opposed to the United States spending $10 million a year on the discussion of disarmament and at the same time peddling $2 billion worth of munitions.

Furthermore, Mr. Chairman, I am opposed to the unholy discretionary power that is granted in this bill to the President of the United States to dispose of arms when and where he sees fit, and under such terms as he sees fit, around the world every year.

I cannot support this bill.

Mr. CARTER. Mr. Chairman, would the distinguished gentleman yield?

Mr. GROSS. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the gentleman for yielding. I would just like to ask the gentleman, is it not true that when India and Pakistan went to war a few years ago that we were the suppliers of both countries of military arms?

Mr. GROSS. Yes, we have supplied both countries. I do not know that we supplied them at that particular time, but we did supply both countries prior to that time, and since that time we have supplied both countries with arms.

Mr. CARTER. I would further ask the gentleman from Iowa if we are not getting into a very poor position when countries fight with arms which we supply them? Does the gentleman not believe so?

Mr. GROSS. I certainly do. In one breath we talk about disarmament and in the next we talk about how we can distribute $2 billion worth of arms around the world.

It is not a question of whether we get paid for them or not. The important issue is a moral one.

And I predict the day will come when some of these arms will be used against us.

I know of no so-called friendly country that we have supplied with arms through the process of grants or credits that is now helping us in Vietnam. Oh, sure, we have supplied the Korean Army, but that was through the military assistance program.

Where are the allegedly friendly countries that we have supplied with arms? Are they helping us today in Vietnam?

Mr. Chairman, I am opposed to this bill.

Mr. FASCELL. Mr. Chairman, I welcome the administration's proposal of a Foreign Military Sales Act. It sets forth in orderly fashion the clear need for authority to sell military equipment to those countries that need it and can afford to pay for it. It provides for controls, restraints and limitations under which the foreign military sales program will be administered.

During the past 20 years, the United States has granted military assistance totaling in value something over $36 billion. With much of the world now able to assume a larger proportion of their own defense costs, the United States must be willing to provide defense arms and services to those countries whose security is linked to our own either by formal ties of treaty or less formal ties of friendship. Further the United States must be willing to sell military equipment on credit terms, providing such sale is consistent with the military requirement, the economic and financial capability of the buyer to pay, the probable impact on the buyer's neighbors and the consequent effect on U.S. security interests. I believe that these limitations are well reflected in the proposed legislation. I believe those who have been concerned with U.S. arms sales policies in the past will find their concerns allayed by the provisions of this bill.

It should be noted particularly by those concerned with so-called country *x* loans by the Export-Import Bank that such loans are barred by this bill; by those concerned with possible fragmentation of the management of sales activities, that this bill vests full responsibility in the Secretary of State to integrate military sales with other U.S. activities abroad to assure that the foreign policy of the United States is best served; by those concerned with possible third country transfers, that the bill requires the buyer must agree not to transfer title or possession without the prior consent of the President; by those concerned with the diversion of assets to excessive military procurement by the economically less developed countries, that the bill requires the withholding of further credit when the President determines that such diversion is taking place; by those concerned with the total level of military sales to less developed countries, that the bill establishes ceilings for Latin American and African countries as well as on the total of credit sales extended under the bill worldwide; and by those concerned with the insufficiency of information available to the Congress, that the bill establishes the requirement for a series of semiannual and annual reports on many aspects of military sales.

In a world of sovereign countries, the management of military sales involves complex issues. I believe, the proposed legislation avoids the two extremes of insufficient U.S. support to our friends and allies on the one hand and insufficient restraints and controls in regard to military exports on the other. I urge my colleagues, to join me in voting for passage of this bill.

The CHAIRMAN. Does the gentlewoman from Ohio have further requests for time?

Mrs. BOLTON. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Military Sales Act".

CHAPTER 1.—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

SECTION 1. THE NEED FOR INTERNATIONAL DEFENSE COOPERATION AND MILITARY EXPORT CONTROLS.—As declared by the Congress in the Arms Control and Disarmament Act, an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress recognizes, however, that the United States and other free and independent countries continue to have valid requirements for effective and mutually beneficial defense relationships in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress. Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this Act authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as amended, the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to the impact of the sales on programs of social and economic development and on existing or incipient arms races.

SEC. 2. COORDINATION WITH FOREIGN POLICY.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales under this Act, including, but not limited to, determining whether there shall be a sale to a country and the amount thereof, to the end that sales are integrated with other United States activities and the foreign policy of the United States is best served thereby.

(c) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

SEC. 3. ELIGIBILITY.—No defense article or defense service shall be sold by the United States Government under this Act to any country or international organization unless—

(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article so furnished to it to anyone not an officer, employee, or agent of that country or international organization unless the consent of the President has first been obtained; and

(3) the country or international organization is otherwise eligible to purchase defense articles or defense services.

The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this section.

SEC. 4. PURPOSES FOR WHICH MILITARY SALES BY THE UNITED STATES ARE AUTHORIZED.—Defense articles and defense services shall be sold by the United States Government under this Act to friendly countries solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

Mr. MORGAN (during the reading). Mr. Chairman, since this chapter 1 of the bill is a statement of policy, I ask unanimous consent that this part of the bill, to page 6, line 15, be considered as read and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: On page 3, after line 25, insert:

"It is further the sense of Congress that sales and guaranties under sections 21, 22, 23, and 24, shall not be approved where they would have the effect of arming military dictators who are denying social progress to their own people: *Provided*, That the President may waive this limitation when he determines it would be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations in the Senate."

Mr. REUSS. Mr. Chairman, this amendment simply seeks to insure that the bill before us contains the same provision against arming military dictators who are denying social progress to their own people, as was contained in the Export-Import Bank Extension Act—Public Law 90–267—which became law on last March 13, 1968.

The amendment prohibits sales which have the effect of arming military dictators who are denying progress to their own people. Then it provides that the President can, as in other situations, waive the provision if he determines that the sale is important to our national security.

Mr. Chairman, the amendment is self-explanatory. I am sure we do not want to help military dictators who are oppressing their own people.

The Department of Defense, as I understand, has no objection to it.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania, the distinguished chairman of the committee.

Mr. MORGAN. Mr. Chairman, the gentleman was kind enough to advise us about this amendment and we, on the majority side, have looked it over. We have also been in consultation with the executive branch. I note that this is now a part of the Export-Import Bank law. The majority has no objection to the amendment.

Mr. REUSS. Mr. Chairman, I thank the gentleman.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the distinguished gentlewoman.

Mrs. BOLTON. Mr. Chairman, I am a little confused. I wonder why you think the President will waive this limitation? Would he then approve of dictators under certain conditions?

Mr. REUSS. I would hope that the President would not avail himself of this waiver provision.

Mrs. BOLTON. You hope so?

Mr. REUSS. That waiver provision is in the existing law and that is why it is included in the amendment. Of course, I can imagine a situation where our own national interest might require our leader to disregard many of the things that are said in the Declaration of Independence, and waive the provision, if that is the way the situation worked out.

But I think the important thing in the amendment is that it says that as a general rule the United States of America is not about to be in the business of arming military dictators.

Mrs. BOLTON. The President might feel that it was very important for us to get folksy with Mr. Castro because he is right near our own shores, only 90 miles away, and he is doing a lot of purveying. Would you want to be sure that he could do it?

Mr. REUSS. This amendment, of course, would prevent anything as outlandish as arming a military dictator like the present ruler of Cuba. I do not think any President of the United States—President Johnson or whoever might be our President next year—would entertain for a moment any suggestion of exercising this waiver right. I have no other way of phrasing it, other than to give him that right.

Mrs. BOLTON. The gentleman himself has used the word "military." You included that in your discussion here with me I am wondering whether it should or should not be in the bill. What protection have we against a President who might be a little defective?

Mr. REUSS. I am trying to strengthen the bill. There is nothing in the bill now that even discourages a President from arming military dictators who are repressing their own people. The sense and purpose of the amendment is to make it a general rule that we are not going to arm military dictators. The waiver possibility is in there because I can envisage situations in which the President might, under circumstances that would be acceptable on both sides of this House, exercise that discretion.

Mrs. BOLTON. I thank the gentleman very much. He has made it exceedingly clear.

Mr. REUSS. I thank the gentlewoman.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

As I tried to say a few moments ago, I doubt that anyone can find more than a half dozen sections of this bill which do not contain discretionary power vested in the President to waive the provisions of the bill. The gentleman from Wisconsin had a good amendment up to that point when he inserted the waiver to be exercised by the President. The amendment as it now stands is window dressing, nothing more.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman from Pennsylvania.

Mr. MORGAN. The gentleman knows that in the foreign aid bill there is an overall waiver clause for the President. In this bill there is not. So specifically, section-by-section, the waivers must be written out.

Mr. GROSS. Yes; I am well aware of the fact that there are innumerable waivers in the Foreign Assistance Act, and these waivers are capped by a so-called grandfather clause that provides the President can waive almost any provision in the Foreign Assistance Act. It does not make it right to give any President such unlimited power in this field.

Mr. MORGAN. Does the gentleman want a waiver clause like that in this bill?

Mr. GROSS. Well, you might just as well have it. You have provided waivers almost everywhere else in the bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from Iowa yielding. I would merely like to ask the gentleman who prepared the amendment on whom his amendment would place the responsibility for determining who is or who is not a dictator and, more specifically, which dictator allows or prevents social progress?

Mr. REUSS. Mr. Chairman, if the gentleman will yield further, the responsibility for determining whether a given leader is a military dictator is placed under this amendment on the President of the United States. That I think is the only place where it can be placed, and it is certainly the intention of the author of the amendment, myself, to mean that a military dictator means a military dictator—Communist, Fascist, left, right, or any other kind of military dictator who, by force of arms, keeps the will of his people from being expressed. I do not think that we want to, under normal circumstances, make the arming of such military dictators an aim of U.S. policy.

Mr. HALL. I think I agree with the gentleman's response. But I want to be sure that this would not apply automatically without exercise of the presidential waiver to a tribal chief, for example, or an emperor or some other leader of a sovereign nation. Without exercising the discretionary clause, would the President, under the gentleman's amendment, automatically say who is a military dictator, and who is or who is not among them denying social progress?

Mr. REUSS. The President, under the amendment, would be required to act only if he determines—and this is for him to determine—that someone is a military dictator. In such a case he must either not validate the proposed arms sale or exercise his waiver provision and report it to the Speaker of the House and to the Senate.

Mr. HALL. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Reuss].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pelly: On page 4, line 22, insert "(a)" immediately before "No".

On page 5, line 18, strike out "section" and insert in lieu thereof "subsection".

On page 5, immediately after line 18, insert the following:

"(b) No defense article or defense service shall be sold by the United States Government under this Act to any country which, after the date of enactment of this Act, seizes or takes into custody or fines an American fishing vessel engaged in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

Mr. PELLY. Mr. Chairman, my amendment to the Foreign Military Sales Act provides that any nation seizing an American vessel or taking it into custody more than 12 miles off their shore would not qualify under H.R. 15681 to receive reimbursable military equipment. In case transfer of military equipment were important to national security in some special instance, my bill provides the President could waive the provision of this prohibition.

The importance of such an amendment is evidenced by the criminal activities of some Latin American countries which, at gunpoint, have been seizing America fishing vessels on the high seas. Some of these nations claim 200 miles jurisdiction off their shorelines, contrary to any international convention.

The most serious seizures in recent years occurred just last month when Ecuadorian naval vessels kidnaped four American tuna vessels from more than 20 miles off their coast, took them into port for 4 days, and leveled a fine of over $200,000 against the owners of these vessels before releasing them.

But, Mr. Chairman, as serious to me as these seizures are themselves is the fact that former American military vessels on loan to certain Latin American countries, made possible by U.S. military assistance, have been used to harass, intimidate and seize American fishing boats.

The Ecuadorian patrol boat *Esmeraldes*, formerly the U.S.S. *Enice*, and the *Cayambe*, formerly the U.S.S. *Cusabo*, have been used against American fishermen, and the seriousness of the use of the *Cayambe*, is that this is a yard vessel on loan which under agreement with the United States was not to be used out of port. Last year, the *Cayambe* was used to seize three American fishing boats which were traveling toward Peru, 35, 50, and 51 miles offshore respectively.

Seizures have taken place as far out at sea as 200 miles, Mr. Chairman, and during some of these attacks, guns have been fired at American citizens. The gravest of these attacks was December 6, 1965, when an American vessel captain and his navigator were injured when the captain of a Peruvian naval vessel sprayed the pilothouse of the tuna vessel *Mayflower* with a shotgun blast.

Mr. Chairman, I urge the committee to adopt my amendment and assure that in the future we do not render military assistance to countries that use this aid against the best interests of the United States and especially in cases of illegal seizures of American citizens and property on the high seas.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I know this is a problem that there has been a serious problem involving our fishing vessels from the States of Washington, California, and the Pacific coast area. I wonder if the gentleman from Washington is familiar with the fact that on September 6 the World Bank made a loan to Ecuador to finance a fishing fleet. Was any protest made about this loan of $5.3 million which the World Bank is making to increase the fishing fleet of Ecuador?

Mr. PELLY. Mr. Chairman, if the gentleman had been fortunate enough to be on the floor when I spoke yesterday he would have heard me express myself on the subject of that loan. I believe this is a good example of what we are trying to stop. We are trying to stop assistance to foreign countries who illegally seize U.S. fishermen and their vessels on the high seas.

I may say that the loan, I believe will not go toward military vessels but rather toward developing the Ecuadorian fishing industry and their own resources down there.

I can only say that time and again I have taken the well of this House to protest the illegal seizure of these vessels on the high seas. This is one way I believe we can deter such attacks in the future.

Mr. MORGAN. I can assure the gentleman I sympathize with his position. He knows that over a period of years this matter has been considered in conferences on the foreign aid bill and I have been sympathetic to the plight of the American fishermen who are fishing in South American waters, whose vessels are seized illegally.

As I remember it, the first foreign assistance bill containing a provision dealing with this matter was put in by the other body where it had been offered by the senior Senator from California. We worked out some language and we have made it stronger.

Again I want to say that this is a very difficult amendment for me to oppose. The waiver clause ought to make it possible to deal with unforeseen emergencies.

As the gentleman from Iowa says, we do not like a bill with too many waiver clauses in it. I want to tell the gentleman from Iowa that previous to the waiver clause included in the amendment offered by the gentleman from Wisconsin, plus this waiver clause, there were only two waiver clauses in the whole bill.

It is possible that more waiver clauses will be put in on the floor today than were in the bill as it came out of the committee.

Again, I am sympathetic toward the gentleman's amendment.

Mr. PELLY. I urge adoption of my amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I merely say that here again is a potentially good amendment that is nullified by the waiver which is planted in it.

Incidentally, since I have a few seconds left, I should like to point out to the gentleman from Wisconsin [Mr. Reuss] that I never heard of a nonmilitary dictator. Has the gentleman ever heard of one?

Mr. REUSS. If there is one, he deserves a lot of credit for getting away with it. That is why I put in the "military dictators." If I am redundant, it will not matter.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Perón of Argentina is called a nonmilitary dictator. He has often been so described, anyway.

Mr. GROSS. Perón?

Mr. LONG of Maryland. Yes.

Mr. GROSS. The gentleman can have his opinion of Perón as a nonmilitary dictator. I would not agree with him. He could not have stayed so long in power in Argentina without the benefit of military support.

Mr. LONG of Maryland. I merely say he has often been described as a nonmilitary dictator.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. Pelly].

The amendment was agreed to.

Mr. LONG of Maryland. Mr. Chairman, I have two amendments, one on page 5 and one on page 6. Both amendments are closely related. I ask unanimous consent that the amendments be considered at the same time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. CONTE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Maryland: On page 5, line 9, strike out "the consent of the President has first been obtained;" and insert the following: "the President determines that such transfer is vital to the national security of the United States;".

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes in support of his amendment.

Mr. LONG of Maryland. My amendment would strengthen control over the transfer of defense articles by requiring a Presidential determination that such a transfer is vital to the national security of the United States. As the bill now reads, mere Presidential consent is required in transfers of defense articles, but such consent without the determination that the transfers are vital to our national security is apparently easily obtained. I feel that the President should be under greater constraints when considering the transfer of U.S. defense articles.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield for a question?

Mr. LONG of Maryland. I wonder if I could finish my statement.

Mrs. BOLTON. Just at that point, what form is that determination to be made in by the Department? A written report to the Congress?

Mr. LONG of Maryland. Yes. This is required in the bill itself later on. So this is automatic in the bill referred to the Congress, if you will look at it, a little later on.

We all know that the U.S. equipment sold to foreign countries sometimes ends up in the possession of countries not authorized to have that equipment. The example that comes most readily to my mind is that of a deal this year under which Italy sells U.S. tanks to Pakistan. Under the arrangements of the deal, the United States would allow Italy to sell refurbished American M-47 tanks to Pakistan. Assistant Secretary of Defense for International Security Affairs Warnke told the Senate Foreign Relations Committee in its June hearings on this bill that U.S. approval had been given for the acquisition by Pakistan of the tanks, but that no contract had been consummated. Questioned on this point by Senator Gore, Assistant Secretary Warnke noted that the lack of consummation of the deal was on the part of Pakistan, not on the part of the United States, and stated, "The U.S. Government has approved it."

The U.S. Government has given Italy permission to sell U.S. tanks to Pakistan. Yet, as early as 1965, the United States halted all military shipments to Pakistan as a consequence of the outbreak of hostilities between Pakistan and India, a conflict in which U.S. arms were used by both sides against each other. I saw this myself when I was on the Indian border up in the Lajore section late in 1965. In 1966 the United States partially lifted the suspension by permitting Pakistan to purchase for cash or credit but subjected each sale to a case-by-case review.

We cannot take lightly the fact that some countries go through a third country to obtain our military equipment. My amendment would call for tighter controls over the transfer of this equipment to countries not authorized to receive it. The restriction against transfers must be interpreted in its strictest sense. The bar can be lowered only for one reason—if the transfer is vital to the national security of this country—a real, not a far-fetched danger.

I am very sympathetic to the statements made by the gentleman from Iowa. He said that there are an awful lot of loopholes in all of this legislation. Apparently you cannot get legislation through without some loopholes, but I would like them to be as small as possible, and that is what this amendment undertakes to do.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know the proponent of this amendment is very sincere. But under the eligibility section with which we are dealing we provide in the language of the bill that no defense articles or service shall be sold by the U.S. Government under this act to any country unless "the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace."

If these are criteria for the sale in the first instance, it seems to me we need not go beyond those criteria in the case of a transfer, especially when the transfer is conditioned upon the consent of the President having been first obtained. The President would be bound by the criteria laid down in the law.

Mr. LONG of Maryland. Will the gentleman yield to me?

Mr. FASCELL. Certainly.

Mr. LONG of Maryland. Of course, it is the purpose of this amendment to make it more stringent.

Mr. FASCELL. I understand that, but the language in the bill is already sufficiently restrictive.

Mr. LONG of Maryland. I say this because it seems certain that military equipment which we have sold to one country was arranged to be transferred to another country, from Italy to Pakistan. Certainly the language that we have had in the past has been stretched by the President, although it was really done by the Department of State, and still is. They find that they can stretch that language. It should be made very difficult for the President to allow arms sold to Italy to be resold to Pakistan, unless vital to the security of the United States. We should make this as strong as possible because we are only increasing the probability of war between Pakistan and India. Certainly this is not consistent with the security of the United States. The amendment should be strong.

Mr. MORGAN. According to the testimony of the Secretary of Defense on this legislation in the hearings, there have been no sales of any arms to India or Pakistan. I do not know where the gentleman from Maryland is getting his information.

Mr. LONG of Maryland. I have a statement here from the New York Times, which appeared in an article of March 28, announcing the approval of a deal permitting Italy to sell rebuilt American M-47 tanks to Pakistan.

Mr. MORGAN. The Secretary of Defense testified before our committee on June 26 to the effect that there had been no such sale.

Mr. LONG of Maryland. In hearings before the Senate Foreign Relations Committee this spring, Assistant Secretary of Defense for International Security Affairs Warnke testified that U.S. approval had been given to allow Italy to sell refurbished American M-47 tanks to Pakistan, but said that no contract had been consummated. Questioned on this point by Senator Gore, Assistant Secretary Warnke noted that the lack of consummation of the deal was on the part of Pakistan, not on the part of the United States, and stated, "The U.S. Government has approved it."

Would the gentleman deny that American arms that we have sold to one country have not in fact been transferred to another country or other countries?

Mr. FASCELL. Obviously there have been transfers. We provide for transfers in the law. The only question is this: I would say that in a situation of this kind the transfer in the second case is more stringent than the transfer in the first case. I do not see the logic as proposed in the gentleman's amendment. If we have the criteria for placing arms on the world market in the first place, I do not see why we need to be more stringent with the second transfer than with the first transfer, because the President in no case is going to authorize or consent to an authorization of a transfer which would be contrary to the provisions of the law.

Mr. LONG of Maryland. Then, why the objection to my language if it will strengthen and make more vital and important the operation of this program? I do not see any objection. Let us put the term "vital" into the language. On the other hand, if you do feel that the word "vital" is much stronger than the other, then you are saying you do want a wide loophole rather than a narrow one.

Mr. FASCELL. I did not say that it was immaterial, and I did not say that I wanted a wide loophole. All I say is that we have strong enough criteria established for the operation of this program.

Mr. LONG of Maryland. I might point out that a German arms manufacturer stopped in to see me just a few months ago and told me that this language "vital to the national security of the United States" in the appropriations bill had been spoiling German arms sales to Latin America. I think it is very important language and I hope the House will support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. LONG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LONG of Maryland. Mr. Chairman, on that I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 6, line 15, after the period, insert the following:

"; *Provided*, That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress."

Mr. CONTE. Mr. Chairman, the amendment which I am introducing is a companion to the two amendments which I introduced to the Foreign Assistance Act of 1968 dealing with the sale of sophisticated weapons to less-developed countries. Those two amendments were adopted by this House and are part of the final foreign aid bill which has just been reported out by the House-Senate conference. These amendments, furthermore, are similar to the amendments which I first introduced last year and which became law as part of the Foreign Assistance Appropriations Act of fiscal 1968.

Last year's foreign assistance appropriations legislation dealt with both our military assistance programs and our foreign military sales programs, the latter in the form of the revolving sales credit fund which has now been eliminated. This year the foreign military sales program has been separated from the rest of the foreign assistance authorizing legislation and is embodied in the separate act which is before us for consideration today. As I stated earlier, when the Foreign Assistance Act of 1968 was before this body, I introduced an amendment restricting the use of our military assistance program for providing sophisticated weapons to less-developed countries. The purpose of my amendment today is to accomplish the same restriction that we imposed on these military assistance programs in the case of our foreign military sales programs.

We are dealing here with sophisticated weapons which are not needed by these less-developed countries and on which these less-developed countries cannot afford to waste their limited resources. These less-developed countries should not be wasting money that is needed for their own critically important domestic programs on weapons they cannot afford and do not need. Our Nation should not play any role in assisting in this wasteful and dangerous kind of activity.

In the event that these nations go out and buy these weapons from some other source, another amendment which I have introduced and which the House has passed provides that our economic assistance to them will be reduced by an amount equivalent to the amount they have spent on the purchase of these unnecessary weapons.

The amendment which I am offering today simply extends to our foreign military sales programs the same kind of limitations which we have already imposed concerning our military assistance program.

I urge all Members of this body to vote for my amendment and to thereby establish a policy which will prevent this country from selling unnecessary sophisticated weapons of war to less-developed countries who cannot afford them.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I congratulate the gentleman on his statement. I believe it is a fine amendment. However, I do have one question, and that is that when a listing is made of the countries excepted such as Greece, Turkey, Japan, Israel, the Republic of China, the Philippines, and Korea, that when a list is made, that is a list that excludes other underdeveloped countries—for example, it might exclude Thailand, Indonesia—without going into some other countries—does the gentleman believe the list is advisable? Is not the amendment fine just by citing the principle, and then of course it is up to the President to determine if such financing is important to the national security?

Mr. CONTE. Mr. Chairman, I believe the point raised by the gentleman is well taken, and I must speak very frankly to the gentleman from Pennsylvania; in my original amendment last year I was driving at Latin America and Africa. I was attempting to prevent the sale of sophisticated weapons of war, such as jet fighters, especially, to Latin America and Africa. In executive session it was felt that each of the countries which are our allies that lie underneath the underbelly of the Sino-Soviet bloc should have special consideration and, therefore, should be specifically exempted and further some were reluctant to single out specific areas and felt this was a more diplomatic way of doing it.

But the main thrust of the amendment, both here and in the foreign aid bill, was to put a stop to the arms race that was building up in South America and in Africa.

As you know, Brazil is presently contemplating buying some sophisticated weapons of war. Chile has already gotten into it. You know what happened in Peru—they have already gotten into the jet club.

As a result of my amendment which was on appropriation foreign aid bill last year, the Department of State withheld economic assistance to Peru.

I cannot argue with the gentleman. But in order to prevent any complications, it was decided to exclude the countries who lie underneath the underbelly of the Sino-Soviet bloc.

I imagine that since the gentleman would be on the conference committee that he could work out a satisfactory compromise.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MORGAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the author of the amendment some questions.

Last year in the foreign aid appropriation bill, the Conte-Long amendments were incorporated under the rule relating to that bill.

Would the gentleman tell the Members of the House whether the Conte-Long amendment that is now a part of the 1967 appropriation act is permanent legislation or whether the reason you are offering this amendment here today as you did in the case of the foreign aid authorization is that you feel these amendments are not permanent legislation and therefore should be offered to these two bills?

Mr. CONTE. The distinguished chairman of the Committee on Foreign Affairs is absolutely right.

These amendments which we offered last year on the foreign aid appropriation bill expired with the appropriation bill on June 30 and, therefore, there is a need for some new legislation at this time.

Mr. MORGAN. Is this amendment similar to the amendment that the gentleman offered to the foreign assistance act?

Mr. CONTE. It is exactly the same. In fact, these were two amendments. They were adopted and agreed to, but in conference you struck out the countries that the gentleman from Pennsylvania was discussing here.

But the thrust of the amendments is exactly the same as the ones that were offered this year here on the floor of the House.

At that time there were two amendments. One amendment stated that we could not sell, give, et cetera any sophisticated weapons of war to any underdeveloped country with the same exceptions as my amendment today and the second amendment provided that if the underdeveloped country went out and bought these weapons of war from a third country, our economic assistance to that country would be reduced accordingly—the only difference between this amendment and the other I offered is that the conference struck the countries named.

Mr. MORGAN. As the gentleman stated, we did change this in conference.

Mr. CONTE. That is right.

Mr. MORGAN. We took out the names of the countries but kept the sense of the amendment.

Mr. Chairman, so far as our side is concerned, we will be glad to take this amendment to conference.

Mr. CONTE. I thank the gentleman.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman. I would simply like to support what the gentleman from Pennsylvania has said in regard to the undesirability of mentioning particular countries in an amendment of this sort.

I think the gentleman from Pennsylvania has made an excellent point and I hope that these names, if they are not stricken now, will be stricken in conference.

I have particularly in mind the fact that this list still includes the country of Greece. It is certainly a most controversial question as to whether we should be extending military aid to Greece at this particular time.

I realize that Greece was included in the list last year but I think since then the situation has deteriorated and I, for one, am very much opposed to our extending military aid to Greece at the present time.

On the other hand, there are others here on the list—Israel is one—where it is most important that we continue our assistance.

So I do not think it is wise to try to tie down the Government of the United States with a specific list. Conditions may change.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. FULTON of Pennsylvania. I believe this side under the direction of our ranking minority Member did accept the amendment subject to the proviso that the list of countries will be deleted in the conference so that I would agree with the gentleman on his point.

There is one other point. We have other new organizations coming up such as SEANO, Southeast Asia Nations Organization, another organization that is working well and we may want to talk about them too, and they are underdeveloped nations. So what we get is either for or against countries, and if you would make a list, it would not be a black list or a white list but rather the decision and judgment of the President. Would you agree?

Mr. BINGHAM. I would certainly agree in general. With that understanding I shall not propose any amendment to the amendment.

Mrs. BOLTON. Mr. Chairman, under those conditions I am happy to accept the amendment.

Mr. GIAIMO. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Massachusetts [Mr. CONTE].

His amendment provides that none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea unless the President determines that such financing is important to the national security of the United States and reports within 30 days each such determination to the Congress.

By incorporating a similar provision into the foreign aid bill a year ago, this body expressed its opposition to the encouragement of an arms race in the underdeveloped areas of the world by any branch of this Government.

Mr. Chairman, the threat of an arms race in Latin America poses a very real threat not only to the peace of our hemispheric neighbors but also to the economic, social and political development of the entire area—which all of us must realize is progressing very slowly indeed.

Those of us who are dedicated to working within a democratic and representative government, with a well-defined system of checks and balances, ought to be concerned when we read in the newspaper that the President of one of the hemispheric republics, who was elected by the majority of the citizens in that country, is ruling at the discretion of a particular admiral, or general, or chief of staff.

We must be aware that the military assistance and the military sales programs of our Government contribute to the perpetuation of the military establishment in Latin America.

I support the amendment offered by my colleague from Massachusetts because it will discourage those who wish to enhance the prestige of an already overly endowed military establishment in Latin America by the continuation of an arms race.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 2.—FOREIGN MILITARY SALES AUTHORIZATIONS

SEC. 21. CASH SALES FROM STOCK.—The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any friendly country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services.

SEC. 22. PROCUREMENT FOR CASH SALES.—The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any friendly country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization: *Provided further*, That the President may, when he determines it to be in the national interest, enter into sales agreements with purchasing countries or international organizations which fix prices to be paid by the purchasing countries or international organizations for the defense articles or defense services ordered. Funds made available under section 31 for financing sales shall be used to reimburse the applicable appropriations in the amounts required by the contracts which exceed the price so fixed, except that such reimbursement shall not be required upon determination by the President that the continued production of the defense article being sold is advantageous to the Armed Forces of the United States. Payments by purchasing countries or international organizations which exceed the amounts required by such contracts shall be transferred to the general fund of the Treasury. To the maximum extent possible, prices fixed under any such sales agreement shall be sufficient to reimburse the United States for the cost of the defense articles or defense services ordered. The President shall submit to the Congress promptly a detailed report concerning any fixed-price sales agreement under which the aggregate cost to the United States exceeds the aggregate amount required to be paid by the purchasing country or international organization. No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this section unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however*, That the President may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest.

SEC. 23. CREDIT SALES.—The President is hereby authorized to finance procurements of defense articles and defense services by friendly countries and international organizations on terms of repayment to the

United States Government of not less than the value thereof in United States dollars within a period not to exceed ten years after the delivery of the defense articles or the rendering of the defense services.

SEC. 24. GUARANTIES.—(a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 23, and may guarantee payment thereof.

(c) Funds made available pursuant to section 31 shall be obligated in an amount equal to 25 per centum of the contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 per centum of the contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered read from page 6, line 16, to the end of line 19 on page 10, that it be printed in the RECORD at this point, and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: On page 6, after line 17, add the following:

"SEC. 21. LIMITATIONS ON CASH AND CREDIT SALES OF SOPHISTICATED WEAPONS.—Nothing in this chapter or chapter 3 of this Act authorizes the sale, directly or indirectly, for cash or for credit, of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country unless the President determines that each such sale is vital to the national security of the United States and reports within 30 days such determination to the Congress. For the purposes of this section, any guarantee of a sale shall be deemed to be a sale."

And renumber the following sections accordingly.

Mr. CONTE. Mr. Chairman, I reserve a point of order to the amendment.

The CHAIRMAN. The gentleman from Maryland is recognized in support of his amendment.

Mr. LONG of Maryland. Mr. Chairman, my amendment would directly limit the sale of sophisticated weapons to any underdeveloped country unless the President determines that such sale is vital to the national security. The amendment offered by the gentleman from Massachusetts applies only to the use of funds for such purposes. My amendment would forbid the sale absolutely, subject to Presidential determination, whereas the gentleman's amendment refers only to the use of funds. I think my amendment is a tighter amendment, and therefore I offer it for that purpose.

The CHAIRMAN. Does the gentleman from Massachusetts insist on his point of order?

Mr. CONTE. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MORGAN. Mr. Chairman, I would like to ask the author of the amendment some questions. The gentleman from Maryland has offered an amendment which is almost identical to the amendment offered by the gentleman from Massachusetts [Mr. CONTE]. Of course, the amendments apply to different sections of the bill. Would the gentleman explain to the House in more detail how the gentleman's amendment would be any different from the amendment just adopted?

Mr. LONG of Maryland. If I am correct in saying it, my amendment would forbid a sale to a country even if the country could pay for the weapons itself, with cash, whereas in the amendment offered by the gentleman from Massachusetts, as I understand it, there is reference to use of loan funds or guarantees.

I do think it is very important that we limit sales directly to underdeveloped countries whom we are trying to help, and which we want to see advancing in all sorts of ways, and among whom we are trying to prevent armament races, and whom we are in general trying to help achieve a better way of life.

So my amendment is a substantially tighter amendment than the one offered by the gentleman from Massachusetts.

Mr. MORGAN. Mr. Chairman, what does the gentleman mean by "tighter"? Is it because the gentleman says "vital" instead of "important"? Is that the method of tightening?

Mr. LONG of Maryland. No, my amendment forbids the sale, however the material is paid for, and the amendment offered by the gentleman from Massachusetts refers to the method of financing, as I understand it.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I do not see much difference between the word "vital" and "importance" except maybe a whiter light. Can the gentleman give us some indication of the difference in degree if it is important to the U.S. security or if it is vital to the U.S. security?

Mr. LONG of Maryland. Mr. Chairman, I do not think this is the important difference. However, I do think the word "vital" is a stronger term. "Vital" carries with it the idea that this is essential to life. "Vital" means "life."

It is essential to the life of the United States in some ways. "Important" merely means that this is of substantial interest to the country. I think there is a very great difference between "vital" and "importance."

Also, "important" is a much overused term. We use this term every day in a very loose sense.

Mr. FULTON of Pennsylvania. Mr. Chairman, restating it from what the gentleman said, the word "vital" means the United States of America could not exist without it, that it is vital to our security.

Mr. LONG of Maryland. Mr. Chairman, I would not say it absolutely could not exist, but I would say that this is essential to the life or survival of the United States.

Mr. FULTON of Pennsylvania. We have to put it in the obverse, and find that if it means that the United States could not exist without it, then it is vital and essential. Otherwise, it is simply important.

Mr. MORGAN. Mr. Chairman, I notice there is a nice colloquy going on between the gentleman from Pennsylvania [Mr. FULTON] and the gentleman from Maryland [Mr. LONG], but I believe I have the time.

Mr. Chairman, again I want to say the amendment offered by the gentleman from Maryland is too severe. Is the word "vital" the key difference? Does he mean absolutely essential?

We have already adopted the amendment offered by the gentleman from Massachusetts.

Mr. LONG of Maryland. Mr. Chairman, I have already explained that there are two differences. This word "vital" instead of "important" is just one difference. But even more important is that my amendment forbids the sale, no matter how it is paid for, whereas the amendment offered by the gentleman from Massachusetts forbids the sale only if it is a credit sale.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield, the amendment offered by the gentleman from Massachusetts [Mr. CONTE] is almost the same, except for some difference in method of financing, and except for the word "vital."

However, there is a point that when Congress is forbidding sales, it is indirectly saying that instead of making a sale at this time, the prospective purchaser should apply under the mutual security section of the U.S. Foreign Assistance Act, and for part of its $395 million. In effect, is not Congress really emphasizing that it does not want them to pay, but recommending application for a grant?

Mr. LONG of Maryland. No. That is not so.

Mr. FARBSTEIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me that the use of the word "vital" is altogether too restrictive. I believe, in effect, it will gut the bill.

I do not believe it is wise, under these circumstances or as I see it, that this amendment prevail. We defeat the very purpose of the bill should we include this language. Therefore, I hope the amendment will be voted down.

Mr. LONG of Maryland. Mr. Chairman, will be the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I believe all of this really justifies the real suspicions many of us have had all along that the State Department wants to make these sales both to poor countries and to other countries, and they do definitely object to the word "vital" because this has been hampering them.

The head of a German arms company came to me not long ago and he told me how the use of the word "vital" was spoiling their arms sales over all of Latin America.

I believe we have to make up our minds whether we want to see American arms sold to poor countries all over the world or whether we do not. I am convinced that our Government will use every loophole it can possibly squeeze its way through to make the sales if they possibly can.

I have watched the State Department squirm and squirm and squirm when the Long-Conte amendments were in effect, up to the last fiscal year. They have called us in for meetings, trying to get "weasel words" by this device or by that device.

If we use this word "important" I predict we are going to see arms sales over all the places we would not otherwise see them.

Mr. FARBSTEIN. Mr. Chairman, I am not particularly enamored by some of the activities of the State Department. Nevertheless, in the final analysis someone has to direct the foreign affairs of this Nation.

If it appears in the normal course of events, with the use of our own discretion and of our small knowledge, that the use of this word will restrict the activities of the Nation and will restrict the direction of foreign policy by the State Department to the degree that obviously it would, it seems to me that is a further reason for opposing the proposed amendment.

I am not particularly concerned about any German manufacturer of munitions. So far as I am concerned, unless we find it is desirable, unless the State Department finds it is so, I believe we should be governed by their discretion.

Mr. Chairman, I yield back the remainder of my time.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask the gentleman from Maryland [Mr. LONG] a question.

In the light of recent developments in Eastern Europe and in the Middle East, does the gentleman feel that the United States should be the protector of all free nations in the world? In other words, should we be the guardian of freedom in all corners of the world, or should we endeavor to help those countries that wish to remain free by providing them with military equipment which they require to defend themselves?

Mr. LONG of Maryland. Well, I believe the lady has sort of asked me a "Have you stopped beating your wife?" question.

Mrs. KELLY. That is just the question I want answered.

Mr. LONG of Maryland. Of course I do not believe we should try to be the policeman in all parts of the world. I do not believe the situation in the Middle East is relevant in any way to what we are talking about here.

Would the lady, for example, approve of our sale of arms to Yugoslavia who, incidentally, is selling arms to North Vietnam, in order that they could better protect themselves against the Soviet Union? Is that what the lady wants me to respond to?

Mrs. KELLY. No. I am very sorry the gentleman does not know my record insofar as Yugoslavia is concerned. I was one of those who way back 15 years ago opposed the sale of arms to Yugoslavia. I did not believe then, and I do not believe now, that we should sell arms to any Communist country. I regret that many have just seen that light.

But what I am endeavoring to do now is to have the gentleman realize that we cannot protect everyone all over the world, but that we can help our friends and allies by providing them with some military sales.

Mr. LONG of Maryland. But no one has ever proposed that we sell arms to the Communist countries. I certainly would oppose it, no matter what. We are talking about the poor, underdeveloped countries. All I say is that we want to make the wording strong enough so that the President will have to really lay it on the line, so that he will have to say these sales are absolutely vital to America, and not merely important in some vague way so that he can do anything he wants to.

Mrs. KELLY. I am very sorry that there are so many references to the underdeveloped countries. It seems to me that this preoccupation with economic problems is diverting our attention from a very serious matter: the defense needs of those countries, developed or underdeveloped, which are endeavoring to keep their freedom. Someone has to provide for those requirements. I am worried that we are closing our ears and our doors to the legitimate self-defense needs of those countries.

Mr. MORGAN. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the chairman of my committee.

Mr. MORGAN. If the gentleman from Maryland had read the whole bill, I believe that he would recognize that we would not need the further Long amendment. Section 4 of the bill simply spells it out. It specifies that "defense articles and defense services shall be sold by the U.S. Government under this act to friendly countries solely for the following purposes; internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the charter of the U.N.," and so on. The State Department will not be going all around the world violating section 4.

Mr. LONG of Maryland. Mr. Chairman, will the gentlewoman yield to me now?

Mrs. KELLY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I think if you say that the State Department will not do this, I want to point out it has been doing these very things. We have been making arms available all over the world so that countries can fight each other instead of standing up to the Communists.

Mrs. KELLY. Mr. Chairman——

Mr. LONG of Maryland. I think the record shows we need this type of legislation to protect us against the State Department, which seems to be determined to sell arms anywhere for various purposes, either to get exchange, or power, or influence, or for some other purpose.

Mrs. KELLY. Mr. Chairman, I think that Chairman MORGAN has very clearly described the provisions of the bill which have the support of our committee. I hope we can get to a vote at this point.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

It must be pointed out as a matter of legislative history that the gentleman from Maryland is in essence changing his position so that "vital" has been changed to mean "absolutely vital." Under that particular kind of a provision there could really be no sale of any arms in the discretion of the President and/or the State Department without it being absolutely vital to the interests of the United States.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield? I wonder where he sees "absolutely vital."

Mr. FULTON of Pennsylvania. Not quite yet. I do not yield at this point.

In answer further to the gentleman proposing the amendment; he says in substance that there will be arms sales spread all around the world. I point out that this is a restrictive bill before the House which places a new limit on the sale of arms on credit of $296 million. It is a restrictive provision; one which sets about cutting down and limiting arms sales on credit. The $296 million worth of credit authorization under this legislation certainly is not going to spread arms sales all around the world. To think that it does would be a bit of an exaggeration.

Now I will yield to the gentleman.

Mr. LONG of Maryland. I might point out that the United States has been by far the biggest seller of arms of any country in the world. We have sold $11 to $12 billion worth of arms in recent years. I might point out, also, that my amendment refers not to credit but to any sales. There are many people who feel that even if we are paid for the arms, that we were financing the sale of them, and the United States should not be in the position of selling weapons to countries which want to use them against each other and against the entire purpose of our sales program, which is to try to help these countries to improve the lot of their people instead of diverting their resources to military ends.

Mr. FULTON of Pennsylvania. May I reply to the gentleman in this way: Of course, if that is what his amendment means—and there is some doubt as to what it does mean—it is more an Export-Import Bank license control bill that he is speaking about. This bill is not to control the sale of private arms in this country by private individuals or corporations.

The amendment is quite confusing and I, therefore, say that it should be defeated on the grounds that the language is subject to misinterpretation.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. Chairman, I would like to further point out to the gentleman that the language of my amendment is contained in the foreign aid bill that was recently passed by the conferees which provides for sales, and it takes care of that. So that will be the law as soon as the President of the United States signs it.

I am sorry that the gentleman from Maryland [Mr. Long] has watered down the word "important" from that interpretation when he originally started. The gentleman said he could not see much difference between the word "important" and the word "vital."

Mr. LONG of Maryland. I did not say that. I said there was an important difference between the two amendments.

Mr. CONTE. Mr. Chairman, if the gentleman from Pennsylvania will yield further, I would like to have some legislative history made in colloquy with the gentleman from Pennsylvania [Mr. Fulton], because I think the word "important" has a strong meaning just as does the word "vital" have a strong meaning.

Certainly, Mr. Chairman, I do not feel that jet fighters or other sophisticated weapons ought to be sold or transferred to Latin America which is important to the security of the United States. Does the gentleman from Maryland agree with me on that?

Mr. FULTON of Pennsylvania. I certainly agree and I must say that the gentleman from Maryland has changed the word "vital" when he puts the word "absolutely vital" into the language of the amendment.

Mr. LONG of Maryland. It is not in the amendment.

Mr. FULTON of Pennsylvania. When you say "absolutely vital," that is the highest degree to me and that is the important difference.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. Long].

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to point out to the Members of the House that under the "guaranties" provision of this bill, section 24:

> The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Fees shall be charged for such guaranties.

What fees? There is no stipulation as to fees and there is no stipulation as to the interest rate on the credit sales. This is more foreign aid and with a vengeance.

Mr. Chairman, continuing section 24, it reads as follows:

> (b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 23, and may guarantee payment thereof.

And, the last sentence of this section 24 reads as follows:

> Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

This, Mr. Chairman, is language that provides a beautiful subsidy for the munitions makers of this country, and I can think of no segment of the economy that needs it less.

I reiterate my unalterable opposition to this legislation.

The CHAIRMAN. There being no further amendments to this chapter, the Clerk will read:

The Clerk read as follows:

Chapter 3.—Military Export Controls

Sec. 31. Authorization and Aggregate Ceiling on Foreign Military Sales Credits.—(a) There is hereby authorized to be appropriated to the President to carry out this Act not to exceed $296,000,000 for the fiscal year 1969. Unobligated balances of funds made available pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this Act.

(b) The aggregate total of credits, or participations in credits, extended pursuant to this Act (excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) during the fiscal year 1969 shall not exceed $296,000,000.

Sec. 32. Prohibition Against Certain Military Export Financing by Export-Import Bank.—Notwithstanding any other provision of law, no funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such Bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically less developed country after June 30, 1968.

Sec. 33. Regional Ceilings on Foreign Military Sales.—(a) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to section 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, shall, excluding training, not exceed $75,000,000 in the fiscal year 1969 for Latin American countries.

(b) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), and of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b) shall, excluding training, not exceed $40,000,000 in the fiscal year 1969 for African countries.

(c) The President may waive the limitations of this section when he determines it to be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

Sec. 34. Foreign Military Sales Credit Standards.—The President shall establish standards and criteria for credit and guaranty transactions under sections 23 and 24 in accordance with the foreign, national security, and financial policies of the United States.

Sec. 35. Foreign Military Sales Credits to Less Developed Countries.—(a) When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, such country shall be immediately ineligible for further credit and guaranty transactions under section 23 and 24 until the President is assured that such diversion will no longer take place.

(b) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate semiannual reports of guaranties, credits or participations in credits extended to economically less developed countries, disclosing in detail the countries extended guaranties and credits and the terms and conditions of such guaranties and credits; concurrently the President shall transmit semiannual reports of forecasts of guaranty and credit applications and anticipated guaranty and credit extensions to economically less developed countries for the current fiscal year.

Sec. 36. Reports on Commercial and Governmental Military Exports.—(a) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate semiannual reports of all exports during the preceding six months of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this Act or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States. Such reports shall include, but not be limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad. In preparing such reports the Secretary of State is authorized to utilize the latest statistics and information available in the various departments and agencies of the Government.

(b) There shall be included in the presentation material submitted to the Congress during its consideration of amendments to this Act, or of any Act, appropriating funds pursuant to authorizations contained in this Act, annual tables disclosing the dollar value of cash and credit foreign military sales orders, commitments to order, and estimated future orders under this Act and estimates of commercial sales orders and commitments to order received directly from any country or international organization by any individual, corporation, partnership, or other association doing business in the United

States. The data reported shall be set forth on a country-by-country basis and shall be summarized on an economically developed country-economically less developed country basis.

(c) Nothing in this section shall be construed as modifying in any way the provisions of section 414 of the Mutual Security Act of 1954, as amended, relating to munitions control.

Sec. 37. Fiscal Provisions Relating to Foreign Military Sales Credits.—(a) Cash payments received under sections 21 and 22 and advances received under section 23 shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments and international organizations as repayments for credits extended pursuant to section 23, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

Chapter 4.—General, Administrative and Miscellaneous Provisions

Sec. 41. Effective Date.—This Act shall take effect on July 1, 1968.

Sec. 42. General Provisions.—(a) In carrying out this Act, special emphasis shall be placed on procurement in the United States, but consideration shall also be given to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this Act, there shall be taken into consideration (1) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States, and (2) the portion of the defense articles so manufactured which is of United States origin.

(b) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(c)(1) With respect to sales and guaranties under sections 21, 22, 23, and 24, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

(A) the determination of military end-item requirements;

(B) the procurement of military equipment in a manner which permits its integration with service programs;

(C) the supervision of the training of foreign military personnel;

(D) the movement and delivery of military end-items; and

(E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

Sec. 43. Administrative Expenses.—Funds made available under other law for the operations of United States Government agencies carrying out functions under this Act shall be available for the administrative expenses incurred by such agencies under this Act.

Sec. 44. Statutory Construction.—No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10 of the United States Code.

Sec. 45. Statutes Repealed and Amended.—(a) Sections 521, 522, 523, 524(b)(3), 525, 634(g), and 640 of the Foreign Assistance Act of 1961, as amended, are hereby repealed.

(b) Part III of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(1) Section 622(b) is amended by striking out "or sales".

(2) Section 662(c) is amended by striking out "and sales" and "or sales".

(3) Section 632(d) is amended by striking out "sections 506, 522, and 523," in the first sentence and inserting in lieu thereof "section 506".

(4) Section 634(d) is amended by inserting "or any other" between "under this" and "Act" in the fourth sentence.

(5) Section 644(m) is amended by striking out "and sales" in the first sentence of the paragraph following numbered paragraph (3).

(c) References in law to the provisions of law repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act. Except for the laws specified in section 44, no other provision of law shall be deemed to apply to this Act unless it refers specifically to this Act or refers generally to sales of defense articles and defense services under any Act.

Sec. 46. Saving Provisions.—Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) shall continue in full force and effect until modified by appropriate authority.

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: On page 12, line 23, strike section 35 on pages 12 and 13, and insert the following section 35:

"Sec. 35. Foreign Military Sales to Less Developed Countries.—(a) When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, such country shall be immediately ineligible for further sales and guarantees under sections 21, 22, 23, and 24, until the President is assured that such diversion will no longer take place.

"(b) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate semiannual reports of sales, and guaranties, to economically less developed countries, under sections 21, 22, 23, and 24, disclosing in detail the countries extended sales guaranties and credits and the terms and conditions of such sales, guaranties and credits; concurrently the President shall transmit semiannual reports of forecasts of sales and of guaranty and credit applications and anticipated guaranty and credit extensions to economically less developed countries for the current fiscal year."

Mr. REUSS. Mr. Chairman, this is a very simple amendment. It is, I believe, agreeable to the executive branch. What it does is as follows:

The existing section 35 in the bill prohibits, and properly so, sales for credit and under guarantees of arms to a country which is "diverting its own resources to unnecessary military expenditures."

This amendment extends that prohibition to sales for cash. Quite obviously if a country is economically incapable of diverting its resources to arms via a credit transaction it is even more incapable of diverting its resources via a cash transaction.

I would hope that the amendment would be adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman, does the gentleman know whether there is any provision in this bill for the licensing of these guns that are sold, or the registering of these guns that are sold?

Mr. REUSS. It is my understanding that that is taken care of by the Export Control Act, a separate piece of legislation.

Mr. MORGAN. Mr. Chairman, would the gentleman yield?

Mr. REUSS. I yield to the distinguished chairman.

Mr. MORGAN. Mr. Chairman, I want to thank the gentleman from Wisconsin for his courtesy in supplying the committee with his amendments yesterday so that we would have a chance to look them over.

I would ask the gentleman: Do I understand that this amendment is also part of the Export-Import Bank statute?

Mr. REUSS. No, it is not; because the Export-Import Bank Act applied just to credit transactions. The language about not letting a country divert its resources from peaceful purposes is identical with that in the Export-Import Bank Act, and indeed, with the language in section 35 in the bill. All that this amendment does is to include sales for cash along with sales for credit.

Mr. MORGAN. Could the gentleman point out to me what corrections the gentleman made in the amendment?

Mr. REUSS. Yes; I will be very glad to.

Mr. MORGAN. The amendment as submitted to us yesterday?

Mr. REUSS. There are no changes in the amendment that was submitted.

Mr. MORGAN. The original amendment that we saw a couple of days ago?

Mr. REUSS. There have been no changes?

Mr. MORGAN. There have been no changes?

Mr. REUSS. I would state to the gentleman that the amendment takes an inordinate amount of words simply because we have had to redo the entire section 35, but in essence there are just about two words, "and for a cash transaction."

Mr. FULTON of Pennsylvania. Mr. Chairman, would the gentleman yield?

Mr. REUSS. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. In substance this amendment then involves applying the Export-Import statute language in this particular bill to sales in cash?

Mr. REUSS. That is exactly right.

Mr. FULTON of Pennsylvania. I thank the gentleman.

Mr. MORGAN. Mr. Chairman, on behalf of the majority side, we have no objection to the amendment.

Mrs. BOLTON. Mr. Chairman, we have no objection to the amendment on the minority side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. REUSS].

The amendment was agreed to.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask a question or two of the chairman of the full committee, the distinguished gentleman from Pennsylvania, about this legislation.

The conference report which was just approved yesterday by conferees for foreign aid for the year was in the neighborhood of about $1.9 billion; was it not, overall?

Mr. MORGAN. Yes; overall.

Mr. WAGGONNER. Was there any military assistance money in that conference report which the House has not yet considered?

Mr. MORGAN. The $375 million figure was agreed upon by the conference.

Mr. WAGGONNER. There is a ceiling established under the provisions of this military sales assistance legislation for the fiscal year 1969 totaling some $296 million.

Is this $296 million over and above and in addition to the military assistance provided for in the annual foreign aid proposal?

Mr. MORGAN. Yes; the military assistance in the foreign aid bill is all grant money.

The money in this bill is all repayable in dollars.

Mr. WAGGONNER. Are the ceilings which are established intended to be a part of the overall ceiling of $296 million?

Mr. MORGAN. Yes.

Mr. WAGGONNER. Am I correct in assuming that once this law becomes operative and the bill specifies that it will be effective retroactively to July 1, 1968, that the financing provision of the Export-Import Bank will no longer apply to military sales assistance?

Mr. MORGAN. As to underdeveloped countries only.

Mr. WAGGONNER. Only to underdeveloped countries?

Mr. MORGAN. Yes.

Mr. WAGGONNER. I thank the gentleman for the clarification.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Actually, the amount of $375 million in the conference report of the mutual security program is $15 million less than the House passed. The House figure was $390 million; the Senate figure was $360 million. The result is a compromise at $375 million. This provision of the conference report represents a reduction from the House figure.

Mr. WAGGONNER. I appreciate the gentleman making the explanation. But my point was to draw the contrast between the grant money provided in the annual Assistance Act and the loan funds provided for in this Military Assistance Act. Sales are much better than grants.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, the gentleman from New Jersey [Mr. PATTEN], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports, pursuant to House Resolution 1252, he reported the bill to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 29, not voting 91, as follows:

[Roll No. 313]

YEAS—312

Abbitt
Adair
Adams
Addabbo
Albert
Andrews,
  N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blanton
Boggs
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen,
  Don H.
Clawson, Del
Cohelan
Collins
Conable
Conte
Corbett
Corman
Cowger
Cramer
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Dent
Dickinson
Diggs
Dole
Dorn
Dow
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford,
  William D.
Fountain
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Grover
Gubser
Gude
Halleck
Halpern
Hamilton
Hanley
Hanna
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Horton
Hosmer
Howard
Hungate
Hunt
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Lukens
McCarthy
McCloskey
McClure
McCulloch
McDonald,
  Mich.
McFall
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Mills
Minish
Mink
Mize
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Podell
Poff
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Railsback
Rees
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
Sandman
St. Onge
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Wiggins
Williams, Pa.
Willis
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Young
Zion
Zwach

NAYS—29

Abernethy
Ashbrook
Brown, Calif.
Colmer
Curtis
Denney
Devine
Dowdy
Gathings
Gross
Hagan
Haley
Hall
Hammer-
  schmidt
Hutchinson
Ichord
Kastenmeier
Kyl
Long, Md.
Miller, Ohio
Montgomery
Ottinger
Passman
Quillen
Randall
Scherle
Scheuer
Utt
Whitten

NOT VOTING—91

Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashmore
Baring
Barrett
Battin
Blackburn
Blatnik
Boland
Casey
Cleveland
Collier
Conyers
Culver
Cunningham
Daddario
Derwinski
Dingell
Donohue
Eckhardt
Edwards, La.
Fallon
Flynt
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Gardner
Garmatz
Goodell
Green, Pa.
Griffiths
Gurney
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Holifield
Hull
Jacobs
Jones, Mo.
Jones, N.C.
Karsten
King, Calif.
Landrum
Lloyd
Long, La.
McClory
McDade
McEwen
McMillan
Macdonald, Mass.
MacGregor
Machen
Mathias, Md.
Minshall
Monagan
Moore
Morton
Murphy, N.Y.
O'Neal, Ga.
Patman
Philbin
Pirnie
Poage
Pollock
Pucinski
Rarick
Reid, N.Y.
Resnick
Rogers, Colo.
Roudebush
Satterfield
St Germain
Saylor
Schadeberg
Schweiker
Sisk
Stafford
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Udall
Widnall
Wilson, Bob
Wilson, Charles H.
Wright
Wyman
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Minshall.

Mr. Philbin with Mr. Frelinghuysen.

Mr. Donohue with Mr. Anderson of Illinois.

Mr. Daddario with Mr. Saylor.

Mr. Blatnik with Mr. Morton.

Mr. King of California with Mr. Battin.

Mr. Monagan with Mr. Mathias of Maryland.

Mr. McMillan with Mr. Andrews of Alabama.

Mr. Murphy of New York with Mr. McEwen.

Mr. Satterfield with Mr. Blackburn.

Mr. Holifield with Mr. MacGregor.

Mr. Garmatz with Mr. Dingell.

Mr. Sisk with Mr. Pirnie.

Mr. Green of Pennsylvania with Mr. McClory.

Mr. Barrett with Mr. Cunningham.

Mr. Fallon with Mr. Reid of New York.

Mr. Teague of Texas with Mr. Moore.

Mr. Tenzer with Mr. Collier.

Mr. Charles H. Wilson with Mr. Pollock.

Mr. Casey with Mr. Lloyd.

Mr. Anderson of Tennessee with Mr. Roudebush.

Mr. Friedel with Mr. Cleveland.

Mr. Rogers of Colorado with Mr. Schadeberg.

Mr. St Germain with Mr. Stafford.

Mr. O'Neal of Georgia with Mr. Derwinski.

Mr. Culver with Mr. Teague of California.

Mr. Zablocki with Mr. Widnall.

Mr. Ashmore with Mr. Goodell.

Mr. Fulton of Tennessee with Mr. Wyman.

Mr. Flynt with Mr. Schweiker.

Mrs. Hansen of Washington with Mr. Hawkins.

Mr. Machen with Mr. Eckhardt.

Mr. Patman with Mr. Hansen of Idaho.

Mr. Baring with Mr. Gardner.

Mr. Macdonald of Massachusetts with Mr. Gurney.

Mr. Edwards of Louisiana with Mr. Pucinski.

Mr. Hull with Mr. Karsten.

Mr. Wright with Mr. Jones of North Carolina.

Mr. McDade with Mr. Taylor.

Mr. Resnick with Mr. Conyers.

Mr. Long of Louisiana with Mr. Udall.

Mrs. Griffiths with Mr. Fraser.

Mr. Jacobs with Mr. Boland.

Mr. Rarick with Mr. Landrum.

Mr. ICHORD changed his vote from "yea" to "nay."

Mr. O'KONSKI changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MISUSE OF HIGHWAY FUNDS BY THE ADMINISTRATION

Mr. BRAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, less than 2 weeks elapsed between the time the President signed the Federal Aid Highway Act of 1968 and his announcement that $200 million in highway construction founds would be cut back. The reason given was to meet congressional mandate to cut fiscal year 1969 spending by $6 billion.

This reasoning is fallacious and the administration knows it. Money in the highway trust fund had nothing at all to do with what Congress had in mind when it ordered the spending cut. Money for the fund does not come from general tax revenues; it is derived from highway user taxes—gas, oil, tires, accessories—paid for by everyone who uses the highway system. The administration is well aware of this and yet it persists in treating the highway trust fund as some petty cash box in the lower desk drawer, to be dipped into when time comes to go out for coffee.

Ever since passage of Public Law 84-627, the Highway Act of 1956, which cleared the House by the overwhelming vote of 399 to 19 and initiated the concept of a constant source of funds for highway construction, it has been the unwavering sense of the Congress that highway trust fund money is not to be diverted, suspended, cut back or what-have-you for any cheap exercise in bookkeeping. This sentiment has been often and clearly expressed both in this Chamber and in the other body. It is written into law; United States Code, title 23, "Highways," chapter 1, section 126, is entitled "Diversion" and states:

> It is unfair and unjust to tax motor vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways.

The Congress is sometimes criticized for not asserting its authority and letting the executive branch do what it pleases. We write something into law; we express our sense as a legislative body; and the executive ignores it.

When this year's measure was reported out by the House committee, a section was added which, as the committee's report states:

> Specifically prohibits the impoundment or withholding from obligation of any funds which have been apportioned to the States pursuant to section 104 of title 23.

In the compromise agreement by the conferees, it was made the sense of the Congress that under existing law there shall be no use of the trust fund money for other than highway purposes. When the conference report came before us on July 26, I asked the gentleman from Florida [Mr. CRAMER] specifically about the matter of taking money from the fund and using it for other purposes. He informed the House of the sense of Congress position referred to above, and in response to my query if something could be done to call the attention of the administration to this, he said he would remain in constant contact with the proper authorities about it, and would insist that his committee, Public Works, continue surveillance of the matter. I am certain he has done so, but if the administration so obviously chooses to in effect ignore the entire Congress, then it will pay no attention to the remonstrances of one committee, no matter how strong nor how diligent these may be.

The proposed cutback of $200 million will involve delays of several months in letting highway contracts in order to reduce the spending impact for this fiscal year. In addition to such an action being illegal in both the letter and spirit of the law, and in violation of the intent of Congress, such intent being thoroughly and totally nonpartisan, it makes a mockery of the word "trust" in the phrase "Highway Trust Fund."

CALL FOR REFORM IN NOMINATING PRESIDENTIAL CANDIDATES

Mr. RIEGLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RIEGLE. Mr. Speaker, in Chicago, we recently witnessed on national television the nomination of a candidate for the Presidency of the United States. It was obvious from the violence and disorder associated with that convention—and I speak primarily of events within the convention hall—that something is fundamentally wrong with our presidential nominating process.

We saw in Chicago that conventions can be boss dominated, divorced from the will of the people, and that the convention managers can ride roughshod over anyone who they disagree with.

It was a blatant demonstration of what happens to the political process when party bosses, special interest group power brokers, and an incumbent administration try to hand pick an heir apparent to the White House—without his having participated in a single presidential primary or having conducted an open campaign for the nomination by taking his case to the people.

Having now seen what can happen under the worst of circumstances, I believe it is clear that there is an urgent need to revise our method for selecting presidential nominees.

Therefore, I believe we must develop a new nominating system which allows the presidential nominees to be directly selected by the popular vote of the people. This means there ought to be mandatory presidential primaries in all 50 States. The results of these primaries should be binding on the convention delegates—to absolutely insure that the peoples choice is nominated. This would eliminate and properly so, the use of such power broker tactics as favorite son candidacies and unit rule voting.

It is time to take the presidential nominating process out of the hands of the kingmakers, and the clubhouse politicians—and put it into the hands of the people. I hope my colleagues in both parties will join with me in seeking these reforms.

TO STRENGTHEN THE DISTRICT OF COLUMBIA COURT SYSTEM BY AMENDING THE BAIL REFORM ACT

Mr. GUDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GUDE. Mr. Speaker, as one who has worked continuously to provide for the most efficient and just criminal law system for the District of Columbia, I would like to take this opportunity to point to the injustice of the bail bond practice here in the Nation's Capital, which serves as a magnet for criminals right in the heart of the metropolitan area.

According to the Bail Reform Act of 1966, the courts in the District of Columbia may release an arraigned offender, regardless of the crime committed, on personal bond until his scheduled trial, upon his promise to come to court that day.

This applies even to robbery. In spite of sophisticated and expensive detection equipment which has been installed by Washington banks due to the high frequency of bank robberies, protection against these robberies has not been provided. In one recent instance, a robbery occurred on Bladensburg Road here in the District. The offender was positively identified by automatic camera and apprehended right across the street by the police. The stolen money was recovered immediately. The next day, he was arraigned in one of the local courts and immediately released on personal bond. At the same time, offenders were apprehended in Maryland and Virginia and being held on $50,000 and $25,000 bond for the same crime. Without a doubt, the laxity of the District law encourages crime here in the city.

Judge George L. Hart of the U.S. District Court for the District of Columbia has been conducting a study as chairman of an appointed executive committee on problems regarding the bail bond law. District of Columbia court of general sessions Judge Dewitt S. Hyde has made specific recommendations of amendments to the Bail Reform Act of 1966.

It is my feeling that changes in the present law, one of the many court reforms necessary for the District, will help to prevent criminals from being released to again be on the streets of Washington.

JACK VALENTI—PORTRAIT OF A MAN READING

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on Sunday, September 8, the Book World section of the Washington Post carried a constructive question-and-answer interview with Jack Valenti, president of the Motion Picture Association of America, and former special assistant to President Johnson.

Mr. Valenti was one of our most dependable and dedicated public servants while working for the executive branch of our Government, and now, in his new association with the motion picture industry, he is making an equally important contribution to the people of America. The high standards of this important art form and communications media are directly affected by able men of great integrity like Jack Valenti.

I trust that many of the young people in our country will have the opportunity to read this article and to form the same good reading habits that Jack Valenti formed in his early youth. Although television and movies can be educational and entertaining, nonetheless our youngsters should not miss the pleasure of reading good books.

I do hope that the article which follows about the reading habits of an outstanding American—Jack Valenti—will inspire many of our young people to form similar good reading habits:

PORTRAIT OF A MAN READING

Mr. Valenti, what reading habits did you bring to the White House?

Reading is my principal hobby. Some people have woodworking shops, some ski, some have mistresses. I read. History fascinates me, particularly certain periods. I have read a great deal about the pre-revolutionary and post-revolutionary periods in America, the Plantagenet period in England from Henry II to Richard III—the great battle between Disraeli and Gladstone which occurred in the mid-nineteenth century and all the way up to, say, 1916 when Asquith was removed from office. That period fascinates me. I read a lot of Greek and Roman history. I am also interested in the period of Louis XIV in France.

Was this reading pertinent to the kind of problems you encountered in the White House?

Yes, you fraternize with world leaders when you read history and the problems which all leaders encounter are strikingly similar. Although each era tries to make the point that it is different, the basics remain. Throughout history, for instance, it's the demagogue pitted against the world leader, for you find it's easier to alarm people than it is to inform them. Demagogues have known this to their delight and world leaders have known it to their sorrow. As Plato said, when a demagogue or a tyrant first appears, he appears as a protector and the people nurse him into greatness and out of that grow the roots of despotism.

A problem that is applicable to Henry II, Henry V, Gladstone and Disraeli as well as the Lyndon Johnson era is the problem of trying to push forward things that need to be done. There is an irreconcilable conflict between what ought to be done as the leader sees it and what the people want to be done.

Was President Johnson anxious to hear the lessons you could convey to him about history?

I didn't sit down and have seminars with him all the time and I don't consider myself an expert. But from time to time in writing a memorandum to the President, I might allude to some particular historical event which was relevant. I think he finds these analogies rather instructive and he has been known to use them himself. But I can't really say that whatever meager knowledge I might have had was transferred intact to the President's fund of wisdom.

Who are some of the favorite historians that you have read?

William Prescott is a great favorite of mine. I would list Will Durant, Macaulay, Churchill, Edward Gibbon and Tocqueville as my favorites. I have read and reread most of what they have written. I like them not only because they are historians but mostly because of their marvelous literary style.

Didn't you find Durant a little tedious sometimes—the long recitation of facts often gracelessly put?

I might go with you on the long recitation of facts but I find few lines gracelessly written. As a matter of fact I believe that Durant writes with a fluid, graceful style. I find him enormously interesting, vivid and exciting. Graceless would be almost the last descriptive phrase I would use.

Durant opened up a lot of windows to me. I began to read him as a very young man. I started on *The Story of Philosophy* and then read *Our Oriental Heritage*, *Caesar and Christ* and *The Life of Greece*, I first met philosophers like Schopenhauer, Kant and Bergson through Durant. He introduced me to them and I became friends with them on my own by reading them and things about them.

How is it that you never acquired a reputation as an intellectual during your service in the White House?

I don't know. I never was fond of my White House press but there wasn't much I could do about it. In the press I was known as a good-will ambassador and a kind of a valet and man Friday, a functionary and an amanuensis, etc. etc. Perhaps I was. I served my President as I knew best and as he chose me to serve him. But once a reputation is established . . . you know the way reputations are built in the press out of the clip-file. If you were doing an article on me the first thing you would do would be to go to the clip-file and get out all the material that is written on Jack Valenti. In the first six months of my days in the White House, my reputation, good or bad, was enshrined. It was not, from my standpoint, favorable, but I was unable to shake it and my contacts with the press were on behalf of the President, not myself. I never tried to build myself up. That was not my role in the White House. It was not important what kind of reputation I had but what kind of reputation the President had. So perhaps I was not a very good emissary for me, but hopefully I was a good emissary for the President.

Perhaps if you had succeeded in creating a more accurate image of yourself, it would have reflected more favorably on the President.

I must confess truly I don't know how to do it. I can't go around carrying a bundle of books with me saying "look, I can read," or "hey, would you like to know what I read yesterday, let me quote something." I think that would be self-serving. I suppose in that sense I was not wise in the ways of Washington. I daresay if I went back to the White House I'd understand the jumble now. I saw how other people managed to convey favorable images of themselves. I think I know the apparatus now. I would not be nearly so naive as I was before.

You are from Texas, from modest, humble origins. How did you become such a great reader?

My family was not bookish, but I read constantly. As a little boy I tried to write—I would write a diary of something that happened. I tried to write short stories and almost from the very hour of going to any school, I would try to write for the newspaper. My earliest readings were on the American Indians. I used to read about King Philip and Tecumseh and all the great Indian heroes of our country. I read all the Tom Swift books. A man called Harold Sherman—I always wondered what happened to him—wrote books about sports and I read every book that he ever wrote. Then I discovered Claude Bowers who wrote on Hamilton and Jefferson. Recently I reread his two great books, *Jefferson and Hamilton* and *Jefferson in Power*. Then I began to read Charles Beard and James Truslow Adams and George Bancroft about the early times of our country.

I don't know how I got started reading. My family did not encourage it. Sometimes I think that maybe somewhere back in my genes I had some ancestor who liked books.

Do you read many novels?

Yes, I've just finished *The Arrangement* by Elia Kazan and Morris West's *The Tower of Babel*. I'm a great fan of John Updike's and have read most of his work. I just read *The Centaur* which was out a few years ago but I just hadn't read it. I've read practically all of Steinbeck and one of my greatest thrills in the White House was meeting John Steinbeck. I got to know him and this was a great source of excitement to me. I got a copy of Ken Galbraith's *The Triumph* and I've just finished it.

How did you like it?

It's marvelously well-written. It is rather anti-State Department in the expressive and whip-cracking style of Galbraith. It is really a kind of running commentary and I think that even Ken would admit that this is not really a novel, but it is fascinating reading.

What books have you read on the movies since you became president of the Motion Picture Association?

I have done reading about the history of the Hays Office, for example, and I did a lot of research into the problem of censorship, including the problems of voluntary codes. I read Arthur Knight's marvelous history of the movies and Terry Ramsaye's *A Million and One Nights*, also on the history of the movies. I think Pauline Kael's book *I Lost It at the Movies* is one of the best. Susan Sontag's *Against Interpretation* is good. I've just finished Truffaut's book on Hitchcock. In this last year-and-a-half, I've read about two dozen books on movies and, of course, this doesn't take into account the literally hundreds of thousands of words in magazines and newspapers about the movies.

Do you detect a change in the movie-going public?

There is no question about movies being the preeminent and best-loved art form of the young, from 16 to 25. There is great ferment on the college campuses. Movies are the form of literature in motion and the students are most interested in it. This is having a great effect. For example, we just completed a nationwide survey which revealed a profoundly significant fact—the more education you have, the more interest you profess in the movies. So, movies are becoming the modern art form of the educated. This is a tremendously significant fact from an economic standpoint if nothing else, as our society becomes more educated.

Are movies going to replace books?

I hope not. I wouldn't want to see books replace movies, either. I think they are different. I happen to be one who loves both movies and books and I find them not at all incompatible. I read Robert Bolt's play, *A Man for All Seasons*, and I loved it. I loved the movie *A Man for All Seasons* maybe a little more because there was a more powerful impact hearing this marvelous prose spoken aloud by actors of great skill. I recently finished reading about Henry II and the Plantagenet period and books by Thomas Costain. Then I picked up a script by James Goldman called *The Lion in Winter*, which is a story of Henry II that is being filmed in England. I think it is going to be a fantastically good movie about this period in Henry's life. So I think they are very cordial to each other, books and movies.

JIM RICHARDSON—HE BRINGS GOVERNMENT TO PEOPLE BY SLICING REDTAPE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEGGETT. Mr. Speaker, it is my pleasure to call to the attention of the Congress and the Nation the record of outstanding public service of a distinguished American, Jim Richardson, of Vallejo, Calif., recently appointed assistant regional administrator for renewal for the Department of Housing and Urban Renewal for the 11 Western States.

At a dinner this week the people of the city of Vallejo and Solano County will express their thanks for a job well done to Jim Richardson. His record of 26 years of public service has literally changed the lives of thousands of Californians for the better.

Jim's Vallejo career of service started in 1942 when he pioneered the development of the war housing program that subsequently resulted in the construction of accommodations for 40,000 shipyard defense workers. Day to day administration of a program of this magnitude can be likened to the job of a captain of a ship. Not only are housing accommodations constructed and rented, but there are the attendant social problems of determining qualifications, tenant leasing, reviewing incomes of tenants, assisting tenants in being good neighbors and respecting the law.

Richardson was a partial confessor to an entire community and his actions were continually marked by diligence, compassion, preciseness, and excellence of administration.

No armchair bureaucrat, no sooner had Richardson built his housing empire, then he systematically over the decade and a half after World War II, proceeded to dismantle it and effectively place all tenants in private accommodations such that today virtually the entire Vallejo Housing Authority is no more.

Jim Richardson has served the Vallejo Housing Authority for 25 years. He is a man with a unique social conscience and he has played an outstanding role in the development of Vallejo. Jim's record with the Vallejo Housing Authority is only a part of his success story. He is also the administrator of Vallejo's multimillion-dollar Marina Vista redevelopment project and his leadership has turned a dream of progress into reality for Vallejo.

In the following article, Carol Cross of the Vallejo Times Herald tells the Richardson story better than any other.

Carol, of course, omits a recent chapter.

The Vallejo urban renewal redevelopment project as it has bloomed into fulfillment over the past several years has captured the eye and approval of Washington and renewal experts across the Nation.

Bob McCabe, Urban Renewal Commissioner, thought if Richardson can perform for Vallejo, why cannot he do just as well administering all the problems for the Western States. The answer was that he could and he is because over the past 60 days the appointment of Jim Richardson as Assistant Regional Administrator for Renewal for the Department of Housing and Urban Renewal of the 11 Western States was approved by Secretary Weaver and the Civil Service Commission.

Jim's excellence at slicing through redtape to bring Government programs home to people has been recognized. The effective public service of this fine American enjoyed by Vallejoans for 25 years will now be available to the people of the progressive Western States.

The Carol Cross article follows:

JIM RICHARDSON: AN OUTSTANDING CONTRIBUTOR

(By Carol Cross)

James D. Richardson, executive director of the Vallejo Housing Authority, will be honored tonight at a dinner marking his completion of 25 years of distinguished service in behalf of public housing in Vallejo.

The no-host dinner, sponsored by the Authority's Board of Commissioners, will be held in the Redwood Inn, beginning at 6:30 p.m.

Commissioner Dr. Louis C. Moore, in an invitation addressed to former commissioner Senator Luther E. Gibson, had this so say about the occasion:

"The year 1967 is significant to Jim Richardson and to the Vallejo Housing Authority. For Jim, it represents 25 years of employment by the Authority and, for the 26 commissioners during that period, it represents 25 years of capable leadership.

FLOYD TO CLOSE

"Also significant is the closing of Floyd Terrace—25 years of wartime housing comes to an end." . . .

Dr. Moore very properly could have added that 1967 brings to a close an era of public war housing in Vallejo which quite possibly was not equalled anywhere in the country—most certainly not in any other town of

30,000 people, which Vallejo was in 1939 when World War II erupted in Europe.

Newcomers to this community may find it difficult to realize that at the peak of its operations the Vallejo Housing Authority:

Managed an equivalent of 10 small cities with a total population of 37,500 to 40,000 people whose apartments and dormitories occupied 1,220 acres of land.

Had 600 employees; operated four fire stations; maintained some 35 miles of streets and 95 miles of sidewalks, and played a major role in the construction of schools in Carquinez Heights and Chabot Terrace.

As Hitler began his rampage in Europe, the possibilities that the war eventually could spread into this hemisphere became increasingly apparent.

Preparedness dictated that Mare Island Navy Yard—then geared for a normal employment quota of 6,000—should step up its all-important national defense activities.

The shipyard expanded rapidly, established training courses and began to recruit new workers to build submarines and repair surface craft.

In order to keep pace with the increasing demand for living accommodations, various federal agencies were called upon to enter into a crash building program in the Vallejo area.

FEDERAL FIRST

Federal Terrace, an 858-family development, was the first public housing project built in Vallejo. Constructed and managed by the Public Building Administration, it was completed by November, 1941

In July, 1941, the Federal Works Agency started a 1,692-family development on the brush and grass-covered hills overlooking Carquinez Strait. Tiers of prefabricated, demountable structures, spaced for garden areas between units, sprung up on Carquinez Heights.

Immense Chabot Terrace, a 3,000-unit project located on rolling hills three miles north of downtown Vallejo, began operation in the fall of 1942. Although a portion of it sprawled over the Napa County line, it was the second largest "city" in Solano County at the time.

But it was scarcely completed before new demands for housing proved even this huge project to be insufficient.

DORMITORY UNITS

Some 4,500 dormitory units were constructed, concentrated in two locations. The Northside dormitories, comprising some 500 units, were built in another area north of Vallejo. It was primarily for women and apprentices.

The former Northside administration building is now the home of Vallejo Post 104 of the American Legion. The Northside site is occupied today also by the administration building and maintenance yards of the Vallejo Unified School District, and by the Broadway Medical Hospital.

The Hillside dormitories, consisting of 4,000 units for men, together with cafeteria facilities and a community building, occupied the present-day site of the Kentwig Lodge and bowling lanes.

This was one of the largest operations of its kind anywhere in the world—a hotel-type establishment with daily maid service provided to make up the 4,000 beds and to keep the premises clean.

Other smaller projects were known as Amador, Solano, Lakeview and Victory.

Harry Floyd Terrace, with 1,000 family units, was built in 1944–45. It was destined to become the only one of the 10 different war housing projects in Vallejo which was not ordered to be closed out entirely in the years which succeeded the end of World War II.

In 1953 Floyd Terrace was bought from the federal government by the Vallejo Housing Authority—which two years earlier had entered into an agreement with Solano County concerning its continued operation. (At the time, the project was outside the city limits of Vallejo.)

Following its annexation to the city in 1958, a dispute arose as to whether the city or the county should receive the project's annual profits. Litigation ensued and in March, 1962, a Superior Court judgment decreed that the profits were to be divided equally between the city and the county.

GRANT DEED

In addition, the county was directed to deliver a grant deed to the city for a 40 per cent interest in the real property and improvements.

The court further ordered the Board of Supervisors to adopt a resolution directing the Authority to discontinue operations of Floyd Terrace when requested to do so by the city.

On Aug. 20, 1962, the city council passed a resolution requesting closure of the project by August, 1965. The supervisors, in a resolution adopted Aug. 28, 1962, concurred in the city's action.

After that—while the Authority proceeded with an orderly phase-out and demolition of Floyd Terrace buildings as they were vacated—both the city and the county granted periodic postponement of the date of final closure.

NO EXTENSION

But there was no extension asked nor granted beyond March 31, 1967—when termination of the remaining tenancies officially became effective.

In July, 1966, with 228 families still left in Floyd Terrace, the Housing Authority embarked on a new program of housing low income families in private accommodations, with rental assistance provided under provisions of the U.S. Housing Act.

Hence, this new program will keep the Board of Commissioners—and Richardson—busy for an indefinite period into the future—although there will be no more public housing projects, as such, for them to operate.

Regressing to the early 1940s, Congress, under the Lanham Act, had decreed that all public war housing construction and management be under the control of the Federal Public Housing Administration.

In order to coordinate the complex problems of supplying housing for the burgeoning number of defense workers in the Vallejo area, that agency requested the city establish a local housing authority.

On June 8, 1942, the city council voted to create what is formally known as the Housing Authority of the City of Vallejo, to be governed by a board of five commissioners appointed by the mayor. The commissioners in turn chose Maurice J. Wilsie as the first executive director.

Richardson, who had come to Vallejo in 1937, was promptly appointed superintendent of maintenance for the vast—and growing—complex of residential developments. He soon became Wilsie's deputy executive director and when Wilsie resigned in January, 1946, Richardson was selected as his successor.

BIG BUSINESS

From its earliest inception, with the completion of Federal Terrace in 1941, public war housing in Vallejo was a very big business which, in the Vallejo area, was second only to Mare Island Navy Yard itself.

The Housing Authority, with Richardson playing the key role, had much more to do than to just manage the apartment buildings and dormitories.

It also leased commercial buildings where food, drugs, clothing and other essentials were available. It operated cafeterias. It provided coordinated services for child care, family welfare, recreation and education. It supervised community buildings and public grounds. It organized community activities, collected rents, cleaned and repaired dwelling units, etc., etc.

LONG STORY

But it would take a large book or perhaps several of them—to tell the full story of the war housing program in Vallejo, and the significance it had in the development of this community.

Moreover such a book or books could not be written without frequent mention of "Jimmie" Richardson—whose reputation as an expert on housing, as well as on the somewhat more recent urban renewal programs has earned him national prominence.

This fact is borne out by his repeated invitations to speak at seminars and other events held under the auspices of the National Association of Housing and Urban Renewal officials—a top-flight organization which has elected him to high national offices.

In Vallejo, he has been concerned over the years not only with the prodigious business of being responsible for the operation of 8,750 rental apartments and 4,500 dormitory units—he also has been deeply involved in the affairs of tenant councils organized in every project to deal with such common problems as medical care, sanitation, fire protection and the like.

Under his direction recreation facilities and supervised recreation programs were emphasized. Outstanding among the facilities are the James D. Richardson Pool and the Wade Madren baseball park in Floyd Terrace. The former Clarence George Youth Center, also in Floyd Terrace, served thousands of youths and adults during its long use as an indoor sports, games and meeting place.

ORDERLY PHASEOUT

Another tremendous undertaking which has required much time, skill and effort from Richardson, and which remains to this day, although it is now near a successful conclusion, has been the orderly phase-out and the disposition of the thousands of war housing units and the sizeable parcels of land on which they stood.

When the last of the 148 apartment buildings in Floyd Terrace falls before the wrecking contractor's bulldozers and clam-shell-equipped cranes this year, just about all that will remain as a reminder of the heyday of war housing in Vallejo are 316 apartments still left in what formerly was Federal Terrace.

Those apartments, constructed in buildings designed for permanent rather than temporary use, are in private ownership. Refurbished and otherwise improved, they constitute what is now Hillcrest Park.

As for Richardson, he continues to make his prestige and influence felt in Vallejo's affairs. A "two-hat" executive director, he also is the administrator of Vallejo's multimillion dollar Marina Vista Redevelopment Project.

It would take several books to tell about the accomplishments of that program, too.

CONGRESSMAN HICKS SAYS SOUTH VIETNAM MUST ACT OR HE'S THROUGH

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, when I was home during the August recess of Congress, I spoke before the convention of the Washington State Labor Council, AFL–CIO, and expressed the view that without immediate drastic changes on the part of the Government of South Vietnam our commitment in Vietnam has been fulfilled. Without legislation affecting Vietnam coming before this body, I wish to make my position clear to my colleagues.

As I told the convention at home, ever since I came to Congress nearly 4 years ago I have supported our country's commitment to Vietnam. I may have disagreed at times with methods and actions used in honoring this commitment, but I have never questioned the commitment itself.

I still do no.t But I believe we are rapidly approaching the point of having fulfilled that commitment.

Some have said that our reason for being in Scuth Vietnam is to prevent the takeover of that nation through coercion, terror, and military force, directed and supported from outside the country, and to establish stability under which the South Vietnamese people may choose freely their own form of government and way of life. That is true, as far as it goes.

If that were the only reason, however, we would have been in Hungary, in Cuba, in Czechoslovakia.

The additional and distinguishing reason, as I understand it, is that in South Vietnam we honor a commitment made by both Democratic and Republican administrations—made with full bipartisan support. To dishonor that commitment would be to raise doubt throughout the world as to the value of a promise of the United States and conceivably could cause all of Southeast Asia to turn its back on the West.

We have honored our commitment. We have indeed prevented the takeover of the South by the North. We have responded successfully to every new threat posed by the enemy, beginning with the march southward by North Vietnamese regulars in the summer and fall of 1964, which changed the entire complexion of the war.

We responded first by commencing bombing north of the 17th parallel in February 1965, afte 126 Americans were wounded in a Vietcong attack on the U.S. Air Force barracks at Pleiku. Among the purposes of the bombing was to bolster sagging morale and confidence in Saigon and the rest of anti-Communist Southeast Asia. It was a success. Rolling Thunder—code name for the program—almost instantly boosted morale and confidence, according to our then Ambassador to Vietnam. A secondary purpose was to make it difficult for the North to send men and material south; the results in this case were disappointing, as they were in the more easily found targets of Korea some years earlier.

Our next response was to send 50,000 men to Vietnam in July 1965. The course of the war was changed, not by us but by the North. Buildup followed buildup until we find ourselves today with more than 500,000 men in Vietnam.

Back to our commitment.

We agreed to protect the South against external aggression. But for how long, and what cost? The fair answer, it seems to me, is "long enough for the South Vietnamese people to put their house in order so they themselves could repel aggression from the North."

This is not taking place. It is not taking place simply because the South Vietnamese leadership feels that we have made an open-end commitment. I do not think we have, and the sooner we convince the South Vietnamese leadership of that fact, the sooner we will see the reforms necessary in South Vietnam to enlist the wholehearted support of the great majority of the people in their own war.

What the the needed reforms?

Surely we must recognize that the Vietnamese do not have the education, social or political structure, or traditions of the United States. To expect development of that country to parallel ours is too much. However, we can and should expect minimum moves toward a free society in recognizable form. Even those minimums are not evident.

Land reform has been promised, to give the peasants who actually work the land in South Vietnam a stake in their country by taking them out of their bondage to rich absentee landowners. There has not even been a gesture toward land reform.

We have been promised justice for the South Vietnamese people. Yet the South Vietnam Army, the police force, and the secret police remain in most cases judge, jury, and even executioner. The pretense of justice is so thin that a candidate who had the temerity to run for president on a peace platform against the military candidate in the recent elections, and to finish a respectable second, has been sentenced to 5 years in prison.

We have been promised a cleanup of the corruption, graft, bribery, theft, shakedown, and gouging which have gone on from top to bottom in the South Vietnamese Government and military. Yet such things remain a way of life, and it goes far, far beyond the usual "cumshaw." A multimillion-dollar black market in stolen American goods flourishes openly. and U.S. officials cannot seem to do anything about it, apparently because we are "guests" of the South Vietnamese in their country.

We are not permitted to take care of our own. We are not permitted to prosecute or even discharge thieves. We are not permitted to protest corruption. The attitude of the top civil and military authorities of that country is that we are there to support heir personal ways of life, to do the fighting while they carry on life as usual, rather than to assist that unhappy country to find a national way of life which the people themselves will find worthy.

If we do not have the people with us, we cannot possibly achieve the excellent goals we have set. If the vast helpless majority continues to be victimized by the small ruthless selfish minority, and with our seeming support, we surely are not going to have the people with us.

Unless we see some really solid moves in the right direction by the outh Vietnamese Government I am going to have to conclude that our business in Vietnam should be ended. And I mean some moves and accomplishments at once.

We are going to have to see a concerted effort against corruption—now.

We are going to have to see real land reform—now.

We are going to have to see a beginning of real justice—now.

We are going to have to see the outh Vietnamese Army take over a really significant part of the war—now.

And the United States is going to have to convince South Vietnam—now—that our commitment definitely is not open-ended, as it never was intended to be.

If these things are not done, can we continue to vote for lives and funds to be expended in Vietnam?

My answer is no, for unless South Vietnam acts, we have gone as far as we can toward the goals we have set and our commitment has been fulfilled.

THE TRUCKING ACT—AMERICAN SOCIETY OF CIVIL ENGINEERS, IOWA SECTION, OPPOSES BILL

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. Schwengel] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, on September 3, 1968, the Iowa section of the American Society of Civil Engineers added their strong voice to the long list of responsible organizations which have voiced their disapproval of the trucking bill before this House. Before the civil engineers expressed their concern, the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties vocalized their opposition. The American Society of Civil Engineers has long displayed a concern for matters affecting the public interest. They are typical of the responsible and civic-minded organizations which have concluded that this bill is not in the interest of our cities, counties, and States. I urge all Members to read the comments of the Iowa section of the American Society of Civil Engineers.

American Society of Civil Engineers, Iowa Section,
September 3, 1968.

Re S. 2658.
Hon. Fred Schwengel,
House of Representatives,
Washington, D.C.

Dear Mr. Schwengel: The Iowa Section of the American Society of Civil Engineers wishes to express its opposition to the bill now under consideration which will authorize wider trucks with increased allowable axle weights.

The problems that confront the cities and towns, counties, and the Iowa State Highway Commission in constructing and maintaining their highway systems are monumental under existing cricumstances. The continuing task of updating our highways in strength, traffic capacity, geometrics, and other safety standards is severely limited by available funds, as well as other important factors.

The American Association of State Highway Officials' road tests conducted at Ottawa, Illinois, showed clearly the deterioration of highways and bridges that occurs as a result of overloading. Most of the highway system in Iowa, including some of the first constructed portions of interstate, is not designed to carry the loading contemplated under this legislation. Application of such loading will cause greatly increased deterioration, to the detriment of the traveling public.

It should be noted that at least two sections of the Iowa interstate system already have been subject to major maintenance programs.

We are not without sympathy for and appreciation of the trucking industry. We know that it plays a substantial role in our American way of life.

However, as practicing engineers, many of whom specialize in the design, construction, maintenance or construction supervision of highways and bridges, we are acutely aware of the effects of overloading these facilities and ask your "no" vote.

If you want detailed information and we can furnish it, we will be glad to do so. This applies also to any other engineering area where the Society members have competence.

Very truly yours,

NOEL W. WILLIS, P.E.,
President.

Mr. Speaker, every day since the House has reconvened, I have taken the well in order to call attention to so-called truck bill and the policies which exist in this piece of legislation.

Mr. Speaker, I include at this point a statement with respect to the safety aspects of the size and weight of vehicles:

SOME SAFETY ASPECTS OF THE SIZE AND WEIGHT OF VEHICLES

(An abstract by John J. O'Mara)

Safety is a primary consideration in establishing legal maximum dimensions and weights of vehicles. However, control legislation is often enacted which compromises safety and endangers the public. One reason for this situation is that the safety aspects of vehicle size and weight are little understood and many contributing factors have not been evaluated.

For many years regulation of size and weight was the province of state and local governments, but the Federal-Aid Highway Act of 1956 created Federal regulation by establishing maximum permissible weights and dimensions for vehicles operating on Interstate Highways. This action was taken by the Congress in order to protect the Federal investment and to insure the safety of the traveling public. In 1967 and 1968 the Congress was considering a bill which would increase allowable axle loads by about 10%, total loads by almost 100%, allowable width about 12% and would remove all restrictions on length and height.

Data concerning accident experience of trucks is meager and not consistent, but there is evidence that heavy trucks have a high involvement rate in fatal and serious injury accidents. A recent study shows that heavy trucks accounted for 1.54 percent of vehicle registrations in 1964, traveled 5.33 percent of all the miles operated in this country, but were involved in 11.6 percent of the families.

There is little doubt that safety on existing highways will be adversely affected by the proposed increases in size and weight of vehicles. Longer trucks will encroach more on adjacent lanes on curves, seriously handicap passing manoeuvres, reduce traffic capacity, and probably increase the frequency and severity of "jack-knifing'" accidents. Wider trucks will require wider lanes and the limit on lane width may already have been reached. Heavier trucks will be more difficult to manoeuvre and will require longer stopping distances which even now are twice those of passenger cars. They will cause serious damage to pavements and bridges with the consequence of serious accidents.

It would be a grevious blunder to authorize heavier and larger trucks to use highways not designed for them. Rather, research should be instituted to study the fundamental aspects of the total problem as a social, political, economic and transportation problem, with a view to developing a national transportation policy which would best reflect the public interest. At the same time research should determine factual information concerning the safety aspects of the sizes and weights of present, proposed and anticipated vehicles.

The country sorely needs a national transportation policy. An illustrative example pertinent to this study is the ironic fact that present public policy is increasing the highway slaughter by encouraging more and more highway transportation while at the same time it is throwing away a railroad transportation system which is at least ten times safer than highway transportation.

Highway fatalities have increased more than 40 percent in recent years. No change in highway policy should be authorized until research shows it to be a contribution to safety.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time merely to announce to the House that if the other body passes the military procurement, research, and development conference report for the fiscal year 1969 that the House adopted today, we plan to go on immediately with consideration of the Department of Defense appropriation bill tomorrow.

CONGRESSIONAL REFORM

The **SPEAKER.** Under previous order of the House, the gentleman from Illinois [Mr. RUMSFELD] is recognized for 60 minutes.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, the purpose of this special order is to discuss the subject of legislative reorganization legislation, and election reform legislation, both of which are pending before the House.

We live in a time of change. The question is whether that change will be wild and erratic or whether we in the various levels of government are capable of dealing with the problems of the day so that that change will be thoughtful and responsible. The answer depends, in part at least, on the degree to which instruments of governments are able to function efficiently.

The legislative history of the Legislative Reorganization Act that is pending in the House Rules Committee is long. A great many Members of this body introduced resolutions to create the Joint Committee on the Organization of Congress. It was adopted unanimously by both Houses. The joint committee began its work and took the testimony of more than 200 witnesses. The committee's report was unanimous.

The bill has passed the U.S. Senate. It has been in the House of Representatives for something in excess of 18 months.

We are now in the closing days of the 90th Congress. In the event that this legislation is not scheduled for consideration in the closing days, we will find a situation in which the 91st Congress will organize very likely under the old rules. It may be 1971 before many of the provisions of any Reorganization Act which might pass in the next Congress could be implemented.

The difficulty with legislation like the Reorganization Act for the Legislative Branch is that it really has no constituency. It has no built-in lobby. It is a subject matter that is essentially our responsibility as legislators.

It is something about which only people who are able to watch the operations of Congress are really knowledgeable. As a result, there has been little pressure in the Nation for congressional reform. I suppose this is at least in part one of the reasons why it has been such a long and difficult path for this legislation.

Yet, when one recognizes what happens when a bill passes that is imprecise or not responsive to the problem that the piece of legislation was designed to meet, the reaction by the public across this country is against the bill, against the specific provisions of the bill. That is a natural reaction. Then we receive letters from people saying this piece of legislation was not as precise as it could have been, or that it ignored some aspect of the problem that they are concerned about.

Most would agree there are problems when a piece of legislation passed that is something less than perfect. We know this. But if one backs up a step, the important question is what are the institutions, procedures, and forms that are producing these legislative products? And, we must ask ourselves, Has the Congress of the United States in fact kept its procedures, rules, and operations in a sufficiently modern and efficient basis so that we can intelligently and thoughtfully deal with the problems of today? I believe that we have not.

People do not think to say, "Well, what is the process that produced that imprecise piece of legislation?" It is a heavy responsibility which falls on Members in the House of Representatives and in the other body to see that we do our job to watch our rules and procedures and that we are doing everything so that the Congress can function as a true study and deliberative body.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I am curious about the gentleman's remarks. I listened attentively. I think this is in line with those remarks.

I have been reading in the newspapers in the last few days that the gentleman and a group of other Members, as I understand the reports in the papers, are going to use all the legislative tactics they know of to tie up the House in knots so as to dramatize their position on these bills. I have even heard this day is to be tomorrow. Can the gentleman shed any light on that? Is this a fact or a rumor?

Mr. RUMSFELD. Mr. Speaker, I believe the best thing to do would be to explain what we have in mind, rather than comment on what the gentleman has heard.

It is the intention of a group of Members of the House, I believe from both sides of the aisle, very likely tomorrow, to engage in a series of parliamentary moves that would have the effect of altering the normal procedures. We would be functioning obviously under the official rules of the House, and would not consider anything contrary to the rules.

In fact, we have been studying the CONGRESSIONAL RECORD, and as the gentleman who is making the inquiry very well knows, the gentleman on occasion has used similar procedures when he felt that the work of the Congress was not exactly what he felt it should be.

To answer the question, let me be very specific: There is no intention on my part, or on the part of any other individual who is associated in this desire to see these bills brought to the floor, to disrupt the proceedings of the House. But let us face it. Last Friday the House did not meet. Yesterday the House dealt with a marketing order on canning and freezing of pears.

To anyone who would suggest that the delay that would be caused the House of Representatives by having a day like tomorrow, was serious or disruptive, where we simply point out through use of the rules of the House and the parliamentary procedures available—if in fact we are going to consider these appropriation bills, I would point out that we are considering appropriation bills for the fiscal year starting last July 1. This is a dramatic example which highlights at least one of the things that should be improved in the House, so the executive agencies can have the funds which they are ultimately going to get, by the beginning of the fiscal year rather than having to wait until well into September, October, or November as has been the case in recent years.

Mr. HAYS. Mr. Speaker, as I understood it from what I read in the paper, I understood these gentlemen were going to demand such things as that the Journal be read in full, and were going to call quorum calls, and so on.

Maybe if this is such a good procedure we ought to start it right now and have a quorum call at this particular time. I do not believe people would stay long after they get here, but I could get them here for the gentleman and see if he can hold them.

I believe it would be nice to test the content of his speech.

I thought I would bring it out, and if the gentleman thinks this is an appropriate procedure I will see if the gentleman knows anything, really, about this so-called election reform bill—which I do know a great deal about.

I can tell the gentleman, if that bill passed in its present form I do not believe he would be in Congress very long, because it would prohibit him from raising any funds for reelection and put his seat up to auction for some millionaire. From what I have observed around the country, there are enough of them who are interested in buying seats that they might buy the gentleman's seat and buy mine, too. I should like to keep it on a more equitable basis.

Mr. RUMSFELD. Let me comment on the subject of the election reform bill. I know the gentleman is on the committee and has spent a great many weeks and months dealing with the subject matter.

I am the first one to concede that there are certainly portions of both of these bills with which any Member of the House or anyone out of the House can legitimately disagree. I am not suggesting here that the House should pass my version of either bill, or what I think would be best with respect to either bill, or what your committee reported out with respect to that bill, or what the joint committee produced.

As a matter of fact, there were a variety of minority views expressed in the reported Joint Committee on the Organization of the Congress, suggesting that many of the minority members, at least, did not favor the bill exactly the way it was written or, to rephrase it, they would have preferred to have written it themselves in a somewhat different way.

My point is that there has been a great deal of discussion about campaign financing and the disbursing and the raising of funds. I know it is a complicated subject. The gentleman will agree, I think, that the law as it exists today is far from perfect. In fact, it is terrible.

My hope, and the hope of the Members associated in this effort, is that the House will be given an opportunity to debate that bill, or a bill, to amend it, to improve it, to strengthen it, to change it, to make additions or deletions, or to do whatever may be the will of the House. That is the way our system should work. What bothers me is that the bill has not been brought to the floor.

Mr. HAYS. The gentleman's party is a great one to keep talking about—at least they do in this forum and in my State—States' rights. The State of Ohio has a tight, hard and fast, and adequate law on elections. Of course it seems a little inconsistent, whenever something does not suit somebody, that they forget about the States' rights position and want to rush in and have the Federal Government do it.

The bill was really never considered for amendment in the committee. There seemed to be only two people really pushing hard for it. One was the gentleman from South Carolina, on this side, who probably could not care less about it, because he is retiring, anyway, the gentleman from South Carolina [Mr. ASHMORE]; and the other was the gentleman from New York, whom God moves in his mysterious ways and has taken from our midst, and I think the electorate will take him further from our midst in 2 years. They were about the only two who were really interested in it.

I would have liked to have been there the morning it was reported out. I happened to have been called to come to make a quorum for the Foreign Affairs Committee, to try to have a vote on the foreign aid bill. It is kind of impossible to be in two places at once. That morning the bill came out with a bare quorum, one more than half of the committee, and with no opportunity to amend it.

I can tell the gentleman, when he gets around to talking about it, I believe I can point out quite a few things in that bill he would not be very pleased about if it passed in its present form.

Mr. LIPSCOMB. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I am happy to yield to the gentleman from California, the ranking minority member of the Committee on House Administration.

Mr. LIPSCOMB. I should like to point out to the gentleman and to the House that the gentleman from Ohio is not quite correct when he said there was no interest in the bill. I might point out that every single member of the minority went to committee day after day.

Mr. HAYS. If the gentleman will yield, I ask him not to put words in my mouth.

Mr. LIPSCOMB. They were there day after day debating the bill, and were there the day the bill passed out of the committee. Therefore, there was lots of interest in it on the minority side.

Mr. HAYS. Do not put words in my mouth, if the gentleman will yield further. I did not say there was no interest. I said the two chief proponents of the bill were the gentleman from South Carolina [Mr. ASHMORE] and the gentleman from New York [Mr. GOODELL]. I know that there were other members of the minority who were interested in it, for what reason I do not know, because I believe it would be very disadvantageous to them, who are not able to write a check in seven figures, but they may have had other reasons or other motives. It is not for me to say.

Mr. LIPSCOMB. I am glad the gentleman has straightened it out.

Mr. HAYS. I did not straighten it out. I just straightened the gentleman out.

Mr. RUMSFELD. Mr. Speaker, I should like to control the time here. I yield to the gentleman from California.

Mr. LIPSCOMB. There is great interest in regard to election reform on both sides of the aisle. I believe it would be worth while to have an opportunity to take a look at that bill and to see exactly what it does. The Federal election laws of this Nation need revision and modernizing. This bill is a good bill, I believe, and is one that has had over 3 years of study. It is worth while to bring it to the floor for some kind of action. It is entirely up to the leadership of this House to determine whether or not that bill comes to the floor. I am not quarreling with that point, but I am quarreling with the suggestion of anyone who says that this is not a good bill and is not worthy of consideration, because I am convinced that it is a good bill and should be passed by this House.

Mr. RUMSFELD. I thank the gentleman from California for his comment and certainly agree that that is the least the House can do, in view of the fact that the committee has spent many, many months on it and that a bill on this same subject has passed the other body. There is no excuse for not giving the House membership an opportunity to discuss it, to debate it, and to work its will on it prior to the closing of this session. I agree with the gentleman that it is a step in the right direction, and commend him for his work on it.

Mr. TAFT. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I promised to yield to the gentleman from Ohio [Mr. HAYS] first.

Mr. HAYS. I would like to point out that there has been a bill which passed the other body which bears a very faint resemblance to anything in the House bill.

Mr. RUMSFELD. It is a different bill. Right.

Mr. HAYS. The House bill was written by a fugitive professor of political science from one of the Eastern States down here on a pretty fat fee while holding down a couple of other jobs. He wrote this bill according to what he thought the Federal Government ought to do about electing its officials. Now, having had a major in political science from one of the bigger universities in this country, I can say to you—and it is probably still fairly true—as I have said in the past, this is not a science and what they teach in college has no relation to politics. I said this also to the Association of Political Science Professors. So I believe if we are going to write a bill, it would be nice if the Congress did it itself instead of bringing in somebody from the outside who has a lot of theories but not much real actual experience in the art of getting elected and reelected.

Mr. TAFT. Mr. Speaker, will the gentleman yield to me?

Mr. RUMSFELD. I yield to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. I thank the gentleman for yielding.

It is important, perhaps, at this point in the debate to clear up any confusion on the question of what is right and what the laws of the State of Ohio say with regard to election reforms. I do not endorse by any means this reform bill, but I do join with the gentleman in the well in pointing out that such a bill should come to the floor and we should give the House the right to work its will in that regard. However, any impression that might be gathered here that somehow or other the State of Ohio's election laws, which are better than most States' law, can or will take care of this situation as completely as a Federal law will is a mistaken impression. The bill relates only, as I understand it, to Federal officers, and in this respect I see no violation of the principle of States' rights. Of course, there ought to be pointed out just one example, and there are many others. The Ohio laws do not prevent the multiple committee concept. There is no limitation on the number of committees for any particular campaign to which one individual may make contributions. That is certainly a point at which the law itself and the law here in the House would meet head on. That is one distinction. There are many, many others that would be brought up on the floor.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois permit the gentleman from Ohio [Mr. TAFT] to yield to the gentleman from Ohio [Mr. HAYS]?

Mr. RUMSFELD. I do not believe the gentleman from Ohio can yield, but I will yield to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. I would like to point out to my friend from Ohio that the Ohio law requires every contribution to be reported, whether it is to an individual or a committee. It requires every expenditure to be reported and every expenditure of $25 or more must be accompanied by a signed receipt or a photostatic copy thereof. Sure, it does not prevent an individual from contributing to more than one committee, but it does prevent individuals from having to report from the committee more than $5,000 to that committee.

I do not know how much the distinguished gentleman from Ohio [Mr. TAFT] paid in his senatorial campaign and I am not going to embarrass the gentleman by asking him. I know he filed a report. I do not know how much of it came out of his own pocket but I do know that under this new law, if he wanted to put $5 million into his campaign he could and he could not do that today under the present law. So, that is one thing the election reform bill does that I think a lot of people would not like to have it do.

The gentleman is very fortunate, or any gentleman is, as I explained to the gentleman from New York [Mr. REID], to afford that kind of money. I said, "I understand one of his checks bounced one time, marked 'insufficient funds' from the bank; 'not yours, but ours.' "

That is fine if you can write a check that big, but I cannot do that. And many others in a similar position cannot do it.

I am interested in some kind of protection to some people who spend a rather big amount. I have never spent more than $15,000 in any of my campaigns myself, together with all of the committees which have been formed. I just cannot get that kind of money. However, we will probably have to do that this year, I have never been in that bracket. However, this reform bill would allow a man to spend $10 million or $20 million of his own money in his own behalf. In other words, there would be no prohibition whatever against that.

Mr. RUMSFELD. Mr. Speaker, if the gentleman will permit me to proceed, it seems to me that the comments you are making are the kind of comments and debate that this House should have on the legislation. Our purpose here this afternoon is to try to see if through this discussion and dialogue—and I certainly am grateful to the Members that are here on the floor this afternoon—we can encourage the majority leadership to schedule the bills so that the gentleman from Ohio will have an opportunity to make his observations and try to improve the Federal election campaign machinery that now exists. I would hope that the gentleman agrees with me that the existing law is out of date and antiquated and needs to be brought up to date in many respects. We can disagree with the specifics by which this should be accomplished, but the House certainly ought to be permitted to consider the legislation. Would not the gentleman from Ohio agree with me?

Mr. HAYS. Mr. Speaker, if the gentleman will yield further, being a States'-righter, the Constitution gives to the States the power to make laws with reference to elections and my State has a very good law. It may not be perfect, but it is pretty good, and it forces reporting.

Mr. Speaker, I do not really think that the Federal Government ought to be going around policing the States that do not make their own laws.

The next debate we have on this subject I am sure most of the people who argue with me today will be against whatever is presented because it is an infringement upon the rights of the States. Of course I would be the last man in the House to ask anyone to be consistent, but I do think we ought to think about that a little bit and, so, I cannot agree with the gentleman from Illinois.

I do not think this is the province of the Federal Government. I think the States ought to do it themselves.

Mr. RUMSFELD. The gentleman must agree with me because his comments are such that he seems to be proposing that the existing Federal statutes ought to be repealed.

Mr. HAYS. I do not think a Congressman or a candidate for Congress should have to operate under a different set of rules than a Governor of his State or a candidate for the State legislature or the State house of representatives. If he wants uniformity, the States ought to get together like they did—and the gentleman is a great advocate of this—and pass a uniform election law of his State like they did a uniform traffic law. It is not impossible, you know.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman in the well for yielding.

Since the gentleman from Ohio [Mr. HAYS] was an announced candidate for the Presidency, I am sure the gentleman could draw on his experience in that department to tell us how the election laws on contributions operate with respect to a person who is a candidate for President.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, if I am ever a candidate again I would like to have a law where each candidate is given $5 million so we can all start out with the same starting blocks together. I found it extremely difficult to raise any money. And how the other candidates raised their money, and what their promises were to get it, I do not know, but I can tell you that my contributions were few and far between, and slim and slender and anemic.

Mr. GROSS. I thought perhaps—if the gentleman will yield further—I thought perhaps the gentleman from Ohio took a look at the situation down at Fort Daley at Chicago and decided that he did not want to go through with his candidacy.

Mr. HAYS. Will the gentleman yield further?

Mr. RUMSFELD. I am happy to yield further.

Mr. HAYS. If the gentleman had not been away fishing, and he tells me he was, he would have heard the outstanding speech that the gentleman from Ohio made at the convention, and then I would not have to explain my position on what the gentleman calls Fort Daley, and what I call the Battle of Gordon Park.

Mr. RUMSFELD. Mr. Speaker, I would believe it is important also—and I did begin discussing the Legislative Reorganization Act, but not the election reform bill—but the point I wish to make is important with respect to each piece of legislation. It is exceedingly important that in the event the leadership of this House does schedule either or both bills for floor action, which I hope they will, and feel very strongly they should, in the event either or both of those bills come to the floor then it is most important that they be brought to the floor under a fully open rule.

There has been some discussion about the possibility that some might favor a closed rule. But these two bills are somewhat unique. They are pieces of legislation that deal with a subject matter that every single Member of the House is interested in and concerned about, as participant in the legislative branch of the Government.

It would be unfortunate if we were put in a situation where the bills were dramatically altered in committee and brought to the floor under closed rules where the Members of the House were forced to engage in a relatively meaningless debate and then have to vote "yes" or "no" on the entire package without having had an opportunity to offer amendments, to add or delete, or change any provision, as the gentleman from Ohio and others here obviously have a desire to do.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the statement that was made by a group of Republican Members of the House this morning, a summary of the bill H.R. 11233, the Election Reform Act, the legislative history of the bill, a summary of the bill S. 355, the Legislative Reorganization Act, the legislative history of the bill S. 355, and some editorials and articles which deal with aspects of these two pieces of legislation.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The material referred to follows:

LEGISLATIVE REORGANIZATION ACT AND ELECTION REFORM ACT

SEPTEMBER 10, 1968.

(Statement of Representatives DONALD RUMSFELD (Ill.), THOMAS B. CURTIS (Mo.), CHARLES E. GOODELL (N.Y.), JAMES C. CLEVELAND (N.H.), CLARK MACGREGOR (Minn.), BILL BROCK (Tenn.), ROGERS MORTON (Md.), ROBERT TAFT (Ohio), BARBER CONABLE (N.Y.), GEORGE BUSH (Texas), EDWARD BIESTER (Pa.), JOHN DELLENBACK (Ore.), and CHARLES WHALEN (Ohio))

We live in an era of change. Whether that change will be wild and erratic or thoughtful and responsible depends in part on the U.S. Congress.

Recent events in our country, as well as throughout the world, have emphasized the critical need for democratic institutions to keep abreast of the times. The institutions which must deal with the problems of today and tomorrow must be as modern as the problems, or we run the risk that individuals within the society will seek means other than the traditional democratic processes of finding answers to their problems.

The Congress of the United States is the representative Federal institution in our society. Regrettably, it appears to be the farthest behind in modernizing its procedures to cope with the problems of its 20th century constituency.

Congress must function as an efficient instrument of government. We cannot afford the continued imprecise and unresponsive legislative solutions which the present "horse and buggy" rules and procedures are designed to produce. All too often the result, in recent years, has been to accelerate the trend toward "government by commission"—by deciding that we cannot cope with a problem and creating a commission to study and issue a report on the problem, which report, then, too often gathers dust rather the attention of the Congress.

Today, we are faced with an information explosion, and the Congress still refuses to utilize modern electronic data processing methods, although it appropriates millions of dollars for purchase and use of such equipment by the executive agencies.

In a day when the television screen is the ubiquitous guest of every family, we still refuse to permit live coverage of debates on important measures on the House Floor, as well as meetings of House committees on matters of national significance.

Why, for example, is Congress still considering Appropriations bills in September, when the fiscal year began more than two months ago? Is this the best way for the executive agencies to plan intelligently?

Why are not the Members told what the schedule will be for the coming week before the last day of the current week?

Why are important votes of Members of Congress at committee and subcommittee meetings usually kept secret?

Why is Congress not adequately fulfilling its oversight and review responsibilities?

Why are appropriations bills totaling billions of dollars passed by voice votes instead of record votes which would enable the people to know the votes of their Representatives?

What excuse can there be for the failure to pass that title of the Legislative Reorganization Act which would tighten up provisions of the Federal Lobby Act?

What excuse can there be for not even considering the Election Reform Act which would update and tighten Federal laws relating to campaign funding and spending, and require disclosure?

Most Members of Congress are deeply concerned about the refusal to modernize the legislative branch of the Federal Government. We were sufficiently concerned more than three years ago when, by a unanimous vote of both Houses, we created a Joint Committee to study the situation and recommend improvements. The Senate was sufficiently concerned more than a year ago when it passed, by a vote of 75 to 9, S. 355, adopting most of the Joint Committee's bipartisan recommendations.

On the Republican side, we have been sufficiently concerned in the House to have had a special G.O.P. Task Force study of Congressional reform, to have testified in greater numbers than any other group before the Joint Committee on the Organization of the Congress, to have written a book proposing ways to modernize the Congress (*We Propose: A Modern Congress*, McGraw-Hill, 1966), and to have engaged in continuous effort to bring this legislation to the Floor.

We point with special pride to the herculean efforts of our colleagues Thomas B. Curtis and Durward G. Hall, both of Missouri, and James C. Cleveland of New Hampshire, the three House Republicans on the Joint Committee on the Organization of the Congress, to bring about enactment of legislative reorganization legislation. The House Republican leadership and Republican members of the Rules Committee have worked valiantly to achieve Congressional reorganization, and support for both meaningful Congressional and election reform are part of the 1968 Republican Platform.

Similarly, House Republicans have done everything humanly possible to have the House take action on a long-needed overhaul of the Federal election laws pertaining to campaign fund-raising and spending in Federal elections. On this issue, we single out the outstanding work of the co-authors of the bill, Congressmen Glenard P. Lipscomb of California, Charles E. Goodell of New York, and the minority members of the House Administration Committee.

We believe that most Members of the House of Representatives, of both parties, are concerned enough about Congressional reorganization and election reform to pass these bills if they were brought to the Floor. That is why we are here today.

Summaries of the Legislative Reorganization Act, S. 355, and the Election Reform Act, H.R. 11233, the Ashmore-Goodell bill, are available this morning, as well as a brief summary of the legislative history of each. A Legislative Reorganization Act passed the Senate on March 7, 1967. An Election Reform Act was approved by the Senate on September 12, 1967. Both of these measures are now pending in the House Rules Committee, and the Democratic leadership of the House has indicated that no action is contemplated on either issue before adjournment of the 90th Congress. It appears from Democratic leadership comments in the press as well that both of these bills are dead.

Is this because the House is too busy? How can this be when there was no session on Friday and we spent yesterday on a bill for "marketing orders on pears for canning and freezing?" Do these legislative priorities make sense—pears over Congressional reform, pears over election reform?

We cannot accept this. If Legislative Reorganization and Election Reform legislation are not passed by the House this year, both bills will have to begin again the long, torturous legislative road in both Houses. It would mean that it would be 1971 before many of their provisions could be implemented. The Congress cannot wait. The American people should not allow such a delay. We need these bills to effectively do our job. We need them before adjournment.

On Wednesday, September 11, a group of Republican Congressmen will engage in a series of parliamentary moves which will have the effect of altering normal proceedings of the U.S. House of Representatives. Our purpose is not to be disruptive. Our sole purpose is to dramatize the need for House consideration, and hopefully, House action, on both of the reform bills before adjournment. As members of the minority party, we recognize that we do not have the votes to pass these bills alone. But we are not asking that they be passed specifically in the form in which they have been reported, or in the more extensive form recommended in the Republican minority views which are contained in the reports accompanying both bills. All we are asking is that the House be given the opportunity to express its will on both bills, under completely open rules so that meaningful debate can be conducted and amendments offered.

Our attempts to alter the proceedings will be carried out on specific days which will be announced publicly in advance. We do not intend to hold up other legislation which is to be considered in this session, nor do we have any purpose beyond the one stated: to point up the urgent need for action on the Legislative Reorganization and Election Reform bills, and to gain House consideration of both bills before we adjourn the 90th Congress.

The parliamentary maneuvers which we will use will be within the official rules of the House of Representatives. Unlike the Senate, there is no provision for a filibuster in the House. The Democratic majority can always work its will, and that is as it should be. We will be using proper parliamentary procedures to focus attention on the need to enact meaningful Congressional and election reform legislation.

We are asking no more than that these bills be brought to the Floor of the House, under open rules, for consideration by the House. Because of our deep concern that America's democratic institutions must be modernized to be responsive to the needs of the people, we are asking no less, and we believe that the American people will accept no less.

SUMMARY OF H.R. 11233, THE ELECTION REFORM ACT OF 1968

H.R. 11233, "The Election Reform Act of 1968," was favorably reported by the Committee on House Administration on June 27, 1968 in Report No. 1593, 90th Congress, 2nd Session. The bill had been introduced by Representative Robert Ashmore (D-S.C.) and Charles Goodell (R-N.Y.).

The House Committee on Rules has not yet granted a rule to this legislation.[1]

As summarized on pages 2 and 3 of House Report No. 1593:

"H.R. 11233 completely overhauls the Federal election laws pertaining to campaign fundraising and spending in Federal elections. Encompassed by the bill is the full range of the Federal election process, including general, special, and primary elections; conventions and caucuses of political parties; and primaries to select delegates to national nominating conventions or to express preference for the nomination of persons for election to the offices of President and Vice President. The offices covered by the bill are President, Vice President, Senator, Representative, and Resident Commissioner. Repealing the existing limitations on expenditures by candidates and political committees, the bill retains the present $5,000 limitation on individual contributions. Avoidance of the limitation by contributing to a candidate and/or one or more political committees supporting him is prevented by imposing the $5,000 ceiling on the aggregate amount contributed, directly or indirectly, to a candidate and political committees substantially supporting him. Thus, no one, other than a candidate or a political committee, may contribute more than $5,000 to a candidate's campaign.

"Full disclosure of political contributions and expenditures by candidates and political committees is provided by requiring them to make comprehensive and detailed reports of campaign finances on a periodic basis. In addition, persons other than candidates and political committees are required to report political expenditures in excess of $100 per year. Exempted from reporting are committees, associations, or organizations which receive political contributions and make expenditures in an aggregate amount of $1,000 or less per year and State or local committees which operate within one State and do not substantially support Federal candidates.

"A five-member bipartisan Federal Elections Commission is established to administer titles II and III of the act. The Commission will receive reports and statements from persons required to file them, disseminate information to the public, and carry out other specified functions to effectuate the purposes of the act.

"Each political committee must register with the Commission by filing a statement of organization. Upon disbanding or determining that it will no longer receive contributions or make expenditures exceeding $1,000 annually, a registered committee must file a report with respect to the funds it has handled. Committees, associations, and organizations exempt from reporting are likewise exempt from registration.

"To insure complete disclosure of political fundraising and spending, the bill provides for the filing of comprehensive and detailed financial statements by committees and organizations involved in arrangements for national conventions of political parties.

"Honorariums in excess of $100 and gifts must be reported to the Federal Elections Commission periodically by Senators, Representatives, and Resident Commissioners (regardless of whether they are campaigning for reelection) and by candidates for such offices.

"All reports and statements filed with the Commission will be open for public inspection and copying. Duplicate copies must be filed with the clerk of the U.S. district court for the judicial district in which is located the principal office of the political committee or the residence of the candidate or other person filing the report or statement. These copies will also be available for public inspection.

"Other important features of the bill are (1) the prohibition of the use of political contributions for personal purposes, and (2) the inclusion of corporations in the ban on political contributions by Government contractors in Federal, State, and local elections."

LEGISLATIVE HISTORY OF H.R. 11233, THE ELECTION REFORM ACT OF 1968

The continuously spiraling cost of electing public officials has disturbed many concerned citizens, including scholars, members of the press, and people in Government. President John F. Kennedy was sufficiently concerned about the problem of political campaign financing that he appointed a special Commission on Campaign Costs in 1961. The work of this Commission has provided the framework upon which H.R. 11233 has evolved.

A partial chronology of the legislative history since the Commission's review of the Federal election laws relating to campaign finances follows:

1961—President John F. Kennedy appointed a special Commission on Campaign costs. Alexander Heard, Dean of the University of North Carolina Graduate School, was appointed Chairman.

April, 1962—The Commission on Campaign Costs submitted its report and recommendations.

1962 and 1963—President Kennedy recommended legislation incorporating many of the reform proposals of the Commission.

1963—Senators Barry Goldwater (R-Ariz.) and Frank Church (D-Idaho) co-sponsored reform measures.

May 26, 1966—President Johnson recommended a campaign reform bill to Congress (H.R. 15317, S. 3435).

July–August, 1966—The Subcommittee on Elections of the Committee on House Administration made a comprehensive study of the bill, including four days of hearings, at which time testimony was taken from Members of the House of Representatives, the Attorney General of the United States, officials of the Democratic and Republican National Committees, the chief counsel of the Senate Subcommittee on Privileges and Elections, and officials of the Business Industry Political Action Committee and the Citizens' Research Foundation.

October 4, 1966—The initial version of the Ashmore-Goodell bill, H.R. 18162, was introduced.

October 15, 1966—The House Subcommittee on Elections released an early version of the Ashmore-Goodell campaign reform bill, H.R. 18162, which went significantly beyond the Administration's Bill, H.R. 15317.

The full House Administration Committee took no action on H.R. 18162 during the remainder of the 89th Congress.

January 16, 1967—Mr. Ashmore, Chairman of the Subcommittee on Elections, introduced H.R. 2387, further modifying H.R. 18162, the bill which the Subcommittee had previously approved.

January to June 1967—Consideration was given by the Subcommittee on Elections to H.R. 2387 and to H.R. 11065, the Administration proposal.

May 25, 1967—President Johnson outlined modest reform proposals in a message to Congress.

June 27, 1967—H.R. 11233 was reported by the House Subcommittee on Elections of the Committee on House Administration to the full Committee.

June 28, 1967—Hearings were held in the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration. S. 1880, the Administration bill, and S. 596, a bill identical to the 1966 Ashmore-Goodell bill, were being studied.

June 28, 1967—H.R. 11233, the Ashmore-Goodell bill, which embodied the election reform bill as approved by the subcommittee on the previous day was approved.

August 16, 1967—Senate Committee on Rules and Administration favorably reported S. 1880 (S. Rept. 515).

September 12, 1967—Senate passed S. 1880, as amended, by an 87 to 0 roll call vote. S. 1880, the Administration bill, is not as comprehensive as H.R. 11233.

December, 1967—At the end of the First Session, H.R. 11233 had not been acted on by the House Administration Committee.

June 20, 1968—House Administration ordered H.R. 11233, the reform measure which was authored chiefly by Representatives Robert T. Ashmore (D.-S.C.) and Charles E. Goodell (R.-N.Y.). H.R. 11233 went beyond provisions of S. 1880, the 1967 Senate approved campaign reform bill. H.R. 11233, as reported, did not include the provisions forbidding unions or trade associations from channelling organization funds into subsidiary political action groups.

June 26, 1968—The House Republican Policy Committee supports the Election Reform Act of 1968, H.R. 11233, and urges "that it be scheduled for immediate Floor consideration." The Committee said: "This is high priority legislation. It must receive immediate consideration."

August 7, 1968—Republican National Convention adopts its Platform, "We must think anew and act anew," which includes the following call for Election reform:

"We favor a new Election Reform Act that will apply clear, reasonable restraints to political spending and fund raising, whether by business, labor or individuals, ensure timely publication of the financial facts in campaigns, and provide a tax reduction for small contributions."

---

[1] If the bill is reported from the House Committee on Rules under a closed rule, effective debate will be impossible. A closed rule would preclude amendments, and it will not be possible to make any additions or deletions to the bill. It should also be pointed out that a closed rule could severely restrict the length of time available for debate. House Republicans have consistently urged that the bill be brought to the Floor of the House under an open rule, allowing opportunity for amendment and adequate time to discuss and debate the entire bill.

Today—H.R. 11233 is in the House Committee on Rules.

Summary of S. 355, the Legislative Reorganization Act of 1967, as Passed by the Senate on March 7, 1967

The Legislative Reorganization Act of 1967 passed the United States Senate on March 7, 1967, by an overwhelming vote of 75 to 9. The bill was referred to the House Committee on Rules on March 9, 1967. On April 10, 1968, the Rules Committee held one partial day's hearings. The Rules Committee has not taken any further action since that day and has failed to give S. 355 a rule for floor consideration by the House of Representatives.[2]

S. 355, as passed by the Senate, is divided into six titles, and is comprised of more than 70 sections.

Title 1 improves "the Committee System" by providing for—

(1) Open business meetings of committees and public disclosure of votes taken in committee meetings;

(2) Prompt filing of committee reports;

(3) Restrictions on proxy voting in committee;

(4) The right of a minority of the members of any committee to file additional views to the committee report;

(5) A prohibition against floor consideration of a bill until the committee report has been available to Members at least 3 days;

(6) An annual authorization for additional committee staff, with fair consideration for adequate staff needs of the minority;

(7) Public notice of committee hearings and provision for live telecasting and broadcasting of open committee hearings;

(8) The advance receipt of statements of committee witnesses and summaries of daily testimony;

(9) The right of minority members of a committee to call witnesses;

(10) Committee hearings while the House or Senate is in session;

(11) Better performance by all committees of the legislative oversight function, i.e., review of the administration of existing laws;

(12) The allowance of additional explanatory views in conference reports, and equal time in the debate of conference reports; and

(13) The realignment of some committee jurisdictions.[3]

Title 2 amends existing law and strengthens Congressional "Fiscal Controls" by providing for:

(1) The use of automatic data processing of Federal budget information;

(2) The reorganization of the General Accounting Office so that it will particiate in the establishment of a standard classification code of activities and expenditures, more efficiently locate budget information, provide expert assistance in the analysis of cost-effectiveness studies, and prepare tabulations of budget data;

(3) Improvement of the budget document;

(4) The appearance before the full Appropriations Committee of each house of the Director of the Bureau of the Budget, the Secretary of the Treasury, and the Chairman of the President's Council of Economic Advisers within 30 days after submission of the budget;

(5) Closer examination of multiagency programs;

(6) Open hearings of the Appropriations Committees of both the House and the Senate;

(7) Mandatory roll call votes on all appropriations bills;

(8) More comprehensive reports on supplemental and deficiency bills; and

(9) Greater participation by the legislative committees through a projection of costs on new legislation in committee reports, review of fixed obligation and grant-in-aid programs, and authorization of programs in such a manner that they will be subject to annual appropriations review.

Title 3 improves the "Sources of Information" for Senators and Representatives by providing for:

(1) Increased committee staffing, including the right of minority members of a committee to professional and clerical staff;

(2) Legislative assistants for Senators;

(3) Improvements in the Legislative Reference Service of the Library of Congress; and

(4) A public address system for the Senate.

Title 4 improves "Congress as an Institution" by providing for:

(1) A permanent Joint Committee on Congressional Operations;

(2) Greater authority for the elected officers of each House to supervise employees under their jurisdiction;

(3) Improvements in the Capitol Police, Senate and House pages, and the Capitol guide service;

(4) An August recess except in time of war;

(5) Removal of postmasters and rural mail carriers from the patronage system;

(6) Conversion of the complicated base pay system in the House of Representatives to gross salary figures;

(7) Return of excess stationery allowances to the general fund rather than to the personal funds of the Representative or Senator.

Title 5 amends the Federal "Regulation of Lobbying" Act by providing for:

(1) The broadening of coverage to require registration by individuals and organizations who solicit or receive funds and have influencing of legislation as a "substantial purpose;"

(2) A more complete disclosure of lobbying expenditures;

(3) The transfer of the responsibility of the maintenance and publication of lobby registration records to the General Accounting Office; and

(4) The disclosure of arrangements of contingent fees for purposes of influencing legislation.

Title 6 contains the effective dates of the legislation.

Legislative History of S. 355, the Legislative Reorganization Act of 1967

The current demand for comprehensive legislative reform such as S. 355 began with the creation of the Joint Committee on the Organization of the Congress in March, 1965. This Committee was the answer to the long-felt awareness that the Congress needed modernization.

Congress has undertaken a comprehensive reorganization only once before, when the "Legislative Reorganization Act of 1946" was approved in August, 1946. The effort this month, September, 1968, is an attempt to enact into law the only meaningful, comprehensive, integrated reorganization of the Congress in two decades. The chronology of the efforts to modernize the Congress since the Joint Committee was founded follows:

March 11, 1965—Creation of the Joint Committee on the Organization of the Congress, by Senate Concurrent Resolution No. 2, passed by a unanimous vote of both houses. Nonpartisan committee composed of six Senators (3 Republicans and 3 Democrats) and six Representatives (3 Republicans and 3 Democrats), "to make a full and complete study of the organization and operation of the Congress of the United States and recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution." (S. Con. Res. 2, 89th Congress.)

March 30, 1965—Creation of the House Republican Task Force on Congressional Reform and Minority Staffing, by Rep. Charles E. Goodell, Chairman of the Planning and Research Committee, House Republican Conference. "The Republican Task Force on Congressional Reform and Minority Staffing was created in part to assure that every significant aspect of the operation of the House of Representatives would be studied and to serve as a reservoir of recommendations should the Joint Committee fail to report out a comprehensive set of proposals for modernizing the machinery and strengthening the role of Congress in the twentieth century." (From Introduction, by Hon. Gerald R. Ford, to "We Propose: A Modern Congress," Hon. James C. Cleveland et al., McGraw-Hill, 1966.)

May 10, 1965—Joint Committee commenced hearings, which continued to Sept. 23, 1965. More than 200 witnesses testified or submitted statements, including more than 100 Members of Congress. Staff of Joint Committee conducted interviews with Members, other committee staff and employees of Senate and House, evaluated published and unpublished works of political scientists and Congressional organization studies by non-Congressional agencies, and carried out own investigations and research. First Interim Report issued July 8, 1965. Second Interim Report issued January 19, 1966. Committee eventually amassed printed record in excess of 2,300 pages.

July, 1966—House Republican Task Force went to press with "We Propose: A Modern Congress," published in September, 1966, by McGraw-Hill Book Company. Book is a collection of 21 essays dealing with various facets of Congressional reform, with suggestions for improvement, written by Members of the Task Force, Hon. James C. Cleveland, Chairman, with Foreword by Rep. Thomas B. Curtis, ranking minority Congressman on Joint Committee, Introduction by House Minority Leader Gerald R. Ford.

July 26, 1966—Joint Committee issued its Final Report, containing more than 100 recommendations for improvements in the operation of the Congress, and including Supplemental and Additional views, Recommendations endorsed unanimously by the 12-member bipartisan committee.

September 21, 1966—Introduction of S. 3848 by Senator Monroney. Bill embodied most of the recommendations set forth in Joint Committee's Final Report. Companion bill, H.R. 17873, introduced by Rep. Curtis in the House.

October 10, 1966—House Republican Policy Committee issued statement urging "immediate consideration of H.R. 17873. . . . Reforms should be enacted now so that the next Congress may utilize the new institutions and procedures."

January 16, 1967—Senator Monroney reported S. 355 to the Senate floor from Senate

---

[2] If the bill is reported from the Rules Committee under a closed rule barring amendments, it will not be possible to make additions and deletions to, or change any part of, the bill. It should also be pointed out that a closed rule could severely restrict time for debate in the House. The Senate debated the Legislative Reorganization bill over a period of several weeks in 1967, and considered a total of 80 amendments. House Republicans have consistently urged that the Reorganization Bill be brought to the Floor of the House under a completely open rule, allowing opportunity for amendment and adequate time to discuss and debate the entire bill.

[3] Some action has already been taken in this area by separate legislation.

Special Committee on the Organization of the Congress (composed of the six Senate members of Joint Committee). January 17, 1967—Companion bills introduced in the House by Rep. Madden (H.R. 2594) and Rep. Curtis (H.R. 2595).

January 25, 1967—Senate began debate on S. 355, which culminated in passage of the bill on March 7 by a vote of 75 to 9. Bill was debated on 18 different days; 39 amendments were adopted and 40 defeated, of a total of 114 proposed.

January 31, 1967—Curtis/Madden colloquy on the floor of the House concerning precedents established in passage of the Legislative Reorganization Act of 1946. See CONGRESSIONAL RECORD, volume 113, part 2, pages 2082–2083.

March 7, 1967—S. 355 passed the Senate, 75–9, roll call vote.

March 9, 1967—Senate-passed bill referred to House Rules Committee.

April 10, 1967—House Rules Committee held one partial day's hearing on reorganization bill.

May 10, 1967—House Republican Policy Committee issued statement, similar to one in 89th Congress, urging action on Senate-passed bill.

June 22, 1967—Remarks of Rep. Curtis on the floor of the House disclaiming any Republican efforts in the attempt to re-draft the Senate-passed bill. See CONGRESSIONAL RECORD, volume 113, part 13, page 16934.

August 22, 1967—Rep. Cleveland reactivates House Republican Task Force on Congressional Reform "to put pressure on House Democrats to report out the Congressional reorganization bill which has been bottled up in the House Rules Committee since March 9".

October 11, 1967—House Republican Conference, by a unanimous vote, adopts resolution calling upon Democratic leadership of the House to schedule S. 355, "as passed by the Senate," under an *open* rule of debate.

November 8, 1967—Reps. Curtis, Cleveland, and Hall introduced resolution to continue the life of the Joint Organization Committee. See CONGRESSIONAL RECORD, volume 113, part 23, page 31867, H. Con. Res. 578.

November 30, 1967—Senate adopts S. Res. 188 extending life of the Special Senate Committee on the Organization of the Congress through January, 1968.

January 16, 1968—Rep. Cleveland reiterates the Republican position on the floor of the House and asks for a bill to be brought up, under an open rule. In days to follow, he and other Republicans repeatedly call for action on S. 355.

January 17, 1968—Minority Leader Ford urges action on Congressional reform in the GOP State of the Union message.

March 29, 1968—The House Republican Task Force sends complete section-by-section comparison of S. 355 with all prominent "compromise" versions of the bill, together with other explanatory material and historical information, to every member of the House, to legislative assistants of Congressmen, and to news editors throughout the country.

July 31, 1968—The Senate decides not to continue the Special Committee on the Organization of the Congress.

August 6, 1968—House Minority Leader Ford calls for action on the Congressional Reorganization bill in a nationally televised speech during the Republican National Convention, Miami Beach, Florida.

August 7, 1968—Republican National Convention adopts its Platform, "We must think anew and act anew", which includes the following call for Congressional reform:

"Congress itself must be reorganized and modernized in order to function efficiently as a co-equal branch of government. Democrats in control of Congress have opposed Republican efforts for Congressional reform and killed legislation embodying the recommendations of a special bipartisan committee. We will again press for enactment of this measure."

[From the Springfield State Journal-Register, Aug. 11, 1968]

RULES COMMITTEE STALLS LEGISLATIVE REFORM BILL

(By Richard Vawter)

WASHINGTON.—A congressional reform bill designed to modernize and speed up the legislative process, has been locked in the House Rules Committee for 16 months.

Ironically, one aim of the bill is to tear down the very obstacles that have kept the reorganization proposal locked in the House Rules Committee.

Realizing that an overhaul of its operations was needed to keep pace with the more than 16,000 bills introduced each year, Congress three years ago named a bipartisan committee to study the problems and recommend solutions.

Extensive hearings were held over the period of a year. At the conclusion, a modest bill aimed at updating and improving the functions of Congress was introduced.

The Senate approved the Legislative Reorganization Act on March 7, 1967. On March 9, two days later, it was referred to the House Committee on Rules chaired by Rep. William M. Colmer, Democrat from Mississippi.

There it has lain for nearly a year and a half.

Colmer and the nine other Democratic members of the 15-member rules committee have kept the bill bottled up since, conducting only one partial day of hearings.

The measure was approved by the Senate by an overwhelming 75–9 vote and is favored by most members of Congress. Though it is the kind of legislation that brings no great pressure from the public, no one will dispute that it is important. No major review or revision of the procedures of Congress have been made in more than two decades despite complete overhauls in most every major business in the country.

Why has such important legislation been kept under wraps by majority party leaders?

No member of Congress is without the answer.

The House Democratic leadership, expecting to forever control Congress, doesn't want to yield an iota of the strength held by the power-minded committee chairman.

The bill, held under thumb by the Democratic leadership, would provide:

—That a chairman's refusal to hold hearings on a measure or to permit a bill to be reported to the House for action could be overruled by a majority vote of the whole committee.

—As a right, not as a favor of the chairman, professional staff assistance for the minority party so that all the research isn't fed into the committee from one side.

—The work of Congress would be organized so the first months of every year would not be wasted and thus, perhaps enable Congress to do its work more thoroughly and meet its perennial adjournment target of July 31.

—That many committee hearings would be held in the fall, when Congress is not in session, so that the committee work would be ready for Congress at the opening of each session in January.

—For televising of public hearings.

—For electronic data processing equipment to help congressmen analyze legislation and consider budget proposals.

The House Republican Task Force on Congressional Reform, headed by Rep. James Cleveland, published a book in 1966 entitled "We Propose, A Modern Congress," outlining proposals for updating procedures.

Concerned congressmen from both parties have urged Speaker John McCormack, D-Mass., to pry the reorganization plan out of the rules committee and bring it to the House floor in September, following the recess for the national political conventions.

Besides Colmer, the rules committee includes Democrats Ray J. Madden, Indiana; James J. Delaney, New York; Richard Bolling, Missouri; Thomas P. O'Neill, Jr., Massachusetts; B. F. Sisk, California; John Young, Texas; Claude Pepper, Florida; Spark M. Matsunaga, Hawaii; and William R. Anderson, Tennessee.

Republican members are H. Allen Smith of California; John B. Anderson, Illinois; David T. Martin, Nebraska; James H. Quillen, Tennessee; and Delbert L. Latta of Ohio.

Though it may not have the emotional appeal of the Vietnam War or gun control, congressional reform is of utmost importance to the average citizen—the taxpayer. It is he who pays for the inefficiencies of Congress.

The House leadership, if it fails to move on the modernization proposals, should keep in mind, perhaps, that the taxpayer will get his say in the November election.

[From the Christian Science Monitor, Aug. 13, 1968]

CONGRESS: TOUGH SCHEDULE AHEAD WHEN SESSION RECONVENES

(By William C. Selover)

WASHINGTON.—Only seven times in the 22 years since World War II has Congress finished its work and adjourned before September.

This year follows the tradition.

Despite the well-intentioned efforts of the House and Senate leadership, the cooperation of the White House and Cabinet officials—and despite the massive sentiment to get away from this city and into the election campaign, there is a good likelihood this session could last through December.

In the past 22 years, Congress has adjourned 3 times in September, 6 times in October, 5 times in December, and once in January.

Last year it was Dec. 15 when lawmakers finally packed their bags and went home.

Yet, in the days preceding the Republican convention, the Senate Democratic leader warned his colleagues that they had as much work to do when they came back after a month's recess as they had done in the months since January.

STOPGAP PASSED

By the end of July, Congress was so far behind in its crucial appropriations action that a temporary stopgap was passed by both houses. This gave the programs, not as yet funded, two more months to function. This was necessary since, as of July 26, when the continuing resolution was passed, Congress had completed action on only 3 of the 13 regular fiscal 1969 appropriations bills. Two others neared completion.

Fiscal year 1969 began July 1. But it may not be till six months later when all the appropriations are passed.

So far, action has been completed on appropriations bills involving the Departments of Agriculture, Interior, Treasury, and Post Office, plus public works, executive offices, and legislative areas.

Remaining are bills affecting the Departments of Defense, Housing and Urban Development, Labor, State, Justice, Commerce, Transportation, and Health, Education, and Welfare, as well as independent offices, military construction, judiciary, the National Aeronautics and Space Administration, foreign aid, and the District of Columbia.

Every delay in appropriations has a multiplier effect in the many programs which require matching state funds to operate State legislatures frequently are forced to act blindly since they often have to adjourn before Congress appropriates funds. State lawmakers then have to guess at what their local budgets will require. As a result, vital local programs are in danger of being distorted, interrupted, or delayed.

There is some move in Congress to get the start of the fiscal year changed from July 1 to Jan. 1.

"Clearly," says one proponent of this plan, Sen. Mike Mansfield (D) of Montana, "something is wrong with a system which decrees that a new fiscal year must begin on July 1, but, repeatedly, is unable to provide the appropriations in time to carry out the decree."

Mr. Mansfield says he believes Congress could do a much better job of evaluating the programs if it had 11 months to scrutinize them, rather than 6 or 7. As it is, Congress often takes all that time, anyway, says Mr. Mansfield, they operate in a "harassed manner."

But appropriations delays are just one part of the picture.

SUPREME COURT QUESTION

Congress still has a number of important matters to decide in other areas.

The Senate, for example, faces a filibuster on the President's nomination of Associate Justice Abe Fortas as Chief Justice of the United States and of Federal Judge Homer Thornberry as Associate Justice.

Republicans are claiming at least 31 votes against confirmation and 44 votes to oppose cloture. This could easily block the appointments. As it is, out of 125 nominations sent to the Senate for the Supreme Court in this country's history, one-sixth, or 21, have failed to be confirmed by the Senate. Prospects are, Mr. Justice Fortas and Judge Thornberry will be numbers 22 and 23.

In any case, it promises to be a hot debate and enormously time consuming.

The Senate also has before it gun legislation designed to prevent mail-order sales of long guns. Earlier, such legislation, regulating handguns, was passed. There is in prospect, again, a hot debate over this issue. The President and Sen. Joseph D. Tydings (D) of Maryland had proposed registration of all guns and licensing of all owners. But this has been removed from the working drafts.

LOOPHOLE REMAINS

Now, the remaining versions contain an enormous loophole. In effect, it would allow members of the National Rifle Association to be exempted from the mail-order prohibitions.

The Senate has yet to act on an employment opportunities program and control of drug abuse.

The House has stalled on a vital congressional reform package passed in the Senate last session after lengthy debate. The House leadership shelved it for this year. A similar fate is seen for campaign spending reform legislation, also passed last year by the Senate.

Final action is expected on college assistance and vocational education legislation. In each case a House-Senate conference is working out the differences.

The Redwood Park and Central Arizona Project authorizations are awaiting final action.

HEADSTART FAILS

There is other important legislation which probably will not be passed this session. For example, the copyright revision and tax-reform proposals are dead for this session.

This year, in a great effort to give Congress a head start, the administration presented all its major messages to Congress by March 4. The President had ordered that drafted legislation had to accompany every message, rather than arriving later, as in the past. He had further insisted that all administrative witnesses be ready to appear before Congress as soon as the message was sent.

When Congress recessed on August 2, the Senate had held 130 legislative sessions this year. It met Monday through Friday, and only eight days were taken off for holidays.

Still, it wasn't enough.

ACCOMPLISHMENTS LISTED

Some very important legislation, of course, has been passed. An unprecedented open-housing bill was passed in April, along with an antiriot bill. A monumental housing and home-ownership bill, with provisions for low- and middle-income housing aid, has been signed into law. A controversial anticrime bill together with the handgun regulation provision has been passed.

The truth-in-lending law signed in May was an important step in protecting the consumer. And the long-delayed tax surcharge bill was passed.

Yet the amount of work has grown heavier. "Congress is a year-round job," Senator Mansfield concludes.

He says he thinks Congress should meet for 10 or 11 months, with a summer recess. This proposal is contained in the congressional-reform package now stalled in the House.

"It is time," he says, "to face up to the fact that the substantial growth of the federal government, the increased responsibilities of a senator's office, and the multitude of complex problems preclude maintaining schedules which, however, well they may have worked in the past, are no longer working."

Passage of the congressional-reform package would be a good first step.

[From the Christian Science Monitor, Aug. 16, 1968]

CONGRESS DOESN'T ACT

(By Richard L. Strout)

WASHINGTON.—Congress is the weak branch of the American Government.

It is inefficient, negative, self-righteous, and verbose. It countenances unethical procedure which it would denounce to the skies in the executive branch. Over 30 years it has constantly lost power to the president, and complains about it, and fails to take self-evident remedies.

Congress has the power of the purse but exercises that power erratically. It is supposed to share the power of declaring war but has just about abdicated it.

Look at the 90th Congress: It has just gone on a month's holiday. It will be back here Sept. 4, when past records indicate it will do little in an election year.

Congress makes itself ridiculous. In a show of economy it ordered the post office to cut personnel, and when it saw the result of its command it hastily retreated. It will probably reverse itself regarding other government agencies. It acted without thinking.

Sharp-eyed newspapers have just charged that $75,000 in campaign contributions went to key congressmen to expedite a measure raising the permissible weight limit of trucks on highways. Life magazine has just charged a prominent member of Congress is connected with the underworld Cosa Nostra.

Following the cases of Bobby Baker, Adam Clayton Powell and Thomas J. Dodd, Congress reluctantly passed a watered-down measure setting up a code of ethics. But will Congress enforce it?

The new book, "The Case Against Congress" by Drew Pearson and Jack Anderson (Simon & Schuster) documents questionable practices too frequently countenanced in Congress.

But it is not corruption that raises the chief questions about Congress (actually, ethical standards are probably as high as they have ever been). The problem is less dramatic but more serious.

It involves a slow diminution of congressional influence and regard. It is not a breakdown; it is a growing negativism and flabbiness.

A lobby has just shown congressional timidity over firearms control. For years reformers have warned of the dangers in the electoral college. Congress hasn't acted. For years reformers have urged something be done about excess campaign spending (President Johnson angrily calls the present statute "more loophole than law"). Congress doesn't act.

Sen. Mike Monroney (D) of Oklahoma sadly told the departing Senate, August 2, that congressional reorganization is dead for this session. The record is instructive. The Senate hopefully passed a reform bill, 75 to 9, in February, 1967. It was a moderate bill. It would have made committee procedure more democratic, refined committee jurisdiction, brought computers into the General Accounting Office (which is the congressional eye on the budget), added to the permanent committee staff, encouraged better scheduling of congressional business, removed patronage over postmasters, and strengthened lobby registration laws.

For 18 months House committee chairmen held the bill up. It would have diminished their power. Members of the House never had a chance to vote on it. "Ironically," said Senator Monroney, "the fate of this bill illustrates most abundantly why congressional reform is so badly needed."

Or take another case. This time mild, methodical Sen. Mike Mansfield (D) of Montana, is speaking. He is Majority Leader.

He told the Senate, before it quit, that he had done all he could to speed congressional business. So, he said, had the White House. So had everybody. And yet the new fiscal year was two months old and appropriation bills were not passed.

"Clearly something is wrong," he said, with a system that requires "make-shift and wasteful" book-keeping subterfuges to keep departments functioning. When appropriations are delayed it slows down departments here, he said, and disrupts state and local accounting, too, where federal grants are involved.

Only twice since World War II, Mr. Mansfield said sadly, has Congress adjourned in July with its appropriations complete. Shouldn't something be done?

"I urge that study be given to this matter," said Mr. Mansfield helplessly.

Will it be? Ho-hum. Nobody, but nobody, can reform Congress but Congress.

[From the St. Louis Post-Dispatch, Aug. 19–25, 1968]

TOO MANY COMMITTEES

The continuing need for congressional reform was tellingly demonstrated in the beating the Senate conferees took from the House conferees in accepting provisions in the Federal-Aid Highway Act which could be damaging to parks and highway beautification.

Senator Young of Ohio, one of the conferees, pointed out that the Senate side was at a disadvantage because of a major difference between the committee systems of the two chambers. Most Senators are members of three or four committees and "some of us are members of as many as 10 subcommittees as well," he said, "whereas most of the House conferees, being members of only a single committee as is predominantly the case in the lower chamber, were "very knowledgeable."

Senators understandably must carry a heavier load of committee work than Representatives because there are only 100 of them compared with 435 House members. But it is not inevitable for them to spread themselves so thin among so many committees and subcommittees as to suffer serious disadvantage in conference with the House.

The LaFollette-Monroney joint committee dealt with excessive committee work in the Legislative Reorganization Act of 1946 by reducing the number of standing committees and limiting the number on which any one member might serve, but the gain was quickly more than offset by the proliferation of subcommittees.

Clearly a Senator cannot do justice to this most basic work of Congress if he attempts to serve on four committees and 10 subcommittees or any sizable fraction of that number.

The Monroney-Madden joint committee's reorganization proposals presently stymied in the House do not attempt a similar reduction of committees and memberships, and it is in fact unrealistic to defer pruning until a group of reforms comes along every 20 years or longer. In only a very few years the undergrowth can become quite rank, and it ought to be cut back at frequent intervals to keep it from overrunning the place.

It seems to us clear that the committee system would best be kept under continuous review by a joint Senate-House group which while representing the right of each chamber to make its own rules could co-ordinate their respective jurisdictions. More particularly, there ought to be some agreement on a sensible limit to subcommittees, which have not much been taken into account.

[From the Washington Post, Sept. 10, 1968]

PHYSICIAN, HEAL THYSELF

On the day Congress reconvened the air was full of complaint and condemnation related to the injustices of our system of choosing presidential candidates. Two national party conventions presented fresh evidence to the legislators—as they already had to much of the public—of the need for election reform and for the democratization of our democratic procedures, so that the voice of the people might be heard in the land. So far, so good. An interest in these affairs on Capitol Hill is to be welcomed without reservation.

We would venture to suggest, however, that Congress might begin its good works a little nearer home. It is well and good to hold hearings, as Senator Mansfield has recommended, on prospective reforms of our method of choosing Presidents; but action on that will be a long time in coming. Closer to hand and riper for legislative action is the election reform measure, which has been before Congress now for a couple of years. The Senate has passed such a bill; the House version, which would do somewhat more to regularize both Congressional and presidential campaign spending, is locked up in the House Rules Committee. It is in good company: the Rules Committee has also blocked the Congressional reform bill which—were it released and enacted—would bring a little light and air to Congress and a little more democracy to its procedures.

The two measures are connected. After all, so far as the will of the people is concerned, it hardly makes sense to improve the election process if those fairly elected are subsequently denied an opportunity to represent their constitutents as a result of Congress's rigid and often irrational rules. An early and vigorous effort to get these measures moving would also be an earnest of Congressional sincerity in deploring the weaknesses of "the system," as it is known. So long as two such important bills are held hostage in the Rules Committee, while the membership of the Senate settles down for a filibuster which will prevent a majority of its members from voting for or against the confirmation of Justice Fortas, all talk of the shortcomings of democracy emanating from Capitol Hill will have—to put it mildly—a hollow ring.

[From the Christian Science Monitor, Sept. 10, 1968]

RULES COMMITTEE BLOCKADE

Sometimes, with the passage of time and changes in the cast of characters, perennial targets of editorial page censure begin to fade off the radar screen.

For long years a constant target of American editors was the House Rules Committee in Congress. It was the stubborn roadblock to all sorts of useful legislation.

That's not been the case so often, in this Congress. The Congressional Quarterly, in fact, remarks that "The House Rules Committee apparently has shed during the 90th Congress its role as a graveyard for civil rights and other liberal bills." Instead the committee once even voted to bypass a House-Senate conference on civil-rights legislation, thus avoiding a weakening of that bill in conference.

What has happened is that the Rules Committee has a new chairman, William M. Colmer (D) of Mississippi. Though a Southern conservative, Mr. Colmer agreed to cooperate as much as he "conscientiously" could with the House Democratic leadership in bringing bills to the floor. He replaced the powerful longtime chairman, Howard W. Smith of Virginia, who was defeated for reelection.

But the Rules Committee hasn't become precisely a free-flowing stream. It still manages to pigeonhole bills aiming at congressional reorganization, reform, and financial disclosure. It has blocked 21 bills on various subjects in the 90th Congress. Eleven had administration support, but none was a Johnson "must."

Most deplorably, the committee has been sitting on a legislative reform measure which passed the Senate in 1967 by a vote of 75 to 9. The bill would tighten lobbyist regulations and remove postmaster appointments from congressional patronage. It would also restrict the use of proxy votes by committee chairmen, allow minority committee members to hire their own professional assistants, and in general delimit the autocratic powers of committee chairmen.

Of late the committee's liberal membership has been increased. Its general disposition seems to have improved. But when committee chairmen, fearful of losing their dynastic powers, give the signal, it can still lay down a shameful blockade to good legislation.

BLOC PUSHING TWO BILLS PLANS HOUSE SLOWDOWN

(By Robert K. Walsh)

House Republicans set the stage today for slowdown tactics that could keep Congress in session the rest of this year in an attempt to force action on bills for congressional reorganization and election reform.

A dozen GOP members, claiming active support by another 15 or 20 and the backing of the House Republican leadership, announced plans to start specific moves tomorrow to "alter the proceedings" of the House but not to block necessary legislation."

The first of the indicated moves—such as frequent demands for roll calls and objections to unanimous consent requests—will coincide with scheduled House consideration of the annual defense appropriation bill.

"TO DRAMATIZE NEED"

Charging that Speaker John W. McCormack and other House Democratic leaders were responsible for the House Rules Committee shelving of the bills passed by the Senate last year to modernize congressional methods and promote clean elections, Rep. Donald Rumsfeld, R.-Ill., said:

"Our purpose is not to be disruptive. Our sole purpose is to dramatize the need for House consideration and, hopefully, House action on both of the reform bills before adjournment.

"All we are asking is that the House be given the opportunity to express its will on both bills under completely open rules so that meaningful debate can be conducted and amendments offered. . . .

"We do not intend to hold up other legislation which is to be considered in this session nor do we have any purpose beyond the one stated."

Prospects for success in this Republican drive seem remote before the 90th Congress closes. Rules Committee Chairman William M. Colmar, D-Mass., declared after a long closed meeting late yesterday that the committee had already "killed the reorganization bill two or three times." He said he knows of no move to send even a modified version of either bill to the floor.

McCormack denied yesterday that he opposes or is blocking the reorganization bill.

But Rumsfeld said today: "Speaker McCormack certainly has not been in the forefront of scheduling these bills."

Rep. Thomas B. Curtis, R-Mo., who served on the special congressional committee which recommended congressional reorganization moves more than two years ago, said: "I would include Speaker McCormack, Democratic Leader Carl Albert, Democratic Whip Hale Boggs and the Democratic chairman of most of the House committees as preventing action on these bills. I also would include the so-called undercover leadership. By that I mean the White House structure."

TIME FACTOR NOTED

The Republican congressmen said they are certain the bills would be passed next year if the GOP controls the House in the new Congress. Rumsfeld said, however, that passage is necessary now because "if the bills had to go through the legislative mill all over again next year, they probably could not be implemented until 1970."

A bill passed by the Senate, 75–9, last year after almost two years of study by a special joint committee headed by Sen. A. S. Mike Monroney, D-Okla., and Rep. Ray J. Madden, D-Ind., has reposed in the House Rules Committee since April, 1967.

The committee held only one day of public hearings more than a year ago. Despite periodic prodding by Madden, a committee member, there were no further formal open sessions.

The Senate-approved bill centers largely on curbing the power of congressional committee chairmen, making committee actions and voting records more representative and better known to the general public, and giving minority members more protection and facilities.

[From the Washington (D.C.) Evening Star, Sept. 10, 1968]

DEMOCRATS DISPLAY LOSS OF POISE

(By Charles Bartlett)

Of the barometers available at the outset of the presidential campaign, the most striking is the contrast between the compact, confident outlook of the Republicans and the ragged apprehensions of the Democrats.

Nothing denotes the sag in Democrat morale so much as the autumn scene in Congress, where members of the majority party seem inclined to behave like Mexican hat dancers without a hat or barn dancers without a fiddle.

Esprit is the missing element and its absence has been quickly marked by the gloomy forecast of Senate Leader Mike Mansfield on the prospects for Abe Fortas' nomination to be chief justice and the ratification of the nuclear non-proliferation treaty.

These are issues which the Democratic party, in a normal state of mind, would be eager to take to the country. Fortas is a distinguished lawyer attuned to the progressive attitudes which afford the party its political thrust. His opposition represents a reaction to these attitudes. A dissent made so delicate by the fact that Fortas is a Jew that the Republican presidential candidate has so far opted to have no part of it.

The non-proliferation treaty is such a clear advance in world relations that normally it would be seized upon as a rallying point by the Democrats and not treated as a fragile butt of controversy. Instead of cowering before the reaction to the Soviet aggression, the Democrats have a chance to display their doggedness in the pursuit of peace.

One key to the numbness is a determination by Democrats who face hot challenges for their seats that nothing will happen in Washington in the next 60 days that can shore up their election prospects. A breakthrough in the Paris negotiations would be one thing but the normal roll of social legislation does not at this moment promise to meet the problems at home.

They are first impressed by the mood they find there, the baffling mix of frustrations, aggravations, and diffidence. "It scares me," reports one Democrat from an industrial district. "Everyone is so quiet and nobody's talking politics. People are strangely casual when they ask if I'm running for re-election."

The House Democrats are survivors of a severe test in 1968 and they face their campaigns with a poise born of this experience. The primaries have been kind to incumbents, even those close to the administration. Few are optimistic that Hubert Humphrey will be a buoyance force on their ticket but few count him a millstone. Some plan to run as if he didn't exist.

But the anxieties of the voters are baffling to the politicians because they do not respond to Washington solutions. Saying, "you've never had it better" does not meet the concern with the young, the wariness of the Negroes, or the dismaying sense of a moral decline.

The Democrats would feel more secure in a two-party election but George Wallace is a disturbing factor. The heavy turn to him in border states like Oklahoma has put Democratic incumbents like Sen. Mike Monroney in grave trouble and the tide of Wallace sentiment is plainly moving north.

So insecure Democrats hasten home, undeterred by their chance to vote on legislation to control firearms and LSD, to enlarge the supply of nurses and doctors, and to fill out President Johnson's response to the needs of his time. To them it is a matter of "sauve qui peut."

The contrasting cool of the Republicans is reflected in the determination of one bloc of GOP members to force the session to continue until bills to reform Congress and the election laws have been enacted. This is the kind of imaginative initiative that was once left to the Democrats.

It is a warning that the Democrats have lost their monopoly on political poise.

Mr. TAFT. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I am happy to yield to the able gentleman from Ohio.

Mr. TAFT. Mr. Speaker, I thank the gentleman for yielding so that I might continue on and comment a little further on the subject of his special order, and I do not mean to preempt his time in any sense of the word for the State of Ohio, but the statement was made that I believe to be inaccurate.

I might say to the gentleman from Ohio, my good friend, that I am complimented by his assessment of my assets. I had always understood that he indeed himself had done extremely well, for which I commend and congratulate him in his personal situation.

However, I would like to go on at this point and say that under the Ohio law individual contributions, as I understand it, in congressional campaigns, are limited to the amount of $3,000 for any one candidate. So the representation that a Member could put in any amount that he wished to, certainly is not true.

However, it is true, and I point out again, that this has not been answered—even under the Ohio law the multiple committee bypass is there and has been used and is being used today by a majority of the candidates of both political parties.

I think that some attention to this, if we are going to get into the matter of election reforms, is necessary.

That is one reason I believe this bill should come out on the floor of the House.

Mr. HAYS. Mr. Speaker, will the gentleman yield further?

Mr. RUMSFELD. I yield to the gentleman.

Mr. HAYS. The gentleman has not read the bill, if he thinks there is a limitation in this new bill on what a Member can spend—because there is not a limitation. The limitation is repealed.

Mr. TAFT. Mr. Speaker, if the gentleman will yield, the limitation is in the Ohio law as I just said.

Mr. HAYS. That is right.

Mr. TAFT. And it is not in the Federal law.

Mr. HAYS. The gentleman did not make that quite clear.

To get back to the question of who has what money—I will try to borrow two times as much as I already have and add that to what I have—and trade the gentleman even up for what he has, if he wants.

Mr. ZION. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman.

Mr. ZION. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ZION. Mr. Speaker, surely the recent National Democratic Convention in Chicago brought home the need for taking a close, hard look at our political process. The examples of the past 2 years of the few individuals who have abused the public trust which sent them to Congress should cause us to reassess the method by which we bring men to the House and to the Senate. The annual confusion which pervades this body because of the archaic and unwieldly system under which we labor has dramatized the need to set our own house in order.

I am sure many of my colleagues wonder at the alleged urgency that commanded us back to Washington following the national conventions. At a time when all of us could have been fulfilling a sacred duty of office in meeting and counseling with the people who elected us to that office, we are malingering here in Washington. And for what? To consider, in all of last week, one measure by record vote? Or involving ourself in lengthy and time consuming debate on issues which could be disposed of by consent?

Mr. Speaker, America does not take its eyes from this body. Our Nation is shocked by the seeming apathy of a Congress which appears deathly afraid of doing what must be done to put its houses in order.

The people cry "Now," Mr. Speaker. They demand that Congress enact legislation which will apply restraints on political fund raising and political spending and which will insure that the people are informed as to what has been spent and how it has been spent.

The people also demand that Congress catch up with the 20th century in its own operation. The issues are too vital, too ponderous, the alternatives too alarming to permit the existing mechanism of legislative government to totter down its inefficient time-worn rut.

The other body has unmired itself on these two vital issues, acting last year on both. And yet the majority leadership of the House has refused to permit consideration over here. I must inquire why?

Is the Democratic leadership afraid that these issues will provide embarrassment for the majority membership who must soon answer to their constituents? I would certainly hope not, for the rug has not been woven yet that will accommodate this magnitude of sweepings. If the leadership does not act to move action on these measures, I suspect a new Republican leadership in January will be called upon to expeditiously move ahead with that which has been too long undone.

Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Esch] may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ESCH. Mr. Speaker, the discussion today in this House special order once again calls the attention of the Congress and the Nation to the need for congressional reform. Congress is guilty of neglecting many of its essential functions and is in danger of finding itself structurally unable to cope with the problems of modern America.

If we, as a Congress, want to remain a viable force in our Federal system, then we must squarely face the need for change. The failure to bring congressional reorganization legislation to the House floor for consideration can only lead to deterioration of the power and respect which the Congress holds throughout the Government and the Nation. The failure to consider this legislation in the remaining weeks of the 90th Congress must doom the Congress to 2 more years of dealing with new problems through old structures—of attempting to cope with modern issues with an antiquated system.

Mr. Speaker, the arguments in support for congressional reform have been repeated and debated so often it seems almost repetitious to do so. Yet, the Congress has turned a deaf ear to the needs. It is high time that we took constructive action. I argue less for specific reforms, although there are many which I feel are essential. I argue, instead, against the refusal to allow the Congress to debate this crucial issue, the failure to allow a Democratic majority of the Members to consider this legislation.

Mr. Speaker, the last major reform of Congress was accomplished more than 20 years ago. It is clear to every scholar of the American political scene that, since that time, the Federal Government and the problems which it must handle has grown tremendously. The structure set up in the 1940's is inadequate to meet the demands of the 1960's and 1970.

I join my good friend and colleague from Illinois in urging that congressional reform legislation be considered before we adjourn this year.

It is not a question of partisan interest—it is a question of responsible procedural action.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the able gentleman.

Mr. BROCK. Mr. Speaker, I wish to take this moment to congratulate the gentleman on his presentation of this matter and to associate myself with his remarks.

I would like to point out, turning to the election reform bill, what to me is a most significant part of the bill.

Is it not a fact that we removed the ceiling on expenditures but we require full public disclosure?

I, frankly, have never had so little confidence in the American people that I have thought we needed a statutory ceiling so much as I have thought that we need adequate knowledge on the part of the American people as to the source of and the application of funds. I think if they have this knowledge, they will act in a responsible manner as they are capable of doing.

Mr. RUMSFELD. I would like to clarify something the gentleman from Ohio [Mr. HAYS] said about the legislative history of the election reform legislation.

It is my understanding that in 1961 President John F. Kennedy appointed a Special Commission on Campaign Costs, which apparently came about as a result of his experience in the 1960 presidential campaign. That Commission on Campaign Costs submitted its report and recommendations in 1962, and in 1962 and 1963 President Kennedy recommended legislation incorporating some of the proposals of that commission.

Then in 1963 a bipartisan group including Senator Barry Goldwater and Senator FRANK CHURCH cosponsored legislation in this area.

President Johnson, in 1966, asked for the passage of legislation on this subject.

So there has been a longer history and considerably more interest in this legislation than that of simply a few minority members of the Committee on House Administration.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman.

Mr. HAYS. Mr. Speaker, again they were talking about an entirely different kind of bill than that which came out of the House committee.

I think it may be significant to note that the two gentlemen on that side who rose to your support are two gentlemen who could write a check of seven figures with no pain.

I again repeat that this bill repeals all ceilings on how much any man can spend in his own behalf. I say to you, if it passes in this fashion, you are putting every seat in this House of Representatives up for auction.

Mr. RUMSFELD. I say to the gentleman from Ohio that the point of this discussion this afternoon is to attempt to create an atmosphere where hopefully the leadership—and I see the distinguished majority leader here on the floor and I appreciate his attendance—will bring legislation to the floor of the House so that the 435 Members who also have views on this may at least have an opportunity to work their will on these two important legislative subjects.

I do not know what the judgment of the House would be. I am quite sure it would not be what I would want. This is rarely the case; as a minority Member, I do not expect that. All I expect and hope is that we would have an opportunity to consider the bills on the floor. I do not believe that that is asking too much.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I am happy to yield to the gentleman from California.

Mr. REES. I would like to take this opportunity to compliment the gentleman and his task force on the work that they have done, both in the area of reorganization of Congress, and also in the area of election law reform. I think that you are entirely correct in saying that while the two bills you are discussing might not be the final form and might not be the best form, we should bring the bills out on the floor during this session. I suspect we will probably be in Washington for a month. We will be sitting around most of the time waiting for conference reports to come in. I think the job you have done, the book that has been published, is a road map for all of us on how to bring the House of Representatives up to the 20th century in terms of operating their business and responding to the people of this country.

So I as a member of the majority party, and as one who finances his campaign from pocketbooks other than his own, feel that it would be a good project for us to work with right now to show the American people that we cannot only talk about government in general and how to make it more effective, but we can talk about making our own House and our democratic process more effective.

Mr. RUMSFELD. I thank the distinguished gentleman from California and welcome his support from the majority side of the aisle.

I promised to yield first to the gentleman from Tennessee, and then I will yield to the gentleman from Ohio.

Mr. BROCK. Mr. Speaker, I appreciate the gentleman yielding to me. I should like to say to the gentleman from Ohio that I believe he is doing an excellent job of making our case. There is a great deal in this bill with which I disagree. But I think the point the gentleman from Illinois just made, and made very well, is that we are not asking that this bill be brought out as a shill and ploy or under a closed rule. We feel very strongly that the House should have an opportunity to make such improvements as are necessary. One improvement that I believe is critically necessary, as the gentleman has ably pointed out, is in respect to the lack of a limitation on personal expenditure. I think this is a very critical area. One of the greatest concerns I have about this democracy is the enormously increased cost of campaigning and the tendency, which is becoming very apparent, to preclude those who may not have had productive parents who were as fortunate as some of us have had. It may preclude them from seeking office regardless of their qualifications. I think that is a terrible thing to contemplate for this democracy of ours.

Second, I would like to say this. I hope that this discussion will not get us off the track in consideration of congressional reform as well as election reform, because again we feel very deeply the need for keeping this Congress in tune with the needs of the people of this democracy. We feel very deeply that there must be a response on the part of the 435 Members of this body to update our procedures so as to represent our people as best we know how to do.

I thank the gentleman for yielding.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Ohio.

Mr. HAYS. I would like to comment on two things: First, about the need for congressional reform. I hope to travel around some and make a few speeches around the country. If the people will listen to what I have to say, in November they will reform the Congress and we will not have that problem.

Second, I was very interested in the remarks of my friend from California. I understand he may be a candidate for mayor of Los Angeles. If he is, I would say that he ought to sit there and relax and rest and conserve his energies because, God knows, if any place needs reforming, that is it. That will take all of his energy when he gets there, and all he can accumulate by resting from now until he becomes mayor. I say that kindly, because I think he would make a great mayor. Even if I did not, I would be of the school that thinks that any change would be an improvement.

If I were a cynic, which I am not; and if I were hardnosed, which I am not; if I were tough instead of being softhearted—and I am not—I might think that some people are more interested in getting a little publicity than in bringing these bills up.

But, not being any of those things, I am sure that this would not be the reason why we are going to have stalling tactics tomorrow and will not get any work done.

I know everybody here is dedicated in September, just before the elections in November, and that they want to stay here and debate these things for 2 or 3 weeks, or 2 months, and I give credit to the Members for that. Probably because I am not that way myself, I would like to get out of here and get home, and if we would postpone this thing until after the election we could probably all take a much less partisan view of it. I would be glad to come back and debate these bills, as well as one which I have pending relating to certain State Department personnel and to certain other people.

Mr. RUMSFELD. Mr. Speaker, let me say to the gentleman from Ohio, he is an able man and has a skillful way of discussing such subjects, and he seems periodically to sort through the issues that are being discussed and to come down to motives and to individuals.

As a practical matter, this has not been a partisan matter. These bills are jointly sponsored by Democrats and Republicans. The commissions have been appointed by Democrats. The Republican minorities on the committees have worked with the Democrat majorities. I commend the gentleman from Cali-

fornia [Mr. LIPSCOMB] and the minority members of the House Administration Committee, and the gentleman from California [Mr. SMITH] and the minority members of the House Rules Committee, and the gentlemen from Missouri [Mr. CURTIS and Mr. HALL], and the gentleman from New Hampshire [Mr. CLEVELAND] who have worked diligently on this legislation. They deserve a great deal of credit. They are not Johnny-come-lately's in the battle for reform. They have worked on these pieces of legislation for years.

This is not any last-minute thing. I was one of the original cosponsors of the resolution that created the Joint Committee on the Organization of the Congress. I do not say that to take any credit, but it is a fact. Further, I testified before the joint committee on July 2, 1965, and this is now September 10, 1968, and we have not yet had a Legislative Reorganization Act since 1946.

This country has changed since 1946. The problems of this country have changed since 1946. The Democratic majority leader in the other body made a statement at the end of the first session of the 89th Congress to the effect that we had passed a great deal of legislation very hastily which had bad corners and rough edges, and that we should fulfill our oversight and review responsibilities. I believe that Congress has not effectively exercised those oversight and review duties.

Mr. HAYS. Mr. Speaker, does the gentleman think this bill would cure all these things?

Mr. RUMSFELD. Of course it will not. Nothing will cure all of these things.

But it would work toward curing some of the problems.

For example, some of the business meetings of the committees would be conducted in public and not behind closed doors. There would be provision for closed sessions, but more often than not the meetings would be open. I believe that votes taken in committee should be made a matter of public record. I proposed that in one committee, and it was defeated by a committee vote.

We are all elected by the American people. I do think we should not be treating the American people like children and telling them just those things that would serve our purposes for them to know. Our whole system is based on the people having the knowledge so that they can make the basic judgments and necessary evaluations as to the quality of our work. I think they deserve to have access to the information.

This Congress passed the public records law relating to the executive branch, saying the executive branch should make information available to the American public. It seems to me that what is good for the goose ought to be good for the gander.

Congress ought to make the proposed changes in this area of undue legislative secrecy.

This bill would make some provision for the rights of minority Members to file additional views, and it would prohibit consideration of a bill until a report has been available to the Members for 3 days. We know the situations we have gotten into where we have been asked to vote on a piece of legislation—and I must say the majority leader is right here and this does not happen often, but it does happen—and we have been asked to vote on a bill when the report is not even available. That has happened, and it should not happen except in extreme emergencies.

These are the kinds of things we have in mind. No one thing is of major importance. No one thing is going to change the course of the Congress, but together they have a direct bearing on the quality of our work.

The American people are not satisfied with the quality of our work, if I might say so, and I believe it is because we have not been as precise and have not analyzed the problems as thoroughly and as carefully, by giving full hearing to both sides, as we could and should have. Also, this bill would provide that minority Members would be able to call some witnesses.

At the present time we have no right to be able to call witnesses. The purpose of a congressional committee is to bring different ideas point to point, so that we can sort them out and make sound judgments. I believe this legislation would go a long way toward improving the functioning of the House of Representatives as an instrument of government. I would hope the gentleman would agree with me at least in part.

Mr. HAYS. I would say I am not as familiar with this so-called reorganization bill as I am with the election bill. Some of the points the gentleman has mentioned have been speeding up, getting things done. The gentleman talks about this being a new era. Some of the things he talks about would slow the House down.

Mr. RUMSFELD. Speed is not the important question.

Mr. HAYS. Sometimes it is pretty essential.

Mr. RUMSFELD. And the House is always capable of working its will.

Mr. HAYS. Yes, it is always capable of working its will if we do not have rigid rules one cannot get around, such as having a report ready for 3 days. Suppose that some nation dropped an atom bomb on us and we wanted to declare war and had to wait to get the report out? I just cite that as something that could happen.

Mr. RUMSFELD. If the gentleman would get a copy of the bill and would read it, he would find that the declaration of war or the declaration of a naational emergency are specifically exempted from this provision.

Mr. HAYS. Let me say one thing further.

Mr. RUMSFELD. Let me finish the sentence. I want the RECORD to show that provision is not rigid. It would make that the general rule. There then would be exceptions for the types of circumstances the gentleman from Ohio talks about, where greater speed is needed. The House would be able to operate with greater speed if necessary.

It would seem that the gentleman is taking the opposite side, simply for the sake of argument.

Mr. HAYS. I would say that the gentleman has made a big case here which does not hold water. He talks about voting records not being made public. I guarantee that any record of any committee vote that Drew Pearson wants he can have the next morning, and he does whenever he feels like it. I do not believe that is really substantial.

I do not care whether it is public or not.

Now, about the public hearings, the Foreign Affairs Committee, on which I sit, has many public hearings, as many as we can possibly have without divulging secrets which might endanger the country.

Mr. RUMSFELD. That is proper. No one is criticizing that.

Mr. HAYS. So what is the "gripe"?

Mr. RUMSFELD. First I do believe votes should be made public. I disagree with you. Further, there was a feeling on the Joint Committee on the Organization of the Congress that too many hearings of some committees were not open. If anyone would study the summaries that have been made as to the number of committee hearings which are not made public and which are not open hearings, I believe he would agree that there are many instances where the committee hearings are closed when they need not have been closed.

I quite agree with the gentleman that the Foreign Affairs Committee holds a great many public meetings, and no one is faulting that.

Mr. HAYS. Let me say to the gentleman, I have been here in the minority—not long, thankfully, but I have been here—and any single member of any committee can get a public hearing if he wants to, if he has guts enough and if he wants to scream loud enough, because he can get an audience with the press and he can turn the heat on.

The fact of the matter is that in the closed hearings it is nearly always unanimous that they want to have a closed hearing.

So far as I am concerned, on the Foreign Affairs Committee, there is always a good reason for it.

In fact, in the closed hearings nearly everything said leaks out to the press, anyway, and perhaps we should not have any. But there are times when there are things said, when papers are passed around and so on which would hurt or would damage this country if they were published on the front page of the newspapers. That is the reason why we could not make a move militarily without the Russians knowing it 6 weeks in advance. They moved into Czechoslovakia one night and we did not have any advance warning.

Mr. RUMSFELD. Why does not the gentleman from Ohio join us in attempt to see that the House leadership schedule these bills for consideration so that the gentleman can make the points he wants to make on the substantive legislation, rather than in a special order?

Mr. HAYS. Everything being considered, the gentleman should have made this speech back in June, not in September, and I am not about to try to drag out the session any longer. If we put it to a vote we would get a vote of about 90 to 10 to go home tonight. So I do not want to make that motion, Mr. Speaker. I do not want to embarrass anyone.

Mr. RUMSFELD. Let me say to the

gentleman, Mr. Speaker, on the question of how many speeches have been made that I would have to check the CONGRESSIONAL RECORD to be exact. But the gentleman suggests I should have made a speech on this subject at some prior date. If he would check he would find numerous, probably dozens of references in the RECORD during this period.

Mr. HAYS. All right.

Mr. RUMSFELD. Let me finish the sentence. Then I will be happy to yield to the gentleman from Ohio.

In fact, as the gentleman from California said, we went so far as to write a book, where 23 Republican Congressmen each contributed a chapter.

I do not suggest for a minute that my chapter is any great stroke of genius, but I am saying that the effort has been made, and the suggestion on the part of the gentleman from Ohio that the gentleman in the well or any other Member in this group has not been involved in talking about this and in writing to the Speaker and in testifying before the Joint Committee on the Organization of the Congress for months and, in fact, for years, is wrong. He is simply not accurate.

Mr. HAYS. Then, I will amend my statement to say that instead of making this speech you should have had your Wednesday in September on a Wednesday in June, the one you will have tomorrow, which will make quorum calls and have the Journal read and so on. You and I know the Committee on Rules made a decision—and I hope they will stick to it—that they will not report out anything that was not reported out of a committee by July 9.

Mr. RUMSFELD. But the legislative reorganization bill has been pending since 1967.

Mr. HAYS. But let me point out that the gentleman has been very happy to see the Committee on Rules on occasion bottle up a bill. Has he not? All right. I will not put you on the spot.

Mr. RUMSFELD. While there may have been some pieces of legislation that I did not favor I have never to my recollection urged that a bill not be brought to the floor.

Mr. HAYS. Then, I will say to the gentleman that a majority of the Members are not urging these two be brought to the floor, because if they were, then they would be brought to the floor. So the Committee on Rules serves a pretty useful purpose. Sometimes it is to the liking of one fellow and sometimes another, but it is not always to the liking of everybody.

Mr. RUMSFELD. We are here because we want these bills on the floor. I would like to say with respect to the question he raises about why we chose this particular evening that the gentleman is a very senior and knowledgeable Member of the House——

Mr. HAYS. You will leave that in the RECORD—what you just said—will you not?

Mr. RUMSFELD. I certainly will.

Mr. HAYS. Do not take it out.

Mr. RUMSFELD. I am well aware of the fact that the gentleman from Ohio is familiar with the operations of the House of Representatives. But the gentleman therefore knows that a minority Member does not run things around here. On the minority side we have to recognize the fact that the Democratic Party controls every single committee and every single subcommittee as well as the flow of legislation to the committees and to the floor and the calling of witnesses. Every single aspect of it is controlled by the Democratic Party. We know we lost the election in 1966.

Mr. HAYS. Will the gentleman yield?

Mr. RUMSFELD. Let me finish.

Mr. HAYS. I want to say something nice about him.

I want to compliment the gentleman because I see he does not belong to this new breed. He says that the minority does not run things. The minority has a right to be heard and to have its view expressed, but this so-called new breed thinks that the minority ought to be the boss, and not just a minority but a minority of the minority, as I said in Chicago. It is a very small minority of the minority. I am delighted that the gentleman still has the good American tradition that the minorities have rights and they have the rights to have their views heard and to present their views and to have their votes counted, but minorities do not run a body in which they are a minority or a minority of a minority. You know, if we get down that far, we will have the famous twosome over here running the whole Congress, if we let a minority of a minority run it. However, they do get to say their piece, and I am glad they do, because they contribute a lot. One of them seems to have stepped out.

Mr. RUMSFELD. The gentleman from Ohio seems to do pretty well himself.

Mr. HAYS. They contribute a lot. I have been here all the years when they speak, and I am here frequently to hear them utter some of these pearls of wisdom. However, if we were to adopt the philosophy that some press people would like to have us adopt and some of the eastern establishment press would like to have us adopt, we would let a minority of a minority run this country. Then I say that what we would have, instead of democratic government, would be anarchy, which is exactly what some of these people want. I congratulate the gentleman and say that he has presented a fair doctrine. I think it is one that we should stand by.

Mr. RUMSFELD. I would like to comment on the statement made by the gentleman, because I think it is important. We on this side know that we are not in a position, as a result of the last election, to control the committees and to shape the legislation to deal with the problems that we feel exist in this country. The people on your side of the aisle are. As a result, we have not come before the House this evening and suggested or demanded that there ought to be a specific bill passed.

We have said only that we can see no excuse in the world, and we hope that Members on that side of the aisle share our feeling, why the House of Representatives should not be given an opportunity to debate and discuss these matters. We cannot force it. We know that. You are in the driver's seat.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I cannot yield to the gentleman at this point because I wish to finish my thought.

All we can do is try to point up what we feel is a need in this country for legislation that will help make the Congress function in a more efficient way. We are not satisfied. We think this Congress could be a better instrument of government and it is our hope that that will be the case.

Mr. MILLER of California. Now, Mr. Speaker, will the gentleman yield,

Mr. RUMSFELD. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding. The gentleman from Illinois serves on the Committee on Science and Astronautics of which I am chairman. He does a great deal of research. He does his homework. However, I am surprised that he complains about all of the committee chairmen being Democrats of all of the committees on this side of the aisle. I am sure that if the gentleman from Illinois were here during the 80th Congress——

Mr. RUMSFELD. I am talking about right now, not the 80th Congress. There are no Republicans who chair committees today.

Mr. MILLER of California. How many Democrats chaired a committee during the 80th Congress?

Mr. RUMSFELD. Of course, but that is not the point. I was not complaining about the results of the last election. I was stating a fact of life. It is a fact that the majority party, the Democrats, control every single committee of this Congress as well as every subcommittee.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield further, your implication is that you are being deprived of a certain right——

Mr. RUMSFELD. No. Not at all.

Mr. MILLER of California. The gentleman did not come through as clear objectively, then, as I thought he did.

Mr. RUMSFELD. Let me clarify that. By making the comment I simply state the fact. When an election is over and more Democrats win than Republicans win, then the Democrats control. They have the opportunity to elect the distinguished Speaker and to elect the chairman of every committee and subcommittee of this House of Representatives. That is the way it works out. I hope it will work out differently this year.

Mr. HAYS. Mr. Speaker, will the gentleman yield to me at that point?

Mr. RUMSFELD. I yield to the gentleman from Ohio.

Mr. HAYS. I seem to detect an implied admission in this long speech of the gentleman that he does not quite agree with his minority leader. He says this ought to be done. He says he is not in the majority. The distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD], has said that the Republicans will control the next Congress by 30 or 40 seats. If the distinguished minority leader is right, that is only 4 months away, or less than that. Therefore, why do you not wait until then if you really believe that he is right and do this thing? I will tell you why; because you know he is wrong and so do I.

Mr. RUMSFELD. No. The gentleman

can answer questions for himself but he cannot answer them for me. My response to your question, my response with respect to any election reform legislation, is this. The legislation which has been previously considered and this legislation which we are discussing today would not apply to the immediate election but would apply to the one after that. For example, if the bill which we are discussing this afternoon passed today it would apply to the 1970 election, and not the 1968 election. And if passed in 1969 it probably would apply in 1972 not in 1970.

With respect to the Legislative Reorganization Act, regardless of which party is in the majority the odds are we would organize in 1969 under the present rules, unless the bill passes this year. That would delay some provision for many months if not until 1971. However, there could be some changes made. And if changes were made at the outset of the 91st Congress they would not have been considered by the membership as a whole. I am sure that the gentleman from Ohio [Mr. Hays] will recall that at the beginning of this Congress there was a Democratic caucus and the rules under which we were to operate came to the floor of the House the first day of the session and were presented. We had no choice as to what changes there should be. We had no opportunity to debate them. My recollection is that there was a vote on the previous question as to whether or not the rules would be adopted as recommended by your party. There was no question as to what the outcome would be. There was a unilateral decision as to what the rules would be. I was never even given a copy of the proposed changes.

Mr. MILLER of California. Mr. Speaker, would the gentleman yield further to me at this point?

Mr. RUMSFELD. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman.

Mr. RUMSFELD. First, though, let me finish my statement before you make your comment. You may have a wrong impression. My point is this: If we are going to change the rules, the rules should be changed by the membership as a whole.

In the event we do not do it this year, then we organize under the old rules and conceivably we could go through a 2-year period without changing the rules, and this might apply 2 years from now in the 92d Congress, which I happen to believe to be much too long a time to wait.

Mr. HAYS. If the gentleman will yield, did I understand the gentleman to say this would override the next election?

Mr. RUMSFELD. No, I did not say that. I said an election reform bill might exempt the next election. This bill for example would not apply to the immediate 1968 election. This is to give people time to make adjustments that they might wish to make to comply.

Mr. HAYS. That appeals to me more, because I might have other plans after that time and, like the gentleman from North Carolina [Mr. Ashmore], I could not care less.

Mr. MILLER of California. Mr. Speaker, if the gentleman will yield further, I was very much surprised that the gentleman makes these horrible statements that the Democrats did this, and shoved it down your throat by passing the previous question. I have sat in this House when the Republicans were in control, and on the day it was organized they brought in the rules, and they shoved them down our throats. It is only a question of who has the votes, who controls the House. And I certainly do not believe that it is nice to try and imply that the Democrats are such horrendous people.

Mr. RUMSFELD. I disagree. I did not suggest that Democrats are evil people. Neither party has a monopoly on all the good qualities that we would all want. I am saying that, as a Member of this House, I did not feel that I had an opportunity to know how to vote on the rule changes that were suggested. The minority Members were not given copies of the changes and were prevented from debating them.

As I recall—and I am not sure whether it was this Congress or the previous Congress—but I thought at the time that at the very least they could have given us the opportunity of seeing a printed copy of what was in the proposed changes so that the Members would know how they wished to vote.

Mr. TAFT. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I yield to the gentleman from Ohio.

The SPEAKER. The time of the gentleman from Illinois has expired.

The Chair will state that at this time, under a previous order heretofore entered into, it will recognize the gentleman from Ohio [Mr. Taft] unless the gentleman from Illinois, with permission of the gentleman from Ohio [Mr. Taft], desires to make a unanimous-consent request.

Mr. MacGREGOR. Mr. Speaker, I am convinced that not only Republicans, but a large number of Democrats in the House, would endorse the statements contained in the 1968 Republican platform calling for the enactment of election reform and congressional reform legislation. The platform reads as follows:

> We favor a new Election Reform Act that will apply clear, reasonable restraints to political spending and fund-raising, whether by business, labor, or individuals, ensure timely publication of the financial facts in campaigns, and provide a tax deduction for small contributions.
>
> Congress itself must be reorganized and modernized in order to function efficiently as a co-equal branch of government. Democrats in control of Congress have opposed Republican efforts for Congressional reform and killed legislation embodying the recommendations of a special bipartisan committee. We will again press for enactment of this measure.

These two proposals have already passed the U.S. Senate. A Legislative Reorganization Act was adopted on March 7, 1967, by a vote of 75 to 9. An Election Reform Act received unanimous Senate approval on September 12, 1967.

Despite this overwhelming support for these modest reforms in the other body, the Democratic leadership of the House of Representatives has denied the House the opportunity to work its will on either of these issues.

Passage of meaningful congressional reform and "clean elections" legislation is absolutely essential to orderly and responsive functioning of the Federal Government. Further delay in their enactment frustrates the just expectations of the American people and plays into the hands of those who seek to discredit our representative institutions. A government which continues to use 19th-century mechanisms cannot hope to solve the problems of 1968 and of the future.

We simply request the opportunity to vote these proposals up or down. I am confident that granted this opportunity, the House will act favorably on this legislation.

Mr. MIZE. Mr. Speaker, I commend the gentleman from Illinois [Mr. Rumsfeld] and my Republican colleagues who have joined in this effort to make passage of congressional and election reforms part of the achievements of the 90th Congress. I also wish to recognize the effort which has been made by Members on both sides of the aisle in the House and Senate in this long-overdue crusade to update our legislative machinery and the election processes.

This bipartisan effort has progressed too far to be stalled by one roadblock. Surely our leadership can overcome this impasse and bring the two measures, which embody many of the reforms we are seeking, to the floor of the House for debate and action by this body. The people of the country who depend upon Congress to be truly representative have a right to expect nothing less than critical self-examination of the way we handle their affairs and the adoption of needed improvements wherever they can be made.

I acknowledge that the proposed reforms are not everything all of us would wish. I have proposed some reforms which I would like to see included in the legislation we adopt. Personally, I would like to see the elimination of those legislative catchalls—omnibus bills, and I am convinced that one of the most important reforms we could adopt would be to change the Government's fiscal year to coincide with the calendar year. But whether these reforms are in the bill we finally pass, we should not adjourn without enacting legislative reorganization and election reform to some degree or other.

Had the Congress adjourned August 1 there might have been a valid excuse for not scheduling these bills for consideration, but here we are back in session for an indeterminate number of weeks. There will be days during this "rump" session when the House will be scratching for something to do. The best way we could be spending our time and fulfilling our responsibilities, as I see it, would be in searching debate on these reforms.

I earnestly recommend that the leadership give its endorsement to this effort and help bring these two bills—the Legislative Reorganization Act of 1967 (S. 355) and the Election Reform Act of 1968 (H.R. 11233)—to the floor for debate.

The hearings have been held; the reports have been filed; and the issues have been debated in the press, by congressional leaders and by political scientists. All that remains is to take formal action on the floor of the House. I trust this action will be a hallmark of the 90th Congress.

Mrs. DWYER. Mr. Speaker, while I welcome this opportunity to join with my colleagues in appealing again for action on the Legislative Reorganization Act and the Election Reform Act, I find it deeply disappointing that such an appeal has to be made.

It seems to me to be self-evident that action on both these measures is long overdue and increasingly urgent. In light of the growing discontent and disillusion with which our people view the political, electoral, and legislative processes, the entire membership of this House—and especially its leadership—should be rallying behind both measures in an effort to reform and modernize the outmoded and unrepresentative practices which have brought such widespread criticism.

It has been 3½ years, Mr. Speaker, since both the House and Senate unanimously created the Joint Committee on the Organization of the Congress, and a year and a half since the Senate passed the resulting Legislative Reorganization Act by a vote of 75 to 9.

Similarly, it has been more than 6 years since President Kennedy's Commission on Campaign Costs submitted its report and recommendations, 5 years since implementing legislation was introduced, and 1 full year since the Senate passed the Election Reform Act on a rollcall vote of 87 to 0.

Throughout the history of both measures, the legislation has received extraordinarily lengthy and detailed consideration and it has been sponsored and supported on a broad bipartisan basis by Members representing all ideological points of view.

The evidence is incontrovertible, Mr. Speaker, that both bills have broad support both in Congress and in the country, that both bills are badly needed, and that both bills could be passed by the House if Members were allowed to vote on them. The only significant criticism I have encountered of either bill is that they do not go far enough in the direction of reforming existing practices and procedures. Yet, such critics—and I number myself among them—are the first to insist that we must act on both pieces of legislation as first steps toward bringing our election laws and legislative procedures more closely in line with contemporary needs and realities.

Nevertheless, both bills continue to be pigeonholed in the Committee on Rules.

Once again, therefore, we appeal to our colleagues on that committee and among the leadership to bring both bills to the House floor, to permit the House to work its will on this legislation, and to discharge our heavy responsibility to the country and the people we represent.

Mr. CHAMBERLAIN. Mr. Speaker, the refusal of the administration to permit passage during both the 89th and 90th Congresses of an Election Reform Act must stand as one of its greatest failures to make good on its promises to the American people. In his state of the Union message, January 1966, President Johnson stated:

> I will submit legislation to revise the present unrealistic restrictions on contributions—to prohibit the endless proliferation of committees, bringing local and state committees under the act—to attach strong teeth and severe penalties to the requirement of full disclosure of contributions—and to broaden the participation of the people, through added tax incentives, to stimulate small contributions to the party and to the candidate of their choice.

After much delay the administration's proposals were finally submitted May 26, 1966, after reports had been published that Members of the minority were preparing their own legislation. The House administration committee after long deliberation on both proposals ultimately reported a bipartisan bill incorporating substantial parts of the Republican recommendations. This measure, however, has failed to be scheduled by the majority leadership for consideration by the House.

As one who has joined in sponsoring such legislation I believe this failure is wholly unjustified and unnecessary and can only be interpreted by the American people to mean that the present administration and the majority party considers it to be to their disadvantage to press for these reforms at the present time. It soon became evident that the administration was much more interested in finding a way to use the Federal Treasury to subsidize political campaigns than it was in restoring the people's faith in our electoral process by insuring full disclosure of all campaign finances.

Mr. Speaker, the Democratic platform adopted just a few weeks ago piously intones:

> There is growing concern about our election processes. We are alarmed at the growing costs of political participation in our country and the consequent reliance of political parties and candidates on large contributors, and we want to assure full public information on campaign expenditures. To encourage citizen participation we urge that limited campaign contributions be made deductible as a credit from the Federal income tax

While the convention floor in Chicago was dominated by a sign which read "Promises Made—Promises Kept" the fact is the administration has had some 4 years to enact such legislation, either its own or as recommended by the minority party, and it has simply failed to do so. The record speaks for itself.

Mr. BROTZMAN. Mr. Speaker, I wish to commend the gentleman from Illinois [Mr. RUMSFELD] and the other Members present here today, in their efforts to call to the attention of the House and the American people the need for congressional and election reforms. This is a topic which has received a great deal of attention, but very little concrete action. It is time that the House consider these issues and debate them honestly and openly.

Since March 9, 1967, the Legislative Reorganization Act has been before the House Rules Committee. The Election Reform Act was favorably reported by the Committee on House Administration on June 27, 1968, but has not yet been granted a rule.

The road to congressional reorganization is never a short nor a smooth one. It takes time and careful study. But, Mr. Speaker, time is running out and the study has been completed. The Legislative Reorganization Act is the product of a joint, bipartisan committee which worked for more than 2 years in drafting this landmark legislation.

The Congress last considered congressional reform legislation in 1946 when the Legislative Reorganization Act of that year was adopted. The Legislative Reorganization Act currently before the Rules Committee is only the second reform measure considered in the Congress in this century. I am very disappointed that the Democratic leadership does not seem to be enthusiastic about bringing this legislation to the floor of the House for our consideration and subsequent action.

It is my hope that the Members of this body will take this opportunity to make known to the leadership their desire to consider this measure. We must state in a loud and clear voice that we are unafraid of change and prepared to enact those measures which will make our Congress a more efficient, thoughtful and well-informed decisionmaking body. We must make Congress more responsive and responsible to the American people. The Senate already has acted. It passed this measure a year ago last March by an overwhelming vote.

I can only conclude that the Democratic leadership of this body is opposed to progressive and useful changes. The Democratic Party has held control of this House since 1955. Yet nothing has been done. It took the scandal of a Bobby Baker, a TOM DODD, and an Adam Clayton Powell to move this House to establish a Committee on Standards of Official Conduct. I was pleased to be one of the early advocates of that committee and I presented testimony in support of its creation before the Rules Committee.

But even then, the leadership was reluctant to support that move. As I recall, an effort was made to allow the House Administration Committee to continue to investigate questions of conduct. It was the insistence of the new Members of Congress in 1967—a group of dedicated young men who came here and saw what was going on and did not like what they saw—that is responsible for giving us a Committee on Standards of Official Conduct. Perhaps the leadership should have read the handwriting on the wall more closely.

The Republican record on congressional reform is clear. In March of 1965, under the leadership of the gentleman from New York [Mr. GOODELL] a House Republican Task Force on Congressional Reform and Minority Staffing was formed. Minority Leader GERALD FORD wrote of this task force in his introduction to "We Propose: A Modern Congress":

> The Republican Task Force on Congressional Reform and Minority Staffing was created in part to assure that every significant aspect of the operation of the House of Representatives would be studied and to serve as a reservoir of recommendations should the Joint Committee fail to report out a comprehensive set of proposals for modernizing the

machinery and strengthening the role of Congress in the twentieth century.

In July of 1966, McGraw-Hill Book Co. published "We Propose: A Modern Congress," which is a collection of 21 essays dealing with various facets of congressional reform, with suggestions for improvement, written by members of the Republican task force.

The Republican policy committee has urged consideration of congressional reform measures since 1966. And in August of this year, the Republican National Convention adopted its platform, "We must think anew and act anew," which includes the following call for congressional reform:

> Congress itself must be reorganized and modernized efficiently as a co-equal branch of government. Democrats in control of Congress have opposed Republican efforts for congressional reform and killed legislation embodying the recommendations of a special bipartisan committee. We will again press for enactment of this measure.

We are living in the last third of the 20th century. We are living in the space age. The executive branch of Government over the past few decades has been encroaching upon the powers of the legislative branch. More and more of the decisions which once were made by the Congress are now being made by the White House. And the judiciary has been taking what the President does not take.

We should ask ourselves why this is happening. It is happening because we have not kept pace with the times. It is happening because we have not provided ourselves with the tools necessary to keep pace with the times.

It is no secret that the esteem in which the Congress is held by the American people is at a low point. The passage of reform legislation will go a long way toward rebuilding of the respect and confidence once enjoyed by the Congress. It is going to take reform—it is going to take change. Let us begin now.

Like the Legislative Reorganization Act, the Election Reform Act also has been pigeonholed by the Democratic leadership in the House of Representatives. The American people are crying out for election reform—particularly after the disgraceful display in Chicago just a few weeks ago. The Election Reform Act will completely overhaul the Federal election laws pertaining to campaign fund-raising and spending in Federal elections. Encompassed by the bill is the full range of the Federal election process, including general, special and primary elections; conventions and caucuses of political parties; and primaries to select delegates to national nominating conventions.

The 1968 Republican platform endorses the Election Reform Act. The platform states the following:

> We favor a new Election Reform Act that will apply clear, reasonable restraints to political spending and fund-raising, whether by business, labor or individuals, ensure timely publication of the financial facts in campaigns, and provide a tax deduction for small contributions.

Mr. Speaker, the American people seem to have the feeling that they are losing control of the electoral process. Legislation has been introduced to reform the electoral college and for the Presidency and Vice-Presidency. I think we ought to move ahead in this area. I think the time has come to consider changing our archaic method of electing the President and it is my hope that the hearings will be scheduled on these proposals so we can have a thorough review and study of these needed reform measures. The present three-step system of electing the President—popular vote in November, electoral college vote in December and congressional canvass in January—is cumbersome and confusing. This system has permitted the election of 14 "minority" Presidents, three of whom actually trailed their opponents in the popular vote.

Is it of little wonder that the American people are frustrated and disgusted with congressional performance when they see much-needed reform legislation being relegated to the scrap pile by congressional leaders? We have a chance to show the American people that we understand the crisis that is threatening our system of government. We have a chance to demonstrate our concern for truly representative government. I urge the House leadership to bring these reform measures to the floor for our consideration. The time has come to act.

Mr. BUSH. Mr. Speaker, when we were elected as Members of the House of Representatives our constituents placed upon us a valuable trust. A trust that we would use our judgment in drafting, studying, and voting on legislation that eventually will become the law of the land. Our constituents expect us to know what it is we are voting on, but more than that they expect us to be well advised on the need for the legislation and the most efficient method for achieving this objective.

More adequate staffing and modern electronic data processing would allow the House of Representatives to become better equipped to sort our programs, establish priorities, and to produce legislative solutions that are capable of solving problems and not overpromising. The lack of a clear-cut priority system is as much a necessity in the field of new legislation as it is in the budget process.

It is most understandable that this legislation, the Legislative Reorganization Act and the election reform bill, have not come to the floor of the House. We are in a fiscal crisis. It is legislation without a constituency. It is a legislation in which no one, except Members of Congress, have any particular interest. It is all the harder because it will cost money and we have just asked the people to start paying higher taxes.

But we have to face the fact that the people back home are being cheated when they are not aware of how their Congressman voted on important issues, when the committee staffing is such that it does not allow full study of every issue, when legislation is rammed down the throats of the legislative branch by the executive branch, when the minority members of certain committees are not allowed to call witnesses on particular pieces of legislation and when the legislative branch is denied the use of modern data processing methods that are available to the executive branch. When all this happens the legislative branch of this Government is abdicating part of their power—through ignorance—to the executive branch and to the special interest groups that spend so much time visiting us all. By doing so we are cheating the American people of the balance of powers guaranteed them by the Constitution.

When I first came to the House last year, I introduced the election reform bill and an ethics bill requiring full disclosure. So I am vitally interested in what happens in the area of elections and campaign financing. We have set up a Committee on Standards of Official Conduct to oversee our personal finances. It is equally essential that campaign funds and funds used by elected officials, outside of granted allowances, be revealed to the public. The election laws should be overhauled to apply clear, reasonable restraints to general, special and primary elections, as well as to conventions and caucuses of political parties.

In view of the upcoming election and in view of the important problems that will be facing the 91st Congress, I think it essential that these bills—basic to our constitutional and efficient operation—be brought to the floor of the 90th Congress under an open rule and I strongly support the efforts of my colleagues here today.

Mr. STEIGER of Arizona. Mr. Speaker, the congressional reform legislation that passed the Senate in the early days of 1967 and has languished in the House since that time must be passed. It is my own view that it is not reflective of the will of this body to kill this measure. My personal position is that this first step is a far too modest one and we should immediately address ourselves to much more meaningful and significant restructuring of the rules governing the Congress, but clearly this pending legislation must be acted upon favorably.

Mr. CURTIS. Mr. Speaker, it is a privilege to join with my colleagues this afternoon in this special order which we requested to bring the need for congressional modernization to the attention of Members of this body and to the people of this Nation. It has also been my privilege to serve as ranking Republican member of the Joint Committee on the Organization of the Congress which unanimously reported out the Legislative Reorganization Act in July 1966. The task of reforming the Congress is essential if we are to maintain the Congress as a functioning deliberative and study body which provides judgments and leadership relevant to this modern age.

By highlighting the Legislative Reorganization Act of 1967, the first significant attempt at congressional reform for over 20 years, and the Election Reform Act of 1967, we are striving to impress upon the House Democratic leadership the need to allow consideration of these measures on the floor of Congress under an open rule. These bills have been too long pigeonholed by the Democratic leadership in the House.

These bills represent a few modest but necessary steps forward toward the ideal. Ideally Congress is a mechanism for gathering together the knowledge and wisdom existing within the society in order to make judgments for the purpose of solving problems facing the society. The study process—which is actually ongoing but for purposes of analysis can be separated from the deliberative process—is the assembling of the necessary data and background information. This can be divided into three general stages. First, accumulating the "distilled wisdom" which exists within our society in the form of books, reports, and other materials. Second, gleaning the "current wisdom" of individuals, members of the public expert in particular matters, or members of the executive branch through congressional committee hearings. Third, obtaining information from letters and conversations with constituents and interest groups with special knowledge on the effect of specific laws upon them.

The Legislative Reorganization Act of 1967 offers many suggestions for improving the capacity of the Congress at each essential stage of this study process. The specific provisions of the bill have been amply discussed and have been a matter of public record for years. Without going into detail then I wish to merely note in passing the suggestions for the introduction of automatic data processing which will assist Congress in certain new areas, increased committee staffing, and improved facilities at the Library of Congress, all of which will make the "distilled wisdom" of our society more available and usable by Members. Such provisions as more open committee hearings, allowances for the minority to call witnesses, and the advance receipt of statements from committee witnesses will serve to make society's "current wisdom" more accessible. And the amendments to the Regulation of Lobbying Act and other measures proposed by the bill will make information from self-interest groups more responsible and reliable and therefore more useful.

In addition to the legislative functions described above, Congress has also an essential oversight function. The expansion of the Federal bureaucracy and its tangled web of programs make this oversight function increasingly difficult. Under the Legislative Reorganization Act provisions are made for improving congressional effectiveness in overseeing one of the most complex areas of Government—fiscal policy. The bill would provide for the use of automatic data processing in this area. It would reorganize the General Accounting Office—it is all too often forgotten that this office is an arm of the Congress—so that it can develop a standard classification of expenditures and activities and locate information more efficiently. The bill would also provide for closer examination of multiagency programs.

The "deliberative process" of the Congress also has three essential parts: Deliberation within the standing committee, deliberation on the House floor, and deliberation among the managers of a bill in House-Senate conference committees. A few of the provisions among the many in the bill to enhance the quality of deliberation are prohibitions on floor consideration of a bill unless the committee report has been available to Members for at least 3 days, restrictions on proxy voting in committees, and more open hearings and recorded votes.

On the reverse or negative side of the coin, what we are striving to do today through this special order and other efforts is to put a halt to the drifting of the Congress in recent years away from this ideal and underscore the need for critical analysis of the "wheeler-dealer" or the "conduit" theory of the Congress which has gained broad acceptance under the Johnson administration—even among members of the academic community, many of whom by their professed calling should know better.

This competing theory seeks to retain the Congress as a mere mechanism for recording decisions which have been made previously and elsewhere in society through different processes. Those presently advancing this radical theory of the Congress think of these decisions as being made behind closed doors in the executive branch of the Federal Government, but once Congress is structured as a conduit these decisions could easily be made along Wall Street or on the banks of the Charles River, or wherever the powers within the society may rest. The legislative process under the conduit theory is reduced to a system whereby the decisions, wherever they are made, would be forced through the Congress by whatever means may be necessary. These methods in practice bypass the techniques for appealing to facts and fair argument. The great fault of the conduit theory for reaching decisions is that it does not permit Congress to avail itself of the greatest amount of knowledge and wisdom in society. Indeed, the actual decisionmaking is conducted behind closed doors, frequently in guarded and unknown buildings. The gathering of data and the deliberations are not made public. Who gives the information, what arguments are advanced remains secret. Members of Congress as well as the general public are left in the dark and are given only the arguments and data that support the judgments made.

I think it is obvious that total implementation of this theory would destroy the Congress as a study and deliberative body. The Congress would be merely a super computer machine to record and reflect pressures and propaganda waves within the society. It would also ultimately destroy democracy and representative government itself. This is why the bills we are seeking to have considered by this House, while only dealing with procedural changes, are tremendously important in their ramifications. I am hopeful that this call we are making today will be heard and acted upon by other Members of this House who are similarly interested in maintaining Congress as a study and deliberative body, and the true bedrock of our form of representative government.

LEGISLATIVE REORGANIZATION PROPOSALS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio [Mr. Taft] is recognized for 60 minutes.

Mr. TAFT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, I have taken this special order today to continue the subject brought up by the gentleman from Illinois [Mr. Rumsfeld]. I would like to carry on from where we just left off a few moments ago.

I would ask the gentleman from Illinois with regard to the point we were just discussing whether in his memory—and I am sure my own is not as clear and that my experience in the opening of congressional sessions is not as great as that of the gentleman from Illinois—but is it not true that almost every year when the motion for the adoption of rules comes up, and some attempt is made to get some time for debate on those rules, the point is made at that time that it is not the place to debate the question of the rules and procedures of Congress, and that we ought to go into our own regular legislative committees and consider what the procedures ought to be, and then to go ahead and adopt the legislative changes in due course through the legislative process? And indeed that is exactly what we are trying to do here today.

Is my memory on that matter correct?

Mr. RUMSFELD. If the gentleman will yield, I believe the gentleman is correct that that argument is made at the point the gentleman is suggesting.

Mr. TAFT. I thank the gentleman.

In the discussion of the details here today, both on the election reform bill and the congressional reform bill, it seems to me we have at times gotten off the point. I hope it was not intentional. But it seems we have gotten into various details that might divert from the main and the principal problem.

I would like to talk about that problem because I have already been out, as I am sure a lot of you have been during the last month or so, in my district, talking to people. I have found that the discontent of the people of the United States with the Congress, which I think has been growing for a long time, has perhaps reached a new high.

I think it is time we do something about that in this Congress.

Moving these two bills to the floor would have a salutary effect on that adverse public opinion, restoring some confidence in the legislative process.

The people of America recognize that we have a separation of powers between the legislative, executive, and judicial branches of Government and they would have it continue so. But they also believe, rightly or wrongly, and we have to give some weight to their beliefs as being based on fact, that the legislative branch of Government is the one that is carrying out least well its assigned constitutional functions. This is something that should worry every Member of the Congress. We ought to do something as quickly as we can.

It has been said, Why do we not wait until the next Congress meets?

The gentleman from Ohio, [Mr. Hays],

made some mention of the fact that he thought from his sense of public feelings that there might be congressional reform starting with a turnover in the personnel of the Congress after the November election.

I concur with him in that assessment, but I am not sure we agree as to exactly what the result would be. My own assessment is that there is likely to be a turnover not only of the personnel but also of the majority—from the present majority to the present minority.

But if that is true—and especially if it is true—I still think the position we are taking here on the floor today calling for these bills to be brought to the floor—is a desirable and necessary position.

Inevitably, we must recognize that there are certain prerogatives and a certain factor in considerations of pride and of actual power involved that make it very difficult to change the rules on almost any important point in a legislative body.

This is particularly true when the party attempting to make their change and about to make the change is already in the majority.

So looking forward to the next session of the Congress, I believe this if we can get these bills out and debate them thoroughly in this session of the Congress—and, I hope, act upon them favorably—but even if we fail to act favorably, we will have laid the groundwork and built up the whole basis for discussion for a sound congressional reform approach in the next session and for an effective election reform bill in the next session.

I would like to review some of the recommendations of the bill—and I would point out in this regard that they are by no means exclusive. There are many other areas to which we might turn and consider in the future. If we pass this bill in this session it is not going to be the end of the total need being met in congressional reform. Quite to the contrary. For instance, the minority views of the Joint Committee on Organization of Congress report of July 28, 1966, set out a whole host of other changes that should be mentioned. This I think should be considered and perhaps would be considered by the next Congress.

Apparently this Congress, at least the present majority, to the extent that it was represented on this committee did not go along with those views.

Let me just mention a few of them.

Setting up a Committee on Procedures and Policies; a provision dealing with lobbying by the executive branch; a better provision for dealing with contested elections; some rules on rights of witnesses before committees; the handling of contempt citations; the handling of declarations of war; and, the incumbents' advantage under the seniority system.

These subjects, too, should be discussed in this Congress before we know what the outcome of the next election is going to be.

It would do much to restore the confidence of the people of the United States, whichever way the election happens to go, if this Congress were able to come out and take this step.

There are other provisions that we also ought to consider.

I would like to mention some of these points.

Many of us have served in State legislatures. It is true that the House of Representatives is almost unique in that our committee chairmen are picked—for all practical purposes—solely and exclusively on the basis of the seniority system.

It is not in the rules, but it is there. The unwritten rule is stronger than the written rule. Unfortunately this has led, along with other procedures, such as the important powers in the Rules Committee, to a Balkanization of legislative responsibility and legislative leadership.

I served as a legislative leader in the House of Representatives in my State, as many of you have in your States. Under the rules of the Ohio House of Representatives—and under the rules of more State legislatures than not—the appointment of committee chairmen and the scheduling of the calendar are controlled by the leadership. There are protections for the right to speak, to right for full debate, to amend, and to full discussion of legislative matters for all members, but in the last analysis the elected leadership of the majority party is responsible for the failure or the success of the legislative program.

That is not true, and it cannot be true under the rules of this House as they stand today. I think it certainly is late in the day, and we ought to be turning to considering these questions and to see whether we should not build again the power and respect for the legislative branch of our Government. It has been whittled into deeply, because of the handcuffs of procedure with which we have shackled ourselves, by both the executive and judicial branches of the Government. An important step could be taken very quickly here in this session in this House by bringing these bills to the floor to do something about this. It would be a first step, at least, but a promise of further future consideration.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from New York.

Mr. CONABLE. I would like to compliment the gentleman from Illinois for the initiative he has taken in this matter, and I would like to compliment the gentleman from Ohio on the statement he has just made. I would like to recapitulate to emphasize three points that he has made that I think are very important in the consideration of this legislation:

First, these are modest bills that we are talking about. They are the very minimum that we should be considering. I for one, as the gentleman from Ohio has also pointed out, would be very much in favor of going beyond the election reform we are contemplating and the congressional reorganization we are contemplating. They are modest bills, and certainly no one can claim that they are a be-all or end-all. But they are a step in the right direction. The fact that a journey is a thousand miles does not mean that we should not take the first step.

We certainly cannot be against something that is partly good because there is something that may be better.

The second point that you have made, and which I think is an important one, is the element of time that we are dealing with here. It has been said by the gentleman from Ohio [Mr. Hays] that perhaps we can wait 4 months and do exactly what we want here on the minority. We are accepting the limitations of minority status in trying to push these bills now. But the fact is that we have come a long way in the process of enacting these bills here in the Congress since we have had extensive deliberation here in the House, and since bills on this subject—and in the case of congressional reorganization the very bill we are considering—to a substantial extent have passed the Senate with strong bipartisan support by wide margins. Therefore, it is too bad to have to go back and start from scratch again in this whole cumbersome process in the 91st Congress. The penalty of time is heavy on us if we do not move right now.

The last point which I understand the gentleman has made which I believe needs emphasis is the issue of the reputation of Congress itself. If we are going to be a coequal branch, we must act like a coequal branch. We have the capacity to reorganize ourselves. We have the capacity for internal reform. If we do not, there is something greatly wrong with our system. The American people I believe are expecting us to stay up with the times. If we do not take the steps necessary to make ourselves more responsive, more efficient, as the pressure of our work requires it, is it quite obvious that people other than those who presently sit in Congress are going to be reforming in greater degree at later times.

I believe we have the capacity now. I believe we should exercise that capacity, and we should do it through the proper exercise of the legislative process. That is all we are asking in this effort we are doing.

Again I compliment the gentleman on his statement, which is a very fine statement.

Mr. TAFT. Mr. Speaker, I thank the gentleman from New York for his statement.

I yield now to the gentleman from Illinois [Mr. Rumsfeld].

Mr. RUMSFELD. Mr. Speaker, I thank the gentleman from Ohio for yielding and, of course, for the really substantial contribution which he has made on the subject of legislative reorganization over a period of years.

I neglected to say earlier, during the previous special order, that while the remarks I made during the course of the afternoon are, of course, mine, it should be said that the gentleman from Missouri [Mr. Curtis], and the gentleman from New York [Mr. Goodell]—who at least through the remainder of this day is a Member of this body—and the gentleman from New Hampshire [Mr. Cleveland], and the gentleman who is chairman of the House Republican task force on congressional reform, and the gentleman from Minnesota [Mr. MacGregor], and the gentleman from Tennessee [Mr. Brock], and the gentleman from Maryland [Mr. Morton], and the gentleman from Ohio in the well [Mr. Taft], and the gentleman who just concluded his remarks, the gentleman from New York [Mr. Conable], and the gentleman from Texas [Mr. Bush], and the gentleman from Pennsylvania [Mr. Biester], and the gentleman from Oregon [Mr. Dellenback], and the gentleman from Ohio [Mr. Whalen], have all, it must be said, played an important role in working to attempt to develop a better public understanding of these two very complicated and important pieces of legislation and so, through their role here in the House of Representatives, over a period of months and years to see that all of our goal—the common goal of Members on both sides—is attained, so that we in this House can say to ourselves and to our colleagues that we are, in fact, doing everything humanly possible to see that the problems facing this Nation, which are difficult problems, are being dealt with by an instrument of Government that makes sense today.

This is what the gentleman from Ohio wants, I think. I know this is what the gentleman from Illinois wants.

I thank the gentleman for yielding and I thank him for his contribution.

Mr. TAFT. Mr. Speaker, I thank the gentleman for his remarks. I want to add a word of commendation to the gentleman from Illinois for the extraordinary leadership he has given in the initiation of this effort, for taking on this problem, and for taking it on head on.

FEDERAL-STATE PARTNERSHIP RELATION

The SPEAKER pro tempore (Mr. Albert). Under a previous order of the House, the gentleman from Texas [Mr. Pickle] is recognized for 20 minutes.

Mr. PICKLE. Mr. Speaker, today I am introducing a new bill dealing with the organization and management of the executive branch, particularly as it affects Federal-State relations.

While it is true that a number of bills have been introduced in the House on this general subject, I believe several features of this bill are of first impression.

Over the years, I have served in Congress, I have become increasingly concerned about the wide scope of Federal aid programs, and the underlying administration of these programs.

There are presently a lot of extreme proposals dealing with this general issue. To my judgment, it is not a responsible or practical thing to claim that the Federal Government or the State government should be all powerful. There should be a mixture of power, with a partnership between the levels of government.

There are some who want to grab a headline or create prejudice against either the State or Federal Government about the administration of programs, but this is not and should not be a party issue.

It is so easy to cry out against the multiplicity of Federal-State programs and to blame a party or administration or individual, but these programs have been building and growing for over 30 years. Some cannot resist the temptation of saying that because there is a large number of programs, there is automatically great evil. But I do not believe this cut-and-dried approach. Most of the programs are good and render our people good assistance. To say that we ought to cut them all out is not a realistic approach.

What is needed is a reexamination of our procedures, to ascertain if we cannot find better ways to administer, reduce, consolidate, and simplify them.

Mr. Speaker, much valuable and productive work has already been done in this area of improving Federal-State relations. In 1965 President Johnson designated the Director of the Office of Emergency Planning to serve as liaison officer with the Governors for the purpose of establishing and maintaining better understanding, cooperation, and communication between the President and the State governments and between the executive agencies of the Federal Government and the State government.

During the past 3 years, many meetings have been held with State and Federal officials and the Office of Emergency Planning has helped to resolve hundreds of questions and problems relating to Federal and State relations. At the Governor's conference in Ohio in 1968, the Governors, by unanimous vote, passed a resolution which said:

> The liaison program established through the OEP has resulted in the best working partnership in the modern history of our nation between governors and the executive branch of the Federal government.

The resolution went on to say:

> Congress should give formal status to and continue existing Federal-State relations programs.

Some of the States have already established, by executive order or otherwise, agencies or offices on the State level to coordinate many or all of the Federal programs. I would hope that this be continued by all of the States.

My own State of Texas has also taken the initiative, along with nine other States, in establishing an Austin office and a Washington liaison office to represent all arms of the State government in its dealings with Washington. This kind of rapport should be encouraged and broadened.

Mr. Speaker, just as the States have laid greater emphasis on Federal-State relations, I believe the Federal Government should also do so. I am hopeful that the results of the study called for in this bill will give advice on the creation of such an office in the Federal Government.

Perhaps this would be the Office of Emergency Planning or some similar agency. Even though the President has designated the OEP as his liaison with the States, and even though some of the States have acted on their own, I think it is appropriate that the Congress, by statute, clearly define these areas.

I commend the President, the OEP, and the State Governors for their cooperation, but I feel it is advisable to go a step further and create these agencies by specific legislative enactment.

This problem is one which perplexes many of our public officials, and this is understandable. I receive numerous letters from city and county officials who must virtually stab in the dark in trying to nail down what aid is available and to whom application must be made.

I have noticed that there are increasing examples of the same kind of assistance being available through different Federal agencies, with each program having different requirements and priorities. The resulting process of making multiple application is not only time consuming and wasteful for the usually modest resources of the locality, but it also distorts any priority fixing as to the merit of the specific project in question.

One example of this kind of problem is that of hospital construction. A public facilities loan for a community hospital may be available through the Department of Housing and Urban Development; a Hill-Burton hospital construction grant and loan program may be available through the Department of Health, Education, and Welfare. Under both types of programs, a State Hill-Burton advisory board approves the need for the project, but the financial and administrative requirements are greatly different.

In my estimate, the system we should examine is one in which a locality would make only one application for each broad type of assistance. Moreover, this application should be made to or coordinated with a State agency—usually located no more than several hundred miles away—and this agency should administer assistance programs for a given functional area.

Accordingly, if a city wanted assistance for a water or sewer project, they would not go through the delay and expense of making an application in Washington at HUD, the Farmers Home Administration, or elsewhere, but rather would go to the State agency handling Federal assistance programs for public works. Even if several different programs and requirements were needed to get the proper balance, the programs would all be under one roof, and there would be no guesswork in determining whether all that could be done was being done.

I take the position, Mr. Speaker, that we should establish a true partnership of administration with the State governments. I have spoken to various groups in Texas about this partnership theory; I have written newsletters to my constituents about my views; and I have addressed groups of mayors and city managers advocating a stronger tie with the State government in the administration of these programs. I have found a general spirit of acceptance and understanding. But it is not an easy matter to resolve, because it would take the agreement of the Federal Government, the State governments, and inevitably the agreement and understanding of our cities and counties.

The Congress has already acted on some measures which move in the direction I recommend. The Partnership for Health Act of 1967 removed the old system of strict categorical grants for health assistance, and utilized, instead, a system by which States are able to establish their own priorities for competing health demands.

Part of the success of the partnership-for-health approach lies in the fact that the States have strong, long-established departments of public health. They have had over 30 years of experience under a categorical system, and in light of the length and quality of this apprenticeship, it is certainly time to relinquish some part of the job.

But the real problem in expanding this kind of approach arises when there is no State governmental agency to assume the task. Take, for example, a grant for a water or sewer project either with HUD or the Farmers Home Administration. There is no way, so far as I know, that this application could be handled by a comparable State agency, since there is no such agency now in existence. Thus, I feel we should examine the proposition that possibly we have reached that stage of growth in Federal-State relations which calls for the creation of a State department of Federal information, a State department of urban affairs, or a State department of commerce. Perhaps the agency at first should be primarily of an informational nature. On the other hand, perhaps the study recommended in the bill will reveal a more concrete method of administration.

The Federal Government could, of course, give grants or loans to a State government, "with no strings attached." This sounds good, and the intent is laudable. Perhaps we can someday have such an understanding with States and localities, but even the Partnership for Health Act mentioned earlier does not go this far.

There is much to be said, however, for the idea of sharing revenues with State and local governments, although the method of sharing is still to be resolved. Some of the methods being advanced are: allocation of money to the States and municipalities by formula, with few strings attached; increased block grants for specified purposes; a shifting of tax revenues to the States through credits against Federal taxes for income taxes levied by the States; or, direct block grants with no strings attached.

Finding the best of these methods will be one of the objectives of the study called for in this bill. But of equal importance is to ascertain the best method of administration and the best way for establishing a strong, workable Federal-State partnership.

Under the general approach I recommend, the Federal Government would still have a tough job. In addition to the problem of allocating priorities on a national basis, they would have to provide the administrative oversight to the State agencies to assure that, on a national basis, the program was being conducted in the way intended by Congress. But I would emphasize that this oversight should be predominently procedural, and that the specific decisions would be left to the State agency.

Admittedly, any kind of reorganization along the lines mentioned here would take much time and work. It could not even be plotted specifically without some kind of preliminary study. The bill I am introducing today will provide for that study.

Essentially, the bill is the same as S. 3640 which recently passed the other body. But several new features are added.

Briefly, the bill calls for a study commission to report on all steps needed to improve the efficiency and economy of the workings of the Federal Government. The new language included in my bill is shown, mainly, in section 4(a) (5) through (7).

I would point out that section 4(a)(5) is similar to one included in a bill sponsored by the gentleman from Delaware [Mr. Roth]. This section calls for the commission to report on the effect of Federal assistance programs and activities upon the interrelationship of Federal, State, and local governments.

Subsection (6) of my bill incorporates the recommendations of the Advisory Commission on Intergovernmental Relations on the need to create a new Federal aid mix of types of assistance. This recommendation came as a result of a 2-year study of the Commission—a group composed of representatives of all levels of government—and of executive sessions they held in July and October 1967. In addition to an authoritative two-volume report published by the Commission, a summary of their recommendations is published in the winter, 1968, issue of State Government, the Journal of State Affairs.

Mr. Speaker, the final new item in my bill, section 4(a)(7) embodies the feelings I expressed earlier in connection with new State agencies. It directs the Commission to take a special look at the possibility of utilizing a greater effort on the part of the States in administering Federal aid programs. In this context, I think it is important to note that a growing majority of the States have abandoned the old feeling of the past few decades—the feeling that since the State did not want to do the job, the Federal Government had to do it. I believe the States stand ready to do more, and I believe it is important we take a new look at this issue. The categorical grant-in-aid has long been the workhorse of Federal aid, but because it is the oldest does not make it the best.

Governmental services—whether on the local, State, or Federal basis—will likely not be reduced greatly. We are a growing, expanding, building nation. What we can do, however, is to hope for improved methods of administration. This goes to the heart of the problem: Which is more important, or powerful, or influential—the State or the Federal Government? I believe we must have a balanced approach and a workable partnership. To keep the problem in more perspective, I hope we can increase the level of participation by the State government. It is vitally important that we not dilute the importance of State governments. In the long run, it is better that we strengthen them.

INTRODUCING A BILL TO ESTABLISH A DEPARTMENT OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Halpern] is recognized for 60 minutes.

Mr. HALPERN. Mr. Speaker, I have today introduced a bill to establish the Department of Peace in the executive branch and the Joint Committee on Peace in the Congress. In sponsoring this historic legislation, I am privileged to be joined to date by 21 of our distinguished colleagues. The cosponsors are: Mr. Addabbo, Mr. Brasco, Mr. Brown of California, Mr. Button, Mr. Burton of California, Mr. Conyers, Mr. Edwards of California, Mr. Eilberg, Mr. Fulton of Pennsylvania, Mr. Gray, Mr. Hawkins, Mr. Helstoski, Mr. Kupferman, Mr. McCarthy, Mr. Pelly, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Roybal, and Mr. Ryan.

The Department of Peace will consolidate certain existing agencies and their components, and will create new innovations in peacekeeping machinery. It will include the Agency for International Development, the Peace Corps, the Arms Control and Disarmament Agency, the International Agricultural Development Service, and certain functions of the Bureau of International Commerce.

In addition, this measure, under title II, will establish the International Peace Institute under the Secretary of Peace, and title III will create the Peace by Investment Corporation.

This legislation further provides for a Joint Committee on Peace, comprised of seven Members from each the Senate and the House.

Mr. Speaker, it is time we focus our attention upon the means whereby establishment of a permanent peace be given the highest priorities in the councils of our Government.

The President has a Secretary of Defense, a National Security Council, Secretaries of the Army, Navy and Air Force, all of whom are in some ways associated with acts of war, but no one solely responsible at the Cabinet level for the pursuit of lasting peace.

The same is true in the Congress. We have an Armed Forces Committee, a Joint Committee on Atomic Energy, a Joint Committee on Defense Production, but no permanent legislative body devoted exclusively to the study and development of programs for peace in the world and America's role in achieving that peace.

We must face the reality that in the Government of the United States there is nobody in charge of peace. There is no department working at the problem full time to the exclusion of other responsibilities. Peace is everybody's concern and nobody's job, which may explain why, despite expressions of determination, we have failed to convert a peacekeeping intent into a peacekeeping capability.

Surely, we share the conviction that there is no easy road to peace and security, but the time has come for us to reevaluate our concepts of the true meaning of peace and place it within a positive frame of reference.

I envision a Department of Peace and a Joint Committee on Peace as an enhancement of this Nation's posture in the world as a peace-loving nation, one that places a primacy on peace by placing within the highest councils of our Government a department and a secretary whose sole function is the pursuit of peace.

It is true that much of the Federal effort is devoted toward the goal of peace, but these efforts are entirely too widely diffused, too separated from one another, and without that single executive leadership required for fulfillment of this mission.

The State Department is not to blame. It cannot in itself—well intentioned as its efforts may be—achieve the peace goal that this bill is designed to meet. It is not, and never was, and never can properly be, primarily a peace office.

Every Secretary of State since the time of Thomas Jefferson has seen his duty exactly as Jefferson saw it: in the handling of foreign affairs the only test is the interest and advantage of the United States.

The very existence of nations implies the existence of national interest. Inevitably, there are conflicts which arise. Every nation has an office which must guard these interests and which must protect its people.

That is the job of the Secretary of State. This is understood by other nations and accordingly the Secretary is respected for it; that fact is no less true in the Congress.

However, I do see this legislation as enhancing the State Department's role in the community of nations through the prominence that our Nation would give to the quest for peace.

The Department of Peace will define and advance our larger interests with new techniques and new energy. The Department will balance on the highest level of our Government the role of the State and Defense Departments and place its aims and objectives on an equal level with them. Thus we extend to the area of foreign affairs the admirable philosophy of checks and balances which has served so well within our Federal system, and we separate the traditional responsibilities of present Departments from the new responsibilities of the nuclear age.

The establishment of this peace program will be a reaffirmation of our national will to peace. The bill develops new concepts and blends them with established programs and attempts to, at long last, define our national purpose as one dedicated toward peace. It will reassure and encourage rational people everywhere, for truth does slip through barbed wire and climb over great walls.

The prime objective of the Department will be to promote the cause and advancement of peace both in this Nation and throughout the world. The Secretary will have as his responsibilities advising the President with respect to the progress of peace, developing appropriate policies and programs designed to foster the development of peace, and encourage planning by this Nation with a view toward coordinating the activities of peace among all nations.

Three of the prime areas of responsibility of the Secretary of Peace will be over the Peace Corps, the Agency for International Development and the Arms Control and Disarmament Agency.

The Department would also take over the International Agricultural Development Service which would be transferred from the Agriculture Department. Certain functions of the Bureau of International Commerce would be transferred from the Commerce Department to the Peace Department and would include the General Agreement on Tariffs and Trades, commonly known as GATT.

It is to be hoped for and devoutly desired that each of these entities will function more properly and flexibly under the Secretary of Peace, where each quite properly belongs.

I expect, for example, that the Secretary of Peace will expand the Peace Corps, which has proved so successful, and will establish new peace training programs, many of which can be implemented through the International Peace Institute, which is also incorporated into this bill. I envision, as a result, programs that will parallel ROTC programs in colleges and universities, with a curriculum designed to develop those attitudes and skills needed for nonmilitary crisis intervention, negotiation, and arbitration. We have learned in Vietnam that our trained military personnel respond to a new kind of challenge with professional competence, while our pacification efforts are improvised and largely unsuccessful.

Finally, we are experiencing the growing realization that governments and diplomatic relations alone cannot bring enduring peace without the consolidation of people-to-people relationships. Economic relationships are fundamental to human relationships, and private economic endeavors are inseparable from systems of human freedom.

The Peace by Investment Corporation, which is also incorporated into the bill, is designed to establish and expand people-to-people relationships in the economic field; to encourage an expanded flow of private capital investment from the United States into economically sound enterprises in underdeveloped areas of the world in the interest of world peace through mutual economic progress; to enlarge the number of private investors participating in this flow of capital so as to forge more direct links among the peoples of the world; to reduce gradually, thereby, the need for U.S. public investment and grants overseas; to help redirect the flow of capital from the United States so that increasing portions of this total flow go to the underdeveloped areas, and thus be in better harmony with the domestic economic needs of the United States and contribute to the effective management of its international balance-of-payments problems.

For years various leaders of our Nation have urged the creation of a Secretary of Peace post in the Cabinet to balance the old Secretary of War position now consolidated in that of Secretary of Defense.

The idea was first advanced by Dr. Benjamin Rush, a signer of the Declaration of Independence, and includes among its latest advocates our late U.N. Ambassador Adlai Stevenson. President Eisenhower in 1955 took a long step in this direction when he set up a special Peace Office within the State Department, headed by a special Presidential assistant with Cabinet rank.

But we still have no permanent full-scale department within the executive branch working exclusively for peace. And now, more than ever, in a world so tragically torn by the ravages of war, that goal should be paramount.

I am delighted that this aim has the support of so many colleagues, who believe as I, that we are at the moment in this Nation's history when the people are ready to support an idea whose time has come.

GENERAL LEAVE TO EXTEND

Mr. HALPERN. Mr. Speaker, I ask unanimous consent that, at the conclusion of my special order, any Member who desires to do so may be permitted to insert his remarks in the RECORD.

I further ask unanimous consent that any Member who desires to do so may have 5 legislative days in which to insert his remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from New York?

There was no objection.

PELLY COSPONSORS NEW PLAN FOR DEPARTMENT OF PEACE

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I am today joining our colleague from New York [Mr. HALPERN] in sponsoring legislation to create a new Department of Peace.

Everyone of us is vitally concerned about the subject of peace. It is inconceivable in this day and age that anything is more important to any American citizen than the question of securing peace throughout the world, not only now in connection with Vietnam but for the future of our children and their children.

But, just as surely it is recognized that there is no easy road to peace and security. We must reevaluate our concepts of the true meaning of peace and place them in a positive frame of reference. It is for this reason, and to take the first step in this direction, that I have cosponsored a bill to establish a Department of Peace, with a Secretary of Peace at its head, and a Joint Committee on Peace in the Congress which would make a continuing study on matters relating to peace.

As recently as 1955, then President Eisenhower took a long step in this direction when he established a special Peace Office within the State Department. However, today in the Government of the United States there is nobody in charge of peace. There is no department working at the problem full time to the exclusion of other responsibility. Peace is everyone's concern and nobody's job, which may explain why, despite repeated expressions of determination, we have failed to convert a peacekeeping intent into a peacekeeping capability.

We must recognize that the State Department is not, and can never properly be, a Peace Office. Every Secretary of State since Thomas Jefferson has seen his duty as Jefferson saw it; in the handling of foreign affairs the only test is the interest and advantage of the United States.

So, the bill I cosponsored would place responsibility of the Secretary of Peace over the Peace Corps, the Agency for International Development, and the Arms Control and Disarmament Agency. It is to be hoped for and devoutly desired that each of these organizations would function more properly and flexibly under the Secretary of Peace, where each quite properly belongs.

The bill is broad in its scope, for it develops new concepts, blends them with established programs, and attempts to at long last define our national purpose as one dedicated toward peace.

This new proposal fits into the framework of the foreign policy objectives of Republican Presidential Candidate Richard Nixon as well, who, on August 8, speaking of Vietnam, said:

> I pledge to you tonight the first priority foreign policy objective of our next administration will be to bring an honorable end to the war in Vietnam.

But, it is not to be construed as a partisan measure, Mr. Speaker. Indeed, it ties in with the political platform of both political parties.

TWO AND ONE-HALF MILLIONTH STUDENT LOAN TO BETTY LOU FERGUSON, OF GARY, IND.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, this morning I had the pleasure of attending a ceremony commemorating the 10th anniversary of the National Defense Education Act of 1958. The gathering was attended by many Congressmen, Senators, and representatives of the Education Department. The program was held in the auditorium of the U.S. Department of Health, Education, and Welfare.

Two of the original sponsors of this legislation, U.S. Senator LISTER HILL, chairman of the Senate Labor and Public Welfare Committee; and our former colleague, Carl Elliott, former chairman of a subcommittee of the House Education and Labor Committee, were presented plaques honoring them for their pioneer work in behalf of helping to educate millions of our Nation's young folks.

Miss Betty Lou Ferguson, of Gary, Ind., a graduate of Tolleston High School of that city, received a citation for being the 2½ millionth recipient of a student loan under the National Defense Education Act inaugurated 10 years ago. Miss Ferguson will matriculate as a freshman this fall at Indiana University in Bloomington, Ind. When she graduated from high school she finished fourth in her class of 274 seniors. She participated in Future Teachers of America, Y Teens, Student Council, Human Relations Club, French Club, Girls Athletic Association, Catholic Youth Organization, and was secretary of the senior class.

She also is the recipient of an honorary Daughters of the American Revolution Good Citizenship Award and received one of the State scholarship awards given by Indiana to the two outstanding high school graduates in the State. She was invited by Wilbur J. Cohen, Secretary of Health, Education, and Welfare to attend this special ceremony.

Secretary Cohen also invited John Dillard Hunley, the recipient of the 25,000th Graduate Fellowship Award made under the act. Hunley, 27, a former Marine Corps captain, will pursue studies leading to a Ph. D. in modern European history at the University of Virginia, Charlottesville, this fall.

Miss Ferguson is borrowing $750 under the national defense student loan program and has been awarded a $750 educational opportunity grant under the Higher Education Act of 1965.

She is one of 552,000 students who this year will borrow an estimated $258 million under the National Defense Act student loan program to attend college. Of this amount, approximately $184 million will come from grants announced today by the U.S. Office of Education to colleges and universities to conduct the NDEA loan program for the 1959 fiscal year. For every $9 in Federal funds, the institutions contribute $1 toward the program. The colleges and universities also use repayments to finance additional loans.

Since inception of the loan program, more than a million students have borrowed almost $1½ billion to help pay for their education. Some students make several loans during their academic careers.

The number of colleges and universities participating in the program has increased from the original 1,196 to 1,795 for the 1968–69 academic year.

The primary objective of the original national defense student loan program was to make it possible for needy, talented students to borrow money from their colleges to help pay for education in careers related to the Nation's defense and scientific progress. The legislation since has been amended to permit financially needy students to borrow for college expenses in any field of study.

The national defense student loan program was the first major federally supported program of assistance to students in any field of study. Since then others have been established: The college work-study program, which offers jobs for needy students; the educational opportunity grants program, which provides outright awards to students in extreme financial need; and the guaranted loan program, which provides the opportunity for students to obtain long-term, low-interest loans from banks, credit unions, and other commercial lenders for either college or vocational education.

These programs will provide an estimated $1 billion to enable more than 1 million students to continue their undergraduate education this year.

Mr. Speaker, I am indeed proud to have taken an active part over the last 20 years in supporting and voting for all Federal aid to education programs which are now functioning and providing education for millions of our American youth each year.

I am also happy to say that the 89th Congress made major strides in expanding this great progressive legislation, which gives so many of our youth a golden opportunity to obtain the best education in our land. As a member of the Rules Committee, over the years I have always fought for favorable action on legislation of this type, and on many occasions have handled the rule when the bills were presented to the floor of the House for debate and passage. I well remember back in 1953, in the 83d Congress, after 2 days of debate on the first major Federal aid to education bill, we suffered a defeat by four votes.

This defeat delayed our school program for many years, and I often reflect on the thought that millions of our American boys today would be college and university graduates and enjoying the fruits of their education had it not been for the four-vote margin which brought about the defeat of the Federal aid to education bill 15 years ago.

I extend my congratulations to Miss Betty Lou Ferguson, of Gary, Ind., and former Marine captain, John Dillard Hunley, for honors which they received this morning.

NATIONAL DEMOCRATIC CONVENTION

Mr. DOWNING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DOWNING. Mr. Speaker, I attended the National Democratic Convention in Chicago as an observer. Many things happened there which disillusioned and disheartened me. But the thing that concerned me the most was the attitude of the national news media in reporting to the Nation and the world the whole truth about the hippie disturbances which were forcefully restrained by the Chicago police. Recently there appeared in the Daily Press of Newport News, Va., an article describing the situation by a veteran newspaper reporter, Kenneth Scheibel. In my opinion this well-written account reflects the true situation in Chicago at that time.

Under unanimous consent I include

the article by Mr. Scheibel in the body of the Record at this point:

News Media Failed to Tell the Entire Truth About the Violence at Chicago

(By Kenneth Scheibel)

Washington.—One of the failures of modern times is communication and the American news media failed at Chicago.

Myself included, it failed to tell the whole truth about the violence at the Democratic national convention and the who, what, when and how of the "hippies" and their destruction-bent orgy.

Even "hippies" is a crippled word which fails to really tell what the unwashed hordes are—revolutionaries.

The unfortunate excesses of the police during the tragic week cannot be condoned or excused. But neither can the excesses which the police were mobilized to prevent.

To be sure, there are bullies among the Chicago police. There are bullies in most walks of life today—in politics, the professions, in Congress, in government, athletics, the clergy—and journalism. But some bullies in the press goes by other names—"columnists" or "commentators."

As a newsman, I mingled with the hippies at Lincoln and Grant Parks. I got a good look at these horrid humans. These are not people who love our democracy, who practice politics for the love of it, who pursue a wholesome form of activity and seek to express themselves.

They talk of "love" and "fellow man," and hatred of war. So did Hitler and Mussolini and Castro—also from soapboxes in public parks.

By and large, the hippies at Chicago were scum of the earth—trash, both white and black. They were led—I should say misled—by adults, professional rabble rousers and zealots, dedicated to our destruction—yours and mine, the democratic system most of us revere. No condemnation is too strong for their ilk.

It is gross misreporting to dismiss them as "anti-war demonstrators." Tripe: does anyone in their right mind believe the hippies would fade away if the Vietnam war disappeared tomorrow? My feeling is that the hippy movement is a front and contains the seeds of the Communist movement. Surely their communal leanings are some proof of this.

What ought to be made known is the truth. The communications media—press, radio and TV—failed to reveal it in glaring, unmistakable form. The rioters at Chicago were a noisy, flamboyant minority. They represent a tiny point of view. Yet they are given space in newspapers and on radio-TV out of all proportion to their worth.

For one incredible week at Chicago, thousands of delegates, their wives, their children and friends—and thousands of newspapers, TV and radio correspondents and commentators—enjoyed safety of person.

Had a delegate been assaulted, his wife attacked, or a newsman knifed for police failure imagine the hue and cry, and public demand, "Where were the police?" Mayor Daley's Chicago police force obviously is imperfect. But aren't we all? Yet the police maintained "law and order" under the most trying, aggravating conditions. The tragic irony is that the police reaped a whirlwind of criticism from the same Americans who have shrilled the loudest, in all corners of the nation, for "more law and order."

There were many snafus at Chicago, including the bus and taxi strike, to say nothing of crippled telephone communications, this did nothing to lighten the task of the police.

On several nights, in the wee hours, lacking transportation, I had to hike from the Conrad Hilton hotel to Ambassador East—perhaps two miles. Not once during the entire week was I bothered, molested, endangered, assaulted, or threatened in any way, in the city which spawned Al Capone. I was safe and I felt safe and thanks to the Chicago police I was secure. I would not dare make that same walk, take that same risk, nor could I feel so secure on the streets of my own hometown, where I have lived almost 30 years—Washington, D.C.

In spite of the mistakes of some of his police, I tip my hat to the mayor of Chicago.

THE REWARDS OF PIRACY, CHAPTER II, OR AN EXPLANATION THAT FAILS TO EXPLAIN

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, late yesterday a—full 3 days after I had requested it—the State Department finally delivered to me a "briefing paper" it had prepared in anticipation of questions about the $5.3 million loan issued last week by the World Bank, to bolster Ecuador's tuna fleet.

Many colleagues, I know, share my amazement and chagrin that this loan was even considered, let alone granted. After all, Ecuador has been doing rather well at the cash box through the collection of fines and other penalties illegally imposed against U.S. fishermen pursuing their livelihood in international waters. To many of us, it seemed that Ecuador hardly needed the extra income that might be generated by an enlarged fishing fleet of her own.

If congressional intent counts for anything with the State Department, moreover—it was only last month that we passed a bill to withhold foreign aid from any countries interfering with American citizens on the high seas. State was not unaware of this action; indeed, it had approved the bill, at least tacitly.

Well, Mr. Speaker, the State Department prepared itself against possibly embarrassing questions from Capitol Hill—questions stemming from its bewildering action in recommending the loan to Ecuador. Department aides assembled a mimeographed statement—for use by Department spokesmen on an "if-asked basis only."

Regretfully, no such questions were asked at the formal State Department press briefing, and so the fatuous standby explanation was not involved. I imagine that a number of Members might like to see it nevertheless, and for that reason I will insert it in the Record at the end of my remarks.

A quick glance at this rather unfactual fact sheet will show that the Department's apologists are putting out bum dope on our problems with Ecuador.

But beyond this, in limiting their statistical review to that one nation, they shift attention from a larger problem—the fact that our vessels have been safe nowhere along the west coast of Latin America. Since the beginning of 1961, 72 of our tuna boats have been callously seized in South American waters, 36 of them by Ecuador and 26 by Peru. The Department credits Ecuador with bagging only 26 of our boats over the past 15 years.

In its bland document, the State Department makes no reference at all to our troubles with Ecuador's neighbors, an oversight that I find inexcusable.

Lumping all these little freebooters together we find that Ecuador has levied fines totaling $410,832 on our fisherment—not "about $385,000" as the State Department maintains; Peru has imposed penalties amounting to $101,624 and four other countries—Panama, Mexico, Honduras, and Columbia—have shaken us down for a total of $189,577.

Now I ask, what will be the response of these other offenders to our State Department's tender concern for Ecuador?

Obviously, here is what we can expect: They will say to themselves, "What gives? Ecuador tweaks the United States by seizing four tuna boats. And within a month the Americans respond with a five-million-dollar loan. Maybe we have not been rough enough."

I am rather struck by the Department's insistence in the briefing paper that the loan to Ecuador "was based entirely on our judgment of the technical merits of Ecuador's application." In other words, political and diplomatic considerations played no part at all in the decision to bestow this largesse.

If that is really the way the Department thinks, then they might just as well push low-interest loans for such leaders as Ho Chi Minh and Mao Tse-tung—assuming, of course, that those Red worthies could muster a little technical expertise in their application papers.

From the sort of reasoning used to justify the Ecuadorean loan, there can be only one result. Ecuador's sister nations will be encouraged to stop every American-flag vessel they see—within their 200-mile limit or beyond.

For the Record, I now submit the entire State Department treatise:

Title: Press Briefing Paper.
Bureau: ARA.
Date: September 5, 1968.
Subject: World Bank Loan to Ecuador.

If asked basis only:

Q. I understand that the World Bank has approved a fisheries loan to Ecuador, and that the United States voted in favor of this World Bank loan. Can you explain why the United States supports the development of Ecuador's fisheries when Ecuador seizes U.S. boats that fish off the Ecuadorean coast?

Suggested points in reply:

Our affirmative vote for this loan was based entirely on our judgment of the technical merits of Ecuador's application. It does not reflect or in any way relate to opinion regarding Ecuador's interpretation of international law regarding the width of the territorial sea and exclusive fisheries jurisdiction. The United States has differed with Ecuador and some other Latin American countries in regard to such interpretations. We have long felt that the fisheries problem which stems from this juridical dispute could be resolved without prejudice to the differing juridical positions. We have, in the course of informal talks with Ecuador, Peru and Chile, suggested that the four countries meet in formal conference to seek a negotiated solution to the fisheries problem and to agree on measures for the conservation and development of the fisheries resources of the Southeastern Pacific. We shall continue to explore with these countries the possibility of seeking practical solutions to these problems and of a conference for this purpose. In this connection, the new Ecuadorean Foreign Minister said in a public address on September 2 that his government had the conference proposal under consideration and was disposed to hold conversations with any country, under appropriate circumstances to resolve problems.

Q. What will this loan contribute to Ecuadorean development?

Suggested points in reply:

It will provide $5.3 million to finance the acquisition of 12 fishing vessels and establishment of a training program.

Q. What will be the effect of this development project on Ecuadorean production?

Suggested points in reply:

The loan is expected eventually to increase Ecuador's exports of fisheries products by about $3 million a year.

Q. Will any U.S. interests be involved in the project?

Suggested points in reply:

This is not specified in the loan, but U.S. firms will be free to submit bids for the construction of the fishing vessels. In addition, there are U.S. tuna processers in Ecuador, and much of Ecuador's catch is frozen and shipped to Puerto Rico for processing.

Q. How many U.S. ships have been seized by Ecuador?

Suggested points in reply:

26, over a period of 15 years.

Q. When did the seizures start?

Suggested points in reply:

In 1953.

Q. How does Ecuador determine the fines—by the catch or the size of the vessel?

Suggested points in reply:

By the size of the fishing vessel.

Q. What's the total amount of fines that have been paid to Ecuador by U.S. tuna fishermen?

Suggested points in reply:

About $385,000.

TRIBUTE TO JOHN M. VORYS

Mr. **McCULLOCH**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **McCULLOCH**. Mr. Speaker, I wish to join with my many colleagues, both from Ohio and elsewhere, in paying tribute to the Honorable John M. Vorys, longtime Member of the U.S. House of Representatives from the 12th Congressional District of Ohio.

I was deeply saddened, as was all of my family, at the death of our great and good and longtime friend, John M. Vorys.

John M. Vorys was a good man.

He was graduated from Yale University and from the College of Law of the Ohio State University. He was one of the first pilots in the U.S. Naval Air Service, retiring as a lieutenant. He was a member of the Ohio House of Representatives, of the Ohio Senate, and he served as director of Aeronautics of Ohio.

He served in the U.S. House of Representatives for 20 years and then voluntarily retired. He served as a delegate to the United Nations and as a Regent of the Smithsonian Institution.

He was a member of the Foreign Affairs Committee of the House for many years and was ever a persuasive leader in implementing the foreign policy of this country.

John M. Vorys was a tower of strength and a leader of men in the Congress of the United States, as well as in the Ohio Legislature. He will be missed by many friends, both at home and in places afar.

The McCulloch family extends to the Vorys family our deepest sympathy.

INFORMATION HANDLING: "FOR A VAST FUTURE ALSO"

Mr. **SCHWENGEL**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. **SCHWENGEL**. Mr. Speaker, "If all history were recorded, we would probably find that emperors and empires failed for want of some specific piece of information. In our own technological era, satirists picture governments going down to defeat, or at least paralyzed, not by too little information, but by too much."

On November 24, 1965, the National Broadcasting Co. presented an hour-length documentary entitled "Congress Needs Help." The opening scene showed stacks of reading matter collected from one Congressman's office that reached higher than stalks of Iowa corn at harvest time. As David Brinkley commented, a Member of Congress could not plow through all that if he did nothing else but read for a year.

Every congressional office today is deluged with information—material supplied by lobbyists, government publications of all kinds—with no small amount of the tonnage deriving from Congress own sources. In some instances a Member gets neither as much nor the specific kind of information he requires, but his problem generally is that he receives too much information and has no efficient means of selecting what he needs from the turgid mass of documents, books, and reports spilling out of every nook and cranny of his office.

"Knowledge is power," a Congressman may remind himself. But what kind of knowledge? For what kind of power? The Constitution provides that legislative power shall be vested in Congress. Executive power, says article 2, shall be vested in a President.

WE PROPOSE: A MODERN CONGRESS

It would seem, then, that Congress should be primarily concerned with drafting the laws and the President with administering them. Yet it is estimated that as much as 80 percent of the major legislation enacted today is not only initiated by but drafted within the executive branch.

While the Congress of the sixties is neither as weak as many of its Members claim nor as powerful as Presidents may complain, it is certainly a vastly different institution than that envisioned by the gentlemen who met in Philadelphia a century and a half ago to frame a government for the new nation. Perhaps as Prof. Richard Neustadt suggests, "The separations between President and Congressmen are partly constitutional, partly political, partly attitudinal, and in no small degree a matter of semantics." In any event, our system of separated powers is no longer the neat arrangement described in the civics books.

It is not my purpose here to debate the role of today's Congress. We face a growing population with urgent problems to solve, and whether the initiative for legislative action in all cases properly comes from the executive or not, the proposals must be sifted and weighed by the Congress.

Research and development have no longer been left to advance at random, to the curiosity of the scientist eager to learn more of nature, or to the unpredictable flash of inventive genius. Research and development has become the industry of innovation, the instrument of progress not as science for the scientists but science in the service of man. Composed of four hundred thousand scientists and engineers, working at hundreds of universities and nearly ten thousand industrial and government laboratories, research and development is undertaken in every one of our 50 States. R. & D. is sponsored by every major Federal agency.

To understand this force of change, we must recognize the rapid growth of the activity itself. From less than $1 billion annually in 1941, research and development has grown to $22 billion some 25 years later in 1966. Of this $22 billion two-thirds, that is, over $15 billion, is derived from the Federal Government. At the same time, three-fourths of the nation's research and development is performed in industry or universities. A very important fact to recognize, therefore, is that research and development is a publicly funded but privately operated industry of innovation. It is thus characterized by a close and mutually reinforcing partnership between private industry, universities, and government. From this triad of institutions, each has contributed its strengths. Today, American science and technology—through entrepreneurship, scholarly inquiry, and alert public administration—set a pace and standard for excellence that the rest of the world seeks to follow.

PROGRESS ALSO HAS THORNS

Notwithstanding the enormous progress of the last two decades, the past is indeed prologue. Eighty-five percent of all the scientists and engineers who ever lived throughout history are alive today. The writings from their research fill 35,000 technical journals with a literature growing at a rate of over one million articles a year. They offer promise of even more exciting discoveries that could be aided and abetted by proper congressional evaluation. Answers are being sought to basic questions about the composition of the atom, the origin of our solar system, the genetic code that controls heredity and the processes of life itself. The laser, the computer, new metallic or ceramic alloys will put man on the moon and probe the ocean depths.

As he applies this knowledge, however, man may inadvertently damage his own environment, soil his own nest. Automobile exhaust pollutes our air, cities and factories discharge sewage in all too convenient waterways, and solid waste is being generated faster than it can be disposed of. The silting of streams and rivers goes on almost unabated as watersheds are neglected. Urban crowding is producing social problems while it destroys esthetics.

Science possesses no intrinsic morality. Practical applications may produce just as many harmful effects as benefits. The fruits of our progress are often accompanied by thorns. Of vital significance, therefore, is the recognition that with research and development so largely supported by government, what happens in this world in relation to or as a result of science depends far more on decisions of this Nation's political leaders than it does on scientists and engineers. As science and technology have become new instruments for government policy, they have also become responsibilities. Improvement of human welfare is dependent upon the wise selection of public purposes to which science is directed, upon the allocation of public resources for their achievements, and upon the organization of government and prudent management of these funds.

Congress has responsibility to set public purpose, to allocate resources, to test the validity of proposals from the President against the wishes and mood of the people. In carrying out its legislative, oversight, and representative functions, Congress must have not only full and free access to information within the executive branch but the analytical capability to separate the "signals from the noise." Moreover, if Congress is to retain any degree of autonomy, it must equip itself with the necessary machinery and avail itself of adequate manpower for independent intelligence gathering, sorting, and analysis.

IMPROVING THE COMMITTEE SYSTEM

Congress has always performed the substantive work of legislation through committee. Traditionally, committees have been the primary sources of information necessary to the Congressman. Now, committees have additionally taken on increasing responsibility for oversight of the administration. As legislation has grown more complex, the need of technical specialists to assist the committees has become greater. As government programs continue to proliferate, the need of Congress for an over-all analytical capability to weigh existing programs against new solutions to national ills and both against national means, becomes more acute than ever.

Confined within the jurisdictions laid down in House rule 11, the standing committees of the House concern themselves with only fractions of the total activity of government. No single unit of Congress is looking across the board at the sum of the Nation's goals and resources. Funding is done piecemeal, with one committee granting authority, another actually appropriating the money, and yet a third left to find the means for assuring that money will be available for the program—with the whole process repeated on the other side of Capitol Hill. The simple fact is that as of now, Congress is patently unable to cope with the total expenditure by the Government in relation to clearly defined priorities.

For example, Federal assistance to education is carried out by more than 40 different agencies and departments of the executive branch, with the responsibility of overseeing the different programs scattered among most of the standing committees of both House and Senate. Indeed, we may question whether even the President can say precisely how much of the Government's dollar is spent for education.

A second example is found in connection with the Government's war on poverty: A score of executive agencies are involved with this problem in one war or another, each requesting sums of money for its programs. One of my Democratic colleagues says the trouble with many of these new programs are that they are "grand shin plasters that fail to deal adequately with even the immediate problem."

The role of a congressional committee in our system is to research complex problems and report back to Congress. If no effective distinction between majority and minority positions is made in committee, meaningful floor debate and a careful amending process are impossible. As a result of the investigative skill and exhaustive research efforts of our staff director, the Committee on Increased Minority Staffing of the 88th Congress was able to document a situation in which minority Members of Congress were receiving such limited assistance from expert personnel assigned to the standing committees that the wonder is that any differentiation at all was made on most of the issues before the national legislature that year. The situation clearly spoke to the very health of our governmental process.

In order that all participants in the legislative process may have adequate information and equal assistance at the committee stage, Congress should take urgent action to: First, correct the imbalance of partisan staff available to minority members of committees; second, provide a measure of job security for minority employees through a guarantee that the hire and fire power of these people rests with the ranking and minority members of each committee; and third, clarify and upgrade the positions of all positions of all committee employees through the establishment of job descriptions.

THE LEGISLATIVE REFERENCE SERVICE

The second major source of information for the Congressman is the Legislative Reference Service (LRS) of the Library of Congress. Established in 1914 by administrative action within the Library, the Service has been in continuous existence for more than 50 years. The Legislative Reorganization Act of 1946 put it on a statutory basis, raised it to full-fledged departmental rank within the Library, expanded its staff, and spelled out its duties in broad language.

In essence, the Service was commanded to supply accurate and objective information, research, analysis, and evaluation of legislative matters of interest to the committees and Members of Congress. Implicit in the expansion of the Service and its functions was the belief that Congress must attain parity with the executive branch in access to information and expertise. The Service was to help Congress avoid overreliance on the executive branch and other public or private sources, including lobbies, for the facts and research assistance it requires. Members of Congress receive from the Legislative Reference Service that rarest of all Washington products: the disinterested point of view, the undistorted fact, the impartial and nonpartisan analysis and evaluation of controversial public policy issues. Obviously, these are essential to intelligent and informed decisionmaking.

The language of the Service's statute speaks of "legislative proposals," data bearing upon legislation," "summaries and digests of public hearings, and of bills and resolutions of a public general nature." If LRS dealt with nothing more than this, its value would still be inestimable and the weight of its burden staggering. With the encouragement of Congress, however, the Service has interpreted this language quite broadly and thereby approached its obligations more realistically. Congressmen, the Service recognizes, are not legislators alone—they are also educators, leaders of public opinion, and interceders between their often puzzled and desperate constituents and the awesome impersonality of a colossal Federal Government. In these areas, too, LRS attempts to serve the Members of Congress.

Because of its direct relationship with the Legislature, the problems encountered by the Service reflect the increasing and increasingly complex tasks faced by Congress. As summed up by the Service's former director, Dr. Hugh Elsbree, LRS "has too much of too many kinds of things to do, given its present resources."

In 1946, the year of the passage of Reorganization Act, the Service handled 16,444 inquiries with a staff of 95. Nineteen years later, with little more than double that staff, it answered 113,628 requests, a workload increase of almost 700 percent.

Clearly, the Legislative Reference Service cannot perform its functions effectively without sufficient manpower. Quality of research necessarily deteriorates under the pressure of an ever-mounting workload. Furthermore, as our Nation's population increases, the extent of congressional activities will continue to grow, imposing still greater burdens on the Service. A substantial addition to its staff is imperative.

One aspect of the Service's workload problem that has received considerable attention recently is that involving constituent requests. The assistance given in connection with these requests is of great value to Members of Congress, not only because it helps them help their constituents, but also because such inquiries frequently prompt research of real value to the Member in connection with pending legislation, the exercise of legislative oversight, or matters of long-range interest. In terms of numbers, more than half the inquiries received by the Service originate with constituents. This is not to say that LRS spends half its time on such business; actually, constituent requests take up only about 19 percent of the Service's total research time. They do, however, cut into the time available to the staff for dealing with legislatively related research. With additional staff resources, LRS should reorganize itself in a manner that will shift this burden away from subject specialists who should be devoting themselves to research.

Dr. Elsbree described the current workload situation in this way:

> The basic problem of the Service today is not that we do not do a great deal of legislatively related work—we do incalculably more than in 1946, thanks to the tremendous impact of the LaFollette-Monroney Act of the date and to the vigorous and imaginative leadership of Dr. Ernest S. Griffith who headed the Service for so many years. But first, the scope and the complexity of legislative activity, including legislative oversight of governmental operations, have increased enormously; and secondly, the individual Member's relations with his constituency have changed vastly, producing (a) a greater need of the Member to take a stand, and to brief himself on, more and more issues, and (b) a greater need of the Member for types of information and assistance connected with activities of his office but not so closely related to actual legislation—like answering constituent inquiries, keeping his constituents informed about issues they are interested in and his efforts on their behalf, preparing talks for public appearances, and so on. These are the trends that have created such a terrific problem for us.

Obviously, the Service must have additional personnel to meet its present and growing responsibilities. But beyond this, LRS must expand the scope of its service in order to meet the varying needs of Congress. As the legislature becomes involved in more and more subjects, the Service must have a recruiting and hiring system flexible enough to permit it to employ at relatively short notice experts in those subjects. It should also have the capability of supplementing its core staff with outside consultants, advisers, and research organizations to deal with projects beyond its normal areas of specialization.

Furthermore, the Service must be encouraged to adopt new techniques in assisting Members and committees of Congress. These might include, for example, establishing a roster of ad hoc consultants who could be made available to Congressmen for short periods. Briefings and seminars for Members and their staffs on a variety of special subjects might also be useful.

Automated information retrieval is a must for the Service. Congress has been inexcusably slow in exploring the possibilities of electronic information systems to aid it in the legislative process. The functions of the Legislative Reference Service present a tantalizing number of opportunities for utilizing such devices.

The physical facilities now available to the Service are hardly conducive to creating the kind of atmosphere in which thoughtful research can best be carried out. Cramped quarters and second-hand equipment not only hamper the present staff but also hinder LRS in recruiting and retaining the top-level professional talent it must have. Congress should provide suitable facilities if it expects to attract the caliber of research personnel it wants and needs.

Finally, Congress should give some thought to unifying its research organizations. The Office of the Coordinator of Information, established solely for the use of the House of Representatives in 1947, largely duplicates the quick-answer function of the Legislative Reference Service. Congress should transfer the operations of this office to the Service.

AUTOMATED INFORMATION HANDLING

Since the development of the electronic computer shortly after the end of World War II, major emphasis in research and development has been placed upon evolving techniques and man-machine procedures, as well as developing equipment, that could aid a wide range of information consumers. Today, the dual impact of the "information explosion" and automatic data processing—ADP—is felt in all areas of American society—business, education, government, industry, and the professions. Through the concept of time sharing and utilization of "on line" equipment, each is increasingly able to borrow from and contribute to the store of information of the others.

By way of caution, one is advised to bear constantly in mind that the cardinal component of information systems is the human element, or, in the irrepressible style of my good friend Tom Curtis, "idiot input produces idiot output." The concept which should govern the utilization of ADP devices is based on the fact that they can sort, merge, compute, assemble, compile, translate, extract, store, and retrieve data, but only at the explicit direction of the human controller. Computers do not "think." They are also fantastically costly.

The subtleties of the information needs of the legislator in particular make requirements delineation for Congress a sine qua nom. As Charles Dechert points out:

> The problem of congressional access to information might be better defined as a problem of information management. What specific elements of information are needed to make what judgments? Where are these elements located? How are they to be retrieved? And how should they be presented in order to be meaningful?

Four criteria determine the wise use of an automatic information system: completeness, accuracy, timeliness, and relevance of the information. Both technical and nontechnical considerations must be taken into account when undertaking system analysis and design, and these factors, inextricably linked, should be recognized by all persons involved in the system. In order to utilize ADP systems in an optimum way, men must work with machines, using them selectively and on a priority basis.

ADP IN USE IN THE EXECUTIVE BRANCH

Although there have been identifiable needs throughout the Federal community for increased utilization of automatic data-processing equipment, the executive branch stands alone as the pioneer in acquiring both personnel and equipment. From only 90 computers in 1956, 2,188 electronic computers were projected for fiscal year 1965. Thirty-five agencies own or lease ADP equipment—fiscal year 1965—and the investment of the Federal Government continues to rise—in fiscal year 1965, $1,132,000,000 was spent on ADP equipment and services.

Since the need for machine support was identifiable readily in the Bureau of the Census application areas, one of the earliest ADP capabilities was created to help process statistical information on population, housing, construction, foreign trade, agriculture, business, government, industry, and transportation. Several types of computers have been used, and data has been stored in the form of punched cards, magnetic tapes, tabulations, and census and survey records. Also, national and regional statistical samples are kept both on punched cards and computer tape.

Because technological requirements related to national defense often required substantial ADP support, priority was established within the Department of Defense to conduct research—both basic and applied—and development in ADP equipment, techniques, and procedures. In some instances, special emphasis was placed upon designing complete systems; exemplary of this was the work in the command and control area of the Strategic Air Command and the North American Air Defense Command. Large, joint Government-contractor teams comprised of military planners, programers, systems analysts, and engineers worked long and hard in an intensive effort to provide the type of rapid response capability necessary to insure military preparedness.

The services performed with ADP support by the Defense Documentation Center—DDC—are particularly noteworthy. This group, formerly called the Armed Services Technical Information Agency—ASTIA—is the organization which "seeks to keep ready at hand all of the research results obtained by or for the military departments and other DOD components."

Through Government sponsorship of Project LITE—Legal Information Through Electronics—it has been possible to place the entire United States Code on magnetic tape. The Bureau of Labor Statistics, Department of Labor, collects, analyzes, and publishes national, regional, and local data on retail and wholesale prices, wages and salaries, consumer expenditures, employment and unemployment, and other key data of acute interest to Congress. In yet another significant area, the Internal Revenue Service continues to add to its ADP capability for the purpose of processing income tax returns. By 1967, in fact, the entire processing job of IRS will be computerized.

Other application areas exist, such as in the Social Security Administration, where large-scale information handling systems using ADP have been established and developed. Clearly, with respect to Government use of automatic data processing, "it is the executive branch, not Congress, that has taken advantage of the new information techniques; and in so doing, it has gained the advantage over Congress throughout the entire policymaking process."

ADP AND CONGRESS

In projecting ADP support for Congress, one is faced with the usual discouraging array of considerations. The purchase, installation, and operation of equipment, both in terms of "hardware" and "software," is enormously expensive. In order to exact maximum efficiency at minimum cost, system design must be based on user need, both in terms of kinds of information and recurrence of use.

Who will be the users? To speak of "Congress" as a user is to speak of its committees, its Members, and its employees. What kinds of needs are felt by these different components? How much of the information needed by all three is of such a nature that it must be constantly updated and made available on a daily, even hourly, basis? Where should the systems operation be located? Who will govern its use and have responsibility for overseeing its personnel and upkeep? In light of the intertwined relationships between Executive and Congress today, do possibilities exist for "on line" sharing of information by the two branches?

The improvement of any information handling system should be performed in a modular step-by-step fashion, commencing with a thorough analysis of the existing system. This approach necessarily takes into consideration the essential criteria for evaluating system operation cost, performance, reliability, and maintainability.

Moreover, the attitudes of the information users must be conditioned to accept innovative methods while guarding against the tendency to throw out the baby with the bath water. Computers are a relatively new phenomenon, and as anything new tends toward an immediate polarization of reactions, both blind fear and blind acceptance characterize many discussions of ADP support for Congress.

Lost in the lexicon of such buzz words as "buffer storage," "random access," and "Williams tube," some people seem convinced that the complex information handling problems of the Congress can be solved by putting anything and everything on magnetic tape. Disks, drums, and tape together, the cheapest and most practical method of storing static—fixed in space and available at any time—information at present is between the covers of a book, of which the Library of Congress has millions.

As an illustration of the other extreme, one Congressman remarked recently that the last thing he wanted to hear was any talk of computers for Congress:

> In my opinion, it will be a sorry day for the country when Congressmen have been replaced by computers.

Although he probably could be replaced by a mimeograph machine, it is important to recognize that fear is no more conducive to practical decisionmaking with respect to automated information handling than infatuation with the new machines.

SUGGESTED APPLICATIONS

Many State legislatures are far ahead of Congress in the application of computer technology to the legislative process, and while Congress is unique in many respects, certain of its activities are common to all deliberative lawmaking bodies. As Sam R. Haley, legislative counsel for the State of Oregon, noted in testimony before the Joint Organization Committee:

> It is also important that we realize that the business of assisting lawmakers has certain common denominators. The production of legislative drafts for introduction, their printing and reprinting from the time of introduction through enactment and compilation and, finally, the supplying of information regarding their status, disposition and content at these various stages is a common legislative operation.

With the introduction of more than 13,000 measures in the House alone last year, it is difficult to comprehend how Congress could fail to take advantage of computer technology for the storage and retrieval of this most fundamental information while it allowed the executive branch to spend more than $1 billion for automatic data processing in the departments and agencies.

Another application of ADP that seems to me overripe for study is in the matter of committee meetings, hearings, and reports. The workload of every Congressman is such that he scarcely has time to attend all the hearings and keep up with the reports of the committees on which he serves, let alone the activities of the other 17 or 18 committees of the House, not to mention those of Senate committees. As a result, he must rely in large part on the advice of his colleagues in casting his vote for or against a majority of the bills that come to the floor. In some cases, legislation may be passed before printed hearings are available to all Members. With the aid of computers, the testimony of witnesses appearing on major legislation could be abstracted and printed out daily, reports stored for fast callup in reference to past activity by the committee in this area, and records maintained of committee members' votes. Additionally, conflicts in the scheduling of meetings could be diminished if not eliminated.

Certainly housekeeping functions, such as payroll accounting and the maintenance of employee records, should be automated without further delay. The laws governing the reporting of campaign expenditures and the activities of lobbyists should be tightened up and ADP applied to the collection and storage of this information.

A particularly fascinating application of computer technology to the Congressman's informational needs is the consideration of some SDI—Selective Dissemination of Information—system to support the Legislative Reference Service in keeping Members abreast of all new literature relevant to their individual fields of inquiry. One no longer describes information coming into the Library of Congress in terms of numbers of documents, books, and articles; material is wheeled in daily by the truckload. This information must be sorted, scanned, and cataloged eventually. Modern man-machine handling could speed the process, resulting in fast printout of bibliographical material for use by the Congressman in keeping up with current writing in areas of his choice, whether the subject matter is directly related to his committee assignment or not. Reference retrieval is a relatively simple task for a computer, especially in response to prearranged search categories. What vast new horizons this could open up.

I have barely touched upon specific applications of automatic data processing to the legislative process. Yet, it is clear that Congress is far behind the times—behind the executive branch, the State legislatures, educational institutions, business, industry, and the professions—in the handling of information. Knowledge is power. The uses to which that knowledge is put determine the fate of our own Nation and increasingly influence the destiny of others. Information is the key to wise decisionmaking. If the people would retain a voice in their Government, if Congress would regain its stature as a coequal partner with the executive branch, Congressmen must look to the improvement of their methods of gathering, sorting, and analyzing data. The need is fundamental. The case is urgent.

CONGRESSIONAL-ACADEMIC LIAISON

Many ties exist between Congress and the academic community now, of course, but they are for the most part informal and short lived. Congress could both improve the quality and variety of its information and contribute to a better understanding of the legislative process on the part of teachers and students, and ultimately the people, by strengthening the overall relationship.

As an immediate step in the direction of improving professorial contact with Congress, I recommend that a special section of the House gallery be set aside for visiting scholars. While I stoutly defend the right of every citizen to watch his Congress in action, the simple fact of the matter is that gallery space is limited and heavy tourist traffic results in the scholar's being uprooted often after only 15 minutes' observation. This is hardly enough time to witness the proceedings on the floor of the House that may be crucial to his understanding of a bill's passage or defeat. Special passes could be issued to scholars and a small section of the gallery reserved for them, much as a section of the House gallery is reserved for members of the press.

Second, I heartily endorse a proposal made by George Agree, executive director of the National Committee for an Effective Congress, before the Joint Organization Committee last year. Mr. Agree proposed:

> Any time a group of Members (of Congress) wish to undertake a particular study, the Congress itself should provide them with the facilities to do so. . . . The present condition of Members who want to pursue some subject that may not be on the legislative agenda, or to make an independent study of a subject that is on, is one of almost complete frustration. The few "task forces" or "study groups" that are organized for such purposes too frequently founder for lack of staff and facilities.

Mr. Agree's procedure would require that a minimum number of members, say 15, perhaps with the qualification that no group be comprised of more than 75 or 80 percent of the members of one party, constitute such a group. After the purpose and scope of the group's inquiry had been approved by the Speaker and minority leader, the members would be given office space, facilities, and funds for the employment of the necessary research and secretarial personnel to carry out their study. Additionally, funds might be authorized for such travel as members of the group wished to undertake or to reimburse experts invited to Washington for consultation by the group. The unit would have no legislative or political authority; however, its work would become the property of the standing committees of most nearly related jurisdiction.

Mr. Agree's proposal is a step in the direction of a better informed Congress and improved communication and relations between scholars and Congressmen. The cost in consideration of the benefits to both would be negligible.

The fellowship program of the American Political Science Association is perhaps the most successful venture of this kind to date, and it augurs for the success of such a program as Mr. Agree has proposed. By itself, however, the APSA program should be expanded and better publicized. A similar fellowship program under the auspices of the Brookings Institution has proved immeasurably beneficial to both Congress and the participating scholars.

A collateral effort might be attempted by Congress based somewhat on the pattern established by the Nieman Foundation. Each year since 1938, thanks to a generous bequest of the late Agnes Wahl Nieman and an innovative decision by the university's president, James Bryant Conant, a dozen or so newspapermen spend a year on leave from their papers pursuing studies of their own choice at Harvard University. They may take any course they want, or none at all if they can find a shorter route to the information they are after. No degrees are awarded; no credits are earned for the courses taken.

Obviously, a Congressman could not take a year of leave from his duties. However, he could take 2 weeks, or depending on the workload of the session, as much as 2 months, each year in November or December, to live on campus and pursue such studies as his time permitted and his interest dictated. As with the Nieman fellowships, the program would be limited to Congressmen who had served at least one full term and had been elected to a second; and, as with Harvard University, the success of the program would be determined at least 50 percent by the cooperation of the colleges and universities participating.

Subject to administrative procedures of each institution, the Congressman could audit any lectures, attend any lab sessions, and in general participate in any educational activities on campus. He would have free access to the resources of the university's library, and as the school's "Congressman in residence," he would be expected to participate in weekend seminars and informal discussions with teachers and students.

Even though the press of his official duties would permit each Congressman only a brief residency and very limited study, the reciprocal benefits from such a program would seem to make it worth a trial run. In fact, the idea has been successfully tested. Former Congressman John Lindsay spent weekends "in residence" on the campuses of the University of Iowa and Washington University in St. Louis. John thoroughly enjoyed the experience and gained from it, and in both cases, the response of faculty, students, and—thanks to splendid reporting by the press—public, was uniformly enthusiastic.

In my capacities at various times as a history teacher, president of the U.S. Capitol Historical Society, and legislator at both State and National levels, I have visited hundreds of university and college campuses. During our residency in Washington, Mrs. Schwengel and I have hosted more than a score of college professors and over 100 college students in our home. The contact in every case has been exhilirating for us, and we have been gratified by the letters from our guests expressing their appreciation of the opportunity these visits provided them to get a first-hand view of their Government in Washington. I am convinced that a "Congressman in residence" program would be welcomed by most colleges and universities across the country and would prove beneficial to every Congressman who participated in it.

CONCLUSION

As she entered the 1960's, America could count more than one-third of her population under 20 years of age.

These young people inherit the proud ideals and unfulfilled dreams of a strong and growing Nation. They face the excitement of making new discoveries, crossing new horizons. They face as well the challenge of finding solutions to new problems.

As we labor to strengthen the machinery of our National Legislature in order to cope with the problems of the sixties, we would do well to remind ourselves, as Lincoln reminded Members of Congress a century ago:

> The struggle of today is not altogether for today—it is for a vast future also.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAYLOR (at the request of Mr. GERALD R. FORD), on account of death in the family.

Mr. WIDNALL (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of illness.

Mr. HAGAN (at the request of Mr. ALBERT), for today and the balance of the week, on account of official business.

Mr. FLYNT (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ADAIR, for 1 hour, on Wednesday, September 18; and to revise and extend his remarks and include extraneous matter.

Mr. WATSON (at the request of Mr. HUNT), for 1 hour, on September 11; and to revise and extend his remarks and include extraneous matter.

Mr. RIEGLE (at the request of Mr. MCCLURE), for 5 minutes, on September 11; to revise and extend his remarks and include extraneous matter.

Mr. RODINO (at the request of Mr. MONTGOMERY), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. PICKLE, for 20 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'HARA of Illinois in five instances.

Mr. HOSMER in two instances.

Mr. SCHWENGEL in two instances and to include extraneous matter.

(The following Members (at the request of Mr. RUMSFELD) on the subject of Mr. RUMSFELD's special order on the legislative reorganization proposals and the election reform legislation:)

Mr. POLLOCK.
Mr. MACGREGOR.
Mr. MIZE.
Mrs. DWYER.
Mr. REINECKE.
Mr. CHAMBERLAIN.
Mr. BROTZMAN.
Mr. CURTIS.
Mr. STEIGER of Arizona.

Mr. BUSH (at the request of Mr. MCCLURE) immediately following the special order of Mr. RUMSFELD.

Mr. SCHWENGEL following the remarks of Mr. RUMSFELD in his special order today.

Mr. HAYS and to include an editorial.

(The following Members (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. MOSHER.
Mr. ZWACH.
Mr. WINN.
Mr. GURNEY.
Mr. MESKILL in three instances.
Mr. ASHBROOK in two instances.
Mr. UTT in two instances.
Mr. HARVEY.
Mr. SCHERLE.
Mr. BYRNES of Wisconsin.
Mr. SCHWEIKER.
Mr. BRAY in two instances.
Mr. PRICE of Texas in three instances.
Mr. STEIGER of Wisconsin.
Mr. KUYKENDALL.
Mr. GUDE in two instances.
Mr. BUCHANAN.
Mr. RUPPE.
Mr. QUILLEN in four instances.
Mr. BROOMFIELD in two instances.
Mr. WYDLER.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. RODINO.

Mr. RESNICK.

Mr. LONG of Maryland in three instances.

Mr. MCCARTHY in 10 instances.

Mr. BINGHAM in two instances.

Mr. MOORHEAD in five instances.

Mr. DENT.

Mr. ABBITT.

Mr. HAMILTON in 10 instances.

Mr. FLYNT in two instances.

Mr. EVINS of Tennessee in three instances.

Mr. WALDIE in two instances.

Mr. NIX.

Mr. HÉBERT.

Mr. DOW.

Mr. HAYS in two instances.

Mr. PODELL in three instances.

Mr. IRWIN in five instances.

Mr. DELANEY.

Mr. VIGORITO.

Mr. MOSS.

Mr. VANIK in two instances.

Mr. REES.

Mr. SCHEUER.

Mr. FARBSTEIN in three instances.

Mr. PICKLE in two instances.

Mr. RHODES of Pennsylvania in two instances.

Mr. GONZALEZ in three instances.

Mr. EDMONDSON in two instances.

Mr. PEPPER in three instances.

Mr. O'HARA of Michigan in two instances.

Mr. HATHAWAY in two instances.

Mr. EILBERG.

Mr. MAHON and to include tables.

Mr. MONTGOMERY.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 11, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2188. A letter from the Acting Secretary of the Treasury, transmitting a semiannual report on U.S. purchases and sales of gold for the period January 1 to June 30, 1968; to the Committee on Banking and Currency.

2189. A letter from the Acting Secretary of the Treasury, transmitting the first semiannual report relating to the evolution of the international monetary system for the period January 1 to June 30, 1968; to the Committee on Banking and Currency.

2190. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting a quarterly report on the programing and obligation of contingency funds for the period April 1 to June 30, 1968, pursuant to the provisions of section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2191. A letter from the Acting Archivist of the United States, transmitting a report on records proposed for disposal, pursuant to the provisions of 57 Stat. 380, 59 Stat. 434, and 63 Stat. 377; to the Committee on House Administration.

2192. A letter from the Secretary of the Interior, transmitting the comprehensive plan for the Ice Age National Scientific Reserve in Wisconsin, pursuant to section 2, Public Law 88–655; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee on Interior and Insular Affairs. Minority views on House Joint Resolution 1384, joint resolution relating to the administration of the national park system (Rept. o. 1858, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 16012. A bill to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes; with amendment (Rept. No. 1871). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 16947. A bill to direct a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation; with amendment (Rept. No. 1872). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 17273. A bill to amend the act of September 21, 1959 (Public Law 86–339), relating to the Reservation of the Agua Caliente Band of Mission Indians; with amendment (Rept. No. 1873). Referred to the Committee of the Whole House on the State of the Union

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 17684. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico (Rept. No. 1874). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 17850. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes (Rept. No. 1875). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 18192. A bill to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes; with amendment (Rept. No. 1876). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 18885. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets Nos. 150 and 248 of the Indian Claims Commission, and for other purposes (Rept. No. 1877). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 8781. A bill to provide for the exchange of certain lands in Shasta County, Calif.; with amendment (Rept. No. 1878). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 17609. A bill to convey to the city of Kenai, Alaska, all interests of the United States in certain land located therein; with amendment (Rept. No. 1879). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 17874. A bill to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State; with amendment (Rept. No. 1880). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes (Rept. No. 1881). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 3227. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Southern Paiute Nation of Indians in Indian Claims Commission dockets Nos. 88, 330, and 330–A, and for other purposes; with amendment (Rept. No. 1882). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket No. 319, and for other purposes (Rept. No. 1883). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee of conference. H.R. 15263. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes (Rept. No. 1884). Ordered to be printed.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1300. Resolution providing for the consideration of H.R. 18260, a bill to provide for a national scenic rivers system, and for other purposes (Rept. No. 1885). Referred to the House Calendar.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 16524. A bill to provide for the appointment of postmasters; with amendment (Rept. No. 1886). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 11408. A bill to amend section 5517 of title 5, United States Code, to authorize certain agreements relating to withholding of State income taxes; with amendment (Rept. No. 1887). Referred to the Committee of the Whole House on the State of the Union.

Mr. WATTS: Committee on Ways and Means. H.R. 18253. A bill relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals; with amendment (Rept. No. 1888). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 18486. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of income from the operation of a communications satellite system; with amendment (Rept. No. 1889). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DE LA GARZA:

H.R. 19644. A bill to amend the Social Security Act to require States to disregard proceeds of insurance in determining eligibility for public assistance where the insured died in the active military or naval service; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 19645. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 19646. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Un-American Activities.

By Mr. RODINO:

H.R. 19647. A bill to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States and for other purposes; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 19648. A bill to amend title 38 of the United States Code to include within the parental beneficiary class under the servicemen's group life insurance program persons who stood in loco parentis to a deceased insured; to the Committee on Veterans' Affairs.

By Mr. EILBERG (for himself, Mr. Barrett, Mr. Byrne of Pennsylvania, Mr. Green of Pennsylvania, and Mr. Nix):

H.R. 19649. A bill making appropriations for the construction of the foundation and substructure of a U.S. courthouse and Federal building at a certain site in Philadelphia, Pa.; to the Committee on Appropriations.

By Mr. HALPERN (for himself, Mr. Addabbo, Mr. Brown of California, Mr. Brasco, Mr. Button, Mr. Burton of California, Mr. Conyers, Mr. Edwards of California, Mr. Eilberg, Mr. Fulton of Pennsylvania, Mr. Gray, Mr. Hawkins, Mr. Helstoski, Mr. Kupferman, Mr. McCarthy, Mr. Pelly, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Roybal, and Mr. Ryan):

H.R. 19650. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

By Mr. KYROS:

H.R. 19651. A bill to permit the donation of surplus agricultural commodities to certain nonprofit organizations serving American servicemen; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 19652. A bill to amend the Revenue and Expenditure Control Act of 1968, to provide for the continuation of the exemption for employment of economically or educationally disadvantaged persons from the employee ceilings of section 201 of that act; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H.R. 19653. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

H.R. 19654. A bill to prohibit the sale or importation of eyeglass frames made of cellulose nitrate; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 19655. A bill to establish a commission to study the organization, operation, and management of the executive branch of the Government, and to recommend changes necessary or desirable in the interest of governmental efficiency and economy; to the Committee on Government Operations.

By Mr. WINN:

H.R. 19656. A bill to provide a standard for the determination of obscene matter deposited in the mails and a procedure for the return of such matter to the sender by the Postmaster General, and for other purposes; to the Committee on the Judiciary.

By Mr. ABBITT:

H.J. Res. 1448. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of Justices of the Supreme Court; to the Committee on the Judiciary.

By Mr. RUPPE:

H.J. Res. 1449. Joint resolution to establish a temporary Commission on Nominations for President and Vice President; to the Committee on House Administration.

By Mrs. REID of Illinois:

H. Con. Res. 817. Concurrent resolution expressing the sense of the Congress with respect to the occupation of Czechoslovakia by military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19657. A bill for the relief of Anna Crisafi; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 19658. A bill for the relief of Mouchoul Abdorasool; to the Committee on the Judiciary.

H.R. 19659. A bill for the relief of Sophia Wang Su Peng; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 19660. A bill for the relief of John S. Attinello; to the Committee on the Judiciary.

H.R. 19661. A bill for the relief of Mrs. Paula (Estrella) Ramos; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 19662. A bill for the relief of Neyzek J. Mejid; to the Committee on the Judiciary.

H.R. 19663. A bill for the relief of Charles L. Moore; to the Committee on the Judiciary.

H.R. 19664. A bill for the relief of Robert G. Smith; to the Committee on the Judiciary.

By Mr. BUSH:

H.R. 19665. A bill for the relief of Jutta Elisabeth Winkelstroeter; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 19666. A bill for the relief of Santi Fiumara and his wife, Concetta Fiumara; to the Committee on the Judiciary.

H.R. 19667. A bill for the relief of Masahiko Kuromoto; to the Committee on the Judiciary.

H.R. 19668. A bill for the relief of Daniele Marmo and his wife Anna Marmo; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 19669. A bill for the relief of Julita Capote; to the Committee on the Judiciary.

H.R. 19670. A bill for the relief of Rea Republica Ramos; to the Committee on the Judiciary.

H.R. 19671. A bill for the relief of the estate of Albert W. Small; to the Committee on the Judiciary.

H.R. 19672. A bill for the relief of George Thomopoulos, Eftihia Thomopoulos, Fortis Thomopoulos, and Asimina Thomopoulos; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 19673. A bill for the relief of Maria da Conceicao Coelho de Loureiro; to the Committee on the Judiciary.

H.R. 19674. A bill for the relief of Dr. Jose Sarabia, his wife, Maria Teresa Sarabia, and their son, Jose S. Sarabia; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 19675. A bill for the relief of Joe A. Seljan; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 19676. A bill for the relief of Nellie Hyacinth Davis; to the Committee on the Judiciary.

H.R. 19677. A bill for the relief of Stephen Pearson; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 19678. A bill for the relief of Maria Luisa Bona; to the Committee on the Judiciary.

H.R. 19679. A bill for the relief of Zofia Klosowska; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 19680. A bill for the relief of Alice Santos; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H.R. 19681. A bill for the relief of Ezzat Dawood Hanna; to the Committee on the Judiciary.

H.R. 19682. A bill for the relief of Donika Stanovich; to the Committee on the Judiciary.

By Mr. MATHIAS of Maryland:

H.R. 19683. A bill for the relief of Minas Kritharis; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 19684. A bill for the relief of Vincenzo Marotta; to the Committee on the Judiciary.

H.R. 19685. A bill for the relief of Benito Mirmina, his wife, Nunziata Mirmina, and their children, Franca Mirmina, Guiseppina Mirmina, and Francesco Mirmina; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19686. A bill for the relief of Faro Purpura; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 19687. A bill for the relief of Mrs. Carmen Figueroa-Fernandez de Santana; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 19688. A bill for the relief of Dr. Abdussattar Jamadar; to the Committee on the Judiciary.

By Mr. REES:

H.R. 19689. A bill for the relief of Maheshchandra B. Maheta; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 19690. A bill for the relief of Arie and Tova Gutman; to the Committee on the Judiciary.

H.R. 19691. A bill for the relief of Mrs. Caridad G. Lorenzana and her two children, Elizabeth and Gerardo; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 19692. A bill for the relief of Andrea Sciumbata; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 19693. A bill for the relief of Josephine L. Hynes; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 19694. A bill for the relief of Peter Ashworth; to the Committee on the Judiciary.

H.R. 19695. A bill for the relief of Michael James Lilley; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 19696. A bill for the relief of Jakob Karl Blumer and his wife, Brigitte Blumer; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

IOWA COUNTY SHERIFF PRESIDENT OF NATIONAL SHERIFF'S ASSOCIATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. SCHWENGEL. Mr. Speaker, Iowa County Sheriff William Spurrier is the president of the National Sheriff's Association.

Bill Spurrier has done a tremendous job as a local law-enforcement officer. His election as president of the National Sheriff's Association is an indication of the high regard and respect held for Bill Spurrier by his colleagues.

In the July–August issue of the National Sheriff, Bill Spurrier authored the president's column which I think will be of interest to the Members of the House:

PRESIDENT SPURRIER SAYS

There is a saying that's well-known to Iowans. It probably is equally familiar to the good folk of our other states. It says quite simply: "Hell is paved with good intentions."

During the recent 28th Annual Informative Conference in Louisville at which I became the National Sheriffs' Association's twenty-seventh president, these words came to me most clearly. "Hell is paved with good intentions."

After the registration was nearly completed, I looked for the names of several fellow sheriffs from the midwest who had earlier said they'd attend the Conference. Their names were nowhere to be found. They hadn't come.

Our Washington, D.C., staff had prepared a large map which showed the number of member and nonmember sheriffs in all states. This map also showed total membership in the various states. While there are many instances where we could be proud, there were just as many where we looked and knew at a glance that someone had failed to do his part in this or that state or jurisdiction.

After having examined the map and making mental notes about areas where membership was lagging, we talked then to representatives from those states and asked the simple question, "Why?" The answer was too obvious to be ignored. The answer we received most frequently went something like this:

"As soon as I get back home, I'll sign up all my men and try to line up a lot of other members too."

If all those who made this pledge had fulfilled it, our membership would have skyrocketed in the past few weeks. We're told that, while it is steadily increasing, there hasn't been any such spectacular upsurge noted. Again, we fear, "Hell is paved with good intentions."

At Louisville, we heard again and again that a professional image must be projected if law enforcement is to enjoy the benefits of being considered a profession by those with whom we come in contact. In other words, merely resolving to act professional is not enough. We must put that resolve to work for us and for law enforcement. We can do this in several ways. Perhaps the easiest way is to think professional.

Thinking professional is only the start though. It's a mighty good start . . . if we follow through. If we don't, what was that about good intentions?

We learned a lot and saw a lot in Louisville. Many of us didn't even know about some of the latest refinements in old products and some of the brand new items available to help us in our jobs. But let us consider something other than law enforcement *per se* for the next few moments.

Our nation is in trouble. Borrowing lines from *The Music Man*, we've got big trouble in River City . . . and just about every other city and county in America.

We hear daily how *civil rights* must be guaranteed. We hear how equality is the ultimate goal of our government. We hear how police brutality must be suppressed and the rights of both guilty and innocent protected (with, I fear, the accent often on the rights of the guilty and only occasionally on the rights of the innocent). We hear that even if one thousand guilty people go free, it's worth it to prevent one innocent man from being wrongly convicted.

Let's examine some of these ideas and see if they're compatible with Americanism.

Can equality be enforced by law and, as a matter of fact, should it be? The Declaration of Independence states that, "All men are created equal." What it should have gone on to say was that all men are created equal under law. Obviously the concert violinist and the professional wrestler are not equal in all their abilities. There are long and short, fat and thin, brilliant and feeble-minded, rich and poor, et cetera. All men are created equal under law no matter what other inequalities there may be. *Equality?* How about some consideration for *quality* instead?

Is it really better that one thousand guilty men go free than that one innocent man be convicted? Obviously, neither is in any sense remotely desirable, but let's examine the effects of either alternative upon a community.

Let us picture two communities of equal size and composition. Let us now take the crimes of murder, rape, armed robbery, arson, or any other serious crime and create an analogy.

Into the first community we place one thousand murderers, robbers, and rapists. From the second community we extract one innocent man. Again, it must be stressed that neither is desirable. But, let me ask . . . which community would you prefer to live in? Which community would probably last longer and be a safer place to raise a family?

Police brutality? What about civilian brutality? Why is it that every time we read of law enforcement people suppressing a riot we read about the "helmeted, heavily-armed, troops marching in with tear gas and dogs," etc., etc.?

Oh yes, if we read far enough . . . somewhere back on page 101 perhaps . . . we'll note in small print that before this was necessary there had been several officers who had been attacked and subjected to various indignities.

If enough of us stand by, do nothing, say nothing, no matter how well intentioned we may be, we're in trouble . . . individually, collectively . . . as lawmen and as a nation.

No one can say with certainty what tomorrow will bring. I hope and pray to the Supreme Architect of the Universe that it will bring decency, a love of country, and a respect for law. Whatever tomorrow brings however, I hope that all members of the National Sheriff's Association will concentrate on improving the image of law enforcement . . . of promoting obedience to the law . . . and of promulgating the theory of equal rights to all . . . not just to the minority group that shouts the loudest or threatens the most.

When tomorrow comes, we'll walk over the roadways that we build today. I hope we won't be forced to march over too many paving stones which bear the inscription, "Good intentions." I hope there's something better ahead for America. Don't you?

AN ANALYSIS OF THE DELAY AND CONGESTION PROBLEM

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. FLYNT. Mr. Speaker, recently we have experienced air traffic congestion at certain airports which has caused extensive delays to many air travelers.

This critical situation, which is of vital importance to the users of air space, demands careful study and analysis and an early solution. The solution must be compatible with long-range developments in the use of air space and must be equitable to commercial and noncommercial users alike, and should make important progress in air safety.

I do not assess blame for the heavy congestion and long delays on anyone. The fact remains, however, that long delays in hold patterns and total disruption of schedules must be prevented.

Recently I saw 19 aircraft, which had been cleared for taxiing, waiting for clearance to take off. These 19 planes literally stretched from the east end of the No. 1 runway at the Atlanta airport almost to the ramp area at the terminal building.

I have witnessed similar delays at the Washington National Airport, and am informed that at certain times both takeoff and landing conditions are as bad or worse at other major airports.

It is not my intention here to propose a solution, but to call attention to the seriousness of the problem and the necessity for action toward a solution.

Of the many excellent statements and presentations I have heard and read, the statement by Clifton F. von Kann, vice president, operations and engineering, Air Transport Association of America at a meeting of airlines and the Civil Aeronautics Board on August 13, 1968, is one of the most logical and cogent I have heard or read.

Because of clarity and the compelling reasoning this statement contains, I include it as a part of my remarks. His presentation originally included a number of charts which cannot be reproduced here, but I feel that the text of the statements sufficiently explains the charts. The statement follows:

AN ANALYSIS OF THE DELAY AND CONGESTION PROBLEM

(Remarks by Clifton F. von Kann, vice president, operations and engineering, Air Transport Association of America, at meeting of airlines and CAB, August 13, 1968)

During the next several minutes I will attempt to define the problem and to outline a framework for solutions.

Some of the material I will discuss may not bear an obvious relation to scheduling which we have come here to discuss. However, it is of great importance that we start out with a full understanding of the congestion problem in all its facets. Scheduling is only one of these; and should we leap into this single facet without looking at the entire problem, the airlines will be attempting to ease a situation for which others are responsible, there will be no basic improvement in the system, and the congestion problem will be before us year after year.

There are two problem levels in the recent events that have brought about this meeting, one basic and one symptomatic. The basic problem is that the airways and major airports have not been expanded and improved fast enough to keep up with the growth of civil air traffic. When I say airways, I refer to air traffic controllers as well as facilities and equipment. When I speak of major airports, I include ground access systems which are also badly deficient.

The basic problem that has been with us for some time and has been repeatedly brought to the attention of responsible authorities is a long feared lack of airport/airway capacity. This has been aggravated by a number of factors which have played and are playing a part in the current delay crisis. These include:

A severe controller shortage.

Slowdown activities by certain controllers.

Noise abatement procedures.

Airport construction and repair.

Failure or malfunction of FAA equipment.

Weather conditions.

Conflicts with traffic patterns of nearby airports.

Because this phenomenon is a complex one, there is much about it that is not known—notwithstanding mountains of statistical data. For example, it is still unclear whether the delay peaks and the schedule peaks coincide—or whether the limiting factor is runway or ATC capacity.

Further, what is true of one airport may be untrue of another. Each airport and terminal area has its unique features and defies generalization.

On the other hand, certain facts have been established and airline programs developed. A year ago, the airlines analyzed the air traffic control system and made comprehensive recommendations to the government for a five-year program to eliminate the deficiencies. In the fall of 1967 the airlines then made a detailed study of delays in the New York area. This study showed that the entire New York traffic situation must be treated as a single entity. The general comments in the Report of the Study (February 1968) bear repeating:

"The performance of equipment in the New York ATC system, particularly the joint-use military radar systems at Palermo, New Jersey, and Benton, Pennsylvania, has been extremely unreliable. The impact of the failures and shortcomings of these systems has a deleterious effect upon the performance of the air traffic control system.

"There appears to be a lack of planning on a system basis; rather air traffic control planning and procedures seem to be determined at the facility level. Each facility seems to exercise proprietary rights over its own airspace. A serious communications barrier is thereby created to the detriment of the overall system. A form of daily operational management on a system basis rather than on the facility level is needed, in addition to the normal administrative function.

"Conceptually, the ATC system approach has not changed since its inception. We still have the man identifying, controlling, following, and communicating with the aircraft within relatively small parcels of airspace. The application of radar to the system had improved efficiency and productivity to the point that traffic was handled with more or less success. The present effort is directed toward more of the same, in spite of the fact that we have reached a point of diminishing return. Basically, the system as it exists and as it is proposed is amazingly cumbersome and becomes less and less efficient with increased demand.

"The air traffic control center structure has changed little since the days of the DC–3. The handling of present day high speed traffic is limited by the constraints of such structurization of the enroute and terminal environments should be initiated and a program developed without further delay as a long term effort. With proper direction and management, the present system capacity can be improved somewhat during the interim period.

"The present aircraft handling capacity of John F. Kennedy International Airport is widely variable. The disruptive elements affecting capacity require correction if there is to be any normalcy in handling the present traffic. If not, the advantages to be gained in further expansion of this airport would be neutralized, if not negated. Additional runways with adequate navigation aids are required for the traffic increases projected for the near future.

"The traffic mix of VFR and IFR in the present radar environment grows more incompatible daily. Heavy General Aviation traffic at the New York Metropolitan airports and within the adjacent enroute environment is a problem that must be faced. Positive control in the New York area; stratification of traffic in the enroute area; development of adequate facilities for General Aviation use and a reappraisal of licensing requirements, especially in terms of the instrument-rated pilot, are needed.

"A large part of the air traffic controller's time is now spent in vectoring and delivering clearances; in other words, communicating with the pilot. Throughout the New York Air Traffic Delay Study program, observers commented on the heavy workload imposed by the need for lengthy, repetitious and redundant communications contacts. In some cases, sector capacity is artifically limited through flow control restrictions issued because the controller cannot keep up with the communications load. Some method of better communications, possibly data link, would be extremely beneficial to the system. Additionally, providing the pilot with a means to navigate anywhere in the environment in response to system need would eliminate vectoring and thereby increase controller efficiency."

The study also contained 23 specific recommendations, most of which called for action by FAA. Had these recommendations been implemented promptly many of the current delays would not have occurred.

Other available facts are useful in disposing of the many misconceptions about the current crisis. The most wide-spread fallacy is that the delays are due to increased airline schedules; so the remedy is to cut, spread, or divert schedules. However, where the problems have been worst—at Kennedy—there were fewer airline schedules in July 1968 than in July of the previous year.

Chart 1 (not reproduced) shows us that the current problems at Kennedy cannot be explained by schedule increases since there were none. Beyond that there can only be questions. Is the controller force at New York, operating 100 men short, so beaten down by 60 hour weeks and unsatisfactory working and compensation conditions that their productivity has fallen? To what extent are some of the more militant controllers engaged in a slowdown? Are pilots treating thunderstorms with extra care in view of recent accidents in or near thunderstorms? Is construction and repair on the field more restrictive than usual? Are FAA equipment outages on the increase? Are noise abatement and preferential runway procedures being applied too inflexibly? Is the weather worse this year? We don't know all the answers and perhaps never will. But we do know that it only takes one breakdown to jam the best superhighway in the country.

One aspect of the crisis is beyond any question—the impact on the airline passenger. It has been estimated that in 1967 airline delays cost passengers $50,000,000 in loss of productive time. At this rate the 1968 losses will amount to several hundred millions of dollars.

This is a serious loss to the nation in terms of productive manpower alone, but the airlines are more concerned about the personal hardships which their passengers have suffered. For this group, there is no need to elaborate, or to bring out some of the current horror stories. Suffice it to say that civilian and military airline passengers are subjected to terrible dislocations and no other users of the airspace have even begun to share the burdens imposed upon these airline passengers.

What makes this especially unfair is that the airline passengers provide practically all major airport revenue and are the only users of the airspace who pay their full share of the costs. Los Angeles International receives 87% of its revenue from the airlines and their passengers. They will contribute roughly $250,000,000 this year to the system of airports used by the airlines and a similar amount to the Federal government for use of the airways. Yet this $500,000,000 will buy little for the passengers except overcrowded airports, inefficient airways and intolerable delays.

This makes it worth taking a look at some of the key factors that have a bearing on today's airport and airway problems.

Chart 2 (not reproduced) traces the recent growth of U.S. aviation in response to public demand. This growth is something like the population explosion. The left hand figure, which refers to major hub airports, is revealing as it highlights the great increase in general aviation demand during recent years.

Chart 3 (not reproduced) shows general aviation and air carrier operations at LaGuardia during the 24 hours of July 25, 1968. Perhaps more significant is the fact that general aviation peaks at the beginning and end of the week; on Monday mornings it constitutes about 50% of the LaGuardia traffic in terms of arrivals and departures.

Chart 4 (not reproduced) points out how, incident to the recent growth of aviation, the contribution of airlines and their passengers to the airway system through the 5% excise tax has also been growing at a substantial rate. There is an even sharper increase in the contribution to airport revenues. On the other hand, as can be seen from Chart 5 (not reproduced), the Federal investment in airway facilities and equipment has been on the downgrade until this trend was arrested by Congressional action on the FY 1968 budget. Congressional action on the FY 1969 budget has now reversed the trend. (In both years the airlines were strong advocates of just such action by the Congress.)

Chart 6 (not reproduced) shows that the numbers of air traffic controllers have remained almost the same during a period when they have been becoming more and more essential and should have been increasing.

Likewise, airport facilities have not been expanded rapidly enough to meet the needs of the travelling public, and relief will come all too slowly.

It is obvious that the present delay crisis is really a complex of basic capacity problems which have been developing for some years and which have recently been aggravated by a number of contributing factors. Thus, solutions to this crisis must deal with fundamental causes, as well as provide immediate relief.

LONG- AND MEDIUM-TERM SOLUTIONS

There are three principal sub-systems in the overall air transport system; the airlines provide the aircraft, the Federal government the airways (although the various users are expected to pay for their use), and the airports and access systems are generally provided by local jurisdictions.

Of these three provider groups, only the airlines have done the planning and financing necessary to cope with the future. Chart 7 indicates the current status of airline equipment orders. These orders have placed a tremendous financial load upon the industry, but they were essential to meet the demands of the traveling public. The airlines made these commitments assuming in good faith that the other provider groups would engage in parallel effort. I think it is fair to say they were encouraged to do so.

Unfortunately, this has not yet occurred although some airport authorities, like that in Los Angeles, are fighting hard to stay abreast of the trends.

The airlines have tried to force forward movement with respect to both airways and airports.

Just a year ago they put forth to the Congress and the Administration a five-year program for bringing airway capacity into line with demand. Recent Congressional action has provided additional funds and personnel to get it started. However, even if Congress passes user charge legislation when it reconvenes and if a major sustained effort is maintained thereafter, it is doubtful that airway capacity will be able to satisfy demand for another five years. By that time the system will be faced with even greater demands.

With airports, the airlines have attempted to specify their requirements through a series of airline airport surveys and more recently the airline master plan reports, which have now been completed for over thirty terminal areas. These studies identify the developments needed for balanced airport capacity in four broad categories: Airspace utilization, airfield capabilities, surface transportation, terminal facilities.

The objective of these studies has been to expedite the development of needed airport capacity. Additional studies have been carried out in the New York area to point out needed expansion of capacity as well as the requirement for a fourth New York jetport.

Thus the airlines have been vigorously attempting to stimulate long and medium range programs to insure that airways and airports, as well as the flying equipment, would keep pace with the public needs. These efforts to lay the groundwork for adequate system capacity are among the most basic undertakings in the national economy. They have been made in recognition of the value of air travel to the economy and the importance of a strong aviation/aerospace industry.

Unfortunately, these are long lead time projects; and while they should cure the basic problem, immediate action is needed to deal with the current crisis.

IMMEDIATE ACTION

In considering what to do now there are certain principles that must be observed. Any emergency actions by their very nature will impose some hardships on various segments of the aviation community. The airlines strongly feel that their passengers have already been subjected to inordinate hardships and that short term action must be directed at relieving them of these burdens. This is dictated not only by compassion but hard economics since they pay for the airports and airways.

There are two principal avenues for immediate action; capacity increase or regulation of demand.

CAPACITY INCREASE

There are numerous possibilities for increasing capacity quickly. All should be explored with the utmost urgency.

First there is the matter of the controllers themselves. More controllers would certainly increase system capacity. While recent Congressional action has given FAA relief from the requirement to further reduce personnel resources and has provided funds for more people, this will not produce trained controllers for perhaps two years. In the meantime, it would appear that FAA should do everything possible to reallocate internal resources so as to free bodies and reduce the shortages, particularly at critical centers and terminal areas. Since it is known that there is an unequal distribution of overtime among controllers, just the equalization of overtime alone should make for a more equitable redistribution of these resources.

Productivity of controllers also bears on capacity. The airlines have already taken a strong stand on the need to recognize the legitimate complaints of the controllers and to take quick and vigorous action.

The other actions needed to increase capacity in the New York air traffic system are spelled out and justified fully in the Report of the New York Air Traffic Delay Study. The principal recommended actions are directed at:

1. Greater reliability of FAA ATC equipment.
2. Greater reliability of FAA communications.
3. Reduction of number of holding patterns.
4. Resectorization of air route traffic control centers.
5. Revision of ATC procedures.
6. Improved weather inputs into ATC system.
7. Restructurization of enroute environment in the Northeast Corridor.
8. Re-examination of noise abatement criteria and preferential runway system at Kennedy, LaGuardia, and Newark.
9. Deactivation of Floyd Bennett N.A.S.
10. Improved facilities for general aviation.

Aggressive action along these lines would unquestionably improve traffic flow in the New York area—possibly to a point where no other emergency measures would be needed. The FAA should take the proposals in the New York Delay Study to heart, should expedite the proposed actions in New York, and establish similar efforts at other congested terminals.

REGULATION OF DEMAND

Regulation of demand can take many forms. As a principle, however, it is to be avoided whenever possible since it results in hardships for some part of the public, restricts the freedom of air commerce, and will interfere with the competitive process. Therefore it should follow and not precede efforts to increase supply, in this case and airport and airway capacity.

If demand is to be regulated, first priority should be given to those forms which do not impinge upon the traveling public which has been victimized too much already. To be specific then, the question is how to regulate demand at New York, Washington, Chicago, and Los Angeles in such a way as to reduce the present hardships being borne by the airline passengers.

Economic regulation in the form of increased landing fees for private aviation is one form. This is presently being tried in New York.

Another method of regulating demand is to require all users of congested terminal facilities to make themselves known to the system at the beginning of their flight. This is not the case at present because airliners usually fly IFR whereas other users may fly VFR and by-pass the IFR traffic approaching congested terminals, going in effect to the "head of the line". Here they are taken care of on a "first come, first served" basis. In fairness to the airline passengers who are paying for the airways and airports, and who in many cases must sit on the ground at the departure airport waiting for the crowded runways at their destination to clear, it would seem that all traffic flying to critically crowded terminals should be required to file in advance and accept the same delays as do the airliners.

In the interest not only of expediting the flow of traffic but of safety as well, it would appear that any aircraft flying into major terminals should meet certain equipment qualifications and their pilots certain proficiency standards. The airlines have suggested that both pilots and equipment should be IFR qualified. This will insure that they can cooperate with the system and not be a hazard to the other aircraft.

There are several ways to reduce the demand created by noncommercial traffic at major terminals. The most drastic would be to bar all private traffic from these terminals. While this seems at first to be harsh, it has economic validity in that airlines and their passengers provide virtually all the income at these terminals.

Further, it must be remembered that when an airliner is diverted from its scheduled destination, the penalty is paid in inconvenience to the passengers on the diverted flights and to the many other passengers waiting to use the aircraft on subsequent flights. Private traffic has much greater flexibility and enjoys a good choice of other airports within a 40-mile range of any major terminal. In other words, diversion is a minor inconvenience to a private aircraft; with an airliner it causes great difficulty not only to the passengers but to the entire air transportation system.

A less drastic approach would be to prohibit non-airline flights at selected major terminals during certain hours of the day. This would have fewer disadvantages to private aviation than all-out prohibition.

An even less restrictive measure would be to establish priorities at critical terminals when demand exceeds capacity. Since this approach involves the minimum hardship on private aviation, it is what the airlines have proposed to the Federal Aviation Administration.

The priority principle was recently reaffirmed by the Secretary of Transportation when he testified before the Senate Commerce Committee, Aviation Subcommittee, on June 18, 1968. In this testimony he said:

"The Federal Government has a greater interest in promoting the efficiency of the common carrier system of air transportation than it does in promoting private air transportation and, where a choice must be made, the common carrier system will receive preference. The Federal Government must insure that the Nation has and maintains a safe, efficient, convenient and economical system of common carriage by air. Under no circumstances can we allow the quality of that system to deteriorate. Within the limits of available funds, and taking into account the source of the revenues supporting the system, our objective will be to build a system which maximizes safety and efficiency for all users."

Now, let us turn to the final form of regulation of demand, that of changing airline schedules. This is the matter that we are here to discuss, but we must recognize that it is the least productive and most destructive expedient of all because it prevents the public from enjoying the benefits of competition. Whether it takes the form of schedule diversion, schedule spreading, or schedule reduction, the passenger is still the victim because he is forced to go where he does not want to go, or at times when he does not want to travel, or he may lose the service entirely. It would tend to place air transportation on a wartime rationing basis.

Nevertheless, the airlines have recognized the seriousness of the congestion/delay problem and have carried out some schedule changes unilaterally, attempting to do so with minimum disruption of public service. Eastern's daily departures at Kennedy are

30% below their level of a year ago and much of the service to San Juan overflies East Coast gateway cities. Pan American diverts many westbound flights headed for Kennedy into other cities for refueling and holds them there till Kennedy traffic clears. When these diversions go to Niagara Falls the passengers are cleared through customs to avoid the customs inspection at Kennedy. TWA has also reduced operations at Kennedy below the 1967 level (as have other carriers) and has taken the initiative in bringing about today's discussion on further action.

It is clear that the airlines are prepared to do whatever they reasonably can to help ease the current crisis.

Before this meeting begins its discussion of schedules, there are certain basic problems in rescheduling which must be recognized.

First, any changes in airline schedules presuppose that the capacity of the airport involved is known. We know that at Kennedy, given certain conditions as to wind and weather, runway conditions, construction on the airport, and noise abatement procedures, there have been as few as 35 operations per hour. On the other hand, there have been as many as 128.

The wide range involved here points out the dilemma that is faced in attempting to determine how many operations should be scheduled for a given airport. If an attempt is made to schedule to the lower limit, badly needed capacity will be wasted. While there is more to argue on the side of scheduling at or near the maximum proven capacity, this in itself will solve no problem because airline schedules are already below this figure. During the month of July, the highest Friday peak hour airline schedules at Kennedy totaled 81 operations per hour. This was within the capacity of the airport.

In addition to the problem of rating airport capacity there is the difficulty of how to apportion capacity between different users. Since the government has not determined how private aviation can be restricted as to number of operations, previous attempts to limit airline schedules at both Washington National and LaGuardia have resulted in reducing airline operations, thus making available airport capacity which was then utilized by general aviation. This does not appear to be equitable, certainly not from the standpoint of the airline passengers. It is therefore apparent that before anyone undertakes to reduce demand for airline travel by changing airline schedules, parallel restraints must be placed upon non-airline aviation.

CONCLUSIONS

Air travel is vital to the national economy. Its efficiency must be restored.

All actions taken must give primary consideration to reducing the hardships being suffered by airline passengers.

Airline schedules are only one of many factors bearing on demand at major terminals.

FAA must take every possible emergency action to reduce controller shortages and to improve controller morale and productivity.

The New York Air Traffic Delay Study of February 1968 should become the "Bible" for increasing capacity at the New York airports. Similar studies should be undertaken at other major terminals.

All aircraft proceeding into New York, Washington, Chicago and Los Angeles should be required to file flight plans and to meet specified standards for equipment capability and pilot proficiency.

At times when demand exceeds capacity at New York, Washington, Chicago, and Los Angeles, airline traffic should receive priority.

Not withstanding the efforts already made by the airlines to reduce schedules and congestion at major airports, schedule changes for these purposes alone result in further impact on the traveling public.

Of the additional runway facilities needed, the Bay Runways at Kennedy and the fourth New York jetport are the most urgent.

Whatever emergency action is taken with respect to the current crisis, every effort must be made to move ahead with the long and medium range programs to provide adequate airport and airway capacity for the public. The future of our national leadership in aviation depends upon the success of this effort.

TENNESSEE NEWSPAPERS SUPPORT LAW AND ORDER: MAYOR DALEY'S STRONG STAND IN CHICAGO

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. EVINS of Tennessee. Mr. Speaker, many Tennessee newspapers are strongly supporting the strong stand taken to preserve and maintain law and order in Chicago during the recent Democratic National Convention.

Among those newspapers taking strong editorial positions in support of Mayor Daley and law and order are the Southern Standard, of McMinnville, Tenn.; the Tullahoma News and Guardian, of Tullahoma; and the Manchester Times, of Manchester.

I want to commend these fine newspapers for their strong stand for law and order and because of the great interest of my colleagues and the American people in this matter, I herewith place these editorials in the RECORD:

[From the McMinnville (Tenn.) Southern Standard, Sept. 3, 1968]

THANKS, MAYOR DALEY

This newspaper would like to add its vote of thanks to Chicago Mayor Daley and the Chicago police force for their efforts to protect the delegates and the candidates at the Democratic party convention in Chicago.

Without the presence of the police and National Guard, God only knows what might have happened in the Windy City had the beatniks, peaceniks, yippies, hippies and communist agents been permitted to roam the streets, hotels and the convention hall as they desired.

All of the nation was looking on and the people were not fooled even though to us the television commentators seemed extremely biased in their comments about the Mayor and the police force. The cameras showed the unruly mobs in the streets and the rank and file of our citizens know that whatever means is necessary must be employed to deal with such groups.

The television cameras did not show "the children" spitting in the faces of police or throwing bags of defacation at them or bleeding police who had been assaulted. Nor did we see even one policeman interviewed on camera. Again, the people are not as easily fooled as some commenators and newspaper columnists seem to think.

The same group of people who criticized Dallas police and the FBI for not taking enough precautions in Dallas are now deriding Mayor Daley for "unnecessary over protection at Chicago."

Though the TV cameras did not show acts of provocation toward the police, they did give ample exposure to the New York, Wisconsin, California and Colorado delegations. Though, inadvertent, this was a distinct disservice to causes these permissive left wingers espouse. We saw and heard them and that was enough!

[From the Tullahoma (Tenn.) News and Guardian, Sept. 4, 1968]

GETTING THEIR DUE

"They're beating our children!"

The wails rose from the convention floor as the Chicago police used their billy clubs on the anatomies of the rioters and demonstrators.

"Our children?"

The crocodile tears came from the McCarthy, Kennedy and McGovern adherents, from the opponents of Vice President Humphrey, from the anti-Vietnam war contingents.

Their "children", perhaps, but who else would want to claim them? Instead of claiming them as "children", any decent American citizen would want to disown them.

"Our children?"

The odorous "Hippies", "yippies", marijuana smokers, Black Panthers, Commies and a varied assortment of despicable characters, ages from 18 to 50, who descended upon Chicago with the announced intention of disrupting the Democratic Convention?

The scrubby, dirty, vile, despicable characters who formed the Chicago mobs of demonstrators provoked the police and National Guardsmen to action, as they planned and intended, and if they are nursing broken heads they got what they asked for and do not deserve sympathy.

An Associated Press recapitulation reported that the protesters were fully organized, with city maps, emergency ambulances, lawyers, doctors, even evacuation plans. Vice President Humphrey laid it on the line when he said Sunday in a radio interview that Chicago's Mayor Daley had advance reports of assassination plans. He added:

"When the mayor of a city gets that kind of a report and he is also told . . . through the best intelligence information that we have that a hard core of agitators and anarchists are going to stampede an auditorium, break up a meeting to charge through the halls, he has to take some pre. ventive action.

"I think it's unfortunate that people are led to believe the police waded in without any provocation. To the contrary, I saw a policeman get stabbed in the face with a broken beer bottle, cutting his eyes, his face, for no reason at all . . .

"Now some of them overreacted: there isn't any doubt about that. . . . But you put yourself in their position, being harassed and harangued, getting shoved and pushed, and somebody gets hurt."

He added that the demonstrations were caused by "certain people in this country who feel all they have to do is riot and they'll get their way" and that "the obscenities, the profanity, the filth that was uttered night after night in front of the hotels, it was an insult to every woman, every mother, every daughter, indeed every human being."

"The whole world's watching!" was the chant of the demonstrators. Those who were watching saw what happens to "children" who get vicious and nasty. It probably wasn't a lesson for the demonstrators, but those who watched many have had some second thoughts on how bad some of the "children" in this nation have become. And it may have driven home the point that it won't do to spare the rod.

[From the Manchester (Tenn.) Times, Sept. 6, 1968]

NEW BREED OF LAWLESSNESS

There is a new breed of lawlessness in the land, with a hunger and thirst unlike other species which have long been with us, and with a different objective. It is perhaps more frightening because of its insidious nature, its deadly malignancy and its tendency toward epidemic proportions.

We understand more easily the corrupt

syndicates which are fed by insatiable greed—the gamblers, those who traffic in drugs and prostitution, the hired killers, the thieves crooks and robbers.

We understand and some even condone on occasion the brand of lawlessness which defies and disregards laws not to our liking. For example too many of us, rather than being offended, took solace when some of our leaders advocated defiance of Federal law.

But the new breed of lawlessness which exhibited itself at the Democratic convention is fed by desires other than greed. It is lawlessness for the sake of lawlessness, a pathological seeking after destruction for the sake of destruction.

The pattern is clear and although the germ is carried on the wheels of numerous causes, one can only conclude that the only real cause served is the disruption of orderliness, the blackening of this nation's image in the eyes of the world.

Mr. Humphrey put it into perspective at the conclusion of the convention when he said the Chicago demonstrations were "planned, premeditated and there are certain people in this country who feel all they have to do is riot and they'll get their way. . . ."

It was no secret that the demonstrations were planned and for the single purpose of disrupting the convention and the city. The anti-war protesters and black power enthusiasts and other dissidents made it clear they were going to Chicago to cause trouble. And they did. They did not demonstrate for a cause—there were voices inside to represent them in the proper manner. But they cared not for orderly process or Democratic process; rather they tried to destroy the vehicle which could best serve their causes

The core of all the trouble was the desire to cause trouble and to accomplish nothing constructive—only to destroy.

Therefore we cannot cry for those who ran into billy clubs in Chicago. We are not aroused by their charges of police brutality or by labels of "bossism" directed at Chicago Mayor Daley.

Mayor Daley and his police force had to meet the threat to take over the convention and Chicago, and they met it. And this is what must be done in every city.

We don't need George Wallace or any other candidate to tell us the simple facts, which are that when troublemakers go to Chicago or anywhere else to make trouble, whether as individuals or as a group, they must be dealt with firmly by policemen. We don't need Mr. Wallace to place the blame on Republicans and Democrats for creating the climate of lawlessness, particularly when Mr. Wallace has contributed to the climate as much as anyone else. It is too late to fix the blame for the climate; it is time to deal with the storm.

We do not need to be panicked into supporting a police state.

We need not abandon the ideals of free speech, impartial administration of justice, restrained law enforcement or anything else. We simply need to enforce the law, and this can be done by individual police departments and it can be done without the demagogic pleadings of ambitious political candidates.

We expected law and order 30 years ago, and we should expect it today. Laws can still be enforced; this was shown in Chicago. And laws must be enforced. Period.

Free speech does not mean today any more than it did yesterday that people can stand in the streets and curse a blue streak without being arrested. And any person or any group of persons who sets out to disrupt a city or a function in a city should expect to run into trouble.

We must not be stampeded by fear of the new breed of lawlessness into turning the reins of our government over to the medicine man with the loudest spiel. Rather we need simply to fight this new species of the disease where it occurs. Law enforcement begins at home.

A TEENAGER SPEAKS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. DOW. Mr. Speaker, attached is a letter written by a teenage young lady whose parents allowed me to read it. This might give some idea of what kind of thinking is circulating in the minds of teenagers who become alienated and think they are something apart from established society. I do not mean to pass judgment on the merits exhibited by the young lady. That is not the purpose of asking you for permission to include this letter in the RECORD.

My purpose is to give CONGRESSIONAL RECORD readers who may not be close to the teenage group, a chance to consider the attitudes of such youngsters. In order to help with the problem of so-called alienation amongst these young ones, it is first necessary to understand them. I have seen very little that brings their views to the attention of those who might consider themselves normal people.

At any rate, I think that the expression here, and the sincere concern that is manifested by the young writer, is well worth the attention of older people. Accordingly, I offer this letter for the RECORD, as follows:

DEAR PARENTS: I just got your letter. I'm very upset. I can agree with everything you said to a certain extent except when you start saying "rubbish" about identities. Of all things you could have picked out to disagree with, that was the worst. This is the most involved and the most disregarded problem between parents and children. Not everyone has identity—when you've grown up in a home where you've never been hungry; you've been given money; you've been given clothes and school—you've got brothers and sisters who've been given the same things you have; you're not needed by anyone, by the society, all you have is this dependent, valueless image of yourself. You reach the age of thirteen and you start getting involved with other people who feel the same way. You might be talented. You might be sensitive and your parents give you painting lessons and tell you you're to be the exceptional individual. There is a constant struggle, a constant fighting dilemma because your parents are deciding with words, while your mind rebels unconsciously. You're still this person who has accomplished nothing; thought no original thought; felt no individual feelings that you could decipher. You struggle in your social class and you find that everyone else is struggling too—to be alive, to be a part of a mass. Because you've got no identity, no self value, you want to do certain things within this mass but your parents deny you the privilege of accepting your judgment. Where are you?

"Your parents have decided; little do they know of the 'dangers' they so fearsomely speak of. You know it's not the way they say it is because it's your mass they're talking about. But there is nothing but patronizing conversation, and misunderstanding, and you can talk 'till you're blue in the face about your 'mass' values and they already have values, so they can't see. Now you wonder why you ever speak to them and why you live in the same world with them. They have denied you the values of your feeble mass. You can't accept the values they want you to be; they're still telling you and themselves that you're an exceptional individual, the one that is to stand out in the mass. But you want to be part of the mass. You want that much of an identity, an identity you know is accepted by a lot of other identified individuals. So what have you got? A constant battle; a constant denial of values—yours and theirs, and a sort of futile rebellious reaction to everything. Some people go to drugs. Have you ever met anyone who really thought they weren't worth it? Have you ever talked to a 19 year old boy who knows he has no future? A 15 year old girl from Park Avenue who hates her parents, herself, and would rather spend her time shooting methedrine with all her 16 year old friends who are sniffing cocaine? Those are extreme cases, of course, but you're asking the society to get to the root of the problem and then you just demonstrate the attitude by being condescending and "I understand, dear, but we can't all do what we want all the time; there's no excuse for not having an identity." We have these golden rules in church; school. We have to understand injustice and prejudice and how to overcome them. We have these things until we're blue in the face—along with the American Constitution—growing up is hard, you must know that, but the hardest part is when you see all the injustices and prejudices and you know what you've been taught but the issues seem to get a little diluted. And you see your parents being close minded but its "only for your welfare—or theirs, or both." And you know they're contradicting your education, but they seem to only interpret justice as far as it doesn't threaten *their* identity.

"Am I being harsh or one-sided? Probably. Are you being reluctant to admit certain points? Probably. You see, you've taught us one thing—you do another. That's not wrong, it's only human nature. But when we try and take what you've taught us and apply it to our current lives, you deny us and refuse to recognize us. So everyone has an identity? You see, my life is a constant chain of temptations, decisions, choices. I guess everyone's is. But because I'm me, my life holds a unique set of choices and temptations and only I can learn to decipher my rights and wrongs. Unfortunately, as I've said before, and as you so reluctantly admit, I don't live in an ivory tower; I can't. Now its my choice, and I have to form my own kind of identity—an identity is a guide. It lets one associate the things that one likes and feels with the things that fit in with one's conscience or moral code.

An identity lets you say, "Hey, you know I don't agree with you." or, "No, that's not right; I can't do it." But in order to say these things, you have to have a hell of a lot of respect for yourself; you have to have a lot of confidence in your identity. So, we all have identities? That's sort of taking a lot for granted. What if you don't have an identity? What if you don't have any self-respect or confidence? No one's ever given you any; you've been paid for and condescended to for so long—why should you? So it materializes out of this 'superior individual' with a poof of self confidence? How come so many poor 'weak' youths can't say, "No, that's not right?" Maybe because they have nothing definite and right about themselves to know the difference. Not your fault. But one must stop talking in clichés and looking down upon the situation with an already-molded mind. You've got to stop trying to uphold your image.

You have a secure enough identity but it could never be secure enough to not know how hard it is sometimes to make decisions. You can try to guide me and you can be afraid for me, but to blatantly tell me I'm using "this identity business" as an excuse—that sort of proves that even open-minded people interpret things (in) a conservative and ignorant way. It almost seems that you had to sort of discourage my independence—that did nothing but deny my identity—sorry if you're sick of the word. I'm not so down on you; you're not as bad as most parents—not intentionally. Most parents are completely oblivious to their sons and daughters frustrations—almost purposely ignorant—and that's the worst of all. I think that this is one of the main reasons for the drugs and things. For it made me so upset when you said that because I happen to be very close at this point, to people who are suffering from lack of 'identity'. I can't describe to you the futile sort sort of self-destructive, pleading yet valueless, attitudes of these people—my age or older, younger. It's like they're pounding on their heads, stepping on them and waiting for them to crack or reveal something they might want to live for. You've probably never—maybe you have—seen someone who wants so much to be worth something but doesn't know how. They have no control over themselves, and the only thing they can control is their pills. Drop a pill and you know your head will feel better. Drop some LSD and you know you're going to see pretty colors. Pretty soon it becomes a game and all these different sensations are being controlled by you—your hand takes the pill; your hand pushes that little button that gives pretty pictures to your head. Meanwhile back at the ranch, the old parents are refusing to understand "hippie" logic, laughing at any radical ideals, turning off freaky music, and resenting change or intrusion. If that's not denial of someone's identity, what is? So you've got this kid who can't rely on his own values. They've been built up and then brought down too many times. He can't rely on his parents. The only thing he's sure of is this beautiful high he gets when he takes this pill. So then? Everyone has an identity?

If you ever want to take up on the drug problem, please remember this: it may not be all right—I'm a biased thinker and I may over-simplify—but I'm convinced that this is one of the basic reasons for drugs. And whether you know it or not, drugs are destroying—Wow! how can I say—so many, many sensitive talented young people. Believe me, not all drugs are bad; in moderation they're mind-expanding and except for the laws, they are perfectly harmless. But helpless people, not secure in themselves, cling to that pretty high like a child to its mother.

"I guess I may be one who has a certain amount of self-respect, identity. I'm so upset now. I'm watching people just become mindless waifs—people who are so sensitive and tender and scared. Don't worry, I'll never touch anything powerful. I know my limits. As a matter of fact, I try as hard as I can to help people and give them some self-value to get them to stop. But as I said before, I want to be a part of the mass. I won't ever take drugs. But those are my people, those poor selfless people are what I could be if I let myself go, and to talk about my identity as rubbish makes me want to sink into that sort of secure fuzziness. Not everyone's like that, but I can see this tremendous decay in our minds—hopelessness-valuelessness—what have we got if our identities are only excuses? We may do dumb things—extreme things—but you've got to understand, there's a reason for every impulse. Don't kill the impulse—kill the reason—or learn from the impulse.

Don't worry about me. Don't ever again tell me that this identity business is an excuse young people use. Most young people don't even know what the word identity is. If they did they might get some basic image of themselves. But that is my word and my idea—and whatever excuse we use, there's a reason for the first inclination to do whatever we're doing. I'm really pleading with you to recognize me as a person with standards; maybe not yours, but be patient and let me learn. Don't take away what I've built. Even if you think I'm wrong, don't cut it down and refuse to listen to it."

MY HOME COMMUNITY—PALISADE, COLO.

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 9, 1968

Mr. ASPINALL. Mr. Speaker, most people have a high regard and an understandable and justifiable pride and loyalty for their home communities. This is especially true of those who are privileged to live in small cities and towns—as well as in most of the rural agricultural areas. I am no exception to the general rule. I am very proud of the Palisade, Colo., community where I have lived since June 1904.

The town of Palisade was incorporated in 1904. It has not grown in population—either in the town or in the surrounding community—the town had a population of 856 as determined by the census taken in 1910 and it had a like population of 856 as determined by the census taken in 1960.

However, the town and its surrounding community have grown constructively and effectively in those ways which make such areas a wonderful place in which to live. What it lacks in business and entertainment—its residents can obtain either or both most easily from Grand Junction, the county seat, which is just 13 miles to the west—it makes up for in other real values of modern living. The two communities, Palisade and Grand Junction, are connected by several roads and highways, including Interstate 70.

I suppose what makes me so proud of my community is the fact that continuously since the town's incorporation, the residents have improved their community through their own efforts. Their municipal facilities—a credit to any community anywhere—have been planned and constructed by and through their own endeavors and sacrifices; and, what is even more important in these days, almost always from their own pocketbooks. The town is possessed of all facilities that make living in a small community enjoyable and worthwhile. Its water system, sewage system, paved streets with curbs and gutters, municipal building and library, police and fire departments with their rescue squad, street lighting and park values—trees, grass, and flowers—place the community and its residents in an enviable position.

These improvements have not come easily throughout the years—some economically good and some economically bad. There have been trying times and difficult decisions. The following data gives a good indication what their burdens have been:

Year	Palisade levy	Total levy	Assessed value
1905	(1)	[2] $767.63	
1910	(3)	45.00	$187,960
1920	15.50	27.72	586,122
1930	22.00	58.16	570,581
1940	32.00	72.49	422,271
1950	32.00	98.11	620,710
1960	26.00	82.87	1,121,150
1967	23.00	97.50	1,273,350

[1] No valuation.

[2] Total paid to Palisade.

[3] Not available.

The accomplishments are real, the results of effort, sacrifice, and vision.

MUNICIPAL WATER SYSTEM

Construction cost	$798,902
Replacement cost, over $1,500,000.	
Water bonds outstanding Jan. 1, 1968	72,000
Total indebtedness will be paid by 1972.	

WATER, SEWER, AND SEWAGE SYSTEM

Construction cost of sewer system	35,000
Construction cost of sewage lagoons	37,000
Total sewer system	72,000
Replacement cost of sewer system	150,000
No indebtedness on sewer or sewage disposal system.	

STREET IMPROVEMENT—CURB, GUTTER, AND PAVING

Construction cost	136,000
Paving bonds outstanding Jan. 1, 1968	33,000
All bonds are to be paid by Sept. 1, 1970.	

PALISADE MUNICIPAL BUILDING

Construction cost	100,000
Financed:	
From municipal savings	38,676
Bond issue	40,000
Library grant	21,324
Total	100,000
Bonds are 10-year bonds—to be paid off by 1978.	

PALISADE MUNICIPAL PARK

Cost value	38,750
No bonded debt.	

PALISADE FIRE DEPARTMENT

Estimated cost value	37,800
No bonded debt.	
The Palisade Volunteer Fire Department is operated jointly with the Palisade Fire Protection District.	
Total cost value of utilities, park, and fire department	1,183,452
Total bonded debt	145,000
The 1968 assessed valuation is	1,273,400
The average municipal tax per homeowner in Palisade per year will not exceed $50.	

From far away Washington, D.C., Uncle Sam has been at most times and in most instances a spectator only. The town of Palisade has received throughout the 64 years of its existence the following instances of Federal aid:

CWA and WPA water projects	$21,287.00
Sewer lagoon	10,361.66
Municipal library grant	21,324.00
Total	52,972.66

They, of course, have been most appreciative of this Federal help, but their great satisfaction has come through the results of their own efforts.

No wonder I am proud of my hometown. In many ways my neighbors at home have been my inspiration in my work here in the Federal Congress. They have practiced what they have preached—solving their problems by their own planning, construction, and paying with the resulting prideful independence which is all too swiftly leaving today's scene of action.

HOW TO REALLY HELP FARMERS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. ZWACH. Mr. Speaker, I would like to call the attention of my distinguished colleagues to the editorial in the September issue of Farm Journal. I believe that the views expressed by this excellent agriculturally oriented publication should be considered and heeded by rural and urban Member alike. The editorial follows:

HOW TO REALLY HELP FARMERS

Farming, as every farmer knows, is neither Republican nor Democratic; and the best conditions for farmers do not have political labels on them.

We can all hope that the candidates for President will agree this once on the *principles* that are best for agriculture. In a bipartisan spirit, Farm Journal is suggesting a set of goals as the *direction* that agriculture ought to take—granted that the candidates will develop their own ideas on how to get there.

1. *This nation—its people and leaders—should be committed to a strong, healthy American agriculture.* We need a national awakening that agriculture is becoming more vital as fewer farmers feed rapidly increasing numbers of people here at home and abroad.

2. *In order for agriculture to be strong, farming—as the nation's biggest business—must also be a money-making enterprise.* Nothing less than that is good enough! Farmers must make enough money from their farm earnings to maintain the agricultural plant, enlarge their farms, buy new machinery, adopt new techniques, conserve the soil for the future—and provide a decent life for their families. Farming should attract the young and challenge our best talent to stay in farm communities.

3. *The government and its leaders should endorse and promote conditions whereby farmers can earn their income from the market and get away from relying on tax dollars.* Not only is the market the soundest, and in farmers' present minority role, the surest route for the future; but farmers will have the right of freedom to manage their own farms and affairs. There is no real prosperity for agriculture in government payments and a politically managed farm industry.

4. *Farmers should have bargaining ability equal to labor's, with the necessary enabling legislation to make this possible.* In this day of high costs, farmers need to have some assurance of prices and marketing conditions in advance. One way is through greater bargaining strength to negotiate prices and market terms with today's fewer, but larger, buyers. The government should encourage—not interfere with—the success of farmers' own efforts to price their products and stand on their own feet.

5. *Farmers are entitled to similar economic protections and aids that are available to other groups.* Long-range, voluntary land retirement to conserve soil resources and dampen run-away production is one such aid. Price supports should be to stop losses and allow farmers to adjust to changing markets; they should be floors—not ceilings! An affluent nation should not enjoy cheap food at the expense of rural misfortune and poverty.

6. *Farmers need better, more reliable market information and aids for planning their own production.* This is to the advantage of everyone, including consumers. Land-grant institutions, the federal government and processors should be more active in assisting farmers to get more detailed, accurate and dependable information on livestock numbers, crop outlook, consumer demand, inventories, and agricultural weather conditions. If farmers are going to stand on their own feet, they need every bit of marketing intelligence they can get.

7. *We need two government farm programs*—one for commercial agriculture; the other, a social program of credit, training and assistance for low-income farmers. This should be run substantially through grants and aids to tackle problems through intelligent local direction. The two farm programs should be kept separate and distinct.

8. *We need a firmer, fairer trade policy on farm imports and exports.* American farmers want more world trade—going and coming. But when foreign countries bar our farm products with duties, quotas, and gimmicks—and heavily subsidize imports into this country—American farmers are entitled to protection from cut-rate imports of food and fiber. Our government should take the lead in negotiating lower world trade barriers in farm products. And it should work to *expand* American farm exports by permitting them to compete more freely for foreign markets—instead of restricting our sales to a share of what we have exported in the past!

We believe that this is the direction Agriculture should take—don't you?

MR. MILTON A. FOGELMAN TO RETIRE FROM THE OEO

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. SCHEUER. Mr. Speaker, the Federal Government is about to lose one of its few truly original and courageous civil servants when Milton A. Fogelman retires from the Office of Economic Opportunity.

Milt was dragged to the battlefield of OEO from the green pastures of California where he made a small fortune in business after World War II when he served in combat with the Marine Corps.

He came to the war on poverty in the best of health, full of hope and offering his all to one of the Government's most noble undertakings. Now, barely 4 years later, he must leave because of a heart attack suffered in the line of duty.

Milt's effect upon the war on poverty has been incalculably beneficial. OEO, even the Washington bureaucracy, will never be the same without him. As a victim of poverty in his youth, he brought a rare combination of empathy for the poor and business acumen for private enterprise.

The war on poverty, the officialdom of Washington, the poor of this country, and Milt's host of congressional friends and admirers.

DEATH TOOK NO RECESS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. O'HARA of Michigan. Mr. Speaker, H.R. 17748, the Occupational Safety and Health Act of 1968 has been on the calendar of the House for more than 7 weeks now. The daily—even hourly—toll of lives and disabling injuries from occupational accidents and illnesses which this bill would help to reduce continues to grow. Every day we wait, says Dr. Howard Rusk, 55 more persons are killed, 3,500 are disabled and 27,000 are injured in occupational accidents. It is time, and past time that the House acted on this legislation.

In the September 1 issue of the New York Times, Dr. Rusk set forth the case of this legislation in compelling terms, and he recommends that the Congress speedily enact this legislation now that we are back from our recess. I concur in his evaluation of the bill, and in his recommendations for action, and I include this article at this point in the RECORD:

INDUSTRIAL ACCIDENTS: MORE PERSONS ARE DISABLED ON JOB THAN IN MOTOR VEHICLE COLLISIONS

(By Howard A. Rusk, M.D.)

Last Labor Day weekend 818 persons lost their lives in automobile accidents on the highways.

This year the National Safety Council estimates that 575 to 675 Americans will die. In 1967 the estimate was 550 to 660.

However, a large percentage of Americans were taking to the highways for Labor Day after five nights of watching the Democratic National Convention on television. To many drivers this will mean fatigue due to loss of sleep and, in many instances, increased irritability due to their favorite candidate's loss. This means more accident-proneness for this weekend.

It is ironic that on the weekend traditionally dedicated to honoring the American working man and improving his working conditions and income that the spotlight should be focused on the automobile rather than industrial accidents.

Because they bring death so dramatically, automobile accidents make the headlines, but few of us realize that accidents on the job cause more disabling injuries than motor vehicles.

In 1966, 2,200,000 persons suffered disabling injuries at work compared with 1,900,000 from motor vehicle accidents.

It also comes as a surprise to most people that accidents on the job cause about 10 times as many working days away from work as do strikes and other work stoppages. If this were a working day, during the time it takes to read this column, 50 persons would have suffered injuries sufficiently severe to cause them to leave their jobs.

FIFTY-FIVE KILLED A DAY

The continuing boom in our economy with the highest employment levels in our history has been accompanied by a sharp increase in working accidents.

On every working day in the United States, 55 persons are killed in industrial accidents, 8,500 disabled and 27,000 hurt less seriously.

As the labor supply has declined and production schedules increased, employers have been forced to hire more inexperienced personnel. This has led to more accidents. Other accidents occur when workers are fatigued from working overtime or from moonlighting.

Safety breakdowns on the job in 1967 cost American workers $1.5-billion in lost wages, caused more than $600 million in medical expenses for occupational accidents, and resulted in workmen's compensation payments of $2.2-billion.

In an attempt to stem the rising tide of industrial accidents and occupational illness, President Johnson in January proposed new legislation to help create safer and healthier working conditions.

These objectives would be achieved by a variety of means. The major step would be the establishment of safety codes and regulations for all industry by the Secretary of Labor.

Enforcement would be a Federal responsibility for interstate commerce. Under this program the Federal Government would financially assist the states.

The few Federal programs that now exist in the field of occupational safety are piecemeal and fragmentary. The major law, the Walsh-Healy Act, was passed more than 30 years ago—long before most of the modern tools of American business and industry were conceived.

And the Walsh-Healy Act is limited because it covers only the workers on the jobs involved with government contracts.

In 1960, when Federal safety and health standards were established for longshoremen and shipyard workers, the injury rate among longshoremen was 132 for every million manhours worked. Among shipyard workers, the rate was 39 disabling injuries per million manhours. After seven years of Federal enforcement, the rates are down to 82 per million manhours for longshoremen and 21.7 for shipyard employes.

PRIVATE PROGRAMS HELP

Private safety programs have also helped reduce on-the-job accidents. The 5,000-member employes of the National Safety Council had an injury frequency rate of 5.1 for every million manhours worked during 1966 while the rate for all industries was 17.5—more than three times as high.

Under the proposed Federal legislation, emphasis would be placed on an area, that now gets extremely limited attention—research in accident prevention and occupational health.

Secretary of Labor W. Willard Wirtz has reported that the amount spent by the Federal Government on this type of research is $6.57 for each work-related death. Contrast this figure with expenditures by the National Institutes of Health, which spends $415 for each cancer death and $95 for each death by heart disease.

Fortunately now there are favorable rumblings of interest in the Congress. The House Labor and Education Committee has reported out the Occupational Safety and Health Act of 1968.

Senate hearings were completed earlier this year but no report has yet been sent to the Senate floor. Managers of the bill believe the Senate committee is waiting to see what action the House will take.

It is tragic that every day they wait means 55 more persons killed, 8,500 disabled, and 27,000 injured in occupational accidents.

The most fitting tribute the Congress of the United States could pay to the working man and woman of our nation would be to speedily enact this legislation when it returns from adjournment, for death takes no holiday in industry and commerce.

DEPARTMENT OF JUSTICE: ITS DOUBLE STANDARD

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. UTT. Mr. Speaker, the airwaves are loaded with political harangue, by every politician running for public office, calling for a return to law and order. How popular that phrase has become. And how hollow it really is. Most of the politicians believe that law only involves controlling violence in the streets, which is spectacular, but they do not recognize violations of basic law which can destroy the country as quickly as violence in the streets.

The secondary boycott involving one of the great agricultural industries of California, the California grape industry, is a current case in point. This secondary boycott is a violation of two different laws which had been passed by Congress to protect the civil rights of workers, farmers, and industrialists, who are caught in a deadly squeeze between management and labor.

One's right to work, his right to produce, his right to move his products freely into the markets of the country, constitute the highest order of civil rights. I can eat and I can feed my family if I have been denied the right to vote, but I can neither feed nor clothe my family if I am denied the right to work, and to move the products of my labor into the stream of economic life in America.

The Taft-Hartley Act states that it shall be an unfair labor practice for any labor organization or its agents to induce or encourage a concerted refusal by the employees of any employer to use or otherwise handle goods or commodities where the object is for the purpose of forcing an employer to join any labor or employer organization, or to cease doing business with any other person, in order to force them to accept a union contract.

There is a further violation of the antitrust laws involved in the current grape industry boycott. It is lawful for unions to conspire between and among themselves to restrain trade, but it is unlawful for unions to combine with employers to restrain trade. In the current grape boycott, the unions and their agents are conspiring with the employers and their agents in refusing to handle this product.

In view of the fact that this secondary boycott is a flagrant violation of the law, why is it that the politicians, including the Vice President of the United States, some Members of Congress, and the mayors of New York, Detroit, and Pittsburgh, are publicly urging the continuation of such violation in one breath, and yet calling for a return of law and order as the main theme of their demagoguery? The politicians are joined in this nefarious activity by the National Council of Churches, a contingent of activist rabbis, and many of the Roman Catholic hierarchy. This activity on the part of the so-called spiritual leaders of the country is supposed to make right out of wrong. It just cannot be done.

I am writing to the Attorney General, requesting that he warn all and sundry against the promotion of this lawlessness, and asking that, if they do not cease and desist, they be prosecuted for conspiracy to violate the United States Code. This should be done just as quickly as Attorney General Ramsey Clark would prosecute me if I attempted to interfere with the registration of certain minorities as provided under the Civil Rights Act of 1964. You and I know that a host of G-Men, supported by Federal court orders, would move in on any organization attempting to deny voting rights to any group of people, and a voting right is not as important as the civil right that is being violated today in the secondary grape boycott.

Some of the statements are hard to accept. These crocodile tears for the poor farmworker in the grape vineyards are just that. The man who harvests grapes in California earns approximately the normal national industrial wage, and that is the true reason that Mr. Chavez and his National Farm Workers Association believe that they can skim a little cream off the top of these high wages. Mr. Chavez is not interested in the plight of the farmworker. If he were, he would be operating in West Virginia or some other low-farm-wage area, instead of picking the highest farm wage area, which is in California.

Unionization in perishable crops is untenable. Unlike a manufactured product that can be inventoried, or can stand a delay in manufacture, the perishable crops must often be harvested within a limit of 4 days of maturity, and the power to call a strike at this sensitive point is an invitation to disaster. Witness the tomato crop in northern California. Thousands of tons are rotting on the vines, due to a strike, and the canneries remain idle. The result will be an increase in the cost of canned tomatoes as well as an untold loss to the workingman in California.

The Attorney General should enforce the law, without fear or favor, as long as it remains on the books.

Mr. Speaker, I would like to include at this point in the RECORD the letter which I have sent to the Attorney General on this subject, as follows:

SEPTEMBER 6, 1968.

Hon. RAMSEY CLARK,
Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR MR. CLARK: I have become increasingly alarmed over the flagrant violations of the Taft-Hartley law, as well as the antitrust laws, in the matter of the California secondary boycott of our grape industry.

I am especially concerned over the double standard which exists in the matter of civil rights. The massive enforcement by court order and prosecution of any and all who interfere with registration and voting rights appear to be completely absent in the matter of the civil right of the grape grower to harvest the product of his labor freely in the markets of the United States. It is bad enough to have this neglect on the part of the Justice Department, but it is shocking to have a secondary boycott in this area endorsed and sponsored by men in high places, from the Vice President of the United States, by certain Members of Congress, certain mayors of large cities, and the clergy of every faith, as if such endorsement by these spiritual leaders would make right out of wrong.

I herewith respectfully request that all of those engaged in this unlawful activity, together with those who publicly urge the violation of this law, be first warned by your Department of this violation, and, if they fail to cease and desist, that they be prosecuted for this violation and conspiracy to violate.

Yours very truly,

James B. Utt,
Member of Congress.

LACK OF DOMESTIC TRANQUILLITY IN OUR NATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PRICE of Texas. Mr. Speaker, one of my constituents, Lt. Col. Odis V. Sims, Jr., retired, of Plainview, Tex., has written to me, expressing his concern over the lack of domestic tranquillity in our Nation. I thought I would like to share his views with others who are just as concerned as Colonel Sims by entering his letter in the Congressional Record:

Plainview, Tex.,
July 22, 1968.

The Honorable Bob Price,
U.S. House of Representatives,
Washington, D.C.

Sir: I quote: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The Preamble to our Constitution is one of the most brilliant compositions that has ever been written. It encompasses all the ingredients to insure a nation of free, happy, and secure people. The foresight, dedication, and intelligence of those who wrote these words are almost unbelievable, and their service to this great country of ours is incomprehensible. The concepts of the Preamble are among those taught by Jesus, and to base a government on such teachings is surely to invoke the blessings of God upon a nation as long as these concepts are followed by the citizens of that nation.

How many of us have read the Preamble to our Constitution lately? I must admit that it has been many years since I have even thought about it, or our Constitution. Why am I doing it now? Simply because I am so greatly disturbed about the hate, and dissension, and turmoil that currently exist in these United States. Where is our perfect Union—where is our domestic tranquillity—where are our leaders who are supposed to promote the general welfare? Do all of us have the freedoms promised by the Constitution? Where are the type men who, when they signed the Declaration of Independence, pledged: "For the support of this declaration, with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor."

These were men who placed their country before everything else except the Lord God. Do we have any such men in places of leadership today? I am afraid they are few and far between. All too often the news media, and some government officials themselves comment that such-and-such action is not taken because it is an election year, or because it is not popular with labor, or because it may cause a riff in the party. I have no idea what a legislator's or other government official's oath of office is, but it certainly should be similar to the one taken by the President of the United States: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

You will note that nothing is mentioned about preserving, protecting, and defending the Constitution provided it doesn't tend to cause me not to be re-elected, or to cause some of my colleagues to withdraw support for my favorite bill, because doing so would not be to their best interest. Doesn't it cause much consternation to know that many of our leaders are guilty of such unpatriotic and degrading acts?

Maybe if my livelihood depended on being re-elected I would tend to only do those things that would assist in accomplishing this, but I sincerely hope not, and I trust you feel the same. Our prayer to God must be to give us leaders who are wholly dedicated to Him and this wonderful country of ours, and not to their own selfish interests!!!

I ask again—where is our domestic tranquillity? The Constitution insures the right of the people "Peaceably to assemble", not the right to riot, burn, loot, and injure or kill innocent people. Are those who are responsible for the rioting furthering their causes? If they are, their causes are not in the best interest of this country. Why should innocent people have to suffer? What has been the disposition of those who have been arrested during the numerous riots throughout the country? Have they been prosecuted according to the laws established by this country?

There is no lack of information regarding policemen who have been charged with brutality while attempting to break up the rioting, looting, and burning, but I again ask, what about those arrested—is the due process of law being taken? Can anyone in his right mind justify the destruction that has taken place in many of our cities? Why are the police—all law enforcement personnel—not given the backing, and encouragement, and equipment to halt rioting immediately and decisively?

I certainly do not advocate mass killing, or any killing, for that matter, but surely with the advancement of science and law enforcement procedures, there must be means available to stop looters and arsonists on the spot without killing.

Another question—why are Carmichael, Brown, and others who incite riots, and advocate revolution and killing, still free to carry on their criminal acts? Are they above the law? This aspect of the whole situation is just about the most sickening. If you wish to destroy a weed you don't pluck off the leaves one by one—you pull the whole thing up by the roots. These men are some of the roots!

Surely the ones responsible for the security of this country and the domestic tranquillity promised by the Preamble, have sense enough to know from where the trouble stems, and enough interest in the welfare of the country to take appropriate action.

Possibly the twenty-two years spent in the United States Air Force have caused me to be dedicated to discipline, and to abhor the disregard that many of our leaders in responsible positions seem to have for the crimes and acts of violence that are perpetuated in the name of civil rights and student dissatisfaction.

I am not anti-colored; I am not anti-student; I am not anti-anything—*I am for* the affairs of this country being conducted in accordance with the Constitution, by people who are entirely dedicated to the United States, and who also believe that with God's help, anything can be accomplished.

There has never been a time in our history when a greater need exists for all, and I emphasize, all loyal citizens to stand up and make their beliefs and desires known. This is my means of advising you of my desires and my concern.

Very truly yours,

Odis V. Sims, Jr.,
Lieutenant Colonel USAF (Retired).

CONGRESSMAN SCHWEIKER ASKS RESERVISTS RELEASE—CALLS "PUEBLO" CALLUP A SHAM

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. SCHWEIKER. Mr. Speaker, I have today called upon Defense Secretary Clark Clifford to promptly deactivate the 14,787 Air Force and Navy reservists who were called up last January following North Korean seizure of the U.S. Navy intelligence ship *Pueblo.*

It now appears that the callup was an outrageous sham which misleadingly used the *Pueblo* crisis as an excuse to gain extra manpower, not to meet the *Pueblo* crisis, but instead to increase military manpower levels for routine duty.

The evidence now suggests strongly that many, if not most, of these men may never have been needed in the first place to meet the *Pueblo* crisis and certainly that they have not been effectively utilized for this purpose since their callup.

The American people would have resented deeply this massive Reserve activation had they so much as even suspected it was merely for routine purposes. But the public and the reservists accepted it in good faith when they were led to believe it was to meet the *Pueblo* crisis.

I suggest that faith has been broken with these reservists, with their families, with their employers, and with the American public. They should never have been called upon to make such costly personal sacrifices merely to perform routine functions.

It will be a difficult and highly embarrassing mistake for the Government to admit. But human decency suggests that this wrong should be rectified promptly and that these men should be deactivated.

At this point, I include with my remarks an excellent article by Gaeton Fonzi in the Philadelphia magazine. Mr. Fonzi has long distinguished himself by his carefully documented probing of burning issues and this shocking article is an example of his outstanding public service and that of his publisher, Herb Lipson:

Remember the "Pueblo": A Local Reserve Unit Is the Languishing Victim of a Disgraceful National Blunder

(By Gaeton Fonzi)

The military has a language of its own. A good deal of it is obscene. But there is one word used quite commonly in all branches of the service, less for its vulgar connotations than for its utter appropriateness in capturing the painful extent to which an individual can unfairly and callously be taken advantage of in a system basically inimical to individuality.

The word is "screwed."

It fits well here because there is no other that so succinctly and aptly describes what has happened to the men this story is about.

Families are being torn apart, careers are going down the drain, social and economic aspirations are collapsing, marital relationships are being strained, spirits are withering, minds are cracking and—this the most awesomely frightening certainty—men's lives are going to be lost.

Men's lives are going to be lost.

And though every member of VF-931 has unfairly and callously been taken advantage of in some degree, there may, unfortunately, be a few whose meaningless death will be that ultimate screwing.

VF-931 is the designation of the Naval Air Reserve Squadron that was headquartered at Willow Grove and activated, along with 27 other Reserve units, in the wake of the *Pueblo* incident last January. Its members were among the nearly 15,000 reservists who answered the call to duty, if not eagerly, at least with the resigned attitude that there was a job to be done and that their activation was in the best interests of this country.

Today the members of VF-931 feel quite differently.

"We've been had," says one enlisted man.

"All I can say," adds one of its higher-ranking officers, "is that once I had faith in my country."

The story of what has happened to VF-931 since its activation more than eight months ago is a catalog of unbelievable bungling, the senseless fouling up of thousands of lives, the waste of millions of dollars and the reckless use of men as pawns in a cynical political game.

It began with the *Pueblo*.

Remember the *Pueblo*?

It *is* a valid question, isn't it? There are some who have forgotten and even among those who haven't it is a random memory. Oh, an occasional bumper sticker may bring it to mind or a small item in the newspapers, but the usual response to the question is, "Whatever *did* happen with the *Pueblo*?" or "Did they ever get that ship back?"

And yet, at the time, a good part of this nation was willing to go to war for that ship.

The *Pueblo*, a U.S. Navy intelligence-gathering vessel, was seized on January 23rd off the shores of North Korea by patrol boats of the North Korean Navy. It had 83 men aboard, one of whom was later to die from injuries which resulted from the attempts made to destroy the ship's secret electronic gear before its seizure. The vessel was lightly armed and did not resist capture. It was brought into the North Korean harbor of Wonson where its crew was taken off and put into prison. The North Korean government said the *Pueblo* was seized because it had "intruded into the territorial waters of the republic and was carrying out hostile activities."

Although the United States was to later vehemently deny that the ship had ventured into North Korean's territorial waters, there was and is confusion about specifically how far off the coast it had been. That did not seem to affect the intensity of reaction expressed by many, including some lawmakers with responsible positions. Senator Richard Russell, chairman of the Senate Armed Services Committee, said that the action was "a breach of international law amounting to an act of war." Representative L. Mendel Rivers, chairman of the House Armed Services Committee, said he would do anything, "including declaring war if necessary," to get the ship back. That was the typical reflexive reaction which most patriotic Americans seemed to countenance.

President Johnson was notified of the *Pueblo's* capture at 2 a.m. in the morning of January 23rd, a Tuesday, more than two hours after it happened. With daylight there came a series of quick meetings with State and Defense Department officials, special advisers and the Joint Chiefs of Staff. For the next two days, charges and countercharges flew between the U.S. and North Korea. Then just before noon on Thursday the 25th, without notifying Congress but acting within the power given him by a special amendment to the 1967 Defense Appropriations Act passed a few months before, Johnson announced the activation of 28 Air Force and Navy Air units with 14,787 men.

Executive Order No. 11392 listed the specific units that were activated. It stipulated that activation would be for "a period of not to exceed 24 months." With the exception of one air rescue squadron, all were either military airlift units with huge transport planes or fighter-type units that could attack, intercept and provide close-up air support for ground troops. And, as if to deliberately scatter the geographical impact of the activation, the 28 units were drawn from almost as many different parts of the country. The order itself lumped the units according to component, listing the Air National Guard first, the Air Reserve next and the Naval Reserve last. The 28th unit on the list: "Fighter Squadron VF-931, Naval Reserve, Willow Grove, Pa."

"I was on my way to a business appointment in Jersey," recalls one member of the squadron. "I was in the middle of the Ben Franklin Bridge when it came over the car radio. I was stunned. I drove through the toll gate, went around the Airport Circle, came back through the toll gate and back over the bridge to Philly. I was in a fog."

Says a former trucking executive: "I was reading an important report on my desk when I got a telephone call. I couldn't believe it. I dropped the cigarette out of my mouth and burned a hole through four pages of the report."

The wife of one officer recalls: "I heard it on the radio in the kitchen and he was down in the basement. At first they didn't mention which units. I remember calling down to him. 'Hon, they're activating some reserve units!' 'Which ones?' he calls back. 'Wait a minute,' I said, 'maybe they'll say.' I listened and eventually they mentioned the one from Willow Grove. 'Hon, VF-931,' I called down. 'Is that you?' He didn't answer me. The next thing I know he's standing at the top of the stairway looking a little pale."

It is difficult to convey the feeling that a man gets when he is hit by something like the news of his reserve unit's activation. It's not like a draft notice, which is usually preceded by a long and heavy expectation and generally arrives at a relatively flexible point in a young life or career. Most reservists are older, having earlier served the active part of their military obligation, and farther along toward their life goals. To most reservists, activation comes like a quick punch in the gut. Sickening shock is followed by a mind-exploding burst of anxiety. Questions about wives, kids, jobs, mortgages, car payments, dogs, cats, grass, bosses, vacations, conventions, subscriptions, sump pumps, milkmen, bonuses and other things make a Mixmaster of a man's mind. Plans—an hour, a day, a week, a year, a lifetime away—suddenly shatter and float away in little pieces. And previous military experience only adds, for most, a fast-curdling pall of despair. Even those who remained in the unit beyond their military obligation, enjoying the pay and experience the monthly weekend meetings provided and viewing the risk of possible activation as a dash of potential adventure to the constricting options of work-a-day living, admittedly found the shock of its actually happening an unglamorous and painful reality.

It was scary. Although most members of VF-931 had gotten word of their activation from the news media on Thursday, January 25th, many didn't receive official notice until the next morning. It ordered them to report to base by midnight Friday.

No one knew what was happening. Newspapers were blaring headlines of the incident, which seemed to become more heated each hour. Radio and television stations interrupted programs to report the latest developments. Tension appeared to be mounting visibly. United Nations representative Arthur Goldberg appealed to the Security Council and called the capture a "deliberate premeditated armed attack on a United States vessel on the high seas." North Korea released an alleged confession by the captain of the *Pueblo* admitting his "criminal acts" of espionage and territorial intrusion. Key lawmakers began pressuring President Johnson for direct action. "We are being pushed around all over the world," complained Pennsylvania Senator Hugh Scott.

It was very scary. A good many of the men of VF-931 were sure they would be in Korea or on the high seas in a matter of hours. They were told to report with full gear, ready to be sent to any part of the world momentarily. Hectic attempts were made to straighten out as many personal and business affairs as possible. Hasty instructions were left with wives and children, employers and employees, friends and neighbors. Farewells, choked and tearful, were exchanged with loved ones. One man, whose elaborate wedding was scheduled a couple of months away, decided to quickly tie the knot several hours before he was due to report.

They flocked to Willow Grove that night, the men of VF-931, from their homes and even from their jobs or from out of town and they were ready for anything. "I didn't like it, but it looked like we had a job to do and I was willing to do it and get it over with," recalls one of the squadron's pilots. "I was sure I wouldn't see my family again for weeks or even months, if ever," says another. However, when the men reported that night they were told to sign in, go home and return the next morning for official muster.

The fellow who had just gotten married wasn't too unhappy about that, but a few of the other guys, having psyched themselves up for action, didn't like the idea of leaving the *Pueblo* in enemy hands another night.

The official mustering ceremony the next morning was a stirring obbligato to the spirit which gripped the squadron. The men stood tall and straight in their dress blues while the PA system blared "The Stars and Stripes Forever" and, under the watchful eyes of newspaper and wire service reporters and the whir of the television cameras, the colors were marched in and the official orders activating the unit read by Willow Grove's base commander, Captain Nicholas Brango. Commander Robert Hogan, the dapper, young skipper of VF-931, accepted the orders, shook hands with the captain, snapped a sharp salute, turned and walked back to his men. "That's it," he told them. "We're in."

Then Captain Brango made a short speech. "This marks another milestone in Willow Grove's history," he intoned. "You are the finest squadron in the training command. Everyone is proud that such a fine group will represent us in the fleet. I award you the 'meatball!'" (It was a symbolic award because the base was without a "meatball"—a flag with a large red ball—which is the Navy award of excellence.)

After the ceremonies the men of VF-931 were told that there were no plans to move out and that they could go home in the evening if they wanted to.

They were told the same thing the next day.

On Monday Commander Hogan and his executive officer were called down to Atlantic Fleet headquarters in Norfolk, Virginia. "That's when I first got the impression," Hogan recalls, "that the Navy wasn't expecting us and didn't know what to do with us." Nevertheless, he was told that his unit would probably be moved to Cecil Field near Jacksonville, Florida, within the week.

Again the farewells, the packing, the arrangements for wives, children, homes, pets, cars and the other encumbrances of civilian living. But again, also, the stirring of the spirit that wells in a man when the challenge of a noble purpose and mission is flung like a gauntlet before him. VF-931 was still ready and eager to move out.

By the end of the week it was still at Willow Grove.

Commander Hogan made another trip to Norfolk. There has been a delay, he told the men when he returned. The unit will move to Cecil in two weeks.

Two weeks came and went. VF-931 remained at Willow Grove.

Back to Norfolk. Cecil Field in two weeks, Commander Hogan reported again. This time for sure.

Two more weeks came and went, VF-931 remained at Willow Grove. "I guess it was after I said good-bye to my friends and neighbors for the fourth time that I began to lose some of my spirit," says one man. "We'd go through this big scene and the next time I'd see them they'd say, 'Hey, are you still around?' It was depressing. I began to sneak home at night to avoid them."

After having been activated on 24 hours notice, their lives ripped from the security of their private worlds and tossed into the mad whirlpool of an international crisis, the men of VF-931 sat on their backsides at Willow Grove for four months.

In fact, the five other Naval Reserve squadrons activated at the same time did exactly the same thing at their home bases. And, as far as can be determined, none of the units which were called up, Navy or Air Force, were used in any immediate way to expedite the return of the *Pueblo*.

Nor were they intended or even capable of ever being used for the purpose that was the excuse for their activation.

This was the hard realization that slowly became clear to the men of VF-931 and produced its deadly demoralizing effect. It was, in their minds, unequivocally corroborated when the unit was finally transferred to Cecil Field late in May and told that it was going to replace a regular Navy fighter squadron aboard the aircraft carrier *Shangrila* for an eight-month tour of duty in the Mediterranean, starting in January, 1969.

Because regular squadron and carrier assignments are scheduled far in advance of actual operations, it was obvious that the Navy could not find a way to utilize VF-931 until a year after the "crisis" which gave birth to its activation.

And that utilization is a makeshift one. The men in the two regular squadrons aboard the *Shangri-la* (which, by the way, is one of the Navy's oldest carriers) are not being relieved for a more vital mission, merely being given the opportunity for extended shore assignments at special training and command schools. (Joining VF-931 aboard the carrier as a sister replacement squadron will be VF-661, another *Pueblo*-activated reserve unit, from Washington, D.C. The third Naval Reserve unit on the East Coast, VA-831 from New York, is scheduled for a Caribbean tour aboard the *John F. Kennedy*. Three other squadrons are still at base stations on the West Coast.)

VF-931 is at Cecil Field now. About 20 miles west of Jacksonville, it is a relatively small base with adequate but minimum facilities. Lying flat in the hot Florida sun, round-roofed yellow hangars squat along the edges of its runways, skimpy strands of tall pines clump forlornly among its low dull buildings. There is not much visible activity around the base. An occasional jet whistles overhead. Navy gray jeeps and pickup trucks shuttle leisurely around. But like most installations, there is an oppressive orderliness about it that exudes the sense of the military, the weighty, insistent feeling of a place where time hangs heavy.

It is hanging especially heavy for the men of VF-931. A visitor to the enlisted men's barracks—big, pale stucco buildings where four men are packed into tight double-bunked cubicles—is immediately surrounded by clutches of anxious men who have the vague feeling they have been forgotten.

"Listen, I've just *got* to talk to someone," says one. "I'm so disgusted. Somebody has got to help us."

"My God, why are they keeping us?" asks another. "What in heaven's name *good* are we doing?"

Squadron Commander Hogan, sitting in his office on the mezzanine of VF-931's hangar, is aware of his men's attitudes. "I can listen to their gripes," he says, "but I can't get them out. Of course, a lot of their gripes are the result of misinformation and some are due to a lack of maturity. Sure they're worried about their families and their careers, but I had to leave my family, too. I had a nice cushy job at IBM, and I'm not too happy about being here, either. But I've got a job to do and I'm going to make the best of it. Admittedly, I don't have it bad. I can understand how the guys downstairs, after they've been sitting at a good executive job for years, can't be too excited about having to unscrew 700 Phillips head screws. That's understandable."

Down the hallway in the ready room a couple of the squadron's pilots are playing a game with dice called acey-deucy. There are always a couple of pilots playing acey-deucy. Of the 170 men now in VF-931, only 16 are pilots, the ones who actually fly the unit's single-seat F8 Crusader jets. They fly, that is, when they can get a plane that will leave the ground.

That was another misleading thing about the call-up. *The New York Times* reported, obviously from reliable sources, that the activated reserve units had "372 combat and transport aircraft at their disposal." In that figure were the jet fighters VF-931 had been flying at Willow Grove. Upon activation, however, the Navy discovered that VF-931 actually had *no* planes of its own, was flying aircraft which belonged to the base and were used by one Marine and two Navy Reserve squadrons for weekend training.

So the first thing the Navy had to do for its newly activated fighter squadrons was get them fighter planes. The ones VF-931 got came out of a storage facility in Maryland, old and hobbled and hard to get parts for. During the four months it was at Willow Grove, the unit was lucky if it got more than a half dozen planes in the air on any one day.

Since it's been at Cecil Field, things have gotten worse. Where it took a few days to get a replacement part at Willow Grove, it now takes weeks. At least one plane—the "Hanger Queen"—is always kept grounded as a quick source for parts. "They gave us dogs!" complains one officer. "If you put them in a race they wouldn't be allowed out the starting gate. They're so cannibalized they've got teeth marks in them. It would be laughable if it weren't for the fact that somebody could get killed."

Commander Hogan keeps a chart which shows the percentage of completion of the various requirements which are supposed to qualify a pilot for each type of mission, from hot refueling to air-to-air combat. The percentage is impressively high.

The facts are that VF-931's own flight schedules reveal that the unit has been flying *less than half* the monthly hours Commander Hogan himself sets as a minimum. "It's a joke," says one pilot. "You spend a few hours strafing and that's supposed to qualify you for strafing." Weeks go by when only one, two or three planes a day are able to be gotten into the air. There was one day last month when the effort of the squadron's 170 men produced the total flying time of one hour and 15 minutes.

But that may not be too significant because the planes which VF-931 has been training in for the last seven months are too obsolete for any serious duty. They cannot, for instance, be taken aboard the carrier when the squadron sails in January. So the unit will have to requalify and train its pilots, mechanics and technicians on new planes. Both it and VF-661, the Washington, D.C. unit which shares its hangar at Cecil and will sail with it aboard the *Shangri-la*, were for weeks scheduled to receive a full complement of the new planes. VF-661 got the first one the middle of last month. It wasn't exactly a "new" plane. In fact, it once was an F8B, the kind the units *were* flying. It had been re-conditioned, modified and re-designated an F8H. It was flown from the Ling-Temco-Vought plant in Dallas and within a matter of hours was sitting in the hangar, down for three parts.

Not only were the Ready Reserves called to activation during the *Pueblo* incident not ready in terms of planes, equipment and training for immediate deployment, most of the units didn't even have enough men to fill all its necessary job slots. A fighter squadron, for instance, normally has about 170 to 180 men. VF-931 had less than 100 when it was activated.

This deficiency was remedied in two quick ways. First, taking advantage of the fires of patriotism which suddenly flared in so many hearts on the capture of the *Pueblo*, the Navy sent out a call to "volunteers"—either young men who had already served their active duty time or who were in reserve units not activated. It offered them a chance to "get in on the action." Secondly, it reassigned some Regular Navy men, most of whom had been stationed at reserve bases like Willow Grove as support personnel to the activated units.

VF-931, therefore, has in its enlisted ranks, three basic breeds with disparate aims and motivations. This, too has produced friction which has not enhanced morale, especially since many of the Regular Navy men hold positions of seniority and are used to dealing with young, not-overly-bright enlistees. Their handling of reservists, many college-educated, who have unwillingly been thrust from their goal-oriented careers into the tell-'em-nothing, keep-'em-busy world of the military, has produced resentment. "These guys," says one reservist, "are living examples that the Navy is 200 years of tradition without progress. All some of them want to do is get through the day so they can get drunk at night."

The volunteer members of VF-931 are, however, probably the most bitter about the unit not being used for what it supposedly was called to duty for. "Granted, I obligated myself," admits Bob Szabo, a 25-year-old volunteer who was selling insurance when he heard about the *Pubelo*, "but I felt I could really contribute to the overall effort. It may sound like a lot of patriotic hogwash, but I really believe each of us has an obligation to his country. Yet, as far as I can see we've been nothing but dead weight. Even if they gave us 24 hours to go out and do something now, we couldn't do a thing. Right now we've got one ——— up airplane and that's the way it's been for a few weeks. It's just a lot of tax money going down the drain."

Szabo spent four years in the regular Navy, mostly with a 4000-man unit that was one of the largest squadrons in the service. He admits he was the gung-ho type, enjoyed doing his job and was once named squadron "Man of the Month" three times in a row. With a wife and a two-year-old son, he gave up a good job to help get the *Pueblo* back. He didn't think the task would take long. Last month, running low on funds, he applied for Navy relief to help feed his family.

Activation has been a financial hardship on almost every man in the unit, including many pilots who were flying commercial airlines for a living. Some of them are losing more than $1000 a month, others as much as $25,000 a year.

But it's more than just the money. It will be years before the damage to what looked to be promising careers can be assessed. As Commander Hogan himself points out: "There is no automatic tenure or seniority in my civilian job. It's more a people-to-people thing. When you're not there you're losing ground."

A lot of men are losing a lot of ground. Bob Mullins, a young Philadelphian who had moved up from drafting through sales with Automatic Retailers of America, was scheduled to be promoted to an assistant to the vice president slot two weeks after his activation. Walt Brauer, a quiet, 25-year-old guy from Jersey, had bounced around in several jobs and was settling down in what he finally considered a good career opportunity as a claims rep with Railway Express. Ed Goodwin was expecting a promotion to department manager at Sears in a few months. Dick Magee, two years of law school under his belt was working for Walker Associates doing important Society Hill renewal planning, a job in which it was vital to keep up with daily-changing federal regulations; and now he's afraid he'll be too far behind to catch up when he comes out. Emmett Ward, a systems analyst, was told by his boss that a promotion would be waiting if he was deactivated by June; since then he has written three times and received no replies. Bob Miller and his brother were trying to get an auto repair business off the ground, but ever since he left it's been going downhill and he's had to take a couple of emergency leaves to lend a hand and keep it from going under.

Some guys have been hurt enough to ask to get out as hardship cases. Last month, the Navy turned down two men in the unit whose appeals met the requirements of the regulations and had the endorsement of their commander.

One of the men was a hustling young designer named Ed Kirk. A few years ago he started Creative Metal Manufacturing Co. and was putting in 100 hours a week at it, designing and making specialty fixtures for department stores. The business had prospered and he had hired six men. Just before his activation he had gotten a contract from Sears which would have put the firm over the hump and enabled it to go national. Now he's struggling to keep the business from folding.

"I don't understand it," he said bitterly last month when he got word that his request for a hardship discharge had been turned down. "I'm doing my best to keep it going, sending templates back and design sketches, but I don't know how long I can run it from down here. Why don't they let us go if they're not using us for what they called us? And now we're going on a Mediterranean cruise. I'm going to lose my business for a Mediterranean cruise!"

The other hardship appeal turned down was that of Ed Seweryn, a 47-year-old veteran with 21 years in the reserves. For more years than he cares to remember, Seweryn has had to work two jobs to support his brood of nine children, one of whom he is now trying to get through Villanova. A quiet, uncomplaining guy, Seweryn tried to hold off on his appeal as long as possible, hoping that the unit, not being utilized, would be released at any moment. But his family started hurting and he finally had to submit it.

It was the Navy's rejection of Seweryn's appeal that sent the strongest waves of discontent yet rumbling through VF–931. (Even Commander Hogan's wife reportedly was writing a letter of protest.) Everyone in the unit had been pulling for Seweryn; no one could have had a more legitimate or valid appeal. "It really makes you think about what you're supposed to be fighting for," complained one man bitterly. "It really makes you disgusted with the whole system, especially when you compare what happened with those two other guys."

What happened with "those two other guys" really rubbed salt in the wound of VF–931's activation.

One of the guys was Ed "Biffy" Halloran, a former college football player who had worked for his father's major building firm, Conduit & Foundation Corp. Young Halloran had once had a tryout with the Minnesota Vikings. Shortly after the unit was activated, Halloran suddenly developed a bad back. He applied for a medical release but after examination by Navy doctors he was twice turned down. He then went to his own civilian doctors and, with their corrobation of his disability, obtained his release.

The case of Carl Sempier was even more irritating. Sempier, married to former Miss America, Evelyn Ay, is a vice president of the Penn Central Railroad. He was a lieutenant commander and had just gotten into VF–931 last year, when he stipulated in writing that his civilian job would not interfere with his reserve duties. Came the activation, Sempier immediately got a battery of Pennsy lawyers working for his release, claiming that his civilian job was essential to the national rail transportation system. His appeal went up through every level of the Navy military hierarchy and was rejected. Then Sempier rolled in his big gun. According to the Deputy Chief of Naval Personnel: "After personal representations from the Chairman of the Penn Central Railroad, the Secretary of the Navy determined that his request should be granted."

"That was the biggest morale crusher of all," recalls one enlisted man. "Sempier was the one always making speeches to us, telling us to hang in there."

It all adds up, all the things that happened and didn't happen to the men of VF–931 since their activation last January. The frustration has been building in intensity over the months, and there are enough factors that are an inherent part of the system to keep the pressure mounting.

The most insistent and painful realization among the enlisted men especially is that a good part of their lives and almost all of their abilities are being wasted or misused. The Navy, in activating the reservists, took no notice of individual capabilities and talents that weren't service-acquired. College graduates are doing blue-collar jobs. Last month, a Main Line realtor was removing trash from the hangar, an assistant personnel director of a major chemical firm was sweeping the barrack's stairs, a stock-broker was night-guarding sleeping airplanes. (The situation is not endemic to VF–931, of course. The New York squadron at Cecil has a lawyer repairing engines, a registered psychologist with a doctoral degree rigging parachutes and, as if out of *Catch-22*, a TWA pilot loading bombs in its ordnance section.)

"I've never seen a more terrible waste or misuse of manpower," says one enlisted man. "We are acquiring a contempt for the whole Navy system."

For some, the frustration has already reached the intolerable level. Three men of VF–931 have cracked so far, relegated to the psycho ward of the Navy hospital. One refused to put on his uniform one morning. Another slashed around the barracks with a knife fighting off imaginary invaders of his locker. The third, a young Negro, after finally finding his wife a job with an insurance company in Jacksonville which would have enabled her to join him in Florida, was unable to find a decent apartment which would rent to him. An officer walked out of the ready room one day to find the guy furiously punching the steel hangar door.

(The two other reserve squadrons at Cecil have also had men who caved. One had a man attempt suicide three times. After the second attempt he was transferred out of his job in the ammunition room.)

The situation was probably best summed up by one of VF–931's higher-ranking officers: "I've never seen such gross insurance of conditions conspiring to destroy the human spirit."

To the vast majority of well-balanced individuals who are without the temperament to savor and relish it, the military environment has always had a limited appeal. Most who are conscripted into it do not care for it. In fact, they hate it. There must be certain extenuating factors to make it at all endurable.

Like the feeling that being in it is necessary.

There is not one shred of evidence which indicates that VF–931's activation was—or is—necessary.

Says one of its pilots: "We're more of a detriment to the Navy than an asset."

An honest log of the unit's activities during the first seven months of its activation would probably corroborate that. It would include a good deal of card playing, checkers, chess, napping, reading, gabbing and, of course, acey-deucy time. In May, when the unit was still at Willow Grove and activity was a bit more intense than it now is at Cecil Field, one radar repair man was driven by boredom after three months to complain to U.S. Senator Joseph Clark:

"Since being on active duty," he wrote, "it has been necessary to repair only two radar units while two others needed alignment. Total time for this activity is about 16 hours. Participation in other duties would total about 60 hours. My actual activities when I'm there (I'm given off about 2½ days of each working week) are reading the newspaper, magazines, books, playing chess and napping. Actual weekly work takes about two hours. However, I have been ordered by my superior petty officers to 'doctor' the IBM accounting cards which report our work record in order to show that I work at least 24 hours a week."

At Cecil Field, the "doctoring" of work cards has increased. For a job that takes a half-hour, a man will, as they say, "drop a card" for three hours work. That is, if the guy can be moved to do the job in the first place. At least twice Commander Hogan has had to threaten seven-day duty weeks to move the men out of their sluggishness.

"The rumor is," says one man cynically, "that if morale doesn't pick up they are going to cancel all leave and burn the mail."

Says one section leader: "The men's attitude sure does affect their work, no doubt about it. If I don't go out and get on their backs the job just don't get done."

"If they want the job done," complains one college graduate, "then why the ——— did they make me a mechanic? I don't know what I'm doing. Put tools in my hand and I'm dangerous. I do the minimum job to barely keep from killing people."

The irony is that the six Naval Air Reserve units called to active duty were supposed to be the "best" of them all. VA–831, the squadron from New York, was awarded something called the Davis Trophy last year for being the outfit in the top state of readiness, though it, too, did not have either the men or the planes that would have enabled it to be utilized immediately. "The whole thing is a paper-work fraud," contends one man. "All most of us did on training weekends was hide. Then when it came time to qualify the men, we qualified them like crazy. All it took was a quick pencil."

No matter how the men look at it, it's hard for them to find one valid bit of rationalization for the situation. It's even harder for their families.

"I feel very strongly about my country," says one wife, "and personally I felt very proud that we were going to do something. Now I'm just confused. I don't like to think that they're deliberately wasting our lives, but I don't know what else to think."

Even the families of the men who could afford to move them down to Jacksonville feel the constant frustration and tension of the situation. "It's not a good atmosphere," says one officer's wife. "There's too much laughing and too much drinking and too much trying to have a good time to help forget."

"We just don't know what's going to happen," says another. "We live from day to day, and each day seems to get worse."

For the ones without their families, military life seems like a long depressing tunnel. Says one pilot: "My wife and I just keep telling each other, 'And this too shall pass.' "

The evenings, of course, are the worst times. "I feel like my mind is getting moldy," complains one enlisted man. "I'm afraid to think because I just get more bitter and more frustrated. Most nights I just sit here and hit the sauce." It avoids the other temptations, like the Wednesday night rock orgies at the Happy Hour Club.

There are not many guys who left their wives behind who haven't had at least one frantic telephone call, a desperate report of a child getting injured, a relative dying, a creditor pressing for bills. The wife of one man, whose name appeared in the newspapers at the time of his activation, began receiving nerve-wracking calls in the middle of the night from someone who would just breathe heavily into the phone. A pilot's wife has called hysterically crying about a crazy neighbor who keeps trying to break into the house.

It all helps get to a man and eat away at whatever it is that keeps him going.

"A lot of these guys are keeping quiet," says one officer, "but I can tell you they're feeling it. Wait until we get closer to the time we have to board that carrier. I *know* there are going to be more who will psych out."

The scheduled eight-month tour aboard the *Shangri-la* is what hangs heaviest over the men's heads. A lot of them still don't believe it, think it's too illogical a thing for the Navy to do, too much a waste of their lives and taxpayers' money. Last month, however, the carrier steamed into port at Jacksonville Naval Air Station to be re-conditioned and prepared for the cruise. One man, hearing the news, immediately called home. "Just pray," he told his wife. "Just pray."

This is the most frightening thing about it, and something which every man is very well aware of: at least a few lives are lost in the normal operations and maneuvers of a typical carrier cruise. Statistically. Pilots misjudge landings, equipment malfunctions, arresting cables snap and slice bodies in half. A typical cruise with regular Navy personnel comes back with a few men less.

"We're going to lose men, no doubt about it," says one officer. "For one thing, most of our pilots just aren't used to landing on a carrier. Many aren't as quick and young as they used to be. Some of them haven't flown off a carrier in 15 years and there are some enlisted men in this unit who have never been on a ship."

So casually, inexorably, wastefully, some of them will die.

Now it may be contended that the men of VF-931 and the other units which were activated can thank only themselves for the mess they are in. They were, to a man, all volunteers in the reserve program, some of them joining to avoid the draft.

That contention, however, avoids the fact that there are few, if any, who were not very ready to tackle the mission for which they thought they were being activated. Many of them didn't like it and many were scared, but no one was unaware of the responsibility of activation or unready to meet it.

Now, however, most feel that their activation violated the spirit if not the letter of their reserve contracts. They signed their name to the stipulation that they could be called "in the event of a national emergency declared by the President . . . or in the event of a national emergency declared by the Congress or in the event of a war. . . ."

The fact that Federal courts have thus far upheld the legality of this contract in cases brought by some activated Air Force and Army reservists only helps to deepen the disillusionment the men of VF–931 feel towards the system.

There are other embittering factors:

After yanking older, more established reservists callously out of their civilian careers, the Defense Department has for the last four months reduced the draft call. The men of VF–931 contend that the Navy could have drafted and trained a new replacement squadron in the time they have been sitting around vegetating.

And, in one of the most telling blows yet to morale, the Pentagon last month announced that, in order to meet a $118 million spending cut imposed by Congress for fiscal 1969, it was inactivating 50 ships and eight regular Navy Air Squadrons—while inexplicably keeping on duty the *Pueblo*-activated units.

Why?

While wandering in the barracks and the hangars, the men of the reserve squadrons at Cecil Field again and again throw the question out in desperate inquiry, spit it in deep bitterness, mutter it in abject disillusionment.

"Why were we really called?"

"Why are they keeping us?"

And yet almost every one of the men has spent hours combing through newspaper reports, poring through books and magazines and consuming every font of information concerning the details surrounding the *Pueblo* incident and the call-up, and they cannot avoid the basic conclusion which the bulk of the evidence blaringly indicates:

The activation of the reserve units at the time of the Pueblo incident was a sham. That's what the men of VF–931—and, as far as can be determined, those in its sister units also—believe. And, as disquieting as it is to acknowledge it of men in the armed forces of this country, it is a belief that is harbored deeply and strongly.

In retrospect, there is no valid evidence that indicates otherwise. In reply to Congressional inquiries spurred by letters of protest from the Reservists themselves, the Navy now sends semi-form letters which, in a roundabout way, hint at it. The reason the units were activated, it claims, was "to expand the deployment base, which is in keeping with the Ready Reserve concept to provide forces to meet contingency situations as appropriate, as well as general mobilization commitments."

Gobbledygook which, in translation, implies that the Reserves were activated because there was a possibility that they would eventually be used or needed. That is a specious contention that negates the Ready Reserve concept itself and ludicrous, too, in view of the 24-hour call-up and the lack of immediate, or even eventual, valid utilization of the units.

The Navy didn't need the squadrons, wasn't prepared for them and didn't know what to do with them when it got them.

Yet, there had to be a reason for their activation.

There had to be.

Looking back, certain factors surrounding the *Pueblo* incident take on added significance. The situation in Vietnam, for instance. The Tet offensive had just produced the most devastating military and psychological defeat the U.S. had thus far experienced. The stubborn defense of Khesanh was draining men and equipment, and enemy strength in the south seemed to be increasing dangerously. There was a dire need for more U.S. troops, the generals kept saying, but public opinion was running strongly against any further commitment. President Johnson, not yet having made his decision to withdraw from the next election, was in a dilemma. Activating reserves for Vietnam would obviously have been political suicide at the time.

Then came the capture of the *Pueblo*. From the vantage point of time, it seems clear now that a military reaction against North Korea was never considered. And certainly North Korea could not have been intimidated by the limited number and types of units that were activated.

Another interesting point is that the *Pueblo* incident came at a time when the Senate Foreign Relations Committee was considering whether to conduct a formal inquiry into the Gulf of Tonkin incidents of 1964, when two American destroyers were reportedly attacked by North Vietnamese torpedo boats. The alleged incidents sparked Congressional approval of a resolution that authorized the President to take "all necessary measures to prevent further aggression" and provided the sanction for the bombing of North Vietnam without a formal declaration of war. The proposed Congressional inquiry early this year was to determine whether the President had acted precipitately in view of the fuzzy details surrounding the "attacks." At any rate, Senator J. W. Fulbright, the Committee chairman, was one of the few Congressmen who didn't blow his cool on the news of the *Pueblo's* capture. "We should not jump to conclusions until we know all the facts," he warned. A couple of the facts that puzzled him were why an intelligence ship was operating off hostile shores, even if outside territorial waters, unarmed and unescorted; and why no air or sea support was sent to its rescue despite the fact that almost two hours elapsed between its first contact with the enemy and its boarding.

Upon the activation of the Reserve units, *The New York Times reported*: "Informed sources firmly denied that the *Pueblo* incident had merely provided a pretext for a Reserve call-up that the Administration wished to make in any case. If there were a sizable activation of Reserves for duty in the war in Vietnam, it is believed here that there might be strong political protest.

"Administration sources insisted that the Air Force, and Navy reservists were being called solely because of the possible requirements of the Korean situation."

Yet the fact remains that a few months after the ice-breaking publicity and notoriety given the *Pueblo*-related activation, President Johnson was able to relatively quietly call up 22,000 additional reservists, mostly Army troops that were used in direct support of Vietnam operations. Other observers feel the activation of VF–931 and its sister units was merely a cynical political play by the Administration to pacify the American public and make them think the government contemplated military action.

Whatever significance can be read into the activation of VF–931 and the other units, it bears in no way on the question of why they are now being kept on active duty. The average length of activation for reservists during the 1961 Berlin confrontation was 10 months, for the 1962 Cuban missile crisis one month. And both, judging from the types and sizes of the units called, were a more authentic show of force. Other than the fact that the Navy has finally been able to schedule the activated squadrons into its fleet operational rotation, there seems to be absolutely no valid military or political rationale for the multi-million-dollar expense of their continued activation.

So the men of VF-931 are still being screwed.

In the long run, of course, it is not only the individuals themselves and their families who will be damaged by it all. The effect cannot be so limited when one considers what an immoral waste it is of good men's time and talents, men who could have been making vital social and economic and creative contributions to their communities perhaps, or at the very least, meeting their not unimportant responsibilities as heads of families. Then, too, there is something about such a shameful misuse of so many millions of dollars that is not only detestable but also reflects a distorted sense of priorities in view of the pressing crises of poverty, crime and urban disintegration facing this country.

No, it is not only the men of VF-931 who are being screwed.

The final irony, however, is something the Navy itself probably hadn't bargained for. The call-up in the end may mean the finish of the Navy Reserve program. The basic inadequacies of the so-called "ready" units have proven painfully obvious. And it is doubtful, considering the anxiety of the men to disassociate themselves from the military, that the units, once deactivated, will continue as anything but shells.

The men of VF-931, for instance, have not disguised the attitude of bitter contempt and brazen disrespect which has built up in them over the months toward the Navy system.

COME ON, SEE THE RIOT

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. VIGORITO. Mr. Speaker, several times I have publicly stated my extreme disgust with the manner in which the "cult of violence" has taken over our Nation's television screens. I believe there is a definite correlation between the violence we see on TV, and the increasing acceptance of lawlessness and anarchy in our cities.

I would like, therefore, to bring to the attention of my colleagues an extremely well written editorial which appeared in the Titusville, Pa., Herald of September 4. I think it will be of special interest to those of us who attended the recent Democratic National Convention in Chicago:

COME ON, SEE THE RIOTS

The television industry gives the people what they want. And people like violence.

People like violence or else they wouldn't look at boxing matches, automobile races, bullfights and other sports in which bloodshed is often involved—and they would not eat up gory murder mysteries or shoot-'em-dead westerns.

The industry's latest offering to this violent taste is the public riot—peace protests (hah, what a ridiculous name!), civil rights rallies and the like.

We make this statement without fear of contradiction: If television would pay less attention to these demonstrations and would refuse to give live coverage of disorders, violence in this country would decrease.

Television publicity is what these kooks, hippies, yippies and professional agitators live on. Deny it to them and their ranks would dwindle rapidly.

Take the testimony of an observant, level-headed cop who was on duty in Chicago during the Democratic convention. He said:

"There was a crowd of people moving out of the disturbance area when the television cameras put their lights on. And soon as the lights went on they all started yelling and screaming and throwing things at the police.

"The live coverage of any civil disturbance should not be televised. It brings in people that are thrill-seekers and who want to see what's going on—and these are the people that are getting hurt."

And we'll bet that the Red who is directing the riot with a bullhorn atop a car can disappear faster than Houdini when the rough stuff heads his way.

THE NEWS STORY THAT WILL NOT BE WRITTEN

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. NIX. Mr. Speaker, I am going to talk today about a news story that no reporter that I know of is interested in. It is the one thing that makes service in the Congress and the House of Representatives an honor and a service we all want to return to. In short, it is the cooperation between Members of both parties in the House of Representatives that gets a job done for the American people. Republican and Democratic Members of the House generally work long and hard hours together, and the people benefit.

When I became chairman of the Postal Operations Subcommittee, I expected to be an active chairman. The pressure of events and the postal crisis made me chairman of one of the most active subcommittees in the House of Representatives. I am proud of my colleagues on the subcommittee whose first concern was a better postal service and I cannot recall any incident in 2 years where any member of that subcommittee indulged in partisanship of any kind. In short, we worked together and ignored "old politics" and "new politics" and spent our time on what Larry O'Brien called the postal crisis.

What kind of a record did we establish? Here it is. Two hundred thirty-four bills were referred to the subcommittee, and 30 days of hearings were held on 20 different subject matters. Six of these bills passed the House of Representatives.

What kind of bills were these? One of them, H.R. 1411, an antifraud bill by Mr. UDALL, would prevent the wholesale bilking of American citizens of millions of dollars each year. The passage of this one bill would justify the existence of the subcommittee by itself. At the present time the United States Code is totally defective in providing civil protection for the American public because it is necessary to prove that quack doctors and others intended to defraud their victims. It is impossible to prove to a legal certainty the criminal intent of medical quacks to defraud. This bill is now in the Senate waiting for the Senate Post Office and Civil Service Committee to ask for a conference.

Another anticrime bill awaiting a conference call by the Senate is H.R. 14935, a bill by myself, which would restrict the mailing of master automobile keys, which are used in auto thefts, which particular crime involves youngsters in criminal activities. These two bills would take the U.S. Postal Service out of the embarassing position of aiding criminal activities.

Without the cooperation of all of our Members we would not have been able to accomplish very much at all, and with their cooperation we were able to accomplish a great deal. My good friends H. R. GROSS and ED DERWINSKI are outstanding Congressmen. They both have deep and long-standing interests in postal reform. It is their position that the Postmaster General should be taken out of the President's Cabinet and given a fixed tenure beyond the President's term. Both men have been helpful in executive sessions in getting bills on the way to the floor for action. My good friend, Mr. GROSS, for instance, has had to attend two subcommittee sessions in the same morning to be present at our executive sessions, and his presence has made the difference as to our being able to act at all because we needed him for a quorum. I want to here and now thank Congressmen GROSS and DERWINSKI for their outstanding cooperation and help.

ARNOLD OLSEN, our ranking majority member, has not missed a single meeting that I can recall during the entire year. If he could not be present during an entire session he came to learn what he could before he left. His bill, H.R. 16524, would eliminate political patronage from the appointment of postmasters. Civil Service Commission Chairman John Macy, called this step one of the most progressive in years on the subject of political patronage. ARNOLD's support of the rest of our program was vital. He and I have disagreed on only one occasion and that is on the subject of mail-order gun control. I am for it and he is against it. Let me say that next session I am looking forward to our debate on this subject. He is a great lawyer and as a former attorney general, I have always found his statements enlightening and helpful.

GLENN CUNNINGHAM is one of the most valuable Members of the Congress, and he is certainly one of the most courageous. He is a leader in the field of postal legislation and he is the target of every pornographer in the country. He is all of these things as well as a great legislative craftsman. He has fought the smut merchants for over 10 years and he is, to the best of my knowledge, the only member of our committee who has had a book written about his activities, which is entitled "Attack by Mail," which book roundly praises his career. This has not been an easy road for him because he and his family have been the recipients of harassing mail and anonymous phone calls. The Cunningham bill which was incorporated into the postal rates bill along with the Waldie amendment and passed this session, provides the American household with a weapon which allows it, at long last, to fight back against the panderer and smut peddler. As all Members of Congress now know, it is possible to return smut mail to a local postmaster with a demand that the Post Office Department order the smut merchant to remove your family's name from his mailing lists.

"JERRY" WALDIE came to the Congress with a great background gained in the California Legislature as majority leader. He is the author of the Waldie amendment which perfected GLENN CUNNINGHAM's bill. What some of you may not know is that "JERRY" WALDIE is one of the greatest defenders of American privacy and indivdual liberties in the Congress. What is more, he is one of the best cross-examiners in the Congress. His method is simple, he merely asks experts to start with first principles. He may ask for instance that Government officials state clearly why strikes in Government are wrong, so that we can all start our hearings with a clear understanding of the problems at hand. This type of questioning of fundamentals has helped us again and again to get our hearings moving.

Congressmen BILL GREEN and RICHARD WHITE have always lent their aid and support during this session of Congress by their participation in hearings and our discussions in executive sessions, and that support is certainly appreciated by me.

Our ex-officio Members, Chairman DULSKI and Congressman BOB CORBETT, have helped us not only in subcommittee sessions but have carried the day for us in the full committee and on the floor of the House of Representatives.

Chairman DULSKI was the author of a bill now signed into law which makes it a Federal crime to assault letter carriers and other postal personnel. There had been a number of instances in which postal personnel have been assaulted because they represent the Federal Government. Up until passage of the DULSKI bill, it was a Federal crime to steal a post card, but not to assault the man who carried it.

Congressman CORBETT, the ranking minority member of the full Post Office and Civil Service Committee is by virtue of his long experience, the foremost postal expert in the United States. His advice and assistance have been more than helpful in sorting out the long and ponderous testimony of postal experts. He certainly outranks in this field any former Postmaster General and he has long fought for the idea that the Post Office Department is a public service and its obligations to the American public are no less than other Government agencies.

We have to prepare for the future during the intervening months prior to the convening of the next session of the Congress. I have directed the subcommittee counsel, Tom Kennedy, to prepare a series of reports on the postal service. I am going to ask the Postmaster General, Marvin Watson, to cooperate with us in providing background material for these reports, which will be a total review of postal operations.

The Postmaster General has shown not only great executive ability, but a tremendous interest in new ideas. I am convinced that his tenure in office will be the bedrock for future legislative programs. He has traveled 70,000 miles, visited 120 post offices and talked with about 74,000 employees in his quest for new ideas. He knows that the postal crisis can only be met and overcome by hard work and hundreds of responsible projects and changes. What is more, his liaison staff is the best in the Federal Government. Ray Colley and Henry Dixon of his staff, for example, are among the best liaison men in the Federal Government. Because of his interest, I am going to ask that the Postmaster General provide my subcommittee counsel with the needed help to prepare reports on the:

First. Prospect of strikes in the postal service and labor relations generally;

Second. A review of the postal transportation system—a report similar to that published by the Census and Statistics Subcommittee when I was chairman on the statistical activities of the Federal Government;

Third. A report on the paperwork and redtape problems of the postal service;

Fourth. A report on industry's postal problems;

Fifth. A report on privacy and the mails;

Sixth. A report on nonmailable matter, and the postal inspection service;

Seventh. A study of the commemorative stamps problem, and

Eighth. A general history of the postal service since the Second World War.

We have only begun to deal with the postal crisis. We will deal with it in the future in a bipartisan way. Our committee under the splendid leadership of chairman TED DULSKI and Congressman BOB CORBETT have provided answers and hope not only for solving the postal crisis but other national problems as well. The American people cry out for unity. They want to work with their neighbors, all of their neighbors, for a better America. They want to end the gap between young and old, black and white, city and suburb, town and country, and Republican and Democrat. We need a bipartisan foreign policy, and a bipartisan domestic policy for peace at home and peace abroad. We will have that policy because if we do not, the Wallaces and third party movements will tear the United States apart. We have made a start in our Committee on Post Office and Civil Service. We will do much more in the future together.

YOUTH KEEPS HEROIC RESCUE FEAT SECRET

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MILLER of California. Mr. Speaker, recently, I noticed an article in the Oakland Tribune, Oakland, Calif., which recounted the courageous acts of Nathan Kinnon, a young man who lives in East Oakland, which is part of my congressional district.

The story of how this 18-year-old risked his own life to save the life of a youngster and his dog and then kept it a secret for several months because the youngster requested him to do so is not only one of courage and concern for human life but also one which is full of the understanding which can exist between young people of different races, in spite of the tensions with which we are so preoccupied today.

By this act of courage and compassion, Nathan Kinnon exemplifies the highest ideals of character. He is a credit to his parents, Mr. and Mrs. Jack Kinnon, and to Castlemont High School of Oakland.

I am pleased to include this article in the RECORD:

YOUTH KEEPS HEROIC RESCUE FEAT SECRET

(By Peggy King)

One boy saved another boy and his dog—and tried to keep it a secret.

The heroic rescue occurred a few months ago but only came to light today.

A child about eight years old was playing near the Oakland estuary with his little poodle.

Suddenly, the dog jerked from his leash and sailed into the water. The boy screamed and jumped in after him.

Several people, too far away to help, were panicked by their helplessness until they saw a youth, fully clothed, dive from the bridge, swim out to the drowning child, grab him with one hand, put the dog's leash in his teeth with the other and pull them to shore.

After quickly reviving the child through artificial respiration and mouth-to-mouth resuscitation, the older boy spoke with him, and then the two walked to a car and drove away into Alameda.

All attempts by the witnesses to identify the young hero failed—until this week. A man who had seen the youth clearly on the bridge spotted the picture of a young gymnast in Castlemont High's yearbook and called The Tribune.

"When a teen-ager risks his life to save a child and a dog, this is wonderful," the witness said. "But when the child is white and the teen-ager Negro, well, in our troubled times, this has added meaning and message."

For Nathan Kinnon, 18, a June graduate of the Oakland school, the meaning is that "No matter what you do, someone is always watching you."

He had hoped the story would not get out because, "I made a promise to the boy I wouldn't tell anyone. You see, he was afraid his mamma would whip him for playing at the estuary."

Nathan kept his promise. Not even his twin sister, Nina, knew. His parents, Mr. and Mrs. Jack Kinnon of 9533 Burr St., Oakland, heard the story for the first time from a reporter. Mrs. Kinnon was not surprised.

"Nathan is always doing good things but he never tells us anything," she said. Nathan has not revealed the name of the child. He simply says, "I don't know and I'd rather you don't try to find out unless he wishes it."

He remembers that it was a "long haul" from the center of the estuary to safety. "I should have taken my shoes and some clothes off," he said, "but all I could think of was the child and the dog bobbing up and down out there."

"When I hit the water and felt the drag of my clothes and shoes, the responsibility of what I was attempting to do suddenly hit me," he added. "I was afraid I would fail the child."

He didn't. "The boy was very grateful. All he could say to me was thank you, thank you and please don't tell my mama."

Nathan said he had been driving a car across the bridge when he saw the child and dog in the water. After the rescue, he drove the child into Alameda and let him out a few blocks from his home as the child had asked, "Promising to keep the secret."

Nathan had a lot going for him in the rescue. He received his senior lifesaving certificate at Oakland's Fremont pool several years ago. And for two summers, he was a youth in volunteer service at Castlemont pool teaching children swimming. Each Wednesday of those summers was devoted to teaching swimming to the deaf.

During his years at Castlemont High, Nathan was a two-time winner of the Christian Women's Temperance League's essay contest and received honorable mention in the Invest in America essay contest. At his junior high school, Nathan took the championship golf trophy during his final year.

Nathan plans to enter San Francisco State in February and major in physical therapy and psychology. Meanwhile, he has made application to do scholarship work with deprived children.

Nathan said he did not know there were witnesses to the rescue. "Maybe that's a good thing," he added. "Often when there are several people around, we tend to leave it up to someone else to take the plunge."

But it was left up to Nathan. And he took it.

MODEL OF ACTION BY TULANE PRESIDENT

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. HÉBERT. Mr. Speaker, the president of Tulane University in New Orleans has made, in my opinion, one of the greatest contributions to the educational community that any man has made in recent years.

Dr. Herbert E. Longenecker's letter to new and returning students is a document which should be read by every college president and in turn by every college student in America. In fact, it should be adopted as a model of action by other universities.

The Tulane president, realizing the disruptive forces which have been present on other university campuses, has adopted the slogan "to be forewarned is to be forearmed." And he has made it perfectly clear that he will not tolerate needless interruption of the academic atmosphere at Tulane.

His statement is magnificent and refreshing, and I want to insert it at this point in the RECORD so all may heed, and I hope, emulate his forethought and wisdom.

OFFICIAL NOTICE TO NEW AND RETURNING STUDENTS FROM THE PRESIDENT OF THE UNIVERSITY

TULANE UNIVERSITY,
New Orleans, La., July 25, 1968.

Many Tulane students, faculty members, and staff members have reflected upon the disorderly, disruptive and dangerous demonstrations on university campuses during the last year. In the course of the summer, campus administrative officers have met with the President of the Student Body, the Executive Committee of the American Association of University Professors and with representatives of the Board of Administrators. In view of what has occurred at other universities and of our resolve to preclude any diversion of resources of time, energy, finances or enthusiasm for the accomplishment of our basic purposes for having and being a university, it seems appropriate that, as President, I should convey to you my comments on the subject as well as those guidelines furnished to me by Tulane's trustees, the Board of Administrators.

It is important for each of us to realize that the President's authority as the University's chief executive officer stems from the legal body, the Administrators of the Tulane Educational Fund. Of necessity, certain aspects of the President's responsibilities are delegated to other general University officers—academic affairs outside the professional schools to the Provost, Dr. David Deener; student affairs to the Dean of Students, Dr. John H. Stibbs; business affairs to the Business Manager and Comptroller, Mr. Jesse B. Morgan; and administrative coordination of the University to the Executive Vice-President, Dr. Clarence Scheps, who has full responsibility as chief executive officer in the absence of the President.

Tulane's basic goals and objectives have often been stated and were again the subject of extensive review during the self-study last year. Restated in brief form, Tulane seeks an environment conducive to developing individual capacities of each student to the fullest in both academic and non-academic aspects of life. We seek to engage the student in the creative processes of acquiring knowledge and in developing a sound basis for transmitting that knowledge into wisdom and action in the service of mankind.

It has long been the policy of Tulane University to foster freedom of inquiry and freedom of expression, including the right to dissent. Seeking to preserve these basic freedoms for students, faculty and staff, the University itself does not take official positions on disputed questions of scholarship or on political questions or matters of public policy. To do so, as some members of the University community occasionally propose, would, in our judgment, tend to enjoin an undesirable uniformity of outlook and essentially put a stop to learning. Our view is that intellectual growth in the University is supported just as much by a "free enterprise" system as is economic progress outside the University. The whole spirit of a university is to be found in its hospitality to an endless variety of viewpoints and skills and to open competition among them as the safeguard of truth. An atmosphere of freedom, mutual trust, and acceptance of responsibility where authority has been assigned is essential to achievement of the desired end.

In striving to meet these objectives, it is quite possible that the interest of an individual or a group within the University family may, unintentionally, be offended. "Conflicts between the demands of an ordered society and the desire and aspirations of the individual is the common theme of life's development," stated the Honorable Justice Abe Fortas, United States Supreme Court.

Last year we noted some areas of University life which deserved reassessment. This year we plan to engage all who will join constructively in implementing changes shown desirable by the University's year-long self-study. Communications among students, faculty, and administrators need and will receive added attention. In the area of student affairs, we propose a new and, hopefully, a more satisfactory arrangement for student publications with a revised Publications Board and a new Publications Appeals Board.

We shall continue to stress responsible student participation in University affairs. The main effort will continue to be directed toward a strengthening of the whole organization and operation of student government and the individual school and college student associations. As a new means of developing student-faculty-administration interchange, I propose to establish a Leadership Council consisting of elected student leaders of the key governmental organizations, faculty members representative of and elected by the University Senate, and selected University officials, including in addition to those named above several others whose duties bring them in close working relationship to students.

Finally, I call upon the entire University community to assist in the continuing task of revising and codifying University regulations and procedures related to student affairs so they may be easily disseminated to our student body. And while striving to enhance a high standard of welfare for all students and faculty members, we shall certainly continue to give personal attention to the requests of the individual student.

I invite constructive criticism from members of the Tulane family. For this purpose, there are well established lines of communication. Just as faculty proposals are normally presented either through departmental chairmen and their respective Deans, or through University Senate Committees, student matters are presented by student leaders to the Dean of Students or by student members of the University Senate Committees.

At Tulane we respect the constitutional rights of individuals and we believe that these rights are sustained by acceptance of the responsibilities that make them possible. *Civil disobedience is not accepted as a right.* Tulane permits expression of views by peaceful picketing and demonstrations on campus under specific rules as to where, when and how. However, we will not tolerate interruption of the normal processes of the University, such as academic functions, administrative functions, business functions, and recreational activities on campus. We intend to safeguard the right of each student to partake of any University program or service, especially the attendance of classes. No individual or group can be given the right by demonstration, picketing, sit-in, or other device to impede regularly scheduled University functions. We will not permit dissent to deprive students of their rights to the educational opportunities that brought them here. Should problems arise which cannot be solved through normal channels of communication, I shall make myself available for prompt consultation.

Parties desiring a peaceful assembly will be accommodated with facilities in accord with the policies of this University on use of our facilities. If necessary, they will receive protection by University Security Police. All members of the University community should understand that Tulane does not condone illegal or extra-legal actions on its campus. Nor will it yield to threats of violence and disorder. It will seek to maintain order and respect for law without which freedom is impossible.

The University will not abdicate or delegate the ultimate responsibility vested in the officials of the University to maintain proper order and decorum on the campus. All parties should be on notice that any demonstrations of a violent nature will be dealt with promptly and decisively, with such means as the circumstances may warrant, including local police assistance, if necessary. Offenders will be dealt with firmly. Tolerance and good faith will be expected of all.

The courts have stated that the power of the university for disciplinary action is derived from its inherent powers of self-government and self-organization, and to carry out its educational purposes. Further, the courts have held that, in any academic community, greater freedoms and greater restrictions may prevail than in a society at large, and the fixing of these limits should, in large measure, be left to the educational institution itself. The faculty of any university must play an important role, not only in the academic life of the university, but also in aiding the university to maintain a climate where all elements of the university may work together in harmony.

The University has well-established procedures to handle situations that may arise should an individual student or group of students violate the general rules of conduct which have been adopted by students and faculty working together. These procedures provide for a fair and orderly hearing on charges made and on defensive statements. If the charges are upheld, penalties imposed may include monetary fines, loss of academic credit, suspension from the University or expulsion.

My own conviction is that moderation is essential to the avoidance of frustration that can so easily result from the excesses of passionate resistance and defiance. I understand and applaud the students' desire to make their world a better place to inhabit. But I remind you that it is not enough merely to align yourself in a crusade. A sense of responsibility, as a recent commentator said, requires you to "enlist in crusades for the advancement of knowledge concerning the limitations of crusades." I trust that all of us will strive to remember this at all times, recognizing that our actions can dishonor those who preceded us, inhibit our role as leaders, and negate the opportunity for the future. On the other hand, the actions which I trust we will take can add to the luster of those who came before, enhance our opportunities for knowledge, and advance Tulane to an even brighter future.

I felt it necessary to provide you with this official memorandum so as to avoid any misunderstanding about the policies of the University concerning dissent and possible demonstrations. To repeat, we believe in democratic processes, we admire creative thinking, and we welcome suggestions for change. We have worked to provide better facilities, better services, better administration and better faculty and staff. In our disciplinary procedures, we have long ago conformed to due process. In the Dean of Students Office we have an open door policy and invite students to drop in at any time. We have a fine social action program run by a major committee of the Student Senate. But you and I know that government without order is chaos, and that to accept coercion is disastrous. I say again that we are absolutely determined to move the University forward through orderly procedures.

HERBERT E. LONGENECKER,
President.

IS THE AIR TRAVEL BOOM GOING PHFFT?

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. KUYKENDALL. Mr. Speaker, Mr. Brenton Welling, Jr., transportation editor of Business Week, recently spoke at an aviation symposium held in Nashville, Tenn. His speech, "Is the Air Travel Boom Going Phfft?" contained some very interesting observations about the future of air travel in the United States which I would like to share with my colleagues. I am, therefore, including the following excerpts from Mr. Welling's talk as a part of these remarks.

Air travel is a gigantic, complex system made up of thousands of subsystems, and each of these is made up of an almost infinite number of components. I will explain what I mean by all this a little later, but the important thing I want to tell you is that this fantastically complicated structure works and is useful only when all parts of the system are in perfect balance. When this balance is lost the system comes unglued.

The so called air travel boom has not come from those passengers the airplane has stolen from trains and buses. It has come from people making trips that would not have been possible just a few short years ago. And the technological change that has really created the boom is the one from the piston engine to the jet.

This September the commercial jet age will be 10 years old. It seems fantastic to think of how our lives have changed so much in terms of mobility and fluidity just in the past 10 years. In the past decade the number of passengers carried by the United States scheduled airline industry has grown from a little more than 49-million to 132-million, and this number continues to grow at a compound rate. Though the population of the country is increasing by about 7,000 citizens a day, the airlines are adding more than 40,000 passengers a day. By 1975, airline traffic will be triple what it was in 1967.

Who are these people and why do they travel? First and foremost, they are businessmen. Nothing yet invented in all the wonders of the communication industry has taken the place of the face to face confrontation, the meeting in one room of diverse people with diverse points of view, and the handshake to clinch a deal. When company A takes advantage of jet travel to make a personal sales call or to assist a client or to solve a technical problem, company B has got to do likewise or lose most of its business. There is too much of a competitive edge.

Today, airlines are actually in the business of making people dissatisfied with being where they are. They are not content with selling the man who has already decided to take a trip, they are selling the idea of a trip. I know about this because all of last winter when it was cold and miserable in New York and all this summer when it has been hot and miserable, my alarm clock radio has awakened me with a Pan American commercial that begins: "Whatever are you doing in New York Today?"

What does this mean? It means the airlines will have a perfectly fantastic number of seats to sell in the coming years and not all these seats can be sold to businessmen. The air travel pleasure market must and will grow to a degree that staggers the imagination. Every major city in the United States must prepare for this potential wave of tourists. If you have an inadequate airport and support and service facilities, you won't participate in this new business and will lose all the dollars that tourists might spend here.

The first step in attracting tourists is to identify your assets, and quite possibly to create new ones. Then you must make sure you have the basic living facilities to accommodate travelers.

The travel industry itself—the airlines, travel agencies, car rental companies, oil companies—has an insatiable appetite for new places to promote. And they are all eager to cooperate with cities that decide to find a place for themselves on the tourist travel map.

No one under the age of 30 takes the train. Trains are for squares.

So, all this makes up the air travel boom: the hurrying, scurrying businessmen, the families on vacations, and the footloose young.

Various analysts of the industry look at these factors, and then they look at the huge planes now being designed and built and they see a rosy future. By building bigger planes with more seats they anticipate fares dropping.

This is all very well, but it isn't going to happen that way. You will remember that I said the important factor in each of the four technological transportation revolutions we have seen in this country has been the amount of "created travel" each produced. Never has this created travel factor been more pronounced than it has been with the jet, and never can it be more easily uncreated.

Most of the additional travel that has been created has been based on convenience, speed, reliability, and ease. These are exactly the attributes now being lost at the busiest airports—particularly those in New York this summer.

I can certainly see a set of circumstances where businessmen will think twice before buying that airline ticket. Instead they will invest in more sophisticated black communications boxes that will enable them to make multi-city conference calls and transmit contracts by micro-wave. It won't be nearly as satisfactory as face-to-face communication, but it will be a lot more satisfactory than circling around in the air by the hour waiting for a turn to land.

I have heard many times that these jets capable of carrying anywhere from 250 to 490 passengers are a partial solution to the air traffic congestion problem. By packaging more passengers into fewer, bigger planes the industry will make more efficient use of the air and airport space. It is true, I suppose, that if these jumbo jets had *not* been invented we would all really be in the soup. Taking care of tomorrow's traffic with today's planes would be an impossibility. But I do not believe that these jumbo jets will correct the congestion situation.

Rather, I expect there will be just as many jumbo jets as there are of today's jets. Indeed, the jumbos will be in addition to today's jets, and the congestion problem will be with us for years to come.

Furthermore, these jets will compound the imbalance problem I am so concerned with. Each 747, for example, will cost $21-million. If it is ever to return a profit to its owner it must be kept in the air filled with customers. Yet it carries three times as many people as today's planes.

How in the world is an airline going to unload three times as many people—and their bags—fuel and clean the plane, stock it with three times as much food and drink, and load three times as many people—and their bags—in it again in anything less than three times as long if there isn't a terminal facility to match? Yet if an airline is to make money with a 747, ground time can be no greater than it is today.

One Sunday after Thanksgiving a few years ago, I was in Chicago and called an airline reservations girl at around seven p.m., inquiring if there was room on the last flight to New York which left at 10:30. I was told there were plenty of seats but that the road to O'Hare was blocked to a standstill all the way to the Loop and that I might as well forget about leaving Chicago that night.

What in the world, I ask you, is the point of having the most sophisticated jet that $21-million can buy, complete with 15 pretty stewardesses, wide seats, movies, a stand-up bar, and an upstairs lounge—if you can't get near the airport to get on it?

This is what I mean about the balanced system. It isn't good enough to go plunging on, designing ever bigger, ever faster planes if the airways can't handle them and if the ground support facilities can't cope with them.

The problem is that we have done the exciting things. We have built, and are building, truly magnificent airplanes. Now we have to go back and do the unexciting things. We have to lay concrete.

The extraordinary fact of the matter is that to build these monster planes we have had to push back the frontiers of technical knowledge to an incredible degree. But there's nothing very exotic about concrete. It just costs money—money that very few people apparently want to spend at least for runways and access roads to airports.

When I say you must have adequate support and service facilities, I do not simply mean that the airport has to have a workable terminal and adequate parking lot. I mean that the city has to provide and promote its natural, historical, and social attractions and then has to get the word to all those millions of potential visitors. I also mean that the city has to provide the hotels and motels, the sightseeing tours, the restaurants, the information services these visitors need.

In short, I fear the air travel boom is in trouble. The basic factors that gave it strength, speed, reliability, convenience, and price, are one by one being eaten away. Not very much at first, it is true, and not everywhere. But the signs are all there. It is a trend that cannot be ignored.

In other words, I am saying that there is danger in building planes if the ground facilities cannot meet their needs. And there is danger in building ground facilities that are not in balance with the needs of the community. It is, as I say, all part of an incredibly complex system.

THE REVEREND D. M. BURKE APPOINTED CHANCELLOR OF ST. NORBERT COLLEGE

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. BYRNES of Wisconsin. Mr. Speaker, a prominent and highly respected educator in my district, the Very Reverend D. M. Burke, O. Praem, retired June 9 as president of St. Norbert College in De Pere to become chancellor of the college.

Father Burke has been largely responsible for the remarkable development and growth of the educational excellence and physical facilities of this fine college during the past few years.

Appointed president of St. Norbert College in 1955, the second president in the school's history, he has also been a vice president and an instructor in philosophy at the school. Chancellor Burke has also served as president and board member of the Wisconsin Foundation of Independent Colleges. He is also a past president of the Wisconsin Association of Presidents and Deans From Institutions of Higher Learning.

I am proud to say that it has been my privilege to work closely with Father Burke and to count him as a friend.

The Green Bay Press-Gazette newspaper paid tribute to the achievements of Father Burke in the following editorial, which I submit as part of my remarks:

ST. NORBERT PROGRESS AND FATHER BURKE

When the Rev. D. M. Burke relinquishes the St. Norbert College presidency in June, a significant and historic era in the college's history will end. Father Burke deserves deep and lasting credit for the school's unprecedented growth in quality and quantity during his tenure as its president since 1955.

The groundwork for this progress, although few may know it, was laid two and a half decades ago when Father Burke joined the college faculty as a philosophy professor and, subsequently during the period he served as vice president. It was during the depression ridden 1930s that he began to blueprint a program for St. Norbert progress which he has brought to fruition during the recent period under his leadership. It was during those early years that he made the first tentative plans and started the work which brought giant strides in faculty and physical plant improvements and expansion which are so evident today.

Father Burke's enthusiasm and his constant efforts and complete dedication to meet the challenges inherent in reaching the goals he had set for St. Norbert are well known in this community and far beyond it. He constantly-emphasized the importance and need of community support if the college was to fulfill what he saw as its primary responsibility—quality liberal arts education for students of Northeastern Wisconsin. The record is clear that individual and community support which has been achieved has been based on their awareness that the goals set by Father Burke deserve such support.

In his new position as chancellor of the college, Father Burke will no longer be directly concerned with the day-to-day administration of its affairs. But his new posiiton will offer him opportunities no less broad and important in scope to insure the future excellence of the college.

The financial pressures facing all higher educational institutions, the explosion of knowledge which requires more flexible and wide-ranging efforts in the whole area of the teacher-student relationships, the need for preparing students to cope with a more and more complex world and to give them a philosophy which they will need in such a world, all will require Chancellor Burke's future attention, planning and work since they are intimately connected with the very reason for the existence of St. Norbert.

As the driving force behind expansion in both the quality and quantity of the college during his tenure as president, Father Burke has earned an enduring and honored place in the history of St. Norbert. We are certain that future historians looking at the college during these times will mark it as "the Father Burke era." It has been a period when the college not only geared to the demands of the times but also during which a solid groundwork was laid for a continuation of a program toward greater excellence and with this a significant and important role in the community and area.

Father Burke deserves a "well done" for his leadership as St. Norbert president and best wishes in the challenges of his new position as chancellor.

HON. JOHN M. VORYS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. FEIGHAN. Mr. Speaker, our late colleague, John Vorys, was a Member of this body when I came to Congress, and I became well acquainted with him and knew of his dedication to his constituents. I was saddened to learn of his passing. John Vorys had a distinguished career in the House of Representatives and he was a statesman in every sense of the word. He held the respect of his colleagues, he lived a full, active, and purposeful life, and applied his talents and energies to the good of the people—not only those in his congressional district, but in his State and the Nation. He worked intelligently and tirelessly, and while he was a friendly and congenial gentleman, he was likewise a serious and conscientious legislator. He was a gentleman of scholarly attainments who stood and fought courageously for the things in which he believed. John Vorys was proud of the confidence his constituents placed in him by returning him to Congress over a period of 20 years, and he was never too occupied to listen to their personal problems and try to help resolve them. He justified the confidence his constituents placed in him by rendering the highest caliber of service in his body.

To Mrs. Vorys and members of the family, I extend my deep and profound sympathy in their sorrow.

HAPPY BIRTHDAY, MR. PRESIDENT

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. HAYS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Cincinnati Enquirer of August 27, 1968. It is a very perceptive editorial on the burdens of President Johnson and his place in Presidential history.

HAPPY BIRTHDAY, MR. PRESIDENT

American political history, we suspect, offers no more cogent example of the fickleness of public favor than the shifting fortunes of Lyndon B. Johnson.

Precisely four years ago, President Johnson stood as high in the esteem of his fellow citizens as any figure in the nation's past.

He had been accorded a ringing ovation by his party's convention in Atlantic City, along with its unanimous nomination for a full term in the White House.

Behind him lay one of the most imposing records of legislative achievement in Congress' memory.

Still ahead of him lay the most smashing electoral triumph in the nation's entire history—surpassing even those of Warren G. Harding in 1920 and Franklin D. Roosevelt in 1936.

Today, by way of contrast, it has become close to impossible for President Johnson to make a public appearance, save when his movements are shrouded from public knowledge until the last moment.

Contemporary Americans, perhaps, are too close to the remarkable and dramatic events of the last four years to offer a definitive explanation of the President's seeming fall from public favor. That kind of judgment must await the long and dispassionate view of objective historians.

Yet it is not too early, we believe, to conclude that President Johnson, though vulnerable, like every other mortal, to challenge and disputation, has fallen far short of meriting the furious and frequently scurrilous barrage unleashed against him.

Indeed, we suspect that the postures that seem to have earned him the uncompromising hatred of the foul-mouths and the flag-burners and their patrons are the very postures that have earmarked him for an honored niche in the history of our times.

Eighteen months ago, in this space we likened the besieging of President Johnson's reputation to the strikingly similar attacks on Abraham Lincoln just over a century before. Our sentiments on February 12, 1967, come very much to mind as Mr. Johnson's party, in convention assembled, determines whether to endorse, to repudiate or to sidestep the most fateful decision of his administration.

That editorial said, in part:

"If Lyndon B. Johnson is a contemplative man—and what President, in his moments of solitude, is not?—he must see parallels between this moment in history and the darkest month of the Civil War.

"Once more the United States is embroiled in an unpopular war. It is a war that Mr. Johnson's predecessors figured—like the romanticists of 1861—could be easily won.

"But fate has made it otherwise. It has become, in terms of life and treasure, one of the costliest in our history.

"And Mr. Johnson's war—like Mr. Lincoln's—has been rendered all the more difficult by the failure of many Americans, or their refusal, to grasp what is actually at stake in the jungles and rice paddies of Southeast Asia.

". . . Just as Mr. Lincoln's party sought to overturn him only months before Election Day, so Mr. Johnson finds growing restiveness in his own party about his prospects for the future. Indeed, Mr. Johnson finds himself dogged by a veritable cabal.

"It is the same cabal that condemned President Truman for daring to interfere with the communization of Greece and Turkey, the same cabal that insisted that he be dropped from the Democratic ticket in 1948.

"It is the same cabal that condemned President Eisenhower for daring to stand by the islands off the shores of Communist China—despite the dictates of 'world opinion' that we back down.

"It is the same cabal, in short, that has badgered and belittled every public figure who has chosen a course other than conciliation, negotiation, compromise and surrender.

"Mr. Lincoln knew that peace was attainable at any moment provided he was willing to purchase it at the price of surrender. Mr. Johnson knows the same. Mr. Lincoln, happily, chose the hard path to peace. And so has Mr. Johnson.

"We have frequently found fault with Mr. Johnson's policies, both foreign and domestic, and undoubtedly we will continue to do so.

"But on the great and pervading issue of Vietnam, we have nothing but admiration for the totality of his commitment to his chosen course—a course, we believe, to which there is no honorable or workable alternative.

"Mr. Johnson's reward for his steadfastness has been many months of darkness. He has known assassins as real as those who sought time after time to cut down President Lincoln—first through vituperation and finally through murder."

Lyndon B. Johnson observes his 60th birthday today only months away from his retirement from a political career that has spanned a full generation. We wish for him many years of contentment and reflection, and we predict for him an ultimate vindication of the policies that lesser men have used to blacken his name.

NEWS AND RIOTS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MOSS. Mr. Speaker, without casting dispersions of misconduct on the news media as a whole, I submit to my colleagues' attention some interesting observations which appeared in the September 3 edition of the Sacramento Bee, entitled "News and Riots."

The editorial follows:

NEWS AND RIOTS

Some of the television and news media in Chicago apparently did not read the Kerner commission's report on disorders in the cities, or else failed to heed one of its findings.

The commission criticized certain media for helping to stage, as it were, the outbreaks which struck Detroit, Newark and other cities, by setting up TV equipment on the prospective scenes in advance and by prior news stories on expected rioting which seemed almost an invitation to violence.

In Chicago in the weeks before the Democratic National Convention, according to a report by Richard L. Strout. correspondent for the Christian Science Monitor, at least one newspaper published "blueprints of all the ways that sabotage might occur."

Some of them listed by the Chicago newspaper included poisoning the city water supply, strewing streets with nails, dynamiting natural gas lines and "a mass stall-in of old jalopies on the expressways."

So filled was the Chicago atmosphere with expectations of violence, Strout reported, that there was the feeling everyone would "look silly" if it did not come off.

And in fact it did come off, before the carefully prepared batteries of the network television cameras, resulting in a mass traffic tie-up for downtown Chicago at the height of the convention and the consequent iron-handed suppression of demonstrators by the Chicago police.

The news media did not cause the violence, true. But certain segments of it cannot escape Strout's accusation of almost encouraging it.

CONGRESSMAN STEIGER REPORTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report to my constituents in the Sixth District:

WASHINGTON NEWSLETTER—AUGUST, 1968

HIGHER EDUCATION AND VOCATIONAL EDUCATION

DEAR FRIEND: Two of the most significant pieces of legislation passed by the House during the 90th Congress have been the Higher Education Act Amendments and the Vocational Education Act Amendments. As a member of the House Education and Labor Committee which recommended these bills, it was a privilege to participate in the hearings and in the drafting of both measures.

Adoption of the *Higher Education Act Amendments* will assure continuation of our basic student aid programs. It also extends the Higher Education Facilities Act of 1963.

For 1969, the financial authorization for higher education is not the largest sum ever authorized. Actually, the bill reduced some of the authorizations from that which was authorized for fiscal year 1968.

There is generally a reduction to the level of the budget request because of the serious fiscal situation. It is unwise, however, in my judgement to decrease the authorization for construction of education facilities. The numbers of young people who are now reaching college age, and who will attend an institution of higher education increases every year. If we defer in meeting their needs, their opportunities are lost forever.

The young men and women who are learning to work with their hands as well as their heads were given much needed new tools and resources when the Congress passed the "*Vocational Educational Amendments of 1968.*"

I am gratified to report that the vote on this bill, H.R. 18366, which I was proud to cosponsor was unanimous.

With the passage of this bill, vocational-technical education in our country was given the vote of confidence it deserves in its capacity to meet urgent national needs.

But, even more importantly, the unanimous vote in both houses of the Congress is a mandate for a new course in the vocational-technical educational field.

Both of these bills are of particular importance to Wisconsin's sixth district because of their effect on existing programs.

AGRICULTURE MEASURE MODIFIED

On July 31st, the House of Representatives passed a one-year extension of the Agriculture Act of 1965. I supported that measure which passed 215 to 176.

Prior to consideration in the House, I had reservations as to the value of continuing the Act for even another year. This program has been mismanaged and has had an overall negative effect on our nation's farmers. This year, in fact, parity, which is the measure of the farmers ability to compete for goods in the market place, dropped to its lowest point in many years.

There is nonetheless one reason why I supported a one-year extension of the Agriculture Act:

A significant change was made in the present program one which I strongly supported.

This change will limit subsidy payments made to farmers to $20,000 per year. In the past, some farmers have received as much as $1 million from the federal government in payment under the Agriculture Act. Five, in fact, last year received more than a million dollars in payments and an additional 15 got more than $500,000. The amendment which I supported will eliminate such large payments.

On my latest district questionnaire, the results of which appear on the back page of this newsletter, 74 per cent of the respondents favored limiting federal agriculture payments.

During the debate of this legislation in the House I discussed one of the most glaring inequities found in the 1965 Act during a colloquy with one of my colleagues:

"Mr. STEIGER of Wisconsin. If the gentleman will yield further, the producer payments for cotton in 1967 were $935,000,000. The farm value of production for cotton in 1967 equalled $925,000,000. Now, it would appear to me that no matter how you cut that cake the cotton producer is receiving subsidy payments from the Federal Government in excess of the farm value of production on crops. If I were to take this into the dairy industry we would be paying the dairy producers a subsidy of $5 billion to equal the farm value of crops produced."

RÉSUMÉ OF THE APPROPRIATION BILLS FOR 1969

The House and Senate have completed action on eight of the 13 regular appropriation bills for fiscal 1969. These are: Treasury-Post Office; Interior; Legislative; Public Works; Agriculture; State, Justice, Commerce, Judiciary; Transportation; and District of Columbia.

In the eight bills, we considered budget requests for new budget authority of $19.9 billion. We made reductions of $2.6 billion. That cut in new requests would translate into reductions from the 1969 budget estimates of expenditures in 1969 of about $1.1 billion. This would count toward the $6 billion expenditure reduction goal as provided in the tax expenditure reduction bill.

There are five bills pending. Two are in conference, the independent offices—HUD bill and the military construction bill.

One of the five bills, for Labor—HEW, has been reported in the Senate.

The largest of the session, the Defense appropriation bill, is reported and is pending House floor action. The Appropriation Committee's recommendation is a little over $72 billion or a reduction of almost $5 billion from the President's recommendation. We cannot proceed with that bill until the conference report on the defense authorization bill has been cleared.

One bill, foreign assistance, is yet to be reported. We are also awaiting clearance of the related authorization bill.

As to new budget authority requests for fiscal 1969, the House has cut $11.6 billion on 12 bills, including the reported version of the Defense bill—considerably above the

$10 billion reduction goal in the tax expenditure reduction bill.

The foreign assistance and the closing supplemental bills, when reported, will bring the total House reduction in new budget authority requests probably close to $13 billion—perhaps a bit less. That would be, roughly, $3 billion above the tax bill requirement of $10 billion in respect to new budget authority requests for fiscal 1969.

As to expenditures, rather than new budget authority, the best estimate at this time is that in the 12 bills, the House will have reduced budgeted expenditures for 1969 by about $3.7 billion. That figure should approach $4 billion when the other two bills, foreign assistance and the closing supplemental, are reported.

Best regards,

WILLIAM A. STEIGER,
Member of Congress.

THREE MARYLAND GI'S KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. LONG of Maryland. Mr. Speaker, Sp4c. John C. Davis, Sp4c. Michael O. Hardesty, and Pfc. Rayner E. Williams, three fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

THREE MARYLAND GI'S KILLED IN ACTION: WERE RIFLEMAN, AEROSCOUT, WEAPONS SPECIALIST

Three more Maryland soldiers, including a second-generation career soldier on his second tour of duty in Vietnam, have been killed in action there, the Defense Department reported yesterday. The three are:

Army Spec. 4 John C. Davis, Jr., 26, the son of John C. Davis, Sr. of Bel Air, and Mrs. Doris M. Davis, of Columbus, Ohio.

Army Spec. 4 Michael O. Hardesty, 21, the son of Mr. and Mrs. Bernard O. Hardesty, of Galesville.

Army Pfc. Rayner E. Williams, 20, the son of Mr. and Mrs. Edward Williams, of the 2400 block Calverton Heights avenue.

Private Williams, a rifleman had been in Vietnam only a month, was killed in an early evening battle Friday outside Ban Me Thuot, the Pentagon reported.

FROM EDMONDSON HIGH

Private Williams, a 1967 graduate of Edmondson High School, was a factory worker before he joined the Army last February.

He is the only child of Edward and Dora Williams.

Specialist Hardesty, who had been in South Vietnam since February and in the Army a year, was killed Friday by sniper fire as he stood guard at his company's camp near Chu Lai.

He was a member of the 21-man Aeroscouts Company of the 123 Airborne Battalion. The six-month-old unit uses helicopters to seek enemy forces in search-and-destroy missions.

"Michael was very proud of his work. He thought it was a very significant contribution to what the Army is doing," his mother, Mary, said yesterday.

Specialist Hardesty, who was to go to Thailand later this month for a week of rest and recreation, was a graduate of Southern High School in Lothian and had attended Anne Arundel Community College and Baltimore University.

In addition to his parents, he is survived by three brothers, Thomas A., Bernard O. Jr., and Joseph J. Hardesty, all of Annapolis, and a sister, Mrs. Martha Baker, of Galesville.

BROTHER BRINGING BODY

Specialist Davis, who returned to South Vietnam in May for his second tour there, was killed Aug. 30 while on a combat mission in Vietnam's central highlands, according to the Army. He was reported missing at first, but his body was recovered the next day.

A nine-year Army veteran, Specialist Davis had first served in Vietnam from October, 1966, to September, 1967.

Born in Lima, Ohio, he attended school in Columbus before joining the Army.

In addition to his father, who was also a career soldier, Specialist Davis is survived by his mother and a brother, Army 2d Lt. Michael L. Davis, stationed on Okinawa, who is escorting the body to Arlington National Cemetery for services later this week.

THE AMERICAN CITY: CIVIL DISORDER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of my weekly radio broadcast to Ninth District residents:

THE AMERICAN CITY: CIVIL DISORDER

All Americans are troubled by the terrifying and costly wave of riots, looting, and burning which has swept nearly all of our major cities in the past five years.

No good can come from such violence. No justification is acceptable for it.

So as a nation we cannot accept the continuance of such disorders. As a nation we will not tolerate it. The law will be enforced. The peace will be kept.

But the fact remains that reliance on force alone to maintain law and order is, in the final analysis, a hopeless course. No show of force mounted has prevented a riot in any major city.

For that reason, and for the more compelling reason that the conscience of the majority of Americans tells us it is right, this nation must also combat the root causes of civil disorders.

To do so will cost money from private and public sources. But dollars invested in soundly conceived housing is a real investment in the future—it provides jobs now and decent shelter later—and tax revenues for a long time to come. But money spent on force to simply control riots—is just that—spent.

Dollars spent on education produce trained workers. Dollars invested in job training and better job opportunities produce new wages. A Detroit employment project which cost $788,000 changed 1500 jobless persons into 1500 employees who earn four million dollars a year and who pay $650,000 in taxes.

In short, it makes good sense to spend the money necessary to give our ghetto citizens an equal chance to become productive, taxpaying citizens.

The promise and prestige of a great nation have always been measured by the greatness of its cities.

Ancient Greece was Athens; the Roman Empire was Rome; Elizabethan England was London.

The cities of the world are the monuments of a civilization—the seat of man's creativity and the depositories of his greatest achievements.

Yet to speak of a major American city today is to speak of riots, apathy, disorder and destruction, tenements and ghettoes.

At the turn of the Century Lincoln Steffens was writing about the "shame of our cities." And today our cities still shame us.

SECTION I: THE CITY TODAY

Urban America is a product of at least four conditions . . . the result of four long-term trends.

A. A rapid concentration of population in urban areas. Today 70% of our people live on ⅓% of the land. In Harlem, the density of population in 1960 was more than 122,000 persons per square mile. If all the people in the United States were as densely populated as Harlem, the entire United States population could be accommodated on Long Island, New York.

B. This concentration of population is being fed by the migration of rural poor to urban slums. Every year approximately 800,000 persons leave rural America and head for our cities. And it is estimated that a thousand displaced farm workers pour into Watts every month.

C. American cities are becoming more and more black and more and more segregated. Three of America's major cities are now more than 50% black. And, by 1985, at least 10 more of our cities will be predominately black. And while black people are moving to the central city, white people are moving to the suburbs, leaving the central city a black ghetto.

D. Concentration of people in our cities, particularly the disadvantaged, has caused an enormous increase in the need for local public services. But as a result of the population shift of the postwar period, concentrating the middle class in residential suburbs while leaving the poor in the central cities, the increasing burden of municipal taxes, frequently falls upon that part of the population least able to pay them. And, thus, local expenditures have significantly outraced local revenues.

SECTION II: CIVIL DISORDER

In addition to these long-term trends, during the past five years, a new reality has developed in our cities—the loss of life and the destruction of property as a result of urban riots and civil disorders.

A. In the first nine months of 1967, the President's Commission on Civil Disorders counted 164 civil disturbances in America.

B. Of the disorders studied by the Commission, significant property damage took place in Detroit (40 to 45 million dollars) and Newark (10 million dollars) and in Washington, D.C., this year, civil disturbances resulted in 13 to 15 million dollars worth of damage. And all these cost estimates exclude the additional administrative expenses incurred by federal, state, and local governments during these crises.

SECTION III: THE CAUSES OF CIVIL DISORDERS

The Riot Commission Report outlined four basic causes of urban unrest:

A. Racial prejudice in America. Racial prejudice has excluded large numbers of black people from the benefits of America's economic progress and has confined them in segregated housing and public schools.

B. Lack of jobs. Unemployment rates for black men are double those of white men, and those jobs open to black men often involve substandard wages, instability and uncertainty of tenure, extremely low status, and little or no chance for advancement. In addition, economic incentive is often lacking for black workers. On similar jobs with the same education as their white coworkers, black men earn only about 75% of the white man's salary.

C. The conditions of the ghetto. On every indicator of social well-being, life in the urban ghetto is inferior. Crime is higher, education is inferior, life expectancy is shorter, more mothers and babies die, medical treatment is inferior, and sanitation facilities are inadequate.

D. A sense of hopelessness and powerlessness. Particularly among the young black ghetto dwellers there is a growing sense of frustration and powerlessness that the white government, white politicians, and white businessmen won't respond to their just desires and legitimate needs. Indeed substantial numbers feel that the entire American bureaucracy from the welfare agency to the police department is out to crush them.

SECTION IV: THE PROBLEM

America is thus faced with the immediate, but hopefully short-term, problem of forcefully and finally controlling and stopping urban riots, and at the same time America is faced with the long-term problem of preventing and eliminating the conditions within our central cities which breed violence and disorder.

SECTION V: RECOMMENDATIONS FOR THE CONTROL OF CIVIL DISORDER

Government's response to civil disorders should be based on these two clear principles.

A. Vigorous, prompt, and unyielding enforcement of the law should be the government's first response to any disorder.

B. Law enforcement, including the control of civil disorders, is and should remain, primarily a local responsibility. Although the federal government should promptly provide whatever assistance is requested by local governments in time of emergency to control civil disorders, this country cannot accept a garrison state, a national police force, as a tolerable means to keep the domestic peace.

Based on those two principles, I believe this country should respond to civil disorder with the following policies.

A. At the first sign of impending trouble, the city should be placed under a strictly enforced curfew. Across the country, the curfew has been demonstrated to be a police department's greatest aid in restoring civil order because a curfew leaves only the troublemakers in the streets.

B. Training all local, state, and federal law enforcement officials, including the national guard, in riot control, and then at the first sign of trouble immediately, without hesitation, dispatch overwhelming numbers of police and troops to the riot scene. Large numbers of troops, practiced in restraint, are the best strategy of riot control.

C. Troops and police should have substantial leeway in the use of tear gas.

D. Local officials should emphasize putting out fast, detailed, and accurate figures on arrests, fires, injuries, and deaths to avoid rumors and to reduce panic.

To aid in implementing this general policy, the Federal government should do all it can and Congress should make available whatever funds necessary:

A. To provide for police training in riot control.

B. To make federal troops available immediately to local and state governments and to move additional federal troops into nearby standby areas for quick additional support.

C. To aid in the training of all national guard personnel in riot control.

D. To provide for the purchase of, and the experimentation with, new equipment and new chemical techniques to control disorderly mobs.

SECTION VI: RECOMMENDATIONS FOR THE LONG-TERM CONTROL OF CIVIL DISORDERS

A. If America is to ultimately eliminate violence in its cities, this nation must provide jobs, and the necessary job training, so that every American who wants to work can work.

B. Provide quality education for all those who want to learn for as long as they want to learn.

C. Provide modern, low-cost housing both in and out of the ghetto for those who are now trapped in the central city space.

In short, this nation must make a commitment to revive and to rebuild its great urban centers by attacking the root causes of violence.

The challenge of America's cities summons us all. No single program and no single part of society can respond to it effectively. The problems are so vast that the answers can be forged only by responsible leadership from every sector of national life—public and private, business and labor, religious and volunteer.

But like the civilizations of the past, how America responds to the crisis of its cities, will determine America's place in history.

For today, more than other times, the home of man is the city. And the true test of man's condition is the condition of his home; and at home a man must find promise and peace.

NETWORKS SLANTED CHICAGO COVERAGE OF DEMOCRATIC CONVENTION

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, like many citizens who watched the Democratic Convention on television I was shocked with the blackout of the nominating speeches for President and Vice President.

An excellent report on TV coverage was given in the Drew Pearson-Jack Anderson column last Friday. With permission of the House, Mr. Speaker, I include the column with my remarks:

NETWORKS SLANTED CHICAGO COVERAGE

(By Drew Pearson and Jack Anderson)

This is a column which will make a lot of TV executives sore. It may also make some viewers skeptical about the TV coverage of the recent Chicago convention.

We attended both political conventions and witnessed violence in both Miami and Chicago. Outside agitators came to both cities to foment trouble that they hoped would attract the spotlight and tarnish the U.S. image.

Anyone who watched the two conventions on television might think that Chicago was exploding with violence while Miami was comparatively peaceful.

Yet in Miami, six persons were killed and the riot area was put under curfew. In Chicago, sniper fire was reported, but only one policeman was wounded. A bullet also hit a bus. The outbreaks never became serious enough to require a curfew.

After the Miami Beach convention we reported that the TV networks, angry over the $3 million it was costing them to pull up their cables and transfer everything to Chicago, intended to retaliate by focusing attention on Democratic "disturbances."

The networks got their revenge. In Chicago they played up the violence which they had virtually ignored in Miami. They complained about tight security restrictions, which, incidentally, had also been imposed by the Republican Convention. They sought out the dissidents and featured them while the Democratic orators were expounding.

TELEVISION'S JOB

This raises two important questions about the role of TV at the Democratic Convention.

1. Did the TV cameras help incite the violence? There is little doubt that the provocations were planned largely for the benefit of television. We stayed at the Conrad Hilton Hotel, which was the center of most of the trouble. During the disturbances we mingled with the hippies and yippies. We found almost no action outside the circle of the TV kleig lights. Aside from some shouting and surging, little was happening in the darkness.

2. Did the TV networks make news? There is evidence that the TV networks, perhaps in their eagerness to generate high ratings for TV sponsors, encouraged dissidents to make inflammatory statements and helped to stir up controversies. When the networks sell convention time to cigarette and oil sponsors for several million dollars, they have to keep up the viewing interest. One way of doing this is to pick fights, stimulate excitement, interrupt dull speeches and rollcalls. Once, the sound was switched on before the cameras focused on a TV newsman about to interview a prominent Democrat. The interviewer was overheard coaching his subject: "Let's keep this Kennedy story going."

The TV networks also presented an outrageously biased picture of the events in Chicago. They gave the impression, for instance, that the police were beating up innocent young people who had come to Chicago for peaceful demonstrations.

Certainly, the police were too zealous in swinging their billy clubs, and a lot of innocent people were hurt.

HIPPIE HECKLERS

But the TV networks scarcely mentioned the provocations that finally made the police lose their tempers. The hippies shouted obscenities, hurled rocks and bottles, sprayed police with caustic chemicals, damaged police cars and generally defied police orders.

One group tore down the American flag and tried to raise a Communist flag in its place. Other agitators waved red flags and North Vietnamese flags. A couple of demonstrators slammed a huge chunk of cement through the window of a police car. Others stoned police cars, tossed cherry bombs and stink bombs, smashed windows, broke into liquor stores.

Jerry Rubin, the yippie leader, cried through a bullhorn for violence against the police, whom he called "pigs." Black Panther leaders, taking the stump in Lincoln Park, urged the demonstrators to break up into small groups and go on a rampage through Chicago's Loop. Other agitators made speeches that sounded like Radio Hanoi and Radio Peking.

The same night that police began cracking heads, 70 policemen were also injured. Several officers had to be hospitalized. By the end of convention week, 118 officers had been hurt.

This was a side of the story that the TV networks largely ignored.

We reported that the leaders ranged from Communists and anarchists to sincere pacifists. They were directed loosely by the National Mobilization Committee to End the War in Vietnam. The co-chairmen are Dr. Sidney Morris Peck, a former Communist, and David Dellinger, a pacifist who has been to Hanoi and is an apologist for Ho Chi Minh.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. SCHERLE. Mr. Speaker, this is the 232d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HUBERT HUMPHREY AND SOVIET ACCOMMODATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. ASHBROOK. Mr. Speaker, given the fact that Hubert Humphrey has been wrong on most of his foreign policy positions it is logical to ask what the American people could expect of him as President.

Fortunately, a recently published biography of the Vice President gives more than enough information to determine not only the forces which shaped the man and the politician but many of the early statements that molded this left-leaning inheritor of an administration into which he has been an incongruous fit.

Author Allan H. Ryskind, an editor of the Washington-based weekly, Human Events, notes that—

> As far back as 1945 Hubert Humphrey propounded a thesis of American foreign policy which even during those Soviet-accommodating days must have seemed rather startling.

This little-known speech is of major value for at least two reasons. It shows the stand of Mr. Humphrey at the time when the Russians were gobbling up Eastern Europe, and it also gives a backdrop against which we may judge the recent statements of the Vice President on questions such as the Soviet invasion of Czechoslovakia.

We have had a 4-year hiatus in the views of Hubert Humphrey. As Mr. Ryskind makes clear, during this time he has been a mouthpiece for the President, a concession which was essential to his selection as running mate.

We are now faced with a candidate who has made his career on one basis and lived for 4 years as advocate of another. There is a better than average chance that Mr. Humphrey will choose the best of these two worlds for his campaign attack and then revert to the old, historic, Hubert, if, by some stroke of national misfortune, he should be elected President.

The "old" Hubert is indicated in the unfortunate statement of 1945 which found him holding that: We should not be alarmed over differences with Russia; that regeneration of "rightest" governments was a greater danger than communism; that the best assurance of a cooperative and peaceful Russia is the establishment of an international organization strong enough to guarantee the peace. In addition, Mr. Humphrey listed several "wants and needs" of Russia. He believed that none of them "are in any way impossible of solution, and all of which fit very nicely into a more secure and stable Russia."

Mr. Humphrey was at that time more than willing to concede these "wants and needs."

The question today is one of putting contemporary problems into the context created by a statement such as this. The question then becomes, Who needs him? Certainly not the American people. Certainly not the people of these enslaved Baltic and Eastern European States.

I insert a portion of this chapter into the Record at this point. The statement is attributed to a copy of the East Minneapolis Argus which contained a digest of the speech in its edition of January 12, 1945. Mr. Ryskind's book is published by Arlington House:

CHAPTER FIVE

THE FIRST RUN

> Speaking before the men's club at Minneapolis' First Congregational Church on January 8, 1945, Hubert Humphrey propounded a thesis of American foreign policy which even during those Soviet-accommodating days must have seemed rather startling. Though at this time the Allied armies were battering the Nazi forces into submission, Humphrey warned that a reemergence of new "rightist" governments was the clear and present danger now haunting Europe. Communism, he felt, was not much of a threat at all. The way to deal with the Soviet Union? Humphrey suggested that the United States put its stamp of approval on the U.S.S.R.'s aggressive appetites in Eastern Europe. He explained:
>
> The closer the United Nations come to victory the more obvious and apparent become some of their differences. We have always had these differences and there is no reason to believe that the war would minimize them. I do not believe that Americans should be unduly alarmed over minor differences with Russia. If it will be but remembered that it was not until 1933 that we even recognized the Soviet Union as a state, and that bitterness through misunderstanding and deliberate perpetration of falsehood has been the pattern between Russia and America, then it becomes more obvious why differences may occur. I would say that we have to keep in mind what Russia wants and needs. I would list them in this manner:
>
> A practical program of collective security as outlined in the Dumbarton Oaks proposal, establishing the Security Council.
>
> Border states which are friendly to the Soviet Union and governments in those states which will not serve as agents of anti-Soviet forces.
>
> An outlet into the Mediterranean.
>
> A rectification of her boundaries with Poland and Rumania.
>
> The inclusion of the Baltic states into the Soviet Union.
>
> I would say that these are the major demands of the Soviet Union, none of which are in any way impossible of solution, and all of which fit very nicely into a more secure and stable Russia.
>
> It is to be remembered that Russia has been living in a society opposed to its institutions of government and economics. Russian leadership has been fearful. This psychology of fear has motivated her to be highly nationalistic, sensitive and at times, militant. The answer to a fear psychosis is the establishment of conditions which promote and guarantee security.
>
> Russia, more than any other major power because of her past history and because of evidence of intrigue against her, is going to demand conditions of security and obtain them, even if she has to do it through a system of alliances and outright absorption of neighboring states. The best assurance of a cooperative and peaceful Russia is the establishment of an international organization strong enough to guarantee the peace.
>
> The major political danger arising in Europe is not that of communism but is rather the greater danger of the old Rightist ruling forces of the past seeking to dam up the change that is certain to sweep over the continent. . . .
>
> It appears that Europe is going to the Left. This does not necessarily mean communism or socialism, but it does represent a revolutionary change in the thinking of a great part of the people. It means that in the old world purely private and monopolistic, capitalistic enterprise is losing ground.
>
> I think the best example of this whole movement can be found in France's De Gaulle, who symbolized to a great extent the movement toward the Left. Before that, DeGaulle was a member of the French military hierarchy. He was even reported to have been a Royalist, yet today DeGaulle's statements reveal that he is capable of accepting the nationalization of French key industries. Even the conservative mind in France feels that DeGaulle's program of nationlization is acceptable. . . .
>
> Humphrey had been a political science instructor at both the University of Minnesota and Macalester College during the 1940's, but this speech hardly reflected glory on his teaching abilities. History has demolished his outspoken belief that communism was not the major threat to Europe during those times. There was, furthermore, something callous in Humphrey's suggestion that the West should approve the Soviet Union's incorporation of the Baltic states and large slices of Poland. As a self-proclaimed liberal, shouldn't Humphrey have been as strongly opposed to Stalin's aggressive designs as to Hitler's? Neither the Baltic states nor Poland has revealed any enthusiasm for Soviet domination. In 1939, the Soviets had received assurances from Hitler, both orally and in the Nazi-Soviet pact, that there would be no opposition to Soviet seizure of the eastern half of Poland and the Baltic states. When the Soviets gobbled up the half of Poland bequeathed to them by Hitler, they cruelly suppressed the population and deported tens of thousands of Poles into the interior of Russia. They were scarcely less harsh in their treatment of the Baltic states. After trumping up charges of anti-Soviet activities, the Soviets sent the Red Army marching into these tiny nations in 1940. Waves of arrests, mass deportations and the cruel suppression of all opposition became the order of the day. Humphrey, however, didn't mind telling Minnesotians that it was best for the United States to endorse these Soviet actions.

AN HONEST ELECTION LAW?

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. WINN. Mr. Speaker, earlier this year I sent a questionnaire to my constituents in the Third District of Kansas. One of the questions was, "Do you favor legislation which would permit a portion of your Federal income taxes to be used to pay the cost of political campaigns?" Of those persons who replied, 84.5 percent said "no," and I agree.

Incredible though it may seem, legislation was introduced in the Senate under the misleading title, "The Honest Election Law" which would force a taxpayer not only to pay a political subsidy but to pay interest on money borrowed for such use.

The high cost of political campaigning is well known to those of us who hold office. Existing Federal law contained in the Hatch Act and the Federal Corrupt Practices Act needs revision to reflect current economic conditions. Limiting expenditures by a presidential candidate to less than $3,000,000 is hypocritical when admittedly the combined expenditures of Johnson and Goldwater in 1964 exceeded $33,000,000. It is further estimated that the 1968 presidential election campaign will be the most expensive in history. However, the revisions which I believe are needed, relate to disclosure and authorized expenditures rather than to developing a coercive system to soak the individual taxpayer. Yes, we need "honest election" laws, but we don't need a law that will force a taxpayer in Kansas to pay for the election of a Senator in New York.

NATIONAL HISPANIC HERITAGE WEEK

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PRICE of Texas. Mr. Speaker, I am happy that the House of Representatives has passed a resolution in which I joined to proclaim the week which includes Mexican Independence Day as National Hispanic Heritage Week.

The resolution, which would give recognition to the Hispanic influence in the role of Spanish surnamed persons in the U.S. history, was cosponsored by 19 other House Members including Representative HENRY B. GONZALEZ of San Antonio. It is in the tradition of our country to recognize, cherish and conserve the many cultural contributions of the people who have helped achieve the greatness of our Nation. It is high time that our immigrants and their descendants from Latin nations, as well as those citizens whose Spanish heritage and lineage within the current boundaries of the United States dates back to prepilgrim days, were honored in the same manner.

The resolution asks that National Hispanic Heritage Week include the dates of September 15 and 16 because of the fact that Mexican Independence Day and Independence Day of other Latin American countries are celebrated on those days. In the case of persons of Mexican heritage now living in the United States, huge celebrations are held in the Southwestern States celebrating the holidays that go relatively unnoticed outside of the community.

Texas, in particular, has a proud heritage of Spanish names in its history—explorers, missionaries, early colonists, and heroes of Texas' war of independence.

Many Texas towns and counties bear the names of these brave and resourceful pioneers—Hidalgo, Zavala, DeLeon, Lavaca, Navarro, and many others.

HemisFair in San Antonio, America's international exposition, is a tribute to the Spanish influence in America and an invitation to further friendship, trade and cooperation with our neighbors to the south.

In my own district, each county and community is proud of its Spanish-name citizens who are such an integral part of our agricultural and business economy. They are good Americans and today, as in other wars, many of them are serving in our armed forces. Proof of their devotion and bravery can be found in the fact that Spanish surnamed men in the U.S. Armed Forces have contributed a higher proportion of Medal of Honor winners than any other heritage group.

Mr. Speaker, I believe it is fitting and appropriate that this resolution recognizing and honoring the heritage of a proud people has been passed by the House of Representatives and will, I am sure, be quickly approved by the other body.

MIAMI FIRST IN BEAUTIFICATION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PEPPER. Mr. Speaker, it is with a great deal of pleasure that I inform my colleagues in the House that their next vacation trip to Miami will not be to merely one of the most healthy and bountiful beach resorts in the country, but also one of the cleanest.

Each Spring—as you know—Washington is the site of the National Cleanest Town Conference. More than 200 cities, large and small, from 41 States and Puerto Rico participated this year and vied for recognition as the cleanest city in their individual population brackets. Due to the distinctive labors of the city of Miami Beautification Committee, a volunteer group of civic minded and resourceful Miamians numbering some 350, the city of Miami was selected national winner for 1967 for its community program in the category of cities of more than 250,000 population.

The chairman of the Miami Beautification Committee is an outstanding attorney and banker in the Miami area, Mr. E. Albert Pallot. Though chairman of the board of Biscayne Federal Savings & Loan Association, Mr. Pallot has found the time to engage in numerous city improvement projects and is international vice president of B'nai B'rith.

On behalf of the Miami Beautification Committee, Mr. Pallot accepted the award from the Nation's First Lady, the gracious Mrs. Lyndon Baines Johnson, as more than 1,000 delegates from cities all over the Nation looked on.

The clean-up campaign that won the award included, in part, the collection of 88,000 pounds of aluminum cans. Cosponsored by the Miami Beautification Committee and the Reynolds Metals Co., the drive not only rid the city of tons of litter, but also netted a $2,000 profit for Variety Children's Hospital, which for a brief period had been in dire financial straits. Reynolds Metal Co. is to be commended for its role in the clean-up drive as the firm melt and sold the aluminum with the profits going to the hospital.

Other activities of the Beautification Committee included a massive extra trash collection program carried out by the city department of sanitation, block "clean up" parties, lot clearing, junk car removal and the annual parade down Flagler Street.

SPIRIT OF THE AMERICAN REVOLUTION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. SCHWENGEL. Mr. Speaker, George Nickolas, of Davenport, Iowa, has authored a moving article entitled "The Spirit of the American Revolution."

As a disabled American veteran, Mr. Nickolas has made an enviable record. He is a past State commander and has been selected as "Iowa's Outstanding Disabled Veteran for 1967."

I hope my colleagues in the House will be inspired as I was by reading Mr. Nickolas' article, which follows:

SPIRIT OF THE AMERICAN REVOLUTION

(By George T. Nickolas)

Some say that the greatest threat to America is Communism, others say that the greatest threat to America is violence and lawlessness from within, but my fellow Americans, I contend that the greatest threat to America is the general apathy of our citizens. Granted, Communism, violence and lawlessness are threats which should not be discounted lightly, but general apathy will permit these threats to erode our society.

Americans have developed an attitude and a desire not to get involved or participate. Many don't want to be bothered by the effort required to participate in any function. I wonder what this country would be like today if our forefathers had not gotten involved in starting our Revolution and carrying it through to its conclusion. Would we be able to choose who our elected representatives would be and what kind of taxes we should pay?

Remember, our Revolution set the stage for many other revolutions throughout the world that has changed the course of human events, and the United States of America and its form of Government set the example for the rest of the world to follow.

Not only did the United States set an example, but we became involved in the problems of the world. When our neighbors to the South were threatened, our Government drew up the Monroe Doctrine and prepared to back it up with force to insure that no foreign power would infringe on our Latin American friends' desire for a democratic type of Government. We tried to "Make the World Safe for Democracy" by getting involved in World War I, and we stopped the threat to democracy in World War II. But what have we done at home to make our country sound for democracy? Do we as citizens set an example for our children to follow?

A few years ago I met a man who I feel is a good example of our problem. I was canvassing a neighborhood to register voters for a primary election. I inquired of the man if he was affiliated with any political party, and he stated that he was a Democrat. He further informed me that he thought the greatest men that this country had were Franklin D. Roosevelt and Harry Truman. I asked him if he was registered to vote and when was the last time he voted. He informed me that he had never registered nor had he ever voted, but he added that he was a good Democrat!

He was not the only example that I have encountered, but he was one of the few that contended that they were of one political belief or the other. Let me assure you he was not affiliated with any party, because he had not become involved nor participated in any election. People like him are a serious blight to our society.

A good citizen of this free country must get involved in the election process. The minimum that we as citizens of the United States of America can do is to support the party of our choice, to promote our ideas in that party, to correct injustices by defeating elected officials who foster these injustices, and to vote for worthy candidates who offer themselves for election. Let us all strive to keep alive the spirit, the dreams, and the fruits of the American Revolution by voting in all elections and thus setting an example for our children and the rest of the community to follow.

HELP THE COURTS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. GUDE. Mr. Speaker, a group of my colleagues on the Committee on the District of Columbia feel strongly the need for additional judges on the District of Columbia Court of General Sessions and other District courts. The packed and overloaded schedules of these courts cause a slowing up of every stage of bringing an accused person to a judgment. If justice is rendered after a lapse of time in which an individual may commit more crimes, the entire purpose of our court system is distorted and negated. The effect of delayed punishment or the release of the innocent is particularly deleterious in the case of juveniles.

I, therefore, submit an editorial which appeared in the Washington Post this past Sunday, September 8, 1968, concerning prompt passage of S. 2439 in both the Senate and here in the House.

THE COURTS NEED HELP

The annual report of the Court of General Sessions is rather discouraging. Despite a major effort by its judges that reduced the Court's backlog of criminal cases by a third in the first half of 1967, a 40 per cent increase in the number of prosecutions in the last year has carried the backlog up again to where it was 18 months ago. At the same time, the concentration of the judges on criminal cases has meant that the backlog of civil cases has grown so much it now takes 24 months for the average case to be concluded after the issues are joined.

There seems to be general agreement among such diverse groups as the judges and lawyers, the Board of Trade, the city government, the bankers and the newspapers that the only solution to this congestion is more judges.

Pending before the Senate is a bill to add five judges to General Sessions and two to the Juvenile Court, as well as to increase the pay of judges in those courts by $4000 a year. Both the Senate and the House ought to approve this measure, despite opposition by the House District Committee, as one step they can take in helping end crime in the streets. The critics of the courts often cite long delays in handling juveniles and defendants as a major factor in encouraging criminals. Their argument rings hollow when they are unwilling to provide the judges necessary to eliminate the delays.

THE OTHER SIDE OF CHICAGO POLICE STORY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. EVINS of Tennessee. Mr. Speaker, the evidence continues to show that the Chicago police were subjected to extreme provocation before they arrested demonstrators in Chicago.

Miss Betty Beale, columnist for the Washington Star, and Mr. James J. Kilpatrick of the Washington Star Syndicate, gave their on-the-spot reports in a recent issue of U.S. News & World Report.

As these columnists point out, some of the actions of the demonstrators were revolting and repugnant to human decency—actions which were so revolting as to be almost indescribable and inconceivable to decent, law-abiding Americans.

Because of the interest of my colleagues and the American people in this most important matter, I herewith place the columns in the RECORD:

THE OTHER SIDE OF THE CHICAGO POLICE STORY

(NOTE.—Millions saw one side of the story on TV when violence flared in Chicago during the Democratic Convention. But what provoked rioting? Kept it going? Two veteran news writers, who were there, tell the policemen's side of the story in accounts below.)

BY BETTY BEALE, WASHINGTON STAR COLUMNIST

This columnist has just returned from Chicago—unbloodied, unpelted and even unbruised, thanks to the Chicago police.

It is time one member of the media gave the other side of the picture, because the public has the right to know.

Never has a law-enforcing group been more sorely tried. They received both bodily injury and unspeakably vile treatment from the hippies in Grant Park. Yet never at any time did I see policemen show more courtesy than the police of Chicago. Courtesy, of course, is only due people who show some courtesy themselves.

And, despite the difficult circumstances in which they had to maintain order, they managed to prevent fatal catastrophe.

We heard the word "overreacted" used a lot by commentators last week, and by busy politicians who were assuming that what they had been told was correct.

But if there was ever an overreaction to any fact of life during those seven days in Chicago, it was the overreaction of the media to any effort whatsoever to stop the hippies from the flagrant civil disorders and their disgusting disturbances of the peace.

Every time a newsman was hurt, the screams of protest went around the world, but how much was said about the newsmen who taunted the police or tried to get action for the TV cameras? A member of the Vice President's coterie heard two reporters having a great laugh in the coffee shop of the Conrad Hilton about how they agitated the Grant Park until the police started pushing them around.

Wyoming Senator and Mrs. Gale McGee and their two grown children walked over to the park to see for themselves what was going on, and they arrived when the changing of the National Guard troops was taking place.

Walking through a gang of hippies they saw two girls, one playing the flute. Then they saw a TV camera team lead the girls over to the exact place by the troops where they wanted them to stand. And when their cameras started to roll, the girl cried, "Don't beat me! Don't beat me!" It takes no imagination to figure how this contrived scene would look on the screens in millions of American homes.

In the Convention hall, Mrs. McGee said a youth of about 15 sat in front of them and clapped hard at everything said that he liked and shouted four-letter words at everything he didn't like.

Instead of just grabbing him and removing him, as the police would have done in most civilized places, the police asked him first to stop it. But he paid no attention to them, so "they had to take him out," said Mrs. McGee. The cameras probably caught the big policemen bodily forcing the mere youth to leave, giving the television viewer the idea he had done nothing to provoke such reaction.

And what, by the way, has happened to the news media that provocation is left out of, or played down in, story after story?

Most announcements or headlines told what the police did to the hippies but left out or skimmed over what the hippies did to the public or police.

Senator Daniel Inouye, of Hawaii, World War II hero and Democratic keynoter, said the hippies were throwing plastic bags of human excrement at the police and guards in Grant Park. They were also throwing rubber balls stuck with long nails aimed for the eyes. How would those commentators who thought the police "overreacted" have behaved if those things had happened to them?

For three straight minutes late Tuesday night, or rather early Wednesday morning, 3,000 hippies shouted in unison, directed by a leader, an obscene curse at the President of the United States. They were either cursing the police in the same way or calling them pigs. And I used to think that insulting an officer was against the law!

Why was an electronic amplifier allowed to remain in the park all day and night where obscenities were shouted until 4 a.m., I asked a police officer. There was a city ordinance against such use, he said, but if they arrested those using it they would only be fined and somebody might be killed in the process. If this wasn't underacting, what is?

Mayor Daley was constantly referred to on the air in slurring accents as the boss of Chicago. He may be, and he is responsible, no doubt, for some bad as well as some good. But Chicago is only one city.

Two famous TV commentators were bossing the presentation of slanted news that affected the minds of millions of Americans in hundreds of cities. As Liz Carpenter [press secretary for Mrs. Johnson] said at the women's luncheon Thursday, in all the talk of brutality there had not been "one word about the TV network brutality—the commentator clubbing" of the mayor.

When the mayor fails to do what the majority of the people in Chicago want, they can at least vote him out. But no vote can stop the bossism of the airwaves where editorializing has been substituted again and again for straight reporting. One NBC commentator virtually campaigned for Teddy Kennedy throughout Tuesday evening.

In the past I have been proud to be a member of the Fourth Estate, but after this past week I feel a burning inward shame. In my mind, freedom of the press has always been necessary to liberty. The Bible states it most beautifully: "Ye shall know the truth, and the truth shall make you free."

But how much truth and how much biased opinion are the people, and especially the youth of America, getting?

A clean, well-combed, pretty young girl for Senator McCarthy was one of five of us who shared a taxi to O'Hare Airport Friday, and the conversation turned to what the hippies had done to convert the serious business of nominating a presidential candidate into a circus of vulgarity.

Unbelievably, she stood up for the right of the Grant Park crowd to curse the President in four-letter words. She had no respect for the highest office of our land.

When one of the men blamed Tom Hayden [cochairman of the National Mobilization Committee to End the War in Vietnam and a founder of the Students for a Democratic Society] for leading the youth to such action, she said Tom was all right; he was a friend of hers.

I am not familiar with Hayden's record, but the fact that this young woman supported him and his undertaking indicated the truth had not reached her, as it is not reaching millions of young people.

Maybe the media had better ask itself why.

BY JAMES J. KILPATRICK, WASHINGTON STAR SYNDICATE

All week long in Chicago, while the Democrats pounded upon one another, the television networks pounded on Mayor Richard Daley. They left an impression of Ivan the Terrible leading a troop of Cossacks, and they wept that the "old pols" were out of touch with the flower of American youth.

The other side of the story scarcely got told at all. Permit a dissenting word.

I spent most of the four days at Chicago mingling with the hippies and yippies, at Grant Park, Lincoln Park and the seedy old Coliseum where they held their "antibirthday" party for Lyndon Johnson on Tuesday night.

Let us abandon the addleheaded notion that these youths are innocent idealists, dedicated solely to protesting the war in Vietnam. In the usual sense of the word, they are not even "revolutionaries," for they have no particular leaders or programs they propose to place in power.

They are at bottom simply nihilists, dedicated to destruction for the sake of destruction. In their disregard for the rights of other Americans, they are as ugly and as evil as any gangster mob. They came to Chicago, it was said, to protest the war; they were described as "protesters" and "demonstrators." They were standing on their First Amendment rights.

Very well. This means freedom of speech; this means the right of the people peaceably to assemble. How did they manifest the right of free speech? Hour after insolent hour, they stood in the parks shouting obscenities at the police a few feet away. They had a chant going: 'Pig, pig, fascist pig!" They cried "Oink, oink!" and "Soo-ee!" The taunting never ceased: "Whyn't ya hit me, ya bastard? Go on, hit me!"

Grant Park is—or was—a pleasant little park on Michigan Avenue. They made it a shambles. They tumbled into blankets just off the walkways, making love, not war; they urinated against the park's back wall. The hippie girls never seemed to mind. They scrawled their favorite four-letter words on benches, lamp posts, and barricades. Their one purpose was to provoke violence.

At last they succeeded. Considering the outrageous nature of the sustained provocation, the Chicago police displayed fantastic patience. And considering the number of demonstrators who were involved, the incidents of actual police brutality were astoundingly few. In the process, more than 50 police officers were injured, some of them critically. You got no hint of this from the networks.

In retrospect, it is clear that Daley's security precautions were fully justified. I was there, in the middle of it; and, like a lot of others, got a nose full of tear gas and a couple of bruises the size of a saucer. If the police and troops had not done their job, these plug-ugly scavengers would have torn the Hilton Hotel to the ground. As it was, they set off stink bombs that made the lower lobbies smell like vomit. Free speech?

Where does the appalling notion arise that the demonstrators are right and the police are wrong?

Granted, a great number of the youngsters caught up in this nihilist cult are utterly sincere in their view on Vietnam. Granted, too, that Mayor Daley made an ass of himself in many ways. I am as burned up as any other working reporter at the assaults by police on newsmen. But these points of view have been ceaselessly expounded for the past 10 days. Almost no one has said thanks to the mayor and thanks to the cops. I do.

EXCERPTS OF SPEECH BY GOV. RONALD REAGAN, SACRAMENTO HOST COMMITTEE BREAKFAST, HOTEL EL DORADO, SEPTEMBER 6, 1968

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. UTT. Mr. Speaker, Gov. Ronald Reagan, of California, in 18 months after taking office, changed the State's fiscal picture from one of a half-billion-dollar deficit to money in the bank, as a result of the greatest job of government housecleaning in history. During this time, the population of California increased by 600,000 people, yet there are fewer employees than at the beginning of his term. The Federal Government's increase of 95,000 employees, in a couple of months' time after a congressional mandate of economy, takes on a fiscal odor by comparison.

Governor Reagan implemented recommendations of his appointed high-level task forces to save hundreds of millions of dollars annually, and is proceeding with the implementation of a large number of additional recommendations for added savings with quicker and better service to the California citizens.

When one State, albeit the largest populationwise, can achieve such efficiencies and relieve the burden of the taxpayer, the executive branch of the Federal Government should study Governor Reagan's activities and emulate him to bring fiscal sanity to the country. Savings of much more than the mandatory $6 billion budget cut can be obtained while providing for the common welfare with greater effectiveness. Governor Reagan's report follows:

Last year I told you about our task forces. I told you how nearly 300 of the state's top executives gave up their jobs—fulltime—for six months or more to come to Sacramento and tell us how we could streamline government; how we could make it serve the people better at a price they could afford to pay.

Well, today, I can tell you they succeeded beyond anything even I thought was possible—and I am an incurable optimist about these things. I know we can make government function better and more efficiently, and I know the people expect us to make it do just that.

Let me tell you some of the things we have done—acting on task force recommendations.

The Office of Health Care Services, which is responsible for the operation of our state Medi-Care program (which we call Medi-Cal) recommended a computerized system of control to prevent duplicate payment of claims. Just Wednesday we were able to tell Californians that this new system has saved Californians a million dollars so far this year and is preventing about $30,000 worth of duplicate payments every week.

This is just one of the many ways we have been able to reduce the cost of government and provide the budget surplus which, for some strange reason, has caused a great deal of distress in certain areas. There are those who seem to take it as a personal affront that we can get by for less than the budget calls for. Frankly, I refuse to be embarrassed nor will I apologize for the fact that we have gone from nearly one-half billion dollars in the red to money in the bank in 18 months.

Some of the things the task force found are almost funny, if you don't mind laughing at the way some in government would spend your money.

One recommendation, implemented by the Department of Water Resources, gave us a one-time savings of $800,000. Some time before Bill Gianelli took over as chief of the department, grandiose plans were made to publish a two-volume history of the State Water Project for a million dollars. Now, there is no question but that the greatest water-moving project in the history of man should be recorded for posterity, but we have reduced the scope and size of that project considerably—$800,000 worth.

We are saving another $1.2 million annually now just by doing what a task force suggested, by adopting cleaning standards used in the federal government's custodial program. This, incidentally, is a switch. The federal government has found that we are doing a lot of things more cheaply and efficiently than it is, and they have been adopting some of our ideas.

These are just a few of the recommendations we have adopted. All told, we have implemented 514 of their 1,438 recommendations for a one-time savings of $17 million and a potential annual savings of $127,928,988.

In the coming months we expect to implement another 514 of the recommendations, but for 55 of these we will require legislative help. If we get it, we will save another $66 million.

By the end of this year we expect to have acted on 80 percent of the task force recommendations. Believe me, if ever the members of a blue ribbon committee deserved blue ribbons for their work, it is the members of those task forces. Every citizen in California owes them a vote of thanks.

We literally have an additional, permanent task force in the men who are serving in our cabinet positions and those heading up our various departments. They have continued finding new approaches to efficiency and economy.

A year ago I told you some of the steps that had been taken in our Department of Motor Vehicles and the Highway Department to get more for the gas tax dollar. When we last met, I told you we could build additional highway projects ahead of schedule with $52 million we had saved in administrative overhead and red tape. Before the year ended, the $52 million had become $99 million. This year we are able to proceed with 34 additional projects totaling $157 million, representing additional economies and improved financial planning.

Last year we launched a procedural change to speed up the time required for processing an application for a driver's license—the standard then was 39 days. Two months ago the new procedure went into effect, and it now takes 10 days.

You know, of course, that we have instituted joint planning and have a committee representing natural resources, recreation and highways, planning to resolve some of the problems of highway and freeway routes so as to avoid the destruction of esthetic values.

California is responsible for a first also, with regard to those who are displaced by highway or freeway building. Even the federal government has followed our lead. Utilizing highway funds, we offer the homeowner a choice between cash value for his home, which often is insufficient to provide comparable living quarters and a flat trade for a home, including relocation.

Legislation has also been signed providing tax incentives for private lending institutions who make real estate loans to low income families in inner city neighborhoods.

The Division of Savings and Loan has developed a computer program which converts data of savings and loan real estate loan volume and interest rates into marketing information by areas, and this is then fed back to savings and loans. This marketing system is the first of its kind in the U.S. It is an example of business and government working together to solve their common problems and, at the same time, serving the public.

Last year I told you we had cancelled construction of a $4 million building. Because of a recommendation of one of our task forces, we have cancelled construction of two more, and over a 10-year period we will reduce state office space by 25 percent. Changing our warehouse system to conform to private business practices has cut our inventory in half and reduced operating costs $3 million a year.

And, while we have made necessary increases in our highway patrol, and our population has increased by more than 600,000 people, we still have fewer employees than when we started 20 months ago.

* * * * *

Last year at this time we were still trying to convince some of our citizens that we were not closing the mental hospitals or even reopening the snake pits.

Since then, the facts have come out a little at a time and the controversy has subsided. But, even so, you deserve a progress report on our approach to mental health.

The number of patients in our mental hospitals has continued to decline, as we predicted it would. There are now about 18,435 patients compared with 20,331 the first of the year. By the end of this fiscal year, we expect to have less than 17,000 people in our mental hospitals.

But just the fact that our mental hospitals are having fewer and fewer patients is not the most significant thing. Our new emphasis is to treat mental patients close to their homes where they can be near their families and where, often, they can even hold or return to their jobs.

Now, we have gone a step further.

During the recent session of the legislature, a measure was signed into law which experts tell me will provide for the greatest advance in the nation in providing for community mental health services.

This far-reaching legislation by Assemblyman Frank Lanterman integrates the state hospitals and the community mental health programs into a single, unified system for the care of the mentally ill.

Financing provisions of this legislation assure that treatment will reflect medical judgment, not fiscal considerations. Funds will go to needs having the highest priority, and maximum use will be made of existing resources.

This legislation will not go into effect until next July. As an interim program, I supported and signed a measure providing that all the Short-Doyle community health programs be supported on a 75 percent state, 25 percent county funding formula. This corrects the inequity under which the first pioneering programs were funded 50–50, while only the newer programs received 75 percent from the state.

Contrary to what some would have you believe, in the two budgets of this administration, we have nearly doubled the funds available to local community mental health programs (from $18.6 million in 1966–67 to $32.6 million in 1968–69.)

At the same time, let me assure you that we have not forgotten those in our state hospitals. The California Medical Association reported this year that patient care is better than in 1965. And, we are going to make it better.

This fiscal year we have moved realistically to improve the ratio of staff to patient. We adopted new, higher hospital staffing standards based on measured patient needs. This year's budget finances the first step toward putting them into effect.

We have appointed boards of medical visitors at all but one of our state hospitals to insure on-going surveillance of hospital operation. Appointment of the board for the one hospital should be completed shortly.

The Department of General Services completed surveys of all the hospitals July 15. Work is in progress to improve environmental conditions at eight of the hospitals. Final bids for the ninth hospital are to be received September 16.

We have established new standards providing more space for each hospital patient.

We have streamlined the administrative functions within the department and each of the hospitals to provide more support for the medical program and to relieve medical personnel from administrative detail.

In short, we are dedicated to a program that will insure that California continues to lead the nation in mental health advances.

And it is my hope that someday those who distorted our aims, and our positions in 1967 will return to report the truth.

* * * * *

It is possible there is still some misunderstanding with regard to higher education and particularly in the area of financing our colleges and universities. Perhaps some of this misunderstanding is due to an unfortunate choice of words and phraseology on the part of those who discuss this subject. One example is the use of the term "budget cut." There has been no cut in the budget of either the state college or the university system—both are receiving more money than they did last year. And the percentage of increase is roughly the same as it has been every year for the last ten. The percentage of increase, incidentally, is greater than for any other state agency, because in apportioning state revenue we gave top priority to education.

All the problems on our campuses are not at the university and college levels.

Unfortunately, we have problems, serious ones, at the senior and even junior high school levels.

I am talking now about the use of marijuana and dangerous drugs among our teenagers.

It is a problem that has been growing rapidly in recent years and one that we are making a special target by this administration. We are determined that our schools and campuses will not become centers for traffic in drugs and narcotics, and we are determined that our children will not become the victims of those who peddle them.

I have called for the formation of narcotics committees at every junior high and high school in California, beginning this fall. Such committees will be organized and operated by parent-teacher groups under the auspices of the California PTA. The project has the support of the California Medical Association and the California Peace Officers Association.

In forming these groups, emphasis will be placed on including parents, teachers, school administrators, medical men, peace officers and students in neighborhood-level organizations that will be geared to meet the problem of narcotics head-on. This is an attempt to talk out the problem locally, and to present youngsters with medical facts that will make them turn their backs on drugs and drug peddlers.

This is one social problem that cannot wait until tomorrow . . . and we are not waiting.

Mr. Speaker, the above report is a breath of fresh air, in spite of the necessity for a tax increase to replenish the rainy-day reserves, which had been depleted by the former administration, and to put the State back on a sound foundation.

INTRODUCTION OF GOV. SPIRO T. AGNEW BY GOV. GEORGE ROMNEY AT THE MICHIGAN REPUBLICAN STATE CONVENTION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. HARVEY. Mr. Speaker, just a short time after the Republicans concluded their convention in Miami, Gov. Spiro T. Agnew, of Maryland, appeared in Michigan to keynote our Republican State Convention. He was enthusiastically received by all of those in attendance after a warm introduction to the convention by our own Governor, the Honorable George Romney.

Under unanimous consent, I am including the remarks made by Governor Romney in his introduction of Governor Agnew, because they demonstrate vividly why Ted Agnew has the qualifications to be a great Vice President, and they further illustrate the united support that he has from the citizens of Michigan—from the Governor on down—in this effort.

Governor Romney's remarks, made on August 24, 1968, at the Civic Auditorium in Grand Rapids, follow:

Fellow Republicans, for a number of us, including our distinguished guest of honor, this is the second Republican Convention in three weeks.

There are similarities. It's the same party. It's the same enthusiasm. It's even the same weather. And the purpose is the same: to win essential local, state and national Republican victories in 1968.

We left Miami Beach with a unity of purpose to which Michigan made a vital contribution.

I have worked closely with our keynoter ever since his election as Maryland's fifth Republican Governor in 180 years. I know him well. I respect him as a man of honor and ability, as a progressive, problem-solving Governor, and as a winning Republican.

I am proud to call him friend, I support him enthusiastically, and I will cast my vote proudly for Spiro Agnew as Vice President of the United States.

Ted Agnew is a man who wins respect because he deserves respect. Soon after his election as Executive of Baltimore County, he was elected a director of the National Association of Counties. And his fellow Governors elected him to the Executive Committee of the National Governors' Conference.

In less than two years as Governor, Ted Agnew has written a record that sounds like a Maryland version of Michigan Republican progress.

His victories include fiscal reform, strengthened water and air pollution control, Maryland's first comprehensive highway safety planning program, improved school aid that moved his state from twelfth highest to fifth in the nation, increased aid to local governments and law enforcement agencies, executive reform, prison reform, crime prevention, and model civil emergency legislation.

That's a record any Governor and any state can be proud of. But it's not all. And here I want to make one point absolutely clear.

If there is one principle on which I've staked my political life, and one principle on which our Michigan Republican Party has staked its future, it is that the Declaration of Independence means what it says: that all men—not just *some* men, but *all* men without exception—are created equal and endowed by their Creator with inalienable rights.

I've fought for that principle all my life, without a compromise, and I'm not going to compromise it now or ever. I've also acted immediately and adequately to maintain law and order. As I have said countless times, violence cannot be countenanced and no American has the right to violate the law.

Now, I know Ted Agnew feels the same way. It was Ted Agnew, as Baltimore County Executive, who led the fight for one of this country's first local ordinances barring discrimination in public accommodations.

It was Ted Agnew, as Republican candidate for Governor in a 3-to-1 Democratic state, who backed open housing and defeated the Democrat whose whole campaign was a blatant pitch to the racist backlash.

It was Ted Agnew, as Governor of Maryland, who won liberalization of Maryland's public accommodation laws. It was Ted Agnew who issued the first Governor's Code of Fair Practices in Maryland's history, banning discrimination in state employment and in firms doing business with the state. It was Ted Agnew who appointed the first Negro to a Maryland Governor's personal staff.

And it was Ted Agnew who sought and won the first state open-housing law south of the Mason-Dixon Line, beating Congress and even Michigan to the punch by a full year.

Ted Agnew's civil rights record, like Dick Nixon's, stands with the best—and it's time he got the honest credit he deserves in the public press and on radio and television.

Dick Nixon and Ted Agnew have fought both for civil rights and civil responsibilities. They have denounced racism, whether white or black. They have spoken out and acted for law *and* justice—for progress *and* order for all Americans.

This is what Dick Nixon said in his acceptance speech:

"The American Revolution was and is dedicated to progress. But our founders recognized that the first requisite of progress is order.

"Now there is no quarrel between progress and order because neither can exist without the other.

"So let us have order in America, not the order that suppresses dissent and discourages change but the order which guarantees the right to dissent and provides the basis for peaceful change. . . .

"And to those who say that law and order is the code word for racism, here is our reply: Our goal is justice—justice for every American. If we are to have respect for law in America, we must have laws that deserve respect. Just as we cannot have progress without order, we cannot have order without progress."

I defy anyone to find a more reasonable, more balanced, more sound, more constructive position than that.

I am convinced this is the position of our candidates. It is my position, and I know it's yours.

Yet Ted Agnew is confronted with a misconception about his civil rights position—largely because some Negroes walked out on him at a meeting in Baltimore, and because their walkout and their comments got more publicity and attention than what Ted Agnew said and why he said it.

Governor Agnew called that meeting of Negro leadership after the Baltimore riots following the tragic murder of Martin Luther King, and this is what he said:

"It is deplorable and a sign of sickness in our society that the lunatic fringes of the black and white communities speak with wide publicity while we, the moderates, remain continuously mute. I cannot believe that the only alternative to white racism is black racism. . . .

"I publicly repudiate, condemn and reject all white racists. I call upon you to publicly repudiate, condemn and reject all black racists. This, so far, you have not been willing to do.

"I call upon you as Americans to speak out now against the treason and hate of Stokely Carmichael and Rap Brown. If our nation is not to move toward two separate societies—one white and one black—you have an obligation, too. . . .

"I need your help. . . . We can do much together—little apart. Blind militancy must be converted into constructive purpose. This cannot occur so long as you or I condone or cling to racism, black or white. We do not deserve the mantle of leadership unless we are prepared to wear it proudly and, if need be, defiantly."

I am proud to stand beside a man who has the courage to speak the honest, balanced truth—the next Vice President of the United States, Ted Agnew.

SCLC FOOD DISTRIBUTION NEWS STORY INACCURATE

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MONTGOMERY. Mr. Speaker, while traveling in my district during the congressional recess, I was shocked to read a news article under the byline of a Mr. Paul Scott indicating that the Southern Christian Leadership Conference would be authorized by the Department of Agriculture as a surplus commodity foods distribution agency in Mississippi.

I immediately sent a telegram to Secretary of Agriculture Freeman asking that the news report be verified or denied. I also requested that I be given the opportunity of discussing this matter with Secretary Freeman and USDA officials before any change was made in the surplus food distribution program.

Mr. Speaker, with permission I would like to include in the Record at this time a copy of the letter I received in reply.

Department of Agriculture,
Office of the Secretary,
Washington, August 16, 1968.

Hon. G. V. Montgomery,
House of Representatives,
Washington, D.C.

Dear Congressman: In response to your telegram to the Secretary, the news story you refer to is completely inaccurate and without foundation.

Sincerely yours,
Thomas R. Hughes,
Executive Assistant to the Secretary.

I am certainly glad to learn that this article was unfounded.

It was only a matter of weeks ago that the SCLC cost the taxpayers of this country over a half million dollars with its disgraceful display of irresponsibility. The idea that such a group would even be under consideration for this job is simply too farfetched for me to comprehend.

JIM FARLEY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. DELANEY. Mr. Speaker, I would like to bring to my colleagues' attention a recent article by Mr. Bob Considine, of the Hearst News Service, in which he shares with us some interesting reminiscences of the Honorable James A. Farley, the revered former Democratic national chairman who is now chairman of the board of the Coca-Cola Export Corp.

Also, I think the Members would appreciate reading an excellent tribute to Jim Farley which appeared in the Glens Falls, N.Y., Times.

Under leave to extend my remarks, the articles follow:

[From the Hearst News Service, Aug. 19, 1968]

Grand Old Demo Jim Farley Recalls Former Conventions

(By Bob Considine)

New York.—They can change the face and image of the Democratic National Convention all they want but one aspect of it will remain familiar and revered. Jim Farley will be there.

Eighty years young, hale, hearty and with more names stored under his hard straw hat than the Bureau of the Census computer, Jim is happy to be packing for his trip to Chicago. He has a clear memory of a convention there 36 years ago that climaxed his determined effort to get the nomination for the governor from New York, Franklin Delano Roosevelt.

What subsequently happened between them is over-the-dam. Jim has only kind words for the man who broke the tradition of seeking more than two terms in the White House. Kind words and sorrow.

TWELFTH CONVENTION

"This will be my twelfth convention," Jim said in his memento-laden apartment at the Waldorf recently. "I think I'll be the oldest delegate with the possible exception of Emma Guffey Miller of Slippery Rock, Pa. My first was 1924 at Madison Square Garden but Mrs. Miller goes back to the 1920 convention.

"I can still hear old Gov. Branton of Alabama getting to his feet at the Garden to holler, in that drawl of his, 'Twenty-four votes for Oscar W. Underwood.' It went 103 ballots before the convention chose John W. Davis. After maybe 30 repetitions of 'twenty-four votes for Oscar W. Underwood' everybody in the Garden would join in.

"The Democratic convention at Houston in 1928—my goodness, that's forty years ago—helped make Roosevelt. He came to the platform on his crutches and nominated Al Smith. It was a good speech. He called Al the Happy Warrior. I think it was written by Judge Joseph Proskauer who was a good friend of Al. So was I but I never thought he had a chance against Hoover. The country was prosperous, there was a 'chicken in every pot' and Prohibition had not become the sore point it was to become.

PROHIBITION QUESTION

"The '32 convention in Chicago, of course, meant a lot to me. I've been thinking about it a lot recently, remembering things I've never gotten around to talking about. For example, I recall standing in the lobby of the Congress Hotel with Huey Long, Sam Blythe of the Saturday Evening Post, Carter Glass of Virginia, Dr. Cary Grayson, Woodrow Wilson's doctor, and Arthur Brisbane. We were talking about the weak-livered Prohibition plank in the platform adopted by the Republicans at their convention.

"Ours was straight out for Repeal, though we let Cordell Hull of Tennessee speak against it. Anyway, Brisbane said, 'What difference does it make what your plank says or doesn't say? Prohibition will not be repealed in the lifetime of anybody in this gathering.'

"Just goes to show that you can't always be right.

"Well, the '36 convention meant something, too. It was there I said, after we put up Roosevelt against Alf Landon that he'd win every state in the union except Maine and Vermont. He did, of course.

"I guess I could have gotten some pretty good odds on a chance like that.

THIRD TERM

"I don't like to talk too much about 1940. I was in Chicago when I got the wire from Roosevelt saying that he wanted to see me in Washington. I remember having dinner on the Twentieth Century Limited with Matt Wynn of Churchill Downs and Pat O'Brien coming back East. There were lots of laughs but I wasn't too happy. I was positive that Roosevelt was going to tell me something I already sensed, that he wanted to run for a third term. Which is what he told me, of course.

"I had already made up my mind about my response. I said that if that was what he wanted there was nothing I could do about it except resign as Postmaster General and from the Democratic National Committee. He begged me to stay on, to keep the Cabinet together, but I couldn't. It wasn't an easy decision to make. I was very fond of Roosevelt and I believe he was fond of me."

Farley was nominated at the '40 convention by aged Sen. Carter Glass of Virginia, who left a sickbed to make the speech. Glass was as opposed to the third term as Farley.

"I heard the nomination speech while I stood under the platform," Jim said. "I must confess that my eyes were not dry.

"But that's all gone. What I'm still sorry about is that Roosevelt thought he could go on forever. He was a terribly sick man at Tehran, Casablanca and Yalta. If he had been the F.D.R. of 1932 and 1936 he would never have let Stalin get away with what he accomplished.

"I got 60 or 70 votes at the 1940 convention," Jim says with a chuckle. "Not many, but probably more than Gov. George McGovern will get at Chicago.

REPREHENSIBLE TREATMENT

"The 1944 convention was one I didn't want to attend but did. I voted for Cordell Hull. In '48 I thought my party treated Harry Truman shamelessly. He was kept out in a Philadelphia alley until 2 o'clock in the morning, waiting to make his acceptance speech. Reprehensible.

"Adlai Stevenson was about the best we had in '52 and '56. But nobody could beat Ike. I predicted as early as February in 1960 that Jack Kennedy would get the nomination. As for L.B.J. in 1964 it was strictly no contest.

"I can't conceive of President Johnson running again, as some of the talk around town insists. He could win, of course, but he just won't go against his resignation speech. It's a shame, the way that man's been treated. The historians will remember him as one of the great presidents—right up there with Truman. Nobody ever produced more and better laws for the citizens of this country. History will acclaim him. He would be acclaimed right now if it weren't for the war in Vietnam—which he didn't start and which he escalated only because the other side escalated."

HUMPHREY TO WIN

"Hubert Humphrey will win on the first ballot. The Eugene McCarthy boom will just go away."

[From the Glens Falls (N.Y.) Times, Aug. 3, 1968]

JIM FARLEY AT 80

One participant in the national Democratic convention will, most notably, be hearing echoes of past glories. This is James A. Farley, who at 80 years of age is no longer very active in politics but still interested. Ever a regular party man, he will be a Humphrey delegate.

Farley got his reputation for political know-how as Franklin D. Roosevelt's campaign manager in 1932 and 1936. When his organizing skill was combined with Roosevelt's popularity the combination was invincible. On his own he was less effective; the state tickets he backed in New York were unsuccessful.

A veteran politician generally has political ambitions of his own, and to this Farley was no exception. He showed a barely concealed desire for the presidency. In 1940 he reported sentiment for Cordell Hull, the venerable secretary of state, for President on a ticket with him as vice president. This struck many as a cynical way to reach the White House. Roosevelt's disinclination to back him may account in part for the coolness that grew up between them.

Farley has lived an exceptionally long life of political involvement, and so far as is known has made few if any enemies. He will be remembered for his successes, and his defeats will be largely forgotten. Most men would be content with such a verdict.

INNOVATION IN RENOVATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MOORHEAD. Mr. Speaker, the challenge of producing 4 million new and 2 million rehabilitated housing units for low- and moderate-income families in the next 10 years calls for bold new programs involving new partnerships between business, government, and private groups.

Several of these successful new partnerships are cited in a recent edition of Chase Manhattan's Action report, the digest of corporate approaches to public problems.

I am particularly pleased that the Cora Street rehabilitation effort in my congressional district in Pittsburgh, which was developed by a private organization known as Action-Housing, Inc., inspired the creation of a Housing Rehabilitation Corp.—Ahrco which intends to buy, repair, and sell some 1,000 rundown housing units a year, and which will be financed by a sale of stock to several major companies in the Pittsburgh area. Cora Street is an outstanding example of these bold new partnerships. I include the Action report excerpt for the attention of my colleagues at this point in the RECORD.

INNOVATION IN RENOVATION

"We have the money but we don't have the time." That's the way James F. Oates, Jr., chairman and chief executive officer of the Equitable Life Assurance Society of the United States, sums up the effort to provide more adequate housing for slum-ridden residents of urban ghettos, particularly in the nation's larger cities.

The pressure of time has inspired widespread innovation by private business in building and renovation techniques, management organization and financing arrangements in the renewal area. Mr. Oates' own company has invested $100,000 in the Cora Street rehabilitation project in Pittsburgh, under which Action-Housing, a private organization created by local business and civic leaders, acquired and renovated 22 rundown single-family houses. Action-Housing spent about $4,000 for each house and another $6,000 apiece for remodeling, and now rents the houses for $89 a month, only slightly more than the rents charged when the houses were slum units.

Encouraged by its initial success, Action-Housing has now created a Housing Rehabilitation Corporation (AHRCO), which intends to buy, repair and sell (at a limited profit) some 1,000 run-down housing units a year. AHRCO is financed by $2.5 million from the sale of stock and debentures to 32 major companies including Equitable Life, Allegheny Ludlum Steel Corp., Aluminum Company of America, Blaw-Knox Co., H. J. Heinz Co. and Sears, Roebuck and Co.

AHRCO's benefits to the Negro community in Pittsburgh extend beyond the availability of better low-cost housing. For example, several local Negroes have joined representatives of the founding companies on the AHRCO board. AHRCO also makes a special effort to develop the competence of Negro contractors, giving about six of every ten contracts to black entrepreneurs. The contracts are normally accompanied by guidance in accounting and materials-handling methods, provided by AHRCO representatives.

Not all such programs are sponsored by teams of companies. Some ambitious projects have been launched by individual corporations. For example, Armstrong Cork Company's experimental program in Lancaster, Pa. (*Action Report*, Fall 1967) is now nearing completion, with highly encouraging results. In renovating the seven houses it purchased, Armstrong has used preassembled walls and floors inside and made a variety of original exterior improvements. With such measures it hopes to bring renewal costs to less than half the cost of demolishing an old building and constructing a new home.

One of the most sophisticated corporate efforts in the country is the three-pronged assault made by Eastern Gas and Fuel Associates in Boston. First, Eastern has participated as a major investor in renewal programs planned by the U.S. Department of Housing and Urban Development. Under one of these programs, which is now being completed in record time, several thousand dwelling units have been renovated in the Roxbury-Dorchester section of Boston. Eastern Gas has been supplying accounting, legal and managerial assistance to Thomas Sanders Associates, a group of local Negro businessmen who are undertaking a pioneering $1 million housing rehabilitation project in Roxbury. Eastern Gas's president, Eli Goldston, calls the effort to help local black leadership "perhaps the most significant and satisfying of all our activities in the last few months." Encouraged by the Sanders success and the additional opportunities provided under the new housing act, other development teams have been organized and are receiving aid from Eastern. Altogether, the company is involved in about $35 million worth of renewal projects.

An Eastern Gas subsidiary, Boston Gas Company, has joined with the Boston Redevelopment Authority to set up a novel one-stop Home Improvement Center in Boston's Charlestown section, where home owners who are eligible for federal rehabilitation assistance can obtain advice on all aspects of design, equipment, contracting and financing. The Center is believed to be the first instance of joint public utility-renewal agency cooperation to help city home owners upgrade their property.

At the same time, special encouragement is being given to efforts to build new homes in slum areas. One large-scale example is the new program inaugurated by the Bank of America to allocate $100 million in real-estate loans for home building in areas classified by the Federal Housing Authority as riot prone and blighted.

PROPOSED BRIDGE LINKING EAST AND WEST

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. GURNEY. Mr. Speaker, the prospect of a new bridge linking South America and Europe was unveiled by Pan American Airways in a recent presentation to the CAB in the Miami-London route case. Pan American proposals would promote Florida not only in Great Britain but in all of Europe. The service would also connect Miami with flights from 23 Latin American points. What is more, the flight at London would connect with Pan Am's daily round-the-world service along with the other countries within Europe.

Mr. Speaker, the possibilities of Pan Am's proposed service presents an exciting forecast for a span of flights between Europe and the southern reaches of this continent. Many miles and hours will be cut off the flight time now required to link these areas. Diversions and circuitous routing will be greatly reduced and inroads will be made toward the relief of airport congestion now burdening airports in the New York area. We Floridians and those from points in South America are as unwilling to add to the clutter of already overcrowded airports as we are unwelcome to do so. Most especially, we are not eager to go hundreds of miles out of our way in the bargain. For this reason we greet this new proposed service of Pan Am's with eager anticipation.

Florida and South American countries would be directly connected to 28 European cities in which Pan Am already enjoys an established position.

This would have a substantial beneficial impact on the balance of payments not only because of Pan Am's identity in London and throughout Europe but also because of the maximum promotional possibilities for Florida and South America abroad.

Pan Am has also proposed to reduce group inclusive tour fares between Miami and London as much as 17 percent. The carrier would provide daily, nonstop service in both directions with additional frequencies during the peak summer months.

Mr. Speaker, I salute Pan Am's proposed service for Florida and South America as an exciting, forward step that will be of benefit not only to my State but for our neighbors to the north and south as well.

U.S. FOREIGN POLICY, 1969-73

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. BINGHAM. Mr. Speaker, among the speakers appearing last month before a congressional panel holding hearings on proposals for the Democratic Party platform was Ambassador Charles W. Yost, former Deputy Permanent Representative at the United Nations, now a consultant at the Council on Foreign Relations, and author of the recent book, "Insecurity of Nations." Mr. Yost, who was for many years in the Foreign Service, served as Ambassador to Laos and to Morocco and held the unusual rank of Career Ambassador.

The statement Ambassador Yost made to the congressional panel contains in remarkably brief compass an analysis of world conditions and a summary of what U.S. foreign policy ought to be over the next few years. Based on wide experience and a keen understanding of the major forces operative in the world today, Ambassador Yost's statement deserves careful study. It is as follows:

U.S. FOREIGN POLICY, 1969-73

The policies and commitments which govern U.S. international relations were for the most part undertaken during the ten years following World War II. The international scene has changed substantially since that time but U.S. policy has not yet sufficiently reflected those changes. The chief responsibility of policymakers over the next four years will be, without repudiating commitments or abdicating responsibilities, to detach policies from the past and adapt them to the future.

The chief respects in which world conditions have changed are: (1) the Soviet Union is militarily more powerful but politically weaker and more vulnerable—deeply at odds with China, trying at all costs to maintain its dominion over Eastern Europe, but more cautious and less aggressive outside its own bloc; (2) our Western European allies are economically stronger but militarily and politically less united and less willing to undertake responsibilities outside Europe; (3) China is as hostile as ever but is so disorganized internally that it is not a major immediate threat to us or its neighbors; (4) the political and economic expectations of the peoples of Asia, Africa and Latin America have risen vastly but, in the absence of development sufficiently rapid to meet these expectations, the peoples concerned are deeply frustrated; in many cases they are likely to resort to internal or external violence which will have repercussions outside their own regions; (5) the U.S. and the U.S.S.R. can destroy each other but cannot unilaterally control recalcitrant or turbulent small nations; (6) the chief threat to international and U.S. security is not, at least in the near future, Communist aggression but (a) the costly, dangerous and needless nuclear arms race and (b) uncontrolled turbulence in Asia, Africa and Latin America sucking in and contraposing great powers.

The chief areas in which U.S. policy should be adjusted to meet these new conditions are the following:

1. ARMS CONTROL AND REDUCTION

Interminably escalating nuclear weapons systems are fast becoming more of a threat than a safeguard to U.S., Soviet and world security. A determined and persistent effort should be made first to freeze and then to reduce arsenals of offensive and defensive missiles and other nuclear weapons. The Soviets may now be prepared to negotiate seriously on this subject. The U.S. should restrict major new programs for a reasonable time while negotiations are pursued. Control of nuclear armaments will be difficult but no more difficult than the massive and sophisticated effort which was required to produce them.

2. EUROPE AND JAPAN

A keystone of U.S. foreign policy should continue to be to cooperate and share responsibility with our European and Japanese allies. However, we should be under no illusion either that European unity is likely to come about in the near future or that, until it does, European nations will be able and willing to assume substantial security responsibilities outside their own continent. Inside Europe détente has been interrupted by the brutal invasion of Czechoslovakia, though this is an internally defensive rather than an externally aggressive action. The pursuit of détente in Europe should not be abandoned but the U.S. should leave primarily to Europeans the initiative and tactics of its resumption. If and when it can be resumed, U.S. troops in the NATO area can and should be gradually reduced.

3. UNITED NATIONS

Since there will certainly be considerable turbulence in Asia, Africa and Latin America, the U.S. will have the choice either of ignoring it, which will sometimes be possible but often not, of dealing with it unilaterally, which is expensive and dangerous, or of dealing with it multilaterally. Since we cannot count on much help from Europe and Japan, the only effective multilateral instruments are likely to be the UN and, to a lesser extent, regional organizations. The UN cannot, however, work effectively as a peacekeeping organization without at least Soviet acquiescence. Revitalization of the UN in this respect should be an urgent subject of negotiation among the permanent members of the Security Council.

4. MIDDLE EAST

The Middle East is at present the area where local conflict could most easily involve the great powers contrary to their desires and interests. It is therefore important to the security of the U.S., the U.S.S.R. and the Europeans that the Arab-Israeli conflict be resolved before it leads to further hostilities. Despite appearances to the contrary, the substantive differences between moderate elements in most of the countries most concerned are less than they have been and are not unbridgeable. In order that these more moderate views prevail, however, it will be necessary that the members of the UN Security Council, including the U.S., play a more positive role than they have so far in proposing and bringing about a settlement. In view of the hazards to world peace involved, there is no time to be lost.

5. VIETNAM

This war is continuing seriously to handicap the U.S. in dealing with more important problems at home and abroad. It should be brought to an end as quickly as possible by a compromise settlement. In order to determine whether such a settlement is now feasible, it will be well worthwhile to suspend all bombing of the North and to offer the NLF an opportunity to participate fully in the political life of the South, including elections under international supervision. There should be no further delay in these steps. The U.S. should maintain its commitments and presence elsewhere in East and Southeast Asia until the security of the area can be assured either by the indigenous nations themselves or by multilateral institutions.

6. CHINA

While continuing to maintain its security commitments to the Republic of China on Taiwan and to other neighbors of Communist China, the U.S. should make much more vigorous and meaningful efforts than in the past to bring Peking back into the international community. First of all, this means dropping our objections to its representation in the UN and in other international institutions and conferences. Unless some measure of contact and cooperation can be established with Communist China while it is still preoccupied internally, it is likely to prove much more dangerous externally after central authority has been reestablished.

7. FOREIGN AID

Over the longer run turbulence in Asia, Africa and Latin America can only be overcome, and the consequent hazards to the rest of the world removed, when those countries are economically developed and politically modernized. Economic development and political modernization, while they depend primarily on self-help, cannot take place without substantial foreign assistance in the form of trade, aid and investment. The rich nations must be prepared to act much more generously and far-sightedly in all these fields if they want a tolerably stable world. A larger proportion of public aid and investment can and should in the future be channeled through the UN and other international institutions, but private trade and investment should also be facilitated in every possible way.

RESTORATION OF RIGHTS TO THE BALTIC PEOPLES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. BROOMFIELD. Mr. Speaker, June 15, 1965, marked 25 years since Soviet Russia began her expansion program to take over the Baltic States; namely, Lithuania, Latvia, and Estonia. These historic nations, with their tradition of individual sovereignty, culture, and history, were ruthlessly suppressed in a matter of days in June 1960, and their independence has never been regained. The national policy of the United States has always supported self-determination among people of all nations.

On June 21, 1965, House Concurrent Resolution 416, urged the President of the United States, first, to direct the attention of world opinion at the United Nations and at other appropriate forums and by such means as he deems appropriate to the denial of the rights of self-determination for the peoples of Estonia, Lativa, and Lithuania; and, second, to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

The resolution passed the House 298 to 0.

The failure of the United Nations to investigate the denial of fundamental human rights of the Baltic peoples indicates that the Soviets should now be deterred in their quest for further domination over subjugated people as witnessed in the recent unwarranted invasion of Czechoslovakia.

I, therefore, Mr. Speaker, urge that the resolution passed in June 1965 be acted upon and the right of self-determination for the people in the Baltic States be placed on the agenda of the United Nations in order to direct the attention of the world to the illegal and ruthless Communist seizure and enslavement of the Baltic peoples.

RADIATION SAFETY AND LICENSING OF X-RAY TECHNICIANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. WALDIE. Mr. Speaker, I am requesting permission to include, along with my remarks today, an article from the Medical World News of August 23, 1968, entitled "Crusader for X-ray Safety."

I include these materials in order to call to the attention of my colleagues a hazard that exists throughout America, and that has been subjected to very little public discussion, involving the increased use of X-ray in the treatment of patients.

The professional people who are responsible for the use of X-ray have been most determined to increase the margin of safety that must be obtained in the treatment of their patients. They have done a great deal in this field voluntarily, and they have sponsored legislation at the State level to assist them even further in protecting their patients.

Such a measure was passed by both houses of the California Legislature, senate bill 935 by State Senator Bielenson.

Unfortunately, Governor Reagan saw fit to veto that legislation that would have established licensing and regulatory procedures for X-ray technicians.

Senator Bielenson stated after the veto by the Governor that the Governor's action constituted "a serious blow to long-range protection of public health in California."

I could not agree more with that conclusion, and am hopeful that Governor Reagan will reconsider that untimely veto, and that other States in the Union will concern themselves with legislation such as that proposed in California as quickly as they possibly can.

The article follows:

CRUSADER FOR X-RAY SAFETY

Radiological safety has come a long way since the era when physicians tested X-ray equipment by casually exposing their hands to the beam of radiation. But while such occupational hazards as amputated fingers and drastically shortened life spans no longer trouble radiologists, many experts in radiological health still are concerned with what they consider to be serious gaps in the legal shields against radiation damage.

A reminder of this concern soon will arrive in the offices of many general practitioners: a programmed teaching course on radiological safety, prepared under the supervision of the Advisory Committee for the Study of Professional Communications in Radiological Health and distributed in cooperation with the American Academy of General Practice. A similar course for dentists is in the works. Typical of the 56 questions in the program: State at least five factors involved in the responsible use of diagnostic X-rays.

One of the moving forces behind both courses is Dr. Herman Ertresvaag Hilleboe, who has been one of the most influential figures working for radiological safety, as a federal public health official, as New York State's health commissioner, and, most recently, as head of the division of public health practice at Columbia University's School of Public Health and Administrative Medicine. In addition to his chairmanship of the advisory committee for communications, whose purpose is to keep the medical profession informed on advances in radiological safety, Dr. Hilleboe is also a member of the National Advisory Radiological Council.

His interest in radiological safety has not kept him from his accustomed wide range of activity in public health. This summer, for example, he is in Argentina for the World Health Organization, for whom he is an advisor, helping to reorganize the University of Buenos Aires Medical School. As health commissioner of New York, he put the state in the forefront of radiological health efforts.

As a member of the National Advisory Committee on Radiation (NACOR), he helped prepare a 1959 report to the Surgeon General that led to creation of what is now the PHS' National Center for Radiological Health (NCRH). He also had a hand in a 1967 NACOR report that warned about "a number of gaps which require careful attention in the years ahead." Among those gaps, NACOR said, were the absence of standards for technicians and professionals who operate x-ray equipment, a lack of standards for medical and dental x-ray machines, and a failure to police radiation sources containing radioisotopes that do not come under Atomic Energy Commission supervision because they are not produced by nuclear reactors.

THE RISKS AND REWARDS

Despite these flaws, the NACOR report said, "the development of radiation standards in the U.S. is progressing satisfactorily." The American College of Radiology states that "the benefit [of diagnostic x-rays] far outweighs the risk." But many radiological health experts acknowledge the dangers and the spotty enforcement of safety standards.

Two factors help explain the spottiness. One is a surprising and enduring public apathy about the hazards of medical x-rays. The other is a long tradition of relying on state and local governments to enforce standards usually set by medicine.

For example, while most experts agree that as much as 90% of all man-made radiation exposure is caused by medical and dental x-rays, the first flurry of public interest in radiation dangers was caused by fallout from nuclear weapons tests. The PHS radiological health division—which has evolved into the NCRH—was set up primarily to deal with fallout and still devotes much of its effort to that negligible source of radiation.

It was not until 1959 that the government created an official body, the Federal Radiation Council, to set federal policy on human radiation exposure. That same year, the 30-year-old National Council on Radiation Protection and Measurements (NCRP), until then a private group, finally got official status under a federal charter; the government had been using the NCRP's standard in spite of its informal standing.

Enforcement has been treated just as casually. The 1958 NACOR report did recommend that one federal agency be given responsibility "for broad planning in the field of radiation control." But it went on to note that while state and local health agencies had traditionally policed health standards, "there appear to be more fundamental reasons why such agencies should not bear a substantial responsibility for the health hazards associated with radiation exposure." The NCRH can advise and help local agencies, but it can do little else. Thus, while 39 states have regulatory programs, there were only 360 full-time personnel in state and local radiological health programs in 1966.

Both these tendencies are epitomized in the radiation control for health safety bill of 1968, which has passed the House and is awaiting Senate action. While the bill would allow the government to set standards for medical x-ray equipment, it grew out of concern over the emission of x-rays by color television sets. The bill also includes standards for such diverse radiation sources as lasers and microwave emitters.

The House version would allow the Secretary of Health, Education, and Welfare to set standards for x-ray equipment only after consultation with state health departments and "appropriate health organizations." The Senate Commerce Committee added a similar provision on standards for x-ray technicians, providing for similar consultations.

But the bill is not expected to make much practical difference in the quality of x-ray equipment on the market. The federal government, a large purchaser, sets high standards for the equipment it buys, and almost all manufacturers already meet them.

How this works in the field is something else again. A just-published roundup by the NCRH uncovered some glaring deficiencies. The survey of 5,263 x-ray facilities shows that only half of the inspected machines had the 2.5 mm of aluminum filtration recommended to screen out longer x-rays absorbed by a patient's body without reaching the film. Only 15% of the facilities added the filtration after inspection.

OVEREXPOSING THE PATIENT

A majority gave patients more unneeded exposure by using x-ray beam widths that were wider than the film; that was true in 21% of the hospital installations and 25% of radiologists' offices. Fewer than 60% of the radiologists, and only one of every eight pediatricians using fluoroscopes, had timers that automatically stopped the exposure after a given dose.

"The high percentage of facilities having improper collimation, inadequate filtration, lack of accessory shielding, and absence of manually set cumulative timers on fluoroscopes indicate that a major effort in the correction of equipment is still needed," the NCRH said.

X-rays are of special concern to the many doctors who utilize such equipment because their own safety is involved as well as that of their patients. Figures are spotty, but those available tend to show that radiologists are apparently not suffering unduly now, although those radiologists who practiced under the earlier rough-and-ready rules are an exception.

A 1965 study that compared the death rates of radiologists, internists, and ENT specialists showed that from 1935 to 1944, the mortality rate for radiologists was 50% higher than for ENT men. But from 1955 to 1958, the radiologists' death rate was 13.6 per 1,000, compared to 10.6 for the ENT specialists, and the excess mortality was concentrated in the over-50 group. Younger radiologists actually had a lower mortality rate than ear, nose, and throat specialists.

John C. Villforth, chief of the NCRH's medical and occupational radiological program, said the PHS film badge program, which monitors exposure in federal facilities, indicates that "there's no reason for a technologist or radiologist to be exposed to dangerous levels in a facility that has been inspected and equipped up to standards." But Villforth acknowledges that unmonitored facilities—including almost all office x-ray equipment used by GPs—could tell a different story. "We just don't have a fix on that," he said.

Radiological safety for both patient and doctor has been a long-term concern for Dr. Hilleboe. In his 16-year stint as New York State's health commissioner, he initiated an x-ray equipment inspection program that was one of the nation's first and remains one of the best. His successful plan—still the only state law licensing x-ray technicians—eliminated the shoe-fitting fluoroscopes that once were a dangerous fixture in most shoe stores, and imposed controls on chiropractors' use of x-rays.

But Dr. Hilleboe's concern with radiological safety began long before he came to New York. It had its beginning, by coincidence, the same year that the medical profession took its first formal steps to set radiological standards. In 1929, the Radiological Society of North America and the American Roentgen Ray Society formed the Advisory Committee on X-ray and Radium Protection, which is now the NCRP.

In that year, Herman Hilleboe was a 23-year-old senior at the University of Minnesota Medical School. There he had met Dr. Edward J. Simons, a GP in the small town of Swanville, Minn., who was in the university hospital as a patient. In removing a sewing needle from a seamstress' hand, Dr. Simons had kept his own hands in the beam of a fluoroscope for 20 minutes. Within weeks, the hands were swollen and bloody, and before he left the hospital, Dr. Simons had five fingers amputated and extensive skin grafts on the others. "I've had a healthy respect for radiation ever since then," Dr. Hilleboe says.

Needing a young physician to help him in his practice, Dr. Simons offered the position to young Hilleboe. Dr. Hilleboe acknowledges that he was more interested in marrying pretty Alida Champeau, whom he had met six years earlier in Red Lake Falls, Minn., than in an internship. Taking advantage of a Minnesota law that allowed him to enter practice before internship, Dr. Hilleboe married Miss Champeau as soon as he graduated and boarded the train for Swanville.

When he arrived, Dr. Simons was waiting on the platform. That evening, Dr. Hilleboe plunged into 18 months of hard work as a small-town GP by delivering two babies.

One incident during that time had a lasting effect on him—and indeed, on public health in the U.S.. Two young girls, the daughters of the school board chairman and the town milkman, developed tuberculous meningitis. Drs. Simons and Hilleboe had to test every school child and cow in the area for TB. They found 19 active cases and ordered the slaughter of thousands of dairy cows. Out of this experience came Dr. Hilleboe's first publication and his abiding interest in tuberculosis.

TB AND A TUG OF WAR

That interest was subordinated, but only for a time, when Dr. Hilleboe returned to the University of Minnesota for his internship. On its completion, he was given a Rockefeller Foundation fellowship in pediatrics. This involved some work in the university's Institute of Child Welfare, which aroused Dr. Hilleboe's interest in statistics and epidemiology. The result was a fellowship in public health and epidemiology at the Johns Hopkins School of Hygiene and Public Health, where Dr. Hilleboe earned a master's degree in public health in 1935.

He spent the next four years in Minnesota as head of the state's TB and crippled children's program. In 1939, Dr. Hilleboe accepted and an appointment offered by U.S. Surgeon General Thomas Parran to be a senior assistant surgeon, with the rank of captain, in the PHS to do studies on the epidemiology and natural history of TB. After a brief trip to Europe for the PHS that summer, he returned to find himself the center of a tug of war between Dr. Parran and Harold Stassen, then the newly elected governor of Minnesota.

Stassen had been on the rifle team in college with Dr. Hilleboe, and he wanted his former classmate to head the medical unit of Minnesota's social welfare department. "Stassen twisted Dr. Parran's arm a bit," Dr. Hilleboe recalls, "so I took leave of absence from the PHS."

In his new position, Dr. Hilleboe had a chance to try something he had seen during his European tour—a new German camera that enabled mass screening for TB by photographing fluoroscopic images on 35-mm. film. He had a similar device built and used it successfully in tests on 1,200 children.

After Japan's surprise attack on Pearl Harbor, this trial suddenly became important because Dr. Hilleboe was put in charge of a program to screen several million defense workers for TB. And when the PHS established a tuberculosis division in 1944, he became its head. In 1946, he moved up to the rank of assistant surgeon general, with responsibility for the TB division and the Division of Hospital Survey and Construction.

The political success of another young Republican the following year caused a major change in Dr. Hilleboe's life. Thomas E. Dewey, just elected governor of New York, was seeking a replacement for health commissioner Edward S. Godfrey Jr., who had reached the mandatory retirement age of 70. He offered the job to Dr. Hilleboe.

"I told Governor Dewey that I had no desire to move," Dr. Hillboe said. "But he contacted me again a month later and asked me to come to his farm. When I got there, he asked me to name the conditions under which I would take the job. I named about ten, including no political interference, complete access to the governor's office, and freedom to appoint medical personnel. He accepted all of them. I took the job reluctantly, but it was probably the smartest thing I did."

While spending 16 hours a day running New York's 5,000-employee department, Dr. Hilleboe still found time to play a significant role in radiological safety and other public health movements. "His output has been tremendous over the years," says Dr. Berwyn Mattison, executive director of the American Public Health Association. "He has contributed in almost every area of public health—pediatrics, tuberculosis, and more. You name it, he's done it."

But the pace told. Dr. Hilleboe suffered a coronary attack in 1951 and another in 1962. He handed in his resignation in 1963 to join Columbia Universty. But he still remains active in public health work. "The last time I saw him he said he was cutting back on committees," one acquaintance said. "Then he named 15 or 18 that he belonged to."

During these years, the exposure of Americans to medical and dental x-rays has increased steadily. An NCRH study found that in 1964, 108 million American—58% of the population—were exposed to diagnostic x-rays. A total of 506 million x-ray films were made during the year, the study said. While the population had increased by 5% since 1951, the NCRH found, the annual number of medical x-ray visits was up by 8%.

But the real debate rages over the amount of excess radiation that patients are exposed to and the damage it causes.

Starting point of the debate is the NCRH estimate based on the 1964 study of radiation exposure. The unit used by the NCRH is the Genetically Significant Dose (GSD), an index of radiation damage to the genetic pool. The GSD is determined by weighting each gonadal exposure by the number of individuals exposed and their probable contribution to the genetic makeup of the next generation. Thus, a high radiation exposure for a 75-year-old man would contribute nothing to the GSD, while a smaller exposure of a 20-year-old girl is heavily weighted.

The effects of this radiation are controversial. At the root of the controversy is the "linear hypothesis"—an assumption that any dose of radiation, however small, causes some harm, and that this damage increases linearly as radiation exposure accumulates with time. While the Federal Radiation Council has noted that "the evidence is insufficient to prove either the hypothesis of a damage threshold or the hypothesis of no threshold in man at low doses," the linear hypothesis is still used as the basis for estimates of radiation damage.

A different approach was taken by Dr. Lauriston S. Taylor, president of the NCRP: "Probably the greatest amount of information that we have and the most important piece of information is that we have no information at all. During the past three or four decades there has been a consistent lack of observed effects of radiation at low doses of the type we are talking about in medical radiology, in industry, fallout, or any of the other situations short of nuclear warfare and major accidents. I can't emphasize too strongly that our most important bit of information is the consistent absence of observed effects of low doses of radiation."

But Dr. Hilleboe believes the absence of visible effects is not an unmixed blessing. "Civic leaders and most voluntary health associations have been relatively apathetic about ionizing radiation. People don't die in the street, children's limbs aren't visibly crippled, the time between initial damage and ill effects is long and the relationship long forgotten. Too many other problems seem to be more important and have a higher priority."

One major source of worry is the radiological examination that takes place outside the radiologist's office. The NCRH study found that nearly 40% of all medical x-ray procedures were not made under the supervision of radiologists, although the figure drops to 28% if chest x-ray units and industrial clinics are included.

CUTTING THE MILLIRADS

The safety of patients who are x-rayed by the small-town physician because there is no practical alternative is one object of attention. "It's a tradeoff," said the NCRH's Villforth. "In their favor is the low work load, perhaps only seven or eight plates a week. Against them is the probability that they have old equipment which may be improperly shielded. One probably compensates pretty well for the other."

But few deny that there is room for improvement. The NCRH estimates that the GSD could be reduced from 55 millirads to only 19 millirads annually if every diagnostic x-ray machine were equipped with a collimator that automatically reduced the size of the beam to match the film size. The NCRH has developed such a collimator and is talking to two manufacturers with similar devices to encourage early marketing of the collimators. Villforth says the automatic collimator would add about $1,000 to the $30,000-plus cost of an x-ray facility.

The need for more trained personnel is also acknowledged. NACOR said in 1966 that the number of radiologists in the U.S. is increasing by 5.9% annually, while demand for their services grows by a 7.2% annual rate. Since it is improbable that enough radiologists can be trained to meet the need, NACOR said, "every modern educational, administrative, and technologic means must be investigated to improve the efficiency with which radiological service is provided."

A more controversial proposal is state licensure of x-ray technicians. When New York began licensing technicians in 1964, there were an estimated 12,000 to 14,000 persons operating x-ray equipment in the state. Only 7,200 of them took and passed the examination required for licensing. The dropouts, Dr. Hilleboe believes, included many who had no business operating an x-ray machine.

Others are more doubtful about licensure. "Everyone who works for a radiologist has two years of training," said a spokesman for the American College of Radiology. "The more casual operators, who are more likely not to have this training, see only a small number of patients who represent only a small percentage of the total exposure."

Future efforts in radiological safety will continue to balance benefits against possible damage. Says Dr. Hilleboe: "The goals of a national program of controlling ionizing radiation stand out clearly—to obtain the full benefits of ionizing radiation in improving and maintaining the health of the people without paying too high a price in genetic and somatic damage."

SENATOR HITS REAGAN VETO OF X-RAY BILL

SACRAMENTO.—Democratic state senator said Saturday nine years of work have gone "down the drain" with Gov. Reagan's veto of his bill to establish licensing and regulation of X-ray technicians.

Sen. Anthony C. Beilenson, D-Beverly Hills, said the veto is "a serious blow to long range protection of public health in California."

The bill would have established a nine-member Radiation Safety Board in the Public Health Department. The board would have certified the competence of X-ray technicians, regulated the use of diagnostic X-rays and provided for the conduct of X-ray technology schools.

In his veto message, the Republican governor said Friday a study is under way "to explore the proper role of licensing in meeting California's health manpower needs." He said consideration of Beilenson's bill should be deferred "so that the subject matter of the bill may be considered and coordinated with this study."

Beilenson called that reason "flimsy and irrelevant."

TWO MARYLAND SOLDIERS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. Frank H. Johns and 2d Lt. Lawrence R. Bullen, two fine young soldiers from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

ARMY PRIVATE, LIEUTENANT FROM STATE DIE IN VIETNAM

The Pentagon listed two more Maryland service men yesterday as having been killed in Vietnam—one an Army private first class from East Baltimore and the other an Army lieutenant from Oxford.

Reported dead from battle wounds were: Pfc. Frank H. Johns and 2d Lt. Lawrence R. Bullen.

Private Johns had been in Vietnam less than a month. He was reported missing in action Friday, and Army officials notified his family Tuesday that he had been killed.

BASKETBALL PLAYER

His mother, Mrs. Delores Howard, of 305 Ballou court, said her son had received numerous trophies as a neighborhood basketball player. She said he had just been certified as a maintenance man by the Job Corps when he was drafted into the Army.

Private Johns turned 21 last January. He was born in Northwest Baltimore, but since the age of 6 he had lived in East Baltimore with his parents.

His father, George Johns, lives in the 600 block Mosher street.

Private Johns completed the eleventh grade at Dunbar Senior High School.

Besides his parents, he is survived by a brother, James; his grandparents, Mr. and Mrs. Walter Mugerson, and several cousins.

Lieutenant Bullen, the 21-year-old son of Mrs. Margaret D. Bullen, died August 26 from bullet wounds received earlier, according to a spokesman for the Department of Defense.

He was a 1966 graduate of Easton High School, and enlisted in the Army three months after graduation.

Lieutenant Bullen received his officer training at Fort Bragg, N.C., and took advanced training in Hawaii before being assigned to Vietnam in April.

He was a member of Company B, 4th Battalion, 21st Infantry Regiment, 11th Brigade.

At home he was active in the Oxford Volunteer Fire Company and the Boy Scouts of America.

In addition to his mother, Lieutenant Bullen is survived by his father, Samuel R. Bullen, and a brother, Patrick R. Bullen of Oxford.

JOEY BISHOP IS TRULY A KING

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. EILBERG. Mr. Speaker, it is indeed heartening when a person in public life takes the time and effort to aid those less fortunate—and what worthier cause is there than crippled children?

Joey Bishop is such a man. Over the past weekend in Philadelphia, this man who commands multimillion audiences on his regular show, gave up his own show to spend 17 hours in front of the TV cameras to raise money for a new wing at Children's Hospital of Philadelphia and finance summer camp activities sponsored for crippled children by the Variety Club.

With returns still coming in, the telethon has already raised $700,000 from generous people in the Philadelphia area.

I, myself, had the opportunity of sitting in on the telethon telephones and accepting pledges to this worthy effort. It was a heart-warming experience.

In addition to tribute paid to Joey Bishop, special thanks are due as well to WFIL–TV, a Triangle station, which made its facilities available for this entire period; to Philadelphia Tent, Variety Clubs International, which was the sponsor; to Harold Salkind, who spent not only many weeks in preparation, but also 17 hours of straight production as coordinator for the local Variety Club; and to Ralph Pries, of Philadelphia, chief barker of Variety Clubs International, who gave time, effort, and encouragement in this endeavor.

On September 10, the Philadelphia Inquirer editorially expressed the thanks of Philadelphia to Joey Bishop. That editorial follows:

BISHOP IS TRULY A KING

Philadelphia has always been proud of Joey Bishop, and with excellent reason, but that pride has never been more deeply felt than during his tremendous 17-hour performance at the weekend telethon to raise money for the benefit of handicapped children.

With more than $700,000 contributed, and money still coming in, this outpouring of generosity from television viewers and the audience at the Academy of Music was in large measure a tribute to the popularity and the persuasiveness of Mr. Bishop and the high esteem with which he is regarded in his old home town.

Proceeds will help to build a new wing at the Children's Hospital and to finance the summer camp program for handicapped children provided by the Variety Club. Sponsors of the telethon, Variety Clubs International, were confident that, with Joey Bishop at the helm, the venture would be an outstanding success—but the astounding response exceeded even the highest expectations.

"King Joey" is fond of proclaiming in a good-humored way what he would do, if he were really a king, to make this a better world. To the people of Philadelphia, and especially to the youngsters who will benefit from his kindness and inspiration, Joey Bishop already wears a crown. His good works, and the gifts of those who answered his appeal, will make it a better world for the handicapped.

A 10-YEAR SUMMARY OF CAPTIVE NATIONS WEEK—BY. DR. LEV E. DOBRIANSKY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. BRAY. Mr. Speaker, for some years we have conducted our foreign policy toward the Soviet Union on the thesis that the Soviets were mellowing, but it is now quite plain that this mellowing can be measured by the structural hardness of the steel in Soviet gun barrels that are trained on the people of Czechoslovakia.

Reexamination and review of our entire policy toward the Soviet Union has been long overdue and perhaps the Czech crisis will finally force the issue. Along this line, the tradition of Captive Nations Week must also be considered. The Czech situation not only proves beyond a shadow of a doubt that the Soviets regard their satellites as captives, but also that the Kremlin has not the slightest intention of seeing this status changed and will use armed might, with all the risks and perils it entails, to keep it so.

The following article entitled "10 Years of Captive Nations Week," was written by Dr. Lev E. Dobriansky, of Georgetown University, and appeared in the summer issue of the Ukrainian Quarterly, an authoritative magazine on East European and Asian problems. The article makes one wonder why the Special House Committee on Captive Nations was not established 7 years ago. The article follows:

TEN YEARS OF CAPTIVE NATIONS WEEK

(By Lev E. Dobriansky)

In July, 1968 the Tenth Observance of Captive Nations Week was celebrated in the United States and seventeen foreign countries. Since that first July in 1959, immediately after the United States Congress passed the Captive Nations Week Resolution and President Dwight D. Eisenhower signed it into Public Law 86–90, we, and then in time our allies have conducted ten annual weeks in symbolic behalf of the captive nations as one of the chief keys to the security of the Free World and the freedom and independence of all nations. A tradition has been built and solidly maintained. This is no mean feat, considering the powerful forces that have in this long period militated against the resolution and have sought the elimination of the Week.

At the time of the tenth observance many friends inquired of the writer as to how he now felt about the movement, its rate of growth, the main obstacles confronting it, the reactions of the Red regimes, and its prospects and institutional significance. Having been in it from the very beginning, the writer was asked on both TV and radio programs to assess these ten observances of Captive Nations Week. "Do you think it has accomplished what it set out to do?" "How has 'the disintegration of the Communist monolith' affected the course and goals of the movement?" "Why hasn't Captive Nations Week received far greater publicity in the United States than has actually been the case?" "What do you think of its future?" "Are the captive nations still captive?"

These are some of the questions that dominated the discussions during the tenth observance. And this article contains the answers that were given to these and other questions raised by interested and concerned Americans. Actually, many of these questions aren't new. They've been raised time and time again in the past. But for some reason, perhaps the "10th" itself, they received more widespread currency than before. Thus, in a real sense, this presentation is an accounting of one's observations and reflections on a movement that will enjoy a tenth anniversary in 1969, during the week of July 13–19. The observations and reflections are purposed not only to answer the recurring questions but also to penetrate the confetti diplomacy of this decade which has really caused many to ask these questions.

THE ERA OF CONFETTI DIPLOMACY

Of course, the easy approach would be to answer these dominant questions in a yes or no fashion and then refer the questioner to a mass of literature dealing with the subject for nearly a decade. Yes, the Week is accomplishing what it set out to do. The so-called disintegration of the Communist monolith favorably reinforces the course and goals of the movement, particularly the force of patriotic nationalism which the Resolution stresses. At the start, Captive Nations Week received world-wide publicity, but as many in powerful places began to fear its implications, the pressure was on to play it down as much as possible. The future of Captive Nations Week is guaranteed by the congressional resolution itself; so long as there are the captive nations in the Soviet Union and elsewhere, the Week has its existential basis for the long and substantiating future. Needless to say, squabbles and rivalries between and among totalitarian Communist Parties, which dominate the regimes of the Red states, do not make the peoples, the nations themselves, any less captive.

In this period of confetti diplomacy, with paper treaties and paper bridges of understanding as far as the captive nations are concerned, these are the direct and well-substantiated answers to the prevailing questions of the moment. The factual bases and detailed background to these specific answers can be easily acquired by consulting the outstanding literature on this fundamental subject. The book by Professor Smal-Stocki will give the inquirer a keen insight into the captive non-Russian nations in the Soviet Union.[1] This dimension is a blind spot for most Americans. The writer's own current work provides in outline the origin, development, and meaningful ramifications of the Captive Nations Week tradition and institution.[2] The book has received many favorable reviews, but the one that intrigues the author starts this way, "This is an impassioned volume in which the author depicts the United States as a gigantic fool, unwilling to be convinced of Russian ruthlessness and unwilling to react positively to the Communists' continual aggression." [3] Where the passion comes in the writer himself can't tell, but for the most extensive documentation of the subject, the reader will find this volume valuable.

During this decade numerous other source materials came into being to analyze the congressional resolution, describe the meaning of the movement, and to justify its existence in the light of changing developments in the Red Empire. The book *Captive Nations Week: Red Nightmare, Freedom's Hope* furnishes an excellent account of Congress' role in the annual Week.[4] "Why Captive Nations Week?" is an informative article, pointing out that despite the Chinese-Russian rift and other rifts in the Red Empire, more than 27 nations are still held captive in the Red Empire.[5] A background article on "The Roots of Russia" still goes a long way in contributing to an understanding of Moscow's current repressions in the Soviet Union, its heavy involvement in the Middle East and in Asia, and its graduated handling of the Czecho-Slovak crisis.[6] As we shall see more clearly with the passing of the years, the real enemy is not the mythology of Communism, at best a psycho-political tool of deception and assigned philosophical respectability, but rather a crude Soviet Russian imperio-colonialism, which was well depicted with reference to Captive Nations Week a few years ago.[7] The mythical independence of Rumania, the introduction of Liebermanism in the U.S.S.R., the squeals of a Castro and the rantings of Peking, the demands for Czecho-Slovak reform, and the continued meanderings of a Tito, none of these superficial developments have in any way altered the main thrust of Soviet Russian imperio-colonialism.

Equally applicable to today's conditions as they were only a few years ago are a dozen pieces on the captive nations. For example, "Captive Nations vs. Red States" advances the crucial distinction between the nation, the people itself, and the Red-dominated state, and explodes the whole notion of building bridges that serve to entrench the Communist apparatus.[8] Too often, Americans fail to draw this basic distinction, as shown by the erroneous concept of Communist nation, and fall for schemes which only on balance conduce to the benefit of the particular Red regime. Another example is the fundamental deterrent value of the captive nations, taken as a whole, against the outbreak of a global war.[9] With rampant insecurity sown for the Red regimes, the oppressed peoples could alter the aggressive designs of these regimes. There isn't one such regime that doesn't support the aggression of Hanoi against the Republic of South Vietnam. "Forget the Captive Nations?" has been the prime objective of Moscow and its syndicate members, but as the article with this title clearly demonstrates, the realization of this aim in the United States and elsewhere would be a tremendous psycho-political victory for the Red aggressors.[10]

Despite all that has been written, said, and done about the captive nations and their significance for world peace and freedom, the course pursued by two Administrations in this decade has been detrimental to the cause of these nations and inhibiting to the movement in the Free World. Added to this has been the protracted ignorance and even illogic on the part of several of our popular opinion media. The evidence also shows a certain amount of insincerity and self-de-

---

Footnotes at end of article.

feating expediency concerning our policies toward the Red regimes and the captive nations in this era of confetti diplomacy.

As the writer publicly stated before an official body of the 1968 Republican National Convention, both Administrations in the 60's have pursued "a confetti diplomacy in regard to the main enemy, which can be accurately depicted as the international dimension of the credibility gap."[11] The statement continued, "The whole train of paper-making—the Test Ban Treaty, Consular Convention, Outer Space Treaty, the Non-Proliferation one and even the Moscow-New York flight run—are so much confetti on the scale of fundamental problems, serving to hoodwink our people as to the harsh realities in the Red Empire and the real threats to our security. The Consular Treaty, as written, doesn't even make semantic sense. These superficialities tend, in the myopic tradition of the Roosevelt Administration over two decades ago, to convey an implicit partnership between Independent America and Imperio-Colonialist Moscow. None of these treaties is of any concrete net advantage to us, and each is of nothing-to-lose-much-to-gain advantage to Moscow. The confetti helps to enshroud the real enemy of Soviet Russian imperio-colonialism and its communist weapons which are dramatically at work today in Czecho-Slovakia."

With regard to the captive nations, which after all involves the basic issues of Soviet Russian power, aggression, and continual threat to the independence of nations in the Free World, the crucial point is the virtual surrender by the United States of its enormous ideologic power in favor of what is deemed a pragmatic "Soviet-American survival pact."[12] The fear of "mutual annihilation," or better "nuclearitis," is what supposedly has led us to placate Moscow with fundamentally meaningless treaties as far as the main issues are concerned, to play down the cause of the captive nations, to permit the historic meaning and significance of America in terms of national independence and self-determination to seriously corrode, and, as Franklin Roosevelt attempted to do in a period devoid of nuclear weapons, to consummate an implicit partnership with the last remaining empire of its size for the ostensible purpose of maintaining world peace. We have even sacrificed an across-the-board superiority in weaponry for a tenuous parity in order to display our national desire and want for a live-and-let-live existence. These are the dangerous straits into which Moscow's skillful policy of "peaceful coexistence" has led us.

It is no accident as concerns the Tenth Captive Nations Week Observance and the forthcoming elections in the United States that for demonstration effect Moscow plunged into a gestural rash of ratifying the Consular Convention, advancing and signing the nonproliferation pact, calling for new talks on control of missile systems, and opening up the Moscow-New York flight run. It sought certain responses and successfully obtained them. Reveling in the web of confetti diplomacy, President Johnson, who still thinks the Soviet Union is a nation, views all this as having "proved that our two countries can behave as responsible members of the family of nations. And that is a very hopeful sign indeed."[13] Not realizing that all this has been from Moscow's viewpoint a vital and integral part of its Cold War against the United States, he sees it as steps toward the cessation of the Cold War for "I believe," he naively proclaims, "that the old antagonisms which we call the Cold War must fade—and will fade."

Viewed against the real background of Russian Cold War operations on all continents, the responses to Moscow's diplomatic maneuvers are almost Pavlovian in nature. This was shown, too, in the President's proclamation of Captive Nations Week which, issued on July 10, reads as follows:

"THE WHITE HOUSE.

"A PROCLAMATION ON CAPTIVE NATIONS WEEK, 1968, BY THE PRESIDENT OF THE UNITED STATES, OF AMERICA

"Whereas the joint resolution approved July 17, 1959 (73 Stat. 212) authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as 'Captive Nations Week' until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

"Whereas human freedom, national independence, and justice are fundamental rights of all peoples; and

"Whereas the enjoyment of these rights, to which all peoples justly aspire, remains severely limited or denied in many areas of the world; and

"Whereas the United States of America, in keeping with the principles on which it was founded, has sought consistently to promote the observance of fundamental human rights throughout the world;

"Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week beginning July 14, 1968 as Captive Nations Week.

"In witness whereof, I have hereunto set my hand this tenth day of July in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

"LYNDON B. JOHNSON."

One need only compare this proclamation with previous ones to appreciate the trend of ideologic emasculation so necessary to the illusory content of our confetti diplomacy. For one, the Secretary of State's signature has been quietly disposed of in order to reduce the proclamation's official standing. Also, in sharp contrast to all preceding proclamations, the 1968 one disposed of the President's public invitation "I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty." This is highly indicative of the sorry state we have drifted into while Moscow feverishly promotes its Cold War operations.

A quick glance at these operations encompasses an unrelenting drive to demolish NATO, to convert the Mediterranean into a Red lake, to establish Russian hegemony in the Middle East, and to undermine all Free Asian efforts toward expanded freedom. Working directly and also through Red syndicate members and Communist Parties in the Free World, Moscow is striking different keys and playing various tunes as it extends its interests in Asia, Africa, and Latin America. Through necessary intermediation, it naturally has a keen interest in political warfare developments on the American terrain. Woven into all of this, its anti-American propaganda continues at a high pitch. Upon the assassination of Senator Kennedy, *Tass* didn't hesitate to call it "a new, convincing example of the terrifying gangster 'democracy' in the United States."[14] Moscow's government paper hammered away at the old reliable, "Imperialism carries violence within itself,"[15] and Brezhnev let it be known that the United States is a "rotting society, a degrading society, a decadent society," words with an old Hitlerian ring.[16] Such statements are a daily diet in Moscow's propaganda network, and the chief aggressive thrust against the United States has been and is psychopolitical, for which this country in its illusions of peace and co-engagement is ill-prepared.

PROTRACTED IGNORANCE ON CAPTIVE NATIONS

One of the paramount objectives of Captive Nations Week is the education of the American people regarding the captive nations, especially those in the Soviet Union. In this decade, remarkable progress has been made in this respect. But we would be deluding ourselves to think that the task is close to completion. If this were so, our policy toward the Soviet Union and the Red empire would be sensibly different. Much remains to be done to overcome and eradicate numerous strands of protracted ignorance and even obscurantism in many sectors of our Nation.

For a more thorough study of this unfortunate condition the reader might well find several sections of my book on *The Vulnerable Russians* of profitable worth. Here, let us just cite a few examples where public opinion is being swayed. A columnist who has been taunting former Vice President Nixon for his performance with Nikita Khrushchev back in 1959, writes that "Just before he arrived, Congress had passed the so-called Captive Nations Week Resolution calling for the liberty of the 'captive nations' of Latvia, Lithuania and Estonia, now under the Soviet Union."[17] This balderdash is aggravated later when in another article the reader is told that the Captive Nations Week resolution "was a resolution periodically passed at the initiative of certain Baltic refugees, calling for the liberation of Estonia, Latvia and Lithuania, now part of the Soviet."[18] This is the kind of nonsense being fed the American people. It is doubtful that the writers ever read the resolution, which goes far beyond the captive Baltic states, had never anything to do with the initiative of "Baltic refugees," and is not periodically passed. With their nonsense as a background, the reader can safely discount much of what they say about Nixon. The second chapter in my work on "Nixon's Testimony of American Bewilderment" presents an objective account of the episode.

In his acceptance speech in Miami, Mr. Nixon emphasized, "To find the truth, to seek the truth and to live with the truth, that's what we will do."[19] Should he win, ample opportunity will arise to apply this commitment in connection with the captive nations. Surely, in the hoped-for environment statements such as this—"Khrushchev was then nettled because just before Nixon's departure, the U.S. Congress had adopted a routine resolution referring to the slave peoples within the Soviet orbit"—could scarcely thrive.[20] The writer, who availed himself of the first New York to Moscow run, significantly during Captive Nations Week, evidently doesn't know how the supposedly routine resolution emerged, and for him the U.S.S.R. is a "nation."

Considering the appeasement and diplomatic confetti atmosphere in this country, it was no easy task to promote a captive nations plank in the 1968 Republican Platform. It is a general plank that fails to include the captive nations of Asia and Cuba. Some of the reactions in the press cause one to wonder about journalistic knowledgeability and honesty. In a supposedly interpretative report one writer views it as "the usual anachronistic references to the 'captive nations' of Eastern Europe," as though that area is free, independent, and self-determining.[21] The editors of the *Washington Post* display their usual fatuousness and disregard for honest expression in an editorial that gloats over the generality of the plank, excluding any enumeration of the captive nations such as occurred in the forthright 1964 Republican Platform.[22] With silly intent, Armenia is compared with Quebec and "the Ukraine" was supposed to have been captured between 1960 and 1964. As for journalistic honesty, the reader should compare this editorial with the *Post's* April 28 one on the "Cause of the Ukraine," where concerning Ukrainian inde-

---

Footnotes at end of article.

pendence it states "The last time a separate Ukrainian government tried that was in 1918" and "Soviet troops suppressed it with a vengeance still bitterly recalled." Many satisfied readers of the article "From Moscow's 'Izvestia' to Washington's 'Post' " can appreciate these dialectics.[23]

STEADY GROWTH OF THE WEEK'S OBSERVANCE

What is truly remarkable is the fact that in spite of the heavy forces opposing Captive Nations Week, the annual observance has steadily grown and expanded over these years. One need only peruse the pages of the *Congressional Record* since 1959 to see the scope and extent of the annual Week. Traditionally, Congress observes it with impressive report and dedication.[24] About 35 Governors and over 40 Mayors of our large cities issue their proclamations of the Week. Activities under the guidance of the National Captive Nations Committee in Washington are conducted by local committees in cities ranging from Boston to Los Angeles, Miami to Seattle, New York, Philadelphia, Cleveland, Buffalo, Chicago, St. Louis and many others.

The press coverage in these cities is fairly impressive, and change in circumstances will undoubtedly project it further. For example, the column by Ted Lewis in the July 16, 1968 issue of the *New York Daily News* publicized the Week for millions of New York readers. TV and radio reporting of the Week is not as extensive as it should be, but here, too, future international developments will determine more than anything else the range of such reporting. The Georgetown University TV–Radio Forum has consistently staged programs that have had a broad audience through its network. These and other functional bases of the Week would be greatly enlarged should another nation fall captive or Soviet Russian power express itself overtly and massively in Czecho-Slovakia or elsewhere. Tragic though such events may be, we must be prepared for them and their policy implications.

One of the outstanding developments of the movement has been its reception in foreign countries. In seventeen countries, ranging from Korea to Australia, India to Turkey, and West Germany to Argentina, the observance is now held regularly. Particularly in Asia, the movement has gained a firm foothold. For years now the Republic of China has been in the forefront of Captive Nations Week rallies.[25] For the first time, the Republic of Korea issued a Captive Nations Week stamp to commemorate the tenth observance. Requests for a similar stamp in the United States, the home of the Week, were denied. It appears that the closer a nation is to the battleline of freedom the deeper its understanding is of the issues at hand.

A new and highly important development arose at the end of 1967 when the first conference of the World Anti-Communist League adopted a resolution on the 10th Observance of Captive Nations Week. The resolution called for maximum effort on the part of its members and affiliates, representing over 80 countries, to advance the captive nations movement.[26] Meeting in Taipei, Free China, the members of WACL enthusiastically undertook to implement the resolution in the years ahead. They understood quite well the psycho-political nature of the world struggle and the time element involved. Thus, if America as a sleeping giant follows the present confetti course, the captive nations cause can find permanent support from those nations immediately threatened on an overt basis by the Red Empire. Better that its future is insured by firm hearts rather than confused minds.

THE RED TOTALITARIAN DREAD OF THE WEEK

On evidence, except for our relatively declining military strength, there has been no other factor that the Red totalitarians have dreaded more than the Captive Nations Resolution and Week. This expressed fear is not, as some simpletons have scoffed at, induced by the resolution and the Week themselves, but rather by their implications, potential implementation, and practical ramifications. The nature of the prime enemy, the essential history of the Red Empire, the victims of this tragic history, the essence of victory over it, and a firm basis for psycho-political action—all these fundamental ingredients are in the resolution and the forum of the annual Week. It requires only some sober reflection to discern these. Moscow recognized all this instantly, and as the following samples show, so have its syndicate members:

Nikita S. Khrushchev, July 1959: "This resolution stinks." (Then, according to Vice President Nixon, "he spelled out what he meant in earthy four-letter words.") [27]

Khrushchev, October 1959: "Take, for instance, the much-to-be-regretted decision of the American Congress to hold the so-called 'Captive Nations Week' and to pray for their liberation. In this case words other than 'rolling back' were used, but the gist remained the same, the same appeal for interference in other people's affairs." [28]

Nicholas V. Podgorny, U.N., October 1960: "Some members of the U.S. Congress, who apparently are not too busy with state affairs, deliver 'moving' speeches, using the same mimeographed crib concerning the so-called 'week of captive nations' . . . " [29]

Moscow, 1961: "It is not at all fortuitous that this time the farce presented by the 'Captive Nations Week' should coincide with the hullabaloo created by American propaganda around the West Berlin question." [30] (Khrushchev again denounced the Week at the Communist Party Congress in October, 1961.)

"On the basis of the 'weeks' held in the past, we already know what these appropriate ceremonies represent—unbridled anti-Soviet and anti-communist slander . . . Yes, it is only thanks to American bayonets that oppressors of freedom and blood-thirsty dictators are sustained in power in a number of countries of the Latin American continent and Southeastern Asia." [31]

Moscow, 1962: (In 1962 the Russian imperio-colonialists scored a victory in getting UNESCO to publish the scandalous and fraudulent *Equality of Rights Between Races and Nationalities in the USSR*.)

"Is it not high time to discontinue the 'Captive Nations Week' in the United States? That is just as much a dead horse as the 'Hungarian Question.' " [32]

Moscow, January 1963: "The President of the United States, losing his sense of reality, has declared 'a week of the Captive Nations' and is trying to turn attention away from the struggle of the Negroes for their liberation.'

Pravda, Moscow, July 8, 1963: "Kennedy is a third-class clown proclaiming Captive Nations Week, which is a despicable animal campaign of the U.S. ruling circles."

Pyongyang Radio, N. Korea, July 10, 1963: "With every passing year 'Captive Nations Week' becomes a nuisance. The stupid situation in which the Washington legislators and rulers found themselves is becoming evident even for those who earnestly propagate the imperialistic policy of the U.S.A."

Izvestia, Moscow, July 15, 1964: "An annual, pitiful undertaking. One could treat it as a joke . . . One could treat it like that, if it were not for the fact that Captive Nations Week, an annual undertaking organized by men who having long since lost contact with their actions, is supported by the U.S. Congress and by a proclamation of the President of the U.S."

Trybuna Ludu, Poland, July 27, 1965:

Mikhail Suslov, chief Russian ideologist, Vilnius, Lithuania, July 17, 1965. "Especially disgusting is the villainous demagogy of the imperialistic chieftains of the United States. Each year they organize the so-called captive nations week, hypocritically pretending to be defenders of nations that have escaped from their yoke. These international gendarmes, stranglers of freedom and independence, would like again to enslave the free nations of Lithuania, Latvia, and Estonia. But that will never happen."

Political Affairs, 1966: "Criminals . . . are active in the organizations of the so-called 'captive nations' . . . have their own press and conduct war-inciting activities through demonstrations, picket lines, etc. . . . are often connected with similar organizations in other countries in Europe and Latin America."

Izvestia, July 7, 1967: "The thing is that every year in July the rulers in Washington put on an eye-sore of a propaganda spectacle, titled 'Captive Nations Week' . . . This time the advent of the notorious 'Week' is being violently commented upon by the reactionary American Press."

These are only a meager portion of the vehemence and vituperation poured on this movement. What, above all, the totalitarian Red regimes need is relative security and stability in their empire in order to gain necessary time for political and economic consolidation, reconciliation between and among the squabbling Communist Parties, more technologic progress and augmented material means to meet expanding Cold War commitments in the underdeveloped world, and greater overall military strength to challenge directly the power of the United States. The captive nations cause strikes at the very basis of their strategic plan for the years ahead.

TOWARD THE 10TH ANNIVERSARY OF CAPTIVE NATIONS WEEK

As was mentioned above, in the period of July 13–19, 1969 the Tenth Anniversary of Captive Nations Week will be celebrated here and abroad. For it was in July, 1959 that Congress passed the Captive Nations Week resolution upon which this annual observance is founded. Plans for this anniversary are already under way. But the most effective planning must take into account the fact that the annual observance is in large part a springboard for the discussion of issues which are important to the cause and must be advanced and supported through the year. In the last analysis, it is these issues and their determination that provides the substance for the perpetuation of the Week and the positive progress of the captive nations movement.

The dominant issues are many and require in their own right detailed exposition and analysis. However, here we can review them quickly with brief comment in relation to our fundamental educational task. First, the advocacy of a debate in the United Nations on Soviet Russian imperio-colonialism. Despite President Kennedy's move in this direction in 1961, no such debate has ever been held in the U.N. forum. As concern the captive non-Russian nations in the USSR, the need for this is more urgent than ever before.[33] Russian genocide of these nations will only strengthen Soviet Russian totalitarianism against the Free World. Second, a full-scale review in Congress of U.S. policy toward the USSR.[34] Here, too, never in our history have we undertaken such a review. It would be unprecedented and most productive for our national course.

Third, opposition to liberalized East-West trade without political concessions. Our trade experiences with totalitarian states in the pre-World War II period should provide solid historical lessons for not repeating our mistakes again.[35] Fourth, the establishment of a Special Committee on the Captive Nations in the U.S. House of Representatives. There is no agency, public or private, in this country that continually investigates the interrelated

---

Footnotes at end of article.

developments in the captive nations as a whole. The multiple advantages of such a committee to the fund of knowledge and security of the United States and its allies scarcely require emphasis. Fifth, the creation of a Freedom Academy by congressional passage of the Freedom Academy bill. For the struggle ahead, the deficiencies in the psycho-political warfare preparations and equipment of Americans are grave, indeed. And nowhere have they come to full light than in South Vietnam itself. The plain fact is that, as in any other activity, we cannot hope to cope with the thrusts and gyrations of Red political warfare without methodical training in this discipline.

A sixth issue and objective is victory in Vietnam, clearly defined as South Vietnamese liberation of the 17 million captive North Vietnamese. It is one of the sorry aspects of our Vietnam experience that none of our leaders even mention the captive plight of the North Vietnamese people. A positive victory cannot be realized without their freedom. Seventh, close examination of the situation of Russian consulates in our country. Despite the ratification of the U.S.-USSR Consular Convention, our position against it still is valid and true.[36] Bearing on the Dirksen-State Department agreement which made ratification possible, we should oppose the placement of Russian consulates in cities with a heavy East European ethnic complex. And eighth, the evolvement of a new U.S. policy of unfinished liberation.[37] This policy is based on premises of political warfare, such as the totalitarian Red regimes persistently wage, and is the best guarantee against more Vietnams and the outbreak of a global war. The alternative to our present policy of patched-up containment is clear, far less costly, and more productive for world freedom, thus our freedom.[38]

These, then, are the formidable issues confronting all who understand and support the strategic value of the captive nations in toto. One does not expect the average American to grasp the insight that there will never be peace of a genuine sort in the world as long as the Soviet Union exists. But such will be the case until the Free World begins to concentrate on the key captive non-Russian nations in the USSR, peacefully, understandingly, and courageously. Until that time arrives and given the illusions of our confetti diplomacy, we had better keep reciting the long list of captive nations as provided in the new brochure of the National Captive Nations Committee, with the overhanging question "Who's Next?":[39]

"The Captive Nations: Who's Next?

"[Country, people, and year of Communist domination]

Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkistan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Crotia, Slovenia, etc. in Yugoslavia	1946
Poland	1947
Rumania	1947
Czecho-Slovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

"Who's Next? South Vietnam? Algeria? Colombia? Congo? Laos? Tanzania? Bolivia? Thailand? Greece? Guatemala? Chile?"

FOOTNOTES

[1] Roman Smal Stocki, *The Captive Nations,* Bookman Associates, New York, 1960, pp. 118.

[2] Lev E. Dobriansky, *The Vulnerable Russians,* Pageant Press, New York, 1967, pp. 454.

[3] *U.S. Naval Institute Proceedings,* August 1968, p. 133.

[4] *Congressional Record* reprint, United States Government Printing Office, Washington, 1966, pp. 310.

[5] *The New Guard,* Washington, D.C., July 1965, pp. 12–14.

[6] *United States Naval Institute Proceedings,* Annapolis, Md., April 1963, pp. 40–57.

[7] "Soviet Rusian Imperio-Colonialism and the Free World," *NATO's Fifteen Nations,* Amsterdam, The Netherlands, August-September 1963, pp. 92–97.

[8] American Security Council *Washington Report,* July 19, 1965, pp. 1–4.

[9] "The Captive Nations—A Major Deterrent Against Global War," *The Manion Forum,* South Bend, Indiana, February 6, 1966, pp. 1–4.

[10] American Security Council *Washington Report,* July 18, 1966, pp. 1–4.

[11] "A New Republican Policy of Dynamic Independence," Testimony before Republican Platform Committee, Miami Beach, Florida, July 30, 1968.

[12] Harry Schwartz, "The Soviet-American Survival Pact After Five Years," *The New York Times,* July 8, 1968.

[13] "Johnson, at Glassboro, Urges U.S., Soviet Efforts for Peace," *The Washington Post,* June 5, 1968.

[14] Moscow, June 6, 1968.

[15] *Izvestia,* Moscow, June 6, 1968.

[16] "Soviet Leader Assails U.S. 'Potting Society,'" *The Washington Post,* July 4, 1968.

[17] Drew Pearson, "Why the Russians Don't Relish Nixon," *The Washington Post,* April 20, 1968.

[18] Drew Pearson and Jack Anderson, "Nixon's Positions," *The Washington Post,* August 4, 1968.

[19] Richard M. Nixon, "This Time We're Going to Win," *The Washington Post,* August 9, 1968.

[20] Ralph McGill, "U.S., Moscow Add Another 'Bridge,'" *The Evening Star,* Washington, July 23, 1968.

[21] Crosby S. Noyes, "A Platform Tuned for Violins," *The Evening Star,* August 5, 1968.

[22] "Rollback in Miami Beach," August 9, 1968.

[23] *Congressional Record,* August 1, 1968, pp. 24875–24877.

[24] *Congressional Record,* July 17, 1968, pp. 21851–21874.

[25] "Captive Nations Rally in Taiwan," *Congressional Record,* August 2, 1968, pp. 25323–25326.

[26] *Congressional Record,* vol. 113, pt. 25, pp. 34198–34200.

[27] Richard M. Nixon, *Six Crises,* 1962, p. 252.

[28] *N. S. Khrushchev's Report to Supreme Soviet,* Embassy of the Union of Soviet Socialist Republics, November 2, 1959, pp. 1–2.

[29] Address, U.N. General Assembly, New York, October 4, 1960.

[30] *Pravda,* July 21, 1961.

[31] *Izvestia,* July 17, 1962.

[32] *The New York Times,* Moscow, January 23, 1963.

[33] See E. Derwinski, "Anniversary of First Revolution By Captive Nation," *Congressional Record,* November 13, 1967, pp. H15120–15122; also T. J. Dodd, "Persecution of Islam in the Soviet Union," *Congressional Record,* vol. 113, pt. 13, pp. 17669–17674.

[34] See J. Broyhill, "Necessity of Review of Nation's Entire Diplomatic and Economic Policy In Relation to Soviet Union," *Congressional Record,* vol. 113, pt. 14, pp. 19296–19297; also, Lev E. Dobriansky, *Review of U.S. Policy Toward the USSR,* p. 16.

[35] "Historical Lessons in Totalitarian Trade," The Intercollegiate Review. Nov.-Dec. 1966, pp. 55–65.

[36] See "Ten Reasons Against the US-USSR Consular Treaty," p. 16.

[37] See "A U.S. Policy of Unfinished Liberation," p. 22.

[38] See "New Pathways For U.S. Leadership," *Congressional Record,* July 17, 1968, pp. 21867–21869.

[39] *Congressional Record,* July 31, 1968, pp. 24611–24612.

CRIME IN 13TH CONGRESSIONAL DISTRICT

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PODELL. Mr. Speaker, during the first 7 months of 1968, the 400,000 people in the 13th Congressional District in the Borough of Brooklyn, were victimized each day by 21 burglaries, 20 larcenies, and 16 car thefts, amounting to a total of 4,482 burglaries, 4,429 larcenies, and 3,460 motor vehicle thefts. With a total of 13,228 major crimes reported in the seven categories used by the FBI Crime Index, three out of each 100 residents of our district became direct victims of the rising tide of crime.

Crime statistics for the 13th Congressional District show the following:

First. During the month of July a total of 2,050 major crimes in the seven categories used by the FBI Crime Index were reported. This represents a decrease of 65 crimes below the level in June, which had 1 day less.

Second. The cumulative statistics for the first 7 months of 1968 show a total of 13,228 major crimes reported in the district as follows:

January	1, 775
February	1, 630
March	1, 797
April	1, 901
May	1, 960
June	2, 115
July	2, 050
Total	13, 228

Third. The Crime Index trend for the month of July and for the first 7 months of 1968 shows:

	July 1968	1st 7 months, 1968
Crimes against the person:		
Murder and nonnegligent manslaughter	2	14
Forcible rape	5	22
Robbery	56	448
Assault	132	553
Total crimes against the person	195	1, 037
Crimes against property:		
Burglary	577	4, 482
Larceny, $50 and over	707	4, 249
Motor vehicle thefts	571	3, 460
Total crimes against the property	1, 855	12, 191

Fourth. The cumulative statistics for the first 7 months of 1968 show that the people of the 13th Congressional District in Brooklyn were exposed to 62 major criminal incidents every 24 hours, or approximately five major crimes every hour of the day.

Fifth. It should be observed that the statistics do not disclose the full picture of criminal activity in the congressional district. The statistics do not include crimes omitted from the FBI Crime Index. Nor do they include crimes not reported even enough included within the FBI major crime categories.

Sixth. The police precinct and stationhouse addresses in this district are: 60th Precinct, 2951 West Eighth Street; 61st Precinct, 1423 Avenue U; 66th Precinct, 5822 16th Avenue; 67th Precinct, 35 Snyder Avenue; and 70th Precinct, 154 Lawrence Street.

Seventh. Following are two tables, one showing criminal statistics for the 13th Congressional District during the month of July and the other the 7-month cumulative total:

JULY 1968 STATISTICS

Precinct	Murder, nonnegligent manslaughter	Forcible rape	Robbery	Assault	Burglary	Larceny, $50 and over	Motor vehicle thefts	Total
60	0	3	18	73	128	161	78	461
61	1	1	5	8	132	240	204	591
66	1	0	3	12	120	87	78	301
67	0	0	19	23	93	93	79	307
70	0	1	11	16	104	126	132	309
Total	2	5	56	132	577	707	571	2,050

CUMULATIVE STATISTICS, JANUARY–JULY 1968

60	5	11	128	275	889	684	402	2,394
61	3	3	90	90	1,181	1,508	1,329	4,204
66	4	2	56	55	684	510	544	1,855
67	0	1	89	70	698	652	451	1,961
70	2	5	85	62	1,030	895	734	2,814
Total	14	22	448	553	4,482	4,249	3,460	13,228

GAO BACKS MESKILL'S CHARGES AGAINST OEO FUNDING OF PHANTOM CORPORATION

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MESKILL. Mr. Speaker, on July 16 I asked for a congressional probe of the strange circumstances surrounding the grant of more than a quarter of a million dollars by the Office of Economic Opportunity to a nonexistent corporation supposedly called Connecticut Law Reform, Inc. My earlier statement appears on page E6552 of the RECORD for that date.

I forwarded a copy of that statement to the Comptroller General with a request that the General Accounting Office also investigate the manner in which the award was made.

I am sorry to report that my fears have been substantiated by the GAO investigation, the results of which have been forwarded to me in a letter from Mr. Elmer B. Staats, the Comptroller General. For the RECORD, I submit a copy of this letter following these remarks. This OEO grant is but another example of incredible bureaucratic sloppiness with public funds. It is another reason why Congress should enact legislation sponsored by myself and many others—H.R. 18576—to establish a new Hoover-type Commission to study the fantastic jungle which the Federal grant-in-aid programs have become, and to recommend reforms.

It appears in the case of the intended grant for Connecticut Law Reform, Inc., that the wrongdoing has been caught in time; that is, no money has actually been transferred.

A disturbing aspect of the matter, however, is the fact that no one in a position of responsibility in Connecticut knew about this application. Nor was the matter submitted to the Governor of Connecticut for his review, as is required by law. It is very disturbing to find this example of a project being "cooked up" at the top, simply because some extra money became available, and was not in response to any demand or need expressed by responsible persons in my State.

This is a most unfortunate trend in government. I strongly believe policy should be developed from the bottom up, not from the top, in Washington, down.

The Comptroller General's letter follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., September 6, 1968.

Hon. THOMAS J. MESKILL,
House of Representatives.

DEAR MR. MESKILL: This is in further reference to your letter dated July 18, 1968, and enclosure, concerning a grant of $272,443 by the Office of Economic Opportunity to Connecticut Law Reform, Inc. Your concern in the matter arises inasmuch as the corporation was not in existence at the time the grant award was made.

We have reviewed this matter along the lines discussed with you in a meeting on July 31, 1968, to determine whether the award of the $272,443 grant constituted a valid obligation under section 1311 of the Supplemental Appropriation Act, 1955, 68 Stat. 830, 31 U.S.C. 200. That section provides, in pertinent part, as follows:

"(a) After the date of enactment hereof no amount shall be recorded as an obligation of the Government of the United States unless it is supported by documentary evidence of—

* * * * *

"(5) a grant or subsidy payable (i) from appropriations made for payment of or contributions toward, sums required to be paid in specific amounts fixed by law or in accord with formulae prescribed by law, or (ii) pursuant to agreement authorized by, or plans approved in accord with and authorized by, law;

* * * * *

"(d) No appropriation or fund which is limited for obligation purposes to a definite period of time shall be available for expenditure after the expiration of such period except for liquidation of amounts obligated in accord with subsection (a) hereof; but no such appropriation or fund shall remain available for expenditure for any period beyond that otherwise authorized by law."

The records of the transaction examined by our Office confirm the information set forth in your letter and enclosure that the grantee corporation did not in fact exist at the time the award of the grant was announced. Nevertheless the grant was recorded as an obligation against the fiscal year 1968 appropriation.

Subsection (d) of section 1311 provides that no fiscal year appropriation shall be available for expenditure after the expiration of the fiscal year for which made except for liquidation of amounts obligated in accord with subsection (a). Subsection (a) constitutes an absolute prohibition against the recording of any amount as an obligation of the Government of the United States unless it is supported by documentary evidence of transactions set out in items (1) through (8) thereof. Item 5, pertaining to grants requires, with respect to a transaction such as here involved "an agreement authorized by, or plans approved in accord with and authorized by, law." Essential elements of a grant agreement, as in a contract, are competent parties and a subject matter, a legal consideration, a mutuality of agreement and of obligation. The requirement of an agreement had not been met since one of the parties was nonexistent and it does not appear that plans had been approved in accord with law. Section 242 of the Economic Opportunity Act, as amended, provides:

" 'SEC. 242. In carrying out the provisions of this title, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this title. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of the approval of this Act.' "

The Office of Economic Opportunity was advised by letter of today that in view of the foregoing, the prohibition of subsection 1311(a) of the Supplemental Appropriation Act, 1955, precludes recording the grant as a valid obligation against fiscal year 1968 funds, and action should be taken to remove the obligation.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

ACT ON POLLUTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. LONG of Maryland. Mr. Speaker, earlier this year a letter written by one of my constituents, Mr. Millard Merz, Jr., of Pikesville, Md., appeared in the

Christian Science Monitor. I include Mr. Merz's letter, expressing concern over the pollution problem and urging prompt action to combat it, in the RECORD at this time:

ACT ON POLLUTION

The air—the land—the water—year by year is being increasingly poisoned. Our congressmen have passed a few mild laws, which are not enforced, in order to start the long climb back. To date, however, our lawmakers have in the main just talked and not acted.

All the things that are plaguing our government today are of course important. They need our best thoughts and attention. Pollution though could easily be the most important problem of today if we look towards the future but, because it is not threatening our very life today, it is not receiving anywhere near the attention it should get.

Most of our political representatives know what they should do but because of the expense of doing it, both to government and to business, they hesitate to take the proper steps. Although I do not know, I imagine that there are powerful lobbies trying to stop progress in this direction. When will our lawmakers stop talking and act?

MILLARD MERZ, Jr.

PIKESVILLE, MD.

MOSHER ANNOUNCES POLL OF OHIO'S NEW 13TH DISTRICT

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MOSHER. Mr. Speaker, the final tabulation of my 1968 public opinion questionnaire is complete, and I ask to share the results of that poll with my colleagues in the House of Representatives and the Senate.

More than 13,000 residents of Ohio's 13th Congressional District responded to this poll.

Our 13th District contains all of Lorain and Medina Counties, and portions of Summit and Cuyahoga Counties—the latter two very important areas having been recently added to the 13th. I consider this questionnaire a particularly useful method of learning the opinions and attitudes of citizens living in all parts of the district, but especially those constituents who are new to me.

Because these questions and their responses seem to speak for themselves, I will not attempt here my own detailed interpretation of the results. However, I will point out that one of the many significant findings here is that the war in Vietnam continues—by a wide margin—as the national issue of greatest concern to people in our area.

Let me point out, Mr. Speaker, that this opinion poll is not to be considered a "scientific sampling," in the manner of the Gallup or Harris polls, and I am not trying to pass it off as such. But the results I am presenting here do seem to ring true because they coincide with the many other ways I keep in touch with thinking in the district. Moreover, the returns seem valid in that the proportion from each of our four counties corresponds well with their relative populations.

With that in mind, I am pleased to offer the following tabulation for the consideration of my colleagues:

OHIO'S NEW 13TH DISTRICT QUESTIONNAIRE RESULTS, 1968

[Respondents, 13,294]

1. Does effective local law enforcement require greater congressional attention and appropriations?

Yes	5,114	38.5
No	6,528	49.1
Not sure	1,306	9.8
No response	346	2.6

2. Is non-violent civil disobedience an acceptable way to influence government?

Yes	2,613	19.7
No	9,360	70.4
Not sure	972	7.3
No response	349	2.6

3. Should all firearms be registered?

Yes	6,489	48.8
No	5,993	45.1
Not sure	611	4.6
No response	201	1.5

4. Does your community need increased activity to eliminate air (or water) pollution?

Yes	9,963	74.9
No	2,303	17.3
Not sure	814	6.1
No response	214	1.6

4a. If so, do you favor more federal support for local pollution programs?

Yes	6,698	50.4
No	2,411	18.1
Not sure	564	4.2
No response	3,621	27.2

5. Do problems of poverty and hunger exist in your area?

Yes	4,514	34.0
No	5,943	44.7
Not sure	2,264	17.0
No response	573	4.3

5a. If so, do you favor more federal support for local remedial programs?

Yes	2,114	15.9
No	1,864	14.0
Not sure	397	3.0
No response	8,919	67.1

6. Do urban "ghetto" problems require greater congressional attention and appropriations?

Yes	5,852	44.0
No	5,497	41.3
Not sure	1,580	11.9
No response	365	2.7

7. To end the war, should U.S. negotiators accept a coalition government for South Vietnam, including the Viet Cong?

Yes	5,030	37.8
No	5,340	40.2
Not sure	2,592	19.5
No response	332	2.5

8. Do you favor more men and money to try for a decisive military victory in Vietnam?

Yes	3,666	27.6
No	7,716	58.0
Not sure	1,597	12.0
No response	315	2.4

9. Should Congress consider a volunteer army to replace today's selective service system?

Yes	5,891	44.3
No	5,698	42.9
Not sure	1,456	11.0
No response	249	1.9

10. Please mark the following national issues in their order of importance:

1. Vietnam.
2. Crime.
3. Racial tension.
4. Riots.
5. Poverty.
6. Budget deficits.
7. Balance of payments.

ALLEGHENY COUNTY PUBLIC HOUSING AIMS FOR PRIDE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MOORHEAD. Mr. Speaker, one of the shortcomings of public housing in the past was the inadequacy of social services for tenants—services to help families with few problems move back into private housing and services to bring families with many problems into public housing for effective help.

It was my pleasure this year to work for the provision of tenant service funds in the public housing section of the great Housing and Urban Development Act of 1968. I believe that great strides toward fulfilling the potential of public housing can be made if the tenant service authorization is fully funded before we adjourn.

Already, in my home county of Allegheny, Pa., the farsighted executive director of the county housing authority, the Honorable James W. Knox, has taken steps to broaden the provision of social services to public housing tenants. Among these steps, according to a story in the Pittsburgh Press of July 7, 1968, is the hiring of "a full-time director in social and community service."

Full funding of authorizations designed to assist executives like Mr. Knox in improving tenant services will make a great contribution to the quality of life for public housing residents at little cost.

Under leave to extend my remarks, I insert the article from the Pittsburgh Press at this point in the RECORD and commend it to the attention of my colleagues:

PUBLIC HOUSING AIMS FOR PRIDE

(By James Crutchfield)

Allegheny County Housing Authority administrators have a new idea in public housing—homes.

The authority, according to Executive Director James W. Knox, is trying to encourage residents to upgrade their communities and substitute real family life for mere living together.

MULTITUDE OF PLANS

Mr. Knox described several methods by which the authority hopes to accomplish this. They include:

Forming "tenant councils" to meet once a month in each of the County's housing communities.

Giving tenants a greater voice in the government of their communities.

Providing some of the "extras" that poor people do not ordinarily get.

Hiring a full-time director in social and community service.

Providing better police protection for public housing residents.

Encouraging beautification projects in the communities.

COMMUNITY CHIT-CHAT

The tenant councils are made up of residents who meet to discuss community problems and make recommendations to the County authority.

Run completely by the tenants, the councils set programs germane to the particular community.

Misconduct by youngsters, profanity and other problems are dealt with in tenant council meetings.

Minutes taken at these meetings are submitted to the County office and officials then act where there is a need, Mr. Knox said.

The tenants in County housing are being allowed to impose regulations in their communities.

A CHOICE OF TWO

"Community sanctions" are better than "authority action," according to Mr. Knox.

In community projects, the County tries to recruit its leadership on a local level.

County authorities have been busy trying to make productive use of "dormant" facilities.

"Cellars are being transformed into recreation areas at great expense," he said.

"Poor people don't generally have gamerooms," the executive director said.

The full-time director in social service will be hired to deal directly with community problems that need a professional hand.

"He will deal in simple problems: Getting doctors to the people that need them, giving courses in homemaking, etc.," Mr. Knox said.

A COMMON FEAR

"On the subject of police protection he said, "The people in these communities are really afraid in their own homes. We must do something about it."

He said that if local authorities were not able to do the job, the County Housing Authority would hire "our own."

The County is doing its best to encourage beautification, according to Mr. Knox.

"We favor flower planting contests and similar incentives to good housing," he said.

For him, this new idea in public housing can best be summed up in one word—pride.

MESKILL URGES EARLY ADJOURNMENT OF CONGRESS

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MESKILL. Mr. Speaker, Congress should finish its essential work, close up shop and go home, for the sake of the suffering taxpayers.

We should move the essential business remaining very quickly. This should certainly include my bill to double the individual income tax exemption. Then we should go home and give the taxpayers another break. The Nation already has far too much ill-considered spending on the books. This time of deficits, spiraling inflation, and high taxes is no time to embark on still more new spending programs.

What we need now is good administration and wise leadership to insure that the taxpayer really gets a dollar's worth for every dollar he gives up to the tax collector.

In a few weeks, there will be a new President and a new Congress. The 90th Congress is now pretty much a lame duck. It speaks only for itself. In the event of a major international crisis requiring congressional action, it would be easy enough to reconvene. We should finish up the remaining essentials and adjourn promptly.

OKLAHOMA EDITORS COMMENT ON TV'S CONVENTION COVERAGE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. EDMONDSON. Mr. Speaker, we have heard and read much commentary on the recent Democratic National Convention in Chicago, and the events which surrounded that convention.

I would like to call to the attention of the House some commentary from Oklahoma editors on the convention, and on the television coverage of that convention. I believe these observations are astute and to the point. Some were written by reporters and editors who attended the convention, others by those who had to depend on television for their news of the convention. Both groups, I believe, have come to meaningful conclusions.

First, I would like to call the attention of my colleagues to an editorial titled "TV Fails Again," written by Louis Field, editor and publisher of the Hominy, Okla., News in his paper of September 5:

TV FAILS AGAIN

The yellow dog sensational press of the 1920s has been reincarnated in the form of the yellow dog sensationalism TV of 1968. It began at Miami and grew into monsterhood at Chicago.

Cronkite and associates, along with Huntley-Brinkley and friends, spewed forth more uninformed blathering prattle than a forest of angry magpies. Half the TV coverage was spent berating Mayor Daley, the Chicago police and their "Police State" limiting of the press facilities. The other half was divided between real actions of the convention and the so-called "reporters" on the convention floor with these "reporters" grabbing off a lion's share.

It was televsion at its worst. Sensationalism.

The television reporting was terrible. TV people read sinister implications into everything with which they disagreed. And if the majority favored something, TV opposed it. Convention rules were enforced as they must be, yet each ruling by the chairman was construed by TV to be the workings of Mayor Daley. More sensationalism.

Delegates of California, Wisconsin, New Hampshire and a few other states disagreed with the majority of convention delegates. This was alright. There had been primary elections in these states that selected delegates favorably to minority views. NBC and CBS people acted as if it was a great miscarriage of justice to not let this vocal minority run the convention. TV overplayed this vocal minority. More sensationalism.

TV cameras constantly left important convention action to switch to a floor "reporter" with a new rumor. Their asinine questions were often rude. They acted as if they had some special privilege to invade the privacy of any delegate, anywhere.

TV cameras reported the slightest movement of the hippies, yippies and marchers if police were involved. Police were constantly accused of "unprovoked" attacks on innocent bystanders, marchers and reporters. More sensationalism. No TV coverage was given when things were peaceful and quiet. That wouldn't be sensationalism.

Irresponsible people in TV are a terrifying menace. Television reaches millions. Thus the 3 networks have vast control over a captive audience. A few key people control the content of TV. The convention coverage makes us worry about their sense of responsibility to the TV viewer.

TV sensationalism must cease. Objective reporting must return. This year's conventions coverages shows the urgency of needed correction.

Next, I would like to have appear in the RECORD some remarks by J. L. Jennings, editor of the Bartlesville, Okla., Examiner-Enterprise, who attended the convention, in an article headlined "Abuse of Freedom Hit by E–E Editor" in his paper of August 31:

ABUSE OF FREEDOM HIT BY E–E EDITOR

There has been a lot of complaints on the part of television people for not having adequate camera people on the floor. It is high time that they realize they are just a factor in the communications media and do not deserve special preferential treatment. Television coverage of a convention is not supposed to be a "Hollywood" show. A convention by either political party is a serious exercise of our democratic processes of government. A convention, any convention, is a routine hard-work session that is hardly glamorous and nearly impossible to dress up as anything else but a meeting of a lot of people.

Newspapermen for years have had to scramble for the news, and not have it handed to them on a silver platter. This squawk by television networks about not having enough cameramen on the convention floor is something newspapers have had to live with for years. There are never enough reporters to ever cover a big story.

The television industry will just have to learn how to become visual reporters and not make every aisle and every seat a television studio.

The observations of Wheeler Mayo, editor and publisher of the Sequoyah County, Okla., Times appeared in his column of September 5:

Much of the television coverage by NBC and CBS of the Chicago convention was anything but fair or desirable. One would have thought that at times the two top commentators of NBC and the head commentator of CBS were running a show sponsored by the destructionists.

We feel that we haven't heard the last of why these three top commentators and directors conducted broadcasts that have embittered millions of Americans, (both Republicans and Democrats) against the two giants of the television industry.

Publisher Milt Phillips wrote in his Seminole, Okla., Producer:

We are sick and tired of hearing the screams of "police brutality" every time constituted law enforcement officers have to meet and subdue a group of these willful law-violating demonstrators.

What should we expect our enforcement officers to do, hug and caress those dirty, foul-smelling hippies while being run over and seeing the demonstrators loot and burn other people's property and interfere with the lawful conduct of other citizens?

. . . We are disgusted when a bunch of tv or other newsmen start screaming about being bashed on the head by police trying to stop a riot. If the newsmen want to dash in and get all mixed up with these rioters and marchers and law violators, they must expect to take the consequences and instead of criticizing the police officers they should compliment them.

Publisher Howard Bonham's column in his East Oklahoma Tribune of September 5 carried these observations:

Police brutality is a term being bandied about lately by everyone from hippies to presidential candidates.

No man or woman of good will wants an officer to abuse his authority. By the same token, Chicago would have been in a miserable state of affairs during the recent Democratic convention if police had not restored some semblance of order in the streets of that great city.

Perhaps brutality is a question of definition. What would the critics have preferred that the Chicago enforcement officers have done under the circumstances?

After all, without law and order no nation can long endure.

Donn Dodd's column in the Claremore, Okla., Progress of August 30 carried these thoughts:

Chicago police have been given their share of bad publicity, and no doubt they and Mayor Daley are due some, but can't you just imagine what the convention hall would have been like if the people who were in the streets had ever made it to the place where the Democrats were meeting?

There would have been no convention. Things would have been in such a state of disruption it would have been impossible to continue the proceedings and no matter what the feelings of those outside the convention hall, the party has every right to gather and expect its meetings to be held in an atmosphere of reasonable calm.

Don't ever think for one minute that those whom you saw being clubbed on Chicago's streets wouldn't have taken over the convention lock, stock and barrel once they were inside!

In all the bleeding, yelling about police brutality and other such things one tends to forget about the actual law on such matters. Any group, whether it's the Democratic convention, the Claremore Chamber of Commerce open forum or the Tuesday Study Club, has the right to meet and keep away outsiders with no reason for attending such sessions but to disrupt them and put to shame those who have gathered.

And Associate Editor Frosty Troy of the Tulsa Tribune, who covered the convention for his paper, presented this account in an editorial page report titled "Why America Had To Have a Chicago" in the Tribune of August 30:

WHY AMERICA HAD TO HAVE A CHICAGO

(By Frosty Troy)

CHICAGO.—Those who would encourage the very young to become political activists before their acne is gone and their ardor for the impossible has cooled, would do well to survey events in this city in recent days.

Thousands of young men and women, some of them barely in their teens, poured into Chicago to bedevil candidates and delegates at the Democratic National Convention.

They succeeded in clogging the lobbies of all convention hotels, battling police and generally raising havoc. They destroyed the opportunity of the American people to give studied attention to the crucial deliberations of the dominant party of America.

Contrary to what much of the news media has tried to project, these young people are not all hippies, yippies, peaceniks and traditional revolutionaries. In their number are unaccounted hundreds, if not thousands, of the flower children celebrated in song and story and television specials since Sen. Eugene McCarthy rallied them to his cause in wintry New Hampshire.

But the well-dressed and the ill-clad among those in the Children's Crusade have shared a common theme here—they believe that the prize belongs to those with the lustiest lungs, the poorest manners and the most gall. Failing to capture the prize for their candidates, the goal is to destroy freedom of movement and freedom of action for those with the majority candidates.

Violence in the streets of Chicago is surpassed here only by the violence done the truth by the television networks, especially Walter Cronkite, and those reporters worked to cold fury and mindless inobjectivity because some of their number were brutally clubbed by frenzied cops.

When the smoke clears and the facts are sorted in some future climate of cool-headedness, much of the press of America will share with the demonstrators the shame of painting so false a picture of America.

What Cronkite and others repeatedly referred to as "unprovoked attacks" upon "young men and women attempting to peacefully demonstrate" is a damn lie. The police have certainly been guilty of cases of brutality, but that is only part of the story.

I was caught up in the rolling masses of demonstrators in Lincoln Park and the bloody encounters in Grant Park, Inevitably, police orders were disobeyed.

Inevitably, the cursing and jeering throngs defied what passes for law and order and established authority in Chicago. When the 16-ounce riot clubs began to flail, the cameramen and the reporters were there, often in the middle, and wondering why no one would check their credentials before they were swatted.

Many of us who came to Chicago were convinced that this was the wrong city at the wrong time for the convention. But after surveying the mayhem and the ineptness of Mayor Daley's security overkill, one is less sure that this was the wrong city.

Consider that the nation begins in Chicago to say: "This is an unsafe city." And what next? Cleveland? Kansas City? Miami? Los Angeles? Do the normal amenities of representative democracy become subject to a check-list? If this country becomes a checkerboard of freedom, with its important cities left to anarchy, how long will the free squares remain free?

America had to have a Chicago sooner or later. It had to confront a young generation which includes some of the most pampered, violence-oriented young men and women ever produced. It had to see in microcosm what a mindless permissiveness in the home and our educational institutions has produced.

Raised on instant pablum and free will, there are hundreds of thousands of young people who now demand instant solutions to war and prejudice, poverty and ignorance. Their goals are laudable. Their methods are textbook anarchy as red as the Red banners under which they confronted the cops in Grand Park, stoning lawmen while the press didn't look, getting clubbed while the press cried foul.

Hubert Humphrey and Richard Nixon have now had a good look at a threat more real to this nation's safety than the tanks in Prague. They now know, too, that not one in 50 of the demonstrators was black, that the threat to law and order is of no certain color, no certain social order.

The only certain face on the mob is that of inflexible commitment to destroy a system that produced them. Lacking discipline all their lives, they now strike back with all the fury and tears of an infant kept up past its bedtime.

Will Nixon or Humphrey meet the challenge?

Mr. Speaker, I have read a number of comments on the Chicago convention in the big city papers, and I saw parts of the television network presentations of events at that convention.

It is my honest opinion that these Oklahoma editors and publishers come a lot nearer to expressing the real feelings of most Americans than almost anything I have read anywhere.

AMERICAN VETERANS COMMITTEE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. BINGHAM. Mr. Speaker, last year I placed in the RECORD the veterans and Armed Forces affairs plank of the platform adopted in June by the American Veterans Committee. The plank represented a thoughtful and responsible analysis of a very complex field. Again this year at their convention in June, a platform was adopted with a quality analysis of the problems and possible solutions involved in national affairs. For the benefit of my colleagues and other readers of the RECORD, I am pleased to insert at this point the text of the national affairs plank:

NATIONAL AFFAIRS STATEMENT OF PRINCIPLES

AVC stands for the Bill of Rights as a living force animating the political life of our Nation and as a firm limitation on the arbitrariness of government.

AVC stands for the Bill of Rights as a guarantee of our freedom to speak, to assemble, to believe, and to dissent without fear from the conformities of the day.

AVC stands for equality for all, regardless of race, color ancestry, national origin, religion, sex or age, and for the constitutional guarantees of such equality.

AVC stands for just legislative representation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.

AVC stands for a policy of gainful, full employment and security for all, as outlined in the Employment Act of 1946.

AVC stands for responsible, efficient, and honest government and for the merit system in government employment.

AVC stands for a government possessing and willing to exercise all powers necessary to bring about a solution of our national problems.

AVC supports the active intervention of government, primarily of the Federal Government, in the economy and the general welfare of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our people.

AVC supports a tax policy based on ability to pay and opposes regressive sales and excise taxes.

AVC stands for the recognition of equal rights for labor and management and for improved social benefits of employees.

AVC supports an educational system and a public health system which will give the American people, and America's youth in particular, the knowledge, skills, and training, and the physical and mental health and stamina, to continue their forward march toward America's democratic fulfillment.

GOVERNMENT AND LIBERTY

I. The Nation's freedom—the Bill of Rights

1. We affirm the basic right of all Americans to due process of law, the right to counsel and to freedom from unlawful search and seizure. We oppose all efforts to suppress freedom to believe, speak, write, assemble, criticize, and dissent.

2. A. We urge strong and consistent enforcement of existing laws and regulations which will insure to the citizens of the United States and of the several States the full measure of their privileges and immunities of due process of law and the equal protection of the laws guaranteed to them by the Constitution, regardless of race, color, ancestry, national origin, religion or sex, or wage, and urge the national, state and local governments to enact such further laws, ordinances and regulations as may be needed further to insure these ends.

B. We believe in the principles of the separation of church and state.

C. We favor freedom from censorship of newspapers, magazines, radio, television motion pictures and other media by the Post Office, Customs Bureau, police departments, and other units of government as well as by private pressure groups.

D. We oppose the use of wiretapping and electronic and other forms of eavesdropping devices whether by private individuals or Government officials, elected or appointed.

E. We urge protection by Federal law of all members of the Armed Forces from physical violence because of race, color, ancestry, national origin or religion.

F. We urge making lynching a Federal crime, as well as making provisions for compensation to the families of lynching victims.

G. We favor Federal legislation making it a crime to bomb or to conspire to bomb school, church and other public and quasi-public property.

3. A. The right against self-incrimination. No inference should be drawn in regard to guilt in any legal proceeding of any person solely because he exercises this right.

B. The right to travel. The right of an American citizen to travel abroad should not be arbitrarily abridged by the Federal Government.

II. The Nation's Government

1. Freedom of information: The right of the people to full knowledge of government affairs must not be abridged except where disclosure would imperil the national security or where disclosure would, without substantial public benefit, encroach on the right of the individual to personal liberty or freedom.

2. Congress: We urge proper changes in the rules of the Congress of the United States which will make it possible for the majority of the members to vote cloture or close debate on legislation after a reasonable period, and which will make merit, not tenure alone, the standard to be used in the selection of committee chairmen.

3. Federal-State Relations: We favor strict Federal standard-setting and enforcement in all federal grants in aid.

4. State and local government: We urge reapportionment within the States consistent with the principle "one man-one vote."

5. The Federal civil service:

A. Apart from discharges based on reorganization of Government activities or reduction in force, Government employees should be discharged only for cause and through due process of law. The employees should be presented with a written statement of charges, have the right to a hearing before an impartial board. He should have the right to present evidence, be confronted with adverse witnesses, cross-examine witnesses, and receive a transcript of the hearing free of charge. Action toward his separaration from the Government service should be taken only on the basis thus made.

B. The rights granted to veterans in the Veterans Preference Act in regard to discharge procedures and appeals should be extended to all Government employees except those in probationary status.

6. District of Columbia: We urge that the District of Columbia receive, by legislation or by constitutional amendment where the matter cannot be handled by legislation:

A. The right to local self-government and;

B. The right to elect Senators and Representatives in Congress;

C. An equitable annual Federal contribution in lieu of taxes.

ECONOMIC SECURITY

III. Basic economic policy

1. We continue to support the Employment Act of 1946 which states it is the policy of the Government to create and maintain "conditions under which there will be afforded useful employment opportunities including self-employment for those able, willing and seeking to work and to promote maximum employment, production, and purchasing power."

2. To insure the interest of the consumer, we urge Congress to establish a Department of the Consumer, to be headed by a Secretary of Cabinet rank.

IV. Monetary policy and tax policy

1. Monetary policy:

We urge the establishment of a Federal capital budget for reimbursable public works appropriations and to improve the accounting and budgetary operations of the Government.

2. Tax policy:

A. We urge elimination of special provisions in the internal revenue laws which are discriminatory in nature. As blatant examples, we point to the favored tax treatment of the extractive industries, the restricted stock options for corporate executives, the retirement income credit, the preferred tax treatment of profits on stock market transactions, and the dividend exclusion and credit provision.

B. We also call for an end to the abuse of the deductibility of business expenses to finance luxurious travel, vacations, and entertainment for business management, professional men and sales executives.

V. Housing and urban affairs

The reclamation of the slums requires provision of housing for those who now dwell in them or who might hereafter be driven back into them, at rents or prices which they can afford to pay.

Recognizing that a complex of factors has contributed to the urban crisis—the shortage of jobs, lack of transportation to jobs, failure to upgrade education and provide incentives for further education, inadequate legal services—the crucial need for reclamation of the slums as they exist, totally degrading in all ways to those who live in them, is paramount.

We favor new methods to advance this goal such as the Model Cities Program, rent subsidies, leased housing and "turnkey" techniques. But the goal of decent housing for all cannot be reached without a continuing and massive program of construction of housing by public agencies with variable rentals adjusted to tenant income and the possibility of purchase by the occupants, so that such housing may be available to all who cannot find private housing of decent quality suitable to their means.

In addition, the attainment of our housing goal requires the opening of all and especially suburban housing to everyone regardless of race, creed, color or national origin. We ask and urge that the Human Rights Year 1968 be made to witness a breakthrough in depth in this direction.

VI. Conservation and development of natural resources

We accept as a cardinal pinciple of conservation policy that the natural resources of this land are given to us in trust for the people of this and subsequent generations. The benefits of these resources must be distributed widely and equitably and a share thereof must be preserved for future citizens.

Through comprehensive and coordinated national and regional planning and development, wise use, and enlightened conservation, this can be done. The very nature of the problem requires that Government play a major and controlling role in assuring that conservation.

1. Department of Natural Resources. We propose the organization of the Department of Natural Resources. Such a new department should provide for regionally decentralized opportunities for program formulation and execution, while clearly placing federal responsibility for resources development within the framework of a single agency. The regional multi-purpose concept may require that specific localities or projects be reserved or developed for one or more preferred use.

2. Water and Air Conservation:

A. We reaffirm our strong support of comprehensive multi-purpose river basin development and urge the accelerated application of this principle to our river basins.

B. We similarly favor regional planning by the States and metropolitan areas as well as area redevelopment.

C. We urge the Federal Government to undertake the planning and construction of multipurpose water and power projects similar to the one provided in the Tennessee Valley. Their very scope requires government development and precludes the short-term, piecemeal operations of private interests.

D. The conservation and development of adequate fresh water supplies to meet expanding needs for domestic agricultural, industrial, wildlife and recreational uses, and the protection and improvement of water quality, especially in relation to accumulated pesticides and other contaminating matters, are of increasingly urgent concern.

3. Energy resources conservation. We call for:

A. The maximum feasible development of our only renewable energy resource hydroelectric power including Federal construction of multi-purpose power dams and other waterpower, irrigation, flood control and navigation works using standards of feasibility and repayment schedules for such projects based upon their reasonably expected service life.

B. A continuation and acceleration of the Federal programs to develop and stimulate development of effective processes for the utilization of our immense reserves of oil, natural gas, shale and coal.

C. We urge a major increase in the scope and speed of air pollution prevention measures.

D. The development of atomic energy (both fission and fusion type) for power and other peaceful purposes.

4. Recreation and Wildlife:

The expansion in the demands for outdoor recreation opportunities requires that we add to our national park system and increase the recreational developments on our national forests, public lands, reservoirs and seashores.

We endorse legislation to control billboard erection in scenic areas. Urban planning and redevelopment should include provision for open spaces and outdoor recreation areas.

5. National Land Reserve.

We support the concept that our remaining public lands constitute a "National Land Reserve" to be administered for the benefit of the public with appropriate safeguards for future generations.

6. Pesticide Control

We urge careful consideration and close supervision of pest control programs in recreational, farming, and urban areas.

VII. Agriculture

American agriculture is increasingly the victim of the owners of the new machines, themselves investors rather than farmers. Hired workers are displaced from jobs, and farm lands are being concentrated in fewer hands as farmers themselves are displaced.

AVC calls for a four-part approach to the resulting problems:

1. A reduction of subsidies to industrialized agriculture, those now being paid in proportion to production or for practices which, like some in other industries, are a normal part of the business;

2. New approaches to two problems of the sub-marginal farmer and the farm laborer, recognizing that their plight is closely related to that of the underemployed urban worker and is only in part agricultural.

3. Strengthening the economic family farm through greater attention to credit, service and marketing needs;

4. Providing for rural people the whole range of educational cultural, recreational, health and other opportunities already accessible to dwellers in metropolitan areas.

VIII. Labor

We urge:

1. Periodic updating of the provisions of the Fair Labor Standards Act to insure the coverage of maximum numbers of categories of workers and a realistic and decent Federal minimum wage.

2. Enactment of laws for the full disclosure of the administration of pension and health and welfare plans, whether administered by unions or management or jointly by both. Federal law should follow existing Federal securities legislation and State laws such as that of the State of New York for the exemptions contained in the latter.

IX. Social welfare

As veterans concerned with the social welfare of all citizens we urge:

1. Federal standards to increase unemployment insurance benefits, more realistic eligibility standards and lengthening of the period for which benefits are paid.

2. Development of a strong and unified child welfare program with the Department of Health, Education, and Welfare.

3. Development of Federal services and grants-in-aid for the prevention and control of narcotics addiction, based on the premise that drug addiction is a disease to be treated.

X. Education

1. We recognize that "in the quality of education lies the fate of freedom itself." We urge the provision of educational opportunity for every American to the limits of his capacity, and the identification of the talented among us in order to challenge them to their highest achievement.

2. To improve and extend existing scholarship and loan programs for college and university students.

3. To extend scholarship and exchange programs for study by Americans abroad and by nationals of other countries in the United States.

4. To appropriate adequate Federal aid to communities impacted by Federal programs.

5. We oppose the use of public funds whether as grants or loans to non-public elementary and secondary schools.

XI. Public health

We urge:

1. Increased Federal expenditures for research in the prevention and care of illness.

2. Expansion of medical insurance and group medical care plans, including a plan for national health insurance.

3. Expansion of public health facilities and services hospitals and nursing homes, without regard to race, color, ancestry, national origin, religion or sex.

XII. Indian rights

We oppose revocation of commitments entered into by treaty between the U.S. Government or the Government of any state and the various Indian tribes.

We support all efforts (1) to safeguard Indian lands and resources from exploitation and expropriation in violation of treaty rights and (2) to make the Indian tribes capable of supporting themselves from the proper development of their resources.

We support adequate health and educational services for the Indian tribes capable of supporting themselves from the proper development of their resources. We support adequate health and educational services for the Indian reservation as well as training in modern industrial and management skills to enhance the opportunities for better living and the ability of the Indian tribes to manage their own affairs.

We also support social services to those Indians who desire to live outside their tribal reservations so as to assist them in adapting themselves especially to urban living and to protect them against discrimination and hostility in their new environment.

YOU BET I'M A FLAG WAVER

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. QUILLEN. Mr. Speaker, "You Bet I'm a Flag Waver" is an editorial well worth reading. It appeared in the Elizabethton Star on Thursday, September 5, 1968, and I agree with the editor's note.

I would like to share this with the readers of the Record.

Under unanimous consent I submit the editorial for inclusion in the Congressional Record, as follows:

You Bet I'm a Flag Waver

(Editors Note.—Many times we Americans take many things for granted . . . Like the freedom to speak, to go to the church of our choice and the many other things that other countries are not allowed to do. We Americans should feel proud when the flag passes by. Too many times when Old Glory is unveiled, persons failed to stand, or take off the hat or place the hand over the heart. Here is a reprint from a publication which should make every American think.)

The rat-a-tat-tat of a drummer's stick, the clash of brass cymbals, the twirling of silver batons and a brilliantly-dressed, fast-stepping color guard marching down the middle of Any Street, U.S.A., are appetizers that stimulate my hungry heart for a nourishing feast of patriotism.

I want to feel my heart race, a mist to cloud my eyes and the tightness of that "lump in my throat" make speech impossible for a moment. I crave to know that good, old-fashioned spirit of flag waving. Let me see visions of Betsy Ross, Washington, Jefferson and Nathan Hale as I watch a parade pass by. If I become so stirred that I shout "Three cheers for the red, white and blue," don't jeer me, JOIN me and let the world know you're proud to be an American!

Why can't Americans let loose emotionally and allow their fervor for flag and country ripple forth as do the red and white stripes of our beautiful American flag? Because somewhere along the curbside of every parade, Americans are brainwashed into believing it "corny" to become wrapped up constitutionally with a 3 x 5, red, white and blue piece of cloth. A complacent attitude toward our fifty stars seems the socially-accepted way to respond.

We modern Americans take so for granted the inheritance we have been given that we have become somewhat negligent of the duty to preserve this heritage for those yet unborn. No one is born patriotic. Patriotism must be instilled through constant introduction to the subject.

The accomplishments of the past cannot be bottled and placed on a shelf for the next generation to open. Our national heritage must be preserved within the capsule of the human heart with enough dedicated character to subject its overflow into our nation's youth.

The demonstration of strong faith in democracy and undivided devotion to our country must be made apparent. Each generation must rekindle in its youth the allegiance to our flag.

The flag is a symbol we as Americans may share regardless of race, creed, color, financial status or political views. The American flag is displayed to tell those around us that we have love for our country and the freedoms it stands for.

Count the flags displayed on the private homes on the street where you live on Flag Day. Ashamed? I am. Count your blessings on the Fourth of July, our nation's birthday, for your material accomplishments could not be totaled if your first blessing hadn't been that of being born (or naturalized) an American.

You bet I'm a flag waver. When I place my right hand over my heart as that glorious American Flag of ours passes by, I feel very near to God. And that's a pretty good place to be in these troubled times. Try it!

THE WILL OF THE PEOPLE HAVE BECOME SECONDARY IN THE SELECTION OF NOMINEES FOR PRESIDENT

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. RUPPE. Mr. Speaker, I have today introduced in the House of Representatives a resolution to establish a temporary Commission on Nominations for President and Vice President. This is the same resolution introduced in the other body by Senator Gaylord Nelson of Wisconsin.

Events in Chicago, during the Democratic National Convention, made it clear that the will of the people has become secondary in the selection of nominees for President of the United States. Certainly, in this technical age, we have the means and ability to bring this critical decision right to the people. In my opinion the selection of our presidential standard bearers should be removed from the back rooms, and the horse and buggy convention system, as we know it today, should be abandoned.

The resolution I have introduced establishes a bipartisan 30-member Commission to conduct a full and complete study and investigation of the convention method by which the nominees for the offices of President and Vice President are chosen by political parties. After 1 year of enactment, the Commission will transmit to Congress a joint report including recommendations for changes in the methods and processes used for the selection of our party standard bearers. The Commission is specifically directed by the resolution to consider a nationwide presidential primary election as an alternative.

I strongly feel that the time is right to begin considering a more representative system for selection of nominees for the highest office in our Government.

FABULOUS FOURTH REPORT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. WYDLER. Mr. Speaker, during my years in Congress it has been my practice to report regularly to my constituents and, with unanimous consent, I submit my September report for inclusion in the CONGRESSIONAL RECORD, as follows:

REPORT FROM YOUR CONGRESSMAN, JOHN W. WYDLER, TO THE FABULOUS FOURTH CONGRESSIONAL DISTRICT, SEPTEMBER 1968

(NOTE.—Including Bellerose, Bethpage, East Meadow, Elmont, Farmingdale, Floral Park, Franklin Square, Garden City, Garden City South, Lakeview, Levittown, Hempstead, New Hyde Park, North Bellmore, North Massapequa, North Merrick, North Valley Stream, Plainedge, Seaford, South Floral Park, Stewart Manor, Uniondale, Wantagh, West Hempstead, Westbury.)

Photo caption: Congress will not have adjourned by the time this issue of The Fabulous Fourth reaches you. However, with Election Day drawing nearer, in order to keep this report nonpolitical in tone, I felt it should go out now.

LET'S LOOK AHEAD

With another Congressional election nearing, I must face the possibility that this may be my last report to you as your Congressman. I hope not.

In spite of the hours and the fact that a Congressman is away from home more often than not, I really enjoy the post. And, with three terms behind me I will have accumulated that much more seniority which I look forward to putting to use. The experiences of each day are invaluable.

I am aware that a Congressman must take a long range view, hoping that, on the strength of his record, things will go well and he will continue to have the opportunity of serving his constituents and of pressing for the Federal laws and Federal aid which will improve our economy, strengthen our security and safeguard our heritage, not only in the Fabulous Fourth but all over our Nation.

NINETIETH CONGRESS NEARS END

A Congressman's responsibility is to represent every one of the residents of his Congressional District, in Washington. He must formulate legislation for the benefit of his constituents and examine every other piece of legislation to determine its impact on his own District.

And, there are thousands of details that make the job add up to about eighty hours a week on the House Floor or in committee rooms or in the office. Then, more hours—as many as can be found—must be spent in the District, or home office, in my case at 150 Old Country Road, in Mineola.

During my six years as your Representative in Congress I have answered about ninety per cent of the roll calls, which is a good record and well above the average for a Congressman. On matters which have been vital to the Fabulous Fourth, I have been there consistently.

I want to pay this tribute to the young women on my staff, both in Washington and in Mineola. They greet hundreds of people for me, many of whom just drop in to say "hello." Others have real problems. Members of my staff often learn the basic details and start things rolling even before I hear about the matter.

My volume of mail is increasing. The number of letters a week is now nearing the thousand mark. Every one is answered as rapidly as possible. And, no one ever asks anyone his politics. There is no place on any form in my office where it can be jotted down. I believe that if a person needs help from his Congressman, he should get it.

This year, I have visited a number of local post offices, to meet constituents and learn what community problems are. Sometimes they have a marked affect on my plans and my thinking.

I receive many requests for Government publications. We mail thousands of Fabulous Fourths. My annual questionnaire is circulated to everyone in the District and so are the tabulated answers.

In spite of my work on the House Floor and on the Science and Astronautics Committee and the Government Operations Committee, my office door is always open to a resident of the Fabulous Fourth. Drop in when you can!

For the accomplishments of the Ninetieth Congress, see the Legislative Box Score at the end of this report.

"O SAY CAN YOU SEE . . . ."

Show your colors! we urged in the last edition of the Fabulous Fourth, last May. And residents of the Fabulous Fourth Congressional District are doing just that—by the thousands.

We offered, with the cooperation of the Nassau County Patrolmen's Benevolent Association, to mail a small American Flag, ready to be attached to the automobile antenna, to every district resident who wrote in.

My offer is still open. A letter or a post card with your name and address and the word "Flag" is sufficient. Join us in this display of unity and love of Country and show your colors!

Free flags are still available—write for them.

Photo caption: Federal-State cooperation is a serious matter and one which involves long hours of intensive study and debate in the Halls of Congress. But, at least three men find a bright spot in the problem. They are left to right, Governor John A. Volpe of Massachusetts; Congressman John W. Wydler of the Fabulous Fourth District of New York, and Senator Edward W. Brooke of Massachusetts.

CONGRESSIONAL STUDENT ADVISORY COMMISSION DISCUSSES EDUCATIONAL PROBLEMS

Photo caption: The on-campus problems that will develop this Fall and problems that have been held over for a number of years, were discussed by Congressman John W. Wydler with Rosemary Verdi (Adelphi), Michael Todd (Nassau Community), John Avellino (L.I.U.), and Steve Hauser (Hofstra), in his office in Mineola. The result of the conference was the formation of a Congressional Student Advisory Commission, Congressman Wydler saying that he needed to know the on-campus thinking of the respective student bodies, for advice in possible legislation, and to keep him informed of campus developments. Each member of the new commission is an elected campus leader of his institution.

WYDLER AGAIN DEMANDS HOOVER COMMISSION

The first bill Congressman John W. Wydler introduced in Congress called for a Hoover-type Commission to update and examine the operations of the Federal Government.

The towering ceiling of the House of Representatives was still echoing to the resounding "I do's," of the new members of Congress, when the bill clattered into the hopper, for the date was January 9, 1963—Mr. Wydler's first day as representative of the Fabulous Fourth Congressional District. He had promised to introduce such a bill prior to the election. It hasn't yet become law, but Congressman Wydler hasn't given up hope. He said:

"All parties and persons in Washington sing the praises of the past Hoover Commissions. It is agreed these Commissions have saved the country millions of dollars in funds wasted on duplication and inefficiency.

"The last Commission worked more than ten years ago. Since then the federal establishment has grown enormously.

"It is clearly time for a new look and a new Commission. My bill, now six years old, is the key to it. The idea has gained support, but mostly from Republicans. The Administration opposes it.

"It is so important to pass this legislation that I would be glad to make it the Lyndon Johnson Commission and put the then retired, ex-President in charge."

WYDLER STRESSES SAFETY

Photo caption: Captain J. J. McClelland, USCG, shows Congressman Wydler a chart of Town of Hempstead waterways. 30,000 small craft are berthed along Nassau's south shores and there are 250,000 in the metropolitan area, making off-shore waters as hazardous as highways. Congressman Wydler insists that safety measures must be set up for small craft together with certification for operators.

JET NOISE AND JAMS CUT BY NEW RULES

It isn't often that a member of Congress can point to something important which has been brought up, acted on and put into effect all within a few months time. But one of those things has actually happened. It has to do with aircraft, the stack-up of planes over Long Island and the desperately poor service that airlines are giving.

Congressman Wydler was the first to demand that Congress should give the Federal Aviation Agency power to revise airline schedules where required for air safety. Through the Government Operations Committee, of which he is a member, Wydler demanded immediate action—and got it. There were hearings during which Wydler took the lead in demanding that both safety and service be increased and that the only way to do it would be for the FAA to take action on scheduling.

And—as a sort of bonus for the residents of the Fabulous Fourth—fewer aircraft makes for less noise.

In the meantime, Congressman Wydler is probing further into the suggestion of establishing the needed fourth jetport on a filled-in area of Long Island Sound, known as Stratford Shoals or at Calverton.

COMMUNITY DAYS: NARCOTICS PROBLEM HIGH ON ACTION "MUST" LIST

The use of narcotics, especially by young people, seemed to be the problem closest to the hearts of the hundreds of people who discussed their problems with Congressman Wydler at Post Office Community Days, during the year.

Congressman Wydler has made a practice, during his three terms in office, of spending half a day at various Post Offices, inviting all the residents of the area to drop in and talk about whatever was on their minds. Many just wanted to say "hello." Teachers and scout leaders brought groups of youngsters, who wanted to be photographed with their Congressman. If they brought their own camera, a volunteer photographer was quickly found.

"It's obvious," Mr. Wydler said, "that people in this District are aware of the dangers of narcotics. I intend to maintain steady contact with authorities and with those Federal agencies handling both narcotic education, rehabilitation and, most of all, with those dealing with smugglers."

The hundreds of interviews in Elmont, Levittown, Hempstead and Massapequa resulted in hundreds of personal requests. Many had to do with purely local problems which should properly be handled by local authorities. However, in every case, Mr. Wydler promised to aid. Hundreds of letters were sent from his office as a result. Like the annual questionnaire, it's a method of keeping in touch with thinking in the District.

Photo caption: Federal-local government cooperation is equally important. Presiding Supervisor Ralph G. Caso finds that town and county business often take him to Washington, where he relies on Congressman Wydler for aid and counseling in matters of more local interest.

WANTAGH BOY FIRST LONG ISLAND CONGRESSIONAL PAGE

Photo caption: Congressman John W. Wydler explains new duties to Congressional Page Boy Charles C. Sanzone, of Wantagh.

Charles C. Sanzone, of 3653 Hunt Road, Wantagh, is the proud possessor of a "first," and an unusual one too. He is the first Long Island youth, as far as can be learned, ever to be named a Page in the House of Representatives.

Charles graduated fourth in a class of more than 500 youngsters, from General Douglas MacArthur High School, in Levittown, in June. He is 18. He had applied to Congressman John W. Wydler for a Page boy appointment, and, it came through. The young man will be on the job until school opens, when he will attend Tutfs University on a Navy Reserve Officers Training Corps Scholarship.

"I've always been interested in my Government," young Sanzone told Congressman Wydler, "so I thought it would be fine to find out from the other side—from behind the scenes. It was every bit as interesting as I thought it would be."

Charles has a fourteen-year-old brother, John. His parents, Mr. and Mrs. Charles Sanzone, are delighted at the progress their son is making. Congressman Wydler said, "The appointment is recognition of the growing importance of our Congressional District in Washington."

Photo caption: A prime addition to Federal structures on Long Island will be the new training school for Internal Revenue Service agents, to go up on Mitchel Field near Hofstra University. Here Congressman Wydler explains the details of the model to Hofstra president Dr. Clifford L. Lord who welcomes a new neighbor to his university.

REGISTER TO VOTE

The Central Registration Office in Mineola closed on September 3rd, so that preparations for the election can be made. However, there are still three registration days left, October 3, 4 and 5. You must appear in person at your local polling place and register, if you are not already eligible to cast your ballot. If you do not know where it is located, telephone the Board of Elections in Mineola, PIoneer 2-3000. They'll tell you.

CONTEST

The contest called, "There Ought to Be a Law," announced in the last issue of The Fabulous Fourth, is closed, but Congressman John W. Wydler who promised to review the flood of suggestions himself, is far from finished. His only comment concerning the stack of replies was, "People know more about their Government than most of the people in Congress think they do!"

EDUCATION

If your child is in High School, no matter what year, it's time to think about college and its cost. I have had a booklet prepared setting forth all the Government and some of the private aids to education. It's available by contacting my Mineola office. It could mean the difference between a college education and none, for your child.

MEDALS OF MERIT FOR HIGH SCHOOL GRADS

An innovation for the Fabulous Fourth was started this year when twenty young men and women, graduates of either High School or Junior High, received Congressional Medals of Merit from Congressman John W. Wydler on Awards Day.

The medals were especially designed at Mr. Wydler's order and tastefully suspended from red, white and blue ribbons. The golden medals were awarded with the thought they may become most valued keepsakes of the recipients.

Those who received medals were:

Bonnie Small, Hempstead.
Jack Friedman, West Hempstead.
Donna Moccio, Jerusalem Avenue Junior.
Charles Hardy, East Meadow.
Angela Barbarotta, Seaford Junior-Senior.
Howard Chin Lem, Waldorf School.
Robert Emeritz, MacArthur.
Linda Marmo, Turtle Hook Junior.
Jeffrey Sinaw, Levittown Memorial.
Leonard Solomon, Floral Park Memorial.
Diane Dwyer, Sacred Heart Academy.
Andrew Feld, Uniondale.
Michael Ryan, Garden City.
Stanley Orzechowski, Plainedge.
Jerome Zeldis, Division Avenue.
Jeffrey Beekman, Lawrence Road Junior.
Harold Landy, Elmont Memorial.
Kenneth Gartlir, St. Paul's School.
Kathryn Cavanaugh, Sewanaka.
Philip Rasulo, Meadowbrook Junior.

LEGISLATIVE BOX SCORE

Some bills I have sponsored

H.R. 15269, to provide for the construction of a Federal building at Mitchel Field.

H.R. 16097, to allow tax deduction for expenses incurred by an individual for transportation to and from work.

H.R. 16625, to amend Manpower Development and Training Act of 1962 to provide a comprehensive national manpower policy.

H.R. 16869, to provide that daylight saving time shall be observed on a year-round basis.

H.R. 17146, to establish Commission on Hunger.

Some bills I have voted "yes" on

H.R. 11601, Truth in Lending. Requires disclosure of true interest rates.

H.R. 18366, Vocational Education Amendments. Expands and improves vocational education program.

H. Res. 1099, House of Representatives Code of Conduct.

H.R. 14096, Drug Abuse. Increased penalties for traffic in LSD and other drugs.

H.R. 5037, Omnibus Crime Bill. Help law enforcement agencies.

H.R. 11735. State Firearms. Control interstate sale of firearms.

H.R. 12120, Juvenile Delinquency. Prevention and control.

H.R. 16819, Vocational Rehabilitation. Extends program.

S. 1166, Pipeline Safety. Improve gas pipeline safety.

S. 1401, Land and Water Conservation Fund. To provide funds for conservation.

H.R. 10951, Redwood National Park. To establish park.

H.R. 4865, National Trail System. To establish park.

S. 20, National Water Commission. To protect water resources.

H.R. 3400, Aircraft Noise Abatement. To authorize aircraft noise abatement procedures.

H. Con. Res. 705, Employment Opportunity for Returning Veterans. Assist returning veterans.

H.R. 17144, Commission on Hunger. Study needs and recommend solutions.

H.R. 15951, Uniform Holiday Act. Make holidays fall on Monday, including Columbus Day.

S. 1031, Peace Corps. Extension of Corps.

Some bills I have voted "no" on

H.R. 17126, Agriculture. Farm subsidies continued.

H.R. 14743, Repeal of Gold Cover. Ends requirement for gold backing for U.S. currency.

H.R. 15414, Revenue Act. Imposes 10% surtax.

H.R. 16241, Travel Tax. Imposes 5% tax on air transportation purchased in U.S.

S. 3710, Public Works. Pork barrel construction.

JOHN W. WYDLER.

JULY OPERATIONS UNDER THE OVERALL GOVERNMENT CIVILIAN PERSONNEL CEILINGS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MAHON. Mr. Speaker, on yesterday I addressed the House briefly in regard to the summer review of the 1969 budget by the Honorable Charles J. Zwick, Director of the Bureau of the Budget. I submitted the review for printing in the RECORD; it appears on pages 26169-26173 of the RECORD.

Mr. Speaker, for the information of Members and others who may be interested, I include a report from Mr. Zwick on operations during July 1968 under civilian personnel employment limitations established by section 201 of the Revenue-Expenditure Control Act of 1968, which was signed into law on June 28, 1968.

The Director will submit another report for August when the figures are available, and a more complete report for the current quarter ending September 30 as the law requires.

The material follows:

BUREAU OF THE BUDGET,
Washington, D.C., September 4, 1968.

Hon. GEORGE H. MAHON,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your telephone request for information on the operation of the employment limitations established by section 201 of the Revenue and Expenditure Control Act of 1968. Our response is based upon the data reported to us by the executive departments and the six largest-employing independent agencies. The data should be considered preliminary in nature, subject to minor revisions later.

The employment limitations set forth in the law distinguish between different types of positions. For temporary and part-time employment, appointments are to be restricted so as to keep employment from exceeding the like figure for the corresponding month of 1967. For full-time employment in permanent positions, appointments are to be restricted to a maximum of 75% of the number of vacancies in such positions which have occurred since July 1, 1968 by reason of resignation, retirement, removal or death. I have been given authority to transfer fillable vacancies under certain circumstances. Exemptions are specified for certain types of positions such as Presidential appointees chosen with the advice and consent of the Senate, and disadvantaged summer youth employment up to a maximum of 70,000.

Temporary and part-time employment of the departments and larger agencies in the month of July was 14,010 less than the "ceiling" figure, as indicated in the first attachment.

Full-time employment in permanent positions for the departments and larger agencies, apart from the Department of Defense, was 541 less on July 31 than the employment permitted by the law. In the case of the Department of Defense, full-time employment in permanent positions for July 31 exceeded the statutory target by 9,495. Details are shown in the second attachment.

Within the total figures cited above, most agencies met their targets, but a few had excess employment for July.

I have written to the head of each agency in the latter group to remind him of the necessity of so controlling his employment actions as to bring about compliance with the law.

In reporting favorably on H.R. 18985 on July 31, the Ways and Means Committee of the House of Representatives recognized that there may be transitional problems which could cause some disruption in Government processes. Public Law 90-364 cancelled all vacancies existing on June 30. Most departments are agencies had already made commitments to hire personnel, particularly new high school and college graduates, even though their entrance on duty was scheduled to occur on or after July 1. A further illustration of this type of problem occurred in the Public Health Service where, I am informed, 624 commissioned reserve officers received appointments in June or earlier, but entered on duty only in the month of July.

In addition, there is the very real problem of communicating the necessary instructions to assure control in those cases where an agency has a large number of field establishments scattered throughout the United States and, in some cases, in many parts of the world.

I am confident that, with the additional time for an orderly transition, the reports for August will show a much larger proportion of the agencies meeting their employment targets. As you undoubtedly know, I have exercised my discretion under the law to limit, starting in September, hiring to 7 out of every 10 vacancies rather than the 75% provided under the law.

In the event that you want to compare the figures on the attachments with the total executive branch employment reported by the Civil Service Commission, the key figures are as follows:

Total Federal executive branch employment	3,050,338
Smaller agencies	61,145
Departments and large agencies	2,989,193
Full-time permanent	2,546,854
Temporary and part-time (including 1,008 summer youth in excess of 70,000)	281,874
Presidential appointees	31,650
Exempted summer youth	70,000
Casual (intermittent)	58,815

In accordance with the statute, I will submit a more complete report to the Senate and House of Representatives when the figures for the end of the quarter are available.

Sincerely,

CHARLES J. ZWICK, *Director.*

ATTACHMENT 1

TEMPORARY AND PART-TIME[1] FEDERAL CIVILIAN EMPLOYMENT

Agency	Employment July 1968	Employment July 1967	Under (over) target
Agriculture	19,501	20,025	524
Commerce	9,366	9,468	102
HEW	5,730	5,057	(673)
HUD	381	340	(41)
Interior	12,525	12,768	243
Justice	848	736	(112)
Labor	455	472	17
Post Office	155,672	157,862	2,190
State	890	1,746	856
Transportation	1,899	1,736	(163)
Treasury	7,765	8,220	455
GSA	1,125	1,450	325
NASA	1,359	1,710	351
Veterans' Administration	12,585	12,794	209
AID	347	573	226
Panama Canal Company	455	550	95
Peace Corps	235	167	(68)
TVA	7,579	6,813	(766)
USIA	237	318	81
Subtotal	238,954	242,805	3,851
Defense, military	38,575	50,803	12,228
Defense, civil	3,337	2,276	(1,061)
Total	280,866	295,884	15,018
Summer youth not exempted	1,008		1,008
Grand total	281,874	295,884	14,010

[1] Excluding exemptions under sec. 201(d), Public Law 90-364.

ATTACHMENT 2

FULL-TIME PERMANENT FEDERAL CIVILIAN EMPLOYMENT[1]

Agency	Employment, June 30, 1968	Employment, July 31, 1968	Net reduction	Separations, July[2]	Formula reduction under Public Law 90-364	Reassignments by BOB	Total required reduction	Under (over) target
Agriculture	85,390	85,291	99	1,004	(251)	0	(251)	(152)
Commerce	25,893	25,801	92	274	(68)	0	(68)	24
HEW	104,670	[3] 104,529	141	1,431	(358)	0	(358)	(217)
HUD	14,980	14,866	114	145	(36)	(38)	(74)	40
Interior	61,172	61,065	107	483	(121)	0	(121)	(14)
Justice	34,216	34,473	(257)	494	(123)	0	(123)	(380)
Labor	9,761	9,838	(77)	150	(37)	0	(37)	(114)
Post Office	525,303	524,142	1,161	3,336	(834)	0	(834)	327
State	22,276	21,912	364	433	(108)	(100)	(208)	156
Transportation	58,008	57,874	134	279	(70)	38	(32)	102
Treasury	82,113	82,051	62	618	(154)	0	(154)	(92)
GSA	37,453	37,217	236	341	(85)	0	(85)	151
NASA	32,469	32,392	77	150	(37)	0	(37)	40
Veterans' Administration	151,022	149,974	1,048	2,454	(614)	0	(614)	434
AID	17,560	17,363	197	402	(101)	0	(101)	96
Panama Canal Company	12,084	11,994	90	90	(22)	0	(22)	68
Peace Corps	1,343	1,376	(33)	41	(10)	50	40	7
TVA	12,009	11,987	22	37	(9)	0	(9)	13
USIA	11,122	11,093	29	107	(27)	0	(27)	2
Unassigned vacancies						50	50	50
Subtotal	1,298,844	1,295,238	3,606	12,269	(3,065)	0	(3,065)	541
Defense, military	1,214,035	1,219,631	(5,596)	15,652	(3,913)	0	(3,913)	(9,509)
Defense, civil	32,062	31,985	77	252	(63)	0	(63)	14
Total	2,544,941	2,546,854	(1,913)	28,173	(7,041)	0	(7,041)	(8,954)

[1] Excluding exemptions under sec. 201(d) Public Law 90-364.

[2] Excluding transfers.

[3] Includes 624 PHS commissioned reserve officers appointed prior to July 1, 1968, but not included in the June figure.

ARE THE ACCOMPLISHMENTS OF OUR YOUTH NEWSWORTHY?

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PODELL. Mr. Speaker, each year the Masonic Grand Lodge of the State of New York conducts an annual essay contest. Mr. Donald Freund, an outstanding civic and community leader, is a member of the Grand Lodge Youth Committee.

At his request I would like to set forth for the RECORD the three winning essays. I think my colleagues will enjoy reading them as I did.

The texts of the winning essays follow:

ARE THE ACCOMPLISHMENTS OF OUR YOUTH NEWSWORTHY?

(By Margaret Ryniker, Bath, N.Y., first place winner)

"Vandalism on the Rise", "Teenagers Arrested at Drug Party", "Juvenile Delinquents Steal Lincoln Memorial." Do these headlines look vaguely familiar? In almost every newspaper or magazine you pick up there is at least one article on the "wild youth of today." However, don't forget the headlines that are side by side with these—"Respected Banker Steals $50,000." or "56 year old Man Shoots Wife and 5 Children." So be it of adult or youth a story to be newsworthy has to concern murder or mayhem or disaster. The achievements and worthwhile accomplishments do not make good copy and would not sell many newspapers, but let's list a few. The Student Exchange Programs, UNICEF, Red Cross and March of Dimes crusades, students raising money to build schools in some remote part of the world, hospital volunteers, or Project Headstart. These things are not even published in the want ads!

How about looking back to the "Roaring Twenties" with it's flaming youth and flappers and rolled stockings and rumble seats? Most of them grew up to be solid citizens, not all, but this is not Utopia. I found a quotation that interested me greatly on this point. "What is happening to our youth? They are wild and unruly and have lost respect for parents and for home. There is far too much drinking and carousing."—Do you know who said that? Billy Graham or Bishop Sheen? No, Aristotle said it centuries ago in the days of the Glorious Greek Civilization. So in answer to my title, yes, we do have many noteworthy accomplishments. Someday they will be remembered and then we will be the adult world and there will be a different younger generation for us to turn our thoughts to.

For the present we ask that you look for the good in us because it really is there. We're not all perfect examples of do-gooders, but don't give up all hope. We have many fine newsworthy accomplishments to our credit and given a chance we will have many more. Look back and remember what our grandparents thought about you as your generation was growing up. Well, you turned out to be pretty good citizens and with luck and the help of the Lord so will we.

ARE THE ACCOMPLISHMENTS OF OUR YOUTH NEWSWORTHY?

(By Carl J. Goldberg, West Orange, N.J., second place winner)

Although the press tends to publicize the delinquent acts committed by youth, there are many beneficial accomplishments created by today's youth that are newsworthy. In fact, the positive accomplishments of our youth far outweigh their negative deeds.

While the papers publicize a gang of teenagers committing vandalism at the local school, the accomplishments of our youth remain ignored. Nobody bothers to take notice of the necessary tasks that are being done by the teenagers to improve society. Only a small percentage of our teenage population commit acts that can be considered harmful to our society; but this small percentage are the ones who are sensationalized by the press. The vast majority of the teenagers are beneficial members of society. They do volunteer work in hospitals, aid charity drives, become Eagle Scouts or Boy's Club Workers, while still managing to do their school work. The only reason the exploits of these teenagers are not seen in the papers is because violence and evil sell more papers than good.

Clearly, the accomplishments of today's teenagers are newsworthy. For how can one consider the accomplishments of a Rhodes Scholar, or a teenager who has saved some one's life, or a candy striper who spends her time helping the sick not newsworthy? Yet, on the other hand a teenage gang fight is also newsworthy. For just as the newspapers now print only the sensational, it would be just as wrong if the newspapers only printed the good.

Both the good and the bad accomplishments of our youth are noteworthy. The evil must be presented along with the good; for only then can one assess the true value of today's teenager. Once this true value is established and the papers print the true picture, it will be clear to everyone that teenagers are responsible members of our community ready to assume their positions of leadership in the society.

ARE THE ACCOMPLISHMENTS OF OUR YOUTH NEWSWORTHY?

(By Susan Marks, Deposit, N.Y., third place winner)

The news medias tell and retell their story of American youth, stories of violent demonstrations, drug addiction, sexual revolution, and the new and frightening subculture of the hippie. But in reality, are these the only subjects pertinent to today's teenagers or are these true of only a minority of teens? I feel that most of the teenagers in the United States try to be responsible, creative citizens.

Today's American youth are not really so very different, collectively, from every other generation of youth; they tend to be idealistic, ready to change the world and thereby prove themselves, and slow to accept adult wisdom gained through experience. A problem lies in distinguishing the accomplishments of youth from the detrimental activities of teens.

The news medias seem only to give the wanted publicity to a minority group who can not or will not cope with a world that grows more complex every minute. Bad impressions are made of most teenagers while the news could be acknowledging a few of the strong points of American youth. Of course, these rebellious youth can not be forgotten but they should be given only part of the news coverage and teens who make actual accomplishments should have better coverage.

Some adults must wonder if there are any worthwhile accomplishments of youth, according to newspapers, television, and magazines there are few if any. But take for example the work of these groups: teenagers fighting in Vietnam to defend the United States, teens working in the Peace Corps who must measure up to rigid standards, and all over the country student councils work to practice democracy actively in the school. In the arts, teens are engaged in musical functions, not just rock and roll groups, but in symphony orchestras and operas; ballet; and drama. Individually youths like Jerilyn Bierberly, an award winner in the International Science Fair; Marcia Sue Bogdanoff, who worked on cancer research, is a deejay on her campus radio, and has awards in sculpture and science; Claudia Mayhew, the National Jr. Golf champion, and Nancy Friedman, a journalism award winner who started writing at the age of four, should have their contributions to our society made known.

I believe that everyone agrees that news of teenagers, as well as any group in society, should be made known through the news medias. There is just the matter of discovering and printing the news of real accomplishments of youth made through hard work, dedication, and determination.

A GUIDE TO SUCCESSFUL LIVING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. ASHBROOK. Mr. Speaker, on August 15 I inserted in the CONGRESSIONAL RECORD some realistic remarks made by Vince Lombardi, former Green Bay Packer coach, concerning individual excellence, discipline, and responsibility. Perhaps no one benefited more from Lombardi's talents as a teacher and disciplinarian than Bart Starr, the Packers' cool and unshakeable quarterback. The January 1968 issue of Guideposts, the monthly inspirational magazine edited by Norman Vincent Peale, carries an article by Bart Starr which gives a wonderful insight into Vince Lombardi's unusual coaching philosophy. Starr remembers quite well the day that Lombardi joined a losing Packer team back in 1959 as coach. In characteristic style, the new coach laid his proposition on the line:

> You can't win if you're not ready to win mentally. Therefore, I expect you to think about only three things while you are part of this organization: your family, your religion, and the Green Bay Packers.

The Packer quarterback cites another example in which Lombardi demonstrated a deep spiritual motivation along with his compelling drive for excellence. In 1967 the Packers had wrapped up the Western Division championship, and their last game with the Rams would have had no effect on their league standing. Some might have been tempted to relax and just go through the motions. But not the hardnosed Packer coach, who again laid it on the line:

> If you give anything less than the best of yourselves today, you're not just cheating yourselves, or the team, or the millions of fans who are expecting a top-grade Packer performance. No, beyond all others, you are cheating your Maker, the God who gave you your special talent for ball-playing. Such waste is the worst cheating of all.

Perhaps herein lies the explanation for the Packers' domination of the pro ranks in recent years—an inordinate desire to win balanced by an ever-present accent on spiritual values.

Guideposts, the magazine in which this article appeared, is written for and by people of all faiths. Its purpose: to show, by personal experiences, how men and women from all walks of life have found strength, courage, and hope through their belief in God; its goal: to point the way to deeper faith, more creative living. This article by Bart Starr entitled, "Confidence Is Contagious," serves both the purpose and the goal of the magazine admirably. For this reason I insert it in the RECORD at this point:

CONFIDENCE IS CONTAGIOUS

(NOTE.—Bart Starr, all-pro quarterback for the Green Bay Packers, tells about the man who saved him from mediocrity.)

This is the story of how a small city in Wisconsin—and a team of football players—were hit by lightning. The lightning I'm referring to is Vincent Lombardi, a stocky Italian-American whom many consider the best football coach in the world. The city happened to be the town where I live, Green Bay, where the Packers come from.

In case you are not a sports' fan, the Green Bay Packers are a professional football team. They are one of the fabled teams of the game with a history of excellence going back to 1919. In that post-World War I year the first players trotted out on the gridiron wearing jerseys that said "Packers" on them, and this was for the nearby meat packing plant which put up the money for the jerseys. The Packers won 10 games out of 11 that season and started on their way toward making themselves one of the resounding stories of sports.

When my wife, Cherry, and I came up from the University of Alabama in 1956, all eager and dazzled by the prospects of my being quarterback on so illustrious a team, the Green Bay Packers had fallen upon some dismal days.

My first year in Green Bay we lost twice as many games as we won, and in 1957 we lost three times as many. In pro ball, records like those are something you don't joke about. Winning with us is a serious business, our bread and butter.

Pro football is a sport—and a clean one—but it is very much a money-making venture. Not winning, therefore, is like not selling the product you've manufactured. It's a science, too, involving hundreds of plays, intricate formations both for offense and defense.

For a player like me, who wanted to be in pro ball more than anything else in the world, the season of 1958 was frightening. In all that long "history of excellence" the Packers' '58 season was absolutely the bottom. Out of 12 games on our schedule, we tied one game and won—just one. Ten losses: sheer disaster.

In December our coach resigned. The danger signals were up for me and I knew it. I hadn't exactly sparkled out there on the field.

And then the lightning struck!

We were a squeamish group who gathered to meet our new coach and general manager that day in 1959.

"Gentlemen," Coach Lombardi said that day, "we're going to have a football team. We are going to win some games. Do you know why? Because you are going to have confidence in me and my system. By being alert you are going to make fewer mistakes than your opponents. By working harder you are going to out-execute, out-block, out-tackle every team that comes your way."

As the coach talked, you could see the guys straightening up to take a closer look at this intense man.

"But first of all," he went on, "you are going to prepare yourself up here." He put his finger to his temple. "You can't win if you're not ready to win mentally. Therefore, I expect you to think about only three things while you are part of this organization: your family, your religion and the Green Bay Packers."

I for one walked out of that meeting feeling 10 feet tall—and I hadn't played a lick for him!

All of us caught his enthusiasm. Just as he said we would, we started working harder on the field.

I know I worked harder too. It reminded me of the summer I was waiting for my tryout with the Packers. Cherry's folks had a big yard around their house and there I set up a large A-frame. Day in, day out, from morning to night I threw passes into the opening of the A-frame. High, low, on the run, standing still, I worked away at those passes from every conceivable motion and angle. I believe that that total concentration helped get me the job. And that same spirit of hard work was re-ignited by Coach Lombardi.

We started our pre-season games. The tempo rose. Suddenly we won a game and our spirits soared. They kept on soaring. By the end of the 1959 season, we had won seven out of 12 games with virtually the same players who had lost 10 games the year before. In 1960 we won a Division title, then in 1961 a World title, and after that the sky always seemed to be our limit.

How had Coach Lombardi accomplished these things?

You can say, of course, that he did it with his particular genius. But that's not an explanation. Having played for him for nine seasons. I think I have reason to say that his "genius" consists of some very simple things. These are ideas available to all of us and useful in any undertaking if we but have the mental toughness to weld them together into a way of living.

Coach Lombardi doesn't make a secret of those principles. Wherever he is they come out in the way he lives his own life and in the way he thinks. We get plenty of his thoughts. Not only verbally, but in writing. Every week he tacks up fragments of homegrown advice on the locker room bulletin board.

At the start of the training season this year we found this typewritten notice, "Fatigue makes cowards of us all. High physical condition is vital to victory."

This was supplanted the next week by, "The harder a man works, the harder it is to surrender;" followed by, "Pride is what causes a winning team's performance." And so it went week after week.

I can never forget, nor will I ever stop being grateful for, what Coach Lombardi did for me. As I look back to that first question mark of a year under him, I am quite sure he had never seen a three-year veteran who knew less than I did. But he was a patient teacher and he brought out something in me that changed my career and my life—Confidence.

Mind you, I was always sure of my talent. I never really doubted that I could play good football, but I lacked the kind of confidence that Coach Lombardi himself had, the kind that oozes out to others. A quarterback is in a position of command; it is he who calls the plays. He must be alert and ready to adjust to the sudden and the unexpected. He has got to have a high boiling point because opponents are going to try to rattle him and he's going to get a lot of whacking around.

Coach Lombardi started building my confidence by first giving me the enthusiasm to work harder, the way I had done with the A-frame. He spent a lot of time just talking to me, examining the "hows" and "whys" of the game. Then he began to bear down on my thinking.

"Treat mistakes with a vengeance!" he'd pound at me. "Don't brood over them, profit from them. If you think about mistakes, you'll make more mistakes. Just come back wiser and harder."

Through it all, the coach repeated his theory that winning is a habit. "It's contagious," he'd say, "and so is losing."

Coach Lombardi won't permit losing thoughts. He contends that pro football has reached a point of such sophistication, that the opposing forces are now in such complicated balance, that on any given afternoon any team can defeat any other. To him there are only two or three plays in a game that decide who wins or loses and if you are not ready for them at all times, you're in serious trouble.

Last year we won the Western Division championship even before we had played our last game with the Los Angeles Rams. We were riding high and jubilant. But Coach Lombardi was not. He worried about the last game, even though it didn't affect our league standing. He didn't want us to get out of the winning habit—and we didn't that day!

"If you give anything less than the best of yourselves today," he said to us before the game that Sunday, "you're not just cheating yourselves, or the team, or the millions of fans who are expecting a top-grade Packer performance. No, beyond all others, you are cheating your Maker, the God who gave you your special talent for ball-playing. Such waste is the worst cheating of all."

This was strong and unusual stuff from him and though you may think it a corny, God-in-the-locker-room tactic, you wouldn't think that for long if you really knew Vincent Lombardi. He is a sincere and believing man who goes to church every day of the week, who seldom talks in religious tones, but whose religion is as natural and as integral a part of him as are the prayers we say together before and after every Packer game.

Those prayers are something else I have learned from Coach Lombardi's example. After the week's preparations are over, after the sweat of the practice field and after the groggy hours examining movies and of note-making and of drawing diagrams, after all these things have been completed, the Lord's Prayer said in unison becomes a unifying force pulling all our efforts together. And I have yet to come up from my knees without feeling personally that we were going to do all the things that Coach Lombardi had prepared us to do.

MAJOR PROBLEMS

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. IRWIN. Mr. Speaker, a newspaper in my Fourth Congressional District recently carried a most interesting guest editorial written by one of Connecticut's outstanding citizens, Mr. Samuel F. Pryor.

Retirement as a vice president of Pan American World Airways 3 years ago has not dampened the enthusiasm of Sam Pryor in matters of public interest or public controversy. If anything, as he approaches his 71st birthday, Sam Pryor is more vigorous than ever and is devoting virtually all his time to his assignment as consultant to the State Department and the Federal Bureau of Narcotics and a special agent of the Chicago Crime Commission.

What Sam Pryor has to say, Mr. Speaker, is always profound. This editorial which appeared in Greenwich Time in Greenwich, Conn., deserves the attention of all our colleagues and under unanimous consent I make it a part of the RECORD:

MAJOR PROBLEMS

(EDITOR'S NOTE.—The following guest editorial was written by Samuel F. Pryor of Belle Haven, consultant to the State Dept. and the Federal Bureau of Narcotics and a special agent of the Chicago Crime Commission.)

Today we are living in a forest of question marks. All of us would have a better understanding of the two major problems facing our country, the South East Asian war and crime in the U.S., if we did not pay so much attention to the confused thinking and statements we get over the television, radio, in certain metropolitan newspapers throughout our country, and now in this critical year, from certain candidates for the Presidency.

Yet there is no other way to form our opinion on these problems except by, first, careful study of facts or, second, the privilege of being briefed by very experienced and trustworthy government servants, or third, by being able to go and get first-hand the facts yourself which is difficult for the average man or woman young or old, particularly young.

Today we must separate, in our thinking about the countries of the world, people from their leadership. All over the world the majority of people themselves are truly good. For instance, in considering one of our two great problems, the South East Asian war, let us look at the basic problem there: Red China. When the critics say we should not deal with Red China, they should say "not with their present leader, Mao." There are no better people in the world than the people of China. There, as in many other countries of the world, if you as a citizen disagree with the leadership, you are dead.

In Red China, with a population of 700 million that will be doubled in 20 years, Mao, the leader, had his eye on the fertile countries of Laos, North and South Vietnam, Thailand, Cambodia, Indonesia—then the Philippines—then Australia, a country the size of the United States and with a population of New York City. Mao nearly got Indonesia by infiltration and would have if it had not been for our military action in South Vietnam. The Soviet Union, having once been occupied by China for 300 years, does not wish Mao to come its way, so like shepherds, they are herding Mao's forces South and giving him everything he needs. However, there is great unrest in China. When the present Mao regime is overthrown by its own people, we could quickly come to a common sense understanding with the successors, even the military, and again be friends.

We are not fighting in South Vietnam just to keep Communism out of their country, but to save our own country and all of South East Asia, for if Mao would take these countries and at the same time develop the hydrogen guided missile, our children and grandchildren will be in great danger. When the Mao government or a government like his goes and the Soviet Union stops giving Mao every possible help, then and only then will our problem in South East Asia be solved and only then will our children and grandchildren lead normal, happy lives.

There is an old saying: "He who would reform the world must first reform himself." Therefore, I think the problem of crime and the breakdown of law and order here in our own country is the greatest problem of the two major problems our country is facing. This problem not only embraces the violation of our laws, namely crime, and the problems related to our courts, namely justice, but also the many causes that lead to the breaking of laws.

The majority of our Negro race in America are kind, good, and able citizens. It is only a small minority who are responsible for such a great percentage of our crime increase. We are to a large extent responsible for the Negro's poverty and again our news media play up what the minority does and this reflects unjustly on the whole race—just as certain television pictures on the Mafia reflect on our Italian population. The finest law enforcement officers in the world are Italian.

I think the Negro minority is making a great mistake by dividing people into white and black. The Hawaiian chief here for Aloha Week was blacker than most American Negroes. Did any of us ever meet a finer man? It is not color that makes up a human being—Christ was dark, so was Buddha and Mohammed. The majority of the people of the world are not white. It is what is in your heart and mind that characterizes a human being.

J. Edgar Hoover recently said to all law enforcement officers:

"America is not a sick society. Let us stop condemning our whole populace for the sins of a few. Let us stop this nonsense of self-reproach and self-ridicule and throw off the guilt complex which threatens to envelop our country. When we face adversities and tragedies, let us do so with resolute confidence, avoid panic, and reserve judgment until all the facts are known.

"Some of our difficulty today arises from the fact that too much attention is given to various dissident elements which have a lot of noisy energy but little purpose. Many of them are complaining about conditions which they helped to create. Now, they want our whole society to plead guilty to mass ineptness. This is ridiculous.

"No, our society is not sick, but I suggest we check the pulse of the self-styled diagnosticians who see a social malady from every soapbox."

If all of us face these great problems, crime in our country and the South East Asian war in a realistic and factual manner rather than emotionally, then we can continue to make our country great. Let us all remember what Ben Franklin said in Philadelphia when a citizen asked him what kind of government the delegates were giving us. He replied, "A Republic, the greatest form of government on earth—if you can keep it—if you can keep it." It is up to all of us to keep it and I'm sure we can.

"BIENVENIDO," SAY MIAMI SCOUTS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PEPPER. Mr. Speaker, in the September issue of Scouting, there is a feature article by associate editor Claude A. Vanepps relating to the Scouting achievements of young Cuban refugee children who joined the Cub Scouts, Boy Scouts, and Explorers upon arriving in the United States from their native land of Cuba.

Contained in the article is a tribute to the exemplary efforts performed by WTVJ executive Manolo Reyes in behalf of scouting. Mr. Reyes, who is trained in the legal profession but has spent most of his life in radio and television work, is director of the all-Spanish programs for WTVJ. A few months ago, Mr. Reyes devoted an entire day of television programs to express appreciation to Miami and the people of this country for all they had done for Cuban refugees. The television station has plans to set aside a day of appreciation as an annual service.

I include the fine tribute to scouting and Mr. Reyes in the RECORD:

"BIENVENIDO!" SAY MIAMI SCOUTS

(By Claude A. Vanepps)

"Bienvenido" is the greeting presented to each Cuban refugee as he enters Miami's International Airport. This Spanish "welcome" is in the form of a small leaflet inviting Cuban boys from 8 to 18 to join Cubbing, Scouting, or Exploring. Since most of them do not speak English, the message printed in their native language has a special warmth.

Nearly 1,000 freedom-loving people, escaping from Castro's communism, continue to arrive each week at the Miami airport. About 25 percent may stay in the area, and the rest go elsewhere in the United States.

This influx started in January 1961. Today more than 150,000 Cuban exiles live in and around Miami. Their residence has brought various changes in the city. Many former empty store buildings, characteristic of an inner-city area, are now occupied by Cuban business people. Go down Flagler Avenue, and you'll see many bilingual store fronts. Downtown Miami now has more than 2,500 Cuban businesses. The refugees confronted the city with new problems—housing, employment, education, and social adjustment. Not the least of these was an understanding of the refugees' language and culture.

SCOUTING TOOK THE CHALLENGE

Soon after arrival of the first Cuban families, the South Florida Council in cooperation with the National Council recognized the challenge and opportunity of helping the Cuban young people and their families adjust to our way of life. Scouting had much to offer them.

The council was aware that it also had to add special manpower to its professional staff and also to recruit unit leadership. Men were needed who could speak Spanish, understand the Cuban culture, and know Boy Scouting.

Frank Dix of the national staff, backed by local and national resources, helped get the Scout refugee program off the ground in 1966. It received further emphasis by inclusion in the national Inner-City Rural program.

Ernest N. Casados, a professional Scouter of Spanish descent from San Diego, Calif., and Eduardo E. Galvez, a Cuban exile who had worked in Scouting in pre-Castro Cuba. were employed. Eddie knew a little Englisb and under Ernie's tutoring became an apt student.

With their guidance and the cooperation of the Cuban Refugee Center and many capable council Scouters, great progress was made in organizing packs, troops, and posts. More than 1,000 refugee boys now are in Cubbing, Scouting, and Exploring in the city with perhaps another 1,500 in other Scout units in the rest of the council area. In 45 Scout units the members are mainly Cuban boys. Another 95 units have some refugee members.

A major goal was to recruit Cubans as leaders. However, two obstacles appeared at the outset. First, the citizenship clause in the regulations of the Boy Scouts of America required that all unit leaders be U.S. citizens. The National Council adjusted this requirement for this project so they could become Scouters.

Language was the second obstacle. Our Scout literature and *Scouting Magazine Program Helps* are printed in English. The South Florida Council translated *Program Helps*, the basic literature, and visual aids into Spanish.

To help Miami citizens better understand the newcomers, Casados prepared a booklet on Cuban culture. He explained their historic, social, and economic background as well as emotional nature and professional and artistic talents. From it, Americans have learned that these freedom-loving people, seeking a better life for themselves, can offer much to our communities.

IMPRESSIONS

Visiting with boys, leaders, businessmen, and others, I found everyone grateful for what the people of Miami and the United States had done for them. This helped fulfill their faith in freedom.

Senior Patrol Leader Oscar Fumagali told me about his Troop 43 and its 46 members. "We always open our meeting by singing the first stanza of 'The Star-Spangled Banner' followed by the pledge of allegiance to the flag, and sometimes we sing the Cuban freedom song." Then he told how Scouting had helped him and the other boys to be better persons by giving them responsibilities. The troop spends more time on advancement than on games.

IMPOSSIBLE DREAM

Manuel Lopez told about Post 43 and its high-adventure trip last summer into the canoe country of Wisconsin—an apparently impossible dream that came true. When the boys learned how much such a trip cost, they were ready to drop their plan. Then someone said if this was something they wanted badly enough and they were willing to work, their dream could come true.

With this spirit the boys set to work. They earned their money from paper routes, car washes, and odd jobs. One boy painted a house, and another was carry-out boy in a supermarket. This was a victory in morale. The boys learned about American ways, the values gained in assuming responsibilities and in working together.

I attended a luncheon where 15 Cuban businessmen were starting a sustaining membership enrollment campaign among their people for the Scout council. The chairman was a Cuban refugee banker.

One of the outstanding leaders in Miami is Manolo Reyes, director of the all-Spanish programs for WTVJ television station. Trained in the legal profession, he has spent most of his life in radio and TV work. He is a great believer in the democratic way of life and a promoter of Scouting.

He tells the Cuban people to learn all they can about democracy and all that America has to offer. If they return to Cuba, they will be better citizens and leaders who can build a greater Cuba. If they stay here, they can be better citizens in their adopted country. He urges the boys to participate in Scouting, for it is democracy in action and one of the best ways to learn how to live with others and learn solid values in life.

I learned later that Manolo Reyes, a few months ago, devoted a whole day of TV programs to expressing appreciation to Miami and the people of this country for all they had done for the Cuban refugees. Such a day of appreciation and gratitude is now planned annually for station WTVJ.

As we closed our conversation I was pleased to hear him say, "When there is a new Cuba, I hope its leaders will all have been Boy Scouts and that they will continue to practice Scouting ideals."

JAMES BLAIR HEADS NEW JERSEY CIVIL RIGHTS DIVISION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. RODINO. Mr. Speaker, Mr. James H. Blair, a man whom I am proud to number among my close friends and whom I am also proud to have been associated with in a number of crucial issues that confront the United States, has taken on the responsibility of a new and challenging position as director of the State of New Jersey's civil rights division.

All of us who know Jim Blair well have every confidence that his warm and genuine concern for individual human well-being and his exceptional qualifications will allow him to be a compassionate and effective civil servant for the State of New Jersey. I applaud his appointment and look forward to working closely with him in mapping new directions for attaining the human dignity and human equality which we all seek.

NEWSLETTER: FIRST DISTRICT OF ALABAMA

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. BUCHANAN. Mr. Speaker, my colleague, the Honorable JACK EDWARDS of the First District of Alabama, has prepared his September newsletter and I commend it to the readers of the RECORD. The message it contains is as follows:

REPAIRS NEEDED ON OUR "BRIDGES" TO THE EAST?

The "bridge building" program to Russia and the East has hit a snag. While Administration leaders in Washington have been busily going around in an atmosphere of happiness and hope, thinking that there was a "new" Russia—a different Communist world—little Czechoslovakia was invaded.

The Czech invasion is surely evidence that Russian Communism has not changed and that people in the U.S. who have preached the "changing nature" of Communism have led us down the primrose path. They have been wrong.

I think we should ask of those who have shouted so loudly for liberal principles in world politics, "What do you say now about Czechoslovakia? Why do we hear only silence when it is the Russians who use brute force to require submission to their will?"

It's no wonder that Mr. Dubcek was in tears as he talked to his countrymen, for his role is now an anguishing one. The Russians sent him home as their puppet collaborator-in-suppression, though one who must be closely watched. The Czechs welcomed him home as their heroic champion of liberty, but they too are suspicious of betrayal. He could only say the nation now faces "an incredibly difficult situation," and begged for "order and discipline."

Perhaps, one of the more poignant observations of this entire affair came from the Foreign Minister of Thailand, Thanat Khoman. He stated, "The liberals of the West, of Europe and America, have contributed to jeopardizing the freedom and liberties of the small Czechoslovak nation by abetting and supporting the totalitarian forces who have felt encouraged to launch into adventures by the support they have been getting from the fraudulent liberals in the West. These elements, therefore, must shoulder the responsibility for the setback that freedom has suffered in Eastern Europe. This should be a lesson for us in Asia not to allow these elements to undermine our own freedoms and liberties by appeasing the *Communist totalitarian causes.*"

FBI FIGURES SHOW CRIME RATE UP 89 PERCENT SINCE 1960

The wave of lawlessness which has become almost a way of life in this country was underscored last week with release of Federal Bureau of Investigation statistics showing the national crime rate shot up 16 percent in 1967.

No city, State or geographic region appeared immune from the tide of crime. Serious crimes in 1967 were up 16 percent over the previous year in the suburbs, 17 percent in the large cities and 12 percent in the countryside.

In Washington, D.C., the only city in the Nation under Federal jurisdiction, crime shot up 37 percent in 1967 over the previous year. This is double the national average and three times the rate a year ago. Robbery soared 56 percent, rape was up 28 percent and murder increased 26 percent.

Although the one-year nationwide increase in serious crimes was startling, even more shocking were the comparative figures for the decade. These showed an increase in serious crimes since 1960 of 89 percent, with a rise in crimes of violence of 73 percent.

More than 3.8 million serious crimes were reported during 1967, 494,000 of them crimes of a violent nature. Here is a summary of some of the trends: . . . Crimes of violence increased 16 percent last year, the same as the incidence of all serious crimes. Violent crimes have increased 73 percent since 1960 . . . Murders were up 17 percent . . . Narcotics arrests were up 60 percent, largely involving marijuana cases . . . Forcible rape was up seven percent . . . Robbery was up 27 percent with an increase in bank robberies of 45 percent . . . Crimes against property were up 17 percent. Crimes against property have increased 91 percent since 1960 . . . Last year, serious crime occurred at the rate of seven a minute: someone was being murdered every 43 minutes and a woman was raped every 19 minutes.

All in all, the FBI report painted a bleak picture of lawlessness in America. For example, it contained this sobering thought: If there are 100 people on your block, the odds are that two of you will be murdered, raped, robbed or beaten in the coming year. This "risk" of becoming a victim of serious crime increased 15 percent in 1967.

SERVICE ACADEMIES—AN OPPORTUNITY FOR YOUNG MEN

A Civil Service test will be available October 5th for young men of the First Congressional District making application for entrance for any of the U.S. Service Academies, classes entering June of 1969.

The test is one of the requirements for each applicant. Any person wishing to apply should notify me no later than Tuesday, September 20, 1968.

The service academies offer young American men some of the best educational and career opportunities available to anyone in the world. It is my hope that many of this area's outstanding high school seniors will apply, and will go on to obtain a superior education in this manner.

Our academies using the Congressional nominating system are: U.S. Military Academy at West Point, U.S. Air Force Academy at Colorado Springs, U.S. Naval Academy at Annapolis, U.S. Merchant Marine Academy at King's Point, N.Y.

This year I can fill vacancies at all of these institutions *with the exception of the U.S. Military Academy*. For classes entering in the Summer of 1970, I expect to be able to recommend men to enter West Point.

Applicants must be at least 17 years old and not yet 22 by July 1, 1969. The October 5th test will be located in Mobile and other 1st District cities.

Nominations for entrance are based on the test scores, physical examinations, and high school records. No political or other considerations are involved.

TEDDY SAID IT

Did Teddy Roosevelt ever speak out on the subject of law and order?

Yes, he did. In a letter to Joseph Gurney Cannon, September 12, 1904, accepting the GOP Presidential nomination, he wrote: "We stand for enforcement of the law and for obedience to the law; our government is a government of orderly liberty equally alien to tyranny and to anarchy; and its foundation stone is the observance of the law, alike by the people and by the public servants. We hold ever before us as the all-important end of policy and administration the reign of peace at home and throughout the world; of peace, which comes only by doing justice."

PLATFORM OF AFFILIATED YOUNG DEMOCRATS OF NEW YORK

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. FARBSTEIN. Mr. Speaker, at the request of Mr. Harld R. Moskovit, State president, I submit the preamble and platform of the Affiliated Young Democrats of New York State adopted at its 18th biennial State convention:

PLATFORM ADOPTED BY THE 18TH BIENNIAL STATE CONVENTION OF THE AFFILIATED YOUNG DEMOCRATS, INC., OF NEW YORK STATE, AUGUST 15, 1968, NEW YORK CITY

The Democratic Party in the year 1968 is faced with the most critical and momentous challenges in the last 100 years.

The Nation is beset within and without by crises of a magnitude not visualized or imagined a short few years ago.

The war in Vietnam, the unrest in Europe and other parts of the World signify vast problems confronting the Nation.

The turmoil in our own land, the anguished cry of the disadvantaged and the poverty stricken, is being heard right up to the very doors of the White House and the Capital.

The social institutions of the country are being questioned and tested in a manner that is shaking the very foundations of our beliefs.

The disaffection of the young who cry idealistically and insistently to stop the "Business as usual" attitude and demand vociferously a complete overturn of the traditional operation of government is met by a sympathetic response in the most diverse parts of the globe.

The year 1968 still sees the expending of our blood and wealth on foreign soil. The war in Vietnam is eating at the very marrow of our national unity. As at no time in our history are we confronted by such divisiveness and dissidence. The tragic toll that has been suffered in Vietnam must not be in vain. Through the crucible of this fire we must emerge cleansed and dedicated to meet the challenges of the last third of the twentieth century.

The Democratic Party in this year has the profound responsibility to present to the electorates a platform of principles and ideas to cope with the demands of a modern society. The problems of international affairs have to be faced with new and imaginative solutions since we sit on the brink of a nuclear abyss. The challenge of Red China must be met together with a reevaluation of our relationship with the Soviet Union. The paternalistic relationship that existed between the United States and Europe has to be modified and a more realistic partnership must be developed.

However, the most disconcerning problem confronting us is the unrest within the land. Urban areas are rotting and becoming unfit for human habitation. Rural poverty and plight is demanding immediate action. Great cities are becoming havens for the lawless and the criminals. Riots are becoming commonplace and we speak without emotion regularly of long hot summers.

The nation and the times demand leadership. Leadership of strength; leadership of courage; leadership of imagination; leadership of understanding and compassion.

The Democratic Party if it legitimately solicits the support of the people, must present relevant programs to meet the critical problems of the day, and develop and call upon candidates who recognize the demands of the times to present these programs.

The Democratic Party cannot rely on past achievements or records to call upon the support of the people. It must present a meaningful alternative in programs and candidates to the complacent and pedestrian programs and candidates of the Republican Party.

In the spirit of the pregoing the Affiliated Young Democrats herewith presents its national platform for 1968.

1. FOREIGN AFFAIRS

The Affiliated Young Democrats supports the peace negotiations presently being conducted with respect to the war in Vietnam. We look with hope to the end of the carnage and for a just and honorable peace in that troubled land.

We propose that the United States and its Allies reevaluate the status of alliances and modify the respective commitments to meet the new challenges to stability and order that presently pervades the world.

2. CITIES

The Affiliated Young Democrats calls for an entire and complete review of the problems confronting the large urban centers of the nation. We suggest that massive Federal aid be infused in these areas and that there be a coordination by governmental agencies and private enterprises to rebuild and rejuvenate the decaying cities.

3. PUBLIC ASSISTANCE

We call for the revamping of the entire assistance program, and give serious consideration to a concept of a guaranteed annual wage. We further propose that governmental authority and private enterprise embark on a massive program of job training for the youth of our land and the unskilled.

We further propose that the government start a program of education with respect to family planning and birth control, thereby hoping to limit and ultimately eliminate the large segments of our population who are forced to subsist on a poverty stricken level.

4. EDUCATION

The Affiliated Young Democrats calls for the infusion of Federal aid to the municipalities to upgrade the school systems of the nation.

We call for the expansion of the Head-Start program permitting the children of the disadvantaged to perform within their normal ability of achievement.

We call for the Federal Government to expand the concept of scholarship aid in higher education and contribute their talents and abilities to the benefit of the entire population.

5. VOTING

We propose again as we have for many years, being the original Sponsor, that the voting age be lowered to 18 years.

6. SOCIAL SECURITY

We urge the raising of Social Security benefits to our senior citizens so that they may live out their lives in dignity and grace.

7. ELECTORAL REFORM

We urge the abolition of the Electoral College and the election of the President and Vice-President by direct vote of the people. We urge the enactment of legislation to provide for the filling of the Vice-Presidency in the event of a vacancy in that office, and for resolving the questions of the inability of the President.

8. CONSERVATION

We reiterate and restate our strong position for the protection and the preservation of our great natural resources—our forests, our soils, and our waters. Our great forest wilderness should be zealously guarded, protected and preserved.

We favor a strong, well-defined program to effectuate and to supplement and improve the work now being done to save our soils.

We urge a forceful and continuing fight for clean air, a clean water course, and a clean shore.

Our natural resources are invaluable and irreplaceable. They are priceless public possessions. We must not only inform ourselves but enlighten others as to the character, the uses and the great values of these resources and the urging to preserve and protect them.

9. PUBLIC HOUSING

We favor a more expanded Public Housing Program. We urge liberalized programs for middle income and cooperative housing and a larger program for urban renewal.

10. LABOR

We urge extension of Federal Wages and Hours Laws, and the increase in the minimum wage. Broadening the coverage of the Minimum Wage program to include at least ten million additional workers.

11. AGRICULTURE

We favor establishment of an international food agency to increase consumption of farm surplus. We urge expansion of domestic consumption of farm products to assure an adequate diet for all. Finally, we hope for the free market to be restored as soon as feasible.

AMERICAN ASSOCIATION OF RETIRED PERSONS ADOPTS RESOLUTIONS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. DENT. Mr. Speaker, on Friday, September 6, 1968, I had the great pleasure of addressing the American Association of Retired Persons during their 10th anniversary national convention which they held in Pittsburgh, Pa. AARP is a nonprofit, nonpartisan organization with over 1 million active members. During that convention, delegates representing older Americans from every walk of life adopted a set of resolutions which I am submitting for the RECORD, and recommend them to my colleagues as an example of what our 20 million older Americans consider to be of vital concern:

AARP RESOLUTIONS

AARP continues to exercise its responsible role as the Nation's largest nonprofit, nonpartisan membership organization in the initiation and the support of National and State legislation to promote the general welfare of older persons and the National security and economy.

1. Resolved, that AARP recognizes it is the civic duty of all older Americans to be aware of the political situation in this country and that older individuals should actively support their candidates.

2. Resolved, that AARP supports a White House Conference on Aging in 1970–71, or as soon thereafter as possible, with the restoration of adequate funds for State planning and administration.

3. Resolved, that AARP is concerned with the needs of older Americans on fixed retirement incomes and shall work to establish the principle that all pensions, including Social Security, should be automatically adjusted to keep up with the spirally increasing cost of living.

4. Resolved, that AARP urges government, industry, and labor to do everything possible to combat inflation and thereby maintain the purchasing power of fixed retirement incomes.

5. Resolved, that AARP is concerned that older Americans living on fixed incomes suffer most seriously when victimized by unscrupulous merchants, and recommends to the Congress protection against consumer frauds which result in excessive costs and losses.

6. Resolved, that AARP urges our members to cooperate with local and state Aging and Consumer organizations.

7. Resolved, that AARP will take every opportunity through our publications and public appearances to expose and support action against pressures and schemes intended to exploit the elderly.

8. Resolved, that AARP urges equitable tax treatment for older Americans and restoration of full medical and drug deductions for persons 65 and over, for Federal Income Tax purposes.

9. Resolved, that AARP urges that single persons over 65 whose income does not exceed $3,500 per year, or married couples over 65 whose combined income does not exceed $6,000 per year, be exempted from Federal Income Tax.

10. Resolved, that AARP recommends the updating of the retirement income tax credit to correspond with current maximum social security benefits.

11. Resolved, that AARP supports efforts to expand Medicare to include reimbursement for prescription drug costs.

12. Resolved, that AARP urges Congress to provide that all persons 65 and over be eligible for Social Security and Medicare.

13. Resolved, that AARP is concerned with safety in the streets and at home and urges that all levels of government enact and implement effective anti-crime measures with all due speed so that this country may reach the point when all people can walk the streets without fear of criminal attack.

14. Resolved, that AARP is concerned with the ease with which irresponsible persons can obtain firearms, and urges effective gun control.

15. Resolved, that AARP supports a memorial to Dr. Andrus known as the Ethel Percy Andrus Gerontology Center, and urges its members to support it by donations and otherwise.

16. Resolved, that AARP urges that federal and state governments strengthen the projects that make continuing education and cultural activities more accessible to older Americans.

17. Resolved, that AARP will stimulate and cooperate in the extension and expansion of programs similar to the Institute of Lifetime Learning and the Every Wednesday Morning Lecture series throughout the Nation.

18. Resolved, that AARP will continue to insist on the right to work or retire without regard to age, and assist in counseling and finding job opportunities for qualified older workers.

19. Resolved, that AARP will continue to emphasize the importance of independent living in the later years, and actively oppose any philosophy, doctrine, program or organization that distorts or downgrades the status of older persons.

20. Resolved, that AARP, in carrying out the mandate from Dr. Ethel Percy Andrus, will carry on a continuous program on a nationwide basis to prepare individuals for retirement and purposeful living in the later years; and, to this end, appropriate materials will be prepared to implement this program.

21. Resolved, that AARP advocates federal support for prevention and detection centers throughout the nation to aid in the medical problems of older Americans. AARP further supports all reasonable efforts made to reduce medical costs.

22. Resolved, that AARP is concerned with the growing number of traffic fatalities and pledges it cooperating with responsible agencies, such as The National Safety Council, in promoting traffic safety and adequate driver education; and recommends that the discrimination against older drivers on the basis of age alone be discontinued, and that automobile insurance be made available to older persons on the same basis that it is now provided for other segments of the population.

23. Resolved, that AARP reaffirms its belief that the strength of our country's future lies in its youth and will give the benefit of the experience and accumulated wisdom of its members to training and helping the younger generation in assuming its burden of responsibility under the American system, with full faith in the patriotism of the younger generation and in its ability to carry on and accept the burdens and responsibilities of building a better and stronger America.

24. Resolved, that AARP is grateful, proud and appreciative of the outstanding services rendered by the late leaders, Albert Doty, George Dingee and Robert R. De Cormier. They served AARP well and long, and will be remembered for their fine attributes and contributions to AARP. AARP cannot measure the loss to their families. This Convention further resolves that a copy of this message be sent to their respective families.

25. Resolved, that AARP regrets the inability of Charles Preston, Walter Bond, J. Fred Vaintrease, Kate Casseaux, and other leaders and members who are unable to attend this Convention because of illness and pray for a speedy recovery so that they may continue their fine efforts in behalf of AARP.

26. AARP expresses grateful appreciation to Mr. Charles S. Burlingham of Pittsburgh, Pennsylvania, and his fine committees throughout, not only Pittsburgh, but all of Area 2, for the excellent planning of this 1968 Convention.

(a) To the local committee for arranging interesting tours, delightful entertainment and a spirit of warm friendly hospitality.

(b) To the speakers, staff members and other program participants and members of the Convention Committee who willingly and untiringly offered their time and talents, making the program inspirational and informative.

27. The AARP delegates here assembled in this Biennial Convention wish to express our thanks to the Legislative Council and the AARP Legislative Representative and Counsel for their careful planning and untiring effort in carrying out their programs and for the far-reaching legislative accomplishments for all Americans and especially the elderly and retired citizens.

28. AARP will work closely with the Retirement Research and Welfare Association in accumulating and disseminating information about nursing homes and housing and all types of retirement facilities and other matters of importance to retired persons, and in expanding its programs to aid older persons, including meaningful demonstrations.

29. Above all, the Convention wishes to express appreciation and thanks to our President, Mr. George W. Schluderberg, for the untiring efforts on our behalf and devoted manner in which he has carried on the duties of the President of AARP. To assume this office as he did, and to endeavor to carry out the ideals of our Founder and Leader, Dr. Ethel Percy Andrus, has been a challenging adventure and experience.

30. As a special resolution of this the Memorial Convention of AARP, be it resolved, that we hereby rededicate ourselves to the philosophy and inspirations of our Founder and First President, Dr. Ethel Percy Andrus.

HONORING GORDON SAWYER

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. REES. Mr. Speaker, one of America's great contributions to the world has been the talking motion picture, made possible and brought to a high peak of perfection by American sound engineers working mostly in Hollywood. They have not only added immensely to world film entertainment, but have also made it possible to preserve for posterity the realistic images and voices of the historic figures of our past 40 years and for time to come.

In spite of the tremendous value of their contribution, these men remain unknown and unhonored outside of their own industry.

I would like to call attention at this time to Gordon Sawyer, one of these pioneering sound engineers who remains highly active to this day in his profession. This year, Gordon celebrates his 40th anniversary not only as a motion picture sound engineer, but also of his association with the same employer, Samuel Goldwyn, at the same location, the Goldwyn Studios in Hollywood.

The appreciation that Mr. Goldwyn feels for Gordon Sawyer's four decades of talented effort is evidenced in a festive reception Mr. Goldwyn is staging at which Gordon Sawyer will be feted by those with whom he has worked through the years. This is the first time in over half a century of film making that Samuel Goldwyn has staged such a party to honor one of his technicians in this manner. And it is well deserved.

Sound in films had just been born when Samuel Goldwyn hired young Gordon Sawyer, in 1928, to install the first sound system at Goldwyn Studios. Starting from scratch, Sawyer built up and maintained for the past 40 years what is now considered the finest sound department in the Hollywood film industry.

Besides being responsible for the sound in every motion picture Mr. Goldwyn has made, Gordon Sawyer has also been responsible for practically every picture by producers who have used the facilities of the Goldwyn Studio. So fine is the reputation of Gordon Sawyer's sound department throughout the film industry that many independent moviemakers try to locate their activities on the Goldwyn lot in order to get the benefit of Sawyer's department.

In a somewhat more public way, recognition of Gordon Sawyer's department has come in the form of 29 Academy Award nominations through the years. In his office stand seven of these coveted Oscars which his department has won, the last of which was awarded this year for Sawyer's sound engineering on "In the Heat of the Night."

We in California have a great nostalgic respect for the glamorous history of Hollywood and its world leadership in the art of the motion picture. The names of the past that spring to our mind are usually those of its great stars, like Douglas Fairbanks, Mary Pickford, Charlie Chaplin, Gloria Swanson, and dozens of others, on whose pictures Gordon Sawyer has worked when they moved from silent films to talkies.

They are all deserving of our remembrance, but we also owe our thanks to a great technician like Gordon Sawyer who brought their voices to the screen, and has remained to develop his craft with the stars of today.

I want to add my commendation for the 40 years that Gordon Sawyer has given to the motion picture industry and for the high level of his talent which has helped make my State of California, and particularly Hollywood, known in every corner of the world.

THE 40TH ANNIVERSARY OF THE VILLAGE OF ORANGE, OHIO

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. VANIK. Mr. Speaker, I would like to call the attention of the Congress to the observance of the 40th anniversary of a model community, the village of Orange, Ohio, located in southeastern Cuyahoga County.

Chartered in 1928, Orange has made a smooth transition from a rural farming community to a residential area, and now serves as an outstanding example of suburban living in the Greater Cleveland area. Originally, the village had less than 100 residents in its 3½ square miles of area. Its population has grown over the years, and today it numbers a comfortable 2,500.

Under the guidance of such farsighted mayors as John Buchold, Frederick Schrade and its current mayor, the Honorable Elmer D. White, the good qualities of the rural life of the original village have not been lost. All homes must have a one and a half acre front footage, preventing overcrowding and preserving the natural beauty of the village.

The village can take pride in its contributions to the deservedly well-known Orange school system, which also serves the villages of Pepper Pike, Woodmere, and Moreland Hills. Not only are the residents of Orange Village aware of the need for a solid school system, but also of the necessity for progressive village government. In January 1968, for example, the mayor's term of office was lengthened from 2 years to 4.

Due to careful planning and strict code enforcement, property values have risen sixfold in Orange's 40-year history. It is this concern for community affairs and growth, Mr. Speaker, which led the people of this Ohio community to repaint and remodel their townhall in celebration of this 40th anniversary.

I am sure you will all join with me in wishing the village of Orange success in the future as a model community and happy place to live.

UNITED STATES TO ENCOURAGE MINORITIES IN BUSINESS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. McCARTHY. Mr. Speaker, I do not want to appear chauvinistic. But I do want my colleagues to know that I am proud. Proud to have at the helm of the Small Business Administration a man from New York whose drive, imagination, and sympathy for the plight of the minorities of this wealthy country are giving our disadvantaged people a chance to share in our Nation's bounty.

Howard J. Samuels, the new Administrator of SBA, brings to his job not just the ideals I have mentioned. He brings the skills to make those ideals work in a practical way. He is not a dreamer. He is a doer. He is a businessman.

In August of this year, Administrator Samuels announced a stepped-up Government-business effort to expand minority-owned businesses.

It is a pitiful testimony to the men who came to this land and made it grow that we must say our minorities make up 12 percent of our population, yet they own only 3 percent of the businesses.

Howard Samuels intends to change this. Project OWN, the program he announced this August, is the way he intends to do it.

I wish to include in the CONGRESSIONAL RECORD an article from the Buffalo Evening News which will give my colleagues a good picture of what is happening at the Small Business Administration these days. I feel they will agree with me that, though help for our minority groups has been too long in coming, something tangible and practical is being done at last.

The article follows:

UNITED STATES TO ENCOURAGE MINORITIES IN BUSINESS

(By Lucian Warren)

WASHINGTON, August 14.—Howard J. Samuels, sworn in as Small Business administrator less than two weeks ago, announced today a stepped-up government-business partnership effort aimed at expanding minority-owned businesses.

The former Canadaigua industrialist and 1966 Democratic candidate for lieutenant governor said he expects the Small Business Administration (SBA) program will spark a rate of 10,000 new businesses by the black community and other minority groups by the end of the current fiscal year. Only 2200 minority business enterprises were backed by SBA in the fiscal year which ended June 30.

By the end of fiscal 1969, a yearly rate of 20,000 should be attainable, he said.

FRONTIER LOANS

Mr. Samuels produced figures on how minority businesses can be developed successfully by citing the so-called SBA 502 loan program made in upstate New York through the SBA Syracuse regional office.

Last year, he said, the Syracuse office provided for or guaranteed 89 loans to Negroes embarking on or expanding business activity. The loans varied from $2000 to establish a Negro day care center for children in Liverpool, N.Y., to $100,000 for a Rochester Negro to buy out a white restaurant owner.

Among the loans arranged by the Syracuse SBA office were 12 loans ranging from $3000 to $25,000 for Negro businessmen in the Niagara Frontier.

The Niagara Frontier loans included money for grocery stores, barber and hair-styling shop, booking agency and record shop, meatpacking, concrete block manufacturing, gift card and clothes shop, roller rink, jazz center, retail shoes, contract trucking and a food store and soda fountain.

MONEY EARMARKED

Mr. Samuels emphasized that no new legislation will be needed for his program and that while Congress has cut the funds SBA can lend directly, the stepped-up minority business program will be achieved through a co-operative effort with banks and other private enterprise groups.

He said the Urban Affairs Committee of the American Banking Association has pledged its support and will assign a full-time director to the effort.

The Menswear Retailers of America organization has earmarked $20 million in extended credit and is establishing a management and technical assistance program. The National Business League, Urban Coalition, Urban League and Puerto Rican Forum also are joining in the effort.

EMPHASIS ON SKILLS

A program of this magnitude, Mr. Samuels said, will be a "giant step toward closing the gap between black and white in the ownership of American business."

Expansion of minority-owned business to achieve the goals would require investment of about $250 million by the end of the first year and $500 million the second.

He said growing emphasis would be placed on character and managerial skills rather than on collateral in placing the loans. Under such a program, he said, defaulted loans, amounting to only 3 per cent of all SBA-guaranteed loans last year, might rise to between 6 and 7 per cent, but he maintained the government can and should be able to absorb this.

QUEST FOR FEDERAL EMPLOYMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. WALDIE. Mr. Speaker, the Independent, a newspaper published in my district in Richmond, Calif., in their August 27, 1968, issue, published an editorial entitled, "The Puzzling Quest for a Federal Job." I am inserting that editorial, in its entirety, in the RECORD, and I want to comment that the problem discussed in that editorial is one with which all of us should be greatly concerned.

I have received several letters this past month from young students who are not members of any minority group outlining to me the very great difficulty, and, in some instances, impossibility, that they experienced in seeking to obtain summer employment that they might continue their quest for a higher education.

I am as fully aware as any Member of this body of the grave difficulty that minority youngsters have experienced in obtaining employment, and I am equally dedicated in support of efforts to procure employment for these youngsters who have indicated a desire to obtain it. However, in our zeal to right what is, admittedly, a wrong of long duration involving the inability of willing youngsters in the minority groups to obtain employment, we might very well create an equally undeniable wrong in denying willing youngsters of nonminority groups their employment opportunities.

I am convinced that a better balance in the resolution of this problem than has been obtained to date must be found, and I concur in the sentiment expressed in this editorial that, in the resolution of this problem, "justice and fair play are vitally needed, and neither goal can be obtained at the expense of the other."

The editorial follows:

THE PUZZLING QUEST FOR A FEDERAL JOB

A few days ago in Richmond, a 17-year-old girl signed up and set out to a get a summer job under a federally-funded youth program. Her first query was to a local industrial firm. There she was asked if she were Negro. No, she replied. "Well, then," she was told, "we can't use you. We would jeopardize our defense contract status if we hired a non-Negro under this program. We are forced to do this."

More than mildly puzzled, the girl told her mother of the incident. Her mother contacted the employer. Same story. So she called the employment office here. Yes, they had heard of such incidents.

Growing more concerned, the mother picked up the telephone and plunged into the morass of agencies that are supposed to know about such practices. She called the American Civil Liberties Union. They referred her to the Fair Employment Practices Commission, which referred her to the Department of Defense, which referred her to its Office of Contract Compliance. There she got a hearing from an official who said the ban on non-Negroes was pure rubbish. Someone was being "cute", he suggested, and quoted the federal Fair Employment Practices law which specifies that no government contractor shall deny employment consideration to anyone on grounds of race, religion, color, national origin or sex. There was also a state law, he said, equally clear and specific.

She deduced from this that her civil rights were being violated. What could she do?

She asked, and was told that federal law provides contract cancellation sanctions on violators, and the state law provides for injunctive relief.

She again called the local employer and related what she had learned. But the reply was the same as before. "Under this program, we can't hire unless the applicant is a Negro."

Naturally, this woman is frustrated and discouraged. She hesitates, as the vast majority of citizens do, at bringing a lawsuit. Yet her daughter is being treated unfairly, and no other recourse suggests itself.

It is not likely that without prompting, the company would foolishly flout rules that could cost it valuable government contracts. It is also not likely that on adequate evidence the Defense Department would fail to rap its knuckles for such defiance.

What does seem likely is that the employer is either misinformed or fearful or under pressure from some source that evidently doesn't see the truth of James Thurber's mellow but accurate line that "it is better to fall flat on your face than lean over too far backward."

Jobs for Negroes are an urgent and vital need in Richmond, as they are in the rest of the nation. But so are justice and fair play vitally needed, and neither goal can be obtained at the expense of the other.

TESTIMONY BY ERIC A. WALKER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to insert in the CONGRESSIONAL RECORD for today the fine presentation made by Dr. Eric Walker, president of the Pennsylvania State University, before the Science, Research, and Development Subcommittee of the House Committee on Science and Astronautics.

As a graduate of Penn State myself, I am particularly proud of the fine work Dr. Eric Walker has done there. I feel certain that Members of Congress and the American people will find his remarks well written and thought-provoking on the question of institutional grants for higher education.

The presentation follows:

TESTIMONY BEFORE THE SUBCOMMITTEE ON SCIENCE, RESEARCH AND DEVELOPMENT OF THE COMMITTEE ON SCIENCE AND ASTRONAUTICS OF THE U.S. HOUSE OF REPRESENTATIVES ON HOUSE RESOLUTION 875 BY ERIC A. WALKER, PRESIDENT OF THE PENNSYLVANIA STATE UNIVERSITY, JULY 10, 1968

Mr. Chairman and Members of the Committee: I am Eric A. Walker, President of The Pennsylvania State University.

There is a great deal of concern in this country today for the disadvantaged—for those who have not had the opportunity for improvement that their fellowmen have had. These are the people born into the less affluent sectors of our society who cannot realize their full potential because they cannot start from the same position that some of their fellows do.

Along with these disadvantaged individuals, there exists in this country today a large number of institutions of higher education which by all standards and criteria must also be considered disadvantaged. These are the colleges and universities which for a long time have been the have-nots. They have not had satisfactory libraries or lavish buildings. Nor do they have rich professorships to attract the better known scientists, or wealthy alumni to build up their endowments. Indeed many of these institutions were originally designed to aid students from the less affluent sectors of our economy. Yet a large portion of our college-age population depends on these institutions for their education—an education that will eventually send them into our highly technical and scientific society.

Now over the years, the Federal government has spent a good deal of money on research and education in the nation's colleges. However, many people have felt that these funds have been concentrated within a few states and have gone mostly to the more prestigious institutions.

While no one can doubt that the country has benefited from the research supported at the high quality institutions, there has developed a considerable amount of unhappiness in certain sectors of higher education. This has come about because it appears that the institutions which have received the bulk of Federal funds in the past continue to get a growing portion, while the smaller and less prestigious institutions continue to remain mostly in the have-not category.

This situation developed by trying to emphasize quality. Federal support has always tended to gravitate to the high quality institutions. And this in turn has attracted more and more qualified scholars and students who want to go to the schools with good reputations and where they are fairly certain they can get the money to conduct their research.

I want to talk about the disadvantaged colleges and universities. So I want to make it clear that I am here today to talk about the Ivy League colleges, nor even my own university, Penn State.

I want to talk specifically about a group of Pennsylvania colleges for which I have no responsibility, which seem to have no spokesman, and which seem to be among the disadvantaged. If there is something I can say to help them and their kind, I will be well content.

In Pennsylvania we have a system of fourteen state colleges. Many years ago, these colleges were usually known as "normal" schools, but they have long since grown up and now have an important part to play in the Pennsylvania higher education system. In fact, they now handle about 20 per cent of our state's college population. They are all four-year colleges, with twelve of them now engaged in some form of graduate work. They enroll nearly 50,000 full-time undergraduates and more than 5,600 graduate students. Long since have they given up being just colleges of education. They now teach many things which normally fall into the areas of colleges of science and liberal arts. They almost all have physics departments, chemistry departments, and mathematics departments. Yet all of them find it very difficult to make the proper appeals and get what I feel is their fair share of Federal money.

For instance, in spite of the fact that they have between 5,000 and 6,000 students taking courses in the physical sciences alone, and nearly 200 faculty in the physical sciences, they had only ten National Science Foundation grants in *all* fields during the fiscal year 1967, amounting to $169,000.

Now, on a full-time undergraduate enrollment basis these State colleges represent nearly as many students as all of the Ivy League colleges put together. (48,098 at Pennsylvania's fourteen state colleges compared to 48,813 at Ivy Leagues.) Yet compared to the Ivy Leagues their funds from the Federal government are miniscule. This, after ten years of work on the part of both the colleges and the National Science Foundation and other Federal agencies to try and help the smaller and less well-endowed colleges.

You might ask, "Who is to blame?" And my only answer could be, "The system." I don't think anyone wants to keep these colleges from getting Federal help, but the system makes it very difficult for them to do so.

Let me explain what I mean by just taking an example. When a young staff member from one of these small colleges wants to send in a request or a proposal, he immediately begins to run into trouble. He is not skilled in how it is done—he has no access to professional grantsmanship. It is quite possible that there is no one on his faculty or staff who can help him. Indeed, although he may have done his graduate work on a National Science Foundation grant or project, it was probably one which was written by his senior professor when he attended one of the better-known colleges.

At schools like these, too, laboratories are far from elaborate, usually with only the elementary kind of equipment available. And the teaching load of this young staff member, I am sure, is greater in terms of courses, or student credit hours taught, than it would be at one of the more prestigious schools. So any time our scholar has for research, or the improvement of teaching, or the guidance of his better students, usually has to be stolen from other high priority jobs. He cannot even make the writing of proposals as part of his normal duties. This must be done on his own time. And very often if the proposal is granted, arrangements must be made to relieve him of part of his teaching time to do the work proposed in the grant—and this too isn't easy. Such schools are disadvantaged and the people in them suffer from this disadvantage.

Now suppose our young scholar's proposal comes in to the NIH or the NSF or NASA. It is immediately referred to someone who is to judge the quality of the research proposed. The people who are the judges have been chosen from the better-known scholars in the field and obviously most of them, therefore, come from the better and well-established colleges. And this undoubtedly puts a bias or lack of sympathy into the judging system. The proposal may or may not be a very good one anyway, but obviously when it comes into competition with one from a man of the better-known school, there is always a tendency to favor the latter because the judges know that on the staff of the better-known school there are people who will help him. Or if he gets into trouble, there are people who can be told to go rescue him.

As a matter of fact, if I were a program director for the NSF, I would want to build up a good reputation for having supported good research, and I too would have a tendency to try and support research where good research is done.

So it is much more difficult for the less well-known professors at schools such as Clarion, West Chester, and Indiana State University of Pennsylvania to get support. And so as time goes on, we find the better schools getting better and the poorer ones not making much progress.

The Miller Bill, by making some of its funds available on a per student basis, would help schools like these.

For example, under Section 2(B) of the bill, Pennsylvania's fourteen State colleges would each receive at least the first $30,000, and probably more, to support project grants they already have.

Under Section 2(C) the State of Pennsylvania would receive approximately $3.2 million which in turn would be redistributed to the institutions of higher education within the State, with the fourteen State colleges receiving approximately $640,000 of this.

And under Section 2(D) these State colleges would also benefit—not only now but in the future. For these institutions, which had no graduate students only a few years ago, graduated nearly 1,000 students with advanced degrees this year—a figure they expect to double within a decade.

Representatives from the State colleges tell me that passage of the bill would assist them in establishing programs for the disadvantaged and the preparation of teachers for the socially deprived, including professionals to work in substandard urban areas. It would enable the Commonwealth to develop programs in computer science, industrial design, engineering science, in addition to programs in conservation, water and air pollution, traffic engineering, and the paramedical fields.

It would assist the Commonwealth in establishing a computer satellite system to link higher education with a central computer complex. And this legislation, they say, would also enable the institutions to cope with the developments of rapid change, new science, new concepts, and new engineering methods and talents which grow from them.

Institutions such as Pennsylvania's fourteen State colleges need help. They need it badly. They need it more than Penn State or Harvard or Cornell does.

And this is why I favor the Miller Bill, urge you to pass it, and support it with the necessary funds.

LIBRARY OF CONGRESS SCIENTIST WRITES ON ENVIRONMENTAL CHEMISTRY

HON. ED EDMONDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. EDMONDSON. Mr. Speaker, an interesting article, "Federal Policy and Environmental Chemistry," appeared in the July 1968 issue of Environmental Science and Technology.

The author, Richard A. Carpenter, has been senior specialist, science and technology, Science Policy Research Division of the Library of Congress Legislative Reference Service since 1964. With his bachelors and masters degrees in organic chemistry, his years of experience with Shell Oil Co., Midwest Research Institute, and Callery Chemical Co., his several patents in chemical rocket propulsion areas, his numerous publications, and his continuing study and work in this field, Mr. Carpenter is specially qualified by education and experience in industry to discuss the problems of our environment and Federal policies dealing with them.

I insert into the RECORD at this point this timely and constructive article.

FEDERAL POLICY AND ENVIRONMENTAL CHEMISTRY

(The success of evolving federal policy in restoring and maintain an optimum environment depends on the ingenuity and success of chemists to provide an adequate scientific and engineering base.)

The chemical industry is viewed as a major contributor to pollution because the contaminants in the environment are, after all, chemical, and because of a great many sources of pollution are within the industry. Pollutants react with human health or property values in a chemical way, whether their source be a community sewage treatment plant, a private automobile, or an industry quite separate from conventional chemical manufacture. Thus, for a variety of reasons, chemical science and engineering have been placed on the defensive.

But as we understand more of the complex nature of pollution—waste management gone wrong—in a highly technical society, the other side of the coin is revealed. This aspect of chemistry shows the profession to be the means by which we can restore and maintain environmental quality. This article reviews federal policies, shows their dependence on science, and illustrates the constructive role for chemists and the industry—a role that is essential if federal policy for pollution abatement is to succeed.

TRADITIONAL WAYS NO LONGER WILL DO

Pollution abatement depends on many factors—economics, social institutions, public opinion, legal procedures, political judgments and technology. The best scientific understanding of the problem will be useless without the means of implementing the knowledge. It is equally true that all the weight of public opinion will not prevail unless the technology for abatement is adequate and effective. The chemical community gets involved because the information for improved management decisions is largely chemical in nature.

A number of changes have taken place in the world recently which make it impossible for us to continue formerly or traditionally acccepted practices. First, there is no longer any place to put the materials which society rejects. The population of the world is so distributed that no convenient dumping grounds, or streams, or air masses exist which are not also the natural resources of other persons. The environment probably does have a limited assimilative capacity, but the polluter cannot use it up himself without infringing on the rights of the next user.

The second dstinctive change is that man has greater powers to disrupt the environment than ever before. Radioactive materials and physiologically active chemicals are long-lived and spread throughout the biosphere. Effects which cannot be predicted may be profound and irreversible. Mistakes may be expensive and difficult to correct, once they are discovered.

Third, the conservation of resources must lead to a recycle economy instead of the present "use and discard" philosophy. None of our raw materials, save sunlight, is limitless. Pollution runs contrary to good conservation science because of the second law of thermodynamics. When a material is contaminated or widely dispersed, it becomes that much more difficult to include in a recycle system. Since we must indeed use the environment heavily to support our standard of living and extend it to developing nations, a high quality environment is synonymous with efficient management.

Finally, the laws of genetics suggest that man cannot adapt to an environment drastically different from that in which he evolved. Even if we would agree to accept some of the changes in environmental values our civilization has brought on, we could not physically accommodate to them. So, preservation of a reasonably normal and stable environment is urgent and necessary. Waste management must remain under close control and be supported with adequate knowledge of human ecology.

DEVELOPMENT OF FEDERAL LEGISLATION

The Federal Government's involvement in environmental quality stems from a number of historical roots, among them being the Constitutional mandates to promote the general welfare and to regulate commerce. The Federal Government is responsible for public health; it is the only government which the citizen can turn to when lesser jurisdictions disagree, and it is the logical supporter of research and development of nationwide relevance and application.

Water pollution legislation originated in the Rivers and Harbors Act of 1899, which prohibited debris in the interests of navigation. The Public Health Service Act of 1912 concerned waterborne diseases, and the Oil Pollution Act of 1924 was designed to prevent discharges into navigable waters that would damage aquatic life, recreational facilities, and harbor installations. After a temporary act in 1948, the Federal Water Pollution Control Act of 1956 was passed; it called for states to set standards and gave enforcement authority to the Federal Government if local efforts failed. Finally, a systems approach to water pollution abatement was authorized in the Clean Waters Restoration Act of 1966.

Air pollution legislation has followed a similar path. The 1955 Air Pollution Act was a small program of research and technical assistance to local control districts. It is worth noting that the intense problem of Los Angeles had motivated almost all the scientific work done to that date. The Clean Air Act of 1963 is very similar to the Federal Water Pollution Control Act. Amendments in 1965 and 1966 have added funds and specific research tasks. The Air Quality Act of 1967 completed the federal legislation by calling for state and regional standards to be enforced locally, if possible. Federal abatement enforcement is the ultimate weapon to assure both air and water quality.

This legislative history shows that the basic policy of the government is cautious except where direct hazard to human health is involved. The first federal activity is monitoring and analysis of the environment to define pollutants, their concentration, and sources. Local governments are aided by the Federal Government in staffing and equipping offices and agencies that are charged with learning just what the problem is in the local areas. The techniques are developed under federal research grants because they are widely applicable.

GROSS AND OBVIOUS POLLUTANTS

As soon as knowledge about pollutants begins to accumulate, there is a tendency to leapfrog immediately into an abatement plan. In the case of gross and obvious contamination, this is justifiable and often works. Strong emotional demands for a less dirty city motivated smoke elimination in Pittsburgh and St. Louis. The technology for particulate collection and combustion control was adequate. Therefore, no refinement of the cause and effect relationships was requested. Another example is the acceptance of primary sewage treatment as the minimum which any water user must perform before the effluent goes to a receiving water.

These types of pollution are the result of contaminants which are in a different physical state (or phase) from the environment in which they are carried. That is why the average citizen sees them and recognizes them as problems. It is also why they are usually cheaply and easily removed. The remedies for particulate, floating, or suspended matter cost little in comparison to the benefits.

SUBTLE POLLUTANTS REQUIRE RESEARCH

However, the next stages of cleanup require a more convincing, scientifically established reason to spend money for abatement. A kind of leapfrogging assumption of standards in these complex, subtle cases may turn out to be very wasteful.

The control of automobile exhaust is still awaiting judgment. Emission standards are now being changed from a basis of per cent of pollutant in the exhaust gas to grams per mile, a more realistic relationship. The efficiency and operating life of the control devices are in doubt. There may be an additional expense for mandatory annual inspection and maintenance. The application of Los Angeles criteria to hardware required for the entire country has been criticized. While the situation in West Coast basins requires drastic control of reactive hydrocarbons, the rest of the nation is little troubled by photochemical smog. The improved engine designs resulting from the 1968 federal regulations are possibly all that will be necessary to control hydrocarbons and carbon monoxide outside of a few California cities.

Another area for caution is the thermal pollution of streams and estuaries by cooling water from power plants. For example, the wide adoption of a uniform temperature limit (such as 93° F.) would have enormous effects, although the limit has virtually no basis in scientific experiment. The standard would have been promulgated before the aquatic ecology research has even begun in many watersheds.

A. SEQUENTIAL APPROACH TO STANDARDS

The recognition of the errors in cost-effectiveness judgment which can accompany a leapfrogging policy has led the Congress to a sequential approach in setting standards. The Air Quality Act of 1967 calls for the Secretary of the Department of Health, Education, and Welfare to issue criteria for each pollutant. The Federal Water Pollution Control Act calls for the Secretary of the Department of the Interior to establish a technical advisory committee on water quality criteria.

Criteria express the damage to health and welfare which can be expected from exposure to a contaminant at different concentrations and for different times. A criterion is simply a scientific presentation of cause and effect or dose-response relationship. Next, a judgment is made at the state level of how much damage society is willing to put up with, or, conversely, how much abatement the people are willing to pay for. This judgment should integrate such things as the cost of not abating, the cost of installing and operating control equipment, health effects, nuisances, and esthetic offenses.

The criterion then is used to translate the damage level into a concentration × time value for the ambient air mass. This quantitative figure (usually expressed as parts per million averaged over a short time not to be exceeded by more than a few days per year) is an ambient air standard or a receiving water standard. Integrating many local factors will produce different standards for different parts of the country, but some minimum acceptable quality can be insisted upon by review at the federal level.

The ambient environmental quality standard is then related to the individual sources of that pollutant. Emission restrictions can be calculated for all sources, taking into account, for example, stack height or stream flow, weather, climate, and terrain, so that the ambient quality is achieved. The economics of abatement technology may prevent reaching for the time being, an ambient environmental quality goal. Enforcement is accomplished by intensifying all sources and monitoring their emissions.

This sequence is highly dependent on the sciences which construct the criteria. Environmental epidemiology is basic to the entire process. Unfortunately, most of the evidence is empirical, and well designed research is just beginning.

Thus, legislation for environmental quality has placed an obligation on science to provide a sound, legally useful basis for the subtle pollutants which our senses cannot evaluate. It is perhaps fortunate that there is more than enough to be done in abating gross and obvious pollution for the next few years. The big expenditures for pollution control and the massive manipulations of the environment lie ahead—in a sense it is earlier, not later, than we think. If we give careful attention to emergency situations (such as spills or persistent inversions) we have the time to do the research and construct the organizations which will guide future control of a variety of environmental contaminants.

CURRENT LEGISLATIVE TRENDS

Congress today can be said to be leading the nation toward a better environment. It originated the recent air and water legislation. Where local polictical boundaries and industrial vested interests have prevented progress, Congress passed federal laws.

Most importantly, the government has supported research to identify pollutants, quantify their effects on health and property, and develop lower-cost, efficient means of control (ES&T, February, 1968, page 90). In fiscal 1968, it spent $250 million in this way:

Pesticides: $65 million.

Transportation, distribution, and fate of pollutants: $20 million.

Measurement and instrumentation: $12 million.

Social, economic, and legal aspects: $5 million.

Prevention and control technology: $100 million.

Effects of pollution on man, plants, animals, materials: $45 million.

The major agencies involved include the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, and Interior; the Atomic Energy Commission, National Aeronautics and Space Administration, National Science Foundation, Tennessee Valley Authority, and Veterans' Administration. It is a monumental task simply to coordinate the science and technology of pollution control.

Another trend affecting legislation is that we are gaining a more sophisticated understanding of the term "quality." Cost-effectiveness is a common term in the Capitol, but it is important to pollution policy. The accepted goal today is to restore and maintain a quality of the environment without disrupting our economy and culture.

There is a great deal of uncertainty about the price people are willing to pay—in terms of money, changed habits, and restrictions on freedom of choice—for environmental quality. Of course, any proved health effects will be eliminated. And really obnoxious sights, odors, and dirtiness will be taken care of. But the quality necessary for other species and for esthetic values may seem too costly to a society which finds it difficult to understand an ecological web of life. It is not easy to quantify these benefits, but it will be all too easy to quantify the costs of achieving even higher standards. Goals which refer to an environment with no deleterious effects on health, welfare, or the pursuit of happiness do not have much meaning in a real political context.

Laws must be legally enforceable in a practical manner. For example, odors are a nuisance, but a connoisseur of Limburger cheese might be willing to put up with an affront to the senses which others would not. More basically, an industrial valley, because of the payrolls involved, may accept a higher level of pollution than would a distant bureaucracy.

OPPORTUNITIES AND RESPONSIBILITIES

Chemical technology has six identifiable areas for action and response to federal policies in the environment.

First, wastes must be physically controlled. That is, the byproducts and nonusable residues from manufacturing, processing, combustion, and municipal waste disposal must be contained at all times. They must be kept apart from the living environment until they can be either recycled, permanently and safely stored, or dispersed to a satisfactory low level.

Chemical engineering processing is the key to this requirement. New plants pose less of a problem than do older ones. Waste management will be much more important to process design and to the choice among competing methods. Plant location will be less important when virtually all surface waters—streams, estuaries, and coastal areas—are brought under standards. Location will continue to be important in meeting air pollution standards because weather and terrain will affect the limitations on emissions.

Second, materials must be recycled with greater ingenuity. This is the most direct way of lowering the costs of pollution abatement. Metal dusts, fly ash, sulfur oxides, solids in sewage plant effluent, and refinery vapors are examples of potential pollutants which can pay part or all of the cost of their containment and management if they are used in a recycle system.

Third, markets created by the pressure of pollution abatement legislation must be satisfied. For example, the annual capital investment in pollution control equipment is estimated at several billions of dollars. To monitor the environment, automatic continuous analysis of thousands of streams and hundreds of airsheds will be necessary. Chemical treating agents, coagulants, and similar materials will continue to be in demand in abatement processes. More federal R&D funds may find their way to industry if a patient policy can be negotiated that truly serves the public interest. At present, the funding agency often simply holds the rights. Licensees of federally held patents may need some exclusively to justify spending additional money for commercial development.

Another type of market is the replacement of products which are causing trouble in the environment. Phosphate-free detergents, biodegradable plastic packaging, immobile nitrogen fertilizers, additive-free gasoline—these items may become competitive by virtue of the pollution created by present products. Uniform nationwide minimum standards are under study for air quality. Such standards would provide a large market base to attract private sector R&D effort.

Other markets may be disrupted. Sulfur recovered from stack gas would equal the present consumption; dislocations of conventional sulfur sources would occur, but very slowly. Another example is the nonreturnable bottle, an innovation of glass technology but the bane of solid waste control. It could be regulated out of the market if its private convenience value is exceeded by the public cost of disposal.

Fourth, the chemical industry must make a greater effort to assess the environmental effects of its products before they are introduced. A recent advisory report to the HEW Secretary recommended prohibiting after 1970 "general use of any new synthetic material, trace metal, or chemical until approved by the Department of Health, Education, and Welfare." Assuming that the criteria for such approval could be established at some future date, the cost to industry of the testing involved would be enormous. Despite the utopian aspects of environmental quality via regulation, the trend toward consumer protection is plain.

Synthetic organic chemicals are foreign to the natural environment and are therefore suspect from the start. The discovery of DDT throughout the biosphere is testimony to the powerful pervasiveness of chemicals—whether or not the chemical is actually a hazard. Highly technical consumer goods give little opportunity for the buyer to beware. What product-liability laws cannot accomplish, increasing regulation will attempt.

Fifth, the chemical industry must explain its problems more frankly and in greater detail. The technical literacy of the general public is increasing rapidly. Understanding the complexities of chemical manufacture, the public may temper demands for immediate abatement or overnight replacement of offending products. The vague and elusive public relations program will not withstand the scrutiny of today's citizen action groups, the press, and local enforcement officials.

Finally, the industry must provide more information to Congress. It is important that as many channels of science advice as possible be provided to the legislative process. Congress is far more receptive than industry believes. Rather than merely supplying defensive statements, the chemical industry can particpate in determining pollution policy from the outset. Cost sharing in research, R&D patent policy, abatement timetables, technical economics, alternatives in resource management—these issues can only be resolved in an optimum way for the nation if the industry brings its viewpoints to the discussion.

Waste management is largely a task for local governments and the private sector, but getting the job done right is everyone's business. In practical terms of profit, service, and public relations, waste management brings real opportunities to the chemical industry.

INFORMATION PROCESSING FOR THE U.S. CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MOORHEAD. Mr. Speaker, the future of the United States depends on those who make its decisions—judgments which must be based on perspective and knowledge. Today legislators are increasingly casting about for new weapons to cope with the myriad of problems of air and water pollution, transportation, health and welfare, urban renewal, slum eradication, conservation, and many of us have begun to examine the systems approach which has been successfully applied to industry and to the executive branch.

One of the champions of the new technology and the role of the Congress in matching this technology with the problems to be overcome is Robert L. Chartrand, information sciences specialist of the Library of Congress.

I am delighted to note that Mr. Chartrand was asked to present a paper concerning congressional plans for using information retrieval and computer technology before the International Federation for Information Processing Congress in Edinburg, Scotland, last month. As a sign of the worldwide interest in automatic data processing, this congress was attended by 3,650 delegates from 46 countries. I include Mr. Chartrand's thoughtful and timely paper for the attention of my colleagues at this point in the Record:

Information Processing for the U.S. Congress

(By Robert L. Chartrand, Legislative Reference Service, Library of Congress)

Abstract: Modern technology has brought many benefits and numerous new problems to the peoples of the world. No longer do traditional institutions, procedures, and tools necessarily meet the challenges of our time. The decision-makers of the United States Congress, in fulfillment of their many functions, have begun to consider the application of automatic data processing and systems methodology to the diverse committee and member tasks. The discussion features an insight into the innovative thinking and alternatives for implementing action by the Legislative branch.

Man is still the master of his own fate, and I believe that the power of science and the responsibility of science have offered mankind a new opportunity.[1]—John F. Kennedy

1. INTRODUCTION

The inhabitants of the planet Earth have progressed remarkably during their relatively brief span of existence. In particular, the past century has been witness to spectacular scientific and technological achievement. Man's struggle to accommodate to change is unending, but for many decades he was allowed to adapt at a more leisurely pace. In recent years, however, the acceleration inherent in our unprecedented rate of technological growth has surpassed the adjustment capacity of world society. The effects are being reflected in our institutions, mores, national laws and international agreements.

Ruling bodies of both established and developing nations must face, in the 1960 decade, issues of such criticality and complexity that even the most perceptive executives and lawmakers are taxed to cope effectively with the kaleidoscopic problems. In order to respond to these many demands upon their time and energies, the decision-makers must have available to them information that possesses these essential characteristics: accuracy, completeness, timeliness, and relevance. So voluminous is the written information that is being produced that special tools and techniques are being invented and implemented in order to aid man in his dilemma.

With the advent of the electronic computer during World War II, man's ability to store, process, and retrieve requisite information was increased by many magnitudes. The impact of automatic data processing (ADP) is felt throughout the world, and prompted The Lord Snow to comment that "the cybernetic revolution . . . is going to be the biggest technological revolution men have known."[2]

The Congress of the United States of America has taken cognizance of the power and potential of ADP, and has begun to delineate its requirements for information processing support. The effect of this fledgling effort will be evidenced within the foreseeable future in the performance of government by that body as it confronts the challenges of domestic problems and international endeavors.

2. CONGRESSIONAL REQUIREMENTS FOR INFORMATION SUPPORT

The contemporary legislator and his staff are faced with a spectrum of problems which allows too little time for any one request. During the 89th Congress (1965–1966), members were called upon to consider 26,566 bills and resolutions; of this total, 4,016 became law.[3] Not only must the Senator or Representative respond to the pressures of daily legislative operations, but he must respond to the needs of his constitutents who now average 450,000 per member.

Committee assignments absorb countless hours, each member being involved with several standing or special committees and subcommittees; in addition, he must be available for floor activity. In the House of Representatives during the First Session of the 90th Congress there were, for example, 202 quorum calls, 245 Yea and Nay calls, and hundreds of teller, division, and voice votes.[4]

It might be said truthfully that the information needs of the Federal Congress are infinite, and the members are acutely aware of this. In responding to a recent survey conducted by the Public Affairs Center of Dartmouth College, 78% of the 80 Representatives queried cited "complexity of decision-making; lack of information" as a vital problem.[5]

The Congressman must fulfill three major roles:

(1) As a legislator dealing with international and national problems;

(2) As a representative of his district or state with prime concern for its welfare; and

(3) As an ombudsman of sorts, with a personal relationship to each constituent.[6]

Congressional requests for information may be considered in four broad categories: first, requirements from the Congress as a whole as set forth by a statute; e.g., a directive requiring the Legislative Reference Service (LRS) of the Library of Congress to publish regularly a "Digest of Public General Bills." A second category of inquiries would feature requests emanating from Congressional committees; exemplary of these are calls for "intensive background studies on subjects within their jurisdictions," [7] such as the recent report on "Policy Planning for Technology Transfer." [8] The third category

---

Footnotes at end of article.

of request involves items needed for use by individual members: these may range from "Provide the statistics on whaling operations in the Antarctic for the period 1900 to 1940" to "Prepare a brief narrative concerning the utility of monorail transportation." Finally, constituents' calls for assistance, which also are virtually unlimited in terms of subject matter, comprise the fourth category.

It should be noted that the requirements for information support continue to rise. The Legislative Reference Service, which provides non-partisan research assistance to the Congress, was the recipient in 1946 of 19,732 inquiries.[9] Twenty years later, a total of 117,062 member, committee, and constituent requests were logged in and the subject of action.[10] Thus, the demands of their position prompt the members to seek assistance from external sources, and more importantly to search for that information which is most germane to their specific needs.

3. INFORMATION RESOURCES FOR THE CONGRESS: PUBLIC AND PRIVATE

The diversity of Congressional information needs has caused its personnel responsible for locating and acquiring key written material and ancillary supporting data to explore every possible resource. Many committee staffs maintain extensive files which contain historical and dynamic (i.e., current) information. Several hundred liaison personnel representing Executive branch agencies and departments serve to receive countless requests for assistance from the legislative branch. The Legislative Reference Service, as previously noted, shares a portion of the burden. Many Congressional inquiries go to lobbyist organizations, some of which possess a high degree of expertise in given areas. Universities and foundations also are sources of information and often provide consultants to investigating committees.

As a discernible trend toward placing selected information in machineable form has developed, the Congress has become aware that it could obtain certain types of information in a form which optimized data manipulation and correlation. Within the Federal government there are several major repositories of information which collect, store, and make available—in hard copy, microfilm, or ADP form—upon request selected information: the Defense Documentation Center, the Department of Commerce Clearinghouse, the National Referral Center of the Library of Congress, and the Scientific Information Exchange under the aegis of the Smithsonian Institution.

Special collections of machineable information also are available, such as the Project LITE (Legal Information Through Electronics) holdings. This Department of Defense function provides "keyword-in-context" access to the full text of: the complete United States Code (updated to the 1965 supplement); the Comptroller General's Decisions complete to the most recent published volume and the unpublished decisions from 1955 to the present; international agreements of interest to the Department of Defense; and other selected materials.[11]

Large volumes of information are accumulating in the Federal community both in magnetic tape and punched card form. The "Ruggles Report" concerning the proposed Federal Data Center contains an inventory[12] of 600 repositories of machineable data, totalling 30,000 reels of magnetic tape and 100 million punched cards, and this collection is limited to economic statistical data. While a great deal of data in ADP form exists, the access to this data is limited due to several factors. The data itself may be "confidential" due to agency restrictions; the form in which the data is stored may require conversion to some other useful form (e.g., 90-column punched cards of older vintage might have to be translated to 80-column cards); and programs to allow or expedite information processing and retrieval either may not exist in documented form, cannot be released to other user groups, or may have to be rewritten for later generation computers. None of these problems is insurmountable, but much communication and establishment of controls will be required before easy access is established for "outside" users such as Congressmen.

4. SYSTEMS TECHNOLOGY IN THE LEGISLATIVE ENVIRONMENT

For several years, far-sighted members of the Congress have been calling for the utilization of systems technology in handling selected legislative and house-keeping functions. Vice President Hubert H. Humphrey was an early advocate of adapting automatic data processing to the needs of the Congress.

The Legislative branch should, itself, take the lead. Few groups of men and women in the world need more, better or more varied information than the 535 elected Representatives and Senators. Congress' committees and subcommittees and Members need push-button, preferably display-type access, to specialized "banks" of information. Each major "bank" should serve the interested committees—Agriculture, Appropriations, Armed Services, Banking and Currency, Foreign Relations, Interior—and so on, down the alphabetic line.[13]

Congressional information needs exist at several levels of activity: the Congress as an entity, the individual chambers, committees (and subcommittees), and the member as operating unit. The importance of furnishing salient elements of information to the legislator is a problem shared by all national legislative bodies. Quite often the problem of the balance of power between the Executive and the Legislative is raised. The role of ADP in this instance has drawn this comment in a recent artcle entitled "Information Services of the Commons Library:"

> Thus the apparently restricted, often technical processes and problems of keeping Members "well informed" have tended to assume a broader constitutional significance which political and academic commentators alike have been quick to observe.[14]

Congressional awareness of the need to enhance its information processing capability through the use of systems tools and techniques was manifested in dialogue between Library of Congress leadership and the members of the Joint Committee on the Organization of the Congress.[15] A decision was made to acquire an "information sciences specialist" who would provide expert advice to the Congress in the areas of applying ADP, operations, research, systems analysis, and the planning-programming-budgeting function; final action was taken in 1966.

As thinking individuals in government, business and the academic world commenced to consider the ramifications of aiding the Congress through the use of ADP and systems techniques, a series of suggestions were forthcoming. These were considered for inclusion in the general study prepared for the Congress by the Legislative Reference Service entitled "Automatic Data Processing for the Congress".[16] Other analyses of the Congressional information handling situation included *Congress: The First Branch of Government*[17] and the Arthur D. Little report, *Congress Needs Help*.[18]

Among the recommended areas for applying ADP were: maintaining current status information on pending legislation, to be discussed at greater length later in the presentation; dissemination of selected priority information of especial significance to members and committees on the basis of "profiles" reflecting these needs; storage, with flexible retrieval capability, of appropriations statistics and information; availability of legal type literature and selected information; acquiring and disseminating up-to-date information on committees' activities; and maintenance of files on lobbyist activity and Federal contract awards.[19]

Significantly, several state governments are actively engaged in harnessing the power of the computer to their needs. Statutory information in full text form is being stored for legislative use in New York, Pennsylvania, New Jersey and Ohio. Information on pending legislation is stored and accessible via user terminals in Florida, North Carolina, and Pennsylvania. Other states, such as Oregon, Iowa, Hawaii, and Wisconsin, are using ADP in such activities as bill drafting and scheduling of committees' hearings. Many of the lessons learned at the state level are directly applicable to the problems of the United States Congress.

Related developments which may be of value to the Congressional members are the preparation of a thesaurus for the *New York Times Index* with the selected elements of information maintained in machineable form,[20] and the joint IBM-*Time* Magazine project, still in an experimental stage, to retrieve from full text storage, selected items from a five million-word corpus representing the December 1962–September 1964 volumes of that periodical.

Much thought is being given to the alternatives implicit in designing and implementing advanced information handling systems. Hardware configurations featuring "second-" and "third-generation" computers must be considered in terms of equipment performance (storage size, processing time, manipulative ability, cost effectiveness) and, of equal importance, software power. While fairly sophisticated "time-sharing" systems involving "second-generation" ADP units exist, software development in this areas is lagging for the newer generation of computers. Unless time is a critical constraint, traditional processing methods still satisfy many classes of users.

5. EXEMPLARY DEVELOPMENTS OF APPLICATIONS FOR THE CONGRESS

The creation of an ADP facility to support the Congress has not yet taken place, but a number of bills has been introduced to bring this about. Representative Robert McClory of Illinois, supported by a bipartisan group of House members, has introduced legislation in the 90th Congress (H.R. 21 and others); he has stressed that "the effectiveness of a decision maker depends to a great extent on the quality of his information and the way in which he applies such information to his tasks. This is no less true of the Congressman than it is of the scientist or businessman."[21] In the upper chamber, Senator Hugh Scott of Pennsylvania introduced an amendment (No. 63) to the Legislative Reorganization Act of 1967 (S. 355) which called for the establishment of a data processing facility in the Legislative Reference Service which would serve exclusively the Congress. Senator Scott underscored the importance of such capability in these words delivered on the floor of the Senate:

> The requirements of this age—reflected in the broad spectrum of issues facing the Congress—can be coped with only by the utilization of all available human and technological resources.[22]

Initial activity to translate concepts into actuality has begun within the Legislative Reference Service of the Library of Congress. Design of a system to allow entering synoptic information on bills and resolutions introduced into the two chambers of the Federal Congress has reached the point of installation and testing of keyboard terminals. These devices, called Administrative Terminal System (ATS) units, allow entering and later editing selected information for storage in and retrieval from a remote computer. The magnetic tape, in this system being established to publish the "Digest of Public Gen-

---

Footnote at end of article.

eral Bills," then may be delivered in the future to the Government Printing Office for integration into the new "Linotron" system which accepts magnetic tape as a direct input for producing offset-printed documentation.

With the limited computer capability now extant within the Library of Congress—an IBM S/360 Model 30 with a 32K memory, six tape units, disk storage, and a high speed printer—only a few special projects have been undertaken in response to Congressional requests for ADP support.

In conjunction with improving the "Bill Digest" preparation process, an existing computer program from an industrial environment was modified by an in-house programmer to handle basic descriptor information (e.g., number of bill, date introduced, name of sponsor), a listing of keyword descriptors, and synoptic narrative information. The objective of this activity was to prove the feasibility of using ADP for this type of priority task.

In support of the Special Subcommittee on Education of the House Committee on Education and Labor, considerable systems design assistance was provided in the structuring of a series of questionnaires. Assistance also was given to the committee staff by machine processing selected portions of the 6,000 questionnaire replies received from educational institutions throughout the country.

In the Office of the Clerk of the House of Representatives, serious attention is being paid to the potential of ADP and microform systems by William Pat Jennings and his staff. Emphasis is being placed on the more efficient acquisition, communication, and display of timely management and legislative information.

Areas now under study that will result in an improved information processing support of the Congress include preliminary developmental work on an initial SDI (Selective Dissemination of Information) capability within the Legislative Reference Service that may benefit in-house researchers and Congressional staff personnel. In addition to allowing retrospective searches of files for desired information, a "feed-forward" capability is being considered so that Congressional priorities for information may be noted and anticipatory action taken. Another service to be initiated will be the ADP-handling of bibliographic listings, including Congressional documents, other government publications, research products of the public and private sectors, and key professional and press periodicals.

6. SUMMARY

As the pressures mount and the predictable reactions to these pressures set in, the decision-makers in the United States Congress and their opposite numbers across the world would agree with Dr. Ernest Griffith, the renowned authority on the Congress, that ". . . the overwhelming majority of the great problems facing the government are complex to such a degree that the most skilled specialization and the most profound wisdom are none too great to deal with them."[23]

Whether it be in the founding of a data processing facility to support the members of the Congress in their legislative duties or in the recent establishment of a government-wide Planning-Programming-Budgeting System (PPBS) for all Executive branch components,[24] the nation's leadership *must* marshall all of its forces to meet the demands of the age.

The population of the world continues to grow in quantum steps; the United States now has a population of 200 million persons. The problems of our civilization are shared by all nations. Air and water pollution, natural resources decimation, solid waste disposal, metropolitan congestion, inadequate housing and education—all of these quandaries are with us—all of us. Antidotes often are hard to discover and even more difficult to apply.

The citizens of the world have been alerted to the problems and prospects of their time. The inventive genius and industry to overcome the age-old nemeses of war, famine, and disease are at hand, and need only the strong guidance of responsible leadership. The past is prologue, and the heritage of this era will be judged and inherited by generations of the future. We stand at the point of decision when the prospects for the survival and the greatness of the nations of the world are being determined. Political acumen must be blended with technological sinew to provide the quality of leadership that is a recognized *sine qua non* if the global objectives of peace and prosperity are to be achieved.

FOOTNOTES

[1] Kennedy, John F. Speech before the National Academy of Sciences, Washington, D.C., October 22, 1963.

[2] Snow, C. P. Government, science, and public policy. *In* Science, v. 151, February 11, 1966, p. 652.

[3] Congressional record. [Daily ed.] (Washington), v. 112, Nov. 21, 1966, p. D1045.

[4] Congressional record. [Daily ed.] (Washington), v. 113, Jan. 5, 1968. p. D1139.

[5] Janda, Kenneth. Information systems for Congress. *In* Congress: the first branch of government. Washington, American Enterprise Institute for Public Policy Research, 1966. Table 1, p. 421.

[6] Chartrand, Robert L. Congressional information retrieval: requirements and reactions. *In* Extensions of remarks of Honorable Fred Schwengel. Congressional Record, vol. 113, pt. 12, p. 15487.

[7] U.S. Congress Joint Committee on the Organization of the Congress. Organization of Congress, Part 7. Hearings before the Joint Committee (89th Cong., 1st sess., Aug. 2, 1965). Washington, U.S. Govt. Print. Off., 1966. p. 1112. [Testimony of Dr. Hugh L. Elsbree.]

[8] Library of Congress. Legislative Reference Service. Policy planning for technology transfer. A report for the Senate Select Committee on Small Business. Washington, U.S. Govt. Print. Off., 1967. 183 p. (90th Cong., 1st sess., Senate Document no. 15).

[9] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. cit.*, p. 1176.

[10] U.S. Congress. House. Committee on Appropriations. Legislative Branch Appropriations for 1968 (90th Cong., 1st sess., May 3, 1967), Washington, U.S. Govt. Print. Off., 1967. Table V, p. 512.

[11] Status information provided by Grant Reynolds, Office of the Air Force General Counsel, June 1967.

[12] U.S. Congress. House. Committee on Government Operations. Special Subcommittee on Invasion of Privacy. The computer and invasion of privacy. Hearings before the Special Subcommittee on Invasion of Privacy. (89th Cong., 1st sess., July 26–28, 1966.) Washington, U.S. Govt. Print. Off., 1966. Appendix 1, p. 213–253.

[13] Humphrey, Hubert H. The computer revolution—address by Senator Humphrey before the Eastern Spring Computer Conference. Remarks in the Senate. Congressional Record, vol. 110, pt. 7, p. 9074.

[14] Menhennet, David *and* John Poole. Information services of the Commons library. *In* New Scientist, September 7, 1967. p. 500.

[15] U.S. Congress. Joint Committee on the Organization of the Congress. Organization of Congress. *Op. Cit.*, p. 1119. [Testimony of Dr. Hugh L. Elsbree.]

[16] Chartrand, Robert L. Automatic data processing for the Congress. *In* Extension of remarks of Honorable Robert McaClory. Congressional Record, vol. 113, pt. 2, p. 1801–1804.

[17] American Enterprise Institute for Public Policy Research. Congress: the first branch of government. AEI, Washington, 1966. 515 p.

[18] Donham, Philip *and* Robert J. Fahey. Congress needs help. New York, Random House, 1966. 203 p.

[19] Chartrand, Robert L. Automatic data processing for the Congress. *Op. cit.*, p. H729.

[20] Law school research projects reported. *In* M.U.L.L., September 1965. p. 122.

[21] McClory, Robert. Statement of Congressman Robert McClory, 12th District of Illinois, at the Washington Operations Research Council's meeting, Jan. 17, 1968. *In* Extension of remarks of Honorable Tom Railsback. Congressional Record. (Washington), January 29, 1968. p. 1322.

[22] Scott, Hugh. Remarks in the Senate during debate on the Legislative Reorganization Act of 1967. Congressional Record, vol. 113, pt. 3, p. 3732.

[23] Griffith, Ernest S. Congress, its contemporary role. New York, New York University Press, 1961. p. 67.

[24] Executive Office of the President. Bureau of the Budget. Planning-programming-budgeting. Bulletin No. 66–3 to the heads of executive departments and establishments. Washington, October 12, 1965. 13 p.

CRITICS OF POVERTY WAR DRAW MUSKIE REBUKE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. HATHAWAY. Mr. Speaker, the Office of Economic Opportunity's imaginative and resourceful Upward Bound program, initiated in the summer of 1965, has become a highly successful venture in public service.

Recently four college graduates—all stimulated to attend college as a result of Upward Bound participation—were honored at the feature showing of "Space To Grow," a film about the program.

The distinguished junior Senator from Maine, my friend and colleague, Edmund S. Muskie, attended that showing and spoke briefly.

His remarks to those attending were challenging and eloquent, and his support for the OEO program was clear. Commitments like Upward Bound, he said, "are essential to the well-being of all of us—the privileged and the disadvantaged alike."

Because Senator Muskie's remarks are so pertinent to the problems of poverty our Nation faces, I include the text of his comments and a Washington Post article of September 7 describing the film showing in the Record, as follows:

[From the Washington (D.C.) Post, Sept. 7, 1968]

Critics of Poverty War Draw Muskie Rebuke

Democratic vice presidential candidate Edmund S. Muskie chided congressional criticism of the war on poverty last night, saying "there is nothing revolutionary about this program unless truly equal opportunity is revolutionary."

Muskie was the featured guest of an Office of Economic Opportunity program last night which previewed a film on the Upward Bound project and also honored four recent college graduates who had been stimulated to attend college by the program.

Upward Bound started in the summer of 1965 and has included 32,000 youngsters in projects at 285 colleges.

The program provides extensive coaching during eight-week summer sessions and throughout the year for disadvantaged high school students with the ability to attend college.

Approximately 80 per cent of those participating in the program have gone to college, according to OEO spokesmen.

Theodore Berry, an OEO program director, said the experiment has worked so well that Congress is considering taking it out of OEO hands. He referred to pending legislation that would place Upward Bound under the control of the Department of Health, Education and Welfare.

The four persons honored last night all were recent graduates from Florida A&M University in Tallahassee. They had been in the pilot project in 1965 and worked their way through college in three years as maids, short-order cooks and construction laborers. All are Florida residents.

REMARKS BY SENATOR EDMUND S. MUSKIE FOLLOWING PREVIEW SHOWING OF UPWARD BOUND FILM, "SPACE TO GROW," SMITHSONIAN INSTITUTE MUSEUM OF HISTORY AND TECHNOLOGY, WASHINGTON, D.C., SEPTEMBER 6, 1968

What Mrs. Walker, Miss Mase, Mr. Johnson, and Mr. Hall have just told us about "Upward Bound" is much more significant than any words I might add.

Their testimony speaks not only for themselves, but also for the thousands of young men and women who will benefit in the same way. And it speaks for the millions of people in this country who seek, but have not yet found, the hope for fulfillment which is America's promise.

There are others who have not yet given up that hope—those who believe in upward bound, who have built it, and who have supported it. I think that what they represent was expressed very well in the film which you have just seen.

What was special about the upward bound teacher the narrator described? It was his attitude. It was the fact—

That "he likes the youngsters"

That "he really believes in their ability and communicates that belief"

That "he respects and values them for what they are and can become"

And, most importantly, that he is willing to give them a chance that they otherwise would not have had.

It is this kind of confidence in each other—this kind of commitment to each other which we need today.

Anything less is not enough.

Those who doubt the value of programs such as upward bound will inevitably ask two questions: (1) Is this the right way? And (2) does it work?

The first question calls for a judgment as to whether this program and others like it incorporate the traditional American values of self-help, open and equal opportunity, and realistic goals in the context of our modern society.

These three values are tightly interwoven. The stated goal of upward bound is to create an educational experience which will motivate disadvantaged high school students to try for college. It is predicated on the idea that personal experience is the best motivator.

For a long while we had told the disadvantaged of America: "If you try and you are able, you will succeed." Yet there had been too little proof and too much contradiction; too little showing, and too much telling.

"Upward Bound" is a challenge to all of us to correct this record:

—a challenge to society to create a climate of opportunity in which self-help can have a chance.

—a challenge to young people to do their best in their own way.

—a challenge to higher education to adjust its criteria so as to broaden its standards without weakening them, and to confront new abilities and new backgrounds with the opportunity to succeed.

There is nothing revolutionary about this program unless truly equal opportunity is revolutionary. Upward bound merely recognizes the difference between self-help towards a dead-end and self-help towards an attainable and visible goal. And this is, in fact, its pragmatic goal.

And so, it is worth trying.

Does it work?

These four young graduates will attest to that. The four-fifths of the 7,500 who have finished upward bound training and have gone on to college demonstrate its worth. These students have entered college at a higher rate than the general population. Their college records tell us that the program works.

And the children who are taught in the next few years by Mr. Hall and Mr. Johnson will later tell us that it works for them.

Most important, however, the boy who wrote this passage tells us that upward bound works:

"Before this program I had never seen a baseball game. I'd never seen a good movie like that of "my fair lady." I'd never before seen or attended an outdoor concert, which I truly enjoyed. All this really amazes me because I thought I was one who got around. And I can think of other kids like myself, or even worse, who haven't seen or been exposed to anything."

Or the girl who wrote:

"I was once naive and sheltered, but now the exposure to college life has shattered the hard shell which prevented me from looking around and noticing how my life was changing from day to day . . . as a Negro, education is the only way that I can obtain and use my rights as an American citizen."

Beyond the question of whether this program and others like it work *at all* is the question of whether they work *as well as they must*. Upward bound is one of the best examples of our commitment to broader educational opportunities for all Americans, whatever their social or economic background. Yet we must prod ourselves as these young graduates have prodded themselves—to go farther than we had considered going before towards achieving a quality of life for all.

Commitments like this are essential to the well-being of all of us—the privileged and the disadvantaged alike.

We make these commitments through upward bound because we believe that a free society aspiring to the greatness which only the fulfillment of its citizens makes possible, *can* enhance its wisdom, *can* minimize its mistakes, *can* develop enlightened leadership, and *can* produce a life together which is worth living for all of us.

The evidence of our times is that anything less can produce a life together which is one none of us can truly enjoy.

FRINGE PARKING

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. GUDE. Mr. Speaker, the Washington Metropolitan Council of Governments quite properly and promptly has moved to implement a feature of the 1968 Federal Aid Highway Act by initiating formal discussion of fringe parking facilities in the Maryland, Virginia, and District of Columbia areas.

I supported this legislation in the House because of several features which I considered vital to the total transportation needs of the Washington region.

I commend to my colleagues' attention the following article from the Washington Daily News of September 6, 1968.

COG AIMS FOR NEW FRINGE PARKING LOTS

The Transportation Planning Board of the Metropolitan Council of Governments met yesterday to map plans for establishing fringe public parking facilities here with the Federal government paying half the cost.

The recently signed 1968 Highway Act provides money on a matching basis—local governments puting up half the funds—to purchase "land adjacent to the right-of-way on any Federal aid highway system outside a central business district" to build the parking sites.

At the COG offices at 1225 Connecticut ave nw, representatives of local jurisdictions discussed present fringe parking facilities in the Washington area, bus transportation from the sites into the city and possible future parking locations.

PRESENT CAPACITY 1,600 A DAY

A spokesman for the District said current parking areas such as the free fringe lots at Carter Barron Amphitheatre and D.C. Stadium now operate at a capacity of more than 1600 cars per day.

While present D.C. fringe lots are free to the public, the Transportation Planning Board discussed the possibility of building future sites that would charge for parking on a non-profit basis (the statute states that income from Federally-financed sites cannot exceed maintenance costs).

COG agree to look into possible future sites for three new fringe lots, one each in Maryland, Virginia and the District.

LT. COMDR. MARCUS A. ARNHEITER

HON. JOSEPH Y. RESNICK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. RESNICK. Mr. Speaker, some time ago, one of my distinguished colleagues from California inserted into the CONGRESSIONAL RECORD a report of a so-called investigation conducted by Mr. George Norris, counsel of the House Armed Services Committee, on the matter involving Lt. Comdr. Marcus A. Arnheiter.

The "investigation" which both the Committee and the Navy have hailed as "an exhaustive review of the entire case," is an obviously biased, startling collection of inaccuracies, slurs, and gossipy insinuations which run throughout what was purported to be an objective examination of the case by a disinterested party.

In fact, the Navy, was so delighted with Mr. Norris' "investigation" report that they have reproduced copies of the CONGRESSIONAL RECORD and have sent them to all active duty and public affairs officers with assurance, over the signature of the chief of information of the Navy Department, that the report will provide "accurate insight into what actually happened abroad U.S.S. *Vance* so that outside queries can be responded to with accuracy."

There are a number of things that are disturbing about this, aside from the Navy's obvious eagerness to snatch at any excuse to keep from giving Arnheiter the fair, open hearing which it has repeatedly denied him. First of all, the study was conducted by Mr. George Norris, a gentleman who fails to state the basis for any competency on his part to review and evaluate, let alone pass judgment on a matter which should lie wholly within the purview of those familiar with the exercise of command at sea in naval vessels. Mr. Norris seems to completely have ignored the findings of two naval officers who conducted on-the-spot investigations, and has stated findings of his own, presumably from an examination of the same record, which are quite different from those of the two officers, Rear Admiral Baumberger and Admiral Johnson.

For example, Mr. Norris states as fact that Mr. Arnheiter intended to use his speedboat as a decoy in order to draw enemy fire. Yet Admiral Baumberger's finding is:

> The allegation that the speedboat was used to draw enemy fire thus enabling *Vance* to conduct gunfire support is completely without credible foundation.

Adm. Roy S. Johnson, commander in chief of the U.S. Pacific Fleet concurred with Rear Admiral Baumberger. Mr. George Norris, with unspecified credentials, consulting unidentified individuals, high and dry on Capital Hill, states otherwise, presumably from an examination of the same record.

Mr. Norris further charges that Mr. Arnheiter violated his operations order, left his assigned area offshore, to blunder around a destroyer conducting gunfire support of troops ashore, causing interference, and ended up shooting at a "religious shrine" in one case, and deserted rocks in another.

It seems amazing that neither Admiral Baumberger nor Admiral Johnson could reach findings anywhere like those of Mr. Norris. Perhaps the latter had some help which was denied to the two admirals.

Here is a factual account of some other episodes inaccurately portrayed by Mr. Norris, which Mr. Arnheiter, for very sound reasons is confident he could substantiate in court with documents from the ship's records and eyewitness testimony. It need hardly be pointed out that he has frequently requested a chance to do just this.

VIOLATION OF OPERATING AREA LIMITS

Mr. Norris states that the area from the shore of South Vietnam to 10 miles to seaward was not included in the market time patrol area to which Mr. Arnheiter was assigned in February 1966. Mr. Norris states that when Mr. Arnheiter brought *Vance* close inshore he was violating his operations order by leaving his area.

It is not strange that neither Rear Admiral King, Rear Admiral Baumberger, nor Admiral Johnson reached the same conclusion as did Mr. Norris. Under the operations order in effect at that time, there was no inshore limit. The deposition of the executive officer of U.S.S. *Kretchner,* Lieutenant Commander Strong, who operated in this area 3 months prior to *Vance's* arrival confirms that this was the case at that time: no inshore limit. *Kretchner* operated very close in. The former captain of U.S.S. *Finch,* Comdr. George Thompson, which was relieved on station by U.S.S. *Vance* in February was decorated for his close-in gunfire support work in this same area.

Mr. Norris states that the area 10 miles to seaward was reserved for swift boat operations. Facts: There were no swift boats at that time. These did not deploy to Vietnam until the summer of 1966. After they were on station the patrol area was divided between them and the DER's with the swift boats taking the area from the beach to 10 miles seaward. Thus, in setting the stage for his false presentation of Mr. Arnheiter's operations on January 29, 30, and February 1, Mr. Norris begins with a gross inaccuracy. How accurate is the remainder of his account?

ENGAGEMENTS ON JANUARY 29, 1966

Mr. Norris charges that on January 29, Mr. Arnheiter began firing on the supposed site of a machinegun" and that his ship then fouled the range for U.S.S. *Mason,* a destroyer in the same area, whose captain then asked Mr. Arnheiter to move clear. This is grossly inaccurate.

On January 29, after completing a swing to seaward and to the south, Mr. Arnheiter was again in the area where there was action on the coast and where U.S.S. *Mason* was operating to provide gunfire support. *Mason* was several miles distant to the northeast. Mr. Arnheiter checked in on the spotter net with *Mason* and the spotter, reporting his availability for a fire mission, stating that his ship was limited to direct-fire procedures; that is, the ship's fire direction equipment must be able to observe the target in order to establish his gunnery line of sight. The spotter asked which targets in the area he could observe. Mr. Arnheiter proposed the machinegun bunkers and wire entanglements which had been pointed out to him during Tet by the U.S. Navy junk force adviser in the area, Lieutenant Ward. The aircraft spotter concurred if the ship was able to identify the target. Mr. Arnheiter proceeded to close the beach to locate the proposed target. U.S.S. *Mason* was on the same circuit and heard all of this.

While U.S.S. *Vance* was locating her target, the air spotter gave a preplanned target to U.S.S. *Mason,* who was several miles to the northeast. When *Mason* finished firing at this target, *Vance* was authorized to commence firing at her target. There was no fouling of anybody's range, and no messages on the subject. Messages by the *Mason* concerning keeping her range clear were sent at another time. The action was totally within the rules of engagement.

ENGAGEMENTS ON JANUARY 30

On January 30, according to Mr. Norris, U.S.S. *Vance* was in company with U.S.S. *Mason* and U.S.S. *Bache.* This is gross error. *Mason* was 40 to 60 miles to the north on other operations. Mr. Norris says "there was no fire in the area on the *Vance* or on friendly troops." Wrong again. The captain of the *Vance* and several witnesses on the bridge thought the ship was being fired at from the hillside. And they had good reason to be alert for fire. As for friendly troops not being under fire in the area, this is wrong also. There were no friendly troops in the area. The nearest troops were 10 miles inland.

But there were plenty of Vietcong troops in view. U.S.S. *Bache,* less than half a mile from *Vance* was shooting up a VC training camp. People on the beach could be seen scattering into the wooded hillsides. Giving these people full allowances for prudence, it remains just possible that some of them would start shooting back.

U.S.S. *Vance* was close in to the beach, where she had to be with her armament if she was to render effective assistance. The captain thought the ship was being fired at from the beach. Statements have been given by Lt. (jg) Gerald Prescott and Lt. (jg) Kenneth D. Hamaker that, first, flashes were seen, then the CO directed fire on the location. This is confirmed by Chief Young and by Petty Officers Farnum, Bosun, and Smith, all of whom were on the bridge at the time. Lieutenant Generous and Ensign Belmonte, who stated that the ship fired at its own ricochets, were in CIC at the time the action commenced.

Mr. Norris, of course, disregards these statements altogether.

Regardless of whether or not the ship's return fire was directed at the correct spot, the fact remains that the ship was in a position in which she could easily have been fired on, that enemy troops were visible in an area close by, and that the captain and others on the bridge thought the ship was being fired on. What sort of proof should they have waited for? A dead sailor on the bridge?

It is also passing strange why U.S.S. *Bache,* who was senior ship, did not give orders to U.S.S. *Vance* to insure her remaining clear, if that was what was desired, or to effect her cooperation, if that was wanted. Certainly he should have done one or the other. Navy regulations requires it. Why should it have been left to the junior skipper to determine whether he should cooperate with a senior ship in action against enemy troops? What would the captain of the *Bache* have thought if at that moment U.S.S. *Vance* had found it convenient to retire to seaward to busy herself with the tedium of an offshore patrol—well out of harm's way?

FEBRUARY 1

On February 1, says Mr. Norris, U.S.S. *Vance* was again in company with U.S.S. *Mason.* This is correct. Again there were U.S. troops operating against the enemy in the coastal area at the northern part of Market Time Area No. 3. There was a need for naval gunfire support. U.S.S. *Mason* was on station for this purpose. U.S.S. *Vance* had a good capability for the direct-fire type of support. An air spotter was present. The situation was clearly within the rules of engagement and *Vance's* operation order. What was Mr. Arnheiter to do? Leave the action without offering his assistance? Obviously not.

U.S.S. *Vance* checked in by radio with the airspotter. Again, as on the 29th, the spotter asked what targets *Vance* could observe which could be taken under fire by the direct-fire method. Mr. Arnheiter reported the stone structure on the Tam Quon Peninsula. This target had also been pointed out to Mr. Arnheiter during the Tet inspection by Lieutenant Ward as the site of .50-caliber machinegun fire on units of the junk force to which he was assigned. The airspotter authorized this target and *Vance* steamed in toward it. At this time, when *Vance* was still to seaward of *Mason*, the latter received a call for fire by radio. The *Mason's* captain signaled Mr. Arnheiter "I have a fire mission, don't foul my range." Mr. Arnheiter requested *Mason's* gun-to-target line, which would indicate the intended direction of firing. This was given as about 300 degrees true from *Mason*. *Vance* then bore about 070 degrees true from *Mason*, or about 130 degrees to the right of the *Mason's* line of fire. No seaman would consider this "fouling the range." There is a photograph of *Mason* firing at this time, taken from *Vance* which confirms this.

When *Mason* had finished this mission, she permitted *Vance* to take up a position for firing at the stone building. The spotter authorized the target and the commence fire. Hardly a situation which could be recognized in Mr. Norris' untrue account.

LEAVING ASSIGNED COMMUNICATIONS FREQUENCIES

Mr. Norris states that in order to conduct gunfire support missions it was necessary for U.S.S. *Vance* to "take down"—that is, discontinue—certain radio circuits which it was required to have in use for its market time operations. Nonsense. At that time, the primary method of communication between gunfire support ships and spotters ashore or in aircraft was by means of portable radio equipment issued to the ships for this purpose. When U.S.S. *Vance* joined in the gunfire support, this portable gear was brought into use on the bridge. None of the other circuits needed to be changed and no changes were authorized.

Mr. Norris also states that *Vance* failed to obtain friendly frontline locaations before firing, thus endangering our troops ashore. Wrong again. Friendly front lines were given by the spotter to U.S.S. *Mason* on January 29 and February 1. U.S.S. *Vance* was monitoring these transmissions and obtained this information. On January 30, when *Vance* was in company with U.S.S. *Bache*, there were no friendly front lines because nearest U.S. troops were 7 to 10 miles inland.

RULES OF ENGAGEMENT

In his "introduction" to Mr. Norris' statement, my distinguished colleague from California quotes from a summary of the Norris statement which says that Lieutenant Commander Arnheiter "was not supposed to engage in shore bombardment unless he was specifically ordered to do so; instead he fired on the shore contrary to orders." At another point in his own statement, Mr. Norris says that in performing these gunfire missions U.S.S. *Vance* "was out of its assigned area offshore," and that "it engaged in gunfire support missions without the prior approval of CTF 115 and without notifying CTF 115." These are totally false. In the face of the facts in the record, and the findings of the commander, Cruiser-Destroyer Force, Pacific Fleet and of the commander in chief, Pacific Fleet, the use of these charges is reprehensible.

It has already been stated that U.S.S. *Vance's* area extended from the beach to 40 miles to seaward. There was no inner limit 10 miles offshore.

The DER's on market time were authorized to conduct gunfire support missions. Here is Admiral Baumberger's finding of fact on this point:

> c. That it was understood that DER's could engage in naval gunfire when the following conditions existed:
>
> (1) When U.S. or friendly forces are under fire, U.S. air or ground spotters are present, and naval gunfire is considered urgent.
>
> (2) When assigned a preplanned fire mission by CTF 115.

U.S.S. *Vance* did report to CTF 115 the initiation of each gunfire support mission, giving ship's position and nature and location of the target.

If U.S.S. *Vance* was as grossly out of line as Mr. Norris charges, why did no naval authority such as the commanding officers of *Mason* and *Bache* or CTF 115 at Saigon make any official report of the matter, and why did not Admirals King, Baumberger, and Johnson in reviewing the record level these same charges. The reason is that they are simply untrue.

POSITION REPORTS

The charges by Mr. Norris that Lieutenant Commander Arnheiter falsified his position reports to cover up his true position and his gunfire support operations are false and totally disregard not only Admiral Baumberger's finding on this point, but obvious facts to the contrary:

First. As stated above, U.S.S. *Vance* filed immediate action reports to CTF 115 giving ship's position and target location on the three occasions when shore targets were fired at. CTF 115 never objected to, first, the ship's position, or, second, the mission being fired. Nor was any objection raised by CSC Qui Nhon through whom these reports were sent, as stated by Mr. Norris.

Second. CSC Qui Nhon was not in U.S.S. *Vance's* chain of command, which went direct to CTF 115 in Saigon. Mr. Arnheiter had no reason to care one whit whether CSC Qui Nhon approved of his gunfire support efforts or not.

Rear Admiral Baumberger's findings were that the record showed that on two occasions, at 1400 and 1600, on an undetermined date, positions were given to CSC Qui Nhon which were "other" than the ship's actual position. The record shows that Lieutenant Generous claims other inaccurate reports were filed. Mr. Arnheiter, whose rebuttal to the findings certainly is entitled to be considered a part of the record, though most of his detractors have ignored it—"a document 4 inches thick," is all that Mr. Norris has to say for it—has conceded that he regularly gave CSC Qui Nhon approximate positions which were generally determined somewhat in advance and were intended to indicate the general area of operations, which was all that CSC Qui Nhon needed. CSC Qui Nhon had no authority over the *Vance* and could only request a position report. Rear Admiral Baumberger's opinions are pertinent:

> a. That the allegedly false positions noted in paragraph b. above related a lineal distance difference from the actual position of "several miles; about 10 miles."
>
> b. That the Commanding Officer, U.S.S. *Vance* considered that position reports to CSC Qui Nhon were unnecessary and not required.
>
> c. That CSC Qui Nhon was at all times aware of the general area in which *Vance* operated.
>
> d. That the general area in which *Vance* operated extended about 105 miles North and South and above 40 miles East and West.
>
> e. That in the absence from the record of copies of the alleged false position reports, ship's log entries, CSC Qui Nhon Regulations and Op-orders applicable to *Vance*, it is impossible to determine the extent of the alleged false posits; and that in the absence from the record of any factual definition of CSC Qui Nhon's precise involvement in coastal operations, responsibilities, etc., it is impossible to determine whether the false posits, sent by *Vance* hampered related evolutions.

THE CANDELABRA

The allegation that Mr. Arnheiter induced his officers to commit thievery from the officers' club at Guam is a slanderous misrepresentation. Mr. Norris states as established fact that during the mess night episode Arnheiter "made many a suggestion" following which some of his officers tried to steal the candelabra from the club. The fact that it was Mr. Arnheiter who returned the candelabra is dismissed with the damaging construction that he did so only after his officers pointed out to him that the episode had been seen. The truth is quite different.

On arrival at Guam, Lieutenant Commander Arnheiter had given his supply officer, Lieutenant (junior grade) Gwynn, a list of several things to be obtained for the ship, among which were a pair of candelabra to improve the wardroom. The supply officer had reported none were to be found. Mr. Arnheiter had himself found that a suitable type was in use at the officers' club and had discussed the possibility of a purchase with the club manager, who stated that the officer in charge would be asked about it.

On the evening in question—which was not the mess night but several evenings earlier—the wardroom officers were dining together at the club. Mr. Arnheiter pointed out the candelabra to the exec and to Lieutenant Gwynn as being suitable for shipboard use and suggested that either the wardroom negotiate a purchase from its funds, or the purchase be made from equipage funds. That was the suggestion made.

Later, a waiter informed Mr. Arnheiter that one of the officers was leaving with a candelabra. Rather than cause a scene, Mr. Arnheiter informed the club manager and told him he would return the property in the morning. The club manager has submitted a statement in writing which is a part of the record that this was so.

Mr. Arnheiter left the club in company with his executive to return to the ship and recover the candelabra. Along the way, Ensign McWhorter was found, somewhat the worse for wear, walking with a candelabra in one hand. He was picked up and relieved of his possession. McWhorter said he had left a second candelabra in the grass a way back. Mr. Arnheiter located that also and returned to the ship. The next morning he personally returned both candelabras to the club with his apologies.

In his detailed review of the case, Rear Admiral Baumberger makes no mention of the candelabra.

Yet Mr. Norris, in his review of the case, places the most damaging and untrue construction on Mr. Arnheiter's suggestion that a candelabra be obtained from the club; to wit: that it be obtained by illegal means. Mr. Norris gives no credit to Mr. Arnheiter for his successful efforts to recover and return the items but instead he implies that these efforts stemmed only from fear of consequences. As for the intoxicated young officer who actually heisted the silverware, Mr. Norris says nothing.

WASHINGTON REPORT FROM YOUR CONGRESSMAN BOB PRICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PRICE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Washington Report From Your Congressman BOB PRICE:

In the aftermath of reaction to the demonstrations, disorder and violence during the two National Conventions, the Washington Star carried a front page story of a Texas Negro couple that was like an April shower after the stench of hippy dissension in Chicago and riots in Miami.

David and Beatrice Neal of Moody, have over the past 38 years raised some 50 youngsters—only one was their own—on their 76 acre Central Texas farm. These were homeless children, some whose mothers just couldn't take care of them, several orphans, and others who were court wards from broken homes.

Garnett D. Horner of the Star staff visited the Neals and says that by government definition, the family would be close to the poverty line, "but you'd never guess it from their approach to life." These adopted children, the story continued, learned of warm family love, of such old-fashioned virtues as always to be honest—with themselves as well as with others. And they've learned to work for what they expect to get in the world.

Neal has a simple credo—"I've found out through life that if a fellow is trying to do the right thing he'll get by."

Now 68 years old, Neal is proud of the fact that he never has accepted a dime from any official agency to help raise what he calls his "pickup" children.

Eleven of them are at home now. They range in age from 4-year-old Lawrence to 18-year-old Quince—nicknamed "Bubber"—the one child the Neals ever had of their own.

A visitor is impressed at once at seeing so many kids so well-mannered, so well disciplined and at the same time so full of life.

Sitting in a rocker on her shady front porch, Mrs. Neal tells how she is about to take in another youngster—a five-month-old boy whose mother has to work and can't take care of him.

"It would be kind of nice to have a baby around the house," she grins.

This Negro couple exhibits no race consciousness—neither false humility nor "black power" militancy.

"I don't care nothing about what color no kid is, or anybody else," says Neal. "I do what I can for them. I was raised that way."

He has harsh words for anyone who doesn't want to work for a living. "You take lots of people—I can name you 50 right now, offhand. They'll go somewhere and get a job for 20 days, and then sit and draw compensation. And that's what's ruined the world."

The Neals' house is a patchwork affair. Many years ago Neal started it as a two-room house. But as he and his wife picked up children, he added to it. "Nothing fancy," concedes Neal. "But it's a home."

Neal is working now—for about $1.50 an hour—at a grain elevator about a mile up the road. In the Fall, he says he will work at the cotton gin. Then he will make the rounds of stock shows in Central Texas, caring for horses.

The Neals raise most of their own food on their 76-acre Central Texas farm. Each spring, they raise up to 500 frying chickens. They raise and slaughter their own beef and pork. They have two milk cows and a garden in which they grow their own vegetables.

So in the face of the sickening immaturity displayed by the "new-left" dissenters and the angry urging to insurrection by the black militants, the story of the Neals lights a new ray of hope for the rule of reason in America.

MESKILL FILES REPORT ON 90TH CONGRESS TO HIS CONSTITUENTS

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MESKILL. Mr. Speaker, I have just issued my second annual report to my constituents on the activities of the Congress.

With accompanying photographs, it is being mailed to every postal patron in my congressional district. It represents part of my continuing effort to see that my people are informed about their Congress and the activities of their Congressman. The mailed report, of course, was printed without cost to the taxpayer.

Under unanimous consent, I submit the written text of the report for the RECORD, as follows:

CONGRESSMAN MESKILL REPORTS TO YOU

DEAR FRIEND: This is my second report on the 90th Congress. You will find on this and other pages an accounting of my service, my voting record on major bills, my successes and defeats on legislation and other relevant matters.

It is an honor and an inspiration to serve you in Congress. Although our times are troubled and marked by many terrible events, America is not a sick society as some have charged. We are concerned for peace and for the general welfare of our citizens. If we were ever to lose this concern; then, we would be in real trouble. Our country today is very much alive; it is valiant, strong, forward-looking and benevolent. With God's help we shall meet our challenges and fulfill the American promise—the best hope of free men.

Sincerely,

TOM MESKILL.

VICTORIES

I had the satisfaction of seeing 6 measures which I had introduced enacted into law. They were bills—

Making it a Federal crime to desecrate the flag;

Creating four National Holidays on Mondays, including a new Holiday in honor of Christopher Columbus;

Providing Federal compensation for local policemen killed or injured apprehending violators of Federal law;

Creating a new committee on Congressional Ethics; and

Two private bills benefitting the widows of two soldiers.

A DEFEAT—FOR EVERYONE

A most regrettable defeat was suffered when neither the Administration nor the controlling powers in Congress would agree to take up my bill to double the income-tax exemption from $600 to $1,200. My appeal went to the Committee Chairman, Secretary of the Treasury and the President, himself. A total loss? Hardly. More than 70 other Congressmen have introduced the same or similar legislation. Important backing from newspapers across the country has been mounting. The National Federation of Independent Business polled its 200,000 members and found 80% of them backed the Meskill bill.

The campaign for this needed reform continues!

PERSONAL SERVICE

Your Congressman is your personal representative and spokesman in Washington. Feel free to get in touch with me.

I have processed approximately 12,000 special requests, some fairly routine, others involving many hours of attention. Thousands of visitors have come through the office. I have issued countless reports to the public through the various news media.

One of the most satisfying rewards of public office comes when a fair decision is won for some deserving citizen caught in the red tape of big government.

JUDICIARY COMMITTEE WORK

My Judiciary Committee has been the focus of much significance and controversial legislation this year. Most notable were: gun-control legislation; the sweeping, omnibus anti-crime bill; the Monday holiday bill; and further legislation to shore up civil rights. In the photograph below [not printed in the RECORD] I am seen chatting with my Committee Chairman, the longest serving member of Congress, Emanuel Celler of New York. On my left is the top ranking Republican member, Congressman William McCulloch of Ohio.

VOTING RECORD

Following are my votes on major rollcalls in the House of Representatives during 1968:

For—Court-supervised wiretapping;
For—Drug-abuse control;
Against—Foreign aid;
For—Truth-in-lending;
For—Conservation fund;
Against—Tax increase;
For—Monday holidays (Meskill bill);
For—Redwoods park;
Against—Travel tax;
For—Strong, fair gun-control;
For—Housing bill;
For—Head Start, Job Corps, anti-poverty funds;
For—College assistance;
Against—Removal of gold backing for dollar;
For—Vocational education;
For—Defense appropriations;
For—Wholesome poultry act;
For—Radiation protection act;
For—Riot and flood insurance;

For—Civil rights;
Against—Dickey-Lincoln power project;
For—Anti-ballistic missile defense;
For—Benefits to policemen hurt while enforcing Federal laws (Meskill bill);
Against—Farm subsidy program;
For—Food for peace program;
For—Peace Corps;

THE NEW TAXES—WHAT THEY MEAN TO YOU

I voted against this tax increase and fought for tax-reform. Unfortunately, the increase was passed. Its consequences to you are outlined in general form as follows:

Annual earnings	Total tax on 1968 pay	Amount to be withheld from pay	Tax remaining to be paid
Single person:			
$3,000	$354	$342	$12
$5,000	721	710	11
$8,000	1,376	1,337	39
$10,000	1,873	1,808	65
$15,000	3,391	3,199	192
$20,000	5,287	4,826	461
$25,000	7,506	6,395	1,111
Married couple, no children:			
$3,000	200	198	2
$5,000	533	516	17
$8,000	1,075	1,052	23
$10,000	1,443	1,424	19
$15,000	2,510	2,401	109
$20,000	3,745	3,541	204
$25,000	5,156	5,001	155
Married couple with 2 children:			
$3,000	0	0	0
$5,000	290	296	[1]6
$8,000	830	798	32
$10,000	1,198	1,171	27
$15,000	2,217	2,108	109
$20,000	3,397	3,196	201
$25,000	4,743	4,563	180

[1] Refund.

BILLS INTRODUCED

Many of the bills I introduced this session are concerned with finding new ways of overcoming poverty, both rural and urban. Following is a list of bills on major topics which I have introduced.

H.R. 15434—To allow entry into U.S. of Sicilian earthquake victims.

H. Res. 1288—Create Special House Committee on The Captive Nations.

H.R. 15314—Federal Employee Labor-Management Act.

H.R. 15251—Tax credit for college expenses.

H.R. 16303—National Manpower Act—improve training of unskilled.

H.R. 16713—Requires posting of adequate bond by would-be demonstrators on government land.

H.R. 18503—Orders catalog of Federal programs.

H.R. 18576—Sets up new "Hoover-type" commission to recommend streamlining of Federal government.

H.R. 18715—Community Self-Determination Act—to help poor to help themselves through free enterprise.

H.R. 18370—Increase penalties for crimes committed with firearms.

PROJECT READ: A FRESH APPROACH TO AN OLD PROBLEM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. PEPPER. Mr. Speaker, the ability to read is the basis of all education—formal and informal—in our society and is the key to success in any endeavor in American life today.

Yet, after more than a century of mass public education in this century, one-third of our citizens may be functionally illiterate. Far too many of our youth still leave school without learning to read. This is an especially desperate situation among our disadvantaged students.

I am personally pleased that my own locale of Miami-Dade County has taken a dramatic step toward alleviating this problem. Our school system is implementing new materials and methods of teaching some 4,000 disadvantaged students to read this fall. More than 30 other cities throughout the United States will provide similar programs, which have been developed by Behavioral Research Laboratories of Palo Alto, Calif.

Dr. Allen Calvin, a noted behavioral psychologist, learning theorist and president of Behavioral Research Laboratories, and Dr. M. William Sullivan, a prominent reading expert and author of the Sullivan remedial reading program, developed this system known as Project Read. Dramatic results with students who did not learn to read under conventional instruction has been achieved.

A pilot program conducted in San Francisco demonstrated an average advance in reading ability of 2½ years. The high was 7 years and the law was one-half year. A study of this program states:

> Objectively, their (students) test show improvement; but, subjectively, they have a new attitude toward reading. Now they are willing to pick up a book and read it.

Under a Carnegie Foundation grant in 1958, Drs. Calvin and Sullivan conducted pioneering research of programed instruction in teaching languages. They discovered that in non-English speaking countries there was almost no illiteracy among individuals going to school, where in English-speaking countries, due to the complexities of our language, the illiteracy rate in a similar group was much greater.

The method of programed linguistic instruction they developed to teach students to read English is based on the essential elements of our language to show the relationship between written letters and sounds.

The student is tested in the beginning of the school year to determine his level of reading ability, then given an individualized book of the programed instruction which corresponds to that level. Since the student has a chance to respond individually and privately in his own book, the slower child does not feel left behind.

Dr. Bernard E. Donovan, superintendent of schools in New York City, said:

> The innovative aspects of these programmed linguistic materials especially appeal to the underachiever, since the materials have a built-in success factor written into each book to give the pupil confidence in his ability to succeed.

The superintendent also stated that the pupil's success greatly benefits his "self-image."

Project Read is a comprehensive program in which consultants from the Behavioral Research Laboratories conduct intensive preservice and inservice teacher-supervisor training programs including workshops, conferences and direct classroom assistance to teachers. A team of consultants experienced in urban problems also works with the district and school staffs to organize an intensive community involvement program.

Dr. Robert L. Green, a former education director for the Southern Christian Leadership Conference under the late Dr. Martin Luther King and a specialist in problems affecting culturally disadvantaged youth, leads the community relations phase of Project Read.

Dr. Green, now an associate professor of education at Michigan State University, feels that, in order for the disadvantaged student to succeed, his parents and community leaders must understand and support the reading program. When Project Read is launched in a school system, therefore, meetings for the parents and community leaders are held to explain the program and they are invited into the schools to see their children learning in the classroom.

Yet, Project Read was not developed specifically for the disadvantaged student and the BRL expects expansion of the project to more and more schools.

I wish specifically to congratulate Dr. Edward L. Whigham, superintendent of schools in Dade County, for being instrumental in implementing Project Read and for being an important part of the effort to uplift our Nation's disadvantaged citizens.

WESTERN PENNSYLVANIA EXPORTS NEARING $500 MILLION LEVEL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 10, 1968

Mr. MOORHEAD. Mr. Speaker, the Commerce Department's export program is pushing exports from the 20-county western Pennsylvania area to the $500 million level.

In an August 14 story on the success of the Department's efforts, the Pittsburgh Press notes:

> Exports add jobs at home and help balance Uncle Sam's sagging trade ledger.

At a time when our balance of international payments is unfavorable, increased exports are of crucial significance, and I salute the 700 companies in the western Pennsylvania area for their diligence in boosting sales abroad.

Under leave to extend my remarks, I insert the article from the Pittsburgh Press at this point in the RECORD and commend it to the attention of my colleagues:

AREA EXPORTS GETTING CLOSE TO $500 MILLION

(By William Allan)

Lew Conman has his heart set on a half-billion dollars.

While the director of the U.S. Department of Commerce's field office here wouldn't personally turn down that much money, he's hoping that Western Pennsylvania's exports reach that figure this or next year.

According to Mr. Conman, more than 700

companies in the 20 Western Pennsylvania counties covered by his office exported more than $466 million worth of manufactured products in 1967.

Thus, there's hope, and Lewis E. Conman is a chronic optimist.

Despite all the furor about all the foreign steel that is pouring into this country—much of it right down the St. Lawrence Seaway and into the heart of industrial America—the Department of Commerce's export campaign is meeting success.

Exports add jobs at home and help balance Uncle Sam's sagging trade ledger.

"We figure the sale of a billion dollar's worth of U.S. goods overseas is worth 91,000 new jobs at home," Mr. Conman reports, "so close to 45,000 Western Pennsylvania families rely on exports."

Those are families—or about twice as many people as live in McKeesport, for example.

The field office here helps where it can by sponsoring seminars, workshops, etc. and answering inquiries on subjects like marketing, advertising, financing, shipping, insurance, bidding, licensing and even input/output techniques.

According to Mr. Conman, the most often questions he answers are "How do I get my first order?" "Do I need an export license?" and "How will I get paid?"

"We'll take a businessman by the hand and lead him to sales throughout the world," Mr. Conman offers.

While the department has a policy of not divulging names, the director cites the cases of local plastics machinery manufacturers who exported $76,000 worth the first year and $150,000 the second; a winch maker whose export volume was $15,000 in 1966, $100,000 in 1967 and who currently is making licensing arrangements in Japan, and the small electronics manufacturer who does about $2 million overseas now.

It also can be reported that 16 Western Pennsylvania firms recently have won "E" Awards for excellent export programs, and that a few of them are American Sterilizer, Copperweld Steel, Koppers, Quaker State Oil, plus Nuclear Materials and Equipment.

Exporting is not all milk and honey, and it would be very wise to gather as much information as possible before taking the plunge. The field office here has a grass-roots program. An "Export Primer" for small and medium-sized firms is slated to start Sept. 11.

SENATE—*Wednesday, September 11, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

We seek to offer, our Heavenly Father, our heartfelt prayer. Words are inadequate to express our innermost feelings of praise and need. Our true prayer is the dominant desire of our heart.

What do we really seek with words and actions? We pray for peace and think war. We pray for justice for all and humanly protect our personal assets, set opinions, and interests. We pray for spiritual power and then worship at the idol of materialism.

Give us seeking hearts that cry out for the living God. "Create in me a clean heart, O God; and renew a right spirit within me," we pray with the Psalmist.

Knowing that you are our God who does not condemn human weakness but human malice and bad will, we place imperfect but willing hands in Thy hands to be led and directed.

Be with all our worthy leaders today, making of them instruments of peace, hope, and faith for our Nation and world.

We pray in the name of Him who paid an infinite price for our redemption. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 9, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, disagreed to by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. GATHINGS, Mr. PURCELL, Mr. FOLEY, Mr. BELCHER, Mr. TEAGUE of California, and Mrs. MAY were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports, was read twice by its title and referred to the Committee on Foreign Relations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1487 and the succeeding measures in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SALE OF LANDS TO CENTRAL, N. MEX.

The bill (S. 3736) to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 2 of this Act, the Secretary of Agriculture is authorized and directed to sell, in tracts of not less than 40 acres and at market value as determined by him, and to convey to the Village of Central, State of New Mexico, for the purpose of residential and business development, the following described lands formerly part of the Fort Bayard Military Reservation, Grant County, New Mexico, comprising approximately one hundred and seventy-seven acres situated in section 35, township 17 south, range 13 west, New Mexico principal meridian, more particularly described by metes and bounds as follows:

Beginning at the southwest corner of the parcel herein described, being a point on the northerly right-of-way line of United States Highway Numbered 260 (New Mexico) State Highway Department project numbered F–013–1(3), whence the 2-mile corner on the south boundary of the Fort Bayard Military Reservation (concrete monument in place) bears south 02 degrees 20 minutes 30 seconds east, 366.78 feet distance:

thence north 01 degree 16 minutes 00 seconds west, 439.75 feet distance to a point;

thence north 80 degrees 06 minutes 10 seconds east, 496.21 feet distance to a point;

thence north 14 degrees 22 minutes 10 seconds west, 500.58 feet distance to the northwest corner of the parcel herein described;

thence north 37 degrees 22 minutes 30 seconds east, 1,003.60 feet distance to a point;

thence north 13 degrees 48 minutes 30 seconds east, 439.35 feet distance to a point;

thence north 47 degrees 39 minutes 10 seconds east, 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 second east, 490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 second east, 602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 second east, 235.52 feet distance to the northeast corner of the parcel herein described, being a point on the westerly line of the old Highway Numbered 180–260 (road to Fort Bayard);

thence south 44 degrees 13 minutes 10 seconds east, 289.71 feet distance along said westerly line of road to Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 second east, 2,267.83 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 second east, 355.34 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 03 degrees 06 minutes 50 seconds west, 514.23 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west, 112.40 feet distance continuing along said westerly line of road to Fort Bayard to the southeast corner of the parcel herein described, being identified as the intersection of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1(3));

thence north 88 degrees 35 minutes 00 second west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+06.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 second west, 2,427.30 feet distance to the T-rail right-of-way marker on P.C. station 327+00;

thence south 75 degrees 25 minutes 00 second west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

Sec. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, (3) shall reserve to the United States all mineral rights, including gas and oil, in the land so conveyed, and (4) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1502), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

S. 3736 would authorize and direct the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands, described in the bill, which are now administered by the Department of Agriculture through the Forest Service. Such sale would be for market value of the lands involved as determined by that Department. The described tract aggregates about 177 acres and under the bill it could be sold in one or in several transactions, but any tract sold and conveyed would have to be at least 40 acres in size.

Any conveyance made under the bill would protect existing valid rights; it would reserve easements for existing facilities such as roads, telephone lines, transmission lines, and others. Conveyances also would reserve easements for roads necessary to assure access to lands of the United States or meet public needs and would reserve all mineral rights, including oil and gas. They could obtain such additional terms, conditions, reservations or restrictions as the Secretary determines to be necessary to protect the interests of the United States.

AUTHORIZATION FOR MILITARY SUPPORT TO THE SEVENTH NATIONAL JAMBOREE OF THE BOY SCOUTS OF AMERICA, FARRAGUT STATE PARK, IDAHO

The bill (H.R. 15268) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 national jamboree, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1505), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

This bill would authorize the Secretary of Defense to lend military equipment and to provide services to the Boy Scouts of America in support of the seventh national jamboree to be held at Farragut State Park, Idaho, during July 1969.

EXPLANATION

It has become traditional for the Government to assist the Boy Scouts of America in connection with their national jamborees by lending equipment needed at the site of the encampment and by providing certain services.

The Seventh National Jamboree of the Boy Scouts of America will be held at Farragut State Park, Idaho, in July 1969. Approximately 40,000 scouts and officials are scheduled to attend the jamboree.

Equipment authorized to be loaned includes tents, cots, blankets, commissary equipment, flags, refrigerators, and similar items.

The services that may be provided are in the fields of communications, medicine, engineering, and logistics.

Only the equipment and services that are available and whose issue would not jeopardize the national defense program could be furnished under the bill.

The Boy Scouts of America would be required to furnish a bond for the safe return of the property to be loaned.

Under authority of the language "other equipment" and "other logistical services as may be necessary or useful," the following types of support have been furnished on a nonreimbursable basis in the past:

(1) Specialized equipment for administrative support, and the operation of such equipment;

(2) Personnel for security, accounting, and organizational maintenance of the equipment loaned;

(3) Administrative support personnel such as supervisors, medical and dental technicians, military police and bandsmen; and

(4) Temporary duty and per diem costs of the foregoing support personnel as authorized by law.

LEGISLATIVE HISTORY

The authority this bill would grant is similar to several previous enactments in support of the national jamboree of the Boy Scouts. Similar authority and support were provided the third, fourth, fifth, and sixth national jamborees by Public Laws 82-363, 84-638, 86-22, and 88-41.

COST

The Department of Defense is unable to estimate the fiscal aspects of this legislation. The expense has not been excessive in the past, and the committee considers that the nominal cost is justified by the nature of the activity to be supported.

BILL PASSED OVER

The bill (H.R. 18786) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

CORRECTING AN INEQUITY AFFECTING OFFICES OF THE SUPPLY CORPS AND CIVIL ENGINEER CORPS OF THE NAVY

The bill (H.R. 18146) to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1503), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to correct some defects that have been discovered in the definition of the term "total commissioned service" for certain staff corps officers of the Navy.

In summary, the bill provides with respect to Supply Corps and Civil Engineer Corps officers only, that prior active commissioned service in the line or some other Staff Corps will be counted as creditable years for the purposes of severance pay and mandatory retirement dates.

This bill is expected to affect only about two officers per year with respect to severance pay and will have a budget impact of approximately $16,000 per annum. The recognition of such years for severance pay purposes would be significant only in regard to naval officers in the lower commissioned grades who have twice failed of promotion to the grade of lieutenant and lieutenant commander. Severance pay is not authorized for failure of selection to the higher grades.

With respect to the crediting of such years for mandatory retirement purposes, the bill contains a savings clause which precludes any present Supply Corps or Civil Engineer Corps officers from being mandatorily retired in their present grades earlier than they would have been retired under existing law.

BACKGROUND OF LEGISLATION

Section 6388 of title 10, United States Code, defines total commissioned service for staff corps officers for the purpose of (1) computing severance pay of lieutenants and lieutenants (junior grade) who are discharged following two failures of selection for promotion or after being found unsatisfactory and (2) determining the date on which officers in higher grades shall be retired mandatorily.

Under 10 U.S.C. 6388, as interpreted by the Comptroller General and the U.S. Court of Appeals for the District of Columbia Circuit, a staff corps officer who had prior service in the line of the Navy may count only his staff corps service in computing his total commissioned service if his initial appointment in a staff corps was in the grade of ensign or lieutenant (junior grade).

A substantial number of officers in the Supply Corps and the Civil Engineer Corps served for several years as line officers before their appointment in their present corps as ensigns or lieutenants (junior grade). Under present law, if such an officer has served 5 years in the line and 6 in the Supply Corps and is discharged for two failures of selection for promotion to the grade of lieutenant commander, he receives severance pay equal to 12 months' basic pay, whereas if all his service had been in the line or if all of it had been in the Supply Corps, he would have received 22 months' basic pay.

On the other hand, if a Supply Corps officer with 5 years of line service attains the grade of lieutenant commander and fails of promotion two or more times, he cannot be retired involuntarily until he has completed 25 years of active duty as an officer, whereas his contemporaries are retired mandatory on completion of 20 years of commissioned service. The same disparity exists, of course, in the higher grades. A Supply Corps commander, if his promotions stopped at that grade, could serve for 31 years instead of 26, a captain could serve for 35 years instead of 30, and a rear admiral could serve 40 years instead of 35.

Thus, in the case of many officers of the Supply Corps and the Civil Engineer Corps who had prior service in the line, the definition of total commissioned service in 10 U.S.C. 6388 works to the detriment of passed over lieutenants and to the advantage of those who reach higher grades. Both results are inequitable, and the second is especially undesirable from the personnel management standpoint.

AIM OF BILL

The bill would eliminate the foregoing disparities by providing that total commissioned service of each officer of the Regular Navy in the Supply Corps or the Civil Engineer Corps who has served continuously since his original appointment as a Regular or Reserve in the grade of ensign in the line or any staff corps or in the grade of lieutenant (junior grade) in the Civil Engineer Corps shall be computed from June 30 of the fiscal year in which he accepted his initial appointment.

The foregoing is subject to the savings clause with respect to present Supply Corps and Civil Engineer Corps officers with regard to the recognition of such prior service for mandatory retirement date purposes.

DEPARTMENTAL AND COST DATA

This proposal is a part of the Department of Defense legislative program for the 90th Congress. The Bureau of the Budget interposes no objection.

AMENDMENT 0F THE TRUTH IN NEGOTIATIONS ACT

The bill (H.R. 10573) to provide authority to increase the effectiveness of the Truth in Negotiations Act was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1506), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would amend military procurement law by adding a provision giving the Government the right to examine all records, documents, and other data of the contractor or subcontractor that relate to the negotiation, pricing, or performance of certain contracts or subcontracts.

BACKGROUND

Public Law 87–653 enacted a requirement that prime contractors and subcontractors must certify that, to the best of their knowledge and belief, the cost and pricing data they submit is current, accurate, and complete. This certificate is required for negotiated prime contracts of more than $100,000, changes or modifications involving more than $100,000, in contracts, subcontracts of more than $100,000 if the prime contractor and each higher tier subcontractor have been required to furnish such a certificate, and changes or modifications to such subcontracts involving $100,000 or such lesser amount as may be prescribed by the head of the agency. In addition, any prime contract or any change or modification to a prime contract under which such certificate is required must contain a provision that the price to the Government shall be adjusted to exclude any significant amounts by which the head of the agency determines that the price was increased because the cost or pricing data furnished were inaccurate, incomplete, or not current. The controlling date for such determination is the date that is as close to the date of agreement on the negotiated price as is practicable.

The only exceptions to the requirement for cost certification and adjustment provisions are where the price negotiated is based on (1) adequate price competition; (2) established catalog or market prices of commercial items sold in substantial quantities to the general public; (3) law or regulation; or (4) in exceptional cases where the head of the agency determines that the requirement may be waived and states in writing his reasons for such a determination.

Senate Report No. 1884 accompanying H.R. 5532 of the 87th Congress indicated that "the objective of these provisions is to require truth in negotiating. Although not all elements of cost are ascertainable at the time a contract is entered into, those costs that can be known should be furnished currently, accurately, and completely. If the costs that can be determined are not furnished accurately, completely, and as currently as is practicable, the Government should have the right to revise the price downward to compensate for the erroneous, incomplete, or out-of-date information."

The law that resulted from H.R. 5532 of the 87th Congress has become known as the Truth in Negotiations Act.

CURRENT SITUATION

Although section 2313(b) of title 10, United States Code, gives the Comptroller General and his representatives access to contractor and subcontractor records of performance on all negotiated contracts and subcontracts, existing law did not provide the Department of Defense with implementing audit rights for the "Truth in Negotiations Act." The right to examine books and records under Defense contracts to assure that contractors and subcontractors have submitted accurate, complete, and current cost of pricing data is now obtained by contract provision. Until last November the Armed Services Procurement Regulation, in addition to requiring contract provisions granting access to contractors' records under all other types of contracts subject to the "Truth in Negotiations Act," required the insertion of a provision in firm fixed price contracts granting the Government the right to examine the data that were available to the contractor on the date of execution of the contractor's "certificate of current cost or pricing data."

The General Accounting Office has recommended that all contracts negotiated on the basis of cost or pricing data include a clause giving Defense officials the right to examine all data related to contract performance in addition to the data available to the contractor at the time of certification. This recommendation was made on the basis of adult experience in which the General Accounting Office discovered that certain types of undisclosed information such as quotations from vendors and plans to purchase automatic equipment were not being detected in preaward audits. The General Accounting Office concluded, therefore, that a postaward audit of the actual records of performance often provided the best means of verifying that the data submitted were accurate, current, and complete.

In November 1967 the Department of Defense amended the Armed Services Procurement Regulation to provide that audit clauses include the right of contracting agencies to examine the records of performance on all contracts and subcontracts where the certificate on accurate, current, and complete cost data is required. This bill would enact into law the current regulations on this subject.

SENATE COMPANION BILL

The senior Senator from Wisconsin, Mr. Proxmire, is the sponsor of S. 1913, a companion bill having a similar objective.

Mr. YOUNG of Ohio. Mr. President, the action taken by the Senate today in passing H.R. 10573 to increase the effectiveness of the Truth in Negotiations Act was a victory for taxpayers. Failure in the past to enforce this act caused overpricing of defense contracts and resulted in taxpayers being overcharged millions of dollars. The exact amount has not and probably cannot be measured. However, we do know that the Comptroller General, after minimal spot checking, reported there had been overpricing of more than $130 million during a 10-year period.

The enforcement provisions of H.R. 10573 will authorize officials of the Department of Defense to make full fledged postaudits of all financial records of defense contractors and subcontractors to determine whether the Government has been overcharged. Minimal spot checking by the General Accounting Office has uncovered overpricing on defense contracts at the rate of about $13 million a year. This figure undoubtedly would be multiplied many times over if GAO had the vast army of auditors which the Pentagon possesses to institute postaudits.

This bill makes it possible for Defense Department auditors for a period of 3 years after final payment of a contract or subcontract to examine all books, records, documents, and other data of a contractor or subcontractor relating to the negotiation, pricing, or performance of a contract or subcontract. It gives Federal auditors the authority they require to assure compliance with the Truth in Negotiations Act.

While Defense Department officials belatedly instituted new auditing procedures much in line with the intent of this legislative proposal, there is no guarantee whatever that this policy will continue and, of course, it is always subject to oversight and misinterpretation or change without notice. The enactment of H.R. 10573 clarifies this question once and for all. There is no doubt that a strong postaudit check on the financial records of contractors and subcontractors is essential when we are spending more than $80 billion of the taxpayers' money each year for defense purposes. This bill puts teeth in the Truth in Negotiations Act to make it workable, meaningful, and effective.

Mr. President, I am sure that all of those who have taken an interest in this legislative proposal and are responsible for its enactment into law will agree that this would have never occurred had it not been for the efforts of Sanford Watzman, reporter for the Plain Dealer of Cleveland, Ohio. It was largely through his outstanding investigative reporting that attention was focused on this problem and that legislation has been enacted to correct it. In this morning's Wall Street Journal, there appeared an article entitled "Capital Newsmen Often Play a Role in Creating the Events They Cover," which sets forth in detail Sanford Watzman's contributions in this regard. I commend this article to my colleagues and ask that the portion of the article reporting on Mr. Watzman's work on the Truth in Negotiations Act be printed in the Record at this point as part of my remarks.

There being no objection, the excerpt from the article was ordered to be printed in the Record, as follows:

Capital Newsmen Often Play a Role in Creating the Events They Cover—Some Work With Lawmakers To Promote Causes; Critics See Conflict of Interest—A Reporter Versus the Pentagon

(By Noel Epstein)

Washington.—One afternoon last spring, Sanford (Whitey) Watzman, a reporter for the Cleveland Plain Dealer, was sitting in the House press gallery feeling rather pleased. "Nobody noticed," he said, "but they passed my bill today."

It wasn't an idle boast. For more than a year, Whitey Watzman, reporter, had been doubling as Whitey Watzman, Congressional strategist; he had played a significant behind-the-scene role in winning House adoption of a measure authorizing the Pentagon to check contractors' books for possible overcharges on about $5 billion a year of defense work not put up for competitive bidding.

Indeed, it was Whitey Watzman who conceived of the legislation. It was Whitey Watzman who privately urged members of Congress to introduce it. It was Whitey Watzman who provided prompting to help keep it moving. It was, in many respects, Whitey Watzman's bill. And, standing a good chance of final passage by the Senate before adjournment this fall, it could become Whitey Watzman's Law. * * *

In April 1967, Mr. Watzman wrote for the Cleveland Plain Dealer a 10-part series based on little-noticed reports by the General Accounting Office, Congress' watchdog agency, which assailed Pentagon waste. The GAO, in spot checks over 10 years, had uncovered $130 million in overcharges by defense companies on certain types of negotiated, noncompetitive contracts that now total about $5 billion a year.

The GAO verdict and the thrust of the Watzman series: The Pentagon wasn't enforcing the Truth-in-Negotiations Act, which requires the negotiating companies to furnish accurate, complete and up-to-date cost estimates. The GAO urged the department to adopt one regulation requiring companies to furnish supporting evidence for cost figures and, touchier still, another regulation letting department auditors peek at company records after jobs were done to see if original estimates and final costs jibed.

AN IMPORTANT PHONE CALL

But despite heavy play on page one, the Plain Dealer series received no notice outside Cleveland. "That was when we decided to begin a lengthy campaign to get more attention for this," Mr. Watzman says.

Among the first steps was a phone call by Mr. Watzman, whose paper has the largest circulation in Ohio (nearly 400,000 daily and about 540,000 Sundays) to the office of Ohio's Sen. Stephen Young, of Cleveland. "Whitey spoke to me," says Hubert Jolovitz, Senator Young's administrative assistant. "He said he thought it would help if a speech were made. I took it up with the Senator, and he liked the ideas."

On April 20, Sen. Young delivered a Senate speech criticizing the Pentagon, praising Whitey Watzman, calling for a Congressional investigation and inserting the Watzman series in the Congressional Record. The next morning's Plain Dealer carried a story headlined "Young Asks Defense Dept. Buying Probe."

"Anybody can get stuff in the Congressional Record," Mr. Watzman says. "But at least it was giving some added circulation to the story.

At about that time, he recalls, "I had heard that Sen. Proxmire's subcommittee was going to hold hearings in this general area, so I called up." He spoke to Ray Ward, a staff man on Wisconsin Democrat Proxmire's economy in government subcommittee, and suggested that the truth-in-negotiations issue be included in hearings scheduled for the following month. He got no commitment.

An additional tactic seemed to be needed, and the Plain Dealer's Washington bureau chief, John Leacacos, conferred with the paper's publisher and editor, Thomas Vail. At Mr. Leacaco's suggestion, it was decided that copies would be made of the Watzman series, and on April 26 they were sent, along with a covering letter by Publisher Vail, to all 26 members of Ohio's Congressional delegation, plus some other influential Washingtonians. Mr. Vail's letter said the Plain Dealer couldn't understand Congress' unawareness of the charges aired in the Watzman stories and asked for any reaction the Ohioans might have.

"We have the same right as any other concerned citizens, and we did what they would do—wrote to our Congressmen," Mr. Watzman says. "What we did beyond that was in futherance of our objective to cast light on and correct a bad situation. The test in my mind is whether you do this on behalf of a special interest group or on behalf of the public."

Among those receiving the Vail letter was Ray Ward, who showed it and the Watzman series to Sen. Proxmire. The Wisconsin Democrat immediately decided to include the truth-in-negotiations issue in his sub-committee hearings, and he brushed up on the subject in a talk with Mr. Watzman.

Prospects looked brighter, Whitey Watzman arrived at the mid-May hearings anticipating that the wire services and publications with national circulations would at last latch on to his story. But he was in for a letdown. Sen. Proxmire's truth-in-negotiations quizzing came late in each of the hearing sessions, and by that time other reporters of consequence had left the hearing room. So except for Plain Dealer stories on the GAO and Sen. Proxmire attacking Pentagon officials, plus an editorial praising the Senator, there still was hardly a peep about the dispute.

It seemed obvious to Mr. Watzman that other strategies were necessary, and he decided to speak to Republican Reps. William Minshall of Cleveland and Jackson Betts of Findlay, Ohio. To them he made a new suggestion: A resolution by Ohio's GOP Congressmen.

SEEKING MORE DRAMA

The resolution was introduced to the group by Rep. Betts, explained by Rep. Minshall, adopted by all 19 Ohio GOP Congressmen and reported in the May 23 Plain Dealer: "19 Ohicans Call McNamara Lax." Citing the Watzman series again, the resolution urged the GOP leadership to press for action to halt Pentagon waste of contract funds.

Though the Plain Dealer noted that this was the first time that the 19 legislators, making up the House's biggest GOP delegation, had "spoken publicly as a group on a major controversy," it was an exclusive story again for the Plain Dealer, the last thing the paper wanted. Clearly, something still more dramatic was needed. It was then that Whitey Watzman conceived of his legislation.

So Whitey wrote letters to Rep. Minshall and Sen. Proxmire, proposing his bill. They liked it. They asked the GAO to draft a measure specifically granting the Pentagon the record-checking authority, and on June 6 identical bills were introduced in the House and Senate.

"It was my bill in the sense that I suggested it, but was very much to Minshall-Proxmire bill in the more important sense that they were the capable lawmakers who quickly comprehended the need and did the hard fighting," Mr. Watzman remarks.

NEW DEVELOPMENT

Eleven days later, the Pentagon took its first step, in response to the quizzing at the May Proxmire hearings: It proposed, and later adopted regulations requiring negotiating companies to submit supporting data for their cost figures. But the touchier record-peeking question raised by the Minshall-Proxmire bill remained unresolved. On this, there was divided opinion at the Pentagon; auditors there were eager to look into defense company books, but procurement officials were opposed, saying they feared contractors would feel second-guessed if their records were open to scrutiny after a noncompetitive fixed-price contract had been negotiated.

Though the House Armed Services Committee had referred the Minshall-Proxmire bill to the Pentagon for comment, none arrived, and so no hearings were scheduled on the bill. New developments were needed, and they soon came:

Sen. Young, on advice of Mr. Watzman, asked the GAO for additional reports on Pentagon waste; he got them and delivered another Senate speech.

On their own, Sen. Proxmire announced the resumption of his subcommittee hearings, the GAO submitted favorable comment on the Minshall-Proxmire bill and Democratic Rep. L. Mendel Rivers, chairman of the House Armed Services Committee, ordered a subcommittee investigation of the Truth-in-Negotiations Act.

Republican Congressman Charles Whalen of Dayton, Ohio, got hold of more GAO reports at Mr. Watzman's urging; when he saw them, he decided to make a House speech. Rep. Frank Bow of Canton, Ohio, after a talk with Whitey Watzman, criticized the Pentagon in his newsletter to constituents. Whitey phoned Rep. Minshall ("I knew what he would say, of course") and ran a story headlined "Minshall Charges Stalling on Truth Bill". He called the Pentagon for reaction to this charge and received no comment; he wrote that, too.

Dayton's Rep. Whalen, a member of the Armed Services Committee, introduced another bill identical to the Minshall-Proxmire measure. And Democratic Rep. Porter Hardy Jr. of Virginia, presiding over the panel's investigating subcommittee, attacked the Defense Department for still not submitting comment on the measures.

Finally, on Nov. 2, Assistant Defense Secretary Thomas Morris delivered to Rep. Minshall and Sen. Proxmire copies of a new Pentagon regulation requiring a clause in all affected contracts allowing department auditors to open company books. At the same time, the Pentagon dropped any opposition to the Minshall-Proxmire bill. Whitey Watzman's strategy had worked.

"I didn't care that much about the bill any more," says Mr. Watzman. But Rep. Minshall and Sen. Proxmire still cared, maintaining that a Pentagon regulation could be withdrawn at any time. With the legislators still pushing for it to become law, the measure cleared the House Armed Services panel last April 26 and was adopted in the full House on May 6.

Mr. PROXMIRE. Mr. President, I am very pleased to note the Senate passage today of a vitally significant bill that will greatly benefit the American taxpayer. The bill, H.R. 10573, will increase the effectiveness of the Truth in Negotiations Act (Public Law 87–653) which is the taxpayer's only defense against overcharges on defense contracts.

This legislation, which was introduced in the House by Representative William Minshall, of Ohio, and by myself in the Senate, would guarantee the Government's right to conduct postaudit investigations of a contractor's cost data. It passed the House May 6.

This legislation will give the taxpayer some firm assurance that he is getting his money's worth on defense contracts.

Congressional action on this measure makes it unmistakably clear that the Government has full authority to conduct postaudit investigations of a contractor's cost data to determine whether the Government has been overcharged because of that contractor's failure to disclose vital cost information at the time the contract was awarded or during the execution of the contract.

It will thus provide a permanent remedy to one of the significant weaknesses in the Pentagon's administration of the Truth in Negotiations Act. New administrative regulations put into effect several months ago by the Pentagon provided relief but not a durable remedy.

The Pentagon's grossly inadequate administration of the 5-year-old Truth in Negotiations Act first came to my attention about a year and a half ago during hearings on Federal procurement and inventory management conducted by the Economy in Government Subcommittee of the Joint Economic Committee, of which I am chairman.

The Truth in Negotiations Act provides the taxpayer with his only defense against overcharges on negotiated defense contracts in the absence of the built-in protection afforded by competitive bidding.

The cost to the taxpayers in overcharges on negotiated defense contracts because of inadequate administration of the act—although it can only be estimated—runs easily into the billions of dollars.

AUTHORIZING HOSTILE-FIRE PAY FOR MEMBERS OF THE U.S.S. "PUEBLO"

The bill (H.R. 17780) to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed service held captive in North Korea was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1507), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize and require the Secretary of Defense to pay the hostile-fire pay ($65 per month) provided by section 310 of title 37, United States Code, to each member of a uniformed service (six officers and 75 enlisted personnel) who was aboard the U.S.S. *Pueblo* at the time of her capture by the military forces of North Korea.

The bill provides that hostile-fire pay will be paid for the period beginning January 1, 1968, and end 1 month subsequent to the repatriation of the crew member concerned.

PRESENT AUTHORITY FOR HOSTILE-FIRE PAY

Section 310 of title 37, United States Code, authorizes a special pay at the rate of $65 per month for any month in which a member of the Armed Forces was entitled to basic pay and in which he meets one or more of the following conditions:

(1) Was subject to hostile fire or explosion of hostile mines;

(2) Was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines; or

(3) Was killed, injured, or wounded by hostile fire or, any other hostile action.

The Secretary of Defense is authorized to prescribe the regulations under which this special pay will be made.

Under the regulations a member who is killed, injured, or wounded by hostile fire any place in the world is entitled to payment.

PRESENT GEOGRAPHICAL AREAS DESIGNATED FOR HOSTILE-FIRE PAY

The Secretary of Defense in 1965 designated all of Vietnam and the contiguous waters as a hostile fire area, extending the entitlement to all personnel stationed in-country.

More recently, on April 1, 1968, a small enclave along the western end of the DMZ in Korea was also designated as a hostile fire area for purposes of this entitlement.

NONAPPLICABILITY OF THE MISSING PERSONS ACT TO CREW OF U.S.S. "PUEBLO"

When a member who is entitled to hostile-fire pay becomes missing or captured, the provisions of the Missing Persons Act provide for him to continue to receive such pay until he returns to military control or a legal finding of death is made and his estate is settled. Unfortunately, members of the Armed Forces who may be missing or captured under circumstances such as the U.S.S. *Pueblo* may not be awarded this special pay. On March 5, 1965, the Comptroller General of the United States, in his ruling B–156088, rendered the opinion that the legislative history clearly established the intent not to authorize the payment of this special pay for duty subject to hostile fire to members of a uniformed service captured or missing as the result of hostile action if they had not otherwise qualified for such pay immediately prior to that time.

The purpose of the proposed legislation, H.R. 17780, is to offset the unfortunate consequences of this ruling which now serves to deny this $65 per month special pay to those members of the crew of the U.S.S. *Pueblo* now in the hands of the North Koreans.

SEPARATE SENATE BILL AUTHORIZING HOSTILE-FIRE PAY FOR CREW OF U.S.S. "PUEBLO"

The Committee would observe that S. 3750, introduced by Senator Dominick and cosponsored by Senator Cotton, would provide authority identical to that contained in the House bill being recommended by this report. In order for this legislative proposal to become public law in the most expeditious manner the committee is reporting the House-passed measure rather than the Senate bill.

Mr. MANSFIELD. I have Senator Dominick's statement in support of this bill and request unanimous consent to insert it in the Record at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement by Senator Dominick was ordered to be printed in the Record, as follows:

Mr. Dominick. Mr. President, although we have heard many rumors that our *Pueblo* crew is to be released in the near future, we have not seen any firm indications which might give us cause for optimism. Already our men have been in North Korean captivity for almost eight months, constantly in extreme danger from the cruel treatment so often afforded by the communists to their prisoners. The families of our *Pueblo* crew have suffered terrible strain, not knowing what fate will finally come to their loved ones.

The legislation we approve in no way alleviates the strain and worry facing our men and their families. It simply recognizes that the services rendered by the *Pueblo* crew was just as hazardous as service in Vietnam for purposes of receiving hostile fire pay. By extending this special pay to our *Pueblo* crew we stress to the world the fact that our men are in danger, every hour of every day. We can do no less, and I am pleased to have the support of my colleagues in the approval of this House bill identical to my bill, S. 3750.

PERSONS OF CALIFORNIA INDIAN DESCENT

The bill (H.R. 10911) to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF PROPERTY OWNERS IN TATE COUNTY, MISS.

The bill (H.R. 11552) for the relief of certain property owners in Tate County, Miss., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1514), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

H.R. 11552, would provide relief to certain property owners in Tate County, Miss., by conveying all right, title, and interest of the United States in certain lands located in Tate County to the heirs or assigns of Ho-pah-cubby, a Chickasaw Indian.

NEED

Under article 5 of the treaty with the Chickasaws of May 24, 1834, which amended article 4 of the Chickasaw Treaty of October 20, 1832, Ho-pah-cubby, a Chickasaw Indian of Mississippi, was allowed to select land in section 22, township 5 south, range 6 west, Tate County, Miss., as a settlement for his house. Fee title was to be issued to him subject to the land being unoccupied by others.

The records of the Bureau of Land Management indicate that a patent was not issued to Ho-pah-cubby because of a conflict in the records and because of uncertainty as to the location of his house. Although the location of the house was subsequently cleared up and it was determined that Ho-pah-cubby was, in fact, residing on section 22, no steps were taken to issue a patent.

In 1837, the widow of Ho-pah-cubby purported to convey the land in section 22 to John L. Brown by deed which is certified as being recorded in the records of the chancery clerk of Tate County. The consideration paid was $800. The committee understands that there is no record in the National Archives that this deed was ever submitted to the President for approval, as required by the treaty. The committee further understands that a search of the records of the Bureau of Land Management, as well as those in the National Archives, indicated that no heir of Ho-pah-cubby or any other party had ever come forward to challenge the validity of the 1837 conveyance.

The present owners of this property, apparently some five in number, are unable to obtain clear title to this land as there is no record of title having passed from the United States to Ho-pah-cubby. Enactment of H.R. 11552 would assist in clearing up these title difficulties by conveying all right, title, or interest of the United States in the land to the heirs or assigns of Ho-pah-cubby.

COST

No additional budgetary expenditures are involved in enactment of H.R. 11552.

HEIRS OF DOLLY McCOVEY

The bill (H.R. 11782) to authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lieu allotment selection, and issue appropriate patents therefor to the heirs of Dolly McCovey was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1515), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 11782 is to permit the Secretary of the Interior to cancel an allotment to Dolly McCovey, deceased Hoopa Extension allottee No. 197–H, and to approve a lieu allotment to her heirs.

NEED

The allotment to Dolly McCovey was for 64 acres. The heirs do not have a clear title, however, because the Gilcrest survey of T. 10, N., R. 3 E., on which the Dolly McCovey allotment is based, overlaps a Haughn survey of the adjoining township on which other Indian allotments are based. Both surveys are official. Fee patents to the other allotments have been issued, but the Dolly McCovey allotment is still held by the United States in trust.

As the Dolly McCovey allotment conflicts with the fee patented allotments to other Indians, the heirs of Dolly McCovey have asked that the allotment be canceled and that a lieu allotment for 40 acres be approved.

The bill provides that such action may be taken on application of the owners of more than one-half of the undivided interests in the allotment, and that a trust patent in the lieu selection may be issued to the Indian heirs. The owners of an 81.3-percent interest have already submitted an application.

Indian allotments historically are made on the basis of acreage, without regard to value. The respective values of the original allotment and the lieu allotment are, therefore, not relevant. They are, however, $18,500 and $43,750, respectively.

Two non-Indians own a 2.5-percent undivided interest in the Dolly McCovey allotment. The bill provides that these two non-Indians will receive a fee patent rather than a trust patent for their interests in the lieu allotment, and that they may bring no action against the United States with respect to the cancellation of the Dolly McCovey allotment or the issuance of patents to the lieu allotment unless the action is commenced within 1 year from the date notice is given by the Secretary.

Although the addresses of the two non-Indians are not now known, the committee expects the Secretary of the Interior to exhaust all reasonable efforts to locate them before proceeding under this bill. The bill does not require the Secretary to obtain the concurrence of the two non-Indians because the failure to do so would make the bill ineffective. Inasmuch as their interest in the Dolly McCovey allotment is worth less than $500, and their interest in the lieu allotment will be worth more than twice that amount, it is improbable that they will assert any claim against the United States. A 1-year statute of limitations for asserting any claim offers reasonable protection to the Government.

COST

Enactment of the bill will involve no Federal cost.

JUDGMENT IN FAVOR OF THE CREEK NATION OF INDIANS

The bill (H.R. 14205) to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1516), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 14205 is to authorize a per capita distribution of a claims judgment recovered by the Creek Nation of Indians of Oklahoma, and the Creek Nation of Indians east of the Mississippi, in Indian Claims Commission docket No. 21.

The committee also considered a similar bill, S. 2994, introduced by Senators Harris and Monroney..

NEED

The Creek Nation as it was constituted in 1814 was awarded $3,913,000 by the Indian Claims Commission on September 10, 1962. The money was appropriated by the Second Supplemental Appropriation Act, 1965. Most of the funds are in short-term bank time deposits at a higher rate of interest than is paid by the U.S. Treasury. The remainder is in the U.S. Treasury to the credit of the Creeks at 4-percent interest.

Under a provision carried in each annual appropriation act for the Department of the Interior, appropriations to pay Indian claims judgments cannot be expended until after legislation has been enacted setting forth the purposes for which the funds may be used. The enactment of H.R. 14205 will provide such legislation.

The bill authorizes the Secretary of the Interior to prepare a roll of all persons now living who are descendants of the Creek Nation of Indians as it was constituted in 1814. Part of these Indians are in Oklahoma, and part of them remain east of the Mississippi. The Oklahoma Indians have a tribal organization. The eastern Creeks do not.

After preparation of the roll, the Secretary is directed to distribute the balance of the judgment fund already appropriated, plus accumulated interest, among the enrollees equally.

The cost of preparing the roll and distributing the judgment will be paid from the judgment.

The bill directs the Secretary to include in the roll the name of each person whose name appears on one of the various Federal rolls or census reports, and the names of the descendants of such persons. He is also directed to include the name of any other person who shows by records acceptable to the Secretary that he is a descendant of a Creek Indian living in 1814. It is under this provision that most of the eastern Creeks will be enrolled.

In order to make it clear that the eastern Creeks will not be restricted to official rolls, the bill specifies that the Secretary must consider documents and records of the Federal Government, the State, and the counties that would be admissible in an action to determine Indian lineage.

COST

Enactment of the bill will involve no additional Federal cost.

CREEK NATION OF INDIANS

The bill (H.R. 16211) to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 276, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1517), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 16211 is to authorize a per capita distribution of a claims judgment recovered by the Creek Nation of Indians of Oklahoma in Indian Claims Commission docket No. 276.

NEED

The Creek Nation of Indians of Oklahoma was awarded $1,037,414.62 by the Indian Claims Commission on August 17, 1966. The money was appropriated by the act of October 27, 1966 (80 Stat. 1057). Most of the funds are on deposit in the Farmers & Merchants Bank & Trust Co. of Tulsa, Okla., to the credit of the Creek Nation at 5½ percent interest, compounded quarterly. The balance is in the U.S. Treasury to the credit of the Creeks at 4 percent simple interest.

Under a provision carried in each annual appropriation act for the Department of the Interior, appropriations to pay Indian claims judgments cannot be expended until after legislation has been enacted setting forth the purposes for which the funds may be used. The enactment of H.R. 16211 will provide such legislation.

The bill authorizes the Secretary of the Interior to prepare a roll containing the names of all persons now living who are descendants of the Creek Nation of Indians of Oklahoma, and to distribute the balance of the judgment fund already appropriated, plus accumulated interest, among the enrollees equally. The cost of preparing the roll and distributing the judgment will be paid from the judgment.

The Creek Nation has other claims still pending before the Indian Claims Commission.

COST

Enactment of the bill will involve no additional Federal cost.

JUDGMENT IN FAVOR OF THE DELAWARE NATION OF INDIANS

The bill (H.R. 16402) to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket No. 337, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1518), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

The purpose of H.R. 16402 is to authorize a per capita distribution to the members of the Delaware Nation of Indians of a judgment fund of $1,627,244.64 recovered in an action before the Indian Claims Commission (docket No. 337).

Money to satisfy this judgment was appropriated by the act of October 7, 1964 (78 Stat. 1023, 1033), and was held on deposit in the Federal Treasury. In 1967, at the request of tribal leaders, the funds were withdrawn and invested in short-term bank certificates in order to earn higher interest.

The bill directs preparation of a roll of all persons who meet the criteria of eligibility established by the proposed legislation. Representatives of two modern Delaware groups, the Cherokee Delaware and the Absentee Delaware, both of Oklahoma, who together comprise the descendants of the members of the Delaware Nation as it existed in 1818, will participate with the Secretary of the Interior in the preparation of the roll. The committee expects the Secretary's final determination of eligibility to be consistent with the findings of the Indian Claims Commission.

A brief history of the Delaware Nation setting forth some of the complexities involved in identifying the ultimate beneficiaries of the award is printed below with the Department's report.

NEED FOR LEGISLATION

Authorization by Congress for the disposition of the judgment fund is required by a provision in the Interior Department Appropriation Act which states: "That nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used * * *."

The above-quoted provision is from Public Law 90-28, but similar provisions have been in Interior Appropriations Acts for some years past.

COST

The costs of the preparation of the payment roll and those of distribution of the money will come from the judgment fund. No additional Federal expenditures are contemplated or authorized.

JUDGMENT IN FAVOR OF THE KIOWA, COMANCHE, AND APACHE TRIBES OF INDIANS OF OKLAHOMA

The Senate proceeded to consider the bill (S. 3728) to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment; strike out all after the enacting clause and insert:

(a) The funds on deposit in the Treasury of the United States to the credit of the Kiowa, Comanche, and Apache Tribes that were appropriated by the Act of June 19, 1968 (Public Law 90-352), to pay a judgment by the Indian Claims Commission entered in dockets numbered 258 and 259, and the interest thereon, after deducting attorney fees and litigation expenses, shall be distributed by the Secretary of the Interior per capita to the persons whose names appear on a roll approved by the tribes on May 20, 1960, as the basis for distributing a prior Indian Claims Commission judgment, after such roll has been brought current by said tribes, with the technical assistance of the Secretary, (1) by adding the names of children of enrollees who were born on or prior to and were living on the date of this Act, (2) by adding the names of persons who were eligible for enrollment on the May 20, 1960 roll, but were not enrolled, and their children, if they were living on the date of this Act, and (3) by deleting the names of persons who were deceased on the date of this Act.

(b) The Kiowa, Comanche, and Apache Tribes or their authorized representatives shall prescribe a date by which evidence of eligibility for enrollment must be submitted.

(c) The cost of bringing such roll current, and the cost of making the per capita distribution, shall be paid by appropriate withdrawals from funds on deposit in the United States Treasury to the credit of said tribes in such amounts as the tribes and the Secretary may approve, and not out of said judgment and interest thereon.

(d) On approval of the roll by the Secretary, payment shall be made directly to each enrollee, or his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive, except that a share or interest therein payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedure as the Secretary, with the advice of the tribes, determines appropriate to protect his best interests.

(e) Funds distributed per capita pursuant to this Act shall not be subject to Federal or State income taxes.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS

The Senate proceeded to consider the bill (S. 2401) to provide for loans to Indian tribes and tribal corporations and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "tribe" insert "recognized by the Secretary of the Interior"; in line 8, after the word "tribal", strike out "corporation," and insert "corporation established pursuant to the Indian Reorganization Act (25 U.S.C. 477)"; in line 11, after the word "reservation" insert "as determined by the Secretary of the Interior for use of the tribe or its members. Such loans will be subject to the interest rate provisions of section 307(a) of said Act as now or hereafter amended, and shall be limited to such Indian tribes or tribal corporations as have reasonable prospects of success in their proposed operations and as are unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the purposes authorized in this Act."; on page 2, line 11, after the word "taken" insert "by the United States"; in line 12, after the word "in" strike out "trust, and the income therefrom shall not be subject to taxation." and insert "trust for the tribe or tribal corporation."; in line 15, after the word "Act" strike out "may"; in the same line, after "(1)" insert "may"; in line 17, after "(2)" insert "may"; and in line 20, after "(3)" insert "shall"; so as to make the bill read:

S. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make loans from the Farmers Home Administration Direct Loan Account created by section 338(c) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c)), to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act (25 U.S.C. 477), which does not have adequate uncommitted funds, to acquire lands or interests therein within the tribe's reservation as determined by the Secretary of the Interior for use of the tribe or its members. Such loans will be subject to the interest rate provisions of section 307(a) of said Act as now or hereafter amended, and shall be limited to such Indian tribes or tribal corporations as have reasonable prospects of success in their proposed operations and as are unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the purposes authorized in this Act.

SEC. 2. Title to land acquired by a tribe or tribal corporation with a loan made pursuant to this Act may, with the approval of the Secretary of the Interior, be taken by the United States in trust for the tribe or tribal corporation.

SEC. 3. A tribe or tribal corporation to which a loan is made pursuant to this Act (1) may waive in writing any immunity from suit or liability which it may possess, (2) may mortgage or otherwise hypothecate trust or restricted property if (a) authorized by its constitution or charter or by a tribal referendum, and (b) approved by the Secretary of the Interior and (3) shall comply with rules and regulations prescribed by the Secretary of Agriculture in connection with such loans.

SEC. 4. Trust or restricted tribal or tribal corporation property mortgaged pursuant to this Act shall be subject to foreclosure and sale or conveyance in lieu of foreclosure free of such trust or restrictions in accordance with the laws of the State in which the property is located.

SEC. 5. The Secretary of Agriculture is authorized to make such rules and regulations, prescribe the terms and conditions for making loans and for taking security instruments and agreements, and to make such delegations of authority as he deems necessary to carry out this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDING THE GUAM REHABILITATION ACT

The Senate proceeded to consider the bill (S. 3072) to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes" which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 5, after the word "thereof" strike out "'$75,000,000'."; and insert "'$75,000,000', and by deleting the date '1973' and inserting in lieu thereof the date '1978'."; and after line 7, insert a new section, as follows:

SEC. 2. Said Act is further amended by inserting in the first paragraph of section 3, immediately after the date "June 30, 1968," the following language: "with respect to sums transferred on or prior to that date, and over a period of thirty years from the date of each such transfer with respect to sums transferred after that date."

So as to make the bill read:

S. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of November 4, 1963 (77 Stat. 302), is amended by deleting "$45,000,000" and inserting in lieu thereof "$75,000,000", and by deleting the date "1973" and inserting in lieu thereof the date "1978".

SEC. 2. Said Act is further amended by inserting in the first paragraph of section 3, immediately after the date "June 30, 1968," the following language: "with respect to sums transferred on or prior to that date, and over a period of thirty years from the date of each such transfer with respect to sums transferred after that date".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1509), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of S. 3072 is to make available to Guam additional funds to complete the rehabilitation of the public sector of this American territory from the devastation of enemy conquest, occupation, and liberation in World War II, and, more recently, from the ravages of typhoons in 1962 and 1963. The bill would accomplish this purpose by amending the act of November 4, 1963 (77 Stat. 302) to increase the $45 million ceiling provided in it to $75 million.

BACKGROUND OF LEGISLATION

Earlier this year a task force from the Interior Committee consisting of Senators Burdick, Moss, and Metcalf, accompanied by appropriate staff, made a field inspection of Guam and the Trust Territory of the Pacific, of which Guam is a center, geographically but not politically. The committee task force had firsthand opportunity to observe the progress already made under the 1963 Guam Rehabilitation Act and the urgent need for the additional funds that would be authorized by S. 3072.

All in all, 31 of the original 50 projects contemplated under the 1963 Guam Rehabilitation Act have been completed and all but two of the 50 will have been funded when funds for fiscal year 1969 are appropriated. Funds for the remaining two projects will be obtained from the less than $2 million now left from the original $45 million authorization.

Based on personal observation, the committee concurs in the following statement in the report of the Department of the Interior:

"We are pleased that Guam has demonstrated that it has used the funds granted wisely and well. Members of both the Senate and House Committee on Interior and Insular Affairs, in a visit to Guam in January of this year, were able to see the fine public facilities already built or being built, including the new George Washington High School and the much needed civilian air terminal."

However, although much has been done, much remains to be done, if the 85,000 American citizens of Guam are to have the kind of American community the committee believes that most of us want for this outpost of American democracy on the edge of the Asian Continent.

The projects for which authorization is provided in S. 3072 and those already completed or under construction are listed in the appendix to the report of the Interior Department set forth in full in this report. These projects will provide the necessary new and modern school plants, water and sewer systems, public utilities, and commercial and industrial facilities which Guam must have in order to meet the expanding civilian and military population demands along with a potentially booming tourist program.

SUBSTANTIAL PARTS TO BE REPAID IN FULL

The committee wishes to emphasize the fact that a substantial part—some 63 percent—of the funds involved in the rehabilitation legislation are in the nature of loans, and will be repaid in full, with interest. For example:

1. Funds appropriated under section 2 of the 1963 act for water, power and telephone projects are to be repaid to the U.S. Treasury 100 percent.

2. The same is true of funds appropriated under section 2 for use by the government of Guam as matching funds to allow Guam to qualify for participation in Federal programs requiring State or local contribution.

3. Fifty percent of all other funds as paid under section 2 are repaid to the U.S. Treasury.

By the time the entire fund has been utilized under the existing $45 million authorization, the repayable share will total $28.5 million. The additional $30 million authorization provided in S. 3072 would be subject to a similar ratio of repayment.

COMMITTEE AMENDMENTS

The committee adopted the amendments recommended by the Interior Department in its report and by the Assistant Secretary, Harry Anderson, in his appearance before the committee during its public hearings on S. 3072.

One of these amendments extends the period for payments of cash by the Federal Government to Guam from June 30, 1973, to June 30, 1978. This is a technical amendment which will enable the Federal Government to defer cash payments under this authorization until the time they are actually needed by the government of Guam for payments to construction contractors. Without this amendment, it is conceivable that the government of Guam could receive money from the Federal Government at least 2 years before it actually needed such funds.

The other amendment is to insure that the government of Guam in each instance is given a full 30 years to pay back specific loans received under this authorization. Public Law 88-170 requires that loans made to Guam pursuant to its provisions be repaid over a 30-year period beginning June 30, 1968. Since payments involving loans will be made to Guam from time to time after June 30 1968, and until 1978, the committee believes that the measure should be amended to give Guam a 30-year repayment period in connection with each loan. The repayment provision would commence, in each instance, on the date of a payment to Guam that involves reimbursable amounts.

The elected Representative in Washington of the people of Guam, Hon. Antonio B. Won Pat, accepted these amendments on behalf of the territory.

COMMITTEE RECOMMENDATION

Enactment of S. 3072 will serve to demonstrate the continuing support by the Federal Government of the serious efforts the people of Guam themselves have been making, through the rehabilitation program and otherwise, not only to replace and rebuild, but to create now and for the future an improved, modern American community suited to the needs of all of its people.

The committee recommends passage of this measure.

JUDGMENT IN FAVOR OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

The Senate proceeded to consider the bill (S. 3420) to authorize a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 6, after the word "thereon," strike out "may be used, advanced, expended, deposited, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior." and insert "shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution."; so as to make the bill read:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds which have been or may be deposited in the Treasury of the United States to pay a judgment of the Indian Claims Commission dated September 7, 1967, in dockets numbered 181-A and 181-B, and the interest on said funds, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation and the Secretary of the Interior is authorized and directed to make a per capita distribution from such funds of a sum no more than $550, to the extent that such funds are available, to each person born on or prior to and living on the date of this Act who meets the requirements for membership in the Confederated Tribes of the Colville Reservation. The balance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution.

SEC. 2. Sums payable to persons or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedure as the Secretary, after consultation with the tribal governing body, determines will adequately protect their best interests.

SEC. 3. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 1510), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 3420, introduced by Senator Jackson at the request of the Colville Tribes, is to authorize a $550 per capita distribution among the Indians from a claims judgment recovered by the Confederated Tribes.

NEED

The Indian Claims Commission found, in dockets Nos. 181–A and 181–B, that additional compensation was due the Colville Indians for land in the northern part of their reservation acquired by the United States in 1891. Also, the United States violated its fiduciary responsibilities in the management and sale of land in the southern part of the reservation pursuant to an act of 1906 (34 Stat. 80).

The Commission awarded the tribes $3.5 million. After deduction of attorney fees, the tribes have on deposit in the U.S. Treasury approximately $3 million which they wish to have paid out to all of the enrollees. Under a provision carried in each annual appropriations act for the Department of the Interior, appropriations to pay Indian claims judgments cannot be expended until after legislation has been enacted setting forth the purposes for which the funds may be used. The enactment of S. 3420 will provide such legislation.

At the present time there are approximately 5,140 enrolled members of the Coleville Tribes. The $550 per capita payment authorized by S. 3420 will not completely exhaust all of the judgment fund. However, it is the committee's understanding that such residual funds, plus interest, as may remain following the payment authorized by the bill will be made available to the tribes for inclusion in the next per capita payment made from income derived from the sale of timber assets or other tribal resources.

There is no provision for programing of any part of the judgment fund primarily because of pending termination legislation, and the only reason for any carryover of these funds is the uncertainty of the exact number of participants in the award and the fact that all deductions have not been made from the $3.5 million credited to the tribes.

COMMITTEE AMENDMENT

As introduced, the bill provided that any residual funds that might remain after the $550 per capita distribution could be used for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior. The tribe has no plan to use the funds for any purpose other than distribution to its membership and, therefore, the committee has adopted an amendment which makes clear that such residual funds as may remain will be combined with income from tribal resources and will be paid out to the members when another per capita distribution is made.

COST

No expenditure of Federal funds will arise from the passage of S. 3420.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

MILITARY PROCUREMENT AND PERSONNEL STRENGTH AUTHORIZATION, 1969—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 10, 1968, pp. 26196–26200, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. STENNIS. Mr. President, this is an important and far-reaching bill. It is the military authorization bill for all of the military hardware for the entire fiscal year 1969. There is nothing in the bill now agreed to in conference with reference to planes, submarines, or any items of that kind that was not already in the bill in some amount when it passed the Senate. This is a unanimous report and I think we worked out a good bill that in a broad way carries the expressions of the Senate.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a tabulation comparing the authorization amounts as requested by the Department of Defense, as passed by the Senate, as passed by the House, and as agreed to in conference.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

SUMMARY OF ACTIONS TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 1969 FOR PROCUREMENT OF AIRCRAFT, MISSILES, AND NAVAL VESSELS, AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

TITLE I—PROCUREMENT

[In thousands of dollars]

	Authorization requested	Reported by Senate committee	Passed House	Conference
Aircraft:				
Army	735, 447	735, 447	735, 447	735, 447
Navy and Marine Corps	2, 782, 788	2, 556, 988	2, 556, 988	2, 406, 988
Air Force	5, 212, 000	5, 212, 000	5, 212, 000	5, 212, 000
Missiles:				
Army	956, 140	956, 140	956, 140	956, 140
Navy	879, 212	848, 212	848, 212	848, 212
Marine Corps	13, 500	13, 500	13, 500	13, 500
Air Force	1, 768, 000	1, 768, 000	1, 768, 000	1, 768, 000
Naval vessels: Navy	1, 712, 000	1, 725, 800	1, 360, 500	1, 581, 500
Tracked combat vehicles:				
Army	299, 426	299, 426	299, 426	299, 426
Marine Corps	10, 800	10, 800	10, 800	10, 800
Procurement total	14, 369, 613	14, 126, 313	13, 761, 013	13, 832, 013

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

	Authorization requested	Reported by Senate committee	Passed House	Conference
Army	1, 661, 900	1, 612, 043	1, 631, 900	1, 611, 900
Navy and Marine Corps	2, 152, 131	2, 216, 067	2, 192, 721	2, 205, 721
Air Force	3, 573, 808	3, 438, 594	3, 553, 808	3, 438, 594
Defense agencies	502, 600	487, 522	487, 522	487, 522
Emergency fund	125, 000	121, 250	....	50, 000
Total	8, 015, 439	7, 875, 476	7, 865, 951	7, 793, 737

SUMMARY

	Authorization requested	Reported by Senate committee	Passed House	Conference
Procurement	14, 369, 613	14, 126, 313	13, 761, 013	13, 832, 013
Research and development	8, 015, 439	7, 875, 476	7, 875, 951	7, 793, 737
Total	22, 385, 052	22, 001, 789	21, 626, 964	21, 625, 750
Senate total after Williams' amendment	....	21, 341, 738	....	....

Mr. STENNIS. Mr. President, in summary the bill agreed to in conference totals $21,625,750,000. This is $759,302,000 less than the amount sought by the executive branch. It is $376,039,000 less than the bill reported by the Senate Committee on Armed Services earlier this year. But after a floor amendment by the senior Senator from Delaware [Mr. WILLIAMS], another $660,000,000 was cut from the Senate bill. Thus it will be seen that the conference action results in a bill that is $284,012,000 more than the Senate bill after adoption of the Williams amendment, but that the conference recommendation retains more than half of the reduction proposed by the Senator from Delaware and approved by the Senate.

I shall attempt to discuss briefly the major ways in which the conference bill differs from the bill as it passed the Senate.

The House bill included $39.3 million for the procurement of spare parts for nuclear-powered carriers of the *Nimitz* class. Because these ships will have only two reactors instead of the eight reactors of the nuclear-powered carrier *Enterprise*, it is of great importance to have spare parts available to avoid a loss in operating capacity. Ordering the spare parts at the time the carrier is being constructed is the most economical method of procurement and the Senate conferees concurred in this clearly desirable addition.

The Senate bill included $183.6 million

for the procurement of four fast-deployment logistic ships that have become known as FDL's. The House bill deleted this authorization. After a detailed discussion of the merits of constructing this new class of ships, including the very stringent financial limitations that must be imposed this year, the conferees agreed that this authorization would be deferred without prejudice and consequently that this $183.6 million in authorization should be omitted now.

For the procurement of Navy and Marine Corps aircraft the conference recommendation is $150 million less than the amount authorized by the Senate. The conferees understand that slightly more than $150 million is available from unobligated appropriations for the canceled F–111B aircraft program and the expectation is that this $150 million can be applied to the procurement requirements of fiscal year 1969, making possible this $150 million reduction in authorization.

For research and development the Senate Committee on Armed Services had recommended a 3-percent reduction in the amounts to be authorized. The specific areas against which this 3-percent reduction would be applied would have been identified by the Department of Defense. In contrast the House had made specifically identified reductions. The conferees recommend a total authorization for research and development of $7,793,737,000. This is $81,739,000 less than the recommendations of the Senate Committee on Armed Services and $72,214,000 below the amount in the House bill.

For the Army's research and development program, which is a part of the total I have referred to in the preceding paragraph, the conferees concurred in specific House reductions of $10 million to be accomplished in military sciences and $20 million to be accomplished in the management and support budget activity. An additional $20 million reduction is intended to be accomplished from other budget activities that include funds for management and support effort.

Within the research and development appropriation for the Navy and the Marine Corps the conferees recommend that $170 million be available for appropriations for the development of the VFX–1 aircraft that will be the replacement for the canceled F–111B.

For the Defense emergency fund for research and development the Senate committee had recommended $121,250,000. The House bill deleted the authorization for such an emergency fund. The Department of Defense indicated that this fund has been a key factor in responding to urgent research and development needs for Southeast Asia. The conferees have agreed to recommend an authorization of $50 million for the emergency fund.

On title III, relating to the authorized strength for the Selected Reserve, the only difference between the conference recommendation and the Senate bill is that the prescribed strength for the Selected Reserve of the Navy is increased by 3,000, from 125,407 to 128,407. The conferees were informed that the Navy computes its requirement for the drill pay strength of the Selected Reserve as 139,000, about 13,000 more than the Department of Defense has approved. An increase of 13,000 could not be accomplished within fiscal year 1969, but it may be possible to add 3,000 during this fiscal year. The Senate conferees receded on this item.

The House bill extended for 1 year the authority of the President to order the Ready Reserve to active duty. Similar authority that was contained in the Defense Appropriations Act for fiscal year 1967 expired on June 30, 1968. This was the authority that the President used in ordering certain members of the Reserve to active duty following the *Pueblo* crisis. The conferees believe that continued existence of this authority is important and the Senate conferees agreed to its inclusion in this bill.

GENERAL PROVISIONS

The Senate version of the bill contained language adopted as a floor amendment that would require preference in Defense contract awards for contractors who agree to hire and train unemployed or low-income persons in carrying out the contract.

The Department of Defense urged the conferees to eliminate this provision because of the Department's opinion that the programs it is now pursuing in this area should be tried and evaluated before enactment of additional authority. The Department also indicated that for a firm to be eligible under current programs of set-asides for contractors who will employ disadvantaged persons from concentrated sections of unemployment or underemployment, the organization does not have to be within the confines of a designated area so long as it is near enough in terms of time, cost, and transportation to be reasonably accessible to persons from such areas. The Senate provision was deleted by the conferees.

The House bill had contained a provision requiring that preference be given in the award of contracts to commercial airlift for the Armed Forces to contractors with turbine-powered aircraft. In many uses turbine-powered aircraft is preferable to propeller-driven aircraft. Modernization is a desirable objective here, but the Senate conferees were reluctant to agree to a provision that would have caused an increased cost for the procurement of commercial airlift within the United States during fiscal year 1969 and they were also concerned that the contractors have adequate, unambiguous notice that preference would be given to those competitiors having turbine-powered aircraft. Following a lengthy and detailed discussion of the subject the conferees have agreed to recommend a provision to the effect that it is the sense of the Congress that as soon as practicable the Department of Defense should modernize the contract commercial airlift surfaces provided to the Armed Forces of the United States.

The House bill had contained a provision requiring the Secretary of Defense to sell surplus and obsolete military equipment to State and local law enforcement and firefighting agencies upon a request and certification by the Governor or his designee that the amount and type of equipment requested were necessary for the operation of the law-enforcement or firefighting agency. Although such items as weapons and small arms ammunition could once be purchased by State and local police and firefighting agencies from the General Services Administration, the executive branch of the Government stopped the sale of surplus property having lethal characteristics to State agencies in 1965. Since that time the Government has incurred expense in the disposal of surplus weapons that were in demand by local law-enforcement agencies.

The conferees were agreed that there should be safeguards on the procedures by which lethal equipment could be made available to local law enforcement and firefighting agencies. The House provision was modified to convert it from a mandatory to a permissive authority and to limit the kinds of items that could be sold to the local agencies. I wish to emphasize that this section of the bill limits these items to, first pistols; second, revolvers; third, shotguns; fourth, rifles of a caliber not exceeding .30; fifth, ammunition for these firearms; sixth, gas masks; and seventh, protective body armor that are suitable for use in carrying out law-enforcement and firefighting activities. The Secretary of Defense must prescribe the form and manner of the request to be made for such property and the Governor or a State official designated by him must certify that the requested equipment is necessary and suitable for the operation of the requesting agency.

The House bill contained a section that would prohibit the purchase, hire, or other acquisition of buses manufactured outside the United States except as such actions may be authorized by regulations of the Secretary of Defense to assure that this requirement will not result in uneconomical procurement or one that would adversely affect the national interests of the United States. The Senate conferees were informed that this amendment was adopted to encourage the use in the Far East of buses manufactured in the United States. The Senate conferees agreed to the inclusion of this provision.

The House bill contained a provision that adds to the existing law prescribing how certain contract negotiations are to be conducted, a requirement that in considering proposals on negotiated procurements the military departments will have to consider at least the ceiling prices proposed by all qualified bidders. This section apparently is intended to avoid a recurrence of the procurement procedure followed on M–16 rifles in which instance the price proposals from all four qualified bidders were not considered. This provision was agreed to by the Senate conferees, but until legislation on this subject has been considered by the Congress it is not intended that this language will operate to require the selection of architectural and engineering firms on the basis of price quotations. I understand that the Committee on Government Operations is considering whether there should be a change in the law on this subject as recommended by the General Accounting Office.

Another provision of the House version of this bill would have designated one of the seven authorized Assistant Secretaries of Defense as the Assistant Secretary of Defense for Health Affairs and it would also have created the statutory position of Deputy Assistant Secretary of Defense for Dental Affairs. The Secretary of Defense strongly opposed this provision because of his view that it would impair the organizational flexibility that now exists and that it would diminish the authority of the Secretary to manage the Department. This section was eliminated by the conferees but there was agreement among all the conferees that we were united in our desire to emphasize the importance we attach to the health and medical functions of the Department of Defense and our desire that the Secretary of Defense continue to respond to the health requirements of the Armed Forces with the organizational arrangements and responsible persons having the authority they need to function effectively. In short, there is no requirement that there be an Assistant Secretary for Health Affairs, but the conferees desire that special attention and interest be devoted to Defense health needs.

A related subject is the inclusion in the statement of managers of language expressing concern about the establishment of an Interdepartmental Committee on Federal Medical Affairs if such Committee should attempt to dictate the health and medical activities to be conducted within the Department or to attempt to control the procurement or assignment of members of the Armed Forces responsible for providing health care. The conferees are in complete agreement in emphasizing their intent that the procurement and assignment of military medical personnel not be subject to direction by officials of the executive branch who are outside and Department of Defense.

Mr. THURMOND. Mr. President, I was a member of the conference committee on S. 3293, the military procurement bill, signed the conference report and favor passage of the bill.

This is a sound piece of legislation, however, it does not contain some important things which I feel are important and should be pointed out to the Members of the Senate. It is vital that these matters be corrected if we are to preserve our national security.

As a member of the Preparedness Investigating Subcommittee of the Armed Services Committee, I participated in the hearings this year into the growing Soviet naval threat and the Department of Defense plans to counter it now and in the years ahead. Most of the testimony on this subject was highly classified but the overall conclusion I reached from what I heard was just plain shocking.

The Department of Defense has grossly underestimated the Soviet capability to develop and build advanced nuclear submarines while we have basked in the sunlight of a Pentagon propaganda barrage about how we must be careful not to have "too much defense". While the Soviets have given high national priority to building and improving their nuclear submarine force, our Defense Department "Systems Analysts" have been making "paper studies" that showed that our antisubmarine forces were more than adequate to cope with the Soviet submarine threat.

The hearings this year clearly brought out that this country's capability to cope with the Soviet submarine threat in time of war has been weakened by the policies of those in charge of the Pentagon over the past 7½ years. While the Soviets have been increasing the number and capability of their submarines, we have been building submarines of a basic design developed in the 1950's and there have been too few of these built.

The Pentagon planners have in recent years been steadily reducing the number of new nuclear attack submarines they request from six a year in fiscal years 1964 through 1966 to five in 1967, three in 1968 and two this fiscal year 1969. The plan they have submitted to Congress calls for stopping building nuclear submarines after two more in fiscal year 1970. This situation is absolutely absurd in the face of what the Soviets are doing.

On top of this, the Pentagon planners have announced that they are considering termination of the new design electric drive submarine authorized last year. The conference report makes it clear that Congress wants that submarine built as soon as possible. I call upon the Secretary of Defense to resolve this question quickly and get on with building this vital ship.

Further, nuclear powered surface warships—nuclear aircraft carriers and nuclear escorts—with their long endurance at high speed will have to form the backbone of our naval striking forces in the future because conventionally powered surface ships that are chained to the propulsion fuel logistics pipeline are sitting ducks for a modern nuclear submarine force.

I am distressed to point out that this fiscal year 1969 Defense authorization bill contains only two nuclear warships in the face of the growing Soviet submarine menace—two *Sturgeon*-class submarines. This is the smallest number of nuclear warships in any defense authorization request sent to the Congress by the Department of Defense since 1955.

It is clear, that unless we are ready to relinquish to the Soviets the control of the seven seas—and I for one am not ready to do so—we must proceed about the business of correcting the mistakes made during the past 7½ years by our Pentagon defense planners.

As a result of our subcommittee hearings, we in Congress have been taking steps to improve this situation in future years. We added to the Defense authorization bill this year funds for advanced procurement and research and development work on a new nuclear submarine propulsion plant for the new design high-speed submarine the Secretary of Defense has now agreed to build in the 1970 program.

We also added research and development funds for a nuclear propulsion plant for submarines to be built after 1970 to counter the future Soviet submarine threat. The bill specifically earmarks these funds for this purpose only. Delay in starting this urgent development must not be tolerated.

This bill also has advanced procurement funds for an additional nuclear submarine, a nuclear aircraft carrier, and two nuclear powered guided missile escorts the Department of Defense has promised to include in the fiscal year 1970 program. These five new nuclear warships are the absolute minimum program that we could accept next year in good conscience. I hope that our Defense planners will act in the national interest and recommend next year the vigorous nuclear warship development and building program that is needed to keep this country safe in the face of the Soviet submarine threat. If they do not, it will again be up to the Congress to take the lead, as we have had to do in past years, to get nuclear submarines and surface warships for our Navy. Our Nation's security must not be compromised.

Mr. STENNIS. Mr. President, I shall be glad to attempt to answer questions about the conference recommendations. If there are no questions I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the conference report.

The report was agreed to.

THE RESPONSIBILITY OF THE NEWS MEDIA

Mr. McGEE. Mr. President (Mr. BYRD of West Virginia in the chair), I wish to address myself to a question that many Members of the Senate have been discussing in recent days.

It is now 2 weeks since the end of the Democratic Convention in Chicago; and I believe that, wisely, we all have felt we should reflect very carefully about what transpired there. We have been talking about the overreaction of police, the overreaction of hippies, the overreaction of politicians, the overreaction of the press and communications media. I wish to address myself for a moment to the problem of the news media

The reason I say that, Mr. President, is that we are getting many demands that somebody do something, and it is important, if somebody does something, that that somebody do the right thing.

My appeal today is to the news media itself to begin its own searching inquiry into its own problems and conduct in regard to national political conventions, and this should include both national political conventions. It goes without saying that problems arose with the media, within the media, and because of the media in both conventions, and we need the best expertise we can mobilize if we are to arrive at wise answers. I have spoken with many people in the media, and they are divided on this question. Many of them want some soul-searching on their own part.

The Members of this body are sometimes inhibited, I suppose, in making such suggestions themselves, because we depend upon the media for carrying our words. But I hope that in this instance the media, itself, can enrich the knowledge of Congress with its own deliberations, its own dialogs, and perhaps some suggestions from within its own ranks with respect to future procedures at those conventions. I should like to make two suggestions at this time in order to get that discussion started.

The first suggestion that I believe we should discuss carefully in very public ways is the presence of the media on the floor of the convention. It seems to me that presence is seriously open to question.

I was a delegate to that convention; I sat on the floor of the convention hall. I was unable to see what was going on at the rostrum, not because of the location of my seat, but because the aisles were completely cluttered by one form of media or another trying to set up a story, an incident, or to get a film going.

On one occasion, as chairman of my delegation, I had to communicate with another delegation and I could not reach them or get to them. It was simply impossible to negotiate passage through the mass of news personnel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I was addressing myself to two suggestions I have to make as a way of starting discussion within the news media itself as to a code of procedure to be followed at future national political conventions.

The first suggestion has to do with the presence of the news media on the floor of the convention. I appreciate the problem of trying to get as close as possible to where the news is being made. However, I submit that the floor of the convention should belong to the delegates and that the business of the delegates and the discussions by the delegates should have priority consideration.

It seems to me quite obvious from the convention in Chicago, and I think the same observation is true with respect to Miami, that the confusion on the floor of the convention, which was bad enough with so many delegates, was compounded many times over by the activities of the news media.

I do not see that my suggestion infringes on anybody's freedom or anybody's right to report. Newsmen do not belong on that floor any more than they belong on this floor, or on the floor of any orderly body which is trying to transact business or make policy decisions.

I believe it is within reason to make this proposal. If the news media needs to talk to Shirley McLaine, Paul Newman, or the head of a delegation that person could be summoned off the floor of the convention, as is done here. If they need to have a little excitement they can step out into the hall. Let us not make the condition on the floor worse than the very nature of a political convention makes it.

I would then add a second suggestion worth considering. At future political conventions in this age of television we should consider closing the galleries and moving the public gallery to the living room through the television screen. I think we have to catch up with the change in times. I think that an open gallery no longer serves its basic purpose as it did at the time of its origin.

I think the audience in the gallery is so massive and complex that it is better relegated to television reception. Perhaps it would be best to turn specified areas of the gallery over to the television media and the radio media and to let reporting come from that position.

I think likewise that to take this step in that direction would eliminate much of the controversy we inevitably encounter about packing the gallery, whether it be with those who favor Mayor Daley, Senator McCarthy, Senator McGovern, or the contenders in Miami. Galleries no longer serve a meaningful purpose in convention procedures in trying to nominate a national candidate for the political parties of this country.

Mr. President, I offer those two suggestions as a starting point for discussion with the news media and for discussion among those who belong to the news media.

I hasten to add that a number of the comments I hear demand, for example, that the Government take over, let us say, television reporting or news coverage are frightening. I do not want this approach and I do not think it would serve our best interest. However, I think one might find a bit of heat building up in that direction and it would be the better part of wisdom that we try as calmly and as coolly as we can to carefully study the role of the news media and its proper relationship in the reporting of national conventions.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from Louisiana who himself expounded very skillfully on this question several days ago.

Mr. LONG of Louisiana. Mr. President, the result of the Chicago Democratic Convention would seem to dictate that in the future the party, and the Democratic Party in particular, should arrange to have its convention televised under its own direction and control.

We try to choose a presiding officer who will be fair in recognizing those who speak for both sides of an argument and those who speak on the issues. Yet the commentators would proceed to pick up some little dissident on the floor who was angry about the fact that he did not have his credentials with him, or because he was not able to reach the floor, or some delegate who was angry about the way the vote had gone and he wanted to burn up his credentials. The commentator would pick out some person who was angry because the security people insisted on seeing what a lady had inside that large handbag she had with her, which could have been for the purpose that we not have another candidate assassinated at that convention. That would not be explained, but instead the commentator would relate whatever he pleased.

It would occur to me that if the television networks did not want to make time available we could go out and find commercial advertisers to buy the time and let the party present its case rather than to have the commentator present what he, rather than the party holding the convention, would like to have the public see.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection to the request that the Senator be recognized for an additional 5 minutes? The Chair hears no objection and the Senator from Wyoming is recognized for an additional 5 minutes.

Mr. LONG of Louisiana. Mr. President, it does seem to me that when the Democratic Party thinks enough of someone to recognize a person, hopefully to address the entire Nation about some very important issue which might involve life or death for the entire free world, the man should be heard rather than to have the camera taken off of him and because of some little peccadillo that amounts to absolutely nothing, and when we find out what the whole facts are, it amounts to less than that. When the people tune in on the debate of a national party convention, they should be able to see and hear the discussion of the issues before that great national party, whether it be the Democratic or the Republican Party and decide for themselves whether it is thoughtworthy of public attention, rather than some unknown person quarreling on television about something that happened that has nothing to do with the issue that was to be debated on nationwide television.

With all due deference to the commentators, they are on television day in and day out. I have high regard for Walter Cronkite and Huntley and Brinkley, but they are on television almost every day.

One would think that once in a while the public could have the opportunity to listen to the Democratic Party presenting to the people its arguments on the issues, and what the Republican Party thinks about the same kind of issues. Let the news media go ahead and do just that, instead of substituting to what Walter Cronkite thought about something, or a few news accounts picked out by Huntley and Brinkley. We should try to arrange it so that the public can decide the issues, based on how the people elected by the American people in the two major parties who were running for office on those issues thought about the matter.

Mr. McGEE. I appreciate the comments of my good friend from Louisiana which illustrate the importance of getting the discussions and the dialog going at great length. I think I would tend to lean the other way from his suggestions, but I would have to think about them more.

In other words, I am willing for a convention to be exposed to the judgments of the news media. I think there has to be responsibility there, too, of course. That is why I hope they will freely discuss this among themselves.

In this day and age, with our people becoming increasingly sophisticated about these matters, we should be willing to run the gamut of the searching eye of the camera without our staging it or in terms of selecting what it is the public should see. I am willing to run that risk. Yet I think we have a right to expect something a little better than we got this summer.

I am willing to concede that this is all new. We have never had this kind of melee before with so much of the mingling of news media and delegates. But we learn from it. I hope we have learned from the last two conventions—at least, how not to do it, and what we have a right to expect in the way of doing it more wisely in the future.

Mr. LONG of Louisiana. The Senator from Louisiana was on his way to the convention hall while the debate on the most controversial issue to be presented before the convention was in progress and, naturally, I wanted to know how the debate was progressing and then how the vote was going. Very little of that could I glean from the automobile radio. I was tuned in to NBC, but all I could hear was someone quarrelling about the fact that the security regulations were too tight with regard to who could or who could not enter the hall as a delegate.

From my point of view, and I think from the point of view of the delegates, those security regulations were not too tight. One could give his credentials to his wife, or someone else, to go into the hall. Anyone else could do that, I imagine, because no one had any difficulty doing that in our delegation. It was simply a matter that whoever went into the convention hall must have a delegate badge and the necessary card which had been entrusted to them by someone who was a delegate, so that they could get onto the floor of the convention.

To spend all that time on television fiddling and faddling about something like that, over nationwide radio hookups, and on television, when the people of this country wanted to know what was being said in the debate on the floor of the convention hall and how the vote was going, was patently ridiculous.

Being on my way to the convention hall and trying to hear the convention proceedings, wanting to know what was going on there, I certainly wanted to know what was being said in the debate, and how the vote was going. In the future we should offer the public the opportunity to listen to the issues being discussed without taking it off the air to hear all those extraneous, irrelevant, immaterial, and inconsequential matters.

Mr. McGEE. I want to say to my good friend from Louisiana that I, too, wish we could reach that level. However, the only one I would trust to set such standards would be myself.

That raises the real, central point. I am most reluctant to set up a condition whereby arbitrarily we would prejudge, preselect, or precensor that sort of thing. We have got to run the gamut there. A great deal of the responsibility for that must remain in the hands of the news media themselves. I believe that rests implicitly in our freedoms, but it is a freedom which must be accompanied by a sense of responsibility.

Mr. MURPHY. Mr. President, will the Senator from Wyoming yield? I have a great deal of interest in this matter, and have been trying to get the floor to talk about it.

Mr. McGEE. I am happy to yield to the Senator from California, and would ask unanimous consent for an additional 5 minutes to finish my two or three comments, and to yield to the Senator from California, who will elevate this colloquy because he has participated in these things before and I am happy to have him join in it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. I appreciate the Senator's yielding to me. He has wisely pointed out that the conditions of communications in this country have changed. However, they are not really new. I have attended six Republican conventions, and have been in charge of the programing at four of them. The first thing that must be decided from the standpoint of programing is whether the convention is to be held for the purpose of selecting presidential and vice presidential nominees, or whether it is to be staged for the benefit of the news media.

In 1956, I discussed this with President Eisenhower. I explained, that a very small number of men decide what is exposed on the networks at all times and he and I agreed that the Republican convention that year was to be a matter for the Republican Party. Yet, it can only be a matter in the hands of the Republican Party or the Democratic Party, as the case may be, insofar as what takes place inside the hall. Once the proceedings go into the electronic tube, it is completely under the control of the network monitors.

The Senator from Wyoming has raised a very important point. There is enough confusion in the country now so that I would suggest the establishment of a bipartisan committee of knowledgeable and sincere persons, thinking primarily of what is most proper, most equitable, and most enlightening in the use of the news media, to bring the thoughts and the basic principles of the two parties to the attention of all the people of this country.

I would recommend that such a committee be set up immediately, to meet with the networks and the heads and policymakers of both parties, and to see if they cannot find a better way to enlighen the electorate, so that the people can properly exercise their right to vote.

I commend the Senator from Wyoming for raising this point. I also commend the Senator from Louisiana [Mr. LONG] who is most knowledgeable on these matters.

This is something which should be discussed. I do not think the time has passed. We have worked on it before and it is obvious that the time has come for further consideration.

Mr. McGEE. Mr. President, I want to thank the Senator from California for contributing, through his experience, to this discussion here on the floor.

I would just like to leave one other thought in connection with his remarks. As we all focus on this problem, I believe we would have a better chance of offering more constructive suggestions if, instead of arraying a bipartisan group at this stage—I think that should come along later—sitting against the media, the media took into consideration what ought to be done in its own presence, in its own closet, and came to grips with the question as they see it. I believe it would be possible to arrive at some enlightening suggestions, perhaps guidelines or a code of procedure.

Perhaps that would give us something to offer in the political arena, and we would have advanced the discussion considerably. That is what I suggest this morning that the media could do and serve a noble cause by raising the political sophistication of our people, instead of having such studies as have been suggested at the present time.

Mr. President, I have asked for these additional few minutes just to make the last point. I turn to it very briefly.

The PRESIDING OFFICER. The time of the Senator has expired. Does the Senator from Wyoming seek additional time?

Mr. McGEE. Yes. I thought I was covered sufficiently to raise my third point.

The PRESIDING OFFICER. How much time does the Senator wish?

Mr. McGEE. Whatever time the Chair sees fit to grant.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wyoming be yielded an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. I thank the majority leader.

Mr. President, the last thing I want to suggest is that, with all the concerns we already have, we are already dumping the convention system out the window. I suppose the most common suggestion being made is, "Let us scrap the convention system and go to a national presidential primary." Other suggestions have been made, but the most common one is that of a national presidential primary.

I think we ought to go slowly with that approach. I think we ought to make a searching inquiry into that alternative. Sometimes it is considered a delightful prospect because it sounds so simple, but we should not let its simplicity alone be a substitute for a proven system. I am not objecting to accepting a presidential primary if we thoroughly explore it and also build in safeguards for problems that worry me at first glance.

For example, with all its clumsiness and confusion at times, the convention system is not without substantive contributions. In this process the two parties, in this modern day, at least, always manage to surface to the top, to the nomination, somebody with solid credentials. I am not sure that will be true of any presidential primary proposal I have seen up to now. It might be all too possible to find a popular, late-night television personality, on a pepped-up campaign, because he wears well the first time around, because everybody knows him and has heard his name. I am not sure we want that kind of system at this stage of the debate to lend itself to that circumstance. I think the proposal of a national presidential primary would lend itself to those with great wealth or persons or groups that can accumulate great wealth. Therefore, I think that proposal requires a very searching look.

Out in the West we have a very old saying. We are very sensitive about fences, and, generally, we do not like them. But whenever we find a fence, we say do not take it down until we find out why it was put up in the first place; there may be a good reason. Before we dismantle the convention system, I think we ought to try to understand what it contributes, and then refine and update it as best we can. I think we took meaningful strides in that direction at the last convention, but they were lost to the TV audience. Very little of what transpired in the way of reforms emerged from coverage of the convention. I think they stand tall as significant changes, but they have not "hit" yet in the public image. So we ought to move more cautiously in this proposed direction. In so moving I return to my opening plea to the media, that a very constructive bit of the direction in the whole process of searching for wisdom can and must come from the media themselves and they should start with themselves, with each other, in their own profession. That involves a kind of willingness to do a little soul searching.

We would then expect that the Congress, the political parties, other interested groups, would be willing to match it and do the same thing, and then, together, we can rectify some of the shortcomings that have become more flagrant and more conspicuous in these days of television than ever before, and which are perhaps long overdue. I hope we will not have to be making this kind of speech 4 years from now.

REINSTATEMENT OF CERTAIN OIL AND GAS LEASES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1503, H.R. 16880.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16880) to authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gas leases (BLM-A-068348 and BLM-A-068348(C)).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1511), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF MEASURE

The purpose of H.R. 16880 is to authorize the Secretary of the Interior to do equity, if he finds the facts warrant such action, by reinstating two Federal oil and gas leases covering some 318 acres in the State of Mississippi. These leases were terminated automatically under present law for a deficiency of $1 in the total rental for the third and fourth years of the leases, although the lessee paid the full amount that was billed to him by the Department of the Interior.

BACKGROUND OF PROPOSED LEGISLATION

On November 1, 1963, the Bureau of Land Management issued lease BLM-A-068348 to David Miller. It covered 476.77 acres of land in Smith County, Miss. Effective January 1, 1964, Miller made a partial assignment of the lease to Pan American Petroleum Corp. The partial assignment covered 77.85 acres. Effective February 1, 1964, Miller made another partial assignment to Sun Oil Co. This assignment covered 80.67 acres.

After these assignments were made 318.25 acres remained in the base lease. However, the Land Office miscalculated the acreage in the lease and billed Miller for $158.50 for 316.10 acres rather than the correct amount of $159.50 for 318.25 acres. Miller's payments for the third and fourth years' rental were therefore deficient by $1 each. This error apparently occurred because the Land Office treated the first partial assignment as being one of 80 acres rather than the correct 77.85 acres.

Effective February 1, 1967, Miller made another partial assignment to Phillips Petroleum involving 238.51 acres (identified as lease BLM-A-068348-C). Phillips Petroleum tendered $120 as payment on October 9, 1967. However, the assignment was a nullity because the base lease had already been terminated automatically by operation of law for failure of the lessee to pay the full amount of the rental timely.

Section 31 of the Mineral Leasing Act of 1920, as amended, provides that the failure of a lessee to pay the full amount of the rental on or before the anniversary date, with respect to any lease on which there is no well capable of producing oil or gas in paying quantities, terminates the lease automatically. The Department of the Interior has uniformly held that the Secretary has no discretion and that it matters not that an error in billing the lessee, as in this case, was the fault of the Government. Consequently, even though the lessee paid the full amount called for by the Government, the oil and gas leases were terminated.

Clearly this is a harsh result, particularly when the error was not due to any action on the part of the lessee as seems to be the case here.

The committee points out that H.R. 16808 fully protects the public interest. It requires that all back rental be paid at the time application for reinstatement of the lease is made. It requires, in addition, a showing that the failure to make timely payment was justifiable or not due to lack of diligence on the lessee's part before the leases are reinstated.

COST

Enactment of H.R. 16880 will not require any additional budgetary expenditures.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 16880, as amended.

FACE THE NATION PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may insert in the body of the RECORD the transcript of the TV program "Face the Nation," on which I appeared with Mr. Martin Agronsky, Mr. Mel Elfin, and Mr. Roger Mudd, on Sunday last.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

(Broadcast over the CBS Television Network and the CBS Radio Network, Sunday, September 8, 1968)

Guest: Senator MIKE MANSFIELD, Democrat of Montana, Senate Majority Leader.

News correspondents: Martin Agronsky, CBS News; Mel Elfin, Washington Bureau Chief, Newsweek Magazine; Roger Mudd, CBS News.

Director: Robert Vitarelli.

Producers: Sylvia Westerman and Prentiss Childs.

Mr. AGRONSKY. Senator Mansfield, you told the President at the end of this week that you didn't think the Senate could muster the two-thirds majority required to confirm the appointment of Abe Fortas as Chief Justice of the Supreme Court. Now, as the Senate Majority Leader, isn't that a concession of defeat on your part, even before the fight has moved to its climactic point in the Senate?

Senator MANSFIELD. Oh, I didn't tell him quite that, Martin. I told him it would be difficult, and it will be.

ANNOUNCER. From CBS Washington, in color, "Face the Nation" a spontaneous and unrehearsed news interview with Senate Majority Leader Mike Mansfield, Democrat of Montana. Senator Mansfield will be questioned by CBS News Correspondent Roger Mudd, Mel Elfin, Washington Bureau Chief of Newsweek Magazine, and CBS News Correspondent Martin Agronsky. We shall resume the interview with Senator Mansfield in a moment.

Mr. AGRONSKY. Senator Mansfield, you say that it is going to be difficult to get confirmation of Mr. Fortas as the Chief Justice. Does that mean you think it is possible? And, if you do think it is possible, how do you attempt to go about it?

Senator MANSFIELD. Yes, I think it is possible, but there are so many unknown factors—who will be there, who will be away campaigning, who will be in the hospital, and so forth and so on—that you just can't tell what is going to happen. First, you have got to get it out of the Judiciary Committee. There may be a filibuster there. I don't know. There will be a meeting Tuesday. And, then, if there is a filibuster there, that means further delay. If you finally get it out, then there will be a filibuster on the floor. And it is my intention to get the nomination to the floor if at all possible, and, if need be, I am prepared to move to discharge the committee at an appropriate time.

Mr. ELFIN. Senator, if you can't achieve cloture and you can't get the nomination out of the committee, would you recommend to the President that he withdraw the nomination of Mr. Fortas as Chief Justice?

Senator MANSFIELD. I would not.

Mr. MUDD. Well, how long can it go on, Senator? If you do get it out of the committee and you try to break the filibuster, once, twice, and fail both times, you still wouldn't recommend that it be withdrawn?

Senator MANSFIELD. Well, no, and this Congress, incidentally, will be in session, if need be, until noon, January 3, 1969.

Mr. MUDD. Well, you are prepared, then, if the House and the Senate do their appropriation work, to bring the Senate back after election.

Senator MANSFIELD. If need be.

Mr. MUDD. Would the chances be any better for confirmation after the election?

Senator MANSFIELD. Probably not, but I think we have to make every effort and then decide what, if anything, we should do.

Mr. AGRONSKY. Well, suppose Mr. Nixon were to win, would you want the Senate to come back then?

Senator MANSFIELD. I should think Mr.

Nixon ought to strike a blow for liberty and the separation of the powers in the government by coming out and really giving his support to Mr. Fortas.

Mr. Elfin. If Mr. Fortas is not confirmed, would you anticipate that, in the event of a Nixon Presidency, the Democrats would treat some of his appointees with comparable scrutiny?

Senator Mansfield. Oh, I would hope we wouldn't become political. But I would point out that if Mr. Fortas is not confirmed, he still stays on the court. It means also, on that basis, that Mr. Warren will stay on the court. And, instead of getting Mr. Warren off the court, as so many of these people opposed to him seem to want to do, what they are doing is everything to keep him on the court. If Mr. Fortas is confirmed, it means that Warren will go off the court; Fortas will stay on, get a $500 raise, and become the Chief Justice, with additional administrative responsibility, and then a middle-of-the-roader, in Thornberry, of Texas, would take the vacancy as an Associate Justice.

Mr. Mudd. That has been the argument all along, Senator, directed at the southerners, that if they really want to get rid of Earl Warren, they had better take this package deal, as it is referred to. But it hasn't cut, has it?

Senator Mansfield. No, and if they want Warren to stay on the court for an indefinite period of time, or a long period of time, in my opinion, the one thing to do is to carry on the opposition against Fortas, who is an able man, extremely intelligent, a keen student of the law, and a man whose decisions I think have been based on the interpretation of the law and not on extraneous factors.

Mr. Mudd. You mean, then, that if Fortas is not confirmed, that Chief Justice Warren will tear up his resignation letter and stay on through——

Senator Mansfield. That is my opinion, because the resignation was on a conditional basis.

Mr. Agronsky. Has he indicated that to you?

Senator Mansfield. No.

Mr. Agronsky. No?

Mr. Elfin. Do you feel that the opposition to Mr. Fortas is based largely on constitutional issues, or is it based on other issues? Is there a flavor of anti-Semitism or partisanship in this opposition to Mr. Fortas?

Senator Mansfield. There is absolutely no anti-Semitism involved. That charge has been raised. I think it should be quashed once and for all. That has nothing to do with Mr. Fortas' qualifications on the part of those who are opposed to him.

Mr. Agronsky. Senator, you know that the President himself raised on Friday the similarity between the opposition to Mr. Fortas this time and the opposition to Justice Brandeis in 1916. The President raised it.

Senator Mansfield. There is no anti-Semitism involved.

Mr. Mudd. A moment ago, Senator, you said that at the appropriate time you would consider moving to discharge the Judiciary Committee. How much time do you give yourself before you do that?

Senator Mansfield. Well, I will have to wait and see how things develop this week. Senator Eastland has called a meeting for the Judiciary Committee on Tuesday. It is thought that a quorum will be present at that time. It is possible, if there is no filibuster, that the nomination may be reported out. But I certainly think the Senate ought to have a right to face up to the President's request and that the President is entitled to the courtesy of an up-and-down vote on this nomination, if at all possible.

Mr. Agronsky. Can you force it out of Committee, and how?

Senator Mansfield. We can try, but even a motion to discharge is subject to unlimited debate.

Mr. Mudd. So you are really boxed in on the thing, aren't you?

Senator Mansfield. We are in a difficult position.

Mr. Agronsky. Now, Senator Morse has raised a point—and I wonder what you think of it. He said that the Senate can and will confirm Fortas if the leadership will abandon the cloture procedure—you being the leadership—requiring a two-thirds vote, and force around-the-clock sessions to bring the nomination to a simple majority vote. Now, what about that technique?

Senator Mansfield. Well, I am afraid that it would not be achievable because of the fact that the opposition might well be better organized than those who would favor the nomination of Fortas. Others, of course, would be away campaigning or doing other things which would take them outside of Washington. As far as around-the-clock sessions are concerned, they are out.

Mr. Elfin. Senator, on the remaining agenda for Congress, the other major controversy pending is gun control. How do you think that is going to come out?

Senator Mansfield. Well, to be frank about it, I think that if we get a bill just about as strong as that passed in the House, that bill be the best that we can expect.

Mr. Elfin. Some people say "as weak as that passed in the House."

Senator Mansfield. Either way.

Mr. Mudd. Senator, just suppose Senator Edward Kennedy were to make an appearance in the Senate this coming week, do you think his influence might result in strengthening the gun bill?

Senator Mansfield. It would help.

Mr. Mudd. But you are not in favor of strengthening it?

Senator Mansfield. Oh, yes, I am. And I think that if Senator Kennedy showed up, he would, as always, add added strength to any cause which he advocates.

Mr. Mudd. Well, in your observation of the interest exhibited by the White House, do you think that the White House is now so determined to get the Fortas nomination through that it is not showing identical interest in the gun bill?

Senator Mansfield. Not at all. I think the President is just as strongly for the administration gun bill as he was before. And, incidentally, to do away with any implication which your previous question may have raised, I am one of the co-sponsors of the Tydings bill.

Mr. Mudd. Well, I didn't mean to misrepresent your position. I thought that you were not in favor of the strongest gun bill that had been proposed, that you were——

Senator Mansfield. I am not in favor of the administration bill. I think it goes entirely too far. I am very much in favor, and am a cosponsor of the Tydings bill, which I think is the best bill of all those introduced, which is the most reasonable and which recognizes the rights of the States, if they will, to first pass gun legislation in their own sovereign areas and, if they do not, then, for the Federal Government to take up the question.

Mr. Agronsky. Senator, could we turn to another area, to your party's candidate for the presidency, the Vice President, Mr. Humphrey. You have repeatedly advocated a bombing halt.

Senator Mansfield. That is right.

Mr. Agronsky. Mr. Humphrey has repeatedly said that that is impossible without some reciprocal gesture on the part of the North Vietnamese. Yet, you say you can support Mr. Humphrey, in the platform and his candidacy. Do you find any inconsistency in that position?

Senator Mansfield. Some, but I can accommodate myself to it. I made my position very plain, that in my support of our candidate and the party, that I have not changed my position on Vietnam one bit, nor do I intend to. However, we must keep in mind the fact that, as far as the conduct of the foreign policy of this country is concerned, it is the prerogative of the President, under the Constitution. And I would be very hopeful that, if Hubert Humphrey were elected, there would be, at an appropriate time, a change in policy which now is—which would be somewhat different from that which is now being carried out by the Executive Branch, of which Mr. Humphrey is a part, on the basis of its responsibility.

Mr. Agronsky. Senator, I am very curious about the way everybody keeps saying that there will be a difference in Hubert Humphrey's policy, if he is elected.

Senator Mansfield. I am saying that I hope there will be a difference as far as Vietnam is concerned. And conditions may change to such an extent that there will be. Nobody can tell.

Mr. Agronsky. What would you base that hope on? What has he ever said? Has he ever said anything to you privately which would indicate that he would feel different about it than he says publicly?

Senator Mansfield. Never.

Mr. Agronsky. On what do you base the hope that there would be a change?

Senator Mansfield. Perhaps the wish is father to the thought.

Mr. Elfin. Senator Mansfield, you have long been an advocate of decreasing American military strength in Europe. In view of the Soviet invasion of Czechoslovakia, do you still think that we should withdraw two or more divisions from Germany?

Senator Mansfield. Not at the moment. But I do think we ought to continue the withdrawal of the 24th Division, which is being withdrawn on a rotatable basis. I do think, however, that basically we have to reconsider our position in Western Europe at an appropriate time. I do think that all our NATO allies ought to fulfill their commitments, and not a single one of them have in all the twenty years that NATO has been in existence. And I think the primary responsibility should not fall on us but should fall on our allies, who are there in the immediate area of concern, who are in a better economic position than we are, and who are fully capable of meeting the requirements which they have agreed to under the NATO Agreement.

Mr. Elfin. Well, the NATO agreement comes up for renewal next year. What kind of changes would you advise, and what would you advise the President about France and the question of deGaulle?

Senator Mansfield. Who could advise anyone on de Gaulle? De Gaulle makes his own decisions. He is the all highest in his domain. I think he has conducted a pretty sound policy, as far as France is concerned and, frankly, I have nothing but admiration for him. That doesn't mean I approve of what he has had to say about Quebec or his keeping Britain out of the Common Market. But, outside of that, I think he has been a great man, a great statesman, a great leader. But we can't tell our allies what to do. I don't think we have ever tried to. But they seem to be able to tell us what to do, and we seem to fall in line with their desires and put ours to one side.

Mr. Elfin. Are you suggesting, therefore, that we say, in a sense, "Unless you put up, we are going to pull out?"

Senator Mansfield. We can't do it at the moment because of the Czechoslovak crisis. But I think at an appropriate time we ought to think of a D&D formula, that is, the withdrawal of one division and dependents a year.

Mr. Agronski. Senator, you have pointed out, in a much discussed speech that was in Arkansas, that, as you put it, "American resources have been drained away by dangerous, wasteful, irrelevant commitments to other nations"—a very critical statement on U.S. foreign policy. How do you feel about that today? Do you think that any of the criticisms that you have raised have been recognized and will be met by Mr. Humphrey, for example, by your party's candidate?

Senator MANSFIELD. Oh, I think that President Johnson is looking into this question. He has created a committee to look into this this question of overseas commitments and see what can be done to withdraw from some areas without any harm to our policies. And I am very hopeful that, on the basis of the findings of this commission, or committee—which I understand, will not be available until next year—that some of the 140 or 150 bases which we have in all parts of the world, on every continent, as a matter of fact, can be reduced, and that this tremendous dollar drain, this strain on our resources and manpower can be mitigated to some extent.

Mr. ELFIN. Do you feel that this is in any way a new isolationism?

Senator MANSFIELD. No, I think that is a bogeyman that has always grown up when somebody advocates a change in policies which may have been good twenty years ago but which are not so good today. Too many of our people seem to not recognize the fact that the world has changed. They don't want to change with the world, they want to adjure themselves to policies which were good one, two, or three decades ago. And when you try to step on their pet policies, they raise the cry of isolationism, neo-isolationism—not at all, it is a matter of recognizing our resources, our manpower, just what we can do, and to also recognize the fact—to use an outworn phrase—that we are not the world's policeman and we cannot fill voids.

Mr. AGRONSKY. Well, do you think that was recognized by the platform of your party at the convention in Chicago?

Senator MANSFIELD. I think so.

Mr. AGRONSKY. It doesn't spell it out in the way that you raise it. You seem to have a fundamental difference, really, with the party position on foreign policy.

Senator MANSFIELD. Oh, I think it spells it out that way. It is a matter of interpretation, and I think I have interpreted it correctly, as the Platform Committee intended.

Mr. ELFIN. How would you apply your doctrine of America's commitments around the world to the foreign aid program each year?

Senator MANSFIELD. I think we ought to gradually reduce ourselves out of the foreign aid program. I am happy that we reduced it last year. I think it is good policy to reduce it this year. I think we ought to be more selective in our aid programs I think we ought to concentrate more on economic, people-to-people programs, and less on military assistance and the like. We have been pretty generous with our largesse, and since the end of the Second World War we have put out, in the form of foreign aid, in excess of $130 billion.

Mr. MUDD. Senator, now that the convention and its plank have been brought up can we talk about the Chicago convention——

Senator MANSFIELD. Sure.

Mr. MUDD. The Democratic Convention.

Senator MANSFIELD. Anything you want.

Mr. MUDD. What was your opinion of that convention?

Senator MANSFIELD. I thought it was a disgrace.

Mr. MUDD. Why?

Senator MANSFIELD. Well, there was—I don't like to see older people acting like youngsters. I don't like to see them going around with balloons or shouting and wearing this or that kind of a hat. I don't like conventions, period. I think we ought to have national primaries instead. The conventions ought to be done away with, and in their place there might be a mini-convention brought into operation after the people—not the delegates, the people—have had a chance to make their selections for the major parties. And that convention could be made up of the State Chairmen and State Chairwomen, the National Committeemen and the National Committeewomen, the Nominees, and the national party to determine then what the platform should be.

Mr. MUDD. The two main criticisms—if we can stay on that for a minute—leveled against the national primary would be that the winner would be the richest man, that a man of moderate means couldn't possibly afford a national primary campaign.

Senator MANSFIELD. Well, I would doubt that, because it appeared to me that the poorest people who conducted primaries, in these happenstance States which have them, were able to get enough money to carry on their programs. I would think, incidentally, that the money would be forthcoming, at least it seems to have been forthcoming in this campaign, on the part of people who had little themselves to start with.

Mr. MUDD. The other cricitism was that supplanting the convention with a primary would eliminate the reason for having a party in the first place, that all the chairmen and the local office holders would just break apart.

Senator MANSFIELD. Not at all. I think they ought to beef up the state party organizations, as well, and bring more democracy in the states as well as in the Nation.

Mr. AGRONSKY. Senator, you said that you regard the convention as a disgrace. You meant in terms of the way, as you explained it, of older people acting in a frivolous manner.

Senator MANSFIELD. Oh, that is only part of it. I think it is an extravaganza. I think it is futile. I think it doesn't express the will of the people.

Mr. AGRONSKY. Let's address ourselves to another part of it, the way that the demonstrations were dealt with by Mayor Daley. What did you feel about that?

Senator MANSFIELD. Well, I don't think you ought to blame the majority of the police or the majority of the demonstrators. There were those on the demonstrating side who really did try to provoke violence. And there were those on the police side who did overreact and, in some instances, lose their heads and unduly harshly. And, then, I think also that we ought to get away from this matter of black and white in looking up at a picture or a given situation, and recognize that there are large areas of grays in between. And we shouldn't castigate all these youngsters, on the whole, for what happened. We shouldn't castigate all the police, on the whole, for what happened, because you had idealists on the one hand who were involved, and you had good, hard-working, honest, capable policemen on the other.

Mr. ELFIN. Would you agree, then, with those who charged that the coverage of the violence by the press and the television media was one-sided and biased against the police?

Senator MANSFIELD. Oh, I think the press and the TV and radio did the best they could, under the circumstances available to them.

Mr. AGRONSKY. You don't accept Mayor Daley's castigation of television and the press and radio?

Senator MANSFIELD. I haven't read what Mayor Daley said. I don't know what he said.

Mr. AGRONSKY. Well, he——

Senator MANSFIELD. But I have given you my opinion, and that is all that counts, as far as I am concerned.

Mr. MUDD. In terms of political profit or liability, what has that convention in Chicago done to Hubert Humphrey's chances?

Senator MANSFIELD. I think it has hurt the Democratic Party's chances.

Mr. MUDD. Was it a mistake, do you think, Senator, to have gone to Chicago in the first place?

Senator MANSFIELD. I never thought we should have gone to Chicago. I thought we should have gone to Miami, so that the two major parties could have had their conventions in the same city and on the same site.

Mr. AGRONSKY. Senator, you are very expert as a political analyst and observer——

Senator MANSFIELD. I am not, but ask the question anyway.

Mr. AGRONSKY. Well, let's ask it anyway. How is this election going? Who do you think is going to win?

Senator MANSFIELD. Oh, it is going to be a very tough election, and I think, as of the moment, it will be up-hill for the Democrats.

Mr. ELFIN. Is there any—in your own home State, for example, do you detect any Wallace strength among the lower and middle-class people?

Senator MANSFIELD. Yes, I think that the strength of Wallace will surprise a lot of people. He is going to hurt both parties. In the South he will hurt the Republicans; in the North he will hurt the Democrats.

Mr. MUDD. Why do you say it will be up-hill for the Democrats, Senator?

Senator MANSFIELD. Well, it is——

Mr. MUDD. You have got the majority of the registration, don't you?

Senator MANSFIELD. Well, that's right, but we have had that in other years and it has still been up-hill, but it is just my personal opinion that as of now it is an up-hill fight for us.

Mr. AGRONSKY. What do you think is hurting the——

Senator MANSFIELD. But that shouldn't hurt us too much because it should make us fight that much harder and be a little more reasonable in our outlook.

Mr. AGRONSKY. What do you think is hurting the Democrats most?

Senator MANSFIELD. I think Vietnam is having its effect, law and order, the feelings against the court, and the types of campaigns being carried on by Wallace and Nixon.

Mr. AGRONSKY. How do you mean that?

Senator MANSFIELD. Well, they are concentrating on crime in the streets, order, and so forth. And because of the difficulties which have been the norm over the past three or four years, that situation has taken root.

Mr. MUDD. Do you equate the Wallace campaign with the Nixon campaign?

Senator MANSFIELD. No, but both of them are emphasizing that, among other things, although Wallace is emphasizing that more than anything else.

Mr. MUDD.You don't think that the Vice President——

Senator MANSFIELD. Oh, yes, he is emphasizing that, and he wants to do something, and he will do something. But it seems that they have gotten the jump on him.

Mr. AGRONSKY. What do you think of Wallace's contention that there is not a dime's worth of difference between the Republican and Democratic candidates?

Senator MANSFIELD. Oh, there is a great deal of difference between Nixon and Humphrey.

Mr. AGRONSKY. What is the difference?

Senator MANSFIELD. Well, in their outlook, I would say that Humphrey is a good deal more liberal as far as domestic programs are concerned and probably—I would say also in the field of foreign policy, a good deal less rigid than Nixon.

Mr. MUDD. Senator, do you have feelings about the Democratic Party's relationship with the young people in this country?

Senator MANSFIELD. Yes, I do. And I think the greatest thing which came out of the recent primary campaigns was the fact that these youngsters rallied to the cause of McCarthy, and shoved their energies into constructive channels. I hope that they won't be disappointed and become disillusioned because their man didn't get in. I would hope they would stay within the two major parties and work from within to bring about reform, because many of those people could not vote this time, the next time they can, and they ought to stay involved in politics for the benefit of this Nation.

Mr. AGRONSKY. Senator, have you had a chance to talk to Mr. McCarthy about why he is not going to go out and campaign for Mr. Humphrey?

Senator MANSFIELD. I am not at all sure that Senator McCarthy may not go out and campaign for the party. I don't know that he will, but at least he has indicated that he would not head a fourth party. He has indicated that he would campaign for candidates who were in accord with his views on Vietnam. And I would hope and expect at an appropriate time that Senator McCarthy would join the rest of us, despite his doubts.

Mr. ELFIN. If there is a bombing halt in the next few months, and progress in Paris, how do you think this will affect the chances of the Democrats and of getting McCarthy to campaign for Humphrey?

Senator MANSFIELD. I think it would help tremendously.

Mr. MUDD. Senator, on the day after the close of the Chicago convention, the Vice President went before the National Committee and, speaking of the alienated youth, said just give them time and they will be back with us. But his remarks did not indicate he understood the reason for their alienation. Do you think the party has failed to take into account the young people's disaffection?

Senator MANSFIELD. Possibly we've gotten too old, too set in our thinking and our thoughts and our procedures. I think it is time for a reevaluation of ourselves and a greater emphasis on bringing youngsters into the party, into the political mainstream. And I have advocated, as you know, for a good many years now, that we ought to even go so far as to allow the 18-year-olds to vote, because when they have to be 18 to be married, to enter into a contract, to fight, and to carry out policies which they didn't participate in making, then I think they ought to be given the right of the franchise.

Mr. AGRONSKY. Do you think that would rejuvenate the party?

Senator MANSFIELD. I think it would help both of the parties.

Mr. AGRONSKY. Yes.

Mr. ELFIN. Do you feel that you will still be majority leader in January or will you be minority leader?

Senator MANSFIELD. That is up to events at that time. I am not a prophet.

Mr. AGRONSKY. Senator, Mr. McCarthy, your good friend, has repeatedly proposed that you replace Mr. Rusk as Secretary of State. How does that grab you?

Senator MANSFIELD. I don't agree. I think Dean Rusk has done the very best he could, under extremely difficult circumstances.

Mr. MUDD. Are you prepared to say now, Senator, whether you will seek reelection in 1970?

Senator MANSFIELD. Well, I haven't any plans otherwise.

Mr. MUDD. And if you come back in 1970, will you again submit yourself as majority leader?

Senator MANSFIELD. Let's cross that when we get to it.

Mr. AGRONSKY. How have you found the job of majority leader, satisfactory?

Senator MANSFIELD. Well, interesting.

Mr. AGRONSKY. Difficult?

Senator MANSFIELD. Kind of.

Mr. ELFIN. Do you think that there should be reform of the seniority in committee systems?

Senator MANSFIELD. No. I did when I first came to the House and the Senate, but the more seniority I get the more I kind of like it. And it has worked out pretty well, when you look at it over the years.

Mr. ELFIN. A final question, Senator; have you heard anything about these rumors of the impending release of the *Pueblo* crew?

Senator MANSFIELD. I have heard the rumors. I hope they are true. I don't think the administration, the President or the State Department has any knowledge to that effect. But I am sure that if that was true it would be the best news you could give them at this time.

Mr. AGRONSKY. Senator, I regret we have run out of time. Thank you very much for being here to Face the Nation.

THE DEMOCRATIC NATIONAL CONVENTION AT CHICAGO

Mr. LAUSCHE. Mr. President, a few days ago I received in the mail an editorial carried in the San Francisco Examiner. The title of the editorial is "Must Find a Better Way." In its initial statement the editorial reads:

> It was an ugly scene.
>
> It was a nightmare come to life.
>
> It was a tragic backdrop for what should be the most serious and most important business in our nation:—the choosing of a man who may be the next President of the United States.
>
> None who witnessed the shattering scene will ever forget it. Nor should they.
>
> This was not democracy in action. This was jungle warfare in the heart of our second largest city.

The editorial further goes on to say:

> The demonstrators gathered in Chicago to push for their demands.
>
> They gathered to protest the policies of our government.
>
> They gathered to champion the cause of their policies and their candidates.
>
> All this they had a right to do. But—
>
> They also gathered with the intention—through noise and numbers—to intimidate the delegates and influence the outcome of the convention.
>
> In pursuit of their rights they trampled on the rights of others.
>
> They seized parks and sidewalks. They blocked busy intersections. They interfered with the vital functions of a big city.
>
> In short, they asked for trouble. And they found it.
>
> They became a mob seeking to impose their will on others.
>
> For nearly a week they had baited the police. They had jeered them and sneered at them. They had spat upon them and shouted obscenities.
>
> Their taunting tactics turned the police into an opposing mob. Chaos resulted.
>
> But—it might have been worse.
>
> While the police must be censured for their excesses, let all thoughtful citizens ask themselves if their criticisms would not be more harsh had the authorities failed to bring the angry mob under control.
>
> Had the demonstrators been permitted to march to the convention hall the tragedy might have been much greater.
>
> The size and power and mood of the mob would have increased as they marched. A truly destructive force would have been created.
>
> A confrontation between angry convention delegates and the equally angry demonstrators might have erupted into a major catastrophe.
>
> Somehow, someway we must find procedures whereby we can protect ourselves and our system against the anarchy of mob action, while, at the same time, we preserve the rights of all individuals to peaceful dissent.
>
> Unless we find such procedures we are faced with the continuing threat of the law of the jungle. Or no law. Or a police state.
>
> None of these ugly possibilities can be acceptable in a free society.

Mr. President, I ask unanimous consent that this editorial, entitled "Must Find a Better Way," written by Charles L. Gould and published in the San Francisco Examiner, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OPINION ON CHICAGO: MUST FIND A BETTER WAY

(By Charles L. Gould)

It was an ugly scene.

It was a nightmare come to life.

It was a tragic backdrop for what should be the most serious and most important business in our nation:—the choosing of a man who may be the next President of the United States.

None who witnessed the shattering scene will ever forget it. Nor should they.

This was not democracy in action. This was jungle warfare in the heart of our second largest city.

The sorry sight of club-swinging policemen brutally charging an angry, jeering mob of un-peaceful peace demonstrators carries a message of frightening import.

It proves, perhaps, that it is later than we think.

It proves, perhaps, that peaceful dissent can be perverted into a nation-wide instrument of insurrection.

It proves, perhaps, that preachers of peace can also be propagators of a doctrine of hate and violence.

None should forgive or forget the excesses of the club-swinging policemen. Such displays of raw, brutal power should be no part of a free society.

While none should forget these excesses, neither should we forget the circumstances that brought about this confrontation.

The Chicago riot did not happen by accident.

It was planned.

This is not to say that a precise blueprint was developed by any individuals or groups that would inevitably lead to the tragic battles on Michigan Boulevard.

However, make no mistake about it, the planners of the demonstrations set the fuse in place for the explosion. Only the proper spark was needed to ignite the bomb of mob violence.

The demonstrators gathered in Chicago to push for their demands.

They gathered to protest the policies of our government.

They gathered to champion the cause of their policies and their candidates.

All this they had a right to do. But—

They also gathered with the intention—through noise and numbers—to intimidate the delegates and influence the outcome of the convention.

In pursuit of their rights they trampled on the rights of others.

They seized parks and sidewalks. They blocked busy intersections. They interfered with the vital functions of a big city.

In short, they asked for trouble. And they found it.

They became a mob seeking to impose their will on others.

For nearly a week they had baited the police. They had jeered them and sneered at them. They had spat upon them and shouted obscenities.

Their taunting tactics turned the police into an opposing mob. Chaos resulted.

But—it might have been worse.

While the police must be censured for their excesses, let all thoughtful citizens ask themselves if their criticisms would not be more harsh had the authorities failed to bring the angry mob under control.

> Had the demonstrators been permitted to march to the convention hall the tragedy might have been much greater.
>
> The size and power and mood of the mob would have increased as they marched. A truly destructive force would have been created.
>
> A confrontation between angry convention delegates and the equally angry demonstrators might have erupted into a major catastrophe.
>
> Somehow, someway we must find procedures whereby we can protect ourselves and our system against the anarchy of mob action, while, at the same time, we preserve the rights of all individuals to peaceful dissent.
>
> Unless we find such procedures we are faced with the continuing threat of the law of the jungle. Or no law. Or a police state.
>
> None of these ugly possibilities can be acceptable in a free society.

Mr. LAUSCHE. I am in complete accord with what the editorial states. If the police had not acted, tragic conditions might have developed in Chicago. The shame that has fallen upon our Nation through what did happen would have been accentuated had not the police taken the firm position that they did.

The PRESIDING OFFICER (Mr. McGee in the chair). The Senator from California is recognized.

Mr. MURPHY. Mr. President, I am pleased to be present during this colloquy. For the past week or so, I have been exposed to continuing reports of the turmoil which lately "happened," shall we say, in Chicago.

Basing their observations almost solely on reports which frequently were incomplete, inaccurate and distressingly out of context, many persons tried to portray the great city of Chicago and, in fact, our entire Nation as being symbolic of the most atrocious forms of brutality, inhumanity, fascism, and terrorism.

This picture, so pleasing to our domestic and overseas enemies, is greatly distorted and deficient. It cannot be denied that one saw what one saw. It did exist, but in my opinion it is not a true representation of the civic character of Chicago and our land any more than the grim portrait of rioting and lawlessness was typical of the great majority of decent citizens who inhabit Watts, Harlem, Newark, Baltimore, the District of Columbia, Detroit, and those other unfortunate areas which have suffered the effects of headlong extremism unleashed without reason or restraint.

No, the picture of our Nation in bloody, civil conflict is a twisted, perverted portrayal of the true American scene, and I know whereof I speak, because I have had the great privilege of living in the American scene, in all areas of this Nation, for well over 60 years. Moreover, Chicago proved this decisively last Wednesday, when Richard Nixon, the Republican candidate visited the city.

I submit that greater crowds assembled to greet him there then than were in the assemblage in Grant Park during the last political convention. Furthermore, I submit that there was no police brutality or obvious disorder, and that this was a true reflection of the people of Chicago.

I propose, therefore, that we have an obligation to look at the entire situation, not just the claims of police brutality which frequently have been offered without reference to any of the outrageous provocations, and to "tell it like it is" in our statements to one another and to the world.

I have come to the conclusion, Mr. President, that the disturbances in Chicago must not be blamed on the people of Chicago. They must not be blamed on the Democrats. They should not be blamed on Mayor Daley or his police force, and they certainly should not be blamed on the followers and adherents of our good friends and colleagues, Senator McCarthy, Senator McGovern, and Vice President Humphrey.

If blame is to be placed honestly, we must look at the entire matter in proper perspective and realize that a great deal of the rioting and disorder was planned and executed by a group of lawless misfits who, if they were typical of anything, were representative of that spirit of disrespect, disloyalty, and anarchy which has always loomed as the direct antithesis of the philosophy through which our Nation has attempted to work out its differences peacefully and democratically.

However, this minority of misfits received attention far out of proportion to either its quality or quantity, and consequently many people generalized from the deeds of this minority and attempted to blacken the character of all.

To those who succumbed to this emotional trap, I suggest a careful review of the events in Chicago on last Wednesday, when law-abiding, patriotic, interested citizens—I am told 600,000 strong—turned out in an orderly and peaceful manner to provide Richard Nixon with one of the largest political receptions in the history of the city, if not the largest.

This, in my opinion, was America. This was Chicago. This was typical of her people and those of our great Nation—the forgotten, decent, hard-working, overtaxed, law-abiding, God-fearing citizens who make this country great. There was no violence, no obscenity, no stink bombs, no police brutality, no troops.

This face of our Nation and this inborn and pervading decency of our men and women were evidenced again on the following day in San Francisco—a city which, I might point out parenthetically, has also been besmirched unfairly because of erroneous generalizations based on activities in its small hippie colony—when Mr. Nixon was accorded the biggest welcome given to any man by the city of San Francisco since General MacArthur returned from Japan.

This was the true portrait of America.

Let us not allow it to be obliterated by those relatively few disgraceful events whose very news value depends on their grim and distasteful abnormality and whose rightful claim to our attention lies in the fact, not that they are typical, which they are not, but that they are malignant aberrations which must be cured.

Let us once again, Mr. President, let us look at the true picture of our great country, a picture which will truly reflect the character, the thoughts, the desires, and the activities of its citizens, in a proper, distinct, and honest light.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREATY ON NONPROLIFERATION OF NUCLEAR WEAPONS

Mr. CLARK. Mr. President, the Foreign Relations Committee will meet this afternoon and, hopefully, a quorum will be present. The first order of business is to determine whether to report favorably the treaty dealing with the nonproliferation of nuclear weapons.

Speaking for myself, I hope very much that the committee will vote favorably to report the treaty. And I shall so cast my ballot.

I agree thoroughly with President Johnson and Vice President Humphrey that recent events in Czechoslovakia—which I deplore as much as any Member of the Senate—have no relevance in dealing with the question of whether the treaty should be ratified. In my judgment the sole test should be: Is the treaty in the best interest of the United States? I believe this to be the case. Therefore, I support its ratification.

Failure to ratify the treaty will not be of the slightest use to any of the brave citizens of Czechoslovakia who have been so ruthlessly repressed and have had their liberties and freedoms denied by the raw military power of the Soviet Union.

If I felt that failure to ratify the treaty would in any way improve our position vis-a-vis the Soviet Union with respect to arms control or any other matter involving the security of the United States, I would, of course, oppose the treaty. But I think that we must look at this matter as mature men. We must not be guided by an emotional reaction to the conduct of the Soviet Union.

I believe the treaty deserves ratification whether our relationships with the Soviet Union are good, bad, or indifferent.

I hope very much that a majority of the members of the committee on which I have the honor to serve will agree with my view.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Banking and Currency.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and it was signed by the President pro tempore.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report of Agreements for Use of Foreign Currencies

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report of agreements signed in July and August 1968 for use of foreign currencies; also the fourth supplement to the March 13, 1967, local currency agreement with Vietnam (with accompanying report and papers); to the Committee on Agriculture and Forestry.

Report on Reapportionment of an Appropriation

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1969, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report of Proposed Air National Guard Construction Projects

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations) reporting, pursuant to law with respect to certain construction projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

Report of U.S. Net Monetary Gold Transactions With Foreign Countries and International Institutions

A letter from the Acting Secretary of the Treasury, transmitting a report of U.S. net monetary gold transactions with foreign countries and international institutions for the semiannual period January 1, 1968–June 30, 1968 (with an accompanying report and paper); to the Committee on Banking and Currency.

Semiannual Report Relating to the Evolution of the International Monetary System

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a semiannual report relating to the evolution of the international monetary system, for the period January 1 to June 30, 1968 (with an accompanying report and documents); to the Committee on Banking and Currency.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve regulatory enforcement procedures involving pesticides, Agricultural Research Service, Department of Agriculture, dated September 10, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve reviews of drawings and specifications prepared by architect-engineers before solicitation of hospital construction bids, Veterans' Administration, dated September 9, 1968 (with an accompanying report); to the Committee on Government Operations.

Comprehensive Plan for the Ice Age National Scientific Reserve in Wisconsin

A letter from the Secretary of the Interior, transmitting, pursuant to law, the comprehensive plan for the Ice Age National Scientific Reserve in Wisconsin (with an accompanying document); to the Committee on Interior and Insular Affairs.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Third and Six Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports of third and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of Veterans' Administration Under Programs for Sharing Medical Facilities and Exchanging Medical Information

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, a report under programs for sharing medical facilities and exchanging medical information for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of National Labor Relations Board

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the 32d annual report of the Board for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on the Impact of Children Living in Low-Rent Public Housing on Public Schools

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report based on a study of the financial effect imposed on local educational agencies by the presence of low-rent public housing units; (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of National Aeronautics and Space Administration on Number of Employees in Each General Schedule Grade

A letter from the Deputy Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the number of individuals in each general schedule (GS) grade for the fiscal year ended June 30, 1968; to the Committee on Post Office and Civil Service.

Report of Problems of Transporting Visitors Along the Mall

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, the Department's study report of the problems of transporting visitors along the Mall (with an accompanying report); to the Committee on Public Works.

Disposition of Executive Papers

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest and requesting action looking to their disposition (with accompanying papers); to a Joint Committee on the Disposition of Papers in the Executive Departments.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of California; to the Committee on Banking and Currency:

"Assembly Joint Resolution 44

"Assembly joint resolution relative to timber exports

"Whereas, Increasing exports of logs from federal forests in California to Japan pose a serious threat to the economy of northern California counties where timber production and manufacture provide the major employment base; and

"Whereas, Japan is experiencing a housing construction boom, purchasing much of their raw timber from West Coast states; and

"Whereas, This large export of timber creates a critical shortage of raw materials for local mills and construction companies, with resultant price increases on raw timber; and

"Whereas, Such price increases are passed along to purchasers, thereby increasing greatly the costs of urban renewal; and

"Whereas, The Secretaries of Agriculture and the Interior have recently issued orders limiting the quantity of logs grown on federal lands in Washington and Oregon that may be exported; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to examine the problem and effect of increased timber exports to Japan, which result in increased pressure on local timber companies and increased prices for timber, and to condition all future sales of timber from federal lands in California with requirements for domestic manufacture until a review is made to determine domestic needs; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the

State of California; to the Committee on Commerce:

"Assembly Joint Resolution 19

"Assembly joint resolution relative to construction of a second Panama Canal

"Whereas, The Panama Canal is of the greatest importance to the national prosperity and economic welfare of the United States; and

"Whereas, Construction of a second canal would be a great economic benefit to the United States in that such construction would increase trade and would directly increase employment at the harbors and ports of California; and

"Whereas, The importance of a second canal is further demonstrated by the fact that it would reduce the cost of items that are currently imported by other means of transport and shipment; and

"Whereas, The present canal is subject to severe limitations, particularly with respect to the size of ships which may use the canal, forcing many ships to make the long trip around Cape Horn; and

"Whereas, A second canal is also badly needed simply by reason of the ever-increasing volume of ship traffic desiring to use the canal; and

"Whereas, The danger of the canal being blocked or otherwise closed to all shipping as a result of accident, and the economic consequences of the present limitations on the use of the canal are of particular concern to West Coast ports; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such steps as may be necessary to secure the construction at the earliest possible time of a second canal to supplement the existing Panama Canal, which could handle ships of greater size, help accommodate the ever-increasing volume of ship traffic, and provide security from the disastrous consequences which could result from the closure of the existing canal to all shipping; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"Assembly Joint Resolution 8

"Assembly joint resolution relative to tax-sharing programs

"Whereas, State and local government costs are rising faster than available revenue; and

"Whereas, It has been estimated that the demand for new and improved services will outstrip available state and local revenue by 30 to 56 billion dollars by 1970; and

"Whereas, Congress has before it many 'tax-sharing' measures which would return funds to state and local governments; and

"Whereas, Revenues coming to state and local governments as a result of any federal 'tax-sharing' program should be designed to assist those respective units of government in solving the problems they face, because local problems are best understood by local officials confronted with them; and

"Whereas, State and local units of government are generally able to solve their problems when they have jurisdiction and when they are financially able to do so; and

"Whereas, State and local revenues should be adequate to fund a desired level of public service in each jurisdiction; and

"Whereas, State and local governments should have maximum opportunity to exercise discretion in defining and achieving public service objectives; and

"Whereas, The California Intergovernmental Council on Urban Growth which includes representatives of the state, cities, counties, and school districts has recommended that the Legislature of California actively seek adoption of federal programs for federal-state tax credits; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby endorses the need for federal tax-sharing programs and memorializes Congress and the President of the United States to take all reasonable action to assure that such a program is enacted into law; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution 18

"Assembly joint resolution relative to national cemeteries

"Whereas, Assembly Joint Resolution No. 15 of the 1968 Regular Session, introduced by Assemblymen Ryan and Britschgi, requests the enactment of legislation requiring the Department of Defense to continue to provide memorial cemeteries for the interment of deceased veterans of the armed forces and for their eligible dependents and Assembly Joint Resolution No. 32, introduced by Assemblyman McGee, requests the establishment of a national cemetery accessible to southern California and Assembly Joint Resolution No. 16, introduced by Assemblymen Mulford and Stacey, requests the establishment of several national cemeteries in the State of California; and

"Whereas, The federal government owns large acreages of land in the Los Banos area, a central location easily accessible to all the West and an area of great natural beauty further enhanced by the San Luis Dam and Reservoir and the O'Neill Forebay; and

"Whereas, The people and the Congress of the United States traditionally have provided for the proper care and burial of those who have served in the armed forces of our country; and

"Whereas, Space available for such interment in national cemeteries is being rapidly exhausted; and

"Whereas, At the present time the federal government maintains four cemetery systems under the administration of the Army. the American Battle Monument Commission, the Veterans' Administration, and the Department of the Interior; and

"Whereas, The restricted availability of space, the geographical distribution of such cemeteries, and the division of authority have caused the benefit to the veteran to be unequal in various areas of the country and will become more so as cemeteries are filled; and

"Whereas, on March 18, 1968, the U.S. Veterans Advisory Commission, appointed by President Lyndon B. Johnson and chairmaned by Robert M. McCurdy of Pasadena, California, submitted its report to the Administrator of Veterans Affairs; and

"Whereas, As a part of this report, the commission made the following recommendations to improve the administration of cemeteries for the burial of veterans and to increase the burial allowance:

"(1) That the entire federal cemetery function, with exception of the Department of Interior cemeteries, be reassigned to the Veterans' Administration;

"(2) That, without delay, the Administrator of Veterans Affairs conduct a study on methods of providing burial grounds for all veterans convenient to their homes;

"(3) That the administrator establish uniform criteria for eligibility for burial in the federal cemetery system;

"(4) That Arlington National Cemetery be reopened to all eligible veterans until it is completely filled;

"(5) That the burial allowance for veterans be increased to $400, $100 of which shall be reserved for payment toward a gravesite of those not buried in national cemeteries;

"(6) That the burial allowance not be denied to any veteran because of the existence of any other burial or death benefit, public or private; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to establish an additional national cemetery or cemeteries in California and to implement the recommendations of the U.S. Veterans Advisory Commission pertinent to the burial of veterans; and be it futher

"Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"Assembly Joint Resolution 17

"Assembly joint resolution relating to notification of states of use therein of federal education funds

"Whereas, The federal government, through various federal agencies, appropriates, allocates, or expends for and within each state federal funds for education and educational purposes, which purposes include all aspects of the education of minors, vocational education, adult education, teacher education, and any other program which would have a direct benefit or impact on the public schools of a state; and

"Whereas, State planning and coordination of effort, in order to avoid duplication and replication, requires full knowledge of the federal involvement in education at all levels in state; however, at present, there is no provision for the acquisition by the California Department of Education of the needed information; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide that all appropriate federal agencies notify the Department of Education of California of each appropriation, allocation, and expenditure of federal funds in the state for education or educational purposes; and be it further

"Resolved, That the Department of Education of California is requested to transmit an annual report to the Legislature of each appropriation, allocation and expenditure of federal funds in the state for education or educational purposes; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Education of California.

"Assembly Joint Resolution 45

"Assembly joint resolution relative to the chronically unemployed

"Whereas, The California Legislature has developed an imaginative program with bipartisan support to train and place the chronically unemployed into meaningful jobs; and

"Whereas, Representatives of the United States Department of Labor have threatened use of discretionary power by the Secretary of Labor which could result in a possible loss of federal funds if California enacts this program because of possible nonconformity of California statutes with federal law; and

"Whereas, This program, consisting of Assembly Bills 1463, 109, 1777, 210, 1046, 1966 and 1464 of the 1968 Regular Session of the Legislature, represents an effort by the state to pool available federal and state resources and concentrate them on providing a unified unbroken sequence of services to the chronically unemployed to place them in productive employment; and

"Whereas, Implementation of this program requires cooperation from various agencies and officials of the federal government, including the Secretary of Labor and the Secretary of Health, Education, and Welfare, as well as other federal officials; and

"Whereas, Every effort has been made by legislative leaders in California to cooperate with federal officials in developing this imaginative program; and

"Whereas, The President of the United States has publicly supported the concept of creative federalism which rests upon federal support of efforts by states to innovate and create bold new programs to solve major problems facing the state and the nation; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President of the United States to direct the Secretary of Labor, the Secretary of Health, Education, and Welfare, and other federal agencies to make every effort to cooperate with the State of California in interpreting current federal statutes to authorize this state to carry out the program envisioned by Assembly Bills 1463, 109, 1777, 210, 1046, 1966, and 1464 of the 1968 Regular Session of the Legislature; and be it further

"*Resolved,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support amendments to the Manpower Development and Training Act this session and to authorize a new title to that act which would provide federal matching funds to states for job training, placement and related services in a flexible manner which would provide necessary federal support to carry out the comprehensive program envisioned by legislation now before the California Legislature; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution 20

"Assembly joint resolution relative to planning for flood control projects

"Whereas, The need for preserving streamside wildlife habitat and aesthetic beauty and the demand for related recreational facilities is increasing; and

"Whereas, Federal and state agencies have participated for many years in the planning and construction of flood control projects and provided vital flood protection; and

"Whereas, Such projects may have a profound impact on California's scenic and wildlife values; and

"Whereas, The inclusion of benefits for wildlife, aesthetic, and recreational values in flood control projects, in addition to benefits for flood control, is important to California's future; and

"Whereas, It is highly desirable that careful consideration be given to the inclusion of wildlife, aesthetic, and recreational benefits in such projects by federal, state and local interests; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the legislature of the State of California requests the U.S. Army Corps of Engineers, the California State Board of Reclamation and the State Department of Water Resources to consult jointly with the State Department of Fish and Game and the State Department of Parks and Recreation and with county and city governments early in the project formulation stage to insure that wildlife, recreation and park interests have an adequate opportunity to participate in determining whether such uses should be a part of the project and the extent to which these project purposes should be accommodated; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Governor, and to the Administrator of the State Resources Agency."

A resolution adopted by the Sabine Area Central Labor Council, AFL–CIO, of Port Arthur, Tex., remonstrating against the administration of the Landrum-Griffith Act in the National Maritime Union case; to the Committee on Labor and Public Welfare.

NORTH ATLANTIC ASSEMBLY AT BRUSSELS, BELGIUM—APPOINTMENT BY THE VICE PRESIDENT

The **PRESIDING OFFICER.** The Chair, on behalf of the Vice President, under the provisions of Public Law 84–689, appoints the Senator from Alabama [Mr. SPARKMAN] to attend the North Atlantic Assembly, to be held at Brussels, Belgium, on November 11–16, 1968.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **EASTLAND**, from the Committee on the Judiciary, without amendment:

S. 880. A bill for the relief of Miloye M. Sokitch (Rept. No. 1526);

S. 2999. A bill to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries (Rept. No. 1522);

S. 3254. A bill to amend title 18, United States Code, relating to conflicts of interest, with respect to the members of the District of Columbia Council (Rept. No. 1523);

H.R. 206. An act to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims against to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes (Rept. No. 1527);

H.R. 10482. An act to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations (Rept. No. 1524); and

H.R. 13669. An act to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes, to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims (Rept. No. 1525).

By Mr. **EASTLAND**, from the Committee on the Judiciary, with an amendment:

H.R. 8140. An act to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of personal property incident to their service, and for other purposes (Rept. No. 1531).

By Mr. **DIRKSEN**, from the Committee on the Judiciary, without amendment:

H.J. Res. 1299. Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week" (Rept. No. 1521) and

H.J. Res. 1404. Joint resolution authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week" (Rept. No. 1528).

By Mr. **BURDICK**, from the Committee on the Judiciary, without amendment:

S.J. Res. 100. Joint resolution to create a commission to study the bankruptcy laws of the United States (Rept. No. 1529).

By Mr. **McCLELLAN**, from the Committee on the Judiciary, with an amendment:

S. 2896. A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired) (Rept. No. 1530).

By Mr. **JACKSON**, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9362. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes (Rept. No. 1533); and

H.R. 14005. An act to authorize the disposition by the city of Hot Springs, Ark., of certain property heretofore conveyed to the city by the United States, and for other purposes (Rept. No. 1534).

By Mr. **McGOVERN**, from the Committee on Interior and Insular Affairs, without amendment:

S. Con. Res. 11. National American Indian and Alaska natives policy resolution (Rept. No. 1535).

By Mr. **JACKSON**, from the Committee on Interior and Insular Affairs, with amendments:

S. 3182. A bill to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes (Rept. No. 1520).

By Mr. **HATFIELD**, from the Committee on Interior and Insular Affairs, with amendments:

S. 2751. A bill to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon (Rept. No. 1532).

REPORT ENTITLED "JUVENILE DELINQUENCY" (S. REPT. NO. 1536)

Mr. **DODD**, from the Committee on the Judiciary, pursuant to Senate Resolution 35, 90th Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Shirley M. Hufstedler, of California, to be U.S. circuit judge, ninth circuit.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Paul L. Sitton, of Georgia, to be Urban Mass Transportation Administrator.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 4017. A bill for the relief of Lo Kwai Shan; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 4018. A bill to permit a married individual to receive a child's benefit under the Social Security Act and the veterans laws if such individual is otherwise entitled to such benefit; to the Committee on Finance.

By Mr. HARTKE (for himself, Mr. HATFIELD, and Mr. YARBOROUGH):

S. 4019. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN (for himself, Mr. METCALF, and Mr. MANSFIELD):

S. 4020. A bill to amend the Omnibus Crime Control and Safe Street Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; to the Committee on Interior and Insular Affairs.

By Mr. GRUENING:

S. 4021. A bill for the relief of Yuen Au Yeung, Ah Shyh Wang, Li Yeung, Ma Kei Lok, Hung Nin Chan; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 4022. A bill for the relief of Aggelos Morfessis; to the Committee on the Judiciary.

S. 4019—INTRODUCTION OF BILL ESTABLISHING A DEPARTMENT OF PEACE

Mr. HARTKE. Mr. President, today I am introducing a bill to establish a Department of Peace as an executive department of the Government. Joining me as a cosponsor in this effort is the junior Senator from Oregon [Mr. HATFIELD], making this a bipartisan measure, together with the senior Senator from Texas [Mr. YARBOROUGH]. There will be a later opportunity for many Senators to join us similarly in the advancement of this centralization of our existing peace programs, their expansion, and particularly the magnification and intensification of our positive efforts to develop thoroughly every promising avenue to our purpose.

Title I specifies that officers of the Department of Peace shall be a Secretary of Peace, an Under Secretary of Peace, and four Assistant Secretaries of Peace, appointed by the President and confirmed by the Senate, together with a General Counsel.

It further specifies several existing agencies whose functions the bill transfers to the new Department: the Agency for International Development; the Peace Corps; the Arms Control and Disarmament Agency; the functions of the Bureau of International Commerce in the Department of Commerce which relate to our policy on the General Agreement on Tariffs and Trade (GATT); and the functions of the International Agricultural Development Service, now in the Department of Agriculture.

This means that the food-for-peace programs now under AID will be continued as a part of AID as it is transferred to the Department of Peace; but the portions of food for peace now operated by the Department of Agriculture will remain there, as they now do.

There is also in title I provision for transfer to the new Secretary, by action of the President, at any time in the first 180 days of "any other agency or office, or part of any agency or office, in the executive branch of the Government," if the Bureau of the Budget agrees that its functions are pertinent to the Peace Department. Where all the functions of an existing agency are transferred, the old agency ceases as the Department becomes its successor. The Secretary will make an annual report to the President, who will transmit it to the Congress. The Secretary is also given 2 years to submit a proposed codification of all laws containing functions transferred.

Title II deals with the legal mechanics of placing the Export-Import Bank, which was established following World War II, under the Secretary. As in the case of some other agencies, such as the Commodity Credit Corporation under the Agriculture Department, the Bank would continue its existing corporate structure with its President and Board of Directors.

While the bill does not specify a list of other agencies or parts of agencies which might be transferred, it may be of interest to note the wording of some of our laws concerning some of them. The Atomic Energy Act declares as one of its purposes "to promote world peace," and surely the development of peaceful uses of atomic energy is one of the functions which might be considered under the bill's authority. Likewise, Congress has declared it to be the policy of the United States that "activities in space should be devoted to peaceful purposes for the benefit of all mankind."

SPECIFIED PURPOSES

In title I will be found the important words of section 103, which outlines the objective and duties to be pursued by the Department. The general overall objective is in these words:

> The function and purpose of the Department shall be to promote the cause and advancement of peace both in this Nation and throughout the world.

In pursuing this "noble objective," the Secretary is required to do these things:

To advise the President "with respect to the progress of peace";

To develop and recommend policies and programs appropriate to fostering the building of peace;

To exercise leadership in coordinating all Federal activities affecting the principle of peace;

To provide information and assistance for establishing "those institutions which may further among the people an understanding of the true meaning of peace"; and

To encourage planning by the Nation "with a view toward coordinating the activities of peace among all nations."

I cite these generalized purposes as indicative of the latitude which might well be accorded to the Department, under whose aegis there would be a single, concentrated, effective operating arm of the Government giving the stature, the public recognition wholehearted and unabashed, which is essential for us in this world of ours as we near the 200th anniversary of the Nation's founding. Let me here digress for a moment from the bill itself to note the earnest necessity for the centralizing peace effort which it focuses and promotes.

THE NATURE OF TODAY'S DEMANDS

Today we have entered a new era in history. We have now gone beyond the industrial revolution and the industrial society. We are well into a new age of advanced scientific technology; this is the age of flashing computers working their marvels of assistance to our intellect; it is the age of spaceships to carry men to the moon.

But it is also an age of ferment. We have seen the Russians proving in Czechoslovakia that the time of reliance on sheer physical force as the arbiter of nations has passed. We are finding at home that there are great difficulties in the application of force over against those who apply the very different moral force of nonviolence, that tear gas, mace, and nightsticks are no more the answer than are tanks and bombers, napalm and M–16 rifles.

We are seeing the alienation of our youth. They have lost faith in our proclamation because our actions too often prove them to be lipservice only. But at the same time they have not lost an inherent faith in the altruistic service which challenges them in the Peace Corps, in VISTA, in the Teacher Corps. Our youth have thrown themselves vigorously and with enthusiasm into a "new politics" pursued as an effort to refurbish the tarnish of democracy. Almost to a man—or woman—they find the spectacle of Vietnam revolting and brutalizing immorality by their own Government. Nor is this confined to our own youth and our own Nation; one can everywhere in the world see the decline of regard not only for military prowess but for every nation, including the United States, which exercises it.

Now, in this new age, is the time for heuristics—a word we shall hear increasingly, for it means the development of new ideas. The old notions of Napoleon's day, or of World War II, or even of our own sad day of Vietnam, will no longer do. The world has grown too small, too interdependent, too demanding of the living-together brotherhood whose present reality cannot separate us further from

Africa, Asia, the depressed and needy. For we see in their disaffection our own limitations increased; we see that truly, in a vibrant phrase, freedom is indivisible. Where in 1776 we fought for freedom, by 1976 we must see to it that no one must fight for freedom, that its peace and pursuit of happiness can be won by the efforts of good will.

But good will of itself can do nothing. It needs organization, leadership, the application of brain and ingenuity, of technology and morality, on a scale such as we have never before attempted. It is this which serves as my vision for the Department of Peace which I propose. It is appropriate that we inaugurate such a dream in this human rights year.

To put in a succinct phrase the rationale behind the Department of Peace idea, "peace is everybody's concern and nobody's business"—wherefore we must make it high-priority business by this means. As the legend reads on a printed card which I received yesterday from an Indianapolis member of the organization Another Mother of Peace:

> The only race we cannot afford to lose is the
> human race
> We who have touched the moon and set a
> course for the stars
> Must now begin the imperative journey towards a peaceful earth.

THIS AGE DEMANDS A SECRETARY OF PEACE

On the same card appears a message which last Mother's Day reached most Members of Congress in large numbers—a childishly drawn flower surrounded by the words, "War is not healthy for children and other living things." It is time to redouble our efforts for peace, not as an adjunct to a State Department too often committed to uphold Defense Department policies, but as a new and positive force in our Nation at its very topmost levels of official structure.

HISTORY OF AN IDEA WHOSE TIME HAS COME

As I noted in testimony before the Democratic platform committee on August 20 in making an appeal for a Department of Peace plank, this idea goes back to the days of our Founding Fathers. Dr. Benjamin Rush, a close associate of Thomas Paine who gave Paine the title for his pamphlet "Common Sense," a signer of the Declaration of Independence and a pioneer of medicine, prison reform, and other social causes, in 1799 wrote an essay entitled "A Plan of a Peace Office for the United States." I read to the committee members much of that three and a half page document in which he advocates "an office for promoting and preserving perpetual peace in our country." He visioned the Peace Office itself as bearing in its physical surroundings symbols: a collection of ploughshares and pruning-hooks made out of swords and spears; a picture of "an Indian boiling his venison in the same pot with a citizen of Kentucky" and "a St. Domingo planter, a man of color, and a native of Africa, legislating together in the same colonial assembly," among others.

> Let a Secretary of Peace be appointed—

He wrote—

> to preside in this office.

So the dream, the idea, is as old as the Founding Fathers. Indeed, it is far older, as Dr. Rush recognized in recommending one of the peace symbols for a painting adorning the Peace Office, drawing from Isaiah—"a lion eating straw with an ox, and an adder playing upon the lips of a child."

More practically, and more pertinently, there have been a great many proposals placed before Congress in the last 35 years or so providing for a Department of Peace or similar agency. In 1935 such bills were offered both in the House and in the Senate, as Representative SEYMOUR HALPERN and I are now doing. Parenthetically, the bill offered by Mr. HALPERN yesterday with 18 cosponsors and more added since, is very nearly the same as this, which would also have been offered yesterday had we been in session.

The 1935 Senate bill was offered by Senator Matthew Neely, of West Virginia, who also offered it in the 75th and 76th Congress. In the 79th and 80th Congress Senator Alexander Wiley, of Wisconsin, presented a similar bill. In 1947, in the 80th Congress, one of the bills—which would have made such a peace office a part of the State Department—was offered by our own EVERETT DIRKSEN, then a Representative. Another House Member of the time, JENNINGS RANDOLPH, offered a Department of Peace bill in 1945 and again as a Senator in 1959. In 1960 Senator HUMPHREY introduced a peace agency bill "because of the need for emphasis on peace by this Government—not peace as a byproduct of defense or as a byproduct of the State Department, but rather as a concerted, determined effort by the Government of the United States to dramatize our sincere dedication to the cause of a just and enduring peace."

Others whom we all know have also lifted their voices for a Department of Peace and offered legislation. Among them are Senator Chapman Revercomb in 1947, Representative HARLEY STAGGERS in four successive Congresses beginning with the 81st in 1949, and no less than 35 Members of Congress in the first 6 weeks of the 87th Congress in 1961. In 1945, one will find the then Representative KARL MUNDT, of North Dakota, entering into the debate with an item in the RECORD for May 10 of that year entitled "Needed: A Department of Peace." Previously in this Congress, during the opening days of 1967, bills were offered in the House by Representative Abraham Multer, of New York, now a Supreme Court Justice of that State, and by Representative CHARLES BENNETT, of Florida.

In 1947 hearings were held in the House by its Committee on Expenditures in the Executive Departments, with the proceedings published under the title "To Create a Department of Peace," in which a bill by Representative MELVIN SNYDER was considered. Two years earlier the House Foreign Affairs Committee held hearings on the Randolph and Ludlow bills, near the end of 1945.

One might well ask, since the idea has been so often presented in one form or another, and since hearings have twice been held, why Congress has never followed through to accomplish the fulfillment of the proposals for a Department of Peace, or a Peace Agency, in the past. By the same token, why should the Hartke-Halpern proposal with sponsors from both sides of the aisle expect a different fate?

I believe at least part of the answer is in the changed nature of our world, as I have said. More particularly, and in addition, there is today the overwhelming demand of this Nation that something must be done to save us from any more Vietnams. The people are sick of war, and in particular of this war, which has become the third most costly in our history. We hear and read reports of 408 young men killed in a week, and we know there must be a better way. But as I said before, "peace is everybody's concern and nobody's business" as a regular, high-level, ongoing activity of the Federal Government.

In short, here is a sound idea which has had to wait, as have so many, until the climate of opinion is ripe. Now, I believe, its time has come. I believe in the next session of Congress there will be many more backers, both here and in the millions of Americans who are our constituents, demanding fulfillment of the dream of Dr. Rush for a Peace Office.

PEACE INSTITUTE, PEACE BY INVESTMENT

Let me return now to the remainder of the bill.

Title III provides that there shall be established under the Secretary of Peace an International Peace Institute. This is modeled after the proposal I made earlier this year in S. 3708, which was introduced on June 28. Its purpose is "to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace." Students to the number of 150 are authorized, with a baccalaureate degree as a prerequisite and the places awarded by competitive examinations to be held in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

The Peace Institute will be coeducational, and its curriculum will be at a graduate level "acceptable for credit toward a graduate degree at accredited colleges and universities." Special emphasis is to be placed on studies which "will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace."

In many respects the Peace Institute is a parallel to the service academies. We now train at special institutions—West Point, Annapolis, and in Colorado—for leadership in the three branches of military service; certainly it is fully as logical to establish a small institution to train for peace.

Like the academies, those selected as qualified will receive not only the training offered without cost to themselves, but a stipend and allowances. The Institute's Board of Trustees will consist of the Secretary of Peace and two officers of the Department named by him; two Members of the Senate and two of the House, in each case from both sides of the aisle, appointed by the President; the Chairman, or someone he designates, of the Atomic Energy Commission; the Chairman or a designee of the Federal Council on the Arts and Humanities; a Presidentially appointed member from the National Academy of Sciences, chosen after consultation with the president of the National Academy; and two "educators of prominence" appointed by the President. All will have 2-year terms, but may be reappointed.

Since the Board must visit the Institute annually, its functions again are comparable to the academies' Board of Visitors. It must report to the President within 60 days after a visit, which can be more frequent.

But most important, those who win the certificate granted to Institute graduates must agree in advance—again as in the Defense service academies—to devote subsequent time to service either in the Government or as an employee of "an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace." Since the Institute course is for 1 year, the required service is also 1 year. But presumably, once having gone thus far most of the winners of Institute appointments will continue in the same field. The staff and instructors may be assigned by the Secretary on a full-time or part-time basis, if his employing agency consents, from any Government agency or department of the executive branch. Of course, he may also choose from other sources as well, but the assignments from other Government spots are treated as though these staff and faculty members continued in the positions from which they come.

This provision for a training institution set out in title II is something we have needed for a long time. Many fine people are engaged both privately and in the Government in working for peace; but we do not as yet have any institution operated by the Government for their training. An International Peace Institute is surely a suitable, and important, means whereby the Department of Peace may extend its leadership in the Nation and the world.

PEACE BY INVESTMENT CORPORATION

Title IV provides for the establishment of the "Peace by Investment Corporation," a proposal of which I have been a cosponsor with Senator JAVITS during both the last Congress and this. The original bill is S. 3415, now before the Committee on Foreign Relations.

I have long believed, and my experience in visiting foreign countries confirms, that the cementing of trade relations among nations is a very positive force for improving peaceful relations. We have the skills most fully developed in commerce and industry, far beyond the abilities as yet to be found beyond the most limited scale in great numbers of the developing countries. The Peace by Investment Corporation "is designed to establish and expand people-to-people relationships in the economic field" and, more specifically, to develop expanded private capital investment flowing from the United States into sound economic ventures in underdeveloped areas of the world. For people there must be helped to improve their economies so that we can wipe out hunger and poverty sufficiently to curb those and similar forces as the fathers of political rebellion and fomenters of such struggles as we have seen in the Congo and Biafra.

The Corporation will be an equity investment agency, whose modus operandi is spelled out in some technical detail in the bill. But one of the important elements is that while the initial investment program will be inaugurated with Government funds, as the returns from them pay off funds are sequestered and held for retiring the class A stock of the Corporation. This it is expected to accomplish within a period of 6 years. Then its Board will recommend legislation for the orderly transition of the Corporation to private ownership and management. Both the short-range and the long-range effects of this additional new agency under the Department of Peace will be to build the peace as it builds economically viable commercial and industrial projects in the underdeveloped economies.

Finally, title V specifies the establishment of a Joint Committee on Peace within Congress. We now have Joint Committees on Atomic Energy and on Defense Production, as well as the Joint Economic Committee, the Joint Committee on Internal Revenue Taxation, on the Library of Congress, and on Printing. Thus, there is well-established precedent, some of it even in fields impinging on areas for which the Department of Peace will have concern, for a combined House and Senate committee of this sort. Seven members of the Joint Committee on Peace will be appointed from the Senate by its President—the Vice President—and seven House Members will be chosen by their Speaker. Party representation will reflect the relative strength of both parties in the two Houses.

The joint committee will be able to hold hearings, to hire experts and consultants, and to draw on the resources of both private and government establishments which are pertinent.

IN CONCLUSION

Mr. President, I want it to be crystal clear that the presentation of this bill is not an exercise in semantics or a propaganda gesture. Mr. HALPERN and I, and our present—but we hope growing—list of sponsors, are intensely serious about this proposal.

From this should come hearings in the Senate as well as in the House, where twice similar proposals have been the subject of formal committee discussion. From the hearings should come favorable recommendations, and from the recommendations positive affirmative action by Congress. If we have needed a Department of Transportation and a Department of Urban Development, because of the proliferation of independent but related efforts in their field and because the times demand it, then how much more we need the concentrated positive efforts a Department of Peace such as this could command.

When we find the idea of a Peace Office persisting from the time of Dr. Rush and the Founding Fathers to those of EVERETT DIRKSEN as a Representative and Vice President HUMPHREY as a Senator; when we can forget party lines as has been done on this issue in the past; when we can take advantage of the eager readiness of the country to "do something" for the cause of peace in this time of war—then we have an implicit mandate for action of this sort and not merely talk, saying "Peace, peace," when there is no peace.

Finally, not as a cause for the proposal but as a benefit, we shall reap from this move, there is the economic aspect. With the "little" war in Vietnam costing $4 million an hour, $30 billion plus in a year, wounds and maimings and death by the scores of thousands, the prospect of lessening world conflict is a pleasing prospect of saving us from a great burden. When we fully recognize that force is on the way toward the international scrap heap, as the experience of Russia shows, then we can move more freely toward the decline rather than the expansion of military force and its attendant enormous cost to all of us.

Mr. President, now is the time. I intend to make every serious and credible effort I can to win support for and adoption of this bill, which deserves the bipartisan cooperation which I am sure it will continue to have.

In conclusion, I ask unanimous consent to have printed in the RECORD at the close of my remarks an article entitled, "This Age Demands a Secretary of Peace," appearing in the June publication of "Another Mother for Peace," and that the text of the bill itself may follow.

There being no objection, the article and the bill ordered to be printed in the RECORD, as follows:

THIS AGE DEMANDS A SECRETARY OF PEACE

We ask the Congress to establish a Department of Peace, and we ask the next President, as one of his first official acts, to name a Secretary of Peace to his cabinet.

Our request is based on two propositions: first, that Peace will result, not from pious hopes or angry protests, but from the same determined and co-ordinated effort our Space Agency uses to reach the moon and beyond. Second, that no office now exists in our government to direct a Peace program with boldness, ingenuity and single-minded determination.

It is beyond our scope to define the duties of the Secretary of Peace; we can only suggest certain lines of action, confident that others will come forward with more detailed plans.

Obviously, many existing agencies and functions might be grouped under a new administrative head, as has been done in earlier cabinet reorganizations. For example, the Arms Control and Disarmament Agency has been directed to study "the scientific, economic, political, legal, social, psychological, military and technological factors relating to the prevention of war." Now the ACDA, the Peace Corps and similar agencies and functions already authorized by Congress could be more effective if consolidated under a well-integrated and well-funded Department of Peace.

We expect the new Department to maintain its own information sources, and to work closely with the many national and international Peace organizations (both official, such as the United Nations, and citizen groups, such as the American Friends' Service Committee).

We anticipate that the Secretary of Peace will expand the Peace Corps which has proved so successful, and will establish new Peace training programs to parallel ROTC units in colleges and universities, with a curriculum designed to develop those attitudes and skills needed for *non-military* crisis intervention, negotiation and arbitration. We have learned in Vietnam that our trained military personnel respond to a new kind of challenge with professional competence, while our pacification efforts are improvised and unsuccessful.

The Secretary should review the unilateral commitments this country has made to improve the condition or guarantee the security of poorer and weaker people around the globe, giving the Chief Executive the benefit of another opinion as he weighs the gain in international stability against increased American exposure, with attendant costs and risk.

The Secretary may be the man to discover or devise William James' moral equivalent of war—"something heroic that will speak to men as universally as war does, yet will be as compatible with their spiritual selves as war has proved itself to be incompatible." Such a discovery would have applications at home as well as abroad.

None of this is new. Most of it has been suggested, some of it has been attempted, much of it is currently on the dockets of a dozen different bureaus. But there is nobody in charge of Peace.

PEACE IS EVERYBODY'S CONCERN AND NOBODY'S BUSINESS

There is no office or department working at Peace full time, to the exclusion of other responsibilities, and so we have repeatedly failed to convert a peace-keeping intent into a peace-keeping capability.

We must recognize that the State Department is not, and can never properly be, a Peace Office. Every Secretary of State since Thomas Jefferson has seen his duty exactly as Jefferson saw it: in the handling of foreign affairs, the only test is the interest and advantage of the United States. Let us agree that the State Department must be free to consider those interests ahead of any other.

The Department of Peace, however, would define and advance our larger interests with new techniques and new energy. Thus we extend to foreign affairs that admirable philosophy of checks and balances which has served so well within our federal system, and we separate the traditional responsibilities of present departments from the new responsibilities of the nuclear age.

The establishment of such a Peace program would be a meaningful affirmation of our national will to Peace. It would reassure and encourage rational people everywhere, for truth does slip through barbed wire and climb over Great Walls.

At the same time, order would be restored to public debate in this country. If the structure of government accommodates the opposing convictions of all informed and loyal men, the next administration would be able to take up its work in a more temperate political climate, undistracted by the wild accusations of the extreme right or the noisy demonstrations of the New Left.

A plan for a Peace Office for the United States was first put forth in 1799 by Dr. Benjamin Rush, a signer of the Declaration of Independence. This is an idea whose time has come. Let us act now, in our own behalf, and on the behalf of brave men, grieving mothers, and terrified children everywhere. Let this country, the most mature representative government on earth, and the most powerful, be the first to enlist all its moral, intellectual, and physical strength in the cause of Peace.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4019) to establish a Department of Peace, and for other purposes, introduced by Mr. HARTKE (for himself, Mr. HATFIELD, and Mr. YARBOROUGH), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 4019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Peace Act".

TITLE I—DEPARTMENT OF PEACE

ESTABLISHMENT OF DEPARTMENT

SEC. 101. There is hereby established, as an executive department of the Government, the Department of Peace.

OFFICERS OF THE DEPARTMENT

SEC. 102. (a) The Department shall be administered by a Secretary of Peace, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Peace, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Peace (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary of Peace, an Assistant Secretary of Peace or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary of Peace shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries of Peace and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

DECLARATION OF PURPOSE AND DUTIES OF SECRETARY

SEC. 103. The function and purpose of the Department shall be to promote the cause and advancement of peace both in this Nation and throughout the world. Toward that noble objective, the Secretary shall, in the discharge of his duties, (1) advise the President with respect to the progress of peace; (2) develop and recommend to the President appropriate policies and programs designed to foster the development of peace; (3) exercise leadership at the direction of the President in the coordination of all Federal activities affecting the principle of peace; (4) provide information and such other assistance as may be authorized by the Congress to assist in the establishment of those institutions which may further among the people an understanding of the true meaning of peace; and (5) encourage planning by the Nation with a view toward coordinating the activities of peace among all Nations.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 104. (a) There are hereby transferred to the Secretary (1) all functions of the following agencies or offices, or parts of agencies or offices, and (2) all functions of the Secretary of State which were carried out immediately before the effective date of this title by such agencies or offices, or parts of agencies or offices:

(A) The Agency for International Development.

(B) The Peace Corps.

(C) The Arms Control and Disarmament Agency.

(b) There are hereby transferred to the Secretary (1) all functions of the International Agricultural Development Service, Department of Agriculture, and (2) all functions of the Secretary of Agriculture which were carried out immediately before the effective date of this title by such Service.

(c) There are hereby transferred to the Secretary (1) the functions of the Bureau of International Commerce, Department of Commerce, insofar as they pertain to participating in and developing United States policy with respect to the General Agreement on Tariffs and Trade (GATT), and (2) all functions of the Secretary of Commerce which were carried out immediately before the effective date of this title by such Bureau insofar as they pertain to participating in and developing such policy, as determined by the Director of the Bureau of the Budget.

(d) Within one hundred and eighty days of the effective date of this title the President may transfer to the Secretary any function of any other agency or office, or part of any agency or office, in the executive branch of the Government if the Director of the Bureau of the Budget determines that such function relates primarily to functions transferred to the Secretary by the preceding subsections of this section.

TRANSFER OF AGENCIES AND OFFICES

SEC. 105. (a) All personnel, assets, liabilities, contracts, property, and records, and all unexpended balances of appropriations, allocations, and other funds (available or to be made available) as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 104, are transferred to the Secretary. Except as provided in subsection (b), personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, such agency or office shall lapse.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) In addition to the authority which is transferred to and vested in the Secretary by section 104, the Secretary is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out his functions and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals unless otherwise specified in an appropriation Act.

(c) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Secretary by this title, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(d) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(e) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(f) In addition to the authority which is transferred to and vested in the Secretary by section 104, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities;

(1) Emergency medical services and supplies;

(2) Food and other subsistence supplies;

(3) Messing facilities;

(4) Motion picture equipment and film for recreation and training; and

(5) Living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(g)(1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(h) The Secretary is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in the performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(i)(1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

AMENDMENTS TO OTHER LAWS

SEC. 107. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof the following: ", Secretary of Peace".

(b) Section 101 of title 5 of the United States Code is amended by inserting after the last paragraph the following: "The Department of Peace."

(c) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title 5 of the United States Code is amended as follows:

(1) Section 5312 is amended by adding after paragraph (12) the following:

"(13) Secretary of Peace."

(2) Section 5314 is amended by adding after paragraph (52) the following:

"(53) Under Secretary of Peace."

(3) Section 5315 is amended by adding after paragraph (91) the following:

"(92) General Counsel, Department of Peace.

"(93) Assistant Secretaries of Peace (4)."

(4) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

ANNUAL REPORT

SEC. 108. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 109. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this title, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this title takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this title. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this title—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this title).

(d) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this title.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this title, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

CODIFICATION

SEC. 110. The Secretary is directed to submit to the Congress within two years from the effective date of this title, a proposed codification of all laws which contain functions transferred to the Secretary by this title.

EFFECTIVE DATE—INITIAL APPOINTMENT OF OFFICERS

SEC. 111. (a) This title shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this title may (notwithstanding subsection (a)) be appointed in the manner provided for in this title, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this title.

DEFINITIONS

SEC. 112. For purposes of this title:

(1) The term "Department" means Department of Peace.

(2) The term "Secretary" means Secretary of Peace.

(3) The term "function" includes power and duty.

TITLE II—EXPORT-IMPORT BANK OF THE UNITED STATES

TRANSFER TO DEPARTMENT OF PEACE

SEC. 201. Section 3 of the Export-Import Bank Act of 1945 is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) The Export-Import Bank of the United States shall be an agency of the United States within the Department of Peace, subject to the general supervision and direction of the Secretary of Peace."

(2) In subsection (b) immediately after "serve" both times it appears, insert ", under the direction of the Secretary of Peace,".

(3) Subsection (c) is amended as follows:

(A) In the first sentence, immediately preceding "consisting" insert ", subject to the general supervision and direction of the Secretary of Peace, who shall be an ex officio, non-voting director, and".

(B) In the second sentence, immediately after "five", insert "voting".

(C) In the third sentence, immediately after "Each", insert "voting".

(D) In the fifth sentence, strike out "President of the Bank" and insert "Secretary of Peace".

(E) In the sixth sentence, immediately after "majority" insert "of the voting members".

(4) In subsection (d), strike out "President of the Bank" both times it appears, and insert "Secretary of Peace".

TERMS OF OFFICERS

SEC. 202. Notwithstanding the amendments made by section 201, the terms of persons holding office as directors and officers of the Export-Import Bank of the United States immediately prior to the effective date of this title shall continue until the appointment and qualification of their respective successors.

EFFECTIVE DATE

SEC. 203. This title shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

TITLE III—INTERNATIONAL PEACE INSTITUTE

ESTABLISHMENT OF INTERNATIONAL PEACE INSTITUTE

SEC. 301. The Secretary of Peace (hereafter in this title referred to as the "Secretary") is authorized and directed to establish within the Department of Peace a United States institute to furnish training and instruction to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace. Such institute shall be known as the "International Peace Institute" (hereafter in this title referred to as the "Institute").

OFFICERS, STAFF, AND INSTRUCTORS

SEC. 302. (a) The Secretary may appoint or assign, on a full- or part-time basis, such officers, staff, and instructors as the needs of the Institute require.

(b) The Secretary may assign or detail, on a full- or part-time basis and with the consent of the head of the Government department or agency concerned, any officer or employee of the executive branch of the Government to serve on the faculty or staff of the Institute. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned or detailed.

SUPERVISION OF INSTITUTE

SEC. 303. The supervision and charge of the Institute shall be under such officer or officers as the Secretary may appoint for or assign to that duty, and under such regulations as the Secretary may prescribe.

BOARD OF TRUSTEES

SEC. 304. (a) In the operation of the Institute the Secretary shall work in conjunction with a Board of Trustees, which shall consist of twelve members, as follows—

(1) the Secretary (ex-officio) and, two officers of the Department of Peace designated by him;

(2) two Members of the United States Senate, of different political parties, appointed by the President of the Senate;

(3) two Members of the House of Representatives, of different political parties, appointed by the Speaker of the House of Representatives;

(4) one member from the Atomic Energy Commission, who shall be the Chairman or his designee;

(5) one member from the Federal Council on the Arts and the Humanities, who shall be the Chairman or his designee;

(6) one member from the National Academy of Sciences, to be appointed by the President after consultation with the President of the Academy; and

(7) two educators of prominence appointed by the President.

(b) Members of the Board of Trustees shall be appointed for two-year terms and shall be eligible for reappointment.

(c) The Board shall visit the Institute annually. With the approval of the Secretary, the Board or its members may make other visits to the Institute in connection with the duties of the Board.

(d) The Board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the Board decides to consider.

(e) Within sixty days after its annual visit, the Board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Institute. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within sixty days after the approval.

(f) While performing his duties, each member of the Board shall be reimbursed under Government travel regulations for his travel expenses.

ADMISSION OF STUDENTS

SEC. 305. (a) The authorized number of students at the Institute shall be one hundred and fifty.

(b) The Institute shall operate as a coeducational institution and students shall be selected for admission to the Institute on the basis of merit, as determined by a competitive examination to be given annually in each State, the District of Columbia, and the Commonwealth of Puerto Rico, at such time, in such manner, and covering such subject matter as the Secretary may prescribe.

(c) No individual shall be eligible for admission to the Institute unless he is a citizen of the United States who has been awarded a bachelor's degree upon graduation from a college or university located in the United States or a degree which the Secretary determines is generally recognized as the equivalent of a bachelor's degree upon graduation from a college or university located in a foreign country.

STIPENDS AND TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 306. Each student of the Institute shall be entitled to receive—

(1) a stipend in an amount determined by the Secretary to be within the range of stipends or fellowships payable under other Government programs providing for the education or training of graduate students; and

(2) reasonable travel and transportation allowances, including transportation for his immediate family, household goods, and personal effects, under regulations prescribed by the Secretary, but such allowances shall not exceed the allowances payable under section 5723 of title 5 of the United States Code.

COURSE OF INSTRUCTION AND TRAINING

SEC. 307. (a) The course of instruction and training for students at the Institute shall be prescribed by the Secretary, shall be for a period of one year, and shall, insofar as consistent with the purposes of this title, be graduate level work acceptable for credit toward a graduate degree at accredited colleges and universities. In prescribing such course of instruction and training the Secretary shall provide that special emphasis be placed on such studies as will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace. Upon satisfactory completion of the prescribed course of instruction and training, students shall be awarded a Federal certificate of participation.

(b) The course of instruction and training at the Institute shall, during each year of its operation, be organized as prescribed by the Secretary, except that one month of each such year shall be devoted to annual leave for all students.

AGREEMENTS BY STUDENTS

SEC. 308. Each student selected for admission to the institute shall sign an agreement that, unless sooner separated, he will—

(1) complete the course of instruction at the Institute; and

(2) accept, if offered, an appointment and service, as an officer or employee of the United States or, in the discretion of the Secretary, employment with an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace, in any position for which such student is qualified by reason of his special training at the Institute, for at least the one-year period immediately following the awarding of his certificate from the Institute or the completion by him of any period of full-time graduate study approved by the Secretary.

AUTHORIZATIONS; ACQUISITION OF PROPERTY

SEC. 309. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) The Institute shall have power to acquire and hold real and personal property and may receive and accept gifts, donations, and trusts.

TITLE IV—PEACE BY INVESTMENT CORPORATION

GENERAL PURPOSES

SEC. 401. The recent establishment of the "Peace Corps" reflects growing realization that governments and diplomatic relations alone cannot bring enduring peace, without the consolidation and expansion of people-to-people relationships. Economic relationships are fundamental to human relationships, and private economic endeavors are inseparable from systems of human freedom. This title is designed to establish and expand people-to-people relationships in the economic field; to encourage an expanded flow of private capital investment from the United States into economically sound enterprises in underdeveloped areas of the world in the interest of world peace through mutual economic progress; to enlarge the number of private investors participating in this flow of capital so as to forge more direct links among the peoples of the world; to reduce gradually thereby the need for United States public investment and grants overseas; to help redirect the total flow of capital from the United States so that increasing portions of this total flow go to the underdeveloped areas, and thus be in better harmony with the domestic economic needs of the United States and the effective management of its international balance-of-payments problems.

PEACE BY INVESTMENT CORPORATION: BASIC FUNCTIONS

SEC. 402. There is hereby established a Peace by Investment Corporation (hereafter in this title referred to as the "Corporation") with the following basic functions in accord with the purposes of this title:

(1) As an equity investment agency, the Corporation may purchase the securities and obligations of, or make loans to (A) any underdeveloped country or political subdivisions thereof, (B) any public agency or instrumentality of any such country, or (C) any private or semiprivate firm, corporation, or association doing or intending to do business wholly or mainly in any such country or countries. Any such purchase or loan shall be for the purpose of financing or assisting in financing any undertaking of a profitmaking nature to expand such industrial, mining, construction, or agricultural activity in such country or countries as will, in the judgment of the Corporation, further the purposes of this title, and any such undertaking should place particular emphasis upon the encouragement of small- and moderate-sized enterprises and upon achieving widely diversified endeavors.

(2) The Corporation shall make available such technical assistance as in its judgment will facilitate the purposes of this title, and will not be duplicative of adequate technical assistance which is available from sources other than the Corporation.

BASIC CRITERIA FOR INVESTMENT PROGRAM

SEC. 403. In carrying forward the investment program pursuant to paragraph (1) of section 402, the Corporation shall be guided by the following basic criteria, and shall make appropriate findings accordingly:

(1) Each specific investment is in furtherance of an undertaking which is economically sound, actually or potentially profitable, and consistent with the sound long-range economic development of the country in which it is located.

(2) The country in which the undertaking is located has had full information with respect to it and an opportunity to express a judgment as to its desirability.

(3) Because of the insufficient availability of venture capital from other sources, the investment is not in competition with, or duplicative of, other private investment programs or other public programs of the United States, or of international agencies, which give reasonable promise of accomplishing comparable results in accord with the purposes of this title.

(4) Each investment, taking into account the country in which it is located, is in accord with the general international economic and political policies of the United States.

(5) The investment program in general is consistent with the short-range and long-range policy of the United States to maintain maximum employment, production, and purchasing power within the domestic economy.

(6) The investment program in general is consistent with the short-range and long-range need of the United States to maintain a satisfactory balance-of-payments position.

(7) The investment program in general, and in its specific applications, is mutually beneficial to the country to which the investment flows and the country from which it emanates, taking into account not only purely economic considerations but also consideration of human improvement under free institutions.

BASIC FINANCING OF PEACE BY INVESTMENT CORPORATION

SEC. 404. (a) The Corporation shall have a capital stock consisting in part of fifty shares of class A stock having a par value of $1,000,000 per share. Such stock shall be the only stock of the Corporation having voting power, as long as any of it is outstanding, and it shall be subscribed to by the United States Government. The Secretary of the Treasury shall use the proceeds from the sale of any securities issued under the Second Liberty Bond Act for the purpose of such subscription, and the purposes for which securities may be issued under such Act are extended to include such subscription. Payment to the Corporation for the subscription of the United States to such stock, and repayments thereof, shall be treated as public debt transactions of the United States. Certificates evidencing stock-ownership by the United States shall be issued by the Corporation to the President of the United States, or to such other person or persons as he may designate, from time to time. The provisions of the Securities Act of 1933, and the Securities Exchange Act of 1934, shall not apply to the Corporation, or to the original issue of its securities, while any class A stock is outstanding.

(b) The Corporation is authorized to issue for public sale "Peace by Investment Debentures" which shall be in denominations of $5, or any multiple thereof, and shall have such maturities (not in excess of twenty years) and bear interest at such rates as may be determined by the Corporation with the approval of the Secretary of the Treasury. Such debentures shall be fully and unconditionally guaranteed as to principal by the United States. For as long as the Corporation remains an agency of the United States, the aggregate amount of debentures issued under this subsection in any one year shall not exceed $375,000,000, and the total amount of such debentures which are outstanding at any time shall not exceed $1,250,000,000. The Corporation, with the approval of the Secretary of the Treasury, shall by regulation fix the maximum amounts of such debentures which may be held at any time by any individual, corporation, firm, trust, association, or other entity, respectively.

(c) The Corporation is authorized, at the option of the holder of any debenture issued under subsection (b), to exchange such debenture for class B stock which the Corporation may issue in such form, and subject to such terms and conditions, as it may prescribe, subject to the approval of the Secretary of the Treasury for as long as the Corporation remains an agency of the United States.

(d) The Corporation is authorized to issue from time to time, for purchase by the Secretary of the Treasury, its notes or other obligations: *Provided*, That the aggregate amount of obligations so issued shall not exceed $60,000,000 in any one year, and the aggregate amount of such obligations outstanding at any one time shall not exceed $300,000,000. No such obligation shall be issued more than six years from the date of the first issue, or after the Corporation ceases to be an agency of the United States. Such obligations shall have such varied maturities (not in excess of twenty years) as may be determined by the Corporation, with the approval of the Secretary of the Treasury, with periodic retirement of each obligation commencing in the first year subsequent to its original issue: *Provided*, That any such obligation may be retired at the option of the Corporation before maturity in such manner as may be stipulated therein. Each obligation purchased by the Secretary of the Treasury hereunder shall, as long as the Corporation remains an agency of the United States, bear interest at a rate determined by the Corporation on the basis of the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such obligations; except that when the Corporation ceases to be an agency of the United States each such obligation shall bear interest at the rate of 4 per centum per annum. The Secretary of the Treasury is authorized for the purpose of this subsection to use as a public-debt transaction the proceeds of any securities issued after July 31, 1945, under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payments for such obligations by the Treasury, and repayment thereof by the Corporation, shall be treated as public-debt transactions of the United States.

(e) One-fifth of the proceeds of the sale of the debentures issued under subsection (b) of this section shall be set aside by the Corporation in a special fund to be established by the Corporation. Such fund shall be utilized (1) to retire fully, within a period of six years or less from the initial issuance of such debentures, the class A stock of the Corporation issued under subsection (a) of this section, and (2) to retire fully the obligations issued under subsection (d) of this section in accordance with the terms of retirement contained in such obligations. Moneys in such fund shall be invested or reinvested by the Corporation in interest-bearing obligations of the United States or in obligations guaranteed as to interest and principal by the United States: *Provided*, That when the class A stock of the Corporation and the obligations issued under subsection (d) of this section have been retired in full, any balance remaining in the special fund shall be merged with other funds of the Corporation obtained through the sale of debentures pursuant to subsection (b), and their exchange for class B stock pursuant to subsection (c), and shall thereupon be available for the general purposes of this title.

(f) Except as otherwise provided in this section, all funds available to the Corporation pursuant to this section, and receipts from its operations shall be available to the Corporation for its general purposes under this title.

INITIAL MANAGEMENT OF PEACE BY INVESTMENT CORPORATION

SEC. 405. (a) Until the conditions set forth in section 406 are fully met, the Corporation shall be an agency of the United States within the Department of Peace.

(b) The management of the Corporation during its existence as an agency of the United States shall consist of a Board of Directors (hereafter in this title referred to as the "Board"), composed of (1) five members appointed from private life by the President, with the advice and consent of the Senate, who shall collectively possess broad experience in various areas of economic endeavor; (2) the Secretary of Peace, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Labor, to serve ex officio; (3) four members to be appointed by the President from various United States agencies concerned with international economic development; and (4) a President and Executive Vice President of the Corporation, as set forth below, who may be appointed from private life or from public service. All members, except those serving ex officio, shall serve at the pleasure of the President.

(c) The Board shall elect a Chairman from among its members. Any vacancy in the Board shall not effect its powers, but shall be filled in the same manner as the original appointment. A majority of the Directors shall constitute a quorum, and action shall be taken only by a majority vote of those present.

(d) The Board shall designate an executive committee of seven members, not more than two of whom (exclusive of the President and Executive Vice President of the Corporation) shall be members appointed from private life. The executive committee shall perform the functions and exercise the powers of the Board at such times and to such extent as shall be provided in the bylaws of the Corporation.

(e) Members of the Board appointed from private life shall receive $——— per diem when engaged in the actual performance of their duties, plus reimbursement for necessary travel, subsistence, and other expenses incurred by them in the performance of such duties.

(f) There shall be a President of the Corporation, to be appointed by the President by and with the advice and consent of the Senate, who shall receive a salary at the rate of $——— per annum, and who shall serve as chief executive officer of the Corporation, as a member of the executive committee, and as a member of the Board. The President of the Corporation shall, in accordance with the bylaws, appoint such officers and employees as may be necessary for the conduct of the business of the Corporation, define their duties, and fix their compensation.

(g) There shall be an Executive Vice President of the Corporation, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary at the rate of $——— per annum. The Executive Vice President shall serve as President of the Corporation during the absence or disability of the President of the Corporation.

(h) No director, officer, attorney, agent, or employee of the Corporation shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any government, corporation, partnership, or association in which he is directly or indirectly personally interested.

(i) The President may also appoint an advisory committee to the Board, composed of individuals drawn from private and public life outside the United States, who need not be citizens or residents of the United States.

TRANSFER OF PEACE BY INVESTMENT CORPORATION TO PRIVATE OWNERSHIP AND MANAGEMENT

SEC. 406. (a) When the class A stock of the Corporation has been retired in full, within a period of six years or less, as provided in section 404(e), in accordance with the objective of vesting as soon as feasible the management of the Corporation in private ownership, the Board shall transmit to the President of the United States, for submission to the Congress, recommendations for such legislation as may be necessary to provide for the orderly transition of the Corporation from an agency of the United States to a corporation under private ownership and management, including (1) appropriate provision for transfer to the owners of the outstanding Peace by Investment Debentures or class B stock of the Corporation the assets and liabilities of the Corporation, (2) appropriate provision for vesting in such owners the exclusive voting power of the Corporation, with each owner being thereupon entitled to one vote per share, and (3) such additional provisions as may be necessary to protect any outstanding investments in the Corporation by the United States: *Provided*, That the President, in connection with such submission to the Congress, shall also provide recommendations as to whether a sufficient portion of the obligations purchased by the Secretary of the Treasury pursuant to section 404(d) have been retired to justify the transfer of the Corporation from public to private ownership and management.

(b) In connection with the transfer referred to in subsection (a), a complete and final accounting shall be made by the Corporation and the Government, at which time the Government shall receive reasonable compensation for all Government services rendered to the Corporation.

GENERAL CORPORATE POWERS AND DUTIES

SEC. 407. (a) For the purpose of carrying out its functions under this title, the Corporation shall have succession in its corporate name; may adopt and use a corporate seal, which shall be judicially noticed; may sue and be sued in its corporate name; may adopt, amend, and repeal bylaws, rules, regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised; may make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business, and may purchase, discount, redisount, sell, and negotiate (with or without its endorsement or guarantee) and guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness in carrying out its functions under this title; may appoint and fix the compensation of such officers and employees as may be necessary for the conduct of its business, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, define their authority and duties, delegate to them such powers vested in the Corporation as may be necessary, require bonds of such of them as may be desirable, and fix the penalties and pay the premiums of such bonds; may assign or sell at public or private sale, or otherwise dispose of for cash or credit, upon such terms and conditions as shall be determined reasonable, any evidence of debt, contract, claim, personal property, or security held by the Corporation in connection with the payment of loans or other obligations, and collect or compromise all obligations held by the Corporation; may set up or engage such subsidiary agencies in the United States or in underdeveloped countries as will facilitate the business of the Corporation and may enable such subsidiary agencies to sell debentures issued under section 404(b), or to sell their own stock for the purpose of buying such debentures; may acquire by purchase, lease, or donations such real property or any interest therein, and may sell, lease, or otherwise dispose of such real property, as may be necessary for the conduct of its business; shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title, and provisions of law specifically applicable to Government corporations; may pay dividends on class B stock out of profits or other earnings; shall be entitled to the use of the United States mails in the same manner and upon the same conditions as may be applicable to the executive departments of the United States Government until such time as it ceases to be an agency of the United States; and shall be subject to Federal taxation from the time that it ceases to be an agency of the United States. The foregoing enumeration of powers shall not be deemed to exclude other lawful powers necessary to the purposes of the Corporation.

(b) Notwithstanding the provisions of section 955 of title 18, United States Code, any person, including any individual, partnership, corporation, or association, may upon proper authorization act for or participate with the Corporation in any operation or transaction engaged in by the Corporation.

(c) Section 201 of the Government Corporation Control Act, as amended (31 U.S.C. 856), is amended by striking therefrom the words "and (5) Federal Deposit Insurance Corporation" and adding at the end thereof the words "(5) Federal Deposit Insurance Corporation, and (6) Peace by Investment Corporation".

(d) When the Corporation is transferred to private ownership and management as provided in section 406, it shall, in addition to the corporate powers and duties set forth above in this section, be empowered to exercise inter alia the functions of an investment trust, to establish such insurance systems as may be deemed in furtherance of the purposes of this title, and to engage in other activities generally in line with those of Corporations engaged in such functions when operating under private ownership and management.

PENAL PROVISIONS

SEC. 408. (a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to the moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation, or any officer or employee of the United States, makes any false entry in any book of the Corporation, or makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both.

(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both

REPORTS AND STUDIES

SEC. 409. (a) The Corporation shall submit to the President, for transmission to the Congress at the beginning of each regular session, a complete and detailed annual report of its operations under this title.

(b) The Corporation, immediately upon its establishment, shall commence studies of additional measures, including tax measures, which would further promote the flow of private capital from the United States to underdeveloped areas of the world consistent with the economic and financial policies of the United States. Such studies shall be amplified in the light of the experience of the Corporation. As soon as practicable, and not later than three years after the establishment of the Corporation, it shall prepare for transmission to the Congress the initial results of such studies, including legislative recommendations.

TITLE V—JOINT COMMITTEE ON PEACE

ESTABLISHMENT OF JOINT COMMITTEE

Sec. 501. There is hereby established a joint congressional committee to be known as the Joint Committee on Peace (hereinafter referred to as the Joint Committee). The Joint Committee shall be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the Joint Committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and the House of Representatives, respectively.

FUNCTIONS

Sec. 502. It shall be the function of the Joint Committee—

(1) to make a continuing study of matters relating to the Department of Peace;

(2) to study means of coordinating programs in order to further the policy of this Act; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Department of Peace, to file a report not later than May 1 of each year (beginning with the calendar year 1970) with the Senate and the House of Representatives containing its findings and recommendations with respect to the Department of Peace, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

VACANCIES—SELECTION OF CHAIRMAN

Sec. 503. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members.

HEARINGS—STAFF—AND ASSISTANCE

Sec. 504. (a) The Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings and sit and act at such times and places, as it deems advisable; and, within the limitations of its appropriations, the Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding and to make such expenditures as it deems advisable.

(b) With the prior consent of the Department or Agency concerned, the Joint Committee is authorized to utilize the services, information, and facilities of the departments and establishments of the Government, and also of private research agencies.

EXPENSES

Sec. 505. There is hereby authorized to be appropriated for each fiscal year, the sum of $200,000, or so much thereof as may be necessary, to carry out the provisions of this title, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman.

RESOLUTION

SENATE RESOLUTION 390—RESOLUTION AUTHORIZING PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "ECONOMIC DEVELOPMENT OPPORTUNITY"

Mr. SMATHERS submitted the following resolution (S. Res. 390); which was referred to the Committee on Rules and Administration:

S. Res. 390

Resolved, That there be printed for the use of the Select Committee on Small Business one thousand three hundred additional copies of its hearings of the present Congress entitled "Economic Development Opportunity."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 11, 1968, he presented to the President of the United States the enrolled bill (S. 3293), to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

GUN CONTROL ACT OF 1968—AMENDMENTS

AMENDMENTS NOS. 943 AND 944

Mr. BREWSTER submitted two amendments, intended to be proposed by him, to the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 945 THROUGH 947

Mr. TYDINGS submitted three amendments, intended to be proposed by him, to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 948

Mr. BROOKE submitted an amendment, intended to be proposed by him, to Senate bill 3633, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 949 THROUGH 953

Mr. DODD (for himself, Mr. Fong, Mr. Kennedy, and Mr. Tydings) submitted five amendments, intended to be proposed by them, jointly, to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 954

Mr. DODD submitted amendments, intended to be proposed by him, to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

FINANCIAL INSTITUTIONS AND THE URBAN CRISIS—NOTICE OF HEARINGS

Mr. PROXMIRE. Mr. President, the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings from September 30 through October 4 on financial institutions and the urban crisis. The purpose of the hearings will be to determine what actions may be taken, both public and private, to increase the amount of private capital allocated to urban ghetto areas.

The hearings are scheduled to begin at 10 a.m. in room 5302 of the New Senate Office Building. Persons desiring further information concerning these hearings should contact Mr. Kenneth McLean, room 5306, New Senate Office Building.

NOTICE OF HEARINGS ON CREDIT CARDS

Mr. PROXMIRE. Mr. President, the Subcommittee on Financial Institutions of the Committee on Banking and Currency will conduct 2 days of hearings on credit cards on October 9 and 10. The hearings will focus on the report on bank credit cards and check credit plans issued by the Federal Reserve System on August 2. In addition, the hearings will examine the impact of credit cards on the consumer.

The hearings will take place in room 5302 of the New Senate Office Building at 10 a.m. Persons wishing to testify should contact Mr. Kenneth McLean, room 5306, New Senate Office Building.

THIS IS MY COUNTRY—KEYNOTE ADDRESS BY SENATOR INOUYE AT DEMOCRATIC NATIONAL CONVENTION

Mr. MANSFIELD. Mr. President, on August 26, 1968, the distinguished Senator from Hawaii [Mr. Inouye] delivered the keynote address at the Democratic National Convention in Chicago, Ill.

Senator Inouye, as the first and temporary chairman of the convention, delivered an inspiring address to the delegates assembled. I ask unanimous consent that the address, which was so universally well received, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Daniel K. Inouye, Keynote of the 1968 Democratic National Convention, August 26, 1968

My fellow Americans: This is my country.

Many of us have fought hard for the right to say that. Many are now struggling today from Harlem to Danang that they may say this with conviction.

This is our country.

And we are engaged in a time of great testing—testing whether this nation, or any nation conceived in liberty and dedicated to opportunity for all its citizens, can not only endure but continue to progress. The issue before us in such a time is how shall we discharge, how shall we honor our citizenship.

The Keynote Address at a national political convention traditionally calls for rousing oratory. I hope to be excused from this tradition tonight for I do not view this occasion as one for flamboyance or levity.

I believe the real reason we are here is that there is a word called "commitment," because we are committed to the future of our country and all our people, and because of that future, hope and faith are much more needed now than pride in our party's past.

For even as we emerge from an era of unsurpassed social and economic progress, Americans are clearly in no mood for counting either their blessings or their bank accounts.

We are still embarked on the longest unbroken journey of economic growth and prosperity in our history. Yet we are torn by dissension, and disrespect for our institutions and our leaders is rife across the land.

In at least two of our great universities, learning has been brought to a halt by student rebellions; others of the student revolution have publicly burned draft cards and even the American flag.

Crime has increased so that we are told one out of every three Americans is afraid to walk in his own neighborhood after dark.

Riot has bludgeoned our cities, laying waste our streets, our property and, most important, human lives. The smoke of destruction has even shrouded the dome of our Capitol. In Washington the task of restoring order drew more than twice as many Federal troops as were involved in the defense of Khe Sanh in Vietnam.

Voices of angry protest are heard throughout the land, crying for all manner of freedoms. Yet our political leaders are picketed and some who cry loudest for freedom have sought to prevent our President, our Vice President and Cabinet officers from speaking in public.

None go so far as publicly to condone a politics of assassination. Yet assassins' bullets have robbed our country of three great leaders within the last five years.

Why? What has gone wrong?

Why—when we have at last had the courage to open the attacks on the age-old curses of disease and ignorance, poverty and prejudice—why are the flags of anarchism being hoisted by the leaders of the next generation? Why—when our maturing society welcomes and appreciates art as never before—are poets and painters so preponderantly hostile?

Some conveniently blame all our ills and agonies on a most difficult and unpopular commitment overseas. The Vietnam war must end, they say, because it is an immoral war.

Of course, the war in Vietnam must be ended. But it must be ended, as President Johnson said last March, by patient political negotiation rather than through the victorious force of arms—even though this may be unpalatable to those raised in the tradition of glorious military victories. But like our other complex problems, this one must also be solved responsibly. Just as we shun irresponsible calls for total and devastating nuclear military victory, so must we guard against the illusion of an instant peace that has no chance of permanence.

Of course, the Vietnam war is immoral. Whether by the teachings of Moses, or by the teachings of Christ, or by the teachings of Buddha, I believe that all wars are immoral. During the Crusades, Christians in the name of Jesus Christ slaughtered innocent men, women and children and plundered their cities—because they were of another faith. These were immoral wars. In Vietnam we build schools across the countryside and feed the hungry in the cities, and our President has pledged massive sums in aid to all Vietnamese—and yet, this is an immoral war.

Perhaps by the time my four-year-old son is grown, men will have learned to live by the Ten Commandments. But men have not yet renounced the use of force as a means to their objectives. And until they do, are we more immoral—if there be such a degree—to fracture our solemn commitments and see our word doubted, not only by our friends abroad, but by our enemies? Knowing that this could lead to tragic miscalculations, is it less immoral now to take the easier course and gamble the lives of our sons and grandsons on the outcome?

These are not easy questions and perhaps there are no certain answers.

But when young people have rioted in China and Czechoslovakia as well as at Columbia, in Paris and in Berlin as well as in Berkeley, I doubt that we can blame all the troubles of our times on Vietnam.

Other critics tell us of the revolution of rising expectations. They charge that it has reached such proportions that men now take it as an insult when they are asked to be reasonable in their desires and demands. If this is too often true as a generalization, it is all too frequently aimed particularly at our fellow citizens of African ancestry, whose aspirations have burst full-blown on us after more than 100 years of systematic racist deprivation.

As an American whose ancestors came from Japan, I have become accustomed to a question most recently asked by a very prominent businessman who was concerned about the threat of riots in the cities and the resultant loss in life and property. "Tell me," he said, "Why can't the Negro be like you?"

First, although my skin is colored, it is not black. In this country, the color of my skin does not ignite prejudices which have smoldered for generations. Second, although my grandfather came to this country in poverty, he came without shackles. He came as a free man enjoying certain constitutional rights under the American flag. Third, my grandfather's family was not shattered as individual members of it were sold as chattel or used as security on loans. And, fourth, although others of my ancestry were interned behind barbed wire during World War II, neither my parents nor I were forced by covenants and circumstances to live in ghettos.

Unlike those of my ancestry, the Negro's unemployment rate is triple the national average. The mortality rate of his children is twice that of white children. He often pays more for his miserable tenement than comparable space will cost in the white suburbs. He is likely to pay more for his groceries, more for his furniture, more for his liquor and more for his credit. And, my fellow Americans, today many thousands of black Americans return from Vietnam with medals of valor. Some of them have been crippled in the service of their country. But too often they return to economic and social circumstances that are barely, if at all, improved over those they left.

Is it any wonder that the Negro questions whether his place in our country's history books will be any less forgotten than were the contributions of his ancestors? Is it any wonder that the Negroes find it hard to wait another hundred years before they are accepted as full citizens in our free society?

Of course, expectations are rising—and they are rising faster than we in our imperfect world can fulfill them.

The revolutions we in the United States are experiencing was born of democratic processes that not only accommodate economic progress and social mobility, but actively encourage them. But it is important to remember that these expectations are the children of progress and that today's restlessness has been nurtured by our very real achievements. Out of these should emerge a brighter and better society than we have known.

Nowhere is this clearer than in the situation of our young people today. The success of our economic system has freed them in ever-increasing numbers from the tragedies of premature mortality and early labor. It has built the schools in which they are being educated to higher levels than ever in our nation's history. And this progress has been achieved in a political system that not only admits but safeguards the right of dissent.

So it should hardly surprise us when the children of such progress demand to be heard when they become aware of inequities still to be corrected. Neither should we fear their voices. On the contrary, whether we know it or not, the marching feet of youth have led us into a new era of politics and we can never turn back.

What should concern us is something far more fundamental. The true dimension of the challenge facing us is a loss of faith. I do not mean simply a loss of religious faith, although this erosion is a major contributor to our unease. I mean a lose of faith in our country, in its purposes and in its institutions. I mean a retreat from the responsibilities of citizenship.

The plain fact is that in the face of complexity and frustrations, too many Americans have drifted into the use of power for purely destructive purposes. Too many Americans have come to believe it is their right to decide, as individuals, which of our laws they will obey and which they will violate.

I do not mean to say that all our laws are just. They are not. And I do not mean to suggest that protest against unjust laws is not proper. Performed in an orderly manner, the right to protest is a cornerstone of our system. Men must have the opportunity to be heard, even when their views are extreme and, in a lesser democratic country, dangerous. I, too, have spoken against laws I considered wrong and unjust. I am sure I will speak—and vote—against many more.

But, my fellow Americans, I have not burned my birth certificate and I will not renounce my citizenship.

Those who would do such things are relatively few. But there is a much larger number who in the face of change and disorder have retreated into disengagement and quiet despair. Less destructively, but no less surely, such men are also retreating from the responsibilities of citizenship.

Now let us not deceive ourselves about the consequences of such abdication. It is anarchy. It is a state in which each individual demands instant compliance with his own desires. And from there it is but a short step to the assumption by each individual of the right to decide which of his neighbors shall live and which shall not. And so accelerates the sickening spiral of violence which has already cost us our beloved John F. Kennedy, our great leader Martin Luther King, Jr., and the voice of this decade, Senator Robert F. Kennedy.

We have been told that the revolts are against "the system," that "the establishment" must be torn down. But, my fellow Americans, in Paris recently, students cut down hundred-year old trees to erect temporary street barricades. Those trees had lived through two World Wars. Some of them had even survived the Revolution of 1848. Were the goals of these students served by the destruction of those trees? How long will it take for their beauty and the vitality they symbolized to grow again? What trees did the students plant in their place?

If we cut down our institutions, public and private, and with indifference starve the systems which have given us our achievements, who will feed the hungry? Who will train the unskilled? Who will supply the jobs that mean opportunity for the generation whose voices are not yet heard? And who will launch the much needed Marshall Plan to rebuild our cities and open opportunity for all Americans?

These undertakings are too great for individuals going their separate ways.

Finally, my fellow Americans, let us remember that even anarchy is only a way station. Man the social animal has always craved order. He has made the most essential function of his government the maintenance of some level of order. Chaos and anarchy have never been more than preludes to totalitarianism. Tyrants like Adolf Hitler have taught us this before.

So, my fellow Americans, let us reject violence as a means of protest and let us reject those who preach violence. But let us not tempt those who would hide the evil face of racism behind the mask of law and order.

To permit violence and anarchy to destroy our cities is to spark the beginning of a cancerous growth of doubt, suspicion, fear and hatred that will gradually infect the whole nation. Poverty, discrimination and deprivation, as evil as they are, do not justify violence or anarchy, do not justify looting or burning, and do not justify murder or assassination. Law and order must be respected and maintained to protect the rights—yes, the civil rights—of all citizens.

But let us resist also the temptation to apathy because we can never cure the causes of violence with indifference. And, my fellow Americans, in the last analysis, law and order can only rest securely with justice as its foundation.

So let us look at how much we have already built, and then get on with the work.

At a time when guns are still heard in some areas of the world, we have laid in place such building blocks of mankind's survival as the Nuclear Test Ban Treaty of 1963, the Banning of Atomic Weapons in Space of 1967, and the Nuclear Non-Proliferation Treaty of 1968. These are vital foundations—vital foundations of peace—and we must build on them.

Under the health measures first proposed during the Presidency of our most beloved Harry S. Truman and passed during the remarkable administration of Lyndon B. Johnson, 20 million older Americans are now protected under Medicare. Our elder Americans can now live their autumn years in dignity and in security. And infant mortality has declined to a new low, and federally-funded community health centers are now serving nearly 50 million Americans. These too are vital foundations, and on them we must build fuller lives for our citizens.

And since 1963, President Johnson has proposed and Congress has enacted more than 40 major new laws to foster education in our country. Since 1963, our government has tripled its investment in education and, in the past four years alone, we have invested twice as much as was spent in the previous one hundred years. These are foundations from which the towers of human achievement can soar.

The last eleven years have seen the passage of the five Civil Rights bills passed in our entire history of the United States. And I might note in passing that Lyndon Johnson is the author, chief architect or primary sponsor of each of the Civil Rights Laws. When all summers are long and hot, it is well to remember that after 100 years, the Emancipation Proclamation is finally, but slowly, becoming a reality. And the occupants of some of our highest offices are testimony that black talent is just as important as white talent.

Working together, we have done much. Together, we can—and must—do much, much more.

Fellow Democrats, we are here tonight because in large part we share a faith in our country and in its processes of orderly, humanistic change.

Change and challenge should not deter us now; we have long been the party of change and challenge.

The need for new ideas and improved institutions should not deter us now; we have long been the party of new ideas.

That today's crisis is one of the human spirit should not deter us; we have long been the party which gave priority to the needs of human beings.

So let us go forward with the programs responsive to the needs of today and responsive to the needs of tomorrow.

Fellow Americans, this is our country. Its future is what we, its citizens, will make it.

And as we all know, we have much to do. Putting aside hatred on the one hand and timidity on the other, let us grow fresh faith in our purpose and new vigor in our citizenship.

Let us welcome the ideas and energies of the young and the talents and participation of all responsible people.

Let us plant trees and grow new opportunity. And, my fellow Americans, let us build not only new buildings but new neighborhoods.

And then let us live in them—all as full citizens, all as brothers.

In closing, I wish to share with you a most sacred word of Hawaii—"Aloha". To some of you who have visited us, it may have meant "hello". To others, Aloha may have meant "goodbye". But to those of us who have been privileged to live in Hawaii, Aloha means "I love you". So, to all of you, my fellow Americans, Aloha.

COAL MINE HEALTH AND SAFETY ACT OF 1968

Mr. McGEE. Mr. President, the Senate must act immediately on the Federal Coal Mine Health and Safety Act proposed by the administration.

The life of a coal miner today remains in needless jeopardy: death, disabling injury, and disease—the grisly consequences of unsafe and unhealthy working conditions—threaten him constantly.

The coal miner today must live and work in fear: each time he goes on shift he knows that he may be carried back, the victim of a collapsing mine roof, a violent explosion, faulty equipment, or unsafe practices.

The coal miner today must surely live with frustration: he can report the hazards that his training and alertness enable him to identify; he can complain when nothing is done about them; but he must continue to risk them each day because the law that we have is not strong enough to assure the prevention or correction of many unsafe and unhealthy mine conditions.

These defective laws are of our own making, and I contend that the time has come for us to remedy our mistakes. The time has come for us to free the coal miner from his fears and his frustrations by enacting positive, effective legislation. The proposed bill will accomplish this.

The bill would provide for a flexible response by knowledgeable Federal agencies to the hazards that attend a constantly changing mining technology. The bill would also extend Federal enforcement of adequate safeguards to the working face of the mine where most deaths and serious injuries occur. Perhaps most important, the bill provides for penalties, both civil and criminal, that are strong enough to discourage violations of its provisions.

These are only a few of the bill's important features, but they typify the kind of legislative action that is being proposed by the administration: specific provisions designed to afford maximum protection for the lives and health of a highly skilled work force that is being endangered daily without cause or reason.

The Senate must delay no longer in acting on behalf of the American coal miner. Both humanity and commonsense demand that we move immediately to enact this essential legislation.

I ask unanimous consent that a letter from the President on this subject be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE MADE PUBLIC TODAY THE FOLLOWING LETTER FROM THE PRESIDENT TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, SEPTEMBER 11, 1968

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. PRESIDENT:
DEAR MR. SPEAKER:

When President Harry Truman signed the Coal Mine Safety Act sixteen years ago, he declared that, "the legislation falls far short of the recommendation I submitted to the Congress to meet the urgent problems in this field."

The record shows just how far short that measure fell. Since 1952, over 5,500 miners have been killed on the job. Another 250,000 were seriously disabled. No one knows how many thousands more have died, their lungs blackened by the ravages of coal dust disease-pneumoconiosis.

Today, despite the safety measures on the books, coal mining remains the most dangerous and hazardous occupation for the American worker. The National Safety Council reports that of the forty major industries in this country, coal mining ranks highest in frequency and severity of death and injury.

We have succeeded in preventing many of the major coal mine disasters that took dozens of lives at a time. But coal miners are still crushed by cave-ins, burned by explosions, maimed by antiquated and unsafe equipment. They still pay with their health for the right of earning a living because the air they breathe is thick with coal dust. At the very least, one out of every ten active miners—and one out of every five retired miners—suffers from a serious respiratory disease. For the tens of thousands of miners so afflicted, the shortness of breath may shorten their lives.

Consider some of the tragedies of just the past few months:

A massive landslide at the face of a mine in West Virginia crushed three workers to death.

A major explosion in a Kentucky mine snuffed out the lives of a nine-man crew. The cause: the dangerous practice of hauling dynamite on a drilling machine.

Miners in West Virginia inadvertently drilled into an abandoned water-filled mine shaft, and four were drowned.

There was nothing inevitable about these disasters. They happened because our coal mine safety laws are inadequate, and because even existing laws are all too frequently ignored.

At the present time, Federal inspectors have too little jurisdiction over the working face of the mines, where nearly half of the fatal accidents occur. They cannot tell a mine owner to shore up a sagging roof in this area. They cannot require the replacement of a potentially hazardous machine. They cannot require a reduction in the level of coal dust in the air to safe limits because the laws do not even touch on the problem of health standards. They have no jurisdiction at all over the nation's 2,250 surface mines, which account for almost 40 percent of our coal production.

Our inspectors are not even backed by effective enforcement penalties where the law does apply. It is a measure of this weakness that last year more than 80 percent of the nation's nearly 6,000 underground coal mines were in violation of one of more federal safety standards.

Today, I urge the Congress to remedy these defects. I recommend the Federal Coal Mine Health and Safety Act of 1968.

It is time that an enlightened and progressive nation give its coal miners a new charter of health and safety as they toil for the comfort of us all.

This Act will, for the first time:

Extend federal enforcement to the face of mine, the area where so many deaths and injuries occur, as well as correcting 18 other specific safety omissions in the present law.

Abolish the "grandfather clause" which allows old and unsafe electrical equipment to be used.

Give the Secretary of the Interior authority to develop and issue safety standards as the need arises.

Provide a way to reduce the human devastation of coal dust disease by requiring the Secretary of Health, Education and Welfare to develop health criteria, and the Secretary of the Interior, following such criteria, to issue health standards and enforce them.

Impose meaningful and effective sanctions for failure to comply with the terms of the law: criminal penalties and higher fines for willful violations, civil penalties and injunctions to deter and stop unsafe practices.

Apply the law's reach to surface coal mines.

Create simplified and streamlined enforcement procedures to require quick correction of hazardous conditions.

The cost of this measure will be small. Its benefits will be large, not only in terms of the lives it can save and the injuries it can prevent, but in practical terms of dollars and cents. Last year alone, over 1.8 million man-days were lost to the nation and the mine owners as a result of job-related deaths and injuries. Many millions of dollars in workmen's compensation payments were awarded to injured and disabled miners.

The recommendations I make today result from a recently concluded thorough review of the weaknesses of existing coal mine safety legislation. That review was undertaken by the Secretary of the Interior in consultation with the Secretary of Health, Education and Welfare and other interested agencies of the Government.

I realize that it is late in the session. But the health and safety of America's 144,000 coal miners deserve immediate attention.

This proposal complements the comprehensive Occupational Safety and Health Act—designed to protect 75 million American workers in other occupations—which I submitted last January. The need to safeguard men on the job, to spare them and their families the agony of injury and the ravages of illness, whether they labor in the depths of a mine or on a factory workbench, is urgent. I call upon the Congress to enact these important worker protection measures into law before adjournment.

Sincerely,

LYNDON B. JOHNSON.

CZECHOSLOVAKIA LIVES

Mr. MONTOYA. Mr. President, compassionate human beings everywhere recoiled in utter revulsion as events in Czechoslovakia ground their course in recent weeks.

Once again the boots of an alien conqueror strode down Prague boulevards. Yet again the rumble of armored divisions was heard on the beautiful squares of that shining and historic city, the jewel of Central Europe. Once more its people; enlightened, skilled and proud, are crunched under the heel of an invader.

Of all people to have this happen to again—the Czechs. I am filled with sorrow for their plight, anger at their tormentors and frustration at our seeming helplessness.

It was correct for our President to condemn this Soviet aggression. It was right for this administration to demand in the United Nations that the sovereign rights of Czechoslovakia be respected under the charter of that organization.

The President's consultation of the National Security Council and our reassessment of cultural agreements between this Nation and the Soviet Union and its involved satellites are necesary and correct. They are some indication of how deeply disturbed we are over the violation of human rights, trampling of international agreements and callous disregard for desire of a freedom-demanding people to live as they please.

Mr. President, the dream of Masaryk lives. The Czech people live. No ponderous, heavyhanded invader can ever suppress the spirit of Czech liberty. Of this there can be no doubt. The Hapsburgs attempted to. They failed. Hitler tried. He failed. Stalin did his gory best. He failed. And this monstrous attempt will also come to naught. Thomas Masaryk conceived a noble dream, living to see its implementation and creation of a viable national state. Standing the test of time and challenge, its vitality has been made all the more vibrant by the commitment, traditions and character of the Czech people.

Who can ever forget their resistance to Hitler? It was not they who sold out or gave up on their country in 1938 at Munich. It was not they who feared to raise their fists against the Nazi hordes. Rather it was we in the West who stood silently by, acquiescing in their national dismemberment and deprivation of liberty. It is to our everlasting shame and disgrace that the West allowed Masaryk's Czechoslovakia to be done to an untimely but temporary death.

History records the indelible stain of nazism's record there, remembering such names as Lidice. It recalls those thousands upon thousands of Czechs who gave their lives for ideals, land and freedom.

A sublime moment came at the end of the last world war when the light of Czech liberty warmed central Europe. But for only the briefest time.

In 1948, another horrid chapter was written in blood-spattered letters in man's history. Czechoslovakia was again numbered among those national states no longer free to pursue their chosen course. Another Masaryk appeared in the news, as he was removed in some horrible manner by the Soviets and their creatures. He died as his father had lived—to serve his nation and its ideals. Nor has his name been forgotten.

Czechoslovakia groaned again under the steely grip of a brutal tyranny that brooked no disagreement, criticism or open expression. For those who dared, there was the peace and freedom of a prison cell or grave. Czech earth enclosed many who shared Masaryk's dream.

And the name Czechoslovakia came to stand for weapons from Skoda and heavy equipment for Soviet projects overseas. Czechoslovakia was milked for the sake of Soviet expansionist ambitions. But Masaryk's spirit lived and glowed in the breasts of all Czechs.

Suddenly it burst out in full power once again, shining with a blinding light that frightened men in the Kremlin. How instructive this is. A few million freedom-worshipping people striving to read, write and speak as they chose, scaring the Soviet Union out of its collective wits.

As the Soviets massed their armies, an entire world thrilled to see the spirit of Masaryk stand forth and cry out to all who would hear:

> I am not dead! I live! I breathe! I yearn to speak out! And I shall not be silent any longer!

We know now how a panicked Soviet leadership reacted. We saw their mailed fist strike with a bludgeon's power across a frontier to plunge an unsuspecting people back into the mists of Russian enslavement and domination.

We saw divisions of Soviet soldiers, with their satellite lackeys yapping along behind them, pour into Prague. How devastating to see East German troops helping to enslave Czechs for the sake of Soviet security and peace of mind.

Now the Kremlin rules in Prague. But for how long? How many Czech hearts are in sympathy with them? How many Czech breasts glow with hatred of the oppressor and a patriots' desire to be free?

Mr. President, I am as certain of Czechoslovakia's eventual emergence into the morning of liberty as I am of tomorrow's sunrise.

Let those who observe in sorrow, woe, and frustration lift up their eyes and hearts. A million Russian tanks and 10 million Russian troopers cannot snuff out one iota of Czech freedom.

This is a freedom which lives in their hearts, and there the dictate of Moscow cannot enter.

Masaryk's spirit lives, awaiting to be reborn again and yet again. We shall live to see it triumphant, shouted from the spires of Prague to all the world.

Let their secret police blow harder upon that flame of human dignity. They will not extinguish it. Never.

FREE ENTERPRISE

Mr. ERVIN. Mr. President, on June 24, 1968, I spoke to the Tobacco Association of the United States and the Leaf Tobacco Exporters Association at White Sulphur Springs, W. Va., upon the subject of free enterprise. I ask unanimous consent that the text of my remarks on that occasion be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

FREE ENTERPRISE

I wish to talk to you about free enterprise, which the dictionary defines as "an economic and political doctrine holding that a capitalist economy can regulate itself in a freely competitive market through the relationship of supply and demand with a minimum of governmental intervention and regulation."

Although this definition is accurate, I assign to free enterprise a simpler one. I prefer to call it economic freedom. I do this simply because it is a constituent part of freedom itself.

To value freedom aright, we must be mindful of what it cost. One of its foremost champions, Rudyard Kipling, had this to say about the cost of freedom in his stirring poem entitled "The Old Issue":

"All we have of freedom, all we use or know—
This our fathers bought for us long and long ago.

Ancient Right unnoticed as the breath we draw—
Leave to live by no man's leave, underneath the law.

Lance and torch and tumult, steel and grey-goose wing,
Wrenched it, inch and ell and all, slowly from the King.

Till our fathers 'stablished, after bloody years,
How our King is one with us, first among his peers.

So they bought us freedom—not at little cost—
Wherefore must we watch the King, lest our gain to lost."

Economic freedom constitutes a precious part of the heritage we received in trust for ourselves and our children and our children's children from all those men and women, great and small, whose blood, sweat, tears, and prayers made the America we know and love a living reality.

These men and women did not learn economics sitting at the feet of those who promise "abundance for all by robbing Selected Peter to pay Collective Paul."

They acquired their knowledge in the hard school of experience, which is the most dependable of teachers. As a consequence, they had the hardihood to accept the economic truths plainly visible to all human beings who possess both the capacity and the willingness to face reality.

They knew that earth yields nothing to man except the products of his own labor. They knew that Adam's curse is an unchanging and unchangeable law of life: "In the sweat of thy face shalt thou eat bread, till thou return unto the ground."

They knew that man has but one choice in respect to this immutable economic fact, and that such choice is simply this: Whether the bread which he must eat in the sweat of his face shall be the bread of freedom or the bread of bondage.

They knew this unalterable decree of the creator of the universe: Free men cannot be induced to produce things of value unless they are permitted to retain a fair share of the fruits of their labor for themselves, their families, and the causes they hold dear.

They knew, moreover, that man can be free only if he is willing to accept responsibility for his own life.

As the consequence of these things, the valiant folk who made America realized not only that economic freedom is an absolutely necessary attribute of a free society, but also that it most effectively encourages men and women to be self-reliant and to produce goods and services in an abundance sufficient to enable such a society to enjoy the highest standards of living.

To these ends, they established the free enterprise system as the way of life in our land, and wrote into State and Federal constitutions rights to liberty and property to give the system the power to operate with success.

These constitutions secure to each American these rights: To travel when and where he pleases; to use his God-given faculties; to seek useful knowledge; to acquire, possess, use and dispose of property; to earn his livelihood by any lawful calling; to manufacture commodities or provide services; to buy and sell goods; to save and invest his earnings in any lawful undertaking; to enter into contracts for carrying out these activities with profit; and to do the other things essential to the orderly pursuit of happiness.

Let us examine the philosophic base of our free enterprise system.

A rather waggish, but somewhat truthful, commentator suggests that free enterprise rests on the desire of Americans to be men rather than mendicants. He says: "If you want Uncle Sam to take care of you, that's Socialism; but if you want to take care of yourself, that's free enterprise."

The American free enterprise system is founded on these basic beliefs:

1. The needs of our people are best met by free men freely competing in a free market.

2. The worth of our country depends on the worth of the individuals residing in it. Consequently, each individual owes to our country as well as to himself and his family the duty to develop and use his faculties and his talents.

3. There are prerequisites to the performance of this duty. Since freedom means responsibility, the individual must accept responsibility for his own life; and since man is not born to be idle and work is indispensable to the growth of his spirit, he must have a worthwhile task to dignify his days. If he is to develop his abilities and use them with diligence in the performance of his task, he must receive a profitable return for his efforts and be allowed to retain a fair share of it for himself, his family, and the causes he holds dear.

The Gospel according to Matthew informs us that "The tree is known by its fruit."

When it is appraised by this test, American free enterprise manifests its superiority over all other economic systems. I cite a few facts which demonstrate this.

While it contains about six per cent of the world's area and has only six per cent of the world's population, the United States has 71 per cent of the world's automobiles, 52 per cent of the world's telephones, 44 per cent of the world's radios, 30 per cent of the world's railroads, and 66 per cent of the world's life insurance.

Moreover, free enterprise enables the United States to enjoy a standard of living so much higher than that of other countries that it consumes 48 per cent of the world's coffee, 53 per cent of its tin, 56 per cent of its rubber, 21 per cent of its sugar, 72 per cent of its silk, 36 per cent of its coal, 42 per cent of its pig iron, 47 per cent of its copper, and 60 per cent of its petroleum. Besides, the United States has more home-owning families than any other land.

To be sure, these are material things. Nevertheless, they constitute an outward sign of the inner grace of a nation, which grants to all economic, political, and religious freedom and thus affords to each the opportunity to become the master of his fate and the captain of his soul.

All Americans should cherish free enterprise and endeavor to preserve it. Unhappily, some do not.

Some exalt government above the freedom of the individual, and for that reason would like to have all substantial economic activities controlled by government. Despite their good intentions to the contrary, others would cripple free enterprise by subjecting it to excessive governmental intervention and regulation, or by substituting political planning for individual initiative and supervision.

Existing tax laws confiscate inordinate proportions of the earnings of individuals and in that way threaten the destruction of their incentive to produce.

In addition, far too many disbursements are being made under employment security and welfare laws to drones who are simply too lazy to work and who look to the taxpayers for bread and circuses.

These things imperil free enterprise.

Those of us who esteem it the world's best economic system cannot take its continuance for granted merely because the rights to liberty and property which make it workable are embodied in our constitutions.

Unfortunately, constitutions are not self-executing and cannot save freedom unless love for freedom abides in the hearts of the people.

One of America's wisest sons, the late Judge Learned Hand, expressed this truth in these words:

"I often wonder whether we do not rest our hopes too much upon constitutions, upon law, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it."

Let us pay the price, whatever it may be, to keep love of economic freedom alive in the hearts of the men and women of our land. Let us teach them by precept and by example that Trumbull Cheer pictured free enterprise aright in this verse:

"The power to choose the work I do,
To grow and have the larger view.
To know and feel that I am free,
To stand erect, not bow the knee.
To be not chattel of the State,
To be the master of my fate,
To dare, to risk, to lose, to win,
To make my own career begin,
To serve the world in my own way,
To gain in wisdom, day by day,
With hope and zest to climb, to rise,
I call that Private Enterprise."

INVINCIBLE GOVERNMENT

Mr. LONG of Missouri. Mr. President, the September 1968 issue of Reader's Digest contains an article entitled "Time for Reform in the Internal Revenue Service," written by Mr. John Barron. Having read the article carefully and having fought the Internal Revenue Service for many years, it is difficult to decide whether the Reader's Digest deserves congratulations or is merely to be wished "good luck."

The article suggests several serious deficiencies in the operations of the Internal Revenue Service, all of which have been documented and substantiated, not only by Mr. John Barron, but by my Subcommittee on Administrative Practice and Procedure, as well. The article suggests the following:

1. The system can transform employees into automatons by binding them to rigid rules.

2. The IRS system encourages employees to victimize citizens least able and likely to defend themselves.

3. The IRS system tends to erode the integrity of employees.

4. The IRS system robs employees of time, opportunity, and incentive to correct mistakes and rectify wrongs.

Having had the experience of lifting my sword against the Internal Revenue Service, I respectfully and regrettably add a fifth point: Doing battle with the Internal Revenue Service is a thankless task, for all the resources of "Big Brother" are suddenly turned against you.

Because my subcommittee exposed the IRS, because my subcommittee documented the bugs in the conference rooms, the phony telephone trucks, the illegal wiretap operations, plus many other invasions of privacy, the Internal Revenue Service fought back.

Many of our witnesses before the subcommittee have found themselves in trouble, merely because they were attempting to state publicly what they believed. If any lessons are to be learned from the 4-year fight of the Subcommittee on Administrative Practice and Procedure, it is that government at all levels should be responsive to the complaints of its citizenry. My subcommittee has attempted to create an ombudsman to do just that; yet the Government has resisted it. The Senator from Washington [Mr. MAGNUSON] and I cosponsored a small claims tax bill—a bill that was cosponsored by some 60 other Senators—and again the Internal Revenue Service balked.

Because of these "Big Brother" tactics, I ask unanimous consent to have printed in the RECORD the Reader's Digest article. I can only wish Reader's Digest and Mr. John Barron the very best of luck.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME FOR REFORM IN THE IRS

(NOTE.—Here, revealed by men who themselves work for the Internal Revenue Service, are examples of the vicious pressures which degrade tax agents and taxpayers alike, too often making a mockery of our faith in justice and fair play.)

(By John Barron)[1]

Late one night last summer, I received a long-distance call from an Internal Revenue Service officer. "If you really want to understand why taxpayers are getting it in the teeth," he said, "some of us are ready to sit down with you. We've got the documents to show you just what they're making us do to people."

This, it turned out, was the beginning of an unforeseen reaction to a Reader's Digest article describing IRS abuses of honest citizens.[2] Less than 48 hours after publication, I started receiving personal visits, phone calls and letters from IRS employes. I found them almost desperately anxious to make known what is going on today inside the Internal Revenue Service.

Rather in sadness than anger, they offered new evidence of how IRS does damage to innocent lives through misuse of its awesome authority to seize property at will, to levy any claim it pleases—without even talking with the taxpayer to ascertain the facts, or providing any evidence to anybody. More important, they explained *why* all this happens and *why* it will continue until the IRS system is reformed. In their homes and cars, at airports and on street corners, in hotels, restaurants and employe organization offices across the country, they risked their jobs to talk to me. Some turned over official documents. Yet they did so only in hope that exposure of the bureaucratic virus infecting IRS will make possible its cure.

IRS employs 6300 Revenue Officers in its Collection Division. They have the difficult job of getting money from people who fail to pay taxes assessed against them. But they have nothing to do with examining returns and alleging errors. This is done by the 16,000 Revenue Agents and Tax Technicians assigned to the IRS Audit Division.

Conscientious professionals of IRS realize the absolute necessity of tracking down tax evaders. They also think that the majority of taxpayers are treated fairly. Their great concern is that the present IRS system forces them to run roughshod over a growing number of the innocent while chasing the guilty.

PRESSURE TO BULLY

I began to appreciate how deeply many employes feel after I had a private meeting with 12 Revenue Officers. "IRS doesn't look on people as human beings anymore; they're just numbers, statistics," said an officer with 23 years' experience. He handed me a copy of a local IRS order dated October 1965. It warned: *"We will be watching very closely the Revenue Officer who doesn't average at least one levy per week and one seizure per month . . . get the dollar. . . ."*

I can still see the despair on the face of the 52-year-old Revenue Officer who reported a reprimand just received. While reviewing a case, a supervisor had flung a file folder across the desk at him. "A grade-three clerk could have handled the case better than you did," he shouted. "This man is working. Why didn't you attach his wages?"

"Actually, he owes us only $19 because he has a refund coming for 1966," the officer explained. "Look, this guy's an old man with a heart condition. He has just found a job as a fry cook after being out two months with an attack. I decided to give him a couple of weeks to get back on his feet. If I had levied on him, he would have lost his job."

"So what?" snapped the boss. "The case would have been closed. If you can't follow our collection policy, fill out a Form 52."[3]

Across the country other IRS men disclose the same kind of pressures to seize money, get rid of cases, bully people—all in the name of bureaucratic "efficiency" and "productivity." Wrote a spokesman for the American Federation of Government Employes: "We receive much correspondence from IRS personnel who state that they are being forced to participate in the kind of tyranny your article describes."

Nobody has summed up the basic problem better than Vincent L. Connery, president of the 27,000-member National Association of Internal Revenue Employes. A respected Revenue Agent for the past 18 years, Connery is in constant touch with IRS workers across the nation. "IRS management today is trying to run the agency like a factory," he says. "Output is measured by the number of returns audited, deficiencies (underpayments by taxpayers) asserted, cases closed. Pressures to increase output originate in Washington and become progressively more brutal as they are applied down through the ranks. They sap the right of employes to exercise independent judgment. Unfortunately, they often force employes to stick to the mass-production rules regardless of the human consequences."

"FOR OFFICIAL USE ONLY"

Yet IRS in Washington publicly pretends that all is well. Last year, Commissioner Sheldon S. Cohen sought to assure Congress that IRS is fair, reasonable and understanding. The agency regards "any seizure of anyone's assets" as "a very serious matter," an action to be undertaken only as a last resort, he said.

At the very moment that Commissioner Cohen was speaking on Capitol Hill, IRS bosses in California were circulating an order warning that "any evidence of a soft approach" toward anyone IRS claims owes taxes "will result in immediate disciplinary action." Another California order, put in force August 3, 1967, instructs: *"Levy at once on known sources of income, i.e., wages, bank accounts, etc. Seize assets of taxpayer, car, home, business, etc. Make this your first action. Get taxpayer's attention."* The directive concludes that such "efficient work" will be rewarded with "promotions and awards"; that "inefficient work will be severely dealt with by demotions and separation from the Service."

Similarly destructive orders are visited upon IRS auditors. Last February 20 the IRS Group Supervisor in Providence, R.I., warned his agents of an impending inspection by the Regional Commissioner. "You can expect him to be very concerned with the total deficiencies recommended (taxpayer errors alleged) and the number of cases closed by the Audit Division," the supervisor wrote. "Let's make a special effort to close as many cases as possible during the next 30 days."

IRS chiefs cannot be ignorant of such pressure-bred and pressure-breeding orders. In IRS's Washington files there is a closely guarded "FOR OFFICIAL USE ONLY" report summarizing findings of nationwide studies of what employes think. This document, first circulated within the agency in June 1966, reveals that more than half of IRS auditors and 65 percent of its Revenue Officers complain that "the quality of their work" is "seriously affected by requirements for production." It continues: "Criticisms of the adverse effects of emphasis on production are problems in every one of the districts included in the survey."

Alarmed, IRS last year organized a special "task force" to make still another study. The very first finding, reported August 1, 1967, stated: "Most Revenue Officers, and many Group Supervisors, feel there is too much emphasis on production and unnecessary pressure to meet statistical goals. They feel many managers go overboard in trying to meet standards and bench marks."

Yet, just nine days later, Commissioner Cohen flatly reassured Congress: "Our revenue agents are under no pressure to produce certain amounts of revenue; there are no quotas. Rather, emphasis is on quality and fairness."

Whenever production pressures are exerted, they have four disastrous effects on employes—and ultimately on taxpayers.

1. The system can transform employes into automatons by binding them to rigid rules. A case in California illustrates the sometimes shattering consequences of IRS rigidity.

When the IRS office in Santa Ana opened one June morning in 1966, a pretty housewife walked in. Mrs. Alexander G. Douglas had just received an IRS notice demanding $674 in back taxes for 1960, and she wanted to know why. "This account was referred to us from Arizona for collection," said a clerk, thumbing through a folder. "If you don't think you owe the money, write us a letter explaining why."

Mrs. Douglas did as told, but IRS didn't even acknowledge her letter. So she wrote an angry protest to the White House, which forwarded it to IRS. Three weeks later, an IRS man telephoned Mrs. Douglas, politely telling her not to worry. The next day, an official letter reassured her that "the matter was mutually resolved."

Then, in October, Mrs. Douglas came home with an armful of groceries to find an IRS card stuck in her front door: "Call at once regarding 1960 tax deficiency, or steps will be taken to enforce collection."

Mrs. Douglas called the designated IRS officer. "I was promised that this had been taken care of," she said. I don't see why I should pay this money when nobody will tell me why I owe it." The officer told her to pay up or else IRS would "take steps."

It was not an empty threat. Mrs. Douglas' bank called some two weeks later to inform her that the IRS had stripped the family's checking account.

Forced to scrape up cash to cover all outstanding checks and in dread of what IRS might do next, Mrs. Douglas sent another protest to the White House in December. Goaded again, IRS belatedly ascertained what had happened. After her divorce in

---

[1] ASSOCIATE EDITOR John Barron was an award-winning newspaperman with the Washington *Star* before joining the Reader's Digest Washington staff three years ago. To prepare this article, he crisscrossed the country three times, conferring with IRS employes and studying official documents which they provided.

[2] See "Tyranny in the Internal Revenue Service," The Reader's Digest, August 1967.

[3] In IRS jargon: submit your resignation.

1962, Mrs. Douglas' first husband had received a refund on his 1960 taxes—but IRS later decided that it was unjustified. Unable to recover the refund from him, it put Mrs. Douglas on the delinquent list and ordered the money collected from her.

"No further steps to collect from you" will be taken, Assistant IRS Commissioner D. W. Bacon wrote to Mrs. Douglas on February 9, 1967. Nevertheless, she had to spend more than five more months writing letters, consulting a lawyer, making phone calls, before IRS finally gave back the money it had seized. "Every morning when I woke up, I was afraid," she says. "I don't think it's right that the government can do things like this to people."

2. The IRS system encourages employes to victimize citizens least able and likely to defend themselves. "The average agent will do anything within his power to avoid getting involved in a case which is likely to cut his dollar per man-day production," declares one agent in the IRS's official attitude study. It is easier to squeeze "production" out of little taxpayers who cannot afford a lawyer or even time off from work to contest an arbitrary IRS claim.

After her husband deserted her in August 1963, Carmen Ramos tried to support herself by working as a maid in McAllen, Texas. Because of ill health, she was able to earn only $580 in 1964—so little that she did not even have to file a tax return. However, after her absent husband failed to pay the tax due on all of *his* income, IRS last year summoned Mrs. Ramos. It demanded that she submit a return reporting half of her husband's income and pay taxes on it—even though he had contributed nothing whatsoever to her support.

Outraged, the Hidalgo County Legal Aid Society filed suit against IRS. "Vicious and unconscionable," asserted attorney Joseph L. Nanus, who volunteered to represent Mrs. Ramos in the pending court action. "Here IRS is trying to make this poor woman pay taxes on money she never got and knows nothing about. Talk about civil rights!"

All too often, IRS seeks to increase "production" at the expense of the poor by disallowing their deductions for children. "Dependents are a gold mine for production," an agent explained to me. "All you have to do is send a guy a letter ordering him to prove that he supported his kids. Often he doesn't understand what to do. So we just wait a month, then tell him he owes us an extra 125 bucks or so. What's he going to do, especially if he's poorly educated? We know he'll usually pay. If not, we just take it."

Consider the case of John A. McLeod, a Negro handyman employed by the Southern Bell Telephone Co. in Mobile, Ala. In April 1964, a neighbor tearfully explained to him and his wife that she no longer could care for her fatherless children. The McLeods counted up their modest resources and decided that they could stretch them far enough to give a home to three of the children.

They took them in, and on July 1 the Alabama welfare department approved the adoptions. A year later, however, IRS disallowed the three children as deductions and ordered McLeod to pay $286.53 in back taxes for 1964. It tried to defend this action on grounds that the children were placed in the home by the mother, "not by an authorized state agency."

McLeod did not comprehend. But he scraped up $70 for IRS and, when threatened by IRS with seizure of his salary, later borrowed the rest.

A prominent Alabama lawyer was so enraged upon hearing of this case that he filed suit against IRS at his own expense. A Federal District Court last November 22 ruled IRS wrong and ordered McLeod's money returned.

3. The IRS system tends to erode the integrity of employes. It is small wonder that pockets of wrongdoing are occasionally uncovered in IRS. The remarkable thing is that the enormous majority of employes remain so honest in face of policies which emphasize the easy way out.

Pressures to increase production so intimidated four Denver supervisors in 1965 and 1966 that they falsified official reports to make it appear that demands from on high had been met. They were caught, and nobody was harmed except them. But taxpayers sometimes do get hurt when employes are driven to cut ethical corners.

In San Carlos, Calif., corporate executive Richard L. Bradley, his accountant and lawyer reached a carefully negotiated agreement with an IRS agent over a complex business deduction. All were satisfied, and their clear understanding was reflected in writing on an IRS form. But later the agent's supervisor secretly nullified the agreement by rewording it. The clandestine changes established a precedent which made Bradley vulnerable to large IRS claims in later years. Worse, IRS doctored the official form in a way that he was unlikely to notice. Then IRS sent him a copy of the altered form with a statement that it was a duplicate of the original agreement.

When Bradley's lawyer, Harlan K. Veal, discovered the IRS trick, he was appalled. "The new Form 886–A surreptitiously, fraudulently, intentionally and without any notification to the taxpayer left out two key points which appeared on the original," Veal wrote IRS. "The effort to hide this deletion was covered up by not only retyping the 886–A but by sending only photocopies thereof so that the delicate deletion would not be apparent. Fortunately, we have on hand the original . . ."

IRS admitted altering the form, but pretended that this was not really important. When Veal threatened to sue and go to the newspapers, IRS decided not to press the additional claims to which the alterations exposed Bradley.

4. The IRS system robs employes of time, opportunity and incentive to correct mistakes and rectify wrongs.

Vincent L. Connery, head of the IRS employe organization mentioned earlier, puts it this way: "The employe who goes out of his way to unsnarl an administrative mess is likely to be penalized because the time he spends subtracts from his 'production.' There is no reward for doing a quality job, for correcting somebody's mistake."

But what can begin inside IRS as an uncorrected clerical oversight or honest error in judgment can end in a nightmare for the taxpayer. The experience of Howard F. Mac Neil shows how.

A successful Chicago accountant, Mac Neil had dealt amicably with IRS on thousands of matters. But in 1962 a client, Container Laboratories, Inc., fell more than $36,000 behind in its taxes and went bankrupt. Thereupon IRS assessed Mac Neil *personally* for the taxes owed.

At first, he considered this merely a mistake by an individual Revenue Officer. He presented proof that he had no power to pay the corporation's taxes, no control of its affairs. In response, he got an IRS offer to drop the $36,000 demand if he would agree to a "compromise" payment.

Mac Neil knew that a "compromise" would be cheaper than a court fight, "I could give in," he told his wife, "but, dammit, the evidence is so overwhelming that any court will uphold me. Besides, it's morally wrong to submit to outright extortion." He engaged a lawyer and filed suit in federal court against IRS.

Meanwhile, IRS put liens on all his bank accounts and placarded his house with signs warning: "Keep out. Property of U.S. Government." It also spread the word in Chicago financial circles that Mac Neil was delinquent in his income taxes—something unpardonable for an accountant. Now Mac Neil saw all he had spent his life building start to crumble. His once imposing list of clients dwindled. With income plummeting and debts mounting, Mac Neil moved out of his downtown offices. Gradually, employes left.

Because of a crowded docket, more than two years passed before Mac Neil's case was heard in court. Arguments ended January 7, 1966. The jury deliberated only briefly before returning the verdict Mac Neil owed the government not one cent and never had.

Mac Neil had been vindicated. Yet virtually everything he had acquired through a life time of hard work was gone. His legal bills amounted to $14,963.52. "I admit that I am bitter", Mac Neil told me in the modest office he now occupies. "But I'll get back on my feet some way. It's just that it's hard to start all over again when you're 60".

NEEDED: CURBS

For most citizens, payments of taxes is routine ritual, and most Americans can say that IRS never has treated them unfairly. But this is small consolation to the innocent who have already been unjustly treated by the IRS system.

In the past year, The Reader's Digest has received hundreds of specific complaints about IRS—from ministers, lawyers, janitors, doctors, housewives, policemen, accountants, truck drivers, businessmen—even from soldiers in Vietnam. Congress, too, is hearing from the people. "I seldom go to my district that I don't receive complaints about IRS," reports Rep. Olin E. Teague of Texas. "I'm tired of it, and am going to do something about it."

Sen. Jacob Javits, of New York, states that last fall he was so inundated with complaints about IRS that he had to assign a secretary fulltime to handle them. "By treating some taxpayers unfairly while favoring others, IRS is creating a national problem," declares Sen. John J. Williams, of Delaware. "For if Americans ever lose confidence in the fairness of IRS, our whole voluntary tax system will begin to collapse."

Clearly, changes must be made. Congress must curb some of the gigantic powers it has entrusted to IRS. Today, IRS can make the most preposterous claim against anyone, then force him to disprove it. It can seize any citizen's home, car, bank account or paycheck without offering the slightest proof that he actually owes taxes. At the very least, Congress should require IRS to give a judge some evidence before swallowing up property and salaries.

"Vicious" and "evil," declares the AFL–CIO in deploring the practice of attaching workers' wages. "Some employers, rather than accept the annoyance and expense of garnisheeing wages, simply discharge the workers involved." A concerned Congress last May enacted a law drastically curtailing the right of *private* creditors to attach earnings. Yet, ironically, IRS in fiscal 1967 tried to seize salaries and property no less than 880,000 times!

In recent months, I have asked IRS about abuses disclosed by its own personnel. As a result, some tax collectors have been called to special conferences and told that a few of the practices I cited are not officially "condoned." An IRS directive released in Los Angeles last May 10 admits that the property of innocent people *has* been unjustly seized. It advises Revenue Officers henceforth to stop and listen to the taxpayer who says he does not owe a claim. And in Washington, IRS has ordered the relentless computerized billing and threatening of a citizen halted long enough to establish the facts whenever someone protests.

These reactions—and the confessions of wrongdoing that they imply—are commendable. But at best they represent an attempt to treat a cancer with a bandage. The basic

IRS system remains unchanged and, as run today from Washington, *guarantees* improper actions.

If Commissioner Cohen really wants to reform IRS, he should listen to his own employes, then liberate them down the line from the vicious pressures which degrade taxpayer and tax collector alike. If he listens closely, he will find that his employes are complaining not out of disloyalty to IRS, but out of loyalty to the democratic principles of their country.

GENERAL MOTORS MOVES TOWARD TAMPERPROOF ODOMETERS

Mr. PROXMIRE. Mr. President, early last year I introduced proposed legislation providing that motor vehicles be equipped with tamperproof odometers. In spite of warnings that it is impossible to devise such a mechanism, increasing interest has been shown in this truth-in-mileage bill over the past few months. At least four States—California, Delaware, Kentucky, and New Jersey—have passed laws applying to the turn-back of odometers. State automobile dealers associations have gone on record in support of my proposed legislation. Consumers Reports has indicated that used car prices are much more reflective of actual mileage driven when the buyer knows that State law makes it illegal to turn back an odometer.

General Motors Corp., recognizing the increasing pressure on the part of the American consumer for a truth-in-mileage device, has now announced that its 1969 models will have as standard equipment a one-way drive odometer system making it impossible to reduce mileage by rotating the speedometer in reverse—one of the easiest ways of turning back mileage readings. Furthermore, GM plans to introduce in January 1969, a device which will make it evident to the eye when an odometer has been tampered with.

I sincerely hope that Congress will follow GM's lead by passing my proposal so that the consumer will have the advantage of a tamperproof odometer regardless of the type of car he chooses to purchase. This would not only mean more honest pricing of used cars but would also have significant safety implications. The average motorist would not travel under the false impression that his vehicle had been used by its previous owner infrequently and thus was in good working order.

I ask unanimous consent that a release from General Motors Corp. on the subject of my statement be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

A News Release From General Motors Corp., September 4, 1968

Detroit.—In keeping with a trend among states to enact legislation with respect to odometer readings on passenger cars, General Motors today announced that a new one-way drive odometer system will be standard equipment on all 1969-model GM cars.

The new type odometer assembly will also be standard equipment on all 1969-model GM-built trucks except those equipped with "million-mile" odometers, which will receive them at a later date.

GM noted that laws applying to the turn-back of odometers already are in effect in Delaware, New Jersey, Kentucky and California and there are indications that similar measures may be considered by legislatures in other states next year.

Developed by General Motors' AC Spark Plug Division, the new device makes it impossible to reduce mileage by rotating the speedometer cable in reverse, which is one of the most common and easy methods of turning back the mileage reading.

The new design includes addition of a special connector between the drive gear and the first odometer wheel. The connector engages the odometer wheel only when the drive gear is turning forward. It "free wheels" when the drive gear is turning in reverse, preventing backward movement of the odometer wheels.

A companion development—scheduled for introduction in January, 1969—will include a "telltale" feature that will provide visual evidence of tampering.

A QUIET CATALYST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement entitled "A Quiet Catalyst," prepared by the senior Senator from Alaska [Mr. Bartlett], be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Quiet Catalyst

(Statement by Senator Bartlett)

Mr. Bartlett. Mr. President, the discovery in Northern Alaska of what may be one of the world's largest petroleum reserves in Northern Alaska, interest in developing these resources in this area has increased sharply.

The discovery of this oil field indicates the position of those of us who have long talked about the great untapped resources in Alaska. One of these men who first took an active part in urging development of Northern Alaska was James W. Dalton, a mining engineer.

In its August 8, 1968, edition, the Fairbanks Daily News-Miner paid tribute to Mr. Dalton's contribution to the development of Northern Alaska.

I ask unanimous consent that the item be printed in the Record.

"JAMES W. DALTON: NORTH COUNTRY CATALYST

"Alaskans, particularly residents of the Fairbanks area, have been enjoying a state of anticipatory excitement since Atlantic-Richfield announced discovery of 'One of the world's largest petroleum reserves' in northern Alaska. Rosy visions of economic sugar plums which hopefully will become plentiful as this now substantiated huge natural resource is developed are resulting in many optimistic statements on our economic future. The optimism appears to have adequate foundation.

"We doubt if many have paused to wonder how this significant new development, marking a gigantic historical forward step in establishment of a sound economy in our new state, came about. What started it? Who started it? When did the events leading up to firm announcement of discovery start?

"We have been both interested and involved in development of our North Country for many years, and believe that Alaskans may find some highlights of the background story leading up to confirmation of the tremendous Prudhoe Bay-Sag River petroleum deposit of interest:

"The individual who started the wheels moving is a modest, quiet-spoken, unusually capable mining engineer, a life-long Alaskan who makes his home with his family on the 'Dalton trail' leading off Yankovich road near Fairbanks, James W. Dalton.

"Jim Dalton has been involved with Northern Alaska development all his adult life, and is widely regarded as the most knowledgeable individual alive regarding logistics of north country transportation, which include some of the most difficult, unique problems in the world.

"Mr. Dalton became thoroughly familiar with north slope geology and petroleum potential while associated with Arctic Contractors (a group of private co-venturing companies operating under contract with the U.S. Navy) who carried on northern petroleum exploration 1946–1953, taking over from Navy construction battalions, who had started probing for oil in 1944 during World War II. Earlier the Navy had established Naval Petroleum Reserve No. 4 (commonly known as Pet 4) which consisted—and still consists—of approximately 23 million acres withdrawn from development. In addition to Pet 4, when oil and gas deposits were located near the eastern boundary of the Naval Reserve, the federal government in 1945 withdrew an additional area of approximately 20 million acres, described within Public Land Order No. 82.

"Mr. Dalton became convinced of the positive potential petroleum deposits in these areas on the North Slope, and foresaw substantial economic benefits for Alaska and Alaskans when they could be developed. In 1953 he decided to see what he could do to get development started. He applied for and accepted a position with the Alaska Development Board, an agency of the then Territorial Government of Alaska. Salary involved was very nominal, and meant a substantial financial sacrifice, but Mr. Dalton felt—rightly so, it turned out—that a detailed, documented report on feasibility of developing Northern Alaska petroleum would carry much more weight when issued by a government agency than would be the case if published privately.

"Mr. Dalton's feasibility report was published June 30, 1954: An 80-page book accepted as an official publication of the Alaska Development Board, Territory of Alaska. Known as the 'Gubic Report' (the Gubic gas fields lie just south of Atlantic-Richfield's recently-announced find), Mr. Dalton's feasibility study created considerable, but short-lived, interest among major oil companies. Short-lived because the area involved (Gubic structure) was tightly locked up by executive proclamation under Public Land Order 82, and could not be touched until PLO 82 was revoked by the Secretary of the Interior, at that time Douglas McKay.

"What could be done?

"Mr. Dalton queried the News-Miner, and we shared Mr. Dalton's viewpoint: That the best interests of the United States, as well as Alaska, would be better served if the vast 45 million-odd acres of petroleum reserves on Alaska's North Slope could be opened to private development. Both that area contained within Pet 4, and that encompassed within PLO 82. Should another war occur, and the Navy need to tap Pet 4 oil reserves, it appeared obvious (still does) that because of the remote location, not connected to any surface transportation, any possible war would likely be over before the Navy could bring Pet 4 reserves into production. Same applied to the area within adjoining PLO 82.

"Queries to key officials in Washington, including Alaska's then voteless Delegate to Congress E. L. Bob Bartlett (now our Senior United States Senator) revealed that there was little practical chance to secure release of Pet 4. Even though the vast majority of officials contacted agreed with our opinion after given a factual presentation of the situation, there was universal agreement that the Congress would never agree to release of Pet 4 at that time. The Teapot Dome scandal (involving another Naval petroleum reserve in the smaller states) was still comparatively recent—and no Congressman wanted anything to do with any Navy petroleum reserve.

"The latter part of 1954 and most of 1955 were marked by several trips to Washington, many News-Miner editorials, and distribution of Jim Dalton's 'Gubic Report' to many key government officials. Late in 1955 it became apparent that if we were to make any North Slope petroleum development possible, the most practical course was to forget about release of Pet 4 for the present and concentrate upon securing revocation of PLO 82.

"Unlike Pet 4, which required Congressional release approval, PLO 82 had been set aside by executive order of the Secretary of the Interior and the land order could be revoked by the Secretary.

"The Director of Territories (including Alaska) for the Department was William C. Strand, former News-Miner editor. Mr. Strand recommended revocation of PLO 82 and passed his recommendation along to the Secretary of the Interior Douglas McKay. Not long afterward Secretary McKay resigned without taking any action.

"Then Alaska got a break when Fred A. Seaton was appointed to succeed McKay, a newspaper publisher from Nebraska, whose career as a lame duck United States Senator from Alaska had been highlighted by a major speech on the Senate floor endorsing Alaska statehood. Secretary Seaton was a staunch friend of Alaska.

"Secretary Seaton indicated favorable consideration would be given, and pointed out that comprehensive study must be given as to possible stipulations if and when PLO 82 was revoked to protect the best interests of Alaska and the United States. Ted Stevens (currently a candidate for United States Senator from Alaska who was then legal counsel for the Department of the Interior), was assigned to study the problem, recommend stipulations and draft the revocation order.

"On November 20, 1957, the News-Miner front page banner read: 'Seaton Opens Arctic Gas, Oil.' Public Land Order 82 was revoked. The announcement from the Secretary stated that more than 20 million acres would be available for petroleum leasing just as soon as proper leasing maps could be made available—16 million acres by competitive bidding, and 4 million acres by noncompetitive leasing.

"A stipulation of great importance to Alaska's economic best interests, and included to accelerate development, required that holders of some of the major lease blocks would be required to drill exploratory wells within stipulated periods. Without this provision there would have been no reason major oil companies could not retain leases for many years without development.

"Petroleum reserves contained within PLO 82 have been made available for development by private enterprise, exploratory wells have established existence of one of the largest deposits in the world—possibly the largest deposit.

"What about the man who started it all—Jim Dalton—what is he doing? Is he 'cashing in' on his knowledge and foresight? Holding a block of leases which will make him wealthy?

"No, Jim Dalton is quietly working on another project which he foresees will bring additional monumental economic development to his Great Land of Northern Alaska. For months now Mr. Dalton has been deeply involved analyzing the problems, the favorable and unfavorable aspects of various transportation methods, the most efficient way to provide surface transportation which will accelerate sound growth of northern Alaska, including the giant new development he fathered 15 years ago.

"Again Jim Dalton is working for our common betterment without thought of personal gain . . . For much of his time spent as consultant for the North Commission he receives no compensation at all, for some of his time he receives a very nominal compensation. We can state authoritatively that Mr. Dalton's North Commission remuneration does not constitute even a respectable percentage of what has been and is being offered to attract him full time back into private enterprise.

"James W. Dalton is an Alaskan in the finest sense of all the word can be. Jim Dalton is truly 'the quiet catalyst of our North country.'

"Should we designate another 'Dalton Trail'? . . . This one stretching from Fairbanks to Prudhoe Bay?"

MRS. SPAULDING OF DURHAM, N.C., LAUNCHES PROJECT TO END VIOLENCE

Mr. ERVIN. Mr. President, a highly respected citizen of North Carolina has recently called on the women of Durham to join with her in a project to end violence in America.

Mrs. Asa Spaulding is concerned, as many of us are, with the increasing incidents of violence in our Nation and she has taken steps to organize, on the local level, a campaign to do something about it. As Mrs. Spaulding puts it:

> I have had the strong feeling that woman-power in Durham should be mobilized for the purpose of preventing or controlling violence, both actual and potential, by trying to alleviate the conditions that breed it.

In addition to a general investigation into the nature of violence in our society, Mrs. Spaulding believes that her group will be able to engage in specific activities in Durham to improve their city. I intend to place in the Record several newspaper articles which outline the purpose of Mrs. Spaulding's organization and the specific activities the women of her city propose to follow in order to lessen the chances of violence in their community. Mrs. Spaulding's project should be a model for other communities to follow, and I highly recommend these articles to the Senate.

I ask unanimous consent to have printed in the Record two newspaper articles from the Durham Morning Herald of August 21 and September 5, 1968, and an editorial from the Durham Morning Herald of August 22, 1968.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Durham (N.C.) Morning Herald, Aug. 21, 1968]

Local Woman Poses Project for Elimination of Violence

(By Ann Colarusso)

Mrs. Asa Spaulding has issued a call to Durham women to join her in a project designed to eliminate violence in our lives.

Mrs. Spaulding attended a project last month, sponsored by McCall's Magazine, at which women from all over the country discussed the topic "What Women Can Do to End Violence in America.'"

She came away with the feeling that violence between the races is part of a larger problem of violence in America, with its roots in our history and its branches to be seen every day on television.

"Ever since returning from the McCall Forum I have had the strong feeling that woman-power in Durham should be mobilized for the purpose of preventing or controlling violence, both actual and potential, by trying to alleviate the conditions that breed it. It is my feeling that such a group should be citywide, interracial and representative of all segments and levels of our populations," Mrs. Spaulding said.

The women at the McCall's forum heard talks by leading authorities and they participated in discussions among themselves. They had revealed to them that violence is to be found everywhere, in many forms, stemming from numerous causes, Mrs. Spaulding said.

In examining the nature of violence, the forum posed five questions:

What is violence?

What causes violence?

Have we always been violent or are we just noticing it?

What can a community do to reduce violence?

What can one woman do?

Mrs. Spaulding believes there are many things a woman can do, especially when she is joined with other women of like mind. That is what she would like to discuss with other interested women in Durham.

Using the suggestions of the National Council of Women of the United States as a guideline, Mrs. Spaulding lists some projects which Durham women might investigate:

Set up citizen information centers and convene educational meetings to launch local citizens campaigns; work toward better lighting on the streets and in the parks; become informed and involved in the improvement of preventive services at the community level; be sure there are job-referral and placement centers for offenders and if there are none, work toward their establishment.

Also, inquire into and visit detention homes, juvenile courts and domestic courts to see where your volunteer services are needed; be concerned with the kind of laws that are passed and act at the community level to eliminate unenforceable laws; serve on juries; make sure women are appointed to boards of local and state penal and corrective institutions; encourage women to serve on the police force.

Also, work to combat the alienation between Negroes and the police; work to improve race relations; be sure the criminal processes operate equally for the rich and the poor, with no dual standards of law enforcements; hold elected officials accountable for performance of the police force; help change the attitude of the community toward correction services; educate young people about law, law enforcement, crime and their civic responsibilities; and work toward the eradication of the social conditions that induce crime.

These are some of the ways Durham women can become involved, Mrs. Spaulding feels. There may be other ways, peculiar to Durham, which should be added to the list or perhaps even take precedence over those suggested. She would like to discuss ideas of other women and formulate plans for carrying on the work of the McCall's seminar at the local level in Durham.

Women interested in joining the group can reach Mrs. Spaulding by calling 688-4648 or 682-3762.

[From the Durham (N.C.) Morning Herald, Aug. 22, 1968]

Movement To Eliminate Violence

There is an urgent need to create in this country a climate of opinion which will be an effective deterrent to violence. For that reason, Mrs. Asa T. Spaulding's effort to initiate a program in Durham looking to the elimination of violence is eminently constructive. Although the need is nationwide, it is also obvious in many communities, including Durham. To be effective, any national attempt to eliminate violence must be a grassroots effort; the impact must be felt at the community level and consequently the climate which will deter violence must be created in each community in which the threat of violence exists.

Mrs. Spaulding's plan to enlist the women of Durham to bring into being a situation in which violence is not allowed to flourish would put to use one of the most powerful forces of the community. In many aspects of human betterment, women's organizations over the years have taken a lead which has produced constructive results. The women of the nation can be a potent force in eliminating violence as a factor in the life of many communities.

Violence has been a factor in American life over its history, flaring up and then receding in cycles. It has flourished at different times and in different places. We are experiencing on a national scale, as the decade of the 1960s approaches its close, a recurrence of the temper and spirit of violence which gives deep and widespread concern. Now, as at other times in which violence has flourished, it has its roots in individual aggressiveness and determination to dominate, in unwillingness to see any position except one's own.

The women of a community constitute an ideal group to launch the effort to eliminate violence. The gentler sex, they know, as men never will, the truly destructive influence of violence on the spirit and the body, on material property and community well-being. As the more powerful influences in molding character and inculcating attitudes, women can do much to create the climate of opinion which does not tolerate violence and which restrains those disposed to violence.

Given the broad and representative support from Durham's womanhood which it deserves, Mrs. Spaulding's effort can prove one of the most useful proposals yet made toward a solution of Durham's problems of divisiveness, misunderstanding, and potential violence.

[From the Durham (N.C.) Morning Herald, Sept. 5, 1968]

SPAULDING URGES WOMEN TO PERSEVERE IN EFFORTS TOWARD COMBATING VIOLENCE

(By Ann Colarusso)

Durham women who met Wednesday to form a coalition against violence were warned by Asa Spaulding, in a keynote speech, that they must be prepared to face unpleasantness and to deal with confrontations but that if they persevere they may find their work to be the most rewarding experience of their lives.

"If you had been with me in Chicago last week, there would be no doubt in your minds tonight about the fact that we are passing through a period in this country which indeed 'tries men's souls'; I know of no more timely effort or noble cause in which you might engage your energy and talents than the one being set before you tonight," Spaulding said.

"If you had been in the City Council Chambers last night, and some of you were, you could better understand and appreciate why I say this. Violence can take on many forms: physical, mental, and moral; violence to one's person, property, personality, dignity, rights. . . . This is why avoidance of the inflammatory statements is so important. It makes working together so much easier," Spaulding commented.

One of the group's most difficult problems, Spaulding said, will be to bring about a change in the attitudes of the community. Imbalances in the community must be brought into balance because "without fulfillment, confidence, trust, faith and hope are destroyed and replaced by disillusionment, discouragement, mistrust, frustration and all the consequences thereof."

Spaulding concluded his remarks by cautioning his audience not to become discouraged when "the opposition from any source begins to attack you, for attacks in many forms are sure to come. When the enemies attempt to disrupt you by causing confusion in the ranks, by ridicule, and even by confrontations, let them know that you are committed and dedicated to a great cause and that you are 'up on the wall and cannot come down'," he said.

Wishing them Godspeed in their efforts, Spaulding said that if the group succeeded in reducing, if not preventing violence, "the people of this community will call you blessed because they will perceive that this work was wrought of God through you."

The women elected Mrs. Spaulding, who initiated the meeting, as temporary chairman and delegated to her the responsibility of appointing a nominating committee to present a slate of officers at its next meeting.

Also at its next meeting, set for Sept. 18, members will be appointed to a number of subcommittees which will begin investigations into the numerous facets of violence in Durham.

Mrs. Spaulding conceived the idea of a coalition of Durham women to combat violence after she attended a forum on the subject sponsored by McCall's Corp., in which women from all over the country met to discuss the problems confronting the country.

PLANS FOR NEW JOBS

Mr. FANNIN. Mr. President, a new concept is being tried in my State of Arizona which I believe will result in great economic benefit to the area. It deserves recognition because the forward-looking concepts embody the best aspects of free enterprise and international cooperation. Government cooperation is essential to the functioning of this plan, of course, but large expenditures of taxpayers' money with little return is not.

The twin cities concept being tried in the southeastern section of Arizona holds great promise for the future, I believe, and provides a good example of the governmental cooperation that will be necessary at every level—local, State, and National—if such projects are to succeed. I commend the leaders of these communities for their energetic initiative in starting a program that has so much promise for the future.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Lawson Allen, of the Tucson Daily Citizen, describing the expectations of this project.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWIN CITIES CONCEPT: 9,000 NEW JOBS SEEN FOR AREA

(By Lawson Allen)

Work begins this week on an industrial complex in Nogales, Son., that could mean up to 9,000 new jobs in the Tucson area and Arizona within the next two years.

When completed, the Nogales industrial park will cover 115 acres and represent an investment of more than $4 million, according to an official of Parque Industrial de Nogales S. A. de C. V., which is developing the complex for the city of Nogales, Son.

Though located in Sonora, the project could mean thousands of jobs in Tucson and elsewhere in Arizona because, explained Richard Campbell, a director of the company, many of the industries locating in the park are expected to take advantage of the "twin cities" concept.

Under the twin cities arrangement, which is finding increasing favor among light industries, a company operates its main plant in the United States and sends the component parts of its products to a foreign country for assembly, thereby taking advantage of lower wage rates to trim its labor costs.

"Industries that go the twin cities route generally want their two operations as close as possible," Campbell said. "This means that Arizona in general, and Tucson with its international airport in particular, can be expected to attract a lot of new industries looking for sites close to Nogales, for their U.S. operations."

Why not locate the U.S. plant in Nogales, Ariz. instead of 60 miles away in Tucson? "Our labor market in Nogales, Ariz., is virtually nil," Campbell said. The city's population is only about 8,000 and the labor supply is inadequate to meet the demands imposed by large industrial operations, he added.

On the Sonora side, however—according to a recent survey by the Nogales, Son., Chamber of Commerce in cooperation with the city—the current available labor pool is between 8,000 and 9,000 workers. Also, this labor is considerably less expensive than in the United States.

"Not only do we have the people here to do the work," the director said, "but we estimate that the employer's potential wage savings will be about $5,000 a year per employe."

Campbell said that to make working in the industrial park more attractive to the employes, bus service would be provided from the city to the different plant locations throughout the complex. Plans also call for a recreation area, dispensary, cafeteria, picnic area and a post office.

Designed by Arthur D. Little of Cambridge, Mass., and Mexico City, the park will have a "campus-like" atmosphere which takes advantage of the natural features of the land.

"Every effort is being made to preserve as many of the trees and shrubs as possible and part of our agreement with the tenants will be that they remove only those plants which stand in the way of their building and roads," Campbell said.

Tenants will be offered the choice of having their building built to their specifications and agreeing to a five-year lease, of renting the ground and construcing their own facility.

The park will be approximately three miles south of the border on both sides of international route 15, which eventually will hook up with Interstate 19.

The park will be built in two phases. The first phase will contain approximately 48 lots on 55 acres and, depending on the size of the plants that locate there, Campbell looks for "up to 4,500" new jobs.

He said the company has not completed its plans for the second half of the complex but these will proceed "as quickly as the demand arises hopefully within the next two years."

He estimated that between 8,000 and 9,000 people would be employed in the Nogales, Son. park and a comparable number at nearby plants in the United States.

Three companies have already indicated "a strong, firm interest" in locating in the new park and the first of these is scheduled to arrive the first of next month to inspect the property, he said.

Clearing and grading for the principal roads, all of which will be paved, begins this week and will be followed by landscaping and the installation of all utilities.

The developers hope to attract the kinds of industry whose operations will be in line with the goals set by the Development Authority for Tucson's Expansion.

"We are looking for light, clean industry that could more effectively use the kind of labor we have available here: radio, electronic, clothing, electric motor and similar kinds of manufacturers," Campbell said.

"As I understand it from Date director J.

Karl Meyer, these industries would lend themselves very well indeed to Tucson's expansion and a parent plant in the Tucson area would be a welcome addition to Tucson's economy," Campbell said.

DMSO CURBS EASED

Mr. LONG of Missouri. Mr. President, I am very much pleased to read that the Food and Drug Administration has lifted some of its curbs on the testing of the revolutionary drug dimethyl sulfoxide—DMSO.

On the basis of a controlled toxicity study recently conducted for the FDA, it was concluded that the drug is "reasonably" safe for short-term use in treating such conditions as inflammation of the muscles, joints, and ligaments, and large bruised areas.

Yesterday's ruling by the FDA is a significant victory for Dr. Stanley W. Jacob, the developer of the drug, and all his scientific and lay supporters, who have worked long and hard to have the drug approved. Although not yet approved for general distribution to physicians—it is still considered an "investigational" drug—the way is now clear to establish beyond a doubt the safety and efficacy of the drug.

I ask unanimous consent to have printed in the RECORD the FDA's September 9 press release announcing the new testing guidelines and an article entitled "FDA Eases Test Curbs for DMSO," written by Morton Mintz, and published in the Washington Post of September 10.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FDA PRESS RELEASE, SEPTEMBER 9, 1968

Broader clinical studies with the experimental drug DMSO (dimethyl sulfoxide) will be allowed under new guidelines announced today.

"Tests with human volunteers have now established that short-term use of DMSO is reasonably safe," said Herbert L. Ley, Jr., M.D., Commissioner of Food and Drugs. "DMSO is still an investigational drug, however, and any clinical uses must be closely monitored."

Since December, 1966, the Food and Drug Administration has permitted investigational uses of DMSO only for serious conditions for which no satisfactory therapy was available. Prior approval was required before such studies could be started.

The new policy will permit studies with DMSO in treating such conditions as inflammation of the muscles, joints, and ligaments, and large bruised areas. But the chemical is to be applied only to the skin for periods of 14 days or less. Liver function and blood tests are required before, during, and after such a two-week study.

DMSO, a by-product of the paper industry, has long been used as an industrial chemical and solvent. Discovery of the substance's unique ability to penetrate the skin stimulated investigation of DMSO's possible medical uses.

The FDA authorized limited clinical studies of the drug in 1964, but suspended these investigations in November 1965 because of data showing eye changes in test animals.

In 1966, the FDA permitted the resumption of clinical tests for serious diseases under carefully controlled conditions.

These restrictions were eased today for short-term studies on the basis of data from a controlled toxicity study with humans. Application of DMSO to the skin did not produce adverse effects upon the eyes of these volunteers.

The requirement for prior FDA approval of any clinical tests with DMSO in man or animals also was withdrawn, but sponsors of studies still must provide the FDA with information required under investigational drug regulations.

Long-term studies with DMSO still will be restricted to skin applications for such conditions as scleroderma, dermatomyositis, and as a vehicle for analgesics to treat intractible pain due to cancer.

Such studies must be carried out only in medical centers with adequate facilities and experienced, well-trained medical personnel. Patients must receive full physical examinations, including eye examinations, liver-function tests, and complete blood counts before and after the use of DMSO and at periodic intervals during treatment.

All proposals for the use of DMSO (as for other investigational drugs) must show that patients will be fully informed of the known and possible effects of the drugs.

The Statement of Policy on DMSO will be published in the *Federal Register* on Tuesday, September 10.

[From the Washington Post, Sept. 10, 1968]

FDA EASES TEST CURBS FOR DMSO

(By Morton Mintz)

The Food and Drug Administration eased restrictions yesterday on the testing in humans of DMSO, one of the most controversial experimential drugs of modern times.

DMSO is an industrial solvent that for a century has been a byproduct of paper-making. Starting in the early 1960s, it received massive publicity as a "wonder drug" useful in most any disease from arthritis to headaches.

The publicity, later condemned by FDA as "excessive," resulted in use of DMSO by perhaps 50,000 persons—an unusually large number for an experimental drug. Some got it on a kind of black market. Four drug companies were found by FDA to have distributed DMSO in an inferior "animal grade."

On Nov. 10, 1965, after learning of numerous reports of eye damage and even deaths in users of DMSO (dimethyl sulfoxide), the FDA suspended human trials.

Resentment against the agency was strong and widespread. Last April, two Oregon Republican legislators, Sen. Mark O. Hatfield and Rep. Wendell Wyatt, introduced bills to transfer the responsibility for evaluating new drugs from FDA to the National Academy of Sciences. Largely, the bills were an expression of disapproval of FDA's performance with DMSO, whose unique ability to penetrate the human skin—and even to carry other drugs swiftly to diseased organs—was first discovered by Dr. Stanley W. Jacob, an Oregonian.

Yesterday, Dr. Herbert L. Ley Jr., Commissioner of FDA, said, "Tests with human volunteers have now established that short-term use of DMSO is reasonably safe. DMSO is still an investigational drug, however, and any clinical uses must be closely monitored."

In hearings in March, 1966, the FDA's former top physician, Dr. Joseph F. Sadusk Jr., admitted to the House Intergovernmental Relations Subcommittee that close monitoring had not been provided up to that time.

Several major drug manufacturers failed to report side effects in humans, made shipments to unapproved investigators and use the drug in treating ailments that had not been listed in applications filed with FDA.

For a time, the agency considered starting criminal prosecutions. But the idea was abandoned. Privately, agency officials acknowledged the primary reason was that FDA's own performance had been too sloppy to permit it to go to court.

Starting in December, 1966, FDA permitted clinical testing of DMSO to resume, but only for serious conditions for which no satisfactory therapy was available.

Under the new policy announced yesterday, DMSO can be studied in such conditions as inflammation of the muscles, joints and ligaments, and large bruised areas. But the FDA rules limit application of DMSO to the skin to periods of 14 days or less. Before, during and after such studies tests must be made of the patient's blood and liver.

Also, the FDA lifted an earlier requirements that its prior approval be obtained before clinical testing was undertaken. Those making studies, however, must supply information required by the regulations governing all experimental medicines.

Long-term DMSO studies continue to be restricted. They must be carried out only in well-equipped medical centers. Patients must be thoroughly examined at regular intervals. The studies must be confined to external applications to treat a few relatively infrequent skin diseases, such as scleroderma, and dermatomyositis, and as a kind of piggy-back carrier to take analgesics to the site of certain cancers in which the pain is otherwise intractable.

CALIFORNIA ECONOMIST HITS EARMARKING

Mr. PROXMIRE. Mr. President, during the adjournment of Congress I received a particularly warm letter of support for my efforts to establish uniform discount rates for program evaluation, and for my criticisms of the supersonic transport development program and of the oil depletion allowance, among other things.

The writer, Mr. Edward N. Dodson of Santa Barbara, Calif., makes some significant points in his letter on highway expenditures which I commend to the attention of other Senators.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SANTA BARBARA, CALIF.,
August 21, 1968.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I don't believe I have ever written a fan letter before but I think you are truly deserving. I applaud your comments on cost benefit procedures for water projects, your remarks on oil depletion and import provisions, your criticism of the SST program and your inquiries on discount rates for program evaluation. To indicate that my interest is not altogether casual, I might mention that I make my living as an "economic analyst" and have all the requisite advanced degrees.

I have not seen your name in connection with recent highway bills, which may well be my oversight. There is good reason to question our overall national priorities in the light of the SST and NASA funding. The whole highway program is surely another example. In the immediate vicinity of Santa Barbara, there are two glaring examples of wasteful freeway projects while, at the same time, support for public transit and low-cost housing is notably meager.

The basic problem—in my opinion—is the earmarking of funds, and I would recommend serious inquiry into the extent and impact of earmarked funds for governmental undertakings. Highway funds are considered virtually free at local levels. My Congressman—in his most recent newsletter—justifies highway expenditures by noting they would just go to other states if not used here.

It is especially distressing to note that under current procedures this situation can only get worse. The increase in automobile travel means more highways funds which mean greater pressure for more freeways, etc., etc. The Hearings at the House Public Works

Committee (e.g., June 7, 1967) make clear that highway escalation will continue. Only by removing the earmarking of gas taxes can rational decision-making be restored to national transportation.

Sincerely yours,

EDWARD N. DODSON.

REPORT ON MICROWAVE RADIATION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that a statement entitled "Report on Microwave Radiation," prepared by the senior Senator from Alaska [Mr. BARTLETT] be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BARTLETT

Mr. BARTLETT. Mr. President, On July 18, the Committee on Commerce reported H.R. 10790, the Radiation Control for Health and Safety Act of 1968. Since then the Department of Health, Education, and Welfare has published a review of the hazards of microwave radiation.[1]

I welcome this report both for its support of the testimony on this matter last year and this year before the Committee on Commerce about sometimes harmful effects of microwaves, and as evidence of DHEW's interest in this problem. The report clearly summarizes present knowledge of the biological effects of microwaves in a person who is exposed too long to too much of them; it shows the basis for the present private and government standards concerning permissible exposure to microwaves; and it indicates gaps in our present knowledge of the effects of microwaves.

This review by Dr. Wellington Moore, of the National Center for Radiological Health, on biological effects of microwave radiations supports the testimony received from government and private sources. Experiments with animals reveal that cataracts, corneal opacities, degeneration of the testicles and hemorrhagic effects can be produced by exposure to microwaves. Past experience with extrapolating effects in experimental animals to man would support expectation of similar effects in man, given the right combination of length and intensity of exposure. The human eye is most susceptible to exposure to microwaves with a frequency of about 3000 million cycles per second. Microwaves have been implicated in the appearance of cataracts in man following accidental exposure, and one researcher as of May 1967 reported 26 new cases of lenticular damage from microwaves.

Mr. Moore calls attention to effects of chronic exposure to microwaves as reported by the Russians. Soviet researchers have found the effects of chronic exposure to microwaves to include bradycardia, hypotensions, hyperthryoidism, central nervous system exhaustion, decreases in the sense of smell, increased histamine level in the blood, lenticular effects and changes in intra-ocular pressure. Researchers in the United States have not confirmed such findings. This gap in agreement is important. Should the Soviet findings be confirmed, present U.S. standards for exposure might have to be lowered. The existence of this gap is all the more reason for favorable action by Congress on H.R. 10790 this year. The bill contains authorization to, and perhaps more important, encouragement for DHEW to look into such gaps and to establish by experiment and observation how much of the Russian findings can be replicated in U.S. laboratories.

Mr. President, I am pleased to learn that the National Center for Radiological Health recently set up a small laboratory for microwave measurements nearby in Rockville, Md. This is a forward looking step. I shall be interested in the relations this new laboratory will establish with the National Bureau of Standards and the Army's Environmental Hygiene Agency, and how quickly it can relate its work to these existing competences in microwave technology. In a year of tight budget funds, it seems to me the ability of these government laboratories to work together will be particularly important.

Congress has much to do before it adjourns. Completing action on H.R. 10790 should be, must be, one of those accomplishments. Microwave technology is showing so many opportunities for new products and services that its rapid expansion must be expected. Enacting H.R. 10790 this year will enable the Department of Health, Education, and Welfare to get on with its job of setting standards for microwave, laser and x-ray equipment that are sold in interstate commerce. DHEW also needs this legislation to move ahead with research to fill in gaps in our knowledge about the biological effects of these radiations and to seek ways to reduce exposure without a loss of human and economic benefits. Ideally, this regulation and research should be carried out now before the haste, tensions and inadequate preparation that goes with reaction to a crisis. Early passage of H.R. 10790 will mean that the Department of Health, Education, and Welfare will have time to mesh its research and regulation with the progress of the American microwave industry and so foster its healthy growth for the benefits of our national economy and the safety of individual citizens.

NOMINATION OF JUSTICE FORTAS—RESOLUTION OF NATIONAL BAR ASSOCIATION

Mr. **MOSS**. Mr. President, no group is better qualified to judge the qualifications of Associate Justice of the Supreme Court, Abe Fortas, to be Chief Justice of the United States than members of his own profession—members of the bar. I think its is significant that among his strongest advocates are both jurists and lawyers—both "men of the long robe" and practicing members of the bar.

On July 30, in Washington, D.C., the National Bar Association, meeting at its 43d annual convention, passed a resolution urging "unequivocably, and without reservation, the confirmation of Associate Justice Fortas as Chief Justice." I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION, 43D ANNUAL CONVENTION, NATIONAL BAR ASSOCIATION, INC., WASHINGTON, D.C.

Whereas, the National Bar Association, has always supported the Constitutional principle that the independence and the integrity of the Judiciary shall be inviolate; and

Whereas, the now Associate Justice of the United States Supreme Court, Abe Fortas, has achieved the highest honor that may be bestowed upon any lawyer and/or Judge; and

Whereas, the now Associate Justice Fortas has been nominated to be the Chief Justice and administrator of that Highest Court; and

Whereas, the now Associate Justice is awaiting confirmation to that position to which he has been nominated by our President; and

Whereas, we now note with dismay, the prolonged inquiry into the qualifications of Mr. Justice Fortas and particularly the efforts of some to relate their inquiries to decisions rendered by the Supreme Court; and

Whereas, we recognize the responsibility of the United States Senate to discharge its obligations to the American People;

Be it resolved that the National Bar Association assembled at Washington, D.C., in its 43rd Convention, does unequivocally, and without reservation, urge the Senate Judiciary Committee to recommend confirmation of Associate Justice Abe Fortas forthwith; respecting and supporting the wisdom of President Lyndon B. Johnson's judgment in naming Associate Justice Abe Fortas of the United States Supreme Court to be its Chief Justice;

And be it further resolved, that a copy of this Resolution be dispatched to the Chairman of the Judiciary Committee and to the Leadership of the United States Senate.

And be it further resolved, that a copy of this Resolution be dispatched to the Chairman and members of the Judiciary Committee and to the Leadership of the United States Senate.

Done this 30th day of July, 1968.

REVIUS O. ORTIQUE,
Chairman.
GEORGE LAWRENCE,
Co-chairman, Resolutions Committee.

Attest:

BILLY JONES,
President.

ROLE OF UNIVERSITIES AND FOUNDATIONS IN FURTHERING THE CAUSE OF HUMAN RIGHTS

Mr. **PROXMIRE**. Mr. President, last Friday I spoke to the Senate about the need for individual Americans to personalize the quest for universal human rights. I quoted Eleanor Roosevelt's words about human rights beginning with ourselves, in our homes, our jobs, and our day-to-day relationships with those around us. I also mentioned one need for education, reinforced by personal example, to imprint, particularly on the minds and hearts of the young, the dignity of all men and the rights that naturally and inevitably inhere in man because of that special dignity.

However, learning and living the lessons of human rights and the dignity of our fellow man needs support from our institutions of higher learning and from our various foundations.

First, our colleges and universities. There is a great need for research on human rights and how they relate to our increasingly technological and depersonalized world. We must know how to handle these tools of material well-being in a way that does not do violence to those principles and safeguards of human dignity that give technological advance any real meaning it might have now or in the future.

Dr. Leonard P. Aries, a member of the Special Committee on Nongovernmental Organizations of the President's Commission for Observance of Human Rights Year, states this very clearly in referring to the Montreal statement of the Assembly of Human Rights:

> The Montreal Statement could be used as the basis for continuing discussions (re-

---

[1] Wellington Moore. "Biological aspects of microwave radiation. A review of hazards." Rockville, Md.; U.S. Department of Health, Education, and Welfare, Public Health Service, National Center for Radiological Health. July, 1968, Rept. no. TSB 4, 32 p.

search) on new areas of concerns in human rights, i.e. civil disobedience, rebellion and revolution; rights of groups; human rights in armed conflicts (Biafra); right to family planning; rights of the child; technology and human rights involving electronic and other forms of intrusion on the right of privacy, implications of computer-based technocracy for democratic government, protection of traditional cultures against the homogenizing influence of a technological civilization, new developments in medicine and biology and their impact on human rights; right of individual petition; the Ombundsman; the UN High Commissioner for Human Rights.

Mr. President, the second factor involved here are the foundations. These funds have done magnificent work over the years in alleviating the lot of the poor and forgotten. They have carried the message of a humane civilization to some areas of endeavor that would most likely never receive any governmental attention because they are not "popular" or "newsworthy." The various social, scientific, and technological breakthroughs the world owes our American foundations are far too numerous to list.

Yet I believe that foundations could make far easier and more productive their efforts in a vast array of fields, were they to invest in promoting universal human rights—the very cornerstone of any structure built for the benefit of mankind. Our foundations are seeking a panacea for mankind's many ills. I suggest that perhaps a searching look at the cause of human rights and what a victory for universal human rights implies might end their search.

Much can be achieved in furthering human rights right here in America. While we wait for an end to Senate procrastination in ratifying the various conventions that will help guarantee to others what we enjoy by constitutional right, there is, indeed, much American universities and foundations can do in making respect for our fellow man more a reality here at home.

The dedication to ideals of human dignity and equality we gain for ourselves will help eventually in securing that dignity and equality for all men.

TENTH ANNIVERSARY OF NATIONAL DEFENSE EDUCATION ACT

Mr. SPONG. Mr. President, yesterday, September 10, the 10th anniversary of the National Defense Education Act was observed with a program at the Department of Health, Education, and Welfare.

The National Defense Education Act of 1958, which was enacted shortly after the Russians launched sputnik, was the first comprehensive education measure ever to pass Congress. It was the point from which originated most of our other educational endeavors.

During the act's 10-year history, some $3 billion has been provided in educational aid for kindergartens to graduate schools. The variety of educational assistance provided has stretched from graduate fellowships and student loans to grants for equipment and for testing, guidance and counseling services in secondary schools.

It was only appropriate that the program yesterday should pay special tribute to the distinguished senior Senator from Alabama, Hon. LISTER HILL, and former Representative Carl Elliott. Senator HILL, the chairman of the Committee on Labor and Public Welfare since 1955, was the Senate sponsor of the 1958 act.

Beyond this, however, the program yesterday had special significance for me for two reasons.

First, of all, the recipient of the 25,000th graduate fellowship awarded under the act, who was present, has Virginia ties and will use the fellowship at the University of Virginia. John Dillard Hundley, a 27-year-old ex-marine, will study for a Ph. D. in modern European history. A graduate of Quantico Post High School and the University of Virginia, where he was elected to Phi Beta Kappa and won a Woodrow Wilson Fellowship for graduate study, Mr. Hundley received a master's degree from Harvard University in June 1968. He is married to the former Cheryl Ewers Humphrey, whom he met at Quantico, and his parents are Capt. and Mrs. H. C. Hundley, of 624 Pine Tree Drive, Virginia Beach, Va. I congratulate Mr. Hundley and wish him well.

Second, I have had a special interest in the distribution of the graduate fellowships under the National Defense Education Act. During the 1958–68 period, Virginia has received 491 scholarships and a total of $6.6 million in aid under the fellowship program. If these scholarships, had however, been distributed on a closer population-related basis, Virginia would have received significantly more. Consequently, I testified before the Subcommittee on Education of the Committee on Labor and Public Welfare last March and proposed amending the current law to make the distribution more equitable. A modified version of that amendment is a subject for the conference which is considering the higher education amendments.

For all these reasons, I am privileged to have had the opportunity to attend the program commemorating the anniversary of the enactment of the first broad-based effort "to encourage and assist in the expansion and improvement of educational programs."

SCHOOLS AS CENTERS OF RACIAL UNREST

Mr. BROOKE. Mr. President—

> The Nation's schools are fast becoming centers of racial unrest.

This is the significant and disturbing conclusion reached after months of careful research by the Lemberg Center for the Study of Violence, a private institution founded at Brandeis University in Waltham, Mass., to study the general problem of violence and to learn how to control it.

For nearly 2 years, the Lemberg Center, under the direction of Dr. John Spiegel, has been studying outbreaks of civil violence in the United States. Their reports have received considerable attention both in the news media and in government; their findings were an important aid to the President's Commission on Civil Disorders.

The latest report of the Lemberg Center is based on a study of disorders since the assassination of Dr. Martin Luther King in April of this year. The study, which was made public on August 19, of course, excludes the latest series of disturbances.

In examining the course and pattern of violence in the months since April 4, the researchers were puzzled by the fact that a large number of disturbances did not appear to be related to the assassination. Thus, in April 1968, there were 34 unrelated civil disorders, compared with only seven disorders for the month of April 1967. The trend of escalation of disorder predicted by the Lemberg Center in earlier published reports has been borne out.

But even more disturbing to the researchers was the fact that an increasing number of all disorders began or focused on the public schools. The insensitivity of a school administrator or teacher, tensions in the classrooms, suspected discrimination in the selection of students for sports or special honors, could all become triggering or precipitating events. The researchers likened the situation to a dry year in a forest zone:

> If all the forests are dry, how can we anticipate who will drop a lighted cigarette, or how many, or where? We are limited to predicting the high probability of forest fires occurring—somewhere.

Because the conclusions of the researchers has particular significance for all of us, in every State in the Union, I ask unanimous consent that the text of that part of the study relating to "Schools as Centers of Racial Unrest" be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SCHOOLS AS CENTERS OF RACIAL UNREST

Our data indicate that large numbers of schools have continued to be involved in civil disorders. In 1967, 17% of all civil disorders (42 out of 249 cases) recorded by the Riot Data Clearinghouse involved schools. In January through April 1968, 44% of all recorded disorders (131 out of 295 cases) involved schools. In terms of the number of "school disorders" occurring in January through April 1968, there has been a threefold increase over the *entire* year 1967. Thus, schools have continued—and in increasing numbers—as a major focal point of unrest in this country.[1]

During the month of April 1968, more disorders were recorded which involved schools (91) than in the entire previous year.[2] For our purposes of analysis, these "school disorders" were divided into three categories which were ordered on a logical continuum. This continuum was based on the centrality of schools in relation to the disorder. Disorders which centered around the school were ranked first; correspondingly, disorders in which schools were peripheral or marginal were ranked last.

1. *"School-Centered" Disorders*—The greatest proportion of "school disorders" in April

---

[1] Our discussion of schools does not involve a breakdown of college and pre-college schools. It should be noted, however, that while colleges were involved in 2% of all recorded disorders, in 1967 the percentage increased to 15% for the first 4 months of this year.

[2] Figures involving school include definite and equivocal cases.

(42% or 38 out of 91 cases) were confined to the actual school building(s) or to the adjacent grounds. Usually only students from that school were participants. High school disorders in this category involved clashes between hostile groups of white and black students, whereas in college disorders of this sort, the students often united across racial lines and clashed with administrative officials or other perceived authority. These disorders were generally of short duration, frequently lasting a matter of hours or spanning, at most two days. The nature of the violence involved fighting and minor vandalism such as rock-throwing, although boycotts were used in pre-college school disorders, as in Cincinnati, Ohio (p. 54). Damage to property in these disorders was minor or unknown; the same was true of the number of persons injured which were small or unknown. Other examples of "school-centered" disorders are Chicago, Ill. (p. 4), Hamilton, N.Y. (p. 33), Denver, Colo. (p. 48) and Boston, Mass. (p. 51).

2. *"School-Related" Disorders*—The next largest proportion of "school disorders" in April began in the school building or adjacent grounds and spread to other areas of the city. Generally, these disorders were of a more serious nature and involved more participants, including non-students, a greater area, and more arrests, injured and killed. There were 18 deaths resulting from disorders in this category. Moreover, the duration of these disorders was longer, from 2–4 days. Chicago, Ill. (p. 8) and Kansas City, Mo. (p. 45) were the most serious disorders in this category, but are still generally representative. National Guard troops were called in six of these disorders while Federal troops were used once (in Chicago, Ill.). Other examples of such "school disorders" are Winston-Salem, N.C. (p. 14), Flint, Mich. (p. 19), Tucson, Ariz. (p. 21), and Stockton, Cal. (p. 49). "School-related" disorders account for 32% (29 out of 91 cases) of all "school disorders."

3. *"Marginal-School" Disorders*—Schools were sometimes marginal to the general disorder—in terms of the affected area or the participants. Most of these disorders were comprised of a series of incidents such as window-breaking or firebombing in which schools were only one of a series of targets. In most cases, students were not present in the school(s) at the time of these violent incidents. Student walkouts, as in Detroit, Mich. (p. 19) were also included in this category. Other examples of "marginal-school" disorders are Durham, N.C. (p. 26), Denton, Md. (p. 45), Oberlin, Ohio (p. 45) and New Bedford, Mass. (p. 49). "Marginal-school" disorders accounted for the smallest percentage of "school disorders"—26% (or 24 out of 91 cases).

SCHOOLS AND THE KING ASSASSINATION

In line with our findings in the previous section, our review of "school disorders" in April indicates that the assassination of Dr. King served to heighten existing tensions and grievances and was an important precipitating event or factor in outbreaks during April.

In April, the overwhelming number of disorders involving schools—78% (71 out of 91 cases)—began or occurred between April 4 and 9. No day between April 4 and 9 had fewer than 4 disorders while none of the remaining days of the month had more than 3.

TABLE 7.—SCHOOL DISORDERS, APR. 4–9, 1968

Date	Number of school disorders	Percent school disorders in April
Apr. 4	17	19
Apr. 5	33	36
Apr. 6	6	7
Apr. 7	4	4
Apr. 8	4	4
Apr. 9	7	8
Total	71	78

Moreover, the majority of all "school disorders" occurring between April 4 and 9—about 70%—took place during the first two days after Dr. King's death. After April 5, school disorders tailed off somewhat until April 9—the day of Dr. King's funeral—when a slight increase was recorded. Of the most serious type of "school disorders" generally ("school-related"), 97% began or occurred between April 4 and 9.

A rather small percentage of "school disorders" may be considered directly related to Dr. King's death. For example, in Alton, Ill., public schools closed on April 5 after students threw silverware on the cafeteria floor and scuffled during discussions about the death of Dr. King. In Freeport, L.I., the local high school closed after a group of black students burned an American flag to protest Dr. King's assassination. Only 7% of all "school disorders" (6 out of 89 cases) display evidence that would permit us to classify them as directly related.[3]

The largest proportion of "school disorders" for which we can account are classified as indirectly related to Dr. King's death. Moreover, many of these disorders are traceable to a certain insensitivity on the part of school officials. In Rahway, N.J., police attributed the disorder to the failure of a school to close in honor of Dr. King. Similiarly, in Kansas City, Mo., a rather serious disorder began with a march of 1,000 high school students protesting the failure of their schools to close—in contrast to schools in neighboring Kansas City, Kan. In Willmington, Del., a disorder was triggered by the refusal of school authorities to allow a group of students to leave a high school and conduct a memorial march for Dr. King. And, in Wichita, Kan., a disorder followed a student march to City Hall because a flag at a local school had not been lowered.[4] 28% (25 out of 89 cases) of all "school disorders" are placed in this category.

Relatively few "school disorders" (20% or 18 out of 89 cases) appear to have been unrelated to the King assassination. For example, on April 24–25, a "school disorder" was triggered when 200 black students staged a "sit-in" to protest the selection of only one black cheerleader. On April 29–30, a disorder was triggered when a group of black and whites assembled to protest school policies, including the use of armed guards at three of the city's 49 schools. It is significant that the overwhelming number of "school disorders" *not* related to Dr. King's death (72% or 13 out of 18 cases) occurred after April 9.

Of all "school disorders" following Dr. King's death, the greatest number (45% or 40 out of 89 cases) were placed in the "undetermined" category. It is significant that 93% (37 out of 40 cases) of all the undetermined cases took place between April 4 and 9.

Therefore, our data suggest that the overwhelming number of "school disorders" *were* related to the King assassination. However, it should not be inferred that if it weren't for the assassination, the increased rate of disorder would have been checked—indeed, our data suggest otherwise.

There were 44 disorders involving schools recorded for the first three months of this year. The figures break down as follows: 5 in January, 19 in February and 20 in March. Our findings show that 20 "school disorders" occurred in April which appeared to be unrelated to the King tragedy—in other words, 20 disorders involving schools apparently would have occurred *even* if Dr. King had not been assassinated.

Our conclusions regarding schools are, therefore, consistent with our findings for the total number of disorders. The assassination of Dr. King precipitated an unusual number of "school disorders" for the month of April. At the same time, a continuation of the rate of civil disorders involving schools was uncovered *irrespective* of the King tragedy, which served to intensify the trend.

Unrest in the schools appears to be a general and long-range phenomenon, the sources of which might be sought in any or all of the following areas: the search for excitement and action by youth, specific grievances directed at the quality of education and school facilities and rising antagonism between white and black students.

CONCLUSIONS

The magnitude of the April 1968 disorders provides us with the opportunity to make some observations regarding fluctuations in frequency and intensity of civil disorders over time. Overlooking the particular, tragic ironies of the situation—that the violent death of the nonviolent leader stimulated a wave of violence—and focusing only on general issues, we can isolate two interrelated problem areas for discussion. One is the difficulty of making predictions regarding the location and extent of civil disorder. The second is the complex, interactional nature of the disorder process.

It would quite obviously be helpful if either science or common sense could tell us where and when to expect trouble. But in the area of civil disorder, as in that of natural disaster, the presence of random and uncontrollable factors undermines our capacity to forecast events. If all the forests are dry, how can we anticipate who will drop a lighted cigarette, or how many, or where? We are limited to predicting the high probability of forest fires occurring somewhere.

Where urban disorders are concerned, we are facing just this situation: all the forests are dry. The report of the National Advisory Commission on Civil Disorders described the nature of and the reasons for the high levels of tension in black communities all over the nation. To be sure, other studies, such as those carried out at the Lemberg Center have presented evidence indicating that tensions (levels of grievance) vary between communities. The "Tinder-box" status of some communities is higher than others; but all are at a sufficiently high level to be considered potential sites for disorders.

The long range recommendations of the Kerner Commission can be regarded in the same way as the likelihood of rain falling on parched forests. Until the recommendations are implemented, the risk of further disorders will remain high. In the meantime, both prediction and the reduction of risk depend upon the possibility of controlling the triggering process.

What the April 1968 disorders demonstrate so dramatically is the difficulty of anticipating and controlling the triggering. Could the assassination of Dr. King have been anticipated or prevented? Possibly, but only by vastly increasing the security provided for emminent or controversial national figures. However this problem is to be solved, given the intensity of hostility toward blacks in our country, it will not be possible for a long time to guarantee control of the kinds of events which precipitate disorders in black communities.

Still, this negative conclusion must be modified by taking note of the interactional nature of the triggering process. We have already suggested above that, althouh the assassination of Dr. King was perceived as a highly inflammatory event by most blacks, the response to it varied. As the data presented above indicate, these variations flow from the interactions between whites and blacks—the kinds of responses whites made locally to the assassination; the way these responses were perceived by blacks; and then the way the second-order reactions of blacks to the actions of whites were subsequently perceived by whites. Of cverriding importance was the appropriateness or inappropriateness of the responses of white authorities.

---

[3] For purposes of analysis, the two disorders involving schools which occurred on April 1–3, before Dr. King's death, have been subtracted from the total number of "school disorders" (91) in April, thus lowering the total to 89.

[4] Not all schools, however, were unresponsive to student unrest. Many schools across the nation did close in tribute to Dr. King either at the time of his death or during his funeral. School systems in Boston, Providence, New York City, Houston and numerous other cities closed and observed official periods of mourning; all schools in Connecticut observed an official day of respect.

It is unfortunate that the format of the *Riot Data Review* does not permit us to take note of those occasions in which the handling of tense situations by white authorities *prevented* the outbreak of disorder. Situations of this sort do not ordinarily constitute "news" and thus were not systematically reported in the press. They have come to the attention of the Lemberg Center research observers working in various cities, but in too random a fashion to be reported here. Our information suggests that a number of mayors, school superintendents and leaders in the black community devoted unusual amounts of time, energy and skill in working out compromise solutions for tense interactional situations—especially in designing on-the-spot ceremonies which resolved, temporarily at least, the conflicts stirred up in the community.

Full reports of such improvised solutions would be desirable because it is the local interaction situation that is the endemic source of the triggering process. This holds true especially in the case of "school-centered" disorders. Our data have indicated the steady rise of disorders in school settings, at least through April. Returning to the "forest fire" analogy, we can predict that schools, everywhere, both at the college and pre-college level, will be sites of disorders when they reopen in the fall. In this summer's interlude, it would be highly advisable for school superintendents and members of school boards to hold conferences in which experiences with tense interracial situations were shared and solutions, not relying upon last-resort repression imposed by law enforcement agencies, were discussed. Law enforcement, of course, is important. But it is not the permanent nor the final solution and in many instances is provocative of further disorder. If the growing body of information about the causes and prevention of civil disorders is to be well used, then better planning to modify the triggering process is our best hope in the current situation.

CONNECTICUT RIVER NATIONAL RECREATION AREA STUDY

Mr. RIBICOFF. Mr. President, the U.S. Bureau of Outdoor Recreation, after a 22-month study, recommends the creation of a four-State, 56,700-acre Connecticut River National Recreation Area.

The study carried out by the Bureau is the result of Public Law 89–616, legislation which I introduced.

Mr. President, this report gives us, for the first time, a regional format upon which we can work to restore the Connecticut River to its original beauty—and to preserve and protect this splendid resource for future generations.

The Connecticut River Valley is one of the Nation's most scenic areas, and this report sets forth a responsible, imaginative, and practical program to conserve it.

The report, which is entitled "New England Heritage: The Connecticut River National Recreation Area Study," has taken into account the conservation and recreation needs of today and of future generations.

I want to thank personally Secretary of the Interior Stewart Udall; Ed Crafts, Director of the Bureau of Outdoor Recreation; and other Department officials.

The Bureau has performed high service to the cause of conservation and recreation. Through this report, the Bureau will gain new respect and gratitude from sportsmen and conservationists—and more important, from people of all ages who simply love the outdoors.

The proposed recreation area would comprise three separate units and would include parts of Connecticut, Massachusetts, New Hampshire, and Vermont.

Key among all the recommendations in the report is a strong plea for cooperation from State and local governments and private interests in the proposed recreation area.

The Bureau of Outdoor Recreation calls for setting up the recreation area in these units:

First. A gateway unit in Connecticut extending 11 miles along the river between Haddam and the Connecticut Turnpike.

Second. A Mount Holyoke unit in Massachusetts near the Springfield-Chicopee-Holyoke metropolitan area with four and a half miles of riverfront and including the Mount Holyoke Range.

Third. A Coos scenic river unit situated along the 82-mile portion of the Connecticut River in New Hampshire and Vermont between Moore Reservoir and Lake Francis.

To complement the Federal actions, the report recommends: first, the State of Connecticut acquire an additional 10,100 acres in the Cockaponset State Forest; second, the Commonwealth of Massachusetts enlarge the Mount Tom Reservation by an additional 3,000 acres; and, third, the State of New Hampshire acquire 14,000 acres and obtain easements on an additional 33,000 acres in the Connecticut Lakes area.

Also recommended are the creation of two new State parks in Connecticut, two new State parks in Massachusetts, two new interstate parks between New Hampshire and Vermont, a Connecticut River Tourway of already existing roads, and a 300-mile Connecticut Valley Trail for hikers.

The National Park Service would administer the proposed recreation area.

The cost of acquisition of the land by the Federal Government is estimated at $45 million.

Another $12 million would be required for development of the area, the report estimates.

The report says:

> A Connecticut River National Recreation Area would take its place with such other notable federal areas in the northeast as the Delaware Water Gap National Recreation Area, Cape Cod National Seashore and Fire Island National Seashore.
>
> A Connecticut River National Recreation Area would however, differ significantly from the others.
>
> Rather than one contiguous and homogeneous unit, it would comprise three separate units, each with individual characteristics and providing diverse recreation opportunities.

The Connecticut River Tourway would be a network of existing roads crisscrossing the river and would connect many points of outstanding scenic, historic and cultural interests within the four-State area, the report explains.

A committee composed of local citizens and officials along with Federal and State representatives would be formed to oversee routing and development of the Connecticut Valley Tourway.

The Connecticut Valley Trail, 300 miles long, would branch northward from the Appalachian Trail near Hanover, N.H., and extend northward along the river.

It would loop through the Connecticut lakes area and return south along the ridges of the White Mountains to rejoin the Appalachian Trail southeast of Lancaster, N.H.

Land acquisition and development costs for the trail are estimated at $770,000.

In Connecticut, the proposed State parks would be Glastonbury Meadows State Park on 4,400 acres of Connecticut River flood plain located in the towns of Glastonbury, East Hartford, Rocky Hill, and Wethersfield; Windsor Locks-King's Island State Park on 250 acres of land at Enfield Rapids, including the Windsor Locks Canal, the Enfield Dam and Rapids and the wooded 120-acre King's Island.

In Massachusetts, the proposed State parks would be Mount Tom-Northampton State Park on 4,800 acres adjacent to the Mount Holyoke unit, consisting of the present 1,800-acre Mount Tom Reservation, the Great Oxbow north of the reservation and the flood plain surrounding the Oxbow in the towns of Easthampton and Northampton; Turner's Falls-Northfield State Park on 31,000 acres along the Connecticut River from Cabot Station, below Turner's Falls Dam in Massachusetts, approximately 20 miles north to Vernon Dam in New Hampshire.

The report urges that the States of New Hampshire and Vermont initiate action to create a Rogers' Rangers Historic Riverway.

The riverway, about 100 miles long and comprising about 27,500 acres of riverfront lands, would protect the scenic and historic qualities of this portion of the Connecticut River and would provide public access and recreation along the river, the report says.

The riverway would commemorate the return trip of Rogers' Rangers following a daring attack on an Indian village in Canada.

The report also urges New Hampshire and Vermont—in coordination with the New England Power Co.—to develop the Moore and Comerford Reservoirs into an interstate park at the lower end of the Coos scenic river unit.

The new Moore-Comerford Interstate Park would consist of 15,400 acres.

The Federal Government assists the States in land acquisition and development costs in implementing these recommendations.

Financial support is provided from the land and water conservation fund and the Department of Housing and Urban Development's 701 and open spaces programs.

Mr. President, "New England Heritage" will be of interest to other Senators. I ask unanimous consent that it be printed in full at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

New England Heritage: The Connecticut River National Recreation Area Study

(By the Department of the Interior, Stewart L. Udall, Secretary, Bureau of Outdoor Recreation, Washington, D.C.)

(Note —Maps and illustrations not reproduced in Record.)

U.S. Department of the Interior,
Bureau of Outdoor Recreation,
Washington, D.C., August 5, 1968.

Hon. Stewart L. Udall,
Secretary of the Interior,
Washington, D.C.

Dear Mr. Secretary: I am pleased to transmit to you the findings and recommendations of the Bureau of Outdoor Recreation study of the recreation potential of the Connecticut River Valley. The information contained in this report is the result of nearly two years of investigation, examination, and public hearings.

As you know, Public Law 89–616, approved on October 3, 1966, directed you to ". . . study, investigate, and formulate recommendations on the feasibility and desirability of establishing all or parts of the Connecticut River Valley from its source to its mouth, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area."

You, in turn, directed this Bureau to undertake the study and present our recommendations. I have attempted to follow the letter, and the spirit, of Public Law 89–616. This report is based on an examination of more than 400 river miles, along a corridor which includes the first tier of towns on both sides of the River.

The recommendations for Federal, State, and private action are designed to provide recreation opportunities for several million persons. At the same time, the historical significance, the beauty, and the functional uses of the River and its surrounding areas would be preserved.

These recommendations include: authorization by Congress of a three-unit National Recreation Area, to be administered by the National Park Service, and to be located in the States of Connecticut, Massachusetts, New Hampshire, and Vermont; creation of a 300-mile long hiking trail in New Hampshire and Vermont, to be administered by the Forest Service, the National Park Service, and the States; and designation and marking of a Connecticut River Valley Tourway mainly by the States throughout the length of the River Valley.

The report also recommends, as complementary responses to the Federal actions which the Bureau proposes, creation of four State parks or forests along the River corridor, one in each of the four States. Three additional State parks and one historic riverway are also suggested.

The recommendations in this report emphasize cooperative local, State, and Federal action, as well as execution of private initiative, to establish a comprehensive recreation complex. The recommendations also strive to minimize disruption of land ownership patterns and agriculture in the River valley.

It is my hope that the Legislative and Executive branches will consider the Connecticut River Valley's supreme recreation, scenic, historic, cultural, and educational points of interest when planning is carried out for a Nationwide System of Scenic Roads and Parkways. I believe that this river valley could provide an important motorway for millions of Americans to enjoy under a projected program of specially designed and constructed scenic highways.

In conducting our study, the Bureau has conferred with local, State, and Federal agencies having responsibilities in the study area. At the request of each of the Governors, public hearings were held in the four States through which the Connecticut River flows. Comments received as a result of these hearings were considered in developing the report. The recommendations, however, are those of the Bureau of Outdoor Recreation.

Our recommendations should form a blueprint for long-range development of the vast recreation potential of the beautiful Connecticut River Valley, part of which is in the heart of the eastern megalopolis.

Sincerely,

Edward C. Crafts,
Director.

"[Public Law 89–616, 89th Congress]

"S. 3510

"An act to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to consider preserving the Connecticut River area and appropriate segments of adjoining land in their natural condition for public outdoor recreation, and preserving the priceless natural beauty and historic heritage of the river valley, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing all or parts of the Connecticut River Valley from its source to its mouth, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate his study with applicable highway plans and other planning activities relating to the region. In conducting the study, the Secretary shall hold public hearings within any State involved, upon the request of the Governor thereof, for the purpose of receiving views and recommendations on the establishment of a national recreation area.

"Sec. 2. The Secretary of the Interior shall submit to the President, within two years after the date of this Act, a report of his findings and recommendations. The President shall submit to the Congress such recommendations, including legislation, as he deems appropriate. The Secretary's report shall contain, but not be limited to, findings with respect to—

"(a) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including driving for pleasure, walking, hiking, riding, boating, bicycling, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

"(b) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

"(c) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in subsection (a), including the consideration of scenic roads or parkways, and that also will have a minimum impact on other essential operations and activities in the area, and on private property owners.

"Sec. 3. There is authorized to be appropriated $100,000 or such part of said sum as may be necessary to carry out the provisions of this Act.

"Approved October 3, 1966."

INTRODUCTION

Throughout the recorded history of New England, much has been written about the significance of the Connecticut River, of its importance to the Indian and to the Colonial settler, and to all those who have followed. One theme runs constantly throughout this narrative—the outstanding beauty of the valley.

The Reverend Timothy Dwight, President of Yale College from 1795 to 1817, describing the Connecticut River in the early 19th century wrote: "The waters . . . are remarkably pure and light, . . . everywhere pure, potable . . . The beautiful river . . ."

The Reverend Mr. Dwight went on to enumerate the beauty of the hills, bluffs, and mountains. He wrote of the many towns, villages, and hamlets with their neat schoolhouses and lofty church spires, all of them "works of prosperity and improvement."

In recent times, equally descriptive observations have pointed up the need for this study. While recognizing the beauty of the river, these contemporary remarks show a deep concern for the encroachments on the once peaceful setting. They sound the call the preserve what is still worth saving, that which may even yet be saved.

President Johnson in his February 23, 1966 message on preserving our national heritage said: "For a region which now has no national park, I recommend the study of a Connecticut River National Recreation Area along New England's largest river in the States of New Hampshire, Vermont, Massachusetts, and Connecticut."

On a September 1965 boat inspection tour of the Connecticut, Secretary of the Interior Stewart L. Udall noted: "We have a chance here to do a model job of conservation. You already have a running start. But population is crowding in and time is running out. What we do in the next decade will be decisive for the river's future."

Before the Subcommittee on Parks and Recreation of the House Interior and Insular Affairs Committee on May 20, 1966, Senator Abraham Ribicoff summed up these recent observations when he remarked:

"It took eons to build the beauty of the Connecticut River Valley. The slash of bulldozers can rapidly take it away. Only constant vigilance safeguards our natural heritage—only far-sighted planning will make sure that future generations will enjoy the precious aspects we still retain today. We must act now to safeguard the future."

Congress, alert to this need and interest, enacted legislation (P.L. 89–616) on October 3, 1966, authorizing the Secretary of the Interior to study "the feasibility and desirability of establishing all or parts of the Connecticut River Valley from its source to its mouth, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area." The Act also required the Secretary to submit to the President a report of his findings and recommendations by October 3, 1968. The President will then submit to the Congress such recommendations, including legislation, as he deems appropriate.

Secretary Udall directed the Bureau of Outdoor Recreation to conduct the Connecticut River National Recreation Area Feasibility Study in consultation with other interested Federal agencies, and the State and local bodies and officials involved. He also informed the Governors of the four States and requested their cooperation in carrying out the study. At the request of the Governors, the Bureau held public hearings in 1968 in each of the four States of the study area.

When authorizing this study, Congress defined the subject area in general terms as "the Connecticut River Valley from its source to its mouth." The Bureau of Outdoor Recreation has further defined the basic study area as the first tier of towns bordering the Connecticut River. This delineates a corridor some 400 river miles in length—from the river's source in northernmost New Hampshire to its terminus in Long Island Sound—varying in width up to 26 miles. The corridor so defined includes 92 towns: 28 in New Hampshire, 27 in Vermont, 14 in Massachusetts, and 23 in Connecticut.

In November 1966 a field team began collecting data and met with State and local officials, planning agencies, private organizations, and others. Many factors relating to the present and future uses of the Connecticut Valley were reviewed, including land use, geology, current and anticipated recreation participation, socioeconomic characteristics, water quality, and transportation. Reports of previous studies were also reviewed. In the determination of the most appropriate type of Federal program to preserve and develop the scenic, scientific, historic, and recreational values of the river valley, potential alternative beneficial uses of the water and related land resources were considered. After field work, reviews, and analysis by the Bureau of Outdoor Recreation, the recommendations contained in this report were formulated.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

This study revealed that the Connecticut River Valley contains the resources, potentials, and needs which meet the criteria for a National Recreation Area as set forth in *Policy Circular #1* of the Recreation Advisory Council (now the President's Council on Recreation and Natural Beauty). The study area contains:

A variety of high quality scenic resources and recreation potential.

An outstanding array of historic, educational, and cultural heritages dating from the early 17th century.

A population of over 40 million persons within 250 miles of the river.

Less than 4 percent of the area in publicly-owned recreation lands.

A corridor served by seven Interstate or turnpike highways and 20 airports.

This study found conditions, both natural and man-made, which temporarily limit the area's recreation use:

Water quality covering the entire pollution class scale and only 7 percent of the river's length presently suitable for primary contact recreation use.

Severely depleted fish and wildlife populations, and much of the river incapable of supporting a productive sports fishery.

Boating limited by natural and artificial obstructions. Virtually no public swimming areas on the river.

A lack of public picnic facilities along the river, especially near urban concentrations.

Foot, bicycling, and horseback trail mileage inadequate for present needs, with the greatest deficiencies near urban areas.

Public camping opportunities limited to a few, small, scattered areas.

The study shows that the need for protection and enhancement of the outstanding natural resources and recreation potentials of the Connecticut River Valley is a matter of regional and national concern. Implementation of the recommedations contained in this report would require a coordinated and interrelated program of public and private action.

The study's action plan envisions no radically new resource management techniques. It proposes the blending of a small amount of land acquisition with scenic easements, conservation zones, and cooperation at every level of government and private responsibility, to preserve and enhance the outstanding character of the river and to take maximum advantage of the recreation potential of the river for the future.

RECOMMENDATIONS

Federal action

National Recreation Area—A Proposal

This report recommends establishment of a 56,700-acre Connecticut River National Recreation Area to be administered by the National Park Service. This would serve as the nucleus of a revitalized conservation and recreation program for the entire river valley. The National Recreation Area would be composed of three units. They are described as follows:

Gateway Unit: Composed of 23,500 acres of river frontage and adjacent upland area along the Connecticut River estuary, this unit would serve principally to preserve the scenic character and considerable charm of the lower river. A total of 4,100 acres would be acquired by the Federal Government in fee. An additional 1,900 acres could be a requested donation from the State of Connecticut. The balance, some 17,500 acres, would be protected within a Conservation Zone whereby locally-enacted zoning ordinances meeting standards prescribed by the Secretary of the Interior would shield the area from incompatible uses and further preserve the present environmental quality of the lower Connecticut River.

Mount Holyoke Unit: This unit would include the heavily forested and scenic Mt. Holyoke Range which abuts the eastern shore of the Connecticut River near Northampton, Mass. The unit would be designed to preserve a major scenic resource, and to provide high quality recreation, balanced by a Mt. Tom-Northampton State Park to provide intensive recreation specifically directed to the needs of this portion of the river valley. A total of 12,000 acres could be acquired for the Federal area.

Coos Scenic River Unit: This unit, taking its name from the Indian word *coos* (pronounced Kō-oss) for the meanders which characterize this segment of the river, would include an 82-mile section of the upper Connecticut River nestled between the White Mountains of New Hampshire and the Green Mountains of Vermont, from Lake Francis in northern New Hampshire to Moore Reservoir near Littleton, N.H. This superb resource for the trout fisherman, the canoeist, and the hiker could become a part of the National Scenic Rivers System. It would consist of 21,200 acres. About 1,000 acres along the river would be acquired in fee simple, with the remaining acreage controlled by scenic and access easements. The easements would preserve scenic and geologic qualities, protect the land from incompatible utilization, permit continuation of the existing agricultural pattern, retain the land on the local tax rolls, and allow limited access along the river.

Other Federal Action

Establishment of the Connecticut River National Recreation Area is only a part of direct Federal participation. Further Federal effort will involve cooperation with State, local, and private interests in creating a Connecticut Valley Trail for hikers and a Connecticut Valley Tourway for motorists, as well as strengthening such programs as pollution abatement, the restoration of anadromous fisheries, and stream improvement.

The Connecticut Valley Trail, which would be some 300 miles in length, would branch northward from the Appalachian Trail near Hanover, N.H., and extend northward along the river. It would loop through the Connecticut Lakes area and return south along the ridges of the White Mountains to rejoin the Appalachian Trail southeast of Lancaster, N.H. Such a trail would be a valuable addition to the Nationwide system of trails.

The Connecticut Valley Tourway, a network of existing roads on both sides of the river, would connect many points of outstanding scenic, historic, and cultural interest within the four-State area.

Summary—Federal Action

The financial involvement of the Federal Government in establishing the multi-unit Connecticut River National Recreation Area and the Connecticut Valley Trail is estimated at $58 million.

Establishment of the three units involves about 56,700 acres of land. The lands and interests therein to be acquired in fee title and less-than-fee would cost an estimated $45 million. The cost of proposed development is estimated at $12 million.

A major portion of the Connecticut Valley Trail would be acquired through scenic and access easements. The estimated cost of Federal land acquisition and development for the trail is calculated to be $770,000.

State action

This report recommends the following complementary State actions to be undertaken in conjunction with each of the National Recreation Area units.

Gateway Unit

The State of Connecticut is urged to expand the contiguous Cockaponset State Forest through acquisition of an additional 10,100 acres. This addition would round out the State Forest ownership and enhance large scale recreation opportunities. An expanded Cockaponset State Forest will become even more necessary with the completion of Connecticut Route 9. Because the City of Hartford is located a short drive from Cockaponset, the State Forest could receive an estimated annual visitation of 3 million persons.

Mount Holyoke Unit

To complement Federal action at the Mt. Holyoke Unit, it is recommended that the Commonwealth of Massachusetts consider enlarging the existing Mt. Tom Reservation through the acquisition of an additional 3,000 acres of land to create a State park. This acquisition would include the Great Oxbow and the Northampton flood plain, and would provide intensive recreation opportunities for the Springfield-Chicopee-Holyoke metropolitan area.

Coos Scenic River Unit

At the northern end of the Coos Scenic River Unit, it is suggested that the State of New Hampshire acquire 14,000 acres of land in fee as well as obtain easements on an additional 33,000 acres in the Connecticut Lakes area to provide both land and water-oriented activities. As a further complement to Federal action at this unit, it is recommended that the States of Vermont and New Hampshire jointly undertake a recreation program with the New England Power Company for optimum utilization of the recreation potential of the Moore and Comerford Reservoirs, located at the southern end of the Coos Scenic River Unit.

Further recommendations for consideration by the four States include:

1. That the State of Connecticut establish two State parks on the river—at Glastonbury-Wethersfield-Rocky Hill Meadows and at Windsor Locks-King's Island to serve the Hartford metropolitan area.

2. That the proposed master plan for cooperation between the Commonwealth of Massachusetts and private utility companies be implemented in creation of recreation opportunities at Turners Falls.

3. That the States of New Hampshire and Vermont, drawing on all levels of responsibility, jointly create a Rogers' Rangers Historic Riverway to commemorate the exploits of Colonial hero Robert Rogers against marauding Indians, and to preserve the scenic and

historic values in this stretch of the river. This area could extend south, from Comerford Dam, 100 miles to Fort Number Four, Charlestown, N.H.

Local public action

Recommendations for action at the local level:

The 92 towns within the study area should take immediate action to maintain scenic control of their river frontage so that it remains in agriculture, open space, or recreation land use.

Municipalities should place the highest priority on acquisition of riverfront lands for recreation purposes.

Municipalities should actively engage in comprehensive local and regional planning aimed at assuring adequate recreation and open space opportunities.

Urban renewal programs should place due emphasis on recreation and open space needs.

Private action

Recommendations:

There should be greater realization of the recreation potential at privately operated or controlled water storage areas on the river.

Programs for the preservation of the scenic qualities of private lands should be initiated through legal means. This would include creation of land trusts, transfers of development rights, and sale or donation of scenic easements.

Water quality

In view of the high recreation potential of the Connecticut River Valley, and the rising pressure of urban populations seeking water-oriented recreation, the goal of all water pollution abatement programs should be water of a quality suitable for swimming.

Coordination

It is recommended that the Bureau of Outdoor Recreation, under the authority in its Organic Act (Public Law 88–29), encourage coordinated recreation planning throughout the Connecticut River Valley. This would permit concerted action at all levels of government and with the private sector both to conserve the beauty of the valley and to develop its full recreation potential.

The recommendations set forth in this report have been designed to have a minimum impact on existing residential, commercial, industrial, agricultural, and transportation uses of the valley. This report does not seek to turn back the clock, nor to bar future development. It sets forth a plan to assure that development will take into account the scenic, historic, scientific, and recreational values still present throughout much of the Connecticut River Valley.

PEOPLE AND THE VALLEY

Background

Historical Highlights

The Dutch explorer, Adrian Block, discovered the Connecticut River in 1614, naming it "De Versche Riviere" (the fresh water river). However, the Algonquin Indians called it "Quinatucquet" (the long tidal river) and it was this name that evolved to the "Connecticut" of today. Block established a trading post on the site of present-day Hartford and claimed a broad territory for his native country. English settlements followed in the 1630's. During this period of settlement, both the Dutch and the English formed precarious alliances with the neighboring Indian tribes, leading to clashes for power and control. In 1650, the Hartford Treaty defined the boundaries of Indian, Dutch, and English holdings, and ushered in a short period of relative peace. War again erupted between the two European powers in 1652. It was a brief conflict and forced the Dutch to abandon their claim to the river.

The Connecticut colonists manifested their spirit of independence at an early date. They were proud of their colonial charter, which allowed them more freedom and independent action than most of the other American colonies. When it appeared to the King of England that the colony was going too far in its pursuit of liberty, his agent, New England Governor Sir Edmond Andros, moved to revoke the charter. Colonial officials gathered at a meeting with the Governor to surrender the document. Suddenly, tradition has it, the windows of the meeting hall were flung open, and a gust of wind blew out all the candles in the room. In the ensuing confusion, the charter was spirited away and hidden in a large oak tree nearby. "Charter Oak", as it was called, became a symbol of freedom, and of the independence of the Connecticut Yankee.

Meanwhile, the influence of *Nouvelle France* to the north was pressing upon the Connecticut Valley, and the various later 17th century European conflicts between the French and the English had their counterparts in struggles between the French settlers in Canada and the English colonists in New England. The Connecticut River served as a waterway for the French and their Indian allies to raid the villages and settlements of the New England colonists. These raids were partially avenged in 1759, when Robert Rogers, leader of the famed Rogers' Rangers, sacked a village of the marauding Indians at St. Francis in Canada.

Rogers' dramatic flight from his enraged pursuers led down the Connecticut River Valley from near the confluence of the Nulhegan and Connecticut Rivers to Fort Number Four, the present-day Charlestown, N.H. The taking of Quebec by the English in 1759 and the signing of the Treaty of Paris in 1763 finally brought peace to the valley.

The Revolutionary War left the valley virtually unscathed. Connecticut, Massachusetts, and New Hampshire were among the 13 original colonies which banded together to form the new Republic. In 1791, Vermont became the 14th State in the Union.

The upper end of the valley was the site of a curious footnote to early American history. The Indian Stream Republic, perhaps the smallest and shortest-lived nation ever known in the Western Hemisphere, had its beginnings when three adventurers from New Hampshire acquired the upper valley from the Indians and settled it in 1796. About 1820, the State of New Hampshire acted to bring the area's almost 300 inhabitants within its fold. In resistance to the State's efforts, the residents of the area formed the Indian Stream Republic and appealed to Washington for recognition. The inhabitants were informed bluntly that they were within the territorial limits of both the United States and the State of New Hampshire. This attempt to establish an independent nation was abandoned in 1836.

The economy of the Connecticut River Valley developed primarily on a basis of agriculture and trading. The Dutch founded a substantial trade with the Indians living along the river, dealing in furs and other goods.

The English settlers from Plymouth Colony were attracted by the agricultural potential of a temperature climate and rich soil and were the first to build permanent villages in the valley. Their economy centered on livestock and farm produce and was largely self-sufficient. As the region expanded, shipbuilding, fishing, and lumbering became increasingly important. By the end of the 18th century, tanneries and small local mills thrived by processing leather, grain, lumber, and paper. The early 19th century saw the rapid growth of textile mills within the area.

With the development of mechanical equipment, New England's machine tool industry mushroomed, and factories making a wide range of articles from guns to pumps to sewing machines became a major factor in the economy of the area. The river served both as a source of power and as an economical way to transport raw materials and finished products.

It was also the principal factor of social and economic life. The first settlers chose the fertile plains near the river banks; the water served their household and family needs, provided power for waterwheels, and was their means of transportation. But at the same time, the river acted as a barrier, hindering travel to and from established areas. Bridges became necessities to those who lived on either bank. In 1784 the first span, a toll bridge connecting Walpole, N.H., and Bellows Falls, Vt., was built by Colonel Enoch Hale.

The residents of the valley soon sought a convenient method to extend their travel down river around the falls. This prompted construction of the first canal in the United States, which was begun at Bellows Falls, Vt. in 1792. The Nation's second and third canals were also constructed along the Connecticut and Turners Falls and South Hadley, Mass. Today, Windsor Locks is the only functional canal remaining on the river. Built in 1829, it provides passage around Enfield Dam and Rapids.

Many inventions and innovations are also reflected in the Connecticut's waters. Residents along the river have always felt that the Connecticut was the birthplace of modern shipping. The first steam propelled boat was built in Windsor, Conn., by John Fitch in 1787. Six years later, and 14 years before Robert Fulton's steamboat, an improved version with a steam-turned paddle wheel was constructed by Samuel Morey at Orford, N.H. In 1848 Samuel Colt established a factory in Hartford, equipped with the most up-to-date machines for making his famous firearms. Numerous factories were built along the river during the 19th century, changing the face of much of the valley from rural countryside to a series of booming industrial towns.

Economy

In the Connecticut River Valley, as elsewhere, the number of farms and farm workers has dwindled and the importance of agriculture in the economy has declined during the last century. In 1910, 9.65 percent of the labor force in New England listed occupations in the Agriculture category; by 1950 this had dropped to only 3.15 percent. Today, the industrial economy of the New England States is based on manufacturing and services. These States have a higher percentage of the labor force in manufacturing and services than the United States national average. The 1960 percentage of white collar workers in the lower valley was also higher than the United States average, but in the northern counties fell below the national average. The Connecticut Valley is a major manufacturing center of the Nation, producing such a diverse range of goods as jet engines, machine tools, electronic equipment, leather goods, textiles, and wood pulp products. Agriculture, although diminishing in New England generally, still plays a large role in the valley's economy. Tobacco has been grown in the lower valley since Colonial times. Farther north, where the growing season is shorter, dairying and truck farming predominate.

The per capita income of New England is almost 9 percent higher than the United States average. This difference is expected to double by 2000 and be 22 percent by 2020. The area's labor force is constantly acquiring more highly paid professional and technical workers while the percentage of unskilled laborers declines. New England also has a larger proportion of high-wage industries and higher rates of employment than the national average.

Of the four-State area, Connecticut has the highest per capita income—$3,401 as of 1965—the second highest in the Nation. Massachusetts is next among the four States with an annual per capita income of $3,050, followed by New Hampshire with $2,547, and Vermont with $2,312. These figures compare with a national average of $2,746.

Population

The 1960 population living within 50 miles of the Connecticut River (5,624,619) was 53 percent of the total New England population and 3 percent of the United States population. It is predicted that by 1980 approximately 8.5 million persons will live in this area, and that by 2000, the population will reach 11.6 million.

Between 1950 and 1960, population increased in all of the counties bordering the river except for the three northern ones in Vermont, which showed small losses. The increases in population have been the greatest in Connecticut, with somewhat smaller gains in Massachusetts and New Hampshire. The urban areas in general show the greatest population increases as people leave rural areas and farms in increasing numbers to work in the cities. The Hartford, Conn., and the Springfield-Chicopee-Holyoke, Mass. Standard Metropolitan Statistical Areas are the largest population centers of the valley with 549,249 and 493,999 people, respectively (1960).

As a whole, New England is 76.4 percent urban, compared to a 69.9 percent figure for the United States. Massachusetts (83.6 percent) and Connecticut (78.3 percent) have the highest proportion of urban dwellers, while New Hampshire is 58.3 percent and Vermont only 38.5 percent urban. In the counties bordering the Connecticut River, extremes of urbanization range from none in Orange and Essex Counties, Vt., to 87 percent in Hampden County, Mass.

TABLE 1.—POPULATION DENSITY

	Persons per square mile	
	1950	1960
Connecticut	410	521
Massachusetts	596	657
New Hampshire	60	67
Vermont	41	42
New England	148	167
United States	43	51

Trends indicate that the urban population will continue to increase. In its lower reaches, the Connecticut River flows through Megalopolis, the giant eastern urban area, which, it is predicted, will extend along the coast from north of Boston to south of Washington, D.C. and have a population of 72 million by the year 2000.

Education

The median level of education in the four States is higher than the United States average of 10.6 years. In only four of the counties bordering the river, the most northerly in Vermont and New Hampshire, does the median fall below the national level. There are over 50 colleges and preparatory schools in the Connecticut River Valley, providing valuable cultural and research facilities. Of prominence among the many institutions of higher education in the study area are Dartmouth College, the University of Massachusetts, Amherst College, Smith College, Mount Holyoke College, Trinity College, and Wesleyan University.

Access

The Connecticut River corridor is served by seven Interstate or limited access highways, including I-91, I-93, I-95, I-89, and I-84, some in various stages of completion. From a recreation standpoint, the most important of these routes is I-91, which parallels the Connecticut River beginning at a point south of Hartford, Conn., north almost to St. Johnsbury, Vt. Traffic originating in the New York metropolitan area flows into the study area via the Merritt and Wilbur Cross Parkways, the Connecticut Turnpike (I-95), and I-84. The Massachusetts Turnpike serves as an important connection with the New York Thruway to the west and to the Boston metropolitan area in the east. At White River Junction, Vt., I-89 crosses I-91 to tie Boston and southern New Hampshire with Vermont, northern New York, and Montreal, Quebec.

The secondary State road systems play an important supporting role in getting people into the study area, and will be a significant element in the establishment of tour routes. In addition to Federal, State, and town roads, the larger timber companies which permit public use of their lands have made available many miles of their own roads.

Eight railroads enter the Connecticut River corridor, either crossing or paralleling the river. In the northern half of the study area there are six railroads: the Boston and Maine, Canadian National, Central Vermont (owned by Canadian National), Canadian Pacific, Maine Central, and Green Mountain Railroads. In the southern half, the two major railroads are the New York, New Haven and Hartford, and the Penn Central. Railroad passenger service has been discontinued in Vermont and New Hampshire.

There are approximately 20 airports within the study area, but only two, Bradley Field, serving the Hartford-Springfield area, and Lebanon Regional Airport at Lebanon, N.H., have regularly scheduled flights. Bradley Field, the largest, handled over 900,000 passengers in 1966. General and commercial airline transportation is growing and this growth is expected to continue.

Of all modes of transportation available in the valley, the privately owned automobile is at present the most important. In Connecticut, it accounts for 93 percent of all passenger miles (of the remainder, buses account for 5 percent, rail—1 percent, and air and water—1 percent). The national percentage of housing units with one or more automobiles, 78.4, is exceeded in all Connecticut River States (except Massachusetts) with an average of over 83 percent of all households having at least one automobile.

These characteristics of the New England States—high levels of education and income, a high degree of mobility, and a high rate of urbanization—combine to create a recreation market that is considerably above average. Higher participation rates are correlated with these characteristics. The influence of these elements is increasing.

Trends

Although employment in the New England States is on the rise, and the median income in the New England States is higher than the national average, there are still pockets where incomes are low and unemployment rates are high, particularly in the northern counties. In the last century, the New England States were leaders in manufacturing, but today's rate of industrial growth falls short of the national average. In the last two decades, the recreation and tourism industries within the Connecticut River Valley have seen such significant growth that they presently surpass historically important industries. This is especially true in Vermont and New Hampshire where recreation and tourism are the second-ranking industries, representing an income of over $400 million annually. This growth stems from a superb recreation resource, coupled with aggressive promotion and enthusiastic cooperation between the State governments and private interests.

New England's future outdoor recreation demand can also be expected to skyrocket. A larger population, lower median age, higher incomes, and great mobility will influence recreation participation immensely within the next decade.

Natural resources

The Connecticut River forms in the mountains above Fourth Connecticut Lake near the Canadian border. From the northern side of the same mountain the Salmon River flows northward, joins the St. Francis and then the St. Lawrence Rivers, and finally empties into the North Atlantic. Thus these mountains overlooking Fourth Connecticut Lake serve as the headwaters for two major rivers, one Canadian and one American.

The Connecticut River flows some 400 miles through a basin 280 miles long and 60 miles wide. The basin encompasses an area of over 11,000 square miles, in four States and a small portion of one Canadian Province. Major tributaries include the Ammonoosuc, Ashuelot, Miller, and Chicopee Rivers entering from the east; the Passumpsic, White, West, Deerfield, Westfield, and Farmington entering from the west. Daily flow of the Connecticut averages nearly 16,000 cubic feet per second. However, it has ranged as high as 282,000 and as low as 971 cfs. In the spring, daily flows average over 24,000 cfs., but drop to under 5,000 in late summer.

The climate of the valley varies considerably depending on elevation and location with respect to the coast. The valley is subject to frequent but generally short periods of heavy precipitation since it lies in the path of prevailing westerlies and cyclonic storms. The central and lower portions of the valley are exposed to occasional coastal storms, some of tropical origin, that travel up the Atlantic seaboard.

Temperatures within the valley vary from summer highs in the upper 90's to winter lows of minus 15°F. Average annual rainfall is over 40 inches. Annual snowfall ranges from an average of less than 40 inches in the lower valley to over 100 inches in the northern part of the study area.

The river is regarded by the U.S. Coast Guard as navigable water from its source to Long Island Sound, but navigation is impeded by a series of 16 dams commencing at Holyoke, Mass., and extending northward up the river. These dams are used either directly or indirectly for the production of hydroelectric power, with an aggregate capacity of over 470,000 kilowatts. Currently, the only navigable canal on the river is at Windsor Locks, Conn.

At present, from source to mouth, the Connecticut River runs the complete scale of water quality from an undefiled purity suitable for drinking to an offensive water of a quality unsuitable for fish life (See Map 14 on page 70). The mountain headwaters of the river in northern New Hampshire and Vermont are of sparkling quality. As the river passes between New Hampshire and Vermont, discharges of partially treated and untreated municipal and industrial wastes degrade the waters. For 25 miles below Groveton, N.H., during periods of low streamflow, the river is grossly polluted. Other reaches support fish life of varying character but now are unsuitable for swimming and often appear esthetically unpleasing.

As the Connecticut flows through north central Massachusetts, the general quality of its waters is similar to that in New Hampshire and Vermont. In the vicinity of Holyoke, Springfield, and Chicopee, Mass., further degradation often makes its waters suitable only for boating and industrial uses. This degraded condition continues through much of Connecticut to the river's mouth.

Due to the polluted condition of the river, there is little use of its water for municipal water supply. However, there is some use of the river for irrigation, especially on the fertile land between Greenfield, Mass., and Hartford, Conn.

The Connecticut River is subject to extreme variations in flow created by water release or storage activities at the 16 dams. The reservoirs fluctuate according to power demands. These demands tend to increase during the day and diminish in late evening. Weekends, when industrial use is considerably lighter, are periods of light demand. As a result, the reservoirs rise abruptly Friday evenings and may continue to rise until Monday morning. The downstream effect is, of course, reversed since temporary retention of water in the reservoirs creates low stages along the river. The result is a shortage of water for recreational boating and an increased concentration of pollutants on weekends when recreation demand is greatest.

The study area may be considered in four sections, delineated by the boundaries of the four physiographic regions classified in Fenneman's *Physiography of the Eastern United States*. These are: White Mountain (I), New England Upland (northern) (II), Connecticut Lowland (III), and New England Upland (southern) (IV). A fifth section, Coastal Plain (V), has been created for the purposes of this study, although this involves an adaptation of the Fenneman classification.

The dominant characteristic of the northern third of the White Mountain Section (I) is the presence of many mountains with elevations of over 3,000 feet. The river in this area is a narrow, swift, coldwater stream, which, in 30 miles, falls some 900 feet, the sharpest drop within the river's profile. This fall, however, is not that of a completely free-flowing stream since there are three artificial impoundments (Second Connecticut Lake, First Connecticut Lake, and Lake Francis) within this reach of the river.

The southern two-thirds of the White Mountain Section, the "coos" area, is characterized by only occasional elevations of over 2,000 feet. Throughout this area, the mountains of the Lake Francis-Connecticut Lakes area and the White Mountains create a visually pleasing and impressive panorama when viewed from the river. This area, marked by stratified glacial deposits, is extensively dissected by river erosion and exhibits characteristic oxbows and flood plains. Here the river is a wider, slower, more meandering stream, despite the fact that in the stretch between Gilman and East Ryegate, Vt., it makes its second greatest fall, dropping some 400 feet. The width and slower flow can be attributed in part to five dams.

The New England Upland (northern) Section (II) has been described as a deeply dissected, elevated peneplain. Its northern portion exhibits stratified glacial deposits similar to those of the coos area, a number of monadnocks, and an abrupt southerly shift in the direction of the river caused by the uniform resistance of the underlying rock. The river flows through hilly and rolling country, with elevations of up to 2,000 feet, and gradually drops 365 feet. This section of the river valley has six dams.

The Connecticut Valley Lowlands Section (III) is a north-south faulted area, topographically and geologically distinct from the upland bordering it. While the valley floor is less than 500 feet above sea level, the trap-rock ridges and adjacent uplands rise sharply to an elevation of 500 to 1,000 feet. The wide elongated valley floor, flat to moderately rolling topography, an extensive flood plain area, and a gradual fall of the river elevation, all combine with the north-south fault to produce a strong contrast with other sections. There are two dams on this section of the Connecticut, at Holyoke, Mass. and Enfield, Conn.

South of Middletown, Conn., the river turns southeastward, leaves the lowland section, passes through the Connecticut River Straits, and enters the New England Upland (southern) Section (IV). This zone is a ruggedly dissected plateau with only a few hilly or mountainous elevations rising as much as 660 feet. Lands along the river are fairly steep, and little valley floor exists. The river here is free-flowing and tidal, coursing through an especially attractive setting.

The Coastal Plain (V), is differentiated from the dominant New England Upland sections by a gradual transition evidenced by the presence of tidal coves, an increase of coastal plain not visually unlike the flood plain of the upper reaches of the river, the presence of extensive tidal marshes, meadowlands, and large estuarine islands, and by a gradual decrease in elevation from that of the uplands. The river is tidal and unobstructed by dams from Windsor, Conn. to its confluence with Long Island Sound. The bedrock of the upland sections gives way to rocky and till-covered headlands dotted with sandy beaches and sheltered bays. A number of offshore rocks, shoals, and shifting sandbars give further evidence of the confluence. The Connecticut is one of the few large rivers in the United States that does not have a major city as its mouth.

In the White Mountain Section (I) the forests are primarily northern hardwood (maple, beech, and birch) on the lower elevations, and conifer (spruce-fir) in the higher areas. In the New England Upland (northern) Section (II), northern hardwoods become intermixed with red and white pine. An oak-hickory forest is predominant in the remaining three sections.

Use of the forest by the logging industry has not always been consistent and planned. In Colonial times, the virgin wilderness was subject to high grade cutting, removing only the best timber for ship masts, furniture, and homes. Later, vast areas were clear-cut to allow agricultural development of the land. Most of what remains today is now carefully managed. Many commercial market changes have occurred in the past 20 years, the result of creating new uses for the raw materials and eliminating other uses through the discovery of substitute materials. Such changes have turned forest management policies of private timber owners more toward a multiple-use concept.

The Connecticut River Valley was once part of the unbroken wilderness which covered the entire Northeast. White-tailed deer, black bear, elk, moose, and caribou roamed the valley, and each spring the river shimmered with Atlantic salmon, American shad, striped bass, and other anadromous species on their annual spawning run. The caribou and elk are now gone, eliminated by some 300 years of agricultural and industrial development, but moose may still be found in those parts of Vermont and New Hampshire where the habitat has seen the least disturbance. Although Atlantic salmon have been eliminated by dam construction and pollution, shad still make an abbreviated run up the river.

Recreation opportunities

Existing Federal and State outdoor recreation developments within the Connecticut River Valley study area consist of 34 State parks, 19 State forests, 27 fish and game lands units, 38 boat access sites, three Federal flood control structures, and a National Historic Site. These 122 administrative units encompass 87,000 acres of land in public ownership, less than four percent of the study area. Of these units, 60, with a total of some 22,000 acres, are on the Connecticut River. The 38 publicly-owned or operated boat access sites have an average size of one acre, with extremely modest shore frontage. There are, however, numerous informal access sites on public and private lands along highway rights-of-way and through farmers' fields. There are some 838 miles of river frontage, of which only 77 miles (some 9 percent) are at present in public ownership. This figure includes 16 miles of flood control levees in the Springfield-Hartford area.

The land and its river dictate to some extent the patterns of socioeconomic development of an area. This pattern in turn influences the recreation use of the land. The Connecticut River Valley is no exception. In general, recreation activities and facilities have been located where they would not conflict with already established commercial, agricultural, and residential uses of the valley's land and water resources. Such a pattern has led to the present situation, in which much of the total recreation opportunity exists in remote areas which suitable lands are more available and less expensive to acquire. This does not explain, however, the absence of efforts to preserve for public use what remains of the Connecticut River waterfront. Only in limited areas is the riverfront controlled by land-use zoning. As a result, immediate financial gain has been the only measure for development and exploitation of the scenic, natural, and recreation values along portions of the riverfront.

Few rivers in the United States offer more potential for a satisfying total environment to a greater concentration of people. The Connecticut River Valley still has natural beauty in its variety of landscape and waterscape, charm in its historic heritage, extensive education opportunity in its numerous high quality educational institutions, and unparalleled productive capacity in its resources, climate, and population.

Hunting

The Connecticut River Valley offers a varied range of hunting opportunity for the recreationist, with forest and farm game species, as well as migratory waterfowl, available during the hunting season.

Forest game species, such as black bear, white-tailed deer, gray squirrel, snowshoe hare, ruffed grouse, and woodcock are presently extending their ranges in the White Mountain and New England Upland (northern) sections. Here, the human population is declining and farmland is being permitted to revert to forest, and forest game population is increasing. The reverse is true in the southern portion of the valley, where the human population is expanding and the land being subjected to more intensive uses. Farm game species, including cottontail rabbit, ringnecked pheasant, and bobwhite quail, abound in the southern section of the valley where land is devoted to agriculture.

The Connecticut Valley is a migratory route for a variety of waterfowl, including black, pintail, and wood duck, and teal. They nest near suitable waters found throughout the study area, but are most numerous in the northern sections. The river itself provides good waterfowl habitat, as do natural lakes and beaver flowages. The meadows and tidal marshes in the southern portion of the valley provide excellent nesting, and are hunted intensively in the autumn.

While no Federal wildlife areas exist along the river, State-regulated public hunting is permitted at a number of Federal reservoirs. Some State forests and game lands and (in New Hampshire and Vermont) State parks, are open to public hunting. However, the major portion of available hunting land is privately owned. The productiveness of and access to these lands will, to a large extent, determine the future quality and quantity of hunting in the study area.

Fishing

At present, 57 percent of the river's length supports productive sport fisheries. An additional 35 percent is classified as marginal, with moderate levels of pollution, while the remaining 8 percent is so polluted as to be almost devoid of fish life.

Pollution and the construction of dams have all but eliminated certain fish species which once made the Connecticut a major fishery. Pollution is also primarily responsible for the virtual disappearance of the once-prominent estuarine shell fishery of oysters, clams, and blue crabs. Although the Atlantic salmon has disappeared, and only a few striped bass are found, the American shad seems to be making a partial recovery. At Enfield Dam, the best shad fishing area of the river, catches have ranged from a recorded low of 3,400 in 1950 to a high of 16,700 in 1964.

A cold water habitat in the upper portions of the river valley provides one of the finest remaining trout fisheries in New England. First, Second, and Third Connecticut Lakes are intensively fished for the native lake and brook trout, and for the introduced land-locked salmon. The stretch of largely free-flowing river from the Connecticut Lakes area downstream to North Stratford, N.H. is managed for rainbow and brook trout and land-locked salmon. The river from the mouth of the Upper Ammonoosuc River through Moore Reservoir is at present so polluted it provides little or no sport fishing opportunities.

Below White River Junction, Vt., the Connecticut takes on the character of a warm water stream and supports pickerel, large-mouth and smallmouth bass, northern and walleyed pike, and a variety of panfish. The more tolerant carp, suckers, and catfish predominate in the stretches where the more desirable game species cannot survive. Summer flounder and striped bass may be found at the mouth of the river in Long Island Sound.

An accelerated pollution abatement program is the single most important fishery management consideration for the river. Companion programs for construction of fish ladders at dams on both the main stem and tributaries would be an important forerunner to the restoration of the river's Atlantic salmon and shad fisheries.

It is expected that the once-thriving shell fisheries of the lower estuaries could be revived for both commercial and recreational harvest if programs for pollution control in the river are realized.

Boating

Of the 38 publicly-owned boat launch sites providing access to the river, the majority are State-owned, intended primarily for hunters and fishermen. The remainder are the property of local governments and public service groups. The public also has use of launching and docking facilities at 63 privately-owned liveries, marinas, and boating clubs. Many private landings also exist as the property of individual riverfront owners.

Various obstructions or hazards limit boating on the Connecticut. There are the 16 dams between the source and Long Island Sound, as well as a number of natural obstacles such as Sumner Falls between Windsor and White River Junction, Vt. Bad currents, protruding rocks, and debris threaten boaters' safety during periods of fluctuating water levels. However, navigable segments all along the river are intensively used by boating enthusiasts.

While dams and other obstructions pose few problems to canoeists, most are impassible by larger boats. An exception is the Windsor Locks Canal north of Hartford which provides passage for pleasure boats around Enfield Dam and Enfield Rapids. During the spring high water season some 30 boats pass through the canal on their way downstream to the ocean. At the end of the boating season in the fall, they return. Because of the inconvenience of passing through the locks and canals, use of the canal is not as heavy as its location might seem to indicate. This inconvenience includes a 24-hour advance notice to the canal owners before the actual passage is made, the negotiation of four locks with the necessary opening of several pedestrian and highway bridges, and the long, narrow, shallow dimensions of the canal itself.

Swimming

Swimming in the Connecticut River and its tributaries has been severely restricted by pollution, hazardous currents, and unsuitable water temperature. At present, the only section of the river with water quality suitable for water contact recreation is a 28-mile stretch between the source above Fourth Connecticut Lake and a point just above the community of Pittsburg, N.H. Of the river's 36 major tributaries, only 12 reach the main stem with a water quality level permitting water contact recreation.

There are no designated public swimming areas on the Connecticut. Those few individuals who might swim in the river do so when no other suitable water is available and where such hazards as pollution and current appear to be at a reasonably safe level. Such swimming is normally done in the vicinity of seasonal homes, campsites, and picnic areas, and in areas frequented by water skiers and pleasure boaters.

The prime asset from the standpoint of swimming is the significant number of water impoundments, natural broad water areas, and coastal areas which have desirable dimensions, shorelines, water levels, and temperatures. The key to realization of the full potential of the river and its tributaries for swimming lies in a solution to the problem of pollution.

Trail Use

Along the Connecticut River, extensive utility company land ownership, railroad rights-of-way, flood control levees, and old logging roads offer excellent opportunities for the development of foot, horseback riding, and bicycle trails. The abandonment of the Middletown-Old Saybrook line by the New York, New Haven and Hartford Railroad and its acquisition by the Connecticut Department of Agriculture and Natural Resources could form a nucleus for an outstanding trail network. Similar actions along other sections of the river, such as the easement granted to the Federal Government by United Aircraft Corporation, could provide the basis for other trails. The possibility of tie-ins with major existing trails such as the Appalachian Trail and Long Trail also merit consideration.

Camping

The Connecticut Valley's best camping potential is located along the forested frontage of the reservoirs on the main stem, particularly in the northern portion of the valley. Other areas offering important camping opportunities are undisturbed islands, coves, and flood plains.

Because of the variety of terrain and number of potential sites, camping areas along the river could be developed for different intensities of use. Vacation and overnight camping areas could be situated where highway access is available. Lower density campsites should be distributed along the river to serve the needs of water travelers. Boat camping areas, accessible only from the river, would appeal to those who prefer a more primitive outdoor setting.

Water-oriented camping in the Connecticut Valley is limited at present because of the polluted condition of the river, and because most of the lands adaptable for camping are in private ownership and unavailable for public use. The majority of existing campsites within the study area are found away from the river, in the forested uplands. However, as the quality of the Connecticut's waters improves, water-oriented camping beside the river will become more feasible.

Winter Sports

The more southerly areas of the Connecticut River Valley and the lower elevations along the valley have a somewhat limited winter sports potential because of relatively short winters, infrequent snowfall with little accumulation, and a fewer-than-optimum number of days below freezing.

The northern latitudes and higher elevations, especially from northern Massachusetts to the source of the river, have greater potential, but this is eclipsed by the superior conditions of the adjacent Green Mountains to the west and White Mountains to the east.

Urban winter sport facilities are generally provided to meet the needs of local residents and are usually only day-use. Non-urban facilities, particularly forests and parks, often are either closed or inaccessible during the winter months. Within the boundaries of these areas, access is usually limited to snowshoes, skis, and snowmobiles, which number over 16,500 in the northeastern States and neighboring Canadian Provinces.

The private sector plays the major role in providing winter sports facilities, principally through the construction and operation of ski areas. Most ski areas along the river itself are small in terms of capacity, and are not significant in meeting weekend or winter vacation needs of such urban centers as Boston and New York. Such needs are met primarily by the ski centers in the Green Mountains and the White Mountains. However, the Connecticut River Valley offers opportunities for scenic drives and hikes during the winter months. Easy accessibility from the metropolitan centers of Boston and New York make this a growing recreation consideration.

Driving

"Two roads diverged in a yellow wood, . . . and I took the road less traveled by." Autumn in New England, evoked by the words of Robert Frost, is to many observers the most splendid of all the seasons in this region. The fall colors are matchless. A typical recollection is of the flaming foliage of maples set against a brilliant blue sky.

Touring in New England is a year-round activity, for the changing seasons provide an ever-changing setting for the scenic, historic, architectural, cultural, and industrial sights that are to be observed from the roads of the region.

When the Interstate Highway system is complete, most areas along the river will become easily accessible. These highways, especially I–91, are often designed to follow higher ground and offer panoramic views of the valley.

Picnicking

Picnicking along the Connecticut is severely limited by the lack of facilities. Although most parks within the study area contain some picnic facilities, they are too few to meet the growing need. This shortage is especially acute near urban centers. In the Hartford area for instance, where demand is for facilities to serve thousands, existing areas accommodate only a few hundred users.

Any grove of trees shading a scenic vantage point, any stream bank, riverfront, or roadside turn-off presents an opportunity to establish a picnic site. The only deterrents are available land, money, and initiative. Many more picnic opportunities should be provided along scenic stretches of roads and in conjunction with other major recreational developments.

RECOMMENDED PLAN

The Connecticut River Valley is still a resource of beauty and recreation opportunity. However, these features are being allowed to deteriorate to a serious extent. The following sections outline a plan designed to protect not only the valley's remaining natural beauty, but also to provide a means of reclaiming some of its original charm.

This plan also suggests ways to provide public access and recreation opportunity at specific areas along the river, and to restore water quality, regulate flow, and improve navigation. Proposals for coordinated Federal-State-local-private actions contemplate the protection of the entire length of the river.

Connecticut River National Recreation Area

A major National Recreation Area consisting of three units is proposed to be administered by the National Park Service of the Department of the Interior. The three units are: a Gateway Unit in Connecticut extending 11 miles along the river between Higganum (Town of Haddam) and the Connecticut Turnpike (I–95); a Mt. Holyoke Unit in Massachusetts near the city of Northampton with 4½ miles of river front and including the Mt. Holyoke Range; and a Coos Scenic River Unit situated along the 82-mile portion of the river in New Hampshire and Vermont between Moore Reservoir and Lake Francis.

This proposed National Recreation Area fully meets the criteria as specified in Policy Circular No. 1 of the Recreation Advisory Council (now the President's Council on Recreation and Natural Beauty). It would be a spacious area, embracing 56,700 acres. Portions of the area would be designed to achieve a relatively high carrying capacity. It would appeal to people dwelling far beyond the boundaries of the immediate four-State area. Over 40 million people live within 250 miles of the proposed National Recreation Area. A broad range of outdoor recreation opportunities would be the dominant resource management purpose within the National Recreation Area. There is an acute need in the Northeast for the type and magnitude of recreation opportunities that would be provided by the establishment of this National Recreation Area.

Acquisition, development, and operation would be at a scale beyond the capabilities of the States and localities, with the costs of the three units estimated to total $57 million including $45 million for land acquisition and $12 million for capital improvements.

A Connecticut River National Recreation Area would take its place with such other notable Federal areas in the Northeast as the Delaware Water Gap National Recreation Area, Cape Cod National Seashore, and Fire Island National Seashore. A Connecticut River National Recreation Area would, however, differ significantly from the others. Rather than one contiguous and homogeneous unit, it would comprise three separate units, each with individual characteristics and providing diverse recreation opportunities.

Gateway unit, Connecticut

This unit, located on the river's estuary and its adjacent uplands, would straddle the river from just above the Tylerville-East Haddam Bridge (State Route 82) south to the I–95 bridge, encompassing along this route portions of nine lower river towns. Of the unit's 23,500 acres, 19,800 would be in land situated adjacent to the river. The remaining acreage would be water areas in the river and its major bays.

The Gateway Unit would serve principally to preserve the scenic character of the river and its adjoining lands, in addition to retaining the charm of its towns. Another purpose would be to provide controlled public use and access at suitable points along the river.

A major portion of the unit (17,500 acres) would be protected within a "conservation zone." Lands in this zone would remain in private ownership, with the requirement that zoning ordinances meeting standards prescribed by the Secretary of the Interior be put into effect. Such a zone is already in effect at the Cape Cod and Fire Island National Seashores and a number of other areas administered by the National Park Service. This arrangement has proved an effective method of allowing continued commercial and residential use of an area while perpetuating its scenic and historic character. The Federal regulations would be designed to establish minimum standards which local zoning ordinances must meet.

The regulations would establish standards for minimum setback distances for residences, and prohibit activities such as cutting timber, burning undergrowth, removing soil or other landfill, and dumping or storing refuse that would detract from the natural or traditional riverway scene. The Secretary's standards would also cover development density and design criteria.

Most of the towns within the proposed boundaries of the Gateway Unit already possess the legal and institutional means to zone property. Some already have effective zoning regulations in force.

A limited amount of acreage would be acquired within the Gateway Unit to provide public access to the river, campgrounds, picnic areas, and other related facilities. These improvements would be located to blend with the scenic character of the surrounding landscape. This limited acreage would consist of a number of scattered areas fronting on the river, as well as several islands, as shown on Map 4. The areas total about 6,000 acres, of which 1,900 acres are presently owned by the State. The balance of 4,100 acres is in private ownership. The lands would be developed and operated by the National Park Service.

The State is encouraged to transfer lands it owns within the boundary to the Federal Government. Except where areas would be needed immediately for public purposes, life tenancy or lease-back agreements could be entered into with individual landowners.

The bulk of lands proposed for acquisition are undeveloped, although a few scattered residences exist on some of the acreage. Combined with existing State ownership, Federal acquisition of 870 acres of tidal marshland would place most of the Gateway Unit's significant wetlands in public ownership.

The estuary in which the Gateway Unit is located is fringed alternately with low-lying marshes and with lands sloping to the water. The steeper slopes are heavily forested and not yet subjected to intensive development. The more gentle slopes and flat lands are the sites of such picturesque old communities as East Haddam, Chester, Deep River, and Essex. A number of islands in this area interrupt the placid flow of the river. The largest is Selden Island (530 acres), most of which is owned by the State. The islands present variable profiles—some treeless and marshy, others rising to modest elevations, crowned with trees and shrubs. Away from the river the land rises gradually in most places to assume the hilly character of the New England uplands, attaining maximum elevations of over 500 feet. The higher elevations are heavily forested, while in the intervening valleys there are many small farming centers. Along several sections of the river, the land drops abruptly to form steep cliffs.

The estuarine area in and surrounding the proposed Gateway Unit has been subjected to an uncommonly low rate of development since the initial settlement in the mid-1600's. Communities are small and widely separated. The economy of the region is based upon agriculture, forestry, mining, fishing, and seaside recreation. However, the area is beginning to see more economic diversification with the growth of manufacturing and service industries and utility companies. Within recent years, the extension of earlier economic endeavors and the creation of new enterprises has meant the relentless acquisition of land and water resources by private enterprises. Development has often run counter to the basic principles of comprehensive planning.

North of the Gateway Unit the once spectacular view of the Connecticut River straits today is marred by an open-pit feldspar mine and a coal-burning power generating plant. Just below the straits, in another once beautiful area, a large manufacturing plant sprawls over a hillside, its straight-line architecture standing in stark contrast to the picturesque countryside. In East Haddam, choice river frontage has been defaced by the construction of a nuclear power generating plant. While such activities are legitimate uses of the land, their location has had an unfortunate effect on the riverscape. Hopefully, future development will take into consideration, and strive to preserve, the esthetic beauty of the valley.

The towns along the estuary south from Middletown, although small at present, are expanding with residential development. Occasionally this development is in the form of large estates or several-acre lots, which are less damaging to the river scene than more intensive developments.

At the mouth of the river there appears to be no end to the land subdivision taking place. In recent years the shores of Long Island Sound on both sides of the river have been covered with summer cottages to the point where little open space remains. Developments crowd to the water's edge, and the once beautiful open shorescape is a thing of the past. Now only a narrow spit of sand—Griswold Point—jutting into the mouth of the Connecticut at Old Lyme, remains undeveloped.

The lower river, connecting with Long Island Sound and the Atlantic Ocean, now thrives as a recreational boating center. Power boats, sailboats, and waterskiers skim over its waters, while its shores provide safe harbor for small and large craft. Most available sites in the towns of Essex and Old Saybrook on the extreme lower estuary are already occupied by marinas. The development is creeping steadily up river along the shores of Deep River, Haddam, and Lyme. Even some of the river islands have fallen victim to this encroachment. Channel dredging is opening up more and more of the shoreline for the development of pleasure craft facilities.

In most cases this development is taking place on the tidal wetlands, a vital resource seriously threatened by continuing encroachment and land filling. If this development continues, the banks of the river could become a series of marinas along the broadwater reach of the river all the way to Middletown, resulting in the loss of the natural river environment.

Public efforts to preserve the resources of the lower Connecticut or to control their development have been limited in effectiveness. However, eight State parks in the area possess river frontage, the only significant public ownership for the entire length of the Connecticut River. These areas provide for the protection of scenic values in several localized areas. Although open to the public, most are virtually undeveloped for recreation purposes. Only one, Haddam Meadows, provides access for boaters. Gillette Castle State Park has a developed scenic overlook. The park was donated by the famous character actor William Gillette, and is one of the most popular facilities on the river. This is due partly to the vista it provides and partly to the interest in Gillette.

The remaining parks have either nominal outdoor recreation development or none at all. Hurd-Seymour State Parks (950 acres), are the largest on the river. They provide limited facilities for picnicking, hiking, and camping. Selden Neck and Haddam Island State Parks remain undeveloped. Selden Neck, a large hilly island fringed with marshes, possesses unique potential for development as a boat-camping complex. The State Division of Forests and Parks, while recognizing this potential in its long-range plans, has scheduled no developments for the near future.

Another possible recreation opportunity within the Gateway Unit exists in the right-of-way of the New York, New Haven and Hartford Railroad. The State legislature has provided for its acquisition. The right-of-way might be converted for use by hikers, cyclists, and equestrians. The section of the rail line that runs through the Gateway Unit parallels the river over much of the distance.

Despite developmental changes which have occurred along the estuary, an excellent opportunity exists to plan for future recreation and open space needs there. By comparison, these lands are among the least developed in the State of Connecticut and have long been recognized for their prime public recreation and open-space potential. The lands are located only a half-hour drive from the city of Hartford and two hours from Boston and New York City.

Complementary Action: A Gateway Unit by itself would fall short of optimum resource utilization unless steps are taken to conserve adjacent lands. Therefore, four major recommendations are made for State and local actions affecting these lands.

Cockaponset State Forest: The first calls for the State of Connecticut to enlarge and round out that portion of the Cockaponset State Forest that lies immediately west of the Gateway Unit. The State Forest holdings presently include many scattered parcels throughout the area that extend generally west from the Gateway Unit. The most significant grouping of Cockaponset Forest lands consists of 8,200 acres in 13 closely grouped tracts adjacent to the Gateway Unit.

These holdings are hilly and forested with certain locations on the eastern perimeter affording excellent views of the river. A number of streams have been impounded to form 13 small reservoirs with a total water area of 220 acres. Three of the reservoirs are located wholly or partially on State Forest lands. The general Cockaponset area has excellent potential for the establishment and development of a major recreation unit to function in harmony with the Federal efforts in the adjacent Gateway Unit.

The State of Connecticut is encouraged to expand and consolidate the existing 8,200-acre holdings near the proposed Gateway Unit through the acquisition of an additional 10,100 acres and to provide for general recreation in this enlarged 18,300-acre component of the Cockaponset State Forest.

Recreational demand on the west side of the river is expected to increase sharply in the future with the completion of Connecticut Route 9, a four-lane, limited access highway. This road, a major artery that will connect I–91 with the Connecticut Turnpike, runs through the State Forest, and provides rapid access from Hartford. This ease of access promises to make the Cockaponset State Forest area a popular recreation destination for the many nearby urban dwellers. With proper consolidation and development of its holdings, an annual visitation of three million users could be expected.

Because water is a prime motivation for recreation activities, a vital consideration is the construction of reservoirs. Pattaconk, Turkey Hill, and Deep Hollow, three of the area's 13 existing impoundments, lend themselves to enlargement. Five additional sites have been identified by the Soil Conservation Service as having water storage potential. Enlargement of the existing reservoirs and the creation of new ones would expand the present water base by approximately 1,400 surface acres and provide additional recreation facilities for camping and picnicking.

The combination of a largely water-based and federally-operated Gateway Unit and a land-based and State-operated Cockaponset State Forest would not only protect the scenic character of the lower river but would also provide a large amount of excellent recreation opportunity.

Land Use Controls: The second recommendation is for the application of land use controls in the surrounding towns on the lands which are not included in the Gateway Unit and Cockaponset State Forest.

The State and local governments are encouraged to seek land use controls on the lands in the towns of Haddam, East Haddam, Chester, Deep River, Essex, Lyme, Old Lyme, and Old Saybrook not included in the proposed Gateway Unit and Cockaponset State Forest. Adequate protection might best be achieved through the application of zoning regulations, tax incentives, and State or local acquisition of scenic easements. Desirable and compatible land uses within this area should be encouraged. Several of the towns have already instituted planning and zoning.

"Green Triangle": The third recommendation is for the reservation of lands within the heavily forested 185-square mile "Green Triangle" west of the Gateway Unit and Cockaponset State Forest for possible eventual public recreation purposes. The points of the triangle are Old Saybrook, Middletown, and West Haven. The water utility companies which control much of this area are urged to grant first refusal rights to the State of Connecticut.

Riverscape: The fourth recommendation is for the protection of scenic values along 14 miles of the Connecticut River upstream from the Gateway Unit as far as Middletown. The State is encouraged to acquire lands to expand its already significant ownership there, with priority given to the land between the river and the New York, New Haven and Hartford Railroad right-of-way. The towns of Middletown, Portland, and East Hampton are encouraged to curtail adverse land use practices which are encroaching on the river.

Industry is urged to grant scenic easements in keeping with United Aircraft Corporation's precedent-setting gesture of providing a 50-foot wide easement along the river fronting its property. Easements on land along the Yankee Atomic Energy Plant and on lands bordering picturesque Salmon River Cove in the town of Haddam would be particularly desirable.

These actions, plus the establishment of the Gateway Unit, will result in an integrated complex of Federal, State, and local efforts that will conserve the entire estuarine area of the river.

Mount Holyoke unit, Massachusetts

This unit would encompass some 12,000 acres, a major portion of the scenic Mt. Holyoke Range that abuts the east side of the Connecticut River as it flows near Northampton. The Federal unit would front on the river for 4½ miles, and would extend east from the river approximately 9 miles. The boundary would also enclose the river islands in that stretch as well as a strip 200 feet wide on the west bank of the river (see Map 5). The Federal Government would acquire up to the entire 12,000 acres in fee simple or through other protective devices.

The Mt. Holyoke Unit would provide a variety of high quality outdoor recreation opportunities while preserving the rugged character of the mountain range. It would be developed by the National Park Service to afford year-round outdoor activities. Because of the existing highway network, its land would be accessible to nearby colleges and universities, as well as to more distant urban centers. The potential for recreation at Mt. Holyoke includes camping, hiking, climbing, nature study, sightseeing, upland game hunting, picnicking, and winter sports. Opportunities exist to construct small recreation reservoirs.

Across the river to the southwest rise the peaks of the Mt. Tom Range. Elevations for both ranges exceed 1,000 feet, and spectacular views of the Connecticut Valley are the hiker's reward. Silhouetted against the sky, they form a striking backdrop to the valley. The Mt. Holyoke Range rises abruptly from an almost level plain. Eastward from the river, the rocky-backboned ridge gradually falls away. It is covered with a mixed hardwood and conifer forest, and few farms and orchards.

Mt. Holyoke has been a favorite attraction for many years. Such noted personalities as Samuel Clemens (Mark Twain) and Jenny Lind, the "Swedish Nightingale," rode the cable car to Summit House atop the mountain, attracted by the warm hospitality of this famous hostelry and the promise of a panoramic view. A winding road in place of the former cable car now leads motorists to Summit House, located in the 375-acre Joseph Allen Skinner State Park. Deer and upland game hunters also flock to this mountain range.

The mountain range has been subjected to logging operations which still continue on a limited scale. Designated watersheds in this area provide for the needs of the nearby communities. Various roads probe the area and several cross the range at depressions in the ridge. The major threat to an otherwise largely unspoiled area is the urban sprawl manifested in an increasing number of residences being built along the peripheral and transverse roads. Another major intrusion is a rock quarry situated in the center of the area.

Of the approximately 12,000 acres located within the proposed Mt. Holyoke Unit, some 85 percent are in private ownership. The balance of the acreage, except for 500 acres in the Joseph Allen Skinner Park and other State holdings, and an Air Force radar installation, is owned by various towns and community watershed associations.

The region surrounding the proposed unit is a mixture of farm lands and wood lots. Nearby major colleges include Amherst, Mt. Holyoke, Smith, the University of Massachusetts, and soon-to-be-built Hampshire College. Five miles east of the unit is Quabbin Reservoir, Boston's primary water source. The flow of the Connecticut River is placid from Calvin Coolidge Bridge to Holyoke Dam, with sweeping meanders etched in a broad flood plain. Immediately north of Mt. Tom lies the Great Oxbow, flanked by the Northampton-Easthampton flood plain. At the Mt. Holyoke-Mt. Tom water gap, the river narrows.

Population pressures exerted by the cities of Springfield, Holyoke, and Chicopee (500,000 combined population) threaten to engulf scenic vistas along the river and Mt. Holyoke Range. These same pressures and those from Boston, which is only two hours away by auto, are also generating an increasing amount of demand for outdoor recreation.

To accommodate the expected heavy visitation and enable visitors to enjoy the full range of activities possible in the Mt. Holyoke Unit, a major portion of lands within the boundaries would have to be acquired, improved, and made available for public use. Some lands, however, would be excepted. Joseph Allen Skinner State Park would constitute a requested donation from the Commonwealth to the Federal Government. If the Commonwealth preferred to retain ownership, the park should continue to be administered as it is at present. The Air Force radar installation would continue in operation until no longer needed.

The proposed boundary of the Mt. Holyoke Unit is drawn to exclude the Hampshire College campus, as well as most of the private residences, farms, and associated lands lining the unit's peripheral roads.

Where unnecessary to acquire a tract for public access and use but desirable to maintain its scenic character, a scenic easement might be acquired. Purchase and leaseback might also be used to achieve the same objective. Agricultural lands under active farming operations might be allowed to continue as a conforming land use, thereby preserving the pastoral setting of the area.

Except where the lands would be needed immediately for public purposes, residents could elect to have life tenancy.

Complementary Action

Mt. Tom-Northampton State Park: A significant part of the recreation potential of the Springfield-Holyoke region is found in the Mt. Tom-Northampton area adjacent to the proposed Mt. Holyoke Unit. Therefore, this report recommends the establishment of a major Mt. Tom-Northampton State Park. This area would consist of the present 1,800-acre Mt. Tom State Reservation, the Great Oxbow immediately north of the Reservation, and the flood plain surrounding the Oxbow in the towns of Easthampton and

Northampton. Enclosed would be a total of about 4,800 acres (see Map 5).

Existing recreation areas within the proposed boundaries, in addition to the Mt. Tom Reservation, include Acadia Wildlife Sanctuary, Northampton Fairgrounds, a private rod and gun club, and several private marinas. Adjacent to the south boundary is the privately owned Mt. Tom ski area.

Recreation activities on Mt. Tom Reservation presently are limited to sight-seeing, picnicking, hiking, and rudimentary camping. There is a significant amount of boating on the river. The Oxbow has some of the finest fishing along the Connecticut River. The flood plains are mainly in agricultural use with the exception of the Northhampton Fairgrounds, a private airport, and the Massachusetts Audubon Society's 300-acre Acadia Wildlife Sanctuary.

Development and operation by the Commonwealth should be coordinated closely with development and operation by the National Park Service of the Mt. Holyoke Unit. The two areas would share a common boundary, with the types of activities provided complementing rather than duplicating each other.

Activities and facilities would be expanded for wider variety and more intensive use. On Mt. Tom, the State's role should support the adjacent skiing activity through the development of snowmobile trails, ice-skating rinks, tobogganing, and winter camping as recommended by the Massachusets State Comprehensive Outdoor Recreation Plan.

Since water recreation is of great importance, major attention should be given to swimming, fishing, boating, and complementary facilities for picnicking, hiking, and play areas. The Oxbow includes some 200 acres of water surface. Its potential for recreation suggests its use as a marina for pleasure craft, with certain portions being zoned exclusively for fishing. Since the Oxbow usually freezes in the winter, it could become a major natural ice-skating area.

The flood plain, which includes some 2,800 acres in private ownership, exhibits recreation potential for a great range of intensive uses including field games, camping, swimming, boating, and picnicking. It should also be considered in the light of the various needs developing from the concentration of cultural forces represented in the colleges and universities of the area.

Massachusetts recommends full development of the Connecticut River's water resources to provide needed recreation opportunity for the metropolitan areas of Springfield, Chicopee, Holyoke, and Northhampton. Such development will offer a variety of year-round recreation experiences, protect a highly scenic area, and save the flood plain from encroachment.

Coos Scenic River unit, Vermont and New Hampshire

The upper Connecticut River is famous for its near-wilderness setting, excellent trout fishing, and exciting canoeing. In light of this, the 82 miles of the river, from Murphy Dam on Lake Francis, downstream to the head of Moore Reservoir, is recommended for "scenic river" designation as the third unit of the proposed Connecticut River National Recreation Area.

The Green Mountains to the west and White Mountains to the east, create an almost alpine backdrop to the valley. The river's meanders and oxbows, formed by the changing course of the river, are some of the finest examples found anywhere in the northeastern United States.

Although the upper Connecticut is well known to local trout fisherman, fishing pressure in the area is surprisingly modest in view of the high quality fishing that the area affords. The northernmost 86 miles of the river and Indian Stream and Lyman Brook tributaries in New Hampshire, and the Nulhegan River and Paul Stream tributaries in Vermont are eagerly sought by anglers in search of the popular New England "square tail" or brook trout, as well as the brown and rainbow. Below Groveton, where the polluted Upper Ammonoosuc enters, trout no longer survive.

Forty-one miles of the reach is in a free-flowing condition. Three low level dams (Canaan, Northumberland, and Gilman) interrupt the remaining mileage. River travelers, however, are hardly aware of the reservoirs behind these dams as the water seldom spreads beyond the natural channel. Throughout this stretch the traveler is constantly aware of the mountainous background. Where there are towns, they strike a sharp note of contrast to their setting, appearing as tiny outposts in a formidable landscape. Typical of these are the communities of Colebrook, N.H., and Canaan, Vt. At all seasons of the year these towns and their settings are attractive, but in the fall foliage season the spectacular qualities of the land surface match the grandeur of the mountains. Where the evergreens form a background to hardwood trees cloaked in fall's multi-colored garments, the viewer cannot help but marvel at the beauty.

Agriculture is predominant on the valley's flood plain. The focus of the dairy industry for most of New Hampshire and for northeastern Vermont is in this valley. Produce crops are becoming increasingly important. Herds of cattle browsing in meadows along the river remind the traveler that this land is partially bent to man's will. At Lancaster, N.H., and at Lunenburg, Vt., covered bridges transport the viewer back to the 19th century. Railroads—the Canadian National (Grand Trunk) and the Maine Central—are firmly established and seem to have an inevitability about them; they follow the river from Lancaster, N.H., to Beecher Falls, Vt. In several instances, their tracks prevent access to the river's edge, unwittingly helping to preserve the scenic values along the river.

The boundary of the Coos Scenic River Unit is designed to protect the scenic qualities of the river and its adjoining lands and to provide public access with a minimal effect on the established patterns of private ownership in the area. Its lines encompass 21,200 acres and have been drawn in sufficient depth to safeguard not only the natural character of the lands bordering the river, but also the vulnerable flood plain and the various ridges and escarpments facing the river.

Conservation of the Coos Scenic River Unit would be accomplished mainly through scenic and access easements. Scenic easements could protect a major portion of the riverway (approximately 20,200 acres). They would keep valuable agricultural land on the local tax rolls and permit the continued use of the land in ways that are compatible with the scenic riverscape. At the same time, certain nonconforming industrial and commercial uses would be discouraged. Less restrictive scenic easements would be utilized for the protection of the ridges and escarpments.

Where an area is needed for permanent public access and use, such as boat launching and camping sites, full title would be acquired by the Federal Government. A maximum of 1,000 acres, located in scattered tracts along the river, should be sufficient for these purposes. Boat launching points would be provided where public roads lead down to or cross the river, while camping areas might be located several miles apart.

Access easements along the river's edge would have to be acquired to allow fishermen and other users to trail along the bank.

There appears to be no need for the Federal Government to acquire the riverfront land presently owned or controlled by the New England Power Company as long as these lands continue to be undeveloped.

If the New England Power Company should decide to dispose of any of these lands, the Federal Government should have first option for either fee acquisition or for the acquisition of scenic easements. There would be no need to acquire lands owned by the towns within the area.

Complementary Action

Connecticut Lakes State Park: The State of New Hampshire now owns some 7,000 acres of land around the Connecticut Lakes. This report urges the State to acquire an additional 47,000 acres in this area to create a 54,000-acre Connecticut Lakes State Park that would connect with the upstream terminus of the proposed Coos Scenic River Unit. Some 14,000 acres might be purchased in fee, while the remaining 33,000 acres might be protected through the acquisition of scenic easements.

This "north country" proposal encompasses a high mountain basin that contains large forested tracts laced with small streams, remote lakes, and ponds. As the Statewide Comprehensive Outdoor Recreation Plan notes: . . . the Connecticut Lakes area in northern New Hampshire . . . should be considered for potential acquisition as a primitive area. If comprehensive analysis of the Connecticut Lakes area justifies public ownership, it should be acquired and preserved, regardless of its size.

The area is situated in northernmost New Hampshire in the towns of Pittsburg and Clarksville and contains four major bodies of water: Third Connecticut Lake owned and administered by the New Hampshire Division of State Parks; Second Connecticut Lake controlled by the New England Power Company; First Connecticut Lake also controlled by the New England Power Company; and Lake Francis, an artificial impoundment owned and administered by the State of New Hampshire Water Resources Board.

Most of the land is in private ownership, the greatest portion being held by the St. Regis Paper Company. Included within the proposed State park boundaries is the 1,548-acre George D. Roberts State Park, and acreage owned by New England Power Company north of Lake Francis along the Connecticut River and around the First and Second Connecticut Lakes.

The scenic quality and natural beauty, with sparkling lakes and streams, unquestionably make the area one of the most significant in the Northeast. Its present recreation uses include hunting, fishing, boating, and camping. The emphasis should continue to be on these high quality, extensive activities; however, there might also be scenic overlooks, tent and camper trailer sites, swimming areas, boat launching sites, and marked trails. Unique natural areas such as the 100-acre black spruce-tamarack Moose Bog, Norton Pool (125-acre tract of virgin spruce and fir), Scott Bog, an area of significant scenic qualities and East Inlet with exceptionally fine brook trout fishing should all be protected.

Moore-Comerford Interstate Park: At the lower end of the Coos Scenic River Unit, the States of New Hampshire and Vermont are urged to undertake a joint program with the New England Power Company to develop the Moore and Comerford Reservoirs into a major interstate park. This report recommends that the States and the power company increase the development of company-owned lands, and that the States acquire 9,400 acres in fee and less-than-fee to round out the company's present 6,000-acre holdings into a 15,400-acre Moore-Comerford Interstate Park.

At the two reservoirs, the New England Power Company has constructed six picnic and boat launching sites and a visitor's house, all of which are heavily used. Both New Hampshire and Vermont have recognized the great undeveloped potential of the area, and each has noted recommended actions in its statewide outdoor recreation plan which would realize this potential.

The additional 9,400 acres to be acquired by the States would be comprised of sparsely developed, marginal agricultural and forest lands and should be selected to protect the environmental qualities of the park as well as meet the land base demands of park visitors.

Although the reservoirs are relatively remote, two interstate highways, I-91 and I-93 will soon intersect near the area and make the proposed interstate park easily accessible to the urban populations of Boston and New York.

The recreation use of storage reservoirs and company-owned lands is restricted by pollution of the Connecticut River and limited provision of public facilities. The pollution adversely affects the quality of fishing and water contact activities, while company policy limits public facilities to day-use. These conditions must be overcome through cooperation between the public and private sectors if an interstate park is to be a reality.

A potential exists for an outstanding multiple-use vacation and weekend recreation area. This potential should be developed by providing increased water access and facilities for water-oriented activities, and protection of the natural beauty of the area. The park would also provide a link between the Coos Scenic River Unit and the Rogers' Rangers Historic Riverway, as well as serving as a canoe route point of origin and terminus.

State action

In addition to the complementary State actions already discussed in connection with the Gateway, Mt. Holyoke, and Coos Scenic River units of the proposed National Recreation Area, four major State parks are recommended: two in Connecticut, one in Massachusetts, and one straddling the New Hampshire-Vermont border. These proposed parks would be located along the river at points offering outstanding recreation opportunities. Most of the areas involved in the study already include some State park or forest lands.

The Federal Government could assist in the acquisition and development of these areas by providing matching grants from the Land and Water Conservation Fund and the Open Space programs. The States would be responsible for establishing and operating the areas.

Connecticut

Glastonbury Meadows State Park: The State of Connecticut is urged to acquire the 4,400 acres of Connecticut River flood plain, otherwise known as "the meadows," located in the towns of Glastonbury, East Hartford, Rocky Hills, and Wethersfield. Map 9 delineates an approximate boundary. The State should be responsible for maintaining the natural integrity of the area in perpetuity, and for providing those forms of intensive and extensive recreation which the municipalities cannot provide.

This meadowland is one of the largest remaining blocks of open space along the Connecticut River. Approximately 25 percent of the meadowland is presently being used for agriculture, with a greater extent being utilized for restricted hunting by private clubs. Less than five percent of the land is publicly owned, with only one significant recreation area at Wethersfield Cove. The majority of the land is owned in numerous small parcels by private individuals or organizations. Ninety-five percent of the proposed park land is protected by stream encroachment lines established by the State Water Resources Commission. All of the towns have further protected the areas by instituting flood plain zoning.

These forms of protection are designed to prevent developments and improvements on the flood plain which would be susceptible to flood damage and are not intended for protection of the natural integrity of the area.

To insure the preservation of the open space of the meadows and the conservation of its recreation resources, it is recommended that this land be acquired by the State. This recommendation is further justified by the proximity of the area to the expanding Hartford metropolitan area, with a population of over 500,000 persons. This factor, in conjunction with a steady upward trend in land values, may jeopardize compatible agricultural uses and increase the prospects of adverse development.

The proposal of the Capitol Region Planning Agency that the area be an integral part of the agency's proposed Connecticut River "Greenbelt" is endorsed. The nature of this area offers an opportunity to develop a variety of river-oriented day-use and overnight facilities for the adjacent urban population as well as for visitors traveling the Tourway or the navigable waters of the Connecticut River. In addition, recommended programs offer an opportunity for wildlife management, watershed protection, and the preservation of areas of scenic and scientific interest.

Wethersfield and Keeney Coves offer ideal bases for boating development which could provide a significant adjunct to the proposal for increased recreational navigation on the river. The flood-prone wetlands and the open waters of the meandering river are important waterfowl areas. These waterfowl, with the farm game species of the area, provide a needed hunting resource. The riverfront corridor of trees fronting upon the almost level flood plain provides an opportunity for trails and picnic sites, adjacent to playfields and golf courses.

On the periphery of the proposed State park are the villages of Old Wethersfield and South Glastonbury which contain homes of architectural and historic interest, outstanding natural and scientific areas such as Cotton Hollow Preserve and the new Dinosaur State Park, and the parks and playgrounds of metropolitan Hartford. Considerable potential exists for the development of municipal recreation facilities which, if planned and developed in coordination with the proposed State area, will provide a full and unique recreation and scenic experience for the residents and for the visitor.

Windsor Locks-King's Island State Park: It is recommended that the State of Connecticut accept donation of 250 acres reportedly surplus to the needs of the Connecticut Light and Power Company and establish a Windsor Locks-King's Island State Park at Enfield Rapids. Situated between the major metropolitan areas of Hartford and Springfield, this area offers unlimited opportunity for creating an extensive recreation and conservation complex along the river; it would include the historic Windsor Locks Canal and adjacent land, the Enfield Dam and Rapids, and the wooded 120-acre King's Island. Few areas presently are developed for recreation between Hartford and Springfield. Water-oriented activities needed in this area are swimming, boating, and fishing as stated by the Capitol Region Planning Agency. Since some of the State's finest shad fishing is found in the vicinity of Enfield Dam, there is a need for more boat launching sites and better access to the river's shores.

The creation of a State park would ensure continued fishing and boating through additional access and boat launching sites. Valuable flood plain could be protected from encroachment, and King's Island could be developed for boating, picnicking, and fishing. This action would afford an unusual opportunity to enjoy more of the Connecticut River. Physical improvement of the canal, facilitating movement of larger craft, and operational improvement of locks and bridges, eliminating inconveniences presently encountered by boaters, would alleviate certain navigation problems. It would also preserve the only existing navigational canal left on the Connecticut River. The present service road along the canal could be established as a historic and scenic pathway for equestrians, hikers, or cyclists.

Channel improvements between Hartford and Windsor Locks are recommended in this report. This would give boating additional significant acreage as recommended in the Connecticut Statewide Outdoor Recreation Plan and would serve as a focal point for the increased boating activity.

The proposed park will complete the desired "greenbelt" around the expanding metropolitan area as recommended in the Capitol Region Planning Agency's "Open Space Plan." Like Glastonbury Meadows, this area is located in the path of the expanding Hartford area. It offers needed recreation opportunity for the adjacent densely urbanized areas.

Massachusetts

Turners Falls-Northfield Mountain State Park: The Commonwealth of Massachusetts and the private utility companies are encouraged to undertake development of all recreation areas and facilities proposed by the *Recreation Plan and Report* for the Northfield Mountain pumped storage and Turners Falls hydroelectric projects to be developed jointly by the Western Massachusetts, Connecticut Light and Power, and Hartford Electric Light Companies. This proposal includes that portion of the Connecticut River and environs from Cabot Station, below Turners Falls Dam in Massachusetts, approxiamtely 20 miles north to Vernon Dam in New Hampshire. The report recommends development of nine recreation areas to be owned or operated by the Commonwealth or local authorities. In addition, it recommends State or local riverfront land use controls, such as flood plain zoning, scenic easements, conservation easements, deed restrictions, and the like throughout the entire project area. The recommendations involve some 31,000 acres.

The development of these and any additional proposals should be correlated with the development of nearby facilities of the States of Vermont and New Hampshire, and those proposed by the New England Power Company.

With the exception of the newly-created State-owned Barton Cove boat access site, there are no Federal, State, or municipal recreation facilities of regional significance in the project area.

The Massachusetts Statewide Comprehensive Outdoor Recreation Plan recognizes the recreation potential of the Connecticut River and recommends full development of its resources. It also recommends that "a beginning be made by further developing the area through the provision of additional swimming, fishing and boating facilities, as well as complementary picnicking, hiking and play areas."

The outdoor recreation proposal of the utility companies submitted as a part of the application to the Federal Power Commission for a license to construct the hydroelectric project, and coordinated with the Department of Natural Resources of the Commonwealth of Massachusetts, proposed the development of the following nine recreation areas and facilities:

Barton Cove site consists of 700 acres—300 land and 400 water. This site, just upstream of the Turners Falls Dam, provides boat docking facilities, a marina, and waterskiing. Present hazards to boaters would be eliminated by raising the water level. Future plans include a swimming pool, a day-use center, outdoor court games, family and group picnic sites, and rental cabins.

The proposed Farley Roadside Rest Area on Northfield Mountain would protect a scenic

waterfall and contain a picnic area and a trail to the falls.

The proposed Grassy Hill State Park on the west bank of the Connecticut River would consist of approximately 450 acres of land and 130 acres of water. It would include a 10-acre island in the Connecticut River. Activities for this area would be camping, picnicking, fishing, swimming, and field games. Development would include a small marina, a boat launching area, and a lodge.

At the 15-acre French King Bridge Roadside Rest Area, an expanded parking area, an overlook, and a picnic area are proposed near the scenic French King Gorge of the Connecticut River.

A boat launching site and parking area are projected for Millers Brook. Adjacent to this area is a 12-acre site proposed for boat camping and picnicking, and to be known as Ten Mile Hill.

Pauchaug Brook on the east bank of the river would contain a boat launching site and a fish and waterfowl subimpoundment.

Munn's Ferry would comprise three acres, offering boating, camping, and docking facilities on the west bank of the river.

Four Mile Brook would be a 50-acre site, south of Munn's Ferry recreation area, with docking facilities, picnic areas, and swimming on a small man-made pond.

The Northfield Mountain Recreation Area with the adjacent State forest land offers an excellent opportunity for a varied year-round recreation experience. A unique system of horse and snowmobile trails totaling 100 miles is planned. Hike trails would extend for 20 miles. Camping and picnicking facilities would be provided and an overlook constructed at the proposed 1000-acre reservoir. Fishing and hunting access would be improved. More winter recreation opportunity would be provided with ponds for ice skating, a course for snowmobile racing, cross-county skiing, and bobsled and toboggan runs.

Development of this area would provide an important link in the valley's recreation complex. Here is found a unique opportunity for the State, localities, and the private sector to cooperate in providing a recreation complex of outstanding value for the surrounding towns and cities of Greenfield, Turners Falls, Millers Falls, Erving, Orange, Warwick, and Wendell. The magnitude of the resources involved and the overall proposal as it appears in the master plan gives regional significance to the project. It would provide not only a wide variety of activities, but also year-round opportunities for day, weekend, and vacation use.

New Hampshire and Vermont

Rogers' Rangers Historic Riverway: The Governors of the States of New Hampshire and Vermont are encouraged to seek establishment of a Rogers' Rangers Historic Riverway, extending approximately 100 miles between the proposed Moore-Comerford Interstate Park and Charlestown, N.H. The objective of the Historic Riverway would be to commemorate the arduous return trip of Rogers' Rangers following the daring attack on the St. Francis Indian village in 1759, to protect the scenic and historic qualities, and to provide public access and recreation along the river.

A variation of the concept described earlier for the proposed Coos Scenic River Unit is suggested. The towns along the river should be encouraged by the States to initiate open-space and land use controls that will prevent adverse development on lands immediately adjoining the river and to permit some restoration of the natural setting. The controls could be in the form of firm institutional zoning on the part of the States and local governments, or voluntary self-imposed restrictions on land uses granted by the property owners.

The proposed Riverway consists of the riverfront lands, including the flood plain and prime recreation areas, and prominent local topographic features such as palisades. The boundary might encompass some 27,500 acres of land, most of which are in agricultural use and private ownership. Significant private non-agricultural owners include the New England Power Company, licensee of three of the four dams in this stretch, and the Bemis Bag Company, owner of the fourth impoundment formed by Ryegate Dam. The Saint-Gaudens National Historic Site at Cornish, N.H., is the only federally-administered recreation area along the Connecticut River. This site was the home and studio of the noted sculptor, Augustus Saint-Gaudens. Most significant among the other publicly-owned lands along the river are the State-owned Ascutney and Wilgus State Parks in Vermont, and lesser sized boat access sites and wetlands in both Vermont and New Hampshire.

The open space and land use controls would be utilized to conserve the scenic, historic, and cultural features and would insure the continuation of the important agricultural life of the Connecticut River Valley, while keeping the land on the tax rolls. Limited fee acquisition is recommended to conserve prime riverfront recreation areas. In addition, a riverfront right-of-way should be secured to make available the necessary land for the successful completion of the proposed Connecticut Valley Trail.

Several of the reservoirs in the stretch below the Passumpsic River confluence, and the beautiful, untamed Sumner Falls at Hartland, Vt., already contain public day-use recreation facilities provided by the New England Power Company. It is recommended that the States and the power companies increase the effectiveness of these areas and consider them as a necessary part of the overall concept of a Historic Riverway.

The entire route of Rogers' Rangers, from the confluence of the Nulhegan and Connecticut Rivers (within the Coos Scenic River Unit), through the proposed Moore-Comerford Interstate Park, and down the proposed Historic Riverway to Charlestown, site of Fort Number Four, the terminus of Rogers' trip, should be marked to add greater significance to the recreational experience of travelers on or along the river.

Outside of the defined Riverway, but of significant influence upon motoring recreationists in the area are three Corps of Engineers' reservoirs on tributary streams—North Hartland on the Ottauquechee River 1.5 miles from its confluence with the Connecticut, North Springfield located 8.7 miles upstream from the confluence of the Black and Connecticut Rivers, and Union Village on the Ompompanoosuc River, 4 miles above its junction with the Connecticut River. These presently supply limited public recreation but could be further developed, especially with additional overnight facilities.

Local and private action

The Connecticut River Valley cannot be preserved through the efforts of any one level of government, nor can government alone do the entire job. Preservation of the valley and development of its recreation potential require assistance from the private sector as well.

Local governments in the Connecticut River corridor are beginning to realize their role in planning and implementing conservation programs. They are developing the legal and financial means to direct orderly community development and correct abuses of land and water. Further, they have the necessary legal prerogatives to create and maintain planning bodies, zoning boards, conservation and historic commissions, as well as other appropriate agencies.

Zoning

One of the most potent methods by which a Connecticut Valley community can participate in the riverside conservation and recreation program involves little or no capital expenditure. The four States of the valley have given their towns the legal authority to effect land-use zoning which recognizes both the best uses of the land and long and short-term community needs.

Effective zoning must go hand-in-hand with farsighted planning. Before zoning decisions are made, local governments must identify what they want future land use to be. Planning can identify various community needs on an overall basis, help establish community goals, and set forth effective means to reach these goals. By enacting comprehensive land use plans and zoning ordinances, communities can guide and channel development to meet local needs. Many valley towns are already moving along these lines. As of early 1967, 45 river towns had approved and were in the process of implementing comprehensive plans. Nearly half of these towns are in Connecticut. Those towns which have not already done so should initiate local and regional planning, with adequate provision for recreation and open space. The respective planning agencies should coordinate on a continuing basis with those State and Federal agencies having responsibility for local recreation and open space programs.

Local recreation and open space plans should be in accord with Statewide Comprehensive Outdoor Recreation Plans in order that local governments may be eligible for Federal assistance for acquisition and development of recreation land under the Land and Water Conservation Fund grant program.

Presently undeveloped riverfront lands can be retained in their natural state in a number of ways. Flood plain zoning, while designed primarily to prevent damage from floods, can permit low-intensity park and recreation complexes, while restricting urban development. The State of Connecticut has enacted stream encroachment regulations applying to all flood plains in the State. None of the other valley States have such Statewide regulations, and few local communities take the initiative in this field of responsibility.

Cluster zoning can encourage developers to group residences or other buildings in order to leave large areas of open space. Zoning, which limits land use to agricultural and associated activities, can be an effective means of conserving open space. Such zoning is most effective when combined with real estate tax policies which protect those actively engaged in farming without subsidizing the land speculator. At present, much of the "agricultural" zoning along the river is only a catchall classification, or combined as residential-agricultural, and does not discourage adverse development. In protecting riverfront lands, towns must take care to enact *effective* ordinances which will carry out the communities' intended purposes.

Zoning, however, has flaws. Zoning lacks permanence, and years of careful preservation may be undone by a single administrative decision.

Scenic Easements

A more effective instrument than zoning for the preservation of the Connecticut Valley's beauty might be the use of scenic easements. Simply stated, easements are partial rights in land. The owner of land subject to an easement has all the rights and benefits of ownership consistent with the terms of the easement. The easement does not transfer title to the land nor dispossess the owner. It is binding on all future grantees of the land who have notice of the restriction.

Scenic easements often include:

1. A restriction of new buildings and structures (or major alterations) to farm and residential buildings and structures only, plus a specific prohibition of further non-residential buildings—with a saving clause permitting the continuance of existing uses.
2. A prohibition against cutting "mature trees and shrubs", but with a proviso authorizing normal maintenance.
3. A prohibition against dumping.
4. A prohibition against billboards.

Local governments may acquire scenic easements either through donation or purchase. An example of a scenic easement now in use in Missouri is included in Appendix 1.

Other Less-Than-Fee Devices

Leaseback or sellback are two more mechanisms for protection of land along the Connecticut River. In both cases, land is purchased in fee simple. Under sellback, the land is then resold with certain restrictions such as those found under scenic easements. In the case of leaseback, the land is leased, usually for a long term, subject to the desired restrictions.

In recreation and urban renewal planning, municipalities should place the highest priority upon the acquisition of riverfront lands. Since available shoreline is being developed rapidly, it is imperative that communities develop a now-or-never attitude toward the protection of the vital riverfront areas as the "front yard" of the community.

This report recognizes that local governments cannot assume the entire financial burden for carrying out many of the recommendations. More and more financial assistance is becoming available through Federal and State aid programs to assist communities in acquiring lands for recreation purposes. Foremost of these programs is the Land and Water Conservation Fund, administered by the Department of the Interior's Bureau of Outdoor Recreation. This program makes grants to States, and through them to political subdivisions, for planning, acquisition, and development of public outdoor recreation areas and facilities. The National Park Service can make funds available under the Historic Preservation Program for the acquisition and development of sites of historic, archeologic, architectural, and cultural significance. The Department of Housing and Urban Development may assist communities who wish to acquire and develop lands in urban areas through its Open-Space Land Program, and can make grants for urban planning under the "701" (Urban Planning Assistance) Program.

However, Federal and State agencies do not have the means to finance all desirable projects. Many of the best examples of progressive local conservation action in the Connecticut River corridor are those involving such mechanisms as bond issues. A better informed citizenry, recognizing present and future needs, is finding that bond issues are one sure way to implement desired public programs at the local level.

Private Action

The private sector also must recognize and accept its share of the responsibility. The utility companies drawing their life blood from the river should meet their public obligations through enlightened management and operation of hydroelectric and storage dams. These structures presently impound 200 miles of the river.

In their applications to the Federal Power Commission for licensing or relicensing of hydroelectric plants, the private power companies must submit exhibits covering most aspects of plant layout and operation, including the amount and kind of proposed recreation facilities. The exhibits are reviewed by Federal and State agencies which comment to the Federal Power Commission on the applications. The Commission, in coordination with other Federal and State agencies, may stipulate that plans include fully adequate recreation and fish and wildlife provisions relative to the needs and resource potential of the area.

To an increasing extent, utility companies recognize and accept multiple-use concepts regarding hydroelectric projects. What once may have been a costly inconvenience to the electric utilities is now fully within the framework of good business and effective public relations.

Table 2 provides details about recreation potential and developments at privately-owned dams.

TABLE 2.—PRIVATELY OWNED POWER AND RIVER CONTROL STRUCTURES

Installation	Ownership	Impoundment, acres	Recreation potential	Existing public-use recreation facilities
2d Connecticut Lake	New England Power Co	1,286	High	2 picnic areas, 1 boat access point.
1st Connecticut Lake	do	2,807	do	1 picnic area, 1 boat access point.
Cannan Dam	Public Service Co. of New Hampshire.	40	Local importance	None.
Northumberland Dam	Groveton Paper Co	473	do	Do.
Gilman Dam	Gilman Paper Co	394	do	Do.
Moore Dam	New England Power Co	3,475	High	Guest house, 3 picnic areas, 4 boat access points.
Comerford Dam	do	732	do	1 picnic area, 2 boat access points.
McIndoes Dam	do	342	Moderate	1 picnic area.
Ryegate Dam	Bemis Bag Co	297	do	None.
Wilder Dam	New England Power Co	3,100	High	Visitor center, 2 picnic areas, 1 boat access point.
Bellows Falls Dam	do	2,804	Moderate	3 boat access points, 2 picnic areas.
Vernon Dam	do	2,550	do	1 picnic area.
Turners Falls Dam and Northfield Mountain pumped storage project.	Western Massachusetts Electric Co.	[1]1,312	High	None (see text for proposed developments).
Holyoke Dam	Holyoke Water Power Co	997	do	Fisherman access point below dam, fish lift, canoe portage.
Enfield Dam	Connecticut Light & Power Co	278	do	None.

[1] Turners Falls.

Present recreation programs at these impoundments usually consist of such day-use facilities as boat launching ramps and picnic areas. Long-range plans often fall short of their potential. This is especially true of plants at Moore, Comerford, and Wilder, which have extremely high potential.

Opportunities occur where the public sector may be able to team up with private utilities in developing recreation facilities. An example is the recreation facility plans at the proposed Turners Falls-Northfield Mountain Pumped Storage Project which calls for cooperative development with the Commonwealth of Massachusetts. This example can set a precedent for the type of planning which may be desirable at other resource areas demonstrating high recreation potential.

Great recreation potential also exists in timber company holdings in the northern part of the valley. Although there are virtually no recreation developments on private timber lands, many areas are open to hunters, hikers, and fishermen. The private timber companies are urged to continue to allow public use of their lands, and to consider instituting more liberal policies which would facilitate overnight use.

The private landowner, both residential and commercial, controls a major portion of the land fronting on the Connecticut River. It is in his power to take pride in his domain, maintain it to please others as well as himself, and help protect many of the scenic vistas for which the Connecticut Valley is noted. The private landowner is encouraged to take the initiative in setting voluntarily imposed land use and development controls in order to maintain the scenic character of his own land during his lifetime. The private landowner is also encouraged to donate scenic easements to the appropriate governmental agencies. The United Aircraft Corporation set a precedent when it granted Federal authorities a conditional scenic easement on its riverfront lands in Middletown, Conn. This report urges the company to continue the easement in perpetuity. It is hoped that others will respond with similar voluntary easements and donations.

The simplest way to assure preservation of land may be to deed the tract to a trusted conservation agency, with or without restrictions, life estate, or other rights. If landowners do not wish to donate land to a governmental agency, they may form a private conservation land trust. Families in Lyme, Conn., have already set up such a trust to protect and conserve the rural beauty of the town. These trusts have the advantage of the trustees' intimate knowledge of the local situation. They are aware of special situations and needs of the community. Land trusts are particularly useful where planning or zoning is not in effect, or where existing authority is lax or ineffective. In addition to holding land, these trusts can help to educate the public and guide policy along the lines of conservation and open space preservation. They can also serve as "watchdogs", to insure that land donated for preservation is in fact preserved, and not turned to some other use.

Conservation land trust usually qualify as tax-exempt organizations, and persons donating land to such trusts may avail themselves of certain tax benefits. Purposes of the trusts should be carefully spelled out, as well as the duties of the trustees.

It is recommended that land trusts be established in the towns of the Connecticut Valley to provide the mechanism for accepting and maintaining lands which people may wish to donate for preservation. In this way, some of the best lands along the river might be saved, including tracts that Federal, State, or local governments may not be able to acquire. An example of a land trust is included in Appendix 2.

Through such legal devices as land trusts and easements, individual landowners may permanently safeguard the beauty of riverside properties.

Aside from previously discussed Federal State and private actions, many other resource opportunities with important recreation and scenic potential exist in the Connecticut River Valley (Table 3). Each possesses a distinctive recreation and open space potential which in some cases may adequately serve local needs, or may dovetail with other more broadly-based recreation programs in the vicinity. By weight of numbers and by virtue of their wide distribution, collectively they represent a significant proportion of the overall resource potential in the Connecticut Valley. Certain areas already possess on-going public sector programs and are currently subject to some use for recreational purposes, while others exist merely as available open space with an untapped potential awaiting public action and initial development.

TABLE 3.—RECOMMENDATIONS FOR STATE AND LOCAL ACTION

[C—Contingent upon pollution abatement; A—Authorized for construction; S—State responsibility; F—Federal responsibility; L—Local responsibility]

	Existing public programs											Recreation potential										Possible action				
	No public programs	Public recreation area	Fish and game area	State forest	Public water supply	Federal multiple-use reservoir	Public boat access	Free flowing stream	Flood plain zoning	Urban renewal	Scenic easement	Boating	Swimming	Camping	Hunting	Fishing	Winter sports	Trails	Sightseeing and driving	Picnicking	Historic and scientific	Initial acquisition	Expansion	Development	Scenic control and land-use zoning	Responsibility
VERMONT																										
1. Mount Monadnock	X													X	X	X	X	X	X	X	X	X		X	X	S
2. Yellow Bogs	X							X							X	X		X			X	X		X	X	S
4. Maidstone State Park		X						X				X	X	X	X	X	X	X	X	X			X	X		S
5. Victory State Park				X		A						X	X	X	X	X	X	X	X	X	X		X	X		SF
8. Union Village Reservoir						X						X				X				X			X	X		SF
9. White River			X					X				X	C		X	X		X	X	X	X	X		X	X	S
10. Ottauquechee River		X				X	X	X				X	C	X	X	X	X	X	X	X	X		X	X	X	SF
12. Mount Ascutney		X										X	C	X	X	X	X	X	X	X	X		X	X	X	S
13. North Springfield Reservoir						X										X				X			X	X		SF
14. West River			X				X	X				X			X	X		X	X	X			X	X	X	S
NEW HAMPSHIRE																										
3. Nash Stream	X							X				X		X	X	X		X	X	X		X		X	X	S
6. Israel River	X							X				X		X	X	X	X	X	X	X		X		X	X	S
7. Jacobs Creek	X											X	0	X	X	X	X	X	X	X	X	X		X	X	S
11. St. Gaudens National Historic Site		X																X	X		X		X	X	X	F
15. Surrey Mountain Reservoir						X						X	X	X	X	X	X	X	X	X			X	X		F
16. Otter Creek Reservoir		X				X						X	X	X	X	X	X	X	X	X			X	X		F
17. Pisgah Mountain Range	X							X					X	X	X	X	X	X	X	X		X		X	X	S
MASSACHUSETTS																										
18. Mount Sugarloaf		X												X	X		X	X	X	X	X			X	X	S
19. Mount Toby				X										X	X		X	X	X	X	X			X		S
20. Tobacco Valley							X		X			X			X	X			X		X				X	SL
21. Quabbin Reservoir		X			X		X					X	X	X	X	X		X	X	X				X		S
22. Chicopee River		X										X	C			X		X	X	X	X		X	X	X	SL
23. Robinson State Park		X										X	X			X		X	X	X				X		S
CONNECTICUT																										
24. Farmington River Valley-Rainbow Reservoir							X	X				X	C	X	X	X		X	X	X		X		X	X	S
25. Scantic River Valley	X							X				X	C	X	X	X		X	X	X						S
26. South Windsor Meadows									X			X			X	X		X		X	X	X		X		S
27. Dinosaur State Park		X																			X		X	X	X	S
28. Cromwell-Portland Meadows			X						X			X			X	X		X		X	X		X	X		S
29. Connecticut Straits		X							X	X	X	X				X		X	X	X	X		X	X	X	SL
30. Salmon River Valley				X			X					X	X	X	X	X		X	X	X	X		X	X	X	S
31. Eight Mile River Valley		X					X					X	X	X	X	X		X	X	X	X		X	X	X	S
32. Old Saybrook-Old Lyme		X	X				X			X		X	X		X	X		X	X	X	X		X	X	X	S

Development of these areas can be assisted through such Federal grant-in-aid programs as the Land and Water Conservation Fund and the "701" programs. Many projects, such as that at Quechee Gorge on Vermont's Ottauquechee River, have already received matching Federal funds to help preserve the scenic and natural beauty of the areas.

Overall coordination

To promote concerted action, this report recommends that the Secretary of the Interior, acting through the Bureau of Outdoor Recreation, work with the Federal agencies, the States and their political subdivisions, and the private sector to achieve coordinated conservation and recreation development throughout the length of the Connecticut River Valley. Particular attention should be given to landscape and environmental preservation of the river corridor, as well as to its recreation potential. Authority for such cooperation exists in the Bureau's Organic Act, Public Law 89–29, approved May 28, 1963. That Act authorizes the Secretary of the Interior to "encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources."

The Secretary of the Interior could also help public and private interests in achieving a more effective coordinated program by providing technical assistance. Public Law 88–29 authorizes the Secretary to "provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation."

While seeking cooperative planning among the States, the Bureau would obtain a broad view of the opportunities and needs of the valley; provide a forum for all the State and local interests, both public and private, to discuss their interrelated problems; and furnish a continuing means of assessing and evaluating future needs of the valley, as well as guiding long-term conservation and development programs.

Financial assistance is already available to States from the Land and Water Conservation Fund, as well as from the Department of Housing and Urban Development's "701" and "Open Space" programs for the purposes of recreation planning, acquisition, and development.

The Bureau of Outdoor Recreation, in working with the Federal agencies, State and local governments, and the private sector, would seek to promote cooperation in conserving and developing the Connecticut Valley. Where plans exist, they would be coordinated and intermeshed. Through its State planning and technical assistance functions, the Bureau could cooperate in developing plans where none exist.

River renewal

The problems of water quality, flow, fish restoration, hydroelectric power production, and navigation are all interwoven. The level of pollution is a function of quality and flow, as is fish restoration. Navigation is dependent on flow. Action taken in one of these fields will show results in others.

Water Quality and Flow

Viewed from a distance, the Connecticut River is a beautiful river, flowing leisurely past wooded banks and open meadows. Its quiet impounded areas invite pleasure boating, swimming, and waterskiing, while its free-flowing segments challenge the canoeist. Viewed at close range, however, long stretches are murky and fouled by municipal and industrial wastes. The Connecticut no longer clearly reflects the wooded slopes of upland valleys or the broad tobacco fields of the valley's rich lowlands. No longer does it serve as a spawning ground and habitat for large numbers of Atlantic salmon and American shad. Today the salmon are gone, while the shad persist in only limited numbers along the lower sections of the river. Deteriorated water quality and the block of power dams have taken their toll.

With the development and industrialization of the Connecticut Valley came cities and industries which use the river for transportation of their waste and for generation of power for electricity. Municipalities often discharge their wastewater, either untreated or inadequately treated, while industries dump their chemical refuse. During rainstorms, combined storm and sanitary sewers discharge raw sewage into the river.

In the proposal for a Connecticut River National Recreation Area, the report has looked beyond present limitations resulting from poor water quality, and even the current standards; but it has not overlooked the tremendous problems that pollution poses. A National Recreation Area cannot tolerate water of the Connecticut's present quality.

In view of the magnitude of the Federal, State, local, and private investment proposed by this report, the report would be remiss if it did not recommend a quality of water from source to mouth suitable for swimming. Pollution abatement programs must be increased, accelerated, and vigorously prosecuted to make the entire river suitable for primary contact recreation use. Only then will the jewel befit its setting. Accordingly, the water quality standards of the basin States should be upgraded to meet this goal, while recognizing the limitations of present-day technology and resources.

It is therefore recommended that:

1. The goal of the joint State-Federal water quality standards program should be the attainment of a water quality suitable for primary contact recreation use for the entire river.

2. Water quality control and management programs be accelerated where such a speed-up would be beneficial in the development of the proposed Connecticut River National Recreation Area and of the associated recommended State, local, and private activities.

Present pollution precludes or impairs the use of the river for many purposes, including general recreation, propagation of higher types of fish, passage of anadromous fish, and harvesting of shellfish from the area of the Connecticut near Long Island Sound.

Restoration, enhancement, and preservation of the quality of the Connecticut's waters are vital to the realization of the potential of a Connecticut River National Recreation Area. A prime ingredient of recreational development is water of adequate quantity and quality.

The causes of the existing degraded water quality are complex and have evolved over many years. In certain sections, the Connecticut Basin is highly industrialized and urbanized. Such manufacturing companies as pulp and paper mills in the northern and central portions of the basin and large centers of population in the southern portion of the basin discharge wastewater to the river in quantities which the river cannot assimilate.

Modifications of the river flow itself are additional factors influencing the existing water quality. The development of hydroelectric dams along the river has created a series of impoundments which hamper the river's ability to assimilate wastes. The operation of the dams to supply peak load power results in water being released during periods of high electrical demand during weekdays with little or no water being released on weekends. The flows downstream of the dams are often reduced to a fraction of the normal flows during weekend periods.

Although waste treatment and pollution abatement programs are not new to the Connecticut River Basin, the extent of these limited programs has not been sufficient to restore the quality of the waters. Really effective measures are only now beginning to be applied, promoted by the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966. Two Federal enforcement conferences, considering the effects of pollution from Massachusetts which endanger health and welfare in Connecticut, have pointed up and reinforced the need for positive action.

Under the Water Quality Act of 1965, the basin States have developed water quality standards including implementation plans, which, as they are approved by the Secretary of the Interior, become joint Federal-State standards, enforceable through the courts. The implementation plans provide detailed schedules for the completion of the specific waste treatment facilities and other pollution abatement measures required to meet the standards. The plans must provide that all wastes receive the best practicable treatment or control to provide for water quality enhancement commensurate with proposed present and future water uses.

Financing of these pollution abatement measures will be provided from Federal, State, local, and private sources. All of the basin States have the legislative authority to participate in the financing of municipal interception and treatment facilities through a State construction grant program. The following table indicates the percentages of the construction cost which may be provided by Federal, State and local governments.

TABLE 4.—COST SHARING FOR MUNICIPAL POLLUTION CONTROL FACILITIES IN THE CONNECTICUT RIVER BASIN

State	Percent of costs		
	Federal	State	Local
New Hampshire	50–55	40	5–10
Vermont	50–55	30	15–20
Massachusetts	50–55	25–30	20
Connecticut	50–55	30	15–20

To assure this extent of Federal and local participation, the required funds must, of course, be appropriated. In addition, industries must join with communities in the development of joint facilities or develop their own abatement measures.

Major goals for water pollution abatement have been established. Hopefully, water quality will progressively improve with a corresponding enhancement of the recreation, conservation, and esthetic appeal of the Connecticut River and its valley.

The problems in achieving water of a quality suitable for swimming throughout the basin are immense and are not unique to the Connecticut River Basin. In the larger metropolitan areas and many smaller towns, sewage is collected by a system that collects both waste and storm water. During storms, the amount of flow in the system far exceeds the capacity and excess flows, by necessity, must be overflowed directly to the stream or be treated at a reduced efficiency. The result of these storm water flows is that untreated or inadequately treated wastes are discharged to the river.

One costly solution of this problem would consist of a separation of sewage and storm flows through the construction of separate systems. This solution, however, is exceedingly expensive and has been estimated to cost approximately $490 million for the Connecticut River mainstem and those tributaries affecting the mainstem. A second alternative would be to detain and chlorinate the storm flows to minimize their effects on the river. The cost of this alternative would be approximately $265 million. Present Federal laws recognize the problem of controlling storm water overflows and have authorized funds for the development of practical and economic methods to control such discharges.

Regulation of the river by hydroelectric dams results in periods when dam outflow is reduced to only a fraction of the normal. The result is a seriously reduced water quality caused by increased concentrations of pollutants and hampered ability to assimilate wastes. A comprehensive study of water and related land resources in the basin, led by the U.S. Army Corps of Engineers, and under the aegis of the Water Resources Council, is attempting to determine methods of minimizing the effects of these dams.

Navigation

This report proposes the extension of recreation navigation upstream to a point above the proposed Mt. Holyoke Unit of the National Recreation Area.

Although the river is classified as navigable from its source to Long Island Sound, the only craft now able to make the journey are canoes and other easily-portaged, shallow-draft boats. The river's navigation is interrupted by man-made and natural obstacles. Of the major obstructions, only Enfield Dam and Rapids may be circumnavigated.

Although the Federal Government has improved navigation on the Connecticut River by the creation and maintenance of a 15-foot deep channel from Long Island Sound to Hartford, the full potential of recreational navigation is unrealized.

To improve and extend recreation navigation, it is proposed that:

1. The current recreation navigation project from Hartford to Holyoke, under study by the Corps of Engineers, be a major premise in planning for the Connecticut River National Recreation Area.

2. The Corps of Engineers give priority consideration to providing navigation around Holyoke Dam and upstream some 10 miles to the vicinity of the Calvin Coolidge Bridge at Massachusetts Route 9. The project would relate directly to the proposed Mt. Holyoke Unit and Mt. Tom-Northampton State Park complex.

Such a project would make it possible for small craft to reach the ocean from Northampton. Excellent opportunity exist in the Great Oxbow immediately north of Mt. Tom for marina developments of the magnitude needed to provide for the expected surge in boating interest. It is also recommended that:

3. The Corps of Engineers study the feasibility relative to the extension of recreation navigation upstream from the proposed limit at Holyoke to and including Turners Falls pool.

Recreation navigation could be facilitated in several ways. Dredging can create, enlarge, and maintain channels, thus giving deeper-draft boats access upriver. Locks and canals could bypass existing obstructions. Where locks would be too costly, or where they would seriously impair the natural environment, rail or other portage might be provided.

The various navigation projects now proposed would be fully complementary to the other recommendations contained in this report. Improved recreational navigation would increase the variety of activities at the Mt. Holyoke Unit of the proposed National Recreation Area. A further benefit would be the opening of a river route to Long Island Sound all the way from the Springfield-Holyoke-Chicopee metropolitan area or possibly from above Turners Falls, giving a significant number of additional recreationists access to the sea.

Restoration of Fisheries

In pre-Colonial times, the Connecticut River was a spawning ground for tremendous numbers of Atlantic salmon, American shad, and other anadromous species. The shad runs extended upriver to the foot of Bellows Falls, and the salmon runs all the way to Beecher Falls. Both shad and salmon runs included the principal tributaries of the Connecticut as well. In 1798, a dam was constructed at Turners Falls, another a few years later at Hadley Falls, thus effectively barring the migratory spawning runs of the salmon and shad from the upper river.

At present, the number of shad found in the river is vastly diminished, and there are only isolated cases of single salmon being seen. Barred from upstream spawning places and killed by pollution, the salmon no longer return to the Connecticut. The more tolerant shad migrate unaided only as far as Holyoke Dam. There the Holyoke Power Company operates a device to lift the fish from the base of the dam into the impoundment behind it. In 1964, its peak year of operation, some 35,000 shad were transported over the dam.

There are various factors which can contribute to the restoration of the anadromous fish to the Connecticut River. The first and most important is an accelerated pollution abatement program. There is also the Federal aid program created by the Anadromous and Great Lakes Fisheries Conservation Act of 1965, and the technical planning committee composed of Federal and State fishery biologists, created under the act to study this problem. Companion programs for the construction of fish ladders and passages at dams on both the main stream and tributaries would also contribute to the restoration of the river's once-famed fishery. Through combined action, shad will flourish, salmon can return, and the Connecticut River will again become an outstanding fishery.

Connecticut valley trails

To allow walking and hiking enthusiasts and any other recreationists the opportunity to explore the valley's wonders, this report proposes the establishment of trails throughout the Connecticut River Valley.

Within the National Recreation Area units, trails should be developed to appeal to recreationists of different ages and physical capabilities. Steep mountain paths would challenge the hiker, while gentle walking routes might be more suitable to the weekend recreationist. Bicycle and horseback trails are also needed. In the winter, some of these trails could be utilized by snowmobile users.

The Connecticut River Valley provides many opportunities to establish trails. Utility company holdings and railroad rights-of-way have great potential for trail location. The New York, New Haven and Hartford Railroad's Middletown—Old Saybrook line could be developed as a riverside trail. Routes might also run along scenic riverside roads.

The possibilities of trails on private lands should be explored. Lumber company holdings, which are extensive in the northern part of the study area, have excellent potential for trails along old logging roads.

In addition, this report recommends the establishment of a Connecticut Valley Trail. Its suggested route would begin at the Appalachian Trail near Hanover, N.H., and parallel the river much of the way to the Third Connecticut Lake. East of the Third Lake, the trail would turn south, and follow the ridge line through the White Mountain National Forest, joining again with the Appalachian Trail in the Presidential Range. For some 280 miles, this path would host those who seek the solitude and adventure of the outdoors. An additional trail, 20 miles long, might cut across from the western segment of the valley trail, and follow the Upper Ammonoosuc River to join with the eastern segment about 25 miles north of the Appalachian Trail.

The western section, following the valley floor adjacent to the river, would be less arduous than most present New England trails, which usually follow the ridge lines and involve a good deal of mountain climbing. This section would appeal to those who enjoy hiking or walking but prefer less rigorous routes. The northern and eastern sections would be more rugged in character, appealing to the advanced hiker.

Much of the Connecticut Valley Trail would be located in the Coos Scenic River Unit, adding a further dimension to the recreation activities of that area. The river towns could provide accommodations and provisions that the hikers would require. Where towns are not reasonably close, overnight shelters might be provided at a suggested distance of every 7 or 8 miles, a spacing suitable for family use, yet permitting speedier hikers to skip a shelter.

In areas where the trail crosses private farm or woodland not under some type of scenic control, the right-of-way should average a minimum of 100 feet on each side of the trail, or about 25 acres per mile. Acquisition would be by easement, donation, or exchange, and where necessary, purchase in fee.

Designation of the route should be coordinated by the Secretary of the Interior, in cooperation with other public agencies. Land ownership and responsibility for development and maintenance would rest with the agencies currently holding the various parcels of land.

Completion of this trail would depend on action not only by the Federal Government, but also by the States of Vermont and New Hampshire, and the private sector.

The Federal Government would develop that portion of the trail that runs through the Coos Scenic River Unit and White Mountain National Forest. However, a critical section of the route runs along a portion of the proposed Rogers' Rangers Historic Riverway. Other segments are also outside areas of existing or proposed Federal control. The States of Vermont and New Hampshire are urged to obtain the necessary rights-of-way and establish the trail over these areas, to permit the linkup of the full 300 miles.

Connecticut Valley Tourway

It is recommended that a Connecticut Valley Tourway, running the length of the Connecticut River Valley, be delineated and designated.

The valley offers superb resources for automobile touring. Many of the old roads, tree-lined and winding, emphasize the landscape's natural features and man's response to them. Along the roads the motorist may discover old farmhouses and homesteads, small villages with their commons, woodlands in vernal or autumnal splendor, forests, mountains and lakes, and a sense of the past and present.

A Connecticut Valley Tourway would be more than a roadway twining through characteristic New England scenery. It would wind through country villages of great charm, across sparkling streams and picturesque coves, past many schools, including several of the nation's most honored colleges and universities, and near sites of considerable architectural, historic, archaeologic, and geologic importance (see Table 5).

TABLE 5.—*Representative points of interest*

Educational

Connecticut: Wesleyan University, Middletown; Trinity College, Hartford; Suffield Academy, Suffield.

Massachusetts: Smith College, Northampton; Amherst College and University of Massachusetts, Amherst; Springfield College, Springfield; Mount Holyoke College, South Hadley.

New Hampshire: Dartmouth College, Hanover.

Vermont: Windham College, Putney.

Historic

Connecticut: Fort Saybrook, Old Saybrook; Historic homes, Wethersfield; Old State House, Hartford; State Museum, Hartford.

Massachusetts: Community of Old Deerfield, Deerfield; U.S. Armory, Springfield; Old Storrowton Village, West Springfield.

New Hampshire: Site of Fort Number Four, Charlestown; Indian Stream Republic, Pittsburg; Site of Fort Wentworth, Northumberland.

Vermont: Old Constitution House, Windsor.

Scenic

Connecticut: Gillette Castle, East Haddam; Yacht Harbor, Essex.

Massachusetts: Mt. Sugarloaf, Deerfield; Sugar Houses, Sunderland.

New Hampshire: Covered Bridge across Connecticut River, Columbia; Connecticut Lakes, Pittsburg; Community of Orford, Orford.

Vermont: Covered Bridge across Connecticut, Lunenburg; Quechee Gorge, Hartford.

Business and industry

Connecticut: Constitution Plaza, Hartford; Connecticut Yankee Atomic Power Company, Haddam; Colt Industries, Hartford.

Massachusetts: Eastern States Exposition, West Springfield; Mills and Factories, Holyoke.

New Hampshire: Wilder Dam and Power House, Lebanon; Groveton Paper Company, Groveton.

Vermont: "Precision Valley", Precision Machine Tool Companies, Springfield.

Cultural

Connecticut: Goodspeed Opera House, East Haddam; Wadsworth Atheneum, Hartford.

Massachusetts: "Stage West", resident professional theater, West Springfield; The Quadrangle Museums, Springfield.

New Hampshire: Saint-Gaudens N.H.S., Former home and studios of August Saint-Gaudens, Cornish.

Vermont: Experiment in International Living, Putney.

Archeologic and geologic

Connecticut: Dinosaur State Park, Rocky Hill.

Massachusetts: Dinosaur Tracks-Triassic Beds, Holyoke; Pratt Museum, Amherst.

New Hampshire: Kilburn Crag (Paleozoic fossils), Littleton.

Vermont: Pictographs on canal, Bellows Falls.

The great appeal of this tourway cannot be overestimated. It would not only attract touring motorists, but would allow them to combine their tracing of the tourway with visits to the various units of the National Recreation Area, as well as State parks, forests, and other similar points of interest. By providing a link with the various areas of the valley, the tourway would assure continued appeal of the area to the recreationist and resident.

In establishment of the tourway, existing highways and roads would be utilized. Future highways could be included where desirable. One major purpose would be utilitarian—to connect various points of interest. However, an equal consideration would be the scenic beauty of the route itself. The tourway should have alternative routes wherever possible, some for speed and others for scenery. Interstate routes paralleling the river, such as I–91, would provide rapid transportation from north to south. Other roads, such as U.S. Route 5 in Vermont or New Hampshire Route 10, could afford more leisurely and scenic routes.

In addition to the general route extending the length of the valley, special routes leading to various points of interest in particular localities could be mapped out for convenient reference. Roads leading to particular classes of attractions, such as historic sites or educational institutions, could also be marked. Points of geologic or archeologic interest might be delineated. Another possible route might take visitors to many of the old factories still standing and in operation.

Since there is much scenic beauty in areas adjacent to the valley, side trips into these areas might be pointed out. For instance, one of New England's most scenic drives is a few miles away from the valley in the White Mountain National Forest in New Hampshire. A possible route could direct the motorist south from Littleton, N.H., past the "Old Man of the Mountain," along the scenic Kancamagus Highway, and north through Pinkham Notch past Mt. Washington and the Presidential Range. Designation of the tourway should be a joint Federal-State-local endeavor, with the National Park Service cooperating with the valley States in locating, marking, and protecting the route.

The tourway should be clearly marked with special road signs to assist motorists in tracing the route. Where appropriate, the route should have turnouts, rest and picnic areas, and interpretive facilities. Maps and booklets, prepared by the National Park Service and the States, would be further aids to tourway motorists.

A scenic tourway would not remain scenic for long without adequate protection of the panoramic vistas along the route. Protection should go hand-in-hand with designation. Before any segment is officially designated, local governments should be required to take the necessary action to preserve the route's scenic corridor. Protection should not only discourage adverse types of urban developments, but prevent obstruction of important views while screening unsightly uses such as dumps and junkyards.

Extreme care would be taken to insure that the route selected would not damage in any way the scenic beauty which this report seeks to preserve. Too much traffic through a small village or fragile ecological unit would present a hazard not only to the beauty of the area but also to the safety of its inhabitants. Routes would be chosen to avoid congestion in business areas and to limit traffic in residential sections.

According to the U.S. Department of Commerce's *Proposed Program for Scenic Roads and Parkways*, various devices could be used to protect such a system as the tourway. There could be acquisition of scenic or conservation easements, scenic highway corridor reservation at the State level, and perhaps special conservation or corridor districts. These mechanisms would achieve best results in conjunction with a program of educating the public to their use and meaning. The Federal Highway Beautification Act (P.L. 89–285) would provide relevant support in the cases of new roads which might be added to the route.

Legislation might be needed with respect to existing roads. There would be a need to zone parts of the tourway, and it would be advisable to establish standards for portions threatened by billboards and junkyards, patterned after recent Vermont legislation. The purpose would be not to control all development, but only nonconforming development. Tastefully-designed structures and facilities would be permitted as long as they do not interfere with scenic views.

To coordinate planning and designation of the tourway, a standing committee representing Federal, State, and local interests should be established. This committee would oversee the protection of the route, designate stretches of highway as parts of the scenic tourway, as well as guide expansion and pass on the addition of new points of interest. It would establish specific criteria for designation and be responsible for designation once the criteria were met.

Every level of government should be involved in the tourway. State and local agencies, functioning with the National Park Service, would locate the route. Municipalities would afford general protection for the scenic corridor and provide safeguards on lands surrounding specific points of interest. The States and municipalities would maintain the portions of the tourway on roads for which they are now responsible. The National Park Service could assist State and local jurisdictions in providing the variety of route maps needed, as well as descriptive brochures and interpretive facilities at appropriate points.

RECREATION AND THE VALLEY

The Connecticut River Valley lures the recreationist, offering him not only a wide range of outdoor activities but all-season use as well. The valley enjoys four distinct seasons, and with each a different appearance and range of uses.

Winter brings forth a mantle of white stretching as far as the eye can see, beckoning the skier, sledder, or tobogganer to forsake the noise and clatter of urban life.

With spring, the valley bursts into a flurry of activity. Small streams become rushing torrents—the woodlands echo with the sounds of awakening life. The forest turns from brown to green, while the hills and valleys bring forth their emerald carpet. The air loses its wintry sting and the entire scene awaits the hiker, boater, canoeist, camper, and picnicker.

Summer sun warms the winter, making possible all forms of water-oriented recreation: swimming, sailing, water-skiing, boating, or canoeing. Hikers and campers test their skill while picknickers dally in the sun, enjoying the exquisite panorama.

The valley waits until autumn to display its most colorful finery. The entire countryside is ablaze with chestnut browns, fiery reds and oranges, and brilliant yellows, contrasting with the still-green pine, fir, and spruce. The air is now crisp and clear, and the forest's silence is broken by the rustle of hunter's boots on fallen leaves.

The Connecticut River Valley is indeed a thing of beauty. But this beauty is threatened by the ever-growing appetite of Megalopolis for land, and the shortsightedness of those who would fill and pollute the river.

Future pressures on the valley will be great: from proposed highways, from expanding municipalities, from increasing populations, and from various other forms of land utilization.

Additional highways, tying the expanding factory cities together, will be constructed, providing more rapid access not only for the private automobile but also for industrial traffic. The navigable stretches of the Connecticut will see an uncommon increase of commerce.

But at what cost? Will the price tag for "progress" carry a hidden deficit: extreme water pollution, the loss of scenic beauty, the obliteration of wildlife, and the disappearance of the recreational and spiritual values allied to the valley lands? These are issues which demand careful thought.

The contiguous open space of the Mt. Holyoke and Mt. Tom Ranges is at this moment threatened by land speculation. The critical location of these mountains with their promise of important recreation opportunity makes it imperative that these ranges and their surrounding lands be protected. Another matter crying for urgent action is to minimize the inevitable adverse development pressures along the lower river arising from the completion of Connecticut Route 9. These are pressures which would be aimed at changing and reshaping the Yankee character of the picturesque towns. These are but examples of the valley's critical needs; there exist many others.

The program recommended in this report does not seek to bar future development, but rather to assure that it will be done in a way that respects and enhances the beauty of the Connecticut River Valley. Some impact on present land use is inevitable. But the greatest impact will be on negative, or abusive, land use. The program will put an end to the uncontrolled dumping of effluent into the river. It will stop those who would despoil the valley.

The recommendations made in this report cannot be carried out overnight. Investment on the scope envisioned might be staged over a period of 20 years. This staging of development will serve to reduce the impact on land use by spreading out the acquisiton and development process. The magnitude of the program should be no reason for delay. With land prices rising throughout the valley, delay will only mean higher costs in the future. Riverfront lands must be protected against adverse development as soon as possible. Once so guarded, development could be staged to meet the rising demand for recreation.

The proposed Connecticut River National Recreation Area will help to accomplish these purposes. The three Federal units—Gateway, Mt. Holyoke, and Coos Scenic River—will serve primarily to preserve existing land uses, while providing receation/conservation development within this framework. In keeping with this goal, Federal land purchase will be kept to a minimum.

The three National Recreation Area units will be coordinated closely with nearby State park or forest developments to provide both intensive and extensive recreation for day, weekend, and vacation users. They will be linked by the Tourway into a cohesive recreation entity which will emphasize the history as well as the beauty of the Connecticut River Valley. Additional State parks will not only provide for the increasing demand for recreation, but will lessen the impact of recreation-hungry vacationers. Use will be spread throughout the valley, rather than at only a few locations.

The balance of the river area, it is reasonable to hope, will be protected by local government and the private sector. Enlightened zoning, scenic easements, and concerted action by the valley's residents must take up the battle where Federal and State efforts can do no more. Effective zoning ordinances would encourage the retention of the riverfront lands in uses that can enhance and protect the valley's beauty. The entire range of less-than-fee acquisition would allow private ownership to continue, merely controlling adverse development. Private citizens can join together to set up land trusts, allowing interested individuals to donate land, or money to purchase land. The private sector can play a decisive part in the preservation of the valley.

Water is the focal point of the Connecticut Valley, and water quality is one of the keynotes of this study. All the proposals are founded on the premise of a clean river. Pollution abatement programs are now being carried out and must continue with renewed effort if the valley is to be preserved. Water contact activities are contingent upon an improved water quality. Swimming in the river will enjoy a renaissance; fish runs will reappear.

Establishment of a National Recreation Area will not signal the collapse nor decline of the economy in the localities involved, nor will it disrupt the earning structure. Quite the contrary, recreation and tourism today in America are big business and provide sound job opportunities. With the anticipated pollution abatement of the Connecticut River and the promised preservation of the area's natural resources, land values and tourist income along the entire river can be expected to rise.

Zoning processes and less-than-fee devices allow for the retention of affected lands on the local tax rolls with little or no economic loss to the community other than those encountered under normal circumstances. Wherever possible existing conforming land uses will be preserved. Even where it becomes essential to purchase property as a safeguard to the recreation/conservation concept of a National Recreation Area, the previous owner often will have the opportunity to lease back his former lands. In certain cases the purchase contract will allow the resident to remain on the property under a life-use agreement. In these ways and others the benefits to the Connecticut River Valley and its people may be increased and the negative effects reduced or dispersed.

In review of purposefully limited Federal participaton, the bulk of the preservation will have to be shared by the appropriate State and local agencies, and the private sector. This is in keeping with the New England tradition of self-dependence. Cooperation at all levels is necessary if the character of the valley is to be perpetuated.

Forceful but well-planned action is required now. The needs are self-evident: the beauty of the Connecticut River Valley must be preserved for future generations, and the area must prepare itself to meet the inevitable rising demand for recreation in the Northeast.

APPENDIX 1

SCENIC EASEMENT DEED

This indenture, made this ——— day of ——— 19— by and between ——— of the County of ———, State of Missouri, parties of the first part, and the United States of America, Washington, D.C., party of the second part.

Witnesseth: Whereas, Public Law 88–492, passed August 27, 1964, provided for the establishment of the Ozark National Scenic Riverways in the State of Missouri, for the purpose of conserving and interpreting unique scenic and other natural values of objects of historical interest and authorized the Secretary of the Interior to acquire lands and interests therein, including scenic easements; and

Whereas, the parties of the first part are the owners in fee simple of the real property hereinafter described, lying, being and situated in ——— County, State of Missouri, over which the Secretary of Interior has determined it to be necessary to acquire a scenic easement for the preservation of the scenic values of the area described in said Act, and are desirous in contributing to the development of the Ozark National Scenic Riverways;

Now, therefore, in consideration of the premises, and the sum of ——— to them paid by said party of the second part, the receipt of which is hereby acknowledged, the parties of the first part do by these presents grant, bargain and sell, convey and confirm, in perpetuity, subject to the considerations hereinafter set forth, unto the party of the second part and its assigns, an estate, interest and scenic easement in said hereinafter described real property of the nature and to the extent hereinafter described and do covenant on behalf of themselves, their heirs, successors and assigns (said covenant to run with said land) with the party of the second part and its assigns to do and refrain from doing, severally and collectively upon the said hereinafter described lands, the various acts hereinafter mentioned; it being hereby agreed and expressed that the doing of and the refraining from doing said acts, and each thereof, upon the said lands are and will be for the benefit of the party of the second part through the preservation of the scenic and other natural values of objects of historic interest to the Ozark National Scenic Riverways in accordance with Public Law 88-492 of August 27, 1964.

The scenic easement restrictions hereby imposed upon the use of said lands and the acts which the parties of the first part so covenant to refrain from doing upon the said hereinafter described lands are and shall be as follows:

1. Using the said lands for mining or industrial activity or for any purpose whatsoever except for noncommercial residential purposes or for such additional purposes as may be authorized in writing on such terms and conditions deemed appropriate by the Secretary of the Interior or his authorized representative. But the parties of the first part shall not be precluded hereby from farming the land nor from grazing livestock thereon provided the same be done in conformity with good husbandry practice. The permitted use for farming and grazing shall not include the harvesting of timber, but firewood for personal use may be gathered from selected areas upon approval of the Park Superintendent.

2. Erecting or building any structures on said lands, including major alterations to existing buildings, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative. There is specifically retained by the parties of the first part, their heirs, successors and assigns the right to perform ordinary maintenance on all existing structures and buildings, together with the right to replace, rebuild or substitute any building or structure now existing with similar buildings or structures in substantially the same location, if all or any of such existing buildings are destroyed or damaged by fire, storm or other casualty.

3. Permitting any change in the character of the topography of said lands other than that caused by the forces of nature, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative.

4. Permitting the accumulation of any trash or foreign material which is unsightly or offensive.

5. Cutting or permitting to be cut, destroying or removing any timber or brush, except as may be authorized in writing by the Secretary of the Interior, or his duly authorized representative. Provided, however, that seedling trees or seedling shrubbery may be grubbed up or cut down in accordance with good farm practice on lands presently being cultivated or for residential maintenance purposes. Cultivated crops, including orchard fruit and nut trees, may be pruned, sprayed, harvested and otherwise maintained in accordance with good farm practice.

6. No trailer shall be placed, used or maintained on said lands as a substitute for a residential building or other structure, and no sign, billboard, or advertisement shall be displayed or placed upon the land, except that one sign not greater than 24 inches by 36 inches, in size, advertising the sale of products raised thereon or sale or lease of the lands may be displayed on appropriate occasions.

The lands hereinabove referred to and to which the provisions of this instrument apply, are situated in the County of ———, State of Missouri, and are more particularly described as follows:

This conveyance is subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

By acceptance of this deed, the party of the second part specifically agrees for the purpose of the parties of the first part retaining their present means and rights of ingress and egress, that the parties of the first part, their heirs, successors and assigns, or invitees, shall not be required to pay, when proceeding directly to and from such lands, park entrance or road fees.

The parties of the first part, for the consideration hereinabove set out, do further grant unto the party of the second part and its duly authorized representatives the right of ingress and egress upon and across said lands for the purpose of effecting emergency action with regard to the control and suppression of fires and for emergency action needed for visitor protection in relation to the operation of the Ozark National Scenic Riverways as established by the hereinabove mentioned Act.

To have and to hold the hereindescribed scenic easement and rights unto the party of the second part and its assigns forever.

The parties of the first part, for themselves, their heirs, successors and assigns do hereby covenant with the said party of the second part and its assigns that they are lawfully seized of an indefeasible estate in fee simple in the hereindescribed lands; that they have the right to sell and convey the estate, interest and scenic easement herein conveyed; and that they will warrant and defend unto the party of the second part and its assigns, forever, the quiet and peaceable use and enjoyment of the herein granted easement against the lawful claims and demands of all persons whomsoever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

------------ [SEAL].
------------ [SEAL].

STATE OF MISSOURI,
County of ———, ss.:

On this ——— day of ——— 1966, before me personally appeared ——— to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In testimony whereof, I have hereunder set my hand and affixed my official seal, the day and year first above written.

———— ————,
Notary Public.

My term of office as a Notary Public will expire ———.

APPENDIX 2

CERTIFICATE OF INCORPORATION OF LYME LAND CONSERVATION TRUST, INC. (A NONSTOCK CORPORATION)

We, the incorporators, certify that we hereby associate ourselves as a body politic and corporate under the Nonstock Corporation Act of the State of Connecticut.

1. The name of the corporation is Lyme Land Conservation Trust, Inc. It shall be located in the Town of Lyme, Connecticut.

2. The nature of the activities to be conducted and the purposes to be promoted or carried out by the corporation are as follows:

a. To engage in and otherwise promote for the benefit of the inhabitants of the Town of Lyme the preservation of natural resources of the land, swamps, woodland and open spaces, and the plant and animal life therein, and the preservation of unique scenic and historic sites therein;

b. To engage in and otherwise promote the scientific study of and to educate the public regarding local natural resources, including plant, animals, birds, fish and other wildlife;

c. To acquire, by gift, purchase or otherwise, real or personal property of all kinds and to use such property in such manner as the Board of Directors shall deem appropriate to carry out the purposes set forth herein and subject to the limitations set forth herein;

d. To use all property held or controlled by the corporation and the net earnings thereof within the United States of America for the benefit of the inhabitants of the Town of Lyme and exclusively for the educational, scientific, charitable and conservationist purposes set forth herin;

e. To exercise its powers through its officers, directors, members, employees and agents and to join with other organizations in activities designed to achieve the objectives of the corporations;

f. In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized for the purposes herein set forth, or necessary or incidental to the powers so conferred, or conducive to the attainment of the purposes of the corporation, subject to the further limitations and conditions that, notwithstanding any other provision of this certificate, only such powers shall be exercised as are in furtherance of the tax-exempt purposes of the corporation and as may be exercised by an organization exempt under Section 501 (c) (3) of the Internal Revenue Code and its Regulations, as they now exist or may hereafter be amended, and by an organization contributions to which are deductible under Section 170 (c) (2) of such Code and Regulations, as they now exist or may hereafter be amended.

3. No part of the earnings of the corporation shall inure to the benefit of any member, director, or officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes), and no member, director, officer of the corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall

not participate in, or intervene in, any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this certificate, the corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations, as they now exist or as they may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations, as they now exist or may hereafter be amended.

4. The classes, rights, privileges, qualifications, obligations, and the manner of election or appointment of members are as follows:

a. Charter Members shall consist of those persons who have paid dues of Fifty ($50.00) Dollars prior to June 1, 1967. Charter members shall be exempt from any further assessment of dues. Charter Members may attend all meetings of the members of the corporation, but shall have no voting rights. Charter Members may also qualify as members of another class by fulfilling the qualifications and paying the dues of such other class.

b. Life Members shall consist of those persons elected as such by the Board of Directors. Life Members shall be exempt from any assessments of dues. Life Members may attend all meetings of the members of the corporation, but shall have no voting rights. Life Members may also qualify as members of another class by fulfilling the qualifications and paying the dues of such other class.

c. Regular Members shall consist of those persons eighteen years of age or over who are residents of Lyme or owners of real property in Lyme and who have paid the current annual membership dues as established from time to time by the Board of Directors. Regular Members may attend all meetings of the members of the corporation during each fiscal year for which they have paid such dues and shall have the right to vote thereat on all matters submitted to a vote of the members.

d. Associate Members shall consist of those persons eighteen years of age or over who are not eligible to be Regular Members and who have paid the current annual associate membership dues as established from time to time by the Board of Directors. Associate Members may attend all meetings of the members of the corporation during each fiscal year for which they have paid such dues, but shall have no voting rights.

e. Junior Members shall consist of those persons under eighteen years of age who have paid the current annual junior membership dues as established from time to time by the Board of Directors. Junior Members may attend all meetings of the members of the corporation during each fiscal year for which they have paid such dues, but shall have no voting rights.

f. Honorary Members shall consist of those persons who have been elected as Honorary Members by the Board of Directors. Honorary Members shall be exempt from any assessment of dues. Honorary Members shall have no voting rights, but shall have such rights and privileges as may be granted to them by the Board of Directors.

g. The membership of a member of any class shall terminate upon his death or resignation. In addition the membership of a Regular Member, Associate Member, or Junior Member shall terminate at the end of the fiscal year for which he has paid dues, but shall be reinstated upon payment of the dues for the current fiscal year.

5. This corporation shall have perpetual existence; but in the event of the dissolution of the corporation or the termination of its corporate existence, all its net assets shall be transferred, paid over, and delivered exclusively to or for the benefit of the Town of Lyme or the State of Connecticut, or one or more scientific, charitable or educational organizations, to be used and devoted as nearly as practicable in accordance with the purposes of this corporation as herein set out, provided that no such asset shall be distributed other than to or for the benefit of organizations qualifying at the time of such distribution under the provisions of Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or may hereafter be amended.

6. This Certificate of Incorporation may not be amended to permit any action which would prevent the corporation from qualifying as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, as it now exists or may hereafter be amended.

Dated at Lyme, Connecticut, this ——— day of ———, 1966.

STATE OF CONNECTICUT,
County of New London, ss.:

Lyme, Connecticut, ———, 1966.

Personally appeared ———, and ———, made oath to the truth of the foregoing certificate by them signed before me.

LYME LAND CONSERVATION TRUST, INC., BYLAWS

ARTICLE I. NAME, SEAL AND ADDRESS

1. *Name.*—The name of this corporation is Lyme Land Conservation Trust, Inc.

2. *Seal.*—The seal of the corporation shall be circular in form and shall bear the words "Lyme Land Conservation Trust, Inc."

3. *Address.*—The address of this corporation shall be P.O. Box, Hadlyme, Connecticut, or such other address as the Board of Directors may designate from time to time.

ARTICLE II. MEETINGS OF MEMBERS

1. *Annual Meeting.*—The annual meeting of the members of the corporation shall be held in Lyme at such place and on such day in the month of June as the Board of Directors (or the President in the absence of action by the Board of Directors) may determine, for the purpose of electing directors and officers and the transacting of any other business which may legally come before the meeting.

2. *Special Meetings.*—Special meetings of the members of the corporation may be called at any time by the President, by the Board of Directors, or upon a petition in writing signed by fifteen (15) members of the corporation entitled to vote.

3. *Quorum.*—At any annual or special meeting of the members of the corporation, twenty-five precent of the members of the corporation entitled to vote shall constitute a quorum. There shall be no voting by proxy, except on resolutions providing for (a) amendment of the certificate of incorporation, (b) approval of a plan or merger or consolidation, (c) sale of all or substantially all the assets of the corporation, and (d) dissolution of the corporation.

4. *Notice.*—Not less than ten days prior to all annual and special meetings the Secretary shall mail a notice thereof to all members entitled to vote at such meeting. The notice shall set forth the time, date and place of such meeting and the business to be transacted thereat.

ARTICLE III. DIRECTORS

1. *General Powers.*—The property, affairs and activities of the corporation shall be managed by a Board of Directors consisting of not fewer than three and not more than seven persons, as may be determined from time to time by the members. Directors shall be regular members of the corporations. The Board of Directors may and shall exercise all of the powers of the corporation except such as are by law, by the Certificate of Incorporation, or by these By-laws expressly conferred upon or reserved to the members.

2. *Election of Directors.*—The first Board of Directors shall be elected at the organization meeting of the corporation. The first Board of Directors shall consist of five directors, the terms of two of whom shall expire at the annual meeting to be held in June, 1967, the terms of two of whom shall expire at the annual meeting to be held in June, 1968 and the term of one of whom shall expire at the annual meeting to be held in June, 1969. Thereafter, at each annual meeting there shall be elected a number of directors equal to the number of directors whose terms expire as of that annual meeting, and each director so elected shall serve a term of three years. A director shall serve for the term for which he is elected and until his successor is elected and qualifies. If a director ceases to be a regular member of the corporation, his term as director shall immediately terminate.

3. *Vacancies.*—In case of any vacancy in the Board of Directors by death, resignation, disqualification, or any other cause, the remaining directors may elect a successor for the balance of the vacant term by affirmative vote of a majority of them.

4. *Meetings.*—The Board of Directors shall meet upon call by the President or upon written request filed with the Secretary by any two or more directors. The Secretary shall give to each director reasonable notice, oral or written, of the time and place of each meeting of the Board of Directors. A quorum shall consist of a majority of the Board of Directors.

ARTICLE IV. OFFICERS

1. *Election.*—The officers of the corporation shall be a President, a Vice President, a Secretary, and a Treasurer, all of whom shall be regular members of the corporation. They shall be elected by the Board of Directors. The first officers of the corporation shall be elected by the Board of Directors at a meeting held as soon as convenient after the organizational meeting of the corporation. Subsequent officers shall be elected by the Board of Directors at a meeting held as soon as convenient after each annual meeting of the corporation. Officers shall serve until their successors are elected and qualify. If an officer ceases to be a regular member of the corporation, his term as such officer shall immediately terminate.

2. *Powers and Duties.*—The various officers shall have such powers and duties as customarily appertain or are incident to their respective offices and, in addition, such powers and duties as the Board of Directors confers and designates.

3. *Vacancies.*—In case of any vacancy among the officers by death, resignation, disqualification, or any other cause, the Board of Directors may elect a successor to hold office until the next annual meeting. In addition, the Board of Directors may elect from time to time such Assistant Secretaries and Assistant Treasurers as in its judgment, may be necessary, to hold office until the next annual meeting.

ARTICLE V. NOMINATION FOR DIRECTORS AND OFFICERS

At least one month before the annual meeting the Board of Directors shall appoint a nominating committee which shall nominate one person for each director to be elected. Additional nominations for directors may be made by petition signed by five members entitled to vote.

ARTICLE VI. FISCAL YEAR

The fiscal year of the corporation shall end on January 31st in each year.

ARTICLE VII. PROHIBITION AGAINST SHARING IN CORPORATE EARNINGS

No member, officer, director or any other private individual shall receive at any time any of the earnings or pecuniary profit from the operations of the corporation, provided that this shall not prevent the payment to any such person of reasonable compensation for services rendered to or for the corporation in carrying out any of its tax-exempt purposes; and no such person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the corporation.

ARTICLE VIII. PROHIBITED ACTIVITIES

Notwithstanding any other provision of these By-laws, no member, officer, employee, director or representative of this corporation shall take any action or carry on any activity by or on behalf of the corporation not permitted to be taken or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations, as they now exist or may hereafter be amended, or by an organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations, as they now exist or as they may hereafter be amended.

ARTICLE IX. AMENDMENTS

These By-laws may be amended by adoption of an amendment resolution, either before or after adoption thereof by the members, by the Board of Directors and adoption of such resolution by the affirmative vote of at least two-thirds of the members present and entitled to vote thereon at a meeting called for that purpose at which a quorum is present.

WAGE-PRICE FIGURES—OLD GAPS AND NEW NEEDS

Mr. PROXMIRE. Mr. President, our economy, as I have mentioned on several occasions, must have more meaningful guidelines for wage and price increases. This, in turn, calls for a much more effective structure for gathering the facts necessary for operating adequate wage-price guidelines.

Recently I was pleased to read a copy of a statement on wage-price productivity delivered by Dr. Irving H. Siegel of the W. E. Upjohn Institute for Employment Research at the 128th annual meeting of the American Statistical Association at Pittsburgh on August 21. His paper is entitled "Wage-Price-Productivity Statistics: Old Gaps and New Needs." Dr. Siegel is well known to the Joint Economic Committee. He is a member of the Joint Economic Committee's Advisory Committee and has been a witness before us. He is a former member of the staff of the Council of Economic Advisers. In his paper, Dr. Siegel makes a case for improving our existing quantitative tools to improve guideline administration. I think it is a worthy addition to the colloquy on this important and sometimes difficult subject.

I ask unanimous consent that Dr. Irving Siegel's remarks be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

WAGE-PRICE-PRODUCTIVITY STATISTICS: OLD GAPS AND NEW NEEDS

(By Irving H. Siegel, the W. E. Upjohn Institute for Employment Research*)

INFORMATION FOR FUTURE GUIDELINES: AN UNCOMPLACENT VIEW

This paper concerns a field of economic policy that is heavily laden with statistical interest. It concentrates on the disparity between the data and measures that would be required for the flexible or "liberal" administration of a future formal program of wage-price monitoring and the data and measures that are likely to be available instead. By flexible or liberal administration, we mean the permission of wide diversity in company and union decision-making. The desideratum is: *Official tolerance, if not encouragement, of something like the present broad private discretion in wage and price determination within the mathematical and commonsense limits imposed by a national aim of aggregate non-inflationary performance.* Although we speak here of wage-price monitoring, we do not intend to exclude the alternative prospect that non-wage and non-salary remuneration too will come under regular scrutiny, that a comprehensive "incomes policy" will actually be adopted.

Our topic has obvious civic importance but may attract only a small fraction of the attention it deserves. Indeed, past and contemporary experience suggests that the subject may continue to be slighted even by technicians responsible for the compilation of data and for the derivation, application, and interpretation of measures. In addition to representing a professional communication, this paper has lessons for public officials, legislators, and business and labor executives, all of whom help to make and carry out policy; and for journalists, who could serve more effectively in educating the larger community by becoming better informed themselves.

In the discussion that follows it is assumed[1] that:

1. Our nation-state and national economy will survive the disintegrative social and political strains which have so dramatically become evident.
2. Continual, ever-fuller employment will become a more explicit Federal aim, emerging as the preferred and most conservative route among those tried or promised for the general achievement of higher personal incomes and higher living scales.
3. Active fiscal policy in support of this extended employment objective will become incorporated in the national style, whatever the political party in power and whatever the name by which such policy is called.
4. Accompanying upward pressures on wages and prices will demand an institutional counterweight, and this corrective will be provided sooner or later by a formal program of wage-price surveillance. A formal program would presumably have an explicit statutory basis, pervasive scope, and steady application—unlike its predecessor, which was born in 1962 and is commonly declared to have died *circa* 1966, but seemed in summer of 1968 only to have been sleeping on a tombstone.

The reference to "disparity" in the second sentence of this paper provides a clue to the position that is elucidated here. An examination of the present state of the public and private information supply, of past gains, and of portents does not justify confidence that a future formal program of wage-price monitoring is bound to be benign. Although the decision to adopt a policy commonly runs ahead of the social stock of data, derived measures, and knowledge, the conduct of a policy is critically affected, nevertheless, by the availability, compatibility, and diffusion of information. Thus, in the absence of an adequate information base, administration could well be Procrustean, simplistic, arbitrary, uneven, capricious. The total statistical base in now woefully inadequate for liberal guideline administration, and it seems destined to remain so. Indeed, if the authoritarian potention of formal monitoring does not materialize in the future, credit will have to be given to factors other than the quantity, quality, and distribution of wage-price-productivity information. Some possibly compensatory features of the future program are specified later.

This judgment goes counter to the impression conveyed by ubiquitous and recurrent reports of statistical improvement and of continual progress toward greater and even more precise economic knowledge. Despite the incremental advances actually being made all the time in filling various advertised gaps in the Federal statistical system (and these gains and the efforts they entail are not here disparaged), a fundamental limitation of the data base for flexible administration of wage-price-productivity policy persists. This root problem has been obvious throughout the long history of index-number construction. Although it is taken for granted by most makers and users of measures, it is not subject, alas, to casual or incidental correction by incremental gap-filling progress. The data limitation continually obliges the derivation, application, and juxtaposition of indicators that may carry an intolerable wrapper of noise around an undistinguishable core of message. As for the private contribution to our national information resource, companies obviously have great new opportunities to enlist the computer in support of diversity in decision-making without prejudice to national guideline constraints. These opportunities are not likely to be exploited effectively or soon enough, however, especially in the absence of determined government leadership *to improve and enlarge the joint public-private data bank for the express purpose of compatible measurement of key guideline variables from the national economy down to the firm.* Significant implementation of this purpose would provide an information base that also is better suited for solution of *tomorrow's* urgent measurement problems—problems yet to be defined.

The inappropriate focus of the informal guideline program adopted in 1962 on *past* productivity trends obscures another statistical complication that will have to be faced in any serious future effort to restrain the inflationary pressures engendered by pursuit of ever-fuller employment. Wage criteria should be based on *prospects* regarding productivity and unit labor cost, not on history—and forecasting must remain an unreliable art in a society that is still mostly open-ended. Unfortunately, the mechanical extrapolation of productivity trends for the whole economy, for its parts, and for firms is not the same as making *correct near-term projections.* Furthermore, errors of optimism in projection cannot be easily undone; the Moving Finger, having writ, cannot be lured back by political piety or bureaucratic wit to cancel embedded inflationary excesses.

In short, the outlook for permissiveness in a regime of formal wage-price guidelines is dimmed by the improbability of a great leap forward with regard to the volume and soundness of measures and by a need to depend, in any case, upon uncertain forecasting. From the statistical standpoint, Procrustean enforcement would appear inevitable, as experience with the informal program instituted in 1962 may also hint. Because of data problems and conceptual difficulties, historical change in guideline variables cannot now be gauged unequivocally for the majority of industries and industry complexes; and, in many important instances, it is not now being gauged at all. Furthermore, the information requirement for constructing guideline index numbers that are mutually adapted and modularly compatible from the national economy down to the firm greatly exceeds any reasonable prospect of supply. Indeed, an expectation of substantial improvement in this direction could well prove a silly dream. Furthermore, even if the desired measures were miraculously to become computable, the challenge of accurate projection would still have to be met. It appears that, to live as free men by the numbers under a new dispensation of formal guidelines, would involve a double miracle—the capture not simply of unicorns but of unicorns that fly.

Footnotes at end of article.

The presentation below of two sets of structurally matched index-number formulas that are especially pertinent to flexible guideline administration makes the staggering informational requirement very explicit. Each set of formulas, based on a common paradigm, deals equitably with all associated guideline variables and would permit modularly compatible measurement for all levels down to the individual firm. One of the two sets, furthermore, could assist in the conduct of integrated wage-price and monetary policy—a marriage essential to the success of any program for continual containment of inflationary forces.

Although the two index-number schemes cannot be effectively implemented with the information that now exists or that is likely to become available in the visible future, they do provide helpful models—standards for practice, for criticism and evaluation, and for possible technical improvement. They offer criteria for design and analysis of constructible compromise measures and for appraisal of available measures—the measures that have to be used in conjunction with each other for want of better alternatives. They indicate desirable directions of data reform and extension, whether or not movement along these paths is practicable. They suggest the kinds of test and experimental measures that ought to be approximated wherever feasible. Finally, our algebraic exercise is relevant, even at the present time, to an undertaking announced in the 1968 *Economic Report of the President* (p. 92): "A new economic tableau that will ultimately provide comprehensive information on output, labor input, price, and productivity by major sectors on a quarterly basis."

INCREMENTALISM AND THE UNPOLISHABLE FLAW

The fundamental defect in our public and private information system, from the standpoint of measurement for liberal guideline administration, is easy to state. It is: *The absence of coordinated or correlative data on a product or quasi-product basis for quantities and prices of outputs, of factor inputs, and of inputs derived from other places or time periods.* By quasi-products, we mean definable components of normally identified gross products and services—especially components that, by virtue of greater homogeneity, are more amenable to aggregation. These components, which may be called "subproducts" in the case of physical output and "activities" in the case of services, correspond to the "arcs" of total output cycles.[2]

The flaw in the data base cannot be easily or significantly remedied, certainly not by gap-filling here and there. The systematic compilation and maintenance of "atomic" correlative data would not only prove an overwhelming task and entail prohibitive costs, but it cannot even be pursued very far (especially in the case of nonmanufacturing industries) without encounter of stubborn, perhaps insuperable, conceptual problems. Indeed, the designation of products or quasi-products for such service industries as government and finance and for such pursuits as research and development is a philosophical challenge that most economists and statisticians have become accustomed to shun like a direct glance at the Gorgon Medusa.

If coordinated basic data were generally available, it would be possible to do two things that are important for flexible guideline administration—and much else besides. First, structually matched, or laterally consistent, index numbers could be constructed for the guideline variables. Second, hierarchically compatible index numbers could be constructed for these variables for all levels of aggregation, from the national economy down to individual companies. Furthermore, more meaningful quarterly or monthly measures could be devised; and the quantitative treatment of joint or overhead operations, inventory changes, multiprocess end-products, nonstandardized output, and services in general could be rendered more plausible.

The measure for each guideline variable would be certain, according to its design, to be an internal mean of relatives—i.e., a number lying between the minimum and the maximum change ratios computed (or computable) for individual products or quasi-products. The index for any higher level of aggregation would also be an internal average of the corresponding measures for lower levels. Although index numbers, or measures purporting to be index numbers, are usually interpreted as internal means, the presumption may not be warranted. Their manner of derivation frequently renders them conceptually vague and structurally nondescript—black boxes filled, perhaps, with black jelly.

As we look about, we may well be impressed, if not reassured, by the cheerful acceptance of the chasm between desirable and actual information for guideline use. In general, it is agreeably assumed that the statistical community can and will make do; that ingenuity and cosmetics may be substituted indefinitely for coordinated data compiled on a product or quasi-product basis; that, once acknowledged, the fundamental flaw in the data base may salutarily be ignored. Little curiosity is usually shown regarding the conundrums of quasi-product definition and quantification, and only occasional enthusiasm is registered for a frontal assault on these difficulties. Two decades or more ago, the industry and product detail of the biennial and quinquennial *Census of Manufactures* inspired the microdata approach to production and productivity measurement. The paucity of building blocks was recognized; company surveys were stressed for augmentation of the supply, but the difficulty of significant further progress within and beyond manufacturing was also conceded. In the subsequent era of national accounting (in current and constant prices), the illusion has been fostered that indirection can generally break the data *impasse*. According to the new rites, sound statistical edifices may supposedly be erected by a quick and dirty (really, very sanitary) application of an algebra of words. It is fashionable, for example, to deflate thick or thin veneers of value information by more or less relevant, and often scrappy, price indexes. This technique does readily yield facades, if not solid buildings; and it often simulates measurement for larger components of the economy with much less information and effort than for smaller components. Strangely, the conceptual and structural obscurities of deflated measures and of others derived with the benefit of a ceremonial cancellation of words help them to circulate like universal coin; they are exempt from fine-grain scrutiny and accepted too eagerly for all contexts and purposes.

The challenge of liberal guideline administration should remind us of the continuing relevancy of the index-number chapters of elementary textbooks in economic or business statistics. Although latter-day sophistication seems to sanction routine resort to indirection and to low-grade verbal algebra in measurement we still have to imagine what direct attempts with appropriate microdata would yield. Such Platonic types ever provide the standards required for approximation and appraisal. The object of computation, after all, is not simply to generate numbers having agreeable labels but, rather, to derive adequate and dependable answers. It is useful to know the difference between what is done and what ought to have been done instead. To bang with a sword upon the reflection of the Medusa in the shield of Perseus is not the same as slaying her.

The flood of public and private studies and reports offering wage-price-productivity computations or calling for improvements in this general area rarely addresses such fundamental matters as the enlargement of the stock of coordinated data and the provision of laterally and hierarchically consistent measures. The dominance of incrementalism is as clear as it is natural. It is evident from a perusal of representative contributions to the literature of the past decade or so—e.g., a report made in 1957 to the Joint Economic Committee, the *National Economic Accounts of the United States* (especially Chapter 6); *The Economic Report of the President* for 1958 and more recent years, including 1968; the "Special Analysis" on Federal statistics included annually in the *Budget of the United States Government;* the 1962 report of the President's Committee to Appraise Employment and Unemployment Statistics, *Measuring Employment and Unemployment;* the 1964 report of the Bureau of the Budget on *Measuring Productivity of Federal Government Organizations;* and numerous documents issued by the Joint Economic Committee, which held hearings and reported in 1967 on "The Coordination and Integration of Government Statistical Programs."

Incremental statistical advance has, of course, left some important old gaps unplugged while also not improving our capacity to meet today's—or tomorrow's—fundamental measurement challenges. In this connection, note should be taken of some remarks made by the President of the American Statistical Association at the end of 1967.[3] Despite more than a trebling of government expenditures on statistical programs in the course of a decade, he observed that the outlays still amounted to "not quite one-tenth of 1 percent of the Federal budget." Despite the technical progress made in the past, he could still list "better statistics on wages, productivity, and unit labor costs" as his "first plea" for "needed improvements" in economic measurements. In particular, he cited the need for a comprehensive indicator of hourly earnings in manufacturing, one that covers all employees and includes fringe benefits. He also referred to "the inadequacies of current measures of output per manhour and of labor costs per unit of output." About such measures, which have "highly important uses," he said:

"They are needed monthly, they should be comprehensive as well as comparable in their coverage, and they should also be made available for individual industries. Progress is being made in some of these directions, but the results are scarcely visible. I believe there is need for a very significant improvement here."

This statement, of course, has remarkable implications for a radical revision of the national data base. The statement demands, in effect, a vast commitment to compile correlative information for subproducts and homogeneous activities. Such a reorientation of Federal statistics, however, seems no more likely now than it did, say, when the present author explicitly noted the same need in the early 1950's.[4]

More recently and in another role, the same President of the Association took oblique cognizance of a persisting defect in manufacturing production statistics and of a dubious method of measuring manufacturing productivity. The statistical defect has been exacerbated during the past generation of general broad progress, and the exceptionable technique of deriving productivity estimates for manufacturing seems to have become the norm:

"The precision of the inferences drawn from economic data often depends crucially upon a clear understanding of how the data were compiled and what they signify. As an example, take the fairly common practice of obtaining a current index of productivity change by dividing the Federal Reserve index

---

Footnotes at end of article.

of industrial production by the man-hours of employment of industrial workers. Unless one were aware that the compilers estimate a very large fraction of the production index from man-hours of employment adjusted by extrapolated estimates of change in output per man-hour, one would not realize that the computation was to a considerable degree simply reproducing the previous extrapolations. Nor would one be concerned to find out to what extent one's conclusions were affected by this circumstance."[5]

This quotation refers, in a veiled manner, to the fundamental data flaw that creates a permanent quasi-gap in the leading index of industrial production and leads to a most uncritical use of low-grade verbal algebra in productivity measurement. It recalls more direct—and ineffectual—allusions made many times during the past two or three decades to the same regrettable defect of the industrial production index.[6]

IDENTITIES FOR MEASUREMENT AND ADMINISTRATION [7]

A central place in guideline theory and practice must be reserved for verbal or accounting identities. Such definitional statements, especially multiplicative ones, provide useful frameworks for the design of mutually adapted formulas to represent the guideline variables, for a discriminating choice among available measures, and for distinguishing between mere verbal algebra and the more rigorus requirements of literal algebra. By contributing to an appreciation of the difference between micro-measurement and macromeasurement, they make clear that latitude exists for discretion in guideline administration; that the prescription of macroconstraints on aggregate behavior does not preclude microflexibility, as though the whole economy were simply one firm making one product.

At the atomic level, identities are unambiguously translatable into numbers; but, for higher levels, the correspondence between words or symbols and the magnitudes representing them has to be contrived. Identities, being definitions or tautologies, are necessarily true for the associated variables of individual products or subproducts. When we deal with combinations of products or subproducts, however, the congruence of words and numbers does not automatically obtain. Thus, verbal identities have to be *made* or *kept* numerically true for firms, industries, and high levels of aggregation; and two general procedures are available for so doing, one of which is far superior to the other according to the viewpoint of this paper.

The less desirable method of assuring correspondence between words and numbers is the one frequently practiced in index-number work. "Any old" measures are accepted for all but one of the macrovariables associated in an identity, and the remaining magnitude is determined residually (e.g., by deflation, multiplication, addition, or subtraction). The nature of this residual measure depends entirely on the content and structure of its companions; and gilt may not be acquired by such association. The magnitude may be volatile and spurious; among other limitations, it may lie outside the range of the relatives for products or subproducts.

The second approach to congruence is preferable in principle but would require a fundamental overhaul of the data base. It takes direct account of the requirements of literal algebra as a matter of design. It specifies the forms and ingredients of the measures of the jointly considered variables and assures that these variables are treated equitably. It may also assure that the index-number formulas register changes intermediate in magnitude between the minimum and maximum relatives for individual products or subproducts; and that the numerical results obtainable directly are also obtainable by such indirect techniques as deflation.

To give concreteness to these remarks and to provide a corridor to the final sections of this paper, we consider three examples pertinent to guideline measurement and administration. The first identity is the familiar one connecting hourly compensation, unit labor cost, and productivity:

$$\text{Average hourly remuneration} = \text{Unit labor cost} \times \text{Output per man-hour}$$

When hourly remuneration rises more rapidly than manhour productivity, unit labor cost necessarily rises too, and this increase exerts an upward pressure on prices. But the pressure is not necessarily translated into a price increase—for any firm or for the whole economy. Whether or not such translation occurs is a proper matter for observation or econometric inquiry. Certainly, the translation should not be *forced* by a guideline interpretation that insists on the removal of all companies from the ingenious world in which they actually live to a simplistic Cobb-Douglas model.

If we are not satisfied to confine attention to unit labor cost or if we do not regard it as properly determinative of price change, we may use an identity that brings price explicitly into the picture. Doing so also requires the introduction of a term representing the share of wages in value added (or total factor income):

$$\text{Average hourly remuneration} = \frac{\text{Payroll}}{\text{Value added}} \times \text{Price} \times \text{Output per man-hour}$$

This expression may be of greater administrative and analytic interest but it would also require more information.

Returning to the first identity above, we may multiply both sides by man-hours and arrive at a statement that still focuses attention on unit labor cost, but as the link between two aggregates, total payroll and and total output:

$$\text{Payroll} = \text{Unit labor cost} \times \text{Output.}$$

This version has certain advantages over the original with respect to measurement and administration. It is also useful in joining growth and fiscal policies to monetary policy—a coordination greatly to be desired for price stabilization. If constant unit labor cost in the economy at large is deemed to be critical for price stability, the new statement suggests that total payroll should not be allowed to rise more rapidly than total output. According to the quantity theory of money and various proposals for translating this theory into practice[8], the increase in the supply of money and credit should be reasonably related to the prospect for output. Consequently, the joint policy standard may be stated thus: The payroll total should not be allowed to rise faster in the whole economy than aggregate net output, which in turn should govern the rate of increase in money and credit.

Four observations are in order:

A. Since the three verbal relations for guideline variables are atomic definitions that are to be preserved at higher levels of aggregation, they need to be viewed as truisms not subject to negotiation. Thus, if we really mean to preserve price stability through constancy of unit labor cost, we are not at liberty to sweeten an identity with a cost-of-living adjustment. An identity cannot be bribed in the interest of equity. This remark is not a value judgment; it does not propose that equity should be subordinated politically to literal price stability.

B. For liberal guideline administration, it is necessary to concede that many different frequency distributions, many different patterns of company (and union) behavior, are compatible with stability of average unit labor cost and of the price level. Indeed, if every company makes a wage adjustment reflecting its own productivity outlook, a correctly projected national productivity increase could still be respected. That is, no upward pressure on the price level need arise from labor payments, a fact easily seen from the third identity, which features aggregates.

This preference for microflexibility within the limits of the macroalgebra is not endorsed by the Council of Economic Advisers, which asserted in the 1968 *Economic Report* (p. 124):

> ". . . that price stability can be achieved and maintained only to the extent: (1) that increases in hourly compensation generally conform to the average economywide improvement of output per man-hour; and (2) that changes in prices in individual sectors generally conform to changes in unit labor costs in those sectors."

These are not really necessary, or unique, conditions for price stability. Besides, Procrustean administration along these lines would not conduce to "efficient allocation of resources", which the Council also seeks through a guideline program (p. 120).

C. To facilitate flexible administration of guidelines, a tolerance of diversity in company (and union) behavior (even in the absence of ideal statistics), the future formal program of wage-price surveillance might incorporate certain non-coercive features for dampening inflationary exuberance in the first place. Thus, the writer has proposed elsewhere that non-negotiable "wage-deferment bonds" of guaranteed purchasing power be issued to workers accepting less than the productivity increase set as a national criterion. Furthermore, syndical arrangements by government with labor and business might stipulate avoidance of speculative wage and price adjustments in consideration of the economic stability afforded by active fiscal policy. The coordination of active fiscal policy with "responsible" money policy would reinforce this argument. Again, as in the most recent steel industry confrontation (August 1968), the Federal government might act energetically and more consistently as a self-interested monopsonist, rather than as a coercive public authority. Finally, an important role must be reserved to education of the nation with regard to guideline relationships, even though such education may nowadays be derided as exhortation, ear-stroking, or macropreachment.[9]

D. A proper emphasis in guideline administration on prospective, rather than past or recent, changes in productivity (according to the first of the three accounting statements) has no bearing on the truth of guideline identities. The effectiveness and the probable flexibility of administration, however, would be affected by the ability of appropriate officials to make reliable national productivity forecasts.

MATCHED INDEX-NUMBER FORMULAS: WAGES, PRICES, AND PRODUCTIVITY

The conversion of multiplicative verbal identities into literal algebra is straightforward. The second of the three expressions presented in the preceding section,

$$\text{Average hourly remuneration} = \frac{\text{Payroll}}{\text{Value added}} + \text{Price} + \text{Output per man-hour,}$$

will now be developed into several variant sets of matched index-number formulas, and these formulas will be combined into alternative unique sets.[10]

First we rewrite the statement in symbols. Thus, we start with $E \equiv R.P._{\pi}$, where the meaning of the capital letters is obvious.

The next step is to cast this identity into a macrotruism for aggregative index numbers, the numerators and denominators of which have the standard form, Σrp_{π}, when written without time subscript (i.e., without 0 for the base period and 1 for any other

---

Footnotes at end of article.

period). For E, we have a unique expression, $\Sigma r_1p_1\pi_1/\Sigma r_0p_0\pi_0$, which may be displayed more conveniently in terms of the time subscripts as 111/000. For R, P, π, however, we do not have unique measures, or even one set of measures. Indeed, 6 different variant sets of formulas satisfy the requirements of both verbal and literal algebra:

$$\begin{aligned}\frac{111}{000}&=\frac{111}{011}\cdot\frac{011}{001}\cdot\frac{001}{000}\\&=\frac{111}{011}\cdot\frac{010}{000}\cdot\frac{011}{010}\\&=\frac{101}{001}\cdot\frac{111}{101}\cdot\frac{001}{000}\\&=\frac{110}{010}\cdot\frac{010}{000}\cdot\frac{111}{110}\\&=\frac{100}{000}\cdot\frac{110}{100}\cdot\frac{111}{110}\\&=\frac{100}{000}\cdot\frac{111}{101}\cdot\frac{101}{100}\end{aligned}$$

Looking down each column at the right, we see that four distinct aggregative indexes exist for R, for P, and for π. Two of the four are Laspeyres and Paasche analogues, and each of these two occurs twice; the remaining two measures might be called "intermediate" varieties, since they have weights relating to the periods 0 and 1.

How can we harmonize the six variant sets of measures? One way, which is especially attractive, is to take the sixth root of both sides. This method treats the macrovariables symmetrically. Besides, the result for each macrovariable is a geometric mean—a generalized Fisher ideal index.[11] Since we can make each aggregative index an internal mean of relatives (by restricting it to positive terms only), the generalized index for each macrovariable is necessarily an internal mean also.

Other modes of harmonization are less satisfactory; for, although they preserve symmetry, they can lead to external means for the macrovariables. Thus, a second way to adjust begins with the Laspeyres or Paasche variety for each macrovariable and *adds* the same unknown constant to it; this constant is then determined from the identity binding all the macrovariables. The result for each macrovariable turns out to be a generalized Stuvel index.[12] A third way also begins with the Laspeyres or Paasche "kernel" for each macrovariable, but the unknown constant is a *multiplier* instead. Still another adjustment process involves raising the selected kernel indexes to a constant *power*.

Now, we give greater specificity to the symbols. For each product or quasi-product, we suppose that e, r, and π refer to several kinds of workers having different hourly rates; that output is measured net in a value-added sense; that price is measured gross; and that more than one variety of non-factor input, each having a distinct price, has to be subtracted from gross output. Stripped of time subscripts, the prototype expression for every numerator or denominator may then be written as

$$\Sigma\left[\frac{Sme}{pq-SPQ}\cdot p\cdot\frac{\left(q-\frac{SPQ}{p}\right)}{Sm}\right].$$ The letter S designates a sum of items corresponding to a product or quasi-product; it is to be distinguished from Σ, which is used for a grand total. The symbol m stands for manhours, q for a gross product, Q for a non-factor input, and P for a corresponding non-factor price. All the terms corresponding to r, p, and π are normally positive.

Instead of taking output as net and price as gross, we may switch these two adjectives and make appropriate adjustments in the prototype aggregate. We should note, in this connection, that, for each product or quasi-product, total value added may be written not only as

$$p\left(q-\frac{SPQ}{p}\right)\text{ but also }q\left(p-\frac{SPQ}{q}\right).$$

Four additional points merit mention as we bring this section to a close:

A. The measure of net product implicit in the index system described two paragraphs earlier resembles, but is not the same as, that identified with the names of Fabricant and Geary (and, apparently, with the names of Svennilson and R. Wilson, too). Indeed, our implicit measure of net product requires less information; it involves, not so-called "double deflation," but deflation by gross price only.

B. An output or productivity measure emerging from three-variable multiplication is more complex than, and need not show the same numerical changes as, the two-variable formula developed at the WPA National Research Project[13] in the 1930's and later used for guiding computations of the U.S. Bureau of Labor Statistics.

C. Any rearrangement of a verbal identity leads to a different prototype sum. The magnitudes shown by variant measures for a particular macrovariable can be affected since a rearrangement amounts to a change in weighting pattern.

D. The amount of coordinated information required for each product or quasi-product exceeds the usual supply, as this paper has noted throughout.

MATCHED INDEX-NUMBER FORMULAS: UNIT LABOR COST

Use of a simpler identity,

Payroll = Unit labor cost x Output, as a framework for guideline measurement and administration places a lighter load on the base of coordinated data. It leads to two variant sets of expressions for the microvariables. The payroll index on the left is again assumed to be fixed; and, for each macrovariable on the right, Paasche and Laspeyres varieties emerge. The geometric mean of the two variant sets yields Fisher's ideal indexes for unit labor cost and output.

We may write the verbal identity in symbols as $W=C\cdot Z$ and proceed as before to obtain two sets of structurally articulated formulas. The prototype aggregate is Σcz, and the invariant payroll index is $\Sigma c_1z_1/\Sigma c_0z_0 = 11/00$.

In particular, we may specify that total output is to be measured net; and that all the indexes are to be "condensed" expressions consistent with the more complex formulas derived in the preceding section. The prototype sum, without subscripts, is

$$\Sigma\left[\left(\frac{Sme}{q-\frac{SPQ}{p}}\right)\cdot\left(q-\frac{SPQ}{p}\right)\right],$$

which is obviously equivalent to

$$\Sigma\left[\left(\frac{Sme}{pq-SPQ}\right)\cdot p\cdot\left(q-\frac{SPQ}{p}\right)\right].$$

Such consistent formulas, linking two identities, would be especially relevant to efforts to coordinate fiscal policy and monetary policy.

Of course, other identities involving unit labor cost may be adopted as frameworks for the derivation of matched formulas pertinent to guideline administration. For example, we may break output into the product of productivity and manhours and derive another identity,

Payroll = Unit labor cost × Output per man-hour × Man-hours,

that requires a three-variable prototype aggregate.

BABEL, YES; BUT CLAMOR?

This paper has focused on the inadequacy of the present and prospective supply of data and measures for the liberal administration of a future formal guideline program. Whatever the condition of the statistical base, continual, pervasive, and regular wage-price surveillance is likely to be adopted; and, if Procrustean or authoritarian administration proves avoidable, credit will presumably have to go to non-statistical features of the monitoring system.

Liberal guideline administration would be decisively favored by the availability of projections of: (1) laterally articulated index numbers for all guideline variables that are also (2) modularly compatible for all economic levels down to the individual firm. Such measures are easy to design within the frameworks of verbal or accounting identities especially appropriate to particular settings. Two distinct sets of formulas are illustrated in this paper; and, since variant subsets can always be harmonized, all the guideline variables may be treated equitably. The existence of company measures consistent with indexes for higher levels of aggregation would allow wide variation in the behavior of firms without prejudice to attainment of the macroconditions set for noninflationary national performance.

The measures just described, however, are not implementable with the kind of information now at hand. They require the development and maintenance of a vast base of coordinated atomic data for products and quasi-products; and accomplishment of this task would not only prove prohibitively expensive but also be impeded by formidable conceptual and technical difficulties. Even if the data problem could be resolved successfully, another nasty challenge, only hinted in the preceding paragraph, would have to be met: the reasonably correct projection of guideline indexes at all economic levels (since prospects are more pertinent than history to any serious effort of wage-price stabilization).

Although the existing information system is always being improved, it cannot now provide, and should not be expected routinely in the future to provide, voluminous correlative data compiled on a product or quasi-product basis. Companies should be encouraged to develop such data with the aid of the electronic data-processing equipment to which they nowadays have easy access; but any progress toward an articulated national system depends critically upon determined Federal leadership. Advances normally made in the supply of published statistics are incremental, rather than fundamental; the typical gap-filling improvement does not incidentally augment the supply of atomic data capable of combination and recombination in alternative ways to meet the recognized problems of today and the problems of tomorrow that are yet to be defined. Indeed, only correlative atomic data are truly "general-purpose"; the index numbers of output, productivity, wages, and prices that are often called "general-purpose" are misnamed, although their proliferation and strengthening should ever be welcomed. Only a vast supply of coordinated atomic information would permit the computation of structurally matched index numbers appropriate to particular contexts and uses. In the absence of such data, the index numbers that have to be used may yield results that are not altogether satisfactory; they can always meet the low-grade requirements of verbal algebra, but the demands of literal algebra are more exacting, and the risk of confusing noise with message is great.

We conclude with a sentence that could have served at the beginning as leitmotif. Although it comes from a paper presented at a Conference on Research in Income and Wealth in October 1958, it is still timely. Early that year, the *Economic Report of the President* has helped to dampen the enthusiasm that was building up in the business community for the official establishment of a numerical beacon that might help to moderate wage demands. The *Report* made its contribution by phrasing the productivity criterion for noninflationary wage increase in terms of prospects (forecasting was then regarded with more of the skepticism it still deserves); and by including an appendix that dwelt on weaknesses of productivity statistics and offered two private-sector measures not quite in accord with each other. Later, however, in 1962, a numerical beacon was established—a light that failed. Now, as we contemplate a more formal guideline pro-

---

Footnotes at end of article.

gram, the sentence of 1958 still has something to say to all who care about flexible administration:

"So crude are existing quantitative tools comparied to the ones required that clamor for more detailed and more complete basic statistics would surely seem as appropriate as the babel of diagnosis and prescription heard throughout the land."[14]

FOOTNOTES

[*] The author's views should not be ascribed to the Upjohn Institute.

[1] The context of future guideline monitoring is discussed in other papers by I. H. Siegel: "Productivity Measures and Forecasts for Employment and Stabilization Policy", in I. H. Siegel and S. A. Levitan, eds., *Dimensions of Manpower Policy: Programs and Research*, pp. 269–288; "Guidelines for the Perplexed", *Journal of Economic Issues*, June 1967, pp. 12–24; "Fuller Employment With Uptrending Prices", *Journal of Economic Issues*, March 1968 (in press); and "Implications of the Kerner Commission Report for Economic Policy", in *Hearings on Employment and Manpower Problems in the Cities: Implications of the Report of the National Advisory Commission on Civil Disorders*, Joint Economic Committee, U.S. Congress, 1968, pp. 129–138.

[2] The measurement of quasi-products has been proposed and discussed before by I. H. Siegel—e.g., in *Concepts and Measurement of Production and Productivity*, U.S. Bureau of Labor Statistics, 1952; and "The Concept of Productive Activity", *Journal of the American Statistical Association*, June 1944, pp. 218–228.

[3] Geoffrey H. Moore, "Some Needed Improvement in Economic Statistics", *American Statistician*, December 1967, especially p. 29.

[4] *Concepts and Measurement* (Ref. 2), p. 99.

[5] G. H. Moore, "Toward Precision in Economic Knowledge", in *Toward Improved Economic and Social Measurement: Forty-Eighth Annual Report*, National Bureau of Economic Research, New York, June 1968, pp. 16–17.

[6] See, for example, I. H. Siegel, "The Concept of Productive Activity" (Ref. 2), pp. 227–228; and W. D. Evans and I. H. Siegel, "The Meaning of Productivity Indexes", *Journal of the American Statistical Association*, March 1942, especially pp. 109–110. In "Progress and Problems of Physical Output Measurement", an unpublished half-century review paper presented by I. H. Siegel at the 1950 meeting of the American Statistical Association, the following sentence appears: "The Federal Reserve index structure was kept standing [during World War II] by feats of statistical carpentry which otherwise had some dubious aspects—like the use of manhour series, generally with pseudo-productivity adjustments, for Government manufacturing facilities and for industries accounting for two-fifths of the private manufacturing aggregate in the prewar period."

[7] This section takes advantage of other writings of I. H. Siegel—e.g., *Concepts and Methods* (Ref. 2); "On the Design of Consistent Output and Input Indexes for Productivity Measurement", in *Output, Input, and Productivity Measurement*, Princeton University Press, Princeton, 1961, pp. 23–41; "Systems of Algebraically Consistent Index Numbers", *1965 Business and Economic Statistics Section Proceedings of The American Statistical Association*, pp. 369–372; and *Aggregation and Averaging*, The W. E. Upjohn Institute for Employment Research, Kalamazoo, May 1968.

[8] See, for example, *Standards for Guiding Monetary Action*, Joint Economic Committee, U.S. Congress, Washington, 1968.

[9] See papers cited in Ref. 1.

[10] The method here employed is discussed at greater length by I. H. Siegel, "A Common Framework for the Index-Number Varieties", *1967 Business and Economic Statistics Section Proceedings of the American Statistical Association*, pp. 402–405.

[11] I. H. Siegel, "The Generalized 'Ideal' Index-Number Formula", *Journal of the American Statistical Association*, December 1945, pp. 520–523.

[12] See Ref. 10.

[13] H. Magdoff, I. H. Siegel, and M. B. Davis, *Production, Employment, and Productivity in 59 Manufacturing Industries, 1919–36*, WPA National Research Project, Philadelphia, May 1939.

[14] See Conference volume, published in 1961 (Ref. 7), p. 38.

COAL MINE HEALTH AND SAFETY ACT OF 1968

Mr. MOSS. Mr. President, the Senate has no course but to act promptly on the Federal Coal Mine Health and Safety Act that has been proposed by the administration.

I am aware the time is now short; but this legislation warrants the immediate attention of the Congress. Any delay on our part will be measured in needless loss of lives and irreparable damage to the health of the workers who provide our coal.

We have before us legislation that will, for the first time, provide a reasonable measure of protection for coal miners who have for too long worked under conditions unnecessarily hazardous both to their lives and their health. For the first time we have legislation that is designed to protect each coal-industry worker equally, whether his job is in an underground mine, at a surface mine, or in a plant preparing coal for market. Also, for the first time, we have legislation purposefully conceived to safeguard the health of miners from disabling, and too often fatal, diseases associated with their working environment. Today, there are thousands of miners broken in body or in health and facing a hopeless future because these conditions have not been confronted adequately by Federal action.

These provisions, Mr. President, are but a few of the significant advances included in the proposed legislation for improving the lives of more than 144,000 coal miners. The costs of such progress must be considered small when compared to the price we have paid, and are still paying, for the lack of progress.

I urge that this session of the Congress devote immediate attention to the Federal Coal Mine Health and Safety Act of 1968. It offers a positive response to the tragic plight of our coal miners, a plight for which we must share the responsibility.

VIETNAM

Mr. PELL. Mr. President, Roger Hilsman, former Assistant Secretary of State for Far Eastern Affairs and, before that, a career Army officer who graduated from West Point in 1943, made some stimulating and thoughtful remarks before the Democratic platform committee concerning Vietnam.

I believe his views are correct and that they would interest Senators. Therefore, I ask unanimous consent that they be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts Before Testimony by Roger Hilsman Before Democratic Platform Committee on Foreign Policy and Vietnam, August 19, 1968

On the question of the rising nationalism, the most important thing to be said is probably that we have seen only its beginning. For the first time in two or three millenia, the teeming millions of Asia and Africa are awakening, breaking out of the essentially village culture which turned them inward on themselves. It is vital that American foreign policy be based, as it was not yet, on a thorough understanding of the aspirations and motive forces of the new nationalisms—the search for identity, the gut demand for national independence and expression, the yearning for modernization, and the determination not only to control their own destinies but also to have a hand on the steering wheel of this planet.

There are many implications for United States foreign policy flowing from the rise of the new nationalisms, but let me mention just two.

The first is that once the nationalism of these peoples is thoroughly awakened, no power however mighty can any longer hope to subjugate another people, with very few exceptions. The new nationalism is indigestible.

It is already clear, for example, that the awakening nationalisms in Southeast Asia have negated one of the assumptions underlying the decisions that turned the struggle in Vietnam into an American war—the so-called domino theory. There are no longer any dominoes in Southeast Asia. Vietnam, in fact, is turning out to be unique—unique in the sense that it will probably be the last Asian nation in which Communism captures the leadership of nationalism.

And this leads me to Vietnam. We have taken a giant stride in getting to Paris. But the old assumptions are stalemating those negotiations. What Washington has failed to admit to itself is that the American intervention in Vietnam has failed. So long as we refuse to face squarely this fact that our intervention has failed, the negotiations will continue to drag.

The fundamental mistake in turning the Vietnam struggle into an American war was the failure to understand the new nationalism, its appeal to the peasant masses, the inevitability of the political, social, and psychological restructuring that it is working, and, in the case of Vietnam, the fact that the intransigence of the French in trying to maintain colonial dominance had driven nationalism largely into the arms of the Communists. Three and a half years of bombing North Vietnam has neither broken Hanoi's will nor prevented the infiltration of men and supplies to the South. Apart from increasing the costs of their infiltration in blood and treasure, all the bombing of North Vietnam has accomplished is to unite the North Vietnamese people behind their government and to earn Hanoi the sympathies of the entire world—which they have translated into very tangible political leverage. Using American ground forces, with tragic loss of young Americans, to take over the fighting in the South was also a mistake. The American troops have fought superbly, and the American military have always had a legitimate question about fighting a limited war in these conditions. But putting aside the question, except for vastly increasing the toll of the war, the use of American troops, with their foreign faces, has succeeded only in driving the peasants in vastly increasing numbers into the arms of the Communists. Had the United States understood the new nationalisms in Asia, these results and the ultimate failure of the American intervention would have been predictable.

The failure to understand the new nationalisms and the realities in Vietnam continue, even though we have come to Paris. We continue to talk of rejecting a settlement in Vietnam that provides for a coalition government with the Communists, yet the realities of the situation are such that the Communist side commands substantial political support within South Vietnam while the Saigon government does not even have the support of substantial fractions of the non-Communist elements in the South. Having made the mistakes we have made in Vietnam, the United States cannot withdraw unilaterally, for both political and moral reasons. But we must face the realities, and these are such that the best we can hope for is a settlement that will provide for participation of the non-Communists in a post-war Vietnam, for a phased withdrawal of American troops to provide time for the non-Communist elements to test the intentions of the Communist side and permit them to make their own decisions about their future, and that will contain guarantees for the integrity of Laos and Cambodia. To repeat, what we must understand is that the American intervention in Vietnam has failed—all that remains is for us to admit that fact to ourselves and to draw the obvious conclusions.

Much of the responsibility for the slow progress in Paris is due to Hanoi and its intransigence. But much of it is also due to our failure to recognize just how wrong-headed our assumptions are about the nature of the struggle in Vietnam. We continue, for example, to cling to the notion that Military pressures will force the progress of the negotiations. In fact, however, short of an invasion of North Vietnam, which would only bring on a Chinese intervention and run an unacceptable risk of starting World War III, military pressures can not only be borne by the Vietnamese and the Viet Cong for years if necessary, but actually add to their political strength and hence ultimately to their military strength. The more Americans bomb North Vietnam, the more united are the people behind Hanoi; the more Americans wreak death and destruction in South Vietnam, the easier it is for the Viet Cong to recruit the peasants. Military pressures from a foreign power in Vietnam create more Communists than can be killed.

If the United States came to understand what has happened to the role of force, if we came to understand what has been happening inside the Communist world and the stake that several of the Communist countries have in damping down the struggle in Vietnam, if we came to understand the awakening nationalisms in the developing world and how fundamental this new nationalism is to what is happening in Vietnam, we would recognize that where military pressures will only impede the Paris negotiations, there are available strategies of political pressures that would facilitate negotiations. If the United States unilaterally and without insisting upon reciprocation not only stopped all bombing of North Vietnam but declared an end to offensive operations in the South—in effect declaring a cease fire unless actually attacked—the Communist side might well succumb to the temptation to take advantage of it. But the political pressures not only from the inbetween world but from within the Communist world would mount rapidly and strongly. Even though the Communist side did take advantage of our restraint, in other words, the political pressures are likely to make their escalation temporary—and in the circumstances it seems obvious that some such gamble must be made.

CONGESTION IN AIR TRAFFIC

Mr. McINTYRE. Mr. President, the Federal Aviation Administration has recently proposed new rulings designed, hopefully, to end the congestion in air traffic throughout the Nation—and principally in the Chicago, Washington, and New York areas.

A summary of the proposed rulings reveals that—

First. The John F. Kennedy, La Guardia, Newark, Washington National, and Chicago O'Hare Airports will be designated as "high density airports."

Second. Restrictions will be placed on the number, type, and equipment of aircraft using these airports from 6 a.m. to midnight.

Third. During these hours the number of IFR—instrument flight rule—operations will be fixed by reservation according to the following formula:

	Air carrier	Air taxi	Other	Total
Kennedy	70	5	5	80
La Guardia	48	6	6	60
Newark	40	10	10	60
Washington National	40	8	12	60
Chicago O'Hare	115	10	10	135

From 5 p.m. to 8 a.m. all operations at Kennedy Airport will be reserved for air carriers.

Fourth. All aircraft operating into these airports must meet the following specifications: Must be capable of 150 knot air speed while under Air Traffic Control approach; must be equipped with radar beacon transponder with 64 code capacity; and must have two pilots.

Fifth. Reservations in item 3 above will be accomplished by air carriers through publication of their flight schedules. Other operators would accomplish reservations on a daily use basis by contacting flight service stations prior to departure.

It is obvious, Mr. President, from the congestion and delay experienced during July and August that these proposed rules come very late indeed. It is unfortunate that informed air industry opinion feels that they will have little effect.

The John F. Kennedy Airport in New York might be described as "the spot in the Nation's air transportation pond at which the ripple of congestion begins." It spreads from there throughout the system eventually reaching terminals as distant as Montreal and Boston, Los Angeles and San Francisco, Miami, and Washington. Kennedy, therefore, is the key to the congestion problem. It is not only the primary terminal for airlines operating within the national boundaries, it is also the focal point of international airline operations to and from foreign countries. It follows, then, that relief of congestion at Kennedy will have a beneficial effect throughout the Nation.

There can be no doubt whatsoever that the airlines, in their desire to capitalize on the preferences of the flying public have overscheduled both arrivals and departures from that airport. A casual study of current major airline schedules by my staff, admittedly not a detailed and expert study, disclosed some remarkable facts about the daily departure schedule from Kennedy:

SCHEDULED DEPARTURES OF MAJOR AIRLINE PLANE FROM JOHN F. KENNEDY AIRPORT, NEW YORK, BETWEEN THE HOURS OF 7 A.M. AND 9:30 A.M.

Time	Flight	Destination	Airline
7:00	81	Pittsburgh	United.
7:00	556	Providence	American.
7:15	361	Charlotte	Eastern.
7:45	425	Philadelphia	National.
7:45	243	Washington-Miami	Pan American.
7:45	425	Washington	National.
7:45	870	Nantucket	Northeast.
8:00	203	Minneapolis	NW. Orient.
8:00	123	Chicago	United.
8:00	233	Santo Domingo	Pan American.
8:00	281	San Juan	Do.
8:00	9/819	Los Angeles	American.
8:00	923	San Juan	Eastern.
8:00	105/31	Acapulco	Braniff.
8:05	409	Norfolk	National.
8:10	401	Norfolk	National.
8:10	285	Memphis	American.
8:10	241	Cincinnati	Do.
8:15	153	Jacksonville	Eastern.
8:20	101/726	Greenville	Do.
8:20	69	San Francisco	United.
8:25	923	San Juan	Eastern.
8:30	540	Boston	Northeast.
8:30	51	Houston	Eastern.
8:30	9	Miami	Do
8:30	209	Milwaukee	NW. Orient.
8:30	9971	Chicago	United.
8:30	291	San Juan	Pan American.
8:40	103	Baltimore	National.
8:45	71	Phoenix	American.
8:45	155	Denver	TWA.
8:45	129	Dayton	Do.
8:45	164	Denver	United.
8:45	205	Detroit	NW. Orient.
8:50	819	Atlanta	Delta.
8:55	21	Tampa	National.
8:55	546	Providence	American.
9:00	901	Mexico City	Eastern.
9:00	49	Seattle	United.
9:00	921	San Juan	Eastern.
9:00	295	Dallas	American.
9:00	151	Orlando	Eastern.
9:00	37	Miami	Do.
9:00	1	Los Angeles	United.
9:00	127	Tampa	Northeast.
9:00	819	Bermuda	Eastern.
9:00	59/801	San Francisco	American
9:00	87	Los Angeles	TWA.
9:00	907	Dallas	Delta.
9:00	261	St. Thomas	Pan American.
9:10	69	New Orleans	Eastern.
9:15	140	Bermuda	Pan American.
9:15	229	Barbados	Do.
9:20	11	Miami	Eastern.
9:20	33	Columbus	American.
9:30	165	Chicago	American.
9:30	7	Seattle	NW. Orient.
9:30	21	San Francisco	United.
9:30	1	Dallas	Braniff.
9:30	1	Miami	Northeast.
9:30	191	West Palm Beach	Eastern.
9:30	213	Detroit	American.
9:30	211	San Juan	Pan American.
9:30	483	Washington	National.
9:30	125	Fort Lauderdale	Do.
9:30	3	Sarasota	Do.
9:30	61	Orlando	Do.

I would emphasize that the above schedules are for departures only of major U.S. carriers. They do not include arrivals scheduled or occurring during the same hours.

They do not include the arrivals or departures of air taxis, general aviation aircraft, or aircraft of the foreign airlines.

Almost too obvious to mention is the fact that only one aircraft at a time can take off from a runway. It will be noticed, however, that from Kennedy at 8 a.m., seven aircraft are scheduled to depart; at 8:30, there are six; at 8:45, five; at 9, there are 13; and at 9:30, 12.

Since the in-fact performance of these scheduled departures is manifestly impossible, it must be concluded that the airlines are consciously misleading the flying public in their published and advertised schedules. On the premise that the passenger who buys time as well as space with his purchase of an airline ticket is a consumer, such misrepresentation is properly the concern of Government agencies other than those directly interested in aviation.

I am sure most of my fellow air travelers share my feelings about this sort of thing. I would prefer to wait an extra 3 hours at home or in my office until noon than to get on a scheduled 9.30 a.m. flight, board the plane, and then sit on a runway for an hour prior to takeoff and circle in the air for 2 hours in a holding area before landing. This makes a mockery of the advertised "speed and convenience" of air transportation.

The FAA's proposed new restrictions on the number of operations in and out of Kennedy are especially interesting in the light of statements published in the August 16, 1968, FAA "Notice of an FAA/Industry Airspace Conjestion Meeting for August 23." New rulings were contemplated in that notice. Among them was a restriction of operations in and out of Kennedy to a total of 65 flights per hour—and that, even at that number, it said:

> A delay factor during peak hours, of say 20 minutes, may be acceptable.

The inevitable conclusion follows that if the number of operations is restricted to 65 at Kennedy with an acceptable delay of 20 minutes, how long a delay will there be when the number of operations is set at 80? An hour and a half? Two hours? And one wonders whether that is "acceptable" or "unacceptable." It would seem to me, Mr. President, that even the proposed rulings carrying a "built in" delay factor that, with the volume of air traffic continually increasing—17.4 percent greater than in 1968 than in 1967—does not effectively eliminate the problem. At best it is a method of temporary easement.

The FAA proposal asserts that the policy of restricted volume of flights will be accomplished by air carriers "through publication of their flight schedules." This envisions "self-regulation" by the airlines—an industrywide cooperation more noticeable by its past absence than its practice. In the competition for passengers this is only natural. Nevertheless, the advertising of overabundant flight schedules for the convenience of the public has been self-defeating. I have spoken with airline executives who have told me, for example, that there are 16,000 airline seats scheduled daily between New York and Chicago. However, only 6,000 of these seats are occupied. On that basis, in order to advertise "service and convenience," the industry as a whole is flying 10,000 empty airline seats a day between Chicago and New York alone. Undoubtedly, this same sort of thing goes on between other large cities. Yet no airline will—or has—relinquished some of its flights for fear of benefiting another. Congestion builds up. Service is impaired. And the operating expenses of airlines have risen dramatically.

A prominent spokesman for a major airline has informed me that from July—when congestion and delay began—to the present time there has been an increase in operating expenses of almost half a million for smaller airlines and up to a million and a half for larger ones.

In July of this year, compared with corresponding figures for 1967, the 11 major trunk air carriers and Pan American suffered a 19.4-percent decline in operating profit. Expenses increased by 18.2 percent.

Aviation Daily quotes Paul J. Dunphy, vice president of finance for Northeast Airlines:

> Air Traffic congestion in the New York City area had an adverse effect on Northeast earnings during the month of July. The net operating loss was set at $463,000.

Because of July delays, says the authoritative aviation journal, Mohawk lost $496,000 because of delays in July.

The following from Aviation Daily of September 10 is the "July System Financial Results for Trunks and Pan American":

[Dollar amounts in thousands]

	Operating revenues	Operating expenses	Operating profit (loss)	Net income (loss)
American:				
1968	$86,380	$78,832	$7,548	$4,750
1967	$76,056	$64,186	$11,869	$7,323
Percent change	+13.6	+22.8	−36.4	−35.1
Braniff:				
1968	$25,946	$23,147	$2,799	$1,289
1967	$22,752	$20,817	$1,935	$1,033
Percent change	+14.0	+11.2	+44.7	+24.8
Continental:				
1968	$19,624	$17,418	$2,206	$716
1967	$17,646	$13,920	$3,726	$1,762
Percent change	+11.2	+25.1	−40.8	−59.4
Delta:				
1968	$40,192	$33,947	$6,245	$3,090
1967	$33,278	$28,217	$5,061	$2,705
Percent change	+20.8	+20.3	+23.4	+14.2
Eastern:				
1968	$63,549	$60,855	$2,694	$274
1967	$56,694	$53,428	$3,266	$1,759
Percent change	+12.1	+13.9	−17.5	−84.4
National:				
1968	$20,975	$17,310	$3,665	$1,545
1967	$17,290	$13,877	$3,414	$1,720
Percent change	+21.3	+24.7	+7.4	−10.2
Northeast:				
1968	$9,245	$9,342	($97)	($463)
1967	$7,029	$7,000	$29	($113)
Percent change	+31.5	+33.5		
Northwest:				
1968	$35,731	$27,247	$8,484	$4,246
1967	$35,100	$23,518	$11,581	$6,050
Percent change	+1.8	+15.9	−26.7	−29.8
Pan American:				
1968	$101,874	$85,977	$15,897	$9,893
1967	$94,338	$75,318	$19,020	$12,859
Percent change	+8.0	+14.2	−16.4	−23.1
TWA:				
1968	$93,820	$81,649	$12,171	$8,689
1967	$85,249	$71,593	$13,657	$16,754
Percent change	+10.1	+14.0	−10.9	−48.1
United:				
1968	$113,307	$102,994	$10,313	$4,670
1967	$99,720	$84,016	$15,704	$10,313
Percent change	+13.6	+22.6	−34.3	−54.7
Western:				
1968	$20,265	$17,058	$3,207	$1,558
1967	$18,478	$14,475	$4,003	$2,167
Percent change	+9.7	+17.8	−19.9	−28.1
Total:				
1968	$630,908	$555,776	$75,132	$40,257
1967	$563,630	$470,365	$93,265	$64,332
Percent change	+11.9	+18.2	−19.4	−37.4

Source: CAB, carriers' monthly interim income statements.

Compared with the same period last year, it is to be noted that while operating revenues are up 11.9 percent, operating expenses are up 18.2 percent and operating profit is down 19.4 percent.

These financial setbacks are especially hard on smaller airlines—and cause reductions in the level of services they are able to offer. For example, some of them had to reduce their operations at the end of July because their "pilot time"—85 hours per month—was used up in holding procedures prior to departures and landings.

Mr. President, I do not mean my remarks to be unfairly critical of the FAA nor of the air carriers. The problems having to do with our system of air transportation—with the burgeoning demands being made upon it—are complex and many faceted. There is the need for bigger and better airport facilities for all types of aircraft. Better systems of high speed ground transportation are required between airports and the urban centers they serve. Improved equipment and greater manpower are essential to efficient air traffic control. To accomplish all of this is a Herculean task requiring research, vast amounts of money and a great deal of time. Already the Secretary of Transportation has taken steps to put this gargantuan effort into action. And since there can be no argument about its essential priority, I am confident Congress will approve this request. I am also confident all elements of the industry—commercial and general aviation as well as the airline passengers, the owners and operators of airports—will eventually cooperate with the Government.

What concerns me at the moment are the short-range measures which must be adopted to relieve the present stress upon the system. Since a large portion of that stress can be traced directly to the congestion at Kennedy, then the policy of "first things first" should lead us to concentrate on that airport. It is noted in the remarks made to the Sigma Delta Chi Fraternity in New York on August 20, 1968, Acting Administrator of the FAA, David D. Thomas said:

Air Traffic tends not only to intensify in the populous areas, but to peak at certain hours as well. At JFK, for example, where 65 to 70 take-offs and landings per hour is about the limit for normal instrument operations, peak hour traffic during June and July ranged from 72 to 128 operations. Between the hours of 5 and 6 pm alone, 52 air carrier *arrivals* including 24 from overseas points, are scheduled into Kennedy.

By Mr. Thomas' own admission, "65 to 70 takeoffs and landings per hour" represent the "limit for IFR operations."

Aside from the contradiction between that statement and the new rules proposed by the FAA, the significance lies in the overseas traffic at Kennedy. Why is it, I ask, that traffic to and from overseas must go through Kennedy? There are other airport facilities adequate and available that could absorb such traffic. A marvelous facility close to Washington, the Capital of the Nation, is virtually wasting away. Why cannot the CAB revise some of its route certifications to foreign carriers making it mandatory for them to utilize the facilities at Dulles?

Although there are local political issues involved, certainly the Calverton Airport on Long Island could handle, within a short period, a considerable amount of the traffic congesting Kennedy.

In addition to the revision of certain overseas route certifications by the CAB, immediate steps must be taken by the airlines—or by the appropriate agencies of the Government—to end the duplication of departures by various airlines flying virtually to the same destinations. There cannot be the resulting misrepresentation to the public through airline advertising and publication of schedules impossible to maintain. Suggestions have been made to spread the passenger load more evenly through the entire 24-hour period of the day by reducing the fares at off hours or by increasing them at peak hours. These suggestions should be encouraged as a means of changing what might be called "the pattern of desirability."

Third, although some industry sources advocate eventual replacement of some air traffic control procedures with electronic-computer automation, the implementation of such a system is not presently practicable. It may be said, however, that some of our control equipment is obsolete and that some of it, already in use, is not performing as well as it should—and eventually will. The essential element in the mechanics of traffic control remains the controllers. Because of the vast expansion of all phases of the industry—an expansion unforeseen by even the most optimistic estimates 5 or 6 years ago—the number of experienced air traffic controllers is far below the minimum required for efficiency. Recruitment and procurement of potentially capable controllers even now is not proceeding at a rate to cause any lessening of concern.

Mr. President, the air traffic controller holds a unique place in the Nation's air transportation system. He must meet the highest physical and psychological specifications since the lives of millions of airborne Americans depend each year on his technical knowledge and judgment. Although he is a Government employee, he must have specialized training. He deserves—and must have—a certain "individual status" within the civil service system in regard to hiring practices, wage levels, and retirement benefits. And it is my intention, Mr. President, soon to propose legislation to accomplish these objectives.

In summation, Mr. President, the immediate concern of the air traveler is an easing of the congestion causing delays. Since the focal point of the congestion is at the John F. Kennedy Airport in New York, the short-range solution lies in solving the problem there. The method is to reduce, further than the proposed new FAA rules contemplate, the traffic load at JFK by drastic reduction of the arrivals and departures of domestic airlines using JFK; by revision of route certifications to foreign airlines using that airport as their terminal.

The operations of the air traffic control system must be made more efficient through use of better equipment and the augmenting of its present manpower.

There is no doubt in my mind, Mr. President, that the agencies involved and Congress, too, will be subjected to pressures from interested groups—each with its own interests at stake. However, it is essential that the measures taken—both short range and for the future—be tailored for the overall national interest. The problem is here. It becomes worse every day. It cannot be ignored. And it is the responsibility of the administration and the Congress to get on with a solution.

An editorial in the Washington Evening Star of September 10, 1968, echoes this feeling for necessary action. I ask unanimous consent that the editorial, entitled "The Crowded Air," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CROWDED AIR

It is reasonable to expect a loud, anguished outcry from the airlines and the spokesmen for general aviation over the proposed federal regulations to limit operations at Washington, New York and Chicago airports.

The limits, proposed by the Transportation Department, will mean some problems for the air travel industry. The Eastern shuttle, with its guaranteed seat policy, may be a casualty. Proposed requirements for minimum speeds, equipment and flight personnel will mean that many private planes now using National, LaGuardia, Kennedy, Newark and O'Hare will have to begin using other airports.

The airlines will fight the move. And perhaps the loudest noise of all will come from the large and powerful lobbying groups that represent private and business aviation's interests before Congress.

But all segments of the aviation industry must realize that the nation faces a very real and present crisis in air travel. Traffic density in and out of the major cities is already too much for the controllers to handle. Air travel—right now—is often inefficient and sometimes unsafe. And an uncontrolled tomorrow offers only the certainty of more congestions, longer delays and greater dangers.

Something clearly has to be done. The Transportation Department has come up with some concrete proposals to alleviate the chaos. It is not enough for the airlines or private owners to scream about the inequities of the proposed regulations.

If they have something better to offer by way of a solution, let them come up with it. If not, they should comply—quietly.

ALMOST ANYBODY CAN GET A GUN

Mr. TYDINGS. Mr. President, on the eve of the consideration of firearms control legislation, I wish to share with Senators a Christian Science Monitor article entitled "Almost Anybody Can Get a Gun." This informative reporting, published in the Monitor of August 31, provides more than adequate reasoning why the Congress must enact badly needed gun controls. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALMOST ANYBODY CAN GET A GUN

(NOTE.—The ease with which firearms can be acquired in the United States is a source of continuing concern in an era when resort to violence is all too prevalent. Here is a case study of what lax gun laws allow.)

(By John Kelly)

NEW YORK.—It is possible for almost anyone under any pretense to obtain weapons in New York City as well as in other urban communities. As an example, this reporter, posing as an organizer of a private army, a few weeks ago had Kaufman Surplus & Arms ship an order that included a 60 mm. mortar, a 30-caliber carbine, mortar shells, and repackable hand grenades to an 18-month-old nephew, James D. Kelly III, who lives in Hamden, Conn.

The ease with which these weapons were shipped to a baby is a case in point. Delivery was made without any questions, 36 hours after the order was placed. Neither New York nor Connecticut authorities will ever exchange reports about the purchase as it is not required by law.

Kaufman's, like a number of other big dealers in New York and other Northern cities, has been doing a lucrative business both locally and with out-of-state residents.

In addition to a midtown store, Kaufman's has a branch and a warehouse downtown not far from the financial district. Both outlets are along the paths of the commuters, and business usually picks up about 5 p.m.

Available is everything from swastika armbands and supposedly authentic Viet Cong knives to World War I cannon, two of which sit outside flanking the West 42nd Street doorway. For potential customers there is an 80-page catalogue titled, "Combat" that lists rifles, ammunition, knives, bayonets, and swords. It also features a $295 "sniperscope" for observing "enemy movements in the dark without being detected." Kaufman's also offers for $1.50 a booklet titled, "How to Convert Military Weapons" from semiautomatic to automatic.

CONVERSATION REPORTED

While posing as the organizer of a private army, I recently stood with 15 other men, nine black and six white, in a section of the midtown store which houses weapons and ammunition.

On the wall were more than a hundred rifles ranging in price from $19.95 to $240. Leaning across the counter I asked to see an M–1 carbine. The salesclerk plucked it from the display and placed it in my hands saying, "It's got a good sting and comes with a 30-clip magazine."

Pointing to a new M–16 rifle, the type used by United States forces in Vietnam, one of two Negroes at my side turned to his companion, and said, "That'd sure make a big hole in whitey."

"Yeah," replied his companion, "but not at $240."

"If I got on a roof with that, there wouldn't be a cop in Newark," answered the first.

A white man tugged at my sleeve as I examined the carbine.

"How much is it?" he asked.

"One hundred and nine dollars," I replied.

"That's a lot of money, but I sure need something around the house," he said.

The salesclerk interrupted: "If you want one you better give me a down payment because I only got a couple left, and I can't get no more because the factory isn't turning them out fast enough."

When I told him I was interested in buying a large number of rifles and at wholesale the clerk turned me over to the store manager, Harry Finklestein.

CUSTOMER REFERRED

"You better go down to the warehouse on Broadway and talk with Mrs. Korn if you want 300 rifles. She handles that type of thing," Mr. Finklestein told me.

Our conversation was periodically interrupted by a voice bellowing from the rear through an intercom. "Ammunition coming up." Presently a well-dressed white man stepped to the counter; the cash register rang out and 100 rounds of .30 caliber ammunition costing $18.95 was carried from the store in an expensive looking black leather attaché case. Seconds later the voice bellowed again and a Negro walked from the store with $56.40 worth of ammunition. He walked from the store and placed his purchase beneath a blanket in the trunk of a New Jersey registered car parked at the curb.

Asked if he could provide gunpowder, Mr. Finklestein replied, "We don't keep that around. It's touchy stuff, you know. You got to be careful; the cops and the FBI and everybody comes around asking questions. It's getting so you can't make a decent living."

At the downtown warehouse, Mrs. Dorothy Korn, a graying woman wearing a pale blue smock, discussed weaponry with perhaps matchless female knowledge. She balked at cutting prices for even a large order. "Why should I sell to you at a discount?" she asked, "If I could get 300 carbines tomorrow they would be moved out of here in a day."

When asked if she could provide bazookas, she said, "They're hard to come by ever since those fellas fired at the UN. The only heavy equipment we have now are mortars."

Walking me to the door, she said, "It's going to be a long hot summer; you can't come around now and expect to find any good stuff. It's been gone for months.

"Glad to do business with you," she continued, "and I'll see if I can't get those 300 carbines. Give me a call tomorrow. It's all legal."

LICENSE A HURDLE

Besides Kaufman's, this reporter, while posing as a person seeking from 300 to 500 carbines and up to a half million rounds of ammunition, visited several gun stores in the New York metropolitan area. All regretted they were unable to deliver weapons because, as a dealer said, "the manufacturers aren't turning them out fast enough."

One dealer said he would be willing to wholesale 300 carbines at a third off. Another, also interested in making a large sale, said he feared jeopardizing his license if the weapons were used for something nefarious and traced back. He suggested I set myself up with a dealer's license in a state with lax laws where he would be able to ship without encountering difficulties.

Violence begets violence. President Kennedy was assassinated, and so was his killer. Sen. Robert F. Kennedy was assassinated, and an attempt was made to shoot down the brother of the man accused of assassinating him.

REACTION EXPECTED

Authorities expect this reaction, and as a result, Sirhan Sirhan and James Earl Ray are under tight security. At no other time in United States history have incarcerated persons been so extensively and elaborately protected from bullets of would-be killers.

As mourners passed Senator Kennedy's bier at St. Patrick's Cathedral, Kaufman Surplus & Arms, just two blocks from Times Square, was doing above-average business.

Business was also extraordinarily brisk at a gun store eight blocks from the late Senator's Manhattan apartment the day after he was killed. If this and the jump in gun sales after the slaying of the Rev. Dr. Martin Luther King Jr. are any indication, another boom in over-the-counter and mail-order pistols and rifles is in the making.

A week prior to the Kennedy assassination and two months after the slaying of Dr. King, it seemed as though the arms race in the tense urban communities of the North was nearing its end.

This was perhaps because military-type weapons had been bought up by blacks and whites and their paramilitary organizations here and in Chicago, Detroit, Newark, Baltimore, and Los Angeles.

Police in these cities report increases of as much as 60 percent in pistol and rifle purchases in recent months.

New York City law prohibits one from having a pistol at home without a permit—which is difficult to obtain. Yet it is possible for a mentally deranged person to carry a loaded rifle through the streets. In the last two years, five persons have been shot and killed in Manhattan parks.

In 1966, a mental patient killed two men in a West 42nd Street park and was wounded in an exchange of gunfire with police. An hour earlier he had bought a $19.95 rifle at a nearby gun store.

Earlier this year another man, armed with a pistol, killed three persons and wounded two police officers before being killed by police after a two-hour gun battle in Central Park. Investigating detectives entered the slain gunman's apartment and found poster-sized pictures of Hitler and other Nazi leaders pasted to the walls.

A man was arrested July 20 on Manhattan's West Side after he began firing a semiautomatic .30 caliber carbine from his apartment window at 6:30 a.m. Police said a photo of Hitler was found in the accused gunman's wallet glued back-to-back to his own photo. The police also said the gun was bought at Kaufman's.

The price tag on the American "privilege" of owning a gun gets higher by the day.

LATIN-AMERICAN FOREIGN TRADE

Mr. PELL. Mr. President, I recently came across an interesting speech given by Hernan Echavarria, Colombia's Ambassador to the United States.

The speech emphasized that it is trade, not aid or investment, which can best put the relationship between Latin America and the United States in a healthy and long-lived balance.

I think the Ambassador's ideas and views in this regard are excellent; therefore, I ask unanimous consent that the speech delivered at the annual meeting of the Colombian-American Chamber of Commerce in New York be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I've come to speak to you today of trade—more specifically, Latin American foreign trade. In my opinion it is the most difficult and important question in interamerican relations.

As businessmen you are aware that trade is not a one-way street. Increased trade is necessary so that you can receive returns for your exports, your loans and your investments. Latin America can only mean something to the United States up to the measure that it can export to you. The goods you receive from us do not threaten your national security, they increase your wealth and represent payment due to you.

We are confronted today with a situation calling not only for a fundamental change in the prevailing patterns of trade but in attitudes as well. If Latin America is to avoid drifting into a state of economic stagnation, the United States must take the initiative in allowing a more rational deployment of hemispheric resources. There is no question in my mind that despite the initially painful social readjustments involved, the long run interests of the United States will benefit substantially, both politically and economically.

A great many of you ship goods to Latin America and you are interested in putting your capital to work in profitable enterprises—you expect us to pay you for those goods and, naturally, you want to see interests and profits flowing back, for quite rightly no one would think of trading or investing if he did not believe he was going to be paid. On the other hand, you will admit that Latin America cannot trade unless it exports, and that its ability to trade, and to remit dividends depends ultimately on its ability to export.

Until now trade between North and South America has been largely what we might call complementary. That is, we ship to you, in order to pay for your goods, services and capital investment, a certain limited range of goods that you totally lack or do not have in sufficient quantities: Coffee, cacao, bananas, petroleum, copper, etc.

For obvious reasons this type of trade, being as it is complementary, can only increase pari passu with the increase of your population. It is not the type of trade that would increase with the betterment of your standard of living, as is the case with most types of manufactured items. This, to my thinking, is the reason that explains the evident leveling off of trade volume between North and South America.

As we all remember, before the Second World War, international trade had a well set pattern that has today largely disappeared. Then Latin America had a large trade surplus with Europe. They took liberally from us tropical raw materials, mainly coffee and cacao and also, in large quantities, meat and other foodstuffs from Argentina. Our trade with the United States, on the other hand, showed a deficit, we taking from you more industrial goods than we could pay with our exports. The balance was settled by the United States shipping farm products to Europe in large quantities.

This triangular trade has been reduced substantially in the last decade, and is tending to disappear entirely because, for one reason or other, the principal European countries, which really means the six that form the Common Market, have decided to integrate their economies with the African countries.

In its trade relationship Latin America has had, therefore, to look more and more to the United States. But the United States is in itself a largely self-sufficient Common Market, self-sufficient even in many raw materials and tropical products, such as sugar and cotton. Therefore, obviously because of this self-sufficiency, there does not seem to be much of a chance of increasing the volume of a purely complementary interchange.

There is also another characteristic of present day international trade that must be analyzed, in order to understand what is happening.

In recent trade negotiations, the industrialized countries have been able to agree to a substantial reduction in trade barriers in a broad range of manufactures. This was the case, for example, in the Kennedy round. But no concessions can be readily obtained today in the reductions in tariffs on primary products, particularly those of agricultural origin. This line of production is defended vigorously by all industrialized countries and they keep out from it foreign competition.

To me the reason is very clear and very understandable. Even the most industrialized countries have not yet completed their industrial revolution. That is, they are still in the process of absorbing excess rural labour into city employment. Technological progress has aggravated the difficulties, by making it possible to produce more food and raw materials with less people, thus increasing the relative labour supply looking for industrial employment.

Then, also, we must take into account certain political trends that, since the second world war, are tending to make more difficult the interchange between the industrialized countries and those in process of development.

Social and political forces have become better organized, more vocal and even more polaried. Before the war the market prices could force changes in international trade. If it was cheaper, for example, to raise beef in Argentina than in Europe, presumably it would be raised in Argentina and exported to Europe in competition with farmers there.

Today that might be the case or it might not be. The farmers in Europe might be politically strong enough to keep out foreign beef, either by tariffs or by health regulations, and thus make impossible the growth of international trade. At the same time, of course, if agricultural goods are kept out of the industrialized countries, the process of moving people in those countries from the land into industry, is retarded or does not take place at all, beyond a certain point relating to internal readjustments. We can say therefore, that the industrial revolution, in world scale, is being obstructed and delayed.

This development can also be a conscious political decision arising from second world war experience. Many countries feel, I must say, that their farm production is essential to national security. It not only gives them needed supplies in times of great national emergency, but also, as it is sometimes pointed out, the farm population is the backbone of all vigorous and healthy nations.

For some of these reasons, or for them all, it will be very difficult for industrialized countries to accept in the future the readjustments that are necessary if world production and trade are to have a rational development. Obviously a rational development means that the less developed countries would specialize mainly in the production of primary products. Those that are more labour intensive and take less technical knowledge. The more advanced countries would then move their resources to more complex and therefore, better paid industries, accepting from the other less developed nations most, if not all, of their basic agricultural products.

This was the kind of readjustment that was taking place in the world before the Second World War. Today, of course, it is easier said than done. I sympathize with the industrialized countries that went to New Delhi, and will go to many other international trade conferences in the future, for I fully realize how difficult these readjustments are. In all countries large and important sectors derive their livelihood from agriculture and light industries such as textiles and shoes. It is very difficult, under present political and social conditions, to tell all those people to move to something more complex because those goods are going to come in the future from abroad. It could not be done, unless a very well planned and gradual movement took place, undoubtedly a long range program.

We do not find the same difficulties if we analyze international trade in the higher and more complex industries, in electronics, motor cars, chemicals and so on. In this range of goods conditions are not so critical and foreign competition is more manageable. In this case there are no problems of human readjustments, such as we find, for example, with farmers. They are goods that are produced, mostly, by large flexible enterprises that can easily switch from one product to another, or at least, have reserves to carry them over when conditions become difficult.

These are the reasons why, today, it is easier to get a world trade agreement in manufactured goods, between industralized countries, than in primary products between industralized countries and those in process of development. The pattern of international trade that is showing up is, each industrialized country protecting jealously its agriculture and primary or semi-primary production, thus keeping out the goods that could be produced in the developing countries. At the same time a vigorous and ever growing international trade goes on between the industrialized countries, but only in manufactured goods. Unfortunately Latin America possesses neither the technological know-how nor a sufficiently large market to manufacture a great many industrial goods. Indeed even Europeans lag behind in certain highly complex fields.

The result is that Latin America's share of international trade diminishes annually, and the immediate future does not look very propitious for a substantial improvement. I have already mentioned the special situation developing in Europe. In the United States things do not look very promising either. The United States is presently experiencing a period of internal expansion and increase in prices and therefore, balance of payment difficulties. Corrective measures will have to be taken and that might mean increased tariffs and reduced quotas, for such internal expansions always bring extraordinary increase in imports. These measures, we fear, will reduce further the range of products that we export today to the United States market.

These unfavorable world conditions present themselves at a time when Latin America is on the threshold of an extraordinary population explosion. We are now 200 million people. By the end of the century, that is, in little over 30 years, we will have exploded into 600 million, a 400 million increase. These people will have to be educated, clothed, housed and organized into productive enterprises, which means, you well know, a tooling up with all sorts of equipment. Apart from all other problems that such a colossal endeavor entails, you can imagine the amount of foreign purchasing power that the Latin American countries will require, to be able to purchase the specialized equipment that is needed and we cannot possibly produce.

Where is this purchasing power going to come from? Certainly not from foreign aid or loans. The limitations of these we all know, and I will not even dwell on them.

Foreign investment? Certainly, up to a point. European capital played an important role in the development of North America in the last century. If we are wise, we will encourage American capital to come and participate in the development of Latin America.

But investment alone could not be enough and, besides, as I have pointed out, investment, like loans, presupposes an increase in exports to generate the funds that are necessary in order to be able to pay back. It is increased exports that we need. Only by increasing our international trade can we pay back for what we receive.

We have an old Interamerican System and the Alliance for Progress, but in none of the meetings of the statesmen of the hemisphere, at any level, are trade questions discussed. They don't seem to exist at all, as far as the volume and nature of the goods traded go.

I have brought these questions to your attention because I think it is people like you, knowledgeable in matters of international trade, that can influence the final decisions.

The United States is a great trading nation. It showed its genius when it went through a bloody Civil War, without flinching, in order to keep the nation a single trading block. It went on, again with great genius and spirit of enterprise, to become the greatest trading nation. You understand, better than any other country, the nature of trade. I am sure that you will understand the nature of the challenge that faces the hemisphere in the next 30 years.

COAL MINE HEALTH AND SAFETY ACT OF 1968

Mr. McGOVERN. Mr. President, the Senate has received a clear and urgent call to action. It is a call that cannot, must not, be ignored.

This session of the Congress still has a great deal of important business before it, and one of the most deserving measures now pending is the administration's proposed legislation on coal mine health and safety. To neglect this bill would be to neglect humanity. To postpone action would be to condemn to injury, illness, and even to death thousands of workers in one of this country's basic industries.

In his message to the Congress concerning the bill, President Johnson has cited harsh facts and figures. He has told us, in effect, that more than 340 men die, on the average, each year in our coal mines and more than 1,500 are seriously disabled. And this terrible toll is from accidents alone. We are unable as yet to measure the cost of our coal in the sickness and death caused by such occupational diseases as coal miner's pneumoconiosis, or "black lung."

We Americans consider ourselves an advanced and enlightened people, yet the working conditions that we have allowed to persist in our coal mines can be likened only to the infamous sweatshop practices of the 19th century. The administration's bill offers a carefully considered approach to remedies that are desperately needed. I urge that hearings on this bill be scheduled at the earliest possible moment.

I ask unanimous consent that a letter from the President on the subject be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
September 11, 1968.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.
Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. President, Dear Mr. Speaker: When President Harry Truman signed the Coal Mine Safety Act sixteen years ago, he declared that, "the legislation falls far short of the recommendation I submitted to the Congress to meet the urgent problems in this field."

The record shows just how far short that measure fell. Since 1952, over 5,500 miners have been killed on the job. Another 250,000 were seriously disabled. No one knows how many thousands more have died, their lungs blackened by the ravages of coal dust disease—pneumoconiosis.

Today, despite the safety measures on the books, coal mining remains the most dangerous and hazardous occupation for the American worker. The National Safety Council reports that of the forty major industries in this country, coal mining ranks highest in frequency and severity of death and injury.

We have succeeded in preventing many of the major coal mine disasters that took dozens of lives at a time. But coal miners are still crushed by cave-ins, burned by explosions, maimed by antiquated and unsafe equipment. They still pay with their health for the right of earning a living because the air they breathe is thick with coal dust. At the very least, one out of every ten active miners—and one out of every five retired miners—suffers from a serious respiratory disease. For the tens of thousands of miners so afflicted, the shortness of breath may shorten their lives.

Consider some of the tragedies of just the past few months:

A massive landslide at the face of a mine in West Virginia crushed three workers to death.

A major explosion in a Kentucky mine snuffed out the lives of a nine-man crew. The cause: the dangerous practice of hauling dynamite on a drilling machine.

Miners in West Virginia inadvertently drilled into an abandoned water-filled mine shaft, and four were drowned.

There was nothing inevitable about these disasters. They happened because our coal mine safety laws are inadequate, and because even existing laws are all too frequently ignored.

At the present time, Federal inspectors have too little jurisdiction over the working face of the mines, where nearly half of the fatal accidents occur. They cannot tell a mine owner to shore up a sagging roof in this area. They cannot require the replacement of a potentially hazardous machine. They cannot require a reduction in the level of coal dust in the air to safe limits because the laws do not even touch on the problem of health standards. They have no jurisdiction at all over the nation's 2,250 surface mines, which account for almost 40 percent of our coal production.

Our inspectors are not even backed by effective enforcement penalties where the law does apply. It is a measure of this weakness that last year more than 80 percent of the nation's nearly 6,000 underground coal mines were in violation of one or more federal safety standards.

Today, *I urge the Congress to remedy these defects. I recommend the Federal Coal Mine Health and Safety Act of 1968.*

It is time that an enlightened and progressive nation give its coal miners a new charter of health and safety as they toil for the comfort of us all.

This Act will, for the first time:

Extend federal enforcement to the face of the mine, the area where so many deaths and injuries occur, as well as correcting 18 other specific safety omissions in the present law.

Abolish the "grandfather clause" which allows old and unsafe electrical equipment to be used.

Give the Secretary of the Interior authority to develop and issue safety standards as the need arises.

Provide a way to reduce the human devastation of coal dust disease by requiring the Secretary of Health, Education and Welfare to develop health criteria, and the Secretary of the Interior, following such criteria, to issue health standards and enforce them.

Impose meaningful and effective sanctions for failure to comply with the terms of the law: criminal penalties and higher fines for willful violations, civil penalties and injunctions to deter and stop unsafe practices.

Apply the law's reach to surface coal mines.

Create simplified and streamlined enforcement procedures to require quick correction of hazardous conditions.

The cost of this measure will be small. Its benefits will be large, not only in terms of the lives it can save and the injuries it can prevent, but in practical terms of dollars and cents. Last year alone, over 1.8 million man-days were lost to the nation and the mine owners as a result of job-related deaths and injuries. Many millions of dollars in workmen's compensation payments were awarded to injured and disabled miners.

The recommendations I make today result from a recently concluded thorough review of the weaknesses of existing coal mine safety legislation. That review was undertaken by the Secretary of the Interior in consultation with the Secretary of Health, Education and Welfare and other interested agencies of the Government.

I realize that it is late in the session. But the health and safety of America's 144,000 coal miners deserve immediate attention. This proposal complements the comprehensive Occupational Safety and Health Act—designed to protect 75 million American workers in other occupations—which I submitted last January. The need to safeguard men on the job, to spare them and their families the agony of injury and the ravages of illness, whether they labor in the depths of a mine or on a factory workbench, is urgent. I call upon the Congress to enact these important worker protection measures into law before adjournment.

Sincerely,

LYNDON B. JOHNSON.

STUDY FINDS GUNS STIMULATE VIOLENCE

Mr. DODD. Mr. President, a series of mass murders in the spring, summer, and fall of 1966 inspired Dr. Leonard Berkowitz, chairman of the psychology department, University of Wisconsin, to conduct an experiment on "Impulse, Aggression, and the Gun."

The study examined in detail the interplay of these forces on persons exposed to them and was tailored to answer the question: "What effect do available weapons and vicarious experience with violence have on a person who is ready to commit an aggressive act?"

The study has great value to those concerned with the problem of violence in our society and whether or not violence is nurtured by the prevalence of violence in the movies, on television, and in our literature.

Does this constant exposure to violence offer a release to an already aggressive, impulsive, and possibly frustrated society, or can the effect of this prolonged exposure snowball and result in further violent outbursts?

In a word, is it the finger that pulls the trigger, or it is possible that the mere presence of the trigger pulls the finger?

I commend the details and the findings of Dr. Berkowitz' study to the attention of Senators. I believe it has a double application as the Senate begins the debate on firearms controls and as the Nation takes a second look at the violence in our society through the eyes of a special commission named by President Johnson.

The significance of this study was widely recognized by both the professional and the lay press. There has been broad editorial comment on the Berkowitz findings which I see as a reflection of the deep public concern over the increase of crime and violence in our streets.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at this point. And as representative examples of its greeting by the lay press, I ask unanimous consent that editorials published in the Denver, Colo., Post on August 27, 1968, and the Cedar Rapids, Iowa, Gazette of August 25, 1968, be printed at the conclusion of the full article.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Psychology Today, September 1968]

IMPULSE, AGGRESSION, AND THE GUN

(By Leonard Berkowitz)

In November of 1966, Robert Benjamin Smith, then 18 years old, entered a beauty shop in Mesa, Arizona, and shot seven strangers, killing five of them. He said he had been planning the murder for three months, ever since his parents gave him a 22-caliber pistol for target practice. His original inspiration, he went on, was the preceding summer's mass killings in Chicago and Austin, Texas.

Almost everyone in the United States read about the murder of the eight Chicago nurses and about the massacre from the University of Texas tower, and millions of Americans own guns. But we cannot disregard Smith's remarks simply because they do not completely explain his behavior.

Now, more than ever before, there is need to answer the question: what effect *do* available weapons and vicarious experience with violence have on a person who is "ready" to commit an aggressive act?

Two series of experiments that my colleagues and I have performed on impulsive aggression bear directly on these questions. The first series indicates that even so small a matter as the casual sight of a gun can sometimes stimulate aggressive behavior. The second suggests that, contrary to what the so-called catharsis theory predicts, the sight of violence can increase the chance that a viewer will express aggression himself.

In experiments to test the effect of the presence of guns on aggressiveness, we observed the behavior of 100 students at the University of Wisconsin under different sets of circumstances. Some students were angry and some were not, some saw the guns and some did not. (We did not reveal the study's real purpose, claiming instead to be measuring the students' physiological reaction to stress.)

The stress, we informed them, would be a series of one or more mild electric shocks. We asked each student to make a list of ideas a publicity agent could use to improve the record sales and public image of a popular singer. Then we gave each student a "partner," ostensibly another experimental subject but actually an ally of the experimenter. The pretend partner's task was to evaluate the student's publicity ideas. If the partner thought the student's ideas were very good, he would give him one electric shock; if he thought the student's work was bad, he would administer up to 10 shocks. Later, the student would be asked to evaluate a similar task of his partner's and to convey his judgment in the same way.

By prearrangement with the experimenter, the partners gave one shock to half the students and seven shocks to the other half, regardless of the quality of the students' ideas. We assumed that the seven-shock students would feel physically uncomfortable and that they would feel humiliated as well. They were our angry group.

After each student had received the number of shocks allotted to him, the experimenter invited him to trade places with his partner and led him into the room containing the shock machine. The telegraph key that would send the shocks lay on a table at one end of the room. Sometimes the table was empty except for the key; at other times, badminton racquets and shuttlecocks (neutral objects) lay near the key. At still other times, the table held a 12-gauge shotgun and a snub-nosed .38 revolver.

The experimenter acted surprised at the sight of the guns and the racquets and explained that they had been "left over from another experiment." Matter-of-factly, he moved them aside. The students seemed to pay little or no attention to them. Later on, after the experiment was over, the experimenter asked each student what, if any, suspicions the student had felt. No doubts were voiced about the presence of the weapons.

Next, the experimenter showed the student his partner's "work" (actually prepared in advance and uniform for all partners). He reminded the student that he should use shocks to indicate his evaluation of his partner's work and he told the student that this was the last time shocks would be administered in the study.

As we suspected, the presence of the guns affected both the number of shocks the students gave their partners and how long they held the key down for each shock. Some differences between groups were less clear-cut than others; from a statistical point of view, our most significant finding was that the angry men who saw the guns gave more shocks than any other group.

Both common sense and personality theory tend to neglect the "weapons effect" that this study demonstrates. Instead, they stress motives and, perhaps, psychological and social dislocations. What is often overlooked, perhaps because it is a frightening idea, is that much violence is *impulsive*. It is not primarily planned, purposeful activity; neither is it the "inevitable" result of internal drives or maladjustments. These things set the stage and help carry the action forward, but in many cases it is also important that there be a stimulus or immediate cue to trigger aggression.

It is quite conceivable that many hostile acts which supposedly stem from unconscious motivation really arise because of the operation of aggressive cues. The aggression can even be thought of as a conditioned response to the stimulus. If a gun can be that stimulus, then it is a double-barreled threat—an immediate cue that also presents the aggressor with a deadly *means* of aggression.

With our subjects, the guns did not enhance aggression unless the students were angry to begin with. But studies conducted at the University of Indiana show that, at least with young children, anger is not necessarily a factor. In these experiments, youngsters played with an older child whom the psychologist in charge had asked to behave in a friendly, neutral way. There was no quarreling. Then some of the children were given toy guns to play with while others chatted quietly with adults conducting the experiment.

After this preparation, each child was told that the older youngster he had played with earlier had built a structure of blocks on a play table in another room. "If you push this button on my desk, you'll shake the table and his blocks will fall down," the experimenter said. *More of the children who had played with guns pushed the button.*

Neither group of children was angry, but the guns had an effect. Guns did more than lower the children's restraints against aggression; they seemed to pull out aggressive reactions that would not otherwise have occurred.

Anger may not always be *necessary* in aggressive behavior, but it certainly facilitates it. And our society offers its citizens a wide array of anger producing frustrations. It is not necessary to detail them here. It should be mentioned, though, that aggression is more likely to result from unrealized hopes than from deprivation alone. The deprived person who has no hope cannot really be said to be frustrated, because he does not really have a goal he is trying to move toward. A person works harder to get something—whether it is food, a sexual object, or a new car—if he thinks he has a chance. Similarly, his frustration is most severe when he is blocked from a satisfaction he thinks should and could be his.

In social terms, this concept of frustration reveals itself in "revolutions of rising expectations." Poverty-stricken groups are not frustrated merely because they have suffered severe deprivations; they are frustrated when they begin to hope. Privation is far less likely to cause violence than is the dashing of hopes. (See "Conflict, Crisis and Collision" by Ivo and Rosalind Feierabend, May.)

Even given high frustration and an immediate cue, violence will not erupt unless there is a third factor as well: low inhibitions. The "normal" level of inhibitions to violence in our society is not particularly high. We take a lenient attitude toward what is sometimes called defensive aggression. It is quite permissible, even admirable, for a man to defend with vigor not only himself but his family, his home and his country, and not only his physical safety but his principles of honor, law and democracy. Even defensive aggression that is quite violent and smacks more of revenge than defense tends to be seen as an act of courage, a mark of manhood.

The air that hovers over Hollywood and New York (not to mention Washington) smells of the frontier, and one can detect a breeze from the Crusades as well. Nowhere is violence in the cause of good more consistently and more enthusiastically touted than in movies and on TV.

Fictional representations of violence are often defended, by people in the industries that sell them and also by many consumers, on the grounds that they serve a cathartic purpose. The theory, loosely derived from Aristotle's view of the function of tragedy, contends that violence which is indulged in vicariously drains a reservoir of accumulated hostility and releases tensions that might otherwise explode into actual violent behavior.

This theory receives additional support from the ideas and writings of the eminent ethologist, Konrad Lorenz. Lorenz stresses the physiological rather than the psychological as a source of behavior: behavior results, he says, from the spontaneous accumulation of some excitation or substance in neutral centers. He believes that "present-day civilized man suffers from insufficient discharge of his aggressive drive," and he recommends that society provide people with "safe" ways of venting their aggressive urge.

The question is, do vicarious or real-but-innocuous "outlets" in fact reduce the chances that aggressive behavior will occur? Although many psychologists continue to subscribe to the catharsis theory in some form, many others believe (and have demonstrated in experiments) that witnessed violence can stimulate actual violence and that a little aggression, like a snowball, can gather momentum and grow.

Let us examine the results of another series of studies. In this series, a group of students was made angry by ridicule and electric shock. Then, just before it was *their* turn to administer shocks, they were shown one of two movies. One was an exciting but nonviolent foot race between the first two men to run the mile in less than four minutes. The other was a violent scene from *Champion*, the Kirk Douglas movie in which the prize fighter played by Douglas absorbs a brutal beating in the ring.

The students who saw this movie had been given two different plot summaries to prepare them for the scene. Half were led to regard the beating as justified: Douglas was a heel who had it coming. The other half heard a summary that was much more sympathetic to Douglas: it was clear that he did not deserve what he got.

The filmed violence was not cathartic; in fact, it had an opposite effect, at least on the students who thought the beating was justified. When given a chance to administer shocks to the partners who earlier had delivered shocks to them, these students responded with more aggression than any other group. Rather than feeling purged of their hostility, the students seemed to feel freer to express it. It was as if the justified aggression on the screen justified as well their own aggression against their tormenters.

These findings have been confirmed in five independent experiments, the most recent of which was conducted by James Hoyt and Percy Tannenbaum, now at the University of Pennsylvania. Hoyt and Tannenbaum presented the prize fight to some of the angry students as a grudge-match. Douglas had behaved badly to his opponent, and now the opponent wanted revenge. These students gave more intense shocks than the other angry students, who had simply been reminded that violence was an inevitable part of prize fights.

Results like this present an awkward problem to TV and movie censorship agencies, and to producers who want to make violent films without encouraging real violence. The modern censorship agencies generally insist that crime and violence be used not just to entertain but to teach a lesson—"crime does not pay," for example. How the lesson should be taught is left vague; scriptwriters usually follow the maxim of "an eye for an eye."

But justified aggression is precisely the kind that seems likeliest to encourage the expression of aggression by members of the audience.

The effect is different if violence, though justified, seems excessive. If the punishment is badly out of proportion with the victim's crime, all aggression becomes less acceptable to the viewer, and his inhibitions rise. When some of the angry students who saw the boxing film were told that the fight had very serious results—Douglas was carried unconscious to his dressing room and died there—the scales that had been unbalanced by Douglas' villainy tipped the other way. These students gave fewer shocks to their experimental partners than those who were told the beating merely taught Douglas a lesson and induced him to reform.

In some ways, this is an encouraging finding. It means that viewed violence does not *necessarily* encourage actual violence. It can either lower inhibitions or raise them, depending on the viewer's interpretation of what he sees. Horror is an inhibiting emotion, and violence that strikes the viewer as disproportionate—as "too much" or "too real"—is likely to arouse horror. Many people who enjoyed *Champion* would not enjoy a front-row seat at a real prize fight in Madison Square Garden; many people who like war movies are extremely disturbed by photographs and news clips of the actual fighting in Vietnam.

However, the line between violence that is justified and unjustified, fictional and real, uninhibiting and inhibiting, is anything but clear. To take just one example, the television screen itself puts distance between the viewer and what he sees. Watching a riot on television may be horrifying, but it is less horrifying than being there. The emotional effect of a 90-minute documentary on riots is not so very different from the effect of a documentary-type movie about riots; the effect of a documentary-type movie is not so different from that of a "realistic drama"; and so it goes.

At some point on the continuum, viewed violence *stops* horrifying and *starts* exciting. Once this point has been reached, vicarious experience with aggressiveness begins to lower restraints against the real thing.

And it may begin to do something else as well. Like the guns in the experiment described earlier, witnessed violence can serve as a stimulus for the viewer, especially if he encounters someone he associates with the deserving victim in what he has just seen. At the beginning of the boxing film study, the partners of half the students were introduced as "Kirk" and the partners of the rest were called "Bob." The students who were led to believe that Kirk Douglas' beating was *justified* later gave more shocks to the "Kirks" than to the "Bobs."

In another experiment on this kind of mental association, students lost a chance to win a cash prize because (they thought) their partners had made a mistake. Soon afterwards, the students were asked to evaluate two job applicants, one of whom had the same first name as the partner. The students consistently saw more bad qualities in the applicant who bore the partner's name.

Thus associations help determine the target of an aggressive attack—or, to put it another way, the stimulus properties of a possible target can affect the probability that an attack will occur.

In some cases, however, stimulus and target are not related—all that is required is that both be present. In a study conducted at the University of Iowa, C. A. Loew had college students speak either aggressive or neutral words aloud in what the students thought was the first step of a learning task. Later, when these students were given an opportunity to shock their partners for errors, the ones who had said the aggressive words gave stronger shocks than the others.

As for the snowball effect, when experimental subjects are given a number of opportunities to attack, the intensity of their attacks more often than not builds up. By their own actions, the subjects—even if they are not emotionally aroused to begin with—provide their own aggressive stimuli and pull out further aggressive responses. Aggression stimulates more aggression.

The social implications of the research I have described are clear, though they are much easier to recite than to act on. A society that wants fewer violent outbursts should reduce frustration, leave inhibitions intact and remove immediate cues that can set off aggressive acts.

Reducing frustration in the United States, especially the frustration of social groups, is a long-term project that is receiving considerable attention. I will do no more here than recall the phrase "revolution of rising expectations" and mention that, for many people, expectations are likely to outstrip reality for a long time to come.

Leaving more of people's inhibitions against aggressiveness intact is, I think, a slightly less difficult matter. Is it really necessary to use violence as a major source of entertainment? The catharsis theory does not hold up very well, and the frontier tradition may not be as strong as we think. Perhaps people enjoy violent books and movies more because they are absorbing than because they are violent. Books and movies in which violence plays a small part, or no part at all, are also absorbing; we might be able to arrange to have more of these.

The third possibility, reducing the number of aggressive stimuli people encounter from day to day, is probably the easiest one to effect, and the fastest. This may seem a surprising statement—deciding to remove aggressive stimuli from American life is a little like setting out to clean the Augean stable. But the task seems more manageable when one realizes that most aggressive stimuli fall into only a few large categories, one of the largest of which bears the label "Guns." Guns not only permit violence, they can stimulate it as well. The finger pulls the trigger, but the trigger may also be pulling the finger.

[From the Denver (Colo.) Post, Aug. 27, 1968]

THE GUN AS A STIMULUS

Support for legislation to provide greater controls on guns has appeared from an unexpected quarter—Dr. Leonard Berkowitz, chairman of the psychology department at the University of Wisconsin.

Writing in the magazine, Psychology Today, Dr. Berkowitz gives impressive support for the theory that the handling of guns, as in play, or even the sight of guns serves as a stimulus to bring out aggressive impulse in persons of various ages.

In one set of experiments described by Dr. Berkowitz, students who had been humiliated and made angry with electric shocks were casually exposed to the sight of guns.

Their reactions were more aggressive than those of students who had been similarly treated but had not seen guns. And in another experiment with young children, none of whom had been made angry, those who had been playing with guns exhibited aggressive tendencies which were less in evidence among the children who were not exposed to the guns.

Guns, in Dr. Berkowitz' opinion, act as a cue to violence, particularly if the person having access to the gun is angry, as from frustration, and has a low level of inhibition against aggressive action.

Frustrations are widespread in our society today as a result of what the author describes as the "revolution of rising expectations" which have not been gratified.

Inhibitions against the use of violence, he says, vary widely from time to time in any individual, depending on how much he may feel at any moment that violence is justified by the circumstances in which he finds himself.

Dr. Berkowitz is particularly critical of the theory that violence experienced vicariously, as on a TV or movie screen, acts as a cathartic by draining the viewer's reservoir of accumulated hostility and tension which, if unrelieved, might explode into violent behavior.

Experiments have shown, he says, that in many instances vicarious experiences with violence may actually encourage, rather than inhibit, hostile reactions.

"A society that wants fewer violent outbursts should reduce frustration, leave inhibitions intact and remove immediate cues that can set off aggressive acts," he says.

Reducing the frustrations of social groups is a long-term project not to be quickly accomplished. Fewer books and movies which stress violence would help preserve inhibitions against aggression.

As for cues which may trigger violence, "one of the largest," he writes, "bears the label 'guns.' Guns not only permit violence, they can stimulate it as well."

Dr. Berkowitz' approach to the problem of guns and violence is purely scientific, of course. Lawmakers and scientists do not always have too much in common.

However, in our complex world, lawmaking is an art which will succeed only if it draws on all sources of knowledge. If Congress is serious about crime and violence, it must not ignore what psychology has discovered about human behavior.

[From the Cedar Rapids (Iowa) Gazette, Aug. 25, 1968]

GUNS AND AGGRESSION

Throughout the long debate on gun control legislation, one theme heavily boomed out by free-gun boosters has been that guns aren't to blame for anything bad; the only things needing control are misuse and misusers. That's an opinion. Many dispute it, also using personal opinion. Neither side has offered much beyond subjective observation or experience to document a case either way.

Now, what passes for some scientific evidence has come along. Writing in Psychology Today, the head of the psychology department at the University of Wisconsin reports on studies looking into what effect available weapons do have on a person who is "ready" to commit an aggressive act. The evidence shows, says Dr. Leonard Berkowitz, that "even so small a matter as the casual sight of a gun can sometimes stimulate aggressive behavior."

The experiments at Wisconsin involved students who thought they were evaluating certain ideas of a partner. In the process they could use a mild electric shock device against the other person. Earlier the subjects had been purposely made angry by the partner. Some had also been innocuously exposed to firearms during the experiment, but none were aware the experiment had anything to do with guns.

"Angry men who saw guns," reported Dr. Berkowitz, "gave more shocks than any other group." He added this in terms of general conclusion:

"Both common sense and personality theory tend to neglect the 'weapons effect' that this study demonstrates. Instead, they stress motives and, perhaps, psychological and social dislocations. What is often overlooked, perhaps because it is a frightening idea, is that much violence is impulsive.

"It is not primarily planned, purposeful activity; neither is it the "inevitable" result of internal drives or maladjustment. These things set the stage and help carry the action forward, but in many cases it is also important that there be a stimulus or immediate cue to trigger aggression.

"It is quite conceivable that many hostile acts which supposedly stem from unconscious motivation really arise because of the operation of aggressive cues. The aggression can even be thought of as a conditioned response to the stimulus. If a gun can be that stimulus, then it is a double-barreled threat—an immediate cue that also presents the aggressor with a deadly means of aggression."

None of this, of course, clinches anybody's case for gun control or for a given piece of legislation. There is nothing absolute or final in the evidence thus gathered as to human behavior and guns.

This experiment and others summarized by Dr. Berkowitz, however, do substitute objective findings of fact for nebulously formed opinion as part of an answer to the question of how firearms and people do or do not interact. For those who still insist that easy access to abundant guns is not a problem that needs treatment, corresponding proof to that effect is now the only contradiction that will count.

And in the meantime Dr. Berkowitz' conclusion adds timely reinforcement to the case for toning down America's lust for weapons. "Guns not only permit violence," he stressed, "they can stimulate it as well. The finger pulls the trigger, but the trigger may also be pulling the finger."

CHANGING ROLE OF THE MUSEUM IN AMERICA

Mr. PELL. Mr. President, I wish to focus the attention of the Senate briefly on the changing role of the museum in America. As chairman of the Special Subcommittee on the Arts and the Humanities of the Committee on Labor and Public Welfare, I have been particularly impressed by the increasing involvement of museums in American life of today.

Recent statistics show more and more Americans using museums and, as a correlation to this fact, more and more museums being established. This acceleration of purpose is, in all likelihood, due to an increased amount of available leisure time. I am sure that you will agree, Mr. President, that this growing popularity of museums is a commendable and admirable reflection of the tastes and interests of the American people.

In response to these new demands of the American people on established museums, the directors of the American Association of Museums are beginning to reorganize and revamp their organization. What they wish to see is a dynamic organization which can meet the challenges of the future by making museums a vital and integral part of the American educational experience. And it is largely through the efforts and talents of its director, Mr. Kyran McGrath, a newcomer to the business of museums, that the American Association of Museums is now moving toward this goal.

Mr. President, I think it is appropriate that we of the Senate keep informed of such forward thinking organizations. I therefore ask unanimous consent to have printed in the Record an article published in the Washington Sunday Star of August 4 which describes the recent actions and future programs of the American Association of Museums.

There being no objection, the article was ordered to be printed in the Record, as follows:

Museums Will Press for Federal Support

(By Benjamin Forgey)

Museums are prospering in America, or so it would seem. There are more than 6,000 of them, and a statistican once calculated that a new museum was born every 3.3 days in the first three years of this decade (as opposed to one every 11.4 days in the Twenties.) Not only are there more museums, but more people are going to them; 30 years ago, it is estimated, attendance at museums was about 50 million visits a year, whereas today museum visits number some 300 million each year. This percentage of growth obviously outstrips population growth by a good margin. Museums are being used more, and more intensively, than ever before.

A recitation of such glorious figures can be, and frequently is, misinterpreted. Now as never before museum professionals are looking hard at the role their institutions play in a highly organized, rationalized, urbanized society, and this re-evaluation of ends and means is in large part a response to the pressures of increased attendance.

Basic questions are being asked. How are museums to cope with the crowds of people which often make a weekend visit a self-defeating exercise? How are the museums to fit into the formal and informal educational systems in their communities? How are the museums to exist in the caldrons of social discontent which our cities have become? How are museums to survive in the face of costs and needs which are rapidly outstripping resources?

A NEW URGENCY

Needless to say, such questions have provoked widely differing sets of answers based on differing philosophies and temperaments, and needless to say the answers in each case must be adjusted to the particular problems of a particular museum. Even so, amid the disagreement there is agreement on one thing: The questions must be asked, now, and solutions found, soon.

This new-found sense of urgency is the principal reason why a group of influential museum directors decided some time ago to breathe new life into the American Association of Museums. Principal instrument in the process is Kyran McGrath, 33, a loose-limbed lawyer with a lot of accumulated knowledge about politics and government in Washington, but with absolutely no previous experience in the museum field.

McGrath since April has been director of the American Association of Museums. He was born in Chicago's near North Side, but spent most of his youth on a farm one mile from Spring Grove, Ill., (population, about 260) and 60 miles from Chicago. McGrath first caught Potomac fever in 1952 when he came to Washington as a freshman at Georgetown University. He's been in Washington ever since as an undergraduate and then law student at Georgetown, as a struggling lawyer working for two years under his own shingle, as legal assistant to former Sen. Paul Douglas (D-Ill.) for four years, as director of the Washington lobbying office for the State of Illinois, and then as man-in-Washington for Illinois Gov. Otto Kerner during the days when the now-famous Kerner Commission Report was being prepared.

A CONFESSION

This capsule biography hardly reads like the ideal résumé for the job, and McGrath "confesses" that when the opportunity came up, he had not yet heard of the American Association of Museums. Given the determination of the museum professionals to bring their organization up to date, however, McGrath's talents and experience are just what's needed.

The AAM in the past has been recognized as an organization about as musty as its headquarters, in the Studio House at 2306 Massachusetts Ave. NW, an odd old structure built early in the 20th century for Mrs. Alice Pike Barney, a socialite, playwrite, pastelliste and millionairess who wowed fashionable Washington in the good old days. The building has massive dark woodwork, musty hallways, tiled floors and a music room with stage on the freize of which is engraved an obscure reminder that "The Highest Problem of Art is to Cause by Appearance the Illusion of Highest Reality." This period piece was given by Mrs. Barney's daughters to the Smithsonian Institution in 1961, and has since been used as a meeting house and entertainment center for visiting museum dignitaries as well as office space for the AAM. The association will occupy the lovely, if odd, setting until it can rationalize office space in town.

Charles P. Parkhurst, director of the Baltimore Museum of Art and the immediate past president of the AAM's policy-making council, put it this way: "The organization as it was going was okay for the past, but it wasn't looking ahead to the burdens and the problems of the future. The whole thrust of the reorganization is on the future. Museums simply must work on the problem of self-definition, and on the issues of what they are going to be obliged to do."

THE MONEY ISSUE

Museums obviously have multiple problems, but principal among them is the old one that everybody has: money. And the principal thrust of the AAM reorganization in the money field will be to encourage—solicit, even—direct federal support.

The really amazing thing about all this is that the museums as a group have never tried it before. The explanation for it perhaps lies in the fact that only since World War II have the combined pressures of spiralling costs, increased attendance and new demands for new facilities and services made themselves felt in what was once the very cloistered little museum community.

Most museums in the United States—large and small museums, science museums, history museums and art museums—are supported by a combination of public and private money. The public funds have come almost entirely from state and local governments. The private funds have come largely from that rapidly dwindling class of millionaires who wanted to leave their names engraved in history, and who rightly perceived that the best way to do it was to establish a highly noticeable institution doing service to the community—in short, a museum. Most people, even people who make a habit of going to museums, will be surprised to learn that the money is running very low.

McGrath approaches the job with a great deal of relish, as if he's sure he's on the winning side. As he outlines it, the problem is two-fold. The first is a kind of high class public relations job to get the people at large thinking about the importance of museums and the existence of a financial crisis. When people become aware that many museums are turning away requests for educational services to public school children, for example; or that the sparkling new museum to replace the tumble-down old structure will not be built, for another, the battle will be half won.

UNUSED MUSCLE

The second principal activity in the campaign will be to aid in mobilizing the enormous, and still very little used, political muscle of museums. If you ponder for a moment the fact that on the boards of directors of the major museums in the United States are names and fortunes linked quite closely to the political process at practically every level of government, then you can understand McGrath's joy in the battle.

One of the major obstacles to be overcome, of course, is the genuine fear of government control. Federal support for museums right now is minimal, most of it concentrated in grants for specific scientific research projects. Some federal education money gets back to museums when they are paid for specific educational services, but generally the reimbursement does not cover the museum's costs in operating the programs.

"Museums should never become the charges of the federal government," Parkhurst says. "Nevertheless, the case for federal support can be pretty strong. Museums are a national resource of considerable importance, not only in the sense that they serve people on an interstate basis, but because their collections in a very real sense belong to the nation."

Once the reorganized AAM gets its feet on the ground, it will have to deal with any number of problems besides that of federal support. High on the priority list will be the development of a set of uniform standards by which the quality of performance can be judged, with the long-range view of working out a system of accreditation. Another will be the development of a national research staff which can aid member museums on problems shared by all. Still another will be to establish a nationwide computerized information retrieval system.

But the principal concern in the years ahead will be to enlist the financial support of the federal government. The AAM just now is polishing up a report on museum needs for the President, and publication of this report sometime this year should be the kick-off point in the campaign.

M'GRATH PREDICTS

And Kyran McGrath, working up there in the haunted house on Massachusetts Avenue, still learning what museums are all about, rubs his hands at the thought of such political enterprise.

What does he predict? "A little bit of this in the campaign this year, and then a lot more in 1970 and 1972. You're going to see some attention to the national party platforms, and you're going to see some close attention to just how much support Congressman X is giving to museums."

And after that? "A federal Department of Culture, certainly before the century is out. Government programs and support in this field will grow solely because the demand will be there, and this demand will grow by geometric proportions. And these programs will have to be coordinated at some future date."

COAL MINE HEALTH AND SAFETY ACT OF 1968

Mr. MONTOYA. Mr. President, this session of Congress has been given an opportunity to enact legislation that is as vital and urgent as any we have considered thus far.

We have been asked by President Johnson to take steps that can end a shameful anachronism in our society. We have been urged by the President to enact a Federal Coal Mine Health and Safety Act of 1968.

Anyone who reads a newspaper or listens to a newscast these days must know that the health and safety of 144,000 of our citizens are being inexcusably neglected. We spend millions of dollars each year in research to find a cure for cancer and other diseases, but through our inaction we let a cancer in the Nation's coal mines continue to spread. Even under the best conditions, a coal miner risks his life every time he goes on shift. But, to our collective shame, the American coal miner all too rarely can be said to work under the best conditions. He is exposed daily—and unnecessarily—to the hazards of fire, explosion, flood, and rockfalls. And if he manages to elude these dangers he has at least one chance in 10 of falling victim to disease that will blacken his lungs, waste his body, and ultimately claim what is left of his life.

Our coal miners, by the grace of an earlier Congress, are protected by Federal law. But that law clearly is insufficient, and the mandatory provisions that it does contain are not backed with adequate enforcement powers. Otherwise how could it be that hundreds of miners still die each year in accidents that do not have to happen, and hundreds of thousands more are maimed in the same way?

We who represent the American people in this session of the Congress now have a chance to advance America's highest values—the life, health, and aspirations of the individual. I urge that we move quickly to enact a law that will assure adequate protection for this Nation's coal miners.

VISTA'S IN NAVAJOLAND

Mr. PELL. Mr. President, a remarkably penetrating article describing the work of VISTA volunteers at the Fort Defiance, Ariz., Navajo Reservation was published in the New York Times Magazine of August 11. I was interested to read of the accomplishments of the VISTA volunteers, whose primary challenge has been to overcome the basic distrust which the Indian still holds for the white man.

The author of this objective account, Gertrude Samuels, a Times staff member, spent several weeks at the reservation. Miss Samuels cites the definite transition occurring on the reservation since the creation in 1965 of the Office of Navajo Economic Opportunity. Various community action programs—Headstart and education progams, health, agriculture, and community development assistance—have been initiated and developed by local tribesmen with the aid of VISTA workers and OEO funds. Miss Samuels points out the sharp contrast of this emerging local responsibility to the older paternalistic approach of the Bureau of Indian Affairs.

I have been pleased to note that the VISTA program on the Navajo Reservation is undergoing a maturing process along with the Indians, VISTA is seeking higher quality volunteers—persons with particular skills in such areas as teaching, nursing, and community organization for its national program.

Mr. President, I have supported this outstanding OEO volunteer effort in the past. On the basis of the remarkable achievements of these volunteers on the Navajo Reservation and across the Nation, I will continue to urge increased support for VISTA and its remarkable volunteers working to eliminate poverty and hopelessness from our land.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

VISTA's in Navajoland

(By Gertrude Samuels)[1]

Fort Defiance, Ariz.—A few sheep and dogs were nosing among the litter and sparse grass of White Mesa, a barren mountaintop on the Navajo reservation here, when Carolyn Domsic paid the Martin family a visit. Carolyn is 22, a blond registered nurse from Cleveland, Ohio, and a VISTA volunteer. The Martins and their nine children live in a frame house and a hogan (ho-*gahn*), a six-sided windowless building of earth, logs and grass; they have no electricity, no running water, no sanitary facilities.

Three of the children, barefoot, ragged, ran to meet "Marble Eyes," as they call tall, blue-eyed Carolyn. She examined their tongues and ears and cleaned the sores on their feet. Mixing English and Navajo words, she soothed them as they struggled and cried. Their young mother, in red jacket and long cotton skirt, hurried up, complaining—the children had fever, she had no aspirin. Carolyn provided some.

Aspirin and cough medicine are the only medical supplies that VISTA (Volunteers in Service to America) gives Carolyn to work with. She wrote to family and friends and obtained medicated soap, neomycin and other basic supplies. Carolyn feels it would be preferable to have a doctor's supervision in her work, "but there isn't a doctor up here," she says, adding with her cool smile, "I don't think anyone's going to sue me."

Carolyn Domsic arrived on the reservation last December. She is one of 36 men and women from VISTA who are seeking to bring domestic Peace Corps benefits to the American Navajo. And though she is succeeding to a greater degree than many of her colleagues (she has, for example, been elected to the Community Action Committee of her district, a rare honor and reward for her achievements), she has known the frustrations that have plagued the three-year-old project since its inception.

In theory, the VISTA Navajo program is both practical and idealistic; in practice, it has been rather less than perfect. Progress has been held back by the basic distrust of the Indian for the white man, by the immaturity of some of the volunteers and by a multitude of bureaucratic confusions.

More than 11,000 Americans have entered VISTA since it was established by the economic Opportunity Act of 1964. The total number of volunteers working on projects and in training this month—5,000—is 20 per cent greater than a year ago, when the total was 4,257. They are serving on some 450 projects in 49 states (only Mississippi has refused volunteers) and the District of Columbia, Puerto Rico, the Virgin Islands, Guam and American Samoa. VISTA assigns volunteers only to communities that request them. The basic guideline of service is philanthropy in the best sense: to help the poor help themselves. Vistas, as the volunteers are known, go chiefly to poverty areas in city and rural ghettos, the migrant worker camps and to Indian reservations. In New York, they work in settlement houses, with tenant organizations, with existing agencies on alcoholism and addiction problems. In Oregon, they work through the Valley Migrant League with seasonal farm workers on adult education and community self-help ideas. At Queen Liliuokalani Children's Center in Honolulu, they tutor teen-age dropouts.

Under its legislative mandate, VISTA can theoretically take anyone 18 years of age and older, without regard to the person's skills, experience or motivation. But in fact, because of unhappy results with some early recruits VISTA's professional evaluators are now looking chiefly for persons who have both an honest "commitment" and particular skills in such areas as teaching, nursing and community organization. This has led to a rate of acceptance of only one in every eight applicants; it has also decreased the percentage of 18- and 19-year-old Vistas from 10 per cent to 2 per cent. As one VISTA official put it: "We're not looking for the psychological dropout from the university, or the person who is looking to 'find himself' and sees VISTA as some sort of group therapy." Neither is VISTA looking for young men whose main motivation is to avoid the draft—though the Selective Service System has determined that the volunteers' work is in "the national interest" and draft boards have generally granted Vistas deferments. Sixty-four per cent of the current Vista crop are between the ages of 20 and 24; 51 per cent are male; 78 per cent have attended college.

Certainly, Vistas do not volunteer to get rich. They receive a basic living, travel and medical allowance and a $50-a-month stipend that is paid at the end of a year's service, in a lump sum. Service is for a year, with an option to re-enroll. The volunteer starts his training with a week or two of courses and discussions on "The Culture of Poverty," followed by four weeks of one-the-job training in poverty areas and on Indian reservations where he lives and works at the actual poverty level. The training is calculated to test volunteers' ability to handle "cultural shock" and to think and plan creatively—and about 18 per cent of those who start don't finish. VISTA cannot afford not to be selective; it receives many more applicants and project invitations than its $30-million budget can handle.

The program on the Navajo reservation here is one of the most difficult and dramatic that VISTA has undertaken. The Navajo tribe is the nation's largest, with 115,000 members living on some 25,000 square miles of Federal land, chiefly in Arizona but overlapping into New Mexico and Utah. Together with the other "first" Americans—there are 300 Indian tribes, numbering 600,000 people—they are, tragically, the last Americans in terms of health, education and economic well-being.

---

[1] Gertrude Samuels, a staff writer for The Times Magazine, spent several weeks on the Navajo reservation.

The typical Navajo family still lives in the hogan; it has perhaps 50 sheep, earns less than $500 a year to pay for a limited diet of mutton stew, fried bread and coffee; there is little grazing land. In some communities the unemployment rate stands at 80 per cent. Infant mortality is high, and adult Navajos have an average life expectancy of 45 years.

An ancient Navajo prayer begins, "Now I walk with Talking God . . . with goodness and beauty in all things around me as I go," and this is still in some ways the land of James Fenimore Cooper's "natural man" where the Indian lives at one with the wilderness. The immense russet, rock sculptures of the desert, the sacred mountains that ring sage-floored valleys, the treeless places where sheep, goats and horses scratch for food, are steeped in legend. For "The People," or *Diné* as they call themselves, are deeply religious, with a powerful reverence for their gods whose spirits are to be found in animals, in mountains, in all the manifestations of nature. According to their "origin myth," The People first lived far below the earth's surface until they were driven upward by a flood. When they were "discovered" by the Spanish in the 17th century (and given the name *Apaches de Navajó*), The People were already a great tribe.

In 1863, the tribe was nearly annihilated by Col. Kit Carson, who invaded the area to put a stop to a rash of Indian wars; the surviving Navajos were held captive at Fort Sumner, N.M., for more than three years. In 1868, just a century ago, the Federal Government signed a Treaty of Peace with the tribe, restored its original lands and provided a supply of sheep. Since then, the tribe has remained at peace—separate from, but far from equal to, the dominant white society.

Most of the Navajo's contacts with the white man, until fairly recently, have been through the agency created as "trustee" for all 50 million acres of Indian lands in 25 States—the Bureau of Indian Affairs (B.I.A.) in the Department of the Interior. B.I.A.'s large staff, which is responsible for the economic and social well-being of reservation Indians, has long been under fire for its paternalism which, in effect, kept the Indian dependent on handouts from the Great White Father. In spite of billions of dollars appropriated for activities under B.I.A.'s supervision, the Indians fared so poorly that the Senate Interior Committee has described their condition as a "clear indictment of past programs and policies pursued by the Bureau."

The B.I.A. is represented here by the Navajo Agency in Window Rock. But since World War II, The People have been taking over a larger measure of self-government. A Navajo Tribal Council is mainly responsible today for a tribal code of law and for administration of tribal matters. It has representatives from the reservation's 100 political districts, known as chapters, and meets in Window Rock about four times a year in a small, handsome building which resembles a miniature U.N. General Assembly.

Under the guidance of Raymond Nakai, chairman of the council, the tribe operates on an annual budget of about $20-million. The money comes mainly from oil well royalties (about $13-million a year), from Navajo-run motels and from tribal arts and crafts projects. The Tribal Council uses this income to operate some social services and public works, and has invested in such projects as a sawmill and an electronic parts factory to provide jobs for the people. But the tribe has its financial problems. Says one tribal official: "If we keep operating this way on a deficit, we'll probably go broke by 1975."

With the signing of the Economic Opportunity Act in 1964, the council promptly sought help. On April 7, 1965, the council created its own Office of Navajo Economic Opportunity (O.N.E.O.), which received a Federal grant of $920,400. Another sum of $1.5 million was approved for its Neighborhood Youth Corps program.

Council Chairman Nakai had previously asked Peter MacDonald, a Navajo, to return to the tribe. MacDonald, now 39, who holds a degree in electrical engineering from the University of Oklahoma and was a project engineer on the Polaris missile for Hughes Aircraft Company in Los Angeles, returned to help evaluate and implement the tribe's programs. He became O.N.E.O.'s executive director in May, 1965, and received authority from the tribe to bring 50 Vistas to the Navajo reservation.

Today MacDonald directs 10 different antipoverty programs for O.N.E.O., including a community alcoholism treatment program and a Headstart (child development) project. The guiding principle for all is in sharp contrast to the old B.I.A. paternalistic approach: The people down at the "hogan level" are given the responsibility for deciding what help they need most, and for initiating their own programs.

But the transition is not easy. Navajos are not accustomed to responsibilities, and their suspicions of the white man are deep and historic. The only whites The People have known are the B.I.A. agents, who had tried to wash the Indianness out of them and their children; the Public Health Service officials and the missionaries, most of whom rarely let the Indians make decisions of consequence.

Tom Atcitty, the VISTA supervisor here, is a stocky, forthright Navajo of 31, proud of his ancestry, with a bachelor's degree in social studies from Taylor University in Indiana. Much of VISTA's work, he says, has been to overcome the Indians' distrust and to make them understand the purposes of the program. When they were first told that Vistas were coming to help, some were frankly enthusiastic about getting free labor from the white man for a change and thought, "Here's a chance to get me a white slave"—someone to haul wood or carry water (which must usually be transported from the reservation's few springs). Some chapter leaders were under the impression that they were getting a custodian for the chapter house.

Most Vistas assigned to the Navajos receive, in addition to the standard six weeks of training, two to three weeks of instruction in the Navajo language, history and mores at the University of Oregon. About 80 per cent of the Navajos speak no English, and it is taught here today "as a second language."

Some of the current crop of Vistas started work last December; others are finishing a year of service. They are involved chiefly in programs encompassing education (for children and adults), health, homemaking and sanitation; they also do liaison work between the outside community and the reservation. But in some areas, much of their effort is devoted to just getting themselves accepted. The Vistas live generally in teams of two; though one member of a team may be a teacher and the other a nurse, they tend to help each other out—the need is so great, and the problems so forbidding.

The Red Mesa chapter lies in all its rocky remoteness near Four Corners (where the states of Arizona, Utah, Colorado and New Mexico meet), a spine-breaking drive of several hours north from tribal headquarters at Fort Defiance. A population of 1,000 persons lives there, mostly on tribal and state welfare.

"Ya at' eeh!" ("Hello!") was the greeting Tom Atcitty and I received from Jo-Anne Nola, a pretty, dark-haired VISTA teacher from San Jose, Calif. Jo-Anne, 23, arrived on the reservation in December, along with her partner, Carolyn Domsic, the nurse from Cleveland. The two girls were on their way to an adult education class in a small room of Mrs. Jessie Blackwater's house.

Mrs. Blackwater, buxom, good-natured and businesslike, is also their landlady—they pay her, at their own insistence, $20 a month rent for their hogan. And, as it turned out, she is also their "adopted mother."

Six Navajo ladies, wearing the traditional high-necked, colorful blouses, ankle-length skirts (there are no mini-skirted Navajos) and head scarves, were already seated on the iron cot and straight chairs, laboriously trying to print English in their workbooks. They had walked to class from miles around to study their second language.

The two Vistas sat among the women, guiding this woman's hand—"I just want to learn how to write my name down," Mrs. Sally Lee insisted—or helping that woman to draw letters of the alphabet. The class worked in hushed absorption for about an hour. At last Mrs. Lee, her strongly seamed face beaming with satisfaction, printed by herself, "S-A-L-L-Y L-E-E."

"Yes, they are good teachers," Mrs. Blackwater later said in her own rather good English, "but," she added with a twinkle, "they should learn Navajo, too."

The girls self-consciously joined in the general laughter.

We went by pickup truck over dirt roads to a slightly more advanced adult education class in another private home. Half a dozen women sat weaving rugs on large wooden looms. The rugs would be sold later through the trading posts. The women greeted the Vistas with shy smiles. Some left off weaving to sit in a semicircle before a blackboard where Jo-Anne slowly chalked in large letters: "I want to buy some . . ." (The Navajos are beginning to accept English for use when they go shopping.)

Jo-Anne went to where Mrs. Alice Nelson continued weaving while her baby on a cradleboard slept beside her on the floor. Jo-Anne watched first with immense tact. Clever fingers tugged this way and that at the fine wool strands. "That's so perfect, Mrs. Nelson," she said. "Now can you pause and join us? We're going 'shopping'."

It brought a smile. "Yes, okay," said Mrs. Nelson. She brought her baby with her to the semicircle.

Jo-Anne enunciated loud and clear as she printed away, the women now repeating after her: "I want to buy some bread . . . milk . . . vegetables . . . fruit . . . sugar." One or two women could not pronounce the sibilants for lack of teeth.

During the days that I spent with these Vistas it became clear that the two girls had been taken to the Indians' hearts. Both are from comfortable, middle-class homes. Here they live in a redclay hogan, without electricity, running water or refrigeration. One day after class Jo-Anne hugged Mrs. Blackwater, teasing her: "Since the day we got here, 'Mother's' been trying to get us married to Navajo boys!" "Maybe she can marry with a Navajo," Mrs. Blackwater retorted. "She's like a Navajo, that's why."

In fact the Vistas on the reservation do little dating. One reason is that the Indian families might get the wrong impression as to why Vistas are here—especially single young women who are not missionaries. The girls do kid each other in private. A goat or three horses is a typical Navajo dowry, and Jo-Anne will sometimes call to her partner, "Here come the three horses, Carolyn."

Why did they volunteer?

"I had wanted to get involved to try to bring about some positive change, I suppose," said Jo-Anne. She had tutored Mexican-American students back in Santa Clara, and her parents supported her in VISTA service, too—"if the people want you there." Carolyn added: "All my life my parents have given me a lot, and I just want to share what I know."

Jo-Anne had had "absolutely no training materials" to start her teaching project; she had finally begged a few adult education books from the county welfare office and had bought some colored paper, work books and pencils with her own money. The VISTA teachers at the Rough Rock Demonstration School on the eroded terrain of Black Mesa, about 50 miles to the south, have not had that problem. The school, funded by the B.I.A. and Office of Economic Opportunity, boards 360 boys and girls through seventh grade, and also has education courses for 300 adults. The program is a unique experiment in Navajo education—it is controlled by a Navajo school board, six of whose seven members never went to school.

Dr. Robert A. Roessel, the 41-year-old director, who is married to a Navajo, is the catalyst; he emphasizes what he calls the *both-and* approach.

The Indian is taught to be both Indian and America: proud of his heritage *and* learning to live successfully in modern America. The classrooms have the very latest of modern paraphernalia, including movable furniture, TV sets, the newest of textbooks; there are airy, modern dormitories and dining rooms. Traditional crafts and adornments of hogan life are also displayed. The staff of teachers is half white, half Navajo; singers (as medicine men are called) come in to record their chants and the legends and history of the tribe.

The school received five Vistas this year; two remain (one left to get married, one had problems at home, one simply couldn't take the isolation). In contrast, three Vistas from a previous group decided to stay on after their year's service to become part of the regular paid teaching staff.

Frank Setter, a tall, easy-going 24-year-old from a farm family in Crary, N.D. (population 200), has been a Vista since 1966; he had a degree in social work. Frank asked to be assigned to this Indian reservation—he arrived this January—and he told me: "Vistas don't like to admit it, but we're getting much more out of VISTA than we're putting into it."

Frank lives in a trailer near the Black Mesa school. He has a twofold assignment: social work with retarded or disabled children and liaison work with families in the area to get to know their needs. The children love him, roughhouse with him, hang about him in the gymnasium when he organizes a basketball game.

In a first-grade classroom of 27 children, from 7 to 12 years of age, Sandra (Sandy) Harrod quietly but firmly makes her presence felt as the children crowd around her at a table piled with new workbooks. The 23-year-old Skidmore College graduate, a composed blonde in a blue knit suit, has communication problems. She had no instruction in Navajo during her training period, though she is taking courses now. She finds the Navajo children different from the Anglos that she has taught: "I think this is the problem of the culturally deprived child, with whom I've had little experience. They crave attention—they're so eager for approval. They're constantly bringing papers to me with one answer written down, asking, 'Is this right? . . . Is this one right?' Then they do the same with one more answer."

Sandy enjoys it here so much that she plans to go on the staff as a regular teacher when her VISTA term ends in August. Why? "Because of the challenge. But also because I think I'm afraid of the East Coast rut which I could sink into if I went back there."

In addition to education, the Vista activity on the reservation includes these programs:

Health: At Lupton, a village of about 600 persons, most on welfare, Laurel Beggin has found a great deal of illness—mostly colds, pneumonia, trachoma, impetigo. The 22-year-old nurse from St. Paul, Minn., says the problem is not so much a fear of using white man's medicine but rather lack of transportation to medical centers. "The Indians often wait until they're quite sick before they get themselves into a hospital," she explains. Carolyn Domsic adds: "I have never seen so much illness that shoes and warm clothing alone could cure."

Crafts: At Naschitti, Gloria Leach (a hairdresser from West Haverstraw, N.Y.) and Susanne Horton (a temporary dropout from American University in Washington, D.C.) encourage the Navajos to "do their own thing"—but to do it better. Gloria proudly displayed a spinning wheel made, with her encouragement, by a Navajo husband in the chapter; she has hopes that it can be electrified. Gloria has set up a "beauty shop" and she has a regular clientele of Navajo ladies who come for haircuts and sets. One day recently, a "customer," Mrs. Georgia Clani, showed the girls how to cut up a leg of mutton for stew. "This is OJT—on-the-job training—for Vistas," said Mrs. Clani.

Nutrition: Most of the Vistas are involved in homemaking projects, encouraging a more balanced diet as part of a preventive medicine approach. Some of the girls have found that the Navajo women don't know how to use the commodity foods provided by state welfare—the cheese, oatmeal, dried peas and beans, tinned meat and rice. Some have given the meat to their dogs; others have fed the peas to their farm animals or simply thrown the food away. One day I watched Red Mesa Vistas in Mrs. Blackwater's kicthen show how to cook a rich stew of the tinned meat, peas and potatoes. "Delicious," agreed the Navajo ladies.

Agriculture: Vistas have shown the Indian men improved farming and irrigation techniques, including an experimental planting of hybrid crops. And Navajo children are being helped to raise their own calves in a 4-H club. When the calves were sold at auction, Susanne Horton says, parents learned that "proper feeding and watering of a calf brings in a lot more money for cattle." Children come to her meetings from distances as great as seven miles—a true sign of the Vista's success.

Community Development: This is a less tangible program: to inspire the Navajos to get over their deep-rooted apathy and initiate and take responsibility for projects. One technique VISTA uses was demonstrated at Pine Springs, where preschool classes were being held under makeshift conditions; the Vistas abruptly terminated the classes, announcing that they would not be resumed until the children had a proper schoolhouse. Months passed, but finally the Navajo men reacted: they have just completed the first such schoolhouse in the chapter.

Yet despite such seeming successes, the VISTA program on the reservation here has had more than its share of failures. Winning the acceptance of the Indians has been a major stumbling block, sometimes aggravated by a legacy of hostility. The experience of the husband-wife team of Douglas and Edith Crow provides an example.

The newly married Crows are stationed at Indian Wells. He has a fine arts degree from Kansas City Art Institute; she is a Woodrow Wilson Fellow with a master's degree in English. They had been preceded at Indian Wells by another couple, with no VISTA connection—hippie types who had taught pre-school children. They lived in a hogan and alienated the people with their unkempt appearance and phony efforts to be Indians. The Indians couldn't understand why Anglos wanted to desert their own culture. Chapter leaders complained to tribal headquarters and asked to be rid of them, and O.N.E.O. terminated their employment.

The Crows, an attractive young couple, are patiently waiting for the negative feelings to die away. They deliberately live like "squares" in a two-room frame house in the chapter compound, *not* in a hogan. Doug is even prepared to shave off his mustache, if the clean-shaven Navajos prefer him that way.

The chapter asked Doug tentatively to "make something," and he initiated a demonstration home-improvement project—he built a wall-length clothes closet with sliding doors in a large empty hogan used only for meetings and recreation programs. In the kitchen of her home Edith waits for the Navajo women to come so that she can show them how to vary their diet. "I don't go on home visits," Edith says, "because this community is very negative toward Anglos, owing to the past history. We feel that, in a sense, if we can bring their estimation back up to the zero point, we will have succeeded."

The Crows get few Navajo callers, but one man came by the house to ask, "Can we have a class in fractions and big words?"

"Yes," Doug replied eagerly. "When shall we begin?"

"Okay. Fine. I'll come by again in the evening."

The incident happened two weeks before my visit. The Crows were still waiting for him to come by.

The problem of acceptance plagues the VISTA program. For all their seeming dedication, many Vistas lack the maturity and insight necessary for the Navajo project. Though the former Indian Wells teachers were not Vistas, they typify many volunteers who have some here burdened by personal hangups. Among early teams were college dropouts with little training. Some considered themselves "saviors" of the Indians—they had ideas of revolutionizing life on the reservation. Some came out of bizarre, personal needs to be one with the Noble Savage. Some figured that VISTA was a sabbatical. Many were known to both tribe members and Anglos here as "the dirty beatniks." (The Navajos were particularly puzzled by their bearded, unwashed appearance because for generations the white man has maintained that he is superior to the Indian in cleanliness and grooming.)

Last summer one group of Vistas often congregated in the Gallup (N.M.) apartment of a VISTA field officer for parties and "recuperation." There were rumors that the "tea" was being smoked. The situation was sufficiently serious to bring VISTA's regional director in from San Francisco, and soon after, the field officer left and the parties stopped.

When Tom Atcitty, the Navajo VISTA supervisor, was hired by Washington VISTA 18 months ago, his people asked him cynically whether the volunteers were "being sent out here for *their* rehabilitation." The first thing Tom did was to lay down rules about clothes, the use of Government vehicles (some Vistas had taken to driving them down to Mexico) and manners generally.

Because of the strong, negative feelings of the Navajos in some areas, Tom has spent much of his time just repairing the emotional damage to his tribe, by visiting the chapters, having long talks with key Navajos and trying to restructure the projects to fit local needs. He still has problems with immature Vistas, and with the VISTA bureaucracy.

Certain VISTAS here were selected, after a year's service, to be volunteer leaders to help orient new recruits; but these young people, apparently feeling that they are invested with a special power, tend to ignore Tom or policy. They take their orders from a VISTA program officer sitting miles away in Phoenix, Ariz., and from the area coordinator sitting in San Francisco. And although Tom Atcitty was hired by VISTA, is paid by VISTA on a grant to the O.N.E.O. here, he is often bypassed by the regional officials. The volunteer leaders, who have little knowledge of the Navajos, their language, their over-all needs and hopes, are periodically called to San Francisco for talks. "I'm their supervisor," Tom told me. "Yet I've never been called to those talks."

"Against this background," Tom adds bluntly, "I feel that just getting VISTAS accepted by my people has been the main achievement really. We're getting the repercussions now from the earlier VISTAS. Some of them were just placed here by Washington, by people thousands of miles away who knew practically nothing about the Navajo reservation. Even O.N.E.O. didn't know that certain volunteers were on the reservation. With this type of beginning, it's a wonder that we even have a VISTA program here. Now I think we're in position to get involved in projects that can produce something tangible."

There does seem to be growing support for the VISTA program on the reservation. Tom Shirley, the Navajo chapter president at Lupton, told me: "It's hard to pry the Navajos out of their traditional reluctance, but I think they're coming out now—with the help of the VISTAS." At a special Red Mesa chapter meeting, called to consider community action, I heard a number of the 75 men and women praise the work of the VISTA team of Jo-Anne and Carolyn.

But the people at that meeting also expressed their views on other matters: the critical need for more industry on the reservation, for more jobs, for "experts with skills who can teach us welding and give us farm training," for a high school. They told bitterly of their jobless young men who leave the reservation, seeking work in St. Louis and Cleveland and Los Angeles. "Why do our boys have to leave," they asked, "when there is so much to be done here?"

The need for expert help was emphasized by Peter MacDonald, O.N.E.O.'s executive director. He told me that last year there were 80 Vistas here; the number dwindled to 15 six months ago, and now there are 36. "The Vistas—many of them—have made a tremendous contribution, just by being here and taking on one or two specific community projects," he said. "But the reason that recruiting has not kept pace with our need is because the people also want more *quality* volunteers—people with vocational skills who can contribute to the effort to become self-sufficient; people with engineering background; people with knowledge in agriculture and range management and water development."

One hopeful development has been the recent decision in Washington to concentrate training of the Navy's Construction Battalion reservists—the Seabees—on the reservation. Last summer, the Seabees completed a pilot project at Red Rock, south of Gallup, preparing a school site, wiring an arts building, repairing the only bridge to the community. Now "Operation Navajo" is planned to take effect in August, 1969—a major, continuing training operation involving 7,000 Seabees that will result in better roads, dams, bridges. The Navajos will be hired to work side by side with the Seabees.

The program is particularly pleasing to the tribe and VISTA because it was inspired by Mrs. Margaret Sell, a Vista whose work was so admired by the Navajos that they asked her to join the paid staff at tribal headquarters. It was she who first suggested the Seabee project to the Navy.

Just before my trip to the reservation, I talked in Washington with William H. Crook, then director of VISTA, a 43-year-old veteran of many Presidential assignments involving volunteers and refugees. (He has since been appointed Ambassador to Australia). Mr. Crook described the life of the VISTA volunteer with grim humor: "People *want* to be expendable. People don't want to be coddled. We send out VISTA volunteers into danger, and we neglect them. Their checks are late. They're trained for one job and are apt to be sent to another. All they get out of it is a 32-cent pin at the end of their year's service and their stipend, and a certificate perhaps with their name misspelled."

There are, as I discovered, other urgent problems faced by the Vistas on the reservation here; yet, as many of them told me, the human rewards—though often intangible—are worth all their efforts and sacrifices. The essential element in this equation is the nature of the individual volunteer.

He (or she) must be a mature, practical, sensitive person, capable of great human insight. He needs longer, more intensive training before entering this basically "foreign" nation, training in the language and the culture of the people he seeks to motivate and to help. He must have special skills and experience to offer toward the creation of a labor pool that will attract industry and create jobs—for the Indians want passionately to be done with handouts and paternalism and to become self-supporting.

Only with such people as these can the VISTA program on the Navajo reservation really fulfill its great promise.

THE TRUTH ABOUT PUBLIC HEALTH IN CUBA

Mr. DODD. Mr. President, the Washington Sunday Star of September 8, 1968, published the first of a series of articles entitled "Castro's Cuba Today," written by Merwin K. Sigale. This first article, while critical of the Castro dictatorship, nevertheless repeated the timeworn myth that the regime has brought certain concrete benefits to the masses of the Cuban people.

The Castro revolution—

It said—

> has elevated the dispossessed while dispossessing the elevated . . . it has scored impressive gains in education, public health and social equality while canceling the rights of free speech, suffrage and political action.

It may be true that the Castro regime has dispossessed the elevated. In the course of doing so, although the article does not point this out, it also dispossessed the hundreds of thousands of small peasants who once owned their own land and small artisans who once had their own businesses.

It is completely untrue, on the other hand, that the Castro regime has "elevated the dispossessed," or that it has "scored impressive gains in education, public health and social equality."

The fact is that in every country where it has taken power the totalitarian Communist system has impoverished the masses of the people and further aggravated the condition of the dispossessed.

By a coincidence, on the day that the article to which I have referred appeared in the Washington Star, the U.S. Citizens Committee for a Free Cuba released a study entitled "Medical Conditions and Public Health in Cuba Today."

Based largely on Cuban Government sources, international medical journals, and interviews with some hundreds of exiled medical personnel, the study says that infant mortality has increased sixfold over the past 7 years and that public health in every other area has deteriorated at an equally catastrophic rate.

The study blames the deterioration in public health on "the debasement of civil authority," the swollen military budget—which takes $256 million a year against a top figure of $55 million before Castro came to power—and the total lack of concern over public health services.

The report quotes from the testimony of recent refugees who have worked in the fields of medicine and dentistry.

Let me quote here only a few paragraphs from the testimony of Jose Antonio Guethon Lahera, a male nurse who, until March 1968, was in charge of the laboratory in the Santiago de Cuba General Hospital in Oriente Province:

> "Out of every 100 tests made for hepatitis," said Sr. Guethon, "30 per cent were positive in 1966; in 1967, 33 per cent were positive; between January and March of 1968 40 per cent were positive. This is due to poor or nonexistent hygiene in homes, overcrowding everywhere and the absence of medicines to treat the disease in its early stages.
>
> "Hospitals are so overcrowded that, except in the most severe cases, the diagnosed patient is returned to his home, thus spreading the disease to other members of his family. The blood bank also spreads infections.
>
> "In 1967, 20 out of every 100 persons tested had piodermitis. By 1968, this had increased to 70 per cent, while 50 percent of those tested were suffering from kidney disorders."

Such are the "impressive gains" that the Castro regime has scored in the field of public health.

Mr. President, I ask unanimous consent that the full text of the study on public health in Cuba, prepared by the U.S. Citizens Committee for a Free Cuba, be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

MEDICAL CONDITIONS AND PUBLIC HEALTH IN CUBA TODAY

(A study prepared by the U.S. Citizens Committee for a Free Cuba)

There can be little doubt that the Cuban people have fallen victim to the political ambitions of Fidel Castro and the onward thrust of Communism in the Western Hemisphere. This fact is dramatized in the state of public health in Cuba.

The debasement of civil authority and the ascendancy of military power took formal form with Decree 988 of January 5, 1962. This decree sets aside a yearly military budget of $247 million. By 1964, Cuba's military expenditures had gone even higher—$256 million—and indications are that since that time, with the installation of 43 guerrilla training camps on the island, this figure has been revised upward.

Decree 988 also established a "central military reserve for non-budgeted expenditures" and some intelligence estimates place those expenditures in excess of $1 billion since 1962. These military outlays contrast with pre-Castro annual military budgets of $55 million, which included Cuba's contribution to inter-American defense. Castro's army is estimated at 75,000 men, with another 300,000-plus in the militia and an additional 800,000 forced to serve in the Committees for the Defense of the Revolution, actually nefarious packs of neighborhood informers. None are productive members of the community.

So great has been the military drain on the civilian economy that less than one-quarter of the housing units needed, just to keep abreast of Cuba's growing population, have been constructed. Cement, lumber and other prime materials which ordinarily would go into housing, hospitals, sewage systems and water supply have been diverted to military construction throughout the island.

Yet, on January 2, 1967, the Cuban Prime Minister told the nation that the number of hospital beds have been "increased from 20,000 to more than 40,000 during these years of the revolution." But international reference works dispute that claim. Cuba had 90 public hospitals with 21,000 beds in 1958, the year before Castro came to power. Furthermore, another 168 cooperative hospitals and clinics dotted the island where, for a monthly fee, of between $4 and $5, Cuban families received full hospitalization, all costs of surgery and medicines and in- and out-patient treatment.

Altogether, the number of hospital beds in Cuba in 1958 totalled 49,000 which is to say 9,000 more than Castro claimed in 1967. A typical Castro practice is to "inaugurate" hospitals (Topes de Collantes, the National Hospital, for example) that had either been built, or nearly built, when he came to power.

The Cuban dictator is no slouch when it comes to juggling the figures, though he is not particularly gifted at the vice. He claimed in the same speech that infant mortality before he came to power "was over 60 per live 1,000 births and at present it has dropped to 37." But the facts are rather otherwise. The *Statistical Abstract* of 1960 places Cuba at the top of the list for all of Latin America, with a rate of only 5.8 deaths per live 1,000 births. What Castro has done, then, is to demonstrate that Cuba today leads all Latin America in infant deaths.

The failure of the public health system is best demonstrated by epidemics that rage throughout the island. Of the epidemics reported, gastroenteritis provides the best index to the state of public sanitation. It is relatively easy to control by elementary sanitary measures and comparatively simple to treat with medicines, and for that reason was virtually unknown in Cuba before Castro came to power. In a November 1963 article in the Communist newspaper *Hoy*, editorialist Manuel Navarro Luna reported: "Between May and June, there were 528,460 cases of gastroenteritis reported in the hygiene centers in the rural zones of Cuba."

In August, 1964, the Ministry of Justice announced that it had listed in official registers a "total of 6,429 deaths for the first 6 months of this year in Havana, of which 1,073 were children." This means a death rate of 16.6% in Havana alone (the figure would be much greater nationally) as against 6% for countries with adequate public health facilities. On June 18, 1966, the Public Health Ministry announced that "212 children died of gastroenteritis in the last 14 days," with Minister of Health José Machado Ventura elaborating over CMQ radio on November 27 the same year that the rate of deaths among children due to gastroenteritis mounted to well over 1,200 in Havana Province.

Ever since Castro took over in 195[illegible], diseases which were virtually nonexistent in Cuba have returned in epidemic proportions—dysentery, typhoid fever, diphtheria, brucellosis and malaria. Anemia is common. There have been dramatic increases in the number of new cases of smallpox, scarlet fever and venereal diseases. The regime also has issued public statements concerning its "struggle" to contain yellow fever, unknown in Cuba since the early 1900's.

José Antonio Guethon Lahera, was until March 1968, a male nurse at the Santiago de Cuba General Hospital in Oriente Province, supervising the laboratory.

"Out of every 100 tests made for hepatitis," said Sr. Guethon, "30 per cent were positive in 1966; in 1967, 33 per cent were positive; between January and March of 1968, 40 per cent were positive. This is due to poor or nonexistent hygiene in homes, overcrowding everywhere and the absence of medicines to treat the disease in its early stages.

"Hospitals are so over-crowded that, except in the most severe cases, the diagnosed patient is returned to his home, thus spreading the disease to other members of his family. The blood bank also spreads infections.

"In 1967, 20 out of every 100 persons tested had piodermitis. By 1968, this had increased to 70 per cent, while 50 per cent of those tested were suffering from kidney disorders."

Juan Yanes Navarro worked at the Medical Cooperative of Havana, escaping from Cuba in 1968, and testified as follows: "The number of patients admitted to this hospital were suffering from various degrees of anemia due to lack of food. By 1967, the number suffering from anemia rose to 90% of all those admitted. The majority had between 3 and 3½ million red corpuscles, and hemoglobin of between 8 and 9 grams. But medicines containing iron were not available. In emergencies we gave 500 grams of whole blood."

The Cuban regime has sought to explain away the deterioration in public health services, saying that the water problem today is the "heritage of the capitalistic past." But the fact is that it is under the present Communist regime (and not before) that critical water shortages, pollution and resultant epidemics have occurred.

Cuban engineers who built the present Havana water system trace present water pollution to these causes: lack of equipment and competent personnel to run it; failure to maintain reservoirs, water mains and sewage systems; lack of fuel to operate the water pumps; lack of water pumps themselves; and the complete absence of chlorination. Prior to Castro, only selected water sources were tapped and the water was systematically checked for purity, filtered and chlorinated. What Cuban doctors in exile call "astronomical morbidity" in Cuba is aggravated by an almost complete lack of hygiene in cafes, shops and restaurants. Fire hydrants have been opened up and spew contaminated water into unsanitary buckets in the hands of unsanitary Cubans who do not have soap to cleanse themselves or their utensils. The ration is one small bar of toilet soap and one of washing soap per person per month. Ingredients in Cuban-manufactured soap causes skin irritation and mothers often use home remedies to wash their babies rather than risk almost certain infection through the use of soap. After using fresh lemons the rind and pulp are often used to cleanse infants and adults.

Another form of epidemic is expressed in the sky-high pre-natal mortality rates. This information, gathered from a number of gynecologists who have fled Cuba, states that there are no drugs available to treat pregnancy anemias and many mothers do not retain the fetus. This accounts for the extraordinary increase in still-borns throughout the island. Special wards have been established in some hospitals to take care of the large number of premature births. However, not much can be accomplished because of the lack of hospital space, scarcity of incubators and oxygen tanks. In pre-Castro Cuba, the weight of new-born babies averaged 6½ pounds. Today, the weight is less than 5 pounds. The primary factors responsible for the reduced weight of Cuban babies is lack of appropriate food for the mothers, lack of medicines and vitamins, and the nervous tension of both sexes caused by the daily climate of fear under which people live.

Here is the testimony of medical aide Fernando Fernandez-Landa: "I worked for 20 years at the maternity hospital, located at 31st and 94th Avenue, Marianao, Havana. Up until 1962 there were 134 doctors on the staff; by 1965, there were 97; in 1968, when I left, there were only 84. Only four of these were doctors in any real sense of the word, the others having been trained by the Communist regime.

"Ether is non-existent and patients are given spinals. The chemicals which are imported from Red China are so bad that post-operative effects often last for a year or longer. Sanitary conditions at the hospital are terrible, due to the lack of water, disinfectants and even personnel to do the cleaning, because they are carted off by the regime to cut sugar cane. Neither the patients nor the medical staff change their gowns daily, and the patients are never washed daily while bed sheets are changed once every week or two.

"There was an average of 50 deliveries of babies daily from 1947 to 1962, including caesareans. In 1962, the number of deliveries decreased to about 30 per day, and abortions increased. In 1967, there was an average of 400 abortions per month, mostly of young unwed mothers who were sent, unsupervised, out to cut sugar cane along with militia units. The age of these young women runs between 11 and 20 years; the death rate among them from abortions was 6% in 1968."

Mental disorders in Cuba have increased by 75% since 1962. Psychiatrist Dr. Lisandro Díaz Torres, recently escaped from Cuba, explains this phenomenon: "The uncertainties of daily life, having to scrounge for food and clothing, tensions at home, and, for the child, in school, is responsible for the usually high number of mental problems now found in the Cuban population. The Cuban psychiatrist added: "Treatment in Cuba of the mentally ill is made virtually impossible because 1) of the poor quality of drugs and the total absence of tranquillizers, and: 2) the necessity of returning the patient to the environment of violence, terror and uncertainty that produced the mental problem in the first place."

The testimony of Maria Fabregas Gutiérrez is pertinent. She worked as a laboratory technician of the Psychiatric hospital, Rancho Boyeros Avenue and 26th St., El Cerro, Havana from 1966 until May 1, 1968. "By mid-June of 1967," said Miss Fabregas, "our medical staff had been reduced from 187 doctors and psychiatrists to 39."

She continues: "The five electro-shock units were in such poor condition that only three were working at any given time, despite the fact that an average of 500 patients were admitted weekly for mental disorders. The patients became so numerous that we had to refer them to one of the first aid stations. The X-ray machine was inoperable.

"Most of the patients were young women between 15 and 30 years of age who broke down under the terror and constant harassment under which they lived. Many were unwed and pregnant, having no defense against the demands of the militia who may take anyone they want and go unpunished."

Havana's mental hospital at Mazorra has deteriorated spectacularly since Castro came to power. How it happened is told by Josefina Hernández de la Rosa de Bello, an employee of the hospital for 10 years until she escaped from Cuba in 1968.

"Bedding is scarce: the hospital is jammed with mentally deranged people. On holidays they are fed only once a day. On other days, the food is scant and fights break out among the patients. Relatives are seldom permitted to visit, probably out of fear by the regime that the horrible conditions prevailing will cause a public revulsion and reaction.

"More than 5,000 patients are crowded into space meant for less than half that number. Fifty per cent of the women patients range from 15 to 23 years of age, many of them pregnant and virtually all of them unwed when they are admitted.

"Violent patients are kept nude in cells 10 by 12 feet, four or five to each cell. The walls are not padded; they sleep on the floor without bedding; they look like wild, caged, animals. There are no medicines or other equipment to treat them."

The incidence of epidemics, mental disorders and the like has prompted the Castro regime to stop issuing statistics in recent years. However, the constant stream of exiles, spot news on the Cuban radio and other sources provide a ready index to the state of public health in that unfortunate island. The situation will become worse, rather than better, since the Cuban military budget has risen and Fidel Castro has stated that all efforts to alleviate poor health conditions must await a "more favorable world climate," whatever he may mean by that phrase. He has publicly admitted that the housing shortage "cannot be solved until 1990."

LACK OF TRAINED PERSONNEL

A personal communication dated July 15, 1968 from Dr. Angel Vieta, ex-Dean of the School of Medicine at Havana University, states that 2,800 Cuban physicians have fled into exile. None of the flights was occasioned by repugnance of physicians for Cuba's socialized medicine, for, prior to Castro, Cuba had a large degree of socialization throughout its various fields of professional treatment. The point is that 46% of all licensed Cuban physicians have fled Cuba because political reliability takes precedence over his competence in the medical field.

This situation continues. Dr. Gustavo Mesta Pujol, named by Castro to organize the medical profession in Cuba along Communist lines, said in a recent interview after escaping from Cuba in a small boat, that the Ministry of Public Health had received—and denied—more than 2,000 applications from physicians to leave the country. Another 500 physicians have been retired at their own request, he said, because they did not want to work for the Communist state. They were labelled "enemies of the state," their ration cards taken away and must live, literally, a hand-to-mouth existence on food given to them by friends and relatives.

Of 45 full-time faculty members on the staff of the School of Dentistry at Havana University ten years ago, only two remain. Forty are in exile, two are political prisoners of the regime and one is dead. They have been substituted by students, second-rate professors from the Soviet-bloc, and general practitioners with no graduate training at all. There are now approximately 635 dentists as compared to a pre-Castro registration of 1,980.

Not only professional dentists and doctors have left Cuba. Thousands of nurses, laboratory technicians, hospital aides and administrators also have escaped from Castro's Communist paradise. Today, their replacements, Cuban doctors trained under the Castro regime, have the competence of nurses' aides. Recent and current medical and dental graduates cannot be considered doctors or dentists by any accepted standard. First of all, the government selects those who may enter medical and dental schools, and the selections are made more on the basis of Party loyalty than on aptitude and intelligence. Then, after three or four years of crash courses, "graduates" are shipped off to practice medicine for the state in one or another medical center where they are expected to learn more of their profession. The curriculum is obsolete; there are few tools for their work. What the medical courses amount to, then, is a sort of on-the-job training without professional supervision, turning out "new doctors" whose poor patients pay the price—often with their lives.

Helio Constantino Cárdenas Mora was a dentist in Cuba. He arrived in Miami on a "freedom flight" in July, 1968. Here is what he has to say about dental conditions in the Policlínicos in Pinar del Rio Province: "On Mondays through Fridays only fillings and extractions were performed. On Saturdays, minor surgery was permitted. A 'quota' was ordered by which each dentist had to treat three patients each hour, yet each patient had an average of six cavities to be cleaned and filled. The 'quota' for extractions was eight patients an hour. As a result, many teeth were lost, and virtually no dental records kept. No dentist or technician received a vacation for over three years, and the work day was 12 hours.

"Dental tools from East Germany are so poor that they are inoperative within one year of being installed.

"The poor state of Cuban teeth today definitely is because of the lack of a good diet. Only children receive milk and this consists of water, a small amount of powdered milk and an even smaller amount of fresh milk. Even pregnant women are given no milk ration. The diet is so poor that many Cubans drink water and sugar for energy and this adds to the deterioration of the teeth."

Concepción Rodríguez Hernández was employed at the Quinta de Dependientes Hospital in Havana. The children's ward consisted of only 200 beds. Miss Rodríguez was in charge of personnel who performed laboratory tests for the patients.

"In 1967," says Miss Rodríguez, "every single child admitted to the hospital was suffering from anemia. Their hemoglobin count varied from 5 to 8 grams, and their red corpuscle count ranged from 2½ to 3 million. Seventy per cent of all children admitted ranging in age from a few months to five years, died."

Of the women admitted to maternity, Miss Rodríguez said: "None of them had a higher count than 2½ million red corpuscles and a hemoglobin of six or seven grams. Thirty per cent of them suffered from post-delivery infections. Cesareans create 80 per cent post-operative infections. This is due in large measure to inexperienced 'doctors' who have no real training for their profession."

Prior to Castro and Communism in Cuba, medical courses were seven years, equipment and curriculum were modern, and the medical student was supervised by some of the best doctors in the Western Hemisphere. One, Doctor Agustin Castellanos, is a world-famous heart specialist and today is with Miami's National Children's Variety Hospital. Another specialist, Doctor Luis Duany, is with the same institution. The pre-Castro school of Dentistry at Havana University was five years' duration, followed, as in the medical profession, with stiff examinations. Today, a Castro "dentist" is graduated after two years' training and can lay no claim to much more than the education of a dental technician in other countries. One out of three "dentists" in Cuba today indeed are dental technicians but practice as dentists.

MEDICINES AND MATERIALS LACKING

The high number of post-operative infections in Cuba have been traced, in large measure, to the poor quality of Russian catgut. The suture is not absorbed by the patient's body, considerably retarding the healing of the wound. In many cases, the outcome is fatal. Penicillin from Red China is so bad that physicians in Cuba today use it only in dying cases. Dental material from Soviet-bloc countries is of an inferior quality, fillings constantly fall out, there are no coagulants, materials to build dentures or quality dental anesthetics.

Even the most indispensable items are lacking in Cuban medicine today. There is no cotton, aspirin, iodine, mercurochrome, laxatives, sedatives, antibiotics, hydrogen peroxide and the like. Often a patient is prepared for surgery and surgery is postponed for lack of the most simple of ingredients, available to country doctors in the jungles of Bolivia and Brazil. Operating rooms at most hospitals lack elementary things—detergents, disinfectants, gauze, cotton and plaster of paris. As a result, hygiene in surgical rooms is at a minimum and the rate of post-operative infections is epidemic in proportions. Mortality rates are at an all time high.

It is impossible to find in Cuba drugs to treat conditions such as high blood pressure, anemia and hepatitis. Persons suffering from these diseases have recurred to household remedies used in Spanish colonial times. And many patients refuse to go to hospitals, certain that they will never leave the premises alive.

Yet, in 1964 the Cuban ship *Sierra Maestra* sailed from the Port of Matanzas to Algeria, loaded with American manufactured medical supplies, much of which was given to Cuba in 1962 and 1963 as ransom in the exchange of Bay of Pigs prisoners for medicines. While the ship was being loaded, stevedores tore open some of the cartons and found medicines so desperately needed for the Cuban people, protested, and were taken away to one of Castro's 87 concentration camps.

Blood is extracted from prisoners who are about to be shot by firing squad. Here is the story, told by Celestino Roberto Vazquez Casines, who made the extractions. "Prisoners have blood extracted from them just prior to being executed, and there have been cases where, because of the poor health of the victim who has been in prison for years, the extraction itself makes the execution unnecessary. He dies."

Draftees into the Cuban military are, says Sr. Vazquez, made to "contribute 300 grams of blood every three months. So are laborers, who are rounded up periodically, placed in trucks and sent to us for blood extractions. Even the so-called Committee for the Defense of the Revolution are made to canvas the block which is under their spying jurisdiction and order all adults under 50 years of age to report and give 300 grams of blood."

What happens to the enormous quantity of blood extracted from the Cubans also is told by Sr. Vazquez: "We usually only use blood from the blood bank when it is specifically requested by a doctor and approved by higher officials. This is because blood plasma is sent to North Vietnam in regular shipments."

The ACTH provided by the Russian Medexport laboratories was responsible for a number of deaths in 1962 and 1963. An official resolution dated February 26, 1963 prohibited its use. By June, 1964, Cuban physicians had become so alarmed by the deaths of their patients that the Cuban Ministry of Health issued an urgent order withdrawing 39 pharmaceutical products from drugstores throughout the island. Of the 39, it was revealed that 36 had been supplied by Soviet and Soviet-bloc sources and the other three by Red China. Señorita Nery Rodríguez was blinded and paralyzed from the waist down after taking a dose of Russian-manufactured polio vaccine at school in Cuba three years ago. This child is now a refugee living in Key West.

The disastrous state of public health in Cuba often is successfully hidden from American doctors who know no Spanish and do not take the time to consider pre-Castro medical conditions before traveling to the island. On January 30, 1968, Dr. Albert B. Sabin, developer of the oral vaccine, was interviewed by Al Volker of the *Miami Herald* regarding his views of Cuba following a trip there.

He said: "Cuba has done well in providing medical services in general, including the rural areas. Whatever you think of the Castro regime, it must be recognized that health services there are very well organized and vaccine is being carried to the children extraordinarily well." Dr. Sabin's views contrast sharply with those of Chilean, Mexican and Brazilian doctors who attended a conference on gastroenteritis in the city of Santa

Clara and came away appalled by the almost medieval practices of Cuban medical doctors. It may be supposed that Dr. Sabin was given one or another guided tour by the Castro regime.

SUMMARY

The continuous deterioration of public health services in Communist Cuba can be attributed to a number of factors: disintegration of public health services and lack of facilities; flight of trained personnel in virtually every category of Cuban life; the use of new medical and paramedical personnel; the takeover by the state of all private practice and private clinics resulting in a collapse of basic hygienic practice at every level; the socialization of medicine; the lack of detergents and disinfectants with the resulting spread of epidemics; the poor quality, and lack, of pharmaceutical products; and the lack of adequate food, clothing and in many cases even the lack of rudimentary shelter.

The Cuban Communist regime has little difficulty obtaining what it wants from Western countries; the policy of "economic denial" being pursued by Washington has not been effective. But Castro lacks the dollars to make extensive purchases, and those that are made do not alleviate the suffering of the Cuban people.

Behind all of this stands the specter of Castro-Communist ambition, the debasement of civil responsibility. Until the basic ill is cured, then medicines and food will continue to be a vital weapon in the hands of the regime. For example, tons of canned food are stored in various dumps around the island to supply Castroite guerrillas operating in Latin America, for Castro's military forces, and the Communist elite. Milk is virtually unobtainable in Cuba and more than one ration line have erupted when none turns up for sale. In February 1968, seventy stevedores refused to load powdered milk, food and medicines destined for North Vietnam, aboard a Soviet vessel.

This incident threatened to set off islandwide disturbances, forcing Castro to announce on March 13, 1968, "a revolutionary offensive against parasites and counter-revolutionaries." Vilma Espin de Castro, wife of Armed Forces Minister Raúl Castro and head of the Federation of Cuban Women, set the tone with this March 23 declaration: "We must crush the counter-revolution." When faced with complaints that milk, food and medicines were being shipped to North Vietnam, she answered: "If the milk is for North Vietnam, then they can have all of it!"

Little more need be added.

SOURCES

Granma, February 25, 1966; "Reto al Comunismo," by Doctor Enrique Huertas, *Diario las Americas,* November 30, 1965; *The Cuban Report,* January 17, 1964; "Un Medico Latinoamericano Ve la Medicina en Cuba," *Salud Publica de Mexico,* October, 1963; Radio CMQ, September 9, 1963; Radio Progreso, August 12, 1963; Radio CMQ, November 15, 1963; *Informe Sobre Cuba,* November 16, 1963; Decree Law 1, 141; *Hoy,* May 23, 1964; *The Miami News,* March 28, 1965; *El Mundo,* November 16, 1965; Radio CMQ, February 11, 1964; *Boletin Medico,* Vol. 1, No. 2, April, 1964; *Granma,* February 28, 1966; Circular No. 3, Department of Supply, Clinica Benefica, Havana, February 26, 1963; *Cuba Obrera,* August, 1964; *The Miami News,* January 30, 1968; *Washington Evening Star,* January 31, 1968; Agencia de Informaciones Periodisticas, February 6, 1968; *The Miami Herald,* April 7, 1968; *Gazeta Oficial de Cuba,* January 15, 1964; *Informe Sobre Cuba,* August 29, 1963; Radio CMQ, June 1, 1964; Radio Progreso, June 26, 1963; depositions and interviews with 329 medical technicians, dentists and doctors covering all fields of specialization and general medicine.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RENEGOTIATION ACT—INTERNATIONAL ANTIDUMPING ACT—INTERNATIONAL COFFEE AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Bill Clerk. A bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, to suspend the International Antidumping Code, and to implement the International Coffee Agreement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Indiana 5 minutes on the bill.

Mr. HARTKE. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I wish to ask the Senator from Indiana a question.

The Senator knows that the Senator from Wisconsin [Mr. Proxmire] and I, on August 1, introduced a proposed amendment to this bill, relating to income tax treatment of small business investment companies. It was fully my intention to call up that amendment; but I understand—and I ask whether my understanding is correct—that there has been some discussion and some consideration of this proposal in the committee, and the thought is that there should be hearings on it, as a separate bill. Is my understanding correct?

Mr. HARTKE. The understanding of the Senator from Alabama is correct. This matter was brought before the Committee on Finance at the time of the consideration of this bill, and it was the understanding at that time that there was a possibility of the proposal being adopted as an amendment. In the committee itself we decided against accepting the amendment, for the reason that we thought this matter was of such a nature that greater consideration should be given to it than possibly could be given to it at the time we had an executive session.

In addition, the committee was of the opinion that it would be necessary to have hearings on this matter so that the complete merits of the situation could be discussed.

I assure the Senator that the Committee on Finance will be willing to have such hearings and will cooperate with the chairman of the Committee on Banking and Currency and with Senator Proxmire, as cosponsors of the amendment, so that this matter can be properly researched and discussed and so that there will be proper consideration of a very important problem which affects the small business people of the United States.

Mr. SPARKMAN. I wonder whether the Senator has any idea as to how soon those hearings might be held.

Mr. HARTKE. I do not, but I assure the Senator that I will take the matter up with the chairman of the committee, and we will be in touch with the Senator from Alabama and will try to schedule hearings at the earliest possible moment.

Mr. SPARKMAN. Mr. President, in view of the situation that prevails in the committee, and in view of the assurance on the part of the Senator from Indiana, I will not call up my amendment.

However, at this time I ask unanimous consent to have printed in the Record a letter from the Treasury Department, dated April 10, 1968, regarding this measure, addressed to the Senator from Louisiana [Mr. Long], chairman of the Committee on Finance, and a letter addressed to the Vice President of the United States by Mr. Boutin, former Administrator of the Small Business Administration, submitting the proposed legislation, calling attention to the fact that this is an administration bill which has been approved by the Small Business Administration and by the Bureau of the Budget. The Treasury Department indicates in its letter that it would defer to the opinion of the Small Business Administration.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Treasury Department,
Washington, D.C., April 18, 1968.

Hon. Russell B. Long,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This is in response to your request for this Department's views with respect to S. 1863, "A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies."

This bill and S. 1862 have been sponsored by the Small Business Administration as a comprehensive proposal designed to improve the effectiveness of the small business investment company program. S. 1862 as modified by the Congress was enacted as Public Law 90–104 and was signed by the President on October 11, 1967.

The Treasury has not made any independent investigation of the SBIC industry which would enable this Department to express any view as to the need for revision of the tax treatment of SBIC's or as to the effect of the proposed revision on the industry. However, in view of the interest in the possibility of revising such tax treatment as part of the overall review of the SBIC program which has been undertaken by Congress and the Small Business Administration, the Treasury cooperated in the preparation of this legislative proposal which is designed to accomplish certain objectives set forth by the SBA.

This proposal contains a combination of provisions intended to improve the SBIC industry. The provisions are largely extensions of particular tax benefits. Considered separately, these benefits are available singly to several various limited classes of other taxpayers in certain circumstances under existing law, although no taxpayer presently obtains all, or a majority, of these benefits in combination. Whether this combination of tax benefits extended to small business investment companies will efficiently accomplish the goals set forth for this program by the Small Business Administration is a question on which the Treasury Department expresses no view and defers to the Small Business Administration.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., May 20, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are copies of two draft bills, together with section-by-section analyses thereof. The first of the bills would amend the Small Business Act and the Small Business Investment Act of 1958. The second bill would amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies. For the reasons stated in the analyses, I recommend the enactment of this legislation.

Title I of the first bill would effect certain increases in the limitations governing the amount of obligations and commitments which may be outstanding at any one time from the business loan and investment fund of the Small Business Administration. It would also have the effect of lengthening the maximum term permitted on business loans made by SBA for construction purposes; would increase the authority of SBA to establish advisory boards and to reimburse the members of such boards, as well as other persons cooperating in the work of the Agency, for expenses incurred by them; and would broaden the authority of the Agency to utilize the mails for the promotion of its programs.

Title II of the first bill would introduce major changes in the small business investment program established by the Small Business Investment Act of 1958 to provide small business concerns with equity capital and long-term financing. The provisions of this title are designed to remedy three basic weaknesses which have developed in the program since its inception nine years ago.

The first of these weaknesses is that the average small business investment company is much too small, much too limited in financial resources and management skills, to do the job contemplated by the Congress. The second weakness is that the leverage inducements offered to investors by existing law are not strong enough to attract private capital in the volume needed to assure the success of the program. The third weakness is that the financing provided to portfolio companies by SBICs is mostly of a debt nature, rather than the more desirable equity-type investment.

Title II stipulates that, after enactment of the bill, a license will not be issued to an applicant unless it has a private capitalization of at least $1 million. Although this new size standard would not be immediately applicable to existing SBICs, those which are below it would be required to comply with specified time limits. These time provisions are sufficiently broad and flexible to minimize hardship.

The financial incentives offered by Title II should evoke a satisfactory response from the private market. Through the sale of debentures to SBA, an SBIC could obtain up to $7.5 million of Government financing. Additional financing could be obtained by an SBIC which places at least 65 percent of its available funds in investments of an equity nature. In no case, however, could such Government financing exceed $10 million.

The bill to amend the Internal Revenue Code would operate to remedy certain significant problems and deficiencies which have become apparent in the present income tax treatment of SBICs. Current tax provisions tend to discourage the higher risk equity and long-term debt financing of small concerns by SBICs which is most desirable. This tax bill would aid in encouraging such financing by allowing loss reserves and bad debt treatment for losses on all types of debt investments by SBICs, and by extending ordinary loss treatment to losses on equity investments by SBICs (subject to certain limitations). The measure would also conform the tax treatment of SBICs under the personal holding company and regulated investment company provisions of the Internal Revenue Code to accord with SBA regulations governing the companies, thus removing inappropriate requirements on SBICs under existing tax law. We believe these corrective tax amendments are vital to the success of the SBIC program.

Let me emphasize that the purpose of these bills is to provide needed reform and incentives for an industry in serious difficulty, and thereby to help achieve the objectives of the small business investment program. I am convinced that prompt adoption of these reforms and incentives will carry the program through its present crisis and, in time, establish it as a valuable source of long-term financing, especially equity-type financing, for the small business community.

The Bureau of the Budget has advised that it has no objection, from the standpoint of the Administration's program, to the submission of the bills to the Congress.

Sincerely yours,

BERNARD L. BOUTIN,
Administrator.

Mr. HARTKE. Mr. President, I should like to add that I know of no other Member of the Senate who has devoted more time and energy on behalf of small business concerns in the United States than the Senator from Alabama [Mr. SPARKMAN]. I congratulate him for his efforts. I know he has a continued interest in their welfare.

We will do everything we can do to expedite the hearings in this matter.

Mr. SPARKMAN. I thank the Senator.

AMENDMENT NO. 942

Mr. CURTIS. Mr. President, I call up my amendment No. 942 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new title:

"TITLE IV—MISCELLANEOUS AMENDMENT

"SEC. 401. (a) Section 103(c) of the Internal Revenue Code of 1954 as amended by section 107 of Public Law 90-364 (the 'Revenue and Expenditure Control Act of 1968') is amended by striking '$1,000,000' in paragraph (6) and inserting in lieu thereof '$5,000,000.'

"(b) The amendment made by subsection (a) shall be effective as if it had been enacted as part of the amendments made by section 107 of such public law."

Mr. HARTKE. Mr. President, will the Senator yield to me briefly?

Mr. CURTIS. I yield.

Mr. HARTKE. Mr. President, I ask unanimous consent that the time allocated for opposition to this amendment be under the control of the Senator from Connecticut [Mr. RIBICOFF].

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there objection? The Chair hears no objection and it is so ordered.

Mr. CURTIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, for over 30 years municipalities could issue industrial revenue bonds to create jobs. In 1954 the Treasury Department published a ruling approving that procedure. Thereafter, Congress reenacted the statute, and that has been the law. This year the Treasury Department attempted to change the regulation.

The Senate has approved an amendment which I offered that nullified the action of the Treasury Department but at the same time it approved an amendment offered by the Senator from Connecticut [Mr. RIBICOFF] whereby the Congress took away the tax-free status of industrial bonds.

The matter went to conference. In the conference there were many controversies over the income tax increase and the spending cut. The conferees decided to preserve tax-free industrial bonds for small business but they fixed the dollar limit of $1 million.

All we are doing here is striking out the $1 million and making it $5 million to make the situation realistic.

I want to be very frank about this matter. This program has been a fine program for rural America in creating jobs. Abuses sprang up. There were a few issues of more than $100 million. There was a little pirating of business over such things and, as a result, sentiment was such that the Ribicoff amendment prevailed.

The proposal would reduce the activity to a small business function. It would do away with abuses and make the provision realistic. A limitation of $1 million is not realistic. If we do not permit local governments to use their credit and issue these bonds and bring in small business, and in most instances new industry that did not exist before, who else would do it? The bankrupt Federal Treasury would do it.

We have the poverty program, the economic development program, the small business program, the Office of Economic Opportunity, and program after program that has to do with borrowed money. Here is an opportunity to let rural America help itself in a program that was started over 30 years ago. The program has been eminently successful.

Since the program started, Congress has never totally taken away the tax-free status of industrial bonds to help small business get started and provide jobs. In the many things to take care of in the conference report, they did fix a limit for small business that is unrealistic. We ask to raise the amount to $5 million. It will still prevent all abuses that have been talked about. I wish to add that there is no issue of revenue involved here. I also wish to add that 77 percent of all corporate bonds that are sold in this country are purchased by nontaxable entities. The bonds are purchased by foundations, pension funds, union funds, and college trust funds.

Therefore, it is a question of supporting a long-established program that helps rural America or turning our backs on rural America.

Mr. HARRIS. Mr. President, will the Senator yield to me for 5 minutes?

Mr. CURTIS. I yield 5 minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I rise as a cosponsor in support of the amendment offered by the distinguished Senator from Nebraska [Mr. CURTIS] which would increase the ceiling on tax-exempt industrial revenue bonds from $1 million to $5 million.

I was strongly opposed to the Treasury Department ruling, and to the action taken earlier this session by the Senate, both of which would have eliminated completely the tax-exempt status of industrial revenue bonds. Although the conference committee on the Revenue and Expenditure Control Act modified the Senate amendment somewhat to permit bond issues under $1 million to continue to enjoy tax-exempt status, I do not believe that this compromise goes nearly far enough to salvage what has been a very beneficial device for economic development in sparsely populated areas, and I believe I have good evidence from my own State of Oklahoma to back up that statement.

As a member of the Oklahoma State Senate, in 1962, I authored the enabling legislation which permitted Oklahoma communities to take advantage of these tax-exempt bonds. Of the total of 37 such bond issues approved in voter referendums in Oklahoma between June 1964 and March 1968, 14 were for amounts between $1 and $5 million. Following voter approval, 13 bond sales were consummated in that period, of which seven, or more than half, were for amounts between $1 and $5 million. Only one sale was for more than $5 million—actually, it was for $5,200,000. Equally important, bonds sold in the $1 to $5 million range were far more important in bringing jobs and income to Oklahoma than were the six bond issues sold for under $1 million. I think these statistics clearly demonstrate the importance for my own State, and I suspect for other smaller States as well, of raising the ceiling on these bonds to the more reasonable and beneficial level of $5 million.

As I understand it, the Treasury Department posed two main objections last spring to tax-exempt industrial bonds. First, the Department pointed out that since the absence of a ceiling permitted bond issues of as much as $100 million to be voted and sold, the entire bond market was coming to be dominated by tax-exempt issues, which, of course, cut into potential Federal revenues. It is obvious, I think, that we will be meeting this objection whether the ceiling is set at $1 million or at $5 million. Second, the Department observed that some 42 States now had enabling legislation permitting them to take advantage of the tax-exempt issues, thus obviating any comparative advantage in the bond market which industrial revenue bonds were supposed to provide for smaller States. Here, too, I think we will be meeting the Treasury's objection with a $5 million ceiling, since it was larger cities in the more populous States which were responsible for the high-cost issues. If this Congress will approve a $5 million ceiling, we can restore to this method of financing its original objective: to provide rural areas and smaller towns and cities better access to industrial financing than the general bond market will offer them.

Mr. President, many persons, including Senators, have been expressing proper concern over the massive shift of our population from rural areas into our cities. Along with other measures under consideration—including the Rural Job Development Act, which Senator PEARSON and I introduced last year, and the Community Self-Determination Act, which Senators NELSON, PERCY, JAVITS, and I introduced this July—I think tax-exempt, industrial revenue bonds, with a reasonable ceiling of $5 million, will continue to be an indispensable means of generating employment and income in rural areas, thus retarding, at least, the flow of people into our already overcrowded cities.

I urge the Senate to approve the amendment.

Mr. HRUSKA. Mr. President, will the Senator from Nebraska yield me 4 minutes?

Mr. CURTIS. I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HRUSKA. Mr. President, when I joined my colleague [Mr. CURTIS] as a cosponsor of S. 3782, a comprehensive bill relating to industrial revenue bonds, I did so with the realization that the full impact of its provisions needed to be carefully studied. The questions surrounding the use of industrial revenue bonds are complex, and the answers are not simply "yes" or "no." These bonds have accomplished a great deal of good, but there have been abuses, also.

Hearings on that bill are necessary, and this will require time. Unfortunately a provision of the surtax and expenditure reduction bill makes time an unavailable luxury. According to that law, industrial development bond issues exceeding $1 million will lose their tax-exempt status on January 1, 1969.

No one should contend that the conference committee which put together the surtax bill was able to devote sufficient time to a full study of the IDA bond problem. The Senate version of the bill attempted to abolish these bonds; the House had no such provisions; and a compromise was reached. Unfortunately, the $1 million limitation placed in IDA bonds is unrealistic.

I support the amendment offered by my colleague [Mr. CURTIS] which raises this maximum limit to a more reasonable $5 million. The large majority of legitimate bond issues have been within this $5 million limit while the flagrant abuses of the special tax treatment exceeded that limit. In other words, the $5 million limitation is a temporary measure that will prevent abuses while allowing municipalities the use of IDA bonds.

Before coming to Congress, I served as a member of the Board of Commissioners of Douglas County, Nebr. I know how important it is to a community and its overall well-being to encourage and promote the growth of industries. I know the seriousness of the problem that will face hundreds of communities if the industrial development program is effectively derailed by the unrealistic $1 million limitation.

In Nebraska earlier this year, Armor & Co. announced the closing of its plant at West Point. This was a severe blow to the economy of a town that has a population of approximately 3,000. But the town issued a $4.5 million in bonds to enable a midwestern corporation, Iowa Beef Packers, to purchase the plant and resume operations. Most jobs were saved.

Dorsey Laboratories is a local pharmaceutical company. In 1962, the city of Lincoln issued $3 million in industrial bonds which enabled Dorsey to expand and build a new plant employing approximately 300.

Lincoln and West Point, Omaha, Grand Island, and other Nebraska towns have used industrial development bonds to build the economy of the State. But this device is not used in Nebraska only. It is used across the country. It helps provide jobs, increases productivity, and promotes an increased standard of living. These are the proper solutions to poverty and welfare.

The flow of private capital is one way to stop the flow of people from our agricultural areas to the cities. It is a means to rejuvenate depressed areas within a city or in the country. This flow of capital can be seriously impaired if the use of IDA bonds is stopped before careful study is given to the entire problem.

A vote against the Curtis amendment, a vote to retain the $1 million limit, is a vote arbitrarily to abolish effective use of industrial revenue bonds. In adopting the conference report on IDA bonds contained in the surtax bill, I do not believe that the Senate and House intended this result. The $1 million limit was designed to limit abuses of the system while allowing the system itself to remain until a complete study could be made. Unfortunately, $1 million is too low. The Curtis amendment will correct this error.

Mr. President, I wish to see the entire question of industrial revenue bonds studied thoroughly by the Congress. However, I also wish to avoid irreparable harm to current economic development plans of communities throughout the Nation.

Therefore, I urge adoption of the Curtis amendment.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. CURTIS. May I ask the Chair, how much time has been used by the proponents of the amendment?

The PRESIDING OFFICER. The Senator from Nebraska has 15 minutes remaining.

Mr. RIBICOFF. Mr. President——

Mr. COOPER. Mr. President, will the Senator from Nebraska yield me 3 minutes?

Mr. CURTIS. I would prefer that the opposition use a little time, then I shall be happy to yield to the Senator from Kentucky.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. CURTIS. I yielded myself 5 minutes, then 5 minutes to the Senator from Oklahoma [Mr. HARRIS], and then 4 minutes to my colleague [Mr. HRUSKA]. I believe I have 16 minutes remaining. May I inquire of the Chair whether that is correct?

The PRESIDING OFFICER. The Chair will rule the Senator from Nebraska has 16 minutes remaining. [Laughter.]

Mr. CURTIS. I thank the Chair.

Mr. RIBICOFF. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 6 minutes.

Mr. RIBICOFF. Mr. President, once again the issue of the tax treatment of industrial development bonds is before us. As I am sure my colleagues remember, we considered this issue at length and in depth earlier this year. The result of that consideration, of course, was the provision of the Revenue and Expenditure Control Act which generally terminated the exemption from Federal income tax for interest on industrial development bonds in the case of issues above $1 million.

Mr. President, it would serve no purpose to recapitulate the entire previous debate on this issue. I do think, however, it would be useful for us to briefly recall the reasons why we acted.

The issuance of industrial development bonds has become a gross abuse of the traditional exemption from Federal income taxes accorded to interest on State and local government obligations. This practice is one which certainly was never contemplated by Congress in enacting the statutory exemption.

Originally, industrial development bonds may have had a worthwhile purpose; namely, to attract industry to areas in need of economic development. This purpose is not served today, however, because 44 States are now issuing these bonds. Thus, industrial development bonds do not make investment in one State more attractive than investment in another State.

Today, these bonds are merely an unjustified subsidy to industrial corporations and a tax loophole for wealthy investors.

Moreover, the tremendous growth in the use of industrial development bonds in recent years has actually hurt rather than helped State and local governments. The demands of the people for an increasing number and variety of governmental services have caused State and local governments to rely more and more on the municipal bond market to obtain the necessary funds. The increased need for these funds has placed severe demands on the municipal bond market. The tremendous growth of industrial development bonds has further aggravated this situation and, I might say, unnecessarily so. The result has been an upward pressure on interest rates. Thus, State and local governments have had to pay more to obtain funds they need to provide the governmental services demanded by their citizens.

Mr. President, these briefly are the reasons why we took action to terminate the income tax exemption for interest on industrial development bonds. These bonds are not governmental bonds; they are merely corporate issues with a governmental unit acting as a conduit.

Mr. President, I would like to remind my colleagues that the Senate amendment regarding these bonds did not contain any blanket exemption for small issues. In conference, however, such an exemption was agreed upon. Under this exemption, issues of under $1 million continue to be classified as municipal bonds, even though we know in fact they are not. This action was taken because of a desire to continue to allow small communities a relative advantage in encouraging industry to locate there.

Mr. President, when we view the amendment before us in light of the overall framework I described, it is readily apparent that the amendment is completely inconsistent with the action we have taken. Certainly an exemption for issues of under $5 million is not intended merely to benefit small communities. On the contrary, it is the first—and a major—step in negating the action taken by Congress in the Revenue and Expenditure Control Act.

Mr. President, I would like to point out the relative impact of a $1 million and $5 million exemption. On the basis of 1967 figures, only a small amount of the value of industrial development bond issues which were publicly placed involved issues of $1 million or less, about 2½ percent, or $35.5 million out of a total of $1.4 billion.

This should be ample indication that the $1 million exemption was not intended as a way to, in fact, restore the previous treatment of industrial development bonds. That this is the purpose of the amendment before us, however, is indicated by the fact that it would increase by five times the amount of industrial development bonds which are treated as municipal obligations. That is, based on 1967 statistics, there would be exemptions for $180.4 million instead of $35.5 million as under existing law.

Another way of viewing the relative impact of a $1 million and a $5 million exemption is to look at the number of issues which come within the exemption. On the basis of the same 1967 figures, 42 percent of industrial development bond issues come within the exemption and thus continue to be treated as municipal bonds. These are the issues made by all those small communities the exemption was designed to help. Now let us look at how many issues would be exempt under the proposed $5 million exemption. This amendment would eliminate about three-fourths of all issues from industrial development bond treatment, which is pretty close to a complete reversal of our prior action.

Mr. President, there is another aspect of this problem which we also should consider. Presently, any community may make two separate bond issues for a given project. One bond issue may be in the amount of $1 million, and the other bond issue in the amount required for the remainder of the needed funds. If this is done, the $1 million issue will not be treated as an industrial development bond. Although this device is basically inconsistent with our overall treatment of industrial development bonds, it does not in fact represent a serious problem because it really does not pay to split a large bond issue where favorable tax treatment can be obtained for only $1 million of the issue.

This would not be the case, however, Mr. President, if the exemption were raised to as high a level as $5 million; then, it would pay to split the bond issue since the $5 million exempt portion would represent a significant portion of the total even in the case of issues of $20 million or more. In other words, Mr. President, we would be taking a very substantial step down the road of repealing the action that we took less than 3 months ago.

Mr. President, I urge my colleagues not to take this backward step, not to do an about face and to say that we really did not mean what we said, 3 months ago. I urge my colleagues to defeat the proposed amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, will the Senator yield me 5 minutes?

Mr. RIBICOFF. I yield 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, on March 28, 1968, the Senate voted to adopt the amendment to H.R. 15414 introduced by the distinguished Senator from Connecticut [Mr. RIBICOFF] to eliminate the tax exempt status of interest paid on industrial development bonds. That amendment was adopted in substance by the House-Senate conferees, and the President signed the measure into law on June 28, 1968, as section 107 of the Revenue and Expenditure Control Act of 1968.

Yet less than 2½ months later this body is being asked to amend the action taken by the Senate and by the conferees with respect to industrial development bonds before there has been any opportunity to determine the manner in which the measure functioned. I am, therefore, opposed to the amendment offered by the distinguished junior Senator from Nebraska to raise the exemption for tax-exempt industrial development bonds from $1 to $5 million.

The amendment as passed by the Senate last March faced squarely the abuses being created by industrial development bonds. With certain limited exceptions the measure, as passed by the Senate, ended the tax-exempt status of industrial development bonds. This action was taken to remedy a practice that was fiscally unsound both for State and local governments and for the Federal Government. The continued existence of industrial development bonds unchecked was creating a disruption in the market for legitimate obligations of State and local governments, and was driving up the cost for cities to provide adequate educational facilities, safe and modern streets, and adequate fire and police protection. Experts testifying before the Joint Economic Committee have estimated that the presence of industrial development bonds in the tax-exempt market has cost residents of States and municipalities millions of extra dollars in higher interest to provide these necessary services. The system was also fiscally inefficient in that the cost to the Federal Government of the tax exemption was much greater than the benefit derived by private corporations that benefited from these bonds. Therefore, this body recognized that the proper remedy for these ills lay in removing the tax-exempt status of industrial development bonds completely.

The conference committee in consideration of this measure modified the Senate version by providing that industrial development bond issues totaling less than $1 million would continue to bear tax-exempt interest. I believe the total elimination of the tax-exempt status on these bonds to be preferable; but I can understand the necessity for compromise with which the conference committee was confronted. But by increasing the exemption level to $5 million, the proposed amendment is simply opening the door to the abuses created by large issues. For example, in 1967, an additional $150 million of public issues would have been added by an exemption level of $5 million as compared to an exemption level of $1 million. This represents a 10-percent increase in the dollar volume of tax-exempt issues and a 31-percent increase in the total number of public issues that would become tax exempt under this proposal. Moreover, these figures do not include the very large volume of private issues between $1 and $5 million that would come back into the tax-exempt market.

Further, proponents of industrial development bonds have urged that the $1 million exemption was necessary to attract plants to small towns. But when over 40 States permit the use of industrial development bonds, no communities can obtain any competitive advantage by virtue of such a device. Indeed, there is now concrete evidence that no real purpose is served by industrial development bonds at all insofar as the attraction of industry to undeveloped areas is concerned.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CURTIS. The reason for this proposed exemption is that it has resulted in new businesses and the creation of new jobs, and not pirating of jobs.

Mr. PROXMIRE. The Senator may say that the exemption has resulted in new businesses and that they are not pirating jobs, but to me it does not make sense economically. The Senator is saying that new business and new markets are created simply by providing a tax incentive. It is very clear to me that, if the business did not go to tax-exempt areas, it would go to areas that are not tax exempt. I do not believe a tremendous amount of new business is created simply by providing a tax exemption and by the business locating in that particular area. It makes no sense to me.

Finally, I point out that, according to a recent survey of approximately 10 percent of the broker members of the Society of Industrial Realtors, special tax inducements such as industrial development bonds were rated as the least important of the 18 reasons that influence industrial firms in their selection of plant locations. In view of this evidence, there can be no justification for raising the $1 million exemption to $5 million.

Finally, I am opposed to piecemeal tinkering with the legislation so recently enacted. There may be bugs in the measure which Congress passed, but if so time should be given for State and local governments to gain experience with the new provisions and to bring any defects to the attention of Congress in an orderly manner. The distinguished chairman of the Ways and Means Committee has stated on the floor of the House that if concerned local officials will bring problems to the attention of Congress, that committee will consider them in the proper way: by hearings at which all the evidence available can be brought to bear on the problems. This measure, if passed, simply opens the door to losing all that has been accomplished to correct the blatant abuses that had come to light in connection with the tax exemption of interest on industrial development bonds. I therefore urge that the Senate vote down this amendment.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. CURTIS. Mr. President, I yield 4 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, let me add a few comments on the Senator from Nebraska's proposal to increase the present ceiling on the issuance of tax-exempt industrial revenue bonds.

I supported the earlier amendment of the Senator from Nebraska when it was considered by the Senate in March of this year. I also recognize that the amendment of the Senator from Connecticut [Mr. RIBICOFF] was directed, in part, against serious abuses in certain industrial development bond financing, but I thought that his remedy was too drastic. In the debate later that day and again when the conference report was before the Senate, I suggested that it would have been more practical if a limitation of $5 million rather than $1 million had been adopted. This proposal has been made by the Senator from Nebraska in a separate bill. The chairman of the Ways and Means Committee of the House has introduced a similar bill.

I would like to speak from my own personal knowledge concerning the economic impact of this amendment. The country in the past few years has heard much about the problems of Appalachia and eastern Kentucky. While I do not base my argument simply on the needs of my State, I do feel that this particular area is similar to many other sections of the country.

Proposals have been made by Members of Congress and by political candidates to combat the problems of employment through the efforts of private enterprise. We seek to find actual jobs for people rather than resorting to direct employment by the U.S. Government. Literally millions of dollars of Federal Government money is being spent in eastern Kentucky for the purpose of training people for employment, finding jobs for them, and direct employment through funds provided by the U.S. Government.

It has been difficult to encourage the location of industry in this area because of its isolation, poor transportation, and because the governments of those particular State subdivisions do not have the tax base from which to obtain funds to acquire land and to build plants for lease back to industry.

We have a situation where hundreds of people are being trained, with no opportunities for employment. Gradually, through the use of tax-exempt revenue bond financing, small plants are being located in this area. Not all of these new industries come from other States, but are built through the initiative and enterprise of the people of the area.

So I think that the amendment which the Senator from Nebraska has offered is a very reasonable amendment, and one which will bring assistance to the economically depressed areas of our country, where there is need for industry and for employment.

I recall from the debate of last March that it was indicated that the present tax exemption for all industrial bond interest results in a loss of revenue to the Treasury of about $75 million. Is that correct, or was it more?

Mr. CURTIS. The amount is in dispute. I do not think it is that much.

Mr. COOPER. But in the limited circumstances of raising the ceiling to $5 million such an increase would produce a minimal tax revenue loss, and I am sure that loss would be offset by the development of small industries in our States, which would provide employment and produce additional revenues from corporate and individual income taxes. It seems to me that every consideration of commonsense would point toward our trying to promote the location of small industries throughout the rural sections and small towns of our States.

I ask unanimous consent that a statement I have prepared in support of the

Curtis amendment be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER IN SUPPORT OF THE CURTIS AMENDMENT

I rise in support of the amendment to H.R. 17324 offered by the distinguished Senator from Nebraska (Mr. Curtis) which would raise from $1 million to $5 million the limitation on the issuance of tax-free industrial development bonds.

On March 23 of this year the Internal Revenue Service published proposed regulations providing that the interest paid on industrial development bonds described in the proposed regulations would no longer be considered to be exempt under Section 103 of the Internal Revenue Code of 1954.

In reporting the Revenue and Expenditures Control Act of 1968 to the Senate, the Finance Committee included an amendment proposed by the distinguished Senator from Nebraska (Mr. Curtis), which was agreed to by the Senate 51–32 and which I supported. The amendment suspended the application of the proposed regulations of the Internal Revenue Service by requiring the continued application of the present revenue rulings until the Congress acted on the subject. The distinguished Senator from Connecticut (Mr. Ribicoff) offered an amendment that was adopted and which I opposed denying tax exempt status to industrial development bonds issued after January 1, 1969, except to finance certain limited projects of a municipal or quasi-public character.

In the conference the conferees retained, for the most part, the restrictions of the Ribicoff amendment, and, in addition, established a limitation of $1 million on the use of tax exempt industrial revenue bonds for all other projects.

At the time the conference report was considered by the Senate on June 21, I pointed out that the $1 million ceiling on industrial revenue bond financing would unduly restrict, if not eliminate, the effective use of revenue bond financing as a means for assisting industry to seek new locations in the economically depressed areas of the country. It was my view that the ceiling of $1 million should be raised to $5 million for each project to be financed by tax exempt bonds. I gave my reasons as follows:

"I believe that the limitation agreed upon by the conferees of a $1 million-dollar ceiling should be increased to a higher ceiling of perhaps $5 million, or a comparable amount, which would permit the program of financing new industries in economically depressed areas of the country to continue, and, at the same time, would set an amount sufficiently low enough to correct those situations where the program has been abused in its application by businesses if sufficient financial strength which can provide their own financing."

On July 8, the distinguished chairman of the House Ways and Means Committee [Mr. MILLS] introduced a bill H.R. 18371, which would amend the Internal Revenue Code of 1954 in relation to industrial revenue bonds by restoring the tax exemption for interest on these bonds on issues of $5 million or less. In addition, the bill would remove the ceiling in those cases where the governor of the state certifies that the issue is necessary to relieve unemployment in a particular community or locality. The bill also provides certain other exemptions from application of the ceiling.

A companion bill, S. 3782, was introduced by the Senator from Nebraska [Mr. CURTIS] on July 15 which is pending before the Senate Finance Committee.

I note that the amendment proposed today is limited to raising the $1 million ceiling in existing law to $5 million and that other provisions of S. 3782 are omitted in the amendment with the view that the Committee would hold hearings on these provisions at a later date.

From my own knowledge and experience of my state and from the correspondence I have had with the Honorable Louie B. Nunn, the Governor of Kentucky, and the Honorable Paul W. Grubbs, Commissioner of the Department of Commerce, it is my view that the $1 million ceiling presently placed on industrial revenue bond financing would defeat the original purpose of the use of revenue bonds to initiate programs to attract new industry to those areas of the country having limited resources and having high levels of unemployment.

In the State of Kentucky the sale of industrial revenue bonds has provided an important impetus to the economic growth and development of many communities. In recent years some 137 revenue bond issues have financed a variety of new industries in Kentucky and have produced an estimated 27,000 additional jobs. A list of these companies and the number of new jobs that each provided was included in the RECORD during my remarks on the floor on March 28 when the Ribicoff amendment was considered by the Senate.

For the above reasons I urge that the Curtis Amendment be adopted by the Senate and I would hope that it would be sustained in the conference with the House.

Mr. RIBICOFF. Mr. President, I have no further requests for time.

Mr. CURTIS. I yield 4 minutes to the distinguished Senator from Wyoming [Mr. HANSEN].

Mr. HANSEN. Mr. President, I hope the Senate will consider very carefully the important observations just made by the distinguished Senator from Kentucky.

It occurs to me we are nit picking, in the ultimate sense of the word, when we quibble about the presumed tax loss this Government may suffer by raising the limitation on tax-exempt industrial bonds from $1 to $5 million.

Of far greater importance to our country, it seems to me, is an effort, which can be helped by this amendment proposed by the distinguished Senator from Nebraska, to reverse some of the trends that are presently taking place. I refer to the loss of population in rural areas.

Some of the most important urbanologists in the country today say that the problem of the cities reflects the problem of the country; that the rural areas, because there has been a drying up of jobs in rural America, have suffered an exodus of unskilled and untrained workers into the cities, and that adds to the burden of those who manage welfare programs and aggravates all of the other problems that follow this emigration from the country into the cities.

My State of Wyoming, for example, has suffered a population loss from the year 1960 until the present time. I call attention to the fact that, according to the testimony of the distinguished Senator from Oklahoma [Mr. MONRONEY], in 1967, $17 billion worth of corporate bonds were issued. Of that total amount, $13.2 billion went into nontaxable hands. In 1967, tax-exempt industrial bonds were issued in the amount of $1.5 billion.

I refer, in the March 28, 1968, issue of the CONGRESSIONAL RECORD, to the statement of Senator MONRONEY with reference to the attitude of the Internal Revenue Service as to that $1.5 billion worth of tax-exempt industrial bonds.

He said:

> When I went to the Treasury Department to talk about their first mistake—when they did not know what they were doing the first time—they said the income loss to the Government was so infinitesimal it gave them no concern.

We have been engaged for several years here in Congress in appropriating money to support all kinds of schemes to put people to work. Here is an opportunity by raising the exemption from $1 to $5 million, to create jobs. It would not result in training people for jobs that do not exist. We would be creating jobs; and local training programs, instituted by the companies themselves would be enhanced under this proposal—so that when a man is trained for a job—he will have that job.

I believe this makes great good sense for this country. It will help in a number of ways. It will put people in jobs, and make them tax contributors instead of tax consumers.

Mr. CURTIS. I yield 4 minutes to the distinguished Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I certainly wish to thank those who are supporting the amendment, especially the Senator from Nebraska himself.

Rather than talk about such things as closing down schools because of lack of authority to issue bonds, let us get down to life as it really is.

I am thinking now of a county in east-central Mississippi, right on the Alabama line. When I was a young man there, they had 29,000 people in that county. Now there are only 11,000. We grew more than 30,000 bales of cotton per year there then. Now we grow 5,000 or 6,000.

The ghettos are overrun with people, and there are not enough jobs. The rural areas are being decimated of people, without any jobs because of the lack of small industries and the lack of the means to induce the development of those small industries.

If we really mean it when we talk about doing something about the city problem, we must talk in terms of $300 billion. If we are really going to try to solve that problem, let us not at the same time increase it by encouraging this migration to the city. Let us at least try to stop some of it, and keep some of these people in the rural areas.

I believe this is one of the practical, down-to-earth instrumentalities through which this can be done. In the same county to which I have referred, a gentleman born and reared there who has become rather prosperous financially, in a small way, at least, has bought the patent on a special plow of a new type, to plow pastures and row crops, and is coming back to that rural county, with its very low tax valuation, and issuing some bonds to put up a factory. He is coming back to his home county, intending to manufacturing that plow, not to ship it to Illinois, California, Rhode Island, or anywhere else, but for use there at home in east Mississippi and west Alabama, in an area within a rather small radius.

The migration to the cities is a great problem in America. This is a part of the solution.

Just give us breathing room; that is all we ask, to help us do something for ourselves. I know I speak for vast rural areas all over this Nation, where similar illustrations, in varying degrees, could be cited. It is happening all over this great country.

We ask for no favors. We are not begging the Treasury or Congress for anything. We just want a chance to do something for ourselves; and this is an area in which, if we do not do something, the light will soon be extinguished.

A factory which would have cost $300,000, even when I came to the Senate, costs more than a million dollars to build today.

Just give us a chance. Let us have a little breathing room. We do not want to do anything to anyone else or take any factory or market away from anyone else.

This is an old-fashioned American way of doing business. We want to do something for ourselves.

I hope that the amendment is agreed to.

Mr. CURTIS. Mr. President, I yield 1 minute to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I rise to support the amendment of the distinguished Senator from Nebraska. I am happy to join him as a cosponsor of the bill.

Mr. President, twice previously I have risen to voice my opposition to several proposals which have been presented to the Senate during this legislative session and which would either repeal outright or encourage the waiver of the long-standing immunity of State and local government activities from Federal taxation.

One of these proposals was an attempt to repeal the tax-exempt status of industrial development bonds. We will recall that the Senate passed, as an amendment to the Revenue and Expenditure Control Act, a measure eliminating the tax-exempt status on industrial development bonds in excess of $1 million.

Subsequent to the enactment of this provision, the distinguished junior Senator from Nebraska [Mr. CURTIS] introduced a bill, S. 3782, which would correct the distorted definition of "industrial development bond," restrict the taxation of bonds for industrial development to cases of acknowledged abuse, and retain the exemption for such bonds to $5 million. I was happy to join Senator CURTIS in cosponsorship of this bill.

I have previously expressed the view that legislation which attempts to repeal outright the tax exemption on State and local bonds assumes that Congress may, without constitutional amendment, tax the interest on a State and local bond based on the purpose of the issuance of such bond. This raises the substantial constitutional question of the power of Congress to penalize or reward the States by taxation or exemption, depending on whether the Federal Government approves or disapproves of the purposes of the bond issue.

Further, if Congress has the power to tax State and local bonds, it inevitably has the power to control State and municipal financing. In the Revenue and Expenditure Control Act, Congress listed purposes for which municipal bonds can be issued tax exempt, and in so doing, a federally determined honor roll of "good" local government purposes was set forth. This method of classifying various bond issues as acceptable or unacceptable to the Federal Government is a dangerous development and an unwise precedent.

While, therefore, I object to any attempt of Congress to tax any State or municipal bonds, it would certainly seem that at the very least this amendment allowing an exemption on tax-free industrial bonds to the extent of $5 million should be adopted. Industrial developments bonds have been used over the years to attract or expand the development of industry and to create jobs. In the State of Tennessee in the past 15 years 350 industries have been developed and 76,424 jobs created.

In recent years Congress has established the Economic Development Administration and the Small Business Administration to create new jobs by attracting industry and business to impoverished areas. It is incongruous for Congress to establish such Federal programs on the one hand and to curtail similar objectives by local governments on the other.

Mr. President, local industrial development bond projects have in the main been small and orderly. This is not to say that there have not been some instances of some abuse. A few localities have issued bonds to establish factories for private industry in amounts beyond the economic needs of the issuer. Other abuses have occurred when the firm for whom the facility was constructed had access to adequate financing through conventional channels and when tax-exempt financing of industrial facilities enabled a community to pirate a going concern from an established location.

In my opinion, an exemption of $5 million would permit much-needed industrial development and would at the same time prevent any abuses that now exist. I also note with regard to any existing abuse that the Advisory Committee on Intergovernmental Relations, the U.S. Conference of Mayors, and other organizations have called for the enactment of State legislation, as opposed to Federal taxation, as the real answer to any existing abuses in industrial aid financing by State and local governments.

Mr. President, I do not believe that Congress should have in a cavalier fashion and in the absence of hearings revoked the tax-exempt status of industrial development bonds. At the very least, I believe industrial bonds should be tax free to the extent of $5 million. Accordingly, I urge the adoption of the amendment.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, I will read 3 telegrams from as diverse a group of organizations as one could find in opposition to the Curtis amendment.

The first is from the National Association of Counties. It reads as follows:

> NATIONAL ASSOCIATION OF COUNTIES,
> *September 11, 1968.*
>
> National Association of Counties (NACO) vigorously opposed to proposed amendment to H.R. 17324 (Renegotiation Act) which would change existing law on tax free industrial bonds. Proposal would raise one million tax free limit in existing law to five million. Proposed amendment will impede ability to market general obligation tax exempt bonds for schools, hospitals, and other legitimate public purpose and presents major threat to financial solvency of all State and local governments. NACO urges you oppose proposed amendment as not in the public interest.
>
> BERNARD F. HILLENBRAND,
> *Executive Director.*

The next telegram is from the Investment Bankers Association of America. It reads as follows:

> DEAR SENATOR RIBICOFF: On March 28th of this year you voted for an amendment by Senator Ribicoff to close the tax loophole of corporations using the credit of municipalities to issue tax exempt corporate obligations. Presently pending before the Senate is the Curtis amendment to the renegotiation bill which would attempt to reopen this loophole. The Investment Bankers Association urges your continued support to eliminate this undesirable practice and therefore strongly urges you to vote against the Curtis amendment.
>
> FRANCIS R. SHANCK,
> *President, Investment Bankers Association of America.*

The next telegram is from the director of the legislative department of the AFL–CIO. It reads as follows:

> AFL-CIO strongly opposes Curtis amendment to renegotiation bill pending before Senate which would raise tax exemption for industrial development bonds from $1 million to $5 million. Amendment would further encourage plant pirating and expand tax abuses by widening a loophole which the Senate with your support closed earlier this year. AFL-CIO favors new industries and job creating plant expansion but not unfair tax advantages for corporations over the other industries or at the expense of local communities, school bond issues and public works programs. We urge defeat of Curtis amendment.
>
> ANDREW J. BIEMILLER,
> *Director, Legislative Department, AFL–CIO.*

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled, "Industrial Development Bonds: On the Brink," written by Bernard F. Hillenbrand, and published in the American County Government magazine.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INDUSTRIAL DEVELOPMENT BONDS: ON THE BRINK

(By Bernard F. Hillenbrand)

The National Association of Counties is convinced that unless we immediately curb the abusive hemorrhages of industrial development bonds we will be unable to market our general obligation tax exempt bonds for schools, hospitals, and other legitimate public purposes.

In the beginning, industrial development bonds were no problem. Our cities and counties, particularly in the rural South, issued them for the purpose of building factories and business establishments for companies that would not otherwise have located in their area.

While the factory or business was tax exempt and made no direct contribution to the tax base, the company payrolls and other economic activities were definitely beneficial to the community.

All of this is now changed. In the first place, some forty states now authorize their cities and counties to issue industrial development bonds (either general obligations or revenue). The result is that, like green stamps at the grocery store, they offer no competitive advantage since almost everyone uses them.

In the past year, however, the careful self-discipline and restraint of major businesses themselves has given way to competitive pressures and economic feasibility. In other words, some of the nation's largest and most affluent companies are now using tax exempt industrial development bonds to build huge factories and industrial complexes. Incredible as it seems, foreign corporations are also getting our cities and counties to issue tax exempt industrial development bonds and, of course, the major economic benefit will accrue to businessmen who are not even residents of the U.S.

NACO has traditionally taken the position that a tax exempt industrial development bond issue, * * * of benefit to a private business, is a corruption of the municipal bond tax immunity provided by the Constitution.

This association has vigorously applauded the stand of the U.S. Treasury Department, which issued a tentative regulation effective March 15, 1968, which would outlaw any new industrial development bonds. The Treasury wisely provided for a transition period to eliminate hardships caused when a community was already in the advanced stages of marketing an issue of industrial development bonds.

The reaction in the United States Senate was swift. The body passed an excise tax bill amendment proposed by Senator Carl Curtis (R-Nebr.). The Curtis Amendment would make the Treasury regulation null and void on the grounds that any action in this area should be handled legislatively and not administratively. The Senate then passed a bill offered by Senator Abraham Ribicoff (D-Conn.) which would outlaw most industrial development bonds.

In doing this, the Senate was saying that the Treasury had acted indiscretely and usurped a Congressional legislative prerogative. At the same time the Senate obviously agreed with the basic validity of the Treasury position and passed its own bill to outlaw these bonds. At this writing, the matter is now up for negotiation between a Senate and House Conference Committee.

It is our hope that either the Ribicoff bill or the Treasury regulation itself will become operative and operative immediately. To reopen the doors and allow a whole new flood of industrial development bonds would be, in our opinion, a formula for disaster and a major threat to the financial solvency of all state and local governments.

We believe the only equitable way to control industrial development bonds is on the national level. It is simply not possible for and too much to ask of an individual state to regulate these bonds because each state is in fierce economic competition with its sister states.

We strongly favor outlawing all these bonds at the same time and in the same manner. This would mean that no business or industry could threaten to relocate a plant in another community because the other community would have the right to issue tax exempt development bonds.

It must be kept in mind, however, that there is nothing in either the Treasury regulations or the Ribicoff bill that would prohibit any city or county from issuing industrial development bonds that are taxable. The legislation and the regulation both prohibit the tax exempt feature of the bonds but would not in any way affect the right of cities and counties to issue taxable bonds for these programs.

It is also important to remember that both the Treasury regulation and the Ribicoff bill would continue the tax exempt feature of local bonds for legitimate public purposes such as schools, public hospitals, stadiums, parking facilities, transportation facilities, and utilities. Such bonds will still be tax exempt.

There is also the possibility that Congress could institute overall control of industrial development bonds by placing a limitation on the total dollar value of approvable bonds that could be blessed with the tax exemption. This, in effect, would be admitting that the bonds themselves are not legitimate but that because of other public considerations we will allow them to be issued in small denominations.

There is, of course, massive irony in our position. The National Association of Counties has dedicated itself to preserving the Constitutional tax immunity of our city and county bonds. We suddenly find that the only way this can be accomplished is through a national action that curbs the obvious abuses of this sacred principle of tax immunity within our American federal system. We have traditionally supported the idea that the states (and by delegation their political subdivisions) share in the sovereignty of government. One of the keys to the preservation of that sovereignty is the right of states to issue bonds that are immune from taxation—and hence control—by the national government.

We now find that the only way we can preserve the financial integrity of state and local governments is by supporting national action that preserves our immunity for genuine governmental purposes and surrenders that immunity for those cases where our cities and counties are forced by economic pressures to allow this immunity to be used by private individuals for the purpose of making private profits at public expense. We believe that both the Treasury of the United States and the Senate of the United States have acted wisely. It is our fervent hope that the House conferees will agree and come up with an endorsement of a positive and immediate program to eliminate this scandalous abuse.

Mr. RIBICOFF. Mr. President, the telegrams and the editorial buttress a cogent argument that I believe militates against the Curtis amendment. The Senate should sustain its position of 3 months ago by retaining the $1 million exemption and not increasing it to $5 million.

Mr. CURTIS. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, let us make no mistake about it. This is a plan that has worked for 30 years to create jobs without expense to the Federal Government. There is no resulting loss of revenue.

Seventy-seven percent of all corporate bonds are bonds in tax-exempt entities anyway. If we lower the interest rate, those paying a tax on interest would have more income with which to pay taxes.

With reference to the telegrams that were read here, there are 93 counties in my State. And all 93 counties are for the Curtis amendment. Those counties are not responsible for what some executive secretary writes in a telegram and sends to Congress without meeting with anybody else. Such secretaries should not be empowered to do this.

As for the Investment Bankers Association, that association has been divided all the time. Throughout the entire controversy there has been a dissenting group. They know that this is for the good of the country.

Make no bones about it, this is a proposal to let rural America help itself. It is not theoretical. It has worked for 30 years. The distinguished Senator from Mississippi knows what has been accomplished and how this program has given jobs to people and held people on the farms and in the rural areas. The distinguished Senator from Kentucky also knows about it.

I only wish that the opposition knew about it.

Mr. Biemiller sent in a telegram. The working people of the State of Nebraska are not opposed to the Curtis amendment. Perhaps some of the leaders who fear that they will not collect quite as much in dues if there are some factories in little towns with a population of 1,000 or 2,000 people are opposed to it. I do not know the reason. However, I do know that the argument they advance is not sound. I know that it is not correct to say this is for the benefit of great corporations.

All of that abuse has been taken away. Prior to the Ribicoff amendment of a few months ago, it related to bond issues of over $100 million. Congress decided to retain this privilege for small business. However, it happens that we came up with a figure that is unrealistic. I am certainly not critical of anyone because that was during the course of a conference committee that had tremendous burdens in reference to the tax increase and the spending cutback.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I am deeply convinced that we will not solve the central municipal problems by providing what are supposed to be new facilities, thus inducing an increase in migration to the metropolitan areas.

We must keep the people of the Nation from coming into the larger cities in great numbers.

How would this amendment stop the inflow of people to the big cities? If we allow the local, rural communities to issue tax-exempt bonds, will that not also allow the metropolitan communities to issue them?

Mr. CURTIS. Mr. President, I can best answer the question by pointing to a community in Nebraska that raises some of the finest cattle in the world. They built a packing plant and created jobs for 60 people. I imagine that those 60 people would have moved away if the plant had not been built.

Otherwise we would have to appropriate more money for the Office of Economic Opportunity or for the Small Business Administration or we would have to loan more money to the Economic

Development Administration. This would be more tax money, tax money that we do not have.

Keep in mind that when these local units of government vote for these bonds, it is a local community that has less overhead. They can make a dollar go much further than we can by using all of our programs.

Mr. LAUSCHE. Mr. President, is it reasonable to conclude that the issuance of $5 million worth of bonds to help a rural community produce tremendously more good than the issuance of $5 million worth of bonds, let us say, in the city of New York or Los Angeles or one of the other large communities?

Mr. CURTIS. It might. But it could be done in either place. They can use this route to produce jobs in the worst ghetto in the world, but this will stop building ghettos—or help. It will not be the total answer, but it will help.

Mr. LAUSCHE. It will help prevent expansion of the ghettos, because it will keep people from moving into the big cities.

Mr. CURTIS. Yes.

Mr. BROOKE. Mr. President, the amendment offered by the able Senator from Nebraska is another attempt to deal with the troublesome subject of industrial development bonds. As I stated earlier this year when the Senate debated the matter, it is my own judgment that these bonds had been abused and that their tax-exempt status should not be extended. I reached this conclusion largely because of my concern for the adverse impact of such bonds on municipal financing in general, and particularly their pressure on interest rates.

Very large issues of industrial development bonds had become rather common and the trend was clearly adverse. Furthermore, over the years such bonds have been the device for unhealthy pirating of industry from one area to another.

Until very recently my own State had never offered such bonds, But in recent months, under pressure from competition in other States, Massachusetts has begun to act in this field. Naturally, having initiated a number of projects involving such bonds, my State has been reluctant to see them terminated just when it is beginning to benefit from them. Our situation was similar to that in other States, and I argued in our previous debate that authority for such bonds should be extended for a reasonable period to allow pending projects to be completed. This, of course, is what the junior Senator from Connecticut and other Members of the Senate agreed to do when this body first acted on the issue last spring. However, the compromise reached in the conference committee took a different form, as is well known. Instead of permitting all such bonds to retain tax exemption until January 1, 1969, and then terminating the exemption for all bonds of this class, as I had proposed, the bill finally enacted into law set a ceiling of $1 million but continued the authority indefinitely. This seemed to me less desirable than the Senate version, but I accepted it as a reasonable compromise.

I have thought long and hard about the proposal to raise the ceiling to $5 million. There is much support for the measure among men whom I greatly respect, both here in the Senate and in Massachusetts. Nevertheless, I have decided that the better part or wisdom lies against the amendment. To retain the ceiling at the present level, I am informed by the Committee on Finance, would be to continue the volume of such bonds at 60 to 70 percent of the previous level. And that estimate does not take account of the probable tendency to exploit the ceiling by such practices as multiple or incremental bond issues designed to circumvent the limitation.

I do not have to say how strongly I support the goals of job creation and economic expansion. They are essential to our country's welfare. But I believe we should employ other kinds of governmental incentives and subsidies than development bonds of this character. Moreover, I believe that, when every State employs such bonding techniques, no State really benefits from them. In such circumstances, most plant location and expansion decisions are almost certainly made on the same grounds they would be in the absence of any such bonds, that is, on the basis of strict economic calculations regarding materials, labor force, and market advantages. Thus, such bonds offer the illusion but not the substance of a true economic incentive. Their main result, it seems to me, is to drive up the costs to taxpayers and to make more difficult the resort to public bonds for clearly public purposes.

I certainly respect the different conclusions which my good friend from Nebraska has reached on this matter. I know that he has given careful thought to the matter and that many of our colleagues share his judgment. Perhaps thorough hearings and further information would persuade me that his is the most sensible course. But on the basis of all that I have been able to learn, I do not believe we should encourage the wider use of industrial development bonds. I hope the Senate will disapprove the amendment.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Connecticut yield back the remainder of his time?

Mr. RIBICOFF. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware (when his name was called). On this vote I have a pair with the Senator from Utah [Mr. BENNETT]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The bill clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from North Carolina [Mr. JORDAN], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the the Senator from Michigan [Mr. HART], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Indiana [Mr. BAYH] are necessarily absent.

On this vote, the Senator from Oklahoma [Mr. MONRONEY] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Washington would vote "nay."

I further announce that, if present and voting, the Senator from Wisconsin [Mr. NELSON], and the Senator from Nevada [Mr. CANNON] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON] and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Texas [Mr. TOWER] is absent because of death in his family.

If present and voting, the Senator from New York [Mr. JAVITS], the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] would each vote "yea."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from California would vote "nay." The position of the Senator from Utah has been previously announced.

The result was announced—yeas 37, nays 34, as follows:

[No. 270 Leg.]

YEAS—37

Allott
Anderson
Baker
Burdick
Byrd, W. Va.
Carlson
Cooper
Curtis
Dirksen
Eastland
Ellender
Hansen
Harris
Hartke
Hickenlooper
Hill
Hruska
Jackson
Lausche
Long, Mo.
Long, La.
Mansfield
McClellan
McGovern
Miller
Montoya
Morse
Moss
Mundt
Pearson
Prouty
Randolph
Sparkman
Stennis
Symington
Thurmond
Young, N. Dak.

NAYS—34

Boggs
Brewster
Brooke
Byrd, Va.
Case
Clark
Cotton
Dodd
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hatfield
Hayden
Holland
Inouye
Jordan, Idaho
McGee
McIntyre

Metcalf
Murphy
Pastore
Pell
Percy
Proxmire
Ribicoff
Russell
Scott
Spong
Tydings
Williams, N.J.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Williams of Delaware, against.

NOT VOTING—27

Aiken
Bartlett
Bayh
Bennett
Bible
Cannon
Church
Dominick
Fulbright
Hart
Hollings
Javits
Jordan, N.C.
Kennedy
Kuchel
Magnuson
McCarthy
Mondale
Monroney
Morton
Muskie
Nelson
Smathers
Smith
Talmadge
Tower
Yarborough

So Mr. CURTIS' amendment (No. 942) was agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER** (Mr. MONTOYA in the chair). The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, insert the following new section:

"BURDEN OF PROOF

"SEC. —. (a) Section 105(a) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1215(a)), is amended by striking out the last two sentences thereof.

"(b) Such Act is amended by inserting after section 108A the following new section:

" 'Sec. 108B. BURDEN OF PROOF

" '(a) GENERAL RULE.—In any proceeding before the Tax Court of the United States involving a redetermination of an order of the Board based in whole or in part upon allegations that profits were excessive as determined by the factors set forth in section 103(e), the burden of proof with respect to such allegations shall, if the contractor or subcontractor has submitted the statement described in subsection (b), be on the Board with respect to the grounds set forth in such statement in accordance with the provisions of such subsection.

" '(b) STATEMENT OF CONTRACTOR OR SUBCONTRACTOR.—At least 60 days prior to issuing and entering an order determining the amount of excessive profits, the Board shall send by certified mail or registered mail a statement informing the contractor or subcontractor of the amount of the proposed grounds (together with facts sufficient to show the basis thereof) on which the contractor or subcontractor relies to establish that his profits are not excessive as determined by the factors described in section 103(e). Such statement of the Board shall not be used in the Tax Court of the United States as proof of the facts or conclusions stated therein.'

"(c) The amendment made by subsection (a) shall apply to any order of the Board with respect to which the Board is required to furnish the statement referred to in section 108B of such Act, as added by this section. The amendment made by subsection (b) shall apply to any proceeding in the Tax Court of the United States where a petition for redetermination of an order of the Board has not been filed with the Tax Court of the United States on or before June 30, 1968. Where an order has been issued by the Board before the date of enactment of this section and where section 108B of such Act, as added by this section, is (or will be) applicable to a proceeding in the Tax Court for redetermination of such order, or where an order is issued by the Board on or within 60 days after the date of enactment of this section, the Board shall, within 30 days after the date of enactment of this section or issuance of such order, whichever is later, furnish the contractor or subcontractor with the statement referred to in subsection (b) of section 108B of such Act, as added by this section, and the contractor or subcontractor may, within 30 days from the date of mailing of such statement, submit the statement referred to in subsection (b) of section 108B of such Act, as added by this section."

Mr. DIRKSEN. Mr. President, I offer this amendment on behalf of the Senator from New York [Mr. JAVITS]. The distinguished manager of the bill, I believe, is quite familiar with the amendment. I could go into all the terminology and legalisms that are involved; namely, the procedures before the Tax Court. I scarcely deem that necessary because the essence of the amendment is to put the burden of proof upon the Government instead of on the contractor when they have gone through the customary Tax Court procedure, so that the contractor will be advised as to the basis on which the Government undertakes to impose its tax for excessive profits.

The Renegotiation Act of 1951, as amended, provides for Tax Court redetermination of unilateral orders issued by the Renegotiation Board. Specifically, section 108 of the act provides that a proceeding before the Tax Court to finally determine the amount, if any, of excessive profits shall not be treated as a proceeding to review the determination of the Board, but shall be treated as a proceeding de novo. In such a Tax Court proceeding, the contractor is the petitioner. Since, under the rules of the Tax Court, the petitioner has the burden of proof, contractors have characteristically been forced to disprove any possibility of excessive profits by proving a universal concept; namely, that all profits are reasonable. This has resulted in lengthy Tax Court trials where issue is often not joined until the Government, in its role as respondent, selects those arguments of the contractor which it chooses to rebut. Not only has this cluttered the Tax Court's docket, but I believe it has placed an unreasonable burden on the contractor.

The Senator from New York contends that because existing Tax Court procedure requires the contractor to come forward first with his proof, he has no way of knowing which of the statutory factors such as efficiency, economy, and/or contribution to defense effort enumerated in section 103(e) of the act will be relied on by the Government to prove the contractor's profits excessive. As a result, he has the inequitable burden of attempting to prove the reasonableness of his profits without being aware of the Government's case against him.

The amendment which I offer on behalf of the Senator from New York seeks to remedy and expedite renegotiation proceedings brought before the Tax Court. It is also designed to lessen the amount of Tax Court litigation by encouraging settlement of renegotiation proceedings at the Board level.

The amendment would require the Board, while the matter is still pending before it, to furnish a statement to the contractor setting forth the grounds on which the Board's proposed order determining excessive profits is based. This statement would be furnished to the contractor at least 60 days before a final unilateral order is issued by the Board.

Under the amendment, within 30 days after the Board's statement is mailed, the contractor can submit a statement of the grounds on which he relies to establish that his profits are not excessive.

While under section 105 of the act, the Board is required to "endeavor to make an agreement with the contractor" for the elimination of excessive profits, no mechanism to carry out this statutory mandate presently exists. This amendment will provide such a mechanism to promote agreement which is clearly the underlying purpose of the Renegotiation Act of 1951 as amended. Under the amendment, prior to the issuance of an order by the Board, each party would be given an opportunity to set forth its position. Time is then provided for the parties to consider the other's position and to reach agreement. This procedure will encourage the contractor to present his best arguments to the Board and thereby increase the likelihood of settlement.

If, after this exchange of statements, agreement is not reached and the Board issues a unilateral order, the contractor may petition the Tax Court. The amendment provides that in the Tax Court proceeding the contractor may utilize the statement he has submitted to the Board to seek a shifting of the burden of coming forward with respect to the statutory factors enumerated in section 103(e) of the act.

It is contemplated that, prior to the actual trial of the case, the court would consider whether the contractor's statement is sufficient to shift the burden of proof to the Government separately with respect to each of these statutory factors. The ultimate burden of proving that profits are not excessive would, however, still remain on the contractor. The procedure contained in my amendment is similar to that provided by section 534 of the Internal Revenue Code with respect to the accumulated earnings tax, and it is anticipated that the Tax Court will be able to apply precedents established under that section to the present amendment.

While present procedure forces the contractor to come forward and submit evidence on all the statutory factors, whether or not ultimately controverted by the Government, the proposed procedure would require the contractor to come forward only as to those factors on which he has been assigned the burden of coming forward by the court. Although this may well reduce the number of issues before the court, the Government may still introduce evidence on any of the remaining statutory factors so long as the Government assumes the burden of coming forward.

In summary, this amendment seeks to further the purpose of the Renegotiation Act by encouraging agreement between the Board and the contractor and, if that fails, by shortening what have historically been very lengthy Tax Court proceedings.

Mr. President, let me emphasize to the Senate that it places the burden of proof upon the Government.

It runs in my mind that we amended the Securities and Exchange Act. In that act, we did place the burden of proof upon the Government. Unless there is some dissimilarity in the procedure in that case, certainly we should not make fish out of one and fowl out of the other. If that is the case, then here again, in renegotiation, the Government should undertake the burden of proof.

Mr. LONG of Louisiana. Mr. President, I regret that I must oppose the amendment. An amendment of this sort was considered by the committee and was not agreed to. We would quite agree that legislation in this area may well be justified.

Mr. President, although I share the concern of the Senator from New York in assuring that proper procedures are present in renegotiation cases, there are a number of reasons why I believe this amendment should not be adopted, at least at this time.

This problem regarding the procedural aspects of renegotiation was raised and considered in the House Ways and Means Committee. The staff of the Joint Committee on Internal Revenue Taxation was asked to study the matter. Presumably when that study is concluded the problem will be considered by the House and after the House has taken any action it sees fit, their bill, if any, would be referred to the Finance Committee. We presumably would then hold hearings at which there would be a full airing of different points of view before bringing our answer to the problem to the Senate floor. This would be the orderly way to handle the matter and the way I would like to proceed.

Certainly I would not want to act now in view of the fact that the particular solution embodied in the proposed amendment is vigorously opposed by two affected agencies, the Renegotiation Board and the Justice Department, for a number of reasons:

First, the Internal Revenue Code procedure for accumulated earnings tax cases is not considered a precedent for this amendment. The tax situation involves the Government questioning the propriety of certain business management decisions. Renegotiation, on the other hand, involves the repricing of Government contracts which a contractor has voluntarily solicited. Moreover, a contractor who is dissatisfied with the Board's determination is allowed a de novo renegotiation proceeding in the Tax Court.

Second, the Justice Department stated:

> It seems certain that a change in the burden of proof would substantially increase the number of renegotiation cases filed in the Tax Court creating accompanying workload burdens and budgetary problems for both the Tax Court and the Department of Justice. Corresponding benefits to the contractor, the Board or the Tax Court are not readily apparent.

Third, the record of the Renegotiation Board does not suggest that the problem is serious. Only 4 percent of all determinations made by the Board since its inception have resulted in Tax Court litigation. Moreover, the Tax Court generally has sustained the Board's determinations.

I also would like to point out that the Finance Committee considered but decided not to adopt an amendment regarding Tax Court procedures in renegotiation cases although that amendment differed from the one before us.

Mr. President, in view of the opposition to this amendment by the concerned agencies, the inadequate consideration of the matter to date, and the lack of knowledge of the extent or seriousness of the problem, I do not believe that this is the appropriate time or method of proceeding. The Joint Committee staff on completion of its study will report to the Ways and Means Committee where the matter may be considered and then brought before the Finance Committee for consideration in the normal course. I urge my colleagues not to accept the proposed amendment.

The point can also be made that the Tax Court must handle about 11,000 cases. The average judge is able to process about 50 or 60 cases per month. On the other hand, one of the renegotiation cases tied up a judge for 2 or 3 years. I am referring to the Boeing case. It required the attention of a judge over a period of 34 days just to hear the evidence presented and to make the record in this case.

Mr. DIRKSEN. Mr. President, I have only one observation to make further on the matter. It can be simply equated about like this: The Government comes in and says to me, "You made an excessive profit, and you owe."

I say to the Government, "You prove it."

The Government says to me, "We do not have to prove it. You prove that you did not."

Now the charge comes from the Government side. Then, of course, they should undertake the burden of proof regardless of how much may be involved.

That is the whole matter simply stated.

Certainly there should be legislation in this field. That is all the amendment would undertake to do. If we can get some kind of study made by the Ways and Means Committee of the House and by the Finance Committee of the Senate, well and good. But I think, in view of what we have done in other cases, where other agencies were involved, we certainly should do the same thing for contractors who must abide by the procedures of the Tax Court, for one thing; and then, of course, not only have to accept the burden of proof but also prove that they did not make an excessive profit.

Mr. WILLIAMS of Delaware. Mr. President, will the chairman yield?

Mr. LONG of Louisiana. First, I should like to respond to the statement of the minority leader. The Renegotiation Board analyzes and evaluates a case and makes its decision as to whether or not there are excessive profits. If the Renegotiation Board has decided that the profit was excessive and a certain amount should be paid back to the Government, then the contractor, if he disagrees, may take the case into court. In this case, the contractor disagreeing with the decision of the Board has the burden of proof, when he goes to court, to establish that the Board was wrong in making its determination. That is the same procedure which prevails when a tax case is taken to the Tax Court. If the person is not satisfied, he must carry the burden of proof. The moving party must carry the burden of proof.

I am not here to say that we should not change existing procedure. All I am saying is that this matter certainly requires a great deal more study than we are in a position to give it on the Senate floor today. We have our experts studying the matter, to formulate for us what they consider to be an appropriate answer to the problem.

I agree that there may be some basis for changing renegotiation procedures but it should be done only after we have the experts work on it, rather than have someone come out with his idea of a solution, which one Senator would think proper, but which would be vigorously opposed by those who thought it was not appropriate.

I am happy now to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware (Mr. TYDINGS in the chair). I join the Senator from Louisiana in his remarks. I concede that there may be room for improvement in this area. I know that the committee has been studying the problem and so has the Ways and Means Committee. It may be that we will want to come up with an answer later. But it is not a problem that we can solve on the floor of the Senate today.

I therefore hope that the amendment would not be pressed at this time.

Mr. LONG of Louisiana. I thank the Senator from Delaware for his comments. I tried myself to give business a better break than they are getting in the bill, but the committee voted me down. I wanted to give the shipping industry better consideration than they had received. I thought I had a good case but the committee had good arguments in opposition to me and the committee decided against me. I would hope that Senators would be satisfied that this matter will be studied further, because I believe that we are going to come up with a better considered answer that way.

I therefore hope that the amendment will be rejected.

Mr. MURPHY. Mr. President, I wish to express my support for the amendment that has been introduced by my able colleague. While I believe in and support the renegotiation process, I do not believe that the contractor who is subject to the jurisdiction of the Renegotiation Board is given an adequate opportunity to state his case in defense of the fairness of the profits he has earned on Government business. Proceedings before the Board are not adversary in nature, and it is not customary for the contractor to be made aware of any of the information upon which the Board bases its decision, other than that which he himself has supplied.

If the determination of the Board is adverse to his interest, he has recourse to the Tax Court. The review proceeding, however, is treated by the Tax Court as a proceeding de novo with the burden of proof resting on the contractor and traditionally contractors have been forced under these circumstances, to prove that all profits were reasonable. This, of course, has resulted in lengthy court trials.

While it is not the purpose of this amendment to alter the procedures before the Board, it will enhance the possibility of settlement at the Board level pursuant to the intent of section 105, and, should this fail, expedite the proceedings before the Tax Court.

This will be accomplished by subsection (b) of the amendment which requires the Board to furnish the contractor with a copy of its proposed order and the facts upon which it is to be based 60 days before it is issued, at which time the contractor is granted 30 days in which to reply.

As a result, the Board will be in a better position to judge the merits of the case and for the parties to enter into an agreement, as is contemplated by the Renegotiation Act. Furthermore, it will force both parties to focus on the issues in controversy.

On the other hand, if this is not successful and the Board issues a unilateral order, the contractor, if he decides to seek redress in the Tax Court, is permitted by subsection (a) of the amendment to submit the statement which he has already furnished to the Board to the Tax Court.

This will serve to delineate the areas of controversy and thereby narrow the scope of the Tax Court proceedings. It may also suffice to enable the Tax Court judge to shift the burden of coming forward with regard to some of the factors enumerated in section 103(e) in the Tax Court to the Board, and thereby relieve the contractor of his present obligation to come forward on all statutory factors.

Nevertheless, the ultimate burden of proof with regard to the reasonableness of profits will still remain on the contractor under this proposed amendment. The amendment will simply make it possible for the contractor to cause the Government to assume the burden of going forward with respect to those statutory factors as to which the Tax Court considers his statement sufficient.

To that extent, it will be up to the Government to assume the initial burden of putting into evidence facts to demonstrate that the contractor has fallen short under those factors, and the contractor will have the opportunity to rebut these facts. However, to the extent that the burden is not shifted, the contractor will, as is the case today, have to assume the initial burden of going forward.

I support this amendment, Mr. President, because I believe that the procedure it outlines will give to the contractor a fairer opportunity to prove the reasonableness of his profits, and it will permit more expeditious handling of controversies before both the Board and the court.

Mr. DIRKSEN. I yield back the remainder of my time.

Mr. LONG of Louisiana. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was rejected.

Mr. YOUNG of Ohio. Mr. President, I send to the desk amendments to H.R. 17324 and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The bill clerk read as follows:

On page 2, between lines 19 and 20, insert the following:

"MINIMUM AMOUNTS SUBJECT TO RENEGOTIATION

"Sec. 104. Section 105(f)(1) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., 1215(f)(1)), is amended by inserting after 'June 30, 1956' each place it appears therein ', or $500,000, in the case of a fiscal year ending after June 30, 1969'."

On page 2, line 22, strike out "Sec. 104" and insert in lieu thereof "Sec. 105".

On page 8, beginning with line 2, strike out all down through line 6, and insert in lieu thereof the following:

"Sec. 106. The amendment made by sections 102 and 104 shall take effect as of June 30, 1968. The amendments made by sections 103 and 105 shall apply with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after the date of enactment of this Act."

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that my amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the junior Senator from South Dakota [Mr. McGovern], the senior Senator from Wisconsin [Mr. Proxmire], and the junior Senator from Alaska [Mr. Gruening] be added as cosponsors of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. YOUNG of Ohio. Mr. President, I yield myself such time as I may need, but I assure my colleagues that I shall be brief and to the point.

Mr. President, today, only those corporations with more than $1 million of income received from defense contracts in a given year and subject to Renegotiation Board review are required to file annual statements with the Renegotiation Board. My amendment would lower this ceiling and require firms that receive more than $500,000 in annual receipts and accruals from defense contracts during fiscal year 1970 and thereafter to file annual reports with the Board.

Defense contractors are entitled to a reasonable profit. While such profits are perfectly legitimate within the framework of our free enterprise system, excessive profits, the earnings of a return far beyond the value of what is supplied—war profiteering, to put it bluntly—is patently un-American and constitutes a betrayal of our men bearing arms in Vietnam and elsewhere throughout the world.

The U.S. Supreme Court, in upholding the constitutionality of the World War II Renegotiation Act, stated it this way:

> The conscription of manpower is a more vital interference with the life, liberty and property of the individual than is the conscription of his property or his profits . . . For his hazardous service . . . a soldier is paid whatever the government deems to be a fair and modest compensation. Comparatively speaking, the manufacturer of war goods undergoes no such hazard to his personal safety as does a frontline soldier and yet the Renegotiation Act gives him far better assurance of a reasonable return for his wartime services than the Selective Service Act—to the men in the Armed Forces.

Mr. President, shortly after I returned from Vietnam last January, I was appalled by the exposures in a series of articles by Sanford Watzman, Washington investigative reporter for the Cleveland Plain Dealer, a great nationally known newspaper published in my State. These articles carefully documented the fact that the powers of the Renegotiation Board—supposedly a Government sentry against war profiteering—have been withering away since the Korean war, even though we are now spending more taxpayer's money on military procurement than we were then.

The facts revealed in Mr. Watzman's articles were shocking. They showed clearly that the Renegotiation Board, which doublechecks Defense Department purchases to ferret out overpayments, has not been permitted to do the job for which it was created. In 1953 the Board had 742 employees. Today there are only 185, about the lowest number since its creation. The $2.6 million budget of the Board in fiscal year 1968 was only half of what it was during the Korean conflict. Even at that, this agency pays for itself many times over in recoveries of excess profits from wartime profiteers.

Total military procurement rose from $28 billion in 1965 to $44.6 billion in 1967, or 59 percent. So long as we continue our involvement in the ugly civil war in Vietnam, we can expect military procurement to continue at a high level.

The renegotiation process allows an after-the-fact review of the profits on renegotiable contracts and subcontracts relating to the national defense and space efforts. It provides an additional check on the reasonableness of the prices the Government pays in order to meet our defense commitments. The fact is that negotiated Department of Defense military contracts increased from 82 percent of the value of procurement in 1965 to 87 percent in 1967. In addition, negotiated NASA contracts increased from 91 percent in 1961 to 97 percent in 1967.

At a time when excess profits are surging upward, when we are spending more than $125 million a day on defense procurement, it is unconscionable for this watchdog agency to be shrinking in size and effectiveness. In fiscal year 1967 the Renegotiation Board made determinations of excessive profits in 18 cases totaling about $16 million. In fiscal year 1968 the Board made such determinations in 46 cases totaling more than $23 million.

During the Korean war all firms with

annual receipts from defense contracts totaling $250,000 a year or more were required to make annual reports to the Renegotiation Board. After the Korean war this figure was raised to $500,000 in 1953 and to the present $1 million level in 1956. The so-called reason for doing so was that a lower figure would hamper what some lobbyists refer to as "small business." Personally, I do not believe that a corporation that has transactions with the Federal Government totaling $999,999 in the course of a single year or $899,999 or even $799,999 can properly be termed a "small" business.

Shortly after World War II a congressional committee—a special panel headed by the late Senator Owen Brewster of Maine—reported its regret that it had caused the then "floor" for Renegotiations to be raised from $100,000 to $500,000 on the ground that "possible recovery—of excess profits—from concerns in the $100,000 to $500,000 bracket would not justify the time and expense of renegotiation." The Brewster committee reported on February 20, 1948:

> The Committee now feels in view of our wartime experiences that this recommendation was a mistake . . . (the change) was damaging to war morale.

Mr. President, lowering the floor for Renegotiation Board review of defense contracts would nearly double the number of contractors whose dealings with the Government would be examined. It would allow the Board to review an additional $2 billion to $3 billion worth of defense contracts each year above and beyond the $40 billion worth of defense contracts investigated in fiscal year 1967.

The Renegotiation Board is weaker today than it was during the Korean war, when it had far wider powers to review defense contracts. This is true even though we are spending more money today on war material than we were during the Korean conflict. There has been a steady erosion of the Board's authority since the end of the Korean war.

Even at that, the annual report of the Renegotiation Board revealed that where there have been determinations of excess profits, the corporations involved have agreed with these findings 9 out of 10 times, or in 89.9 percent of the cases. When the Board's decisions have been appealed to the U.S. Tax Court, the Board's findings were upheld or increased in 78 of 120 cases. In the remaining 42, the judges upheld the Board but decreased the Board's findings. Thirty-two additional cases are now pending before the Tax Court.

Unfortunately, there have been a number of repeaters. One firm, the Grumman Aircraft Engineering Co., a two-time loser, was slapped with excess profits findings twice during the Korean war—more than $2 million in fiscal year 1951 and $5.5 million in fiscal year 1953. Now it is the target of fresh proceedings before the Board. The Federal Government has accused Grumman of pocketing $7.5 million in excess profits on Navy and space contracts during calendar year 1965. In making this finding, the Renegotiation Board noted that an increase of 47 percent in sales over the previous year was accompanied by an increase of 162 percent in profits.

In another recent case the Board charged the McDonnell Douglas Corp. with overcharging the Government $8 million during 1965. Incidentally, in 1960 the McDonnell Aircraft Corp. refunded $2 million to the Federal Government without going to court as a result of a similar finding by the Board. These are just two flagrant cases of many that I could cite over the years pointing out the need for a strong Renegotiation Board with adequate powers and personnel to protect taxpayers against overcharges for war materiel.

If these are examples of what large and powerful defense contractors are getting away with, then it is clear that the Renegotiation Board should be empowered to investigate smaller contractors whose overcharges might otherwise go undetected. My amendment would do so.

Mr. President, the Plain Dealer of Cleveland, Ohio, recently carried two articles detailing the facts concerning the McDonnell Douglas and Grumman cases. I ask unanimous consent to have printed at this point in the Record an article entitled "Eight Million Dollar Excess Profits Case Bared" published in the Plain Dealer of July 30, 1968, and the other entitled "Grumman Accused of Excess Profits," written by Sanford Watzman and published in the Plain Dealer of September 7, 1968.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Plain Dealer, July 30, 1968]

Eight-Million-Dollar Excess Profits Case Bared—McDonnell Denies Charge

Washington.—An $8 million war profiteering case against the McDonnell Douglas Corp. broke into the open yesterday with the filing of papers at U.S. Tax Court.

The company, which produces F4 Phantom planes and Gemini spacecraft, denied the excess profits charge as it attacked a finding by the Renegotiation Board.

Orders of the board—an independent government agency—are held in strict confidence unless a war contractor carries an appeal to the tax court.

The legal papers revealed that McDonnell was involved in proceedings with the board in 1960 as well. At that time, the company refunded $2 million to the government without going to court.

Originally the McDonnell Aircraft Corp., the company was merged with Douglas Aircraft Inc. on April 28, 1967.

The board ruling was for the company's fiscal year that ended June 30, 1965. The date is likely to be regarded as significant by congressional allies of the board.

Legislation to extend the life of the renegotiation agency is pending in the Senate. Sens. Stephen M. Young, D-O., and William Proxmire, D-Wis., will offer amendments to strengthen the board.

Foes of the agency argue there is no need to arm the board with more powers because, in recent years, the Truth in Negotiating Act has protected the government against overcharges for war materiel.

Young and Proxmire contend, however, that the board must be built up to serve as an effective backstop because the Pentagon has been lax in enforcing the "truth" law, enacted in 1962.

The board found that McDonnell had government sales totaling nearly $1 billion in fiscal 1965 and that profits were $38.4 million. That was a return of 32.6% on capital and 76.6% on net worth, the agency contended.

It said in a communication to McDonnell: "In the review year renegotiable sales were up 15.6% over the prior year, about 77% higher than in fiscal 1963 and more than double fiscal 1960.

"The board is of the opinion that the government should receive significant benefit from this expansion of volume, either through lower prices or in renegotiations.

"In conducting its business, the largest volume in its 26 years of operation, the contractor benefited financial assistance.

"In addition to the use of government-owned facilities (valued at $43.7 million, the contractor also received a very large portion of progress payments ($323.4 million)."

McDonnell replied that the board juggled figures, with the result that it "bunched earnings" of the company of the year in question, to the disadvantage of the company.

It also challenged the board's decision to disallow $2.5 million in charitable contributions as part of the company's cost of doing business.

The company asserted that the board erred in failing to give weight to the contractor's efficiency, to the extent of the financial Donnell's contribution to the financial risk involved to McDonnell's contribution to the nation's defense effort.

[From the Plain Dealer, Sept. 7, 1968]

Grumman Accused of Excess Profits—Pocketed $7.5 Million

(By Sanford Watzman)

Washington.—The government has accused the Grumman Aircraft Engineering Co. of pocketing $7.5 million in excess profits on Navy and space contracts.

This was the second major case of alleged profiteering to come to public attention in recent weeks through court papers filed by corporations.

An $8-million finding has been made by the Renegotiation Board against the McDonnell-Douglas Corp.

Both companies are appealing.

If the board is upheld in the Grumman Case, Grumman would become a three-time loser. Twice before, during the Korean War, the company struck out after appealing excess profits rulings. About $8 million was involved in those two cases.

In the current proceeding against Grumman, based on calendar year 1965, the company was said to have enjoyed "a return on beginning-of-the-year allocated net worth of 81%—a rate which, in the opinion of the board, clearly indicates excessive profits."

On sales of $813.7 million, there was a profit of $52.7 million, "exceeding the contractor's total profits in any prior year in its history."

The Board noted that "an increase of 47% in sales (over the previous year) was accompanied by an increase of 162% in profits." Nearly half the sales were said to have come from "comparatively riskless, rapid-pay type contracts that put no great financial burden on the contractor."

Grumman retorted that the board unfairly refused to allow certain costs, did not properly credit the company for its increasing independence from government aid and that insufficient weight was given to corporate efficiency, know-how and risk.

The McDonnell Douglas case also goes back to 1965. Both companies have filed statements with the board for subsequent years, but all such papers remain confidential unless the slow-moving board makes a finding and a company contests it in court.

Mr. YOUNG of Ohio. Mr. President, since the creation of the Renegotiation Board in 1951, it has recovered more than

$1 billion from war profiteers. In addition, fear and anticipation of Board proceedings have encouraged some contractors to refund money voluntarily to procurement agencies to avert action by the Board. It is evident that the presence of the Board is a strong deterrent to profiteering. The Board was instrumental, as shown by its annual report, in affecting a total of $30.3 million in voluntary refunds and price reductions by contractors. Taxpayers should be assured that there will be a strong Renegotiation Board acting in their interest during this period of stepped-up procurement for the Vietnam war.

The most recent annual report of the Renegotiation Board to Congress, dated December 31, 1967, gives evidence that the profitability of defense contracts is rising, as well as indications that excess profits are also shooting upward. We cannot afford to let this vital agency of the Government fall behind in its work and in its duty to taxpayers.

The adoption of my amendment will be a major step toward enabling the Renegotiation Board to perform that duty.

I hope that my fellow Senators will support this amendment, and that it will be agreed to.

Mr. McGOVERN. Mr. President, I am pleased to join as a cosponsor of Senator Young's amendment, and I urge the Senate to tender its approval.

It is significant and highly encouraging that for the first time since its establishment in 1951, the Senate is considering a bill that would strengthen, albeit slightly, the ability of the Renegotiation Board to recoup excessive profits on defense and space contracts. Even so, I believe it is inadequate to deal with the increase in negotiated defense procurement.

There can be no doubt that renegotiation has proven itself to be a valuable process. The predecessor of the present board recovered some $11 billion in excessive profits during World War II. In the Korean war period the Board found more than $150 million for 3 years running. Since its inception it has returned $952,436,037 in excessive profits to the Treasury, and its status as a watchdog has helped return another $1.3 billion voluntarily.

Even after tax credits and adjustments, the Renegotiation Board returns about $18 for each $1 it spends.

Moreover, this record has been compiled over a period when the Board's powers and jurisdiction have been reduced on a regular basis. The Renegotiation Act of 1951 as first approved by the House provided that any company with more than $100,000 in business covered by the act should be required to file with the Board. After a conference with the Senate the figure was set at $250,000. That floor was increased to $500,000 in 1954 and to $1 million in 1956.

Between 1952 and 1967 total military procurement increased from $25 to nearly $45 billion; yet during the same period the manpower of the Renegotiation Board—the only effective agency we have for recovering excess profits—declined from 500 to about 180.

The Vietnam war buildup gives special reasons for restoring the powers of this important agency. The need to acquire a massive increase in defense supplies, up fully 59 percent between 1965 and 1967, has placed even greater strains on the abilities of procurement officials to deal effectively with producers. It has provided vastly increased opportunities for gouging the taxpayer.

The pending amendment would return the floor on renegotiation to $500,000 and I view it as a highly important step in reestablishing the Renegotiation Board's powers. Recent investigations, such as those initiated by Congressman Otis Pike, illustrate quite clearly that smaller suppliers are just as capable as larger ones of seeking and accepting exorbitant returns in their dealings with the Government.

It has been argued that lowering the cut-off would discourage small business, but I suggest that there is no merit whatsoever in that contention. The $500,000 figure refers to the amount of renegotiable business that a given company transacts with the Government, and not to the company's total operations. It is pure imagery to equate such an enterprise with the main street businessman or a small industrial plant.

I heartily approve of the Defense Department's efforts to encourage smaller suppliers to bid on defense contracts. It is a helpful move away from domination of the field by a few huge conglomerates.

But certainly this does not mean that we should make it possible for smaller enterprises to reap unreasonable rewards. The promotional work of the Department and the Small Business Administration have no bearing on the question of whether renegotiation should apply. On the contrary, as a larger proportion of Defense business is conducted with firms supplying less than $1 million, there is a proportionately greater need to extend renegotiation to cover those firms.

Mr. President, assurances that Defense Department procurement practices are improving provide little comfort on the question of profiteering. The award of M–16 rifle contracts that I discussed in the Senate on May 13, stands as a prime example of the slight regard that is paid to costs. Numerous other instances have been disclosed in recent months, to show that we have far from reached the status of being able to conduct a major war without extensive war profiteering.

We know that an Ohio corporation realized a 42 percent profit on a defense contract in which it used rent-free Government facilities. A recent survey by the Defense Contract Audit Agency turned up overpricing in one out of six cases examined.

In its April report, "Economy in Government Procurement and Property Management," the Subcommittee on Economy in Government of the Joint Economic Committee said in its hearings:

> Document a case of loose and flagrantly negligent management practices in the Defense procurement program. The DOD apparently refuses to reverse the long term trend away from competitive bidding and toward noncompetitive negotiated contracts, while only timidly, at best, implementing the Truth in Negotiations Act passed 5 years ago.

The House Armed Services Subcommittee for Special Investigations found in February of this year that—

> The incidence of overcharges occurred in buying activities nationwide and in all military departments . . . procurement files gave the appearance of having met all of the technical requirements of the Armed Services Procurement Regulation (ASPR) but, in fact, procurement personnel failed to apply commonsense judgment to preclude the payment of exorbitant prices.

The fruits of such abuses are showing up in the profits of Defense contractors. Contrary to the poormouthing we have heard from the contractors themselves, the Comptroller General reported to Congress last year that its review of 208 contracts—involving $2.25 billion worth of procurement during the last 6 months of fiscal 1966—showed that—

> . . . the average profit rates were 2 percentage points higher than they were in the 5-year period (fiscal years 1959–63) prior to the establishment of the weighted guidelines.

That 2-percentage-point increase represents a rise of fully 26 percent in profits.

Mr. President, it is abundantly clear that subsequent re-examination of these contracts, based on the six-part guidelines employed by the Renegotiation Board, is still a compelling need if the taxpayer is to be protected.

The amendment offered by Senator Young would extend the coverage of the Renegotiation Act to an additional $2.2 billion of negotiable sales. It would recover at least a substantial part of the 75-percent reduction in the Renegotiation Board's jurisdiction over defense suppliers that has occurred since 1952.

I urge that it be overwhelmingly approved.

Mr. LONG of Louisiana. Mr. President, this amendment, on its face, appears to be a good amendment that would protect the Government's interest against excessive and unfair profits; and it would, on its face, appear to be one that would save the Government money.

However, when one analyzes the amendment in depth, he finds that not only would it not save the Government any money but it would cost the Government twice as much money as it would appear to save. Let me show the Senate why that would be the case.

This amendment would seek to reduce the minimum level of renegotiable business subject to renegotiation from $1 million to $500,000. Mind, we are not talking about somebody making $500,000 in profits; we are talking about total renegotiable contracts for $500,000, on which the profit might be only $10,000.

Our best estimates show that the most the Government could hope to recover in excessive profits by pursuing these procedures would be about $1,200,000. These are little people, for the most part, who have total renegotiable business between $500,000 and $1 million. Of the $1,200,000, if the Government did not have this amendment at all, and did not renegotiate, half of it would be realized in taxes, anyway; so there is only about $600,000 of net savings which the Government could hope to realize if the amendment were passed.

But what would be the expense of collecting the $600,000? Let us look at what the cost to the Government would be—and these figures as to the cost of administering the law with a floor of $500,000 are estimates of the Renegotiation Board, itself.

They say that it would take 100 additional employees and that the payroll cost of these additional employees would be between $1 million and $1.5 million. Assuming the lower figure, the Government would have lost $400,000 right there or it would lose $900,000 if we assume the larger figure. So the Government might very well lose nearly twice as much as it would take in, in net excessive profits if it subjects these smaller contractors to renegotiation, just in the cost of Government personnel alone.

That is not the end of it, because we have to keep in mind that when these people whose renegotiable business is between $500,000 and $1 million are subject to renegotiation, they will need lawyers and accountants to represent them before the Renegotiation Board and perhaps subsequently in court, as well as secretaries, stenographers, and other people working for the lawyers and accountants.

If the Government is going to spend $1.5 million in renegotiating these contracts, it stands to reason that the contractors also are going to incur substantial costs because they are subject to renegotiation, perhaps as much as $1.5 million. How are they going to get those costs back? In part they will have to be recovered by passing them on to the Government in the form of higher prices for their bids. These expenses also are deductible for income tax purposes which reduces taxes the Government will receive.

So the loss to the Government would be at least twice as great, in my judgment, as the amount it could hope to save. And, Mr. President, that is not just my opinion; it is based on an analysis of data supplied by the Renegotiation Board, and it is the opinion of the Department of Defense, which has the duty of negotiating these contracts. We would have to appropriate more money if this amendment is adopted, and the Government would not get back enough to justify the apppropriation.

The administration is not asking for this amendment, probably because they also realize it will not make money for us. It will lose money for us.

This reminds me of the first case I handled as a young lawyer. Somebody came to me and wanted to sue over a certain controversy. I advised him that I was willing to handle the lawsuit, but that by the time we got through and the costs and fees were paid, there would not be enough money over and above the cost of litigating the case to leave any profit for anybody.

By the time we got through with the case, that proved to be true. We won our case in the district court, and the opposition had the right to appeal. Then we discussed a compromise. My client said, "I would have been better off if we had compromised this case to begin with."

I said: "That is exactly what I told you. I said that when you got through paying the costs and paying me my fee, you would be worse off than you were in the beginning. However, you wanted to sue them. So we sued them and put them to the inconvenience of going to court and hiring a lawyer just as you did."

The amount in controversy was consumed in the costs of trial and the legal fees of the lawyers involved. The same thing is true here. By the time we get through renegotiating on these little contracts the additional expenses will be more than we could hope to recover.

That being the case, as much as I agree with the purpose of the Senator from Ohio, who does not want anybody to rob the Government—and I share that concern—I feel that to renegotiate in cases involving total renegotiable sales of less than $1 million, from the point of view of everyone concerned, would not be a profitable action on the part of the Government.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CARLSON. Mr. President, I share the view of the Senator with regard to the pending amendment. There is merit in seeing that the Government is not overcharged in contracts. However, we have to be practical with respect to the amounts involved. I think that we should retain the figure of $1 million and not decrease it to $500,000.

Earlier this week, the Senate voted not to increase the personnel or permit an exemption in that section of the law which requires a reduction of personnel and expenditures. If we do that, let us give the agencies the people and the money with which to operate.

I sincerely believe that the Senator from Louisiana has a very good position here, and I shall support him.

Mr. LONG of Louisiana. As I said it is the same as saying that if one takes a person to court on a matter that involves a half million dollars worth of business—and perhaps a gain of $30,000 might have been made on such action—by the time he gets through litigating, he might be able to recover $10,000. However, the cost of the litigation might be $20,000. So, we would be better off if we simply try to get the best bid and the best price we can on the small procurement items and let it stop there rather than trying to recover more money since the point of diminishing returns would be passed and what we would get would not pay for the expense of going after it.

Mr. YOUNG of Ohio. Mr. President, if there are no further requests for time, I will be very brief.

Frankly, it does not seem to me that contracts in the amount of from $500,000 to $1 million a year are small contracts. In my view, any company having a defense contract with the Government of from $500,000 to $1 million a year is certainly not a small company.

I cannot become lachrymose over the statement of the distinguished junior Senator from Louisiana in that regard.

Furthermore, we had experience in the Korean conflict when any and every contractor whose annual receipts from defense contracts were $250,000 a year or more was subject to renegotiation. That was proven to be a very effective method of handling the matter. We saved the Government and taxpayer a great deal of money as a result.

Mr. President, on an historic occasion Patrick Henry said:

> There is but one lamp by which my feet are guided, and that is the lamp of experience.

That great American also said:

> I know of no way to judge the future except by the past.

If we take that as our criteria, then judging by the past and judging by the experience gained in World War II and in the Korean conflict when millions of dollars were saved by our Government and recovered from the war profiteers, we must permit the Renegotiation Board to review defense contracts totaling between $500,000 and $1,000,000 in a given year.

We are living in a grim period of international anarchy. We do not see an end of the conflict in South Vietnam. We do not see an end to these tremendous defense procurements.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, I yield to my senior colleague.

Mr. LAUSCHE. Mr. President, if the amendment of the Senator is agreed to, would that mean that mandatorily the Renegotiation Board would have to investigate every contract involving more than $500,000, or would it place in the Board the power to pick out certain contracts and investigate them and thus throw a fear into every corporation that "We may be investigated. Therefore, we must be careful."

Mr. YOUNG of Ohio. Mr. President, as I understand it, the latter situation is the case, and that is the endeavor of my amendment. This would be within the power of the Renegotiation Board if they chose to exercise it.

They only have that power now when the amount of the defense contracts of a firm involve $1 million a year or more. We should reduce that amount to $500,000 a year.

Mr. LAUSCHE. It would not mean that the Board had to investigate every contract involving $500,000 a year or more. If the Board thought the contract involved some wrong, it would have the power to investigate it and would have the right to demand renegotiation.

Mr. YOUNG of Ohio. The senior Senator from Ohio is correct. The Renegotiation Board could spot check contracts if it wanted to do so.

Mr. LAUSCHE. That is, if the contractor knew that the Board might investigate it, it would be far more careful in making the charge than it would be in the event it was convinced that the Board had no power to demand it.

Mr. YOUNG of Ohio. I am certain that is correct. My amendment would save taxpayers' money.

Mr. LONG of Louisiana. Mr. President, I hope the Senator from Ohio would stay a moment to hear this, because I believe it is important.

Under the law, if this amendment is

agreed to, the Renegotiation Board will have to review every one of these cases involving more than $500,000 in sales, to see if in their judgment excess profits are involved; otherwise they would not be performing their statutory duty.

Many small businesses will not bid on business under these circumstances because compliance with the Renegotiation Act and renegotiation proceedings cost a great deal of money and involve substantial work and time.

Another point which should be mentioned is that this amendment would increase the dollar volume of sales coming within the Board's scrutiny by only 5 percent but it would increase their workload by 60 percent, or over 3,000 additional cases to be processed and evaluated. Also, it would cost them twice as much to handle all these cases as they would hope to recover.

So, as a practical matter, in these small business cases it would be better to have more competition and to take a closer look at the bids when they are coming in; and when someone does succeed in making a substantial profit—or a larger profit than it is felt he should make—let him have that good fortune, with the prospect of increasing the number of people competing for this business, rather than seeking to subject these people to renegotiation where the cost of doing so would exceed the additional recoveries by 2 to 1.

It is like suing someone, and by the time you are through, you have obtained $200,000, and the cost has been $500,000 in legal fees and other costs.

That is what the people who have this responsibility think about it. That is why the Defense Department and the administration do not recommend this amendment. They are opposed to it. The Renegotiation Board started out opposed to the amendment. Since that time, they have said that they have no objection to the amendment, that whatever is done about it is all right with them.

But the Senator should bear in mind that he voted, as did other Senators, for the Williams amendment, which put a limitation on the number of people these agencies can employ. They will need a 60 percent increase in personnel—an additional 100 persons—if they are to assume the job of looking at these small cases. The Senate has voted not to allow them any increase in personnel.

Mr. LAUSCHE. Does any one of the documents on our desks contain the language which indicates they will mandatorily have to investigate each, or whether it is discretionary?

Mr. LONG of Louisiana. That is in the act. I do not have the language at the moment, but I will find it.

Mr. YOUNG of Ohio. Frankly, I cannot agree with the argument made by the Senator from Louisiana. The renegotiation process allows an after-the-fact review of the profits on renegotiable contracts and subcontracts relating to national defense and space efforts. But that is limited now. It must be over $1 million. In the Korean conflict it was $250,000. Certainly, that is not small business.

It is not mandatory that they examine each and every contract. The Board has supervision over examining statements mandatorily filed with the Board by contractors. That is all this amendment means—that the Board would have supervision of all contracts for defense procurement exceeding $500,000 for any one company in a year.

Mr. LAUSCHE. May I ask the Senator from Delaware what his understanding is of the provision? Is the renegotiation mandatory or discretionary?

Mr. WILLIAMS of Delaware. I believe the Senator will find that the act provides that they have to review contractors with sales in excess of $1 million; and if this amendment is agreed to, they would have to also review those with sales in excess of $0.5 million. But whether or not a contract was renegotiated after the preliminary review would be optional by the Renegotiation Board. It would not mean that they would have to conduct a full renegotiation proceeding in each and every case.

Mr. LONG of Louisiana. I now have the provision of the law in my hand:

> The provisions of this title shall be applicable (1) to all contracts—

It refers to all contracts—

> with the Departments specifically named in section 103(a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contracts or subcontracts were made on, before, or after such first day, and (2) to all contracts with the Departments designated by the President under section 103(a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of the first month beginning after the date of such designation, whether such contracts or subcontracts were made on, before, or after such first day.

Mr. LAUSCHE. That does not say that they must mandatorily negotiate.

Mr. LONG of Louisiana. It says that the act applies to all of these types of contracts. Contractors must report to the Board regarding these contracts and show what the price was, what their expense was, and how much they made. Each one of them then must go through a screening process at the Renegotiation Board—that is, they must be initially reviewed to see if further proceedings are necessary. I read from the pamphlet filed by the Renegotiation Board:

> B. SCREENING AT HEADQUARTERS
>
> The processing of contractors' filings begins at the headquarters of the Board. In this screening process, each filing which shows renegotiable business above the statutory minimum is examined to determine the acceptability of the contractor's segregation of sales and allocation of costs. The available information is then evaluated to determine whether the filing should be assigned to the field for further processing or whether it should be cleared at headquarters without assignment. In fiscal 1967, 3,782 above-the-floor filings (including those of brokers and manufacturers' agents) were thus screened. The corresponding figure for fiscal 1966 was 3,372.

If this amendment is adopted, it would require the board to go to the expense of analyzing each filing to see whether it is worth assigning it to the field for further proceedings. The cost of this screening process is something the Government must bear, and it is this cost we are talking about. The Board must screen each one of these cases to at least see if there is the possibility of excessive profits. Otherwise, they would not be performing their statutory duty of eliminating excessive profits in the manner provided in the act. If questions are raised with respect to some of these cases, they are then assigned to the field for further proceedings.

So this amendment would produce a very uneconomic enterprise. The cost between the two sides could well surpass the amount of money that is in issue. That is not only my opinion. That is also the opinion of our staff, who have analyzed this matter on the basis of data supplied by the Renegotiation Board itself.

If one analyzes it for himself he will see that it involves a substantial loss of money for the Government.

Mr. LAUSCHE. I think the language read by the Senator from Louisiana clearly shows the ultimate decision whether an investigation will be made aiming to renegotiation is optional with the board. The contractor files a report and the board examines the report. After the examination it determines whether it will send it to the field for further processing or whether it should be cleared at headquarters. The answer is that it is not mandatory that renegotiation be made in each case. They examine the report and then determine whether they will send it into the field.

Mr. LONG of Louisiana. It would be mandatory for the board to review and screen these cases. This is costing the Government money. If they find some basis to proceed, it is mandatory that they pursue it. Obviously, they are not required to renegotiate each case.

Mr. LAUSCHE. They examine the report. They then determine whether it should be sent into the field, and that is optional and discretionary. That is my interpretation.

Mr. YOUNG of Ohio. Mr. President, I wish to say I am not impressed by the argument made by the Senator from Louisiana. Of course, contractors who deal with the Department of Defense keep on accounting. They make reports to their stockholders. They keep accounts of their profits from business. We should be guided by the experience of a committee of the Senate. Shortly after World War II a special panel was headed by the late Senator Owen Brewster of Maine. After an investigation his panel reported that it was a matter to be regretted that the floor for negotiations was raised from $100,000 per year to $500,000 per year. They were raised on the ground that possible recovery of excess profits from concerns in the $100,000–$500,000 per annum bracket would not justify the time and expense of renegotiation.

The same argument is now being made by the Senator from Louisiana when this amendment is seeking to reduce the floor from $1 million to $500,000. The Brewster committee reported on February 20, 1948:

> The committee now feels in view of our wartime experience that this recommendation was a mistake.

They said the recommendation to change the floor from a mere $100,000 per annum to $500,000 was a mistake and was damaging to war morale.

Now, this amendment simply seeks to cut this floor down to $500,000.

I yield back the remainder of my time.

Mr. LONG of Louisiana. I wish to read one paragraph from a letter from the counsel for the Department of Defense:

> The cost incurred by defense contractors in fulfilling the requirements of the Renegotiation Act can be substantial and may well represent a burden to smaller business firms which generally have only a limited administrative staff. In addition, the cost to the government in administering the Renegotiation Act is not inconsiderable and the added cost of administration which would result from this proposed amendment should be weighed against the possible return to the government therefrom.

Our staff, the Joint Committee on Internal Revenue Taxation, has come up with an estimate, which anybody would have difficulty disputing, that the cost would exceed what it would be hoped would be returned by a minimum of two to one. It is based on data supplied by the Renegotiation Board. All things taken into consideration, it would be more than that.

The letter to which I have referred states further:

> We doubt that making smaller contractors subject to the Renegotiation Act will result in the recapture of a substantial number of dollars. It is possible that the additional cost to the government which would result from this amendment might even exceed any additional excess profits recovered.

Mr. President, on that showing, and this is substantiated by everyone who has looked at it. We do not believe the amendment would be wise under the circumstances.

Mr. President, I ask unanimous consent to have printed in the RECORD the letters I have received on this matter, together with a statement prepared in connection with the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
July 23, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your transmittal dated July 17, 1968 requests a report on an amendment (No. 881) intended to be proposed by Senator Young to H.R. 17324, a bill to extend and amend the Renegotiation Act of 1951.

The proposed amendment would reduce the minimum amount subject to renegotiation from its present level of $1 million to $500,000. The amendment would apply to fiscal years ending after June 30, 1968.

The Renegotiation Board has no objection to the proposed amendment.

Under date of March 11, 1968, responding to your request for the views of the Board on S. 2929, then pending before your committee, the Board did not favor a reduction of the renegotiation "floor" to $250,000, as proposed in that bill. We pointed out that as a result of the increase in price levels since the Korean crisis, the effect of such a reduction would be to establish a floor lower than that which prevailed in the Korean period. Such action, we said, did not appear to be necessary. The proposal to reduce the floor to $500,000 is not subject to the same objection, since a $500,000 floor would be somewhat more liberal than that of the Korean period.

The Board's own legislative proposal did not include a recommendation to lower the present $1 million floor. We did not make such a recommendation because, among other things, we proposed repeal of the exemption for standard commercial articles and services. It was believed that many of the contractors who would be brought within the reach of renegotiation by a reduced floor would be similarly affected by the elimination of the commercial exemption. This would be particularly true in the area of subcontracting.

H.R. 17324, as passed by the House and as reported by the Finance Committee of the Senate, modifies but does not repeal the commercial exemption. In these circumstances, serious consideration may well be given to a reduction in the floor.

As estimated by the Board, the effect of Amendment No. 881, if adopted, would be to increase the number of filings from contractors by approximately 3,000 annually. It is estimated that the change would also have the effect of increasing renegotiable sales by approximately $2 billion annually.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. HARTWIG,
Chairman.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., July 26, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on proposed amendment No. 881 to H.R. 17324 which is to be offered by Mr. Young of Ohio.

The proposed amendment would lower the minimum aggregate dollar amount of contracts subject to the Renegotiation Act from $1,000,000 to $500,000.

The Department of Defense is concerned that this amendment, affecting only a small percentage of defense prime contract dollars, would impact for the most part on smaller contractors, many of whom would undoubtedly fall within the category of small business. The cost incurred by defense contractors in fulfilling the requirements of the Renegotiation Act can be substantial and may well represent a burden to smaller business firms which generally have only a limited administrative staff. In addition, the cost to the government in administering the Renegotiation Act is not inconsiderable and the added cost of administration which would result from this proposed amendment should be weighed against the possible return to the government therefrom. We doubt that making smaller contractors subject to the Renegotiation Act will result in the recapture of a substantial number of dollars. It is possible that the additional cost to the government which would result from this amendment might even exceed any additional excess profits recovered. We would also note it is possible that to some extent the costs incurred by these contractors in complying with the requirements of the Renegotiation Act could be passed on to the Department of Defense in the form of higher prices.

In the 1956 amendment to the Renegotiation Act Congress recognized that problems would arise if the dollar floor were too low. Consequently, at that time, it raised the minimum amount from $500,000 to $1,000,000 to lessen the costs and burdens of complying with the Renegotiation Act as a substantial aid to small business. In addition, Congress recognized that only a small portion of renegotiation recoveries came from firms which were subject to the Act because the statutory floor was $500,000 instead of $1,000,000. Thus, raising the floor to $1,000,000 had the additional benefit of enabling the Renegotiation Board to concentrate on the larger cases which were more likely to involve substantial amounts of excessive profits.

Accordingly, the Department of Defense is opposed to proposed amendment 881 to H.R. 17324 and favors enactment of the bill without such amendment.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

STATEMENT SUBMITTED BY MR. LONG OF LOUISIANA ON AMENDMENT TO LOWER FLOOR

This amendment would lower the floor to $500,000. The floor is the minimum amount of receipts or accruals from all renegotiable contracts which a contractor must have in order for him to be subject to renegotiation.

Under present law contractors whose total renegotiable sales during the year are $1 million or less are exempt from renegotiation. In the past there we have been lower floors. At one time the floor was $250,000, and then in 1953 it was raised to $500,000. In 1956 the floor was raised again from $500,000 to its present level of $1 million.

When the floor was raised to $1 million in 1956, it was done for two principal reasons. First, it was raised because of a desire to lessen the compliance costs and burdens of renegotiation, especially in the case of small businesses. Second the floor was raised in order to ease the administrative burdens on the Renegotiation Board—to enable it to concentrate on the larger cases where it was believed there were more likely to be substantial amounts of excessive profits.

In 1956, it was estimated that the increases in the floor would reduce the number of contractors who had to file with the Renegotiation Board by 37 percent. On the other hand, it was estimated that raising the floor would reduce the amount of excessive profits by only 9 percent. Stated quite simply, this means there were a large number of small contractors with sales in the range between $500,000 to $1 million who in total, however, had very small renegotiable sales. Yet, the filings with the Renegotiation Board of each one of these contractors had to be processed and evaluated by the Board.

This same situation exists today. The Renegotiation Board has estimated that lowering the floor to $500,000 would increase the number of contractor filings with the Board in 1969 by over 60 percent—3,000 more cases. It is estimated, however, that the amount of renegotiable sales involved in these filings would increase the total sales reported to the Board by only 5 percent. In other words, lowering the floor would have a very small effect on the total sales reported to the Board—and probably also on the amount of excessive profits—but a very substantial effect on the Board's workload.

The Renegotiation Board has indicated that it would have to increase its staff by 100 persons, or by over 50 percent, to handle the tremendous increase in its workload—an increase of 3,000 cases—which would result from lowering the floor to $500,000. It also has said that it would need $1 to $1½ million of additional funds or about a 50 percent increase in its appropriations. If excessive profits after the credit for Federal taxes are increased for the estimated renegotiable sales attributable to lowering the floor to $500,000 in the same ratio as the excessive profits on other sales, the increase would be only $600,000. In other words, the additional cost of lowering the floor would probably exceed the net amount returned to the Government by 1½ to 2 times—that is, lowering the floor can be expected to result in a net loss to the Government. This does not take into account voluntary refunds and price reductions; but, on the other hand, it also does not take into account contractor compliance costs. To some extent at least, these compliance costs will be passed on to the Government in the form of higher prices and through the income tax deduction for business expenses.

Another factor which should be considered is that the administration did not request a reduction in the floor. Evidently the administration considered that the facts convincingly demonstrate it is neither desirable nor appropriate to reduce the level of the floor at this time.

To summarize the factors which demonstrate that it would be wrong to lower the floor: First, the net increase in excessive profits would be smaller than the additional costs to the Board. Second, the number of contractors brought under the coverage of the Act would be large while their total renegotiable sales would be small. Third, the administration also must have perceived these factors since it did not request that the floor be lowered.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. LONG of Louisiana. I yield back the remainder of my time.

Mr. YOUNG of Ohio. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Ohio.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from North Carolina [Mr. JORDAN], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Jersey [Mr. CASE], the Senator from Colorado [Mr. DOMINICK], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Texas [Mr. TOWER] is absent because of death in his family.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Colorado would vote "nay."

The result was announced—yeas 23, nays 48, as follows:

[No. 271 Leg.]

YEAS—23

Boggs
Brewster
Burdick
Byrd, Va.
Cooper
Cotton
Gore
Gruening
Hart
Hickenlooper
Lausche
McGovern
McIntyre
Miller
Montoya
Morse
Pastore
Pell
Proxmire
Russell
Tydings
Williams, Del.
Young, Ohio

NAYS—48

Allott
Anderson
Baker
Brooke
Byrd, W. Va.
Carlson
Clark
Curtis
Dirksen
Dodd
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Hansen
Harris
Hartke
Hatfield
Hayden
Hill
Holland
Hruska
Inouye
Jackson
Jordan, Idaho
Long, Mo.
Long, La.
Mansfield
McClellan
McGee
Metcalf
Moss
Mundt
Murphy
Pearson
Percy
Prouty
Randolph
Ribicoff
Scott
Sparkman
Spong
Stennis
Thurmond
Williams, N.J.
Young, N. Dak.

NOT VOTING—28

Aiken
Bartlett
Bayh
Bennett
Bible
Cannon
Case
Church
Dominick
Fulbright
Hollings
Javits
Jordan, N.C.
Kennedy
Kuchel
Magnuson
McCarthy
Mondale
Monroney
Morton
Muskie
Nelson
Smathers
Smith
Symington
Talmadge
Tower
Yarborough

So the amendments of Mr. YOUNG of Ohio were rejected.

EXCESS PROFITS TAX

Mr. McGOVERN. Mr. President, I have an amendment at the desk, which I ask to have stated. It is offered in behalf of myself and Senators CHURCH and NELSON.

The PRESIDING OFFICER. The amendment of the Senator from South Dakota will be stated.

The assistant legislative clerk read the amendment, as follows:

After section 401 add the following new section:

"SEC. 402. Public Law 90–364, the 'Revenue and Expenditure Control Act of 1968', is amended by adding at the end of section 110 the following sentence:

" 'Such proposals shall include an analysis of, and recommendations with respect to, a bill for raising revenue by the levying, collection, and payment of corporate excess profits taxes'."

Mr. McGOVERN. Mr. President, this is a very simple proposal. I think it is one we can dispose of in a few minutes.

The original amendment would have directed the Ways and Means Committee and the Senate Finance Committee to draft and report legislation levying an excess profits tax. Subsequent discussions with members of the Finance Committee and with other Senators have convinced me, however, that we are better advised to have consideration of this issue begin within the administration, by requiring that an analysis and recommendations be included as a part of the proposals for comprehensive reform of the Internal Revenue Code of 1954 which are to be submitted to the Congress no later than December 31, under the terms of the Revenue and Expenditure Control Act.

Concern has been expressed over the likelihood that had my original amendment been adopted, corporations would react to the knowledge that a bill would definitely be considered on the floor of both houses by slowing down capital investments to maximize profits now. Then, after imposition, they would greatly increase capital outlays, even on unnecessary items, to avoid having excess profits. They would do so because the net cost to the corporation, if a specific outlay would replace excess profits, would be only 10 to 15 percent of its price, depending on the rates employed.

This difficulty could be largely offset by the specific language used in the bill. The Excess Profits Tax Act of 1950, for example, provided limits on the amount of new investments that could be used as deductions. The effective date could also be adjusted to prevent speculative spending.

The new language, however, avoids the problem as completely as can possibly be done, by providing Congress with a bill and a complete analysis before active consideration actually begins. This would greatly shorten the amount of time needed for Congress to work its will on the issue.

In my view approval of the pending amendment would be no more than an expression of the willingness of Congress to consider asking the corporations whose profits have skyrocketed as a result of the war in Vietnam to share the huge burdens imposed upon our economy and the American people as a result of that conflict.

Mr. LONG of Louisiana. Mr. President, when we were considering the surcharge bill, I voted for an amendment, I believe offered by the Senator from South Dakota, which included an excess profits tax proposal as a substitute for the surcharge, feeling that it might be a more desirable way to raise revenue.

The surcharge is now in effect and is being paid by business, as well as the individual taxpayers. I have some doubt whether we ought to tell them now that we are considering levying an excess profits tax in addition.

Insofar as obtaining the attitude of the Treasury on a matter of this sort is concerned, it would seem to me that if the Senator wants to introduce a bill next year to levy an excess profits tax, we would have no difficulty in getting an opinion from the Department regarding the Department's views at that time on an excess profits tax, or on any other tax that some Senator might want to suggest. Our present consideration of this matter, however, might be construed by business as an indication that the Senate is anxious to pass an excess profits tax, or that Congress would like to pass one. Although this amendment does not commit Senators to vote for an excess profits tax, it could be considered as a mandate or suggestion to the Executive that such a recommendation ought to be made.

I do not believe we should do that, and for that reason I do not believe I could vote for the Senator's amendment now.

Mr. **WILLIAMS** of Delaware. Mr. President, I join in the objection of the Senator from Louisiana. If the Senator from South Dakota wishes to introduce a bill, certainly, the Committee on Finance and the Ways and Means Committee would consider it. But, if we adopt this amendment and thereby express our intention to change the tax structure by passing an excess profits tax bill without giving any indication whether it will be one-tenth of 1 percent, 1 percent, or 10 percent, we may find a lot of speculation on the part of industry, and perhaps improper manipulation of the markets, on the basis of what Congress may or may not do.

I think if we are going to consider a change in the tax structure, we should do what we did when we enacted the surcharge. If we decide to change it, the sooner we can do it and get it over with, the better. I think it would be far better to wait until next year, and we could approach the problem much better with a firm and fixed formula at that time. At the present time, I do not think people would know whether we are talking about 1 percent, 5 percent, or 10 percent; and we do not know whether the war will be going on next year or not. Therefore, I question the wisdom of this particular amendment at this time.

Mr. **LONG** of Louisiana. Mr. President, I had a chance to vote for an excess profits tax amendment offered by the Senator from South Dakota as a substitute for the surcharge, which I did not find very popular. I voted for the excess profits tax as a substitute for the other.

It would seem to me that since the Senate was not of a mood to vote for an excess profits tax when it was proposed earlier this year, it might be just as well to now let the administration decide for itself whether it wants to propose one.

I also make the point that the decision of whether to propose an excess profits tax next year will be the decision of the new President, I would assume, not the present administration, because we certainly would not act on it this year. It would have to be proposed by the new President to be elected in November. If he does not propose it, the Senator would certainly be free to offer his proposal then, and I would be glad to get a report from the executive branch explaining its attitude, as to whether they were for or against it, and why.

Mr. **McGOVERN**. Mr. President, will the Senator yield?

Mr. **LONG** of Louisiana. I yield.

Mr. **McGOVERN**. At the time we offered this proposal earlier this year, it seemed to me the principal argument raised against the proposal was that it had not been properly analyzed by the experts, either in the executive branch or in the committee. The distinguished junior Senator from Florida [Mr. SMATHERS] advanced the most persuasive argument against that proposal when he pointed out:

> This is a type of tax which should be carefully worked out and on which there should be some hearings. We have had hearings on the 10-percent surcharge, and the people who feel that it would be a burden on them have had an opportunity to oppose it. But nobody has had an opportunity to look into the proposed excess profits tax to see where its heavy burdens would fall and to see if it is equitable.

Similarly, a number of Senators told me after the vote on that amendment that they agreed in principal with the excess profits tax concept but were reluctant to adopt such a tax on the Senate floor without a full analysis of its ramifications.

The present amendment answers those objections completely. It provides for employment of the tax-writing expertise and judgment of Treasury Department officials in drafting legislation which they feel is appropriate to present circumstances, and it in no way bypasses the ordinary procedures for the adoption of tax measures. The Ways and Means and Finance Committees would, of course, be free to completely ignore or entirely rewrite the administration's recommendations.

I do not contemplate in offering the amendment that such legislation would be unduly burdensome. We are not out to gouge anyone. The act of 1950, for example, allowed an excess profits credit of 12 percent of invested capital under $5 million; $600,000 plus 10 percent of capital between $5 and $10 million; and $1,100,000 plus 8 percent of the excess over $10 million. In other words, the tax did not apply at all, even for large corporations, to earnings of 8 percent or less. Corporations with invested capital of less than $5 million paid no tax unless their earnings exceeded 12 percent. I have no doubt that similar language would be included in any legislation presented by the administration, adjusted to reflect current views as to what constitutes a reasonable return.

The procedure I am proposing closely parallels the approach that was used in adopting the Excess Profits Tax Act of 1950. The Revenue Act of that year directed the Ways and Means and Finance Committees to report legislation, and the bill was adopted and signed by the President on January 3, 1951. My amendment moves back a step, by calling on the administration to make its recommendations first.

Moreover, its ultimate goal—the adoption of an excess profits tax—is precisely in line with the policy we have followed in this country throughout the 20th century. As I have noted, an excess profits tax was adopted just 6 months after the invasion of South Korea began. Similar legislation was written during both World Wars I and II.

It is significant to point out at this juncture, when we are concerned about Federal deficits, that the World War II tax returned some $11,291,000,000 to the Treasury in 1943, and that it yielded an average of $6.6 billion each year from 1941 to 1945. The Korean war tax yielded a lesser amount—the highest was $2.5 billion in 1951—yet it still brought in some $7 billion during its existence. Returns would undoubtedly be much greater now in light of economic expansion since then.

Mr. President, it is my conviction that no one should make unrealistic profits from war. The young men who enlist or are drafted to serve in the Armed Forces must, at a minimum, dedicate a very important portion of their lives to the service of the Nation at inconsequential pay. Many of them are sacrificing their health, their limbs, and their lives. We cannot in justice require this of them while others build fortunes off the profits from war.

Our military men and their families are, of course, making the greatest sacrifice. But we must also recognize the severe dislocations that have been created in the domestic economy.

The fiscal 1969 budget proposed by the administration was described as an austerity budget. It contained deep cuts in such programs as higher education construction and school textbooks and facilities—items deemed deferable in a period of fiscal stringency.

In the Revenue and Expenditure Control Act of 1968 we made even deeper cuts; requiring that another $6 billion be pared from the administration's plans for fiscal 1969. We are just now going through the painful process of noting where that cut will apply. The hope and the chance of full participation in our prosperity by the poor is being emasculated as reductions are replacing needed expansion in economic opportunity programs. We have heard from school superintendents throughout the country protesting cutbacks in support for educationally deprived schoolchildren and in impacted areas school aid. As I predicted during its consideration in the Senate, the reductions are not coming from vested interests with powerful lobbies, but in programs that are vital to ordinary citizens and—to an even greater extent—to the weakest elements of our society.

The inflation and the rise in interest rates spurred by wartime expansion have applied in the same fashion. Banks have not been willing to supply college loans at the statutory interest rate because there are many more profitable investments. The rate hikes apply in an inverse ratio to the borrower's ability to pay. Price increases in essential goods and services impose the cruelest burden on those with small and median incomes.

Moreover, we are in the midst of a unique experience in agriculture. Prices are declining and farmers are continuing to be forced off the land even though we are involved in a major war. The rural economy is depressed, and the people it supports are migrating to the cities to magnify the huge unsolved problems there.

The revenue portion of Public Law

90–364 was designed, in part, to eliminate a substantial portion of the $24 billion deficit that was expected in fiscal 1969 because of the $30 billion we are pouring each year into Vietnam. But it, too, magnifies the inequities in our economy.

We enacted a regressive tax cut in 1963, before we escalated the war, which reduced the individual income tax rate 4.5 percent for the lowest income bracket but nearly five times as much—21 percent—for people with incomes over $200,000. The people who needed tax relief the most to maintain their standard of living got the least help. The tax cut added $90 to the purchasing power of a man with $2,000 a year and $199,000 to the income of a man netting $1 million.

By adding the flat 10-percent surtax, we have left the $2,000 man with a $59 savings on his individual income tax, but the man with a million dollars will still retain $130,781 in savings on his income tax bill compared to the early sixties.

After both tax bills, the residual tax relief on $2,000 to $4,000 of income is only 1.0-percent of that income. At the $50,000-income level the residual tax relief runs 6 percent. In the $90,000-to-$100,000 bracket the taxpayers are 11.1 percent better off, and the figure runs up to 14 percent on income over $200,000. This is regressive taxation with a vengeance, unfortunately occurring in the only major war period in this century when excess profits have not been taxed.

The 10-percent surcharge applies, of course, to corporations as well as individuals. But according to the Treasury Department's estimates it will recover next year only $3.8 billion from the expansive profit outlook.

From 1961 through 1964 corporate profits before taxes averaged slightly under $58 billion a year. After taxes they averaged $31.7 billion annually.

These profits figures have skyrocketed since escalation of the war in Vietnam. Average corporate profits before taxes in 1965, 1966, and 1967 averaged $80 billion annually, and after taxes they were still $47.3 billion. Only $6.4 billion of the $22 billion increase before taxes has been returned to the Treasury under our existing tax laws. According to the August issue of Economic Indicators, profits jumped to $91.1 billion in the second quarter of 1968—and the after-tax figure, even after imposition of the surcharge, was still $50.3 billion, or substantially higher than the 1965–67 average.

It is important to note, of course, that the excess profits tax would not take the portion of that increase that is attributable to business expansion.

Profits based on growth in the economy would be retained. No one would propose that corporate earnings should be reduced to levels of the early 1960's, because the number of corporations and the size of their investment has also increased. Those earnings would not be touched by an excess profits tax bill. The tax would apply only to those earnings above a reasonable rate of return on equity.

Mr. President, the proposed amendment has special relevance to H.R. 17324, the Renegotiation Act Amendments, because like the amendments it would deal with the alarming number of cases in which the taxpayer has paid exorbitant rates on Defense Department procurement. We have every reason to believe, in fact, that the greatest amount of excess profits would be found in defense supply industries.

According to Moody's Industrials, the major defense contractors have enjoyed unparalleled growth in profits since escalation of the war began. General Dynamics, for example, had a 22-percent increase between 1963–65 and 1966–67. General Electric went up 21.7. United Aircraft went up 56 percent, and Boeing reaped a 65-percent increase.

A more precise report quoted recently by Vice Adm. Hyman G. Rickover found defense firms earning 17.5 percent on net worth, compared with only 10.5 for firms producing in the civilian economy. These are average figures, of course, so there are undoubtedly defense contractors with much greater net earnings.

As I said at the outset of my remarks, the proposed amendment is nothing more than an expression of interest in considering specific excess profits tax legislation. It does not commit us to support the bill to be drawn and analyzed. If our hopes are realized and the war in Vietnam is concluded before such a tax could be placed into effect there would, of course, be no obligation to even consider it.

The present outlook, however, appears to be a dismal one. The negotiations in Paris have not made visible progress, and they are directed only at preliminary questions which must be surmounted before serious negotiating can begin. In the interim we are continuing to ask our military men, their families, and the groups in our society who depend on governmental programs and services, to pay a heavy toll in order to finance the war effort. No one of us can say that their sacrifices will stop at a definite date in the future. Certainly we cannot say that the likelihood of an end to the war is so great that we should not even consider taxing excess war profits.

I urge that we move toward a more equitable sharing of those burdens, through adoption of the pending substitute amendment.

Mr. LONG of Louisiana. Mr. President, I do not think I will vote for the Senator's proposal, but as long as I am chairman of the committee, the Senator can be assured that if he will introduce the bill, I will cooperate with him in getting the consideration of it he wishes from the executive branch.

Mr. HART. Mr. President, I invite the attention of the Senate to a very disturbing part of the bill concerning the Renegotiation Act of 1951 which we are considering today. This is title II of the bill which has absolutely nothing to do with the Renegotiation Act. Instead, it deals with the administration of the Antidumping Act, 1921, and the International Antidumping Code which was negotiated among the United States and 17 other countries, including the EEC, United Kingdom, Canada, the Scandinavian countries, and Japan, last year during the Kennedy round of trade negotiations.

Antidumping laws are potentially among the most serious nontariff barriers used by various nations for protectionist purposes. However, the new International Antidumping Code binds the 18 nations to accept the principle that dumping duties may legitimately be imposed only when dumping causes injury. In order to rule out unjustified protectionism, it establishes definitions of such concepts as "injury" and "industry." In the past, American companies exporting American goods have sometimes paid unwarranted antidumping duties and substantial amounts of U.S. exports have been hurt from time to time.

The Antidumping Code also binds the signatories to observe an agreed set of fair and open procedures modeled directly upon the detailed provisions of the U.S. antidumping regulations. Few, if any, countries, besides the United States, have ever before guaranteed foreign exporters notification of antidumping investigations of their products and the opportunity to see evidence presented by the complainant, to meet those parties with adverse interests, and to present opposing views.

The code entered into force July 1, 1968, for all the signatory countries except Canada which was forced, by the dissolution of its Parliament earlier this year, to postpone entry into force until no later than January 1, 1969.

I am most concerned over this amendment to the Renegotiation Act which would suspend U.S. implementation of the International Antidumping Code. This amendment would cause the collapse and abandonment of the code, since U.S. participation is critical to its existence.

We have exacted hard-won concessions from the signatories, requiring them to conform to administrative procedures consistent with U.S. practices. Should the United States withdraw, these countries might soon revert to former practices disadvantageous to our exports.

This amendment will also immediately place the United States in violation of its international obligation and thereby weaken our economic relations at a time when we can ill afford to do so. Moreover, this amendment will deprive American traders of important benefits not available to them unless the United States is prepared to implement the International Antidumping Code.

In short, this amendment is a threat to world trade expansion and especially to the expansion of American exports.

Mr. PERCY. Mr. President, on behalf of the Senator from New York [Mr. Javits], who is necessarily absent today, I ask unanimous consent to have printed in the Record a statement he has prepared on the International Antidumping Code section of the pending bill, and some insertions that he would like to have printed along with his statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Mr. Javits. Mr. President, I rise in opposition to the amendment to H.R. 17324 concerning the International Antidumping Code which was approved by the Senate by voice vote on September 9.

I am making this statement so that the

House-Senate conferees may have before them some key points that have not received adequate attention on Monday.

The amendment would not simply suspend implementation of the International Antidumping Code—it would kill it outright provided that the House accepts it and I hope that it does not. Accordingly, it would place the United States in violation of an important international obligation which it assumed as part of the Kennedy Round of trade negotiations. Such a breach of contract—and especially with some of our major allies—is a very serious matter, which necessarily harms our relations with other countries and weakens their confidence in our word. The stature of the United States in the world is hardly improved by such an action.

I find it especially hard to understand why we are being asked to consider the amendment at this time—more than two months after the International Antidumping Code entered into force. The Code was signed on July 30, 1967, thus leaving a full year—I repeat, a full year—in which this matter could have been raised, considered, and brought to the floor. In all fairness, I should point out that my good friend, the Senator from Indiana, voiced his concerns about the Code—with which I heartily disagree—in a timely fashion. But why was it that the Finance Committee did not hold a public hearing on the Code until a mere three or four days before its entry into force? This is certainly not the way the Senate of the United States should approach international agreements, and particularly in the sensitive area of economic relations. I must therefore object to the manner in which this amendment has been brought to the floor.

Of course, if the United States is forced by this amendment to repudiate the International Antidumping Code, it is almost a foregone conclusion that the other countries will, as they have a right to, abandon the Code themselves. There should be no illusion that somehow or other the United States can avoid its obligations under the Code and expect others to discharge theirs. Accordingly, we will forego the very valuable advantages which the Code confers upon our export trade.

In the first place, we will lose the prospect of having Canada apply an injury standard in the administration of its dumping law. The absence of such a standard has cost our industries literally millions of dollars worth of trade to Canada. The virtually automatic administration of the Canadian antidumping law is one of the foreign trade practices which is most complained about. I am aware of the fact that, because of the dissolution of its Parliament, Canada was not able to obtain the necessary implementing legislation before July 1 of this year. I understand, however, that the Canadian Government has formally pledged to do so no later than January 1, 1969. As a result of the recent election in Canada, it would seem that Prime Minister Trudeau's new government would be in a good position to do so.

In the second place, repudiation and collapse of the Code would mean that our exporters would once again be subject to the possibility of arbitrary and onesided proceedings in other countries once a dumping complaint is brought against them. The manner in which the dumping complaint against the Dow Chemical Company was handled in the United Kingdom in the spring of 1967 is a good case in point. So often we hear from American business that they run into nontariff barriers abroad which are of an administrative nature and which are therefore very hard to pin down and do something about. Article 6 of the Code does just that in the field of dumping and lays down a range of mandatory procedures which are based upon our own fair and open practices in the consideration of a dumping complaint. The amendment would deprive our exporters of these valuable safeguards.

I realize, of course, that the amendment is being offered because of a feeling that the Code is not consistent with the Act and therefore constitutes an improper attempt by the Executive Branch to legislate. I do not agree with this. But to those who may be concerned about this aspect of the Code, and without getting into necessarily quite technical points of law, I would emphasize two points.

First, the Administration has repeatedly acknowledged that the Antidumping Act is paramount and that if there is a conflict between the Code and the Act, the Act must prevail. This statement has been made in just such unequivocal terms by both Secretary Fowler and Ambassador Roth. It seems to me that we are under some obligation to assume that these statements were made in good faith. We should therefore, I think, not try to render a final judgment—as the amendment clearly would—on this complex question, until we have had some experience with the Code.

Second, both importers and domestic producers have the legal means of challenging in the Customs Court determinations by either the Tariff Commission or the Treasury Department which they feel to be inconsistent with the Antidumping Act. I recognize that counsel for the cement industry stated otherwise in testifying before the Finance Committee, but I thought it significant that he did not support his assertion in any way. On the other hand, the Executive Branch has submitted to the Finance Committee a memorandum which indicates quite clearly that judicial review is available in dumping cases. As I have said before, the proper forum in which to settle the issue of allegedly unauthorized Administrative action is in the judicial—and not the legislative—branch. If—as seems to be the case—all parties concerned agree that the Antidumping Act controls in the final analysis, the judicial route would seem to be wholly appropriate and completely satisfactory.

In considering the amendment, it should be clearly understood that it would not merely require the Treasury Department and the Tariff Commission to disregard the Code. It would also put an absolute straight jacket on these two agencies. The amendment would freeze and render statutory the Treasury Department's dumping regulations which were in force prior to July 1 of this year. This would nullify the Secretary of the Treasury's authority under the Antidumping Act to issue such regulations as he sees fit from time to time—including new regulations which would have nothing to do with the Code. This, I submit, is an extremely unwise course of action for the Congress to take. And yet the amendment would necessarily cast us in the role of both legislator and administrator. It would also mean that if the Secretary of the Treasury wanted to amend his regulations, he would require an Act of Congress to do so. In this respect alone, the amendment is patently bad law.

In the case of the Tariff Commission, the amendment would try to do the same with even more serious consequences. The amendment proceeds on the assumption that in its past affirmative determinations—and there have been only 12 prior to July 1—the Tariff Commission established, and I quote, "precedents". Anyone who has read even a few of the Tariff Commission's determinations in this field knows that there simply are no precedents. But the amendment requires the Tariff Commission to make any new determinations in accordance with such alleged but in fact non-existent precedents. Accordingly, this part of the amendment would simply serve to cast doubt on the future determinations of the Tariff Commission and lay a basis for legal challenge in the courts—to no useful purpose whatsoever.

Finally—and again totally without regard to the Code—the amendment would upset two well-established practices of the Treasury Department which go back a number of years and which, so far as I know, have never been challenged or complained of. The first practice involves the dismissal of a dumping case if the quantity of allegedly dumped goods is insignificant—or to use a lawyer's phrase—*de minimis*. The second practice has to do with the closing of a case when two conditions are satisfied—if the exporter gives reliable assurances that he will cease dumping and if the domestic complainant is satisfied with such assurances.

Both of these practices are based on what strikes me as a wholly valid premise—that is, the Antidumping Act is directed against significant dumping from which a domestic industry needs relief. If the dumping is insignificant or if the domestic industry is satisfied that it will cease, why should the Treasury Department proceed with the case? The only rationale I can think of is that the Antidumping Act is punitive as well as preventive—but there is no evidence whatsoever to support this theory. In short, this part of the amendment seems to be a way of stretching out dumping cases unnecessarily in order to harass exporters accused of dumping. This, of course, is just what the Code in large part is designed to avoid—both here and in other countries.

I think the twofold nature of this amendment now becomes pretty clear. Assuredly, it is directed against the Code and is designed to require the two administering agencies to disregard it. This is certainly serious enough, in terms of our international obligations and relations with major trading countries throughout the world. In addition, however, the amendment is also in the nature of a modification of the Antidumping Act itself—and a protectionist amendment at that. On the one hand, it attempts to tie the hands of both the Treasury Department and the Tariff Commission and to preclude both agencies from adapting their procedures and practices to new conditions. On the other hand, it would deprive the Treasury Department of the ability to handle antidumping complaints in a sensible way and close them out when there is, in every practical sense, no need whatsoever to continue with the investigation. The amendment should therefore be seen very clearly as an attack upon the present Antidumping Act and the manner in which it is presently being administered.

I, therefore, urge the conferees on this bill to consider these facts and to reject this amendment. The absence of vocal opposition to the amendment in the Senate should not be interpreted as unanimous Senate support for the repeal of the International Anti-Dumping Code. The fact is that only one or two Senators have ever expressed interest in this subject on the floor—Senator Hartke speaking against the Code and myself in favor on repeated occasions. This is a highly technical matter, not likely to be the subject for general debate. Nevertheless, as I have tried to point out antidumping is an important trade policy issue, and the International Antidumping Code an important advance towards the harmonization of commercial policy among the major trading nations of the world. Its continuation or rejection deserves the considered judgment of the Congress and I hope that the House-Senate conferees render their verdict on this amendment on this basis.

Mr. President, I ask unanimous consent that two previous statements I made in argument against the position taken by the Senator from Indiana [Mr. HARTKE] with respect to specific aspects of the code and with respect to the position taken by the majority of the U.S. Tariff Commission on the conflict between the code and the Antidumping Act be printed in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD as "Exhibit A."

EXHIBIT A

[From the CONGRESSIONAL RECORD, Aug. 23, 1967]

ANTIDUMPING CODE

Mr. JAVITS. Mr. President, the Senator from Indiana [Mr. HARTKE] has recently circulated a letter to all Members of the Congress in which he asserts that in at least three respects the Antidumping Code signed by the United States and other countries on June 30, 1967, is in conflict with the Antidumping Act, 1921. Accordingly, he argues that the code should be submitted to the Congress for its approval and he has introduced Senate Concurrent Resolution 38 to that effect.

Senator HARTKE's charges are obviously serious ones and I should like to comment on them, especially since I have, for the past several years, strongly urged the President and the executive branch to negotiate exactly the kind of code which has been concluded. On July 28, 1965, I introduced a resolution, Senate Resolution 133, to this effect with my Republican colleagues on the Joint Economic Committee. A similar resolution was introduced in the House by Representative THOMAS CURTIS of Missouri, the ranking Republican member from the House on the Joint Economic Committee.

The Antidumping Code signed on June 30, 1967, was agreed upon by most of the major trading nations of the world—EEC, the EFTA countries, Japan, and Canada—after close to 2 years of tough negotiations. The United States undertook these negotiations in an attempt to prevent the proliferation of highly restrictive antidumping laws and procedures in the industrialized nations of the world. In my judgment this code will achieve this end and will thereby remove new protective barriers against U.S. exports and international trade in general.

Before commenting on Senator HARTKE's specific charges, I wish to emphasize that before these negotiations were undertaken by Ambassador Roth, the Trade Information Committee of his office held public hearings during the week of September 12, 1966, at which representatives of industry and labor expressed their views on the possibility of an international antidumping agreement. It is important to note that a significant majority of those submitting views to the Committee supported an effort to negotiate such an agreement. There were, of course, some differences of views regarding the exact provisions to be included in an agreement. But the majority firmly endorsed the principle espoused in my Senate Resolution 133—namely, that international harmonization of antidumping laws and procedures is vitally important to insure continued growth of international trade. Among those in support of such an agreement were the Manufacturing Chemists Association, the Synthetic Organic Chemical Manufacturers Association, the Dow Chemical Co., General Electric, the Aluminum Association, the U.S. Chamber of Commerce, the Commerce and Industry Association of New York, the National Council of American Importers, the Committee for National Trade Policy, and the Committee for Economic Development.

The Trade Information Committee's hearings have clearly shown that the proponents of an international antidumping agreement speak for a broad national constituency, while the opponents, such as the American Iron and Steel Institute, the Cement Industry Committee for Tariff and Antidumping, speak only for a limited group of special interests with essentially protectionist purposes for their own enterprises.

* * * * *

I would now like to discuss some of the more general questions raised by Senator HARTKE—and especially the question of what is the proper relationship between the Congress and the President in a case like the present one.

I would first like to point out that the provisions of the code deal with matters as to which the act is silent. The provisions therefore have the effect of interpreting some of the important terms used in the act. I would like to stress this point. The code fills in the gaps, as it were, in the act and brings to the surface concepts which have to be dealt with in the consideration of an antidumping case but which the Congress did not feel obliged to deal with when it passed the act in 1921. In other words, the code does not attempt to substitute new terms for existing terms in the act or to set up concepts different from those in the act. Instead, it seeks to articulate matters which are relevant to the concepts dealt with in the act but which the act itself does not express. I would therefore emphasize that the code is fundamentally an interpretative and not an amendatory document—were it the latter, I would have as much concern about it as Senator HARTKE.

As I read his letter, Senator HARTKE's basic assertion seems to be that it is fundamentally unlawful for the President to interpret by executive agreement the terms of a domestic law such as the Anti-dumping Code. This is a considerably restrictive view, it seems to me, of the relationship between the Congress and the President and one which gives absolutely no scope, in this instance, to the President's constitutional responsibilities. Is the President—as Senator HARTKE suggests—really in the position where by executive agreement he cannot fill out and elaborate some of the concepts used in the act, in a manner which is fully consistent with the act?

I see no reason why the President cannot conclude an agreement which interprets the act in a manner consistent with the provisions and purposes of the act and then proceed to have the agreement implemented in accordance with the act. The key question in my mind is not whether the President has the basic authority to do so but rather how he exercises it and whether, in the final analysis, each interpretation provided for in the agreement is in fact consistent with the act.

That is why I made the detailed statement I did about the matter which has come up with respect to such consistency. If it is, then I see the executive agreement, and the act interacting in a complementary relationship, each supporting the other and both working towards a common objective—one which was, of course, in the first instance laid down by the Congress. In this manner, the respective constitutional responsibilities of the Congress and the President are fully respected and fully discharged. If, on the other hand, an interpretation is inconsistent with the act, then to that extent the agreement clearly has not validity and the act remains paramount. Insofar as I have studied the code to date, I am satisfied that it is faithful to the purposes of the Antidumping Act.

I would have thought that it was generally accepted that we should do our utmost to increase international cooperation in the field of trade. Certainly the Code represents a significant step forward in harmonizing international practices in the field of antidumping and avoiding the often troublesome friction and differences that arise from the application of conflicting national laws. It is especially in this light that I am unwilling to agree that the President is foreclosed from promoting the purposes of the act in an executive agreement which does not change, but only interprets, the act, and leaves the act paramount.

An important aspect of Senator HARTKE's basic argument seems to be that it is fundamentally wrong for the President to reduce the discretion of the Tariff Commission or the Treasury Department by elaborating or refining the terms of the act. This argument puts a maximum premium upon the retention of administrative discretion to the exclusion of all other considerations—and this I cannot accept. Surely, the whole effort both in our domestic law and in international law has been to develop through experience an increasingly refined and certain body of rules to guide our behavior. To put it another way, our efforts have for many years now been devoted to moving from the general to the specific and from the hortatory to the obligatory and to the specific in an attempt to work out the elements of a peaceful and productive society both in our country and throughout the world.

This is in large part achieved through the constant refinement of rules of law, so that areas of ambiguity and potential conflict are reduced as much as possible and interested persons have as complete an understanding as possible of their rights and obligations. This is why I have felt so strongly that the negotiation of an antidumping code would be a significant step forward in increasing cooperation in international trade.

Moreover, the agreement is a Presidential action which has ample precedent in past executive agreements. For example, the General Agreement on Tariffs and Trade—GATT—an executive agreement whose validity has been upheld by the courts—in many respects interprets U.S. law and to that extent limits the discretion of agencies administering such laws. Take, for example, article VI of the GATT which deals with dumping and which is, of course, that article of the GATT which the Code elaborates and defines. When article VI was first negotiated as part of the GATT in 1947, it very largely reflected the concepts and provisions of our Antidumping Act. But with respect to the concept of injury in the act, which was—as it still is—simply stated as "injury" and without any elaboration, article VI provides that antidumping duties may be imposed only where dumped imports cause "material injury" to a domestic industry. I think the reason for the addition of the interpretative term "material" is quite clear. As I have noted above, it was obviously intended to avoid the imposition of anti-dumping duties in cases where the injury was only slight or negligible. Thus interpretation has stood since 1947, has never to my knowledge been challenged, and has been consistently used in determination of injury in dumping cases.

I have one final thought concerning Senator HARTKE's charges. He—and I think sincerely—believes that the code should be presented to the Senate as a treaty and cannot be legally justified as an executive agreement. The executive branch—and I think equally sincerely—takes the opposite view. I for one am not prepared to impute bad faith to either side. But there is obviously a very serious difference of view on this important matter.

The question is how best to resolve the issue. I seriously question whether the most effective or indeed the most appropriate way is a political confrontation between the Senate and the executive branch. The resolution of the sort Senator HARTKE has introduced cannot, as we all know, force the President to submit the agreement as a treaty, and he has already made the choice.

Would it not be far more consistent with the manner in which our laws are administered to leave the issue to the courts, which is where the GATT agreement was decided?

Mr. President, after all, it is the judiciary which under our system of a separation of powers is the competent body to consider and resolve such an issue. I am wholly in favor of having the Senate as fully informed as possible about the provisions of the code and about the intentions of the executive branch in carrying it out. But I very much doubt that Senator HARTKE's resolution will actually help us to come to grips with the merits of the case. Insofar as any private person believes that, following the entry into force of the code, the act is being improperly administered, he can certainly seek judicial relief, for again I repeat the act not being superseded by a treaty remains paramount if it cannot be construed consistently with the executive agreement. At the point, we will all be able to have the benefit of a considered, objective, and final ruling on the issue.

[From the CONGRESSIONAL RECORD, Apr. 10, 1968]

TARIFF COMMISSION REPORT ON ANTIDUMPING CODE

Mr. JAVITS. Mr. President, on March 8, the Tariff Commission submitted a report to the Senate Finance Committee on Senate Concurrent Resolution 38, which concerns the Antidumping Code signed by the United States and other countries in Geneva on June 30, 1967. This report is in two parts—one signed by Commissioners Sutton, Culliton, and Clubb, comprising the majority, and the other signed by Chairman Metzger and Commissioner Thunberg, comprising the minority.

Both parties of the report deal with two basic issues—the consistency of the Antidumping Code with the Antidumping Act of 1921, and the applicability of the code to the Tariff Commission as an agency administering the act.

With respect to the first issue, it is noteworthy that neither part expressly concludes that the code is in irreconcilable conflict with the act. To be sure, the three Commissioners indicate that there are differences between the code and the act, and that in certain respects the code would change past practice of the Tariff Commission. But they fall short of saying flatly that the act and the code could not be administered in a consistent fashion.

Chairman Metzger, who has the most expertise in this area on the Commission, and Commissioner Thunberg conclude—and I think quite wisely—that it is not possible to decide the question of consistency until specific dumping cases are considered in the light of the provisions of the code.

With respect to the second issue, the three Commissioners take what I can only characterize as an unsustainably narrow position. In substance, they argue that the Tariff Commission's responsibilities are established exclusively by the Antidumping Act and that the code therefore has no necessary relevance or application to the Tariff Commission's consideration of dumping cases. The logical consequences of this position are to my mind strange and anomalous.

Let us assume—as I in fact believe—that the code is consistent with the act, recognizing that in any case the code as an executive agreement could not change the act in any respect. The three Commissioners are therefore saying that in spite of the fact that the code is consistent with the provisions of the Act and in spite of the fact that it is in furtherance of the purposes established by the Congress in enacting the act, the Tariff Commission must disregard it. Moreover, the three Commissioners are saying that the code should be disregarded even though the code brings distinct and important advantages to U.S. exporters—notably through the adoption of an injury standard by Canada, and the establishment of fair and open procedures when dumping complaints are brought against them.

And even beyond these considerations, the three Commissioners would disregard the code in spite of the fact that it constitutes a significant step forward in the multilateral resolution of nontariff barriers.

I would emphasize that the Congress has itself endorsed the objectives of increasing the opportunities for U.S. exporters and circumscribing the operation of potential nontariff barriers of other countries. It has done so in enacting trade agreements legislation for more than 30 years, and most recently in the Trade Expansion Act of 1962. Thus, I find the position of the three Commissioners especially anomalous, since it runs counter to established congressional policy in the field of international trade. In short, the three Commissioners cling tenaciously to their own narrow notion of exclusive reliance on the Antidumping Act while disregarding the more important aspects of the case.

Chairman Metzger and Commissioner Thunberg, on the other hand, are clearly sensitive to these considerations and take what I regard as a reasonable position. In substance, they conclude that the Antidumping Code is an international obligation of the United States which the Tariff Commission should follow except insofar as it might prove to be irreconcilable with the Antidumping Act in any given case.

Let me quote Chairman Metzger and Commissioner Thunberg's statement on this point:

"Having examined those provisions of the Code and of the Act relating to the direct functions of the Commission under the Act, we limit ourselves to the statement that a) they are founded upon common basic concepts; b) they obviously differ in language, and c) these differences in language do not appear obviously or patently to call for differing results in future cases regardless of their inevitably differing facts and circumstances. Indeed, we are unable, in the absence of the particular combination of facts and circumstances involved in each injury determination, to assert categorically that in such cases their application would lead to identical or to differing results.

"If, following July 1, 1968, the Commission has occasion to perform its statutory duties under the Anti-Dumping Act (there are presently no cases thereunder pending before the Commission), and a question of consistency between a provision or provisions of the Code and of the Act is a relevant issue and there has been no intervening new American legislative action, the Commission should apply the principles of American law to the task of interpretation of the Act as it affects the facts of the investigation, including those principles relating to interpreting the Act so as to avoid inconsistency between it and the international obligations of the United States. If this proved not to be possible, the Commission, should apply the provisions of the Act to the facts found, not those of the Code."

This position acknowledges the presumptive validity of the Antidumping Code—which was signed, after all, upon the express authorization of the President of the United States—while upholding the clear obligation of the Tariff Commission to administer the Antidumping Act in a manner consistent with its provisions and purposes—both being entirely consistent.

Also, the applicability of the code to the Tariff Commission involves questions concerning first, the force and effect of Executive agreements; and second, the relationship of the Tariff Commission to the President. The first is an issue on which the Tariff Commission as an agency can claim no special expertise. And the second issue involves the Tariff Commission so intimately as to make it an interested party and its view a brief, not a decision.

Whatever honest doubts the three commissioners may have had, it surely would have been far more proper and constructive to assume the applicability of the code to the Tariff Commission, to begin to consider cases in the light of the code and the act, and then to come to specific conclusions, subject to whatever the courts might decide.

Nevertheless, unfortunate as the report of the three commissioners may be, I am still hopeful that the act and the code can be administered by the Treasury Department and the Tariff Commission in a consistent fashion. If abstractions can be laid aside and if concrete cases can be objectively considered in the light of the provisions of both the code and the act, no violence whatsoever need be done either to the act or to the statutory obligation of the Tariff Commission in administering that act. At the same time, the United States, together with the other signatories of the code will be able to render the code a constructive, growing, and adaptable multilateral agreement. This will be in the interest of a liberal trade policy and in the national interest as well.

The Senator from Indiana takes the position that in at least three respects the Antidumping Code signed by the United States and other countries on June 30, 1967, is in conflict with the Antidumping Act, 1921. Accordingly, he argues that the code should be submitted to the Congress for its approval and he has introduced Senate Concurrent Resolution 38 to that effect.

Senator HARTKE's charges are obviously serious ones and I should like to comment on them, especially since I have, for the past several years, strongly urged the President and the executive branch to negotiate exactly the kind of code which has been concluded. On July 28, 1965, I introduced a resolution, Senate Resolution 133, to this effect with my Republican colleagues on the Joint Economic Committee. A similar resolution was introduced in the House by Representative THOMAS CURTIS of Missouri, the ranking Republican Member from the House on the Joint Economic Committee.

The Antidumping Code signed on June 30, 1967, was agreed upon by most of the major trading nations of the world—EEC, the EFTA countries, Japan, and Canada—after close to 2 years of tough negotiations. The United States undertook these negotiations in an attempt to prevent the proliferation of highly restrictive antidumping laws and procedures in the industrialized nations of the world. In my judgment this code will achieve this end and will thereby remove new protective barriers against U.S. exports and international trade in general.

Before commenting on Senator HARTKE's specific charges, I wish to emphasize, that before these negotiations were undertaken by Ambassador Roth, the Trade Information Committee of his office held public hearings during the week of September 12, 1966, at which representatives of industry and labor expressed their views on the possibility of an international antidumping agreement. It is important to note that a significant majority of those submitting views to the Committee supported an effort to negotiate such an agreement. There were, of course, some differences of views regarding the exact provisions to be included in an agreement. But the majority firmly endorsed the principle espoused in my Senate Resolution 133—namely, that international harmonization of antidumping laws and procedures is vitally important to insure continued growth of international trade. Among those in support of such an agreement were the Manufacturing Chemists Association, the Synthetic Organic Chemical Manufacturers Association, the Dow Chemical Co., General Electric, the Aluminum Association, the U.S. Chamber of Commerce, the Commerce and Industry Association of New York, the National Council of American Importers, the Committee for National Trade Policy, and the Committee for Economic Development.

The Trade Information Committee's hearings have clearly shown that the proponents of an international antidumping agreement speak for a broad national constituency, while the opponents, such as the American Iron & Steel Institute, the Cement Industry

Committee for Tariff and Antidumping, speak only for a limited group of special interests with essentially protectionist purposes for their own enterprises.

In conclusion, I would like to discuss briefly some of the more general questions raised by Senator HARTKE—and especially the question of what is the proper relationship between the Congress and the President in a case like the present one.

I would first like to point out that the provisions of the code deal with matters as to which the act is silent. The provisions therefore have the effect of interpreting some of the important terms used in the act. I would like to stress this point. The code fills in the gaps, as it were, in the act and brings to the surface concepts which have to be dealt with in the consideration of an antidumping case but which the Congress did not feel obliged to deal with when it passed the act in 1921. In other words, the code does not attempt to substitute new terms for existing terms in the act or to set up concepts different from those in the act. Instead, it seeks to articulate matters which are relevant to the concepts dealt with in the act but which the act itself does not express. I would therefore emphasize that the code is fundamentally an interpretative and not an amendatory document—were it the latter, I would have as much concern about it as Senator HARTKE.

As I read his letter, Senator HARTKE's basic assertion seems to be that it is fundamentally unlawful for the President to interpret by executive agreement the terms of a domestic law such as the Antidumping Code. This is a considerably restrictive view, it seems to me, of the relationship between the Congress and the President and one which gives absolutely no scope, in this instance, to the President's constitutional responsibilities. Is the President—as Senator HARTKE suggests—really in the position where by executive agreement he cannot fill out and elaborate some of the concepts used in the act, in a manner which is fully consistent with the act?

I see no reason why the President cannot conclude an agreement which interprets the act in a manner consistent with the provisions and purposes of the act and then proceed to have the agreement implemented in accordance with the act. The key question in my mind is not whether the President has the basic authority to do so but rather how he exercises it and whether, in the final analysis, each interpretation provided for in the agreement is in fact consistent with the act.

That is why I made the detailed statement I did about the matter which has come up with respect to such consistency. If it is, then I see the executive agreement, and the act interacting in a complementary relationship, each supporting the other and both working toward a common objective—one which was, of course, in the first instance laid down by the Congress. In this manner, the respective constitutional responsibilities of the Congress and the President are fully respected and fully discharged. If, on the other hand, an interpretation is inconsistent with the act, then to that extent the agreement clearly has no validity and the act remains paramount. Insofar as I have studied the code to date, I am satisfied that it is faithful to the purposes of the Antidumping Act.

I would have thought that it was generally accepted that we should do our utmost to increase international cooperation in the field of trade. Certainly the Code represents a significant step forward in harmonizing international practices in the field of antidumping and avoiding the often troublesome friction and differences that arise from the application of conflicting national laws. It is especially in this light that I am unwilling to agree that the President is foreclosed from promoting the purposes of the act in an executive agreement which does not change, but only interprets, the act, and leaves the act paramount.

An important aspect of Senator HARTKE's basic argument seems to be that it is fundamentally wrong for the President to reduce the discretion of the Tariff Commission or the Treasury Department by elaborating or refining the terms of the act. This argument puts a maximum premium upon the retention of administrative discretion to the exclusion of all other considerations—and this I cannot accept. Surely, the whole effort both in our domestic law and in international law has been to develop through experience an increasingly refined and certain body of rules to guide our behavior. To put it another way, our efforts have for many years now been devoted to moving from the general to the specific and from the hortatory to the obligatory and to the specific in an attempt to work out the elements of a peaceful and productive society both in our country and throughout the world.

This is in large part achieved through the constant refinement of rules of law, so that areas of ambiguity and potential conflict are reduced as much as possible and interested persons have as complete an understanding as possible of their rights and obligations. This is why I have felt so strongly that the negotiation of an antidumping code would be a significant step forward in increasing cooperation in international trade.

Moreover, the agreement is a Presidential action which has ample precedent in past executive agreements. For example, the General Agreement on Tariffs and Trade—GATT—an executive agreement whose validity has been upheld by the courts—in many respects interprets U.S. law and to that extent limits the discretion of agencies administering such laws.

Mr. President, I ask unanimous consent that an article entitled "The General Agreement on Tariffs and Trade in U.S. Domestic Law," written by John H. Jackson and published in the Michigan Law Review, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THE GENERAL AGREEMENT ON TARIFFS AND TRADE IN UNITED STATES DOMESTIC LAW

"(By John H. Jackson) *

"*I. Introduction*

"The General Agreement on Tariffs and Trade,[1] "GATT," is a multilateral international agreement which is today the principal instrument for the regulation of world trade. Over eighty nations, including the United States, participate in GATT and it has been estimated that about eighty per cent of world trade is governed by this agreement.[2] With the recent completion of five agonizing years of 'Kennedy Round'[3] tariff negotiations under GATT auspices, tariffs for many goods will be reduced to a point where they will no longer be effective barriers to world trade.[4]

* * * * *

"*Court opinions.* Another factor that reinforces the argument for the validity of GATT is that it has been recognized by both federal and state (including territorial) courts. The specific issue of GATT's validity was raised in only one case, but that case was dismissed on other grounds.[103] However, a number of other cases have resulted in decisions necessarily implying the validity of GATT—particularly in tariff cases before the Customs Courts and the Court of Customs and Patent Appeals.[104] In fact, since tariff concessions embodied in GATT are so extensive, the majority of cases in those courts now involve tariff rates proclaimed by the President pursuant to GATT or amending protocols.[105] Other than in these courts, only seven American cases, and three opinions of the California Attorney General,[106] have been found which explicitly cite or mention GATT.[107] Of these, four were in state or territorial courts[108] and three in federal courts.[109] In each case GATT's validity was either assumed, upheld, or not decided. No opinion citing or mentioning GATT has yet been rendered by the United States Supreme Court.

"It is appropriate now to turn to the third question as to the statutory validity of GATT mentioned at the outset of this subsection: whether the administrative provisions[110] of GATT constituted it an international organization which the President did not have the statutory power to join. Most previous United States trade agreements had provisions in them for certain types of administrative functions,[111] such as arrangements for consulting[112] or agreeing on changes in tariff commitments.[113] Early in GATT's drafting history it was recognized that some of these administrative functions would be necessary to implement GATT.[114] It was hoped that the ITO would eventually assume these functions, but until that time a GATT mechanism was required.[115] Early GATT drafts consequently provided for an 'Interim Trade Committee.'[116]

"Soon after these early drafts, and before negotiations opened at Geneva in the spring of 1947, House and Senate committees held extensive hearings on the proposed ITO and GATT negotiations.[117] Some members of Congress challenged the authority of the President to enter into GATT on the specific ground that he was not authorized to join an international 'provisional organization.'[118]

FOOTNOTES

*Professor of Law, University of Michigan. A.B. 1954, Princeton University; J.D. 1959, University of Michigan. Editorial Board, Vol. 57, *Michigan Law Review*.—Ed.

"The author is indebted to Walter Hollis, Legal Advisor's Office, United States State Department, who generously read the manuscript of this article and made a number of useful suggestions. The author is also indebted to members of the GATT Secretariat in Geneva for assisting his general research into GATT.—J.H.J.

"[1] General Agreement on Tariffs and Trade, 61 Stat. pt. 5, at A3 (1967); 55 U.N.T.S. 194 (1967) (hereinafter referred to as GATT). GATT has been extensively amended and modified, as can be seen from app. C. A more current version of GATT can be found in GATT, 3 Basic Instruments and Selected Documents (rev. vol. 1958) (hereinafter referred to as BISD). Subsequent changes may be found in GATT Doc. IPRO/65–1 (1965) (which added pt. IV) and GATT Doc. INT (61) 34 (1961) (which modified art. XIV:1).

"Although the full text of GATT is not being reprinted in this article, the general subject matter of each article can be seen from the table in app. A. On GATT generally, *see* Jackson, *The Puzzle of GATT—Legal Aspects of a Surprising Institution,* I. J. WORLD TRADE L. 131 (1967) and authorities cited therein. For an economist's view, *see* G. CURZON, MULTILATERAL COMMERCIAL DIPLOMACY (1965). As to GATT documents and their availability, *see* GATT Docs. INF/121 & INF/122 (1966); Jackson, *supra* at 131 n. 2.

"[2] Statement issued by the Director General of GATT, GATT Press Release 990, reprinted in N.Y. Times, May 16, 1967, at 20, col. 3; GATT Press release 973 (Nov. 1, 1966).

"[3] *See* Farnsworth, *Kennedy Round Succeeds,* N.Y. Times, May 16, 1967, at 1, col. 8. *See also* International Monetary Fund, *Kennedy Round Agreements,* 19 INT'L FINANCIAL NEWS SURVEY 213 (1967).

"[4] *See* Statement by Eric Wyndham-White, Director General of GATT, to the Deutsch Gesellschaft for Auswärtige Politik at Bad

---

Footnotes at end of article.

Godesberg, GATT Doc. INT.(66) 567 (Oct. 27, 1967); address by Eric Wyndham-White at the meeting of the Trade Negotiating Committee at Geneva, GATT Press Release 993, at 4 (June 30, 1967); Chase Manhattan Bank, *Perspective on World Business,* 7 World Bus. 3 (July 1967).

"[103] Morgantown Glasswork Guild v. Humphrey, 236 F.2d 670 (D.C. Cir. 1956).

"[104] *Sec. e.g.,* Bercut-Vandervoort v. United States, 151 F. Supp. 942 (C.C.P.A. 1957); George E. Bardwil & Sons v. United States 42 C.C.P.A. 118 (1955).

"[105] Examination of any current volume of these courts' reports reveals that the vast majority of the cases cite a presidential proclamation which effectuates a GATT agreement. For instance, in vol. 44 only twelve out of fifty-three fully reported decisions do not cite such a proclamation. *See* app. C. for presidential proclamation citations for various GATT agreements.

"[106] The California Attorney General's opinions are 59–164, 34 Cal. A.G. 302; 60–141, 36 Cal. A.G. 147; 62–165, 40 Cal. A.G. 65.

"[107] The Shepard citators for all states and territories of the United States and for all federal courts of the United States were searched since 1947 to the most currently available supplement in June of 1967 for all cases which cite 61 Stat. pts. 5 & 6, at A 3. Since GATT is sometimes cited without using the 'Stat.' reference, it is possible that persons who prepare the citator could have missed some cases if they did not translate a different citation into the statutory citation. In addition to searching the citators, various attorneys both in and out of government were contacted who might have knowledge of other cases.

"[108] Baldwin-Lima-Hamilton v. Superior Court, 208 Cal. App. 2d 803, 25 Cal. Rptr. 799 (1962) (California 'Buy American Act' held to be unenforceable because violative of GATT); Bethlehem Steel Corp. v. Board of Comm'rs, Civil Nos. 899165 & 897591 (Super Ct. County of Los Angeles 1966) (also challenged the California 'Buy American' Act); Territory v. Ho 41 Hawaii 565 (1957) (struck down as unconstitutional and contrary to GATT a territorial law requiring retailers selling imported eggs to advertise that fact); Texas Ass'n of Steel Importers v. Texas Highway Comm'r. 364 S.W.2d 749 (Tex. Ct. App. 1963) (administrative ruling of the highway commission requiring the use of domestic steel in highway projects challenged as contrary to state law, the Constitution, and GATT—disposed of on state law grounds). The *Bethlehem* case held that *Baldwin-Lima-Hamilton* was controlling and that the plaintiffs had an adequate remedy at law and therefore denied a petition for a preliminary injunction. On May 2, 1967, defendant's motion to dismiss was granted. The author has been informed that the case has been appealed. *See* note 286 *infra. See also* Comment, *GATT, The California Buy American Act, and the Continuing Struggle Between Free Trade and Protectionism,* 52 Calif. L. Rev. 335 (1964); Note, 17 Stan. L. Rev. 119 (1964).

"[109] Talbot v. Atlantic Steel, 275 F.2d 4 (D.C. Cir. 1960); Morgantown Glassware Guild v. Humphrey, 236 F.2d 670 (D.C. Cir. 1956); C. Tennant, Sons & Co. v. Dill, 158 F. Supp. 63 (S.D.N.Y. 1957).

"[110] These provisions are found in GATT, arts. XXII–XXXV. *See* app. A; text accompanying note 58 *supra.*

"[111] *See* app. A for illustrative prior trade agreement provisions that correspond to various articles of GATT.

"[112] *E.g.,* Article XI of the Reciprocal Trade Agreement with Canada, 49 Stat. 3960 (1935); art. XIV of the Trade Agreement with Mexico, 57 Stat. 833 (1943).

"[113] *E.g.,* Article XIV of the Recpirocal Trade Agreement with Canada, 49 Stat. 3960 (1935).

"[114] Report of the First Session of the Preparatory Committee of the U.N. Conference on Trade and Employment, annexure 10, § 1, at 51 (Oct. 1946).

"[115] *Id.*

"[116] Draft of GATT, art. XX in U.N. Doc. EPCT/C.6/W.58 (1947); Draft of GATT, art. XXII in EPCT/C.6/85 (1947); Draft of GATT, art. XXII in Report of the Drafting Committee on the Preparatory Committee of the U.N. Conference on Trade and Employment EPCT/34, at 78 (1947).

"[117] *Hearings on the Trade Agreements Act and the Proposed ITO Before the House Ways and Means Comm.,* 80th Cong., 1st Sess. (1947); *Hearings on Operation of the Trade Agreements Act and Proposed ITO Before the Senate Finance Comm.,* 80th Cong., 1st Sess. (1947).

"[118] *Hearings on the Operation on the Trade Agreements Act and the Proposed ITO Before the House Ways and Means Comm.,* 80th Cong., 1st Sess. 191–95 (1947); *Hearings on the Trade Agreements Act and the Proposed ITO Before the Senate Finance Comm.,* 80th Cong., 1st Sess. 74, 202, 335 (1947)."

Mr. Javits. Mr. President, take, for example, article VI of the GATT which deals with dumping and which is, of course, that article of the GATT which the code elaborates and defines. When article VI was first negotiated as part of the GATT in 1947, it very largely reflected the concepts and provisions of our Antidumping Act. But with respect to the concept of injury in the act, which was—as it still is—simply stated as "injury" and without any elaboration, article VI provided that antidumping duties may be imposed only where dumped imports cause "material injury" to a domestic industry. I think the reason for the addition of the interpretative term "material" is quite clear. As I have noted above, it was obviously intended to avoid the imposition of antidumping duties in cases where the injury was only slight or negligible. This interpretation has stood since 1947, has never to my knowledge been challenged, and has been consistently used in the determination of injury in dumping cases.

I have one final thought concerning Senator Hartke's charges. He—and I think sincerely—believes that the code should be presented to the Senate as a treaty and cannot be legally justified as an executive agreement. The executive branch—and I think equally sincerely—takes the opposite view. I for one am not prepared to impute bad faith to either side. But there is obviously a very serious difference of view on this important matter.

The question is how best to resolve the issue. I seriously question whether the most effective or indeed the most appropriate way is a political confrontation between the Senate and the executive branch. The resolution of the sort Senator Hartke has introduced cannot, as we all know, force the President to submit the agreement as a treaty, and he has already made the choice.

Would it not be far more consistent with the manner in which our laws are administered to leave the issue to the courts, which is where the GATT agreement was decided?

Mr. President, after all, it is the judiciary which under our system of a separation of powers is the competent body to consider and resolve such an issue. I am wholly in favor of having the Senate as fully informed as possible about the provisions of the code and about the intentions of the executive branch in carrying it out. But I very much doubt that Senator Hartke's resolution will actually help us to come to grips with the merits of the case. Insofar as any private person believes that, following the entry into force of the code, the act is being improperly administered, he can certainly seek judicial relief, for again I repeat the act not being superseded by a treaty remains paramount if it cannot be construed consistently with the executive agreement. At the point, we will all be able to have the benefit of a considered, objective, and final ruling on the issue.

Mr. President, that is the central theme I am presenting to the Senate. Once the judiciary is asked to pass on this matter, we will all be able to have the benefit of a considered, objective, and final ruling on the issue. Whereas a political confrontation between the Congress and the President would result in no such ruling; it may result in political heat but not a final decision hence the executive agreement should stand.

Mr. President, I ask unanimous consent that there be printed at the end of my remarks the minority views of Chairman Metzger and Commissioner Thunberg of the Tariff Commission from the Commission's report on the International Antidumping Code dated March 8; a letter from the Secretary of the Treasury to Senator Hartke dated September 20, 1967; and the reply of the Office of the Special Representative for Trade Negotiations to Senator Hartke's comments on the Antidumping Code dated August 24, 1967.

There being no objection, the material was ordered to be printed in the Record, as follows:

"[From the report of the U.S. Tariff Commission to the Senate Finance Committee on Senate Concurrent Resolution 38, Mar. 8, 1968]

"SEPARATE VIEWS OF CHAIRMAN METZGER AND COMMISSIONER THUNBERG

"S. Con. Res. 38 upon adoption would resolve,'That it is the sense of Congress that—

" '(1) the provisions of the International Antidumping Code, signed at Geneva on June 30, 1967, are inconsistent with, and in conflict with, the provisions of the Anti-Dumping Act, 1921;

" '(2) the President should submit the International Antidumping Code to the Senate for its advice and consent in accordance with article II, section 2, of the Constitution of the United States; and

" '(3) The provisions of the International Antidumping Code should become effective in the United States only at the times specified in legislation enacted by the Congress to implement the provisions of the Code.'

"Paragraph (1) of S. Con. Res. 38 would resolve that it is the sense of the Congress that the provisions of the International Antidumping Code, signed at Geneva on June 30, 1967, 'are inconsistent with, and in conflict with, the provisions of the Anti-Dumping Act, 1921'.

"The 'Agreement on Implementation of Article VI of the General Agreement of Tariffs and Trade' of June 30, 1967, was accepted on that date by signature on behalf of the United States of America, to enter into force for each party accepting it on July 1, 1968 and is referred to as the 'International Antidumping Code'.

"Article 14 of the Code states that, 'Each party to this Agreement shall take all necessary steps, of a general or particular character, to ensure, not later than the date of the entry into force of the Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of the Anti-Dumping Code.' The Code itself, therefore, does not purport to change domestic laws in any country. If a country is of the view that there is a need to make changes in its domestic law in order for it to conform with Code requirements, any such changes would have to be achieved through domestic law changes in the usual manner—in the United States through Congressional action amending the Anti-Dumping Act.

"It is our understanding that the Executive Branch has been and is of the view that the provisions of the Code and the Act are not inconsistent with, and in conflict with, each other. During the course of negotiation of the Code prior to June 30, 1967, representatives of the Executive Branch met with the Commission to discuss the provisions of the Code then under international negotiation. The then-Chairman of the Commission expressed the view that the Code and the Act were not inconsistent. He did not purport to speak for the Commission as a whole. The Commission was not requested to, and did not, take an official position on that question, nor did any Commissioner volunteer his views at that time.

"The functions of the Tariff Commission under the Anti-Dumping Act, 1921, assigned to it since 1954, are to determine, within three months after the Secretary of the Treasury determine that a class or kind of foreign merchandise is being, or is likely to be sold at less than its fair value, 'whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.'

"The procedure pursuant to which the Commission performs these functions does not appear to be affected by any provision of the Code. The Commission can continue in the future as it has in the past to make its determinations within three months of receiving the Secretary of the Treasury's less than fair value determination, following the procedures established by the Commission's Rules of Practice and Procedure.

"We have examined the provisions of the Code relating to injury, causation, and the definition of industry, in relation to the Act, for the purpose of commenting upon paragraph (1) of the resolution.

"A. Injury

"Regarding injury, the Code (Article 3) refers to 'material injury,' or a threat thereof, to a domestic industry or 'material retardation' of the establishment of such an industry; it states that evaluation of injury shall be based on an examination of 'all factors having a bearing on the state of the industry in question'; it enumerates a number of such factors; and it avers that no 'one or several of those factors can necessarily give decisive guidance.'

"In implementing the Act, the Commission since 1954 has determined whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of sales at less than fair value. As did the Secretary of the Treasury in the years before 1954, the Commission has determined since that time whether the injury being caused or threatened is 'material', and in many cases has considered injury in these terms. In evaluating injury the Commission has made an overall judgment, taking into account all relevant matters.

"B. Causation

"The Code states (Article 3(a)) that a determination of injury shall be made only when less than fair value sales 'are demonstrably the principal cause' of material injury to a domestic industry, or the 'principal cause' of material retardation of the establishment of such an industry. It further states that in reaching this decision, there shall be weighed 'the effect of' the less than fair value sales, on the one hand, and 'all other factors taken together which may be adversely affecting the industry', on the other hand; that the determination be based on 'positive findings and not on mere allegations or hypothetical' possibilities; and that in cases of 'retarding the establishment of a new industry' in the importing country, 'convincing evidence of the forthcoming establishment of an industry must be shown'.

"The Act states that the Commission must determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, 'by reason of' the importation of less than fair value merchandise. Neither the Congress, nor, so far as we are aware, the Treasury Department during its administration of the 'injury' provisions prior to 1954, nor the Commission, has attempted to define or qualify the term 'by reason of', which has the dictionary meaning of 'cause'. Formulations which have been used from time to time in other statutes, such as 'caused in whole or in part', or 'have contributed substantially', or 'caused in major part', have not been employed. The Commission has made an overall judgment, after considering all the relevant facts and circumstances, whether there has been injury 'by reason of' less than fair value imported merchandise.

"C. An industry in the United States

"The Code defines 'domestic industry' (Article 4) as referring to 'the domestic producers as a whole of the like products', or to those whose 'collective output of the products constitute a major proportion of the total domestic production of those products'. In 'exceptional circumstances', however, the industry 'may, for the production in question, be divided into two or more competitive markets and the producers within each market regarded as a separate industry, if, because of transport costs, all the producers within such a market sell all or almost all of their production of the product in question in that market, and none, or almost none, of the product in question produced elsewhere in the country is sold in that market or if there exist special regional marketing conditions (for example, traditional patterns of distribution or consumer tastes) which result in an equal degree of isolation of the producers in such a market from the rest of the industry, provided, however, that injury may be found in such circumstances only if there is injury to all or almost all of the total production of the product in the market as defined.'

"The Act refers to 'an industry in the United States'. The Commission, in the absence of special circumstances where there has appeared to be a discrete geographical market area for the product, has considered the industry in national terms. In some cases, however, where there is such a discrete geographical market area, the Commission has determined that it constitutes 'an industry in the United States' for the purpose of the Act. The Commission has considered all relevant factors affecting such a determination in arriving at its judgment.

* * * * *

"The Commission is primarily a fact-finding agency, performing its duties by finding particular facts in particular investigations and applying the standards laid down by law to those facts as found. While it may find it necessary to interpret the law in the course of applying it to such particular facts, it has not done so by regulations or by general advisory opinions in advance of its findings of facts in particular investigations. Apart from those circumstances in which the obvious meaning of a proposed statute or international agreement is so at odds with an existing instrument as to warrant a flat statement to that effect without more, it is our opinion that to attempt to interpret law and derive subsidiary standards of application thereof out of the context of the specific facts of particular investigations would tend to result in abstract interpretations and standards which have not emerged from the factual setting of a particular investigation and thus have not been tested against specific conditions for the carrying on of the trade and commerce of our country. Moreover, the Commission would not have had the advantage of briefs and arguments from interested parties in regard to the appropriate interpretation or standard to be applied to the facts of the particular investigation, and thus would be risking, through such an advance abstract interpretation, affecting the results of future investigations in circumstances which have strong adversary connotations. These considerations appear to us to be of particular importance where interpretations of a statute in relation to an international agreement might affect the performance of the international obligations of the United States. We are of the opinion that our position in these regards is consistent with the Commission's primary fact-finding function.

"Accordingly, having examined those provisions of the Code and of the Act relating to the direct functions of the Commission under the Act, we limit ourselves to the statement that a) they are founded upon common basic concepts, b) they obviously differ in language, and c) these differences in language do not appear obviously or patently to call for differing results in future cases regardless of their inevitably differing facts and circumstances. Indeed, we are unable, in the absence of the particular combination of facts and circumstances involved in each injury determination, to assert categorically that in such cases their application would lead to identical or to differing results.

"If following July 1, 1968, the Commission has occasion to perform its statutory duties under the Anti-Dumping Act (there are presently no cases thereunder pending before the Commission), and a question of consistency between a provision or provisions of the Code and of the Act is a relevant issue and there has been no intervening new American legislative action, the Commission should apply the principles of American law to the task of interpretation of the Act as it affects the facts of the investigation, including those principles relating to interpreting the Act so as to avoid inconsistency between it and the international obligations of the United States. If this proved not to be possible, the Commission should apply the provisions of the Act to the facts found, not those of the Code.[1]

"We have also examined the provisions of the Code and of the Act which relate to those aspects of the Anti-Dumping Act whose Administration has been entrusted primarily to the Secretary of the Treasury—relating to determination of 'dumping' (Article 2), investigation and administration procedures (Articles 5, 6, and 7) and anti-dumping duties (Articles 8, 9, 10 and 11). With the exception of the provisions of Article 5 relating to the timing of investigation of the questions of less than fair value sales and of injury, these articles concern matters with which the Commission has not had practical administrative experience, and as to which we would not presume to speak authoritatively. It is our understanding that the Treasury Department takes the position

---

"[1] See *Restatement of the Law, Second Foreign Relations Law of the United States* (American Law Institute, 1965) Secs. 1,3(3), and Comment j. to Sec. 3. Section 3(3) states that, 'If a domestic law of the United States may be interpreted either in a manner consistent with international law or in a manner that is in conflict with international law, a court in the United States will interpret it in a manner that is consistent with international law'. Section 1 defines 'international law' to mean those rules of law applicable to a state or international organization 'that cannot be modified unilaterally by it.' After July 1, 1968, the International Anti-Dumping Code will contain rules of law applicable to the United States in its relations with other states which 'cannot be modified unilaterally by it.' The fact that it is an executive agreement, made by the President under his own authority, makes it no less binding upon the United States in this regard as an international obligation (Sections 122, 131. See also *McCulloch* v. *Sociedad Nacional de Marineros de Honduras*, 372 U.S. 10 (1963); *Murray* v. *Schooner Charming Betsy*, 2 Cranch 64, 118 (1804); *Lauritzen* v. *Larsen*, 345 U.S. 571, 578 (1952).

that none of those provisions requires implementation in such a way as to be in conflict with any provision of law administered by it. We limit ourselves to the statement that the Code's provisions in these respects do not appear obviously or patently to call for different results or procedures than those required by the Act.

"Regarding the timing of the initiation and subsequent investigation of 'dumping and of injury resulting therefrom' (Article 5), the Code requires that an investigation shall be initiated, or continued after initiation, only if there is 'evidence both on injury and on injury resulting therefrom', and that such evidence must be considered simultaneously beginning on the date when 'provisional measures' (i.e., withholding of appraisement) are applied, unless requested otherwise by the exporter and importer.

"Since the Act assigns to the Commission the task of determining whether injury has resulted or is likely to result by reason of the importation of merchandise at less than fair value, the question may be raised whether the Treasury Department, in conforming its anti-dumping regulations to the provisions of the Code as in its Proposed Procedures under the Act (32 Fed. Reg. 14955, Oct. 28, 1967), will in this respect be impinging upon the Commission's statutory function of determining whether injury has occurred or is likely. It appears to us that the answer depends upon the purpose of the simultaneity requirement, and the nature of the consideration of evidence of injury which will be undertaken by the Treasury Department.

"The Proposed Treasury Regulations of October 26, 1967, require that 'information indicating that an industry of the United States is being injured, or is likely to be injured, or prevented from being established', be furnished to the extent feasible (Sec. 53.27). It is our understanding that the Treasury Department would require that this evidence be furnished, and would examine it, not with a view to determining whether there has in fact been injury (a question which under statute is within the province of the Commission), but with the purpose of assuring itself that initiation of the investigation would not be futile, in the sense that it would be a waste of taxpayers' money for the Government to initiate a full anti-dumping investigation in the absence of any indication that it would possibly result in an assessment of anti-dumping duties.

"If the Act is administered in this manner, as it is our understanding that the Treasury Department intends that it shall be, it is our view that the Commission's statutory function of determining the question of injury within three months of a determination by the Secretary of the Treasury that there have been sales at less than fair value, can continue to be performed by it as in the past.

* * * * *

"The remaining articles of the Code (Articles 12, 13, 15, 16 and 17) relate to 'formal' matters, to international consultative mechanisms, and to the possibility of anti-dumping action on behalf of a third country. The latter is wholly permissive in respect of any signatory; since the Act does not authorize such action by the United States, it is not of practical significance at present.

* * * * *

"Paragraphs (2) and (3) of S. Con. Res. 38 appear to involve questions of Constitutional law relating to the Presidential and the Congressional power affecting the foreign relations, and the regulation of the foreign commerce, of the United States, which are outside the special competence of this Commission. Accordingly, we offer no comment upon them.

"THE SECRETARY OF THE TREASURY,
"*Washington, September 20, 1967.*

"Hon. VANCE HARTKE,
"*U.S. Senate,*
"*Washington, D.C.*

"DEAR VANCE: I appreciate your thoughtfulness in sending me with your letter of July 31 a copy of your letter of July 25 to the Members of both Houses of Congress relating to the recently signed International Anti-dumping Code.

"I want to make clear from the outset that the Treasury Department participated in the negotiation of this Code with the clear understanding that any agreement reached would have to be consistent with the existing United States law. We are satisfied that this objective was achieved.

"The attached memorandum, prepared by my staff, explains why we believe this to be the case insofar as Treasury's responsibilities in this field are concerned. My lawyers have also studied and agree with the conclusions of the more general memorandum transmitted by the President's Special Representative for Trade Negotiations, which reflects this same viewpoint.

"One thing in particular strikes me in these analyses. Because the Code is an Executive Agreement, it is legally binding on the United States only to the extent that it is consistent with existing United States law. Whether any particular provision of the Code is, in fact, in conflict with existing United States law is an issue which will ultimately, of course, be open to challenge in the Courts. If a Court were to decide that a conflict existed, it seems clear that in such event the provisions of the United States law would be held to prevail.

"Although the attached memorandum is concerned primarily with the technical legal points raised by you, I feel that it is also important not to overlook the very significant advantages that will be achieved for American business as a result of the Code. The investigation that will take place under the new procedures should help to expedite Treasury's processing of antidumping complaints by domestic producers. In addition, American exporters will be protected under the Code from arbitrary antidumping actions by foreign signatory governments.

"Thank you for providing me with an opportunity to comment on this issue.

"With best regards,
"Sincerely yours,
"HENRY H. FOWLER.

"TREASURY DEPARTMENT COMMENTS ON CONTENTIONS OF SENATOR HARTKE REGARDING CONFORMITY OF INTERNATIONAL ANTI-DUMPING CODE WITH U.S. ANTI-DUMPING ACT

"1. *Senator Hartke's Contentions.* Senator Hartke, in his letter of July 25, contends that the International Anti-Dumping Code alters the U.S. Anti-Dumping law. He concludes from this that the substantive changes in the U.S. law brought about by the Code constitute 'unauthorized legislation by an international agreement whose execution exceeds the mandate for these negotiations and usurps the legislative responsibility of the Congress.'

"In the attachments to his letter, Senator Hartke states in substance that:

"(a) Article 3 of the Anti-Dumping Code restricts the freedom of the Tariff Commission in determining injury to those situations where the dumped imports are 'demonstrably the principal cause of material injury';

"(b) Article 4 of the International Anti-Dumping Code also restricts the freedom of the Tariff Commission in determining injury by defining the term 'domestic industry' to include all of the industry producing the item in question; and

"(c) Articles 5 and 10 of the Code are inconsistent with the U.S. Anti-Dumping law in that they require simultaneous consideration of dumping prices and injury and restrict the institution of provisional measures.

"Items (a) and (b) concern questions involving responsibilities under the Anti-Dumping law of the Tariff Commission rather than of the Treasury Department. In view of this, the specific comments in this memorandum will be addressed solely to Item (c). It is understood that Senator Hartke has also sent similar letters to the members of the Tariff Commission and to the President's Special Representative for Trade Negotiations, and that he will be receiving an answer from these sources on the points not specially covered in this memorandum.

"2. *General Observations.* One point should be made clear from the outset. It is not contended herein that the International Anti-Dumping Code will have no impact on the future administration of the U.S. Anti-Dumping law. On the contrary, modifications of the Anti-Dumping regulations of the Treasury Department are presently being drafted with a view to reflecting this impact. The revised regulations will be published in tentative form in the Federal Register for comment, and all comments received will be fully considered before the regulations are issued in final form.

"It is concluded herein that no provision of the International Anti-Dumping Code requires implementation in such way as to be in conflict with United States law. In reaching this conclusion this memorandum follows the customary rule of construction that where alternative interpretations of two 'laws' (in this case a statute and an Executive Agreement) are possible, that interpretation should be followed which will avoid a conflict. It is our conclusion, after a thorough study of the Code and comparison of its provisions with the Anti-Dumping law, that the Code is consistent with the U.S. statute.

"It should be borne in mind also that the International Anti-Dumping Code is an Executive Agreement. As such, it will be legally binding on the United States *only* to the extent that it is consistent with United States law. The Courts have held that an Executive Agreement, such as this, which is not entered into pursuit to statutory authorization or which is not approved by Congressional action, does not and cannot supersede a prior statute. If, despite what is concluded in this memorandum, there were found to be inconsistencies between this Agreement and the U.S. Anti-Dumping statute, it seems clear that the provisions of the statute would prevail.

"3. *Consistency of Article 5 and 10 of International Anti-Dumping Code with United States law.* Senator Hartke contends on page 2 of his letter of July 25 to members of both Houses of Congress that Article 5 of the Code, which provides that a dumping investigation shall be initiated only when supported by evidence of both dumped prices and injury to the industry involved, is in conflict with the U.S. Anti-Dumping law.

"The Treasury Department has traditionally exercised a degree of discretion under the U.S. Anti-Dumping statute in determining under what circumstances it would initiate an anti-dumping investigation. For example, where the information submitted in an anti-dumping complaint is patently in error or if the merchandise involved is not being imported in more than insignificant quantities, the current Treasury regulations provide that a case may be closed without initiation of a full investigation.

"The rationale for this policy is perfectly obvious. It would be futile and a waste of the taxpayers' money for the Government to initiate a full anti-dumping investigation in the absence of any indication that it could possibly result in an assessment of antidumping duties.

"A similar rationale is applicable to the injury requirement of the Anti-Dumping law. Unless there is some evidence of injury, the initiation of a dumping investigation would be little more than a nugatory gesture. It is therefore entirely reasonable for the Treasury Department, before deciding whether to initiate an investigation, to require that the complainant submit such evidence of injury as is available to him. In doing this, the Treasury Department would in no way violate the Anti-Dumping law. It is interesting to note in this connection that the Treasury's current anti-dumping regulations presently require that there be submitted with the initial complaint information that may be reasonably available to the complainant regarding the total value and volume of domestic production of the merchandise in question.

"The fact that the President has now agreed to the spelling out in the International Anti-Dumping Code of a policy requiring that such evidence be submitted with respect to injury, brings neither the policy nor the Code in conflict with the United States Anti-Dumping law.

"In the revision of the Treasury's Anti-Dumping regulations currently under way, the Treasury Department contemplates that a provision will be included, in accordance with the first sentence of Article 5(b) of the Code, requiring complainants to submit some evidence of injury with their complaint to the Treasury. The Department, under the contemplated procedure, would examine the evidence submitted, not with a view to determining whether there has in fact been injury (for under the law this is clearly within the province of the Tariff Commission), but with the purpose of assuring itself that initiation of the investigation would not be futile.

"Senator HARTKE contends also that the requirement in Article 5(b) of the Code, that evidence of dumping and injury shall be considered simultaneously, is in conflict with that section of the U.S. Anti-Dumping Act which stipulates that the Tariff Commission shall make an injury determination within three months after the Treasury Department has made its 'less than fair value' determination.

"The article in question requires simultaneous consideration of dumping and injury, during the investigation beginning not later than the date on which appraisement is withheld. This provision will require a modification of the current Treasury Anti-Dumping procedures. Inasmuch as the Secretary has broad discretion under Section 201(b) of the Anti-Dumping Act, this presents no legal problem.

"It is contemplated that, under the revised procedures, the present practice of issuing a 'tentative determination' would be abandoned. At the point at which it is decided that appraisement should be withheld (viz. there is reason to believe or suspect that the purchase price or the exporter's sales price, as the case may be, is less, or is likely to be less, than the foreign market value) a determination that the merchandise is being, or is likely to be, sold at less than fair value would normally be issued. This would trigger the Tariff Commission's consideration of injury.

"Under the U.S. Anti-Dumping Act, the Tariff Commission has three months to make its decision. Since the Treasury's determination of sales at less than fair value may have been made upon information that was somewhat less than unassailably certain (it might have indicated only that the merchandise was 'likely to be sold' at less than fair value). Customs would, where appropriate, continue during the three months period to evaluate the information on hand and consider any new information obtained. If this were to lead to the conclusion that the merchandise is not being and is not likely to be sold at less than fair value, a determination to that effect would be published in the Federal Register forthwith, within the three month period provided under Article 10(d) of the Code. This would have the effect of revoking the initial determination and making further consideration of injury by the Tariff Commission academic.

"It should be noted that nothing in the Anti-Dumping Act prohibits the Tariff Commission from conducting an investigation concurrently with the Treasury's investigation. The Act merely requires that the Tariff Commission's formal determination of injury be made within three months after the Treasury's determination of sales at less than fair value. This requirement will be adhered to under the new procedures.

"4. *Conclusions*. It is concluded from the above analysis that in no case, in so far as the Treasury's administration of the Anti-Dumping law is concerned, would the International Anti-Dumping Code alter the U.S. Anti-Dumping law. A more detailed examination of how the Government's administration of the Anti-Dumping law will be meshed into the new Code must, of necessity, be put off until the Treasury has had an opportunity to complete the contemplated revisions of its administrative regulations.

"REPLY TO SENATOR HARTKE'S COMMENTS ON ANTIDUMPING CODE OF THE OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, AUGUST 24, 1967

"In his letter of July 25, 1967, to members of the Congress, Senator Hartke asserts that the Antidumping Code, which the United States signed in Geneva as part of the Kennedy Round on June 30, 1967, is in conflict with the Anti-dumping Act, 1921. In particular, he cites three areas in the Code to support his assertion. These areas deal with the casual relationship between dumped imports and injury, the definition of the term 'industry', and the timing of the consideration of dumping (i.e. sales at less than fair value) and injury.

"For the reasons set out below, this memorandum concludes that, when the provisions of the Code cited by Senator Hartke are properly read on their face or construed in the light of negotiating history, they can only be considered to be consistent with the Act. Indeed, they constitute reasonable and appropriate interpretations of the Act, which further its purposes and are in no way inconsistent with its legislative history.

"*The first area* relates to Article 3(a) of the Code, which provides in pertinent part as follows:

" '(a) A determination of injury shall be made only when the authorities concerned are satisfied that the dumped imports are demonstrably the principal cause of material injury or of threat of material injury to a domestic industry or the principal cause of material retardation of the establishment of such an industry. . . .'

"Senator Hartke points out that section 201(a) of the Act speaks only in terms of whether 'an industry in the United States is being or is likely to be injured . . . by reason of the importation of [dumped] merchandise'. He further notes that the Act does not use terms like 'the principal cause' and 'material injury'.

"The notion of 'the principal cause' is both reasonable and consistent with the Act. The purpose of the Act is to impose antidumping duties only when injury is directly attributable to imports. Accordingly, the Code uses the notion of 'the principal cause' as the relationship which is most responsive to this legislative purpose. Moreover, the test of principal cause is consistent with past determinations of the Tariff Commission (AA 1921–16, AA 1921–19, AA 1921–22, and AA 1921–49).

"The notion of 'material injury' is also reasonable and consistent with the Act. In the first place, it would be contrary to the Act to impose dumping duties in cases where injury is insignificant. Moreover, during consideration of the Customs Simplification Act of 1954, the Ways and Means Committee was explicitly informed by the General Counsel of the Tariff Commission that the notion of 'material injury' had been applied in antidumping cases and would continue to be applied, as it has been in determinations of the Tariff Commission. (Hearings on H.R. 9476 before the Committee on Ways and Means. 83d Cong. 2d Sess. 37–38 (1954)).

"*The second area* relates to the definition of the term 'industry'. Article 4(a) of the Code reads as follows:

" '(a) In determining injury the term "domestic industry" shall be interpreted as referring to the domestic producers as a whole of the like products or to those of them whose collective output of the products constitutes a major proportion of the total domestic production of those products except that

" '(i) when producers are importers of the allegedly dumped product the industry may be interpreted as referring to the rest of the producers;

" '(ii) in exceptional circumstances a country may, for the production in question, be divided into two or more competitive markets and the producers wthin each market regarded as a separate industry, if, because of transport costs, all the producers within such a market sell all or almost all of their production of the product in question in that market, and none, or almost none, of the product in question produced elsewhere in the country is sold in that market or if there exist special regional marketing conditions (for example, traditional patterns of distribution or consumer tastes) which result in an equal degree of isolation of the producers in such a market from the rest of the industry, provided, however, that injury may be found in such circumstances only if there is injury to all or almost all of the total production of the product in the market as defined.'

"Senator Hartke notes that section 201(a) of the Act refers simply to 'an industry of the United States'. He then points out that Article 4(a) of the Code defines the term 'domestic industry' to include all of a country's producers of a product which is like the dumped imported product under consideration.

"At the outset, it should be noted that Senator Hartke overlooks the fact that the initial clause of Article 4(a) provides two equally available and permissible alternative definitions of the term 'domestic industry'. The first does, in fact, refer to the domestic producers as a whole of the product in question. But the second relates to those domestic producers whose collective output of the products constitutes simply a major proportion of the total domestic production of the product.

"In past determinations, the Tariff Commission has considered 'an industry of the United States' as either including all domestic producers or as constituting a discrete geographic segment of those producers. The second definition in the initial clause of Article 4(a) permits a third basis of delineation—a major proportion of the domestic producers. This alternative is both reasonable and certainly not inconsistent with the Act. It will permit determinations of injury where geographic segmentation is not proper and where the domestic industry as a whole is not materially injured by dumped imports.

"Senator Hartke also asserts that Article 4(a)(ii) establishes an exceptional and restrictive concept of a geographically segmented industry, while the Act is written only in terms of 'an industry of the United States.'

"In the first place, the use of the word 'exceptional' in Article 4(a) (ii) is supported by the determinations of the Tariff Commission, since geographic segmentation has rarely been used by the Tariff Commission. In addition, Senator Hartke overlooks the fact that Article 4(a) (ii) provides not one but two situations in which geographic segmentation may be used. The first—involving segmentation due to transport costs—has been applied by the Tariff Commission (AA 1921-39). The second—involving special regional marketing conditions—allows segmentation in a variety of cases in a manner consistent with the Act. Moreover, it is certainly reasonable to permit geographic segmentation only if there is injury to all or almost all of the total production in the area. Such a condition is needed to maintain the integrity of the concept of 'injury' and it is not in conflict with the determination of the Tariff Commission.

"*The third area* concerns Article 5(a) and (b) and Article 10 of the Code. The pertinent provisions of Article 5(a) and (b) read as follows:

" '(a) Investigations shall normally be initiated upon a request on behalf of the industry affected, supported by evidence both of dumping and of injury resulting therefrom for this industry. . . .

" '(b) Upon initiation of an investigation and thereafter, the evidence of both dumping and injury should be considered simultaneously. In any event the evidence of both dumping and injury shall be considered simultaneously in the decision whether or not to initiate an investigation, and thereafter, during the course of the investigation, starting on a date not later than the earliest date on which provisional measures may be applied. . . .'

"Article 10(a) of the Code provides as follows:

" '(a) Provisional measures may be taken only when a preliminary decision has been taken that there is dumping and when there is sufficient evidence of injury.'

"Senator Hartke asserts that these provisions of the Code require simultaneous investigations of dumping and injury and permit the withholding of appraisement only if there is evidence of injury. He therefore concludes that they are in conflict with the Act.

"It should first be noted that the first sentence of Article 5(b), by virtue of the use of the word 'should', does not legally obligate the United States to take any action. The first sentence of Article 5(a), the second sentence of Article 5(b), and Article 10(a), on the other hand, do impose obligations, and therefore raise the question of the operative meaning of the term 'evidence.'

"Under the procedures contemplated by the Department of the Treasury, acceptance of a dumping complaint will be contingent upon the inclusion of certain limited supporting information concerning possible injury which is reasonably available to the complainant and which is needed to give some assurance that the investigation conducted by the Treasury Department will not be fruitless. This kind of information will be considered sufficient evidence of injury for purposes of both Article 5(a) and (b) and Article 10(a) of the Code.

"To require information relating to injury in a dumping complaint is both reasonable and consistent with the Act. The Department of the Treasury now requires a dumping complaint to include information which bears upon the question of injury (19 CFR 14.6(b) (3) (1967)). Moreover, it is difficult to believe that the Congress intended that the question of dumping be investigated in cases where there is not even a preliminary indication of injury and that investigations therefore be undertaken needlessly.

"The subsidiary question raised by the second sentence of Article 5(b) of the Code concerns the simultaneous investigation into the questions of dumping and injury after the date of application of the provisional measure, i.e. the withholding of appraisement. Under its contemplated procedures, if the Department of the Treasury believes that dumping is taking place, it will, at one and the same time, withhold appraisement and make a determination of dumping under section 201(a) of the Act. The Tariff Commission will then begin its investigation into the question of injury, and the Department of the Treasury will in most cases maintain a continuing review of the case. If, during this review, it should discover that dumping is not in fact taking place, it will rescind its earlier determination. Since the simultaneous consideration of dumping and injury will therefore take place only *after* the date of the determination of dumping by the Department of the Treasury, the second sentence of Article 5(b) is consistent with the Act.

"In terms of the Antidumping Code as a whole, it is our view that the Code sets forth a series of interpretations of the Antidumping Act, 1921, which are in accord with that Act. Accordingly, the Code and the Act reinforce each other and promote objectives which are fundamental to the trade policy of the United States. On the one hand, the Congress has exercised its authority to regulate commerce with foreign nations in order to lay down the basic guidelines with respect to injurious dumping. On the other hand, the President has exercised his authority to conduct foreign relations in order to obtain commitments from other countries which will significantly assist U.S. exporters, while continuing to safeguard domestic producers. In this way, the prerogatives of the Congress and the President are fully exercised and mutually respected."

Mr. LONG of Louisiana. I yield back the remainder of my time.

Mr. McGOVERN. I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, I rise to make a point of order that, under the terms of the unanimous-consent agreement, the amendment is not in order.

The PRESIDING OFFICER. The point of order of the Senator from Delaware is well taken. The unanimous-consent agreement provides that no amendment not germane to the subject matter of the bill will be received. The point of order is sustained.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for a third reading, and the bill to be read the third time.

The bill was read the third time.

Mr. TYDINGS. Mr. President, the question before the Senate is the extension of the authority of the Renegotiation Board. The Renegotiation Board, created by the Renegotiation Act of 1951, possesses the authority to recover from defense and space suppliers excess profits reaped from contracts with the U.S. Government. The Board serves as a watchdog on the otherwise inadequately patrolled terrain of military spending. Despite its importance, however, the continuation of the Board's very existence is at stake and is to be determined by the Senate vote on the Renegotiation Amendments Act of 1968.

We must assess the need for the Renegotiation Board within the wider context of American economic and defense policies. The country presently is suffering from severe economic dislocations, directly attributable to the war in Vietnam. These military-economic problems include the balance-of-payment problems, the international gold crisis, a budget deficit for fiscal year 1968 of $20 billion; and a 10-percent surtax; and an austerity program which has forced us to shortchange many acute domestic problems.

At a time when defense procurement exceeds $45 billion and represents about 80 percent of all Government purchases, the need for safeguards against waste in military spending is patent. Since its inception, the Board's investigations have produced over $2 billion in recoupment of excess profits. Yet the administration of the Board has cost only $50 million.

Last year alone the Board's activities saved the American taxpayer $30 million in excess profits, despite the fact that the normal 2-year timelag between the making of a contract and the filing of the renegotiation has as yet prevented the Board from examining many of the procurement awards made during the Vietnam buildup.

Moreover, the Board serves its salutary purpose not solely by detecting and recovering excess profits. Its mere existence deters contracting suppliers from even attempting to secure such profits.

The role performed by the Renegotiation Board manifestly cannot be filled merely by adopting a closer scrutiny of contracts during the original negotiation stage. Rather, renegotiation complements procurement.

The complexity and the swiftly changing technical nature of most defense and space contracts often preclude accurate predictions of cost and profit. The figures on actual or realized cost and profit are alone reliable.

In addition, recent changes in Government procurement techniques with regard to cost, profit and price relationships have yet to be fully evaluated.

Last, the rapidly burgeoning scope of military and space purchasing renders any relaxation of inspection for excess profits as nothing short of prodigal.

Mr. President, I am not advocating a denial of profit to defense contractors, they should have a fair profit, a reasonable return on their investment, but that profit should be confined to what is reasonable and what is fair. The interests of the entire country are wrapped up in our military procurement policies, and the wide ranging economic and political ramifications of these policies cannot be overlooked.

The evidence, moreover, clearly reveals that defense contractors on the whole are reaping handsome profits. The Chairman of the Renegotiation Board has stated that current profits on procurement contracts are higher than they have been in recent years. An independent university study concluded that the gap between defense and nondefense profit has widened over the past decade in favor of military contracts. The Comptroller General has reported that in 1967 the average profit rate on defense contracts jumped from 7.7 to 9.7 percent. And Vice

Adm. Hyman Rickover has frequently testified before congressional committees to the effect that in the area of defense contracts "the Department of Defense has been too greatly influenced by those having an industry viewpoint."

The Renegotiation Board is admirably designed to safeguard public interest and promote economy without at the same time discouraging manufacturers from engaging in defense and space business. The Board only prohibits excessive profits. Its standards for determining the fairness of profits include: the amount of public and private capital employed, the extent of risk assumed, the nature and extent of contribution to the defense effort, the character of the business, the efficiency of the operations, and other relevant factors. The Board does not penalize sound business practices; it rewards them.

For these reasons, Mr. President, I strongly support H.R. 17324, the Renegotiation Amendments Act of 1968. I applaud those amendments which strengthen and expand the scope of the renegotiation process: the provision enabling the Renegotiation Board to better police those instances where a contractor applies the standard commercial article exemption in order to lower his contract agreements below the $1 million floor; the provision requiring a standard commercial article or service to be sold at the lowest price at which the contractor sells it commercially in order to qualify the contract for exemption; and the provision requiring 53 percent—an increase from 35 percent—of the contractor's receipts from sales of an article or service to be from nonrenegotiable contracts in order to qualify the contract for exemption.

The renegotiation process as it stands, however, is not adequate. In the first place there are too many exemptions from the purview of renegotiation. In particular, the $1 million required annual minimum of renegotiable business exempts far too many contracts. This is especially true during wartime when the number of smaller military contracts rises dramatically. I therefore support amending the act to lower the statutory floor to $500,000. This change will bring an additional $2.5 billion in defense contracts under the scrutiny of the Board and will place 3,000 more contractors within the ambit of renegotiation. The deterrent value of such a measure may even exceed the increased amount of excess profits subsequently recovered.

In the second place the Renegotiation Board itself must be strengthened. It operates on a slim $2.6 million budget, and carries a staff of only 178, compared with a staff of 742 during the Korean war when defense expenditures were lower than they are today. Both budget and staff must be expanded.

In the third place a uniform standard of accounting should be required of all defense contractors. At present any accepted method of accounting is permitted, and as a consequence extensive profits often are disguised by the accounting procedure. Concerning the need for a uniform accounting standard, Adm. Hyman Rickover has testified:

> Profit is only a part of the real income to a company—large additional profits on defense work can be hidden as costs just by the way overhead is charged, how component parts are priced, or how intracompany profits are handled. Thus, profit statistics are meaningless unless measured in accordance with a uniform standard.

Mr. President, defense and space procurement expenditures are far too extensive and the public interest too great to leave without the most cautious and exacting supervision. The Congress should therefore extend the authority of the Renegotiation Board and approve the changes this bill and the amendments to it make in the renegotiation process.

The PRESIDING OFFICER. Does the manager of the bill request the yeas and nays on passage?

Mr. LONG of Louisiana. Mr. President, I am not making that request and I have no further request for time at this point.

Mr. WILLIAMS of Delaware. I have no requests for time, and I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, and the bill having been read the third time, the question is, Shall it pass?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Did the Senator from Delaware request a quorum call?

Mr. WILLIAMS of Delaware. I ask for a quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 17324) was passed.

Mr. LONG of Louisiana. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. WILLIAMS of Delaware. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "An act to extend and amend the Renegotiation Act of 1951; to suspend the domestic application of the International Antidumping Code; to implement the International Coffee Agreement, and for other purposes."

Mr. MANSFIELD. Mr. President, the Senator from Louisiana [Mr. LONG], the able and distinguished chairman of the Committee on Finance has again demonstrated his effective legislative ability. His handling of this measure was superb.

The Senator from Indiana [Mr. HARTKE] deserves our heartiest thanks for the splendid manner in which he stepped in last Monday for the distinguished chairman of the Finance Committee, who then had to be away necessarily. It is no small task to lead to success a measure containing such complex features as Renegotiation Act Amendments, antidumping provisions, and coffee agreement implementing proposals. In this instance the task was performed extremely ably. I wish to express our appreciation to both Senator LONG and Senator HARTKE at this time.

The Senator from Wisconsin [Mr. PROXMIRE] is to be commended for once again presenting his views which contributed so much to our understanding and appreciation of this bill. Joining also in urging their thoughtful views were two distinguished members of the Finance Committee on the minority side, Senator DIRKSEN and Senator CURTIS. The Senate is indebted to them for their contributions. The Senator from Ohio [Mr. YOUNG], and the Senator from South Dakota [Mr. MCGOVERN], are also to be commended for giving us the benefit of their views.

The Senate can be proud of a job well done in the efficient and thoroughly debated disposition of this bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN CONTROL ACT OF 1968

Mr. LONG of Louisiana. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1486, S. 3633, the Gun Control Act of 1968. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to, and the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 3, after the word "the" strike out " 'State Firearms Control Assistance Act of 1968'." and insert " 'Gun Control Act of 1968'."; after line 4 insert:

TITLE I—STATE FIREARMS CONTROL ASSISTANCE

At the beginning of line 8, change the section number from "2" to "101."; on page 3, after line 23, strike out:

> (8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weap-

> ons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;.

And, in lieu thereof, insert:

> (8) that destructive devices (as defined in title 18, United States Code), machineguns, short-barreled shotguns, and short-barreled rifles are primarily weapons of war which have no appropriate use as instruments of sport, recreation, or personal defense; that intrastate commerce in such devices and weapons affects the flow of interstate and foreign commerce in such devices and weapons; and that therefore it is necessary to regulate commerce in such devices and weapons;.

On page 5, at the beginning of line 13, change the section number from "3" to "102"; in the same line, after the amendment just above stated, strike out "Title 18, United States Code, is amended by inserting after section 917 thereof chapter 44 to read as follows:" and insert "Chapter 44 of title 18, United States Code, is amended to read as follows:"; on page 6, after line 15, strike out:

> (4) The term "destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

And, in lieu thereof, insert:

> (4) The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

On page 9, after line 17, insert:

> (13) The term "collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define, and the term "licensed collector" means any such person licensed under the provisions of this chapter.

At the beginning of line 23, strike out "(13)" and insert "(14)"; on page 10, line 1, after the word "punishable" strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; at the beginning of line 3, strike out "(14)" and insert "(15)"; in line 5, after the word "crime" insert "punishable as a felony"; at the beginning of line 7, strike out "(15)" and insert "(16)"; after line 17, strike out:

> (16) The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellent powder designed for use in any firearm.

And, in lieu thereof, insert:

> (17) The term "ammunition" shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

On page 11, at the beginning of line 1, strike out "(17)" and insert "(18)"; after line 3, insert:

> (19) The term "felony" means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year, and, in the case of a State law, an offense determined by the laws of the State to be a felony.

After line 7, insert:

> (20) The term "published ordinance" means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

After line 17, strike out:

> (2) The term "destructive device" shall not include—
>
> (A) a device which is neither designed nor redesigned nor used nor intended for use as a weapon; or
>
> (B) any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, linethrowing, safety, or similar device; or
>
> (C) any shotgun other than a short-barreled shotgun; or
>
> (D) any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game; or
>
> (E) surplus obsolete ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684(2), 4685, or 4686 of title 10, United States Code; or
>
> (F) any other device which the Secretary finds is not likely to be used as a weapon.

On page 12, at the beginning of line 15, strike out "(3)" and insert "(2)"; in the same line, after the word "punishable" strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; on page 13, line 4, after the word "manufacturer," strike out "or"; in the same line after the word "dealer," insert "or collector"; in line 8, after the word "manufacturer" strike out "or"; in line 9, after the word "dealer" insert "or licensed collector,"; in line 11, after the word "manufacturer," strike out "or"; in line 12, after the word "dealer," insert "or licensed collector"; on page 14, line 8, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or licensed collector"; in line 13, after the word "State", insert a colon and "*Provided, however*, That this paragraph shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State: *Provided further, however*, That this paragraph shall not apply to transportation or receipt of a rifle or a shotgun obtained in conformity with the provisions of subparagraph (b)(3) of this section."; in line 24, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or licensed collector"; on page 15, line 7, after the word "manufacturer," strike out "or"; in the same line after the word "dealer," insert "or licensed collector"; in line 10, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or licensed collector"; in line 15, after the word "entity)" insert a semicolon and "except that this paragraph does not apply to the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence: *Provided*, That this section shall not preclude a loan or rental of a firearm to any person for temporary use for lawful sporting purposes."; on page 16, line 5, after the word "manufacturer," strike out "or"; in line 6, after the word "dealer," insert "or licensed collector"; in line 10, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or collector"; in line 15, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or licensed collector"; in line 17, after the word "firearm" strike out "or ammunition"; in line 19, after the word "age," strike out "and, if the" and insert "and any"; in line 20, after the word "firearm," strike out "or ammunition is"; in line 21, after the word "ammunition" strike out "for a shotgun or rifle,"; on page 17, line 11, after the word "located." insert "This paragraph shall not apply to the sale or delivery of rifles or shotguns to residents of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law and if the sale fully complies with the legal conditions of sale in both such contiguous States: *Provided*, That the purchaser and the licensee have, prior to sale, or delivery for sale of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises: *Provided further*, That this section shall not preclude a loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and shall not preclude returning a firearm to a person from whom it was received after repairing it or replacing any parts of such firearm other than the frame or receiver."; on page 18, after line 4, strike out:

> (4) to any person any destructive device, machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, ex-

cept as specifically authorized by the Secretary consistent with public safety and necessity.

And, in lieu thereof, insert:

(4) to any person any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), a short-barreled shotgun, or short-barreled rifle.

In line 23, after the word "manufacturers," strike out "and"; in the same line, after the word "dealers," insert "and licensed collectors. Paragraph (4) of this subsection shall not apply to any research organization designated by the Secretary."; at the top of page 19, insert:

(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell any firearm to any resident of the State in which the licensee's place of business is located, other than another licensed importer, manufacturer, or dealer, or an individual who in person at the business premises of such importer, manufacturer, or dealer purchases such firearm, unless:

(1) such person has submitted to such importer, manufacturer, or dealer a sworn statement in the following form:

Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are ______________

____

Signature__________________ Date__________, and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance.

(2) such importer, manufacturer, or dealer has, prior to the shipment or delivery of such firearm, forwarded by registered or certified mail (return receipt requested) to (A) the local law enforcement officer named in the sworn statement, or (B) the official designated by the Governor of the State concerned under this subsection, a description of the firearm to be shipped or delivered (including the manufacturer, the caliber, the model, and type of such firearm, but not including serial number identification), and one copy of the sworn statement, and has received a return receipt evidencing delivery of such letter, or such letter has been returned to such importer, manufacturer, or dealer due to the refusal of the named law enforcement officer or designated official to accept such letter in accordance with United States Post Office Department regulations; and

(3) such importer, manufacturer, or dealer has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the local law enforcement officer's or designated official's acceptance or refusal of such letter.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer or designated official along with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g). For purposes of paragraph (2)(B), the Governor of any State may designate any official in his State to receive such notification for such State or any part thereof in lieu of the notification required by paragraph (2)(A) and shall notify the Secretary of the name, title, and business address of such official and the Secretary shall publish in the Federal Register the name, title, and address of such official. Upon such publication, notification to the local law enforcement officers required under paragraph (2)(A) of this subsection will not be required for a period of five years from the date of such publication unless the request is withdrawn by the Governor of such State and such withdrawal is published in the Federal Register.

On page 21, at the beginning of line 17, strike out "(c)" and insert "(d)"; in line 18, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or licensed collector"; at the beginning of line 23, strike out "by imprisonment for a term exceeding one year" and insert "as a felony."; on page 22, line 1, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," and insert "or licensed collector"; at the beginning of line 6, change "(d)" to "(e)"; in line 10, after the word "manufacturers," strike out "or"; in the same line, after the word "dealers," insert "or licensed collectors"; at the beginning of line 14, change "(e)" to "(f)"; at the beginning of line 20, change "(f)" to "(g)"; in line 22, after the word "punishable" strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; on page 23, at the beginning of line 1, strike out "(g)" and insert "(h)"; in line 3, after the word "punishable" strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; at the beginning of line 7, strike out "(h)" and insert "(i)"; at the beginning of line 11, strike out "(i)" and insert "(j)"; at the beginning of line 18, strike out "(j)" and insert "(k)"; at the beginning of line 22, strike out "(k)" and insert "(l)"; on page 24, at the beginning of line 5, strike out "(1)" and insert "(m)"; in line 6, after the word "manufacturer" strike out "or"; in the same line, after the word "dealer," insert "or licensed collector"; on page 25, after line 16, insert:

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be $10 per year.

At the beginning of line 22, strike out "(b)" and insert "(c)"; in line 23, after the word "Secretary", strike out "may" and insert "shall"; in line 24, after the word "to" strike out "the" and insert "a qualified"; on page 26, after line 5, strike out:

(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that—

(1) the applicant is under twenty-one years of age; or

(2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or

(3) the applicant has willfully violated any of the provisions of this chapter or regulations issued thereunder; or

(4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

(5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

And, in lieu thereof, insert:

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) and (h) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has, in a State or possession, premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time.

(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke

a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

On page 30, at the beginning of line 5, strike out "'(d)" and insert "(g)"; in line 6, after the word "manufacturer", strike out "and" in the same line, after the word "dealer," insert "and licensed collector"; in line 11, after the word "manufacturers," strike out "and"; in the same line, after the word "dealers," insert "and collectors"; in line 18, after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or collector"; in line 20, after the word "dealer", insert "or collector"; in line 23, after the word "manufacturer," strike out "or"; at the beginning of line 24, insert "or collector";.

On page 31, at the beginning of line 8, strike out "(e)" and insert "(h)"; in line 9, after the word "section" strike out "(b)" and insert "(c)"; in line 10, after the word "the" strike out "business"; at and beginning of line 12, strike out "(f)," and insert "(i)"; in line 23, after the word "than", strike out "$5,000" and insert "$10,000"; in line 24, after the word "than", strike out "five" and insert "ten"; in the same line after the word "both," insert "and shall become eligible for parole as the Board of Parole shall determine."; on page 32, line 2, after the word "punishable" strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; in line 4, after the word "punishable", strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; in line 25, after the word "manufacturer," strike out "or"; on page 33, line 1, after the word "dealer," insert "or licensed collector"; in line 2, after the word "punishable", strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; in line 10, after the word "punishable", stike out "by imprisonment for a term exceeding one year" and insert "as a felony"; on page 35, line 15, after the word "regulations." strike out "violation of any provision of this chapter, or rule or regulation promulgated hereunder, shall be grounds for revocation by the Secretary, upon due notice and hearing, of any license issued hereunder."; on page 36, at the beginning of line 9, change the section number from "4" to "103"; at the beginning of line 12, change the section number from "5" to "104"; after line 21, strike out:

SEC. 6. The table of contents to "PART I. CRIMES" of title 18, United States Code, is amended by inserting after

"43. False personation .... 911"

a chapter reference as follows:

"44. Firearms .... 921".

On page 37, after line 8, strike out:

SEC. 7. The Federal Firearms Act (52 Stat. 1250, 15 U.S.C. 901–910), as amended, is repealed.

After line 5, strike out:

SEC. 8. The provisions of this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

After line 13, insert:

SEC. 105. The provisions of this title shall become effective on the date that title IV of the Omnibus Crime Control and Safe Streets Act of 1968 becomes effective as provided by section 907 of such Act.

After line 16, insert:

SEC. 106. Section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(1)" immediately after "except that" and by inserting before the period a comma and the following: "and (2) the provisions of section 925(d) of title 18, United States Code, shall become effective on August 1, 1968".

On page 38, after line 2, insert a new title, as follows:

TITLE II—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

SEC. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

"CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

"Subchapter A. Taxes.
"Subchapter B. General provisions and exemptions.
"Subchapter C. Prohibited acts.
"Subchapter D. Penalties and forfeitures.

"SUBCHAPTER A—TAXES

"Part I. Special (occupational) taxes.
"Part II. Tax on transferring firearms.
"Part III. Tax on making firearms.

"Part I—Special (occupational) taxes

"Sec. 5801. Tax.
"Sec. 5802. Registration of importers, manufacturers, and dealers.

"Sec. 5801. Tax.

"On first engaging in business and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special (occupational) tax for each place of business at the following rates:

"(1) IMPORTERS—$500 a year or fraction thereof;

"(2) MANUFACTURERS—$500 a year or fraction thereof;

"(2) DEALERS—$200 a year or fraction thereof. Except an importer, manufacturer, or dealer who imports, manufactures, or deals in only weapons classified 'as any other weapon' under section 5845(e), shall pay a special (occupational) tax for each place of business at the following rates: Importers, $25 a year or fraction thereof; manufacturers, $25 a year or fraction thereof; dealers, $10 a year or fraction thereof.

"Sec. 5802. Registration of importers, manufacturers, and dealers.

"On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in firearms shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Firearms operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"Part II—Tax on transferring firearms

"Sec. 5811. Transfer tax.
"Sec. 5812. Transfers.

"Sec. 5811. Transfer tax.

"(a) RATE.—There shall be levied, collected, and paid on firearms transferred a tax at the rate of $200 for each firearm transferred, except the transfer tax on any firearm classified as any other weapon under section 5845(e) shall be at the rate of $5 for each such firearm transferred.

"(b) BY WHOM PAID.—The tax imposed by subsection (a) of this section shall be paid by the transferor.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"Sec. 5812. Transfers.

"(a) APPLICATION.—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary or his delegate a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

"(b) TRANSFER OF POSSESSION.—The transferee of a firearm shall not take possession of the firearm unless the Secretary or his delegate has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

"Part III—Tax on making firearms

"Sec. 5821. Making tax.
"Sec. 5822. Making.

"Sec. 5821. Making tax.

"(a) RATE.—There shall be levied, collected, and paid upon the making of a firearm a tax at the rate of $200 for each firearm made.

"(b) BY WHOM PAID.—The tax imposed by subsection (a) of this section shall be paid by the person making the firearm.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the stamp prescribed for payment by the Secretary or his delegate.

"SEC. 5822. Making.

"No person shall make a firearm unless he has (a) filed with the Secretary or his delegate a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary or his delegate; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person as an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary or his delegate to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

"SUBCHAPTER B—GENERAL PROVISIONS AND EXEMPTIONS

"Part I. General provisions.
"Part II. Exemptions.

"Part I—General provisions

"Sec. 5841. Registration of firearms.
"Sec. 5842. Identification of firearms.
"Sec. 5843. Records and returns.
"Sec. 5844. Importation.
"Sec. 5845. Definitions.
"Sec. 5846. Other laws applicable.
"Sec. 5847. Effect on other law.
"Sec. 5848. Restrictive use of information.
"Sec. 5849. Citation of chapter.

"Sec. 5841. Registration of firearms.

"(a) Central Registry.—The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

"(1) identification of the firearm;

"(2) date of registration; and

"(3) identification and address of person entitled to possession of the firearm.

"(b) By Whom Registered.—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

"(c) How Registered.—Each manufacturer shall notify the Secretary or his delegate of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transfering a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

"(d) Firearms Registered on Effective Date of This Act.—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

"(e) Proof of Registration.—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

"Sec. 5842. Identification of firearms.

"(a) Identification of Firearms Other Than Destructive Devices.—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

"(b) Firearms Without Serial Number.—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

"(c) Identification of Destructive Device.—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5843. Records and returns.

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

"Sec. 5844. Importation.

"No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

"(1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

"(2) being imported or brought in for scientific or research purposes; or

"(3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer; except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

"Sec. 5845. Definitions.

For the purpose of this chapter—

"(a) Firearm.—The term 'firearm' means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"(b) Machinegun.—The term 'machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"(c) Rifle.—The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

"(d) Shotgun.—The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

"(e) Any Other Weapon.—The term 'any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

"(f) Destructive Device.—The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

"(g) Antique Firearm.—The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(h) Unserviceable Firearm.—The term 'unserviceable firearm' means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

"(i) Make.—The term 'make,' and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

"(j) Transfer.—The term 'transfer' and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

"(k) Dealer.—The term 'dealer' means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

"(l) Importer.—The term 'importer' means any person who is engaged in the business of importing or bringing firearms into the United States.

"(m) Manufacturer.—The term "manufacturer' means any person who is engaged in the business of manufacturing firearms.

"Sec. 5846. Other laws applicable.

"All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821.

"Sec. 5847. Effect on other laws.

"Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.

"Sec. 5848. Restrictive use of information.

"(a) General Rule.—No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

"(b) Furnishing False Information.—Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"Sec. 5849. Citation of chapter.

"This chapter may be cited as the 'National Firearms Act' and any reference in any other provision of law to the 'National Firearms Act' shall be held to refer to the provisions of this chapter.

"Part II—Exemptions

"Sec. 5851. Special (occupational) tax exemption.
"Sec. 5852. General transfer and making exemption.
"Sec. 5853. Exemption from transfer and making tax available to certain governmental entities and officials.
"Sec. 5854. Exportation of firearms exempt from transfer tax.

"Sec. 5851. Special (occupational) tax exemption.

"(a) Business With United States.—Any person required to pay special (occupational) tax under section 5801 shall be relieved from payment of that tax if he establishes to the satisfaction of the Secretary or his delegate that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any person manufacturing firearms for, or on behalf of, the United States from compliance with any provision of this chapter in the conduct of such business.

"(b) Application.—The exemption provided for in subsection (a) of this section may be obtained by filing with the Secretary or his delegate an application on such form and containing such information as may by regulations be prescribed. The exemptions must thereafter be renewed on or before July 1 of each year. Approval of the application by the Secretary or his delegate shall entitle the applicant to the exemptions stated on the approved application.

"Sec. 5852. General transfer and making tax exemption.

"(a) Transfer.—Any firearm may be transferred to the United States or any department, independent establishment, or agency thereof, without payment of the transfer tax imposed by section 5811.

"(b) Making by a Person Other Than a Qualified Manufacturer.—Any firearm may be made by, or on behalf of, the United States, or any department, independent establishment, or agency thereof, without payment of the making tax imposed by section 5821.

"(c) Making by a Qualified Manufacturer.—A manufacturer qualified under this chapter to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax imposed by section 5821.

"(d) Transfers Between Special (Occupational) Taxpayers.—A firearm registered to a person qualified under this chapter to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax imposed by section 5811 to any other person qualified under this chapter to manufacture, import, or deal in that type of firearm.

"(e) Unserviceable Firearm.—An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax imposed by section 5811, under such requirements as the Secretary or his delegate may by regulations prescribe.

"(f) Right to Exemption.—No firearm may be transferred or made exempt from tax under the provisions of this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5853. Transfer and making tax exemption available to certain governmental entities.

"(a) Transfer.—A firearm may be transferred without the payment of the transfer tax imposed by section 5811 to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(b) Making.—A firearm may be made without payment of the making tax imposed by section 5821 by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(c) Right to Exemption.—No firearm may be transferred or made exempt from tax under this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5854. Exportation of firearms exempt from transfer tax.

"A firearm may be exported without payment of the transfer tax imposed under section 5811 provided that proof of the exportation is furnished in such form and manner as the Secretary or his delegate may by regulations prescribe.

"SUBCHAPTER C—PROHIBITED ACTS

"Sec. 5861. Prohibited acts.

"It shall be unlawful for any person—

"(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

"(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

"(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

"(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

"(e) to transfer a firearm in violation of the provisions of this chapter; or

"(f) to make a firearm in violation of the provisions of this chapter; or

"(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

"(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

"(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

"(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

"(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

"(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

"SUBCHAPTER D—PENALTIES AND FORFEITURES

"Sec. 5871. Penalties.
"Sec. 5872. Forfeitures.

"Sec. 5871. Penalties.

"Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than $10,000, or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"Sec. 5872. Forfeitures.

"(a) Laws Applicable.—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

"(b) Disposal.—In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

Sec. 202. The amendments made by section 201 of this title shall be cited as the "National Firearms Act of 1968".

SEC. 203. (a) Section 6107 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for subchapter B of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 6107. List of special taxpayers for public inspection."

SEC. 204. Section 6806 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 6806. Occupational tax stamps.

"Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

SEC. 205. Section 7273 of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 7273. Penalties for offenses relating to special taxes.

"Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than $10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed."

SEC. 206. (a) Section 5692 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for part V of subchapter J of chapter 51 of the Internal Revenue Code of 1954 is amended by striking out:

"SEC. 5692. Penalties relating to posting of special tax stamps."

SEC. 207. (a) Section 201 of this title shall take effect on the first day of the first month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a) or any other provision of law, any person possessing a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 (as amended by this title) which is not registered to him in the National Firearms Registration and Transfer Record shall register each firearm so possessed with the Secretary of the Treasury or his delegate in such form and manner as the Secretary or his delegate may require within the thirty days immediately following the effective date of section 201 of this Act. Such registrations shall become a part of the National Firearms Registration and Transfer Record required to be maintained by section 5841 of the Internal Revenue Code of 1954 (as amended by this title). No information or evidence required to be submitted or retained by a natural person to register a firearm under this section shall be used, directly or indirectly, as evidence against such person in any criminal proceeding with respect to a prior or concurrent violation of law.

(c) The amendments made by sections 202 through 206 of this title shall take effect on the date of enactment.

(d) The Secretary of the Treasury, after publication in the Federal Register of his intention to do so, is authorized to establish such periods of amnesty, not to exceed ninety days in the case of any single period, and immunity from liability during any such period, as the Secretary determines will contribute to the purposes of this title.

And at the top of page 62, insert a new section, as follows:

TITLE III—AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 301. Section 1202(c)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) is amended to read as follows:

"(2) 'felony' means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year and, in the case of a State law, an offense determined by the laws of such State to be a felony.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gun Control Act of 1968".

TITLE I—STATE FIREARMS CONTROL ASSISTANCE

FINDINGS AND DECLARATION

SEC. 101. (a) The Congress hereby finds and declares—

(1) that there is a widespread traffic in firearms moving in or otherwise affecting interstate or foreign commerce, and that the existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(2) that the ease with which any person can acquire firearms (including criminals, juveniles without the knowledge or consent of their parents or guardians, narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of such weapons is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States;

(3) that only through adequate Federal control over interstate and foreign commerce in these weapons, and over all persons engaging in the businesses of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible;

(4) that the acquisition on a mail-order basis of firearms by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effectiveness of State laws and regulations, and local ordinances;

(5) that the sale or other disposition of firearms by importers, manufactures, and dealers holding Federal licenses, to nonresidents of the State in which the licensees' places of business are located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such firearms;

(6) that there is a causal relationship between the easy availability of firearms and juvenile and youthful criminal behavior, and that firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

(7) that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive firearms (largely worthless for sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems;

(8) that destructive devices (as defined in title 18, United States Code), machineguns, short-barreled shotguns, and short-barreled rifles are primarily weapons of war which have no appropriate use as instruments of sport, recreation, or personal defense; that intrastate commerce in such devices and weapons affects the flow of interstate and foreign commerce in such devices and weapons; and that therefore it is necessary to regulate all commerce in such devices and weapons;

(9) that the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the granting or denial of licenses, and that this has led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system.

(b) The Congress further hereby declares that the purpose of this title is to cope with the conditions referred to in the foregoing subsection, and that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

SEC. 102. Chapter 44 of title 18, United States Code, is amended to read as follows:

"CHAPTER 44.—FIREARMS

"Sec.
"921. Definitions.
"922. Unlawful acts.
"923. Licensing.
"924. Penalties.
"925. Exceptions: Relief from disabilities.
"926. Rules and regulations.
"927. Effect on State law.
"928. Separability clause.

"§ 921. Definitions

"(a) As used in this chapter—

"(1) The term 'person' and the term 'whoever' includes any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(2) The term 'interstate or foreign commerce' includes commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia. The term 'State' shall include the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

"(3) The term 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"(4) The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

"(5) The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(6) The term 'short-barreled shotgun' means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified, has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) The term 'collector' means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define, and the term 'licensed collector' means any such person licensed under the provisions of this chapter.

"(14) The term 'indictment' includes an indictment or an information in any court under which a crime punishable as a felony may be prosecuted.

"(15) The term 'fugitive from justice' means any person who has fled from any State or possession to avoid prosecution for a crime punishable as a felony or to avoid giving testimony in any criminal proceeding.

"(16) The term 'antique firearm' means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(17) The term 'ammunition' shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

"(18) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(19) The term 'felony' means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year, and, in the case of a State law, an offense determined by the laws of the State to be a felony.

"(20) The term 'published ordinance' means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

"(b) As used in this chapter—

"(1) The term 'firearm' shall not include an antique firearm.

"(2) The term 'crime punishable as a felony' shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

"§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce.

"(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce, any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

"(A) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received;

"(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18 of the United States Code, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty;

"(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States.

"(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, in which he maintains a place of business) any firearm purchased or otherwise obtained by him outside that State: *Provided however,* That this paragraph shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State: *Provided further, however,* That this paragraph shall not apply to transportation or receipt of a rifle or a shotgun obtained in conformity with the provisions of subparagraph (b) (3) of this section.

"(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), a short-barreled shotgun or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity.

"(5) for any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transfer, sell, trade, give transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or in which his place of business is located if the transferor is a corporation or other business entity); except that this paragraph does not apply to the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence: *Provided,* That this section shall not preclude a loan or rental of a firearm to any person for temporary use for lawful sporting purposes.

"This paragraph shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

"(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false or fictitious or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

"(1) any firearm to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and any firearm, other than a shotgun or rifle, or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

"(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State or local law applicable at the place of sale, delivery, or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State or local law.

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located. This paragraph shall not apply to the sale or delivery of rifles or shotguns to residents of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law and if the sale fully complies with the legal conditions of sale in both such contiguous States: *Provided,* That the purchaser and the licensee have, prior to sale, or delivery for sale of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises: *Provided further,* That this section shall not preclude a loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and shall not preclude returning a firearm to a person from whom it was received after repairing it or replacing any parts of such firearm other than the frame or receiver.

"(4) to any person any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle.

"(5) any firearm or ammunition to any person unless the licensee notes in his records required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to any research organization designated by the Secretary.

"(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell any firearm to any resident of the State in which the licensee's place of business is located, other than another licensed importer, manufacturer, or dealer, or an individual who in person at the business premises of such importer, manufacturer, or dealer purchases such firearm, unless:

"(1) such person has submitted to such importer, manufacturer, or dealer a sworn statement in the following form:

" 'Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years on more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are--

Signature ------------------ Date --------

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance.

"(2) such importer, manufacturer, or dealer has, prior to the shipment or delivery of such firearm, forwarded by registered or certified mail (return receipt requested) to (A) the local law enforcement officer named in the sworn statement, or (B) the official designated by the Governor of the State concerned under this subsection, a description of the firearm to be shipped or delivered (including the manufacturer, the caliber, the model, and type of such firearm, but not including serial number identification), and one copy of the sworn statement, and has received a return receipt evidencing delivery of such letter, or such letter has been returned to such importer, manufacturer, or dealer due to the refusal of the named law enforcement officer, or designated official to accept such letter in accordance with United States Post Office Department regulations; and

"(3) such importer, manufacturer, or dealer has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the local law enforcement officer's or designated official's acceptance or refusal of such letter

A copy of the sworn statement and a copy of the notification to the local law enforcement officer or designated official along with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g). For purposes of paragraph (2)(B), the Governor of any State may designate any official in his State to receive such notification for such State or any part thereof in lieu of the notification required by paragraph (2)(A) and shall notify the Secretary of the name, title, and business address of such official and the Secretary shall publish in the Federal Register the name, title, and address of such official. Upon such publication, notification to the local law enforcement officers required under paragraph (2)(A) of this subsection will not be required for a period of five years from the date of such publication unless the request is withdrawn by the Governor of such State and such withdrawal is published in the Federal Register.

"(d) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable as a felony. This subsection shall not apply with respect to sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped.

"(f) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(g) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable as a felony, or who is a fugitive from justice, to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(h) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable as a felony, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe the same to have been stolen.

"(j) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as or which is a part of or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe the same to have been stolen.

"(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm the importer's or manufacturer's serial number of which has been removed, obliterated, or altered.

"(l) It shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition, except as provided in subsection (d) of section 925 of this chapter; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, or to fail to make appropriate entry in or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

"§ 923. Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall be required to pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

"(1) If a manufacturer—

"(A) of destructive devices and/or ammunition for destructive devices a fee of $1,000 per year;

"(B) of firearms other than destructive devices a fee of $500 per year;

"(C) of ammunition for firearms other than destructive devices a fee of $10 per year.

"(2) If an importer—

"(A) of destructive devices and/or ammunition for destructive devices a fee of $1,000 per year;

"(B) of firearms other than destructive devices and/or ammunition for firearms other than destructive devices a fee of $500 per year.

"(3) If a dealer—

"(A) in destructive devices and/or ammunition for destructive devices a fee of $1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices a fee of $250 per year;

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of $10 per year.

"(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be $10 per year.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

"(A) the applicant is twenty-one years of age or over;

"(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (h) of this chapter;

"(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

"(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

"(E) the applicant has, in a State or possession, premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time.

"(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

"(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

"(f)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court."

"(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, and sale or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer or collector under the provisions of this chapter or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or possession, or any political subdivision thereof, the Secretary of the Treasury may make available to such State or possession, or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(i) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

"§ 924. Penalties

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Whoever, with intent to commit therewith an offense punishable as a felony, or with knowledge or reasonable cause to believe that an offense punishable as a felony is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this chapter, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§ 925. Exceptions: Relief from disabilities

"(a) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, or sold or shipped to, or issued for the use of the United States or any department or agency thereof; or any State or possession, or any department, agency, or political subdivision thereof.

"(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable as a felony, may, notwithstanding any other provisions of this chapter, continue operation pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable as a felony (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or amunition—

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

"(2) is an unserviceable firearm, other than a machinegun as defined in section 5848(2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

"(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition:

Provided, That the Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

"§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"§ 927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State or possession so that the two cannot be reconciled or consistently stand together.

§ 928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

SEC. 103. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

Sec. 104. Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

Sec. 105. The provisions of this title shall become effective on the date that title IV of the Omnibus Crime Control and Safe Streets Act of 1968 becomes effective as provided by section 907 of such Act.

Sec. 106. Section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(1)" immediately after "except that" and by inserting before the period a comma and the following: "and (2) the provisions of section 925(d) of title 18, United States Code, shall become effective on August 1, 1968".

TITLE II—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

Sec. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

"Chapter 53—Machine Guns, Destructive Devices, and Certain Other Firearms

"Subchapter A. Taxes.
"Subchapter B. General provisions and exemptions.
"Subchapter C. Prohibited acts.
"Subchapter D. Penalties and forfeitures.

"SUBCHAPTER A—TAXES

"Part I. Special (occupational) taxes.
"Part II. Tax on transferring firearms.
"Part III. Tax on making firearms.

"Part I—Special (Occupational) Taxes

"Sec. 5801. Tax.
"Sec. 5802. Registration of importers, manufacturers, and dealers.

"Sec. 5801. Tax.

"On first engaging in business and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special (occupational) tax for each place of business at the following rates:

"(1) Importers.—$500 a year or fraction thereof;

"(2) Manufacturers.—$500 a year or fraction thereof;

"(3) Dealers.—$200 a year or fraction thereof. Except an importer, manufacturer, or dealer who imports, manufactures, or deals in only weapons classified as "any other weapon" under section 5845(e), shall pay a special (occupational) tax for each place of business at the following rates: Importers, $25 a year or fraction thereof; manufacturers, $25 a year or fraction thereof; dealers, $10 a year or fraction thereof.

"Sec. 5802. Registration of importers, manufacturers, and dealers.

"On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in firearms shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Firearms operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"Part II—Tax on transferring firearms

"Sec. 5811. Transfer tax.
"Sec. 5812. Transfers.

"Sec. 5811. Transfer tax.

"(a) Rate.—There shall be levied, collected, and paid on firearms transferred a tax at the rate of $200 for each firearm transferred, except, the transfer tax on any firearm classified as any other weapon under section 5845(e) shall be at the rate of $5 for each such firearm transferred.

"(b) By Whom Paid.—The tax imposed by subsection (a) of this section shall be paid by the transferor.

"(c) Payment.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"Sec. 5812. Transfers.

"(a) Application.—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary or his delegate a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

"(b) Transfer of Possession.—The transferee of a firearm shall not take possession of the firearm unless the Secretary or his delegate has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

"Part III—Tax on making firearms

"Sec. 5821. Making tax.
"Sec. 5822. Making.

"Sec. 5821. Making Tax.

"(a) Rate.—There shall be levied, collected, and paid upon the making of a firearm a tax at the rate of $200 for each firearm made.

"(b) By Whom Paid.—The tax imposed by subsection (a) of this section shall be paid by the person making the firearm.

"(c) Payment.—The tax imposed by subsection (a) of this section shall be payable by the stamp prescribed for payment by the Secretary or his delegate.

"Sec. 5822. Making.

"No person shall make a firearm unless he has (a) filed with the Secretary or his delegate a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary or his delegate; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person as an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary or his delegate to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

"SUBCHAPTER B—GENERAL PROVISIONS AND EXEMPTIONS

"Part I. General provisions.
"Part II. Exemptions.

"Part I—General provisions

"Sec. 5841. Registration of firearms.
"Sec. 5842. Identification of firearms.
"Sec. 5843. Records and returns.
"Sec. 5844. Importation.
"Sec. 5845. Definitions.
"Sec. 5846. Other laws applicable.
"Sec. 5847. Effect on other law.
"Sec. 5848. Restrictive use of information.
"Sec. 5849. Citation of chapter.

"Sec. 5841. Registration of firearms.

"(a) Central Registry.—The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

"(1) identification of the firearm;

"(2) date of registration; and

"(3) identification and address of person entitled to possession of the firearm.

"(b) By Whom Registered.—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

"(c) How Registered.—Each manufacturer shall notify the Secretary or his delegate of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

"(d) Firearms Registered on Effective Date of This Act.—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

"(e) Proof of Registration.—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

"Sec. 5842. Identification of firearms.

"(a) Identification of Firearms Other Than Destructive Devices.—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

"(b) Firearms Without Serial Number.—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

"(c) Identification of Destructive Device.—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5843. Records and returns.

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

"Sec. 5844. Importation.

"No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

"(1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

"(2) being imported or brought in for scientific or research purposes; or

"(3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

"Sec. 5845. Definitions.

For the purpose of this chapter—

"(a) Firearm.—The term 'firearm' means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle is such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"(b) Machinegun.—The term 'machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"(c) Rifle.—The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

"(d) Shotgun.—The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

"(e) Any Other Weapon.—The term 'any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

"(f) Destructive Device.—The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684 (2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

"(g) Antique Firearm.—The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(h) Unserviceable Firearm.—The term 'unserviceable firearm' means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

"(i) Make.—The term 'make,' and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

"(j) Transfer.—The term 'transfer' and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

"(k) Dealer.—The term 'dealer' means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

"(l) Importer.—The term 'importer' means any person who is engaged in the business of importing or bringing firearms into the United States.

"(m) Manufacturer.—The term manufacturer means any person who is engaged in the business of manufacturing firearms.

"Sec. 5846. Other laws applicable.

"All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821.

"Sec. 5847. Effect on other laws.

"Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.

"Sec. 5848. Restrictive use of information.

"(a) General Rule.—No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

"(b) Furnishing False Information.—Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"Sec. 5849. Citation of chapter.

"This chapter may be cited as the 'National Firearms Act' and any reference in any other provision of law to the 'National Firearms Act' shall be held to refer to the provisions of this chapter.

"Part II—Exemptions

"Sec. 5851. Special (occupational) tax exemption.

"Sec. 5852. General transfer and making exemption.

"Sec. 5853. Exemption from transfer and making tax available to certain governmental entities and officials.

"Sec. 5854. Exportation of firearms exempt from transfer tax.

"Sec. 5851. Special (occupational) tax exemption.

"(a) Business With United States.—Any person required to pay special (occupational) tax under section 5801 shall be relieved from payment of that tax if he establishes to the satisfaction of the Secretary or his delegate that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any person manufacturing firearms for, or on behalf of, the United States from compliance with any provision of this chapter in the conduct of such business.

"(b) Application.—The exemption provided for in subsection (a) of this section may be obtained by filing with the Secretary or his delegate an application on such form and containing such information as may by regulations be prescribed. The exemptions must thereafter be renewed on or before July 1 of each year. Approval of the application by the Secretary or his delegate shall entitle the applicant to the exemptions stated on the approved application.

"Sec. 5852. General transfer and making tax exemption.

"(a) Transfer.—Any firearm may be transferred to the United States or any department, independent establishment, or agency thereof, without payment of the transfer tax imposed by section 5811.

"(b) Making by a Person Other Than a Qualified Manufacturer.—Any firearm may be made by, or on behalf of, the United States, or any department, independent establishment, or agency thereof, without payment of the making tax imposed by section 5821.

"(c) Making by a Qualified Manufacturer.—A manufacturer qualified under this chapter to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax imposed by section 5821.

"(d) Transfers Between Special (Occupational) Taxpayers.—A firearm registered to a person qualified under this chapter to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax imposed by section 5811 to any other person qualified under this chapter to manufacture, import, or deal in that type of firearm.

"(e) Unserviceable Firearm.—An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax imposed by section 5811, under such requirements as the Secretary or his delegate may by regulations prescribe.

"(f) Right to Exemption.—No firearm may be transferred or made exempt from tax under the provisions of this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5853. Transfer and making tax exemption available to certain governmental entities.

"(a) Transfer.—A firearm may be transferred without the payment of the transfer tax imposed by section 5811 to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(b) Making.—A firearm may be made without payment of the making tax imposed by section 5821 by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(c) Right to Exemption.—No firearm may be transferred or made exempt from tax under this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5854. Exportation of firearms exempt from transfer tax.

"A firearm may be exported without payment of the transfer tax imposed under section 5811 provided that proof of the exportation is furnished in such form and manner as the Secretary or his delegate may by regulations prescribe.

"SUBCHAPTER C—PROHIBITED ACTS

"Sec. 5861. Prohibited Acts.

"It shall be unlawful for any person—

"(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

"(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

"(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

"(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

"(e) to transfer a firearm in violation of the provisions of this chapter; or

"(f) to make a firearm in violation of the provisions of this chapter; or

"(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

"(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

"(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

"(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

"(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

"(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

"SUBCHAPTER D—PENALTIES AND FORFEITURES

"Sec. 5871. Penalties.
"Sec. 5872. Forfeitures.

"Sec. 5871. Penalties.

"Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than $10,000, or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"Sec. 5872. Forfeitures.

"(a) Laws Applicable.—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

"(b) Disposal.—In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

Sec. 202. The amendments made by section 201 of this title shall be cited as the "National Firearms Act of 1968".

Sec. 203. (a) Section 6107 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for subchapter B of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 6107. List of special taxpayers for public inspection."

Sec. 204. Section 6806 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 6806. Occupational tax stamps.

"Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

Sec. 205. Section 7273 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 7273. Penalties for offenses relating to special taxes.

"Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than $10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed."

Sec. 206. (a) Section 5692 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for part V of subchapter J of chapter 51 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 5692. Penalties relating to posting of special tax stamps."

Sec. 207. (a) Section 201 of this title shall take effect on the first day of the first month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a) or any other provision of law, any person possessing a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 (as amended by this title) which is not registered to him in the National Firearms Registration and Transfer Record shall register each firearm so possessed with the Secretary of the Treasury or his delegate in such form and manner as the Secretary or his delegate may require within the thirty days immediately following the effective date of section 201 of this Act. Such registrations shall become a part of the National Firearms Registration and Transfer Record required to be maintained by section 5841 of the Internal Revenue Code of 1954 (as amended by this title). No information or evidence required to be submitted or retained by a natural person to register a firearm under this section shall be used, directly or indirectly, as evidence against such person in any criminal proceeding with respect to a prior or concurrent violation of law.

(c) The amendments made by sections 202 through 206 of this title shall take effect on the date of enactment.

(d) The Secretary of the Treasury, after publication in the Federal Register of his intention to do so, is authorized to establish such periods of amnesty, not to exceed ninety days in the case of any single period, and immunity from liability during any such period, as the Secretary determines will contribute to the purposes of this title.

TITLE III—AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Sec. 301. Section 1202(c)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) is amended to read as follows:

"(2) 'felony' means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year and, in the case of a State law, an offense determined by the laws of such State to be a felony.".

Mr. LONG of Louisiana. Mr. President, it is my understanding that Senators may desire to speak this evening on the gun bill. Minority views have been filed. If Senators desire to speak on the pending business, the Senate will stay in session to hear them. Otherwise, we will go over until tomorrow.

Mr. DODD. Mr. President, I had understood that we would not consider the bill until tomorrow.

Mr. LONG of Louisiana. The motion was simply to lay the bill before the Senate. If no Senators desire to speak at this time, the bill is the pending business and we can proceed with its consideration tomorrow.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 54 minutes p.m.) the Senate adjourned until Thursday, September 12, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 11, 1968:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The following-named persons to be Incorporators of the Corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968:

Ernest C. Arbuckle, of California.
Edward J. Daly, of California.
Edwin D. Etherington, of New Jersey.
Edgar F. Kaiser, of California.
James J. Ling, of Texas.
John L. Loeb, of New York.
Everett Mattson, of Texas.
George Meany, of Maryland.
David Rockefeller, of New York.
John H. Wheeler, of North Carolina.

HOUSE OF REPRESENTATIVES—*Wednesday, September 11, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him who sent me and to finish His work.—John 4: 34.

O Lord, our God, grant unto us the spirit to think and the mind to do what is right and good that we may live according to Thy will.

Make us truly aware of what we are doing from day to day. We feel that we have so many things to do, so many meetings to attend, so many letters to write that we fail at times to see some of the things we ought to do and know full well should be done. Help us to take time for those things that matter most and less time for those things that matter least.

May we learn again not to major in minors but to master the matters that mean most to the morale and the morals of our modern mood.

Help us to think clearly, to choose wisely, and to make wise use of our time for Thy glory, for the good of our Nation, and for the benefit of all mankind.

In the Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the preceding session.

Mr. RUMSFELD. Mr. Speaker, I demand that the Journal be read in full.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Ohio makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 314]

Ashley
Ashmore
Barrett
Battin
Blackburn
Blatnik
Brademas
Broomfield
Button
Carey
Casey
Conyers
Cunningham
Dawson
Derwinski
Diggs
Dingell
Downing
Eckhardt
Fallon
Flynt
Friedel
Gardner
Goodell
Green, Pa.
Griffiths
Gurney
Hagan
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Henderson
Herlong
Holifield
Hosmer
Hull
Ichord
Jacobs
Jones, Mo.
Jones, N.C.
Karsten
Landrum
Lloyd
Long, La.
McClory
McDade
Mathias, Md.
Michel
Monagan
Moorhead
O'Neal, Ga.
Patman
Pike
Pirnie
Poage
Pollock
Rarick
Resnick
Rogers, Colo.
Roudebush
St Germain
Saylor
Schweiker
Sisk
Stafford
Steiger, Ariz.
Steiger, Wis.
Taylor
Teague, Calif.
Teague Tex.
Thompson, Ga.
Udall
Vander Jagt
Widnall
Wyman

The SPEAKER. On this rollcall 356 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. TAFT. Mr. Speaker, I object.

The SPEAKER. The gentleman objects? The Chair wishes to get the RECORD correct. The gentleman objects to further proceedings under the call being dispensed with?

Mr. TAFT. I do object, Mr. Speaker.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. CONABLE. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. That motion is not in order. The question is on the motion offered by the gentleman from Oklahoma.

Mr. CONABLE. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. CONABLE. Mr. Speaker, why is a motion to lay on the the table a motion to dispense with further proceedings under the call out of order?

The SPEAKER. The Chair will state to the gentleman in response to his point of order that is so under the precedents of 1965 involved here and following the precedents of the House. I am sure the gentleman can look at the precedents and ascertain that the statement of the Chair is correct.

Before presenting the motion, the Chair will receive a message.

MESSAGE FROM THE SENATE

The DOORKEEPER. Mr. Speaker, a message from the Senate.

The SECRETARY (Mr. Arrington). Mr. Speaker——

The SPEAKER. Mr. Secretary.

The SECRETARY. Mr. Speaker, I have been directed by the Senate to inform the House that the Senate has agreed to the conference report on the bill S. 3293, to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

MOTION TO DISPENSE WITH FURTHER PROCEEDINGS UNDER THE CALL

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. ALBERT].

The question was taken; and the Speaker announced that ayes appeared to have it.

Mr. CURTIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will refer the gentleman to the rules of the House; and under the rules of the House it does not require a quorum to dispense with further proceedings under the call.

Mr. CURTIS. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Speaker appointed as tellers Mr. ALBERT and Mr. CURTIS.

The House divided, and the tellers reported that there were—ayes 100, noes 64.

Mr. RUMSFELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

CALL OF THE HOUSE

Mr. RUMSFELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 315]

Ashley
Ashmore
Barrett
Battin
Berry
Blackburn
Blatnik
Bolling
Brademas
Broomfield
Button
Carey
Casey
Collier
Conyers
Corman
Davis, Ga.
Dawson
Derwinski
Diggs
Dingell
Downing
Eckhardt
Edwards, Calif.
Edwards, La.
Fallon
Flynt
Friedel
Gardner
Goodell
Green, Pa.
Griffiths
Gurney
Hagan
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Henderson
Herlong
Holifield
Hull
Jacobs
Jones, Mo.
Jones, N.C.
Karsten
Landrum
Lloyd
Long, La
McClory
McDade
Mathias, Md.
Monagan
O'Neal, Ga.
Patman
Pirnie
Poage
Pollock
Rarick
Resnick
Roudebush
Roush
St Germain
Saylor
Schweiker
Sisk
Stafford
Steiger, Wis.
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Udall
Ullman
Vander Jagt
Widnall

The SPEAKER. On this rollcall 356 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. BIESTER. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

Mr. MACGREGOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 71, not voting 76, as follows:

[Roll No. 316]

YEAS—285

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Collins
Colmer
Corbett
Corman
Culver
Daddario
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Devine
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Edmondson
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gubser
Haley
Halleck
Hamilton
Hammerschmidt
Hanley
Hanna
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kelly
King, Calif.
King, N.Y.
Kirwan
Kluczynski
Kornegay
Kyl
Kyros
Laird
Latta
Leggett
Lennon
Lipscomb
Long, Md.
McCarthy
McClure
McCulloch
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
Mayne
Meeds
Miller, Calif.
Mills
Minish
Mink
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Podell
Price, Ill.
Pryor
Pucinski
Purcell
Randall
Reid, Ill.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Roberts
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Snyder
Springer
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Utt
Van Deerlin
Vanik
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Wiggins
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wright
Wylie
Yates
Young
Zablocki

NAYS—71

Andrews, N. Dak.
Bell
Biester
Bolton
Brotzman
Brown, Mich.
Broyhill, Va.
Burton, Utah
Bush
Cleveland
Conable
Conte
Cowger
Cramer
Cunningham
Curtis
Dellenback
Denney
Dickinson
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Fino
Ford, Gerald R.
Gross
Grover
Gude
Hall
Halpern
Hosmer
Kleppe
Kupferman
Kuykendall
Langen
Lukens
McCloskey
McEwen
MacGregor
Mathias, Calif.
May
Meskill
Michel
Miller, Ohio
Minshall
Moore
Nelsen
Poff
Price, Tex.
Quie
Railsback
Rees
Reid, N.Y.
Riegle
Robison
Rumsfeld
Ruppe
Schneebeli
Schwengel
Scott
Smith, N.Y.
Steiger, Ariz.
Taft
Whalen
Wilson, Bob
Wyatt
Wydler
Wyman
Zion
Zwach

NOT VOTING—76

Abbitt
Ashmore
Barrett
Blackburn
Blatnik
Brademas
Broomfield
Button
Carey
Casey
Collier
Conyers
Dawson
Derwinski
Diggs
Dingell
Eckhardt
Edwards, Calif.
Everett
Fallon
Flynt
Friedel
Gardner
Goodell
Green, Pa.
Griffiths
Gurney
Hagan
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Henderson
Herlong
Holifield
Hull
Irwin
Jacobs
Jonas
Jones, Mo.
Jones, N.C.
Karsten
Keith
Landrum
Lloyd
Long, La.
McClory
McDade
Mathias, Md.
Monagan
O'Neal, Ga.
Patman
Pirnie
Poage
Pollock
Quillen
Rarick
Resnick
Rogers, Colo.
Roudebush
Roush
St Germain
Saylor
Schweiker
Sisk
Stafford
Steiger, Wis.
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Udall
Vander Jagt
Vigorito
Widnall
Willis

So the motion was agreed to.

Mr. GROVER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the preceding session.

Mr. MACGREGOR. Mr. Speaker, I demand that the Journal be read in full.

The SPEAKER. There is a presumption that the Journal is always read in full. The gentleman's suggestion will be noted.

Mr. HAYS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HAYS. I was just wondering, Mr. Speaker, if the Chair would be able to advise me if this is the biennial effort of the Republicans to throw it away. Always, when we are down, they seem to be able to make it possible for us to win. I am not certain.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. I am glad to hear the gentleman admit that the Democrats are down.

Mr. HAYS. I did not say "out."

The SPEAKER. The Clerk will proceed with the reading of the Journal.

The Clerk proceeded to read the Journal.

CALL OF THE HOUSE

Mr. WHALEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 317]

Abbitt
Ashmore
Barrett
Blackburn
Blatnik
Brademas
Brasco
Broomfield
Button
Carey
Casey
Collier
Conyers
Dawson
Diggs
Dingell
Eckhardt
Fallon
Flynt
Friedel
Gardner
Goodell
Green, Pa.
Griffiths
Gurney
Hagan
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Henderson
Herlong
Holifield
Hull
Irwin
Jacobs
Jones, Mo.
Jones, N.C.
Karsten
Landrum
Lloyd
Long, La.
McClory
McDade
Mathias, Md.
Monagan
O'Neal, Ga.
Patman
Pirnie
Poage
Pollock
Rarick
Resnick
Rogers, Colo.
Roudebush
Roush
St Germain
Saylor
Schweiker
Sisk
Stafford
Steiger, Wis.
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Udall
Vander Jagt
Widnall
Willis

The SPEAKER. On this rollcall, 358 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. TAFT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects.

Mr. ALBERT. Mr. Speaker, I move that

further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MACGREGOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. MACGREGOR. Mr. Speaker, I was on my feet.

The SPEAKER. The gentleman is correct. The gentleman was on his feet.

Mr. MACGREGOR. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman did not address the Chair.

Mr. MACGREGOR. Mr. Speaker, the gentleman did address the Chair, but his tones were too dulcet.

Mr. Speaker, I demand a division.

The question was taken; and on a division (demanded by Mr. MACGREGOR) there were—ayes 119, noes 15.

So the motion was agreed to.

Mr. MAHON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas will state his parliamentary inquiry.

Mr. MAHON. Mr. Speaker, will the Chair advise whether or not the conference report has been sent over by message from the Senate, indicating that the authorization bill has now cleared both Houses—that is, for the Defense Department bill—and, if that is correct, would it be in order for the Committee on Appropriations to call up the $72 billion Defense appropriation bill?

The SPEAKER. The Chair will state that the Senate has approved the conference report. The Department of Defense appropriation bill is programed for today. All Members recognize the importance, I am sure, of having this bill acted upon as quickly as possible, and, after the Journal is read and approved, the Defense appropriation bill will be the next order of business to be brought up.

Mr. RIVERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RIVERS. Mr. Speaker, as long as these delaying tactics are observed, is this preventing the military appropriation bill from being considered—to take care of our fighting men?

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman from Missouri will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, is the conference report agreed to on the Speaker's desk, as agreed to by the other body?

The SPEAKER. The Chair, in reply, will say that it has been returned from the Senate and is available.

Mr. HALL. Mr. Speaker, is it on the Speaker's desk and available for action by this body, or for engrossment?

The SPEAKER. The Chair will state that the House has adopted the conference report.

Mr. HALL. Mr. Speaker, is it available on the Speaker's desk for final engrossment?

The SPEAKER. The Chair will state the bill is being enrolled now.

Mr. HALL. Then the Chair will say affirmatively that it is not on the Speaker's desk and ready for action at this point; is that correct?

The SPEAKER. Well, it is within the possession of the House and is in the process of being enrolled.

Mr. MAHON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAHON. Is it not correct that the House of Representatives has approved a rule making in order the consideration of the Defense appropriation bill immediately after the conference report had been approved by the House and by the other body?

The SPEAKER. That is the understanding of the Chair; and it is the further understanding of the Chair that the gentleman from Texas had announced that after the conference report was agreed to by both branches he would then be ready to proceed with the consideration of the appropriation bill. Is the Chair correct in that statement?

Mr. MAHON. The Chair is correct. Of course, there is a rule which has been adopted.

The SPEAKER. Surely. The rule waives points of order.

Mr. RUMSFELD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RUMSFELD. Is the bill under discussion by the distinguished chairman of the Appropriations Committee and by the distinguished Speaker one of several appropriation bills which deal with funds for fiscal year 1969, which began on July 1 of this year?

The SPEAKER. That is a matter of knowledge, of common knowledge; but, in specific answer to the gentleman, it is.

Mr. RUMSFELD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUMSFELD. Certainly I—and I know the same is true of other Members who have been involved in the activities this afternoon—have no desire to delay the consideration of important appropriation matters.

Mr. HAYS. If that is true, sit down.

The SPEAKER. The gentleman is exercising his rights under the rules. The Chair will protect the gentleman.

Mr. RUMSFELD. Under our rules the bill should have been considered by the House and by the Senate, by the Congress, and sent to the executive branch prior to the end of the last fiscal year. We are now 2½ months into the new fiscal year, and because of the fact that this is obviously important legislation, notwithstanding the fact that we did not deal with it on last Friday, for example, when we had no session, or this Monday, when we dealt with a bill on marketing orders——

Mr. HAYS. Regular order, Mr. Speaker.

The SPEAKER. The Chair will state that the conference report was not adopted in the House until last Monday. In any event, will the gentleman state his parliamentary inquiry?

Mr. RUMSFELD. I would simply want to say——

The SPEAKER. The Chair wants to be very understanding.

Mr. RUMSFELD. The Chair is being very generous.

To conclude my parliamentary inquiry, I just simply want to say——

Mr. HAYS. Point of order, Mr. Speaker. I make a point of order.

The SPEAKER. The gentleman has been making an explanation, which the Chair assumes is leading up to a parliamentary inquiry which he has not arrived at yet.

The gentleman will state his parliamentary inquiry.

Mr. RUMSFELD. I thank the Chair. I simply want to ask the parliamentary inquiry: In the event that those of us here who do not want to disrupt, discontinue our activities, is it proper for me to request an answer from the Chair as to whether or not the Chair might be willing to do everything in his power to see if we could have election reform and congressional reform legislation?

The SPEAKER. That is a most unusual question for any Member to ask the Chair. If the gentleman will consult with the Chair outside, the Chair will be glad to advise the gentleman.

Mr. RUMSFELD. I thank the Speaker.

Mr. CURTIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CURTIS. Again, on the status of legislation, is it not true that there is a bill pending which could be brought on the floor in regard to congressional reform and election reform? Is not that bill ready for House action?

The SPEAKER. What particular bill does the gentleman have in mind?

Mr. CURTIS. Two different bills. One is the election reform bill that was voted out by the House Administration Committee. The second is the bill that was passed by the Senate and sent over here having to do with congressional reform a year and a half ago.

The SPEAKER. The Chair will state that the reorganization bill is before the Committee on Rules, that committee having original jurisdiction over it. The other bill that the gentleman referred to is on the calendar, but there is no rule reported out permitting it to be brought up for consideration of the House.

Mr. CURTIS. Mr. Speaker, I have a further parliamentary inquiry. I wish simply to observe that the demonstration here clearly shows how badly we need to reform our rules.

Mr. HAYS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair recognizes the gentleman from Ohio for a parliamentary inquiry.

Mr. HAYS. My parliamentary inquiry is this: Is it correct and is it right to call a bill an election reform bill which repeals all prohibitions on the amount of money that anybody can spend to buy an election? It would seem to me you are misusing the word "reform," and that word is nowhere in the title of the bill. My parliamentary inquiry is: Is it proper for people like the gentleman from Missouri to try to mislead the American people and call this an election reform bill?

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Do not the rules of the House provide that if the members of the minority party wish to discharge the two bills in question, they may proceed under the rules of the House utilizing the available discharge petition procedure?

Mr. SPEAKER. The answer to that is, "Yes."

Mr. CLEVELAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLEVELAND. Will the Speaker explain to me how, in view of the answer to the gentleman from Louisiana, a minority with 188 Members can have a discharge petition signed by 218 Members—until after the election, Mr. Speaker.

The SPEAKER. The gentleman or any Member can file a discharge motion under the rules of the House, and the Chair knows that the gentleman is well acquainted with the rules. If 218 Members sign a discharge motion, then the bill would be in order for consideration on the next discharge day following the signing of the motion by 218 Members. Each Member has his own responsibility. The answer is that a discharge motion can be filed under the rules of the House, and the gentleman from New Hampshire can do it within 5 minutes if the gentleman desires to do so.

Mr. CLEVELAND. The Speaker has answered my question, but with further reference to my parliamentary inquiry, I understood your answer to the parliamentary inquiry of the gentleman from Louisiana, whose question to you was, Cannot the minority use the discharge petition rule? I understood your answer to be yes. I ask you, mathematically at least, until after the next election, how can a group of 188 Members do so?

The SPEAKER. The Chair is not an expert in mathematics, and the gentleman from New Hampshire is. The Chair is not going to challenge him in a field in which he specialized. The Chair has enjoyed this very much. Are there any other parliamentary inquiries?

Mr. ABERNETHY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ABERNETHY. I thank the Speaker.

Is there any parliamentary procedure whereby these parliamentary inquiries may be brought to a parliamentary conclusion?

The SPEAKER. The Chair will state that a parliamentary inquiry is a matter of discretion with the Chair. The Chair knows that the gentleman from Mississippi would want to preserve the right of any occupant of the chair in that respect.

Mr. PIKE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PIKE. Is it not true, Mr. Speaker, under any rules which the House might adopt, it would take a modicum of good faith, of good will, and of intelligence in their application to preserve the rights of the minority?

The SPEAKER. Will the distinguished gentleman please repeat his parliamentary inquiry?

Mr. PIKE. Mr. Speaker, my parliamentary inquiry is this: Under any rules which the House might adopt it would be necessary for the Members to display a modicum of good faith and good will in utilizing those rules in order to preserve the rights of all Members?

The SPEAKER. The Chair will state that the gentleman's statement will speak for itself and it will appear in the RECORD.

The Clerk will proceed with the reading of the Journal.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. MACGREGOR. Mr. Speaker, reserving the right to object, and I do so solely for the purpose of asking the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], with respect to the program which I have before me, the whip notice for this week.

The whip notice indicates that the first item of business for Tuesday and the balance of the week would be S. 3293 and the second item would be H.R. 15681. Those two items were disposed of on yesterday.

Mr. Speaker, the whip notice indicates that the next order of business would be the order of business which I had expected to be brought before the House today, H.R. 15890, additional positions in certain executive agencies.

Mr. Speaker, my inquiry is this: Are we abandoning H.R. 15890 or is the leadership contemplating it to be scheduled out of order, after the Department of Defense appropriation bill?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, in the whip notice we have the statement that any further program may be announced later. We announced yesterday that the Department of Defense appropriation bill will be the first order of business if the conference report just alluded to were adopted by the other body. It was on the basis of that announcement that we would proceed. And, I would say to the gentleman that we plan to go from the consideration of that bill to the consideration of the National Scenic Rivers Act of 1968 and announce the programing of the other bill to which the gentleman referred at another time.

Mr. MACGREGOR. Mr. Speaker, further reserving the right to object, I do not believe I have a response to my question.

What disposition is now contemplated of H.R. 15890, additional positions in certain executive agencies?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, as of now we plan to put that over until a later date.

Mr. MACGREGOR. I thank the distinguished majority leader.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RUMSFELD. Mr. Speaker, further reserving the right to object, I would like to indicate that because of the importance of the legislation that is to be considered later this afternoon, we do not have any desire to continue the parliamentary moves that have been made thus far today.

However, the purpose of these moves has been to attempt to point out the need for at least giving the House an opportunity to consider and debate campaign funding and legislative reorganization legislation during this Congress.

I would like to ask the distinguished majority leader if he and the majority party have any intention of bringing to the floor of the House before the close of the session this year legislation dealing with legislative reorganization of election fundraising and expenditures.

Mr. ROONEY of New York. Mr. Speaker, I demand regular order.

The SPEAKER. Has the gentleman from Illinois completed his question?

Mr. RUMSFELD. I have completed my question.

Mr. ALBERT. Mr. Speaker, will the gentleman yield? That bill is not eligible for programing on the floor under present parliamentary circumstances.

Mr. HAYS. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. RUMSFELD. Mr. Speaker, I yielded to the gentleman from Ohio so many times last evening during a special order that it comes naturally to yield to the gentleman at this time.

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding. I want to say in regard to the sad story of the gentleman from New Hampshire about our minority that if he will file a discharge petition on this so-called election bill—I am not going to use the word "reform," I will call it the "millionaire's control of Congress bill"—when the gentleman gets 188 Members signed on that petition I will deliver to the gentleman 30 Democrats to get it before the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE JOURNAL

The Journal of the proceedings of yesterday was approved.

CONFERENCE REPORT ON S. 2515, REDWOOD NATIONAL PARK, CALIF.

Mr. ASPINALL submitted a conference report and statement on the bill S. 2515, to authorize the establishment of the Redwood National Park in the State of California, and for other purposes.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 4 hours, the time to be equally divided and controlled by the gentleman from California, Mr. LIPSCOMB, and myself.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

The **SPEAKER**. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18707, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the unanimous-consent agreement, the gentleman from Texas [Mr. MAHON] will be recognized for 2 hours, and the gentleman from California [Mr. LIPSCOMB] will be recognized for 2 hours.

The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. **MAHON**. Mr. Chairman, following the exciting events which have just transpired in the House the consideration of this bill might seem to be quite an ordinary exercise, an anticlimax.

The bill, however, is of great importance. All Members have of course, taken it for granted for weeks, and for months, that the Defense appropriation bill would be considered by the House and by the other body and be enacted into law.

This bill is the largest single appropriation bill ever presented to the Congress of the United States in the history of the Republic. So, moneywise and otherwise, it is a very important measure.

OVERALL APPROPRIATION RÉSUMÉ

Before I begin a discussion of this bill, I think it would be well to take a look at the overall appropriation situation for the current fiscal year 1969.

The President's budget calls for new budget obligational authority in the amount of about $201 billion for the fiscal year 1969. Something on the order of $60 billion of this total would automatically be appropriated under existing law without action by Congress this year, principally for such items as interest on the debt, several social security programs, highways, and a few others. Thus, about $141 billion of the $201 billion requires action by the Congress at this session. We are considering more than half of that amount in the bill here today.

The Congress in late June of this year, passed the Revenue and Expenditure Control Act of 1968 which requires that the Government, through actions of the Congress or otherwise, reduce new budget authority by not less than $10 billion below the January budget estimate for fiscal 1969, submitted on January 29, and that we reduce the projected budget outlays—expenditures and net lending—in the President's January budget for fiscal 1969 by not less than $6 billion.

The Defense appropriation bill before us deals with budget authority request from the President for $77 billion. We recommend $72.2 billion, which means that in this bill we are reducing the President's budget requests for new budget authority by $4.8 billion. When we consider the actions which we have taken in the House on other appropriations bills, this takes us well over the $10 billion goal and enables the House to fulfill the requirements of the law in that respect to about $11.6 billion, in fact, thus far on the appropriation bills.

But we have other bills to consider: the foreign aid appropriation bill—has not been reported to the House—and certain bills in conference will need to have final clearance. And then a few legislative bills have been or may be enacted which affect the overall budget picture and enter into the final account of congressional action on the budget requests.

But certainly, with the consideration and passage of this bill, we will have completed the principal money business of this session—the Revenue and Expenditure Control Act—and all but one of the regular appropriation bills. The one regular appropriation bill remaining lacks authorization and could not be presented to you now. But a conference agreement on the authorization has been reported. I refer to the foreign aid bill.

That is the remaining work of this session from the standpoint of appropriations for the House, except of course there will be a final supplemental bill to cover a number of items throughout the Government.

THE DEFENSE APPROPRIATION BILL

Mr. Chairman, with respect to the bill before us today, I shall, when we go back into the House, ask unanimous consent to insert in the RECORD pertinent information contained in the committee report, and otherwise. I feel sure all Members would like a reasonably good understanding of the reductions which have been made, reductions in new budget authority totaling $4.8 billion.

There will be some who will say, "Why has the Committee on Appropriations recommended at large reduction in defense appropriations and defense spending at a time when we are involved in a war of considerable magnitude?" I think no Member would want us to reduce any of our military strength that might be required in connection with the war in Vietnam at this time.

I call your attention to page 3 of the report, which I shall later secure permission to have printed in the RECORD, which contains the very brief explanation of the increases and decreases, budgetwise.

SCOPE OF THE BILL

Estimates of new budget (obligational) authority for the military functions covered by this bill total $77,074,000,000. Appropriations recommended in the bill total $72,239,700,000, a decrease of $4,834,300,000 below the estimates, and a decrease of $1,912,612,000 below appropriations for fiscal year 1968.

The reductions are large, and tend to mask certain small but significant increases—above the budget—which are included in the bill. A summary of the reductions and increases follows, and discussions both as to policy and as to detail will be found in subsequent portions of this report.

	Millions
Reductions:	
Application of funds, appropriated in previous years, to finance 1969 programs	$755.4
Major programs failing of authorization (in S. 3293 approved by the House July 11, 1968)	1,041.2
Recoupment of balances relating to programs failing authorization	163.7
Major program reductions:	
Equipment for additional Army division (not activated)	55.0
Ocean minesweepers	95.8
Reduce proposed production rate, FB-111 and F-111D aircraft and recover associated program balances	677.0
Other program and financing adjustments:	
Military personnel appropriations	329.0
Operation and maintenance appropriations	949.0
All other	871.4
Total, reductions below budget requests	4,937.5
Increases:	
Initiation of advanced nuclear submarines (2 types)	33.9
Initiation of Navy VFX aircraft program	30.0
Additional support for nuclear aircraft carriers	39.3
Total, increases above budget requests	103.2
Net decrease below budget requests	4,834.3

The Committee on Appropriations felt that since we held the hearings on the Defense appropriation bill early in the year, and since the report on the bill was made on July 18, it would be good to have before us the Secretary of Defense and the Chairman of the Joint Chiefs of Staff for a final discussion of the content of this appropriation bill prior to presenting it to you. We wanted to have the latest word on our military posture from Secretary Clifford and from General Wheeler. So that meeting was held yesterday, and I am free to say to you that the spokesmen of the Department of Defense, who are likewise the spokesmen of the President, assured us that under all the circumstances, and in view of the Revenue and Expenditure Control Act, they feel that the bill is reasonably adequate and no major changes were recommended.

There are those who have been asking, "How do you secure a reduction in the defense program at a time when the Soviet Union has marched in great strength into Czechoslovakia and occupied the country?"

Everyone, in my judgment, who has any comprehension of the dangers which confront our world regards the action of the Soviet Union in marching into Czechoslovakia as a very important and very provocative and very dangerous act. So the question arises: Should we increase this bill by reason of the Czechoslovakian situation, should we, as a result of this Czechoslovakian situation, restore the cuts recommended, or what should we do?

I believe many would agree with my position that if this bill had been twice its present size it would probably have had no influence on the Soviet Union in the action which it has taken with respect to Czechoslovakia. We have in excess of 300,000 American servicemen in the NATO countries in western Europe. If we had had twice that number, I doubt that this would have had a significant influence on the action of the Soviet Union in marching into Czechoslovakia.

It seemed to be the attitude of the Secretary of Defense and the Chairman of the Joint Chiefs that while the action of the Soviet Union and the satellite countries in marching into Czechoslovakia is a matter of grave concern, it does not necessarily mean that we should make any immediate change in our military posture.

I should like to point out this: Most of our people in and out of public life are sufficiently informed and are sufficiently sophisticated to know that the Soviet Union, and communism in general, represents a grave and continuing threat to free men and free governments everywhere. The action in Czechoslovakia merely emphasizes what prudent citizens have known all the time—that the Soviet Union does pose a serious threat to free men and free nations.

It may be that those citizens who had thought that communism had changed its objectives and had become willing to accommodate itself to the objectives of the free world, will now be considerably disillusioned. These people, who have to some extent been living in a world of make-believe, will be awakened, probably, to the fact that the objectives of communism have not changed. The tactics and procedures may change, but the overall objectives of the Communist conspiracy, in our judgment, have not changed.

So while we have made very considerable and substantial reductions in the President's budget, we still have brought in the largest single appropriation bill for defense, or for any other purpose, in the history of the Government.

This bill does not represent any backing down.

This bill does not represent a posture of appeasement.

This bill represents firmness, this bill represents power, this bill represents strength, and this bill represents the view, in my opinion, of the great majority of the American people: that communism remains a serious threat, that we must keep up our guard, and that we will not subscribe to policies of appeasement or weakness.

THE ABM PROGRAM

There has been considerable discussion in the Congress about the anti-ballistic-missile program, which has already cost us several billions of dollars, and which will cost us many billions more if the program comes to fulfillment—which I predict it will unless a meaningful and iron-clad agreement is reached between the United States and the Soviet Union, providing for realistic and enforceable limitations of armament. I believe all of us would like to see a sharp reduction made in defense spending, if this can be safely done—but this cannot be safely done now.

I was proud of the President of the United States in his statements yesterday before the American Legion. He stood foursquare for a program of firmness. He is unwilling to take any action or to make any statement which would tend to sell short the men who wear the uniform and who support the flag in Southeast Asia.

Peace will only come if we are willing to stand firm.

It seems to be probably correct that the turbulent and distressed and disorganized country of Red China is having more trouble than some had thought in perfecting its ballistic missiles. I am not sure that we could establish by firm evidence that their missile program has been seriously delayed. My judgment is that it probably has.

There may be some who will say, "Well, let us slow down on the anti-ballistic-missile program which this bill supports." An operational ABM system will not be in the possession of our country for many months yet, and I believe that a reduction in our effort now would be a serious mistake. I believe it would weaken us in our position of world leadership vis-a-vis the Soviet Union if we were to slow down at this time the ABM program. I have been heartened by the able and effective position and attitude of Mr. Clifford, the Secretary of Defense, and of the chairman and the Members of the Joint Chiefs of Staff with respect to their positions on this important item. I believe a reduction now would weaken us at the peace talks in Paris.

NEED FOR UNITY

It seems to me that we should show our unanimity. While this is an election year, it still behooves us all, because we are all in the same boat—Democrats and Republicans and Independents, if you will—to show our unanimity when it comes to the matter of defending the United States and standing firm against any enemy who would challenge our efforts to promote peace.

SOME HIGHLIGHTS OF THE BILL

These statements, I realize, Mr. Chairman, are quite generalized; and they are meant to be. Citizens and Members who are desirous of knowing more about what this bill contains can obtain more detailed information from a careful study of the committee report. I hope that friend and foe alike will become informed as to what this bill contains, because what this bill contains will be impressive to those who wish ill of the United States, at this time when our leadership for peace is being challenged.

The 68-page report which accompanies the bill shows generally what the bill supports. This bill supports about 3.5 million uniformed men and women. It supports a vast number of ships, some 960. It supports nearly 35,000 active inventory aircraft. It supports a very high level of research and development. It supports a very great national defense program.

With respect to the funds available, there are carryover funds from previous years which will be added to the funds provided in this bill. These funds, in total, will give the Defense Department considerable flexibility in administering its program.

I would commend to all a study of this report. I shall put in the RECORD, after having received consent to do so, certain pertinent portions of the statements which are made by the committee and which we believe are representative of the views of the majority of the Members of the House and of the great majority of the American people.

EXCERPTS FROM HOUSE REPORT NO. 1735

APPROPRIATIONS AND ESTIMATES

The accompanying bill provides appropriations for the military functions of the Department of Defense, including military assistance related to the conflict in Southeast Asia, but does not provide for other military assistance, military construction, military family housing, or civil defense for the fiscal year 1969. These latter requirements are considered in connection with other appropriation bills.

In summary form, the new budget (obligational) authority enacted for fiscal year 1968, the budget estimates for fiscal year 1969, and the amounts recommended by the Committee for 1969 appear in the following table:

SUMMARY OF BILL BY MAJOR CATEGORIES

Functional title	Appropriation, fiscal year 1968 (new budget obligational authority)	Budget estimate, fiscal year 1969 (new budget obligational authority)	Committee bill	Committee bill compared with— Appropriation, 1968	Committee bill compared with— Budget estimate, fiscal year 1969
Title I—Military personnel	$22,091,672,000	$23,014,000,000	$22,685,000,000	+$593,328,000	−$329,000,000
Title II—Operation and maintenance	19,189,090,000	22,787,000,000	21,800,000,000	+2,610,910,000	−987,000,000
Title III—Procurement	22,000,800,000	23,254,000,000	20,299,000,000	−1,701,800,000	−2,955,000,000
Title IV—Research, development, test, and evaluation	7,108,600,000	8,006,200,000	7,455,700,000	+347,100,000	−550,500,000
Special foreign currency program	11,200,000	12,800,000		−11,200,000	−12,800,000
Emergency fund, Southeast Asia	3,750,950,000			−3,750,950,000	
Total	74,152,312,000	77,074,000,000	72,239,700,000	−1,912,612,000	−4,834,300,000
Distribution by organizational component					
Army	22,698,560,000	24,520,564,000	23,265,364,000	+566,804,000	−1,255,200,000
Navy	19,863,371,000	22,651,000,000	20,656,300,000	+792,929,000	−1,994,700,000
Air Force	24,019,115,000	25,759,100,000	24,403,300,000	+384,185,000	−1,355,800,000
Defense agencies/OSD	3,820,316,000	4,143,336,000	3,914,736,000	+94,420,000	−228,600,000
Emergency fund, Southeast Asia	3,750,950,000			−3,750,950,000	
Total, Department of Defense	74,152,312,000	77,074,000,000	72,239,700,000	−1,912,612,000	−4,834,300,000

Recapitulation to 1969 budget new obligational authority totals

Budget estimate, regular annual Defense Appropriation Bill (see summary on p. 2)	$77,074,000,000
Add:	
Proposed legislation	75,000,000
Military construction	1,430,000,000
Family housing	601,500,000
Civil defense	76,800,000
Trust funds	7,270,000
	2,190,570,000
Subtotal, NOA	79,264,570,000
Deduct:	
Interfund and intragovernmental transactions	7,100,000
Applicable receipts	141,113,000
Total	148,213,000
New obligational authority. (Budget, table 4, p. 55; table on p. 81; table 14, p. 282), Department of Defense—Military	79,116,357,000

SCOPE OF THE BILL

Estimates of new budget (obligational) authority for the military functions covered by this bill total $77,074,000,000. Appropriations recommended in the bill total $72,239,700,000, a decrease of $4,834,300,000 below the estimates, and a decrease of $1,912,612,000 below appropriations for fiscal year 1968.

The reductions are large, and tend to mask certain small but significant increases—above the budget—which are included in the bill. A summary of the reductions and increases follows, and discussions both as to policy and as to detail will be found in subsequent portions of this report.

Reductions:	*Million*
Application of funds appropriated in previous years, to finance 1969 programs	$755.4
Major programs failing of authorization (in S. 3293 approved by the House July 11, 1968)	1,041.2
Recoupment of balances relating to programs failing authorization	163.7
Major program reductions:	
Equipment for additional Army division (not activated)	55.0
Ocean minesweepers	95.8
Reduce proposed production rate, FB-111 and F-111D aircraft and recover associated program balances	677.0
Other program and financing adjustments:	
Military personnel appropriations	329.0
Operation and maintenance appropriations	949.0
All other	871.4
Total, reductions below budget requests	4,937.5
Increases:	
Initiation of advanced nuclear submarines (2 types)	33.9
Initiation of Navy VFX aircraft program	30.0
Additional support for nuclear aircraft carriers	39.3
Total, increases above budget requests	103.2
Net decrease below budget requests	4,834.3

Examples of major programs for which new funds are provided in the bill, as proposed in the estimates, include:

	Millions
Anti-ballistic missile system ("Sentinel") exclusive of military construction funds to be carried in another bill	$700.3
Attack aircraft (A-7)	762.4
Fighter aircraft (F-4)	740.6
Large transport aircraft (C-5A)	500.7
Amphibious assault helicopter ship (LHA)	216.0
Ship conversions in support of Fleet Ballistic Missile program	542.5

In addition, the bill provides, as requested in the budget, a total of $6.5 billion for ammunition, ordnance and related equipment, much of which is required for the war in Vietnam.

NECESSITY FOR REDUCTIONS BELOW JANUARY BUDGET FOR DEFENSE APPROPRIATIONS AND EXPENDITURES

The provisions of title II of the Revenue and Expenditure Control Act of 1968 adopted in the House on June 20, 1968, involve significant reductions in civilian employment, require a reduction of not less than $10 billion below the January budget requests for new budget (obligational) authority for 1969, require a reduction of not less than $6 billion below the January budget estimates of 1969 outlays (expenditures and net lending), and call for specific recommendations for recisions of $8 billion of previously granted obligational authority. These provisions introduced a new dimension to the 1969 budgets of the departments and agencies of government, including, importantly, the Defense budget. They cast something of a shadow over not only the unexpended carryover balances in innumerable accounts across the government, including the Defense programs, but also over most of the specific appropriation and fund requests coming before the House and the Congress in the appropriation and other bills involving spending authority.

The appropriation and expenditure reduction provisions in the aforementioned title II were approved in the House by a bipartisan vote of 268 to 150; in the Senate by a vote of 64 to 16. The tax-expenditure reduction bill was adopted in the face of prospective back-to-back budget deficits in the range of $20 to $25 billion, rising inflationary pressures, a challenge to the dollar both at home and abroad, and a persistent imbalance in our international payments account. It was an implicit recognition that the basis for a strong national defense is a strong and stable national economy. It underscored and emphasized the duty of the Congress, consistent with the necessities of government, to bend every effort to make reductions wherever reasonably possible. And it recognized the obvious fact—not infrequently put in the background—that reductions must ultimately come to rest against specific items, against specific projects and programs; that there is no such thing as economy in the abstract.

Of the $201.7 billion of new budget (obligational) authority in the January budget for fiscal 1969 (to which the $10 billion reduction is directed), only about $141.5 billion requires action in bills coming before the Congress; the remainder involves such items as interest on the debt, and social security and other trust funds which accrue automatically under earlier, permanent laws not requiring current congressional action. Excluding amounts relating to items exempted by the expenditure reduction provisions (social security trust funds, special Vietnam war costs, interest, and veterans benefits and services), some $117.3 billion of the $201.7 billion January budget figure is open to cutbacks. But some $18.9 billion of this remainder is subject to relatively little effective discretionary action through the appropriations process because it involves such expenses as public assistance grants, price supports, certain social trust funds, pay increases, etc., all of which are more or less mandatorily fixed by basic legislation. On this basis, some $98.4 billion remains: about $54.2 billion in defense military areas; $3.2 billion in other national defense areas; and $41.0 billion for countless civilian programs and functions.

In the 9 regular non-defense appropriation bills for 1969 which the House has approved to date, some $6.4 billion of the $10 billion reduction in new budget authority has been achieved. The House approved the committee recommended amounts in 6 of the bills; increased one; and reduced 2 of them. But this $6.4 billion cut includes a $2.7 billion reduction in participation sales authorizations that does not make any significant contribution to reducing expenditures budgeted for 1969.

According to the best tentative committee approximations, the $6.4 billion reduction would translate into reductions in expenditures budgeted for 1969 of about $2 billion—about ⅓ of the $6 billion mandated in the title II reduction package.

Very sharp reductions will be recommended by the committee when it reports the foreign assistance appropriation bill. The District of Columbia appropriation bill, reported today, makes no significant contribution. That leaves the two defense bills—the accompanying bill, and the military construction bill to be reported shortly with some cuts. And it is pertinent to note here that in a handful of legislative bills, Congress has mandated expenditures above the President's January budget estimates.

Thus it is obvious that the bi-partisan mandate of the twin cuts of $10 billion and $6 billion will not be accomplished by the Congress unless substantial cuts are made in defense requests. It is in fact improbable that Congress will be willing to make all the specific cuts necessary to secure the full $6 billion expenditure reduction.

The net reduction of $4.8 billion from the January budget recommended in the accompanying bill would bring the total new budget authority reductions by the House through the appropriation bills for 1969 to about $11.3 billion ($8.6 billion not counting participation sales authorization reductions). The corresponding budget expenditure reductions, including $1.7 billion in Defense, would approximate $3.7 billion.

Some of the reductions in the accompanying bill have been made with some greater or lesser degrees of reluctance, others with none, but they have been made under an even greater degree of necessity to apply a more rigid test of indispensability than would otherwise obtain under less stringent national fiscal conditions.

Reductions, by and large, have been made in non-Southeast Asia programs, recognizing that in some areas it is difficult to determine whether a given expenditure is or is not related to the war in Vietnam.

Nearly a fourth of the $4.8 billion reduction arises from authorization bill reductions already voted by the House. Some $755 million, as noted earlier, is a substitution of carryover funds for new funds with no cut in the budgeted 1969 program. Some other reductions are designed to strengthen, improve, and streamline both military and civilian command and control organizations; and to encourage tightening of priorities.

There can be no argument about the need to supply all of the funds and authorities essential to meeting our national security requirements. Some cushions have been removed, but ample authority in emergency transfer funds and in authority for the President to go all out if urgent additional national security measures warrant, are provided for instant use. There can be no limits to the necessities for national security because there is no second place in the contest. But this is not to say that there is no room for economy in the defense programs. Nor would it be defensible to argue that the Congress should refrain from putting its imprint on defense policies and programs by making its own independent judgments as to what funds should be appropriated and for what purposes in the overall best interests of the nation and the free world.

BUDGETARY EFFECT OF WAR IN VIETNAM

In fiscal 1969, the war in Vietnam will be financed from funds provided in fiscal 1968 and prior years as well as from funds provided in the accompanying bill. In the Second Supplemental Appropriation Act, 1968, Congress provided $3,750,950,000 for support of the war in Southeast Asia. It is probable that the funds provided will not be entirely adequate through the end of the current fiscal year and that a supplemental request will be made in the next session of Congress. This has been the case in the past several years. War costs just cannot be precisely computed very far in advance. There are some increases indicated now. Consumption of certain specific ammunition items has greatly increased. Force deployments presently approved are slightly in excess of those upon which the budget was based. Should the war continue at the present rates of expenditure of materiel, still other costs will probably rise.

On March 31, 1968, the President indicated an increase in expenditures (as distinguished from appropriations) in connection with the war in Vietnam of $2.6 billion above the original 1969 budget projection. In terms of obligational authority (appropriations) that additional expenditure was largely provided for in the Second Supplemental Appropriation Act, 1968. Thus, any further request for appropriations will serve in some measure, to further increase expenditures for support of Vietnam activities.

By no means is the Committee granting the military services a free fiscal hand in dealing with the problems of Southeast Asia. While strict peacetime accounting cannot and should not be expected of combat troops, nonetheless, those in positions of authority must exercise prudence and good judgment in the purchase, dispatch, and control of supplies and material of all sorts.

OTHER FISCAL CONSIDERATIONS

In accordance with longstanding custom, this bill does not include funds for the military and civilian pay increase for fiscal year 1969, which became effective this month. There will be, as has been the case in the past, a supplemental estimate presented to the next session of Congress covering such costs government-wide. As has also been the case in the past, the Committee will insist on the absorption of these additional costs to the greatest possible extent before recommending supplemental appropriations. In terms of the budget, a one line entry provided for the estimated total cost, but no departmental estimates were presented nor does any other appropriation bill provide specifically for such costs.

COMMITTEE APPROACH TO THE BILL

The Committee finds that examples of waste and mismanagement continue to persist in the operations of the Department of Defense. It is inevitable that in an operation so vast and far flung waste and mismanagement will occur, but it is the duty of Congress to demand and seek to secure every possible improvement in the operations.

It is true that many examples of waste which have come to the attention of the Committee do not loom large in terms of a $77 billion Defense budget, but taken in the aggregate, they are significant, and the fiscal situation demands—even more so than in previous years—that greater efforts be exerted toward streamlining and improving Defense operations.

As noted in the following section of this report, the military threat posed by the Soviet Union and its Communist allies has in no way diminished. It is as important now as ever before that military readiness be at a peak, that the military organization and the management of the Defense Department be at a fighting trim.

It is recognized that the country is at war in Southeast Asia, but this fact would not justify abdication by Congress of its responsibility in adjudging the needs and providing the funds necessary for the national defense.

The results of the Committee's deliberations and considerations, itemized later on in this report, constitute a reduction of $4.8 billion in the estimates, a cut of 6.3 percent.

SOVIET FORCE DEVELOPMENTS

There is no question but that in terms of thermonuclear military capability the two major powers in the world today are the United States and Soviet Russia. There is, of course, evidence that Communist China is devoting a significant proportion of its limited technical resources to the end that it may be included among the "super powers."

During the course of the Committee's hearings, extensive testimony (much of which, understandably, was classified) was taken from military, technical, scientific and intelligence experts regarding recent and future trends in Soviet military capabilities. The picture of the Soviet Union which emerges from this review is that of a nation already immensely powerful militarily and striving to increase that power in virtually all areas.

The Soviet strategic forces have continued the buildup of hardened and dispersed land-based missile launchers and have increased that force from about 340 launchers in October 1966 to 720 a year later. A continuation of this buildup was forecast by all knowledgeable witnesses. Indications are that the Soviets plan to match our ICBM force at least in numbers. Moreover, despite doubts by U.S. experts as to its military utility, the Fractional Orbit Bombardment System (FOBS) which the Soviets have been testing gives clear evidence of their willingness and technical capability to innovate in their search for strategic advantage.

There is the continued threat posed by Soviet manned bombers, one type of subsonic heavy bomber is still in production—although at a fairly low rate—and supersonic medium bombers are still entering operational service. The Soviets have the option and the technical capabilities to equip these aircraft with improved air-to-surface missiles and/or to produce new medium and heavy bombers. However, there is still no hard evidence that the Soviets are developing a new intercontinental bomber.

The Soviet submarine-launched ballistic and cruise missile threat continues to increase. As of last October, Soviet submarine-launched ballistic missile launchers were estimated to number thirty but are expected to increase over the next few years.

In the area of strategic defense, the U.S.S.R. has deployed an antiballistic missile system known as Galosh around Moscow as well as what appears to be an advanced anti-bomber system known as Tallin across the northern approaches and elsewhere in the country. The intensity of the efforts of the Soviets to develop new high-performance fighter aircraft was evidenced last summer when they publicly showed seven new fighters along with three previously observed models which had received extensive modification.

The Soviets are expanding their influence through a greatly increased naval and maritime presence on the world's seas. Soviet seapower now includes approximately 370 submarines, about 20 cruisers and over 100 destroyers—including 25 guided missile ships. It is estimated that about 45 of their submarines are nuclear powered. During 1967, the Soviets also introduced a new class of guided missile cruiser as well as their first helicopter carrier. It was also reported that the Russians now have 150 oceanographic survey ships providing worldwide intelligence of vital importance to naval operations as well as peaceful uses of the oceans' resources. The Soviet merchant marine now numbers over 1,400 ships and is growing rapidly.

With respect to ground forces, the Warsaw Pact countries continue to maintain very large deployments along their borders with the Free World in continental Europe. Their forces are equipped with modern weapons with a particular emphasis on armored (tank) units.

With respect to the more distant future, the Soviets are now making a very large, expensive and obviously determined research and development effort. Soviet spending during the past year for military and space sciences is estimated to have grown at a ten percent rate.

MILITARY POSTURE OF THE MAJOR POWERS

Under the nuclear umbrella of the United States, Western Europe has achieved a reasonable degree of political stability, a remarkable degree of economic resurgence, and is generally comfortably within the high standards best achieved under the systems of government of free peoples.

Under the protection now afforded by the existence of a Soviet nuclear umbrella, third parties that are either Communist governed or Communist oriented are encouraged to foment incursions and insurrections in neighboring states with assurances of defense either by tacit or diplomatic understanding or by the presence of Soviet military power. This is illustrated in the Mediterranean and Middle East areas where the presence of significant numbers of Soviet naval vessels, making use of third country territories as modest and temporary bases, provide a visible shield of protection against the power of the United States fleet in that area. It is believed that the tide of Soviet military activities has now taken a perceptible change toward the offensive.

Within recent days, there has been evidence that the Soviet Union is ready to discuss the matter of the limitation of nuclear weapons. While a reduction in the necessarily huge outlays for armaments would be welcomed by the civilian economy of both the United States and the Soviet Union, there must nevertheless be many long and detailed hours of consideration given to such proposals and it is unlikely that decisions might be reached that would in any significant way affect the funding of programs provided in this budget. Furthermore, the proposed areas for discussion apparently do not go into the many other kinds of military national security measures. It would seem that the Soviet Union has reason to believe that the stage of mutual deterrence has in fact arrived and that there is now some form of nuclear parity vis-a-vis our two nations.

Considering all of these factors, funds required for national security should not be deleted solely on the grounds of a need for economy in government. As noted earlier this is not to say that there is no room for further economies in the administration and management of the Defense Department. Comment is addressed here solely to the matter of strategic military strength.

ECONOMY IN ADMINISTRATION OF MILITARY PROGRAMS

The Committee on Appropriations, as well as other committees of Congress, has, over a period of many years encouraged economy and efficiency in major military procurements and in the administration of procurement policies of the Defense Department generally. Legislation has from time to time been enacted in an effort to provide increased controls over procurements.

Funds have been withheld in the research and development area and in the operation and maintenance area again in an effort to encourage and enforce better management.

Over a period of some ten years, the Committee has called attention to various practices in the management of military personnel which are expensive and inefficient. The frequent rotation of duty is a case in point. The numbers of military personnel assigned to non-military duty has been discussed both in the Committee reports and in the studies of the General Accounting Office.

In short, there are many areas susceptible to improved management in the Department of Defense other than major procurements. It is true that major procurements account for significant lump sums of money; however the thousands of minor actions which might be taken in other areas would also accumulate into a significant sum.

The war in Vietnam requires our earnest, immediate and priority attention. Unfortunately some parts of the Defense Establishment not directly related to, or affected by the war in Vietnam seem to be conducting "business as usual", with a certain amount of bureaucratic indifference to the situation.

The general reductions made by the Committee in connection with Titles I, II, and IV of the bill (covering military personnel, operation and maintenance, and research and development) are aimed at the tightening up of administrative procedures, the elimination of unnecessary offices and staffs, and together with the reductions required by Title II of the Revenue and Expenditure Control Act of 1968, can be accommodated with no reduction in service and hopefully an increase in efficiency.

AIRCRAFT DEVELOPMENT

New, advanced, military aircraft of various types, in initial or very early development status, are provided for in the bill. Current consideration in Congress centers about a proposed new fighter/interceptor aircraft for the Navy designated the "VFX-1". It should be pointed out that the VFX is not the only completely new advanced aircraft for which initial or early development funds are provided in the 1969 program. A total of over $170,000,000 is included for the following: a new Air Force fighter, the FX; the Advanced Manned Strategic Aircraft (AMSA); a new Air Force attack aircraft, the AX; a new light intratheater transport, the LIT; a new antisubmarine warfare aircraft for the Navy, the VSX; and a new fighter/attack aircraft for the Navy, the VFAX. Additional large sums are included for development of major components such as engines and avionics for advanced aircraft.

Subsequent to the submission of the budget estimates the Secretary of Defense, upon the recommendation of the Navy, approved a change to the fiscal year 1969 research and development program. This revision provided $30,000,000 for contract definition for a fighter/interceptor aircraft, known as "VFX-1", as a possible alternative to the procurement of F-111B aircraft. The proposal of the Department of Defense contemplated that a final decision on the specific aircraft to be developed would be made on or before March 1, 1969. Subsequent to this action, the authorizing legislation eliminated further development and procurement of the F-111B. The Committee has approved the revised program as requested by the Secretary of Defense and the Navy for the VFX-1. Funds are also included in the amount of $55,000,000 for continued research, development, test and evaluation of a variety of components for this prospective weapons system. These components were a portion of the former F-111B program which will be common to the VFX-1, as presently contemplated. A discussion of the Navy fighter/interceptor programs, including both the F-111B and the proposed VFX-1, will be found beginning on page 274 of Part 6 of the Committee hearings.

Navy aircraft requirements have been a matter of increasing concern and complexity since the F-111B program first encountered developmental problems. It became apparent that increased weight and other problems would seriously degrade the fighter capability of this aircraft. In 1966, the Navy conducted a comprehensive fighter aircraft study to evaluate naval requirements for the 1970's. This study reduced the requirements for certain F-111B Phoenix-equipped aircraft and replaced them with additional F-4 fighters. It was contemplated that the F-4 would remain in the inventory as a principal fighter aircraft until a new fighter termed the "VFAX" could be developed in the mid-1970's. The VFAX concept envisioned a highly-maneuverable aircraft with a multi-mission radar, giving it both an air-to-air and air-to-ground attack capability. The air-to-air capability was to consist principally of an advanced Sparrow missile system termed "AWG-10". The principal item for this new aircraft was to be a new lightweight engine contemplated to be developed and delivered by mid-1970. A similar aircraft is now referred to as the VFX-2.

In 1967, the Navy and interested aircraft manufacturers began to look elsewhere than the F-111B for means to accommodate the Phoenix missile system. The VFAX designs were examined with the idea of utilizing a similar airframe to accommodate the Phoenix missile system and the TF-30 P-12 engine designed for the F-111B. Several aircraft manufacturers subsequently developed and presented proposals to the Navy for aircraft of this general type.

The Secretary of Defense submitted his revised program to the Congress requesting contract definition funds for an aircraft of the type described above which would incorporate the TF-30 P-12 engine, the Phoenix missile system, the major portion of the F-111B avionics system, and probably a variable sweep wing.

It was these basic components of the F-111B which were the source of a number of the problems relating to the weight, cost and engineering difficulties encountered with that aircraft.

The comparison of the two aircraft does not stop with these components. The original operational requirement for the F-111B described it as:

"An all weather carrier-based airborne weapons system for gaining and maintaining air superiority in fleet operating areas and in Navy and Marine Corps objective areas. A secondary capability is to perform air-to-ground missions in support of amphibious and land warfare."

Testimony before the committee disclosed that, "The combination of missile interceptor capability and ability to perform the close-in air-to-air combat maneuvering of a general-purpose fighter is what is planned for the VFX."

Apparently there is little difference between the original operational requirement contemplated for the F-111B and that now contemplated for the VFX.

Testimony before the committee also disclosed that the latest estimated unit cost for the VFX-1 for production aircraft, as well as for unit costs which also include development costs, are in excess of comparable F-111B unit costs. The latest estimated average fly-away cost of the F-111B aircraft was determined to be $8.2 million.

A highly-critical parameter for carrier-based fighter aircraft of the type contemplated in the VFX-1 program is total weight. A major difficulty of the F-111B program was the increasing weight of the aircraft. The Phoenix missile system, the engine, and the avionics system were principal weight factors of the F-111B. As has been pointed out, the present VFX-1 proposal contemplates the continued use of these same components. The decreased weight contemplated for the VFX-1 is proposed to be achieved principally through the elimination of the pilot ejection capsule developed for the F-111B and the increased use of light-weight but more expensive metals for the airframe. The original F-111B design did not contemplate the use of an ejection capsule; that was added at a later date to insure increased pilot safety. Any failure to meet the weight objectives of the VFX-1, such as that encountered in the F-111B development program, could seriously jeopardize the contemplated effectiveness of this aircraft.

The Navy has recently requested a reprogramming of prior year funds to permit it to proceed with requests for contract definition proposals to the aircraft industry. Despite reasonably detailed studies, the VFX-1 is still a paper aircraft.

The Navy believes it is possible to introduce the VFX-1 into the fleet approximately 12 months or so after the anticipated fleet introduction of the F-111B and to introduce the more advanced VFX-2 fighter by the mid or late 1970's. The Navy has, however, been overly optimistic in the past with reference to both costs and delivery schedules of aircraft. An excellent example of this is described in the recent hearings before the Committee beginning at page 183 of Part 3 and at page 479 of Part 6 of these hearings. This testimony discloses fantastic price increases in the estimated cost of the OV-12A aircraft. This aircraft proposed for procurement by the Navy supposedly would be a military version of a rather simple existing commercial-type aircraft.

There are other aspects of the VFX concept which disturb the Committee. It is contemplated that the VFX-1 will be equipped with the Phoenix missile. Structural strength must be provided throughout the aircraft to accommodate this system. This aircraft evidently is to be used for both Navy and Marine Corps fighter/interceptor requirements. If so, this means that all Marine Corps aircraft of this type will be equipped with the Phoenix missile. Thus, each would have to be equipped with a costly fire control system and suffer the weight disadvantage of the Phoenix missile system. On the basis of testimony before the Committee and previous Navy fighter requirement studies, there are obvious questions as to whether the Marine Corps needs the Phoenix missile system and whether it is required for all Navy fighter aircraft of this type. There is also a question of whether or not adequate consideration is being given to equipping a portion of these fighters with the lighter-weight Sparrow or advanced Sparrow missile system.

If the long-range and sophisticated Phoenix missile system is required for fleet defense as urgently as has been indicated by testimony before the Committee, should not consideration be given to utilizing existing aircraft or modifications thereof to deploy this system with the fleet at the earliest practicable moment? The Navy has conducted several studies in this respect which demonstrate the capability of existing A-6 aircraft to accommodate the system. The studies also show that a modified version of this aircraft would be even more versatile and still accommodate the system.

Would it be more logical for the VFX-1 aircraft to be designed around the AWG-10 advanced Sparrow system, thus potentially reducing weight and cost? Is it practicable to proceed with the deployment of the Phoenix missile system on an existing aircraft or a modified version thereof and to proceed with the maximum speed possible to the development of the VFX-2 aircraft weapons system, including the new light-weight engine?

Common sense dictates a very careful approach to the development of Navy fighter/interceptor aircraft and the deployment of the Phoenix missile system, lest the nation encounter another F-111B type program.

It is apparent that the economy and wisdom of proceeding with complete development of the VFX-1 aircraft at this time is extremely questionable, to say the least. Funds have therefore been included in the accompanying bill only as outlined above. Contract definition will establish more precisely the ability of industry to build the VFX-1 within the characteristics, cost, and time schedules as desired by the Navy and estimated by prospective contractors in this phase. The prospective difficulties and large costs facing this program require careful study of the contract definition proposals by industry and by Navy and Defense Department experts.

The Committee will expect the Navy and the Department of Defense, with the cooperation of the aircraft industry, to carefully and realistically approach the problem of providing a superior fighter interceptor aircraft for Naval and Marine Corps aviation at a realistic cost. Should a decision be reached subsequent to the contract definition phase to proceed with the development of the VFX-1 aircraft, this Committee would have no objections, and would expect, the Department of Defense to request supplemental funds through the regular executive channels. Funds should be requested not only for development, but for advance procurement requirements not presently contemplated by the Navy proposals but which are required as additional assurance that this aircraft can be deployed in an adequate timeframe.

The Committee will expect the Navy, the Joint Chiefs of Staff, and the Secretary of Defense to carefully examine the proposed VFX-1 concept and other alternatives so that the program resulting from these studies and the detailed evaluation of the various contract definition proposals will provide the Navy with the proper air superiority fighter and interceptor aircraft required to meet potential threats to the fleet, and other Navy and Marine Corps aviation requirements envisioned for the 1970's.

* * * * *

DELAY IN PRESENTING BILL

I realize that this bill is coming to the floor rather late in the year. We would much have preferred to present the bill to you prior to July 1, the beginning of the fiscal year, but that became impossible under the parliamentary procedures and practices of the Congress. However, we took care of the situation by asking you to join with us in a continuing resolution on more than one occasion in order to enable the Army, the Navy, the Marines, and the Air Force to proceed with the programs of the Department of Defense.

Mr. Chairman, I think that about covers what I would like to say to you here. I am sure some of my colleagues on and off the committee will have additional and supplementary views which may be presented to you for your consideration, but I would hope that we may approve the measure which is before us expeditiously, and I would hope that all of these funds may not be required.

VIETNAM WAR

The war in Vietnam will cost us probably about $28 billion this year. This is a large sum, but it is not as vital as the lives of the men who are involved. Men are always more important than dollars. The stakes are very high.

Yesterday we asked the Secretary of Defense what would happen with reference to defense spending if the war in Vietnam should end at an early date. Of course, it will ultimately end, but nobody should, out of respect for prudence and good judgment, try to predict when it will end. Our duty now is to stand firm and let all the world know it will not end except on terms that are acceptable to the United States. We were told that if the war should end very quickly, the expenditures during the current fiscal year would not be significantly affected. The change in expenditures would come at a later time, after the current fiscal year.

I would point out that those who speak of the ending of the conflict in Southeast Asia as the beginning of a time when we can have a mere skeletonized Defense Department are not thinking along realistic lines. Regardless of the ending of the war in Southeast Asia, we will still be confronted with a very ruthless challenge to the security of the United States. The most powerful opponent in the world confronting the United States is not, of course, North Korea or North Vietnam, but the Soviet Union.

So, it will be necessary to continue our military preparedness as long as this spirit of aggression persists in the world. It will be necessary for us to continue a very massive and meaningful defense program and to give it our top priority if we are to preserve and protect the long-range best interests of the United States.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I am sure the gentleman is well aware of the fact that rockets are being used by the North Vietnamese to attack the cities of South Vietnam and those rocket attacks are being made from considerable distances outside the cities.

Some of us have asked the question of officials of this administration as to why the North Vietnam nerve center of Hanoi and the chief supply port of Haiphong is not hit in retaliation and to cut off supplies and paralyze the Communist war effort.

We are told, among other things, that we would probably absorb heavy losses to our bombing planes and crews if we were to bomb certain areas of North Vietnam that up to this point have been sanctuaries.

My question is this: Have we no intermediate missile capable of reaching these sanctuaries and areas which up to this point have been left unscathed in North Vietnam?

Mr. MAHON. I would say to the gentleman that he is asking a question that has, of course, been asked many times before over the period of many weeks. The gentleman from Iowa and I know that there has been a considerable difference of opinion with reference to how the war should be fought from day to day and week to week, and as to whether or not Haiphong and Hanoi should be bombed, and to what extent; and whether or not nuclear weapons should be used.

However, I would think that the prevailing view among the leaders of our country at this time—and I include all political faiths—would be that we should not launch a massive attack beyond what we are now doing, at least until the peace talks progress further.

Of course, we have a variety of missiles of different types and, of course, we have aircraft and we have the naval vessels and the other military equipment of the Department of Defense.

It is not a problem of having the power to destroy these areas, if this is determined to be necessary. The administration is taking the position that the plan that has been followed is correct and is in our overall best interest. No one can unequivocally prove, of course, just what is correct with respect to every detail.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, then the gentleman is saying that we do have the capability through the use of intermediate missiles from our positions in South Vietnam to reach the targets—the target areas in North Vietnam? Is that what the gentleman is saying?

Mr. MAHON. Of course, most of our long-range missiles are basically designed for the use of nuclear weapons and not for the conventional-type high explosive weapons upon which we have been relying in our efforts in Vietnam.

Mr. GROSS. Is the gentleman saying that these intermediate missiles are not capable of carrying a heavy load of high explosive and must carry nuclear warheads?

Mr. MAHON. Well, certainly our long-range missiles are not designed to operate as effectively with conventional warheads as they do with nuclear warheads. Our tactical missile, with conventional warhead, could be used against certain targets in North Vietnam. Such targets can be handled in a more efficient fashion with the use of artillery fire and tactical aircraft. I repeat, with respect to Hanoi and Haiphong, that it is not a problem of having the power to attack or destroy these areas, if it is determined to be necessary. The present administration is continuing to maintain the position that the plan being followed is in our overall best interest. Only time can prove whether or not this position is correct.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Massachusetts.

EFFECT OF BILL ON FUTURE DEFENSE COSTS

Mr. BATES. Mr. Chairman, I want to commend the gentleman for the fine statement which he has made, and to indicate to the gentleman that I am in general accord with the statement.

Do I understand the gentleman to indicate that after the first of the year we might well expect a supplemental appropriation for the military departments?

Mr. MAHON. As the gentleman knows, in order to meet the requirements of the law, defense expenditures are being reduced by about $3 billion, and the appropriations or budget authority budget will have to be reduced even in excess of the reductions being made here in this bill today in order to realize the $3 billion expenditure reduction. This will to some extent telescope authorizations and expenditures in future years. The climate in the world somewhat will govern what we may have to do about this problem. But certainly we could not go on from year to year presenting as low a budget in some particulars as we are now. We are confronted with a supplemental budget request next year because all departments of the Government will have to come in next year with supplemental requests for the pay increase which went into effect last July. This will be generally true in all departments of the Government, including the Department of Defense, insofar as they are unable to absorb the pay increase.

So there will be a large supplemental. That is a normal and well-recognized procedure of handling these matters. But insofar as a supplemental for additional funds for ammunition, for helicopters, for aircraft, and for other items incident to the war, much would depend, of course, upon the course of the war.

Mr. BATES. If the gentleman will yield further, is it not also true that we have stretched out many of our programs in excess of what many of us thought we should stretch them out, and that this is being related in additional costs per increment even though at the moment we might be saving a few dollars, that over the long run, I believe the gentleman will agree with me, that these airplanes and helicopters, though the stretchout program will cost us more?

Mr. MAHON. Of course, we are not undertaking to make any reductions that would affect our strength vis-a-vis the enemy in Southeast Asia, and the gentleman, of course, is well aware of that. But we are stretching out certain programs and this will in some instances, as the gentleman knows, increase the unit costs of items, and the people in the Defense Department, and the members of the Committee on Appropriations, and the members of the Committee on Armed Forces, I am sure, do not look with high favor upon this result. But under the circumstances, it seems to be the most practical thing to do, because there are many difficulties confronting us fiscally and otherwise.

We are accomplishing a reduction in spending and we are reducing the inflationary pressures. And we have taken steps, and are taking steps, which will give strength and support to the dollar at home and abroad. But this is not a one-way street. There are also, as the gentleman points out, some results which will not be to our liking.

Mr. BATES. I thank the gentleman, and I appreciate his statement.

Mr. ANDERSON of Illinois. Mr. Chairman, will the distinguished gentleman from Texas yield?

Mr. MAHON. I yield to the gentleman from Illinois.

TROOP WITHDRAWALS

Mr. ANDERSON of Illinois. Mr. Chairman, it occured to me that this might be an appropriate time to address a question to the distinguished gentleman who is now in the well, and who is extremely knowledgeable not only about the finances of our Government and the Department of Defense, but also the military policies that undergrid our strength.

I have been tremendously confused, and even perturbed, the last couple of days to see the conflicting statements that have been alleged with respect to what our policy is with regard to possible troop withdrawals in South Vietnam. I understand that the distinguished Vice President in a campaign speech expressed the hope—I believe it was the hope—that troops could be withdrawn in 1968 and possibly early 1969. And that more recently he brandished a copy of a newspaper which was reporting an account of the rotation of a unit of Marines as evidence that troops would be withdrawn in 1968 from South Vietnam.

I wonder if the gentleman now in the well, the distinguished chairman of the Committee on Appropriations, could tell us whether or not it is the military policy of this Government to maintain our present troop strength in South Vietnam, or is there going to be a reduction below the present authorized level during 1968?

Mr. MAHON. I would say to the gentleman that anyone can hope for an early end to the war and an early reduction in the size of our forces in Vietnam. But we want to put in italic and in quotations the word "hope". We want to make it very clear that there is no plan known to the Committee on Appropriations, and certainly not known to me, to withdraw any of our forces, other than troops for rotational purposes, from Vietnam.

It is true that a certain Marine Corps unit was sent over there as a unit—the 27th Regimental Landing Team. It was sent after the Tet offensive, I believe, maybe in February of this year. It served a useful purpose at that time. But we are not reducing our overall strength by bringing back this unit, which is the only unit I know of which has received this sort of handling. The return of this unit will not reduce our strength because other personnel were sent in to take its position. So we need not assume that there is any vacillation or any anticipation of leaving Vietnam until the job has been done.

Mr. ANDERSON of Illinois. In view of the very clear statement, and I compliment the gentleman on what I interpret as a very unequivocal statement, would the gentleman in the well further agree that there is some considerable danger that we might compromise the success of the talks now going on in Paris if we indulge in a lot of loose and unfounded talk about the troop strength in South Vietnam, and whether or not those troops are going to be reduced in number in 1968?

Mr. MAHON. I am not desirous of getting into a discussion that has political overtones during the course of our consideration of a bill of such serious importance.

The Committee on Appropriations shies away from political controversy on all bills that we present because we want your confidence, your respect, and your support. Statements made by candidates can be misinterpreted. I have not read the statements of the Vice President but I know generally of his support of our forces in Vietnam and would assume that there has been a misinterpretation.

Mr. ANDERSON of Illinois. I thank the gentleman. I think the country would probably be well disposed if they would accept the comments made by the gentleman now in the well as a more accurate indication of what our military policy is than to be content with statements made on the hustings.

QUESTION OF DEEPER CUTS IN DEFENSE FUNDS

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. YATES. Mr. Chairman, the Congressional Quarterly, which is considered to be a fairly reputable publication by most of the Members of Congress, on June 28 issued what it called a fact sheet on defense spending cuts.

It pointed out that cuts could be made in the fiscal 1969 defense budget of $10.8 billion, and that such cuts seemed to be feasible. I will show this fact sheet to the chairman later.

The first two paragraphs of this statement are as follows:

> Defense experts both in and outside the Government have told Congressional Quarterly that huge cuts can be made in the defense budget while retaining or even improving the current level of the nation's defense.

The second paragraph starts out by saying:

> Highly placed sources—

Of course, one would ask which sources—and we would question the word "sources"—one becomes suspicious of so-called "sources"; but the statement is—

> Highly placed sources in the Pentagon and industry told CQ that cuts totaling at least $10.8 billion could be made in areas they classified as "fat." None of the cuts would affect U.S. combat capabilities, they said. Instead, only logistical elements they view as excessive and weapon systems they consider overlapping, unnecessary or of doubtful combat effectiveness would be cut back.

There are many items listed, of course, and it may be there will be some dispute about some of them.

I have two questions—the first is: Was this statement by the Congressional Quarterly and the suggestions made in it considered by the gentleman's committee during the course of its hearings?

Mr. MAHON. The gentleman has made reference to the Congressional Quarterly, and its recommendations that the defense budget could be cut in excess of $10 billion and probably strengthen our defense forces.

To use a word which was employed by a speaker yesterday, according to the press, I regard this article as a bit "squishy." This conclusion is contrary to that of the Committees on Armed Services of the House and the Senate and the Committee on Appropriations of the House and the views of the President and the Joint Chiefs of Staff. I do not believe the article is based on hundreds of hours of testimony and six volumes of printed hearings, as the pending bill is.

We read the article. We talked to the Defense Department about it. We weighed the recommendations; we concluded that we could not make reductions in the manner and to the degree recommended. But our reductions do total $4.8 billion, not an insignificant sum. We do regard the Congressional Quarterly as a very important organization and it often does a good job.

F-111 AIRCRAFT

Mr. YATES. May I ask the gentleman a second question with respect to one of the items in this report that seemed to me to have some basis in fact, because it refers to the question of the performance of the F-111. The article states—

> Air Force. Cuts of at least $700 million could be made in the Air Force program, sources said, by purchasing simpler versions of the $2.5 million F-4E, the $8 million F-111D, and dropping production of the $2.6 million A-7D in favor of the A-37, which costs only $350,000. Despite their high costs, sources said, the F-4 had failed to provide clear superiority over Soviet fighters and the F-111 was too vulnerable to enemy fighters and antiaircraft defenses to be useful; consequently, these aircraft should be prime candidates for further cuts. One civilian expert said the A-7 was "neither accurate nor maneuverable enough to be effective in its assigned role of close air support." In the interim, he said, the highly maneuverable, combat-proven A-37 could serve effectively in the close-support role until a new generation of attack aircraft more appropriately tailored to the mission could be built.

Mr. MAHON. I do not know who wrote the article. I do not know who he may have interviewed. But the testimony before the committee is replete with facts and opinions with respect to the various aircraft. We did reduce the funds for, and the rate of purchase of, the F-111, as the gentleman, a member of the committee, knows, because we thought that this was a place where we could make a reduction in spending without affecting our strength in Southeast Asia. We do need to continually improve our airplanes. Much depends on with whom one talks as to what one's views may be, as the gentleman knows, with respect to various aircraft.

QUESTION OF FURTHER REDUCTIONS IN DEFENSE

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida, a distinguished member of the committee.

Mr. SIKES. I wish to comment briefly on what has been published in the Congressional Quarterly. This committee appreciates suggestions from any source as to ways to make cuts. But I know that one of the proposed cuts is a cut of $2.2 billion in Army manpower.

That would require a cut of 20 to 25 percent in the U.S. Army, out of the million and a half men, and we are already denying ourselves an extra division which we thought we needed badly. This would mean a further cut of 300,000 to 375,000 men at a time when our military commanders in Vietnam feel they need more men, and at a time when the Soviet bloc forces are marching into Czechoslovakia, so these proposals simply do not reflect current conditions.

Mr. MAHON. Mr. Chairman, it may be the writer of the article simply thought that reducing forces, reducing manpower and withdrawing our troops from NATO countries, would make the Soviet Union more inclined to peace, but this is a logic which I am sure the gentleman from Florida and I would not be able to subscribe to.

RESERVE CALLUPS

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, as the gentleman from Texas well knows, after the seizure of the *Pueblo* beyond the 12-mile limit off North Korea, certain units of the Reserves were called up, as I understood at that time, to meet an emergency situation. I have had many letters from members of the Reserves saying they do not mind being called up if they are treated fairly and if it is for the purpose they were told, but actually their lives are being disrupted and in effect it amounts to an overall increase in our troop strength. Would the gentleman comment on that?

Mr. MAHON. They are added to our troop strength, and, as I pointed out earlier, we have in excess of 3.4 million men and women in uniform. I would not think this would be a very good time to make a show of weakness by reducing the size of our military force. It is true that we live in a very dangerous world, and these men, of course, were in the Reserves, and the purpose of the Reserves is to be ready to be called if the requirement comes. They have been called up very sparingly. As the gentleman knows, many people have argued very vocally that much larger numbers of the reservists should be called up, rather than some of the young men who have been called up through the draft.

Mr. PELLY. If the gentleman from Texas will yield further, Mr. Chairman, according to the letters I received the morale of these reservists is very low due to the fact that they feel, in many cases, they are not being used in the most effective manner and in general they were not called up on the basis for which they are now being employed.

Mr. MAHON. Mr. Chairman, the gentleman and I have been in Congress long enough to know that we do not always find that a man in the military feels that his services and his talents are being used to the maximum extent.

With respect to morale, General Westmoreland and General Abrams and others advise us that the morale of our fighting men in Southeast Asia is very high. There is no doubt about the quality of their performance.

I know we are all concerned about the welfare and the lives of our men in uniform, whether they are reservists or not. We would like to see them given every reasonable consideration. This committee certainly will do everything it can in providing the necessary funds so they may have the maximum capacity to achieve their objective and defend themselves against the foe.

Mr. PELLY. Mr. Chairman, as the gentleman knows, the family lives of those individuals have been disrupted. They feel they are not being properly used in South Vietnam, as they would be willing to be, or which is the way they thought they were registered and subject to call as the reservists at any time.

I thank the gentleman, Mr. Chairman.

Mr. MAHON. Mr. Chairman, I thank the gentleman for his contribution.

Mr. Chairman, I yield briefly to the gentleman from Texas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, with reference to the comments of the gentleman from Washington, it has been my privilege to be associated with the Reserve for nearly 30 years. Those people are in the Reserve by choice. They had to volunteer, and they drew their money for that duty. Some of them joined the Reserve because they thought they could avoid active duty. Those people who are in the Ready Reserve volunteered, and they have no kick coming.

I have been called up twice, and a lot of others have, too. It is said that old men are not much use, but we are still available. But those people who are in the Reserve by their own choice are there because they exercised their choice in that way.

I hope they are being utilized. They certainly have no complaint.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Jersey, a member of the committee.

Mr. PATTEN. I thank the gentleman.

I am prompted by the remarks of the gentleman from Illinois earlier, about whether there was a difference between what Vice President HUMPHREY said and what the President said about withdrawing troops from Vietnam. In a good article written by Garnett D. Horner, published in today's Star, he says that newsmen saw no connection between what the President said in the full context and Mr. HUMPHREY's remarks.

The article quotes the President as saying, "We yearn for the day when the violence subsides and our men can return." He was talking about the end of the war.

What Mr. HUMPHREY said has already been said by the President of South Vietnam at Honolulu. I got the impression that they would mobilize more South Vietnamese and thereby release Americans.

General Abrams said earlier that he had hopes we could cut back on the number of men.

I see nothing inconsistent between the remarks of President Johnson and the remarks of Vice President HUMPHREY.

Mr. MAHON. I have been very occupied in preparing this bill for presentation to the floor, and have not read the statements made by the President and by Vice President HUMPHREY. I hope when we get back in the House the gentleman will get unanimous consent to insert in the RECORD the specific remarks referred to, in order that the true picture may be presented.

Mr. PATTEN. Under leave granted, I insert an article which I have in my hand:

DO JOHNSON, HUMPHREY DIFFER ON VIET PULLOUT?

(By Garnett D. Horner)

President Johnson told the American Legion convention in New Orleans that "no man can predict" when the Vietnam war will subside and "our men can return from Southeast Asia."

Some newsmen who heard the President yesterday interpreted this as a rebuke to Vice President Hubert H. Humphrey for predicting on Monday that some American troops would be coming home from Vietnam late this year or early next year.

Others saw no connection between what the President said, in the full context of his remarks, and Humphrey's prediction.

Their argument was that Johnson was talking about when the war will end in Vietnam and all the American forces can come home, while Humphrey was talking about a phased withdrawal of some forces as they are replaced by a buildup of the South Vietnamese army, now underway.

Associates of the President, irritated by queries about a possible difference with Humphrey, refused to discuss the matter except to refer to the text of the President's remarks.

What Johnson said was: "We yearn for the day when the violence subsides and our men can return from Southeast Asia. No man can predict when that day will come, because we are there to bring an honorable, stable peace to Southeast Asia and no less will justify the sacrifices that we and our allies have made."

He added immediately a statement that could be interpreted as in line with Humphrey's prediction, which the vice president said was based largely on the hope that South Vietnamese soldiers would take the places of whatever American troops were removed.

Johnson said: "But President Thieu (of South Vietnam) was able to state at Honolulu his government's determination—and I quote—'to continue all the responsibility that the scale of the forces of South Vietnam and their equipment will permit, while preparing the Vietnamese nation and armed forces for the important and decisive role that will be theirs in the coming stages of the struggle' and every report I receive from Saigon reports that the gallant, determined people of South Vietnam are acting on that proposition."

DEFENSE COSTS—APRIL CIVIL DISTURBANCES

Mr. GROSS. Mr. Chairman, will the gentleman yield for a quick question?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I believe it was when the last supplemental appropriation bill was before the House that I asked the gentleman from Texas or another member of the Appropriations Committee whether any figures as to troop costs in connection with the riots in this country had been submitted to the Appropriations Committee? Since that time have there been any figures with respect to troop costs submitted to the Appropriations Committee?

Mr. MAHON. This matter was discussed yesterday with the Secretary of Defense and others. I believe the gentleman from California [Mr. LIPSCOMB], the ranking minority member of the committee, asked the question. We were promised the information.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. LIPSCOMB. We have received a report from the Secretary of Defense. It is dated September 10, which is yesterday. I should be glad to give the information for the RECORD, if the chairman would like.

According to the report, the troop costs for the April civil disturbances were $6,215,170; for the Poor People's Campaign, $793,900; and for the Chicago convention, $1,376,438; making a subtotal of $8,385,508. The Directorate for Civil Disturbance Planning and Operations cost is $1,475,000; making a total of $9,860,508.

None of these figures include the cost of military pay for the personnel involved. Costs include out-of-pocket expenditures for transportation, supplies, and services.

That is the latest report we have.

Mr. MAHON. I thank the gentleman very much.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. I appreciate the fact that my distinguished chairman has yielded to me. I believe the subject has been well covered by the distinguished gentleman from California. It is rather significant, however, that of the $9,860,508 only $1,475,000 is the cost of the Directorate for Civil Disturbance Planning and Operations; in other words, that is the preparation for the problem. The troop costs for the actual disturbances run $8,385,508.

Mr. MAHON. I thank the House for its patience.

The CHAIRMAN. The gentleman from Texas has consumed 55 minutes.

The Chair recognizes the gentleman from California [Mr. LIPSCOMB].

Mr. LIPSCOMB. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, at the outset I would like to express my gratitude to our committee chairman for the outstanding job that he is doing and for the work he has done on this bill this year, and also to my colleagues on both the Republican and Democratic sides, and to the members of the staff for their effective and dedicated work. This has been a difficult year with the Defense appropriation bill. We have been and are confronted with many, many serious problems. Therefore, for myself, I believe that the House should be aware of the cooperation and dedication of the members of the committee and the staff members with whom I have had the privilege to serve. I think they have done an outstanding job. I would also encourage the Members of the House to study the report of this committee carefully and also look at the hearings which provide excellent documented background information for the work that has been done and the problems confronting our Defense Establishment.

Mr. Chairman, the Department of Defense appropriation bill for fiscal year 1969, H.R. 18707, provides appropriations for the military functions of the Department of Defense, including military assistance related to the conflict in Southeast Asia, but does not provide for other military assistance, military construction, family housing, or civil defense for the fiscal year 1969. These other requirements are considered in connection with other appropriation bills.

The estimates submitted in the President's budget of new budget—obligational—authority for military functions covered by this bill total $77,074,000,000. The committee recommends a total of $72,239,700,000, a reduction from the request of $4,834,300,000.

This is a large net reduction. There are a few significant although small increases above the budget, request.

A summary of the reductions and increases is as follows:

Reduction:	*Millions*
Application of funds, appropriated in previous years, to finance 1969 programs	$755.4
Major programs failing of authorization	770.2
Recoupment of balances relating to programs failing authorization	163.7
Major program reductions:	
Equipment for additional Army division (not activated)	55.0
Ocean minesweepers	95.8
General purpose destroyers (DX), budget request in excess of fiscal year 1969 obligational requirements	221.0
Reduce proposed production rate, FB–111 and F–111D aircraft and recover associated program balances	677.0
Other program and financing adjustments:	
Military personnel appropriations	329.0
Operation and maintenance appropriations	949.0
All other	921.4
Total, reductions below budget requests	4,937.5
Increases:	
Initiation of advanced nuclear submarines (2 types)	$33.9
Initiation of Navy VFX aircraft program	30.0
Additional support for nuclear aircraft carriers	39.3
Total, increases above budget requests	103.2
Net decrease below budget requests	4,834.3

There may be those who will say that the bill as recommended is too austere, that the committee possibly cut too deeply.

In reply, it must be stated that some of the recommended reductions are not made without some degree of reluctance nor are they made without considerable deliberation. Some are made for the express purpose of strengthening, improving, and streamlining both military and civilian command and control organizations, and to encourage tightening of priorities.

The reductions apply to non-Southeast Asia programs and we have made no reductions or intend no reductions in funds to properly and adequately supply the needs for our troops in the Vietnam war.

There is no question either about the need to supply all of the funds essential to meeting our national security requirements.

Our committee believes the recommended reductions will not jeopardize the security of our Nation.

In part, our committee recommendations if followed should start the Department of Defense on the road to some improved practices and policies.

There may be those who will say that the bill as recommended is too much and that possibly it could be reduced more.

To those it can be pointed out that with the actions we are recommending, the committee has submitted a bill which is as low as we should dare go. In fact, if our Nation were not confronted with a serious fiscal crisis this would be the time to start, for instance, rebuilding some of our worldwide defense capability which has been neglected because of the Vietnam war and rebuilding some of the inventories which have been drawn down.

If the fiscal year 1969 defense budget is analyzed and compared with defense budgets over recent years, a noteworthy point becomes evident. When you set apart the appropriations for Southeast Asia, the non-Southeast Asia appropriations are actually about the same as they were back 4 years ago in fiscal year 1965.

The bill as recommended by the committee contains $72.2 billion in appropriations—new obligational authority—of which the administration estimated originally it would need about $25.5 billion—which is known to be low—for military activities, not including military construction, related to Southeast Asia. For all other non-Southeast Asia activities of the Department of Defense there remains therefore under $47 billion.

By way of comparison, 4 years ago, in fiscal year 1965, the comparable appropriation was approximately the same in new obligational authority. Furthermore, not only does this bill contain only roughly the same as was appropriated in 1965 for non-Southeast Asian activities, but in the 4-year period 1965–68 there has been an inflation and wage spiral, force level increases, and increases in the complexity of military equipment. As just one example, retired pay in 1965 was $1,399,000, while in 1969 it will be $2,275,000 a 69-percent increase.

It should also be noted that the Department of Defense will require additional fiscal year 1969 funds in order to meet present requirements, particularly in Southeast Asia. A supplemental request will be required. This has been the case in the past several years. Known increases already indicate consumption of certain specific ammunition items has greatly increased. Force deployments already approved are in excess of those upon which the budget was based. If the war continues at the present rate of expenditure of material, other costs will rise. The military and civilian pay increases which went into effect July 1, 1968, are not included in the budget now before the House.

The Defense Department is so large and the funding so great it is difficult to understand where all the appropriations are required. There may be some who believe the funds go only to military and civilian personnel, operations and maintenance, and to weapons and research—in other words, just into the active military programs of our Armed Forces.

The fact is however that there are many other nondirect military programs operated by the Department of Defense which consume large amounts of the funds provided for the Defense Department. These activities vary widely. Some are mandatory or required and appropriations must be made automatically because of certain laws. Retired pay is an example. Some the Department of Defense deems essential or important to the overall operation of the defense program, and of these some are basically sociological in nature. Of the latter types certain of these items are subject to appropriation control. Of the items I have selected, it is estimated roughly that well over $6 billion is included in the bill for the nondirect military programs of the categories mentioned. The selected list of some is as follows:

Mandatory:	
Retired pay	$2,275,000,000
Benefits (civilian—health insurance, etc	648,600,000
Claims — noncontractual claims against Department	38,000,000
Appeals Court (military)	636,000
Social security tax (military)	501,600,000
Death gratuities (military)	39,600,000
Separation pay (military)	395,800,000
Servicemans group life insurance	96,100,000
Required:	
Real property maintenance	1,093,607,000
Medical—medicines, facility operation and maintenance, education, and dependent medicare	761,684,000
Recruiting	101,299,000
Special air missions—worldwide air transportation for Government official	11,189,000
Considered essential:	
Overseas dependent education	112,400,000
ROTC (including 13,600 scholarships)	86,200,000
Public information offices—service exhibits, hometown news centers, etc	1,650,000
Armed Forces education and information—Armed Forces radio and television, motion pictures, publications, internal information, and education programs	11,220,000
Academies	49,548,000
Interest, savings bonds (military)	29,319,000
Sociological and others:	
Project Transition—preparation to transfer from military to civilian	16,100,000
Project 100,000—to upgrade previously disqualified inductees	16,400,000
Off-base housing referral—equal opportunity in housing for military personnel	960,000
Youth opportunity employment	35,399,000
Adult summer employment	5,896,000
President's Commission on Equal Opportunity in Housing	36,000
Computer program for Office of Special Trade Negotiations	25,000
Total	6,328,268,000

There are additional items which cannot be broken out into discernible program packages but which are nonetheless required and are considered essential. Such items would include the pay cost of the military doctors and nurses in our hospitals in the United States, pay for the troops serving on riot duty, and other public services rendered in times of domestic need.

From the listing it is clear that a large portion of the non-Southeast Asia funds will not be devoted to direct military efforts but will be used in programs that are mandatory or required, or which the Department states are required or useful to the general welfare of the Department and the Nation.

MILITARY PROGRAMS

The militarily useful end product of our military funding effort is to be found in what are known as our General Purpose Forces and our Strategic Forces. These two forces, including units engaged in Southeast Asia, will require about $43.9 billion of the funds provided for in this bill.

The Strategic Forces constitute the basis of our general nuclear war capabilities and the General Purpose Forces are the forces on which we rely for all military actions short of general nuclear war. It is the organized units within those two overall force designations which the United States must rely upon for its national defense.

Certainly Americans desire that situations not arise which require the active use of any of our military units. However, situations not of our making can arise and when that happens the units should be fully capable—fully trained and completely equipped and readily available. That is, their capabilities must be real. If the enemy understands that point and if also the enemy knows our force will be superior to his own in a given situation then the likelihood of active combat is decreased.

To understand the need for the funding in this bill it is vital that the military threat which faces this Nation today be identified and made known to the public.

The administration's failure to straightforwardly identify and make known the military threat which confronts this Nation has in my opinion created doubts in some quarters as to the urgent requirement for the defense programs which the administration has asked us to provide for with this bill.

THE THREAT

Today, what is the nature and identity of the threat which compels the appropriation of these funds?

IN SOUTHEAST ASIA

Through the administration's policy of piecemeal commitments the size of our commitment in Southeast Asia has steadily grown. And as the numbers of our personnel and units have increased so have their funding needs which are now at the point where estimates indicate they will actually draw off approximately $25 to $30 billion.

Yet, the enemy in Southeast Asia has not been clearly identified to the American public.

The explicit point was made on January 5, 1968, by Maxwell D. Taylor, special consultant to the President, and member of the President's Foreign Intelligence Advisory Board, when he said in a speech:

It is hard to explain what we are doing to our people. They don't understand the absence of an identified villain as the enemy.

General Taylor went on to explain:

We are terribly confused by the kind of reporting we get, both from our publicity media and from our officials, so that on the home front we are losing support for the war.

A large part of the confusion is directly attributable in my view to the fact that officials of the administration over the years have sought to underplay or even to avoid all mention of the extensive role played by the Soviet Union in sustaining combat against us in Southeast Asia. Again this year attempts were made to delete the kind of information which records the extent of the Soviet commitment from the published record of the committee hearings.

For example, the Soviets have delivered to North Vietnam a complete line of military weapons and equipment from rifles and heavy machineguns through fighter aircraft and bombers. Yet the line item listing of Soviet-manufactured weapons, equipment, and ammunition delivered to North Vietnam through December 1967 was marked for deletion by the censor and was only published on page 75, volume 1 of the committee hearings after objection was raised.

The listing follows:

Infantry weapons: 7.62 rifle/carbine, 7.62 HMG [heavy machine guns].

Artillery and mortars: 122 millimeter howitzer, 122 millimeter howitzer, D–30, 152 millimeter howitzer, 100 millimeter field gun, 130 millimeter field gun, 82 millimeter mortar, 160 millimeter mortar.

Antiaircraft artillery: 14.5 millimeter (ZPU 2–4), 37 millimeter, 57 millimeter, 85 millimeter, 100 millimeter.

Surface-to-air missiles: Equipment for battalions, missiles.

Armored vehicles: PT–76 [light amphibious tanks], BTR–40 [armored personnel carriers], T–34 [tanks], T–54 [tanks], BTR–50p [armored personnel carriers], ZSU–57–2 [self-propelled guns], SU–76 [self-propelled assault guns].

Aircraft: Combat: MIG–15/17, MIG–21, IL–28. Trainers: U–MIG–15, Helicopters: Mi–6, Mi–4. Transport: AN–24, IL–18.

Radar:[1] Early warning, fire control, height finder, ground control approach, miscellaneous.

Trucks: [2]

Ammunition: Metric tons, rockets (units).

What is more, the published list does not truly reflect the great effort the Soviets sustain against our military forces in Vietnam because the amounts, which are huge, have been deleted and it does not show a detailed breakout of the items. For example, such things as electric generators, construction materials, petroleum supplies, economic assistance and other items are omitted from the list entirely.

Each of those listed items serves a deadly purpose and each is but a part of the overall military threat posed to America by the Soviet Union.

IN KOREA

Similar and additional items of military hardware have continued to flow for many years to North Korea from the Soviet military-industrial supply base. The *Pueblo* capture on January 23, 1968, illustrates how Soviet-built military equipment is used in that war theater to threaten and endanger world peace and our Nation's interests.

In the *Pueblo* affair, testimony from the hearings indicates it was the preponderance of some 500 aircraft in North Korea which helped prevent adequate protection of the ship at that time and which resulted in the tragic capture of more than 80 Americans.

On February 14, 1968, former Secretary of Defense McNamara told the committee that the North Korean Air Force has a greater capability than the South Korean Air Force. He said:

The South Korean aircraft in South Korea were smaller in number and in capability than the North Korean Air Force that they would have faced had they reacted under the circumstances.

As for U.S. aircraft, there were no American aircraft available in South Korea for such a mission as the protection of the *Pueblo*. According to the Secretary of Defense, we at that time did not maintain U.S. forces in South Korea for this purpose.

A great part of our general purpose forces, including more than nine Army divisions and more than two Marine divisions, are tied down in combat zones in Vietnam and in Korea facing a determined enemy equipped in large part by the Soviet Union, an enemy which in some instances has greater quantities of modern equipment readily available and particularly as compared to our allies.

And if we look elsewhere the situation is much the same.

IN EUROPE

The bulk of the remainder of our trained general purpose forces, including five Army divisions in Europe are tied down to NATO commitments. And why are they committed to Europe? Again, the answer is the Soviet threat. Unfortunately there are many Americans who had for so long heard so many platitudes about "mellowing" Communists and "building bridges" that they were unaware that the Soviet Union and other Warsaw Pact countries menace Europe with powerful military forces. Today, after the recent invasion of Czechoslovakia, the true nature and seriousness of the Communist military threat is far better known to all Americans.

Detailed facts concerning the Soviet military threat to NATO also have not been made public because of security considerations.

During the hearings I assembled a series of 10 points taken from the classified presentation relating directly to the Soviet threat to NATO and requested the Defense Department to comment on them. As the hearings were printed all but one of the 10 points were censored out in part, but even the information remaining makes apparent the Communist strengths in tactical aircraft, bombers, intermediate range ballistic missiles, and manpower mobilization advantages.

The 10 points are published on pages 283 and 284 of volume 1 of the Department of Defense hearings, and I include them here as they appear. The use of "[deleted]" indicates deletion by the Department because of national security requirements and considerations.

Point 1: Atfer our 28,000 men are redeployed home this summer, NATO, on the central front, will have less troops deployed than the Communists. In fact, if France excludes herself, NATO then will need about [deleted] percent more men to equal the Communists' personnel strength.

Point 2: There is no question but that the Warsaw Pact can mobilize faster than NATO.

Point 3: On the central front the Communists could, within 30 days, probably gain a manpower advantage ranging up to perhaps [deleted] percent. That's assuming both sides begin mobilizing at the same time and assuming France is with us.

Point 4: If the Communists conceal their mobilization they could have [deleted] advantage in land forces.

Point 5: The NATO forces on the central front are [deleted].

Point 6: On the central front NATO needs [deleted] percent more tactical aircraft to equal the number of Communist planes. That is, assuming France were with us. Without France NATO needs [deleted] percent more aircraft to equal the enemy numbers.

Point 7: The Soviets have about [deleted] medium intermediate range ballistic missiles capable of striking Eurasian targets.

Point 8: Also, about [deleted] Soviet submarine-launched ballistic missiles, whose primary targets the intelligence community believes to be strategic land targets in Eurasia.

Point 9: In addition to heavy bombers, the Soviets have a force of probably approximately [deleted] medium bombers/tankers capable of striking Eurasian targets.

Point 10: [Deleted.]

It has been clear even from the unclassified facts that Communist military force does pose a serious threat to Western Europe. In some aspects it is far superior to NATO.

Back on February 15, 1968, when Secretary of Defense McNamara and General Wheeler, Chairman of the Joint Chiefs of Staff, appeared as witnesses before the committee, I made the statement that a tremendous Communist military capability faces Europe and requested their comments.

Secretary of Defense McNamara in answer said:

I completely agree with your thesis that the Soviet Union remains a danger to Western Europe.

And General Wheeler said:

I agree with your thesis that the Soviet Union has powerful military forces. I agree they are still a menace to the European security, and if we permit the NATO forces to deteriorate we will be in deep trouble.

These statements were made in mid-February and in the ensuing months the situation has not improved.

Today, as then, it is Soviet-supplied troops and Soviet divisions which encircle Berlin and threaten access to that city.

Today in some respects the situation has grown even more ominous. With Russian military units positioned in Czechoslovakia they in all probability provide an immediate and greater threat to a longer stretch of NATO's central front and in fact threaten the security of all Europe.

---

[1] Radar excludes SA–2 associated radar which is included with the surface-to-air missile systems.

[2] Includes trucks for both military and civil use.

NOTE.—Descriptive information in brackets added.

AT SEA

In all areas of maritime power the U.S.S.R. is engaged in an almost explosive expansion. It is rapidly increasing its seapower.

Soviet naval power now includes over 100 destroyers and about 20 cruisers. During 1967 a new class guided missile cruiser and the first helicopter carrier were introduced.

The U.S.S.R. is set forth on a very large merchant marine program and now has 1,400 ships, while at the same time it is also greatly increasing its capabilities for specialized operations to include oceanographic research and the gathering of intelligence.

The main threat from the U.S.S.R. Navy stems from its very large submarine force. The Soviet Union is the only country to mass-produce submarines on a wartime basis in times of peace and today in terms of numbers of operational submarines the United States has fewer than the Soviet Union.

At least 250 of the approximate 370 Soviet submarines are "attack" versions and about 45 of those are reportedly nulear propelled. Our 41 Polaris missile-carrying submarines would be prime targets of that gigantic Soviet submarine force which is now the largest ever assembled by any country.

In recent years the Soviets have had an increasing capability to use their fleet to support their foreign policy.

At a time of announced pull backs by the British and a declining inventory of overseas bases available to the United States, Soviet naval activity is on the increase in many places. Their capability to range farther at sea has been publicized with regard to the Mediterranean and Indian Oceans but it even extends into the North and South Atlantic.

The Chief of Naval Operations, Admiral Moorer, on February 28, 1968, testified before the committee in this regard as follows:

> I feel that they have changed their maritime strategy from one of a defensive type to an offensive type, and consequently are establishing their presence in the Mediterranean. I think we should expect them to attempt to establish a presence elsewhere to be used both in peacetime and wartime.
>
> For instance, we observed them last summer down in the South Atlantic maintaining their submarines at sea for some length of time, and just a few days ago we had the Bear aircraft flying out in to the Atlantic north of Iceland. All of these things are simply a manifestation of their plan which they announced continuously to range wider and wider at sea.

Soviet cruise missiles pose a serious threat to units of our fleet. These missiles travel in flat trajectories like low-flying aircraft and they have terminal guidance systems causing them to home into their target. The missiles are mounted on Soviet vessels of most classes including destroyers and submarines, and patrol boats of the *Komar* and *Osa* class. They can also be launched from shore.

The Soviets have supplied cruise missiles to various lands including Cuba, Egypt, Indonesia, and Red China. In fact, it was such a missile, designated "Styx," which sank an Israel destroyer last year.

Our Defense Department had known of the existence of such a missile since about 1961 or 1962 yet the committee received testimony which was very disturbing as regards our capabilities to defend against them. Only since the hearings have accelerated steps been taken to meet the cruise-missile threat.

IN THE U.S.S.R.

While the Soviet-equipped forces outside the U.S.S.R. from Berlin to Bangkok have our forces and those of our allies stretched at times close to the breaking point the military industrial base within the U.S.S.R. produces additional and evermore sophisticated weapons of war.

By some measurements the Soviets put about twice the effort we do into research and development. As a result some of their developments in such programs as tactical missiles, chemical-biological weapons, and interceptor aircraft may well prove to be superior to our own.

In regard to research and development efforts, Dr. Foster, the Director of Defense Research and Engineering, informed the committee on March 12, 1968:

> In the last several years they have been putting in an amount equivalent to about twice the U.S. effort when considered on a gross national product basis.

And as to the Soviet scientific capabilities, Dr. Foster testified:

> In areas where they choose to concentrate and we do not, they are superior.

Those areas in which the Soviets concentrate seem to be increasing more and more each year. For example, in the chemical-biological weapons field former Secretary McNamara on February 16, 1968, said:

> The Soviets probably continue to do more than we do in this field.

And, specifically, as regards lethal agents and incapacitators, a very capable member of our Defense Subcommittee, the gentleman from Florida [Mr. SIKES], pointed out:

> We have received testimony for a number of years that the Russians have in progress a more significant and larger effort than we have.

As regards Soviet tactical nuclear weapons, Dr. Foster had this to say on March 12, 1968:

> I would say that the Soviet self-propelled short-range tactical missile program has had roughly two to three times as many generations as ours.

And he added:

> I suspect the Russians may have integrated the warhead, missile and carrier vehicle into a system that may well prove to be superior to ours in the field.

The Soviets are also giving the highest attention to the capabilities of their tactical air force. In recent years vertical and short takeoff and landing—VTOL and STOL—aircraft along with the development of high-performance fighter and attack aircraft with variable geometry wings have received high priority.

The continual improvement of Soviet capabilities was illustrated at the 1967 Soviet Air Show when they exhibited seven new fighters for the first time and three others which had been extensively modified.

The Soviet YE-266, or Foxbat, is an interceptor-strike-reconnaissance aircraft which exemplifies the great progress made by the Soviet Union in aircraft design. In speed, altitude, and range the Foxbat is cause for concern. In flying 1,807 miles per hour it has exceeded the record set over 3 years ago by the American YF-12A aircraft. The performance of the Foxbat creates a serious gap. The fact is we do not have an answer to the Foxbat and we do not expect to have one for several years.

The list of sophisticated superior Soviet weapons available to oppose our general purpose forces in the field continues to grow. An additional reason for this is that in Vietnam we have uncovered to the Soviets many of our own developments. Dr. Foster expressed this factor in the following way:

> Perhaps the most significant shift in threat during the past year occurred simply because we are using, and therefore revealing many of our nonnuclear capabilities in Southeast Asia.

IN LANDS THROUGHOUT THE WORLD

The list of countries which are reported to have inventories of Soviet-manufactured military equipment increases. In addition to the Communist-dominated regimes of Eastern Europe, at least 29 countries in Asia and Africa, and including Cuba, are currently reported to have Soviet-manufactured military equipment. These include: Afghanistan, Algeria, Cambodia, China—mainland—Congo Republic—Brazzaville—Republic of Congo—Kinshasa—Cuba, Cyprus, Ghana, Guinea, India, Indonesia, Iran, Iraq, Laos, Mali, Mongolian Republic, Morocco, Nigeria, North Korea, North Vietnam, Pakistan, Somalia, Sudan, Syria, Tanzania, Uganda, United Arab Republic, and Yemen.

It is clear that Soviet arms figure heavily in most trouble spots and combat areas throughout the world.

The leader of the Soviet Union, Communist Party Chief Brezhnev, most certainly had in mind such things as Soviet arms shipments to those areas when on July 3, 1968, he said the Communist Party of the Soviet Union is "waging an active struggle to strengthen the unity of the socialist community and the world Communist movement." In that speech Brezhnev among other things pledged to continue to render to Vietnam the necessary aid and also said:

> Our Arab friends can be assured that we will continue to render them all the necessary aid and support.

Moreover, the Soviets reportedly have trained in the U.S.S.R. upwards of 20,000 selected military personnel from those foreign lands while thousands of Soviet military personnel and technicians are permanently stationed overseas.

To anyone who follows the worldwide situation, and if he can obtain factual information, I believe it is amply clear that it is military equipment and arms from the Soviet Union and military forces responsive to the Soviet Union which creates the threat facing the United States and our allies around the world.

In exchange for the military hardware and training the Soviets obtain base rights, communications facilities, and dockage and overhaul facilities.

The increased projection of Soviet naval strength has been greatly aided by such means.

THE STRATEGIC THREAT

What is the nature and identity of the threat which compels the appropriation today of funds for our Strategic Forces?

Despite the attempts by some in recent months to confuse the issue, the threat which necessitates the building and maintenance of our strategic forces is not today within Communist China.

The Principal Deputy Director of Defense Research and Engineering, Dr. Finn Larsen, made that point clear on January 10, 1968, when he stated:

> The United States now possesses and will continue to possess for as far as we can see into the future an overwhelming strategic superiority over Communist China, and the Chinese know that fact.

Today while the Soviet military-industrial base is producing military hardware which brings death and aggression to areas throughout the world that same industrial base is simultaneously producing increasing amounts of strategic weapons—increasing the strategic force capabilities of the Soviet Union.

The real, hard facts of this matter are that the Soviet Union is racing toward the goal of strategic military superiority and they are doing so with dedicated purpose. Alarming changes in the overall strategic balance between the United States and the U.S.S.R. have taken place in recent years.

National security considerations preclude publication of much information including intelligence estimates.

However, even the information made public indicates that in the 12-month period ending October 1, 1967, the Soviets had more than doubled their inventory of new intercontinental ballistic missile launchers, and no evidence has been disclosed to indicate they are not building now as furiously, or even more furiously, during the months which have passed us by since last October 1.

Air Force Chief of Staff McConnell, in his statement presented to the Committee on February 26, 1968, said:

> If the current rapid deployment of intercontinental ballistic missiles in dispersed and hardened silos continues, it will bring them in a year or so to parity with the United States in number of ICBM launchers.

This is a sobering statement. Meanwhile we have been told that this administration proposes essentially the same number of missile launchers that we now have had for sometime.

Furthermore in the past month there have been reports that the U.S.S.R. is flight testing an ICBM with multiple warheads.

Soviet manned bomber aircraft pose another substantial threat and one which is insistently growing. Over the years the capability to attack the United States by bombers has improved and officially reported runs by Soviet bombers in practice missions up close to our shores gives evidence they still feel the need to depend on bombers.

Testimony received by the Committee reveals that Soviet production of heavy bombers is continuing and that supersonic medium bombers are entering service in substantial numbers. Moreover, they have the option to produce a new heavy bomber.

Importantly, there is the possibility of a supersonic bomber as an outgrowth of the Soviet TU–144 supersonic transport program. The close tie-in of such a possibility is well established and the TU–144 will soon have its first flight test.

Clearly the Soviets recognize the bomber as an efficient method of strategic weapons delivery and we must be prepared to defend against even their present type carrying stand-off, air-to-surface missiles which will assist in penetrating our defenses. It is well within the capability of Soviet technology to develop such nuclear-tipped missiles of long range which would allow launch from beyond the range of our present defenses.

Another potentially ominous and far-reaching Soviet strategic force threat is the threat posed by their orbital bomb. The veil of secrecy and silence on the status of that component of the threat to our national security was lifted by the administration's announcement of November 3, 1967, that the Soviets had been testing a system capable of placing in orbit and detonating on command a nuclear bomb. At the time of the announcement we were told the system could become operational in 1968.

Thus, the Soviets have aggressively applied space to military purposes, and in the case of the orbital bombardment system they appear to be far ahead of the United States.

The Soviet ABM system is generally described as being deployed around Moscow. This in my opinion may give rise to an erroneous underrating of its capabilities. In actuality the Soviet ABM system, although based around Moscow, is believed to be an area-type, ballistic-missile-defense system which may well be capable of intercepting missiles directed at most of Western European Russia, that is, the area which is probably of greatest strategic importance.

The Soviets obviously possess a formidable strategic capability.

The Soviets are building increased numbers of nuclear powered submarines.

They are building ballistic missiles to launch from submarines.

They are building bomber aircraft.

They are building the most advanced type interceptor aircraft.

They are increasing the number of their land-based ballistic missiles.

They are building larger ballistic missiles.

They are flight testing their ICBM's with multiple warheads.

They are installing their missiles in hardened silos.

They may be working on a mobile, land-based ICBM system.

They have tested their orbital bomb system.

And as they race toward improving the capability of their military forces, they are deploying extensive systems to defend their military-industrial complex against our missile and bomber force.

Their strategic capability is a matter of deep concern to the United States and the free world.

U.S. RESPONSE TO THREAT

The United States possesses great overall military strength as we must for our national welfare and the protection of our citizens.

However, there are areas of our defense effort that have been explored in committee in which it was found that there is need for improvement, both from the point of view of providing needed protection for the Nation, and also to realize as much achievement as possible from the defense dollar.

The new Secretary of Defense has also expressed his concern along these lines, over the state of our defense forces and the strength of our defense today.

There are various vital areas which the Secretary should direct his attention to in the months ahead in his evaluation of our defense programs.

DRAWDOWN OF OUR GENERAL PURPOSE FORCES

Our general purpose forces suffer from depletions and drawdowns to such an extent that our military posture at home as well as abroad is a matter of concern.

News reports tell of additional shrinkage. A UPI dispatch of July 9, 1968, headed "Two Jet Squadrons to be Disbanded," reported:

> With the Defense Department engaged in economy drive, the Air Force announced yesterday that two of its fighter interceptor squadrons will be disbanded a year earlier than had been scheduled.

In another story, headed "Eight Warships To Be Beached," and datelined Norfolk, Va., July 2, 1968, the following was reported:

> Eight Atlantic Fleet warships will be placed in reduced operational status and tied up at their piers this month, Naval spokesmen announced today.
>
> The crews of the ships—four destroyers and four destroyer escorts—will be reduced to provide trained personnel for other Atlantic Fleet destroyers.

Admiral Strean, Deputy Chief of Naval Personnel, on May 7, 1968, confirmed an earlier report that 49 ships of the Atlantic Fleet were to be laid up and placed on caretaker basis. The admiral stated:

> They can still get underway but they could not accomplish their mission.

On August 7, 1968, the Department of Defense announced a reduction of about 13,000 Navy personnel along with the inactivation of 18 Pacific Fleet ships and 32 Atlantic Fleet ships plus eight naval air squadrons with approximately 100 antisubmarine warfare aircraft.

Among the ships scheduled to be inactivated are a nuclear-powered attack submarine, a guided missile light cruiser, an anti-submarine-warfare aircraft carrier, 11 destroyers, and nine destroyer escorts.

Plans to close down 23 air defense missile firing sites ahead of schedule were announced on August 16, 1968. It was originally planned to close only some of these sites by the summer of 1970.

On August 27, 1968, it was announced that the deactivation of seven F–101 aircraft squadrons would take place by the end of September instead of later as previously planned. Among other things these F-101 squadron deactivations will result in a reduction of 2,661 military personnel space authorizations for the Air Force.

The combat readiness of the 4⅓ Army divisions in the United States is a matter of grave concern. It is from these divisions that Army units have been drawn to meet contingencies in Southeast Asia. Units from these divisions also are charged with executing missions elsewhere abroad should the need arise and it is also from them that forces are drawn to meet domestic contingency plans for riots and civil disturbances. Yet some of those units are not only short of personnel they are short of critical items of equipment to include helicopters, tracked and wheeled vehicles, radars, radios, generators, engineer equipment, and other items.

By this summer there were scheduled to be five Army divisions in the Active Strategic Reserve, but in July the administration announced its decision to cancel activation plans for the 6th Infantry Division. This cancellation was made not because it was felt there may be no requirement for the division but primarily for financial reasons and, second, to increase the readiness of existing divisions.

Secretary of Defense Clifford on July 2, 1968, in announcing this reduction in the Active Army Strategic Reserve stated:

> With unlimited funds, it would, of course, be possible to retain all units of the 6th Infantry Division while improving, over a longer period of time, the readiness of the existing divisions in the Active Strategic Reserve

The Secretary in his statement, among other things, did say that one airborne brigade will be activated in order to replace the brigade deployed to Vietnam from the 82d Airborne Division. However, no date for that future action was specified by the Secretary.

To more fully realize just what this cut in organizational strength means, it is necessary to realize that the principal military advisers to the President, the Joint Chiefs of Staff, had recommended a larger ground force augmentation than was provided for in this budget request as it was presented to the committee—the budget request which did provide for the 6th Infantry Division.

Testimony received by the committee on February 16, 1968, was that the Joint Chiefs had recommended the overall force structure include two more combat divisions as well as additional noncombat units. The Chairman, Joint Chiefs of Staff, testified those recommended augmentations would have been principally based in the United States.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

We must meet the threat to our security with a vigorous research program now or find ourselves in a position as a second-rate power in the 1970's. The level of programs proposed by the Department of Defense for military research is justified and is needed to meet the threat. However, it is also clear that changes must be made within the Department if our research is to be effective. There is a need within the Department of Defense for a greater concentration on defense goals rather than procedures, program justifications, financial controls, and coordination. There is also a need for a more balanced view of the use of studies and their contribution to the program objectives. Studies may reduce risk in research but they also consume valuable time and money while delaying and often obsoleting results. The selective program recommendations and reductions made by the committee were made to help bring about this change.

The former Secretary of Defense introduced many new concepts and procedures to the Department. Systems analysis, cost effectiveness, total package procurement, and other concepts are examples. These were added as aids to research managers; however, they now appear to be stifling rather than aiding. Arbitrary program delays and terminations are now being made in the name of financial management and the number of controls, instructions, and reports now made by departmental researchers far outweigh their utility. There are now over 2,600 military and civilian personnel working in the office of the Secretary of Defense and his seven assistants and all these offices issue directives which affect the defense research program. Yet this year's budget request contained more people at this level. The various tools of management must be used with care, they must be used with the overall objective in mind, and they must be kept in balance with the contribution they make toward achieving that objective.

A too great a concentration on program controls can have the effect of seriously reducing the flexibility needed to respond to needs which arise. Though it has been known for some time that we should likely have need for tactical weapons for use in engagements such as Vietnam, very few effective new major tactical weapons have been supplied to our men of the special type they need to assist them there.

In this time of austerity the Department must also reevaluate its requirement for studies and the achievement of its many studies and analyses. Those programs having only marginal contribution or are duplicating in nature must be eliminated or brought into line with their achievements. Testimony indicated that some studies have had few if any results that were actually being used by the Department, yet the Department still intended to expand these areas. Last year the committee recommended cuts in studies and analyses in order to stem the tide of ever-increasing studies without apparent results, yet the Department chose to ignore this mandate through budget manipulation. This year when questioned concerning the possibility of keeping at the same level as fiscal year 1968 one of these programs, Project Themis, which is an effort to set up centers of excellence at universities through the issuance of study contracts, Dr. Foster, Director of Defense Research and Engineering, testified:

> If you feel very strongly that the Defense program in research and development should be reduced by the $9 million we are requesting for this expansion, while I would protest, I would accept the reduction; about *the last place I would take it from this budget is the Themis Program*." (Emphasis added.)

The Congress has passed and funded such programs as the Defense Education Act, the Higher Education Act, and has established the National Science Foundation, all designed to increase our Nation's capability in research and education. Yet, the Department feels it also must expand in this area at the expense of all other areas of research. Clearly there is a need for a reassessment of values and priorities.

The committee therefore recommends a reduction in the R.D.T. & E. request for Project Themis. Remaining in the bill is an amount to allow the continuation of existing contracts, but to not permit new contracts to be let until an evaluation can be made of the effectiveness of the program.

ANTISUBMARINE CAPABILITIES

An important factor which enters into all considerations of our entire fleet is that of its increasing obsolescence. By 1970 according to testimony before the committee 52 percent of our destroyers will be over 20 years old, 71 percent of our cruisers will be 25 years old or over, and 38 percent of all our submarines will be 20 years old.

Testimony before the committee confirms an increased Soviet submarine capability, both nuclear and conventional. These latest Soviet developments presage an increasing Soviet nuclear threat to our control of the seas in future time frames.

U.S. antisubmarine warfare forces depend upon hunter-killer nuclear submarines and hunter-killer task forces consisting primarily of ASW carriers with accompanying ships generally of the destroyer type.

To meet the threat of approximately 370 Soviet submarines we have, only 104 attack submarines, 72 of which are diesel and most of those were built during World War II. Today only 32 of our attack submarines are nuclear powered and even if the currently projected construction program is maintained we will have only 69 nuclear attack submarines by 1972 or 1973.

Since it was questionable whether the programs presented by the Department of Defense in the fiscal year 1969 budget are adequate to meet the increasing Soviet challenge, steps were taken in the authorization bill to provide additional capabilities for future nuclear submarines and the funds for those authorized steps were put in this bill by the committee.

The committee also approved funds for advance procurement in support of the general purpose destroyer—DX—which represents the beginning of a highly essential program to replace World War II destroyer types which are rapidly becoming obsolete in equipment.

The heart of the hunter-killer task force is not only the nuclear submarine but the antisubmarine warfare carrier. These carriers are basically of World War II vintage. At the present time there is no announced program by the Navy to replace these carriers with modern ships.

BUILDING A NUCLEAR-POWER NAVY

There are several items included in this appropriations bill which are essential so that we can continue building a nuclear-powered Navy. These items are:

First, $22.5 million for the procurement of long leadtime machinery components for a new design high-speed nuclear attack submarine and $4 million of research and development funds to support the development work required in fiscal 1969 for this submarine. The Department of Defense had requested $9 million for advance procurement for each of two submarines of the same class as those now under construction. The Congress authorized an additional $13.5 million of procurement funds and $4 million of research and development funds to change one of these to the new high-speed type. Our committee strongly recommends that these funds be appropriated. We were pleased to hear the recent announcement by the Secretary of Defense that he plans to go ahead with this submarine.

Second, $16.4 million to start the development of an advanced nuclear propulsion plant for use in future nuclear submarines. The Congress added these funds to the authorization and our committee is convinced of the importance of getting this work started as soon as possible. As stated in our report:

> The committee believes that every effort must be made to see that our submarine fleet is the most modern in the world.

Third, $162.6 million for two nuclear attack submarines of the type now under construction which were requested by the Department of Defense.

Fourth, $82.4 million requested by the Department of Defense for procurement of additional long leadtime items for the third nuclear aircraft carrier, CVAN–69, which will be the second of three nuclear carriers of the *Nimitz* class. This is in addition to the $50.5 million appropriated for this ship for fiscal 1968. The keel for the *Nimitz*, which was authorized for fiscal 1967, was laid on June 22, 1968.

Fifth, $39.3 million added to the authorization by the House for procurement of spare fuel and components for the nuclear propulsion plants of the three *Nimitz* class carriers. It is important that these items be ordered now so that they will be ready by the time the ships go to sea. Further, these spare components will provide some production backup during the construction of the ships in the event that any components intended for ship installation are inadvertently damaged, and thus delayed in delivery while repairs are made.

Sixth, $52 million requested by the Department of Defense for advance procurement of nuclear propulsion plant components for two nuclear powered guided missile escorts planned for the fiscal 1970 program. As pointed out on pages 46 and 47 of the committee report, the Department of Defense plans to request authorization for two nuclear escorts for fiscal 1970 and two more for fiscal 1971 of a new design called DXGN's. The DXGN is planned as a somewhat smaller ship than the DLGN and 37 class for which shipbuilding contracts were awarded in July 1968. The DXGN carries one missile system instead of the two carried by the DLGN. Since both the DLGN and the DXGN use the same design nuclear propulsion plant, procurement of the long leadtime nuclear propulsion plant components for the two fiscal 1970 nuclear escorts can proceed in fiscal 1969 without deciding until next year which type the ships will be, DLGN's or DXGN's.

The committee report discusses the planned escort building program, nuclear and conventional, and expresses the committee's concern "that the programs as presently contemplated by the Navy and the Office of the Secretary of Defense do not make adequate use of nuclear power as a propulsion system for these ships."

The report states:

> The refusal to provide nuclear power for naval surface vessels solely on a cost basis cannot and should not be countenanced by those involved with the national security policy of this nation. . . .
>
> Basic and fundamental decisions must be made prior to the fiscal year 1970 appropriation period if the proper program for the future Navy is to be provided. The Committee will expect the Navy, the Joint Chiefs of Staff, and the Secretary of Defense to thoroughly review and analyze operational requirements of the Navy in light of the realistic challenge which lies ahead. It will expect such a study or studies to form a basis for future requests to Congress for authorization and funds for the construction of naval vessels. Requests should be made only for programs which properly meet the future challenge. It will expect such studies to be completed in time for consideration in connection with the fiscal year 1970 shipbuilding and conversion program.

As pointed out in the report:

> The increasing importance of the anti-submarine warfare mission of the Navy is obvious. Potential enemies are making obvious progress, both qualitatively and quantitatively in their submarine forces.

This rapidly increasing submarine threat not only increases the importance of nuclear propulsion in our new surface warships, but makes it mandatory that our Defense Department take urgent and drastic action to change their current plan which calls for terminating the nuclear attack submarine construction program after the fiscal year 1970 program. We must push ahead vigorously with the design and construction of the most advanced nuclear attack submarines our technology can provide. We must build the best we can now and develop improved submarines for the future as rapidly as possible.

In this regard I am concerned over the recent statement released by the Secretary of Defense that the Defense Department is considering termination of the quiet electric drive submarine appropriated for the fiscal 1968 program. The Secretary of the Navy, the Chief of Naval Operations, and Admiral Rickover have all taken a strong stand in support of continuing construction of this submarine. I agree with the position stated in the House Armed Services Committee Report No. 1645 of July 5, 1968:

> The need for the submarine is clear to the committee. The committee again wants to record its opinion that this submarine, one of the 69 allowed to be constructed by the Department of Defense, should be built as quickly as possible, especially since the contracts have been awarded and the approval to proceed was to have been issued within a scant half-hour when the order to stop was received.

I hope that the Department of Defense will exercise the good judgment to quickly complete its review and authorize the Navy to continue with this vital program.

SUMMARY OF THE BILL

TITLE I—MILITARY PERSONNEL

Included in H.R. 18707 are recommended appropriations of $22,685,000,000 for military personnel, a decrease of $329,000,000 below the budget estimate. These funds are for pay and allowances, subsistence of enlisted personnel, permanent change of station travel, and assorted other military personnel costs. It also includes, in a separate item, appropriations for retired pay.

The average active duty military personnel strength for fiscal year 1969 is estimated at 3,471,400.

In recommending the reductions from the budget request the committee points to various instances of where there could be improved general management of military personnel such as with regard to rotation of duty and frequency of change of station, use of personnel for nonmilitary duties, and so forth. The committee calls for reductions in headquarters staff; reductions in expenditures in public affairs, public relations, and public information activities; reduced military personnel in areas such as communications and intelligence services. Project Transition, a program to train personnel about to leave military service, was found as being of doubtful military value and duplicative of other Government programs.

TITLE II—OPERATION AND MAINTENANCE

The bill proposes $21,800,000,000, a decrease of $987,000,000 from the request, for operation and maintenance of the military forces.

These funds are for the necessary day-to-day costs of the Military Establishment, covering a wide range of activities. Included are costs for force units in combat and training; individual training of military personnel in military and specialty skills; medical care; logistic support systems; command controls; worldwide communications systems; education of dependents overseas; support of free world forces in Southeast Asia; and the operation of base establishments in support of all these functions.

Among the activities and programs operation and maintenance funds will support are a planned active inventory of 34,822 aircraft, 960 active ships, 204 service hospitals, 61 major service supply depots, 645 major military installations, and direct hire of 839,843 civilian employees.

The $987 million reduction in operation and maintenance funding is not associated with activities directly related to Southeast Asia operations. Areas suggested where reductions can be applied include reduced civilian employees to comply with the Revenue and Expenditure Control Act of 1968, and reducing costs of data processing, communications, and intelligence programs. Other areas include reductions in air transportation costs, in field exercises, and in public relations and information activities of the Secretary of Defense, the military services, and the defense agencies. The committee suggests the Army could eliminate an institute which provides career training since the executive branch has established such a program to be operated by the Civil Service Commission. The committee calls on the Navy to discontinue its grant assistance to certain medical schools because of the wide variety of these programs now carried out by other agencies. Still other areas where reductions can be effected relate to such areas as production of technical manuals, and purchase of furniture and accessories.

The findings during the hearings disclosed a need for a reorganization of the intelligence activities of the Defense Department as a whole and deficiencies found in the operations of communications systems, and for improvements in automatic data processing operations.

TITLE III—PROCUREMENT

Under this title, the bill carries a recommendation of $20,299,000,000. This is a reduction of $2,955,000,000 below the budget request.

Funding is provided for a large variety of equipment, aircraft, missiles, ships, and aircraft for the Army, Navy, Marine Corps, the Air Force, and Defense agencies.

Funds for the Army are to procure such items as ammunition, missiles and supporting equipment, helicopters, fixed wing aircraft, tanks, carrier vehicles, artillery, air defense guns, and other essential vehicles and weapons. Funds are included to support the Sentinel antiballistic-missile system.

For the Navy the appropriation provides funds for aircraft, missiles, and related supporting programs. The missile program includes funds for procurement and deployment of the Poseidon and Polaris missiles. Funds are provided for construction of eight new ships and conversion of 20, including ballistic-missile ships, nuclear submarines, amphibious ships, mine warfare and patrol ships, and auxiliary craft. Appropriations are provided for advanced procurement for long lead-time components for the third nuclear-powered attack carrier and two nuclear-powered guided missile destroyers, as well as construction of two nuclear-powered attack submarines, and a new multipurpose assault ship. Other Navy procurement funds provided are for such things as weapons systems, expendable ordnance, communication and electronic equipment.

Marine Corps funding is for ordnance, ammunition, missiles, vehicular communication equipment, and other items to support ground elements of the Marine Corps.

For the Air Force funding is provided for aircraft, including the F–111 type aircraft, helicopters, and fighter, attack, transport, reconnaissance, training, and aeromedical transport aircraft. Funds are provided for ballistic and air-launched missiles and associated ground equipment. Also funded are other Air Force procurement items such as munitions, vehicles, electronics and telecommunications items.

Overall reductions in procurement funding apply to each branch of service and defense-wide activities, aimed at achieving improved fiscal and logistics management. A cut was made in the estimates for procurement for an Army infantry division which it turned out was not activated, and language to release funds previously supplied but limited to Nike X antiballistic use—and which had not been used—allow a sizable reduction. A major reduction in the Navy procurement request relates to the action eliminating the program for the F–111–B aircraft, and for the Phoenix missile system with which the F–111–B was to be equipped. Further Navy reductions were made as a result of action taken in the authorizing legislation, regarding the fast deployment logistics ship program. For the Air Force, a reduction is made below budget estimates for the F–111 type aircraft. This action was taken to maintain the present fiscal year 1968 level of production of the F–111 type aircraft to avoid overproduction until solutions are arrived at which correct certain existing deficiencies.

TITLE IV—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For research, development, test, and evaluation—R.D.T. & E.—the bill includes $7,455,700,000, an amount $550,500,000 less than the budget request.

Army R.D.T. & E. funds provided is generally to maintain our defense posture, for scientific research and development of technology toward future systems. Funding is provided for the Sentinel and Nike X advanced ballistic-missile defense system.

For the Navy, R.D.T. & E. funds for the F–111–B have been taken out, but this is partially offset by funds for contract definition of a new fighter aircraft, the VFX–1. Other Navy R.D.T. & E. funding relates to ships, small craft, missiles, aircraft, ordnance, and combat vehicles. An increase above the budgeted amount is provided for the initial development of two types of advanced nuclear submarines.

Air Force R.D.T. & E. funding in the bill is to provide for work related to the Minuteman missile program, detection systems, the F–111 program, fighter aircraft, transport aircraft, and the Advanced Manned Strategic Aircraft. A reduction relates to the manned orbiting laboratory.

Concern is expressed by the committee over the level of productivity of the Department of Defense effort in this vital field, as regards progress in development of new weapons systems and equipment.

An across-the-board reduction in R.D.T. & E. funding has been made to promote fiscal restraint under present budgetary limitation and promote establishing improved priorities as to which projects are necessary and essential.

CONCLUSION

The bill before the House of Representatives today, H.R. 18707, provides needed funding for military programs and activities essential to the Nation's defense. The funds provided in the bill provide the minimum funding for military programs which are essential for the defense of our Nation and I urge passage of the bill.

World peace for a full generation has rested substantially on the overwhelming military and technical superiority of the United States. It has been, of course, far from a perfect peace—thousands have died in military actions, such as in Korea and Vietnam, and many more have lost their lives in peacekeeping operations and missions.

America needs a defense posture second to none to continue to insure our Nation's survival in the future.

Our defense policies cannot be based on wishful hopes about Communist intentions but rather must be based on hard estimates of Communist capabilities.

Truly we stand at a crossroads. We have, at this time, a number of problem areas. Our defense posture requires basic reviews and reevaluation.

This is a time for the will and determination of America to be more effectively harnessed. We must use all the brain power we can devote to the problem of evaluating our defense effort and see that it is going in the right direction. If it is not, let us make the proper changes fast. All Americans should stand shoulder to shoulder in calling for necessary and proper defense policies for the welfare of our Nation and the free world.

Mr. LIPSCOMB. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, the gentleman from Texas, the chairman of our subcommittee and of our full committee, and the gentleman from California [Mr. LIPSCOMB] have very adequately explained the details of this massive appropriation bill, which amounts to over $72 billion.

I just take this time to caution the Members of the House about the fact that once again in the area of funding the effort in Southeast Asia, this bill and the budget which was submitted by the executive branch underestimate those expenditures and the appropriation requests quite substantially. In fiscal year 1966, the budget for Southeast Asia in new obligational authority was underestimated by the executive branch by approximately $13 billion; in 1967, by $12 billion. Expenditures in those 2 years were underestimated by more than $14 billion. In 1968, the underestimate totaled some $6 billion making a total deficit, as far as budget estimates from the executive branch for Southeast Asia, of more than $30 billion in appropriations and $20 billion in expenditures.

I should like to caution my colleagues in the House that it has been this $30 billion of underestimation in NOA and the more than $20 million underestimation in expenditures for the war in Southeast Asia that has caused many of the serious economic problems which face this Nation today.

I believe we clearly must have a set of priorities when we are in wartime conditions. If these expenditure figures had been outlined adequately not only insofar as the appropriation requests were concerned but also insofar as the expenditure estimates were concerned, it would have caused caution, I believe, on the part of the Congress, and we would not have ended up with the $25.4 billion deficit we closed our books with on June 30 of this year.

This underestimation of war costs is one of the major causes of the tremendous increase in the cost of living we are experiencing in America today.

This bill which is before us today does not cut $1 from any item which is needed for the Southeast Asia war or from defense preparation in that area of the world. But it does once again underestimate the costs of that war and the expenditures which are being incurred on a daily basis in Southeast Asia by at least $4.5 billion on the basis of information which is presently available.

The expenditure limitation which was passed along with the tax bill earlier this year in the Congress does not apply to these war costs, and already, within the last few weeks, the administration has made public the fact that they have underestimated these costs in the budget document which was submitted to the Congress by $2.5 billion. As we get closer to January this figure will be increased to the point where it will be close to $4.5 billion and could be in excess of $5 billion.

This underestimation so far as expenditures are concerned runs throughout this budget. When the Budget Director gave his overview of the budget to the full Appropriations Committee the figures which were outlined by me so far as the Department of Agriculture was concerned, so far as the war costs were concerned, so far as public assistance costs were concerned, were correct, and the figures submitted by the Bureau of the Budget and the administration were in error. I believe that this will unfold and will show that the figures add up to an underestimation in controlled items under the tax bill of over a billion dollars; and so far as the uncontrolled items are concerned the underestimation will be from $4.5 to $5 billion.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LIPSCOMB. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. LAIRD. Mr. Chairman, I point out these facts and these figures in connection with this bill because I think it is most important that we understand when we pass this tremendous bill with its appropriation level of over $72 billion we have not seen the end so far as Defense authorizations are concerned for fiscal year 1969. Once again we are following that same course of action of having the executive branch underestimate these war costs only to have them come back with a supplemental request, which has already amounted to some $29 billion in the past 3 years and which will undoubtedly amount to over $4.5 billion for this current fiscal year.

In consideration of other spending bills and other authorizations in the closing weeks of this session I hope Members on both sides of the aisle will realize that these unpaid bills will have to be met. As we consider spending proposals we will take into consideration the fact that we do have an additional $1 billion in the domestic area and $4.5 billion in the war area that are not funded in the budget document and have not been funded in any appropriation bill. Yet this Congress will have to pay that bill prior to the close of this fiscal year.

Mr. LIPSCOMB. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. RUMSFELD].

Mr. RUMSFELD. Mr. Chairman, I would like to take a moment to commend the Committee on Appropriations for the revisions which have been made in this bill from previous years. On two or three occasions in previous years I have made the point concerning the Defense appropriation bill where there were reports required of the Defense Department that the rules of the House had not been complied with because the reports were sent directly to the committees as opposed to the Speaker and the President pro tempore of the Senate. I am pleased to note that on page 60 it indicates:

> Throughout the bill language carried in previous years requiring report to Committees has been changed to require reports to Congress. The Department will be expected to address reports, as required, to both the Congress generally and the Committees on Appropriations specifically.

I commend the chairman and particularly the ranking minority member Mr. LIPSCOMB with whom I have discussed this at some length over a period of years. I appreciate his working this out.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. RUMSFELD. I am glad to yield to the distinguished gentleman.

Mr. LIPSCOMB. I am sure that it was from your very effective work in pursuing this matter that the committee recognized the change would be desirable for the entire House. I want to commend the gentleman for calling it to our attention. I believe the revisions will produce a very significant effect that everything will be handled in a very efficient and effective manner. I commend the gentleman.

Mr. RUMSFELD. I thank the gentleman for his statement.

I wish to make one other point to the chairman and members of the committee. Earlier in the afternoon I indicated that this was an appropriation bill for funds for the Departent of Defense that should actually have been provided to the Department last July 1. I wish to say that I certainly was not doing so to criticize the Appropriations Committee, because I am well aware of the procedures of the House and of the fact that the Committee on Appropriations could not act until the authorization bill has been cleared. In this instance the Committee on Appropriations has been ready to deal with this matter and would have been able to do so had the authorizing committee passed the legislation at an earlier time. However, I made the point—and I believe it is a valid point—because it points up the fact that the Congress of the United States is still not dealing with appropriation bills in an expeditious manner. We are not providing funds to the executive agencies in a timely fashion, at the beginning of the fiscal year, so that they can intelligently plan for the coming 12 months.

I did want to make that explanation.

Mr. MAHON. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, let me express my commendations and my appreciation for the outstanding work done by the distinguished chairman, and the members, and the staff of the Defense Subcommittee on Appropriations with whom I am privileged to work.

For the first time in modern history, we find ourselves in the position of relegating national defense to a status which is subordinate to other programs. Cuts which have been inflicted on the defense budget by this committee, and further cuts which are in process of being inflicted by the administration, indicate one of two things. Either we shall have a reduced defense effectiveness for the ensuing year and a defense gap in the following years, or we were given a budget at the beginning of the year which was higher than necessary. Departmental witnesses at highest levels insist that the original budget estimate was not higher than needed, and they confirm the fact that we shall have reduced defense effectiveness as a result of these cuts.

The cuts are made, of course, in the name of economy, but while we are making cuts in defense programs, the fact remains that the Congress has exempted the Post Office Department and certain other Government functions from similar cuts, and the administration is shielding its key social programs from meaningful reductions. Whether or not this is a wise and safe action can be told only by the passage of time. But it is well to put ourselves on notice that this action may not be sound, and it is almost certain that it will cost much more in the future to restore the gaps in defense which we may be creating.

This much is certain: Events since the formulation of the current defense budget and the actions of the House committee have not indicated a lessening of world tension. Neither the doubtful progress of the peace negotiations in Paris nor the expressed willingness of the Russians to discuss nuclear arms limitations offset the fact that the third major offensive of the year has been undertaken in South Vietnam, that the *Pueblo* was seized, or that freedom in Czechoslovakia was trampled into the dust. Aggression is still aggression by any other name and the Communist hierarchy still has no love for democratic processes of government.

The fact remains that we bring you one of the largest Defense appropriations bills in history. The continuing requirements for defense programs are staggering in the enormity of their cost. Yet in final analysis, today's recommended action actually represents the most austere military budget in recent history. When you take away the cost requirements of the Vietnamese war—now more than $30 billion a year—when you consider the fact that military forces are the largest since the Korean war—at 3½ million men—when you consider pay raises, additional costs for procurement, and all the other cost increases, we are probably getting more defense for a dollar than ever before in our history. This reflects credit upon those charged with the responsibility for the military programs, and sometimes I think we are tardy in acknowledging their efforts and their accomplishments.

This does not change the fact that there are serious gaps which threaten to become dangerous. It has been deemed necessary to minimize advances in several important areas where they should have been accomplished. In other words, we have a magnificent fighting machine today but it is not being modernized properly and on tomorrow it may be facing obsolescence in weapons systems where we cannot afford obsolescence.

Whatever we do we must not discount the effectiveness of the Soviet military machine. The speed and efficiency with which the Soviet bloc moved more than 175,000 troops on very short notice into Czechoslovakia is warning enough. It reminds us also that the NATO defense structure may not be sufficiently strong or sufficiently coordinated or sufficiently alert to meet a certain thrust by Communist forces.

The Russian military machine is completely modern and the Russians are not neglecting those areas in which we may find ourselves dangerously behind on tomorrow.

Particularly is this true in the field of modern submarines, in defense against cruise missile ships which were developed by the Russians and which were used successfully against Israel ships in last year's war, and in the field of follow-on aircraft for both the Air Force and the Navy. We are far behind the Russians in the development of an anti-ballistic-missile system, but limited progress is now being made in this field.

There is a gap of several years between the concept of a modern weapon and its availability to the fighting forces. We have concepts at various stages of development for the new weapons which are needed, but their actual availability is in most instances several years off. One thing is certain—we cannot successfully fight the next war with the weapons of the last war.

The area of most immediate concern and the item of greatest cost is, of course, Vietnam. It is hard to know exactly what is happening there. Peace negotiations have been in progress in Paris for months, yet no one can say that progress has been made. There are those who have claimed that lulls in the fighting have represented deescalation on the part of the Communists to support these peace talks. A glance at the casualty figures should dispel any hope on that score. We are continuing to lose about 150 Americans each week, even when the fighting is lightest. Harassing attacks continue throughout South Vietnam, punctuated with atrocities against noncombatants. This is the Communist way of answering concessions made by us when we stop the bombing north of the DMZ.

I agree with military leaders that the so-called lulls in the fighting come during those periods when the Communists are desperately trying to recoup losses from previous attacks or to build up supplies, equipment, and manpower for new attacks. We have been witnessing what was intended to be the third large-scale series of attacks for the year. First was the Tet offensive, where the Communists were badly hurt in a go-for-broke effort to seize control of Saigon and the countryside. There was a second series of attacks in June. This, the third offensive, has been the least effective of them all because American forces are better organized and they are mounting spoiling attacks which thwart the intended offensive in many areas.

North Vietnam has suffered extreme damage from the bombing. The result of that bombing and of losses from ground fighting produced the beginning of peace talks. The North Vietnamese want peace, but they want it on their own terms. If they find that peace is not available on their own terms, they will accept it in part on ours. The important thing is that our negotiators must make it clear there will be no American sellout of our fighting men and those of our allies in Vietnam. In the meantime, the costs must go on—$2½ billion per month.

In my opinion, one of the most serious weaknesses in our military program is in submarine development. Belatedly, we are moving to bridge this gap. We are late and the amount of our effort is small.

I want to call attention to the fact that this bill includes funds for only two new construction nuclear-powered attack submarines. I am particularly concerned—not only because this is the smallest number of new submarines we have authorized in many years but because there is overwhelming evidence that this Nation must immediately initiate an accelerated program in nuclear submarines.

Several congressional committees have been conducting detailed investigations into the rapidly expanding and improving Russian nuclear submarine force. The evidence is startling. The Russians have now put to sea new design nuclear submarines superior to ours in certain important characteristics. If we do not get going immediately with a program to improve our own nuclear submarines, we will find ourselves in a few short years totally outstripped by the Russians in this important area. We must not sit back and let this happen.

The Department of Defense has not responded to the overwhelming need for an expanded nuclear submarine program. In fact, earlier this year they stopped further funding of the only new development in nuclear submarines this country has initiated in the last 5 years. They have held up the electric-drive submarine to conduct further studies despite the fact that we are faced with an overwhelming and compelling need to get going in nuclear submarines, not promises.

We must not tolerate the sort of delays in the Department of Defense that have characterized this program in recent years. There is nothing less cost effective than some of the cost effectiveness studies the Department of Defense performs. Their effectiveness is zero, and their cost is delay.

For a number of years the United States enjoyed superiority in nuclear submarines and in the capability to launch missiles from submerged nuclear submarines. The Russians had built an enormous number of conventional submarines and with this commanding strength, they felt safe in turning to other areas of defense. The U.S. nuclear sub Polaris capability reversed this situation completely. But after having acquired an imposing picture of strength in this field, we slowed our own efforts. We have done nothing significantly new in submarine development for several years. Now the Russians are working vigorously to build improvements into their own submarine fleet. They have not passed us in submarine-launched missile capability but they are now building submarines with characteristics superior to ours. In addition, they are building a significantly larger number of submarines than we. We have to catch up and catch up fast or our submarine defense will be seriously limited in their effectiveness. That means Russian submarines off our coast could pose a threat equal to that of the missiles based behind the Iron Curtain. And Russion submarines are not targeted by U.S. missiles.

This is an area where we were almost caught sound asleep. Despite warnings from those in position to give the facts to the Pentagon and the committees of Congress, this situation has resulted because of budget considerations. It is well to bear in mind the fact that if we cannot afford the best defense system, there really is not much point in having one of any kind. A second-best defense is not enough for national survival.

Little has been said in previous discussions on appropriations bills about the threat of cruise missile ships. We have long known of Russian capability in this field, and we saw graphically when an Israel destroyer was sunk during the Israel-Arab war how effective these weapons can be. The cruise missile ship is one of the most effective and inexpensive new developments in naval warfare, and we are far, far behind in moving to meet this threat. Some have said we are 5 years late. Obviously the situation is sufficiently serious that we cannot afford to take halfway measures. This is definitely a grave problem which we are not prepared effectively to combat.

I shudder to think what could happen if the battleship *New Jersey* should run afoul of Communist cruise missile ships and you can be certain the Communists have thought of this possibility, too. We could have $30 million worth of new investment at the bottom of the Pacific in very short order if things did not go right in such an encounter.

I have not commented on Soviet warship development other than submarines. Actually, the Soviets are forging ahead with the construction of other modern, technically sophisticated, and well-armed warships. Next to ours, they have the most powerful surface Navy in the world, and they are building into their ships the most advanced new developments. It is well to note that the Soviet merchant marine fleet is numerically larger and more modern, and that the Soviet shipbuilding industry is more modern than ours. This picture becomes more significant as the aid and support historically given us through the years by the British Navy becomes progressively less meaningful. The dwindling British Navy is to be retrenched still further in the near future with the withdrawal from east of Suez. The Soviets know that the bulk of U.S. naval power has now been concentrated in the western Pacific and in the Mediterranean.

This budget leaves the eastern Pacific and Atlantic fleets short of parts and equipment and even trained men. Modernization is a pressing need, and the material readiness condition of the Navy is going to become worse unless more funds are provided. This is a situation which cannot be neglected as the U.S. Navy moves into a role of increased strategic and international political importance.

The committee supports the continuation of AMSA program, the VFX program, and the VFAX program. These, of course, are becoming more important with each passing day. We are late on all of them. Too much reliance was placed on the TFX concept and having placed most of our eggs in that basket, we now find that we have nearly had to start all over again for a follow-on aircraft. This is a serious matter and new developments in aircraft should receive fullest support from the Pentagon. All the funds which are needed to move these programs forward at the fastest, soundest pace possible should be provided and spent.

It is equally important that we continue procurement of proven needed aircraft even if additional funds are required. It has been brought to my attention that the Air Force has requested a reprograming action that would reprogram funds for procurement of additional F-4-E's, and continue the procurement of F-111 aircraft, essentially at the expense of the major portion of fiscal years 1967-69 procurement of A-7-D's. This committee's record shows that the originally planned procurement by the Air Force of the A-7-D aircraft for these fiscal years was for 12 aircraft in 1967, 62 in 1968, and 146 in 1969, for a total through fiscal year 1969 of 220 aircraft.

I realize that the F-4 is a very capable, proven aircraft respected by both the Air Force and Navy and that it is a multipurpose aircraft. It also is patently true that the Air Force is desperately short of combination close support and interdiction aircraft and for these roles the Navy has clearly demonstrated that the A-7 is one of the best, if not the best, aircraft today. The first Navy squadron of 15 aircraft recently completed a 7 months' deployment. This Navy squadron dropped more than 6,500,000 tons of bombs in 1,475 combat sorties, mostly over North Vietnam, for an average of over 4,500 tons of bombs per aircraft sorties. In spite of this being a first deployment the squadron had a truly outstanding record, losing only one aircraft to enemy action during the deployment. I am further advised that the bombing accuracies experienced by this first squadron were outstanding and considerably better on an overall basis than those experienced by other aircraft flying similar missions. The Air Force A-7-D version of the A-7 incorporates a significantly improved bombing system over the one that has been so successfully demonstrated in combat by the Navy and should prove even more effective in the all-important close support and interdiction roles for which it was specifically designed.

There is even less justification for using A-7-D funds to insure continuation of the production of the F-111 series. This aircraft obviously requires additional testing and evaluation. Half of those sent into the combat area have failed for one reason or another. This performance simply shows that the plane, despite its great potential, is not ready for utilization in the field and may require substantial modification in its manufacture. It would appear that procurement funds are being divided in a way that each of the services gets a slice of the pie, and this would be unfortunate.

I certainly realize the importance of finding means of reducing expenditures in these critical times; however, it seems completely unrealistic as one of the means of reducing these expenditures to so drastically cut back procurement of an aircraft already in production for the Air Force and already proven so successful in Vietnam while performing missions so vital to the success of all our tactical air forces.

Let me turn to another area. Our committee has repeatedly expressed its concern about intelligence-gathering policies. The committee report deals effectively with this subject and I recommend it for your consideration. We are expending tremendous sums of money for intelligence and I am not at all certain that what we obtain is of sufficient value. We have a tremendous volume of miscellaneous material collected by an ever increasing number of people and machines but there is hard evidence to show that we are virtually up to our armpits in information which may or may not be needed and which by its sheer volume tends to stifle information analysis. We may be literally drowning in a sea of nonessential information.

It has seemed to me that our intelligence-gathering activities are very much in the position of a Monday morning quarterback. It is always easy to know on Monday morning after Saturday's game what went wrong and what plays should have been called, but then it is too late. Time after time I have noted that the intelligence agencies, in analyzing a crisis which went sour for us, claim their predictions covered the incident in question. All of the bits and pieces of intelligence which are collected, when put together, point to various possibilities but not to a specific line of action by the enemy. Even the predictions may be interpreted in a number of ways. But only in very few cases have I found a flat prediction made in advance of an actual occurrence. Intelligence is not of much value after the fact. It must be something direct and positive, like General Lee's plans which fell into enemy hands at Antietam.

Sometimes I wonder what we do with all of the information we are collecting—for instance, on China. We have been collecting data on China for years. Nothing that I have seen gave us forewarning on the internal problems which now are taking place there. For years we were hopeful that internal strife would engulf Red China. Yet when it happened, what did we do? We sat with our hands folded and moved not one finger to encourage the overthrow of the Communist government there. By contrast, take a look at what the Communists do whenever there is the slightest trouble in a country not under Communist rule.

The loss of the U.S.S. *Liberty* may have resulted directly from an intelligence snafu. Hours before the ship was attacked by Israel forces during the Mideast war last year, the Joint Chiefs of Staff ordered the ship farther out to sea as a matter of prudence. The Joint Chiefs of Staff order was in two messages, neither of which reached the *Liberty* in time. Eleven hours after the order went out, the *Liberty*, which was just 13 miles off the Sinai Peninsula battle zone, was attacked by Israeli planes and torpedo boats. Thirty-four Americans were killed and 75 were wounded. The *Liberty* was so badly damaged that she has had to be scrapped. We have spent hundreds of millions of dollars on a worldwide communications system which, theoretically, can give instantaneous contact throughout the world, but it failed for 11 hours to get a message to an American ship because of sloppy handling of the system.

I am not at all certain that poor communications work did not contribute to the loss of the *Pueblo*. The explanations which have been given leave too many gaps. In any event, it appears that a state of confusion existed during the *Pueblo* capture and that no advance preparations had been made to go to the rescue of the vessel if it got into trouble. When we think of the Americans whose lives are at stake and the importance of this very advanced communication ship loaded with equipment of a type not previously known behind the Iron Curtain; we can reckon the need for a greater measure of protection or at least for a closer surveillance over what was taking place.

In the same vein, it is impossible to accept at face value some of the statements which have been made about intelligence-gathering activities conducted by our forces prior to the Tet offensive. The more time that elapses after an incident, the better the story that can be told to inquiring congressional committees by Defense agencies. The time when information is needed is when an attack is impending, not when it has finished, not after the dead are counted and buried and the damages assessed. No one has yet explained the fact that if we knew so much about the coming Tet offensive, we did not alert our allies, the South Vietnamese, not to permit so many of their troops to go on holiday leave just before the offensive was launched.

In Vietnam, new effectiveness is being shown from the use of chemical weapons. Now I know that in some quarters chemical and biological weapons are bad words. That is not true in Vietnam where chemical weapons have saved lives and added to the effectiveness of military efforts. The only complaint there is lack of availability of sufficient quantity of weapons or poor performance because of lack of emphasis in the development of new use techniques in recent years.

There has been considerable emphasis on the use of chemicals in Southeast Asia limited to tear gas and defoliants, and their value in the present conflict is increasingly obvious. In the case of defoliants, jungle areas with dense foliage provide perfect cover for enemy operations and defy efforts at detection. The use of defoliants has denied enemy units access to important areas and rendered allied operations correspondingly more effective. However, it is in the use of an improved tear gas that greatest benefits to allied forces have been realized. It has been impossible in many instances to route out stubborn enemy resistance in underground fortified bunkers with the use of conventional weapons. In these cases tear gas has been highly effective. There have been other instances, particularly where enemy forces were holding captive civilians where tear gas could be used effectively in lieu of more destructive devices. In each instance, a savings of lives has resulted. There is increasing use and growing demand for additional chemical weapons of the type described for the battlefields in Vietnam and this is coupled with an obvious need for improvement in weapons and delivery systems.

Let us talk about the numbers of unnecessary employees. There appears to be little slowdown in the big buildup in Department of Defense civilian employment policies. This accounts for part of the mounting costs of defense and perhaps to the confusion which attends so many activities in the Pentagon. There are just too many people and sometimes they get in each other's way. In my opinion, this has contributed to the problems encountered when new weapon systems, badly needed for modernization, have been deferred, delayed, overstudied, or canceled. There is a certain significance about the recommendations of those who have obtained their knowledge through years of exposure to the actuality or threat of conflict with a determined enemy. But more and more emphasis has been placed on the recommendations of persons who are not dealing from actual military experience but whose primary concern has been either cost or perfection of design. Both, of course, are important but cost is second to survival and perfection of design sometimes is less important than the actuality of a weapon in your hands.

In the Office of the Secretary of Defense this growth of civilian manpower has been most apparent and it is there when streamlining might result in greatest good.

Our committee has stated:

> It would appear reasonable that, at this time of fiscal stringency, headquarters' staffs could very well be reduced by 5% with no loss in efficiency or in essential direct support of the war in Vietnam.

I have now, as in the past, a serious quarrel with the failure of the military to reduce the number of permanent changes of station. I encounter serviceman after serviceman who has an average of one transfer each year. Frequently, I find men who are given a PCS necessitating costly travel for himself, his family, and his belongings when he has no more than 6 months before retirement. This simply makes no sense. There also are those cases of homesteading where, by one means or another, some individuals are allowed to stay 10 or more years at a favorite post. With all of the new systems that have been developed to improve personnel policies, it would appear that a better balance could be achieved. In the same breath, let me quarrel with the continuing failure of the military services to give a break to a man returning from overseas by assigning him to the station of his choice. In altogether too many cases, I am convinced that no consideration whatever is given to requests for assignment and it is my firm belief that this important morale factor could be improved with very little effort on the part of those responsible for assignments of duty.

Turning to another subject, possibly there are too many communications systems. The services deny this. They also deny that they are prone to buy any new gadget in the communications field which an enterprising salesman has in his kit. But it looks to the committee, when we get the bills for new systems each year, that there are too many communications systems, that we buy new ones instead of perfecting older ones, and that the systems are not always compatible. This is an expensive area for gadgetry, and I think it is one which the Department of Defense can profitably study in an effort to bring about simplification and economy.

It will be noticeable, I think, that I have not commented on the Reserves. Normally, I have quite a bit to say about the important place which the Reserve components occupy. For a number of years, it was essential that those who recognized the need for strong Reserves speak up in their behalf because machinery had been set in motion to downgrade the Reserves to a status of inconsequence and ineffectiveness. Now all of that is past history. By legislation the Reserves have been assured a proper place in the defense program, and floors on strength which formerly had to be set annually by this committee have now been established by permanent law. There have been problems of reorganization, and this has resulted in dissatisfaction in certain areas. Nevertheless, Congress cannot assume responsibility in matters of organization. This is not our field.

We do have strong leaders in the Reserves who are recognized for their ability and their knowledge. The greatest weakness is in modern equipment. The demands of the Vietnamese war have not only drained off much existing equipment, but it has denied the Reserve components the replacements of modern equipment which had been scheduled for them. There is still work to be done for the Reserves, but the picture is brighter for these essential forces today than it has been for years.

We live in dangerous times when our principal security still is in our armed strength. We shall need all of the funds which are carried in this bill and very probably there will be a need for more. Defense is insurance for survival, and survival must remain the item of highest concern for any nation.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am very glad to yield to my distinguished friend, the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished gentleman from Florida who certainly is an authority on military requirements taking the time to make these fine comments.

I would like to associate myself with him so far as reduction, especially of leadtime items, are concerned in a time of obvious need and turmoil all around the world.

Strength is what our opposition respects.

Mr. SIKES. And what they use.

Mr. HALL. And what they use.

Mr. SIKES. Sometimes we depend too much on negotiations that are meaningless.

Mr. HALL. But we cannot purchase will, which apparently they are surfeited with so far as the use of their strength is concerned and from which perhaps we have been weaned for a long time—for too long a period of time.

I appreciate particularly the gentleman bringing out the need for quiet running submarines and for more missile ships and the AMSA program and the VFX and others.

I have one other area which is of personal concern about which I have talked with the gentleman and which I believe should be brought to the attention of the Members.

Would not the gentleman agree with me, if some of the recent editorials in aviation and air space magazines are true that we are confining to one great company, great though it may be, our domestic capacity of jet engine capability, then we are indeed again perhaps cutting off our nose to spite our face? If this be true and such editorial comment be not in the category of conjecture, and "everything we read is not necessarily so," then we should be developing United States capability for producing jets on a wider base and have covered into our Government the sole source so that we can start up additional assembly lines regardless of data rights in times of greater need? Would the gentleman agree with that?

Mr. SIKES. We could indeed come to rue the day, if we do not take greater advantage of the industrial capability that America possesses, and in this area it does not appear that we are doing so.

Mr. HALL. This has been a matter of great concern, as a member of the Committee on Armed Services, to me and as one who has been interested in it personally.

Mr. SIKES. I understand the gentleman's interest and I support him in his efforts.

Mr. HALL. Does the gentleman further agree with me, to develop this capability, in recognizing the follow-on leadtime on items of long-range procurement, it would lower the unit cost if we could act on it propitiously at this time rather than using reprograming methods, if we confine ourselves to the old doctrine of "buy America" in order to develop our resources, as we get research and development breakthroughs?

Mr. SIKES. That has been our experience in times past. We should act now in the area which the gentleman is discussing.

Mr. HALL. I thank the gentleman, and I certainly hope we overcome that deficiency in this and the other areas mentioned.

Mr. STRATTON. Mr. Chairman, will the distinguished gentleman from Florida yield?

Mr. SIKES. I am pleased to yield to the gentleman from New York.

Mr. STRATTON. I, too, wish to commend the gentleman on his statement, particularly his comments with reference to developments in Soviet submarine warfare capability. The gentleman mentioned in particular our desire to build submarines to counter their increased threat. Does the gentleman not also recognize that this increased capability—and I am sure the gentleman is aware it has been dramatically increased in recent months—also forces upon us the need to increase our ability to counter those threats, and therefore we need to make further advances in that particular area as well.

Mr. SIKES. I could not agree more. I think this is a field of the greatest importance, and it should be of greatest concern to those entrusted with our Defense Establishment. I want much more action than is evident.

Mr. STRATTON. I appreciate the gentleman's comments, because I propose to offer an amendment to the bill at an appropriate time to include in the bill some funds which were included in the authorization bill to meet specifically these defenses, and I hope perhaps we may have the support of the gentleman.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am pleased to yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. I would like to commend the gentleman for his statement, and I would like merely to add that, as a minority member of the subcommittee which the gentleman from New York chairs, on antisubmarine warfare, that I do indeed share his concern with respect to the need for research funds for our antisubmarine warfare program. If the American people could know the facts that have been outlined to that committee, I am sure they would be supporting the gentleman in this amendment to restore the funds that have been deleted from the authorizing legislation passed by the House.

Again I wish very much to associate myself with the remarks of the gentleman from New York.

Mr. SIKES. Mr. Chairman, I yield the floor.

Mr. MAHON. Mr. Chairman, I yield such time as he may require to the gentleman from New York, who is a member of the Subcommittee on Defense Appropriations.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 18707. As a member of the Subcommittee on Defense Appropriations, I am proud to have worked these many months with my chairman, the gentleman from Texas [Mr. Mahon] and my other dedicated colleagues on the subcommittee.

This bill, Mr. Chairman, in many aspects and dollars, deals with the possibilities of the future. This bill provides for the present needs and protection of our servicemen in combat wherever they are serving. This bill provides for their anticipated needs. This bill attempts to provide for the future contingencies and possible threats to our security. Whether or not these threats are real or conjecture, only history will tell; but, I believe it is better to be prepared than to be sorry.

The ABM system for which further funds are being provided, as many other programs, will not be ready for several years and who can tell what the situation will be at that time. The complicated systems of today cannot be operational overnight or, in many instances, in a year. Therefore, we must conjecture to some extent.

This does not mean that we must dash madly ahead and fund and do everything to the fullest extent, and, Mr. Chairman, I say this committee has, as precisely and carefully as possible, after and through its hearings and investigations, tried to come up with the most prudent and careful funding and planning possible.

We have cut where we believe cuts should be made. Yes, possibly further cuts could have been made, but this House knows that these appropriations are continually reviewed. Many programs are planned future programs which are often revised and different priorities given without further appropriations.

Even the critics of the Defense appropriation admit that the United States must maintain its armed vigilance and that to define "enough" is not possible; they admit that we must have an "insurance factor" or "a margin for error."

We of the committee are not infallable but have tried to give to this House and the Nation the best measure—but again, Mr. Chairman, this bill and its appropriations, have been, are and will be continually checked and rechecked and the dollars spent for the best we can give for the protection of our servicemen, their needs, and the security of our Nation.

I ask my colleagues to support this bill.

Mr. MAHON. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Pennsylvania [Mr. Flood], a member of the subcommittee.

Mr. FLOOD. Mr. Chairman, as you know, the launching of the air carrier *Kennedy* within recent days was announced. You will recall that I vehemently proposed that this ship be powered by nuclear power. I insisted, without success, that it be nuclear. This has not been done, and I think that is a great loss to the Navy. This bill includes only two nuclear submarines and no surface warships. I take this time, Mr. Chairman, to reassert what I have said for 5 years on this bill on the same spot: Under no circumstances would I ever vote again for any fighting ship of the line to have anything but nuclear power in this, our Navy.

The Department of Defense gave us the Defense appropriation request being voted on today. This bill includes only two nuclear submarines and no surface warships. This is the smallest number of nuclear warships we have bought for our Navy in any one year since 1955. If all of you knew about the alarming increase taking place in the Soviet submarine threat which demands an increase in our nuclear submarine and surface warship program, you would well be alarmed.

The opposition in the Pentagon to a dynamic nuclear submarine and surface warship program must be stopped. The safety of our Nation is at stake. We are in peril.

I agree completely with the statement on this subject made by the distinguished chairman of the Armed Services Committee which appears on pages 26202–26203 of the Record for September 10. Mr. Rivers concludes:

> Let me tell you something. The Department of Defense has committed itself to the Congress to include two nuclear submarines, two nuclear escorts, and one nuclear carrier in the 1970 program. That is the absolute minimum program that can be accepted. There must be more in future years. We will not accept less than this minimum program next year.

I could not agree more.

Mr. LIPSCOMB. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. O'Konski].

Mr. O'KONSKI. Mr. Chairman, my colleagues in the House speak so fluently and effectively at all times that I seldom find it necessary to talk myself. And rather than to miss the occasion—this will probably be the last opportunity—I want to wish you all a Merry Christmas and a Happy New Year.

I rise to address this House because this bill entails a lot of money.

When we go home, we are going to have to justify the expenditure of more than $72 billion for defense.

Appropriating money is one thing, but using it wisely is another. Unfortunately, the departments to which this money is appropriated do not at all times use money wisely. When we see a glaring waste, a glaring case of open stealing of defense money, then I think Members of this House should be apprised of that matter and we should not sit idly by while it is going on.

I will read just some excerpts from an article entitled "The St. Louis Shell Game," which appeared in the St. Louis Globe-Democrat on Wednesday, September 4, 1968. Here is what the article says:

> To call what is going on at the Gateway Ammunition Plant a disgrace is a tremendous understatement.
>
> It is a sabotage of the national defense effort.

Speaking plainly, the article concludes that if the Federal Bureau of Investigation and the Justice Department and the Congress of the United States do not do something about it, then they ought to resign as public officials.

The Gateway Ammunition Plant was given an award of a contract for $26 million to build a shell plant. After 18 months of building, they have not produced a single shell, and only God knows when they are going to produce one. The $26 million which the plant was supposed to cost originally has now risen to $41 million, and still even the Lord does not know when we are going to get a shell from that factory. Why not?

Here is an article from the St. Louis Globe-Democrat again, entitled "Gravy Train—Hoodlums Getting Well-Heeled at Shell-Less Shell Plant"—in St. Louis.

> Last month, Frank (Butch) Shoulders, general foreman on the job and brother of Louis D. Shoulders, Jr., ex-convict boss of Laborers Local 42, collected nearly $2,500 in wages, almost twice as much as Lt. Col. Frank Quattrocchi, plant commanding officer.

The average pay is for an 88½-hour week. The wages average, to these hoodlums, $667 a week.

> Even the Cosa Nostra kingpin in St. Louis, Anthony Giordano, has happened on the Mason-Rust payroll. At 53, Giordano is in extremely poor physical condition and is considered seven-tenths blind because of one glass eye and limited vision in the other eye.

Yet, he is collecting $667 a week for an 88½-hour week.

I could call the roll of every gangster and hoodlum in St. Louis who is on the payroll of that plant, which for 18 months has spent defense money in excess of $41 million—and yet no shells.

Now hang onto your horses. One would think the Army learned a lesson, that the Army Corps of Engineers learned a lesson. That is not the case. Right now the Army officials are preparing to award this plant another $26.5 million contract to add another line for an 8-inch shell. The factory has not been able to produce even a 1-inch shell. Going by the history, if we are to judge the future by the past, this $26.5 million is going to run to another $41 million by the time the added line is completed, and still we have absolutely no indication whatever as to whether or not any shell is going to be produced. In other words, the $41 million gravy train to the Cosa Nostra and the gangsters of St. Louis has already run out, and now the Army is preparing to give them another $26.5 million to add another line—and this to a company that has not produced a shell after 18 months of existence.

This is what disturbs me: these same officials, who are now about to give another $26.5 million contract for another line to a plant which has not produced a shell in 18 months, after $41 million of spending, this same group of officials in our Army, have offers from other parts of the country, where they can build this plant for $6 million, for an 8-inch shell, and they can promise delivery in months not years. They are paying no attention to the offers of $6 million to build the plant and to get actual production underway. They are now in the process of offering another $26.5 million contract to these gangsters and hoodlums in St. Louis.

If the Congress of the United States stands idly by, when our dollars are so hard to get and when our boys are bleeding and dying because sometimes they need shells, and if we permit this sort of thing to go on, how, in good conscience, can we go home and look the people in the eye?

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. LIPSCOMB. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. O'KONSKI. Mr. Chairman, at the proper time I am going to offer an amendment to cut the procurement $26.5 million and a hard-clad provision that no more money be given the Cosa Nostra plant in St. Louis. I know they can get that plant built in various parts of the United States of America for $6 million and can get delivery. They do not have any promise of delivery from the expenditure of the additional $26.5 million.

Something has to be done to wake up these officials in our Defense Department that just because they get $72 billion does not mean they can fritter it away to Cosa Nostra and gangsters.

I will offer that amendment, and I hope the Members of the House will support me.

Mr. LIPSCOMB. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Chairman, as many of my colleagues perhaps may recall several years ago when the problem of free world shipping to North Vietnam first came to my attention. I urged that our Government treat shipping to North Vietnam as being as serious a matter as shipping to Cuba. I then called for the establishment of a so-called blacklist of foreign-flag vessels trading with North Vietnam * * * similar to the blacklist of vessels sailing to Cuba. By this action, vessels visiting North Vietnam would be denied from making profits on U.S. Government-financed cargoes. This was necessary because, as I then pointed out, a Greek-flag vessel, the *Saronis*, which was in North Vietnam on January 25, 1965, had in fact subsequently loaded at Port Arthur, Tex., on July 20, 1965, a U.S. taxpayers' subsidized shipment of wheat for India under the food-for-peace program.

Finally, such a North Vietnam blacklist was imposed by Executive order on February 11, 1966, retroactive to January 25, 1966.

However, I have never considered the blacklist a fully adequate response to this problem because it still permits vessels who have helped supply North Vietnam to come to U.S. ports and freely engage in acquiring profits on private business. For this reason, in April 1965, I introduced legislation to close our ports to all vessels and shipping interests engaged in supplying North Vietnam. The administration, however, is firmly opposed to the passage of this legislation.

On the first day of the first session of the 90th Congress I reintroduced this bill—H.R. 365—and finally, a few days ago, I received a copy of a letter dated August 29, 1968, addressed to the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland [Mr. GARMATZ], in which the Commerce Department, commenting upon my bill states:

> We are opposed to favorable consideration of the subject bill because there are at present sufficient means available to the executive branch of the United States Government to control the problem of foreign flag ships supplying enemies or potential enemies of the United States, specifically in this case Communist dominated North Vietnam without additional legislation.

Mr. Chairman, I seriously question whether there are sufficient means available to the executive branch to effectively discourage this trade. I would point out that this very day a Polish-flag vessel, *Hugo Kollataj* is tied up at berth 8 in Brooklyn, N.Y. This vessel appears on the Department of Commerce Maritime Administration's Report No. 9, dated January 13, 1967, which indicates that the *Hugo Kollataj* was in North Vietnam between November 29, 1966, the date of Report No. 8, and January 11, 1967, and I will ask permission that this report be included in the RECORD.

I would further advise my colleagues that classified information made available to me by the Department of Defense indicates that this vessel has delivered supplies to North Vietnam more than once since 1965—and I would like to call to the attention of my colleagues that there is only one vessel in the world bearing this name according to the Lloyds Register of Shipping.

This very morning I stood on the wharf at pier 8 in Brooklyn, N.Y., where I personally watched this vessel unloading its cargo. I saw tons of steel marked "Made in Poland" being lowered from this ship to the docks of Brooklyn and I can only assume someone is paying for this steel and that Polish interests are benefiting. I am advised that this same vessel entered the port of Boston, September 1, and discharged and took on cargo and is scheduled to make further stops at Philadelphia, Baltimore, and Norfolk.

Now, Mr. Chairman, it may be true that this shipping, in terms of tonnage, and perhaps dollar value, does not amount to much. However, I feel very strongly that there is a much deeper moral question involved which should not be compromised. Why, I ask, should a vessel which has been helping to supply the enemy be permitted to go about making profits in American ports on a business as usual basis?

Currently the names of 30 Polish ships appear on the "blacklist." There apparently is nothing legally wrong with all of them coming to the United States to engage in trade on private business basis. Whether my own bill in all its particulars is the final answer, is not the important question. Some way surely can be found to prevent what is going on in New York Harbor right now. Regrettably the administration in opposing my bill condones this trade and offers no alternate proposal for a solution to this problem.

The war in Vietnam is being kept going by supplies—and supplies only—and in my judgment we should seize upon every opportunity to inhibit and impede this trade. With more than a half million servicemen in Vietnam, how can we sit on our hands and do nothing when we see the ships that have carried supplies to the enemy steaming into our ports. This may be legal—but I say it is wrong. I say further that we should take action to see that it is stopped—and let it be known that so long as this war continues, no more vessels helping supply North Vietnam will be welcome in U.S. ports.

Mr. Chairman, I also take this occasion to point out that last month 12 more free-world-flag ships arrived in North Vietnam bringing the total for 1968 to 98. This is practically double the number the first 8 months of 1967 when there were but 50. Of these 12, nine flew the British flag and three the flag of Cyprus. The total cargo capability of these 98 vessels—which includes eight tankers—amounts to more than 685,000 tons.

We are constantly being assured by the State Department that everything that can be done is being done about this traffic. But as in the case of the Polish vessel I have already mentioned—and clearly with the Haiphong area now a sanctuary from air attack and with American casualties at peak level—greater effort simply must be made.

At this point I insert a chart indicating free world shipping to North Vietnam from January to August of this year:

LIST OF FOREIGN-FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

(Department of Commerce, Maritime Administration (Rept. No. 20))

Section 1. The President has approved a policy of denying the carriage of United States Government-financed cargoes shipped from the United States on foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate United States Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through June 25, 1968. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at United States ports.

Flag of registry, name of ship, and gross tonnage

Total, all flags (53 ships)	359,720
Polish (30 ships)	227,834
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
Emilia Plater[1]	6,718
Energetyk	10,876
Florian Ceynowa	6,784
General Sikorski	6,785
Hanka Sawicka	6,944
Hanoi	6,914
Hugo Kollataj	3,755
Jan Matejko	6,748
Janek Krasicki	6,904
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Konopnicka	9,690
Kraszewski	10,363
Lelewel	7,817
Ludwik Solski[1]	6,904
Marceli Nowotko	6,660
Marian Buczek	7,053
Moniuszko	9,247
Norwid	5,512
Pawel Finder[1]	4,911
Phenian	6,923
Przyjazn Narodow	8,876
Stefan Okrzeja	6,620
Transportowiec	10,854
Wieniawski	9,190
Wladyslaw Broniewski	6,919
British (15 ships)	84,518
Ardrowan	7,300
Dartford	2,739
Greenford	2,964
Isabel Erica	7,105
Kingford	2,911
Meadow Court[2] (trip to North Vietnam under ex-name *Ardrossmore*—British)	5,820
Pundua[1]	7,295
Rochford	3,324
Rosetta Maud[2] (trip to North Vietnam under ex-name *Ardtara*—British)	5,795
Shienfoon	7,127
Shirley Christine	6,724
Shun Tai	7,085
Taipieng	5,676
Vercharmian	7,265
Yungutary	5,388
Cypriot (5 ships):	
Acme	7,173
Agenor[2] (trip to North Vietnam—Greek)	7,139
Amon	7,229
Antonia II	7,303
Marianthi	2,137
Lebanese (1 ship): *Rio*[1]	7,194
Maltese (1 ship): *Amalia*	7,304
Panamanian (one ship): *Salamanca*[2] (trip to North Vietnam under ex-name *Milford*—British)	1,889

[1] Added to Report No. 19 appearing in the Federal Register issue of Mar. 26, 1968.

[2] Ships appearing on the list which have made no trips to North Vietnam under the present registry.

Section 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the United States Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

a. Since last report:

Italian (one ship): *Agostino Bertani* (gross tonnage)	8,380

b. Previous reports:

Flag of registry: British (number of ships)	1

Section 3. The following number of vessels have been removed from this list since they have been broken up:

Flag of registry:	*Broken up*
British	2
Cypriot	2
Greek	1
Lebanese	1

By order of the Acting Maritime Administrator.

Date: June 27, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

(Report No. 9, Department of Commerce, Maritime Administration)

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

Section 1. The President has approved a policy of denying United States Government-financed cargoes shipped from the United States to foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate United States Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through January 11, 1967. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at United States ports.

Flag of registry, name of ship, and gross tonnage

British (8 ships):	
Ardrowan[1]	7,300
Ardtara	5,795
Greenford	2,964
Isabel Erica	7,105
Milford	1,889
Santa Granda	7,229
Shienfoon	7,127
Shirley Christine	6,724
Cypriot (4 ships):	
Acme	7,173
Amfitriti	7,147
Amon	7,229
Antonia II	7,303
Greek (2 ships):	
Agenor	7,139
Alkon	7,150
Maltese (one ship): *Amalia*	7,304
Polish (17 ships):	
Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
General Sikorski	6,785
Hanka Sawicka	6,944
Hugo Kollataj[1]	3,755
Jan Matejko	6,748
Jozef Conrad	8,730
Kapitan Kosko	6,629
Kochanowski	8,231
Lelewel	7,817
Marceli Nowotko[1]	6,660
Marian Buczek	7,053
Norwid	5,512
Stefan Okrzeja	6,620
Wieniawski	9,190
Wladyslaw Broniewski	6,919

[1] Added to Report No. 8 appearing in the Federal Register issue of December 6, 1966.

Section 2. In accordance with approved procedures, the vessels listed below which

called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the United States Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of registry

Name of Ship

a. Since last report: None.

b. Previous reports: Flag of registry: British (number of ships) 1.

By order of the Acting Maritime Administrator.

Date: January 13, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

FREE WORLD SHIPS IN NORTH VIETNAM, 1968

Month	British			Cyprus			Singapore			Italian		
	Number	GRT	DWT	Number	GRT	DWT	Number	GRT	DWT	Number	GRT	DWT
January[1]	9	46,896	65,650	1	2,137	3,100						
February[1]	7	32,217	44,100	1	2,137	3,100						
March[1]	10	46,098	62,350				1	3,923	4,500	1	18,300	10,000
April[2]	10	48,451	68,550	1	8,997	13,500	1	3,923	4,500			
May[1]	14	72,814	101,250	3	13,251	19,700						
June[3]	12	58,231	82,600	2	9,422	13,000	1	3,923	4,500			
July[2]	6	34,358	49,500									
August[3]	9	49,006	69,100	3	9,445	15,300						

Month	Lebanese			Japanese			Maltese			Somali			Total		
	Number	GRT	DWT	Number	GRT	DWT	Number	GRT	DWT	Number	GRT	DWT	Number	GRT	DWT
January[1]													10	49,033	68,750
February[1]													8	34,354	47,200
March[1]													12	58,401	76,850
April[2]	1	7,194	10,200										13	68,565	96,750
May[1]				1	2,278	3,700							18	88,343	124,650
June[3]	1	7,194	10,200				1	5,333	9,500				17	84,103	119,800
July[2]										2	11,749	17,500	8	46,107	67,000
August[3]													12	58,451	84,400

[1] 1 tanker.

[2] 2 tankers.

[3] 0 tankers.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi, a member of the committee.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I shall yield briefly to the gentleman.

Mr. SHRIVER. Mr. Chairman, I rise in support of this Defense appropriation bill, H.R. 18707, which calls for $72 billion in spending in fiscal 1969 to insure the strength and security of our Nation. The Committee on Appropriations has made prudent and necessary reductions in this bill amounting to approximately $5 billion, which is in keeping with the mandatory spending cuts voted by Congress in the Revenue Expenditure Control Act of 1968.

Seventy-two billion dollars is a tremendous amount of money to expend on defense and I join in urging that greater efforts be exerted by our Defense officials and the administration to eliminate waste and toward streamlining and improving defense operations.

Included in this $72 billion appropriation is $1.8 billion for the support of free world forces in Vietnam, Laos, and Thailand and for other programs normally funded under appropriations for the Agency for International Development. These funds were transferred to the Department of Defense budget because of their relationship to the hot war in Southeast Asia.

I have studied the hearings on this bill carefully, and I am wondering if the committee devoted enough time on these $1.8 billion foreign aid programs? It would appear that these funds, and the justifications for them, have been buried under the weight of this huge bill.

The House soon will consider the foreign aid appropriations and at that time it should be remembered that these additional funds have already been appropriated. We should remember that much of the $1.8 billion within this bill today formerly was part of the foreign aid appropriations bill yet to be considered.

The committee's report on this bill emphasizes that the military threat posed by the Soviet Union and its Communist allies has in no way diminished. It is as important now as ever before that military readiness be at a peak, that the military organization and the management of the Defense Department be at a fighting trim.

I have noted in the report that the phaseout of the B–52 is scheduled to continue during this fiscal year. However, G and H models of the B–52 will continue operational for some time in the future.

I strongly support the committee's recommendation that a total of over $170 million be provided for aircraft development including a new Air Force fighter, the advanced manned strategic aircraft, a new Air Force attack aircraft, and a new fighter-attack aircraft for the Navy to replace the F–111B aircraft.

Significantly, the hearings reveal that nearly 650 aircraft have been taken from storage during a period extending from fiscal year 1965 through April 29, 1968; and this bill provides for the delivery to the Air Force of more than 1,000 new aircraft during fiscal year 1969, including large numbers of F–4's, F–111A's and A–37. The bill provides $16.5 million for production of the A–37 which is produced by the Cessna Aircraft Co. in Wichita, Kans.

I have been among those in the House who have constantly advocated a proper mix of missiles and manned aircraft in our weapons system. Congress has time and again provided funds for: First, continued production of the B–52; second, retaining the B–52 in the active inventory; and third, accelerated research and development efforts on the advanced manned strategic aircraft.

Defense officials and the administration have followed a policy of "foot-dragging" in regard to the production and development of manned aircraft. We have seen actions taken which resulted in the closing down of the B–52 production lines and continuing phaseout of operational B–52 squadrons. Funds provided for AMSA have not been fully utilized.

The committee's report states there is a continued threat posed by Soviet manned bombers. The Russians still are producing subsonic heavy bombers and medium bombers are still entering operational service.

Mr. Chairman, the House today is again providing the necessary funds to all the military services—Army, Navy, and Air Force—to develop and procure aircraft which are deemed essential to the defense of this Nation. How can we express ourselves any more firmly in this matter of a proper mix between missiles and manned aircraft than by providing the money to get the job done? It rests with the administration and defense officials to carry out the sense of the Congress, and the studied counsel of our acknowledged professional military experts.

Mr. MAHON. Mr. Chairman, the

gentleman from Wisconsin made reference to a contract concerning the Gateway Army Ammunition plant in St. Louis, Mo. I believe all Members of the House received a statement from the editor or publisher of a St. Louis newspaper in regard to alleged irregularities in connection with this contract.

I do not wish to take the time of the House to undertake to discuss this at length at the moment, but I think it ought to be pointed out in connection with the discussion this afternoon that the Army has been making an investigation of this situation since January. As I understand it, a grand jury is inquiring into the situation at the present time. The Federal Bureau of Investigation has been investigating for the last 9 months. The investigation is continuing. Certainly Congress cannot condone waste, much less irregularity and malfeasance. The Committee on Appropriations has investigators who work with the committee, men of wide experience and capability. We have made reductions from time to time totaling hundreds of millions of dollars through the years in an effort to require and to enforce better management and greater care in the utilization of Federal funds.

I merely wish to say in behalf of the Members of the House that we do not countenance any irregularity or improper action by contractors. We wish the FBI, the grand jury, and the Army every success in getting to the bottom of this matter and seeing to it that the interests of the American people, the taxpayers, and the Department of Defense are well served.

Mr. O'KONSKI. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. I have the utmost of admiration and confidence in the gentleman from Texas. There is no Member of this body, over the 26 years that I have been here, that I have respected and admired more than the gentleman from Texas. If I have his word that he is going to pursue this matter with the Army authorities thoroughly and have this question investigated, as far as I am concerned, I will just let it go at that. I have called the matter to the attention of the Congress of the United States. I know the gentleman will pursue it and see that justice is done, and that the taxpayers are protected.

Mr. MAHON. I thank the gentleman very much for his statement. It has served the purposes of the Congress well in emphasizing our insistence upon and our demand for honesty and fair dealing in Government contractual matters. I can assure the gentleman, insofar as the Committee on Appropriations is concerned, it will not gloss over this matter. It will work with other committees of Congress, with the FBI and the Army in trying to go to the very bottom of the situation with the view that the guilty be punished and that the interests of our country be protected and preserved.

Mr. O'KONSKI. I thank the gentleman from Texas. I know that he will pursue the matter, and I am satisfied that he will.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I wish to commend and compliment both gentlemen for their statements, one for bringing the question to the floor of the House and advising the Members, and certainly for the erudite statement of the distinguished chairman of the Committee on Appropriations. I have been familiar with the "gravy train" article for some time. As a Representative from Missouri, and as a member of the Committee on Armed Services, I can verify what the distinguished chairman has said about the investigation that is underway. I am a little hard put to understand why the additional contract is even still under consideration for the 8-inch line of shells under these circumstances. But I have had enough experience around here in the years that I have served to know that these things finally work out.

I would like to call to the attention of the distinguished chairman the fact that labor rates under the Steam and Pipefitters Union have gone up for Fort Leonard Wood, Mo., construction to $10.42 an hour, which almost is going to effectively preclude the additional regimental construction that we have authorized, and under the miltiary construction appropriation bill has been granted for this year. I have taken the trouble to write to both the Secretary of Labor and the Secretary of the Army about the delaying effect this might have on us.

We get cross-referenced answers back that under the Davis-Bacon Act—which indeed the Congress has brought on itself—there is nothing more they can do except determine the prevailing wage, and the private contractors are the ones that are actually setting the agreements with all the fringe benefits totaling this amount.

The fact still remains, Mr. Chairman, as far as the distinguished Committee on Appropriations is concerned, that we are reaching the end of the line as far as being able to use the taxpayers' money for needed additional contract for adequate training and developing devices in our armed services posts and camps and stations.

I am glad both of these matters have been brought to the attention of this Committee.

Mr. MAHON. Mr. Chairman, I thank the gentleman from Missouri for his contribution.

I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, last July 11, when the House passed the 1969 defense procurement authorization bill, that bill contained an authorization for an additional $50 million over and above the sums previously requested by the Defense Department for research and development in the field of antisubmarine warfare. This extra $50 million was included in the bill by our Committee on Armed Services, and subsequently approved by the House, to meet a very urgent need that had come to the attention of the committee during our deliberations on the Defense Department budget request, a need that in our judgment could not be neglected except at very grave peril to the security of our country.

As I mentioned to the House at the time—and my remarks appear on page 20731 of the RECORD for July 11—the Antisubmarine Warfare Subcommittee of our committee, which I have the honor to chair, was informed last June of some very disturbing new information not known to the Navy or to the Defense Department last fall when the 1969 budget was submitted, which pointed to a very dramatic breakthrough in Soviet submarine development. While military classification prevents me from presenting to the Members of the House the full details of this information, let me just say it indicates a very serious increase in the ability of an already massive Soviet submarine fleet to attack our fleets, our shipping at sea and, by submarine-launched Polaris-type ballistic missiles, our shores and our people at home. And this very disturbing new information also points to a serious decrease in our own Navy's ability to counter this escalated Soviet submarine threat.

Now this is the same matter I discussed a moment ago with the gentleman from Florida [Mr. SIKES] in our brief colloquy. I wish I could say more, but all the members of our Armed Services Committee have been informed of this new information and they appreciate its ominous significance just as I do.

We face, Mr. Chairman, the possibility therefore of a very real submarine gap in our defenses that could make the missile gap of 1960 look tame by comparison.

So it was to meet this increased threat and to get a fast start on forestalling the emergence of any threatening submarine gap that our committee and the House last July 11 approved this additional $50 million in research and development funds. The need for it had already been substantiated in testimony before the committee.

Of course, we cannot fully meet this threat with an appropriation of only $50 million. It will take a lot more than that. But $50 million will at least get the Navy started promptly on the job that has to be done adequately to protect our shores and our sea lanes and our people.

On yesterday the House adopted the conference report on the defense authorization bill. That conference report, as I commented to the House at the time, has reduced these urgently needed antisubmarine warfare research funds from $50 to $38 million. I had hoped the full amount would be retained by the conference committee, but I was pleased that the urgent need for the funds was at least recognized by the conferees and that a substantial portion of them had in fact been authorized.

What disturbs me today, Mr. Chairman, is that the defense appropriation bill now before us does not contain any of these additional funds for these important and specialized antisubmarine warfare research purposes. I certainly recognize the desire of the committee to hold our spending, even our military spending, to the lowest possible level. But

I am deeply convinced that the urgency of this particular item is so great, and the possible consequences of disregarding it are so grave, that I believe these necessary funds must be appropriated by this House and by this Congress, and in this fiscal year.

Therefore I propose to offer at the appropriate time an amendment to add this additional $38 million to the bill.

Mr. Chairman, we cannot gamble with the safety of this country. We cannot run the risk of a serious submarine gap with the Soviets. As the Czech crisis has so clearly demonstrated, we are dealing with a ruthless, hard-nosed, and today somewhat unpredictable nuclear power in the U.S.S.R.

Knowing what I know of the recent developments in Soviet submarine capabilities, I would certainly be unfaithful to my own oath of office were I to fail to do all I could, in my power, to have these additional funds added.

I want the record clear that, as one Member of this House, I saw the developing peril and did all I could to warn against it and protect against it.

I hope that a majority of the Members of the Committee will join me in supporting this amendment.

Mr. Chairman, let me add one further comment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STRATTON. Would the distinguished chairman yield me 2 additional minutes, on this same point?

Mr. MAHON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. STRATTON. I thank the gentleman.

Let me make just one additional comment. We all know how difficult it is to get officials in the Defense Department to comment on items in legislation, particularly when a particular Pentagon party line has been laid down. And let me just observe too, that that situation has not changed a great deal since the changes that took place at the end of February.

But I will say this, that I have been in touch, within the past half-hour, with the top uniformed officer of our Navy, Adm. Thomas Moorer, Chief of Naval Operations, who is at this very moment airborne on his way back to Washington from a conference in New Orleans.

Admiral Moorer has authorized me to say to this Committee that he fully and strongly supports the need for the additional funds for antisubmarine warfare research which I am requesting in my amendment, the justification for which was fully testified to before the House Committee on Armed Services by Assistant Navy Secretary Robert Frosch and Vice Adm. Turner Caldwell, on June 19 of this year.

Admiral Moorer fully supports my contention here today that this research effort is most urgently needed from a military point of view, to enable us to develop the improved defenses vitally needed to counteract what has been a dramatically increased Soviet threat in the field of submarine warfare.

So I do hope that the chairman of the Appropriations Committee and that this Committee of the Whole House on the State of the Union will support my amendment when it is offered tomorrow.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, it is somewhat frustrating to undertake once again the arguments on the deployment of the Sentinel ABM which were advanced in the consideration of the military construction bill, but this will be my intention. At the appropriate time I will offer amendments en bloc to delete $387 million, which would defer the deployment of the antiballistic missile system.

Now, it is with great care that I have come to this conclusion. It is upon a reexamination of the facts. Even though I argued this same question just a month ago in respect to the military construction bill, the Soviet's invasion and occupation of Czechoslovakia has caused me to review my thinking. But after all this serious review I come before you today making precisely the same argument simply because the issue remains the same. The events of the last month in Czechoslovakia have not altered the reality that the Sentinel is an unnecessary expenditure of billions of dollars.

The argument which we advanced when we were discussing the military construction bill continues to be valid in respect to the anti-ballistic-missile system. The Sentinel ABM will do nothing to add to our defense. As I say, at the appropriate time we will ask that it be limited.

I am going to take the time I have available to me as a member of the committee to review some of the arguments. I will submit information for the RECORD.

I regret that many of us do not have the time to get into this subject in great detail. I do not want to sound pompous or qualified as a super-expert, but I will remind my distinguished colleagues that I have been living with this problem for a long time, formerly as a member of the Armed Services Committee and now as a member of the Appropriation Committee. I have been studying it in connection with arms control and disarmament matters for many years now, so I am not a stranger to the subject matter.

I am quite aware that the authorities are divided, but the opinions are honestly and very deeply held on both sides of the question.

In the first place, the conclusions that I have come to with many of our colleagues in this body and many of our distinguished colleagues in the other body are based on five very important facts.

A limited ABM deployment will probably not save American lives in the case of a Soviet attack.

An ABM deployment this year is not necessary to our security against China.

An ABM deployment threatens to escalate the arms race.

An ABM deployment is enormously costly, especially at this time.

Furthermore, it may be obsolete or ineffective even before it is operational.

Now, Mr. Chairman, these are striking facts, but they are all ones which we believe can be supported by expert testimony. In the additional views filed by my colleagues, the gentleman from Connecticut [Mr. GIAIMO] and the gentleman from Illinois [Mr. YATES], members of the committee, at the time of the argument on the military construction bill, we advanced these views. On July 25, 1968, in an effort to try to provide backup arguments in support of our position to delete the ABM deployment moneys—as opposed to research and development moneys—we not only submitted for the record copies of our own views, but we put in the famous San Francisco speech of the distinguished Secretary of Defense, Robert McNamara, in which he discussed the ABM system in great detail.

I add to that material now by calling attention to the fact that in November of last year the Department of Defense put out a news release on the question of the ABM system. At the appropriate time I will put this in the RECORD. This release notes that this is a Chinese-oriented ABM system. It goes on to say further that the cost involved will be in the neighborhood of $5 billion for the production and deployment of missiles. And this does not include operating costs, which will be about $500 million each year.

Now, the fact of the matter is in earlier arguments we have made on this floor we pointed out very clearly—and it has been admitted by proponents of the system—that ultimately this system will cost something in excess of $40 billion assuming that they were to carry the system out to its logical conclusion. This is an enormous sum, and a truly extravagant expense when it is considered that it buys us no more safety.

At the time when we presented materials for the record we produced what we hoped would be read very carefully—the Adelphi papers, "The Case Against Missile Defenses," by the distinguished scholar, Jeremy J. Stone, materials from the Foreign Affairs magazine on "The ABM Proliferation and International Stability," by Robert L. Rothstein, and other similar articles presenting very powerful arguments against the deployment of the ABM system. I again commend these materials to the attention of my colleagues.

In the time that I have available to me today, however, I would like to review what was essentially my summary at the time when we were arguing the military construction bill.

In responding to any threat I think it must be clear to us in the strategic planning involved that the Soviets will have to plan for the worst plausible case. They will therefore response to our ABM by building more offsetting offensive capability than they need. In the event of a nuclear exchange more damage will be caused to the United States than if we never had deployed an ABM missile. It simply means that limited ABM deployment could actually cost more American lives rather than save them.

The simple fact is that the Soviet Union cannot allow us, as Secretary of Defense McNamara has repeatedly pointed out, to take away their assured destruction capability. They have the resources and capability to respond to new weapons deployed by the United States, as everyone in this Chamber would agree. And it is my opinion that our Sentinel will encourage them to build weapons to offset it. So we and they are faced with the prospect of multibillion dollar expenditures which will not add to the safety of either nation.

It seems to me this was the basis of the recent willingness of the Soviets to conduct talks and discussions on arms limitation. This logic still holds, even after Czechoslovakia.

In addition, our experts have told us that our response to the Soviet ABM deployment should be to expand our offensive capability, and this we have done. The Soviets will then be interested in the ABM for no other reason than to preclude further increases in our offensive weapons. This logic, too, still holds.

Mr. Chairman, it seems to me the strength of our bargaining position with the Soviets lies in our determination to maintain our assured destruction capability through increased offensive forces—not only at our present level but to improve upon that capability to the extent that we maintain our present relative posture.

Mr. Chairman, one thing which we discussed in the earlier debate was the fact that the Chinese would conduct long-range missile tests by the end of 1967. Those tests have still not been conducted. But this seems to matter little, for the Sentinel being aimed at the Soviets.

However, one must recall that former Secretary of Defense McNamara made it very clear when he stated that the Sentinel was not to be an anti-Soviet system. Sentinel will not work against the Soviets, and it probably will not work against the Chinese, because it is no defense against multiple warheads, orbiting bombs, sea-launched or low-trajectory missiles, or missiles carrying advanced radar-interference devices.

The Sentinel is not necessary against the Chinese and will not work against the Soviets; therefore why should we spend $5 billion for it?

Mr. MAHON. Mr. Chairman, I had promised to yield 5 minutes to the gentleman from New York [Mr. Dow]. It develops, however, that I have only 2 minutes left.

Therefore, I would like to ask the distinguished gentleman from California [Mr. Lipscomb] if he would join with me in allocating this time to the gentleman from New York by yielding 3 minutes to him so the gentleman would have the benefit of the full 5 minutes which I had promised to yield to him.

Mr. LIPSCOMB. I shall be most pleased to yield 3 minutes to the gentleman from New York [Mr. Dow].

Mr. MAHON. I am also pleased to yield the remaining time on our side of the aisle to the gentleman from New York.

The CHAIRMAN. The gentleman from New York [Mr. Dow] is recognized for 5 minutes.

Mr. DOW. Mr. Chairman, I should like to thank both the distinguished gentleman from Texas and the gentleman from California for accommodating me with these extra minutes.

Mr. Chairman, implicit in the total expense figure contained in today's Defense appropriation bill are the costs of the conflict in Vietnam. The Defense Department estimates that the Vietnam costs are $25,784 million in fiscal 1969. This is 34 percent of the $72,240 million total of the bill. Some of us will offer an amendment to reduce the total of the bill, not by 34 percent, but only a small fraction of that. We do not want to be extreme. We want to make the point that the only direction which American policy can properly follow is one of reducing the level of the Vietnam hostilities. An 8½-percent reduction of the total Defense budget would accord with widely accepted estimates by the Congressional Quarterly issue of June 28, 1968, that essentially this amount could be cut from the Defense budget without affecting any vital part of the program.

A good many of our leaders have been charmed of late by the incantation that Vietnam must not be debated while the talks are continuing in Paris. Well, I am thankful, Mr. Chairman, that not all of our leaders have succumbed. If ever our Nation needed debate on an issue, it is now. We only have the chance for great debate once in 4 years. The democratic process will fail us if the debate on Vietnam is not held in this presidential year.

For those of us who have from the beginning opposed the American involvement in Vietnam, the chance to express our view is only meaningful on the few occasions when these appropriation bills come before this body. The parliamentary situation here has never been such that we could have a full-scale debate on Vietnam. Special orders are a pretty feeble forum for the purpose. It is only here when we can offer an amendment that there is a chance for a fraction of the debate that ought to be taking place.

The prime quality of statesmanship is the ability to weigh the imponderables in a national or international situation. Statesmen are placed on the pedestal and crowned with laurel not because they can prove by numbers, or logic, or measurement, or mechanics, or by words, the answer to a problem in statecraft. Lesser men can find the answers to the demonstrable problems. But the responsibility of statesmanship is to weigh the unmeasurable, to compare the incomparable, to value the dimensions and qualities of matters intangible and beyond the span of any calipers which men have yet devised.

Vietnam is a compound of such elusive problems. Here diverse matters are found that are remote from American experience, to say nothing of geography, economic factors, military considerations, psychological influences, monetary considerations, and military strategy. Only statesmanship of a supreme sort, able to make the value judgments about all of these complex factors in relation to one another, can resolve the problem for us.

On the other hand, our tragic involvement in Vietnam and the loss of thousands of our best young men can be laid to viewpoints that enlarge trivial and minor factors, while overlooking the enormous ones overriding in the situation.

Just for example, the U.S. Government has for years laid great stress on "aggression from the north" as a matter of monstrous concern and a justification for all the vast outpouring of our resources. Yet, it is doubtful whether the infiltration of men from North Vietnam into South Vietnam at the outset of the hostilities was aggression in the frame of the definition appearing in article 51 of the United Nations Charter; namely, "armed attack." It is doubtful that the aggression was even apparent to normal viewers. It was necessary that a book be written by our State Department so as to highlight the infiltration as "aggression."

At the very time that infiltration from North Vietnam was occurring in the early 1960's, the United States was sending its soldiers into South Vietnam, in numbers far exceeding the limitation of 685 stipulated for us in the Geneva Convention. Moreover, the State Department book indicates that at least half of the infiltrators were born in South Vietnam. What a curious rationalization it is that our men could come 10,000 miles to Vietnam, charging aggression against men who were born there.

I cite all this, Mr. Chairman, not so much to debate the issue, as to indicate the distortion of our value judgments about a secondary matter that we dredged up to justify the enormous infliction of war and destruction upon a little people far away. These are a people who have been struggling for years to free themselves from foreign domination. Millions of them have been driven into refugee camps, their villages have been destroyed by American artillery and warplanes in the free fire zones. Their little children, and I have seen them, have been torn and burned by our bombardments. All of this is transpiring, Mr. Chairman, in an age when the nations neighboring to Vietnam, did succeed in securing their freedom from Western domination. For that is true of India, of Pakistan, of Malaysia, of Indonesia, of the Philippines, and I expect there are others.

Only Vietnam has been subjected to the steel and the flame because our statesmen have failed to judge properly, to weigh properly, to relate properly, such facts as the alleged "aggression from the North" and the level of response it should entail.

Accordingly, Mr. Chairman, the annual occasion recurs when we call for a halt to this mistake by an amendment to the defense bill aimed at eliminating some portion of the $25.7 billion that is being squandered annually in Vietnam.

Mr. MAHON. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1969, for military functions administered by the Department of Defense, and for other purposes, namely——

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, had come to no resolution thereon.

PERMISSION TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the Department of Defense appropriation bill today may have permission to revise and extend their remarks in the body of the RECORD, and include pertinent additional material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RUSSIAN INVASION OF CZECHOSLOVAKIA UNDERSCORES NEED FOR A SPECIAL COMMITTEE ON CAPTIVE NATIONS

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, one of the few national organizations that predicted the Russian invasion of Czechoslovakia is the National Captive Nations Committee in Washington, D.C. Over WFAN-TV last June, on the Georgetown University TV-Radio Forum in July during Captive Nations Week, and over both WINZ and WKAT-CBS in Miami at the beginning of August, its national chairman, Dr. Lev E. Dobriansky of Georgetown University, firmly maintained that colonialist Moscow could never afford the democratization of Czechoslovakia because it would be the beginning of the end of its own substrate empire in the U.S.S.R. The spillover into captive Ukraine would be disastrous. The National Captive Nations Committee has consistently held that the real enemy of all the captive nations and that of the free world is Soviet Russian imperio-colonialism. As in Hungary and other cases before, Moscow's action in Czechoslovakia fully confirms the position and shows up the falsity of contrary positions.

NCNC has also been the chief advocate of a necessary Special House Committee on the Captive Nations. The Czechoslovak episode in Soviet Russian imperio-colonialism clearly underscores the need for such a committee. In the next Congress, I shall see that this will become one of the first orders of business. We have wasted more than enough time by not establishing this committee to concentrate on such developments as have enveloped in Czechoslovakia.

In the light of the Russian rape of Czechoslovakia, the events of the 10th observance of captive nations this past July have assumed even greater significance. Exemplary results of this observance continue to flow in, as the following interesting examples show: First, a proclamation by Mayor Sam Yorty of Los Angeles and its board of supervisors, along with a declaration of the American Committee of California for Freedom Enslaved Nations; second, a program of the week in St. Louis, Mo., and a release by the Free Friends of the Captive Nations; third, three penetrating articles dealing with the week by Father Cletus Healy, Robert Morris, and Dr. Jose Ma. Hernandez; fourth, the program, resolutions, and an address at the Philadelphia Captive Nations Week observance on Independence Mall; and fifth, a news release by the Ukrainian Congress Committee of America based on a letter from Dr. Lev E. Dobriansky to Secretary of State Dean Rusk condemning the Russian rape of Czechoslovakia:

PROCLAMATION

Whereas, the continued enslavement of a large part of the world's population by Russia affronts the Free World concept of individual liberty and human dignity; and

Whereas, the annual observace of Captive Nations Week calls attention to the plight of millions of unwilling captives of Communism in Eastern Europe; and

Whereas, as members of the Free World we deplore the conditions of tyranny and injustice existing behind the Iron Curtain and cherish the hope that all peoples the world over may one day live in peace and freedom;

Now, therefore, I, Sam Yorty, Mayor of the City of Los Angeles, do hereby proclaim the week beginning July 14, 1968, through July 21, 1968, as "Captive Nations Week" in Los Angeles and urge all citizens to join in its observance and to support the efforts to bring the light of liberty shining through the darkness of the totalitarian enslaved nations of Eastern Europe.

SAM YORTY,
Mayor.

On motion of Supervisor Debs and Supervisor Debs for Supervisor Bonelli, unanimously carried, the Board of Supervisors of the County of Los Angeles hereby proclaims the period of July 14 to 21, 1968 as "Captive Nations Week" in the County of Los Angeles and hereby urges all citizens to keep alive in their hearts freedom for all mankind in this troubled world.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, James S. Mize, Clerk of the Board of Supervisors of the County of Los Angeles, and ex officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a full, true and correct copy of the Original Minutes of Board Order No. 128 adopted on July 9, 1968 by the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

In witness whereof, I have hereunto set my hand and affixed the seal of the County of Los Angeles this 10th day of July 1968.

JAMES S. MIZE,
Clerk of the Board of Supervisors of the County of Los Angeles.

DECLARATION

The United States of America, the mightiest world power in the Twentieth Century, was built by the collective effort of pioneers and immigrants representing multi-varied cultural and historical heritages. From the earliest days, Americans of European ancestry have contributed substantially to the growth of the imposing edifice of American civilization. We would like to see their contribution more fully recognized. Today many millions of Americans adhering to traditions of Western Civilization consider it their patriotic duty to fully participate, with Americans of other ethnic backgrounds, in furthering the development of our common American heritage at all levels of federal, state and local government.

The Committee of Americans from Captive Nations has been formed to represent here over 23 million emigrants and descendants of emigrants from East European nations now in the United States of America and more than 120 million of their brethren residing in these countries.

We feel that the political and cultural aspirations of these nations are in close agreement with the vital interests of American Democracy, as attested to by the many contributions to the growth of American civilization made by the emigrants of these nations and their descendants.

It is for these reasons that we earnestly desire that our position be considered in formulating the guidelines of the United States foreign policy concerning these Captive Nations. The main issues are as follows:

1. There shall be self-determination through free elections by all subjugated nations and territories.

2. The Captive nations at present cannot be liberated either by war or a national uprising; therefore, we call upon all representatives to more effectively pursue the peaceful liberation from Communist domination.

3. It is requested that the United States encourage and aid these subject nations in the realization of their goal of self-determination since they are our *greatest potential allies.*

4. As American voters, our support of any party platform or candidate will be affected by their position on these issues.

WOLODYMYR SIYUK,
President.

COMMEMORATIVE WORSHIP SERVICE OF THE FREE FRIENDS OF THE CAPTIVE NATIONS, ST. LOUIS BASILICA, JULY 15, 1968

More than a billion human beings—one-third of the world's population—are enslaved by the tyranny of Communism. This fact represents a potent force who can become the free world's most reliable allies. And these allies, it should be noted, are not dependent upon foreign aid or any give-away programs. It is also important to note that the stronger the hope and urge of the captives for their freedom and independence, the weaker the threatening position of the Soviets and consequently the more secure is the status of the free world.

Any effort by the free world to help nations seeking to regain or preserve their inalienable right of self-determination is instantly met by shrill denunciations and charges of "interference" by the Communist camp.

Recognizing the need of reminding the population that there are many nations throughout the world which have been made captive by the imperialistic and aggressive policies of Soviet Communism, the Congress of the United States in a joint resolution approved, authorized and requested the President to issue a proclamation designating the third week in July, 1959, as "Captive Nations Week," and to issue a similar proclamation each year until such time when freedom and independence shall have been achieved for all the captive nations of the world.

"I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations."—said then President Eisenhower.

Today's crucial issues, from Viet Nam to Hong Kong and the Mid-East situation adds an important dimension to the observance of this year's Captive Nations Week.

SEQUENCE OF THE PROCESSION

1. Police Escort.
2. American Flag, leading eight massed Free Friends of the Captive Nations flags, two abreast.
3. American Legion Color Guard.
4. *Banner:* "Captive Nations Week—etc."
5. Two Drummers.
6. Wreath with one or two costumed carriers.
7. Coffin carried by six men, followed by alternates and flanked by signs; "Victims—etc."
8. Individual Captive Nations flags followed by exiles from Communism, four abreast with lighted candles.
9. *Banner:* "We Are the Free Friends of the Captive Nations—etc."
10. Individual, native-born Americans and groups with identifying signs, four abreast with lighted candles.
11. *Banner:* "Remember the Peoples—etc."
12. Autos, single file, light on.
13. *Sign:* "End of the—etc."

A STATEMENT ISSUED BY THE FREE FRIENDS OF THE CAPTIVE NATIONS

The armed takeover of Czechoslovakia is another tragic example of the complete control that international Communism, headquartered in Moscow, exerts over the captive countries. Even the slightest deviation from the strict communist discipline cannot be tolerated; the communists gain power by infiltration and subversion, and maintain power through brute force.

We invite all who are concerned to join with us in a dawn to dusk fast and a day of prayer on Sunday, September 1st. We will pray for the enslaved people of Czechoslovakia, who will surely be subjected to further murders and imprisonment, and we will pray for *all of the captive peoples of Eastern Europe, Asia, and Cuba* who are forced to live under the terror and tyranny of atheistic Communism.

We will also pray that our leaders will be enlightened as the the true nature of Communism, and that they will re-evaluate our policy of "building bridges" to the communist governments—bridges that have been used exclusively as a conduit for subjugation of the people, including the use of armed might when necessary to stifle the yearning for freedom.

SOME THOUGHTS ON CAPTIVE NATIONS WEEK

(By Cletus Healy, S.J.)

Once again the third week in July, July 14 to 21, has been designated Captive Nations Week. To Americans who want to atone for the post-war forfeiture of Eastern Europe and China to the Communists it represents an opportunity.

This year, above all, America needs to be reminded of the moral basis of her greatness. We need the inspiration and the encouragement that comes from a rededication of ourselves to those Christian principles that made our nation revered as the defender of liberty and of the noble cause of freedom.

The only sufficient justication for America's involvement in two world wars is the fact that she was morally obliged to come to the defense of the threatened and the oppressed. With the advent of the 20th century, the world reached that stage of social, economic, and political maturity that any nation capable of doing so incurred the responsibility of resisting large-scale international injustice.

Among the national "goods" warranting vigorous defense, Pope Pius XII singled out especially the right of a nation to govern itself. That is why we were right in forcibly resisting Hitler when he took over Poland, Czechoslovakia, Rumania, and Hungary. And that is why we were wrong when we allowed Stalin to take over Poland, Czechoslovakia, Rumania, and Hungary—after we fought to take them away from Hitler. That is why we are right 25 years later in resisting slightly camouflaged aggression in South Vietnam today. That is why other nations are pseudo-Christian when they fail to mount a vigorous offensive against such mammoth international injustice themselves.

All crave peace, but not all are willing to pay the high price of peace. Peace is the work of justice. It is the prize of those who are willing to work for it, not of the craven pacifist. Forcible resistance to injustice saved the world from Hitler, but supine tolerance and rampant self-deception later surrendered one-third of the world to totalitarian Communism.

Surrender to Communism in neither intelligent politics nor is it Christian morality. In his 1948 Christmas address, Pope Pius XII pointed out the principles that should guide us:

"No nation should tolerate mammoth injustices if it would think and act as a Christian nation. All the more does the solidarity of peoples forbid others to act as mere spectators in an attitude of apathetic neutrality."

These are the principles that should dominate our thinking. The best way to atone to the people we have surrendered to Communism is to resist their oppressors where resistance is most urgently called for. That means we must do all we can to prevent the surrender of another nation to their oppressive yoke.

For this, politics is important; but politics is not our most important weapon. We need to spice the sacrifices of politics with the power of prayer. Prayer for the abandoned captive peoples is the major preoccupation of the League of Prayer for the Captive Peoples. Membership in the League requires merely that you offer one Mass and Communion a month for the captive people—a people who must hang on their Cross of oppression without the opportunity of participating in the Holy Sacrifice of the Cross, and who must climb the high mountain of sanctity without the nourishment that comes from the Bread of Angels.

For more information on the League, write to its Secretary, Mrs. Joseph Flynn, North 90, West 15992 Roosevelt Drive, Menomonee Falls, Wisconsin.

CAPTIVE NATIONS WEEK

(By Robert Morris)

For many years now the third week of July has been designated "Captive Nations Week." This institution was initiated by an act of Congress and it is implemented, annually, by a Presidential proclamation.

Of late, the implementation has been increasingly diluted until now it is virtually nonexistent. It is a sickening reflection of the decline of the interest of American leaders for the plight of their brethren who are in Communist bondage around the world.

The plight of the captive peoples, from China to Stettin, is a strident moral issue. Our churches, above all, should be in the forefront of this very relevant concern.

Today we hear much of one civil right—the right to be free from discrimination because of race. It is good and necessary that we should be concerned with this basic right. For it is abhorrent that a child of God should be slighted or impugned because of the accidental color of his skin.

But the people in mainland China, in Latvia, in the Ukraine, in the Kuriles, haven't been denied one civil right. They have been denied their rights in their entirety!

The right to vote, to select their leaders, to freedom of speech, to freedom of press, to privilege against self-incrimination, to a right to a trial by a jury of one's peers, to peaceable assembly, to bear arms—these have been suppressed totally. Moreover, there is hard and fast discrimination in the Soviet orbit. It is severe in the Communist training schools, it is rampant in the U.S.S.R. Yet this is never mentioned by our leaders. While Soviet agents sack the United States as a well of racism—which it is not.

No one speaks out on this dreadful anomaly. It is obvious that those who should be asserting moral leadership are abdicating their responsibility. Instead of speaking out for the immutable truths of God, of the rights and wrongs of today's society and of truth and justice, they are compromising in order to get along with the forces of mammon.

Churchmen should be moral leaders, not conformists with an amorphous consensus that is being eroded from within by enemies who are dedicated to our destruction.

The situation is even worse than that, as we pointed out in our recent column on the resolutions of the World Council of Churches at Uppsala, Sweden, wherein churchmen actually took their stand on the side of the Chinese Communist infidels.

As I write I, even if I am alone, am mindful that it is Captive Nations Week and I shall try to do something to perpetuate this high purpose. After all, we are dealing with one billion of our brothers in the fraternity of man. This is a burning issue.

[From the WACL Bulletin, June 1968]

THE VULNERABLE RUSSIANS

(By Lev E. Dobriansky)

Men of today, and even the most reputedly intellectual of them, have taken it for granted that the Soviet Union is a monolithic empire and that it is as impregnable as a hermetically sealed bastion.

With a few bold and sharp blows Dr. Dobriansky smashes this myth of Russian monolithic inviolability. He presents facts and figures, against which no argument to the contrary is possible, that the Russians, after all, are not invulnerable and that, in the first place there is no such thing as a Soviet Union. It is a vast charnel house where 112 million Russians hold in the hollow of one hand the fate of 122 million Non-Russian whites the "Captive Nations" groaning beneath the heel of the Soviet Communist Party.

These hapless, helpless, but not hopeless hostages to fortune are being denied the basic and irreducible rights of free men by the heartless and inhuman masters of lies, deceit, intimidation, propaganda, and the *fata morgana* peaceful co-existence.

The Free World, and notably the United States of America, are now in a state of mesmeric stupor by the Communist experts of Soviet cold war strategy and tactics, in order to drown the righteous cries and protests of the captive nations. This explains why the Captive Nations Week Resolution passed by the United States Congress in 1959 rocked the Soviet Empire to its foundations and the tremors are still being felt up to this hour. This Resolution was of such transcendental importance not only to the captive peoples under the yoke of Russian imperialism but also to the whole human race which must find in this great document the very essence of freedom without which there can be no peace on earth.

For instance, one of the most important parts of the Resolution reads: that "the imperialistic policies of Communist Russia have led through direct and indirect aggression to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cosackia, Turkestan, North Vietnam, and others . . ." It is quite clear that the Resolution is of tremendous significance in the history of man's struggle to be free from all sorts of bondage.

Needless to say the Resolution and the Proclamation that followed it immediately triggered a violent reaction in Communist Russia. Khruschev went so far as to say, "The only enslaved peoples are in the capitalistic countries."

Dr. Dobriansky deplores the fact that in the United States there is a great deal of misunderstanding born of naivete or rank ignorance of the real nature of the Russian Empire. This ignorance has led many Americans into a maze of tragic contradictions.

The call for peaceful co-existence by the Russian Imperialists for example, has been taken at its face value without realizing that in Communist semantics an innocent-looking flower really hides a serpent beneath it. Many persons in the free world have jumped, as a consequence, to the conclusion that Soviet Russia means peace, that Soviet Russia's magnificent obsession is to establish peace all over the world.

Some influential Americans and well-meaning Europeans have even gone to the extent of believing that Russian communism will eventually evolve into a capitalistic democracy because of its apparent adoption of some of the free world's democratic economic and social measures. They point out that "the Russian doubling of the house-building rate, added investments in food production, the reduction of hours of labor, greater job mobility, the institution of installment credit, some market determination of production, the profit motive, and increases in pensions and peasant incomes" are sure indications of the Soviet Communists true spirit of reconciliation with the democracies and the principle of free enterprise.

The author says with regard to this: "The bounds of human illusion are sometimes indefinable." The motivation behind all these seemingly progressive and evolutionary economic changes is still the acquisition of more funds and resources to pursue Moscow's world-wide cold war operations.

The thesis of the whole book is quite clear. The free world and specially the United States of America must see through the make-believe front of Soviet Russia, must get deeply involved in the cold war, and beat Soviet Russia in her own game. The "*ersatz* Russian image must be destroyed." We must unmask the Russian bear and show him in his true colors. We must match his propaganda with more effective weapons of mass communication.

Dobriansky says, "On the information and propaganda front, our policy should concentrate on the captive nations, specially those in the USSR, the chief source of the world's problem on peace or war.

After building up on his thesis that Soviet Russia can be beaten at her own game, Dobriansky who is the Chairman of the National Captive Nations Committee, outlines for America and the Free World what can be done in this respect. He concludes:

"Subject to conditions, *climate*, and circumstances, these devices and their uses include the Kerstern freedom corps idea, a Freedom Commission and Academy, a Special Congressional Committee on the Captive Nations, a revitalized Voice of America and a Radio Liberation as propaganda media, aid to underground resistance groups, a communications network ranging from secret printing to space satellites, economic warfare, diplomatic manipulations, the U.N. forum, facilities of friendly and like-minded countries, subversion of Red control centers, utilization of labor unions, churches, veteran groups and other private channels, money counterfeiting, bribery programs and so forth. The devices are endless, and the enormous difference between our use of them and the enemy's use of some of them is that we could enlist vastly more among the captives to participate than he can among free men. Of incalculable advantage to us is the other important dimension of the Cold War, namely between the captive nations and the Red-controlled state. Building the Johnsonian bridges of understanding helps the state, not the people or nation."

This monumental, well-documented book will certainly make few eyebrows rise—that is, if they have not been completely browbeaten by the Russian Communists.

Captive Nations Week Observance 10th Anniversary Held by Philadelphia Captive Nations Committee, Sunday, July 21, 1968, Independence Mall

Program

1. National Anthem.
2. Invocation: Very Rev. John J. Falatek, representing His Eminence John Cardinal Krol.
3. Opening Remarks: Austin J. App, Ph.D., Chairman, Philadelphia Captive Nations Committee.
4. Reading of President Lyndon B. Johnson's Proclamation: Eurique V. Menocal, Ph.D.
5. Reading of Governor Raymond P. Shafer's Proclamation and Greetings: Hon. Terim C. Hamilton, Member of the Cabinet.
6. Proclamation and Greetings: Hon. James H. J. Tate, Mayor of Philadelphia.
7. Address: Hon. Richard S. Schweiker, Member of the U.S. Congress.
8. Introduction of Guests of Honor and Representatives of Nationalities: Mrs. Margit Rohtla, Secretary, Philadelphia Captive Nations Committee.
9. Introduction of Girls in national costumes, representing various captive nations: Mrs. Ausra Zerr.
10. Statement of the United Organizations of Women From Central and Eastern Europe: Mrs. Stephanie Wochok.
11. Reading of Resolutions: Mr. Albert Bagian, Treasurer, Philadelphia Captive Nations Committee.
12. Benediction: Rev. Stacey D. Myers, Jr., representing Bishop Fred P. Corson of the Philadelphia Methodist Churches.

Master of Ceremonies: Mr. Ignatius M. Billinsky, Executive Vice Chairman, Philadelphia Captive Nations Committee.

Greater Philadelphia Captive Nations Week Resolutions

(Approved by acclamation at the mass rally on Independence Mall, July 21, 1968)

Whereas, This is the tenth anniversary since Congress on July 17, 1959, requested the President annually to proclaim the third week of July Captive Nations Week "until such time as freedom and independence shall have been achieved for all captive nations of the world"; and

Whereas, President Lyndon B. Johnson on July 10 proclaimed July 21–27 Captive Nations Week for 1968, and Governor Raymond P. Shafer on July 11 for Pennsylvania, and Mayor James H. J. Tate on July 12 for Philadelphia; and

Whereas, the U.S. is fighting a costly war to prevent South Vietnam from becoming a captive nation like the twenty-two enumerated by Congress in 1959; and

Whereas, the U.S. intervened in both World Wars in order to promote self-determination and freedom; and

Whereas, this year marks the passage of 50 years since the conclusion of the First World War, as result of which many nations, such as: Armenia, Byelorussia, Cossackia, Estonia, Georgia, Hungary, Lithuania, Latvia, Poland, Turkestan, Ukraine and others—gained freedom and national independence, but subsequently became victims of Soviet-Russian imperio-colonialism, having been forcibly deprived of the exercise of their sovereignty and of basic political, religious, social, cultural and economc rights and liberties—and subjugated to continuous oppression and genocide; and

Whereas, these nations together with artificially formed communist East Germany, Yugoslavia, Rumania, Bulgaria, Albania, Mainland China, North Korea, North Vietnam, Cuba—became the terrain for the realization of the imperialistic plans of Moscow and Peking; and

Whereas, peoples of these captive nations, despite the terror forced upon them by the communist rulers, continually strive to free themselves from the yoke of Soviet-Russian colonialism and communist oppression;

Now therefore, be it resolved by the Captive Nations Committee of Greater Philadelphia and this assemblage gathered at historical Independence Mall this July 21, 1968,

That the U.S. similarly implement an unswerving policy of promoting the self-determination and independence of the captive nations forced under communistic Russian and Chinese colonialism since 1920, many of whom have long proven their capacity for self-government; and

That the U.S. regard with benevolence and judiciously support all honorable and realistic liberation movements, both within and without the Red bloc; and

That it replace the policy of coexistence and containment, which immorally consigns many nations to hopeless Soviet-Russian and communistic Chinese colonialism, by the moral policy of seeking actively to roll back the Iron-Bamboo-and-Sugar Curtains;

That it also recognize coexistence and containment as inexpedient and dangerous in that it leads to the continuous erosion of the Free World until the alternative may well be total surrender, or total war—at a moment when the Red bloc is strongest and the Free World weakest; and

That, to prevent this erosion of the area of freedom, the U.S. should pursue a determined policy by all moral, diplomatic, and economic means to bring about the dissolution of Red colonialism, especially the Soviet-Russian empire; and

That it restrict any trade, aid, and exchanges with the Red bloc which help the puppet regimes more than the oppressed populations; and

That it entirely stop all shipments to the Red bloc of such raw materials and machinery which are known to be diverted to the support of the North Vietnamese aggression and endanger our armed forces; and

That, if the peace talks in Paris do not soon become constructive, the U.S. should give Hanoi the alternative of withdrawing from South Vietnam or suffer a liberating invasion calculated to free the North Vietnamese people and reunite all Vietnam on the basis of self-determination; and

That it will not let the peace talks in Paris become a shield for North Vietnamese build-up and increasing attacks and restrain us from effective counter-measures; and

That the governmental and popular wish for peace, almost at any price, must on no account seduce us into betraying the people of South Vietnam or of West Berlin, or of any of our allies anywhere; and

That the U.S. should beware of special treaties with Soviet Russia, like the proposed nuclear non-proliferation treaty, which appear to make the U.S. a partner and supporter of the Soviet-Russian empire; and

That the United Nations put on the agenda of its General Assembly the problem of captive nations and investigate their plight under communist yoke; and

That, finally, to give more voice to the American commitment to the eventual independence of the captive nations the House of Representatives should establish a Special Committee on the Captive Nations and initiate a Congressional review of U.S. policy towards the USSR; and

Be it further resolved that copies of these resolutions be transmitted to the President, the Secretary of State, both Senators from Pennsylvania, and all Representatives of the Greater Philadelphia area—and to newspapers, radio and television stations of the area.

Austin J. App, Ph. D.,
Chairman.
Ignatius M. Billinsky,
Executive Vice Chairman.
Margit Rohtla,
Executive Secretary.
Albert Bagian,
Treasurer.

[From the Philadelphia (Pa.) America, July 25, 1968]

A Free World Must Free the Captive Nations

(By Austin J. App, Ph.D., chairman, Captive Nations Committee of Greater Philadelphia; Address given at the Captive Nations Week Observance, Independence Mall, Philadelphia, July 21, 1968)

As chairman of the Greater Philadelphia Captive Nations Committee I warmly welcome all of you to our tenth Captive Nations Observance since Congress first requested it on July 17, 1959. Our committee is happy to see so many of you, including so many officials of various ethnic societies, here today in Philadelphia's Independence Mall, where the captive colonies 192 years ago proclaimed their independence from the British empire.

We who want the captive nations similarly freed from the far more oppressive Soviet Russian colonialism are grateful to Congress for requesting this annual observance, to President Johnson for proclaiming this Captive Nations Week, and to Governor Shafer for issuing the Commonwealth proclamation and honoring us with his representatives, the Honorable Terin C. Hamilton, to read it. We are gratified that our own Mayor Tate of Philadelphia, as last year and the years before, issued a proclamation and is here to greet us.

The purpose of Captive Nations Week is to mobilize world opinion to demand freedom for both the satellite nations, like Hungary, Poland, East Germany, Czechoslovakia, Rumania, and Bulgaria, and also for the non-Russia nations within the USSR, like Estonia, Latvia, Lithuania, Ukraine, Armenia, Cossackia, and others. Congress in 1959 listed twenty-two satellite and captive nations, including North Korea and North Vietnam, as enslaved by "Communist imperialism." Now also Cuba is one of them, and American boys are dying every day to keep South Vietnam free!

We and all Americans who observe Captive Nations Week, to quote former President Eisenhower in his first proclamation of 1959, want "freedom and independence . . . for all the captive nations of the world." But since 1918 and 1945, happily, Western colonialism has practically disappeared. Ireland and India, the Philippines and Morocco are free, Britain and France, Belgium and Holland have liberated their colonies. Austria in 1918 and Japan in 1945 were forced to free theirs.

The one empire that has not freed a single one of its enslaved peoples is Soviet Russia. On the contrary, it has extended its brutal colonialism and secured it with such barbarisms as the Berlin Wall, the Iron Curtain, and the tanks and machine guns that in 1953 murdered the freedom fighters of East Berlin and in 1956 those of Budapest. This very summer when enslaved Czechoslovakia started to loosen its chains, Soviet Russian tanks moved in for maneuvers—and are still there!

Yet America and the Free World have for decades patiently accepted Soviet Russia's attacks on real and imaginary Western colonialism. They have liberated, often prematurely, their African and Asian colonies. But they have not clearly and consistently demanded that Soviet Russia similarly give independence to its captive and satellite nations. We who observe Captive Nations Week urgently ask our fellow countrymen and the world to demand this independence for the captive nations under Communist domination.

Happily most Americans, including elected officials, give at least lip service to freedom for the satellite nations. These with 102 million people in 393,000 square miles were betrayed into Soviet tyranny at Yalta. Even Americans soft on Communism generally wish Moscow would free these victims of Roosevelt-Stalin peace dictating. But they do not demand it loudly and insistently, and they certainly don't demonstrate for this morally required liberation!

Unhappily, when it comes to the captive nations within the USSR, most liberals and many poorly informed other Americans do not even really want independence for them. They want to think that the Union of Soviet Republics is all Russian, ethnically and culturally, the way Californians and Pennsylvanians and Texans are American. They tend to feel that giving Ukraine and the Baltic nations back their independence would be dismembering Russia the way in 1945 the Morgenthauistic victors dismembered Germany. They do not want Russia dismembered vis-a-vis Germany. Shockingly, even elements in the government accept the Soviet Russian empire as a necessary "police system to keep law and order." In April, 1963, the U.S. Arms Control Agency instructed whom it concerned that "The break-up of the Russian Communist empire" would be "catastrophic for world order."

Ladies and gentlemen, it is this sort of shocking acceptance of the Red colonialism on the part of the Free World, this virtual and semiofficial approval of Soviet Russia, the most tyrannical colonialism in history, the only one that ever needed a wall and an Iron Curtain, not to keep enemies out, but its own people in, which gives the Red dictators their prestige and prevents world opinion and the oppressed peoples from rolling back and breaking up the Soviet Russian empire.

Morally oriented and freedom loving men and women must insist that this Red empire dissolve, the way every empire in history, even benevolent ones, had to end. Colonialism cannot be a way of life in a world that preaches human rights and democracy.

Dissolving the USSR does not mean dismembering Russia proper. We want a strong and healthy Russia, but a Russia of Russians, not one of a majority of enslaved foreign nationalities, a Russia brought down to its own size. The Soviet Russian empire now, the USSR, is an immense area of 8,647,172 square miles, more than the U.S. and Canada and Mexico together. It is almost three times the size of China, and of Australia, and six times the size of India.

It has a population of 235,000,000, but of these only 110 million are Russian, the other 125 million are Ukrainians, Balts, Byelorussians and others. They speak their own languages and have their own culture. They are no more Russian than the Poles are Russian, or the Arabs are Turks, or the Irish are Britons. This must be unequivocally recognized by Americans.

These captive peoples inhabit 2,053,781 square miles of land that has been theirs for centuries. But if they and their lands are given their rightful independence, Russia will still be three times their size with 6,593,391 square miles. This is twice the size of continental United States. It would have a population of 110,000,000 ethnic Russians. It would therefore still be by far the largest and the strongest nation in Europe, about as populous as Germany and France combined.

That is the rightful Russia which liberating the captive nations will establish. It will have nothing to fear from any country in Europe, but it will also no longer be a threat to Western Europe or to world peace. Russia, once its captive nations are liberated, will not be threatened by anyone and will have no cause to threaten anyone else. The only serious danger of a third world war, or of a nuclear war will have been removed.

And we believe this is the only way to remove the threat of a third world war. We believe if the policies recommended in the Resolutions we are submitting will be implemented resolutely, if the American people, and the American government resolutely throw all their moral, economic, and diplomatic support to the aspirations and efforts for freedom of the captive nations, these nations can without a world war be liberated. Not even totalitarian dictators can long defy righteous, concerted world opinion allied with the just aspirations of most of their people. This liberation we are morally bound to work for and to pray for—and God willing to achieve.

Ukrainian Congress Committee Raps Russian Seizure of Czechoslovakia, Demands Break in Diplomatic Relations Between United States of America and U.S.S.R.

New York, N.Y.—The Ukrainian Congress Committee of America (UCCA), speaking on behalf of some 2-million American citizens of Ukrainian descent, condemned the Soviet Russian seizure of Czechoslovakia and demanded the immediate suspension of diplomatic relations by the United States with the USSR and three other Communist states which took part in the invasion of Czechoslovakia.

Dr. Lev E. Dobriansky, Georgetown University professor and President of the UCCA, dispatched a letter to Secretary of State Dean Rusk urging strong and immediate action by the U.S. Government. In it the UCCA President called for "immediate suspension of diplomatic relations with the USSR," suspension of all trade and cultural exchange agreements, an action in the U.N. Security Council toward the withdrawal of all foreign troops from Czechoslovakia, the immediate convocation of the NATO allies for "redressing its military posture" and "immediate and unstinted support of the Captive Nations," who will prove "to be the surest and most dependable allies of the United States."

In conclusion, Dr. Dobriansky pointed out that our policy of not "inconveniencing the Russians" has encouraged the Kremlin militarists and totalitarians to bolder acts of aggression and provocation.

(Text of UCCA Letter to Secretary of State Dean Rusk is attached.)

Ukrainian Congress Committee
of America, Inc.,
New York, N.Y., August 28, 1968.

Hon. Dean Rusk,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: The Ukrainian Congress Committee of America, representing over 2-million American citizens of Ukrainian ancestry, is deeply shocked at and concerned over the brutal aggression against an invasion of Czechoslovakia by the Soviet Union and its subservient Communist satellites of Poland, Hungary, Bulgaria and East Germany.

This act of naked rape and violation of a sovereign state by the powerful militaristic Soviet Russian empire is one of the latest acts of aggression and violation of other nations' rights and sovereignities.

The underlying reason for this unprovoked invasion was the fear of the Kremlin leaders—not fear of the Czechoslovak army numbering some 175,000 men—but fear of the ideals of freedom which threatened the shaky Russian Communist empire.

We are writing you, Mr. Secretary, to urge you to undertake necessary steps by the U.S.

Government to place the Soviet government in its proper light in the eyes of the world, namely, to condemn the USSR as an unbridled aggressor and violator of the sovereignty of Czechoslovakia.

In protesting against the invasion of Czechslovakia by the Soviet Union and its allies, the Ukrainian Congress Committee of America is especially concerned with the effect the invasion may have on the 45-million Ukrainian nation which neighbors Czechoslovakia. As you undoubtedly know, the Soviet government has been ruthlessly persecuting Ukrainian intellectuals and youth for clamoring for more freedom and for the development of Ukrainian culture, literature and the Ukrainian language. According to latest reliable reports, the events in Czechoslovakia spurred Soviet Russian persecution of the Ukrainian people, especially persecution of the Ukrainian intellectual elite—writers, poets, literary critics, professors, scientists, and the like.

Furthermore, Mr. Secretary, the Russian Communist invasion of Czechoslovakia has placed the Ukrainian national minority in Eastern Slovakia at the mercy of Russian Communism. There are some 150,000 Ukrainians in Eastern Slovakia, who had been allowed by the Dubcek government the free development of their national culture and traditions, and above all, their religious life. The Ukrainian Rite Catholic Church was officially restored last May by the Prague government, and some 125,000 Ukrainian Rite Catholics were allowed to practice their own traditional religion in freedom under their spiritual leader, Bishop Vasyl Hopo, who spent 13 years in Communist jails under the Stalinist rule of Antonin Novotny. Now all these newly-gained freedoms of the Ukrainian minority in Czechoslovakia may be expected to be curtailed or totally eradicated by the Russian Communist totalitarians.

The shameless invasion of Czechoslovakia by the Soviet Union demonstrates once again the undeniable truth that the Soviet Union is the continuation of the old Czarist empire, and that Communist ideology serves only as a cover for traditional Russian imperialism and colonialism. Moreover, the myth propagated by some in our government that "Russian Communism has mellowed" has become indefensible farce, in view of the aggressive designs of Communist Russia toward other Communist states, such as Rumania and Yugoslavia.

Therefore, on behalf of the Ukrainian Congress Committee of America we would like to suggest to you to take the following steps:

1. Immediate suspension of diplomatic relations with the USSR and its Communist puppet governments of Poland, Hungary and Bulgaria;
2. Immediate suspension of all trade agreements and cultural exchange pacts with the USSR and its three satellites which were guilty of contributing to the military aggression against Czechoslovakia;
3. Immediate action on the part of the U.S. Government in the U.N. Security Council for the purpose of vigorous and serious demands for the complete withdrawal of all foreign troops from Czechoslovakia;
4. Immediate convocation of the NATO Allies for the purpose of revising its obsolete policies and redressing its military posture to meet the new Russian threat to Western Europe;
5. Immediate and unstinted support of the Captive Nations, held in bondage by the Soviet Union, who will prove to be the surest and most dependable allies of the United States.

In conclusion, Mr. Secretary, we wish to point out that our policy of caution and "bridge-building" has proven not only unrealistic and naive, but also very dangerous to our national security and to the safety of the free world. Our policy of not "inconveniencing the Russians," which was followed by the rest of the free world, has encouraged the Kremlin militarists and totalitarians to bolder acts of aggression and provocation.

We sincerely hope that the death of freedom in Czechoslovakia and the occupation of that country by Soviet and other Communist troops will serve as a severe lesson to all who thought that Communist Russia under the Brezhnev-Kosygin leadership is not an enemy of the civilized world.

We respectfully submit, Mr. Secretary, that the U.S. Government will lose prestige as a world power and champion of freedom if it permits the brutal Soviet Russian invasion of Czechoslovakia to go unchallenged.

Respectfully yours,

LEV E. DOBRIANSKY,
President.

COAL MINE HEALTH AND SAFETY ACT OF 1968

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, the new coal mine health and safety legislation proposed by the administration is designed specifically to remedy a major weakness in our existing law. This deficiency is the lack of enforcement provisions that can effectively control hazards in the most dangerous part of any operating coal mine.

Right now our Federal mine inspectors are powerless to enforce essential safety standards at the very point of greatest danger underground—the working face of the mine. When an inspector, in the course of his duty, reaches the place where the coal is actually being extracted from the seam, he can point out hazardous conditions and recommend corrective measures. He can even plead for action; but beyond that he is powerless. He can only hope that no accident occurs.

The proposed Federal Coal Mine Health and Safety Act of 1968 recognizes this shortcoming in the present law. This bill would, for the first time, extend Federal enforcement to the face of the mine. And it would back that enforcement with penalties strong enough to assure that hazardous conditions called to an operator's attention are promptly and adequately corrected.

Experience since the passage of the law that is now in force has shown clearly the inadequacies of that law. Knowing the deficiency, and having been presented with a remedy, we can no longer ignore our responsibilities. We must take action now.

HOUR OF MEETING

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 11 a.m.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Reserving the right to object, Mr. Speaker, what will be the business on tomorrow other than the Defense appropriation bill?

Mr. McCORMACK. We have the conference report on the redwoods bill. Then there is the further consideration of the appropriation bill and there is the national scenic rivers bill. With the disposal of those matters, we would then hope to go over until the following Monday.

Mr. GROSS. And any other business that was programed for this week will not be called up this week; is that correct?

Mr. McCORMACK. That is correct, the gentleman has correctly stated the situation.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. LIPSCOMB. Mr. Speaker, further reserving the right to object, has it been decided exactly how the bills will come up? Will the Defense appropriation bill be on the calendar first on tomorrow?

Mr. McCORMACK. I would say, I think the Defense bill would be first. The chairman is anxious to dispose of this bill and certainly the leadership is anxious to dispose of the bill so I will make the statement that we will continue with the Defense Department appropriation bill. Then the redwoods conference report will be the next order of business, and following that the national scenic rivers bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, it is not planned then to bring up the foreign aid conference report?

Mr. McCORMACK. No; not this week.

Mr. LIPSCOMB. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE TRUCK BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, last week I referred to the fact that the national press has overwhelmingly expressed its dissatisfaction with the truck bill before the House. Of the nearly 300 newspapers which haven taken an editorial stand on this bill, I have found only one which has supported it. Today, I am inserting in the RECORD editorials and columns from newspapers all over the country. I want the Members to look closely at them. They express the sentiment of the people of America and not just a small special-interest group. They are not concerned with increased profits or special advantage but with the well-being of our Nation's cities and towns. The editorials I am inserting are just a sampling of the feeling of our newspapers. I urge all to heed their dire warnings and to oppose this bill before the House. The editorials follow:

[From the Knoxville (Tenn.) News-Sentinel, July 14, 1968]

FREIGHT TRAINS—NO RAILS

If you drive a normal-sized vehicle on the public highways, prepare to be awed. If not scared.

Congress is in the process of legalizing highway freight trains.

According to the report of the House Public Works Committee, which has cleared a new truck-weight bill for House action, boxcars on tires up to 69 tons would be permitted on the Interstate highway system.

Four committee members who voted against the bill (already passed by the Senate) said they had some doubt whether even the 69-ton limit would be effective.

The bill not only raises the weight limits, but increases width limits and would permit triple-trailer trucks.

The Public Works Committee rationalizes this startling increase in roadway giants by claiming "beneficial effects on the economy" and vaguely suggesting that "savings" from the use of the huge trucks might be passed along to consumers and "work to the advantage of the public in general."

We are much more impressed by the minority report which points out that the bill carries no new taxes or charges for these behemoths of the beltway, although the Federal Budget Bureau said increased user charges were an "essential complement" to the higher weight limits.

The Budget Bureau said the bigger trucks would raise the costs and reduce the life of the highways. The Public Roads Bureau director said such trucks would "overstress" the bridges on the Interstate highway system by 32 to 36 per cent.

This legislation, the minority committeeman said, was opposed in testimony be fore the committee by the American Association of State Highway Officials, the American Automobile Association, the U.S. Conference of Mayors and by many state highway departments.

All this was ignored by the majority of the House Public Works Committee, just as it was ignored by the Senate.

So, if the House approves the bill, the taxpayers will be stuck again, highways will deteriorate faster than before and the motorist—well, if some of the monsters now on the roads make him nervous, wait until these new freight trains roar up behind him!

Talk of lesser juggernauts boiled up on Capitol Hill in Nashville last January when a 65-foot, not-over-73,000-pound twin-trailer rig was put on display by the Tennessee Motor Transport Association.

Fortunately the outcry over the proposed increase of 10 feet in length was such across the state that a bill to allow the twin-rigs was never introduced in the state Legislature.

But now we are faced with a greater menace. If you're concerned, let Reps. Duncan, Quillen, Brock, Evins and others hear from you. The time to blow your horn for safety is now.

[From the Chattanooga (Tenn.) Times, July 26, 1968]

BACKFIRE ON TRUCK-TRAINS

One need not deny the usefulness to American society of the trucking industry to recognize that the industry's interest and the public interest are sometimes in conflict. This seems to be one of those times.

Despite disapproval of the chief federal highway engineer and many, perhaps all governors, Congress is looking with favor on legislation which could result in virtual truck-trains on Interstate highways and connecting roads. Expressing his opposition to the pending bill, Gov. Ellington—who is not much known, by the way, for bucking truckers—noted that the proposed additions to length, weight and width of cargo trucks would increase wear on the expensive Interstate system and result in higher maintenance costs to the states.

Reportedly, many influential and strategically placed representatives and senators have benefited from trucking industry contributions to their campaigns. Such questionable lobbying can backfire, however, if the public is sufficiently aroused.

[From the New York Times, Aug. 6, 1968]

TRUCKERS BEARING GIFTS

Do you want longer, wider and heavier trucks on the highways?

It is doubtful if very many people outside the trucking industry would answer that question affirmatively. Yet the Senate last April without a record vote passed a bill which would permit trucks on the interstate highway system to be a foot wider and to increase their gross weight from the present limit of 73,000 pounds to as much as 138,000 pounds or more. The new limit is not easily defined because it is figured according to a formula based on a truck's wheelbase and number of axles. Since there is no limit on the length of truck-trailer combinations, trucks pulling two trailers would become common and those pulling three would be feasible.

The American Automobile Association has properly characterized these enormous truck-trailers as "rubber-tired freight trains on the nation's roads" and warned of the increased peril they would present for ordinary motorists. Moreover, incalculable sums running into the hundreds of millions of dollars will be needed to strengthen existing bridges to sustain such truckloads and to rebuild roads worn out prematurely. Yet the House Public Works Committee has cleared this bill for floor action.

So far this is a fairly familiar tale of an industry pushing a piece of special-interest legislation through Congress. But the story gained added significance when enterprising reporters of The Washington Daily News and The Des Moines Register analyzed the recent political campaign contributions of the truck operators' "nonpartisan committee." It turned out that fifteen members of the House Public Works Committee in both parties have received contributions ranging from $500 to $1,500 apiece. For Representative John Kluczynski, Democrat of Illinois, Chairman of the Public Roads Subcommittee and the man more responsible than anyone else for the execrable, lobbying-loving highway bill, the truckers recently bought $2,000 worth of tickets.

A similar pattern of contributions exists for thirteen members of the House Interstate Commerce Committee which recently cleared another bill desired by the commercial truckers which would have the effect of cutting down on their competition from trucks owned by farm cooperatives.

Representative Fred Schwengel, Republican of Iowa, has courageously called attention of the House to these disclosures and written the House Ethics Committee urging an inquiry. For his efforts, we think Mr. Schwengel deserves a medal instead of the punch in the nose which one self-righteous member—Representative Dingell of Michigan—threatened to give him. A full investigation of the trucking industry's efforts to influence legislation is clearly necessary.

[From the Newark (N.J.) News, July 18, 1968]

HIGHWAY MONSTERS

The trucking lobby is roaring along at high speed in its crusade for bigger trucks. A bill to increase the weight limits per axle and widths of trucks using the Federal Interstate Highway system has passed the Senate and has been approved by the House Public Works Committee. Now the House will decide on the measure, which opponents fear will mean trucks nine feet wide and weighing in excess of 138,000 pounds.

Of course, the proliferation of these monsters would spill over into congested cities. And the punishment inflicted on the nation's highways has been summarized by the American Association of State Highway Officials: a reduction in pavement life of 20 per cent and an increase of resurfacing costs of 30 per cent. The U.S. Bureau of Public Roads puts the monetary cost at $1.8 billion.

In addition, Federal Highway Commissioner Lowell K. Bridwell has some grim figures on heavy commercial vehicles already plying the highways. Though such trucks constitute only 7 per cent of the nation's motor vehicles, they have been involved in 19 per cent of the highway fatalities. For every truck driver thus killed, 38 others have died, according to the U.S. Bureau of Motor Carrier Safety.

The haulers and their friends in Congress see bigger trucks as necessary to increase profits. What they would do to the rest of us is apparently none of the industry's concern.

[From the New York Times, Aug. 28, 1968]

CITY DECRIES U.S. BILL TO RAISE TRUCK LOAD LIMITS

(By Seth S. King)

The city joined yesterday in the protests against Federal legislation that would allow wider, longer, and heavier trucks to operate on interstate roadways.

Commissioner of Highways Constantine Sidamon-Eristoff warned that this legislation, which would permit gross truck weights up to 138,000 pounds, could bring vehicles onto city streets that damage surfaces and break down utility systems underneath.

In a letter to Peter F. Tufo, the city's legislative representative in Washington, Mr. Sidamon-Eristoff said that most of the city's 6,000 miles of streets were designed for maximum loads of 72,000 pounds.

They are constructed under regulations established by the Board of Estimate in 1912 and only slighty amended in 1926, he said.

"These regulations had as their purpose the development of a city concerned with living space and not super trucks," the commissioner said.

State laws governing truck size on state highways now limit gross weights to 71,000 pounds, less than the current Federal limit of 72,000. But these limits do not apply to New York City, Mr. Sidamon-Eristoff said.

He noted that legislation was now pending before the City Council to extend the state regulations to city streets.

The Commissioners of Highways and Traffic have the authority to require permits for certain types of oversized vehicles. But some streets within the city are governed by Federal regulations.

The city's streets cover large systems of water, sewer, gas, electricity, and telephone lines. They are not, Mr. Sidamon-Eristoff said, designed to carry the vehicular loads contemplated in the Federal legislation.

The Senate has passed the truck legislation. It has also been approved by the House Public Works Committee, but has not been voted on by the full House of Representatives.

In addition to the increase in allowable gross weights to 138,000 pounds, the Federal legislation would allow widths to be increased from eight to nine feet, including safety gear.

The American Automobile Association and the United States Conference of Mayors have already registered strenuous objections to the Federal bill.

[From the Durham (N.C.) Herald, Aug. 14,1968]

TRUCK TRAINS COST AND HAZARD

It is gratifying to see a growing concern over and a rising opposition to passage of the bill to allow the use of triple-trailers on interstate highways (S-2658). This past Sunday, the Automobile Club of Virginia took a full-page advertisement in some of the papers of that state to point out the heavy cost, in traffic safety and in highway maintenance costs, enactment of this bill would put upon the people of the United States.

This bill has already passed the Senate and is expected to come to a vote in the House of Representatives when Congress reconvenes after the convention recess. There is still time for those concerned for highway safety to let their representatives in Congress know of their opposition to a bill which will permit truck trains of three trailers measuring over 100 feet in length to use the highways.

Recognizing that such truck trains must be loaded and unloaded off the interstate highways and must use other streets and roads to get to the highways, the United States Conference of Mayors recently adopted a resolution urging defeat of this bill because the increase in size and weight of trucks will "shorten the service life of existing highways facilities and multiply the financial burden of all street and road authorities for maintaining and replacing roads and streets prematurely damaged."

The Virginia advertisement quotes Douglas B. Fugate, commissioner of highways in that state, as saying that enactment of this bill would require to replace 1,430 of the 1,662 bridges on the primary highways there at a cost of $151,000,000, would increase new pavement costs by over 15 per cent to carry the added weight, and would increase highway maintenance costs in that state over $18,000,000 per year. Will the trucking industry pay these additional costs which would benefit only that industry? No, the individual taxpayers whom the truck trains will force off the highways will bear the greater part of the burden. It would be interesting to get from the North Carolina Highway Commission an estimate of the added costs S-2658 would put on this state, already hard-pressed to find the money to keep its highway system up-to-date.

Cost isn't all. Even more significant is the element of safety, in which human health and life are at stake. According to the Bureau of Motor Carrier Safety, almost half the accidents involving trucks and resulting in death or injuries are collisions with automobiles. In such accidents, 38 occupants of automobiles die to every truck driver. In this connection, it may be noted also that according to Lowell K. Bridwell, federal highway administrator, heavy trucks constitute only seven per cent of the registered motor vehicles in the United States, travel 11 per cent of the total mileage of motor vehicles in this country, but are involved in 19 per cent of highway fatalities. Is it any wonder that those concerned for highway safety are opposed to a bill which would markedly increase the size and weight of trucks using the highways?

[From the Greensboro (N.C.) News July 24, 1968]

Triple-trailer Trucks

The domino theory may not make a great deal of sense in its Southeast Asian application, but when it comes to laws on truck size, the theory is regarded by the trucking industry as unexceptionable.

The industry's basic tactic is to win passage of a size increase in one or two key states, counting on other states to fall into line to remain competitive. Now the industry is trying to apply the theory on the federal level; it has a bill in Congress which, if approved, will almost certainly lead to state laws vastly increasing the permissible size of trucks.

The bill has moved quietly and speedily through Congress; the Senate has passed it and it has been cleared for action on the floor of the House. It has the support, unenthusiastic but nonetheless official, of the Department of Transportation. Unless a minor miracle occurs, it is likely to be voted into law.

It should not be. It is a bad bill which would benefit a handful of truckers at the expense of the American motorist and the interstate highway system.

What the bill would do is clouded in statistics about "single-axle permissible limits" and "tandem-axle permissible limits" and "gross weight" and "multi-unit vehicles." But when the figures are translated into trucks on the road, the bill's meaning becomes appallingly clear. It would permit, on interstate highways, trucks up to 105 feet in length, weighing up to 67 tons, eight and one-half feet wide, having as many as *three* trailers. Trucks that size might as well be called trains.

It is true that the bill applies only to the federal interstate system. But approval of larger weight limits by Congress will almost certainly be the domino that will send the states tumbling. Federal limits are the standards by which state limits are set; they have been in the past and undoubtedly they will be in the future.

There is no need to elaborate on what the presence of these behemoths on the highway would mean for safety. The trucks already permitted are big enough to give automobile drivers serious problems. Even the single-trailer rigs are susceptible to jack-knifing; imagine how much the danger of that would increase with three trailers.

A less frequently mentioned result of increased truck size is the effect on the roads themselves. According to the Federal Bureau of Roads, the increases permitted under this bill would require design changes in the interstate system costing $1.8 billion. The wear and tear on the highways would increase sharply, with the consequence that state appropriations for road repairs and upgrading would have to be raised to keep the roads usable.

North Carolinians have a special interest in seeing that these dangers and expenses are avoided. Only a year ago, the General Assembly wisely rejected a bill that would have permitted twin rigs on North Carolina roads; the bill was rejected for the very reasons mentioned above. The people of this state made very clear to their representatives in Raleigh that they did not want to add to the hazards on North Carolina highways.

It is to be hoped that our representatives in Washington will get the same message. This is a bad bill, a piece of special-interest legislation which deserves a speedy and solid defeat.

[From the Baltimore (Md.) Evening Sun, July 26, 1968]

Threat to Highways

It seems inconceivable that a measure to permit "truck-trains" on the Interstate Highway System could quietly slip through Congress with almost no public attention. But this, it seems, is very close to happening. The Senate has already passed the bill—with only a handful of Senators present. A House committee has reported the bill favorably. All that remains for Congressional enactment is formal House action.

This, we trust, will not occur. The bill is an outrageous one which would permit double and even triple trailers coupled behind a single tractor. The over-all length of such a combination could come to as much as 108 feet, the equivalent of six passenger cars. Anyone who has ever driven the German Autobahn is unhappily aware of what a nuisance and safety hazard such truck-trains constitute.

The threat is not only to traffic on the Interstate system proper. These behemoths would have to travel the ordinary primary and secondary roads in order to reach the Interstate highways. If they were permitted to use these roads, theoretically some two-thirds of the nation's bridges would be in danger and maintenance cost for roads might jump as much as 30 per cent.

The states, of course would still retain the authority to ban these monsters—but why transfer this fight to the State legislatures, traditionally vulnerable to special-interest pressures? The place to stop the push for trailer trains is at the Federal level, where the restriction was originally imposed.

It ought not to be an impossible job. The United States Conference of Mayors, the American Association of Highways Officials, the American Automobile Association and the Federal Highway Administration are all opposed. The danger is that not enough representatives will be aware of what is going on to oppose it actively. It is up to those opponents who are concerned to point with genuine and noisy alarm and see that the bill doesn't simply slip through the House as it did in the Senate.

[From the Binghamton (N.Y.) Evening Press, July 20, 1968]

No Match at All

There is no more desperately unfair contest than that between a 3,000-pound automobile in collision with a tractor trailer that, with load, can weigh 30,000 to 40,000 pounds.

Common sense tells us it is a mismatch, and the figures bear that judgment out.

Federal Highway Commissioner Lowell K. Bridewell is the authority for statistics that show that while heavy commercial vehicles account for but 7 per cent of the nation's registered motor vehicles, they have been involved, heavily, in 19 per cent of highway fatalities.

In case it needs saying, it was not, in most instances, the truck driver who was killed. For every truck driver who lost his life in a truck-car collision, in fact, 38 others died.

All of this unhappy data is by way of introducing the grim information that there is legislation pending in Congress that would permit frightening increases in width, length and loads of trucks.

The bill would permit truck widths in excess of the lane width on 70,000 miles of primary state two-lane highway on which the bulk of traffic is carried.

That was the way at least it was described by George F. Kachlein, Jr., executive vice-president of the American Automobile Association.

It also would permit loads in excess of the design strength of even the newest highway bridges, those on the interstate routes, and "dangerously" in excess on the half million other road and highway bridges.

The bill, finally, for lack of limit on length, would permit the use of the "highway freight trains," with triple trailers totaling more than 100 feet, that already have begun to appear in a few of the most permissive states.

Mr. Kachlein is in a fair way of speaking for the 78,000,000 operators of passenger cars who for a good many years have had the feeling they were being crowded off the nation's highways by trucks.

Unless the trend is reversed, he foresees our new interstate highways being "turned into truckways, with highway freight trains making travel so uncomfortable and so hazardous that private car operators will be forced off the newer highways onto roads not frequented by trucks."

[From the Evansville (Ind.) Press, July 2, 1968]

Bill To Allow Freight Trains on Highways Is Frightening

If you drive a normal-sized vehicle on the public highways, prepare to be awed. If not scared.

Congress is in the process of legalizing highway freight trains.

According to the report of the House Public Works Committee, which has cleared a new truck-weight bill for House action, boxcars on tires up to 69 tons would be permitted on the interstate highway system.

Four committee members who voted against the bill (already passed by the Senate) said they had some doubt whether even the 69-ton limit would be effective.

The bill not only raises the weight limits, but increases width limits and would permit triple-trailer trucks.

The Public Works Committee rationalizes this startling increase in roadway giants by claiming "beneficial effects on the economy" and vaguely suggesting that "savings" from the use of the huge trucks might be passed along to consumers and "work to the advantage of the public in general."

We are much more impressed by the minority report, which points out that the bill carries no new tax or charges for these behemoths of the beltway, although the federal Budget Bureau said increased user charges were an "essential complement" to the higher weight limits.

The Budget Bureau said the bigger trucks would raise the costs and reduce the life of the highways. The Public Roads Bureau director said such trucks would "overstress" the bridges on the interstate highway system by 32 to 36 per cent.

This legislation, the minority committeemen said, was opposed in testimony before the committee by the American Ass'n of State Highway Officials, the American Automobile Ass'n, the U.S. Conference of Mayors and by many state highway departments.

All this was ignored by the majority of the House Public Works Committee, just as it was ignored by the Senate.

So, if the House approves the bill, the taxpayers will be stuck again, highways will deteriorate faster than before and the autoist—well, if some of the monsters now on the roads make him nervous, wait until these new freight trains roar up behind him!

If you're concerned, let your congressman hear from you.

[From the Jacksonville (Fla.) Times-Union, Aug. 18, 1968]

KILL THE HIGHWAY MONSTER BILL

A bill which presents a threat to the comfort, convenience and relative safety of motorists using the Interstate Highway system is awaiting final action in the House of Representatives when Congress resumes its deliberations after the current recess.

The measure would dangerously lower existing bars to the use of monstrous, multiunit highway freight vans coupled in tandem and towed by a single tractor unit. Judging by the ease with which the bill passed the Senate without even a roll call vote, it appears likely it will win election year approval in the House with equal ease unless an aroused electorate lets its opposition be known.

The bill (S 2658), so innocuously titled as to conceal its true import, in fact rewrites the entire formula for arriving at allowable weight insofar as it applies to the limited access Interstate network of highways. Allowable width of vehicles would be increased from 96 to 102 inches, and single axle weight limits would be increased, but the greatest danger lies in a new formula based on number and location of axles which opens the doors to tandem rigs and virtually removes all limit on gross weight.

Sponsors of the bill made much of the fact that it is in theory permissive only, since state could retain and enforce stricter limitations, and that it applies solely to the Interstate network.

On the first point, once the federal bars are down to the monsters on the highways 90 percent financed by federal funds, few states could withstand the pressure to "cooperate." And once the camel's nose is in the tent, only the most sanguine would doubt that the day would soon come when the new limitations would be extended to all federal-aid roads.

But even assuming that the "rubber tired freight trains" could be permanently confined to the limited access roads, they would still be bad news as a frightening safety hazard to the millions of motorists only now beginning to enjoy the superhighways' advantages.

The Virginia state highway commissioner has estimated that the proposed new weight limits would add $18,639,000 a year to maintenance costs of highways in that state alone. The virtual lack of any limit on gross weight for a tandem rig would constitute a serious threat especially to bridges, even some of the newest.

But most of all, the highway mastodons would be an incalculable psychological hazard to any motorist, however safety conscious, who saw one of them barreling down upon him from the rear and who felt the roadway tremble as it roared by him at high speed spewing clouds of diesel fumes.

The bill should be stopped now.

[From the Washington (D.C.) Evening Star, July 18, 1968]

SPEAKING OF ROAD HOGS

Last April, at a moment when precious few members were on the floor, the Senate approved a bill that would let loose on the nation's highways a sort of rubber-tired King Kong. It would do so, in effect, by legalizing the use of freight-train trucks. Some of them, each consisting of three trailers, would be over 100 feet long, and even bigger models than these are even now on the drawing boards.

Despite the trucking lobby's spirited pitch for them, nobody in his right mind can contemplate the advent of these behemoths with equanimity. They would add yet another hazard to travel by car, and they would give a costly pummeling to highways and bridges from one end of the country to the other. One shudders to think of being caught behind such monstrous road hogs on a long hill, or of seeing them speed up from behind to pass.

The bill that would permit all this is now awaiting action in the House. It should be killed.

[From the Norfolk (Va.) Ledger-Star, July 27, 1968]

THE TRUCKERS ARE PUSHING HARD

The recent report by a Midwestern newspaper, that campaign contributions from the trucking industry went to a number of committeemen dealing with increased truck sizes on the Interstate system, charged nothing that was illegal.

But the report does focus attention on an undesirable piece of legislation, the very existence of which illustrates the doggedness of the trucking lobby in trying to turn the nation's highways into roadbeds for ever-larger cargo-carrying monsters.

One direction in this drive has already received a good deal of public attention—the attempt to bring double-trailers into full national use. The other string to this lobby's bow is the continuing attempt to enlarge the dimensions of the biggest vehicles now in use—the attempt involved in the current move in Congress.

This legislation, to allow states to increase both the permissable weights and widths of trucks on Interstate roads, came up first in the Senate, where Virginia's Senator Spong helped to trim back the allowances a bit. Now it is in the House, and the danger is that the measure—which remains objectionable, even with the Senate trimming—has so much momentum that it will get through.

If it does, the Congressmen will be ignoring a great weight of evidence as to the increased annoyance, peril and cost of the change.

All the present driver nuisance and dangers—in reduced vision and accident risk for highway users—would simply be made worse. But the cost to the taxpayers is the consequence which has been more thoroughly documented.

Because the federal action would put both direct and indirect pressure on the states to allow the new limits, in a few years the heavier and wider vehicles would be moving on the Interstates—but more significantly, they would be traveling to and from the super-roads over the regular streets, roadways and bridges of the states. The beating from the heavier rigs would further shorten pavement life, with continuing repavement and resurfacing, costing in the millions per year, not to mention the cost of bringing bridges up to strength for the new loads.

Whether the aim is to create "trains" of trucks or to balloon the size of present types, the efforts to overburden the roads and the taxpayers ought to be headed off. These vehicles are simply too big already.

[From the San Diego (Calif.) Evening Tribune, Aug. 13, 1968]

TRUCKING BILL SHOULD GET A THOROUGH INVESTIGATION

It's doubtful that anyone outside the trucking industry wants longer, wider and heavier trucks on our streets and highways, but want them or not, it appears we may have them.

Last April the Senate, without a record vote, passed a bill which would permit trucks on the interstate highway system to be a foot wider and to increase their gross weight from the present 73,000 pounds to as much as 138,000 pounds or more. The new limit is not easily defined because it is figured according to a formula based on a truck's wheelbase and number of axles. Since there is no limit on the length of the truck-trailer combinations, trucks pulling two trailers would become common and those pulling three would be feasible.

"Rubber-tired freight trains on the nation's roads" is the way the American Automobile Association described these truck-trailers.

There seems to be no regard for the amount of damage these heavier vehicles would do to the highways and bridges. There appears to be no regard to the added danger to the public from these rubber-tired trains.

Anyone who has passed large trucks on the best of interstate highways knows the feeling of danger when next to the monsters. It is especially dangerous in bad weather when the huge tires cause swirls of water which can obscure a driver's vision.

With more trailers, the danger of jack knifing will be greatly increased.

It has to be realized that these huge truck-trailers will not just materialize on the interstate highways. They must pass over narrower roads and streets to get to and from the freeways, streets which aren't built for loads that heavy or trucks that wide.

The bill sounds like a typical case of congressmen giving way to special interest groups at the expense of the public.

There now appears more to the case.

Reporters of the Washington Daily News and the Des Moines Register have analyzed the recent political campaign contributions of the truck operators "nonpartisan" committee. It turned out that 15 members of the House Public Works Committee in both parties have received contributions ranging from $500 to $1,500.

There have been similar contributions to members of other committees which have cleared bills favored by trucking interests.

The bill permitting a dangerous increase in the size and weight of trucks needs review strictly on the provisions of the bill. There should be a thorough investigation of what such truck-trailers would do to highways and what danger they present to the motoring public.

With the disclosure of the campaign contributions there should also be a full investigation of the ethics involved.

[From the Cincinnati (Ohio) Enquirer, July 20, 1968]

A CASE OF PUBLIC-BE-DAMNED?

The nation's arterial highway system seems to be at the mercy of a big-truck lobby.

Thanks to administration backing, the trucking interests have succeeded in obtaining Senate passage and a favorable start in the House of Representatives of a bill which would remove the present 73,280-pound truck weight limit on Federal highways and would permit huge trucks to operate in train fashion with two, three or more trailers. The pending legislation also would increase truck widths to 8½ feet permissibly.

Truck transport has become basic to the nation's needs. It is a respectable industry. But its friends in and out of politics and in and out of office are really flouting the public interests in the stealthy move to turn the highways into trackless railways.

No longer is the issue one of fairness to railroads. As a matter of fact, many truck and bus lines are functioning as extensions of railroads. But where do you draw the line on truck monopoly of superhighways?

The director of the Bureau of Public Roads, Francis C. Turner, who must be guided by what Congress says, describes the pending legislation as "not as conservative as I would like." This is a masterpiece of understatement. The trucking industry would be permitted to operate 69-ton trucks on Federal highways—almost twice the present restriction—and there no longer would be any limit on truck lengths. The legislation would not even ban a truck-trailer combination a thousand miles long if one were feasible.

Support of the great relaxation of the rules in favor of huge trucks has been based on the argument that it will permit a lower cost of unit operation, with consequent public benefit. This is a very ephemeral argument.

Even the present tractor-trailer operation taxes the Federal roads in many instances. The pounding a 69-ton truck-train would give a superhighway inevitably would hasten the destruction of a great public investment. There is no doubt about this from an engineering standpoint. Bridges and approaches designed for automobile and normal truck usage are bound to fail. And the risk to other traffic simply cannot be ignored.

Lowell K. Bridwell, Federal highway administrator, has estimated that each year commercial vehicles are involved in 10,000 traffic deaths, 124,000 disabling injuries and $420 million in property damage. The ending of the truck length and the increase of the weight provision to 69 tons would benefit perhaps only 300,000 trucks in the nation, although lobbyists are pushing it in the name of all the entire trucking industry. But what a difference it would make!

Trucks have to try to maintain speed limits to make their schedules. Who would venture to say that a 69-ton truck, with double or triple trailer, could be operated safely under the new rules? Even under the best of circumstances, trucks tend to stack up on grades, and in case of sudden stops of traffic or stretches of speed an overweight truck is a potential menace. When they're on the move, too many foot-pounds of energy are involved. The effect is deadly in case of collision with passenger cars.

[From the Birmingham (Ala.) Post-Herald, July 13, 1968]

FREIGHT TRAINS—NO RAILS

If you drive a normal-sized vehicle on the public highways, prepare to be awed. If not scared.

Congress is in the process of legalizing highway freight trains.

According to the report of the House Public Works Committee, which has cleared a new truck-weight bill for House action, boxcars on tires up to 69 tons would be permitted on the interstate highway system.

Four committee members who voted against the bill (already passed by the Senate) said they had some doubt whether even the 69-ton limit would be effective.

The bill not only raises the weight limits, but increases width limits and would permit triple-trailer trucks.

The public works committee rationalizes this startling increase in roadway giants by claiming "beneficial effects on the economy" and vaguely suggesting that "savings" from the use of the huge trucks might be passed along to consumers and "work to the advantage of the public in general."

We are much more impressed by the minority report, which points out that the bill carries no new taxes or charges for these behemoths of the beltway, although the Federal Budget Bureau said increased user charges were an "essential complement" of the higher weight limits.

The Budget Bureau said the buses and trucks would raise the costs and reduce the life of the highways. The Public Roads Bureau director said such trucks would "overstress" the bridges on the interstate highway system by 32 to 36 per cent.

This legislation, the minority committeemen said, was opposed in testimony before the committee by the American Association of State Highway Officials, the American Automobile Assn., the U.S. Conference of Mayors and the many state highway departments.

All this was ignored by the minority of the House Public Works Committee, just as it was ignored by the Senate.

So, if the House approves the bill, the taxpayers will be stuck as the highways will deteriorate faster than before and the autoist—well, if some of the monsters now on the highways make him nervous, wait until new freight trains roar up behind him!

If you're concerned, let your Congressman hear from you.

[From the Washington (D.C.) Daily News, Sept. 10, 1968]

THE WARY MR. SCHWENGEL

Some Congressmen are saying the bill before the House to permit even wider, heavier and longer freight trains on the public highways will be permitted to expire at this preelection session of Congress because it has aroused so much opposition.

Congressman Fred Schwengel of Iowa, an outspoken opponent of loading the highways with these huge vehicles, isn't so sure.

Just to keep the heat on, Mr. Schwengel said he will ask for an hour of floor time in the House every day for the next two weeks to speak against the bill.

You can be sure the truck lobby and the members of Congress who have been, or may be, helped by truck lobby campaign contributions will miss no chance to slip the bill thru the House. So to Mr. Schwengel we say: Keep telling 'em, Fred!

FERTILIZER FOR INDIA—NEED FOR REFORM IN AID SHIPMENTS

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, during the past two decades as the Representative of the people of my district, I have never waivered in my support of the foreign aid program. This humanitarian program has had my full support because I believe deeply that by helping starving people of other countries we are expressing in practical terms the spirit and generosity of the United States in its efforts to bring about a better and more peaceful world.

One type of assistance that has always been of particular interest to me has been in the area of nutrition. Supplying grains for immediate needs and sending fertilizer and seeds, with technical guidance, for developing long-range needs are goals of foreign aid assistance that are more than ever valid today. The necessity to increase nutrition throughout the world has reached crisis proportions. When we reach the goal where every nation in the world is self-supporting, all our money and efforts will have been well worth it.

Recently, Mr. Speaker, I have become greatly concerned not with the goals of foreign aid assistance, but with the management and efficiency of our various programs. We have all read of the graft and corruption in Saigon even though most of us realize how difficult it is to maintain our standards in countries where values and attitudes are so vastly different. Nonetheless, there is one area in particular that I have become familiar with that needs close attention, and, in my judgment, changes in our policy. Currently, we send millions of tons of fertilizer abroad. This fertilizer can be sent either in bulk or packed in burlap bags.

Last year a constituent of mine, who is an expert in the packing and bag business, brought to my attention facts that showed how and why foreign aid dollars were being wasted by overpacking. At the time he proved to me that the bag specifications for the shipment of fertilizer were inconsistent. The bag for all countries receiving fertilizer specified a burlap bag with a polyethylene bag insert to protect this hydroscopic material from absorbing moisture. This bag cost in the range of $250 per thousand.

What is unbelievable is that for the same fertilizer shipped to India the specifications required a burlap bag with a multiwall paper bag insert, selling at the time for $420 per thousand.

I immediately took this problem up with officials of AID and through the very effective cooperation of J. Kenneth Mansfield, the Inspector General for Foreign Assistance we were able to finally pursuade AID and the Indian Government to accept the less costly and fully adequate bag. Since June 1967, when the cheaper bag was introduced, approximately 12,000,000 bags have been shipped to India, at a saving of over $3,000,000. And this saving of approximately $170 per thousand bags shipped will continue as long as we ship fertilizer abroad.

At the present time, however, another issue of waste and inefficiency, even more important to the American taxpayer than overpackaging, has come to my attention.

I have been told that India officials were initially opposed to the use of the cheaper burlap bag, and that now these same officials are complaining about the "disappearance" of some 300 tons of fertilizer per bulk shipment, amounting to a loss of some $20,000 to $25,000 per shipment. And they admit that another 400 tons disappears at the recipient port, which means that all told some $50,000 of fertilizer "disappears" with every bulk shipment. And I have been told that what they refuse to admit is that up to half of each bulk shipment evaporates into thin air and the loss could rise to $700,000.

The Indians manufacture 200,000 bags, enough to pack the average bulk fertilizer shipment of 10,000 tons. They send coolies into the hold of the ship and the bags are half filled and they exhaust the bag supply, the rest of the cargo on the bottom of the hold is unaccounted for.

Conversely, when the material is bag packed in U.S. ports, the scales are exact and each bag contains 50 kilos of material. Further, the bags are printed with the AID symbol so there is no mistake that this is furnished by the United States of America. When the bags are packed in India no such symbol appears on the bag, so it can be disposed of easily in the black market.

AID officials argue that there is a saving by this method for they point out that the cost of bags and packing in a U.S. port is $14 per thousand bags as opposed to $5 to $6 in India.

They overlook additional cost for keeping the vessel in the Indian port while the material is being bagged as opposed to a fast discharge of bagged material.

Because of the high absorption potential of moisture certain types of fertilizer lose potency when in bulk form. One year ago Indian officials protested any change in the protection of the product from moisture, but today they want the material shipped in bulk.

What makes their position contradictory is that by their own admission the bulk shipments consistenly end up in a loss of tonnage into the black market.

Clearly, it is time for AID to clamp down on black market operations resulting in heavy losses of much needed fertilizer, and to pack the material in bags in the United States with true weights, no loss of material, and printed with the AID emblem.

INVESTIGATION OF STUDENTS FOR A DEMOCRATIC SOCIETY PROPOSED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina [Mr. WATSON] is recognized for 60 minutes.

Mr. WATSON. Mr. Speaker, the much publicized confrontation between Chicago police and youthful radicals has resulted in renewed attention being focused on the Students for a Democratic Society—or SDS.

The tragic disorders in Chicago have added a new dimension to the activities of SDS, an organization which despite its relatively brief history has emerged as the most dangerous "New Left" group operating in this country today.

Since Tom Hayden, a founder of SDS, was arrested twice during the Chicago melee, and as a result of substantial SDS involvement before and during the rioting, it seems appropriate at this time to discuss what is actually known about this group and the various methods that it plans to use in destroying our institutions.

Although it is difficult to imagine that anything positive could result from the violence which occurred in Chicago, I do believe that many former skeptics who refused to take the revolutionary goals of SDS seriously are now beginning to reevaluate their thinking. This is indeed a healthy sign, and I say this in all sincerity. I recall that during hearings before the House Committee on Un-American Activities on "Guerrilla Warfare Advocates in the United States," very little was reported in the news media about the committee's findings that SDS has devised a very elaborate and sophisticated plan to foment urban disorders. In fact, this same Tom Hayden, of Chicago notoriety, was blamed by police officials in Newark, N.J., of being very instrumental in fostering violence in that city during the terrible rioting last year.

So, if nothing else, the goals of SDS have been placed in clearer perspective, and the American people, through the eye of television cameras, have observed firsthand what the "New Left" envisions for the future of this Nation. It appears that in an indirect way SDS and lesser known "New Left" radicals have publicly challenged those responsible for maintaining the internal security of this Nation to either act to curtail their activities or face a very real threat to the structure of our Government.

Perhaps the attitude of SDS was best summed up recently by an SDS member from the University of North Carolina, who said, and I quote:

> I don't owe this ——— country anything.

Now, Mr. Speaker, if this misguided and unpatriotic student made such a statement to point out in a rather profane manner a passive dissatisfaction with, say, American foreign policy, it might be one thing. But, SDS members are anything but pacifists. When they speak in terms of destroying the system, they mean exactly that—overthrow of the Government of the United States.

During the brief course of my remarks here today, I will not attempt to give a chronological history of SDS. This information is generally known. However, I would like to bring to the attention of the House and the American people, several broad areas in which SDS is prominently involved and to what extent.

ACTIVITY ON THE COLLEGE CAMPUS

Mr. Speaker, no other incident in the SDS movement until Chicago did more to stimulate its growth than the wave of demonstrations which brought one of the Nation's leading universities to a virtual standstill this past April. I am referring, of course, to Columbia University, where, under the sinister genius of a 20-year-old junior, Mark Rudd, a school of nearly 18,000 students was subjected to total anarchy which resulted in bloodshed.

Before the school year ended in June, such institutions of higher learning as Ohio State University, the University of Oregon, Stanford University, Boston University, Howard University, and Trinity College, just to mention a few, were the scenes of SDS-instigated rioting. The Columbia campus episode acted as a catalyst and was hailed by SDS leaders as a victory in their drive to topple the university structure.

So significant was the experience at Columbia for SDS that its leaders held a national convention with some 800 delegates in late June at Michigan State University.

Carefully prepared plans of subversion emanated from the Michigan State convention including workshops in which SDS members discussed devices for disrupting Selective Service centers.

In addition, the participants learned how to use combustible materials and how to construct various assortments of bombs that would be used to destroy public buildings and vital communications. And, according to FBI Director, J. Edgar Hoover, the convention delegates even discussed the fine points of firing molotov cocktails from shotguns.

Mr. Speaker, there is every indication that SDS, which reportedly numbers about 35,000 members, is prepared to employ those lessons learned during the June meeting in organizing further strife on the college campus as the 1968–69 academic year gets underway.

Tom Hayden puts it on the line. In an article written for the ultra-leftist magazine, Ramparts, last June, Hayden said, and I quote:

> Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics.
>
> In the future, it is conceivable that students will threaten destruction of buildings as a last deterrent to police attacks.

In an interview which appeared in the Chicago Tribune on May 22, 1968, Hayden is quoted as saying that if college administrators do not make themselves subordinate to students, "we will close them—the colleges—all down."

Yes, my colleagues, this is academic freedom, courtesy of the Students for a Democratic Society. Like their contemporaries in Red China, the so-called Red Guards, the SDS is determined to bully, harass, and eventually inflict physical harm on anyone who stands in their path of destruction. Hayden's threats are no idle boast. SDS claims active chapters on some 300 college campuses in every section of America.

COMMUNIST PARTICIPATION IN SDS

Mr. Speaker, full Communist participation in SDS is a fact. This points up another general area of SDS activity that should be discussed.

In terms of adhering to any particular brand of communism, SDS leaders seem to favor the most radical approach to revolution possible. For this reason, communism, Moscow style, appears to be outmoded for the nihilistic pronouncements and militant demonstrations by SDS thus far.

The national secretary of SDS, Gregory Calvert, openly describes himself as a "post-Communist revolutionary."

For Calvert and other SDS members, the late Ernesto "Che" Guevara, Castro's guerrilla warfare expert, is their real hero. In fact, the first issue of the SDS magazine, published recently, contained a section in tribute to the work of Che, who, of course, dedicated his life to active subversion throughout Latin America.

Although known Communists are urged to join SDS, a number of SDS leaders seem to reject the rigid conformity usually imposed by a Communist regime. SDSers speak of overthrow, of course, but they offer no suggestions as to a replacement for our present form of Government. Thus, in the very words of Fidel Castro, and I quote:

> They are guerrillas in the field of culture.

Since a primary objective of Communists in this country is to successfully infiltrate youth groups, SDS affords them an excellent base of operation. Said Michael Laski, California leader of the Marxist, Leninist wing of the Communist Party:

> The SDS is a prime target for infiltration because it invites a broad cross-section of opinion.

Said Gus Hall, the Communist Party boss in America:

> Fronts are a thing of the past. We don't need them, we've got the DuBois Clubs, SNCC, and SDS going for us. They're not fronts, they're just part of the responsible left, that portion of American youth that realizes that society is sick.

The Progressive Labor Party, or PLP, a pro-Chinese off-shoot of the U.S. Communist Party, played an important role in formulating SDS policy during the Michigan State convention. The highly organized PLP with a small percentage of convention delegates almost pulled off a coup that would have given them complete control over SDS.

SDS members are frequent guests of Hanoi and Havana despite State Department travel restrictions to these Communist capitals. On one such occasion, Tom Hayden was accompanied on a trip to Hanoi by Herbert Aptheker whose Communist Party credentials are certainly unquestioned.

FBI Director, J. Edgar Hoover, has documented extensive Communist influence on SDS. In congressional testimony and in the latest issue of the Law Enforcement Bulletin, Mr. Hoover warned of the tremendous role played by Communists in SDS demonstrations and actual policymaking decisions.

OPEN CALL FOR SEDITION

Now, Mr. Speaker, I want to discuss for a moment another area which has been targeted by SDS for revolutionary activity—the Nation's cities.

Listen to the words of Gregory Calvert once again:

> We are actively organizing sedition. We are working to build a guerrilla force in an urban environment. Che's (Che Guevara's) message is applicable to urban America as far as the psychology of guerrilla action goes.

Or, Tom Hayden in an interview with the Communist weekly newspaper, the National Guardian:

> Urban guerrillas are the only realistic alternative at this time to electoral politics or mass armed resistance.

Or, Dee Jacobsen, assistant national secretary of SDS, who manages the organization's headquarters in Chicago:

> We are getting ready for the revolution.

And, in speaking before the urban riots which took place in the summer of 1967, he admitted:

> Some of our members undoubtedly will help.

Yes, my colleagues, if we were not convinced before about SDS subversion in the cities, Chicago will always stand as a reminder.

There are a growing number of American institutions targeted for destruction by SDS. Newspaper accounts by the dozen reveal SDS efforts to infiltrate the military and convince American servicemen to dissent from the war in Vietnam and actually go AWOL from their place of assignment. These newspaper accounts point out how SDS disrupts selective service centers and interferes with recruiting of prospective college graduates by various Government agencies and private business firms.

But, there is in my judgment an even more sinister and diabolical plot being hatched by SDS, the creation of an attitude of rebellion among teenagers.

Already in such cities as Madison, Wis.; Norman, Okla.; and Los Angeles, the old pros of SDS, who incidentally are not always youngsters themselves, many are in their late twenties and early thirties, have approached high school students about joining the ranks of SDS.

An indication of successful recruiting among the teens? Chicago alone answers that question. Many of the demonstrators were only 13 and 14 years of age.

Mr. Speaker, I have only touched very lightly the surface of SDS. This ever-growing movement which has widespread support among disillusioned, bitter and frustrated young Americans poses a significant threat to the stability of existing American institutions.

I have never been one to criticize American youth. I think the young people of today offer enlightened and mature approaches to politics and other areas of national activity unparalleled in our history. It is estimated that out of 18,000 students at Columbia during the demonstrations there, only about 50 were SDS members. But, SDS is hard-core. It is highly organized. It has a battle plan, and just as one nationally syndicated columnist revealed, many students are so intimidated and harassed by SDS that they are actually fearful for their personal safety and well-being.

SDS must be fully exposed for all Americans to see. Although I will not indulge in personalities here, it is absolutely unbelievable that the Justice Department has not obtained indictments against the likes of Tom Hayden. SDS is planning the overthrow of our Government. This may sound like a rather ambitious undertaking, but only a handful of SDS leaders helped to coordinate a well-devised plan of action which almost paralyzed the second largest city in America for several days.

As a member of the House Committee on Un-American Activities, I am very hopeful that in future months we can proceed with a full investigation of SDS and its activities. The American people have a right to expect action from this body and their Attorney General. They may not receive it from the Justice Department; however, I think it incumbent upon us to attack this cancer and curtail its growth now.

Mr. Speaker, I appreciate the kind indulgence of the House in allowing me to bring this matter to its attention.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I shall be happy to yield to my distinguished friend, the gentleman from Iowa [Mr. SCHWENGEL].

Mr. SCHWENGEL. Mr. Speaker, I wish to be one of the first to join in the accolade that is due this gentleman, the gentleman from South Carolina [Mr. WATSON], for bringing this very important matter and problem to our attention and hopefully the Members of the Congress and 60,000 other people who receive the CONGRESSIONAL RECORD will have an opportunity to read it.

Mr. WATSON. I thank the gentleman for his comments.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I am very happy to yield to my distinguished friend and colleague, the gentleman from New Jersey [Mr. HUNT], who is one of the better experts, certainly, in the field of law enforcement.

Mr. HUNT. Mr. Speaker, I take this opportunity to congratulate the gentleman from South Carolina [Mr. WATSON] on his very pertinent exposé of the insidious menace with which we are faced with reference to the Communist movement.

Mr. Speaker, all too long we have tried to bury our head in the sand like an ostrich and have tried to shy away from this fact and sweep it under the rug.

Mr. Speaker, to me it is a revelation to find persons such as the distinguished gentleman from South Carolina, who have the courage to go out and dig up the material and place it in the RECORD for all to read.

I sincerely wish to congratulate the gentleman upon his efforts in this field, and I want to tell him that there are many, many sincere people who are dependent upon individual Representatives such as you to expose the insidious elements of this movement. You are to be congratulated. The gentleman is to be congratulated for conducting this fight against such elements, as he has mentioned, which are undertaking to infiltrate and undermine our students throughout the country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FLYNT (at the request of Mr. ANDREWS of Alabama), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MATHIAS of Maryland (at the request of Mr. MCCLURE), for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HICKS) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 5 minutes, today.

Mr. SIKES, for 15 minutes, on September 12.

Mr. TUNNEY, for 1 hour, on September 17.

Mr. DENT, for 1 hour, on September 17.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS and to include a newspaper article.

(The following Members (at the request of Mr. HICKS) and to include extraneous matter:)

Mr. KARTH.

Mr. GIAIMO.

Mr. EILBERG.

Mr. TEAGUE of Texas in two instances.

Mr. DENT in four instances.

Mr. SIKES in 11 instances.

Mr. COHELAN in four instances.

Mr. GONZALEZ in three instances.

Mr. PODELL in three instances.

Mr. NICHOLS in three instances.

Mr. O'HARA of Michigan in two instances.

Mr. BENNETT.

Mr. FRASER in two instances.

Mr. MEEDS.

Mr. O'NEILL of Massachusetts in two instances.

Mr. KLUCZYNSKI.

Mr. WOLFF in two instances.

Mr. DORN in two instances.

Mr. VAN DEERLIN in two instances.

(The following Members (at the request of Mr. MCCLURE) and to include extraneous matter:)

Mr. THOMSON of Wisconsin.

Mr. LUKENS.

Mr. BROOMFIELD.

Mr. ASHBROOK in two instances.

Mr. CURTIS in two instances.

Mr. SMITH of Oklahoma in two instances.

Mr. SCHERLE.

Mr. ZWACH.

Mr. DENNEY.

Mr. BUTTON.

Mr. MINSHALL in two instances.

Mr. REID of New York.

Mr. MESKILL.

Mr. MICHEL in two instances.

Mr. DUNCAN.

Mr. BRAY in two instances.

Mr. BERRY.

Mr. SCOTT.

Mr. RAILSBACK.

Mr. MILLER of Ohio.

Mr. WHALLEY.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3293. An act to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ADJOURNMENT

Mr. HICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 12, 1968, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2193. A communication from the President of the United States, transmitting recommendations urging the enactment of the Federal Coal Mine Health and Safety Act of 1968 (H. Doc. No. 382); to the Committee on Education and Labor and ordered to be printed.

2194. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improvement in policies for acquiring migratory waterfowl refuges. Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service, Department of the Interior; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee on conference. S. 2515. An act to authorize the establishment of the Redwood National Park in the State of California, and for other purposes (Rept. No. 1890). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 19697. A bill to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes; to the Committee on Armed Services.

By Mr. DENT:

H.R. 19698. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. EVINS of Tennessee:

H.R. 19699. A bill to prohibit loans by the Small Business Administration to businesses deriving 50 percent or more of their revenues from the sale of alcoholic beverages; to the Committee on Banking and Currency.

By Mr. PODELL:

H.R. 19700. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 19701. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. ULLMAN:

H.R. 19702. A bill to amend section 809(c)(1) of the Internal Revenue Code of 1954 to treat retrospective rate credits as return premiums; to the Committee on Ways and Means.

By Mr. WATTS:

H.R. 19703. A bill to amend section 809(c)(1) of the Internal Revenue Code of 1954 to treat retrospective rate credits as return premiums; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 19704. A bill to amend title XVIII of the Social Security Act to provide health insurance benefits thereunder for certain individuals injured in preventing or attempting to prevent the commission of a felony; to the Committee on Ways and Means.

By Mr. LIPSCOMB:

H.R. 19705. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHALLEY:

H.R. 19706. A bill to provide that primary elections for nomination of candidates for the House of Representatives shall be held on the same day throughout the United States; to the Committee on House Administration.

By Mr. McCARTHY:

H.J. Res. 1450. Joint resolution to establish a temporary Commission on Nominations for President and Vice President; to the Committee on House Administration.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 1451. Joint resolution proposing an amendment to the Constitution of the United States to provide for a national preferential primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 1452. Joint resolution authorizing the President to proclaim the week of January 12 through 18, 1969, as Education Week on Smoking and Health; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.J. Res. 1453. Joint resolution proposing an amendment to the Constitution of the United States to provide for a national preferential primary election to select candidates for the office of the President and Vice President and to provide for the election of the President and Vice President by the popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. PATMAN:

H. Res. 1301. Resolution authorizing the printing of "Compilation of the Housing and Urban Development Act of 1968"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19707. A bill for the relief of Maria Grazia Tarantino; to the Committee on the Judiciary.

H.R. 19708. A bill for the relief of Anthony Albert Williams; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 19709. A bill for the relief of Joaquin, Gracinda, Vera, and Luis Antunes; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 19710. A bill for the relief of Zorah Veronica Clarke; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 19711. A bill for the relief of Giuseppe Delina; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 19712. A bill to permit the establishment and operation of certain branch offices by the Michigan National Bank, Lansing, Mich.; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.R. 19713. A bill for the relief of Catherine A. Gallagher and Annie E. Gallagher; to the Committee on the Judiciary.

By Mr. BURLESON:

H.R. 19714. A bill for the relief of Luis Chavez Guerrero, Guadelupe Chavez Guerrero, Alfredo Chavez Guerrero, Amador Chavez Guerrero, and Erineo Chavez Guerrero; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19715. A bill for the relief of Lawrence Luk; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 19716. A bill for the relief of Peter Stroumpis; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 19717. A bill for the relief of Dady Balansay; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 19718. A bill for the relief of Hilario Anthony; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 19719. A bill for the relief of Vassiliki Vacalopoulou; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 19720. A bill for the relief of Ah-Ram Kotikula; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 19721. A bill for the relief of Pereira Barreira; to the Committee on the Judiciary.

H.R. 19722. A bill for the relief of Maria Giraldi Favretto; to the Committee on the Judiciary.

H.R. 19723. A bill for the relief of Ferdinando Paniccia; to the Committee on the Judiciary.

H.R. 19724. A bill for the relief of Manuel Salgado; to the Committee on the Judiciary.

H.R. 19725. A bill for the relief of Michele Scommegna; to the Committee on the Judiciary.

H.R. 19726. A bill for the relief of Gillian Gail Stohlner; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 19727. A bill for the relief of Oscar Montesa; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 19728. A bill for the relief of Alfredo Mazzoni; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19729. A bill for the relief of Juan Candido and Maria Juan T. Lopes; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 19730. A bill for the relief of Honesto P. Bombon; to the Committee on the Judiciary.

H.R. 19731. A bill for the relief of Rosenda H. Taong; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19732. A bill for the relief of Rosalina L. Bautista, M.D., and her husband, Ireneo M. Bautista; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 19733. A bill for the relief of Carminda Tavares Da Silva; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 19734. A bill for the relief of Michael F. Mouzakis; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 19735. A bill for the relief of Miss Anna Seban; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GEORGE ROSE SMITH, OF ARKANSAS, AND THE INTERNAL REVENUE SERVICE

HON. MIKE MANSFIELD

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. MANSFIELD. Mr. President, in behalf of the distinguished junior Senator from Arkansas [Mr. FULBRIGHT], who is campaigning in Arkansas, I ask unanimous consent that certain correspondence between Senator FULBRIGHT's constituent, Mr. George Rose Smith, and the Internal Revenue Service be printed in the Extensions of Remarks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

IMPORTANT NOTICE

In processing your latest Federal income tax return, we computed a different amount of overpayment than was claimed on your return. The enclosed check is for your overpayment as we computed it.

We either have sent to you, or will send within the next two weeks, an explanation of the difference between your computation and ours. You should, however, cash or deposit the enclosed check immediately, without waiting for the explanation.

After you receive the explanation, please review your return. If you are then not satisfied that the refund was in the correct amount, please request a further explanation from your District Director.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Austin, Tex., May 19, 1967.

If you inquire about your account, please refer to the numbers below:

Social Security Number: 429-03-3154.

Document Locator Number: 71211-113-04300-7.

Form Number: 1040.

Period Ended Dec. 31, 1966.

George R. and Peg N. Smith, 2 Cantrell Road, Little Rock, Ark.

INFORMATION NOTICE OF REFUND OR CREDIT

Checking the tax computation on your Federal income tax return revealed an error. The correct amount of your overpayment is shown in the column to the right below:

Total tax shown on return	$3, 234. 10
1. Corrected tax	3, 234. 10
2. Tax withheld	−3, 280. 00
3. Estimated tax credits	−400. 00
8. Overpayment	445. 90

Your overpayment shown on line 8 is being refunded or credited as shown below:

Amount (excluding any allowable interest) to be refunded if you owe no other amount $445. 90

This notice is not the result of an audit of your return. If your return should be selected for audit, you will receive a separate notice.

This notice requires no action by you.

MAY 25, 1967.

Social Security No. 429-03-3154.
Document Locator No. 71211-113-04300-7.
DIRECTOR, INTERNAL REVENUE SERVICE CENTER,
Austin, Tex.

DEAR SIR: I have received your income tax refund check for $445.90 and your explanation thereof, both dated May 19, 1967. I have two observations to make, about which I want to hear from you.

First, you made the refund check payable to both me and my first wife. When I sent the check to her for indorsement she went south with it. This is your fault. The withholding tax was taken out of my salary and the estimated tax was paid by me with my own checks. So you should have sent the refund to me alone. What can you do to straighten this out?

Second, your figures puzzle me. As far as I can make out, you have given me credit for my estimated tax payments ($400) only twice. As generous as the Government is now, you might at least have given me triple credit for that item.

I await your advices.

Very truly yours,
GEORGE ROSE SMITH.

SEPTEMBER 1, 1967.

Social Security No. 429-03-3145.
Document Locator No. 71211-113-04300-7.
DIRECTOR, INTERNAL REVENUE SERVICE CENTER,
Austin, Tex.

DEAR SIR: The attached statement for the third installment of my 1967 estimated tax is based on your computation of my overpayment for 1966. As I wrote you on May 25, I'm not in agreement with your recomputation. And, as I said in that letter, the refund check ended up in the hands of my first wife.

I'm accordingly enclosing my check for $75.00, which I consider to be the proper amount due at this time.

Very truly yours,
GEORGE ROSE SMITH.

ACKNOWLEDGEMENT OF A REQUEST FOR ADJUSTMENT

[Taxpayer copy]

Name and address of taxpayer (No. and Street, City, State and Postal Zip Code): George R. and Peg N. Smith, 2 Cantrell Rd., Little Rock, Ark.

EI or SS No.: 429-03-3154.

MFT: 30.

Period ending 6612.

Document locator number: 71211-113-04300-7.

Date received: 5-26-67.

This is to confirm your request for adjustment to your federal tax account.

We will review your request as soon as possible.

If additional information is needed you will be contacted.

Normal processing may take 60 days to complete. Contacting this office within this period may delay processing.

REASON FOR ADJUSTMENT

Enter number of exemptions omitted------
☐ Joint computation.
☐ Head of household.

☐ Wages and/or tax withheld.

X Other (Specify): Erroneous Refund of Estimated Tax Credit.

Prepared by: Chief, Adjustment Section.

Office: SWSC.

Date: 9-20-67.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
Austin, Tex., October 6, 1967.

Mr. GEORGE R. SMITH,
Little Rock, Ark.
429-03-3154
Form: 1040
Period: 6612
7262-2-00045

DEAR MR. SMITH: Your inquiry concerning the tax account identified above has been assigned for special handling. We will write you again when we determine the cause of the problem.

Should you need to contact us before this reply is received, please furnish a copy of this letter with your inquiry.

Sincerely,

MRS. BESS ROBISON,
Data Processing Specialist.

U. S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
November 17, 1967.

If you inquire about your account, please refer to these numbers.

Identifying Number: 429-03-3154.

Document Locator Number: 71254-295-00035-7.

Form Number: 1040.

Period Ending Date: Dec. 31, 1966.

For IRS Use Only: 30 6612 670.

George R. and Peg N. Smith, 2 Canirell Road, Little Rock, Ark.

Account adjustment-bill for tax due

Balance due on account before adjustment	0
Adjustment computation:	
Credit, decrease, (see explanation G on back)	$400.00
Interest charged on this adjustment	13.91
Net adjustment, charge	413.91
Balance due	413.91

NOVEMBER 21, 1967.

Identifying No. 429-03-3154
Locator No. 71254-295-00035-7
DIRECTOR,
Internal Revenue Service Center,
Austin, Tex.
Attention Head Computer.

DEAR HEAD COMPUTER: I'm addressing this letter to the head computer, as I'm out of patience with dealing with minor machines. Please give this your personal attention.

According to the enclosed Form 4188, I owe the United States $400 plus interest amounting to $13.91. The form is unsigned and really uninformative. By referring, as directed, to Explanation G on the back I find that this is a Withholding Tax credit adjustment.

Now, Computer old boy, I want to review the course of events that led to this supposed debt on my part. First of all, I duly filed my 1966 income tax return, which showed my tax liability as follows:

Total tax	$3,234.10
Amount withheld	2,880.00
Estimate paid	400.00
Total	3,280.00
Overpayment	45.90

I asked that the overpayment be applied to my 1967 estimate.

On about May 20, 1967, I received an unsigned printed form, entitled "Important Notice." It enclosed a check for $445.90, dated May 19, and stated that an explanation would be sent within two weeks. But the form went on to say: "You should, however, cash or deposit the enclosed check immediately, without waiting for the explanation."

You may imagine my pleasure upon learning that an unexpected $400 was dropping in my lap. You may also imagine my disappointment when the explanation, dated May 19, arrived. It explained that "Checking the tax computation on your federal income tax return revealed an error. The correct amount of your overpayment is shown in the column to the right." This column then disclosed this calculation:

Total tax shown on return	$3,234.10
Corrected tax	3,234.10
Tax withheld	3,280.00
Estimated tax credits	400.00
Overpayment	445.90

Now, Head Computer, some minor machine goofed. You just have to glance at the preceding page to see that the tax withheld was actually $2,880 instead of $3,280. So there was a $400 error in my favor.

Swallowing my disappointment at having been hornswoggled by a machine—and a mechanical undertaking at that—I struggled mightily with my conscience over the question whether to steal the money or to notify you of the error. Conscience won, to my present regret—considering the train of subsequent events.

On May 25 I wrote you what was intended as a facetious letter. Moral: Don't get facetious with a minor computer; it has no sense of humor. Anyway, in my letter I notified you (a) that my first wife had gone south with the check, and (b): "Second, your figures puzzle me. As far as I can make out, you have given me credit for my estimated tax payments ($400) only twice. As generous as the Government is now, you might at least have given me triple credit for that item."

Computer dear, you can see at once that the error was so simple and so obvious that it could be detected even by an adolescent computer in less than 60 seconds. But it has taken a solid six months for the mills of Internal Revenue Service to grind.

My letter of May 25 has not been acknowledged to this day. Instead, I got a notice dated—correction, the notice is not dated—stating that I owed some more money on my 1967 estimate (presumably, though this wasn't stated, because you had returned the $45.90 that I asked to be credited on that estimate). I at once wrote you on September 1, explaining my disagreement with your computation and enclosing my check for what was unquestionably the correct amount due.

In response to that letter I received still another unsigned printed form saying that my request for an adjustment would be reviewed as soon as possible. The form added: "Normal processing may take 60 days to complete. Contacting this office within this period may delay processing." Needless to say, I did not "contact" your office within that period, as I lived in trembling fear of delaying the matter.

Next, I received an actual letter, written to me and signed by Mrs. Bess Robison, bless her friendly soul, in which she stated that my inquiry had been assigned for "special handling. We will write you again when we determine the cause of the problem."

Finally, as I said at first, I received yesterday an unsigned printed form stating flatly and unequivocally that I owe the Government $400, plus $13.91 interest.

Now listen closely, Head Computer. I'm not even thinking of paying this demand for interest, for either of two reasons:

First. The original error was entirely yours. The protracted delay that resulted in the demand for interest was entirely yours.

Second. The Government has not been out one nickel. I have never cashed the check for $445.90 and have no intention of doing so. Furthermore, I have paid my 1967 estimated tax in its correct amount. There is simply no basis on which you could conceivably make this demand for interest stand up in court.

Here is what I want you to do. After you have digested the contents of this letter from a poor suffering taxpayer please turn it over to a human being, with a suggestion that he write me a note something like this:

"(Four lines of identify numbers)

"DEAR JUDGE SMITH: We goofed. We just plain goofed. We appreciate your being sufficiently conscientious (or scared of the law) to call the error to our attention. If you will return the Government check for $445.90 we will forget the whole thing (if we can).

"Sincerely,

"______ ______."

I'm sending a copy of this letter to Senator William J. Fulbright, not with any idea whatever that he take any action but just to let him know that the computers are getting out-of-hand in their public relations. So far, thank goodness, the machines haven't been permitted to vote, else those of us who hold elected offices might be in a bad way.

Sincerely,

GEORGE ROSE SMITH.

P.S.—By the way, Head Computer, if you're ever in Little Rock to drop by to see me.

GRS.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
November 27, 1967.

In reply refer to: T:TCT:OLO:egh.

Mr. GEORGE R. SMITH,
Little Rock, Ark.

DEAR MR. SMITH: Your case has been referred to me for special handling.

We did erroneously give you credit twice for the $400.00 paid as estimated tax. Therefore, we have corrected our records showing $400.00 plus interest due on your 1966 account.

I am sorry to say we cannot collect this money from your first wife. Since you filed a joint return in the names of George R. & Peg N. Smith, the refund check was issued in both names. This must be settled between you and your first wife.

If I can help you in any other way, please feel free to contact us.

Sincerely,

MRS. ORA LEE OLSON,
Data Processing Specialist.

NOVEMBER 30, 1967.

MRS. ORA LEE OLSEN,
Internal Revenue Center, Austin, Tex.

DEAR MRS. OLSEN: I have your letter of November 27 (the extra copy is herewith returned).

On November 21 I wrote a long letter to the Center, explaning my views about this matter. If that letter isn't automatically routed to you (which I doubt, red tape being what it is), please pursue it and let me hear from you again.

Sincerely,

______ ______.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
December 4, 1967.

In reply refer to: T:TCT:OLO:wj; 429-03-3154.

Judge GEORGE R. SMITH,
Little Rock, Ark.

DEAR JUDGE SMITH: "We goofed. We just plain goofed."

If you will return the check for $445.90 to me, Ill see that it is applied to your account. I have enclosed an envelope so that your reply will be routed directly to me.

Sincerely,

MRS. ORA LEE OLSEN,
Data Processing Specialist.

By Mr. BINGHAM:

H.R. 19710. A bill for the relief of Zorah Veronica Clarke; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 19711. A bill for the relief of Giuseppe Delina; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H.R. 19712. A bill to permit the establishment and operation of certain branch offices by the Michigan National Bank, Lansing, Mich.; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.R. 19713. A bill for the relief of Catherine A. Gallagher and Annie E. Gallagher; to the Committee on the Judiciary.

By Mr. BURLESON:

H.R. 19714. A bill for the relief of Luis Chavez Guerrero, Guadelupe Chavez Guerrero, Alfredo Chavez Guerrero, Amador Chavez Guerrero, and Erineo Chavez Guerrero; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19715. A bill for the relief of Lawrence Luk; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 19716. A bill for the relief of Peter Stroumpis; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 19717. A bill for the relief of Dady Balansay; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 19718. A bill for the relief of Hilario Anthony; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 19719. A bill for the relief of Vassiliki Vacalopoulou; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 19720. A bill for the relief of Ah-Ram Kotikula; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 19721. A bill for the relef of Pereira Barreira; to the Committee on the Judiciary.

H.R. 19722. A bill for the relief of Maria Giraldi Favretto; to the Committee on the Judiciary.

H.R. 19723. A bill for the relief of Ferdinando Paniccia; to the Committee on the Judiciary.

H.R. 19724. A bill for the relief of Manuel Salgado; to the Committee on the Judiciary.

H.R. 19725. A bill for the relief of Michele Scommegna; to the Committee on the Judiciary.

H.R. 19726. A bill for the relief of Gillian Gail Stohlner; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 19727. A bill for the relief of Oscar Montesa; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 19728. A bill for the relief of Alfredo Mazzoni; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19729. A bill for the relief of Juan Candido and Maria Juan T. Lopes; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 19730. A bill for the relief of Honesto P. Bombon; to the Committee on the Judiciary.

H.R. 19731. A bill for the relief of Rosenda H. Taong; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19732. A bill for the relief of Rosalina L. Bautista, M.D., and her husband, Ireneo M. Bautista; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 19733. A bill for the relief of Carminda Tavares Da Silva; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 19734. A bill for the relief of Michael F. Mouzakis; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 19735. A bill for the relief of Miss Anna Seban; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GEORGE ROSE SMITH, OF ARKANSAS, AND THE INTERNAL REVENUE SERVICE

HON. MIKE MANSFIELD

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. MANSFIELD. Mr. President, in behalf of the distinguished junior Senator from Arkansas [Mr. FULBRIGHT], who is campaigning in Arkansas, I ask unanimous consent that certain correspondence between Senator FULBRIGHT's constituent, Mr. George Rose Smith, and the Internal Revenue Service be printed in the Extensions of Remarks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

IMPORTANT NOTICE

In processing your latest Federal income tax return, we computed a different amount of overpayment than was claimed on your return. The enclosed check is for your overpayment as we computed it.

We either have sent to you, or will send within the next two weeks, an explanation of the difference between your computation and ours. You should, however, cash or deposit the enclosed check immediately, without waiting for the explanation.

After you receive the explanation, please review your return. If you are then not satisfied that the refund was in the correct amount, please request a further explanation from your District Director.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Austin, Tex., May 19, 1967.

If you inquire about your account, please refer to the numbers below:

Social Security Number: 429-03-3154.

Document Locator Number: 71211-113-04300-7.

Form Number: 1040.

Period Ended Dec. 31, 1966.

George R. and Peg N. Smith, 2 Cantrell Road, Little Rock, Ark.

INFORMATION NOTICE OF REFUND OR CREDIT

Checking the tax computation on your Federal income tax return revealed an error. The correct amount of your overpayment is shown in the column to the right below:

Total tax shown on return______	$3, 234. 10
1. Corrected tax________________	3, 234. 10
2. Tax withheld________________	—3, 280. 00
3. Estimated tax credits________	—400. 00
8. Overpayment ________________	445. 90

Your overpayment shown on line 8 is being refunded or credited as shown below:

Amount (excluding any allowable interest) to be refunded if you owe no other amount____________	$445. 90

This notice is not the result of an audit of your return. If your return should be selected for audit, you will receive a separate notice.

This notice requires no action by you.

MAY 25, 1967.

Social Security No. 429-03-3154.
Document Locator No. 71211-113-04300-7.
DIRECTOR, INTERNAL REVENUE SERVICE CENTER,
Austin, Tex.

DEAR SIR: I have received your income tax refund check for $445.90 and your explanation thereof, both dated May 19, 1967. I have two observations to make, about which I want to hear from you.

First, you made the refund check payable to both me and my first wife. When I sent the check to her for indorsement she went south with it. This is your fault. The withholding tax was taken out of my salary and the estimated tax was paid by me with my own checks. So you should have sent the refund to me alone. What can you do to straighten this out?

Second, your figures puzzle me. As far as I can make out, you have given me credit for my estimated tax payments ($400) only twice. As generous as the Government is now, you might at least have given me triple credit for that item.

I await your advices.

Very truly yours,

GEORGE ROSE SMITH.

SEPTEMBER 1, 1967.

Social Security No. 429-03-3145.
Document Locator No. 71211-113-04300-7.
DIRECTOR, INTERNAL REVENUE SERVICE CENTER,
Austin, Tex.

DEAR SIR: The attached statement for the third installment of my 1967 estimated tax is based on your computation of my overpayment for 1966. As I wrote you on May 25, I'm not in agreement with your recomputation. And, as I said in that letter, the refund check ended up in the hands of my first wife.

I'm accordingly enclosing my check for $75.00, which I consider to be the proper amount due at this time.

Very truly yours,

GEORGE ROSE SMITH.

ACKNOWLEDGEMENT OF A REQUEST FOR ADJUSTMENT

[Taxpayer copy]

Name and address of taxpayer (No. and Street, City, State and Postal Zip Code): George R. and Peg N. Smith, 2 Cantrell Rd., Little Rock, Ark.

EI or SS No.: 429-03-3154.

MFT: 30.

Period ending 6612.

Document locator number: 71211-113-04300-7.

Date received: 5-26-67.

This is to confirm your request for adjustment to your federal tax account.

We will review your request as soon as possible.

If additional information is needed you will be contacted.

Normal processing may take 60 days to complete. Contacting this office within this period may delay processing.

REASON FOR ADJUSTMENT

Enter number of exemptions omitted______
☐ Joint computation.
☐ Head of household.

☐ Wages and/or tax withheld.

X Other (Specify): Erroneous Refund of Estimated Tax Credit.

Prepared by: Chief, Adjustment Section.

Office: SWSC.

Date: 9-20-67.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
Austin, Tex., October 6, 1967.

Mr. GEORGE R. SMITH,
Little Rock, Ark.
429-03-3154
Form: 1040
Period: 6612
7262-2-00045

DEAR MR. SMITH: Your inquiry concerning the tax account identified above has been assigned for special handling. We will write you again when we determine the cause of the problem.

Should you need to contact us before this reply is received, please furnish a copy of this letter with your inquiry.

Sincerely,

MRS. BESS ROBISON,
Data Processing Specialist.

U. S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
November 17, 1967.

If you inquire about your account, please refer to these numbers.

Identifying Number: 429-03-3154.

Document Locator Number: 71254-295-00035-7.

Form Number: 1040.

Period Ending Date: Dec. 31, 1966.

For IRS Use Only: 30 6612 670.

George R. and Peg N. Smith, 2 Canirell Road, Little Rock, Ark.

Account adjustment-bill for tax due

Balance due on account before adjustment	0
Adjustment computation:	
Credit, decrease, (see explanation G on back)	$400.00
Interest charged on this adjustment	13.91
Net adjustment, charge	413.91
Balance due	413.91

NOVEMBER 21, 1967.

Identifying No. 429-03-3154
Locator No. 71254-295-00035-7
DIRECTOR,
Internal Revenue Service Center,
Austin, Tex.
Attention Head Computer.

DEAR HEAD COMPUTER: I'm addressing this letter to the head computer, as I'm out of patience with dealing with minor machines. Please give this your personal attention.

According to the enclosed Form 4188, I owe the United States $400 plus interest amounting to $13.91. The form is unsigned and really uninformative. By referring, as directed, to Explanation G on the back I find that this is a Withholding Tax credit adjustment.

Now, Computer old boy, I want to review the course of events that led to this supposed debt on my part. First of all, I duly filed my 1966 income tax return, which showed my tax liability as follows:

Total tax	$3,234.10
Amount withheld	2,880.00
Estimate paid	400.00
Total	3,280.00
Overpayment	45.90

I asked that the overpayment be applied to my 1967 estimate.

On about May 20, 1967, I received an unsigned printed form, entitled "Important Notice." It enclosed a check for $445.90, dated May 19, and stated that an explanation would be sent within two weeks. But the form went on to say: "You should, however, cash or deposit the enclosed check immediately, without waiting for the explanation."

You may imagine my pleasure upon learning that an unexpected $400 was dropping in my lap. You may also imagine my disappointment when the explanation, dated May 19, arrived. It explained that "Checking the tax computation on your federal income tax return revealed an error. The correct amount of your overpayment is shown in the column to the right." This column then disclosed this calculation:

Total tax shown on return	$3,234.10
Corrected tax	3,234.10
Tax withheld	3,280.00
Estimated tax credits	400.00
Overpayment	445.90

Now, Head Computer, some minor machine goofed. You just have to glance at the preceding page to see that the tax withheld was actually $2,880 instead of $3,280. So there was a $400 error in my favor.

Swallowing my disappointment at having been hornswoggled by a machine—and a mechanical undertaking at that—I struggled mightily with my conscience over the question whether to steal the money or to notify you of the error. Conscience won, to my present regret—considering the train of subsequent events.

On May 25 I wrote you what was intended as a facetious letter. Moral: Don't get facetious with a minor computer; it has no sense of humor. Anyway, in my letter I notified you (a) that my first wife had gone south with the check, and (b): "Second, your figures puzzle me. As far as I can make out, you have given me credit for my estimated tax payments ($400) only twice. As generous as the Government is now, you might at least have given me triple credit for that item."

Computer dear, you can see at once that the error was so simple and so obvious that it could be detected even by an adolescent computer in less than 60 seconds. But it has taken a solid six months for the mills of Internal Revenue Service to grind.

My letter of May 25 has not been acknowledged to this day. Instead, I got a notice dated—correction, the notice is not dated—stating that I owed some more money on my 1967 estimate (presumably, though this wasn't stated, because you had returned the $45.90 that I asked to be credited on that estimate). I at once wrote you on September 1, explaining my disagreement with your computation and enclosing my check for what was unquestionably the correct amount due.

In response to that letter I received still another unsigned printed form saying that my request for an adjustment would be reviewed as soon as possible. The form added: "Normal processing may take 60 days to complete. Contacting this office within this period may delay processing." Needless to say, I did not "contact" your office within that period, as I lived in trembling fear of delaying the matter.

Next, I received an actual letter, written to me and signed by Mrs. Bess Robison, bless her friendly soul, in which she stated that my inquiry had been assigned for "special handling. We will write you again when we determine the cause of the problem."

Finally, as I said at first, I received yesterday an unsigned printed form stating flatly and unequivocally that I owe the Government $400, plus $13.91 interest.

Now listen closely, Head Computer. I'm not even thinking of paying this demand for interest, for either of two reasons:

First. The original error was entirely yours. The protracted delay that resulted in the demand for interest was entirely yours.

Second. The Government has not been out one nickel. I have never cashed the check for $445.90 and have no intention of doing so. Furthermore, I have paid my 1967 estimated tax in its correct amount. There is simply no basis on which you could conceivably make this demand for interest stand up in court.

Here is what I want you to do. After you have digested the contents of this letter from a poor suffering taxpayer please turn it over to a human being, with a suggestion that he write me a note something like this: "(Four lines of identify numbers)

"DEAR JUDGE SMITH: We goofed. We just plain goofed. We appreciate your being sufficiently conscientious (or scared of the law) to call the error to our attention. If you will return the Government check for $445.90 we will forget the whole thing (if we can).

"Sincerely,

"______ ______."

I'm sending a copy of this letter to Senator William J. Fulbright, not with any idea whatever that he take any action but just to let him know that the computers are getting out-of-hand in their public relations. So far, thank goodness, the machines haven't been permitted to vote, else those of us who hold elected offices might be in a bad way.

Sincerely,

GEORGE ROSE SMITH.

P.S.—By the way, Head Computer, if you're ever in Little Rock to drop by to see me.

GRS.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
November 27, 1967.

In reply refer to: T:TCT:OLO:egh.

Mr. GEORGE R. SMITH,
Little Rock, Ark.

DEAR MR. SMITH: Your case has been referred to me for special handling.

We did erroneously give you credit twice for the $400.00 paid as estimated tax. Therefore, we have corrected our records showing $400.00 plus interest due on your 1966 account.

I am sorry to say we cannot collect this money from your first wife. Since you filed a joint return in the names of George R. & Peg N. Smith, the refund check was issued in both names. This must be settled between you and your first wife.

If I can help you in any other way, please feel free to contact us.

Sincerely,

MRS. ORA LEE OLSON,
Data Processing Specialist.

NOVEMBER 30, 1967.

Mrs. ORA LEE OLSEN,
Internal Revenue Center, Austin, Tex.

DEAR MRS. OLSEN: I have your letter of November 27 (the extra copy is herewith returned).

On November 21 I wrote a long letter to the Center, explaning my views about this matter. If that letter isn't automatically routed to you (which I doubt, red tape being what it is), please pursue it and let me hear from you again.

Sincerely,

______ ______.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
December 4, 1967.

In reply refer to: T:TCT:OLO:wj; 429-03-3154.

Judge GEORGE R. SMITH,
Little Rock, Ark.

DEAR JUDGE SMITH: "We goofed. We just plain goofed."

If you will return the check for $445.90 to me, Ill see that it is applied to your account. I have enclosed an envelope so that your reply will be routed directly to me.

Sincerely,

MRS. ORA LEE OLSEN,
Data Processing Specialist.

DECEMBER 6, 1967.

Mrs. ORA LEE OLSEN,
Internal Revenue Service Center,
Austin, Tex.

DEAR MRS. OLSEN: I'm delighted to find that there is actually a warm, living, breathing human being within that vast complex of machines and unsigned forms.

Enclosed is the Government's check No. 83,195,960. Just to be perverse I have folded and spindled it, though I stopped short of mutilating it. Please credit this to my account and cancel the $13.91 interest charge as having been made in error.

With best wishes,

Sincerely,

——— ———.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE CENTER,
Austin, Tex., December 14, 1967.

In reply refer to: T:TCT:OLO:hw; 429-03-3154.

Judge GEORGE R. SMITH,
Little Rock, Ark.

DEAR JUDGE SMITH: Thank you for returning the refund check we erroneously sent you.

We are correcting our records to show $400.00 applied to your 1966 account and $45.90 to your 1967 account. Please disregard any notices you may receive concerning these amounts.

If I can help you further, please feel free to contact me.

Sincerely,

MRS. ORA LEE OLSON,
Data Processing Specialist.

DECEMBER 18, 1967.

T:TCT:OLO:hw; 429-03-3154

Mrs. ORA LEE OLSON,
Data Processing Specialist, Internal Revenue Service Center, Austin, Tex.

DEAR MRS. OLSON: Thank you for your note. I assume that your bookkeeping entries also have the effect of canceling the interest charge that was set up.

Merry Christmas to you and the computers!

Sincerely,

——— ———.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,

If you inquire about your account, please refer to the numbers below:

Social Security Number ----------------
Document Locator Number ----------------
Form Number ----------------
Year Ending ----------------

NOTICE OF ESTIMATED TAX PAYMENT DUE

Your installment payment of estimated tax due ---------------- is ----------.

Please make your check or money order payable to "Internal Revenue Service" and return it with this notice to our address as shown above. If you wish to amend your declaration, complete Part II. The duplicate copy is for your records.

Part I. Summary of Account

1. Total estimated tax (excluding withholding tax) ----------------
2. Payments already made ----------------
3. Credit for overpayment of last year's tax (see Note—) ----------------
4. Remaining estimate ----------------
5. Amount of line 1 required (before credits applied) as of installment date ----------
6. Amount of credit for overpayment of last year's tax (line 3) applied through installment date, , plus payments made this year (line 2) ----------------
7. Net installment due—pay this amount ----------------

Part III. Amended Declaration of Estimated Tax

A. Your amended estimate of tax (include self-employment tax) ----------------
B. Estimated income tax withheld or to withheld in the year ----------------
C. Estimated tax (Line A less Line B) ----
D. Overpayment claimed from prior year Form 1040 ----------------
E. Payments already made ----------------
F. Balance (C less sum of D and E). May be paid in full or spread evenly over remaining installments ----------------
G. Amount paid with this amended declaration ----------------

This declaration has been examined by me and to the best of my knowledge it is correct.

Signature(s) ----------------

If joint estimate, both husband and wife must sign.

Date: ----------------

Notes for item 3:

(1) Amount reported on declaration and tentatively allowed subject to later verification.

(2) Amount allowed from your income tax return, as mathematically verified.

(3) Credit claimed has not been allowed since your prior year return does not appear to have been received. If you have filed, please take credit and submit an explanation of when and where return was filed.

JANUARY 16, 1968.

INTERNAL REVENUE SERVICE,
700 West Capitol,
City

DEAR SIRS: I am returning the enclosed assessment about my 1966 income tax return. All this confusion began when the Internal Revenue Service Center at Austin, Texas, erroneously sent me a refund check for $445.90. I did not cash the check and eventually returned it to the Service Center. I enclose a xerox copy of their letter to me, acknowledging the check and conceding that I do not owe the charge that had been set up by mistake.

Sincerely,

——— ———.

DRAFT OF EXECUTIVE ORDER ENDANGERS VA MEDICAL PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the Members of this House know of my belief in and strong support of the medical care program operated by the Department of Medicine and Surgery of the Veterans' Administration for the benefit of veterans who need such care and treatment. Inherent in the operation of the agency has been the concept of "one-stop" service to the veteran in connection with his claim for disability compensation, pension; medical care, education, and so forth. The veterans organizations, along with others who are aware of activities in certain circles of the executive branch continue to be concerned at the draft of an Executive order which proposes to in effect transfer the medical program of the Veterans' Administration to the control and jurisdiction of an agency operating under the guidance of the Secretary of Health, Education, and Welfare. The latest example of this opposition to come to my attention is from the Veterans of Foreign Wars and the national commander of that organization has recently addressed a letter to the special assistant to the President, Mr. Douglass Cater, which under leave to extend my remarks I include at this point:

SEPTEMBER 9, 1968.

Mr. DOUGLASS CATER,
Special Assistant to the President,
The White House, Washington, D.C.

DEAR MR. CATER: This is to let you know that as the newly elected Commander-in-Chief of the Veterans of Foreign Wars of the United States, I am opposed to approval of the Executive Order which would make the Secretary of Health, Education and Welfare the "health czar" of the nation.

I am referring to your letter of July 17 to my immediate predecessor, Past Commander-in-Chief Joseph A. Scerra, concerning the report of June 14, 1968 to the President by the Secretary of Health, Education and Welfare, which could drastically curtail the independence of the Veterans Administration hospital system.

At our recently concluded Detroit National Convention, at which I was elected Commander-in-Chief on August 23, 1968, the delegates adopted a resolution identified as No. 241 entitled "Oppose Creation of Federal Health Czar," a copy of which is enclosed.

Behind this mandate is the long standing position of the Veterans of Foreign Wars that medical and hospital care for the veterans of this nation should be second to none. The draft of the Executive Order refers to national health goals for all citizens. It does nothing to insure that the special status accorded veterans medical and health care for over a century will be preserved. The upgrading of national health goals for citizens generally is a worthwhile purpose but it must be accomplished without encroachment upon the administration and quality of hospital and medical care provided for veterans and servicemen.

The draft of the Executive Order fails to include the specific assurances concerning veterans hospital and medical programs provided in your letter of July 10, 1968 to the Honorable Olin E. Teague, Chairman of the House Committee on Veterans Affairs.

More specifically the main thrust of the Executive Order in no way allays our fears that the Veterans Administration will play a subservient role to the Secretary of Health, Education and Welfare should this Executive Order be signed. There is every reason to believe that the Secretary of Health, Education and Welfare, pursuant to the authority vested in him by this proposed Executive Order, will, in truth, become a "health czar." For the Veterans Administration this could well mean the end of the Veterans Administration hospital and medical system, which has operated so successfully over the years, and is undoubtedly one of our great national assets.

For these and previous reasons indicated by my predecessor, Mr. Scerra, the Veterans of Foreign Wars urgently recommends against the finalization of this Executive Order to the extent that it would involve the Veterans Administration and subordinate it to the Department of Health, Education and Welfare. By all means, the Veterans of Foreign Wars further urgently recommends that no action be taken by the President which would in any way lead to the disestablishment and loss of the independence of the Veterans Administration to operate independently the present hospital and medical programs for veterans.

Sincerely,

RICHARD HOMAN,
Commander in Chief.

LIBERTY OR LICENSE?

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. FANNIN. Mr. President. the second in an excellent series of articles on

the American Civil Liberties Union has been published in Barron's, a financial weekly newspaper. Mrs. Shirley Scheibla has done an outstanding job of looking into the activities of this organization which we all hear so much about, but actually most Americans are unfamiliar with either the history or the total work of the ACLU. The facts uncovered in Mrs. Scheibla's articles deserve wide attention and understanding. I ask unanimous consent that the second in her series of articles on the ACLU be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIBERTY OR LICENSE?—THE ACLU SOMETIMES HAS TROUBLE TELLING THEM APART

(By Shirley Scheibla)

WASHINGTON.—An influential lobbyist told a Senate subcommittee last May that the Communist Party constitutes no threat to the United States, and that the advocacy of violence is all right as long as it's not accompanied by violent action. His name: Lawrence Speiser, Washington director of the American Civil Liberties Union (Barron's August 26). Mr. Speiser's testimony in opposition to the Internal Security bill of 1968, before the Senate Internal Security subcommittee, provides an apt illustration of how far ACLU can and does go—outside the courtroom—in its ostensible defense of civil liberties. Some of these tactics are, to say the least, questionable. Virtually all of them follow a central theme that runs through case after case of litigation as well: a clear attempt to undo law and order and undermine the nation's ability to defend itself from its enemies.

The chairman of the House Un-American Activities Committee (HUAC) says Mr. Speiser has misrepresented facts in public statements about the committee. The record indicates that several of Mr. Speiser's fellow-officials are guilty of much worse. No "Philadelphia lawyers," their activities include membership in a variety of subversive organizations, overt defense of Communism and the aiding of—even participation in—unruly demonstrations. Indeed, one ACLU official currently is charged with attacking a policeman; meanwhile, a federal court and a grand jury both have shown that widely circulated ACLU charges of police brutality were, in fact false.

DEFENDS CLOSED SHOP

Some idea of what ACLU is all about comes through in a brief review of certain cases it has turned down. It refuses, for example, to defend state right-to-work laws, finding no Constitutional guarantee of a man's right to earn a living without joining a union. Instead, it endorses the closed shop, which makes union membership a mandatory condition of employment. An ACLU policy statement once declared: "No worker should be allowed to participate in the benefits provided by the union without accepting the responsibility of union membership."

A few years ago, however, when it was fighting the blacklisting of the "Hollywood Ten"—screen writers who refused to answer questions of a Congressional committee about alleged Communist Party connections—ACLU declared: "The right to work is a human right . . . a Constitutional right; and the opportunity to earn a living cannot be unjustly withheld from a man without doing violence to the Constitutional guarantees protecting his liberty . . . ." Despite its present myopia about the Constitutional right to earn a living, ACLU does believe in a Constitutional right to receive welfare. Poverty, it says, prevents the enjoyment of rights guaranteed by the Constitution.

Take another example. Some merchants in the District of Columbia complained that their civil liberties were violated last spring when their stores were destroyed during the riots here. They asked ACLU to represent them in a suit against the government for failing to provide adequate protection. ACLU declined. It did agree, however, to file an amicus curiae brief on behalf of another group of D.C. shop-owners "supporting the correctness of any decision not to shoot suspected looters and supporting the property owners' right to compensation." Irma Thexton, executive director of the ACLU's Capital Area affiliate, explained that since the community obviously would benefit by any orders not to shoot looters, the community (i.e. the government) should reimburse the merchants.

FAVORS NOISY "PROTEST"

So much for which liberties ACLU ignores. What about the record of causes it has favored? Here's one: ACLU obtained the permit for last fall's huge, violent, wholly unprecedented anti-war demonstration at the Pentagon. According to FBI Director J. Edgar Hoover, a number of Communists and other known subversives took part in that notorious fracas. In the midst of what Mr. Hoover called a "scandalous display of obscenity and immoral behavior," ACLU was speaking out in behalf of the rights of those who made the display.

A few years earlier, ACLU had made its feelings plain: "Disorder is less to be dreaded than suppression of the right to protest." The organization can be blunter than that. A bill passed by the House of Representatives, making it a federal offense to cross state lines for the purpose of inciting a riot, "represents a typical know-nothing attitude in looking for the mythical scapegoat in response to the enormously complex and grave problems facing our society."

Last June, Washington Director Speiser urged members of Congress to vote against legislation which would keep demonstrators from camping overnight on federal property in the District of Columbia. (It also would require them to post bonds to cover the costs of potential damage resulting from their daytime activities.) The same lobbyist demanded that Congress vote down another bill to prohibit desecration of the American flag. Again, last February, he spoke out against a proposed law which would authorize the Secretary of State to restrict travel of citizens to countries whose military forces are engaged in armed conflict with U.S. forces. Americans who have gone to North Vietnam without U.S. government approval, Mr. Speiser said, "have performed a useful function in contributing to the debate on our involvement. . . ."

The ACLU lobbyist also is opposed to legislative proposals barring employment of Communists in defense plants and authorizing the Secretary of Defense to fire security risks. Further, Mr. Speiser's organization advised teachers not to answer questions from prospective employers about any student's loyalty or patriotism. ACLU's D.C. affiliate wants to "make it unlawful for an employer to ask an applicant whether he has ever been arrested." It even wants to end the practice of distributing copies of arrest records: it would prohibit record-keeping altogether on relatively "minor" infractions of law and "eliminate records of arrests for more serious crimes after a reasonable time—perhaps three years."

Chicago's ACLU branch, by the way, is no less windy. It has criticized infiltration of the city's peace groups as a "real police-state practice which is bound to have an effect on dissent."

ATTACK ON HUAC

One of the primary objectives of the ACLU is to abolish the House Un-American Activities Committee. According to HUAC, the Communist Party coincidentally has an identical goal: back in 1960, the party set up a National Committee to Abolish the Un-American Activities Committee. HUAC responded to the latter event by identifying seven of the National Committee's leaders as Communists. One member, though not named a Communist, is Arthur J. Adkins, who happens to be on the executive board of National Capital Area Civil Liberties Union.

Despite losing a court case to have HUAC declared un-Constitutional, the ACLU continued its fight for abolition. While the Union undoubtedly is entitled to express its views regarding the Committee, some of its tactics surely are open to question. Mr. Speiser, for example, told the Joint Committee on the Organization of Congress that he had represented "over 100 people" before HUAC and had never known it to observe House Rule 26(m). (This provides that if a Congressional committee determines certain evidence may incriminate, it may be received in executive session, and requests may be accepted to subpoena additional witnesses.)

HUAC Chairman Edwin E. Willis (D., La.), however, informed the Joint Committee: "The courts of this country, in numerous contempt cases, have had an opportunity to review the Committee's rules of procedure. In no instance have they found them unconstitutional or violative of witnesses' rights." Rep. Willis cited a recent court decision on this point. When Mr. Speiser represented Donna Allen and Dagmar Wilson in appearances before HUAC, he contended that the committee was not observingg Rule 26(m), and advised them not to answer questions. The District Court here subsequently found that HUAC had in fact complied with the rule, and convicted Miss Allen and Miss Wilson for contempt of Congress. On appeal, the conviction was overturned, on a technicality unrelated to the Rule 26(m) dispute.

As for Mr. Speiser's claim that he had represented over 100 persons before the HUAC, Rep. Willis told the Joint Committee: "I have had a careful check made of the record, and it reveals that Mr. Speiser has represented a total of 39 witnesses who have appeared before the Committee on Un-American Activities—33 in public session and six in executive session. Therefore, that part of his statement about the number of witnesses he has represented before the committee is less than half true."

NONVIOLENCE?

ACLU people also can be somewhat less than civil. When Arthur Kinoy was representing witnesses before HUAC a couple of years ago, on behalf of ACLU, he disrupted the hearing and was ejected by police. The courts subsequently found him guilty of disorderly conduct. In 1962, the same Mr. Kinoy was a vice president of the National Lawyers Guild, cited by HUAC as a Communist front. He is a law partner of William Kunstler, who in turn is a member of ACLU's board and, among other things, an attorney for Rap Brown, the former head of SNCC, the Student Non-Violent Coordinating Committee. (Phillip Hirschkop, another of Mr. Brown's lawyers, is on the executive board of the National Capital Area CLU.)

When HUAC held hearings in San Francisco in May 1960, it had even more trouble: specifically, a riot. At the time, Michael Tigar, now a member of the executive board of the National Capital Area CLU, was an officer of "SLATE," a student group at the University of California organizing students for the demonstration. The California Senate Fact-Finding Subcommittee on Un-American Activities reported that SLATE played an important role in stirring up the disorders. According to HUAC, SLATE featured known Communist party members as speakers at meetings which it sponsored on the UC campus.

The California subcommittee declared that Mr. Tigar narrated a propaganda film for Cuba, shown at Berkeley in November 1961. It also named him as one of a three-man committee which made U.S. preparations for the Communist Youth Festival at Helsinki the following year. According to a Washington Post story, "Tigar also was tagged as a student leader at the 1964 Berkeley riots." In that year, too, the California subcommittee found that Mr. Tigar was one of the signers of a call for a student convention in San Francisco, which resulted in the formation of the W.E.B. Du Bois Clubs. And a couple of years later, again according to The Washington Post, Supreme Court Justice William J. Brennan Jr. hired Mr. Tigar as a law clerk—then, following the ensuing public uproar, changed that incredible decision.

In any event, the riot at the HUAC hearings inspired the Communist Party to emphasize "police brutality" as a rallying cry—a brilliant bit of sloganese which since has attracted the sympathy of innumerable student groups. So concludes no less an authority than FBI Director Hoover. HUAC said the party circulated 20,000 leaflets on California campuses, saying that students were engaged in peacefully defending the most cherished American freedoms (at the HUAC hearings) when, without warning, clubs, blackjacks and fire hoses were turned on them.

According to California's subcommittee, the San Francisco demonstration inspired "another new practice on the campuses of some of our educational institutions . . . the holding of mock trials ridiculing the committee (HUAC) and usually sponsored by the political science departments of the institution together with the ACLU." It mentioned specifically a mock trial held December 2, 1960, before some 600 students at Long Beach State College. "The purpose," it said, ". . . was to ridicule this important Congressional committee and to enlist membership in the college branch of the ACLU as well as to get signatures on a petition circulated by that organization calling for the abolition of HUAC."

The subcommittee also revealed that in October 1960, a UCLA student paper announced that "a Marxist study group had been formed on the campus supported by the ACLU of Southern California . . . . That group stated that its fundamental purpose was to provide a medium for the radical movement on the campus and to secure noted speakers for the American radical press.

PHILADELPHIA STORY

ACLU has gotten plenty of mileage out of such tactics. In the January 1968 issue of its official publication, Civil Liberties, the Union gaves its version of events in Philadelphia last November. Some 1,500 Negro high school students were "discussing their concerns with the school superintendent." Suddenly, presumably unprovoked, "about 200 uniformed policemen charged, clubbing wildly. Fleeing youths, boys and girls alike, were clubbed from behind or where they fell." The U.S. District Court for Eastern District of Pennsylvania, on reviewing the same events, found otherwise. "An unrestrained group of about 3,500 full-grown, vigorous people," it noted, actually were committing acts of vandalism, hurling missiles, attacking policemen and obstructing traffic.

The court gave details on the arrest of one demonstrator, Albert Hampton. After a policeman told Mr. Hampton not to cross a police line, it seems, Mr. Hampton shouted an obscenity, struck the officer with his fist, spat on him and went through the barricade. About three feet inside the lines he was placed under arrest, "at which time he called to the crowd, 'Riot, riot. Don't let them take me away.' . . Two officers were required to take Mr. Hampton to the police van because of his struggles. Mr. Hampton conceded that he had called preliminary meetings and helped to organize the demonstration. . . ."

CLEAR VIOLATIONS

Concluded the court: "Forbearance by the police during a considerable period when the crowd was increasing in size, and tension was mounting, indicates that the police action was not taken in bad faith to 'chill' the exercise of First Amendment rights." The behavior of the demonstrators involved clear violations of criminal law, according to the court. Significantly, the plantiffs did not claim that the principle of free speech sanctions incitement to riot. "Instead," the court said, "plaintiffs have contended that the Pennsylvania definition of 'inciting to riot' is void for vagueness. Their position is untenable."

During the 1967 riots in Newark, ACLU was even more involved. An Essex County grand jury recently found that the Union, in cooperation with the Newark Legal Services Project, solicited and distributed false affidavits on "police brutality" (Barron's, April 29). ACLU has run into other difficulties in that New Jersey city. Last April, Henry M. diSuvero (then Executive Director of the N.J. chapter of ACLU) was arrested, charged with assaulting a policeman and creating a disturbance. The assault charge has been referred to a grand jury: the other will be heard September 11 in Newark Municipal Court. Mr. diSuvero, incidentally, has become National Director of the Emergency Civil Liberties Committee, identified as a Communist front by both HUAC and the Senate Internal Security Subcommittee.

REDS' DEFENDER

The record seems clear, in sum, that ACLU likes to defend Communists. Last March 25, Lawrence Speiser admitted to the Senate Internal Security Subcommittee, "I have had clients who have been members of the Communist Party. . . ." Asked by J. G. Sourwine, chief counsel for the subcommittee, if he recognized the Communist Party as a conspiracy against the U.S. Mr. Speiser replied: "No, Mr. Sourwine. If it were as clear as you make it, then all the members of the Communist Party would be charged and in jail today."

Nevertheless, ACLU continues to speak out loudly in defense of what it regards as its lofty aims. ACLU actions, however, speak louder than words. The record, indeed, speaks for itself.

PARITY FOR AUGUST 1968

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. ZWACH. Mr. Speaker, parity ratio of income for farmers advanced 1 point over the July ratio to 74 percent, and is now back to the same levels that prevailed in January, February, and March. It is 1 point lower than 1 year ago, and 6 points lower than in 1960.

Farm prices went up largely because of an increase in cotton prices, while there were declines in corn, barley, flax, oats, and sorghum. Meat animal prices dipped for poultry, hogs, and lambs.

The following percentages are listed for August 1968:

Cotton	58
Wheat	45
Corn	60
Peanuts	78
Tobacco	79
Butterfat	77
Milk	86
Wool	46
Barley	60
Flax	69
Oats	60
Sorghum	62
Soybeans	74
Beef	81
Chickens	68
Eggs	69
Hogs	77
Lambs	83
Turkeys	64

CURRENT SOCIAL AND ECONOMIC PROBLEMS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. GRIFFIN. Mr. President, the spring edition of Business Today, a business review published at Princeton University, contains a revealing article by Mr. A. P. Fontaine on current social and economic problems. Mr. Fontaine describes how American private enterprise can help toward enhancing equal employment opportunity and hiring the disadvantaged. I ask unanimous consent that his observations be printed in the Extensions of Remarks.

There being no objection, the observations were ordered to be printed in the RECORD, as follows:

OBSERVATIONS ON SOCIAL UNREST

(By A. P. Fontaine)

For each generation, the tenor of the times creates new opportunities, new challenges and new problems.

For my generation and those that are immediately following, one of the most challenging situations and indeed a most critical problem is the social unrest in our cities.

The very nature of this social unrest and the various means by which it is being manifest is highly complex. And this complexity is a problem in itself.

In view of these facets of social unrest, it is pertinent to ask what business itself can do to improve the well being of our society and, more particularly, to inquire how business can help solve the bewildering array of problems that plague our cities.

It is important to realize that business has already done a great deal, much of it unrecognized by the general public, and it stands ready to assume more responsibility provided there is an understanding of the capabilities and limitations of business in the complex social environment we find ourselves in today.

PRINCIPLES

We at Bendix share beliefs in certain principles with other businesses. For instance, Bendix has long recognized we cannot isolate ourselves from the communities in which we operate.

I believe the greatest public service is performed by individuals who carefully select their causes and work diligently on behalf of them. They do not necessarily have to be told what to do and how to do it by their government or their employer.

Our most effective civic work is being done on the local level by individual employees and groups in response to local needs.

I am vigorously opposed to engaging in civic work if its purpose is mere window dressing. Projects should be planned and involve worthwhile, attainable objectives. I believe individuals and organizations should get involved first and talk about it later, if at all.

FULFILLING OBLIGATIONS

At Bendix, we try to fulfill our social obligations in the same manner that we conduct our business affairs. Our divisions and our employees are given as much freedom and responsibility as possible to enable them to react effectively to their particular opportunities and problems.

We strongly encourage our employees to get involved in civic work because we believe the broader the base of participation the more that will be accomplished. It is also no secret that employees who take an active interest in the affairs of their community are better adjusted and more well-rounded. They do a better job for us. Realizing all this, we make it a practice to give an employee time off from his work to perform civic tasks when necessary.

SOME ACTIVITIES

Now what can a company, as an entity, do to fulfill its obligations as a good neighbor and a good citizen? I would like to point to some of the activities of our Corporation and a few of our divisions in the area of equal employment opportunity, a matter of great concern to Bendix and one that is perhaps at the root of many of our nation's social problems. The things we are doing are not dramatic, and they are being done by other businesses. They do illustrate the merits of individual action and are affirmative and meaningful.

Bendix employs a full-time equal opportunity coordinator reporting to the vice president of industrial relations. He is responsible for initiating and directing equal employment opportunity programs and working with minority groups. However, his principal objective is to increase minority group employment at all levels and in all divisions of the Corporation. He is supported by an equal opportunity officer at each of our divisions, some of them devoting full-time to this activity. Each division prepares an annual plan for affirmative action and its progress is reported monthly to corporate headquarters.

DIVISIONAL ACTION

One of our divisions is active in the campaign for equal employment opportunity not only in the plant but throughout the large city in which it is located. It has a full-time EEO coordinator reporting to the general manager.

Not only does the division recruit at Negro colleges but it sends interviewers to the ghettos. Free transportation is provided people from the poverty areas to enable them to complete their applications for jobs at the division.

The division helps secure housing for members of minority groups which it recruits.

If a Negro applies for a typist job and is unable to achieve the required 45 words per minute, the division will provide the necessary training to bring the applicant's performance up to the minimum standard.

The drafting classes and lathe training the division offers are primarily intended for members of minority groups.

Negro ministers are invited to the plant to make them aware of the job opportunities available there.

Working with the local Youth Opportunity Program, the division employs a counselor whose mission is to help youths find summer jobs in the community.

Another of our division employs about 10,000 persons in a major metropolitan area. Roughly 1,000 of its employees are members of so-called minority groups.

REACHING ANOTHER

Notices of all employment vacancies are sent to the Urban League. The division has a program called "each one, reach one" in which each new employee who is a member of a minority group is requested to recommend another member for employment at the division.

This installation sponsors work-study programs at Negro universities and sends recruiters to all Negro high schools in the area. Volunteer, part-time instructors and scientific equipment are sent to Negro schools.

Vocational guidance is offered at all of the area high schools and eligible students are invited to come to the division for paid work experience.

A third Bendix division, located in a medium-sized city in the South, employs 760 persons, 103 of them Negroes. It recently conducted a series of evening job interviews at a high school in the Negro community. Candidates were contacted with the help of Negro leaders and the news media.

Similar activities are taking place at most of our installations in this country and added together they represent an enormous amount of good work. What's more, they have been going on for many years.

PROBLEMS ENCOUNTERED

What we have been doing is difficult work. We have encountered many problems in the hiring of disadvantaged persons or the so-called hard-core unemployables. Usually these people are lacking in education, technical skills and basic social habits.

Difficulties begin with recruiting—low turnouts and jaded, cynical responses. We find applicants with prison records and people who never finished grade school.

Once hired, these people must be trained or assigned tasks they are capable of performing. Because of our rapidly advancing technology, jobs for low-skilled workers are very scarce indeed, particularly at a scientifically and technically oriented corporation such as Bendix.

ATTITUDES

Attitudes of disadvantaged persons cause problems. Many have never had full-time work before. They may not conform very readily to work habits such as punching time clocks and showing up on Monday mornings. There is also a decided lack of initiative on the part of some because they have been buffeted and degraded so often.

Among other difficulties are resistance to open housing laws which hinder a company's recruitment efforts, industry-union seniority systems that tend to relegate Negroes to menial jobs and the barring of Negroes from any skilled trade unions.

However, a business that is sincere about hiring and keeping disadvantaged persons must be prepared for costly and time-consuming job training, low initial output, poor workmanship and absenteeism.

Integrated solutions to multiple problems are imperative and in this regard industry can provide what may be a powerful tool—systems engineering.

MAJOR OBSTACLES

The major obstacle is to find some profit-oriented mechanism by which the great talents of our system-oriented industry can be brought to bear on the needs of our society. A start in this direction has been made through the model cities program of the Department of Housing and Urban Development. Bendix system engineers are currently performing preliminary urban transportation studies for HUD.

It is obvious to some but not to all that a corporation's greatest social responsibility is to make a profit. Profits create jobs and enable a business to contribute financially as well as morally to the social movements of the community. Conversely, the absence of profits creates unemployment and retards social improvements.

Profits are subject to the needs of stockholders, customers, employees, the taxing units of government as well as the social requirements of our communities. It is incumbent upon management to balance all of these factors in prudent and realistic fashion. And, of course, a business whose profit is 10 per cent is in a much better position to deal with these factors than one that has only a three per cent profit.

ROLE OF GOVERNMENT

It seems clear to me the federal government will be employing the organizational and technological capabilities of business in the years ahead to help solve some of the pressing problems that plague our cities. Only massive, concerted effort offers any hope of substantial, lasting relief. However, I am confident that individual action on the local level will continue to be the foundation of most community action programs. The freedom of the individual to work out his own destiny has brought us where we are today and I am convinced that society's greatest challenge is providing that freedom to everyone.

TIME FOR REFORM IN THE IRS

HON. JAMES V. SMITH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. SMITH of Oklahoma. Mr. Speaker, on September 5, 1968, I brought to the attention of the House the need to establish a select committee to investigate charges against the Internal Revenue Service by the Reader's Digest. This information was further substantiated by the following article which appeared in the September 1968 Reader's Digest, entitled "Time for Reform in the IRS." I again urge adoption of my resolution, House Resolution 1295. The evidence is too overwhelming to ignore—the American taxpayers are demanding an investigation, and Congress is obligated to provide them taxation with representation.

The article follows:

TIME FOR REFORM IN THIS IRS

(By John Barron)

(NOTE.—Here, revealed by men who themselves work for the Internal Revenue Service, are examples of the vicious pressures which degrade tax agents and taxpayers alike, too often making a mockery of our faith in justice and fair play.)

Late one night last summer, I received a long-distance call from an Internal Revenue Service officer. "If you really want to understand why taxpayers are getting it in the teeth," he said, "some of us are ready to sit down with you. We've got the documents to show you just what they're making us do to people."

This, it turned out, was the beginning of an unforeseen reaction to a Reader's Digest article describing IRS abuses of honest citizens.[1] Less than 48 hours after publication, I started receiving personal visits, phone calls and letters from IRS employes. I found them almost desperately anxious to make known what is going on today inside the Internal Revenue Service.

Rather in sadness than anger, they offered new evidence of how IRS does damage to innocent lives through misuse of its awesome authority to seize property at will, to levy any claim it pleases—without even talking with the taxpayer to ascertain the facts, or providing any evidence to anybody. More important, they explained *why* all this happens and *why* it will continue until the IRS system is reformed. In their homes and cars, at airports and on street corners, in hotels, restaurants and employe organization offices across the country, they risked their jobs to talk to me. Some turned over official documents. Yet they did so only in hope that exposure of the bureaucratic virus infecting IRS will make possible its cure.

---

[1] See "Tyranny in the Internal Revenue Service," The Reader's Digest, August '67.

IRS employs 6300 Revenue Officers in its Collection Division. They have the difficult job of getting money from people who fail to pay taxes assessed against them. But they have nothing to do with examining returns and alleging errors. This is done by the 16,000 Revenue Agents and Tax Technicians assigned to the IRS Audit Division.

Conscientious professionals of IRS realize the absolute necessity of tracking down tax evaders. They also think that the majority of taxpayers are treated fairly. Their great concern is that the present IRS system forces them to run roughshod over a growing number of the innocent while chasing the guilty.

PRESSURE TO BULLY

I began to appreciate how deeply many employes feel after I had a private meeting with 12 Revenue Officers. "IRS doesn't look on people as human beings anymore; they're just numbers, statistics," said an officer with 23 years' experience. He handed me a copy of a local IRS order dated October 1965. It warned: "*We will be watching very closely the Revenue Officer who doesn't average at least one levy per week and one seizure per month . . . Get the dollar . . . .*"

I can still see the despair on the face of the 52-year-old Revenue Officer who reported a reprimand just received. While reviewing a case, a supervisor had flung a file folder across the desk at him. "A grade-three clerk could have handled the case better than you did," he shouted. "This man is working. Why didn't you attach his wages?"

"Actually, he owes us only $19 because he has a refund coming for 1966," the officer explained. "Look, this guy's an old man with a heart condition. He has just found a job as a fry cook after being out two months with an attack. I decided to give him a couple of weeks to get back on his feet. If I had levied on him, he would have lost his job."

"So what?" snapped the boss. "The case would have been closed. If you can't follow our collection policy, fill out a Form 52." [2]

Across the country other IRS men disclose the same kind of pressures to seize money, get rid of cases, bully people—all in the name of bureaucratic "efficiency" and "productivity." Wrote a spokesman for the American Federation of Government Employes: "We receive much correspondence from IRS personnel who state that they are being forced to participate in the kind of tyranny your article describes."

Nobody has summed up the basic problem better than Vincent L. Connery, president of the 27,000-member National Association of Internal Revenue Employes. A respected Revenue Agent for the past 18 years, Connery is in constant touch with IRS workers across the nation. "IRS management today is trying to run the agency like a factory," he says. "Output is measured by the number of returns audited, deficiencies (underpayments by taxpayers) asserted, cases closed. Pressures to increase output originate in Washington and become progressively more brutal as they are applied down through the ranks. They sap the right of employes to exercise independent judgment. Unfortunately, they often force employes to stick to the mass-production rules regardless of the human consequences."

FOR OFFICIAL USE ONLY

Yet IRS in Washington publicly pretends that all is well. Last year, Commissioner Sheldon S. Cohen sought to assure Congress that IRS is fair, reasonable and understanding. The agency regards "any seizure of anyone's assets" as "a very serious matter," an action to be undertaken only as a last resort, he said.

At the very moment that Commissioner Cohen was speaking on Capitol Hill, IRS bosses in California were circulating an order warning that "any evidence of a soft approach" toward anyone IRS claims owes taxes "will result in immediate disciplinary action." Another California order, put in force August 3, 1967, instructs: *"Levy at once on known sources of income, i.e., wages, bank accounts, etc. Seize assets of taxpayer, car, home, business, etc. Make this your first action. Get taxpayers' attention."* The directive concludes that such "efficient work" will be rewarded with "promotions and awards"; that "inefficient work will be severely dealt with by demotions and separation from the Service."

Similarly destructive orders are visited upon IRS auditors. Last February 20 the IRS Group Supervisor in Providence, R.I., warned his agents of an impending inspection by the Regional Commissioner. "You can expect him to be very concerned with the total deficiencies recommended (taxpayer errors alleged) and the number of cases closed by the Audit Division," the supervisor wrote. "Let's make a special effort to close as many cases as possible during the next 30 days."

IRS chiefs cannot be ignorant of such pressure-bred and pressure-breeding orders. In IRS's Washington files there is a closely guarded "FOR OFFICIAL USE ONLY" report summarizing findings of nationwide studies of what employes think. This document, first circulated within the agency in June 1966, reveals that more than half of IRS auditors and 65 percent of its Revenue Officers complain that "the quality of their work" is "seriously affected by requirements for production." It continues: "Criticisms of the adverse effects of emphasis on production are problems in every one of the districts included in the survey."

Alarmed, IRS last year organized a special "task force" to make still another study. The very first finding, reported August 1, 1967, stated: "Most Revenue Officers, and many Group Supervisors, feel there is too much emphasis on production and unnecessary pressure to meet statistical goals. They feel many managers go overboard in trying to meet standards and bench marks."

Yet, just nine days later, Commissioner Cohen flatly reassured Congress: "Our revenue agents are under no pressure to produce certain amounts of revenue; there are no quotas. Rather, emphasis is on quality and fairness."

Wherever production pressures are exerted, they have four disastrous effects on employes—and ultimately on taxpayers.

1. The system can transform employes into automatons by binding them to rigid rules. A case in California illustrates the sometimes shattering consequences of IRS rigidity.

When the IRS office in Santa Ana opened one June morning in 1966, a pretty housewife walked in. Mrs. Alexander G. Douglas had just received an IRS notice demanding $674 in back taxes for 1960, and she wanted to know why. "This account was referred to us from Arizona for collection," said a clerk, thumbing through a folder. "If you don't think you owe the money, write us a letter explaining why."

Mrs. Douglas did as told, but IRS didn't even acknowledge her letter. So she wrote an angry protest to the White House, which forwarded it to IRS. Three weeks later, an IRS man telephoned Mrs. Douglas, politely telling her not to worry. The next day, an official letter reassured her that "the matter was mutually resolved."

Then, in October, Mrs. Douglas came home with an armful of groceries to find an IRS card stuck in her front door: "Call at once regarding 1960 tax deficiency, or steps will be taken to enforce collection."

Mrs. Douglas called the designated IRS officer. "I was promised that this had been taken care of," she said. "I don't see why I should pay this money when nobody will tell me why I owe it." The officer told her to pay up or else IRS would "take steps."

It was not an empty threat. Mrs. Douglas' bank called some two weeks later to inform her that the IRS had stripped the family's checking account.

Forced to scrape up cash to cover all outstanding checks and in dread of what IRS might do next, Mrs. Douglas sent another protest to the White House in December. Goaded again, IRS belatedly ascertained what had happened. After her divorce in 1962, Mrs. Douglas' first husband had received a refund on his 1960 taxes—but IRS later decided that it was unjustified. Unable to recover the refund from him, it put Mrs. Douglas on the delinquent list and ordered the money collected from her.

"No further steps to collect from you" will be taken, Assistant IRS Commissioner D. W. Bacon wrote to Mrs. Douglas on February 9, 1967. Nevertheless, she had to spend more than five more months writing letters, consulting a lawyer, making phone calls, before IRS finally gave back the money it had seized. "Every morning when I woke up, I was afraid," she says. "I don't think it's right that the government can do things like this to people."

2. The IRS system encourages employes to victimize citizens least able and likely to defend themselves. "The average agent will do anything within his power to avoid getting involved in a case which is likely to cut his dollar per man-day production," declares one agent in the IRS's official attitude study. It is easier to squeeze "production" out of little taxpayers who cannot afford a lawyer or even time off from work to contest an arbitrary IRS claim.

After her husband deserted her in August 1963, Carmen Ramos tried to support herself by working as a maid in McAllen, Texas. Because of ill health, she was able to earn only $580 in 1964—so little that she did not even have to file a tax return. However, after her absent husband failed to pay the tax due on all of *his* income, IRS last year summoned Mrs. Ramos. It demanded that she submit a return reporting half of her husband's income and pay taxes on it—even though he had contributed nothing whatsoever to her support.

Outraged, the Hidalgo County Legal Aid Society filed suit against IRS. "Vicious and unconscionable," asserted attorney Joseph L. Nanus, who volunteered to represent Mrs. Ramos in the pending court action. "Here IRS is trying to make this poor woman pay taxes on money she never got and knows nothing about. Talk about civil rights!"

All too often, IRS seeks to increase "production" at the expense of the poor by disallowing their deductions for children. "Dependents are a gold mine for production," an agent explained to me. "All you have to do is send a guy a letter ordering him to prove that he supported his kids. Often he doesn't understand what to do. So we just wait a month, then tell him he owes us an extra 125 bucks or so. What's he going to do, especially if he's poorly educated? We know he'll usually pay. If not, we just take it."

Consider the case of John A. McLeod, a Negro handyman employed by the Southern Bell Telephone Co. in Mobile, Ala. In April 1964, a neighbor tearfully explained to him and his wife that she no longer could care for her fatherless children. The McLeods counted up their modest resources and decided that they could stretch them far enough to give a home to three of the children.

They took them in, and on July 1 the Alabama welfare department approved the adoptions. A year later, however, IRS disallowed the three children as deductions and ordered McLeod to pay $286.53 in back taxes for 1964. It tried to defend this action on grounds that the children were placed in the home by the mother, "not by an authorized state agency."

---

[2] In IRS jargon: submit your resignation.

McLeod did not comprehend. But he scraped up $70 for IRS and, when threatened by IRS with seizure of his salary, later borrowed the rest.

A prominent Alabama lawyer was so enraged upon hearing of this case that he filed suit against IRS at his own expense. A Federal District Court last November 22 ruled IRS wrong and ordered McLeod's money returned.

3. The IRS system tends to erode the integrity of employes. It is small wonder that pockets of wrongdoing are occasionally uncovered in IRS. The remarkable thing is that the enormous majority of employes remain so honest in the face of policies which emphasize the easy way out.

Pressures to increase production so intimidated four Denver supervisors in 1965 and 1966 that they falsified official reports to make it appear that demands from on high had been met. They were caught, and nobody was harmed except them. But taxpayers sometimes do get hurt when employes are driven to cut ethical corners.

In San Carlos, Calif., corporate executive Richard L. Bradley, his accountant and lawyer reached a carefully negotiated agreement with an IRS agent over a complex business deduction. All were satisfied, and their clear understanding was reflected in writing on an IRS form. But later the agent's supervisor secretly nullified the agreement by rewording it. The clandestine changes established a precedent which made Bradley vulnerable to large IRS claims in later years. Worse, IRS doctored the official form in a way that he was unlikely to notice. Then IRS sent him a copy of the altered form with a statement that it was a duplicate of the original agreement.

When Bradley's lawyer, Harlan K. Veal, discovered the IRS trick, he was appalled. "The new Form 886–A surreptitiously, fraudulently, intentionally and without any notification to the taxpayer left out two key points which appeared on the original," Veal wrote IRS. "The effort to hide this deletion was covered up by not only retyping the 886–A but by sending only photocopies thereof so that the delicate deletion would not be apparent. Fortunately, we have on hand the original . . ."

IRS admitted altering the form, but pretended that this was not really important. When Veal threatened to sue and go to the newspapers, IRS decided not to press the additional claims to which the alterations exposed Bradley.

4. The IRS system robs employes of time, opportunity and incentive to correct mistakes and rectify wrongs.

Vincent L. Connery, head of the IRS employe organization mentioned earlier, puts it this way: "The employe who goes out of his way to unsnarl an administrative mess is likely to be penalized because the time he spends subtracts from his 'production.' There is no reward for doing a quality job, for correcting somebody's mistake."

But what can begin inside IRS as an uncorrected clerical oversight or honest error in judgment can end in a nightmare for the taxpayer. The experience of Howard F. Mac Neil shows how.

A successful Chicago accountant, Mac Neil had dealt amicably with IRS on thousands of matters. But in 1962 a client, Container Laboratories, Inc., fell more than $36,000 behind in its taxes and went bankrupt. Thereupon IRS assessed Mac Neil *personally* for the taxes owed.

At first, he considered this merely a mistake by an individual Revenue Officer. He presented proof that he had no power to pay the corporation's taxes, no control of its affairs. In response, he got an IRS offer to drop the $36,000 demand if he would agree to a "compromise" payment.

Mac Neil knew that a "compromise" would be cheaper than a court fight. "I could give in," he told his wife, "but, dammit, the evidence is so overwhelming that any court will uphold me. Besides, it's morally wrong to submit to outright extortion." He engaged a lawyer and filed suit in federal court against IRS.

Meanwhile, IRS put liens on all his bank accounts and placarded his house with signs warning: "Keep out. Property of U.S. Government." It also spread the word in Chicago financial circles that Mac Neil was delinquent in his income taxes—something unpardonable for an accountant. Now Mac Neil saw all he had spent his life building start to crumble. His once imposing list of clients dwindled. With income plummeting and debts mounting, Mac Neil moved out of his downtown offices. Gradually, employes left.

Because of a crowded docket, more than two years passed before Mac Neil's case was heard in court. Arguments ended January 7, 1966. The jury deliberated only briefly before returning the verdict: Mac Neil owed the government not one cent, and never had.

Mac Neil had been vindicated. Yet virtually everything he had acquired through a lifetime of hard work was gone. His legal bills amounted to $14,963.52. "I admit that I am bitter," Mac Neil told me in the modest office he now occupies. "But I'll get back on my feet some way. It's just that it's hard to start all over again when you're 60."

NEEDED: CURBS

For most citizens, payment of taxes is a routine ritual, and most Americans can say that IRS never has treated them unfairly. But this is small consolation to the innocent who have already been unjustly treated by the IRS system.

In the past year, The Reader's Digest has received hundreds of specific complaints about IRS—from ministers, lawyers, janitors, doctors, housewives, policemen, accountants, truck drivers, businessmen—even from soldiers in Vietnam. Congress, too, is hearing from the people. "I seldom go to my district that I don't receive complaints about IRS," reports Rep. Olin E. Teague of Texas. "I am tired of it, and I am going to do something about it."

Sen. Jacob Javits, of New York, states that last fall he was so inundated with complaints about IRS that he had to assign a secretary full-time to handle them. "By treating some taxpayers unfairly while favoring others, IRS is creating a national problem," declares Sen. John J. Williams, of Delaware. "For if Americans ever lose confidence in the fairness of IRS, our whole voluntary tax system will begin to collapse."

Clearly, changes must be made. Congress must curb some of the gigantic powers it has entrusted to IRS. Today, IRS can make the most preposterous claim against anyone, then force him to disprove it. It can seize any citizen's home, car, bank account or paycheck without offering the slightest proof that he actually owes taxes. At the very least, Congress should require IRS to give a judge some evidence before swallowing up property and salaries.

"Vicious" and "evil" declares the AFL–CIO in deploring the practice of attaching workers' wages. "Some employers, rather than accept the annoyance and expense of garnisheeing wages, simply discharge the workers involved." A concerned Congress last May enacted a law drastically curtailing the right of *private* creditors to attach earnings. Yet, ironically, IRS in fiscal 1967 tried to seize salaries and property no less than 880,000 times!

In recent months, I have asked IRS about abuses disclosed by its own personnel. As a result, some tax collectors have been called to special conferences and told that a few of the practices I cited are not officially "condoned." An IRS directive released in Los Angeles last May 10 admits that the property of innocent people *has* been unjustly seized. It advises Revenue Officers henceforth to stop and listen to the taxpayer who says he does not owe a claim. And in Washington, IRS has ordered the relentless computerized billing and threatening of a citizen halted long enough to establish the facts whenever someone protests.

These reactions—and the confessions of wrongdoing that they imply—are commendable. But at best they represent an attempt to treat a cancer with a bandage. The basic IRS system remains unchanged and, as run today from Washington, *guarantees* improper actions.

If Commissioner Cohen really wants to reform IRS, he should listen to his own employees, then liberate them down the line from the vicious pressures which degrade taxpayer and tax collector alike. If he listens closely, he will find that his employees are complaining not out of disloyalty to IRS, but out of loyalty to the democratic principles of their country.

OVERREACTION

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Overreaction," published in the Washington, D.C., Examiner of recent date.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OVERREACTION

Two of American society's most pervasive and powerful institutions are television and the police. Both badly overreacted during the Democratic National Convention in Chicago.

One federal law enforcement officer on the scene admitted that last Wednesday night's club-swinging assault by the Chicago men in blue was the worst case of organized police brutality he had ever seen or heard of.

The Chicago police, simply, went out of control. One Chicago official confesses that not even Mayor Daley could control them at times.

But Mayor Daley, instead of admitting that his Chicago cops have human failings, played his "We can do nothing wrong" attitude right down the line to absurdity.

Granted, there were provocations. The actions of many of the "peace" demonstrators were disgusting. Supposedly they came to Chicago to protest, in the name of the dignity of man, the war in Vietnam. Some were idealists. Too many were filthy-mouthed, well-organized anarchists. Esthetically, morally, and philosophically, they were deficient.

The most pointed criticism, however, should be directed at the television networks (NBC was the worst). The Chicago police would almost be excused for cracking under the pressure of the harassment. Little could be expected from the pigs who lived in the park. But the television newsmen—the smug, dulcet-toned TV newsmen who eat at the best French restaurants—they have a profound responsibility to behave like unbiased professionals. Instead, they tightened up in the gut and cracked, too, spewing forth a steady stream of editorial invective against Mayor Richard Daley, the Chicago police, convention officials, and indirectly against the party's nominee—Hubert H. Humphrey.

It is no secret that the networks were unhappy with the idea of having the convention in Chicago. They were set up in Miami and they wanted to stay there for both conventions.

The networks were further upset with the electrical workers' strike and police and convention regulations which curtailed their operations.

And, finally, they were psychotic with rage when newsmen were caught in the brutal charges of the Chicago police.

They found a heavy in Mayor Daley, and with all of the bias at their command, they proceeded to negate the good things that came out of the convention. Indeed, they ignored the convention when it suited their purposes, which was often.

John Chancellor, David Brinkley, Walter Cronkite and others played God—they were very clever and smug about it. On Wednesday night, when Humphrey was nominated—fairly and openly—they flashed back and forth between the convention and the violence at the Conrad Hilton Hotel. While at the convention, they concentrated on Mayor Daley. If Daley wouldn't talk, they stood by and pouted, ignoring what was really important. They behaved as if they had been planning the entire drama with David Dellinger, Tom Hayden, and the other provocateurs. They destroyed the convention as a contribution to the democratic process, which it was.

One had to come away from the convention feeling very sorry for Humphrey. Both he and his running mate, Senator Edmund Muskie, spoke eloquently on Thursday night, but by then, the television networks had done their job too well. Humphrey, who could have easily won the nomination without Daley, was in the middle between the heavy-handed Daley tactics, the pigs in the park, the brutal police, and the childish television correspondents.

The answers, unfortunately, do not come easy. Certainly there should be a federal investigation of the actions of the Chicago police. The anti-war demonstrators should look more carefully at who they associate with. Party officials should retain a fairer, firmer hand on convention proceedings.

The television networks ought to be severely censured. Even in the campaign, too many of the network correspondents sold out to one candidate or another. One newsman was laughingly referred to as a "whip" in the draft Kennedy movement. And at the convention, they lost what perspective that remained and instead of letting the American people see the convention as it unfolded, they became troublemakers and purveyors of false impressions extraordinary.

The networks executives will predictably and self-righteously claim they were only telling it like it was and, besides, they have the first amendment to protect them.

The sad truth is they performed like cub reporters. And too much is at stake to let it happen again. Let the networks act before the government does, and let the viewer beware. You do not always see the truth.

WILL SPENDING CUTS EVER BE MADE?

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. CURTIS. Mr. Speaker, recent actions by the Johnson administration make it more doubtful than ever that real expenditure reductions will ever be made.

Although spending cuts of $6 billion were required by Congress in the Revenue and Expenditure Control Act of 1968, the President keeps asking exemptions from the act rather than making expenditure reductions.

The latest requests for exemptions are farm price support programs and medicaid payments. Increases in these programs have been $1.2 billion. Thus, in the absence of exemptions, overall spending elsewhere would have to be cut $7.2 billion. Instead the President asks exemptions for these programs to avoid fiscal responsibility.

The latest action is further confirmation of the fact that·this administration has no desire to reduce expenditures.

But these actions should not be unexpected. They are merely the latest in a series of maneuvers by the Johnson administration to avoid fiscal responsibility.

The administration bitterly opposed the $6 billion cut in spending to accompany the 10-percent tax surcharge. It also opposed the rollback in Federal civilian employment to the July 1, 1966, level finally included in the tax bill.

As a matter of fact the Johnson administration added 95,000 extra employees to the public payroll in the 30 days prior to the signing of the tax bill which called for the mandatory reduction in Federal civilian employment.

And now that the reduction in civilian employment is law, the President seeks exemption after exemption to avoid abiding by the provisions of the law.

Thus there is serious doubt that any spending cuts will ever be made. As the Journal of Commerce asks in an editorial on September 10, 1968:

> Could it be that the whole $6 billion spending cut will be nothing but a snare and a delusion and that what will really happen will be that there will be no spending cuts, but merely that projected spending will not go up as much as it might have gone up? If so what happens to that projected big budget deficit reduction? Is that 10 per cent tax increase merely going to finance more spending, as some cynics have insisted all along would be the end result?
>
> Well, I insisted this all along, but I regarded this as a common sense observation, hardly that of a cynic.

The Journal of Commerce editorial follows:

> ARE SPENDING CUTS ILLUSORY?
>
> President Johnson's request to Congressional leaders to let him spend $1 billion over the ceiling Congress had set on government expenditure—which requires a reduction of some $6 billion in spending—will fortify the view of cynical people that there will be scant chance that the government will reduce expenditures or that it will even want to. There have already been some forced exemptions from the proposed reductions in spending, and there are some outlays under the budget that are specifically exempted.
>
> But it must be assumed that the President will carry out the mandate of Congress and has every intention of doing so. However, the Budget Bureau has pointed out that increases in exempt categories require spending enlarged by $4.4 billion from the January budget estimates and that the federal outlays for the year which began July 1 are already headed for the $186 billion originally contemplated. Congress had set the ceiling on all expenditures at $180.1 billion.
>
> The President has very properly pointed out that mandatory increases in federal payments for Medicaid and farm price supports amount to $1.2 billion and that as a consequence federal spending must be cut, by him or by Congress, by $7.2 billion, not by $6 billion. It illustrates the weakness of our budget and spending system, which starts programs at a low figure in one year and provides for automatic escalation in future years.
>
> The President can't do anything about those mandatory rises in specific outlays. But he can voluntarily reduce outlays in certain exempt categories, such as defense, although he cannot do anything about another exempt category, interest on the national debt. If he is going to have to live with higher Medicaid or farm price supports, he is going to have to cut more out of other programs so that overall cuts equal $7.2 billion instead of $6.1 billion.
>
> The Medicaid increase is said to be due largely to "unforeseen" action by states to get federal matching grants. Why this was unforeseen is a question that should have been asked of the budget estimators. More money for crop supports is, of course, perfectly ridiculous in a year when there are bumper crops which, incidentally, reflect the complete failure of the government's program to reduce acreage so as to produce smaller crops. The reduced acreage was paid for.
>
> At his press conference last week, the President said the secretary of defense was working hard at economizing on the defense budget, that he hoped to cut highway spending by some $200 million, that some cuts were to be made in space exploration (which is grossly inflated) and that reclamation projects might have to do with $100 million or so less. Why such a trivial cut in reclamation?
>
> In a recent editorial in Harper's Magazine, John Fischer pointed out that while the Agriculture Department was spending over $1 billion yearly to bribe farmers to keep cropland out of production (40 million acres), the Department of the Interior, through its Reclamation Bureau, was spending billions to bring new and expensively irrigated land into production.
>
> So far it has brought into production nine million acres. Obviously, says Mr. Fischer, this is insane. We couldn't agree more with such a sentiment. Mr. Fischer has an interesting explanation for the insanity.
>
> Up to recently Senator Carl Hayden, from Arizona, at 91 the most senior man in Congress, the chief beneficiary of reclamation, has been chairman of the Senate Appropriations Committee; and no President has dared to offend him. But, adds Mr. Fischer, maybe there is now some hope because Sen. Hayden is retiring. But, adds the Harper's editor, "he is a sweet old gentleman who is anything but a villain and who has served his state well."
>
> For what is happening one cannot, of course, blame the President, who has given his chart and sailing orders, but is up against such Congressionally-imposed obstacles that he will be lucky to accomplish even a part of those mandated spending cuts.
>
> Could it be that the whole $6 billion spending cut will be nothing but a snare and a delusion and that what will really happen will be that there will be no spending cuts, but merely that projected spending will not go up as much as it might have gone up? If so what happens to that projected big budget reduction? Is that 10 per cent tax increase merely going to finance more spending, as some cynics have insisted all along would be the end result?

WIELDING BIGGER BLUDGEONS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. FANNIN. Mr. President, the president of the AFL–CIO, George Meany, is leading the attack of organized labor bosses upon Republican candidates across the Nation. Anyone who doubts that can look at this week's edition of the AFL–CIO News—in particular at the editorial cartoons and editorials—and see a paper that would embarrass Larry O'Brien, the Democratic Party chairman.

One of Mr. Meany's editorial questions, contained in a speech to the machinists convention needs an answer. Mr. Meany says:

> What's wrong with power if it is used the way the American labor movement uses its power? . . . If we have too much power, that's okay with me. Let's have more of the same.

The Wall Street Journal of September 9 gives some excellent examples of "what's wrong with labor's power." In an editorial entitled "Wielding Bigger Bludgeons" the paper outlines some of the abuses of union power that have been perpetrated on union members when they refused to obey the dictates of union bosses. Compounding the problem is the fact that regulatory agencies—specifically the NLRB, which is supposed to protect the laboring man from abuse by companies and unions alike—exercises practically all its efforts in building up union leadership to the detriment of company, management, worker or consumer.

Consider the case where five engraving employees, who were not on strike, went against union orders not to work overtime and were fined $1,000 apiece. Both the company and NLRB general counsel thought the fines were unreasonable. But an NLRB trial examiner ruled in favor of the union and the fines have been upheld.

Is this what Mr. Meany finds attractive about labor's use of its power? Is this why he is pushing so hard for the election of his candidates, so he can dictate to the White House, "Let's have some more of the same"?

Mr. President, the time is long overdue for a restoration of balance in the labor-management area. The degree of power that has been allowed to flourish in the past 8 years is unparalleled in American history. Such a concentration of political and economic power in the hands of leaders lacking in concern for either the individual or the Nation must be corrected.

Irresponsible labor leaders have, under the mortgage they hold upon this administration and thus the labor regulatory agencies, strewn our economic pathways with serious hazards and the continued abuse of power menaces the economic health of our country. I suggest that the American people will not lightly regard the demand for bigger bludgeons that Mr. Meany so openly makes, and those candidates who run with such backing may find themselves subject to the same rejection in which honest people cast off threats of blackmail.

Mr. President, I ask unanimous consent that the editorial from the Wall Street Journal of September 9, 1968, and the editorial remarks of Mr. George Meany, published in the September 7 edition of the AFL–CIO News, be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Sept. 9, 1968]

Wielding Bigger Bludgeons

Ever since the Supreme Court last year upheld union-assessed fines against workers who crossed a picket line, labor union fines have been getting bigger. It will be interesting to see how much bigger they will get before Congress steps in to call a halt to this sort of bludgeoning.

Last year's case involved workers disciplined by their union when they defied pickets at the Allis-Chalmers Manufacturing Co. They were fined $20 to $100. That precedent-setting case, be it noted, had the effect of overturning the language of a section of the Taft-Hartley Act the intent of which—as Senator Taft himself had declared—was to prevent "coercive acts of unions against employees who did not wish to join or did not care to participate in a strike or picket line."

For an example of the new, higher fines, there is the Rocket Freight Lines Co. of Tulsa, Oklahoma. After a short strike, the company and a Teamsters International local agreed on a new contract which was accepted by the local union members and forwarded to the Teamsters' Washington headquarters for approval. After waiting more than three weeks, about half of the company's 70 employees returned to work a few days before approval arrived from Washington. The working employes were fined $250 each.

On the ground that the fines were unreasonable, the company filed charges against the union, and the NLRB general counsel issued a complaint alleging that the fines were unlawful inasmuch as an agreement had been reached and approved by the local union members. The agency's trial examiner, however, held that the contract was not effective until the Teamsters International approved it. And he declined to rule on the firm's charge that the fines were unreasonable because, he said, the NLRB counsel omitted that charge from his complaint.

Five employes of the General Gravure Service Co. Inc., of Hillside, N.J., fared worse. When the firm's contract with the Lithographers and Photoengravers International Union's local expired, although the union did not strike it announced a ban on overtime work. The firm discharged 14 workers who would not work overtime. To avoid being fired, five other employes chose to work overtime. The union fined them $1,000 each.

In this instance both the company and the NLRB general counsel filed charges alleging that the fines were unreasonable and hence unlawful. The NLRB trial examiner did not see it that way and upheld the fines.

All this should not surprise the Supreme Court, which in the Allis-Chalmers case opened the door wide to what amounts to legal union intimidation and extortion. Now, who wants to try for $2,000?

[From AFL–CIO News, Sept. 7, 1968]

With No Apologies

I make no apologies for the fact that labor is strong in this country. I am very, very happy that it is strong. This is what I have lived to see.

What's wrong with power if it is used the way the American labor movement uses its power?

Now, look around for the results of labor's power.

We have the so-called affluent society. There are a lot of people left behind. But look around. There is a high wage economy in this country and it did not come as a gift of the great industrialists and the great captains of industry.

Yes, we have high wages, but only because we wrung them out of them. We used our power to raise wages.

The best customer of American business, the real life blood in this system is the mass purchasing power in the hands of the great mass of people in this country. That is the result of labor's power.

We can look around and look at the children of America. They are better housed, clothed, fed and better educated all over this great nation.

Well, if we have too much power, that's okay with me. Let's have some more of the same.

EDUCATORS CONFERENCE: FINAL REPORT

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. MEEDS. Mr. Speaker, the second session of the 90th Congress is drawing to a close. I would like to take this opportunity to review some of our accomplishments in the field of education and to give the many constituents in my district a status report on recommendations made last November in the State of Washington's Second Congressional District.

Many of the new legislative enactments generated this year by our Committee on Education and Labor and the General Subcommittee on Education, bear striking similarity to ideas and suggestions espoused at the district-wide conference last November.

The involvement of all of our citizens in solving current problems is important. I think we would all agree that in the field of education it is more important since the composition of the educational process in this country is one that must serve all levels of our body politic. In modern day mass society, individual efforts remain one of our greatest untapped resources.

In an age of anxiety and frustration, the individual citizen in this country may sometimes wonder whether or not he or she counts, whether or not he can bring his talents to bear in helping solve some of the complicated and massive problems facing the United States existing in the latter part of this decade.

I mention this, Mr. Speaker, since the conference which I held in my State of Washington last November drew upon the abilities of distinguished citizens and officials from the Federal, State, and local governments. Participants reviewed the legislative accomplishments of Congress and pointed out new directions that we in Congress should work towards in shaping legislation. As shall be seen, the participants have made a direct contribution to current education legislation; it bears their imprint.

Before I give a final status report on the recommendations made by panelists at this grassroots conference, I would like to list several brief reasons as to the importance of this conference.

When the conference was held last November, the country was experiencing the impact of a vast number of new education laws. They represented, then and now, the commitment we made in the 89th Congress. Many of them, of course, originated in the House of Representatives Committee on Education and Labor and I believe none of the Members need a review of the landmark laws which this committee has forged.

In the field of education, this commitment is without precedent in the history of this country. The new educational programs have done much, in Washington State and elsewhere, in 3 short years.

The purpose of the conference was to evaluate the effects of this Federal assistance to State and local agencies and to get comments and specific suggestions on improvements that can be made in this program. A working day of discussions in three fundamental areas of education was held. Topics included vocational education, elementary and secondary education, and higher education. Reports on each topic and recommendations were submitted to me. Based on these recommendations, in many of the legislative areas in which the Committee on Education and Labor has worked, legislative action has been taken this year to consolidate and strengthen existing laws.

This report today summarizes the status of those recommendations as we near the close of the 90th session of Congress here and as the school year begins in Washington State. For these reasons, I include my final report on the educators conference held in Washington State in the RECORD at this time:

VOCATIONAL EDUCATION CONFERENCE SECTION

One of the more important pieces of legislation coming before the House of Representatives this year was the Vocational Education Amendments of 1968. In April, I introduced legislation to expand and upgrade vocational education in this country and an amended version of my original bill, following passage by Committee and the House of Representatives, awaits final action by a House-Senate Conference Committee of which I am proud to be a member.

While this Joint Committee has not yet met, the Senate has passed their version of the Vocational legislation this year and it is clear that significant new directions will be taken when action is completed.

Several recommendations made proved to be quite far-sighted. It was apparent to me that some of the problems on the educators' minds were in line with those regarded as important by the Vocational Education Advisory Council, established by the 1963 Act. The educators' insights and suggestions impressed me greatly. Many of the provisions in my April bill were a direct outgrowth of their recommendations and those of the Advisory Council.

Vocational education has a key role in solving the twin problems of unemployment among the unskilled, and job vacancies in skilled fields. I was, quite frankly, not enthusiastic about the original administration proposal since this nation has neglected the area of vocational education.

This nation needs the skilled manpower and the human resources that will ultimately benefit every level of our economy. It is manpower that can make this nation prosper and grow and these new departures, the very significant new directions in this legislation, will help us supply skilled manpower for this nation's economy. It also will help prepare our young men and women for a productive life.

Recommendations of the November conference and the action taken in these areas are as follows:

First, panelists felt quite strongly that the needs of vocational education are tremendously diverse, varying by different geographical areas in quality and quantity. It is not possible to have a master plan for vocational education in this country and, of course, all legislation we pass has proper safeguards against Federal control.

The new vocational education legislation will drop the various patchwork programs of Federal assistance which return monies to States, and will give each State a "block grant", so to speak, for vocational education purposes. This consolidation and improvement of vocational education programs is an important component of this legislation. It combines existing vocational legislation, much of it dating back to 1917.

Also, we removed matching requirements. This step originated since there were 23 additional purposes of the Vocational Education Act of 1963, and it allows States more flexibility by providing for overall statewide matching. This strikes at the heart of one of the real problems in vocational education, namely that poorer school districts, both urban and rural, are unable to allocate money from their general budget to meet the requirements of matching funds.

Regional purposes are met by another provision of the legislation since each State will be authorized one residential vocational school. Thus, Washington State—and other States—would be guaranteed at least one residential school. Panelists at the November conference had recommended the construction of more residential facilities; it is part of this new legislation.

Two other recommendations were made which have been written into the House bill. The first was the feeling of panelists that more teachers and more experienced manpower was needed for vocational training. The second was that more experimentation and innovative programs, designed to bridge the gap between research and reality, were needed to put new ideas to work.

We moved swiftly on the first recommendation by giving the U.S. Office of Education separate authority under the Education Professions Development Act. A separate authorization will assure our committee members that vocational education would not be bypassed. It is no secret that this field has been somewhat neglected, for whatever reasons. This is our assurance that trained individuals will be provided for vocational education. Experienced vocational educators will be able to spend full time in advance study of their particular fields through a new fellowship program. This provision also provides for exchange programs between different areas of the country, institutes and in-service education for teachers, supervisors and coordinators.

On the second recommendation, we included Title II of the legislation which provides funds to each State for exemplary projects and programs, bringing an innovative luster to the field of vocational education.

One example here of individuals at the local level influencing legislation is that of Mr. Stanley Little of the Boeing Company. His discussion regarding the need to involve private enterprise on a Work Study basis was so impressive as to be deemed a major factor in the cooperative education section of the bill which I introduced.

Our Subcommittee, the full committee on Education and Labor and the House of Representatives have all favorably received these four recommendations which were in line with national trends. Because the recommendations were particularly vital, it was important that they be included in the final House version of the bill. I worked hard to assure their passage. They will go a long way towards helping those young men and women who will not go on to college by providing them with useful job skills.

HIGHER EDUCATION CONFERENCE SECTION

In Washington State, higher education has always played a vigorous role in strengthening our social progress and economic development. This year's Congress has moved forward in this field, too, and the House and the Senate have passed extensive revisions which are contained in the Higher Education Amendments of 1968. Like the Vocational Education bill, the legislation awaits final action by a House-Senate Conference Committee. Many of the recommendations, again made last November at the Educators Conference, are contained in both versions so it is apparent that the final version of this legislation will move to meet the five recommendations made by the Higher Education Conference Section.

First, panelists felt that lead-time for funding of higher educational programs was a necessity. The lead-time provisions included by the House in the Higher Education Act Amendments of 1968 will make Federal programs more workable by giving our colleges and universities a year's advance notice of the funds they can expect to receive.

Secondly, the educators conference recommended that the Guaranteed Student Loan Program be improved to meet student needs and to make the interest rate more attractive to lending agencies. The Higher Education Amendments increase the interest rates slightly, which should give more banks and lending institutions the necessary financial incentive to participate. While this is a substantial improvement, it is still my feeling that student assistance does not respond sufficiently to the needs of middle class America. I shall continue to work for this goal.

Responding to the educators' third recommendations, the House has passed amendments to the Higher Education Facilities Act which will help provide construction funds for building libraries, laboratories, and classrooms to accommodate increased enrollment.

Conference panelists also stressed the need for quick and complete dissemination of information on new Federal programs to all educational institutions so that they might have equal opportunities in applying for Federal funds and so that they might begin programs as soon as possible for the benefit of their students. Educators felt that smaller institutions, lacking the personnel and resources to apply for new programs, often lack too the necessary information to help them in an era when "grantsmanship" sometimes favors more affluent institutions.

To facilitate information dissemination, the Senate has included an amendment in the Higher Education Facilities Act which would make it mandatory for the Office of Education to provide and maintain an updated catalogue of all Federal assistance programs in the field of education.

The fifth conference recommendation was that "block packaged" funds should be made available to community service and continuing education programs. While no current legislation responds directly to this recommendation, provision was made in the Higher Education Act of 1968 for reservation of funds for junior colleges to use in whatever ways they think would best promote their schools' goals. As the "special education" needs of our country diminish, more of the block grant concept should be utilized.

ELEMENTARY AND SECONDARY EDUCATION SECTION

This year we considered legislation to increase and expand both vocational education and higher education in this country.

The main provisions of the Elementary and Secondary Education Act were not before the current session of Congress but some of the recommendations made were contained in Public Law 90–247, the Elementary and Secondary Education Amendments of 1967.

The Conference preceded the passage of these amendments and I have earlier reported that some of the suggestions received the support of the Committee on Education and Labor. These included early funding of Federal education programs, a trend which I have vigorously supported since there is a need for letting school officials know how much funds they are to expect. This provision, contained in the extension of the landmark Elementary and Secondary Education Act of 1965, allows our local school districts to plan their programs well in advance. The educators explained that small school districts in particular need more money for planning. Congress has not yet done enough to fill this need, and I will continue my efforts towards that goal.

It might be well to review, at this point, some of the highlights of the Elementary and Secondary Education Act of 1965 which is now in its third year of operation in Washington State.

As most educators know, Title I of this legislation recognized the national need for financial assistance—in school districts all over the country—by areas with high concentrations of children from low income families. Local school districts without Federal control, plan their projects and during Fiscal Year 1967 alone, Washington State was granted slightly over $10.7 million for Title I programs in 310 school districts all over the state.

In the Second Congressional District, Title I grants provided $1,209,835 for programs affecting 6,856 children and Snohomish County conducted Title I projects in our local schools for 3,492 students with grants of $605,095. This money represents a significant effort to upgrade the quality of education in this country and passed during the 89th Congress. It had my strong support then and I believe the impact of this legislation—in all of its titles—has gone towards helping our young children attain a quality education.

Title II provided funds for Library Resources with Washington State receiving nearly $1.6 million dollars for books and other school library resources and the Second Congressional District receiving an estimated $195,932, providing audio-visual materials, printed materials, books and periodicals.

Title III of the Elementary and Secondary Education Act provided funds for supplementary Educational Centers and Services and four supplementary educational centers and services were funded, including an exemplary curriculum project in Island County, and additional projects in Monroe, in Shoreline and in Clallam and Snohomish Counties. These projects include outdoor education programs, school guidance programs and training for teachers and administrators in our Congressional District.

Two other components of this legislation have supported research activities and have returned money to our State Department of Public Instruction in Olympia for additional services.

When the 91st Congress convenes, I believe that a review of the Elementary and Secondary Education Act will be necessary to find out if the legislation is having a significant effect on Washington State. In the legislative process, of course, a constant review and evaluation of all legislation is necessary.

That summarizes the status report stemming from the November Educators Conference in Washington State. These very helpful suggestions—and their impact this year on legislation which I sponsored in the House of Representatives—re-affirm my belief that the people of this country can help shape the decisions that make this country strong. With the continued support of members of the educational community such as this, we are helping design Federal programs to meet the real needs of the people at the local level.

I am delighted to offer this report to the people in my Second Congressional District.

SERVICE OF SENATOR GRUENING

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, September 11, 1968

Mr. MOSS. Mr. President, in an editorial published last week, the Salt Lake Tribune took cognizance of the primary election defeat of the distinguished Senator from Alaska [Mr. GRUENING]. The fact that the Tribune commented speaks loudly of its valuation of the great service rendered by Senator GRUENING. Its point is that Senator GRUENING's defeat was "more a measure of devotion than disapproval." I think that all Senators feel this way. Our respect for and devotion to our great and dear friend is undiminished. His record speaks eloquently of his achievements. We shall miss his tireless energy and keen insight in the Senate. But we expect him to be in the Nation's Capital to continue our close friendship.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A VERSATILE LIBERAL IS REWARDED IN DEFEAT

One of the most poignant experiences within the democratic process is the occasional necessity for voters to tell a good man he must step down. Defeat of Sen. Ernest Gruening of Alaska in that state's Democratic primary is such an instance.

A versatile man, an impeccable liberal of long standing and a Vietnam dove whose opposition to American intervention in the affairs of other countries dates to occupation of Nicaragua by U.S. Marines in 1921, Sen. Gruening did more than any other man to bring Alaska to statehood. But at 81 he had become too old to be a full-time senator and Alaska's Democrats were wise to do for him what he apparently could not bring himself to do—retire.

Though his name is closely linked with Alaska in the minds of most people today, Sen. Gruening is a New Yorker, an eastern progressive cast from the classic mold. Trained as a physician he came to politics through journalism and entered government service under Franklin D. Roosevelt.

He received his M.D. degree from Harvard Medical School but during his last year in medical school took a job as reporter on a Boston newspaper and decided to remain in that profession. He edited a number of top metropolitan newspapers before and after World War I, moving from one position to another when he found himself unwilling to conform to dictated editorial policies that offended his liberalism.

In the 1920s he became an authority on, and a defender of Latin America, and his book on Mexico, published in 1928, is still considered an authoritative reference. While serving as editor of the New York Evening Post in 1934 he was named director of the Division of Territories and Island Possessions in the Department of Interior and it was then he met and fell in love with Alaska. He became territorial governor in 1939. Three years after he left the governorship Alaskan voters, in a move to force Congress to act on the Alaskan statehood issue, elected him "senator," and he went to Washington in 1956 as a statehood lobbyist. When statehood was granted in 1958 voters made Ernest Gruening's title official.

His defeat this week by 38-year-old Mike Gravel has been attributed to his opponent's saturation television campaigning during the final days of the campaign. Perhaps it was. We, however, prefer to think that Alaska's Democrats were doing their grand old man a favor and that his defeat was more a measure of devotion than disapproval.

CONCERN FOR COMMUNISTS MOVES IN EASTERN EUROPE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. NICHOLS. Mr. Speaker, the people of my district are concerned about the recent moves which have been made by the Communists in Eastern Europe. I am sure that other Members across this Nation have also found that their people are concerned also. I would like to share with the Congress one letter which I received expressing the views of the writer on this problem, as follows:

TALLASSEE, ALA.,
August 22, 1968.

Hon. WILLIAM NICHOLS,
U.S. Congress,
Washington, D.C.

DEAR SIR: For the past month, especially the past few days, the news has been filled with reports of Russian attempts to subject a liberalized Czechoslovakian Government to iron-fisted Russian domination. During the past few days we have witnessed an invasion of Czech territory by military forces of the East European communist countries. Also, during this time we have been told that this affair is none of the United States business and that we aren't going to interfere.

Why isn't it our business? Twelve years ago the United States refused to become involved in the Hungarian revolt on the grounds that it wasn't our business. The result was a Russian slaughter of the Hungarian people. We were left carrying the moral stigma of doing nothing to aid these people. Now we are being told that the Czech problem is none of our business. Again I would like to ask why it isn't our business. The United Nations is incapable of effective action, so it seems to me that it is very definitely our business.

It seems to me that all of our political leaders raise a hue and cry about halting communist expansion and extending the American concepts of freedom and democracy throughout the world. We claim that we believe in the rights of the individual but every time we have an opportunity to help those seemingly willing to help themselves, our leaders and liberals get strangely quiet. Their inaction speaks volumes in itself. All one can get them to say is that the situation is none of our business. Yet, our Government is willing to send American troops to the far ends of the earth to fight a war for an ally, who, in the words of Senator Robert F. Kennedy, is an ally in name only; a Government without supporters.

We have a chance to extend aid to a nation which has suffered more than its share because of the cowardice and inaction of western "powers". I am referring to the so-called mutual defense pacts which Czechoslovakia signed with Britain and France in the 30's and which they promptly reneged on at the first sign of trouble. We also failed to go to their aid during the coup of 1948 during which the communists seized power.

The Czech's have, at least, been willing to support themselves in a political confrontation with Russia. Their Government has seemed to be pretty stable and level-headed. What about that of our "ally"?

If the United States remains uncommitted and unwilling to help these people, then the United States has traveled a sorry road indeed, and a bitter harvest will be reaped in the years ahead.

If we can't help people who are willing to help themselves why should we be willing to stand by and see our troops killed "helping" a nation which, again in the words of Senator Kennedy, is unwilling or incapable because of corruptness and incompetence, of being an effective ally in the war against the communists within the borders of its own country?

If it is at all possible I would like for you to insert this letter in the *Congressional Record* as a viewpoint held by at least one citizen and taxpayer.

Thank you very much for your time.

Yours sincerely,

SAMUEL D. YATES.

MILITARY JUSTICE REFORM

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. BENNETT. Mr. Speaker, the Special Committee on Military Justice of the American Bar Association, under the able leadership of Judge Raymond J. Pettine, recently reported to the House of Delegates of the ABA that it felt congressional action was needed to secure "to all members of the Armed Forces fundamentals of due process in administrative discharges awarded under other than honorable conditions." I am today introducing a bill which incorporates the recommendations of the Pettine committee.

This legislation provides that an administrative discharge under other than honorable conditions may not be issued until the person to be discharged is accorded the following rights: First, the right to be notified in writing of the reasons for his proposed discharge; second, to have a hearing and to present his case before a board of officers having the power to issue process; third, to present witnesses and evidence in his behalf; fourth, to confront and examine witnesses; fifth, to examine documentary and material evidence against him; sixth, to submit statements in his defense; seventh, to be represented by legally qualified counsel; eighth, to have the Government carry the burden of proof by a preponderance of the evidence; ninth, to have an appellate review at his timely request by a board of review, such review being solely of record to determine the correctness of law of the matters below; and tenth, the right to waive the above rights in writing only after being afforded an opportunity to consult legally qualified counsel.

Presently, the policies and procedures regarding administrative discharges are governed by a Department of Defense directive, and some safeguards are provided in this directive, but some are not and they are not uniformly granted to all similarly situated. I feel, as the House of Delegates of the American Bar Association felt, that the Congress must act to guarantee all our military personnel uniformly equal administrative due process by the enactment of this legislation. Moreover, even the present departmental directives in the direction of protecting individual rights could be changed at the whim of an administrator. This has concerned members of the bar, and it concerns me.

Written into my bill are provisions that give reservists and active duty people the same protection as well as officers and enlisted men. I am disturbed that presently a reservist and a person on active duty do not have the same standards of justice applied to them, and neither do officers and enlisted men when it comes to administrative discharges. I see no reason why the same standards should not be applied.

Likewise, I see no reason why the Coast Guard should have separate and different procedures for administrative discharges, and under my bill its procedures would be the same as those in the Army, Navy, and the Air Force.

LETTER TO A CONSTITUENT

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. THOMSON of Wisconsin. Mr. Speaker, my colleague, the gentleman from Wisconsin [Mr. LAIRD] has written a very interesting letter to his constituents which should be of interest to all Members of this body.

For that reason, under unanimous consent, I include the letter referred to, which is dated September 11, 1968, in the RECORD at this point:

DEAR FRIENDS: Congress has been back at work for a week now. When it will adjourn is anybody's guess. Several important appropriation bills including Defense are still pending. A filibuster is threatened in the Senate over the confirmation of Associate Justice Abe Fortas to be Chief Justice. And all Members are concerned about maintaining order and justice.

The events in Chicago during the Democratic National Convention shocked and grieved all Americans. They also brought into sharp focus for all Americans the fact that our greatest single domestic problem is the restoration of an honorable and just peace on the city streets of America. The first duty of government is to maintain the safety of its citizens so that all of them can seize the opportunity for advancement that a just government must insure.

No American is proud of what has happened in our country in recent months and years. Three national leaders have been assassinated and hundreds of citizens have been innocent victims of unjustified violence in our streets. Let us all resolve that such a climate shall not endure in the land of the free.

America is going through a transition. Many believe that the leadership in our country will change hands in the coming November elections. It would not be proper for me in this Washington Report to make partisan statements about why I would urge all Americans to support my Party, the Republican Party, in this November's election. But it would be proper for me as a member of the minority leadership in the Congress to outline some of the substantive changes that would take place if my Party takes control of the Congress next January.

The activities of Congress under Democratic leadership is markedly different than it would be under Republican leadership. This is so for the following reason: Although the two great political Parties in our country may view the problems alike, they are committed to different approaches to the solutions of those problems. If, come next January, the House of Representatives is under new management, it would soon become very apparent that the new Congress would concentrate on matters of reorganization, redirection, and innovation.

Reorganization: Here, I am talking about the Congress itself. The reorganization bill passed by the Senate more than 18 months ago has been bottled up in the House by the present majority leadership. The new Congress would shake that bill loose because it is so badly needed. We would also seek to make the Congress more than a bill factory by beefing up its ability to review and improve the operation of existing programs. The neglect of its "oversight" or review responsibilities in the past is one reason Congress itself is partially to blame for the domestic crises we are facing today.

Redirection: One of the great needs is to organize more logically some of the major programs administered by the Executive Branch. Many programs have outlived their original purpose; others actively compound the problems they were designed to relieve; still others are loosely administered and very wasteful. The new Congress would seek to squeeze as much effectiveness as they will yield from the ill-conceived and hastily enacted programs that are on the books until such time as many of them can be consolidated into functional bloc grants, transferred to more proper locations or replaced.

The most hopeful area—and the most promising—is the innovative. Clearly our present array of programs with their reliance on the categorical technique are not working. If we are going to meet the problems of the cities and the depressed rural areas, the problems of welfare, the problems of jobs and crime, the need for better education and housing, and the need for greater opportunities for all Americans, we clearly must strike out in new and different directions. In the minority Party, we think we have developed some exciting new concepts for America.

A new Congress under Republican management would seek to enact such programs as Revenue-Sharing, the Human Investment Act, a Work Incentive Welfare Program, Home Ownership legislation, tax credits for education and for state and local taxes paid, tax incentive programs for the ghetto and depressed rural areas. All of these programs have been the subject of much discussion and many attempts on the part of the minority Party in recent years to enact them into law. If we controlled Congress, they would become top priority items.

Though Congress was in recess during the month of August, the work in Congressional offices did not come to a halt. As a matter of fact, the attention of my office to the business and the problems of constituents continues both in recess and in adjournment. Correspondence, for example, continues to remain heavy year-round. Though it is diminishing now on such issues as Federal Gun Controls, a steady stream of letters on other national issues continues to arrive. Regardless of when Congress finally adjourns, the work of my office in dealing with Constituent problems will continue.

Because of the long sessions each year, it is becoming more and more difficult to spend as much time as I would like in personal visits with many of you back home. This makes it necessary to carry on our business of rendering service to constituents largely by mail. Nevertheless, I make a serious effort each year after Congress adjourns to be available in person to any constituents who might have problems with the Federal Government. My usual procedure is to hold Office Hours in the Courthouses and City Halls of each of the fifteen counties in our District. My intention this year is to hold Office Hours early in October. Watch your local newspaper for announcements of the time and place in your area.

Best regards,

Mel Laird.

STRAINING AT A GNAT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. MICHEL. Mr. Speaker, the latest chapter in the saga of the Supreme Court is the subject of an editorial appearing in the September 7 edition of the Peoria Journal Star and I include the editorial in the Record at this point:

STRAINING AT A GNAT

Michael A. Musmanno, a Pennsylvania supreme court justice, is one of the nation's most distinguished jurists.

As a young attorney, he defended Sacco and Vanzetti, in that famous case. As a jurist, he was among those carefully picked to preside at the Nuremberg trials.

He was invited by Israel to observe the Eichmann trial, because of his international reputation. Kennedy appointed him to a commission on international rules of judicial procedure.

But such men are not named to the U.S. Supreme Court.

That is reserved for ex-governors, ex-senators, and political cronies, most of whom never served in a judicial capacity before much less achieved any distinction for jurisprudence.

In short, the sad fact is that the U.S. Supreme Court is not made up of the country's greatest jurists. Indeed, it is remarkable for their absence.

What is equally remarkable is how many of the genuinely great judges of this country have recently taken the unprecedented step of publicly condemning the pack of politicians on the U.S. court of going far out into left field in putting technicalities before justice, and in making just plain hairbrained decisions.

Musmanno has joined that group of colleagues.

He pointed out specifically a henious crime involving sexual assault and shooting of bound captives. Police traced the rifle used, and obtained a search warrant for the residence concerned.

When they arrived, the owner of the premises (grandmother of the suspect) waved the search warrant aside, telling the officers they didn't need it, that they were welcome.

They found the rifle.

They assembled carefully a mass of evidence, including direct eyewitness identifications.

The man was tried and convicted, unanimously (of course) by a jury.

The Supreme Court of the United States, however, decided to throw out all that evidence on the grounds that instead of accepting the grandmother's invitation, the police should have read the warrant aloud to her when she waved it aside!

Musmanno described this aptly as "straining at a gnat" in order to smack down the police, and "swallowing a camel" when it came to protecting the criminal.

The evidence thus accumulates, with more and more judges of genuine and earned reputation, as to just how far out the Supreme Court has journeyed in its philosophic meanderings and fantastic prejudices—at a time when the plague of crime is a prairie fire, rampaging unrestrained.

The philosophers still produce the sophistical argument that all these technicalities, applied ruthlessly to the results of police action without regard for justice or public safety, will produce better police results than ever by "forcing a high standard of professionalism."

That is nice philosophy, but in terms of reality it is garbage.

The individual doesn't exist as a policeman or potential policeman who can combine the wisdom of Solomon, the patience of Job, the genius of Sherlock Holmes, an angelic disposition, and the physical capabilities of a Green Bay Packer line-backer to the degree that he could live with both the immense pressures we now place upon police, and the fantastic restrictions we also place upon them at the same time.

To establish such a "impossible dream" as the requirement of police under pain of letting killers run loose throughout the land is a fantastic, unreasonable, and unworkable "rule of law."

A SAILOR WRITES TO HIS CONGRESSMAN

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. SCOTT. Mr. Speaker, earlier this week, I received a letter from a young constituent who is just about to complete his basic training in the U.S. Navy. His healthy, well-adjusted attitude toward this military experience is heartening, and I commend it to my colleagues as being more truly representative of the attitudes of the next generation than that which so often makes the news headlines.

The letter follows:

Hon. William F. Scott,
U.S. Congress,
Washington, D.C.

Dear Mr. Scott: As I write, the ensign of the United States of America has just been raised and the last notes of our national anthem are resounding in my soul.

The dual sensation of seeing our beautiful flag rippling in the breeze and hearing the music of our anthem, seemingly meant to add definition to every ripple of that flag, is indeed a stirring one to a young man only a few weeks in the service of his country.

In a few short days I shall complete my basic training at the U.S. Naval Training Center in Great Lakes. And although this has been at some moments a most trying experience, for the transition from civilian to military life is a difficult one, it has been, I'm sure, a rewarding experience in the lives of most of us. For though this military obligation we have contracted to fulfill will cost each of us several years of our youth, it is indeed a necessary obligation born of a serious need for the protection of the freedom to choose.

This I feel very deeply when I realize that in this obligation I alone am the one who must perform, who am ultimately responsible for the defense of my country and freedom everywhere.

Since we are a competitive society, emphasis is placed upon rank, and a man is judged successful by the level of his rank. However much executive talent exists there must always be those to carry out orders to completion. The stability and security of any organization depends upon the strength of dedication of these men and women. Our Armed Forces certainly have that—in the fullest measure.

Although I am often homesick, and think of what else I might be doing during this period of my life, I have no doubt that this activity is the best use of my strengths at this time. The next four years will be a long time, but I must persevere and do my best, as we all should, at a time when human freedoms are being suppressed, here and abroad.

Perhaps I could continue on this subject for a much longer time, but both of us have pressing schedules (though of different nature). Therefore I shall close, and assure you that I am,

Sincerely yours,

Charles E. Brewer.

P.S.—Since you are my representative I hope to be able to come to your office for a few minutes during my leave.

PROGRESS REPORT

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. DENNEY. Mr. Speaker, within the next few days I will be sending to my constituents my sixth progress report of the 90th Congress. I submit it to the Congressional Record for the information of my colleagues:

Dear Friend: I spent the Congressional recess meeting thousands of you Nebraskans at the county and state fairs. As we had time to talk, one of the biggest issues to develop was that of the family farm versus agricultural corporations. As one small farmer expressed the problem to me: "Either you get big or you get out." And too many independent farmers are getting out.

Every three and one-half minutes a self-employed person leaves agriculture. We must begin to recognize the relationship between farms going out of business and migration to cities, adding to those burdens. New development of the countryside and policies with which small farmers can live and by which they can profit are priority items for America.

While her family was visiting the Wayne County Fair, I helped Robin Lindsay who wanted to see herself on closed-circuit television.

THE 4-H BEEF STAMP

Unless quick action is taken, 4-Hers, such as those I've seen working so hard at the fairs, could lose the bonus payment they receive for labeled beef.

While in our home state, I learned of a Dept. of Agriculture order to revoke the practice of 4-H beef labeling as of Oct. 1. I immediately sent a telegram to Ag Secretary Freeman asking him to find a way to avoid penalizing the price and pride 4-Hers receive. For those youngsters who receive purple and blue ribbons at the annual Ak-Sar-Ben exhibition in Omaha a special label is stamped on the carcasses. The purchaser pays from $20 to $100 extra for this premium beef.

But now the Federal Extension Service under USDA has said that around the country there are too many problems with the stamp and that it is impossible to police the use of the label. Labeling, as practiced in Nebraska, encourages the growth of quality beef. I told Secretary Freeman that if other states are mis-using the label, then he should bring them into line with the careful practices used in our state.

SHRINE PARADE

In Lincoln I joined the thousands of Nebraskans interested in the Shrine Bowl football game for a Saturday morning Shriners Parade.

DENNEY RELEASES RESULTS OF POLL TO HIS DISTRICT

Since my last Progress Report, I have announced the results of the IBM questionnaire to which some 12,000 of you responded this summer. The greatest impression I received from your opinions was that the majority of you do not want to spend more money on government programs except where your personal safety and physical environment are concerned.

The largest number of respondents answered the spending question in the following manner:

	Reduced	Kept at present level	Increased
Foreign aid	X	----------	
Space program	X	----------	
War on poverty	X	----------	
Social security		X	
Medicare		X	
Defense		X	
Education		X	
Public works and highways		X	
Crime prevention and control			X
Air and water pollution control			X

More than 50 per cent of the respondents want police and courts to deal more strictly with civil disorders, and 35 per cent want greater emphasis on curing slum problems to go hand-in-hand with stricter police and court action.

To decrease employment, 61 per cent would favor offering tax benefits to employers who hire and train unskilled workers. Fourteen per cent would favor the government acting as an employer of last resort.

Agriculture subsidy payments should be limited to a maximum of $10,000 per farm, according to 69 per cent.

It took only one day to tabulate the responses by computer, compared to the many man-hours needed to total the handwritten answers to last year's poll.

STATE VETERANS' HOMES BILL PASSES

A bill containing two features of the first legislation I introduced as a freshman was signed recently by the President. The bill raises the federal share of payments for care in state veterans' homes back to 50 per cent.

No federal increase had been enacted since 1960, and figure showed that nationwide the federal contribution had dropped to 20 per cent before this bill was signed.

I conferred with two other Congressmen interested in the veterans home care payment legislation: Louis Wyman and James Cleveland, both of New Hampshire.

THE POST OFFICE VOTE

Just before Congress recessed, I voted with 344 colleagues in the House to save fourth class post offices and maintain the current level of postal service. In the future, no closing can be made (such as those threatened by Postmaster General Marvin Watson) without notifying the Post Office and Civil Service Committee at least 30 days in advance.

NEW FEDERAL CATALOG PROMISED

The Executive Branch has responded to the pressure of Congress for a comprehensive catalog of federal assistance programs. On July 18, I introduced a bill requiring that such a catalog identify programs, describe their benefits, eligibility, restrictions, costs, mechanics of application and officials to contact. It is generally agreed that the existing catalog which claims to be all-inclusive carries far less than half of all programs.

Now the Bureau of the Budget has announced a book to guide those who are sure they could get some federal money if they just knew where to look will be ready early in 1969.

A NEW ORDER OF BATTLE FOR AMERICA'S WEALTH

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. REID of New York. Mr. Speaker, our distinguished Ambassador to India, the Honorable Chester Bowles, has long been a voice of reason and farsighted judgment in the councils of our Government. On a recent visit to the United States, Ambassador Bowles observed the mood of the Nation and found that our most serious problem is not any one of many domestic and international crises but rather it is a failure to come to grips with the fundamental changes that we must make in our institutions and our Government.

Ambassador Bowles set forth his impressions and suggestions in a column that appeared in Saturday's New York Times. His call for a reordering of national priorities is one that I have long urged in this House, and at this point I am inserting the article in the RECORD:

TOPICS: A NEW ORDER OF BATTLE FOR AMERICA'S WEALTH

(By Chester Bowles)

What worries me most after a recent visit to the United States is not racial violence, student protests, urban rot or even our painful dilemma in Vietnam but the failure of many leaders to come to grips with the fundamental adjustments that will be required to cope with these problems.

Although I heard some brave generalized talk about the need to "restructure" American society, I found alarmingly few people who are facing up to the institutional changes that are required to achieve the domestic and foreign objectives that a clear majority of Americans now seem to feel essential. Even among the most articulate and militant leaders of the youth movements, there are comparatively few who have spelled out what must actually be *done* to produce the new world to which they are so deeply committed.

PRIVATE AND PUBLIC NEEDS

If America is to achieve the new objectives which enlightened members of both political parties are now accepting, it must begin by considering the extent and purpose of its national wealth in a fundamentally different perspective.

We must first balance our gross national income as a whole against the substantial areas of public need and private demand, then establish realistic priorities among these areas. Finally we must use tax and other incentives to see that public and private investments meet these priorities as closely as possible.

LINING UP OUR GOALS

I am not suggesting a new form of "creeping socialism" or a demagogic effort to soak the rich. What I advocate is a hard-headed effort to bring our governmental and private institutions into a more realistic relationship to our new domestic and foreign objectives.

I do not believe we can accomplish these objectives by juggling our established budgets, cutting a little here and adding a little there. What is required are new concepts, even new institutions, that will enable us to see our national priorities from a fresh perspective.

The immediate starting point must be a fresh, hard look at the distribution of the stupendous income produced each year by American managers, farmers and workers; in other words, a pragmatic re-examination of the purposes for which our national income is now being spent.

A significant step in this direction might be a National Economic Council appointed by the President under legislation provided by Congress. The members of the Council would include distinguished men and women, chosen by the President with the consent of Congress, who would represent a wide spectrum of American life and interests. They would be supported with an expert staff of economists and political and social scientists.

The Council would hold exhaustive public hearings beginning early each year. These hearings would run for several months with maximum television, radio and news coverage. The Council would call a variety of witnesses representing the many claimants on a share of our gross national income—consumer goods producers, national defense authorities, spokesmen for public health, housing and overseas development, and the like.

This Council would be required by law to present to the President by, say, September 1 of each year, a national expenditure budget based on the anticipated gross national income for the coming year and on clear-cut recommendations for the allocation of this income.

Against the background of this exhaustive, well-publicized national self-examination, the President and his advisers would prepare the annual budget for Congress. Although the President would not be required to accept the Council's recommendations, he would inevitably take them into account.

Congress would then consider the Administration's budget as at present and make its decisions regarding appropriations, tax incentives and the like with the knowledge that the public has been substantially involved in the consideration of various alternatives and the establishment of the Council's proposed priorities.

NEW ECONOMIC ORDER

I suggest this procedure simply to underscore the need for new institutional instruments which will help us to escape from our present deeply rooted, seniority ridden pattern of public economic policy-making.

We cannot expect successfully to fight our grave contemporary social problems with an economic "order of battle" which was designed for the nineteenth century. We must be able pragmatically to stimulate and encourage the investment of our national income in those areas where it is most needed.

MINSHALL OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. MINSHALL. Mr. Speaker, I include in the RECORD the September Minshall Opinion Poll, which is being sent to the home of every registered voter in the 23d Congressional District, regardless of political affiliation—Republican, Democrat, or Independent:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 1968.

DEAR FRIENDS: Response to last April's opinion poll was excellent. Subsequent events in this fast-moving year may have caused you to alter your thinking. New concerns have arisen since last spring. Therefore, I am again requesting your views on today's major issues.

This questionnaire is being mailed to the home of every registered voter in the 23d District—Democrat, Republican or Independent. If you wish additional copies for other members of your household, please let me know.

With the House of Representatives in almost continuous session, my Congressional duties demand that I be in Washington and I am unable to visit our District as often as I should like; but I do derive much benefit from having the excellent comments and thinking of those I represent.

As soon as results are tabulated, I shall report them to you in a newsletter and to the news media. I am sure you realize that time and staff limitations make it impossible for me to respond personally to every return, but each will be carefully read and tabulated.

Thank you for taking part in the Minshall Opinion Poll.

Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

MINSHALL OPINION POLL

	Yes	No	No opinion
1. If a satisfactory peace in Vietnam cannot be achieved at the Paris peace talks, which do you favor (check only 1):			
(a) Further intensify peace efforts	☐	☐	☐
(b) Completely stop all bombing	☐	☐	☐
(c) Win or get out	☐	☐	☐
(d) Increase South Vietnam's military responsibility and gradually deescalate U.S. military efforts	☐	☐	☐
(e) Immediate withdrawal of all U.S. troops	☐	☐	☐
(f) Increase U.S. military efforts	☐	☐	☐
2. If the Soviets do not completely withdraw from Czechoslovakia, do you think (check only 1):			
(a) Call for immediate withdrawal of all Warsaw Pact troops	☐	☐	☐
(b) The United States should respond with economic sanctions against Russia	☐	☐	☐
(c) The solution should be left to the United Nations	☐	☐	☐
3. What form of selective service system is preferable (check only 1):			
(a) Present system	☐	☐	☐
(b) Universal military training for all	☐	☐	☐
(c) Lottery	☐	☐	☐
(d) Lottery with limited deferments	☐	☐	☐
4. Gun control legislation is awaiting final action. Which one do you favor:			
(a) Registration of all firearms	☐	☐	☐
(b) Registration only of handguns	☐	☐	☐
(c) Licensing of all owners of firearms	☐	☐	☐
(d) A ban on mail-order sales of all firearms	☐	☐	☐
(e) Strong penalties for criminals who use guns in committing crimes	☐	☐	☐
(f) No additional Federal legislation needed	☐	☐	☐
5. In dealing with civil disorders, do you favor:			
(a) A stricter policy for law and order	☐	☐	☐
(b) More money for antipoverty programs	☐	☐	☐
6. What do you think is the principal problem facing the Nation today?			

WILL PEACE COME TO THE CAMPUS?

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. MILLER of Ohio. Mr. Speaker, we are approaching the return to college for many thousands of students. There are many who predict renewed unrest and violence on college campuses again this year. The hippies and the yippies have promised widespread college campus demonstrations and riots, starting the week of October 21.

One of the school administrators who showed courage when trouble developed last school term was Dr. Vernon Alden, president of Ohio University at Athens, Ohio.

An article by Dr. Alden, entitled "Will Peace Come to the Campus?" was published in the Parade section of a number of newspapers on Sunday, September 8, 1968. Among other newspapers this article was printed by the Washington Post.

Because of its timeliness I would like to insert the article in the RECORD at this point:

Last spring when Ohio University was surrounded by the worst flood in its 164-year history, a television commentator remarked, "A labor union tried to close Ohio University and failed. Then the students tried and failed. Now God is trying to close the university but President Alden seems to be holding his own."

This wry comment referred to a sequence that began with a threatened strike of maintenance workers. When the strike didn't materialize, some students hoping for an early vacation demonstrated disappointment by marching and throwing rocks through university windows. Their leaders predicted further violence and we were forced to ask that the National Guard go on standby. Then the flood took over but we had already joined the not very exclusive list of colleges and universities wracked by student violence.

Now that a new academic year is about to begin, it's logical that college and university administrators, faculty and students are wondering whether more violence lies ahead. One thing we at Ohio University learned last spring was that threats and disorder solved nothing. They merely froze the different factions within the school. Communications on grievances became more difficult. Force, patterned after that of political revolutions, *created* rather than solved problems.

A university doesn't have—and until now hasn't needed—the kind of internal discipline that a business or an army must have. Administrators and faculty members are dedicated to freedom of inquiry and expression and they expect some confusion. But when confusion reaches the point of anarchy, when it interferes with the functioning of the university, action must be taken. Persuasion must be the first step. If that fails, the university must be prepared to use force. And it may be necessary that the university deal summarily with students who abuse their school's tolerance to exploit personal power. No institution can live in tumult or under constant threat of disruption.

TODAY'S STUDENTS

While the anarchists and radicals represent only a small proportion of student bodies, it's true that students today are different from those of only ten years ago. They're brighter, better prepared and more thoroughly involved with the concerns of the world than any previous generation. Since childhood they've watched fast breaking news on TV. They've been reared by parents more permissive than ever before and they've come to expect instant gratification. Today's student is impatient, often demanding, sometimes even arrogant. But I believe that the great majority wish to accomplish change by working within the existing framework and wish to be *responsibly* involved.

Our student government president, Dave Stivison, has truly demonstrated that kind of responsibility this past summer. Instead of seeking a paying job, he stayed on our campus working with faculty committees and senior administrators. He has made clear to us some of the concerns of the student body. He has presented the student view at many meetings, with the result that several curriculum changes are underway and students have been appointed to membership on most of the university's standing committees. Working through existing channels, Dave Stivison has achieved results.

Scrutinize closely the American college or university and you recognize quickly there's much to be desired in education offered to students. Faculty members are quick to propose reform in government, business or other segments of society but they've been slow to change their own institutions. As our universities become ever larger, the need to reshape academic programs becomes more pressing. Unfortunately, these programs in many schools simply don't challenge bright, well-prepared young people. Too often they come up against bland survey courses, sterile reading assignments, dreary machine-scored examinations. A university experience for many students today consists of reading and memorizing other people's ideas, with little opportunity to develop and express original thoughts, to experiment with new approaches, or to pursue independent self-planned programs to study. There is good reason why many students are impatient, why they're demanding "relevance" in their educational experiences.

And, having seen that the rate of change in a university is painfully slow, students are insisting on participation in decision making. Faculty members and administrators should encourage this. Such involvement can be a vital part of the educational process. By far the greatest value of participation is what the participant himself learns from the action. In a lively, contemporary university the learning potential in *everything* that happens should be exploited. Universities must be "real life laboratories" for learning.

I'll always remember the intensity of the co-ed who told me after working with deprived children in the Appalachian area: "The theory of sociology courses suddenly came alive when I actually worked with kids who had little concept of how school work could affect their lives. What I learned there helped me discover what courses I need, not just for a degree, but to succeed as a teacher."

ROOM FOR INITIATIVE

At Ohio University we urge students to grow out of the complaint stage and seek to develop their own constructive proposals and programs. Like most university presidents, I'm not impressed by students carrying placards or squatting in the hall outside my office. And I won't respond to threats or bullying. But we are impressed and influenced when a student identifies a problem, considers alternatives, and offers a proposal so logical we can act upon it. This is responsibility, and you learn it by practicing it.

In the years ahead, all educational institutions are bound to change rapidly and significantly. The distinguished university of the future will enable students to make maximum use—on their own initiative—of the school's resources. It will be a cafeteria where students know what they want and how to get it, not a restaurant where they wait to be served.

One of our June graduates showed the kind of initiative universities should encourage. He had certain capabilities, but also frustrations because he was impatient with the school's pace. He enrolled in nearly double course loads. In addition he studied for other courses on his own time and earned half his credits, not by sitting in a classroom, but by taking comprehensive examinations. This young man completed four years of work in 16 months. A math major, he earned a B average.

Obligations between student and university should be more clearly defined. Certainly both sides have them but they're inadequately spelled out. The university of the future will not tolerate such ambiguity. As an institution of learning, it must stand as a model of participation by all its elements.

More than any other institution in our society, the university should be able to deal justly, equitably and humanely with people and issues. It should be a place where students learn from experience the attitudes, values, skills and ways of relating and dealing with conflicts and tensions that will prepare them to become community builders. Obviously, violence has no place in that picture. The university's ability to shape such community builders may well be judged its greatest contributions to society, and the justification for its continued high-level support.

FOREIGN-AID REDUCTIONS KINDLE GREATER SELF-RELIANCE

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. BERRY. Mr. Speaker, at the time the House trimmed more than $1 billion from the annual foreign aid bill, cries of betrayal and inhumanity were raised by many who saw U.S. foreign assistance as the sole support for many lesser developed nations.

It is most interesting to note that the initial reports coming back from many countries whose funds were curtailed this year reveal that the House action has had quite the opposite effect, however.

What many of us have been saying should and would happen if U.S. aid were reduced has, in fact, happened. The most striking example is the Government of India, the largest recipient of our largesse in recent years.

As reported in the New York Times of Sunday, September 6, the leaders of the New Delhi government have actually welcomed the cutback in funds because it forces a long-overdue self-reliance on that country's own initiative, efforts, and resources. Congress can learn a lesson from the effect of our action on the foreign-aid bill; and I include the Times article at this point in the RECORD under unanimous consent:

MANY IN INDIA CALL FOR SELF-RELIANCE AS AID SUBSTITUTE

(By Joseph Lelyveld)

NEW DELHI, September 5.—Haunted by a sense of loneliness in the world, Indians are starting to talk up the old-fashioned virtue of self-reliance.

To economic planners, self-reliance now means an effort to reduce dependence on foreign aid, the terms of which are held to be onerous and demeaning. It also means a stiffening resistance to new industrial collaborations with foreign corporations. To those who worry about foreign policy and military strategy, it means a deepening preoccupation with the question of whether India should "go nuclear" and build an atom bomb.

The shift in outlook results in large measure from the darkening prospects for aid from the United States and other Western nations. It is not uncommon now for Indian ministers to represent themselves as being glad that the aid climate has turned chilly.

Foreign aid, they contend, undermines the nation's will to help itself.

DISILLUSIONED WITH MOSCOW

Disillusionment with the Soviet Union after its decision to sell arms to Pakistan and its invasion of Czechoslovakia has reinforced this mood. If India had only been less dependent on Moscow, it is being said, she could have spoken out more freely for the Czechoslovak crisis.

In fact, India is closer to a kind of self-reliance than some Indians recognize.

If the United States fails again to renew its grant to the International Development Association, a United Nations affiliate, in the current session of Congress, the cost in foreign exchange of India's debt repayments on old loans in the coming year will nearly equal the new aid she receives.

Since the new aid is restricted to imports from the donor nations and the repayments require foreign exchange, India would be better off, some officials say, if she had no aid agreements at all.

Even if the development association funds come to expected amount of $200-million, India will be left with less than half the net aid—assistance in excess of debt repayment—that Western aid experts were encouraging her to expect as recently as two years ago.

SELF-RELIANCE INEVITABLE

As one senior financial aide remarked wryly, self-reliance is not only desirable, it "also seems inevitable."

But the Indians are not simply putting a good face on a bad situation. When the time came to draft a new five-year plan this year, the only directive the Cabinet gave the planning commission was to find out how dependence on aid could be reduced.

The commission's first statement of the new plan's aims declared, "A process of development sustained by continuous foreign aid cannot be healthy."

The planners proposed that India reduce the amount of net aid by half in five years.

MASSIVE AID UNACCEPTABLE

In an interview, a member of the commission insisted that massive new aid would be unacceptable, even if it were offered, a view that is not shared by the Finance Ministry.

The planner argued that India's debt of 17.5-billion should not be allowed to grow.

Neither the Government nor the planners appear inclined to take the advice of Westerners who say they should turn to private foreign business concerns to make up for what they are losing in the foreign aid.

The gloomy aid picture appears to have strengthened the hand of politicians who argue that collaboration with private foreign business is invariably compromising. One of the advocates of self-reliance is the Commerce Minister, Dinesh Singh, who is a close adviser of Prime Minister Indira Gandhi. He proudly tells visitors to his office that everything in it, including the air conditioners and telephones, is made in India.

One Western aid official tells of what he calls "self-reliance gone wild." The Cabinet has been sitting for eight months now on $15-million offer from the Tenneco Corporation, an American oil company, for offshore drilling rights in the Gulf of Cambay, off the coast of Gujarat.

POTENTIAL BELIEVED HIGH

Tenneco believes the potential production could exceed all of India's current production. It proposes to do the exploratory drilling at no cost or risk to India in return for a guarantee of partnerships with the Government in exploitation.

The proposal which the Petroleum Ministry favors, would leave Tenneco with about 20 percent of the profits after taxes.

Company officials have made 22 visits to India without securing a final decision. Officials say the Government would prefer to hire a foreign company to do the drilling and thereby avoid a partnership. But, this would mean spending sums of money not immediately available. Meanwhile, an opportunity to reduce costly oil imports is being neglected, the Western official said.

"In the name of self-reliance," Ashoka Mehta, who recently resigned as Petroleum Minister, remarked despondently, "we are making ourselves more dependent."

The theme of self-reliance has spread into the nuclear field. Any decision to become a nuclear power would require an expenditure of hard currency greater, many economists say, than India could possibly afford.

Nevertheless, the bomb has become a leading topic of conversation of that part of governing élite that calls itself an intelligentsia. Some of those who have returned from studies at such places as Harvard, Stanford and the Massachusetts Institute of Technology have brought back such jargon as "credibility," "nuclear posture," "strike capability" and "scenario."

Most of them would heatedly deny any connection with such chauvinist parties as the Jan Sangh, which has long advocated that India build the bomb.

In part, their preoccupation is an unlooked for result of pressure from Moscow and Washington to renounce nuclear weapons and sign the nonproliferation treaty. No major party now advocates signing the treaty. A recent opinion poll showed that most politically minded Indians appear to want the bomb.

Advocates of the bomb contend that the decline in foreign aid shows that the West really has no permanent stake in India's security and stability. Hence, they ask, how can India count on the big powers to protect them from "nuclear blackmail" by Communist China?

If such "nuclear blackmail" is as unlikely as Westerners sometimes contend, they continue, then why is the United States building an antimissile system as protection against a Chinese attack?

STUDY WIDELY DISCUSSED

Behind these questions is an expectation, startling to foreigners who regard India as a very poor country permanently in need of their philanthropy, that India is on the verge of becoming a major power in Asia.

A recent report by the Government-sponsored Institute of Defense Studies and Analyses made the case for India's ability to afford the bomb by noting that she has the 10th largest gross national product in the world. The report did not point out that with her population of 525 million, India also has one of the lowest per capita incomes in the world.

The study, which has been widely read and discussed, estimated the cost of nuclear weapons and a delivery system that would give the Chinese pause at $10-billion to $15-billion—more than the total aid India has received from the United States in 20 years—at least a third of which would have to be in hard currency.

When incredulous Indians or foreigners ask advocates of the bomb how the country could contemplate this kind of expenditure when tens of millions of Indians are barely subsisting, they are assured that the masses are prepared to make sacrifices.

The institute's study opposed an immediate all-out program to build the bomb, but it argued that the country should "develop its nuclear option" by building up an electronics industry, a stockpile of fissionable material and research facilities.

The evidence is that the Government is doing just that. A nuclear reactor is being built at Kalpakkam, near Madras, on the basis of self-reliance—without foreign help and therefore without any restriction on its ultimate use.

Some economists who argue for self-reliance are dismayed by the tack the planning commission has taken and the infatuation with nuclear gamesmanship. Meaningful self-reliance, they contend, would involve basic social reforms and an emphasis on technology appropriate to India's conditions.

Some senior officials regard the new trend of thinking as inevitable, given the apparent indifference of the developed nations to the fate of such countries as India. But they still indulge the hope that this is only a passing phase.

DICTATORIAL BIG GOVERNMENT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. **DUNCAN**. Mr. Speaker, we see evidence almost every day of a dictatorial big government interfering in the personal lives of the people; in the operation of business, and local governmental institutions.

Yesterday my office received a letter from the Department of Health, Education, and Welfare, which threatened legal and administrative proceedings against the Union County school system for failure to comply with title VI of the Civil Rights Act of 1964, in not desegregating the public schools.

Mr. Speaker, it would be somewhat difficult to desegregate this school system because of the fact that no person except of Anglo-Saxon descent lives in the county.

Upon being informed that no person of Negro, Mexican, Indian, and so forth decent lived in the county the writer of the letter of intimidation and threat said that apparently a mistake had been made in sending this letter. He said that due to a large volume of such mail being written recently on this subject, that this county was apparently included by mistake.

Mr. Speaker, this is a most serious matter that a governmental agency would send out such a letter without investigating the allegations and facts contained therein.

Mr. Speaker, at this point in my remarks I would like to include a copy of the letter from HEW:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 9, 1968.

Mrs. KAY UPCHURCH,
Administrative Assistant
Hon. JOHN J. DUNCAN,
Washington, D.C.

DEAR MRS. UPCHURCH: This is to inform you that the Union County school system has been notified that the question of its compliance with Title VI of the Civil Rights Act of 1964 has been referred to our Office of General Counsel with the recommendation that administrative proceedings be initiated.

We regret that this step has been necessary, but extensive negotiations by our staff with local school officials have failed to produce an acceptable desegregation plan.

If you have questions about this matter, please let us know.

Sincerely yours,
RICHARD D. WARDEN,
Congressional Liaison Officer, Office for Civil Rights.

AMENDMENTS TO THE COAL MINE SAFETY ACT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. O'HARA of Michigan. Mr. Speaker, safety legislation is an area in which I have long felt a very keen interest. This 90th Congress has considered a great many bills dealing with employee safety, and it remains my hope that before we adjourn this session, some of the safety bills which have been reported by the Education and Labor Committee may join the radiation hazards exposure bill which passed this House in March.

The Johnson-Humphrey administration has put its concern for the safety of workers directly on the line. Knowing that the bills would be controversial, but knowing, too, that lives come before votes, the administration began the year by sending up the occupational safety and health bill. Now, in an area not covered by that broader bill, the administration has proposed, and the able gentleman from Pennsylvania [Mr. DENT] has introduced, amendments to the Coal Mine Safety Act.

I am proud of the President for having sent this bill up here, and of my colleague from Pennsylvania for having introduced it. I hope when we adjourn sine die, we can all be proud of the 90th Congress for having taken action in the area of saving human lives.

The administration's bill would improve on the existing Coal Mine Safety Act by making it broader, tougher, and more flexible. Under present law, for example, the jurisdiction of the Federal coal mine inspector is weakest where the danger is greatest—at the working face of the underground mine, where hundreds of miners have been killed—one or two at a time—by the sudden falls of rock and coal. The existing law recognizes the danger of coal dust—but only as an explosion hazard, and not as the insidious menace it is now recognized to be to the miner's lungs. Today, only civil penalties can be invoked against violators of mandatory safety provisions even if the violation is provably willful and criminal. And, rapid as the changes in coal mining technology may be, new safety standards cannot be set forth to cope with new hazards except through the legislative process. The bill now before us would correct such deficiencies, providing better protection for miners in every State where coal is produced.

How essential is this extended protection? I need only point out that, since 1952—when the existing law was passed—over 5,500 miners have been killed on the job, and that many thousands more have been disabled in accidents that did not have to happen. We have it on the highest authority that coal mining is one of the most dangerous jobs a man can do in this country.

The adminisration's bill presents us with a challenge and an opportunity to serve the cause of saving human life. I suggest that we make the most of it.

THE ELECTION REFORM ACT OF 1968 AND THE LEGISLATIVE REORGANIZATION ACT OF 1967

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. RAILSBACK. Mr. Speaker, two of the most important bills to be introduced during this Congress—the Election Reform Act of 1968 and the Legislative Reorganization Act of 1967—are pending in the House Rules Committee. The Senate passed similar measures last year. It is my belief that these measures are so important and so needed that every effort possible must be made to bring them to the floor of the House for consideration before final adjournment.

All of us agree that the laws concerning election campaigns and their financing should be revised and updated. The need for this has become even more apparent during the last few years, in light of the Adam Clayton Powell, Senator THOMAS DODD, and Bobby Baker incidents. Studies have shown that current laws in this area actually invite evasion and are filled with loopholes, rather than help the situation. In addition, the laws were not designed to cover the type of campaigns that we must conduct today.

The Election Reform Act of 1968 would completely overhaul the laws pertaining to campaign fundraising and spending in Federal elections, and includes the full range of the Federal election process. It would provide for full disclosure of political contributions and expenditures by candidates and their political committees by requiring periodic reports. A commission would be established to enforce these provisions. I think that we can all agree that this legislation is urgently needed.

Also, because of the tremendously increasing workload of Congress and if we are to give more than a passing glance to the legislation we consider, it is absolutely necessary that the operations of Congress be streamlined and modernized. The Legislative Reorganization Act of 1967 is a significant step in this direction. It is the result of several years of hard work, beginning in 1965 with the creation of the bipartisan Joint Committee on the Organization of the Congress. The committee's recommendations were unanimous, and last year the Senate passed the bill by a substantial margin. Since then it has been tied up in the House Rules Committee.

Mr. Speaker, it is my firm belief that both of these bills are needed now, and I urge the leadership to help bring them to the floor of the House for consideration before we adjourn.

CAN I BREATHE THE AIR OF FREEDOM WHEN MY BROTHER WEARS CHAINS?

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. LUKENS. Mr. Speaker, it is sad that today so many people cry about the lack of opportunity and the lack of personal freedom in this Nation of ours, which has more freedom than any other country in the world. It is, therefore, refreshing and exhilarating to read the words and feelings expressed by the type of young American we are so proud of.

Surely there exist millions of young men like Brent Wininger or there would not be many places left for peace-loving people. Millions have died in honor, dignity, and even glory, protecting freedom, and have also shared Brent's thoughts and feelings about his purpose in life and his sense of direction for the living.

Brent Wininger succinctly and humanly presents his concept of values, and an overwhelming majority of Americans believe these to be both time honored and time tested. Would that every young American shared his dreams and convictions.

At this time, Mr. Speaker, I most proudly include the attached letter in the CONGRESSIONAL RECORD:

CAN I BREATHE THE AIR OF FREEDOM WHEN MY BROTHER WEARS CHAINS?

To the EDITOR:

Being a concerned mother, I recently wrote to my son in Vietnam that I saw no reason for his being there. You see, he had nearly two years of college when he joined up.

I would like to share with everyone our son's answer to my concern. In part, this is what he wrote:

"Dear Parents: I was very unhappy to read that you see no reason for my being here. In fact, I was astonished, confounded, befuddled, even angry. It just isn't the best morale boost for someone who's working 12 to 16 hours a day . . . when you say you don't know why I'm over here.

"Maybe it's so that some kids can grow up with something in their bellies besides grass and weeds; grow up without fear to use their minds and expand their capacities to the extent of the ability their Creator gave them. Maybe it's so that some kids can just grow up, period.

"We are over here for a better reason than our ancestors had in coming to America. They came to a new world so that they could be free. We are in Vietnam so that others may be free. There are no new lands to which one can run for freedom. We either all become free or we all go down together.

"If our leaders sell out the Vietnamese people, they will sell the lives of our future generations and the hopes of the world. Jesus Christ died on the cross for humanity; and you do not believe that I am man enough to spend a year of drudgery, boredom and dirt in trying to help a country and its people be free. At the same time, my chance of being wounded or dying is less than if I spent the same time driving on a U.S. highway.

"Your excuse is that you are a mother and love your offspring. I can assure you that there are mothers over here and that they feel the same way about their children . . . When I get back, do you believe I will be sorry that I wasted a year in Vietnam? I will only be sorry that I couldn't do more . . .

"When you take humanity and dignity away from one man, you take a part of everyone's. How can I breathe the air of freedom when my brother wears chains? How can we erect monuments to justice and enlightenment when men are oppressed and ignorant? How can we reach for the stars when some men do not live higher than communal animals?

"The poem preceding Hemingway's novel 'For Whom the Bell Tolls,' often has been quoted to prove this point. I can't quote it exactly, but it's something like this: 'No man is an island unto himself; every man is a piece of the continent . . . if a clod be washed away, Europe is the less; any man's death diminishes me, because I am part of mankind; therefore never send to know for whom the bell tolls; it tolls for thee.'

"I don't mean to be angry with you or to preach a sermon. I also don't want anyone to think of me as a knight in shining armor or as a crusader; I'm just doing my job. I get disgusted with things here like everyone else. But I do have a reason for being here . . . Your son, Brent."

Thank you for letting me share my son's thoughts about his fellow man.

BRICKHOUSE REPORTS ON DISORDERS: JACK BRICKHOUSE SPEAKS OUT DURING CUB GAME BROADCAST

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. KLUCZYNSKI. Mr. Speaker, the statement below was made by sportscaster Jack Brickhouse during the live WGN–TV coverage of the Chicago Cubs home game. The following is verbatim transcription of Brickhouse's spontaneous remarks during the telecast:

You know, ladies and gentlemen, I've been thinking . . . uh . . . this has been on my mind for the last couple uh days now, there's been a lot of talk lately about the handling of the Democratic convention, the demonstrations and so forth, and to me who covered many of these conventions the most unfortunate aspect of this whole thing has been the lack of realization by many of just what kind of an opponent the Chicago Police have been up against. . . .

Hope you read the front-page editorial in yesterday's Chicago Tribune, or, the front-page story from this morning's Tribune, the really dramatic account of a brave Chicago Policeman, Robert Pearson, who infiltrated that hard-core Communist inner-circle of the yippies and, at great risk fed inside information to the Chicago Police.

And I hope you heard the report of a brilliant young Chicago Police Department Press information officer, Frank Sullivan who really told it like it was.

Of the many I've covered, I don't think I've ever seen a convention put to the agonizing test that this one was, and, knowing the planned chaos intended by imported Communist leaders who con our young people into joining them under false pretenses knowing of the death threats, the assassinations, of the Kennedy brothers and Martin Luther King being fresh in our minds, the irresponsible television reporting that bears betrayal of the Public Trust, the criticism of well meaning people who really don't know the score. . . .

Add all of them together and I say this country owes Mayor Daley a deep debt of gratitude, and we owe the Chicago Police Department and Superintendent Conlisk, and for that matter, the National Guard, the FBI, the Secret Service and even the Andy Frain ushers, the same debt for protecting us from mania, who not only wanted to ruin a political convention they want to destroy Chicago, they want to destroy the United States of America.

POINT OF NO RETURN?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. GROSS. Mr. Speaker, a constituent recently sent to me a reprint of a letter to the editor which appeared originally in the Evansville, Ind., Courier.

The writer, Louis Ruthenburg, warns that the United States is following the same socialistic path that has reduced Great Britain to political, economic, and social bankruptcy. He properly asks:

> Have we passed the point of no return?

I commend the text of the letter to the attention of my colleagues:

POINT OF NO RETURN?

Jim Bishop's graphic and realistic piece about the sorry status of once great Britain brings to mind Thomas Gray's mournful lines:

"The boast of heraldry, the pomp of power
And all that beauty, all that wealth e'er gave
Await alike the inevitable hour:
The paths of glory lead but to the grave."

Bishop's column should also remind Courier readers that, since early in the century, we, the people of the United States, have followed precisely the same pattern that has reduced Great Britain to political, economic and social bankruptcy.

Before the turn of the century, under such great leaders as Palmerston, Disraeli, and Gladstone, England was blessed with strong, constructive government and became, as Bishop remarks, "greater than Rome." Britons then could boast that "The sun never sets on the British Empire."

During the latter part of the nineteenth century, the Fabian Society, dedicated to converting England to socialism, became active. It embraced and converted British Labor to socialism. The British Liberal Party affiliated with Labor in 1906 and was soon submerged and superseded by the Labor Party.

As the result of that revolutionary political transition, constructive, powerful Britain has degenerated into the present weak, socialistic welfare state. Once proud Britons now must eat the inevitable, bitter fruits of socialism.

Since the turn of the century, our United

States has closely followed the British pattern of degeneration.

After Lord Keynes had popularized the Fabian socialistic philosophy among students and faculty members at Harvard University, a series of socialistic associations of "intellectuals" developed. These culminated in the politically oriented Americans for Democratic Action (A.D.A.). That organization is the counterpart of the English Fabian Society.

Leading spirits in A.D.A. have included Hubert H. Humphrey and Walter Reuther.

Under the Wilson administration the socialistic political and economic trend was accelerated through adoption of the graduated income tax and centralization of bank control in the Federal Reserve System. Karl Marx long since had advocated a graduated income tax and centralized banking as measures desirable for development of socialism.

Roosevelt's "New Deal" surrendered inordinate power to organized labor, just as the English Liberal Party had promoted the interests of British Labor.

Here, as in England, our country has degenerated into a socialistic, welfare state. Among headlines in the same issue of the Courier are these:

"Year's Deficit, 25.4 Billion Largest Since World War II", and "County Welfare Costs Double in Eight Years".

Here, as in England, we are "taxed beyond endurance"; faced with disastrous inflation, increasing crime and rioting, distrust by other nations. We, too, now eat the bitter, inevitable fruits of socialism.

Have we passed the point of no return? Probably, but not inevitably.

CAPTIVE NATIONS' WEEK, 1968, CONFIRMED BY RAPE OF CZECHOSLOVAKIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. BRAY. Mr. Speaker, this past July, Americans and friends in 17 other countries fittingly conducted the 10th observance of Captive Nations' Week. One of the major themes throughout all the observance was the needed concentration on Soviet Russian colonialism as the real enemy of both the captive nations and the free world. Over the past 10 years this position has been amply substantiated by careful scholarship and historical insight of a few scholars and teachers on the American scene. It is a pity that their voices have not been adequately heard. But where reason and perception fail to prevail, harsh experience inevitably surges forth. The Soviet Russian rape of Czechoslovakia has provided such experience. The question now is whether we can profit by this experience.

In any case, the truths disseminated by the farseeing supporters of Captive Nations' Week will continue to haunt those who have feared to heed them. As the reports on the 10th observance continue to flow in, it should be quite instructive to note what was said and done, particularly now in the light of the Czechoslovak experience. The following examples are noteworthy: proclamations by Gov. Claude R. Kirk, Jr., of Florida, Mayor Stephen P. Clark of Miami, and Mayor Chuck Hall of Dade County, Fla.; the first issuance anywhere of a Captive Nations' Week stamp by the Republic of Korea; an editorial and report on the week in Svoboda; a statement by Senator ROMAN HRUSKA in the August 3 issue of Human Events; testimony by the National Captive Nations Week chairmen before the Republican platform committee; an article in the San Diego Union of July 16; a Japanese statement in the WACL Bulletin of August 1968, as well as one by Mr. Ky Chery-Kang on the Russian invasion:

PROCLAMATION: STATE OF FLORIDA EXECUTIVE DEPARTMENT, TALLAHASSEE

Whereas, the United States has become a great nation due to its ability through the democratic process, to achieve an harmonious union of its people despite the diversity of racial, religious and ethnic backgrounds, and

Whereas, this harmonious unity of our free society has led the people of the United States to have a warm understanding for the aspirations and interdependency of the people and nations of the world, and

Whereas, the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of peaceful co-existence between nations and raises a barrier to the natural bonds of understanding between the people of the United States and other people, and

Whereas, these captive nations look to the United States for leadership in bringing about their liberation and restoration of their religious freedom, and

Whereas, it is vital to our nation's security that the desires of these captive people be kept alive as a deterrent to war and a means of obtaining a lasting peace, and

Whereas, it is proper that we clearly show these people through an appropriate ceremony that we share their aspirations.

Now, therefore, I, Claude R. Kirk, Jr., by virtue of the authority vested in me as Governor of the State of Florida do hereby proclaim July 14–20, 1968, Captive Nations Week in the State of Florida.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 18 day of July, A.D., 1968.

CLAUDE R. KIRK,
Governor.

CAPTIVE NATIONS WEEK IN MIAMI, 1968

(A proclamation by the mayor of the city of Miami, Fla.)

Whereas the greatness of our nation is, in large part, attributable to its having been able, through the democratic process, to achieve harmonious unity of its people, and

Whereas in contrast to the freedoms which the citizens of our country enjoy, the people of more than 25 countries throughout the world have been subjected to Communistic tyranny, and

Whereas these submerged nations look to the United States of America as the citadel of human freedom and a beacon lighting the way to their own liberation, and

Whereas the United States Congress has designated the third week in July as Captive Nations Week,

Now, therefore, I. Stephen P. Clark, Mayor of the City of Miami, Florida, do hereby proclaim the week beginning July 14, 1968, as Captive Nations Week in Miami.

In observance thereof I call upon the people of Miami to join in offering prayers and dedicating their efforts toward the peaceful liberation of oppressed and subjugated peoples throughout the world.

In witness whereof I hereunto set my hand and cause the seal of the City of Miami, Florida, to be affixed.

Done in the office of the Mayor of the City of Miami, Florida, this, the —— day of —— in the year of Our Lord, Nineteen Hundred and Sixty-Eight.

STEPHEN P. CLARK,
Mayor.

CAPTIVE NATIONS WEEK IN METROPOLITAN DADE COUNTY, 1968

(A proclamation by the mayor of Metropolitan Dade County, Fla.)

Whereas: The oppressive tactics of international Communism and other forms of tyranny are holding in a state of enslavement and terror many nations, including Cuba, just a few miles from our continental shores, and

Whereas: Persecuted and oppressed individuals throughout the world traditionally have looked to the United States as a symbol of Democracy, depending on this country to lend its influence in liberating those who are oppressed, and

Whereas: The Congress of the United States has designated the third week in July of each year as Captive Nations Week, in order that submerged nations everywhere may be reminded of this country's sympathy, thus sustaining their hopes for ultimate freedom,

Now, therefore: Be it resolved that I, Chuck Hall, Mayor of Metropolitan Dade County, Florida, do hereby proclaim the week beginning July 14, 1968, as Captive Nations Week in Metropolitan Dade County.

In observance thereof: I urge the people of Greater Miami to participate wherever possible in events arranged in observance of this special week and to join with others in offering prayers for the liberation of oppressed and subjugated peoples throughout the world.

THE KOREA ANTI-COMMUNIST LEAGUE,
Seoul, Korea, July 28, 1968.

DEAR SIR/MADAM: From July 15 through 21, we have observed the Captive Nations Week on a nation-wide scale that marks the sixth event observed in Korea. On this occasion, our League held the nation-wide rallies and performed the touring lectures.

In the citizen's Rally held in Seoul and other main provincial cities on July 16, we aroused our voice to urge the liberation of the peoples subjugated under the Communist tyranny and a resolution was passed to send messages to our fellow countrymen in the northern part of Korea and to the free peoples of the world. We also exposed and condemned in the Rally the falsehood and atrocity of Communism and strongly urged to all the peoples of the world under the Communist tyranny to break off the chains of slavery and stand firmly on the sacred fight for the freedom and independence.

We urge all the member units of the WACL to be united in the fight for the liberation of the subjugated peoples till the moment the freedom attained and prosperity assured. We believe firmly God will bless us in our gallant struggle with loving care and guidance.

Finally we are pleased to inform you that our Government, in response to our effort to publicize on the Captive Nations Week, issued the postage stamp to commemorate the movement for the liberation of the captive nations under the Communist tyranny as clearly indicated on the stamp. We shall be very much pleased if a few pieces of the stamp enclosed are received by you as a small but beautiful gift on this precious occasion.

Sincerely yours,

LEE EUNG JOON,
Chairman.

POSTAGE STAMP TO COMMEMORATE THE MOVEMENT FOR LIBERATION OF THE CAPTIVE NATIONS UNDER THE COMMUNIST TYRANNY

The world peace and freedom of mankind are being threatened by the constant invasions of the inhumane Communist imperialism ever since the World War II. The people of many nations were deprived of their freedom and are groaning under the Communist tyranny, including our fellow country-men in the north.

In an effort to mop up such poisonous Communist force from the earth and lend spiritual support and sympathetic concern to these freedom-loving peoples who are struggling for survival and freedom under the brutal Communist rule and at the same time to further inspire the free people with the unswerving thought of anti-communism by exposing to the world the atrocious acts of the Communist and miserable life imposed on the people by their dictatorship, the congress of the United States decided to set the period of the 3rd week every July as the "Captive Nation's Week," and the week dedicated to the movement for liberation of the captive nations under the Communist tyranny, in 1959. All free nations of the world are called upon to come forth together with their active measures to promote further the anti-communism among their people and their contribution of whatever the possible helps to the cause of these freedom-fighting captive nations during the period.

Communism is the common enemy to all free peoples.

As for Korean people who are facing the north Korean puppet regime and their ever increasing aggressive acts, this occasion should be made another moment to strengthen further their moral armament and renew their determination to liberate their fellow country-men from the bloody Communist hands in the north and to achieve eventually the longing desire for the national unification.

[From the Ukrainian Weekly, July 13, 1968]

CAPTIVE NATIONS WEEK, 1968

July 14–20 has been designated as Captive Nations Week of 1968.

This is the tenth observance of a week set aside to remind us that the captive nations—the peoples themselves as against the totalitarian Red states and their Communist Party apparatus—are still very much captive.

Captive Nations Week traditionally symbolizes for billions of captive peoples the firm dedication of America to their freedom and independence.

More than any event, it shows that the right things about America stand out most when contrasted with the combination of political oppression and rampant economic poverty that exists in the Red Empire, particularly the Soviet Union.

In the U.S. House of Representatives, an hour has been scheduled on July 17 to pay special attention to the captive nations and their enslavement by Communist Russia. Similar participation is anticipated in the Senate.

The National Captive Nations Committee Chairman, Dr. Lev E. Dobriansky, has appealed to all members of the U.S. Congress to participate in this year's Captive Nations Week observance. He has also recommended that the congressmen urge the creation of a Special Committee on Captive Nations to "dispel the dangerous myths engulfing our country and . . . calling for an unprecedented review of U.S. policy toward the USSR, an empire with which some Americans are apparently seeking a partnership."

We, the citizens of America, can back up these actions by our whole-hearted participation in local observances of Captive Nations Week—in anti-communist manifestations such as those taking place in New York and Pittsburgh during the next few days. A voice, raised in behalf of our enslaved kingmen in Ukraine, should be particularly strong on this occasion and at this time in history.

Our strong support of Captive Nations Week will serve to inspire citizens throughout the nation to rededicate themselves to the principles of the American Revolution and the ideal of freedom for all peoples.

[From the Ukrainian Weekly, July 20, 1968]

ANTI-COMMUNIST RALLY IN NEW YORK BEGINS CAPTIVE NATIONS WEEK

NEW YORK.—A lively anti-Communist rally in Central Park marked the start of Captive Nations Week here on July 14.

Several hundred Ukrainians were among almost 1,000 persons attending the rally after a mass at St. Patrick's Cathedral.

Congressman Lester Wolff (D.-Nassau County), one of several speakers at the rally, noted that people everywhere look upon America as a "bastion of freedom."

He called on the Soviet Union and its Chinese underlings not to silence the voices of protesters but to listen to the demands for human rights.

Speakers included Judge Matthew Troy, head of the Captive Nations Week Committee, and Dr. Ivan Docheff.

The "Verkhovyntsi" dance group of New York took part in the concert portion of the program along with Estonian and Azerbaijan performers.

Representatives of close to 20 captive nations, many of them in national costume, marched from the Plaza fountain on Central Park South to St. Patrick's Cathedral and afterwards from the Cathedral to the bandshell in Central Park. Over 500 persons took part in the mass and the parade.

Demonstrators carried signs bearing slogans such as "Freedom for all subjugated nations," "Human rights for all nations" and "Moscow—enemy of the free world."

The Ukrainian group, the largest contingent, included Ukrainian veterans, members of the Organization of Four Freedoms of Ukraine and Soyuz Ukrainok, and some 100 SUMA members, some of whom had come by bus from the SUMA camp at Ellenville, N.Y.

Others in the Ukrainian delegation were Roman Huhlewych, Ivan Bazarko, Lev Futala, Dr. Alexander Sokolyshyn, K. Wasylyk, UNA Supreme Vice-President Mary Dushnyck, UCCA publications editor Dr. Walter Dushnyck and Michael Spontak, head of the Friends of the Anti-Bolshevik Bloc of Nations in the U.S.A.

Interviews with Mr. Spontak and Dr. and Mrs. Dushnyck were conducted by representatives of The New York Times, the New York Daily News, WCBS-TV and WNEW-TV, which were among the many communications media covering the day's events.

[From Human Events, Aug. 3, 1968]

CAPTIVE NATIONS WEEK

(By Senator ROMAN HRUSKA)

The observation of Captive Nations Week recognizes the yearnings of the captives. We must give them our support, for their aspirations are rightful. We are talking about 100 million people. Our accommodations and concessions are not going to improve their position unless a quid pro quo is received.

The events of the past year have not brought true freedom and independence to any of the captive nations. Millions of people in the Communist-dominated countries continue to be enslaved by their Soviet masters. They are still shackled under the tyranny and oppression which they have known for so many years. Their individual liberties and fundamental rights as human beings are still being denied. And the United Nations Charter which proclaims the principle of "equal rights and self-determination of peoples" continues to be flaunted.

We also know that the spirit of these oppressed peoples has not been broken. They have not given up their hopes for freedom. An expression of the deep desire of man for freedom can be seen in Czechoslovakia, and the new government has apparently responded to some extent. The aspirations of the youth of Poland, however, were smothered with repression and retaliation.

In order to preserve this spirit and keep alive this spark of resistance, these people of the captive nations must know that they have not been abandoned. They must have the reassurance of the free world that they have not been written off as a lost cause. To this end, Captive Nations Week has made a vital contribution. It serves as an excellent means of focusing the world's attention on the plight of these people and give the American people an opportunity to manifest their concern.

A NEW REPUBLICAN POLICY OF DYNAMIC INDEPENDENCE

(Testimony of Dr. Lev E. Dobriansky, professor of Georgetown University, president of the Ukrainian Congress Committee of America, and chairman of the National Captive Nations Committee, before the Republican platform committee, Miami Beach, July 30, 1968)

Mr. Chairman and Distinguished Members, the time has come for the Republican Party to chart a new course in our foreign affairs. This course must be primarily founded on an expansive knowledge of the Soviet Union, courage to utilize such knowledge, and a national will to uphold a single standard of morality and principle in our dealings with the really prime enemy of our country. What we have been witnessing in this decade is the very negation of these criteria and, behind the Grand Illusion of Peace, a steady deterioration of the American posture in the world at large. The present course, paved by mythical preconceptions, a protracted obscurantism, and thus fear regarding the main contender for world domination, will inevitably lead to more wars, wasteful American sacrifices, and a further eclipse of American power.

A new Republican policy of dynamic independence—one that will dynamicize the right things that have made this Nation the greatest in the modern world—would prevent further wars, restore the badly mauled American image and, for human freedom and justice, maximize the uses of the only real power worth talking about, American power itself. More than anything else, this truly innovative policy would prepare us as fitting heirs to celebrate with clear consciences and pure spirit the 200th Anniversary of the American Revolution and our Declaration of Independence, only eight years away.

Concentrating on the basic factors and causes in the world struggle, not the secondary and tertiary ones that Moscow steers us into, this policy is justified both, negatively, by the failures of the present Administration and, positively, by needs for our security, peace, and victory in this cumulative struggle. The Administration's failures, which constitute serious points of indictment, are as follows:

(1) It has pursued a confetti diplomacy in regard to the main enemy, which can be accurately depicted as the international dimension of the credibility gap. The whole train of paper-making—the Test Ban treaty, Consular Convention, Outer Space treaty, the Non-Proliferation one, and even the Moscow-New York flight run—are so much confetti on the scale of fundamental problems, serving to hoodwink our people as to the harsh realities in the Red Empire and the real threats to our security. The Consular treaty, as written, doesn't even make semantic sense. These superficialities tend, in the myopic tradition of the Roosevelt Administration over two decades ago, to convey an implicit partnership between Independent America and Imperio-Colonialist Moscow.

None of these treaties is of any concrete net advantage to us, and each is of nothing-to-lose-much-to-gain advantage to Moscow. The confetti helps to enshroud the real enemy of Soviet Russian imperio-colonialism and its communist weapons which are dramatically at work today in Czechoslovakia.

(2) In its cowering appeasement of Moscow, the Administration has systematically downgraded the captive nations, the peoples themselves, in favor of a self-defeating "bridges of understanding" policy conducting to the entrenchment of Red totalitarian regimes. One need only read President Johnson's Captive Nations Week proclamations to notice the detachment of the Secretary of State's signature and, in the 1968 one, the American people aren't even invited to participate in the annual observance, where heretofore they were.

(3) The Administration has frustrated along a broad spectrum any consideration in favor of the independence of the captive non-Russian nations in the Soviet Union, which make up a majority of the population. With its double-standard morality, it has cast aside this key concept of the captive non-Russian nations in the USSR—the key to ending Moscow's indirect aggressions in Vietnam, the Korean area, the Middle East, through Havana in Latin America and, indeed, in our own country—for a working partnership with the world's worst imperialist system in false pursuit of "non-confrontation and world peace."

(4) With no comprehension of the chief psycho-political warfare being waged against us, it has insularly blocked the passage of the Freedom Academy bill which would equip Americans and others to cope with this form of revolutionary warfare. This despite the fact that a majority of the House Rules Committee is in favor of it.

(5) Although a new generation of Americans has emerged with little or no understanding of how the Red Empire has developed, the Administration has also resisted the creation of a Special House Committee on the Captive Nations. Here, too, in what is supposed to be "the democratic process," a substantial majority in the Rules Committee sees the urgent need of such a committee.

(6) The ineptitude of the Administration has also been reflected by its virtual silence in this International Human Rights Year concerning the deprived rights of peoples in the USSR and elsewhere in the Red Empire; its pressures for liberalized East-West trade, repeating the errors of the 30's; and its ineffectual uses of the VOA, the U.N. and other media in the interests of world freedom, particularly during this Czecho-Slovak crisis.

The needs for our security, peace and victory in this cumulative struggle can in fundamental part be satisfied by adopting the following as planks in the Republican Party Platform:

(1) the declaration of a new Republican policy of dynamic independence, applicable on the basis of a one-standard morality to all areas of the world, particularly the USSR;

(2) the promise to conduct for the first time in our history a full-scale review of U.S. policy toward the USSR (Mr. Fulbright has been challenged on this and fears it);

(3) specific support for the passage of the Freedom Academy bill, even to prepare for political warfare on our own terrain;

(4) also specific support for the creation of a Special House Committee on the Captive Nations (Let us uphold the democratic process); and

(5) in clear repudiation of the Democratic Administration's policy of silence and self-paralysis, a courageous reaffirmation of the Party's established stand toward *all* of the captive nations including 17 million North Vietnamese:

"In the spirit of dynamic independence, Republicans reaffirm their traditional commitment to a course leading to the genuine freedom and independence of the Communist-dominated nations of Eastern Europe, Asia and Latin America, including the peoples of Poland, Hungary, East Germany, Czechoslovakia, Rumania, Albania, Bulgaria, Latvia, Lithuania, Estonia, Armenia, Ukraine, Yugoslavia and its Serbian, Croatian and Slovene peoples, Cuba, mainland China, North Vietnam, and many others."

"In this International Human Rights Year, we condemn the persecution of Russian, Ukrainian and other non-Russian intellectuals in the USSR and of minorities, such as the Jews, within Communist borders."

Ladies and gentlemen, as I have quoted in my current book *The Vulnerable Russians*, "All that is necessary for the triumph of evil is that good men do nothing." Silence, myopia, and fear are of the species of nothing which we can ill afford.

[From the San Diego (Calif.) Union July 16, 1968]

Captive Nations Week Is Made Meaningless

(By Dumitru Danielpol)

The 10th Captive Nations Week is being observed this week, but one wonders why.

In 1959 a joint resolution in Congress proclaimed the third week in July Captive Nations Week, "until such time as freedom and independence shall have been achieved for all captive nations in the world."

The first presidential proclamation signed by President Eisenhower made it clear which these nations were.

It spoke of "many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism."

It appealed to Americans "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of the captive nations."

The Russians were furious. Their vehement protests indicated they were hurt and hurt badly by the action.

But that was 10 years ago. Since 1961, the Kennedy-Johnson resolutions have been so watered down that they can apply to any country.

President Johnson, in his proclamations, does not even mention the Soviet Union or communism.

This attitude, of course, reflects the President's policy of detente with the Communist leaders.

Just how far we have drifted since 1959 is demonstrated in a recent review of U.S. foreign policy by Eugene Rostow, under secretary of state for political affairs.

"We were and are opposed to communism, and concerned about its spread," he said. But since 1945 "the idea of using the threat of force, or our atomic monopoly to press the Soviet fulfillment of its agreements at Yalta and Potsdam was literally unthinkable.

"We did, of course, resist Communist efforts to extend what Churchill first called the Iron Curtain," Rostow said. "But we did not attempt to intervene on the other side of that line—either in East Germany in 1953 or Hungary in 1956 . . . we have no design against the political system which exists in North Vietnam."

It may be pertinent to recall that Vice President Richard Nixon advocated American help to the Hungarian Freedom Fighters in 1956.

In the last year much has been made of "liberalization" in Czechoslovakia and of "an independent attitude" in Romania. Each small gain in a Communist state is something to cheer about, but these are still captive nations in which basic human rights are denied to all people.

[From the WACL Bulletin, August 1968]

A Word on the Captive Nations

(By Dr. Juitsu Kitaoka, APACL and WACL Japan Chapter)

We are happy to note a step forward taken this year for the liberation of captive nations. On the other hand, we cannot but feel indignation over the Soviet persecution and suppression of writers and other intellectuals in the Ukraine. The whole world must cry protest to this.

We regret, too, that the United States, the leader of the free world, has shown lukewarm timidity in resisting the aggression of North Vietnam and the Vietcong. This fact is quite clear: if the USA gives up South Vietnam or recognizes Red China, as some of her statesmen advocate, not only will the captive nations be further oppressed but also the present free nations of Asia will be enslaved and reduced into captive nations by Communist aggression.

We, therefore, strongly urge the USA and all other free nations to unite in supporting the liberation movement of the subjugated nations and in defending the free peoples against the Communists' direct and indirect aggression.

Statement Issued by Mr. Ku Cheng-Kang, Council Chairman of the World Anti-Communist League, on Soviet Invasion of Czechoslovakia

1. The armed invasion against Czechoslovakia by Soviet Russia and her satellite nations of East Germany, Poland, Hungary and Bulgaria fully reflects the fact that the internal divisive movement and the crisis of a split within the Communist empire have developed to such an extent that Soviet Russia had to run the risk of facing unpredictable consequences, by resorting to armed suppressions. With the collapse and disintegration of the Communist empire approaching, Soviet Russia had no alternative but to use this last resort to save a rapidly deteriorating situation. We are convinced that history will prove that Soviet Russia's invasion against Czechoslovakia signifies the downfall and disintegration of Communism.

2. Soviet Russia's open invasion against Czechoslovakia shattered the lies of the so-called "internationalism" and "peaceful co-existence." Since Soviet Russia found it incompatible to get along even with a member of the Communist Bloc like Czechoslovakia, how can the free world expect her to abandon her design of communizing the world. In the past, international appeasers had thought that a "bridge" could be established with Soviet Russia and the Chinese Communists in culture and trade in order to improve the relations between the Communist empire and the free world. Such an illusion has been crushed by the iron heels of the invading Soviet troops. Peoples in the world can, through the outrageous Soviet actions, understand that the basic nature of Communism remains unchanged. This is true of the Soviet regime, and especially true of the puppet Chinese Communist regime.

3. Soviet invasion against Czechoslovakia has told the world, efforts of peoples behind the Iron Curtain in seeking freedom must not lack the support of external forces. The hesitant and timid attitude of the free world at the time of the Czech crisis was tantamount to encouraging Soviet Russia to use brutal force against Czechoslovakia in the end. Peoples throughout the world ought to learn this lesson and not to entertain any thought of pacification or appeasement with either Soviet Russia or the Chinese Communists.

4. In the face of outrageous Soviet armed invasion against Czechoslovakia, all righteous and peace-loving peoples in the entire world should be united and, through various means, take all possible actions to support the Czech people in their struggles against tyranny.

In upholding justice and peace in the world, the United Nations, in particular, should pass resolutions condemning Soviet Russia as the aggressor, adopt effective sanctions against Soviet Russia's outrageous actions which have undermined the charter of the United Nations, and force Soviet Russia to withdraw her forces in order to restore the territorial integrity of Czechoslovakia and the complete freedom of her people.

PRESIDENT JOHNSON REITERATES HIS PLAN FOR WORLD PEACE TO THE 50TH ANNUAL CONVENTION OF THE AMERICAN LEGION AT NEW ORLEANS, LA.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. TEAGUE of Texas. Mr. Speaker, it was again my pleasure to be in attendance at the American Legion Convention in New Orleans, La., when President Lyndon B. Johnson addressed the delegates on Tuesday, September 10. I believe that the President was more forceful than ever in the presentation of his speech in which he once more outlined the position of his administration and our country in the role of a world leader and our quest for a lasting peace.

The President's speech follows:

REMARKS OF THE PRESIDENT TO THE 50TH ANNUAL AMERICAN LEGION NATIONAL CONVENTION, NEW ORLEANS, LA., SEPTEMBER 10, 1968

Mr. Chairman, Commander Galbraith, Senator Ellender, Congressman Teague, distinguished members of the American Legion and Ladies Auxiliary, my fellow Americans:

I am deeply touched and very grateful for your thoughtfulness and for the presentation of this award, on behalf of the men who have demonstrated their love of country.

Today, I have come here to your convention to speak with you in a keynote talk about world peace—about your President's efforts to achieve it—the progress we have made—as well as the tasks that lie ahead.

It was 50 years ago this very month that the eyes of the world were turned on the efforts of the American doughboys to reach a railroad running across France, which happened to be the main supply line, at that time, of the German Army.

I remember then, as a 10-year-old boy, how we followed the news of the Meuse-Argonne offensive in that fall of the year 1918.

Some of you in this room no doubt fought through that battle.

Some of you were there, two months later, when the first world war in history was brought to an end.

Now we know how brief the illusion of peace was, on that Armistice Day a half century ago. In the course of five stormy decades, we have learned how carefully peace must be built in a complex and dangerous world—as well as how well peace must be guarded.

World War I had been ignited by a very small flame in the Balkans. That was our first lesson. Others followed in rapid profusion:

We saw depressions leap continents. We saw democracy weakened and break under their weight.

We witnessed the rise of dictators and watched aggressors stalk across borders.

We fought through the Second World War which came in the wake of their bootmarks—and before the dust of war had really settled, we saw the rise of a new aggression.

We beheld the dawn of the nuclear age.

We saw the birth of new nations, and the death of old colonialism.

And from a dozen different parts of the globe, we heard the long pent-up cry for food and land and a new day of hope and dignity.

These are the conditions and developments of our turbulent times. Around them, America has constructed a policy to try to promote peace in the world.

That policy did not begin in my Administration. That has been our policy for more than 20 years in the making. It was shaped in a bipartisan spirit, by Republicans and Democrats.

It has been followed by four different American Presidents.

I have built upon it. I have strengthened it when I could. I have modified it where I needed to, to meet the changing demands of the changing years. But we have always held to four essential imperatives.

The first imperative—constant from President Truman's day to mine, is this: The United States of America must remain the strongest nation in all the world.

I have tried to take steps, even small ones, that would move us toward more normal relations with the Soviet Union and other Communist countries.

We shall continue that progress in every honorable way that is open to us. World safety demands that the two greatest powers on earth reduce—if they possibly can—the tensions that have held mankind in mortal bondage for more than a generation.

But I have always, also, been deeply aware—and I have constantly and steadily warned—that many dangerous and unresolved problems face us.

Some, however, concluded that changes of such magnitude were taking place in the Communist world that we could relax our vigilance, trusting that the Communists wanted the same kind of world that we Americans wanted.

Today, the events in Eastern Europe make it clear—and make it clear with the force of steel—that we are still a long way—a long way—from the peaceful world that we Americans all wish to see.

The message out of Czechoslovakia is plain: The independence of nations and the liberty of men are today still under challenge. The free parts of the world will survive only if they are capable of maintaining their strength and capable of maintaining and building their unity.

Peace remains our objective. But we shall never achieve it by wishful thinking, nor by disunity, nor by weakness.

The second imperative of our policy for peace is that we must meet our commitments and keep our promises to use our strength in the face of common danger to oppose aggression.

Self-interest has always been—and must always be—at the root of every action which commits the lives of American men.

When we entered the North Atlantic Treaty Organization, NATO, we did so because the threat of a Communist takeover of Europe was real, and because we knew that America's security was linked to the security of Western Europe.

If its human and material resources in Europe were to fall into hostile hands, then the balance of world power would be against America. We would have to become a bristling defensive fortress here at home, organized against an enormous, dangerous threat. We would have to live under conditions that are drastically different from any conditions that we have ever known.

So that is why America helped formulate, organize and joined the North Atlantic Treaty Organization. And that is why we are a strong part of that organization today.

When we fought to keep aggression from swallowing up South Korea, it was President Harry S. Truman who defined the self-interest that impelled our stand. Unchallenged aggression, President Truman said, "would mean a third world war, just as similar incidents had brought on the second world war."

When President Eisenhower sent troops into Lebanon, it was to keep a situation from developing which could trigger in the Middle East, and then could draw us in.

When President Eisenhower committed us to the Southeast Asia Treaty Organization, and he submitted it to our United States Senate during the Eisenhower Administration, it was voted and ratified there by a vote of 82 to 1. It was because President Eisenhower saw Southeast Asia as the key to political equilibrium in the Orient, vitally affecting America's future.

When President Kennedy brought in additional troops to Berlin in 1961, it was because America's self-interest demanded that we stand behind our pledge and our commitment to keep West Berlin free.

When President Kennedy put our forces on alert during the Cuban missile crisis the following year, it was because Soviet missiles in the Western Hemisphere jeopardized American security.

When the first American soldiers went into South Vietnam in the early 1960's, it was because this Nation saw that if the Communist aggression there succeeded, the entire region of Southeast Asia would be in mortal danger, and the threat of world war would be more ominous.

We have heard many voices raised in opposition to this stand. Indeed, I have sought some of these voices out. For, as your President, I assure you in these long days and nights for more than five years now, we have searched every avenue of thought and opinion on this issue that so troubles all of our people today.

But after investigating carefully every possible course of action, I always come back to that warning of President Harry S. Truman about how unchallenged aggression could lead to another world war.

Inevitably, I always come back to that judgment of General Dwight D. Eisenhower, who said that if South Vietnam were captured by the Communists, "The freedom of 12 million people would be lost immediately, and that of 150 million others in adjacent lands would be seriously endangered. The loss of South Vietnam," President Eisenhower said, "would set in motion a crumbling progress that could, as it progressed, have grave consequences for us and for freedom."

I always come back to these words, not of President Truman or President Eisenhower, but the late, beloved John Fitzgerald Kennedy, when he said: "For us to withdraw from the effort in Vietnam would mean a collapse not only of South Vietnam, but Southeast Asia. So we are going to stay there."

The judgments of these three former Presidents, as mine has been, were formed in positions of the gravest responsibility. After seeing, hearing, reading and studying all the evidence, their judgments were formed and were unshakeable. The American Constitution obliges the President to make his judgment, as Commander in Chief, according to what he believes is in the best interest of all the American people.

And I have believed—as these three Presidents believed who went before me—that a Communist military takeover in South Vietnam would lead to developments that could imperil the security of the American people for generations to come.

I know very well the cost of our commitment. Every day and every night I mourn every man who has been lost or who has been wounded.

But a President, a President worthy of this title, if he is true to his trust, must think not only in terms of those who have fallen. He must think in terms of the casualties that might have been—or the dead who might be.

How many American lives would eventually have been lost if our forces had not stood in Europe in the late 1940's to block the aggression that threatened, at that time, to sweep the English Channel?

More than 34,000 American men fell in Korea, and hundreds of thousands more bear the wounds of Korean battle. But how many more doughboys would have died if the aggressor had not been stopped there, and the war had spread to other parts of the world?

If we had not drawn the line against aggression in Vietnam, in keeping with the treaty that we signed, the SEATO obligations, and if the erosion of freedom had begun that President Eisenhower told you about when I quoted him a moment ago—some American President—some President—some day would have to draw the line somewhere else. And I ask you, at how much greater a cost? How many millions of young Americans would be lost in the larger war that would surely and inevitably come?

These are the sobering questions that no President and no Commander in Chief can escape.

From the very first, our objective in Vietnam has been to prevent the aggressor from taking that land by force.

We Americans have sought no advantage—except the advantage of peace. We have tried to fight a limited war—not to destroy an enemy, not to win a military victory, but to try in every way we knew how, as best we could, to protect our friends, remain true to our obligations, and win a peace in that part of the world.

We believed that to be very much in America's national interest then, and we believe it to be in America's national interest now.

On the night of March 31st, in a television address to this Nation, we launched a major new effort for peace. That was the latest of many.

We had already had eight bombing pauses. But on that night we announced that we would withdraw 90 percent of the population of Vietnam, almost 80 percent of the territory, from the area that our men were permitted to bomb.

As a result of that effort, our negotiating team would be willing to meet with the representatives of North Vietnam. The enemy suggested that we meet in Cambodia, and then he suggested that we meet in Poland. Against great odds and against the advice of some of our more eager people, we finally agreed not to meet in either of those places, but to meet in Paris. The wisdom of that decision, I think, is clear to almost any of you today.

We continue now to hope that something productive is going to come out of those meetings.

All we have heard so far is a demand that we do something else without their having responded to our first bombing restrictions.

Now let me make it as clear as I possibly can why we are still bombing and will continue to bomb the panhandle of North Vietnam—why re-establishing the DMZ, I think, is so critical to peace in Vietnam.

In the area just below the DMZ, we and our allies have some four divisions of men and the necessary people to support them, involving more than 60,000 Americans and one division of South Vietnamese. Just behind them in the rest of I Corps are an additional 164,000 American and Allied fighting men.

Those close to the DMZ are subjected daily to artillery fire and the direct movement of enemy forces across that DMZ against them. All those men in I Corps are constantly subjected to a massive flow of supplies and infiltrators, and rocket fire, through the panhandle to the northern part of the battlefield.

These are just hard, inescapable facts that a Commander in Chief must face up to and confront.

So what are our choices?

First, we could invade North Vietnam with our men. We could overrun their military positions. We could throttle the supply routes in North Vietnam itself. This we do not wish to do, although it should be clear that the North Vietnamese do wish to invade South Vietnam, and they are doing so—although they don't want to admit it.

Second, we could withdraw our forces. We could retreat and surrender on the installment plan, as some have suggested, by taking our men from below the DMZ, and turn over the I Corps area, that part of South Vietnam, to the North Vietnamese. This, I assure you, we shall not do.

If we cannot take our men in, and we are not going to take our men out, it appears to me, third, that the best thing we can do is to bring our planes to bear in the panhandle across the line against the artillery, the trucks and the rocket launchers that are being fired on our men, and to bring it to bear against the enemy trucks, the enemy troops, and the enemy supplies that are coming through. Every secondary explosion—and there were thousands there last month—means that that powder and that steel doesn't have to be brought back from South Vietnam by some American soldier in his body if it is stopped in North Vietnam

We are today exacting a very substantial price from the enemy. It requires patience of all of us. But we are limiting his capacity to bring weight against our forces and our allies. There is not the slightest doubt that if we should stop the bombing in the panhandle, the military capacity of the enemy to hurt our forces would greatly increase, and our casualties would skyrocket.

Just a few days ago, I went to the field with a cable and asked the commander of our troops in South Vietnam, one of the ablest commanders ever to wear a uniform, General Abrams, to give me his viewpoint on what would happen if I should order him to carry out the suggestion that had been made by some of our enemies abroad and some of our friends at home to stop the bombing.

His reply was simply this: If you should require me to stop the bombing of North Vietnam, you would permit the enemy to increase his capability several fold in 10 days, and if he did, I would be forced to withdraw our men from that area because they could no longer stand their ground.

I am not going to issue any order like that.

General Abrams, and not a single field commander we have, has made that recommendation to me. I am not a prophet or a speculator, but I do prophesy that some of these men who recommend it now would not do so if they were there on the DMZ, and could see there what our men face every day and face every night.

Therefore, the Commander in Chief has insisted that the bombing will not stop until we are confident that it will not lead to an increase in American casualties. That is why we have placed such emphasis on re-establishing the DMZ.

We yearn for the day when the violence subsides. We yearn for the day when our men can come home. No man can predict when that day will come, because we are there to bring honorable, stable peace to Southeast Asia, and no less will justify the sacrifices that our men have died for.

But President Thieu of Vietnam stated his intention at Honolulu—"to continue to assume all the responsibility that the scale of the forces of South Vietnam and their equipment will permit, while preparing the Vietnamese nation and armed forces for the important and decisive role that will be theirs in the coming stages of the struggle." Every report I receive from Saigon reports that the gallant, determined people of South Vietnam are acting in accordance with that statement.

The third imperative of our program to promote peace in the world, like the other two I have stated, is our effort to assist other countries to improve their economies. A man's home, however grand it is, is not secure if it stands on a street of crumbling slums, where people are hungry and in despair.

Whatever that man does to build up his neighborhood is an investment in his own security. This is the principle which has been the base of our programs. It is here that the quiet work has progressed. This is slow work and stubborn work. But from South Korea to Turkey—from Taiwan to Iran—from Pakistan to Tunisia—there are many success stories in which Americans can share the great pride of accomplishment.

Let me tell you, briefly, what has been happening in just one area in our Hemisphere, in Latin America, in the last few years. With our help, a great struggle has been taking place to overcome hunger and ignorance. These are the victories:

The average per capita growth has more than doubled.

Forty-three million acres of land have been distributed to almost 400,000 families.

Food production has increased 14 percent, and manufacturing production has gone up 23 percent.

There are 340,000 new schools, and 7 million more children getting an education today.

Infant mortality has dropped 14 percent.

The growth of confidence, the birth of hope, have changed history around the globe. And this is the kind of change which helps us to build peace.

We have always hoped and believed that as our friends and allies grew in strength, our burden would grow less lonely. We have been moving over the last few years toward a long-term position in which the United States would be able to assume its responsibility in enterprises of common concern, but our partners would be able to assume theirs.

This progress, too, is often hard to see. But it is there. In Asia, six Pacific Allies are fighting beside us in South Vietnam. By far, the greatest burden in that struggle—contrary to what is often said—is carried not by these allies, but carried by the South Vietnamese themselves. Since the beginning of the current offensive in mid-August of this year, they have suffered almost 50 percent more casualties than we Americans have suffered.

By the end of this year, the South Vietnamese will have 1,000,000 men under arms—1,000,000. 993,000, to be exact; 7,000 short of a million. That is out of a nation of 17 million. We have there 550,000, not a million, out of a nation of 200 million. But they have one million men under arms out of a nation of 17 million, and they don't control all of that 17 million.

The equivalent figure, in terms of population, if we had as high a percentage of our people at the front as they have, instead of having 500,000, we would have 12 million.

So this is a rather remarkable effort by a hardpressed, small nation that is fighting and dying for liberty that you don't always hear very much about.

The contribution of our NATO partners offers another example of partnership. U.S. forces are one-eight of the ground forces in NATO Europe. But they are a critical element in the balance, because they—and their nuclear weapons that are there with them—supply the shield which enables our allies to provide increasingly for the defense of Western Europe.

We have a right to expect Europe to do

more—and we might as well say that plainly and frankly. We have a right to expect them to do more in their own defense.

The world of free men and independent nations is weakened by European isolationism and disunity—as it was once weakened by an isolationist America that it took President Roosevelt and Prime Minister Churchill a long time to wake up.

We must look to the further enlargement of Europe's assumption of responsibility of their own in the future. In monetary affairs, in trade negotiations, in emergency food problems—across Asia and Europe and Latin America—the shift to partnership effort has already, I assure you, been substantial. Our relative burdens, as the years go by, become lighter.

I believe the day will soon come—which we have been building toward for 20 years—when some American President will be able to say to the American people that the United States is assuming its fair share of responsibility for promoting peace and progress in the world, but the United States is assuming no more and no less than its fair share.

While we can reduce our responsibilities, we must all be cautious enough never to allow anyone to persuade us to neglect them. In the 1960's I warn you there just must be no return to the isolationism of the 1930's that brought on World War II.

I warn you that the voice of isolationism is becoming strident once again in some of the places that we heard this same isolationist voice a generation ago. Some of it is in Congress. Some of it is on the campuses. Some of it is on the farms. Some of it is on the streets.

We say, "Why should we be bothered with the problems across the sea?" We might say we don't need to be bothered with smallpox in the next block, but the facts of life are if it is in the next block, we have to watch it and help stamp it out before it gets to our house.

The fourth imperative for peace is that we use our influence, however we can, to keep trouble from erupting into an all-out war—or to keep wars themselves from spreading. Through the United Nations, through the Organization of American States, and sometimes, but rarely, alone, we have already helped to dampen the fires of many potential conflicts in the last 10 years.

America shouldered arms half a century ago, "to make the world safe for democracy." Later it became quite fashionable to deride that slogan. For it seemed to belong to a simpler time, a time that was uncomplicated by a shrinking globe, and the new face of aggression, and the restlessness of emerging nations.

But I wonder today, looking back, if the derision did not come too soon. Democracy has had its times of frustration, it is true. Democracy has even had its times of failure. We know it is the best—but we also know it is the most difficult—way for men to organize their own affairs.

Today, vast reaches of this world have become safe for democracy. There is something deep in the human spirit which, in the end, demands government as a result of the consent of those governed.

Democracy is showing the strength which prophets 30 years ago did not believe it could show. We are not evangelizing democracy around the world. We are content to let every people choose their own path for development. But we are working to promote peace. And as it happens, peace is the only environment in which democracy can actually grow and thrive.

In conclusion, I would remind every loyal son of the Legion, the men who have worn the uniform of this country and have carried old glory to every corner of the world, and brought her back without a stain on it: I would warn you, peace lovers, those men who love peace more than you love man, but are willing to defend freedom with your own life, that the ingredients of peace are these: strength, conviction, principle, compassion, constancy, patience, and, above all, my fellow Legionnaires, courage.

Treaties—treaties—yes, we have hundreds of them. Meaningful treaties are not hammered out by cowards who are afraid to stand up for what is right when the going is tough, or afraid to die for freedom when they are required to do so.

This afternoon I appeal to you to support your country, to support your fighting men, to support peace by maintaining strength in this country; by refusing, always, to bow to the demands of the moment; by refusing, always, to sacrifice principle and the things we hold dear; by standing as firm at home as you expect your sons to stand abroad, and ask yourself if you are doing it.

If you do this, then I think history will say that we caught up with the promise of Pershing's doughboys. I can think of no finer judgment to be made on you, or on me, or on our times, or on the America that we all love.

Thank you very much.

JACK ANTOKAL: AN AMERICAN IDEAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. WOLFF. Mr. Speaker, this past Sunday I participated in a memorial ceremony honoring the memory of the late Jack Antokal, of Saddle Rock, N.Y.

While Jack Antokal was a close and valued personal friend of mine, I speak of him at this time beacuse of his fulfillment of an American ideal of service and devotion to the public good.

Mr. Antokal, who passed away recently at an all too early age, was the mayor of Saddle Rock and an active leader in a wide variety of community affairs. He was the kind of man who cared enough about his neighbors to devote his time and energies to the public good.

His services were always available on a purely voluntary basis for a wide variety of public projects, especially the development and government of the village of Saddle Rock. It is through the efforts of men such as Jack Antokal that our Nation has grown strong and enduring.

The tribute paid to this public man on Sunday was highlighted by the appearance of all the local elected officials. This turnout for a ceremony honoring his memory is the best indication of the high esteem in which we all held Jack Antokal.

His wife, Muriel, and his two lovely daughters may forever be proud of Jack's work in his lifetime. The memorial dedicated in his honor by the village of Saddle Rock will serve as a tangible reminder of the intangible, yet most high regard, with which Jack was held.

As long as our Nation can produce men with the public spirit and devotion of Jack Antokal, and the others like him in all parts of the country, then I remain confident of our great future.

Jack Antokal did fulfill an American ideal and the achievements he realized will never be lost.

COAL MINE HEALTH AND SAFETY ACT OF 1968

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. BRADEMAS. Mr. Speaker, coal mining is about as dangerous a job as a man can have in this country today. We have a Federal law that is supposed to protect miners from the extraordinary hazards they encounter. Yet Government figures reveal many lamentable gaps in this protection.

Witness that at least one out of every 10 of our active coal miners, and one out of every five surviving retired miners, suffers from a serious respiratory disease. There is no doubt that coal dust is the leading cause, but the law does not mention lung disease as a mining hazard.

Witness that more than 80 percent of the nearly 6,000 underground coal mines in our country have, on some occasion, been found in violation of at least one of the inadequate Federal safety standards now in existence. The penalties provided by law are inadequate to bring them into line.

Witness that current Federal safety standards are hardly effective at all in their application to the working face of a coal mine, where nearly half the fatal accidents take place.

Witness that Federal coal mine inspectors have no authority at surface mines, which account for nearly 40 percent of our total domestic coal production.

In light of these and other equally deplorable facts, President Johnson has urged this Congress to pass a new Federal Coal Mine Health and Safety Act which would remedy the intolerable flaws in the protection we afford our coal miners—flaws that have led to more than a dozen deaths in the Appalachian coal regions during just the past few months.

The 144,000 coal miners in the United States deserve better protection than they are getting. So do their families, whose bread they win each day in work that is hard and hazardous at best.

But, even if we set aside all humane considerations, a compelling case for passage of this bill can be made on economic grounds.

Last year alone, injuries and disabilities suffered by coal miners cost more than 1.8 million man-days of productive work and many millions of dollars in workmen's compensation payments. The victims' loss of earning power brought economic hardship to their families and their communities. The loss of skilled labor impeded the business of mining coal for our industries and utilities.

The lack of adequate safeguards for those who provide us with essential supplies of fuel makes as little sense to the economist as it does to the humanitarian.

No matter how this situation is viewed, the conclusion is inescapable: It is high time for Congress to close these gaps in our laws.

The very distinguished and able gentleman from Pennsylvania [Mr. DENT] has introduced the 1968 amendments to the Coal Mine Safety Act, and I think the coal miners of this country and their families owe him a debt of gratitude for having done so.

CONGRESSMAN McCARTHY PRAISES THE LATE STANLEY J. KEYSA

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. McCARTHY. Mr. Speaker, western New York lost one of its most distinguished leaders August 31 when Stanley J. Keysa died after an illness of 2 days.

I attended his funeral on Wednesday, September 4. St. Mary's Church in Lancaster was filled by many relatives, friends, and admirers.

Stanley Keysa was the supervisor of the town of Lancaster for 22 years. A Democrat and lifelong resident of the Lancaster area, Stan Keysa began his public career in 1940 as a peace justice and was elevated to the supervisor's seat in 1946.

He was returned 10 times as the executive head of Erie County's sixth most populous town. He was the dean of the former 54-member Erie County Board of Supervisors and served as its minority leader from September 1964, through 1966.

His contributions to the town of Lancaster were countless. He paved the way for water and sewer district extensions, Scajaquada Creek drainage improvements, recreation and park site acquisitions, town hall renovation, and a large scale tree-planting program for which he will be blessed by many future generations.

His dedication to his town's continuing growth and development prompted him to turn down the candidacy for election to Erie County's new legislature. Instead he chose to continue as Lancaster town supervisor.

In addition to his distinguished public service, Supervisor Keysa was a devout member of St. Mary's Roman Catholic Church in Lancaster. He was a member of its Holy Name and Nocturnal Adoration Societies and served on the parish council. His other memberships included the Erie County, New York State and American Bar Associations, Advocates Club, Moose, Elks, and Orioles lodges of Lancaster, Lancaster-Depew Aerie of Eagles, Red Men, Polish Depew Club, Polish Falcons, Blackstone Club, Democratic Lawyers Club, and Father John Schaus Council 4652, Knights of Columbus.

Born in the village of Depew, he was graduated from Depew High School and the University of Buffalo Schools of Pharmacy and Law. He also attended St. Bonaventure University in Olean.

A devoted family man, Supervisor Keysa is survived by his wife, the former Louise Siemon; three sons, 1st Lt. Stanley Jay Keysa, Jr., Fort Eustice, Va.; James S. and Thomas P.; a daughter, Miss Mary L. Keysa, all at home; his mother, Mrs. Helen S. Morrow of Lancaster; a brother, Joseph F. of San Francisco; a sister, Mrs. Helen S. Regan of Washington, D.C.; a half-brother, Edward Morrow, and a half-sister, Mrs. Lucia Quackenbush, both of Buffalo.

Mr. Speaker, I account Stan Keysa's death as a great personal loss. My wife and I were extremely fond of Supervisor Keysa and his entire family. To me he embodied all the finest qualities a public officeholder should possess. He was a man of great warmth and yet of great dignity. His integrity was absolutely unquestioned. He was intelligent and never lost his youthful idealism. He was devoted to the people who elected him. While a tall man, he possessed stature in many other ways. He was a man of whom it truly could be said that people looked up to. Unfortunately, the world possesses too few Stanley Keysas.

Let us hope that his example will inspire other young men to follow his lead and his example for indeed he was a model of excellence.

Under his leadership, the Lancaster town government developed into a very model of honest, forward-looking and progressive local government.

MESKILL HAILS GOP JOB-TRAINING PROPOSALS

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. MESKILL. Mr. Speaker, the House is to be commended for extending and improving the manpower development and training program. This has proven to be one of the most useful and effective programs ever devised for training young men to qualify for work in modern industry.

I am proud of the contributions made by the Republican Party over the years to the basic form of the program and to improvements made in it on the basis of operating experience.

I would like to take this opportunity to urge support for the Republican-sponsored Human Investment Act of which I am a cosponsor. This would be a great help to industry, especially smaller companies in smaller communities in training poor youths to work at good jobs.

In each case, these programs are designed to harness the tremendous resources of private industry and to emphasize the worth of every individual.

Since the first enactment of the manpower development and training program, steady improvements have been made. We realize that more than just jobs is involved. It is just as frustrating and wasteful to put a man in a job for which he is not trained as it is to train him for a job which does not exist.

The new MDTA legislation reflects this realization. More funds are provided for training of the specialized staff which is needed to get the most from the program.

From the inception of this program, Republicans have shown a deep comprehension of the practical problems involved in the massive effort to upgrade and improve the poor. Our Human Investment Act reflects our concern and deserves the support of thoughtful citizens.

COURAGEOUS AND TIMELY RESCUE SAVES A DEAR FRIEND

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. HORTON. Mr. Speaker, very few of us ever stand on death's doorstep and live to tell about it. This has been a sad year through the loss of several Members in this House.

One close friend and colleague has walked that narrow line last month. RICHARD L. ROUDEBUSH of Indiana's Fifth Congressional District is now recuperating from injuries suffered in a plane crash in Riverview Hospital in Nobelsville, Ind.

I am sure he would be the last one to talk of his own personal courage following the crash of an airplane in Georgia last month. But his own courage is apparent from a newsletter he has sent to his constituents. His words speak of a group of young college students who rescued him, his wife, and companions but if you read them closely those words point out the courage of a man whose thoughts are not for himself but for those who are close to him.

Mr. Speaker, I would like to share this newsletter with my colleagues and I know that you join with me in wishing our friend and colleague, RICHARD ROUDEBUSH, a quick return to our Chambers:

ANGEL ON OUR WINGTIP

> LA GRANGE, GA.—The newsletter this week originates from my hospital bed in southern Georgia.
>
> Our small plane crashed in the hilly Georgia pine country during a return trip to Indiana from the Republican National Convention in Miami.
>
> Flying has become routine, but I have always been uneasy in an airplane. My work in Congress, however, has required a great amount of travel by plane.
>
> Often during the past eight years on my scores of air trips between Washington and Indianapolis, I have thought about the possibility of a crash.
>
> I'm sure this occurs to other people who must travel frequently by plane.
>
> It was an incredible experience. We were having difficulty finding our fueling destination at Pine Mountain. There was ground haze and air turbulence, and the landing strip was difficult to see in the heavily wooded hills.
>
> As we were making our approach the plane suddenly seemed to "drop" and nosed toward the trees.
>
> I will never forget the sight of those tree tops rushing up at us. When I shut my eyes I can still see those trees hurtling toward our plane.
>
> Then we hit the trees. The impact at air speed was terrific. The only way I can describe it would be like crashing a car head-on into a brick wall.
>
> I was still conscious when we hit the ground. Sitting next to the door, I tried to force it open with my shoulder, but it was jammed.

I saw flames licking back along the fuselage.

Despite the pain in my left leg and arm, I realized that if we didn't get out we would be burned to death.

But, the door wouldn't budge. About that time I saw a big, muscular young man running toward the plane.

He wrenched the door open and I fell out through the opening. The young man and his companions dragged me away from the flames and then got all of the passengers out before the cabin burned up within minutes.

It was 18 miles to the nearest hospital over bumpy roads and we were placed in the back of a pick-up truck for the trip.

We will remember that journey for awhile, but we made it safely to the hospital at La Grange.

There must have been an angel on our wingtip that day over Georgia because we all survived—including my dear wife, Marge; our good friends and neighbors, Ken and Velma Biddle; their daughter, Mary Frances, and the Biddle's foreign guest, Mrs. Yolanda Bajo from Brazil, who was coming to Indiana for a visit.

We learned later that the nine young men who saved us from the burning plane were college students from Florida working on a construction job at a new golf course next to the airport we were trying to reach.

They later paid us a visit at the hospital. They had seen our plane crash into the trees, catch fire, and plummet into a pine thicket at the edge of a fairway. They were 350 yards away, but raced to the plane quick enough to save us.

We owe our lives to these young men who risked their lives by entering a burning plane which might have exploded. Even after we were all out, one of them plunged back into the cabin and made a search to be sure no one was left.

Sudden injury and death are ever-present in our modern-day life, but so are the old virtues of courage, selflessness and bravery.

I am looking forward to returning back home to Indiana as soon as possible and the doctor promises me that I can travel to Noblesville around Labor Day.

EDGE OF BITTERNESS SHOULD BE "MELTED"

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. QUILLEN. Mr. Speaker, I was pleased to see the editorial entitled "Edge of Bitterness Should Be 'Melted,'" which appeared in the Bristol Herald Courier on Friday, September 6, 1968.

I feel that our law-enforcement officers are to be commended for their outstanding efforts in striving to maintain law and order. They continually go beyond the call of duty to defend us, and we are so often inclined to take their great contribution for granted.

I have often said that the greatest danger in America today is the flagrant violation of law and order. This violence—this burning, this looting, this rioting, this murdering—must come to a halt.

I would like to share this editorial with the readers of the RECORD, as follows:

EDGE OF BITTERNESS SHOULD BE "MELTED"

The policeman is only a man, but whether he likes it or not, he is also a symbol.

As the agent of society, charged with the frontline duty of preserving the law and order without which no society can exist, he is for many Negroes and other minority group members the only representative of "the establishment" they have much contact with.

Justly or unjustly, he is to them the visible symbol of all those complicated forces and attitudes that have kept the Negro from equal participation in society at large. And to the policeman, the Negro, justly or unjustly, too often appears as the visible symbol of that which society at large must be protected against.

According to two University of Denver scientists, who made a study of police-minority group hostility under a grant from the Office of Economic Opportunity, the best hope of ending this mutual hostility lies in upgrading the lives of the minority so that their basic attitudes undergo a change that will bring them closer to the mainstream of American life.

But while the burden of solving the problem does not fall on the police alone but requires a fundamental commitment and unflagging effort by all Americans, "if policemen themselves can demonstrate a capacity for sympathy, understanding and impartiality," say the professors, "they may begin to melt the edge of minority bitterness toward majority society."

Representing the majority community as they do, the police are in a unique position to change the attitudes of the minority for the better. To do that requires that they practice tolerance, understanding and respect for all citizens of whatever station.

It would also help if we would stop considering the cop on the beat the lowest and least important man on the force and begin paying him what he is worth, or what he ought to be worth.

There must be understanding and respect and an appreciation of the requirements of an ordered society from the other side as well. To engender this understanding on the part of the minority requires that they be given hope—hope based on convincing evidence that real progress is being made toward the day when they are full-fledged members of society.

The policeman's lot is not an easy one, and never was this truer than in our time. To "melt the edge" of the bitterness that could tear America apart is a large order, but if he can do it—and only he can do it—the man in blue will have made an indispensable contribution to the building of the kind of society all of us want.

THE AVC COMMENTS ON VETERANS AFFAIRS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. FRASER. Mr. Speaker, in its convention in South Fallsburg, N.Y., on June 28–30, the American Veterans Committee adopted a platform that expresses the well-reasoned liberal thinking of this progressive veterans' group. At this time I would like to commend the AVC for its excellent work in encouraging fair and responsible treatment of veterans and insert the veterans and Armed Forces affairs section of their platform in the RECORD:

VETERANS AND ARMED FORCES AFFAIRS

The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans is basic AVC policy.

1. COMPENSATION

For many years, AVC has pointed out the need for a thorough review and reappraisal of this Nation's policies on veterans as follows:

1. We oppose bonuses and general pensions as being class legislation and unrelated to the real needs of individual veterans and tending to set veterans apart from their fellow citizens.

In the matter of benefits, two basic standards should be applied.

a) For death or disability incurred in military service: Are the benefits sufficient to provide a decent standard of living for the veteran, his family or survivors?

b) For all veterans: Are the benefits so designed as to enable a readjustment from military service to civilian life with a minimum economic loss?

Since benefits are a Federal responsibility, uniform standards of administration and compensation should be applied nationally without regard to race, creed, color, sex, or national origin.

2. DRAFT

AVC recognizes the necessity for the United States to maintain adequate military forces in present world circumstances. It also recognizes the citizen's obligation to military service and recognizes a selective service system as an appropriate mode of raising military manpower. We object, however, to the inequalities of the draft system as presently administered, especially the deferment of students, the lack of uniform guidelines and the lack of fair representation of the citizenry, especially for minority groups, on the draft boards.

3. RESERVE PROGRAMS

The world we live in, with its emphasis on speed of operation and technical superiority, demands standing Armed Forces of sufficient size, training and equipment and organization to be effective immediately for defense and counter attack. It is apparent that the Regular Armed Forces must remain our first line of defense. They must be of sufficient size and mobility for deployment anywhere on the globe within a minimum of time so that we may continue to provide, when necessary, those forces needed for collective security under our international obligation in peripheral conflicts occurring in the strategic localities of the world.

AVC believes that any reserve program, present and future, which does not completely revoke segregation in the Armed Forces is incompatible with democratic ideals and frustrates the moral fiber of our society. It is essential for the future security of this nation that our manpower resources be used for the defense of our way of life without regard to regional prejudices.

AVC maintains that insofar as national defense is concerned, the National Guard is a military anachronism. It should be eliminated from the Federal military structure. In the meantime, we believe that federal funds not be allocated for the National Guard of any State where said National Guard still permits a policy of segregation of units or where a state refuses to integrate its National Guard because of color or national origin.

We believe that reservists should not suffer loss of job rights and privileges and employment opportunities because of their participation in reserve training.

AVC is opposed to any policy whereby the Armed Forces award discharges other than honorable to reserve personnel based upon the political or other activities in which these individuals may participate following separation from active service under the draft.

We believe that the conditions of discharge should be based solely upon the military activity and efficiency of the reservists.

4. BENEFIT DOLLAR

AVC believes that provision should be made to maintain automatically the purchasing power of the benefit dollar and upward adjustments be made annually in accordance with the Bureau of Labor Statistics, Consumer Price Index.

5. CIVIL SERVICE

AVC believes that veterans point preference in the civil service be limited to the initial appointment only, and that no person should receive a position unless fully qualified to perform the duties involved.

We oppose the principle of granting absolute preference to veterans in state and local civil service.

6. G.I. BILL

AVC applauds the passage of a permanent G.I. Bill of Rights as a responsible means of enabling servicemen and women to return to civilian life with facility and ease at the end of their service and become useful and productive members of their communities.

However, we urge the Congress to adjust the benefits more in line with the World War II and Korean G.I. Bills and the current cost of living so that the programs may be used by veterans without the financial stress they now entail. The G.I. Bill of Right should be administered in such manner as to guarantee the absence of discrimination.

7. VA HOSPITALIZATION

AVC urges that treatment of non-service-connected disabilities in VA hospitals be continued on a space-available basis, but that such treatment be charged at the full cost, if a patient has the means to pay for such service; certificates that a veteran is unable to pay should be investigated thoroughly to determine the true ability to meet the cost of hospitalization. Further that terms of coverage of all prepaid medical associations, plans and companies be amended by action of the legislatures, supervisory bodies or membership, so as to provide payment to VA hospitals for non-service-connected treatment on the same basis as payment to private voluntary and public hospitals.

8. UNIFICATION

AVC notes with satisfaction that the process of unification of the Armed Forces has been making progress. AVC commends the actions hitherto taken in this regard and urges that the Department of Defense continue these efforts vigorously.

9. DISCRIMINATION—FOREIGN AND DOMESTIC

We maintain that no assignment of any military personnel should be made whether within the United States or overseas, for consideration on grounds of color, religion, ancestry or national origin.

Our goal is to insure that no member or employee of the Armed Forces, and no dependents of such persons shall be subjected to discriminatory treatment, on or off base within the United States or outside the United States, on the grounds of color, religion, ancestry or national origin, and that the power, including the economic power, of the United States be consciously used to further this objective.

10. INFORMATION SERVICE

We owe the men of our armed services the best possible training to equip them for the rigors of modern combat under the most adverse conditions of weather, terrain, supply and enemy action. We further believe that an orientation program be instituted in order to acquaint the prospective draftee, at the time of registration, with the rights, privileges, benefits and special training he and his family will be entitled to if and when he is inducted into the Armed Services.

11. JURISDICTION OVER EX-SERVICEMEN AND CIVILIANS ACCOMPANYING THE ARMED FORCES OVERSEAS

We believe that the ex-servicemen, military dependents, and civilians accompanying the armed forces abroad should not escape punishment for serious offenses committed while in such status, but should be tried before civilian courts. By serious offenses we mean crimes of the same degree of seriousness as felonies at common law.

12. AWARDS AND BENEFITS

All laws of the United States pertaining to the granting of military medals or decorations, military disability retirement or compensation, dependents and survivors benefits, veterans benefits (including benefits to dependents or survivors), or other special benefits to military personnel or their dependents on the basis of wartime service of such military personnel shall apply in like manner to service performed in such areas and during such periods as proclaimed by the President where combat or combat conditions exist and the United States forces to which such person is attached are either engaged in the combat, engaged in military operations designed to carry out any treaty or other international obligation of the United States.

13. EXPEDITIOUS NATURALIZATION OF SERVICE PERSONNEL AND DEPENDENTS

AVC believes that any man who assumes the risks and responsibilities of entry into the Armed Forces, whether in wartime or time of peace, should be entitled to citizenship.

AVC therefore urges the enactment of legislation which provides in substance that:

Any person regardless of age who is serving, served, or hereafter serves honorably in the Armed Forces of the United States may be naturalized, irrespective of how he entered the United States. No period of residence within the United States shall be required; no residence within the jurisdiction of the naturalization court; the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational tests; no fee shall be charged or collected for making, filing or docketing the petition for naturalization, or for final hearing thereon, or for the certificate of naturalization, if issued.

Since some aliens who enter the Armed Services are sent overseas before the naturalization processing can be completed, even though no prior period of residence may be required, AVC urges that, following the precedent set in former Section 702 of the Nationality Act of 1940, provision be made for such a person to be naturalized while outside the United States.

AVC further urges the Amendment of Section 319(a) of the Immigration and Nationality Act which shortens the residence requirement for aliens married to citizens from 5 to 3 years be deemed met even if the spouse dies while in active service or from service causes or because of the absence of the spouse from the United States or the state by reason of military service.

Resolution—Report of U.S. Advisory Commission on Veterans Benefits

AVC's view has always been that military service is an obligation of citizenship. It should not automatically entitle all ex-servicemen to a lifetime of governmental largesse.

AVC regrets that upon examination of the Report of the U.S. Veterans Commission on the Veterans Benefits System it is compelled to reject it—despite some few worthwhile points—because it basically reiterates the position of the professional veterans that the simple act of service in the armed forces is sufficient to endow veterans with a permanent position as a privileged class in the nation.

AVC recognizes and supports the justifiable claims of aid and rehabilitation on the part of those veterans whose service-connected disabilities have placed them at a disadvantage.

Veterans without service-connected disabilities should, upon demobilization, be eligible for benefits under a broad G.I. Bill of Rights. In deference to their lost time, interruption of education and careers and their special contribution to their nation's welfare, these veterans should receive rehabilitation benefits that would reduce their sacrifices to a minimum and enable them to resume their places in society as quickly as possible.

AVC notes with disfavor that the Commission's report seeks to increase the scope of benefits for all veterans and considers this philosophy as decidedly detrimental to the total citizenry. If a privileged social class of veterans is not to be superimposed upon our nation, the needs of those veterans who may have special problems should be integrated with those civilians with like problems and handled by the new programs designed for all citizens which are being developed and implemented.

Because of the very strong reservations which AVC holds in regard to the tone and recommendations of the Commission's report, it strongly urges that said report not be implemented. Instead, AVC calls for the setting up of a permanent "Board of Review of Veterans Affairs." This Board should not be made up of people supporting the existing system and should not repeat the mistakes which have characterized earlier efforts in this area; for this reason it should be composed of people dedicated to the broad public interest, responsible for reporting only to the President and charged with a continuing searching evaluation.

THE REWARDS OF PIRACY, CHAPTER III, OR: HOW THE FOGGY THINKERS AT FOGGY BOTTOM CAN FOG UP AN ISSUE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. VAN DEERLIN. Mr. Speaker, the State Department would have us believe that the $5.3 million World Bank loan for building up the Ecuadorean fishing industry will somehow redound to the benefit of U.S. entrepreneurs.

Hints that U.S. canners and shipbuilders will share Ecuador's undeserved prosperity are found midway through the remarkable briefing paper intended by the Department to justify the loan.

The paper, reproduced on page 26258 of the Record for yesterday, September 10, points out that "U.S. firms will be free to submit bids" on the 12 seiners Ecuador will build with the loan.

I, for one, wonder just how many of these contracts U.S. yards are going to win against the cutrate competition of shipbuilders in Japan and other countries with minimal labor costs.

I also wonder what assurances the State Department can give to support the implication that U.S.-owned canneries will get a piece of the processing action generated by the new Ecuadorean boats.

If anything, I suspect that the effects of Ecuador's new capability on our own canning industry will be strictly negative. In all likelihood additional processing plants will be required by Ecuador. But whether they are built with Ecuadorean, United States, or other foreign capital, the net result will be the same: some loss of jobs for U.S. cannery workers simply because the Ecuadoreans will be taking fish and diverting business that otherwise would have gone to the United States.

This raises another point, which the State Department failed to touch on at all in the briefing paper: What about our own fishermen, who for years have been giving way in an unequal struggle with heavily subsidized foreign competition?

Most obviously, they will be hurt. Besides coping with the Ecuadorian gunboats, our crews will now be confronted, on the high seas, by a jazzed-up Ecuadorian tuna fleet, underwritten to a large extent by their own U.S. Government. And, of course, the loan also provides for the training of personnel to operate the 90-foot seiners with which Ecuador hopes to sweep the southern seas of yellowfin tuna.

Our own fishermen, understandably, wish they had it so good.

But they are also realists, and they know from experience that our State Department, in its zeal to accommodate the Ecuadors of this world, is apt to overlook their interests.

And as Ecuador reaps more and more of the yellowfin harvest, the unit costs to our fleet can be expected to rise. Ultimately, increased costs forced by Ecuadorian competition would have to be borne by the U.S. consumer, a thought that does not seem to have occured to the State Department.

As the World Bank has noted, the $5.3 million loan will enable Ecuador to more than double its tuna catch.

In fact, the loan covers just about everything except processing plants. If they are needed, and the necessary investment money is lacking, maybe the State Department's own Agency for International Development could arrange financing to take care of that problem.

Mr. Speaker, our friends in the tuna fleet have become accustomed to fishing in troubled waters. But I believe this is the first time they have been scuttled by their own Government.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. SCHERLE. Mr. Speaker, this is the 233d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

PRESIDENT JOHNSON TALKS STRAIGHT TO THE LEGION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. EDMONDSON. Mr. Speaker, the President of the United States delivered a splendid address yesterday in an appearance before the American Legion National Convention in New Orleans.

President Johnson is talking straight to the American people on the critically important issue of Vietnam and he was given a standing ovation by the Legionnaires, who understand better than many groups the nature of the struggle for freedom and appreciate straight talk from the Commander in Chief.

I believe both the American people and the Members of the Congress will find the text of the President's speech both informative and inspiring.

The complete text follows:

REMARKS OF THE PRESIDENT TO THE 50TH ANNUAL AMERICAN LEGION NATIONAL CONVENTION, NEW ORLEANS, LA.

Mr. Chairman, Commander Galbraith, Senator Ellender, Congressman Teague, distinguished members of the American Legion and Ladies Auxiliary, my fellow Americans:

I am deeply touched and very grateful for your thoughtfulness and for the presentation of this award, on behalf of the men who have demonstrated their love of country.

Today, I have come here to your convention to speak to you in a keynote talk about world peace—about your President's efforts to achieve it—the progress we have made—as well as the tasks that lie ahead.

It was 50 years ago, this very month that the eyes of the world were turned on the efforts of the American doughboys to reach a railroad running across France, which happened to be the main supply line, at that time, of the German Army.

I remember then, as a 10-year-old boy, how we followed the news of the Meuse-Argonne offensive in that fall of the year 1918.

Some of you in this room no doubt fought through the battle.

Some of you were there, two months later, when the first world war in history was brought to an end.

Now we know how brief the illusion of peace was, on that Armistice Day a half-century ago. In the course of five stormy decades, we have learned how carefully peace must be built in a complex and dangerous world—as well as how well peace must be guarded.

World War I had been ignited by a very small flame in the Balkans. That was our first lesson. Others followed in rapid profusion:

We saw depressions leap continents. We saw democracy weakened and break under their weight.

We witnessed the rise of dictators and watched aggressors stalk across borders.

We fought through the Second World War which came in the wake of their bootmarks—and before the dust of war had really settled, we saw the rise of a new aggression.

We beheld the dawn of the nuclear age.

We saw the birth of new nations, and the death of old colonialism.

And from a dozen different parts of the globe, we heard the long pent-up cry for food and land and a new day of hope and dignity.

These are the conditions and developments of our turbulent times. Around them, America has constructed a policy to try to promote peace in the world.

That policy did not begin in my Administration. That has been our policy for more than 20 years in the making. It was shaped in a bipartisan spirit, by Republicans and Democrats.

It has been followed by four different American Presidents.

I have built upon it. I have strengthened it when I could. I have modified it where I needed to, to meet the changing demands of the changing years. But we have always held to four essential imperatives.

The first imperative—constant from President Truman's day to mine, is this: The United States of America must remain the strongest nation in all the world.

I have tried to take steps, even small ones, that would move us toward more normal relations with the Soviet Union and other Communist countries.

We shall continue that progress in every honorable way that is open to us. World safety demands that the two greatest powers on earth reduce—if they possibly can—the tensions that have held mankind in mortal bondage for more than a generation.

But I have always, also, been deeply aware—and I have constantly and steadily warned—that many dangerous and unresolved problems face us.

Some, however, concluded that changes of such magnitude were taking place in the Communist world that we could relax our vigilance, trusting that the Communists wanted the same kind of world that we Americans wanted.

Today, the events in Eastern Europe make it clear—and make it clear with the force of steel—that we are still a long way—a long way—from the peaceful world that we Americans all wish to see.

The message out of Czechoslovakia is plain: The independence of nations and the liberty of men are today still under challenge. The free parts of the world will survive only if they are capable of maintaining their strength and capable of maintaining and building their unity.

Peace remains our objective. But we shall never achieve it by wishful thinking, nor by disunity, nor by weakness.

The second imperative of our policy for peace is that we must meet our commitments and keep our promises to use our strength in the face of common danger to oppose aggression.

Self-interest has always been—and must always be—at the root of every action which commits the lives of American men.

When we entered the North Atlantic Treaty Organization, NATO, we did so because the threat of a Communist takeover of Europe was real, and because we knew that America's security was linked to the security of Western Europe.

If its human and material resources in Europe were to fall into hostile hands, then the balance of world power would be against America. We would have to become a bristling defensive fortress here at home, organized against an enormous, dangerous threat. We would have to live under conditions that are drastically different from any conditions that we have ever known.

So that is why America helped formulate, organize and joined the North Atlantic Treaty Organization. And that is why we are a strong part of that organization today.

When we fought to keep aggression from swallowing up South Korea, it was President Harry S. Truman who defined the self-interest that impelled our stand. Unchallenged aggression, President Truman said, "would mean a third world war, just as similar incidents had brought on the second world war."

When President Eisenhower sent troops into Lebanon, it was to keep a situation from developing which could trigger in the Middle East, and then could draw us in.

When President Eisenhower committed us to the Southeast Asia Treaty Organization, and he submitted it to our United States Senate during the Eisenhower Administration, it was voted and ratified there by a vote of 82 to 1. It was because President Eisenhower saw Southeast Asia as the key to political equilibrium in the Orient, vitally affecting America's future.

When President Kennedy brought in additional troops to Berlin in 1961, it was because America's self-interest demanded that we stand behind our pledge and our commitment to keep West Berlin free.

When President Kennedy put our forces on alert during the Cuban missile crisis the following year, it was because Soviet missiles in the Western Hemisphere jeopardized American security.

When the first American soldiers went into South Vietnam in the early 1960's, it was because this Nation saw that if the Communist aggression there succeeded, the entire region of Southeast Asia would be in mortal danger, and the threat of world war would be more ominous.

We have heard many voices raised in opposition to this stand. Indeed, I have sought some of these voices out. For, as your President, I assure you in these long days and nights for more than five years now, we have searched every avenue of thought and opinion on this issue that so troubles all of our people today.

But after investigating carefully every possible course of action, I always come back to that warning of President Harry S. Truman about how unchallenged aggression could lead to another world war.

Inevitably, I always come back to that judgment of General Dwight D. Eisenhower, who said that if South Vietnam were captured by the Communists, "The freedom of 12 million people would be lost immediately, and that of 150 million others in adjacent lands would be seriously endangered. The loss of South Vietnam," President Eisenhower said, "would set in motion a crumbling progress that could, as it progressed, have grave consequences for us and for freedom."

I always come back to these words, not of President Truman or President Eisenhower, but the late, beloved John Fitzgerald Kennedy, when he said: "For us to withdraw from the effort in Vietnam would mean a collapse not only of South Vietnam, but Southeast Asia. So we are going to stay there."

The judgments of these three former Presidents, as mine has been, were formed in positions of the gravest responsibility. After seeing, hearing, reading and studying all the evidence, their judgments were formed and were unshakeable. The American Constitution obliges the President to make his judgment, as Commander in Chief, according to what he believes is in the best interest of all the American people.

And I have believed—as these three Presidents believed who went before me—that a Communist military takeover in South Vietnam would lead to developments that could imperil the security of the American people for generations to come.

I know very well the cost of our commitment. Every day and every night I mourn every man who has been lost or who has been wounded.

But a President, a President worthy of this title, if he is true to his trust, must think not only in terms of those who have fallen. He must think in terms of the casualties that might have been—or the dead who might be.

How many American lives would eventually have been lost if our forces had not stood in Europe in the late 1940's to block the aggression that threatened, at that time, to sweep the English Channel?

More than 34,000 American men fell in Korea, and hundreds of thousands more bear the wounds of Korean battle. But how many more doughboys would have died if the aggressor had not been stopped there, and the war had spread to other parts of the world?

If we had not drawn the line against aggression in Vietnam, in keeping with the treaty that we signed, the SEATO obligations, and if the erosion of freedom had begun that President Eisenhower told you about when I quoted him a moment ago—some American President—some President—some day would have to draw the line somewhere else. And I ask you, at how much greater a cost? How many millions of young Americans would be lost in the larger war that would surely and inevitably come?

These are the sobering questions that no President and no Commander in Chief can escape.

From the very first, our objective in Vietnam has been to prevent the aggressor from taking that land by force.

We Americans have sought no advantage—except the advantage of peace. We have tried to fight a limited war—not to destroy an enemy, not to win a military victory, but to try in every way we knew how, as best we could, to protect our friends, remain true to our obligations, and win a peace in that part of the world.

We believed that to be very much in America's national interest then, and we believe it to be in America's national interest now.

On the night of March 31st, in a television address to this Nation, we launched a major new effort for peace. That was the latest of many.

We had already had eight bombing pauses. But on that night we announced that we would withdraw 90 percent of the population of Vietnam, almost 80 percent of the territory, from the area that our men were permitted to bomb.

As a result of that effort, our negotiating team would be willing to meet with the representatives of North Vietnam. The enemy suggested that we meet in Cambodia, and then he suggested that we meet in Poland. Against great odds and against the advice of some of our more eager people, we finally agreed not to meet in either of those places, but to meet in Paris. The wisdom of that decision, I think, is clear to almost any of you today.

We continue now to hope that something productive is going to come out of those meetings.

All we have heard so far is a demand that we do something else without their having responded to our first bombing restrictions.

Now let me make it as clear as I possibly can why we are still bombing and will continue to bomb the panhandle of North Vietnam—why re-establishing the DMZ, I think, is so critical to peace in Vietnam.

In the area just below the DMZ, we and our allies have some four divisions of men and the necessary people to support them, involving more than 60,000 Americans and one division of South Vietnamese. Just behind them in the rest of I Corps are an additional 164,000 American and Allied fighting men.

Those close to the DMZ are subjected daily to artillery fire and the direct movements of enemy forces across that DMZ against them. All those men in I Corps are constantly subjected to a massive flow of supplies and infiltrators, and rocket fire, through the panhandle to the northern part of the battlefield.

These are just hard, inescapable facts that a Commander in Chief must face up to and confront.

So what are our choices?

First, we could invade North Vietnam with our men. We could overrun their military positions. We could throttle the supply routes in North Vietnam itself. This we do not wish to do, although it should be clear that the North Vietnamese do wish to invade South Vietnam, and they are doing so—although they don't want to admit it.

Second, we could withdraw our forces. We could retreat and surrender on the installment plan, as some have suggested, by taking our men from below the DMZ, and turn over the I Corps area, that part of South Vietnam, to the North Vietnamese. This, I assure you, we shall not do.

If we cannot take our men in, and we are not going to take our men out, it appears to me, third, that the best thing we can do is to bring our planes to bear in the panhandle across the line against the artillery, the trucks and the rocket launchers that are being fired on our men, and to bring it to bear against the enemy trucks, the enemy troops, and the enemy supplies that are coming through. Every secondary explosion—and there were thousands there last month—means that that powder and that steel doesn't have to be brought back from South Vietnam by some American soldier in his body if it is stopped in North Vietnam.

We are today exacting a very substantial price from the enemy. It requires patience of all of us. But we are limiting his capacity to bring weight against our forces and our allies. There is not the slightest doubt that if we should stop the bombing in the panhandle, the military capacity of the enemy to hurt our forces would greatly increase, and our casualties would skyrocket.

Just a few days ago, I went to the field with a cable and asked the commander of our troops in South Vietnam, one of the ablest commanders ever to wear a uniform, General Abrams, to give me his viewpoint on what would happen if I should order him to carry out the suggestion that had been made by some of our enemies abroad and some of our friends at home to stop the bombing.

His reply was simply this: If you should require me to stop the bombing of North Vietnam, you would permit the enemy to increase his capability several fold in 10 days, and if he did, I would be forced to withdraw our men from that area because they could no longer stand their ground.

I am not going to issue any order like that. General Abrams, and not a single field commander we have, has made that recommendation to me. I am not a prophet or a speculator, but I do phophesy that some of these men who recommend it now would not do so if they were there on the DMZ, and could see there what our men face every day and face every night.

Therefore, the Commander in Chief has insisted that the bombing will not stop until we are confident that it will not lead to an increase in American casualties. That is why we have placed such emphasis on re-establishing the DMZ.

We yearn for the day when the violence subsides. We yearn for the day when our men can come home. No man can predict when that day will come, because we are there to bring an honorable, stable peace to Southeast Asia, and no less will justify the sacrifices that our men have died for.

But President Thieu of Vietnam stated his intention at Honolulu—"to continue to assume all the responsibility that the scale of the forces of South Vietnam and their equipment will permit, while preparing the Vietnamese nation and armed forces for the important and decisive role that will be theirs in the coming stages of the struggle." Every report I receive from Saigon reports that the gallant, determined people of South Vietnam are acting in accordance with that statement.

The third imperative of our program to promote peace in the world, like the other two I have stated, is our effort to assist other countries to improve their economies. A man's home, however grand it is, is not secure if it stands on a street of crumbling slums, where people are hungry and in despair.

Whatever that man does to build up his neighborhood is an investment in his own security. This is the principle which has been the base of our programs. It is here that the quiet work has progressed. This is slow work and stubborn work. But from South Korea to Turkey—from Taiwan to Iran—from Pakistan to Tunisia—there are many success stories in which Americans can share the great pride of accomplishment.

Let me tell you, briefly, what has been happening in just one area in our Hemisphere, in Latin America, in the last few years. With our help, a great struggle has been taking place to overcome hunger and ignorance. These are the victories:

The average per capita growth has more than doubled.

Forty-three million acres of land have been distributed to almost 400,000 families.

Food production has increased 14 percent, and manufacturing production has gone up 23 percent.

There are 340,000 new schools, and 7 million more children getting an education today.

Infant mortality has dropped 14 percent.

The growth of confidence, the birth of hope, have changed history around the globe. And this is the kind of change which helps us to build peace.

We have always hoped and believed that as our friends and allies grew in strength, our burden would grow less lonely. We have been moving over the last few years toward a long-term position in which the United States would be able to assume its responsibility in enterprises of common concern, but our partners would be able to assume theirs.

This progress, too, is often hard to see. But it is there. In Asia, six Pacific Allies are fighting beside us in South Vietnam. By far, the greatest burden in that struggle—contrary to what is often said—is carried not by these allies, but carried by the South Vietnamese themselves. Since the beginning of the current offensive in mid-August of this year, they have suffered almost 50 percent more casualties than we Americans have suffered.

By the end of this year, the South Vietnamese will have 1,000,000 men under arms—1,000,000. 993,000, to be exact; 7,000 short of a million. That is out of a nation of 17 million. We have there 550,000, not a million, out of a nation of 200 million. But they have one million men under arms out of a nation of 17 million, and they don't control all of that 17 million.

The equivalent figure, in terms of population, if we had as high a percentage of our people at the front as they have, instead of having 500,000, we would have 12 million.

So this is a rather remarkable effort by a hard-pressed, small nation that is fighting and dying for liberty that you don't always hear very much about.

The contribution of our NATO partners offers another example of partnership. U.S. forces are one-eighth of the ground forces in NATO Europe. But they are a critical element in the balance, because they—and their nuclear weapons that are there with them—supply the shield which enables our allies to provide increasingly for the defense of Western Europe.

We have a right to expect Europe to do more—and we might as well say that plainly and frankly. We have a right to expect them to do more in their own defense.

The world of free men and independent nations is weakened by European isolationism and disunity—as it was once weakened by an isolationist America that it took President Roosevelt and Prime Minister Churchill a long time to wake up.

We must look to the further enlargement of Europe's assumption of responsibility of their own in the future. In monetary affairs, in trade negotiations, in emergency food problems—across Asia and Europe and Latin America—the shift to partnership effort has already, I assure you, been substantial. Our relative burdens, as the years go by, become lighter.

I believe the day will soon come—which we have been building toward for 20 years—when some American President will be able to say to the American people that the United States is assuming its fair share of responsibility for promoting peace and progress in the world, but the United States is assuming no more and no less than its fair share.

While we can reduce our responsibilities, we must all be cautious enough never to allow anyone to persuade us to neglect them. In the 1960's, I warn you there just must be no return to the isolationism of the 1930's that brought on World War II.

I warn you that the voice of isolationism is becoming strident once again in some of the places that we heard this same isolationist voice a generation ago. Some of it is in Congress. Some of it is on the campuses. Some of it is on the farms. Some of it is on the streets.

We say, "Why should we be bothered with the problems across the sea?" We might say we don't need to be bothered with smallpox in the next block, but the facts of life are, if it is in the next block, we have to watch it and help stamp it out before it gets to our house.

The fourth imperative for peace is that we use our influence, however we can, to keep trouble from erupting into an all-out war—or to keep wars themselves from spreading. Through the United Nations, through the Organization of American States, and sometimes, but rarely, alone, we have already helped to dampen the fires of many potential conflicts in the last 10 years.

America shouldered arms half a century ago, "to make the world safe for democracy." Later it became quite fashionable to deride that slogan. For it seemed to belong to a simpler time, a time that was uncomplicated by a shrinknig globe, and the new face of aggression, and the restlessness of emerging nations.

But I wonder today, looking back, if the derision did not come too soon. Democracy has had its times of frustration, it is true. Democracy has even had its times of failure. We know it is the best—but we also know it is the most difficult—way for men to organize their own affairs.

Today, vast reaches of this world have become safe for democracy. There is something deep in the human spirit which, in the end, demands government as a result of the consent of those governed.

Democracy is showing the strength which prophets 30 years ago did not believe it could show. We are not evangelizing democracy around the world. We are content to let every people choose their own path for development. But we are working to promote peace. And as it happens, peace is the only environment in which democracy can actually grow and thrive.

In conclusion, I would remind every loyal son of the Legion, the men who have worn the uniform of this country and have carried old glory to every corner of the world, and brought her back without a stain on it: I would warn you, peace lovers, those men who love peace more than you love men, but are willing to defend freedom with your own life, that the ingredients of peace are these: strength, conviction, principle, compassion, constancy, patience, and, above all, my fellow Legionnaires, courage.

Treaties—treaties—yes, we have hundreds of them. Meaningful treaties are not hammered out by cowards who are afraid to stand up for what is right when the going is tough, or afraid to die for freedom when they are required to do so.

This afternoon I appeal to you to support your country, to support your fighting men, to support peace by maintaining strength in this country; by refusing, always, to bow to the demands of the moment; by refusing, always, to sacrifice principle and the things we hold dear; by standing as firm at home as you expect your sons to stand abroad, and ask yourself if you are doing it.

If you do this, then I think history will say that we caught up with the promise of Pershing's doughboys. I can think of no finer judgment to be made on you, or on me, or on our time, or on the America that we all love.

Thank you very much.

PENNSYLVANIA OFFICER SHOT IN VIETNAM

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. WHALLEY. Mr. Speaker, under permission granted, I include the following article taken from the Philadelphia, Pa., Evening Bulletin in the RECORD:

PENNSYLVANIA OFFICER SHOT IN BATTLE, FIGHTS 5 HOURS

(By Paul F. Levy)

SAIGON.—Alpha Company, with 58 men and nine armored personnel carriers, moved slowly down the quiet street on the outskirts of Saigon.

"We know the Viet Cong are in there," 1st Lt. Merrill Sharpe, 22, of Windber, Pa., explained as he moved alongside the lead vehicle.

"The question is where?"

Forty seconds later, Alpha Company found out.

The Viet Cong, well fortified in a factory and a dozen buildings at the end of the street, opened up with B–40 rockets, AK–47 machine guns and rocket grenades.

SHARPE IS HIT

Fragments from the first round caught Sharpe in the chest, dropping him to the ground.

A B–40 rocket, capable of puncturing 11-inches of steel, stopped an armored vehicle in its tracks in the middle of the street.

Several more men from Alpha Company were wounded as the street developed into a fierce battleground. Such scenes around Saigon have been common since the Viet Cong offensive began during the weekend.

Sharpe, a little guy with red hair and glasses who recently graduated from Pennsylvania State University and hopes to go back soon for a master's degree in English, pulled himself into the shadow of the lead vehicle and began directing the attack. Blood stained his flak jacket.

HE REFUSES TO LEAVE

For five hours yesterday, while the battle ebbed and flowed along the unnamed street in a shantytown less than a mile south of Saigon, Sharpe refused to be evacuated.

Finally, pulling himself inside the armored vehicle, Sharpe ordered the eight personnel carriers that hadn't been hit to pull back to the end of the street.

Once outside the range of fire, he pulled himself to the top of the carrier, plotted map coordinates and called for air strikes and artillery fire on the Viet Cong position.

Alpha Company wounded, including the two platoon leaders, who were second in command to Sharpe, were evacuated. But Sharpe still refused to go.

AIR STRIKES, ARTILLERY

Propping himself up against a hatch cover on the armored vehicle, he calmly directed the air strikes: First the helicopter gunships with their guns that fire 6,000-rounds a minute, then jet fighter bombers, and finally the artillery.

Then the company moved back down the street, cleaning out the Viet Cong from each house along the way. Now there was only scattered enemy fire.

After five hours, the battle was over.

And Sharpe finally agreed to go to a hospital.

SILVER STAR CEREMONY

Tomorrow, in a bedside ceremony at a hospital near Tan San Nhut air base, he will be given the Silver Star—the nation's third highest tribute.

"But it is only an interim medal," Col. Eric Antila, of Sante Fe, N.M., explained. "I'm putting him in for the Distinguished Service Cross."

This is the second highest award. The highest is the Medal of Honor.

"If anyone deserves it, he does," Antila said.

Yesterday, as Alpha Company, an armored unit attached to the 9th Infantry Division rested in an open field less than a mile from the battle scene, Sharpe was the only topic of conversation.

"When you listened to him over the radio," Antila recalled, "I didn't even believe he was wounded.

"But that was typical."

PENN STATE TRAINING

A quiet, thoughtful soldier, Sharpe had taken reserve officer's training at Penn State, then shipped out for Vietnam shortly after graduation.

For the past six months, he has been commander of Alpha Company.

"But he wanted to know more about the war than that," Col. Antila said.

"He was due to be relieved as C.O. (commanding officer) after six months in the field and I asked him what he wanted to be.

"He said he'd like to be S-5 (the civil affairs officer who works with the local people and the pacification program). It's a job we can't normally give away.

"He said he knew enough about the fighting side of the war, and now he wanted to know about the other side."

The "other side," however, would have to wait a few days.

SOME THOUGHTS ON THE ELECTORAL COLLEGE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. BROOMFIELD. Mr. Speaker, along with the widespread demand for change in our national political convention system, there is also a great deal of concern for the abolition of the electoral college. Both of these steps are provided for in legislation sponsored by myself and others which is pending before the Committee on the Judiciary. An editorial which appeared on September 5 in the Eccentric, a newspaper published in Birmingham, Mich., a community in my congressional district, made a substantial contribution to the current debate on this matter. Under leave granted, I insert it at this point in the RECORD:

A NEW WAY

The two national political conventions just concluded bear witness to the fact that our nation has outgrown its present method of electing its chief executive officer.

Apparently our forefathers, who wrote the Constitution, mistrusted the judgment of the electorate. They created a so-called electoral college to elect the president and provided that each state legislature should decide how the presidential electors should be elected.

Nowhere in the Constitution can one find any indication of a desire on the part of these men that the people of the United States should select their own leaders, yet this is supposed to be a democracy.

The way it works today, not only are the people in most states not considered on who they want as their party's nominee, but the power in both political conventions rests in the hands of the losers of that party.

For example, in the Republican Convention the Southern delegates were instrumental in selecting the party's choice, although the south normally would not give its votes in November to the Republican nominee.

In the Democratic convention, the Michigan delegation gave most of its votes to Vice President Hubert H. Humphrey. But since state representation to each of the conventions is primarily based on the number of federal senators and representatives the state has, and since there are more federal Republican Senate and House members, in Michigan the majority of delegates were not representing the winners of their party.

There are many problems in changing the system, but these problems should not be used as an excuse for not changing.

If we are to have one-man, one-vote for our federal House or state legislature and even our county board of supervisors, the people should have the right to select their president.

It will take time to make the change. If action is not taken now, while the subject is deeply impressed upon our minds, it can be put off—and four years from now we will still be in the same boat.

The only democratic way to select a president is to have each party's choice voted upon by direct vote of the electorate.

This would eliminate any sleight-of-hand situation where a majority of voters in each state can give all the state's electoral votes to one man. Party hacks would not be able to select at a convention ruled by overzealous policemen a party nominee who never presented himself to the voters for their approval.

We are not trying to be overly dramatic.

The winners of both conventions were not the people the polls showed to be the most popular men in their parties as far as the voters of the nation were concerned.

The direction that our chief of state takes will not be the direction that the majority of people want it to be until the majority of people are allowed to pick a captain.

OUR DEDICATED FIREFIGHTERS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. WOLFF. Mr. Speaker, in many parts of our country, including my congressional district, the important responsibility of firefighting is discharged by civic-minded volunteers imbued with a great sense of duty.

These men spend countless hours away from their families, take great personal risk, and commit themselves to a demanding yet vital job. They do this without pay; and they often do this without the public recognition they greatly deserve.

Recently, the Oyster Bay Guardian, an excellent weekly newspaper published in my district, printed an editorial entitled "The Forgotten Fireman." This editorial pays appropriate tribute to the volunteer firemen in the community.

I believe this tribute should be extended to all the volunteer firefighters in all parts of the country. These men are constantly earning our appreciation, and I want to say a deep and lasting "Thank you" to all the volunteer firefighters in this Nation.

Because of the high regard I hold for these gentlemen, under leave to extend my remarks, I wish to include the editorial from the Oyster Bay Guardian in the RECORD at this point:

THE FORGOTTEN FIREMEN

From Bayville and Locust Valley to Oyster Bay and East Norwich to Syosset there are fire departments, all of them volunteer. As such, each man serves without pay, giving not only many hours each week, but also risking omnipresent danger to himself to protect our lives and property. We think it takes a very special kind of community-minded person to give so much and get so little in return.

We tend to take our fire departments for granted, and when we do mention them, it is often in disparaging terms that have been made sterotyped by lesser departments in other areas. But as more and more of us, in those terrible moments that we believe will never come, panic as we envision a fire in one room engulfing the whole house and then suddenly awaken to find only that room damaged and the rest of the house intact because of our firemen's efficiency, as more and more of us are allowed to live because of the speed with which a fire department ambulance driver gets up in the middle of the night and dashes us to the hospital, we begin to have kinder thoughts.

The entire area is blessed with competent, well-practiced departments. We have a friend in another state who sank his entire life savings into a new business, and when it caught fire several years later, the firemen arrived, disorganized and not versed enough in modern techniques to put out the particular type of fire. Every cent of his investment was lost.

But we have departments that practice several nights a week, departments that time again have proven that they were among the best in the state. Take a look at the years' worth of trophies at any of the firehouses—a tribute to their continued excellence. And the next time you're near a firehouse when the ominous whistle blows, stop for a minute—and that's about all you'll need—and observe how long it takes for the first firemen to arrive and put their trucks on the road.

A number of departments are engaged in fund-raising drives right now—they deserve all the financial support we can give them. But let's make it on a year-long basis, for the money doesn't go into anybody's political pockets, and the impact is felt within the community itself with even better facilities and equipment to serve us. Let's thank them now, and hope we never have to thank them after.

DEFINITELY UN-AMERICAN

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. NICHOLS. Mr. Speaker, deficit spending has almost become a way of life for most of the governments in this country. The Federal Government is always in the red, and there are few States, counties, cities, or towns that do not have to borrow money to operate.

Therefore, it is refreshing and encouraging to see one government that does not operate this way. One such city is Tallassee, Ala., which happens to be in my district. Mayor Lloyd Tippett has just been reelected there, and I am sure it was largely due to his financial philosophy. I would like at this point to insert an article from the September 9 edition of the Birmingham News which outlines the progress Tallassee has made without borrowing money and without raising taxes:

DEFINITELY UN-AMERICAN

(By Thomas F. Hill)

TALLASSEE.—If the House Un-American Activities Committee wanted to become active and do some probing, it could well start right here. . . .

For Tallassee Mayor Lloyd Tippett is making many statements these days that are definitely "un-American" as far as finances and municipal operation are concerned.

Tippett believes in keeping in the black.

This simply isn't done these days.

And the mayor doesn't believe in city taxes!

Definitely un-American!

Furthermore, he feels that his town should operate within its budget, pay cash for what it needs and give the citizens good, honest and efficient government.

This simply isn't being done these days.

Except in Tallassee.

Tippett, who also is violating the old political law that a good law-enforcement officer cannot make a good vote-getter, recently was re-elected to another term. Before serving his first term, he was police chief—and a good one, too.

Mayor Tippett isn't staying within his budget just by not doing anything. In fact, his administration shows many accomplishments.

During his administration, the city spent about $200,000 for street, alley and sidewalk paving.

It appropriated $55,000 for a youth and recreation program, which will result in a modern recreation center being erected.

It appropriated about $75,000 for schools and made improvements at the airport.

In addition, the city paid off $136, 030.88 in bonds and warrants it inherited.

Federal grants for a new sewage system have been obtained, and the mayor says that based on present revenues, the city will be able to pay its share of the cost without additional taxes.

Tallassee has no ad valorem tax, and has the cheapest sewer and garbage rates of almost any city in Alabama at $1 per month each.

The city has purchased new equipment, hired additional policemen and completed projects.

"I have never bought a dime's worth of anything for the city on credit since I have been mayor," Tippett said. "And I never will. . . ."

This is your case, congressional committee. Get busy!

A NOBLE SOUL: GEORGE V. KENNEALLY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is with great sadness that we note the passing of George V. Kenneally, the father of pro football in New England.

George Kenneally was active in every phase of this great American sport, from player to owner and coach. He started his career playing football for Boston Latin School. In 4 years at St. Bonaventure College he won 16 letters. During the twenties he played pro ball for Buffalo in the National Football League, Pottsville, Pa., and with the Cardinals.

In 1929, he and some friends bought a National Football League franchise; 1929 was not a good year for any business investment, but it began a great and lively interest in the Boston area for the rough game that was even rougher when George Kenneally played than it is today.

George played for that first team, the Boston Bulldogs—he also played for the Boston Shamrocks and the Boston Yanks. He played for the Philadelphia Eagles and was, in the words of Swede Nelson, "a truly great football player."

For the past 11 years, George Kenneally was head coach at Revere High School. He was also the line coach at Brandeis University.

Besides his great love for the sport and his great ability to participate in every level of the bruising, wonderful game, George Kenneally understood how much sports could do for youngsters. Every community he ever lived in was better for his having been there. He was loved by everyone, athletes, fans, and people who think pigskin is only for gloves.

He cared about people and they knew it. He was active in Boston politics, and "Gigi" Kenneally was as good an organizer off the field as he was on the field.

He was a great family man who brought his children up in a tradition of public service and love of life. My good friend, State Senator George V. Kenneally, Jr., is testimony to that fact.

Tim Horgan of the Boston Herald-Traveler, in an article on Wednesday, September 4, described George Kenneally as he was—a great athlete, a dedicated player and coach, and a wonderful man. I would like to share this excellent article with my colleagues:

A NOBLE SOUL: KENNEALLY HAD GREAT GRID CAREER

(By Tim Horgan)

When he was 37 years old he decided to quit playing and become the end coach of the Philadelphia Eagles. The reason, he told a friend, was because the Eagles had signed three of the best college ends in the country, three genuine All-Americans.

"I'd better quit before I'm fired," said George V. "Gigi" Kenneally, who'd been captain of the Eagles for five years.

The Eagles opened their season that year against the Giants, so Kenneally's friend went to New York and stopped by the dressing room before the game. There was Gigi, suiting up.

"What are you doing, Gidge?" asked the friend.

"I'm starting at left end," said Kenneally.

"But what happened to your three All-Americans?"

"The Eagles decided I was better than the three of them," said Gigi, "so they cut the bums last night."

"He was a truly great football player," said Swede Nelson when he learned that his pal George Kenneally of Dorchester, out of South Boston, had died suddenly Tuesday at the age of 67.

"And a charming and funny man," added Gerry Hern, the former Boston sports columnist now with Blue Cross-Blue Shield.

Kenneally's charm, wit and talent enabled him to meet all the people who made pro football the bonanza it is today—Jim Thorpe, Red Grange, Vince Lombardi, Jimmy Conzelman, Art Rooney, Bert Bell, Ernie Nevers, George Halas. . . . You name him and Gigi had played for, with or against him.

Or, maybe the guy had played for Kenneally. Gigi is the man who introduced pro football to Boston. He founded the city's first pro club, the Bulldogs, and while he certainly had the right idea, unfortunately he picked the wrong year. It was 1929, and when the stock market crashed, so did the Bulldogs.

Many citizens looked upon this as the one bright spot in the Depression, because pro football was not the darling of society in those days. One of the teams Kenneally had played for during his 16 years in the pros, for example, was the Pottsville, Pa. Maroons of the early NFL. Pottsville is coal mining country and on game day the miners would wash out their working clothes, unscrew the lamps from their caps and go out to be entertained. They wanted nothing fancy. Just plain mayhem.

Adding to the bloodshed was the fact the players bet on the games. "A man from each team would meet when the trains got in," Kenneally loved to recount, "and they'd bet each player's salary against another's. They'd bet the payrolls. Not every game, but quite a few of them were winner-take-all."

Kenneally, incidentally, was paid $150 to $200 per game, which isn't much today. But it looked very big to Gigi after the Bulldogs folded, so in 1930 the former entrepreneur suited up and played end for the Chicago Cardinals, opposite the immortal Ernie Nevers.

Kenneally didn't stop trying to bring pro football to Boston, however. In the early 1930's he formed another club, the Shamrocks, Joe McKenney of the Boston School Dept. recalls coaching a college all-star team that beat the Shamrocks by the margin of a conversion kick by young Vic Fusia of Manhattan College and now of UMass.

Kenneally promoted the first night football game at Fenway Park, and an indoor game in the Garden, which sold out. "A very imaginative guy," says Foxy Flumere, who coached with Gigi at Brandeis later on. "He was 25 years ahead of his time in everything he did."

But, Kenneally never caught up with the pro football boom. In 1939 he became head coach at Revere High and turned out teams so good that one of them once played Massilon, Ohio, the No. 1 football school in the country.

Gerry Hern recalls that Revere lost the game only after an official nullified a touchdown with an outrageosuly bad call. But after the defeat Kenneally told his squad, "Forget it, boys. We're going home tonight but that official has to live with these people the rest of his life. I don't blame him for making the call."

"A tough guy," said Swede Nelson of Gigi Kenneally, "and a noble soul."

WHAT'S WITH MR. WILLIAM F. BUCKLEY, JR.

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. PODELL. Mr. Speaker, a couple of weeks ago Mr. William F. Buckley, Jr., who views everything from the right but perversely and invariably sees everything wrong, published a column entitled "What's With Mr. Fortas?" On this particular day Mr. Buckley, whose middle years are graced with youthful exuberance, was exercised about a Supreme Court decision holding by a 5-to-4 vote with Mr. Justice Abe Fortas in the majority that a certain movie entitled "O-12" was not pornographic.

Mr. Buckley's elliptical prose pays no mind to the simple declarative sentence so that his thoughts are frequently obscured by his vagrant verbiage. However, as best as I can make it, "O-12" is a movie commonly shown at stag parties.

In any event, Bill Buckley did see the film under circumstances described by him as "under the impeccable auspices of the chief of the vice squad of Los Angeles." After viewing the film, Mr. Buckley whipped out his criteria for pornography determined that the film was "manifestly without redeeming social importance" and promptly decreed the film pornographic.

What particularly disturbs Mr. Buckley is that the Supreme Court decision makes "O-12" free again to flaunt her pudenda—at 25 cents for 3 minutes." By the same token, however, Mr. Buckley feels free to flaunt his pudenda regularly at 10 cents a throw for 2 minutes of viewing time. Yet I never considered that circumstance a cause for suppression of Mr. Buckley's column as an obscenity. Nor did I ever consider that Mr. Buckley would expose himself as a voyeur of such intensity that he would voyage the full breadth of our Nation just to take a peek.

Initially I thought that Mr. Buckley's column would be the last and definitive word on the subject of "O-12." However, I have since learned that the Senate Judiciary Committee is showing an inordinate interest in that film. Apparently, some members of the committee have already seen it as often as others have seen "Man of La Manche." In fact, those among the committee members who have seen it insist that it be viewed by the entire committee membership.

On the other hand, I see nothing inspiring about the august membership of the Senate Judiciary Committee cluck-clucking while being titilated by "O-12." It is high time, I submit, that the Senate Judiciary Committee stop looking at dirty pictures and report favorably the nomination of Abe Fortas as Chief Justice.

INTERNATIONAL MONETARY FUND NOW HAS TO TELL UNITED STATES HOW TO MANAGE ITS ECONOMY

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. CURTIS. Mr. Speaker, economic mismanagement of the U.S. economy by the present administration has grown so bad that the International Monetary Fund—IMF—now feels compelled to tell the United States how to manage its economy.

In its annual report issued this past weekend the IMF has warned the United States not to ease monetary restraint lest the dollar outflow increase and the balance of payments go into worse deficit. As the IMF put it:

> Elimination of the deficit must now become a primary objective of economic policy in the interest of the U.S. itself and of the international monetary system.

More specifically, the IMF said it was necessary for the U.S. economy to hold real gross national product growth below 4 percent in order to "relieve upward pressures on costs and prices and to dampen imports." Moreover, monetary restraint must be continued in order not to erode the hoped for economic stability from the tax increase spending cuts bill passed earlier this year by Congress.

Although the report stated that the administration's controls over investment and lending overseas should eventually be removed, it stressed the need for firm monetary restraint to avoid negating the attempt of these restrictions to slow down the outflow of capital from the United States.

Part of the reasons for the IMF's concern has to be the balance-of-payments figures for the second quarter of 1968. Although the figure announced by Secretary of the Treasury Fowler was a seeming improvement over the first quarter—a deficit of $156 million versus $663 million in the first quarter—the real deficit for the second quarter was around $900 million. The $156 million figure for the second quarter conceals the fact that $500 million of Treasury securities were sold to Canada and about $250 million were sold to West Germany. These funds are counted as capital inflows—which they are—and are not counted as increases in liabilities—which they should be. Thus the second quarter had an even higher balance-of-payments deficit than the first. The Financial Times of London reported this juggling of figures by Mr. Fowler as "the U.S. balance-of-payments improvement that never was."

The glaring point that just cries out in the IMF report is the fact that the IMF felt constrained to tell the United States to put its economic house in order. For years the fount of wisdom for developing countries on how to manage their economies, the United States is now getting its advice back from an international body composed of many of these countries. It is sad to observe that the acknowledged leader of the Western World does not know how to manage its economy. It is only to be hoped the United States will heed the IMF advice.

Following are three articles. The Wall Street Journal and Washington Post of September 9, 1968, have articles reporting on the IMF annual report and the National Review of September 10, 1968, has a short article showing how Treasury bookkeeping procedures make the balance-of-payments figures for the second quarter look better than they really are.

The articles follow:

[From the Wall Street Journal, Sept. 9, 1968]

RESERVE BOARD URGED BY IMF TO CONTINUE RESTRAINTS ON CREDIT—WORLD AGENCY INDICATES THE UNITED STATES HASN'T PUSHED HARD ENOUGH TO END ITS PAYMENT DEFICIT

WASHINGTON.—The International Monetary Fund strongly suggested that the Federal Reserve Board shouldn't ease up rapidly on credit lest it worsen the dollar outflow again.

In its annual report, the 109-nation IMF indicated concern that the U.S. hasn't yet put enough push behind its goal of wiping out its balance-of-payments deficit; such a deficit occurs when foreigners acquire more dollars than they return in all transactions. "Elimination of the deficit must now become a primary objective of economic policy," the IMF said, "in the interest of the U.S. itself and of the international monetary system."

In the same skittish vein, the IMF tacitly conceded that the world monetary system is still in some danger. While praising the U.S. for its tax increase and Britain for its austerity measures, the IMF declared that "the restoration of enduring confidence and stability in the international monetary system depends primarily on the early and progressive improvement" in the balance of payments of both countries.

Considering the long stalemate before the U.S. tax increase was enacted in late June, the report said, it is "necessary" for the U.S. economy to be held "well below" its 4%-a-year potential increase in "real" or physical output of goods and services. The restraint, the IMF said, is needed to "relieve upward pressures on costs and prices and to dampen imports."

During this period of "economic adjustment," the international agency asserted, "It is essential that the U.S. authorities should maintain a sufficient degree of monetary restraint to provide firm support to the programs of control over outflows of U.S. capital"; these programs include the mandatory controls over corporate investment in foreign subsidiaries and the Federal Reserve's voluntary limits on bank lending to foreigners.

Along with its unusually blunt prescription for the Federal Reserve's monetary policies, the IMF called on European countries with payments surpluses to continue their more expansionary domestic policies in order to maintain "a satisfactory growth of world trade." Johnson Administration officials have also been encouraging faster expansion by Europe in hopes of permitting greater U.S. exports, but they've been expressing hope that the Federal Reserve will offset some of the restraint of the tax increase by more actively easing monetary policy.

The IMF, which basically makes three-to-five year loans of foreign currencies to tide members over temporary payments deficits, also hinted that the "paper gold" plan currently being ratified by members may have to be put into use in order to resume progress toward less-restricted trade and capital movements. The plan would create "Special Drawing Rights," which members could hold in reserves and use much as they currently use reserves of dollars, pounds and gold.

The gold reserves of all governments at the end of March, at $37.8 billion, were "lower than at any time in more than a decade," the IMF said. And it noted that much of the apparent increase in total reserves of gold and convertible currencies merely represented "swaps" in which two countries temporarily bolster their reserves by holding each other's funds. As of March 31, the IMF reported, the U.S. held $2.2 billion of British pounds and $250 million of Canadian dollars.

The IMF said that at its annual meeting starting Sept. 30 in Washington it will consider distributing to certain members close to $37.5 million of its $55.7 million income from the fiscal year ended April 30. The distribution would be intended to partly compensate countries whose currencies have been heavily used by the IMF in loans to others; the formula involved would mainly benefit Western European members, and wouldn't provide anything for the U.S.

[From the Washington (D.C.) Post, Sept. 9, 1968]

IMF's Report Warns United States Against Easy Money Policy

(By Hobart Rowen)

The International Monetary Fund last night warned the United States not to slide into an easy money posture, just because the long-delayed fiscal-restraining package is now on the books.

Moreover, suggested the international agency, elimination of the balance-of-payments deficit "must now become a primary objective of economic policy, in the interest of the United States itself and of the international monetary system."

This Dutch Uncle advice was contained in the IMF's 23d annual report. It stressed that "perseverance" on the part of the United States and Great Britain in reducing their payments deficits is critical in restoring "confidence and stability."

DILUTION FEARED

The IMF's warning on U.S. domestic monetary policy coincides with the view of many observers here who fear that monetary ease may dilute the deflationary impact of the tax-and-expenditure package passed earlier in the summer.

On the other hand, the Johnson Administration and the Federal Reserve Board itself have been concerned about economic "overkill", and the Fed recently slipped its bellwether discount rate down by ¼ percentage point.

But the IMF observed that in the U.S., it is necessary "to restrain demand expansion so as to bring the growth of real GNP well below the capacity rate of 4 per cent, and thus relieve upward pressures on costs and prices and to dampen imports.

"During this period of economic adjustment, it is essential that the U.S. authorities should maintain a sufficient degree of monetary restraint to provide firm support to the programs of control over outflows of U.S. capital."

EVENTUAL EASING SEEN

Eventually, the report said, the capital controls put into effect last Jan. 1 should be removed.

The report also predicted "a constructive role" for the new Special Drawing Rights system, which will ultimately supplement existing reserves of gold and certain currencies.

It pointed out that reduction of the U.S. and U.K. payments deficits would have, as a counterpart, a reduction of reserves in Europe and elsewhere. This factor, the report noted, adds to the importance of the SIRs, which will contribute to the total level of available reserves.

A statistical summary showed that from January through June, 1968, drawings on the fund exceeded $3.3 billion, a larger total than any full year in the Fund's history.

The near-chaos in the world's financial markets that preceded and followed British devaluation in November 1967 created unusual patterns in world reserve holdings, which at the end of March, 1968 showed an aggregate rise of $2.0 billion. But gold holdings of $37.8 billion were the lowest in a decade.

[From the National Review, Sept. 10, 1968]

Treasury Secretary Fowler reported on August 16 that the U.S. international deficit dropped to $156 million in the second calendar quarter of this year. He failed to mention that in that quarter the U.S. peddled $500 million of nonmarketable Treasury securities to Canada and about $250 million of similar debt instruments to West Germany. Thanks to arbitrary accounting at the Treasury, sales of such bonds are not recorded as increases in liabilities although the funds received are indeed credited on the inflow side of the balance-of-payments books. Thus, instead of the slight improvement that Mr. Fowler crowed about, the U.S. deficit actually went up from $66? million in the first quarter to $900 million in the second quarter. That's why the London Financial Times reported Mr. Fowler's announcement as "the U.S. balance of payments improvement that never was."

WILL YOUR VOTE BE COUNTED?

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. BUTTON. Mr. Speaker, as the coming presidential election commands more and more of our attention, I would like to bring to the attention of my colleagues a timely article in Nation's Business of July 1968, entitled "Will Your Vote Be Counted This Year?" The article brings into focus many of the corruptions in our voting system today and suggests various ways to eliminate fraud at the polls.

I would hope, Mr. Speaker, that my colleagues will acknowledge the existence of such corruptions in voting, and that they will discuss these with local officials before the November elections.

Mr. Speaker, I have found that some of the statistics relating to the fraudulent voting are appalling. To cite from the article:

> As an example, the Honest Ballot Association figured four million fraudulent or invalid votes were cast in the 1964 elections, about 5.5 percent of the total. Many races that year were decided by a narrower margin than five per cent.

This degree of fraud, Mr. Speaker, cannot and must not be tolerated if our governmental system is to function properly.

Mr. Speaker, because I believe many insights will be gained by my colleagues into the dishonest aspects of voting, I am placing in the RECORD at this point the article entitled "Will Your Vote Be Counted This Year?" The article follows:

Will Your Vote Be Counted This Year?

An estimated 118 million people will be eligible to vote in the November Presidential election. But many who will cast a ballot, won't have their votes counted.

Will you be among the disenfranchised? Carelessness or outright fraud could steal your vote.

While voting machines, permanent registration and public indignation have largely eliminated wholesale fraud at the ballot box, if you think every vote is counted, listen to George J. Abrams, chief investigator for The Honest Ballot Association of New York City, who predicts:

"Anywhere from three to three and a half million votes will be lost through election irregularities in November."

And if the brawling election days of Hinky Dink Kenna, Bathhouse Coughlin and Hell-Cat Maggie are today mere memory, the need to protect the sanctity of the ballot box is still as great as ever.

As an example, The Honest Ballot Association figured four million fraudulent or invalid votes were cast in the 1964 elections, about 5.5 per cent of the total. Many races that year were decided by a narrower margin than five per cent.

Hundreds of businessmen, as well as countless civic groups and women's organizations, are gearing up to combat public apathy to election procedures, described by one official as the "vote chisler's greatest ally."

A number of procedures could invalidate your ballot if you're not on guard. If you want to be sure every vote is counted—yours included—there are a number of things you can do.

"All election irregularities are not fraud," says Mr. Abrams. "There is a lot of carelessness. But there are also a lot of practices going on that shouldn't.

"Voting machines have done much to reduce the number of votes that won't get counted. But I have come to the conclusion, reluctantly, that we need a national election law to make uniform rules and regulations."

The Voting Rights Act of 1965 does provide stringent penalties for some forms of fraud in federal elections, including a maximum fine of $10,000 or five years in prison or both for giving false information in order to register or vote.

But in many instances, proof of intent is hard to come by.

DAYS OF FRAUD

The heyday of widespread vote fraud in the nation spanned the period from the Civil War to well into the Twentieth Century, when big city bosses and machines flourished.

It was the time of notorious practices: "Tombstone voting," and padded registration lists.

Myriad, often conflicting, state election laws are one reason why many voters reach election day before they find they can't cast a ballot.

Residence requirements vary. So do registration regulations. Precinct boundaries are often unknown to the average citizen.

Both major political parties have strongly backed the need for public vigilance to insure honest elections. And in many cities across the nation, voluntary groups have long been active.

In Philadelphia, the "Committee of Seventy," a group of business and professional men started in 1904, again will recruit nearly 1,000 citizens to serve as poll watchers at this election, along with 50 attorneys who will be in radio contact with a "complaint center" to make on-the-spot investigations.

"If the attorney finds the complaint warranted, he immediately turns it over to the district attorney or federal district attorney," says Executive Director Bob Cooper.

In Chicago, the Joint Civic Committee has had as many as 4,000 poll watchers assigned on election day.

The League of Women Voters, the Fair Campaign Practices Committee, the women's division of the Republican National Committee have all been active in warning about shady practices at the polls.

"The best way to insure an honest count is to study your state's election laws, then protest vigorously if you see the slightest violation," says Rep. William Cramer (R-Fla.) one of the sponsors of the clean elections section of the voting rights law. "If a federal election is involved, complain to the FBI, the U.S. district attorney or the Attorney General of the United States."

Franklin J. Lunding, Jr., a young attorney who is executive director of Operation Eagle Eye in Chicago, estimates this Republican-created poll-watching organization will have 6,000 to 8,000 persons involved in the November election, including some 150 attorneys in radio-equipped cars for quick, on-the-spot investigations.

Another group concerned with the same problem in Chicago is the Honest Election Foundation which has taken over this function of the Joint Civic Committee.

BUSINESS COMMUNITY HELPS

"I'm proud of the way the business community has reacted in trying to eliminate the black eye given Chicago in the 1960 Presidential election," says Charles F. Hood, public affairs consultant to the chairman of the board of Standard Oil of Indiana, and an organizer and former director of Operation Eagle Eye.

The organization grew out of a small meeting of businessmen with Republican leaders after the 1960 election, Mr. Hood says. There were accusations of wholesale election irregularities in Cook County in the Kennedy-Nixon race.

It has been active since the 1962 elections and some 150 companies are involved in recruiting poll watchers on a voluntary, bipartisan basis for election day.

Eagle Eye filed a federal court suit after the 1966 general election, alleging election judges stuffed the ballot box in Precinct Forty-seven of the Twenty-fourth Ward, with every Democratic candidate receiving 300 votes and every Republican candidate, three. Dismissed in district court, the suit is now on appeal.

Election irregularity charges involving "ghost voters" have popped up in Indiana's Lake County (Gary) area and in other towns in the Hoosier State.

The South Bend Tribune on Nov. 1, 1962, ran an eight column headline: "Ghost voter list bared."

"In a single South Bend precinct, 280 persons are registered to vote from vacant lots and abandoned buildings," the story said, quoting a survey of voter registration lists made by Gerald L. Murphy and other supporters of a G.O.P. Congressional candidate.

The same story quoted Ideal Baldoni, the St. Joseph County Democratic chairman, as accusing Republicans of "slander . . . lies . . . half-truths and now ghost stories."

Testifying in behalf of a proposed new state election law, Larry S. Landis told the Indiana House of Representatives Elections Committee last year of a survey he had made in Terre Haute, Ind., while a senior student at Wabash College.

"In Terre Haute," he testified, "it was found that of 5,032 persons registered in 11 precincts, 587 did not live at the addresses given as the place of residence. After the election, a follow-up found that 91 of these persons voted in the 1966 general election."

He said this figure represented about three per cent of the total vote in the 11 precincts and that three of the 91 who supposedly voted were dead at the time of his original survey.

"While this does not mean wholesale fraud is taking place in Terre Haute," he told the House Committee, "it should give us pause . . . and proves the present registration method needs to be altered and updated."

Of the nation's estimated 175,000 voting precincts, some 40 per cent will still be using paper ballots in November, and it is the paper ballot that made possible the legendary tricks of such as Hinky Dink Kenna.

Kenna and Bathhouse Coughlin, so-called because he operated out of a Turkish bathhouse, are characters out of Chicago's brawling past who specialized in illegal balloting.

They flourished in the era of politicians like Boss Buckley of San Francisco, who gained a measure of fame with his pronouncement: "The game of politics is not a branch of Sunday school business."

Hell-Cat Maggie figured in New York City politics. Wearing artificial fingernails, she would lead a mob of members from her Battle Row Ladies Social & Athletic Club in a wild foray to a polling place, chasing away the faint-hearted, who never returned to vote.

WITH AND WITHOUT WHISKERS

The legendary Big Tim Sullivan of Tammany Hall was an expert in election stealing. His strategy:

"Vote 'em with whiskers on, then it's to the barber for sideburns and a mustache. Vote 'em again, then back to the barber and leave only the mustache. Hell, man, if you need another vote, shave off the mustache and it's a baby's face he'll have. You get four votes for each man this way."

Violence was common in the reign of Boss Tom Pendergast of Kansas City. Election day, March 27, 1934, became known as "Black Tuesday." There were four murders, 11 critical injuries and more than 200 cases of assault.

In the Fifties, in sentencing Louis W. Nathan, a 71-year-old precinct captain to a five-year prison sentence for election violations, United States District Judge Julius J. Hoffman of Chicago commented:

"Tampering with election procedures in one precinct, especially by individuals bold enough to operate under assumed names, fosters the supposition that such fraud not only exists in other areas, but even is an accepted fact of American political life."

The most common election irregularities today involve interpretation of election laws; illegal assistance to the aged, illiterate or handicapped; registration violations and, in some instances, voting machine procedures. Confusion over interpretation was well illustrated in the election in Texas in 1960. Under the law, to vote for a candidate on a paper ballot, a line had to be drawn through the names of all other candidates for the office.

Hundreds marked their ballots only with the traditional "x" to signify the candidate of their choice. This made their votes null and void. But the law also gave the election official on the spot discretionary authority. In some precincts, officials allowed these ballots to be counted. In others, they were tossed out.

WHAT TO WATCH FOR

If as a businessman—or interested citizen—you are concerned with eliminating the last margin of error that any vote might not be counted, here are some practices you should be aware of on election day:

Chain-balloting—cited as a common method of election trickery, this requires getting an official ballot (easy to acquire, especially in states with liberal absentee ballot laws) which is pre-marked. A "bought" voter then deposits the pre-marked ballot, palms the ballot he obtains before entering the voting booth, marks it and gives it to another "bought" voter to repeat the scheme over and over.

Padded registration lists—those which include names of persons who have died or moved away, are another common complaint. Not as common, but it has happened, is for a registered voter to find his name has been "lost" from the official list.

Illegal assistance—An unscrupulous election official influences the naive by advising him how to vote.

Spoiling ballots—It's easy for a vote thief to nullify a ballot by marking it with graphite concealed under a fingernail or a "short pencil" held in the palm of the hand or by tearing it.

Disqualification—Election judges frequently vary in what they consider grounds for voiding ballots.

Jammed voting machines—Accidents do happen. But they can be made to happen, too.

Fast count—Where totals are read by scheming precinct officials to recorders at a rate too fast to be heard.

There are a number of steps various groups and officials recommend that you take to make sure there is no careless or fraudulent count at your precinct.

To avoid padded voter lists, make a complete an accurate canvass six and three months in advance of an election, listing all voting age residents.

Make sure precinct leaders keep their lists constantly updated on deaths and departures, so vote thieves can't bring in impersonators.

Both parties should have alert poll watchers. Additional poll watchers can be placed outside the polls, armed with cameras to record any suspicious activity.

Report irregularities at once to the chief of police, press and your party county chairman.

Work to get your state voting law tightened if it is ambiguous on ballot disqualifications.

Challenge all suspicious activities if you are a poll watcher.

Make sure officials of all parties inspect voting machines before they are locked at the warehouse prior to shipment to precinct polling places.

Make sure officials of all parties voting have complete up-to-date lists of eligible voters at every precinct.

Make sure a voting machine mechanic is on hand.

Be active. Don't depend upon someone else to do all the work.

This last piece of advice is probably the most important. An old-time politico, talking about election irregularities, says:

"The public is lax as ———. If you want to stop fraud at the ballot box, find out what voting is all about and then turn out in herds. What the ——— could anybody do then?"

AEROSPACE TEST FACILITIES ARE PREREQUISITES TO PROGRESS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. SIKES. Mr. Speaker, one of America's most capable military leaders is Gen. James Ferguson, who heads the Air Force Systems Command. This important command is responsible for the advancement of aerospace technology, its adaptation to operational areospace systems, and the acquisition of qualitatively superior aerospace components and materiel required for the accomplishment of the Air Force mission. Within the AFSC sphere of activity are research, development, procurement, and production functions.

In the August 24 issue of "Armed Forces Journal," General Ferguson sounds a warning which deserves careful and mature consideration. He warns that the Russians have moved ahead of the United States in terms of the newness of their aerospace test facilities, in terms of the number of newer facilities, and in terms of their ability to exceed U.S. performance limits. This is indeed a sobering statement.

I submit his article for reprinting in the CONGRESSIONAL RECORD:

AEROSPACE TEST FACILITIES: PREREQUISITES TO PROGRESS

(By Gen. James Ferguson)

Understandably, many people believe that today's weapon systems spring from the heads of their designers fully armed, much as Athena emerged from Zeus's brow. Too few people understand the vital need for *aerospace test facilities* in connection with development of these new weapon systems.

There is simple logic behind this need. The pressing requirement for ever more capable weapons and the rapid pace of technologies have demanded in recent years that our systems become progressively more sophisticated and more complex. In turn, this invariably results in higher system hardware costs. However, it is cheaper to build several multi-purpose test facilities to accommodate systems models than it is to replace the number of vehicles which would otherwise be damaged or destroyed during actual operation because of avoidable design or material deficiencies.

Today, five to ten years normally elapse between initial design and first operational system capability. In this interval, many test activities take place; design and performance verification, parameter optimization, environmental testing, intra-system compatibility testing and troubleshooting. The result is that full scale production starts (eventually) with a design that has a high probability of being near optimum from the beginning of production. Paper can be modified much faster and cheaper than hardware.

Proof of the success of the test facility concept is most evident when one recalls aircraft production during WWII. Planes were designed, built and flight tested with practically no regard to pre-production testing. As a result, many lives were lost and aircraft destroyed before operational status was achieved.

It wouldn't have taken many WWII bombers, at $370,000 per copy, to have built an adequate test facility for this plane—probably many less than were destroyed because of the lack of such a facility.

This is not to imply that new weapon system designs are initially faulty. Not at all. They are literally the best designs money can buy at the time they are contracted for. However, each new system at least approaches, if it is not beyond, the limit of the current state of engineering knowledge. None has even been built before; therefore, these designs must be verified in advance in test facilities if we are to arrive at near optimum design.

To appreciate the functional role of the test facility, let's see how it has worked with one of our newest logistic systems—the gigantic C–5 cargo aircraft.

In September 1965, the Lockheed-Georgia Company began development of the C–5. Target date for first flight was June 1968 (which was met on time, as things turned out).

In November 1965, only two months after contract award, wind tunnel testing of scale models started at the Air Force Systems Command's Arnold Engineering Development Center (AEDC), in South-Central Tennessee.

One of the three C–5 test models was a "semi-span" model at 1/18th scale. Included were the left wing with its two engines, and half the fuselage. This model was wired up with over a thousand pressure sensors distributed around the surface and leading to remote recording devices. To create a realistic airflow the engine pods were equipped with small gas turbine engines powered by an external nitrogen source (at a cost, incidentally, of $10,000 each). The results of wind-tunnel testing of these models suggested significant improvements in the configuration of the exterior surfaces—small design changes which could easily be engineered into the production airplane at that stage of development.

The cumulative effect of all the individual minor changes was striking. Some 37 "drag counts" were eliminated. This means, in effect, that the performance of the C–5 had been augmented, by paper design changes alone, so that over $10-million by operating costs could be saved for a 52-aircraft fleet over a ten-year period.

This example implies that our new system designs are far from inadequate, incomplete, or unoptimized. Although, the original designs are the best money can buy and are the best possible short of test optimization, the constraints operating against designers these days are formidable. New systems are complex and sophisticated. So many variables and parameters are involved in their configurations that performance *predictions* can barely scratch the surface of performance *possibilities*. We want to operate new systems. in ranges of environments and operating conditions that defy complete analyses by the most powerful computers now in existence.

It is greatly to the credit of both Lockheed and AEDC that a productive test program was conceived and realized in timely fashion on the C–5 system. It is also a credit to these who "sold" large facilities in the past. If we had waited until contract award in 1965 to acquire the test facilities, they would not have been available in time.

Aerospace test facilities are not merely limited to the use of wind tunnels for design optimization. Test facilities are used whenever a precise quantitative indication of probable system or component performance is required.

Facilities simulate real life conditions which may exist now or in the future. For example, if vehicle speed is the parameter to be simulated, one can either move the vehicle through the air or move the air past the vehicle. For the former, there are the *sled tracks,* the most capable of which is the seven-mile, Mach 6 track at the Air Force Missile Development Center at Holloman AFB, N.M. For the latter, we can fasten the vehicle to a support in one of a number of wind tunnels around the country, including those at Arnold. The air can be heated, cooled, dried, or moistened as necessary to simulate different operating conditions of speed, altitude, and engine power.

To simulate environmental conditions for testing full scale satellites and space vehicles from launch to altitudes of 300 miles, Arnold has constructed an environmental chamber with an inside test area 35 feet in diameter and 65 feet high. To create the pressure transients associated with ascent, rapid pumpdown is provided. For simulation of space vacuum and cold temperatures, the chamber is evacuated and the interior walls cryogenically cooled. To simulate the heat input and radiation from the sun, special high-intensity lamps are provided, which approximate the correct energy levels.

Other systems such as re-entry vehicles require the simulation of great speed in a near vacuum. This can be done by gaseous discharges in instrumentd "hot-shot" tunnels. At Arnold, a huge energy storage coil is used to discharge over a million amperes at 20,000 volts into stored nitrogen gas for ten milli-seconds. The temperature and pressure of the nitrogen is raised to 6,750° F and 40,000 pounds per square inch. This blows the nitrogen through a diaphragm along the tunnel, over the model and into a vacuum tank, creating those conditions encountered by bodies re-entering the atmosphere. Although the body is exposed to this enviromnent for only 1/10 of a second, much useful data are produced.

When rocket engines are tested in simulated space environments, the high energy exhaust gases must be vented to outside air. As engines have increased in size, venting problems, due to extreme heat, have become very severe. In 1966 Arnold solved this problem while testing NASA's Saturn S–IV stage, J–2 engine. The engine is now tested in a special 200-foot tall test cell where gases are cooled by spraying water along their entire vent path—half a million gallons per minute!

Not all the work conducted in test facilities is confined to research and development. An untold amount of money has been saved over the years by establishing fixes on operational systems by the use of the systems test models. A good example of this occurred with the Atlas missile.

During several launch attempts, the missiles malfunctioned and were destroyed. Motion pictures of the launches showed that the base structure above the three rocket engine nozzles had burned through, allowing fuel to escape and burn catastrophically. To arrive at a solution, a number of models were tested at Arnold under conditions similar to those that were believed to exist at the time the real Atlas malfunctioned.

Photography revealed a significant phenomenon: a suction effect during firing caused the burning exhaust to be drawn up between the nozzles and to impinge on the missile's base. This apparently caused the burn-through and the resultant fuel leakage.

A minor modification on first the test model and then the real missiles saved the remaining Atlas inventory from a similar fate. It was estimated that the cost of just one "saved" Atlas paid for both the test facility and its use-cost.

An example of a quick-fix affecting human lives, involved the Apollo capsule. When experience showed that nonpredicted re-entry profiles could occur, simulation work was inaugurated at Arnold. It was found that uneven ablation of the re-entry body's surface could happen under certain conditions, resulting in a markedly changed re-entry path. Armed with this knowledge, NASA has taken steps to avoid this. The fix has eliminated a serious obstacle to the Apollo program.

The Arnold Engineering Development Center has been highlighted here because it is perhaps the most versatile and prolific test complex in the free world. During the normal working day tests may range: in speed, from zero to over 20,000 miles per hour; in altitudes, from sea level to over 1000 statute miles; in pressures, from near absolute vacuum to more than 450,000 pounds per square inch; in temperatures, from near absolute zero to more than 12,000F; in rocket engine sizes, from five pounds to 430,000 pounds of thrust; and in model sizes from 1/180 scale to the mammoth, full scale Saturn S–IV B stage.

Aerospace test facilities are not limited to homogeneous environments localized in self-contained units such as wind tunnels. Some take up large sections of real estate and air-space. These are the instrumented ranges, where simulation involves the use of full-scale (or at least large) models under controlled conditions.

The Eglin Gulf Test Range in the Air Proving Center, at Eglin AFB, Fla, is in this category, as are the Air Force Eastern and Western Test Ranges at Patrick AFB, Fla. and Vandenberg AFB, Calif, respectively, and the Air Force Flight Test Center at Edwards AFB, Calif.

Such ranges are replete with radars, telemetry, radios, motion picture cameras, and computerized control centers. They are unusually concerned with keeping track of the location and speed of vehicles at precise times.

An interesting test program uses the Army's White Sands Missile Range in New Mexico. The Air Force launches sub-scale test vehicles from Green River, Utah, into the White Sands Range as part of DoD's Advanced Ballistic Re-Entry System (ABRES) development program. The use of small-scale models gives useful test results without the need for full-scale ICBM launches.

Full scale tests under the ABRES program are conducted by the 6595th Aerospace Test Wing at Vandenberg AFB, on California's Pacific Coast. Experimental re-entry vehicles are launched aboard Atlas boosters down the Western Test Range to a well-instrumented Pacific target area.

The White Sands Missile Range also supports the Air Force Missile Development Center's Central Inertial Guidance Test Facility (CIGTF). The CIGTF has been designated as the Department of Defense agency for performing "standard" verification testing of all inertial navigation equipment prior to procurement. Its tracking radars provide continuous aircraft position information to better than 100 feet for comparison purposes.

Can a new weapon system raise and lower its landing gear at −65°F?—or at +165°F in heavy rain? A climatic hangar at Eglin AFB stimulates extreme cold and extreme humidity at sea level. In the climatic hangar the real system is always used, not a model. This is satisfactory because the deficiencies—and fixes—usually do not involve major system design changes.

One peculiarity of test facilities is that they must be more advanced technologically than the systems they are meant to test. To test systems for tomorow's inventory as well as components, materials, and devices for the day after tomorrow's systems, test facilities must be "better" than anything normally considered "state of the art."

In the 1940s, for example, a Mach 3 wind tunnel was proposed—this at a time before the sound barrier was broached at Mach 1. A Mach 3 tunnel, built in the 1950s, tested Mach 3 supersonic vehicle models of systems proposed for use in the 1960s. We are now in the 1960s and require a Mach 10–20 tunnel for systems of the 1970s—and beyond.

Not only must facilities be ahead of systems in *performance* capability, but they must also be at least an order of magnitude better in *precision*. If, in a certain operating environment, a particular aerodynamic surface is supposed to deflect a certain number of inches plus or minus one thousandth of an inch, then the test apparatus must be able to measure with a precision approaching plus or minus one ten-thousandth of an inch.

Designing and developing such "far-out" facilities is a challenge which occupies some of the best engineering minds in the country. Keeping test facilities "ahead of the game" requires both imagination and an aggressive research and development program. Development of advanced test facilities is probably a harder job than development of advanced weapon systems. The eccentricities of the Mach 20 regime, for instance, must be explored *first* by the facility designers before systems or components for actual Mach 20 use can be examined.

Fortunately, the Air Force enjoys good company in its interest in advanced simulation technology. The facilities operated by its sister services, other governmental agencies (particularly NASA), and by industry are extensive and capable. There is mutual cooperation in the *use* of these facilities.

We in the Air Force are able to test systems in facilities not our own and we open our facilities to many operating agencies. During the last few years at the Arnold Engineering Development Center there have been tests on systems or components belonging to the Army, Navy, NASA, FAA, AEC, the Communications Satellite Corp., the U.S. Weather Bureau, and the National Cancer Institute of the Public Health Service.

The main reason we test in each other's facilities is that every facility is different, with unique capabilities. Some suit a given type of testing better than others. In the Air Force, we can boast of the largest and most capable assembly of *aerospace* test facilities in the Free World.

Since many of our Air Force facilities were designed in the 40s and built in the 50s to test the systems of the 60s, the question arises as to whether they suffice for testing systems of the 70s and components or techniques for systems of the 80s. Can we *now* test as we should? Even more important, will we be able *tomorrow* to test as we must? This is important because facilities are fixed plant items which must be developed, designed, and successfully entered into the Military Construction Program for the appropriate fiscal year. Facility lead time is long, so we must be thinking about new facilities for the 1970s right now.

It is certainly time for vigorous planning in this regard. In a number of ways, current test facilities are becoming obsolete. That impending obsolescence can be categorized in two ways: *performance values* and *new operational modes*.

Concerning performance limitations, let us look at the testing of large, high-thrust turbojet engines required for the C–5 and the supersonic transport (SST). Such engines can be expected to be used more and more in the future. The test facility for large jet engines must be able to probe all the design limits as well as to verify that the engines will operate as prescribed in the normal cruise regime or in many abnormal situations.

So much for theory. In actual cases, new engines are getting bigger and more powerful all the time. It is becoming difficult, sometimes impossible, to operate an engine in a test cell throughout its operational envelope.

Take the TF–39 engine for the C–5 airplane. It is a high-thrust engine employing the high-bypass feature. This means that it has a fan which acts as a gigantic internal propeller, creating an airflow that is enormous, particularly at lower altitudes. No test cell exists in the free world large enough to test the TF–39 through its entire operational envelope. Below 5,000 feet (rising to 11,000 feet at higher airspeeds) the most capable cells (at AEDC) cannot generate the required flow of air.

The cell actually used at Arnold was built in the 1950s for testing ramjet engines. With modifications it has been able to support the C–5 engine, but not completely. The Air Force modified a B–52 bomber by installing one TF–39 in place of two ordinary B–52 engines. The expense of performing such a modification, added to the cost of diverting a B–52 and operating it for test only, would have gone some way toward buying a facility large enough for the TF–39 engine.

Almost our entire "stable" of facilities today is reaching the outer limits of performance capability when used to test our technologically newer systems.

There is also the problem of new operational modes. As time passes, ways of doing things in aerospace change.

Let us look at one example: When most currently operational facilities were designed, little attention was paid to testing in preparation for putting man into space for extended periods. Short periods, yes, but there is a new class of conceptual systems for which time in orbit reaches a month or a number of months.

There is a considerable amount of testing already being done in this regard. In addition to NASA's work in the area, the Air Force Systems Command's Aerospace Medical Division is in the forefront of environmental testing for purposes of man in space. How does prolonged isolation or prolonged inactivity affect humans? Which cabin atmosphere is best? How will weightlessness affect the caridovascular system? How will cabin atmosphere contamination be assimilated. All these questions are being answered by the use of bio-astronautical test facilities. We are in reasonably good shape in these newer test modes, but obsolescence comes fast in current days of progress.

One new operational mode not yet accomodated adequately is VTOL—vertical takeoff and landing. The term is usually applied to an airplane which can cruise like a normal airplane of its type (fighter, bomber, transport) but which can slow to a hover posture and then land and takeoff vertically.

Insofar as VTOL craft act like ordinary airplanes, they can be simulated by models and tested easily in today's facilities. When it comes to the transition regime (from vertical into horizontal flight or vice-versa) we are in trouble. Many wind tunnel features are required simultaneously to do the job right.

VTOL testing requires a large tunnel crosssection to minimize boundary effects (remember; part of the airflow by the vehicle is vertically oriented). Also needed is a moving ground plane to simulate movement forward during transition, and an exhaust scavenger because the engines should be real lift engines for realistic testing.

Right now there is no wind tunnel with all the VTOL-required features. The alternative is to build real systems and to test by flying. This is realistic but very expensive and always imprecise and inadequate. In a tunnel the model can be made to perform in maneuvers that any self-respecting test pilot would abhor in a real airplane.

There is a sort of eternal truth that might be expressed: "By their test facilities shall ye know them."

We have seen how much care will be necessary in the United States to avoid obsolescence. The important corollary question is, how are things in the Soviet Union?

The answer, simply, is that Soviet aerospace test facilities are generally newer than ours; there are more of the newer kinds; many U.S. performance limits are exceeded by Soviet facilities, and the Soviet Union is putting money and people into improving its facility status.

It is easy to fall into a trap in comparing U.S. with Soviet facilities. Both are excellent. The important consideration is, how will we both stand in five years? In ten? If we are not careful we will find ourselves still sitting on the laurels of the 1950's while the Soviets create a facilities complex worthy of the 1970's. The result could easily be a shortened Soviet system lead time with an output of capable, fully-tested, debugged systems.

The United States is still in good shape to act in time to stay ahead in aerospace test facilities. What is needed is a national approach to new facilities, so that all agency requirements are covered with no unnecessary duplication. The Air Force Systems Command is supporting the Aeronautics Panel of the Aeronautics and Astronautics Coordinating Board in developing such an approach. Hopefully, the output will be a national aerospace test facilities plan for the 1970's.

Such a plan must be created because test facilities are truly prerequisites to progress.

OPERATION SHAKEDOWN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. ASHBROOK. Mr. Speaker, Nation's Business, in its September issue, has detailed the fears of many businessmen who are being threatened by extortion. The article, "Operation Shakedown," shows that this severe problem ranges across the country but is usually centered within the slum areas of our major cities.

It is tragic comment on the many attempts to promote not only observance of the law and rights private property but on the many attempts to solve pressing slum problems on the person-to-person level.

There is no question that more harm is done to the slum dweller, Negro or white, by alienating and driving out merchants, than there is money gained through these illegal pressures. A few rebels in the community have created what may be the greatest pocket of fear in a nation where the paramount concern is law and order. This is the pocket of small and medium sized merchants who are literally under the gun.

Some of this problem can be corrected by strict laws and constant enforcement. Much of it must be thwarted by close association, within the problem areas, by merchant and resident.

The seriousness of the situation is graphically detailed in this article that I insert into the RECORD at this point:

OPERATION SHAKEDOWN

In New York, a delicatessen owner was pistol-whipped because he refused to buy a $50 picture of Dr. Martin Luther King to put in his window.

In Chicago, a Southside barbershop was set afire because the owner refused to put up bond money for a neighborhood punk.

In Detroit, a small independent grocer was told to sell his store—"or else."

"Gimme or you burn tonight, baby!" That's the language of the ghetto. But its chilling message is being heard in business districts all over America today.

In small towns, in big towns, the message is the same. Neither businessmen, who are the victims, nor police who are trying to protect them, will tell the whole story. Fear has put the lid on.

It is a new kind of fear for America, the land of brotherhood. It's fear generated from the outbreak of racial strife. Fear of the black strong-armed hoodlum who orders the local merchant to pay up "or else."

A nationwide survey by Nation's Business editors found that apprehension, anxiety and fear run deep in the commercial community of the country.

"Scare Whitey . . . and you've got it made."

And, scared he is.

It reaches a peak for the white merchant in a ghetto area.

He fears being burned out, fears bodily harm, fears a bomb in the car, fears for the wife and kids.

He fears that the courts are too lenient, and he fears he can't get insured again.

Even outside the ghetto sections, businessmen are anxious, Negro as well as white.

"I think the most pressing problem, not only with the businessman, with the employee, with everybody, is that everybody I hear about is scared.

"This isn't the America we know and not the America we want to leave to our children."

This statement, on the condition that his name and type of business not be used by Nation's Business, was made by a jittery Washington merchant whose small shop is within a few blocks of the White House.

Shakedowns were so prevalent in the nation's capital, Congress several months ago sped through a new extortion law for the District.

The menacing presence of violence makes many a merchant an ideal target for shakedown artists. Obviously all sorts of extortion still exist as they have for centuries. But the extortionist who trades on racial violence today is typically a black hoodlum who is selling a picture of Rev. Dr. Martin Luther King, a hastily scrawled blotting of "Soul Brother" or the simple sign, "Friend." Respectable Negroes and supporters of civil rights causes are resentful and hurt by the shakedown activities. Sometimes the shakedown is blunt. Sometimes it is subtle.

Listen to the experiences of one big city store owner.

HOW THEY WORK

"We received threats and we also received requests," he told Nation's Business.

"I was standing in the doorway of my store one day and these two Negro males walked up to the door and said, 'Are you the manager?'

"I said, 'Yes,' and the darker-skinned one says:

"Well, would you like to buy some protection?"

"I said, 'What kind of protection do I need?' "

"He said, 'The plywood could be kicked in and your store could burn.' "

The owner was braver than some. He immediately called the police and the shakedown artists left.

This was not the only instance.

"Two Negroes, one female and one male, came in and wanted me to give a donation to SNCC, the Student Non-violent Coordinating Committee, and I said I felt I shouldn't give a donation to an organization that I felt destroyed my store."

"They left in a huff," the merchant said.

"Another time," he said, "a youngster came around selling pictures of Martin Luther King at $1.25 a picture, 10 for $10, and would I be interested. I said, 'No, we don't sell any picture in the store,' and he said, 'Well, I think it would be a good idea if you bought them.' "

When the merchant again declined, the youth fondled a brown manila folder and fled the store, shouting obscenities as he left.

On still another occasion a young girl demanded a donation for a local project.

When the merchant, unique in his bravado, again refused, she declared:

"This ——— place is going to burn, too."

NEEDED: PROTECTION

Sen. Robert Byrd of West Virginia has extracted "confidential" testimony from dozens of frightened merchants. Here are samples of what worries them, revealed to Nation's Business:

Mr. A: "Lack of police protection, and the lack and utter disrespect for law and order."

Mr. B: "I think the most pressing problem, not only with the businessman, (but) with the employee, (is) I am scared and everybody is scared. We have a country of fear."

Mr. C: "I find if I had to go to work now, mentally I just can't do it. I am not up to it."

Mr. D: "The most serious thing is we can not get help. The next most serious problem is fear."

Mr. E: "Protection, it is the main thing we need today. Any businessman needs protection against the hoodlums on the street."

Mr. F: "My immediate problem at this moment would be the need for protection . . . so that I can operate my business and give the necessary feeling of security to all of my employees."

Mrs. G: "The fact that I have no protection, no police protection, no protection at all. I feel no security in my business."

Mrs. H: "You have no protection here. If they [the police] tried to protect you, they are not given backing from anyone."

Mr. I: "The police seem to be handcuffed."

Mr. J: "The hoodlums in the streets . . . come into the stores and demand merchandise without money. They come in in groups using threatening language, very abusive language, such as, 'I'll bust your mouth.' "

Mr. K: "I feel that the government has failed in its obligations to its citizens."

Mr. L: "The most important problem we have right now is the problem of controlling the youths who harass our business."

All, under prodding, conceded that they had received threats to sell out, pay extortion—or "burn baby, burn."

They said they received phone calls from "all kinds of groups" including the Student Non-violent Coordinating Committee (SNCC), Congress on Racial Equality (CORE), the NAACP and other organizations.

"I am a member of the NAACP," a white store owner told Nation's Business. "I had to be—or else."

"What do you mean by that?" he was asked.

"Well, to be in good with them. I am in the neighborhood and they expect everyone in the neighborhood to belong."

This merchant also claims he pays for "protection."

Dudley Williams, executive secretary of the NAACP's Washington branch, declared, "We just don't go around intimidating people to join the NAACP. Membership is a voluntary thing."

He added that there have been reports that gangs have been "literally frightening to death" merchants but emphasized that the reported shakedown attempts were in no way connected with the NAACP.

CORE's community relations director, Kermit J. Scott, told Nation's Business: "We don't solicit in that fashion and we certainly aren't shaking down anybody. I recommend that any businessman approached in that manner contact me and CORE will check out the solicitor at our expense."

Efforts to contact SNCC officials were unsuccessful.

Even threats and the cost of protection money don't scare the die-hard merchants away.

CHICAGO'S BLACKSTONE RANGERS

The Blackstone Rangers gang provides a classic case.

Reports of an expanded extortion racket against small merchants by members of the Blackstone Rangers first came to the attention of Chicago police a day after the April 6 and 7 riots in the wake of the assassination of Rev. Dr. Martin Luther King.

Police said they learned that the protection racket was organized by top gang leaders who used the disorders to charge higher fees and recruit additional merchants.

Frightened businessmen reportedly paid up to $100 for a hastily lettered sign from the gang warning looters that the premises were protected by the gang's "top 21," its ruling echelon.

The placards in the store windows read: Do Not touch—Black P. Stones—Jeff." According to police sources, the name Jeff apparently refers to Jeffrey Fort, 20, a leader of the Rangers. P is for power and "Stones" is shortened name for the gang.

One policeman, assigned to the Grand Crossing district, a hotbed of the extortion racket, said that he saw a check in the amount of $50 which had been written by a merchant and made payable to the Blackstone Rangers.

The merchant reportedly told the policeman that the merchants don't complain to police for fear of having their shops burned out. A grand jury action to get panicky merchants to testify on the record about extortionists is now contemplated by Chicago officials.

Leaders of two Southside businessmen's organizations reported that they know a number of merchants who were solicited for protection money after the riots.

Marshall Stern, president of the Woodlawn Businessmen's Association, says the merchants told him that the extortionists identified themselves as members of the Blackstone Rangers.

"I believe it was whatever the traffic would bear," he replied, when asked about the size of the payoff.

Two new developments have solidified earlier police reports of the extortion racket among gangs in Chicago.

Police recently charged Allen Randolph, 19, with extorting $25 from Ira Cohn, owner of a clothing store in the Southside Negro community. Mr. Cohn told police he gave the money, in marked bills, to young Randolph after a man, identified as George Walker, told Cohn to "kick in" toward making bail money for David Barksdale, leader of the notorious Disciples. Barksdale, however, was not in jail.

When young Randolph walked into Mr. Cohn's store and reportedly asked for the "package" for Mr. Walker, he was arrested by detectives.

On the same day, Perry Green, owner of a Southside Chicago barbershop, signed a complaint against a man known as George Walker, who told him Barksdale was in jail and that he was expected to kick in for bail. Mr. Green refused.

His business was almost burned down two nights later when someone placed a flaming gasoline can at his front door.

Sen. John L. McClellan's permanent investigations subcommittee held hearings on the activities of the Blackstone Rangers gang and their support by the federal antipoverty office this summer. During the hearings the subcommittee received hundreds of letters from businessmen from all over the country complaining about shakedowns.

NEGRO MERCHANTS SUFFER, TOO

Certainly white merchants are not the sole target of extortionists and burners. Some black merchants have also suffered.

The owner of a burned-out, three-store appliance chain corroborated the letters with this typical story. He told Nation's Business:

"These two Negroes walked into my store and ordered $7 or $8 of merchandise and put it in the bag—and you know that expression—they started out with the bag. I tried to stop them and I never heard such obscenity in my life.

"If you get the police on these kids, they get so mean it makes it worse yet."

A fund-raising program initiated last winter by one of the most respected of the civil rights organizations stirred concern in at least one small southern city.

Letters and personal visits to businessmen solicited contributions to a local branch of the National Association for the Advanced of Colored People.

The letters to businessmen complained that "neglect and indifference are the basic factors which contribute to the years of suppression and oppression suffered by the minority groups of this country."

The letters proposed the funding of a "Community Service Center to assist minority groups in finding solutions to problems due to unemployment, illness, housing, old age, basic education, food and clothing." Contributions of $100 per businessman were suggested.

When the local Kiwanis Club was solicited, discussion by members brought out that a number of business leaders had contributed their $100. The treasurer of the club explained that there was no money in the club budget for such contributions and that the stated needs already were being met by public and private agencies.

During the discussion, one businessman who owns a lumberyard said he had already contributed. When asked why, he replied, "Have you ever seen a lumberyard burn?"

Soon after the Kiwanis meeting, and his recommendation that the club reject the solicitation, the treasurer got a personal letter from the NAACP branch urging a contribution. He was the only banking official in town to receive such a letter.

He was particularly irritated at this implied pressure because his bank already makes special low-interest, long-term mortgage loans to Negroes in the area.

His resentment and concern was multiplied among businessmen elsewhere in the city.

Though the NAACP may well have intended no coercion or pressure in its fundraising, in these troubled times many of the local businessmen read into it an implied threat.

In Detroit, Edward Deeb, executive director of the Association of Food Dealers of Greater Detroit, told Nation's Business:

"I receive many calls from merchants in the inner city area telling of harassments and threats. Some of them say they are warned that if they don't sell out, they'll be burned down. In some cases, they are trying to force the owners to sell and even give names of people who are ready to move in and buy them out."

"And," he added, "they usually quote a price ridiculously low."

Another brand of harassment faced Washington's Statler-Hilton Hotel last June as the nation's capital braced for the Poor People's Campaign. The Rev. A. D. King, brother of the slain civil rights leader, was miffed at the Statler's refusal to serve him in its dressy steak house because he was clad in jeans and a tee shirt. Mr. King tore off to nearby Resurrection City and returned with a busload of disheveled Poor People campaigners, minutes before the restaurant was about to close for the night.

They demanded to be served. Hotel officials reopened the restaurant and served 92 steaks. The bill for food and drinks came to $500. Mr. King argued over the bill, declaring that he would only pay $200.

Hotel officials called the police. District Safety Director Patrick Murphy personally showed up along with Justice Department officials. These top-level officials reportedly advised the hotel management to take the $200 and avoid triggering a crisis.

Rochester, N.Y., businessmen are feeling different forms of pressure exerted in the name of more employment for Negroes. This is happening despite the fact some businessmen at their own expense are training young Negroes for jobs.

For example, groups of 25 or 30 will enter a restaurant at the peak serving hour and order an inexpensive item. They eat slowly and tie up the tables. When they pay the check they all pay in pennies.

In several Rochester department stores similar groups will invade the shoe department and start ordering pair after pair of shoes. Legitimate customers must wait. This goes on for an hour or more without a purchase being made.

Still another form of pressure involves the churches in a kind of secondary boycott to force them to hire more Negro employees.

Many Detroit businessmen have been called upon to fill out questionnaires indicating how many Negroes they employ. One questionnaire form has this message:

". . . church institutions will evaluate their suppliers on their policy and practice of equal employment opportunity and will favor those suppliers which practice equal employment opportunity."

IN LOS ANGELES

Officials in Los Angeles say there is now no organized drive by black militants to extort money from white and Negro merchants for protection against property damage and injury during flare-ups of racial violence. But, like other reluctant authorities, they concede that there have been "isolated" cases of attempts by Negroes to cash in on the violence. Lt. George H. Yocham, of the Los Angeles Police Intelligence Unit, calls them "opportunists trying to make a couple of quick bucks.

"There is no pattern to this activity. After the Watts riot in 1965, we had a couple of guys make one quick tour through the area, soliciting merchants whose businesses were still intact.

"They offered protection for these people in case of future disturbances. Some of the merchants paid $20 or $50 to these guys. Some asked to consider the offer. Some called police.

"The extortionists never came back. They had no intention of burning down stores. They were just taking advantage of an existing situation."

Los Angeles was noted for its calmness in the wake of Dr. King's death, thanks to an intensive "keep cool" campaign by Negroes and whites. Still, there were instances of Negroes threatening to burn down stores because of individual disputes with merchants over trivialities—refusal to cash a check or sell liquor to intoxicated customers, accordingto Lt. Yocham.

Other Los Angeles officials, however, believe there is an extortion tie behind telephone calls made by some Negro organizations to merchants for donations to honor the memory of Dr. King. The appeals were made on the premise that "something must be done to put a halt to property destruction during racial troubles."

In New York City, a shopkeeper told Nation's Business, they have a grisly slogan involving uncooperative merchants:

"Only burn one a day to keep the troops away."

ON STATE TAXATION OF NATIONAL BANKS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. PODELL. Mr. Speaker, at its recent term, the U.S. Supreme Court held that, under section 41 of the National Bank Act (12 U.S.C. 548), a State may not impose a sales or use tax on the sale of taxable personal property to a national bank for its own use. In order to protect State and local revenue resources, I have introduced H.R. 19031, which amends section 41 of the National Bank Act so that they would be subject to nondiscriminatory State and local sales and use taxes to the same extent as other commercial enterprises.

I have written to Hon. WRIGHT PATMAN, chairman of the Committee on Banking and Currency, urging favorable action by the committee on H.R. 19031. In my letter to Chairman PATMAN, I set forth the consequences of the Supreme Court decision on revenues for the State of New York and the city of New York. I especially commend this letter to all our colleagues, because the revenues of other States and localities will be similarly affected.

The text of my letter to Chairman PATMAN follows:

DEAR MR. CHAIRMAN: As you know, at its recent term, the United States Supreme Court, in Agricultural Bank v. Tax Commission (36 L. W. 4686), held that under Section 41 of the National Bank Act (12 U.S.C. 548), a State may not impose a sales or use tax on the sale of taxable personal property to a National Bank for its own use.

In order to avoid the serious consequences of this decision upon State and local revenues, I have introduced the bill referred to above, which amends Section 41 of the National Bank Act so that National Banks would be subject to nondiscriminatory State and local sales and use taxes to the same extent as other commercial enterprises.

The serious consequences of this Supreme Court decision are clearly demonstrable. For example, we have been informed by Hon. Arthur Levitt, Comptroller of the State of New York, that the annual loss in State and local sales and use tax revenue from exempting National and State Banks on such purchases would be in the neighborhood of $5 million. About two-fifths of this loss would be attributable to the exemption of National banks and about three-fifths to the exemption of State banks. In addition to the annual loss of revenue, Comptroller Levitt estimates that National and State banks will be entitled to refunds of some $8 to $12 million on past purchases.

The exemption of State banks from sales and use taxes is a direct consequence of the Supreme Court decision exempting National banks from such taxes. This follows from Article 16, Section 4, of the New York State Constitution, which provides as follows:

"Where the state has power to tax corporations under the laws of the United States there shall be no discrimination in the rates and method of taxation between such corporations and other corporations exercising similar functions and engaged in similar business within the state."

We have further been informed by Hon. Mario A. Procaccino, Comptroller of the City of New York, that the City's share of the State revenue loss will amount to $1,750,000. In addition, the City may be obliged to refund substantial amounts of City taxes collected from National and State banks for years antedating State collection of sales and use taxes.

Moreover, like ripples in a stream, the Supreme Court decision has consequences beyond sales and use taxes. Comptroller Procaccino has informed us that the City of New York has received claims for refunds on the annual municipal vault charge and from a National Bank on the City's Commercial Rent Tax. Total annual loss of municipal revenues from exemption of National and State banks as a result of their exemption from vault charges and the Commercial Rent Tax, or the total amount of refunds to which the city would be obligated, have not been estimated.

Other State and Local governments are faced with similar problems of revenue losses and refunds. There can be no justification for exempting National Banks from non-discriminatory State and Local taxes and thereby shifting the burdens of State and Local government costs on individuals and other business and commercial enterprises.

H.R. 19031 is designed to rectify this inequity. I respectfully request that you bring this bill to the attention of the members of the Committee on Banking and Currency and trust that the Committee will clear the way for House action on my proposal. Enactment of this bill is essential to prevent erosion of State and local revenue resources.

Sincerely,

BERTRAM L. PODELL,
Member of Congress.

CO-OPS AND THE DEVELOPING WORLD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. FRASER. Mr. Speaker, I wish to make a brief statement regarding the work being done by U.S. cooperatives in partnership with the Agency for International Development to help the people in the developing countries to improve their agricultural and food production and to raise their living standards.

These self-help achievements are of particular interest to me because they show that we can further the aims of title IX of the Foreign Assistance Act and because Minnesota leads the Nation in the number of cooperatives and in cooperative membership. Among the several thousand cooperatives are large regional associations serving many States, including two farmer-owned associations—Land O' Lakes Creameries and Farmers Union Central Exchange—that are listed among the 500 largest U.S. corporations.

I would add parenthetically that Vice President HUMPHREY, as a Senator from Minnesota, gave leadership to encouraging the use of these valuable tools of democratic development by AID, in an amendment to our Foreign Assistance Act of 1961, which provides in part:

> It is declared to be the policy of the United States . . . to encourage the development and use of cooperatives, credit unions and savings and loan associations. . . .

In the 7 years since, cooperatives have contributed money, manpower, and technical assistance to AID's efforts to develop people-owned enterprises overseas.

I insert in the RECORD, at the end of my remarks, the excellent statements made by Agriculture Secretary Orville Freeman and AID Administrator William S. Gaud, and a news article titled "U.S. Co-op Know-How Moves Overseas," prepared by the U.S. Agriculture Department in connection with its support of Cooperative Month in the United States next October:

STATEMENT OF ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE

Cooperatives are bright spots of hope on our rural landscape.

Within them new farm and community leadership is born. From them radiate challenging opportunities for rural workers. Around them grow added business for rural communities. And inside them develops increased income for farmers and other rural families.

Cooperatives are training centers for the quality of leadership we must have today. They help rural people build confidence in their abilities to do things on their own. They provide a stimulus to thinking and learning about the broader world we live in.

As productive rural industries, cooperatives hold needed talent in our rural communities because of income they provide members and salaries for the several hundred thousand jobs they open up. This is vital if we are to maintain a rural-urban balance.

Because they are locally owned, cooperatives' money does not flow out from the home community. Instead it moves back into the hands of many members and employees. In turn they move it on to home town businesses.

The cooperative business itself puts money into the community. It builds plants, has offices, buys supplies and services, pays taxes, and spends for other community needs.

Cooperatives are bright spots in rural areas because they wholeheartedly represent farmers and other rural people as they seek fair returns for their labor and investments.

Without cooperatives to bargain and do business for them, farmers would be far worse off today. Without the added heft cooperatives bring, the family farmer would be in far worse position to compete with the ever larger enterprises he confronts.

Thus, in thousands of our rural communities, cooperatives are a very real force for human and economic progress.

And the promise and fulfillment of rural cooperatives as rural community builders—the focus for Co-op Month 1968—points the way for those in urban communities with common needs, hopes and purposes.

These rural-owned cooperatives transform the weakness of a few into the strength of many.

STATEMENT OF WILLIAM S. GAUD, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT

For the past seven years the Agency for International Development has been engaged in a unique partnership with U.S. cooperatives in building and strengthening cooperative institutions in developing countries. Together, we have worked in 53 countries on a variety of development programs ranging from small rural credit unions in Peru to a $120 million cooperative fertilizer plant in India.

In 12 Latin American countries, 2,500 credit unions have been established serving 700,000 members with over $52 million saved by the members.

In Uganda 60 percent of the production of cotton and coffee is now processed and marketed through farmer cooperatives.

In Ecuador 2,800 farm families are being provided with light and power through their own rural electric cooperatives.

In Panama, 1,000 farm families are improving their housing and living conditions and achieving the security of home ownership through the self-help cooperative housing program.

In other developing countries cooperative programs are well under way in agricultural production and marketing, savings and loans, housing, insurance and banking.

On this 7th anniversary of our partnership, we in A.I.D. commend the U.S. cooperatives for their contribution toward building a better world community.

U.S. CO-OP KNOW-HOW MOVES OVERSEAS

Farmer cooperatives with over $1 billion in assets and $15.6 billion in annual business are in partnership with the U.S. Government to help boost farm production and farm income in overseas countries.

They're taking know-how and manpower to the grassroots. They're now showing people in a score of developing countries how to set up and run their own businesses.

Many other types of cooperatives as well as farmer organizations have had a unique partnership with the Agency for International Development (A.I.D.) for seven years. Together with A.I.D., they have been in 53 countries to help build and strengthen cooperative institutions.

Their activities have ranged from rural training centers and credit unions, handicraft and cottage industries, to the multimillion dollar agricultural credit and marketing programs. Now a group is topping it off with a $120 million fertilizer cooperative to be owned by farmers in India.

These cooperative business ventures open up new horizons and new challenges for U.S. cooperatives. Most organizations can draw on their own experiences as small, local farmers' enterprises in the depression years of the 1930's.

Their growth since illustrates their value to farmers who depend on them to market their commodities and furnish them with farm supplies. Five of them, Agway Inc., Syracuse, N.Y., Cotton Producers Association, Atlanta, Ga., Farmland Industries, Kansas City, Mo., Farmers Union Central Exchange, South St. Paul, Minn., and Land O'Lakes Creameries Inc., Minneapolis, Minn., are among the 500 largest U.S. corporations.

Exclusive of the technical assistance and manpower contributions of U.S. cooperatives, the U.S. Government invested $8.5 million last year in cooperative development overseas. Measured by results, however, it reveals the low cost and efficiency of cooperative programs. Over 400 technicians were on the job.

Results of Assistance.—In partnership with U.S. cooperatives, A.I.D. has had a sustained record of cooperative assistance. Here are some examples of results of this work:

In India, U.S. cooperative assistance has set up pilot oilseed crushing cooperatives, with more under construction. When some firms declined to sell the new "miracle" seeds, U.S. cooperative technicians helped Indian farmers set up their own distribution system, special seed plots. This expanded both production and distribution of "miracle" seeds. Results were so successful that many firms other than cooperatives are now selling seed.

In the meantime a group of regional U.S. cooperatives have pledged $1 million and their know-how, and organized Cooperative Fertilizers International to help the Indian cooperatives build a $119 million nitrogen fertilizer plant. The project, which involves

A.I.D., the Indian Government, a privately financed loan of over $50 million, and the Indian cooperatives now awaits the go-ahead of the Indian Government.

It is the largest international business transaction that cooperatives have yet undertaken. It could be a pace-setter for other ventures. Present plans call for building the cooperative at the port city of Kandla, in the Gulf of Kutch in northwest India. Construction is expected to begin in 1969, with completion targeted for 1971.

In 12 Latin American countries 2,500 credit unions have 700,000 families many from among the poorest in the slums. They have saved nearly $60 million and get credit at reasonable interest rates through these organizations.

Rural electric cooperatives "light the way and give power and new life" to whole communities in Ecuador, Nicaragua, Colombia, Costa Rica, and even Vietnam.

In Uganda, a half-million farmers move 60 percent of the country's coffee and cotton crops through cooperatives. The U.S. is also helping them organize cooperatives for dairy and livestock and minor crops.

Farmers from Peru, Chile, Bolivia, and Venezuela, as well as young cooperative leaders from Africa have been brought to the U.S. Here they live with farm families and learn about family farming under special cooperative supervision.

In a half-dozen countries in Latin America and Africa, fishermen are making bigger catches and consumers are getting better fish because cooperatives have improved fishing, grading, storage and distribution.

In nine Latin American countries, a half-million families have put $185 million in their savings and loan associations. This has made 21,000 home improvements and 62,000 new dwellings possible.

Self-help cooperative housing programs, some of them rural, are improving homes or putting up new ones in Panama, Colombia, Honduras, and Chile.

In Brazil a multitude of cooperative projects, some with the help of A.I.D., and others by private groups, are starting multipurpose centers in the poorest communities in the Northeast, providing loans for new housing and grub-staking homesteaders through PL 480 commodities distributed cooperatively.

Under an A.I.D. agreement, Farmer Cooperative Service (FCS, USDA, has 3 employees working with Brazilian Government and cooperatives. They have helped establish a new training center for cooperatives at Campinas, have provided other training, and given direct assistance to emerging cooperatives. FCS is doing similar training and educational work in Colombia and Paraguay.

Many other countries—Thailand, Nepal, the Philippines, Korea, Pakistan, India—have cooperative-type programs in agricultural production and marketing, training and education, housing, credit, insurance and banking.

In addition to A.I.D.'s program, the Peace Corps, frequently working with U.S. cooperative groups, has helped start many hundreds of farmers' associations and cooperatives.

In recent years the voluntary relief agencies have also been making a vigorous effort at establishing permanent people-owned enterprises.

U.S. cooperatives are not alone in the field. From Europe come the Scandinavian groups, Swiss, German, French and English cooperative technicians. Israel, the Philippines, Korea, India are able to furnish capable specialists.

Need Increasing for Co-op Help.—The need for cooperatives overseas is greater now than ever before. The new demand for people's enterprises rests in part on the demand of farmers. A breakthrough in the revolution in the world agriculture finally seems to have taken place. Record crops are being produced in a growing number of developing countries.

To maintain the Green Revolution, the world's farmers must have more than just words of encouragement to sustain high production.

There must be heavy inputs of fertilizers—which can be produced and distributed cooperatively, there must be storage and marketing facilities to assure reasonable and stable prices—which can be done effectively cooperatively, there must be improved farm supplies and machinery, and insecticides and chemicals to protect crops and harvests from insects and rodents.

Over and above this, there must be sustained technical help to train local farm experts and extension workers to reproduce or develop new strains of "miracle" seeds.

And farmers need help, not only to cope with the problems that accompany necessary new techniques, but with the economics of marketing. Here again, the simplest and most direct approach is through cooperatives, which involve the whole community.

By the measure of what is needed, the actual achievements are admittedly minuscule, but they point the way. A quarter of a century has made a tremendous difference in the size, importance and net worth of U.S. cooperatives, but the developing countries cannot wait that long.

These are some of the reasons why A.I.D. is taking a second look at the potential resources of U.S. cooperatives to involve people in useful enterprises and open up the private sector to new development.

CONGRESSMAN JOHN A. BLATNIK: OTHERS KNOW OF HIS INFLUENCE—A SOLID RECORD OF ACHIEVEMENT

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. KARTH. Mr. Speaker, one of the outstanding editors and publishers in Minnesota is Veda Ponikvar, of the Chisholm Free Press. One of her recent editorials reflects some of the accomplishments of Minnesota's dean of the delegation, Representative JOHN A. BLATNIK. This well-written editorial deserves the attention of all of us.

[From the Chisholm (Minn.) Free Press, Aug. 5, 1968]

OTHERS KNOW OF HIS INFLUENCE—A SOLID RECORD OF ACHIEVEMENT

Recently, a man from Wisconsin, now retired, travelled three thousand miles in an encirclement of the east and midwest states; then came to Chisholm for two purposes. He wanted to visit the Minnesota Museum of Mining; and he wanted to visit with the town folks and the area citizens about a statesman.

A TOURIST VISITS WITH CITIZENS

This tourist and visitor does not vote in our state, but he was a virtual reservoir of factual statistics and information regarding Chisholm's Congressman Blatnik. In visiting with the citizenry, he spoke in glowing terms of this senior legislator and nationally acclaimed government leader and law maker. He came as a voluntary, good will ambassador, because he had heard in the hinterland that some people thought Congressman Blatnik "hadn't done anything."

MAY BE SPEAKER OF HOUSE

Next Tuesday, September 10, the voters of the Eighth Congressional District will have an opportunity to voice their approval; reemphasize their faith in a fellow citizen who has dedicated 27 years of continuous service to building and strengthening this area and this nation.

The Eighth district, and especially the Iron Range, can look with justifiable pride on a leader who is strongly being considered for the position of Speaker of the House. The title has prestige and honor, but aside from that, it will only mean longer, harder, more gruelling hours of work and knowledge of parliamentary procedures. These qualities the Congressman has in rich reserve. His vision and determination to help all creeds, all tongues, all facets of our society, reveal the human kindness and understanding of a man who knows the pangs of poverty, the heartache of war; the responsibilities of an educator; the hopes and fears of the unemployed; the burdens of taxation; the dreams of peace, understanding, and an abundant life for all.

RECORD OF MERIT

What is his record? It is one of solid achievement; solid as iron ore of the Mesabi Range; strengthened with the sinews of human endeavor. There will always be those who will question the wisdom of the passage of the Taconite Amendment, but no one can deny that year round employment is not better than the four and six month stints and the compensation rolls. As the State Senator in 1941, Congressman Blatnik was the original author of the Minnesota Taconite Tax Law. With Professor Ed Davis, he tackled the challenge of making iron ore available on a long term basis. This revolutionary, technological breakthrough in the processing of iron ore in the Forties has blossomed into nearly One Half Billion Dollar investment and thousands of jobs for Minnesotans. Allied industries have developed into satellite production payrolls that spell better communities, new industrial parks, and a new dimension of brain power and social and cultural enrichment.

RIBBONS STRETCH FAR AND WIDE

The 20 year record in Congress stretches like a galaxy across this state and nation. When others were afraid to speak, he pioneered the investigations into the harm of cigarette smoking. He was co-author and leader in the sleeping dream of the St. Lawrence Seaway. His perseverance resulted in the passage of the bill and the sea lanes of the world were opened to our port of Duluth. Federal aid highway funds in the Eighth district alone total $145 Million. He not only has helped to blueprint and bring into the reality the world's largest network of highways, but he has insisted that all of the safety measures and precautions be implemented. His efforts and his acumen have given to the Range the Hibbing four-lane beltline; the Chisholm-Hibbing Pillsbury scenic and four-lane ribbon; the Eveleth-Duluth construction; the Eveleth-Virginia four lane beltline; the Duluth-Two Harbors four lane; and the Grand Portage-Grand Marais North Shore Highway. The Eighth Congressional District has the longest completed continuous stretch of Interstate Highway in the entire state of Minnesota.

EVERY COMMUNITY BENEFITED

The Congressman was the original House co-author of the Area Redevelopment Administration bill that has completed 150 projects in 35 communities at an investment of $7,700,000. He is the author of the Accelerated Public Works Program that completed 175 projects in 38 communities, and in the Eighth District provided more than 3,000 new jobs. Every community across the Iron Range benefited, with Chisholm gaining a modern new water system.

WISDOM LEGISLATION

The Economic Development Act was another "wisdom" piece of legislation that gave 22 of our communities benefits totaling over $13 million. A $210,000 grant to Chisholm made possible a new sewer system and a similar story is repeated in city after city.

THE REAL LANDMARKS

His forward work in the areas of Water Pollution, Job Training, Medicare, Senior Citizen Housing, Urban Renewal, Education, OEO, Agriculture, REA, are the real landmarks of his devotion and concern for his people.

RESPECTED AND ESTEEMED

Few men in Congress have earned the respect and esteem that is commanded from people of both political parties by this Iron Ranger whose snow-shoe league feet cover thousands of miles to help the Indian, the miner, the small businessman, the school teacher, the student, the aged, the sick, the handicapped and retarded . . . and whose voice is listened to by men of government, labor, industry . . . and a retired senior citizen who came from Wisconsin to just remind us about "our outstanding citizen and statesman."

NOT ALL ARE IN REVOLT

HON. JAMES V. SMITH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. SMITH of Oklahoma. Mr. Speaker, with September comes the opening of colleges and universities and many of us are concerned with the possibilities of new student riots on campus.

It is unfortunate that the young people who want nothing more than to be left alone to pursue their studies are unable to find this desired quiet and peace on some campuses.

As for the others, those who disturb classes with their rebellion, I wish each might read an editorial which appeared in the Sunday Oklahoman of Oklahoma City, Okla., on September 8.

In order that my colleagues may benefit from this fine article, I include it at this point in the RECORD:

RED EXPLOITATION OF STUDENTS

This autumn's influx of returning college students occasions published forebodings concerning a possible recurrence of campus violence on a scale greater than last year's.

The campus radicals represent only a minority of the nation's millions of college students. But the minority's ability to accomplish mischief altogether disproportionate to its numbers was demonstrated only recently at Chicago.

Director J. Edgar Hoover of the Federal Bureau of Investigation discusses the subject in the September issue of the FBI Bulletin. He says the extremists "openly avow that their aim is to overthrow the existing order." He says they profess to want a dialog under the guise of academic freedom "when actually what they seek is a confrontation with established authority to provoke disorder."

He cites the Students for a Democratic Society as the organization providing the "main thrust of the New Left movement," and says many of its members and some of its national leaders "openly profess their faith in Communist concepts and their determination to 'restructure' our society." He quotes a spokesman for the New Left as having said that if perhaps 25 universities could be linked to the movement, it would be too much for the police "and we would get what we demand."

Incredible in the light of the undisguised conspiratorial nature of the violence sweeping the campuses is the present lachrymose soul-searching about the causes for the "revolt of the young people."

It ought to be recognized in the first place that most of the nation's young people aren't in revolt and want nothing more than to be left alone to pursue their studies. Those who do become involved in violence certainly ought to know by now that they are carrying water for the Communists, and their continued membership in such radical organizations as the Students for a Democratic Society attests their readiness to be considered fellow travelers.

The Communist origin of much of the trouble on the campuses antedates even the Berkeley commotions of 1964 and 1965. A California legislative committee reported in June, 1965, that laxness on the part of then President Clark Kerr of the University of California had "let a minority of Communist leaders" take command of the student uprisings there.

Communist master-minding of the recent disorders at Chicago was disclosed six months ago in testimony Hoover gave to a House appropriations subcommittee. The individuals pulling the strings in many of these instances aren't students at all, but middle-aged revolutionaries, some of whom are avowed Communists.

The purpose of these revolutionaries is to provoke violent confrontations with established authority. Singularly myopic in the circumstances are the suggestions that a greater readiness by the authorities to "negotiate" grievances would avoid violence.

What the justice department ought to be explaining is why these middle-aged revolutionaries are being allowed to roam the country, fomenting violence and causing impressionable young people to knock heads with the authorities. Congress recently enacted a law making it a federal offense to cross state lines for purposes of inciting riots. Why isn't this law being enforced?

JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. EILBERG. Mr. Speaker, for 3 years now, agricultural workers have been engaged in a bitter strike against table grape growers in California.

Unfortunately, that battle has been reminiscent of labor organizations battles of the early decades of the 20th century, before Congress took a hand in the situation and made it a matter of law that workers had the right to organize and employers had the obligation to negotiate with the employee organizations.

But in the 33 years that have passed since the original passage of the Wagner Act by the 73d Congress farm laborers who were exempted from that act as a matter of expediency have remained exempt from the National Labor Relations Act.

To a degree, the Congress must assume its responsibility to failure to act on legislation to include the farmworkers—in certain cases—as employees under the terms of the NIRA.

Presently, the House has pending before it H.R. 16014, which was reported out by the Committee on Education and Labor. The principal effects of H.R. 16014 would be, in the committee's own words:

1. The question of whether the farm employer would have to bargain with a union would be determined not by a test of raw economic strength and pressure but by a democratic vote of his employes.
2. Both the employer and the union would be prohibited from engaging in "unfair labor practices."

H.R. 16014, as proposed, would affect about 30,000 farms in the Nation roughly nine-tenths of 1 percent of all of the Nations 3.2 million farms.

Exempted from H.R. 16014 would be all farms which did not employ 12 or more persons during the previous year and whose labor costs for the previous year were less than $10,000.

It is obvious to me as it must be to most people that there will never be an amicable settlement to the dispute in the grape fields of California until Congress makes it mandatory under law that growers recognize the freely chosen organizations of the agricultural workers.

I urge that the House give speedy action to this problem. It does not involve a single expenditure of the Government. It merely emancipates a modern serfdom which should not exist in a free nation.

Many people of good will have interested themselves in this problem. As an example, I offer to my colleagues a resolution passed recently by the Jewish Community Relations Council of Greater Philadelphia, composed of elected representatives of hundreds of organizations in my home city:

JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER PHILADELPHIA—STATEMENT ON THE STRIKE OF MEXICAN-AMERICAN FARM WORKERS AGAINST CALIFORNIA GROWERS OF TABLE GRAPES, ADOPTED BY JCRC EXECUTIVE COMMITTEE, AUGUST 30, 1968

As an agency struggling for 30 years for equal opportunity, equal rights, equal justice for all groups, the Jewish Community Relations Council of Greater Philadelphia cannot fail to respond to the repressive measures being taken against Mexican-Americans in the United Farm Workers Organization Committee as they seek to exercise their rights by peaceful and non-violent methods.

We view this struggle as part of the larger problem of poverty amidst affluence in America. Migratory and seasonal farm workers constitute a very substantial proportion of poverty stricken Americans.

Denied the legal right under the National Labor Relations Act to bargain collectively, Mexican-American farm workers have been carrying on a historic and courageous struggle for 3 years against the grape-growing corporations in California for the right to organize and bargain collectively with their employers.

Led by one of their own, Cesar Chavez, an advocate of non-violent resistance, they have won recognition of the United Farm Workers Organization Committee as the sole bargaining agent for its workers from the grape growers for the wine industry.

But the California growers of table grapes have rejected all overtures at settlement or even negotiation. Instead, they have used illegal Mexican nationals as strikebreakers; various forms of intimidation including violence; political pressures and other means of harassment to maintain the helpless position of the migrant farm workers.

In the face of these powerful forces and in absence of legal guarantees, Mexican-American Farm workers believe that their only effective weapon is the conscience of

America manifested in selective buying of California table grapes.

Their call for selective buying of California table grapes has received increasing support from religious groups, unions and political figures throughout the United States including Philadelphia, which is the fourth largest distribution center of table grapes in the country.

The JCRC pledges to join with others in an intensive campaign of interpretation on the need for wide-spread public support of the goals sought by these workers and urges its constitutent organizations and their membership to join in this campaign.

The JCRC affirms the position taken by the Leadership Conference on Civil Rights and the Kerner Commission Report in calling upon the United States Congress to take the long overdue legislative action to afford to agricultural workers the right to organize and bargain collectively guaranteed to all other American workers, by including them in the scope of the National Labor Relations Act.

The JCRC calls upon the Attorney General of the United States and the Secretary of Labor of the United States requesting that they undertake immediate investigation and appropriate measures to insure unimpaired exercise by the farm workers of their constitutional rights and to affect adequate police protection to prevent further acts of violence against them.

FACING THE FACTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. ASHBROOK. Mr. Speaker, when the subject of the national security of our country comes up, one can generally depend on most veterans organizations to be knowledgeable and alert. No exception is the American Legion which is holding its national convention this week in New Orleans, La. Its national commander, William E. Galbraith, discussed the Vietnam situation at a press conference last Friday, and like most veterans his recommendations were hard hitting and to the point. The worldwide threat of communism was not brushed under the rug as has been the case with other national figures in recent times.

On the same day the Americanism Committee of the Legion heard an address by the general counsel of the House Committee on Un-American Activities, Chester D. Smith, whose 31 years in intelligence work for the executive branch before joining the committee well qualified him to speak on various aspects of internal security problems in the United States. He identified Negro extretremist groups such as RAM, the Black Panther Party and SNCC as "nothing but black klans" who were perverting the true civil rights movement.

Mr. Smith, whose vast experience in the intelligence community brought him in intimate contact with every aspect of internal security, stressed the price that we must be willing to pay to continue to live in freedom:

> The bill is high, but pay it we must. The alternative is a debtor's prison—enslavement of our country and its ideals.

It is not surprising then the Legion's resolutions passed yearly at their annual convention reflect a genuine concern and a hardheaded realism toward the top-priority problems which face our Nation.

I submit two news accounts of the convention appearing in the New Orleans States-Item of September 6 and the Times-Picayune of September 7 for inclusion in the RECORD, as follows:

[From the New Orleans States-Item, Sept. 6, 1968]

MAJOR THREAT CITED—LEGION FOCUSES ON SUBVERSIVES

(By James Hearty)

As thousands of Legionnaires continued to swarm into the city today for the biggest convention ever held here, one thing became apparent.

Whatever their targets will be later on in the gigantic spectacle, the target for today is subversion, a topic which got a thorough going-over in two preconvention addresses.

One speaker said it's time now, even though the Vietnam war is an undeclared one, for Congress to start relaxing the type of evidence needed to convict spies who would sell us out to Russian and Chinese Communists.

Another described the alarming price Americans are paying for Communist subversion, aggression and espionage.

Addressing the Americanism Committee of the Legion at the Roosevelt was a 59-year-old career spy-hunter, who during World War II led a counter-intelligence task force of more than 1,000 men.

Chester D. Smith, Washington, D.C., general counsel for the House Un-American Activities Committee, addressed the loyalty group, while Martin L. Schnider, president of the North Virginia Savings and Loan Association, spoke before the National Public Relations Committee of the Legion.

Other speakers today included George W. Healy Jr., executive editor of The Times-Picayune and New Orleans States-Item, before the public relations group, and James V. Day, Washington, commissioner of the Federal Maritime Commission, chairman of the Legion's Task Force for the Future Committee, and C. C. Horton, Gulf Shores, Ala., chairman of the National Legislation Committee.

Sitting in at the Americanism committee session as a committee member was the Rev. John J. Howard, Hampton, Va., "where it all begins." Father Howard explained he meant Hampton is "the oldest English-speaking settlement in the United States."

Smith's spy-hunters, he recalled today, uncovered more than 26,000 cases of subversion against the United States, documented them and turned them over to the Justice Department.

Today, however, he said he wondered whether our legal system "is sufficient to protect our free society." He said while the war is undeclared, "all around us are people, who, through clandestine acts, are aiding the Communist Party of the U.S.A."

Smith, who stepped in as a speaker today in place of Rep. Edwin Willis, of Louisiana, chairman of the House Un-American Activities Committee, cited the riots in Watts, Newark and New York as the work of that party and the Progressive Labor Party, which is backed by Red China.

RAM, the Revolutionary Action Movement, Smith said in his speech, "is headed by Robert Williams, a fugitive from justice who fled to Cuba and then to Peking, where he lived until recently."

He was befriended by both Castro and Mao Tse-tung. "From these Communist countries he broadcast and mailed to the United States call after call for Negroes to launch a revolution, fought on urban guerrilla warfare lines, to bring this country to its knees."

Smith said that Williams is now in Tanzania, the new African nation largely under the influence of Peking, reportedly on his way back to the United States.

The speaker said that the cases of RAM conspirators pinpoint "two major problems we face in America today." One is civil rights—equality for Negroes and other minorities. The other is Communist and black racist revolutionary warfare.

"Each one is a very serious problem; each one feeds on the other to some degree, and each one demands vigorous corrective action in the interest of our national security. . . ."

"Actions by groups committed to our destruction—the New Left, the Communist Party U.S.A., the Soviet military and industrial espionage forces and others, underline the absolute necessity of costly intelligence operations of our country," Schnider said.

The bill is high, he added, "but pay it we must. The alternative is a debtor's prison—enslavement of our country and its ideals."

He asked, "What is the price of liberty? How much collateral must we be prepared to pledge for the survival of freedom? I think it was said for us in the final sentence of the Declaration of Independence:

". . . our Lives, our Fortunes and our sacred Honor."

Day said a new comprehensive program for the future of the nearly three-million-member Legion will be presented at next year's convention in Atlanta.

He said his group has been working on it for a year, is continuing to do so with the help of many distinguished consultants.

[From the New Orleans (La.) Time-Picayune, Sept. 7, 1968]

LEGION LEADER URGES VICTORY—SOUTH VIETNAM COALITION REGIME CALLED UNSUITABLE

(By Bill Abbott)

The national commander of the American Legion Friday afternoon called for American military victory in Vietnam and declared unsuitable formation of a coalition government between Communists and South Vietnamese.

William E. Galbraith addressed a press conference at the Roosevelt Hotel in conjunction with the opening of the massive 50th annual American Legion Convention.

Galbraith said that American troops in Vietnam are the best this country ever produced and that "given more arm room," they are capable of victory.

He said that he opposed any decrease in the bombing of North Vietnam as risking lives of the 500,000 United States troops now stationed in the south.

FOUR STEPS URGED

Galbraith stated that his organization recommended four steps in the past to aid South Vietnamese and support U.S. troops.

These are increased bombing of areas of North Vietnam now shipping supplies into the south, additional attacks on the port of Haiphong, additional concern with the Cambodian border where North Vietnamese and Viet Cong guerrillas have sought refuge, and increased control of the U.S. war effort by military leaders.

Concerning peace talks now being conducted in Paris, Galbraith cautioned that during Korean War peace negotiations 13,000 American soldiers were lost in combat.

Galbraith said that he opposes formation of any coalition government with the North Vietnamese or the Viet Cong because the people of Vietnam sought U.S. military help and indicated a desire for independence in their presidential elections.

He said that, in forming a coalition government, the United States would have to tell parents of 25,000 American soldiers who were killed that their sons died in vain.

Going beyond Vietnam, Galbraith said the U.S. must maintain its troop commitments in Europe. He said that the security of the country depends not only on the safety of U.S. boundaries, but also on a fight against Communists throughout the world.

SUPPORTS LAW

In domestic affairs, Galbraith said that law and order is definitely the number one issue. He said that the country should allow political dissidence but only "provided it falls within the framework of abiding by the law."

"All men want to improve themselves," Galbraith said, "but we want people to do this lawfully and not by stepping on the rights of others."

Questioned about gun controls, Galbraith said that the American Legion always opposed registration of firearms by the federal government, but modified its stand to allow control by local officials. Galbraith added that the American Legion can possibly endorse government limitation of persons receiving firearms through the mail.

Galbraith, at the press conference, also discussed the work of the American Legion "Task Force for the Future," a group which analyzes "current patterns of American life to determine whether the Legion's goals and programs are conforming to this pattern."

The task force, Galbraith said, will look ahead to the year 2019 and will recommend new ways the Legion's more than 2,600,000 members can make significant contributions to their country.

The first specific problem that will be dealt with, Galbraith said, will be a movement from rural areas to cities. He cited this at the core of problems of law and order, and said individual posts through social involvement of its members, can do much to improve urban conditions.

Earlier Friday, special committees of the American Legion met and heard speeches by experts concerning particular areas of Legion interest.

Chester D. Smith, general counsel for the U.S. House Un-American Activities Committee, addressed the Americanism Committee, while George W. Healy Jr., executive editor of The Times-Picayune and New Orleans States-Item, addressed the National Public Relations Committee.

Other speakers included Martin L. Schnider, president of the Northern Virginia Savings and Loan Association, addressing the Public Relations Committee; James V. Day, commissioner of the Federal Maritime Commission and chairman of the Legion's Task Force for the Future Committee; and C. C. Horton, Gulf Shores, Ala., chairman of the National Legislation Committee.

HITS FIFTH COLUMN

Smith, in his featured Americanism address, branded as "fifth column" Communist organizations, Students for a Democratic Society, the Progressive Labor Party, the W.E.B. DuBois Clubs and the Negro Revolutionary Action Movement (RAM).

He identified Negro extremist groups such as RAM, the Black Panther Party, and the Student Non-Violent Coordinating Committee as "nothing but black Klans," and accused them of perverting the true civil rights movement.

Smith said that the "two major problems we face in America today" are civil rights—equality for Negroes and other minorities; and Communist black racist revolutionary warfare.

Calling for careful distinction between civil rights and black revolutionary groups by Americanism committeemen, Smith said:

"Real Americanism of the type you men have demonstrated does not condone or call for hate, prejudice, discrimination or violence. On the contrary, it calls for respect for law and for all fellow citizens. It calls for vigorous action in promoting true civil rights—equal opportunity for all in all areas, and equality of all people before the law, no matter what their race, creed, nationality, or color of skin."

Smith described the House Un-American Activities Committee as "just one of a number of government agencies with a security function."

As other security agencies he named the Federal Bureau of Investigation, the Central Intelligence Agency, the U.S. Information Service, the Voice of America, divisions of state and local police departments and the intelligence units of the armed services.

He said that although all these agencies are "doing what they can to preserve and strengthen this country and frustrate and defeat the plans of its enemies," they alone cannot fully protect the nation.

BELIEF IS NEEDED

The most vital security element, Smith said, is an "unswerving belief in the principles of freedom and independence" among the American people. "These qualities are developed, or inhibited, by a nation's overall culture, the sum of all that its citizens are taught in their homes, educational institutions, and churches, through newspapers, radio, television, moving pictures, and similar communications media."

Smith criticized some religious and civil rights leaders for detrimentally opposing U.S. foreign policy to such an extent that no government agency can repair the damage done.

In closing, Smith called for more attention to the cultural elements of security as the best way of working for the preservation of American freedom.

THE REAL CHICAGO

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. MICHEL. Mr. Speaker, the national media and the press of our large metropolitan centers have been literally flooded with accounts of what took place at the unhappy Democratic Convention in Chicago last month. With that in mind, I thought it might be of interest to read some opinions from the grassroots such as an editorial from the Peoria Journal Star of September 6 which discusses events at the Democratic Convention but, more importantly, the editorial points out very clearly the contrast in Chicago a few days after the convention when the Republican presidential candidate, Mr. Nixon, came to that city to kick off his campaign.

Hundreds of thousands of people turned out for a joyous, spirited, friendly reception and except perhaps for a few toes that may have been tromped on in the crowd, not a single injury of any consequence was reported. This demonstration portrayed the true face and spirit of Chicago, and I submit that editorial for inclusion in the RECORD, as follows:

THE REAL CHICAGO

When the hell-raising hippies—bankrolled and bused in all the way from New York and California—left town, Chicago ceased to be anything resembling the "police state" the TV visitors were hysterically proclaiming it to be.

The real spirit of the city went on spectacular display when Richard Nixon came to town—just days after all the action and horror talk by New York based hotshots.

Nixon is no friend of Mayor Daley. Far from it.

But he didn't come to town to smash the laws, abuse the police, and wreck things.

Hundreds of thousands of normal citizens lined the streets, responding as needed to good-natured police.

The people turned out in hundreds of thousands and we got a chance to see who they really are—instead of the mangy crowd in Grant Park a week previous. The crowd of silly kids, thrill seekers, and vicious, calculating American Viet Cong had screamed "We are the people!" the week before. They had to scream it, because that was as near as they could come to make it seem real and back up their claim to "own" the park, and "own" the streets!

After they got hit in the head, the leaders and organizers of the American Viet Cong rushed onto TV under the welcoming wing of Hugh Downs to proclaim that they had no interest in the Democratic convention, that it was "irrelevant" to them, and they only wanted a place to make some "free" speeches.

Good old Hugh cooed appropriately, and tutted appropriately.

He wasn't curious about the strange coincidence that they decided to up and spend several thousand dollars transplanting themselves to Chicago for one week, and it just happened to be the week of the convention!

He wasn't curious about the odd practice of marching from hotel to hotel where delegations were lodged to howl "Peace, Now!" (by day, and at night the most extreme obscenities aimed at Humphrey).

He wasn't curious about previous announcements made and published that they were going to Chicago to "turn the city upside down," or scream in threats made on their portable loudspeaker systems to the crowds in the park about the obscene things they were going to do with the convention and to Hubert Humphrey.

He wasn't curious that they made their mass move on the Conrad Hilton hotel which was convention headquarters, and candidate headquarters.

What a set of coincidences? Concerning a convention and a candidacy in which they weren't interested. Irrelevant, indeed!

However, the plain fact is, no matter how confused they may be back in New York, that Nixon's visit days later shows the entire Midwest that Chicago is a very open town, indeed, and that the only brief time when it seemed a mess was when it was invaded by a mess of New York rabble-rousers on the streets and a bunch of New York broadcasters who proved to be pretty good rabble-rousers themselves on the TV.

When those few went back home, the real Chicago came back to life.

Meanwhile, as they refuse Mayor Daley his request to lay out the full facts of what happened in detail during the convention, claiming they had given "fair coverage," NBC proceeds to pack its "Today" show and its "Tonight" show ALSO with vicious and one-sided abuse directed against Mayor Daley, Chicago, and the Chicago police.

(They followed this with a "token" visit from Bill Buckley and then cut him off short when they finally got around to the same subject and he had made one quick point.)

It doesn't matter.

Chicago gave its own answer this week, with hundreds of thousands of people pouring into the same strife-torn streets, to greet a presidential candidate who passed among them safely and without fear.

The people who came to wreck a convention from inside it and outside it had gone home.

C. L. DANCEY.

HOUSE OF REPRESENTATIVES—*Thursday, September 12, 1968*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Not everyone that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father who is in heaven.—Matthew 7: 21.

O God of grace and glory, on us pour Thy power as humbly we turn our spirits unto Thee in this our morning prayer.

We are grateful that our land has been blest with creative and courageous souls who have built on these shores a great Nation in which all men shall have the right to life, liberty, and the pursuit of happiness. Inspire us to continue their great work that our country may ever be the land of the free and the home of the brave.

God send us men whose aim will be
  Not to defend some ancient creed,
But to live out the laws of Thine
  In every thought and word and deed.

God send us men of steadfast will,
  Patient, courageous, strong, and true,
With vision clear and mind equipped
  Thy will to learn, Thy work to do.

God send us men with hearts ablaze,
  All truth to love, all wrong to hate;
These are the patriots nations need,
  These are the bulwarks of the state.

Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 10573. An act to provide authority to increase the effectiveness of the "Truth in Negotiations Act";

H.R. 10911. An act to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds;

H.R. 11552. An act for the relief of certain property owners in Tate County, Miss.;

H.R. 11782. An act to authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lieu allotment selection, and issue appropriate patents therefor to the heirs of Dolly McCovey;

H.R. 14205. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes;

H.R. 15268. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes;

H.R. 16211. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 276, and for other purposes;

H.R. 16402. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket No. 337, and for other purposes;

H.R. 16880. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gas leases (BLM–A–068348 and BLM–A–068348(C);

H.R. 17780. An act to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea; and

H.R. 18146. An act to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17324. An act to extend and amend the Renegotiation Act of 1951.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2401. An act to provide for loans to Indian tribes and tribal corporations and for other purposes;

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963;

S. 3420. An act to authorize a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3728. An act to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes; and

S. 3736. An act to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 69–2.

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. SPARKMAN to attend the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, November 11 to 16, 1968.

RESIGNATION FROM HOUSE OF REPRESENTATIVES

The **SPEAKER** laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 11, 1968.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have today submitted my resignation as United States Representative from the 38th District of the State of New York to the Governor of New York. This resignation is effective at the close of business on September 9, 1968.

The years I have spent in the House of Representatives have been memorable ones. I will not soon forget the many wonderful friendships I made during these years. The opportunity to serve with you and the many outstanding members of the House of Representatives has been most rewarding.

I look forward to working with you and your colleagues in another capacity as we continue to pursue constructive and positive solutions to the critical problems of the times.

With warm personal regards, I am,
Very truly yours,
CHARLES E. GOODELL.

RESIGNATION FROM A COMMITTEE

The **SPEAKER** laid before the House the following resignation from a committee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 11, 1968.
Hon. JOHN W. MCCORMACK,
Speaker of the House.

DEAR MR. SPEAKER: Please accept my resignation from the Special Committee To Investigate Campaign Expenditures.

With kindest regards,
JOHN W. DAVIS.

The **SPEAKER.** Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT TO COMMITTEE

The **SPEAKER.** Pursuant to the provisions of House Resolution 1239, 90th Congress, the Chair appoints as a member of the Special Committee To Investigate Campaign Expenditures the gentleman from Tennessee [Mr. ANDERSON] to fill the existing vacancy thereon.

TRIBUTE TO FORMER COLLEAGUE, GOV. JIM McCORD OF TENNESSEE: A GREAT AMERICAN

Mr. **EVINS** of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. **EVINS** of Tennessee. Mr. Speaker, it is my sad duty to announce the passing on September 2 of a distinguished former Member of the House, the Honorable Jim McCord, of Tennessee, who served in the 78th Congress. Jim McCord served two terms as the Governor of Tennessee and served well and faithfully.

Prior to his service as Governor he had already achieved a great record of public service, having served 30 years as magistrate and mayor in Lewisburg, Marshall County, his hometown and home county.

Jim McCord was a versatile, brilliant leader. He was a Congressman, Governor, a newspaper editor, a famous auctioneer, a director of the National Jersey Cattle Association and was one of the founders of the Tennessee Walking Horse Association. Jim McCord was a popular and beloved Tennessean.

I attended the services attendant to his passing and recalled in those quiet moments the rich, full life of this great Tennessean and contributions which he made to growth and progress in the Volunteer State.

Jim McCord was popular, beloved, admired. The two Nashville newspapers, the Nashville Banner and the Nashville Tennessean, paid tribute to the late Governor for his distinguished career of public service, and I place these editorials in the RECORD.

Certainly I want to express our deepest and most sincere sympathy to Mrs. McCord and other members of the family in their great loss and bereavement.

The editorials follow:

[From the Nashville Banner, Sept. 3, 1968]

JIM NANCE McCORD: THE MEMORY WILL ENDURE

By the lodestar of worthy aim, Jim Nance McCord guided the course of a career that was to fulfill in public service the ambitions cherished from childhood. For that fact, as well as his treatment of high official assignments as a public trust, he will be remembered.

Largely self-taught in the subjects of scholarly interest, he was a roundly-educated man; an orator whose message registered with the charm of a speaker at home with facts and words; a self-made businessman; for years a newspaper publisher esteemed by colleagues. But in no particular better known by constituents than in his preferred role of public servant.

Lewisburg esteemed him as its mayor—the office he occupied for 26 years; the old Fifth Congressional District as its Congressman; Tennessee as its Chief Executive. In subsequent years he continued to serve his state, notably as Commissioner of Conservation—a field of interest primary to him, with the conservationist's concern for preservation of essential natural resources.

He was a man of deep conviction where elementary principles are concerned, related to the welfare of state and nation; and no service exceeded his contributions, made with vision and courage, to the cause of educational progress in Tennessee. He dared inaugurate the sales tax program, which was to implement for the public school system the financial support sorely needed. In an act of courage he led out in strengthening the foundation on which that structure largely rests today.

Though he incurred the wrath of carping political critics, none could question—at any point in his long career—the motives of Jim McCord. To whatever level of responsibility the electorate assigned him, in local, state or national affairs, he brought the dedication of a life free of subterfuge—candid, and for all to read, as an open book.

He was a man of friendships broad, deep, and enduring; and loyalty to all. To him, fidelity and honor were qualities of character above price; and by that rule he lived in every public and personal relationship. By it he attained and held the affection of a vast constituency that knew him—by his own preference—as just plain "Jim McCord."

Historians have their own way of evaluating events, times and people. But in the heart of Tennessee, the place of Jim McCord—newspaperman, Squire, Mayor, Congressman, Governor—a public servant through most of his 89 years—is secure.

[From the Nashville Tennessean, Sept. 3, 1968]

GOVERNOR McCORD: A MAN OF JOY AND VARIED TALENTS

Mr. Jim Nance McCord, former Governor and Congressman and a long-time political force in the State, died yesterday at the age of 89.

Governor McCord was a rare individual who seemed to find it easy to succeed in almost any thing he undertook. Gifted with an outgoing personality, a flair for political oratory, an immense energy, he took naturally to everything from selling to politics.

He was best known, of course, for the two terms he served as Governor of the State. But Mr. McCord reached this office comparatively late in life, at the age of 65, and before that he had already a long and diversified career.

Born on a farm in Bedford County, Mr. McCord moved to Lewisburg in Marshall County in his youth. There he operated a book store, acquired a weekly newspaper and went into politics.

He was elected Mayor of Lewisburg for 13 consecutive terms, serving also on the Marshall County Court for many years, and in 1942 was elected to Congress from what was then the Fifth District. Two years later he won election to the Governor's office and was re-elected in 1946. He was defeated for a third term by former Governor Gordon Browning, but his career was not ended. He served as Conservation Commissioner in former Governor Frank Clement's first administration, and then took another unsuccessful shot at the Governor's office in 1958. He also was a Democratic Elector for Tennessee in 1932 and had served as a delegate to the Democratic Convention.

Only the test of time can provide the judgment on Mr. McCord's tenure as Governor. His administration has been praised as responsible for legislation of much benefit to education. It was also attentive to the needs of veterans just returning from World War II. The McCord Administration is also known for initiating the sales tax in Tennessee. It was this tax, plus Mr. McCord's connection with the E. H. Crump machine in Memphis, which lead to his defeat by Mr. Browning in 1948. That campaign came in the early post war years when the people were looking for a new order. Political defeat that year did not dampen Mr. McCord's interest in politics or public affairs.

His energy was boundless. He had the wisdom to realize that differences in politics are healthy. He never took loss grudgingly or in bitterness. This meant that even those who opposed him in politics and on issues still respected and admired him as a man.

Besides his careers in publishing and politics, Mr. McCord distinguished himself as a salesman, a specialist in Jersey cattle and Tennessee Walking Horses—and as a skillful auctioneer in popular demand.

One of his greatest delights seemed to be his annual stint as the auctioneer for the territorial rights in the Christmas Big Brothers' Paper Sale.

The State mourns the passing of this genial public figure who faced the world optimistically "with a song in his heart." But the loss is eased by the knowledge that Mr. McCord lived a long life filled with the pleasures of doing the things he enjoyed most.

Mr. EVERETT. Mr. Speaker, I wish to concur in what has been said in behalf of the Honorable Jim McCord, of Tennessee. He was outstanding in every respect, a perfect gentleman, a statesman at all times, a credit to his county, his State, and to his Nation. We shall miss him.

To his lovely wife and to his wide host of friends we wish to extend our heartfelt sympathy.

There appeared in the Commercial Appeal of Memphis, Tenn., an outstanding newspaper of this Nation, an editorial which follows:

JIM McCORD

There ought to be a monument to Jim McCord, paid for by local school board members and parents of the school children of 20 years ago. He put a long and fruitful career on the line in support of the sales tax which carried Tennessee schools into their modern level of financing.

Jim McCord had been elected governor in 1944 and 1946. Under his leadership the state levied a two-cent sales tax in 1947, largely because schools were sinking under money troubles. Barely half of the states had sales taxes then and it was a subject of bitter dispute in Tennessee.

But in 1948 he announced for re-election and reaffirmed the necessity for sales tax school money. He lost the Democratic nomination. But he was right and the sales tax has since been increased and has become an accepted part of the financing of the state schools.

Jim McCord died yesterday. His 89 years encompassed an extraordinary amount of public service. He was a member of the House of Representatives when he first announced for governor. Years after being governor he returned to Nashville as commissioner of conservation. He was a member of the constitutional convention of 1953, the first successful revision of the document in more than 80 years.

His knowledge of government at the upper levels was based on long experience in local responsibilities, 27 consecutive years as a member of the Marshall County Court, and 26 as mayor of Lewisburg.

For a much longer period he was editor and publisher of the Marshall Gazette. And on the side he acquired statewide fame as an auctioneer.

He thoroughly earned continued appreciation from the state and the schools he served so well.

Mr. FULTON of Tennessee. Mr. Speaker, Tennesseans last week mourned the passing of one of her most outstanding legislators and public servants at the death of former Gov. Jim Nance McCord.

Most of Jim McCord's nearly 90 years were spent in service to the people of the State of Tennessee. First as mayor of Lewisburg and as a county magistrate and later as a two-term Governor and a Member of the House of Representatives during the 78th Congress.

In addition, Governor McCord was a newspaper editor and it was the profession of journalism to which he devoted much of his talent and energy when not in public service. The former Governor was an auctioneer of great renown and also a founder of the Tennessee Walking Horse Association.

During his two terms as Governor, Jim McCord worked diligently and effectively to improve the educational system of the State of Tennessee. The progress made in this field will stand as a continuing living memorial to a man who left his State, through his service, a better place for his having been there.

GENERAL LEAVE TO EXTEND REMARKS

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life and service of our late colleague, Jim McCord, of Tennessee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HEARING ON IMMIGRATION OF IRISH NATIONALS TO THE UNITED STATES UNDER THE IMMIGRATION ACT OF OCTOBER 3, 1965

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the members of the Subcommittee on Immigration and Nationality of the Committee on the Judiciary have expressed great concern because of the drop in Irish immigration since 1965.

There is a question whether this drop in Irish immigration has been caused by the language of the act of October 3, 1965, or by the administration of it by the U.S. Department of Labor.

Assistant Secretary of Labor Stanley H. Ruttenberg will appear before the subcommittee in an open hearing on Wednesday next, September 18, at 10:30 a.m. to explain the Department of Labor's regulations.

CONGRESSIONAL REORGANIZATION AND ELECTION REFORM BILL

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, although I did not engage in the dilatory parliamentary tactics here on the floor yesterday because of the important defense legislation which was awaiting action, I do support the objective of permitting the House to work its will on a congressional reorganization and an election reform bill during this session of Congress. Therefore, I applaud the actions of those who have declared their intention to file a resolution which in 7 legislative days will make it possible for a discharge petition to be placed at the Clerk's desk.

I shall sign such a petition discharging the Committee on Rules even though it involves the abrogation of a longstanding personal precedent. I shall do so because within the Committee on Rules I have consistently opposed attempts to defer or otherwise delay consideration of these measures by the full House. Congressional reform and election reform are important and vital measures to the improved functioning of the legislative and electoral process.

CONGRESSIONAL REORGANIZATION

Mr. MORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MORTON. Mr. Speaker, yesterday we tried to bring to the attention of the House the necessity for looking into our own House with in mind reorganization and, to some extent, reform. We were eloquently reminded that in this effort we were taking time or preempting time from consideration of a major legislation which we still have before us today and by implication, at least, we were told that there was a possibility of what we were doing might delay progress of the war in Vietnam. I am sure that now that we adjourned at the usual hour last night, and have slept on the matter this is not the case.

To make it very clear, I would like to say this: We are not trying to obstruct the proceedings of this House. But what we are trying to do is to make the same demands on the Congress that it makes of the executive department in keeping itself organized to perform in the complex environment of the 20th century.

WHITE HOUSE CONFERENCE ON AGING

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1371) to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 16, strike out "Commissioner on Aging" and insert "Secretary of Health, Education, and Welfare".

Page 4, line 3, after "assistance" insert ", including financial assistance,".

Page 4, line 23, after "older," insert "and, as necessary, to establish technical advisory committees".

Page 5, line 3, strike out "Members of the committee," and insert "Members of any committee appointed pursuant to this section,".

Page 6, line 2, strike out "$1,300,000" and insert "$1,900,000".

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. REID of New York. Mr. Speaker, reserving the right to object, I would like to point out to the House that there are some differences between House Joint Resolution 1371 as passed by the House and Senate Joint Resolution 117 as passed by the Senate. The first is an agreement to the House date for the Conference on the Aging, which would be held in 1971, which was the House position, rather than 1970, which was the Senate position.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Kentucky.

Mr. PERKINS. The resolution before us today is very similar to the one approved unanimously by the House on July 30. The authorization in the bill is increased from $1.3 to $1.9 million. The Senate went along with the view of the administration that funds should be made available to the States for State conferences and other preparations prior to the White House Conference. We all agree that the extra $600,000 to be spent by the States is necessary and will be money well spent.

I should like to ask the gentleman the basis for his objection.

Mr. REID of New York. In response to the chairman, I thought it important for the Members of the House to know exactly the several points on the Senate amendments on which the chairman is asking unanimous consent by the House.

The principal difference is not some of the technical changes, but the funds for this program and the purposes for which they can be used.

Mr. PERKINS. Mr. Speaker, the authorization would be increased from $1.3 million established in the House bill to $1.9 million. The additional funds would be used to finance preparatory activities in the States in advance of the White House Conference.

Mr. REID of New York. Mr. Speaker, I would ask the chairman whether, first of all, this represents a cut of $2.1 million from the Senate bill?

Mr. PERKINS. That is correct. The original Senate bill was approximately $4 million, as I recall.

Mr. REID of New York. Second, what is the thrust of the increase of some $600,000 from the standpoint of the House?

Mr. PERKINS. The bill is silent; however it is understood that the extra $600,000 will be allocated to the States for local conferences in preparation for the National Conference.

Mr. REID of New York. Mr. Speaker, continuing my reservation of objection, I would like to point out to the House that the purpose of the additional $600,000 would be to make possible a series of State conferences during the year 1970 in order to involve local communities in all the problems and opportunities affecting the character of a more fruitful participation by our senior citizens in the national life, and that the bill as originally passed by the House provided funds only for a National Conference.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further at that point?

Mr. REID of New York. I would like to finish my sentence, and then I will yield.

Also, the purpose of the change is to permit local action, to provide some funds for that, which is essential.

I am happy now to yield to the chairman.

Mr. PERKINS. Mr. Speaker, I merely want to say that the same procedure was followed in 1961, in preparation for the previous White House Conference on Aging. Funds were made available to the States at that time for the identical purposes, which the gentleman has so ably described.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Wisconsin, who worked most ably on this legislation.

Mr. STEIGER of Wisconsin. Mr. Speaker, the gentleman from New York has indicated, I believe, that the difference in the amount of money that exists between the bill as passed by the House, $1.3 million, and as it passed the Senate with amendment—which I hope will be adopted today—is $1.9 million. Is it not true that the Conference on Aging in 1961 cost approximately $2 million, and the amount of money that is being authorized today is actually less than the cost of the Conference that was held at the beginning of this decade?

Mr. REID of New York. That is my understanding, I would say to the gentleman from Wisconsin.

Further, there are funds explicitly earmarked for local communities to participate.

The third difference between this bill and the one passed by the House is that the legislation before us provides that the Secretary of Health, Education, and Welfare submit legislative recommendations following the White House Conference. The original House bill had placed this responsibility with the Commissioner on Aging.

Mr. Speaker, if the gentleman from Iowa would like to enter into this colloquy, I will be happy to yield.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask the gentleman, is it correct to assume all amendments are germane to this bill?

Mr. REID of New York. Yes, I would say to the gentleman from Iowa. They are germane and they are technical with the exception of the increased funds for local conferences.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Is it not true that this increases the figure authorized by the House by $600,000, insofar as one of the Senate amendments is concerned?

Mr. REID of New York. That is correct, but it reduces the amount in the original Senate bill by $2.1 million.

Mr. HALL. That is like reducing some ethereal figure in an ideological state to X to the minus tenth power, but the fact is that it still increased what we in our wisdom had decided, by $600,000, or two-thirds of a million; is that not correct?

Mr. REID of New York. The gentleman's mathematical knowledge is correct. I would say it does increase the funds, but it does provide for funds to local communities, which I believe is a useful improvement.

Mr. HALL. Of course, that depends on whether a second Conference on Aging is indicated and basically sound, or not. I submit that for the thought of Members on this floor.

Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. REID of New York. Mr. Speaker, I would merely say to the gentleman from Missouri, I believe there are approximately 20 million Americans who are senior citizens, and I personally feel our country is not doing anywhere near enough to encourage active participation of these senior citizens in our life, and in our businesses, and in our communities.

I believe the Conference would play a useful role.

Mr. DANIELS. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the distinguished chairman of the subcommittee.

Mr. DANIELS. Mr. Speaker, as chairman of the subcommittee which considered this legislation, I should like to report that this joint resolution received bipartisan support of the subcommittee. In addition, it was favorably reported unanimously by the full Committee on Education and Labor.

I concur with the request of the distinguished chairman of the full committee, the gentleman from Kentucky [Mr. PERKINS] and endorse this proposal.

This joint resolution was originally passed in the House of Representatives unanimously on July 30. The Senate also unanimously passed a similar resolution on May 6. On September 9, in order to reconcile the two resolutions, the Senate passed House Joint Resolution 1371 with amendments. These changes are as follows:

First. As previously adopted, House Joint Resolution 1371 provided that the Commissioner of Aging submit appropriate legislative recommendations following the White House Conference. The Senate amendment provides that this responsibility be placed with the Secretary of Health, Education, and Welfare rather than the Commissioner on Aging.

Second. House Joint Resolution 1371, passed on July 30, authorized $1.3 million. However, this money could be expended only for the National Conference. In contrast, the original Senate Resolution provided authorization slightly in excess of $4 million, but these funds were to be expended for State support as well as the National Conference.

This Senate amendment to the House resolution is an extremely reasonable compromise between the two positions. It provides for authorization of $1.9 million, but now these funds will include financial assistance to the States as well as for the National Conference. The relatively small increase in the House's initial appropriation should guarantee important grassroots participation in all the States. Local action is essential for a successful White House Conference.

Third. The final change provides for technical advisory committees which will be important to the smooth functioning of the Conference.

In all other respects this resolution is identical to the original House Joint Resolution 1371 which was passed by this body on July 30.

I, therefore, urge my colleagues to concur in the Senate amendments to House Joint Resolution 1371.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I wish first to congratulate the author of this resolution, the distinguished chairman of the Select Subcommittee on Education, the gentleman from New Jersey [Mr. DANIELS]. No individual in this Chamber has worked more diligently on behalf of our older citizens than the gentleman from New Jersey. He has done an outstanding job, and I share with so many of our senior citizens—and the entire Nation—a deep sense of appreciation for his untiring efforts. I wish also to compliment the distinguished gentleman from New York [Mr. REID] and the remaining members of the select subcommittee, for their cooperation and work on this resolution.

The Conference which is contemplated under this resolution will bring together representatives of Federal, State, and local governments; professional and lay people who are working in the field of the aging; and the general public, particularly older persons. This proposal, which will serve a necessary and great purpose, should be approved unanimously.

Mr. REID of New York. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 18707, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read down to and including line 7 on page 1 of the bill. If there are no amendments at this point, the Clerk will read.

The Clerk read as follows:

TITLE I—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); $8,056,000,000.

AMENDMENTS OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer three amendments and ask unanimous consent that they be considered en bloc.

The **CHAIRMAN.** Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

> Amendments offered by Mr. COHELAN: On page 2, line 10, strike out "$8,056,000,000.", and insert "$8,050,300,000.".
>
> On page 6, line 25, strike out "$7,805,000,000,", and insert "$7,766,000,000,".
>
> On page 15, line 5, strike out "$5,031,400,000,", and insert "$4,688,700,000,".

Mr. COHELAN. Mr. Chairman, my amendments would delete $387.4 million for deployment of the Sentinel ABM from the defense appropriation for 1969. They would not, however, delete the funds for research and development in connection with the Sentinel or the Nike X.

I introduce these amendments because I am still convinced that a strong American defense will not be enhanced by the deployment of the Sentinel ABM at this time.

This was a fact in July when I first attempted to delete ABM deployment funds, and despite the deplorable acts of the Soviet Union in Czechoslovakia, it is still true today.

The President, the present and former Secretaries of Defense, and all the science advisers to Presidents Eisenhower, Kennedy, and Johnson all agree that it is not possible to build an ABM which will work against a Soviet nuclear attack. As even Secretary McNamara said when he announced the Sentinel decision in September 1967:

> Money is not the problem: penetrability of the proposed (anti-Soviet) shield is the problem.

Therefore, it seems clear that the only conclusion we can draw is that even with the expenditure of tens of billions of dollars it is not possible to build a defense against a Soviet nuclear attack.

Our defense will have to rely, as it has for two decades, on our nuclear deterrent. Our defense against the Soviet Union is and has been our ability to convey to the Soviets the absolute certainty of their total destruction if they attack the United States.

The Soviet invasion and occupation of Czechoslovakia has shown how insecure the Russians are over the spread of free thought and expression. And this despicable military action has altered the alinement of forces in Europe, but it has not in any way altered the realities of strategic armaments.

Our planning and defenses were never based on an assumption of good will or kindness by the Soviets. Our defenses are based on the view that the Soviets will deploy the strongest possible military forces. Even in this posture an anti-Soviet ABM is not warranted—or possible.

I recognize that the possibility of a formal agreement on the limitation of offensive and defensive missiles is now much more remote. But the logic which dictated the interest of both the United States and the Soviet Union still holds. We both have the resources and the will to match one another's increases in nuclear arms. And so the Soviet will in all probability deploy more than enough offensive missiles to offset our ABM. The result will be that we and they will have spent thousands of millions of dollars and neither country will be any more protected against a nuclear attack—and we may both be a good deal less safe.

I know that the Sentinel was originally justified as a "Chinese-oriented" ABM. But it now seems clear that that rationale will not hold up.

The Chinese are visibly behind in their missile development. Our offensive capability against the Chinese remains undiminished and still an awesome deterrent. And significantly we have announced our willingness to forgo an anti-Chinese ABM if only the Soviets will agree to limit their ABM.

The Sentinel would not provide protection against multiple warheads, sea-launched or low trajectory missiles, orbiting bombs, or missiles with sophisticated radar interference devices. And our ABM would not prevent China from holding one of our unprotected allies hostage to her nuclear weapons.

The simple fact is that the Sentinel is not necessary to our deterrent against the Chinese.

In closing my remarks I want to make one point clear. I favor a strong American defense, and I am disturbed by the events in Czechoslovakia, but these considerations do not alter the Sentinel decision. The Sentinel will not work against the Soviets, it probably will not work against the Chinese and it is not necessary or desirable to our defense against either.

I urge your support of my amendments.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an issue involving the deployment of our Sentinel anti-ballistic-missile system.

Mr. Chairman, we have debated this issue and have voted upon this issue many times during this session of the Congress. The Congress has acted on it. The Congress has acted very decisively in opposition to those who wish to restrict the program and who want to prevent its going forward at this time.

Mr. Chairman, the President and the Joint Chiefs of Staff as well as the Secretary of Defense and others who would be better qualified to form a judgment on this matter take the position that we can and should go ahead with the planned deployment.

Mr. Chairman, in my opinion, it would be injurious to our position in Vietnam; it would be injurious to our talks in Paris; and it would be injurious to our opposition with regard to the Soviet invasion of Czechoslovakia for us to make or bring about a state of weakness in a field so vital as this.

Therefore, Mr. Chairman, I would ask that the amendment be voted down.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. YATES. Is it not true I ask the distinguished chairman of the Committee on Appropriations that the Joint Chiefs and all military experts say that neither the proposed system—the system as proposed under this bill and also the Russian system—are not defenses against our MIRV missile or against the Russian equivalent of the MIRV missile?

Mr. MAHON. There is no absolute, ironclad, perfect, or infallible defensive system against the intercontinental ballistic missile. There is no doubt about that, nor is there a perfect defense against any other weapon that I know of. This is a very serious problem.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I thank the gentleman for yielding.

Is not the significance and the importance of the anti-ballistic-missile system brought out by the fact that the distinguished Secretary of Defense, Mr. Clifford, already has directed that there shall be no cuts in the anti-ballistic-missile program?

This is one of the few areas in the Department of Defense where there are to be no cuts. That shows the essentiality of getting on with it insofar as the experts in the Pentagon are concerned.

Mr. MAHON. I thank the gentleman.

Mr. LIPSCOMB. Mr. Chairman, last year the report of House Appropriations Committee accompanying the Defense appropriations bill for fiscal year 1968, report No. 349, filed June 9, 1967, stated:

> It would appear that the initiation of deployment of "light" or "thin" defense, now, may very well be a most useful first step toward whatever level of ballistic missile defense ultimately appears necessary.

It was not until September 1967, that the Secretary of Defense finally announced the decision to undertake deployment of such a defense—the Sentinel system. On September 18, 1967, the Secretary said:

> We will begin actual production of such a system at the end of this year (1967).

I have previously recorded strong concurrence with that action. The defense of America against ballistic missiles can no longer be delayed.

DEFENDING THE UNITED STATES

Arguments have been raised against deployment of a system to defend against missiles by saying an anti-ballistic-missile system is too expensive. But there have always been those who have attempted to delay or to postpone deployment for defense by saying the country cannot afford the cost. Such initial arguments give way to reality: Without the capability to defend itself the Nation cannot exist.

Cost considerations are certainly a factor of defense but clearly the point at issue is how best to defend ourselves and not should we defend ourselves.

NEED FOR ABM SYSTEM DEPLOYMENT NOW

Some say the deployment of an American ABM system is not needed now because it is not effective or not ready for deployment or that we can afford to wait still longer before it is deployed.

However, the arguments are refuted

by the statements and actions of the officials of our Government who bear the greatest responsibilities in this matter. And by their words and actions they have certified the need for deployment is not only due now but undoubtedly overdue.

The Congress of the United States last year, in my opinion, expressed its views with the enactment of the fiscal year 1968 appropriation bill for the Department of Defense. By that act, $269 million was placed in the Army Procurement account "available only for" an antiballistic missile system.

Some of those 1968 funds have been obligated or otherwise committed and the program has begun to move forward.

On September 18, 1967 the administration certified the need with its announced decision to go forward with an antiballistic missile deployment and to begin actual production of such a system.

With whatever reluctance the administration had in making that decision, it cannot be said to have done so hurriedly.

Ballistic missiles have been in the arsenals of attack for over 20 years.

In 1962–63, the Nike-Zeus system accomplished 10 out of 14 successful intercepts of actual intercontinental ballistic missile targets fired from Vandenberg Air Force Base.[1] For some years now, we have been capable of providing a terminal point-like defense against incoming missiles and with the introduction of the long-range missile, Spartan, an areawide defense has become possible over all 50 States. See pages 4 to 7, part 3, of the hearings for fiscal year 1969.

As now conceived our system of defense against ballistic missiles which is known as the Sentinel system consists of long-range acquisition radars, missile site radars, Spartan missiles to engage targets generally outside the atmosphere at several hundred miles range and the Sprint missile to engage at relatively shorter range—15 to 25 miles—those warheads which get past the Spartan. All of that hardware is tied together into an effective system with data processing technology incorporated within the most highly sophisticated computers.

The long-range Spartan missile makes it possible to plan a defense which would blanket the entire country while the ultra-high-speed Sprint missile would be used to defend locations of the highest value to include the sites of our Minuteman missiles which would be required for counterattack. As of mid-March 1968, some 17 developmental firings of Sprint had taken place and it has been testified that the missile has been performing well.

The Sentinel system could be augmented to take care of fractional orbital bomb system threat—see page 16, part 3, of the hearings for fiscal year 1969. Also, by add-on this defense coverage can be provided against Soviet submarine-launched ballistic missiles and against ballistic missiles launched from Cuba—page 15, part 3, of the hearings for fiscal year 1969. Additionally, for defense against multiple independently targeted reentry vehicles—MIRVS—the proper course lies in improving this Sentinel system—page 28, part 3, of the hearings for fiscal year 1969.

There is an absolute requirement for the ABM system.

The President, on March 29, 1968, established the Sentinel program as being in the highest national priority category.

The ability of our Nation to defend itself against missiles is of prime concern.

Secretary of Defense Clifford gave his views specifically "with respect to proceeding with the deployment of the Sentinel antiballistic missile system" in a letter of June 18, 1968, to Senator RUSSELL:

> I have had an opportunity to go into the merits of the system in considerable depth . . . I believe that the time has arrived when we can no longer rely merely on continued research and development but should proceed with actual deployment of an operating system . . . We must not suspend taking action in our own defense. (CONGRESSIONAL RECORD, June 19, 1968, page 17761.)

The Senate Preparedness Investigating Subcommittee of the Armed Services Committee has been conducting, during the past few months, an intensive study of the entire problem of our Strategic Forces. The significance of the following statements by Senator STENNIS, chairman of the subcommittee, on June 19 1968, therefore are overwhelmingly apparent:

> Until recently, I have opposed deployment of this very ABM system. (CONGRESSIONAL RECORD, June 19, 1968, page 17761.)

But as regards the situation now the Senator said:

> We cannot hesitate. We must move forward, even if the immediate deployment is directed primarily at Red China . . . The impact of the real, hard facts of this matter are what are convincing. I emphasize that. (CONGRESSIONAL RECORD, June 19, 1968, page 17762.)

On September 5, 1968, the Secretary of Defense again stressed the importance of continuing the Sentinel ABM program without delay when he directed that the system be exempt from the expenditure reduction program. Secretary Clifford said:

> I have today directed that the Sentinel ABM system be exempt from the expenditure reduction program required by Congress for FY 1969. From a financial standpoint, the option to reduce Sentinel expenditures could have been useful. I have determined, however, that in the light of all current developments our prudent course is to press forward as planned with the Sentinel system.

There are some who imply huge savings in expenditures will result in fiscal year 1969 if the ABM deployment program is delayed by 1 year. They now view the serious fiscal situation we are confronted with as an opportunity to accomplish that which prudence really does not permit.

But the realities of the situation dictate otherwise.

The fiscal problems now confronting our Nation cannot be rectified by denying or delaying the defense needs of the Nation.

HOPES AND DESIRES TO TALK HAVE NOT SIDETRACKED THE SOVIETS AND SHOULD NOT BE THE BASIS FOR FURTHER DELAY OF AN AMERICAN ABM

Americans and all of their responsible leaders want peace.

But there are also those who want peace unencumbered with the hard work and realities which are required of America to provide a firm basis for peace.

There are those who would deny America this defense against missiles by saying that if we move ahead with our ABM system it will jeopardize "peace" with the Soviets; or jeopardize a hoped-for "detente," or provoke the Soviets into an arms race.

Such reasoning is based on dangerous misconceptions. Obviously the Sentinel ABM system is a system of defense. It cannot be used on the offensive; it cannot be used to strike at the U.S.S.R. It will help defend our country.

Such reasoning is also dangerous because the Soviets most certainly desire that their inventory of offensive missiles, and the additional ones they are today building, be guaranteed an unimpeded trajectory to American cities and other targets.

Obviously a defense against missiles deployed and directed at the United States could save American lives. According to information obtained by the House Subcommittee on Defense Appropriations on March 18, 1968, the Sentinel system will save millions of lives if ICBM's were to be launched from Red China and the hearings also show that in an all-out strategic nuclear exchange between the United States and the U.S.S.R. even the limited level of ABM deployment now proposed would reduce American fatalities by 20 to 30 million—page 19, part 3, of the hearings for fiscal year 1969.

Statements issued from Moscow and elsewhere have told of an "understanding" having been reached between the United States and the U.S.S.R. concerning our Government's long-standing offer to talk with the Soviet Union about curbs on nuclear weapons.

So, some who would hope to delay our ABM system now use this development and cite it as a basis for further delay.

Secretary Clifford who has devoted great time and consideration to the ABM issue, in a September 5, 1968, speech dealt with this argument when he said:

> With the Soviet Union having for some time been engaged in the actual deployment of a ballistic missile defense, our decision to go ahead with our own system would both improve the chances of talks and the negotiating climate should such talks take place.

Further, there is no evidence that the deployment of any Soviet strategic weapon system has been or will be brought to a halt by this latest proposal.

Soviet leaders themselves have disclaimed any intent to deny themselves an ABM system. In London, England, in early February 1967, Premier Kosygin discussed ABM's. The Washington Post report of February 10, 1967, had this to say on the Kosygin statement:

> On the related disarmament issue of antiballistic missiles, the Premier had no encouraging words for Americans who hope to halt a race in producing the costly weapons.
>
> Kosygin distinguished between defensive and offensive weapons, and said the latter were less likely to increase international tensions. He admitted that the ABM system was

---

[1] Principal Deputy, DDR&E, Dr. Finn Larsen, Jan. 10, 1968, Jackson, Miss.

> more expensive, but said cost could not be a criterion for the decision.
>
> His words thereby chilled hopes for a tacit agreement between Washington and Moscow on preventing an ABM race.

The members of the Joint Chiefs of Staff have for years unanimously supported the position that this country should proceed to deploy a defensive system against ballistic missiles. Their feelings I believe were well expressed more than 1 year ago by Army Chief of Staff, Gen. Harold Johnson, on March 10, 1967, when he said:

> The uneasiness that I feel is basically this: When do we stop discussing and when do we reach a decision point? (Page 636, Part 2 Hearings FY 68)

REQUIREMENT FOR ABM IS BASED ON FACTS NOT OPINIONS

In contrast to professional military-scientific advice it is interesting to note that some would delay the ABM justifying their reasons on opinions, which are held by various scientific and technical advisers who are now or who have advised at the highest levels within the administration including the Department of Defense.

The errors which may arise here seem to arise from one or more of the following reasons: First, the advisers, when addressing the ABM deployment problem, may be speaking on a matter which lies outside their field of professional or current competency, or lack current data; and second, the advisers have predilections and bias against almost any armament.

What is needed in the highest counsels of the U.S. Government today is hard realistic thinking based upon solid diplomatic, and military-scientific facts.

Practical and responsible men do not build the defense of America on hopes and desires alone. Much hard work has already gone into research, development, testing, and engineering efforts on our ABM system. Much remains to be done. And it must be done without hesitation.

Without some believable power toward retaliation, future Presidents will be without realistic capabilities required to continue the conduct of this Nation's affairs.

Mr. Chairman, the House should vote overwhelmingly against the proposed amendment and support the ABM appropriation as recommended in the bill toward carrying forward the proper defenses of the country. Defenses which protect poor and rich alike.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I yield to the gentleman.

Mr. YATES. Will the gentleman tell us whether what is proposed in the ABM system is the thin shield or is it the big system, the $50 billion system?

As I understand what is proposed is the so-called Chinese shield which is supposed to cost about $5 billion to $7 billion. There are some, however, who will say that this is the first step toward the construction of a huge shield that may cost $50 billion to $60 billion and even more and against which Secretary McNamara warned and said this:

> If we . . . opt for heavy ABM deployment—at whatever price—we can be certain that the Soviets will react to offset the advantage we would hope to gain.

The Secretary concluded:

> The nation must "resist that temptation firmly," because the greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.

Mr. LIPSCOMB. To answer the gentleman's question, I know of no proposal before the Congress or our committee to expand this beyond the proposd "thin" system which we are talking of today.

This is the so-called Chinese system. There is a possibility that as this system develops it may be expanded to include developments which will guard against the threat of the fractional orbital bomb. It can also be extended to guard against the threat of a submarine-launched missile.

Therefore, we can build on this system but there is no plan to expand the system to the extent of guarding against a massive Soviet threat.

Mr. YATES. The system that is proposed then will be no defense against Russian missiles; will it?

Mr. LIPSCOMB. This system that is mentioned has a capability to defend against an attack from Russia to the extent of saving 20 to 30 million lives.

Even this "thin" system, therefore, has the capability of guarding against a Soviet attack, but to a very limited degree.

Mr. YATES. But even that assumes that other missiles will get through in the event of a Soviet attack, killing millions of people.

Mr. LIPSCOMB. In the event of a massive Soviet attack, it would be very serious.

Mr. YATES. I thank the gentleman.

Mr. LIPSCOMB. Mr. Chairman, I ask that this amendment be defeated.

Mr. ROBISON. Mr. Chairman, it is true that Russia's regrettable and alarming invasion of Czechoslovakia last month has required us to again reevaluate our defense posture and our responsibilities for attempting to preserve both peace and freedom elsewhere than in Southeast Asia in this increasingly dangerous and volatile world.

I believe that Russia, by its action, made one of the most serious foreign policy blunders of any nation in recent times—and that its rape of freedom in Czechoslovakia will, in the end, cost it dearly.

It cannot readily undo what it has done and perhaps, if the "hardliners" in Moscow are truly again in control of its future policy, it will not even try to do so.

However, I also believe that it would be as dangerous for us—and the future cause of world peace—to overreact to this most recent proof of continuing Russian imperialism as it would be to attempt to dismiss it, as one of the unsuccessful contenders for his party's presidential nomination did, as being relatively "unimportant."

Mr. Chairman, most of us have become accustomed to the fact that we live in an atomic age, and to the cruel possibility that through mistake or by design "that uncertain balance of terror that stays the hand of mankind's final war"—as the late John F. Kennedy put it—might someday be upset.

Yet I think we tend to regard this unhappy state of affairs as being peculiarly our problem—the problem, that is, of the presently living population of this world—paying too little heed to the further fact that all the generations yet unborn will live, like us, in an atomic age. Is it therefore good enough for us merely to wish to preserve, untipped, that precarious balance of terror during our lifetimes? Is it good enough for us to continually acquiesce to the constant escalation of the level of that terror, through a willingness—in a desire to preserve our own short-range or long-range security to allow the current arms race to go on unabated?

Or is it incumbent upon us, instead, as stewards of our children's, and their children's, future chance of survival, to bend every effort—even perhaps at some risk to ourselves—in a continuing attempt to halt that useless and senseless "arms race" to which mankind has seemingly become addicted?

Mr. Chairman, the correct answer to me seems obvious; just as obvious as the answer to the question of how much longer can we, as a nation, continue to afford the cost of that "arms race" on which—though the figure I am about to use relates to all defense spending—we have devoted one trillion dollars just in these so-called postwar years, alone. And it is not a political statement on my part to note that half of this vast expenditure occurred just during these past 8 years of the Kennedy-Johnson administrations, despite General Eisenhower's warning, as he left office in 1961, that:

> In the councils of Government we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex . . . (for) the potential for the disastrous rise of misplaced power exits and will persist."

Mr. Chairman, I do not remind my colleagues of that Eisenhower warning out of any desire to suggest that there has been any undue or improper influence of any kind on anyone in the putting together of this bill, or in the making of the decisions that preceded the recommendations it makes to us.

But I do so, instead, because it seems to me that there is an awesome inevitableness about the advancing technology of modern warfare—an advance that seems to have gone well beyond our understanding, let alone our control.

For here, once again, in this bill—in the midst of funds for Vietnam, for manpower, and for all kinds of military hardware and supplies—we face the question of funding the beginnings of deployment of an antiballistic missile system.

Perhaps, after all, it is true that when a weapons system becomes "ripe"—as this developing, new ABM system of ours appears to have done—the need for it begins to dominate the thinking of those who have researched it, designed it and urged it, and those others who are now prepared to make and install it, as well as still those others in positions of responsibility within the administration and here in the Congress who have had to participate in the decisions leading up to the instant decision.

With them—or with their judgment—I have no quarrel, for I have no doubt whatsoever, that they are recommending to us a course that they believe to be essential to our future national security, and I am well aware of the fact that their technical competence far exceeds my own.

And it would be easy—indeed, it is tempting—to submerge one's prior doubts about the need and wisdom of our deploying an ABM system, be it thick or thin, in the thought that, since Russia has evidently reverted to a hard line, so, too, must we.

For the old cliche about "leading from strength" has always had an appeal to it—an appeal that rings even a bit more clearly in these past several weeks since Russia slammed shut the window through which freedom had begun to blow in Czechoslovakia.

But instinct—and perhaps there will be those who will say instinct is no substitute for judgment—still tells me that we should not, even in this evidently precarious moment, proceed with deployment of an ABM system, but should content ourselves, instead, with proceeding apace with our continuing work on its further research and development, as with other R. & D. work on other weapons systems, until the day comes, if it ever does, when that work, too, may be laid aside.

Could we, with safety, do this?

In my judgment, we could.

For nothing has really changed with respect to our basic situation; the ABM system with which we are proceeding has, as its stated—and at least its nominal—aim that of providing us with some protection against the possible future thrust of nuclear missiles from China, whose capabilities have apparently been so delayed as to, at least temporarily, ease our problem with leadtime, and our situation vis-a-vis Russia has changed only in a hardening of attitudes, which may or may not be permanent in nature.

Of course, there may be those who would like to see Russia pay an identifiable price for her treatment of Czechoslovakia, and pay that now, and who may be inclined to feel that our going ahead, firmly, with the beginnings of deployment of an ABM system that, eventually, can also be turned against Russia, would be an appropriate part of that price. But the trouble with such thinking would be that we too, would eventually share in the cost of the retribution we wished to mete out.

Quite clearly, the talks that President Johnson supposedly wished to have with Russia's leaders on this and other matters before he left office, will now have to be forgotten. It would, I think, be improper for the President to even consider them so long as Russian troops remained on Czechoslovakian soil.

But that, too, carries a "price" to Russia for its action against the Czechoslovakian people, for whatever slowing of the "arms race" might thereby have been accomplished would as obviously have been to their advantage as to ours.

Finally, there is the certainty of new leadership for this Nation—and of new guidance in its foreign affairs—and, however we may choose, that new leadership will be in office in a matter of months, now.

One does not know what President Johnson might do with this deployment money, if it is granted him, between now and next January 20. He may choose to spend it, or not, depending upon his reading of the situation at the time.

My guess would be that we would not spend it, under all the given circumstances, and if that should prove to be the case—or even if it did not—what harm would there truly be in keeping our options open on this issue, by holding back this money for the moment, and in giving the new President and his advisers, whoever they may be, full rein to review the entire situation and to make their recommendation to the next Congress accordingly?

Mr. Chairman, my reading of the answer to that question is such that I intend to support the amendment, offered by the gentleman from California [Mr. COHELAN], which would cut the sum of $387 million out of this bill, and thus forestall for the moment the advance deployment of the ABM system whose usefulness and necessity remains, if we look at it objectively, still very much in doubt.

Mr. SIKES. Mr. Chairman, this is old ground which we have plowed many times. In view of the past history of these amendments, let us face the fact that what is taking place is largely an exercise in semantics, and a delay in the orderly operations of the House and nothing more. Both the House and the Senate have expressed themselves repeatedly on the issue of the desirability of an ABM system and overwhelmingly in its favor. The only change since the last such exercise was a statement by the Department of Defense that the ABM system—the Sentinel—is not to suffer cuts similar to those being inflicted in other areas of defense. It is considered too important. The word in the Pentagon is "full steam ahead" for the ABM system. There they know the facts. There they know the need. And there they have sought for years to get this program into operation.

The distinguished Secretary of Defense, Mr. Clifford, has stated that the Soviets already have an ABM system of their own, so they can hardly object to our building a thin one. He says it is entirely feasible to build a system for stopping Chinese ICBM's, downing missiles launched accidentally by another power, and giving some protection for our own ICBM sites, cities and population.

It is significant to me that the Soviets agreed to negotiations on a limitation of missiles just 4 days after the United States announced it was going ahead with the ABM. It should be apparent from this that our hand has been strengthened in all our dealings with the Soviets. If that is not enough, it is well to recall the amazing speed and efficiency with which the Soviet bloc moved 175,000 troops into Czechoslovakia within a very short time. This makes it very clear that we may have underestimated Soviet capability to move troops, and that NATO defenses are completely inadequate to stop a genuine Soviet offensive on the ground. That should dash any hopes which may have arisen that nuclear weapons will not be needed to deter Soviet aggression. If nuclear weapons are going to be a part of the next world war, and they certainly will be, we shall need as much as we can provide in the way of ABM defenses. Certainly we shall need much more than the thin line which now is projected, but at least this is a beginning. It is better than nothing. We can save millions of lives.

Mr. PELLY. Mr. Chairman, based on the information provided me, I certainly would not oppose funds for a defense system which would provide protection for Americans and possibly save countless thousands of lives.

But, I very much oppose the arbitrary attitude of the Department of the Army over the location of Sentinel anti-ballistic-missile sites.

On the floor of this House on July 29, I was assured by the gentleman from Florida [Mr. SIKES] who is chairman of the Subcommittee on Military Construction of the Committee on Appropriations, that ABM sites were only being considered "some distance away from centers of population."

Let me say that the Army wants to place one of the sites within a mile of downtown Seattle, Wash.; well inside the city; and in one of the city's heaviest concentrations of private homes.

This is not what I consider keeping faith with the Congress or with the people of the United States.

The Army has denied my request for public hearings on this matter, and they have rejected my suggestion that the entire system be moved to a less populated area of the State of Washington, which presently is being used by the Air Force as a radar station.

Their stated position, Mr. Chairman, is that defense of the Sentinel system requires the use of short-range missiles. Well, I would say that any system requiring missile defense obviously is vulnerable to attack, and this being the case, such a defense system should not be located in as densely populated areas as the Army has chosen for the Seattle region.

Furthermore, Mr. Chairman, I was told by the gentleman from Florida:

> Satisfactory decisions (had to be made) with local officials on a site which is least objectionable to the people in the centers which are included in the program.

Well, the sites being considered by the Army for the Seattle area are very objectionable, not only to the mayor of the city, but to the people who have organized their opposition.

I might add that I join them in vociferously opposing the highly populated sites the Army has chosen in the Seattle area.

GENERAL LEAVE

Mr. Chairman, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD in regard to the amendments which have been offered by the gentleman from California [Mr. COHELAN].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, recently I made two speeches in connection with the Vietnam war, and I would like to insert them again in the RECORD at this point.

On June 24, 1968, I stated:

FIGHT TO WIN OR GET OUT

Mr. ANDREWS of Alabama. Mr. Speaker, last Saturday the Vietnam war became the longest in the history of this Nation—longer than the Revolutionary War, the War Between the States, World War I, World War II, and the Korean war. I think it is generally conceded that our present enemy is the weakest and smallest country we have ever engaged in war, and the fact that the war against the weakest enemy has lasted longer than any other war in our history convinces me that we are not fighting this war to win. I beg and plead with the President to get out of there if you are not fighting to win. I am sick and tired and broken-hearted at reading a casualty list each week of young Americans ranging between 300 and 500 each week. Please—let us fight this war to win or get out of South Vietnam. If George Washington had fought the Revolutionary War as this one is being fought we would still be under British control.

On June 13, 1967, I said:

First I should like to pay my respects to our distinguished chairman, the gentleman from Texas [Mr. MAHON]. I have served under three chairmen of the full Appropriations Committee during my tenure in office, and I have yet to see one who in my opinion has done a better job than has the gentleman from Texas.

This is a big bill. It is the biggest bill that will come before the Congress—$70,295,200,000—to provide the weapons of war for our servicemen who are today engaged in what I consider to be one of the worst wars, if not the worst war, this country has ever been involved in.

There are high ranking members of the military who have agreed with that statement; namely, that this is the worst war this Nation has ever been engaged in.

Unfortunately, Mr. Chairman, it seems that only those who have relatives in the jungles of South Vietnam are concerned about this war. The man on the street, who has no son or no relative in South Vietnam—and the Members know it—has an attitude of "I couldn't care less."

I want to pay my respects to that little country of Israel. I hope the leaders of this country will learn something from the actions of Israel last week. I believe the record of that war is one of the most brilliant chapters ever written in the history of wars.

A little nation, completely surrounded by enemies, outnumbered three to one both in personnel and in equipment, with full knowledge of the fact that Russia was threatening to go to the aid of her enemies, won a war in the unbelievable time of about 5 days.

It was for one reason, Mr. Chairman. Israel fought that war to win. Israel carried out the statement made by the late General MacArthur, that in war there is no substitute for victory.

Israel cared nothing for the threats of Russia. Figuratively speaking, she used the words of Admiral Farragut when she said, "Damn the Russians, full speed ahead." And, bless her heart, she came out victorious because she fought that war to win.

My great concern, Mr. Chairman, is that our people are not fighting the war to win in South Vietnam. Either one of two things is happening. Either we are not fighting to win, or we cannot win. It is one of the two.

I will say that if this great and powerful Nation, the most affluent nation in the world, cannot whip a little country like North Vietnam, which is not as big as the State of New Jersey—a little nation that has no air force and has no navy—then we have no business in the war business, and we ought to beat our swords into plowshares and declare to the world that we are a nation of Quakers and get out of the war business completely.

Something is going on that I cannot pinpoint. I know that I have talked to many, many, many military men.

I have been on this committee for 23 years. I asked a very high-ranking officer, "Do you have enough equipment?" His answer was "Yes, sir." I asked, "Do you have enough planes?" He said, "Yes, sir." I asked, "Do you have enough guns and ammunition?" He said, "Yes, sir." I asked, "Well, why can you not whip that little country of North Vietnam? What do you need to do it?" His answer was, "Targets—targets."

Now, you know, if we had sent a team of experts all over the world looking for the very worst place to commit our troops, that team of experts would have come back with a report that would have had South Vietnam high on the list as being the worst place to commit troops.

During those 23 years I have been on the committee military men have told me and the committee that in a guerrilla-type war you cannot hope to win unless you have a superiority of 10 to 1. We have nothing like that superiority today in South Vietnam.

According to the latest reports, we have approximately 435,000 men in South Vietnam. General Westmoreland recently said he needed 200,000 to 250,000 more troops in South Vietnam. The French stayed there for 10 years fighting. They had the best troops in the world down there, members of the Foreign Legion. The French had 600,000 troops in South Vietnam. Did they win? The answer is no. I do not believe you can win a land war in Southeast Asia. You must have a superiority of 10 to 1. One man in the jungle with a rifle is worth 10 men out in front of him.

My prediction here is that if this war continues to be fought as it has been for the last 6 years, we will be there at least another 20 years. To say that this great Nation is pinned down in South Vietnam is an understatement. We are pinned down by a little nation that will not rate 75th in the family of nations. That little nation today has the most powerful, the most affluent nation in the world pinned down. And I say that is an understatement.

We can win if we fight to win, in my humble opinion. I think the most courageous decision ever made in the history of this Nation was made by former President Harry Truman when he ordered the use of Atomic weapons at Hiroshima. He served notice on the Japaneses Government, "You surrender within 3 days or expect further bombings." Hearing nothing from the Japanese on the third day the second bomb fell on Nagasaki, and the war ended, and literally thousands of lives were saved, because we had planned for the first week in November of 1945 what would have been the bloodiest invasion in the history of the world. Maybe some of you men were in the Pacific at that time waiting for the invasion onto the main islands of Japan the first week in November of 1945. The courageous action of Harry Truman brought that cruel World War II to an end. That second bomb which fell on Nagasaki was the last bomb that we had in our arsenal. We could not have gotten additional bombs until March or June of 1946.

I think we can win this war if we fight to win, but if we continue going as we have for the last 6 years, we will never win. I told the Secretary of Defense when he was before the committee, we have to get tough in order to win this war. Power is the only thing that the Communists understand. I remember when I served as district attorney in Birmingham, Ala., an old police officer told me, "You must never pull a gun on a man unless you are ready to kill him." The same advice is good for a nation that commits troops to battle. Never send troops into battle unless you are willing to back them up with every resource at your command. And, not to do that for those kids in South Vietnam is a criminal shame and an injustice.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. SIKES. Mr. Chairman, I yield the gentleman from Alabama 2 additional minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for 2 additional minutes.

Mr. ANDREWS of Alabama. Mr. Chairman, I told the Secretary, "Mr. Secretary, let us win this war. The people are getting restless. Our casualty lists are going up now to the point where the number killed runs anywhere from 250 to 300 a week. Now, let us pick up that telephone and call those people in Hanoi and tell them we will give them 30 days to get out of South Vietnam, and if you are not out within 30 days, then we are going to bring you to your knees. We think we can do it with conventional weapons but, frankly, I would have no compunctions about using the big weapon to bring this war to an end and thus save the lives of young Americans."

Mr. Chairman, there are those who say that it might jeopardize the lives of the people in this country. So what? This is war. And, we all should share the burden. And I am thinking of that kid in the snake-infested, malaria-infested, sniper-infested jungle. That little fellow's life is in danger 24 hours a day. I hope that we can follow the courage of Israel and Harry Truman and bring this nasty, dirty war to an early conclusion.

Mr. Chairman, I have served on the Defense Appropriations Subcommittee for 23 years. I have always supported Defense appropriation bills, and I am supporting this one. I again renew my plea to the President that we either fight this war to win or get out of Vietnam as quickly as possible.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. COHELAN].

The amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed four thousand seven hundred and twenty-four passenger motor vehicles (including seven medium sedans at not to exceed $3,000 each) for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; $5,031,400,000, and in addi-

tion, $510,000,000, of which $360,000,000 shall be derived by transfer from the Army stock fund and $150,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended: *Provided*, That funds available under this heading shall be available to the extent of $284,600,000 without regard to prior provisions relating to the Nike–X antiballistic missile system.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 15, line 12, after the word "system," strike out the period, insert a colon and the following: "*Provided further*, That none of the funds herein provided shall be used to carry out the provisions of Title 10, paragraph 4308 (5) of the U.S. Code providing for the sale to members of the National Rifle Association of arms, ammunition, targets and other supplies, etc."

Mr. YATES. Mr. Chairman, first let me say that this amendment will not interfere with the furnishing of arms and ammunition to high school and college ROTC units.

Second, the amendment will not interfere with the furnishing of obsolete rifles or blank ammunition to national veterans organizations for ceremonial purposes.

These questions were raised by Members in connection with this amendment when I discussed it with them. This is an amendment to stop the sale of excess guns and ammunition to the National Rifle Association and to its members. As it happens, the members of the National Rifle Association are the only ones who can purchase guns and ammunition from the Department of the Army under this section of the law. The National Rifle Association enjoys a unique position under this provision. It is given a monopoly. It is given a special privilege. The members of this organization are the only people who can buy Army guns and ammunition at cost. Over the years over 600,000 guns of various kinds have been sold to the membership. These have included over 5,000 M–1 rifles. They have included 152,000 handguns of the caliber of .38's and .45's. Why these were sold I do not know.

Two hundred and seven thousand carbines were sold. Two hundred and ninety thousand .30-caliber rifles were sold. Eight thousand 12-gage shotguns were sold. What a shotgun has to do with target practice I do not know. But those were sold under this section of the law.

The gentleman from Michigan [Mr. CHAMBERLAIN] talked a few days ago about the fact that his police forces in Michigan were compelled to buy rifles and guns at retail prices, while others were buying such equipment at cost from the Department of the Army. Yes; the beneficiary of the Army's special prices is the National Rifle Association.

Mr. Chairman, the time has come to stop the flow of these weapons from the Government to the members of the National Rifle Association.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, just to clarify the amendment, I will ask the gentleman does this amendment prohibit the sale of certain old guns to everyone or does it just prohibit the sale to the National Rifle Association?

Mr. YATES. Mr. Chairman, obsolete and surplus weapons are covered in another section of the code. This section deals with excess weapons. These weapons need not even be surplus or obsolete, they can be the current weapons being used by our fighting forces. The law we passed the other day, the military authorization bill, contained a section which permits the sale of surplus and obsolete weapons to State and local police. This has nothing to do with that. This deals only with the sale of weapons to one customer at bargain basement prices, and that is the National Rifle Association and its members.

Mr. KYL. The amendment would prohibit specifically the sale at any price?

Mr. YATES. It would prohibit the sale under this section to members of the National Rifle Association. That is correct.

Mr. KYL. Mr. Chairman, I thank the gentleman.

Mr. YATES. Mr. Chairman, one wonders at the tactics of the National Rifle Association. One of the advertising agencies in the city of Chicago a few weeks ago, when there was a great deal of furor in the country for passage of an effective gun bill, created a series of ads which showed the menace of the gun. Do you know what the NRA did? The National Rifle Association is now engaged in a campaign to convince the clients of that advertising agency not to use that advertising agency any longer. This is shameful behavior. This is the act of an overpowerful organization seeking to crush all opposition.

Mr. Chairman, I suggest that the time has come now to curb the National Rifle Association. I urge passage of the amendment.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, does the gentleman not know every general purpose and antiaircraft gunner is trained on the skeet field or by shooting at clay pigeons, whereby he develops an eye for the proper leadtime for enemy targets, whether they be training robots or in an actual war situation—hence the necessity of shotguns in training of our troops?

Mr. YATES. May I ask the gentleman: Does the skeet shooter use a rifle or a shotgun?

Mr. HALL. He uses a shotgun, and to which the gentleman made allusion a while ago, and said that shotguns were not necessary for anything in service or for practice.

Mr. YATES. I will tell the gentleman from Missouri, what the Army is selling to the National Rifle Association under that section of the law presumably are weapons for target purposes, I do not believe shotguns are used for that purpose.

Mr. HALL. That is just my point.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. I yield to the gentleman from Missouri.

Mr. HALL. The method for training for leadtime, whether it is clay pigeon or shooting from skeet pits, historically in the service has been the technique of training antiaircraft gunners for the lead that is necessary.

Mr. YATES. That is well, I am all for skeet, it is a fine sport, but why should not these people buy their shotguns at retail rather than buying them from the Army?

Mr. HALL. I would rather have an Army trained on a range for a proper leadtime rather than to wipe out all that training possibility by legislation of this kind.

Mr. YATES. I will say to the gentleman from Missouri, that is purely an irrelevant point he has raised, it has nothing whatsoever to do with the sale of rifles and handguns for target purposes by the Army. The fact that shotguns were sold under that section is an abuse of the section. That has nothing whatsoever to do with this.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if I might have the close attention of the Members. In the past the Army has had quite a program involving the National Rifle Association, but that program has now been substantially brought to a close. The program did provide, at one time, about $2 million worth of ammunition per year. But the present bill and the present attitude of the Army have changed that picture dramatically.

In the bill before us, approximately $52,000 is provided to support this program, and $84,000 is provided in another title of the bill to purchase ammunition. This is now a very limited and restricted program.

The ammunition is for certain junior rifle clubs. The senior clubs are not permitted to participate. The present program relates more directly to young men who may go into the service, so I believe it would be a serious mistake to approve this amendment. I hope the amendment will be voted down and that the Army can continue to carry on this program which now does have a more direct relationship to the security of the United States.

I yield back the remainder of my time.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is strangely out of place. It is a continuation of the antigun fight inspired by those who are seeking to take guns away from law-abiding American citizens. We fought over the same ground during the recent debate on antigun bills. At that time it could be claimed that the motive was to prevent crime. I think everyone knows that the way to prevent crime is to stop coddling criminals and to punish lawbreakers. That would not be accomplished by taking guns away from law-abiding citizens. Now, however, there is no such excuse. This is simply a raw attempt to further deprive law-abiding citizens of the right to use weapons for defense or legitimate sport.

This amendment would destroy the program of the National Board for the

Promotion of Rifle Practice, an agency which was created in 1903 by the Congress and which has served usefully throughout the intervening time. The primary purpose of the organization is to promote rifle practice among able-bodied citizens of the United States, principally those who anticipate military duty, to encourage the sound use of firearms, and to assist in conducting the national trophy matches. Members of the National Board are appointed by the Secretary of the Army on the recommendation of the President of the Board. The head of the Board, incidentally, is the Under Secretary of the Army. The work of the Board is carried on through the Office of the Director of Civilian Marksmanship which directs and controls the training program and arranges for the issue and maintenance of arms, ammunition and supplies to civilian groups and schools which are authorized support of the National Board.

This year's program is a very small one. The present head of the Board is hostile to its operations and he has largely succeeded in killing the effectiveness of the agency, presumably at the behest of the antigun groups who are so vociferous in their activities.

This amendment would abolish the program entirely. I am confident the House does not want to do this. It has served a very useful purpose in that it has encouraged boys and young men in properly supervised places to acquaint themselves with the proper use of firearms, has provided them with wholesome recreation, has kept them off the street corners and out of mischief, and has given them a useful background for military service. The work of the Board and the entire program have been carefully scrutinized through an independent study instigated by the Department of Defense, and this study gave the Board and its activities a clean bill of health and recommended its continuance.

I find it interesting to note that joining those who seek to destroy the National Board for the Promotion of Rifle Practice is the Worker, the official Communist Party publication, and on June 18 the Worker editorialized against both the Board and the National Rifle Association.

Those who vote for this amendment will find that they have strange bedfellows.

The amendment is useless in that the Department of the Army has stopped these sales as an economy measure—but this is a temporary wartime expedient. Its adoption could do harm by permanently killing the program.

Mr. MAHON. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $2,096,200,000, to remain available until expended.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 21, line 18, strike out "$2,096,200,000" and insert "$2,134,200,000."

Mr. STRATTON. Mr. Chairman, this is the amendment that I discussed yesterday during the general debate on this bill. It would add $38 million to the antisubmarine warfare research and development funds for the Navy as a special appropriation to counter a very dramatic breakthrough in Soviet submarine capabilities which has occurred since the hearings of the great Committee on Appropriations were concluded, and which very seriously endangers our fleets and our shores. Now these are not just my comments or observations. I invite the attention of the House and those who might not have been here during the debate on yesterday to page 26482 of the RECORD, which is under every seat this morning. In the first column of that page Admiral Moorer, Chief of Naval Operations, says that the research effort embraced by this $38 million which was included in the authorization bill but which has not been included in the appropriation bill is "most urgently needed from a military point of view to enable us to develop the improved defenses which are vitally needed to counteract what has been a dramatically increased Soviet threat in the field of submarine warfare."

The special money was added by the Committee on Armed Services and included in the conference report, although it was cut down a little bit, from $50 million to $38 million. But none of this additional money has been included in the appropriation bill. The main reason for that, Mr. Chairman, is that when the Committee on Appropriations undertook to examine the field of antisubmarine warfare, back in March of 1968, this new information had not been developed. Dr. Frosch, the head of research and development for the Navy, testifies on pages 386 and 387 of part II of the Appropriations Committee hearings on March 8, to this effect:

> Yes, we think we are doing what needs to be done in development, and I worked on that quite closely with Admiral Caldwell, who is the officer in charge of the ASW programs.

Well, it was not until the 19th of June, Mr. Chairman, that this information came officially to our Armed Services Committee. In the printed hearings on military posture before the Committee on Armed Services we have this same Admiral Caldwell, who is in charge of ASW programs for the Navy, in response to a question from me indicating my impression that there have been new Soviet developments which do require a sizable increase in our funds for research and development in the antisubmarine warfare field, and asking what are we going to do about these matters. Admiral Caldwell replies to my question in these words:

> My estimate is that we need around $50 million.

The rest of the answer, unfortunately, is deleted.

Mr. LAIRD. Mr. Chairman, will the gentleman yield at that point?

Mr. STRATTON. I wish I could, but I have only a limited amount of time, unfortunately.

If I could only read to the Members of the House this secret memorandum which has been made available to me from the Department of the Navy and which was also made available to the staff of the Committee on Appropriations on the 23d of August when the House was in recess, I think we would all recognize how vital is this need for stepped up antisubmarine warfare research.

"Timing is the essence of the program," so the Navy says in this memorandum; and it says that in order to meet this new threat which developed after these hearings were completed and, in fact, after this bill was marked up, very largely, that the deficiency amounts to $50 million.

Mr. Chairman, I am sure that the distinguished chairman of the Committee on Appropriations will say, "Well, they have got a lot of money over there in the Department of the Navy; they can take care of these things." But, after all, our position as a Congress is to tell the Department of Defense what has to be done. We have that responsibility and I do not think we ought to shirk that responsibility.

Mr. Chairman, this is a very grave and a very serious development and I do not think this House of Representatives, by a failure to act promptly, would wish to impair our defenses in any way, especially when timing is of the essence.

Mr. Chairman, I recall a time when many Members of this body believed back in 1940, that it was not very important to arm the island of Guam and voted against arming Guam. After Pearl Harbor occurred some of those Members did not return to this chamber.

Here is the vital information; and in my opinion we must come forward with this money to meet it, so we can begin now to plan to protect our sea lanes, our ships, our shores and in general our national security.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Wisconsin.

Mr. LAIRD. I would like to say that I have had an opportunity to go over the memorandum to which the gentleman from New York has referred. However, I would like to point out to the gentleman that we have provided $383.6 million in this bill for the ASW research and development. We have provided in excess of $2 billion for the total Navy R.D.T. & E. program. If past performance is any criteria neither of these amounts will be programed in fiscal year 1969.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the funds that are contained in this bill will not all be programed in fiscal year 1969, according to the plans of the Department of Defense at the present time.

Last year, Congress appropriated $356.4 million for this vital work in ASW. The actual program which finally went forward was to the extent of $327.1 million.

I point out these actual program levels because I think the gentleman from New York should be aware of the fact that the program level for research and development in ASW is not what it should have been. I feel that, at the present time, this is the most important area of research and development as far as our national security and defense is concerned. The rapid advancements and the breakthroughs which have been made by the Soviet Union demand that we give realistic priority to this program. Yet, according to the present program levels of the Department of Defense, the amount of money that is in this bill for ASW is more than will be programed in fiscal year 1969.

Mr. Chairman, we appropriated in 1968 more than they programed; we appropriated more in 1967, we appropriated more in 1966, and we appropriated more in 1965, than was actually programed by the Department of Defense. In other words, since fiscal year 1965 the Congress of the United States has taken the leadership and it has been out in the advance insofar as appropriating funds for this vital area. The basic fact remains, however, that the Department of Defense has not used these moneys.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, I think the figures that the gentleman gives are correct. However, I do not believe he now understands the essence of the problem. We are not talking about the conventional types of authorizations that have been requested. This is a new problem. It requires new responses. It requires an increase in entirely new programs if we are really going to deal with it.

Mr. LAIRD. This has been pointed out in our committee report and hearings time and again. We have hoped that the Department would give greater emphasis to it and that is why we have consistently appropriated more than the Department actually programed.

Mr. STRATTON. As the gentleman well knows, a very large portion of the money that has been programed for Navy research and development in antisubmarine warfare for this year is for the VSX, the advanced antisubmarine carrier aircraft, and also for the Mark 48 torpedo, and has nothing to do with the highly classified kind of research that is required to meet the new threat posed by this document. If the gentleman does not recognize that distinction then I do not believe he realizes the full seriousness of the situation that confronts the Congress and the Navy as a result of this new information.

Mr. LAIRD. The gentleman from New York is certainly not aware of the funding problems of the Department of Defense when he makes that statement. I have been very active in the Committee on Appropriations with the add-ons for ASW work for a long period of time. I believe that additional funds should be programed in this area.

Mr. STRATTON. I am glad the gentleman does.

Mr. LAIRD. The program of the Department of Defense does not even include the amount of money that is already provided in this bill.

Mr. STRATTON. I recognize that, if the gentleman will yield further. But the point is, as I said earlier, that we are the ones who ought to be calling the shots. I believe we ought to make it clear to the Department of Defense that this is a vital need. Because if the Members of this Congress knew what was in the document that I hold in my hands, and that the gentleman says he has also seen, I do not believe there would be any hesitation about appropriating this money overwhelmingly this afternoon. In fact, we let the Pentagon know in the defense authorization bill that they should not cut back research and development work on the antisubmarine warfare projects.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I thank the gentleman for yielding.

As the gentleman from Wisconsin [Mr. Laird] points out, the funds which would be appropriated under the amendment offered by the gentleman from New York are not programed, and the Department of Defense has no plans to program them. If this amendment were adopted would not the result be to have loose funds available in the Department of Defense, which as we know from experience will probably be reprogramed later and spent for something entirely different than the purpose desired by the gentleman from New York?

Mr. LAIRD. The gentleman from Arizona is absolutely correct. This has been done so often in the past insofar as these add-ons are concerned. The funds are sometimes used for entirely different purposes.

If the Department of Defense had an actual program level over and above the $383.6 million that would be appropriated in this bill, then the gentleman from New York [Mr. Stratton] would be making a very good argument, but the program level for R.D.T. & E. is apparently not even at the level that is appropriated for in this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to have the close attention of the members of the Committee. The gentleman from New York seems to feel that a new problem has arisen in the Navy in the area of antisubmarine warfare. Whether or not the problem is new depends upon one's point of view.

This Government and the Soviet Government are doing everything in their power to make submarines more quiet and both Governments are making some progress in this area.

The quieter we can make a submarine, the less vulnerable it is to detection.

Witnesses have appeared before the Committee on Armed Services and before the Committee on Appropriations in recent weeks, and we have discussed the necessity of being ahead of the Soviet Union, as we are, in this field of antisubmarine warfare. We also propose to continue to be ahead in this field.

Now, what have we done about antisubmarine warfare appropriations? We have been very sensitive to this activity, and year after year after year have appropriated for the Navy about a third of a billion dollars for research and development on antisubmarine warfare. We propose more than a third of a billion dollars this year for research and development on antisubmarine warfare. As the gentleman from Wisconsin [Mr. Laird] points out, I believe this is more than will be used and more than has been programed.

I believe we should continue to push this effort. I want to commend the gentleman from New York [Mr. Stratton] for his enthusiasm for wanting to push the program. I believe that our discussion today on this amendment will have a tendency to assure the Department of Defense of our continued high interest in this matter. We have been very adamant in trying to stimulate the Navy and the Department of Defense to greater effort in this field, and they are doing more and more. This is one of the most important military efforts in which we are involved.

Now here is the problem with the gentleman's amendment. The Navy, as I say, in this bill gets $383 million—more than a third of a billion dollars, for ASW research and development.

In addition to that, the Navy gets, under this bill, for research and development, and they have wide flexibility in spending the money—a total sum in excess of $2 billion. With the unexpended carryover funds totaling some $1 to $2 billion, the Navy will have available in the field of research and development, for the current fiscal year about $3.3 billion.

Further, with the flexibility that the Navy has, there should certainly be no reason why it could not have the use of some additional funds above what we have transferred for this purpose.

The gentleman from New York expressed the fear that the Committee on Appropriations is not familiar with the nature of these developments. The committee is fully familiar, and has made it its business over the years to be fully familiar, with developments in the area of antisubmarine warfare.

We had before us on Tuesday of this week the former Secretary of the Navy, Mr. Nitze, who is now Deputy Secretary of Defense, and we had Secretary of Defense Clifford and General Wheeler, the Chairman of the Joint Chiefs of Staff, and we talked about urgent needs that are not met in the pending bill.

We asked them if there are any particular additional funds now needed. The Secretary of Defense mentioned a couple of items, but he did not mention additional funds for the Navy for antisubmarine warfare. In the bill, the Navy gets more than $2 billion for research and development and a third of a billion dollars of that amount is for ASW research and development.

So it would seem to me then that this amount in the amendment, which was not requested by the Department of Defense and which is not in the budget, should not be added to the bill, especially in view of the flexibility and the vast number of dollars available for these important purposes.

Mr. HICKS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I want to commend my colleague, the gentleman from New York [Mr. STRATTON] and urge support of his amendment.

The gentleman from New York [Mr. STRATTON], as many of you know, is chairman of the Subcommittee on Antisubmarine Warfare of the House Committee on Armed Services and I have the privilege of serving on the committee with him. His interest and enthusiasm in this field is unbounded.

Undoubtedly, as members of this committee we are probably more interested in this problem and maybe we become unduly concerned about it as a result of the information that has been given to us. Nonetheless, just a few minutes ago we refused to adopt an amendment which would make it unnecessary to spend some six or seven billion dollars on the antiballistic system for it is extremely doubtful that this system will in the long run do other than to accelerate the arms race. Yet, where we have a proven gap, and that is the submarine gap, and something really serious—that problem is not being adequately provided for. That is not being considerate of the security of the people of America.

I feel that the amendment offered by the gentleman from New York is most vital and should be adopted.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman.

Mr. STRATTON. I appreciate the very generous remarks of the gentleman from Washington [Mr. HICKS] who has been a very active and very outstanding member of our subcommittee.

I realize how formidable it is to differ with the distinguished gentleman from Texas [Mr. MAHON] because there are not very many amendments that ever get through on his bills on any subject. But I think this is a very vital matter. The gentleman from Texas said a moment ago that this is something that was not requested by the Department of Defense—that it was not in the budget, so why should we put it in the bill?

The answer is, of course, that the unique information on which this amendment is based was not even developed until June of this year. So obviously it could not have been in the budget, and obviously it could not have been in the initial submission and request. And, I dare say, General Wheeler, when he came up and testified before the gentleman's committee the other day as to the full impact of events that had taken place, largely in Europe, during our recess and was asked whether there were any deficiencies in the appropriations bill, had not been fully apprized himself of the significance of this vital new information.

But let me just point out to the House, if I may, that this information—and the gentleman from Texas gave more of it than I have given—this information in effect means, as I understand it, that the Soviet Union has now reached today, in 1968, a point of development that our intelligence experts had estimated their submarine threat would not reach until 1975. This is most disturbing news.

We had Dr. Frosch before our committee. I wish the hearings were really available to this committee in full. On page 9570 of our hearings Dr. Frosch was asked a question by me:

> How do recent developments in (deleted) and more Soviet submarines affect ASW R&D?
>
> Answer. (Deleted.)
>
> Question. How much more should the budget contain to meet this (deleted)? Where should the money be spent?

At least I think we have here a little bit of the real answer of Dr. Frosch:

> Answer. The FY 69 ASW portion of the RDT&E budget was considered appropriate at the time it was submitted several months ago. (Deleted.) This has been spoken to in a previous question.
>
> The most recent review and assessment by Admiral Caldwell, the Director, ASW programs indicates that the FY 69 ASW budget could sensibly use an additional amount (deleted).

And fortunately, this deleted amount, although it was stricken out at this section of the printed hearings, appears elsewhere as the $50 million figure I have already mentioned, $38 million of which remained in the conference report.

I am really amazed that the gentleman from Texas should suggest that this House ought to deal with this kind of threat, where the Soviets are reportedly 7 years ahead of our own intelligence estimates, of where they would be, by simply saying, "We will let the Navy come in and reprogram." Are we supposed to be raising an Army and a Navy in this House, as the Constitution directs, or are we leaving that responsibility to the Department of Defense? The distinguished chairman of our Committee on Armed Services, the gentleman from South Carolina [Mr. RIVERS] has made this point time and time again to the Congress, that we are the ones who have that ultimate responsibility. We even have it emblazoned on the podium in our committee room. And I think we must exercise that vital, constitutional responsibility today and start down the road toward meeting this increased threat.

Mr. HICKS. I thank the gentleman from New York for his contribution. I wish to close by saying that from the information available to me as a member of the House Armed Services Committee, I feel it is far more vital that we have this submarine money than that we vote an antiballistic system this year at this time.

Mr. LIPSCOMB. Mr. Chairman, I rise in opposition to the amendment.

The Defense Appropriations Subcommittee has been working on antisubmarine warfare problems for a good many years. In fact, the distinguished chairman from Texas [Mr. MAHON] has at times appointed special subcommittees to inquire into why the Department of Defense and the Navy, has not progressed faster and harder in that area.

The potential of the threat that has been discussed here today has been known and recognized by not only intelligence experts and the Navy, but by our subcommittee for a good, long time. We would never go into an appropriation hearing or come to the floor of this House without seeing to it that we adequately supplied funds for the antisubmarine warfare R. & D. program. That is why we have over $333 million in the bill today for antisubmarine warfare.

If the Navy desires to put these items in a higher priority than they now have them, there is no reason at all why the Navy cannot utilize more of the $2.1 billion in this bill for R.D.T. & E. for these new high priority requirements to compete with the submarine threat that now exists, in favor of requirements with a lesser priority.

Therefore, I rise in opposition to the amendment, because I feel confident at this time that the money in the bill for "Research, development, test, and evaluation, Navy," is sufficient to do the job.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. LIPSCOMB. I am pleased to yield to the gentleman from New York.

Mr. STRATTON. I might say in reply to the gentleman's statement that this memorandum that I have referred to and which is available in the committee staff makes it clear that it is vital that the Navy not only retain every nickel that they have already gotten for ASW research but that they also get an additional $50 million, only $38 million of which the conferees actually approved in the authorization bill.

As I said in reply to the gentleman from Wisconsin [Mr. LAIRD], the figure for ASW research this year looks big, but as a matter of fact it includes most of the money for the VSX, the new antisubmarine aircraft, which I think ought properly to be funded under aircraft rather than under ASW research.

What we need is the development of special techniques to counter this particular new Soviet progress which we only found out about in June. Of course a reprograming is always possible, but that would mean robbing Peter to pay Paul. Is it not the part of wisdom for this House to recognize in the appropriation procedure, as we have already done in the authorization procedure, this new threat and do something about it?

Mr. LIPSCOMB. Mr. Chairman, I would like to point out to the gentleman the memorandum to which the gentleman referred is very familiar to the members of our Defense Appropriations Subcommittee.

The Department of the Navy is perfectly capable of putting this requirement in a higher priority than others in its research and development program and utilizing more money for it. They could even do away with a couple of studies or more which are not producing valid results, and reprogram that for this purpose. I question whether the study of husband-wife relationship in Israel or the changing pattern of Moslem family life are as essential to our national security as is ASW. There is over $47 million programed in the Department of Defense for studies and analyses. Defense has sufficient funds to meet this ASW requirement within their funding flexibility.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield further, the gentleman says the Navy has plenty of money. Did the gentleman happen to read the front page of the New York Times this morning, which commented on the budget "gimmickry" which is going on in the administration to try to bring about the spending reduction which this Congress has demanded? The story said the only real spending reductions have taken place in the Department of Defense. There have been reductions of $3 billion in the Department of Defense, the article reported. So where is all this money the gentleman refers to?

Actually, there is some question whether the Navy will be allowed to use even all the money which we have included in this bill for ASW. I think if we are really going to point up this new problem and make sure the boys at the Pentagon do not throw the whole matter into the ash can, we ought to put it in this bill.

Mr. LIPSCOMB. Mr. Chairman, I think the gentleman, by offering his amendment and giving us an opportunity to debate it on the floor, is giving ample notification to the Department of Defense and the Department of the Navy that they should act on this matter and perhaps take some money from nonproductive projects and put it where it will do some good. It is very good for the country to have this debate, but, as I said, let us leave it at that.

Mr. Chairman, I oppose the amendment offered by the gentleman, and yet I want to point out very quickly that I am a very strong supporter of our antisubmarine program. I believe the Navy should move ahead rapidly and with dedication in this area.

Mr. STRATTON. Could I ask the gentleman whether it is true that Admiral Caldwell, who is in charge of antisubmarine warfare program, for the Navy, never testified before his committee?

Mr. LIPSCOMB. He never testified before our committee as far as I know, but we have had considerable antisubmarine testimony before our committee from other Navy officials competent and knowledgeable in this field. I have also talked to the gentleman personally.

Mr. MAHON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The question was taken; and on a division (demanded by Mr. STRATTON) there were—ayes 11, noes 31.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, to remain available until expended; $472,600,000: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. FINDLEY was allowed to speak out of order.)

NIXON PLACES THE ATLANTIC ALLIANCE FIRST

Mr. FINDLEY. Mr. Chairman, even before election day, Richard Nixon has made a significant contribution to world peace and freedom.

Yesterday Mr. Nixon forthrightly placed the interests of the Atlantic Alliance first by announcing his opposition at this time to ratification of the proposed Nuclear Nonproliferation Treaty. This treaty has been opposed by several of our NATO allies, because it placed cooperation with the Soviet Union ahead of the legitimate defense interests of West Europe. Their concern has been dramatically confirmed by recent events in East Europe.

To ratify this treaty at this point—with Soviet troops in Czechoslovakia in violation of international law—would be politically self-defeating and morally indefensible.

As a candidate for President and the acknowledged frontrunner, Mr. Nixon is to be commended for the courageous manner in which he has spoken out. He has put the Soviet Union on notice that good relations with this country depend on something more than polemics and that the risks of their expansionist policy will not be ignored in this country. It is regrettable that the President has pussyfooted about this matter, leaving the impression in Moscow that U.S.-U.S.S.R. relations would not be materially set back by the invasion.

Hopefully from reading Mr. Nixon's statement the Russians will know they cannot have their cake and eat it too. He has made it clear to them that their present policy of exacerbating tensions in the Middle East and Europe is inconsistent with a goal of genuine relaxation of tensions with the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY FUND, DEFENSE

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred, not to exceed $150,000,000, to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriation from which transferred.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I addressed the House on yesterday in general debate. Inadvertently my remarks did not get in the RECORD. I should like at this time to proceed to make the same arguments to the Committee.

Mr. Chairman, my colleagues on the subcommittee who have preceded me have done an excellent job of presenting the details of this bill and have covered most of the problems with which we are faced and described the efforts which we made in this bill to meet our needs.

In view of full funding and the unspent money that is now in the hands of the Defense Department, plus the fact that Southeast Asia is exempted from recent limitations on expenditures, I see no reason why our military needs could not be met even though money spent might have to be replaced at a later date.

Certainly there are many places in this bill, such as in the area of research and intelligence, where, in the one case many projects seem to be of doubtful value in view of the present monetary situation, and, in the latter case, there seems to be far too much duplication—so much so that our hearings would indicate there is a real danger that before intelligence is properly analyzed it may have become worthless or meaningless.

Mr. Chairman, we read much discussion about the war in Vietnam and there are certainly many problems and many viewpoints about it. There are certain factors in our overall international situation I think we should be aware of. First, though this is a nondeclared war, it is a real war nevertheless. Second, so far as I know—and I have served on this committee for years—the only plan that we have ever claimed to have for winning was that which former Secretary McNamara expressed when he said we hope to win "by proving to the enemy that he cannot win." We followed such a course of 7 years under Mr. McNamara and got in deeper and deeper so far as men, money, and loss of life are concerned. So far as I am concerned, I have heard of no new statement so far as a plan to win.

I have been pleased that at least we were in contact with the North Vietnamese in the Paris talks and to read where we were busy training the South Vietnamese and expected them to take over more and more of the conflict. This is in accord with recommendations which I have repeatedly made.

Mr. Chairman, since this situation has

constantly deteriorated, at least with regard to its effect on American young men, on our economy, and on our future, I think we need, in making an analysis of our situation, to review some things in the past. Having this in mind, I reviewed my own presentations for the last 7 years, based on testimony of the Defense Department. Thus, my statements come after such review.

SHIFT IN PLACE OF CONFRONTATION

Mr. Chairman, it is hard to admit error, but we have let the Russians shift the confrontation with the United States from Cuba, where everything was on our side and they were 10,000 miles from home, to Vietnam where everything is on their side and we are 10,000 miles from home.

It may work; but for years we have been virtually begging the North Vietnamese to grant us peace and begging them even to come to the peace table. All of us wish for peace, but seldom in history has any peace come from this type of approach. I am glad to see the peace talks going on, but I can not see that they are making any progress.

THE NEW SECRETARY

I was glad to see in our hearings the attitude of the present Secretary of Defense. He was candid, and quite frequently he told us he did not know, and when he gave us an answer as to what his thoughts were, he usually explained to us why. He might well study the record as to the facts on the *Pueblo* incident as well as our intelligence agencies, called the intelligence community. Our Secretary, by temperament, is quite a change from his predecessor who, though brilliant and certainly patriotic and hard working, was usually so very sure he was right it was difficult to reason with him and very hard, indeed, it was for him to admit error. Yet, after 7 years it is hard to see where we have made any real progress.

Another problem that we have is the fact that some people seem to believe that without war we might have a depression. Certainly there is no basis for such feeling. Because of the war we are getting to be a poorer and poorer nation. If we could bring this war to an honorable conclusion and spend one-half the amount on developing our own natural resources that we now spend on using up resources in Vietnam, we would be a much wealthier country.

REVIEW OF INTELLIGENCE SYSTEM NEEDED

So far as intelligence is concerned, when we woke up to the fact that with all of our Central Intelligence, the Russians had missiles in Cuba before we knew it, instead of a wholesale reorganization of the Central Intelligence Agency, we seemingly setup in the Defense Department an entirely new unit, which doubtless cost us billions of dollars, called the Defense Intelligence Agency. If you will read the hearings in part 4, pages 400 through 524, you will wonder how we have done as well as we have. This Agency had all sorts of knowledge of the preparations and movements incident to the Tet offensive, but apparently little idea that the North Vietnamese would strike on a holiday, which they did. If you will read these pages, you will find that when our committee made an investigation the Defense Intelligence Agency had 517 linear feet of raw intelligence that had not even been analyzed and that it took an average of about 8 days for a piece of raw intelligence to be completely analyzed.

You will note that it is said that hot intelligence gets quicker handling; but someplace, somehow, it would appear that we are getting such a huge volume of miscellaneous information that present systems seem to be breaking down because of numbers and agencies and money spent. Certainly some remedy should be forthcoming.

THE "LIBERTY" AND "PUEBLO" INSTANCES

Another thing that is most disturbing is the ships, the *Liberty* and the *Pueblo*. In the *Liberty* instance, the message warning the *Liberty* they were in dangerous waters and to move first went to the Philippines. Message then came back here and was filed at Fort Meade, and never reached the ship, *Liberty*. A second message was then sent out and went to the ship, *Little Rock*, in the Mediterranean, and then to Morocco. Of course, the ship had been struck before any word ever got to it. Human error is always possible—but it seems impossible that we have a system where such things could happen, and the folks here sending out messages have no way of knowing whether the message was received.

With regard to the *Pueblo*, the number of conflicts or incidents between us or the South Koreans and the North Koreans had increased some tenfold within 12 months, and yet our people, from the hearings, seemed to have had no idea that this might indicate any greater likelihood of trouble. According to the testimony, the North Koreans had made numerous passes at the ship to our knowledge prior to its being stopped.

And prior to that, though we knew this ship was in, to say the least, dangerous waters and unescorted, we had made no arrangements through the United Nations to permit the South Korean Air Force, 15 minutes away, to protect such ship in case of need. Of course, earlier we had agreed that the South Korean Air Force, which we largely finance, would be subject to the orders of the United Nations and not to the United States.

All of these things, when coupled with our situation in the rest of the world, to me mean that we must have a wholesale review of not only the war in Vietnam, but of our foreign policy generally.

NATO SUPPORT OF UNITED STATES QUESTIONABLE

Little attention has been paid to it, but for years now the NATO countries have not been holding up their share. Few folks seem to be aware of it, but when France forced NATO and our forces out of France they prohibited us from even flying over France. The only way we could get Belgium to let us locate NATO headquarters there, I am told by our military, was for us to pay the cost, put it in a depressed area of Belgium, and "guarantee that if ever moved we would make payments to the people of the area for the economy loss, somewhat in the nature of reparations or social security."

Mr. Chairman, needless to say, I support the committee here and could not work with a finer, more able, group of men. The points I have made I feel should be made for the record. I hope all of you will read the hearings, particularly part 4, pages 400 to 524.

Mr. Chairman, perhaps I best described the situation as I see it in a speech last October to a national convention of the Reserve Officers Association at Biloxi, Miss. This may be somewhat repetitious, but I would like to read it to you here now. In this speech I covered several other points, but I shall leave them in because I think they are of interest, or should be of interest, to the country at the present time, for we need to review domestic policies as well.

I quote:

IT IS TIME TO CHANGE OUR COURSE

(Speech of Congressman JAMIE L. WHITTEN, to the Fall Services Affairs Conferences, Reserve Officers Association, Biloxi, Miss., October 4, 1967)

* * * * *

You are citizens and soldiers, and thus I welcome the opportunity to discuss with you some of the serious problems we face at home and abroad.

VIETNAM

On the foreign front, having served on the Committee on Defense Appropriations and listened to all of the key witnesses—to the Secretary of Defense and the Joint Chiefs of Staff and subordinate officers—I must say in the understatement of the year, that things do not go well with us in Vietnam.

Never in history has a war of this size been carried on so long without a plan for victory. Never have we faced a situation where the Secretary of Defense can only claim, as our Secretary does, that "we plan to win by proving to the enemy that he can't win."

From a modest beginning—300 military assistance and foreign aid advisors in 1955—we escalated our involvement to 692 advisors in 1957, and to 10,000 by the end of 1962. In 1963 the Secretary, who each year estimated when our "involvement" would be over, joined by former Senator Lodge, said the maximum number we would need was 16,500. By July 1965 this number had gone up to 72,000; by November 1965 it had increased to 165,700, and an admitted military operation was on. No longer could the fantasy that our military personnel was there only to counsel and advise be maintained. Today, we know that we have more than 464,000 Americans in Vietnam engaged in combat up to the hilt. The latest plan, according to the President, is for an increase to 525,000 men by June, 1968 . . .

Most of our people do not seem to know just how little united support we have in South Vietnam, where our enemies "hide among the people" which means that the South Vietnamese on our side won't report the other South Vietnamese, the Viet Cong who each night war against our men.

Recently I have studied still further the history of Vietnam, of both North and South Vietnam. According to all the records, the South Vietnamese, allied with us, have historically managed to get by with others doing most of the fighting, even during the French occupation. In the early days of the present war, when our men were there to counsel, to advise and then to supervise, the South Vietnamese of course carried the brunt of the fighting, which was sporadic. But as time has passed, more and more the full weight of the war has been placed on the shoulders of our American boys.

I know you, like me, find it difficult to accept the fact that a hundredth-rate power such as North Vietnam, supported by the

Viet Cong, has our Nation, with all its power, tied down half-way around the world! To me, every additional day such a condition continues increases their claim to victory and further weakens our position.

I say here and now we must call on North Vietnam for an immediate peace. If this is not forthcoming, we must knock out every vestige of military power or supporting strength in North Vietnam. We owe to the more than 464,000 Americans we have there now, and to the others who are expected to be assigned there soon, this all-out action. Then, as soon as the job is done, we must turn to local officials in South Vietnam and say:

"We have developed your country. We have built you roads, harbors, and airfields. We have brought you almost unlimited military equipment and taught you how to use it. We have provided more supplies and set up more reserve supplies than your country has ever known. We have virtually knocked your opposition out. Now that we have put you in the saddle, it is up to you to carry on, for we have done our part."

And then we need to come home!

After listening to the detailed testimony of our top-flight military leaders and civilians in the Department of Defense through the years, I am convinced this is our only solution.

Any course of action which leaves us involved in a land war in the swamps and jungles of this small nation on the continent of Asia, half-way round the world, for years to come is one of failure. We cannot continue to fight indefinitely for people of another far-away country, a large number of whom only half-heartedly fight for themselves.

GOOD INTENTIONS GONE ASTRAY

My friends, after World War II this country did much to relieve the suffering left by the war. . . .

Since then we have dissipated our wealth in nations around the world, even to the point where we must borrow from those we help. We have put copper in our silver coins, sold the notes we hold to keep from borrowing more. We say we are "selling gold" when the fact is that other countries question our money and demand gold instead of currency. We have violated nearly every lesson of history.

We insisted that France and England give up the Suez Canal, and as a result, we are now faced with the demand that we give up most of our rights to the Panama Canal. We opposed Batista in Cuba, and ended up with Castro and his Communist regime right off our coast. In practically all areas we are having difficulty and in most countries we now wonder how we can get out.

We ran the stable influences out of practically every section of Africa and now we see many of these tribes drifting back toward anarchy. We largely caused these numerous small African nations to spring up like mushrooms. Now we have to bargain for their votes in the United Nations, where each has a vote fully equal to the single vote of the United States, though we pay the major share of the cost.

I have seen the United Nations in action. I was there when Khrushchev ran the length of the floor to embrace Castro. It would shock you to see just how little influence we do have.

WE TURN TO FOREIGN WAYS

We have seen the unfortunate and tragic death of an American President, on the order of what occurs in the turbulent countries which unfortunately we seem to copy. It is in our country where we see the right of jury trial gone. It is in our country where we see minority groups issue dictatorial orders and see the Government back them up. Yes, it is in our country where we have riots, mob violence, including murder, where property is destroyed without restitution or payment. It is in our country where people lie in the streets, block the highways, force their way into businesses, loot, kill, and burn to get what they want.

No longer are people being taught to work, to save, to accumulate capital so they may improve and get ahead in the future. We have accepted foreign ways. We accept their policy of force, of the shortcut, of violence. Many of our people have been led to demand and to take what the other fellow has worked for and has accumulated. The real tragedy is that a whole new generation has seen evidence that many times this has seemed to be the way to get results.

Now it is said by many that individual rights must come ahead of property rights. My friends, if there are no property rights, there will be no individual rights to enjoy.

Laws protecting person and property, with few exceptions, are local laws and we must depend upon local officers to enforce them. Yet, beginning with pictures showing U.S. soldiers with bayonets moving against local law enforcement officers and students in 1957, a whole generation of youth has seen our Government and our Federal Courts berate and belittle local law enforcement officers, restricting them by injunction and making them almost defenseless in their encounters with murderers, robbers, and rapists. They have seen the Supreme Court free defendant after defendant on technicalities, turning them loose on a helpless public to continue their robbery and rape.

In the guise of protecting individual rights, on more than 35 occasions the Courts have endangered the rights of the people of the whole community. Our youth has read accounts of these actions in the press, heard them over the radio, and from the pulpit. They have seen them on the screens of television sets. In the process, respect for and thereby obedience to local law has been largely destroyed, although as I have said, it is to local law and its enforcement officials which we must look for protection.

We see a complete breakdown in law and order in city after city. On every hand we see crime running rampant, topped perhaps by the Watts Riot in 1965.

The National Guard has been called out many times in our history, but never like the present. Our Reserves not only are absolutely necessary in time of combat, but are the last bastion of defense at home.

We find, as we search to see how this Nation came to such a sorry pass—to such a dangerous situation at home and abroad—that primarily it all goes back to recent actions of the Supreme Court. . . .

In more than 10 cases the Supreme Court has weakened the ability of police officers to carry out their duties. Newly found personal rights have been placed ahead of the rights of the people. Certainty of punishment, the greatest deterrent to crime, has been set aside. Punishment has become not only uncertain but unlikely, under present Court rulings. The Justices have, in effect, written into the Constitution and into the law meanings previous Justices had said were not there. They have written a new Constitution and they have gotten by with such usurpation of power only because the other branches—the Legislative and Executive—have gone along with it.

They have denied to Congress powers it was long assured it possessed, and which had seemed and now seem clear in the Constitution. The Court has upset State laws, State courts, and even State constitutions. The present Court has broken all restraints, reaching out boldly with revolutionary doctrine.

To make conditions worse, some inferior Federal courts, the Courts of Appeals and even some District Courts, have even gone further than the Supreme Court. Such courts say they are bound to go as far as the Supreme Court decisions. They have shown no feeling of restrictions, however, which would prevent them from going further than the Supreme Court decisions themselves.

It is perfectly clear to anyone who reads the Constitution that the founding fathers created the three branches of government as equal and co-ordinate. It is to be noted that the Judicial Branch consists of a Supreme Court and "such inferior Courts as Congress may from time to time ordain and establish." Nowhere is it set up as a "Supreme Department" with overriding or dominant power over the other two branches. Instead, while it is equal and co-ordinate, it is significant that it is listed last in the Constitution, whereas the arm of government which is closest to the people, the Legislative, is listed first.

Remember, the Supreme Court does not have a single dollar to pay itself, nor a single official to enforce its orders. Thus, it is within the power of the people to restore sanity to our government, to make it safe to walk our streets.

We must stop the Supreme Court from its actions of setting itself up as a "Supreme Department." A country may be saved and once again the individual who destroys, who robs, who kills will be held accountable for violating the rules of society—the laws so necessary for the general welfare. Once again the rights of the great majority will prevail and the Supreme Court will again become a court as the founding fathers intended it, and not a 5-man dictatorship as the Congress and the President have let it become.

To this end I have introduced H.R. 904, providing for a standing Committee on the Constitution. If we can get hearings on that resolution, all we need do to indict the actions of the Court before the people of this Nation is to read the dissenting opinions of individual judges of the Supreme Court as to their colleagues.

I hope that you and other members of the Reserves, and other interested citizens will do what you can to urge the support of a Standing Committee in the House of Representatives on the Constitution, in the hopes that such a committee may help us to again become a Nation where the rights of the general public are paramount; a Nation where the person who works and saves to accumulate property will be protected in the enjoyment of the fruits of his labor; a Nation whose Constitution once again guarantees to our people freedom of religion—not freedom from *religion*—as it was intended by our forefathers.

The **CHAIRMAN**. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the nation defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with 5 U.S.C. 3109, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 24, after line 15, insert a new section 502, as follows:

"SEC. 502. None of the funds made available herein to the Department of Defense shall be used to carry out the purposes of Public Law 90-465."

Renumber other sections accordingly.

Mr. YATES. Mr. Chairman, Public Law 90-465 is that law which was passed in the fading shadows of a waning evening after a long and weary day after the Members had debated suspension after suspension on a schedule which included 25 suspensions for that day.

It was passed by another body and it became Public Law 90-465. There was no debate on the bill. There was no explanation of the bill. There was no rollcall on the bill. It occupied the attention of Members for approximately 4 minutes before the next suspension was called.

What did that bill do? It did one thing and one thing only. It provided for the expenditure of money, of taxpayers' money, $500,000 a year for 3 years for carving out hunting preserves on military reservations. Previously expenses for such acivities had been paid for by fees which were collected from civilian hunters and fishermen.

It authorized $500,000 a year to develop hunting and fishing preserves on military reservations. Do the Members believe that in this year of austerity we ought to be creating hunting and fishing preserves on military reservations?

Why should the taxpayers pay to develop a hunting preserve for Army brass and a few nonmilitary hunters, for civilians who might suddenly find their privileges cut off because the Army decides the public should not be allowed to use the military reservation?

Where should emphasis be placed? What is the primary mission of a military complex? Is it to develop hunting trails and fishing ponds?

Is the time coming when our generals will have pictures taken of themselves like General Franco of Spain, sitting on a shooting seat with shotgun in hand, wearing a tyrolean hat, waiting for the privates to beat out the doves and the pheasants and other game that they can shoot them readily?

The Department of Defense did not want the bill. Let me read to you from the report of the committee at the time the bill was presented. I read from the letter of the Department of the Army dated March 28, 1968, addressed to the Honorable EDWARD A. GARMATZ, chairman of the Committee on Merchant Marine and Fisheries. This is what they say, and it is shocking that the bill was passed in the face of what the Army says:

> National defense missions are of necessity subject to rapid changes, and the use of military lands to support essential mission requirements must be immediately responsive to such changes. Recreation developments involving more than nominal or incidental cost to serve the general public on military lands would always be in jeopardy of loss to defense requirements. When such losses occurred, they would include not only the cost of the development but also the inconvenience and antipathy of the using public and greatly reduced effectiveness in quickly converting the land use to its intended military purpose. Further, general public access to such developments in numbers that would make any significant contribution to public recreation needs would impose extensive administrative and control responsibilities on local commanders, to the possible detriment of military missions.

Yet in the face of this report, the authorizing bill was whisked through, and we today are asked to make available the sum of money of $500,000 to carve out these hunting and fishing preserves on these military reservations. I say the authorizing bill should not have passed and any appropriation in furtherance of the bill is unwarranted.

Again, Mr. Chairman, I think the least we can do is to make sure that the funds are not spent this year for this purpose. I urge the adoption of my amendment.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. SIKES was allowed to proceed for 3 additional minutes.)

Mr. SIKES. Mr. Chairman, the persuasive argument that you have just heard makes us wonder how it was that this bill was unanimously approved by the House committee; and it received favorable reports from the Departments of the Army, Defense, and Interior; or how it was that it passed the House, that it passed the Senate, and that it became law. Apparently there is a communications gap somewhere, and the distinguished gentleman from Illinois has access to information which is denied to everyone else.

Mr. Chairman, the gentleman who offers this amendment is a very dedicated Member of the House, one of its most likeable Members, and my dear friend. I am convinced that this amendment is not original with him. Undoubtedly it is one which was palmed off on him. I will go even further and say that I am convinced that he knows nothing about the program which his amendment would seek to destroy. I say these things because I know the gentleman from Illinois does not wish to deprive military personnel and their families of simple, ordinary outdoor recreational opportunities. But that is exactly what his amendment proposes to do.

So the issue is a very simple one. If the Members of the House want to deny wholesome recreation to 3½ million servicemen, to their wives and families, and to civilians who pay a small fee for the right to take advantage of recreational opportunities on military reservations, you can deny them this opportunity by voting for the amendment.

By voting for this amendment, you can also deny revenue to the Government—revenue which would come in the way of fees for the use of the reservations' facilities, and revenue from hay, timber, and other assets which may be produced incidental to the conservation program. This is money which now accrues to the recreational programs and which could be lost through this amendment.

Now let me tell you what the program is all about. There is a recreation and conservation program for military reservations. It has been in effect for a number of years, and has operated quite successfully on many reservations. It was deemed important to set up such a program because the Government has 250 military installations on 30 million acres of ground. Many of these reservations offer wholesome outdoor recreation—hunting, fishing, boating, camping, swimming, photography, and so forth. These activities are carried on with fees that are paid by the users. It is just that simple.

It has been found that the recreation and conservation program has not worked well on some military reservations simply because it has not been possible to get the program off the ground. The recreational advantages, including hunting and fishing, which are offered, are almost nonexistent. Consequently, there are very few who are willing to pay fees for advantages that simply are not available. It was felt that a small and very limited appropriation would permit stocking of game and fish and planting where necessary to attract game and fish, and other activities, and would give a boost—a shot in the arm—to the program, and permit them soon to operate on a self-sustaining basis.

The gentleman's amendment proposes to prevent that action, and thus to deny recreational and conservation advantages on those bases where programs have not been started. However, it is entirely possible that his amendment would kill the programs already in operation, and that is an even greater danger.

There is no money in the current budget for this program. His amendment, therefore, could affect self-sustaining moneys already generated on military reservations. It would be a very unwise and, I think, unpatriotic act to adopt the amendment.

Once I heard this program described as something to provide a place for generals to play. Yes, generals use the recreational advantages. So do privates. So do sergeants. So do lieutenants. So do civilians. They have equal access. I would point to the fact, however, that generals have access to many advantages other than recreational facilities on military reservations that are not available to privates and to their families.

To deny these facilities to men in uniform and their families would simply send them to town for their recreation, perhaps to join in demonstrations and marches to show their dissatisfaction with the way our Government, including the Congress, runs its business.

Again, the issue is very simple. Those who want to deprive those in uniform and their families of the enjoyment of the recreational advantages which are available or can be made available on military reservations should vote for this amendment. I oppose it.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I shall be glad to yield to the gentleman from Massachusetts.

Mr. BATES. As the gentleman knows, this bill did not emanate in the House Armed Services Committee. So I am not as familiar with it as I ordinarily would comments of the gentleman, that what is proposed to be done by the particular bill be. But do I understand, based upon the to which he has referred, is very much similar, in essence, to what we do in our national parks for all Americans as well as our State parks?

Mr. SIKES. That is correct. It provides access for every American to use the recreational advantages of the military reservations in substantially the same way that the public has access to State and National parks on the payment of a small fee. However, there is no money in this budget for the implementation of the bill. It would simply afford to those reservations which have inadequate recreational facilities an opportunity to get them started on a self-sustaining basis.

Mr. BATES. In other words, this is what we do in our State and National parks?

Mr. SIKES. That is correct.

Mr. MAHON. As I understand the picture, of course we have had these programs for recreation at these various military reservations and they have been self-supported by private funds, and they will continue to be supported by funds from military personnel and others.

Mr. SIKES. That is correct.

Mr. MAHON. And here we have authorized, through legislation, funds to be used in areas where this special need is urgent. However, I believe, as the gentleman pointed out, and which is correct, that there is no money set aside in this bill for this purpose.

Mr. SIKES. But the proposed limitation in the amendment could cripple the program already in effect, although it is so operated on a self-sustaining basis.

Mr. MAHON. The gentleman is correct.

Mr. COHELAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I thank the gentleman from California for yielding to me.

I believe some of the statements that were made by my good friend from Florida—and he is my good friend—have to be answered.

First, I would not even answer the charge that this amendment was palmed off on me. The gentleman from Florida knows better. Such an argument only emphasizes the weakness of his case.

Second, nothing that is in my amendment will kill this program. The funds that are available for this program are not appropriated funds, they are trust funds. They come from fees that are collected from those who use the facilities through the course of the year. Those trust funds are still available. Those funds will still carry on the program and there is no possibility the existing programs would be jeopardized if my amendment comes, as it should.

The one question that is presented by my amendment is whether there shall be used an additional $500,000 of the taxpayers' money this year to augment the hunting and fishing program, whether we will use $500,000 of the taxpayers' funds next year, and $500,000 of the taxpayers' funds the following year to augment this program in order that hunting and fishing preserves may be carved out of these military reservations.

Mr. Chairman, I believe this money ought to be saved. Therefore, Mr. Chairman, I urge the adoption of my amendment.

Again, I thank the gentleman from California for yielding.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. VANIK. Mr. Chairman, I heartily concur in the amendment of the distinguished gentleman from Illinois [Mr. YATES] to insert new section 502 to preclude the expenditure of Federal funds to establish a hunting preserve on lands owned by the Department of Defense.

Sensible expenditure control cannot and should not permit such shameful waste.

If the military departments of the Government hold lands in excess of present needs which must be held for future contingencies, such lands should be leased or set over to the National Park Service so that they can be used by all the taxpayers of America, rather than for the special and private use of the military elite and their guests.

Mr. COHELAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 12, noes 31.

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 528. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.
>
> Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the committee a question.

Paragraph 4308(5) of title 10 of the United States Code provides for the operation of a National Board for Rifle Practice.

At the conclusion of that paragraph, it is stated that the sum of $7,500 should be available for the incidental expenses of the Board. I note that the expenses of the Board are budgeted beyond that amount. I wonder whether there is a discrepancy? The amount that is supposed to be budgeted this year is in excess of $50,000. I wonder whether that is beyond the authority granted by law.

Mr. MAHON. According to the provision of the law relating to the establishment of civilian rifle ranges and instructions, which was the subject of an amendment offered earlier in the afternoon by the gentleman, it is true that there is in section (b) this language:

> There is authorized to be appropriated annually the sum of $7,500 for incidental expenses of the National Board for the Promotion of Rifle Practice, including books, pamphlets, badges, trophies, prizes, and medals.

The gentleman is correct that the money provided is in excess of the funds in this authorization. It has been the practice of the Congress for many years to provide certain funds for these programs.

Mr. YATES. Is the gentleman from Illinois correct in assuming that there is no other authority in law for funding the operation of this Board?

Mr. MAHON. I am not able to speak authoritatively on that matter.

With respect to a point of order, of course a point of order would very likely lie at this point.

Mr. YATES. Yes, but because of the rule I did not raise the point of order, and I did not offer another amendment at this point because it is obvious the amendment would not carry. I would hope in the future this excess provision would be corrected. I know the gentleman does not want to appropriate money beyond the amount authorized by law.

Mr. MAHON. I would say to my colleagues on the committee that we will do some research on this matter and supply a more authoritative response to the gentleman's inquiry for the RECORD.

Under leave to revise and extend, let me add that the $7,500 authorized by paragraph 4308(b) is applicable only to the appropriation of funds for incidental expenses, including books, pamphlets, badges, trophies, prizes, and medals. Included in the $52,750 being made available for the operation of the National Board for the Promotion of Rifle Practice is an amount of only $1,050 for office supplies and materials. No funds were requested for badges, medals, trophies, and targets. About $45,000 of the $52,750 included in the bill will be used for personnel compensation and related benefits. Of course the question which might be raised is the definition of incidental expenses, and whether or not the phrase "including" is exclusive.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 539. (a) During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Bureau of the Budget.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

I take this time to ask the chairman of the committee a question relative to section 540, which reads as follows:

> SEC. 540. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot—

Then the section goes on to state—

> or any group activity resulting in material damage to property or injury to persons,

found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Does the last part of the section mean that a court of competent jurisdiction would have to determine whether there had been any group activity which resulted in material damage to property, as provided in the previous part of the paragraph?

The chairman will note that the first part of the paragraph requires conviction by a court of competent jurisdiction with respect to an individual who is guilty of those crimes. The latter part of the section refers to group activity and makes no mention of conviction by court. I wondered whether it was intended that the same test be applied; namely, that the persons accused shall be found by a court of competent jurisdiction to be in violation of Federal, State, or local laws.

Mr. MAHON. I would assume so.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 541. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: On page 44, after line 14, insert the following:

"SEC. 542. None of the funds appropriated in this Act shall be used to carry out military operations in or over North Vietnam, except in time of war."

And renumber the following section accordingly.

Mr. BROWN of California. Mr. Chairman and Members, lest anyone think that this is a new and startling proposal on my part, I wish to state that it is essentially the same amendment as I have offered previously, aimed at halting the bombing of North Vietnam or the invasion of North Vietnam by American troops.

I offer this amendment as an economy measure in a time when the country is in stringent financial circumstances. There is no reliable way of estimating what the bombing of North Vietnam is costing us at the present time, but it is somewhere in the neighborhood of $5 billion. I would say that savings of $5 billion would be extremely helpful at this particular time. It would relieve a great many of the domestic problems which face this country, and I think it is well worth considering on those grounds alone.

However, I think we are all aware of the fact that there is a great debate taking place in this country with regard to the war in Vietnam and the necessity of bringing it to an end. Likewise, I think that most people who have studied the situation thoroughly and who have been closest to it recognize that there is no possibility of bringing about a negotiated solution of this war without an end to the bombing of North Vietnam. Hence the effect of the amendment would be to make it possible to enter into serious negotiations for the ending of that war.

What recent authority can I cite that would indicate the fact that only an ending of the bombing of North Vietnam would enable us to proceed with negotiations?

I would like to point out just two persons who I think enjoy the respect of most of the Members of this House. One is the majority leader of the other body, who has recommended most strongly that this action take place. He cannot be accused of not being concerned about the welfare of our country or of not being knowledgeable about the situation which faces us in Vietnam or in Paris. He has made it quite clear that, in his views, only an end of the bombing of North Vietnam will make for fruitful negotiations in Paris.

Another person who within the last week has made exactly the same statement is our former Ambassador to the U.N., Arthur Goldberg, who has stated quite clearly that he recommends an end to the bombing of North Vietnam, and that this is the only way we can bring about a political solution to this war.

I know that the gentlemen and ladies of the House are not going to be moved particularly by the citation of these two statements, but I do think it is important to recognize, in voting for or against this amendment, that we are considering not just the saving of $5 billion, not just an attempt, as some will say, to dictate military policy to the generals. This is an effort to dictate political policy for the ending of the war in Vietnam—no more and no less.

If we wish to have an opportunity for a voice in some of the political decisions which we have so long complained we do not have a voice in, I think an affirmative vote on this amendment would be one way to do it.

The argument of course would be made that this kind of action not only interferes with the judgment and discretion of our generals but that it may endanger our troops in Vietnam. I have a rather interesting statement which I would like to read at this point bearing on this particular item, but before I do so I would like to ask unanimous consent to proceed for an additional 3 minutes in the event I should run out of time.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 3 additional minutes.)

Mr. BROWN of California. Mr. Chairman, with respect to the question of whether this would endanger our troops in Vietnam, I had the pleasure of reading a book that was written a couple of months ago by Colonel Corson, a Marine Corps colonel, who retired the first of July after spending several years in Vietnam as head of the Marine combined action platoon program over there. The colonel is not a dove and his book is not an advocacy of withdrawing from Vietnam. It is an advocacy of some major changes in policies, and one of these policies is the bombing of North Vietnam. Here is what the colonel says about this matter of ending the bombing of North Vietnam:

The first step (to be taken simultaneously with the others) is to stop all aerial warfare against North Vietnam except reconnaissance overflights. There are many reasons to justify this step. In the jargon of the Pentagon, the bombing of North Vietnam is not cost-effective. We are spending annually between $6 to $8 billion to continue the air war in North Vietnam. The justification for stopping the bombing is that bombing does not produce the advertised results in stopping or slowing infiltration. At no time has the aerial circus in North Vietnam been worth the price of admission. In fact, it has enhanced Ho Chi Minh's political control and has paved the way for the North Vietnam hawks to reject the substance of peace initiatives by the United States. The immediate cry of our airpower enthusiasts to proposals to stop the bombing is that our soldiers and airmen would be perilously exposed. Baloney! Crocodile tears over the plight of ground forces are eyewash to cover up a vain desire to get more planes, more pilots, and more appropriations. The truth of the matter is that our troops suffer more from the bombing of North Vietnam—due to the lack of *suitable* airpower in *South* Vietnam—than does the enemy. The paid statisticians are quick to point out how much air power is available to support our troops in the South, in an effort to prove that there is no "shortage." The statistics lie. Tactical close air support for U.S. and ARVN troops in Vietnam is a tragedy. What tactical close air support is available is overused and improperly applied.

I have quoted this outstanding military man because I think it does offer a rebuttal to those who raise the cry that our men in Vietnam would be endangered by our ending the bombing in North Vietnam. This man, Colonel Corson, is convinced that their safety and welfare would be enhanced, and that is entirely apart from the political arguments which recognize that only by ending the bombing are we going to be able to negotiate a peace in Vietnam.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, can the gentleman tell us what position the Democratic candidate for President, HUBERT HORATIO HUMPHREY, is taking with respect to this amendment?

Mr. BROWN of California. I was going to point out, if I had the time, that at the Democratic Convention—which I attended—40 percent of the delegates were reported as being in favor of a platform plank on Vietnam which included the action which this amendment proposes, that is those who voted in favor of it, and there are probably another third who would have voted for it except that they were convinced that their loyalty to their party and to their own choice of a candidate demanded that they not vote for it. The Vice President has been reported at various times as both supporting and opposing an immediate halt to the bombing of North Vietnam.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ryan: On page 44, after line 14, insert the following:

"Sec. 542. Notwithstanding any other provision of this Act, the aggregate amount which may be appropriated under this Act shall not exceed $66,274,000,000".

And redesignate the last section accordingly.

Mr. RYAN. Mr. Chairman, in a well-researched article in the June 28, 1968, issue of Congressional Quarterly magazine there were documented certain items in the fiscal year 1969 military budget which could be reduced in a total amount of $10.8 billion without diminishing U.S. combat capabilities or impairing the legitimate defense needs of the United States.

To those of us who have watched our cities burn while some of our colleagues have ridiculed tenant services and rat control programs, it was not comforting to read in this article a quotation from a Pentagon official that there is such an excess of helicopters in Vietnam that "even a sergeant complains if he has to ride in a truck." It was also not comforting to read that many Pentagon officials consider unreliable the SAGE and AWACS systems for the detection of incoming bombers.

The compilation of "fat" in the military budget is detailed and well-documented. I certainly hope that my colleagues will consult the full text of this article before they cancel their subscriptions to Congressional Quarterly.

Apparently, Congressional Quarterly did its homework, for the reductions which were made in the budget estimates by the Appropriations Committee, as far as they go, are in many of the same areas which Congressional Quarterly sources recommended. For example, in title III the reductions recommended by Congressional Quarterly procurement funds for tactical aircraft, amphibious forces, and fast deployment logistic ships total $2.345 billion and, in fact, the committee has cut $2.955 billion.

It is very difficult to offer amendments to the pending bill to defer or to eliminate specific programs, since most of the weapons systems have funds earmarked for them in three or four titles. Therefore, my amendment would cut the overall appropriation of $72.2 billion by 8.5 percent, or $5.9 billion. The effect of this would be to complete the reductions which were recommended in the Congressional Quarterly study.

Congressional Quarterly points out that, without reducing the strength of combat units, personnel in noncombat logistic roles could be reduced by 400,000 and quotes a civilian official of the Defense Department as saying:

> Anyone who's ever been in the service is aware of the tremendous wastage of manpower—the vast number of support troops who sit around with little or nothing to do. Beyond that, there are tremendous overlapping areas even in functions that keep people busy. By sensible reorganization, massive cuts could be made in the support area, and we'd have a better more streamlined force.

In title I, the manpower area, this would save some $3.9 billion. Second, in title II, the operation and maintenance area, some $1.5 billion would be saved by phasing out the SAGE and AWACS bomber defense systems, which Congressional Quarterly described as outmoded and unreliable.

Third, Congressional Quarterly recommends a reduction in the funds for the deployment of the proposed anti-ballistic-missile system, $387.4 million for the deployment of the system as well as a reduction of $480.9 million in research and development.

This would leave $100 million for continuing research into this program. Earlier today and on other occasions the gentleman from California [Mr. Cohelan] has made a very able presentation of the issues involved in the ABM system.

Finally, a reduction of $550 million could be made by deferring R.D.T. & E. funds for the Manned Orbital Laboratory, which duplicates the NASA Apollo applications program for which the conference committee of the space committees of both Houses has now authorized $253 million.

It is impossible to find out the details of the duplication between the two programs, that is, the Manned Orbital Laboratory and the Apollo applications programs. The Secretary of the Air Force has refused to brief Congressmen on this subject.

Mr. Chairman, the bill before us, as we know, contains some $25 billion in order to carry on the war in Vietnam. That is 34 percent of the money in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RYAN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Chairman, I think my views on the war in Vietnam are well known and, because of the fact that the pending bill is permeated with funds for Vietnam, I do not intend to support it. However, this amendment does not affect Vietnam spending. This amendment leaves untouched our combat capabilities, because I am trying to carry out the recommendations of Congressional Quarterly. I have purposely limited the cuts to those which high Pentagon officials have assured Congressional Quarterly would not affect U.S. combat capabilities.

Mr. Chairman, in recent years we have witnessed the growth of a complex of weapons systems whose complexity and expense almost defy the imagination. Whether one looks at the cost of the Pentagon's public relations system, the scale of its weaponry and installations, or the percentage of defense contract profits, it is clear that there is "fat" in this budget. There is no program, Mr. Chairman, which receives less congressional scrutiny than the military budget. The security deletions in the Hearings, and the form of the bill before us, make it most difficult to determine precise expenditures on programs.

Our Nation faces an unparalleled domestic crisis. Because of the failure of both the administration and the Congress to set national priorities and because of the guns and butter myth, Congress has enacted a back-door ceiling on expenditures superimposed on specific program cuts, requiring an expenditure reduction of $6 billion.

I suggest that we take the entire $6 billion out of the military budget, the inflated military budget. Perhaps if the unlimited manpower and the vast array of sophisticated weapons, were not so readily available, we would not so readily blunder into Vietnams. Having skimped on butter for so long, let us cut back on the guns.

The military budget is not sacrosanct and should be scrutinized as carefully as any other program. At last there is an authoritative source which has documented possible cuts, and no Member of this body need worry that my amendment would in any way impair our defense or security.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. RYAN. If I have any time, I am happy to do so.

Mr. SCOTT. Mr. Chairman, I am just wondering if the gentleman is asking this body to decide between the Committee on Appropriations of the House and the Congressional Quarterly. Is that the thrust of your amendment? That we should trust Congressional Quarterly rather than a standing committee of the House?

Mr. RYAN. My amendment would give every Member of this House an opportunity to vote not only for economy through an 8.5-percent reduction, but for reductions in a program which everyone concedes contains a great deal of fat and which the Congressional Quarterly has outlined very clearly can be cut without any adverse effect upon our security.

Mr. Chairman, I include at this point in the Record the introduction to the Congressional Quarterly article which appears in its June 28 issue at page 1605:

DEFENSE BUDGET CUTS OF $10.8 BILLION SEEN FEASIBLE

Defense experts both in and outside the Government have told Congressional Quarterly that huge cuts can be made in the defense budget while retaining or even improving the current level of the nation's defense.

Highly placed sources in the Pentagon and industry told CQ that cuts totaling at least $10.8 billion could be made in areas they classified as "fat." None of the cuts would affect U.S. combat capabilities, they said. Instead, only logistical elements they view as excessive and weapon systems they consider overlapping, unnecessary or of doubtful combat effectiveness would be cut back.

Although numerous officials in the Pentagon favor the massive cuts, the actual decisionmakers remain unconvinced. Defense Secretary Clark M. Clifford told a June 20 press conference that the Administration probably would impose defense spending cuts of $2 to $3 billion as part of the $6-billion reduction ordered by Congress as the price of enactment of President Johnson's coveted tax increase. One Pentagon source who favors the higher cuts told CQ it was surprising that Clifford would accept any reductions at all, in view of "pressures from the military and defense industries to keep the budget intact."

In addition to the logistical support, the major areas cited by sources as "fat" include the new antiballistic missile system (ABM), "unnecessarily sophisticated" equipment in both Air Force and Navy aircraft, an expensive air defense system deployed against what sources see as "weak and outmoded" Soviet bomber forces, the Army's helicopter program and antisubmarine carrier task forces of high cost and, sources said, "dubious" combat effectiveness.

One Pentagon civilian said these areas tied down "fantastic amounts of manpower despite the generally low level of combat effectiveness they afford. Cutting them back in many cases actually would improve the nation's defense. Not only would additional manpower be freed for direct combat needs, but the mobility of U.S. forces would be enhanced by the lack of extraneous equipment and a sluggish logistical tail." By "de-escalating sophistication," he concluded, "we could escalate combat effectiveness."

In view of the Government's financial crisis, another official said, it would "border on the irresponsible if these programs are not cut back. These areas should be cut anyway, but in view of the nation's other pressing needs, the case is overwhelming."

Another Pentagon civilian said other funds might be saved by deferring desirable projects until later fiscal years. The source said there were "a lot of nice things the military would like to have and probably should have under normal circumstances. But with the dollar under attack, we can't just go on with business as usual. For the next year, at the very least, we've got to drive a Volkswagen instead of a Cadillac."

Sources emphasized that the cuts not only would mean dollar savings but also balance-of-payments gains. Cuts affecting overseas forces would be worth direct payments savings of almost $1 billion. As the spending cuts cool the economy, they said, there would be further payments savings due to returns of capital which had flowed abroad to escape the U.S. inflation.

Clifford has not yet spelled out which areas will be cut to make up the planned reductions of $2 to $3 billion. Sources told CQ, however, that the most likely action will be deferral of weapon systems rather than stripping programs they consider "fat." Some of the items Clifford reportedly is considering include the Navy's $1.7 billion shipbuilding program, the Air Force's military space project, formation of a new 6th Army division, and new air defense missiles.

What follows is a compilation of major areas in which substantial cuts are thought feasible without reductions in the country's military strength; it is the result of detailed interviews in each area with numerous defense industry experts, civilian and military officials. The Administration's justification for funding each program also is presented.

BREAKDOWN OF PROPOSED CUTS

Following is a compilation of cuts that a consensus of CQ's sources feel could be made in the fiscal 1969 defense budget without diminishing U.S. combat capabilities (*for details and Administration justifications, see text*). Figures in parentheses are subtotals.

Item	*Suggested cut*
Anti-ballistic-missile system (ABM)	$1.1 billion
Bomber defense system (SAGE)	1 billion
Surface-to-air missiles	850 million
Manpower	(4.2 billion)
Army	2.2 billion
Navy	900 million
Air Force	675 million
Marine Corps	400 million
Tactical aircraft programs	(1.8 billion)
Army	510 million
Navy	635 million
Air Force	700 million
Antisubmarine Carrier Forces	400 million
Attack Carrier Forces	360 million
Amphibious forces and fast deployment logistic ships FDLs)	500 million
Manned Orbiting Laboratory	600 million
Total	10.8 billion

Mr. DOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support this amendment to reduce the expenditures under the instant appropriation bill, H.R. 18707, by 8⅛ percent.

Not long ago the Congressional Quarterly in its issue of June 28, indicated that responsible sources, including defense experts both in and out of the Government, believed that $10.8 billion could be cut from the 1969 Defense budget without diminishing U.S. combat capabilities. The report of the Committee on Appropriations indicates that they have recommended net reductions of $4,834,000,000 and these are carried out in the recommended legislation. The difference between the two figures is some $6 billion that could be dispensed with under the Congressional Quarterly suggestion. This figures out to roughly 8½ percent of the gross amount in the bill.

We would be less than candid if we stated that this recommendation is made after a detailed comparison of the cuts effected by the committee with those recommended in the magazine article. We do not profess to be authorities in this field of defense procurement.

The very decided purpose of this amendment is to highlight the need to reduce the involvement and the costs of the conflict in Vietnam. Rather than to strike at the full $25.7 billion which the committee report sets out as the annual cost in Vietnam, we are directing our reduction only at items in the proposed appropriation that are vulnerable on purely practical and military grounds according to the article in the Congressional Quarterly.

Accordingly, the thrust of our remarks must be addressed once again—and certainly we can never say it too often—against the atrocious and indefensible policy carried on at the military level in Vietnam.

There are those who hold that the continuance of discussions in Paris, and the intentions to secure peace that have been expressed by the presidential candidates, are a kind of near-insurance that the hostilities in Vietnam are coming to some kind of a fadeout in the near future.

Mr. Chairman, this could be a fallacious and deceiving hope. The level of killing continues in Vietnam, such that 200 to 500 American boys are dying every week and seven times that number are being wounded. The civilian population is suffering the same measures of destruction, much of it inflicted by American arms. The hostility of the combatants and the leadership on both sides remains still at the highest level.

In these circumstances, the war in Vietnam can just as easily escalate as it can decline. In fact, with tempers frayed so long, and patience run so thin, it may be that the tinder of escalation is more inflammable today than it ever was.

We insist that the U.S. mistake of involvement in Vietnam is so major that it must be officially recognized and corrected. This may mean reversal of our military activities; embarrassment for our statesmen, and painful regret amongst those Americans who have sacrificed and suffered. Nevertheless, the facts of the situation compel us to face it directly in the front. Neither the world at large nor our country, nor the suffering Vietnamese can live too much longer with a policy that depends for success on tiny hopes and hints and rumors that are going to come from Hanoi or Paris or somwhere, to take the burden of a monstrous mistake from our shoulders without any loss of glory.

I suggest, Mr. Chairman, that we courageously set about the business of settling our account with history, as economically as we can.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct this question to either the gentleman from New York [Mr. RYAN] or the gentleman from New York [Mr. DOW]. We have had a recommendation here and I want to know a little bit more about the source of this recommendation.

Is the Congressional Quarterly in any way an official publication of the U.S. Government or of the Department of Defense?

Mr. RYAN. Mr. Chairman, if the gentleman will yield, I think the gentleman will agree that the Congressional Quarterly is recognized as an authoritative publication which is very well informed on the operations of the Federal Government. It had access to high officials—both military and civilian—in the Department of Defense, and it contains a very detailed and well documented analysis of the "fat" in the military budget. I refer the gentleman to the June 28, 1968, issue at page 1605 and which continues through page 1610.

Mr. KYL. Will the gentleman permit me to ask the question?

Mr. HAYS. Mr. Chairman, will the gentleman yield to me?

Mr. KYL. I yield to the gentleman from Ohio.

Mr. HAYS. I want to point out the fact to the members of the Committee that the Congressional Quarterly does not have access to any more information than the weekly gazette in any small town in Ohio or any other newspaper.

Mr. KYL. I would like to ask this question once more: Is the Congressional Quarterly in any way an official publication of the Government generally or of any governmental agency of the United States?

Mr. RYAN. Mr. Chairman, if the gentleman will yield, the gentleman well knows it is not a Government publication. However, I am sure the gentleman knows that officials of the U.S. Government rely upon it constantly. Furthermore, the Committee on Appropriations has not presented any refutation of Congressional Quarterly's recommendations.

Mr. KYL. Mr. Chairman, obviously, there are some individuals who rely upon it.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. RYAN].

The question was taken; and on a division (demanded by Mr. HAYS) there were—ayes 7, noes 68.

So the amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to address a question to the chairman of the Committee on Appropriations about the way in which the committee proceeds when it considers a bill of this kind:

By way of background on my question, Mr. Chairman, I am concerned about the fact that over the past 3 or 4 years, while I have served in the House of Representatives, the only real debate with respect to the ways in which we have deployed our resources in support of our Military Establishment has occurred on appropriation bills.

We find the United States involved in a war in Southeast Asia, which, at this point, seems to be regarded by a majority of the American people as an ill-advised venture. Yet I do not find in the processes of the House any place where these questions get raised in an appropriate way or in which these policies are reviewed carefully and in which there is a genuine development of contrasting opinions.

Mr. Chairman, I am concerned now about the future of the spending level for the Military Establishment, even after the Vietnam war ends. I am sure the Chairman is familiar with the speech by the former Director of the Bureau of the Budget, Mr. Charles Schultze, and another speech by the Under Secretary of the Treasury, Joseph Barr. Both of these gentlemen warned that even after the end of the Vietnam war there is no assurance that the level of military spending would decline, and that we cannot look forward to major savings upon the end of the war in Vietnam.

I am concerned in the way in which the committee proceeds. Do you obtain independent information that is not otherwise available to the committee, do you bring in outside experts who are not part of the Federal Establishment, do you seek out people who may have some detached or objective viewpoint which is separated from any career concern in the Military Establishment? I am very much interested in this. And I ask with all sincerity of the gentleman whether in fact, in the procedures of this House, we really are getting the kinds of contrasting opinions which might permit the House to form some improved judgments on these questions?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I would respond to the gentleman from Minnesota by saying that perhaps the major legislative forum for discussion of our foreign policy is probably in the Committee on Foreign Relations in the other body, and the Committee on Foreign Affairs of this body. Of course, the gentleman knows of the great interest of the Committees on Armed Services of the two bodies in our military programs, in our foreign policy, and in the security of the United States. The gentleman also knows of the interest of the Committee on Appropriations, and all of the Members of this House, for that matter, in the security of our country.

It is true that, out of the six volumes of hearings which we held on the pending bill, practically all of the testimony came from officials of the Government. It is well known that all citizens are welcome to appear before the Committee on Appropriations and especially all Members of the House are invited to appear.

While we do not actively solicit witnesses from outside of the Government, we do welcome them when they ask to be heard. Of course, we receive correspondence from many individuals throughout the world. Their views are made known to us in this way.

Through the newspapers and the magazines and the television, all Members are made aware of many varying viewpoints on all subjects. Our constituents and our friends advise us of their thoughts on countless issues. So I do not feel that the committee, or any of the Members of the House, are denied ample opportunity to become aware of all shades of viewpoints and opinions.

In the hearings, we quite often use information gained in this way to examine departmental witnesses.

We do have witnesses from outside of the Government representing varying points of view who do appear. But I must in all honesty say that we do not have before us, from outside the Government, many outstanding people in the field of foreign policy. They are welcome to appear, but they do not ask for permission to appear. If they did, we would hear them.

Of course, we hear from the Central Intelligence Agency from time to time. We hear from various witnesses in the Pentagon and, of course, the members of the subcommittee have had long experience in working with defense appropriations.

This is the way it works. Maybe there is a better way, and I would be interested in the gentleman's view as to how this situation could be improved upon.

Mr. FRASER. I thank the distinguished chairman. I do not in any way suggest that he has not done the best job possible. But I can testify to the fact that never once in the Committee on Foreign Affairs on which I serve has the issue or the basic question of Vietnam ever been squarely posed before the committee, which would bring about some kind of genuine and prolonged discussion of the issue and the alternatives to that policy.

But now I am addressing myself to the general problem of the level of military spending. If I recall correctly, we spent last year approximately $80 billion for our Military Establishment. If you add to that the interest on the national debt and the cost of providing for veterans, the total rises to about $100 billion.

We only took in $115 billion in general revenues. We spent $100 billion on defense and interest on the national debt and on care for veterans.

This meant that we were spending some 85 percent of our general revenues on these three items, and I think it is one of the reasons that so many of us are despairing about our capacity to solve some of our problems at home. How are we going to deal with the long-range problem of this level of military spending. How can we make sure we are buying what we need for the security and the protection of the United States and not maintaining an excessively large Military Establishment?

Mr. MAHON. I would like to go back further to the discussion of the war. The discussion of the war goes on endlessly in the Committee on Appropriations—I should say almost endlessly. There have been many hours of testimony in regard to the war in Vietnam—as to whether or not we should be there and whether our policy is correct, and so forth.

With respect to the statement of the former Director of the Bureau of the Budget, Mr. Schultze, and others concerning the level of spending, I think they are correct in assuming that so long as the Soviet Union poses such a threat to free men everywhere, as has been recently evidenced by their action in Czechoslovakia, we will have to maintain a high level of defense spending because the major enemy that opposes the United States is not North Korea and not North Vietnam and not even Red China—but the Soviet Union, which has massive military power. I see no alternative to the continuation of very high level defense spending unless some sort of an arrangement, and an utterly trustworthy arrangement can be worked out between ourselves and the Soviet Union for a scaling down of our defense spending. This, I think, is what we all would like to see provided it can be done in a way that will guarantee the security of the United States.

Mr. FRASER. I thank the chairman. I appreciate the problem posed by the Soviet Union. I would argue, if we had more time, that the size of the Military Establishment we now have is not aimed at the Soviet Union but is a much more ambitious goal, one that I think is perhaps more ambitious than we ought to try to maintain.

I will say to the chairman, I appreciate the reductions that the committee has made. It seems to me that the committee has made a genuine effort this year. I hope that in the future years there can be a more intensive effort to really review whether or not, in fact, we need to spend this large proportion of our national wealth for our security—for the military. I doubt we are getting our money's worth with respect to some of this money.

Mr. BYRNES of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when this bill was before us last year, we had considerable discussion about ocean minesweepers and where they were to be built. I take the time to try to clarify for the record where this situation stands at the present time. Preliminary to a question or two that I would like to ask some members of the committee, let me outline a little of the history of this matter. In 1965, when we not only authorized but when we had the appropriation bill up for fiscal year 1966, we funded four ocean minesweepers in a total amount of $35,151,000.

Then in 1966 we authorized for the fiscal year 1967 and appropriated for five more ocean minesweepers $42,510,000.

Last year we authorized another seven ocean minesweepers, and we appropriated in the appropriation bill for fiscal 1968 an amount of $60,700,000.

When we had the issue up last year none of these ships had been built as of that time, even though back in 1965 we started authorizing and appropriating for them.

If you will recall, it was the intention at that time of the Department of Defense to have the 16 minesweepers built in England. It was at that time that I offered an amendment, which this House adopted and the Congress adopted and it became a part of the law, reserving at least seven out of the 16 to be built in the United States in U.S. yards. There was a great fuss and cry that this was just terrible that we should reserve even a part of this production for the United States.

Interestingly I now find, and I want to confirm whether this is the fact, that after these three actions by the House, with an appropriation of some $138 million, there has in effect taken place during the last year a complete rescission of the appropriations, or what in effect is a rescission. I understand all of this money has been reprogramed into new types of procurement.

Mr. Chairman, I rise not to impose my judgment as to whether or not these minesweepers are needed. I think that is a defense determination. But I wonder what has happened. At the time it was contemplated that the construction of these ships would be in a British yard, they were considered as essential to our defense, then all of a sudden, when there was a little restriction on them so that seven of them would at least be built in the United States, all of a sudden none of the 16 apparently seem to be needed or vital. I wonder what the Defense Department has been doing and whether it has been playing a game of cat and mouse with us. I would like to know what the situation is with respect to these minesweepers.

I recall the chairman of the committee, I believe yesterday, mentioned that the Defense Department now thinks that there might have to be some adjustments in this area. But I would like for the record, if we could, to clear up what the situation is now in this regard.

Mr. LIPSCOMB. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from California.

Mr. LIPSCOMB. The gentleman has very properly set forth the conditions as they were. We had appropriated over $138 million for the 16 ships. But as this procurement went along, the Navy encountered many difficulties, both with the design and with the contract award. The gentleman from Wisconsin was most diligent in pursuing this matter to the benefit, I feel, of our national security. After this happened, the Navy postponed indefinitely the procurement of these ships.

During the year, the Department of Defense reprogramed approximately $42 million of this $138 million for other items, which left unexpended and unobligated about $95 million.

Our committee, in marking up the Defense bill, felt that it was not right to leave this money just sitting there to be programed for something else, so we withdrew the funds, and it represents a reduction in this bill.

So, as the situation now stands, there is neither funds in this bill nor new obligational authority for the minesweepers.

Mr. BYRNES of Wisconsin. Mr. Chairman, what the gentleman is saying is that in the first instance it was the Defense Department someplace along the line that decided that this money that had been given to them for this purpose, which they said was so important at the time—at least when they were talking about giving the contracts to Britain—all of a sudden was unimportant, so they reprogramed it with the approval of the committee. Now, in a sense, the committee has reprogramed the balance.

Could I ask the gentleman, the chairman, because he mentioned the matter of minesweepers yesterday, as to what he had in mind in his reference to discussions with the Defense Department a day or two ago. If I recall correctly, he made reference to the fact that this item apparently had been discussed.

Mr. MAHON. Mr. Chairman, there has been no detailed statement to me in regard to minesweepers, but it is my understanding that there may have been some change in this requirement and that there may be a request for additional funds for minesweepers. But I am not sufficiently knowledgeable at the moment to know whether or not the additional request will in fact be made.

We did not feel that these funds should lie there and create temptation to the Department to use them for some purpose which has not been thoroughly screened by the Congress.

Mr. BYRNES of Wisconsin. I am not questioning the action of the committee at all. If the money is not going to be used, it should not be lying there. I am questioning the rather odd circumstances which have developed through the years with respect to these particular ships.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 44, after line 14, add a new section 542, as follows:

"SEC. 252. None of the funds which are appropriated or made available for expenditure by this Act for the procurement of aircraft or major components thereof, shall be expended outside the United States in any instance with a foreign firm which is the recipient of direct foreign government products development support, which would constitute unfair competition for any United States firm which has a similar product, capability, or proposal. This limitation is waived for continuing prior year's procurement actions; and further, this limitation may be waived on determination of necessity in the national interest by the President on prior notification of the House and Senate."

And renumber the subsequent sections accordingly.

Mr. MAHON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. HALL. Mr. Chairman, I hope the Members of the House will hear me carefully, basically as a scientist, and second as a member of the Committee on Armed Services who has always served, since being in the Congress, on the Research and Development Subcommittee and the Airlift Committee.

This is a simple "buy America" amendment. I would hope that since it is just a limitation, the distinguished chairman of the Committee on Appropriations for Defense Procurement will agree eventually with the amendment, after I have explained it further, because it has been thoroughly coordinated with him and oft rewritten to avoid any opposition such as points of order.

Mr. Chairman, this amendment is simply offered to insure that no funds under this act are expended outside the United States for the purchase of aircraft or major components thereof when in the United States we have the capability and competitive proposals, offset only by foreign government subsidy. By accepting this amendment we will insure that we broaden the base of U.S. production capability in a very vital defense area, an area I might add in which there is much fallout for civilian components.

We will certainly, Mr. Chairman, extend the "buy America" policy for major defense items, a policy already endorsed by this committee in a similar action taken last year, as just witnessed in the well of this House in regard to the construction of naval vessels in foreign shipyards.

In some types of aircraft today we have a very small production base. I refer the House to the recent article of AeroSpace Digest, wherein it is pointed out that 80 percent of the jet engine capability is limited in the domestic area of the United States to the capacity of one firm.

This is too much capacity vested in only one United States firm, especially if one considers "follow-on" and "data rights," as well as sources of reproduction when domestic assembly lines are reopened on a negotiated bid basis.

By adopting this amendment we would also insure a broadening of our tax base, Mr. Chairman, for contracts for such major items, when awarded to foreign based firms, many of whom do receive direct foreign government subsidy by those sovereign nations; result in a substantial loss of tax revenue to the U.S. Treasury.

Furthermore, our past experience with the purchase of such items outside the domestic confines of the United States has not been good. I can give you examples. They include the Marconi-doppler radar system. They include the Handley-Page aircraft and its engine. They include the final competition for the domestic airframe with engines, for the aero-medical evacuation planes—and

I am speaking specifically of the BAC-111.

Mr. Chairman, we all want to see job opportunities provided here in our own States, and this amendment will have the effect of increasing payrolls here at home.

It was established yesterday in colloquy, on page 26476, with distinguished members of the Committee on Appropriations for Defense Procurement, that we need to broaden such a base.

Let me read again carefully the amendment. It says:

> None of the funds which are appropriated or made available for expenditure by this Act—

And therefore it is only a limitation—

> for the procurement of aircraft or major components thereof, shall be expended outside the United States in any instance with a foreign firm which is the recipient of direct foreign government product development support—

That means subsidy—

> which would constitute unfair competition for any United States firm which has a similar product, capability, or proposal.

Mr. Chairman, I submit that this does not limit us in going outside the confines of the United States if there is better technical proficiency.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 2 additional minutes.)

Mr. HALL. Furthermore, Mr. Chairman, I want the Members to understand that this amendment contains limitations and waivers. I continue the quote:

> This limitation is waived for continuing prior year's procurement actions—

If I may interpolate again, I know well that we have existing contracts for long-range items which must be procured in advance. I know well there are foreign companies producing engines or parts that we need badly in the United States. This would have no effect thereon. I know well some of our firms have oversea investments, but these are excluded by this clause.

Finally, Mr. Chairman, to continue the quote—

> and further this limitation may be waived on determination of necessity in the national interest by the President on prior notification of the House and Senate.

The rest of it is purely technical and Members will recognize the right of waiver by the Commander in Chief and the exception often written into such amendments.

I have hoped that this would be accepted. I believe it is in the national interest and that of our employees. I believe it is certainly in the interest of those who have invested, developed, labored, and plowed back their funds without amortization, in their own research and development. I believe it is in the interest of more adequate procurement and broadening our base so far as technical know-how in a very vital area of the United States is concerned.

I hope the amendment will be accepted.

Mr. MAHON. Mr. Chairman, I rise to make a point of order, regretfully, because I have the highest esteem for the gentleman from Missouri.

In the first place, the amendment states: "shall be expended outside the United States in any instance with a foreign firm which is the recipient of direct foreign government product development support." A determination as to whether or not a foreign firm is the recipient of a direct foreign government subsidy will be difficult. This would place a special burden on the executive.

Then proceeding further it says: "which would constitute unfair competition for any U.S. firm which has a similar product, capability, or proposal." Here determinations also would have to be made with respect to these matters.

Now proceeding with the next sentence it says: "This limitation is waived for continuing and prior year's procurement actions." This is clearly legislation on an appropriation bill, just as the previous portions which I have read.

Under all of the circumstances, I make the point of order that this is legislation on an appropriation bill and requires extra duties to be placed on those who administer it.

Mr. HALL. Mr. Chairman, I wish to be heard on the point of order.

I submit that this point of order should not be sustained and should be overruled, because this is a simple limitation on expenditures under the general provisions of this bill which has many additional general provisions limiting expenditures. I think anyone in this Chamber knows that any Government procurement officer and particularly those Government procurement officers who work for the armed services know immediately—and, in fact, it is an open record—when there is a foreign subsidy. That is exactly what is meant by waiver clauses in the amendment which I reread once and which I will not bore the Members with again.

Insofar as direct subsidy appropriations by a foreign nation are concerned, it is in no way legislation on an appropriation bill, because it only involves techniques of ordinary procurement, contract assignment, and negotiation within or without those who respond to "requests for proposals," in the ordinary manner of contracting for arms. This is the very title of the bill.

I submit that the point of order should be overruled, although I will be glad to hear any further debate on the question of the substance of the amendment.

Mr. RANDALL. Mr. Chairman, I desire to be heard on the point of order.

The suggestion was made by the chairman of the Committee on Appropriations that the matter of determining whether a foreign subsidy exists or whether unfair competition exists is a very complex thing. However, this argument is not to the point of whether the amendment is really legislation in an appropriation bill. May I suggest all that would be required would be some degree of investigation by those negotiating the contract. This is a matter that may result in a little inconvenience to make such an inquiry. Yet it is not a question of legislating on an appropriation bill. So much for the question of legislation as to future appropriations. The objection of the chairman that this is legislation in an appropriation bill seems to be based on the fact the amendment mentions prior years procurement action. The point is that such is expressly waived by the amendment. We are not considering these former years in this amendment. It has been excepted and specially exempted by the amendment. So we are down to the point of just some little difficulty of finding out whether or not there is a subsidy which should not require an investigation. I submit it will only require an inquiry on the part of the contracting officer at the time that he is negotiating the contract.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule.

The Chair agrees with the gentleman from Texas that the amendment contains legislation which goes beyond the form of proper limitation, and therefore sustains the point of order.

Mr. REUSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this swollen $72.3 billion defense bill assigns to the military far too large a share of scarce Federal resources. Congress has decreed that there be a $6 billion expenditure cut. It was understood that in order to prevent crippling cuts in other programs, at least $3 billion must come from Defense. The bill before us reduces military expenditures by little more than one-half of that—by $1.7 billion.

The word has been going out in recent weeks that any thought of a lower Defense budget after Vietnam is an illusion, that we must continue to feed the military-industrial complex at an expanded rate even after hostilities have ended.

I cannot accept this. We do not have to rubberstamp every request the military makes for a new weapons system.

In the Defense appropriation bill before us we find the first installments of an unbalanced post-Vietnam Defense budget. If our urgent domestic needs are to be met, we must stand up to the military spenders now, before these new programs develop constituencies that give them a self-sustaining momentum.

Among the new programs we are being asked to fund is the ABM.

If it is meant to protect us against the Chinese, it is superfluous because our strategic retaliatory power would make any Chinese attack against us suicidal.

If it is to be directed against the Russians, as the military prefers, we will be throwing $40 billion to the winds for the illusory security of a Maginot line. Former Secretary of Defense McNamara, in his speech announcing the decision to go ahead with a "thin" anti-Chinese ABM system, said:

> The so-called heavy ABM shield—at the present state of technology—would in effect be no adequate shield at all against a Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces.

If the Soviets react to our ABM deployment by greatly increasing their missile forces, the damage from a Soviet attack could well be greater than if we had never begun the ABM program. The reason for this seeming paradox is that the Soviets can add missiles faster and more cheaply than we can deploy an ABM system, so that it will be tempting for them to overcompensate and add so many missiles that more would get through our ABM system than would even be fired in a pre-ABM attack.

I object also to the $30 million the Defense appropriations bill allocates as a first installment on an $8 billion plus advanced manned strategic aircraft—AMSA. It is not clear that anyone besides defense contractors really needs bomber plane.

We already have the B–52G and H, the most recent strategic bombers in the B–52 series. As Assistant Defense Secretary Alain C. Enthoven testified before the Senate Preparedness Subcommittee on April 26, 1968, these existing bombers are fully as effective as the AMSA urged by the Air Force. To be sure, the AMSA could have a slightly longer range and a somewhat greater payload, but since the B–52 can now go to Russia and back with an adequate payload, there seems little reason to spend billions of dollars to enable it to go any farther. The really decisive factors in developing an effective bomber are the penetration aids and the missiles it carries, not the airframe itself. The B–52's will soon be equipped with the most modern and effective penetration aids available, and can also be equipped with the new short-range attack missile—SRAM. As Dr. Enthoven concluded:

> It is not easy to invent a bomber that is distinctly better than a B–52, regardless of its age.

In addition to the B–52's, our strategic bomber force will be supplemented by 253 FB–111's between now and 1972. The FB–111's will also be equipped with advanced penetration aids and SRAM's, so they too will be effective as strategic bombers.

Some of the arguments for the AMSA border on whimsy. The following example is taken from the Senate Preparedness Subcommittee hearings of April 23, 1968:

> General WHEELER. As a matter of fact, one of the solid advantages of maintaining a manned bomber threat, a modern bomber threat, is to cause him (the adversary) to spend more resources on defense rather than on offense, and, secondly, to compound his defense problem, and I think that the success of this concept has been proven to date by the very large resources that he has put into defense and continues to put into defense.

The thought that our bomber force is costing the Russians vast sums of money would be more comforting if it were not costing us vast sums as well.

And, of course, as an argument for the AMSA, it is quite beside the point, since the B–52's and FB–111's already programed for the 1970's will be fully sufficient to force the Soviet Union to stay in the antibomber defense business.

Our present missile force is sufficient to attack all the large Soviet industrial and population centers. Having done this, the targets left to attack would be so small, and the weapons would be used so inefficiently, that we could increase the number of fatalities only very little with more forces.

I also object to the $55 billion appropriated for the F–12 interceptor. The F–12 is a 2,200-mile-per-hour interceptor intended to provide defense against a nuclear attack by Soviet long-range bombers, and carries an ultimate price tag of $6 billion.

However, the Defense Department considers our present interceptor force, made up of F–106's, to be preferable against the numerous, but relatively slow-moving bombers which make up the current Soviet intercontinental bomber force. As Dr. John S. Foster, Jr., Director of Research and Engineering in the Defense Department, testified before the Senate Preparedness Subcommittee on April 24:

> Against this known threat, the larger number of F–106s would be clearly preferred, since more bombers could be engaged on a one-for-one basis.

An F–12 force would have fewer planes than the current F–106 force because of the F–12's very high unit cost.

If the Soviets add decoys and air-to-air missiles to their bomber force, the F–106's would still remain more effective than an F–12 force. Continuing his testimony, Dr. Foster concluded that:

> Against the known threat of the heavy and medium bombers and against the use of decoy and air-to-air missiles, the F–106 is preferred. . . . If our objective were to choose the largest, fastest interceptor, we could have chosen the F–12. But if we want the most effective air defense against the most likely threat, then we must choose—as we did—the less expensive, lower performance interceptor, the F–106.

The Defense Department has, in fact, determined that the speed of the interceptor aircraft itself is not an important factor against the current Soviet bomber threat. What is important is improved radar surveillance, an improved fire control system, and a better missile in the interceptor itself. These things can all be added to the F–106. A new radar, designated AWACS—Airborne Warning and Control System—will be carried on the F–106, making it more survivable than a ground system. The radar will also be capable of detecting low-flying bombers, something the present radar system cannot do. The F–106 will also get an enhanced fire control system—including a look down capability to engage low-altitude targets—and a new air-to-air missile.

Only if the Soviets develop an advanced supersonic bomber would the F–12 be preferable to the F–106. In fact, the trend in the Soviet bomber force is in the other direction. Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, said last April that intelligence reports indicate "a gradual decrease" in Soviet bombers. Former Defense Secretary McNamara, in his budget statement earlier this year, agreed that the Soviet heavy bomber force is likely to decrease gradually, and went on to note that there is "no evidence that the Soviets are developing a new advanced intercontinental bomber."

Even if it should later appear that the Soviet Union is developing an advanced supersonic bomber, there would only be a few such planes at the outset. Against these, the F–106's would remain effective until the F–12 or another advanced interceptor could be deployed.

Another questionable project is the Air Force's Manned Orbiting Laboratory, the MOL. This is a pressurized space cylinder designed to determine whether manned operations in space can have any military value.

The Appropriations Committee has cut $85 million from the $600 million budget request, but bigger cuts than this are called for at a time when urgent domestic programs are being shortchanged.

We have learned most of what we currently need to know about the behavior of man in space from the Gemini flights. Furthermore, almost all of the technical data we need can be collected more efficiently and with much less expense by unmanned flights.

Mr. Chairman, I am not opposed to a mammoth Defense budget. We cannot let down our guard while our adversaries have the power to destroy our society in a nuclear attack. But the appropriation bill before us contains too many wasteful and unnecessary programs. In its present form, it should not be approved.

Mr. LATTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to call a matter to the attention of the Members of this House which is not uncommon in the Defense Department today. I refer to the matter of shortages of equipment for servicemen.

Quite frequently we receive letters from servicemen in Vietnam complaining of shortages of this item of equipment or that item of equipment or wearing apparel which should be supplied to them by the Department of Defense.

Mr. Chairman, several weeks ago a young Marine serving in Vietnam from my district wrote home saying that he did not have rain gear to wear in Vietnam and requested his parents to send it to him. He said he was not unlike the other marines in his outfit in this regard. This young man was, however, unlike the other marines in his outfit as he had been designated "honor man of his battalion" when he graduates from marine school in April of this year. His parents contacted my office and wondered why, with some $70 billion being expended year after year by the Department of Defense, the Marines were not supplying this young man and others in his outfit the rain gear they needed? Naturally, I couldn't answer this question and referred the matter to the Pentagon. In the meantime, being the good parents that they are, they prepared to fulfill their son's request. Well, Mr. Chairman, this week the parents received word that this fine young man was killed in action in Vietnam. These parents, Mr. and Mrs. Richard Shanower of Perryburg, Ohio, have lost a wonderful son, the Marine Corps has lost a superior marine, and the country has lost a young man with tremendous potential. I refer to the late Pfc. Timothy E. Shanower.

Mr. Chairman, I take this time to ask the very able chairman of this great Committee on Appropriations just why we, as Members of Congress, constantly hear of these shortages in Vietnam? Why do not all of our troops have adequate and proper equipment, clothing, and materiel in Vietnam when our taxpayers are asked to supply $72.2 billion for the Defense Department in 1 fiscal year?

Mr. Chairman, I shall be very happy to yield to the distinguished gentleman from Texas in order to respond to my question.

Mr. MAHON. I have been working, I would say to the gentleman from Ohio, on Defense appropriations since 1940 and I have received through the years many complaints as to shortages. I have heard something about shortages of rain gear. But I thought this had been corrected. Generally speaking, I know of no serious complaints in recent months in regard to equipment in Vietnam.

Of course, the Congress has provided tremendous sums for the procurement of various items of military equipment. It is true that at times a certain item may not be at the particular place where it may be required. But I do not know of any groundswell of complaint as to the unavailability of supplies and equipment for our men in Vietnam. As chairman of the committee and as one associated so long in this field with this problem, I believe that I would have received complaints in large numbers if this problem were rather widespread.

I have heard of a few specific cases, and I am sure that the gentleman from Ohio has reference to some isolated cases. There are, of course, mistakes made in any organization, particularly by one as large as this department.

Mr. LATTA. Let me say in response to what the gentleman from Texas has just stated that he apparently is not aware of some of these cases and, perhaps, instead of channeling our complaints as Members of Congress through the Department of Defense, we should be channeling these complaints to the chairman of the Committee on Appropriations and then, perhaps, the Defense Establishment might become more aware of some of these shortages and they could be taken care of.

I believe it is high time that some of these complaints started falling on the right desks in the Pentagon because there are far too many of them for the Defense Department to continue to ignore.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Texas.

Mr. MAHON. I thank the gentleman for yielding.

Many Members, as the gentleman from Ohio well knows, complain to the Department of Defense. I myself, as well as the gentleman in the well, have made these complaints. Many complaints come to the Committee on Appropriations. We have a staff of investigators who are constantly utilized to make investigations, and we try our best to be helpful in connection with complaints that are made. We welcome the receipt of any complaints, and we try to have them traced down and handled.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. LATTA was allowed to proceed for 2 additional minutes.)

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I certainly appreciate the gentleman from Ohio calling this to the attention of the committee.

In view of the statements that have been made—and I have not earlier stated this, but I believe perhaps it should be in the RECORD—I had a telephone call from a mother who read me a letter from her son who had written her in a very temperate way saying that his outfit was having extreme difficulty in getting ammunition, and spare parts for helicopters. He said, "Our commanding officer is a major, and you can imagine how far he is getting with his requests. All of these things are being sent to the coastal areas, and we are within 25 miles from where the combat is going on now, and we are desperate for ammunition."

I called the office of Mr. Nitze, the Deputy Secretary of Defense and asked that his office check the matter and call me back. I was assured this would be done.

The report made to me was by a liaison officer, who said "In reply to your complaint about a distraught mother—" I said "Friend, let me tell you something. I was quoting from a letter that was sensible anything but distraught and likely accurate, and the next time I want anything from the liaison office I will call you. I called the office of the Deputy Secretary." The liason officer did then say a call was made to Vietnam and the situation was different, but would be watched. I cite this as an example that complaints are referred to as distraught statements. The idea of the Defense Department going through the liaison office and referring this as a complaint by a distraught mother, I believe the RECORD ought to reflect this instance.

Mr. LATTA. I thank the gentleman for his comments.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Perhaps the reason for this inattention is because the officials are too occupied over in the Pentagon in sending contracts to Texas for planes that will not fly, and that sort of thing, so that they cannot give the proper attention that they should to those men who are in combat over in Vietnam.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, did the gentleman say all amendments to this bill? Why does not the gentleman limit it to any amendment?

Mr. MAHON. I believe no amendment is pending.

Mr. GROSS. Just as a matter of affording a few of us an opportunity to say something on this bill who have not spoken up to this time, to any length, at least, Mr. Chairman, I will have to object.

The CHAIRMAN. Objection is heard.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 44, after line 14, add a new section 542, as follows: "SEC. 542. None of the funds appropriated or made available by this act for the procurement of aircraft or major components thereof shall be available for expenditure outside the United States."

And remember the subsequent section accordingly.

Mr. HALL. Mr. Chairman, I shall yield back a part of the time. I have no intention of belaboring this body with further debate. Sometimes the best laid plans of mice and men go astray.

A while ago in the original amendment, in an attempt to make it acceptable to the majority, because this is simply a buy-American amendment, we put in clauses which were objected to on the basis of point of order.

I am most anxious for a vote on this amendment which would simply do what it says and will insure employment and increase productivity and spread the base of capability in the United States for a great airplane industry.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. GROSS. Would the gentleman reread his amendment?

Mr. HALL. Mr. Chairman, I am delighted to reread the amendment.

The amendment simply says this in substance:

None of the funds appropriated or made available by this act for the procurement of aircraft or major components thereof shall be available for expenditure outside the United States.

Mr. MESKILL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Missouri. I favor buying American as much as any member of this committee and I am concerned with the gold flow problem. The amendment, if adopted, may actually reduce the flow of gold into this country. I will tell you how.

The amendment which is proposed will have the effect of prohibiting the Department of Defense from purchasing an aircraft engine, half of which is manufactured in this country by Pratt & Whitney Division of United Aircraft Corp. and then shipped to its Canadian subsidiary for final construction and assembling. In the case of this engine, 50 percent of the purchase price of each engine flows into this country from Canada.

Defeat of this amendment may even help our gold problem. This engine is to be used in the Bell Twin Cobra helicopter which is being constructed for the Marine Corps. The Twin Cobra is manufactured in Fort Worth, Tex. Canada has already ordered 90 of these. It must be obvious to everyone that the purchase price of the Twin Cobra will exceed the price of one component, the engine, many times over. Money will flow in from Canada; substantial money.

The effect of this amendment, if adopted, could be harmful to our gold flow problem in the instance of the proposed purchase which I have mentioned.

This purchase and others would be barred by the amendment unless the condition precedent of a presidential determination with prior notification to the House and Senate were met.

I am sure that there are many other transactions of a similar nature which would be adversely affected by this amendment as far as trade policies and monetary policy are concerned. I have great respect for the gentleman from Missouri but I believe his amendment is shortsighted. I hope the committee will defeat it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HALL].

The question was taken; and on a division (demanded by Mr. HALL), there were—ayes 25, noes 40.

Mr. HALL. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HALL and Mr. MAHON.

The Committee again divided, and the tellers reported that there were—ayes 52, nose 46.

So the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I would like to compliment the gentleman from Minnesota [Mr. FRASER] on the questions that he raised earlier about the procedures followed by the Appropriations Committee and the apparent lack of any debate in the committee on the basic issues underlying this bill. I also want to express a feeling of frustration at the difficulty of proposing cuts in a bill of this magnitude in the face of the conclusions arrived at by the subcommittee.

Specifically, I would like to ask the chairman, if I may, pursuing the line of inquiry that the gentleman from Minnesota raised, whether the subcommittee made any effort to bring before it any of the sources referred to in the Congressional Quarterly article discussed here. I know that the article was read. The chairman told us so yesterday. But I wonder if any real effort was made to identify the sources and to bring them before the subcommittee.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Texas.

Mr. MAHON. One does not question the press as to the sources from which the press gets its information. This is generally not considered to be good ethics. There was no way for the committee to get information as to the sources in this matter, and the recommendations were not considered to be sufficiently valid to cause the committee to ask this organization to give us the background information. I would assume that it would not be forthcoming, and some of the recommendations were so out of line, such as a drastic reduction in the manpower of the Army of the United States, that it would not appear productive to pursue the matter further.

What we did was to hold months of detailed hearings in an effort to determine what the regular requirements were for the Department of Defense.

Mr. BINGHAM. I thank the Chairman.

I would just like to add, with all due respect for the distinguished members of the subcommittee, that it would be a wonderful thing if the various points of view on the underlying issues could be represented in the subcommittee, as is true in connection with other subcommittees.

Mr. Chairman, I have supported all efforts to cut unnecessary expenditures out of this bill, including, particularly, the appropriations for the deployment of an anti-ballistic-missile system which I believe will provide us with no security and may well lead to a disastrous new phase of the arms race. I also supported the amendment proposed by the gentleman from California [Mr. BROWN], which would have called for a cessation of all bombing in North Vietnam as a necessary step to meaningful negotiations. On that score, and in various other respects I am in disagreement with our policies with regard to Vietnam, as I have said frequently in this House and elsewhere.

These amendments having failed of adoption, the question now before me is whether to vote for or against the bill as a whole. Some Members who share my views on Vietnam and for whose judgment I have the greatest respect are voting against the bill. My reluctant decision, however, is to the contrary. The vast bulk of the funds appropriated by this legislation are for purposes with which I cannot quarrel and which I must support, such as the pay of our armed services personnel and the provision of essential supplies and equipment for them. The recent tragic events in Czechoslovakia reemphasize the need for the United States to maintain a strong defense establishment no matter what happens in Vietnam.

I know that there are expenditures contemplated in this legislation that are undesirable and others that are unnecessary. I believe that once again we have witnessed the phenomenon that requests by the military for appropriations are treated far more kindly and with a less critical eye in this House than the requests made by those officials who have charge of our essential domestic programs. Nevertheless, in my judgment, there is so much in this bill that is clearly necessary and desirable that, overall, an affirmative vote is called for.

I might have considered casting a negative vote as a gesture of protest if I believed that such a gesture would be an effective way of pressing for a change of policy with respect to Vietnam, but I do not so believe. It would be a grave mistake for anyone, including the Saigon government, to measure the degree of dissatisfaction with our policy on Vietnam by the number of negative votes on this bill. The dissent on Vietnam is better measured by the 40 percent vote for the minority plank at the Democratic National Convention in Chicago.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, this $72.2 billion military appropriations bill is the largest single bill in our history.

No one would deny that the Congress must appropriate funds for the legitimate defense needs of the United States. However, this bill in its present form is a product of the outdated cold war mentality, the excessive growth of the military-industrial complex, and, most of all, the war in Vietnam, which is the culmination of disastrously mistaken policies.

Because of the unquestioning approval which the Congress always gives to the military budget, the inability of the critics to win support for amendments, and the growing concentration of critical policy decisions in the executive, one's only recourse is to vote against the funds which implement misguided policy decisions.

The Vietnam war has virtually ceased to be a topic of public debate—although the destruction goes on with the sacrifice of the lives of thousands of dedicated American servicemen and the deaths of hundreds of thousands of Vietnamese civilians. Yet the false hopes which the preliminary negotiations in Paris have built up, coupled with President Johnson's decision to retire and the similar Vietnam position held by the presidential nominees of both major political parties, have virtually closed the national debate on Vietnam—despite the continuation of the war, and the evidence that the administration is still not prepared to accept the political realities which would promote a genuine settlement.

The policymakers still cling to the belief that the war can be won militarily—in the face of the Tet offensive and despite the loss of territories which were previously considered pacified and the growing ability of the NLF troops to penetrate Saigon itself. The administration continues to believe in the myth of the Saigon government's popular support. It continues to believe that the mass of the Vietnamese people welcome our presence in Vietnam, despite the fact that our presence has devastated the countryside, the culture, the society, and the economy.

In the face of all this evidence, the tired policymakers continue the tired policy whose failure is so self-evident. The opinion polls demonstrate the popular opposition to the war in this country through the noticeable lack of enthusiasm which the warmakers have generated for their candidates.

Yet, ironically, the strange political turn of events has all but eliminated Vietnam as a political issue.

This is hardly the time to forget what Vietnam has cost us. It is hardly the time to tolerate the continuation of a disastrous policy. The devastation in Vietnam may be matched by the devastation in our own society through neglect. The passage of the 10-percent surtax and the $6 billion reduction in expenditures the same week we passed the Vietnam supplemental—in very similar sums—shows that, despite the guns and butter rhetoric, nearly every dollar denied our crumbling cities and our starving poor is earmarked for the furnace of war.

The Committee on Appropriations has estimated that approximately $25 billion of the $72 billion in this bill will go for military operations in Vietnam—more than one-third of the funds in the bill.

The Congressional Quarterly has estimated that $10.8 billion could be cut from non-Vietnam military expenditures without impairing the national security, and I have offered an amendment to this end. Some meaningful step must be taken in the direction of reducing the bloated military budget as a whole, and reducing expenditures on Vietnam in particular.

In 1965, I was one of seven Members of the House to vote against supplemental Vietnam funds. In 1966, I was one of four to do so. In 1967, I again opposed the Vietnam supplemental and, because the entire military appropriations bill was so laced with funds for Vietnam, I was one of four who opposed the entire appropriation last September 12.

This year, it was not possible to obtain a record vote on the Vietnam portion of the supplemental. However, it was largely for Vietnam; and, therefore, I opposed the entire supplemental.

Our priorities continue sadly out of balance. To support H.R. 18707 is to support that imbalance. This $72.2 billion appropriation bill is living proof of the strength of the military-industrial complex and the ability of the military to maintain its level of expenditure while domestic social efforts are being starved.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, to those who find it difficult to support this bill because of the billions it appropriates, let me say that as long as you continue to vote upon the United States the responsibility for policing and financing the world, you can expect this kind of bill to be found on your doorsteps every year. If you want to reduce this and other appropriations, do not vote to police and finance most of the world.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. FRASER. I suppose the gentleman is referring to such measures as the Foreign Assistance Act.

Mr. GROSS. Yes; the foreign giveaway program.

Mr. FRASER. I would remind the gentleman that we are cutting down on that. This year we are going to vote the smallest amount that we have in the history of the program. Does the gentleman believe that we will be getting more security as a result of that cut?

Mr. GROSS. As of now you are voting for every dollar you approved last year for the program. You have not cut the foreign handout bill on the basis of the actual appropriation made last year.

Mr. FRASER. Does the gentleman think that we are getting more security by raising military spending and cutting down on economic assistance? Does the gentleman believe that we will be getting more security as a result of that action?

Mr. GROSS. You are the ones who are voting to involve the United States in every two-bit country around the world. You are the ones who are voting to give away billions of dollars in so-called foreign aid that has provided us with neither friends nor allies and I am frustrated by this nonsense.

Mr. FRASER. If the gentleman will yield further, I would rather send economic assistance and technical aid to nations than send our boys overseas.

Mr. GROSS. I am sure of that.

Mr. FRASER. Maybe the gentleman would prefer it the other way around. Maybe he would rather send American military men around the world.

Mr. GROSS. All I know is that it is not within the capability or the capacity of the American people to police and to finance the rest of the world without going broke doing it.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. FRASER].

Mr. FRASER. Mr. Chairman, I will use these additional several minutes just to enlarge on my earlier statement.

The level of military spending in the United States is far higher than the national security needs of the United States require. If the potential opponent of the United States is the Soviet Union, our security will be best assured by the maintenance of an adequate deterrent force, which is to be found in the ICBM's and in the submarine-based missiles and in those remaining bombers that make up a part of our Strategic Air Force. It is not likely that we are going to engage the Soviet Union in any kind of conventional war of any major proportions.

If we were to finance our deterrent force only, this would cost the United States, as I read the committee report, something on the order of 10 to 15 percent of the total expenditures which are provided for in this bill.

I know we need to do more than maintain a strategic deterrent capability, but I also know that the level of military spending in the United States has been going up every year. It has gone up to a record high of $80 billion. This is more money than the gross national product for the continent of Latin America. This is more money than the gross national product for the continent of Africa. It is excessive. It is not buying us real security, if we read correctly in the newspapers about events abroad and events in the United States. This is a nation growing with tension, this is a nation growing with uncertainty, this is a nation with unmet needs, and yet we find military expenditures are accepted almost without question in the Congress.

I cannot believe we are really getting the kind of security we want to have, not only for ourselves but for our children. We have to find a way to turn the arms race around and see if we can begin to build a U.S. role in the international community which puts its emphasis on constructive and forward-looking, nation-building activities as against production of military hardware.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, the gentleman from Ohio [Mr. LATTA], and the gentleman from Mississippi [Mr. WHITTEN], both recited instances of complaint of lack of equipment in the hands of individual fighting men in Vietnam. I want to add my voice to that same type of complaint. I have received it from constituents in my district.

I think this points up very clearly the lack of wisdom of those who step into the well of this Chamber and say, "that we should leave these important decisions to the military, that the military is best equipped to make the judgment." The fact that the ammunition is not there and the fact that the rain gear is not there and the fact that rifle-cleaning kits are not there are the result of military responsibility. There has been no withholding of funds by this Congress, but there has been withholding of the appropriate oversight, of the careful inquiry.

I think we need to demand of the military a far more careful accounting, rather than less, and a greater degree of civilian control, rather than a lesser degree. I do not concede the infallibility of the military. I do not concede that they are super efficient. I think there is an abundance of evidence to the contrary. And it is time that we here, the representatives of the people, exercise our responsibility to see that these men are adequately equipped before they are sent into combat and equipped for combat under whatever conditions might then exist.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. DOW].

Mr. DOW. Mr. Chairman, in this debate it was not my intention, certainly, to be critical of the great chairman of the Appropriations Committee and the techniques which he followed in building this appropriation or in the specific decisions he made.

The only point that some of us over here raise is that there must be something said in these debates about the costly mistake the United States is making in Vietnam.

I do not believe that our country should bare its breast and allow Russia to have all the arms, that we remain unarmed. That is not the conception. We believe the United States needs arms. I have always voted for these major defense bills.

How does one make the point about Vietnam? This is a question which is agitating millions of people dispersed through every congressional district all over the country. The Foreign Affairs Committee of this body has never held any debate on Vietnam on this floor that I know of.

I do not know how one makes the point about Vietnam. If there is some other way to make it than here when these appropriation bills come up, I should be glad to entertain suggestions. I have been wondering, and many of us have been wondering, how we can express these thoughts against continuance of the war in Vietnam. They are mounting in the country.

The very fact that 40 percent of the delegates at the Democratic Convention voted for a rather pacific plank in the platform on Vietnam, shows that there is widespread concern about this, a widespread desire to reduce the war.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from California [Mr. Hosmer.]

Mr. HOSMER. Mr. Chairman, we have heard today the charges that various supplies, armaments, and pieces of equipment are not available to U.S. forces in the field. We have heard other Members state that the Defense Department has become an expensive boondoggle, overspending in the extreme. And we have heard my colleague from California [Mr. Moss] blame at least part of these things on the military and the alleged failure of the military to make proper decisions in all these matters.

Let me remind you, my colleagues, that almost 8 years ago the accountants and the economists in civilian clothing took over the Pentagon and arrogated unto themselves the decisions regarding these matters. That is when former Secretary McNamara came to the Pentagon and brought with him his numerous systems analyst, whiz-kids and the like, who assumed they knew more about everything than anybody else.

If there is blame to be placed, let us place that blame where it belongs, upon the previous Secretary of Defense, Robert McNamara, and upon a group of cost accountants that he brought in, who ignored the sound advice of the military in connection with procurement, in connection with strategy, in connection with tactics, and in connection with almost every other military decision that has been made in the Defense Establishment, from global to minute. And that blame also must be shared by those who appointed these civilians to office in the Pentagon, who keep them on the job, in whose name they frequently act, and who accept, approve, and act upon the advice of such appointed subordinates.

If the gentlemen want to place the blame, place that blame where it belongs, on these civilian interlopers who severed the chain of military decisionmaking and substituted their own, all with the approval of their political superiors. If the gentlemen of this House want to rectify this situation and want to restore the United States to the position of strength and power, to the capability of winning and not losing these battles around the world, I say let us take these decisions out of the hands of these civilian subordinates of the President and place them back into the hands of the military who have been trained to make them and whose capability to do so is proved constantly by experience and by continued professional study. Then we will reachieve what we had in the 1950's, a strong United States which was respected by the world and whose military strength was universally credible to all.

Specifically, as to shortages of equipment and supplies in Vietnam and elsewhere, anyone who has followed this war knows that former Secretary McNamara and his civilian aids constantly miscalculated and underestimated the nature, extent, and difficulty of the war and therefore its logistics requirements. He also knows that the former Secretary and his aids have had a mania about not having any war surplus on hand when this war is finally over. The overoptimistic miscalculations are to when it will be over and the consequent reluctance to order except on a hand-to-mouth basis further has tightened the logistics situation. This, of course, is all part and parcel of the overall indictment of the Johnson-Humphrey administration for ineptness in conducting the business of the Nation.

Let us not be kidded as to where the blame for all this lies. It is not with the Nation's professional military personnel. It is with the civilian side of the Government, specifically it is with the appointed and elected people of the executive department. And the buck for all this does not stop until it gets all the way to the White House and finally rests on the President and the Vice President who, after all, constitutionally and traditionally, must bear the blame as well as share any praise for the results of their administration of the Government of the United States.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Texas [Mr. Wright].

Mr. WRIGHT. Mr. Chairman, I hope that a separate vote will be requested on the Hall amendment, which was adopted a few minutes ago without any debate. I earnestly trust that every Member of the House, when given an opportunity to vote on it, will understand exactly what it does.

Particularly do I trust that every Member will contemplate how radical and far-reaching is this Hall amendment, and how potentially damaging it could be to our defense efforts as well as to our foreign relations.

The Hall amendment would provide that no money can be spent on a component for aircraft anywhere outside the United States. It does not set up any criteria as to price. It does not establish any standard as to competition or comparability. It does not make any allowance for contracts already in force with foreign suppliers or for components which are not even available in this country.

This amendment would provide that, no matter how critically needed an aircraft component may be, we cannot buy it. It says that, no matter how much money the U.S. Government might save by making such a purchase from a friendly foreign country, we cannot do it. It requires that, no matter how important may be our relations with that country, we cannot buy from them. It says that, no matter how much more that country may be spending with us to purchase military components, we cannot spend anything with them.

Mr. Chairman, we live in a small world. Let us recognize it. It is shrinking. It is smaller today than it has ever been. It took Columbus 70 days to cross the Atlantic. Lindbergh did it in 33 hours. A few years ago a B-58 did it in 2½ hours. And today space satellites cover that distance in about 10 minutes.

We have to have some allies in the world. All that our present Government does is to permit them to bid competitively on certain procurement. In exchange, they let American firms bid on their procurement. Yet are we to say here that, no matter how good they are as friends, or no matter how much they buy from our Government, no matter how critically we might need an individual military component from such a country, and no matter how important our alliances are with them, we will not let the U.S. Government buy anything from them?

Let us understand what this Hall amendment does and then let everybody get on the record. I think it is vital that we must defeat it.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. Laird].

Mr. LAIRD. I thank the Chairman for recognizing me.

Mr. Chairman, the amendment to which the gentleman from Texas refers has to do with an amendment offered by the gentleman from Missouri [Mr. Hall]. The original amendment offered by the gentleman from Missouri had been worked out very carefully so that it was not a broad amendment but went right to one aircraft procurement contract in which the gentleman from Missouri was interested. I had no knowledge that a point of order would be raised against his original amendment. As a result of that, a broad amendment excluding all aircraft and major components thereof, as far as military procurement is concerned, was the only avenue open to the gentleman from Missouri for consideration by this House with regard to the problem he was trying to solve. I hope we can work this out in conference so that we can come back with language along the lines originally offered by the gentleman from Missouri in his first amendment.

I am in favor of that language. It is fitting, and proper. I cannot, however, support the amendment which has been adopted. It goes much too far and could seriously hamper our aircraft programs. I deeply regret that the original amendment was not adopted and that the Chairman saw fit to make a point of order against it. I trust that we may be able to work at something in the action of the other body and in the conference that will meet this problem.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I am happy to yield to the gentleman.

Mr. HALL. Mr. Chairman, I agree thoroughly with the gentleman from Wisconsin, a distinguished member of the Committee on Appropriations. I stated at the beginning—during consideration of the first Hall amendment—that I was presenting this not because of any one point of view or any parochialism or provincialism and with a full realization as a member of the Committee on Armed Services and the Subcommittee on Research and Airlift, what we were intending to accomplish. I agree with the gentleman from Wisconsin—and the gentleman from Texas—that we can work it out and that the problem can be solved. There is no one who wants to facilitate a contract any more than the gentleman from Missouri which will assist in getting the production to the users of the material. There is not, and has never been any intent of delay.

Mr. LAIRD. I think we should go to conference with the understanding that language will be worked out by the Senate and the conference committee.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Lipscomb].

Mr. LIPSCOMB. Mr. Chairman, we are now nearing close of debate on what I feel is one of the most important bills this House has ever considered. We are appropriating here today over $72 billion to support our defense efforts and to support the men now fighting in Vietnam. I, for one, want to assure the House that the Subcommittee on Defense Appropriations and the full Committee on Appropriations are deeply in sympathy with the fact that these funds will be spent to get adequate defense for the country with the least amount of dollars that we can spend for the defense program.

Mr. Chairman, we have heard charges here on the floor about the administration of the Department of Defense and particularly with respect to shortages of certain supplies and equipment for our men fighting in South Vietnam. But we constantly in committee require officials of the Army, the Navy, the Marines, and the Air Force to answer such charges. I say this because I have never known of a time that this committee did not appropriate all the money necessary to adequately maintain our personnel in the armed services. But, at the same time, we are conscious of the fact that it is most difficult to administer a $72 billion budget and that there is bound to be some waste and inefficiency. When we find any waste and inefficiency we do something about it. As the chairman of the committee pointed out, we have an investigating staff and our own professional staff, and we are constantly in touch with departmental officials in checking into these matters.

Mr. Chairman, one further thing: If the Members of the House would take the time to study the six volumes of hearings of the House Appropriations Committee, hearings which inquire into all aspects of the operation of the Defense Establishment, you will have a greater appreciation of how much ground we have covered.

Mr. Chairman, I ask support of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. Mahon] to conclude the debate.

Mr. MAHON. Mr. Chairman, I am deeply disturbed and concerned, as we come to the end of the consideration of this bill, that an amendment has been adopted in Committee which is thoroughly unworkable and antidefense. The amendment was adopted by a small number of votes—about 52 to 46—that must not be approved by this House. The amendment says that none of the funds appropriated or made available by this act for the procurement of aircraft or major components thereof shall be available for expenditure outside the United States.

Mr. Chairman, the distinguished gentleman from Wisconsin [Mr. Laird] has just said that this amendment would have to be severely modified. He realizes this. The most successful combat plane we have in this country is the F-4. This amendment would slow down production of the F-4—stop it in its tracks—because we buy from the British the Martin-Baker ejection seat used in the F-4. We would have to stop production and redesign this plane at this critical period. That would be a tremendous blow to our military strength. This is only one example of what the amendment would do.

On the rollcall vote, those who are most interested in protecting the best interests and military security of the United States are not going to vote for this amendment to take such action in this election year.

In regard to this as a parochial amendment the amendment might secure a small contract in a congressional district in Missouri but it would disrupt and slow down F-4 aircraft program of the McDonnell Aircraft Co. in that State, a program which is of vital interest to our military forces.

Mr. Chairman, I express this with all the energy I have, I want the record to show that those who vote for this amendment will be voting for something which is contrary to the best interest of the United States.

Mr. Chairman, we have an agreement with Canada that companies in both countries bid upon various contracts. Canada buys about $300 million worth of materiel a year from us and we buy about $300 million worth of materiel a year from Canada. The amendment would disrupt this entire procedure. Not only that, it would make it impossible in some instances for the Defense Department to buy the weapons which are so needed by our fighting men.

Mr. Chairman, I urge the members of the Committee when the vote comes to vote down this amendment.

Mr. TENZER. Mr. Chairman, as the House debates H.R. 18707 the Defense appropriation bill, one cannot help but wonder how much waste there must be in a budget which exceeds $72 billion.

I have supported efforts to defer several items such as the development of an anti-ballistic-missile system and a portion of expenditures for military construction, nuclear development and research which overlaps other research and development projects being conducted by other Federal agencies.

Recently, two articles in a series of five, appeared in the Long Island Press dealing with the Defense Department budget. I place in the Record at this point in the debate the text of these articles entitled "The Pentagon Bankroll" and "Computers Stand Idle." The authors, Jean Heller and Donald M. Rothberg have based these articles on exhaustive research and their findings should cause us to pause and consider the vast amount of resources being channeled into defense in this Nation. I share the view that so much of our defense budget as is necessary to our national security and to meet our commitments abroad should be approved. That portion which duplicates efforts of other agencies should be eliminated and nonessential items in the budget should also be eliminated or deferred.

[From the Long Island (N.Y.) Press, Sept. 9, 1968]

THE PENTAGON BANKROLL: SIZABLE PORTION OF $45 BILLION A YEAR IS WASTED

(NOTE.—The Pentagon goes shopping each year with a $45 billion bankroll. That's a tidy sum, and there's a library of regulations on how to spend it prudently. But problems and pitfalls keep cropping up. This is the first of five articles on military procurement by AP's Special Assignment Team in Washington, based on an exhaustive study.)

(By Donald M. Rothberg and Jean Heller)

WASHINGTON (AP)—The Defense Department's $45 billion-a-year procurement budget plays for a vast array of hardware and services, but a sizable portion of it buys nothing.

It's swallowed up by duplication, by human error and by faulty management—some of it inevitable in an organization the size of the Pentagon, where 5,500 people are involved in military procurement alone.

Whatever the cause, this loss—never precisely calculated—could well run into billions of dollars.

This is shown in a study of five major areas of procurement, a study that details the problem in all its intricacy and outlines numerous ways in which things can go wrong.

Defense officials emphasize that price competition reduced costs by an average of 25 per cent. But in most years no more than 14 per cent of Pentagon buying is based on competitive bidding.

The Defense Department owns billions of dollars worth of industrial equipment. Much of it is unneeded, according to the U.S. General Accounting Office, which says the department exerts no effective control over its use.

Last year, the Pentagon lost $160 million, according to the General Services Administration, by acquiring new computer equipment even as computers it already owned or leased stood idle more than two million hours. The GSA is the chief purchasing agent for the government.

The Pentagon spends $7 billion a year on research and development contracts that usually run more than double the original cost estimates.

The Defense Department insists it has adequate protection against profiteering by private contractors yet billions of dollars in annual purchases are not subject to any independent review for overpricing.

The armed services procurement regulations—ASPR—fill several hundred volumes. New regulations and revisions of old rules are issued frequently in a constant campaign to close loopholes.

For the 4,000 civilian and 1,500 military personnel who work in defense procurement, the ASPRs theoretically guide every step toward the purchase of any items. Critics of the Pentagon claim few are followed consistently.

"The Defense Department issues weak regulations and then administers them as though they didn't exist," says Sen. William Proxmire, (D-Wis.), whose Joint Economic Committee condemned procurement practices after a recent examination of defense buying.

The committee reported finding "loose and flagrantly negligent management practices in the defense procurement program."

Former Secretary of Defense Robert S. McNamara touched on procurement problems in his last budget statement to Congress, just before he resigned early this year. Speaking of procurement personnel, he said:

"How to motivate these people to do their job more efficiently, and how to determine whether they do so, has always been one of the most difficult and elusive problems."

Observing that private industry is disciplined by the profit and loss statement, he added: "There is no such built-in incentive for efficiency and economy in the operating environment of the Defense Department."

Thomas D. Morris, assistant secretary of defense for procurement, told the Proxmire committee that during the past 6½ years, defense procurement practices have undergone significant changes.

". . . During this time frame there have been continuous efforts to introduce far stronger management controls and substantially greater incentive—with the goal of buying required equipment and supplies at the lowest sound price," he said.

"We are dedicated to acting promptly and vigorously to eliminate inefficient procurement practices, and we thus welcome the spotlighting of such opportunities by congressional committees, the General Accounting Office and our own internal audit and review staffs."

A major consideration when Congress drafted the first procurement regulations in 1947 was to put Defense Department buying on a competitive basis.

Pentagon officials themselves have repeatedly told congressional committees that price competition produced savings averaging 25 per cent.

Yet Defense Department records show that in most years no more than 4 per cent of military buying is based on price competition.

About 30 per cent of the Pentagon's business falls into a grey area called "competitive negotiated contracts," transactions in which price may or may not be a factor.

The other 55 per cent involves no competition of any sort, and this business includes some of the Pentagon's very largest contracts. Once the Pentagon chooses a company to design a weapons system, it almost always returns to the designer to award a non-competitive contract to produce the equipment.

Regulations governing defense procurement say price competition should be the rule, but there are exceptions—17 of them—and they are so broad that they have become the rule instead of the exceptions.

The 25 per cent figure was first reported to Congress in 1965 by McNamara, when a trend toward competitive bidding reached a peak of 17.6 per cent for that fiscal year.

That trend was reversed a year later when the Vietnam War buildup began.

In 1966, it dropped to 14.2 per cent, then to 13.4 per cent in 1967. For the first nine months of fiscal 1968, the figure was down again to 11.5 per cent.

A major factor in the reversal is military assessments of urgent war zone requirements. "Urgent need" is one of the 17 exceptions that permit non-competitive procurement, although in such cases the Pentagon frequently turns to the "competitive negotiated contract."

While Defense officials regard this as competition, the practice permits procurement to deal with a select group of suppliers. Furthermore, once a determination of "urgent need" is made, price can be erased as a factor.

Such was the case last April 19 when the Army awarded two "competitive negotiated contracts" for production of M16 rifles.

Six months earlier, the Defense Department had solicited price estimates from four manufacturers, but on March 29, the four companies received the following notice from the Department of the Army:

"As a result of increased urgency to supply the maximum number of rifles at the earliest possible date with minimum risks of production interruption, the object of this procurement is changed to select those two sources which will afford to the government the highest degree of confidence in their ability in meeting or exceeding the accelerated schedule set forth below while maintaining good quality and provide the government the strongest mobilization base."

After the contracts were awarded, members of a special House subcommittee demanded to know why one went to General Motors even though its price was $20 million higher than two firms that lost out.

The Army replied that there was an urgent need to obtain a large number of M16 rifles as soon as possible to equip South Vietnamese regular and popular forces.

Or as Robert A. Brooks, assistant secretary of the Army for procurement, explained it to the subcommittee on May 13:

"Accelerated delivery schedules to meet increased requirements was our objective. We switched from a price competitive approach to one of selecting two producers judged most capable of manufacturing rifles on an accelerated basis."

No one on the subcommittee questioned the Army's explanation of "urgent need."

However, first deliveries under the contracts with the two new firms aren't due until February 1969, and Secretary of Defense Clark Clifford told the annual Associated Press meeting last April that most of the Vietnamese would have the M16 by this November.

"By July of this year all combat elements of the regular South Vietnamese ground forces are to be equipped with the M16," Clifford said. "By November 1968, 100,000 more M16s will have been provided to the regional and popular forces."

Later, however, Clifford set no such deadlines, telling newsmen in Vietnam only that M16s would be turned out "at a substantially more rapid rate as we get into the end of this year."

Had the Army awarded the M16 contracts on the basis of price, they would have gone to Maremount Corp. and Cadillac-Gage for about $36 million each. Award of the contracts to General Motors' Hydra-Matic Division, for $56 million, and to Harrington & Richardson, for $42 million, was protested to the General Accounting Office which upheld their legality while noting that "we are in no position to substitute our judgment for that of the Army in evaluating the technical ability and qualifications of the four companies who made technical proposals."

In other words, the GAO had no grounds for a challenge on price because the Army's determination that an "urgent need" existed legally justified awarding the contracts solely on ability to produce. Another common exception to the rule of competitive bidding in defense buying is "sole source of supply."

If only one firm manufacturers a particular item, the government has little choice other than to deal with that company.

Because a St. Louis company was the Navy's sole source for 2.75 rocket launchers the Pentagon found itself in the position of having awarded the company a $13.9 million contract just two weeks before the firm was charged with creating phantom suppliers and receiving kickbacks on previous contracts of more than $47 million.

On July 23, the Associated Press disclosed that the Navy had awarded the contract even though the company was then involved in a federal grand jury investigation.

On Aug. 7, the indictment was returned against Chromcraft Corp. and Alsco Inc., with which Chromcraft merged in 1966, and four individuals.

The Navy said the charges have no effect on the new contract, awarded to Alsco's Techfab Division. The reason: the rocket launchers are a "proprietary item" of Techfab, the Navy's sole source, and "the time which would be required to develop a similar Navy-owned item and to get a new manufacturer into production is completely prohibitive."

Some members of Congress have accused the Defense Department of not looking very hard for alternate sources of supply.

Take the case of an electronic switching device, as described in the Senate by Sen. Peter H. Dominick, (R-Colo.).

Over a six-year period starting in 1962, the Navy awarded 10 non-competitive contracts worth $2,097,477 to Tabet Manufacturing Co. of Norfolk, Va., as sole source for the device.

Prices paid ranged as high as $197 each for a quantity of 200 bought in September 1966 to as low at $113.59 each for 6,250 purchased in March 1967.

When the Navy prepared to award an 11th noncompetitive contract to Tabet, another firm notified the Navy Electronic Supply Office at Great Lakes, Ill. that it wanted to bid on the item. It asked for a technical manual giving manufacturing specifications.

Officials at Great Lakes replied with a telegram refusing to supply the technical manual on the ground it "is not part of the necessary specification" and "further such manuals are not readily available."

But when the director of the Navy publication and printing service in Washington heard about the case he made manuals available to all interested parties.

Four bids were received and the price of the switch dropped $33.49 to $80.10 each. Low bidder at that price? Tabet Manufacturing Co.

As Assistant Secretary of Defense Morris told a congressional committee:

"We have consistently found in our studies that when price competition is introduced for the first time, a price reduction on the order of 25 per cent results."

[From the Long Island (N.Y.) Press, Sept. 10, 1968]

COMPUTERS STAND IDLE: GSA DISCOVERS WASTE OF 2 MILLION HOURS

(NOTE.—This is the computer age, and computers represent a sizeable proportion of Defense Department outlays. Do the Pentagon computers add up to stringent economy? Here is the second of five articles examining military procurement, policy and practice.)

(By Jean Heller and Donald M. Rothberg)

WASHINGTON (AP).—The Defense Department wasted $160 million last year by acquiring new computer equipment even as computers it already owned or leased stood idle more than two million hours.

This was the finding of the General Services Administration, the federal government's principal purchasing agent, in an unpublished survey compiled in April.

Computers and computer use, in this electronic age, are an important area of military procurement. For an Associated Press study of procurement practices in five major areas, GSA officials made their computer report available to AP. The report covered only these computer systems not located in classified areas and not performing classified functions.

Among the examples listed in the report was a Burroughs B263 computer system operated by the Air Force at General Dynamics headquarters in Fort Worth, Tex. At the end of the fiscal 1967, the computer was being used an average of 72 hours a month. Another 624 hours it stood idle and available.

The GSA concedes it would be impossible to operate all computers at full capacity all of the time. For one thing, the machines are scattered all across the country. But GSA officials do argue that sharing computers by Pentagon agencies could effect far greater utilization, and substantially reduce operating costs.

At AP's request, Commissioner H. A. Abersfeller of GSA's Federal Supply Service rechecked the Air Force computer at General Dynamics and nine other Defense Department computer systems, picked at random from the survey. As of July, he said, there had been "no substantial change" in usage for six of them. Asked what "no substantial change" meant, Abersfeller cited one computer system where use had increased an average of one hour a month.

That system is in Bremerton, Wash., at the Polaris missile facility where the Navy operated a Univac 1004 during fiscal 1967 for an average of 91 hours a month with 607 hours idle. Last month GSA found that the Navy now uses the computer 92 hours a month.

At a Lockhead facility at Marietta, Ga., the Air Force was operating a Burroughs B263 unit at the end of fiscal 1967 at the rate of 90 hours a month, leaving it idle 605 hours. GSA reported no substantial improvement there, either, as of July.

There is a Control Data Corp. 160 computer system at Griffiss Air Force Base near Rome, N.Y., which was operated on the average of 71 hours, with 644 available, at the end of fiscal 1967. As of July this unit showed no substantial gain in hours used, GSA said.

No one—not GSA or the U.S. General Accounting Office or the Pentagon itself—could say with any accuracy how much the Defense Department spent during fiscal 1968 to lease or buy new computer equipment.

A Pentagon spokesman said records were kept only on total yearly expenditures for equipment, including rentals, operating costs and maintenance for equipment acquired prior to fiscal 1968.

George W. Dodson Jr., GSA's director of data processing, said there is only one way to determine yearly costs for new computers—program a computer to figure it out.

At the end of fiscal 1968—last June 30—the total number of unclassified computer systems within the federal government was 3,906, GSA officials said. The Defense Department had 2,487, or 64 per cent of them.

The GSA study concluded that on a government-wide basis, computers were being underused by 278,000 hours a month or more than 3.3 million hours a year. This idle computer time, GSA said, was worth $250 million.

GSA did not specifically break down the Pentagon's share of this loss but Commissioner Abersfeller said that to figure the Defense Department's share of total computer systems "would be accurate to within one percentage point."

That would make the Defense Department's 64 per cent share of underutilization 178,000 hours a month: 2.14 million hours a * * * $160 million.

GSA has no authority to take action against wasted time.

Within the Defense Department, each agency is the final authority on whether a new computer system will be obtained.

All GSA can do if it considers a proposed acquisition unnecessary is ask the agency to reconsider. If the agency refuses, that ends the matter, and all GSA can do is determine whether new computers will be purchased or leased.

After the Federal Property and Administrative Services Act was revised in 1967 to give GSA greater power over computer acquisition, GSA asked Elmer B. Staats, comptroller general of the United States for a formal opinion on the limits of its new authority. Staats wrote:

"Authority so conferred upon the administrator of GSA shall not be so considered as to impair or interfere with the determination by agencies of their individual automatic data processing equipment requirements, including development of specifications for and the selection of the types and configurations of equipment needed.

"The administrator shall not interfere with, or attempt to control in any way the use made of automatic data processing equipment or components thereof by any agency."

Lawson B. Knott Jr., GSA administrator, was asked last November by Sen. William Proxmire, (D-Wis.), what could be done to reduce the amount of money spent on computers. Knott said:

"We should place the burden on the agency to make a case, which it does not have to do now. The agencies now make determination to share equipment with their program mission."

Sharing, Knott says, is the key to an end—at least to a drastic reduction—of the costly waste of computer time.

Two years ago, GSA launched a campaign to get Defense Department agencies to share automatic data processing equipment and forego obtaining new equipment until computers on hand were in full operation.

The campaign has had some success. The first year, fiscal 1967, the savings produced by sharing increased $1.28 million within the Defense Department. In fiscal 1968, it climbed another $7.68 million.

Computer utilization will never reach 100 per cent, said Dodson, the GSA data processing director.

"We may have a computer in Washington that is crowded with work and have the same computer in Kansas City that has lots of time available on it, but it would cost more to ship the Washington work to Kansas City than it costs to let the Kansas City computer stand idle," he said in an interview.

However, Dodson added, some farming out of work is possible, and "our statistics show we have a long way to go in improving the situation."

At the White Sands Missile Range, N.M., for example, the Army is operating an IBM 1401. Last year the usage was 66 hours with 654 hours idle. There has been little change since then.

At Edwards Air Force Base, Calif., the Army has an IBM 1620 which it used on the average of 77 hours a month in fiscal 1967. There were at the time 641 idle hours on the system and there still are.

GSA found some improvement at the Massachusetts Institute of Technology Laboratory where the Air Force was using a Central Data Corp. 3300 system only 13 per cent of the time last year. The usage now is 41 per cent.

At St. Louis, an Air Force mapping facility use of an RCA 501 has increased from 18 to 49 per cent.

At the Louisville, Ky., Naval Ordnance Station, use of a Honeywell 1200 has increased from 10 to 54 per cent.

And at Camp Spring, Md., where a Naval air facility has an IBM 1401, use has increased from 2 per cent—all the way to 14 per cent.

Knott concludes that the success of the sharing program in paring computer operating costs depends entirely on voluntary cooperation by Defense Department agencies.

"This is a program that will succeed or fail in large measure depending on the extent to which we are able to sell agencies on the benefits that flow from their cooperative efforts," he said.

One step that GSA has taken is to refuse permission for different agencies in the same building to place their computers in different areas. Putting them side-by-side cuts installation costs, and Knott expressed hope that proximity may lead to consolidation.

"We insist that if they the agencies will not share, or cannot share the same computers, that they be placed side by side, looking forward to the day when the walls that may exist between them now can come down," he said.

Mr. Chairman, the gap between priorities assigned to the military-industrial complex and the human needs of America has grown to a serious proportion. It is high time we heard the warnings sounded during the past 8 years—about the influence of the growing military complex—and that we took the necessary steps to prevent the military from dominating our sense of priorities and the needs of Americans at home.

Why should we be adding to our already extensive inventory of our overkill capacity—of weapons we will never use?

While we may not all be military experts, we in the Congress have a responsibility to at least establish a proper and rational relationship between military and domestic spending.

Mr. **KASTENMEIER**. Mr. Chairman, I reluctantly am voting for the $72.2 billion Defense appropriation bill.

This Defense appropriation request shows none of the fiscal restraint that characterizes the appropriation requests from other departments. This is just another situation where military programs continue to expand whereas our vitally needed domestic programs are curtailed.

Furthermore, this military budget contains funds for highly questionable projects, the most objectionable one being the anti-ballistic-missile system. Earlier this year I voted against both the $1.8 billion military construction authorization bill and the $21.6 billion defense procurement bill largely because of this futile ABM system.

In an effort to inhibit the program both in terms of policy and in terms of financial excess I supported and voted for the amendments of the gentleman from California [Mr. BROWN] and of the gentleman from New York [Mr. RYAN] to restrict military operations relating to North Vietnam and limiting the total of the bill to $66.274 billion.

I realize, however, that the Defense Establishment requires some essential hardware, even though the cost of it may be highly inflated, and so, in these anxious and uncertain times, I feel constrained to vote for this bill.

Mr. **THOMPSON** of New Jersey. Mr. Chairman, I rise to discuss H.R. 18707, the Defense appropriations bill. The distinguished chairman of the Committee on Appropriations advises that this bill is "the largest single appropriation bill ever presented to the Congress of the United States in the history of the Republic." The presentation of this bill, totaling some $72.2 billion, seems an appropriate time to reflect on our Nation's priorities.

We all know that almost 60 cents of every tax dollar paid by our constituents goes for defense, including our military involvement in Vietnam. We all know that the total of appropriations for Federal assistance to education, to health, and to the many needs of our cities is far less than what we are asked to approve for defense. In my judgment, each of us has a clear responsibility, today, and for so long as we are Members of Congress, to insist that every dollar of Federal money we vote to appropriate serves a compelling national need. I believe that many of our colleagues and my constituents agree with me that our priorities, as reflected in this Defense appropriation bill, must be reordered.

I do not imply by this that we can ignore our obligation to ensure that our Nation retains the ability to defend itself in this volatile world. Nor do I mean that we should pass over lightly our responsibility to the brave fighting men who are in Vietnam, although I believe our national interest would be better served by terminating that involvement. But with the great needs of our own people for improved education, for improved health services, and for increased efforts to improve our cities, I believe that we must give every item in the Defense budget a hard look. We should ask whether every proposed defense expenditure is so essential to our national security that our public money should be spent for it, instead of being spent to improve the quality of life here at home for our own citizens.

I think a good place to begin this scrutiny is the money requested for the Sentinel ABM program. It is a fact that throughout the history of war, defensive weapons have rarely been ahead of offensive weapons. A mere handful of examples, such as the medieval castle in the pregunpowder days, can be given. But by and large the great defensive weapons have been like the Maginot Line, expensive but virtually worthless against the constantly increasing sophistication of offensive weapons. I believe the ABM will be another Maginot Line. At the time we are asked to continue expenditures for the ABM system, we read of tests of the MIRV, the acronym for the multiple independent reentry vehicle. This seems another example of the offense outstripping the defense. In my judgment, the ABM is not essential to our defensive posture. I also believe that deployment of an ABM system will only escalate the insane weapons race, which will surely consume our national treasure, and may very well consume us all in one irrevocable fireball.

The ABM is only one case of possible cuts in this budget, cuts which would not impair our security, but would free us to devote more energy to pressing domestic tasks. For example, reference has been made earlier in the debate to a recent Congressional Quarterly article stating that some $10.8 billion could be cut from the 1969 defense budget.

Mr. Chairman, I urge every Member to look closely at this bill. National defense is one thing; extravagance and irresponsibility in the name of national defense is quite another.

Mr. MORRIS of New Mexico. Mr. Chairman, we have seen much publicity in the papers of late about the commissioning of the oil-fired aircraft carrier *Kennedy*. I would like to say once again for the record that that ship is a quarter-billion-dollar blunder brought about by the Department of Defense "cost effectiveness analysts" under the leadership of the recent Secretary of Defense. The *Kennedy* is obsolete now, before leaving the building yard, because of her oil-fired engines. This carrier should have been nuclear powered like her sister ship the U.S.S. *Enterprise* which has been to Vietnam three times and has an outstanding combat record unmatched by any oil-fired carrier.

Since 1963 when Secretary McNamara overrode the strong recommendations of the Navy and of Congress to build the *Kennedy* with nuclear engines and ordered the *Kennedy* built with obsolete oil-fired engines, even the Department of Defense has come around to realize that all new aircraft carriers should be nuclear. I daresay building an oil-fired aircraft carrier in this day and age would be a complete waste of money and I for one would oppose any appropriation for building any more aircraft carriers without nuclear power.

Congress authorized and appropriated funds for a second nuclear carrier, the CVAN–68 named the *Nimitz*, in fiscal year 1967. The keel of the *Nimitz* was laid this past June in the same shipway where the *Enterprise* was built 10 years ago and where the *Kennedy* was built.

This appropriation bill before the House today contains advanced procurement funds for a third nuclear carrier, the CVAN–69, two nuclear powered guided missile escorts, and two nuclear submarines to be included in the 1970 shipbuilding program.

The Navy urgently needs new nuclear warships, submarines, and surface ships, if they are to be able to counter the growing Soviet threat to our ability to control the seven seas in time of war.

Do we want to surrender control of the oceans of the world to the Soviets in time of war? Not if the United States is to survive as a nation.

In this time when we are faced with the strides the Soviets have been making in the nuclear submarine field, we find that instead of strengthening our own Navy by recommending a vigorous program to build new nuclear warships, the Department of Defense has recommended to this Congress a Defense appropriation bill with funds to build only two nuclear warships—two *Sturgeon*-class submarines. This is the smallest nuclear warship construction program in 14 years and the Department of Defense is planning to build only two more nuclear submarines in future years. Furthermore, the Department of Defense has told the Navy to stop work on the electric drive submarine Congress approved in fiscal year 1968. This submarine is the only new development in submarines started in construction in 5 years. This situation is intolerable. We must do more in this area, not stop work in progress.

Fortunately, after holding hearings this year, the cognizant committees of both the House and Senate have taken steps in the Defense authorization bill passed by the House on Tuesday and this appropriation bill before the House today to correct this situation. This bill contains funds for starting work on nuclear submarines and surface warships to be built in future years. If the mistakes of the past are to be corrected, it will be necessary for the Department of Defense to restart work on the electric drive submarine and release the advanced procurement funds in this bill to the Navy promptly so the Navy can order the long leadtime nuclear components. These nuclear components pace ship construction so the only way we can get a vigorous nuclear submarine and surface warship building program going is to start placing orders right away.

We expect the Department of Defense to recommend in the 1970 program, as a minimum, the five nuclear warships we are providing advanced funds for in this bill; namely, two nuclear submarines, a nuclear aircraft carrier, and two nuclear-powered guided missile escorts. We can do no less if we are to counter the Soviet threat.

If the Department of Defense under the new Secretary does not take the lead in this area, we in Congress will. There is no more urgent need than to maintain the strength of our Armed Forces.

Mr. VANIK. Mr. Chairman, today as we consider a $72 billion appropriation bill for the Department of Defense, it is vital that we endeavor to remove as much waste and fat from this military budget as is possible. We can develop better military muscle with less expenditure.

In this connection, I would like to point out some of the dreadful inefficiencies of the Reserve and National Guard system of training. These inefficiencies are not the fault of the officers and men in the Reserves or the National Guard. They are largely the fault of the system as it is run from the Pentagon.

From firsthand knowledge, I observed the callup this May of a supply and service Army Reserve unit from my community of Cleveland, Ohio. Ostensibly this unit was called up into the service because the Army needed units which were ready-trained. However, the random selection of the units indicates that the callup was hastily brought about to involve some Reserve units in the Vietnam conflict.

The efficiency of the Reserves and National Guard can be judged by how "ready trained" the men were. It was evident that these units were not ready trained. Although the unit from my community was scheduled to leave for Vietnam this Friday, they have been in training since mid May. Four months have passed between callup and deployment.

Despite 4 months of training for many of these units, some members failed to satisfactorily pass the Army evaluation given at the end of the training period. I personally visited the Cleveland area unit which was based at Fort Meade, Md., and listened to a long list of complaints about the inadequacy of the training the men were receiving.

The men claimed that many of the records certifying that the unit had passed various training tests were being falsified. After a brief study of the unit's training by the Department of the Army, conducted upon my request, it was admitted that the records of some of the men had, indeed, been falsified. The callup of other units indicated the same condition of affairs. Not only has the callup of Reserve and National Guard units failed to provide the military with well-trained "ready for action" units, but it has been accompanied with heavy and excess cost.

Of the Cleveland unit which I visited at Fort Meade, approximately 75 percent of its members were married and had children. The average age of the men was between 26 and 27. A great portion of the hardship to the men resulted from reduced income in the military which would reduce their families to poverty levels. In addition, the military is facing extra costs in dependency and support allowances for the vast majority of the unit.

For these two reasons, I urge and strongly hope that Congress will give priority consideration early next year to a careful review and overhaul of the Reserve and National Guard training program. The lack of readiness and added expenses which I have cited are not the fault of the men enrolled in these units. They are the fault of the system.

First, the term of commitment for reservists should be reduced from 6 years to 4, or even 3 years. This would allow a greater turnover in the Reserves and provide a larger pool of men with military training. It would also guide young people who desire to complete their military obligation before commencing into marriage and family life. With younger reservists called up, the military would not have to bear costly dependence allowances. Family life would face less disruptions.

While the term of commitment would be cut, the intensity of training would be increased. More long-weekend drills, longer summer camp, or extension of initial 6-month basic training could be provided. This would give the Nation a body of men who, when called, would be truly ready to go. They would not need to review training or go through shakedowns. They would be modern minutemen.

If Congress will act and demand changes along these lines, if the present Pentagon routine is scrapped, I am convinced that the potential and capability of the fine men who are enrolled in our Reserves will be fully realized.

Mr. SCHEUER. Mr. Chairman, on Tuesday I voted against the military procurement authorization bill. Today, for essentially the same reasons, I am compelled to vote against the Department of Defense appropriation bill. I do this reluctantly because we must, of course, have a Defense Establishment, and it must be funded.

However, as I said on Tuesday, I am very concerned that we appear to be so eager to grant carte blanche for defense appropriations and so reluctant to appropriate the funds necessary to alleviate America's pressing urban problems. I am impressed by the evidence in Congressional Quarterly and elsewhere that there is substantial water and fat in the defense budget, and that many high-ranking defense experts feel that our military strength would be unimpaired by a reduction in excess of $10 billion in the annual budget. Until such time as requests for military appropriations are given more thoroughgoing scrutiny so that we can feel some confidence that the amounts appropriated are really necessary, I shall continue to vote against these bills as the only means of protest available to me.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MOSS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The parliamentary situation is such that the gentleman cannot be recognized for that purpose since all debate has been concluded.

Mr. MOSS. I thought that was on the last section.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, are we accepting the amendments as a whole, or are we accepting a specific amendment by a separate rollcall vote?

The SPEAKER pro tempore. The Chair will state that there is only one amendment to the bill.

Mr. MAHON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MAHON. Is the amendment involved the one offered by the gentleman from Missouri [Mr. HALL] and the one against which the gentleman from Texas spoke in opposition?

The SPEAKER pro tempore. The Chair will state that it is the Hall amendment.

Mr. HALL. Did not the request come too late after a vote had been called for?

The SPEAKER pro tempore. The Chair will state to the gentleman that the answer is "No." The question is on the amendment.

The question was taken; and there were—yeas 73, nays 268, not voting 90, as follows:

[Roll No. 318]

YEAS—73

Abernethy
Ashbrook
Baring
Belcher
Bennett
Betts
Bevill
Bow
Brinkley
Brock
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Bush
Byrnes, Wis.
Clancy
Cleveland
Collier
Collins
Colmer
Cramer
Cunningham
Denney
Dickinson
Dowdy
Downing
Duncan
Fino
Fisher
Fulton, Pa.
Galifianakis
Gettys
Gross
Haley
Hall
Hosmer
Ichord
Jarman
Johnson, Pa.
Kornegay
Langen
Lennon
Lukens
McClure
McMillan
Marsh
Miller, Ohio
Minshall
Montgomery
O'Konski
Poff
Price, Tex.
Quillen
Randall
Rivers
Rogers, Fla.
Satterfield
Scott
Shipley
Shriver
Skubitz
Smith, Okla.
Snyder
Stephens
Stuckey
Watkins
Watson
Whitener
Wilson, Bob
Wolff
Zion
Zwach

NAYS—268

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Bates
Bell
Berry
Biester
Bingham
Blanton
Blatnik
Bolling
Bolton
Brademas
Brasco
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Cabell
Cahill
Carey
Carter
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Corbett
Corman
Cowger
Culver
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Devine
Dingell
Dole
Donohue
Dorn
Dow
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Howard
Hull
Hunt
Hutchinson
Irwin
Jacobs
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Kyros
Laird
Latta
Lipscomb
Long, Md.
McCarthy
McCloskey
McDonald, Mich.
McEwen
McFall
MacGregor
Machen
Mahon
Mailliard
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Mills
Minish
Mink
Mize
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Price, Ill.
Pryor
Pucinski
Purcell
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Rumsfeld
Ruppe
Ryan
St. Onge
Sandman
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Selden
Sikes
Slack
Smith, Calif.
Smith, Iowa
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Taft
Talcott
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney

Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watts
Whalen
White
Whitten
Widnall
Wiggins
Williams, Pa.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki

NOT VOTING—90

Ashmore
Battin
Blackburn
Boggs
Boland
Bray
Broomfield
Burleson
Casey
Cederberg
Celler
Conable
Conte
Conyers
Daddario
Dawson
Derwinski
Diggs
Farbstein
Flynt
Gallagher
Gardner
Giaimo
Griffiths
Gurney
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hawkins
Hébert
Henderson
Herlong
Holifield
Horton
Hungate
Jones, Mo.
Jones, N.C.
Kelly
King, Calif.
Kirwan
Kluczynski
Kuykendall
Landrum
Leggett
Lloyd
Long, La.
McClory
McCulloch
McDade
Macdonald, Mass.
Madden
Mathias, Md.
Monagan
Moore
Murphy, N.Y.
Myers
Nix
O'Neal, Ga.
Passman
Patman
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Rarick
Resnick
Rogers, Colo.
Rosenthal
Roudebush
Roush
St Germain
Saylor
Schweiker
Sisk
Smith. N.Y.
Springer
Stafford
Steiger, Ariz.
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Vander Jagt
Whalley
Willis
Wilson, Charles H.

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Passman with Mr. Batten.
Mr. Hébert with Mr. Cederberg.
Mr. Kirwan with Mr. Mathias of Maryland.
Mr. Burleson with Mr. Roudebush.
Mr. Celler with Mr. Broomfield.
Mr. Daddario with Mr. Derwinski.
Mr. Giaimo with Mr. McDade.
Mr. Holifield with Mr. Pollock.
Mr. Teague of Texas with Mr. Gardner.
Mr. Ashmore with Mr. Blackburn.
Mr. Boggs with Mr. Horton.
Mr. Madden with Mr. Bray.
Mr. Farbstein with Mr. McClory.
Mr. Sisk with Mr. Vander Jagt.
Mr. Henderson with Mr. Myers.
Mr. Monagan with Mr. Moore.
Mr. Leggett with Mr. Schweiker.
Mr. King of California with Mr. Springer.
Mr. Kluczynski with Mr. Steiger of Arizona.
Mr. Charles H. Wilson with Mr. Stafford.
Mr. Casey with Mr. Lloyd.
Mr. Boland with Mr. Conte.
Mr. Flynt with Mr. Hansen of Idaho.
Mrs. Griffiths with Mr. Saylor.
Mr. St Germain with Mr. Pirnie.
Mr. Taylor with Mr. Kuykendall.
Mr. Rogers of Colorado with Mr. McCulloch.
Mr. Pepper with Mr. Gurney.
Mr. Patman with Mr. Thompson of Georgia.
Mr. Willis with Mr. Smith of New York.
Mrs. Kelly with Mr. Conable.
Mr. Jones of North Carolina with Mr. Whalley.
Mr. Hungate with Mr. Macdonald of Massachusetts.
Mr. Hagan with Mr. Udall.
Mr. Hardy with Mr. Herlong.
Mr. Rosenthal with Mr. Diggs.
Mr. Long of Louisiana with Mr. Landrum.
Mr. O'Neal of Georgia with Mr. Rarick.
Mr. Resnick with Mr. Nix.
Mr. Hanna with Mr. Dawson.
Mr. Podell with Mr. Hawkins.
Mr. Conyers with Mr. Diggs.
Mr. Blatnik with Mrs. Hansen of Washington.
Mr. Murphy of New York with Mr. Pickle.
Mr. Gallagher with Mr. Roush.

Messrs. NICHOLS and MACGREGOR changed their votes from "yea" to "nay."

Mr. SHIPLEY changed his vote from "nay" to "yea."

Mr. BOB WILSON changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KUPFERMAN

Mr. KUPFERMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KUPFERMAN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. KUPFERMAN moves to recommit the bill H.R. 18707 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 333, nays 7, not voting 91, as follows:

[Roll No. 319]

YEAS—333

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blanton
Bolling
Bolton
Bow
Brademas
Brasco
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Devine
Dickinson
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fasoell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kyl
Kyros
Laird
Langen
Latta
Lennon
Lipscomb
Long, Md.
Lukens
McCarthy
McCloskey
McClure
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Snyder
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—7

Brown, Calif.
Kupferman
Mosher
Rees
Reuss
Ryan
Scheuer

NOT VOTING—91

Ashmore
Battin
Blackburn
Blatnik
Boggs
Boland
Bray
Broomfield
Burleson
Carey
Casey
Cederberg
Celler
Conable
Conte
Conyers
Daddario
Dawson
Derwinski
Diggs
Farbstein
Flynt
Ford, William D.
Gardner
Giaimo
Griffiths
Gurney
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hawkins
Hébert
Henderson
Herlong
Holifield
Horton
Hungate
Jones, Mo.
Jones, N.C.
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kuykendall
Landrum
Leggett
Lloyd
Long, La.
McClory
McCulloch
McDade
Macdonald, Mass.
Madden
Mathias, Md.
Monagan
Moore
Myers
Nix
O'Neal, Ga.
Passman
Patman
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Rarick
Resnick
Rogers, Colo.
Rosenthal
Roudebush
St Germain
Saylor
Schweiker
Sisk
Smith, N.Y.
Springer
Stafford
Steiger, Ariz.
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Vander Jagt
Whalley
Willis
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Passman with Mr. Battin.
Mr. Hébert with Mr. Cederberg.
Mr. Kirwan with Mr. Mathias of Maryland.
Mr. Burleson with Mr. Roudebush.
Mr. Celler with Mr. Broomfield.
Mr. Daddario with Mr. Derwinski.
Mr. Giaimo with Mr. McDade.
Mr. Holifield with Mr. Pollock.
Mr. Teague of Texas with Mr. Gardner.
Mr. Ashmore with Mr. Blackburn.
Mr. Boggs with Mr. Horton.
Mr. Madden with Mr. Bray.
Mr. Farbstein with Mr. McClory.
Mr. Sisk with Mr. Vander Jagt.
Mr. Henderson with Mr. Myers.
Mr. Monagan with Mr. Moore.
Mr. Leggett with Mr. Schweiker.
Mr. King of California with Mr. Springer.
Mr. Kluczynski with Mr. Steiger of Arizona.
Mr. Charles H. Wilson with Mr. Stafford.
Mr. Casey with Mr. Lloyd.
Mr. Boland with Mr. Conte.
Mr. Flynt with Mr. Hansen of Idaho.
Mrs. Griffiths with Mr. Saylor.
Mr. St Germain with Mr. Pirnie.
Mr. Taylor with Mr. Kuykendall.
Mr. Rogers of Colorado with Mr. McCulloch.
Mr. Pepper with Mr. Gurney.
Mr. Patman with Mr. Thompson of Georgia.
Mr. Willis with Mr. Smith of New York.
Mrs. Kelly with Mr. Conable.
Mr. Jones of North Carolina with Mr. Whalley.
Mr. Hungate with Mr. Macdonald of Massachusetts.
Mr. Hagan with Mr. Udall.
Mr. Hardy with Mr. Herlong.
Mr. Rosenthal with Mr. Diggs.
Mr. Long of Louisiana with Mr. Landrum.
Mr. O'Neal of Georgia with Mr. Rarick.
Mr. Resnick with Mr. Nix.
Mr. Hanna with Mr. Dawson.
Mr. Podell with Mr. Hawkins.
Mr. Conyers with Mr. Diggs.
Mr. Blatnik with Mrs. Hansen of Washington.
Mr. Kornegay with Mr. William D. Ford.
Mr. Blatnik with Mr. Carey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KAZEN. Mr. Speaker, my colleague, the gentleman from Texas [Mr. Pickle], has asked me to explain his absence on this vote, and to express his support for passage of the Defense Appropriations Act for fiscal 1969.

An engagement scheduled over 3 months ago, in which the people of his district honor their congressional Representative is taking place in Texas this afternoon. This celebration is a tradition of over 20 years. But for this occasion the gentleman from Texas [Mr. Pickle] would be here, and if he were here, he would vote for passage of this bill.

PERMISSION TO REVISE, EXTEND, AND INCLUDE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the Department of Defense appropriation bill today may have permission to revise and extend their remarks in the body of the Record and to include pertinent additional material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 18808, COMMERCIAL FISHERIES DEVELOPMENT ACT EXTENSION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on H.R. 18808, a bill to extend the provisions of the Commercial Fisheries Development Act.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON S. 827, TO ESTABLISH A NATIONWIDE SYSTEM OF TRAILS

Mr. ASPINALL submitted a conference report and statement on the bill (S. 827) to establish a nationwide system of trails, and for other purposes.

REDWOOD NATIONAL PARK

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 2515) to authorize the establishment of the Redwood National Park in the State of California, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1890)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 2515) entitled "An Act to authorize the establishment of the Redwood National Park in the State of California, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That, in order to preserve significant examples of the primeval coastal redwood (Sequoia sempervirens) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

"SEC. 2. (a) The area to be included within the Redwood National Park is that generally depicted on the maps entitled 'Redwood National Park' numbered NPS–RED–7114–A and NPS–RED–7114–B, and dated September 1968, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties. The Secretary of the Interior (hereinafter referred to as the 'Secretary') may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands.

"(b) The Secretary is authorized to acquire by donation only all or part of existing publicly owned highways and roads within the boundaries of the park as he may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patroling and maintaining such roads and highways.

"SEC. 3. (a) The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation.

"(b)(1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated in maps NPS–RED–7114–A and NPS–RED–7114–B, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

"(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended, subject to the appropriation limitation in section 10 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 5 of this Act; or (C) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in title 28, United States Code, section 1491.

"(3) Subsection 3(b) shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after the effective date of this Act of the application of this subsection. Notice by the Secretary shall be deemed to have been made as of the effective date of this Act. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the effective date of this Act and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this Act.

"(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park or the administrative site the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). The cost of any land so acquired and disposed of shall not be charged against the limitation on authorized appropriations contained in section 10 of this Act.

"(d) The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon.

"(e) In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or of the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term "interests in land" does not include fee title unless the Secretary finds that the cost of a necessary less-than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated and no contract or cooperative agreement shall be executed by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein.

"Sec. 4. (a) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

"(b) The term 'improved property', as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"(c) The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park.

"Sec. 5. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 3(b) of this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

"Sec. 6. Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 2 and 3 of this Act may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

"Sec. 7. (a) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908 (35 Stat. 545; 40 U.S.C. 261), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments.

"(b) Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 1302 of the Act of July 27, 1956 (70 Stat. 694), as amended (31 U.S.C. 724a), and the Act of June 25, 1948 (62 Stat. 979), as amended (28 U.S.C. 2414, 2517).

"Sec. 8. The present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks shall be continued by the Secretary in the Redwood National Park.

"Sec. 9. The Secretary shall administer the Redwood National Park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

"Sec. 10. There are hereby authorized to be appropriated $92,000,000 for land acquisition to carry out the provisions of this Act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
John P. Saylor,
Theodore R. Kupferman,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Alan Bible,
Thomas H. Kuchel,
Clifford P. Hansen,
Managers on the Part of the Senate.

Statement

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 2515, to authorize the establishment of the Redwood National Park in the State of California, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The committee of conference on S. 2515 recommends adoption of an amendment in the nature of a substitute for the House amendment to S. 2515. The major differences between the amendment recommended by the Conference Committee, the original House amendment, and S. 2515 as it passed the Senate are outlined below.

The conference committee recommends the establishment of a Redwood National Park with an overall size of not more than 58,000 acres, exclusive of submerged lands. In the bill as it originally passed the Senate this limit was 64,000 acres and in the House amendment it was 28,500 acres.

The principal upland areas included within the revised boundaries of the park are, in addition to the Jedediah Smith, Del Norte Coast, and Prairie Creek Redwoods State parks, the following:

(a) The area east and south of Jedediah Smith State Park—approximately 4600 acres;

(b) Lost Man Creek drainage area—approximately 5800 acres;

(c) Little Lost Man Creek drainage area—approximately 2225 acres;

(d) The area south of Prairie Creek State Park, west of Prairie Creek and north of the existing county road—approximately 2925 acres;

(e) The Redwood Creek corridor beginning in section 34, township 11 north, range 1 east and continuing along both sides of the stream into section 6, township 9 north, range 2 east, including the so-called Emerald Mile and the "Tall Trees" area—approximately 4200 acres;

(f) An area to the north, east and west of the lower portion of the foregoing—approximately 4125 acres;

(g) Three coastal strips (in most cases one-quarter mile inland from mean high tide) between Del Norte Coast State park and the Klamath River, between the Klamath River and the northern boundary of Prairie Creek State Park, and between the southern boundary of Prairie Creek State Park and the northern boundary of Dry Lagoon State Park—approximately 4100 acres.

Minor areas account for another 150 acres, more or less, within the revised park boundaries. The estimated cost of acquiring the lands is $92,000,000 in cash or kind. This estimate is based principally on an appraisal made by Hammon, Jensen and Wallen, an experienced timber appraisal firm, and includes allowances for contingencies and for administrative expenses connected with the acquisition.

The three State parks mentioned above total 27,500 acres. They and other State lands within the boundaries of the park will be acquired only by donation, as both the Senate bill and the House amendment provided, but a donation or agreement to donate the State parks will not be a condition precedent to establishment of the national park as the House amendment proposed. Until donated, public highways and roads within the park will continue to be operated by the State and its political subdivisions. The Secretary of the Interior, however, is authorized to cooperate with State and local officials in this work by section 2(b) of the conference committee amendment. Whether the State will donate its parks and other lands will be up to it to decide. If it decides not to do so, the National Park Service will nevertheless be expected to cooperate with State officials to minimize administrative problems and to offer to the American public a full opportunity to enjoy the beauty and grandeur of the Redwood country.

The conference committee recommends, as did the original Senate bill that the Secretary of the Interior have authority to utilize lands within the northern Redwood purchase unit, except the 935 acres which are within the Yurok Experimental Forest, for acquisition of some of the private lands within the park. It also recommends that the Secretary be authorized to utilize for exchange purposes lands within the State of California which are under the administrative jurisdiction of the Bureau of Land Management. This latter provision was in the Senate bill and a similar, though somewhat broader, provision was in the House amendment. The provision with respect to the use of the purchase unit is not intended to be precedent-setting. It is, rather, a rare exception to the rule which ought to be followed in all except the most compelling of circumstances and is justified in this case only by the exceptional status of the purchase unit and by the desire to preserve as a part of the national park system trees which would otherwise be exploited even though this must be at the price of trees of the same species in Government ownership which are now subject to the same treatment. In view of these two provisions of the bill, it is expected that the cash outlay required for the park will be considerably below the $92,000,000 mentioned above. This means, of course, that use of the exchange authority is not to be subordinated to use of the cash-acquisition authority. Not only will the consummation of exchanges reduce the Government's cash outflow but it will carry out the purpose for which it is being granted—viz., to "minimize economic dislocation and the disruption of . . . of commercial operations" in the chief industry of the locality.

In order to expedite establishment of the park and to avoid serious changes in the cost of acquiring the land which might occur after passage of the legislation, the conference committee has included in section 3(b) of the bill a legislative taking provision. This provision will be applicable to the greater part of the private lands within the boundaries of the park. Its effect is to vest in the United States, as soon as the bill passes both Houses and is signed by the President, title to all lands within the park boundaries which are owned or operated by the four major lumber companies concerned, to all other tracts of 50 acres or more, and to tracts of less than 50 acres which are utilized primarily for nonresidential and nonagricultural purposes. The four companies referred to are the Arcata Redwood Co., the Rellim Lumber Co., the Simpson Lumber Co., and the Georgia-Pacific Corp., and their affiliates. The lands held by or for them which are affected by this provision are as follows, as nearly as can now be determined:

[Approximate acres]

Arcata Redwood Co	11, 000
Simpson Lumber Co	5, 770
Georgia-Pacific Corp	3, 420
Rellim Lumber Co	2, 260

A legislative taking provision—one, however, that was not identical with the one that is included in the bill—was requested by the company principally concerned. The companies will be given time to remove their facilities, equipment and other personal property, including felled trees, from the property. Compensation for the taking, to the extent it is paid in cash and not in kind, will be paid from moneys appropriated from the Land and Water Conservation Fund upon certification by the Secretary of the Interior of the amount involved. If such payment is not made or if the amount paid is not satisfactory to the companies, they will be entitled to a judicial determination made by the Court of Claims under 28 U.S.C. 1491. In either event, the value as ultimately determined will draw interest from the date of taking until the date of payment at the rate of 6 per centum per annum. The bill provides in explicit terms that the United States "will" pay just compensation for this property and thus pledges the full faith and credit of the government that this will be done. In view of these provisions and in order, moreover, to give the present owners an equivalent in cash or kind as soon as possible, it is strongly recommended (a) that the Secretary of the Interior, as far as he can do so consistently with other commitments on the Land and Water Conservation Fund, seek an immediate appropriation to fulfill the obligations of the United States, and (b) that, to the extent that a settlement in kind is not likely or cannot be negotiated, he pay over to the companies whatever appropriated funds are available to him within the limits of his estimate of the fair market value of the land taken, such payment to be without prejudice, if his estimate of value is not satisfactory to the companies, to further determination of the value either by negotiation or by judicial action.

The members of the conference committee note, in this connection, that they were requested to consider and did consider including in the bill a section the effect of which would have been to give the companies the advantages of section 1033 of the Internal Revenue Code if they convert the cash they receive from this involuntary disposition of their property into certain other types of income-producing property within a limited time. The other types spoken of would have been somewhat broader than that presently allowed by section 1033 and the time frame might have been somewhat longer than is now provided by law. The committee found it infeasible to include such a provision in this bill. It notes, however, that it has been authoritatively advised that the present provisions of law are not and ought not to be construed so strictly that a conversion of redwood assets into whitewood assets is outside the bounds of section 1033 and that, sympathetic as it is with the general position in which the companies find themselves, a broader approach than the one provided in that section may well be warranted in this instance. It recommends that consideration be given to this problem through a separate measure during the next session of the Congress.

The provisions of the House amendment authorizing the acquisition of land bordering Highway 101 between Prairie Creek State Park and the town of Orick and the creation of a buffer zone around the periphery of the park, either by acquisition of scenic easements and other interests in land or through cooperative agreements with the land owners in order to protect park values, has been retained by the conference committee in section 3, subsections (d) and (e), of its substitute amendment. While land acquired under the first of these provisions will not be within the park, it will be an important adjunct to it. The intent of the second provision is to assure, among other things, that clear cutting will not occur immediately around the park and, wherever it is reasonable to do so, to allow selective logging to be carried on there.

The conference report recommends the inclusion in the park boundaries of a strip of off-shore submerged land one-quarter mile wide the full length of the park. This is done with the understanding that fishing, both sport and commercial, will be allowed to continue in the area involved and that the laws governing the same will be the laws of the State of California.

The House amendment contained a provision authorizing the owners of existing homes within the park boundaries to retain title thereto as long as they conform to approved zoning ordinances. While this provision has heretofore been used in connection with the establishment of national recreation areas and national seashores, it is not, the members of the conference committee believe, consistent with what ought to be an objective when a national park is established—viz., the ultimate elimination of all private inholdings within park boundaries. It has therefore been dropped in the Conference Committee's proposed substitute. The substitute, however, contains the provisions of both the House and the Senate versions of the bill allowing the owner of an existing noncommercial residence to retain rights of use and occupancy for his life and the life of his spouse or, if he so chooses, for a term of 25 years or less beginning on the date the property is acquired by the government. An additional provision has been included, applying only to two sections of land at the mouth of the Klamath River, authorizing the Secretary of the Interior to lease back or sell back certain lands under conditions which assure uses compatible with the purposes and existence of the park.

The provisions of section 7 of the conference committee's recommended substitute are derived from the House amendment. They (1) authorize the Secretary of the Interior to enter into firm contracts for the purchase of land under the Act once an appropriation has been made for this purpose even though the appropriation is insufficient to cover the whole purchase price, (2) allow the Secretary and the landowners concerned to agree upon payment of the purchase price of land in installments over a 10-year period or less, the unpaid balance to bear interest at a rate not exceeding that of the current yield on outstanding United States obligations maturing at or about the same time as the last payment is due, and (3) make applicable to judgments rendered against the United States in condemnation actions, including actions under Section 3 of the bill, the same procedure for appropriating funds to satisfy such judgments as is applicable to other judgments against the government. In effect this means, and it is the intent of the conference committee that it should be so applied, that judgments for $100,000 or less will be paid from the continuing appropriation created in 31 U.S.C. 724a and that judgments for more than that amount will be processed as ordinary judgments against the United States are processed—that is, by being included in the items "Claims and Judgments" (e.g., 79 Stat. 1152) which is regularly transmitted to the Congress for appropriations. Since, as has been noted above, the bulk of the private land within the park boundaries is being taken legislatively, the chief benefit of this provision will, in all likelihood, accrue to such of the smaller landowners as may be subject to condemnation. In the case of the larger holders who choose to recover just compensation by means of a suit in the Court of Claims, however, it will and is intended to provide an alternative method of payment to that provided in section 3(b).

The final section of the bill authorizes the appropriation of $92,000,000 for the acquisition of land. As has already been noted, it is expected that utilization of the exchange provisions of the bill will reduce the cash outlay required considerably below this figure. The $92,000,000 figure compares with the $100,000,000 in the original Senate bill and the $56,750,000 in the House amendment. Although this section omits the limitation of the amount authorized to be appropriated for development which was contained in the House amendment, it is the understanding of all members of the conference committee that no appropriation will be requested or made for this purpose, except for such work as is required for immediate administration of the park, until a master development plan has been submitted to the two Committees on Interior and Insular Affairs.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
THEODORE R. KUPFERMAN,
Managers on the Part of the House.

Mr. **ASPINALL** (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, I assume that the gentleman will take at least a few minutes to explain the report.

Mr. **ASPINALL**. If the gentleman will yield to me, I intend to allow myself 9 minutes and then I shall yield to other individuals.

Mr. **GROSS**. Mr. Speaker, with that statement, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The **SPEAKER**. The gentleman from Colorado is recognized for 1 hour.

GENERAL LEAVE TO EXTEND

Mr. **ASPINALL**. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may insert their remarks in the RECORD during the debate and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. **ASPINALL**. Mr. Speaker, the House is now about to take its last step toward the creation of a meaningful Redwood National Park. The conference report, I am happy to say, has the unanimous support of all Members of both bodies who were on the conference committee, even though some of us may have wanted a little bit more or a little bit less than is recommended in the report. I want to take this opportunity to thank my colleagues from the House for their patience and help at the conference. I have been through quite a number of conferences, but I have rarely seen one in which all Members kept their equanimity as well as they did in this case.

The overall size of the Redwood National Park that the conference committee recommends is 55,569 acres, exclusive of submerged lands, with a small allowance for an upward adjustment due to errors in calculation, allowable boundary changes, and the like.

The 55,569 acres are composed of two classes of land. The first is State park land, if, but only if, the State of California chooses to donate it to the Government. The second is private land, most of which will be acquired by the Congress exercise of its powers of eminent domain and the remainder of which will be acquired in normal fashion.

The bulk of the State land—about 27,500 acres—is in three State parks—Jedediah Smith, Del Norte, and Prairie Creek. Two of these parks, Del Norte and Prairie Creek, were in the bill as it passed the House; the third, Jedediah Smith, was not. The inclusion of this last park accounts for 8,850 acres, or about one-third of the total increase in the acreage recommended by the conference committee over that which was in the bill as it first passed the House.

The remainder of the difference, about 19,000 acres, is made up of land that is now in private ownership. We on the conference committee were looking for two things in this connection. We wanted the park to include as much old-growth timber as possible. In other words, we were concerned more with the quality of what the park will contain than with its acreage. And we wanted it to include land along the coastline as far as we could do so within reason. I believe we have achieved both objectives.

The measure as it is reported from the conference committee calls for the inclusion of nearly 10,900 acres of old-growth timber which is now privately owned. These are the trees that catch the imagination. Their height, their girth, their density are what the American people expect to see when they visit the redwood country. Fortunately, the State lands already preserve very substantial groves of these old trees. Our additional 10,900 acres will be a further significant contribution toward preserving them.

Four areas are particularly important in this regard. One is an area south of Jedediah Smith State Park along Mill Creek. Another is the Lost Man Creek drainage. A third is the Little Lost Man Creek drainage. And the fourth is along and, in its lower portion, to the east and west of Redwood Creek. There were those who argued vigorously for the inclusion also of the Skunk Cabbage drainage area—another old-growth area—but by that time the dollar sign loomed too large for it to be included.

It is not only redwoods that will make this park attractive to the American people. It is the coastline, too. Here, I believe, the conference committee achieved a notable objective. The park will include about 33 continuous miles of coast along the Pacific Ocean and will, in addition, include the submerged lands one-quarter mile out to sea. Our colleague from California in whose district this park lies has been vigorously supporting a Redwoods-to-the-Sea concept all along. We have not included all the coast that he recommended, but we have included a sizable portion of it. I want, at this time, to thank him for the contributions to our thinking that he has made and for his strong presentations to all of us on behalf of the interests of his district.

I mentioned a few minutes ago the exercise of the Congress powers of eminent domain and I chose my words precisely. We have an unusual situation here and we have devised an unusual, though not unprecedented, remedy. Instead of leaving it up to the executive agencies to decide when and whether to go into court with declarations of taking, the Congress will itself, once this bill is passed and signed by the President, have determined that the bulk of the land within the park is here and now in Government ownership, leaving the negotiations and judicial determinations of value until later. We did this for three principal reasons—first, to make certain that price escalation will not make it harder and harder to acquire the land, as has been the case in many other instances; second, to assure that all danger of cutting is eliminated; third, so that the major timber companies involved know immediately and as precisely as possible where they stand.

In connection with this exercise by the Congress of its eminent domain authority, I want to make one point abundantly clear. The bill provides that interest at the rate of 6 percent a year will be paid the present property owners on the value of their property. This is only fair. This interest will begin to run, and it is our intent that it shall begin to run, on the date on which title to the property comes into the hands of the Government—that is, on the date the President signs the bill. That is the date on which the Government has full right to possession of the property, the date on which the property belongs to it. It therefore has to pay interest from that time on until its obligation to make fair market value is liquidated. Hence the importance of paying for the property just as soon as possible.

The conference committee's estimate of the cost of acquiring the land by eminent domain or by purchase is $92 million, including allowances for contingencies, administrative expenses, and all other related costs that must be borne by the National Park Service. I emphasize this so that there will be no misunderstanding or thought that the whole $92 million will be available for the timber companies and other landowners. The conference amendment includes provisions for exchange as well as for cash settlement. One of the great differences between the House and Senate versions of the bill was the inclusion in the latter of the Northern Redwood Purchase Unit for exchange purposes and its omission from the former. The conference committee recommends that, except for the Yurok Experimental Forest, the land within the purchase unit be made available to the Secretary of the Interior for use for exchanges. How much of the land will actually be required for this purpose I do not know, but we are hopeful that use of it will reduce the cash outlay of the Treasury by a very considerable amount.

Mr. Speaker, these are the principal points that I want to cover in this oral statement. Many other points are reviewed in the statement of the managers which is available to all Members. I invite your scrutiny of that document and urge a favorable vote on the conference report.

Mr. Speaker, at this time, due to the absence of my colleague from Pennsylvania, the ranking Republican member of the committee [Mr. SAYLOR] and his interest in this legislation, I ask unanimous consent that his statement be made part of the RECORD at this place.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 2515, a bill to establish a Redwood National Park in the State of California.

The naturalists at one time estimated there were more than 3,000 square miles of coastal redwoods in northern California. Today about 300,000 acres, or less than 500 square miles of virgin redwood forests remain. Among these remaining 300,000 acres is the world's tallest tree, a 367-foot redwood growing in a remote bend of Redwood Creek in northern California. The indefinite future of this tree in private ownership epitomizes the controversy surrounding the establishment of a Redwood National Park.

This controversy is another chapter in the era of new conservationists, a chapter in the new "environmental revolution" which has aroused the American public to the sudden awareness of the rapid dwindling of its natural resources and the vanishing treasures of our American heritage.

This spirit of the new conservationists has enlivened the redwoods controversy and is most aptly expressed by Duncan McDuffie, a former president of the Save-the-Redwoods League when he said:

> To enter a grove of redwoods is to step within the portals of a cathedral dim, lofty, pillared, peaceful.
>
> But this temple which the Great Architect has been building for a score of centuries is incomparably nobler, more beautiful and more serene than any erected by the hands of men. Its nave is loftier than that of Amiens and longer than that of St. Peter's. Its wine-red shafts, rising clean and straight over two hundred feet, are more numerous than the pillars of Cordova; its floor is carpeted with a green and brown mosaic more intricate than that of St. Mark's; its aisles are lit with a translucence more beautiful than that which filters through the stained glass of Chartres; its spires pierce higher than those of Cologne; its years are greater than those of the first lowly building devoted to Christian service.
>
> To destroy this noblest of places of worship would be more irreparable than was the destruction of the cathedral of Rheims.

It is this spirit, Mr. Speaker, that brings before us today the conference report on S. 2515, for the establishment of a Redwood National Park. I share this spirit and am happy to have been a part of this controversy for the establishment of a Redwood National Park.

S. 2515, as originally reported in the other body, authorized a two unit Redwood National Park consisting of 66,384 acres, containing 33,330 acres of virgin redwoods, at an estimated cost of $99,810,000 for acquisition and development.

S. 2515, as amended and passed by the House on July 15, 1968, provided for a park consisting of 28,358 acres containing 18,460 acres of virgin redwoods, at a cost of approximately $67 million for acquisition and development.

Mr. Speaker, when the House passed this legislation under suspension of the rules, I stated that I agreed with that procedure in a desire to move the bill, and further that it was my expectation that this conference committee would report a more generous proposal before adjournment of the 90th Congress.

The conference committee has recommended the establishment of a Redwood National Park consisting of not more than 58,000 acres, containing 10,876 acres of virgin redwoods in private ownership and 21,600 acres of virgin growth in State parks. The estimated cost for acquisition is $92 million.

Mr. Speaker, the recommendation of the conference committee provides the beginning of a meaningful Redwood National Park. I regret that fiscal limitations prohibited the agreement of reporting a larger park. This limitation prevented the inclusion of an area east of Redwood Creek from Bald Hills Road down to the center of a section of the Redwood Creek corridor containing approximately 4,200 acres of superlative virgin redwoods. The inclusion of these virgin redwoods would provide present and future generations of Americans with a truly magnificent Redwood National Park for their benefit and enjoyment.

The Redwood National Park recommended by the conference committee includes within its boundaries the Jedediah Smith, Del Norte, and Prairie Creek Redwoods State Parks. Beginning in the north, the conference committee has provided for the Federal acquisition of lands to the south and southeast of Jedediah Smith Redwoods State Park. A Federal corridor will link Jed Smith with the Del Norte Redwoods State Park. Continuing south from Del Norte State Park, the bill provides for the acquisition of a coastal strip one-quarter mile inland from mean high tide south to the Klamath River and the northern boundary of Prairie Creek Redwoods State Park and continuing south to the northern boundary of Dry Lagoon State Park. The bill also provides for the inclusion of an area south of Prairie Creek State Park extending in a south-easterly direction but west of Prairie Creek, which connects to the Lost Man and Little Lost Man drainage areas. The southern portion of the park consists of the Redwood Creek corridor which includes the Tall Trees Unit and the Emerald Mile area.

The bill as reported by the conference committee authorizes the use of Federal lands within the Northern Redwood Purchase Unit for the purposes of exchange with the private timber companies for lands acquired for park purposes. Use of these Federal lands, excluding the Yurok Redwood Experimental Forest should ease the economic impact on the local economy which is dependent upon the redwood timber industry. But, I should like to point out, Mr. Speaker, that this provision of the legislation is an exception to the rule generally followed and should not be construed as a precedent for similar legislative action in the future.

The bill reported by the conference committee also provides for a legislative taking of these lands excluding the State parks which will vest title to these lands in the United States immediately upon the enactment of this legislation with provisions for the payment of just compensation. This provision of the legislation will prohibit the further logging of redwoods within the boundaries of the park prior to actual possession and payment of just compensation.

Mr. Speaker, this legislation represents a most notable conservation achievement of this 90th Congress. I should like to thank all who have contributed to this achievement and especially the many conservation-minded individuals and organizations whose efforts have made possible this beginning of a meaningful Redwood National Park.

Mr. Speaker, I shall conclude by including in my remarks the poem of Mr. Emerson Knight, a landscape architect who took part in the planning for redwood parks:

SANCTUARY OF THE REDWOODS

I think that each old redwood tree
  Knows kinship with his forest clan;
That shrup and fern with moss foresee
  Their brotherhood in Nature's plan.

Thus each depends upon the whole,
  The whole has beauty in each part;
The bark is wedded to the bole,
  Soft light pervades an old grove's heart.

For ever through this grand design
  Moves Time recording ancient birth,
Then youth, prime, age, at last resign
  To Death, slow mingling deep with earth.

New bursting from this mould springs life
  To bud and bloom, to fade and go,
While endless force, compelling strife
  Breed calm in vast, eternal flow!

Mr. Speaker, I urge the adoption of the conference report.

Mr. **KYL**. Mr. Speaker, will the gentleman yield?

Mr. **ASPINALL**. I yield to my friend from Iowa.

Mr. **KYL**. Mr. Speaker, I know that time after time all of the Members of the House approach the distinguished chairman of the Committee on Interior and Insular Affairs to ask that he give consideration to park changes in which they are interested. I know these people will support this bill today. But if my calculations are correct, if we use the money which now is in prospect in the land and water conservation fund to buy up those properties which are already authorized, this acquisition of the redwoods park will take approximately 50 percent of everything that is left for a period of 5 years. Is that figure correct?

Mr. **ASPINALL**. That is correct, providing the Committee on Appropriations of the House, and the House, of course, working with the Committee on Appropriations, fails to use the advance appropriation authority under the Land and Water Conservation Fund Act.

Mr. **KYL**. I believe that is a matter which the Members should know ahead of time.

There is one further thing: In setting up park preservations of this sort in this State, we now run into problems which form a definite conflict. It is my opinion that this House will be asked, perhaps next year, and certainly some time in the future, to try to take some action to save an industry which provides perhaps as many as 1,000 jobs in this area, jobs which will no longer be available because we have put these redwoods in a preservation.

Mr. **ASPINALL**. If my colleague will permit me, they will not be available after a certain term, but they will be available for a certain number of years, after which will be a phasing out of the Arcata Lumber Co. There is no question about that, the gentleman is correct, and the chairman of the Committee on Interior and Insular Affairs is prepared and will introduce next year the necessary legislation as far as perhaps some tax benefits are concerned to permit a little bit more equitable treatment of this particular situation.

Mr. **KYL**. I thank the gentleman for yielding.

Mr. **JOHNSON** of California. Mr. Speaker, will the gentleman yield?

Mr. **ASPINALL**. I yield to my friend, the gentleman from New York [Mr. JOHNSON], a member of the committee.

Mr. **JOHNSON** of California. Mr. Speaker, I thank my chairman for yielding.

If the gentleman will yield further, I have one matter that I would like to ask a question on concerning the immediate taking of the land with the signing of the bill. This, as I understand it, is a legislative taking and the title of the land will change from private ownership into Federal ownership under the jurisdiction of the Secretary of the Interior.

Mr. **ASPINALL**. The gentleman is correct, as soon as the President signs the bill.

Mr. **JOHNSON** of California. There is one company that is going to be vitally affected with the acquisition of the property and that is the Arcata Redwood Co., which is going to yield most of the acreage with the finest redwood trees in it; is that right?

Mr. **ASPINALL**. The gentleman is correct in his statement.

Mr. **JOHNSON** of California. There will be a sizable amount of money paid to this company in the end finally through the Court of Claims, I presume. I am concerned now with trying to get from you an understanding that there could be a partial payment made to this company.

Mr. **ASPINALL**. May I say that he is correct. This is what we intend. We intend that the amount that is available will be paid to the people from whom the property is taken as quickly as possible, for two reasons—one, to protect them in their operation and the other to save interest.

Mr. **JOHNSON** of California. That is fine. I do believe there will be a supplemental appropriation brought before the Congress soon to take care of the appropriation for the acquisition of the property.

Mr. **ASPINALL**. It is my understanding that the recommendation will come up from the administration for this purpose.

Mr. **JOHNSON** of California. I thank my chairman.

Mr. **DON H. CLAUSEN**. Mr. Speaker, will the gentleman yield?

Mr. **ASPINALL**. I yield to my friend, the gentleman from California.

Mr. **DON H. CLAUSEN**. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **DON H. CLAUSEN**. Mr. Speaker, 50 years ago a small band of conservationists formed an organization to preserve outstanding samples of the tall coast redwoods of California. Since that day in 1918, many efforts have been made in the Congress to create a Redwood National Park. All have failed.

Meanwhile, that group formed so many years ago, the Save-the-Redwoods League, persevered. In joint effort with the State of California, they spearheaded the purchase of many thousands of acres of coast redwoods. Using donated funds and State matching funds, well over 100,000 acres of superlative redwood forests were purchased—a major factor in California's creation of the finest park system in the Nation.

Now, today, we have before us the culmination of the last, major effort to give national recognition to this breed of red giants, by placing the magnificent and cathedral-like redwoods in the national park system. I believe that this should be done, and I will cast my vote to place the outstanding examples of this unique national resource into the National Park System.

And I predict that this 90th Congress of the United States will create the Redwood National Park. It is a major conservation milestone—one of the many milestones passed by the concerned 90th Congress.

In recognizing this, I also want to recognize and pay tribute to the Save-the-Redwoods League for its 50 years of effort. Within the boundaries of this national park will be more than 27,000 acres of beautiful redwood forests acquired cooperatively by the league and the State. These are the majestic trees you see on postcards and in travelogue movies. These forests will also be seen by our grandchildren and all generations to come.

I will vote for the conference report for another reason. With due respect to the diligence of the Interior and Insular Affairs Committees of both bodies, as well as all of the hard-working staff people involved, my constituents have suffered greatly.

For 4 years, the economic guillotine has hung precariously over the heads of the people of the north coast of California. Will the redwood park destroy one or more major lumber companies and wipe out hundreds of thousands of jobs? How should the companies temper their operations during consideration of a park? How will the park affect small businesses and the economic security of our citizens?

Over a period of time, we learned the answers to some of these questions. About the only thing that was up was welfare and unemployment. Business was down, sales taxes were down, and the mood of the people was down.

It has been my effort to do everything in my power to help create a meaningful Redwood National Park as soon as possible—and settle the issue once and for all. While the speed of the legislative process breeds impatience, I rejoice that the job is done. And I urge all my colleagues to join me in considering that the job is well done and forever.

My own effort in the future will be to work for the prompt appropriation of funds so that the $92 million worth of private forests and other lands, which go to the Government immediately under this bill, are paid for as rapidly as possible. In this connection, I salute the conference committee for writing in its report the following language:

> It is strongly recommended that the Secretary of the Interior, as far as he can do so consistently with other commitments on the Land and Water Conservation Fund, seek an immediate appropriation to fulfill the obligations of the United States.

My further effort will be to urge the Secretary to set up immediate administration of the park and to complete as rapidly as possible a master development plan. This is necessary to speed the day of full operation and to do everything possible to diversify and enhance the economy as we welcome many new visitors to redwood country.

I do not fully agree with all of this conference bill; there are portions that I would have deleted—there are additions that I personally would have made and so recommended. However, from the beginning we have anticipated a compromise Redwood National Park. As in any compromise, no one is completely satisfied with the result. Everyone had to give a little.

This compromise is no different. In the early stages of this effort, we had a 90,000-acre park proposal concentrated in one county and calling for acquisition of 80,000 acres of private lands. We had the administration proposal in another county, calling for a park of 42,000 acres, including 25,000 acres of private land.

In an effort to steer the issue toward a reasonable compromise, I introduced my own proposal for a 53,000-acre park, reaching into both counties and containing what I thought to be the best of both of the other two plans. It was an effort to include the best redwoods which already had been saved by the Save-the-Redwoods League and the State and to minimize damage to the local economy.

I am proud that this compromise proposal shaped the park to the general configuration before us today.

There are major problems that will be created by this bill and I believe the Congress should be made aware of some of them.

Only time will reveal fully the impact of this legislation on the economy and the daily lives of our people.

And, it comes to an area that is just now recovering from the major disastrous floods of 1964.

First. The conference report balloons private land acquisition to 28,000 acres, including 11,000 acres from one company in Humboldt County, amounting to 70 percent of its remaining timber supply. This severe blow will seriously restrict the company's sustained yield cutting cycle and forces the company into liquidation within 10 years. The most disturbing associated factor will be the loss of some 600 jobs during that time.

It was this same company which was most cooperative with the conference committee, offering all of its Redwood Creek holdings or its Skunk Cabbage Creek holdings instead of the lands actually taken. My own proposal to the conferees would have kept this company in business on a permanent cycle.

Second. Government acquisition of more than 20,000 acres of private land in Humboldt County and its removal from the property tax rolls will result in an annual tax loss of $350,000 to $500,000, beginning almost immediately. Each of my colleagues can easily imagine the impact of such a tax loss on his own county governments. This is a severe blow to the county.

Third. The taking of the purchase unit for exchange purposes will help sustain some of the affected timber operations and partially restore some of the tax base, but it removes the tax base in Humboldt County and adds it to Del Norte County.

However, this momentary gain for Del Norte County is offset by a loss of the percentage of Forest Service in lieu of taxes payments from timber sales receipts.

This money normally goes to schools and the county for road improvement purposes.

And, finally, the smaller operators, dependent upon public lands for timber resources will be deprived of this resource for sustaining their operations.

Fourth. Indian lands, granted by two Presidents of the United States, could be taken under provisions of this report. My own proposal, which had agreement from conservationists and Government officials alike, was to leave this small property in the hands of the owners, to maintain their fishing camp and private burial grounds undisturbed. It was for these reasons that I had asked that their lands be left out of the park. However, with the conference committee having apparently overruled our request, I will urge the Secretary, under a special provision in this bill, to negotiate with the Indians to sell or lease back this property under conditions assuring complete compatability with the park.

Fifth. I had urged the deletion of properties on North Bank Road, north of Hiouchi. I appreciate the committee acceptance of this request.

Sixth. I suggested a smaller acquisition of lands on Hiouchi flat. I had also requested that the property and beach lands south of Crescent City, the McNamara and Pozzi ranches, as well as other properties, be deleted from the park, and be subject to Del Norte County zoning ordinance provisions.

Seventh. I felt the Hillside Redwood lands directly east and south of Orick should have been acquired in place of other lands suggested for inclusion.

Eighth. I regret that the "Director's Grove," owned by Georgia-Pacific, was not retained as included in the House version, to be turned over to the State of California for inclusion in their park system.

There are other areas that I felt differently about.

However, the people of this Nation must realize and appreciate the extraordinary efforts, the time and energies expended, by the members of the committee.

Consideration of this bill has set records for man-hours spent in hearings, visiting the area, evaluating and reevaluating all of the complex factors involved.

I doubt if there will ever be as difficult a conservation measure that will be presented to the Congress in the future.

I particularly want to thank and commend the chairman [Mr. ASPINALL], certainly one of the fairest and most deliberate men I have ever been privileged to work with. He gave more time and consideration to my problems than I had a right to expect.

Mr. SAYLOR, Mr. TAYLOR, Mr. JOHNSON of California, and all the Interior Committee members, were equally considerate and will, I know, be relieved to know that CLAUSEN will not be "buttonholing them about redwoods" any longer.

In conclusion, the people of the redwood country have moved from a position of opposition, to reluctant acceptance of the establishment of a redwood national park. Some people are very pleased, particularly those that are not affected. Many people are unhappy and very uncertain about their future.

While the Nation will applaud this action today, I, too, am grateful for the fact that a decision has finally been reached. We can, at least, now go forward knowing what to plan for.

I feel a particular sense of responsibility to my constituents to "tell it as it is."

The people of this Nation have acquired a great national asset—an outstanding National Redwood Park.

The people of Humboldt County, in particular, have suffered a very substantial and immediate loss of nearly $3 million annually in payrolls and $3 million in annual purchases—in just the one company affected alone.

The area is working diligently to diversify its economy.

While I believe there will be a partial recovery of this economic loss over the long haul, the immediate transitional period is going to be rough indeed.

It is not my purpose to downgrade the action today, but simply to bring it to the attention of my colleagues in the Congress what this action means to some very concerned and uncertain people.

I do this solely to lay it on the record, so that you will be very sympathetic to any future requests for approval of appropriations for some of the Public Works project recommendations now in advanced planning.

The Humboldt Harbor and Butler Valley projects in particular, would be extremely helpful in giving the economy a boost, if the project construction could be accelerated. Action by the Congress could help soften the current economic blow, and help us through this critical transitional period.

Also, I want to ask for the earliest possible development of the park facilities to accommodate the anticipated visitors—coming to the north coast of California to see their great and exciting Redwood National Park.

Please come visit our area to experience the thrill of a lifetime—seeing is believing, and you have simply got to see these redwood giants to fully appreciate God's work in creating the world's tallest living trees.

There is one particular portion of this bill that disturbs me deeply and I want the final chapter of this permanent RECORD to reveal, factually, the position that I have taken from the beginning on this matter, and later in testimony before the committees of the House and Senate and to place particular emphasis on my requests directed toward committee members considering this legislation.

I refer specifically to the Indian lands owned and managed by the Harry Williams family near the mouth of the world famous Klamath River.

For many months, the Williams family, the local governing boards, conservation organizations, myself, and many other interested persons, have all agreed that it was not necessary to include their land in any redwood park proposal being considered by the Congress.

There were a number of reasons why we felt their request should be accepted by the committees and the Congress.

The healthy family environment recognized by all visitors to the area, provides laudible testimony to the land use and land management of this property by the

Williams family for generations. The natural setting, the retention of esthetic values, the retention of the basic heritage and its overall compatibility with the countryside are the strongest evidence of this proud Indian family's desire to retain, protect, and preserve this land that has been passed on down through the generations.

In fact, this land, Dad's Camp, has kept the family together.

I have known, personally, the Williams family for over 20 years. I know, intimately, the fine reputation as reasonable and responsible citizens they have enjoyed.

They have told me of their father's wish to "never sell this property—always keep it in the family."

Another reason for deletion is the fact that each winter, during the rainy season, this land is routinely flooded over by high and often rampaging waters. In 1964, I flew over the mouth of the Klamath and witnessed nearly 600,000 cubic feet per second of water boiling over this land and out to sea.

In the spring, summer, and fall, the land is again accessible and is used as camping grounds by many visitors that return year after year to fish the Klamath and partake of family living at Dad's Camp.

There are many other reasons for supporting deletion, but I will not belabor the point.

However, the Congress must be reminded of the basic facts of legislative history, as they relate to this Williams property.

First, the original Senate bill S. 2515, included only a part of this property and I have been told by members of the Senate Interior Committee staff that it was not intended to be included in their version.

To substantiate this, a letter, dated April 25, 1968, from the Park Service, signed by Frank E. Harrison, Assistant to the Director, was written to Mr. E. Lewis Reid, minority counsel, Committee on Interior and Insular Affairs, U.S. Senate, that reads as follows:

> U.S. DEPARTMENT OF THE INTERIOR,
> NATIONAL PARK SERVICE,
> *Washington, D.C., April 25, 1968.*
>
> Mr. E. LEWIS REID,
> *Minority Counsel, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.*
>
> DEAR LOU: Following receipt of your letter of April 15th, I did look into the matter of the redwood boundary, as it relates to the property of the Williams' family.
>
> Our planning staff tells me that through inadvertence, some of the Williams' property was indeed kept within the boundary of of S. 2515. As they explain it, we thought we had omitted all of the Williams' property when we excluded from the boundary some 80 acres down on the Spit—the location of Dad's Camp. We now find that, in fact, the family also holds some 24 or 25 acres on the hillside, which is in the boundary of S. 2515.
>
> You may rest assured that we are now excluding the remainder of their land from the boundary of the Redwood National Park proposal. You will be interested to know that Mrs. Williams testified at the recent field hearings—calling this to the attention of the House Committee.
>
> I am glad that this error was caught in time for us to correct it. Thank you very much for all the help that you gave us.
>
> Sincerely,
>
> FRANK E. HARRISON,
> *Assistant to the Director.*

From the content of this letter, I have concluded that the Park Service planning staff delineated the boundaries on the maps used describing S. 2515.

Regrettably, this oversight was not corrected by the Senate, but with the above explanation from the Park Service, it seemed clear to all concerned this inadvertence would be remedied later in the legislative process.

Following the legislative path still further, the House Interior Committee heeded our request and left this parcel of land, in its entirety, out of the House version of the Redwood National Park bill. This subsequently met with the approval of the full House when it passed its version by a 388–15 vote.

With the House action completed and with the Senate and the Park Service apparently willing to correct the inadvertence that included part of the Williams' property, everyone concerned with protecting their request for deletion, put the matter to rest.

This remained the situation until the final contents of the bill were revealed following the completion of the Senate-House conference on the bill. Then came the shocker. Somehow, and at sometime, the property was reinserted during the course of the conference meetings. This, in spite of the fact that only part of the property was inadvertently put in by the Senate and deleted in its entirety by the House.

My immediate reaction was to raise a point of order against its inclusion, when it came to the floor for a vote. But, in checking the parliamentary situation, I learned that S. 2515, as amended, cleared the House with "all after the enacting clause" stricken and, therefore, subject to amendment in conference, thus, placing me in a position where the point of order would be overruled.

Today, the conference report, containing the final draft, will be presented to the floor for acceptance or rejection, with no opportunity to offer amendments. Simply stated, I am told there is no opportunity to amend this land out of the bill.

At this point, without detailing all of the minute details involved, I do want to express my appreciation to the chairman, members, and staff handling the conference report for removing the land from the legislative taking category and including language in the bill that is designed to permit the Williams family to buy or lease back the land as contained in the section described as follows:

> The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, TWP 13 north, Range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the National Park.

Admittedly, this is a substantial improvement over the legislative taking category but somewhere, somehow, and at sometime during the conference, the decision was made by someone to include the Williams property in the delineated park boundary.

Some of you may wonder why I am going to such lengths to lay out the facts on what may appear to some people to be just another piece of land.

Well, this has become a matter of principle with me, at this point in history.

I had given my word to these people, that I would join others in helping them keep this land from being included in the park.

Surely, I recognize the right and, indeed, the responsibility of the conferees to make those decisions that they think are in the public interest, even though this decision may differ from my point of view and that of my constituents.

My primary reason for spreading this case history on the records, is, hopefully to impress upon the Park Service or any other State or Federal Agency, that will be negotiating or working on agreements with the Williams family, to go the extra mile in helping them retain their basic rights and interests in their property, should this be their desire.

It may be difficult for some of my colleagues to fully understand and how much meaning, attachment, and deep feeling a people can have for a piece of land. Frankly, you did have to understand an Indian family that has struggled over the years, fighting to hold on to their possessions—brought up in an environment that creates suspicions of every white man and his ulterior motives.

Is it any wonder that these people are deeply disturbed and distressed, when all along, they have had assurances that their land would not be included in the park boundary.

All they ask is to be dealt with fairly and with full consideration for their particular plight.

I want to urge the Park Service to lean over backward to accommodate these people—to minimize any further disruptions from what has been a very productive, serene, and compatible family life.

If the gentleman will yield further and bear with me, there are just a few questions I would like to ask him.

In the report there is language that reads as follows:

> The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands.

My first question is that this says 58,000 acres and I recall in your remarks you said something about 55,000 acres; am I correct in that?

Mr. ASPINALL. What I suggested in my remarks was the taking of 55,565 acres, I think, but we do have a limitation in the legislation.

In no event including the State park lands and all other lands, can the Secretary go over 58,000 acres.

Mr. DON H. CLAUSEN. The one thing I would be concerned about, and that is with respect to the State park lands. Let us take the hypothetical case of the State of California—its legislature decides not to donate these lands. Does this mean the Secretary is authorized to acquire an additional 27,000 acres?

Mr. ASPINALL. It does not; no, it does not.

Mr. DON H. CLAUSEN. So there will not be any problem of acquiring additional lands outside of these boundaries because they are delineated?

Mr. ASPINALL. Only the small acreage that we provide here in order to correct the boundaries so that, if there is a fill of a swamp or something like that, we can exclude it from the boundaries.

Mr. DON H. CLAUSEN. As you know, there has been a good deal of controversy with respect to my request to leave out the so-called Indian lands at the mouth of the Klamath. As you know, when it cleared the House that particular portion of the seashore, partially at my own request and others, was left out of the House version.

Can the gentleman tell me how these acres were added in the conference and what led it to being added in the conference?

Mr. ASPINALL. They were added for the purpose of trying to maintain along the entire seashore the complex—the seashore balance—so that there would be no question about these lands being misused or being used as a dump or anything of that kind.

We have written into the act itself the authority of the Secretary to lease back these lands to the present owners, to the Indians, who use these lands only occasionally during the year.

There are no improvements on the lands, as my colleague knows better than I, and they are used only for recreational purposes during the year and we expect them to be so used in the future.

Mr. DON H. CLAUSEN. There are actually some facilities on the property, but your basic intent is to say that people who are now using the lands will be able to continue to use the land under the same conditions under which they now use them.

Mr. ASPINALL. The gentleman is correct.

Mr. DON H. CLAUSEN. Again I regret I have to take the time, but, as you understand, these are questions that are coming from my district at this point.

First, there is the question with respect to the tax treatment, which was raised by my colleague [Mr. JOHNSON], and others. You alluded to this. This is contained partially, I believe, in 7(a).

The one thing that we are very much concerned about, as the chairman knows, is the loss to the economy of this one organization that you have described as being phased out. I am hopeful that the Congress will give recognition to special tax treatment in this case so as to encourage this organization to invest in this area in some other diversified aspect of the economy. Was that the intent of your earlier remarks?

Mr. ASPINALL. That would be the far-reaching intent of my remarks. But we could not include any such provision in the conference report or in the act for the simple reason that it would be unconstitutional for us to do so, the question having arisen where it did. Second, a jurisdictional problem of the committee would be involved. Third, I am advised by the gentleman from Arkansas, the able chairman of the Committee on Ways and Means, that it is beyond the control of anyone at the present time unless there is an amendment to the parent act.

Mr. DON H. CLAUSEN. I would hope that the chairman would join with me, and I hope others, to introduce legislation in the next session of the Congress so that we could start hearings on this question. During this transitional period I want to bring to the attention of my colleagues in the House what is taking place. First, as a result of the legislative taking, immediately after this land is taken off the tax rolls, the County of Humboldt will lose in tax revenues between $350,000 and $500,000. According to the sources that I have in Humboldt County, that would be over a period of time. The fact that there was no provision for the "in lieu" payment of taxes which was recommended by the administration, it is going to put that area in a very serious economic situation.

So, therefore, I do want to serve notice on every Member of the House that the action they are taking today is a great asset to the Nation, but it is creating a very severe problem for those people in the county of Humboldt to the extent of some $3 million a year in payrolls and $3 million a year in purchasing power in the area and the potential loss of 1,000 jobs if the Arcata Redwood organization has to liquidate. According to what you told me, it will be somewhere between 5 or 10 years. So I will be asking the Congress to help me in the future—I have included this in my other remarks—to work with us on some of the other projects in order to accelerate those projects and see us through this very serious transitional period.

Mr. ASPINALL. The gentleman has no more sympathetic Member of the House than his colleague from Colorado.

Mr. DON H. CLAUSEN. I do wish to thank the gentleman. I shall support the legislation. I can tell you it has been one of the most difficult tasks I have ever had since I have been involved in legislative practices. I certainly hope that none of you will be faced with the same kind of thing.

Frankly, I could have handled Vietnam substantially easier than this.

Mr. ASPINALL. Mr. Speaker, I yield to my colleague, a member of the committee, the gentleman from Maryland [Mr. MORTON].

Mr. MORTON. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I assume that this legislation brings us a new device. I do not recall that we have had a similar type authorization bill that brought about two things—one, immediate occupation of the property and, the other, interest payments on the value of the property pending the actual transfer of funds.

This puts those of us who are dealing with other parklands, not set up under this formula, in a somewhat difficult position.

I will refer to Assateague Island, where we have 3,000 property owners. Admittedly there is not the threat that the land will be desecrated or that the trees will be chopped down, because there are no trees. Nevertheless, we do have the problem of the property rights and a fair deal.

I am concerned that this park, because of this interest payment requirement, will be given priority over other parks that have been authorized in years previous. Those people who are trying to move their property in the other parks, so they can reinvest their money or go elsewhere, are being constantly kept as low men on the totem pole.

I would like to have the reflections of the chairman of this great committee on whether this park is going to receive priority over other parks that have been authorized.

Mr. ASPINALL. Mr. Speaker, the gentleman from Iowa inquired about that. I think I am giving away no secrets when I say the Assateague Seashore is an illustration of what was necessary to keep our faith with those installations already authorized. This park will have a priority under the terms of this legislation, but we have been promised by the administration that the request will come from advance appropriations rather than from the land and water conservation fund revenues proper, as they come in. I, for one, if a Member of this body, will continue to fight that we keep our word, as far as those facilities are already authorized. That is the reason why the gentleman from Iowa asked the question he did, so that I could put this in the RECORD, and we still have the money to do this.

The gentleman's facility is included not within the remaining amount—for the cost of his facility—but it is included within those amounts of the land and water conservation fund already pledged. The question is one of priority of time and that is all.

My colleague knows if this will go to a judgment, in any instance, then that judgment will bear interest.

Mr. MORTON. Mr. Speaker, I appreciate the statement of the chairman. I know he will keep his word on it as we go downstream, to see that we are not giving conservation a bad name with a lot of people. Conservation and national parks of our country are a source of great pride throughout America, from the tip of Maine to the Everglades of Florida, and from Assateague Island to this new Redwood National Park we are creating today.

If we continue to authorize projects to be included in the national parks system, and drag our feet in paying for those properties, and if we come up with new and attractive deals for property owners in new parks, leaving the property owners in older parks riding back in the caboose, conservation is going to have a bad name in this country, and we are going to be in deep trouble. This is because people will get fed up doing business with the Park Service.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ASPINALL. Mr. Speaker, the gentleman is correct.

I yield now to the gentleman from California [Mr. Burton], a member of the committee.

Mr. BURTON of California. Mr. Speaker, I would like to add my own personal words of commendation to the House conferees.

The bill before us is more suitable than many of us feared it might be. Many of us in this House had hoped for a very comprehensive Redwood Park bill. Given all of the circumstances, that hope was not feasible of realization in this Congress. But, more importantly, given the differing versions of the House bill, as it passed this body, and the version approved by the other body, I, for one, believe our conferees are to be highly commended, when viewing the matters before them in the House-Senate conference, for coming back with a park bill that will be sufficiently meaningful to stand as an appropriate monument to this very unique national heritage.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Florida, Mr. Sikes.

Mr. SIKES. Mr. Speaker, I am happy to add my support for the conference report on S. 2515, the bill to establish a Redwood National Park. We are now assured that more of these magnificent redwoods will be protected and preserved for all of America's future. A longstanding, complex, and painful issue has been resolved. We have a meaningful, and outstanding national park, and at the same time, the interests of those whose livelihoods depend on the timber resources of northern California have been protected as far as possible.

However, I am disappointed that this bill contains a provision authorizing exchange of national forest lands in the northern redwood purchase unit for private timberlands within the park. This is a type of compensation for Federal land acquisitions that I have fought against during my membership in Congress. I consider it a dangerous principle, that can lead to serious impacts on our Federal land systems. Specifically, if this tradeoff idea is extended it could put our great national forest system in grave and imminent danger.

The Senate report on S. 2515 makes it clear that the committee viewed the Redwood National Park bill as an extraordinary situation in which an exception to the general rule against payment-in-kind was necessary. The report states:

> The adoption by this committee of language authorizing such an exchange should not be construed as in any way establishing a precedent for exchanging national forest lands to acquire lands for national parks.

Since the House version of S. 2515 did kind of exchange, I would like to ask the not contain language authorizing this assurance of the chairman of the House conferees if it is his understanding that the conference committee action is in no way intended to set a precedent for acquisitions in connection with other national parks or recreation areas?

Mr. ASPINALL. In reply to my colleague from Florida, it is not in any way considered to be establishing a precedent. It was used in this particular instance because of the method by which this particular area of land, now under the jurisdiction of the Forest Service, came under the jurisdiction of the Forest Service, and in order to take care of the equities and to solve some of the problems our colleague from California [Mr. Don H. Clausen] spoke about. If it can be used in this way, it is being for a higher purpose.

It is not a precedent, and we do not want it to be established as a precedent.

Mr. SIKES. Mr. Speaker, I am gratified by the chairman's assurances. They are very timely and I think necessary in view of pending efforts to seize this provision as an example and a precedent. The use of national forest lands in this manner has already been suggested in connection with the proposed establishment of other park areas. I hope that those involved in these proposed areas will take heed of the chairman's comments and the legislative history of this bill. Congress should not accede to general efforts to invade the national forest system. The lands under the capable management of the Forest Service are highly important to the Nation as a whole, and to the communities in which they are located. We must be watchful for efforts to diminish their worth. National parks and other Federal projects should stand on their own merits, and not be dependent on decreasing the public values of the national forests and other Federal timberlands.

There are areas, of course, where limited exchanges of property are desirable, but these are primarily to correct boundaries, or to benefit participating agencies, State and Federal.

I note, Mr. Speaker, that the authority of the Secretary of the Interior to use northern redwood purchase unit lands for exchange is discretionary. The Secretary is not bound to trade the purchase unit.

I urge him to seek every possible way to limit the acreage of lands that may be exchanged, if any. These national forest lands have many important public values—for recreation and scenic beauty, watershed protection, fish and wildlife habitat, and perpetual production of timber products. In continued forest management, the protection of these public values will be assured.

I also urge the Secretary of the Interior to insist on value for value in any exchange he may make for purchase unit lands. These are highly valuable lands. A substantial Federal investment has been made in them, increasing their worth at least 60 times in 25 years. The northern redwood purchase unit now belongs to all Americans. All of us should insist that its value is recognized and honored in any exchange transaction.

In sum, Mr. Speaker, although I have misgivings about the purchase unit exchange, I am pleased to see us reach this conservation milestone. We should adopt the conference report on S. 2515 and speed the Redwood Park bill on its way toward enactment.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from California [Mr. Cohelan].

Mr. COHELAN. I thank the gentleman for yielding.

Mr. Speaker, when this conference report is adopted and signed into law, the hopes of two generations of Americans will be realized. The Redwood National Park will be created.

The 58,000-acre Redwood National Park in the conference report before us contains much that is good. The inclusion of Redwood, Lost Man, and Little Lost Man Creeks will extend protection for all time to significant stands of virgin redwoods. Our goal to seek the best park by its establishment in the Redwood Creek area has been reached.

The $92 million authorization enables the Government to pay a fair price for the lands to be taken and it is realistic in view of today's budgetary situation.

I am sure that all of us would have liked a bigger park, and perhaps events will favor it in the future. The park proposal before us is like the foundation built on stone and is a sound structure on which to build in the future.

I accept the conference committee report as a job well done. I support and urge its adoption by the House.

Mr. Speaker, on this historic day, when more than a half century of disagreement in the battle to protect the giant redwoods is brought to a close, I feel special recognition should be given to those who have made this agreement possible.

Of course I am referring to the distinguished chairman, the gentleman from Colorado, Wayne Aspinall; and to the gentleman from Pennsylvania, John Saylor, to the gentleman from California, Harold Johnson, to the gentleman from North Carolina, Roy Taylor, and to the distinguished gentleman from New York, Mr. Kupferman, who, along with our Senate colleagues, hammered out this very excellent conference report.

Chairman Aspinall and the members of the conference committee have brought back, as they said they would, a park containing significant stands of virgin timber. They handled their task expeditiously and responsibly, and the park before us represents a good resolution of the vast differences between the House and Senate versions—and indeed among the many advocates of a national park.

Conservation leadership in this effort has been outstanding. I have had the opportunity and pleasure of working with the leading conservation organizations in this Nation, and their unflagging efforts and enthusiasm have bolstered us all during the long road to this day.

I greatly appreciate all of the help I have received from the cosponsors of my original Redwood National Park bill and from the many others in the House who strongly desired this park.

To vote for the adoption of the conference report on the Redwood National Park legislation gives me great pleasure. It gives me a satisfaction that will last for the rest of my days, for it is a vote to end a destructive controversy over an important heritage of mankind and to begin the building of a great national park to protect that heritage.

Mr. GRAY. Mr. Speaker, will the distinguished gentleman yield?

Mr. ASPINALL. I yield to my colleague from Illinois.

Mr. GRAY. Mr. Speaker, I commend the House conferees for their diligence and high purpose in fashioning legislation for a meaningful Redwoods National Park under complex and trying circumstances. I believe they have produced a park the Nation can be proud of, and I welcome its addition to our splendid national park system.

It is regrettable, however, that the objective can only be achieved by sacrificing part of another important natural resources program; namely, multiple use of national forest land. In this instance, it is the consensus of my colleagues that exchange of this Federal land is necessary in order to keep acquisition costs within balance. But I am wondering about the effect of this action on subsequent proposals. Will we establish a precedent, or is this a special situation to be treated as such?

Mr. Speaker, in order to clarify the intent of our action, I would like to inquire about certain aspects of the proposed exchange of national forest land for private land.

Is it the intent of the Congress to use Federal lands previously dedicated to specific uses as "payment in kind" for private land to be used for some other purpose? If this is the intent, is it to be applied also to military reservations, national parks, wildlife refuges, and other Federal reserves? If this tract is to be used as "payment in kind," what steps will be taken to insure that the Federal Government receives full value for its property? Will all of the purchase unit be exchanged, or only such portions as are felt necessary to acquire the private land?

How will recreation interests of the public be protected? Will people continue to have access to the Klamath River for boating and fishing? Will there be some form of scenic easement to protect vistas visible from public highways and water courses?

What assurances are there that the forests now on this land will be sustained and not liquidated?

What safeguards will be taken by the new owners to prevent siltation of feeder streams and destruction of salmon spawning beds?

Mr. Speaker, we are about to make a very important exception to existing Federal land policy. It is my sincere hope that the Congress will treat it strictly as an exception and that our action will not be construed as having established a precedence for subsequent proposals. I for one would welcome comments from the chairman of the Interior and Insular Affairs Committee.

Mr. ASPINALL. The gentleman from Illinois is correct in his interpretations.

Mr. Speaker, I now yield to my friend, the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Speaker, I rise in support of the conference report, which I think is a very substantial victory in the public interest for all those who care about the conservation of our giant redwoods. I certainly wish to compliment the chairman, the gentleman from Colorado [Mr. ASPINALL], and the ranking Republican member, the gentleman from Pennsylvania [Mr. SAYLOR], as well as the gentleman from California [Mr. COHELAN], who has worked diligently to secure the largest possible park, and the gentleman from New York [Mr. KUPFERMAN], for their work on this conference report.

While I cosponsored a bill calling for a 90,000-acre park and while I wish the park were larger, nonetheless this conference report is a vast improvement over the original House bill. The lands included in the park contain trees mostly of prime quality and are not the cutover areas which some timber companies had attempted to foist off on the public.

It is tragic that it has taken the Congress so long to agree on a park which will preserve our most magnificent redwood stands for our children and our children's children. Although the bill before us today is not perfect, it is a most satisfactory compromise that will protect the most valuable of the trees as a truly national resource.

Mr. ASPINALL. Mr. Speaker, I now yield to my good friend, the gentleman from New York [Mr. KUPFERMAN], a member of the committee.

Mr. KUPFERMAN. Mr. Speaker, I rise in support of the conference report on S. 2515, a bill to establish a Redwood National Park in Del Norte and Humboldt Counties, in the State of California.

The Redwood National Park approved by the conference committee will encompass a maximum of 58,000 acres at a cost of approximately $92 million. Adoption of the conference report will bring an end to the long and hard-fought battle for a meaningful Redwood National Park.

During my short tenure in the Congress I have witnessed the controversy of establishing a Redwood National Park in the State of California become a national issue which vitally interested and concerned the people of my 17th Congressional District of New York.

The bill reported by the conference committee establishes a modest Redwood National Park which, under its terms, will vest title to the private timberlands in the United States immediately upon the enactment of the legislation. This legislative taking will stop the logging of redwoods within the boundaries of the Redwood National Park and just compensation will be paid the owners of private timberlands either by agreement or through court proceedings as provided for in the act.

The park will preserve approximately 32,500 acres of virgin old-growth redwoods in public ownership. The park will encompass within its boundaries the Jedediah Smith, Del Norte, and Prairie Creek Redwoods State Parks which will come under Federal ownership and management upon donation by the State of California, but such donation is not a condition precedent to the establishment of the park.

The State parks will be joined to the areas of Federal ownership by over 33 miles of uninterrupted seashore and connecting corridors in the Mill Creek and Redwood Creek areas. The Redwood Creek area will include the drainage area of Lost Man and Little Lost Man, the Tall Trees unit, and the Emerald Mile area.

The bill also authorizes the use of Federal lands known as the northern purchase unit for the purposes of land exchange with the private timber companies. Excluded from this exchange provision, however, is the Yurok Redwood Experimental Forest.

Mr. Speaker, the bill as reported by the conference committee represents, as I previously stated, a modest beginning for a meaningful Redwood National Park. My colleague and ardent conservationist, JOHN SAYLOR, and I would have preferred to have had a larger Redwood National Park which would have included additional acreage of virgin redwoods in the Redwood Creek area. Regrettably the conference committee was plagued with a monetary limitation in the creation of a meaningful Redwood National Park.

Despite the limitations which vexed us in the conference committee deliberation, I am thankful for the privilege to have served as a conferee in reporting this significant piece of conservation legislation. I am confident that the action of this body in adopting the conference report will mark another milestone in preserving our American heritage for the benefit and enjoyment of future generations of Americans.

Mr. Speaker, I urge the adoption of the conference report.

I know that my colleague, JOHN P. SAYLOR, ranking minority member of our Interior Committee, would express these sentiments if he could be here, but, unfortunately, the death of his brother has called him home.

Mr. JOHNSON of California. Mr. Speaker, I rise today in support of the conference report on S. 2515, legislation to establish the Redwood National Park in my home State of California.

As a member of the National Parks and Recreation Subcommittee, I have participated personally in all of the hearings, both here in Washington and in the field, in the various other discussions, including the House-Senate conference, which bring us to this point where we can now give our final blessings to the establishment of a national park which will preserve not only for our generation but for generations to come, the greatest collection of old growth redwoods that exists anywhere in the world.

The legislation which the conference committee, of which I was a member, now presents to the House of Representatives for consideration, I believe is one of the most outstanding conservation achievements of this or any other Congress. I am confident that our children, their children and grandchildren will, throughout the decades ahead, commend the action which we take here to preserve for future centuries the most magnificent trees that have ever grown, trees that have already stood for centuries and as the result of the action taken here today, will be protected for centuries to come.

Throughout our consideration I do not believe there has been any question in anyone's mind but that a park was necessary and should be authorized now. The whole question has revolved around the issue of size.

How can we preserve the major scenic stands of redwoods? How many acres of redwoods can we set aside within the dollar limitations which the Nation's economy can afford?

I feel quite confident that the answer presented to you here today is most realistic. We have here a park encompassing 58,000 magnificent acres of redwoods.

The redwoods growing on these lands will be protected the instant the President signs this legislation into law, for under the terms of the legislation, private timberlands which are being acquired for this park will become the property of the United States. Logging operations will cease. In fact, I am quite confident that as we discuss this legislation today, any operator who may be harvesting timber in this area even today is slowing or stopping cutting of these trees, knowing full well that the will of Congress is that these 58,000 acres be set aside as a national park.

I should emphasize that the boundaries which have been set forth in the conference report include 32,500 acres of old virgin-growth redwoods, including the major groves in the Redwood Creek and Mill Creek watersheds in which the world's largest and most impressive redwoods are growing. This means that the Redwood National Park, which we now propose, will include a variety of scenic attractions and opportunities for public enjoyment:

The redwoods, displayed in all their variety from ridge-top stands to slope and bottomland groves, to the seashore, with opportunities for people to admire them without damage to the park environment.

Over 33 uninterrupted miles of seashore with the beautiful bluffs and headlands behind the shore.

Streams and rivers of great natural beauty, with opportunities for fishing, swimming, and streamside walking.

The oldest living thing in the world.

Mr. Speaker, I should point out that included in the 58,000 acres are three very well run California State Parks, the Jedediah Smith, Del Norte, and the Prairie Creek Redwoods State Parks. These currently are under State ownership and they would be transferred to Federal jurisdiction, operation, and management, only should the State of California decide to donate them to the U.S. Government. But the conferees wanted in no way to make the establishment of the park conditional upon this donation so we went ahead with the legislation in this manner.

I personally would like to commend the leadership of the House and Senate Committees on Interior and Insular Affairs, my good friend and colleague, Congressman WAYNE ASPINALL, of Colorado, and Senator HENRY JACKSON, of Washington; the chairmen of the National Parks Subcommittees of these two important congressional committees, my colleague, Congressman ROY TAYLOR, of North Carolina, and my old friend and close associate of many years, Senator ALAN BIBLE, of Nevada. They and all the members of both committees have done a fine job in preparing the legislation we have before us now.

Mr. Speaker, I believe that we have proposed a park of meaningful size, one in which we can all be proud—certainly one that I am proud of—and one which the vast majority of the people of the Golden State will hail as one of the outstanding accomplishments of the 90th Congress.

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in support of this conference report which authorizes the establishment of a 58,000-acre Redwood National Park. I was one of the original sponsors of the redwood park proposal, and am therefore well aware of the long and tortuous path which this legislation has followed. But I believe that if this conference report is approved, all of us who are concerned with conservation measures can consider the conservation record of the 90th Congress a success. The conference report is a major victory for the public interest, and the conferees deserve high praise for their work.

There are two features of this report which I feel merit special mention. First, I am very pleased that the acreage of the proposed park has been substantially raised from the 28,500 figure in the House-passed bill. The increase to 58,000 acres has converted what would have been a "mini-park" into a recreation area of a size which matches the giant trees it contains. Second, the park authorized by the conference report will include large blocks of uncut and presently unprotected redwoods, particularly in the Redwood Creek area. These trees are among the tallest known redwoods; those who have seen them can testify to their quiet majesty.

As I pointed out in my statement before the Subcommittee on National Parks and Recreation in June of 1967, it is fitting that the major legislative effort to establish the park be directed toward the areas where the redwoods are the most abundant and most magnificent.

Mr. Speaker, the hearings and House debate on the redwood park proposals contain numerous references to the recreational, scenic, ecological, and other benefits which we and future generations will enjoy from establishment of the park. The conference report holds out the promise that these benefits are within reach. But I think another point about this report should be made. Its approval will be a timely reaffirmation by Congress of our national determination to preserve the natural resources which grace our land. The relatively modest amount of money necessary to establish this park represents an investment in the preservation of a part of America itself, a part which we must save now or lose forever. With many legislative proposals, it is possible to defer action for a year or two, and still achieve the underlying purpose in a later Congress. But procrastination on establishment of the Redwood National Park could diminish or even extinguish our opportunity to save the redwoods. We can never pass a bill to bring back a redwood which has been cut down.

Mr. Speaker, a vote for this conference report is a vote to preserve a national treasure. I urge the Members to approve the report.

Mr. PELLY. Mr. Speaker, I rise in support of the conference report on the Redwoods National Park, and I commend the conferees on this compromise.

I voted for S. 2515 last July, knowing that my vote would be misunderstood by many conservationists because of their desire for a much larger park than the 28,000 acres provided in that legislation. At that time, I explained that the feeling was that if we did not take what we could get with that bill and work toward improvement in conference we probably would get nothing in the way of a Redwoods National Park this year or maybe for a long time to come.

So, Mr. Speaker, I am very pleased with this conference report which includes an additional 30,000 acres. Although the total acreage does not reach the desired 64,000, this compromise is a good one, and I urge my colleagues to support its passage.

Mr. GALLAGHER. Mr. Speaker, I rise today in full support of the conference committee report on the Redwoods National Park bill. This report represents a compromise and recommends a Redwoods National Park with an overall size of some 58,000 acres.

In describing the rationale behind establishing a Redwoods National Park, someone said, "As the tallest living things, the redwoods symbolize the force of life itself in a world in which man has crowded nature too closely." Certainly the redwoods represent the might of nature which man all too often sacrifices for profit, for immediate pleasure, from neglect. Today, we have an opportunity to preserve for our children and their's the magnificent power and grandeur of the mighty redwoods. We have the chance to preserve a significant part of the rapidly vanishing redwoods.

The redwoods have rightly been called a national treasure. We cannot wait any longer to protect and preserve these trees that have graced the earth for thousands of years. To refuse to accept this compromise park will doom the redwoods to certain extinction. The original bill passed by the House created a minipark of 28,500 acres, leaving some of the best stands of redwoods unprotected and open to the saws of the lumber companies. The Senate bill provided for a park of 64,000 acres, yet even that fell short of the original bill I introduced last year. The conference report is a compromise, but one that comes down on the side of conserving one of our most valuable natural resources. We are not creating the ideal park, but we are providing for a national park of reasonable size containing most of the remaining virgin stands of redwoods.

Mr. Speaker, I cosponsored a redwoods bill along with my good friend and distinguished friend of conservation, JEFFREY COHELAN, to preserve a national park of 90,000 acres. I want my children to be afforded the opportunity to see the giant redwoods in their natural setting. I want a national park with ample room to accommodate the numerous visitors who come from every part of America and foreign lands to see the mighty redwoods. The park provided in this conference report barely satisfies those criteria.

Mr. Speaker, we have a chance today to preserve a precious national heritage. We have an opportunity to save a beautiful scenic resource. I believe this conference report should be adopted.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WRIGHT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 329, nays 1, not voting 101, as follows:

[Roll No. 320]

YEAS—329

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blatnik
Bolling
Bolton
Bow
Brademas
Brasco
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Corbett
Corman
Cramer
Culver
Cunningham
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Devine
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Harrison
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hosmer
Howard
Hull
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Kyros
Laird
Langen
Latta
Lennon
Lipscomb
Long, Md.
Lukens
McCarthy
McCloskey
McClure
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, Okla.
Snyder
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Teague, Calif.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—1

Fountain

NOT VOTING—101

Ashley
Ashmore
Battin
Blackburn
Blanton
Boggs
Boland
Bray
Broomfield
Brown, Calif.
Brown, Ohio
Burleson
Carey
Casey
Cederberg
Celler
Conte
Conyers
Cowger
Curtis
Daddario
Dawson
Derwinski
Dickinson
Diggs
Farbstein
Fino
Flynt
Ford, William D.
Gardner
Giaimo
Griffiths
Gurney
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hawkins
Hays
Hébert
Henderson
Herlong
Holifield
Horton
Hungate
Ichord
Jones, Mo.
Jones, N.C.
Karsten
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kuykendall
Landrum
Leggett
Lloyd
Long, La.
McClory
McCulloch
McDade
Macdonald, Mass.
Madden
Mathias, Md.
Miller, Calif.
Monagan
Moore
Myers
Nedzi
O'Neal, Ga.
Passman
Patman
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Rarick
Resnick
Rogers, Colo.
Rosenthal
Roudebush
St Germain
Saylor
Schweiker
Sisk
Smith, N.Y.
Springer
Stafford
Steiger, Ariz.
Taylor
Teague, Tex.
Thompson, Ga.
Udall
Vander Jagt
Willis
Wilson, Charles H.
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. McCulloch.
Mr. St Germain with Mr. Roudebush.
Mr. Kirwan with Mr. Cederberg.
Mr. Leggett with Mr. Broomfield.
Mr. Celler with Mr. Horton.
Mr. Passman with Mr. Battin.
Mr. Daddario with Mr. McClory.
Mr. Miller of California with Mr. Pirnie.
Mr. Boggs with Mr. Conte.
Mr. Holifield with Mr. Pollock.
Mr. Kluczynski with Mr. Bray.
Mr. King of California with Mr. Saylor.
Mr. Kornegay with Mr. Kuykendall.
Mr. Monagan with Mr. McDade.
Mr. Burleson with Mr. Blackburn.
Mr. Carey with Mr. Smith of New York.
Mr. Long of Louisiana with Mr. Lloyd.
Mr. Giaimo with Mr. Stafford.
Mr. Rogers of Colorado with Mr. Mathias of Maryland.
Mr. Madden with Mr. Brown of Ohio.
Mrs. Kelly with Mr. Moore.
Mr. Farbstein with Mr. Fino.
Mr. Macdonald of Massachusetts with Mr. Springer.
Mr. Ashmore with Mr. Dickinson.
Mr. Casey with Mr. Steiger of Arizona.
Mr. Charles H. Wilson with Mr. Derwinski.
Mr. Henderson with Mr. Thompson of Georgia.
Mr. Sisk with Mr. Myers.
Mrs. Griffiths with Mr. Vander Jagt.
Mr. Boland with Mr. Cowger.
Mrs. Hansen of Washington with Mr. Zion.
Mr. Hays with Mr. Schweiker.
Mr. O'Neal of Georgia with Mr. Gurney.
Mr. Pepper with Mr. Hansen of Idaho.
Mr. Rosenthal with Mr. Curtis.
Mr. Pickle with Mr. Gardner.
Mr. Jones of North Carolina with Mr. Ichord.
Mr. Ashley with Mr. Dawson.
Mr. Landrum with Mr. Willis.
Mr. Teague of Texas with Mr. Udall.
Mr. Conyers with Mr. Hawkins.
Mr. Patman with Mr. Rarick.
Mr. Podell with Mr. Diggs.
Mr. Blanton with Mr. Hungate.
Mr. Flynt with Mr. William D. Ford.
Mr. Hanna with Mr. Hagan.
Mr. Taylor with Mr. Resnick.
Mr. Brown of California with Mr. Hardy.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR A NATIONAL SCENIC RIVERS SYSTEM

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1300 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1300

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes, and all points of order against section 6(a) and section 6(b) of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 18260, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 119, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 18260 as passed by the House.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1300 provides an open rule with 1 hour of general debate, waiving points of order against sections 6(a) and 6(b), for consideration of H.R. 18260 providing for a national scenic rivers system, a bill very ably presented by the distinguished chairman of the Interior Committee, Mr. ASPINALL. After the passage of H.R. 18260, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 119, and it shall then be in order to move to strike all after the enacting clause of the Senate bill and insert the House-passed language.

The language in sections 6(a) and 6(b) of the bill has to do with appropriations and that is the reason for the waiver of points of order—page 14, lines 20 through 25, and page 15, lines 10 through 14.

The purpose of H.R. 18260 is to initiate a national scenic rivers system, to name the first components of that system, and to prescribe the standards and methods by which future additions to the system will be made. The bill is the culmination of a number of years of study, and proposes six rivers or sections of rivers for immediate recognition as components of the national scenic rivers system, and one additional river plus one additional river section—the latter two depending on the actions of the Governors of the States concerned and the action of the Secretary of the Interior. Twenty-eight rivers are placed in a study category for possible later inclusion in the system.

Mr. Speaker, I urge the adoption of House Resolution 1300 in order that H.R. 18260 may be considered.

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, the policy set forth in this legislation today states that our national policy of constructing dams and other works on certain sections of rivers needs to be complemented with a policy of preserving other sections of free-flowing rivers and related adjacent lands that possess outstanding scenic, fish, wildlife, and other outdoor recreation values.

In this legislation it is the stated policy of Congress to preserve, reclaim, and appropriately develop such sections of our free-flowing rivers, and to assist the fulfillment of this policy by establishment of a nationwide system of scenic rivers to be composed of areas designated by Congress in this act or subsequent acts as "national scenic river areas," and State and local scenic river areas as designated by the Secretary of the Interior as part of the system.

In essence this means that as this Nation continues its industrial and commercial development, special care will be taken to assure that progress need not be synonymous with pollution of many of our outstanding free-flowing rivers.

My own State, Tennessee, stands as an eminent example of the progress and development which can be achieved through the harnessing and control of untamed waterways. The Tennessee Valley Authority example of waterway development and control is emulated throughout the world.

But there are other waterways which must be preserved in their natural state or their beauty and recreational value may be lost for many generations to come. That is the purpose of this legislation.

In this bill also are three Tennessee rivers which have been designated for potential addition to the national scenic rivers system.

One of these is the Buffalo, from its beginning in Lawrence County to its confluence with the Duck River.

Also included are two deep-gorge rivers. They are the entire Big South Fork of the Cumberland and its tributary, the Clear Fork and the Obed, including the entire river and its tributaries, Clear Creek and Daddy's Creek. It was my privilege to actively work for the inclusion of these waterways in this legislation and I am very grateful that this has been done.

It is my firm belief that the passage of this legislation will enhance the Nation's present and future welfare through conservation of these very valuable resources. This bill has my full support and I urge its passage.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Tennessee [Mr. ANDERSON] has ably explained the rule. So far as the bill is concerned, may I simply state the purpose of the bill is to create a system of scenic rivers, and to prescribe standards for the system as the basis for determining which additional rivers will be included in the future and the methods by which this enlargement will be accomplished.

The National Park Service has recommended such a system to preserve natural and wild rivers in their untouched condition for some time. Studies have been undertaken. Based upon these, six rivers are to be placed in the system upon passage of this bill and the study of 28 additional rivers will be undertaken to determine whether they shall be included. The six included in the bill are: the Rogue in Oregon; the Clearwater and the middle fork of the Salmon in Idaho; the Rio Grande in New Mexico; the Wolf in Wisconsin; and the St. Croix in Minnesota and Wisconsin.

The bill seeks to insure that some of our rivers which are relatively untouched by man will be retained and protected in their natural state. The States are to be included in the administration. Funds for the program will come from Federal sources, including the Land and Water Conservation fund. The bill also seeks to insure that the Federal Power Commission and the Corps of Engineers will not supersede State-Federal planning under this bill with respect to rivers which are to be included under the Scenic Rivers System.

The bill recognizes that much more studying of various rivers is necessary before further decisions can be made regarding possible inclusion in the system.

The estimated cost of acquiring land and interests in land for the six rivers included is $17,340,000, which sum is authorized by the bill. Development costs for these areas is estimated at about $7 million, but no authorization for this purpose is included in the bill. It is also estimated that each study of a river for possible inclusion in the system will cost about $50,000. Twenty-eight rivers are to be studied; these are the rivers which show the most promise after the preliminary studies which have been completed.

It is the aim of the bill in creating a system of protected rivers in their natural state to ensure that scenic, sport, and recreational enjoyment will be preserved for the public in future years.

The Departments of Agriculture, Health, Education, and Welfare, and the Interior support the bill, as does the Bureau of the Budget.

Separate views are filed by Mr. STEIGER of Arizona in opposition to the bill. He believes the criteria contained in the bill are too broad, making possible potentially to include every river in the country in the system and thus curtail further development and economic growth dependent on such rivers. He believes that before any action is taken to create the system, a complete study of the situation should be made by the National Water Commission, created by this Congress.

He believes that the ultimate cost of the system will be too high a price to pay, both in terms of Federal moneys spent and economic development not permitted on our rivers.

Mr. Speaker, I urge adoption of the rule.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18260, with Mr. IRWIN in the chair.

The Clerk read the title of the bill.

(By unanimous consent, the first reading of the bill was dispensed with.)

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. ASPINALL] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes. The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am here to support H.R. 18260, by our colleague from Pennsylvania [Mr. SAYLOR]. I regret that Congressman SAYLOR is unable to be with us today, but a death in his family prevents this.

You will recall that H.R. 18260 came up on a motion to suspend the rules on July 15 but failed to receive the necessary two-thirds on a voice vote. Why this happened, I do not know for sure, but it was clear then, as it is clear now, that there was considerable misunderstanding among some Members concerning certain features of the bill, particularly those having to do with rivers in what we call the study category. We have been trying to eliminate this misunderstanding and shall continue to do so. I want to come back to this in a moment, but first let me outline briefly the contents of the bill.

America has quite a number of scenic, wild, and historic rivers that are still in pretty much the same state they were when the white man first came to this country. All over the country, however, a substantial number of our fellow citizens are apprehensive that these rivers will go the way most of our other rivers have gone. They will become industrialized; they will be "developed"; they may become polluted. From these apprehensions grew the movement, of which H.R. 18260 is a culmination, to preserve some of these rivers in a pristine state or as close thereto as we can.

Our committee has singled out six of these rivers—the Clearwater and Salmon in Idaho, the Rio Grande in New Mexico, the Rogue in Oregon, the St. Croix in Minnesota and Wisconsin, and the Wolf in Wisconsin—for immediate inclusion in a national system of scenic rivers. We have provided protection for these rivers against intrusion by Federal agencies or with Federal funds. And we have authorized the Secretary of the Interior and the Secretary of Agriculture to acquire the lands that border these rivers—generally one-quarter mile on each side of them—in order to help preserve their values. In most cases in the West, these lands are already owned by the United States, but in some they are not so they will have to be acquired. Our estimate is that this will cost about $17,500,000.

Friends of the movement to preserve scenic rivers wanted us to go a lot further than we have and to include many more rivers in the system that we have. We said "No." Instead of that, we did two things: We provided for inclusion of other rivers in the system if the State legislature so requests and if the State will manage such river or rivers at its own, or their own expense. We also set up a study category and named 28 rivers that the Secretary of the Interior and the Secretary of Agriculture should look over during the next 15 years or less and report on to Congress. We have provided a degree of protection for these rivers during the first 5 years of the study period. We have provided, for instance, that the Federal Power Commission should not license any new project on these rivers or parts of these rivers during this period. We have provided that Federal loans and grants to develop these rivers should not be made during this time. We have reserved such public lands as there are along these rivers from disposition during the same period. And so on.

Now let me dispel one misunderstanding. We have not "locked up" these rivers. If the Corps of Engineers, for instance, wants to put a development in on any of them, all it has to do is to advise the Secretary of the Interior ahead of time and inform the Congress what the effects of its development will be. Then if Congress says OK, OK it is.

Likewise, there is nothing in the bill—and there could be nothing in the bill—to prevent any landowner along any of these study rivers from continuing to do what he wants to do with his own land and his own money until the river is authorized for inclusion in the scenic river system and his land is acquired in accordance with the usual procedure. I heard many foolish things said about this bill, but none so foolish as that it would prevent all private development for 15 years. Your Committee on Interior and Insular Affairs is not unaware of the Constitution of the United States and particularly its fifth amendment.

So much for that. As I said, there were parts of the bill that seemed to bother some Members when we were on the floor. These I have just finished mentioning in a general way. I stated on the floor then and I state now that I am willing to see eliminated from the bill any study river or any section of a study river that is not to the liking of the Member in whose district that river or section of a river lies. We did this in committee for those Members who appeared before us in opposition to this, that, or the other river. The same door will be open to others on the floor.

I am also willing to support an amendment, if need be, that will break the study rivers down into two categories: First, those that receive the same protection against development by Federal agencies or under Federal license or with Federal funds during the 5-year period that the bill now gives them; second, those that do not receive this protection but are nevertheless deemed suitable for survey and report by the Secretaries of the Interior and Agriculture.

Some of our Members want the limited protection against intrusion on their rivers that the bill affords. Others are fearful of it. It seems to me that the sort of amendment that I have just talked about should satisfy both groups. I would hope that those who are against protection for their rivers will adopt this course of action rather than wreck the bill and deny other Members the protection they want for their rivers. They can do this by voting against the bill in its entirety or by striking out the protection provisions completely. I hope they will not. I hope they will take the other course of action that I have mentioned instead.

Mr. Chairman, as far as I am aware, this is the only part of the bill about which there is substantial controversy. As I have said, I think this controversy can readily be resolved when the time for amendment under the 5-minute rule arises. I hope, therefore, that Members will take advantage of their opportunity to perfect the bill along the lines I have just suggested and that, as perfected, it will receive the support of all Members.

Mr. MARSH. Mr. Chairman, will the gentleman yield to me at this point?

Mr. ASPINALL. I would rather not, but if my friend insists, I shall do so.

Mr. MARSH. I thank my distinguished friend, the gentleman from Colorado, for yielding and I particularly want to commend his explanatory remarks with reference to the rivers which were included in the report when it was originally considered under a suspension of the rules. As I understand it the rivers which are contained in the bill we are considering today are not all those contained in the report as it was originally prepared.

Mr. ASPINALL. Some of those should not have been considered in the first place. We should have been a little bit clearer or should have made the matter a little bit clearer to our colleagues of the House that that was a departmental report and was not a part of the legislation.

Mr. MARSH. I thank the gentleman for yielding.

Mr. ASPINALL. This is a new piece of legislation——

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. I thank the distinguished Chairman.

The Chairman knows that in 1962 I was instrumental in having the Army Engineers begin an integrated survey of the Susquehanna River; that is, in New York, Pennsylvania, and Maryland; and that later, similarly the Delaware compact with which the gentleman is entirely acquainted, I introduced for the benefit of the three States I just named.

Then in January of last year, to bring you up to date, I introduced an amended copy of the same, and may I add that the three States of New York, Pennsylvania, and Maryland have now finally agreed upon a compact for their commission—who, incidentally, met with me today, and are meeting with the Water Resources Board officials to work out some amendments which are not major, as I have stated.

Now my question to the distinguished chairman is as to the bill now before the House. I would like the assurance that in no way would it interfere with the proposed compact between the States of New York, Pennsylvania, and Delaware insofar as that compact is concerned.

Mr. ASPINALL. It is my understanding that it would not. But it is also my understanding that there will be an amendment offered that will strike from the study provisions of this legislation, the Susquehanna River.

I understand the gentleman from Pennsylvania [Mr. SAYLOR] would like to see the West Branch kept in the legislation. But it is not our intention in this legislation to upset any State or any group of States in their determination to see to it that their river is developed and is handled as it should be for their benefit.

Mr. FLOOD. Then for the purpose of emphasis I repeat the question. Insofar as such proposed compact is concerned with reference to the Delaware compact, the gentleman's position is that it does not apply?

Mr. ASPINALL. That is correct.

Mr. FLOOD. I thank the gentleman.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I also appreciate the gentleman's remarks about the very limited effect of the language on page 19 of the bill regarding on-going projects.

I would just like to ask the gentleman whether if there is already a survey such as has been mentioned in the case of the Susquehanna and such as in the case of the Little Miami River survey underway by the Corps of Engineers that the inclusion of the river in question would not in any way hold up the progress of the survey, in having to report to the Congress or to anyone?

Mr. ASPINALL. The gentleman is correct.

Mr. TAFT. I thank the gentleman.

Mr. SAYLOR. Mr. Chairman, I want to take this opportunity to support vigorously and fully the national scenic rivers bill, H.R. 18260, now under consideration. The approval by the Congress of this bill will permit future generations the ease of enjoying clear, natural rivers away from the congestion and grueling life of urban areas.

The idea of establishing a scenic rivers system runs counter to all the development we see around us. In the face of this constant and pressing demand for economic growth and expansion, I submit that the real challenge of this society is to preserve what we know has been good and useful in our American way of life. This bill does not represent a waste of energy, of land, of water, of space. Nor does it appreciably decrease the opportunity for new industrialization. It is purely and simply an attempt to save a small, significant, and representative part of our deeply rooted cultural and natural heritage.

The bill does not solve the recreation problem of the central city. It does not take children out of the ghetto. But it does give to all city dwellers, and especially our children, an opportunity to appreciate: A sense of history, a sense of environment, a sense of natural place, and a sense of the joy for free-flowing water.

Let me recall the long effort that has gone into the formulation of this bill as part of a much broader push to satisfy our national recreation demands.

In 1962 the Outdoor Recreation Resources Review Commission submitted its report "Outdoor Recreation For America" in fulfillment of the act of Congress, Public Law 85–470. In organizing the Commission, President Eisenhower asked the Members to devote particular attention to the problems of meetings this Nation's recreation needs in the years 1975 and 2000.

Subsequently the Commission's study and survey effort revealed that about half of the American people prefer water-oriented recreation activities over all others. Within sight of a lake, seashore or stream, recreation in many forms is enhanced and made immeasurably more pleasant.

Even as our population grows, the interest in water-oriented recreation increases, making ever greater demands on limited and diminishing resources. The gains made thus far have been offset by new population demands.

The Commission concluded that problems stemming from these heavy pressures would eventually become the most difficult in the entire outdoor recreation field. It therefore recommended that both Federal and State Governments devise more adequate means of preserving our fast disappearing shoreline.

The Congress has responded to the Commission's overall recommendations by creating a revolution in the recreation field. Landmark measures that have been enacted include:

The establishment of the Bureau of Outdoor Recreation which is now preparing a comprehensive national recreation plan;

The land and water conservation fund which provides financing for the planning, acquisition and development of new recreation areas;

The Wilderness Act which preserves unique areas in hinterland America;

The open space program for metropolitan areas which is enabling our urban citizens to enjoy better the change of seasons within densely crowded neighborhoods;

The Federal water project recreation program which adds new dimensions to river basin and watershed planning; and

The beautification of highways and removal of unsightly junkyards and billboards.

Over the past few years, nearly 2.2 million acres have been authorized for additions to national parks and national recreation areas.

The Congress now has before it the national trails system bill which provides for the establishment of an extensive network of access trails to outdoor areas near urban areas and also scenic areas located in remote back country.

The Congress this year passed the Estuaries Study Act which directs the Secretary of Interior to inventory the Nation's coastal marshlands and bays and to submit in 1970 his recommendations on the desirability of establishing a nationwide system of estuarine areas.

In 1961 Cape Hatteras in North Carolina was our only national seashore. Today there are five more.

To make our lake shoreline available for recreation purposes a system of national lakeshores has been started.

Thus Congress has accomplished a great deal toward meeting the Nation's recreation needs. But there is clear and present danger that we will deny our future citizens the great treasures of shoreline along many of our undeveloped rivers and streams, unless the scenic rivers bill is enacted.

Support for this bill has come from diverse segments of American society: from the scentific community, from conservation organizations, and from public affairs groups.

President Johnson has spoken movingly of the need for its passage:

> Those who first settled this continent found much to marvel at. Nothing was a greater source of wonder and amazement than the power and majesty of American rivers. They occupy a central place in myth and legend, folklore, and literature. They were our first highways, and some remain among the most important. We have had to control their ravages, harness their power, and use their water to make whole regions prosper. The time has also come to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory.

If any among us needs a reminder of how highly our rivers are culturally valued, let him turn to the sentiments of poetry. I recall the words of Thomas Moore's famous poem:

Faintly as tolls the evening chime
Our voices keep tune and our oars keep time,
Soon as the woods on the shore look dim
We'll sing at St. Ann's our parting hymn,
Row, brothers, row! The stream runs fast,
The rapids are near and the daylight's past.

Within the past year, a thorough study of recreation use trends was completed in the three States of Minnesota, Wisconsin, and Michigan. These States, as we all know, are blessed with excellent and extensive water and shoreline resources. Although this study report indicated that the potential for water-oriented recreation was still high, very few people outside the region are able to take advantage of these opportunities. The reason is that no major national system of water access points is presently available. The establishment of national scenic rivers in these States would be the simplest and least expensive way of altering the present pattern of use, enabling people from the entire densely populated eastern part of the country to better enjoy the excellent water resources of the Great Lakes region.

H.R. 18260 proposes that six rivers or segments of rivers be immediately recognized as components of a National Scenic Rivers System. These are: the Wolf in Wisconsin, the St. Croix in Minnesota and Wisconsin, the Rogue in Oregon, the Middle Fork of the Clearwater and the Salmon in Idaho, and the Rio Grande in New Mexico.

In addition, the bill makes provision for inclusion of the Allagash in Maine and that part of the Wolf which flows through Menominee County in Wisconsin as State-administered components of the national system if the Governors of the two States so request.

If we do not take steps immediately to establish this limited scenic rivers system, we may well find ourselves unable to provide safeguards against future development.

The bill also provides that an additional 28 rivers be studied, which on the basis of preliminary surveys have been found to be worthy of consideration for inclusion in the system. These rivers would be given substantially the same protection against development as the six rivers immediately included in the system.

In earlier versions of this legislation, the moratorium on development of the 28 study rivers was set at 15 years in order to afford the Secretary of Interior and the Congress adequate time to process and act upon the further investigations of these rivers.

Recognizing that this constituted an untimely delay, the House Interior Committee decided to reduce the time period to 5 years. At present, the Federal Power Commission reports that it has had no outstanding preliminary permits or applications pending for projects on these rivers. But if such applications are forthcoming in the ensuing 5 years, nothing in the bill precludes the FPC from coming before the Congress and requesting that approval be given for deletion of a particular river from the study category. It would be left to the wisdom of the Congress to make this determination.

One final point: nothing in this legislation implies that existing impoundments or developments on rivers to be included in the system need be altered or affected in any major way. One of the principles on which the bill rests is that there need not be prohibitions on upstream or downstream developments which will not deprive the rivers of the needed water to maintain their scenic and related natural characteristics.

Mr. Chairman, congressional passage of this bill would, in my opinion, be a great step forward in our national effort to build a system of recreation areas which will enhance the quality of our lives and ensure that natural beauty and esthetic opportunity will be available to all future generations.

It will preserve a vital form of nature, complementing all other forms presently included in our national recreation system.

It will safeguard the variety of natural streams on this continent.

It will preserve a kind of scale of nature encountered in the 18th and 19th centuries.

It will enable our children to share the treat of pioneer life.

I strongly urge the membership of this House to vote favorably on H.R. 18260.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. TUNNEY. I would like to compliment the chairman on his very fine statement and his hard work that has made this legislation possible.

I support the legislation.

(Mr. TUNNEY asked and was given permission to extend his remarks at this point.)

Mr. TUNNEY. Mr. Chairman, I rise to support the distinguished chairman of the Interior and Insular Affairs Committee and to urge my colleagues to vote "aye" on this bill, the National Scenic Rivers Act of 1968.

And I would urge my colleagues further to refrain from amending this landmark conservation measure, which has been so closely scrutinized and perfected in committee as a result of the many comments to the committee from Members who have rivers mentioned in this bill in their districts.

Under this bill, H.R. 18260, only segments of six rivers, out of many hundreds of candidate streams across the Nation, are given immediate protection from dams and other developments. Such developments may well be appropriate elsewhere, but they are inappropriate on these especially scenic natural riverways. These rivers are best suited for float trips, wildlife and fisheries preservation, and other conservation uses.

Some 28 other streams are given a brief period of protection from development under this bill, to give the executive agencies time to provide the Congress with recommendations as to whether or not they qualify for later addition to the national scenic river system. I would like to bring to the attention of my colleagues, especially those with potential "scenic rivers" in their districts, these facts, which should encourage them:

First. While the bill provides for a moratorium from development of a maximum of 5 years, this moratorium may well last no more than a few months for those streams or segments of streams where national scenic river status is obviously inappropriate. For example, those Members from the Susquehanna River Valley in New York and Pennsylvania have been assured, I understand, that if the North Branch of the Susquehanna remains in this bill's study category list, the Interior Department will move swiftly to recommend exclusion from its scenic river recommendation of any area more suitable for development than for preservation.

Second. Like the Wilderness Act, this bill requires the affirmative action of the Congress to add any river or segment of a river to the national scenic river system created by the bill. Obviously, the Congress is not going to approve the preservation of a stream when local sentiment and the Congressman from that district favor some other use of the stream.

So there is absolutely no reason for any Member to fear a permanent "lock-up," as some have expressed it, of rivers within their district. All six of the rivers in the immediate inclusion category have the full support of the Members through whose districts they flow; all other rivers will have to run the gauntlet of congressional review before they receive permanent protection.

And so I say to my colleagues that this bill deserves their fullest support. It will be one of the two most important conservation achievements of a Congress which can be proud of many important conservation achievements. This bill is the result of a sincere effort on the part of the chairman and all of the members of the Committee on Interior and Insular Affairs to satisfy the Members in whose districts the scenic rivers are located to write landmark, pattern-setting conservation legislation.

The other body already has passed a similar measure—weaker in its classification system and other protective provisions, but with the same sound basic intent. I hope we can pass H.R. 18260 now without weakening amendments, and thus add new luster to the conservation record of the 90th Congress.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. KARTH. Mr. Chairman, I want also to commend the distinguished chairman of the Committee on Interior and Insular Affairs for having again undertaken the responsibility of bringing this bill to us. It is a great move in the right direction so far as conservation is concerned.

Mr. Chairman, I rise in support of H.R. 18260, the National Scenic Rivers bill, a bill providing for the establishment of a national scenic river system comprised of six rivers: the Rogue, the Clearwater and Middlefork of the Salmon, the Rio Grande, the Wolf, and the St. Croix which forms a boundary between my home State of Minnesota and our good neighbor, Wisconsin.

I rise in support of this legislation today, Mr. Chairman, with the special concern that is born of several years struggle to preserve one of the great natural wild streams still left in America, the St. Croix. Whereas my general support extends to all other waterways included in this legislation, I focus my remarks this afternoon upon the long regional struggle that has been waged by the people in my area to preserve their wilderness river, the St. Croix.

In 1965, recognizing the urgency of setting aside a historic land area still untouched by civilization, I submitted a bill, H.R. 10477, to preserve the Saint Croix as a national scenic riverway. The same year the Senate, under the leadership of Senators MONDALE and NELSON, passed a similar piece of legislation to save the St. Croix. Last year, once more, I resubmitted my bill in the House and the Senate again acted in recognition of the uniqueness of this rugged wild river by passing their second bill to make the St. Croix a national scenic river.

In addition to my vigorous legislative efforts and those of my colleagues, one of the really encouraging developments of our times has been the enormous public demand for better conservation policies, for preservation of the St. Croix, and for restoration of those areas despoiled by earlier "progress" in our developing civilization.

And at this point, Mr. Chairman, I would like to point out to my colleagues here in the House that in the thousands of letters that have poured in over the past years concerning this riverway, one dominant theme should serve as a warning to us all: That is, the public is more and more becoming enraged when Government condones or encourages further desecration of the land and water around us. This is no longer a ho-hum matter, but rather is one of deep anger at behind-the-scenes lobbying to insure the preservation of bureaucracy or special interest. We should well recognize this mood of an aroused public when we cast our votes today.

But let me quickly and specifically describe the array of support that has developed in the Minnesota area in recent years. In addition to the vast correspondence that has accumulated expressing individual citizen support of a scenic river concept, the news media, almost without exception, has mounted an intensive editorial campaign favoring preservation of the riverway. In addition, and let me stress that at great savings to the public, the North States Power Co. has agreed to permit its land holdings extending for almost 70 miles along the river to be involved in the national project without cost to the Government. Numerous polls, including two of my own, have continually reinforced the fact that there is stanch public desire for Federal action.

Mr. Chairman, before concluding my remarks, I would like to clarify one point that may be raised today in opposition to inclusion of the St. Croix in the bill before us.

Following a record flood in 1965, some public sentiment was expressed for flood control of the lower St. Croix. In recent months, it was learned that the U.S. Army Corps of Engineers was desirous of constructing a mammoth, expensive dam on the St. Croix allegedly for the purposes of affording flood safety to residents of the lower river valley.

As a matter of public record, let me point out the Army's attempts were cut short this spring when the Appropriations Committee rejected the corps' request for funds. For the record, let me also point out that I have requested the corps to pursue quickly a study of a flood wall project that will inexpensively afford flood control, but will enable us to include the St. Croix in the bill today without further delay or confusion. Let us hope the corps will respond quickly to this congressional request.

In conclusion, Mr. Chairman, let us all think together for a moment of the possibilities inherent in this legislation before us today. America is fast running out of space. The excellence of a slim, fast, wild river such as the St. Croix is becoming a vanishing part of the American terrain. The youth of our country often berate the "stubborn system" that makes representative government seem at times to them a cruel joke.

Today we have an opportunity to deal a double blow to injustice: we can ensure the preservation of some of our Nation's finest remaining riverways now; and we can by our vote extend to today's youth a symbolic gesture of our good will toward them and their children. It is now or never. This opportunity for responsible action may not come again.

Mr. Chairman, there are over 2 million people in the Minnesota Twin Cities who will benefit from our affirmative vote today. This is just a small portion of the vast benefits directly afforded by this bill to citizens in all sectors of America. I urge my colleagues to support the measure and cast their vote accordingly this afternoon.

Mr. **KASTENMEIER**. Mr. Chairman, will the gentleman yield?

Mr. **ASPINALL**. I yield to my colleague, a member of the committee.

Mr. **KASTENMEIER**. Mr. Chairman, as a cosponsor of H.R. 18260, the National Scenic Rivers Act of 1968. I am happy to see that the House finally is acting on this legislation.

It has become obvious that congressional action is needed to guarantee America her heritage of unspoiled and unpolluted rivers. All too often, the battle to preserve our beautiful rivers has been lost. In the name of economic development and industrialization, much of our Nation's beauty and seemingly endless resources have been destroyed systematically. Too many of our great rivers have been discolored and polluted by industrial wastes and half-treated sewage.

The damaging effects of pollution are well known. Outdoor recreation suffers. Beaches have been closed to swimmers because of health hazards. Boating not only loses its esthetic appeal when waters are polluted, it becomes actually dangerous. The joys of waterside picnicking and camping are destroyed. Sport fishing produces few pleasures and fewer fish. Substantial economic loss is suffered by the recreation industry, which is an important source of income in many States.

Thus, the concept of a national scenic rivers system was developed to preserve in a free-flowing condition certain rivers which, with their immediate environments, possess outstanding and remarkable scenic, recreational, geologic, fish and wildlife, historic and cultural values. Such a system will protect such rivers and their immediate environments for the benefit and enjoyment of future generations.

The National Scenic Rivers Act has great significance for my State of Wisconsin. About 100 miles of its upper St. Croix River along with 85 miles of the Namekagon tributary and 24 miles of its Wolf River shall be preserved and protected.

The upper St. Croix and the Namekagon are among the last clean rivers near a major population center. Not far from the Minneapolis-St. Paul complex, this is an area that abounds with great natural beauty and is said to be the most popular boating water between Lake Michigan and the west coast.

The 24 miles of the Wolf River are located in the ancestral homes of the Menominee Indians. This undisturbed wild river is of great scenic and historical value to the Nation and to Wisconsin.

Mr. Chairman, Wisconsin is most fortunate to have the Upper St. Croix, the Namekagon and Wolf Rivers included in the National Scenic Rivers System, for they are unique in that they are truly wild rivers, a vanishing heritage of our original landscape.

Mr. **EDMONDSON**. Mr. Chairman, will the gentleman yield?

Mr. **ASPINALL**. I am happy to yield to the gentleman from Oklahoma, a member of the committee.

Mr. **EDMONDSON**. I thank the distinguished chairman for yielding.

I want to state initially, Mr. Chairman, that I strongly support this bill. I think the bill illustrates beautifully the legislative skill of the chairman of the committee and the spirit of bipartisanship in which the Committee on Interior and Insular Affairs has worked in connection with this legislation all year.

There are two questions that I would like to ask primarily to make a very clear record on two points.

The first has to do with the use of the term "river" in section 5(a). I am interested in having the comment of the chairman on this point—that when the word "river" is used, it is my understanding that it does not include the tributaries of the river unless those tributaries are specified. I note in the case of the Cumberland River, for example, a tributary is specified and in the case of the Obed in Tennessee the entire river and tributaries, Clear Creek and Daddys Creek are specified. But in the absence of the specification of tributaries, this language is not intended to designate tributaries of a river as additions to the scenic river system; am I correct?

Mr. **ASPINALL**. That is my understanding. In some of the language we have the entire river. The entire river, of course, would go from the mouth up to the source of the river. In some of the language we have only the main stem of the river. But it would be my understanding and feeling that this would not upset certain development programs that the gentleman from Oklahoma has in mind, and if he would propound his next question, I think we could bring that into focus.

Mr. **EDMONDSON**. As I have discussed with the chairman previously, there is some concern with regard to the potential impact upon watershed projects, soil conservation, reservoirs, and things of that sort that are on the tributaries of these rivers. There was concern, in the absence of a clear understanding on this point, that work of this sort on tributaries might be halted for the 5-year period that is specified. I would like to have clarification of that point.

Mr. **ASPINALL**. It is not my understanding that that will take place. It is my understanding that the work my colleague speaks of will continue, especially as it relates to watershed projects, the Soil Conservation Act, and so forth.

Mr. **HARSHA**. Mr. Chairman, on that same point of definition of rivers will the gentleman yield?

Mr. **ASPINALL**. I yield to the gentleman from Ohio.

Mr. **HARSHA**. On the definition of rivers, in section 15 of the bill, the term "river" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes.

Certainly that language would include a tributary, would it not?

Mr. **ASPINALL**. Here again the language was not supposed to take in the whole watershed. And we are talking only about a study. That is what we are talking about here. There is plenty of authority for any of the agencies in the executive branch that wish to make continuing studies to get in touch with the Secretary of the Interior and continue those studies.

Mr. **KYL**. Mr. Chairman, will the gentleman yield?

Mr. **ASPINALL**. I yield to the gentleman from Iowa.

Mr. **KYL**. I think that this is a valuable conversation. There may have been some subsequent misunderstanding. But in this bill, whenever a tributary or a branch or any other division of a river other than a main branch of a river is concerned, it has been specifically named.

Mr. ASPINALL. That is my understanding of the legislation. That is the reason I was answering the gentleman from Oklahoma in this respect.

Mr. EDMONDSON. Mr. Chairman, I think that comment from you and from the ranking member of the committee makes it clear enough for my satisfaction. At this point I would like to move on, if I may, to another question which has to do with section 7, which contains the language already referred to by the chairman that would prohibit the Federal Power Commission from licensing the construction of any dam or reservoir on the rivers that are specified in section 5(a), and also contains the language that "no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration."

Section 7 contains an additional paragraph located on page 19 which outlines a procedure under which departments or agencies of the United States shall proceed when they want to recommend the authorization of any water resource project or request appropriations to begin the construction of any such project under which those agencies are required to give notice at least 60 days in advance of doing so to the Secretary of the Interior or, where national forest lands are involved, to the Secretary of Agriculture.

The point I wanted to get to on this is it is my understanding this section 7 must be considered in its entirety, and while it does contain a specific prohibition in section 7(b) against certain actions, it also contains very definite procedures under which agencies and and departments that confront a specific problem that has urgency or has national importance—and I am talking in terms of flood control problems or erosion problems or something of this kind—can initiate action to consider that problem on the giving of proper notice, and the overall effect of this section 7 is to halt primarily the actions of the Federal Power Commission and the actions of the departments without this notice being given. Am I correct in that?

Mr. ASPINALL. I am in agreement with my colleague's interpretation of this language. No, certainly it is not the intention of the sponsors of this bill—and I am one of the sponsors, although not the main sponsor—to hold up any development caused by any national emergency or even any local emergency.

Mr. EDMONDSON. I think it is the chairman's statement that it was not intended to lock up any river and that the committee was understanding of the fact that there would be certain things that would have to be done on some of these rivers and on which congressional authorization could be obtained and would be expected to be granted.

Mr. ASPINALL. Of course this is the whole thing, Congress can do anything it wants to with a study river or with a river not in the study classification.

Mr. EDMONDSON. So insofar as the present law and insofar as the Congress, that is not affected by this particular piece of legislation, and the departments and agencies that do need the power, upon the giving of 60 days notice, have it.

Mr. ASPINALL. That is correct.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington, a member of this committee.

Mr. MEEDS. Mr. Chairman, I asked for this time for the purpose of asking a question with regard to the study rivers. The gentleman will recall the discussion before the committee about not intending in this bill to foreclose other water resources development.

It was made clear that the designation of specific segments as "instant" scenic rivers, or designation for study for possible inclusion in the scenic system, should not mean that areas upstream or downstream of those areas should be locked up from development, through FPC or other agency action, as long as such development would not invade the area or diminish scenic, recreational, and fish and wildlife values present in the designated area on the date this proposal becomes law. I participated in that discussion, and it is my understanding that it was to make clear that there would be no moratorium against such developments that amendments were made to sections 7(a) and (b), to permit any such developments to proceed within the 5-year study period. Is that not correct?

Mr. ASPINALL. Mr. Chairman, the question of the gentleman from Washington follows very closely the context of the question of the gentleman from Oklahoma. The answer is "Yes."

That is certainly the case—the language to which the gentleman refers is to prevent the blocking of development that does not adversely affect the scenic river segment when that development is above or below the designated scenic river area.

That is what we have in mind. We do not wish to destroy other development.

Mr. MEEDS. Mr. Chairman, I thank the gentleman.

Mr. ASPINALL. Mr. Chairman, I yield now to my friend, the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman from Colorado for his usual able treatment of a complicated and delicate subject.

In the State of Oregon we are very much concerned about State water rights. I wonder if the chairman would answer some questions for me.

First, What effect will this legislation have on water rights acquired under the laws of Oregon, both before and after enactment of this legislation?

Mr. ASPINALL. The first question I will answer this way, and I use the language from the Department of the Interior simply in order to get clarity at this time:

> Enactment of the bill would not in any way affect or impair any valid or existing water rights perfected under State law. In addition, further appropriations could be made and water rights perfected under State law so long as the subsequent appropriations would not adversely affect the designated rivers.

In other words, the rivers would be allowed to continue their flow as the scenic rivers waterway, but water rights designation would be left up to the States.

Mr. ULLMAN. Mr. Chairman, I thank the gentleman.

The second question is: Does this act constitute a reservation of water as the term is used in the Supreme Court's Pelton decision, and, if so, what are the limits of the reservation concept?

Mr. ASPINALL. I think I can answer that best in this way, by quoting from the letter of the Department of Interior.

> Enactment of the bill would reserve to the United States sufficient unappropriated water flowing through Federal lands involved to accomplish the purpose of the legislation. Specifically, only that amount of water will be reserved which is reasonably necessary for the preservation and protection of those features for which a particular river is designated in accordance with the bill. It follows that all unappropriated and unreserved waters would be available for appropriation and use under State law for future development of the area.

Mr. ULLMAN. I thank the chairman. This clarification is indeed helpful to me and to my State, and I thank the gentleman.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Iowa.

Mr. CULVER. I thank the chairman for yielding to me.

I rise in strong support of this legislation.

Mr. Chairman, I want to add my support to the legislation before the House today to create a National Scenic Rivers System.

This legislation has been before the Congress for the past 4 years, and I am pleased that we are at last in a position to pass the measure this evening.

As you will recall, I contacted you the 1st of August, along with the chairman of the Rules and Interior Committees, to urge action through regular channels after the bill was rejected by voice vote under suspension of the rules in July.

And on Monday, 10 other Members of the House, representing nine States, with rivers in the bill, joined me in a letter to the chairman of the Rules Committee, which I ask to be included at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1968.

Hon. WILLIAM COLMER,
Chairman, House Rules Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: As a group of Congressmen who represent districts affected by the proposed legislation to establish a National Scenic Rivers System (H.R. 18260), we are writing to urge that your Committee grant a rule so that the measure can be brought to the floor of the House.

As you know, this type of legislation has been before the Congress for the past four years, and was passed by the Senate last year. When it was brought to the floor under suspension of the rules on July 15, it failed not because of any objection to the objectives of the bill, but rather as a result of opposition to one of the rivers in the study section of the measure.

If the objections to including that river in the bill are valid enough, then it could be eliminated from the legislation by an amendment on the floor. But there is no good argument for holding up the entire measure, which affects the conservation of our scenic river resources in every section of the country, just because local interests in one area have objections to the portion of the bill which affects them.

We therefore urge that your Committee act favorably on the legislation, and thank you for your attention to our request.

Sincerely,

John Culver, of Iowa; James A. McClure, of Idaho; John A. Blatnik, of Minnesota; William Hathaway, of Maine; Harold Johnson, of California; Donald E. Lukens, of Ohio; Joseph E. Karth, of Minnesota; Joseph Resnick, of New York; Alvin E. O'Konski, of Wisconsin; John G. Dow, of New York; Lawrence G. Williams, of Pennsylvania.

As a result of the House Rules Committee action on Monday afternoon, we are debating the bill today, and I urge favorable action by the House of Representatives, to insure that these wild and scenic rivers, in every part of the Nation, are preserved for future generations to enjoy.

Mr. Chairman, I am particularly concerned that this legislation be passed because it includes as one of the 28 rivers selected out of the original 650 for further study, the upper Iowa River, which runs through Allamakee and Winneshiek Counties in the northern part of my congressional district.

I have had an opportunity to visit that unusually scenic area on many occasions, and only recently participated in a canoe trip along some of its most picturesque stretches.

The river and the surrounding area combine the most unique scenic, historic, conservation, and recreational resources, including the only stand of balsam fir in the entire State of Iowa, and palisades at the top of a cliff through which the river cuts its channel for more than 2 miles. Bass, trout, and wildlife are abundant, and the opportunities for boating, fishing, hiking, and picnicking are extensive.

It would be tragic if this great natural resource is not preserved, and it is for this reason that, at the appropriate time, I will offer an amendment to expedite consideration of it for inclusion in the scenic rivers system.

Mr. Chairman, I urge the House to act today, to insure that after 4 years of discussion and debate, this national scenic rivers program will at last be underway.

Mr. ASPINALL. Mr. Chairman, I ask unanimous consent that the colloquy be printed at the end of my full statement, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Saylor] be permitted to extend his remarks at the end of my statement and the colloquy.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Oregon.

Mr. DELLENBACK. I have listened very carefully to the remarks of my colleague from Oregon. We are deeply concerned about water rights in our State, as the gentleman pointed out. I appreciate the answer of the chairman.

May I ask whether there will be an opportunity, in the event this bill passes today and goes to a conference with the Senate, to discuss with the conferees this question, particularly so far as the Rogue River of Oregon is concerned, on the segment description extending from a certain place in the road to a certain place in the road, toward the eventual possible modification of one or the other extreme on this particular river?

Mr. ASPINALL. I would suggest to my colleague that when the conferees are appointed he should then get in touch with the conferees. That would be the way to reach it. There is no possibility of appearing before the conference committee as such.

Mr. DELLENBACK. I did not mean to express myself as desiring to appear bebefore the conferees. Rather, I wish to discuss this with the conferees. I assume the gentleman will be one of the conferees.

Mr. ASPINALL. The gentleman must not assume that, because the gentleman from Colorado is departing from Washington next Thursday and he is not sure he will be a conferee. The other members of the conference committee will be able men.

Mr. DELLENBACK. I should like to state at this point in the Record that the concept of the scenic river is, I believe, a highly desirable one. I am delighted personally to see a segment of the Rogue River included therein. I am delighted, frankly, to see the Illinois, also in my district, included as a study river.

The only serious question about this which has been raised by the people of my district has to do with the upper and lower limits which might possibly be included. It is this I am concerned about. Rather than seeking any amendment at this particular point today I would rather rely on the hope we will be able to discuss with the conferees a possible amendment to that section of the bill.

Mr. ASPINALL. I thank my friend from Oregon. We did the best we could with the information we had at our disposal. I would suggest, even if this bill does pass, it does not finalize the action. There is always another conference, and if a hardship is worked there is always an opportunity to take care of that hardship.

Mr. DELLENBACK. I know the chairman is aware that my people hoped to have a hearing in our area. It has not been possible to have such a hearing. This has been discussed with the chairman. It is with this in mind we hope this can be done.

Mr. ASPINALL. The gentleman is correct.

Mr. SKUBITZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to commend the able chairman of our committee, the gentleman from Colorado [Mr. Aspinall], and the ranking Republican member, the gentleman from Pennsylvania [Mr. Saylor], for the outstanding job they did in putting this bill together. I would be remiss if also I did not say a word about my good friend John Kyl, and the constructive suggestions he made while this bill was before us for consideration.

Mr. Chairman, I rise in support of H.R. 18260, a bill to provide for the establishment of a National Scenic Rivers System. This bill is one of the major conservation measures before the 90th Congress, and its passage and enactment will mark a place in the history of conservation for all time to come.

I should also tell you that I am pinch-hitting today for our colleague, Mr. Conservation—John Saylor—the sponsor of this legislation, who cannot be with us due to the untimely passing of his brother. However, I can assure my colleagues that John Saylor, our ranking minority member, enthusiastically supports and endorses the passage of this legislation.

H.R. 18260, to be known as the National Scenic Rivers Act of 1968, declares as a matter of policy that certain selected rivers of this Nation which possess outstanding and remarkable scenic values should be preserved in their free-flowing condition.

In order to implement this policy this bill establishes a national scenic rivers system, designates six rivers as the initial components of the system, and prescribes the methods and standards by which additional rivers may be added to the system. A scenic river area eligible for inclusion in the system is a free-flowing stream and related adjacent land area that possesses one or more of the scenic values set out in the bill.

The national scenic rivers system will comprise rivers which are authorized for inclusion in the system either, first, by an act of Congress; or, second, by an act of the State legislature. The rivers included in the system will be classified, designated, and administered as class I, II, or III scenic river areas.

Class I rivers are those rivers or sections of rivers that are free of impoundments and are inaccessible except by trail, with watersheds and shorelines primitive and its waters unpolluted.

The class II rivers are those rivers or sections of rivers which have no impoundments, with primitive watersheds and shorelines largely undeveloped, but accessible by roads.

The class III rivers are those rivers readily accessible by road or railroad and have some development along the shorelines and which have undergone some impoundments.

Boundaries for the initial components of the system must be established within 1 year from the date of the act and such boundaries can average not more than 320 acres per mile on both sides of the river. In addition, a plan of development must be published in the Federal Register by the administering agency.

Section 4 of the bill provides that the Secretaries of Interior and Agriculture shall study and submit proposals for additions to the system after coordinating the study and plan with any water resources planning involved. The reports of such studies will be printed as Senate and House documents after the comments and recommendations are obtained from the Federal departments and agencies affected by the proposal.

Section 5 of the bill designates 28 rivers as potential additions to the national scenic rivers system and provides that the studies and reports on such rivers shall be completed within 15 years from the date of the act, and further specifies that priority of study is to be given those rivers on which there is the greatest likelihood of development.

The studies authorized by section 5 of the bill are to be made in close cooperation with the States and no study of a particular river is to be undertaken if the State certifies through its Governor that the State is prepared to make the study for the purpose of proposing its inclusion in the national scenic rivers system. In addition, section 5 directs the Federal agencies to consider the potential scenic river values in all planning for use and development of water and related land resources.

Section 6 of the bill provides the authority for the acquisition of lands and interests therein, requires that no lands owned by an Indian tribe, a State or political subdivision may be acquired without the consent of the owner, and further provides that revenues in addition to the land and water conservation fund shall be made available for land acquisition.

This section also authorizes the exchange of Federal lands for non-Federal lands, authorizes the transfers of jurisdiction over lands administered by other Federal agencies and permits the acceptance of donations of lands, funds, and other property for the purposes of the act.

Section 7 of the bill prohibits the Federal Power Commission from licensing the construction of project works and any other department or agency from recommending water resource projects which would have a direct or adverse effect on the initial components of the system or those hereinafter designated for inclusion in the system.

However, with regard to the rivers in the study category this section prohibits the same action by the Federal Power Commission and other Federal departments and agencies for 5 years following enactment of this act and an additional period of 3 years if the river is recommended for inclusion in the system by an act of Congress or 1 year if the river is to be included by an act of the State legislature.

These prohibitions do not apply to the upstream or downstream portions of those rivers where developments can take place if not directly adverse to the scenic river values.

The bill further specifies for the withdrawal of public lands within the boundaries of the initial components of the system and for the temporary withdrawal of the public lands of the potential additions named in section 5 for a period of 5 years.

Section 9 of the bill pertains to mining claims and the mineral leasing laws as they affect the administration of the national scenic rivers system.

Section 10 sets forth some guidelines on the administration of the scenic rivers areas.

Section 11 encourages State and local scenic rivers areas as part of the States' outdoor recreation plans.

Section 12 directs all Federal departments and agencies to review their programs and plans so as not to adversely affect the rivers in the study category for the 5-year period.

Mr. Chairman, I would like to emphasize, however, that of the approximately 100,000 miles of rivers and tributaries in the United States averaging a flow of at least 550 cubic feet per second, only a few of these rivers remain relatively unspoiled in a wild or scenic setting. But, there still remain a few free-flowing rivers or segments of free-flowing rivers which still retain enough of their original character to justify the need for this type of legislation.

The rivers of this Nation were our earliest avenues of commerce and travel—the avenues of our early American history which have sustained our spirit and enlarged our vision for more than three centuries. We have harnessed the rivers of our Nation to control their flood waters, to aid navigation, to increase farm productivity, to generate electric power, to provide outdoor recreation, to provide the water we drink, and sustain the fish and wildlife we eat.

Mr. Chairman, this bill, H.R. 18260, will preserve, reclaim, and guarantee America her heritage of unspoiled, unpolluted free-flowing rivers for the benefit and enjoyment of all the American people and future generations. Mr. Chairman, I support the passage of H.R. 18260.

Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. McClure].

Mr. McCLURE. Mr. Chairman, I thank the gentleman very much for yielding me this time. I appreciate the opportunity to appear on behalf of this measure and make just one or two comments which have not already been pointed out.

It is not my purpose to prolong this discussion. However, it should be pointed out for the benefit of those people who are concerned about the amount of land that might be consumed along the boundaries or sides of these rivers that there is provision in the act that these boundaries must be stated in a developed plan. On the instant rivers, those in the instant category, this plan will be developed and submitted to the Congress through the appropriate agencies and, in addition, will be published in the Federal Register. Those people and those interests affected by this developed plan will have an opportunity to urge modifications to the plan before it becomes final. For those rivers contained in the study section of the bill, before they can be included in the scenic rivers system they must first have a detailed plan showing the boundaries and the plan of development submitted to the Congress for approval. I would have preferred this, had this been possible for the instant section, but it was not possible to get that part accepted. This part requiring the prior approval of the Congress of detailed plans will give adequate flexibility to make exception to those streamside developments which should not be disturbed. This is of particular importance, I know, to a number of people where there may be segments of the river totally undeveloped which could be put into a class 1 scenic river but with one or two isolated developments which could then be excluded by drawing of the boundaries of that river rather than by exclusion of the river itself. This I think is landmark legislation which affects the people of Idaho and the people of my district very extensively. Over half of the river mileage affected in the instant section of this bill lies in the State of Idaho and most of it in my congressional district. It has the support of the people of Idaho and I am sure those in other areas of the Nation will find this kind of a development for recreation can be very useful not only for the present but in the years to come.

Mr. SKUBITZ. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Ohio [Mr. Harsha].

Mr. HARSHA. Mr. Chairman, I take this time to call to the attention of the chairman of the committee if I may have the attention of the chairman, to point up my concern with that section called the Little Miami River and designated as the "entire river" in the study provision of this bill.

Under the definition of "river" and the use of the phrase "entire river" I am certainly of the opinion, although I am aware of the colloquy that previously took place, I am certainly of the opinion that this would include all or any tributaries or branches of the Little Miami River.

My primary concern is with the fact that there are two flood control projects on tributaries to the Little Miami River, one of which is within the confines of the Sixth Congressional District. I cannot find in this bill any provision which would eliminate or take those particular projects out of the processes set forth in this bill even though they have been previously authorized by the Congress.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the distinguished gentleman from Colorado.

Mr. ASPINALL. The present facility that has been previously authorized by Congress will stand as it is, subject to the construction and development as planned by Congress. If a study is made of that river, the study will have to be made in accordance with that facility.

Mr. HARSHA. I want to make it eminently clear that a project that had previously been authorized and is now under some stage of development regardless of what that stage may be, does not come within the purview of this bill.

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, the gentleman is correct.

Mr. HARSHA. I thank the chairman for his responses to my question. While I am perfectly willing to accept his explanation and have every confidence in his interpretation of the bill, I still have an amendment that I propose to offer at the proper time to make this perfectly or abundantly clear.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Chairman, consideration of the scenic rivers bill today represents the culmination of several months of effort by a number of Members of Congress on both sides of the aisle who are passionately interested in preserving the natural resources and beauty of our Nation for the use of our people now and for many years to come. I am proud to have had a part in working toward the inclusion in this legislation of the Little Miami River in Ohio, a beautiful stream whch flows through a large portion of the Seventh Congressional District which I have the honor to represent.

In the consideration of this legislation and the inclusion of the Little Miami River, it has been necessary to work out the kind of compromise so often needed for success in legislative undertakings. While I would have preferred to see the entire Little Miami River and its tributaries from source to mouth included in this legislation, this total inclusion would have involved portions of the river which lie in congressional districts represented by other Members of Congress. Some of these parts of the river are much more touched by the hand of man than are the upper reaches of the river which lie in my area. For this and other reasons, some Members wished to have excluded portions of the river in their areas.

Of particular concern was the question of whether the East Fork Reservoir and the Caesar Creek Reservoir projects might be halted or delayed by the inclusion of all the Little Miami in the scenic rivers study. While I think the language of the legislation is clear in this regard and that the study of the Little Miami would not jeopardize the completion of the Caesar Creek and East Fork projects, the amendment worked out with Congressman HARSHA will remove any question or concern about conflict between the Little Miami's becoming a scenic river and the eventual completion of Caesar Creek and East Fork.

This compromise which the gentleman from Ohio [Mr. HARSHA] will introduce has the concurrence of the distinguished chairman of the Interior and Insular Affairs Committee, my respected colleague, WAYNE ASPINALL, of Colorado, as well as Congressman TAFT and Congressman LUKENS, in whose districts the Little Miami also flows. Perhaps I should note for the benefit of those of my colleagues who are not aware of it, that Congressman ASPINALL is in a way a constituent of mine. At least he was familiar with the Seventh District before I was, since he was born there in Logan County. His interest in the Little Miami River is natural, therefore.

The Little Miami River, from its headwaters in the Seventh Ohio District near South Charleston in Clark County to its mouth at the Ohio River near Cincinnati, winds 105 miles and descends from its source elevation of 1,137 feet to the 448-foot level. From the flat farmlands in Clark County the river plunges into a deep, narrow gorge at Clifton and later through steeply wooded areas and again through gently rolling hills. Besides the many beautiful scenic areas, the river and the immediately surrounding countryside is rich in historical and recreational features. Nineteen sites from three prehistoric cultures are located in the area near Cincinnati, a popular tourist attraction which should be preserved. The Adena culture, mound-building Indians dating from 1000 B.C. to 700 A.D., is the oldest.

Other historical landmarks in the Little Miami area include: the second oldest—1788—settlement in the Northwest Territory; a Quaker meetinghouse built in 1800 which is still standing; Clifton Mill, built in 1835; two early taverns frequented by stagecoach travelers, one of which, the Golden Lamb, is still serving and is known as one of the best and most famous hostelries and dining places in the Midwest; several covered bridges, and Kings Mills, formerly the site of a large powder plant active from the Civil War through World War II. These, and many more historical sites, are threatened by the encroaching industrialization and "urban sprawl," the destructive bulldozer leveling ground for more subdivisions.

The Little Miami and the surrounding area are still extensively used for camping, fishing, canoeing, hiking, riding, hunting, sightseeing, and field studies for historical, archeological, biological, and geological work. We are happy in Ohio to still have such a resource—but we need help to save it.

The Little Miami is within an hour's drive of the huge metropolitan areas of Dayton and Cincinnati, not to mention many rapidly growing smaller cities. If the Little Miami is not preserved, what is today the source of enjoyment for these people will be destroyed by them tomorrow.

Finally, I want to add that the people of the region want the Little Miami preserved in its natural State, the local agencies so want it, and so does the State of Ohio. The Federal Government, therefore, would be participating in a partnership.

While it is not possible for me to be present today for the final vote on this legislation because of a long-standing commitment in Ohio, I fully expect the legislation to pass without significant opposition and trust that my colleagues will support this land-mark bill which takes new steps toward the preservation of our Nation's rapidly dwindling natural resources and beauty.

Mr. SKUBITZ. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I have an amendment which will be offered at the proper time concerning the Big South Fork of the Cumberland River and its tributaries. As it happens there have been plans for many years for this river other than it being a scenic river.

Certainly, Mr. Chairman, I support the major provisions of this bill, in part, but not that part which refers to the river which lies in the congressional district which it is my honor to represent and which involves my district, but also the State of Tennessee and that portion thereof which is represented by the gentleman from Tennessee [Mr. DUNCAN] who is also alarmed at the inclusion of that river in the present bill.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, that portion of the west branch of the Susquehanna River which is included in this bill (H.R. 18260) is entirely in my district. I have requested that it be debted from this bill because plans are underway for industrial expansion along the river which makes it unwise to make a scenic river of this river at this time. Also soon the Federal Interstate Highway No. 80 will be open across the central part of the State of Pennsylvania and this new highway parallels the Susquehanna River. This new highway will open vast areas along the river to expansion both commercially and industrially and it therefore would not be in the best interest of the area to close the ring to this type of use at this time.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of this legislation to establish a national scenic rivers system.

Many months and years of work and effort have gone into this bill by many people and I am proud to serve in the House at the time this is finally considered by this body.

We in Wisconsin are pleased with the inclusion of two of our rivers. This action will do much to insure the preservation of two of our most precious resources.

The action of the chairman of the Interior and Insular Affairs Committee, the gentleman from Colorado [Mr. ASPINALL] and the ranking minority member, the gentleman from Pennsylvania [Mr. SAYLOR], in getting action by the Committee on Rules in order to bring the bill to the House is commendable and I join in paying tribute to them.

Mr. Chairman, I urge the House to adopt this legislation so that before the 90th Congress adjourns the scenic rivers system can become a reality.

Mr. FRASER. Mr. Chairman, I urge the passage of this bill and commend the members of the Interior and Rules Committees for giving us another chance to vote on its following its unfortunate defeat several weeks ago.

Mr. Chairman, I am a cosponsor of a bill similar to the one passed by the Senate, which would place wild and scenic rivers in two categories rather than in the one scenic category provided by the House bill. My particular interest is in the St. Croix River of Minnesota and its Wisconsin tributary, the Namekagon.

Under the bill before us, the upper St. Croix would be one of six streams designated as a scenic river; the lower St. Croix would be one of 28 streams to be considered for possible later inclusion in the system. Under the Senate bill, the upper St. Croix would be a wild river, while the lower St. Croix would be a scenic river.

It is my desire, Mr. Chairman, that the conferees on this bill will agree on a compromise that will include the lower part of the St. Croix, as well as the upper, in a national system of rivers set aside on the basis of their scenic and recreational value.

My interest in the St. Croix, as many of my colleagues know, is personal as well as professional. Since I was a boy, my family has had a summer home on this beautiful stream. We continue to enjoy all the numerous assets that it offers, particularly swimming and canoeing. Only this summer, in fact, three of my children have taken canoe trips down the upper St. Croix.

We all share an interest in the recreational resources of the Nation as a whole. Four of the six proposed scenic rivers in this bill are western rivers. Only two, the St. Croix and the Wolf in Wisconsin, are midwestern rivers. The St. Croix is unique; it is the only clean, free-flowing, relatively undeveloped stream of its kind that is so close to a major metropolitan area. It offers a water playground only minutes away from Minneapolis and St. Paul. And, because it is in the center of the country, it provides recreational pleasure for other population centers in the Midwest.

By passing this bill, Mr. Chairman, we have the opportunity to preserve not only the St. Croix but other priceless streams. Civilization continually threatens our dwindling scenic and recreational areas.

This bill is as important a conservation measure as we will pass this session.

Mr. HANSEN of Idaho. Mr. Chairman, as a cosponsor of H.R. 18260, it had my enthusiastic support in committee and after. On Monday, September 9, I testified in its behalf before the House Committee on Rules to whom it had been referred after the unsuccessful attempt to pass it under suspension of the rules.

I am pleased that a rule was granted, and I am hopeful the bill will pass the House almost unanimously.

The concept of the scenic rivers bill is, in some rather significant aspects, a companion measure to the Wilderness Act passed in an earlier Congress. The basic thrust of both is to preserve segments of rivers that are now largely undeveloped and free flowing, along with shoreline strips, so that we will pass on to our children examples of what the rivers of America were like in their natural or seminatural condition.

The proposal calls for the designation of a few rivers initially to be included in the system, and to specify certain additional ones for study; and to require that subsequent additions be by act of Congress—following the general pattern of the Wilderness Act.

Two Idaho rivers are in the "instant" section—the Clearwater between Lowell and Kooskia and sections of two of its major tributaries, the Selway and Lochsa, all of which rise on the western slopes of the rugged Bitterroot Mountains in north-central Idaho, and the beautiful middle fork of the Salmon River, which contains some of America's best white water.

Included in the study section are the Bruneau, the St. Joe, the Priest, the Moyie, and the Salmon from North Fork downstream to its confluence with the Snake. Recommendations submitted under the study section will be developed in consultation with the States and those Federal agencies which normally participate in the development of recreation and comprehensive river basin plans. The bill allows 15 years for the studies and provides that priority shall be given those in the greatest danger of developments which, if they should materialize, would render the rivers unsuitable for inclusion in the scenic rivers system.

Mr. SKUBITZ. Mr. Chairman, I have no further requests for time.

Mr. ASPINALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Scenic River Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

(1) Class I scenic river areas—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Class II scenic river areas—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Class III scenic river areas—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(3) ROGUE, OREGON.— The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(4) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided,* That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(5) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(6) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

(1) Bruneau, Idaho: The entire main stem.

(2) Buffalo, Tennessee: The entire river.

(3) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(5) Cumberland, Tennessee: The entire Big South Fork and its tributary, the Clear Fork.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Eleven Point, Missouri: The segment in the State of Missouri.

(8) Feather, California: The entire Middle Fork.

(9) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(10) Gasconade, Missouri: The entire river.

(11) Illinois, Oregon: The entire river.

(12) Little Miami, Ohio: The entire river.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Niobrara, Nebraska: The main stem segment from the confluence of Antelope Creek to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its tributary, the Snake River.

(16) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(17) Penobscot, Maine: Its east and west branches.

(19) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(20) Priest, Idaho: The entire main stem.

(21) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(22) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(23) Saint Joe, Idaho: The entire main stem.

(24) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(25) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glavier Peak Wilderness Area boundary at Mills Creek; the Saulk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(26) Susquehanna, New York and Pennsylvania: The segment between a dam at Cooperstown, New York, and the town of Pittston, Pennsylvania, and the segment of the West Branch Susquehanna between Clearfield and Lock Haven, Pennsylvania.

(27) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(28) Upper Iowa, Iowa: The entire river.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic river system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

SEC 8. (a) All public lands within the authorized boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included within the system.

SEC. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

Sec. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the systerm under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided*, That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)(ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

Sec. 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Sec. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes, and, as provided in this Act, manmade waterways.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

(c) "Conservation easement" means a perpetual interest in land, however created or expressed, which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that it be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Carter: On page 9, strike lines 23 and 24, and renumber succeeding paragraphs, and any references thereto accordingly.

Mr. CARTER. Mr. Chairman, again I ask that the South Fork of the Cumberland River and its Clear Fork Branch be taken out of this legislation by this amendment.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I will be glad to accept the amendment at this time.

Mr. CARTER. I thank my distinguished chairman.

Mr. Chairman, for many years a proposal to construct Devils Jumps Dam on the South Fork of the Cumberland River in my district has been under consideration. Such construction would adversely affect relatively few people, since no more than half a dozen families live in the area covered. Ninety-five percent of the people in this area of Kentucky and neighboring Tennessee strongly support construction of Devils Jumps.

The present Congressman, the gentleman from Tennessee [Mr. DUNCAN], supports the dam. The man who will more than likely represent this district in 1969, the gentleman from Tennessee [Mr. EVINS], supports it.

I ask that the South Fork of the Cumberland River and its Clear Fork Branch be taken from this legislation.

I offer as an amendment to H.R. 18260: on page 9, strike out lines 23 and 24, and renumber succeeding paragraphs and any references thereto accordingly.

How this river became a part of the scenic rivers bill is a question. Certainly, I made no such proposal. The proposed damsite will be within my district. As I understand, neither of the other affected Representatives, the gentlemen from Tennessee [Mr. DUNCAN and Mr. EVINS], made such a proposal. Both gentlemen support my proposal to eliminate the Big South Fork of the Cumberland with its Clear Fork Branch.

The proposed dam would create an abundance of power and would be an invitation to industry to move into this part of the country, which would be a great help to the poor people of this depressed Appalachian area.

The Corps of Engineers strongly supports the projected dam at Devils Jumps. The cost-benefit ratio is above 1.5.

Mr. Chairman, I feel that the action of inclusion of this river and its tributary in the scenic rivers bill is arbitrary. Certainly, I should not go into one of my neighboring districts and tell them what should be done with their area.

On May 9, a meeting was held in McCreary County, attended by leaders of this region in Kentucky and Tennessee, and presided over by Colonel Fishback, at that time the district engineer of the Cumberland River district. Fully 95 percent of the people present opposed inclusion of the Big South Fork as a scenic river.

Mr. Chairman, I ask that the Big South Fork of the Cumberland River and its tributary, Clear Fork, be taken out of the scenic rivers bill.

Mr. DUNCAN. Mr. Chairman, I rise in support of the deletion amendment of my colleague, the gentleman from Kentucky [Mr. CARTER].

For a long number of years the Devils Jumps Dam on the Big South Fork in Tennessee and Kentucky has been proposed. There is much controversy as to whether the dam should be built, or to permit the river to remain a free-flowing stream.

By conference report No. 1819, dated July 29, 1968, in connection with the Rivers and Harbors Flood Control Act of 1968, this House ordered a study and review of this project, with a report to be made to the Congress not later than December 31, 1969.

This study is to be carried out in cooperation with the Chief of Engineers, the Secretary of the Interior, and the Secretary of Agriculture, the report to recommend the appropriate use of the river.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. CARTER].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I note that the cost of this bill on the face of it is some $17 million, and that is for land acquisition, as I understand it—land acquisition only. Is that correct?

Mr. ASPINALL. The gentleman is correct. This is in accordance with the provisions we have made relative to the land and water conservation fund, and expenditures therefrom. This is part of the expenditures that we have projected for the next 5 years.

Mr. GROSS. And that is only for a very limited number of streams in this country?

Mr. ASPINALL. The gentleman is correct, just for the six streams.

Mr. GROSS. Has there been any projection as to the cost of this program in the future? This is the initiation of the program, is it not?

Mr. ASPINALL. There have been projections as far as the six rivers that are authorized as to the cost of those rivers, but until the studies are made for the other rivers, of course, there is no projection in the future. That is the reason why we placed them in the study provisions, so that they would have to come back to the Congress and make their requests known.

Mr. GROSS. But on the basis of costs for the limited number of streams involved in this bill, the program will involve billions of dollars, will it not, if carried out as it is being initiated in this legislation?

Mr. ASPINALL. If my colleague will yield further to me, I do not believe it will cost any money like that, as far as that is concerned. We are trying to be more factual in our approach to the case than some of the other programs that we have had existing for a period of time for water resources development, which have unlimited or open-end authorizations.

I look to see this program, if it is continued throughout the next 25 years, to cost considerably more than $17.5 million, but I believe that is up to the Congresses in the future.

Mr. GROSS. What are the studies going to cost?

Mr. ASPINALL. These studies will not cost too much, and they will be carried on over a 5-year period, or 15-year period that they will be carried on, as far as that is concerned.

Mr. GROSS. Are the studies going to be carried on in-house—that is with employees presently on the payrolls? Or is this going to result in a beefing up of Federal payrolls in order to conduct these studies?

Mr. ASPINALL. I would hope that they will; certainly I hope they are carried on with the same personnel that they have at the present time. They have already studied some rivers, and they should continue to study rivers.

Mr. GROSS. There is no estimate, is there, of the man-hours or man-months or man-years that these studies will require?

Is there any estimate or report on that?

Mr. ASPINALL. I do not know whether we have a report on that, I will say to my colleague from Iowa, but some place in our hearings, or in our files, we have an estimate from the Director of the Bureau of Outdoor Recreation that the studies would amount to some place in the neighborhood of $50,000 per river. Then they would have to come before the Committee on Appropriations in order to secure this money.

Mr. GROSS. But the gentleman does believe—and I hope that he will insist that those already on the payroll be adequate to carry on the studies envisaged here?

Mr. ASPINALL. I would hope for that, and if it is within my power I shall insist on it, although my colleague knows as well as I do that the Outdoor Recreation Bureau has increased in personnel considerably since we authorized it, largely because of the demands of the people of the United States, and may I say, to be perfectly honest, because of some of the requests of Members of the Congress.

Mr. GROSS. I would like to have all the assurances that I can get from the gentleman.

I note on page 11 of the bill that a study will be made of the Rio Grande River at certain points on the U.S. side. Then there is this proviso governing that study:

> That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

In other words, are you saying that under this bill we cannot study the U.S. side of the Rio Grande River without the permission of Mexico?

Mr. ASPINALL. No; that is not the intention.

Before you could include the whole Rio Grande River, half of which, from the middle of the stream of course, is under the jurisdiction of old Mexico, the intention was that we would come to an agreement with Mexico so that Mexico could cooperate with us.

Mr. GROSS. That is not what the provision of the bill says. It says that before undertaking any study, I repeat, any study, of this potential scenic river, the Secretary of the Interior must get the permission of Mexico in order to do it. Now why should we genuflect to Mexico?

Mr. ASPINALL. Simply for the reason that a river is not protected as a scenic river unless the whole river is included. It was thought that rather than waste any money, in order to have the kind of river we wanted, we would enter into an agreement with the country having jurisdiction of the other half of the river. That is the only reason why this provision was put in here.

Mr. GROSS. If I might ask the gentleman a further question—who has title to the land that will be acquired on either side of a scenic stream?

Mr. ASPINALL. It would belong to the Federal Government.

Mr. GROSS. There is no sharing of title with the States—the States will have no control?

Mr. ASPINALL. Not unless the States come in with their own approval or their own proposal.

Mr. GROSS. And this is a quarter of a mile on either side of the scenic river?

Mr. ASPINALL. That is all we limit it to. We hope it may be less than a quarter of a mile, but we have permitted an extension to be made to a quarter of a mile in order to protect values and to protect the purity of the stream.

Mr. GROSS. That will take in any improvements on that land that now exists? If so, certain of these improvements could be very costly.

Mr. ASPINALL. We would hope that those who have improvements would be able to enter into an agreement so that they can go ahead and continue to use their own improvement.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FUQUA: On page 12, line 22, after the word "Act" change period to semicolon; and add the following: "*Provided, however,* That with respect to the Suwannee River, such study shall be completed and reports made thereon to the President and the Congress, as provided by in section 4 of the Act, within two years from the date of this Act."

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman, the distinguished chairman of the committee.

Mr. ASPINALL. Mr. Chairman, I shall be glad to accept this amendment. As I understand it, the rivers involved are in the congressional districts of the two Members who are seeking this amendment and it is perfectly all right with me.

Mr. FUQUA. Mr. Chairman. The scenic rivers bill now pending before the Congress contains provisions for the Suwannee River to be included as a river to be studied for possible inclusion in the system.

I offer an amendment to limit the time when the completed study relative to this historic stream will be forthcoming to 2 years from the enactment of this legislation. I do so in an attempt to be fair to those who support this legislation and to those who are in opposition.

Several years have passed since this legislation was first introduced in the Congress and to date we have not been successful in securing specific plans as to the fate of the Suwannee should it be included.

This doubt has caused serious problems for property owners along the river and for the county governments bordering the stream. It is obvious that a stream which has its headwaters in south Georgia, thence meandering through north Florida to the gulf, has tremendous economic impact.

Many people who would like to build homes or sell their property now find that they cannot plan for the future due to the uncertainty of this legislation.

I have contended from the outset that our people are entitled to know just what property would be necessary to develop this national park or scenic river. As the measure is now written, we cannot tell what areas would be included and how seriously the communities and institutions along its banks would be treated.

It is my feeling that unless some reasonable time limit is adopted, this study problem might be with us year after year and all this time the development of this part of my district severely hampered.

A sense of fairplay would dictate that 2 years is more than a reasonable period of time for this study to be completed and for Congress then to take such action as it deems right and proper.

We are aware that a bill would have to be presented to include the Suwannee in this system after the study had been concluded.

I seek to prevent undue delay. After the final study has been presented, our people will have an opportunity to voice their opinions and perhaps there will be compromises which will make the measure acceptable to those most affected. Certainly this is the fondest wish of the National Park Service and to many of the strongest advocates of this legislation.

The Suwannee is somewhat unique in its makeup, as compared to some of the rivers in the bill, as it is almost completely privately owned—I would say well over 99 percent.

These people who own property along the river have already suffered certain problems due to the uncertainty of this legislation. I would not like to see this legislation adopted without some specific time limit as to when we will see the study called for on the Suwannee River completed.

In the sense of fairplay, I urge the House to adopt this amendment which is fair and equitable to all. We ask only that the study be completed in what I would judge to be more than ample time—2 years from the enactment of this legislation.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I want to join with my distinguished colleague from Florida in urging the adoption of this amendment, which will expedite consideration of the upper Iowa and Suwannee Rivers for inclusion in the national scenic rivers system.

Under the legislation as reported from the committee, 5 years are allowed to complete study on the 28 rivers cited for possible inclusion in the system.

But in the case of the upper Iowa and the Suwannee, the evidence is already clear as to their qualifications for the system. It is for that reason that we are proposing this amendment which will require that the reports for including the river be submitted within the next 2 years, instead of 5, so that we can insure the preservation of these unique scenic rivers.

I urge the adoption of this amendment and the passage of this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FUQUA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STRATTON: On page 12, line 5, strike out lines 5 through 9 and renumber the succeeding paragraphs accordingly.

Mr. STRATTON. Mr. Chairman, I rise in support of my amendment. Very briefly this amendment would eliminate the Susquehanna River from the list of 28 rivers included in the bill for study for possible later inclusion in the national scenic rivers system.

Actually, in offering this amendment I do so on behalf of those Members of the House from both New York and Pennsylvania who expressed some reservations with the scenic rivers bill when it was originally before this House last July under suspension of the rules. To some extent the amendment, though it is relatively simple in form, represents a compromise of viewpoints as between those several Members of our two States who are most directly affected by the legislation.

For my own part, for example, let me make it clear that I am in no way opposed to the scenic rivers concept. On the contrary I favor it, and favored it last July. My own concern, as I made clear to the House last July, was simply with the inclusion of the Susquehanna River, which originates in my district at Cooperstown, N.Y., as a "study" river under the rather stringent "freeze" requirements spelled out in subsection (c) of section 5 of this bill.

I would not object to the inclusion of the Susquehanna in a list of rivers to be studied for possible later inclusion in the national scenic rivers system. What I do object to, and what I know the people of my district object to, is the requirement that any river included in the bill for study purposes must be put into a kind of deep-freeze category for a period of from 5 up to 8 years as far as any kind of Federal assistance or aid from any agency, for almost any purpose whatsoever. If I pointed out to the House at the time, the strict application of this freeze provision could very well jeopardize the future of Goodyear Lake on the Susquehanna River, just about 15 miles below its source, Goodyear Lake, which is the third largest lake in Otsego County, was created more than 60 years ago when the New York Electric & Gas Co. erected a dam across the Susquehanna at Milford Center in Otsego County and undertook the generation of hydroelectric power. Recently NYSG&E has announced its intention of abandoning this hydroelectric generating plant and also the dam connected with it.

Complete abandonment of the dam at Milford Center might result in the end of Goodyear Lake and this in turn could destroy a beautiful, scenic, recreational area in Otsego County which presently serves over 200 home and cottage owners.

The only hope of saving this lake lies in the town of Milford in Otsego County obtaining certain orders from the Federal Power Commission and possible help from the Department of the Interior, the Department of Agriculture, or the Army Engineers in repairing and maintaining the dam after New York State Gas & Electric have abandoned it.

The provisions of the freeze order in this bill are so sweeping as to suggest that it might be unable, for a full 8-year period, to do anything at all to save Goodyear Lake. This surely would be unacceptable to the people of Otsego County, and I do not believe it is what the proponents of this legislation would want to do.

The sweeping freeze provision raises other questions too. What would it do to soil and water conservation projects along the Susquehanna Valley, for example? What would it do to the creation of recreational areas along the Susquehanna at Bainbridge and Afton, for example? What would it do to construction plans for the new Susquehanna Freeway being scheduled to replace Route 7 from Albany to Binghamton? Would it, for example, prevent any river channel adjustments to facilitate bridge building along the route of the freeway? What would it do to possible cleaning of debris from the river around Oneonta, as was done a few years ago, to prevent devastating flooding in Oneonta's sixth ward?

For all these reasons I have been most apprehensive of the freeze provisions in this bill. Yet members of the Interior Committee would be reluctant to change these provisions, as I understand it.

Therefore in an effort to expedite passage of the basic legislation it seems best to delete the north branch of the Susquehanna River. The gentleman from New York [Mr. Robison] has reservations about the impact of a freeze in the Binghamton area. The gentleman from Pennsylvania [Mr. McDade] has reservations about the impact of this freeze order in the area north of Pittston. All of these reservations would affect the north branch of the Susquehanna.

In addition, I understand that the gentleman from Pennsylvania [Mr. Johnson] has strong reasons for wanting the west branch of the Susquehanna excluded from the bill. So, in an effort to simplify procedures, this amendment would strike out all the Susquehanna as presently covered in the bill, representing an effort to accommodate the views of all the Members from New York and Pennsylvania concerned.

With adoption of this amendment I hope the bill itself will pass, and as for myself I would welcome any study that might be made in the future as to possible future inclusion of this great river in the national scenic rivers system, just so long as that study does not interfere with continuing efforts to utilize the river as fully as possibly for the benefit and refreshment and recreation of the people who live along its shores while those studies are underway.

I therefore hope that my amendment will be adopted, and that the basic legislation can be quickly passed as another forward step in the field of conservation by this Congress.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the distinguished chairman of the committee.

Mr. ASPINALL. I had intended to offer a substitute for the gentleman's amendment because the gentleman from Pennsylvania [Mr. Saylor] was very much interested in at least the west branch of the Susquehanna River. But I have been advised that the west branch of the Susquehanna River is in the district of our colleague, the gentleman from Pennsylvania [Mr. Schneebeli], and that he has not made his position known in this respect. Am I correct?

Mr. STRATTON. I believe the west branch of the Susquehanna River, at least the area affected by the legislation on page 12, is in the district of the gentleman from Pennsylvania [Mr. Johnson], who, I understand, is in favor of this amendment excluding that section.

Mr. ASPINALL. It is the understanding of the chairman that all the west branch is in Mr. Johnson's district.

Mr. STRATTON. It is my understanding that all the west branch which is actually included in the legislation, namely, the portion from Clearfield to Lock Haven, is in the district of the gentleman from Pennsylvania [Mr. Johnson]. He is here, and perhaps he can testify to that himself.

Mr. ASPINALL. With that explanation, I am satisfied.

Mr. STRATTON. So the chairman accepts the amendment?

Mr. ASPINALL. I hate to accept an amendment. I would rather have the question put to the House. I will not oppose it.

Mr. STRATTON. I appreciate the gentleman's position.

Mr. ROBISON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Chairman, I rise in support of the amendment just offered by my colleague from New York [Mr. Stratton], even though it is a bit too broad actually for the purposes of my own concern. Still, as Mr. Stratton has just explained, it is probably cleaner for purposes of expediting action on this bill if, insofar as the Susquehanna River is included for study purposes, all references thereto be deleted for the time being.

I would like to stress the temporary nature of this step—at least as I see it—for there are obviously certain scenic values along certain segments of the Susquehanna River that fit clearly into the purposes of this bill, especially some segments of the west branch of the river in Pennsylvania, which could, of course, be taken care of at a later time if not at the time of conference on this bill.

In this connection, it is worthy of note that the companion bill as produced and passed by the Senate last year included for study purposes only a part of the Susquehanna's west branch, in Pennsylvania, and made no attempt to include any part of the so-called north—or main—branch of the river which finds its source at or near Cooperstown, N.Y., and then winds and curves its sluggish path perhaps some 200 miles, or near that as the river flows, down through New York and into Pennsylvania, then back into New York again before dipping south into Pennsylvania and on to a point near, I believe, Sunbury, Pa., where it is joined by the west branch. The more ambitious House bill, however—H.R. 18260—as now before us, seeks to also include for study purposes a long segment of that north branch, reaching from Cooperstown, N.Y., all the way down to Pittston, Pa.

It is this change from the Senate bill, plus the "freeze" on all water resource projects insofar as Federal aid is concerned on that part of our river during the rather long study period that gives me pause. First, I have not yet received any communication from the State of New York, or the appropriate officials of our State, indicating their position on this legislation, and I am quite sure also that few, if any, of the municipalities—or their citizens—along that portion of the north branch of the Susquehanna that flows through my congressional district have been made aware of the possible effect of this legislation upon them, and I would like the opportunity to discuss this with them before committing ourselves to a course that might not be in accordance with their wishes.

Of course, as someone said here earlier, the next Congress can always undo what this Congress does, but that is easier said than done and the doing of it always involves delay, during the course of which the "freeze" provisions of this bill—to which I have already made reference—might have had an adverse effect insofar as the meeting of the true needs of the people in the Susquehanna River Basin, with such Federal assistance as is available, would be concerned.

This is of particular importance because, as my friend from Pennsylvania [Mr. Flood] has already noted, the restudy of the Susquehanna—of which I was the original sponsor for the north branch in New York, with Mr. Flood later picking it up and broadening its scope so as to encompass the whole river basin in New York, Pennsylvania, and Maryland—is near completion, with the preliminary report thereon due sometime this fall. It is worthy of note again that this is a comprehensive study, or restudy, we are talking about, leading toward the development of a multipurpose plan for the best and widest possible use of our river, in which work, though the Corps of Engineers is in charge, all other Federal agencies with any interest—including the Department of the Interior—

along with all appropriate State and local or citizen-type agencies or associations, are participating.

I have, then, more than a passing interest in the result of this restudy project, and I think it promises to be an interesting and exciting report we can look forward to receiving within the next few months. I understand from the corps that it is putting just as much emphasis in preparing its preliminary report on the environmental factors involved in our river's development, use, and potential, as it is on the more prosaic questions of flood protection and control, water pollution, and the like—and this, of course, is as it should be.

Now, Mr. Chairman, I do not know, of course, what recommendations may be embodied in the Corps of Engineers' report. But, assuming they have some immediate acceptance, I am not yet convinced—despite the careful and patient answers my friend from Colorado [Mr. ASPINALL], has given to the questions put to him about the effect of this "freeze"—that passage of this bill, as it now reads, would have no adverse impact on our getting those recommendations under motion. Nor—though I listened carefully to the colloquy he had with the gentleman from Oklahoma [Mr. EDMONDSON]—am I yet convinced that this bill, as it now reads, would be without adverse impact on our ability to move forward with the several pending and prospective small watershed projects that are underway along my portion of the Susquehanna.

I shall, therefore, vote for the Stratton amendment—since it is the best vehicle I have for protecting the interest of the people I represent at the moment—and then, if that carries, I will be pleased to vote for this bill for, as I have always said, I favor its original and basic purposes and would like to see it become law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: On page 10, strike out line 14 and insert in lieu thereof the following:

"(12) Little Miami, Ohio: That segment of the main stem of the river exclusive of its tributaries from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of the Little Miami including the North Fork."

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Colorado.

Mr. ASPINALL. I understand that the amendment is in accordance with the wishes of our colleague, the gentleman from Ohio [Mr. BROWN]. Is that correct?

Mr. HARSHA. That is correct.

Mr. ASPINALL. I will accept the amendment.

Mr. HARSHA. Mr. Chairman, as I said, and let me repeat, I have every confidence in your interpretation of the language of this legislation. However, unfortunately it will in all probability be interpreted by someone else downtown and as you know two lawyers reading the same language will invariably come up with different constructions of what that language means. It is for that reason and because of my own interpretation of the language that I am vitally concerned with that portion of the bill dealing with the Little Miami River. It has been my feeling that this language did not restrict the provisions of this bill to only the main stem of the river and because of the previous colloquy that I had with members of the committee on this same legislation in July of this year where the opinion was expressed that if a particular project was authorized and under construction it would therefore be exempt from the limitations called for by this legislation. But here again we can very easily get into an argument as to the interpretation of the word "construction." Now you have advised me that if a project is authorized and under any stage of development regardless of what that may be it will be exempt. So you can readily see the need for clarification and clarifying language so that there will be absolutely no misunderstanding or misinterpretation as to what we mean insofar as this legislation applies to the Little Miami River.

May I say that Congressman BROWN of Ohio and I both are vitally interested in conservation and preservation of our natural resources. We are equally as interested in the scenic rivers legislation and for that reason and those that I have pointed out have worked together for several days this past week drafting an amendment which we feel will fully preserve the scenic value of the Little Miami River and will carry out the intended purposes of this legislation.

I might add that both Mr. BROWN and I have discussed this amendment with both Congressmen TAFT and LUKENS who are also affected thereby and with the Department of Natural Resources of the State of Ohio and they are all in agreement with our actions here today. Therefore, Mr. Chairman, at the appropriate time I will offer an amendment which should preserve the main stem of the Little Miami River from a point at Loveland, Ohio, on the Warren-Clearmont County lines north to the source of this river, including the north fork.

Mr. Chairman, for years I have labored diligently to get the flood control project, known as the East Fork Reservoir, in my district, properly funded and under construction. This project was authorized by the Flood Control Act of 1938 and until I came to Congress approximately 8 years ago lay dormant. Since my tenure in Congress I have endeavored to have this project funded and constructed along with the project to the north known as Ceaser Creek Reservoir. Both of these projects are vitally needed for proper flood control not only in the Sixth Congressional District but in areas downstream and on the Ohio River.

In addition, they provide adequate water supply, water quality control, and recreational benefits for our good citizens in southwest Ohio. The Appropriations Committee has been very generous in their support of my requests for funds of these projects and at the present time the Corps of Engineers is in the process of purchasing the needed land so that construction may begin. These are multimillion-dollar projects and will add much not only to the health, welfare, and recreational needs of our constituents, but will be a great economic boom to the area. Therefore, I do not want to see these projects jeopardized in any way. And, it is because of my concern that these projects be completed at the earliest possible moment, in line with our budget requirements and the fiscal situation of this country, so that the citizens of Ohio in the Sixth District may reap the rewards of these projects. Therefore, I shall offer the necessary amendment so that it can be made abundantly clear not only by the legislative history but, in fact, by the wording and language of the legislation itself that these projects are in no way to be impeded in their construction and completion. In addition, Mr. Chairman, the Corps of Engineers and the State of Ohio are presently conducting surveys and studies to determine what, if any, additional flood control projects or measures may be needed in the lower regions of the Little Miami River and it may be that these surveys demonstrate a further need for additional flood control protection levees or projects and, in that event, I do not want to see them jeopardized.

I am hopeful that the Committee will accept my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HARSHA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARTIN

Mr. MARTIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN: On page 10, delete all of lines 19 through 22 and renumber the following paragraphs accordingly.

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Colorado.

Mr. ASPINALL. I understand that the river referred to in the gentleman's amendment is in my colleague's district and it is his wish that it not be included in the study provisions at this time. Is that correct?

Mr. MARTIN. That is correct.

Mr. ASPINALL. Mr. Chairman, I agree to the amendment.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to my colleague.

Mr. DENNEY. I join with my colleague, the gentleman from Nebraska [Mr. MARTIN], in this amendment. I appreciate the chairman of the full committee accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. MARTIN].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

I will take only a minute. If it is so easy to get rivers taken out of this proposition, how about putting some in here this afternoon? Would amendments to this bill be acceptable now to put some rivers in? I am amazed by the ease with which this bill is being amended.

Mr. ASPINALL. May I reply to my colleague in this respect. The committee considered this legislation. We understood everybody had notice of what we were doing, and only those rivers are in the bill that we thought were requested at that time. It has since proved we were wrong, and some of the rivers we included were later on found not to be desirable for the study section.

I would suggest to my friend, the gentleman from Iowa, that at any time in the future, if he desires a river to be included—I would not like to place a river for study into this bill at this time unless I have a little bit more information of what was involved, more than just the naming of the river. We do know and we have a record on these rivers that are in the study section. But, on the other hand, far be it from me to deny to my friend from Iowa the privilege that is his on the floor to propose an amendment, and if he will do so, I will see if we can agree to it.

Mr. GROSS. What is the procedure for getting rivers in this latest formula for the benefit of the Federal Treasury?

Mr. ASPINALL. I doubt very much if the last part of that statement is applicable here, but maybe the mere fact that $50,000 or a little lesser sum might be spent in a district might be of some benefit to a district.

But these rivers that are in this bill were recommended to the committee. We have taken out some of them because we did not wish to impose upon the Members.

Mr. GROSS. Who recommended them?

Mr. ASPINALL. The Members themselves as well as the Department of the Interior, and the Department of the Interior has made certain studies. It is just that simple.

Mr. GROSS. So it is just as simple as coming before the committee and saying you want to get a river in this program?

Mr. ASPINALL. Oh, no. It is not that simple, because if my colleague will look at the Department of the Interior report, we left out several rivers that were recommended by the Department. The Department of the Interior bill and the first Saylor bill had numerous more rivers than we put in. But we would like to have a look at what is proposed, and that is the only reason I suggest perhaps it would be better to wait until next year.

Mr. GROSS. Has any damage been done to this legislation by the several withdrawals made on the floor of the House?

Mr. ASPINALL. There has been no damage done to the legislation or what it was supposed to take care of in the future as far as the natural values of the United States are concerned.

Mr. GROSS. Have we reduced the price of the bill?

Mr. ASPINALL. We have reduced it, I would expect, if I remember correctly, by six studies, which would be about $300,000.

Mr. GROSS. These were all study streams or whatever they are called?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. Mr. Chairman, I am fearful of the ultimate costs of program which provides that the Federal Government can embark upon the purchase of . quarter of a mile of land on each side of a stream. This can result in the Federal acquisition of thousands upon thousands of acres of land and the improvements thereon. It can result in almost wholesale condemnations of private property.

I certainly want to preserve the truly scenic streams in this country, but how far will the freewheeling spenders stretch this designation to include waterways that are not scenic?

It seems to me, Mr. Chairman, that the several States ought to have a much greater responsibility in this program for the preservation of truly scenic rivers and streams will be an asset to the States and it seems strange to me, Mr. Chairman, that so many Members are joining here this afternoon in removing projects from the bill. Are they fearful of Federal control? What prompts their opposition?

For these and other reasons I have grave doubts concerning this legislation and I am constrained to vote against it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. IRVIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18260) to provide for a national scenic rivers system, and for other purposes, pursuant to House Resolution 1300, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa wish to offer a motion to recommit?

Mr. GROSS. I simply arose to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Would a vote be in order on each of the amendments?

The SPEAKER. It would have been, but no Member demanded a separate vote.

The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CULVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 267, nays 7, answered "present" 1, not voting 156, as follows:

[Roll No. 321]

YEAS—267

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Bates
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blanton
Blatnik
Bolling
Bolton
Bow
Brasco
Brinkley
Brock
Brooks
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Corbett
Corman
Cramer
Culver
Cunningham
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Devine
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Everett
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Harsha
Harvey
Hathaway
Hechler, W. Va.
Helstoski
Hicks
Hosmer
Hull
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
King, N.Y.
Kleppe
Kupferman
Kyl
Langen
Latta
Lipscomb
Long, Md.
McCarthy
McClure
McDonald, Mich.
McEwen
McFall
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Ohio
Mills
Minish
Minshall
Mize
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Roberts
Robison
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roush
Rumsfeld
Ryan
St. Onge
Sandman
Schadeberg
Scherle
Scheuer
Schneebeli

Schwengel
Selden
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Smith, Okla.
Staggers
Stanton
Steed
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tiernan
Tunney
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Watts
Whalen
White
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wolff
Wylie
Wyman
Yates
Zablocki
Zwach

NAYS—7

Denney
Fountain
Gross
Harrison
Lennon
Satterfield
Scott

ANSWERED "PRESENT"—1

Baring

NOT VOTING—156

Abbitt
Andrews, N. Dak.
Ashley
Ashmore
Barrett
Battin
Bevill
Blackburn
Boggs
Boland
Brademas
Bray
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burleson
Button
Carey
Casey
Cederberg
Celler
Cohelan
Conable
Conte
Conyers
Cowger
Curtis
Daddario
Daniels
Dawson
Dent
Derwinski
Dickinson
Diggs
Dorn
Erlenborn
Esch
Evins, Tenn.
Fallon
Farbstein
Fino
Flynt
Ford, William D.
Galifianakis
Gallagher
Gardner
Garmatz
Giaimo
Griffiths
Gude
Gurney
Hagan
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hawkins
Hays
Hébert
Heckler, Mass.
Henderson
Herlong
Holifield
Horton
Howard
Hungate
Ichord
Jones, Mo.
Jones, N.C.
Karsten
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kuykendall
Kyros
Laird
Landrum
Leggett
Lloyd
Long, La.
Lukens
McClory
McCloskey
McCulloch
McDade
McMillan
Macdonald, Mass.
Machen
Madden
Mathias, Md.
Michel
Miller, Calif.
Mink
Monagan
Moore
Myers
Nelsen
Olsen
O'Neal, Ga.
Passman
Patman
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Quillen
Rarick
Resnick
Riegle
Rodino
Rogers, Colo.
Rosenthal
Rostenkowski
Roudebush
Roybal
Ruppe
St Germain
Saylor
Schweiker
Shipley
Sisk
Slack
Smith, N.Y.
Snyder
Springer
Stafford
Steiger, Ariz.
Stephens
Stuckey
Taylor
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tuck
Udall
Utt
Vander Jagt
Waldie
Whalley
Whitener
Whitten
Willis
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Young
Zion

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hansen of Idaho for, with Mr. Steiger of Arizona against.

Mr. Laird for, with Mr. Battin against.

Until further notice:

Mr. Passman with Mr. Utt.
Mr. Hébert with Mr. Quillen.
Mr. Holifield with Mr. Broomfield.
Mr. Kirwan with Mr. Mathias of Maryland.
Mr. Kluczynski with Mr. Michel.
Mr. Brademas with Mr. Cederberg.
Mr. Miller of California with Mr. Springer.
Mr. Daddario with Mr. Wydler.
Mr. Garmatz with Mr. Erlenborn.
Mr. Giaimo with Mr. Saylor.
Mr. Rodino with Mr. Pirnie.
Mr. O'Neal of Georgia with Mr. Whalley.
Mr. Evins of Tennessee with Mr. Roudebush.
Mr. Daniels with Mr. McCulloch.
Mr. Celler with Mr. Horton.
Mr. Ashmore with Mr. Broyhill of North Carolina.
Mr. Tenzer with Mrs. Heckler of Massachusetts.
Mr. Teague of Texas with Mr. Pollock.
Mr. Pickle with Mr. Nelsen.
Mr. Fallon with Mr. Conte.
Mr. Rogers of Colorado with Mr. Bray.
Mrs. Griffiths with Mr. Gardner.
Mr. Howard with Mr. Brown of Ohio.
Mr. Shipley with Mr. McClory.
Mr. Rostenkowski with Mr. Thompson of Georgia.
Mr. St Germain with Mr. Andrews of North Dakota.
Mr. Monagan with Mr. McDade.
Mr. Dent with Mr. Blackburn.
Mr. Burleson with Mr. Derwinski.
Mr. Boggs with Mr. Conable.
Mr. Barrett with Mr. Smith of New York.
Mr. Carey with Mr. Dickinson.
Mr. Madden with Mr. Esch.
Mr. Casey with Mr. Gurney.
Mrs. Kelly with Mr. Riegle.
Mr. King of California with Mr. Kuykendall.
Mr. Waldie with Mr. Lloyd.
Mr. Bevill with Mr. Ruppe.
Mr. Leggett with Mr. Brotzman.
Mr. Flynt with Mr. Scott.
Mr. Galifianakis with Mr. Winn.
Mr. Hagan with Mr. Cowger.
Mr. Hays with Mr. Gude.
Mr. Henderson with Mr. Zion.
Mr. Rosenthal with Mr. Schweiker.
Mr. Slack with Mr. Snyder.
Mr. Taylor with Mr. Wyatt.
Mr. Stuckey with Mr. Vander Jagt.
Mr. Wright with Mr. Myers.
Mr. Young with Mr. Lukens.
Mr. Charles H. Wilson with Mr. McCloskey.
Mr. Thompson of New Jersey with Mr. Button.
Mr. Tuck with Mr. Moore.
Mr. Abbitt with Mr. Curtis.
Mr. Boland with Mr. Stafford.
Mr. Cohelan with Mr. Diggs.
Mr. Farbstein with Mr. Fino.
Mr. Gallagher with Mr. Conyers.
Mrs. Hansen of Washington with Mr. Dawson.
Mr. Sisk with Mr. William D. Ford.
Mr. Olsen with Mr. Hardy.
Mr. Macdonald of Massachusetts with Mr. Hawkins.
Mr. Stephens with Mr. Resnick.
Mr. Roybal with Mr. Podell.
Mr. Pepper with Mr. Hanna.
Mr. Whitten with Mr. Ichord.
Mr. Jones of North Carolina with Mr. Hungate.
Mr. Udall with Mr. Ashley.
Mr. Whitener with Mr. Karsten.
Mr. Kyros with Mrs. Mink.
Mr. McMillan with Mr. Landrum.
Mr. Long of Louisiana with Mr. Machen.
Mr. Rarick with Mr. Kornegay.
Mr. Willis with Mr. Herlong.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1300, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill S. 119.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL of Colorado:

Strike out all after the enacting clause of S. 119 and insert in lieu thereof the provisions of H.R. 18260 as passed, as follows:

"That (a) this Act may be cited as the 'National Scenic Rivers Act of 1968'.

"(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish, and wildlife, historic, cultural, or other similar values, shall be preserved in freeflowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

"(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

"SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

"(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

"(1) Class I scenic river areas—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

"(2) Class II scenic river areas—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

"(3) Class III scenic river areas—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

"SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

"(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

"(2) Rio Grande, New Mexico.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

"(3) Rogue, Oregon.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"(4) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expanded for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

"(5) Salmon, Middle Fork, Idaho.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

"(6) Wolf, Wisconsin.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

"(b) The agency charged with the administration of each component of the national scenic river system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

"Sec. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

"Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

"(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

"(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

"Sec. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

"(1) Bruneau, Idaho: The entire main stem.

"(2) Buffalo, Tennessee: The entire river.

"(3) Chattanooga, North Carolina, South Carolina, and Georgia: The entire river.

"(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

"(5) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

"(6) Eleven Point Missouri: The segment in the State of Missouri.

"(7) Feather, California: The entire Middle Fork.

"(8) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

"(9) Gasconade, Missouri: The entire river.

"(10) Illinois, Oregon: The entire river.

"(11) Little Miami, Ohio: That segment of the main stem of the river exclusive of its tributaries from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

"(12) Missouri, Montana: The segment between Fort Benton and Ryan Island.

"(13) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kooteani River.

"(14) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

"(15) Penobscot, Maine: Its east and west branches.

"(16) Pere Marquette, Michigan: The entire river.

"(17) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

"(18) Priest, Idaho: The entire main stem.

"(19) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

"(20) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

"(21) Saint Joe, Idaho: The entire main stem.

"(22) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

"Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

"Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

"Upper Iowa, Iowa: The entire river.

"(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and Upper Iowa, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided by in section 4 of the Act, within two years from the date of this of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

"(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected States and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic rivers system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

"(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

"SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

"(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designed in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

"(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

"(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

"SEC. 7 (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

"(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

"(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

"(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

"(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

"(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

"SEC. 8. (a) All public lands within the boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

"(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

"SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

"(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

"(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

"(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

"(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included within the system.

"Sec. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

"(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

"(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

"(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

"(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

"Sec. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

"(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

"Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

"(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

"(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

"Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

"(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

"(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided*, That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)(ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

"(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

"Sec. 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

"Sec. 15. As used in this Act, the term—

"(a) 'River' means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, small lakes, and, as provided in this Act, manmade waterways.

"(b) 'Free-flowing', as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

"(c) 'Conservation easement' means a perpetual interest in land, however created or expressed, which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

"Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18260) was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the title of the Senate bill be amended to conform to the title of the House-passed bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Will the gentleman permit me to propound two unanimous-consent requests?

Mr. GERALD R. FORD. I yield to the gentleman for that purpose.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. MacGREGOR. Mr. Speaker, I object.

REQUEST TO PASS OVER OMNIBUS BILL ON TUESDAY NEXT DURING CALL OF PRIVATE CALENDAR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that during the call of the Private Calendar on Tuesday next, the bill H.R. 16187, the first omnibus bill of 1968, may be passed over without prejudice.

Mr. MESKILL. Mr. Speaker, I object.

LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the program for this week and will ask to go over upon the announcement of the program for next week. The program for next week is as follows: Monday is Consent Calendar day, and 23 bills are listed for consideration under suspension of the rules. They are as follows:

H.R. 551, to authorize the Biscayne National Monument, Fla.;

H.R. 2567, to promote health and safety in all Federal and federally assisted construction projects;

S. 3133, extension of interest rate controls;

S. 1440, unlawful transporting of forged and fraudulently countersigned traveler's checks;

H.R. 18826, Intergovernmental Cooperation Act of 1968;

S. 3030, reducing the number of fish protein concentrate experimental plants;

H.R. 17787, to authorize the appropriation of funds for Padre Island National Seashore, Tex.;

H.R. 16801, Guam Rehabilitation Act amendments;

H.R. 18763, Handicapped Children's Early Education Assistance Act;

H.R. 15450, to amend the Immigration and Nationality Act;

H.R. 18033, release of condition in conveyance to the State of Ohio;

H.R. 18207, release of condition in conveyance to South Carolina State Commission of Forestry;

H.R. 18100, to empower postal inspectors to serve warrants and subpenas and to make arrests without warrant;

H.R. 12962, to provide for the establishment of a Commission on Negro History and Culture;

H.R. 18808, to extend the Commercial Fisheries Research and Development Act of 1964;

S. 3058, to amend the Water Resources Planning Act;

H.R. 13099, to authorize establishment of the Carl Sandburg Home National Historic Site, N.C.;

H.R. 16771, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness;

S. 224, to provide for the rehabilitation of the Eklutna project, Alaska;

H.R. 19136, premium pay for overtime by employees engaged in air traffic control;

H.R. 16175, International Center for the National Capital;

H.R. 8970, to establish the North Cascades National Park and Ross Lake National Recreation Area; and

H.R. 17874, extending the time for filing of applications for selection of certain lands by the State of Alaska.

Mr. GERALD R. FORD. Are any of the measures listed for suspension on the Consent Calendar list?

Mr. ALBERT. There are two or three.

Mr. Speaker, Tuesday is Private Calendar day, and in view of the objection, we cannot be certain at this time that we will get to any other business on that day. If we do, we will follow the call of the Private Calendar with the conference report on H.R. 15263, the Foreign Assistance Act of 1968, and then we will consider a motion to send H.R. 17126, the extension of Food and Agriculture Act of 1965 to conference. If we cannot get to those items on Tuesday, we will put them over until after the call of the committees on Wednesday next or we will consider them later in the week.

For Wednesday and the balance of the week—Wednesday is Calendar Wednesday day.

Also we will have H.R. 15890, additional positions in certain executive agencies, with an open rule and 1 hour of debate;

H.R. 17682, civil service retirement financing, with an open rule and 1 hour of debate;

S. 945, the Federal Magistrate's Act with an open rule and 1 hour of debate; and

S. 2484, extension of New Senate Office Building site, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further programing may be announced later. Of course, in view of the situation, we will ask the indulgence of Members in reprograming or changing the program as necessary as we progress through the week.

Mr. GERALD R. FORD. In light of the situation involving the Private Calendar and Calendar Wednesday, all Members should be on notice, I assume, that there is quite likely, if not certainly, going to be a session next Friday.

Mr. ALBERT. I believe it is certainly possible, I will say to the distinguished minority leader. I think it is very possible.

May I also add that it is quite likely, due to the 23 suspensions, that there will be quite a long session on Monday. I hope Members will be aware of this probability.

ADJOURNMENT TO MONDAY, SEPTEMBER 16, 11 O'CLOCK A.M.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is this all about, in view of the fact that we are not going to meet tomorrow, apparently—or are we going to meet tomorrow?

Mr. ALBERT. No, we do not intend to, if the gentleman will yield.

Mr. GROSS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, Monday is the only day on which suspensions can be called, and we have 23 of them.

Mr. GROSS. The only day they can be called?

Mr. ALBERT. Yes.

Mr. GROSS. I suggest to the gentleman he can have 5 or 6 days of suspensions if we just adopt a sine die resolution. Prior to that we can have 5 or 6 days of suspensions every day on the hour, every hour.

Mr. ALBERT. The reason we want to come in early, and the reason we are trying to do all these things, is that we are anticipating being able to do at an early date just what the gentleman is talking about.

Mr. GROSS. What suggestion does the gentleman have as to that early day?

Mr. ALBERT. I would say early October.

Mr. GROSS. September 28, or the first of October?

Mr. ALBERT. I would hope by not later than the sixth of October, but I am sorry I cannot be certain of an adjournment date. I know the gentleman is going to bear with me. We have to finish the program.

Mr. GROSS. I cannot do much else except bear with the gentleman, I will say.

Mr. ALBERT. I am glad the gentleman will.

Mr. GROSS. Then the request to come in at 11 o'clock on Monday is to take care of all these suspensions?

Mr. ALBERT. And to help the Members, too, so they will not have to stay so late at night.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, under ordinary circumstances at the beginning of the session or during the major part of the session, where there is the probability of committee hearings, I think it would be understandable that we not come in at 11 o'clock on Monday, but by coming in at 11 maybe we will—hopefully—obviate any committee hearings that might generate more legislation, so I believe this is a special reason why 11 o'clock would be a good time on Monday.

Mr. GROSS. It would be my hope it would do just that. I do not see the chairman of the House Interior Committee on the floor, but that committee has been as busy as bees. I think they are here every day with a bill or a conference report, or something, and if it will serve to deter the Interior Committee or other committees—but particularly that committee—from bringing out these bills, I will be glad to go along—just once, I think—with an 11 o'clock session.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WHEN WILL WE UNDERSTAND THE REAL ENEMY OF SOVIET RUSSIAN IMPERIO-COLONIALISM?

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, as you know I introduced the original resolution calling for the creation of a special committee of the House on the captive nations for the purpose of examining and bringing to the attention of the House and of the world the imperial colonialism of the Soviet empire.

Recent events within the past 30 days in Czechoslovakia point up further the absolute need for the House to create this special committee.

I commented on this briefly yesterday and I continue this comment further today.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain resolutions and statements.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

Mr. FLOOD. Mr. Speaker, the unfortunate impassé our ill-founded policy toward the Soviet Union has gotten us into with regard to Czechoslovakia is serious enough for many of us to refrain from saying "We told you so." Since 1960, I have spoken in behalf of a few farseeing groups in this country, notably the National Captive Nations Committee, to focus our attentions on the real enemy facing us and to create a special House committee on captive nations for this purpose. This appeal has been thwarted by a naive notion of detentism with the imperial state of the Soviet Union. Now, after Hungary, the Russian rape of Czechoslovakia has demonstrated how false the detente thesis is and how fundamentally right some of us have been in appraising the Russian menace. Without war—indeed, contributing to its maximum prevention—this menace can be eliminated once we sensibly begin to consider the numerous captive nations in the Soviet Union itself.

Reiterating the need for a Special House Committee on the Captive Nations and my resolve to have this the first order of business in the new Congress. I desire to provide more examples of the basic soundness of the Captive Nations Week movement in this country and abroad, starting with the recent column by David Lawrence. His column is in the right direction, but it does not go far enough as the other items will show: "The Russian Threat to World Peace" by David Lawrence; second, a proclamation by Mayor Thomas J. D'Alesandro III of Baltimore and resolutions by the Baltimore Captive Nations Week Committee; third, a review of Captive Nations Day in Chicago; fourth, a report in the Free China Weekly on Congressman Horace R. Kornegay's Captive Nations Week address in Free China; fifth, the Captive Nations Week reports on the appearances and statements of the German parliamentarian, the Honorable Clemens Riedel; and sixth, a National Captive Nations Committee release on the Russian rape of Czechoslovakia.

The material is as follows:

[From the Washington (D.C.) Evening Star, Sept. 9, 1968]

The Russian Threat to World Peace

(By David Lawrence)

Neither the U.S. government nor any of the presidential candidates is making a positive declaration about the events of the last month in Czechoslovakia. Yet this act of aggression constitutes one of the biggest threats to world peace that has arisen since World War II.

For, despite the sacrifices made by the Western powers in coming to the rescue of Eastern Europe in 1939, the Moscow government has asserted itself as the imperialist master today not only of Czechoslovakia but of Rumania, Bulgaria, Hungary, Poland, East Germany, Latvia, Estonia and Lithuania.

Military strength has been brazenly employed by Russia to tell these small countries that they must obey their conqueror, and that their peoples must submit to censorship of their press and a squelching of their aspirations for liberty and domestic reform.

The whole world is confronted with the fact that, notwithstanding the treaties and agreements which ended World War II, the Soviet Union took over control of these countries. It seems to be forgotten in Moscow that the territory of the Soviet Union was attacked by Hitler, and that the United States joined with other nations in sending troops to Central Europe to save a country whose government under Stalin first joined Hitler.

The sacrifices in World War II seem wasted today. The United Nations, which was formed to preserve peace or at least to emphasize the rule of law, is inactive and appears helpless. The free nations have not yet awakened to the big threat to world peace. The United States has curtailed it's "cultural-exchange program" with the Russians but the U.S. government has not spoken out about the violations of World War II agreements.

Did the Russians in their invasion of Czechoslovakia take for granted that the United States was militarily paralyzed by the Vietnam war? Was the impression conveyed by the so-called "anti-Vietnam war" sentiment in this country that the government in Washington was out of step with public opinion? This must have seemed an opportune moment for Communist imperialism to assert itself.

So far as Western Europe is concerned, there is uneasiness now that the NATO organization has been allowed virtually to crumble. President Charles de Gaulle of France—who not only pulled out of the Western defense system, but asked NATO to remove its troops and headquarters from French territory—may presently see the tragic mistake which he has made. There can be little comfort for him in the fact that the French Communist party has publicly disagreed with the intervention by the Soviet Union in Czechoslovakia's internal affairs.

The challenge today is to the free nations, including France, to join together in a dramatic manifestation of support for the preservation of the agreements which ended World War II and an adherence to the provisions of the U.N. Charter which have been so flagrantly ignored.

Unless the United States calls a conference of all the Western governments in Europe, as well as other governments in Asia and Latin America, the inevitable result will be further steps of usurpation by the Soviet Union.

This does not mean that nuclear threats have to be employed or that conventional military power has to be used to rescue the small countries of Europe in whose capitals puppet governments have been established by Moscow.

There is a much more powerful weapon available—an economic boycott by the free countries and direct appeals by radio to the people of the Soviet Union.

Evidences of restlessness against communism are noted not only inside Russia, but in the countries in Eastern Europe which, since World War II, have been under the yoke of Soviet imperialism.

The Czechoslovak crisis affords the most clear-cut example of armed aggression and interference in the internal affairs of a small nation which the world has witnessed since the Soviet invasion of Hungary in 1956.

It was precisely the same kind of indifference in the West to Hitler's acts of aggression in the 1930's which brought on World War II. Certainly experienced officials in international affairs here and abroad will see the danger of another big war unless constructive steps of prevention now are taken by stating the case clearly to the peoples of the Soviet Union. For they are becoming more and more involved in an imperialism of whose possible effects and consequences they are not fully aware.

Proclamation by Mayor Thomas J. D'Alesandro, III, Designating the Wefk of July 15, 1968, as "Captive Nations Week" in Baltimore

The imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others.

The desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war.

The freedom-loving people of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence.

The Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Now, therefore, I, Thomas J. D'Alesandro, III, Mayor of the City of Baltimore, do hereby proclaim that the week commencing July 15, 1968, be observed as "Captive Nations Week" in Baltimore, and call upon our citizens to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Baltimore, to be affixed this fifteenth day of July, in the year of Our Lord, one thousand, nine hundred and sixty-eight.

Thomas J. D'Alesandro III,
Mayor.

Resolution

Whereas, the third week of July, 1968 marks the Tenth anniversary of the Captive Nations Week Resolution, recognizing the right of self-determination to Poland, Hungary, Lithuania, Latvia, Estonia, Ukraine, Czechoslovakia, Bulgaria, Rumania, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossakia, Turkestan, North Vietnam, and others; and

Whereas, since 1918 the imperialistic policies of Communist Russia have resulted into creation of a vast empire, which poses a threat to the security of the United States and all free peoples of the world; and

Whereas, it is vital to the National security of the United States that the spirit of resistance of the captive nations should be steadfastly kept; and

Whereas, Communist Russia has been deceitfully championing the cause of "freedom and national liberation" in Asia and Africa and we are not doing much to help the enslaved non-Russian nations which constitute a veritable weakness to the USSR;

Therefore, in accordance with the U.S. principles of self-determination for all nations, we urge all patriotic Americans to support the Observance of Captive Nations Week, and contribute to the creation of a special House Committee on Captive Nations.

Walter Romanowsky,
Chairman.
Elena Armanas,
Secretary.
Kaljo Popp,
Treasurer.
Thomas G. Gray,
Public Relations.

July, 1968.

Why Captive Nations Week

We observe Captive Nations Week because it is legally provided for in Public Law 86-90. Moreover, the week is a tremendous moral symbol signifying that we Americans will never forget the Captive Nations or accommodate ourselves to their permanent captivity.

It also concentrates on our nuclear spiritual weapons, offering the most powerful paramilitary deterrent against Sino-Soviet Russian aggression in Europe, the Middle East and Asia.

Furthermore, it is a stimulating and effective educational medium about all the Captive Nations, Sino-Russian imperiocolonialism, and the cold war.

The Week also affords a countrywide forum for the discussion of issues affecting our national interest and security.

And, finally, it consistently leads to the crystallization and advocacy of concrete measures of action, among others creation of a Special House Committee on Captive Nations.

Captive Nations Committee
of Maryland,
Baltimore Branch.

Review of Captive Nations Day in Chicago, July 20, 1968

This year, the Captive Nations Week Observance was the biggest and best thus far. Our mottos this year were Freedom for All Captive Nations and 150 Years of the Good Life in Illinois.

The Captive Nations Committee, together with the Illinois State, Cook County, and Chicago Sesquicentennial committees participated in the State Street parade on July 20, 1968 at 12 noon. Especially helpful was Mr. James Howard, co-chairman of the Chicago Sesquicentennial committee, whose moral and financial help contributed greatly to the success of the parade. Also very helpful were parade co-ordinator Ernest Wierzbicki and Mrs. Anne Coyne. Joe Martin, publicity director deserves much thanks for all that he has done. This year the Chicago Tribune and Sun Times had numerous articles about the Captive Nations Observance. Radio program including Sig Sakowicz, Franklin McCormick, and Bill Ward's Q Line also covered the event.

The State Street Council gave permission for all the captive nations flags to fly on State Street from July 19 through the 21. Captive Nations Week was proclaimed by Governor Samuel Shapiro, Mayor Richard J. Daley and the Cook County Board of Commissioners. House Resolution 388 introduced by Representative John Jacob Wolf was adopted by the Illinois General Assembly.

Honored guests at the parade were Governor Shapiro, Mayor Daley, Sesquicentennial chairman Ralph G. Newman, Cook County president Richard Ogilvie, Illinois Sesquicentennial Chicago Committee co-chairman James Howard, State representatives John Jacob Wolf and Helmut Stolle, Bishop Brizgys, Lithuanian Consul General Petras Dauzvardis, Korean Consul General Wei-min Lee, Colonel Jack Reilly, etc.

Participating in the parade were the following groups: Chicago Police Motorcycle escort, Navy Band, State Centennial Commission, Chicago Committee Illinois sesqui commission, Cook County Commission, Secretary Paul Powell, Serbia, Czechoslovakia, Park District, Slovakia, Neil School Band, Bielarus, Ukraine, Chicago Committee against trade with Communists, Cardinal Mindszenty Foundation, Croatia, Germany, Lithuania, Estonia, Latvia, Poland, Bulgaria, Illinois Tollway Commission, Albania, China.

Following the parade was a luncheon held at the Sherman House. The principle speaker was Mr. Ralph G. Newman, General Chairman of the Illinois Sesquicentennial Commission. The Captive Nations Week Independence Award was presented to Mayor Richard J. Daley by the National Captive Nations Committee. Doing the honors were Philip Guarino, Hratch Abrahamian and Miss Vera A. Dowhan. The Invocation was given by Bishop Brizgys and the Benediction by Rev. John Beretta. The Master of Ceremonies at the Luncheon and the parade was Mr. Sig Sakowicz.

Invited as a speaker was vice-president Humphrey, who due to previous commitments was not able to be present. He sent a telegram which read: "We celebrate Captive Nations Week this year at a time when freedom is no longer under siege, but on the offensive around the world. The battle is not yet won. But it is clear, particularly in eastern Europe, that the undying spirit of liberty, which you have done so much to foster, is shaking loose its shackles. I believe we can now foresee the time when nations and peoples will no longer be captive—captive of foreign domination—captives of stale ideology—captive of nuclear fear."

Other telegrams we received were from Senator Everett McKinley Dirksen, Congressman Daniel Rostenkowski, Frank Annunzio, Edward Derwinski, Roman Pucinski, and Charlotte T. Reid.

I wish to express my thanks to every one who participated, for all of the effort they put into making this year's Captive Nations Observance a great success.

Viktors Viksnins,
Chairman, Captive Nations Committee.

[From Free China Weekly, Taipei, Taiwan, Republic of China, July 28, 1968]

Day for Recovery of Mainland Is Approaching, U.S. Congressman Says

U.S. Congressman Horace R. Kornegay (Democrat-North Carolina) said here on July 20 that the day is drawing nearer and nearer for free China to recover the Chinese mainland from the Communists.

He said he is confident that President Chiang Kai-shek's government will successfully carry out the mainland-recovery mission that is fervently hoped for by the 700 million Chinese people on both sides of the Bamboo Curtain.

Kornegay was addressing a joint meeting of the China Chapters of the World Anti-Communist League and the Asian Peoples' Anti-Communist League. He has been visiting Taipei since July 15 to participate in this country's programs in observance of the international Captive Nations Week.

The day for the Republic of China to return to the mainland is getting closer, he said, in view of the great political upheaval and the mounting anti-Communist movements behind the Bamboo Curtain.

The American Congressman also spoke of free China's military and economic achievements.

Militarily, he said, the armed forces of this country have pinned down on the coast of southeast China more than one million Communist troops that might otherwise have been used elsewhere in Asia for aggressive purposes. This has contributed greatly to security and stability in Asia, he added.

In the economic field, Kornegay noted that free China has scored a high annual growth rate of 9 per cent in recent years.

The American visitor observed that cooperation between China and the United States have been very close in practically every field. Struggling for identical ideals, the two allies have never been so close in their relations, he added.

The American people, Kornegay said, are prepared and ready to make whatever sacrifice may be required to preserve peace and freedom in the world.

He ruled out the possibility of a concession to, or a compromise with, the Communists over the Vietnam conflict. The United States has already suffered casualties of 25,000 killed and 100,000 wounded in the Vietnam battlefeld, he noted.

"We will never pull out until peace and security in that country are assured," he said.

[From the Allentown (Pa.) Evening Chronicle, July 19, 1968]

COMMUNISTIC TOLERANCE, FLEXIBILITY JUST A MYTH

(By Mark Staples)

People to people, not government to government, is the best way to communicate the value of freedom to citizens of Communist countries, a top-ranking West German official said today.

In Allentown during Captive Nations Week, Clemens Riedel, member of the West German parliament, said Communism is totalitarian and inflexible.

He dispelled the notion that Communism evolves and becomes more sentimental. It does not become more tolerant. It does not evolve into a more democratic institution as it matures, he said.

His comments were addressed to Dr. Hagen A. K. Staack of Muhlenberg College, acting interpretor during Riedel's day-long visit to the city, at a meeting in the Mayor's office, City Hall.

Riedel and Dr. Karol H. Sitko, president of the World Association of Silesians, and exiled president of Upper Silesia, were the guests of Rep. Samuel Frank of Allentown, who recently was in Germany as their guest.

In making his statements concerning Communism, Riedel said it was a mistake on the part of the American people to assume that the totalitarian bloc could ever evolve to become more tolerant.

Discussing the attempt to regain a reunified Germany, Riedel said the question was not so much only one of Germany, but of Europe. Other countries as well, Rumania, Poland, and Czechoslovakia, are more concerned with an identification with a united spirit of liberty, than they are with territory in square miles as a Communist satellite.

COMMUNIST DISASTER

"That's why what's happening in Czechoslovakia now is so important," Riedel said. "For the Soviet Union to lose even a part of a crucial corner of Europe would be disastrous."

Riedel said the trouble in Czechoslovakia was particularly helpful in view of the Vietnam issue, a difficult isśue in the Western Corner. It provides a kind of balance, he indicated.

The importance of a people to people kind of relationship may be seen when one realizes, according to Riedel, that a simple desire to escape the "fangs" of communism, is not enough. "People in Czechoslovakia must know that free people care to help them. They cannot escape alone." He said communism was inflexible while democracy represents to these people, an organism, a living entity.

"To say through your senators and representatives that the United States must communicate not only with governments, through its government, but must also communicate with people in these countries, is the most important thing an American can do."

GO AFTER VICTORY

Riedel sized up his view of the Vietnam War this way, "Why must the U.S. do the thing halfway? Either get out or go after the victory."

He said Europeans do not view the assassinations and racial turmoil of this country as hysterically as Americans do.

The U.S. helped rebuild Germany after the second world war and did an expert job of urban renewal. He feels Americans will find the solution to the racial problem but he sees a generation passing before the solutions is reached.

"You have had a pileup, a concentration of people into cities. The result is bound to be an explosion." He said if the United States could rebuild West Germany so well after the war that no problems of strife exist there now, it should accomplish the same in its own country.

UPLIFT NEGRO PEOPLE

"What you must do over this generation is uplift the middle class Negro into a participation in the country's affairs. You must permit him to serve his own people." He qualified his statements with a faith that the U.S. would solve the problem much better than he, an outsider looking in, would be able to do.

Dr. Sitko represents over a million former German and Polish citizens now living in this country. With Riedel, he has appeared to further the cause of self-determination in Europe. He and Riedel both emphasized that they felt the living organism of Democracy will continue to grow in the minds of people until it evolves to strength through the awakening citizens in Communist bloc countries. "That is where your government can help, through the people," Sitko said.

The men, on a hurried schedule, have been in Washington before key figures in the government including House Minority Leader Gerald Ford, R, and other GOP figures.

Next week they have scheduled meetings with President Johnson and Vice President Humphrey.

BONN AIDE SAYS RED CITIZENS MUST HEAR FREEDOM MESSAGE

A Republic of West Germany parliamentarian, visiting in Allentown, said yesterday the United States has to communicate the value of freedom to citizens of Communist countries, not just to their governments.

Clemens Riedel spoke through an interpreter at the mayor's office in City Hall.

He and Dr. Karol H. Sitko, president of the World Association of Silesians and exiled president of Upper Silesia, were guests of Rep. Samuel Frank of Allentown. On a recent trip to Germany, he was their guest.

Dr. Hagen A. K. Staack of Muhlenberg College interpreted.

Riedel spoke of communism as totalitarian and inflexible. It does not become more tolerant, more democratic, as it matures, he explained.

He spoke of the attempt to reunify Germany, saying:

The question was not so much only one of Germany, but of Europe. Other countries as well, Rumania, Poland, and Czechoslovakia, are more concerned with an identification with a united spirit of liberty, than they are with territory in square miles as a Communist satellite.

"That's why what's happening in Czechoslovakia now is so important," Riedel said. "For the Soviet Union to lose even a part of a crucial corner of Europe would be disastrous."

Riedel said the trouble in Czechoslovakia was particularly helpful in view of the Vietnam issue, a difficult issue in the Western Corner. It provides a kind of balance, he indicated.

The importance of a people to people kind of relationship may be seen when one realizes, according to Riedel, that a simple desire to escape the "fangs" of communism, is not enough. "People in Czechoslovakia must know that free people care to help them. They cannot escape alone." He said communism was inflexible while democracy represents to these people, an organism, a living entity.

"To say through your senators and representatives that the United States must communicate not only with governments, through its government, but must also communicate with people in these countries, is the most important thing an American can do."

Riedel sized up his view of the Vietnam War this way: "Why must the U.S. do the thing halfway? Either get out or go after the victory."

He said Europeans do not view the assassinations and racial turmoil of this country as hysterically as Americans do.

NEW THOUGHTS ON THE RECONSTRUCTION OF A NEW FREE EUROPE, JULY 7, 1968

(By Clemens Riedel, MdB, President, Roman Catholic Union of Expellees in West Germany, Member of the West German Parliament (C.D.U.), Member of the European Parliament)

The encouraging signs that the East European people, who are now under Soviet domination, have not forgotten the meaning of freedom ask for a commitment by the people and nations of the free world. Most of all we, as members of countries and ethnic groups of European origin, are duty-bound to initiate meetings and dialogues amongst one another. Or aspirations, thoughts, talks and deeds must be oriented towards understanding, forgiveness and the establishment of a "modus vivendi" without which the European community cannot be truly communal. This is the pre-requisite for initiating, by political means, just evaluation of legitimate claims and recognition of certain interests which for too long have been disregarded. Such a "modus vivendi" might well serve as a sound foundation for a future federalistic Europe.

Recognition of the rights of the individual would be the first step towards a guarantee of freedom of movement and the right to establish one's domicile where one wishes, for all people and national and ethnic groups. The policies of restriction, ghetto policies if you will, imposed by nationalistically oriented states on ethnic, cultural and economic segments of their societies have to be abolished.

All peoples, whether part of any group or individually, are God's creation. We all have to recognize as one of our pre-ordained functions the furtherance of the age-old dream of the ultimate triumph of the Christian humanitarian principles, not only as they apply to individual conduct, but also as they apply to nations, which, after all, are made up of individuals. The re-evaluation of principles and goals which is now manifesting itself in all segments of European society, both East and West, might well be a prelude to a more realistic approach not only towards rectifying individual grievances, but hopefully, towards breaking down of barriers between nations. Whether real or imagined, no barrier is strong enough that people, if they want to, cannot break it down. If the people of Europe, whether friend or foe in the past, want it, there shall be no more suspicions, no more enmities and no more barriers.

The German people, for their part, are ready and willing to contribute actively. They have had enough of suspicions, enough enemies and they have had enough barriers.

RUSSIAN INVASION OF CZECHOSLOVAKIA SEEN AS PROOF FOR REVAMPED U.S. POLICY

The chairman of the National Captive Nations Committee in Washington said today, "The brute Russian invasion of Czechoslovakia is conclusive proof of the dire need for a major revamping of our policy toward the Soviet Union." Dr. Lev E. Dobriansky, author of the Captive Nations Week Resolution passed by Congress in 1959, stated also "Where reason and documented arguments have failed to prevail, now harsh experience should guide us in eliminating the naiveté and confetti diplomacy pursued by the Administrations in this decade."

As an educational clearinghouse, NCNC has for several years sought the creation of a Special Committee on the Captive Nations in the U.S. House of Representatives and also an unprecedented Congressional Review of U.S. policy toward the Soviet Union. The former would concentrate on Soviet Russian imperio-colonialism in Eastern Europe, within the Soviet Union, Asia and in Cuba. The latter would open up, for the first time in our history, a public examination of our policy with regard to Soviet Russia and the majority captive non-Russian nations in the USSR, which make up over one-half of the population in that imperial-colonial state. NCNC was one of the major opponents to the Senate's ratification of the US-USSR Consular Convention last year.

Reiterating what he told the Republican Platform Committee in Miami Beach last month, the Georgetown professor pointed out that "both Administrations in the 60's have pursued a confetti diplomacy in regard to the main enemy, which can be accurately depicted as the international dimension of the credibility gap." He continued, "The whole train of paper-making—the Test Ban Treaty, Consular Convention, Outer Space Treaty, the Non-Proliferation one and even the Moscow-New York flight run—are so much confetti on the scale of fundamental problems, serving to hoodwink our people as to the harsh realities in the Red Empire and the real threats to our security. The confetti has enshrouded the real enemy of Soviet Russian imperio-colonialism and its communist weapons which are dramatically at work today in Czechoslovakia.

Dr. Dobriansky deplored the short-sightedness of those on the platform committee who succeeded in softening his Captive Nations plank. "It is only three weeks now, but in view of this further Russian rape, let them look back at my well-founded arguments for the campaign ahead," he said. The professor also deplored the do-nothing, confetti policy of the Government in relation to the Czechoslovakian crisis, saying "a strong, voiced position prior to this rape might have circumvented it. Now, nontheless, we should voice our outrage in the U.N. and elsewhere, and seek U.N. intervention in Czechoslovakia, as well as begin to take the steps we have advocated in regard to our policy concerning the USSR."

PROPOSED AMENDMENTS TO THE SOCIAL SECURITY LAW

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, during my service in the Congress I have been very much interested in the operation of our social security program and the benefits provided under the program for our disabled and retired workers and their dependents. Thousands of my constituents are in receipt of social security benefits. In many instances the social security payment is their only source of income.

Under the present social security law an individual who is entitled simultaneously to a derivative benefit and a primary benefit is prohibited from receiving both benefits. The beneficiary can receive only the larger of the two benefits. In other words, a wife who has been covered under the social security program can receive her husband's benefit if it is larger than the benefit to which she might be entitled. She cannot, however, receive her husband's benefit and any portion of her own benefit.

Many of the social security payments are very small. Thousands of social security beneficiaries are finding it extremely difficult to provide themselves with the necessities of life and as a result must receive assistance from other members of their family or public assistance programs.

I have long felt that in those instances where a wife has been regularly employed and is entitled to a social security benefit in her own right that she should be permitted to receive at least a percentage of her benefit, as well as the benefit to which she is entitled under present law by reason of her husband's work record.

I strongly feel that equity and justice demand that a wife be permitted to receive some part of the social security benefit she has accrued through many years of hard labor which in many instances has resulted in retirement by reason of physical disability.

To permit a wife to secure part of her benefit would greatly improve the financial condition of thousands of our social security beneficiaries. With our rapidly increasing cost of living it is imperative that some assistance be afforded our social security beneficiaries.

Mr. Speaker, I am introducing a bill today which will permit a wife to receive at least 50 percent of her benefit while qualifying for her husband's social security payment. My measure also applies in those instances where a husband who has been employed claims a benefit based upon his wife's work record. The bill provides that if the derivative benefit involved is a wife or husband's benefit the reduction will be only one-half of what it would otherwise be.

The following examples illustrate the practical application of my measure:

	Old-age (primary) benefit	Wife's (derivative) benefit	Total
Amount of benefit before reduction	$100	$50	$150
Amount actually received under existing law	100	0	100
Amount actually received under attached bill	100	25	125
Amount of benefit before reduction	50	100	150
Amount actually received under existing law	50	50	100
Amount actually received under attached bill	50	75	125
Amount of benefit before reduction	100	100	200
Amount actually received under existing law	100	0	100
Amount actually received under attached bill	100	50	150

Mr. Speaker, I am hopeful that my measure will be favorably considered by the House Ways and Means Committee and that the legislation can become law.

FILING OF TAX WITHHOLDING STATEMENTS

Mr. ZWACH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ZWACH. Mr. Speaker, today I have introduced a bill to remove a millstone around the neck of our small businessmen and employers. This is the requirement that all employers whose income tax withholding amounts to $100 a month or more, are required to file this monthly statement. My bill will amend this provision to make this voluntary on a monthly basis, and mandatory on a quarterly basis. This bill amends the Internal Revenue Code so that monthly filings are not required for those who have fewer than 10 full-time employees nor less than $1,000 of withheld taxes may file by the 15th day after the close of the calendar quarter.

The purpose of this legislation is to relieve smaller employers of some of the never-ending governmental requests for more and more of the taxpayers time. By making this action voluntary on the part of the employer, he and his family can plan vacations and other activities that are not disturbed by visions of the "Feds" closing his business unless he gets home to make the deadline. At the same time, this present law has a penalty provision for late filing. Some employers have paid this fine, but it still circumvents the whole purpose that made the filing mandatory in the first place. The Government, in its spending orgy, was trying to collect tax moneys earlier, rather than slow down spending. In effect, the law and regulations of the Treasury Department offered Mr. Small Employer the choice of two penalties—that of filing monthly or paying a penalty for late filing.

Mr. Speaker, I for one believe that our great country has made its tremendous social and economic progress because of incentives, not because of threats or imposed penalties. I sincerely believe that the continued growth of our Nation and of its citizens comes from the fact that employers are willing to take the risk of earning a profit and thus make the jobs and indirectly pay or collect the taxes which allow our country to be generous. This opportunity must be retained and nourished to meet the challenge of today's problems.

DEPARTMENT OF DEFENSE APPROPRIATION BILL

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I voted for final passage of the Defense Department appropriation for fiscal 1969, after having voted on several voice votes for reductions in certain parts of the appropriation. While I voted for the appropriation I wish to comment on something that causes me a great deal of concern—that is the unwillingness to recognize that not all of this massive budget is necessary to our national security and that much goes into duplication and waste.

I believe as strongly as any man can that we must appropriate for our Armed Forces the funds necessary to provide for our national security and to guarantee the safety of every American serviceman in every part of the world.

But it has never been demonstrated that all the defense budget is, in fact, necessary to achieve these essential goals. On the contrary, there is substantial evidence that several billion dollars could be cut from the defense budget without endangering our national security or jeopardizing American troops.

As I said on the floor just 2 months ago:

> I am disturbed and greatly concerned by the inappropriate deference accorded the defense budget in the necessary reduction of Federal expenditures.
>
> We must not permit great sums of money, especially in this time of crisis, to be spent unnecessarily because of the aura of immediacy and ultimate significance of all appropriations in an excessive defense budget.

At the time that I delivered that speech I placed in the Record an article from Congressional Quarterly detailing proposals for reducing the defense budget by $10.8 billion. I wish to refer the Members to that article—page 20742 of the Record—again at this time and make several points based on that article.

The Manned Orbiting Laboratory is the Defense Department's unjustified duplication of existing civilian space efforts. Because of departmental pride this multibillion-dollar effort, which will absorb $600 million in the fiscal 1969, is proceeding despite proven redundancy with work being done by NASA. One Defense Department official told Congressional Quarterly, which enjoys an excellent reputation for responsible reporting, that the Air Force "has no idea" what they will do with the MOL when it is completed. This is an especially relevant question in light of the treaty banning the military use of outer space.

The largest single area of waste cited by Congressional Quarterly was unused manpower. As pointed out in the article, anyone familiar with the military is aware of the "tremendous wastage of manpower—the vast number of support troops who sit around with little or nothing to do." The article estimates that $4.2 billion could be saved this year alone by reducing manpower requirements to realistic levels based on sound military and economic planning.

I could cite other examples from this article, but believe the point is clear. There is unquestionably major duplication, waste, and inefficiency in our Defense budget and it must be rooted out. We cannot continue to feed the coffers of the large military contractors at the expense of the American taxpayers. In times such as these when the taxpayers of this Nation are already overburdened, we cannot permit a Defense budget to escape the scrutiny, and cuts which should be made in all excess spending.

UNITED PRESS INTERNATIONAL CORRECTS AN ERROR ON SENATOR EDMUND S. MUSKIE'S SPEECH

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, the United Press International has sent out a correction on an erroneous story that it carried about Senator Edmund S. Muskie last Sunday.

I am placing the United Press International apology in the Record today so that my colleagues and all other interested parties will know what Senator Muskie did actually say in Texas regarding the recent Chicago demonstrations.

I wish to congratulate UPI for its integrity in admitting an error and issuing a forthright statement to the effect that the UPI reporter was, indeed, in error in reporting the original story.

In this modern day of fast communications, errors are bound to creep into stories no matter how well-meaning the reporter may be. It is refreshing to see a responsible news media openly admit an error and take appropriate steps to correct it.

It is my hope that the example set by UPI would be followed by others when they do irreparable harm through erroneous reporting.

The UPI article which appeared in the Chicago Tribune of September 11 follows:

> ### Beg Your Pardon
>
> Washington, September 10.—United Press International incorrectly reported from San Antonio Sunday that Sen. Edmund S. Muskie compared Chicago police to a Russian police state and the suppression of dissent there with the situation in eastern Europe.
>
> What the Democratic Vice Presidential nominee did say during an appearance before a Polish-American group at Hemisfair was: "Threats to freedom come in many guises other than conquest. They include fear, hate, and intolerance. They exist in those who want no change and those who want nothing but change. A little more than a week ago, in Chicago, I looked out on a crowd facing a line of police and troops, separated from each other by an almost intangible wall of suspicion and distrust, fear and hatred—and the only communication between them was force."
>
> UPI regrets the error.

MORE ON THE TRUCKING BILL

The SPEAKER pro tempore (Mr. Gibbons). Under a previous order of the House, the gentleman from Iowa [Mr. Schwengel] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, last week I told the Members of the House that I would release the results of the survey I made of our Nation's Governors, our State safety officials and State highway patrol chiefs, and our leading mayors. As of September 5, approximately 60 questionnaires were returned. The results so far are as follows:

Forty-seven respondents oppose increasing maximum truck widths from 8 to 8½ feet, as the bill would permit, while 13 favor this and one takes no stand.

Thirty-eight respondents oppose increasing the single-axle weight from 9 to 10 tons; 39 oppose increasing the double-axle limit from 16 to 17 tons, as the bill would permit, while 22 favor the former and 21 the latter and one takes no stand on either increase.

Forty-eight respondents favor an overall truck weight limit—the bill would do away with the current 73,280-pound limit and set no new Federal maximum—while eight oppose such a limit and three take no stand.

Fifty-three favor a truck length limit while three oppose and three take no stand.

Fifty-one respondents favor a minimum horsepower-weight ratio while six oppose and five had no comment. This has also been supported by the Department of Transportation, but is noticeably absent from the bill.

Twenty-seven respondents listed themselves in favor of increased user taxes for trucks—a measure recommended by the Department of Transportation—while 15 oppose this move and 18 had no comment.

Forty-five respondents favor further hearings on the safety aspects of S. 2658, while six oppose this and eight take no stand.

I feel that our Nation's State and local officials are overwhelmingly opposed to this bill. Support for it largely comes at the State level in some of our Western States. Almost to a man, the mayors of our country are steadfastly opposed to this bill for reasons of increased costs and greater safety hazards. The State highway patrols are also generally united in their opposition to this measure. And in some parts of our country, the Governors express their disapproval in strong terms. In particular, I would like the Members to read the responses I received from Gov. John H. Chafee, of Rhode Island; Gov. John W. King, of New Hampshire; and Gov. John A. Love, of Colorado. I insert their responses into the RECORD so that their sentiments can be expressed to the Members of this House:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
Providence, August 24, 1968.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: Thank you very much for your letter. I certainly would not favor any proposal that would allow any substantial increase in the allowable limits for trucks and trailer weights, widths and lengths beyond what our present Rhode Island law allows. Anything beyond our present limit, in my opinion, would constitute a hazard on the highways.

I am particularly opposed to the use in this section of the country of double and triple bottoms. There isn't any question in my mind that their use on our already overcrowded interstate highways would create a danger to the many passenger cars which daily travel through Rhode Island on the interstates.

I would recommend that the Congressional Committee conduct additional hearings in reference to this matter on a regional basis in order to give every section of the country an opportunity to explore the proposal in detail.

Sincerely,

JOHN H. CHAFEE,
Governor.

STATE OF NEW HAMPSHIRE,
Concord, September 3, 1968.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: Thank you for your letter of August fourteenth and the opportunity which it presents to comment on the weight size legislation now pending before Congress.

I regret that it is too late to reverse legal weights which are now in force in New Hampshire and in other states of the northeast. However, I do wish to emphasize that my Highway Commissioner and I feel most strongly that our highway system cannot possibly accommodate double and triple bottoms, which we believe to be implicit in the lack of any length restriction in the proposed legislation. If these rubber-tired highway trains are forced upon us it can only result in the creation of great and unwarranted safety hazards, as well as intolerable congestion.

At the present time, there are one hundred million registered drivers in this country. Trucks number some seven hundred thousand, which is actually .7 of 1 per cent of our total highway vehicles. The organized demands of this minority failed to give adequate consideration and completely ignored the convenience and safety of the overwhelming majority. I am convinced that something must be done now to curb the weight and size increases.

Sincerely,

JOHN W. KING.

STATE OF COLORADO,
Denver, September 3, 1968.

The Hon. FRED SCHWENGEL,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: Your recent questionnaire has been referred to me by my staff for consideration.

1. Colorado does not favor the proposed increase in maximum width from 96" to 102".

2. Colorado would be in favor of the increased limits on axle weights. Our engineering studies show that these small increases would not have an appreciable affect on our road surfaces.

3. We do favor an overall gross weight limit that would be based upon axle spacing and overall length. We believe, however, that this is properly a matter for the states to decide.

4. Colorado favors a maximum limit of 65 feet on truck lengths.

5. Colorado is in favor of a minimum limit on the horsepower weight ratio. The geographical features of Colorado; namely, Our many mountain passes, demand that minimum limits be established to assure efficient traffic flow.

6. We believe that user taxes for trucks is a matter that must be considered and determined at the state level.

7. Colorado believes that further hearings on the safety aspects of this bill are advisable.

It is our opinion that while the increased maximum widths could well be handled on the interstate system, no thought has been given to the fact that these trucks must load and unload at terminals, and many of the roads outside the interstate system are not designed to handle these widths.

I have publicly stated my objections to the new limits proposed. Because of its unique geographical features, Colorado is particularly concerned with the affect upon this state.

Sincerely,

JOHN A. LOVE.

Mr. Speaker, I would also like the Members of the House to read these letters from some of our Nation's mayors and State highway officials. They are typical of the many we have received opposing this poorly thought-out measure.

CITY OF SPRINGFIELD,
Springfield, Mo., August 22, 1968.

Hon. FRED SCHWENGEL,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: Mayor Carl Stillwell has referred your letter to my office for answer and discussion. It is the Mayor's position that he is in opposition to any change which would include an increase in the width, the length, or the weight of trucks allowed on our highways today. He urges that you, on behalf of the City of Springfield, continue your efforts to keep S. 2658 from being adopted by the House of Representatives, and we commend your previous efforts in this area.

Yours very truly,

DAVID A. BURKHALTER,
City Manager.

CITY OF LONG BEACH,
Long Beach, Calif. August 27, 1968.

Subject: Communication and Questionnaire Relative to Increases in Size and Weight of Trucks Utilizing Highways.

Congressman FRED SCHWENGEL,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: In reference to your letter of August 14, 1968 regarding bill S. 2658 relative to increases in size and weight of trucks utilizing our highways, we are sorry we cannot furnish you with any special studies concerning the detrimental effects of large, heavy trucks on the general traffic operation as well as on the structural elements of our streets and highways. However, it has been and is very clear to anyone in the planning, design and operation of this nation's transportation network what tremendous sacrifices have to be made economically to account for the ever-increasing truck traffic, and that the trucking industry has not, by far, paid their share of the expenses.

We are strongly in favor of keeping the maximum limits that apply to the truck design today; if it was practical the standard design should be diminished.

We wish you all the luck and success you will need in your endeavor to fight the bill S. 2658.

With best regards,

Yours very truly,

JESS D. GILKERSON, *City Engineer.*

QUESTIONNAIRE ON TRUCK SAFETY

1. Do you favor the proposed increase in maximum truck widths from 96'' to 102'', excluding safety gear?*

No (with 12' wide lanes maximum this will not give more than 1½ ft clearance on either side.)

2. Do you favor the proposed increases in maximum limits on per axle weights of: 18,000 to 20,000 lbs./single axle? No; 32,000 to 34,000 lbs./tandem axle? No.

3. Do you favor an overall gross weight limit on trucks? If so, what?

Yes. Present day standards should not be exceeded.

4. Do you favor a limit on truck lengths?** If so, what?

Yes. Semitrailer lengths should be limited to 50' or possibly whatever is the maximum today.

5. Do you favor a minimum limit on the horsepower weight ratio?***

Yes, positively.

6. Do you favor increased user taxes for trucks? If so, what sort of taxes?

Yes. Higher fuel taxes or possibly special assessment on the license plates.

7. Do you favor further hearings on the safety aspects of the proposed bill?

Yes, absolutely.

Additional comments are appreciated: (3) The maximum total loads on a standard design vehicle HS 20–44 is 8,000 lbs+32,000 lbs. +32,000 lbs=72,000 lbs. This ought to be the gross weight limit, as all roadway designs are based on this today.

CITY AND COUNTY OF DENVER,
Denver, Colo., August 27, 1968.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: Mayor Currigan has forwarded your request for information on Senate Bill 2658 to this office for reply. We do not have information on the cost of the added weight increment proposed, in terms of heavier-duty streets and bridges, but we do wish to make general comments on two of your questions.

First, the matter of width is extremely serious to those of us who administer city street operations. Too often, such width increases are supported by Bureau of Public Roads and various state highway departments data on the basis of the lane widths they use, or on the lane widths found on the Interstate system. However, almost every truck must leave such systems sooner or later and must use city streets to reach their terminals. It is in this area that the width increase proposal becomes very serious.

---

*According to the Trucking Asso., this means an actual limit of 106 to 108'' once mirrors, tire bulge, chains, mud flaps, etc. are added.

**The proposed bill has no provision at all for length limits.

*** So that trucks will have a minimum amount of power on grades.

The City and County of Denver uses lanes as narrow as nine feet (108″), thus an increase from the present 96″ to 102″ in truck width, exclusive of mirrors, etc., must be protested unless such trucks are restricted from city streets and the urban extensions of state highways. The latter restriction is not likely to be accomplished, since the trucks must reach their terminals, thus we strongly recommend that the width limit remain at 96″.

Second, your question of horsepower-weight ratio is extremely timely. One of the great problems of traffic operations is the differential in speed capabilities which lead to traffic accidents. We are at this time working with the Colorado Department of Highways to place a minimum speed limit on the freeway system in Denver, to reduce the number of collisions resulting from widely-varying travel speeds. There will undoubtedly be a protest from some trucking operations, because their units cannot maintain the minimum speed. The answer to this is that trucks must have a minimum horsepower to maintain reasonable travel speeds when fully loaded, and when traversing the grades they would normally encounter.

On the matter of lengths, as you indicate the proposed federal guideline doesn't go into this, but obviously the city street system again is no place for truck or truck-trailer combinations of excessive lengths. The Colorado maximum of 60 feet seems to be a reasonable limit for city operations.

Sincerely,

RICHARD C. THOMAS,
Assistant Traffic Engineer.

QUESTIONNAIRE ON TRUCK SAFETY

1. Do you favor the proposed increase in maximum truck widths from 96″ to 102″, excluding safety gear?

No. Many highways in the State of Ohio are not of sufficient width to accommodate this increase in width without creating a hazardous condition.

2. Do you favor the proposed increases in maximum limits on per axle weights of:

18,000 to 20,000 lbs./single axle? No. Ohio presently permits a 19,000 lb. single axle weight.

32,000 to 34,000 lbs./tandem axle? No. Ohio presently permits a 32,000 lb. single axle weight.

It is felt the present permissible axle weights are at the maximum, if not too great, for many of Ohio's highways and especially city streets on which they must travel. Added weight allowances would certainly be injurious to many highway surfaces, causing astronomical maintenance costs and creating hazardous driving conditions.

3. Do you favor an overall gross weight limit on trucks? If so, what?

Yes. Ohio presently has a maximum gross weight of 78,000 lbs. Experience has been fairly good, operating under this maximum limit. Any increase in this gross weight would undoubtedly create the same conditions as outlined in the answer to Question 2.

4. Do you favor a limit on truck lengths? If so, what?

Yes. Ohio presently has the following length limitations:

a. Passenger buses, within Municipal corp., 46′.
b. Passenger bus, 40′.
c. Semi-Trailer & Tractor, 45′.
d. Any other combination of vehicles, 65′.
e. All other vehicles, 40′.

Any increase in lengths would create a hazard in passing, turning and other highway maneuvers. Here again, many Ohio highways will not accommodate longer vehicles. A special problem arises where highways are routed through cities and villages where streets are not of sufficient width to allow safe turning movements for longer vehicles.

5. Do you favor a minimum limit on the horsepower/weight ratio?

Yes. Although no specific studies have been made in Ohio, it is logical that the power unit should be of sufficient size to amply accommodate the vehicle weight. A margin of safety in horsepower/weight ratio should also be incorporated.

6. Do you favor increased user taxes for trucks? If so, what sort of taxes?

Yes. Taxes should be imposed proportionate to highway usage. Ohio's Highway Use Tax (axle-mile tax) appears to be effective, however, a more efficient method of checking the validity of owner's reports could be devised.

7. Do you favor further hearings on the safety aspects of the proposed bill?

Yes. Certainly enforcement agencies and highway engineers should be called to testify on accident experiences, highway designs, existing highway and street conditions, etc., before final action is taken on the bill. An independent research study should be made prior to any final action.

COMMENTS

Ohio has had some experience with "double bottom" combinations and they have not created any particular problem. Length limitations as well as weight restrictions pretty well control the operation of these vehicles. Most users of this type combination haul light but bulky loads.

"Triple bottom" combinations are presently operating on an experimental basis on the Ohio Turnpike. Time has been too short to develop any conclusions as to the safety of their use. It is felt, however, that few other Ohio highways will accommodate these combinations.

Submitted by:

CAPT. C. R. KIMBER,
Planning and Research Section, Ohio State Highway Patrol.

CONGRESSIONAL REORGANIZATION

Mr. SCHWENGEL. Mr. Speaker, in connection with the debate and discussion on the reorganization bill, I was pleased to have a Member of the majority speak in glowing terms about a special study and publication done by 21 Members of Congress. The book is entitled, "We Propose a Modern Congress."

Since I was one of the prime movers and contributors to this collection of data and information on proposals for an improved Congress, I felt highly complimented and encouraged. The urgency sensed by many Members of Congress brought together this group of Members and made possible this book. The considering seriously of all of the recommendations made by these Members of Congress who spent so much time doing the research and study in the various areas and aspects of the problems that are presented is necessary to an understanding of the gravity of the problems. We believe that the present situation is a definite handicap in the House of Representatives to fully and adequately carry out its function in this age of technology.

The following table of contents indicates the wide range of subjects and authors of the various chapters that need the consideration of every student of government, and especially Members of Congress:

CONTENTS

Foreword, Thomas B. Curtis, Member of Congress.

Introduction, Gerald R. Ford, Member of Congress.

Part 1—The committee structure

1. The Need For Increased Minority Staffing, James C. Cleveland, Member of Congress.
2. The Seniority System, Hon. John V. Lindsay.
3. Rules and Procedure of the Standing Committees, Robert P. Griffin, U.S. Senator.
4. Strengthening the Committee Structure: The Problem of Overlapping Jurisdiction, F. Bradford Morse, Member of Congress.

Part 2—Policymaking, lobbying, and oversight

5. Science Policy and Congress, John B. Anderson, Member of Congress.
6. Congress and Foreign Policy, Ogden R. Reid, Member of Congress.
7. Reforming the Budgetary and Fiscal Machinery of Congress, Robert McClory, Member of Congress.
8. Lobbying, Paul Findley, Member of Congress.
9. Lobbying by the Administration, Ancher Nelsen, Member of Congress.
10. Reorganization of the Committees on Government Operations and Minority Control of Investigation, Robert H. Michel, Member of Congress.

Part 3.—Toward more efficiency and a better image

11. Congressional Pages: Their Work and Schooling, William L. Springer, Member of Congress.
12. Reforms Needed in House Personnel Procedures, Joel T. Broyhill, Member of Congress.
13. Floor Procedure in the House of Representatives, John J. Rhodes, Member of Congress.
14. Electric Voting in the House, Durward G. Hall, Member of Congress.
15. Contested Elections to the House of Representatives, Robert C. McEwen, Member of Congress.
16. The Cost of Getting There and Length of Stay, Laurence J. Burton, Member of Congress.
17. Congressional Ethics, Bob Wilson, Member of Congress.

Part 4.—Information, technology, and citizens' rights

18. The Case for Television and Radio Coverage, Robert F. Ellsworth, Member of Congress.
19. Managing the District of Columbia, Charles McC. Mathias, Jr., Member of Congress.
20. The Operation of the Congressional Office, Donald Rumsfeld, Member of Congress.
21. Information Handling: "For a Vast Future Also," Fred Schwengel, Member of Congress.

Appendices.

The foreword, as indicated, is written by TOM CURTIS, one of the most able Members of Congress, a man who has given much study to the problems of Congress and especially as they relate to minority staffing, and who is considered by all to be one of the great authorities on fiscal matters and taxes in the Congress. His foreword reads:

FOREWORD

(By THOMAS B. CURTIS)

The need for congressional reform is urgent if our society is to retain the Congress as a study and deliberative body charged with making crucial social judgments and maintaining the traditional separation and balance of governmental power essential to the preservation and further development of human freedom.

Ideally, Congress is a mechanism for gathering together the knowledge and wisdom existing within the society to make judgments to solve the problems facing the society. Assembling the necessary data and background information occurs through three primary processes. First, the distilled wisdom (*i.e.*, that which has been reduced to books and other units of storage) contained in the Library of Congress is further refined for Members of Congress by the Legislative Reference of the Library. Second, the current wisdom of the society is collected through the standing commmittees of the Congress with the help of professional staff employed by the committees. It is in these forums that the knowledge of experts in the executive branch and in the private sector is brought to bear on public problems and national goals. The testimony is rceived in public hearings with the witnesses under cross-examination and their statements subject to rebuttal. Third, from the letters and conversations of constituents and self-interest groups in the society, Members of Congress gather knowledge of the subject upon which the individual citizens are uniquely expert: how the laws as written and administered affect them.

The deliberative process in Congress also has three essential parts. The committees, each assigned jurisdiction over particular subject-matter areas, study the mass of assembled data and arguments obtained from the sources described above. These data and arguments are then boiled down into written reports, containing majority and minority views, to accompany the legislation for the next stage of deliberation, the floor debate. The floor debate is essentially among the members of the committee responsible for conducting the study and issuing the printed report. The rest of the members sit somewhat as a jury, albeit with the power of interrupting to ask questions and to contribute collateral knowledge and arguments. Finally, a deliberation occurs between "managers" of both houses to strike a common version of the usually divergent versions resulting from the decision-making processes which go on in both houses of Congress. There is a possible further deliberation in the event that the President vetoes the ultimate judgments reached and the Congress decides to override the President's veto.

There is another theory of Congress, a competing theory which is increasingly winning supporters and which has already weakened the Congress as a study and deliberative body. This theory seeks to retain the Congress as a mechanism for recording decisions which have been made previously and elsewhere in the society through different processes. Those presently advancing this radical theory of the Congress think of these decisions as being made in the executive branch of the federal government, but once the Congress is structured as a conduit these decisions could as easily be made in Wall Street, along the Charles River, or wherever the powers within the society may rest. The legislative process under the conduit theory is reduced to a system whereby the decisions, wherever they are made, would be forced through the Congress by whatever methods may be necessary. These methods in practice bypass the techniques of appealing to facts and fair argument. The great fault of the conduit theory for reaching decisions is that is does not permit Congress to avail itself of the greatest amount of knowledge and wisdom within the society. Indeed, the actual decision-making is conducted behind closed doors, frequently in guarded or unknown buildings. The gathering of the data and the deliberations are not made public. Who gives the information, what arguments are advanced, remain secret. Members of Congress as well as the general public are left in the dark and given only the data and arguments which support the judgments made.

I think it is obvious that total implementation of this theory ultimately would destroy the Congress as a study and deliberative body. The Congress under this concept would be basically a super computer machine, a public opinion computer, to record and reflect the pressures which have been built up within the society through propaganda campaigns. Propaganda results when the experts and spokesmen for various points of view do not confront each other in a common forum and are not subjected to cross-examination and rebuttal.

This book is a collection of papers prepared by pragmatists in the field of legislation who are dedicated to the ideal that Congress be a study and deliberative body. It is our belief that not only is freedom preserved by maintaining an effective Congress, but in the long run the judgments rendered by the people's representatives through the deliberative process prove to be wiser and of more benefit to mankind.

The introduction was written by the Honorable GERALD R. FORD, who is a man of great stature and ability, who has had experience and is one of the most respected Members of the House, and who will have earned for himself, if he has not already done so, the distinction of being one of the outstanding Members of Congress in history. His introduction is pertinent and needs the consideration of all who will want to read and consider the suggestions of the book, "We Propose: A Modern Congress." The introduction is as follows:

INTRODUCTION

(By GERALD R. FORD)

The willingness of all Members of the 89th Congress to undertake a study of their institutions on record: the resolution creating a Joint Committee on the Organization of the Congress was passed by a unanimous vote in both houses.

The extent to which Congress was willing to clean out its closets was, however, sharply limited by this language of the resolution: "Provided, That nothing in this concurrent resolution shall be construed to authorize the committee to make any recommendations with respect to the rules, parliamentary procedures, practices, and/or precedents of either House . . ."

A two-party system, to operate in the public interest regardless of which party holds temporary power, imposes on members of the minority party two concurrent responsibilites: to check any tendency toward excess or abuse of majority rule, and to compenstate for deficiencies or deliberate inaction on the part of the majority. The Joint Committee was to be composed of twelve members, an equal number from each house, equally divided between the parties. In fact, it is a distinguished, hard-working group. But it should be pointed out that the cochairman of the Committee are *both* members of the majority party.

The Republican Task Force on Congressional Reform and Minority Staffing was created in part to assure that every significant aspect of the operation of the House of Representatives would be studied and to serve as a reservoir of recommendations should the Joint Committee fail to report out a comprehensive set of proposals for modernizing the machinery and strengthening the role of Congress in the twentieth century.

Additionally, the new Task Force was to continue the constructive efforts of the old Schwengel Committee (88th Congress) to correct the imbalance in staffing of House Committees and to focus public attention on remaining handicaps under which the minority party labors to fulfill its responsibilities.

Last, the appointment of a task force, as opposed to a committee or study group, grew out of a recognition that since Members of Congress are alone responsible for making needed improvements in the operation of their institution, they ought themselves to sweat out the research and study necessary to render wise judgments.

Happily, the co-chairmen of the Joint Committee have been both gracious in inviting and patient in listening to testimony of all witnesses irrespective of the language of the Committee's charter. In a rare display of harmony and cooperation, the staffs of the Committee, the Democratic Study Group, and our Republican Task Force have swapped and shared bits of information dug up by each to supplement the research efforts of the other. Although this book goes to press in advance of the Committee's Final Report, it is expected that a number of strong and fair recommendations will be put before Congress as a result of the dedicated labors of all three groups.

Our book does not present a comprehensive set of blueprints for modernizing Congress. In those areas in which we feel adequate research obviates specific conclusions, Members have gone forward with their recommendations in legislative form (*e.g.*, Joel Broyhill's bill to abolish the "basic rate" method of determining clerk hire; Bob Ellsworth's bills to permit telecast and broadcast coverage of proceedings on the floor of the House and of public hearings of House committees). In other areas, Members have reached solid conclusions but are waiting for the Final Report of the Joint Committee before introducing corrective measures of their own. In yet other areas, we admit that we have barely scratched the surface in relation to the amount of research that ought to be done, and we have no firm conclusions to offer at this time. (In these areas, we have tried to present the problem, at least, and to discuss a few of its ramifications.)

The world, the nation, and the relations between the U.S. Executive and Congress have undergone great changes in the turbulent twentieth century. "Important principles," Lincoln said, "may and must be inflexible." It is another matter, however, to decide how best to guarantee that the principles will be upheld while government moves swiftly, as it often must, to protect the rights of all citizens, look to the needs of the nation's underprivileged minorities, and combat the "thorns of progress" at home while fighting the Communist menace abroad. "Reform" is a tricky word; change *per se* is not necessarily the same as progress. Each and every proposal for reform of Congress must be weighed against other suggested reforms, and all must be weighed in the balance of power between the branches of government.

Mute witness to the complexity of congressional reform may be seen in the expansion of our original task force of eight members to one comprising twenty-one members. "The more you unwind," as our staff complained one day, "the bigger the ball gets." Finally, we had to say this is the day we go to press. Our work is unfinished, but if we wait until 1984 to publish, it may be too late for the book to do any good. We will present our findings to date, limited as they are, with the hope that others will join this common cause to finish the work we have begun. If we have succeeded in stirring public discussion on the role of today's Congress, we have made a meaningful contribution to the continuing experiment in American democracy. We hope that some of our recommendations will be acted upon without further delay, for, as Dr. George Galloway has said:

"Representative government is the keystone of the democratic arch. The eyes of the world are upon it and the way it works. If

Congress is to save itself from the antidemocratic forces which are challenging it at home and abroad, then it must act promptly to improve its efficiency and democratize its methods." (*The Legislative Process in Congress*)

While the authors of this book have done the bulk of the research in each specific area and the conclusions presented are entirely their own, we would be less than candid to imply that the writing is even "90 proof." We have discovered, with painful (but recoverable) damage to the ego, that it is one thing to argue in committee or deliver remarks on the floor of the House—and quite another to write a book.

Therefore, we gratefully acknowledge the assistance of the many individuals who assisted in the research, translated our drafts, and edited the manuscript.

To Doctors Ernest S. Griffith, George B. Galloway, and Walter Kravitz, particularly, we express our deep thanks for their immeasurable patience and meticulous care in reviewing the manuscript. Dr. Griffith, Dean of the School of International Service, American University, was the director of Congress' Legislative Reference Service for 18 years. He is the author of *Congress: Its Contemporary Role*. Dr. Galloway, Senior Specialist in American Government and History for the Library of Congress, has written the official *History of the U.S. House of Representatives*, the classic book on *The Legislative Process in Congress*, and has contributed as well to the actual rules of the House as staff director of the LaFollette-Monroney Committee from which came the Legislative Reorganization Act of 1946. Dr. Kravitz, Analyst in History and Government for the Library of Congress, has scarcely begun his own writing career, but his research efforts for Members and committees of Congress offer promise of brilliant writing in the field.

Additionally, we would like to thank the following distinguished authorities for their consistently tactful and constructive criticism: Dr. Douglas Bailey, Harvard University; Dr. Charles O. Jones, University of Arizona; Dr. Samuel C. Patterson, University of Iowa; Dr. Robert L. Peabody, Johns Hopkins University; Dr. John S. Saloma, III, Massachusetts Institute of Technology, and Dr. William B. Prendergast, Staff Director of the House Republican Conference.

The small, hard-working staff of the Joint Committee has been helpful in many ways and at all times, and we thank Mr. DeVier Pierson, Hon. George Meader, Dr. Nicholas Masters, Mr. Melvin Sneed, Mrs. Dorothy Tenenbaum, Mrs. Jane Peigler, and Miss Marilyn Jarvis for services rendered. We acknowledge our gratitude also to Dr. Edward Wenk, Jr., and Mr. Robert L. Chartrand of the Legislative Reference Service, and to Mr. Harry McGill, Chief of the House Disbursing Office, for expert help at various points.

The following Congressional staff aides have provided invaluable assistance throughout the project: Mr. David Blanton, III, Mr. Marion Burson, Mr. William Casselman, Mr. William Copenhaver, Mr. James Cromwell, Mr. Clifton Enfield, Mr. James Fairchild, Mr. Glenn Freeman, Miss Carrie Johnson, Mr. Homer Krout, Mr. Bruce Ladd, Miss Linda Lee, Mr. Virkler Legate, Mrs. Barbara Ludden, Mr. Sol Mosher, Mr. Don Olson, Mr. Leonard Pliska, Mr. Timothy Smith, Mr. William Spencer, Miss Ruth Widmayer, and Mr. Alan Woods. Additionally, we would like to record our thanks to Miss Madeleine Marceau and the staff of Rep. James Cleveland, and to Mrs. Marilyn Early and the staff of Rep. Thomas Curtis, for superb logistical support.

Finally, we extend our thanks to the able young men and women who assisted our efforts while serving internships in various Republican Members' offices: Miss Susan Anderson (Mt. Holyoke '66), Ronald Burnett (Peabody Conservatory '68), Charles Daney (M.I.T. '66), Clem Dinsmore (Princeton '65), Michael Hofmayer (Yale '65), William Hyde (U. of Utah '66), William Loos (U. of Utah '66), Miss Jean McInnis (Southwest Missouri State '66), John Meisel (Yale '66), Clarence Pride (U. of Vermont '66), Mark Simpson (Columbia '65), John Sterling (Stanford '67), and Vern VanderWeide (U. of Michigan Law '65). Without the cooperation of these alert scholars (who became known as the "Little League Task Force on Congressional Reform") the survey of congressional offices by the American Political Science Association would never have been completed. Also, we thank Edward Blair, Jr., (Standford '66), Gary Cunningham (U. of Michigan '66), Miss Susan Daniels (Otterbein '67), Miss Nancy Grover (George Washington '68), Schuyler Henderson (Princeton '67), Miss Susan Hosmer (Vassar '69), James Leach (Johns Hopkins '66), Charles McMillan (Princeton '67), C. W. (Quincey) Rogers (Yale Law '67), and Steve Sloca (Dartmouth '66).

And to Mr. Richard B. Fisher, Mr. Morrie Helitzer, and Miss Luna Wolf of the McGraw-Hill Book Company, our apologies for the many delays and gratitude for their patience and understanding.

Mr. Speaker, the problem of minority staffing has been a major interest of mine over a period of 8 years, and the more I study this problem, the more I am convinced that it is one of the major problems and handicaps to a more effective Congress.

The minority cannot function until and unless it has adequate staffing on which to rely, and with which to work, on every one of the committees. More than that, it needs a qualified staff.

One of the approaches to the solution to the problem was presented by myself in the form of a resolution which would change the rules so that the minority, on its own motion, could have up to 40 percent of the staff and 40 percent of the budget for any committee or subcommittee. I suggest the change of rules on the basis that it be granted on their own motion because this would not disturb the few committees that are truly bipartisan and are functioning in the manner it was intended under the rules which we now operate and as they were passed several years ago.

During my 2-year absence, a distinguished and very able Congressman, JAMES C. CLEVELAND, of the Second Congressional District of New Hampshire, became the chairman of the committee on minority staffing. He has performed admirably as the chairman, as is his custom in whatever he does, and made a very salutory contribution to pointing up the problem and has supervised and directed the continuing study that was needed to emphasize and bring to the attention of the political scientists and the Members of Congress the urgency of the minority staffing problem. He naturally was asked to write a chapter on minority staffing in the book I refer to, "We Propose," and has done so in a very knowledgeable manner and has clearly set forth the problem, and presents its urgency. I believe the gentleman from New Hampshire [Mr. CLEVELAND] presents here in this article one of the most potent arguments, not only for minority staffing, but for the reorganization bill which is so important to the Congress, and most of all to the people in our country, who suffer because we do not have an effective Congress and/or adequate staffing for minority. Mr. Speaker, I present for the RECORD, the article by JAMES C. CLEVELAND, entitled, "The Need for Increased Minority Staffing":

THE NEED FOR INCREASED MINORITY STAFFING

(By JAMES C. CLEVELAND) *

Introductory note

The adequacy of congressional staffing in a broader sense involves the continuing efficacy of Congress *vis-à-vis* the President. The survival of representative government is directly at stake.

In many areas of the world during recent years, we have witnessed a decline in the power of established parliments and a shift of that power to the executive. The subordination of the power of newly established parliments to the executive in the emerging nations of Africa and Asia underscores that trend. One of the most notorious instances of a decline in the power of an established parliment occurred recently in France, where the French people, with apparent willingness, accepted the transfer of important powers from the legislature to the executive.

It should be pointed out to those who can watch a drift away from representative government with equanimity, that it was such a trend which paved the way for the ascendency of Hitler. Lack of representative government is also a characterisic of the Communist-dominated countries of today.

The need for establishing new rules in Congress to insure the minority party an adequate supply of professional staff on committees is of overriding importance. It must be met promptly if Congress is to fulfill its constitutionally assigned functions as a co-equal branch of government.

This is a problem that has engaged and troubled many minds, inside Congress and out, in partisan and nonpartisan context, for many years. The work of this chapter is founded on much preceding labor by many hands as well as on my own experience and observations.

While it would be impossible for me to acknowledge everyone who has contributed to the development of this issue, I do wish particularly to acknowledge the work of the Honorable Fred Schwengel of Iowa, who was Chairman of the old House Republican Conference Subcommittee on Increased Minority Staffing, the predecessor to the present Task Force. I also wish to acknowledge the invaluable work of Miss Mary McInnis, staff assistant to the present Task Force.

The serious threat to an effective Congress, and therefore to representative government itself, which is posed by the lack of adequate staff for the minority has not been fully understood, even by some members of the minority. Interest and concern is growing, however, and the time is not far off when, I believe, the majority of both parties in Congress will realize what adequate minority staffing would really mean for them in terms of increasing *their* effectiveness—and that of representative government.

One of the best statements of the issue was published on March 15, 1963, by the Schwengel Subcommittee and signed by the following political scientists: Dr. Robert J. Huckshorn, Bethesda, Maryland; Dr. Howard Penniman, Chairman, Department of Government, Georgetown University; Dr. Franklin Burdette, Bethesda, Maryland; Dr. Brownlee S. Corrin, Goucher College, Baltimore, Maryland; Dr. George Carey, Georgetown University; and Dr. Russell Ross, University of Iowa. I quote it here in full:

"POLITICAL SCIENTISTS' STATEMENT ON MINORITY STAFFING

"The committee staff function at the congressional level is not being fulfilled. And a

---

Footnotes at end of article.

failure to do so is not only unfair, but it is a threat to the tradition of representative government. Responsibility for this condition falls upon the Democratic Party leadership in Congress.

"To deny the Minority in Congress access to adequate representation on Committee staffs eliminates the opportunity for a minority to act responsibly after a careful examination of the problems under consideration. Congressmen, in this difficult and complex period of our history, require access to data and evaluation in those subject areas to which they are given responsibility as Committee members. It is obvious that this work cannot be placed regularly with their own office staffs, which have functions very different from those of a Committee. It is obvious, in light of policy formulation patterns at all levels of government, that the adversarial technique of law and politics in this country requires a personal relationship in which a congressman can develop confidence with the professional staff members. This is why, of course, the President has a high degree of control over his White House Staff, as well as at many policy-making levels in the Executive Departments.

"Some have argued that an increase in minority staffing of congressional committees would jeopardize the recent 'professionalization' of these staffs. We do not believe that this is true. There is no reason why such 'professionalization' cannot take place in a bipartisan framework. What is needed are professional staff members separately responsible to the majority and the minority. The demand that a substantially larger portion of the professional staff be responsible to the minority members is wholly reasonable and within the best democratic traditions.

"Congressional committee staff members are not intended to serve the same function as staff members in the Legislative Reference Service. Nor should they. The Committee staff must possess high levels of competence. It is equally important, however, that there exists mutual confidence between the congressmen and the staff members. This confidence is not possible when a miniority party, be it Democrat or Republican (and there is always the possibility of reversal of role), does not have access to adequate and qualified professional staff members of its own selection.

"The existing position is more than unfortunate; it is a subtle denial of freedom of effective speech, of which Congress as a body purports to be justly proud. It hinders reasoned debate that alone can lead to just solution of legislative problems. It prevents the minority from carrying out its major democratic function of knowledgeable criticism.

"The country cannot afford gamesmanship or petty, cheap politics at the congressional level. Yet, we are witnessing an outstanding example of partisan pettiness in the denial to the minority in Congress the right to exercise its legislative function by refusing to grant it necessary staff support."

The issue has also engaged the earnest attention of thoughtful members of the present majority party. In his testimony before the Joint Committee on the Organization of Congress, Rep. John S. Monagan (D., Conn.), stated:

"The capacity of the minority to examine and criticize should not be abridged, but should be preserved as a basic strength of our system".[1]

In the course of these same hearings, Rep. David S. King (D., Utah), expanded this line of thought: ". . . a formula must be found for balancing the personnel of the committee staffs more equitably between the majority and minority parties. . . . In my opinion, the balance of personnel between the two parties on the committee staffs should more nearly approximate the division of party strength in the House itself. . . ."[2]

One more quotation will help set forth the urgency of the issue. Dr. James A. Robinson, professor of political science at the University of Ohio, writes: ". . . It is not fairness, however, that constitutes the most compelling argument for providing minorities with a staff almost equal in number with that of the majority. The best argument is that the improved performance of the minority members helps to strengthen the legislative way of life. If the majority party becomes increasingly aligned with the executive branch . . . then we must look to the minority to check the majority and in so doing to provide the necessary counterbalance to executive power Hence, generous allocations of minority staffing are essential to the normative theory of Congress. . . ."[3]

The present situation is deplorable. Although precise figures on majority-minority divisions among committee staffs in the House have proven impossible to obtain, research into committee payrolls, conducted both by the old Schwengel Subcommittee and my own Task Force, establish a general ratio of about 10 to 1 in favor of the majority.

Some committees—*e.g.*, Armed Services, House Administration, and the Un-American Activities Committee—list no personnel as responsible to the minority.

One rough measure of the discrepancy in staffing is that counsel assigned to the minority often do not receive as much pay as majority counsel. Naturally, this creates difficult recruitment problems for the minority. There has never been any suggestion that minority members of Congress should be paid less than Congressmen belonging to the majority party, and the principle is precisely the same in the case of staff. It makes no more sense to pay minority staff personnel less for equal work than majority staffers than it would to pay less to minority Congressmen themselves.

In fairness, however, it must be conceded that minority leaders on committees do not always press as hard as they should to obtain salary equity for minority counsel. This condition, however, merely reinforces the need to establish the equal pay principle by legislation.

Even in the cases of committees which do list staff members as assigned specifically to assist the minority, those employees are ultimately responsible to the committee chairman, who is always a member of the majority party. By that I mean that they cannot be hired without the chairman's approval; their salaries are subject to the approval of the majority, and often their physical location is determined by the majority. *Thus, nowhere in the House does the minority party have guaranteed to it an unobstructed conduit to information vital to the success of its adversary role under our two-party system.*

We Republicans, currently in the minority, are often accused of mere obstructionism and are charged with failure to come up with constructive alternatives. Under the extremely hampering conditions in which we must operate, it is remarkable that we have done as well as we have. When the majority party not only controls all committee personnel but, as is the case at present, has exclusive access to the vast resources of advice, information, and power in all the federal agencies, the minority party is at a terrible disadvantage. This is very bad for representative government, because it chokes off responsible criticism and seriously cramps the capacity of the public to find out what is going on so it can form independent judgments. The ability to reach sound policy decisions for the nation, both in foreign and domestic affairs, is critically hobbled in these circumstances.

In spite of its handicaps, the Republican Party is doing a creditable job in its present minority status in the House. This is reflected in the increase in the number of Minority Views and Supplemental Views by Republicans appearing in committee reports on various bills. These minority views perform a vital function under the adversary system and represent a valuable distillation of opposition views. Often they form the basis of future legislation or corrections to existing programs.

In my own Committee on Public Works, I use this vehicle quite frequently even when I am in accord with the general purposes of the particular legislation. They are the best means of establishing for the permanent record an assessment of flaws in generally acceptable legislation and, of course, they serve to expound detailed arguments in opposition to legislation deemed unacceptable.

They can be used quite dramatically to capture attention for minority positions that otherwise tend to be overlooked by the news media, which tend to concentrate on the activities of the majority party. I put into verse my supplemental views opposing the legislation authorizing an official mansion for the Vice-President.[4] This poetic device had never been used before in an official congressional report on a bill and that fact was what got the most attention. At the same time, however, my reasons for opposing the bill also received wide publicity—that we couldn't afford it at this time and that it was singularly inappropriate to build a luxurious mansion for the Vice-President while the country was at war and our servicemen are badly housed in many parts of the country. After the bill was approved, the President ordered an indefinite halt to the project, using much the same reasoning.

Minority views have frequently influenced the course of legislation. Notable examples include the Manpower Development and Training Act, which was almost completely rewritten on the basis of Republican proposals before it was passed; the Civil Rights Act of 1964; and Medicare, among many others. Minority views on the anti-poverty program and the Participation Sales Act have had great impact in the country and will almost certainly lead to future reforms, if not in this Congress, then hopefully in the next.

The Legislative Reorganization Act

The Legislative Reorganization Act of 1946 streamlined committee jurisdictions and reduced the number of standing committees of the House from 48 to 19. As a result of the Act, provisions for more uniform procedure were written into the standing Rules of the House, including the provision that each committee, other than the Committee on Appropriations: ". . . is authorized to appoint by majority vote of the committee not more than four professional staff members on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office."

Rule XI further provides that: "Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them."

In actual practice, both the spirit and letter of the law have been violated. (One of the most flagrant examples of such a violation occurred in my own Committee on Public Works when it was under control of the previous chairman, former Representative Charles Buckley of New York. We discovered that the committee payroll contained the names of nine persons who were never known to have done any work for the committee or had never even been seen in Washington. They were assigned to work for the chairman in his own Congressional District in the Bronx. I condemned the situation publicly and this exposé perhaps was a contribution to the chairman's defeat in a party primary.[5] With this defeat, the problem ended. Under its new administration the Public Works Committee is operating fairly once again and is one of the committees which gives reasonable, though not adequate, consideration to the minority membership in the matter of staff. Eight employees are assigned to the minority out of a staff of around 40. (How-

---

Footnotes at end of article.

ever, the chairman insists upon paying minority staff members substantially less than majority personnel performing similar duties.)

I question the wisdom of ever incorporating into the standing rules governing any legislative body such specific language as that contained in Rule XI, which, to repeat, provides that each committee may appoint "not more than four professional staff members." Twenty years ago the authors of the Reorganization Act could not even foresee the need for a standing committee on Science and Astronautics (which was added in 1958). Today this committee, which must oversee one of the largest Government agencies, the National Aeronautics and Space Administration, with an annual budget totaling over $5 billion, operates with one of the smallest staffs in the House. Other committees have augmented their staffs through extra authorizations by the House Administration Committee for "investigative" or additional professional personnel. The Science and Astronautics Committee, however, continues to function with only four professional staff employees. In the words of one of the Committee's members:

"Anyone who has served on this committee and participated in the markup of the NASA authorization bill knows that, while the desire is there and the intentions good, there are instances when many members must inevitably conclude on a given item that they just don't know with assurance whether or not it is reasonable."[6]

But this is not the whole story. The Committee on Appropriations was carefully exempted from any ceiling on the hiring of employees; yet some of its members suffer from a shortage of expert assistance! The entire federal budget, program by program and agency by agency, goes through this committee—which assigns only one professional staff person to each of its subcommittees with the exception of the Subcommittee on Defense and Independent Offices.

"How does a member know that the post office needs so many trucks, or so many mailbags? How does a member know that a Coast Guard station is obsolete and should be discontinued? We have in the past had to use our common sense and rely on the people who have made a request. But if someone were to come to them and say: 'Do you know, or does the committee know, this or that for a fact?' the only honest answer we can give is, 'Well, this is how the executive branch justified their request.'"[7]

Without competent and adequate committee staffing, Congress is at a distinct disadvantage *vis-à-vis* the executive branch. Without such staff assistance, the overwhelming task of checking on the operation of government becomes impossible. And without checking the myriad details, Congress can only pay lip service to its constitutional duty of control over government expenditures.

By law, each of the standing committees is required to report the names, positions and salaries of all of its employees every six months. These lists are duly printed in the *Congressional Record*. Simple enough? Try ferreting out the physical location of all of these people!

"The student of committees," wrote former British M.P. Kenneth Wheare, "has to make a choice. Either he can try to hack his way through the jungle on foot, or he can try to get a bird's eye view of the terrain from the air. If he chooses the first alternative, the most he can hope for is to clear a portion of his territory; if he chooses the second, the most he can hope for is to produce a rough sketch-map of the whole area."[8] How true this is. Our Task Force has tried both approaches.

The push for reform of the minority staffing question is, and has been, hampered by two major underlying fundamental conditions, which must be reported.

First, there is an absence of any consensus among the members of either party as to the proper role of Congress in the 1960's. Should Congress concede its loss of initiative in policy-making and bill-drafting to the executive and become more of an agency for oversight of the administration? Or should Congress attempt to regain some of its initiative in the legislative process and be content with a general overseeing function? The question does not have to be answered to bolster the case for increased committee staffing, because either direction calls for expert assistance and independent sources of information to serve Congress. (Clearly, a national debate over the role of Congress in the twentieth century is in order. The Administration, the academic community, the press, and interested citizens throughout the country should join. This book is an attempt by House Republicans to get the dialogue moving in a meaningful and constructive manner.)

The second condition we found in the committee staffing situation is the prevalent abuse of committee staff people by individual members of both parties. To reiterate the injunction of Standing Rule XI:

"Professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them."

Candor compels me to admit this rule is sometimes violated. Professional staff employees are sometimes commandeered to write speeches or do other chores for individual Members that are not directly connected with the business of the committee, to handle constituent mail on matters of no relevance to the committee, and even to engage in activities directly concerned with the re-election of a Member. We turned up a distressing number of instances in which committee employees were physically quartered, not in the committee staff room, but in the personal offices of committee members. (Part of this situation is undoubtedly due to space limitations, however. A staffer may be assigned to a Member's personal office in some instances because there is simply not room for him in the limited committee quarters. Another reason may be that, because of his committee responsibilities, the individual Member may wish to have his staff adviser readily accessible. This would be particularly true where the Congressman's office was located inconveniently far from the committee offices.)

There is also the fact that Members of the minority party have failed to prosecute actively the case for increased staffing. In an extensive survey of Republican Members' attitudes with respect to the work and staffing of their committees, we found roughly two-thirds dissatisfied with the performance of their committee in the exercise of oversight of the Administration. Yet, we are able to document a grand total of only eleven instances in which minority Members were denied requests for additional committee staff help! (One reason, undoubtedly, is that minority Members know from painful experience that it is pointless to make such requests because they have invariably been turned down.) This does not, of course, negate the case for better staffing for the minority; it *does* point up the educational job we have to do on our own side of the aisle as well as generally.

It is hoped that this chapter will form part of this educational process.

The adversary system

This writer, in common with most responsible political observers, believes firmly in the two-party system. The system has evolved naturally from the early days of our Republic as the best means for organizing disagreement in a diverse society.

The importance of the two-party system goes, indeed, far deeper than simply the "firm belief" of this author or of any other observer. The two-party system is the vital ingredient that has made possible the success of our government. Throughout our history the interplay between two broadly based, widely inclusive national political parties has enabled the country to overcome, in large measure, those regional differences and conflicts between social and economic interests that, in many other democracies, result in the formation of numerous, specialized parties, none able to speak for the whole nation, or worse, to dictatorship.

The capacity of our two-party system to resist the divisive formation of effective third parties has been the salvation of America. Freed from the worst excesses of enervating factionalism, our country has been able to develop in freedom her enormous natural resources and to achieve fulfillment, in great measure, of the individual rights guaranteed by our Constitution. That document alone could not have provided this result without the proper instruments to carry it into effect. The impotence of mere documents is nowhere better to be seen, for example, than in the Soviet Union, where maximum tyranny reigns under the aegis of one of the world's most liberal written constitutions. In our case, the most effective political instrument for the fulfillment of our Constitution's promise is the two-party system.

The evolution of the system followed logically from our Anglo-Saxon tradition of jurisprudence, which is the root of all American legal institutions.

It is based on the adversary system. The right to counsel and the right to be judged on the facts pertaining to the issue are rights that are stamped indelibly on the minds and hearts of the American people. Through the adversary system, we get more information on which to base our judgments. Under ideal conditions, each side has complete freedom to develop relevant information and present its arguments. The end result is the production of the greatest possible amount of information, and, therefore, the greatest possible understanding for those who must render decisions.

Much of the same adversary technique is seen in business competition as well. Competition in business leads to better products at lower cost and to improved public understanding of the products themselves as well as the nature of business. Competition is the economic strength of the nation, and in the marketplace of ideas the principle is of equal importance.

This tradition is as applicable to a legislative body as it is to a court of law. Under free government, each party is permitted to present its views fully. Most important, the system protects the rights of minorities while allowing the will of the majority to prevail.

The success of the adversary system depends on the quality of the debate. To assure the highest possible quality, each side must have equal opportunity to marshal evidence in support of its positions. In a legislative body, it is just as essential that the minority party have sufficient staff assistance as it is for either party in a court of law to have proper counsel.

The present situation in Congress, as the staffing ratio proves, is deplorable with respect to counsel for the minority. When both Senate and House and the Presidency are controlled by the same party, the situation is at the point of maximum danger to representative government. When the minority in Congress is reduced to capitalizing on such mistakes as are made by the Administration (if it can find out about them), effective opposition (if there is any) must come from the ranks of the majority party itself. This is the present trend and it is a very unreliable state of affairs. The business of the Republic demands that the effective expres-

---

Footnotes at end of article.

sion of minority views not be allowed to rest on the capricious, internal strains within the party that is charged with the responsibility of governing.

In this connection, I wish to mention a Republican-sponsored proposal to give to the minority party control of an investigative committee of the House whenever the majority party controls both houses of Congress and the executive branch. Sponsors of the bill are headed by Minority Leader Gerald Ford of Michigan, and include Congressman Robert H. Michel of Illinois, whose chapter in this book is devoted solely to detailed explanation of the proposal.

Here I merely want to point out that the adoption of the Republican proposal would ease considerably some of the problems of a minority party seeking to fulfill its functions under the present state of affairs. It would help insure against whitewashes of wrongdoing and gross errors on the part of government officials.

While outsiders and members of the majority party may be forgiven a feeling of suspicion at Republican motives in making the proposal, in refutation of these I point out that there is good Republican precedent for the idea.

In 1923, when both the executive branch and both houses of Congress were controlled by the Republican Party, rumors of improprieties surrounding the leasing of the Teapot Dome oil reserve whirled through the Capital. As they grew to a point requiring formal investigation, Republicans prevailed upon Democratic Senator Thomas J. Walsh of Montana to take charge of the investigation. This is a dramatic example of a case in which Republicans gave to the Democrats control of an investigation into a major scandal involving high-ranking members of a Republican Administration. The results were salutary and of great benefit to the whole country. There should be formal provisions enacted so that this would always be the case.

(It should also be noted that the British House of Commons has a Committee of Public Accounts whose chairman is by tradition a leadering member of the Opposition, usually a person who has been Financial Secretary of the Treasury. The committee is charged with responsibility for insuring that all public money is spent in the manner intended by Parliament. It promotes economy and efficiency and helps to maintain high standards of morality in all public financial matters).

In this day and age, more is expected of a minority party than mere criticism, a political platform, and legislative debate. A responsible party must be one in which people have confidence and one to which they will entrust their destiny. It must be prepared to present, in reasonable detail, at least some practical alternatives to the hundreds of complicated and technical issues confronting the country. Offering meaningful alternatives is no simple task. The development of such alternatives requires the services of specialists and technicians, men and women who have devoted their lives to concentrated study of a particular problem.

By the very nature of a Congressman's job, it is very difficult for most Members to become as expert as the problems require. They must be concerned with too wide a range of subjects to permit specialization. Many Members of Congress face still another problem. Most Congressmen feel that they simply do not have the time to study *all* legislative matters and administrative policies. Just to keep up with individual problems of constituents is a huge task. Consider the following examples: A shortage of heating coal, fraud by mail, eligibility for a pension, the impact of a new law, a missing person, a family tragedy, a suspected crime, a missing pension check, harsh treatment at the hands of a government agency, the need for a job, a visa, citizenship for a relative or friend, the impact of a drought, a rate increase, a public transportation problem, a tariff ruling, information concerning the workings of an obscure government agency, a man's draft status, taxes, naming a mountain, a hardship discharge, a promotion, a pay increase—the list is endless.

Besides answering a large volume of mail, greeting constituents visiting the Capitol, attending to the needs of their districts and their party obligations, Congressmen are called upon to exercise leadership and concern in almost every matter involving the federal government. Although some of these areas are beyond the immediate control of Congress, a Congressman frequently must act to rally public opinion or file strong protests on behalf of his constituency. He has an important role in reminding the often smugly insulated federal agencies that they are meant to be the servants and not the masters of the people.

Congressmen have personal staffs to help with some of their tasks, but some responsibilities cannot be delegated. Some commentators have suggested that it would be helpful to the legislative process to remove certain of these tasks from the Congressman's workload by establishing an Ombudsman-type office. This writer is strongly opposed to any such proposal. Dealing with constitutent and district problems is the raw material of the legislative process. The Congressman, through the power conferred by his constituents' votes, and acting, in a sense, as a trustee, can cut through red tape and keep our government responsive. Even more important is the fact that as he performs this function the Congressman becomes aware of problems which need legislative action.

Above all, however, a Congressman is a legislator. This most important function begins with his committee work. Although Congressmen are responsible for final judgments in the legislative product of their committee work, their acts are influenced in many ways by the work of the committee staffs. No significant legislation is produced without the aid of experts. The staff supplies the expertise necessary to reduce the extensive time which few Members of Congress can afford to devote to legislative duties. Under the direction and supervision of committee members, the staff suggests investigations, prepares their preliminary groundwork, and often influences their scope and direction. The staff selects witnesses and prepares lines of questioning. The staff collects mountains of data, checks facts, organizes and digests them into manageable proportions. The staff may generate or prepare special studies. Staff people often draft reports upon which the most pivotal committee decisions are based. In short, the staff does that essential spade and leg work few Congressmen have the time to perform.

The demands on a Congressman's time highlight the importance of good staff work. Implicit in this situation is the recognition that many Congressmen cannot devote as much time as they would like to supervising the work of their committee staffs. If this is so, it suggests yet another reason for adequate minority staffing: mindful of human nature, it is conceivable that improperly supervised staffs could exercise undue influence over the work of their committees. A good check on this, obviously, would be an alert minority staff.

Infrequently, the minority is blessed with offers of outside assistance. One memorable example occurred when a task force under the chairmanship of Representative Frank Bow (R., Ohio) and composed of Republican members of the House Appropriations Committee undertook a thorough analysis of the proposed budget for fiscal 1964. Maurice Stans, Director of the Bureau of the Budget under President Eisenhower, and some half dozen former members of that agency, provided valuable assistance to the project. The economy drive which this effort spearheaded resulted in savings of $6.3 billion to the taxpayers of this country. It also permitted economy-minded Congressmen to vote for the tax cut.

It is interesting to note that when Congressman Bow first announced that he thought his task force could recommend substantial cuts in the budget, without damage to necessary programs, he was challenged immediately to itemize the proposed cuts. Congressman Bow refused because he feared that by thus forewarning agencies their public relations sections could man the ramparts and stave off a threatened economy drive by whipping up public opinion as only battle-tested bureaucrats can. I mention this here because it shows how important secrecy is in connection with legislative strategy. Obviously, a minority which relies entirely on a staff responsible to the majority, with lines of communication to the executive departments and agencies, is either naive or lazy or worse.

It should be noted here that where the minority is deprived of its own staff and where members are not as fortunate as Congressman Bow in receiving aid, there is always a temptation to turn to private interests for help. Without discussing the advantages and disadvantages of consulting special interests in regard to legislation which affects them, I shall simply contend that any situation which forces minority Congressmen to turn to special interests for staff work is not in the best interest of sound representative government.

All Members do, of course, have access to the assistance of the Senate and House Legislative Counsel for bill-drafting, and to the Legislative Reference Service of the Library of Congress for research. The primary functions of the Senate and House Legislative Counsel involve the highly technical and specialized task of drafting legislation. The staffs of both offices are composed of qualified and dedicated personnel. The Legislative Reference Service operates exclusively as a nonpartisan research and reference service for Members of Congress. Its staff has grown steadily and in all probability will continue to grow with the increasing need of Congress for specialized research assistance with which to deal with the technologically induced changes in our society and economy. Assuming that Congress maintains a reasonable balance between the legitimate demands for staff assistance from these auxiliary sources and the actual capacity of the staffs to provide such help, it is the committee staff system itself on which Congress must principally rely. While organizations like the Legislative Reference Service greatly assist individual Members in their particular areas, they cannot substitute for committee staffs.

But the needs of congressional committees go beyond the question of sheer size of a staff and reach to the problem of making possible an effective distinction between majority and minority positions in order to facilitate meaningful floor debate and responsible problem-solving. As long as Congress is organized on the basis of a differentiation between majority and minority roles, even at the committee level, it is not realistic to expect adequate legislation to evolve from a "nonpartisan" staff arrangement.

The nonpartisanship of the 1946 Reorganization Act has not, as I have suggested, been a success. Some committee staffs in the House of Representatives are truly nonpartisan, not only in terms of party affiliation but in terms of serving members of both parties equally. On other committees, the principle of appointment and control of tenure by a majority of the committee has led to control of the staff by the Chairman and almost exclusive use of its time by the majority party. Even on the few committees which try to give equal service to members of both parties, it is evident that whoever appoints the staff also controls it. Today, the overwhelming majority of committee staff members are hired, supervised, promoted, and assigned duties by the chairmen of the committees. When the workload of these committees is heavy, the staff naturally feels obliged to give preference to the needs of the majority members on whom they rely for their jobs. Consequently, one can understand why members of the minority party cannot always confide in or depend upon staff members responsible to the opposing party.

Conclusion

The case for increasing the staff available to the minority is overwhelming, in my opinion. It has been brought to the attention of the Joint Committee on the Organization of Congress, which is preparing its report and recommendations as this book goes to press. Very likely the Committee's report will have been issued before this paper is published. However, because many Members addressed themselves to this problem in the course of the Committee's extensive hearings and because our Task Force has worked closely with the Committee's staff, it is expected that the report will contain strong recommendations for immediate action to correct the partisan imbalance in committee staffing.

In discussing what should be done, I do not believe it is necessary to get into a numbers game and try to set up any specific ratios that will meet the problem. The work of every committee is different; accordingly, its personnel requirements are different. Moreover, staffing needs must change in response to new developments.

I strongly believe, however, that the minority on every committee should have the right to hire and fire its own staff personnel, set their salary scales, and locate them without prior approval of the majority.

Last year, minority members of the Public Works Committee asked permission to hire an economist to assist them in consideration of the extremely involved implications of the Appalachian Development Act and the Public Works and Economic Development Act then pending before the Committee. These programs involved many social and economic factors not normally within the purview of the Public Works Committee. We needed to have competent outside advice and counsel. The majority turned us down, and we had no recourse but to swallow this decision and get along as best we could. This is wrong. We should have been able to make our own decision on this point and hire the expert we wanted. While I have no illusion that the final passage of some bills would have been changed, greater public knowledge would have resulted from clearer delineations of portions of them, and it is likely that improvements in the legislation could have been made during the drafting of the bills in committee.

(Another example drawn from the Committee on Public Works is the fact that as of this writing more than eight months have elapsed since a new subcommittee was authorized for the purpose of supervising, overseeing, and investigating the new Appalachian Redevelopment Program and the Public Works and Economic Development Act. Committee members of both parties unanimously adopted the Resolution creating the new subcommittee. This failure to activate the subcommittee, while not directly applicable to the minority staffing question, is further illustration of the need for the minority to have an investigative arm of its own. In this particular situation, even the majority seems powerless to enforce its own formally approved decision. The minority has no chance at all.) (The subcommittee finally was activated July 13, 1966.—Ed.)

Frankly, I wish to state that this concern on my part does not stem entirely from the fact that I am a member of the current minority party. Although it is true we feel the brunt of this staff deprivation at the moment, I expect to feel no differently when my party is in the majority. Effective criticism from the loyal opposition is essential to good government, regardless of which party is in control. As far as I am concerned, the Republican Party has a commitment when it becomes a majority to see that the minority is provided adequate staffing.

FOOTNOTES

*Mr. Cleveland represents the 2nd Congressional District of New Hampshire. Before his election to Congress in 1962, he served 12 years in the New Hampshire State Senate where he was Majority Floor Leader for four years, Chairman of the Judiciary Committee and, at various times, a member of eight additional committees. In Congress he is a member of the House Public Works Committee and was recently named to the Joint Committee on the Organization of Congress succeeding former Rep. Griffin, now a U.S. Senator. Mr. Cleveland's wife, Hilary, teaches Government and History at Colby Junior College for Women in New London, N.H., the Cleveland's home.

[1] Hearings, Joint Committee on the Organization of Congress, 89th Cong., 1st Sess., Part 1, p. 74.

[2] *Ibid.*, Part 4, p. 527.

[3] Robinson, James A., *Congress, The First Branch of Government*, American Enterprise Institute, 1965, Library of Congress Catalog No. 66–14193, p. 273.

[4] From Supplemental Views of Rep. James C. Cleveland on S. 2394., 89th Congress, 2nd Session:

"But over the hill and horizon
A light is beginning to burn;
Dissent is getting respectful again,
Thinking is taking a turn. . . .

"So courage my lonely colleagues,
Be of good heart and of cheer;
Minority views are sometimes read
And the public's beginning to hear."

[5] I had prepared an article for the *George Washington University Law Review*, which was not published due to the insistence of the faculty adviser that I omit a footnote naming the nine persons and moneys received.

[6] Rumsfeld, Rep. Donald (R., Ill.), JCOC Hearings, Part 4, p. 538 (1965).

[7] Conte, Rep. Silvio (R., Mass.), JCOC Hearings, Part 2, p. 278.

[8] Wheare, K. C., *Government by Committee: An Essay on the British Constitution*, Oxford University Press, 1955.

THE PRESIDENT'S COMMITTEE ON FOREIGN TRADE LEGISLATION NEEDS MORE REPRESENTATION FROM ADVERSELY AFFECTED INDUSTRIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SIKES] is recognized for 15 minutes.

Mr. SIKES. Mr. Speaker, the President has appointed a committee to advise him on foreign trade legislation. It appears that the committee members are drawn heavily from manufacturing companies, banking and similar interests that draw a substantial share of their income from foreign operations.

I do not question the ability or integrity of these members. However, representation of industries that are concerned over import competition, on the other hand, is numerically small. Only steel and textiles are given representation. This leaves out a number of important industries that have a real stake in our national trade policy. To leave them out would be to omit important elements in the economy that would be greatly affected by any future trade policy. I realize that there are a great many American industries and that all of them cannot be represented on committees such as this. Nevertheless, I question the value of recommendations from a committee that draws its membership preponderantly from the side of free trade.

It is not a question of being for or against further tariff reductions. Rather it is a question of fair representation in an advisory panel. While it is gratifying that the steel and textile industries are represented on the panel, the impression may be created that these industries provide sufficient representation numerically and that a greater number is not justified by relative strength of the opposing sides. This is an unfortunate effect and is contrary to the facts.

For one, the chemical industry is not represented. The apparel industry is left off. Those who support meat import legislation are left off. The glass and pottery industries have no spokesman. The footwear industry is likewise left without a voice insofar as import restrictions are concerned. Fruits and vegetables have no representation, nor hardwood plywood, fishery products, bicycles, motorcycles, tools, consumer electronic goods, and numerous other industries.

The present makeup of the committee largely ignores the vast outpouring of witnesses during the hearings before the Committee on Ways and Means conducted during the month of June, and their complaints about rising imports. It would be a serious mistake to ignore the evidence of growing concern expressed by industry after industry over the import menace, and unfortunately I think this has been done in setting up the President's committee. I urge that additional members be appointed from industries more adversely affected by imports in order that the recommendations of the committee inspire greater confidence and provide more positive information.

GEN. WILLIAM F. "BOZO" McKEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS], is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, earlier this week General McKee visted with me in my office. The specific purpose of his visit was to express again his continuing concern with the present and prospective demands on our airports and airways systems.

As you know, these are complex but highly vital subjects. I assured General McKee that they will receive the full attention of the committee when it is possible to schedule hearings. His visit caused me to reflect on his 3-year stewardship of the Federal Aviation Administration. Without taking away from his highly competent predecessors, it is my opinion that "Bozo" McKee assumed a highly difficult, challenging and controversial job and has executed his duties with unparalleled wisdom and efficiency.

General McKee has devoted his entire adult life to service to the United States. He has had an illustrious career both in his military capacity and in his civilian capacity at NASA, and more recently at the FAA. He has received many well deserved commendations and awards. I have also seen him in situations where he has had to contend with totally undeserved criticism. In all of my experience with him, both in his formal and informal appearances before the Committee on Interstate and Foreign Commerce he has been completely candid, and conversant with the subjects under discussion.

To my knowledge he has made all of his decisions—and many of them have been very difficult decisions—with respect to the safety and improvement of air transportation in a completely objective manner. I believe that he was able to perform so successfully primarily because he made it known at the outset that favoritism of any sort is alien to his nature.

At this time I would like to commend him on his successful career as Administrator of the Federal Aviation Administration and to wish him well in the future.

HUNGER IN AMERICA?

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 15 minutes.

Mr. **GONZALEZ**. Mr. Speaker, I have had yet another exchange of correspondence with CBS News regarding their program, "Hunger in America." I offer this latest exchange for the interest it may have to my colleagues.

Every challenge I have made to CBS News stands. Every letter I have written to them results in a longer reply, and usually from a higher official. Yet none of their explanations has come near to squarely facing the facts. As far as I am concerned, CBS News has yet to explain its actions or prove its allegations. All of us know how hard it is to challenge a great television network, with all its resources of men and money, but I believe that news media must be faithful to their trust, and must face up to the facts when they are incorrect, as this network has been in this case.

The letters follow:

CBS NEWS,
New York, N.Y., September 10, 1968.

Hon. HENRY B. GONZALEZ,
House of Representatives,
Cannon Office Building,
Washington, D.C.

DEAR MR. GONZALEZ: In your recent letters and your comments in the CONGRESSIONAL RECORD concerning the CBS Reports: "Hunger in America" broadcast, you have questioned certain aspects of that broadcast and have asserted that it "presented an inaccurate, biased and misleading picture of conditions in San Antonio."

Before considering in further detail the specific items cited by you, it may be helpful, in the hope of placing the matter in proper perspective, if I first make several general observations.

CBS News does not doubt, never doubted, and never expressed any doubt, that there are many public officials, like yourself, who are deeply concerned over the problems of the poor in this country. It was our thought, and subsequent events indicated we were correct, that our broadcast might help in the fight, through informing the public, to help solve these problems. As *The New York Times* (Jack Gould) pointed out, when commenting on criticism of the broadcast by Secretary Orville Freeman, "he may not have realized that he had picked up a strong ally, not a foe, in CBS."

We did not begin work on the broadcast with preconceived notions or conclusions. We began, instead, with basic questions such as these: Is there hunger in America? If so, what is being done about it? These questions were researched objectively and intensively over a period of many months. And our underlying conclusions, with which I am sure you agree, were that there are major problems of hunger in this country and that these problems are not being dealt with adequately.

Since you and CBS share a common interest in these problems, I assume there is also a shared conviction that disagreements between us as to individual details should not be permitted unduly to minimize or becloud the existence and magnitude of these problems.

In this framework, I turn now to specific points raised by you.

You quarrel with the accuracy of our reference of 100,000 hungry people in San Antonio. We derived this statistic from several sources including, as you know, Commissioner Pena, an elected official of the county of which San Antonio is the principal city. In this connection, we also refer you to the San Antonio hearings of the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States and particularly to the testimony of State Senator Joe Bernal, who stated that "at least 100,000 would be pretty close to starvation" in San Antonio. The testimony of Joel Falcon, Assistant Regional Director of the Texas State Welfare Department, and of John E. Bierschwale, Director of San Antonio City Welfare, also lends support to this conclusion. Of particular relevance here are the frank and forthright statements made by the City of San Antonio, in its 1967 application for participation in the Model Neighborhood Program. In that application, the City made the following representation, based on 1960 census figures:

"In the City, 28 percent of the families (38,444) made less than $3,000 per year, and over 6 percent of the families had an income of less than $1,000.

"Although the economic picture appears optimistic and growth seems to be certain, it is still true that San Antonio has more areas of blight today than ever before.

"We have before us then two San Antonios: One, a San Antonio growing in prosperity and economic viability; The other, *a San Antonio which has grown only in the intensity of its problems*. It is the latter San Antonio to which this proposal is directed." (Emphasis added.)

Later in the application, the City stated that currently (1967) "it is estimated that there are 45,980 children under the age of six years in families having an annual income of less than $3,000 . . ."

Finally, as you know, the United States Department of Labor, in cooperation with the Texas Employment Commission, surveyed sub-employment in the slums of San Antonio in the latter part of 1966. The published report which followed contained this conclusion:

"Unemployment—or sub-employment—in the slums of San Antonio is so much worse than it is in the country as a whole that the national measurements of unemployment are utterly irrelevant. . . . The situation there is that almost half of the people are unable to earn a decent living."

(This Department of Labor conclusion was not questioned by Kemper Diehl when he reported the results of this survey in the September 17, 1967 issue of the San Antonio *Express News*.) In light of the foregoing, it is difficult for us to accept the contention that the picture we presented of conditions in San Antonio was "inaccurate, biased and misleading." Indeed, it seems to us that the figure of 100,000 might even be conservative.

You question our estimate of the number of Mexican Americans in San Antonio; and, in stating that they presently constitute 41.5 percent of the San Antonio population, you chide us for not checking this statistic with the Census Bureau. The fact is we were quite aware that the 1960 census had reported that as of April 1, 1960 the Spanish-surnamed population of San Antonio was estimated at 41.5 percent. It appeared to us reasonable, however, to assume that a statistic developed some eight years ago in a city that has been expanding rapidly would not necessarily be accurate today. We accordingly sought more current estimates. The consensus of the community leaders to whom we spoke is represented by the following testimony given by State Senator Joe Bernal at the September 1967 hearings of the Citizens' Board of Inquiry:

"Q. What proportion of San Antonio is made up of Mexican-Americans?

A. According to the 1960 census, 42 percent. Close to 50 percent now."

In the circumstances, we do not see how our figure could reasonably be said to be "wildly inaccurate."

It appears that the item upon which you place heaviest reliance in your attack upon this broadcast is the question raised by Kemper Diehl as to the identity of the baby photographed in the premature nursery while being resuscitated and the contributing factors leading to the infant's death. We relied for our information on these points on statements given to our newsmen by the hospital official through whom they dealt principally in their visit to the hospital as arranged with the hospital authorities. We continue to believe it was quite proper for our reporters to rely upon this source for such information even though it appears that these questions cannot be irrefutably resolved at this time (for example, the purported parents of the baby in question apparently do not wish to be publicly identified as such and the hospital is likewise apparently unwilling to make a public identification). We ourselves are unable independently to identify the baby because, in filming the premature baby ward, we had no intention of studying any individual case in that ward and the babies filmed were thus not identified for us.

In any event, it seems clear that the accuracy of the broadcast as a whole remains unchallenged. Our report in describing conditions in San Antonio stated that a great number of San Antonians suffer from malnutrition and that among the innocent victims of this situation were those children born prematurely as a result of their mother's malnourished condition. A glimpse into the conditions prevalent in that community was offered by Olan W. LeBaron, Executive Director of the Community Welfare Council of San Antonio, who testified before the Citizens' Board of Inquiry:

"Up until 1966, the City Health Department kept statistics on morbidity and mortality. As the planning and coordinating agency in the community we used to, and still get the weekly reports. They have changed the format now, and so these figures are not currently reflected, but in 1965 in the City of San Antonio there were 74 deaths of infants under one year of age in which the primary cause of death was given as malnutrition. One third of the approximately 450 deaths of infants under one year which occurred in that year had given as the primary cause of death prematurity. And I have talked to some of my doctor friends, and I am not a physician, who tell me that one of the very frequent causes of prematurity is malnutrition in the mother."

I am sure you will agree that, however the differences between us concerning the infant in our broadcast are resolved, that resolution will have no impact whatsoever on the tragedy implicit in the statistics quoted by Mr. LeBaron. Certainly it is to this tragedy and how it can be avoided that attention must now be given.

Your feeling that we "coached" a physician was answered in Mr. Benjamin's July 25 letter to you. And I have nothing to add, except to protest gently that you inadvertently have misquoted that letter. You quote Mr. Benjamin as saying in it that CBS personnel "suggested" what the doctor should say. There is no such reference in the letter. It points out, instead, that we merely asked him to "make them (his statements) less technical." It was our thought, for example, that a reference to "first-degree malnutrition" might not be meaningful to the viewing audience—and that it would be desirable for the doctor to explain in lay language what he meant by that. Of course, we could have translated the doctor's statement into non-technical language but within the confines of a one-hour broadcast there is just so much one can say and it seemed a waste of precious time to say one thing and then to have to explain it again.

You also seem to imply that we edited Commissioner Ploch's statement so as to distort its meaning. This is not the case. His posture on the issues involved was faithfully represented in our broadcast. Your charge that we "represented his views as the general community opinion" also leaves me confused. I do not know on what you base that, except, possibly, our reference to the undisputed fact that he is an elected official of the county. We certainly did not intend to imply that Mr. Ploch represented the community as a whole; indeed other community spokesmen included in the broadcast indicated attitudes quite different from Mr. Ploch's. You also make the comment that our broadcast "has not fed one hungry person." This is demonstrably incorrect. Rather than beat the drums ourselves, I am enclosing a statement which appeared on page 40 of the August issue of The Sign.

Finally, your letter of July 30 states that the majority of comments you have received from persons interviewed for our broadcast have been unfavorable in that the individuals felt they were unfairly treated and that "CBS News took advantage of their trust." Such a statement is too general for us to answer except to say that none of them has complained to us and that we do not believe there are valid grounds for any such complaint. Moreover, we have received many laudatory letters and messages from San Antonio.

In sum we believe the broadcast honestly and accurately assessed some of the problems of the poor in San Antonio and elsewhere and thereby rendered an important public service. We recognize that "Hunger in America" ventured into a highly controversial area but we are confident that it will withstand all attempts to undermine its basic findings and conclusions.

With best wishes,

Richard Salant.

[From the Sign, August 1968 (p. 40)]

This column does not often discuss single programs, because by the time Sign readers get to it, the programs will have been long forgotten. However, the Columbia Broadcasting System televised a documentary in May, and repeated it in June, that was so brilliant in its conception, so stunning in its impact, and so hopeful in its results that it deserves some mention here. The program, "C.B.S. Reports: Hunger in America," was first televised May 22. Its searing pictures of youngsters in four different parts of the country suffering the ravaging physical and mental consequences of hunger touched the national conscience and set in motion a whole series of private and public reforms. Some of these were mentioned when C.B.S. repeated the program on June 16. Secretary of Agriculture Orville Freeman called the program "a disgraceful travesty of facts" and a "distorted, oversimplified, and misleading" picture of the situation. He demanded equal time, a request that was denied by the networks. Committees of the House and Senate began investigations of hunger in this country, and Senator Joseph Clark, chairman of the Senate Subcommittee on Employment, Manpower, and Poverty, urged that the program be shown in every high school and college in the country. On June 3, Mr. Freeman's Agriculture Department announced that its monthly surplus food package will be increased by about 40 per cent within six weeks and will provide a greater variety of food. A department head, asked if the program had stimulated the action, replied: "It always helps to be pushed."

On June 12, Freeman himself, after previously testifying in favor of a $245-million annual ceiling on the food stamp prgoram, changed his opinion and called for an unlimited expansion of the program. The Senate passed an amendment to the Agricultural Appropriation Bill, making it clear that the department had the authority to spend an additional $200-million to $300-million for food relief, in the areas covered by the program, a Catholic priest in San Antonio received over $2,000 from viewers for his Mexican-American poor, and an anti-hunger movement has been started by citizens' groups. Money has poured in to physicians working with the poor in Arizona and Virginia, and a Negro boy in Alabama has received enough money to buy his twenty-five-cent lunches for another year with enough left over for some friends. Five families in Duluth, Minnesota, after seeing the broadcast, collected 2,700 pounds of food. A food processor donated forty-five tons of additional food. A railroad offered free use of its boxcars for transportation, and the food drive has become community wide in Duluth. In all, C.B.S. has received thousands of letters from viewers asking how they can help their hungry neighbors throughout the country. When next the impatient viewer feels the urge to throw a shoe at his television set, let him remember "Hunger in America." C.B.S. has reason to be proud. For one glorious hour, it caught the full dimension of this powerful medium.

House of Representatives.
Washington, D.C., September 12, 1968.
Mr. Richard S. Salant,
President, CBS News,
New York, N.Y.

Dear Mr. Salant: I very much appreciated your lengthy letter, but the length of it makes your reply no more convincing. My careful reading of your letter leads me to believe that it is no more a defense than its predecessors. My time and resources are obviously not as great as yours, and I do not propose to attempt matching your letter word for word. My purpose here is merely to point out to you that you may be convincing yourself of the rectitude of CBS News, but not me, and for these reasons:

1. CBS News claimed flatly that it was showing a picture of a baby who died of malnutrition. It did not identify the baby, and did not offer medical evidence. Investigation has since proved that the baby CBS showed did not die of malnutrition at all, but of complications arising from the fact that it was premature. There is no evidence that the baby was premature because its mother was malnourished.

Your letter merely states that CBS was talking about a general situation, not an individual case. The fact is that CBS claimed it was showing a baby dying of malnutrition, and that claim is probably not true. The impression was conveyed that this was a common problem, and that claim is probably untrue as well. For all your words, the fact remains that my statements to you stand unchallenged. CBS did not show a picture of a baby dying of malnutrition, but of a baby dying from other causes. CBS *assumed* that it was showing a case of malnutrition, but never bothered to check its conclusions with medical authorities. Therefore what you represented as a fact was not a fact, and you cannot create a fact from fiction, try as you have.

2. CBS claimed flatly that there are a hundred thousand hungry people in San Antonio. I demonstrated how you arrived at this startling conclusion, and that it was based on absurd statistical assumption. At first you justified this on the basis of the words of a county commissioner who when he talked to CBS needed to make some dramatic statements for political reasons; then you justified it on statements to a citizen panel, and finally you say that the source is a state senator. But you still cannot say that your figure is derived from any other than simple, even fantastic assumptions, which in fact it is.

The fact that with regard to population statistics you rely on statements by local officials does not change the fact that you could have gotten more reliable figures by a simple call to the Census Bureau. It is silly for you to blandly assume that an eight per cent change in population makeup of a major city can occur in the space of seven years. Such a change is possible, but any major news organization knows, or should know, that demography is not a simple science, and that the most reliable demographers are not local officials, but the Census Bureau. Again, you change the source of this figure from one to another, but that has been the pattern of this exchange of correspondence, and does not change the facts.

CBS News did try to coach a physician on his statements regarding malnutrition, and when he did not change his statements to make them more dramatic, they went unused.

3. CBS News did present the local government in an unfairly unfavorable light by showing an edited interview of a county commissioner whose views are known to be ultraconservative and who most certainly does not represent the attitude of either the city or the county government. The fact is that CBS News intentionally or unintentionally gave the impression that local government did not and does not care about trying to resolve the problems of the poor, when the opposite case is true.

Despite your lengthy statements and the constantly shifting justifications CBS News has offered to me, I do not believe that any of the above challenges have been met, nor can they be. "Hunger in America" was, insofar as the San Antonio segment is concerned inaccurate, in great part actually untrue, and grossly distorted.

I am concerned about poverty and hunger. I have devoted the greater part of my life to alleviating those problems. I have no doubt that you are honestly concerned about the problems of the poor. But injustice is more likely to be perpetuated than ended when the facts about it are distorted or falsified. CBS has done in this case more harm than good to the cause, and no one could regret it more than I.

Sincerely yours,

Henry B. Gonzalez,
Member of Congress.

OKLAHOMA LEADERS PREPARE FOR NAVIGATION FUTURE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include exrtaneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the Federal Government is making a wonderful investment for the future in its farsighted project to make the Arkansas River navigable to Catoosa, near Tulsa.

It pleases me to report to the House that the State of Oklahoma is making a vigorous effort to be ready to take full advantage of this navigation project when the project is completed in 1970.

Both the Oklahoma State Legislature, under the excellent leadership of House Speaker Rex Privett and Senate President pro tempore Clem McSpadden, and Oklahoma Gov. Dewey Bartlett have named study committees to take a close look at our State's laws as they relate to this navigation project.

These efforts are being made with the full realization that next year's session of the legislature is the one in which some major changes must be made in order to benefit fully from this navigation, and in order to avoid some pitfalls which other new navigation systems have encountered.

The Governor's excellent study committee on Arkansas and Verdigris River planning and development and the industrial development and aviation committee of the State legislative council—the interim legislative unit—are working together in studying the problems and the potential of this project, which is the key to full economic development in our State.

Specifically these two committees are charged with making sure that Oklahoma has adequate comprehensive zoning authority to insure proper use of riverfront land and laws to guard against pollution of the river and the lakes which make up the navigation system, for this water is eastern Oklahoma's most valuable natural resource; also an overall plan for recreational development, so that conflicts between industrial and recreational use of the water will not develop. In addition, the committees will decide whether or not the State needs a special arm of government to oversee development of the Arkansas River Basin, and, if so, what sort of governmental arm it should be, and what power should be invested in it. The committees also will see to it that proper economic studies are conducted between now and the summer of 1970, when navigation becomes a reality.

The Tulsa Tribune made an excellent appraisal of these efforts in an editorial entitled "Riverboat Harmony," which appeared on August 19, 1968. I would like to have this editorial appear in the RECORD at this point.

RIVERBOAT HARMONY

For a long time the Arkansas-Verdigris navigation project has been thought of as primarily a federal project. And of course it is, so far as financing is concerned—over $1.3 billion in federal funds will have gone into the job by the time barges reach the Port of Tulsa in 1970.

More recently, the local aspect of navigation has been brought home to taxpayers in Muskogee, Tulsa and Rogers County—they have voted bonds for development of local ports, or for roads to serve the ports.

Now, a third level of government is moving into the picture—the state of Oklahoma. The last session of the Legislature directed the Industrial Development and Aviation Committee of the Legislative Council to make an interim study of problems created by navigation and to make recommendations on what the state needs to do to meet those problems.

And last week, Governor Bartlett named 19 Northeastern Oklahomans to the 100-Week Committee, to assure the orderly opening and development of the navigation project.

He asked the committee to recommend to him whether a new state agency is needed to implement the project, whether additional legislation is required to assure orderly development, what economic studies may be needed and how maximum national publicity may be obtained for the opening of the project.

Granted that this is an election year, that Governor Bartlett is a Republican and the Legislature is predominantly Democratic, there should be no reason the governor's committee and the Legislative Council committee can't work together. Their objectives are basically the same. And on the national and local level, promotion of the navigation project has for years involved many leaders in both parties.

As it happens, a Tulsan is vice chairman of each of the committees. Sen. Gene Howard is vice chairman of the Legislative committee. And Jacques Cunningham is vice chairman of the governor's committee, headed by Harold Abitz of Muskogee.

The governor and the legislative leaders are aware of problems encountered in the development of other navigation projects.

Don McBride, an Oklahoman who now is a director of the Tennessee Valley Authority, has stressed some of these problems in speeches in Oklahoma this year. McBride, who played a key role in development of the Arkansas-Verdigris project, is concerned that Oklahomans be ready to deal with the problems of river pollution and of proper utilization of riverfront land for industrial and recreational purposes.

This massive project has moved as far as it has and as fast as it has because of the harmonious efforts of many farsighted Oklahomans and Arkansans.

If the governor's 100-Week Committee and the Legislative Council committee can continue this cooperative approach at the state level, utilization of the new barge channel can be planned to avoid many of the difficulties which have retarded development of other navigation projects.

Both the Governor's committee and the legislative committee are hard at work with the full realization that time is short. The Governor has pointed this up sharply by calling his committee the 100-Week Committee.

The recommendations from these committees will be before the Oklahoma Legislature when it convenes in January, and I believe this session of the legislature will go down in our State's history as the "navigation legislature."

Congress has given our State a great opportunity in this project, and we are not taking our stewardship lightly. We know that the American people expect and deserve a repayment with profit from an investment such as they have made in the Arkansas River. Oklahoma wants to make sure that the repayment can begin when the first barge comes up the river.

Mr. Speaker, this is one of the greatest cooperative efforts ever undertaken in Oklahoma. The legislative committee, under the chairmanship of Representative Walter Hutchins and the vice-chairmanship of Senator Gene Howard; and the Governor's committee, under Chairman Harold Abitz of Muskogee and Vice Chairman Jaques Cunningham of Tulsa, are made up of some of Oklahoma's finest civic leaders and lawmakers. These are people who have dreamed of navigation and worked for navigation since the 1940's. Now they are insuring the dream's full success.

The able men who are serving under Chairman Abitz and Vice Chairman Cunningham on the 100-Week Committee are W. W. Danuser, of Claremore; Frank McNabb and Phil R. Rhees, of Catoosa; Bill Lancaster, of Wagoner; Roy Frye Jr. and Wheeler Mayo, of Sallisaw; Lee Tyler, of Keota; Russell Gray, of Poteau; Harold Scoggins and E. Dale Christy, of Muskogee; Dr. Eugene Swearingen, Richard H. Hughes, and Kenneth Coe, of Tulsa; Mayor G. Larry Willis, of Shidler; Bill Coleman, of Sapulpa; Dr. Wayman N. Matlock, of Cleveland; Charles E. Cummings, of Bartlesville; and George H. Lamberson, Jr., of Oologah.

AMA VOLUNTEER PHYSICIANS FOR VIETNAM PROGRAM

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the AMA volunteer physcians for Vietnam program is one of the least publicized but most valuable efforts being made by our people in Vietnam. Through this program 12 to 16 U.S. different doctors volunteer their services and go to Vietnam for a tour assignment of at least 60 days. They work in provincial hospitals in 22 different locations supplementing inadequate local medical personnel.

These unselfish and skilled American physicians, many of whom are highly skilled specialists, take time off from their practices at home to serve in Vietnam on an unpaid volunteer basis, receiving only a subsistence allowance and travel expenses under the terms of their contracts.

I have had the privilege of personally witnessing the splendid care that these American physicians give to the Vietnamese civilian population at several of the hospitals in that little country. They treat war casualties, refugees, and other nonmilitary victims of disease, accidents, and illnesses of every kind. Their patients are of all ages, from infants to old men and women.

The severe shortage of adequate Vietnamese medical personnel is one of the tragedies which a visitor to South Vietnam witnesses. It tears at one's heart to see so many sick and afflicted human beings in such dire need of basic medical attention. Many of them need more than normal medical attention because of the severity of the diseases and injuries from which they suffer.

I salute the medical profession of our country for their participation in the AMA volunteer physicians of Vietnam program. A special tribute has been earned by those hundreds of physicians and surgeons who have volunteered their services on an unpaid basis to serve mankind in a less fortunate environment than the one in which they normally practice their profession.

I am particularly pleased to salute the 10 North Carolina medical specialists, including three from my congressional district, who have reached down to help others in a strange land. Drs. W. Grimes Byerly, Jr., and Dan Espey, Jr., of Hickory, and Dr. Wyan W. Washburn of Boiling Springs have earned a salute from all of us. They are great men who have great skills and who represent the finest in professional concern for others.

COAL MINE HEALTH AND SAFETY ACT OF 1968

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Speaker, I wonder how many of us would willingly enter this Chamber, day after day, if we had reason to believe that the roof might fall down on our heads or if we knew that the lighting of a match might touch off a violent explosion or we were told that the air inside was so full of dust that we stood an excellent chance of contracting a lung disease? Few of us, I think, would choose to labor here under such outrageous conditions. Rather, we would indignantly seek the swiftest remedies. And yet we here in Congress ask the Nation's coal miners to work day after day under conditions identical to those I have described.

We ask coal miners to tolerate such conditions not directly, but indirectly, through our failure to provide the increased Federal protection that they so obviously, and so desperately, need. The law that we have given them does not prevent the deaths, in an average year, of more than 300 miners from such varied causes as explosions, suffocation, drowning, and rock falls. The present law does not even recognize coal miner's pneumoconiosis, a lung disease that affects at least 1 out of every 10 working miners. It does not extend mandatory safety standards—inadequate as they are—to surface mines, which produce roughly 40 percent of the Nation's coal, and its penalties are so innocuous that last year 80 percent of the mines inspected were found to be in violation of at least one safety regulation.

The hazards of coal mining are not all avoidable; but they can be substantially reduced by better legislation. And such legislation now has been proposed by the administration. The bill now before us is aimed at all the conditions I have described, and many others. It represents a tremendous improvement over the present law. I strongly support it, and suggest immediate committee action on the bill.

FATE OF THE "PUEBLO"

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, 1 week ago today, I brought to the attention of this House the fact that I had received a petition bearing the signatures of almost 11,000 constituents expressing their concern over the fate of the U.S.S. *Pueblo* and its crew. You will remember that I wrote to the Secretary of State concerning this matter, expressing my personal interest in seeing that this petition received a proper response.

I have since heard from Assistant Secretary of State William Macomber, Jr., in response to my letter to Secretary Rusk. I must confess, Mr. Speaker, that I was disappointed, although not surprised, to learn that the Johnson-Humphrey administration readily admits of "the lack of success" in its present policy regarding the *Pueblo*.

The Secretary states that "the outlook for their—the U.S.S. *Pueblo* crew—early release does not appear promising" at the present. Why, then, must we continue to pursue the same fruitless policy? The letter from the Secretary states that he sees no alternative to this continued policy "at this time." At what time, Mr. Speaker, will an alternative policy be deemed acceptable? How does one measure the agony of those caught in the lurch of this sort of administrative doublethink?

The great tragedy is that the entire *Pueblo* episode could have been avoided had the administration used a little commonsense when the *Pueblo* was originally sent out on its mission. The Secretary's letter to me states that such missions "frequently involve an element of risk." Not just sometimes, Mr. Speaker, but "frequently." Why, then, was not adequate cover and support given to the *Pueblo* when it was sent on its mission? Why was there no assistance available to the *Pueblo* when it was under attack? I do not have to remind you, Mr. Speaker, that the *Pueblo* was under pursuit for more than 2 hours before it was seized. What went wrong, Mr. Speaker? Did the famed McNamara computers blow their fuse?

I have become tired of waiting for action on the *Pueblo*. I have become disbelieving of the promises of the administration when it tells me that in the sweet bye and bye all will be well with the *Pueblo* and its crew.

The Secretary of State blandly replies to his critics by asking what else could be done. How can we answer him, Mr. Speaker, when we are refused the facts concerning the *Pueblo* negotiations? We are told that the Department of State "cannot discuss the content" of its negotiations. What has the Department to hide, Mr. Speaker?

Before being elected to Congress I was a Foreign Service officer serving under the Department of State during the Eisenhower administration. Things certainly have changed since then. At that time the Department of State and the diplomatic corps knew their missions. At that time American interests were represented and defended abroad.

The administration may have forgotten the *Pueblo*, but the American people have not. I join with the people, Mr. Speaker, and continue to call for action on the *Pueblo*. For 8 months the American people have waited patiently. Do not be surprised, Mr. Speaker, if they are still tired of waiting on November 5 as well.

The letter from Secretary Macomber follows:

DEPARTMENT OF STATE,
Washington, D.C., September 11, 1968.

Hon. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: The Secretary has asked me to reply to your letter of August 29 informing him of the receipt of a petition demanding the release of the U.S.S. *Pueblo*, which was signed by 11,000 citizens of the 16th Congressional District of Illinois, and requesting information as to the status of our negotiations for the return of the crew and the vessel.

We share the deep concern of your constituents over the plight of the crew as well as their feeling of outrage at this provocative and unprecedented act by the North Koreans. Since the illegal seizure of the vessel, we have been vigorously trying to obtain the release of the crew and the ship. Our first discussion of this matter with the North Koreans took place on January 24, at a meeting of the Military Armistice Commission in Panmunjom. Since that time the United States Senior Member of the Military Armistice Commission has been meeting privately with the North Korean Senior Member at Panmunjom. To date twenty meetings have been held, the most recent on August 29. We cannot discuss the content of these negotiations, but obviously they have not satisfied our overriding objective, which is to obtain the safe release of the crew. As you point out in your letter, the diplomatic process is often regrettably slow, but we continue to believe that it offers the best hope of reaching our principal objective.

We have supplemented these direct dealings with the North Koreans by seeking the good offices of a number of third countries. Here again we cannot reveal the content of these diplomatic discussions but we continue to hope that they will have the desired effect and we are pressing every opportunity which becomes available.

We also suggested soon after the seizure that the facts of the case be investigated by some impartial body. We have reiterated this proposal but the North Koreans continue to reject it adamantly.

Secretary Rusk and the other officers of this Department are most regretful and most dissatisfied at the lack of success of these efforts; we do not, however, see any alternative at this time to the continued vigorous pursuit of a solution through diplomatic channels.

There have been a number of proposals to the effect that we attempt to rescue the crew members by force. While we are not prepared to rule out any tactic to achieve the safe return of these men, such a suggestion has to be considered with the greatest care. The use of force does not, in our opinion, appear to offer hope of obtaining their safe release. Quite the contrary, such a course would in all likelihood most gravely endanger the lives of the crew members. It would also endanger the lives of many other United States servicemen. There would, in addition, be a serious risk that such an action would set off major hostilities between the North Koreans, their Communist allies, and the United States, and its allies. These are far-reaching consequences, and our government must certainly weigh all these factors while at the same time keeping all its options open.

It has also been suggested that the United States should apologize for the activities of the *Pueblo*. We believe that to apologize under existing circumstances would be to yield to international blackmail. North Korea has produced nothing which proves that the vessel ever did violate North Korea's claimed territorial limit. We do not consider the crewmen's letters or the alleged confessions emanating from North Korea to be valid evidence of the *Pueblo*'s actions since they have all been written under circumstances which in themselves constitute a form of duress.

The suggestion has also been made that a ransom or "indemnity" might be paid in exchange for the release of the crew. The North Koreans have not presented or hinted at any such demand, nor have we made any such offer. To do so might well cause the North Koreans to believe that we are prepared to recognize, at least in this tacit fashion, that their allegations are true, thus hampering rather than aiding our efforts to negotiate the return of the crew.

Let me assure you that all who have been engaged in the manifold efforts of the United States Government to obtain the release of the crew members share your deep concern for their welfare. We are likewise deeply concerned over the anguish felt by the families and friends of the crew members, and you may rest assured that no effort will be spared, no avenue left unexplored, in the search for a solution to a problem which has caused so much heartache.

I must also assure you that the United States Government completely supports United States servicemen in their assigned missions. Unfortunately, in a world which is not at peace, in which there are hostile and irresponsible regimes such as that which now rules North Korea, these assigned missions frequently involve an element of risk. Since the foundation of this country, American servicemen have faced with exemplary courage the dangers which they encounter in protecting their country. This courage has been, and continues to be, shared by their families. Defending the interests of the United States is neither easy nor safe, but is a task which cannot be shirked. The crewmen of the *Pueblo* were performing their share of this task when seized by the North Koreans in an illegal, outrageous, and totally unprecedented action. Despite the fact that the outlook for their early release does not appear promising, we are confident that the day will come when they will be restored to their families and will again take up the task of serving their country as free men. We are also confident that they are undergoing their present ordeal with courage and dignity.

In conclusion, let me assure you once again that we share your hope for the early and safe return of the *Pueblo* crewmen, and that we are doing our best to speed that day's coming.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

COLLEGE STUDENTS WHO PARTICIPATE IN CAMPUS RIOTS ARE BITING THEIR NOSE TO SPITE THEIR FACE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, we were all shocked to read about the disturbances at the University of Illinois Champaign-Urbana campus earlier this week where more than 200 students did serious damage to the Illini Union Building and disrupted operations at the university.

A total of 248 students were arrested.

The extent of the damage they created is now a matter of formal investigation. It is my hope that authorities of the university will take every step necessary to see that those responsible for this rioting are properly prosecuted.

However, Mr. Speaker, I wish to address my remarks today to the young people attending universities not only in Illinois, but all over the country.

I believe these young people should realize that they are biting their nose to spite their face when they engage in this kind of rioting.

At this very moment House and Senate conferees are trying to resolve the differences in the Higher Education Act which Congress has already approved and is now awaiting final action of the conferees.

I think it is important for the young people of this country to realize that the House language makes it mandatory on the part of school administrators to bar any kind of Federal aid to young people convicted of unlawful activities on a university campus.

The Senate version makes such punishment discretionary on the part of school administrators.

I can say here and now to the millions of young people on campuses across this country that by this kind of conduct resulting in huge damage and destruction to university property, these young people are literally forcing the Congress to accept the stronger House language.

I do not want any bleeding hearts writing us letters that the Congress was intemporate in its treatment of young people. I submit, Mr. Speaker, these young people have a responsibility and they might as well know that the House will undoubtedly hold out for the stronger language if these acts of violence against their institutions continue.

Here is the language of the two acts. The first is the House language:

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 1302. (a) (1) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual under any of the following programs:

(A) The student loan program under title II of the National Defense Education Act of 1958.

(B) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(C) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(D) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(E) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV, or VI of the National Defense Education Act of 1958.

This is the Senate version:

FREEDOM OF INSTITUTIONS OF HIGHER EDUCATION TO DEAL WITH STUDENT MISCONDUCT

SEC. 253. Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

I am disturbed by the fact that J. Edgar Hoover has warned that more than 200 university campuses have been designated for serious upheavals this year.

In the light of such a warning and in the light of events at the University of Illinois, along with Columbia, Harvard, and others, it appears to me that the House has no choice but to insist on the stronger language already once approved by this Chamber.

WARM WELCOME TO HUYNH VAN SANG AND DO HIEN TOAN OF THE VIETNAM CIVIL SERVICE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, it is a deep privilege for me to inform the Members of the House that two very distinguished officials of the Vietnamese Government are present in the galleries this afternoon observing the House at work.

They are Mr. Huynh Van Sang, the Director General of the Vietnam Civil Service, and Mr. Do Hien Toan, the Director of Training of the Vietnam Civil Service.

It was a rare privilege and pleasure for me to meet with these gentlemen this morning, and to discuss with them the workings of our own U.S. civil service system, including both the personnel and the manpower programs of our executive departments and agencies of Government.

I know the Members of this body express a warm welcome to Mr. Sang and Mr. Toan, and that we all join in hoping their visit to the United States will prove both profitable and enjoyable.

SOUND DOCTRINE FROM THE HONORABLE WILLIAM JENNINGS BRYAN DORN

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I have been privileged to read a speech which has been delivered on a number of occasions by the distinguished gentleman from South Carolina, the Honorable William Jennings Bryan Dorn. These included the University of South Carolina and the Third District Young Democratic meeting in that State. His speech contains much that is sound and much that has positive application to the present political campaign. It will bear very careful reading, for it is written in the same sound and constructive vein which characterizes all of this able Congressman's statements. I am pleased indeed to ask that it be reprinted in the Record:

Mr. Chairman

(A speech delivered by the Honorable William Jennings Bryan Dorn)

Presidents come and go. Since March, 1929, six men have served as President. On January 20 another President will take the oath of office before our Nation's Capitol. That new President, whoever he might be, regardless of political party, will have to depend on Congress to pass or repeal laws. A President can only recommend legislation and is prohibited by law from serving more than two terms.

Carl Vinson, of Georgia, a Southern Democrat, Chairman of the powerful House Committee on Armed Services, who was succeeded as Chairman by Mendel Rivers, of South Carolina, went to Congress in 1914 and retired at the end of 1964. Chairman Vinson served in the Congress a total of 51 years. Sam Rayburn, of Texas, a southern Democrat, was Speaker of the House twice as long as any man in the history of our Country. Mr. Rayburn entered Congress in 1913 and served until November 1961.

Yes, Presidents come and go—but the balance and stability of our government throughout this era of American history, has been in the hands largely of Democrats from the South. These powerful Southern Democratic Committee Chairmen in Congress have been a great influence for the South, for Constitutional Government, and for our great private enterprise system.

Laws in Washington are written in the Committees of Congress. When a bill is introduced in Congress, it is referred to a Committee. The Chairman of a Committee largely determines whether or not a bill is even to be considered by the Committee. The Chairman of each Committee appoints the subcommittees which write legislation.

The Chairman of each Committee becomes Chairman because of seniority when his party has a majority in that house. Mendel Rivers of South Carolina, a Southern Democrat, is chairman of the powerful Committee on Armed Services only because of his seniority and only because the Democrats have a majority in the House.

Southern Democrats in Congress today are chairmen of 14 of the 20 major Committees in the House of Representatives. Southern Democrats are chairmen of 11 of the 16 Committees in the United States Senate. The remaining 5 Democratic Chairmen in the Senate are from Arizona, New Mexico, Nevada, and the State of Washington. These men are chairmen because of their seniority and because the Democrats have a majority in the House and in the Senate. These men are the greatest single influence in America today for Constitutional Government. They are the greatest influence in our Country for military strength against communism in our streets and communist aggression abroad.

Should the Democrats lose their 31 seat majority in the House of Representatives, Mr. Rivers, the champion of State Rights and the GI soldier, would not be chairman of the great Committee on Armed Services next January. The new chairman would be from Northern Massachusetts. Should the Democrats lose their majority in the U.S. Senate, the great Conservative, Senator Richard B. Russell of Georgia, would no longer be chairman of the Armed Services Committee in the Senate. The new chairman would be from the State of Maine. Yet, incredible as it may seem, there is a well-financed and misguided drive underway in the South today aided and abetted by some in the South itself to defeat Southern Democrats in Congress.

Nothing would please the screaming liberals, card burners, draft dodgers, anarchists, and demonstrators more than to see the Democratic Southern Chairmen defeated by any candidate in the primary or general election. Nothing would please the beatniks, hippies, and rioters more than to see any Southern Democrat defeated in order to prevent Southern Democrats from remaining in positions of power as Chairmen of the Committees. The Southern Democratic committee chairmen in Congress have often been the only bulwark against socialism and nationalization. He has refused to become a rubber stamp for the exponents of Federal Power and, in this capacity, has served the cause of individual initiative and the free enterprise system for the entire nation and, indeed, for the free world.

Southern Democrats defeated the Supreme Court packing scheme in the 1930's. Where would the South and the Nation be today had it not been for the Harry Byrds, the Howard Smiths and the Dick Russells? These men have stood like a stone wall against wild Federal spending. Where would we be today if Chairman Martin Dies, a Southern Democrat, had not been Chairman of the House Unamerican Activities Committee which exposed the communist conspiracy in this country? Congressman Dies investigated communism when it was popular for Washintgon to extol the virtues of the communist dictator, Joe Stalin. The Southern Democrat has consistently opposed Federal intervention in the South and they have stood for law and order. The Southern Democrat fought inflation and stood up for sound money. We hear on every hand, "it is time for a change." Yes, they wish to change the Southern Democratic chairmen to any one more responsive to liberalism, socialism, and organized pressure.

Wilbur Mills, of Arkansas, Chairman of the House Ways and Means Committee, has more influence on the western world and the cause of world freedom than Harold Wilson, Prime Minister of England. The State of Arkansas, with only four members of the House of Representaives, has power in Congress comparable to States like New York or California. Mr. Mills, a Southern Democrat, is Chairman of that powerful Committee that writes the tax laws of the Nation, our social security laws, legislation regulating trade between the United States and the nations of the world and which appoints the members of one other Committee in the House of Representatives.

South Carolina has only six House members; yet, two are Committee Chairman and another one is Vice-Chairman of a major Committee—power in Congress comparable to all the states of New England. John McMillan, Chairman of the District Committee, has been in Congress for 30 years. As a Southern Democrat, he has stood by the Founding Fathers and kept Washington a Federal City which belongs to all the American people. John McMillan, as the ranking Democrat on the Agriculture Committee, has been effective and successful in protecting the tobacco and cotton farmers of the South.

Mendel Rivers, our very own, a Southern Democrat, as Chairman of that powerful Committee on Armed Services in the House of Representatives, authorizes more than $76 billion annually for national defense—nearly half of the total expenditures of our Federal Government. Mr. Rivers is a man of great tact and ability, but he is Chairman of that great Committee today only because he is a Democrat and only because the Democrats are in control of the House of Representatives. The people of the South exercised good judgment and protected the South and the Nation by electing their Congressmen time and again.

Senator Richard B. Russell, of Georgia, a Southern Jeffersonian Democrat, is Chairman of the Armed Services Committee of the Senate and often referred to as the most powerful man in the United States Senate. Senator Russell, as a Democrat, is Vice Chairman of the Appropriations Committee in the Senate. If he had membership in some other party, he would not be chairman or vice chairman today. Should another political party win control of the Senate, then the chairmanships, all of them, would go to Senators from other areas of the Country.

Franklin D. Roosevelt, speaking at Gainesville, Georgia, on July 4, 1936, said, "The South is the Nation's No. 1 economic problem." At that time, the South was still suffering from the ravages of the War between the States, Wall Street economic exploitation and Eastern financial colonization. Our literacy rate and per capita income was the lowest in the Nation. Unemployment, unpaved roads and kerosene lamps were the order of the day. There was a spirit of despair and hopelessness in the Southland. Our young people were forced to seek jobs in the Eastern cities.

Today, the South is the Nation's No. 1 area of opportunity. No civilization in the history of the world has experienced such rapid progress in such a short period of time. The South's income and its literacy rate is gaining much faster than the national average. There is no unemployment. A job in the South is waiting for every graduate of our high schools, tech schools and colleges. The South today is taking the lead in space, astronautics and nuclear energy. Military installations are everywhere preparing our young men to stand guard on the ramparts of freedom. Cape Kennedy is known to every school child. TVA is known throughout the world. Duke Power Company is investing almost a billion dollars in a fantastic project—the Keowee-Toxaway project—in Appalachia, which will become one of the world's largest nuclear generating facilities and finest recreational areas. The Research Triangle in North Carolina is known to every corporation president in our Country. The conservative, private enterprise Southern Committee Chairmen played a major role in this dynamic progress.

Southern Democrats holding the chairmanships of standing Committees in the House of Representatives in addition to Wilbur Mills and Mendel Rivers, include Bob Poage of Texas, Chairman of Agriculture; George Mahon of Texas, the powerful Committee on Appropriations; Wright Patman of Texas, Banking and Currency; John L. McMillan of South Carolina, District of Columbia; Carl Perkins of Kentucky, Education and Labor; Omar Burleson of Texas, House Administration; Olin Teague of Texas, Veterans' Affairs; Bill Colmer of Mississippi, Rules; George Fallon of Maryland, Public Works; Ed Garmatz of Maryland, Merchant Marine and Fisheries; Ed Willis of Louisiana, Un-

American Activities; and Harley Staggers of West Virginia, Interstate and Foreign Commerce.

In the U.S. Senate, in addition to Senator Russell, Southern Democrats holding chairmanships include Allen Ellender of Louisiana, Agriculture; John Sparkman of Alabama, Banking and Currency; Russell Long of Louisiana, Finance; Jim Eastland of Mississippi, Judiciary; John McClellan of Arkansas, Government Operations; Everett Jordan of North Carolina, Rules and Administration; Jennings Randolph of West Virginia, Public Works; Mike Monroney of Oklahoma, Post Office and Civil Service. Every single Chairmanship in the Senate is in the South and far West.

I know of nothing that would be more tragic for South Carolina, for the South, or indeed the Nation, than for these men to be replaced in the 1968 elections, a time when our Country faces a desperate hour in history. These men should not only be supported by Democrats, but by Republicans, Independents, and by all thinking Americans who are dedicated to the Constitution, law and order and who believe in private enterprise. Again, the Southern Democrats can remain Chairmen of their respective committees only so long as the Democratic Party retains control of the House of Representatives and the Senate.

This representation, these Democratic chairmanships are insurance for the South and the Nation against exploitation, reaction and intolerance. The best insurance for the South's future is a Democratic Congress with its Southern Democratic chairmen. The best insurance for the cause of private enterprise and constitutional Government throughout the Nation is the Southern Democratic Committee Chairman. Were these men only interested in personal gain, every single one of them could retire from the Congress and be more handsomely rewarded in retirement.

Extension of one-price cotton would well depend upon the re-election of Bob Poage of Texas, Chairman of the House Committee on Agriculture, and Bill Colmer of the Mississippi Delta, Chairman of the House Rules—they represent cotton country. The future of the textile industry will depend largely upon the re-election of Wilbur Mills, George Mahon and all of our Southern Committee Chairmen.

The South played a major role in early American history. George Washington, Thomas Jefferson, Patrick Henry, Mason, Rutledge, the Pinckneys, Madison are names associated with our freedom and independence. Southerners wrote the Declaration of Independence and played a major role in writing the Constitution with its Bill of Rights. Southerners launched this Nation on a solid foundation and never again, until this era of American History, has the South exercised so much influence on the Nation and the destiny of the world. Yet presently a drive is under way, unparalleled in American history, to replace the Southern Democratic Committee chairmen. It is a stark, cold bid for power with stupendous slush funds garnered from throughout the world, ironically in the name of Conservatism, private enterprise, and constitutional government. In reality, this attempt to defeat the Southern committee chairmen in Congress is a body blow to constitutional government. This unbelievable drive against Southern Democrats in Congress is being conducted in the name of American patriotism and fiscal responsibility.

In this critical hour the worst blow that could befall the South and the nation would be the removal as chairmen of men like Richard B. Russell, Wilbur Mills, Bill Colmer, George Mahon and Mendel Rivers. They could only be replaced as Committee chairmen, if other Democrats are defeated and another party takes control of the House and Senate. If no one ran against Mr. Mills and the Democrats lost control of the House, Mr. Mills would still be in Congress but would no longer be chairman of the great Committee on Ways and Means. The chairmanship of that committee would be lost for the South. Is anyone so naive as to believe that Arkansas, South Carolina and the South would be as influential in the government of the United States with our Committee Chairmanships in Congress removed from "the last great frontier of private enterprise?" If this drive to pick up additional seats in the Congress in the South succeeds, the South would lose virtually all of its great political influence and advantage. The Nation would lose its most effective opponents of socialism, crime, and mob violence in our cities.

Every dollar, every phone call, every registration to vote against a Southern Democrat is time and money to destroy the philosophy and the principles and ideals that made this Nation great—the arsenal of democracy and the heart and core of freedom. My admonition to the people of the Southland and to the people of our entire Country is: If you love the traditions, the heritage and the very foundation upon which America was built, regardless of political party, is to keep the Democratic Southern Committee Chairmen.

Keeping our Southern Democratic Chairmen in a position of dominance should have No. 1 priority in the South in this election year. This effort should become a crusade of doorbell ringing, registration and truth about Congressional power in Washington. This is the answer to the critical problems of this day. This is the positve alternative to criticism of Presidential candidates. This is a positive alternative to negativism.

The program of the Southern committee chairmen has not been one of isolationism and negativism. Their program has been one of positive alternatives. The Southern Chairmen saw the dangers of Fascism, Nazism and the imperial designs of the War Party in Japan.

The Draft Act passed the House three months before Pearl Harbor by one vote. Every single Southern Democrat voted for the Draft. The "Chairman" provided the funds for the unprecedented power to crush the raving Hitler, Benito Mussolini and the War Lords of the Pacific. They guided the Nation through depression and war and into the age of astronautics and space. The Southern Chairmen were called into the top secret endeavor of the age—the splitting of the atom—and did not hesitate one moment to provide the billions in Federal expenditures necessary to win this desperate gamble with destiny.

President Franklin Roosevelt leaned heavily on Jimmy Byrnes of South Carolina to bear the burden of war. John Nance Garner, Walter George, the Bankheads, Speaker Byrnes of Tennessee, Alben Barkley and many other Southern Democrats will forever be associated with victory in war and progress in peace. President Dwight D. Eisenhower had to depend almost entirely for support of his legislative program on Speaker Rayburn, Senate Majority Leader Lyndon Johnson and Southern Democratic Committee Chairmen.

Much of the fantastic progress in the South has been due to the Southern Democratic Committee chairmen in Congress. The political climate in the South has been favorable to investment of capital and the expansion of industry. Great corporations have sought to locate in the "chairman's state" or Congressional District because of his dedication to the private enterprise system, his devotion to constitutional government, to law and order and, yes, because of his influence and voice in the Federal Government. Industry is well aware that the Southern Democrat is an institution in Congress with the Washington know-how, contacts, associations and prestige.

I am not raising the ugly question of sectionalism. There is no place in America today for sectionalism. We are only recognizing a fact concerning power in Congress.

Here in the South we must face up to reality. We must do so now and on election day in November. We must answer rumor and emotionalism with the facts. We Democrats must answer with the truth this sinister drive of the other party to pick up 31 seats and control of the House. What are the facts? What is the truth?

A single vote against any Southern Democrat is a vote against Chairmen like Mendel Rivers, Wilbur Mills, Bill Colmer of Rules, "Tiger" Teague of the Veterans' Committee, and George Mahon of Appropriations.

A vote against any Southern Democrat, regardless for whom one might vote for President, is a vote against private enterprise, constitutional government and State Rights. A vote against any Southern Democrat is a vote to remove from office these powerful, influential conservative leaders in Congress. A vote against any Southern Democrat is a vote for more liberal government in Washington.

We must reject hysteria and emotionalism. Although it would be the easiest road for many of us to take, the worst thing Southern Democrats could do for themselves, the South and the Nation would be to abandon the fight and join some other political organization.

Now is the time to make a cool calculated appraisal of the Committee Chairman's influence in the Nation and in the Congress. Now is the time to remind every voter of the Chairman's contribution to the progress of our beloved Southland. Now is the time to remember the Chairman's contributions—past, present, and future—to the welfare of our great Country and the cause of freedom throughout the world.

THE REWARDS OF PIRACY, CHAPTER IV, OR: THE BANK TO SEE WHEN YOUR CREDIT RATING IS—OR OUGHT TO BE—ZERO

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, the World Bank and its State Department advisers must have been in a daze last week when they agreed on the $5.3 million loan to develop Ecuador's tuna fleet.

However you look at it, this loan just does not make sense.

Ecuador has flung down the gauntlet time and again by repeatedly seizing and shaking down U.S. tunaboats and their crews.

And even if these provocations were not enough to dampen the ardor of even the most open-handed lender, there is also the matter of Ecuador's indebtedness to the Inter-American Tropical Tuna Commission.

Ecuador spent 7 years as a member nation of the Commission. I suspect that this was an unhappy association, since the Commission, among other things, seeks to regulate the catch of the various tuna species—an activity that probably was anathema all along to scofflaw Ecuador.

Ecuador finally pulled out of the Commission last August 21. She then owed $99,740 in membership dues dating back to fiscal 1964. I think, Mr. Speaker, that most of our colleagues would look dimly on the chances that this debt ever will be repaid in part or in full.

If Ecuador really wanted to settle, though, she should not have any problems. Just half of the $202,000 she illegally extracted last month from four of our boatowners would more than cover the debt.

But did this hard evidence of fiscal irresponsibility, mixed with piracy, deter either the World Bank or the boys in the Inter-American Affairs Bureau at the State Department?

Indeed not. Just 13 days after Ecuador severed connections with the Tuna Commission, the world bankers—enthusiastically backed by the State Department—went ahead and gave them the loan anyway.

Perhaps the World Bank Board would have issued the loan without consent of the State Department. After all, the United States controls only about one-third of the Board's voting strength. And it could be just coincidence that nearly all presidents of the Bank, including the incumbent, Robert S. McNamara, have been U.S. citizens.

So I really do not think our country can be pushed around by the other members, especially in view of the fact that the U.S. commitment to the Bank is much greater than that of any other participating nation.

In any event, the question of whether the United States can control the Bank's decisions is strictly academic in the case of the loan to Ecuador. For our representatives not only failed to resist this nonsensical loan; they practically shouted for its approval.

Now I have never been in the banking business but I do not think I am naive in assuming that any loan applicant, to be successful, should demonstrate some degree of personal and financial integrity.

Ecuador, on its shabby record, would hardly seem to qualify for a fisheries loan of any amount from any banker in full possession of his wits.

FATHER JUSTIN ROSARY HOUR HONORED FOR 37 YEARS OF WEEKLY SERVICE TO BUFFALO

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, my home community of Buffalo, N.Y., is very proud of the Father Justin Rosary Hour.

This weekly radio program has been on the air continuously since 1931 and is today the oldest continuing hour-long religious network program in the Polish language in the world.

Father Justin, that great apostle of his church, is gone, but his program carries on in the magnificent spirit which he instilled from the outset. The present director of the program is the Very Reverend Cornelian Dende, O.F.M. Conv., a very worthy successor.

I am proud to number myself among the thousands who have benefited over the years from the wisdom and teachings of our late beloved Father Justin.

The Father Justin Society spearheaded a community recognition last Sunday for the rosary hour. The occasion was unveiling ceremonies for a historical marker which has been mounted on the front of Corpus Christi Church, Buffalo, N.Y.

The plaque is the joint project of the Father Justin Society and the Buffalo & Erie County Historical Society. It reads:

> The Father Justin Rosary Hour begun here in 1931. The Father Justin Rosary Hour is today the oldest continuing hour-long religious network program in the Polish language in the world. Father Justin Society, P.U.A. Buffalo & Erie County Historical Society 1968.

Special commendation is in order for a number of people who worked particularly hard to arrange this most timely tribute. I particularly cite Stan Franczyk, Daniel J. Kij, Esq., Robert S. Pacholski and their wives, Mrs. Alvina M. Franzyk, Mrs. Alicja Kij, and Mrs. Suzanne Pacholski. Also due special recognition is Stanley Jasinski of Station WMMJ, which now carries the Rosary Hour each week and broadcast the entire plaque unveiling ceremony.

The Father Justin Society has acknowledged the assistance of the sponsors and following individuals and organizations: Hon THADDEUS J. DULSKI, Mayor Frank A. Sedita, Councilman Gus Franczyk, Supervisor Edwin L. Kantowski, Jr., Parks Commissioner Stanley J. Stachowski, Justice Reid Moule, Very Rev. Norbert Zonca, O.F.M. Conv., Father Justin Council, Knights of Columbus, the Courier-Express, Buffalo Evening News, Am-Pol Eagle, Ameryka-Echo, Unia Polska, Station WHLD, Station WMMJ, WBEN–TV, WKBW–TV, and WGR–TV.

The day's festivities began with mass in Corpus Christi Church with Rev. Lucian Krolikowski, O.F.M. Conv., as celebrant. Following mass, the congregation and special guests gathered around the plaque outside the church.

The Honorable Justice Joseph P. Kuszynski of the State supreme court, long active in the affairs of the Polish-American community, was master of ceremonies. The national anthem was sung by the I. J. Paderewski Singing Society, directed by Michael Slominski.

The invocation was given by the Most Reverend Stanislaus J. Brzana, D.D., Bishop-Designate of Ogdensburg, N.Y. He said:

> O God, our Father in heaven, bless this historical marker, dedicated to the memory of a great apostle, Father Justin Figas of the Order of Friars Minor Conventual.
>
> Father Justin began his radio apostolate of the Rosary Hour in 1928. In 1931 this was extended into a network. By the time he died in 1959, his weekly broadcast was reaching many, many thousands over 79 stations in this country and in Canada.
>
> He taught, preached, and exhorted in all patience and doctrine, building up in the hearts of his listeners faith, hope, and love towards God, love towards neighbor, honesty, integrity, patriotism, the sanctity of the family, fulfillment of duty to God and country. He gave sound advice to those in trouble and wise answers to perplexing questions.
>
> Under the care of his special Patroness, the Queen of the Rosary, let him be a friend and guide to our bewildered and perplexed generation.
>
> As we commemorate him and his work with this historical marker, let us remember the valuable lessons he taught. Through Christ, Our Lord. Amen.

A greeting on behalf of the community was given by Mayor Frank A. Sedita, who said:

> Judge Kuszynski, Your Excellency Bishop Brzana, Reverend Fathers, Members of the Judiciary, Distinguished Guests on the dais, Ladies and Gentlemen, Friends all of Father Justin: I'm happy to be here this morning and to take a small part in your program. Father Justin will long be remembered as a man who contributed so much to the cultural and religious life of our community.
>
> I commend you for having this program and for giving this tribute to a great man during these times when so much exposure is being given to those who would tear down. He was known throughout the world for his apostolic labors; the credit belongs to the Church he represented and the people from whence he sprung.
>
> Let us be ever mindful of his teachings; let us ever struggle in the service of our Lord and Church; let us constantly extend to him and his works the affection and love he so richly deserves. Thank you.

Representing the Buffalo & Erie County Historical Society was its president, Crawford Wettlaufer, who participated in the marker presentation. In his remarks, Mr. Wettlaufer said:

> As we unveil this historic marker today honoring Father Justin Figas, founder of the Rosary Hour radio program, let us dwell for a moment on the real impact that radio and network programs, such as the Rosary Hour, had during the Golden Age of radio.
>
> In the early 1930's radio was still relatively new to millions of Americans, but was even then emerging as a force to influence men's thinking.
>
> Even in primitive times, men sought to have news of a important event as quickly as possible after it occured, with a more complete report to follow. Yet somehow the Royal Proclamation read in a small village in Medieval days was not quite the same as hearing the actual voice of the King. The bulletins posted on the Board outside the Colonial newspaper office told the major news items quickly; the newspaper with the details was printed later. Radio, however, made it possible for an entire populace to hear the spoken words of the leaders in government, science and religion. Father Justin was such a religious leader and one who drew a large following.
>
> What was previously handwritten and mailed, or set in type and printed, then sent by land or sea routes was suddenly given the personality of the performer by direct transmission over the airwave. Men like Lowell Thomas and H. V. Kaltenborn were known by millions as they reported historic events throughout the world. The time lag between the event and the broadcast to the far corners of the country, then the world, became a matter of minutes. In times of national crisis radio owners stayed close to their sets to hear first-hand reports by newsmen like Eric Sevareid and Edward R. Murrow reporting rumors of wars, then actual wartime conditions in the battered cities of Europe. Large audiences heard President Roosevelt's Fireside Chats and Winston Churchill's stirring words to the British people. Radio became a great public force.

It is still less than 50 years since the first radio stations began operations in this country. The returns for the election of President Harding in 1920 were sent out on the day of the opening of the Pittsburgh station that eventually took the call letters KDKA. Nine months later in 1921 three stations opened, WBZ in Springfield, Mass., WJZ in Newark, N.J. and KYW in Chicago. WGR Radio began broadcasting in Buffalo in 1922; WBEN started 38 years ago today, September 8, 1930. In 1926 RCA organized the first network, the National Broadcasting Company.

In 1931 Father Justin began broadcasting his Rosary Hour in Polish, from this site, for the newly formed Great Lakes Network using a special AT&T hookup. These weekly broadcasts were heard first over a single station, but later over a network of 79 stations and had an audience of some five million listeners. Each Sunday program had half of it devoted to a social-religious topic delivered by Father Justin. The messages were rousing ones, intended to enthrall as well as to guide the people of his faith. He was acclaimed as the most popular Polish-American clergyman of the mid-20th century.

Surprisingly enough, not all of the many who listened were Poles. New Americans from countries throughout East Europe were enthusiastic listeners; people in small towns, out-of-the-way farms, hospitals, prisons and the aged who still retained strong ties with their homelands—these people seldom had an opportunity to hear Polish priests and were especially appreciative of the Rosary Hour and its Polish language broadcasting.

Father Justin's pioneering efforts are now here being commemorated. The Rosary Hour program is today cited as the oldest continuing hour-long religious network program in the world. Its place in the history of the Golden Age of radio is secure. Its founder dared to conceive of a new idea, gave it sustenance, and gathered for it great great support from avid believers.

The marker was unveiled by Father Dende, director of the Rosary Hour, and the Very Reverend Norbert Zonca, O.F.M. Conv., pastor of Corpus Christi Church.

After the unveiling, Dr. I. Frank Mogavero, chairman of the Historical Society Markers' Committee, read the inscription on the marker:

The Father Justin Rosary Hour begun here as a weekly radio program in 1931. The Father Justin Rosary Hour is today the oldest continuing hour-long religious network program in the Polish language in the world. Father Justin Society, P.U.A. Buffalo & Erie County Historical Society 1968.

The principal address was made by the Honorable Matthew J. Jasen, judge of the New York court of appeals. Judge Jasen said:

I remember well the voice of Father Justin—Witam was Zacni Roday I mile Rodaczki Slowami: Niech Bedzie Pochwalony Jezus Chrystus!

It all started here in Buffalo in 1928 and soon proved to be the largest religious network program in the Polish language in the world—a total of 79 stations in 10 states with an estimated listening audience of more than three million.

Today we commemorate and unveil a marker erected by the Buffalo and Erie County Historical Society, where Father Justin began his network broadcast.

During the late nineteenth century and the early twentieth century, millions of poles were attracted to America to escape oppression, poverty, degradation, and lack of opportunity imposed upon them by foreign powers who partitioned and occupied their country. Arriving here with little education and no resources, they endured hardship and discrimination. It was not the "land of milk and honey" that they visualized in Europe. There was a need to reach these new immigrants and their American born children to help them adjust to their new surroundings. The newspaper was the only means of communication with them until the invention of radio.

In organizing the Rosary Hour network, Father Justin clearly perceived the importance of mass communication and its effect on the lives of his fellowmen. He made his debut in 1928, and every Sunday the public ear was reached as never before as millions avidly listened to his message. All over the Northeast, Midwest and Canada—even in the most remote farm areas—young and old alike tuned in to listen to Father Justin. During his lifetime he was by far the most widely known and respected figure among Americans of Polish ancestry in this country.

For 31 years, the abrasions and humiliations of every-day living were relieved by the kind and wise words of Father Justin. Millions of Americans looked to him for leadership, counsel, cheer and direction. Reserved and shy though he appeared, he was eloquent and persuasive. He strongly advocated the advancement of learning and brought to his listeners an enlightened vision of the opportunities available to citizens of the United States.

He was always opposed to notions that were destructive to initiative or conducive to indifference. He would frequently remind his listeners of the opportunities available in this country and say: This is the dawn of a new era for you and your children. When we read his radio talks, we at once sense his profound concern for the future of our country—his outspoken opposition to communism and all forms of totalitarian government—and his love of God. He served us through the most crucial periods of our history—the terrible depression—World War II—and the social upheaval of the '50's. Father Justin inscribed his name in the hearts and memories of every American of Polish ancestry. He left us a legacy of inspiration for the cause of liberty, freedom, equality, and opportunity—and a challenge.

In order for us to meet this challenge, we too must develop and display the same characteristics that Father Justin possessed. We must adopt his qualities of stubborn persistence despite discouragement, as well as an indomitable will to share the responsibility of leadership in our Nation. Our Nation will be a better place to live in if we adhere to the teachings of Father Justin. He invariably included all of mankind in his belief that freedom and liberty and justice and charity and good will must lie in the hearts of men in order for our form of government to survive. He once said, you cannot believe in freedom and liberty for yourselves and deny the same to others. Time and again he would urge his listeners to be informed and concerned citizens. Get into the mainstream of our political, economic and social affairs, he would add, so that you will develop into sensitive citizens—with reverence for the constitution and laws, but also conscious of the needs of your fellowman.

This historic day commemorating the Father Justin Rosary hour affords each of us an opportunity for meaningful rededication. May the memory of his great life stir our hearts, strengthen our spirits and send us forth to work more faithfully for the good of our Nation and for the benefit of all mankind.

The historical marker was accepted by Father Dende, director of the Father Justin Rosary Hour, who said:

Thank you Judge Kuszynski. Most Rev. Bishop Brzana, Distinguished Guests, Ladies and Gentlemen!

The erection of this historical marker is in fact a posthumous tribute to the memory of the late Father Justin Figas, OFM Conv. who endeared himself not only to the citizens of Buffalo but to the citizens of Polish ancestry throughout the United States and Canada. It is my happy privilege and duty—as present director of the Fr. Justin Rosary Hour—to express to all present here words of appreciation and gratitude in the name of the late Father Justin, in the name of the Franciscan Fathers and in behalf of our faithful radio audience.

I thank those who made this historical marker possible; I thank those who organized these memorial ceremonies, who publicized this event in the press, radio or television. I am grateful to radio station WMMJ for carrying these ceremonies live to the homes of our audience in the Buffalo area. I also wish to thank all of you present here for taking part in these dedicatory services.

As we ponder on the motives that prompt us to erect monuments and memorials we become aware of two factors: first, the life and contribution of the person we honor, his spirit of sacrifice and dedication in the service of his fellowman; secondly, the gratitude of those he served, the community at large.

Imbued with a franciscan love toward his fellowman, Father Justin sacrificed his entire life in the service of others. Life for him was too short for all the good that he wanted to perform; for this reason he wanted his apostolic work to be such that it would continue to bear fruit even after his death. Father Justin wanted his spirit to continue to live on in his apostolic works. His spirit does live on in the Franciscan Province that he directed for nearly twenty years, in the monasteries, seminaries and schools he built, in the organizations he formed, in the St. Joseph InterCommunity Hospital he helped establish in our community, but especially in the radio apostolate he pioneered nearly forty years ago and which we memorialize today.

Today, we—the beneficiaries of his apostolic legacy—wish to establish in some way a physical bond with Father Justin. We do this through this memorial plaque which now serves as a visible reminder of his indefatigable spirit.

Father Justin's great desire to continue serving people even after his death—and our desire to remain linked with his memory makes it apparent to us that he wishes to remain our benefactor and we his beneficiaries. For twenty-eight years until his death in 1959, Father Justin carried to millions the gospel message of Christ over the air waves. The Rosary Hour network which at his death numbered 79 stations reaches the same audience to this day. It continues to be a unifying force joining all the Polish communities of America into a huge rosary through its chain of stations.

The Rosary Hour is the radio pulpit from which Father Justin instilled into the hearts and minds of his listeners love of God and Country. As a priest he still leads us (through his radio apostolate) to God, giving witness to Christ and his Church; as an American he inspires us to be loyal an dedicated Americans, ever mindful of the thousand-year culture essentially christian in character. It is our obligation to maintain and develop these spiritual elements within our environment. We are to graft our rich heritage into the cultural mosaic of America, so that in the fabric of this land there will be interwoven something from our Polish culture, namely, the love of liberty, the delicate sentimentality of the Polish soul, fidelity to the Catholic faith and a deep devotion to our Blessed Mother.

It is gratifying to know that the initiative to memorialize Father Justin's radio apostolate through a historical marker was taken by the community itself. The Fr. Justin Society of the Polish Union of America, the members of the Buffalo Common Council, the Erie County Board of Supervisors along with prominent citizens of the city of Buffalo recognized the need for such a marker. We are grateful to the Buffalo Historical Society for acceding to their requests.

I also wish to thank Mayor Sedita for issuing a special proclamation declaring this day Father Justin Day throughout the city of Buffalo. My special thanks to Bishop Brzana, to Monsignor Adamski, to Father Norbert, pastor of Corpus Christi Church, to Judge Jasen and Judge Kuszynski, to Congressman Dulski—all of whom knew Fr. Justin personally—for taking part in these ceremonies.

In conclusion I take this opportunity to express to all who have given devoted service to the Rosary Hour sincerest thanks and appreciation for what you have done in the past 37 years, what you do this afternoon, and what will be done in the years to come, to bring God's word into the hearts of millions of grateful listeners.

Thank you.

The benediction was given by Rt. Rev. Msgr. Peter J. Adamski, P.A., pastor of St. Stanislaus Church. Monsignor Adamski's text follows:

Our heavenly Father, we thank you for this beautiful day, for the participation in the unveiling of this historical plaque in honor of the great Franciscan Friar, Father Justin and his Rosary Hour. We thank you for his successor, Father Cornelian, and we most humbly ask you for your blessing upon all of us assembled this day. Bless our city of good neighbors, our government. God bless America!

In conclusion, I would like to repeat Father Justin's words when he ended his Rosary Hour. Judge Jasen gave the beginning and I will give the ending: Zostance wszyscy z Bogiem.

The program was concluded with a hymn "Boze Coś Polske"—God Save Poland.

REVENUE AND EXPENDITURE CONTROL ACT OF 1968

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, the Revenue and Expenditure Control Act of 1968 contains two provisions to which I strongly objected and which caused me to vote against the legislation when it was considered in the House. I am, of course, referring to the arbitrary requirements that the overall budget be reduced by $6 billion and that agencies reduce their employment levels to those prevailing on June 30, 1966.

In an effort to ascertain the impact of these provisions, on July 16 I sent letters to the various Federal departments and agencies requesting information on what would be required of them to conform to the Revenue and Expenditure Control Act.

In my letter, I stated:

> The Revenue and Expenditure Control Act of 1968, Public Law 90–364, contained two very unwise provisions providing for arbitrary reductions in outlays and employment by the various Federal departments and agencies.
>
> I opposed these provisions and because of them I voted against the legislation when it was before the House for final action. I believe my action has been shown to be correct by reason of subsequent developments.
>
> Therefore, I would appreciate your providing me with a brief report outlining the impact of the two provisions in question on the operations of your agency and its services to the public.

Mr. Speaker, I have received responses from the various departments and agencies which fully confirm my view that the two provisions in question are most unwise. So that my colleagues may be familiar with the information provided in these responses, I place the letters which I have received at this point in the RECORD:

POST OFFICE DEPARTMENT,
BUREAU OF OPERATIONS,
Washington, D.C., July 24, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The Postmaster General has requested that I reply further to your letter of July 16, in which you suggested that a discontinuation or limitation in the handling of third-class mail may be helpful in our attempts to provide adequate mail service in the future to counteract the proposed reduction in postal services by the Post Office Department.

The Post Office Department does not have an option in the acceptance of this type of mailing for delivery. The kinds of material which may be mailed, and the required postage rates, are defined by law. When postage is prepaid at the lawful rate, and the requirements as to preparation are met, we must accept the mail and attempt delivery.

Under the circumstances, we feel that it would be unwise for this Department to recommend any action which would result in economic repercussions to both the individual and the business community.

We appreciate your taking the time to write to us on this matter.

Sincerely yours,

W. M. MCMILLAN.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., August 2, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: For the Attorney General, I am replying to your letter of July 19, 1968, regarding the impact of the Revenue and Expenditure Control Act of 1968, Public Law 90–364 on the Department of Justice.

As you may know, the Senate-House Conference on our appropriation bill exempted the Federal Bureau of Investigation from the employment restrictions contained in Section 201 of the Act. However, the situation facing the Department is still critical and we will be forced to curtail many of our activities in the important fields of narcotics and drugs, civil rights and organized crime. The fact that attorneys, both at headquarters and in the officers of the U.S. Attorneys in the field are not exempt from the restriction will mean that, eventually, fewer attorneys will be available to review and act upon FBI investigative reports and otherwise engage in litigation affecting the Government.

In the corrections field, education and other rehabilitation programs would have to be conducted at reduced levels since it is essential that we maintain our custodial staff. Also, our alien control activities would suffer in that we would not be able to apprehend anywhere near the number of illegal entrants that are currently being apprehended and deported, especially those along the southern borders. As you know, these illegal entrants many times preempt the labor market especially in the area of seasonal agricultural workers.

Obviously, we will have to proceed with the work of the new Law Enforcement Assistance Administration created by the "Omnibus Safe Streets and Crime Control Act of 1968." This new program which is a creative Federal, State and local attack on crime, is accorded the highest priority in our law enforcement program. However, our initial effort in this regard will have to be, at least to some extent, at the expense of current ongoing programs.

With reference to the reductions in expenditures and new obligational authority under sections 202 and 203 of the Act, we will not be in a position to determine what effect these restrictions will have on us until the Bureau of the Budget completes its analysis of the various appropriation acts passed by the Congress.

In summary, even though one segment of our Agency was exempt from the employment restrictions, the over-all situation facing the Department is critical. However, we are hopeful that the Congress will see fit to provide relief for the Department as a whole from the employment and other restrictions in the Act. To do otherwise would invite serious repercussions for the administration of justice in our society.

Sincerely,

L. M. PELLERZI,
Assistant Attorney General for Administration.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., July 30, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in reply to your letter of July 19, 1968 concerning the impact The Revenue and Expenditure Control Act of 1968, Public Law 90–364, will have on the Interstate Commerce Commission.

First in connection with the reductions in outlays. The only impact to date in this regard is a recommended reduction below the President's budget of $149,000 in our 1969 appropriation request.

Identical bills with respect to this amount have passed both the House and Senate and are presently in the Independent Offices Appropriations Conference Committee. This cutback is an indirect result of the restrictions since the President is required only to make up the difference in the amounts set forth in the Act and the reductions in his Budget imposed by Congress.

The employment restrictions will have a more significant impact even though the ICC is below its 1966 employment level. If the "three out of four" rule is applied to the ICC in filling vacancies throughout the entire fiscal year, we estimate a loss of 60 employees. The savings resulting from the lower employment level are estimated at $300,000. The savings occurring from the employment restriction will in all probability be placed in reserve by the Bureau of the Budget and be utilized in meeting the expenditure restriction. Since the Commission has already sustained substantial reductions (125 positions during the past three fiscal years), it will be extremely difficult to operate under such restrictions.

No decision has been made as yet as to which programs will be directly affected; however there is little doubt but that our services to the public will have to be reduced.

Sincerely yours,

VIRGINIA MAE BROWN,
Acting Chairman.

Federal Home Loan Bank Board,
Washington, D.C., July 26, 1968.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: As an agency in the Executive Branch, the Federal Home Loan Bank Board, and the Federal Savings and Loan Insurance Corporation administered by it, are subject to the limitations in employment levels set out in section 201 of the Revenue and Expenditure Control Act of 1968 (P. L. 90-364). Accordingly, we can only fill 75% of the vacancies which occur. Section 202 of the Act also provides for a reduction in expenditures of $6 billion for fiscal 1969. Apparently these sections supplement each other so that the savings resulting from reduced employment levels will result in reductions in expenditures.

We intend no criticism of the Act, nor of the purposes to be served thereby, but for several reasons we very strongly prefer to have been exempted due to the impact of the Act on our operations at a very critical period, and the absence of any savings to the Federal Government resulting from limitations in filling our vacancies.

The Board does not operate with appropriations from the U.S. Treasury. Its operations are financed entirely by assessments against the Federal Home Loan Banks, fees and premiums collected from institutions under our supervision, and other receipts of the Board and the Federal Savings and Loan Insurance Corporation. We are subject to the budgetary process only to the extent that annual budget estimates of administrative expenses and certain of our nonadministrative expenses are submitted to the Congress, which annually imposes limitations thereon. Any savings effected by limitations in hiring would not be a savings to the taxpayers.

Of equal, if not greater significance, is the fact that the Board, as an incident to its responsibility in insuring savings of approximately $120 billion of some 43 million savers, is engaged in the complex functions of arranging the absorption of savings and loan associations in difficulty by merger with strong institutions; in purchasing assets of institutions unable to meet sound standards and requirements when the merger route is not available; and in cases where liquidation is necessary in paying off savers. The number of associations in difficulty and thus involved in such situations is, quite frankly, of grave concern. Any restrictions in the filling of vacancies that could impede our operations in so sensitive an area may have serious implications.

Moreover, since 1966 and for public protection, Congress has granted the Board new and somewhat awesome responsibilities, under the Financial Institutions Supervisory Act, the Savings and Loan Holding Company Amendment of 1967 and, most recently, the Bank Protection Act. The latter act authorizes the Board to appoint the Federal Savings and Loan Insurance Corporation as receiver in the case of State-chartered, insured institutions where the appointment of a receiver is essential to protect the interest of the savers and the Corporation. The proper administration of each of these new responsibilities warranted an increase in personnel, and the Appropriation Committees reviewing our annual budget presentations were cognizant of the additional duties imposed on the Board.

To require the Board to carry out its statutory responsibilities in supervising the safety of $120 billion in savings for 43 million savers in the light of present conditions of the industry and newly imposed responsibilities, with a staff limited to our 1966 complement of employees, constitutes a grave risk. Since it would not result in the savings of a single dollar to the Treasury, we believe the risk to be unwarranted. Accordingly we believe that the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporatian should be exempted from the employment limitations of Public Law 90-364.

I trust that this is responsive to your inquiry. And with kind regards, I am

Sincerely,

John E. Horne,
Chairman.

National Labor Relations Board,
Washington, D.C., July 29, 1968.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Thank you for your letter of July 19, 1968.

We do anticipate that P.L. 90-364 will seriously affect the ability of this Agency to carry out the mission entrusted to it by the Congress.

We have received no guidelines, as yet, from the President as to what impact the appropriations and spending reductions contained in P.L. 90-364 will have on this Agency. We cannot, therefore, at this point predict what will happen as a result of the required fund reductions.

The employment reductions required by the law, however, will seriously reduce the required staff of this Agency. The President recommended permanent employment of about 2,400 for the Agency in fiscal year 1969. The House of Representatives approved the President's request in full, based upon its Appropriations Committee recommendation and report in which it was pointed out that the request "appeared to be rather well justified on the basis of workload statistics." The Committee was aware of the need to reduce appropriations and expenditures and stated that it was reducing requests for controllable items in the budget by over 11%. Nevertheless, the House Appropriations Committee made a clear exception for this Agency based on demonstrated need.

Despite these approvals, the Agency will be required to cut permanent employment from the 2,400 provided by House appropriation action to probably less than 2,250 by the end of the fiscal year, depending upon turnover.

Thus we will be trying to cope with a workload increase in 1969 of 15–20% over our 1966 work intake with a staff approaching the 1966 levels.

We expect backlogs to develop which will delay resolution of labor relations disputes, and which will be detrimental to the national interest. The Agency is processing, on a current basis, over 30,000 labor relations matters a year. These employment reductions are expected to be most seriously felt in our field offices, where about 90% of these labor relations cases are normally disposed of expeditiously.

Yours sincerely,

Frank W. McCulloch,
Chairman.

Federal Power Commission,
Washington, July 26, 1968.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: I am replying to your letter of July 19, 1968 requesting information on the impact of the Revenue and Expenditure Control Act of 1968, Public Law 90-364, upon the regulatory programs of the Federal Power Commission.

The fiscal situation that prevailed in FY 1968 was unusually restrictive. As a consequence, the Commission had only 1107 filled permanent positions on June 30, 1968. This compares with the level of 114 filled positions on June 30, 1966.

Another year of tight fiscal constraints coupled with employment reductions could hinder the effective regulation of the electric power and natural gas industries for which this Commission is responsible. No determination, however, has yet been made as to which regulatory programs, if any, will be affected. We are working closely with the Bureau of the Budget to establish both funding and employment levels within the guidelines set forth in the Revenue and Expenditure Control Act to minimize any adverse impact.

We appreciate your concern for the difficulties presented to various agencies by this Act.

Sincerely yours,

Lee C. White,
Chairman.

National Headquarters,
Selective Service System,
Washington, D.C., July 25, 1968.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: I have your letter of July 19, 1968, requesting that I advise you of the effect upon this Agency of the provisions in the Revenue and Expenditure Control Act, Public Law 90-364, as they relate to reductions in outlays and employment by this Agency.

On July 24, 1968, I wrote to several of the Committees of the Congress expressing my concern over the possible effect of Section 201 of Public Law 90-364 on the operation of the Selective Service System.

The Selective Service System is required by law to maintain in each county in the Nation at least one local board. Each of these local boards is manned by at least three board members, serving in an uncompensated capacity, who are assisted by locally oriented compensated employees. It is the board's responsibility to register, classify, and select citizens of their community for military service. There are more than 4,000 such local boards. A majority of the local boards have but one compensated employee and many are operated on a part time basis.

Each young man in his community is required by law to be registered with his local board which is required to make determination concerning his eligibility for selection for or deferment from service. Each young man is entitled to full information from his local board concerning his Selective Service obligation and to this end must have every opportunity to consult with the personnel of the local board.

To close any one of these local boards would not only be disastrous to the individual registrant involved but would result in other local boards of the State being required to induct more men from their own communities to make up for the shortage created by the closing of any local board. A serious problem could arise complying with the requirement of law that there be at least one local board in each county.

Each local board compensated employee is selected not only because of her knowledge and experience in the general operation of Selective Service but specifically to serve the community which in most instances is where she lives. She must know local conditions and the people generally in order to operate effectively as a part of a community team.

Aside from the important consideration of community orientation, the compensated positions in local boards could not, under Section 201 of Public Law 90-364, be filled by transferring vacancies or persons from another place, which would only result in closing a local board in another area.

I am faced with the requirement under one law to operate a local board in each county and under another law I may fill only three out of four vacancies. To comply with both laws appears impossible.

Sincerely yours,

Lewis B. Hershey,
Director.

Federal Deposit
Insurance Corporation,
Washington, D.C., August 2, 1968.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: This is in further response to your letter of July 19, 1968, in which you asked for a brief report outlining the impact of certain employment restrictions contained in the Revenue and Expenditure Control Act of 1968, Public Law 90–364.

At this time, our position on this subject is somewhat unclear. As you know, this Corporation does not operate on appropriated funds. It receives its income from assessments on deposits held by insured banks and from interest on its portfolio of government securities. Most of the apparent intent of the provisions you noted, on the other hand, appear to be directed to agencies which do operate on appropriated funds.

Notwithstanding this latter direction, however, agencies such as this Corporation are not specifically excluded. In fact, the precise language used appears to embrace all departments and agencies in the Executive branch regardless of the manner in which they operate and the sources of their funds. We are hopeful the situation will be clarified as further interpretations become available.

If the provisions of the Act apply literally to this Corporation's operations, the impact would be severe. The use of 1966 as a base year would very materially interfere with our capacity to recruit trainee bank examiners in sufficient numbers to permit annual examinations of the 7500 State-chartered banks which we supervise and examine. This is because we normally lose a considerable percentage of our examiner force each year as the individuals involved leave the Corporation to join banks, or to affiliate with other regulatory agencies, or for military service.

We have no major problem with this kind of annual attrition so long as we can recruit successfully and intensively because it has the effect of permeating the entire banking and regulatory structure with the valuable training which our examiners receive. Any circumscribing of our continuing intensive recruitment, however, could only be reflected in our inability to keep pace with our present day examining and supervisory responsibilities.

In these circumstances, we are awaiting with considerable interest final conclusions as to the applicability of these employment restrictions to the Corporation. Meantime, we intend to support the anti-inflationary thrust of the Act by pursuing as rational and conservative an employment policy as our statutory responsibilities permit.

Sincerely yours,

K. A. Randall,
Chairman.

National Aeronautics and Space
Administration,
Washington, D.C., August 2, 1968.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: This is in further response to your letter of July 19 concerning the impact on NASA of the Revenue and Expenditure Control Act of 1968.

Along with other agencies, we have been in consultation with the Bureau of the Budget on the amounts of the $6 billion reduction in Federal expenditures in FY 1969 which must be absorbed by NASA. We do not know yet what the final results of these discussions will be, or whether NASA's budget will have to be significantly reduced below the appropriation level.

As shown by the following table, the NASA budget has already been severely reduced.

NASA fiscal year 1969 budget

[In thousands of dollars]

Budget request	4, 370, 400
Authorization Public Law 90–373	4, 013, 073
House-passed appropriation (H.R. 17023)	4, 008, 223
Senate-passed appropriation (H.R. 17023)	4, 008, 223

At the $4.008 billion appropriation total (this total agreed to by both the House and Senate) the NASA appropriation would be $362 million less than the request, $580 million less than the FY 1968 appropriation and $960 million less than the FY 1967 appropriation. At this level, NASA's aeronautical and space activities will be sharply curtailed. We will have to reduce and stretch our ongoing programs and eliminate or defer the work that would have enabled us to continue the research and development of aeronautical and space elements looking toward a future resumption of tests and missions. For example, as Mr. Webb stated before the Subcommittee on Independent Offices of the Senate Committee on Appropriations, at the $4 billion level, continued production of the Saturn launch vehicles may not be possible. The reduction in the Lunar and Planetary program, as another instance, places the integrated program for missions to Mars in 1971 and 1973 in jeopardy. And the reduction in the Space Applications program will force us to curtail our work toward using space systems for direct economic benefits. With regard to the impact on employment, NASA has imposed even more stringent constraints than those contained in the Revenue and Expenditure Control Act.

We are now formulating our FY 1969 Operating Budget, which must take into account the actions of Congress in reducing NASA's appropriations, and any further reductions which may be required by the Revenue and Expenditure Control Act of 1968. When it is possible to reach final conclusions regarding this Operating Budget, we will inform the House Committee on Science and Astronautics, and we will be pleased to inform you of the program content at the reduced level.

We appreciate very much your interest in NASA and its programs.

Sincerely yours,

Robert F. Allnutt,
Assistant Administrator for Legislative Affairs.

Secretary of the Treasury,
Washington.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear John: This is in reply to your letter of July 19, 1968, requesting a report on the effects of the limitations in the Revenue and Expenditure Control Act of 1968 on the Treasury Department.

We estimate the requirement that the Department fill only three out of every four vacancies in full time permanent positions until the employment level of June 30, 1966 is reached will reduce our employment 2,800 below the June 30, 1968 levels. This will be accomplished by attrition and will result in a net savings of about $20 million. In order to cope with rising workloads, we will utilize additional overtime, seek shortcuts in our operations, and try to increase productivity through improved methods.

In regard to additional cutbacks in obligations and expenditures to meet the limitations on funds included in the tax bill, we have not as yet been advised by the Budget Bureau of specific amounts. The Congress reduced our budget estimates by $9 million in obligational authority which reduced the 1969 expenditures about $8 million.

If I can be of further service, please advise.

Sincerely yours,

Joseph W. Barr,
Acting Secretary.

Federal Communications
Commission,
Washington, D.C., August 5, 1968.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Reference is made to your letter of July 19, 1968, concerning the impact on this Commission's programs of the Revenue and Expenditure Control Act of 1968. At this time it is not possible for us to give you a complete answer. As you know, this Act authorizes the Bureau of the Budget to prescribe regulations to carry out the provisions of the Act. To date, they have not provided us with the various ceilings within which we must operate. It is our understanding that ceilings will not be assigned by the Bureau until after they have had an opportunity to evaluate the impact of the reductions made by the Congress through the appropriation process.

Some retrenchment will be necessary based on our annual appropriation, regardless of whether the House or Senate figure is agreed upon by the Conference Committee. Any greater reductions as the result of Public Law 90–364 will undoubtedly have further adverse impact and would, moreover, come at a time when the technology of the communications industry is expanding at an explosive rate, and when the Commission's regulatory responsibilities and problems are growing more complex.

You are well aware of the critical importance to the national economy and the public at large of the Commission's various programs. Although the Commission's budget is relatively modest, in comparison with other government agencies, the consequences of our efforts have great significance in the national economy and welfare.

The Commission is presently conducting priority reviews of its programs to insure the most effective utilization of its limited resources. Reductions in the size of the staff of the Commission resulting from application of the ceilings contained in Public Law 90–364 will, in all probability, be felt in many areas of the Commission's regulatory responsibilities and will impair their effectiveness. Included among these are our program to resolve the current problems in international and domestic communications satellites, the interdependence of computers and communications, CATV and other program distribution methods, and growth in FM and television systems. An inevitable result of cutback in staff will be an increase in backlogs in processing station licenses; handling political broadcast, fairness and other complaints; and in field inspection and safety monitoring programs.

We sincerely trust that the foregoing will be of assistance to you in your study.

Sincerely yours,

Rosel H. Hyde,
Chairman.

Smithsonian Institution,
Washington, D.C., August 2, 1968.

Hon. John M. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Thank you for your inquiry of July 19, 1968, regarding the impact of the Revenue and Expenditure Control Act of 1968 on the Smithsonian Institution.

Of greatest concern to the Smithsonian is the requirement for a sharp reduction in its present employment. This could mean the loss of over 200 employees authorized to the Institution by the Congress to carry out programs of basic research, education, and public exhibits. It is too soon since the passage of the Act to have felt its potential full effects. We can foresee, however, a major impairment of our ability to maintain and protect our buildings and collections and to serve the public.

The Smithsonian is a public service organization. This responsibility expresses itself in many forms: presenting exhibits, Mall performances (such as the recent very successful Folklife Festival), and other education activities to some 14 million annual visitors; making the National Collections of 60 million objects in science, history, and art a valuable resource for reference and study by students and scholars; answering many thousands of inquiries from school children, collectors, and others; and performing research and publishing the results for the information and education of a wide audience. It takes people to serve people. Over two-thirds of the Smithsonian's appropriation is invested in skilled employees in a wide range of occupations—historians, biologists, museum technicians, exhibits preparators, and protection personnel, to name but a few. These people are directly concerned with serving the public. No less than one-third of our staff members is in frequent, if not daily, face-to-face communication with visitors to our buildings and with researchers who come for extended stays to use the collections for serious studies.

Several specific problems show the concern we now have for the continued ability of the Smithsonian Institution to measure up to its national responsibilities.

In May 1968, the Smithsonian opened the National Collection of Fine Arts in the recently renovated (at a cost of $7,000,000) Fine Arts and Portrait Galleries building. This opening received enthusiastic attention by the art world and the public. Announcements of the fall opening of the National Portrait Gallery portion of this building have been made. We have every reason to believe that this opening will be similarly successful. Approximately 150 maintenance and protection personnel are required for minimal attention to the needs of this large building. Services must be provided; building cleaning, painting, and repairs must keep pace with the visitor flow; and constant adequate protection and surveillance of increasingly valuable art collections are unquestionably needed. Only one-half of this required staffing level is now available. Only as a short-term measure can staffing cutbacks in this building, as a result of being able to fill only a certain level of vacancies, be partially offset by deploying personnel from other buildings. There is, inevitably, a higher turnover among the members of the craft, custodial, and guard force staffs than in other job categories. Very shortly, all Smithsonian building areas on the Mall and elsewhere, totaling over 3,000,000 square feet, would be faced with severe shortages of buildings management personnel. Buildings Management will be especially hard-hit by the Revenue and Expenditure Control Act of 1968. Turnover in this force is always high. By being limited to filling only three out of four vacancies, the staffing of this unit will be further reduced. Costs would climb because of the need for extending work tours in order to accomplish the most essential assignments. Preventive maintenance to a physical plant valued at $170 million would be largely deferred.

A substantial closing of public exhibits becomes a real likelihood if the current minimal level of protection cannot be maintained. A survey was conducted of the required number of guard posts which should be manned for adequate protection of visitors to our museums and art galleries and against vandalism of the National Collections and the buildings. It revealed that only 85 percent of the essential posts can be staffed with current manpower, as compared with 96 percent in fiscal year 1965. This is before further cutbacks now forced by the Revenue and Expenditure Control Act of 1968 are felt. The number of instances of vandalism has increased from 47 incidents in calendar year 1965 to 183 in 1967. There have been 194 incidents since January of this year.

Personnel reductions will cut severely into research and collection management investments made by the Congress just when increased dividends are being realized. For several years, a deliberate effort has been made to improve the ratio of museum aids and laboratory technicians to the research and curatorial staff in order that professional-level capabilities might be realized. This effort has had significant success as measured by an improved rate of publications of a scholarly and popular nature, an upswing of loans and exchanges of study objects with other museums and universities, a higher level of services to visiting researchers who numbered over 5,000 in 1967, and an increasing number of valuable reference and display items accessioned into the Collections, including gifts worth several million dollars a year. A constraint on maintaining even the current level of research, curatorial, technician, and other supporting personnel will be felt immediately in developing backlogs in the conservation of specimens, intolerably slow responses to requests for information, and by failures to provide prompt identifications of specimens and objects for other agencies, educational institutions, and private research laboratories.

The reduction in personnel strength would strike hard at the continuing implementation of the exhibits program. The quality of exhibits will suffer as a result of the loss of skilled curatorial, design, and production personnel. Hardest hit will be the popular exhibits program of the Museum of Natural History and the Museum of History and Technology, visited in fiscal year 1968 by eight million visitors, as well as the developing exhibits program in the Fine Arts and Portrait Galleries building during its important first year of operations. Preventive maintenance of exhibits efforts will also suffer. Since 1964, well over a thousand exhibit components have been produced, representing over one-third of exhibits available to visitors. A conservative estimate of the investment in these exhibits is over $10,000,000. Already, these exhibits require more preventive maintenance than the exhibits staff can give and still maintain schedules for the opening of special and permanent exhibitions. Cutbacks in the already hard-pressed exhibits staff will result in a steady deterioration of public displays and a substantial loss of a major public investment.

The Smithsonian Institution has applied itself energetically over the past two years to every call for economy. In 1967, we absorbed the General Schedule pay increase by thorough review of resources and by deferring desirable but less essential activities. Authorized strength was reduced by 167 positions. To achieve maximum use of scarce manpower resources for 1968, we continued a program whereby each new position vacancy is reviewed for cancellation, reprogramming, or delay in recruitment. Smithsonian program components have responded fully with deliberate efforts to reschedule and phase into new programs entrusted to the Smithsonian. As of now, allotments of manpower are so thinly spread that in a number of areas work backlogs are increasing at a pace that threatens the morale of the staff.

We will continue to cooperate fully with the President and the Congress in the most careful and effective use of each dollar and employee appropriated to the Institution. Financial and other resources will be redeployed to meet the most essential needs. A continued draining away of our manpower, however, raises real questions as to the Institution's capability to meet its responsibilities for public service.

Sincerely yours,

JAMES BRADLEY,
Acting Secretary.

CIVIL AERONAUTICS BOARD,
Washington, D.C., August 1, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in response to your letter of July 19, 1968, requesting a brief report outlining the impact of the Revenue and Expenditure Control Act of 1968, P.L. 90–364, on the operations of the Civil Aeronautics Board.

In accordance with the Act, procedures for implementing hiring restrictions and budget reductions have been issued by the Director, Bureau of the Budget. Agencies are required to limit hiring and submit monthly reports on employment. In addition, agencies must prepare a plan for reductions in budget authority, outlays, and obligations to conform to dollar planning figures to be furnished each agency by the Bureau of the Budget.

The reduction in employment provision in P.L. 90–364 will mean that CAB will be allowed to fill only three out of four in fiscal 1969. This will cause the Board to reduce the number of persons on its payroll during fiscal 1969, from 667 on June 30, 1968, to about 648, a decrease of 19. This is 40 less than the 688 positions requested in the President's budget for 1969.

The Bureau of the Budget has not yet furnished the Board with firm dollar planning figures because several appropriation bills have not yet been enacted. We are hopeful that the Board will not be further affected by the impact of reductions in outlays, especially in view of the fact that our total requested appropriations have already been reduced by $3 million.

The Board is now operating with a staff numerically inadequate to meet its current and prospective workload. Our 1969 appropriation does not provide for any increase in our 1968 staff. The limitation on employment in the Revenue and Expenditure Control Act will result in a reduction in staff by attrition of about 19 persons. Any recision of funds by the Bureau of the Budget will cause a still further reduction in staff. This situation will undoubtedly result in a generally overall slowing down of the Board's processes, curtailment of our output, and an increase in our backlog of work, which will adversely affect the air transport industry and the traveling and shipping public.

While we shall continue to do our best with the funds to be provided, it should be noted that our employment prior to application of the provisions of the Revenue and Expenditure Control Act is less than it was in fiscal year 1964 (after adjustment for the transfer of the Bureau of Safety to the Department of Transportation). During the intervening period, our workload has increased sharply reflecting the rapid growth and changing characteristics of the industry. Any reduction in the Board's staff at this time would be most unfortunate—especially in view of current and anticipated special problems facing the Board in areas such as airport congestion, and the probable introduction of jumbo jets and air buses within the near future. These special problems are in addition to the easily foreseeable ones attendant on the burgeoning over-all traffic volume of airline travel and operations.

We are reexamining our procedures to see what further improvements are possible, in order best to cope with the situation.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 30, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of July 19, 1968, requesting information on reductions in outlays and employment under Public Law 90–364.

The President is not in a position to allocate the $6 billion reduction in expenditures required by this law among the various departments and agencies until the committees complete action on 1969 appropriation bills. In the meantime we are proceeding cautiously and making necessary plans for effecting the reductions as soon as we know the amount.

These plans include the review of the current status of programs to determine where reductions might be made with least harm to essential services and at the same time make provisions for certain unavoidable and uncontrollable activities. This review will cover increased cost of food programs for children and the needy, mandatory programs carried out by the Commodity Credit Corporation, fluctuations in receipts over which we have little control and emergency situations such as the cost of fighting fires on the national forests. This is going to be a difficult process. We will have to do the best we can with it.

The situation on employment is equally difficult. It is going to be necessary to make a significant reduction in permanent full-time employees in most of our ongoing programs in order to reach the June 1966 level as required by Public Law 90–364. Ongoing programs affected will include research, plant and animal disease and pest control, plant quarantine, soil conservation, marketing, credit programs and many others. At the same time, we must provide for mandatory or essential increases in expanded food stamp, food distribution and child nutrition programs, enlarged meat and poultry inspection programs, and expanded rural housing programs recently approved by the Congress.

I wish that I could give you more specifics, but we will not be able to do this for several weeks yet.

Sincerely yours,

JOSEPH M. ROBERTSON,
Assistant Secretary for Administration.

U.S. TARIFF COMMISSION,
Washington, D.C., July 31, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: In answer to your letter of July 19, 1968, we have evaluated the probable impact of Sections 201, 202, and 203 of the Revenue and Expenditure Control Act of 1968 on the Tariff Commission's operations. We find the following:

SECTION 201 (LIMITATIONS ON EMPLOYMENT)

Assuming the Tariff Commission receives no relief from the Bureau of the Budget under the provisions of Section 201(b)(3) or Section 201(c) as interpreted by Bureau of the Budget directives, the Commission estimates that:

1. The number of its full-time permanent employees will decline from 262 as of June 30, 1968, to 254 as of June 30, 1969 (based on separation experience in recent years). This decrease in staff will be required even though the June 30, 1968, staff of full-time permanent employees was already 6 below the number employed on June 30, 1966, the base date.

2. The Commission will be required to separate by September 30, 1968, three of its present five temporary and part-time employees (exclusive of summer employees), although it would be authorized to reemploy (or add) one temporary/part-time employee in October, and to employ the present total of five from November 1968 through June 1969. This short-term fluctuation in temporary/part-time staff can only be disruptive and, overall, result in negative saving.

SECTIONS 202 AND 203 (REDUCTIONS IN OBLIGATIONS AND EXPENDITURES)

The Bureau of the Budget announced in its Bulletin 68–16 that the President would establish a target for each agency's obligations and expenditures in order to assure compliance with these sections of the Act. The savings to be required by the Bureau of the Budget cannot be determined until Congress has completed action on appropriation bills, since reductions made by the Congress will be counted as part of the Government-wide reductions required by Sections 202 and 203. Accordingly, it is not possible for the Tariff Commission to evaluate the impact of these sections on its operations at this time.

Pending establishment by the Bureau of the Budget of an obligation and expenditure reduction target for the Commission, the Commission is exercising extreme caution in obligating funds, as requested by the President in his Memorandum of June 28, 1968 to the Heads of Departments and Agencies. The Commission considers such caution essential in anticipation of required reductions in obligation and expenditure.

IMPACT ON COMMISSION OPERATIONS AND SERVICES TO THE PUBLIC

In view of the uncertainty as to the reduction in staff which may be required to meet financial targets established by the Bureau of the Budget, the Commission is not in a position to provide a firm answer to your question on the impact of the Act on Commission operations and services to the public.

Certainly the employment restrictions of Section 201, by requiring a reduction in staff from our June 1968 level, will to some degree diminish the capability of the Commission to respond to the varying demands for its services. If further staffing reductions are required to meet targets for obligation and expenditure reduction, the Act may well prevent the Commission from providing some services, now required, as well as reduce timeliness and depth of analysis in the services provided. The required staff reduction will tend to restrict the Commission's services to those rendered in direct response to a legally authorized request from the Congress, the President, or the public.

The Commission's staff of permanent full-time employees has declined significantly in recent years, as shown by the table attached. This staff reduction has been accomplished despite the absence of any reduction in the Commission's responsibilities. The employment restrictions of Section 201 of the Act will, as shown on the table, require a still further reduction in staff although the Commission has no basis for predicting a decrease in workload, which is largely externally originated.

Sincerely yours,

STANLEY D. METZGER,
Chairman.

Attachment.

U.S. Tariff Commission full-time permanent employees as of June 30

Year:	
1965	279
1966	268
1967	271
1968	262
1969	[1]254

[1] Projected, applying restrictions under

Source: Financial Management, July 1968. sec. 201.

FEDERAL MARITIME COMMISSION,
Washington, D.C., August 1, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: I am pleased to reply to your inquiry of July 19, 1968, concerning the Revenue and Expenditure Control Act of 1968.

This legislation requires Federal agencies to reduce employment to the level of June 30, 1966, and, imposes a limitation on expenditures below the level proposed in the President's budget.

Federal Maritime Commission staffing is presently below the level of June 30, 1966. In addition, the average employment included in our budget request and approved by the House for fiscal year 1969, is less than our June 30, 1966 complement.

The limitation on expenditures is still under consideration by the Bureau of the Budget. The impact of this limitation on operations of the Federal Maritime Commission cannot be ascertained until the Bureau of the Budget completes its plans for implementation. However, any expenditure reduction will require a reduction in current year obligations. Such mandatory saving, which could only be accomplished by further reducing employment, could result in an impairment of our capability for administering the shipping statutes and providing services to the public.

Since the Federal Maritime Commission has already achieved the reduced employment objectives of the Revenue and Expenditure Control Act of 1968, it is not anticipated that any further significant reductions will result from the new law. However, due to the present posture of this legislation we cannot fully assess its effect on the Federal Maritime Commission. Furthermore, the 1969 budget estimates currently pending in the Congress represent a voluntary reduction in the number of positions and man-years authorized in 1968.

I appreciate your interest in the activities of the Federal Maritime Commission and will be pleased to furnish additional data if needed.

Sincerely yours,

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired),
Chairman.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Washington, D.C., July 30, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in response to your letter of July 19 concerning the impact of the employment and expenditure limitations of Public Law 90–364 on our agency.

Unless the Bureau of the Budget can grant us relief, those limitations will have most serious and adverse effects upon this Commission's ability to fulfill its responsibilities under Title VII of the 1964 Civil Rights Act. As you know, this Commission was established in July 1965 to help overcome employment discrimination in the private sector, one of the nation's most critical domestic problems. Since that date, agency employment and expenditures have increased yearly due to increasing workload and a growing backlog.

We had only 180 permanent employees in June, 1966. Unless granted relief, Public Law 90–364 would restrict the Commission's recruitment until it was reduced to that level. Pending enactment of our appropriation, we are now operating under the Continuing Resolution with the fiscal 1968 authorization of 389 permanent positions as our present budgeted ceiling. A cutback to 180 employees would obviously cripple our program efforts and necessitate closing most or all of our 12 field offices. In addition, our experience indicates that it would be about 15 years before normal turnover, the means of reduction contemplated in Public Law 90–364, brought our employment to the June 1966 level. We have an urgent appeal now with the Budget Bureau to retain the 389 staff level while operating under the Continuing Resolution.

Regarding the fiscal year 1969 budget, we asked Congress for an increase of 637 positions to handle increased workload and to overcome an intolerable backlog. The final appropriation passed this week by Congress would fund an increase of only about 190 new permanent positions. Since the employment limitations in Public Law 90–364 would preclude our filling even these new positions, we shall seek additional relief from the Budget Bureau. Thus the employment restrictions in the Public Law are disastrous to a new growing agency such as ours. Our only hope is that the Budget Bureau will have sufficient flexibility and discretion to grant us an exception.

We cannot be specific at this time concerning the impact of the expenditure limitations in Public Law 90–364 on our agency. That will be determined by the manner in which the Government-wide spending reduction is allocated on an agency-by-agency basis.

Sincerely,

CLIFFORD L. ALEXANDER, Jr.,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 2, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in reply to your letter of 19 July 1968, to the Secretary of Defense, in which you request a report outlining the impact on the Department of Defense of the reductions in outlays and in employment provided by Public Law 90–364.

For the past several months the Department has been developing a program to reduce expenditures in accordance with the Revenue and Expenditures Control Act. We are identifying possible reductions which will have a minimum detrimental effect on the national security. Although we have already made some final decisions for reductions, there are many more decisions which must be made before this program will be complete. We do not, therefore, have available a listing of the reductions. However, the actions taken by the House Appropriations Committee in their report on the 1969 Defense Appropriations Bill are, generally speaking, in line with the reductions we are considering. Enclosed is a summary of the Committee's recommendation which may prove useful.

The impact of employment restrictions on our operations, similarly, cannot be precisely assessed. The impact is likely to be severe over an extended period of time. To support Southeast Asia operations at present levels in such functions as maintenance and supply would likely, in the course of time, require decreased levels of operation elsewhere in Defense. We are, however, unable to specify the effects at this time.

We are faced with an immediate problem in connection with adding to our rolls 8,000 teachers in overseas schools for dependents of military personnel. The school teachers terminate their employment in June and are hired in September. Unless we are able to obtain relief nearly all other hiring would be curtailed for approximately a month in order for us to place the school teachers on our rolls.

We are also concerned over the effect of the employment restrictions on our programs to substitute civilian for military personnel. Under this program approximately 114,000 military positions were dropped from the FY 1967 and FY 1968 budgets and 95,000 civilian positions were substituted. This action enabled the Department to make reductions in planned draft calls or in draft-motivated enlistments commensurate with the reductions in military positions. The employment restrictions will necessarily delay completion of the balance of the program, which was about 90% completed in June 1968. The Department of Defense view is that the employment limitations of Public Law 90–364 impose a penalty on the Department for substituting civilian positions for military positions and that such civilian positions should be removed from application of the employment restrictions.

There are approximately 95,000 foreign national employees in all Services in Southeast Asia, who furnish support services to the operating military forces in this area and are employed directly by the United States Government. There were about 43,000 such employees on 30 June 1966. The entire expansion is associated with extended Vietnam operations and the positions will terminate upon the termination of operations. The vacancies created by the separations of local foreign nationals in Southeast Asia occur at a rate estimated to be five times that of U.S. employees. In order to maintain foreign national employment at required levels in South Vietnam and Thailand, so as to avoid use of military personnel or contractor personnel, hiring in the Continental United States would have to be curtailed in excess of filling three out of four vacancies authorized by law. It is our judgment that foreign national employees in Southeast Asia should be exempt from the employment restrictions.

Your interest in Defense matters is appreciated.

Sincerely,

ALFRED B. FITT.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR JOHN: This is to acknowledge receipt of your letter of July 19 inquiring into the effect on services to the public which fall within this Department's responsibilities resulting from the arbitrary reductions in expenditures and employment required by the Revenue and Expenditure Control Act of 1968 (P.L. 90–364). Unfortunately, I am not able at present to give you a precise reply. However, there is no question but that the arbitrary reductions are both stringent and severe and will adversely affect our ability to serve the public. While complying with the law, we are attempting to avoid compounding the difficulties by merely applying the cutbacks arbitrarily across-the-board to all of our programs.

Since passage of the Act, we have been discussing areas of possible expenditure cutback with the Bureau of the Budget. What will be our share of the expenditure cutback imposed by the law on all Federal programs may, in fact, only be determined after the appropriations of other departments and agencies have been adopted. However, because of the depth of the imposed reductions, I know we will not be immune in this Department so that while our share has not been fully identified it is only a question of how bad the situation will be.

I am also unable at this point to give you a detailed answer to the exact adverse effects with which we are faced in applying the personnel roll-back also imposed by P.L. 90–364. Within the rules laid down by the Director of the Bureau of the Budget to implement Section 201 of P.L. 90–364, we are still assessing the alternatives, attempting to accommodate highest priority areas and needs which simply cannot operate on the basis of filling only three out of four vacancies. There are certain fundamental responsibilities which have to be met and require manpower promptly within Congressionally authorized appropriations ranging, for example, from essential public health and safety services to the critical importance of providing teachers and other school staff required for the education of our Indian children. We simply cannot carry out approved programs to satisfy public needs while decreasing employment by the rigid formula prescribed in the law. Thus, our analysis is attempting to identify our essential requirements to see what are our alternatives to cope with the situation. Notwithstanding thought and care, I foresee the likelihood of our having to curtail some essential public services and some high priority programs unless relief is found from the personnel limitations imposed by P.L. 90–364.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

U.S. DEPARTMENT OF LABOR,
Washington, August 2, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In reply to your letter of July 19, 1968 to Secretary Wirtz, I regret that I cannot at this time provide specific information on the effects of the Revenue and Expenditure Control Act of 1968 on the operations of the Department of Labor.

The Director of the Bureau of the Budget has not yet issued ceilings on either outlays or employment. This is due to the uncertainties of pending actions by the Congress on the appropriation request from the departments and agencies in the Executive Branch.

In the meantime, all vacancies occurring in the Department on and after June 30, 1968, are being filled on the three-out-of-four basis prescribed in the Act. The Department is currently in the process of evaluating the effect of the roll-back to the June 30, 1966 level, but it appears that this action will seriously hamper the Department in administering the provisions of important Labor Standards and Manpower programs which have been authorized by the Congress in the past two years.

With respect to the reduction in expenditures, the amount applicable to the Department of Labor has not been finally decided. Any reductions below the estimates contained in the President's budget will require serious curtailment of manpower and employment programs authorized by both the Manpower Development and Training Act and the Economic Opportunity Act.

If the Department can be of further assistance please let me know.

Sincerely,

LEO R. WERTS,
Assistant Secretary for Administration.

VETERANS' ADMINISTRATION,
Washington, D.C., August 5, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in response to your request for a report on the impact of provisions of the "Revenue and Expenditure Control Act of 1968" (Public Law 90–364) on operations of the Veterans' Administration and its services to the public.

As you know, P.L. 90–364 gives the Director, Bureau of the Budget, broad latitude in the management of the reductions in Federal expenditures and employment called for by the Act. For this reason, the effect of these reductions on the Veterans' Administration will not be known, definitely, until firm allowances are received from the Bureau of the Budget. However, the legislative history of P.L. 90–364 clearly indicates that the Congress intended that VA not be reduced in employment below the June 30, 1966 level.

For the Veterans Administration to reach the June 30, 1966 level, a reduction of approximately 3,000 from the current VA "full-time permanent" employment will be required. Additional reductions, averaging about 250 from last year's monthly levels, will be required in part-time and temporary employment. These reductions will, of course, require some adjustment in our planned programs.

Thank you for your continuing interest in matters relating to our Nation's veterans.

Sincerely,

W. J. DRIVER, *Administrator.*

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 5, 1968.
Hon. JOHN D. DINGELL,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: Your letter of July 19, 1968, requests a report on the impact on Commission programs and service to the public of those provisions of the Revenue and Expenditure Control Act of 1968, Public Law 90–364, dealing with reductions in outlays and limitations on employment.

The Bureau of the Budget has not yet advised the Commission as to the employment figure we must reduce to, nor the planning figures to be used in achieving any required budget reductions. Further, we are awaiting their action on our request for an adjustment in our June 30, 1966, full-time employment figure due to the transfer of certain functions from other agencies to the Commission. In the absence of these decisions from the Bureau of the Budget, we are not yet in a position to assess the full impact of the law on Commission programs, but we have been forced to put a virtual freeze on replacement hiring in order to honor commitments made before PL 90–364 was passed.

In addition to the impact of these arbitrary statutory requirements on the Civil Service Commission as an operating entity, I would like to make a few observations on the deleterious effect of such an approach to financial control on Government operations in general, with particular respect to personnel administration. The President predicted that appropriation cuts of the magnitude required and with the arbitrary instrument of cutting Federal employment back to the June 1966 level would bring about chaos. And this is just what is beginning to happen.

Not only are many Government services to the public having to be curtailed, as you will undoubtedly learn from reports from other Government agencies, but the very quality of performance is jeopardized through the many arbitrary restraints that naturally befall the processes of acquiring, training, and retaining competent staff.

For example, in addition to the fact that our own examination processes cannot be made as sharp and responsive to the changing labor market as they should be, individual agencies are undoubtedly forced to short cut their processes of selection of individuals from registers of eligibles. This can only lead to hasty judgments, errors in selection, and high turnover. Perhaps even more important, we run the risk of an inadequate supply of qualified candidates because of inability to undertake the kind of energetic recruitment programs that are necessary to attract the best talent to Government service.

Likewise, the opportunity for both the Commission and the agencies to engage in the kind of continuous check and audit on such matters as position classification can actually result ultimately in costing the Government more money rather than in saving money. Improvement of occupational standards and classification audits are invariably among the activities that suffer when curtailments reach the point of unreasoning arbitrariness.

Another activity which tends to be shortchanged under such circumstances is training. Yet I know of no more significant continuing contribution to the quality of our work force than an adequate investment in orientation of new employees, in the careful development and nurturing of supervisors, in keeping managers and professional personnel abreast of changes in technology and programs, and in generally keeping employees alert to the requirements and challenges of their missions.

There is much greater consciousness these days of the need for intensive consultation with employees and with representatives of employee organizations in the management of human beings at the work place. It is our belief that through such processes of good communication and full consultation we stimulate the best in people that they have to give. Drastic funding and personnel restrictions either inhibit this necessary adjunct of processes of good management or they slow down the end products of Government work because there is too little staff to carry on the necessary negotiations within reasonable time spans.

One aspect of management, and particularly personnel management, that has suffered even before we had the restrictions of the Revenue and Expenditure Control Act has been managerial and personnel research. Most giant corporations deliberately invest a meaningful share of their operating budget in continuing research on matters of human behavior or organization and how they relate to motivation and productivity. The current restrictions mean that what little research of this character that has existed with respect to Federal civilian employment must now be practically eliminated.

A particular problem is posed by the requirement to cut employment back to June 1966 levels. This creates some patently absurd situations where, since 1966, Congress has authorized or required the expansion of certain programs or has transferred programs from one organization to another. Furthermore, administrative improvements resulting from efforts to consolidate various activities are jeopardized as a result of such a provision.

For example, here in the Commission, where we consolidated some 700 boards of examiners into 65 interagency boards and arranged for direct funding of the staffing for these boards in our own budget, instead of having them funded out of a large number of budgets scattered throughout the Government, we had an increase in staffing of substantial numbers that took place since 1966, but this actually represented a decrease in staffing as compared with the total number of persons engaged in the activity in all Government agencies prior to the consolidation.

If we are forced to reduce employment to the June 1966 level, not only are many of our critical programs going to be curtailed, but the interagency board program will be crippled. The result of that would be the elimination of examination coverage, forcing the agencies to make temporary appointments and impairing the right of every citizen to be examined, in open competition, for available Federal employment. In short, there is a danger not only of losing program improvements, but loss to the Government of even the examination program that it had prior to April 1966.

I concur fully in your judgment that the provisions for reduction in financial outlays and employment have been very unwise and will lead to the necessity for taking corrective measures that will ultimately be more costly than any transitory savings. In the long run, as President Johnson has so emphatically stated, the only way substantial reductions in Federal budgets can be achieved is to face up to the question of eliminating or curtailing Government programs.

Sincerely yours,
JOHN W. MACY, Jr.,
Chairman.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., August 5, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in reference to your inquiry of July 19, 1968, as to the effects of the Revenue and Expenditure Control Act of 1968 on the Small Business Administration.

On June 28, 1968, the Bureau of the Budget issued two bulletins which contained instructions on the implementation of the Act. These bulletins stated that specific targets on both employment and outlays would be issued to the agencies in the near future.

Since we have not yet received these target amounts, we cannot make a valid appraisal of the impact of the Act on the Agency. As soon as these targets are provided, we will respond to your request.

Sincerely,
W. P. TURPIN,
Assistant Administrator for Administration.

DEPARTMENT OF STATE,
Washington, August 6, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in response to your letter of July 19, 1968 requesting a brief report outlining the impact of the Revenue and Expenditure Control Act of 1968, Public Law 90–364, on the operations of the Department of State.

Concurrently with the enactment of P.L. 90–364 on June 28, 1968, the Bureau of the Budget issued implementing procedures, and the President called upon the Heads of Departments and Agencies to take the necessary measures to reduce spending and restrict hiring.

The Department has taken initial steps to comply with the new law, and detailed implementing procedures are being developed. The Department's assessment of the full impact of the two provisions on operations cannot be completed until enactment of all appropriations for fiscal year 1969 and determinations concerning expenditure restrictions are made by the President. It is recognized, however, that the Department may be faced with certain operating problems under the Revenue and Expenditure Control Act of 1968 Perhaps the most significant will be those resulting from the restrictive hiring provision. The Department has just completed an intensive review of staffing overseas in connection with the President's program for dealing with the balance of payments problem. As a result reductions in overseas personnel of about 10% have been approved. These reductions have caused drastic curtailment of recruitment since January 1968. Even clerical recruitment has been curtailed below our attrition rates for some months. Therefore, the restrictions of P.L. 90–364 will undoubtedly compound our existing complex problems in the reprogramming of manpower available to the Department.

Under the new law, the Department will be required to intensify further its management over funds and employment and constantly to assess requirements and objectives and establish priorities to stretch every dollar available and to utilize to the fullest available manpower.

The Department appreciates your interest in its operational problems. If we can provide further information on this or any other problems, please do not hesitate to call on us.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 22, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Your letter of July 19, 1968, requested a brief report outlining the impact of the Revenue and Expenditure Control Act of 1968, Public Law 90–364. We have already been forced to request relief from certain of its provisions as mentioned below. Beyond this we can only report on the potential impact of the provisions of the Act inasmuch as the Director, Bureau of the Budget, has not yet provided guidelines with respect to expenditures restrictions, nor has enough time elapsed to fully evaluate the operational impact of employment restrictions.

The FY 1969 budget for General Services Administration is the smallest in the last nine years. As a consequence, any further reductions in available resources such as expenditure limitations will have a significant impact. This impact will be principally felt in the programs for operating and maintaining real property holdings, reduced capability to effect government-wide savings in the record administration program, and transportation and communications activities, as well as the program for providing logistic support to Department of Defense.

With respect to the employment restrictions of the Act, and the provisions of Bureau of the Budget Bulletin No. 68–15 dated June 28, 1968, we have already found it necessary to request the Bureau of the Budget to authorize a replacement rate for vacancies occurring in full-time permanent positions in excess of the 75 percent rule contained in the Act.

Unless relief can be granted from the current limitation, stringent reduction actions, including some of an imprudent nature, will be required in our existing activites to comply with the prescribed limitation while at the same time providing sufficient latitude to enable us to staff newly constructed public buildings and handle certain unpredictable workload items such as increased National Supply System volumes. With respect to new Government buildings entering the inventory, it is estimated that 783 additional persons will be required during 1969 simply to operate and maintain 26 new buildings to be completed during this fiscal year.

As outlined above, it is too early to fully evaluate the impact of the Act on this Agency. Such an evaluation must await the determination as to how the provisions of the Act are ultimately imposed.

Sincerely,

Lawson B. Knott, Jr.,
Administrator.

Secretary of the Navy,
Washington, D.C., August 7, 1968.

Hon. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Thank you for your letter of 19 July 1968.

At this time, I am unable to give you a definitive statement of the impact of Public Law 90–364 on the Department of the Navy. The impact will depend greatly upon the implementing actions with regard to the fiscal and personnel sections of the law.

I can state, however, that actions under consideration will result in a reduction in the level of Navy civilian employment. Further, there will be substantial reductions in Navy programs below the level of the President's Budget for fiscal year 1969.

I greatly appreciate your interest in the impact of this legislation on the Navy.

Sincerely,

Paul R. Ignatius.

U.S. Information Agency,
Washington, D.C., August 8, 1968.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: I am responding to your letter of July 19, 1968, to Mr. Marks, concerning the employment and expenditure provisions of P.L. 90–364.

With respect to the employment restrictions in Section 201, we are hopeful that this provision will not be a major impediment in keeping essential positions filled. The U.S. Information Agency is currently below the number of full-time employees in permanent positions which it had as of June 30, 1966. In addition, as you may know, the President last January called for a significant reduction in civilian employment overseas as a part of his special program to redress the adverse balance of payments. These reductions as applied to Agency employment abroad are now beginning to take effect and are to be fully realized over the next year or so. Therefore, unless the Director of the Bureau of the Budget reassigns some of these vacancies, the decline in employment should permit us to maintain necessary hiring for remaining positions.

We are not yet able to assess the impact of the restrictions on outlays. Appropriations for the Agency are contained in H.R. 17522 which has still to be enacted. It is our understanding that the Bureau of the Budget is awaiting final action by the Congress on this and all pending appropriation measures to determine the extent to which appropriations and outlays must be curtailed to accord with the limits established by Title II of P.L. 90–364. We are hopeful that the reductions made by the House, now approved by the Senate, in the 1969 appropriation request for the U.S. Information Agency will be all that is required of us in making up the total cut of $6.0 billion.

Both limitations, to some extent, will require the establishment of control and reporting procedures which would not otherwise be needed. These procedures will involve an investment in manpower, communications, and other resources which would otherwise be applied to program activities. The Agency's mission, however, relates exclusively to an overseas audience, and no services, in the usual sense, are supplied for the general public in the United States.

We are most appreciative of your interest in and concern with the application of these restrictive provisions, and regret that it is not possible to be more specific in our response at this time.

Sincerely,

Richard M. Schmidt, Jr.,
General Counsel and Congressional Liaison.

Tennessee Valley Authority,
Knoxville, Tenn., August 6, 1968.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: This responds to your inquiry of July 19 concerning the impact on TVA operations of the reductions in outlays and employment called for by Public Law 90–364. Our comments are divided between the power program and the nonpower activities of TVA.

POWER PROGRAM

TVA is the sole supplier of electric power in an area of some 80,000 square miles. Continuity of power system operations is vital to industries, governmental installations, and the 6,000,000 residents of the power service area. Moreover the power needs of the area are ever increasing and new generating stations, transmission lines, substations, and the like must continually be added to keep abreast of these demands. The costs of these power system activities, both construction and operating costs, are financed from revenues—receipts from current sales of power or proceeds from borrowings against future revenues.

To operate the growing power system and to construct the needed additions requires more manpower, not less. In 1969 TVA will maintain and operate more generating units, maintain and operate more miles of transmission lines, and will have under way a vastly larger construction program than in 1967 or 1968. Measured in dollars, TVA's construction program for 1969 is more than one-third higher than the 1967 program. Needs for full-time permanent employees during 1969 will increase 531 over the total at the start of the year. Needs for temporary and part-time employees will be substantially higher in each month of 1969 than in the corresponding months of 1967.

Application of the expenditure and employment limitations of Public Law 90–364 to TVA's power program jeopardizes the adequacy and dependability of electric power supply in the TVA region and, beyond that, possibly to power systems supplying adjoining regions with which TVA's system is interconnected. In recognition of this, legislation (provisions included in S. 3710) has been approved by the Congress exempting the power program from the reductions required by Public Law 90–364. With respect to employment, the exemption applies only to employees paid exclusively from power funds. If this legislation is approved by the President, TVA's power program will not be significantly affected by Public Law 90–364.

NONPOWER PROGRAMS

Public Law 90–364 will, however, apply to all other activities of TVA. Involved here are two basic TVA responsibilities—one is to develop the resources and the economy of the Tennessee Valley, involving a broad range of programs, and the other is to lead the national effort in research and development of better, lower-cost fertilizers and of better ways of fertilizer use. TVA has been highly effective in its discharge of both responsibilities at a relatively low level of financing. This work is financed from appropriated funds, augmented to the extent available by proceeds from these nonpower activities.

Budget stringencies have impaired both these major program areas in recent years. It has been necessary to defer projects, some important to economic and social development of the region, others significant to the American farmer in regard to what he pays for the fertilizer he buys and as to what he gets for his fertilizer dollar. It has been necessary in addition that we stretch out unduly schedules for those projects under way, thus deferring their public benefits. These problems are particularly serious in fiscal year 1969, our appropriation as requested by the President and as enacted by the Congress being 18 percent less than in the year before.

A further curtailment of TVA's 1969 funds, if required by Public Law 90–364, will obviously be a serious matter. At this point, we do not know with certainty that such a curtailment will be put upon TVA by the Bureau of the Budget. Thus we are not in a position to state for you, program by program, the effects of the law's financing limitations.

The employment limitations of Public Law 90–364 are, with respect to these nonpower activities of TVA, superfluous. The previously described lower level of 1969 appropriation financing already requires a substantial downward adjustment in the number of employees involved.

We will be pleased to supply any additional information you may wish.

Sincerely yours,

Aubrey J. Wagner,
Chairman.

Department of the Air Force,
Washington, August 9, 1968.

Hon. John D. Dingell,
House of Representatives.

Dear Mr. Dingell: In your recent letter, you requested a brief report of the impact that the expenditure and personnel reductions imposed by Public Law 90–364 would have on the Air Force.

Final decisions have yet to be made in many of the affected areas, so it is too early for a full appraisal. However, the House Committee on Appropriations report (DOD Appropriations Bill, 1969), indicates how principal reductions must be taken. The required actions fall into three principal catgories: (1) deferring equipment modernization (2) reducing operations and (3) reducing Research and Development activities.

As to equipment modernization, the main effect will be to stretch out FB-111 and F-111D procurement. This will entail keeping old equipment longer and, though not desirable, is preferable to other actions which might involve outright cancellations.

Reductions of several thousand military and civilian personnel will be necessary in the maintenance and support areas. These will naturally occur in the lower priority programs, but they will nevertheless have sharp impacts from the standpoint of reduced operational support and maintenance deferrals.

Although difficult to appraise the precise effects, lesser priority items in research and development will undoubtedly have to be curtailed. Research and development, of course, provides the technology for new and improved weapons systems. Thus, the inevitable consequences of reduced effort in this field is to retard technological progress—always a matter of serious concern.

In summary, while final actions have not been specifically determined, it is clear that there will be significant delays in force modernization. Support activities must be reduced, maintenance programs held in abeyance, and research and development programs pursued below desired levels.

We are glad to be of assistance and hope the foregoing will serve your purpose.

Sincerely,

JOSEPH J. F. CLARK.

(For and in the absence of John R. Murphy, Major General, USAF, Director, Legislative Liaison)

U.S. ATOMIC ENERGY COMMISSION,
Washington, August 8, 1968.

Hon. JOHN D. DINGELL,
House of Representatives.

DEAR MR. DINGELL: This is in response to your letter of July 19, 1968, requesting a brief report outlining the impact of the two provisions contained in the Revenue and Expenditure Control Act of 1968, Public Law 90-364, relative to reductions in outlays and employment.

With respect to the provision covering reductions in expenditures, we are hopeful that actions already taken by the Congress on the AEC appropriation request will minimize the need for further reductions to meet AEC's share of the expenditure reduction provided under the law.

With respect to reductions in employment, the limitation on the number of civilian officers and employees as provided by Section 201 of the act will have a serious impact on AEC's operation, particularly in the Regulatory activities. The overall impact can be shown in the following table:

	Fiscal year 1969 budget to Congress	Employment, June 30, 1968	Employment, June 30, 1966
AEC operation	6,798	6,725	6,633
Regulatory activities	517	444	343
Total	7,315	7,169	6,976

As reflected above, unless relief is obtained, the law will require AEC to reduce 193 employees below the June 30, 1968 strength and 339 below the numbers requested of the Congress. The FY 1969 request for an increase of 140 new positions was deemed the minimum increase required to carry out the Commission's Regulatory, Weapons and Reactor Research and Development activities.

Recognizing that there may be hardships in given cases, instructions issued by the Director of the Bureau of the Budget (BOB Bulletin 68-15) provide for assignment of additional positions such as those involving health and safety, if circumstances warrant it. Because of the adverse impact of employment reductions on the Commission's ability to administer its regulatory responsibilities, we have asked the Director, Bureau of the Budget, to reassign 161 vacancies to the AEC which we deem essential for the Commission to discharge its regulatory responsibilities for the protection of health and safety.

The compliance area of the regulatory program faces a critical manpower situation. There are presently 56 power reactors under construction and in operation requiring inspection and surveillance for the protection of the public. By the end of FY 1969, this number will increase to 75 and by FY 1970 it will be 93. Our inspection requirements have increased appreciably due to safety problems that have been experienced in the construction of large power reactors. Accordingly, in order to carry out a minimum inspection program, we will need to increase our reactor inspection staff during FY 1969.

We presently have a backlog of 20 reactor construction permits and 6 provisional license applications. In FY 1969 we expect 19 additional construction permits and 10 operating license applications; in FY 1970, 20 construction permits and 20 license applications. As the number of reactors moving into the operational phase increase, the abovementioned critical manpower situation is compounded by heavier demands in the licensing area. The restrictive limitations on employment will have a serious adverse effect on our ability to carry out our statutory responsibility in this important area of health and safety.

Efforts to redeploy staff from other Commission activities to the regulatory program have been consistently undertaken in the past. However, the possibilities of further redeployment sufficient to adequately staff the regulatory program are limited because of other high priority activities.

The Commission's vital weapons program and activities related to reactor research and development which continue to require additional staff in the interest of the national security and defense will also be affected adversely by employment reductions.

I hope the above will provide you with the information which you require. We will be happy to answer any further questions you might have in this connection.

Cordially,

——— ———,
Chairman.

ASSISTANT SECRETARY OF COMMERCE,
Washington, D.C., August 9, 1968.

Hon. JOHN D. DINGELL,
House of Representatives, Washington, D.C.

DEAR MR. DINGELL: This is in further reply to your letter of July 19, 1968, requesting a brief report of the impact on the Department of Commerce of the restrictions contained in the Revenue and Expenditure Control Act of 1968 restricting outlays and employment.

We are still reviewing the actual and the potential effects of the Act. I doubt whether we can fully assess the consequences for several months yet.

With regard to outlays, we have not received a final expenditure ceiling from the Bureau of the Budget and we will not take definitive action until a firm figure is furnished us. Tentatively it appears that we may be able to meet the requirements of the Act by delays and stretchouts rather than by absolute program curtailments.

Some of the programs threatened with serious delays are the 1967 economic and the 19th decennial censuses, area and regional economic development, export expansion and balance of payments equilibrium, completion of the national disaster warning system, oceanographic surveys, environmental research, issuance of patents, standard reference data system, implementation of the Flammable Fabrics Act, and improvement of the American merchant marine.

Restrictions on employment, unless the Act is modified in the next session, will require the Department of Commerce to reduce its full-time permanent employment from the June 30, 1968, level of 26,164 to 25,027, a reduction of 1,137. I believe that the reduction will affect programs in much the same way as the restrictions on outlays, i.e., delays instead of curtailments, although some smaller weather installations may have to be closed, if staff cannot be replaced.

We will make every effort, of course, to meet the reduced level of staffing and expenditures by improving our efficiency and thereby minimizing the effect on our programs, but I do not see how we can avoid delays in achieving program objectives in some of the program areas mentioned. I appreciate the interest you have shown toward the Department of Commerce.

Sincerely yours,

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., August 12, 1968.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your inquiry of July 19, 1968, concerning the impact on the Department of Transportation of reductions in outlays and employment required by the Revenue and Expenditure Control Act of 1968, Public Law 90-364.

At this point in time we have been unable completely and accurately to assess the full impact on Departmental programs of the expenditure and employment cutbacks imposed by that Act. As you know, the Congress, in recognition of the urgent need for more personnel to man the Federal airways system, included a special provision (section 210) in Department of Transportation Appropriation Act, 1969 which exempts from the provisions of section 201 of P.L. 90-364 traffic controller and related essential positions which are assigned to facilities directly engaged in the operation or maintenance of the air traffic control system or the air navigation system of the Federal Aviation Administration. Exemption of those critical positions would avoid any adverse impact on the essential safety activities of the FAA.

Even with this exemption, however, other programs of the Department will be affected adversely. While the reductions will be applied to the extent practicable on a priority basis, some cutbacks will have to be made in the civilian personnel of the Coast Guard who are engaged in search and rescue and other essential activities. The National Highway Safety Bureau, the National Transportation Safety Board, and the Federal Railroad Administration present special problems since they are new organizations established since the 1966 base date specified in section 201 of P.L. 90-364. While funds will be available to permit these organizations to staff up to levels which are conservative in terms of their assigned responsibilities, this buildup will be halted or significantly slowed down by the hiring restrictions. This is especially serious for the National Highway Safety Bureau to which Congress has assigned major and urgent programs aimed at reducing accidents and deaths on the highways.

With respect to the government-wide expenditure restrictions imposed by P.L. 90-364, we cannot at this time assess the impact on Departmental programs. Final allocations of the overall reduction may not be made to the Department until Congress has completed action on the 1969 appropriation bills. Obviously, however, the expenditure limitation will require a slowing down or deferral of many Departmental programs and projects which Congress believes sufficiently important to the public interest to appropriate funds.

Once we have been assigned our share of the cutback, we would of course be in a position to furnish you with information on what precisely the effects will be on our program.

Your interest in and support of the Department is much appreciated.

Sincerely,

JAMES W. WILLIAMS,
RADM, USCG, Acting.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., August 12, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in reply to your letter of July 19, 1968, in which you asked about the impact of two provisions of the Revenue and Expenditure Control Act of 1968 on the Board's operations.

The two provisions do not apply with respect to personnel and expenses of the Board. The Board's expenses are met from earnings of the Federal Reserve Banks, rather than from appropriated funds. In recognition of this fact, section 10, paragraph 4, of the Federal Reserve Act provides that the employment of Board personnel "shall be governed solely by the provisions of this Act, [and] specific amendments thereof." Nevertheless, the Board has made a careful reappraisal of its budget for the calendar year 1968 and as a result has canceled or deferred a number of proposed expenditures where it did not appear that the cancellation or deferment would seriously impinge on the Board's operations or its service to the public.

The Board's expenditures are, of course, quite small relative to the Federal budget. In 1967, total expenses of the Board amounted to $10,727,234.

Sincerely,

J. L. ROBERTSON.

SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., August 23, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your recent letter expressing concern about the impact on this Department of the outlay and employment reduction provisions of the Revenue and Expenditure Control Act of 1968. The Administration shares your concern as expressed by Mr. Charles Zwick, Director of the Bureau of the Budget, when he testified in opposition to this provision.

At this moment, it is impossible to assess the impact of these provisions on the operation of the Department of Housing and Urban Development. However, it is evident that the restrictions imposed come at a particularly inopportune time for this Department, and we hope the Congress will see fit to grant us relief when it reconvenes in September.

Obviously, the Department will not be able to carry out its ever expanding programs, implement the new Fair Housing legislation and fulfill the legislative mandate of the Housing and Urban Development Act of 1968 while reducing its employment level to that of June 30, 1966. In view of the marked increase in workload required, it simply will be impossible to discharge our responsibilities under these stringent personnel limitations.

One problem that concerns me even more is that in attempting to meet the requirements of existing programs we will be forced into long delays in processing that would seriously inconvenience homebuyers all over America.

Again, we wish to thank you for your concern and trust that Congress will see fit to reverse its action as the difficulties imposed become apparent.

Sincerely,

ROBERT C. WEAVER.

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., September 11, 1968.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This letter is in response to your request of July 19, 1968, regarding the impact of Title II, Section 201 and Section 202 of P.L. 90–364, The Revenue and Expenditure Control Act of 1968.

The programs of the National Science Foundation are implemented mainly through grants and contracts awarded to universities, colleges, and other nonprofit organizations. More than 90 percent of our funds are used in this manner. Thus, the expenditures of the Foundation are almost entirely under the control of the organizations to which the contracts and grants are awarded. As of June 30, 1968, there were approximately 20,000 active grants and contracts having unexpended balances of about $664 million. These grants and contracts represent commitments by the Foundation for a wide range of science-related activities primarily in research and education. Past experience shows that in any given fiscal year approximately 80 percent of the Foundation's expenditures result from obligations made in previous years and only 20 percent from those made in the current year. Hence, it is not possible to exert major control of current year expenditures by controlling the rate of making new obligations.

After the Revenue and Expenditure Control Act of 1968 was passed by both houses of Congress and the President made it known that he would sign the bill, I sent a notice to the Presidents of all Universities and Colleges and the Heads of Institutes and Other Non-Profit Organizations alerting them to the implications of the provisions of the Act and urging them to initiate plans for operating within expenditure limitations which the Foundation would necessarily have to impose on them. A copy of the Notice, dated June 26, 1968, is enclosed for your information.

When the Foundation was advised of the expenditure ceiling for all agency operations by the Bureau of the Budget, we calculated a limitation on expenditures to be applied to all programs and projects funded by Foundation grants and contracts at each of an estimated 500 academic institutions and other nonprofit organizations. This group of organizations uses approximately 80 percent of the funds provided by the Foundation. Each institution affected was informed of its expenditure ceiling by letter dated August 14, 1968, a copy of which is also enclosed for your information. The initial impact of this limitation will be to force an overall reduction of about 20 percent in the level of expenditures that would normally have been incurred in the conduct of research and educational programs at these participating institutions.

The situation is made worse by the fact that—as does any organization, including the Government itself——the institutions have many commitments that are irreducible. For example, there are many instances of construction contracts the costs of which must be paid in full; items of equipment ordered before the imposition of the ceiling will be delivered and must be paid for. (This effect is enhanced by the fact that in endeavoring to hold down expenditures last year, the effective date of many grants was made to be July 1, 1968, or later.) University and college commitments to faculty and other professional personnel for the coming academic year were made long before the passage of P.L. 90–364; the same is true of fellowships and traineeships awarded to graduate students, etc. The situation is further aggravated by the fact that the summer months constitute a period of enhanced activity in research, in the conduct of special institutes for high school and college teachers, etc., and the passage of the Act occurred too late to allow significant reductions in these programs. As a result of all of these factors, the institutions can absorb the necessary reduction only in activities for which some flexibility remained when the limitation was placed in force; they must of necessity absorb much more than a 20% reduction in such activities.

We are not planning to apply specific expenditure limitations on NSF-funded activities in any of the 800 to 900 academic institutions that have annual expenditures totaling less than $50,000 for the institution as a whole. (Since the total expended annually by these institutions is only about $4 million per year, possible reductions would not have warranted the administrative work involved within the Foundation and at the institutions.) The administrations of these institutions have been requested to hold expenditures chargeable to NSF grants to a minimum.

The administrations of the 500 institutions on which ceilings have been placed will be forced to curtail planned programs and, when necessary, to void commitments which have already been made. We recognize that substantial reductions in total research effort may be necessary. Sharp reductions will probably be made in the procurement of essential research equipment. Many competent scientists may be unable to carry out the research and education programs for which the Foundation is committed by grants and contracts which were in effect prior to the enactment of P.L. 90–364. The seriousness of the situation is indicated by the fact that we have already had more than 200 phone calls as a result of our August 14 letters.

Within the total institutional expenditure limitation, provision has been made to partially sustain activities funded by grants for important new programs which have been undertaken by the Foundation in recent years. To the extent possible, expenditure authority was included in the institutional expenditure limitation to support the grants for the National Sea Grant program, for developing the uses of computers in science education, and for the continuing improvement of research and education programs at the developing institutions. We expect, however, that the impact of expenditure limitations will be quite severe in these newer programs areas.

A critical aspect of the application of Title II, Section 202, as it relates to academic science, is the cumulative impact of reductions in total Federal support. There are approximately 500 academic institutions that are major participants in NSF programs. Most of these institutions are major participants in federally sponsored science programs (research and education) of other Federal agencies. Federal support for academic research is now at about an annual level of $1.4 billion. The major source of this funding is through the appropriations of about 15 Federal agencies. This funding for academic research plus the direct funding of graduate training (fellowships and traineeships) constitute a substantial part of the financial resources available to academic institutions for research and the advanced training of scientists and engineers. Federal agencies are now in the process of applying reductions in expenditures for academic science during FY 1969. At the same time university and college administrators are faced with the task of making commitments to faculty members, research associates and assistants, and teaching assistant, and of procuring supporting equipment and materials for academic year 1968–69 without having an understanding of the extent to which the Federal support will be withdrawn. I believe this uncertainty as to the level of Federal support will have a very detrimental effect on the basic sciences and upon the advanced training of scientists and engineers. The real danger to the country is the fact that Title II, Section 202, forces Federal agencies to reduce their support for academic science wthout appropriate time for consideration and for consultation with those most concerned in our colleges and universities. We are adversely affecting a significant part of our national scientific capability in order to accomplish the short-term advantage of reductions of Federal expenditures.

In the application of Title II, Section 201, the Foundation anticipates very serious long-term problems in recruiting and retaining the professional staff essential to the proper administration of our responsibilities. The Congress has recently enacted an amended NSF Act giving the Foundation considerably broadened responsibilities in the area of applied research, science policy development, and data acquisition and analysis. These expanded responsibilities create a requirement for more professional staff. Limiting recruitment to 75 percent of vacancies on a Government-wide basis, as required by Section 201, will inevitably curtail the quality of review and evaluation of research and educational proposals because of the lack of competent professional staff. (The Foundation has now been informed by the BOB that recruitment after September 1, 1968, will be limited to 70 percent of vacancies.)

I hope that this statement concerning the application of P.L. 90–364 to the programs of the Foundation will be helpful even though it is not yet possible to assess in detail the adverse impact on scientific research and education in individual academic institutions.

Sincerely yours,

LELAND J. HAWORTH,
Director.

THE CRIME PROBLEM

Mr. TENZER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TENZER. Mr. Speaker, the continuous fight against crime cannot be measured by slogans or rhetoric. It is a fight, generally waged quietly—a fight that takes time, effort, and manpower.

Fighting crime is not always a glamorous challenge. And results are hard to come by, but when they do come they deserve recognition.

The Department of Justice can point with pride to its accomplishments during fiscal 1968. It set numerous records, at the same time accepting unprecedented new responsibilities. Attorney General Ramsey Clark said:

> This was the most effective year in the history of Federal law enforcement's effort to eliminate organized crime.

He also said that organized crime's hold in many parts of the Nation has been weakened, adding:

> A vigorous follow-through can achieve virtual elimination of major organized crime that has corrupted American life for decades.

Here, in detail, is the Department's report on its anticrime efforts:

DEPARTMENT OF JUSTICE RELEASE, SEPTEMBER 4, 1968

Attorney General Ramsey Clark reported today that the Department of Justice brought a record number of organized crime cases in fiscal 1968.

Mr. Clark said indictments were obtained against 1,166 individuals in cases handled by the Organized Crime and Racketeering Section of the Criminal Division.

The record total compared wth 19 in 1960, the year before the current drive against organized crime was begun. Indictments have increased each year since. They totaled 1,107 in fiscal 1967.

Defendants convicted in such cases during fiscal 1968 numbered 520, up 30 percent from 400 the previous year.

Convictions of racketeering and gambling figures resulting from FBI investigation reached a record high of 281, up 43 percent from 197 in fiscal 1967, and nearly 700 others were awaiting trial at the year's end.

Of 210 known or suspected members of La Cosa Nostra indicted or convicted during the past 13 years, 48 were indicted or convicted during fiscal 1968.

The number of attorneys in the Organized Crime and Racketeering Section was increased to 70, an all-time high, during fiscal 1968.

Section attorneys spent 6,886 days coordinating investigations and prosecutions in the field, a 53 percent increase over the previous year.

The Section in fiscal 1968 established three additional "Strike Forces"—teams of attorneys and investigators from key federal agencies who move comprehensively against organized crime in metropolitan areas.

Mr. Clark said the concept, introduced with one Strike Force in fiscal 1967, had proven highly successful.

Thirty individuals have been indicted as the result of the work by the original Strike Force, in Buffalo.

Within the past six months, Strike Forces have moved into Detroit, Brooklyn and most recently Philadelphia. Indictments of 16 persons have already been obtained in Brooklyn while 8 have already been indicted in Detroit.

The Attorney General said Strike Forces are planned for four more cities during the 1969 fiscal year.

"This was the most effective year in the history of federal law enforcement's effort to eliminate organized crime," Mr. Clark said.

"Heavy and increasing pressure from coordinated law enforcement action, plus the telling blows of the Strike Forces, have weakened organized crime's hold in many parts of the nation.

"A vigorous follow-through can achieve virtual elimination of major organized crime that has corrupted American life for decades."

The record highs in prosecutions were obtained despite a court decision limiting the government's power to prosecute gamblers for failure to follow federal registration requirements. As a result of the decision, the Department dismissed cases against 351 defendants and withheld action on hundreds of other potential cases.

"The clear lesson is that law enforcement can be effective within this Constitutional limitation," Mr. Clark said. "The redirection of enforcement effort to protect important Constitutional rights will better protect the public in both the short and the long run."

In view of the decision and since gambling is the chief source of income for organized crime, the Department introduced legislation to make it a federal crime to engage in a substantial gambling enterprise.

More than 1,700 defendants were convicted of federal drug violations in fiscal 1968, Mr. Clark reported.

Federal narcotics seizures totaled 327,750 grams, up 154 percent from 128,953 grams the year before. There were 69 clandestine drug laboratories seized, compared with 14 the year before.

The Bureau of Narcotics and Dangerous Drugs was formed in fiscal 1968 by the merger of the Treasury Department's Bureau of Narcotics and HEW's Bureau of Drug Abuse Control in the Department of Justice.

Mr. Clark said the merger, along with an increase in manpower, promised new effectiveness and efficiency in combatting the misuse of drugs.

A new unit was formed in the Criminal Division to coordinate prosecution of narcotics and drug cases.

There were 1,698 prosecutions commenced under the Universal Military Training and Service Act of 1948, up from 1,388 in fiscal 1967. Convictions numbered 747, down from 786. The decrease was due primarily to the record number of 342 dismissals—the overwhelming majority resulting from defendants choosing to enter military service rather than face trial.

The FBI located a record total of nearly 19,000 fugitives during fiscal 1968, an increase of 19 percent.

The number of inmates in federal prisons rose for the first time in five years. The inmate population on June 30 was 20,247, up from 19,543 the previous year. Factors in the increase included longer sentences, a substantial rise in commitments for bank robberies and selective service violations, and an 18 percent decline in paroles.

An intelligence unit was established in the Department to compile and computerize information from federal investigative and other sources concerning civil disorders in American cities. The intelligence is being shared with other interested agencies.

Legal victories for the Department during the fiscal year included rulings by the Supreme Court upholding the constitutionality of a law against the knowing mutilation of draft cards and affirming a limited "stop and frisk" authority for police.

In some of the Department's notable cases—

Raymond Patricia, described as the New England boss of La Cosa Nostra, was convicted of traveling interstate with the intent to commit murder.

Seven men were convicted in the deaths of three civil rights workers in Mississippi.

Louis E. Wolfson and Elkin B. Gerbert were convicted of the illegal sale of stock.

H. Rap Brown, former head of the Student Nonviolent Coordinating Committee, was convicted of violating the National Firearms Act, and charged with assaulting an FBI agent.

Robert B. Depugh, former head of the Minutemen, was convicted of violating the National Firearms Act, and charged with conspiring to rob banks.

One man was arrested in the United States and several others in France in a case involving the seizure in New York City of 112 kilograms of pure heroin, the largest single heroin seizure in the nation's history.

Underworld figure Johnny Dioguardia (Johnny Dio) was convicted for his part in a planned bankruptcy.

Dr. Benjamin Spock, the Rev. William Sloane Coffin, Jr., Michael Goodman and Michael Ferber were convicted of conspiring to aid and abet evasion of the draft.

The Second Circuit Court of Appeals upheld the conviction of Dr. Herman Taller, author of a best seller on obesity and distributor of weight-losing products, for mail fraud, drug misbranding and conspiracy.

The Department coordinated a massive world-wide search for and later the extradition from England of James Earl Ray, charged with the murder of Dr. Martin Luther King, Jr.

Joseph Amabile, a La Cosa Nostra lieutenant in Chicago, former Mayor Henry Neri of Northlake, Illinois and three other men were convicted in an extortion plot.

James L. Marcus, Water Commissioner of New York City, labor racketeer Antonio Corallo and two other men were convicted in a bribery and conspiracy case.

Danny Escobedo, subject of a landmark decision concerning confessions, was convicted of the sale and possession of heroin.

The Fifth Circuit Court of Appeals upheld the conviction of Cassius Clay for refusing to submit for induction.

The St. Louis Pipefitters Union and three of its officers were charged with conspiring to make illegal political contributions and expenditures.

Mr. Clark said fiscal 1968 was marked by not only achievements in federal law enforcement but also an historic expansion of federal support for local and state enforcement agencies.

Potentially one of the most significant developments in American law enforcement occurred late in the fiscal year when Congress enacted the Omnibus Crime Control and Safe Streets Act authorizing a major new office in the Department of Justice to make federal grants to local and state authorities.

The forerunner of the new office, the Office of Law Enforcement Assistance, concluded its operations in fiscal 1968 after providing in less than three years some $20.6 million to 356 projects in 50 states, the District of Columbia, the Virgin Islands, Guam and Puerto Rico.

Projects ranged from police science degree programs in 28 colleges to a mobile television unit for use in police surveillance to research aimed at determining whether the human voice can be as positive a means of identification as fingerprints.

The Department conducted various meetings, conferences and training sessions for state and local officials. "Never before has the federal government been such a close ally of the policeman, the prosecutor and the prison warden," said Mr. Clark.

In late winter and early spring, the Department conducted a series of seminars for police chiefs and other police command personnel from some 130 major law enforcement agencies on the prevention and control of riots.

A project inaugurated in January, 1967—the National Crime Information Center—was expanded in fiscal 1968 to serve 61 law enforcement agencies in 42 states, the District of Columbia and Canada on its teletype network. The Center, operated by the FBI, is a computerized index of information on crime and criminals.

The FBI extended training assistance in some 6,000 schools to nearly 185,000 local and state officers during the fiscal year. The FBI National Academy graduated 199 officers.

The Bureau of Prisons provided limited technical assistance to state and local correctional institutions during fiscal 1968 and secured legislation authorizing a vast increase in such assistance in fiscal 1969. Expanded services for local and state officials were also planned by the Bureau of Narcotics and Dangerous Drugs.

Mr. Clark said fiscal 1968 was a year of significant legislative accomplishments.

In addition to the new grant program and the technical assistance program of the Bureau of Prisons, successful legislation backed by the Department—

Authorized a National Institute to bring science and technology to bear against crime;

Established a Federal Judicial Center to improve the court system through research and planning;

Outlawed interstate traffic in handguns and their sales to minors, ending three decades of inaction on the growing problem of firearms;

Made it a federal offense to obstruct a federal criminal investigation;

Gave federal prosecutors the authority to appeal a District Court's order granting a motion to suppress evidence.

Gave the federal government additional authority to obtain search warrants and seize evidence;

Strengthened anti-crime procedures in the District of Columbia;

Gave federal prosecutors expanded power to compel testimony in organized crime cases;

Established a new program aimed at the prevention of juvenile delinquency.

ESTABLISHMENT OF THE JOHNSTOWN FLOOD NATIONAL MEMORIAL AND THE ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SAYLOR. Mr. Speaker, by letter from the National Park Service, I am advised that land acquisition for the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial has now been completed. Establishment of these two historical areas is an outstanding example of cooperation between Government and local public-spirited industries and individuals. I should like to note particularly the following steps leading to fulfillment of plans long in the making:

Donation of the key tract at the Johnstown Memorial by the Cambria County Historical Society with an accompanying quitclaim of all reversionary interests by the Berwind Corp. of Philadelphia, thus setting the pattern for later gifts.

A voluntary cooperative agreement between the National Park Service and Bethlehem Steel Corp., which has allowed use of large areas within the Portage Railroad Site for park purposes. Bethlehem Steel also donated 1,100 acres, including both surface rights and minerals, to the Western Pennsylvania Conservancy for eventual inclusion in a State park.

Donation of an important 19-acre tract at the summit of the Allegheny Portage Railroad by Mrs. Florence Roberts followed. The township of Conemaugh, in Cambria County, also donated their property within the boundaries of the Allegheny Portage site.

Also significant the quitclaiming of the entire Allegheny Portage right-of-way, within the boundaries of the site, the focal point of historic interpretation for the Portage Railroad, by the Penn Central Co., at a nominal price per acre.

The National Park Service of the Department of the Interior in completing its land acquisition program is to be commended for its exceptional record of having acquired all but one tract by direct purchase negotiation, this purchase being in unknown ownership, with the avoidance of litigation.

Mr. Speaker, establishment of these two historical areas would not have become a full reality at this time had it not also been for the untiring efforts of businessmen and individuals who unselfishly donated lands and interests to the United States, thus making possible the creation and preservation of areas vital to the history of our region, our State, and our Nation.

The preservation of these historic areas has thus been assured and the public support and significant gifts of lands and interests will insure the preservation of these historic areas for present and future generations.

To mark the occasion I should like to insert in the RECORD the letter to me from National Park Service Director George B. Hartzog, Jr., and letters from Secretary of the Interior Stewart L. Udall to Stewart Cort, president of Bethlehem Steel, and Stuart T. Saunders, chairman of the Penn Central. They follow:

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., July 29, 1968.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: We are pleased to advise that land acquisition for the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial has now been completed.

All of the tracts at Johnstown Flood and all but one of the tracts at Allegheny Portage were acquired by direct purchase. The only tract to be acquired by condemnation is one of unknown ownership. Every effort was made to determine ownership of this tract but to no avail. We in the National Park Service are proud of this record.

We want to express our sincere thanks to you for your assistance in making the establishment of Allegheny Portage and Johnstown Flood a reality. We particularly appreciate your efforts on behalf of the National Park Service to obtain an option from Penn Central for the Old Portage Railroad Right-of-Way. Penn Central signed an option for the property on June 14 at the previously agreed price of $50 per acre.

Sincerely yours,
GEORGE B. HARTZOG, Jr.,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1968.

Mr. STUART T. SAUNDERS,
Chairman of the Board,
Penn Central Railroad.

DEAR MR. SAUNDERS: We were very pleased to receive the signed "Offer to Sell Real Property" wherein the Penn Central Railroad agreed to sell to the United States the Old Portage Railroad Right-of-Way. The conveyance is to be at the sale price originally negotiated of $50 per acre and the tract is to be added to the Allegheny Portage Railroad National Historic Site.

The acquisition of this tract will complete the acquisition by the National Park Service of all the land needed for the establishment of the Allegheny Portage Railroad National Historic Site. Your cooperation in enabling the Park Service to acquire this tract and proceed with the establishment of this historic site is appreciated.

As you know, the Old Portage Railroad Right-of-Way is a very significant part of the Allegheny Portage Railroad National Historic Site, and we know that the public will appreciate and enjoy being able to view this important and interesting aspect of the historic development of railroad and canal transportation in this country.

Sincerely yours,

Stewart L. Udall,
Secretary of the Interior.

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., August 2, 1968.

Mr. Stewart Cort,
President, Bethlehem Steel Corp.,
Bethlehem, Pa.

Dear Mr. Cort: We wish to take this opportunity to express our appreciation for your public-spirited efforts on behalf of conservation, recreation, and the preservation of our historic heritage. We have in mind your donation of over 1,100 acres, including both surface rights and minerals, to the Western Pennsylvania Conservancy in the vicinity of Johnstown, Pennsylvania, for eventual inclusion in a State park as well as the cooperative agreement between the Bethlehem Steel Corporation and the National Park Service dated July 27, 1967, wherein Bethlehem Steel limited its right to drill for oil and gas under a large acreage within the Allegheny Portage Railroad National Historic Site.

With the expanding population, rising incomes, and increased leisure time, there has been a tremendous increase in the demand for park and recreation areas, not only at the national level but also at the State and local level. However, it is often not possible for the Federal Government and particularly States and their local political units to finance these park and recreation areas even though there is a realization that if these areas are not preserved now, they will be for all practical purposes unavailable in the future because they will be developed and the cost of their acquisition will be prohibitive. Moreover, it is not only the potential State and local park and recreation areas that are being threatened by undesirable development and construction activities, but the historical areas as well.

The preservation of our recreation, historic, and scenic areas will add immeasurably to the quality of our environment. The preservation of these areas has become of interest and concern to the entire country. Progressive American industry exemplified by the Bethlehem Steel Corporation has been leading the way.

Sincerely yours,

Stewart L. Udall,
Secretary of the Interior.

ADDRESS BY THE HONORABLE JOHN W. McCORMACK BEFORE THE MEMBERSHIP OF THE ZIONIST ORGANIZATION OF AMERICA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCormack] may extend his remarks at this point in the Record and include an address.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, today I had the great pleasure of speaking before the membership of the Zionist Organization of America at its 71st convention, which was held in Washington.

The Zionist Organization of America is one of the oldest idealistic service organizations in the United States. It was called into existence immediately after the World Zionist leader, Dr. Theodor Herzl, called into being the World Zionist Organization in 1897 at the first World Zionist Congress summoned by that historic and idealistic personality at whose call some 200 delegates gathered in Basel, Switzerland, to seek ways and means for the establishment and creation of a Jewish State in the land of Israel.

In the extension of my remarks, I include the address I made at the luncheon held today, September 12, 1968:

Israel Is Our Best Friend in the Middle East and Deserves Our Fullest Support

Mr. Chairman, Distinguished Guests, Delegates to the 71st Annual Zionist Convention of the Z.O.A., Friends of Israel and Fellow-Americans: Although I have been and will be busy with congressional matters and with the impending election, as you can well imagine, I am honored to take out the necessary time to appear before an eminent and representative Zionist gathering in Washington, on the occasion of its annual 71st convention and bring you greetings, felications and the best wishes in these trying times.

I am proud to state that I have been a friend and supporter of the Jewish people and of the Zionist movement virtually all my life. I am honored to state that in 1944, twenty-four years ago before the Second World War was triumphantly concluded by the forces of freedom led by our own beloved country when we finally saw the crushing defeat of the Nazi hordes, it was my privilege to include in the Democratic platform a special plank pledging the Democratic Party in favor of a free and independent Jewish Commonwealth in Palestine. I thank God I have lived to see the triumph and the emergence of the Jewish state which has struggled against its neighbors who in cowardly fashion sought its destruction in 1948 as the State was born, in 1956 when Egypt and its Arab allies threatened to annihilate Israel, and in 1967 when Egypt again, together with Syria, Jordan, Iraq, Algeria and other Arab States, not even contiguous to Israel, had made all the necessary preparations and had issued ruthless threats to obliterate and liquidate the gallant little nation of Israel. Together with millions of liberty-loving Americans of all racial origins, I hoped and prayed for the triumph of Israel over its menacing and mortal enemies.

We should all be on our knees in prayer giving thanks to the Lord God whom we all worship in common, that justice prevailed, that righteousness carried the day, and true heroism and exemplary valor saved the people of Israel from the murderous massacre with which Israel's implacable foes threatened its very existence. As a Christian and as an American, I felt then and I feel today, that the holocaust and wholesale destruction of 6,000,000 Jews by Nazi Germany, thus killing one-third of the Jewish people, was more than enough horror and tragedy for the Jewish people and for any decent people. Let Nasser and other sworn foes of Israel deny their conspiracy and their plots. "Out of their own mouths they betray themselves". The record is very clear, all the world knows and has witnessed the inhuman conspiracy to destroy a gallant little state created and recognized by a large majority, more than two-thirds of the members of the United Nations back in 1947.

Nasser and his fellow Arab chieftains have not only been mortal enemies of Israel, but also of our own beloved country, the United States of America. We can never forget the curses and imprecations of Nasser against the United States. No one since Hitler ever spoke in such vicious and insulting terms of our country. I have been one of many who felt right along that Israel should not yield in any manner to the threats of Nasserism, or submit to any of his unseemly demands. Thrice Nasser sought to destroy Israel, and thrice he was given with his fellows Arabs a sound thrashing. And the world can never forget the miraculous triumph of the Israel military forces, by land, by air and by sea in the now universally admired six-day war. The good Lord created a world in six days and rested on the seventh; it is high time that the Arab countries should negotiate peace terms direct with Israel, and have rest, quiet and peace in the Middle East from now on.

And as an observer of history, I have never heard of a period in the history of nations when the vanquished have sought to lay down the terms of peace to the victors. All of us remember very well when Israel was cruelly assaulted in the United Nations at that time as if it were guilty of threats of destruction. Apparently Israel's unforgivable crime was its refusal to lie down and die, and its extraordinary capacity for self-defence which brought Nasser and his allies to their knees and made them ask for a cease-fire. It is now a year and three months since Israel's glorious victory, and not only has Nasser refused to make peace, but Egypt, Jordan, Syria, Iraq and even remoter Algeria have sought to frighten Israel with commando terrorists by day and by night against men, women and children on the farms, in the fields and in the center of the cities and even by the cowardly and cunning tactics of hijacking an El Al plane in midair with the threats of destruction. How can the civilized world remain silent under such inhuman circumstances?

And again, Israel is condemned because it seeks to defend itself against cowardly terroristic gangs. Israel is accused of cruelty because it seeks to root out Arab terrorists in their native nests. It is apparently proper for Arab terrorists to make inroads into Israeli territory, but utterly improper for Israelis to make inroads into Arab territory in hot pursuit of a vicious foe. I know from American history and from the history of other nations, when assaulting terroristic gangs were duly and fully punished by American soldiers and by soldiers of other countries when they were similarly subjected to terror. There cannot be a double standard of morality and I am one of those, as a friend of justice and freedom, as well as of Israel and of the Jewish people, who always felt that Israel should not give up an inch of territory unless and until its enemies who threatened its destruction and were properly humbled, are prepared to sit down with Israelis and make peace, and to agree that Israel is here to stay and has a right, as we say in America, to "life, liberty and the pursuit of happiness."

I am one of those who has questioned the right of Arab States who have assaulted Israel on three occasions, to belong to the United Nations. The Charter of the U.N. very clearly states that only such states are to be recognized as its members who are manifestly devoted to peace, and do not practice war against other charter members, and do not carry on a boycott and refuse the right of innocent passage through international bodies of water like the Suez and the Straits of Tiran. It is my opinion that Israel should not return an inch of soil to the Arabs unless and until they are ready to make an honorable peace.

I must recall what we all witnessed after the six-day war at the U.N., when the would-be lovers of liberty and practitioners of international morality like the spokesman of Godless Communist Russia brazenly and jeeringly, together with its satellites, accused Israel of aggression. I have never forgotten the impudence of the Soviet delegate named Federenko, accusing falsely for days, the State of Israel of aggression. Now my friends, all the world has recently seen who is really guilty of aggression, when the Soviets have tried to swallow up Czechoslovakia, and by implication, began to threaten Rumania and Yugoslavia, so that our great President, Lyndon Baines Johnson, issued a clear-cut statement that there will be no more invasions, and warned those who threatened to "unleash the dogs of war". If we allow the Soviets to get away with throttling freedom in Europe under its own aegis, it will soon seek to threaten freedom and throttle its voice in all of Europe, even as did the Nazis, of accursed memory.

We must realize that this is not merely a matter of the safety and security of little Israel, but of the entire Middle East, including the whole Moslem world. At present, Israel is our best friend in the Middle East, and deserves our fullest support. Israel stands like a Gibraltar against the forces of Arab feudalism and the conspiracies of the Godless, conscienceless Communists. If the Soviets are allowed to prevail in Europe, in the Middle East, the Russians have a great fleet threatening not only our own Sixth Fleet in the Mediterranean, there will be the danger of the extinction of justice and liberty in the West, threatening America itself. We must, therefore, speak clearly to the Arabs and to the Soviets, that neither Israel nor we in America plan to harm any nation or people, but that we must seek to work out together a plan for cooperation and co-existence, to enable Israelis and Moslems in the Middle East jointly to work for mutual help and the elimination of hatred, envy, jealousy and cruelty, which can only lead to colossal destruction and world-wide disaster.

I understand that Jews and Arabs together produced a great civilization in the Middle Ages, and there is no reason today why Jews and Moslems and Christians, East and West, cannot be of mutual aid, and in this nuclear age make war impossible, and seek to realize the prophetic vision when "nation shall not lift up sword against nation and they shall learn the art of war no more". We must, therefore, constantly emphasize the inalienable right of Israel and all small nations to live in righteousness and brotherhood and world peace. This must be our hope, our prayer, our conviction and our unalterable will for the glory of God and for the happiness of all the nations of the earth. And I can assure you, this is the faith of the vast majority of the House, of the Senate, and of the President of the United States himself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Bennett), for today, on account of official business.

Mr. Flynt (at the request of Mr. Rivers), for today, on account of official business.

Mr. Adams, from September 12 through September 18, on account of official business.

Mr. Hicks, on Monday, September 16, and Tuesday, September 17, on account of official business in the Sixth Congressional District of the State of Washington.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McClure) and to revise and extend their remarks and include extraneous matter:)

Mr. Kupferman, for 60 minutes, on October 7.

Mr. Brock, for 60 minutes, on September 17.

(The following Members (at the request of Mr. Brooks) and to revise and extend their remarks and include extraneous matter:)

Mr. Staggers, for 5 minutes, today.

Mr. Gonzalez, for 15 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edmondson in two instances and to include extraneous matter.

Mr. Talcott.

Mr. Meskill to extend his remarks immediately following those of Mr. Hall in the Committee of the Whole today.

Mr. Kazen to extend his remarks immediately after the rollcall on H.R. 18707.

Mr. Yates.

Mr. Gray in two instances and to include extraneous matter.

Mr. Tenzer to revise and extend his remarks and to include extraneous material during the debate on H.R. 18707.

Mr. Brown of Ohio (at the request of Mr. Harsha) following the remarks of Mr. Harsha during general debate on H.R. 18260.

(The following Members (at the request of Mr. McClure) and to include extraneous matter:)

Mr. Zwach.
Mr. Utt.
Mr. Findley in three instances.
Mr. Scherle in two instances.
Mr. Steiger of Wisconsin.
Mr. Wyatt.
Mrs. Bolton.
Mr. Ashbrook in two instances.
Mr. Curtis.
Mr. Fino.
Mr. Meskill.
Mr. Derwinski.
Mr. Bow.
Mr. Pelly.
Mr. Berry.
Mr. Nelsen.
Mr. Schneebeli.
Mr. Talcott.
Mr. Buchanan in two instances.
Mr. Collier in five instances.
Mr. Mailliard in two instances.
Mr. Lukens.
Mr. O'Konski.
Mr. Conte in two instances.
Mr. Bates.
Mr. Bob Wilson in three instances.
Mr. Hosmer in two instances.
Mr. Wyman in three instances.

(The following Members (at the request of Mr. Brooks) and to include extraneous matter:)

Mr. Long of Maryland in two instances.
Mr. Podell in three instances.
Mr. Matsunaga.
Mr. Dingell.
Mr. Bingham.
Mr. Corman in two instances.
Mr. Willis.
Mrs. Griffiths.
Mr. Whitener in two instances.
Mr. Fascell in two instances.
Mr. Davis of Georgia in two instances.
Mr. Stephens in two instances.
Mr. Gathings in five instances.
Mr. Gonzalez in three instances.
Mr. Bolling in three instances.
Mr. Dulski in two instances.
Mr. Olsen.
Mr. Wolff in two instances.
Mr. Thompson of New Jersey.
Mr. Tunney.
Mr. Feighan in four instances.
Mr. Pepper.
Mr. Barrett.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2401. An act to provide for loans to Indian tribes and tribal corporations and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3736. An act to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex.; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10573. An act to provide authority to increase the effectiveness of the Truth in Negotiations Act;

H.R. 10911. An act to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds;

H.R. 11552. An act for the relief of certain property owners in Tate County, Miss.;

H.R. 11782. An act to authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lieu allotment selection, and issue appropriate patents therefore to the heirs of Dolly McCovey;

HR. 14205. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes;

H.R. 15268. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes;

H.R. 16211. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 276, and for other purposes;

H.R. 16402. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket No. 337, and for other purposes;

H.R. 16880. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gas leases (BLM–A–068348 and BLM–A–068348 (C));

H.R. 17780. An act to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea; and

H.R. 18146. An act to amend title 10, United States Code, to correct an inequity effecting officers of the supply Corps and Civil Engineer Corps of the Navy.

ADJOURNMENT

Mr. BROOKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Monday, September 16, 1968, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2195. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for the fiscal year 1968, pursuant to the provisions of section 10(d) of the Small Business Act; to the Committee on Banking and Currency.

2196. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on a study of the financial effect on local public schools by the presence of low-rent public housing, pursuant to the provisions of section 111 of Public Law 90–247; to the Committee on Education and Labor.

2197. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

2198. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to reduce costs substantially in acquiring teletypewriters for use in the advanced record system communications network, General Services Administration; to the Committee on Government Operations.

2199. A letter from the Librarian of Congress, transmitting the annual report of the Library of Congress for the fiscal year 1967, pursuant to the provisions of 2 U.S.C. 139 and 163 (H. Doc. No. 215); to the Committee on House Administration.

2200. A letter from the Director, Bureau of Outdoor Recreation, Department of the Interior, transmitting a report, entitled "New England Heritage—The Connecticut River National Recreation Area Study," pursuant to the provisions of Public Law 89–616; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of Conference. S. 827. An act to establish a nationwide system of trails, and for other purposes (Rept. No. 1891). Ordered to be printed.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 17854. A bill to authorize the Commissioner of the District of Columbia to administer a program to provide for the construction of parking facilities in the District of Columbia for Government employees and visitors to the District of Columbia (Rept. No. 1892). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 18808. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964; with amendment (Rept. No. 1893). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 19736. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax for a portion of amounts paid for certain educational expenses incurred at an institution of higher learning or vocational training; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 19737. A bill to establish the quantity of unprocessed timber from certain Federal lands which may be sold for export during the calendar years 1968 through 1975; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 19738. A bill to amend title 18, United States Code, to make it a Federal crime to assault, resist, impede, or kill any officer or employee of the United States or the District of Columbia while engaged in, or on account of, the performance of his official duties; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 19739. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. McMILLAN:

H.R. 19740. A bill to authorize banks, savings and loan associations, and other regulated lenders in the District of Columbia to charge or deduct interest in advance on loans to be repaid in installments; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:

H.R. 19741. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

By Mr. REID of New York:

H.R. 19742. A bill to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for certain nonreimbursable expenses incurred by volunteer firemen; to the Committee on Ways and Means.

By Mr. SCHADEBERG:

H.R. 19743. A bill to provide for equitable acquisition practices, fair compensation, and effective relocation assistance in real property acquisitions for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. WHITENER:

H.R. 19744. A bill to amend title II of the Social Security Act to insure that a wife or husband will always receive at least a part of any spouse's benefit to which she or he may be entitled even though simultaneously entitled to an old-age or disability insurance benefit; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 19745. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 19746. A bill to amend the Internal Revenue Code of 1954 to permit small employers to deposit the income taxes which they have withheld on their employees on a quarterly (rather than a monthly or semimonthly) basis; to the Committee on Ways and Means.

By Mr. DANIELS (for himself, Mr. Perkins, Mr. Ayres, Mr. Dent, Mr. Hawkins, Mrs. Mink, Mr. Meeds, Mrs. Green of Oregon, Mr. Reid of New York, Mr. Bell, Mr. Erlenborn, Mr. Scherle, Mr. Steiger of Wisconsin, Mr. Thompson of New Jersey, Mr. Pucinski, Mr. Brademas, Mr. O'Hara of Michigan, Mr. Carey, Mr. Gibbons, Mr. William D. Ford, Mr. Hathaway, Mr. Burton of California, Mr. Quie, and Mr. Dellenback):

H.R. 19747. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. GONZALEZ:

H.R. 19748. A bill to prohibit the use of draftees in undeclared wars without their consent; to the Committee on Armed Services.

By Mrs. GREEN of Oregon:

H.R. 19749. A bill to provide that certain survivor benefits received by a child under public retirement systems shall not be taken into account in determining whether the child is a dependent for income tax purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 19750. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 19751. A bill to prohibit deceptive packaging or display of nondairy products resembling milk; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 19752. A bill to establish programs to reduce the seasonality of the labor force by encouraging residential and local governmental construction during the winter months; to the Committee on Banking and Currency.

By Mr. RIVERS:

H.R. 19753. A bill to authorize the Secretary of the Army to acquire and convey to the Commonwealth of Massachusetts certain lands in Essex County, Commonwealth of Massachusetts, in exchange for certain other lands, and for other purposes; to the Committee on Armed Services.

By Mr. MOSS:

H.R. 19754. A bill to amend section 6101 of title 5, United States Code, relating to workweeks and workdays of Federal and District of Columbia employees; to the Committee on Post Office and Civil Service.

By Mr. OLSEN:

H.J. Res. 1454. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SISK:

H.J. Res. 1455. Joint resolution to change the name of Pleasant Valley Canal, Calif., to "Coalinga Canal"; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.J. Res. 1456. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of Justices of the Supreme Court; to the Committee on the Judiciary.

By Mrs. DWYER:

H. Con. Res. 818. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments; to the Committee on Foreign Affairs.

By Mr. TUNNEY (for himself, Mr. Brock, Mr. Halpern, Mr. Resnick, Mr. Kupferman, Mr. Patten, Mr. Moss, Mr. Eckhardt, Mr. Giaimo, Mr. Hanna, and Mr. Williams of Pennsylvania):

H. Con. Res. 819. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls of foreign direct investments; to the Committee on Foreign Affairs.

By Mr. REES (for himself, Mr. Adams, Mr. Hathaway, Mr. Jacobs, and Mr. Scheuer):

H. Res. 1302. Resolution providing for consideration of S. 355 to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19755. A bill for the relief of Antoinetta Rinaldi; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 19756. A bill for the relief of Leonard Patti and Giuseppa Patti; to the Committee on the Judiciary.

H.R. 19757. A bill for the relief of Consuela R. Rullan; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 19758. A bill for the relief of Refugio Cerda Fuentes; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19759. A bill for the relief Constantina L. Guerrero, and her daughter, Marie Evelyn Guerrero; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 19760. A bill for the relief of Gregorio Buonocore and Filomena Buonocore; to the Committee on the Judiciary.

By Mr. DULSKI (by request):

H.R. 19761. A bill for the relief of Saad Ali Mohamed Ahmed; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 19762. A bill for the relief of Dr. Kallaiah Mata Rajashekaraiah; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 19763. A bill for the relief of Domingos Lima; to the Committee on the Judiciary.

H.R. 19764. A bill for the relief of Antonio L. Pata; to the Committee on the Judiciary.

H.R. 19765. A bill for the relief of Maria da Conceicao Teixeira; to the Committee on the Judiciary.

By Mr KUPFERMAN:

H.R. 19766. A bill for the relief of Jeanne J. Gauchenot; to the Committee on the Judiciary.

By Mrs. MAY:

H.R. 19767. A bill for the relief of Miguel Angel Zoco; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19768. A bill for the relief of Helen Dela Cruz; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 19769. A bill for the relief of Aurora Ramos; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19770. A bill for the relief of Heinrich Funk, Rebekka Funk, and their two minor children, Ilit Funk and Miriam Funk; to the Committee on the Judiciary.

H.R. 19771. A bill for the relief of Kathleen Wynter; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 19772. A bill for the relief of Dr. Pedro Cho Eng Co; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 19773. A bill for the relief of Dr. Philipe Figuracion; to the Committee on the Judiciary.

By Mr. RONAN:

H.R. 19774. A bill for the relief of Weronika Marek; to the Committee on the Judiciary.

By M. ROONEY of Pennsylvania:

H.R. 19775. A bill for the relief of Kamil Klier; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 19776. A bill for the relief of Dr. Epifanio Catalon and Priscilla Catalon; to the Committee on the Judiciary.

H.R. 19777. A bill for the relief of Edward Shinohan Kim; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 19778. A bill for the relief of Joseph Graham; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 19779. A bill for the relief of Yum Foo; to the Committee on the Judiciary.

H.R. 19780. A bill for the relief of Perla Janolino Ty; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 19781. A bill for the relief of Antonio Giugno, and his wife, Anna Pugliese Giugno; to the Committee on the Judiciary.

SENATE—*Thursday, September 12, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, whose goodness and mercy has followed us all our pilgrim years, and whose love will not let us go, this day may the meditation of our hearts and the words of our lips be acceptable in Thy sight, O Lord, our strength and our redeemer.

We bow in this quiet moment, dedicated to the unseen and the eternal. Make vivid our abiding faith, we beseech Thee, in those deep and holy foundations which our fathers laid, lest in futility in this desperate and dangerous day we attempt to build on sand. Harken to the prayers of our hearts as in our highest moments we forget ourselves and think of Thee.

By tasks too difficult for us, we are driven unto Thee for strength to endure and wisdom to interpret rightly the signs of these testing times.

Dowered with privileges and with power as no other nation, may our high estate be to us Thy call to protect the weak and exploited.

Give us wisdom,
Give us courage,
Lest we miss Thy kingdom's goal.

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 11, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. JACKSON. Mr. President, due to an illness in my family, I ask unanimous consent that I be excused from attendance on the Senate tomorrow, September 13, 1968. I wish to note for the Record that I shall be necessarily absent at that time.

The PRESIDENT pro tempore. Without objection, leave is granted.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 1505.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SETTLEMENT OF TORT CLAIMS ARISING OUT OF FOREIGN COUNTRIES

The bill (S. 2999) to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States may pay tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code, when such claims arise in foreign countries in connection with General Accounting Office operations abroad. A claim may not be allowed under this Act unless it is presented in writing to the Comptroller General or his designee within two years after the claim accrues.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1522), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize the Comptroller General of the United States to pay tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code, when such claims arise in foreign countries in connection with General Accounting Office operations abroad.

STATEMENT

The proposed legislation was transmitted to the Congress by the Comptroller General.

In its letter of transmittal, the Comptroller General of the United States said:

"The General Accounting Office has been concerned with the possibility that our employees abroad may be forced to personally pay damages, for personal injuries or property damage, as a result of an accident in connection with General Accounting Office activities. We have not as yet had such an occurrence; however, in view of the present worldwide activities of our Office whereby so many of our employees are engaged in official activities in numerous foreign countries from Europe to the Far East, it seems likely that sooner or later an incident will occur in some foreign country wherein our employee will be liable. Such a situation would be covered in the United States by the Federal Tort Claims Act which provides for the administrative settlement, by the agency, of tort claims. This act does not apply to tort claims arising in a foreign country. While such an administrative settlement would not preclude a suit against an employee in a foreign country, it would minimize the likelihood of such an action.

"This problem has been solved in the case of the following governmental agencies or departments by the enactment of legislation, similar to that proposed herein, authorizing the administrative settlement of these claims in the same manner as claims arising in the United States are settled under the Tort Claims Act: The Department of State (subsec. 2(f) of the act of August 1, 1956, ch. 841, 70 Stat. 890, 22 U.S.C. 2669(f)); the Veterans' Administration (sec. 1(a) of the act of October 28, 1965, Public Law 89–300, 79 Stat. 1110, 38 U.S.C. 236); the U.S. Information Agency (specific authority provided in annual appropriation acts—see title V of the act of November 8, 1966, Public Law 89–797, 80 Stat. 1504, and title V of the act of November 8, 1967, Public Law 90–133, 81 Stat. 432). Somewhat similar authority, although broader in scope, has been granted to the Department of Defense (10 U.S.C. 2733 and 2734).

"We believe the reasons which motivated the Congress to grant such authority to the stated agencies are equally applicable to our operations. Such authority would provide means for avoiding possible adverse reactions against the United States within a foreign country as a result of a situation that occurred in connection with official actions. Moreover, it is only fair that our employees operating in foreign countries receive the same consideration as those in this country with respect to minimizing the likelihood of direct action against them.

"We cannot precisely estimate the cost of the proposed new authority to the Government. However, based upon the past history, which discloses only a very few accidents involving our employees in foreign countries and no action against them, there is basis for a belief that the cost to the Government would be minimal."

The committee believes that the bill is meritorious and recommends it favorably.

CONFLICTS OF INTEREST OF MEMBERS OF THE DISTRICT OF COLUMBIA COUNCIL

The bill (S. 3254) to amend title 18, United States Code, relating to conflicts of interest, with respect to the members of the District of Columbia Council was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 202 of title 18 of the United States Code is amended by deleting the period at the end of the second sentence, substituting a comma, and adding "and a member of the District of Columbia Council shall be classified as a special Government employee, unless the member by reason of other employment is a Government employee who would not be classified as a special Government employee under this subsection."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1523), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to amend title 18, United States Code, relating to conflict of interest, to classify the members of the District of Columbia Council as special Government employees.

STATEMENT

The bill was introduced at the request of the Department of Justice.

The Department of Justice urges that the Congress give prompt consideration to the legislation.

The Government of the District of Columbia recommends the enactment of the legislation.

In its report to the committee on the bill, the Department of Justice said:

"One of the purposes of the revision of the conflict of interest statutes (18 U.S.C. 201 *et seq.*) was to provide for part-time Government employees less stringent conflict-of-interest prohibitions than those applicable to full-time employees. Section 202 of title 18 creates a category of Government employees identified as "special Government employees," and excepts them from certain of the prohibitions imposed on other employees.

"The purpose of this legislation is specifically to classify members of the District of Columbia Council as special Government employees.' Section 202 defines special Government employees basically as those who perform official duties on no more than 130 days in any period of 365 consecutive days. In the case of the members of the District of Columbia Council, however, virtually all the members of which have full-time outside employment, Reorganization Plan No. 3 of 1967 clearly contemplates that service on such days and for such periods of time as may be necessary. This may, of course, require the members of the Council to spend varying periods of time on Council business on more than 130 days in any period of 365 consecutive days, either while on leave from their regular employment, or at times outside their regular hours of employment.

"Accordingly, this legislation would amend section 202(a) to afford members of the District of Columbia Council (other than any member who may be a regular employee of the Federal or District government) the same status afforded part-time U.S. commissioners and part-time local representatives of Members of Congress.

"It is urged, therefore that the Congress give prompt consideration to this legislation."

The committee believes that the bill is meritorious and recommends it favorably.

AMENDMENT OF SECTION 2733 OF TITLE 10, UNITED STATES CODE

The bill (H.R. 10482) to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1524), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to permit the settlement of meritorious claims against the United States under section 2733 of title 10, United States Code, by the application of local law to determine whether the negligence of the claimant, his agent, or employee, bars recovery in whole or in part. The bill would also clarify procedure for appeal from the claims determinations made by delegees of the Secretary of the military department concerned under section 2733(g).

STATEMENT

The bill was introduced in the House of Representatives in accordance with the recommendations of an executive communication submitted to the Congress by the Department of the Air Force in behalf of the Department of Defense which recommended the bill's enactment. As introduced, the bill would also have provided for a 10 percent limitation of attorneys' fees in connection with any award made under the authority of section 2733. The Committee on the Judiciary of the House of Representatives amended the bill to strike out this provision and the committee commented that it will shortly begin consideration of the problem of the regulation of attorneys' fees and accordingly decided to defer consideration of this aspect of the bill as introduced.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives said:

"Section 2733 of title 10 of the United States Code known as the Military Claims Act provides authority for the settlement and payments in amounts not to exceed $5,000 of claims for property damage, personal injury, or death resulting from the noncombat activities of a military department. As to claims which exceed $5,000, and are found by the Secretary of a military department to be meritorious in amounts in excess of that figure, the section authorizes the Secretary to pay the $5,000 and report the balance to Congress for its consideration. Subsection (g) of section 2733 provides that the authority to settle small claims may be delegated to any officer of the Armed Forces under the jurisdiction of the military department concerned when the amount to be paid is not more than $1,000.

"Clause (1) of the bill would amend section 2733 so as to authorize the application of the law of the place where the accident or incident giving rise to the claim occurred in order to determine whether an award under the section is barred or limited by reason of the negligent or wrongful act of the claimant, his agent, or his employee. This change is recommended because the present provisions do not always conform with local law. The section is also different in this respect than some of the other major claims statutes of the United States (for example, 10 U.S.C. 2734 (Foreign Claims Act); 10 U.S.C. 4802, 7622, and 9802 (admiralty claims); and 28 U.S.C. 2672, 2674 (Federal tort claims). In some of the 50 States and in most foreign countries where U.S. Armed Forces are stationed, the doctrine of comparative negligence is applied. Consequently, if a claim is settled or litigated in the United States under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671–2680), a claimant may be paid in whole or in part for the damage or injury in accordance with the law of the place. Similar equitable payments are made in foreign countries when a claim is settled under the Foreign Claims Act, or is settled or adjudicated by a foreign country under an international agreement, such as the NATO Status of Forces Agreement. In these cases, payments are usually made in proportion to the share of the negligence of the parties concerned. Under section 2733 (b)(4) of title 10, however, a claim is barred if the damage, injury, or death is caused wholly or partly by the claimant, his agent, or his employee. The end result in some instances is that an arbitrary legal doctrine is applied to claimants whose claims are cognizable only under section 2733 when local law and other Federal statutes would have permitted some payment.

"The Military Claims Act is the sole remedy available in foreign countries to settle the claims of U.S. nationals who are neither inhabitants of a foreign country nor proper third-party claimants under international agreements. This statute may result in discrimination because the claims of foreign nationals may be paid, and those of U.S. nationals denied, under exactly the same set of circumstances, with the claims sometimes arising out of the same accident or incident. The proposed amendment would correct this inequity.

"Clause (2) of the bill would clarify the appeals provision of the Military Claims Act with respect to settlements made by delegees who are authorized to settle and pay claims not in excess of $1,000 under 10 U.S.C. 2733(g) by specifically authorizing an appeal to the Secretary of the military department concerned, or his designee, for that purpose. This amendment would also result in substantial savings of administrative costs.

"The small-claims appeals procedure presently provided is the same as that for large claims and is unnecessarily costly in proportion to the amounts involved and the average number of errors corrected. Military department records reveal that the majority of claims settled under section 2733 fall within the provisions of subsection (g). The records of the military departments indicate that claimants may appeal from the disapproval of their claims in whole or in part merely because the statutory right exists and normally no new evidence is furnished in support of the appeal. Moreover, it might be pertinent to observe that, in addition to the right of a claimant to appeal from a delegee's settlement, every approving authority has the inherent right to reconsider his own settlement action at any time in order to correct an injustice, and his successors have similar authority under certain circumstances in accordance with Comptroller General and court decisions. Otherwise, such settlements are final and conclusive (10 U.S.C. 2735). Authority to designate an intermediate appellate authority to consider the appeals of these small claims, most of which are alleged to have been caused by sonic booms, would continue to protect these claimants from any arbitrary action by approving authority and insure fair and equitable treatment.

"This proposed amendment to subsection (g) would not affect procedures and appeals relating to claims settled in amounts in excess of $1,000 under section 2733(a). These would continue to be made by the Judge Advocate General concerned, subject to appeal to the Secretary, as provided therein.

"Clause (3) of the bill as originally introduced would have provided for a 10 percent limitation of attorneys' fees in connection with any award made under the authority of section 2733. The committee will shortly begin consideration of the problem of the regulation of attorneys' fees in administrative proceedings and its inquiry will include the question of whether a uniform system of supervision of attorneys' fees should be substituted for individual statutory percentage limitations such as was proposed in this instance. Accordingly, the committee has decided to defer consideration of this aspect of the bill. However, the other provisions of the bill are clearly meritorious and practical in their contemplated application. There is no reason to delay action on these aspects of the bill since they have no connection with the question of attorneys' fees.

"It is recommended that the bill, as amended, be considered favorably."

The committee believes that the bill as recommended on behalf of the Department of Defense and as amended by the House of Representatives is meritorious and recommends it favorably.

AMENDMENT OF SECTIONS 2734, 2734(a), AND 2736 OF TITLE 10 OF THE UNITED STATES CODE

The bill (H.R. 13669) to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes, to amend section 2734(a) of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims was considered, ordered to a third reading, read the third time, and passed.

MILOYE M. SOKITCH

The bill (S. 880) for the relief of Miloye M. Sokitch was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provisions of title III of the International Claims Settlement Act of 1949, as amended, limiting the period within which claims may be filed thereunder, including section 316 of such Act (22 U.S.C. 1641o), the Foreign Claims Settlement Commission of the United States is authorized and directed (1) to receive, consider, and act upon any claims of Miloye M. Sokitch, of Washington, District of Columbia, or his legal representative, filed within six months after the date of enactment of this Act, against the Government of Italy, as if such claims had been filed within the time and manner provided in the International Claims Settlement Act of 1949, and (2) to certify to the Secretary of the Treasury for payment out of remaining balances in the Italian claims fund any award issued pursuant to such claims. The Secretary of the Treasury is authorized and directed to pay to the said Miloye M. Sokitch or his legal representative out of such fund, in accordance with the provisions of section 310 of such Act (22 U.S.C. 1641i), the amount of any such award so certified by the Commission. Nothing in this Act shall constitute an admission of liability on the part of the United States.

AMENDMENT OF SECTION 2733 OF TITLE 10 OF THE UNITED STATES CODE

The bill (H.R. 206) to amend section 2733 of title 10, of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1527), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to amend section 2733 of title 10 of the United States Code, so as to authorize the settlement of claims incident to the noncombat activity of the Coast Guard in the same manner as is now provided for the Army, Navy, and Air Force in that section, and to grant similar authority to the Secretary of Defense to settle claims arising from activities of Defense Department employees.

STATEMENT

The Department of the Air Force, Office of the Secretary, supports the objectives of this legislation. House Report No. 602, of H.R. 206, relates the following:

"The Department of the Air Force in behalf of the Department of Defense and the Department of Transportation in their reports to the committee on the bill, H.R. 206, recommend the enactment of the legislation with the amendments recommended by the committee. The Department of the Air Force in behalf of the Department of Defense in a report supports the enactment of H.R. 205, the provisions of which are included as a committee amendment to the bill H.R. 206.

"This legislation was the subject of a subcommittee hearing on Tuesday, July 25, 1967. Section 2733 of title 10 of the United States Code is known as the Military Claims Act and it authorizes the Secretary of a military department, or the Judge Advocate General of a military department when designated, to settle and pay in amounts not more than $5,000 claims for personal injury or death or damage or loss to real or personal property caused by military or civilian personnel within the scope of their employment incident to the noncombat activities of the department. In its present form, the section by referring only to a 'military department' does not provide authority for the settlement of similar claims which may arise as a result of similar noncombat activity on the part of the Coast Guard. The definitions section of title 10, section 101, defines Armed Forces as including the Army, Navy, Air Force, Marine Corps, and Coast Guard. The amendments provided for in this bill therefore make it possible to cover claims arising from the noncombat activities of all of the Armed Forces therein defined.

"At the hearing on July 25, 1967, the representatives of the Coast Guard indicated their support for the amendments and stated that placing the Coast Guard on a parity as the other Armed Forces is a needed addition to this section of the law. The Coast Guard has encountered situations where Coast Guard units have been stationed in areas along with other units of the Armed Forces and from time to time people have erroneously assumed that the Coast Guard had the equivalent authority granted to the other Armed Forces to settle claims of this type. Since the bill would extend Military Claims Act settlement authority for the Coast Guard, a limited provision in title 14 granting authority to settle claims up to $1,000 would be repealed as provided in section 2 of the bill. This section is section 645 of title 14 and its repeal is authorized to avoid unnecessary duplication consistent with the purpose of this bill which is to insure uniform authority and procedures in the settlement of military claims.

"The bill, as amended, provides for an increase in the amount of authority for settlement which may be delegated from $1,000 to $2,500. This authority is contained in subsection (g) of section 2733 of title 10. Section 715 of title 32, National Guard title, was patterned after the Military Claims Act to provide for the settlement of claims arising out of National Guard activity. Subsection (f) of section 715 contains provision for the delegation of settlement authority which is presently set at $1,000. The amendment increasing this authority was originally the subject of a separate bill, H.R. 205, which also was favorably reported on by the Department of the Air Force. The committee felt it would be proper for the bill H.R. 206 to provide for the uniform amendment of both sections. The limits upon the power of the Secretary concerned or the Judge Advocate General to delegate settlement authority restricts the number of smaller claims which may be settled in the field and this can result in delay in the settlement of claims. Enactment of the amendments to these two subsections will result in a more expeditious processing of claims and the committee finds a proportionate reduction in the cost in claims administration can be realized therefor. In the report on H.R. 206 and also in the report on H.R. 205, the Department of the Air Force notes that a limit of $2,500 is consistent with the practice followed as to delegation of authority under other claims statutes. It is also pertinent to note that prior to the recent amendments to the Tort Claims Act (Public Law 89–506 approved July 18, 1966), 80 Stat. 306, which removed the limits for administrative settlement, the limit for administrative settlement under the Federal Tort Claims Act was $2,500, the figure stated in the present bill. The committee also notes that this amendment would not change the nature of the claims filed or considered at this level. It merely means that claims for not more than $2,500 may be settled without reference to the Judge Advocate General of the service concerned. In this connection the committee emphasizes its feeling that the efficiency and fairness in claims administration depends to a large degree upon the personnel who are called upon to first investigate and consider the claim. These individuals have the best opportunity to weigh the evidence and make a fair and objective evaluation of the claim involved. The increase of authority provided by this particular amendment will enhance the expeditious settlement of claims by the persons in the best position to do so. As has been noted, a large number of claims under this section can be expected to fall within the $2,500 limit. The simplification in administrative procedures incident to approval of settlements by top authority for the smaller type of claims settlements will reduce the cost of claims admininistration.

"H.R. 206 in its amended form provides for the settlement of claims arising from Coast Guard activities under the authority for settlement of military claims provided in section 2733 of title 10. Since the amendments take the place of the authority now contained in section 645 of title 14 providing for settlements up to $1,000, the Coast Guard is in effect being provided with increased claims settlement authority. At the hearing on the bill, the members of the subcommittee asked the Coast Guard witness what the experience of the Coast Guard had been for this category of claims. To indicate the cost of such claims, the witness stated that in the last fiscal year, six claims had been filed and that all of the claims were settled for less than the $1,000 figure fixed in the present law. In fact, the total amount paid for all six was $1,403. There was one claim filed in the same period for a greater amount but the claimant determined that it was cognizable under the Federal Tort Claims provisions of title 28 of the United States Code. The claim was subsequently the subject of a district court suit and was not considered under the military claims provisions section 645 of title 14. It is, therefore, clear that the number of claims which may be expected under the amended provisions would not be large but the important point is that the Coast Guard would have the authority to consider and settle claims of the same character as are presently being settled by the other Armed Forces. The bill also provides for an amendment to section 2733 to grant the Secretary of Defense the same authority as is now granted to the Secretaries of the military departments within the Department of Defense to settle claims under section 2733.

"Apparently as yet there have been no attempts to assert claims against the Department of Defense on the basis of losses or injuries caused by civilian officers or employees of that Department. However, there is a definite potential for this type of claim and it is logical that there be authority to consider, and settle such claims. The committee feels a second basis for such an amendment is the fact that it is illogical for the Secretary of Defense to be without this power when the military secretaries within the Department of Defense are granted this authority. From a standpoint of future cost, it is of course impossible to predict what might occur but it is possible to assume that on the basis of present indications that there would be a relatively small number of claims filed as a result of activities of civilian employees of the departments.

"On July 11, 1967, the House passed the bill, H.R. 10482. The bill, H.R. 10482, was introduced in accordance with the recommendations of an executive communication from the Department of the Air Force, which included amendment of subsection (g) of section 2733 of title 10. The language approved by the House at that time was to provide for authority for the delegation of appellate jurisdiction for settlements made under the authority of subsection (g) and with the monetary limitations of that subsection. This was done by providing that the settlements would be 'subject to appeal to the Secretary concerned, or his designee for that purpose'. The committee feels that since the language in H.R. 206 amends the section to 'read as follows', it is necessary to include the same language as was approved by the House with the passage of H.R. 10482. Accordingly, the committee amendment includes that language. The same language is included in the amendment to subsection (f) of section 715 of title 32, as provided in a new section 6 to the bill added by committee amendment, the parallel section concerning military claims arising from activities of the National Guard. As has been noted, this fulfills the purpose of the bill in providing for uniform procedures and provisions concerning the same type of claims.

"Section 4 of the bill provides for a new subsection (h) to section 2733 of title 10. This subsection gives the same authority to the Secretary of Defense as is exercised by the Secretary of a military department in section 2733. This would correct the present absence of claims settlement authority for claims arising by reason of activities of personnel of the Department of Defense. This, of course, is necessary because as presently written, the section makes no reference to employees of the Department of Defense as distinguished from employees of the military departments. As is noted by the Air Force in its report, the Secretary of Defense would be vested with settlement authority with respect to claims resulting from claims of employees of the Department of Defense while they are acting within the scope of their employment. The authority conferred would be similar to that provided for the Secretary of the military departments with respect to members of the Armed Forces and civilian employees under their respective jurisdictions. The Air Force notes that the Department of Defense agencies conduct worldwide activities and, in addition to military department personnel, utilize civilian officials and employees other than employees of the military departments. The committee amendment to the language of the bill incorporates the revision suggested in the Air Force report.

"After a complete study of the bill, the committee has concluded that the amendments to section 2733 of title 10 and to section 715 of title 32 will provide for uniform authority and procedures in the settlement of military claims. The additional authority provided for the Coast Guard and for the settlement of claims arising from the activities of the Department of Defense personnel will correct present deficiencies in the law. The procedural improvements and changes provided in the bill will make it possible to increase the efficiency of claims administration. It is recommended that the amended bill will be considered favorably."

The committee after consideration of the foregoing recommends that the bill H.R. 206 be considered favorably.

COMMISSION ON BANKRUPTCY LAWS

The joint resolution (S.J. Res. 100) to create a commission to study the bankruptcy laws of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 100

Whereas the number of bankruptcies in the United States has increased more than 1,000 per centum annually in the last twenty years; and

Whereas more than one-fourth of the referees in bankruptcy have problems arising in their administration of the existing Bankruptcy Act and have made suggestions for substantial improvement in that Act; and

Whereas the technical aspects of the Bankruptcy Act are interwoven with the rapid expansion of credit which has reached proportions far beyond anything previously experienced by the citizens of the United States; and

Whereas there appears to be little experience or understanding by the Federal Government and the commercial community of the Nation in evaluating the need to update the technical aspects of the Bankruptcy Act and the financial policies pursued by the Federal Government and the commercial community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Commission on the Bankruptcy Laws of the United States (hereinafter referred to as the "Commission").

(b) The Commission shall study, analyze, evaluate, and recommend changes to the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (30 Stat. 544), as amended (title 11, United States Code), in order for such Act to reflect and adequately meet the demands of present technical, financial, and commercial activities.

(c) The Commission shall submit a comprehensive report of its activities, including its recommendations, to the President and the Congress within two years after the date of enactment of this joint resolution. Upon the filing of such report, the Commission shall cease to exist.

SEC. 2. (a) The Commission shall be composed of the following members appointed by the President:

(1) two Members of the Senate, one from each of the two major political parties;

(2) two Members of the House of Representatives, one from each of the major political parties;

(3) three referees in bankruptcy;

(4) three businessmen knowledgeable in the field of bankruptcy.

(b) The President shall appoint a Chairman of the Commission.

(c) Six members of the Commission shall constitute a quorum.

(d) A vacancy in the Commission shall not affect its powers. Any vacancy shall be filled from the same group from which the original appointment was made.

(e) Members of Congress and referees in bankruptcy who are members of the Commission shall serve without additional compensation. Each businessman shall receive $50 per diem for each day (including travel time) during which he is engaged in the actual performance of his duties as a member of the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3. The Commission shall have the power to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 4. To carry out the purposes of this joint resolution, the Commission shall have the authority, within the limits of available appropriations—

(1) to obtain any research or other assistance it deems necessary;

(2) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(3) to enter into contracts or other arrangements, or modifications thereof, and such contracts or other arrangements or modifications thereof may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(4) to make advance, progress, and other payments which it deems necessary without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) to acquire by lease, loan, gift, bequest, or devise, and to hold and dispose of by sale, lease, or loan, real or personal property of all kinds necessary for or resulting from the exercise of authority under this joint resolution.

SEC. 5. Any office, department, agency, or instrumentality of the executive or judicial branches of the United States Government shall furnish to the Commission, upon a reimbursable basis, such advice, information, and records as the Commission may require for the performance of its duties.

SEC. 6. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this joint resolution.

CAPT. JOHN N. LAYCOCK

The Senate proceeded to consider the bill (S. 2896) for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired), which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the word "Hampshire," strike out "the sum of $10,282,648, for compensation" and insert "the sum of $170,000, which sum shall be considered a payment in consideration of a transfer by the estate of Captain John N. Laycock, United States Navy (retired) of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement"; so as to make the bill read:

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Captain John N. Laycock, United States Navy (retired), formerly of Derry, New Hampshire, the sum of $170,000, which sum shall be considered a payment in consideration of a transfer by the estate of Captain John N. Laycock, United States Navy (retired) of property consisting of all substantial rights to a patent within the meaning of section 1235 of the Internal Revenue Code of 1954, in full settlement for the usage by the United States during and subsequent to World War II of certain pontoon equipment patented by him (United States Numbered 2,480,144), and for losses incurred by the said Captain John N. Laycock as a result of the United States having made such pontoon equipment, and the patent thereto, available to other nations contrary to the license agreement entered into between the United States and the said Captain John N. Laycock: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL HISPANIC HERITAGE WEEK

The joint resolution (H.J. Res. 1299) authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week" was announced as next in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1521), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request that the President issue annually a proclamation designating the week including September 15 and 16 as "National Hispanic Heritage Week" and calling upon the people of the United States, especially the educational community, to observe such week with appropriate ceremonies and activities.

STATEMENT

It is the tradition of our country to recognize, cherish, and conserve the many cultural contributions of the people who have helped achieve the greatness of our Nation. Furthermore, our people are constantly searching for ways to assist the development of our neighbor nations, and through positive approaches, attain mutual understanding, respect, and appreciation of our cultures, heritages, and arts.

Also seven of our States in this Union, Arizona, California, Colorado, Florida, Nevada, New Mexico, and Texas, the Commonwealth of Puerto Rico, and many of our cities and towns proudly bear Hispanic names.

The Spanish-surnamed population has contributed the highest proportion of Medal of Honor winners through acts of bravery and determination in the defense of our land.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MONTOYA. Mr. President, we have before us a resolution which would designate the period beginning September 10 and ending September 16 of each year as National Hispanic Heritage Week. This particular period was selected because Mexican independence days and independence days of some of our sister Latin American Republics are celebrated on September 15 and 16 in a large part of our country.

As a sponsor of this resolution to honor this portion of our heritage, I commend it to the other Members of this body as a worthwhile recognition of this vital strain in our national life.

It is in the tradition of our Nation to recognize, cherish, and conserve the many cultural contributions of people who have helped achieve greatness for the United States.

It is long past time for us to honor in a similar manner our immigrants and their descendants from Latin nations, as well as those whose Spanish heritage and lineage within current boundaries of the Nation dates back to prepilgrim days. Our Spanish heritage runs deep in our national life. Its impact spans our continent, sweeping from St. Augustine and the Florida Keys to San Francisco and the Channel Islands off the California coast. The red and gold banner of Spain flew over many of our States at one time. The Spanish were first to bring Western civilization to these areas. Their descendants continue to build on this foundation.

It is time we became more aware of the thoughts and customs of these citizens of Spanish descent. Major celebrations are held in many southwestern areas of the land. These now go relatively unnoticed.

My home State of New Mexico in particular has an immensely rich Spanish tradition. From Taos and Santa Fe in the north to Las Cruces in the south, New Mexico glows with events and culture of their past, intermingled with contributions made today by these citizens.

This resolution also calls upon the American people, and our educational community in particular, to observe the week with appropriate ceremonies and activities. Such activity would go far to inform Americans of all backgrounds of contributions made by the Spanish among us.

The House has already passed a similar resolution. It is my hope that we will take swift appropriate action to offer the called-for recognition that is so richly deserved.

The joint resolution was ordered to a third reading, read the third time, and passed.

NATIONAL FAMILY HEALTH WEEK

The joint resolution (H.J. Res. 1404) authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week" was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1528), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week."

STATEMENT

Good health is a treasure beyond value. Throughout America thousands of family physicians work around the clock to safeguard the health of the Nation. Truly the dedication and skill of family physicians have served as the foundation of medical progress in the United States. Our health care system is a viable, dynamic achievement for which they deserve great credit.

The American Academy of General Practice is a national association of family physicians which was organized in June 1947, as a spontaneous movement among groups of general practitioners in a number of States who were convinced that progress and advancement in the general practice of medicine and surgery were basic to the welfare of the people of America and the medical profession. It was recognized that only a group of family physicians, working together in their own organization, could accomplish the desired elevation of standards and quality in general practice, just as specialty groups have undertaken the same objectives in their respective fields.

SETTLEMENT OF CLAIMS AGAINST THE DISTRICT OF COLUMBIA BY OFFICERS AND EMPLOYEES THEREOF

The Senate proceeded to consider the bill (H.R. 8140) to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 8, after the word "the" strike out "Commissioners" and insert "Commissioner".

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MOUNT JEFFERSON WILDERNESS, WILLAMETTE, DESCHUTES, AND MOUNT HOOD NATIONAL FORESTS, OREG.

The bill (S. 2751) to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon, was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 8, after the word "dated" strike out "August 1967," and insert "July 1968,"; on page 2, line 3, after the word "approximately" strike out "ninety-seven thousand" and insert "one hundred thousand"; in line 7, after the word "the" where it appears the second time, strike out "Interior and Insular Affairs"; and in line 8, after the word "Committees", insert "on Interior and Insular Affairs"; so as to make the bill read:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Mount Jefferson Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Mt. Jefferson Wilderness—Proposed," dated July 1968, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Mount Jefferson Wilderness within and as a part of Willamette, Deschutes, and Mount Hood National Forests, comprising an area of approximately one hundred thousand acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Mount Jefferson Wilderness with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Mount Jefferson Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Mount Jefferson Primitive Area is hereby abolished.

Mr. HATFIELD. Mr. President, I urge the passage of S. 2751, the bill introduced by myself and the senior Senator from Oregon [Mr. Morse] to establish the Mount Jefferson Wilderness Area as part of the National Wilderness Preservation System.

When Lewis and Clark made ready for the 1805 winter encampment of their expedition on the Oregon seacoast, after their historic trek across an unchartered continent, they passed within sight of the 10,500-foot white-capped mountain peak for which the new wilderness we propose was named. Indeed, it was farsighted President Jefferson whose sponsorship had made possible the launching of the Lewis and Clark expedition, and whose name was given to the peak.

Today, the vast majority of my State's population lies within a 100-mile radius of Mount Jefferson. Yet, with the passage of more than a century and a half, we still have an expanse of natural forested mountain terrain in Oregon much as it was when sighted by the first white men to make the rigorous journey across our Nation. Designation of the Mount Jefferson Wilderness will preserve for all time a portion of the primeval timber heritage which Lewis and Clark first opened for exploration.

As reported by the Senate Interior and Insular Affairs Committee, the Mount Jefferson Wilderness area will comprise approximately 100,000 acres. Mount Jefferson itself is one of the great white volcanoes of the Oregon Cascades which march down the entire horizon of the western portion of the State. In addition to this towering snowcapped peak, the new wilderness domain will include Three Fingered Jack, whose rock spires are a well-known landmark in my State.

Besides the timbered slopes and alpine meadows, the Mount Jefferson area has numerous lakes, including Firecamp Lake, Pamelia Lake, Mowich Lake, Marion Lake, and Square Lake. The latter two excellent lake areas were added by the Senate committee as a result of its deliberations on the proposal originally made by the Forest Service.

Most of the terrain within the new wilderness has enjoyed primitive area status and management by the Forest Service since the 1930's. The Marion and Square Lake areas were managed by the Forest Service for their recreation value and not for timber harvesting. Thus, their addition to the wilderness area has had no appreciable effect on the allowable timber cut in the North Santiam drainage. Under the Forest Service primitive area designation the Mount Jefferson region was excluded from cutting. I am pleased that we are able to preserve an outstanding example of Oregon's upland timber and alpine grandeur without adverse impact on the lumber-producing segment of our economy.

When hearings were held in Salem, Oreg., on October 26, 1966, for consideration of the Forest Service plan, sentiment was overwhelmingly in favor of reclassifying the primitive area to wilderness. According to the Forest Service report on the proposal, such organizations as the Wilderness Society, Federation of Western Outdoor Clubs, Sierra Club, Mazamas, Oregon Cascades Conservation Council, the Oregon Wildlife Federation, the Wildlife Management Institute, Industrial Forestry Association, and Western Forestry and Conservation Association supported the wilderness concept. Some organizations proposed additions to the Forest Service plan, but there was general acceptance of the wilderness designation.

It is my hope that the Forest Service, in recognition of the unique scenic values of the Mount Jefferson area will utilize its best landscape management planning so as to preserve the natural character of this vicinity.

Passage of S. 2751 will permit present and future generations of Americans to walk through ageless forests that greeted our forefathers. Too, we will preserve for study and observation an unusual ecological unit—extinct volcanoes, forests, lakes, and streams—where the forces of nature are permitted to interact as they have for centuries. A priceless recreation and scenic asset will be maintained intact for Oregonians and all the Nation.

I am grateful for the assistance of the senior Senator from Idaho [Mr. CHURCH], chairman of the Senate Public Lands Subcommittee; the chairman of the Senate Interior and Insular Affairs Committee, the Senator from Washington [Mr. JACKSON]; and to my colleagues on that committee for judicious handling of the proposed legislation. I urge the passage of S. 2751.

Mr. INOUYE. Mr. President, on behalf of the Senator from Oregon [Mr. MORSE] I ask unanimous consent to have printed in the RECORD a statement he has prepared on the pending bill.

There being no objection, the statement by Senator MORSE was ordered to be printed in the RECORD, as follows:

Mr. MORSE. Mr. President, in September 1964 Congress approved the Wilderness Preservation System Act, thereby giving clear recognition to the fact that as a nation we prescribe to the wisdom and desirability of preserving America's remaining wilderness for its scenic, recreation, scientific, educational, historic and conservation value. In furtherance of that concept, which I had supported over the years, I am pleased today to urge enactment of S. 2751, the bill I have sponsored with the junior Senator from Oregon [Mr. Hatfield] to establish the 100,000-acre Mt. Jefferson Wilderness area.

The Mt. Jefferson area contained Oregon's last remaining portion of Forest Service primitive area, a status for which it was designated in 1930. This new wilderness domain will be a superb addition to the national system for protection of natural areas. For 25 miles along the crest of the Oregon Cascades, the new unit will bring together a unique combination of volcanic peaks, glaciers, alpine meadows, conifer forests, lakes and streams. Snow-capped Mt. Jefferson, which towers 10,497 feet, is Oregon's second highest peak and is one of the major volcanic cones in the Cascade range. At its foot lies Jefferson Park, a sub-alpine meadow which is one of the most picturesque mountain areas in Oregon.

There are nearly 150 lakes in the proposed Mt. Jefferson Wilderness, assuring hikers and riders a variety of areas to enjoy wilderness adventure. Marion Lake, an area which was added to the wilderness by the Senate Interior Committee, is well-known for excellent fishing.

It is indeed remarkable that such an area of primeval beauty exists within relatively short driving distance from the population center of my state. This is a wilderness that many people can easily use and enjoy.

The pending bill is the outgrowth of detailed studies and field hearings by the Forest Service and House and Senate Interior Committee hearings and deliberations. A good job has been done in blending economic, aesthetic and intangible elements involved in this great natural resource. The new wilderness has minimum impact on the timber inventory used for calculating the allowable cut in the adjacent working circle, yet the rugged and beautiful Mt. Jefferson wilderness forms a major contribution to the national system of protection.

I am grateful for the assistance and guidance of the senior Senator from Idaho (Mr. Church), the chairman of the Senate Public Lands Subcommittee, in advancing the bill I have sponsored, and to the junior Senator from Washington (Mr. Jackson) chairman of the Senate Interior and Insular Affairs Committee for his endorsement of the legislation. Also, I greatly appreciate the counsel and advice I have received from numerous individuals who are active in Oregon's forward-looking conservation organizations and for the cooperation I have received from interested persons in the forest products industry of my state. The general accord which has been reached on the Mt. Jefferson wilderness proposal will make possible the protection of a unique and valuable asset for the benefit of all the nation, for all generations to come.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 2751) was ordered to be engrossed for a third reading, was read the third time, and passed.

MOUNTAIN PARK RECLAMATION PROJECT, OKLAHOMA

The bill (H.R. 9362) to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes, was announced as next in order.

Mr. HARRIS. Mr. President, the enactment today of H.R. 9362, which is a companion bill to S. 1234, authorizing construction of the Mountain Park Reservoir, brings us to another milestone in the development and utilization of western Oklahoma's most precious resource, water. The action of the Senate today culminates many years of hard work and devotion by a great number of people throughout western Oklahoma. The future of this part of my State will be a brighter one after the completion of this needed project.

The construction of the Mountain Park Reservoir will end many years of frustration for the cities of Altus, Snyder, and Altus Air Force Base resulting from their annual search for adequate water supply to meet the needs of their increasing populations. Water is a very precious commodity in this semiarid portion of our State and without sufficient quantities of water, we cannot hope to attract the industry required to provide the new private jobs so vitally needed by the people of Altus, Snyder, and surrounding communities.

Since coming to the Senate in 1964, I have considered the Mountain Park project as one of the most needed items for the future development of southwestern Oklahoma. I have joined my colleagues, Senator MONRONEY and Congressman TOM STEED, in introducing legislation for its authorization in every session of the Congress since that time, and, therefore, I am especially pleased to see this bill enacted today. Oklahoma is among the leaders in the Nation in water resources development. We have constructed a network of reservoirs second to none to conserve the water in the vast Arkansas and Red River Basins, and because of this wise development, the eastern portion of our State boasts tremendous reserves of water for municipal and industrial use, and is free from the floods which used to cost millions of dollars in property damage annually. The Mountain Park project will provide western Oklahoma with this same protection from annual flooding, and will also create a large, dependable source of municipal and industrial water supply for a number of cities and towns in this section of the State.

Mr. President, speaking for myself, and for thousands of people in southwestern Oklahoma, I want to say that we all appreciate the helping hand that we are receiving from the Federal Government through the authorization of this project. As a result of this assistance, we will be able to meet the pressing need for water supply, flood protection, and recreation in southwestern Oklahoma. The Mountain Park Reservoir represents the kind of cooperation between this Government and its people that is necessary for the future of this country. As I have stated before, water resources development is sound national policy, and I hope that we can further implement this policy with the appropriation of funds necessary to begin construction of the Mountain Park project in the very near future.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION OF CITY OF HOT SPRINGS, ARK., TO DISPOSE OF CERTAIN PROPERTY PREVIOUSLY CONVEYED TO THE CITY BY THE UNITED STATES

The bill (H.R. 14005) to authorize the disposition by the city of Hot Springs, Ark., of certain property heretofore conveyed to the city by the United States, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1534), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, H.R. 14005, authorizes the city of Hot Springs, Ark., to dispose of certain property heretofore conveyed to it, with reservations as to use, by the United States.

BACKGROUND

The city of Hot Springs, Ark., was granted the right to use and occupy lot 3, block 115, within the city for the construction and maintenance of city fire department buildings, by the act of August 21, 1912 (37 Stat. 322).

A short time later, the city constructed a firehouse on the lot. Subsequently, the city wished to erect a new firehouse on a portion of lot 3 and the act of May 29, 1928 (45 State. 959) directed the Secretary of the Interior to quitclaim the lot to the city on condition that it be used for fire department purposes only, but also allowed part of it to be sold, if necessary, in order to raise money to finance the new firehouse. This act further provided that if the proceeds from such sale were not used for this purpose or if the city used or permitted the use of the portion of the lot containing the new firehouse for any other purpose or attempted to alienate such portion, title thereto would revert to the United States. A patent containing the required conditions was issued to the city of Hot Springs on September 7, 1928.

Lot 3 is located in downtown Hot Springs. It is an irregular lot containing about one-eighth of an acre, and has on it a two-story city fire station. The city of Hot Springs now wishes to relocate the fire station to a more suitable location that would better serve the expanding needs of the city.

Enactment of H.R. 14005 would authorize the city to sell or dispose of lot 3 upon the condition that the proceeds be used to construct a new fire station within the city limits. The bill also releases the conditions in the patent previously issued to the city to the extent they are inconsistent with the provisions of H.R. 14005.

COST

No additional budgetary expenditures are involved in enactment of H.R. 14005.

SWINOMISH INDIAN TRIBAL COMMUNITY LAND

The Senate proceeded to consider the bill (S. 3182) to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 7, after the word "Indian" strike out "Reservation and to take title in the name of the United States in trust for the Swinomish Indian Tribal Community. Any general statute, which does not name the Swinomish Indian Tribal Community, prohibiting the use of tribal funds to acquire land in the State of Washington if the acquisition would exempt the land from local taxation shall not apply to land acquisitions pursuant to this section."; and insert "Reservation"; on page 2, line 6, after the word "by" insert "or in trust for"; in line 8, after the word "land" strike out "by the Swinomish Indian Tribal Community, with the approval of the Secretary of the Interior. Any land or interest therein acquired by exchange must be"; after line 14, insert a new section, as follows:

SEC. 3. Title to any land acquired pursuant to this Act shall be taken in the name of the United States in trust for the Swinomish Indian Tribal Community and shall be nontaxable if the land is within the boundaries of the Swinomish Indian Reservation, and title shall be taken in the name of the Community subject to no restrictions on alienation, taxation, management, or use if the land is outside such boundaries.

At the beginning of line 23, change the section number from "3" to "4"; on page 3, line 1, after the word "the" strike out "community, without regard to limitations or restrictions in any other statute." and insert "community."; at the beginning of line 7 insert "involving trust land"; at the beginning of line 13, change the section number from "4" to "5"; at the beginning of line 17, change the section number from "5" to "6"; and at the beginning of line 22, change the section number from "6" to "7"; so as to make the bill read:

S. 3182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to purchase with funds made available by the Swinomish Indian Tribal Community any land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation.

SEC. 2. Any land or interest in land now owned or hereafter acquired by or in trust for the Swinomish Indian Tribal Community may be sold or exchanged for other land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation, and the land values involved in an exchange must be equal or be equalized by the payment of money.

SEC. 3. Title to any land acquired pursuant to this Act shall be taken in the name of the United States in trust for the Swinomish Indian Tribal Community and shall be nontaxable if the land is within the boundaries of the Swinomish Indian Reservation, and title shall be taken in the name of the Community subject to no restrictions on alienation, taxation, management, or use if the land is outside such boundaries.

SEC. 4. The Swinomish Indian Tribal Community may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land the title to which is held by the community, or by the United States in trust for the community. Such land shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving trust land with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446 of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action.

SEC. 5. Any moneys or credits received or credited to the Swinomish Indian Tribal Community from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for tribal purposes.

SEC. 6. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Swinomish Indian Reservation," after the words "Dania Reservation,".

SEC. 7. The Swinomish Indian Tribal Community may assign any income due it, subject to approval of the Secretary of the Interior. Such approval may be given in general terms or may be limited to specified assignments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL AMERICAN INDIAN AND ALASKA NATIVES POLICY RESOLUTION

The concurrent resolution (S. Con. Res. 11) National American Indian and Alaska natives policy resolution was considered, and agreed to, as follows:

Whereas it is recognized by Congress that American Indians and Alaska natives (Eskimos, Indians, and Aleuts) suffer from adverse economic, health, education, and social conditions which prevent them from sharing equally in the great social and economic advancements achieved by our Nation; and

Whereas it is the understanding of Congress that periodic reversals in our Government's Indian policy throughout the years have ruled against full development of the human and economic potential of Indian communities, thus prolonging the aforementioned deplorable conditions; and

Whereas improved and expanded services in Indian communities in recent years through direct Federal Indian service programs and a wide variety of other services have begun accomplishing encouraging breakthroughs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the deplorable conditions of American Indians and Alaska natives can only be alleviated through a sustained, positive, and dynamic Indian policy with the necessary constructive programs and services directed to the governing bodies of these groups for application in their respective communities, offering self-determination and self-help features for the people involved; and that our Government's concern for its Indian citizens be formalized in a new national Indian policy so that beneficial effects may be continued until the day when the Nation's moral and legal obligations to its first citizens—the American Indians—are fulfilled;

(2) modern-day needs of Indian people are no longer responsive to the programs and services of the two major Federal Indian service agencies alone (the Bureau of Indian Affairs and the Division of Indian Health), but the complete solution of Indian problems will require new and innovative services for the full development of Indian and Alaska native people and their communities, and that the Bureau of Indian Affairs, because of its traditional role in the Indian field, access to important records, and direct relationships with tribal officials, should be charged with the important responsibility of coordinating the wide range of Federal, State and local resources;

(3) Indian and Alaska native governing bodies should be recognized as having the full authority to determine the extent and manner of utilizing all available resources for their communities;

(4) American Indian and Alaska native property will be protected; that Indian culture and identity will be respected; that the necessary technical guidance and assistance will be given to insure future economic in-

dependence; that continued efforts will be directed to maximum development of natural resources; that inadequate and substandard housing and sanitation will be corrected; that a comprehensive health program incorporating and assuring curative and preventive physical and mental health will be further developed for Indian and Alaska natives; and that a long-term general, vocational, technical, and professional education program will be encouraged and developed for both old and young American Indians and Alaska natives so that they may share fully in our society;

(5) the Secretary of the Interior should periodically review all the activities of the Commissioner and Bureau of Indian Affairs to assure Congress of maximum utilization of Federal, State, and local resources for Indian and Alaska native well-being; and that the Secretary should submit an annual report with necessary legislative recommendations to Congress to indicate the manner in which the intent of this resolution is being carried out; and

(6) American Indian and Alaska native communities should be given the freedom and encouragement to develop their maximum potential; and that Congress will support a policy of developing the necessary programs and services to bring Indians and Alaska natives to a desirable social and economic level of full participating citizens.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1535), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

Not since 1953, in the 83d Congress, has the Congress of the United States clearly enunciated a declaration of purpose toward the American Indian and the Alaska natives. This statement, known as House Concurrent Resolution 108, proposed, in effect, to withdraw Federal support from these two groups of Americans.

Popularly known as "termination," this policy did not enhance the economic and social well-being of the American Indian. It may well have delayed the day when the Indian can become a fully self-sufficient citizen.

At present over 400,000 Indians and Alaska natives living on reservations still look to the U.S. Government for leadership and assistance. These people as a group are about half as well educated as other citizens. They have approximately two-thirds the life expectancy, and receive between one-fourth and one-third as much income. The newborn Indian, because of deplorable living conditions, has only half the chance of non-Indians of surviving the first year.

EXPLANATION OF SENATE CONCURRENT RESOLUTION 11

Th resolution would assure our Indian citizens that Federal programs will be adequate to their needs, that they will be consistent, innovative, and efficient. It will also assure them that Federal activity will be concentrated where the problems are most acute—on the reservations. At the same time, the resolution makes clear that the long-range purpose of these efforts is to encourage a greater measure of self-determination and self-help on the part of our Indian and Alaska native citizens.

Senate Concurrent Resolution 11 recites that many American Indians and Alaska natives suffer from adverse economic, health, education, and social conditions; that the delay in correcting the situation is in no small measure due to periodic changes in Federal Indian policy; and recognizes that improved and expanded Federal services and programs in Indian communities in recent years have begun to accomplish encouraging breakthroughs.

Senate Concurrent Resolution 11 resolves that it is the sense of Congress that progress for many American Indians and Alaska natives can only be achieved by a sustained, positive, and dynamic Indian policy backed up by constructive programs and services directed through tribal governing bodies. It further states that these programs must offer self-determination and self-help features and be continued until the Nation's obligations to the descendants of the first Americans are fulfilled, and they are able to take their place with other citizens.

Paragraphs 2 and 3 of the resolution state that the services of the two major Federal Indian service agencies, the Bureau of Indian Affairs and the Division of Indian Health in the Department of Health, Education, and Welfare, are not fully responsive to the modern day needs of Indians and Alaskan natives; that the solution of Indian problems requires new and innovative services by Federal, State, and local governments, and the Department of the Interior, and that the Bureau of Indian Affairs should be charged with coordinating and cooperating with governing bodies of the tribes on programs the Indians wish to utilize.

The fourth paragraph expresses the sense of Congress that Indian and Alaska native trust property continue to be protected; that Indian culture and identity continue to be respected; that efforts be continued to develop natural resources; that inadequate and substandard housing and sanitation be corrected; that a comprehensive health program be developed; and that the long-term vocational, technical, and professional education programs be continued and further developed.

The fifth paragraph expresses the congressional view that the Secretary of the Interior should periodically review all the activities of the Commissioner and Bureau of Indian Affairs to assure maximum utilization of Federal, State, and local programs and resources for Indian and Alaska native well-being, and that an annual report, together with needed legislative recommendations, should be submitted to Congress indicating the manner in which this resolution is being carried out.

The final paragraph of Senate Concurrent Resolution 11 recommends that Indian and Alaska native communities be given the freedom, encouragement, and assistance to develop their maximum potential, through continued congressional support of programs and services, to bring Indians and Alaska natives to a social and economic level of full participating citizens.

The numerous witnesses, Indian and non-Indian, who appeared at the committee hearing strongly recommended the adoption of Senate Concurrent Resolution 11.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KUCHEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Shirley M. Hufstedler, of California, to be U.S. circuit judge, ninth circuit.

Mr. KUCHEL. Mr. President, I very much doubt that the Senate has ever considered a nominee for service in the Federal judiciary who is more competent or more qualified than the nominee whose nomination to the ninth circuit court is now pending.

On August 5, 1968, an editorial in the Los Angeles Times stated the following in referring to the nomination of Justice Shirley M. Hufstedler to the Ninth Circuit Court of Appeals:

> President Johnson could hardly have found a more able nominee for the U.S. Circuit Court of Appeals than the California judge he selected.

I share the viewpoint expressed in that editorial by a great American newspaper. I believe Justice Hufstedler to be one of the finest judges produced by my home State of California. She has been recommended for this nomination by some of the most capable and thoughtful members of the bench and bar and of the academic community in California, and, indeed, from many other sections of the country.

Justice Hufstedler's experience is outstanding. Following her graduation from Stanford Law School, where she had a distinguished record, she practiced law for close to 10 years. She rapidly earned a reputation as a "lawyer's lawyer," being retained as special counsel by the attorney general of California and by leading law firms in particularly difficult and complicated cases. She was appointed to the superior court of Los Angeles County in 1961, and 5 years later to the court of appeals. This court ranks second to the supreme court of the State. On the superior court, she gained the respect of her 120 colleagues for distinguished performance in the conduct of exceptionally complicated trials. They honored her first by selection as a law and motions judge, second by elevation to their court's appellate division, hearing appeals from the municipal courts.

When it comes to clear and concise opinions, her record is without precedent in my State. As a Superior Court Judge, she wrote some 10,000 memorandum decisions plus a number of longer opinions in complex cases. California lawyers tell me that her performance on the Superior Court was superlative.

Her judicial record is, I feel assured, one of eminent fairness, to all parties, plaintiff and defendant, accused and accuser. The essence of our due process system is a recognition of the rights of all citizens before the bar of justice. This demands firmness but it also demands understanding. Justice Hufstedler is renowned for her high character and humane qualities which a great judge must have.

Mr. President, the people of California share the deep pride which her able husband and her fine son have for her at this moment. I congratulate her for being the second woman ever to be appointed to so high a judicial post. But beyond that, I congratulate her for her outstanding record and capabilities as a member of the bench, particularly at a time when renewed faith and trust must be established in the capability of American judges and the American judicial system. I am, therefore, most pleased by this nomination and highly recommend and support her confirmation.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

URBAN MASS TRANSPORTATION ADMINISTRATION

The legislative clerk read the nomination of Paul L. Sitton, of Georgia, to be Urban Mass Transportation Administrator.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KUCHEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ESTABLISHMENT OF WILD HORSE RANGE IN MONTANA

Mr. MANSFIELD. Mr. President, I am delighted to bring to the attention of the Senate a statement I have just received from the Bureau of Land Management stating that the Secretary of the Interior, Sewart L. Udall, has set aside a 31,000-acre wild horse and wildlife range in the Pryor Mountains along the Montana-Wyoming border. I am sure the distinguished Presiding Officer (Mr. HANSEN in the chair) has received a similar communication, because he is also interested in the wild horse and wildlife range.

Mr. President, this is good news, because it will mean more feed and sustenance for the horses and other wildlife as well.

I am happy that Secretary Udall has brought about the range enlargement and I ask unanimous consent to have printed in the RECORD the letter I have received from the Department of the Interior and the release from the Bureau of Land Management.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, D.C., September 11, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR MANSFIELD: Public concern for the protection and management of the wild horses in the Pryor Mountains area of Montana and Wyoming has been a matter of major significance.

Since you and your constituents have expressed an interest in this problem, we are enclosing a copy of the latest news release explaining the Bureau of Land Management's position in this matter.

Sincerely yours,

JOHN O. CROW,
Acting Director.

[A news release from the Department of the Interior, Bureau of Land Management, Sept. 12, 1968]

BUREAU OF LAND MANAGEMENT ESTABLISHES WILD HORSE RANGE IN MONTANA

Secretary of the Interior Stewart L. Udall has set aside a 31,000-acre wild horse and wildlife range in the Pryor Mountains along the Montana-Wyoming border, Bureau of Land Management Director Boyd L. Rasmussen announced. The move is being made to give Federal protection to a herd of wild horses whose future has aroused nationwide attention for several months.

Rasmussen, who visited the rugged mountain area recently, said: "It is essential that we move ahead immediately to designate these lands to provide Federal protection for this national heritage, and as quickly as possible to establish long-term management for both horses and wildlife, including a mule deer herd. After signing this designation, Secretary Udall has authorized me to appoint a special advisory committee to help us study humane and practical means to operate this range, and to advise use of a suitable method to arrive at a balance between the horses and deer and the food available for them."

BLM plans no action to trap or round up horses from the range at this time, Rasmussen said, and future decisions will be based upon consideration of committee recommendations. The committee will include representatives of wild horse organizations, humane societies, wildlife specialists and other broad interests. The committee may consult specialists in other fields related to horses for technical advice where needed.

Since a series of public meetings last spring to discuss preliminary alternatives for management of the Pryor Mountain area, the range available for use by the horses has been increased by the addition of lands within the Bighorn Canyon National Recreation Area.

Rasmussen said, "After visiting this area, I am concerned that the total numbers of animals—horses and big game—may not be in balance with food available for them. I agree with Montana State Director Harold Tysk of BLM and his competent staff that something must be done to halt continued soil and watershed problems which have been brought about by intensified competition between horses and wildlife for food.

"At the same time, we all recognize that these horses are a national asset, and the Pryor Mountain herd is suitable for management of the wild horse so important in Western history," Rasmussen continued.

"Another factor is that forage on 8,000 acres in this area was identified years ago as important for mule deer. Thus I want the best advice possible from a wide range of interests within this committee before developing a multiple use program for the area with our State directors in Montana and Wyoming."

REVIEW OF WATER RESOURCE PROBLEMS AND PROGRAMS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 20) to provide for a comprehensive review of national water resource problems and programs, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 5, 1968, p. 25830, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, the conference report represents a compromise between the differing versions of the House and Senate upon the means of appointment and the qualifications of members of the National Water Commission.

APPOINTMENT OF COMMISSION

As passed by the Senate, S. 20 provided that the members of the Commission shall be appointed by the President "by and with the advice and consent of the Senate." The House amended the bill to remove the requirement for Senate confirmation. The conference committee recommends that, in the interest of compromise, the Senate recede from disagreement with the House amendment.

QUALIFICATION OF MEMBERS

As passed by the Senate, S. 20 provided that no member of the Commission shall during his period of service hold another position as an officer or employee of the United States. The House amended the bill to add the additional prohibition that no member of the Commission shall during his period of service be a retired officer or employee of the United States drawing or entitled to draw an annuity or retired pay.

The conference committee recommends deleting the House amendment and adopting the language of the Senate-passed bill. This language would allow a retired officer or employee of the United States to serve on the Commission. Reports received by the Senate committee from the Comptroller General and from the Civil Service Commission indicated that the effect of the prohibition in the House amendment would place serious, far-reaching and unintended restrictions on the President's choice of Commission members. Although the conference committee removed the prohibition, it is nevertheless the intent of the committee that, as a general rule, the persons appointed to the Commission should not be retired officers or officials of the Federal water resource agencies who have spent long and continuous careers in developing and administering present Federal policies. The committee recognizes, however, as the House committee did, in the statement of the managers on the part of the House, that there may be unusual circumstances in which consideration should be given to the appointment of a retired Federal official as a member of the Commission. The committee's purpose in restoring the language of the Senate-passed bill was to insure that persons with limited or periodic Federal service or with service as members of reserve units of the military would not be prohibited from appointment to the Commission. If the National Water Commission is to be composed of the very best minds in the country, it is necessary that the President have the discretion to call upon those who are currently in industry, business, and the universities, but who may have spent a part of their careers in the service of the Federal Government.

The committee thus concurs in the basic intent of the House amendment that long-term career officers or officials of the Federal water resource agencies should not be appointed to the Commission, and that an objective viewpoint should be achieved in the membership. The committee does, however, feel that a limited period of Federal service should not result in a disqualification. Competent individuals should not be prohibited from service simply because at some time during their careers they devoted their talents to military or other public service.

CIVIL SERVICE PROVISIONS

The conference committee recommends adoption of two House amendments relating to Civil Service procedure. The House deleted language limiting the number of employees of the Commission who may be compensated in the equivalent of grade GS–18 of the General Schedule. In the absence of specific provisions the allotment of such positions would be left to the Civil Service Commission. Similarly, the House deleted language setting the compensation of the Executive Director of the Commission at level IV of the Federal executive salary schedule, and instead inserted language leaving the determination of the rate to the Civil Service Commissioners.

OTHER AMENDMENTS

The conference committee recommends adoption of three further House amendments. The first would require that, simultaneously with the submittal to the President required by the bill as passed by the Senate, the reports of the Commission and the views of the Water Resources Council be submitted to the Congress. The second amendment would place a limitation of $5 million upon the appropriations authorized to carry out the provisions of the bill. This amount appears to be adequate for the purpose and is in agreement with an estimate provided by the administration.

The third amendment would remove the provision that the appointment of the Executive Director shall be approved by the President. Instead, the Director will be appointed by the Chairman of the Commission with the approval of the Commission.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

PRESIDENT JOHNSON TALKS ABOUT WAR AND PEACE

Mr. ELLENDER. Mr. President, this week, President Johnson addressed the 50th Annual American Legion National Convention, held in New Orleans. I accompanied him on his trip to New Orleans. The theme of the President's remarks was the long struggle by America to seek peace in the world, following the end of World War I.

The tone of the President's speech was set in his own words:

> America has constructed a policy to try to promote peace in the world. That policy did not begin in my Administration. That has been our policy for more than 20 years in the making. It was shaped in the bipartisan spirit, by Republicans and Democrats. It has been followed by four different American Presidents.

In this time of national discord and dissent, the President's speech is a beacon of unity and patriotism, and I ask unanimous consent to have the text of the President's remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE 50TH ANNUAL AMERICAN LEGION NATIONAL CONVENTION, MUNICIPAL AUDITORIUM, NEW ORLEANS, LA.

Mr. Chairman, Commander Galbraith, Senator Ellender, Congressman Teague, distinguished members of the American Legion and Ladies Auxiliary, my fellow Americans:

I am deeply touched and very grateful for your thoughtfulness and for the presentation of this award, on behalf of the men who have demonstrated their love of country.

Today, I have come here to your convention to speak to you in a keynote talk about world peace—about your President's efforts to achieve it—the progress we have made—as well as the tasks that lie ahead.

It was 50 years ago this very month that the eyes of the world were turned on the efforts of the American doughboys to reach a railroad running across France, which happened to be the main supply line, at that time, of the German Army.

I remember then, as a 10-year-old boy, how we followed the news of the Meuse-Argonne offensive in that fall of the year 1918.

Some of you in this room no doubt fought through that battle.

Some of you were there, two months later, when the first world war in history was brought to an end.

Now we know how brief the illusion of peace was, on that Armistice Day a half-century ago. In the course of five stormy decades, we have learned how carefully peace must be built in a complex and dangerous world—as well as how well peace must be guarded.

World War I had been ignited by a very small flame in the Balkans. That was our first lesson. Others followed in rapid profusion:

We saw depressions leap continents. We saw democracy weakened and break under their weight.

We witnessed the rise of dictators and watched aggressors stalk across borders.

We fought through the Second World War which came in the wake of their bootmarks—and before the dust of war had really settled, we saw the rise of a new aggression.

We beheld the dawn of the nuclear age.

We saw the birth of new nations, and the death of old colonialism.

And from a dozen different parts of the globe, we heard the long pent-up cry for food and land and a new day of hope and dignity.

These are the conditions and developments of our turbulent times. Around them, America has constructed a policy to try to promote peace in the world.

That policy did not begin in my Administration. That has been our policy for more than 20 years in the making. It was shaped in a bipartisan spirit, by Republicans and Democrats. It has been followed by four different American Presidents.

I have built upon it. I have strengthened it where I could. I have modified it where I needed to, to meet the changing demands of the changing years. But we have always held to four essential imperatives.

The first imperative—constant from President Truman's day to mine, is this: The United States of America must remain the strongest nation in all the world.

I have tried to take steps, even small ones, that would move us toward more normal relations with the Soviet Union and other Communist countries.

We shall continue that progress in every honorable way that is open to us. World safety demands that the two greatest powers on earth reduce—if they possibly can—the tensions that have held mankind in mortal bondage for more than a generation.

But I have always, also, been deeply aware—and I have constantly and steadily warned—that many dangerous and unresolved problems face us.

Some, however concluded that changes of such magnitude were taking place in the Communist world that we could relax our vigilance, trusting that the Communists wanted the same kind of world that we Americans wanted.

Today, the events in Eastern Europe make it clear—and make it clear with the force of steel—that we are still a long way—a long way—from the peaceful world that we Americans all wish to see.

The message out of Czechoslovakia is plain: The independence of nations and the liberty of men are today still under challenge. The free parts of the world will survive only if they are capable of maintaining their strength and capable of maintaining and building their unity.

Peace remains our objective. But we shall never achieve it by wishful thinking, nor by disunity, nor by weakness.

The second imperative of our policy for peace is that we must meet our commitments and keep our promises to use our strength in the face of common danger to oppose aggression.

Self-interest has always been—and must always be—at the root of every action which commits the lives of American men.

When we entered the North Atlantic Treaty Organization, NATO, we did so because the threat of a Communist takeover of Europe was real, and because we knew that America's security was linked to the security of Western Europe.

If its human and material resources in Europe were to fall into hostile hands, then the balance of world power would be against America. We would have to become a bristling defensive fortress here at home, organized against an enormous, dangerous threat. We would have to live under conditions that are drastically different from any conditions that we have ever known.

So that is why America helped formulate, organize and joined the North Atlantic Treaty Organization. And that is why we are a strong part of that organization today.

When we fought to keep aggression from swallowing up South Korea, it was President Harry S. Truman who defined the self-interest that impelled our stand. Unchallenged aggression, President Truman said, "would mean a third world war, just as similar incidents had brought on the second world war."

When President Eisenhower sent troops into Lebanon, it was to keep a situation from developing which could trigger in the Middle East, and then could draw us in.

When President Eisenhower committed us to the Southeast Asia Treaty Organization, and he submitted it to our United States Senate during the Eisenhower Administration, it was voted and ratified there by a vote of 82 to 1. It was because President

Eisenhower saw Southeast Asia as the key to political equilibrium in the Orient, vitally affecting America's future.

When President Kennedy brought in additional troops to Berlin in 1961, it was because America's self-interest demanded that we stand behind our pledge and our commitment to keep West Berlin free.

When President Kennedy put our forces on alert during the Cuban missile crisis the following year, it was because Soviet missiles in the Western Hemisphere jeopardized American security.

When the first American soldiers went into South Vietnam in the early 1960's, it was because this Nation saw that if the Communist aggression there succeeded, the entire region of Southeast Asia would be in mortal danger, and the threat of world war would be more ominous.

We have heard many voices raised in opposition to this stand. Indeed, I have sought some of these voices out. For, as your President, I assure you in these long days and nights for more than five years now, we have searched every avenue of thought and opinion on this issue that so troubles all of our people today.

But after investigating carefully every possible course of action, I always come back to that warning of President Harry S. Truman about how unchallenged aggression could lead to another world war.

Inevitably, I always come back to that judgment of General Dwight D. Eisenhower, who said that if South Vietnam were captured by the Communists, "The freedom of 12 million people would be lost immediately, and that of 150 million others in adjacent lands would be seriously endangered. The loss of South Vietnam," President Eisenhower said, "would set in motion a crumbling progress that could, as it progressed, have grave consequences for us and for freedom."

I always come back to these words, not of President Truman or President Eisenhower, but the late, beloved John Fitzgerald Kennedy, when he said: "For us to withdraw from the effort in Vietnam would mean a collapse not only of South Vietnam, but Southeast Asia. So we are going to stay there."

The judgments of these three former Presidents, as mine has been, were formed in positions of the gravest responsibility. After seeing, hearing, reading and studying all the evidence, their judgments were formed and were unshakeable. The American Constitution obliges the President to make his judgment, as Commander in Chief, according to what he believes is in the best interest of all the American people.

And I have believed—as these three Presidents believed who went before me—that a Communist military takeover in South Vietnam would lead to developments that could imperil the security of the American people for generations to come.

I know very well the cost of our commitment. Every day and every night I mourn every man who has been lost or who has been wounded.

But a President, a President worthy of this title, if he is true to his trust, must think not only in terms of those who have fallen. He must think in terms of the casualties that might have been—or the dead who might be.

How many American lives would eventually have been lost if our forces had not stood in Europe in the late 1940's to block the aggression that threatened, at that time, to sweep the English Channel?

More than 34,000 American men fell in Korea, and hundreds of thousands more bear the wounds of Korean battle. But how many more doughboys would have died if the aggressor had not been stopped there, and the war had spread to other parts of the world?

If we had not drawn the line against aggression in Vietnam, in keeping with the treaty that we signed, the SEATO obligations, and if the erosion of freedom had begun that President Eisenhower told you about when I quoted him a moment ago—some American President—some President—some day would have to draw the line somewhere else. And I ask you, at how much greater a cost? How many millions of young Americans would be lost in the larger war that would surely and inevitably come?

These are the sobering questions that no President and no Commander in Chief can escape.

From the very first, our objective in Vietnam has been to prevent the aggressor from taking that land by force.

We Americans have sought no advantage—except the advantage of peace. We have tried to fight a limited war—not to destroy an enemy, not to win a military victory, but to try in every way we knew how, as best we could, to protect our friends, remain true to our obligations, and win a peace in that part of the world.

We believed that to be very much in America's national interest then, and we believe it to be in America's national interest now.

On the night of March 31st, in a television address to this Nation, we launched a major new effort for peace.

We had already had eight bombing pauses. But on that night we announced that we would withdraw 90 percent of the population of Vietnam, almost 80 percent of the territory, from the area that our men were permitted to bomb.

As a result of that effort, our negotiating team would be willing to meet with the representatives of North Vietnam. The enemy suggested that we meet in Cambodia, and then he suggested that we meet in Poland. Against great odds and against the advice of some of our more eager people, we finally agreed not to meet in either of those places, but to meet in Paris. The wisdom of that decision, I think, is clear to almost any of you today.

We continue now to hope that something productive is going to come out of those meetings.

All we have heard so far is a demand that we do something else without their having responded to our first bombing restrictions.

Now let me make it as clear as I possibly can why we are still bombing and will continue to bomb the panhandle of North Vietnam—why re-establishing the DMZ, I think, is so critical to peace in Vietnam.

In the area just below the DMZ, we and our allies have some four divisions of men and the necessary people to support them, involving more than 60,000 Americans and one division of South Vietnamese. Just behind them in the rest of I Corps are an additional 164,000 American and Allied fighting men.

Those close to the DMZ are subjected daily to artillery fire and the direct movement of enemy forces across that DMZ against them. All those men in I Corps are constantly subjected to a massive flow of supplies and infiltrators, and rocket fire, through the panhandle to the northern part of the battlefield.

These are just hard, inescapable facts that a Commander in Chief must face up to and confront.

So what are our choices?

First, we could invade North Vietnam with our men. We could overrun their military positions. We could throttle the supply routes in North Vietnam itself. This we do not wish to do, although it should be clear that the North Vietnamese do wish to invade South Vietnam, and they are doing so—although they don't want to admit it.

Second, we could withdraw our forces. We could retreat and surrender on the installment plan, as some have suggested, by taking our men from below the DMZ, and turn over the I Corps area, that part of South Vietnam, to the North Vietnamese. This, I assure you, we shall not do.

If we cannot take our men in, and we are not going to take our men out, it appears to me, third, that the best thing we can do is to bring our planes to bear in the panhandle across the line against the artillery, the trucks and the rocket launchers that are being fired on our men, and to bring it to bear against the enemy trucks, the enemy troops, and the enemy supplies that are coming through. Every secondary explosion—and there were thousands there last month—means that that powder and that steel doesn't have to be brought back from South Vietnam by some American soldier in his body if it is stopped in North Vietnam.

We are today exacting a very substantial price from the enemy. It requires patience of all of us. But we are limiting his capacity to bring weight against our forces and our allies. There is not the slightest doubt that if we should stop the bombing in the panhandle, the military capacity of the enemy to hurt our forces would greatly increase, and our casualties would skyrocket.

Just a few days ago, I went to the field with a cable and asked the commander of our troops in South Vietnam, one of the ablest commanders ever to wear a uniform, General Abrams, to give me his viewpoint on what would happen if I should order him to carry out the suggestion that had been made by some of our enemies abroad and some of our friends at home to stop the bombing.

His reply was simply this: If you should require me to stop the bombing of North Vietnam, you would permit the enemy to increase his capability several fold in 10 days, and if he did, I would be forced to withdraw our men from that area because they could no longer stand their ground.

I am not going to issue any order like that.

General Abrams, and not a single field commander we have, has made that recommendation to me. I am not a prophet or a speculator, but I do prophesy that some of these men who recommend it now would not do so if they were there on the DMZ, and could see there what our men face every day and face every night.

Therefore, the Commander in Chief has insisted that the bombing will not stop until we are confident that it will not lead to an increase in American casualties. That is why we have placed such emphasis on re-establishing the DMZ.

We yearn for the day when the violence subsides. We yearn for the day when our men can come home. No man can predict when that day will come, because we are there to bring an honorable, stable peace to Southeast Asia, and no less will justify the sacrifices that our men have died for.

But President Thieu of Vietnam stated his intention at Honolulu—"to continue to assume all the responsibility that the scale of the forces of South Vietnam and their equipment will permit, while preparing the Vietnamese nation and armed forces for the important and decisive role that will be theirs in the coming stages of the struggle." Every report I receive from Saigon reports that the gallant, determined people of South Vietnam are acting in accordance with that statement.

The third imperative of our program to promote peace in the world, like the other two I have stated, is our effort to assist other countries to improve their economies. A man's home, however grand it is, is not secure if it stands on a street of crumbling slums, where people are hungry and in despair.

Whatever that man does to build up his neighborhood is an investment in his own security. This is the principle which has been the base of our programs. It is here that the quiet work has progressed. This is slow work and stubborn work. But from South Korea to Turkey—from Taiwan to Iran—from Pakistan to Tunisia—there are many success stories in which Americans can share the great pride of accomplishment.

Let me tell you, briefly, what has been happening in just one area in our Hemisphere, in Latin America, in the last few years. With our help, a great struggle has been taking place to overcome hunger and ignorance. These are the victories:

The average per capita growth has more than doubled.

Forty-three million acres of land have been distributed to almost 400,000 families.

Food production has increased 14 percent, and manufacturing production has gone up 23 percent.

There are 340,000 new schools, and 7 million more children getting an education today.

Infant mortality has dropped 14 percent.

The growth of confidence, the birth of hope, have changed history around the globe. And this is the kind of change which helps us to build peace.

We have always hoped and believed that as our friends and allies grew in strength, our burden would grow less lonely. We have been moving over the last few years toward a long-term position in which the United States would be able to assume its responsibility in enterprises of common concern, but our partners would be able to assume theirs.

This progress, too, is often hard to see. But it is there. In Asia, six Pacific Allies are fighting beside us in South Vietnam. By far, the greatest burden in that struggle—contrary to what is often said—is carried not by these allies, but carried by the South Vietnamese themselves. Since the beginning of the current offensive in mid-August of this year, they have suffered almost 50 percent more casualties than we Americans have suffered.

By the end of this year, the South Vietnamese will have 1,000,000 men under arms—1,000,000. 993,000, to be exact; 7,000 short of a million. That is out of a nation of 17 million. We have there 550,000, not a million, out of a nation of 200 million. But they have one million men under arms out of a nation of 17 million, and they don't control all of that 17 million.

The equivalent figure, in terms of population, if we had as high a percentage of our people at the front as they have, instead of having 500,000, we would have 12 million.

So this is a rather remarkable effort by a hardpressed, small nation that is fighting and dying for liberty that you don't always hear very much about.

The contribution of our NATO partners offers another example of partnership. U.S. forces are one-eighth of the ground forces in NATO Europe. But they are a critical element in the balance, because they—and their nuclear weapons that are there with them—supply the shield which enables our allies to provide increasingly for the defense of Western Europe.

We have a right to expect Europe to do more—and we might as well say that plainly and frankly. We have a right to expect them to do more in their own defense.

The world of free men and independent nations is weakened by European isolationism and disunity—as it was once weakened by an isolationist America that it took President Roosevelt and Prime Minister Churchill a long time to wake up.

We must look to the further enlargement of Europe's assumption of responsibility of their own in the future. In monetary affairs, in trade negotiations, in emergency food problems—across Asia and Europe and Latin America—the shift to partnership effort has already, I assure you, been substantial. Our relative burdens, as the years go by, become lighter.

I believe the day will soon come—which we have been building toward for 20 years—when some American President will be able to say to the American people that the United States is assuming its fair share of responsibility for promoting peace and progress in the world, but the United States is assuming no more and no less than its fair share.

While we can reduce our responsibilities, we must all be cautious enough never to allow anyone to persuade us to neglect them. In the 1960's, I warn you there just might be no return to the isolationism of the 1930's that brought on World War II.

I warn you that the voice of isolationism is becoming strident once again in some of the places that we heard this same isolationist voice a generation ago. Some of it is in Congress. Some of it is on the campuses. Some of it is on the farms. Some of it is on the streets.

We say, "Why should we be bothered with the problems across the sea?" We might say we don't need to be bothered with smallpox in the next block, but the facts of life are, if it is in the next block, we have to watch it and help stamp it out before it gets to our house.

The fourth imperative for peace is that we use our influence, however we can, to keep trouble from erupting into an all-out war—or to keep wars themselves from spreading. Through the United Nations, through the Organization of American States, and sometimes, but rarely, alone, we have already helped to dampen the fires of many potential conflicts in the last 10 years.

America shouldered arms half a century ago, "to make the world safe for democracy." Later it became quite fashionable to deride that slogan. For it seemed to belong to a simpler time, a time that was uncomplicated by a shrinking globe, and the new face of aggression, and the restlessness of emerging nations.

But I wonder today, looking back, if the derision did not come too soon. Democracy has had its times of frustration, it is true. Democracy has even had its times of failure. We know it is the best—but we also know it is the most difficult—way for men to organize their own affairs.

Today, vast reaches of this world have become safe for democracy. There is something deep in the human spirit which, in the end, demands government as a result of the consent of those governed.

Democracy is showing the strength which prophets 30 years ago did not believe it could show. We are not evangelizing democracy around the world. We are content to let every people choose their own path for development. But we are working to promote peace. And as it happens, peace is the only environment in which democracy can actually grow and thrive.

In conclusion, I would remind every loyal son of the Legion, the men who have worn the uniform of this country and have carried old glory to every corner of the world, and brought her back without a stain on it: I would warn you, peace lovers, those men who love peace more than you love men, but are willing to defend freedom with your own life, that the ingredients of peace are these: strength, conviction, principle, compassion, constancy, patience, and, above all my fellow Legionnaires courage.

Treaties—treaties—yes, we have hundreds of them. Meaningful treaties are not hammered out by cowards who are afraid to stand up for what is right when the going is tough, or afraid to die for freedom when they are required to do so.

This afternoon I appeal to you to support your country, to support your fighting men, to support peace by maintaining strength in this country; by refusing, always, to bow to the demands of the moment; by refusing, always, to sacrifice principle and the things we hold dear; by standing as firm at home as you expect your sons to stand abroad, and ask yourself if you are doing it.

If you do this, then I think history will say that we caught up with the promise of Pershing's doughboys. I can think of no finer judgment to be made on you, or on me, or on our times, or on the America that we all love.

Thank you very much.

THE CRIMINAL LAWS MUST BE ENFORCED

Mr. ERVIN. Mr. President, one of the outstanding citizens of North Carolina and the Nation is Fred B. Helms, a member of the North Carolina bar, who practices in Charlotte, N.C.

Mr. Helms has rendered many notable services to his State and Nation, and is currently serving as a member of the National Commission on the Reform of the Federal Criminal Laws.

On August 1, 1968, before the Kiwanis Club of Charlotte, N.C., Mr. Helms made some exceedingly wise comments upon the necessity of enforcing the criminal laws. His remarks on that occasion merit widespread dissemination.

For that reason, I ask unanimous consent to have them printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

I *am not* speaking to you today as a member of the National Commission on Reform of Federal Criminal Laws, nor as a long-time member of the Charlotte Kiwanis Club, nor as a member of the American Bar Association, and not even as a member of the Myers Park Baptist Church. I *am* speaking to you as one ordinary American citizen who believes firmly in law and order.

More than ninety-five per cent of the people in the United States, white, black, red and yellow, are in favor of law and order. The trouble is that most of us have been doing too little about it, as citizens.

I am speaking to you on the subject of crime or lawlessness—both national and international. Slice it as you will, analyze it as you may, the number one major problem confronting the United States and the world today is crime or lawlessness, national and international. If at your age and mine these statements about crime and lawlessness need the support of statistics, the FBI or I will be glad to load you down with statistics showing the alarming increase in major crimes in the United States. I give you one statistic; during the past 7 years, our population has increased 10%. Crime has increased 88%.

Citizenship and patriotism, like charity, "must begin at home." The maintenance of law and order, likewise, must begin at home. Indeed, government in a democracy or a republican form of government such as ours, likewise, must begin with the individual citizen at home. However much we enjoy and indulge in the shortsightedness of "passing the buck to Washington," the facts remain inescapably that by the grace of God and the foresight and sacrifices of our forebears you and I, individually, are Washington, and you and I and others like us are directly responsible for "what comes out of Washington." The danger in and to this country is the silence, apathy, inactivity and unconcern of our law-abiding citizens who sit supinely and silently by while a little segment of the lawless takes over the limelight and fixes the policies, in the main, of our government, Federal, State and local, when it comes to both national and international crimes. The continuance of such an incredible attitude on the part of our law-abiding citizens could cost us the liberties which we take for granted and for which our forebears fought, bled and died—and, parenthetically, for which our young men are fighting, bleeding and dying on the other side of the earth.

Most of us seem to think that law and order, peace and prosperity, success and happiness can all be "provided by Washington" and that all the citizen has to do is pay his taxes. The small, underpaid police forces of this country do a far better job and give us far more protection than we deserve. Most of them are untrained. Some of them make mistakes, but with rare exceptions they are honest, dedicated men and women dealing with the most difficult problems and the most dangerous people in our nation.

Virtually all of them are grossly underpaid, and yet we expect a rookie cop in the midst of a riot to make the fine distinctions as lawyers, judges and juries in the quiet of the courtroom. Such shortsightedness and self-deception on the part of the citizens in the most affluent and powerful nation in history simply defies understanding, to say nothing of explanation. The prevalence of the attitude of "cussin' " police officers and all other government officials, Federal, State and local, in the name of "dissent", "criticism", "partisan politics" or just plain "national pastime" is unbelievable. By way of illustration, the present President of the United States has done more for civil rights and for the Negro than any President in the history of the Republic with the possible exception of President Lincoln, and yet President Johnson is the object of venomous attacks twenty-four hours in the day not only by the secular news media but by the religious press as well. Perhaps you might be surprised at hearing a life-long Democrat speak favorably of any Republican, but when Senator Dirksen, a few weeks ago, stated "You don't demean the President of the United States", he was speaking simply but fundamentally of the foundation of any government.

In Vietnam, we are fighting against international lawlessness or "Communist World Revolution." Like it or not, we are the only nation on earth strong enough to act as policeman in opposing openly avowed world lawlessness by the communists. I heard Secretary of State, Dean Rusk, in the course of his address to the 1964 annual meeting of the American Law Institute in Washington state the position and purpose of our country, simply but clearly as follows:

"All that is needed to restore peace in Laos and Vietnam is for the Communists to live up to the agreements they have already made. All that is needed is for the Communists to stop their aggressions, to go home, to leave their neighbors alone. When they stop their aggressions and the freedom of mainland South-east Asia is assured, there will be no further need for any American military presence. We have never sought and we do not desire today any base or other military position in South Vietnam—or Laos or Cambodia. Our forces in South-east Asia are there solely in response to the threat and the reality of aggression from the North."

If you assume for the sake of argument that President Eisenhower and the Eisenhower Congresses were wrong on Vietnam, if you further assume that President Kennedy and the Kennedy Congresses were wrong on Vietnam, and if you further assume that President Johnson and the Congresses during his administration were, likewise, wrong on Vietnam, you have no evidence that these Presidents, Republican and Democratic, and these Congresses, Republican and Democratic, had anything in mind except their honest attempt to do what they honestly believed was and is best for the world in general and the United States in particular, and yet on the pretext of the right to "dissent," we have come close to losing the Vietnam War on the home front in America while our men in the armed services are not only winning on the battle fields but are giving their lives as well.

In this connection and in passing, I subscribe to some of the leading religious journals in America, both Catholic and Protestant. I have been and I am amazed at the venomous attitude of the religious press toward the President of the United States and other leaders because our government doesn't establish peace in the world and abolish poverty overnight.

You might ask, "What do these things have to do with crime and lawlessness?" Just this: Destroy the confidence of the masses of the people in their leaders and you thereby promote disrespect for government and for laws. The inevitable result is lawlessness and crime and thus the very foundations of our Republic are undermined.

The riots of 1967 and 1968 in several of the major cities in this country basically were not "race riots." Primarily, they were riots of lawlessness. They were far more economic than racial. A "race riot" has been defined as "a violent confrontation between two races, whose motivating power is racial enmity." No such confrontation has occurred in any of the major riots. Most of the rioters have been Negroes, but it is utterly unfair to the more than ninety-five per cent of the Negroes who are law-abiding citizens to charge the Negro race as such with responsibility for these riots of lawlessness. Members of the white race, in lesser numbers, have participated in riots but it would be equally unfair to the more than ninety-five per cent of the law-abiding white citizens to charge them as such with responsibility for the riots.

In President Johnson's "State of the Union Message" to the Congress on January 17, 1968, he outlined the deplorable conditions in the ghettos and the vast plans and programs of governments and private enterprise to improve living conditions in the ghettos along with the vast programs of both government and private enterprise, including vast training programs and hundreds of thousands of jobs as well as medical care for the poor, but reminded one and all that these programs will require time for development and fruition, and stated:

"We know that we cannot change all of this in a day."

In the same message, the President had the following to say about crime:

"We, at every level of the government, State, local, Federal, know that the American people have had enough of rising crime and lawlessness in this country."

In outlining the broad scope of a vast program for the prevention of crime and for the enforcement of law, President Johnson made the following pertinent and disturbing observation:

"The frontline headquarters against crime is in the home, and in the church, and in the City Hall and in the County Courthouse and the Statehouse—not in the far-removed national capital of Washington."

While government and private enterprise are spending billions upon billions and engaging in vast enterprises for the improvement of the habitations and lives of the poor, a few irresponsible leaders and small gangs of the lawless would burn down the very habitations and structures which are being erected for the improvement of the living conditions of the underprivileged.

Lest I be misunderstood, I wish to state that I am unreservedly in favor of a "free press"; provided, it is a *responsible press.* Nevertheless, it appears to me that news media have been extremely shortsighted in some of their policies. Publicity made Rap Brown and Stokely Carmichael! When news media headline, front-page, and picturize such leaders, they unwittingly make heroes out of such persons to the young, the ignorant, the irresponsible and the criminals. It is perfectly natural that they would feel justified in following such highly publicized leadership. By way of illustration, I say to you that Lyndon B. Johnson, the President of the United States is *not* "a mad dog from Texas," but I neither crave nor expect similar publicity for this statement in the news media as that given to Rap Brown when he stated that the President of the United States is "a mad dog from Texas."

During the evening of June 24 of this year, Mayor Washington, the Negro Mayor of the City of Washington, promptly, positively and intelligently moved the necessary police force and National Guard to trouble spots in Washington and put down the incipient riots before they were born. These were the riots planned to follow the razing of "Resurrection City." The Mayor was commended on all sides except for a few youthful and irresponsible individuals who were deprived of the pleasure of indulging in "a bit of rioting." They complained that Mayor Washington "did not give them sufficient notice." Here is a typical illustration of the effectiveness of prompt, intelligent prevention of lawlessness and the firm enforcement of our laws. This was vastly different from the inept handling or lack of handling of the massive riots in Washington in 1967. It also is a clear-cut example of the way crime and lawlessness should be handled, for the good of all, despite all the tearful sentimentality of a few misguided leaders who display far more sentiment than common sense.

I for one am fed up with the repeated "scare" headlines and statements to the effect that this great nation is quaking in fear and terror on account of a little band of irresponsible leaders and criminals. I do not advocate and I do not want to see the ninety-five per cent of the law-abiding citizens of this country resort to direct acts of violence, but our leaders, Federal, State and local, need to be told in no uncertain terms that the patience and restraint of the law-abiding citizens of this country have been stretched near the breaking point and that their full power will be unleashed at the ballot box and through constituted authority rather than in violence in the streets.

I heartily recommend and subscribe to the following statements and platform:

"Developments in Newark, Detroit and other strifetorn cities make it crystal clear that the primary victims of the riots are the Negro citizens. That they have grave grievances of long standing cannot be denied or minimized. That the riots have not contributed in any substantial measure to the eradication of these just complaints is by now obvious to all.

"We are confident that the overwhelming majority of the Negro community joins us in opposition to violence in the streets. Who is without the necessities of life when the neighborhood stores are destroyed and looted? Whose children are without milk because deliveries cannot be made?

Who loses wages because of a breakdown in transportation or destruction of the place of employment? Who are the dead, the injured and the imprisoned? It is the Negroes who pay and pay and pay, whether or not they are individually involved in the rioting. And for what?

"Killing, arson, looting are criminal acts and should be dealt with as such. Equally guilty are those who incite, provoke and call specifically for such action. There is no injustice which justifies the present destruction of the Negro community and its people.

"We who have fought so long and so hard to achieve justice for all Americans have consistently opposed violence as a means of redress. Riots have proved ineffective, disruptive and highly damaging to the Negro population, to the civil-rights cause, and to the entire nation.

* * * * *

"And finally, we support President Johnson's call upon all our people, black and white alike, in all our cities to join in a determined program to maintain law and order, to condemn and to combat lawlessness in all its forms, and firmly to show by word and by deed that riot, looting and public disorder will just not be tolerated.

"No one benefits under mob law. Let's end it now."

The foregoing statements were made on July 26, 1967 by Dr. Martin Luther King, Jr.; A. Philip Randolph, vice president of the AFL–CIO; Roy Wilkins, executive director, National Association for the Advancement of Colored People; and Whitney M. Young, Jr., executive director, National Urban League, four of the wisest, most experienced and far-sighted Negro leaders not only in America but in the world.

In conclusion, it is time to let it be known in no uncertain terms from the Capital of this country, from the capitals of each of the fifty states, the Mayors of our cities and from the Chairmen of the Boards of County Commissioners throughout the Nation that the full power of all of our governments, Federal, State and local, will be immediately available to prevent lawlessness and enforce our laws and that this country will no longer tolerate lawlessness whether by a handful of criminals or irresponsibles in the streets or by pampered hippies in colleges and universities. Any other policy inevitably will lead to anarchy and out of anarchy inevitably will come a police state or dictatorship, and the very people who are exploiting the liberties and violating the laws of this country will be the first to suffer. If you have any doubt about the danger, take a look at the history of communism. If you have any doubt about our ability to enforce our laws and control our destiny, take a look at what one man was able to do in France, and in a far more serious situation, within the past few weeks. But, we, the law-abiding citizens of this country, both black and white, have serious work to do, while there is still time. Let us be up and about it.

MRS. FRED W. MORRISON, THE NORTH CAROLINIAN OF 1967

Mr. **ERVIN**. Mr. President, the State magazine, of Raleigh, N.C., published an article entitled "The North Carolinian of 1967" in its issue of January 15, 1968. The North Carolinian of 1967, who had been selected by the State's committee of judges, was Mrs. Fred W. Morrison, of Kill Devil Hills, N.C., and Washington, D.C.

Mrs. Morrison has done a magnificent job in many capacities in promoting in North Carolina and the Nation Paul Green's great drama, "The Lost Colony," which depicts in dramatic fashion the attempt of Sir Walter Raleigh to plant the first settlement of English-speaking people in the New World.

Since this drama portrays with eloquence and fidelity one of the great events in our Nation's history, I ask unanimous consent to have the State's article concerning Mrs. Morrison printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NORTH CAROLINIAN OF 1967

(By Bill Sharpe)

The North Carolinian of 1967 is Mrs. Fred W. Morrison of Kill Devil Hills, N.C., and Washington, D.C. The State's committee of judges selected Mrs. Morrison because of her phenomenally successful leadership of the Roanoke Island Historical Association for the past six years. Mrs. Morrison was elected for another two-year term at the December meeting of the Association in Raleigh.

The Association's chief enterprise—presentation of Paul Green's *The Lost Colony* since 1937—had struggled for 25 years to keep going. There had been a succession of chairmen, directors, managers. In 1961, Mrs. Morrison took over a responsibility which had become known as a thankless and hopeless chore. Almost immediately, the fortunes of *The Lost Colony* began to change. Promotion was stepped up, both theatre and production were improved, and attendance and revenues increased. Solvency replaced near bankruptcy.

Mrs. Morrison, widely known and respected in this state and elsewhere, brought new financial and moral support to the Association. She gave freely of her time, energy and devotion to the work, and in 1963 was named also as producer of the play, the first person to hold this title. The "promotion" was a recognition both of her competence and dedication.

In putting *The Lost Colony* on a firm, business-like and successful basis, Mrs. Morrison accomplished something that had eluded *Lost Colony* supporters for nearly three decades, and no persons appreciate this more than the many chairmen who preceded her (including this writer). If you will take their word for it, hers was a contribution to North Carolina deserving of the highest recognition.

The North Carolinian of 1967 was born Emma Neal McQueen, attended Laurinburg High School, Flora Macdonald College, and Hardbarger's Business College in Raleigh. From 1930 to 1933 was a secretary of Governor O. Max Gardner. Later she was Gardner's secretary when he opened law offices in Washington, D.C.

In 1938 she was married to Fred W. Morrison, Governor Gardner's law partner, and a year later resigned her secretarial position. The Morrisons have a daughter, Mrs. Walter A. Stroud.

In Washington, D.C. Mrs. Morrison served as President of the Woman's National Democratic Club, 1950–52; President of the North Carolina Society of Washington, 1958–60. She was Chairman of the Inaugural Ball Invitation Committee for President Kennedy's Inauguration. She has served as a Director of the Davis Memorial Goodwill Industries, the Girl Scouts, and the Young Women's Christian Association. She received the Charles A. Cannon Award from the N. C. Society for the Preservation of Antiquities in 1965. She is listed in "Who's Who of American Women." She is a National Trustee of the Harry S. Truman Library.

The Morrisons have retained close ties with North Carolina. She is a member of the Board of Visitors of St. Andrews Presbyterian College, and vice-chairman of the Historic Bath Commission.

Through the Roanoke Island Historical Association, and also in personal effort, the Morrisons have worked with the State of North Carolina and the National Park Service in the program to expand the Fort Raleigh National Historic Site.

NOMINATION OF ABE FORTAS

Mr. **WILLIAMS** of Delaware. Mr. President, in the Wall Street Journal of Wednesday, September 11, 1968, there appeared an excellent editorial with reference to Mr. Abe Fortas.

The editorial appropriately points out the political aspects of his appointment as well as the political questions raised by his confirmation.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN RE MR. JUSTICE FORTAS

The messy battle over the confirmation of Abe Fortas as Chief Justice, which promises to become more messy still, reflects no credit on anyone involved. In our view, though, it's worth noting that the major blame lies with President Johnson, Chief Justice Warren and the Supreme Court itself.

The view is heretical, of course, and no doubt over the next few weeks we shall hear a great deal about how a little band of willful rednecks is playing politics with the Supreme Court. And indeed, the Senators prepared to filibuster against the appointment cannot escape a share of blame. Senator Thurmond was unnecessarily discourteous to Mr. Fortas. Pornography is not one of the nation's truly burning issues, and showing stag films is not our idea of how to run the world's greatest deliberative body.

Let it be also said straightaway that we find it unfortunate that the long-standing tensions involved in this case must descend on poor Mr. Fortas. While we agree with far from all of his decisions, we think they do reflect the operation of a judicial intelligence, rather than merely a doctrinaire New Dealism. In the abstract, we would find him an acceptable Chief Justice, and quite possibly better than that.

Consider the circumstances of his appointment, however. Chief Justice Warren resigns, at least provisionally, with the apparent intention of allowing President Johnson to appoint a replacement who would continue the views the Chief Justice and the President both support. The appointment goes to Mr. Fortas, once the President's personal attorney and even now his backstairs adviser.

In turn Mr. Fortas' post is filled by Homer Thornberry, a judge no doubt qualified in the minimum sense of being reasonably competent, but distinguished from dozens of other equally qualified individuals only by his long and close personal friendship with the President.

The patronage politics involved should by itself dissolve the notion that a Presidential nomination to the Court is somehow sacrosanct when it reaches the Senate. Indeed, if the President had gone even so far as to link Mr. Fortas with some impartial and unquestionably distinguished nominee, we doubt that many of the opponents would have felt a moral justification for so drastic a tactic as a filibuster.

But there is more to the case, for in recent years the Court has been engaging itself increasingly in issues once considered political questions for the legislative branch to decide. As many people argue, some good has come from such instances of judicial legislation as the school desegregation and legislative apportionment cases. At the same time, the latter case was too sweeping; and subsequent ones like the recent open housing decision have revealed not a hesitancy but an eagerness to intrude on the legislative role.

So what has happened in re Mr. Justice Fortas is this: The Court has been writing its majority's social and economic views into the law. Mr. Warren provisionally resigned in an effort to see that it continues to do so. Mr. Johnson appointed his trusted friends in part to accomplish the same end.

The Court, Mr. Warren and Mr. Johnson all have been playing politics for all it is worth. All three have been using every means at their disposal to make sure the judicial branch advances their social and economic views.

Why then should anyone be surprised that those who oppose the views in question also start playing politics, start using whatever means they can find to see that those views do not prevail?

UTAH'S MRS. BYRON FISHER, THE NEW MRS. AMERICA

Mr. **BENNETT**. Mr. President, during the recent adjournment of Congress, Mrs. M. Byron Fisher, of Salt Lake City, Utah, won the title of "Mrs. America."

The brown-haired mother of three is the wife of an attorney, and works as a substitute teacher in the Salt Lake City school system.

She is the second Mrs. Utah in 4 years to be crowned Mrs. America. Mrs. Don L. Buehner, of Salt Lake City, won the honor in 1965. Another Utah contestant, Mrs. Dean Payne, of Provo, was first runner-up in 1967.

As the Deseret News stated in an editorial on August 26:

> The selection of Mrs. M. Byron (Joan) Fisher of Salt Lake City as Mrs. America is Utah's good fortune as well as hers. It draws attention to the fact that ours is a State where a woman's most influential and important role is still what it always has been—that of wife and mother. It's in this role that she determines whether or not her children develop character, discipline, and self-understanding. On how well she does her job depends the kind of society we have.

Utahans everywhere are proud of Mrs. Fisher and congratulate her on her accomplishments.

I ask unanimous consent to have several articles from Salt Lake newsppers concerning Mrs. Fisher printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Deseret News, Aug. 26, 1968]

BRAVO, MRS. FISHER

The selection of Mrs. M. Byron (Joan) Fisher of Salt Lake City as Mrs. America is Utah's good fortune as well as hers.

It helps prove Utah's boast as a state of charming, attractive, accomplished women like Mrs. Fisher. In the past 10 years, Utah has had at least eight winners of national queen, homemaker, or beauty contests. Mrs. America 1965 was a Utahan. So was last year's first runnerup. And now Mrs. America 1968.

It gives Mrs. Fisher an opportunity to boost Utah in her many appearances across the nation.

Moreover, it draws attention to the fact that ours is a state where a woman's most influential and important role is still what it always has been—that of wife and mother. It's in this role that she determines whether or not her children develop character, discipline, and self-understanding. On how well she does her job depends the kind of society we have.

Congratulations, Mrs. Fisher, not only on the fine recognition that has come your way but also on the personal accomplishments that are responsible for it. The state you represent is proud of you.

[From the Salt Lake City Tribune, Aug. 24, 1968]

UTAHAN GARNERS MRS. AMERICA CROWN

ST. PAUL, MINN.—Mrs. Utah, Mrs. Joan Fisher, 29, of Salt Lake City, was crowned Mrs. America of 1969 Friday night.

The 128-pound brown-haired beauty is a mother of three, wife of M. Byron Fisher and works as a substitute teacher in the Salt Lake City school system.

Mrs. Wyoming, Mrs. Chris Esmay, 33, of Cheyenne, was first runnerup; Mrs. New Mexico, Mrs. Joy Berlemann, 34, of University Park, second runnerup; Mrs. California, Mrs. Terry Cole, Jr., 28, of La Canada, third runnerup, and Mrs. Missouri, Mrs. Mildred Harris, 43, of Raytown, fourth.

Forty-nine contestants from the District of Columbia and all contiguous states of the union except Oklahoma watched as a $35,000 tiara of sapphires, diamonds and emeralds was placed on Mrs. Fisher's head by Mrs. Marlene Cochran of Shawnee Mission, Kan., the 1968 Mrs. America.

IN 11 COMPETITIONS

All the contestants went through a grueling series of 11 official competitions.

Mrs. Fisher placed first in safe driving; was one of the four top winners in the fashion event; was one of eight finalists in the Mrs. Savings Bond competition, and a finalist in the pancake cooking event.

Her husband accompanied her to the 10-day competitions but the couple's children—Debra, 6; Michael, 4; and Janae, 2—were home in Salt Lake City.

TO APPEAR AT FAIR

The new Mrs. America will make appearances at the Minnesota State Fair for the next 10 days.

In addition to being a substitute school teacher, she also acts as a volunteer guide at the Brigham Young home in Salt Lake City.

Mrs. Fisher holds an education degree from Brigham Young University. She has served as a counselor to teen-age girls and is interested in sewing, cooking, flower arranging and piano playing.

When Mrs. Fisher won her Utah crown in Salt Lake City June 15, she gave a big share of credit to her husband.

She said Mr. Fisher, an attorney, had picked up an application for the contest only four days before the state contest "and he filled it out except for a few questions he asked me."

[From the Deseret News, Aug. 24, 1968]

SALT LAKE MOTHER NEW MRS. AMERICA

(By Paul Swenson)

A beautiful Utah mother who survived as an only daughter by beating her brothers in everything, was chosen Friday night from 51 contestants at St. Paul, Minn., as "Mrs. America."

"I'm thrilled at the honor not only for myself, but for my state," said brown-haired Mrs. M. Byron (Joan) Fisher, 29, 1264 E. 3700 South, Salt Lake City, in a telephone interview.

When the Utah mother of three piled up points during the week-long competition by winning the safe-driving contest, placing second in the fashion and pancake events, and among the top eight in savings bond competition, she had an inkling that she might have a chance to win.

FIFTY OTHERS

"But I kept reminding myself that there were 50 other contestants and that any one of them could win."

It was the second Mrs. Utah in four years to be crowned Mrs. America. Mrs. Don L. (Alice) Buehner of Salt Lake City won the honor in 1965. Another Utah contestant, Mrs. Dean (Jaynann) Payne of Provo was first runner-up in 1967.

"Joanie was an only daughter and she had to learn to be an expert at everything to compete with her brothers," a neighbor from the Provo street where Mrs. Fisher grew up said today.

"She learned to camp and to ski and to drive and did everything well. She's the kind of a woman who borrows extra 'appleskiver' pans to make her specialty dessert for the neighborhood young people and who makes matching pajamas for her whole family at Christmas."

The new Mrs. America will receive a $4,000 cash prize, a trip with her husband to South America, another week's vacation with her husband in the Virgin Islands, a $500 wardrobe and a contract for personal appearances.

RULES FAIR

But first she must spend 10 days reigning over the Minnesota State Fair and this will mean the first separation from her husband and family.

"I'll do the cooking and the washing," her husband, a Salt Lake lawyer, laughed today. "That's an easy thing to do for so much recognition. The mothers of the world don't get as much as they deserve."

Mrs. America doesn't have any mother-in-law troubles either.

Mr. and Mrs. Milton B. Fisher, Provo, are baby-tending in Salt Lake City.

"We're going to enjoy the children, aren't we?" Mrs. Fisher smiled after learning her daughter-in-law had won.

Debra Fisher, 6, called up all her friends to tell them the good news, and Michael Fisher, 4, said "Oh, great." Janae Fisher, 2, was uncomfortable with the new honor. "My mommy's not Mrs. America, she's Mrs. Utah," she insisted.

Mrs. Fisher was crowned with a $35,000 tiara of sapphires, diamonds and emeralds by the 1967 Mrs. America, Mrs. Marlene Cochran, Shawnee Mission, Kans.

Asked how she managed to win the safe-driving contest, Mrs. Fisher answered:

"My father's a Volkswagen dealer, that's how."

SUB TEACHER

Mr. and Mrs. C. E. (Chuck) Peterson, 1251 Cedar Ave., Provo, drove to St. Paul-Minneapolis to watch their daughter in the contest finals. They left for Utah with their car packed with Hawaiian pineapple, Alaskan crab, Montana cherries and other gifts Mrs. Fisher received from the other contestants.

Mrs. Fisher is a substitute teacher in Granite and Murray School Districts. She received an education degree from Brigham Young University and has served as a volunteer guide at the Beehive House in Salt Lake City.

She teaches the Laurel class in her ward YWMIA of The Church of Jesus Christ of Latter-day Saints.

Mrs. America's husband nominated her for the state honor only a few days before the deadline.

"He told me I really didn't have anything to say about it," Mrs. Fisher said. "Then he said if I really didn't want to he would withdraw my name, but I told him to go ahead."

Although Mrs. Fisher didn't place in the cooking section of the Mrs. America contest at St. Paul, her practice at home paid off.

"She wanted to cook a 100-year-old Utah Pioneer dinner for the contest and she kept trying recipes out on us," her mother-in-law said. "She tried three sauces for a pudding dessert and all of them were too rich."

Mrs. Fisher finally settled for Pioneer Apple Dumplings, a recipe she obtained from the Beehive House.

All but one of the runners-up to Mrs. America were from the West. Mrs. Wyoming, Mrs. Chris Esmay, Cheyenne, was first runner-up. The others were Mrs. New Mexico, Mrs. Joy Beriemann, University Park, second; Mrs. California, Mrs. Terry Cole, Jr., La Canada, third; Mrs. Missouri, Mrs. Mildred Harris, Raytown, fourth.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of House Resolution 1239, 90th Congress, the Speaker had appointed Mr. ANDERSON of Tennessee as a member of the Special Committee To Investigate Campaign Expenditures, vice Mr. DAVIS of Georgia, excused.

The message announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 1371) to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes.

REPORT ON LIBRARY OF CONGRESS

The PRESIDENT pro tempore laid before the Senate a letter from the Librarian of Congress, transmitting, pursuant to law, a report on the Library of Congress, including the Copyright Office, for the fiscal year ended June 30, 1967, which, with an accompanying report and documents was referred to the Committee on Rules and Administration.

PETITION

The PRESIDENT pro tempore laid before the Senate a petition, signed by R. L. Burns, and sundry other citizens of the State of Minnesota, praying for the enactment of legislation to extend the National Labor Relations Act to cover farmworkers, which was referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 1340. An act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes, Rept. No. 1537).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3406. A bill to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State (Rept. No. 1567).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2271. A bill for the relief of Domingo Lamadriz (Rept. No. 1551);

S. 3040. A bill for the relief of Dr. Jose E. Naranjo (Rept. No. 1552);

S. 3080. A bill for the relief of Ernesto Julio D'Escoubet Blanco (Rept. No. 1553);

S. 3172. A bill for the relief of Dr. George Alfonso Hernandez Canizares (Rept. No. 1554);

S. 3181. A bill for the relief of Dr. Mete V. Altug (Rept. No. 1555);

S. 3223. A bill for the relief of Dr. Juan Alfredo Milera (Rept. No. 1556);

S. 3239. A bill for the relief of Dr. Jorge P. Garcia (Rept. No. 1557);

S. 3280. A bill for the relief of Dr. Jose M. Leon (Rept. No. 1558);

S. 3285. A bill for the relief of Fausto Soler-Amor (Rept. No. 1559);

S. 3355. A bill for the relief of Dr. Emilio Ambrosio Trujillo (Rept. No. 1560);

S. 3398. A bill for the relief of Cheng-huai Li (Rept. No. 1561);

S. 3441. A bill for the relief of Dr. Fermin Ferro (Rept. No. 1562);

S. 3455. A bill for the relief of Dr. Miguel Angel Garcia Plasencia (Rept. No. 1563);

S. 3568. A bill for the relief of Jack Edward Cooley (Rept. No. 1564);

S. 3572. A bill for the relief of Dr. Renee Diez de Force (Rept. No. 1565); and

S.J. Res. 185. Joint resolution to grant the status of permanent resident to Maria Mercedes Riewerts (Rept. No. 1566).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2189. A bill for the relief of Stella Dribensky (Rept. No. 1538);

S. 2642. A bill for the relief of Ngo Thi Hong Hay (Lynch) and minor child, Sein (Lynch) (Rept. No. 1539);

S. 2909. A bill for the relief of Charles Richard Scott (Rept. No. 1540);

S. 3308. A bill for the relief of Jose C. Favio Hidalgo (Rept. No. 1541);

S. 3324. A bill for the relief of Dr. Juan F. Hernandez (Rept. No. 1542);

S. 3369. A bill for the relief of Dr. Israel Castellanos Gonzalez (Rept. No. 1543);

S. 3493. A bill for the relief of Dr. Laureano S. Falla (also known as Severino Laureano Falla-Alverez) (Rept. No. 1544); and

S. 3526. A bill for the relief of Marie-Louise (Mary Louise) Pierce (Rept. No. 1545).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 345. A bill for the relief of Dr. Benito V. Odulio and his wife, Dr. Brunhilda G. Odulio (Rept. No. 1546);

S. 2405. A bill for the relief of Ming Chang (Rept. No. 1547);

S. 3226. A bill for the relief of Yuka Fukunaga (Rept. No. 1548); and

S. 3356. A bill to confer U.S. citizenship posthumously upon Pfc. Theodore Daniel Van Staveren (Rept. No. 1549).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 5754. An act to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package (Rept. No. 1550).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary:

William J. Holloway, Jr., of Oklahoma, to be U.S. circuit judge, 10th circuit.

By Mr. HART, from the Committee on the Judiciary:

Lawrence Gubow, of Michigan, to be U.S. district judge for the eastern district of Michigan.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 4023. A bill for the relief of Hilario Anthony; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 4024. A bill for the relief of Oi Soon Kim Sandness; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 4025. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years; to the Committee on Commerce.

(See the remarks of Mr. JORDAN of Idaho when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for Mr. MORSE):

S. 4026. A bill to remove a cloud on the titles of certain property all located in Malin, Oreg., and owned by the city of Malin, Marian H. Peck, Merrill, Oreg., Marion R. Rupert, Malin, Oreg., and Blanche Fields, Malin, Oreg.; to the Committee on Interior and Insular Affairs.

By Mr. HARRIS:

S. 4027. A bill to modify the project for Kaw Reservoir, Arkansas River, Okla., to provide for the construction of power generating facilities; to the Committee on Public Works.

(See the remarks of Mr. HARRIS when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON:

S. 4028. A bill for the relief of Teodosio Monetta; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4029. A bill for the relief of Mrs. Margarita Gutierrez de Cestedes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 4030. A bill to permit the several States and the District of Columbia to use penalty mail; to the Committee on Post Office and Civil Service.

By Mr. BIBLE:

S. 4031. A bill to amend the Railroad Retirement Act of 1937 to remove limitations with respect to employment of annuitants with nonrailroad employers; to the Committee on Labor and Public Welfare.

By Mr. SPARKMAN:

S. 4032. A bill to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheel chair is regularly required; to the Committee on Banking and Currency.

By Mr. McGOVERN (for himself and Mr. BURDICK):

S. 4033. A bill to establish the Great Prairie Lakes National Recreation Area in the States of South Dakota, North Dakota, and Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGOVERN when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA (for himself and Mr. ANDERSON):

S. 4034. A bill to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MONTOYA when he introduced the above bill, which appear under a separate heading.)

S. 4027—INTRODUCTION OF BILL TO MODIFY THE PROJECT FOR KAW RESERVOIR, ARKANSAS RIVER, OKLA.

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill to modify the project for the Kaw Reservoir, Arkansas River, Okla., to provide for the construction of power generating facilities.

This legislation is recommended by the Department of the Army, and is intended to modify the Kaw Reservoir project which is currently under construction on the Arkansas River. The Kaw Reservoir was authorized by Public Law 87–074 substantially in accordance with the recommendations of the Chief of Engineers as set forth in Senate Document No. 143, 87th Congress. Initial construction funds were appropriated in fiscal year 1966, and the project cost is estimated as $86,600,000.

The installation of generation facilities in the Kaw project is not authorized at this time. The project document (S. Doc. No. 143, 87th Cong.), however, indicated that further study of the power aspects would be made concurrently with preconstruction planning of the project. In addition, the authorizing act provides:

> That penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineeds and the Federal Power Commission.

Studies made by the Corps of Engineers under the authority indicated above show that inclusion of power-generating facilities during the initial construction of the project is fully justified. Power revenues from the project will be sufficient to cover all costs of marketing and production and will amortize the investment allocated to power within 50 years. If the inclusion of generation facilities is authorized at this time the costs will amount to $7,300,000. However, if no authority is given to the Corps of Engineers to include generation facilities during the initial construction phase of the project, the cost to add generation facilities at some future time will be in the neighborhood of $8,200,000. Thus, the enactment of the bill I introduce today will bring about an initial savings of some $900,000 for the construction of generation facilities in the Kaw Reservoir.

The Corps of Engineers has recommended that a 25,000-kilowatt power installation be included in the initial construction of this project. The authority granted under the bill I introduce today would enable the Corps of Engineers to proceed with the construction of this generation facility. I, therefore, urge the enactment of this legislation.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred.

The bill (S. 4027) to modify the project for Kaw Reservoir, Arkansas River, Okla., to provide for the construction of power-generating facilities, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Public Works.

S. 4033—INTRODUCTION OF BILL TO ESTABLISH THE GREAT PRAIRIE LAKES NATIONAL RECREATION AREA

Mr. McGOVERN. Mr. President, I am privileged to offer an opportunity to the people of the United States by the introduction, for myself and the Senator from North Dakota [Mr. BURDICK], of a bill to create a 1.3-million-acre Great Prairie Lakes National Recreation Area in the Dakotas and Nebraska.

The proposed national recreation area will include over 850,000 acres of swimming-pure water with nearly 5,000 miles of shoreline—more than the Atlantic, the Pacific, and gulf shores in the United States—created by the great Missouri River reservoirs.

It will include many miles of the historic Lewis and Clark Trail, and scores of historic sites related to their exploration of the area, and to other historic frontier events.

It will touch several Indian reservations and give vacationers contact with several tribes of the original citizens of this land.

It will include a major national fishery resource, for the reservoirs behind the big dams are already swarming with pike, bass, crappie, catfish, shovel bills, and other species which alert fishermen are taking in great numbers. Last year's prize Northern pike was a 33-pounder. Several hundred in the 20- to 30-pound class were taken.

The lakes offer boating, and because of the purity of the water, swimming and water skiing. Unlike many of the Nation's lakes and streams the Great Prairie Lakes water is pure enough for bodily contact.

The Great Prairie Lakes National Recreation Area authorized by the bill which I have just introduced would be the major feature of a great recreational complex, bordering on Nebraska and extending through both Dakotas and Montana. It was proposed after an 18-month study by the Bureau of Outdoor Recreation. Most of the land—over 1.2 million acres—is already federally owned. Only about 70,000 acres will need to be acquired in the two States. In addition to the recreation area around the reservoirs, the Bureau has proposed a 15,000-acre Lewis and Clark prairie preserve in South Dakota, a 110-mile scenic river in Montana above the existing million-acre Charles M. Russell Game Range, and early completion of a scenic tourway up the river from Yankton, S. Dak., through North Dakota, following the Lewis and Clark route. The prairie preserve area is already owned by the Forest Service. The tourway is being created under existing highway programs through State and Federal cooperation. It will be a single, continuing portion of what is ultimately planned as a periphery road on both sides of the reservoirs.

The Bureau of Outdoor Recreation study of the area, pursuant to a resolution I proposed which was adopted by the Interior and Insular Affairs Committee in 1966, describes the middle Missouri as a tremendous recreational asset of importance to the whole Nation. The Bureau's report said:

> Probably never again will such an opportunity to reserve such a sizeable tract of land and water for the future recreation benefit of our children and their progeny present itself.
>
> Nowhere else in the country can one find vast water resources coupled with broad expanses of open space, attractive scenery, excellent fishing and hunting . . . The area abounds with historical sites which trace our country's growth from the days of the great Indian Nations through the coming of the White Man to the present day.
>
> Because of the magnitude of the available recreation resource, the area is of significance to the entire Nation.
>
> The implementation of this report would be a major contribution toward improving the total environment of the North Central part of the United States in the 1970's as well as providing for the impact of people which has not yet manifested itself upon the area which is bound to come.

The measure I have introduced was drafted at my request. It deals only with the national recreation area, which involves the Dakotas. Separate legislation will be required for the scenic river in Montana, and I know that the Senators from Montana are studying the matter and will deal with it.

I am introducing the recreation area legislation late in this Congress in order to get specific legislation before all concerned this fall, provide time for it to be studied, and for any suggestions for amendment or modification to be made in time for serious consideration of the measure next year.

The Bureau of Outdoor Recreation proposal is now before the States and agencies concerned for review and comment. I hope they will be able to review this draft legislation, also, and provide us with any suggestions they may have so they may be considered for inclusion in a revised bill in January.

I take a great deal of pride and satisfaction in offering the Great Prairie Lakes National Recreation Area bill, Mr. President.

It is a farsighted concept which gives the Nation an opportunity to create a large recreational facility which will have great immediate value, but ever-increasing value to the Nation as population grows. Unlike the seashore areas we have created of late, at great expense, the cost of this gigantic recreation complex on the middle Missouri will be comparatively modest. It will maximize the Nation's return from its investment in the multiple-purpose Missouri River dams by providing for the fullest use of the recreational values they have created.

The additional costs for recreation, invested now in advance of great population pressure, will be very low compared to the cost of equivalent facilities or other sea or lake shores where population and use pressure has already skyrocketed land values.

I am sure that the Dakotas will benefit from the tourism and trade the recreation area will create. I can foresee a billion-dollar tourist and vacation industry in my own State and comparable economic activity in the other States involved.

The whole Nation will benefit not only in recreational opportunities, but in the regional economic growth which will result. The Dakotas are one source of the heavy outmigration which now concerns our metropolitan areas and the business opportunities this national recreation complex will create will help to stem that migration.

A Great Prairie Lakes National Recreation Area will not only create related business opportunities in the upper Great Plains, it will increase the attractiveness of the area for other business activity and make a real contribution to a better rural-urban balance in the Nation as a whole.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred.

The bill (S. 4033) to establish the Great Prairie Lakes National Recreation area in the States of South Dakota, North Dakota, and Nebraska, and for other purposes, introduced by Mr. McGOVERN (for himself and Mr. BURDICK), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 4034—INTRODUCTION OF BILL TO AUTHORIZE LONGER TERM LEASES OF INDIAN LANDS ON THE PUEBLOS OF COCHITI, POJOAQUE, TESUQUE, AND ZUNI, IN NEW MEXICO

Mr. MONTOYA. Mr. President, today I introduce a bill on behalf of myself and my distinguished colleague, the senior Senator from New Mexico [Mr. ANDERSON], to provide long-term leasing authority to the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, N. Mex.

Mr. President, the resources of these pueblos are vast. However, in order to develop these resources as fully as possible, outside investment is essential. This investment would provide new jobs and thereby help develop agricultural and industrial potential. Although at the present time, these pueblos can lease their land for short terms, these limited periods reduce the possibilities for the lessee since he does not want to make large investments when he may be unable to make a profit within the time given. Long-term leases, on the other hand, do encourage interested investors to go into the reservations and to make long-range improvements, because they feel that it is worth while considering future returns. This type of investment usually results in accelerated economic development because the planning is more comprehensive.

Authority permitting long-term leasing has already been given to other Indian reservations, greatly increasing their economic development. Perhaps the most dramatic example of the difference created by long-term leases is that given by the Assistant Commissioner of the Bureau of Indian Affairs, Mr. Theodore S. Hoffman, when he pointed out that one tribe prior to the granting of 99-year lease authority had an annual lease income of $170,000, mostly from 5-year leases. Following the legislative act giving them permission to negotiate long-term leases, tribal income from leased lands increased to over $1,708,000, in addition to the millions spent in improvements on leased lands that will eventually revert to the Indians.

In view of these benefits, this measure which Senator ANDERSON and I are introducing today opens the doors to further development and the solution of immediate economic problems. These pueblos have among the highest unemployment rates in the Nation. Industries would have at their disposal a ready labor supply that has long been known for its skills.

With the new jobs provided by industries developed on a long-range basis, Indians would have an improved standard of living and be more ready to take advantage of educational and self-improvement programs. They would also learn new skills necessary in the automated world. Although existing communications and power systems are adequate for present conditions, the industries would doubtlessly improve them in the course of their development.

Improvement projects on agricultural lands would be undertaken by lessees if they believed that they would have use of the lands long enough to benefit fully from major investments. Such possible projects include the irrigation of fallow farm land and grazing land, as well as the construction of agricultural installations, buildings, fencing, and so forth. This bill would give these Pueblos the opportunity to compete with owners of non-Indian lands in leasing to those interested in making these agricultural and economic improvements.

Long-term leasing would also appeal to those interested in building tourism. There are several historical sites which could be publicized and developed more completely as tourist attractions. For example, there are old tribal ruins, areas rich in history of the Spanish conquest, and vast scenic areas.

There would be an open invitation for the construction of motels, restaurants, gas stations, arts and crafts shops, as well as businesses to take care of related needs for tourist and campers.

As I have already pointed out, Congress has granted other tribes the authority to make long-term leases. This authority has helped the Indians overcome many of the problems affecting them, since the majority are basically economic. There is every reason to give these additional pueblos the same opportunity to attract investments. With more investments, they will be able to increase their rate of progress, and with the modernization that would come with more industry and new agricultural installations, they would be able to keep pace with the developments in the Southwest and over the country on private lands.

The Indian population of our State is very important to us and we feel strongly that their interests should be given just consideration. These Pueblos have important contributions to make to New Mexico and to the United States. Let us give them the opportunity to do this by enacting this bill. We must remember the needs of a modern society and the requirements of modern investors. Short-term leases are impractical. They certainly do not encourage the development that would be brought in with the offer of long-term leases. We must think ahead in order to solve the problems on a permanent basis.

Mr. President, because of the press for adjournment and the urgent need to enact this measure, I call upon the Senate Committee on Interior and Insular Affairs to act upon this bill promptly. This is not a new problem or concept for the committee. The committee has been extremely sympathetic to the need for long-term leases for all tribes and has so expressed itself. The House is presently taking action on a House companion bill, and I urge the Senate committee to likewise act upon this Senate bill to permit final congressional action before adjournment for the national elections in November.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4034) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico, introduced by Mr. MONTOYA (for himself and Mr. ANDERSON), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 4034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U. S. C. 415), is amended by inserting immediately after "the Fort Mojave Reservation," the following: "the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni,".

RESOLUTION

SENATE RESOLUTION 391—RESOLUTION MAKING CHANGES IN THE MEMBERSHIP OF CERTAIN STANDING COMMITTEES OF THE SENATE

Mr. DIRKSEN submitted a resolution (S. Res. 391) making changes in the membership of certain standing committees of the Senate, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, TO ALLOW CERTAIN DEDUCTIONS TO FARMERS—AMENDMENT

AMENDMENT NO. 955

Mr. ANDERSON. Mr. President, when the excise tax bill was before the Senate on March 27, an amendment nullifying the IRS regulation which would apply the unrelated business tax to advertising profits of tax-exempt organizations was introduced. IRS issued its regulation after lengthy study and exhaustive hearings. Without any hearings before either the Ways and Means Committee or the Senate Finance Committee, and without complete information, after very brief debate, the Senate passed this amendment. In the conference on the excise tax bill this provision was deleted, and I think wisely.

When the matter was before the Senate on March 27, I think we all must admit we knew very little about it. We did not know, for example, that we were opening up a loophole that could cost the general taxpayers $25,000,000 a year, and this at a time when we are raising taxes for everyone else.

When Congress passed the unrelated business tax in 1950, the major purpose of the law was to prevent unfair competition, and Congress gave discretion to IRS as to how the law was to be applied. Because advertising in tax-exempt publications had become such a severe abuse of the tax-exempt privilege, and had grown to an annual volume of well over $100,000,000, IRS could not be in the position of closing its eyes to the unrelated business tax passed by Congress in 1950. It correctly took the position that an advertisement appearing in the American Journal of Medicine, which pays taxes, and the same advertisement run in the Journal of the American Medical Association, which until the regulation was issued paid no taxes, should not be treated differently. The Service concluded that different treatment was unfair, and who could argue with that conclusion?

When the House conferees insisted on deleting the hastily passed Senate advertising rider in the excise tax bill conference, there was some conversation that the House might hold hearings, or that still another rider postponing the regulation for 1 year might be introduced in the Senate. Section 5 of H.R. 2767, the soil conversation bill, does just that. But this is not a postponement; it is an exemption for organizations like the U.S. Chamber of Commerce, the National Geographic Society, the American Society for Metals, the American Chemical Society, the Cincinnati Chamber of Commerce, the National Retail Hardware Association, the American Medical Association, and a host of others which ought to be the first to express their willingness to support free enterprise and pay a tax on any profits they might make in the competitive advertising business.

It is my opinion that Congress is going to reaffirm IRS when hearings are held. Certainly, we did not bestow the tax-exempt privilege on organizations to become tax sanctuaries, competing actively with taxpayers. If we do not reaffirm IRS, we will be giving franchise to nonprofit organizations to go into all sorts of business and we may well be killing the Unrelated Business Tax Congress passed in 1950.

There is an alternative to section 5; and that is to make any decision which Congress may make next year retroactive to the date IRS issued its regulation, so that the tax would not be payable at all if Congress so decided next year.

Certainly there is no need for us now to prejudge this case by postponing for still another year a tax on profits made in a commercial advertising business by a nonprofit organization. Let us face it. If section 5 remains in the soil conservation bill, and my amendment would strike section 5, we are handing out $25,000,000 in tax exemptions to trade associations and professional societies for the year of 1968. But suppose next year that Congress does reaffirm IRS as I believe it will? What earthly purpose would there be in postponing now the revenue which would be collected if the IRS regulation stands as it is?

As I stated, I do not believe we will disturb the IRS regulation after hearings have been held and we have looked into the matter, and if we are going to reaffirm IRS, then we ought not to distribute a possible $25,000,000 tax exemption to the American Medical Association, the U.S. Chamber of Commerce, the National Geographic Society, and other organizations, at a time when we are asking every taxpayer in the country, large and small, to pay 10 percent more.

It would seem to me that the wisest course would be to let the IRS regulation stand as it is, to hold hearings, to let the normal congressional process work. We ought not to be opening up more tax loopholes, which is what we will be doing if we let section 5 stand. That is why I urge the Senate to vote for my amendment which would strike section 5.

I submit, on behalf of myself, Mr. METCALF, Mr. FULBRIGHT, and Mr. MORTON, an amendment, intended to be proposed by us, jointly, to the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

The PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table.

GUN CONTROL ACT OF 1968—AMENDMENTS

AMENDMENTS NOS. 956 AND 957

Mr. COTTON submitted two amendments, intended to be proposed by him, to the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 958

Mr. ALLOTT (for Mr. DOMINICK) (for himself, Mr. ALLOTT, Mr. BIBLE, Mr. CANNON, Mr. CURTIS, Mr. FANNIN, Mr. HANSEN, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. McGOVERN, Mr. MUNDT, Mr. MURPHY, and Mr. TOWER) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 3633, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 959 THROUGH 962

Mr. HRUSKA submitted four amendments, intended to be proposed by him, to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR FROM NEW YORK—ADMINISTRATION OF OATH

Mr. JAVITS. Mr. President, I present the certificate of appointment of the Honorable CHARLES E. GOODELL as a Senator from the State of New York.

The PRESIDENT pro tempore. The certificate will be read.

The certificate of appointment was read and ordered to be placed on file, as follows:

STATE OF NEW YORK,
Executive Chamber.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New York, I, Nelson A. Rockefeller, the Governor of said State, do hereby appoint Charles E. Goodell, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Robert F. Kennedy, is filled by election as provided by law.

Witness: His excellency our Governor Rockefeller, and our seal hereto affixed at Albany, New York, this tenth day of September, in the year of our Lord 1968.

By the Governor:

NELSON A. ROCKEFELLER,
Governor.
JOHN P. LOMENZO,
Secretary of State.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. GOODELL, escorted by Mr. JAVITS, advanced to the Vice President's desk; the oath of office prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the official oath book. [Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes for the purpose of greeting our new distinguished colleague.

The PRESIDENT pro tempore. Without objection, it is so ordered.

At 12 o'clock and 34 minutes p.m. the Senate took a recess until 12 o'clock and 39 minutes p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer [Mr. HARRIS in the chair].

COMMITTEE ASSIGNMENTS

Mr. DIRKSEN. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 391) as follows:

S. Res. 391

Resolved, That the Senator from Massachusetts [Mr. BROOKE] and the Senator from Illinois [Mr. PERCY] are hereby excused from further service on the Committee on Aeronautical and Space Sciences; that the Senator from Oregon [Mr. HATFIELD] is hereby excused from further service on the Committee on Agriculture and Forestry; and that the Senator from Wyoming [Mr. HANSEN] and the Senator from Tennessee [Mr. BAKER] are excused from further service on the Committee on Government Operations; and be it further

Resolved, That the Senator from Illinois [Mr. PERCY] and the Senator from Massachusetts [Mr. BROOKE] be and they are hereby assigned to service on the Committee on Government Operations; that the Senator from Oregon [Mr. HATFIELD] be and he is hereby assigned to service on the Committee on Aeronautical and Space Sciences; that the

Senator from Wyoming [Mr. HANSEN] be and he is hereby assigned to the Committee on Commerce; that the Senator from Tennessee [Mr. BAKER] be and he is hereby assigned to service on the Committee on the Judiciary; and that the Senator from New York [Mr. GOODELL] be and he is hereby assigned to service on the Committee on Agriculture and Forestry and to the Committee on Aeronautical and Space Sciences; and be it further

Resolved, That the assignment of Minority members to service on the Committee on Foreign Relations be as follows: Messrs. HICKENLOOPER, AIKEN, CARLSON, MUNDT, CASE, COOPER, and WILLIAMS of Delaware.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (S. Res. 391) was considered and agreed to.

THE NUCLEAR NONPROLIFERATION TREATY

Mr. GORE. Mr. President, political tensions, political strains, and political motivations characterize an election year in the United States. To state this obvious fact is not to condemn it. It is rather to recognize and acknowledge the situation in which the Senate must now act.

Nevertheless, the world does not stand still while the United States elects a President.

There are certain matters so vital to America's internal vitality and to external security that action on them simply must not be postponed while a few men vie for the U.S. Presidency. I refer in particular to the Nuclear Nonproliferation Treaty that is now pending in the Senate Foreign Relations Committee.

It has been suggested, Mr. President, that ratification of this treaty be postponed until next year or until such time as the attitude of the Soviets toward other nations in Eastern Europe be clarified. I urge that those who have advanced these suggestions reconsider and withdraw them.

I hope it is possible for me to suggest that consideration of this treaty should be devoid of partisanship while freeing myself of such motivations. I am surely free of such an intent, and this is by no means a new attitude on my part.

Indeed, Mr. President, it has been my pleasure and honor while representing the Senate as delegate-adviser over a period of years to the nuclear weapons test conference and to the 18-Nation Disarmament Conference to work in a nonpartisan manner with a series of distinguished Republican statesmen through three Presidential administrations.

I first went to Geneva as a delegate to the nuclear weapons test conference in 1958. At that time, President Eisenhower's ambassador and chairman of the U.S. delegation in Geneva was the Honorable James Wadsworth. Another distinguished member of the minority party with whom it was a pleasure to work in a thoroughly nonpartisan way, was the Honorable John McCloy.

President Kennedy named the Honorable Arthur Dean, an able New York diplomat and lawyer, as his ambassador to the nuclear weapons test conference. Our working relations were easy and pleasant with never a partisan tinge.

During President Johnson's administration I have worked with Ambassador William Foster, himself a distinguished member of the minority party.

With all of these men, as well as with my distinguished counterpart on the Senate Foreign Relations Committee, the very distinguished senior Senator from Iowa, the Honorable BOURKE HICKENLOOPER, the work has been pleasant and entirely free of partisanship.

It is in this spirit and from 10 years of bipartisan experience in this delicate but important field that I urge my colleagues and that I urge candidates for President and Vice President to keep this matter of nuclear weapons free of partisan politics. The national interest requires it.

The search for some formula to control the spread of nuclear weapons has been an important and urgent task for three administrations. President Eisenhower stressed that one of the purposes of a test ban agreement was to control the spread of nuclear weapons. The late Secretary of State, John Foster Dulles, emphasized the pressing problem of nuclear proliferation before the United Nations General Assembly in October of 1957. Mr. Dulles said:

> We want to end the risk that nuclear weapons will be spread promiscuously throughout the world, giving irresponsible persons a power for evil that is appalling to contemplate.

Mr. President, the late President Kennedy stated in March of 1963 that in the 1970's the President of the United States might be forced to face a world "in which 15 or 20 or 25 nations" would have nuclear weapons. President Kennedy regarded such a situation as "the greatest possible danger and hazard" to the United States.

During the discussion and debate on the limited test ban treaty President Kennedy stressed that the partial test ban would inhibit the spread of nuclear weapons and cited this fact as a major justification for Senate approval of the treaty. That approval was given when the Senate gave its advice and consent to the partial test ban in 1963. President Kennedy and the overwhelming majority of Senators who voted for the test ban treaty were of the hope that this treaty would open the way to an agreement to prevent the spread of nuclear weapons.

I remind my colleagues that in 1966, 99 Senators declared themselves in favor of Senator PASTORE's resolution commending the President for his serious and urgent efforts to negotiate an international agreement limiting the spread of nuclear weapons. Are we now to turn our backs on all that we have professed to believe and many of us have fought for?

Now after 4 years of careful and arduous negotiations, the efforts of three administrations are threatened by an injection of partisanship. I earnestly urge the inadvisability of this and urge its withdrawal.

Eighty-one nations have already signed this multilateral treaty, including the Soviet Union and Great Britain. The prospects for even wider adherence are bright indeed. Despite this great promise, the nonproliferation treaty is now threatened even in this country if it is thrust into the passions of a political campaign.

Even if the suggestion is not withdrawn, the U.S. Senate cannot afford to yield, must not yield to it.

If ex cathedra statements of foreign policy by presidential candidates are to become substitutes for the judgment of Members of the Senate we will have moved a long way toward alteration of our system of government.

If candidates for President wish to present views on the nonproliferation treaty and persuade the Senate that it should defer action on the treaty there is a proper forum.

That forum is the Committee on Foreign Relations.

I am sure there would be no difficulty in arranging for any presidential candidate to express his views in public to the committee where his views can be tested by elected representatives of the people.

This treaty did not, before Czechoslovakia—and does not now after Czechoslovakia—signify that the Soviet Union had abandoned the basic objectives of Soviet foreign policy. We did not conclude the treaty on the basis of any such assumption. I do not base my support of this treaty on any mistaken belief that Soviet adherence to the treaty indicates Soviet communism has abandoned its ambitious designs any more than I think our ratification of it would constitute an endorsement of Communist moves or motives.

The Soviet Union, for her part, joined in negotiating this treaty, I take it, for the same reason that we did—her security interests.

We and they have a common interest in the avoidance of nuclear war. And the reason is a simple one; we and they have the most to lose and suffer from a nuclear war. We also have a mutual interest in avoiding the further spread of nuclear weapons.

Among other things, the Czechoslovakian invasion serves to remind any who may need reminding of the nature of those who lead the Soviet Union, and of the steps which they are prepared to take to achieve their objectives.

But Soviet repression in Czechoslovakia does not change the basic reasons for support of this treaty. The reasons justifying our adherence to the treaty today are unchanged from what they were when it was negotiated. It is in our own national interest to discourage the proliferation of nuclear weapons.

Although we condemn, and rightly so, the action taken by the Soviet Union in Czechoslovakia, this Soviet aggression does not lessen the necessity to take such action as may be available to us to prevent an increase in the number of nations possessing the power to plunge the world into a nuclear holocaust.

The world is looking to the United States for further leadership in this dangerous matter. We have the obligation to provide the leadership.

Next Tuesday, Mr. President, the Senate Foreign Relations Committee has scheduled a vote on this pending treaty. I shall then move that the nonproliferation treaty be favorably reported to the Senate. More is here at stake than a national political campaign. I trust my colleagues will bear in mind that our responsibilities here go far beyond the inauguration in January; our responsibilities go to the very future of our children and to the future of mankind.

CENTRAL ARIZONA PROJECT—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report to the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1004) to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 5, 1968, pp. 25815-25823, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

PRIVILEGE OF THE FLOOR

Mr. JACKSON. Mr. President, I ask unanimous consent that members of the staff who are involved in the pending conference report be permitted the privilege of the floor during consideration of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, the House of Representatives amended the bill as passed by the Senate by striking all after the enacting clause and substituting the text of a new bill. The House version retained most of the substance of the provisions of the Senate bill. However, in a number of cases the House included modifications reflecting different points of view and recent developments in negotiations among the States involved. In addition, the House version included provisions which extended the scope of the bill to matters which were not included in the Senate version at all.

The conference report represents a sound compromise worked out during seven meetings of the conferees. The two versions of this very complex bill were examined in detail by the conference committee and the report which I present today should, in my judgment, be acceptable to all of the many States and interests which are involved. It is, I believe a sound and constructive culmination of a very difficult problem which has been before the Congress for more than two decades.

The bill recommended by the conference committee will authorize construction of the central Arizona project without any hydroelectric dams on the lower Colorado River. It will establish a Lower Colorado River Basin development fund to assist in the repayment of the costs of water resource development in the basin. It will authorize construction of five Upper Colorado River Basin projects, conditionally authorize one more, and provide for a study program leading to future development in the upper basin. It will provide needed financial assistance and authorize additional appropriations for the Dixie project in Utah. It will establish guidelines for the operation of existing storage reservoirs on the Colorado River. It will provide for water supply studies of the long-range problems of the Southwest and simultaneously establish a moratorium on importation studies which threaten the water resource potential of other regions. Finally, it will make the satisfaction of the requirements imposed upon the Colorado River by the terms of the treaty with Mexico a national obligation, but it will provide important safeguards concerning the timing and extent of that obligation.

The conference committee recommends that the Senate adopt the compromise version of the bill. The significant points on which the conference committee's version differs from the bill as passed by the Senate are as follows:

TITLE I

Section 101: The title of the measure is the "Colorado River Basin Project Act" and reflects the expanded scope of the measure which now goes beyond authorization of the central Arizona project.

Section 102: This section, which was not included in the Senate version, expresses the intent of the Congress regarding this legislation.

TITLE II

This title involves investigation and planning work which was not included in the provisions of the Senate version. The language recommended by the conference committee is a compromise, and is significantly different from the provision of the House version.

Section 201: This section directs the Secretary of the Interior to conduct, under his existing general authority as set forth in reclamation law, full and complete reconnaissance investigations to develop a general plan to meet the future water needs of the States lying wholly or partly west of the Continental Divide. These investigations are to be coordinated with the studies presently underway under the provisions of the Water Resources Planning Act of 1965.

This directive to the Secretary is not intended to change the existing relationships among the Federal agencies with regard to the river basin commissions or other entities performing the function of a river basin commission which are presently involved in conducting comprehensive water resource planning in the Western States. The directive is not intended to add to or detract from the scope of the planning work being conducted under the provisions of the Water Resources Planning Act, nor is it intended to change in any way the means of financing that planning work. The only impact which this legislation might have upon the studies being conducted under the Water Resources Planning Act would be that, to the extent practicable, the methods and procedures used in those studies would be adjusted to facilitate the use of data and results in the investigation directed herein.

The Secretary of the Interior under the direction provided in this measure would perform whatever additional reconnaissance level investigations are necessary to complete the comprehensive reconnaissance report required by this measure. These additional studies would be funded by appropriations authorized by title 204 of this act. The final report is to be completed by June 30, 1977.

Under existing provisions of reclamation law the Secretary has the authority to perform reconnaissance studies subject only to appropriation of funds for the work. A provision of section 201, as recommended by the conference committee, however, would restrict the Secretary's authority for a period of 10 years to prohibit him from undertaking reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River.

This prohibition will provide a 10-year moratorium on efforts to initiate such studies. It will give adjacent basins the time to inventory their future water needs and supplies, and it will provide time for technological advances and research into the complex water supply and water quality problems now being approached by new programs at local, State, and Federal levels.

During the moratorium, studies can proceed within the river basins of the West to define problems and plan projects. Within the States enumerated above, studies can proceed of potential augmentation by desalting of sea water, weather modification, and water transfer from the northern California region of abundant water supply.

Section 202 declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation. If a means of augmentation is found to be feasible and when an augmentation project has been authorized by the Congress and is in operation, the first obligation of such a project will be the satisfaction of the treaty requirement. While such a project is in operation of a size sufficient to supply the water requirement of the treaty and associated losses, the States of the Colorado Basin will be relieved of their obligations under the Colorado River compact to supply water for delivery to Mexico.

Section 203 provides protection to any areas from which water may in the future be imported to augment the Colorado River. It provides a prior right over the export project to all present or future uses in such areas of origin in perpetuity.

Section 204 authorizes appropriations in the amount necessary to carry out the provisions of title II.

TITLE III

This title includes the provisions authorizing the central Arizona project.

The physical features and other provisions of the central Arizona project authorization are, with a few exceptions, identical to those included in the Senate version of the bill.

Section 301(a) authorizes construction of the central Arizona project. It differs from the Senate version in the following ways:

First. The Senate version would authorize a Granite Reef Aqueduct having a capacity "of not less than 3,000 cubic feet per second." While the House version would authorize a capacity "not to exceed 2,500 cubic feet per second." The conference committee recommends compromise language authorizing a canal which "may have a capacity of 3,000 cubic feet per second or whatever lesser capacity is found to be feasible" along with language regulating the permissible time of operation of the capacity of the canal above 2,500 cubic feet per second.

It was the intention of the conference committee that the Granite Reef Aqueduct capacity be authorized to be 3,000 cubic feet per second. The qualifying phrase "or whatever lesser capacity is found to be feasible" is intended only to provide latitude for the Secretary to decrease the size of the aqueduct if compelling unforeseen technical or financial reasons are discovered during detailed preconstruction surveys which would make such a reduction in the best interest of the project beneficiaries.

Second, the conference committee recommends adopting the language of the House version concerning the Hooker Dam in New Mexico. The Senate and House versions both would authorize the construction of this feature of the central Arizona project, however, the House version would authorize Hooker Dam and Reservoir "or suitable alternative." This language would provide the Secretary with an opportunity to reevaluate the potential reservoir sites on the Upper Gila River in New Mexico. The conference committee believes that it is appropriate to provide latitude for further study of the alternatives.

Section 301 (b) and (c): These sections provide California a priority of right to water of the Colorado River over the central Arizona project in perpetuity or unless augmentation works are in operation which insures that 7.5 million acre-feet of water annually are available in the Lower Colorado River for use in California, Arizona, and Nevada. This language was adopted, instead of the language of the Senate version, limiting the priority to a term of 27 years, as part of a compromise between Arizona and California on provisions which primarily affect those States.

Section 302: This section provides certain reimbursements and privileges to the Salt River Pima-Maricopa Indian and the Fort McDowell-Apache Indian communities in return for land which will be required for the construction of the Orme Dam and Reservoir of the central Arizona project. The Senate version did not include specific provisions for such compensation. The provisions recommended by the conference committee, although still liberal, represent a considerable reduction from those of the House version. The cost of the compensation will become part of the land acquisition costs of the central Arizona project and as such will be subject to repayment by the project beneficiaries under the provisions of reclamation law.

Section 303: In both the Senate and House versions of the bill, the Secretary of the Interior is authorized to enter into arrangements with non-Federal utilities to acquire by prepayment of costs the right to capacity in large thermal-electric powerplants. Pumping power required for the central Arizona project would be obtained in this manner to eliminate the necessity for the construction of hydroelectric dams on the lower Colorado River.

The conference committee recommends the adoption of language which would authorize such prepayment arrangements but including language of the House version which provides for further study and a report by the Secretary of alternative sources of such power. The Secretary, however, is not permitted to consider hydroelectric dams in the Colorado River among these alternatives. If prepayment is recommended, the Secretary is authorized to proceed without further congressional action.

The conference committee further modified the language of this section to provide for the possibility that prepayment arrangements involving more than one thermal powerplant may be found to be advantageous to the Federal Government. If so, the Secretary is authorized to enter into agreements in more than a single plant.

Section 304: The conference committee adopted language of the House version which was not included in the Senate version to provide for further exchanges to New Mexico of Colorado River water for Gila River water in the amount of 30,000 acre-feet annually if the Colorado River should be augmented such that sufficient water in excess of 2,800,000 acre-feet per year for consumptive use in Arizona is available to meet the requirement of the exchange.

Section 305: This section was adopted from the House version. It provides that, in the event augmentation is implemented, the Secretary is directed to the extent possible to make 7.5 million acre-feet of water available to the Lower Colorado River Basin water users at the same cost and terms as if main stream water were available to supply all of this consumptive use. The costs of the augmentation water in excess of the charge to the water users would be assigned to the Mexican treaty obligation as provided in this bill or repaid from the development fund established by this bill.

Section 306: The conference committee recommends adoption of the House language which is similar to language of the Senate version authorizing the Secretary to undertake water salvage programs on the Colorado River. The Senate language, however, did not make such programs mandatory as does the adopted language.

Section 307: Both versions of the bill provided for the integration of the authorized Dixie project in Utah into the Lower Colorado River Basin Development Fund which would be established by this bill. The House version also provides for an increase in the amount authorized to be appropriated to construct the project. Geologic conditions discovered during preconstruction planning necessitated revisions in the project plan, and both repayment assistance and increased appropriations are necessary to make the Dixie project viable. The conference committee recommends adoption of the House version.

Section 309: The amount authorized to be appropriated for construction of the central Arizona project is $832,180,000—which is the amount included in the Senate version indexed to April, 1967 price levels—plus $100,000,000 for distribution systems. These figures are in accord with the cost estimates for the project including a main aqueduct capacity of 3,000 cubic feet per second.

TITLE IV

This title establishes a Lower Colorado River Basin development fund which will receive surplus revenues from Hoover Dam, the Parker-Davis project, the Pacific Northwest-Pacific Southwest Intertie, and the central Arizona project. The development fund would provide repayment assistance to the central Arizona project and the Dixie project and help finance future water resource development in the Lower Colorado River Basin. Both the Senate and House versions included provisions establishing such a fund. The language recommended by the conference committee differs from the Senate version in the following points:

Section 401. This section provides for the allocation of costs of projects authorized in this act or in the future to various purposes including "the replenishment of the depletion of the Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States." It further provides that the costs allocated to the Mexican Treaty replenishment shall be nonreimbursable.

These provisions were not included in the Senate version. The conference committee recommends the adoption of the House version but with a proviso prescribing the method of making the allocation to the replenishment of the Mexican Treaty deliveries. This proviso would require a pro rata allocation of the costs of any augmentation works based upon the ratio of water supplied for the treaty replenishment to the total capacity of the augmentation works. This method of allocation will insure that the costs borne by the general public under the provisions of this bill will not exceed an equitable part of the total cost of any augmentation proposal.

Section 403: The provisions for operation of the development fund differ from those of the Senate version in that first, repayment assistance for the central Arizona project is restricted to surplus revenues from the intertie and those derived from the sale of power and energy from the Boulder Canyon and Parker-Davis projects for use in Arizona; and, second, the revenues remaining in the development fund after making payments provided for in the bill are dedicated to the financing of augmentation works which may be authorized in the future. The Senate version, first, made development fund revenues from all sources available for assistance to the central Arizona project; and, second, provided that the remaining revenues would be available to assist future water resource projects in the basin, not only augmentation projects.

Section 404: This section requires the Secretary to submit annual progress reports on project costs and repayment which were not required in the Senate version.

TITLE V

This title authorizes construction and feasibility studies of projects in the Upper Colorado River Basin. Both the Senate and House versions included such provisions. The version recommended by the conference committee differs from the Senate version in the following points:

Section 501: In addition the five upper basin projects which were authorized for construction in the Senate version, the Uintah unit of the central Utah project would be conditionally authorized. Construction of the unit could not be initiated, however, until the Secretary has submitted a feasibility report to the Congress and the Congress has authorized the appropriation of funds for the construction.

A proviso is included requiring the planning report for the Ute Indian unit of the central Utah project to be completed on or before December 31, 1974.

Appropriations in the amount of $392,000,000 are authorized for the construction of five upper basin projects. This is the amount authorized in the Senate version indexed to Aril 1967 construction price levels.

A proviso is included which requires that the Secretary proceed as nearly as is practicable with the construction of five upper basin projects concurrently with construction of the central Arizona project.

In the administration of projects authorized by this act or by the Colorado River Storage Project Act that are within or for the sole benefit of Colorado, the Secretary is required to comply with the laws of Colorado with respect to priority of appropriation and with respect to Federal and State court decrees entered pursuant to such laws, in the diversion and storage of water. The committee understands this requirement to mean that diversion and storage rights for these projects will be junior to existing rights recognized under Colorado law. This is merely a reaffirmation of the rule of law that would apply in any event. The Secretary is also directed to obtain the approval of the State of Colorado to any operating principles he may decide to adopt for these projects. The Secretary is not required, however, to adopt any operating principles. The commmittee does not intend this language to interfere with the executive discretion of the Secretary in contracting for the sale and distribution of water.

TITLE VI

This title covers general provisions, definitions, and conditions.

Section 601: A provision has been added—subsection 601(c)—which was not in the Senate version. Under the terms of subsection (c) any affected State may institute suit in the U.S. Supreme Court, and the United States may be joined as a party, in the event that any Federal officer or agency fails to comply with the provisions of the act or with the laws, treaty, interstate compacts, and court decree named in subsection (a) of section 601. The committee understands that this subsection relates to the storage and release of water from all Federal reservoirs and to the operation and maintenance of all Federal facilities in the Colorado River system from sources outside the drainage area of that system.

Section 602: This section provides guidelines for the establishment of operating criteria for the existing storage reservoirs on the Colorado River. Language which was not in the Senate version has been included to recognize the possibility of future augmentation of the river. The deadlines for the proposal and adoption of the criteria have been postponed in recognition of the probable time of enactment of this measure.

Section 604: A proviso has been deleted which was included in the Senate version requiring that the sale or disposition of power obtained by prepayment for the central Arizona project and surplus to the project requirements shall be in accordance with the provisions of section 9 of the act of August 4, 1939, as amended. It is the understanding of the conference committee, however, that such sales of project power will be made in conformance with the provisions of section 9 of the 1939 act and that the provision is unnecessary in this bill.

Section 605: This section removes a portion of the Lower Colorado River from the licensing authority of the Federal Power Commission. The intent of the section is to retain congressional control over future decisions concerning construction of hydroelectric dams in the vicinity of the Grand Canyon. The Senate version made this provision applicable to the reach of the river between Lake Mead and the present western boundary of the Grand Canyon National Park. The version recommended by the conference committee would extend the reach to include all of the river between Hoover Dam and Glen Canyon Dam.

Section 606: A definition of the term "augment or augmentation" has been added which was not previously required in the Senate version because no augmentation provisions were included in the bill.

Mr. MAGNUSON. Mr. President, I take this opportunity to express my personal admiration for the outstanding leadership of my friend and colleague, Senator **Jackson**, in gaining conference committee agreement on the language of the central Arizona project and Colorado River Basin project legislation.

For many, this outstanding accomplishment will undoubtedly be obscured by the more "dramatic" developments of the day. This is unfortunate because the conference committee under the leadership of Senator **Jackson** has struck a dramatic blow for comprehensive planning of resource use in the United States. The implications go far beyond the immediate problems of the Southwest or the Northwest.

The House bill specifically authorized and directed studies for diverting water from the Northwest and other areas into the Colorado River. Not only was Senator **Jackson** successful in seeing that this provision was stricken from the final legislation, but he was also successful in obtaining agreement on new legislative language which would eliminate for a period of 10 years the Secretary of Interior's existing authority to make specific studies of water diversion proposals in the Western States.

The 10-year moratorium will provide the States of the Pacific Northwest with the time to complete the comprehensive inventory of their land and water resources which are now in progress. It will provide time to complete long-range plans for the development of water resources—plans which are based on sound and adequate data and which have been carefully considered. It will remove the threat which compels us to use our water or lose it regardless of whether we have had time to evaluate the best use. In short, it gives us an opportunity to study our own water problems and our own pollution problems without having the threat of diversion constantly present.

As Senator **Jackson** has said, the next 10 years should represent a period of relative peace in the West on the issue of water diversion. The legislation as now written will shift the emphasis from the argument over whether water diversion represents a cure-all solution of Southwest water problems to an active effort of the Federal Government to look at all the possible solutions. This is really all that we in the Pacific Northwest have been urging for so many years. Through his uncommon expertise and determination, Senator **Jackson** has ushered in a new period of enlightenment during which the Federal Government will look at the total picture of water use in the western part of the United States. It is a recognition that diversion may not be the panacea for Southwestern water problems and rather that we must look at all the pieces of the puzzle and answer hard questions regarding the total water needs of the Western States without focusing attention on only one problem area. It will provide for a systematic approach—the study will be concerned with present water resources in each river basin, but equally important it will evaluate present and prospective requirements of the areas within and contiguous to the river basins in question.

Once again, let me say that we in the Northwest are very happy with the results of this conference. But this is not merely a sectional or regional victory. It is a triumph for the entire United States because it establishes a standard which can be utilized in disputes over water which may arise in the future and because it may lead to the solution of a controversy which has plagued the entire West for decades.

Mr. ANDERSON. Mr. President, today we are approaching the achievement of a major water resource goal which has been under active consideration by the Congress intermittently for two decades. Approval of the central Arizona project, which represents Arizona's stake in the overall development of the Colorado River Basin, has been the dream of the senior Senator from Arizona [Mr. HAYDEN] for a much longer time. Ever since I became privileged to serve the State of New Mexico in the U.S. Senate, I have concentrated my own efforts toward realizing the full potential offered the arid Southwest by full and wise development of the water resources of the Colorado River Basin.

The way has been difficult. Bills passed the Senate in both the 81st and 82d Congresses, but even then the complexity of the issues and their importance to the Basin States made it impossible to achieve an acceptable solution. Twelve years of litigation in the Supreme Court were necessary to resolve only one part of the controversy.

With the passage of years, the population growth of the lower Colorado River Basin has been tremendous. The issues have become more complex and have included wider areas. Concern over the proposal is now westwide and even national in scope. At times the conflict has seemed insurmountable.

Because of this history, I am particularly gratified at the wide acceptance which the conference report has achieved. I fully support the compromise recommended by the conference committee and I consider it a great accomplishment in water resource legislation.

The conference committee's bill provides for the construction of the central Arizona project works which will permit Arizona to obtain the water it has established a right to and which will provide the only foreseeable additional water to southwestern New Mexico. At the same time, the bill takes definite steps toward finding solutions to the long range water shortages which face the Colorado River Basin. The provisions for a basic study of future water supply in the Western States and for the Federal assumption of the Mexican Water Treaty obligation are the key to the continued expansion of the basin's economy. They are vital to all of the States of the basin.

The bill contains a number of other provisions, each of which is important in its own right. It authorizes a program of water resource project construction and investigation for the Upper Colorado River Basin; it established guidelines for the operation of the existing storage reservoirs on the Colorado River; and it resolves much existing controversy.

It is my hope that Senators will join me in my gratification that we have been able to achieve this compromise. I urge the acceptance of the conference report.

Mr. HAYDEN. Mr. President, I am very pleased that the House and Senate conferees have been able to reach agreement on the Colorado River Basin Act, authorizing the construction of the badly needed central Arizona project in my own State.

Although there have been years and years of hard work, both in and out of Congress, court suits—and some acrimonious comments between representatives of interested States—the bill now before the Senate is a good example of what can be accomplished when men of good will get together with a determination to reach a fair and equitable result.

The central Arizona project literally means life and continued prosperity to my State. This project is essential to maintain the growing economy of Arizona.

I think that development of a comprehensive water resources program for the Colorado River Basin, the establishment of a Lower Colorado River Basin Development Fund, and the authorization of projects in the Upper Colorado River Basin are all desirable and do much to recommend approval of the bill.

Certainly our efforts to obtain this legislation have been long and arduous. The bill that we have before us is a compromise measure, hammered out on the anvil of negotiation. As is invariably the case with the product of any negotiation, there are certain aspects of the final solution which some parties to the negotiation would prefer to have had compromised in a different fashion. S. 1004 as now before us is no exception; however, considered in its entirety, it is a good bill, and I urge favorable consideration and action.

The bill provides a "shortage formula" which gives California a priority over central Arizona project water uses for the beneficial consumptive use of 4.4 million acre-feet of water annually—when there is less than 7.5 million acre-feet of mainstream Colorado River water available for use by the Lower Basin States. Arizona has long contended and still believes that her rights in and to the water of the Colorado River to the extent of 2.8 million acre-feet are on a parity with California's rights to 4.4 million acre-feet. In the Senate version of this legislation I reluctantly conceded to California—as an act of grace and comity—a guarantee of 4.4 million acre-feet as against the central Arizona project for a period of 27 years. In the House of Representatives this guarantee was made perpetual, but the impact of it insofar as the State of Arizona is concerned was and is, in my opinion, largely negated by virtue of the assumption by the United States of the financial obligation necessary to provide water in amounts sufficient to meet the Mexican Treaty obligation. It was this assurance—provided in the House version of S. 1004—that persuaded me to recede from the position I took in the Senate and to accept the House version of this troublesome issue.

The Senate version of S. 1004 provided that the Granite Reef aqueduct have a capacity of not less than 3,000 cubic feet per second. The House version required that the capacity of the Granite Reef aqueduct not exceed 2,500 cubic feet per second. This issue was settled by the conferees on the basis that the aqueduct would have a capacity of 3,000 cubic feet per second unless it is demonstrated by the Secretary of the Interior that such a capacity would not be feasible. In the latter event the capacity of the aqueduct would be established as the largest capacity less than 3,000 cubic feet per second which is feasible. During the hearings on this legislation the Secretary has testified that studies indicate the feasibility of this project improves as the capacity of the Granite Reef aqueduct is increased up to at least 3,800 cubic feet per second. We therefore consider that under the terms of this legislation the 3,000 cubic feet per second is as a matter of practical fact both the maximum and minimum capacity for the Granite Reef aqueduct.

I have long been aware that there is an internal problem within my own State relative to the validity of the Globe Equity Decree No. 59, which sets forth certain legal rights in and to certain waters of the Gila River. The conference report on S. 1004 contains two references to the Gila River decree; one in section 301(a) and another in section 304(f)(1). It was not the intention of the conferees that reference to the Gila River decree—Globe Equity No. 59—in any manner affects any legal right to the use of Gila River water which exists at the time of this legislation. The existing rights along the Gila River are, therefore, neither enhanced nor impaired by reference to the Gila River decree in this legislation.

There has been a great deal of discussion as to the meaning of the word "augmentation" as set forth in S. 1004. Section 603(g) of the bill defines the words "augment" and "augmentation" of the Colorado River supply as any increase of the available supply in the river which is a result of an introduction of water into the mainstream or its tributaries which introduction is in addition to the natural supply of the system. Since the purpose of this bill is "to provide a program for further conservation development of the Colorado River and for the provision of additional and adequate water supplies for use in the Upper as well as in the Lower Colorado River Basin, there can be no doubt that new water added to the system whether by importation, desalting of sea water, brackish waters, weather modification, watershed treatment, salvage or any other means, is in fact an augmentation of the "natural supply of the system." Certainly the conferees intended that meaning.

As we are aware, the conference report on S. 1004 eliminates the construction of the hydroelectric power dams which were at one time proposed on the Colorado River. At one time these dams were the subject of intensive and bitter opposition by preservationists who were of the opinion that construction of dams in the Grand Canyon should not be permitted. The current legislation provides for no such dams and further provides that no permits shall be issued by the Federal Power Commission on that reach of the mainstream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by the Congress. I did not agree and I do not agree with the arguments made by the preservationists, who rose in opposition to construction of these dams, but I support the provision which eliminates this troublesome issue from the current legislation.

In lieu of the construction of hydroelectric dams, the conference report on S. 1004 provides that the Secretary of the Interior be authorized to make arrangements with non-Federal interests to acquire the right to a portion of the capacity and associated energy from thermal powerplants as needed to serve project purposes. It is recognized that such a plan may result in the Bureau of Reclamation having excess energy during periods of water shortage since the aqueduct cannot under such conditions utilize all of its pumping capacity. The disposition of such excess power and energy acquired under the prepayment plan will include negotiating power banking arrangements with the utilities in the area. This is in accord with the Secretary's testimony before committees in the Senate and the House.

This legislation provides that water needed for thermal electric generation plants will, to the extent that such plants are located in Arizona, be considered as a deduction from the 50,000 acre-feet of upper basin water to which Arizona is entitled under the terms of the Upper Colorado River Compact. Both the State of Arizona and the Navajo Indian Tribe have agreed that to the extent there is a need for consumptive use of water in Arizona for cooling purposes at thermal generation plants diverting from the drainage area of the Colorado River system above Lee Ferry shall be considered as consumptive use under the limitations of the 50,000 acre-feet apportioned to Arizona by article III(a) of the Upper Colorado River Basin compact. If this Arizona supply is inadeqate for the needs of the thermal generating plants, the Secretary has the authority under existing law to make certain short term sales of presently surplus Upper Colorado River Basin water. If even more water is needed for these purposes, the Secretary is not in any way foreclosed by this legislation from making water available from the Navajo Indian Irrigation Project San Juan—CHAMA Act of June 13, 1962—76 Stat. 96—pursuant to the provisions of Public Law 87-483. It is not the intention of this legislation to in any way enlarge upon, diminish or otherwise affect the authority of the Secretary to make contracts for Colorado River water in the upper basin.

Under the terms of the conference report in Section 303(b)(1) the Secretary is prohibited from making funds available for the construction of thermal generating power plants under terms of the act until he has determined that adequate contractual arrangements have been entered into between all of the affected parties. It is not the intention of the conference committee to require finalization of all contracts before the advance of said funds is made for the purchase of generating capacity. Such a requirement would needlessly delay initiation of construction. It is common practice, and it is the intent of the conference committee that the Secretary be permitted to proceed on the basis of letters of intent or other suitable understanding with the plant participants.

The conference report on S. 1004 provides that Arizona's use of Lower Colorado River Basin development funds be limited to that portion of that fund derived from the sale of Hoover-Parker-Davis generation in Arizona plus the revenues derived from Arizona-Nevada portions of the Pacific Southwest Intertie, recognizing of course, in each instance the surplusage available from such sources to the Colorado River development fund is that which is available after repayment and operational costs have been deducted.

In the interest of legislative cooperation and comity the State of Arizona endorses those provisions of this legislation which will provide substantial benefits to each of the other States in the Colorado River Basin in the current Colorado River legislation. It is my sincere hope that this attitude on the part of the State of Arizona will be reflected in the attitude of the other six States so that we may jointly proceed to the time when we have not only constructed works to permit Arizona to utilize her fair share of the water of the Colorado River, but have also developed new sources of supply to meet the ultimate water requirements of every State in the Colorado River Basin. These requirements in some instances already exceed legal entitlements and in every instance will at some future date exceed the total water available to each State from the Colorado River.

I wish to reiterate my appreciation to those individuals, both in and out of Congress, who have worked so long and so hard to bring this legislation to its present status as set forth in the conference report on S. 1004. I respectfully urge speedy adoption of that report by this body.

Mr. BENNETT. Mr. President, I rise in support of the conference report on the Colorado River Basin project bill. Our good neighbors in Arizona have waited long enough for this project and I am glad that we are near the end of the road.

I would like to speak a few moments about the bill's effect on Utah in particular.

Thanks mainly to the efforts of Utah's Congressman LAURENCE J. BURTON, who was a key conferee during the time when the final action was taken, this legislation contains authorization for the important Uintah Unit of the central Utah project and the reauthorization of the Dixie project.

The Dixie and Uintah projects will be of great importance in helping Utah develop its share of Colorado River water. Utah is presently using only about 35 percent of its Upper Basin allocation. Even with a compact or decree, we Westerners know there is nothing like actual use to establish permanent right and ownership to water.

Studies for the Dixie project, which is in southern Utah on the Virgin River, began with the turn of the century. I had the privilege of introducing the first Dixie project legislation, and, thanks again to Congressman BURTON's efforts in the House, we finally got the bill passed in 1964. However, preconstruction investigations revealed broken and porous subsurface conditions, at the location originally selected so that a new damsite had to be found. Results of the revisions made in the definite plan report, along with the increase in construction costs, now necessitate financial assistance from the Lower Colorado River Basin Development Fund.

The reauthorization of the Dixie project, with an additional $15 million which will allow the revised project to be built, is of extreme importance to Utah. The Senate bill had only provided for a $42 million Dixie project—far too little to cover estimated costs. The fine citizens in southern Utah have been most patient and cooperative in the overall water program, and I am pleased the Dixie project is at last to become a reality.

The $43 million Uintah unit in northern Utah is also of extreme importance, and its passage will help keep faith with the Indians of the Uintah Basin who deferred the exercise of their own rights in order to provide a water supply for the Bonneville unit of the Central Utah project.

Although the bill does not contain everything we would like, we realize that all legislation is compromise, particularly legislation of this complexity. For Utah, the version worked out in the conference retained most of the best parts of the House bill. Besides authorizing the Dixie and Uintah projects the bill recognizes the Mexican Treaty as a national obligation and provides for the treaty's satisfaction from sources outside of the Colorado River Basin. This equitable and farsighted arrangement eliminates a potential legal controversy over the allocation of the treaty burden from a water-short river. California members of the conference suggested that California might be able to provide the needed water from its flood-ravaged northern counties. It is noteworthy that the Congress in this instance has laid down one of the guidelines for the West-wide water study.

I am particularly pleased with the wording in the bill which orders the Interior Department to get its report on the Ute Indian unit of the Central Utah project to us by 1974. This provision will make it possible for the State of Utah and the Congress to replace Indian water now used by the Bonneville unit by the year 2005.

Furthermore, the conference bill sets up criteria for the operation of Lake Powell to remove it from the whim of the Secretary of the Interior. Utahans well remember the disastrous drawdown ordered by Secretary Udall when the lake was in its early filling stage.

The bill's provision for a West-wide water study could lay the groundwork for an eventual augmentation of the Colorado River from sources outside the basin. With the complexities and economic considerations involved in regional planning, Congress has acted wisely in initiating the study now.

The augmentation study moratorium actually is no great obstacle, since it prevents only the Secretary of the Interior from conducting such studies. The Colorado Basin States still can make their own feasibility studies, and I recently proposed to the seven Colorado River Basin State Governors and other key water officials that they join together immediately and initiate a study of augmenting future deficiencies in the Colorado River.

I admit that this is a major undertaking; however, much of the groundwork has already been accomplished. I recommend the Lower Basin States join with us in the Upper Basin—perhaps through our own Upper Colorado River Commission—appropriate funds from the State legislatures, and initiate the study as soon as practicable.

I am told by water experts that such an undertaking might take as much as $500,000 per year. However, if the total is divided among seven or eight sources no one State or group would have to bear an excessive burden of the costs.

Many individuals have come forward with diversion schemes and while these indicate in general terms possible sources of supply, we all realize that we need further indepth studies to determine the amount of water and the time when it will be needed by the States and perhaps more importantly, we need to demonstrate the economic feasibility of these diversion projects.

The Colorado River Basin project has received overwhelming support from interested Utahans. I ask unanimous consent that the resolutions of the Board of Water Resources, the Central Utah Water Conservancy District, the Utah Water Users Association, the Washington County Water Conservancy District, and several editorials supporting the legislation be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTON OF THE BOARD OF WATER RESOURCES

Whereas, the Senate and House Conferees have agreed on language on the Colorado River Basin Project Act, and

Whereas, the report of the Conferees will be considered by both houses of Congress in early September, and

Whereas, the time for compromise and further amending the legislation is past since the report must be either accepted or rejected, and

Whereas, the legislation contains items of great interest and benefit to the State of Utah, and

Whereas, the legislation represents the best overall compromise that can be achieved at this time;

Now, therefore be it resolved, that the Board of Water Resources, in view of its statutory responsibilities in interstate stream matters, recommends to the Governor and to Utah's Congressional Delegation that they individually and collectively use their influence, give active support, and work to secure the final passage of the Colorado River Basin Project Act as reported by the House and Senate Conferees.

CERTIFICATION

I certify that the foregoing is a true and accurate copy of a Resolution adopted by the Utah Board of Water Resources on August 23, 1968.

WAYNE WILSON,
Chairman of the Board.

CENTRAL UTAH WATER CONSERVANCY DISTRICT,
Orem, Utah.

RESOLUTION

Whereas, the text of language has been agreed upon by the Senate and House Conferees for the Colorado River Basin Project Act, and

Whereas, the agreed-to language includes:

(1) authority for the Secretary of Interior to conduct a comprehensive investigation for the purpose of developing a general plan to meet future water needs of the Western United States;

(2) that the satisfaction of the Mexican Water Treaty is a national obligation;

(3) the conditional authorization of the Uintah Unit of the Central Utah Project;

(4) a priority of planning status for the Ute Indian Unit of the Central Utah Project;

(5) the reauthorization, at a higher cost, of the Dixie Project and its participation in a lower Colorado River Basin Development Fund;

(6) the reaffirming of the Colorado River Compact and provisions for the establishment of operating criteria for the Colorado River;

(7) directives that the consumptive use of water in the upper basin available from the Colorado River System under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin; and

Whereas, the language includes an unfavorable proviso which directs that the Secretary of Interior shall not, for a ten-year period, undertake a reconnaissance study of any plan for the importation of water into the Colorado River Basin from any other drainage basin lying outside the States or portion of States of the Colorado River drainage basin; and

Whereas, within the terms and conditions of the Colorado River Compact, by this legislation and from testimony presented at hearings on this legislation, water will be available for all the units of the Central Utah Project;

Now, therefore, be it resolved, that the Directors of the Central Utah Water Conservancy District recognize the difficulty in development of this important legislation—however believe the benefits that will accrue to the District and to the State of Utah from this legislation merits its support and encourages Utah's Congressional Delegation to support its passage; and

Be it further resolved, that copies of this resolution be provided to the Governor of the State of Utah, Utah's Congressional Delegation, Director of the Utah Division of Water Resources, Utah's Upper Colorado River Commissioner, and other interested parties.

CERTIFICATE

I certify that the foregoing is a true and accurate copy of a resolution adopted by the Board of Directors of the Central Utah Water Conservancy District on August 9, 1968.

LYNN S. LUDLOW,
Secretary.

UTAH WATER USERS ASSOCIATION,
Salt Lake City, September 5, 1968.

Hon. WALLACE F. BENNETT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BENNET: Development of the resources of the Colorado River Basin is vital to the State of Utah. Utah Water Users Association believe that the Text of Language Agreed upon Conferees on Senate Bill No. 1004 now before Congress represents a practical, feasible, and necessary next step in the development of the resources of the Colorado. The progress to be authorized in the proposed bill on the Uintah and Ute Indian Units of the Central Utah Project, and on the Dixie Project, are in Utah's interest.

Therefore, we respectfully urge our congressional delegation to support the bill recommended by the Conferees when it is presented to the Congress for their consideration.

Yours truly,

CLYDE RITCHIE,
President.
HALE HOLGATE,
First Vice President.
FRANK A. PIERSON,
Second Vice President.

WASHINGTON COUNTY
WATER CONSERVANCY DISTRICT,
September 3, 1968.

RESOLUTION

Whereas, the Washington County Water Conservancy District has been organized to represent the citizens of Washington County in water development; and

Whereas, the Dixie Project now reauthorized in legislation approved by the Senate-House Conferees; and

Whereas, this project is vital to the growth and economic stability of Washington County and southern Utah; and

Whereas, the citizens of the area affected have by united support and 40 years of dedicated effort awaited the authorization of this legislation by the Congress.

Now, therefore, be it resolved that the Board of Directors of the Washington County Water Conservancy District, acting through its president, hereby urges the Utah Congressional Delegation and the Governor of the State of Utah to vigorously support the final endorsement by the Congress of the Colorado River Basin Project Act, which includes the reauthorization of the Dixie Project.

WAYNE WILSON,
President.

HOPE EXPRESSED FOR DIXIE PROJECT PASSAGE

When Congress resumes its work after the Convention recess, it will have before it legislation of vital importance to the western United States and particularly to Utah and Southern Utah.

The problems confronting the long-awaited Dixie Reclamation Project are resolved in S. 1004, which will be before the House and Senate for approval.

The provisions of the legislation are most favorable to the Dixie Project. The added costs of moving to a new damsite will be taken from surplus power revenues and now that final planning has resolved the uncertainties, the Dixie, at long last will be in a position to begin construction.

Since the "Colorado River Basin Project Act," which provides for the reauthorization of the Dixie has been through both the Senate and the House and the Conference Committee has made further compromises, it follows that the legislation must be acted upon by the Senate and House without amendment.

Utah's Congressional Delegation should strongly support the legislation as worked out by the joint Conference Committee.

Stronger provisions for importation of water from the Columbia River would have made the compromise more acceptable. However, all will realize that significant progress has been made.

Utah's state officials and Congressional Delegation have had a difficult and tedious assignment in advancing the state's interests in the Upper and Lower Colorado Basins. We believe they have done very well.

The time of final decision has arrived. Governor Rampton should positively and forcefully endorse the Colorado River Basin Project Act and our Senators and Congressmen should, without equivocation, vote to pass the long awaited Dixie Project!!

DIXIE PROJECT CLOSE TO REALITY

ST. GEORGE.—After years of frustration, including a delay because a damsite was unsuitable, residents of southwestern Utah are getting close to their $51.2 million Dixie Reclamation Project.

A House-Senate conference committee has given its approval for the project and Congress likely will pass the legislation when it reconvenes.

The project area includes lands along the Virgin River and its principal tributary, the Santa Clara River, which are closely related through the economic needs of the area.

The area extends about 25 miles up the Virgin River from St. George almost to Virgin

City and up the Santa Clara River from its confluence with the Virgin River near St. George to within five miles of Gunlock.

Approved for construction Sept. 2, 1964, the Dixie Project was authorized on a 1961 Bureau of Reclamation report. That plan was modified because detailed studies of the Virgin City Reservoir Basin indicated the probability of excessive reservoir leakage that would be too costly to correct.

DAM LOCATED

The Virgin River Dam now will be located 15 miles downstream from the old Virgin City Dam site, and ten miles northeast of St. George.

According to a 1967 report on the project, the latest available, the new dam location required considerable modification of the project facilities including elimination of power development.

"With elimination of power development, which had been relied upon to provide revenues to assist in the repayment of those costs in excess of the ability of the irrigators to repay, the project financial status changed from one which could fully pay for itself to one that will require financial assistance from some outside sources," the report said.

CHANGED STATUS

"The project has changed from a hydroelectric power generating project to an electric power consuming project."

Besides the elimination of power generation, construction of the Lower Gunlock Dam on the Santa Clara River has been eliminated. "Its major functions will be served through other project facilities," the BOR report indicated.

"Lands that were to receive irrigation water from the Lower Gunlock Reservoir will receive water from the Virgin River Reservoir.

PROJECT OUTLINE

Major features of the project are: (see map)

1. A 256,000 acre foot reservoir impounded behind the 244-foot high Virgin River Dam that will have a crest length of 4,450 feet.
2. A 19-foot-high Hurricane Diversion Dam needed to divert unregulated riverflow to the LaVerkin Canal and the enlarged Hurricane Canal.
3. The Washington Fields Canal System and the Washington-Ivins Canal System each to receive water from the Virgin River Reservoir.
4. Five pumping plants required to lift water to the higher project lands.

The primary purpose of the project is to supply 45,500 acre-feet of irrigation water from the Virgin River to 6,900 acres of new lands and supply supplemental irrigation water to 10,004 acres of land presently irrigated from the Virgin and Santa Clara Rivers.

Also provided will be 5,000 acre-feet of water for St. George to meet the municipal and industrial requirement expected in a population growth between now and 2025.

The project would be beneficial to Cedar City by permitting an average 5,500 acre-foot upstream diversion to that area from the Virgin River Basin to meet expected growth there.

FLOOD CONTROL

The large reservoir will provide substantial flood control along the Virgin River and entrap the heavy sediment load of the stream.

Construction costs have not been completed, but BOR officials estimated they could run as high as $58 million.

Local support for the irrigation project began in the 1930's. State, local and federal agencies and Utah's congressional delegations have fought hard for the project.

WATER AREA ENDORSES RIVER LAW

OREM.—Central Utah Water Conservancy District directors agreed Friday to support the proposed legislation prepared by the Senate and House conferees on the Colorado River Basin Project Act.

The board said it agreed with all but one provision of the proposed legislation. That provision, said the board, states that for 10 years no studies can be made concerning the importation of water from any drainage basin outside the Colorado River drainage basin.

The board said, however, "the benefits that will accrue to the district and to Utah from this legislation merits its support."

The board said it would encourage Utah's congressional delegation to support its passage.

The board also approved Friday the U.S. Bureau of Reclamation's action to obtain right of way for the Jordan River complex. The complex will deliver culinary water to south Salt Lake County.

Lynn S. Ludlow, general manager of the district, said the target date for completion of an aqueduct and a treatment plant for the complex is 1972. He said the Central Water Conservancy District will construct the treatment plant and the Bureau of Reclamation will build the aqueduct.

Ludlow said studies reveal a real need for the aqueduct and treatment plant to be completed as scheduled. He said the directors have asked completion of pre-planning studies for the treatment plant as soon as possible.

The treatment plant will be located just northwest of the Jordan Narrows. The aqueduct will extend along the Jordan River from the treatment plant to South Salt Lake.

CONGRESS FACES UP TO COLORADO REALITIES

As Coloradans interested in water affairs were fairly sure, a good deal of compromise was required to satisfy all of the diverse interests involved in the Central Arizona Project legislation. That compromise is now taking final form. Senate and House conferees have reached agreement on a text which, in September, will go to the respective congressional bodies for approval and signing by President Johnson.

These things have happened in the tentative compromise:

The Pacific Northwest, so fearful that any other region might "grab" their over-abundant water supplies, have won some major points. (As part of the plan to allow Arizona to use surplus waters of the river—which really belong to the Upper Basin States of Colorado, Wyoming and Utah—lawmakers from these states sought to require studies of diversion of new sources of water into the basin.)

The Pacific Northwest didn't succeed in getting authorization of reconnaissance studies killed. But its lawmakers did get modifications—including one provision which says that there shall be no reconnaissance of other basins for 10 years following the passage of the CAP bill.

Importantly, the principle is established that inter-basin diversions are going to be part of the nation's water planning even if the time of such diversion studies is to be delayed.

Also, the upstream states got some collateral projects benefiting their water uses thrown into the CAP pot.

The hand of Rep. Wayne Aspinall (D-Colo), chairman of the House Interior Committee, is evident all through the bill. There are guarantees that the upstream projects shall not be delayed. The level of the upstream reservoir, Lake Powell, shall not be lowered unnecessarily. Arizona cannot flagrantly use upstream surpluses (which we will ultimately need in the upstream areas in the next two decades) for irrigation of new farm lands.

Indian lands disturbed by the CAP construction are protected by the bill, Indian benefits are numerous.

It may be unfair that California got a solid guarantee of 4,400,000 acre feet a year. This is the price Arizona had to pay (taking the upstream states along with her) in return for California's legislative support in bringing extra water to the Phoenix and Tucson areas under the costly CAP diversion lines.

But the realities have been faced. We seem to have come off fairly well considering the forces arrayed against the Upper Basin.

Rather than put up with the scandal of too many reservoirs for too little water, Congress may feel prodded—sooner than it thinks—to bring in those extra supplies from other basins.

[From the Ogden (Utah) Standard-Examiner, Aug. 3, 1968]

UTAH GAINS IN COLORADO COMPROMISE

Utah has, basically, gained by the compromise 1968 Colorado River Bill hammered out this week in Washington by the House and Senate conference committee.

The victories that we did win are due to the way that Rep. Laurence J. Burton, R-Utah, represented our state as our only member of the conference committee.

The bill that will go to the House and Senate for approval when Congress reconvenes in September will contain reauthorization for the $58 million Dixie Reclamation Project that is so essential to southwestern Utah.

There is also a provisional authorization for the $44 million Uintah unit of the Central Utah Project. And the final planning report for the entire Ute Indian Unit of the same $600 million Central Utah Project has been ordered advanced to 1974 from its previously dictated deadline of 1980.

The conference committee's decision to place upon the national government, rather than the individual Colorado River Basin states, the necessity for meeting water guarantees to Mexico is also a help to Utah.

We do regret that the Secretary of the Interior will be restricted for the next 10 years from conducting any studies on possible importation of water into the Colorado Basin from the Columbia River Basin or other water-surplus areas of northwestern United States and Canada.

Utah Sen. Frank E. Moss is, understandably, upset over this restriction since he has been one of the prime exponents of inter-basin water diversion, envisioning the possibility that extra water from Alaska's Yukon River might some day be piped to the arid country around here.

However, Washington Sen. Henry Jackson was the chairman of the conference committee and he has been just as outspoken in his opposition to water diversion from the Northwest as Sen. Moss has been in favor of a study.

Separate appropriations still must be made for work authorized in the compromise bill. These will come in September or October, after Congress' convention recess.

It certainly will be in order for funds to be granted the Dixie Project so work on this long-delayed development can begin. When it was funded several years ago the project ran into trouble because of porous rock that was found at a key dam site. Another time the money had been set aside—but then was pre-empted by the Interior Department for emergency construction elsewhere.

Utah didn't get all it wanted in the new Colorado River Water Project Bill. No state can when a compromise must be made. But we did well and should be satisfied.

[From the Daily Herald, Aug. 8, 1968]

WATER BILL: UTAH'S OPPORTUNITY

Colorado River project legislation vital to Utah will come before the House and Senate this autumn after Congress has resumed work after its convention recess.

The legislation, approved by the Senate and House conferees, contains authorization for the important Uintah Unit of the Central Utah Project and the Dixie Project.

While the conferees deleted provisions for reconnaissance studies on augmenting the Colorado River's flow through importation of water from other basins, this was felt by Utah water interests to be a reasonable compromise and paved the way for provisions favorable to the Upper Basin States. Rep. Laurence J. Burton (R-Utah) did commendable work both on the House committee which accomplished much of the work, and as a member of the conference committee.

Now it is important that all four members of Utah's congressional delegation put their shoulders to the wheel in a strong unified effort to get the legislation adopted come September.

Now that the bill has been to the conference committee, it cannot be amended. It will be "approval or defeat" when it comes up before the respective houses this time.

The Dixie and Uintah projects will be of great importance in helping to develop its share of Colorado River water. As of now, this state is using only about 35 per cent of its decreed water. Even with a compact or decree, there's nothing like actual use to establish permanent right and ownership to water.

(As of now, there are four authorized units of the Central Utah Project, part of the vast Colorado River complex. These are the Bonneville Unit, which will have the biggest benefit to Utah Valley and environs, and the Jensen, Upalco and Vernal Units.)

The construction schedule looks quite favorable for fiscal 1969 with $7 million in new money authorized and a $4 million carry-over.

The people in Southern Utah have been most cooperative in the overall water program and certainly deserve to get the Dixie Project passed. (The Uintah Unit is important in the Central Utah Project and its passage will help keep faith with the Indians of the Uintah Basin who deferred their own interests in order to aid the Bonneville unit.)

The conference report adopts principal features of the House bill which is favorable to Utah, with the exception of the importation study.

The study moratorium should be no great obstacle, since it prevents only the Secretary of the Interior from conducting such studies. The Colorado Basin states still could make their own studies.

The important thing now is for Utahans to concentrate efforts, in cooperation with other states, in getting final congressional approval.

This will enable Utah to use more of its rightful water and, as already mentioned, firmly establish its ownership. Only in this way can our arid state achieve benefits dependent upon water for present and future generations.

[From the Deseret News, Salt Lake City, Utah, Aug. 7, 1968]

RIVER BILL BENEFITS UTAH IN MANY WAYS

Unfortunately, there are nitpickers who apparently would rather scuttle the entire $1.3 billion Colorado River water project than agree to a reasonable moratorium on water augmentation studies.

Had Utah and the other Upper Basin states insisted on immediate augmentation studies, it is obvious that the strong Northwest faction headed by Senate Interior Committee Chairman Henry M. Jackson would have seriously delayed the entire project had it been able to survive at all.

Besides authorizing the Dixie and Uintah projects, of prime concern to Utah's plans to develop its share of Colorado River water, the bill reported out of conference would actually give the Upper Basin states a better break on Colorado River water by a more reasonable application of the Mexican Treaty burden.

Under the Mexican Water Treaty of 1944, the U.S. must furnish Mexico with 1½ million acre-feet of Colorado water yearly.

A legal controversy between the Upper Basin and Lower Basin states has arisen over how that water must be supplied. The Upper Basin states maintain that Lower Basin tributaries should be taken into account. The Lower Basin declares the burden should be equally divided from Colorado River waters alone.

With the exception of the importation study, the conference report adopts the principal features of the House bill which is favorable to Utah, thereby actually adding to the amount of water available for distribution in Utah and the other Upper Basin states.

The legislation should avoid another long and costly law suit of the type California brought against Arizona and the other Colorado River Compact status in a fruitless raid to gain more water.

The augmentation study moratorium actually is no great obstacle, since it prevents only the Secretary of the Interior from conducting such studies. The Colorado Basin states still could make their own feasibility studies, which may turn out, incidentally, against the importation of Columbia River water because of cost or growing Northwest utilization of its water resources.

Since both the Dixie and Uintah projects are vital links in Utah's ultimate ability to utilize its rightful share of the Colorado River water, their approval in the current bill is a remarkable victory considering the strong inclination in any economy-minded Congress to ax reclamation projects.

Furthermore, the conference bill sets up criteria for the operation of Lake Powell to remove it from the whim of the Secretary of the Interior. Utahans well remember the drawdown ordered by Secretary Udall when the lake was still filling initially.

The one sure way Utah can lose its rights to Colorado River water is by failure to build the projects by which it can take advantage of its rightful share. The present bill goes a long way in helping the state avoid that danger.

RIVER BILL IS "BEST POSSIBLE" FOR UTAH

(By Gordon Eliot White)

WASHINGTON.—Last week's conference on the Colorado River water project brought forth virtually the best possible compromise bill that Utah and the other Upper Colorado Basin States could have hoped for. For Utah, the version worked out in the conference included the best parts of the House bill, and went far beyond the measure which passed the Senate in 1967. The only disappointment in the conference was the agreement on a ten-year moratorium on studies of water diversion from the Columbia River Basin. That caveat was the price the Lower Basin was forced to pay to get any bill past Senate Interior committee chairman, Senator Henry M. Jackson D-Wash. Sen. Jackson and his allies from the other Columbia Basin States—Idaho, Oregon and Montana—would have scuttled the entire $1.3 billion bill, rather than see a drop of their own water threatened by the parched Colorado River states.

As it was, the compromise protects the Northwest, but may make little difference in eventual interbasin transfers to the Colorado. Almost no one knowledgeable about water developments in the West believed that a real need for Columbia Basin water would develop in the next decade. It will take at least that long to develop fully the projects which would use all of the Colorado's flow, outside of the southern California diversions above that state's legal quota.

Until Utah, Colorado, Wyoming and Arizona develop all their water rights under the 1922 compact, only California will be affected by the new withdrawals. It would be nice to have more water in the river, but hardly beneficial to Utah except through whatever power revenues it might bring at Glen Canyon. Practically, unless water were added upstream, imports would not even help increase power sales.

In recognizing the burden of delivering water to fulfill the Mexican water treaty as a national obligation, the compromise bill clearly laid the basis for a solution of the Colorado's shortages without penalizing the Basin States. California members of the conference itself suggested that California might be able to provide the needed water from its flood-ravaged northern counties. Such an arrangement would see northern California sell its water to the Colorado Basin under a mutually beneficial contract.

The bill's provision for a West-wide water study could lay the framework for an eventual diversion from the Columbia, a diversion that might indeed be impractical when examined in detail. There is nothing in the legislation which would prevent the Colorado Basin States from making their own feasibility study of diversions from the Columbia. Certainly, ten years from now the Colorado Basin could be far nearer obtaining Columbia water than they are now, even under the Jackson moratorium.

In immediate benefits, Utah has now gotten reauthorization for the Dixie Project, with an additional $15 million, which will allow that project to be built, a dream until Rep. Laurence J. Burton, R-Utah, slipped it into the House bill. The Senate had only provided for future financial aid for a $42 million Dixie Project—far to little to cover estimated project costs and no Uintah money. In addition, language speeding up engineering on the $600 million Ute Indian Project was added in the House and accepted by the conferees.

The compromise bill may have been the last chance for Dixie, and possibly for the Uintah Project. If, as expected, the administration raises the interest rate on reclamation projects to 4⅝ per cent, neither Utah project would be feasible. As it stands, they both may now get in under the wire. Opponents may object to both, and the application of expensive irrigation water at giveaway rates to farming lands more than a mile above sea level may be technically uneconomical, but if the compromise bill goes through—as it certainly will—Utah will have won a great victory.

Mr. BENNETT. Once again may I express my full support for this legislation. At the same time I commend the conferees for their work and accomplishment.

I feel that the one sure way Utah can lose its rights to Colorado River water is by failure to build the projects by which it can take advantage of its rightful share. This bill goes a long way in helping the State avoid that danger. I hope the conference report will be approved.

S. 4025—INTRODUCTION OF BILL TO PROHIBIT LICENSING OF HYDROELECTRIC PROJECTS ON THE MIDDLE SNAKE RIVER

Mr. JORDAN of Idaho. Mr. President, I shall be pleased to vote for the conference report on the Colorado River Basin project.

I know that the proposed legislation is the culmination of many years of hard work by many people. The fact that no one is altogether pleased and no one is altogether disappointed indicates that in the forging of this measure many compromises had to be made by everyone involved.

I think that all of us who are interested in water resource projects in the West hail this measure as evidence that differences which at first appear insurmountable can be reconciled for the common good.

Of special interest to Idaho is the provision in this bill that makes it acceptable to all of the Columbia Basin States by providing a 10-year moratorium on the reconnaissance studies of water augmentation for the Southwest from sources outside the Colorado River Basin States. The purpose of this provision is to enable those areas outside of but adjacent to the Colorado River Basin States to complete their studies of water supplies and water needs.

The Columbia Basin States, being under much less pressure to make these studies, are a full generation behind the Colorado River Basin States in water resource planning. A minimum of 10 years of concentrated effort is necessary to bridge this gap. We appreciate the willingness of our friends from the Colorado River Basin States to indulge us this freedom from threat of diversion.

We shall make good use of this 10-year period.

First. The Pacific Northwest River Basins Commission was created on March 6, 1967. Studies by this commission are now going forward in cooperation with agencies of the States of Idaho, Oregon, Washington, Montana, and Wyoming.

Second. The Constitution of Idaho was amended in 1964 to authorize a State water resource board. This was funded in 1967. The purpose is to study and inventory the water and land resources of the State and to determine all of the present and future water needs. The organization has been completed. A staff has been selected and studies are now in progress.

Mr. President, after having achieved a 10-year moratorium in the Colorado River Project Act, in order to preserve our options provided by that moratorium it would be inconsistent and inexcusable to remain silent while dam builders argue over who will build a dam at Appoloosa or at High Mountain Sheep when the building of either project would foreclose the hard-won options we have thus far successfully defended.

Speaking for Idaho—and I am joined by my colleague Senator CHURCH, by Idaho's two Representatives, JAMES McCLURE, of the First District, and GEORGE HANSEN, of the Second District, and by Governor of Idaho Don Samuelson—we intend to insure that Idaho's options in water resource development are kept open and not foreclosed by precipitate action in licensing by the FPC or authorization by Congress for Federal construction of any dam in the Middle Snake area.

Accordingly, I introduce today, on behalf of myself and my distinguished colleague Senator CHURCH, a bill to prohibit the granting of a license to construct any dam in the Middle Snake area for a period of 10 years. I am pleased that my distinguished colleague joins me as cosponsor of this bill. Inasmuch as hearings have just been held on the High Mountain Sheep and Appoloosa sites, it is imperative that all interested parties be put on notice now as to the purpose of our action today.

Here are some pertinent facts:

First High Mountain Sheep, Appoloosa, and Nez Perce are mutually exclusive, that is, the building of any one would preempt the building of either of the other two. Nez Perce site is superior to the other two in every way because it is located below the confluence of the Salmon and Snake Rivers and would thus use the water from both rivers behind a single dam. Consideration of Nez Perce has yielded to pressure to preserve anadromous fish runs.

Second. On January 20,1958, the FPC denied an application by Pacific Northwest Power Co.—Project No. 2173—to build dams at Mountain Sheep and Pleasant Valley. At that time the Commission said:

> Commission determines that applicants project will not be best adapted to a comprehensive plan of development of the water resources of the region under Section 10(a) of the Federal Power Act after finding that the Nez Perce project would have more flood control benefits and greater power benefits than applicants proposed project.

Third. The reasons for denying applicant's application are even more valid now than they were in 1958. Since then preliminary studies disclose:

That the future economy of Idaho depends, in large measure, on the full utilization of its land and water resources;

That the Snake River watersheds will not provide enough water to irrigate the great potential of adjacent and economically feasible new irrigable lands;

That the best source of supplemental water is Idaho's own Salmon River;

That present Salmon runs may already be doomed by the building of the ten dams below the mouth of Salmon River that are now either built, under construction or authorized or it may be that fisheries research will provide a means of passing fish over dams without the high losses that obtain now;

That to achieve Idaho's ultimate reclamation potential both supplemental water supplies and low cost pumping power are essential;

That both of these elements are available in Salmon River storage behind Nez Perce Dam with pump back to project lands by low cost Nez Perce power;

That the building of Nez Perce would not only make possible the use of Salmon River water for upstream consumptive use in the Snake River Basin but would make available for the same purpose the minimum flow of 5,000 cubic feet per second now required by FPC as a condition in the license of Idaho Power Co. at its three-dam complex upstream in the Middle Snake.

Idaho is at the crossroads. The stakes are high. Within 10 years we must decide which direction to take, whether it be toward achieving our high reclamation potential by full development of the Middle Snake or to maintain an open river. Each course has its strong proponents. Fortunately, it is a decision we do not have to make now; but I am confident that when all the facts are available, the people will make a wise choice.

Of this we can be sure: future hydroelectric development for power alone must give way to multipurpose development or even to development of alternate sources of power. Nuclear fueled generation is fast coming into the picture as energy needs increase. We have many sources of energy, but the one element indispensable in making the desert bloom is water.

In Idaho we have a double loyalty in our great love for our vast forests, mountain meadows, open ranges, lakes and streams. We are determined to protect our great wildlife and recreation resources and we are equally determined to utilize the natural resources of these areas to help us grow and develop fully our industrial and agricultural potential. I believe that these objectives are not incompatible.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4025) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years, introduced by Mr. JORDAN of Idaho (for himself and Mr. CHURCH), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. CHURCH. Mr. President, I wish to express my full support for the recommendations of the conference committee on S. 1004, the Colorado River Basin project bill.

The revised bill which we on the conference committee are recommending to the Senate today is a good bill. It represents a great forward step in water resource development for the Colorado Basin. It resolves many long-standing controversies. It will authorize the construction of the Central Arizona project which is, perhaps, the most urgently needed water resource project in the Southwest. For the Upper Colorado River Basin States, the measure authorizes a significant program of project construction and investigation.

As originally passed by the House of Representatives, this bill was unacceptable to Idaho and the Pacific Northwest. It contained provisions which would have authorized feasibility studies for diverting water out of the Columbia-Snake River Basin into the Colorado River Basin. Studies for such a transbasin water diversion posed a grave threat to the future growth and development of Idaho.

For this reason, my colleague, Senator JORDAN, and I joined hands with the distinguished chairman of the Senate Interior Committee, the Senator from Washington [Mr. JACKSON] to insist that all language authorizing such feasibility studies of transbasin diversions be stricken from the bill. This we accomplished after 8 days of hard bargaining sessions in the conference committee.

Indeed, we not only avoided a serious reversal in the conference, but we actually gained ground. Until now, under existing law, the Department of Interior possessed the authority to conduct reconnaissance studies—general surveys as opposed to detailed feasibility studies—of transbasin diversion. However, we added a provision to this bill which prohibits the Government from undertaking any such reconnaissance surveys for a period of 10 years, so that we in the Northwest may be assured of adequate time to plan for the prudent utilization of our own water resources. The moratorium represents a very solid victory for Idaho and the Northwest.

In this regard, Mr. President, I commend my distinguished colleague [Mr. JORDAN] for the initiative he showed in suggesting the moratorium, to which I gave my full, wholehearted, and unstinting support.

Water resources have greatly implemented the economic growth of Idaho and the Northwest. Only recently, however, have we begun to realize that in our region, as elsewhere, there are limits to that resource. Careful planning is necessary to insure that the highest and wisest use is made of our rivers and underground water.

Water resource decisions, once made, are difficult to reverse. Dams are constructed to last a century and more. Water committed to one purpose is not easily regained for another. Natural streams, once destroyed, can seldom be restored. We in the Northwest do not want to make such decisions with unseemly haste. The 10-year moratorium in this bill will permit us to make our plans based on adequate studies and deliberations.

The present controversy over an appropriate plan for development of the Middle Snake River is a case in point. The variety of proposals which have been advanced, and the intensity of the disagreement, is evidence that the best choice is not yet clear. There has been concern, however, that further postponement of development could be used as an argument for diversion. But with the inclusion in this bill of a 10-year moratorium on trans-basin diversion studies, we can now afford to preserve our options on the Middle Snake a while longer. In the next decade, technological advances in nuclear power generation of electricity, and other developments may make the need for high, single-purpose hydroelectric dams obsolete, and it may well turn out that this magnificent gorge, the deepest on the North American continent, with its world famous section of white water and its anadromous fishery can be preserved in all of its wonderful recreational aspects. These are questions which the 10-year moratorium will allow us to decide.

Therefore, I am pleased to join with my colleague, Senator JORDAN, in introducing legislation today which would restrict for a period of 10 years, the licensing authority of the Federal Power Commission on the Middle Snake River, returning to Congress the right of decision concerning the construction of any dam on this stretch of the Snake River.

Mr. President, I reiterate my complete support of the conference report on S. 1004, and I urge its adoption.

Mr. ALLOTT. Mr. President, the Senate will soon take final action on S. 1004, a measure originally introduced by Senator HAYDEN. The history of S. 1004 and its predecessor bills has, indeed, been a stormy one. Literally months of hearings have been held in the House and Senate, and the record of those hearings consumes several thousand printed pages. In the Senate the first executive session of the Interior Committee on this and other similar measures was held on June 9, 1967, and the last executive session was held on June 29, 1967. Similar lengthy executive markup sessions were also held in the House Interior Committee earlier this year on a companion measure H.R. 3300, whose language was ultimately substituted for the language of the Senate-passed version, S. 1004, and was then passed by the House of Representatives under number S. 1004. A conference was called to iron out the differences between the two measures and the product of that conference is now pending before the Senate. It took seven long sessions to complete the conference committee's work. The product of that conference committee is, indeed, a compromise and, while I did sign the conference report, I wish to make it clear that I did so not without certain concerns which I will discuss in detail today.

I am also constrained to express my disappointment in the fact that the Senate could not be persuaded to accept my bill, S. 1242, which I consider to be a much more forward-looking approach to resolving the water problems of the Colorado River Basin and, indeed, of the entire West. I am gratified that many of the provisions of S. 1242 have been incorporated into S. 1004 in its final form. The most important of those provisions, from Colorado's point of view, was eventually included in the Senate-passed bill and is in the conference version. This is the authorization of five reclamation projects in Colorado and New Mexico. These five projects, the Animas-La Plata, the Dolores, the Dallas Creek, the San Miguel, and the West Divide, are participating projects under the Colorado River Storage Project Act and will go a long way toward putting to beneficial use the waters of the Colorado allocated to the upper basin, and particularly to the State of Colorado.

Other provisions which clarified the operation of both the Glen Canyon and the Hoover Dams and their interrelationship were included in the Senate version of S. 1004, but these provisions were further improved and further clarified as the legislation emerged from conference, and will go a long way to insure peace and tranquility on the troubled waters of the Colorado River, by helping to insure that the river is managed in such a way as to maximize beneficial uses of that water, while protecting Upper Basin rights for future development of its apportioned water.

Another important provision that was contained in both the Senate-passed version and the conference version is the establishment of the Lower Colorado River Basin development fund. While I was disappointed that the Hualapai Dam was not included in this authorization, it is important that the fund be established for future development of the river. Under the present projections, the first contribution to the development fund will be made in the year 2010 in the amount of $8,115,000. Earlier projections, which included the Hualapai Dam revenues indicated that by the year 2010, $209 million would already be on deposit in the development fund. It is my firm conviction that serious water shortage problems will have to be dealt with before the end of this century, and these shortages will be of such proportions that the solutions will require bold new concepts and the construction of works on a scale not heretofore thought possible. This will require a solvent and sizable development fund, and it is for this reason that I regret the wasting of a potentially valuable asset in the Colorado River Basin, which could have provided so many benefits to the basin and its people. When one considers the enormous benefits to the Pacific Northwest which have resulted from the almost continuous string of dams from Bonneville upstream even into Canada, it is difficult to understand why such benefits should be denied the Colorado River Basin and why the Hualapai Dam was so tenaciously opposed by the Northwest. Nevertheless, the bill before us contains two provisions that precluded studying or constructing a dam between Glen Canyon and Hoover Dams. The Federal Power Commission is prohibited from granting a license to any public or private agency that may wish to construct a dam. The Secretary of the Interior is also precluded from studying or constructing any dams in this reach of the Colorado River.

As a result of the elimination of Hualapai Dam a new source of power had to be obtained for the operation of the central Arizona project pumps, and it is provided under section 303 of the act. The Secretary is permitted to enter into contracts for the prepayment of electrical power and capacity of thermal generating plants to be constructed somewhere in the general vicinity of Page, Ariz. Under present plans, these generating plants will be coal-fired. For the first time we discover the Bureau of Reclamation, albeit by the backdoor, in the thermal generating business. While I have consistently been a strong supporter of reclamation and reclamation principles, I am concerned over this departure from the basic principle that power development in reclamation projects be limited to only that power development which is reasonably a part of the reclamation project; that is, that power development would be a natural adjunct to the impounding of water behind a dam built for diversion or river regulation. The pre-purchase of generating capacity in a thermal plant—and much of the power will be sold rather than used for pumping—seems to me to be an unreasonable extension of that principle. I will admit that the circumstances of this project are rather unusual. The authority granted in this legislation shall not be considered a precedent to be used by the Department of the Interior and the Bureau of Reclamation to launch a program for the construction of thermal generating plants across the land. Such a program would do irreparable damage to reclamation. It is for the reason that I am a strong supporter of reclamation that I would not like to see any such effort made by the Department.

ANALYSIS OF CERTAIN SALIENT PROVISIONS

Title I of the bill as reported by the conference committee contains a statement of objective and establishes the congressional policy with respect to meeting the needs of the Colorado River

Basin. The objective is well stated in the first sentence of section 102(a), and I believe it bears repeating here:

> It is the object of this Act to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as the lower Colorado River basin.

This is to be accomplished through "a regional water plan," as set forth in subsection (b). Thus, the objective coupled with the directives of title II clearly cloak the Secretary of the Interior with the authority and impose upon him the responsibility for planning the best possible use of the Nation's water resources west of the Continental Divide. This objective is one of the most important parts of the entire act so far as the Western United States is concerned, and, I believe it can safely be assumed that the Governors of those States and their knowledgeable water experts will be working with diligence to make certain that any future Secretary of the Interior carries out the mandate laid down by the Congress.

Title II directs the Secretary to make certain studies, investigations, and assessments. Section 201 requires the Secretary to conduct "full and complete" reconnaissance studies to develop a general plan to meet the future water needs of the West, or, in other words, to meet the objective of section 102. These studies will include investigations and assessments of water supply and the long-range water requirements of each water region, looking toward a West-wide plan for meeting the water needs of the 11 Western States. Such studies are to be coordinated with existing water resources planning agencies, and the States, and progress reports are to be submitted to the President and Congress every 2 years, commencing in 1971, with a final reconnaissance report to be submitted not later than June 30, 1977.

While the Secretary can study the needs and water supply of all Western areas, and methods of augmenting the supply in critical water-short areas, he is proscribed from looking to augmentation sources outside the Colorado River Basin States, as defined in section 201, for a period of 10 years after the enactment of this act. In offering this amendment, the Northwest Senators made a strong argument for this moratorium on the basis that their States, and particularly Idaho, were now in the process of making definitive studies of their long-range water needs and water supplies, and that the 10-year moratorium was needed for completion and evaluation of those studies. I am somewhat confused by this apparent distrust of the Secretary of the Interior, who has done more than any other executive department official to support the position of the Northwestern States. But, be that as it may, the majority of the conference committee was persuaded to add such a moratorium simply because it was apparent that there would be no bill passed without it.

It should be fully understood by everyone concerned that this moratorium against even studying an importation of water into the Colorado River from any and all sources except parts of the seven Colorado River Basin States on a preliminary or reconnaissance basis is discrimination against the welfare of seven sovereign States of the Pacific Southwest. It is discriminatory for the simple reason that it imposes a new limitation upon existing authority of the Secretary of the Interior to make examinations and surveys for works for the storage, diversion, and development of waters. A reading of section 2 of the Reclamation Act of 1902, as amended, will substantiate this simple truth.

I do have difficulty in understanding why the protections contained in the House version of the bill were inadequate. The House-passed bill contained two area-of-origin protections which have now been swept away by the substitution of the new section 201. Under the House version, the Secretary could not "make any recommendation for the importing water into the Colorado River system from other river basins without the approval of those States which will be affected by such exportation," and further, the Secretary was required to "investigate and prepare estimates of the long-range water supply in States and areas from which water could be imported into the Colorado River system, together with estimates and plans to satisfy the probable ultimate requirements for water within such States and areas of origin for all purposes." It was my sincere belief that those protections were more than adequate. The Northwest apparently prefers to have a 10-year fence thrown up around it. Admittedly, this may cause some delay in coming to grips with our West-wide water supply problems—a delay not necessarily confined to the Colorado River Basin alone. Such delay will not be fatal, and we can live with it, if others can.

Senators should clearly understand, however, that all augmentation studies cannot be delayed for a decade if the central Arizona project is to remain feasible, because as the statement on the part of the managers of the House says:

> While there is disagreement with respect to time, the cold fact remains that eventually the water supply for the Central Arizona project will be reduced to less than 300,000 acre feet annually unless augmentation becomes a reality.

When one considers that the central Arizona project will be designed, providing that the 3,000 second foot aqueduct is found feasible, to divert up to 2,000,000 acre-feet annually with projected water sales at about 1.8 million acre-feet, a diminution of available water to only 300,000 acre-feet per year without the hope of augmentation would cast severe doubt upon the advisability of its construction. It is for this reason that I have insisted that augmentation studies must be a part of any legislation authorizing the construction of the central Arizona project.

Under the provisions of the bill as reported by the conference committee, the Secretary is free to search for additional sources of water within the Colorado River Basin as defined in section 201, including the only area of apparent water surplus, northern California. The Secretary is also free to consider augmentation through weather modification and desalination. Therefore, during the 10-year period of the moratorium, the Secretary is expected and directed to study importation from northern California, weather modification, desalination and to investigate methods of reducing water losses within the basin.

Under the provisions of the legislation as agreed to by the conference committee, investigations and studies do not terminate with the submission of the initial reconnaissance report in 1977. This is only a first phase. Studies are to continue pursuant to existing authority in the reclamation laws. The Secretary is required to make recommendations as to feasibility studies that might be pursued as are justified and appropriate, including the feasibility of augmentation of the Colorado River from sources within the Colorado River Basin States as defined in section 201; and at the exportation of the 10-year moratorium, studies are to be made of potential importation sources outside the Colorado River Basin States, and recommendations made as warranted.

In section 202, Congress declares that the satisfaction of the Mexican Water Treaty is a national obligation and shall be the first charge against any augmentation project. The Colorado River Basin States, both the lower division and the upper division, are not relieved from this burden until works are in operation capable of augmenting the Colorado River below Lee Ferry in a quantity sufficient to satisfy the Mexican Treaty—as it applies to the Colorado River—including associated transmission losses. There is a further proviso to the effect that the Mexican Water Treaty shall be satisfied according to existing law until such time as a feasible plan showing the most economical means of augmenting the river by 2½ million acre-feet shall be authorized by Congress, and is in operation.

Associated with declaring the satisfaction of the Mexican water treaty a national obligation, section 401 also provides that that portion of the costs for augmenting the river which are attributable to satisfying the treaty water delivery shall be nonreimbursable on a pro rata basis. The costs of any augmentation in excess of the needs for the satisfaction of the Mexican water treaty are to be reimbursable. This will provide flexibility in sizing the augmentation works while removing the costs from the taxpayers of augmenting the river in excess of Mexican treaty requirements.

Title III authorizes the central Arizona project and sets the size of the aqueduct at 3,000 second feet or such smaller capacity as is found to be economically justified and financially feasible. Arizona and the Secretary of the Interior may decide what capacity above 2,500 second feet is best suited to their needs and economically most justifiable, but any capacity above 2,500 cubic feet per second can only be utilized for the conveyance of Colorado River water when Lake Powell is full and spilling, or when releases are made in compliance with the reservoir operating criteria of section 602(a)(3) of the act.

The arguments given for authorizing a capacity of up to 3,000 cubic feet per second for the aqueduct were to allow Arizona to take advantage of any excess or flood flows that may pass down the river, and, more importantly, to be prepared for additional water that may be made available through augmentation. Because this size aqueduct is obviously considerably larger than the capacity needed for Arizona to divert from the main stream of the Colorado River the water apportioned to her by the Supreme Court's decree in Arizona against California and apportioned by the Colorado River Compact, the cost of the capacity beyond 2,500 cubic feet per second must be repaid either from central Arizona project revenues or from that portion of the Lower Colorado River Basin development fund, which, pursuant to subsection 403(f), is available to assist the central Arizona project, or from sources other than the development fund. In any event, the costs of the capacity above 2,500 cubic feet per second shall not be an obligation of the part of the fund that is dedicated to assisting future construction of augmentation works. As a result, the authorization of $832,180,000, of which $53,180,000 is the projected cost of the increased capacity from 2,500 to 3,000 cubic feet per second, will be reduced proportionately with any incremental reduction in the size of the aqueduct under 3,000 cubic second feet.

Title V authorizes the five Colorado and New Mexico projects; namely, Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel. It also conditionally authorizes the Uintah unit of the central Utah project. Additionally, it amends section 2 of the Colorado River Storage Project Act to conform with events and the realities of the many preliminary studies on prospective participating projects.

Perhaps the most significant provision of title V, as it affects the upper basin is found in subsection (b) of section 501. Because of its significance, Mr. President, I ask unanimous consent that subsection 501(b) be printed at this point in the RECORD.

There being no objection the subsection was ordered to be printed in the RECORD, as follows:

> The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project.

Mr. ALLOTT. Mr. President, the intention of this language is to require the Secretary of the Interior, in constructing the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects, to insure that the planning and the accomplishment of preconstruction and construction activities are performed in such a manner as to insure that each of the five projects will be completed and capable of full operation not later than the date of first delivery of Colorado River water to water users under the central Arizona project, assuming, of course, that appropriate repayment contracts have been executed in accordance with the terms of section 4 of the Colorado River Storage Project Act, before construction begins. Obviously, the projects will not require the same length of time to construct, and the Secretary can complete some of the projects prior to the first delivery of water through the central Arizona project, but the Secretary is expected and commanded to program construction of all five projects in such a way as to insure completion and operation of all five not later than the first delivery of water through the central Arizona project. This protection is absolutely essential to the interests of Colorado, which alone produces 70 percent of the water of the main stream of the Colorado River, because Colorado has experienced the problem of obtaining construction funds for projects which have been authorized.

Two Colorado projects have been authorized for construction for 4 years, Savery-Pot Hook and Fruitland Mesa, and yet no construction has yet been accomplished on either. In fact, no construction funds were even requested in the budget for fiscal year 1969. At this time, it is impossible to anticipate when these projects will be constructed and completed. Further, as I pointed out during the Senate debate on S. 1004, the fund requirements for the central Arizona project, coupled with the requirements of projects now under construction or about to be constructed will very appreciably increase the Bureau of Reclamation's annual construction budget. As I pointed out when discussing the Senate version of S. 1004 on August 7, 1967, the fund requirements for the construction of the central Arizona project during the third, fourth, fifth, and sixth years would exceed $100 million per year. I also called to the attention of the Senate the fact that appropriations for Bureau of Reclamation construction had averaged over the 10-year period of fiscal year 1958 to fiscal year 1967 about $242 million annually. Senators know that fiscal year 1968 appropriations dipped from that average to about $223 million. Senators also know that appropriations for construction in fiscal year 1969 dropped substantially, to a level below $200 million. This has been due to the Nation's serious fiscal situation, and has caused considerable delay and stretch out of present ongoing construction. This situation, which has developed largely since my predictions of August of last year, will serve to greatly intensify the funding situation and make it doubly difficult to find the funds needed to carry on construction of authorized reclamation projects at an economic rate. As I explained last year, taking just those projects actually underway and adding to them the Manson unit of the Chief Joseph project, the Tualatin project and the central Arizona project and projecting them on an economic rate of construction, without adding any new projects, the funding requirements would increase and ultimately exceed $525 million annually by the fourth year, fiscal year 1972. Of course, inflation will cause upward adjustments to these projections just as fiscal restraints have caused delays and stretch out of construction. But, the fact remains, that with the start of construction on the projects authorized by this bill, funding requirements will soar to more than double their normal level.

It is for these reasons that the contemporaneous construction provision is of such significance to the upper basin and to Colorado in particular. Without it, Colorado would face the constant threat that its projects would be shunted to the back burner to simmer, while central Arizona would plunge ahead at full speed.

The language of section 501(b) of the act directing the Secretary "to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the central Arizona project" is to be regarded as a sacred trust and a definite legislative commitment on the part of the Congress. Obviously, it carries with it the direct implication that future Congresses will make construction funds available for these projects simultaneously with funds for central Arizona in order to permit the Secretary to meet the directive that such "five projects shall be completed not later than the date of the first delivery of water from said central Arizona project." The Senate and House in approving the conference report will be effectuating this policy that will go far in protecting my State's right to use its share of the water supply of the Upper Colorado River Basin, under the Upper Colorado River Compact and the Colorado River Compact.

Here, I must say, we come to one of the most sensitive parts of the bill. I believe that almost everyone had a hand in trying to write language which would accomplish the exact purpose of the committee so that there would be no question. I call particular attention to the paragraph I have just finished reading, that it is the intention of the conference committee that the Colorado projects will be constructed and financed contemporaneously with the central Arizona project in order that, as I have just read, they will be completed not later than the date of the first delivery of water from said central Arizona project.

The language to which I referred a moment ago provides that the Secretary is directed to proceed as nearly as practicable with these projects to the end they shall be completed not later than the first delivery of water from the central Arizona project.

The chairman of the Committee on Interior and Insular Affairs is in the Chamber. He spent a great many hours on this particular piece of legislation, as did we all. He was present, as I was, at each of the conferences on the conference committee.

Thus, I should like to address this question to him:

Does the chairman of the Committee on

Interior and Insular Affairs agree with my understanding of the legislative intent of subsection 501(b); that is, that insofar as it is possible, Congress is making a commitment, by the enactment of this bill, to make funds available in such fashion as to permit the Secretary to carry out his directive to plan and proceed with the construction of five Colorado projects, in such manner that such projects shall be completed not later than the date of the first delivery of water from the central Arizona project?

Mr. JACKSON. Let me respond as follows: The pertinent language of subsection 501(b) reads as follows. The Senator has referred to it, but I shall restate it:

> (b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project.

I shall not read the proviso.

The conference committee, on section 501(b), adopted the language of the House amendment to the bill, which directs the Secretary to construct as nearly as practicable the five upper basin reclamation projects concurrently with the central Arizona project.

As I understand the language of this subsection, if adopted, it would constitute a clear expression of the intent of Congress that the benefits of the upper basin projects will become available at the same time as those of the central Arizona project.

I understand this intention to be a part of the compromise among the States of the Colorado Basin, which made agreement on a conference report possible.

If enacted, this subsection will direct the Secretary to plan his construction program and request appropriations in such a way as to make the five upper basin projects operational not later than the date of the first delivery of water from the central Arizona project.

I further consider this language to be an expression to future Congresses, of the desire of this Congress that, insofar as possible, funds will be appropriated to adequately fund such a construction program.

Mr. ALLOTT. Mr. President, I think I understand the chairman perfectly. He has, as nearly as I can identify his words, stated exactly what the situation was in the conference and what the purpose of the legislation and the report was.

I might say that, in the opinion of the Senator from Colorado, any other plan or development would not have resulted in a bill this year. I am sure that the Senator has hinted in his remarks that there would not have been a bill unless there had been some understanding about the construction being carried on contemporaneously of the Colorado projects and the projects in Arizona.

In all frankness, let me say that what impels this particular provision in the bill is my concern, after having dealt with water a great many years as a lawyer in private practice—and considering the fact that the aqueduct has been raised first from 1,800 cubic feet per second to 2,500 feet and now to 3,000 feet, a provision that I did not agree with and tried to get modified in the conference committee—if the water has once gone downstream and become a part of a developed economy in the State of Arizona, the Supreme Court, at least as it is now constituted, might very well find a way to get around the guarantees contained in the Colorado River compact and the Upper Colorado River Basin compact, to which the United States is a signatory, and both of which have been approved by the Congress of the United States.

So, looking down the road 30 or 40 or 50 years, subsection 501(b) is the only method that I think will provide the protection that the Upper Colorado River States need, and particularly the State of Colorado.

I am about to continue with some other matters at this time in connection with this subject. I want to thank the chairman very much. Unfortunately, he and I did not agree on too many points in the entire legislation, but certainly there has not been a piece of legislation that has been more carefully examined and discussed by any committee than this particular bill. I do not think it is an overstatement to say that literally every word was gone over by the conference committee as a group in the seven long sessions, and I am appreciative of the cooperation the chairman gave me when that occurred.

However, it should be fully understood by the people of Colorado and more especially the officers and directors of the appropriate water conservancy districts, that concomitant with the obligations of the Secretary of the Interior and the Congress to assure contemporaneous construction of the five Colorado projects with the central Arizona project goes the obligation to perform all acts necessary to insure early completion of the projects, and that as these projects are completed the water made available is fully put to a beneficial use as rapidly as possible. This is equally as important to the protection of Colorado's right to the use of its share of Colorado River water as is the assurance of contemporaneous construction. The Congress and the Department of the Interior have a right to expect nothing less.

Mr. President, I should like to address to the chairman a question that has been raised. I am sure I know what his answer is, but I think it ought to be a part of the RECORD.

It is true, is it not, that this particular legislation is in no way intended to impair the rights of the people of the State of Colorado or the State of Colorado to use the water allotted to them or the State by the various compacts which have been created?

Mr. JACKSON. Mr. President, the pertinent language applicable in response to the distinguished Senator's question is to be found in title VI, section 601 (a), which reads as follows:

> Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) or the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620).

I think those are all of the pertinent citations that relate to the question which the able Senator has properly raised. I think the statutory language makes it very clear, as stated in section 601(a) of this measure, that this measure does not alter any part of the compacts which assure the State of Colorado its allotment of Colorado River water.

Mr. ALLOTT. I thank the Senator very much.

Sections 501(e) and (f) are of particular significance to my State of Colorado. These sections will aid both State and Federal officials in the administration of water rights and the operation of projects depending upon the Colorado River system for their water supply. Because nearly the entire State of Colorado, both the area west of the Continental Divide and the area east of the Divide, must depend, in large part, upon the Colorado River for its water supply, now and for future growth, these sections are necessary to the State of Colorado to clarify existing misunderstandings. The eastern slope rights are closely tied to the operation of Green Mountain Reservoir under Senate Document 80, 75th Congress, first session, by reason of the incorporation of certain provisions of that document in that decree of the U.S. District Court for the District of Colorado which defines the rights of both the United States and certain east slope appropriators in the Blue River.

Under the law, the definition of those rights by the court is simply a description of what those east slope users and the United States, as appropriators, did to create their respective rights. In describing the rights of the United States therefore, the court, rather than presuming to intrude upon the functions of Congress, merely copied the language of Senate Document 80 without interpreting it. Since question exists, not as to any court interpretation, but as to the Congress purpose in creating Green Mountain Reservoir, it is appropriate that only Congress resolve any problem relating to this Federal property which may have arisen out of this congressional document; and this we have done in the pending bill.

In reporting on section 7(d) of S. 1004 as passed by the Senate in 1967, which is identical with section 501(f) of the bill, the Senate Committee on Interior and Insular Affairs, stated in its report No. 408, 90th Congress, first session, at pages 60 and 61:

> Section 7(d). Subsection (d) has been included in the legislation in order to give congressional interpretation to the meaning of the words "any western slope appropriations" that appear in paragraph (I) of that section of Senate Document No. 80, 75th Congress, first session, entitled "Manner of Operation of Project Facilities and Auxiliary Features." The meaning of these words which this subsection approves is the same as that approved by the Colorado Water Conserva-

> tion Board. The section of Senate Document No. 80 referred to provides for three principal water components of the Colorado-Big Thompson Federal reclamation project; namely, for diversion of water to the eastern slope of Colorado, for storage of replacement water, and for storage of water for use in western Colorado. The replacement water (52,000 acre-feet) and water for use in western Colorado (100,000 acre-feet) are stored in Green Mountain Reservoir in western Colorado.
>
> The last sentence of paragraph (g) of the particular section of Senate Document No. 80 in question says:
>
> "The 100,000 acre-feet of storage in said reservoir shall be considered to have the same date of priority of appropriation as that for water diverted or stored for transmountain diversion."
>
> This quoted sentence is subsequently qualified by paragraph (i) of the same section which, with reference to the Colorado River Compact, states, in part, as follows:
>
> "Notwithstanding the relative priorities specified in paragraph (g) herein, if an obligation is created under said compact to augment the supply of water from the State of Colorado to satisfy the provisions of said compact, the diversion for the benefit of the eastern slope shall be discontinued in advance of any western slope appropriations."
>
> The committee was informed that there has been considerable misunderstanding within the State of Colorado as to the effect of the additional projects herein authorized when viewed in the light of the above quoted provisions of Senate Document No. 80. Although the misunderstandings may be less real than they appear, the committee agrees to resolving the matter by approving the interpretation of the words "any western slope appropriations" to mean and refer to the appropriations heretofore made for storage in Green Mountain Reservoir on the western slope of Colorado. It is the view of the committee that any other interpretation would interfere with water rights vested by law in prior appropriators, and that the approved interpretation defines and observes the purpose of said paragraph (i) of Senate Document No. 80, and does not, in any way, affect or alter any rights or obligations arising under Senate Document No. 80 or under the laws of the State of Colorado.

It should be noted that the word "appropriations" immediately preceding the phrase "heretofore made for storage in Green Mountain Reservoir," as contained in the just quoted paragraph from the Senate committee report, should have been in the singular. It appears to be a typographical error, since the pertinent language of S. 1004, the bill which the committee reported, reads in section 7D as follows:

> The appropriation heretofore made for storage of water in Green Mountain Reservoir . . .

The foregoing interpretation is identical with that adopted by the official agencies of the State of Colorado. The Governor of Colorado, testifying before the Senate Committee on Interior and Insular Affairs during the week of May 2-5, 1957—report on hearings before the Senate committee on S. 1004 and similar bills, 90th Congress, first session, page 534—stated:

> Our proposal to authorize certain projects within our State under the authority of the Colorado River Storage Project Act is in accordance with long-established State policy and our internal allocation of water. However, there has been considerable misunderstanding within the State of Colorado as to the effect of such projects when viewed in light of certain provisions of Senate Document 80, 75th Congress, first session. This misunderstanding has affected harmonious relationships within the State and needs clarification. As a matter of State policy, our State water board and State legislature have adopted an interpretation of paragraph (i) of the section of Senate Document 80 entitled "Manner of Operation of Project Facilities and Auxiliary Features." The interpretation is that the words "any western slope appropriations" in said paragraph (i) mean and refer to the appropriation heretofore made for storage in Green Mountain Reservoir. We believe that this interpretation defines and observes the purpose of said paragraph (i), and does not, in any way, affect or alter any rights or obligations arising under Senate Document 80 or under the laws of the State of Colorado. Since it was a congressional document which created the problem, we believe that it is appropriate that clarification of the document in accordance with our interpretation be contained in any legislation which would authorize further projects under the authority of the Colorado River Storage Project Act.
>
> Such clarification is contained in some of the legislation now pending and we urge that it be retained.

The Colorado Water Conservation Board, the official water policy group of the State of Colorado, when considering this problem at its meeting of February 8, 1966, in official action, adopted the following:

> While the misunderstanding may be more vexatious than real, it now appears necessary that this Board adopt, as a matter of state policy, an interpretation of paragraph (i) of the section of Senate Document No. 80 entitled "Manner of Operation of Project Facilities and Auxiliary Features". This interpretation is that the words "any western slope appropriations" in said paragraph (i) mean and refer to the appropriation heretofore made for storage in Green Mountain Reservoir. This interpretation defines and observes the purpose of said paragraph (i), and does not, in any way, affect or alter any rights or obligations arising under Senate Document No. 80 or under the laws of the State of Colorado.
>
> The Colorado Water Conservation Board was not a party to nor heretofore has taken any position on Senate Document No. 80. It is now the position of the Board that it ratifies, confirms, and accepts all of the provisions of Senate Document No. 80, 75th Congress, 1st Session, as though it were originally a party signatory to said document, subject to the interpretation of paragraph (i) as above set forth.

In reporting on section 501(e) the Committee on Interior and Insular Affairs of the House of Representatives, stated in its report on H.R. 3300 (Rept. No. 1312, 90th Cong., second sess.), at page 81:

> In the administration of projects authorized by this Act or by the Colorado River Storage Project Act that are within or for the sole benefit of Colorado, the Secretary is required to comply with the laws of Colorado with respect to priority of appropriation and with respect to Federal and State Court decrees entered pursuant to such laws, in the diversion and storage of water. The Committee understands this requirement to mean that diversion and storage rights for these projects will be junior to existing rights recognized under Colorado law. This is merely a reaffirmation of the rule of law that would apply in any event. The Secretary is also directed to obtain the approval of the State of Colorado to any operating principles he may decide to adopt for these projects. The Secretary is not required, however, to adopt any operating principles. The Committee does not intend this language to interfere with the executive discretion of the Secretary in contracting for the sale and distribution of water.

The congressional interpretation of the meaning of paragraph (i) of Senate document No. 80 as stated in section 501(f) and the official adoption by the State of Colorado of the provisions of Senate document No. 80, including the interpretation of paragraph (i) thereof as contained in section 501(f), along with section 501(e), wherein the Secretary is directed to comply with operating principles, if any, adopted by the Secretary and approved by the State of Colorado, give further assurance that the intent of paragraph (i) of Senate document No. 80 will be observed by all parties.

There are two other provisions of the bill which I believe deserve special comment. These are in title VI. Section 601(b) requires the Secretary to make reports every 5 years on the consumptive uses and water losses in the Colorado River system. This provision was originally proposed by Senator HANSEN in the Senate Interior Committee, where it was adopted, and I believe it will prove to be one of the most important amendments adopted. In the conference, language was added to require more detailed breakdowns of beneficial consumptive uses made of major tributary streams of the Colorado River on a State-by-State basis. This will provide a most useful tool in coming to grips with water problems of the Colorado River Basin in the future, and I wish to commend the Senator from Wyoming [Mr. HANSEN] for his initiative. As he well knows, most of the problems of the Colorado River have resulted from insufficient and unreliable information relative to the flow of the river and the uses made of it along its course. His amendment will do much to rectify that situation, and I predict that it will become a model which will be followed in other river basins.

Section 602 resulted from long and complex negotiations by representatives of the Upper and Lower Division States. Inclusion of the reservoirs operating criteria of this section not only will prevent a recurrence of the misunderstandings that occurred when the Secretary initiated the filling of the upper basin's Colorado River storage project reservoirs, but will also constitute a major contribution to more efficient and acceptable river management.

Storage of water in Lake Powell is the key to the ability of the Upper Division States to deliver water to the lower basin at Lee Ferry as required by articles III (c) and (d) of the Colorado River compact without curtailment of uses of water in the upper basin. If there is too little water in storage to make the required deliveries during drought periods upper basin uses would have to be curtailed to discharge compact obligations.

The reservoir operating criteria of section 602 are not intended to affect any rights under the Colorado River compact or to interpret the terms of that document. These criteria do implement the operations under the compact by establishing a common sense balance between the right of the Upper Division States to store water to meet future water delivery requirements and the lower basin's right under article III(e) of the compact to demand the release of water stored in the upper basin to meet consumptive uses in the lower basin. This will insure that the upper basin is fully protected in all prospective uses under the Colorado River compact, and coupled with the provisions regarding the use of adequate capacity in excess of 2,500 cubic second feet it is intended that upper basin rights to its water as apportioned by the Colorado River compact will not be impaired in any way.

The Secretary of the Interior is directed by section 602, in consultation with official representatives of each of the seven Basin States and with affected contracting parties, to promulgate equitable criteria for the coordinated long-range operation of reservoir on the main stem of the Colorado River. Section 602 establishes broad objectives that must be met by the operating criteria and outlines policies to be followed. It also sets forth specific and detailed provisions to be incorporated in the criteria. These operating criteria must be adopted by the Secretary not later than July 1, 1970, and he must report annually, beginning January 1, 1972, to the Congress and to the Governors of the seven Basin States with respect to operations under the adopted criteria.

It should be clear that in establishing these long-term reservoir operating criteria it is intended that such criteria be prepared and reviewed each year after an exchange of views, first, with State entities designated as official in the field of water resource development either by State law, or by the Governor of the State; second, with representatives of interstate compact commissions primarily concerned with administration of waters of either the Upper or Lower Basins; and, third, with parties to contracts with the Federal Government that may be affected by the criteria.

Finally, I wish to say that Arizona has historically supported Colorado projects, and Colorado has traditionally supported Arizona projects. While I regret that certain limitations about which I have previously spoken did not make a more far-reaching, basin-wide approach possible, and that it could not be achieved in this legislation, I am glad that the bill has been so changed since it passed the Senate that I can now support the bill and restore and retain that continuity of history. I signed the conference report and will vote for its adoption. As my friends on the Interior Committee know, the battle over this legislation has been a spirited one because the interests of many States were involved. If I have made any remarks during the course of this struggle which have offended any of my colleagues, I hope they will forgive me and charge it to my natural zeal to protect the rights of my State, and what I regard as the interests of my constituents, for I have nothing but the highest regard for all of those who participated in the hearings, in the work of the conference committee, and in the turning out of this legislation.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield to the Senator from Wyoming.

Mr. HANSEN. It has always been Wyoming's view that the Colorado River Compact of 1922, the Upper Colorado River Basin Compact, and the Mexican Water Treaty of 1944 represent the supreme law of the Colorado River. Does the distinguished Senator from Colorado share that view ?

Mr. ALLOTT. I share that view, with some limitations. In other words, these are the basic documents upon which the Senator's State and mine depend for their water rights. But I would call the Senator's attention to section 601(a), which the distinguished chairman of the Committee on Interior and Insular Affairs read a while ago, which also contains some references to other legislation which does affect the basic water rights of his State.

However, I do hold the view that the basic water rights of the Senator's State and mine rest upon the compacts and legislation he has referred to.

Mr. HANSEN. I ask the Senator, then, a second question: Is it the Senator's view that the legislation before us today abrogates or diminishes in any way the rights of Wyoming to the water of the Colorado River allocated in accordance with these instruments that I have just mentioned?

Mr. ALLOTT. In my opinion, the legislation does not, per se. I have talked privately with the Senator—and I mentioned this on the floor a few moments earlier—concerning the possibility that down the road a long way, in perhaps 30 to 50 years, there might lie some possible threat to the water rights of Wyoming, unless the water development of Wyoming proceeds apace, as quickly as it can. This, of course, is based upon my lack of confidence in what our Supreme Court might do in interpreting the compact some 30 to 50 years from now, after an economy may have developed in the Lower Basin.

So I deem the development of water resources as very important to my State, as I have said in statements to the people of Colorado, and I deem it just as important and just as applicable to Wyoming, and that she, too, has to proceed apace with the development of her water supplies and her water rights; and I wish to say to the Senator from Wyoming that he can be assured of my complete cooperation and help to develop any projects in Wyoming of any nature which will comply with the qualifications of our reclamation laws.

Mr. HANSEN. I appreciate very much what my distinguished friend, the Senator from Colorado has just said. I would call attention, in the light of that response, to section 603(a) of the legislation, which reads:

> Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

Does that statement run at variance with the observation the Senator has made previously?

Mr. ALLOTT. I would say not. As I stated, we in the Upper Basin States hold rigidly to the letter of the words of section 603(a). And my remarks of a moment ago are only intended as a warning to my own State. And I do not warn another Senator or another State. Perhaps, however, it is advice to another State in the intervening years. There is no question that the bill retains all our rights, and we intend to retain them under section 603(a).

Mr. HANSEN. Since we agree that Wyoming's rights to Colorado River water are left intact by the legislation, does the Senator agree that when—and it will be soon in my judgment—Wyoming is ready to put its due share of water to beneficial use, that Congress and its committees should and will give every consideration to Wyoming's needs, just as Congress is now giving consideration to the needs of our sister States in the Colorado River Basin?

Mr. ALLOTT. I would say, unequivocally, yes.

Mr. HANSEN. I thank the distinguished Senator from Colorado.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, I, too, rise on behalf of the interests of our State of Wyoming in this matter of water.

My friend, the Senator from Colorado, has been one of the giants in the field of trying to protect the access to waters in the Upper Colorado River Basin. I pay tribute to him for that.

I am deeply disturbed about the way the conference report has tied our hands in looking ahead to determine how much we are going to guarantee the rights of the various compact States to their water.

It seems to me that cooperation between the States is meaningfully undercut by the conference agreement, for example, even to close out the possibility for 10 years of exploring the feasibility of interbasin water transfer. Very frankly, there is not a lot of water around the Upper Basin itself that is yet unclaimed and unattached by rights. And, given the mobility of population and technological breakthroughs, I think it would have stood us in a much better position if we had been able to at least explore the feasibility of importing water into the Colorado River Basin.

I suggest in the light of the colloquy my distinguished junior colleague has just completed with the Senator from Colorado, we in Wyoming have come out of the conference with a much shorter end of the stick than we went into the conference with.

Would the Senator care to comment on that?

Mr. ALLOTT. Mr. President, I would be happy to do that. We in Colorado have been over this argument many times. I feel almost as if I were repeating a rhyme that I learned as a child. We have discussed it so many times.

I am very bitterly disappointed over this one facet, although my colleague in the House, the chairman of the Committee on Interior and Insular Affairs, was willing—I will not say happy—to accept this particular provision which forecloses any study, even a reconnaissance study, for the importation of water into the Colorado River Basin for 10 years.

I have supported weather modification projects and research. I have supported legislation and appropriations for desalination plants. However, in the cold, hard light of day, neither of those offer a feasible way of increasing the water supply of the Colorado River.

As an example, aside from the technological and scientific aspects of weather modification, if we could just project the amount of legal difficulties that will ensue once we start a weather modification program, it does not require much imagination to see that a meaningful augmentation of the river by means of weather modification is a long way away. As to desalination, there have been no significant breakthroughs in 5 years that I know of. The most recent attempt to have a water desalting plant has been abandoned. I do not know whether it has since been put back on the track, but it has been recently abandoned and will require renegotiation. It was abandoned at just about the time we were holding these conferences. This was occasioned because of the great increase in the cost of the desalination plant—an increase from approximately $450 million to more than $760 million.

I do not think any of us can see at this time any prospect that we will be able to use desalinated water for farm and agricultural uses. Desalinated water will be able to be used for municipal purposes, but not for farm and agricultural purposes in the near future.

So, I am concerned and I am disappointed because of the one thing that nearly kept me from signing the conference report, that is that for 10 years we have diminished the existing powers of the Secretary of the Interior, He now has a right to perform reconnaissance studies for the importation of water; but we have said for 10 years: "You cannot do this at all." He can do it, however, with respect to California. He can look to the waters of northern California, but he cannot look beyond the borders of California.

I am deeply disappointed that such a situation prevailed. However, it will be at least 10 years, I believe, before the central Arizona project is operating fully. And by that time the proscription against the Secretary will have expired.

Mr. McGEE. I appreciate the comment of the Senator on that very factor. I think it is a key factor.

It seems to me that, given the time, as rapidly as things are changing and as quickly as we are moving into new areas, this cannot be regarded as wise legislation in that regard.

It is at least standing still, in the very best of terms, and in the worst of terms, it is going backward.

We have tried to be very cooperative in the upper basin on this question. And, believe me, we think that Arizona ought to have this water for development. We believe, however, that at the same time the States that are so closely linked together in the Colorado project ought to have been a little more careful in standing together to protect the water needs and the water rights of all of us. And we firmly believe that the State of Wyoming perhaps suffered the most in the agreement that was ultimately reached in this matter.

I say to the Members of the Senate that, as our needs are mounting very rapidly now and as change is sweeping across our own State, my junior colleague and I will be before the Senate with a program asking for the help of Congress in recapturing, restoring, and returning water to the State of Wyoming for our future development.

I am a realist about that. I know that once this water gets committed to central Arizona over a period of years, it will be very difficult to uncommit it and to get it back to where it was supposed to be in the first place. This may mean that we will have to find some way in our own State to try to break through in this area in the search for new water. We do not have the greatest resources in order to do that. That is one of the reasons why we need help.

I dislike to see the fabric of the Western States become unraveled this way, when we should have remained with a strong and mutual linking of arms in the development of water resources in the West.

Mr. ALLOTT. I do not know whether the Senator was on the floor a few moments ago when I was in colloquy with the junior Senator from Wyoming [Mr. HANSEN]. I do not think that Wyoming has been abused by this measure.

There are problems, as the Senator well knows, within Wyoming—problems not of people but of getting projects underway and getting them approved. Unfortunately, Wyoming has not been brought to the place at this time where she can share in this development with Arizona and with Colorado in this instance.

But I say to the Senator from Wyoming, as I said to his colleague, that so far as the Senator from Colorado is concerned, as long as he is a Member of the Senate, he will support Wyoming in the development of the water to which it is just as much entitled as is Colorado, Utah, or New Mexico by reason of the various compacts.

Second, I should like to make this point: If plain English can be written, and it is repeated in several ways during the course of the proposed legislation and the House report—and this must be a part of legislative history—nothing in God's world can deprive Wyoming of the right to develop and use its water under this bill. I believe we should have an understanding on that, because not one of us in the Upper Basin States could vote for this measure under any circumstances if there were any other interpretation.

Mr. McGEE. Mr. President, I appreciate the thrust of the statement by the Senator from Colorado. I would only hope that the clarity of his declaration today and the sincerity of his own pledge on this question will still be able to translate some day into the authorization of Congress itself, which, as the Senator well knows, is sometimes a complication of considerable proportions.

My State objects to authorizing the central Arizona project because the bill in its present form is inconsistent with the basic principles of sound planning and development.

To be blunt, Mr. President, the bill works only hardship on Wyoming. We have no projects included. Where a sop has been thrown to others, we have none. Nor did we want it. All Wyoming seeks, all Wyoming has ever sought, has been reasonable assurance that the waters allocated to Wyoming under interstate compact will be available to Wyoming as our day of need arrives. And that day of need is fast arriving.

The conference committee report is, in Wyoming's view, a report which compounds our difficulties with this legislation. It clamps a 10-year moratorium upon so much as a study of transbasin diversion from the Pacific Northwest to the Southwest.

Along with all Wyomingites, Mr. President, I was deeply disappointed when the other States involved in this issue, particularly the States of the Upper Colorado River Basin, settled for short-range gains in the form of their individual projects which have been thrown into this bill instead of insisting upon a long-range approach to the very serious problem of a short water supply in the Colorado River. We are told that exhaustive studies of methods to augment the basin's water supply will be undertaken. But we ask what kind of exhaustive study can be made while the possibility of transbasin division works is overlooked at least for a decade.

In 10 years' time, Mr. President, the situation will be not better but worse if this is the type of "exhaustive study" we are going to rely upon.

Authorization of this project represents a tremendous burden upon Wyoming, for it seems clear at this time that development of the Green River Basin in Wyoming is going to fall on the shoulders of the State, if indeed, an $832 million project is undertaken downstream that will utilize these waters. I assure my colleagues that Wyoming will one day be before Congress in an attempt to regain what we are seriously threatened with losing today. But I am not optimistic that one lone State with few people and no allies will be able to prevail when that day comes. Rather, I expect that we will have to see to the financing of our own Green River development if the cooperation we have received so far in assuring availability of our allocated water is any measure of future events.

Let me add that Wyoming has no desire to see Arizona denied the water needed for its full development. Nor do we have rancor toward any other State benefited by this measure. We simply contend that the glossy claims that this conference report has settled all the water troubles of the Colorado Basin are untrue and unfair. It has compounded our problems, Mr. President. Wyoming cannot, Wyoming will not, wait until the end of this century to see how much water is available before moving ahead to utilize the water which is rightly hers. We have dreams, and we have plans to realize those dreams, to make full use of our water from the Green River.

Much has been made by the sponsors of this legislation and its supporters of the interstate cooperation that was achieved in bringing the bill to passage. While I commend, in particular, the work of our beloved colleague, the Senator from Arizona [Mr. HAYDEN] in diligently pursuing the interests of his State, I submit that the cooperation was not as general as supporters of the central Arizona project would have you believe.

We in Wyoming look ahead and see a half million acre-feet of water that is rightfully allocated to our State going downstream to the central Arizona project. We have difficulty picturing a future Congress authorizing a Wyoming project at a later date which would utilize this water and thus jeopardize the very expensive project proposed in Arizona, law or no law. In return, we have a study of ways in which to augment the flow of the Colorado River Basin which cannot for 10 years even consider one of the most logical means—transbasin diversion.

What else can Wyoming do, Mr. President, but object to this legislation? I ask my colleagues who are interested in sensible, long-range planning for the future on a regional and national basis to join me in casting a vote against the adoption of this conference report.

I understand that there probably will not be a rollcall vote on this matter today, and I want the RECORD to show that I remain unalterably opposed to the conference report for those reasons.

I do not want this to be construed in any way as aiming at Arizona. We believe Arizona should have the water, also. It is not with any kind of animus. It is just that I believe we have broken down our teamwork in the West in trying to get a uniform development of all the water resources.

For those reasons, I intend to oppose this measure.

I thank the Senator for yielding to me.

Mr. ALLOTT. The Senator is entirely welcome to the time.

I must say that in certain instances, interests become fractionated. I am completely in sympathy with the position of Wyoming in its water development, and I have expressed myself on that matter before.

One final matter, in conclusion, Mr. President—and I address this question to the chairman of the committee.

Section 303(d) provides, in substance, that if a thermal generating plant is constructed in Arizona and is served by Colorado River water, "such consumptive use of water shall be a part of the 50,000 acre-feet per annum apportioned to the State of Arizona by article III (a) of the Upper Colorado River Basin Compact."

Section 601(a) provides, in substance, that "nothing in this act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions" of the "Upper Colorado River Basin Compact" and, of course, other compacts, treaties, and acts referred to there.

My question to the distinguished chairman is this: Does the chairman of the committee believe that these two provisions, taken together, require that water used to generate power at the proposed generating plants will be chargeable to Arizona's Upper Basin apportionment, as apportioned by the Upper Colorado River Basin Compact, and that all of the provisions of the compact, including but not limited to article VII, remain binding upon the United States and the signatory States of the compact?

Mr. JACKSON. The answer to the able Senator's question is "Yes," if the plant or plants are built in Arizona. The Senator from Washington assumes that the Senator from Colorado is referring to the construction of the plants in Arizona.

Mr. ALLOTT. That is correct.

Mr. JACKSON. The answer, then, is "Yes."

Mr. ALLOTT. I thank the Senator very much.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, during the 89th Congress I had the privilege of addressing this body on the need for action on the central Arizona project bill. I pointed out that time was running out and that there was a critical need for favorable action on this bill.

My colleagues can appreciate my deep gratitude as I ask the Senate to place the last congressional stamp of approval on this project so vital to the future of Arizona and other States of the West. It was you, my colleagues, after lengthy debate, who overwhelmingly voted for this bill last year.

Arizona has been proud to work with the upper basin States, including the great State of Colorado, and I wish to pay tribute to the senior Senator from Colorado for his leadership in reclamation projects over the years. The Colorado projects included in this bill have our best wishes and our good will, and we hope they can proceed as nearly as practicable concurrently with the central Arizona project.

I am, however, greatly concerned that the distinguished Senator from Colorado has attempted to place such a strict and rigid construction on section 501(b) of the bill.

I must categorically deny that any such rigid interpretation was ever intended by the House committee or the conferees. His claim that the central Arizona project can only proceed if and when all five Colorado projects are likewise ready to proceed not only is in conflict with the literal wording of the section but also violates the general approach which was attempted when this language of the bill was arrived at. Such an interpretation—if accepted by the Secretary and the Committees on Appropriations of the House and Senate—could delay construction indefinitely and perhaps forever. In fact, section 501(b) of the bill prohibits the start of construction of any of the upper basin projects until repayment contracts have been executed, and, relating to the Animas-La Plata project, prohibits construction of that project until after the States of Colorado and New Mexico have ratified a compact between the two States. Under my colleague's strict interpretation of section 501(b), construction of the central Arizona project would depend then upon this action by these two States and the action of the individuals associated with each project—not upon the will of Congress.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. FANNIN. I am glad to yield to the distinguished Senator from Arizona.

Mr. ALLOTT. Mr. President, I think the Senator is reading something into my statement that I did not say. I did read section 501(b) twice, and I am aware of the proviso of the act which concerns him. I understand his concern. To put it bluntly, he is afraid that one of these projects could not be constructed or could not be made ready for construction, that Arizona would be held up. I have no such intention on my part.

The proviso which states: "*Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project." means that each one of these projects certainly has to qualify under the reclamation laws; and certainly the Secretary would enter into a repayment contract with the sponsoring organization of that particular contract, whether it was a conservation district, an irrigation district, or whatever, before starting construction.

Therefore, I think the fears of the Senator are not justified. If, for example, the Colorado Water Conservation Board, which is the official body charged with the development, conservation, and use of water in Colorado, were to decide it would not push one of these particular projects in the future and there was a change in economic development which would not make one of them feasible, then I would not consider—and I am happy to make this statement—that Colorado should take the stand, under such circumstances, that because we are not in the process of developing one of these projects Arizona should be held up and kept from developing the Arizona project. That is not the intention of the bill; it is not my intention, nor is it the intention of any of the conferees, nor those who serve on the committee.

Mr. FANNIN. I thank the distinguished Senator from Colorado. I know the Senator knows that Arizona desires to cooperate with Colorado. We have always cooperated with Colorado. I am sure this measure will receive solid support from the Arizona delegation.

Mr. ALLOTT. If the Senator will yield further I would like to take another moment to clarify this matter for the benefit of the Senator.

Mr. FANNIN. I yield to the Senator from Colorado.

Mr. ALLOTT. I think the Senator would be interested in our position in the matter. I am not anxious to mix the situation; I am anxious to clarify it and that is why I am taking so much time this afternoon.

With respect to the Animas-LaPlata Federal project, I wish to read the last sentence of section 501(c), which states:

> *Provided*, That construction of the Animas-La Plata Federal reclamation project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the following compact to which the consent of Congress is hereby given:

Then, the terms of the compact are stated. Colorado and New Mexico have to agree to the compact.

Mr. FANNIN. Yes.

Mr. ALLOTT. And until such time as they have agreed to it we are not even in a position to ask for funds for the Animas-La Plata compact.

I am not trying to confuse the record. I am trying to clarify our own thinking because we all have a common interest in the Western States of developing our water and reclamation. If people had not been foresighted almost 75 years ago, or 60-some-odd years, we would not have had the West we have. We would not have that great development around Phoenix nor would we have the development in Colorado that we have. Having this common interest, I am as interested as anybody else to see that we understand each other thoroughly and assure that there will be no untied strings on this legislation when we approve the conference report this afternoon. I know how much it means to my friend.

Mr. FANNIN. I thank the distinguished Senator from Colorado. I appreciate his viewpoints in the matter.

The Colorado projects have our best wishes and our good will—and we hope they can "proceed as nearly as practicable—concurrently with the construction of the central Arizona project."

I am therefore pleased, and very proud, to be here today on this historic occasion as a Member of this body representing my State. I am pleased and proud to see the efforts of so many, both in and out of the Congress, finally come to fruition. It has been a long and difficult struggle for many people to bring the central Arizona project legislation to this point in time. Arizona has made major concessions to make possible this project to bring water into its heartland. To bring the States of the Colorado River Basin and the majority of the reclamation States into a harmonious approach to the interconnected, the interrelated water problems of the vast region of the Pacific-Southwest is a result almost beyond belief.

I want to take this opportunity, not just to express my appreciation to the Members of this body who have so willingly and patiently cooperated with us in this effort, but I want, also, to express my thanks and appreciation and give recognition, to the many people at home who helped in a multitude of ways, to the loyal staff members on both sides of the aisle who worked long and well in bringing about this final version of the legislation and to the technical people from the various States who assumed the role of a task force to provide information and assistance to their various State delegations. To all of these people from all the States involved I express the thanks and appreciation of the people of the State of Arizona.

This is a great day in the history of western resource development. This bill removes many of the areas of conflict which have for years existed among the States of the Colorado River Basin, and in some measure, among all States of the West. It ushers in a new era of cooperation and understanding and pioneers a new concept in the reclamation movement, the concept of interstate or regional water resource development for the mutual benefit of large areas of our country.

For my own State it finally brings to fruition the dreams of many people throughout the years of bringing Colorado River water into the central and southern portions of Arizona—the portion of the State where the majority of our people live, the area which has already exceeded its safe water supply and which is already suffering badly from the return of thousands of acres of fertile irrigated land to abandoned farm house and dry desert lands. For us it is the promise of a new life. It will assure us that our State does have a great future, not a future which levels off and declines due to inadequate water to provide for the legitimate needs of our people.

True, the bill is a series of compromises. We did not get everything we desired, but neither did Colorado, California, Utah or any of the other interested States. This is the traditional pattern all legislation of this magnitude and of this complexity must follow.

Of particular importance in the bill is the provision which makes the 4.4 California guarantee less damaging to Arizona, the declaration that the satisfaction of the requirements of the Mexican water treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project.

However, studies of any plan for importation of water into the Colorado River Basin from other drainage basins lying outside the Colorado River Basin States are prohibited for a period of 10 years. During this moratorium all other phases of the westwide water study will go forward and after the moratorium ends the overall westwide study can continue without restriction.

But basically, and substantially it is good legislation and legislation which all of us in the West can live with if we proceed from this point in time in good faith and with mutual respect for the problems and the needs of each other.

Many Senators know the history of this project and this bill. But there are none who know it so intimately as my colleague, the distinguished Senator from Arizona who is the dean not only of the Senate but of Colorado River authorities as well, Senator CARL HAYDEN. I pay tribute to him at this time.

Beginning with the first giant step of Hoover Dam, he has been personally involved in every piece of legislation that made possible the modern miracles of productive farms and gleaming new cities in the Southwest.

After World War II, Arizona twice came to the Congress with a feasible project to bring its share of Colorado River water into the central valleys where it was, even then, so badly needed.

Twice—in 1950 and again in 1951—it was approved by the Senate and sent to the House. Both times it ran afoul of the old Arizona-California feud and doubts about the validity of Arizona's water rights.

In good faith, and because it was the right thing to do, Arizona's representatives in the Congress of both parties gave their wholehearted support to the Upper Colorado River project and helped achieve its passage.

Today the Nation has Glen Canyon Dam and Lake Powell—one of the truly magnificient bodies of water in the world—a lake that enriches the esthetic and recreational opportunities of millions of Americans for generations to come.

Moreover, farms and cities in Colorado, Utah, New Mexico, and Wyoming can look forward to an increased measure of stability and economic growth because of the related projects made possible by Glen Canyon Dam and Lake Powell.

Having won its case in Court, Arizona then renewed its struggle to translate rights on paper into water on the land.

It was during this period, Mr. President, that I became officially involved in this matter. As one who was privileged to serve three terms as Governor of Arizona, I can testify from experience to the mounting frustration in our State and the growing anxiety over continued delays in attacking our water deficiency problem.

Many of us felt at the time that Arizona simply could not afford to gamble any longer with its future.

We had kept the faith with our sister States in the basin. We had waited patiently while their projects were authorized and constructed, and we pitched in to help.

We had done everything the Congress asked us to do but we still had no water.

A realistic political appraisal of our prospects for action in Congress afforded us little if any encouragement.

But as a westerner I am proud to say that the political and citizen leadership of the Colorado River Basin States has proved equal to the challenge.

We faced our problems and our differences squarely. We spent countless hours in exploratory meetings searching for the common ground we realized was mandatory.

Throughout this tedious and often discouraging process we enjoyed the firm support and cooperation of the Bureau of Reclamation.

I cannot begin to mention all of the individuals and organizations in the various States who have contributed so much to this continuing joint enterprise. All of them deserve credit for their perseverance and courage.

We have learned it is possible for men of good will to transcend old, static ways of thinking about water in terms only of local advantage and State boundaries.

In the time-tested American tradition we have hammered out a unified approach through honorable compromise—a compromise in which Arizona has made many concessions.

The principles and objectives remained the same—maximum possible development of all resources of the Colorado River to provide the greatest good for the greatest number.

I respectfully urge that the conference report be approved as amended by the conferees and that S. 1004 be enacted into law.

Mr. HANSEN. Mr. President, will the distinguished junior Senator from Arizona yield so that I may ask two or three questions with respect to this matter?

Mr. FANNIN. Mr. President, I welcome the questions of the distinguished Senator from Wyoming.

Mr. HANSEN. Since we agree that Wyoming's rights to Colorado River water are left intact by this legislation—and I think the Senator has indicated that; is that correct?

Mr. FANNIN. The Senator is correct. The bill speaks for itself in that regard.

Mr. HANSEN. Then I wish to ask the Senator if he agrees that when—and I think it will be soon—Wyoming is ready to put its due share of water to beneficial use, that the Congress and its committees should and will give every consideration to Wyoming's needs, just as the Congress is now giving consideration to our sister States in the Colorado River Basin?

Mr. FANNIN. I agree with the distinguished Senator. I am sure the committee will cooperate and certainly I know that this Senator from Arizona will be happy to cooperate.

Mr. HANSEN. I appreciate the response of the distinguished Senator.

I wish to ask the Senator a further question. It has always been Wyoming's view that the Colorado River Compact of 1922, the Upper Colorado River Basin Compact, and the Mexican Water Treaty of 1944 represent the supreme law of the Colorado River. Does the Senator agree with Wyoming's view in this regard?

Mr. FANNIN. I think there has been considerable controversy as far as some of the provisions are concerned. As far as the Colorado River Compact is concerned, I agree. As far as the Mexican Water Treaty is concerned, I feel the interpretation utilized in this legislation is proper.

Mr. HANSEN. I wish to ask one further question. Is it the Senator's view that the legislation before us today abrogates or diminishes in any way the rights of Wyoming to water of the Colorado River allocated in accordance with these instruments I have just mentioned?

Mr. FANNIN. As far as I am concerned I did not consider that was the intent.

Mr. HANSEN. I thank my distinguished colleague, the Senator from Arizona.

Mr. KUCHEL. Mr. President, this is an historic day for the entire West. Forty years ago, the senior Senator from Arizona [Mr. HAYDEN] battled in this Chamber with my illustrious predecessor, the late, great Senator Hiram W. Johnson, over legislation to create the first major dam and reservoir on the Colorado River.

Through the long, intervening years, the vital interests of California and Arizona and other Colorado River Basin States have been the subject of countless hours of negotiations and deliberations. I am honored today to rise in comradeship with the most distinguished member of this body, the beloved senior Senator from Arizona [Mr. HAYDEN] to put an end to the decades of strife and turmoil over the scarce waters of the river which divides our great States. An historic dispute is about to be resolved in what surely will live in history as one of the fine hours of the Senate.

I pay tribute to our able chairman, my friend, Senator HENRY M. JACKSON, for his leadership and fairness in dealing with a legislative proposal in which his State felt a keen and active interest.

The Colorado River Basin Project Act will be a sound addition to the "law of the river," the 45-year accumulation of statutes, compacts, treaties, and court decrees which govern the uses of the waters of the Colorado River system in the seven States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming—one-twelfth of the area of the first 48 States.

It balances, fairly and equitably, the interests of Arizona, California and Nevada, and the four Upper Basin States of Colorado, New Mexico, Utah and Wyoming. It states the terms on which California and the Upper Basin States could agree to support the authorization of the central Arizona project, which will add a new burden upon the already scarce flow of the Colorado River.

This bill is highly satisfactory to California for it resolves most of the past ambiguities and controversies inherent in the "law of the river," and it lays the foundation for future cooperation in development of the region's water resources.

In 1963, the U.S. Supreme Court handed down its opinion, followed by its decree in 1964, in Arizona's fourth Colorado River suit in that Court. It dealt with two issues: first, the quantities of water to be apportioned to each State. This question it decided, allocating, of the first 7.5 million, 2.8 million to Arizona, 4.4 million to California—the limitation to which my State had been required to agree in 1928 in the Boulder Canyon Project Act—and 300,000 acre-feet to Nevada. The second, and far more serious question, was how shortages should be borne if the supply is less than 7.5 million. This question the Court refused to decide and remitted to the Secretary or to Congress.

To his great credit, Secretary of the Interior Udall proposed to Congress, in 1963, a regional plan to import enough water into the river to assure against shortages. No one, however, introduced his proposed bill. I introduced my own regional plan, S. 2760, in the 88th Congress, and I followed with a similar bill in the 89th Congress, S. 294. The seven States of the Colorado River Basin were stimulated to agree on a joint bill—the first agreement among these States in several decades—and I introduced that bill as S. 1019, in the 89th Congress. This was followed by introduction of counterparts to my bill in the House, in the 89th Congress, by 35 of California's Congressmen and all three of Arizona's. This House bill was favorably reported out of committee, but did not reach the House floor.

In the 90th Congress, vastly different bills were passed by the Senate, S. 1004, and by the House, H.R. 3300. The bill now before us is S. 1004, amended, however, to contain most of the provisions of the House bill. These, in turn, correspond generally to the provisions of my bill, S. 1019, and its House counterparts in the 89th Congress, as reported out of the House committee in that Congress, but there are important changes.

California's objectives have been threefold: First, priority protection of California's existing projects in the event of shortage; second, investigating water supply and requirements, and launching a realistic program of importing new water into the river to bring the water budget into balance, with adequate protection of the areas from which the new water is imported; and, third, provision for financing the augmentation program. These three objectives were all addressed in consideration of this bill.

PRIORITY PROTECTION OF EXISTING USES

Mr. President, California has three Colorado River projects: the Metropolitan Water District's Colorado River Aqueduct, which transports water from the Colorado to the coastal plain, supplying water to more than 12 million people, over half of California's population; the All-American Canal, which supplies water to the Imperial Irrigation District and Coachella Valley County Water District, two of the richest irrigated agricultural areas in the world; and the Palo Verde project, having the oldest significant water rights on the river. These three projects cost more than $600 million, secured by liens on the homes, farms, and industries of southern California.

These projects were built to use 5.4 million acre-feet annually of Colorado River water, and they have put more than 5.1 million of this to use. Palo Verde began using water in 1877, Imperial about 1903. But, in 1928, when Arizona opposed the Swing-Johnson bill, which became the Boulder Canyon Project Act, Congress attempted to fashion a compromise which restricted California to 4.4 million acre-feet of the first 7.5 million available to the three States of Arizona, California, and Nevada, plus one-half of any excess or surplus available above 7.5 million. The intent was to permit these three projects to appropriate and put to use 4.4 million acre-feet, protected by the law of prior appropriation which prevailed in all seven States and which the U.S. Supreme Court had given interstate effect in the case of *Wyoming* v. *Colorado*, 259 U.S. 419 (1922). But, with respect to California's uses of water above 4.4 million, it was clear that we would have to prorate the available supply with Arizona—one-half to each.

To complete the equation, Congress proposed that the remaining 3.1 million of the first 7.5 million be divided 2.8 to Arizona, 300,000 to Nevada.

The U.S. Supreme Court in the cases of *Arizona* v. *California*, 373 U.S. 546, in 1963, adopted these quantities as the basis of its decreed apportionment—2.8 million to Arizona, 4.4 million to California, 300,000 to Nevada. There had never been any dispute about these figures, but there had been serious dispute for nearly 40 years on two points which were related to these quantities: First, whether Arizona's 2.8 million included or excluded the uses she has made in the Phoenix area of the waters of the Gila River, a tributary of the Colorado, amounting to about 1.7 million acre-feet annually. If so, Arizona could claim from the main stream only 1.1 million of the first 7.5 million. The Supreme Court decided this issue in Arizona's favor, excluding the Gila. Second, if the main stream supply should be less than 7.5 million, how should the shortages be allocated? The Special Master whom the Court appointed to take testimony in Arizona against California recommended that the short supply should be prorated among the three States, even if this meant that existing uses in California should be cut below 4.4 million acre-feet.

The Supreme Court unanimously disagreed with that recommendation, and I rejected it, holding that Congress had enacted no shortage formula, and that either the Secretary of the Interior or Congress could do so now, reserving to the Court the jurisdiction to review any formula that the Secretary might promulgate.

The bill that we are about to enact resolves the shortage issue, and does so in a way completely satisfactory to California.

Section 301(b), in substance, directs the Secretary of the Interior to so administer the decree in Arizona against California that, if there is insufficient water to satisfy 7.5 million acre-feet of consumptive use from the main stream in Arizona, California, and Nevada, diversions for the central Arizona project shall be so limited as to assure the availability of 4.4 million acre-feet for use by existing projects in California. Section 301(c) directs that this limitation on the central Arizona project diversions shall not apply so long as the Secretary proclaims that means are in operation which augment the water supply of the Colorado River in sufficient quantities to make 7.5 million acre-feet of main stream water available for use in the three States.

Section 606(g) defines "augmentation" as meaning to increase the supply of the Colorado River or its tributaries by introduction of water into the Colorado River system which is in addition to its natural supply. The intent is to negate any contention that the furnishing of water to the metropolitan water district on the coastal plain of southern California, or to any other user by means other than the introduction of new water into the river, will qualify, as a contribution to the 7.5 million, hence as a device for suspending the protection of California's 4.4 million.

To be plain about it, the shortage issue, which the Supreme Court refused to decide, is now decided in California's favor by Congress. Fairness dictates that it should be. And, because it is decided in California's favor, California is able to support authorization of the central Arizona project. Again, to be plain about it, the priority protection for California's 4.4 million acre-feet is permanent. This is because under the terms of article II(B)(1) of the Supreme Court's decree, California is apportioned 4.4 million whenever 7.5 million is available, and under the terms of section 301(b) of the new act California receives 4.4 million when the supply is less than 7.5 million, the central Arizona project diversions being reduced to the extent required to assure this, and the priority protection assured by section 301(b) is only suspended by section 301(c) when the river is augmented sufficiently to restore the supply to 7.5 million, thus making the 4.4 million available per article II(B)(1) of the decree. In short, the priority is suspended only when it is not needed.

Mr. President, because of the tremendous importance to California of these protective provisions, I ask unanimous consent that they be printed in full in the Record.

There being no objection, the provisions were ordered to be printed in the Record, as follows:

Sec. 301. (b) Article II(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301(b). This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior diversions for the Central Arizona Project, or amend any provisions of said decree.

(c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

* * * * *

Sec. 305. To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shal! make such water available to users of main stream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 403 of this Act) and on the same terms as would be applicable if main stream water were available for release in the quantities required to supply such consumptive use.

Sec. 606. (g) "Augment" or "augmentation", when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system.

Mr. KUCHEL. Mr. President, a final word about California's annual uses of the Colorado in excess of 4.4 million acre-feet of Colorado River water. These were put in jeopardy, not by the Supreme Court opinion, but by the bargain exacted of California by Congress in 1928. Four decades of comparative drought since that date have demonstrated that there is no "excess or surplus," dependable on a long-term basis, no matter whether the Gila is included or excluded in the calculation. California's uses above 4.4 million, being dependent on the physical availability of surplus, were foredoomed by Congress in 1928 if the wet years of the early quarter of the century should fail to return, and this has happened. Arizona and California both suffer the consequences, California in the pending loss of use of some 700,000 acre-feet of surplus that we once enjoyed, Arizona in the assumption of the risk of the next loss, when the common supply shrinks below 7.5 million.

It is this common problem which has drawn us together in a bill designed to ultimately add enough water to the river to assure both of us against additional losses, preserving 4.4 million for California, 2.8 million for Arizona 300,000 for Nevada.

AUGMENTATION INVESTIGATIONS

The report of the House conferees (H. Rept. No. 1861, 90th Cong., second sess.) sets forth very candidly the bill's provisions for investigations of new sources of water. I ask unanimous consent that a portion of that report be printed in the Record at this point.

There being no objection, the extract was ordered to be printed in the Record, as follows:

The language developed by the committee of conference as a substitute for section 201 of the House amendment directs the Secretary of the Interior to conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States, a term which is defined in title VI of the conference report as those States lying wholly or in part west of the Continental Divide. The investigations and development of the plan are to be in accordance with reclamation law, and the studies, investigations, and assessments of water availability must be coordinated with other water planning activities being conducted under the Water Resources Planning Act. The purpose of the reference to the Water Resources Planning Act is to assure cooperation and coordination among all Federal agencies, affected States, and study commissions established pursuant to the Planning Act and to eliminate possible duplication in the overall water resources planning effort. The reference to the Planning Act does not, of course, subject the Secretary of the Interior to the prohibition in that act against the study of transbasin transfers of water.

It is intended that the Secretary initiate this westwide planning effort by determining the water supplies available and the long-range water requirements in each water resource region of the Western United States. When this phase of the study is completed, the Secretary can then proceed with investigations to determine the most economical means of augmenting the water supply of the Colorado River in order to serve the most critical water-short area of our Nation. When the water needs of the Colorado River Basin and the time schedule therefor have been established, all possible sources of water must be considered, including water conservation and salvage, weather modification, desalination, and importation from areas of surplus. However, for a period of 10 years from the date of this act, the Secretary cannot undertake studies of any plan for importation of water into the Colorado River Basin from any other drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River. As the studies proceed, the Secretary is required to submit progress reports every 2 years and to submit, not later than June 30, 1977, a completed reconnaissance report on water supplies and water requirements for the entire 11 Western States area as well as the possibilities of augmentation from within the Colorado River Basin States. Both the progress reports and the final reconnaissance report are to be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and the Congress.

The investigations and studies under this title do not end with submission of this initial report in 1977. This is only the first phase. It is intended that, following the completion of this phase of the investigations and studies, the Secretary shall continue, pursuant to existing authority, to pursue vigorously the stated objective of section 201 which is to develop a general plan to meet the future water needs of the entire Western United States. He is expected to make such recommendations with respect to feasibility studies as are justified and appropriate, including feasibility studies of augmentation opportunities within the Colorado River Basin States. Also, it is intended that the Secretary, when the 10-year moratorium on studies of importation from outside the Colorado Basin States comes to an end, will conduct such additional reconaissance investigations as are justified of importation from outside the Colorado River Basin States and make such recommendations with respect to feasibility studies as are warranted. He will do this pursuant to existing authority and in the light of the investigations and studies he has completed up to that time.

The importance to the central Arizona project and to the entire West of the westwide water planning provided for in this legislation cannot be overemphasized. While there is disagreement with respect to time, the cold fact remains that eventually the water supply for the central Arizona project from mainstream Colorado River water will be reduced to less than 300,000 acre-feet annually unless augmentation becomes a reality.

Mr. KUCHEL. Mr. President, if water is imported into the Colorado, the likely areas of origin are either the rivers of northern California or the Columbia River Basin. California has as much interest as any of the Columbia Basin States in protecting its future. For this reason, California has insisted on language which gives about as complete protection to areas and States of origin as could be devised.

Mr. President, I ask unanimous consent that the area of origin language be printed in the Record at this point.

There being no objection, the language was ordered to be printed in the Record, as follows:

Sec. 203. (a) In the event that the Secretary shall, pursuant to section 201, plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in this Act, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this Act shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

FINANCING AUGMENTATION WORKS

Mr. KUCHEL. Mr. President, the bill contains two major provisions for the financing of works to add new water to the river. One is the creation of a development fund; the other is a direction that the cost of importing water to offset the Mexican Treaty burden shall be nonreimbursable.

The development fund created by title IV is divided into two parts. One part will commit power revenues from the sale of power for use in California and Nevada after payout of the Hoover Parker and Davis projects to the cause of bringing more water into the river. The other part, fed by the revenues from the sale of Hoover-Parker-Davis power for use in Arizona, from the Nevada-Arizona section of the Pacific Northwest power intertie after payout, from water charges paid by central Arizona project water users and from the Secretary's sale of surplus steam generated electric power, will initially finance the central Arizona project. The remaining surplus will also be available for augmentation works.

By the Mexican Water Treaty of 1944, the United States promised to provide to Mexico 1.5 million acre-feet of Colorado River water each year. But no steps were taken to assure that the water would always be available to flow into Mexico. I ask unanimous consent that the portion of the House conference report summarizing the way in which the burden of this treaty is placed upon the entire Nation be printed in the Record at this point.

There being no objection, the extract was ordered to be printed in the Record, as follows:

Section 202 warrants special mention. This section is a congressional declaration that satisfaction of the water requirements of the Mexican Water Treaty constitutes a national obligation which shall be the first charge against any augmentation project. It relieves both the upper basin and the lower basin from the Colorado River compact requirement covering deliveries of water to Mexico at such time as the Secretary of the Interior determines and proclaims that means are available and in operation for delivering annually into the Colorado River system sufficient water to satisfy the Mexican Treaty water requirements together with associated losses. A further provision in the House amendment made such relief to the Colorado River Basin States contingent upon the authorization of a plan to augment the Colorado River water supply by 2½ million acre-feet annually. This provision is retained in the conference version of S. 1004 which, however, adds clarifying language to indicate that such plan has not only to be authorized but also to be in operation to the extent of providing the additional water necessary to satisfy the Mexican Water Treaty requirements.

The declaration that satisfaction of Mexican Treaty water requirements constitutes a national obligation carries with it a nonreimbursable allocation of the costs of providing the necessary water or replacement for such water. The authority for this allocation on a nonreimbursable basis is included in title IV of the conference report, and clarifying language adopted by the committee of conference with respect to it is explained in this statement under title IV.

* * * * *

Section 401 of the conference report provides for allocation among the project purposes of project costs, including the costs of future units and augmentation works. It is the language of the House amendment with additional clarifying language in connection with the nonreimbursable allocation to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty. The new language adopted by the committee of conference provides that this nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized by title II of the act and any future congressional authorization. This language is intended to prevent a disproportionate share of the cost of any augmentation program from having to be borne by the taxpayers of the Nation. Under this new language, if a plan is authorized for augmenting the water supply available in the Colorado River by 2½ million acre-feet (the estimated amount necessary to satisfy annual consumptive use of 7,500,000 acre-feet of main stream Colorado River Water in Arizona, California, and Nevada and, thus, the amount most urgently needed and the amount contemplated for the initial augmentation program throughout the consideration of this legislation) and if it is assumed that 1.8 million acre-feet are required to comply with the Mexican Water Treaty, then eighteen twenty-fifths of the cost of such a plan would be nonreimbursable and seven-twenty-fifths of the cost would have to be repaid. However, should augmentation works be authorized to make available only increments of water within the amount required to comply with the Mexican Water Treaty, as would likely be the case should desalination be found to be the most economical means of augmentation, the total cost of such works would be nonreimbursable. On the other hand, should the investigations authorized by title II lead to authorization of a plan for augmenting the water available in the Colorado River by, say 8 million acre-feet through importation from an area of surplus, the nonreimbursable allocation would be limited to eighteen-eightieths of the total cost of the plan.

Mr. KUCHEL. Mr. President, the Mexican Treaty issue has now come full circle in the U.S. Senate. In 1945, California and Nevada stood alone among the seven States of the Colorado River Basin in opposing that treaty. The two States agreed that the guaranty of 1.5 million acre-feet of water annually to Mexico—more than twice her maximum use before Hoover Dam stored and conserved the floodwaters that previously wrecked the Mexican projects—was a burden which this river could not bear, that it would create shortages disastrous to American projects. Those arguments went unheeded. The treaty was ratified, although with 11 reservations. Today, Congress declares this burden to be a national obligation, and pledges Federal funds to the relief of this burden.

THE UPPER BASIN COMPROMISE

I said at the beginning that this bill represented an equilibrium between the forces of the Lower and Upper Basin States. Its enactment is made possible by the recognition of the necessity of protecting existing interests in the Upper Basin as well as in California. To that end, we authorize five projects in Colorado, extend financial assistance to one in Utah, and enact guidelines for balancing the operation of Lake Mead and Lake Powell. This is contained in section 602. It is necessarily quite complicated in statement, but its intended effect is simple enough: the two reservoirs shall rise and fall together, in reasonable but not exact coordination, so that neither will bear the full burden of drought, and neither will fill while the other is being drawn out.

CONCLUSION

As a U.S. Senator, I have represented California's interests in the waters of the Colorado River, to the best of my ability, for 16 years. It gives me great satisfaction to know that the Colorado River bill we are about to adopt fully protects California's interests. It contains the features for which I have fought from the beginning: the complete protection of California's decreed 4.4 million acre-feet against shortages; the launching of a realistic augmentation program, which will, of course, take many years to fruition; the complete protection of the areas of origin, whether in the Columbia Basin or in northern California, from which water may be imported into the Colorado; the creation of a development fund to finance these importations; the recognition of the Mexican Treaty burden as the prime cause of shortages, and assumption of a national obligation to alleviate the effect of the treaty; and, finally, the settlement of the points of difference between the Upper and Lower Basins which might have occasioned another lawsuit.

I am glad to be able to say that 5 years ago I introduced the first regional bill, S. 2760, in the 88th Congress, to achieve the goals that the bill now before us finally will put into law. Let me say now, as I said 3 years ago in introducing a very similar bill, S. 294, in the 89th Congress:

> I again hold out the hand of friendship to Arizona. I am willing now, not only to acquiesce in the construction of the central Arizona project, but also to join in sponsoring a bill authorizing its construction, on two reasonable conditions. The first is that the central Arizona project be part of a broader plan, simultaneously authorized, for the relief of the water shortages in the whole Colorado River Basin, not just Arizona. The second is, that if construction of the central Arizona project is to begin before imported water actually arrives in sufficient quantity to assure both States the survival of their economies that are now dependent upon the Colorado River, the central Arizona project bear the risk of the shortages that its construction would bring about. If Arizona will agree to these conditions, let us join hands in a single bill that will not only authorize construction of the central Arizona project, but which will also meet two other needs, which are just as urgent as Arizona's: the survival of the lower basin projects which already exist, and the filling of the upper basin reservoirs. The future life of the whole Colorado River Basin is at stake.

Arizona has agreed to these conditions in the bill we are about to enact. The Senate is about to do so. This is a historic moment. The hand of friendship which California offered has been accepted by Arizona. What I said then bears repeating now:

> Mr. President, I repeat, this Congress can go down in history as the savior of the Pacific Southwest region of the United States. There is a rapidly burgeoning economy and a rising population in Arizona. The amazing progress in population and in wealth in my State of California continues. Their economics are intertwined. Their people are friendly neighbors. They need—as I am sure my friends in Arizona will agree—to think and plan together so that Congress can successfully enact legislation which will help both States, and which will also help Nevada and the Upper Colorado River States without doing damage to any other State.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend from Wyoming.

Mr. HANSEN. Mr. President, it has always been Wyoming's view that the Colorado River compact of 1922, the Upper Colorado River Basin compact, and the Mexican Water Treaty of 1944 represent the supreme law of the Colorado River. I wish to ask my distinguished friend from California whether he agrees with Wyoming's view in this regard.

Mr. KUCHEL. The Senator from Wyoming is correct. He has enunciated the law of the river. The only reason why I described the Mexican Water Treaty in the fashion I did is that, as my able friend knows, by the Constitution treaties are the supreme law of the land; but to the extent that we talk about the law of the river, my able friend from Wyoming is completely correct.

Mr. HANSEN. I included the Mexican Water Treaty in my question.

I have another question which I should like to ask the Senator for the Record. Is it the Senator's view that the legislation before us today abrogates or diminishes in any way the rights of Wyoming to water of the Colorado River allocated in accordance with the instruments I have just mentioned?

Mr. KUCHEL. No; it does not. There can be no question about that. My answer to the Senator's question is no, without equivocation or doubt. I call the Senator's attention to section 601(a) of the bill, and ask unanimous consent that it be printed in the Record at this point.

There being no objection, the section was ordered to be printed in the Record, as follows:

> Sec. 601. (a) Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River compact (45 Stat. 1057), the Upper Colorado River Basin compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774), or the Colorado River Storage Project Act (70 Stat. 105).

Mr. HANSEN. Since we agree that Wyoming's rights to waters of the Colorado River are left intact by this legislation, does the Senator agree that when and if Wyoming is ready to put its due share of water to beneficial use, Congress and its committees should and will give every consideration to Wyoming's needs just as the Congress is now giving consideration to her sister States in the Colorado River Basin?

Mr. KUCHEL. Of course I do, because, in my judgment, in greater or less degree, every Colorado River Basin State, Upper or Lower, is related in its water problems with all the others. They must go forward together. I can anticipate very easily the day when Wyoming will come forward with additional water projects which will utilize waters of the Colorado River for its own growth and for its own additional water needs, with exactly, I hope, the same sympathetic consideration that it has given to California, and which, at long last, has been given today to the central Arizona project.

Mr. HANSEN. I thank my distinguished friend and wish to express, at the same time, my genuine appreciation for the great leadership he has given all of us as we have worked so hard on this most difficult and complex problem.

Mr. MURPHY. Mr. President, I wish to congratulate my esteemed colleague for the most excellent presentation given here today, and I would like my congratulations to stretch back over the long years of leadership he has given to this project, which has been so important, so vital, and so necessary to our State, and which has come finally to what I think is a most equitable, most fair, and most sensible solution of a problem that, had it not been for the fine leadership of my distinguished colleague, might very well have caused endless trouble for all of the States that border on the river. I congratulate him most highly for the job he has done, and I support the compromise reached by the conference committee.

I do so because it accomplishes the basic objectives of the bills in whose introduction I have had the privilege of joining with my esteemed colleague, Senator Kuchel.

These are the objectives upon which the Colorado River Board of California and the water users of California have insisted. We have said that we could and would support the authorization of the central Arizona project if, and only if, the bill did these things: First, protected existing uses in California against shortages to the full extent of the 4.4 million acre foot limitation to which the California legislature agreed with the Congress in 1928; second, authorized a realistic investigation of means to add enough water to the river to avoid shortages in the future; third, protected the areas of origin from which water is exported to the Colorado; and, fourth, provided means of financing the augmentation works.

Mr. President, I submit that as far as I am concerned, this bill meets all these conditions, and I respectfully ask that the Record show what the bill accomplishes in these and other respects important to my State of California.

Consequently, I ask unanimous consent that my analysis of the bill, which I herewith submit, be printed in the Record at this point.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

1. PROTECTION OF EXISTING USES

Existing uses in California must have priority protection against the Central Arizona Project, to the extent of 4.4 million acre-feet, if the supply is less than 7.5 million. The bill does this. The language is in Section 301 (b) and (c), as follows:

"(b) Article II(B) (3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversion from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301(b). This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

(c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada."

"Augmentation" is defined in section 604 (g) so as to exclude the concept of exchanges on the coastal plain of California as a device to reduce California's right to 4.4 million acre-feet from the river. We say:

"(g) 'Augment' or 'augmentation', when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system."

Moreover, to protect existing uses not only against reductions in quantity, but against increases in costs, Section 305 provides:

"Sec. 305. To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b) (1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of main stream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 403 of this Act) and on the same terms as would be applicable if main stream water were available for release in the quantities required to supply such consumptive use."

2. INVESTIGATIONS

The bill launches a long-range investigation of water supply and requirements in the 11 western states. Section 201 provides:

"Sec. 201. Pursuant to the authority set out in the Reclamation Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto, and the provisions of the Water Resources Planning Act of July 22, 1965, 79 Stat. 244, as amended, with respect to the coordination of studies, investigations and assessments, the Secretary of the Interior shall conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and to the Congress every two years. The first of such reports shall be submitted on or before June 30, 1971, and a final reconnaissance report shall be submitted not later than June 30, 1977: *Provided*, That for a period of ten years from the date of this Act, the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River."

3. PROTECTION OF AREAS OF ORIGIN

If water is imported into the Colorado River, it must come from an area which can yield it without occasioning any present or foreseeable hardship to that area and state of origin. To assure this, the bill provides:

"Sec. 203. (a) In the event that the Secretary shall, pursuant to section 201, plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in this Act, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

"(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this Act shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement."

4. DEVELOPMENT FUND

The bill creates a development fund to finance augmentation works. These provisions appear in Title IV. They are too long and complicated to reproduce here. But, in general, the development fund is to be fed by revenues from Hoover, Davis, and Parker Dams, and the Nevada-Arizona portion of the Pacific Northwest intertie, after those projects have paid for themselves, and by repayments by Central Arizona water users, as well as some miscellaneous revenues. The fund is dedicated to assistance to the Central Arizona Project, the Dixie Project in Utah, and, most important, to financing augmentation works. To this end, the Hoover, Davis and Parker revenues derived from payments by California and Nevada powers users are not to be applied to subsidize the Central Arizona Project, but to fianance augmentation works.

5. MEXICAN TREATY WRITE-OFF

Twenty-three years ago the Senators from California and Nevada alone, among the delegations of the seven Colorado River Basin States, opposed the Mexican Water Treaty and warned of the catastrophic water shortages that would be occasioned in this desert portion of our country by the perpetual guaranty of the fixed quantity of 1.5 million acre-feet annually to Mexico, a first mortgage on a short supply.

Today, the Senate has before it a bill which says this:

"Sec. 202. The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of this Act and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty: *Provided,* That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress and is in operation as provided in this Act."

And the bill directs that the cost of importing water to satisfy the treaty burden shall be nonreimbursable. This is what it provides:

"Sec. 401. Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable: *Provided,* That the nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized by title II of this Act and any future Congressional authorization."

6. SETTLEMENT OF CONTROVERSIES WITH THE UPPER BASIN

The bill, beside authorizing five projects in Colorado and giving financial assistance to the Dixie Project in Utah, provides in Section 502 for reimbursement of the Upper Colorado River Basin Fund for outlays made necessary for the purchase of power to perform the Government's Hoover Dam contracts during the time that water is withheld from Lake Mead to fill Lake Powell. It also contains, in Section 602, an agreed formula to coordinate the operations of Lake Powell and Lake Mead, so that, speaking in very general terms, the levels rise and fall together.

7. CONSENT TO SUIT

Finally, Section 601(c) directs the Secretary to conform to the "law of the river," including this new act, and authorizes the States to sue in the Supreme Court if he does not. This is the language:

"(c) All Federal officers and agencies are directed to comply with the applicable provisions of this Act, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise."

CONCLUSION

This is an occasion of which all seven States of the Colorado River Basin can be proud. It is a statesmanlike compromise. The Central Arizona Project is authorized. But Congress keeps the bargain that it required of California in the Boulder Canyon Project Act, exactly 40 years ago. This required California to limit herself to 4.4 million acre-feet of the first 7.5 million available, and required California to take her chances on the climate, with respect to uses in excess of 4.4 million. We could have half of any excess or surplus above 7.5 million. Forty years of drought have shown that there is no much excess or surplus, except during the temporary period before the Upper Basin puts its apportioned share to use. But the great, the important thing, is that Congress now recognizes in this bill that the $600,000,000 of investments which California citizens have made to put that basic 4.4 million acre-feet to use are to be respected and given priority protection. This was the issue that the Supreme Court refused to decide. California's three projects—the Metropolitan Water District's Colorado River Aqueduct, the Palo Verde project, and the All-American Canal—are safe to the full extent permitted by the 1928 agreement between California's legislature and the Congress, exacted of us by the Boulder Canyon Project Act.

The water supply from the Colorado River on which 12 million people of Southern California are dependent has been secured. This is a great day for California. It has been made possible by the resolute defense of our interests in the Supreme Court and in the Congress, by the bipartisan efforts of our water leaders, the unanimous support of the press in our State, and, above all, by the continuing efforts and unfailing resolution of our people.

Mr. KUCHEL. Mr. President, I take a moment simply to thank my friend and colleague from California [Mr. Murphy] for the very generous words he has just used, which touched me, and to state that I am glad that he and I can look forward to a happier Arizona-California relationship and a happier southwest basin relationship as a result of the legislation we are about to pass.

Mr. HANSEN. Mr. President, before the Senate works its will on the Lower Colorado River project bill conference report, I wish to make a short restatement for the record of the position taken by the State of Wyoming on this legislation and on the legislative attempts which have preceded it.

For the benefit of Senators who may not be totally familiar with the geography of the West, let me explain that of the seven so-called Colorado River Basin States, Wyoming stands at the head of the creek. The Colorado River is born in the glaciers and snowfields of Wyoming's Wind River Mountains.

The water which originates in these mountains is the lifeblood of our State, and throughout the years Wyomingites have worked long and hard to define and formalize the rights of our State to a fair share of the Colorado River flows.

This process has taken many forms. First, we have physically appropriated the water by building dams and irrigation facilities. Ranchers and farmers have put the water on the land for the production of hay and crops. Industrial facilities have been built and this very day new facilities are being planned and built which depend entirely on this Colorado River water. Petroleum, uranium, coal, trona, pentonite, sulfur, taconite, and oil shale, all are being developed or will soon be developed and all depend on this Colorado River water. And finally, of course, the cities and towns of the entire southwestern part of our great State depend on Colorado River water for their daily life.

The second way in which Wyoming has laid claim to its share of the Colorado is by its participation in agreements and compacts between its sister States in the basin and the United States. Wyoming looks with considerable pride upon the large body of law which now constitutes the "law of the river." Wyoming citizens acted as true statesmen in the past. They played a major role in negotiating the Colorado River Compact of 1922 and the Upper Colorado River Basin compact of 1948. It has always been our view that these two compacts and the Water Treaty of 1944 with the United Mexican States represent the supreme law of the Colorado River.

As I stated in my individual views contained in the Senate report on S. 1004 (Rept. No. 408, 80th Cong., first sess., p. 160):

> All Colorado River legislation considered by the Congress must recognize the supremacy of these agreements. Congress should pass no laws which would be inconsistent in word or in fact with the terms of these agreements.

On May 15 of this year the distinguished chairman of the House Interior Committee, the Honorable Wayne Aspinall, gave very emphatic assurance that the legislation before us today was not "intended to directly or indirectly change the apportionment of water to the State of Wyoming in any way from that which has been set out by these instruments." See the Congressional Record, May 15, 1968, at page 13450. This is an extremely important part of the legislative history surrounding this complex subject.

If I may be permitted a personal aside, I cannot help but remark that I am deeply grateful both as an individual and as an official of the State of Wyoming to the magnificent statesmanship, leadership, and understanding which Chairman Aspinall has brought to this subject in the many years that it has been pending before the Congress. He has shown great concern and consideration for the State of Wyoming just as he has for all of the other Western States and this concern has been marked by honesty and patience.

After stating for the Record on May 15, 1968, the very important protection which Wyoming will rely on in the future, Chairman Aspinall addressed himself to Wyoming's particular situation with respect to this legislation. He said:

> The only reason that the State of Wyoming does not have any projects in this legislation for authorization, admitting its entitlement has gone unused and will be unused for a few years to come, is the fact that they have no projects ready for the Subcommittee on Reclamation of the Committee on Interior and Insular Affairs to take notice of or to work upon at this time. . . . Yet I do not believe that there will be any Congress of the United States in the future that will deny the burdens or the responsibilities, as well as the benefits of the Colorado River Compact. To me this is a binding agreement, binding as it can possibly be, and as far as that is concerned I believe the Congress of the United States will always be considerate as soon as the projects for the Upper Basin can be properly placed before the Congress, so that the Upper Basin will get to use its water.

Chairman Aspinall has stated better than I ever could the real "gut" issue which confronts Wyoming and other States involved in the legislation before us today.

The bill which Chairman Aspinall successfully guided through the House of Representatives this year, H.R. 3300, was much more acceptable to the State of Wyoming than was the bill which passed the Senate, S. 1004, last year. Further, the House passed bill H.R. 3300, was preferable to the conference report which we now have pending before us. The recognition by the Congress that the Mexican treaty burden is a national obligation was contained in the House-passed bill and has been retained in this conference report. That is a proper recognition and one which all of the States of the Colorado River Basin should be thankful for. On the other hand, the 10-year moratorium on water importation studies is an extremely regrettable feature, particularly after such an exhaustive record has been compiled which indicates the great need for augmentation in the Colorado River Basin in the immediate future. Problems will not disappear even though some are persuaded to put their heads in the sand, ostrich-like, for 10 years. Those problems are with us now and they will be with us 10 years from now and it seems absurd to me that we do not get on with the business of studying for proper solutions to them.

This brings me to discuss very briefly the future. Wyoming is stepping up the pace in its effort to utilize fully and beneficially the water assets which it is entitled to in the Colorado River Basin. The last State legislature approved and appropriated money for a comprehensive State water plan which is about midway toward completion at the present time. We are proceeding with private projects on the Green River and will continue to develop larger projects as financing becomes available. We are moving plans for Federal projects along as rapidly as budget limitations and the bureaucratic machinery allows. Studies have been begun by the Bureau of Reclamation on the Upper Green River and Sublette project, and I am hopeful that the Bureau will continue to work at the greatest possible speed on that study project.

Looking a bit further down the road, I would hope that with a new administration in Washington next year, legislation could be proposed and enacted which would bring certain basic reforms to the reclamation program. I speak specifically of the concept of federally guaranteed financing for projects which would be built on a State or local level instead of through the costly and politically entangled process of federally authorized construction. This approach would offer a new lease on life to States such as Wyoming and I personally pledge that I will be working to bring about such reform.

This, then, outlines where I think Wyoming is at the present time with respect to the legislation before the Senate and where I think we must go in the future. I will vote against the conference report because of the particularly obnoxious provisions which it contains and which I have already discussed.

I yield the floor.

Mr. MONTOYA. Mr. President, the Senate today has the opportunity to make history by giving its approval to the conference report on the central Arizona project. I rise in support of this report although I recognize that it is not a perfect measure—that there are areas that we must continue to improve upon. Nonetheless, it is a giant step forward in helping to meet the greatest crisis faced by the Southwest: the shortage of water.

Since 1948 Congress has been considering proposals to divert Colorado River waters to areas in the Southwest to prevent them from becoming desertland. Many problems have been encountered in previous proposals, just as there were problems encountered in the measure which we have before us. We have resolved many of our differences, however, for the benefit of all. The problem areas that remain hopefully can still be worked out as quickly as possible. The important thing is that we have taken a giant step, an important step, a positive step forward in meeting our water problems.

This measure combined with other actions which Congress has taken—including a measure to create a National Water Commission to review our national water resource problems—will give new hope to the vast water-short regions of our Nation.

Briefly, Mr. President, years of work in the Western States have now culminated in an agreement on the future development of water resources in the lower Colorado basin. This has been one of the most controversial river basin questions before the Congress in many years. The long fight has been waged on a number of principal issues, including:

The disparity between legal allocations of Colorado water among the States and the actual river flow;

The problem of meeting the water requirements set out in the Mexico Treaty, which provides that 1.5 million acre-feet of Colorado water is to be delivered to Mexico each year;

The best means of augmenting low river flows to meet present and future uses; and,

The contention of some that further construction of dams on the lower stretch of the river would destroy the natural beauty and amenity of the Grand Canyon.

Out of the long dialogue has evolved a positive, far-reaching proposal. This legislation acknowledges the time honored doctrine of water law, "first in time, first in right." California has long contended that all existing water uses by the States involved must be protected and given priority over the uses created by any new projects in the event of water shortage. The bill protects California's allocation of 4.4 million acre-feet, Arizona's 2.8 million acre-feet, and Nevada's .3 million acre-feet. These allocations were legally derived from a Supreme Court ruling, handed down in 1963.

Second, this measure authorizes the construction, operation and maintenance of the central Arizona project, including Hooker Dam in New Mexico—or a suitable alternative—and other dams, reservoirs, canals, pumping plants, hydroelectric powerplants, and electrical transmission facilities to furnish water to water-deficient areas of Arizona and western New Mexico.

The Hooker Dam site in New Mexico had been proposed by the Department of the Interior as an important adjunct of the central Arizona project. However, because of opposition from some, the language "a Hooker Dam or suitable alternative" was proposed to enable the Interior Secretary to make another study of the situation to see if there is, in fact, a better site that would be more suitable than the Hooker Dam site. The study is to determine the best suitable site for the dam that would provide New Mexico with water and also preserve the integrity of the wilderness area.

Regardless of what site is chosen for storage of water in New Mexico, New Mexico stands to benefit by this legislation before us to the amount of an additional 18,000 acre-feet of water annually.

This bill before us also declares that future satisfaction of the Mexico Water Treaty requirements is a national obligation. Under present conditions, the several States of the Basin must supply the assured flow to Mexico out of their own allocations in times of low flow. This requirement is to be waived as soon as water augmentation can be satisfied. The bill provides for exhaustive studies of methods by which new water may be brought into the Colorado River. However, to overcome the objections of the Columbia River States who feared that these studies might establish the feasibility of interbasin water transfers from the Columbia to the Colorado River—the bill provides for a 10-year moratorium before such transbasin diversion works can be studied.

Instead of an earlier provision that two Federal hydroelectric dams be built at locations near the Grand Canyon National Park, the present bill includes a provision for purchasing electric power from a coal-fueled generating plant whose construction has been planned by a combine of private utilities and public power agencies.

The bill provides for a separate lower development fund and authorizes approximately $832 million for the construction of the central Arizona project and an additional $100 million for the construction of distribution and drainage facilities.

Into the lower Colorado development fund will be paid all appropriations for the central Arizona project; all revenues from the Boulder Canyon and Parker-Davis projects after they are paid for; and all revenues from the Arizona-Nevada portion of the Pacific Northwest-Pacific Southwest power intertie, after other repayment obligations have been met.

Another praiseworthy feature is the direction to the Secretary of the Interior to continue inventory the Colorado Basin's water resources and to study the long range needs of all Basin States, with a view toward recommending the most feasible plans for meeting the projected needs. Here, too, New Mexico stands to benefit by the acquisition of additional waters in the future.

In short, Mr. President, this measure, while perhaps not perfect in every respect, is a commendable effort and should be adopted by this body.

Mr. JACKSON. Mr. President, I move the adoption of the conference report.

The PRESDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

THE INTERNATIONAL ANTIDUMPING CODE

Mr. TYDINGS. Mr. President, I feel obliged to make clear the serious doubts I have about the wisdom of the amendment which was adopted last Monday concerning the International Antidumping Code.

In purely procedural terms, I am concerned about the manner in which the amendment was brought to and considered on the floor of the Senate. In the first place, a full year passed between the time the Antidumping Code was signed and the time it entered into force—July 1, 1968. Yet, the Committee on Finance saw fit to hold its hearing only a few days before July 1. Is this the proper way to deal with international agreements to which the United States is a party?

In the second place, I have the impression that the amendment was adopted last Monday in a rather hasty fashion, with no time afforded for any debate with respect to the consequences of its enactment. It is, after all, a fairly serious matter for the United States to withdraw from an agreement after it has taken effect. Yet Monday's proceeding, with only a handful of Senators in the Chamber, would suggest a rather cavalier approach to international agreements.

On substantive grounds, I find the amendment objectionable in several respects.

First, the amendment will in all likelihood lead the other signatories to give up the code. There is no possibility of our benefiting from the code while not applying it ourselves.

Second, the amendment will deprive U.S. exporters of decided advantages. The code will insure—for the first time—Canada's use of an injury standard. The code will also avoid arbitrary antidumping actions taken without giving notice to the exporter or affording him an opportunity to defend himself.

Third, the amendment will force the United States to violate its international obligations. This is bound to weaken confidence in our word and in our foreign trade policy—at a time when we badly need to improve our trade balance.

Fourth, if an action is taken by the Treasury Department or the Tariff Commission which is felt to be inconsistent with the Antidumping Act, recourse may be had to the Customs Court. The judicial—and not the legislative—form would seem to be the more appropriate and effective in such a case.

Fifth, the amendment goes beyond repudiating the antidumping code. It freezes the administration of the Antidumping Act, making new regulations of the Treasury Department or the Tariff Commission impossible without a new act of Congress. It also overturns two practices of the Treasury Department which are consistent with the basic premise of the Antidumping Act—once there is no chance of dumped imports injuring a domestic industry, a dumping case may properly be closed out.

My basic objection to the amendment, however, is that it is completely premature. It assumes and decides—before a single dumping case has been decided in light of the provisions of the antidumping code—that the code is inconsistent with the Antidumping Act. Whatever abstract arguments may be made on either side of this issue, it would seem to me to be only prudent and reasonable to await some decisions of the Treasury Department and the Tariff Commission in specific cases.

Surely, we would run no great risk in doing so, especially since, as I understand it, any action allegedly inconsistent with the Antidumping Act may be tested in the Customs Court. On the other hand, to prejudge the issue of consistency now is virtually certain to bring about the collapse of the antidumping code and the loss of its benefits to U.S. industries.

In short, I very much hope that, when the bill emerges from conference, it will not force the United States to repudiate the antidumping code. Instead, it should allow time in which the relationship of the code to the Antidumping Act can be objectively reviewed in terms of specific decisions dealing with concrete cases.

VINDICTIVENESS OF INTERNAL REVENUE SERVICE

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed at this point in the RECORD correspondence from and concerning Mr. Donald H. Ganser, Director, program field service division, Department of Housing and Urban Development, region IV, Chicago, Ill.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Chicago, Ill., January 31, 1968.

Subject: Internal Revenue Service

SENATE JUDICIARY SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE,
New Senate Office Building,
Washington, D.C.

GENTLEMEN: At present I am employed as Director of the Program Field Service Division, Metropolitan Development Office, Department of Housing and Urban Development, Region IV, Chicago, Illinois. I am in my sixth year with the Department and its predecessor the Housing and Home Finance Agency.

Prior to my employment with the Federal Government I was connected with a construction firm in Milwaukee, Wisconsin which went defunct six years ago. Being an officer of the firm I was held responsible (contingent liability on performance and payment bonds) for thousands of dollars of debts incurred by the company.

An insurance company who had issued the performance and payment bonds on the construction projects and who was the major creditor advised me to file bankruptcy. They pointed out that their judgment against me was good for twenty years and that should I accumulate or inherit any funds during that period they could attach it.

Before filing bankruptcy, however, the creditors of the defunct firm had cleaned me out—my home, life insurance, savings, etc. Such are the hazards of the business world. In addition, even though I was duly adjudged a bankrupt, approximately $5000 in accounts payable was not discharged in the bankruptcy. These were personal debts which I felt morally responsible to pay. These accounts together with the attorney's fee for filing the bankruptcy I have been diligently trying to pay.

As a result of the personal loss suffered by reason of being an officer of the defunct corporation, I listed a loss of $9500 on my 1964 income tax return. It was subsequently audited and the Internal Revenue Service claimed that I could not take this entire loss in one year, but could only take a loss not to exceed $1000 in any one year with balance of the loss carried forward to future years. At the time I disputed their ruling but not having any resources to engage an attorney or tax consultant demand was made upon me to pay an additional tax in the amount of $1658 which with interest added amounted to approximately $2000 as of November, 1967. Not having the funds to pay this tax I was subsequently requested to report to the Internal Revenue Office at 5817 West Madison Street, Chicago, Illinois, at which time I was requested to file a Statement of Financial Condition, Form 433-AB, which I did on August 30, 1967, copy of which is enclosed. Subsequent to this I was called into their office and interrogated by Messrs. Keckeisen and George Suzuki. I wish to state here and now that they were threatening, arrogant, insulting and obnoxious in their treatment of me. If I had not gone through this experience myself, I would never have believed that employees of the Federal Government would be allowed to treat fellow Federal Government employees in this manner, much less citizens of this country.

The result of this conference was that I was to pay them $200 per month and they requested that I sign a "Payment Agreement", Form 433-D, copy enclosed. I showed them a list of my monthly expenses and income which proved beyond a doubt that I could not pay more than $50 per month towards this reassessment of taxes due. They were unable to find 5¢ that I could eliminate from my monthly expenses, but nevertheless insisted that I was to pay the sum of $200 per month. They further informed me that if I did not they would levy against my salary and my wife's, which they did. The "Payment Agreement" that they tried to coerce me into signing has the statement "I, therefore, request the privilege of paying such taxes as follows:". This was not my request but the demand of the Internal Revenue Service.

At no time did I dispute the tax due. In fact, I wish I could pay it off at once to get them off my back. I offered to pay $50 per month until June of 1968 when the expense of two sons in college would cease for a couple of months and I could pay more on the account. In addition this would have given me additional time to clean up some previous incurred obligations.

Based on the audit of my 1964 tax return and the subsequent decision by Internal Service that $1000 was the maximum allowable loss in any one year, I filed an amendment of my 1965 income tax return claiming the $1000 annual loss that Internal Revenue Service had approved. This amendment results in a credit of $250.94 against my tax deficiency. Acknowledgment of this claim was made by Internal Revenue on July 21, 1967, copy enclosed.

To date, after two additional letters, I have not received this refund nor will the Chicago office of Internal Revenue admit receiving the refund, nor will they credit my account with this sum due me. In the meantime, Internal Revenue Services continues to harass me.

Also enclosed is a letter from me to my superior, Mr. Francis D. Fisher, Regional Administrator of the Department of Housing and Urban Development, explaining to him the circumstances after Internal Revenue had levied against my salary. Upon receipt of my letter, Mr. Fisher wrote to Mr. E. C. Coyle, Jr., District Director of the Internal Revenue Service, and received an innocuous reply, copy of which is enclosed.

As a result of this letter I again went to see Internal Revenue, especially the Area Manager, Charles A. Parks. At this meeting they agreed that I could pay $100 per month for November and December. Mind you, this was after taking my payroll check of $460 in October. This results in their receiving $660 for three months or $60 over their original demand of $200 per month. I was forced, as a result of this, to borrow $400 from my fellow employees which I know is not good practice but I had no other choice. Because of my recent bankruptcy I was not able to borrow any money from banks or credit companies.

I was requested to report to the Internal Revenue Service again in January at which time they stated they would again analyze my expenditures and determine what monthly payment I should make. I again met with the following: Mr. John Keckeisen, Revenue Officer; Mr. George Suzuki, Revenue Officer; Mr. Charles A. Parks, Area Manager; and the Deputy Area Manager whose name I do not recall at this moment.

Once again I was bullied, insulted, degraded and generally treated like a communist spy and criminal. Upon review of my case they again demanded that I sign a "Payment Agreement" stating that I request the privilege of paying $300 per month. Due to a pay increase I was willing to pay them the entire amount of the increase which amounted to $72 per month, plus the original $50 per month. I also felt I could afford an additional $78 for a total of $200 per month. This was their original demand and in December I was informed that this would be the most they would demand in January, 1968.

Was I ever in for a surprise. Without any consideration whatsoever to my obligations for shelter, food, clothing, education expenses, etc., they demanded that I pay $300 in January and the subsequent months until their claim was paid. When I stated that I simply could not pay $300 per month, they stated that this was my problem and if not paid they would levy against my salary and my wife's.

I again borrowed $150 and together with $150 I saved (thanks to three pay periods in December) paid them $300 in January. I simply cannot go on paying $300 per month to the Internal Revenue Service. When I inquired as to when I would receive credit of $250 for my amended 1965 return, they stated that they have nothing to do with this matter, that it is another office involved and when I asked them to intercede they refused and stated it was up to me to see to it that I get the refund.

I am at a loss to understand how a branch of the Federal Government is allowed to harass me for money due them and is unwilling to pay or credit monies due me.

I urgently request that you use your good offices to obtain some time for me in which to pay the Internal Revenue Service. In addition, I hope that you will put a stop to the harassment and abuses inflicted on me and no doubt other citizens by the Internal Revenue Service.

This is an election year, as you well know, and unless I see some action on your part in my behalf and on the behalf of other citizens to investigate the abuse of Internal Revenue Service and more particularly Messrs. John Keckeisen, George Suzuki, Charles A. Parks, and the Deputy Area Manager, I will do everything in my power and in my position to elect to office those persons who will stop the tyrannical and 'Gestapo" tactics of the Internal Revenue Service.

Sincerely yours,

DONALD H. GANSER,
Director, Program Field Service Division.

FOREST PARK, ILL.,
February 9, 1968.

Mr. DONALD H. GANSER
Forest Park, Ill.

DEAR MR. GANSER: Thank you for your recent letter concerning your difficulties with the Internal Revenue Service.

Have asked the Commissioner for a report and will write you again as soon as I receive a reply.

Kind regards.

Sincerely,

EDWARD V. LONG,
Chairman.

U.S. SENATE,
February 9, 1968.

Mr. DONALD H. GANSER,
Forest Park, Ill.

Respectfully referred to IRS Commissioner Sheldon S. Cohen for such consideration as the communication herewith submitted may warrant, and *for a report* thereon, *in duplicate* to accompany *return of inclosure.*

By direction of

EDWARD V. LONG,
U.S. Senate.

U.S. TREASURY DEPARTMENT, INTERNAL REVENUE SERVICE, *Washington, D.C.*
February 12, 1968.

Hon. EDWARD V. LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: This will acknowledge your communication of February 9, 1968, with which you enclosed correspondence from Mr. Donald H. Ganser, 1078 Des Plaines, Forest Park, Illinois.

Your communication is receiving attention, and we will send you a reply as soon as possible.

With kind regards,

Sincerely,

SHELDON S. COHEN,
Commissioner.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., April 3, 1968.

Hon. EDWARD V. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LONG: This has further reference to your communicttion of February 9, 1968, with which you forwarded the enclosed letter from Mr. Donald H. Ganser, 1078 Des Plaines, Forest Park, Illinois, concerning a Federal income tax problem.

We have obtained a report from our District Director in Chicago indicating that the tax in question is 1964 income tax on which there is still a balance due amounting to $992.50. The report states also that Mr. Ganser's returns for 1965 and 1966 are presently being examined, and the results of these examinations may either decrease or increase the taxpayer's total outstanding tax liabilities.

Mr. Ganser has complained in his letter that the conduct of our field people in dealing with him has been improper and inappropriate under the circumstances. Our District Director has made a complete review of the facts in this case and has assured us that he finds no evidence of lack of courtesy or of departure from our regular collection procedures applicable in such cases. It is true that our field people have been consistently firm in their approach to collecting the tax which is due. We are certain you appreciate the necessity for reasonable firmness in our approach to the entire matter of collecting delinquent taxes, and we consistently require our field people to observe the rights of all individuals with whom they come in contact.

As you know, the Internal Revenue Code makes no provision for installment payments of income tax obligations. However, in carrying out our responsibility for collecting taxes which become due, our field offices may exercise forbearance in cases where the taxpayer would suffer undue hardship if required to make immediate full payment of his delinquent taxes. In hardship cases our people seek solutions which will provide for liquidation of delinquent taxes in a manner that is commensurate with the taxpayer's financial circumstances. We must emphasize, however, that it is only in actual hardship cases—and not in cases where a taxpayer would merely be inconvenienced by the necessity of taking care of his tax obligation—that our field offices may exercise discretion in the matter of immediate collection.

In Mr. Ganser's case, our field people asked him for a financial statement when he indicated he was unable to make immediate full payment of the amount due. On the basis of this statement, and an analysis of his income and expenses, our Revenue Officer concluded that the taxpayer could make payments of at least $200.00 per month without suffering undue hardship. Mr. Ganser refused to agree to such a payment schedule, and stated he would pay $50.00 per month. This was unacceptable to the Service as it did not represent his maximum ability to meet this delinquent obligation. Accordingly, a levy was served on the taxpayer's employer, and a collection of $460.41 was made through this process on October 4, 1967.

A subsequent proposal was made by the taxpayer calling for payment of $100.00 on November 20, to be followed by a like amount on December 20, after which the financial statement would be re-evaluated. When it appeared that the payment due November 20 was not received on time, another levy was served on November 28. However, Mr. Ganser furnished evidence of payment so this levy was released the following day. Another payment was made on December 20, at which time a review of Mr. Ganser's financial condition was made, and payments of $300.00 per month were orally agreed upon. Although the taxpayer refused to sign this agreement, he made a payment of this amount in January, February, and March 1968. We hope the taxpayer will continue to make payments which represent his maximum ability so that our field people will not find it necessary to make further use of enforced collection action. We have every confidence that if Mr. Ganser will display a sincere desire to cooperate fully in taking care of this obligation, our people will do everything they can to be helpful.

We appreciate your interest in this case and your giving us an opportunity to comment on it. If we can be of further service, please let us know. For your information, we are addressing a similar letter to another member of Congress who inquired about this case.

With kind regards,

Sincerely,

SHELDON S. COHEN,
Commissioner.

DEPARTMENT OF HOUSING AND URBAN,
DEVELOPMENT,
Chicago, Ill., September 4, 1968.

Hon. EDWARD V. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LONG: I have previously written to you regarding my treatment at the hands of the Internal Revenue Service and appreciated your reply.

I finally was able to borrow the money from friends and pay IRS their claimed tax deficiency for the year 1964.

However, your letter to the IRS has only resulted in their being more vindictive than ever. They have now re-audited my 1965 tax return and are disallowing a bad debt in the amount of $13,671.05 resulting in a claim of $2,108.43 in additional income tax due.

My tax return for the year 1965 was previously audited and found acceptable. I am enclosing a copy of a letter signed by William L. Rohter, Chief, Office Audit Branch, confirming this fact.

I don't know how you, as an elected representative of the people, can allow a branch of the Federal Government to put me in a position of double jeopardy. Even an accused murderer, if found innocent, cannot be tried again and found guilty.

I'm sure no one in the Federal Government would allow the Department I work for to approve a one and a half million dollar grant for some community under the Water and Sewer Facilities Grant Program and then three years later reverse our decision and tell them to pay us back.

I plead with you to intercede for me and see to it that IRS is prevented from making this assessment and stop their further harassment of me.

Sincerely yours,

DONALD H. GANSER,
Director.

U.S. TREASURY DEPARTMENT, INTERNAL REVENUE SERVICE, WEST AREA OFFICE,
Chicago, Ill., November 21, 1966.

D. H. and V. M. GANSER,
Forest Park, Ill.:

Our recent examination of your income tax liability for the year shown above discloses that no change is necessary. Your return is accepted as filed.

If your return indicated a refund, the amount due will be forwarded to you within 30–35 days from the date of this letter without further action on your part.

Very truly yours,

WILLIAM L. ROHTER,
District Director.

Mr. LONG of Missouri. Mr. President, this correspondence illustrates perfectly the vindictiveness of the Internal Revenue Service.

Mr. Ganser wrote to me in January, 1968, about his difficulty with IRS with respect to his 1964 income tax return. Although I tried to intercede in his behalf, it was to no avail. However, this is not the point of the story.

Not only was I unsuccessful in persuading IRS to be more reasonable in its collection tactics; my congressional inquiry brought on further wrath on the part of IRS. As the correspondence shows, IRS went back and reaudited another tax year which they had previously audited and approved. Needless to say, this reaudit came up with a different answer.

Mr. Ganser has written me further for help.

How can I help?

How can any Senator or Representative help?

Any inquiry, any suggestion, by anyone, merely brings down more wrath by IRS; and any taxpayer who cannot afford the fanciest tax lawyer simply has to silently endure the lash.

Such are the powers of the Internal Revenue Service in the fall of 1968—powers given to them by Congress.

CANDIDACY OF RICHARD M. NIXON

Mr. MURPHY. Mr. President, the New Republic has shown fine editorial judgment in publishing an excellent article on why those intellectuals who are sincerely devoted to progress with justice should—indeed must, if they value their intellectual honesty—favorably consider the candidacy of Richard M. Nixon for President.

The article also includes a most informative discussion of the words "liberal" and "conservative." I have long found that such labels are often used to confuse the unsuspecting voter rather than to help clarify a given candidate's political views. It is encouraging to find that the editors of the New Republic seem to believe that a full discussion of Mr. Nixon's record may well dispel the tendency in certain quarters to apply one label or another to his views.

Mr. President, since not everyone is in the habit of regularly reading the New Republic, I ask unanimous consent that an article from the June 1 issue be printed in the RECORD.

There being no objection, thc article was ordered to be printed in the RECORD, as follows:

WHY I AM FOR NIXON

(By Robert H. Bork, professor of law at Yale University)

Subscribers to *The New Republic* are not precisely the audience one might choose for an exposition of the superior merits of Richard Nixon. I would guess that no advocate has faced a less promising jury since Daniel Webster represented Jabez Stone. The difficulty is twofold. I suppose that I am addressing an audience in the advanced stages of "liberalism" (the quotation marks are not meant to be offensive and will be explained subsequently), which means that I must argue, first, that Nixon is not the man they think he is, and, second, that the political attitudes and responses they have cultivated throughout their adult lives are mistaken and, in these times, dangerous.

The "liberal" aversion to Nixon as a personality is often expressed in clichés about "image" and "sincerity." These factors are stressed so heavily that it often sounds as though there were not substantive problems to be dealt with but only the question of which man can best project compassion and concern. Yet we are obliged to remember that it does make a difference whether one solution rather than another is applied, and that reactions to false solutions by men who raise expectations highest may be all the more bitter and violent for that very reason. This rather empty concern with marginal differences in images may be due in part to the depressing difficulty of the problems we face. In *The Lonely Crowd* David Riesman observed that as audiences lose confidence in their ability to judge the technical competence of public performers, they are likely to begin judging qualities such as sincerity which, often quite erroneously, they imagine themselves able to detect. The seeming intractability of our national problems may be having the same effect upon our modes of assessing presidential candidates. Professor Riesman's article on "McCarthy & Kennedy" in this journal (April 13) could be read as evidence that he has succumbed to the syndrome he identified. Perhaps we are becoming a nation of other-directed voters, but I have yet to be persuaded that we ought to.

The core of the personal charge against Nixon is that he is somehow "opportunistic." What does it mean to say that a politician on the national scene is opportunistic? If it means that he is pragmatic, that he is willing to take tactical advantage of his opponent's mistakes, I would suppose that to be part of the definition of his calling. The charge is a little like calling a trial lawyer glib or a surgeon adroit. If the indictment means that Nixon is likely to change fundamental positions for the sake of apparent political advantage, then I think it flatly false. Nixon is comparable in this respect to McCarthy and Humphrey. Though I might not know in advance what either of them would say about a particular question, and though I would expect them to tack and trim according to the winds of the moment, I would also feel confident of their general location on the ideological spectrum. So with Nixon. One can predict the general range within which his programs, as well as his rhetoric, will be found. That is why I am able to feel a degree of admiration for all three men. Their opportunism is tactical, not strategic. There appear to be several reasons for the reflexive "liberal" attitude toward Nixon, none of them intellectually admirable. One of Nixon's traits most irritating to the moderate left is his refusal to fit the stereotype of a "conservative." Few things are more intensely frustrating than finding an obstinate and willful reasonableness in an adversary. It must be difficult enough having to judge the stylistic differences between McCarthy and Humphrey (on domestic issues there is hardly anything more than that to base a choice upon) without having your mind diverted by the substance of what Nixon is saying. Rockefeller is less disturbing to "liberals" because his program is sufficiently like that of the Democratic candidates so that he may be judged by the same criterion of marginal differences in style.

Richard Nixon is doubly troublesome because his basic values are actually the values espoused by the moderate left but his means of implementation are different. On the issue of means, moreover, he has a strong case, one that not only poses difficult intellectual questions but challenges the presuppositions of the "liberal" left. That portion of the Democrats' philosophy which is distinctively theirs is also intellectually bankrupt and that fact is pressing upon the awareness of many "liberals." One should expect the creation of defense mechanisms to delay that realization, and the conversion of intellectual issues into moral issues is a splendid adaptive device for obsolete political philosophies. Hence the repeated suggestion that Nixon is not acceptable on moral grounds. If morals refer to honestly held values, Richard Nixon is not morally distinguishable—at least not to his disadvantage—from any of the Democratic presidential aspirants. We have not come to the point where intellectual disagreement about ways to achieve shared goals can be termed a moral failing.

There is, finally, working against Nixon an irrational emotional hangover from his role in the Hiss case. Partisans on both sides of that case made Hiss, quite improperly, into the symbol of the entire New Deal era. Belief in his guilt or innocence on a priori grounds acquired a religious intensity. Nixon, being primarily responsible for the intelligence and tenacity of the investigation that ultimately brought Hiss to trial, has suffered unfairly from residual animosities, though, so far as I have been able to discover, his performance in the investigation was to his credit. Nixon has surely also suffered for being labeled a strong anticommunist in an era when the moral stench of Joe McCarthy's rampages made it difficult to distinguish between real fish and red herrings.

On the question of Nixon as a man (as distinguished from his "image"), the evidence, I think, is clear and favorable. He is at least as intelligent as any of his major rivals in either party. He has had a broad and intensive experience in affairs of government and at every stage in his career he has worked hard and ably. He is surely better informed than most of his rivals on questions of foreign policy, where his pragmatism is a major asset, and his comments on domestic policy are balanced and thoughtful. For those who are impressed by testimonials, there is, among others, the opinion of James Reston who finds Nixon has grown and matured philosophically over the years.

Nothing about Nixon suggests that he deserves to be written off as a troglodyte or that his arguments do not merit the respect of reasoned disagreement. The dismissal of Nixon upon the personal grounds so often heard is frivolous, if not vicious. Those who take their politics seriously, for whom the substance of government is more important than the pretty pleasures of snidery, ought not to lend themselves to this "liberal" variant of anti-intellectualism. But all this is rather less than half the issue since I tend to agree with Arthur Schlesinger Jr. that "politics is not a means of rewarding personal virtue. It is above all a means of meeting public necessities and fulfilling public hopes." In these terms, the crucial subjects today are foreign policy and domestic tensions.

The identification and forwarding of long-run American interests abroad is an intensely pragmatic business. Nixon appears to possess the requisite knowledge, calmness and realism. Rockefeller, as Riesman noted, may be unsuitably ideological in this area. There is no reason to think that McCarthy is particularly qualified on the subject or that he has applied himself to learning it, and Humphrey, his loyal defense of Johnson's Vietnam policy aside, is an unknown quantity.

The area in which ideological distinctions are appropriate is domestic policy and it is here that Richard Nixon has his strongest case. It may seem surprising to hear Nixon described as the representative of an ideology, but it is both accurate and the factor that makes him an important national figure. I would not overdraw the picture; we are dealing with differences in emphasis, not dichotomies; but differences in emphasis are crucial and tend to cumulate over time.

At the beginning of this piece I placed quotation marks around the word "liberal" when using it to denote persons occupying moderately leftish positions, such as McCarthy, Humphrey and Rockefeller. My reason was that such persons have no exclusive claim to that title. All of the mainstream of American political thought is liberal, if we use the word properly to indicate the political outlook whose goals are freedom, equality of opportunity, and rising living standards. In this correct sense of the word, Richard Nixon is as liberal as Hubert Humphrey and Eugene McCarthy ever dreamed of being. The difference between Nixon and the Democratic presidential contenders, the difference between the dominant tendencies of the Republican and Democratic Parties, is largely about means to agreed ends, and may fairly be said, I think, to correspond to the differences between two strands of liberalism that I call, for want of better names, "classical" and "collectivist."

The dominant ideological core of the Democratic Party in our time is collectivist liberalism while, by accident, intuition, or design, that of the Republicans is classical liberalism. That distinction is one we are bound to take into account if we ask, not which candidate has the better image or the greater command of the rhetoric of compassion, but which candidate and which philosophy will produce in the immediate future and 20 or 30 years hence a freer, more prosperous, and more stable American society.

Collectivist liberalism is an increasingly self-defeating philosophy because it attempts to achieve liberal goals through flatly inconsistent, illiberal means: statism; legal coercion as a substitute for voluntary action; central planning of economic and social relations. Not only do these means continually encroach upon the freedom liberals value, but they have not dissipated the problems they were introduced to solve. Indeed, as the problems grow worse and the bitterness among us greater, as riots erupt even where welfare programs have spent more money per capita than is conceivable on a national scale, "liberals" have displayed signs of panic and of well-founded doubt that their ancient panaceas offer any hope. Yet, they apparently have no further solutions to offer except more control by government, and we have the spectacle of candidates competing in the round numbers of billions of dollars they promise to spend if elected.

The problem, of course, is both economic and spiritual, which is to say that its solution requires not merely the alleviation of Negro poverty but the encouragement of black pride and independence. This is one reason that merely increasing welfare payments, however lavishly, and building more public housing is not a solution and indeed may make divisions and bitterness deeper. The other reason, specified by Nixon with considerable political courage, is that in a time of acute financial crisis, when inflation may wipe out other gains, when the dollar is in trouble abroad, when budget cutting has actually become politically popular, it is simply irresponsible to promise for an indefinite period virtually unlimited increases in federal spending. "One thing worse than not keeping a promise," he said, "is making a promise that cannot be kept." And even if the promises of enormously increased welfare spending could be kept, does anybody think they would provide an answer? Nixon seems quite accurate when he says: "For too long, white America has sought to buy off the Negro—and to buy off its own sense of guilt—with ever more programs of welfare, of public housing, of payments *to* the poor, but not *for* anything except for keeping out of sight: payments that perpetuated poverty, and that kept the endless, dismal cycle of dependence spinning from generation to generation." His own approach is to try, through a variety of techniques, to build strong, independent black institutions which will be manned by Negroes at all levels. Only with the development and expansion of black capitalism will Negroes be brought into the main economic stream, finding opportunities at all levels of business and the professions, and building the pride and independence that can come only with economic power and self-sufficiency. Vastly increased welfare payments are no substitute for this and will surely have an opposite effect upon individual and racial pride.

This is not an argument against welfare programs for the poor. It is an argument that nothing worthwhile will be accomplished through primary reliance upon the continuous escalation of such programs, even if that were financially and politically feasible. Nixon proposes, among other things, tax incentives to businesses that locate in core cities or rural areas. The latter suggestion is designed not merely in the interests of equity but to relieve the pressure on the cities. He proposes a number of means for making capital available for black-owned and black-run businesses, for advising new Negro enterprises in the techniques of business management, for giving tax credits to businesses that train and upgrade low-skilled workers, for a computer job bank, for making home ownership easier, and a variety of other measures. These proposals are important because they are within our financial reach, because they would help make Negroes independent of never-ending government supervision, because they would provide hundreds of thousands of independent decision centers, because men would be trained for jobs that the market has determined to exist rather than for jobs that a federal bureaucracy has imagined, often incorrectly, to exist, and because they do not involve the ever-increasing expansion of governmental control over individuals. It is easy enough for a politician to talk the language of compassion and concern but hard to translate it into programs that have a chance to accomplish the ends sought. Richard Nixon appears to have done that more imaginatively and realistically than any other candidate now offering himself to the American public.

Two related points merit brief mention: the appropriate rhetoric of reform; and the political alliances that affect reform. Nixon's rhetoric has been notably moderate and steadying, in contrast to much that has been divisive if not semi-hysterical. Nothing is to be gained and much may be lost if public figures continue, for instance, to lay all of the Negroes' problems at the door of "white racism." Racism there undoubtedly has been and continues to be, but it is neither accurate nor helpful to attribute all difficulties to it. Both whites and blacks are made resentful and energies are diverted from the constructive action, governmental and individual, that can improve matters.

The problem of rhetoric is not confined to racial tensions, however. There has been a notable decline in the civility of public debate in our society and a related increase in the willingness of various groups to abandon discourse altogether in favor of direct, forcible action. This "fascism of the left" is intolerable in itself and courts the danger of provoking a violent authoritarian reaction. Much of the anti-democratic, anti-intellectual sentiment and action displayed by the New Left and others surely results from the overheated, moralistic denunciations of our society, coupled with the approval of direct action by fighting groups, that we have heard for so long from the old left, the collectivist liberals. Our society, far from being "sick to the core," is remarkably free and stable, but we have no idea how much stress of this sort it can withstand and it would be well not to find out. Whatever might be proper in a society unaware of its problems, we at this stage in our development do not require leaders who regularly employ the rhetoric of divisiveness, guilt, and moral condemnation. This is rather the time for the language of constructive, detailed reform, language that seeks to preserve our processes as well as our moral consensus.

The problem of political alliances is equally crucial to reform. The Republican center, which Richard Nixon represents, is freer to act in ways that matter because its strength does not depend, as does that of the Democrats, upon an alliance of antagonistic special interest groups. I doubt that most liberal Democrats realize the extent to which their party is forced into the most extreme illiberal measures by its need to buy the support of special interest groups. One clear-cut example may make the point clear. There is in modern America no conceivable excuse for the kind of minimum-wage increase that the Democratic Administration pushed through last year. The virtue of minimum-wage legislation is an article of faith with collectivist liberals, but its effects and the sources of its real political appeal are far different than they imagine. The popular myth is that minimum wages redistribute wealth from wealthy employers to poor workers. The plain truth, recognized by economists of widely different political persuasions, is that the effect of such laws is to protect well-paid, highly skilled workers from the competition of the less skilled. Laws that raise the minimum price of labor mean that the first to be fired and the last to be hired are the less skilled. Given the present distribution of skills in the work force, hikes in the federal minimum wage mean unemployment for Negroes and particularly for Negro teenagers trying to enter the labor market. The introduction of the $1 minimum wage in 1956 created the first striking disparity between white and nonwhite teenage unemployment rates. Each new increase has hit rural and urban Negroes harder than whites. The net effect of these laws is to deepen poverty and make welfare measures more expensive and less effective. The Democrats' support of high and rigid minimum-wage laws is not due solely to economic naivete. Democratic politicians regularly promise union audiences increases in the federal minimum wage so that employers will not locate new plants in the South. Any man of even moderate intelligence knows that a policy that prices Southern blacks and whites out of the labor market also prices Northern blacks into unemployment. This is hard to reconcile with concern and compassion for the underprivileged; it is easy to reconcile with the Democratic reliance upon union chieftains for voting strength.

Republicans do not have those debts to pay; they have a generalized support, not a coalition of mutually antagonistic interest groups. The supposed Republican "alliance" with business is a Democratic political myth. Business is a group with conflicting interests and Republicans could not, if they wished, barter special privileges for votes with the business community in the way Democrats can and do with union and farm organizations. The Democratic Party's dependence upon groups seeking special privileges through law forces that party when in power to take away with one hand what it gives with the other, to inflate and tax to make up for the damage done by laws like the minimum wage. The toll in wasted human lives and potential, in despondency, in slum living conditions, and in lasting bitterness toward American society from this one bit of class legislation alone is immeasurable but clearly enormous.

The case of Richard Nixon, then, is that he represents the center of the Republican Party which corresponds roughly to the political philosophy of classical liberalism. The election of Nixon as President would be the election of a man who fully shares liberal values and who goes about achieving them in realistic ways that maximize the opportunities for individual freedom and self-respect. It would also be an unparalled opportunity for the ideological and intellectual rebirth of the Republican Party that Eisenhower, predictably, was unable to achieve. The philosophy of classical liberalism offers powerful analytical and rhetorical tools to the party that develops and uses them skillfully. We are apt to overstress the desirability of the nonpolarization of our political parties. Their internal heterogeneity does lend increased stability to government and society, and no sensible man would wish to see rigidly sectarian parties develop in this country. But the point can be pushed too far. Society has other virtues than stability. For those of us concerned with the maintenance and extension of freedom, rising living standards, and adherence to democratic processes, the approach of classical liberalism provides the best hope for the future. Of all the men actively seeking the Presidency, Richard Nixon is closest to classical liberalism and, therefore, most likely to achieve truly liberal goals.

DEAN O'MEARA COMMENTS PERCEPTIVELY ON FORTAS ISSUES

Mr. McINTYRE. Mr. President, a number of inappropriate comments have been made in the press and on the Senate floor regarding certain decisions by the Supreme Court in which Mr. Justice Fortas has participated.

A recent letter to the editor of the Washington Post from Dean Emeritus Joseph O'Meara, of the Notre Dame Law School brilliantly punctures many of the arguments which have been raised against the confirmation of the nomination of Justice Fortas as Chief Justice.

I particularly agree with two of the points raised by Dean O'Meara. There is a serious question whether any judge in our system should be accountable to an elected legislative body for his decision in a specific case. There is great danger in basing decisions on their popular appeal to a majority of Senators rather than on less emotional considerations of constitutional law. Such a procedure would clearly violate our long established doctrine of the separation of powers among the different branches of Government.

Second, I fully agree with the Dean's view that it is wrong to permit participation in but two decisions to frustrate the taking of a vote by the U.S. Senate on this nomination.

Dean O'Meara's views are shared by many other emminent legal scholars. I ask unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Obscenity Issue and Fortas

A few United States Senators seem determined to block the confirmation of Mr. Justice Fortas's nomination as Chief Justice because of his votes in two recent obscenity cases. To attack Mr. Justice Fortas because of those votes is unfair, misleading and dangerous.

First, it is unfair because it attempts to measure a sitting Justice's judicial fitness on the basis of the scanty evidence of his recorded vote in cases decided without written opinion, two cases only.

I take it to be a general rule that no active Justice should be called to account in the Senate for his votes in particular cases. But, passing that, it seems to me clearly wrong to impugn Mr. Justice Fortas for his votes in the two cases in question. The Senatorial opposition has focused on the Court's reversals of convictions in *Schackman v. California*, decided *per curiam* on June 12, 1967, and in *Jacobs v. New York*, which was dismissed as moot on the same day. In neither of these cases did the Court issue a writen opinion explaining its reasoning and in neither of the cases did Mr. Justice Fortas issue a separate statement of his own views. I am quite unable, therefore, to see how one can single out Mr. Justice Fortas's actions in these cases from those of his colleagues, or extract from his votes very much about his position on the complex obscenity issue.

This conclusion is reinforced by an examination of the issues presented to the Court in those two cases. Each was unique. The briefs to the Court state that *Schackman* involved a "peep-show" of a filmed burlesque performance not unlike those presented fairly widely in burlesque houses throughout the country. *Jacobs*, on the other hand, involved a nearly private screening of what we are told was a seriously intended, if unconventional, underground art film, and the showing was not advertised in any way to the public at large. In addition, in *Schackman*, there was presented the question of unlawful police seizure of the film prior to any lawful determination that it was in fact obscene under the local statute. For my part, I am unable to see that these cases tell us much about Mr. Justice Fortas's particular views.

Secondly, the attack on Mr. Justice Fortas's votes in these two cases is misleading because it overlooks his total record in the field. From the time of the landmark *Roth* decision in 1957 until Mr. Justice Fortas was appointed to the Court in 1965, the Court had never squarely sustained a finding of obscenity. However, in the October 1965 Term, Mr. Justice Fortas voted with the majority to sustain the obscenity convictions of Ralph Ginzburg and Edward Mishkin. He did not issue an opinion in either case. The Court's opinions, however, spell out a new theory and they broke the impasse which had developed over the obscenity issue in the years before his appointment. The Court held that the manner in which a defendant merchandised allegedly obscene material could be taken into account in determining whether these materials were "obscene."

More recently, and again with the support of Mr. Justice Fortas, the Court dealt with "variable concepts of obscenity," holding that the First Amendment does not preclude legislation to protect children from materials which might not be "obscene" if purveyed to adults. In his separate opinion in that case, *Ginzberg v. New York*, decided April 22, 1968, Mr. Justice Fortas stated:

"The State's police power may, within very broad limits, protect the parents and their children from public aggression of panderers and pushers. This is defensible on the theory that they can not protect themselves from such assaults."

To attack Mr. Justice Fortas on the basis of his votes in two *per curiam* decisions (*Schackman and Jacobs*) therefore, is to distort the record. His vote in the first *Ginzburg* case, and his opinion in the more recent *Ginzberg* case, to the extent that one can isolate his views from those of the other Justices, reflect a developing sensitivity to the complexities of the problem, a realistic appreciation of the significance of the way challenged films and books are marketed, and a concern with the peddling of obscenity to the young. One need not agree or disagree with the Court or with Mr. Justice Fortas. I for one do not agree. I have argued that the burden of deciding obscenity cases should be shifted to local juries and away from appellate courts. But surely one can see, from Mr. Justice Fortas's record since his appointment, a commendable, judicious temperament wholly undeserving of the kind of attack which has been launched against him in the Senate.

Finally, to attack Mr. Justice Fortas on the basis of two *per curiam* decisions is dangerous, because it threatens not only this specific judicial appointment, but involves fundamental constitutional considerations as well. At stake in these cases is the sensitive balance to be struck between a society's interest in protecting itself from smut, and its deep need to preserve and enhance freedom of artistic and literary expression. The Constitution places the responsibility for determining where that thin line is to be drawn on the nine Justices of the Supreme Court. It should remain there.

Moreover, if Mr. Justice Fortas is to be punished for his votes in the two obscenity cases above mentioned, consistency would require that a majority of the Court be impeached.

The time is long past when the Senate should be allowed to express its judgment whether, on the basis of Mr. Justice Fortas's entire career, it consents to his appointment as a fit Chief Justice of the United States. That judgment ought not to be frustrated or obscured by a fixation on votes in two recent obscenity cases, both decided without opinion.

I am authorized to state that the following Deans, namely, Reverend Robert F. Drinan, S.J., Boston College Law School; Charles E. Ares, University of Arizona College of Law; Louis H. Pollak, Yale Law School; John W. Wade, Vanderbilt University School of Law, join in the views expressed in this letter, with the single exception of my personal opinion that obscenity, like negligence, is a jury question.

Joseph O'Meara,
Dean Emeritus, Notre Dame Law School.
Notre Dame, Ind.

DELAWARE MEMORIAL BRIDGE OPENS SECOND SPAN TODAY

Mr. BOGGS. Mr. President, today marks the formal opening of the second span of the Delaware Memorial Bridge, a step of prime importance in the swift movement of people and products along the thriving east coast.

Opening this second bridge is also further evidence of the fine cooperation between Delaware and our sister State of New Jersey which has made possible this essential double span across the Delaware River.

Vice President HUMPHREY participated today in the ceremonies officially opening the bridge to traffic, along with the Governor of New Jersey, the Honorable Richard J. Hughes, and the Governor of Delaware, the Honorable Charles L. Terry, Jr.

Other participants included the chairman of the Delaware River and Bay Authority, Alexis I. duP. Bayard, of Delaware, and the vice chairman of the Authority, Clarence B. McCormick, of New Jersey.

Also Authority members from Delaware are: Remsen C. Barnard III, James Julian, Benjamin F. Shaw II, and James G. Smith. New Jersey members are: Thomas J. Gallagher, William A. Gemmel, Walter F. W. Maack, and James L. Smith. William J. Miller, Jr., is the Authority Director and Theodore C. Bright the bridge manager.

Each of the twin bridges is the 14th longest suspension span in the world and the twin complex is the largest of its kind in the world. The second span cost more than $75 million.

We in Delaware share with residents of New Jersey a natural pride in this exceptional Delaware Memorial Bridge and hope that an increasing number of Americans will not only get an opportunity to travel over it but to stop for a while in our State on their journey.

URBAN SOCIAL AFFAIRS

Mr. MONDALE. Mr. President, business in the field of urban social affairs is on the move these days. Across the Nation, firm after firm is adding concern with the urban problem to its list of important concerns.

Some businesses are working to establish subsidiaries in ghetto neighborhoods. Others are training workers.

One of the most innovative and most successful of these business enterprises is located in Minneapolis, Minn. There, Control Data Corp., is responding to the needs of the Northside population, while at the same time fulfilling the increased demands for its products. A recent article published in the Minneapolis Tribune explains the exciting developments in the Northside subsidiary. The factory has developed "color blindness."

I ask unanimous consent that the article be printed in the RECORD. Congratulations are to be extended both to Control Data and to those now in training and at work in the plant.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Tribune, Aug. 25, 1968]

NORTH SIDE CONTROL DATA FACTORY HAS "COLOR BLINDNESS"

(By Dick Cunningham)

You don't realize something unusual has happened until you see your first white person at Control Data Corp.'s North Side manufacturing plant.

Then you go back in your mind's eye over the first five people you saw.

They were not white.

And you didn't notice.

A similar phenomenon has happened to the people directly involved in the first six months of operation of the plant at Bryant and Plymouth Avs. N.

Those people are no longer conscious of the differences between workers at their plant in the heart of Minneapolis' North Side area of minority concentration and workers at the computer firm's suburban plants.

If there is a difference, it is that "You get a little better support from these workers," said Daniel Smith, general foreman.

"These people are working to feed families. In the suburbs they are working for curtains or an extra car."

When neighbors or industrial colleagues ask plant manager George E. Wright what's happening at the plant, "I tell them, 'We're making parts.'" Wright said.

If he is pressed for a sociological generalization about the characteristics of so-called disadvantaged workers, Wright is likely to shift his gum, level his brown eyes at the questioner and say:

"I'm running a factory . . ."

The rest is either implicit or explicit if the questioner is persistent:

". . . not a social science laboratory."

The fact is, says Amos A. Haynes, Negro scientist who asked to be reclassified as a personnel supervisor to work at the North Side plant, that people in government and industry across the United States are crying for statistical information about the Control Data experiment.

But hard, clean information is not available for various reasons. The plant is small. It hasn't been running long. It's operation is not exactly comparable to any other plant Control Data has started—in the stampeding computer industry very little stays the same from one month to the next—and the North Side people have been too busy getting things going to make studies.

These observations are as close to concrete as Control Data will get:

The firm will have invested in excess of $5 million in the North Side operation by the middle of 1970. It will have used slightly in excess of $1 million in federal training funds by that time.

There were 146 people in the plant last week.

The firm had planned for 90 by this time.

The increase has resulted from increased production demand for the refrigerator-sized controller made by the plant—a component that is essential to every one of their computer systems.

(Control Data is the only one of the firms that have set up manufacturing operations in the nation's inner cities that is using the inner-city operation to make an integral part of its product line. "This plant has to go," said Wright.)

The increase has been possible because the North Side workers are learning faster than they were expected to. A class of 13 was put out on the production floor last week after one week of training instead of two. (They will get the other week later.)

The "pace" of the plant, which is something you can feel after you've been around industrial operations for years, is probably better than most plants, said Wright. In a new plant that might be inexperienced people burning up energy, he hedged.

The rate of production increase is better than he predicted, Wright said, although it is not as rapid as in other Control Data plants started where the worker pool had more experience in the labor market, he said.

But the ultimate productivity will be the same as other plants after the learning period, he said.

The ethnic breakdown of the plant is 58.2 per cent Negro; 37.4 per cent white, and 4.3 per cent Indian. The 1960 census for the plant neighborhood showed it to be 48.7 per cent Negro, 49.8 per cent white and 1.5 per cent Indian.

Negro females consist of 42.4 per cent of the plant populations, compared to 15.8 per cent for Negro males.

The Negro male percentage is expected to rise as two things happen, said Haynes; as production increases so there is more need for men in heavy assembly work, and as a testing facility is added providing jobs with more appeal for men than hand assembly work.

There are three Negro males in middle management, including one who was promoted to foreman from another plant, and eight white males. There are two Negro males in professional administrative positions and three white males.

Eight persons are being trained at Arden Hills for the testing jobs. Four were promoted from assembly work in the new plant and four were hired specially for the new work.

Many of the new employes have been promoted from entry-level assembly work to more difficult work with higher pay.

The attrition has been about 30 so far, nearly twice what Wright predicted, but the plant manning is nearly double, too.

The attrition rate is what Wright said it would be and he based his prediction on the firm's plant in the eastern suburb of Arden Hills, where he was in charge of manufacturing before he was assigned to start the North Side plant.

Tardiness, is not different from other plants. The same corporationwide policy is enforced.

Absenteeism has been running about 10 percent, as predicted. It took a rise two weeks ago. Plant personnel wondered whether it was because they had a plant full of new people with no accrued vacation time. Last week it was back to normal. "Just a blip," said Wright.

There are a number of aspects of the North Side plant that are different from other Control Data plants.

The training is two weeks instead of two days. One of the components of the training program has come to be one day when the members of the class "ventilate" about the difficulties and injustices they have encountered in their lives.

There is a full-time counselor at the North Side plant, John Roberts, a Negro social worker who came from the Hennepin County Juvenile Court.

Roberts is available to help personally or, more often, to take the worker with problems to the community agency best suited to handle the problems.

North Side agencies have been a key part of the establishment of the North Side plant from last summer when Control Data was seeking basic ideas on how to tap the inner-city minority community for the workers so desperately needed by it and other firms in the mushrooming computer industry.

It was on the advice of agency representatives that the firm stopped using acronyms for the program. It was called SPUD, SCUT, and PUSH at various stages in the planning.

It was on their advice that the firm started thinking about a manufacturing plant instead of a training program on the North Side.

"These people are fed up with training programs."

There was an hour-and-a-half meeting with agency people at the Arden Hills plant after Control Data announced the plant last November.

At that session agency representatives supplied ideas that made it possible for Control Data to cut the employment application from four closely spaced pages to one side of one card.

They recommended dropping the requirement of personal references, lowering the requirement for work experience.

Control Data assured agency representatives at that meeting they would hire persons with felony convictions. They still ask about such convictions, but only to set up useful relationships with parole or probation agents, Haynes said last week.

At the Arden Hills meeting Control Data said it was even willing to drop the requirement for a pre-employment physical exam. The suggestion met with silence.

"Who pays for that?" asked one North Sider.

"We do," said Control Data.

"Leave it in," said the agency people.

Business firms helped, too.

Prudential Insurance Co. came forward immediately ready to finance the new plant, which now is being built on seven acres west of Washington Av. between 10th and 12th Avs. N., and the Control Data Institute that will be built later. The money is part of the insurance industry's billion dollar commitment for homes and job producing enterprises of the inner city.

Interchemical Corp., which was moving out of a South Side plant to get out of the way of a highway, was willing to give Control Data a year's lease on the building at Plymouth and Bryant Avs. if it could be assured of another year where it was.

The Minnesota State Highway Department said, sure, it was glad to modify its plans to leave Interchemical alone.

"There is an amazing number of little roads like this you've got to walk down," said Norbert W. Berg, vice-president for personnel and administration.

Northwestern National Life Insurance Co. said it was willing to set up a separate health insurance pool for the firm's North Side workers in case, coming out of deprived situations, their sickness rate might be high enough to push up the premiums for other Control Data workers.

The experience has not been significantly different, however.

The Control Data experience with the federal government has been a mixed blessing.

For one thing, the firm did not announce it was going to have government training funds at first because they had decided to go ahead with or without.

When the training funds commitment was announced later, the firm was accused of bad faith.

Actually the money is not a grant, as many people think it is. It is an amount set aside to be used over a period of 2½ years to reimburse Control Data for actual expenses incurred in the training of what the Department of Labor defines as disadvantaged workers.

The contract, which is similar to dozens of training contracts with firms outside the inner city, provides for training up to 491 such workers of which an estimated 280 will ultimately be hired.

Just one of the Control Data headaches now is the narrowness of the labor department definition of disadvantaged.

It leaves out such persons as a Negro head of a household if his wife happens to make enough money to bring them above the poverty level. It leaves out a minority person in a dead-end job if he has been in the dead-end job long enough to be above the poverty level. It leaves out a white housewife on Aid to Families of Dependent Children if she is between the ages of 22 and 45.

Control Data is going ahead and training such people anyway, said Haynes, but it is also seeking to have the definitions boardened to allow for reimbursement out of the government funds.

The firm's executives tend to be jaded about such negotiations with federal government departments.

Last year despite a big build-up about one-stop federal aid service for plants wanting to build in the inner city, Roger G. Wheeler, general manager in charge of corporate personnel services, who was responsible for the planning for the North Side plant, had to make six trips to Washington, D.C., to iron out details.

One of the details was a proposal for a day-care center, recommended by North Side social service agencies to help mothers come to work.

Federal people at the middle staff level refused to allow it. Control Data pleaded. The federal people said they would consult with superiors during a two-hour recess.

They returned and said the day-care center was out, a policy decision at the highest level.

Later a Control Data executive mentioned the incident to a top governmental official in a nonbusiness meeting. The government man checked back. The underlings had not consulted with anyone during the two-hour break. There had been no policy decision against the day-care center. It was just a "bargaining position," the government official reported.

"We didn't even know we were bargaining," said the Control Data executive. "We thought we were all working for the same thing."

HAS THE SUPREME COURT OUTLAWED THE PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS?

Mr. MURPHY. Mr. President, the Members of this distinguished legislative body have grave cause for concern over the implications of a current legal case involving a New York City schoolteacher who was suspended last year for refusing to lead his class in the Pledge of Allegiance.

The most important aspect of the case is not the conduct of a recalcitrant teacher, which I personally deplore, but the recent recommendation for his reinstatement made by the trial examiner of the New York Board of Education. The trial examiner is Bethuel M. Webster, a distinguished lawyer and former president of the Association of the Bar of the City of New York.

Not only has Mr. Webster recommended full reinstatement of the recalcitrant teacher, he has also urged the acceptance of that teacher's philosophy by the New York Board of Education and, by implication, by all other school boards in the country. He said that the New York board must put itself in line with U.S. Supreme Court decisions and "adopt means for promoting student patriotism that do not impair the personal liberties of teachers."

Mr. Webster warned that if his recommendations on reinstatement and on teacher participation in the Pledge of Allegiance were rejected, the courts would rule in favor of the teacher and could very well hand down a much broader decision to the effect that the teacher's constitutional rights have been infringed.

Unfortunately, it is entirely possible that such a court decision would not be the end of the story. If teachers are granted the right to opt out of patriotic exercises, it would take only the filing of a parent's suit to bring about the extension of this right to every child of an objecting parent. Indeed, in accordance with the logic of the Supreme Court's school prayer decision, the High Tribunal is likely to go a step further. It could rule that not only should recalcitrant teachers and children of recalcitrant parents have the right to opt out of patriotic exercises, but that all patriotic exercises should be banned from the schools because they involve state indoctrination of captive audiences. Such indoctrination, the Court could hold, is forbidden by the first amendment's guarantee of freedom of speech, thought, and association.

Truly this case is an eyeopener. Are we to be prohibited in this time of world crises from inculcating patriotism in the minds and hearts of our youth? At the same time, are we to turn over our schoolyards and assembly halls to troublemakers who demand the "right" to preach loyalty to the foes of our Nation, to pledge allegiance to foreign flags and to chant, "Hell no, we won't go!"

To patriotic Americans these questions answer themselves. We must safeguard the right to teach patriotism in our schools. To do this it is not necessary to resort to revolution or to defy the decisions of the Supreme Court. We have the legal means to correct the disastrous trend of judicial decisions.

One such legal method now at hand is the right—indeed the duty—of the Senate to carefully consider the qualifications and character of those men being nominated to high positions in our legal system.

Mr. President, for the further information of Senators, I ask unanimous consent that an article on this case, published in the New York Times of September 7, 1968, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Teacher Who Refused To Lead Flag Pledge Backed by Arbiter

(By Sidney H. Schanberg)

A Queens high school teacher who was suspended last year for refusing to lead his homeroom class in the Pledge of Allegiance to the flag won an important victory yesterday in his fight for reinstatement.

The trial examiner appointed by the Board of Education in the case recommended to the board that the teacher, Seymour Jacobs, who had shunned the pledge "for reasons of conscience," be returned to his teaching duties with all charges dismissed.

The examiner, Bethuel M. Webster, stressed that neither state law nor school regulations required Mr. Jacobs, as the board contended, "to rise to his feet, lead the children in the Pledge of Allegiance and to recite the terms thereof."

Mr. Webster, an adviser to Mayor Lindsay and a former president of the Association of the Bar of the City of New York, found that on the contrary, United States Supreme Court precedents demanded that the Board of Education, under the First Amendment's broad protection of freedom of speech, "adopt means for promoting student patriotism that do not impair the personal liberties of teachers."

The next move is now up to the board, which can accept, reject or modify Mr. Webster's recommendations. A board spokesman refused to discuss the case, but said the board would make a decision within two months. The 1968–69 school year begins next Monday.

Mr. Jacobs, who has been in the city school system for 10 years, had been at the Far

Rockaway High School, teaching French, for four and a half years when he was suspended on Nov. 27, 1967.

Although he was at first suspended without pay, his lawyer, Neil Fabricant, legislative director of the New York Civil Liberties Union, persuaded the Board of Education to keep Mr. Jacobs on at full pay and transfer him to a nonteaching job. He was assigned to a clerical post with one of the board's foreign-language units.

HAILS RECOMMENDATION

Mr. Fabricant hailed the trial examiner's recommendation and added that "the purpose of the First Amendment was precisely to protect people against official attempts at coerced belief."

Mr. Jacobs could not be reached immediately for comment, but Ira Glasser, the Civil Liberties Union official who told him the news yesterday morning, said the teacher was "overwhelmed, almost speechless with excitement."

Mr. Webster, in his report, warned the Board of Education that if his recommendations were rejected, the courts would then rule in the teacher's favor. He predicted they would hand down a much broader decision to the effect "that Mr. Jacobs' constitutional rights have been infringed."

Mr. Jacobs did not refuse to recite the Pledge of Allegiance because of an religious conviction. Rather, he said that it was "contrary to his personal conviction," that "rote repetition of it is meaningless," that he considered it a "coercive" loyalty oath and that he objected to certain words in it, specifically the phrase "one nation under God, indivisible."

REGARDS IT AS AN OATH

In his testimony at the hearing, for example, the teacher said he had a "notion" that the country was not one country indivisible, and that to say so was hypocritical.

"I regarded this pledge as an oath of loyalty," he testified, "and who could question my loyalty, having been a citizen, obeying pretty much all of the laws of the land, and perhaps, wrongly so? The difficulty is, I obey them too docilely, like most people."

The Pledge of Allegiance "recommended," but not required, by the State Education Commissioner is as follows: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all."

The trial examiner noted that Mr. Jacob's problem could have been resolved without suspension simply by relieving Mr. Jacobs of a homeroom assignment and thus sparing him the morning patriotic exercise (only about 50 of the 150 teachers at Far Rockaway High School have homeroom duties).

According to Mr. Webster, the principal, David Gordon, said this would have been "inconvenient and undesirable, especially in the middle of a semester."

MUTUAL FUND LEGISLATION FOR THE 91ST CONGRESS

Mr. McINTYRE. Mr. President, a committee of the House of Representatives has voted to put off, for the present session, the amendments to the Investment Company Act of 1940 which had been suggested by the Securities and Exchange Commission and overwhelmingly approved earlier this year by the Senate.

I regret this decision. It means that many of the $4\frac{1}{2}$ million American shareholders of mutual funds will continue to be exploited for at least an additional year. It demonstrates clearly the difficulty which unorganized shareholders have when their interests run counter to those of a small group of Wall Street financiers who are able to command an army of Washington lobbyists to inundate the Halls of Congress.

On the other hand, the decision will give those of us who believe that small investors have a right to fair and honest treatment from mutual funds the opportunity to develop, through public hearings, the necessary information and public support for wide-ranging, comprehensive legislation in the next session of Congress.

In addition, I am hopeful that the Securities and Exchange Commission will exercise the full range of its own powers to expand the scope of its activities directed at curbing the abuses of mutual fund power.

It is my intention to submit proposed legislation early in the next session which will fit my own ideas of suitable protection for small investors. The proposal will generally follow along the lines of S. 3724, the bill approved by the Senate this year under the skillful guidance of the chairman of the Banking and Currency Committee [Mr. SPARKMAN] with the following changes:

First. The sales loads imposed upon purchasers of mutual funds should be freely determined by the competitive forces of a free market.

Second. Customers should be fully protected from the risks of substantial loss arising from the so-called front-end load imposed on contractual plans.

Third. Tight controls should be imposed upon the misuse of brokerage firms by or for mutual funds.

Fourth. Mutual fund shareholders should not be forced to subsidize, directly or indirectly, the exorbitant costs of Washington lobbyists working against the shareholder's own interests.

Fifth. Managers of mutual funds, handling other people's money, should be required to come under the same minimum fiduciary standards which are now imposed upon other financial institutions.

With these few changes, I believe that S. 3724 can be the sort of constructive legislation which will provide the safeguards against abuse of small investors which are now woefully lacking in the law.

NATIONAL RETIRED TEACHERS ASSOCIATION RESOLUTIONS

Mr. HART. Mr. President, recently, it was my privilege to speak before the National Retired Teachers Association during their biennial convention held in Washington, D.C. This is a nonprofit, nonpartisan association deeply concerned that retired teachers may live their years in independence, dignity, and self-purpose. The association has always been responsive to congressional inquiries and is now cooperating with me in a study of the automobile insurance industry, particularly as to whether older persons are being discriminated against by the industry.

At their convention, delegates representing more than a quarter of a million retired teachers throughout the country adopted a set of resolutions which I recommend for consideration by each of us.

Therefore, I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL RETIRED TEACHERS ASSOCIATION RESOLUTIONS

NRTA continues to exercise its responsible role as the Nation's largest nonprofit, nonpartisan membership organization in the initiation and the support of national and State legislation to promote the general welfare of older persons and the national security and economy:

1. *Resolved,* That NRTA support a White House Conference on Aging in 1970–71, or as soon thereafter as possible, with the restoration of adequate funds for State planning and administration.

2. *Resolved,* That NRTA is concerned with the needs of older Americans to be protected with adequate retirement allowances by the adjusting of retirement incomes to keep up with fluctuating costs of living.

3. *Resolved,* That NRTA will do everything possible to combat inflation and to maintain the purchasing power of retirement income.

4. *Resolved,* That NRTA shall work to establish the principle that any and all pensions, including social security, should be regularly adjusted in accordance with rising costs of living.

5. *Resolved,* That NRTA is concerned that retired teachers as well as other older Americans live on fixed incomes and recommends to the Congress protection against consumer frauds that result in excessive costs and losses incurred by such consumers.

6. *Resolved,* That NRTA will take every opportunity through our publications and public appearances to expose and support action against pressures and schemes intended to exploit the elderly.

7. *Resolved,* That NRTA urge equitable tax treatment for older Americans and urge restoration of full medical and drug deductions for persons 65 and over, for Federal income tax purposes.

8. *Resolved,* That NRTA urge that single persons over 65 and heads of households over 35 whose income does not exceed $3,500 per year, or married couples over 65 whose combined income does not exceed $6,000 per year, be exempted from Federal income tax.

9. *Resolved,* That NRTA urge all States to increase pension benefits of all retired teachers to at least $2,400 a year minimum, based on 30 years of service, with proportional benefits for all service of a longer or a shorter duration.

10. *Resolved,* That NRTA recommend the updating of the retirement income tax credit to correspond with current maximum social security benefits.

11. *Resolved,* That NRTA shall continue to seek Federal legislation to make social security benefits available to those people over age 70 not now eligible for such payments.

12. *Resolved,* That NRTA urge the State legislatures to study the needs of retired teachers who have been unduly penalized in their retirement benefits because of the absence of transferability of retirement credits and the long period required in most States before the benefits become vested.

13. *Resolved,* That NRTA is concerned with safety in the streets and at home and urges local, State, and Federal agencies to take the necessary steps to enact anti-crime bills and their implementation with all due speed so that this country may reach the point when all people can walk the streets without fear of criminal attack.

14. *Resolved,* That NRTA is concerned with the ease with which irresponsible persons can obtain firearms, and urges effective gun control.

15. *Resolved,* That NRTA urge the Federal and State governments strengthen the projects that make continuing education and cultural activities more accessible to older Americans.

16. *Resolved,* That NRTA will stimulate and cooperate in the extension and expansion of the institute of lifetime learning and the every Wednesday morning lectures series throughout the Nation.

17. *Resolved,* That NRTA will continue to insist on the right to work or retire without regard to age and assist in counseling and finding job opportunities for qualified older workers.

18. *Resolved,* That NRTA will continue to emphasize the importance of independent living in the later years, and actively oppose any philosophy, doctrine, program or organization that distorts or downgrades the status of older persons.

19. *Resolved,* That NRTA will accept leadership responsibility in helping to bridge the gap between employment and retirement through a dynamic program to prepare persons for the later years and further that NRTA will cooperate with other interested groups in studying the needs of older people.

20. *Resolved,* That NRTA advocates Federal support for prevention and detection centers throughout the Nation to aid in the medical problems of older Americans. NRTA further supports all reasonable efforts made to reduce medical costs.

21. *Resolved,* That NRTA recommends full cooperation with the National Safety Council and other associations in the endeavor and program of defensive driving for all, but especially for the older drivers.

22. *Resolved,* That since the Bureau of Homes, NRTA, owns, and operates the Grey Gables retirement facility for retired teachers in Ojai, Calif., and since it was founded by Dr. Ethel Percy Andrus as a service to all members of the NRTA and it was the intent of Dr. Andrus that the NRTA should always retain a close association with Grey Gables, the NRTA acknowledges the existence of Grey Gables as a service to members and reaffirms its sponsorship and close association with Grey Gables.

23. *Resolved,* That NRTA is grateful, proud and appreciative of the outstanding services rendered by the late leaders, Robert R. Decormier, Clara Verner, Allie Mann, Albert A. Doty, and Dr. W. H. Barnard. They served NRTA well and long, and will be remembered for their fine attributes and contributions to NRTA. NRTA cannot measure the loss to their famlies. This convention further resolves that a copy of this message be sent to their respective families.

24. *Resolved,* That NRTA regrets the inability of Miss Kate Frank, Mr. Albert W. Lawton, Mr. W. Fletcher Simpson, Dr. A. R. Mead, and other leaders and members who are unable to attend this convention because of illness and pray for a speedy recovery so that they may continue their fine efforts in behalf of NRTA.

25. NRTA is grateful, proud and appreciative of the outstanding services rendered by Dr. George Hilliard, our retiring executive vice president, and wishes him continued good health and success, and looks forward to his continued activity in support of the association.

26. NRTA expresses grateful appreciation to Miss Elsie Green, of Washington, D.C., and her fine committees—throughout not only the District of Columbia—but all of area 3 for the excellent planning of this 1968 convention.

(a) To the local committee for arranging interesting tours, delightful entertainment and a spirit of warm friendly hospitality.

(b) To the speakers, staff members and other program participants and members of the convention committee who willingly and untiringly offered their time and talents, making the program inspirational and informative.

27. The NRTA delegates here assembled in this biennial convention wish to express our thanks to the legislative council and the NRTA legislative representatives and counsel for their careful planning and untiring effort in carrying out their programs and for the far-reaching legislative accomplishments for all Americans and especially the elderly and retired citizen.

28. Above all, the convention wishes to express appreciation and thanks to our President, Miss Cecilia O'Neil, for the untiring efforts on our behalf and devoted manner in which she has carried on the duties of president of NRTA. To assume this office as she did, and to endeavor to carry out the ideals of our founder and leader, Dr. Ethel Percy Andrus, has been a challenging adventure and experience.

29. As a special resolution of this the memorial convention of NRTA, be it resolved that we hereby rededicate ourselves to the philosophy and inspiration of our founder and first president, Dr. Ethel Percy Andrus.

VISTA VOLUNTEERS AT WORK IN ALASKA

Mr. GRUENING. Mr. President, an excellent article describing the work of two VISTA volunteers who live in the Washington area was published in this morning's Washington Post. It was written by Elinor Lee, of the Post staff. The girls are Linda Boor, of Silver Spring, and Jeanne Williamson, of Rockville, Md.

The village in which they have been working is Elim, on the Bering Sea coast. It was my good fortune to be in Elim just a few weeks ago as these girls were concluding their service, so I was able to get a firsthand view of the fine work they have been doing—work which is typical of the VISTA volunteers in Alaska.

One of their most important activities was the collection of a village library. Such village libraries are sorely needed in the Eskimo and Indian villages of Alaska. They will do much to help to raise the level of education and to help to integrate the children in the modern world closing in upon them, a world in which they are often not adequately prepared to cope.

I ask unanimous consent that the article, entitled "VISTA Girls Learn From the Eskimos" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VISTA Girls Learn From the Eskimos

(By Elinor Lee)

Reindeer meat and ptarmigan are as familiar to cooks in Alaska as beef and chicken are to us, say two Montgomery County girls.

Linda Boor, daughter of Mr. and Mrs. Homer Boor of Silver Spring, and Jeanne Williamson, daughter of Mr. and Mrs. W. Ralph Williamson of Rockville, have been living in Alaska for the past year as Volunteers in Service to America (VISTA).

The 22-year-old girls joined the domestic peace corps after graduation from Frostburg State College in June, 1967. They were assigned to Elim, an isolated fishing village 120 miles east of Nome, where they lived in a 16- by 17-foot cabin until a few weeks ago. They learned to bake bread, fish and hunt, and to make the most of available foods.

"Eggs were $1.25 a dozen in the village store, butter was $1.40 a pound, there was no beef but reindeer meat was only 63 cents a pound," Linda recalls.

One of her Eskimo neighbors showed her how to make reindeer stew. "Very good, too."

When Jeanne and Linda arrived in Elim, population 155 and "30 snow miles from the next village," they were met by the village chief (head of town council) who took them to his home for dinner.

They had been warned that the first meal might be dried fish soaked in seal oil, and *ahgootak* (Eskimo ice cream).

"But you know what we had? Canned beef stew," Jeanne says. "Those dear people had bought a can of beef stew especially for our first dinner."

Later Jeanne and Linda learned to eat and like Eskimo ice cream made with chunks of white fish, reindeer fat, seal oil and salmonberries.

When they moved into their cabin it was furnished with a bed, a table and two chairs. Their neighbors found another bed for them, and the girls used wooden shipping boxes to make chairs, tables and even a sled.

The cabin was heated with an oil-burning stove, and they cooked on a 3-burner Coleman camp stove. For many months they used a Coleman lantern for a light, "then we got electricity . . . one light bulb hanging from the ceiling," recalls Linda.

They carried water to their cabin in buckets hanging from a shoulder yoke. "It took six half-mile trips to the spring and back to fill the 30-gallon can we had."

Natural springs surround the village. A church, a grammar school and the general store line the main dirt road in Elim where the temperature often goes to 30 below zero, and the winter days include 22 hours of darkness.

The coldest temperature they recall was when the thermometer hit 43 below zero. "We didn't go out that night," Linda noted.

In summer, the girls enjoyed the 22 hours of daylight . . . and the carrots, cabbage and greens the Eskimos grew in truck gardens and gave them.

"The Eskimos couldn't have been nicer to us. One day our stovepipe broke and the cabin was full of smoke. We just stood outside and yelled. Everyone came running to help us."

There is no police force in Elim. "They don't need police," said Jean.

The girls never lacked escorts. There were 17 eligible bachelors in the village. But both Jeanne and Linda had left their heart-interests at home. "Anyway, the Eskimo girls are simply beautiful . . . with delicate features. And they know how to cook," said Jeanne, who is planning to be married next summer to a University of Maryland graduate.

Jeannie is studying for her master's in religious education at Wesley Seminary, and hopes to teach philosophy. Linda is interested in social work and hopes to get a Government post.

Their main projects in Elim was teaching adult education classes and pre-school age children, hauling gravel from the beach to the village to make paths less muddy, helping build a new church, and expanding the public library.

They appealed to their friends in Washington and to the people of Anchorage for donations to a Share-Your-Book project, and received more than 1000 volumes.

"But the book we needed most and didn't take with us was a cookbook," said Linda. The Eskimos don't have or need cookbooks, she said. She sent an SOS to her mother, who shipped her own copy of "Good Housekeeping Cook Book." "It was the 1940 edition . . . the one she had learned to cook from."

The girls discovered that Willow Ptarmigan, the Alaska state bird, could be used in many chicken recipes. The bird is hunted with guns or trapped in huge nets the year around.

Ptarmigan cacciatore was one of their favorite culinary creations. They also learned to cook authentic Eskimo dishes, including ahgootak and fish chowder.

Pies, cakes and raised doughnuts are favorites with Elim residents, the girls report. And coffee is *the* drink. There's always a pot of boiled coffee on the stove, and you drink it all day long.

Linda and Jeanne introduced pizza mix and chocolate chips to the villagers, and got the general store to stock these items.

The foods they missed most were fresh vegetables. Even onions and potatoes had to be flown in, so they learned to use dehydrated potatoes and onions.

The general store stocked cake mixes and plenty of canned vegetables and fruit, canned and dried milk. Reindeer meat was plentiful. A hind and fore quarter usually hung on the porch of the general store. The proprietor would go out and cut off a hunk for customers.

Fish was abundant and delicious. And peanut butter was as popular in Elim as at home, Jeanne says. "The Eskimos love picnics. They hop on their snowmobiles, take a bag of goodies—peanut butter, homemade bread and some berries—and off they go on a picnic." This usually means a hunting or fishing expedition for father, and an outing for mother and the children.

Jeanne and Linda hunted bear and seal but had no success. They had better luck with fishing. Their most frightening experience, however, happened during a fishing trip last May.

"We were five miles from the village and alone when Linda fell through the ice, up to her neck. Luckily someone came along with a snowmobile and we got her back to the cabin before she froze. We were both quite shaken," Jeanne related.

Both girls hope to go back to Alaska. They would like to live in Anchorage, a "beautiful city, ultra modern since the restoration following the 1963 earthquake."

VISTA Volunteers Jeanne Williamson and Linda Boor, who became creative cooks during their year in Elim, Alaska, gave me several recipes for authentic Eskimo dishes along with two favorites they concocted, Ptarmigan Cacciatore and Reindeer Ragout.

PTARMIGAN CACCIATORE

Catch 2 ptarmigans, kill them, pluck and clean them, and cut them up. Use breasts and legs for the cacciatore. (Ptarmigans are small and the only meaty parts are breasts and legs, Linda says.)

Heat about 6 tablespoons fat or salad oil in large skillet, add cut of ptarmigan and saute until golden brown. Add I cup minced (or dehydrated) onions and ½ teaspoon garlic salt; brown onion lightly.

To above mixture in skillet add 1 (no. 2½ can) tomatoes (3½ cups), 1 (8-oz.) can tomato sauce, 3 teaspoons salt, ½ teaspoon pepper, ½ teaspoon allspice, 2 bay leaves and ½ teaspoon leafthyme (crushed). Simmer, uncovered, 30 to 40 minutes or until ptarmigan is tender. Makes 6 servings.

REINDEER RAGOUT

Buy a "hunk" of reindeer meat . . . about 2 pounds; cut into bite-size pieces.

In a pot of water put a diced onion (or dehydrated onion flakes) and let simmer about 5 minutes; add the meat and some rice or spaghetti (or potatoes if you have any), and let simmer about an hour. Season to taste with salt, pepper and herbs. (Linda says she "doctored" her stew up sometimes with canned tomatoes or canned vegetables.)

FISH CHOWDER

Cut 1 pound of fish steaks or fillets (salmon, white fish or trout) into half-inch cubes. In shortening or salad oil in skillet, fry ½ cup chopped onions (or dehydrated onions) until lightly browned.

In large pot put 2 cups hot water, 1 cup diced potatoes and the onions and fat; cook for 10 minutes or until potatoes are partially tender.

Add diced fish and simmer for 10 more minutes or until fish flakes easily with a fork. Add 2 cups milk, 1 teaspoon salt and dash of pepper. Heat about 5 minutes and serve with paprika sprinkled on top. Makes 6 servings.

ESKIMO ICE CREAM

There are many variations in preparation and ingredients, but the following recipe is the type made in Elim. (Linda and Jeanne say it's extremely rich, and took many tastings before they developed a liking for it): 1 to 2 chunked white fish, depending on size; 1 cup grated reindeer fat, moose fat or tallow; seal or salad oil; salmonberries, cranberries or blueberries for topping.

Remove heads and tails of fish, cut into chunks, boil in water without salt until fish is cooked.

Remove skin and bones from cooked fish. Drain thoroughly by wrapping in clean cloth and squeezing. Add grated reindeer or moose fat (or tallow).

In separate dish, whip seal oil with hand beater. Gradually add more oil, beating until thick. Add fish mixture; whip again until fluffy. Top with berries.

A PLETHORA OF ADVICE

Mr. FANNIN. Mr. President, the Senate should—if some Delphic oracles of public media are to be believed—feel like a recalcitrant schoolboy who has stubbornly resisted doing the sums handed out by editorial educators and is now being lectured at every turn.

We suffer from an awesome plethora of too much advice.

First comes the New York Times telling the Senate yesterday that we will miss the last chance to save humanity if the Nuclear Nonproliferation Treaty is not ratified immediately. Perhaps the Times has information leading it to believe that the world will end Friday afternoon at 1:42 eastern daylight time if its advice is not followed; otherwise I find it hard to appreciate its handwringing in public print.

Next comes the Attorney General, hand delivering a message to each Senate office telling us what we must do about gun control. So far as I know, Mr. President, the function of the Attorney General is to enforce the law, not lobby for its enactment. It seems to me that Attorney General Clark has a generous-sized job on his hands attending to those duties authorized by Congress without undertaking to deliver a lecture on the perils the Nation faces if Mr. Clark's opinions are not inscribed into law. If my mail is any indication of the public's sentiment on this particular matter, the Nation is far more interested in adequate and efficient enforcement of the laws we have than it is in the enactment of additional ones. I say to Mr. Clark that the Senate welcomes his advice, particularly when it has been asked for, but we have already had a complete airing of his views and heard his oft-repeated statistics before the committees of the Senate. In consideration of the abundance of advice he has already provided on this matter, I ask him to spare me any further lecturing.

And finally we have the Washington Post—the newspaper with perhaps the most overworked tear ducts in existence. Through its editorial sniffles it directly chides this body for our supposed lack of backbone and nonexistent sense of propriety. The Post's editorial writer directs us to vote immediately to take the Fortas matter out of the Judiciary Committee and place it directly before the Senate. The writer "knows" that the "Judiciary Committee has had all the time it could ever use to investigate Justice Fortas." How the editorial writer comes by this omniscience is of course a mystery to us poor mortals who are elected rather than divinely appointed to the Senate. I fear we must beg the indulgence of the Post since we have no ivory tower equipped with celestial pipeline such as its editors apparently frequent.

While the subject of the Supreme Court nominations is pending then, I would like to enter into the Record two observations that I think deserve the Senate's attention—not so much by way of advice, but perhaps more in support of the orderly procedures and Senate rules which are simply being followed in our deliberate consideration of this important matter.

Last Monday the distinguished Senator from Virginia [Mr. Byrd] delivered an eloquent address in support of his decision that he could not vote for the confirmation of Mr. Fortas. I wish to commend him for the excellence of his argument and the deliberate and reasoned way in which it was presented.

I noted his reference to the opposition to the nomination of Circuit Judge John J. Parker. The Senator from Virginia referred to Senator William E. Borah, of Idaho, and quoted from his Senate speech in opposition. I would like to make one further notation from that same speech.

Many critics of those of us opposing the President on the Fortas nomination assume the position that if a Supreme Court nominee is not beating his wife in public and has any smattering of legal qualification, the Senate ought not to inquire further into his background and philosophy. I say this is not so. In fact, we have the duty—since there are no other qualifications written into the law to examine in minute detail the qualifications of Supreme Court Justices; and the fact that they are appointed for life makes that examination in detail even more necessary to see that the rights of the people under the Constitution are protected.

I invite the Senate's attention to a colloquy that took place in this Chamber between a Senator from Virginia, Mr. Glass, and a Senator from Idaho, Mr. Borah, in which the right of the Senate to examine nominees' views, philosophy, and previous judicial decisions displaying that philosophy was examined.

Senator Borah recalled that the legality of "yellow dog" labor contracts had been argued 13 years previously and upheld by the Supreme Court. At that point he was interrupted by the Senator from Virginia, Carter Glass:

> Mr. Glass. And have we sat here all these years and permitted that to remain the law?
>
> Mr. Borah. No; we have tried by an Act of Congress to repudiate that principle, but

the Supreme Court of the United States said that our action was null and void. Mr. President, that is what makes this matter so very important. They pass upon what we do. Therefore, it is exceedingly important that we pass upon them before they decide upon these matters.

Mr. President, I say that that principle is even more necessary today. Since the Court has unabashedly pressed ahead into the field of creating law rather than interpreting it; since the President has regarded the Court's judicial positions as personal patronage plums to be filled as he sees fit; since Chief Justice Warren has played politics with the Senate—and indeed with the Nation—by saying in effort, "Either confirm someone acceptable to me as my successor or I will stay on"; since all these things have happened, Mr. President, I say we are well within our bounds and within the necessary performance of our duty to inquire specifically and at length into the philosophy of Mr. Fortas. I shall be kindly obliged to those self-styled lecturers who roost in distant ivory splendor if they will leave off lecturing the Senate on its responsibility.

In support of the point I have just mentioned, the Wall Street Journal makes the same observation with regard to playing politics with the Court. I ask unanimous consent that the editorial be printed in the Record, especially since the writer does not attempt to give advice to the Senate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

In Re Mr. Justice Fortas

The messy battle over the confirmation of Abe Fortas as Chief Justice, which promises to become more messy still, reflects no credit on anyone involved. In our view, though, it's worth noting that the major blame lies with President Johnson, Chief Justice Warren and the Supreme Court itself.

The view is heretical, of course, and no doubt over the next few weeks we shall hear a great deal about how a little band of willful rednecks is playing politics with the Supreme Court. And indeed, the Senators prepared to filibuster against the appointment cannot escape a share of blame. Senator Thurmond was unnecessarily discourteous to Mr. Fortas. Pornography is not one of the nation's truly burning issues, and showing stag films is not our idea of how to run the world's greatest deliberative body.

Let it be also said straightaway that we find it unfortunate that the longstanding tensions involved in this case must descend on poor Mr. Fortas. While we agree with far from all of his decisions, we think they do reflect the operation of a judicial intelligence, rather than merely a doctrinaire New Dealism. In the abstract, we would find him an acceptable Chief Justice, and quite possibly better than that.

Consider the circumstances of his appointment, however. Chief Justice Warren resigns, at least provisionally, with the apparent intention of allowing President Johnson to appoint a replacement who would continue the views the Chief Justice and the President both support. The appointment goes to Mr. Fortas, once the President's personal attorney and even now his backstairs adviser.

In turn Mr. Fortas' post is filled by Homer Thornberry, a judge no doubt qualified in the minimum sense of being reasonably competent, but distinguished from dozens of other equally qualified individuals only by his long and close personal friendship with the President.

The patronage politics involved should by itself dissolve the notion that a Presidential nomination to the Court is somehow sacrosanct when it reaches the Senate. Indeed, if the President had gone even so far as to link Mr. Fortas with some impartial and unquestionably distinguished nominee, we doubt that many of the opponents would have felt a moral justification for so drastic a tactic as a filibuster.

But there is more to the case, for in recent years the Court has been engaging itself increasingly in issues once considered political questions for the legislative branch to decide. As many people argue, some good has come from such instances of judicial legislation as the school desegregation and legislative apportionment cases. At the same time, the latter case was too sweeping; and subsequent ones like the recent open housing decision have revealed not a hesitancy but an eagerness to intrude on the legislative role.

So what has happened in re Mr. Justice Fortas is this: The Court has been writing its majority's social and economic views into the law. Mr. Warren provisionally resigned in an effort to see that it continues to do so. Mr. Johnson appointed his trusted friends in part to accomplish the same end.

The Court, Mr. Warren and Mr. Johnson all have been playing politics for all it is worth. All three have been using every means at their disposal to make sure the judicial branch advances their social and economic views.

Why then should anyone be surprised that those who oppose the views in question also start playing politics, start using whatever means they can find to see that those views do not prevail?

TEHRAN-INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Mr. Bruno Bitker, a member of the President's Commission for the Observance of Human Rights Year and the American delegation to the U.N. International Conference on Human Rights, held at Tehran April 22–May 13, has written a report of the Conference which appears in the September 2 edition of the State Department bulletin.

Mr. Bitker's report is characteristically honest and lucid. He realizes that there is much to be done to achieve universality in recognizing and protecting basic human rights. Behind much of what Mr. Bitker says, I believe one can see an implicit plea for renewed U.S. leadership in this field—leadership we once exercised but, through Senate failure to ratify the human rights conventions, have since abdicated.

In his own words, and in quoting Mr. Roy Wilkins, Mr. Bitker has placed his finger on the central block to universal human rights:

> It is regrettable that in 1968 the world has not yet reached the point at which a subject as idealistic and as supranational as human rights can be lifted above national boundary lines or bloc politics. Roy Wilkins' opening statement for the United States set forth what should have been the philosophical viewpoint of the Conference. He said: "In part the problem is the unlimited claim of national sovereignty. I submit that under the United Nations Charter no nation is entitled to wrong its own citizens. Either charter provisions dealing with human rights have meaning or they are a cruel fraud. If these provisions are meaningful, they must carry their thrust into the boundaries of member states."

Mr. President, it is indeed regrettable as Mr. Bitker says. It is doubly regrettable that we in the Senate are providing negative leadership in reinforcing this fear of violation of national sovereignty. Of all the nations of the world, the United States should fear least of all international scrutiny of the treatment of our citizenry.

However, Mr. President, the struggle will continue. All those dedicated to the universalization of human rights urge as the Tehran proclamation:

> Urges all people and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.

Mr. President, I ask unanimous consent that Mr. Bitker's report and the text of the proclamation of Tehran be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

International Conference on Human Rights—Report by Mr. Bitker

(Note.—Bruno V. Bitker, a member of the President's Commission for the Observance of Human Rights Year, served on the U.S. delegation to the U.N. International Conference on Human Rights held at Tehran April 22–May 13. Following is his report on the Conference, together with the text of the Proclamation of Tehran, unanimously adopted at the concluding session.)

The International Conference on Human Rights was held at Tehran, Iran, from April 22 to May 13. The Conference was convened by the United Nations General Assembly as a major part of the observance of the International Year for Human Rights, commemorating the 20th anniversary of the Universal Declaration of Human Rights.

The memory of two Americans dominated the opening sessions of the Conference: Mrs. Eleanor Roosevelt, one of the moving spirits in producing the Universal Declaration 20 years ago, and Dr. Martin Luther King, Jr., who had been assassinated less than 20 days before the Conference convened. The spirit of Mrs. Roosevelt was well recognized, and the sacrifice of Dr. King was frequently cited as a reason for meaningful action at Tehran. The Conference observed a minute of silence at the opening session in tribute to the memory of Dr. King.

His Imperial Majesty the Shahanshah of Iran welcomed the delegates in an address in which he stated that justice under law without social justice and political democracy without economic democracy no longer have any meaning. He emphasized that the true battle of mankind today is the crusade to remove discrimination and social injustice at the national as well as the international level.

U Thant, Secretary-General of the United Nations, presided at the opening session. In his address—a special message on the International Year for Human Rights—he called upon the Conference to "find new means of carrying out the continuing struggle for the recognition and enjoyment of human rights."

During the course of that day the Secretary-General was in constant private consultation with his special envoy to the Middle East, Gunnar Jarring, who has the difficult assignment of negotiating a political settlement between Israel and the Arab states.

Princess Ashraf, the Shah's sister, was elected President of the Conference. She has had considerable experience in United Nations affairs, particularly in the field of women's rights, and served as chairman of a meeting of the U.N. Commission on the Status of Women held at Tehran in 1965.

The significance accorded to the Conference by the international community was indicated by the prominence of many of the participants. Included among them were prime ministers and other high government officials, former Presidents of the U.N. General Assembly, and heads of U.N. specialized agencies. Eighty-four states sent delegations.

Planning for this Conference began in 1965, when the U.N. General Assembly established a preparatory committee. The committee drafted a three-part agenda and took numerous decisions on the many technical arrangements necessary. The agenda provided for discussion in the following three broad areas:

1. Review of progress achieved and major obstacles encountered in the field of human rights since 1948.

2. Evaluation of the effectiveness of methods and techniques employed in the field of human rights, such as conventions, declarations, implementation machinery, educational measures, organizational arrangements.

3. Formulation of a human rights program to be undertaken after 1968 with regard to such subjects as racial discrimination and implementation of human rights.

The United States had expected that it would be criticized because of the riots in American cities and the fighting in Viet-Nam. Although mention was made of these two problems by Arab, African, and Communist states, the extent and force of these attacks were relatively moderate.

With regard to Viet-Nam, the official conversations between the United States and North Viet-Nam had just begun in Paris, and the delegates sensed the importance of avoiding any discussion at Tehran which might affect those talks.

The U.S. opening statement[1] by Roy Wilkins, the chairman of our delegation, made it difficult for the United States to be attacked on the issue of racial discrimination. As a distinguished Negro American, he could concede the failures but could proudly point to the gains in his country—even though they were achieved "inch after excruciating inch."

Moreover, President Johnson's personal message to the Conference expressed his dedication to human rights. He said in part:

"We in the United States are committed by word and will to give reality to rights embedded in our laws. We are struggling—hourly—to translate these laws into better, fuller lives. We pledge ourselves once again to the holy struggle for human dignity. I pray that this Conference will give us new strength to accomplish the tasks that remain."

The Conference began with a plenary debate during which delegates made formal statements. The plan of the Conference provided for two working committees: The first dealt with *apartheid*, racial discrimination, and colonialism; and the second with women's rights, measures to strengthen the defense of human rights, and international machinery to implement U.N. human rights activities.

Human rights is, however, a broad subject; and presumably almost anything that touches a human being can be brought under the aegis of such a conference. Thus, although the Arab-Israel dispute was not on the agenda, the agenda was broad enough to allow the Arab delegates to fight the 6-day war over again. For a long week the plenary debate was an exercise in ploemics between the Arab and Israeli representatives.

It was obvious that the Arab countries, with the support of Communist-bloc and most Asian and African states, had more than enough votes to achieve almost any result they desired. They succeeded in having a fourth category added to the Conference agenda on the subject of "respect and implementation of human rights in occupied territories"; and a resolution requesting the U.N. to investigate "violations of human rights in territory occupied by Israel" was adopted.

The representative of the Netherlands acknowledged the frustration and pessimism that had come to permeate the atmosphere of the meeting rooms, the corridors—even the social functions—when in a formal statement he expressed the fear that the Conference might degenerate into "frustrating political debate and bitter recriminations." This fear among many of the delegates, especially the Iranians, produced action. The Conference quickly moved on to consideration of its agenda in the two working committees.

These committees drew up for adoption by the Conference some 29 resolutions dealing with a broad range of human rights problems. Among them is an extensive resolution calling for measures to improve the status of women throughout the world. Racial discrimination, especially *apartheid*, was strongly condemned, as were nazism, neonazism, and all similar ideologies. With regard to colonialism, the General Assembly was asked to draw up a specific program for the granting of independence to territories under colonial rule. The Conference also dealt with such questions as the ratification of international covenants on economic and social rights, illiteracy, and nondiscrimination in employment.

The principal accomplishment of the Conference was, however, the Proclamation of Tehran, which reaffirms the principles enshrined in the Universal Declaration of Human Rights. It urges all peoples and governments "to redouble their efforts to provide for all human beings a life consonant with freedom and dignity." Its 19 points restate principles which can be found in other United Nations resolutions dealing with such topics as discrimination on the basis of race, language, religion, or political belief; *apartheid;* economic and social development; womens rights; family planning; freedom of expression, of information, of conscience, and of religion; illiteracy; disarmament; and the dangers to the rights and freedoms of individuals from scientific discoveries and technological advances.

The proclamation, which was adopted unanimously on the final day of the Conference, shows how countries with diverse interests and frequently clashing policies can, when they so desire, agree upon the basic rights of man even though they differ sharply on questions of implementation and application of those rights.

It is regrettable that in 1968 the world has not yet reached the point at which a subject as idealistic and as supranational as human rights can be lifted above national boundary lines or bloc politics. Roy Wilkins' opening statement for the United States set forth what should have been the philosophical viewpoint of the Conference. He said:

"In part the problem is the unlimited claim of national sovereignty. I submit that under the United Nations Charter no nation is entitled to wrong its own citizens. Either charter provisions dealing with human rights have meaning or they are a cruel fraud. If these provisions are meaningful, they must carry their thrust into the boundaries of member states."

Unfortunately, nationalism is still the watchword and the game of blocs is one in which most countries participate. The membership of the blocs may, however, vary on occasion, and even within the blocs there was no guarantee of unanimity. The national interest of each nation was still the primary standard that determined how a state reacted to a particular proposal.

This adherence to absolute sovereignty, plus the bitterness of the Arab-Israel debate, made the adoption of the Proclamation of Tehran by a unanimous vote a minor miracle.

For those among the almost 400 representatives from 83 countries, from the Holy See, from four U.N. specialized agencies, and from approximately 48 nongovernmental organizations who came with expectations that the Conference might fulfill the hope expressed in Mr. Wilkins' statement, the Conference was disappointing. There were those who considered it wholly lacking in effectiveness. Matters that should have been thoroughly considered, such as the creation of a U.N. High Commissioner for Human Rights, or a possible international court patterned upon the European Court of Human Rights, were barely mentioned. On the other hand, some specialists in international organization affairs found it heartening that the Conference, at this time of continuing threats to the peace, could agree on a wide variety of human rights and conclude with a unanimous reaffirmation of the principles of the Universal Declaration.

The closing statement of Princess Ashraf may best express the hopeful aspects of the Conference. She said that the Tehran Proclamation reflected "our unanimous will to redouble our efforts to achieve the complete and general realization of human rights, and to eliminate, once and for all, the scourges of illiteracy, racism, violence, hunger and disease."

Perhaps David H. Popper, Deputy Assistant Secretary of State for International Organization Affairs, who served as chairman of the U.S. delegation following Mr. Wilkins' departure, stated it more realistically when at the final session he said:

"No delegation has obtained precisely what it would have desired in the proclamation we have today approved. Every group has had to sacrifice some points to which it attaches importance. . . . Our ability to reach agreement on matters of major, indeed passionate, concern demonstrates that international cooperation in the cause of humanity can be and must be an effective force."

The President's Commission for the Observance of Human Rights Year can take pride in the fact that the President's appointment of Roy Wilkins to be chairman of the U.S. delegation to the Conference grew out of a suggestion emanating from the Commission. The other public members of the delegation included Morris B. Abram, U.S. Representative on the U.N. Commission on Human Rights; John J. Grogan, a vice president of the AFL–CIO; and myself, a member of the President's Commission. The Government members of the delegation included Mr. Popper, Armin H. Meyer, American Ambassador to Iran, and several advisers from the Department of State.

As a public member of the delegation I would not have adequately reported to the President's Commission without noting the impressive ability and dedication and energy of the Department of State officers who participated in the Conference. I may not have agreed with every position we took as a delegation, but I recognized the knowledge and experience of the professionals.

I had expected more specific results to come out of the Conference. My own hopes were well expressed by Father Theodore Hesburgh, speaking for the Holy See, when he said that the task of the Conference was to "make the ideal of the Universal Declaration truly universal in our times" and that "If we aspire to and in fact do less than this, we should not be here today." Sadly, however, I have had to conclude that man has not yet reached that stage in his development where he is ready to accept the universality of human rights. But I hope we shall continue to strive for the noble principles of the Universal Declaration of Human Rights in the spirit which inspired its adoption 20 years ago.

---

[1] For text, see BULLETIN of May 20, 1968, p. 661.

PROCLAMATION OF TEHRAN [2]

The International Conference on Human Rights,

Having met at Tehran from April 22 to May 13, 1968, to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future;

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms;

Bearing in mind the resolutions approved by the Conference;

Noting that the observance of the International Year for Human Rights takes place at a time when the world is undergoing a process of unprecedented change;

Having regard to the new opportunities made available by the rapid progress of science and technology;

Believing that, in an age when conflict and violence prevail in many parts of the world, the fact of human interdependence and the need for human solidarity are more evident than ever before;

Recognizing that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms;

Solemnly proclaims that:

1. It is imperative that the members of the international community fulfill their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinctions of any kind such as race, colour, sex, language, religion, political or other opinions;

2. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community;

3. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Granting of Independence to Colonial Counties and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as other conventions and declarations in the field of human rights adopted under the auspices of the United Nations, the specialized agencies and the regional inter-governmental organizations, have created new standards and obligations to which States should conform;

4. Since the adoption of the Universal Declaration of Human Rights the United Nations has made substantial progress in defining standards for the enjoyment and protection of human rights and fundamental freedoms. During this period many important international instruments were adopted, but much remains to be done in regard to the implementation of those rights and freedoms;

5. The primary aim of the United Nations in the sphere of human rights is the achievement by each individual of the maximum freedom and dignity. For the realization of this objective, the laws of every country should grant each individual, irrespective of race, language, religion or political belief, freedom of expression, of information, of conscience and of religion, as well as the right to participate in the political, economic, cultural and social life of his country;

6. States should reaffirm their determination effectively to enforce the principles enshrined in the Charter of the United Nations and in other international instruments that concern human rights and fundamental freedoms;

7. Gross denials of human rights under the repugnant policy of *apartheid* is a matter of the gravest concern to the international community. This policy of *apartheid*, condemned as a crime against humanity, continues seriously to disturb international peace and security. It is therefore imperative for the international community to use every possible means to eradicate this evil. The struggle against *apartheid* is recognized as legitimate;

8. The peoples of the world must be made fully aware of the evils of racial discrimination and must join in combating them. The implementation of this principle of nondiscrimination, embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and other international instruments in the field of human rights, constitutes a most urgent task of mankind, at the international as well as at the national level. All ideologies based on racial superiority and intolerance must be condemned and resisted;

9. Eight years after the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples the problems of colonialism continue to preoccupy the international community. It is a matter of urgency that all Member States should co-operate with the appropriate organs of the United Nations so that effective measures be taken to ensure that the Declaration is fully implemented;

10. Massive denials of human rights, arising out of aggression or any armed conflict with their tragic consequences, and resulting in untold human misery, engender reactions which could engulf the world in ever growing hostilites. It is the obligation of the international community to co-operate in eradicating such scourges;

11. Gross denials of human rights arising from discrimination on grounds of race, religion, belief or expressions of opinion outrage the conscience of mankind and endanger the foundations of freedom, justice and peace in the world;

12. The widening gap between the economically developed and developing countries impedes the realization of human rights in the international community. The failure of the Development Decade to reach its modest objectives makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap;

13. Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights, is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development;

14. The existence of over seven hundred million illiterates throughout the world is an enormous obstacle to all efforts at realizing the aims and purposes of the Charter of the United Nations and the provisons of the Universal Declaration of Human Rights. International action aimed at eradicating illiteracy from the face of the earth and promoting education at all levels requires urgent attention;

15. The discrimination of which women are still victims in various regions of the world must be eliminated. An inferior status for women is contrary to the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights. The full implementation of the Declaration on the Elimination of All Forms of Discrimination Against Women is a necessity for the progress of mankind;

16. The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to determine freely and responsibly the number and the spacing of their children;

17. The aspirations of the younger generation for a better world, in which human rights and fundamental freedoms are fully implemented, must be given the highest encouragement. It is imperative that youth participate in shaping the future of mankind;

18. While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention;

19. Disarmament would release immense human and material resources now devoted to military purposes. These resources should be used for the promotion of human rights and fundamental freedoms. General and complete disarmament is one of the highest aspirations of all peoples;

Therefore,

The International Conference on Human Rights

1. *Affirming* its faith in the principles of the Universal Declaration of Human Rights and other international instruments in this field;

2. *Urges* all peoples and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.

SENATOR GORE NOT A RANCH PARTNER OF THE LATE SENATOR KERR

Mr. GORE. Mr. President, a tantalizing paragraph in which I am referred to appears in a book authored by Messrs. Jack Anderson and Drew Pearson. It reports me to have been a "partner in a ranching operation" with the late Senator Robert S. Kerr, an exceptionally able Senator from Oklahoma and a successful businessman.

Perhaps unfortunately for me, I never enjoyed a partnership with him in any ranching operation.

COVERAGE OF NATIONAL POLITICAL CONVENTIONS

Mr. McGEE. Mr. President, as I suggested in a speech to this body yesterday, a great deal of concern remains focused on the role of the press and television media in their coverage of national political conventions.

A veteran participant and observer of political conventions, the distinguished minority leader, EVERETT DIRKSEN, only yesterday made some extremely cogent observations on this subject in an article published in the Washington Daily News. I ask unanimous consent that the article be printed in the RECORD.

---

[2] Adopted unanimously by the Conference on May 13.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Daily News, Sept. 11, 1968]

A Senator's Notebook: The Outrage of Television

(By Everett McKinley Dirksen)

It is both annoying and monumentally frustrating for a delegate to one of the national political conventions to attempt to conduct the business of nominating a man to the awesome post of President of the United States while the so-called electronic reporters are at the same time roaming the convention floor, seeking subjects for entertainment, like talent scouts for the movies.

I comment from deep and wide personal experience.

The summing up of the events and effects of the Republican Convention in Miami Beach and the more recent and outlandish events and effects of the Democratic Convention in Chicago has made millions of Americans turn their critical attention to television's presence in the democratic process; to the importance of nominating good people to the highest office.

The Miami Beach convention moved us to penetrating thought about TV reporting. The Chicago convention crystallized it. From Miami Beach, the TV people told the nation how boring it all was. From Chicago, they pulled the switch and helped to make it interesting indeed—and tragic and nauseating.

A television person has no more right to force his tricks and his opinions from the floor of a convention when the work of the delegates is going on than a newspaperman has a right to print his editorials right there on the convention floor.

The television process of the two recent conventions is an outrage against the democratic process. I regale to you some examples from Chicago:

A delegate monkeyed with the security machinery of the International Amphitheater. He was questioned by police. He rebelled and in the fracas is said to have ripped the badge from a policeman's blouse. Now what would you expect? Should the policeman turn the other cheek? Of course not. The delegate was arrested. It was said he bit the policeman.

Later, the TV network brought the man released from custody before a camera and interviewed him in an obvious attempt to show he was sinned against and that the police were brutal.

I don't know about that delegate, but I was reared to the proposition that if I flouted the law, was disorderly and looked for trouble without due regard to the law, I would become immediately entangled in the network of the law, and properly so.

Later, after the terrible battling in the streets between the yippies and the hippies, and the good Lord knows who else, and the police—none of whom, mind you, was involved in the business of nominating a candidate for the Presidency—one of the networks deliberately and continually attempted to pillory Mayor Richard Daley by continually focussing its cameras on him. Its floor men—I cannot describe them as reporters without doing injustice to professional journalists—then brought delegates on the screen to ask them what they thought of the mayor's security measures.

When the interviewee spoke against Mr. Daley, his words of opinion were stretched out interminably for the supposed edification of the national TV audience. But when three or four of the interviewed subjects praised the security measures provided by Chicago, the TV floor entertainers cut them of abruptly. All of this took place on the floor during the business of the convention.

The performance was a clear and outrageous attempt at editorializing a bias.

Television cameras should not be allowed on the floor of a nominating convention, and the comments of television persons should not be allowed to interfere with the regular business. After it is all over they can do and say anything they wish.

A broadcaster of considerable status with one of the TV networks told me that the TV operatives are "devouring themselves." I asked him to be more specific and he did a replay of how it's done. Like this:

Joe Video roams the floor of the convention with his antenna and microphone. He spots a likely subject who in his opinion may be good entertainment. He signals the booth. He gets the OK. The show begins.

He addresses a delegate:

"Mr. Delegate, the rumor is going around this convention floor that the delegates are switching from Nixon to Fong. Is there anything to it?"

Now, Joe Video knows mighty well that there isn't any substance to his question. There isn't any chance that Mr. Fong would win the nomination at the convention.

The delegate slays the rumor that really wasn't a rumor, and the play, the entertainment, the attempt to intrude, goes back to the so-called anchor persons in the booth. All that while, during this spurious interview, the viewing audience has been blocked out from the business events of the convention. And because of all the diversions—by visitors, mind you—on the floor, probably less than 10 per cent of the delegates could actually hear the speakers and the proceedings.

My own experience at Miami Beach is an example. What I am about to relate happened to me at least 50 times and I am not exaggerating. While I tried to concentrate on what was being said at the speaker's platform—on one occasion I wanted to listen to Tom Dewey's speech—the video entertainer with the box and Martian-like antennae persistently tried to persuade me to submit to interviews. I said, "Please go away. I would like to hear a little of this convention."

To solve the convention problem, we must turn them into something less massive with the emphasis placed on the real business. The parties could rule that candidates for nomination must be serious candidates, and they could be made so by requiring each presidential candidate to pay a filing fee of $10,000 and each vice presidential candidate a fee of $5000. There wouldn't be so much unbusinesslike horsing around, and the conventions then might be held in smaller cities. If such were the case, there would be more competition for the convention, and the cost would be kept down to manageable proportions.

In future, convention managers may decide that television persons be admitted to the convention to learn, to interpret and to faithfully report—not to entertain and disrupt.

ARMS CONTROL

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "The GOP on Arms Control," published in the New York Times of September 11, 1968.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The GOP on Arms Control

The public doubt expressed by Governor Rockefeller and former Vice President Nixon about Senate ratification of the nuclear nonproliferation treaty looks suspiciously like a political move that is almost sure to backfire against the Republicans.

The treaty to halt nuclear spread is one of the major accomplishments of the Johnson Administration, perhaps its most important in foreign policy. Ratification, moreover, will help to prepare the way for far more important arms control negotiations—to halt the Soviet-American nuclear missile race.

As a move toward peace, the treaty also does something to soften President Johnson's war image, and thus it undoubtedly will be of some political benefit to Vice President Humphrey. But nothing would be more short-sighted than for the Republican party to attempt to delay vital arms control measures in a futile attempt to deprive the Democrats of this much election advantage. Simply in terms of domestic politics, it would—unfortunately—make arms control a major campaign issue and no one can seriously believe that this would benefit the Republican candidate, even if an attempt is made to confuse the voter by invoking Czechoslovakia.

The Czech tragedy certainly will not be ameliorated by delaying the nonproliferation treaty, a treaty some eighty countries have signed. As Secretary Rusk told the Senate Foreign Relations Committee yesterday, that treaty would be "very much in the national interest" even "if there were no Soviet Union." Delay until next year could endanger the treaty. Few other countries would go ahead. Some of the key nuclear-capable countries might be lost completely undermining the pledge of others to forgo nuclear weapons.

The impending Soviet-American nuclear missile talks present a more difficult issue, since they will be bilateral. A Johnson-Kosygin meeting—with the smiles and summit atmospherics that would be inevitable—is not desirable for the opening of these strategic arms talks as long as Soviet divisions occupy Czechoslovakia. But there is no reason why lower-level meetings, even at the foreign ministers' level, should not begin—for these are talks between adversaries, not friends, adversaries whose missiles point at each other's heartlands. Delay could seriously prejudice success of the talks, since both sides are on the verge of launching new developments in offensive and defensive missiles that later could complicate agreement.

The Senate Foreign Relations Committee's vote today on the nonproliferation treaty will provide the first opportunity to test G.O.P. sentiment. If opposition by the Republicans blocks treaty ratification at this session, the thanks of neither the nation nor the world will be theirs; and the American electorate in November will undoubtedly take such politically-motivated obstructionism into severe account.

CONTROL OF MASS MEDIA POSES DANGER FOR OUR SOCIETY

Mr. McINTYRE. Mr. President, the New York Times of Sunday, June 2, 1968, included a very interesting article by Mr. Henry Raymont which disclosed that the Reader's Digest had ordered Funk & Wagnalls not to publish a book critical of advertising, which the company had already publicized, and of which 5,000 copies were in print and ready for distribution. Funk & Wagnalls was acquired by the Reader's Digest Association 2½ years ago.

The Times article quotes the book's author as saying that the corporate management of the Reader's Digest Association had overruled his editors at Funk & Wagnalls because it had found the book to be "contrary to the best interests" of its mass-circulation magazine, the Reader's Digest.

According to Hobart Lewis, president of the Reader's Digest Association, the book, entitled "The Permissible Lie," written by Samm Baker, was withdrawn because "it doesn't jibe with the philosophy of the Reader's Digest."

As quoted in Time magazine of June 14, 1968, Mr. Lewis stated the Reader's Digest's case more clearly:

> Reader's Digest has a point of view and, it seems to me, has a right to its point of view. Funk and Wagnalls is not an independent publishing house but is our subsidiary.

This case is especially interesting in view of the startling and dismaying number of acquisitions by large conglomerate corporations involving book publishing firms and the communications media. Newspapers own radio and TV stations. Westinghouse, which manufactures electronic and electrical equipment, and the General Tire Co. own radio and TV networks. The Radio Corp. of America owns Random House, a book publishing firm, and the National Broadcasting Co. The Columbia Broadcasting Co. owns the book publishing company of Holt, Rinehart, and Winston. The International Telephone & Telegraph Corp., which is one of the largest manufacturers of electronic equipment in the world, owns telephone companies, insurance companies, the second largest auto rental company in the United States, a chain of hotels and motels, and Bobbs-Merrill, book publishers. Recently this huge conglomerate corporation tried to acquire the American Broadcasting Co., one of the three major TV networks and one of the four major radio networks in the world. In September 1966 several Senators protested that this merger should not be permitted to take place before long and intensive adversary proceedings were held to determine whether such a merger would be in the public interest.

Just as was feared, the potential for abuse was soon realized. In order to get favorable press coverage, ITT exerted considerable pressure on reporters of the AP, UPI, and the New York Times. Times reporter Eileen Shanahan said that her coverage of the proposed merger had prompted five or six telephone calls or visits from ITT officials, and that Edward J. Gerrity, senior vice president of ITT for public relations, had "badgered" her and made "accusatory and nasty" comments above her coverage. Jed Stout of the UPI reported that an ITT official had asked him to obtain, for his company, confidential information from the Department of Justice. If ITT put such pressure on news media it did not own, what degree of news manipulation could we have expected had ITT gained control of a major television and radio network.

In an article published in the Atlantic Monthly of June 1968, FCC Commissioner Nicholas Johnson stated:

> Economic self-interest does influence the content of the media, and as the media tend to fall into the control of corporate conglomerates, the areas of information and opinion affecting those economic interests become dangerously wide-ranging. What is happening to the ownership of American media today? What dangers does it pose? Taking a look at the structure of the media in the United States. I am not put at ease by what I see.

It seems to me that the increasing influence of wide and disparate economic interests on book publishing and on the mass media represents a real threat to the free exchange of information and ideas. If economic self-interest becomes the determinant of what the public reads in newspapers, books and magazines, hears on the radio, and sees on television, I fear for the future of our democratic system. In my opinion, this trend poses such a serious threat to free expression that it demands a full-scale congressional investigation. A free society is based on rational choices made by an informed electorate which has been exposed to all points of view.

I ask unanimous consent that the article entitled "Reader's Digest Suppresses Book," which appeared in the New York Times on Sunday, June 2, 1968; an article from the June 14, 1968 issue of Time magazine entitled "Indigeston of the Digest"; Commissioner Johnson's article entitled "The Media Barons versus The Public," published in the June 1968, issue of the Atlantic; and an article entitled "Reporters Allege Pressure by ITT," published in the New York Times of April 21, 1967, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 2, 1968]

READER'S DIGEST SUPPRESSES BOOK—WORK CRITICAL OF ADVERTISING DROPPED BY PUBLISHING UNIT

(By Henry Raymont)

For the first time since their merger two and a half years ago, the Reader's Digest Association has ordered Funk & Wagnalls not to publish a book, even though it has already been publicized and 5,000 copies have been printed.

The book is "The Permissible Lie," a critical study of the advertising business, by Samm Sinclair Baker. It had been scheduled for publication Wednesday.

Mr. Baker, a former advertising executive and author of several books, said yesterday he was advised last week that the publishing plans had been canceled.

He said the corporate management of the Reader's Digest Association had overruled his editors at Funk & Wagnalls because it had found the book to be "contrary to the best interests" of its mass-circulation magazine, The Reader's Digest.

"I was told that The Reader's Digest believes that advertising is good for business and that business is good for the country," Mr. Baker added. "The implication was that it was almost an unpatriotic book."

PRECEDENT IS SEEN

Perry H. Knowlton, Mr. Baker's literary agent, said yesterday: "This cancellation, a few weeks before publication, is probably the first instance of such censorship in book publishing history."

Hobart Lewis, president of the Reader's Digest Association, said at his home in Pleasantville, N.Y., that the book was withdrawn because "it doesn't jibe with the philosophy of the Reader's Digest." He said he did not feel called upon to explain that philosophy.

But Mr. Lewis rejected any suggestion that the decision constituted literary censorship. He said that no attempt had been made to prevent Mr. Baker from giving the book to another publisher.

"We have not taken back the author's advance and we have given him the plates of the book," Mr. Lewis said. "I assume and hope he will publish it elsewhere. The book simply did not meet our standards and I reject any suggestion that this was censorship."

Mr. Knowlton, president of Collins-Knowlton-Wing, Inc., one of the country's leading literary agencies, said six other publishers had already expressed interest in the book and that he did not foresee any difficulty in getting it published.

THREAT TO INDEPENDENCE

"But that is hardly the point," he added. "This action would seem to me to jeopardize a major argument in defense of the recent trend of publishing mergers—that the small publishing houses acquired by the big communications empires will retain their editorial independence."

Mr. Knowlton was alluding to repeated assurances by big corporations that they intended to respect the editorial autonomy of any independent publishing house they acquired. The most recent case was that of Time Inc. when it purchased Little, Brown of Boston.

A case often cited in the book trade to illustrate continued editorial independence after a merger is the publication by Random House of Fred Friendly's "Due to Circumstances Beyond Our Control," a critical book about the television industry. Random House is a wholly owned subsidiary of the Radio Corporation of America, which also owns the National Broadcasting Company.

The Reader's Digest Association acquired the 88-year-old Funk & Wagnalls Company in December, 1965, for an undisclosed sum. Since the merger, the reference book publishing company has expanded its nonfiction books to include such authors as Jim Bishop and Arthur Krock. It also publishes the Reader's Digest anthologies.

EMBARRASSING SURPRISE

The cancellation of Mr. Bakers's book came as an embarrassing surprise to Funk & Wagnalls editors. One executive of the company conceded that attacks on the book by prepublication reviews in several advertising trade journals played a role in the decision.

George Blagowidow, general manager of Funk & Wagnalls, said the reviews were "among the many elements that led to this decision."

Sherman Baker, a senior editor who was in charge of developing the company's nonfiction list until his retirement last year, called the cancellation of the book "a scandalous affair."

The author of "The Permissible Lie" now in his mid-60's, is a former president of Donahue & Coe, an advertising agency. His previous books include "Your Key to Creative Thinking" (Harper & Row); "Casebook of Successful Ideas for Advertising and Selling" (Doubleday), two books on gardening and two mystery novels. He lives in Mamaroneck, N.Y., with his wife, Natalie, an artist and teacher. Their son, S. Jeffrey Baker, is an editor at St. Martin's Press.

[From Time, June 14, 1968]

PUBLISHING: INDIGESTION AT THE DIGEST

The advertising industry has been attacked so often that it might scarcely have noticed one more critical book, but the *Reader's Digest* was not so sure. At the very last moment, it stopped publication of *The Permissible Lie*, by Samm Baker, on the grounds, as *Digest* President Hobart Lewis put it, that "advertising is good for business and business is good for the country."

The book was scheduled to appeal last week, and 5,000 copies had already been printed. But the *Digest* was adamant. "*Reader's Digest* has a point of view," declares Lewis, "and, it seems to me, has a right to its point of view. Funk & Wagnalls is not an independent publishing house but is our subsidiary." To which Baker, among others, retorted that this is precisely the danger facing book-publishing houses when they are taken over by large corporations, as Funk & Wagnalls was 2½ years ago.

Editors at Funk & Wagnalls say they are at a loss to understand why the *Digest* felt so strongly about the book. It does not enumerate many more vices than are already known nor does it propose any startling reforms. "The thesis of this book is that advertising should be cleaned up from the inside," says a Funk & Wagnalls editor, "lest it be regulated from the outside. What could be more harmless?" Says Author Baker, who was in the advertising business for 30 years before he retired five years ago: "I, too, think advertising is good for business and business is good for the country."

To avoid accusations of censorship, the *Digest* gave Baker the 5,000 copies of his book and turned over the printing plates to him free of charge. He plans to sign a contract with another publisher this week; sales, prodded by the controversy, promise to be brisk. The *Digest*, meanwhile plans to watch Funk & Wagnalls products more closely than before. "We will begin reviewing all manuscripts," says Lewis "*Reader's Digest* will exert tighter quality control over Funk & Wagnalls."

[From the Atlantic Monthly]

The Media Barons and the Public Interest—An FCC Commissioner's Warning

(By Nicholas Johnson)

(NOTE.—The message aside, the medium may be turning into a quadruple threat, argues Federal Communications Commissioner Johnson. Local monopolies, regional baronies, nationwide empires, and corporate conglomerates are more and more in control of the nation's communications media—newspapers, TV, radio, magazines, books, the electronic "knowledge industry." The commission offers a brief in protest against the trend and in favor of steps to stop it. At 33, Mr. Johnson already has one spirited David-Goliath role behind him: the President named him head of the Maritime Administration in 1964, where he fought for shipping industry reforms over the protests of both management and labor. He became one of the seven members of the FCC in 1966.)

Before I came to the Federal Communications Commission my concerns about the ownership of broadcasting and publishing in America were about like those of any other generally educated person.

Most television programming from the three networks struck me as bland at best. I had taken courses dealing with propaganda and "thought control," bemoaned (while being entertained by) *Time* magazine's "slanted" reporting, understood that Hearst had something to do with the Spanish-American War, and was impressed with President Eisenhower's concern about "the military-industrial complex." The changing ownership of the old-line book publishers and the disappearance of some of our major newspapers made me vaguely uneasy. I was philosophically wedded to the fundamental importance of "the marketplace of ideas" in a free society, and a year as law clerk to my idol, Supreme Court Justice Hugo L. Black, had done nothing to weaken that commitment.

But I didn't take much time to be reflective about the current significance of such matters. It all seemed beyond my ability to influence in any meaningful way. Then, in July, 1966, I became a member of the FCC. Here my interest in the marketplace of ideas could no longer remain a casual article of personal faith. The commitment was an implicit part of the oath I took on assuming the office of commissioner, and, I quickly learned, an everyday responsibility.

Threats to the free exchange of information and opinion in this country can come from various sources, many of them outside the power of the FCC to affect. Publishers and reporters are not alike in their ability, education, tolerance of diversity, and sense of responsibility. The hidden or overt pressures of advertisers have long been with us.

But one aspect of the problem is clearly within the purview of the FCC—the impact of *ownership* upon the content of the mass media. It is also a part of the responsibility of the Antitrust Division of the Justice Department. It has been the subject of recent congressional hearings. There are a number of significant trends in the ownership of the media worth examining—local and regional monopolies, growing concentration of control of the most profitable and powerful television stations in the major markets, broadcasting-publishing combines, and so forth. But let's begin with a look at the significance of media ownership by "conglomerate corporations"—holding companies that own, in addition to publishing and broadcasting enterprises, other major industrial corporations.

During my first month at the FCC I studied the cases and attended the meetings, but purposefully did not participate in voting on any items. One of the agenda items at the July 20 commissioners' meeting proposed two draft letters addressed to the presidents of International Telephone and Telegraph and the American Broadcasting Company, ITT and ABC, Messrs. Harold Geneen and Leonard Goldenson. We were asking them to supply "a statement specifying in further detail the manner in which the financial resources of ITT will enable ABC to improve its program services and thereby better to serve the public interest." This friendly inquiry was my first introduction to the proposed ITT-ABC merger, and the Commission majority's attitudes about it. It was to be a case that would occupy much of my attention over the next few months.

There wasn't much discussion of the letters that morning, but I read carefully the separate statements filed with the letter by my two responsible and experienced colleagues, Commissioners Robert T. Bartley and Kenneth A. Cox, men for whom I was already feeling a respect that was to grow over the following months.

Commissioner Bartley, a former broadcaster with the deep and earthy wisdom one would expect in a Texas-born relative of the late Speaker Sam Rayburn, wrote a long and thoughtful statement. He warned of "the probable far-reaching political, social and economic consequences for the public interest of the increasing control of broadcast facilities and broadcast service by large conglomerate corporations such as the applicants." Commissioner Cox, former lawyer, law professor, counsel to the Senate Commerce Committee, and chief of the FCC's Broadcast Bureau, charcterized the proposed merger as "perhaps the most important in the agency's history." He said the issues were "so significant and far-reaching that we should proceed immediately to designate the matter for hearing."

Their concerns were well grounded in broadcasting's history and in the national debate preceding the 1934 Communications Act we were appointed to enforce. Precisely what Congress intended the FCC to do was not specified at the time or since. But no one has ever doubted Congress' great concern lest the ownership of broadcasting properties be permitted to fall into a few hands or to assume monopoly proportions.

The 1934 Act was preceded by the 1927 Radio Act and a series of industry Radio Conferences in the early 1920s. The conferences were called by then Secretary of Commerce Herbert C. Hoover. Hoover expressed concern lest control over broadcasting "come under the arbitrary power of any person or group of persons." During the congressional debates on the 1927 Act a leading congressman, noting that "publicity is the most powerful weapon that can be wielded in a republic," warned of the domination of broadcasting by "a single selfish group." Should that happen, he said, "then woe be to those who dare to differ with them." The requirement that licenses not be transferred without Commission approval was intended, according to a sponsoring senator, "to prevent the concentration of broadcast facilities by a few." Thirty years later, in 1956, Senate Commerce Committee Chairman Warren G. Magnuson was still warning the Commission that it "should be on guard against the intrusion of big business and absentee ownership."

These concerns of Congress and my colleagues were to take on fuller meaning as the ITT-ABC case unfolded, a case which eventually turned into an FCC *cause célèbre*. It also demonstrated the enormity of the responsibility vested in this relatively small and little-known Commission, by virtue of its power to grant or withhold membership in the broadcast industry. On a personal level, the case shook into me the realization, for the first time in my life, of the dreadful significance of the ownership structure of the mass media in America.

THE ITT-ABC MERGER CASE

"ITT is a sprawling international conglomerate of 433 separate boards of directors that derives about 60 percent of its income from its significant holdings in at least forty foreign countries. It is the ninth largest industrial corporation in the world in size of work force. In addition to its sale of electronic equipment to foreign governments, and operation of foreign countries' telephone systems, roughly half of its domestic income comes from U.S. Government defense and space contracts. But it is also in the business of consumer finance, life insurance, investment funds, small loan companies, car rentals (ITT Avis, Inc.), and book publishing."

This description of ITT's anatomy is taken (as is much of this ITT-ABC discussion) from opinions written by myself and Commissioners Bartley and Cox. We objected, vigorously, to the four-man majority's decision to approve the merger. So did some senators and congressmen, the Department of Justice, the Commission's own staff, the American Civil Liberties Union, a number of independent individuals and witnesses, and a belated but eventually insistent chorus of newspaper and magazine editorialists.

What we did find so ominous about the take-over of this radio and television network by a highly successful conglomerate organization?

In 1966, ABC owned 399 theaters in 34 states, 5 VHF television stations, 6 AM and 6 FM stations (all in the top 10 broadcasting markets), and, of course, one of the 3 major television networks and one of the 4 major radio networks in the world. Its 137 primary television network affiliates could reach 93 percent of the then 50 million television homes in the United States, and its radio network affiliates could reach 97 percent of the then 55 million homes with radio receivers. ABC had interests in, and affiliations with, stations in 25 other nations, known as the "Worldvision Group." These, together with ABC Films, made the parent corporation perhaps the world's largest distributor of filmed shows for theaters and television stations throughout this country and abroad. ABC was heavily involved in the record production and distribution business, and other subsidiaries published three farm papers.

The merger would have placed this accumulation of mass media, and one of the largest purveyors of news and opinion in America, under the control of one of the largest conglomerate corporations in the world. What's wrong with that? Potentially a number of things. For now, consider simply that the integrity of the news judgment of ABC might be affected by the economic interests of ITT—that ITT might simply view ABC's programming as a part of ITT's public relations, advertising, or political activities. This seemed to us a real threat in 1966, notwithstanding the character of the management of both companies, and their protestations that no possibility of abuse existed. By 1967 the potential threat had become reality.

ITT'S EMPIRE

ITT's continuing concern with political and economic developments in foreign countries as a result of its far-flung economic interests was fully documented in the hearing. It showed, as one might expect, ITT's recurrent concern with internal affairs in most major countries of the world, including rate problems, tax problems, and problems with nationalization and reimbursement, to say nothing of ordinary commercial dealing. Its involvement with the United States government, in addition to defense contracts, included the Agency for International Development's insurance of 5.8 percent of all ITT assets.

Testimony was offered on the fascinating story of intrigue surrounding "Operation Deep Freeze" (an underwater cable). It turned out that ITT officials, using high-level government contracts in England and Canada, had brought off a bit of profitable international diplomacy unknown to the United States State Department or the FCC, possibly in violation of law. Further inquiry revealed that officers and directors of ITT's subsidiaries included two members of the British House of Lords, one in the French National Assembly, a former premier of Belgium, and several ministers of foreign governments and officials of government-owned companies.

As it seemed to Commissioners Bartley and Cox and to me when we dissented from the Commission's approval of the merger in June, 1967, a company whose daily activities require it to manipulate governments at the highest levels would face unending temptation to manipulate ABC news. Any public official, or officer of a large corporation, is necessarily clearly concerned with the appearance of some news stories, the absence of others, and the tone and character of all affecting his personal interests. That's what public relations firms and press secretaries are all about. We concluded, "We simply cannot find that the public interest of the American citizenry is served by turning over a major network to an international enterprise whose fortunes are tied to its political relations with the foreign officials whose actions it will be called upon to interpret to the world."

Even the highest degree of subjective integrity on the part of chief ITT officials could not ensure integrity in ABC's operations. To do an honest and impartial job of reporting the news is difficult enough for the most independent and conscientious of newsmen. Eric Sevareid has said of putting on a news program at a network relatively free of conglomerate control: "The ultimate sensation is the feeling of being bitten to death by ducks." And ABC newsmen could not help knowing that ITT had sensitive business relations in various foreign countries and at the highest levels of our government, and that reporting on any number of industries and economic developments would touch the interests of ITT. The mere awareness of these interests would make it impossible for those news officials, no matter how conscientious, to report news and develop documentaries objectively, in the way that they would do if ABC remained unaffiliated with ITT. They would advance within the news organization, or be fired, or become officers of ABC—perhaps even of ITT—or not, and no newsman would be able to erase from his mind the idea that his chances of doing so might be affected by his treatment of issues on which ITT is sensitive.

Only last year CBS was reportedly involved, almost Hearst-like, in a nightmarish planned armed invasion of Haiti. It was an exclusive, and would have made a very dramatic start-to-finish documentary but for the inglorious end: U.S. Customs wouldn't let them leave the United States. Imagine ITT, with its extensive interests in the Caribbean, engaged in such undertakings.

The likelihood of at least some compromising of ABC's integrity seemed inherent in the structure of the proposed new organization. What were the *probabilities* that these potentials for abuse would be evercised? We were soon to see the answer in the bizarre proceedings right before our eyes.

During the April, 1967, hearings, while this very issue was being debated, the *Wall Street Journal* broke the story that ITT was going to extraordinary lengths to obtain favorable press coverage of this hearing. Eventually three reporters were summoned before the examiner to relate for the official record the incidents that were described in the *Journal's* exposé.

An AP and a UPI reporter testified to several phone calls to their homes by ITT public relations men, variously asking them to change their stories and make inquiries for ITT with regard to stories by other reporters, and to use their influence as members of the press to obtain for ITT confidential information from the Department of Justice regarding its intentions. Even more serious were several encounters between ITT officials and a New York *Times* reporter.

On one of these occasions ITT's senior vice president in charge of public relations went to the reporter's office. After criticizing her dispatches to the *Times* about the case in a tone which she described as "accusatory and certainly nasty," he asked whether she had been following the price of ABC and ITT stock. When she indicated that she had not, he asked if she didn't feel she had a "responsibility to the shareholders who might lose money as a result of what" she wrote. She replied, "My responsibility is to find out the truth and print it."

He then asked if she was aware that I (as an FCC Commissioner) was working with a prominent senator on legislation that would forbid any newspaper from owning any broadcast property. (The New York *Times* owns station WQXR in New York.) In point of fact, the senator and I had never met, let alone collaborated, as was subsequently made clear in public statement. But the ITT senior vice president, according to the *Times* reporter, felt that this false information was something she "ought to pass on to [her] . . . publisher before [she wrote] . . . anything further" about the case. The obvious implication of this remark, she felt, was that since the *Times* owns a radio station, it would want to consider its economic interests in deciding what to publish about broadcasting in its newspaper.

To me, this conduct, in which at least three ITT officials, including a senior vice president, were involved, was a deeply unsettling experience. It demonstrated an abrasive self-righteousness in dealing with the press, insensitivity to its independence and integrity, a willingness to spread false stories in furtherance of self-interest, contempt for government officials as well as the press, and an assumption that even as prestigious a news medium as the New York *Times* would, as a matter of course, want to present the news so as to serve best its own economic interests (as well as the economic interests of other large business corporations).

But for the brazen activities of ITT in this very proceeding, it would never have occurred to the three of us who dissented to suggest that the most probable threat to the integrity of ABC news could come from *overt* actions or written policy statements. After the hearing it was obvious that that was clearly possible. But even then we believed that the most substantial threat came from a far more subtle, almost unconscious, process: that the questionable story idea, or news coverage, would never even be proposed—whether for reasons of fear, insecurity, cynicism, realism, or unconscious avoidance.

CONCENTRATION OF CONTROL OVER THE MEDIA

Since the ITT-ABC case left the Commission I have not ceased to be troubled by the issues it raised—in many ways more serious (and certainly more prevalent) for wholly domestic corporations. Eventually the merger was aborted by ITT on New Year's Day of this year, while the Justice Department's appeal of the Commission's action was pending before the U.S. Court of Appeals. However, I ponder what the consequences might have been if ITT's apparent cynicism toward journalistic integrity had actually been able to harness the enormous social and propaganda power of a national television network to the service of a politically sensitive corporate conglomerate. More important, I have become concerned about the extent to which such forces *already* play upon important media of mass communication. Perhaps such attitudes are masked by more finesse than that displayed in the ITT–ABC case. Perhaps they are even embedded in the kind of sincere good intentions which caused former Defense Secretary (and former General Motors president) Charles Wilson to equate the interests of his company with those of the country.

I do not believe that most owners and managers of the mass media in the United States lack a sense of responsibility or lack tolerance for a diversity of views. I do not believe there is a small group of men who gather for breakfast every morning and decide what they will make the American people believe that day. Emotion often outruns the evidence of those who argue a conspiracy theory of propagandists' manipulation of the masses.

On the other hand, one reason evidence is so hard to come by is that the media tend to give less publicity to their own abuses than, say, to those of politicians. The media operate as a check upon other institutional power centers in our country. There is, however, no check upon the media. Just as it is a mistake to overstate the existence and potential for abuse, so, in my judgment, is it a mistake to ignore the evidence that does exist.

In 1959, for example, it was reported that officials of the Trujillo regime in the Dominican Republic had paid $750,000 to officers of the Mutual Radio Network to gain favorable propaganda disguised as news. (Ownership of the Mutual Radio Network changed hands once again last year without any review whatsoever by the FCC of old or new owners. The FCC does not regulate networks, only stations, and Mutual owns none.) RCA was once charged with using an NBC station to serve unfairly its broader corporate interests, including the coverage of RCA activities as "news," when others did not. There was speculation that after RCA acquired Random House, considerable pressure was put on the book publishing house's president, Bennett Cerf, to cease his Sunday evening service as a panelist on CBS's *What's My Line?* The Commission has occasionally found that individual stations have violated the "fairness doctrine" in advocating causes serving the station's economic self-interest, such as pay television.

Virtually every issue of the *Columbia Journalism Review* reports instances of such abuses by the print media. It has described a railroad-owned newspaper that refused to report railroad wrecks, a newspaper in debt to the Teamsters Union which gave exceedingly favorable coverage to Jimmy Hoffa, the repeated influence of the DuPont interests in the editorial functions of the Wilmington papers which it owned, and Anaconda Copper's use of its company-owned newspapers to support political candidates favorable to the company.

Edward P. Morgan left ABC last year to become the commentator on the Ford Foundation-funded Public Broadcasting Laboratory. He has always been straightforward, and he used his final news broadcast to be reflective about broadcasting itself. "Let's face it," he said. "We in this trade use this power more frequently to fix a traffic ticket or a ticket to a ballgame than to keep the doors of an open society open and swinging. . . . The freest and most profitable press in the world, every major facet of it, not only ducks but pulls its punches to have a supermarket of commercialism or shield an ugly prejudice and is putting the life of the republic in jeopardly thereby."

Economic self-interest *does* influence the content of the media, and as the media tend to fall into the control of corporate conglomerates, the areas of information and opinion affecting those econmic interests become dangerously wide-ranging. What is happening to the ownership of American media today? What dangers does it pose? Taking a look at the structure of the media in the United States, I am not put at ease by what I see.

Most American communities have far less "dissemination of information from diverse and antagonistic sources" (to quote a famous description by the Supreme Court of the basic aim of the First Amendment) than is available nationally. Of the 1500 cities with daily newspapers, 96 percent are served by single-owner monopolies. Outside the top 50 to 200 markets there is a substantial dropping off in the number of competing radio and television signals. The FCC prohibits a single owner from controlling two AM radio, or two television, stations with overlapping signals. But it has only recently expressed any concern over common ownership of an AM radio station and an FM radio station and a television station in the same market. Indeed, such ownership is the rule rather than the exception and probably exists in your community. Most stations are today acquired by purchase. And the FCC has, in part because of congressional pressure, rarely disapproved a purchase of a station by a newspaper.

There are few statewide or regional "monopolies"—although some situations come close. But in a majority of our states—the least populous—there are few enough newspapers and television stations to begin with, and they are usually under the control of a small group. And most politicians find today, as Congress warned in 1926, "woe be to those who dare to differ with them." Most of our politics is still state and local in scope. And increasingly, in many states and local communities, congressmen and state and local officials are compelled to regard that handful of media owners (many of whom are out-of-state), rather than the electorate itself, as their effective constituency. Moreover, many mass media owners have a significant impact in more than one state. One case that came before the FCC, for example, involved an owner with AM–FM–TV combinations in Las Vegas and Reno, Nevada, along with four newspapers in that state, seven newspapers in Oklahoma, and two stations and two newspapers in Arkansas. Another involved ownership of ten stations in North Carolina and adjoining southern Virginia. You may never have heard of these owners, but I imagine the elected officials of their states return their phone calls promptly.

NATIONAL POWER

The principal national sources of news are the wire services, AP and UPI, and the broadcast networks. Each of the wire services serves on the order of 1200 newspapers and 3000 radio and television stations. Most local newspapers and radio stations offer little more than wire service copy as far as national and international news is concerned. To that extent one can take little heart for "diversity" from the oft-proffered statistics on proliferating radio stations (now over 6000) and the remaining daily newspapers (1700). The networks, though themselves heavily reliant upon the wire services to find out what's worth filming, are another potent force.

The weekly newsmagazine field is dominated by *Time, Newsweek,* and *U.S. News.* (The first two also control substantial broadcast, newspaper, and book or publishing outlets. *Time* is also in movies (MGM) and is hungry for three or four newspapers.) Thus, even though there are thousands of general and specialized periodicals and program sources with significant national or regional impact, and certainly no "monopoly" exists, it is still possible for a single individual or corporation to have vast national influence.

What we sometimes fail to realize, moreover, is the political significance of the fact that we have become a nation of cities. Nearly half of the American people live in the six largest states: California, New York, Illinois, Pennsylvania, Texas, and Ohio. Those states, in turn, are substantially influenced (if not politically dominated) by their major population-industrial-financial-media centers, such as Los Angeles, New York City, Chicago, and Philadelphia—the nation's four largest metropolitan areas. Thus, to have a major newspaper or television station influence in *one* of these cities is to have significant national power. And the number of interests with influence in *more* than one of these markets is startling.

Most of the top fifty television markets (which serve approximately 75 percent of the nation's television homes) have three competing commercial VHF television stations. There are about 150 such VHF commercial stations in these markets. Less than 10 percent are today owned by entities that do not own other media interests. In 30 of the 50 markets at least one of the stations is owned by a major newspaper published in that market—a total of one third of these 150 stations. (In Dallas-Fort Worth *each* of the network affiliates is owned by a local newspaper, and the fourth, an unaffiliated station, is owned by Oklahoma newspapers.) Moreover, half of the newspaper-owned stations are controlled by seven groups—groups that also publish magazines as popular and diverse as *Time, Newsweek, Look, Parade, Harper's, TV Guide, Family Circle, Vogue, Good Housekeeping,* and *Popular Mechanics.* Twelve parties own more than one third of all the major-market stations.

In addition to the vast national impact of their affiliates the three television networks each *own* VHF stations in all the top three markets—New York, Los Angeles, and Chicago—and each has two more in other cities in the top ten. RKO and Metromedia each own stations in both New York City and Los Angeles. Metromedia also owns stations in Washington, D.C., and California's other major city, San Francisco—as well as Philadelphia, Baltimore, Cleveland, Kansas City, and Oakland. RKO also owns stations in Boston, San Francisco, Washington, Memphis, Hartford, and Windsor, Ontario—as well as the regional Yankee Network. Westinghouse owns stations in New York, Chicago, Philadelphia *and* Pittsburgh, Pennsylvania, Boston, San Francisco, Baltimore, and Fort Wayne. These are but a few examples of today's media barons.

There are many implications of their power. Groups of stations are able to bargain with networks, advertisers, and talent in ways that put lesser stations at substantial economic disadvantage. Group ownership means, by definition, that few stations in major markets will be locally owned. (The FCC recently approved the transfer of the last available station in San Francisco to the absentee ownership of Metromedia. The only commercial station locally owned today is controlled by the San Francisco *Chronicle*.) But the basic point is simply that the national political power involved in ownership of a group of major VHF television stations in, say, New York, Los Angeles, Philadelphia, and Washington, D.C., is greater than a democracy should unthinkingly repose in one man or corporation.

CONGLOMERATE CORPORATIONS

For a variety of reasons, an increasing number of communications media are turning up on the organization charts of conglomerate companies. And the incredible profits generated by broadcast stations in the major markets (television broadcasters *average* a 90 to 100 percent return on tangible investment annually) have given FCC licensees, particularly owners of multiple television stations like the networks, Metromedia, Storer Broadcasting, and others, the extra capital with which to buy the New York Yankees (CBS), Random House (RCA), or Northeast Airlines (Storer). Established or up-and-coming conglomerates regard communications acquisitions as prestigious, profitable, and often a useful or even a necessary complement to present operations and projected exploitation of technological change.

The national problem of conglomerate ownership of communications media was well illustrated by the ITT–ABC case. But the conglomerate problem need not involve something as large as ITT-ABC or RCA-NBC. Among the national group owners of television stations are General Tire (RKO), Avco, Westinghouse, Rust Craft, Chris Craft, Kaiser, and Kerr-McGee. The problem of *local* conglomerates was forcefully posed for the FCC in another case earlier this year. Howard Hughes, through Hughes Tool Company, wanted to acquire one of Las Vegas' three major television stations. He had recently acquired $125 million worth of Las Vegas real estate, including hotels, gambling casinos, and an airport. These investments supplemented 27,000 acres previously acquired. The Commission majority blithely approved the television acquisition without a hearing, overlooking FCC precedents which suggested that a closer examination was in order. In each of these instances the potential threat is similar to that in the ITT-ABC case—that personal economic interests may dominate or bias otherwise independent media.

CONCENTRATION AND TECHNOLOGICAL CHANGE

The problem posed by conglomerate acquisitions of communications outlets is given a special but very important twist by the pendency of sweeping technological changes which have already begun to unsettle the structure of the industry.

President Johnson has appointed a distinguished task force to evaluate our national communications policy and chart a course for realization of these technological promises in a manner consistent with the public interest. But private interests have already begun to implement their own plans on how to deal with the revolution in communications technology.

General Sarnoff of RCA has hailed the appearance of "the knowledge industry"—corporate casserole dishes blending radio and television stations, networks, and programing; films, movie houses, and record companies; newspaper, magazine, and book publishing; advertising agencies; sports or other entertainment companies; and teaching machines and other profitable appurtenances of the $50 billion "education biz."

And everybody's in "cable television"—networks, book publishers, newspapers. Cable television is a system for building the best TV antenna in town and then wiring it into everybody's television set—for a fee. It improves signal quality and number of channels, and has proved popular. But the new technology is such that it has broadcasters and newspaper publishers worried. For the same cable that can bring off-the-air television into the home can also bring programing from the cable operator's studio, or an "electronic newspaper" printed in the home by a fascimile process. Books can be delivered (between libraries, or to the home) over "television" by using the station's signal during an invisible pause. So everybody's hedging their bets—including the telephone company. Indeed, about all the vested interests can agree upon is that none of them want us to have direct, satellite-to-home radio and television. But at this point it is not at all clear who will have his hand on the switch that controls what comes to the American people over their "telephone wire" a few years hence.

WHAT IS TO BE DONE?

It would be foolish to expect any extensive restructuring of the media in the United States, even if it were considered desirable. Technological change can bring change in structure, but it is as likely to be change to even greater concentration as to wider diversity. In the short run at least, economics seems to render essentially intractable such problems as local monopolies in daily newspapers, or the small number of outlets for national news through wire services, newsmagazines, and the television networks. Indeed, to a certain extent the very high technical quality of the performance rendered by these news-gathering organizations is aided by their concentration of resources into large units and the financial cushions of oligopoly profits.

Nevertheless, it seems clear to me that the risks of concentration are grave.

Chairman Philip Hart of the Senate Antitrust and Monopoly Subcommittee remarked by way of introduction to his antitrust subcommittee's recent hearings about the newspaper industry, "The products of newspapers, opinion and information, are essential to the kind of society that we undertake to make successful here." If we are serious about the kind of society we have undertaken, it is clear to me that we simply must not tolerate concentration of media ownership—except where concentration creates actual countervailing social benefits. These benefits cannot be merely speculative. They must be identifiable, demonstrable, and genuinely weighty enough to offset the dangers inherent in concentration.

This guideline is a simple prescription. The problem is to design and build machinery to fill it. And to keep the machinery from rusting and rotting. And to replace it when it becomes obsolete.

America does have available governmental machinery which is capable of scotching undue accumulations of power over the mass media, at least in theory and to some extent. The Department of Justice has authority under the antitrust laws to break up combinations which "restrain trade" or which "tend to lessen competition." These laws apply to the media as they do to any other industry.

But the antitrust laws simply do not get to where the problems are. They grant authority to block concentration only when it threatens *economic* competition in a particular economic *market*. Generally, in the case of the media, the relevant market is the market for advertising. Unfortunately, relatively vigorous advertising competition can be maintained in situations where competition in the marketplace of ideas is severely threatened. In such cases, the Justice Department has little inclination to act.

Look at the Chicago *Tribune's* recent purchase of that city's most popular and most successful FM radio station. The *Tribune* already controlled two Chicago newspapers, one (clear channel) AM radio station, and the city's only independent VHF television station. It controls numerous broadcast, CATV, and newspaper interests outside Chicago (in terms of circulation, the nation's largest newspaper chain). But, after an investigation, the Antitrust Division let this combination go through. The new FM may be a needless addition to the *Tribune's* already impressive battery of influential media; it could well produce an unsound level of concentration in the production and supply of what Chicagoans see, read, and hear about affairs in their community, in the nation, and in the world. But it did not threaten the level of competition for advertising money in any identifiable advertising market. So, it was felt, the acquisition was not the business of the Justice Department.

Only the FCC is directly empowered to keep media ownership patterns compatible with a democracy's need for diversified sources of opinion and information.

In earlier times, the Commission took this responsibility very seriously. In 1941, the FCC ordered NBC to divest itself of one of its two radio networks (which then became ABC), barring any single network from affiliating with more than one outlet in a given city. (The Commission has recently waived this prohibition for, ironically, ABC's four new national radio networks.) In 1941 the Commission also established its power to set absolute limits on the total number of broadcast licenses any individual may hold, and to limit the number of stations any individual can operate in a particular service area.

The American people are indebted to the much maligned FCC for establishing these rules. Imagine, for example, what the structure of political power in this country might look like if two or three companies owned substantially all of the broadcast media in our major cities.

But since the New Deal generation left the command posts of the FCC, this agency has lost much of its zeal for combating concentration. Atrophy has reached so advanced a state that the public has of late witnessed the bizarre spectacle of the Justice Department, with its relatively narrow mandate, intervening in FCC proceedings, such as ITT–ABC, to create court cases with names like *The United States vs. The FCC*.

This history is an unhappy one on the whole. It forces one to question whether government can ever realistically be expected to sustain a vigilant posture over an industry which controls the very access of government officials themselves to the electorate.

I fear that we have already reached the point in this country where the media, our greatest check on other accumulations of power, may themselves be beyond the reach of any other institution: the Congress, the President, or the Federal Communications Commission, not to mention governors, mayors, state legislators, and city councilmen. Congressional hearings are begun and then quietly dropped. Whenever the FCC stirs fitfully as if in wakefulness, the broadcasting industry scurries up the Hill for a congressional bludgeon. And the fact that roughly 60 percent of all campaign expenses go to radio and television time gives but a glimmer of the power of broadcasting in the lives of senators and congressmen.

However, the picture at this moment has its more hopeful aspect. There does seem to be an exceptional flurry of official concern. Even the FCC has its proposed rulemaking outstanding. The Department of Justice, having broken into the communications field via its dramatic intervention before the FCC in the ITT–ABC merger case, has also been pressing a campaign to force the dissolution of joint operating agreements between separately owned newspapers in individual cities, and opposed a recent application for broadcasting properties by newspaper interests in Beaumont, Texas. It has been scrutinizing cross-media combinations linking broadcasting, newspapers, and cable television outlets. On Capitol Hill, Senator Phil Hart's Antitrust and Monopoly Subcommittee and Chairman Harley Staggers' House Interstate and Foreign Commerce Committee have both summoned the Federal Communications Commission to appear before them in recent months, to acquaint the Commission with the committees' concern about FCC-approved increases in broadcast holdings by single individuals and companies, and about cross-ownership of newspapers, CATV systems, and broadcast stations. Representatives John Dingell, John Moss, and Richard Ottinger have introduced legislation which would proscribe network ownership of any nonbroadcast interests. And as I previously mentioned, President Johnson has appointed a task force to undertake a comprehensive review of national communications policy.

Twenty years ago Robert M. Hutchins, then chancellor of the University of Chicago, was named chairman of the "Commission on Freedom of the Press." It produced a thoughtful report, full of recommendations largely applicable today—including "the establishment of a new and independent [nongovernmental] agency to appraise and report annually upon the performance of the press," and urged "that the members of the press engage in vigorous mutual criticism." Its proposals are once again being dusted off and reread.

What is needed now, more than anything else, is to keep this flurry of interest alive, and to channel it toward constructive reforms. What this means, in practical fact, is that concern for media concentration must find an institutional home.

The Department of Justice has already illustrated the value of participation by an external institution in FCC decision-making. The developing concept of a special consumers' representative offers a potentially broader base for similar action.

But the proper place to lodge continuing responsibility for promoting diversity in the mass media is neither the FCC nor the Justice Department nor a congressional committee. The initiative must come from private sources. Plucky Nader-like crusaders such as John Banzhaf (who single-handedly induced the FCC to apply the "fairness" doctrine to cigarette commercials) have shown how responsive government can be to the skillful and vigorous efforts of even a lone individual. But there are more adequately staffed and funded private organizations which could play a more effective role in policy formation than a single individual. Even the FCC, where the public interest gets entirely too little representation from private sources, has felt the impact of the United Church of Christ, with its interest in the influence of broadcasting on race relations and in the programming responsibility of licensees, and of the American Civil Liberties Union, which submitted a brief in the ITT–ABC case.

Ideally, however, the resources for a sustained attack on concentration might be centered in a single institution, equipped to look after this cause with the kind of determination and intelligence that the Ford Foundation and the Carnegie Corporation, for example, have brought to bear in behalf of the cause of public broadcasting and domestic satellites. The law schools and their law reviews, as an institution, have performed well in this way for the courts, but have virtually abdicated responsibility for the agencies.

Such an organization could devote itself to research as well as representation. For at present any public body like the FCC, which has to make determinations about acceptable levels of media concentration, has to do so largely on the basis of hunch. In addition, private interest in problems of concentration would encourage the Justice Department to sustain its present vigilance in this area. It could stimulate renewed vigilance on the part of the FCC, through participation in Commission proceedings. And it could consider whether new legislation might be appropriate to reach the problem of newspaper-magazine-book publishing combinations.

If changes are to be made (or now dormant standards are to be enforced) the most pressing political question is whether to apply the standards prospectively only, or to require divestiture. It is highly unlikely, to say the least, that legislation requiring massive divestiture of multiple station ownership, or newspaper ownership of stations, would ever pass through Congress. Given the number of station sales every year, however, even prospective standards could have some impact over ten years or so.

In general, I would urge the minimal standard that no accumulation of media should be permitted without a specific and convincing showing of a continuing countervailing social benefit. For no one has a higher calling in an increasingly complex free society bent on self-government than he who informs and moves the people. Personal prejudice, ignorance, social pressure, and advertiser pressure are in large measure inevitable. But a nation that has, in Learned Hand's phrase, "staked its all" upon the rational dialogue of an informed electorate simply cannot take any unnecessary risk of polluting the stream of information and opinion that sustain it. At the very least, the burden of proving the social utility of doing otherwise should be upon him who seeks the power and profit which will result.

Whatever may be the outcome, the wave of renewed interest in the impact of ownership on the role of the media in our society is healthy. All will gain from intelligent inquiry by Congress, the Executive, the regulatory commissions—and especially academic community, the American people generally, and the media themselves. For, as the Supreme Court has noted, nothing is more important in a free society than "the widest possible dissemination of information from diverse and antagonistic sources." And if we are unwilling to discuss *this* issue fully today we may find ourselves discussing none that matter very much tomorrow.

[From the New York Times, Apr. 21, 1967]

REPORTERS ALLEGE PRESSURE BY ITT—FCC TOLD OF COMPLAINTS ON ABC MERGER NEWS

(By Fred P. Graham)

WASHINGTON, April 20.—Three newspaper reporters who have covered the proposed merger between the International Telephone and Telegraph Corporation and the American Broadcasting Company testified today of repeated complaints by corporate officials about their dispatches.

One reporter, Eileen Shannah of The New York Times, told of being "badgered" by an I.T.T. senior vice president to play up developments favorable to the merger.

Another, Stephen M. Aug of The Associated Press, said that in dictating a report for immediate wire release he had received a complaint from A.B.C. about his lead paragraph before he finished dictating the sixth paragraph.

A third, Jed Stout of United Press International, said that an I.T.T. official had asked him to use his Justice Department sources to find out what the Government's plans were.

The testimony came before a Federal Communications Commission hearing examiner in the second week of hearings on the Justice Department's assertion that the merger should be forbidden.

The Justice Department subpoenaed the three reporters on the ground that their experiences with the companies' officials might throw light on I.T.T.'s promises not to interfere with A.B.C.'s news broadcasts if the merger was approved.

CALLS ON COVERAGE

Miss Shanahan said that her coverage of the proposed merger had prompted five or six telephone calls or visits from I.T.T. officials.

She said Edward J. Gerrity Jr., senior vice president of I.T.T. for public relations, had "badgered" her to try to persuade her editors to print the full text of an F.C.C. document that had been critical of the Justice Department's moves against the merger. She said she had refused because it was not that important.

The commission initially approved the merger by a 4-to-3 vote and then suspended the approval at the Justice Department's insistence, pending the present hearings.

Miss Shanahan said Mr. Gerrity had made "accusatory and nasty" comments about her coverage, and had asked "if I didn"t feel I had a responsibility to the shareholders, who might lose money as a result of what I wrote?" She said she had replied that her only responsibility was to report the truth.

Mr. Gerrity also asked, Miss Shanahan said, whether she was aware that the F.C.C. commissioner, Nicholas Johnson, was working with Senator Gaylord Nelson, Democrat of Wisconsin, on a bill to forbid newspaper ownership of radio stations.

"I think this is some information that you should pass on to your publisher before you write any more articles about Commissioner Johnson's opinions," Mr. Gerrity was quoted as having said.

STATEMENT BY FCC

This afternoon the commission issued the following brief statement:

"Neither Mr. Johnson nor another official commission spokesman has ever talked with any person, at any time, about legislation prohibiting newspaper ownership of broadcasting stations. Commission policy does not prohibit such ownership, and no change in that policy is now under consideration."

A spokesman in Senator Nelson's office said that no such talks had occurred. He added that Senator Nelson and Commissioner Johnson had never met.

The Times owns a radio station, WQXR, in New York.

Miss Shanahan also told of "insistent" demands by John V. Horner I.T.T.'s public relations representative in Washington, that a development favorable to the company be given "headlines just as big" as an earlier story that he did not consider favorable.

She quoted him as charging repeatedly that her coverage had been "unfair."

Under cross-examination by Taggart Whipple, an I.T.T. lawyer, Miss Shanahan said that when she had reported the incidents to Thomas E. Mullaney, Financial Editor of The Times, she was told that this was uncharacteristic of the paper's previous contacts with the corporation.

SOURCES PROTECTED

The hearing examiner, James D. Cunningham, refused to allow Mr. Whipple to question the reporters about their sources of information within the Justice Department.

The lawyer objected, declaring that the companies were being denied free speech because they could not get their story before the public, while Government sources were feeding information to the press.

Mr. Aug of The Associated Press said that on Feb. 1 he used a telephone in the F.C.C building to dictate an account of the commission's order to stay the merger.

As he read the sixth paragraph to the A.P. desk in Washington, he was told that the A.P. office in New York had just called to say that A.B.C. had complained about the wording of his lead paragraph.

Mr. Aug was told that someone in A.B.C. thought the commission had "suggested," not "ordered" the delay. He insisted on sticking to his original wording and it was retained.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, SEPTEMBER 13, UNTIL 11 A.M., MONDAY, SEPTEMBER 16

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m., Monday, September 16, 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 10573. An act to provide authority to increase the effectiveness of the Truth in Negotiations Act;

H.R. 10911. An act to provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds;

H.R. 11552. An act for the relief of certain property owners in Tate County, Miss.;

H.R. 11782. An act to authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lieu allotment selection, and issue appropriate patents therefor to the heirs of Dolly McCovey;

H.R. 14205. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 21, and for other purposes;

H.R. 15268. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes;

H.R. 16211. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 276, and for other purposes;

H.R. 16402. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket No. 337, and for other purposes;

H.R. 16880. An act to authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gas leases (BLM–A–068348 and BLM–A–068348 (C));

H.R. 17780. An act to direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea; and

H.R. 18146. An act to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy.

GUN CONTROL ACT OF 1968

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that during the consideration of S. 3633, Mr. William Mooney, of the Subcommittee on Juvenile Delinquency, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I ask unanimous consent that during the consideration of S. 3633, Mr. Harry Scanlon, of the American Political Science Foundation and an intern in my office, be permitted to have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that Mr. Barton Hertzbach, of the staff of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary be given floor privileges during the consideration of S. 3633, the Gun Control Act of 1968, and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, in May of this year Congress enacted legislation as part of the omnibus crime bill establishing stringent Federal controls over the interstate traffic in handguns.

This limited but long overdue measure won the applause of law-enforcement authorities and editors and civic organizations across the country.

On June 12, 1968, I introduced another measure, S. 3633, designed to extend the provisions of the omnibus crime bill governing the sale of handguns to the interstate sale of rifles and shotguns. The legislation also provides for controls over the interstate sale of ammunition.

On Friday of last week the Senate Judiciary Committee by a vote of 12 to 3 reported favorably on S. 3633.

Today it becomes the responsibility of the full Senate to put its stamp of approval on this vital legislation—legislation which is endorsed, according to the polls, by almost 80 percent of the American people and almost all of our law-enforcement authorities at every level.

There is an interesting history behind the fact that this legislation is now up for consideration by the Senate.

I am aware that it has been suggested that this legislation, as well as title IV of the omnibus crime bill, is nothing more than panic reaction to the slayings of President Kennedy, Dr. Martin Luther King, and Senator Robert Kennedy. Nothing could be further from the truth, although that untruthful statement has been made time and again during the last few years.

On the contrary, the proposed legislation is the product of a long history of hopelessly inadequate legislation; of our spiraling crime rates in the postwar period; and of the particularly appalling increase in crimes of violence involving guns.

It is also the product of an extensive investigation and extensive hearings conducted by the Senate Juvenile Delinquency Committee over a period of 7 years now.

Finally, but only in the sense that these tragedies helped to open the eyes of the American people and of Congress, the assassination of President Kennedy in 1963, of Dr. Martin Luther King and Senator Robert Kennedy earlier this year, and of other civil rights leaders, have played a role in inducing Congress to approve title IV of the omnibus crime bill and to consider the legislation before the Senate today.

Before this year, no new gun legislation had been enacted by Congress for more than 30 years, and the gun legislation that was enacted in the thirties was so watered down that it was for all practical purposes worthless.

The major provisions of the National Firearms Act of 1934 simply required that a purchase tax be paid on machineguns, sawed-off shotguns, sawed-off rifles, and gadget guns.

Mr. President (Mr. SPONG in the chair), the Federal Firearms Act of 1938 failed to improve in any significant way on the 1934 legislation. The Federal Firearms Act of 1938 simply prohibited dealers from "knowingly" doing business with criminals, fugitives from justice, and persons under indictment for a felony. This, incidentally, was the wording that had been suggested by the National Rifle Association, in 1938.

The total ineffectiveness of this legislation is apparent from the fact that the Government has never in 30 years been able to obtain a single conviction under one section of the Federal Firearms Act.

While every civilized country in the world moved to protect its citizens by legislating tight controls over the sale and ownership of firearms, the United States did nothing.

And while the incidence of crimes of violence continued to spiral upward at a dizzying pace, and while scores of thousands of Americans were killed by firearms in the hands of people who should not have possessed them, Congress still did nothing.

Title IV of the omnibus crime bill and S. 3633 both represent a long overdue legislative reaction to the terrible toll of life and limb exacted each year in our country by firearms. As incredible as it may seem, far more people have been killed by firearms in our country since the year 1900 than have died in all of our wars, from the Revolutionary War to Vietnam. Between 1900 and 1966, firearms were responsible for 280,000 murders, 270,000 suicides and 145,000 deaths by accident—making a grand total of 795,000 since the onset of the century. Against this figure, the total number of American war dead, from 1900 to this date in Vietnam, stands at 560,000.

In addition to those who are killed by firearms, there is a far larger number who each year are assaulted or wounded or maimed by guns. It is estimated that the figure for 1966 alone of those assaulted, wounded, or maimed, was in excess of 100,000.

As I have pointed out, the Subcommittee on Juvenile Delinquency first began to look into the need for gun control legislation in 1961. After extensive hearings, investigation and study, proposed legislation was introduced in August of 1963.

To say that there was no great congressional enthusiasm for it, would be an understatement.

But then, a few months later, on November 22, 1963, President John F. Kennedy was cut down in Dallas by an assassin using an imported mail-order weapon, which he had received at a Dallas mail box under an assumed name.

For a brief period of time thereafter, there seemed to be a serious possibility that Congress would at last pass the gun control legislation which was clearly necessary to move our country from the frontier days of the Wild West into the 20th century.

Regrettably and unfortunately, the interest in gun control legislation which President Kennedy's tragic assassination aroused was very short lived.

S. 1592, the predecessor of the legislation that has come before us this year, was introduced in 1965. Again, there were extensive hearings, involving more than 50 witnesses. In May of 1966, it was reported on favorably by the Subcommittee on Juvenile Delinquency with certain amendments. The Senate Judiciary Committee reported a substantially weaker measure; but even this measure died without consideration when Congress adjourned.

In 1967 another measure, known as the State Firearms Control Assistance Act, was introduced. This measure was the subject of 10 days of public hearings conducted by the Subcommittee on Juvenile Delinquency.

On September 20, 1967, the subcommittee reported favorably on the proposed legislation, which provided for controls over the interstate sales of both handguns and longarms.

A somewhat version of this legislation, which eliminated controls over long guns, was finally approved by the full Judiciary Committee on April 4 of this year in the form of title IV of the omnibus crime bill. I was privileged and honored to offer that title as well. April 4, incidentally, was the very day on which Dr. Martin Luther King was assassinated.

Just before the Senate got around to considering the pending measure, the problem was again dramatized and given urgency by personal tragedy, when our colleague and friend Senator Robert Kennedy, a candidate for the Presidency of the United States, was cut down by an assassin in Los Angeles.

This is little more than an incomplete outline of the long and tortured history of the proposed legislation. Those of us who have been concerned with it for 7 years, of course, are glad that at last we are getting this part of it to the floor of the Senate.

Mr. President, the reasons I have cited and the history I have given bring us to consideration of the gun control legislation before us today.

But while there is reason for believing that congressional opinion at long last has come around to the support of such legislation, a bitter last ditch war is being fought against it by a powerful, militant, and effective minority lobby.

In opposing this legislation, this lobby has disseminated the crudest kind of misrepresentations and fallacious arguments.

The principal argument against this legislation is that, while handguns may be the weapons of criminals, rifles and shotguns are the weapons of honest sportsmen.

There may have been a time when this was true. But today, in the words of Mr. Quinn Tamm, head of the International Association of Chiefs of Police, "the longarm has taken its place in twentieth century crime with a demolishing force."

In 1967, 1,800 Americans were murdered with long guns, a figure which represents an increase of almost 20 percent over 1964.

At a tragic cost we have had to learn in recent years that the longarm is as deadly as a handgun.

There is also ample proof that, fitted with a sniperscope, it is far more deadly as a murder weapon.

A mail-order rifle, not a pistol, was used to assassinate President Kennedy.

A rifle with a sniperscope struck down Dr. Martin Luther King.

And a rifle made possible the murderous toll in young lives taken by a demented firearms fanatic at the University of Texas.

Time and again the assassin has chosen the rifle over the handgun.

It should also be a matter for increasing concern for all of us that the rifle is the main arm of the big city riot sniper, the new breed of killer from the rooftop.

In Detroit, at the time of that trouble, far more longarms were taken from criminals and snipers than handguns.

Shortly after Congress recessed on August 2, I asked the chief law-enforcement officers in over 40 of our Nation's cities to send me information on the use of rifles and shotguns in crimes of violence since the beginning of this year, 1968.

Their replies demonstrated that there has been another marked increase in long gun crimes for the first 6 months of this year as compared with the first 6 months of 1967. This is a startling revelation for many people.

In Philadelphia, for example, rifles and shotguns were used in 102 robberies during the first 6 months of this year, as against 27 such crimes for the comparable period in 1967, while aggravated assault by rifle and shotgun increased from 35 cases for 1967 to 175 cases for the same period this year.

In Miami, rifle and shotgun robberies rose from 12 cases for the first 7 months of 1967 to 52 cases for the same period in 1968, while aggravated assault by rifle and shotgun rose from 20 cases last year to 52 cases this year.

New York City robbery figures show that 93 rifle and shotgun robberies were committed during the first half of 1967. But for the same months of 1968, the figure jumped to 180, almost double the figure for 1967.

It is significant that the two cities with the largest increases in long gun crimes, New York and Philadelphia, have long had strict controls over handguns. The dramatic increase in long gun crimes in these cities confirms the fear expressed by law-enforcement authorities that if there are handgun controls without Federal long gun controls, the criminals would resort increasingly to rifles and shotguns. That is what they have been doing.

For further information of those who believe that shotguns and rifles are exclusively the weapons of sportsmen, let us briefly review a few of the news items of recent weeks in which rifles and shotguns have figured.

Tewksbury, Mass.:

> A man armed with a high powered rifle killed one man early today and seized a second man as a hostage.

Los Angeles:

> Three Negroes were shot to death and 42 other persons wounded in a violent eruption in Watts on the third anniversary of the devastating 1965 rioting.

Cleveland, Ohio:

> Snipers arrived with rifles, shotguns, carbines and . . . opend fire on a police tow truck. Ten persons died, including three policemen.

Fort Lauderdale, Fla.:

> Police found the body of a slain teen-aged girl and a critically wounded woman today after a mysterious telephone caller told officers to "catch me" because he had slain three persons.

Clarendon, Tex.:

> Five shots from a 30-30 rifle killed District Attorney John R. Gillham as he emerged from his office in the Donley County Courthouse.

One could go on and on reciting these gruesome vignettes from the recent history of American communities. But suffice it to say that during our brief congressional recess, from August 2 to September 4 of this year, more than 150 people were gunned down and murdered by rifles and shotguns, while many more were seriously wounded.

The opponents of gun legislation have argued that gun murders are crimes of impulse or passion, that the killer is a noncriminal before committing murder in the majority of cases, and that no law would prevent such people from legitimately buying guns.

In order to establish the facts, a staff study was initiated by the Juvenile Delinquency Subcommittee to determine the personal backgrounds of America's gun killers and the circumstances of the murders in which they were involved.

Over the past 9 months we have collected two file cabinets of information, facts not fancy, on over 1,000 gun killers in 66 cities spread across America.

We know that gunmen account for 63 percent of our murders annually and that their toll of lives ran to 7,600 in 1967. All the evidence points to the conclusion that the figure will be much higher this year.

With these facts in mind, let me highlight some of the results of our murder study.

Our final product is captioned "Profile of a Gun Murderer, 1967." It is a conclusive documentation of the backgrounds of America's gun killers, based on the best information available, taken directly from the arrest reports of our Nation's major police departments.

The documentation completely shatters the argument of the National Rifle Association that murderers for the most part were not criminals before they committed the murders.

Of more than one thousand gun murder defendants whose cases were studied, 712 or 71 percent, had criminal records prior to the time that they committed murders. In fact, the 712 gun murder defendants between them had a grand total of 4,796 prior criminal arrests, which works out to an average of 6.7 previous arrests before their arrest for murder.

The study also revealed the following facts:

In 63 percent of the murders, the defendant and the victim were known to each other, either as relative, friend, or acquaintance.

In 82 percent of the cases, the murder resulted from a fight, a domestic quarrel, or a family argument.

The argument has always been used by those who oppose sensible gun legislation, that these people were just engaging in a family quarrel, or a quarrel with a friend, and that they were not really criminals. The facts are, as I have stated, that 71 percent of them had prior criminal records. Such people should not be allowed to get their hands on a gun, despite the fact, of course, that they knew each other. But they had guns, so that, when they got into a quarrel with a friend or acquaintance, they used a gun and committed murder.

In every case the ready availability of firearms was a major factor for the simple reason that it is easier to kill with a gun than with any other weapon. As psychologists have demonstrated, the terrible ease with which a trigger can be pulled plays a large role in many murders, especially in the so-called crimes of passion. In such crimes, instead of the finger pulling the trigger, it is frequently the trigger which pulls the finger.

These are, largely, people who, under no circumstances, should be allowed to purchase a gun or to possess one. That is one of the things we have been trying to halt.

If we are to give our citizens, including our legitimate sportsmen, the protection to which they are entitled, then clearly we have to find some way to close this gap in our legislative defenses. And the legislative answer to this problem is S. 3633.

S. 3633 has three titles. The major provisions of title I are as follows:

First, it prohibits interstate mail-order sale of firearms including the longarms to individuals other than federally licensed dealers;

Second, it prohibits the over-the-counter sale of all firearms to non-State residents other than licensed dealers. There is, however, a single exception which makes it possible for a person, who is otherwise eligible, to purchase a rifle or shotgun from a licensed dealer in a State contiguous to his own State. But such a transaction is permitted only if such a sale is legal in both States;

Third, S. 3633 prohibits the sale of rifles and shotguns to persons under 18 years of age;

Fourth, it prohibits the mail-order sale of ammunition;

Fifth, it prohibits the sale of ammunition to persons under 21 years of age;

Sixth, it provides for the regulation of intrastate mail-order sales of firearms through an affadavit and notice control provision with which both the purchaser and the licensed dealer would have to comply; and

Seventh, it increases the penalties from a maximum of 5 years imprisonment and a $5,000 fine to a maximum of 10 years imprisonment and a $10,000 fine.

These are stringent penalties, admittedly. But the court would be given great discretion in dealing with violators because no mandatory minimum sentences are provided. So we give the courts the power, and leave to their good judgment the sentences to be imposed.

Title II of S. 3633 is, in my estimation, noncontroversial. It was offered in the Judiciary Committee by the distinguished senior Senator from Nebraska [Mr. HRUSKA], and I fully support the enactment of this title.

The title is a major revision of the National Firearms Act. It is one which the administration has urged the Congress to enact, in view of the Supreme Court decision, relative to self-incrimination, in the Haynes case.

That case rendered ineffective certain sections of the National Firearms Act relating to the registration of weapons covered by the act, because the Court held that to comply with these sections would be tantamount to self-incrimination, and would, therefore, be in violation of the fifth amendment of the Constitution.

The revised National Firearms Act, as contained in title II of this bill, specifically provides the necessary safeguards relating to disclosure of information to conform the act's provisions to the holding in the Haynes case.

In addition, title II provides that the destructive devices come within the purview of the National Firearms Act and it provides technical modifications and clarifications to the act.

Title III is a committee amendment that would define a felony under Federal law as a crime punishable by a term of imprisonment exceeding 1 year, and under State law as an offense determined to be a felony by the laws of the State.

This was suggested by the Senator from North Carolina [Mr. ERVIN] and it was unanimously approved by the committee. I urge its adoption. I think it is a good amendment. It will help in this legislation.

All of the above provisions represent the absolute minimum for effective Federal control over the interstate commerce in firearms.

They also represent substantial improvements over existing law. One of the arguments against this legislation is that purchasers of rifles or shotguns might be "inconvenienced" by the requirement that they appear in person at some point in the course of making their purchase.

Of course, the argument has been used over and over again that this is a burdensome requirement, and a terrible inconvenience. I say, those supposed inconveniences are exaggerations.

Let us not exaggerate this inconvenience. Any legitimate buyer will still be able to get the same variety of weapons that is available to him now through mail-order catalogs. This is true because the only difference this amendment would make is that he would have to order the weapon through a local dealer or local outlet, and that he would have to appear personally at some point before receiving the weapon.

I do not think that is quite as dreadful an inconvenience as the critics would appear to make it.

The purchaser can have the catalogs at home, or go look at them at the dealer's shop. Either way, he will have the same variety of choice that he has had up until now.

Clearly, this does represent a very minor inconvenience. But is it not a minor inconvenience to take a driver's test or to apply for a driver's license or to register an automobile or to apply for a license as a barber or electrician, or, for that matter, to apply for a dog license?

Orderly government requires that our citizens be willing to accept certain minor inconveniences in the national interest.

Certainly, in dealing with lethal weapons, which really have only one objective for their existence—to kill or harm or hit something—I say it is a mighty small inconvenience to require that those who buy and keep guns in their possession appear personally before a licensed dealer, so that the law-enforcement authorities may be fully informed as to whether the buyer is eligible to buy and keep a gun.

If our millions of law-abiding gun owners are prepared to accept the altogether minor inconveniences that would result from this bill, they would have the reward of knowing that, in doing so, they are helping to keep firearms out of the hands of those who should not have them and thus contributing to the saving of human life.

Another argument advanced against Federal gun legislation by the National Rifle Association and other critics is that gun control legislation should be a matter for the separate States. But having taken this stand, the opponents of Federal gun control legislation then take it upon themselves to frustrate every effort at State and local level to impose controls over the sale of firearms. They maintain that they want State controls, but when the States try to do something about it, they are most effective in defeating those efforts. And the evidence of recent years, and especially of recent months, all adds up to the conclusion that it is even more difficult for the States to enact gun controls than it has been for the Federal Government to do so.

For example, on June 27, 1968, the representatives of the National Rifle Association testified at our hearings and said firearms registration and licensing laws are a State responsibility.

On August 22, 1968, the same National Rifle Association sent out to its 7,500 members a demagogic and misleading critique of the gun controls proposed in Montgomery County, Md. It organized its clubs to march on the county council.

When the county council met exactly 1 week ago today, on September 5, a crowd of 3,500 jeering opponents of the measure turned the council meeting into an impossible farce.

Virtually the same thing happened in Prince Georges County, Md.

Earlier this summer in Tucson, Ariz., a crowd of more than 1,000, all but a few of them in opposition, shouted down an attempt to pass a stronger gun ordinance in that city.

A few days later the mayor of Tucson, who had been the object of threats and vilification because he called the hearing, announced the results of a citywide opinion survey conducted by a professional polling group.

The poll showed overwhelming public support for some kind of gun ordinance.

It is the same in towns, large and small. Early in August the little township of River Vale, N.J., began consideration of a firearms ordinance at a public hearing. This is the way the editors of the Hackensack, N.J., Record described the scene:

> More than 200 persons packed the Township hearing on the proposed ordinance, most of them gun owners who hooted and jeered at the handful of citizens who spoke for the measure. It was a tumult, a verbal brawl . . .

There are other places, including my own State, in which such occurrences have taken place.

Who is responsible for mobilizing this mob of hooters and brawlers?

In most cases it is the National Rifle Association and its nonlobby legislative services.

The last paragraph in those 7,500 legislative bulletins which the NRA mailed to its Montgomery County members in Maryland on August 22 said:

> You are urged to attend the hearings on the proposed firearms ordinance and to express your opinion to the County Council. Enactment of this measure could well mean the virtual end of hunting and shooting activities in Montgomery County, as well as place unduly restrictive burdens upon the law-abiding citizen who wishes to possess a firearm.

This whole course of conduct is mob action, pure and simple. It is a clear violation of the democratic process. It is a denial of the rights of the great majority of the American people who, in poll after poll, have gone on record overwhelmingly in favor of sensible control.

That the NRA has functioned as a legislative lobby is a matter of common knowledge.

Certainly, that is known to anybody who has followed its activities for any time or knows anything about its affairs.

In fact, it is without question the most wrongheaded, the most persistent, the most unscrupulous, and the most effective lobby in the history of our country.

The measure of its effectiveness is the fact for more than 30 years the NRA was able to frustrate every effort to legislate sensible gun controls, both at the State and Federal levels.

I want to make it clear, in saying this, that I do not in any way question the integrity or the patriotism or the good will of the hundreds of thousands of law-abiding sportsmen who make up the rank-and-file membership of the NRA.

I know too many of them personally. I know they are good people. My remarks are directed, rather, to the small clique of bigoted, myopic, and socially callous leaders whose dishonest and fraudulent propaganda has been responsible for misleading the rank-and-file membership of the NRA.

Even in the past, this small clique of leaders have permitted no scruples to inhibit the conduct of their campaign against gun-control legislation.

No misrepresentation has been too wild or too sordid for them.

They have threatened political reprisals against those with whom they disagree, and they have given force to this threat by inundating congressional offices with letters and telegrams whenever gun-control legislation was up for consideration.

They have also engaged in economic blackmail. For example, last month's issue of the NRA organ, the American Rifleman, took out after a Chicago advertising agency that had prepared ads for a campaign favoring strict gun-control laws. The article made a point of naming the seven business accounts held by the advertising agency. As the Pittsburgh Post-Gazette observed:

> This was clearly an attempt to intimidate both the agency and its clients by encouraging the die-hard NRA members to fire-off letters threatening a boycott of products of the client firms.

But despite its record of blackmail, intimidation, and unscrupulous propaganda, the NRA until recently has been able to operate under a facade of respectability. True, some, perhaps many people knew it was a lobby. But it appeared to be a white-collar and silk-stocking lobby. It did not dirty its hands in public, and for this reason it was, quite literally, able to get away with murder.

But as the death toll from guns and crimes of violence soared skyward and the assassinations of high public officials aroused millions of Americans to the disgraceful realities of the gun traffic, the NRA's position has become more desperate. That is why, in recent months, it has resorted increasingly and openly to the ugly tactics of mob rule, rowdyism, and even terrorism to stifle the legislative process at public hearings on the local and State level.

As a result of its rigid and unprincipled opposition to gun control legislation of any kind and as a result of the recent epidemic of mob actions inspired by the National Rifle Association, editors from coast to coast are calling for a hard look at the NRA's tax-exempt status.

I believe that the time has come when the NRA leaders should be called to an accounting before a congressional investigation.

I do not believe they deserve any tax-exempt status. I think it should be lifted.

I do not think they should be immune from the requirement that lobbyists register. They are lobbyists, and should be made to register.

I do not believe they should be subsidized to the tune of millions of dollars by the American taxpayers, as they have been for years and years. Why not give it to the tennis players or the golfers, or some other group of sportsmen? If anybody can give me a sensible reason for the taxpayers pouring out some $4 million a year, to this crowd, I should like to hear it.

Finally, I believe that so long as the NRA leadership persists in its present course, that organization should not receive a single dime in subsidies from the Federal Government.

Even so, despite this bad record, I reemphasize the fact that I am convinced that the vast majority of the members of this organization are good, decent people. They just do not know how they are being misled, and they do not know what this clique of leaders is doing with their millions of dollars and their propaganda outlets.

Nevertheless, I want to again appeal to the leaders of the National Rifle Association to reconsider the implications of their position, for there is no question but that their militant lobbying against gun control legislation at every level has brought their organization into general disrepute and alienated it from the great mass of the American people. It should not be so.

I also want to appeal to the hundreds of thousands of decent law-abiding citizens who make up the membership of the NRA to reopen their minds, to examine the facts, and to ask themselves why it is that the gun controls are endorsed by virtually every major law enforcement authority from J. Edgar Hoover down.

I appeal to them not to believe the wild-eyed arguments that controls over the sale of longarms will put an end to hunting and ultimately lead to the confiscation of all firearms.

I appeal to them to accept my solemn assurance, for whatever it is worth, and the assurance of the many distinguished Senators who have given their support to this legislation that its purpose is not to persecute but to protect legitimate sportsmen and gun enthusiasts, that its restrictions are directed only against possession of firearms by criminal elements, by juveniles, by drug addicts, by mental incompetents, and by some others who, by any sane standard, should not be in possession of lethal weapons.

I would like to suggest to the leaders of the NRA that they would serve their organization and their members better if, instead of misrepresenting what we are attempting to do and lobbying against gun control legislation of all kinds, they join with us and with the law-enforcement authorities of this country to promote effective gun control legislation of the kind that is enjoyed by virtually every civilized nation but our own.

In urging the Senate to give favorable consideration to S. 3633, I do not pretend that the measure is perfect.

There are certain respects in which it can be strengthened, and it is to this end that I have prepared a few perfecting amendments. But, in my judgment, S. 3633, as it now stands, was the best bill which could be reported out of the Judiciary Committee at this juncture.

It is a truism that politics is the art of the possible. From this standpoint, it is of some interest that some people who now choose to criticize S. 3633 for its inadequacies only several months ago praised very similar legislation as far reaching and revolutionary.

Even in its present form, S. 3633 represents a highly important step forward.

Its controls will help significantly to reduce the incidence of robberies, assaults, homicides, and other crimes involving the use of guns.

Because of the pressing need for this legislation, its provisions have been endorsed by President Johnson, by the Attorney General of the United States; by the Federal Bureau of Investigation Director, J. Edgar Hoover; and the President's Crime Commission.

Mr. Hoover said last year:

> I think mail-order firearms purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced.

The National Conference of Mayors, and the National League of Cities have endorsed the bill.

Based on the strength of the opinion polls, it is safe to say that at least 80 percent of our population supports this measure.

Our people want sensible gun control legislation passed. How could they think otherwise, in view of the record?

Last, but by no means least, the bill is endorsed by the widows and children of 400 police officers who have been shot and killed in the line of duty since 1960, by the families of thousands more police officers who were wounded, maimed, or otherwise physically impaired in the line of duty, and by all of those whose friends and families have been killed and hurt by reckless misuse of guns.

Mr. President, I say that without a sense of responsibility for the safety of our fellow citizens, we can never be truly civilized. That is what this is all about, really—being more civilized.

So I call upon Congress to pass this legislation to stop the traffic in guns that is fast turning our country into a charnel house of violence.

DISENCHANTMENT WITH NRA POLICY

Mr. President, my immediate concern is the firearms control laws now before the Senate and the fact that the issue has been distorted and blown out of all proportion by the gun lobby.

In its efforts to block firearms control legislation, the lobby has espoused arguments that are beyond reason and logic and have exceeded the bounds of good taste. Each day this becomes more apparent.

Each day there is more opposition to those foundations and associations who masquerade as educational, or social or fraternal in name and spend the bulk of their effort trying to influence legislators to vote down gun control proposals.

The leader in this select group of nonlobbies is the National Rifle Association, a notoriously successful, tax-free "charitable and educational" group that advertises that it opposes bad gun laws.

The National Rifle Association currently, in a drive to double its membership, describes itself this way:

> NRA vigorously assists in combating unwise gun control measures that would impose severe restrictions on law-abiding members of the community.

Over the years its point of view has been widely accepted by the press, television, and other media. The prospect of restrictive firearms legislation brought on a change in the character of appeal the National Rifle Association normally forwarded to the press through its public relations channels.

Beholden for its advertising profits to an industry more concerned with its profits than the public weal, this gun lobby has exceeded the bounds of good taste to the point where it has alienated many of its stanchest supporters.

Civic leaders, broadcasters, editors, veterans' organizations, organized labor and leaders in law enforcement have become disenchanted with the almost hysterical defense of the gun industry being put forth by the lobby.

An organization, the National Rifle Association, most traditionally identified with conservation, wholesome sport, and educating the young now emerges on the side of the gunrunner for the continued wide-open traffic in firearms to all. Its identity as spokesman first for sport and sportsmen is changing to spokesman for the gun interests first and sportsmen as an afterthought.

This disillusionment with the National Rifle Association and its leadership is not mine alone. Others have been repelled by it, annoyed by it. The St. Louis Post-Dispatch has said:

> A growing number of Americans are inclined to . . . want effective gun control legislation . . . which of course explains why the Rifle Association is trying to silence the advertising agency that has helped to point up the need.

As an example of the depreciation of the National Rifle Association's currency and status, I ask, Mr. President, that several representative editorial views of the NRA and its tax-free status be printed in the RECORD at this point.

I would like to share them with my colleagues as the Senate considers firearms controls.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago (Ill.) News, Aug. 30, 1967]

TIME FOR NRA TAX PROBE

The Internal Revenue Service's cancellation of the Sierra Club's tax-exempt status casts fresh doubt on the validity of the exemption enjoyed by the National Rifle Assn. In withdrawing the privilege from the Sierra Club, a respected nationwide conservation organization, the IRS upheld a field official's ruling that the club had attempted to "influence legislation by propaganda and otherwise."

The case was bulit around a series of advertisements the club had placed in Eastern newspapers in opposition to a congressional bill to despoil the Grand Canyon. Employing somewhat different methods, the NRA has tried to cast its weight against congressional measures for stronger gun controls.

The NRA is the backbone of the gun lobby in Washington. Its monthly magazine, The American Rifleman, is a past master at stirring its readers to deluge Congress with mail in opposition to measures the NRA does not favor. Its mere mention of a Chicago advertising agency spearheading the public service campaign for tougher gun laws inspired some NRA members to threaten the firm's private clients with a boycott.

Both the magazine and the NRA have every right to take stands on public issues. But they have no right to the extra advantage of a tax exemption—which amounts to a federal subsidy—that their opponents do not enjoy.

We urge the Internal Revenue Service to display the same zeal in investigating the affairs of the NRA as it did in the case of the Sierra Club.

[From the Racine (Wis.) Journal-Times, Bulletin, Aug. 11, 1968]

INVESTIGATION OF NRA WARRANTED

President Johnson recently proposed to the Congress a gun control bill that would provide for licensing and registration of weapons as well as a ban on mail-order sales. There was every evidence that an overwhelming majority of Americans, shocked by so much recent violence, wanted strict gun controls.

But the bill made almost no progress. The licensing and registration provisions were stripped from it outright, and the mail-order provisions riddled with amendments.

Why, in the face of presidential support, did this happen?

It happened because of the National Rifle Assn. (NRA). And the same thing has happened to dozens of other gun control proposals in the past for the same reason. Every time it becomes likely that Congress could give favorable consideration to legislation in this field, the NRA sounds the alarms, and thousands of NRA members bombard their legislators, newspapers and any other public medium with letters howling about such irrelevances as their constitutional rights.

It is doubtful that any other subject can bring this kind of reaction, and Congress dutifully responds.

Rep. Emanuel Celler, chairman of the House Judiciary Committee and strong advocate of gun legislation, now threatens to counter-attack with an investigation of the NRA. Celler should follow through on this threat; the subject needs airing.

There are some very peculiar things about the NRA. While it is probably one of the most potent lobbies, in its own field, it is not registered as a lobby in Washington. It is tax exempt on the grounds that it is an educational organization. Its members have long been the beneficiaries of free ammunition from the Defense Department, on the somewhat dubious grounds that teaching young fellows to shoot makes them prefabricated soldiers.

Some explanation for these and other features of the NRA would make interesting material for a congressional hearing.

[From the Chicago (Ill.) Sun-Times, Sept. 2, 1968]

WHAT'S FAIR FOR ONE

The Internal Revenue Service has ruled that contributions to the Sierra Club are no longer tax deductible. The Sierra Club is a respected, nationally-known conservation organization. It has vigorously fought legislation that would despoil the great natural treasures of this nation, such as bills to dam the Grand Canyon, to give away portions of the magnificent redwood forests to private industry and the like.

In making its fight the Sierra Club has bought newspaper advertisements. This, says the IRS, makes the Sierra Club a lobbyist and therefore not a tax-exempt organization.

Well, now. What about the National Rifle Assn.? It, too, fights against legislation it doesn't like, in this case legislation to control guns. Yet the NRA is tax-exempt on the ground that it is a "charitable and educational" organization.

Does lobbying against gun control count for more than lobbying to save a forest or a beautiful canyon for posterity?

The issue is fair and equal application of the law. The IRS should be made to answer to Congress on its decision to strip tax-exemption from the Sierra Club while allowing the NRA to enjoy those exemptions.

[From the Salt Lake City (Utah) Tribune Aug. 12, 1968]

GAPING LOOPHOLES IN THE U.S. LOBBY LAW

As almost everybody knows, the National Rifle Association is one of the most powerful lobbies in the nation. The latest fruit of the pressure exerted on lawmakers by the NRA's 800,000 letter-writing members is the emasculated firearms control bill still pending in Congress.

What very few people know is that the NRA whose pressure organizers occupy a multimillion-dollar building in Washington, successfully contends it is not primarily a lobby. It therefore files no annual reports on spending, as required by the 1946 Federal Regulation of Lobbying Act.

This loosely written law requires individuals and organizations to file regular lobby spending reports only if money they collect is used for the "principal purpose of influencing Congress on legislation." The NRA claims its "principal" function is to serve its membership.

Many other groups whose activities normally would be defined as lobbying avoid reporting by taking advantage of the same semantic loophole in the law. Still others withhold reports under a court decision which exempts them so long as their work does not entail "direct" contact with Congress.

According to the latest survey by the Congressional Quarterly, a total of 280 organizations in 1967 reported lobby spending for the period of $4.7 million. This is far below what actually was spent to influence legislation. And even when reports are filed there is no guarantee of accuracy or completeness since the law provides no federal officer to make such a check.

Lobbying at best is a gray area of government—a practice which has spawned many abuses and scandals. At the very least the public is entitled to know in detail who spent what, and how, to promote the laws unorganized voters have to obey and pay for. A strong lobby reporting act is long overdue but the chances of getting one are virtually nil.

The lobbies don't want one.

[From the Natick (Mass.) Suburban Free Press & Recorder, Aug. 8, 1968]

PRO AND CON FIREARMS LEGISLATION

High on our list of suspicious characters are the National Rifle Association and the other gun-lovers who want to keep arms free for all men, willy-nilly.

We would find much to be said for many of the NRA's arguments—that Americans have a constitutional right to bear arms, that law-abiding citizens would be classed with outlaws, that laws governing gun possession may be a foot in the door to laws banning ownership and use of weapons.

But what sours us on the NRA and the other militant gun groups is the irrationality of their propaganda.

As is the case with most people who know their arguments are on shaky ground, the firearms promoters cover their tracks with half-truths and weasel-words.

Recently received was a piece from the National Shooting Sports Foundation Inc. of Connecticut. It purports to be an analysis of the Sullivan Law, which governs the ownership of weapons in New York State and New York City.

We extract from the piece several items:

—Registration of all firearms in America will be expensive. This report gives a figure of "as much as $5 billion." It is based on the assumption that there are as many as 200 million firearms in America and that the cost of registration would be $25 per firearm. There is no foundation given for any of the figures arrived at, nor is the "scare figure" of $5 billion ameliorated by noting that many weapons are already registered with police and would therefore not be included in the cost, nor that the registration would be probably phased in over an extended period of time to spread out the cost, nor that the death of a president, a United States senator and a civil rights leader might be worth some money to prevent.

—Despite the Sullivan law, the crime rate in New York, particularly in the city, has sky rocketed, says the report. New York City, victim of the world's worst blackout, subway strike, garbage-collectors' strike, taxi strike, and so on, is perhaps the worst city in America to look at for typical indices of crime, or, in fact, any other trend.

—Despite a severe gun-control law, says the NSSF, the number of illegally-owned pistols has continued to rise. Far from making us question the wisdom of gun legislation, it should make us doubly concerned of the efficiency of our enforcement.

Those are what purport to be reasonable statistics.

The report then gets into some muddy ground on generalizations about gun laws and their effect on public ownership.

Here is one: The report admits that in New York, which has the strict Sullivan control law, 36 percent of criminal homicides are committed with a firearm, against 59 percent for the nation. Looks as if the Sullivan law is working, doesn't it? Not so, says the shooting group. If you separate the homicides committed with handguns from those committed with rifles and shotguns, you will see that homicides with the latter are lower relatively than are homicides committed with handguns: Therefore it can be said that the "percent of New York homicides which are committed with a firearm is lower because of cultural factors and not because of the effects of the Sullivan law."

Not only is that logic faulty, but here is another:

"Gun owners know that if the police have the power to register firearms, and say who shall and shall not own one, then the American sportsman will not long be able to own his sporting rifles and shotguns."

The suggestion here is that the police are bent, for malevolent reasons best known to themselves, on stripping the American public of its weapons.

Our stand on gun legislation is based on the fact of recent assassinations and other sensational abuses of the almost unlimited access of citizens to weapons, coupled with what appears to be a very strong violent streak in the national character.

We also note that in Massachusetts, for example, the use of an automobile is not a right but a privilege. This is the principle on which ownership of weapons should be based.

Finally, the irrationality demonstrated by the organizations that purport to represent many gun-owners in the United States causes us to question the mental attitude of those who most violently oppose constructive gun legislation.

[From the Battle Creek (Mich.) Enquirer & News, Aug. 19, 1968]

NRA Would Be Wiser To Duck This Duel

The National Rifle Association, accustomed to having its own way and nailing the coffin lid shut on gun control legislation in the past, has been wounded.

The powerful organization, which had a long string of lobbying successes in Congress and state legislatures for many years, is acting like a bad loser now that the public outcry against virtually unlimited gun traffic threatens to bury the NRA's hands-off attitude.

Target of its pique is the Chicago advertising agency that is helping lead the drive for stiffer gun control laws. The Chicago Daily News reported the NRA has stooped to pressuring clients to stop employing the agency.

We must say the ads prepared by the firm, North Advertising Inc., are grippers. The NRA and other proponents of unrestricted gun traffic should be thankful the agency wasn't unleashed earlier. Maybe the ad creators have more ammunition which the clumsy NRA action will now force into use.

One message carries a small duplicated ad for a $34.95 handgun, sandwiched between big black letters saying "Buy Now—Kill Later." Another displays a string of four spent cartridges, each with an accompanying name—John F. Kennedy, Medgar Evers, Martin Luther King, Jr., Robert F. Kennedy. A fifth complete bullet standing in line has beside it the message "Next?"

A devastating legend at the bottom of the ads warns "Write Your Senator . . . While You Still Have a Senator." That is clearly designed to get the attention of even the sleepiest member of Congress.

The sting moved the NRA to list in its current issue of its magazine, American Rifleman, seven advertising accounts carried by the Chicago agency. Letters already are flowing to all seven clients, urging the firms to sever connections with North or threatening to stop buying their products.

Six ads were prepared as public service messages by the agency after the June assassination of Sen. Robert Kennedy. The industry magazine, Advertising Age, volunteered to distribute the material free and has sent it to more than 700 newspapers, national magazines and radio and television stations.

So, if the NRA cares about spreading its wrath fairly, being vindictive on an even more effective scale would seem to dictate extending the boycott to every individual and company advertising in any of the media using the ads. Imagine how many might get caught in that crossfire.

The president of North Advertising, Donald Nathanson, remarked on the NRA sniping, "We will not be intimidated. And I doubt that any of our accounts will be either . . ."

Good for them—if they do stand firm. That's the best way to deal with bullying tactics.

THE NRA AND THE 20TH CENTURY

Mr. DODD. Mr. President, the National Rifle Association can see a little of the 19th century in just about everything.

Spokesmen for the National Rifle Association repeatedly appeared before congressional committees and suggested, for example, that simple laws to disarm the criminal would result in the ultimate confiscation of all firearms from the public, thus leaving it exposed to invasion by a foreign power.

They believe, in short, that a handful of untrained riflemen and pistol shooters could and would route a modern war machine with tanks, cannons and jet fighters in the event that the U.S. military resistance collapsed.

Seldom a month passes that an NRA official fails to cite some imagined, if not totally fictional, example of a modern Nation collapsing because its citizenry were not armed to the teeth with Saturday night specials and fowling pieces.

Not long ago, National Rifle Association spokesmen were knowingly pointing to the military coupe that overthrew the government in Greece, and knowingly suggesting that it was successful because civilian arms are not as prevalent in Greece as they are in America.

We can expect more of this type of wisdom to flow from the National Rifle Association's $1 million marble and glass war room at 1600 Rhode Island Avenue as the Congress proceeds with the current debate on firearms controls.

It is not a very perceptive view of either international politics, nor war, nor of the special problems of Greece, Hungary, or Czechoslovakia. But it is consistently the National Rifle Association's view.

In recent weeks Czechoslovakia was snatched back into the folds of the Iron Curtain. And that is another nation whose gun laws are somewhat stricter than those of the United States. We will presently hear that the lack of hunting and sporting arms in the possession of the Czech populace contributed in no small way to the downfall of the country.

Mr. President, many opinions have been expressed on that subject. I believe that it was excellently treated in a recent editorial published in the St. Louis Post-Dispatch entitled "The Czechs and Gun Control."

The Post shows an understanding of 20th-century living that could cast some light on the dark 19th-century atmosphere that pervades the National Rifle Association front offices.

Mr. President, I ask that the editorial be printed in full at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Post-Dispatch. Sept. 3, 1968]

The Czechs and Gun Control

Some opponents of gun-control legislation are advancing the view that the Soviet-bloc invasion of Czechoslovakia demonstrates the usefulness of an armed citizenry. Their position is that the Czech resistance was hampered because civilians were not armed, and that therefore American resistance to a possible invasion would be blocked if citizens' guns were taken away from them.

Bypassing the point that no one has proposed confiscating civilians' weapons, the idea of an unorganized group of individuals with hand guns and sporting arms standing up to tanks, armored cars, machine guns, gas and other weapons, handled by tough and well-trained troops, is on its face preposterous.

Indeed, if there is an argument here at all it is in favor of forbidding civilians to have guns. A few well-placed shots by Czech civilians acting on their own could have provoked a mass slaughter by the Russians. In the context of the Russian invasion of Czechoslovakia impromptu armed resistance would be the worst tactic possible.

A guerrilla-type resistance to an invading force would be a different matter; in this situation, presumably, innocent civilians would not be made victims. But also, in such a situation guerrillas would be provided with military weapons and competent leaders. The Czech people followed the only course practical under the circumstances; killing a few Russian soldiers would have made things much worse.

Mr. DODD. Mr. President, there is the specter of the Old West spooking the front offices of the National Rifle Association.

At the National Rifle Association, it is a man and his gun against the world. At the National Rifle Association, America has not changed substantially from the frontier of 100 years ago.

It dwells on the concept of the armed citizen to the point where a significant portion of its magazine, the American Rifleman, is devoted to it. The National Rifle Association keeps its own version of a box score on the accomplishments of the armed citizen. In fact, each month, the magazine runs a standing feature column called "The Armed Citizen."

Any detailed study of the column would have to conclude that it suggests that citizen arm against citizen for "self-protection." The gun is worshipped almost as an entity "whose mere presence" prevents crime.

That is a primitive philosophy, not worthy of the dynamic leadership of a great American "charitable and educational" institution.

I have been both intrigued and dismayed by the column for years and now I find that I am not alone in questioning its worth, indeed, its validity.

The editors of the Milwaukee, Wis., Journal on August 19, 1968, expressed a similar opinion. They pointed out that "The Armed Citizen" recounts only the stories where the armed citizen triumphed over the criminal. The National Rifle Association tells only the story of the green grocer who cut down the bad guy. All happy little vignettes out of comic books where evil never wins.

The National Rifle Association column never reports on the large number of cases where the green grocer got himself and his employee killed, leaving behind a grieving wife and family and the multitude of hurt and pain that goes with sudden death.

For example, the September 1968 column of "The Armed Citizen" contains the following paragraph by way of box score from the National Rifle Association editors who are proud of the figures as reported, apparently oblivious of the fact that they are telling only half the story, if that:

> An analysis of "The Armed Citizen" for 5 years, 1963–67, recently revealed that the mere presence of a firearm prevented crime, without the firing of a short, in 121 incidents. In 112, a would-be assailant was killed and in 92 others he was wounded. Shooting as a rule cannot be justified, it should be emphasized, except where crime constitutes an immediate, imminent threat of violence to life or limb or, in some circumstances, property.

Notice, nowhere in this box score are the figures on the butchers, the cashiers, or the shopowners who invited their own death by amateurishly pulling a gun on a professional criminal. And I wonder how many of the 112 would-be assailants who were shot down would have been executed for their crime by the courts.

I wonder if the National Rifle Association can report to us the number of merchants and householders who died as the result of their first try at the quick draw?

And I wonder how many Americans share this 19th-century view of 20th-century America.

Mr. President, I ask that the August 19, 1968, editorial of the Milwaukee, Wis., Journal entitled "Quick Draw Heroics" be printed in the Record at this point. I commend it to the attention of my colleagues as we continue this debate on firearms controls. I believe its implications are clear.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Milwaukee (Wis.) Journal, Aug. 19, 1968]

Quick Draw Heroics

The magazine "American Rifleman," publication of the National Rifle association, periodically offers its readers a column entitled "The Armed Citizen." It contains brief newspaper or TV accounts of how armed citizens, generally faced with a gun wielding holdup man, blaze away at the intruder and rout him, often enough with a bullet between the ears. Two samples will suffice:

"Elmon Pulley, a Steward county (Tenn.) grocer, was in the back of his store when two men walked in and pulled a pistol on Mrs. Pulley. She grabbed a shotgun and blasted the pistol from the hand of the intruder. The two men ran from the store. The body of one of the men was found the next day in a roadside ditch."

Or: "Seattle (Wash.) grocer Paul S. Edwards wounded an unarmed 16 year old who, pretending to have a gun in his pocket, bluffed Edwards' wife into giving him a bag of money . . . 'Stay back or I'll kill you,' the boy cried when Edwards entered. Edwards dropped the youth with one shot from the revolver he always carries."

As most competent police officers will tell you, drawing a gun on an armed and usually desperate criminal is a reasonably sure invitation to a slab at the morgue. It is dangerously irresponsible for the rifle association to peddle this brand of nonsense in a land of trigger happy and often hopped up holdup men. Quick draw heroics are more likely to produce dead heroes, along with grieving widows and children.

FIREARMS LICENSE FOR MENTAL PATIENT

Mr. DODD. Mr. President, I would like to avail my colleagues of one of the better reasons for better Federal firearms laws. It is a story which appeared in the Washington, Mo., Missourian on July 18, 1968.

It is a first person story of a young man in possession of a Federal firearms dealers license who had his license renewed while he was a patient in a St. Louis mental hospital.

The article speaks for itself, Mr. President, and I ask that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (Mo.) Missourian, July 18, 1968]

Ammunition for a Gun Control Law

The question is: Is it possible for a mental patient to get a federal license as a firearms dealer?

The answer is: Yes. It is not only possible, but it is being done!

Up until some months ago a young man from St. Louis worked around in Washington, and became well known in the county. He suffered a nervous breakdown last winter and was a patient in a mental hospital in St. Louis for four months. He is cured and well now, and is making his home in St. Louis, where he has obtained a responsible position.

In a letter a few days ago to The Missourian, the young man recounted an experience he had with guns. Before going any further, it should be pointed out that he is well known at The Missourian office, and has always been found reliable, trustworthy and accurate in his estimate of things.

"If you are interested in any extra ammunition in support of a gun control law," he wrote, "you might be interested to know that I was able to renew, in my name, a federal firearms dealer's license at the same time I was a patient in a mental hospital!"

He explained that the federal license permits "the dealer to buy, sell and transport interstate, rifles, shotguns and pistols without any further government authorization."

The license "also can be used to circumvent Missouri's fairly strict pistol purchase provisions," he stated and added:

"So far as I know, there is no restriction against the mentally ill obtaining a dealer's license and I know of no media news stories, national or otherwise, which have gone into this aspect of gun control. Since the number of licenses issued far outnumbers the total of regular dealers, the situation is something of a national scandal. Washington alone has at least several such licenses!"

The young man in question ought to know. What's more important is that our legislators in Congress ought to know, too, but apparently don't.

THE GUN MYTH EXAMINED

Mr. DODD. Mr. President, discussion of the need for effective firearms laws runs deep. It permeates every part of our society, and the discussion concerns not only the merits of this proposed law over that proposed law, it covers the entire field of firearms use.

The public debate digs deep into the "mystique" of guns and the emotionally charged reaction to the merest suggestion that the sale of firearms should be regulated.

The question is asked time and again, "How can as few as 20 percent of our people succeed in denying the other 80 percent a gun law that is so clearly needed, and why is the minority so militant in opposing gun laws?"

I discovered an interesting discussion on that subject in a country weekly newspaper in New Jersey. The Salem Sunbeam, a paper of less than 5,000 circulation, published an editorial on July 16, 1968, entitled "The Gun Myth," which digs deep into one possible answer to that question.

Mr. President, I ask that the article be printed in full in the Record at this point in the hope that my colleagues will share the concern that even the small, the country, the rural press of America is showing over the present firearms debate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Gun Myth

Various tools and weapons are used by man as extensions of his arms and legs. To the primitive tribesman the trusty stone ax was an extension of his arm and the source of his progress as a huntsman or warrior. If he lost his ax in combat—or through some oversight or trickery—he was in a sad plight.

A horse's legs were used as a substitute for man's legs, and this leads to the various kinds of vehicles ultimately those powered by various fuels. Swimming is a basic way of traveling by water, but a raft and a paddle are better. A hundred-oared galley propelled by the strong arms of galley slaves is still better.

A man communicates by speaking, and this leads to writing, to engraving on walls and tablets and ultimately to printing. So a typewriter and a printing press are extensions of man's mouth and his vocal cords. So are the phonograph and radio.

The television, as Marshall McLuhan points out, extends all the means of communication and extends the senses of sight and hearing too. We stare at it and participate in an instant "be-in" of warfare, of street rioting, a convention, a football game or a funeral.

Each of these marvelous inventions—industrial machinery included—is an extension of MAN. The tools, the weapons, the computers, the missiles, the radar, the supersonic jets, extend man's arms and his senses. They do not initiate anything. They do not have morals, or artistic taste, or brains, or judgment. They simply do what man decides to do, and say what man is impelled to say. If men can't think of anything worth saying the miracle inventions repeat over the airwaves and on the printed page the endless stream of claptrap with which men bemuse themselves. Multimillion-dollar printing presses and television miracles are devoted most of the time to the same endless jabber that was no doubt heard hour after hour among the workers and the royal family, too, while the pyramids were being built, or while the stones of Stonehenge were being placed.

On the one hand there was the awe-inspiring intelligence that located the stones with reference to the seasons and the movements of the sun and stars. On the other hand there was certainly the same inevitable flood of millions of words and the incessant gesturing whereby human beings "keep in touch," practice one-upmanship on each other and recount the trivia of the day.

Certain of our tools and weapons are regarded as sacred. In past centuries the sword had special significance. It was a symbol of warfare and of manhood. The Bible refers to it both directly and in many figures of speech. Mythology of many races and languages revolves around the sword.

Among modern men the gun is a sacred symbol. From earliest childhood little boys—and sometimes little girls, too—use toy guns or cock their fingers to invoke imaginary guns. "Rat-tat-tat-tat-tat," they shout as they dart in and out among the walls and hedges.

As boys mature into adulthood, the fantasy continues. Some use guns sanely and successfully for hunting or for organized defense either in police or military occupations. But behind the real world lurks the world of myth and fantasy. Beside the real gun there is the mythological gun—the great symbol of man's virility, his prowess in the fight and the hunt.

If Father won't allow the youth to have a gun he sneaks the use of somebody else's gun. And if a law is proposed that would require registration of guns, or a simple permit to use a gun, then there is a wave of fear and rage among men that transcends the real issues involved. The symbol, the token of aggression that extends back into earliest childhood is jeopardised. "They're going to emasculate me! They can't do this to me!"

The realities of the matter are quite simple. No gun law or proposed gun law would actually deprive sane and responsible men or even teen-agers of the proper use of guns. And the rigmarole of registration is far less annoying than that required of motor vehicle owners and drivers. But the myth—the symbol of prowess and virility—that's the thing that really sends 'em.

It is this emotional quality which enables the Nationl Rifle Association to keep a constant year-in and year-out campaign of lobbying and letter-writing going against gun laws. And when a surge of irrational emotion arises on the other side—as in the recent assassinations—the anti-gun-law boys shout "Hysteria! Panic! Now is not the time to act. Let's cool off and be rational!"

Eighty-five percent of the people are in favor of strong gun regulation. But the 15 percent are emotionally involved all of the time. With the 85 per cent there is a brief wave of emotion—and disinterest the rest of the time.

GUN LAWS NOT THE WORK OF THE DEVIL

Mr. DODD. Mr. President, the great debate on the form the proposed Federal firearms law now before the Senate should take does not lend itself to unanimous agreement.

The Congress itself has been at odds on the precise language of new laws.

This is as it should be. I would be uncomfortable with any proposition on which there was universal agreement.

But this difference of opinion should not be misread by Members of Congress.

It does not mean that the public does not want strong gun laws.

It does mean that the public wants a law that will catch up with the problem, legislation that will keep firearms out of the hands of the mentally, morally, and legally incompetent and at the same time deal swift and certain justice to the confirmed criminal; legislation that will disarm the criminal and give law enforcement effective tools to deal with crime in the streets.

The difference of opinion, this healthy debate, on the details of firearms control is evident at every crossroads in America.

But there is a concensus in all this debate. And that is the almost uniform agreement that tougher firearms laws are needed, and needed now.

That debate is apparent in the newspapers of America, the metropolitan dailies and the country weeklies.

I ask that a representative sampling of that debate, as published in recent editorials, be printed in the RECORD at the conclusion of my remarks.

And I ask my colleagues to take note that while there is debate on details, there is broad agreement that the Congress should be responsive to the wishes of the people that strong Federal firearms laws be adopted to set an example for the States with weak gun laws and enable all 50 States to more effectively enforce their own statutes.

Notice also that these published opinions express no fear that adoption of an effective Federal gun law would "disarm" the American people, nor is there any great concern over a possible, if not entirely imagined, inconvenience to the gun owner.

I ask my colleagues to notice that the bulk of the American people do not see the passage of a firearms law as a reasonable means of keeping guns out of the hands of criminals, psychotics, and juveniles as the work of the Devil.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Clearwater (Fla.) Sun, July 28, 1968]

WEAPON CONTROL MAY REDUCE GUN HOMICIDES

(By Joe Devlin)

Nothing is quite so predictable as the reaction of the National Rifle Association to any proposal to put any sort of controls whatsoever on the sale of firearms. The reaction is so predictable, in fact, that it almost appears that the obedient membership went through basic training with Pavlov's dogs.

The foundation of the NRA reaction is almost always the contention that somewhere back in the inner recesses of the evil minds which propose gun controls is the hidden determination eventually to ban hunting and the joys of target shooting.

An article in the August Reader's Digest suggests that the best indication of what would happen to hunting and target shooting after controls have been placed on firearms is to look at a country which already has gun controls.

In Great Britain a certificate must be obtained from local police before a person can own or buy a gun.

FEW VALID REASONS

Because few people can give a valid reason for wanting a pistol or revolver few certificates for them are issued.

Despite these rigid gun controls, however, Britain has 4,900 shooting clubs where valid sportsmen can indulge their desires.

A gun is a weapon of death and destruction and to permit them to be traded in the marketplace with virtually no controls is asking for a big bundle of trouble.

Pending current Congressional action, we still have virtually no controls on the purchase or transfer of guns. Just about anyone can walk into a store and buy a gun with few, if any, questions asked.

The Digest article points out that anyone who can write—be he child, felon, drug addict or lunatic—can order some sort of gun by mail and get it.

No reasonable person expects that the imposition of gun controls will stop murder by gun, but it is not unreasonable to expect a reduction in gun homicides.

TOO MUCH BOTHER

Effective but reasonable gun controls would eventually reduce the number of hand guns in private ownership because it will just be too much bother for many people to take the little effort required to obtain a permit.

The U.S. had 10,920 murders in 1966, and 60 per cent involved guns. It might be a shocking statistic if figures were available on the number of those murders occurred just because a gun was handily available to a person in a temporary fit of rage.

Few of us, truthfully, have any valid reason to own a hand gun. Probably thousands have been purchased with the idea of protecting one's home from intruders, but what is more useless than a gun in a desk or bureau drawer when a burglar is in the bedroom?

The ease with which convicted felons have been able to buy guns is ridiculous, and in that connection a skeleton has been found in the NRA's closet.

BUY UP SURPLUS

NRA members have long been granted a privilege not accorded to the majority of Americans in that they have been permitted to buy surplus guns from the armed forces.

Since the murder of Senator Robert Kennedy, however, the alcohol and tax unit of the Treasury Department has been somewhat more strict in checking applications. Result? More than 40 members of the NRA who had applied to buy guns were found to have been convicted of felonies.

Carl Bakal, author of the Digest article, points out that a meaningful law would be based on three recommendations of a U.S. Court of Appeals judge in Detroit in 1964: require permits for gun ownership or purchase, provide for gun registration while assuring the right of law-abiding citizens to own guns and ban the interstate mail order sale or delivery of firearms of any kind.

Until we get these reasonable limitations, the nation will continue to suffer under what Bakal calls the "strange and peculiar American plague that has swept our land—a plague of guns."

[From the San Antonio (Tex.) Express, Aug. 6, 1968]

Weapons Good Only for Shooting People Menace Whole Community

Death of Patrolman Richard Cuellar, 37, in a shooting incident outside city police headquarters called public attention to a set of fearful circumstances already well known by law enforcement officers.

The circumstances are these:

A small .22-caliber pistol, easy to conceal, is in wide circulation among irresponsible elements in this vicinity.

The weapon is low in price, from $6 upward, and lethal at close range.

It is not designed for hunting or target practice, but is highly effective against people.

Any person can obtain the model through mail order houses and pawn shops.

The cheap pistol, so readily available and priced within anyone's reach, poses a distinct threat not only to officers, but to the public in general.

Patrolman Cuellar was shot after a fellow officer had failed to discover the weapon on the person of a 14-year-old boy, who had been brought to the police station. The feature of easy concealment worked to the extreme disadvantage of police.

As a result of the altercation, the youthful gunman was also shot and killed, doubling the toll that the cheap .22 weapon imposed.

With police, sheriff and district attorney's estimates that hundreds of the small pistols are possessed locally, it becomes difficult to understand why the public must continue to face this menace. It is a condition beyond the argument of gun registration; instead, it is a situation that should be controlled at the source.

Citizens and their law enforcement agents are entitled to more protection under the law. Effective curbs against importation and sale of these light weapons could be fashioned, and a greater measure of order restored.

It should not become necessary for more persons to be killed before restrictive measures are taken. With cooperation of the legislature, the supply of these inexpensive mankillers can be sharply reduced, at least.

[From the Fayetteville (N.C.) Observer, July 27, 1968]

Gun Lobby Wins Again

It is now all too apparent that this session of Congress will fail to come to realistic grips with the urgent need for stricter gun control in America.

Although final action hasn't been taken by Congress on gun measures before it, votes that have been taken by both the Senate and the House make it clear that a ban on the mail order sales of rifles and shotguns as well as pistols is all this session will accomplish.

Obviously more in sympathy with the special interests of the National Rifle Association's gun lobby than shocked or saddened by the tragedies stemming from the uncontrolled traffic in guns, Congress has for all practical purposes killed proposals for registration of guns and licensing of their owners.

This is not the first time, and it won't be the last time, that Congress has put the particular interests of a few above both the wishes and the needs of the great majority of the people of the country.

However, in view of the terrible toll assassins have taken in this country in recent years and a growing unrest in the nation which continues to spark such bloody outbursts of gunfire as that in Cleveland only a day or two ago, Congress' failure to live up to its responsibilities in this matter seems unusually deplorable.

Enactment of gun registration laws would not, of course, be a cure-all in efforts to curb crime and violence in the country any more than it would be an infringement on the constitutional right of American citizens to bear arms, as some people have been misled into believing.

All the people, however, have the word of the nation's law enforcement officers from FBI Director J. Edgar Hoover on down that a registration law would be an invaluable tool in waging what now appears to be a losing fight against crime. And a registration law could not fail to keep easily concealed guns out of the hands of some criminals and mentally disordered people, lessening dangers to all law-abiding people and the pace of the "arms race" here at home.

Extending the mail order sales ban to rifles and shotguns as well as pistols as a result of the assassination of Sen. Robert F. Kennedy may be better than nothing. With people dying from gunfire in this country at the rate of one every half hour, however, it is clearly not enough.

[From the Philadelphia (Pa.) Inquirer, Aug. 20, 1968]

Target: A Trainload of People

The senseless killing of a commuter and wounding of another on a moving Long Island train by a sniper hiding in the bushes beside the tracks must be especially shocking to all train riders everywhere.

Certainly there are few commuters in the Philadelphia area who have not at one time or another heard the glass of a nearby window shatter as a stone or some other missile came hurtling through. The offenders, in most cases, are boys who hurl rocks or shoot air rifles at the passing cars. In this case, however, a sawed-off 30.06 caliber rifle was used and instead of minor injuries and fright one victim is dead, shot through the head, and the other is suffering from a painful arm wound.

Suspect in the case is a 16-year-old boy, who liked to dress up as a fireman and who was wearing a shirt with a Civil Defense emblem on the shoulder when arrested standing by the railroad tracks near the point at which the shooting was done. Only a psychiatrist perhaps would dare to analyze the irresponsible notions that might motivate a teen-ager to use a weapon in this manner.

The suspect is apparently like so many who have figured in sniping incidents, a quiet young man with no striking outward evidences of emotional instability. Why would any 16-year-old deliberately shoot at a train, even without intent to kill or injure? How did the sawed-off rifle fall into the hands of a boy in the first place?

If all rifles were registered by law and their owners required to meet reasonable standards of responsibility it seems unlikely that this tragic incident could have occurred. It is just one more of the endless list of cases indicating the desirability of strong measures aimed at keeping firearms out of the hands of the immature and irresponsible.

[From the Albany (N.Y.) Knickerbocker News, Aug. 20, 1968]

How Many Must Die?

And the shooting goes on.

Latest victims of the current "guns for everybody" philosophy are the father of three small children, who was killed by a sniper's bullet as he rode a Long Island Railroad commuters' train, and a dredge worker, who was wounded.

The suspect is a 16-year-old youth described as a loner and self-styled "auxiliary fireman" who likes to wear uniforms—certainly not exactly the type to be entrusted with guns without some sort of check. But under the warped "right to bear arms" philosophy so dear to the National Rifle Association and its large clique, it's as easy for such individuals to obtain guns as it is for them to buy a loaf of bread.

Just as this latest tragedy will—and should—result in new demands for effective gun control legislation, we can expect the gun lobbyists and their dupes to drag out their familiar threadbare arguments ("every citizen has a constitutional right to bear arms", "the victim could have been killed just as well by a knife or a hammer", "it's people who kill—not guns") ad nauseum.

The facts are, as any informed citizen well knows by now:

The courts have ruled that no citizen automatically has a right to possess a gun. A gun is made to kill and it is the most effective weapon for killing from a distance. Snipers don't throw knives or hammers. And if it's people who kill, and not guns, then it's obvious that ownership of guns by people should be regulated.

The most effective and fair means of control would be registration of all guns and licensing of all gun owners and users. No, this probably would not prevent all murders and other crimes with guns, any more than universal automobile registration and driver licensing have prevented all car thefts and crimes involving the use of cars. But does this mean we just give up and give in to the gun lobby and not even make the effort? Then why have any laws?

It is most revealing that those who are braying the loudest for "law and order" (example, South Carolina's Senator J. Strom Thurmond) are in the forefront of the opponents of effective gun control, although logic would indicate that the opposite would be the case.

Could it just be that their "law and order" cries (which never seem to include demands for "justice") are thin covers for hypocrisy and racism?

How many more innocent victims must die before Congress musters the courage to defy the gun lobby and pass a truly effective gun control law?

[From the Vancouver (Wash.) Columbian, July 15, 1968]

Grim and Realistic

New York State and Britain have figured in several recent letters to the editor on the subject of gun controls. Writers on both sides of the gun issue thought they saw evidence in these two places to support their arguments.

It might be helpful to readers to cite some statistics on gun fatalities in New York and Britain. What follows is based on figures presented by Sen. Joseph Tydings, D-Md., when he introduced his proposal for gun registration in the Senate on June 12.

New York was one of five states cited by Tydings as examples of strong gun control laws. New York's Sullivan law, on the books since 1910, requires a license for possession of any hand weapon. For the period 1962–65, New York's gun homicide rate was 1.53 deaths per 100,000 population. The other four tough-law states were: 1.39 for Pennsylvania, 1.32

for New Jersey, 0.85 for Massachusetts and an amazing low of 0.34 for Rhode Island.

These rates compare with about 2.8 deaths per 100,000 for the nation as a whole.

The contrast is even sharper when these states are compared with states with weak gun control laws. Among states cited by Tydings, Nevada had 7.1 gun deaths per 100,000, Mississippi had 6.9, Texas had 6.3, Louisiana had 6.1 and Arizona had 4.1.

New York's gun death rate thus was slightly more than half the national rate and less than a fourth the rate of four of these weak-law states.

Britain makes New York, and even Rhode Island, look like the wild, wild west. In 1963, Britain had an almost unbelievably low 0.05 deaths per 100,000. The U.S. rate was 54 times greater that year!

Gun laws don't account for the only differences between the United States and Britain and between New York and Mississippi, but statistics as dramatic as these at least suggest that gun laws might help save a life here and there.

J. Edgar Hoover thinks so. "There is no doubt in my mind," he has written, "that the easy accessibility of firearms is responsible for many killings, both impulse and premeditated. The statistics are grim and realistic. Strong measures must be taken, and promptly, to protect the public."

[From the New Brunswick (N.J.) Home News, July 16, 1968]

Scouts Change Policy on Guns

News that the Boy Scouts of America are considering stricter policies toward guns has to be regarded as encouraging.

Marshall Monroe, administrative assistant to the chief scout executive, says that the marksmanship merit badge may be abandoned. And he discloses that Boys' Life, the scout mazagine, is changing its advertising policy on guns. No longer will guns be permitted to be advertised as sales premiums. And gun advertisers are being notified to stress safety in their copy, with no guarantee that the copy will be run.

Monroe says that only a small number of letters have reached Boys' Life protesting gun advertisements in the July issue. The ultimate decision on gun policy in Boys' Life is to be made by the national board of Boys' Life executives in October. Perhaps by that time the magazine will have heard from a considerable number of readers.

[From the Johnson City (Tenn.) Press-Chronicle, Aug. 8, 1968]

What Other Editors Are Saying—"A Bitter Lesson": The Cleveland, Ohio, Plain Dealer

There is a bitter lesson for all America in the story of the deadly sniper attack on Cleveland policemen, a lesson about guns.

Federal firearms control laws so far enacted or contemplated fall far short of what the country needs.

The snipers who shot the policemen were well armed. They had both handguns and long guns, the latter including shotguns and rapid-fire military type weapons. They had plenty of ammunition for all guns.

No law now on the books makes it impossible for a dangerous person to obtain handguns, shotguns, ordinary rifles or even semiautomatic weapons such as those used by the Cleveland snipers.

The fully-automatic guns which police said were used in the East Side shootout were another matter, however.

Such rapid-fire weapons are meant for military use. When they show up on the home front, it is evidence that the users have avoided federal surveillance and violated federal law. The law requires those who possess fully automatic weapons to be registered through the payment of a $200 ownership transfer tax and the posting of a $5,000 surety bond.

That modern military weapons could be, and were, used by snipers to gun down Cleveland policemen is one shock for Americans.

That members of Congress, only a few hours after the Cleveland violence, could act favorably on only the mildest sort of gun control legislation, is a second shock.

The similar bills approved by the House of Representatives and the Senate Judiciary Committee are weakened versions of President Johnson's proposal to prohibit the mail order sale of rifles, shotguns and ammunition.

The House measure contains large loopholes. Its ammunition clause refers only to bullets for handguns, not rifles and shotguns. Among other things, it exempts shipments from the National Board for Promotion of Rifle Practice to persons enrolled in the million-member National Rifle Association.

It can be said that even with its exceptions, the House bill is welcomed. It does, after all, provide at least a little more restriction on interstate traffic in guns and ammunition.

It does not, however, provide the strong control the nation needs.

Clearly and forcefully, Americans—and Clevelanders—must bring that fact to the attention of those who represent them in Congress.

[From the Greensboro (N.C.) News, July 26, 1968]

The House on Guns

The House of Representatives apparently is paying more attention to the National Rifle Association and other lobbying groups than it is to the American public. The people want gun-control laws, and strong ones, as they have revealed year after year in poll after poll. The lobbyists want the weakest gun laws possible. In the controversy over pending gun legislation, the lobbyists seem to be winning.

Consider, for example, one of the many proposed amendments to the bill halting mail shipments of long guns. The amendment exempted "licensed collectors"—people who sell guns as "relics and curios," according to the Associated Press—from the ban; they would be allowed to buy and sell their "curios" in interstate commerce.

It was pointed out in the debate, quite properly, that almost anybody can become a "collector" by paying a small fee for a license and declaring that he "intends" to buy and sell guns as "curios." The amendment seemed designed to swell the ranks of "collectors" many times over. The amendment was approved, 99 to 56.

Time and again, the House has voted in weakening amendments and voted out tough but reasonable restrictions. Another exemption was voted for something called the "National Board for Promotion of Rifle Practice," which apparently spends its time shipping ammunition to high-school gun clubs. Still another exemption was the removal of shotgun shells and .22-caliber rimfire bullets from the ban on interstate shipment of ammunition. On the other hand, the bill to register guns and license their owners was shot down.

The House has made appallingly clear that it simply is not interested in drawing up a strong gun-control law. Its members babble on about "law and order," yet they seem utterly oblivious to the fact that guns were used to violate "law and order" in Cleveland on Tuesday night—that guns have been the principal weapons in every major riot.

It seems to be the belief of the House of Representatives—or at least of a majority of its members—that the way to uphold "law and order" is to place a gun in every citizen's hands. That is the only way we can read the record of its actions this year on gun control. It is a shabby record.

[From the Florence (S.C.) News, July 18, 1968]

Guns and Murder

Recently released Federal Bureau of Investigation statistics accords South Carolina another dubious distinction. Among the 50 states, the Palmetto state ranks second in the number of murders committed per 100,000 population.

South Carolina with 11.6 murders and nonnegligent homicides per 100,000 population was second only to Alaska which had a 12.9 rate.

By way of comparison, the rate in New York state was 4.7; Ohio, 4.5; Illinois, 6.9; Pennsylvania, 3.2; New Jersey, 3.5; Connecticut, 2.0; Iowa, 1.6; Massachusetts 2.4; and Oklahoma, 5.5.

Obviously stricter gun laws will not keep murders from occurring, but the statistics indicate that they occur less frequently in states that do have more rigid gun control laws.

[From the Huntington (W. Va.) Advertiser, July 30, 1968]

Laws Could Check Killings

The argument that a person bent on murder will carry it out regardless of gun control legislation is contradicted by the evidence found in an extensive study.

Franklin E. Zimring, assistant professor of law at the University of Chicago, investigated more than 1,400 homicides and 22,000 assaults during 1965, 1966 and 1967.

His report from records of the Chicago Police Department showed that 78 per cent of the killings resulted from quarrels growing out of domestic problems. Sex and liquor were common factors.

A knife as well as a gun was often used by a person resorting to violence to settle an argument.

Seventy per cent of persons killed with a gun were shot only once, although it would seem that anyone determined to end a life would resort to multiple wounds.

There were five times as many killings with guns as with knives. Usually a person stabbed to death was wounded several times.

The professor concluded from his study that reducing the number of guns to which people have easy access would also reduce the number of killings.

Unquestionably keeping guns out of the hands of irresponsibles such as dope addicts, habitual criminals and the mentally unstable would save many lives.

It's true that, no matter what laws may be in effect, some of these people will manage to get firearms, but the fact that a statute is never fully effective is no justification for not enacting it.

[From the Florence, (S.C.) News, July 13, 1968]

The Arguments of the Antis

Opponents of gun control legislation have loosed a flood of phony arguments that only confuse the issue. Threats of a Senate filibuster—for which Sen. Strom Thurmond is a vocal spokesman—are in strange contrast to the sharp criticism of the prevalence of crime from these same ardent opponents.

No one in his wildest obsession for gun control laws is arguing in favor of laws designed to confiscate guns.

No one would infringe upon the right of hunters and sportsmen to own guns. No one seeks to withhold the right of arms possession by any responsible person.

Nor does anyone believe that strict control of the sale and possession of guns will eliminate all crime.

What legislation seeks to do is to give state and federal authorities uniform opportunity to know where the guns are, by registration of all weapons; to know who buys guns and under what circumstances; to prevent guns from getting into the hands of persons whose known record creates doubt as to their purpose in owning them; to correct a condition which makes having the purchase price of a gun the sole qualification for ownership.

A favorite argument of opponents of control is that 'guns don't kill people, people kill people." The truth is that guns don't kill people, except in the hands of people who use them for that purpose.

Some who should know better point to deaths caused by automobiles to support opposition to strict control. This is a real phony. The function of an automobile is not to kill. But that is what guns are for. Even so, using their own argument, the registration of automobiles, which are not built to kill, is required, while the registration of guns, which are built to kill, is not.

Some argue for unrestricted sales and possession of guns as a protection against anarchists. But that is a function of the armed forces, state and national. Armed vigilante groups are an invitation to anarchy.

Some point to Article II of the Bill of Rights as a constitutional guarantee protecting the right of citizens to bear arms. But the right was related to the need for maintaining a militia at a time when neither state nor federal government maintained large and well-equipped armed forces.

The only valid argument concerns whether gun control laws should be state or federal. But even that breaks down in the face of the enormity and extent of the crime problem. The fact is that states have laws—many of them weak and unenforced, that they vary from state to state, and that this lack of uniform control renders the system of state control weak and ineffective.

The states need their own laws, they need them enforced. But the nation needs some uniformity of control to insure against weaknesses on the state level, whether that weakness be in the law itself or its enforcement.

Legislation is not the final answer. The final answer is people. Yet failure to legislate when the people are failing is not the act of a wise Congress.

[From the Greensboro (N.C.) News,
July 6, 1968]

A Good Day for Gun Toters

Whatever the offenses of Sirhan Sirhan, the accused assassin of Robert Kennedy, his brother Saidallah Sirhan is by all evidence an honorable man, though to his misfortune unemployed at the moment. To his additional misfortune, he was the target of would-be murderers on July 3. Two cars, he reported, hemmed him in on a California highway and their occupants fired at him. Police in Pasadena subsequently removed two .38-calibre bullets from his car.

The third of July was a good day for gun toters. In New York City, a person who lived in a room decorated with pictures of various Nazi heroes wandered into a ladies' rest room in Central Park and shot a woman to death with his .45-calibre pistol. Then he shot an 80-year-old man in the back, and seriously wounded two policemen before he was killed. No one can guess how many New Yorkers were lucky that the day was overcast, for his shoot-'em-up took place in an area usually crowded with playing children.

Gun control laws, of course, won't solve little problems like this. After all, as the National Rifle Association keeps reminding us, "people, not guns, kill people." What we need to do is not to keep guns away from people, but to keep people away from people. A national detention center, with everybody in it, might be the answer, or some special device on guns that only lets them shoot when the target deserves to be killed.

Somehow, nonetheless, we rather suspect that gun control might not be a bad idea—at least as a temporary measure, until people learn to choose their targets with more discrimination. People do kill people, but guns make the job a lot easier. Those self-styled avengers of Robert Kennedy—a man who passionately favored strong controls on guns—might not have taken their pot shots at Saidallah Sirhan if the law had been sterner, for they might not have been able to get guns. That sportsman who went on his bizarre and tragic spree in New York might not have possessed that pistol if the ban on mail-order sales of handguns had gone into effect earlier.

We're just like the National Rifle Association. We don't think gun control will solve all the nation's problems either. But we do think gun control would make it a good bit more difficult for people to go about their killing ways so merrily, and until the peaceful millenium arrives we will gladly take gun control as a substitute.

[From the Terre Haute (Ind.) Tribune,
Aug. 3, 1968]

We Still Need Gun Law

The assassination of President Kennedy, for all its profound traumatic effects, was not a sufficient stimulus to counteract the work of the gun lobby and prod Congress into enacting strong gun control legislation. The assassination of his brother, Sen. Robert F. Kennedy, has now also failed to provide the necessary impetus to force passage of such law.

One might argue, perhaps with a touch of cynicism, that this is as it should be—that isolated events of this kind do not in themselves warrant passage of effective federal law curbing the sale and possession of firearms. The argument has some merit if taken at face value. Clearly, the murderous acts of two men—political fanatics, psychotics, call them what you will—are not in themselves a satisfying argument for such legislation.

The essential point ignored in this outlook is that the assassinations—and additionally the shooting of Dr. Martin Luther King, Jr.—cannot be considered out of context. They merely dramatize the atmosphere of violence which infects American society, and whose manifestation is fostered by the loose controls we exercise over the scores of millions of guns possessed by citizens. The point made by the more reasonable advocates of firm gun control is not that this would prevent political assassinations, but that in due time such law would tend to put a damper on use of the gun as the "great equalizer."

The phrase, significantly, is still advanced by gun control opponents as an argument for their viewpoint. The fact is that this concept tends to undermine the whole rationale of virtually uninhibited access to guns. For the gun is indeed the "great equalizer," in the unintended sense that it enables one madman to destroy a great leader and disrupt a nation. Congress has again, in large part, bowed to the will of the gun lobby. The matter must be taken up again early next year when the new Congress convenes. The need for firm, sensible gun controls remains.

[From the Pittsfield (Mass.) Berkshire Eagle,
Aug. 9, 1968]

On Gun Controls, GOP Has Been Had

The Republicans' failure to insert a credible gun-control plank in their platform represents more than a setback for Massachusetts Attorney General Richardson and Congressman Conte—though it surely is that.

It represents a perversion of the GOP's time-sanctioned championing of state and local governments as against the federal establishment. It is a twisting of sound political doctrine to unsound ends.

Republicans are right in pointing to the many governmental functions that are better handled in state capitols and city halls than in Washington. First, responsibility for schools, crime prevention and correction, public safety, public works, health services and natural resources is not normally exercised by the federal government, and this is fine. The several states have different problems in these fields. Moreover, a burgeoning central government perpetrates inefficiencies through sheer bulk.

But this does not mean that Republicans must battle against each and every extension of federal power. It does not mean that Washington should be barred from a role in activities like gun control, which to be effective must overlap state boundaries.

This is a point of particular interest in our state, which last month enacted one of the stiffest firearms-control laws in the nation. Under the law, anyone owning a firearm or buying ammunition after the first of next year must show an identification card issued by his police chief or the state commissioner of public safety. The statute also requires registration of every new gun sold in the state.

The big loophole in the law is that it applies only in Massachusetts. Persons who wish to evade the identification or registration provisions need only skip over to Vermont, New Hampshire, Maine, or indeed, to almost any other state. For this reason, state and local gun regulations can never work well by themselves.

The point is clear enough to the National Rifle Association which agrees with the Republican platform that "primary responsibility" belongs to the individual states. The NRA knows that a crazy quilt of state regulations in this field spells weak regulation.

So in their insistence upon states' rights to control guns, the GOP is playing into the hands of a self-serving lobby with a record of frustrating the will of the majority. It is a temptation bright Republicans will beware.

[From the Philadelphia (Pa.) Bulletin
Sept. 8, 1968]

Congress and Gun Registration

The nation's gun lobbyists have apparently won part of their fight, for this session of Congress, at least. They have been aided by the lull caused by the Congressional adjournment for the party conventions and the rush of the legislators now to get home to campaign.

Nothing which has happened over the summer—the murder of police; the attacks with pistols, rifles, shotguns and even machine guns; the almost daily seizure, somewhere in the country, of caches of illegal arms—none of these nor the "ordinary" crimes of violence by the gun seem to move legislators to take the stronger regulatory measures President Johnson has called for: Word from inside Congress is that registration and licensing of firearms is dead.

Gun legislation now on the Senate floor nearly approximates that already passed by the House. Each would bar interstate shipment to individuals of rifles and shotguns, adding to earlier restrictions on hand guns. For even that much, half a loaf is better than no bread.

Licensing requirements for gun owners is needed to deny legal access to weapons to criminals, dope addicts, alcoholics and the mentally ill.

In this nation, where licenses are required for dozens of legitimate uses, and generally accepted, it is somewhat incomprehensible that objections can be made to registration of lethal weapons.

[From the Asheville (N.C.) Citizen,
Aug. 23, 1968]

Gun Imports Should Be Halted

The Omnibus Crime Control Act passed by Congress prohibits the importation of cheap, small-caliber handguns. These are the

"Saturday night specials" that are a favorite of holdup men. Unfortunately, however, the ban does not go into effect until December 15th.

Since the President signed the bill, applications have poured into the State Department for licenses from importers who hope to stockpile large quantities of these guns before the December 15th deadline. Applications to import about 400,000 pistols have been filed.

The State Department has withheld approval of the applications thus far on the ground that the Department of Justice has raised questions about their legality, but it is a question how long approval can be legally delayed.

Senator Dodd of Connecticut has introduced an amendment to the Administration's gun control bill, which would move up the effective date of the import ban.

Whether the Dodd proposal is passed as an amendment to the Administration's gun control law (which would stop mail order sales of shotguns, rifles and ammunition) or as a separate bill, the speedup should be approved. It is ridiculous to ban handgun imports into the U.S. and then let importers stock a huge supply before the law takes effect. Congress should halt this flood of cheap gun imports as soon as it reconvenes.

[From the Green Bay (Wis.) Press-Gazette, July 25, 1968]

Half of a Gun Control Bill

Congressmen were quite right in being skeptical of some of the blanket demands for stricter gun controls after the death of Sen. Robert Kennedy. Legislation enacted in the heat of emotion seldom is adequate or is merely a form of over reaction.

But the failure of the House to include gun registration or licensing in the bill against interstate shipment of rifles and shotguns approved Wednesday was simply callous. We can interpret the votes only as reaction to the well organized gun lobby and to election day worries over pretty hysterical opposition to any kind of gun restrictions.

As we have said repeatedly, sound gun laws would not handicap the hunter any more than sound automobile regulations handicap the car owner and driver.

Stricter regulations could not end all murders, by guns or otherwise. But the statistics comparing states with regulations to those without and comparing other countries with regulation to the United States ought to have been evidence enough to congressmen that stricter regulations could cut the numbers of murders, robberies and other crimes in which guns play a part. There may be other factors involved, but the United States has a homicide rate 50 times higher than that of Great Britain which has strong gun laws.

Some congressmen now suggest that gun laws more properly belong in state statutes than federal. But insisting that regulating guns is only a state matter makes little sense. The dangers from criminal use of guns are much higher in urban areas. States with largely rural populations or those with concern mainly for their own hunters probably would not pass strong laws. Obviously, this could mean the bootlegging of guns or the smuggling of them over state borders as Wisconsin residents did with oleomargarine for many years.

As things now stand, the majority of Americans who have been recorded in polls as wanting sensible regulation of weapons probably will have to settle for only the addition of a ban on interstate shipment of rifles and shotguns to the similar ban on handguns provided in the new anti-crime law. But there can be no conclusion that Congress has done its job. The sniping at police on the streets of Cleveland Tuesday night provides another terrible example of the need for action.

The search for agreement on a workable means on keeping guns out of the hands of those who should not have them must continue. It is an effort in which the law-abiding citizen who uses a gun for hunting should join.

[From the Columbia (Mo.) Tribune, July 17, 1968]

Gun Registration

The objection to gun registration that is heard most often is that the government will use the information to come around and impound everybody's firearms.

The only word for such a line of reasoning is ridiculous.

What sort of paranoia is it that prompts people who otherwise appear rational into an expression of such patent nonsense? It is this apparent loss of equilibrium among gun registration opponents that is so puzzling. These are the same people who cooperate readily in the other individual statistics kept at all levels of government. They can find no potential Nazism in auto registration or birth records (which—horror of horrors—include footprints!). They do not view a government which keeps records of property ownership as a modern day black hand society (are we to expect its minions to show up one dark and sinister night to commandeer our property right out from under us?). They are willing to identify themselves as the legal purchasers of narcotic drugs, as registered operators of motor vehicles and as holders of social security numbers (which seems to make us register just for being alive!).

In short, they keep their cool until someone mentions signing up to legally buy a gun, and then they go ape!

Surely the only people by now who don't know that guns in private hands are the instruments of daily illegal violence are hermits, and we are not too concerned with them. The people who are to be feared are the millions who walk around with guns stuck under the armpits, in their bedside tables, behind their counters or under the seat of their cars. America is unique in the inclination of its citizens to make daily companions out of lethal firearms.

Registration of guns would no more spell an absolute end to their misuse than auto registration guarantees good driving or laws against murder dispels homicide. But it is even less likely to result in the sudden transformation of the United States government into an agency of illegal search and seizure.

The bald fact is that it would not be legal for the government to take away anybody's gun without due process of law. Our right to legally own a duly registered firearm would enjoy the same constitutional guarantees that now protect our right to own other pieces of property. These guarantees could not be whisked away by lawmakers who see fit to provide for official records documenting gun ownership.

No, the gunnies will have to do better than that. They will have to make their case based on the fact that gun registration will have no beneficial effect on the misuse of firearms, and the possibility of this is nil.

Sooner or later the Congress will wake up to what the majority of Americans already knows—that guns are weapons of human destruction of such potency that their indiscriminate and subrosa ownership cannot be allowed to continue.

[From the Rapid City (S. Dak.) Journal, July 28, 1968]

The House Bill on Guns

Despite persistent complaint that gun control legislation is being pressed in an atmosphere of hysteria, action by the Congress seems to be deliberate and along the lines of compromise.

On Wednesday, the House of Representatives passed a bill banning mail order sales of rifles and shotguns, and similar action was approved by a Senate committee.

The House decided also to ban interstate mail shipment of pistol ammunition. But it exempted rifle and shotgun ammunition. It also approved provisions to exempt guns shipped for use in programs sponsored by the National Board for the Promotion of Rifle Practice; it will permit out-of-state hunters to buy new guns if theirs are lost, stolen or damaged during hunting trips; and it will make anyone using a gun to commit a felony liable to additional imprisonment after serving time for the felony.

While nowhere as restrictive as some proposals, the House bill recognizes the need for more controls than now exist.

Nothing contained in the House bill can be labeled totally unreasonable, although one might ask why long arms are banned from shipment but ammunition for them is not.

For those chary about gun legislation, comfort can be found in the amendment providing additional imprisonment for using a gun while committing a felony.

While not acceding completely to the wishes on either side of the gun argument, Congress is finding some middle ground. It recognizes the vocal anti-gun control faction is balanced by a measured majority of the general public who since 1959 have favored a law requiring a person to get a police permit before he or she could buy a gun. According to the most recent Gallup Poll on such a law, 73 per cent said yes.

The middle position recognizes that existing gun control laws are not solely responsible for violence in America. Those in the middle also do not believe guns should be confiscated. And they don't believe new laws would prevent a man from committing murder by gunshot or deter a real criminal from obtaining firearms.

But those in the middle do believe that if a mental defective, a drug addict or a juvenile could not send for a rifle through the mail, lives might be spared. And lives also might be saved if a person emotionally upset could be prevented from running to a store and buying a gun on the spur of the moment.

Congress is aware of these fatal loopholes. The House bill at least helps. South Dakota's two congressmen are recorded as voting for the mail order ban on long guns together with the amendments. E. Y. Berry and Ben Reifel acted in the interests of everyone by their votes.

[From the Pittsburgh (Pa.) Post-Gazette, Aug. 14, 1968]

Cities Adopting Gun Registration

In an effort to exert more meaningful controls over guns, some American cities are enacting their own registration programs. Penalties range up to a year in jail with fines of $500 possible as well. So it is clear that these programs have teeth.

New York City residents are now required to register rifles and shotguns under a bill that became effective in February. The registration deadline was this past Tuesday.

San Francisco's Mayor Joseph Alioto was so revolted by the assassination of Senator Robert Kennedy in Los Angeles that he pressed City Council to pass an ordinance requiring registration of all pistols, rifles and shotguns before October 1. At the Mayor's urging, citizens voluntarily turned in 2,000 weapons without questioning—a striking demonstration of popular anti-gun sentiment. Under the ordinance, any sale, gift or transfer of a weapon must be reported to the police. The law's constitutionality was challenged by an association of gun clubs. A superior court judge ruled that there was no conflict with federal and state constitutions.

Toledo, Ohio, has just approved a bill requiring anyone buying firearms to obtain a $3 identification card bearing his photograph.

All these programs attempt to keep a closer watch than formerly on firearms within the jurisdiction of these respective cities. Obviously these communities felt the need for this protection or they would not have passed the necessary bills. Yet these measures are at best halfway methods of control. Illegal acquisition of weapons from other neighborhoods can be expected to thwart their effectiveness.

These cities are to be complimented for trying to reduce the easy availability of weapons, but gun registration is an issue of national concern requiring implementation at the federal and state levels. Pennsylvania's own gun registration bill is dormant in the state Legislature. Federal registration lies in the indefinite future. The prospect for passage of either state or federal bills is slight without an increase in popular pressure.

[From the Hackensack (N.J.) Record, Aug. 13, 1968]

LOCAL CONTROLS CAN HELP

Where the United States Congress and the River Vale Township Committee failed maybe the City of Passaic can succeed.

Mayor Pinck of Passaic first announced publicly that he intended to introduce a really tough gun control ordinance. There were protests. Now the unanimous City Council has expressed support for the legislation. The protests are a little louder.

The ordinance is to be introduced this coming Thursday night. In River Vale the Township Committee got past that stage due in part to absence of one committeeman. The River Vale ordinance was killed 3–2 after the subsequent public hearing. It was stormy.

The signs in Passaic are more promising. The present Passaic Council was elected last year to a 4-year term. That means there will be no regular election for the members of the council to face until 1971.

This provides time that neither Congress nor the River Vale Committee had. All the Representatives face the electorate this fall, and in River Vale two members of the 6-man Township Committee are elected each year.

Such considerations may be philosophically irrelevant to the question whether we should have gun controls that really control, but men in elective office sometimes don't think so. And a crowd of 100 or 200 at a meeting is impressive, even when 100 or 200 votes aren't very many at an election.

The Passaic plan is like the one defeated in River Vale. It would call for registration of all guns in the city and provide that any resident henceforth needs a municipal permit to buy a gun.

The opponents of gun controls don't like such measures, but they do make sense. The members of the Passaic Council are acting courageously in the public interest in backing the strong ordinance proposed by Mayor Pinck.

Of course municipal controls are not enough, any more than municipal pollution controls are enough. But Passaic could make a start, and Passaic's officials are to be commended and supported for their willingness to do what a municipal governing body can do. They're going to have an audience a lot bigger than Passaic.

[From the Bristol (Va.) Virginia-Tennessean, July 27, 1968]

CONGRESS IGNORES A VITAL CHALLENGE

The House, buckling under pressure mainly from the powerful gun lobby, on Wednesday passed a watered down gun control bill.

But already by Tuesday night a violent outburst in Cleveland had left 10 dead and 19 wounded in three hours of sniper fire.

Obviously, if the House and Senate had already passed and the President had signed into law, the strongest gun control legislation conceivable, it would probably have had no effect on the Negro snipers in Cleveland.

But the tragedy is that under the bill passed by the House and awaiting action by the Senate in September, there isn't much to deter more snipers—Negro or white—from arming themselves and firing at will.

The House bill would impose restrictions for the mail order sales of rifles, shotguns and ammunition as companions to the restriction of mail order sales of handguns provided in the recently enacted crime control act.

Also, the House bill restricts the over-the-counter sale of guns to nonresidents who do not live in a bordering state—but even that provision is riddled with loopholes.

Under a last minute amendment tacked onto the bill, a non-resident can buy a gun over-the-counter by signing an affidavit to the effect that his own weapon has been stolen, lost, or is inoperative and the dealer will then notify the purchaser's police department of the sale.

The House would have been wise to scrap the whole section on over-the-counter sales rather than tack on a provision which invites widespread violation.

Where the bill fails—and why there is still nothing to deter more sniper fire or more domestic gun violence—is in the fact it does nothing to limit the circulation or accessibility of guns.

There is little reason to expect that the Senate will do more and the final gun legislation enacted into law will amount to nothing more than empty motions on the part of Congress.

We have never advocated and still don't that the nation should be disarmed, but through the experience of several violent summers and ever spiraling crime rates, it is obvious that a segment of our society should be disarmed.

Realistically, a strong gun control bill would not make it impossible for the would-be sniper, the airplane hijacker, the bank robber, or any other criminal to get a gun.

But a strong bill would make it more difficult and that is about all we could hope for. For instance mail order sales should not be restricted but banned; registration and licensing should be required of all gun owners because, regardless of the arguments of the National Rifle Association, this would not lead to mass disarmament; and over-the-counter sales of guns should hinge on the purchaser's intention in buying the weapon and the intention should be part of the vital information on the registration form.

None of these provisions are included in the House bill. We can only hope the Senate will rise above tremendous pressure but that is doubtful.

Meanwhile, Congress so far has done nothing to protect the nation from the insanity of too many guns which are too easy to obtain.

[From the Huntington (W. Va.) Advertiser, July 18, 1968]

NUMBER OF MURDERS SHOWS URGENT NEED OF GUN LAWS

Some of the most determined opponents of proposed gun control laws seem to base their opposition on at least two misconceptions:

1. That registration and licensing of guns would be the first step toward confiscating them, as Hitler did in Germany.

2. That criminals would violate the laws and murders would continue as usual.

Certainly there is no more justification for assuming that American officials want to confiscate guns than there is to think they would launch a campaign of conquest and persecution, as Hitler did.

Resort to this absurd comparison demonstrates the weakness of arguments against gun control legislation.

There is no comparison between the President of the United States and the maniac Hitler. Nor is there any comparison between Hitler and any man on the national political scene who by the widest stretch of the imagination might become president.

The argument that some future American dictator might use the registration of guns as a means of confiscating them has no validity whatever in the light of present or foreseeable conditions.

Other countries besides Germany have had strict gun control laws and have not used them as a means of moving in to confiscate any weapons.

Those advancing the Nazi confiscation argument seem to forget that a great many high state and federal officials are sportsmen who own guns and use them for hunting.

It's not likely that they would ever favor any proposal for confiscation.

There is no logical justification either for the argument that gun control laws would be violated by the criminals and therefore they should not be enacted.

No doubt every criminal law has been violated at some time. A great many of them, including those against murder, are violated every day.

But that is no reason for not having laws against assault, robbery or murder.

The more violence there is, the more need of stricter laws against it.

Certainly the average of 125 murders a week during 1966 and the 121 homicides and 40 suicides during the week ended July 14 justify some means of trying to reduce violent deaths.

The urgent need of regulations to prevent weapons from getting into the hands of reckless people was made clear by the trivial nature of some of the arguments leading to killings.

In one case two women were arguing over a dish of ice cream. In another two men argued over what records to play on a tavern juke box.

The number of suicides also justifies legislation to keep firearms away from the mentally unstable.

The sole purpose of licensing for the purchase of guns is to keep them out of the hands of irresponsibles such as alcoholics, dope addicts, criminals and the mentally ill.

The primary purpose of registration is to enable officers to trace a firearm with which a crime has been committed. The registration fee should be large enough only to cover the cost. It should not be large enough to work a hardship even on those owning a number of guns.

Extensive efforts have been made for years to try to reduce deaths from automobile accidents. There is no valid reason why fair legislation should not be enacted to reduce killings with firearms.

The experience of other countries and of states in this country where controls exist indicates that proposed laws would materially help without causing anyone serious inconvenience.

[From the Honolulu (Hawaii) Advertiser, July 24, 1968]

THE FIGHT WILL GO ON

That Congress now apparently will refuse to adopt significant gun controls at this session does not weaken the case for such controls.

The fact is, gun control legislation has been done in by the National Rifle Association lobby, using specious arguments.

In the first flush after the assassination of Sen. Robert F. Kennedy, it appeared that aroused public opinion might at last impel Congress to act.

But the NRA's counter-campaign was all too effective. Now with Congress hastening to adjourn and the presidential campaign in the offing, the NRA obviously hopes the drive for legislation will die out.

There is a risk that some citizens will relax, but others will not rest. Gun control will be very much an issue in the next session.

In two previous editorials we have reprinted some of the arguments against gun control used by the NRA and the replies to those arguments from the Hawaii Committee for Effective Gun Control Education. The Hawaii committee is affiliated with a national organization.

Today, we conclude publication of the pro and con arguments. They will be of valuable reference to all interested citizens when the subject comes up next year, as it almost inevitably will.

Opposition—The proposed legislation would interfere with hunting.

Answer—This is incorrect. No proposed legislation would prevent persons from carrying their guns with them from city to city and from state to state and using them for any legitimate purpose as long as they are properly licensed and meet the requirements of local law.

Experience in New Jersey, which has had the nation's strongest registration and licensing law, shows that more hunting licenses were issued after the law was passed than before.

Opposition—Even if the proposed legislation would not take guns away from law-abiding citizens it would be the first step toward doing so.

Answer—This also is untrue. The use of autos, drugs and passports has not been diminished by laws regulating their use. In fact, legitimate gun users should be the first to want an effective system of gun controls, so that the reckless and lawless use of guns can be curtailed.

Only if the crescendo of slaughter and injury from guns continues unabated will there be pressure for general restriction on gun usage, but right now no one has proposed any such measure or expressed an intention to do so.

Opposition—Congress has already passed a gun control bill as part of the crime bill this year. Why must there be another one?

Answer—The crime bill prohibits only the interstate and mail order sales of pistols and revolvers. It does nothing to prevent dangerous persons from obtaining and using the 100-to-200 million guns already in private hands.

It does nothing to regulate the sale of shotguns and rifles (which were used last year alone to commit 2,000 murders).

Opposition—Why should all guns be registered?

Answer—Unless guns are registered they cannot help in solution of crimes. Registration also helps in crime prevention. Criminals will be much less likely to use guns in crimes if they know such guns can be easily traced.

We essentially do not know the dimensions of our problem since estimates of gun owners in this country range between 20 and 30 million persons, and firearms circulation exceeds 100 million weapons. Registration would provide information on the possessing, ownership and traffic in firearms and ammunition.

More important, the essential justification for registration stems from the unprecedented and precipitous increase in aggravated assaults, armed robbery and murders where firearms were involved.

Opposition—Why licensing?

Answer—As a way to provide a quick, effective screening process by which guns can be kept from persons in whose hands they would be dangerous.

As a way to prevent "impulse" killings. Many tragedies have involved persons, who, having decided to do violence, went to a store, purchased a gun and then used it. A man in New York last year bought a rifle at a sporting goods store, went into Central Park and shot six innocent people.

The necessity for a license before purchase would eliminate these "impulse" killings.

As a way of controlling civil violence. At least some use of firearms in riots could not have occurred if the individuals involved had had to stop to get a permit to buy weapons. Moreover, many of those who were arrested with guns during disorders would not have been able to obtain permits because of prior criminal records.

WHAT FUNCTION HAS A PISTOL?

Can we talk about guns without emotion? As though we neither hated them nor loved them but were just evaluating them? Let's try.

What we really want to talk about is the smallest member of the family: the pistol. A well-made automatic or revolver is a beautiful little machine. Its works are as precise and smoothly operating as those of a clock. It has the grace of pure utility: small enough to hold in one hand, strong enough to withstand easily an explosion that can fire a slug through a thick board. It's an efficient little missile launcher that gives a feeling of heady power to any man.

Why should anyone own one? It's a terrible hunting piece. Its accuracy falls off so rapidly that at only a few yards it's no match for a rifle. How about protecting the home from burglars? Many police experts will advise against getting in a shooting match with a nut who thinks he's entered an empty house, but if you really want a formidable edge on him use a shotgun. Nobody argues with a shotgun at short range.

A pistol has only one function: to kill people. Ignore for the moment target shooting—that's only practicing for the real function. Most of us who own pistols aren't going to carry out their purpose, but that doesn't change it. A pistol is a short-range weapon that can be easily carried and even hidden but which provides the ultimate in defense or offense: death.

What if pistals were denied everyone except those persons charged by law with defending the rest of us? Would you really be any more at the mercy of an armed criminal than you already are? Unless you are quite unusual, you don't have your pistol with you when the mugger assaults you anyway. In the house at night you can have a far more effective rifle or shotgun handy if you're jumpy.

Would such a denial stop assassinations, murders, suicides, stickups? Of course not. Three of the four assassinations that started all the discussion were done with rifles. And millions of the pistols now afloat would continue to circulate in the wrong hands. But suppose some system of phasing out private ownership of pistols were established: say a five-year period during which owners would be paid a fair price of each weapon turned in, after which possession would be illegal.

Not much change would take place immediately in the frequency of armed crimes. There might, however, be a dramatic reduction in the number of accidents such as the ones in which children are shot playing with those deadly, compelling little machines. There might even be a considerable drop in the kind of passion murder that takes place only because a quick, easy killer is available during the moment of white heat.

And some day—maybe in 50 years, maybe in 100—it might come to be almost obscene to own a pistol as it is today in England and many other countries. In such a time the 1968 statistics of armed crime would be so shocking as to seem almost unbelievable. So we might be doing for generations ahead a service we can't do for ourselves.

And we could still go hunting with the boys and still guarantee as well as we ever could the security of our homes.

[From the Daytona Beach (Fla.) Journal-Sun-News, Aug. 17, 1968]

RESTORE LAW, ORDER?

A child was murdered in Fort Lauderdale the other day because an obviously irrational man had obtained access to a gun. He called police to say he had killed two others and planned to kill more. He pleaded with the police to stop him, but he wouldn't say where he was.

So gun committed violence goes on while Congress is in recess probably listening to constituents doing a lot of talking about "law and order."

Well, let's do talk about law and order for a bit.

British style law and order.

In London—a city of eight million people—there have been fewer murders in the last 20 years than there were in New York City in 1967 alone.

This nation's urban crime rate is climbing at the rate of 17 percent a year. Crimes in all of Great Britain are 30 percent lower than our national rate. In London the rate actually dropped 3 percent last year over the year before.

Why such a difference?

We know from experience that guns count in the mounting crime rate in the U.S. There were more than 110,000 gun crimes, from armed robbery to murder, in the U.S. in 1966. The number was more than 133,000 in 1967.

Here, in our hodgepodge system, 21 states do not require a license to carry a handgun; 25 states require no license to sell guns and 31 states have no prohibition against carrying a concealed weapon.

In Great Britain there were 30 gun murders in 1966 as compared to our 6,552 that year.

Great Britain has a national law, very strict, on the selling and acquiring of guns.

Great Britain leads the way in another respect, too.

Its policemen do not carry guns. Scotland Yard believes that carrying and using weapons has the effect of stirring resentment in communities—a belief that has been pretty well proved in the ghettos in this country. Of course, a policy like this depends upon a rigidly enforced gun control law.

Scotland Yard also believes in establishing good rapport between its "bobbies" and the public. Their uniforms depersonalize the wearers and invoke respect for their profession. They pound the beat in London, mingling with the people, while here the trend has been for police to prowl the communities in cars, silently looking for suspicious looking persons.

Says a criminologist at the London School of Economics: "British police have a knack for becoming part of the crowd and working with it rather than against it to prevent violence."

Here, the president of New York's Patrolmen's Benevolent Assn. told the group's 29,000 members this week to begin getting really tough with youths who engage in protest demonstrations—thereby greatly endangering the efforts at gaining new respect for authority that Mayor John Lindsay and Police Commissioner Howard Leary had been making.

Let's continue with looking at law and order and take a look at police stations and the courts.

Across the U.S., these cogs in the system of law and order are mostly dreary places. A chief of the Institute of Criminology at Britain's Cambridge University visits in this country often and has seen police stations and courtrooms. He recently commented: "You would at least expect the floor to be as clean as Fifth Ave."

London's Old Bailey courthouse always is spotless and polished. Its marble halls glisten; its richly grained wood gleams. Inside, robed and bewigged Judges and barristers evoke a sense of awe. Rigidly, these servants of justice guard the rights of all accused.

Do you ever hear of a British Judge involved in a scandal?

Here, not long ago, a California Judge was hearing and deciding cases while he himself was under indictment.

The theme of politics this year is going to be loud on the theme of "law and order," demanding that it be "restored."

The fact of the matter really is that it has been decaying for a long time because we have been going at it the wrong way.

[From the Parsons (Kan.) Sun, July 3, 1968]

Dead as Ever

A hail of bullets from a sniper's gun on a Bronx street, fired without warning and for no apparent reason, killed three persons and wounded a fourth.

The National Rifle Assn. should be happy. For all of its recent fears, the Bronx madman's action showed that guns still can shoot people dead. The NRA may have been concerned on that point.

If doubts had been growing in the fear-ridden NRA's mind, however, they can be laid aside on another subject.

The NRA's gun lobby is doing its own smooth job in Washington again. Despite the biggest outpouring of spontaneous public protests yet, the NRA cranked up the correspendence machine and is overwhelming Congress with anti-regulation mail.

Thus Congress is weakening meaningful regulation, tooth by tooth, and when final legislation is enacted it will be completely without bite.

Another assassination or two may be required for renewed public indignation, expressed in an outpouring of protests to Washington, plus a few more snipers operating aimlessly in Texas or the Bronx.

Until then Congress is content to operate as a puppet of the National Rifle Assn., and its super-inflated propaganda mill while tolerance for violence continues without check.

[From the Quincy (Mass.) Patriot Ledger, July 29, 1968]

Weak Gun Bill

Those critics of Congress who label the legislature "unresponsive" exercise remarkable restraint in their language.

The House of Representatives has succeeded in thwarting completely the will of the people on the subject of gun control.

As passed last week by the House, the Administration's firearms control bill was something that pro-gun forces said they could "live with."

More likely it is a bill which "tens of thousands of Americans can die with," suggested Rep. Charles S. Joelson, D-N.J. "This bill is far too weak."

The bill does not require gun registration or licensing of owners. It exempts from a mail order ban to curb interstate sales of long guns an arm of the National Rifle Association, the chief lobbying force behind the bill's crippling amendments.

Incredibly, the emasculated bill passed by a vote of 304 to 118. This despite the greatest flood of congressional mail to hit Capitol Hill in many years. The mail, aroused by the assassination of Sen. Robert F. Kennedy, amounted to more than a million letters in recent weeks calling for stiffer gun curbs.

"The National Rifle Association," commented Rep. Emanuel Celler, D-N.Y., "is so insidious, so insistent, that they seem to prevail."

It is the duty of all congressmen to act in the best interests of the nation as a whole, not in the best interests of some particular vested interest. Representatives who refuse to support meaningful control of firearms, despite the flood of favorable mail, are simply not acting in the best interests of the United States and its citizens.

It is not too late for an effective gun bill to be passed. Senate action on the bill has yet to come. Action will not begin until after Labor Day since Congress will recess next week for the national political conventions.

There is still time for voters to demand the bill they asked for, and not a bill the NRA "can live with."

[From the Fort Myers (Fla.) News-Press, July 28, 1968]

Making Violence Less Deadly

A man was killed on Anderson Avenue Sunday. He was only 36. He was killed with a gun. Another man pulled out a pistol and shot him to death, apparently because of a grudge.

There was nothing unusual about this. It happens all the time, even in cities as small as Fort Myers. The story rated five inches of space on Page 2 of yesterday morning's paper.

If it had been made more difficult by law for the assailant to buy and own a gun, would the victim have been killed as a result of this grudge? Maybe he would. Maybe the assailant would have stolen a gun to kill him with; maybe he would have used a knife, a hatchet, a lead pipe, or his bare hands. But the chances are otherwise. The chances are that if this gun hadn't been so handy, the victim would have been alive today and the assailant would not be facing a murder charge.

Statistics show this. Franklin E. Zimring, assistant professor of law at the University of Chicago, studied more than 1,400 homicides and 22,000 assaults recorded during 1965, 1966 and 1967 by the Chicago Police Department. His findings showed that: No less than 78 per cent of all killing resulted from quarrels based on domestic problems, liquor, sex, etc. The gun and the knife were interchangeable weapons for persons who resorted to violence to settle personal arguments. Some 70 per cent of all gun homicides resulted from a single wound, although a "single-minded intent to kill" should prompt the attacker to insure his result by multiple wounding. Knife attacks resulted in more multiple woundings than gun attacks, yet there were five times as many killings by gun as by knife. Therefore it must be concluded that stricter gun control would reduce the number of homicides.

On Page 3 of the paper yesterday morning there were two other stories about guns. A drunk, driven home by a cab driver, went into his house, emerged with a pistol and fired several shots. Mercifully, no one was killed before police disarmed him. Two little boys, 10 and 12, were picked up at a hamburger stand when one was found to be carrying a pistol—a loaded pistol. Again, mercifully, no one was killed. But the potential for tragedy was there in both cases.

Gun control laws cannot eliminate crime, violence and recklessness, of course. Nobody claims that they can. But they certainly can make crime, violence and recklessness considerably less deadly.

[From the Champaign (Ill.) Courier, Aug. 2, 1968]

An Unorganized Majority

Apparently the only hope of getting strong national gun controls is the creation of a permanent organization which can compete with the National Rifle Association.

This seems true after following the recent gun-control debate in the House of Representatives which ended with the passage of a watered-down bill that prohibits the interstate sale of rifles and shotguns.

The bill, passed last week, now goes to the Senate where final action is not expected until September. The Senate Judiciary Committee has approved a similar bill.

Immediately after the assassination of Sen. Robert F. Kennedy, there was an outpouring of mail to Congress demanding strong gun controls. It seemed at the time that a strong national bill including registration of guns and the licensing of gun owners could easily pass both houses of Congress.

Soon the flood of letters and telegrams subsided, and the mail campaign of the National Rifle Association brought a rising tide of pressure on Congress.

President Johnson had called for a strong firearms bill, and mustered the administration forces behind it.

Former powerful opponents of gun controls such as Sen. Mike Mansfield, majority leader, switched and became backers of strong gun control legislation.

Col. John H. Glenn Jr., the first American to orbit the earth, and a close friend of both John and Robert Kennedy, was named head of a nationwide Emergency Committee for Gun Control.

All of this national sentiment and activity soon succumbed to the well-oiled, political pressure machine of the National Rifle Association.

Inertia soon overcame the unorganized letter writers who wanted strong gun controls and no one got them again to take pen in hand—at least not many of them.

The House killed "registration of guns" and "licensing of owners" proposals by better than two-to-one margins.

The only hope for strong gun controls, it does seem, is the creation of a permanent gun-control organization with its own lobbyists such as the NRA has.

A bit of familiar advice seems appropriate for anti-gun backers. It's time to "Fight fire, with fire."

[From the Champaign (Ill.) Courier, Aug. 1, 1968]

Ban on Combat Arms Should Be Continued

In September, 1963, the Department of Defense halted the sale of surplus military weapons to state and local law enforcement agencies.

The ban came after the Pentagon discovered that a sheriff in one Southern locality with a population of 15,300 has purchased 197 pistols, 85 shotguns, and 5,000 rifles.

Now, the Defense Department is attempting to persuade Congress to kill an amendment which would require the Pentagon to again sell surplus weapons and other excess military equipment to state and local law enforcement and firefighting agencies for riot control purposes.

The amendment in question, tied to the House version of the defense authorization bill, would direct the Pentagon to make such sales at the request of the state governors or any state officials the governors designate. Its language is broad enough to require the sale of such major items as tanks and armored personnel carriers, as well as machine guns.

Already approved by the House, the amendment is being considered by a House-Senate conference committee to reconcile differences between the House and Senate versions of the defense authorization bills.

The argument for the amendment is economic: that state and local agencies are forced to buy weapons commercially at more than twice the government surplus cost.

There is a great deal wrong with this amendment.

First, some of the types of weapons covered—tanks and machine guns, for example—are unsuitable for use in riot control. The Report of the National Advisory Commission on Civil Disorders, headed by former Illinois governor Otto Kerner makes this clear:

"The Commission believes that equipping civil police with automatic rifles, machine guns, and other weapons of massive and indiscriminate lethality is not warranted by the evidence. . . . We should not attempt to convert our police into combat troops equipped for urban warfare."

In addition, the amendment would create a vast sales program which would be very difficult to adequately control and administer because of its mandatory language, broad provisions, and the ability of state governors to delegate lower-ranking officials their authority to request sales and to designate the type of equipment wanted.

These officials might, in practice, delegate their authority down to city and town mayors, police chiefs, and sheriffs. In view of the less-than-professional standards of some local law enforcement agencies, surplus weapons should not be made available as easily as the amendment is question provides.

Few, if any, offensive weapons—other than tear gas or the like—would be of much legitimate use to local law enforcement agencies. Even at bargain prices, such weapons are unnecessary and possibly dangerous as well as a drain on the local budgets.

The amendment should be removed from the bill by the Senate.

Mr. TYDINGS. Mr. President, use of guns in crime is the No. 1 crime problem we face in this Nation. The FBI reports that guns are being used in nearly two-thirds of all murders and armed robberies committed in this country.

The stark fact is that gun crime is out of control in this country. According to figures released just 2 weeks ago by the Federal Bureau of Investigation, guns were used in 7,600 murders, 52,000 aggravated assaults, and 73,000 robberies in America last year. Today—in America—21 of our fellow citizens will be murdered by gun, 150 will be assaulted by gun, and 200 will be robbed by gun. Ninety-six of every hundred police officers murdered are shot by gun-toting lawbreakers. Compared to 1964, the gun murder rate has increased 47 percent, aggravated assault by gun is up 76 percent, and armed robbery by gun is up 58 percent. Guns were used in 63 percent of all murders in this country last year. Rifles and shotguns were used in one out of every four gun murders.

The gun control bill which we are now considering provides important protections against the indiscriminate interstate sale of firearms. But it stops at the State line. It provides no protection to citizens in States which have lax gun laws. In this essential respect, S. 3633 falls severely short of the need and demand of the American people for protection against this gun crime wave. In several respects, as a matter of fact, the bill now reported weakens the already limited handgun sale measure this Congress enacted as part of the omnibus crime bill of 1968.

The restrictions on interstate gun sales S. 3633 does provide are important if any State's gun laws are to be enforceable. As long as any citizen can avoid his own State's gun law by merely resorting to the mail or traveling to a neighboring State with lax gun laws, no State gun law is worth the paper upon which it is written.

But what of a State which has no gun laws to protect its citizens? What about the 39 States which do not require permits to purchase concealed weapons? What about the 18 States which do not even disqualify felons from possessing guns? What of the 35 States which have no law against lunatics owning and using guns? Should the citizens of and visitors to these States have no protection from gun crime?

To fill this gaping void in existing gun law, I intend at the appropriate time to call up my amendment to this bill to provide for registration of all firearms and licensing of all firearms and ammunition users. It would disqualify felons, drug addicts, alcoholics, mental incompetents, and juveniles from owning or buying firearms, but would in no way interfere with or significantly inconvenience law-abiding citizens.

This amendment would put primary responsibility on the States for action, but would provide a minimum floor of Federal protection in any State which does not act to protect its own citizens from gun crime.

The criminal element in America should be disarmed. But the pending legislation, S. 3633, important as it is regarding firearms sales, simply cannot do the job of disarming the lawless. Only a system of registration of firearms and licensing of firearms users can assure that criminals who possess guns will go to jail.

The amendment I will offer will disarm the criminal without inconveniencing the law abiding.

Mr. DODD. Mr. President, I move that the committee amendments be considered en bloc as part of the original text.

Mr. SCOTT. Mr. President, I object to considering en bloc the committee amendments diluting the ammunition coverage provisions, diluting the standards for granting dealers licenses, exempting licensed collectors, and giving special privileges to residents of contiguous States.

These are the only amendments I object to. They are committee amendments numbered 11 and 27 through 32, ammunition; number 8, 15 through 18, 20 through 22, 24 through 26, 34 through 36, 38 through 39, 42 through 43, 46 through 50, and 56, licensed collectors; 33, the contiguous State amendment; numbers 45 and 51, referring to licensed dealers.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, is it permissible to make a selective objection of this kind, not embracing all amendments in the committee reported bill?

The PRESIDING OFFICER. The Chair informs the Senator from Nebraska that objection would have to be made to the request of the Senator from Connecticut that all committee amendments be considered en bloc. The objection has been heard, and the Chair, without directing anyone further, would say it would now be in order for another unanimous-consent request to be made with the exclusions that have been spelled out in the objection of the Senator from Pennsylvania to be excepted.

Mr. HRUSKA. I thank the Chair.

Mr. President, I suggest that if there is an effort to make that kind of selective request, which would treat part of the 63 amendments made by the committee as original text and not the balance, there would be a disposition on my part to raise an objection and to express it in the proper fashion.

Mr. DODD. Mr. President, as a member of the committee, I voted with 11 other members of the Committee on the Judiciary to report the bill as amended in the committee. I feel it is my duty to do so.

As I have said, I do not think it is letter perfect, but I think it was well worth getting on the floor so that we could all discuss the matter.

As I understand the situation, the Senator from Pennsylvania does not object to my unanimous-consent request except for four groups of amendments.

Mr. SCOTT. The Senator is correct.

Mr. DODD. Mr. President, I think we can make progress here, and I hope that there will be no objection if I now ask unanimous consent, and I do ask unanimous consent, that except for those four groups of amendments, the remaining amendments be considered en bloc as part of the original text.

Mr. SCOTT. Mr. President, I have no objection.

Mr. HRUSKA. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Objection has been heard to the first unanimous-consent request made by the Senator from Connecticut. The Senator from Connecticut now makes another unanimous-consent request to exclude the four groups of amendments to which the Senator from Pennsylvania has objected.

Mr. HRUSKA. Mr. President, I know that other Senators are also interested in this point. It is not, as a matter of fact, original interest on my part. Because those other Senators are not present, I would be constrained to object if the Senator from Connecticut persists in his unanimous-consent request at this time.

Mr. DODD. Mr. President, I had hoped that would not happen. I do not think that many of these committee amendments are controversial at all.

Mr. HRUSKA. Mr. President, the Senator well knows what is involved. It is a matter of burden here. What is printed in the bill as reported by the committee is committee judgment. Those amendments were approved in the committee. In fact, they were supported by the chairman of the subcommittee.

The purpose of the exception plainly is to put the burden of the adoption of those amendments on others than those who favored the bill. Mr. President, I favor the bill, I shall vote for it unless it is very radically changed. So, it is a matter of parliamentary advantage. To the extent that it is an advantage to one side to have it one way and an advantage to the other side to have it another way, if the Senator persists in his unanimous-consent request, I shall object.

THE PRESIDING OFFICER. The unanimous-consent request is before the

Senate and the Senator from Nebraska objects.

Mr. HRUSKA. Mr. President, I was just giving the Senator from Connecticut a chance to withdraw his request at this time and bring it up at another time. But if he chooses not to do that, it is all right with me.

Mr. DODD. Mr. President, I feel I must make the unanimous-consent request. It is my desire to accommodate the distinguished Senator from Nebraska, but I think this is one way we can make progress.

The Senator says I voted with the other members of the committee to report the bill. I did so with the full knowledge it was not just the way I thought it should be. I have been in this body long enough to know one seldom gets anything the way he would like to have it. I thought it was the best way to get the bill on the floor.

I think we can make progress here. The Senator objects, but I think it is my duty to make the unanimous-consent request, and I make it at this time.

I do so to make the Record clear.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, let us have the Record completely clear. The Senator from Connecticut is very solicitous on account of the request of the Senator from Nebraska. He well remembers—and I think the Presiding Officer also remembers—and all of my colleagues remember that I made my statement in the form of a courtesy request to accommodate Senators who are not present and who have an interest in the matter.

I feel a duty on my part to hold the matter open. It is not only for the purpose of making progress, according to the kind of progress that any particular Senator wants to be made, but there are other Senators who would like progress to be made, according to the definition of that word as they have in their minds. So we should get the entire Record straight. I believe we will make progress faster if we do not resort to a collision course here but, rather, to a course of accommodation and agreement.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. SCOTT. I believe we should point out that many of the amendments included in the Senator's unanimous-consent request were adopted by the committee, either unanimously or without objection, after long and full discussion. Therefore, if they are objected to now, they will come up during the proceedings. That would perhaps lengthen the proceedings a bit, but we would be discussing for the most part, if my memory serves me right, a number of amendments which were thrashed out and which were arrived at either without objection or by unanimous or virtually unanimous approval.

The PRESIDING OFFICER. The Senator from Connecticut has renewed his unanimous-consent request that the commiteee amendments be considered en bloc, exclusive of the four groups of amendments to which the Senator from Pennsylvania objected. Is there objection?

Mr. HRUSKA. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska objects.

Mr. HRUSKA. By that I do not mean to say that a renewal of such a request at some later time, preferably tomorrow, would necessarily be met with the same response on my part. After all, as the Senator from Pennsylvania properly points out, most of the committee amendments were agreed to unanimously by the committee, including those to which the distinguished Senator now objects.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment, which will be stated.

The legislative clerk read as follows:

> On page 1, line 3, after the word "the" strike out " 'State Firearms Control Assistance Act of 1968'." And insert " 'Gun Control Act of 1968'."

Mr. HRUSKA. Mr. President, is the amendment called up for consideration at this time?

The PRESIDING OFFICER. The committee amendments are presented automatically and must be considered before any floor amendments are in order. The clerk, at this stage, has reported the first committee amendment for action thereon.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hartke in the chair). Without objection, it is so ordered.

WAIVER OF THE RULE OF GERMANENESSS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may be recognized to speak briefly, notwithstanding the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORE ON MAYOR DALEY

Mr. YOUNG of Ohio. Mr. President, many things have been said and many charges made on both sides of the controversy regarding the brutality displayed by some of the Chicago police during the disturbances which occurred while the Democratic National Convention met. In my view, the police brutality in Chicago was shameful and revolting to all Americans, not only to those who watched what was taking place on their television screens, but also to those of us who were delegates at the convention and observed what took place in public parks and on the sidewalks close to our hotels.

No one questions that law and order must be maintained. The difficulty is there can be no real law and order unless it is coupled with justice. Adolf Hitler, in his way, enforced law and order. George Wallace, in his concept of law and order, has a strong undertone of racism and segregation. Some rightwing extremists, and I hope and believe their number is not great, talking about law and order mean more guns, more police, more shooting to kill. They are little interested in assuring equal justice and equal opportunity to the people. We witnessed the results in Chicago those brutal days and nights late this August when "more police," plus Illinois National Guardsmen and with Federal troops added, brutally assaulted hundreds of peaceful demonstrators and responded with gestapo-like tactics to those who were actually in defiance of the law. Youngsters, girls as well as young men, many of whom were peacefully and lawfully assembled, were assaulted by police. Some were seriously injured, then thrown into patrol wagons like cordwood and carted off to jail charged with disorderly conduct and resisting a police officer. Enraged policemen on some occasions assaulted specators who had no part in demonstrating.

There is no doubt that some of the demonstrators had willfully and deliberately planned to create chaos and disorder—that some of them desired a confrontation with the police. However, the vast majority of these young people had sought for weeks to obtain permission for a peaceful march on the convention hall and to demonstrate outside it. I recall that in 1960 in Los Angeles and in 1964 in Atlantic City there were peaceful demonstrations by civil rights advocates and others outside the halls in which those Democratic National Conventions were meeting. No violence occurred. Instead, Americans saw on their television screens some of their fellow Americans exercising their constitutional rights in a peaceful manner.

It was different in Chicago. Mayor Daley, through his security arrangements which turned the city into an armed camp, forced the issue. Instead of attempting to control the demonstrators and to cooperate with them by granting them their elementary and constitutional rights to march and to demonstrate, repression and then force were used.

These were not slum dwellers rioting and burning in the ghetto. These were not snipers, looters, or terrorists. No grenades or Molotov cocktails or plastic bombs were thrown. These were not rioters breaking windows and looting stores.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, I shall yield in a moment when I am finished with my remarks.

Mr. LONG of Louisiana. Why will the Senator not yield at this time?

Mr. YOUNG of Ohio. Mr. President, I shall not yield now. I know the opinion of the Senator from Louisiana is at variance with mine, and I will yield to him after I have inserted some statements in the Record.

As I have said, my observation is that it was different in Chicago this time. For the most part, these young people were political dissidents, many of them radical, some of them no doubt seeking trouble, but most of them idealistic, concerned for their country and their countrymen and determined to exercise their rights of free speech and free assembly. If Mayor Daley had exercised ordinary prudence, commonsense, and respected existing legal procedures, in all likelihood there would have been no violence and misuse of police power.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. YOUNG of Ohio. I shall not yield at the present time.

Mr. LONG of Louisiana. Does the Senator mean to refuse to yield even for a question?

Mr. YOUNG of Ohio. I refuse to yield at the present time.

Mr. President, those who were actually seeking trouble and those who flaunted police authority and insulted policemen should have been arrested and could have been arrested without the indiscriminate brutality which resulted in the wounding, injuring, and arrest of many innocent people.

Mr. President, Abner J. Mikva, Democratic candidate for the House of Representatives for the Second Illinois Congressional District located in Chicago, recently issued a statement setting forth his views on what went on in the streets of Chicago during the last week of August. Walter P. Reuther, president of the United Auto Workers, also issued a statement setting forth his views on these incidents. These statements by two outstanding Americans merit the attention of all Americans. On August 28, 1968, there appeared in the Christian Science Monitor, one of the Nation's great newspapers, an excellent article by Erwin D. Canham entitled "Mayor Daley's Troops" setting forth his on-the-spot conclusion of the conditions prevailing in Chicago just prior to the outbreaks of violence. I ask unanimous consent that the statements and this article be printed in the RECORD at this point as part of my remarks.

Mr. LONG of Louisiana. I object.

Mr. YOUNG of Ohio. Mr. President, objection having been made I shall read the statement of Abner J. Mikva, the Democratic candidate for Congress from the Second Congressional District in Illinois. His statement is as follows——

Mr. LONG of Louisiana. Mr. President, I am willing for the Senator to put that material in the RECORD. I simply want a chance to respond, but I shall wait until the Senator has finished his remarks.

Reserving the right to object, I am going to let that material go in the RECORD provided the Senator remains in the Chamber to hear what I am going to say in response to what he had to say.

I am going to speak for the America that I love.

Mr. YOUNG of Ohio. The junior Senator from Ohio will be glad to remain in the Chamber and listen to the Senator from Louisiana with pleasure, as I have in the past.

When the junior Senator from Ohio speaks in this Chamber he is speaking for America, just the same as the junior Senator from Louisiana. The Senator should not forget that at any time. I repudiate and deeply resent any allegation to the contrary made by the Senator from Louisiana.

Mr. LONG of Louisiana. The public is going to decide that. The public will decide that.

I was just reelected by 87 percent of the votes in my State. I was speaking good old-fashioned Americanism. The Senator can speak for the new left if he wishes to. I love the Senator. If he were not making a mistake on this issue, I think I would vote for him. I love him all the same, even though he might make a mistake once in a while.

Mr. YOUNG of Ohio. The junior Senator from Ohio frequently makes mistakes, but he is not making a mistake this time. The insertions in the RECORD from Walter Reuther and the candidate for Congress from Illinois, and the article from the Christian Science Monitor, one of the great newspapers of America, are worth reading by every Senator. I hope that the junior Senator from Louisiana will read those statements in the RECORD tomorrow morning.

The PRESIDING OFFICER. Is there objection?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THURSDAY, August 29, 1968.—The following statement was issued today in Chicago by UAW President Walter P. Reuther:

"The UAW was saddened and shocked by the display of brutality by certain members of the Chicago police force during the course of the Democratic National Convention.

"There is no doubt that certain of the demonstrators had willfully and deliberately planned to foment chaos and disorder. That threat had to be met, but it should have been met by a response compatible with humane and enlightened law enforcement procedures.

"The Chicago Police Dept. overreacted and the blindness of their brutal behavior victimized innocent bystanders and many young people whose activities in no way threatened the peace.

"No one denies that the maintenance of order is necessary in our society, but this does not require the use of naked brutality and savage beatings by those who are charged with the maintenance of order.

"The UAW decries these unwarranted acts on the part of the Chicago police and we urge that the investigation currently under way by the Dept. of Justice be expanded to include the incidents of Aug. 28, 1968."

STATEMENT OF ABNER J. MIKVA, DEMOCRATIC CANDIDATE FOR U.S. CONGRESSMAN, SECOND CONGRESSIONAL DISTRICT, REGARDING SECURITY ACTIVITIES DURING DEMOCRATIC NATIONAL CONVENTION

A few hundred assorted revolutionaries came to Chicago to disrupt our town and the Democratic National Convention. Thanks to incredibly bad police work and planning this small minority of the demonstrators were highly successful. A large part of the problem has been the inability or unwillingness of those in charge to distinguish between those demonstrators contemptuous of the Constitution and those seeking to exercise rights guaranteed by it.

This marks the second time in less than six months that the Police Department has proved itself incapable of handling mob situations. Last time they were accused by some of being too lenient. Obviously, the reaction to this criticism resulted in the excessive head-splitting of this situation. Somehow, for our City's sake, the Police Department must be trained to find that middle ground known as the minimum force necessary to control a mob situation. This they have not done.

It is provocative to have *every* Chicago policeman wear riot helmets.

It is provocative to display machine guns—against whom would they be used?

It is provocative to have National Guardsmen with fixed bayonets.

It is provocative to arrest the Chairman of a State Delegation for inserting the wrong card in the security machine.

It is provocative to plan for 100,000 demonstrators and then not change those plans when the number is a few thousand instead.

No one faults all of the policemen. They worked long hours and the provocations were great. At the same time they cannot be judged by the standards we apply to the rioters. As a City we are entitled to expect more restraint, judgment and commitment to law and order from the policemen than we are from law-breakers.

History has tragically shown that the police state begins by terrorist tactics against the press. No reasonable person can doubt that television and other members of the press were calculated targets of some police officers. The number of broken cameras and heads is shameful evidence of this. Supt. Conlisk should not rest until he has identified those policemen who were involved in this activity, and their superiors. Criminal prosecution must follow.

What went on in the streets of Chicago—at Lincoln Park and at Grant Park—is the tragedy and shame of our City. What went on at the Amphitheatre was more subtle but no less oppressive. The number of delegates, news people, staff people for the various candidates, and observers who complained about the "pushing around" and humiliating experiences suffered at the Amphitheatre make it clear that the atmosphere was not conducive to the free discussions and movements necessary to a deliberative body.

I enthusiastically support Vice President Humphrey's nomination and will work vigorously for his election in November. It is unfortunate that the nomination of this good man was marred by the stupidity of the security plans and their over-zealous execution. If 300 or 400 young punks can so disrupt the City without our Police Department having the capacity and the training to prevent it, then indeed our days as a great City are numbered.

Chicago has suffered a distressing blow to its reputation. The welcome we intended to give the delegates and visitors to this Convention became a nightmare. The loss in business, the loss in prestige, the ridicule to which we have been and will be put, have hurt a great deal. There has been and will be a great temptation to sweep it all under the rug and pretend that everything is great and that the only problem is that a few Eastern commentators are trying to give the City a black eye. Only if we tell it like it is can we make it like it ought to be.

For all of those reasons I have asked the Attorney General of the United States to expand his already announced investigation. I have urged him to designate a special Assistant Attorney General to conduct a full federal grand jury investigation of all that transpired with regard to the security of our City and our Convention.

I realize that my position today does not reflect the current majority sentiment. Our country in the past has taken the position that it can't happen here and politically it might be best for me to condemn this action privately but remain silent publicly. This I cannot do. No local events in my memory have been so corrosive of our rights as citizens. To remain silent would be to affirm my allegiance to the discredited proposition that dissent is disloyalty. If a new day is to come, we can greet it only if our historic rights as a free people are guarded as jealously as the administration thought it was protecting the Democratic National Convention.

[From the Christian Science Monitor, Aug. 8, 1968]

MAYOR DALEY'S TROOPS

(By Erwin D. Canham)

CHICAGO.—The causes and fears which have turned Chicago into an armed camp are various and inconsistent.

There are idealistic kids, and lots of them. There are tough, nihilistic radicals, straight out of the 19th century. There are misguided causists, ready and willing to obstruct. There are kooks. And, alas, there might be an intended assassin.

Mayor Richard J. Daley could certainly have handled the situation much more wisely. There is at least one policeman or soldier for every demonstrator: some 20,000 on each side. The barbed wire is unnecessary. The armed men need not be distributed so thickly and widely.

The searching of every reporter's brief case, every lady's handbag, as we enter the amphitheater is a very dubious precaution. It might as well be recognized that no such precautions can be absolutely effective. Half measures are really little better than none at all.

MOST UNUSUAL STEPS

Never before in the United States, and I think never before in Western Europe or any other nation not admittedly a police state, have there been such measures applied so rigorously.

It is all not only revolting but basically ineffective. The young fellow discovered Sunday afternoon on the roof of the Conrad Hilton Hotel, to which he had ascended by regular elevators and staircases, illustrates that security measures are not and can hardly be absolute.

The police, it seems to me, have taken the yippies too seriously. These kids have just as much right to demonstrate as anybody else. They have no right to obstruct, but I should think that obstructions could have been prevented by measures far less Draconian than those now being applied.

The tough gangs who have infiltrated the demonstrators are not easy to cope with. Perhaps there are some black nationalists who would take reckless action. Here, certainly, police action needs to be strong and preventive.

AN UNFORTUNATE IMAGE

The gravest kind of trouble, assassination, could be confronted—as far as it can ever be prevented—by tight police cordons around key people at exposed spots. This is the best you can do.

Mayor Daley and the others responsible for this convention have given the Democratic Party a terribly unfortunate image. They have made it credible for Tom Hayden, a leader of the National Mobilization, to say as he was arrested Sunday: "The confrontation in Chicago is between a police state and a people's movement."

Of course it is nothing of the sort. The United States is not a police state. Even Chicago is not a police city. There is a ridiculous oversupply of uniformed men about. They create a tragically false impression. Chicago is in fact just as free as any other city in the world; it is just overpoliced.

Mr. Hayden represents a very limited people's movement indeed, at best a tiny minority.

ZEALOUS MINORITIES

American political institutions are working today under considerable difficulties.

Richard M. Nixon was nominated at Miami by a towering majority but against intensely zealous minorities.

Hubert H. Humphrey will probably be nominated here by a very substantial majority, also with intensely zealous minorities.

The Republicans managed to restore considerable unity after the Nixon victory. But they were not divided by an issue so fundamental and deep as the Vietnam question.

The Democrats are.

Yet, even if some dissident Democrats and others present a fourth ticket, a peace ticket, it will be healthy within the framework of the political process.

Despite the surplus of uniforms around this town, they do not have the slightest effect on the decisions to be taken. As in so many other aspects of American life, appearance is not reality. But it is thoroughly unfortunate.

Mr. LONG of Louisiana. I love the Senator. He knows that I love him. But, with all due deference, when he gets through, I should like him to hear what I am going to say. What I am going to say will be as hard for him to take as it was for me to take what he has said. But I was happy to hear the Senator.

Mr. YOUNG of Ohio. I have yielded the floor.

Mr. LONG of Louisiana. May I say this to begin with, that I admire and adore the junior Senator from Ohio. He is a sweet, lovable man. He is a man of deep conviction and honest conscience.

Although he is small in stature, he never backs away from a fight. He is a very courageous man and much to be admired by everyone, even if we do not agree with him on every issue. The junior Senator from Ohio knows I do agree with him in general on many issues. I think he is an honest, patriotic Senator. He knows very much that I wanted to see him reelected to office and I did what I could to help. He ran a close race in Ohio with Robert Taft, who is a most revered man in Ohio, and I was proud of his splendid victory. Would the Senator care to nod his head that I did what I could to help him win reelection?

Mr. YOUNG of Ohio. I have been elected to the U.S. Senate twice from the State of Ohio, which is usually a Republican State. I envy the junior Senator from Louisiana who certainly has every reason to boast when he receives 87 percent of the vote. I did not receive 87 percent of the vote in 1958 or 1964.

Mr. LONG of Louisiana. I appreciate what my very dear friend has said. Let me say that even though the Senator from Ohio did not win 87 percent of the vote, he won about 50 and one-quarter percent; at the same time, he was running against a much tougher opponent than I had. He was running against the son of Robert Taft, who was "Mr. Republican" himself, in a tough year. The junior Senator from Ohio, in my judgment, is one of the most courageous and volatile young men I ever met in my life. I say "young" because I am talking about his spirit, not his age.

I know that the Senator can recall when I went to him, when he was going to run against a man who had orbited the earth three times—John Glenn. When Glenn came down to earth to say that he was going to run against the present Senator from Ohio, he made the statement that he had been offered $1 million a year to take a job with private industry.

I corraled Steve and said, "Steve, this man has said that, and you should capitalize on it. Let me tell you my thoughts about this matter.

"If I were you, I would say that I am just little Steve Young. I have not gone around the earth three times in orbit. No one has ever offered me $1 million a year. I am just a little fellow who is happy to be representing the great State of Ohio. Here is what I have voted for: I have voted to help poor people receive social security. I have voted for medicare. I have voted for public welfare. I have voted to tax the rich to take that money to help the poor. And, having done all that, I am running on my record. This young fellow who has orbited the earth three times, has come back to earth and he undoubtedly has some opinions of his own. Let us find out what they are."

I said to the Senator from Ohio further: "If I were you, I would ask, what would he do any differently from what I have done? He has told us that he turned down an offer of $1 million a year to represent rich campaign contributors who would be willing to pay him this $1 million a year to work for them.

"If I were you, Steve Young, I would have said, how would he vote any differently than me to justify turning down $1 million a year to take a $30,000-a-year job if he wins election?"

If I do say it, I am told that the Senator asked that question in Ohio before Mr. Glenn fell down in the bathtub, and the Senator's question brought the house down. The little fellow was taking on Goliath. Of all the publicity in the world that could be achieved, he is a man of honor and conscience who wanted to vote for the best interests of the people. I do not think that man would vote any differently than the Senator would, to justify giving up $1 million a year to seek his job.

The Senator from Ohio knows all that. He knows that I am one of his great friends.

Mr. President, the events at the recent Chicago convention of the National Democratic Committee has stirred my conscience and my soul. In the first place, I saw those demonstrators. May I say that I knew what people like that were supposed to be like, because I was a student leader myself at Louisiana State University, when I was president of the freshman class, president of the sophomore class, and president of the student body.

In fact, Time magazine wrote an article calling me the dictator of the campus, that everyone did what Russell Long wanted or they got defeated. That is about how it worked out. It was fun. I enjoyed doing it. I enjoyed having some collegiate authority. I loved every moment of it. When I retired, I am happy to say that I was undefeated. Thus, I know what it is to get college students together and raise "unshirted hell."

We closed down the campus. I remember that we put 25 cents apiece in the box to buy a tiger to use as a mascot for our football team. The football team was called the Louisiana Tigers. So we decided we would go out and buy a tiger. We put enough quarters in the box so that we had enough money to buy a tiger from the Ringling Brothers Circus. We bought the tiger. If I do say it as an after thought, it seems like an anticlimax, an utter flop, to bring a tiger to the campus and let him sit there with nothing to do; just no business, no transactions, no excitement, no nothing.

Our reaction was that since so many of us had put up 25 cents apiece, let us start having some excitement. So, what did we do? We blocked off all the highways going to and from the campus. No one could come in. Some courageous schoolteacher decided he would storm through the barricade. What did we do? We turned his car upside down and hauled him out. We proceeded to break up any class that that schoolteacher wanted to hold. We had a great, good time. We held a mass meeting. At that time I was a sophomore. I was enjoying it very much. I was the leader of my party.

About 3 o'clock in the afternoon, the university capitulated. The president of the university came before us at a mass meeting. Eight thousand students were there. The President said that he appreciated very much the fact that we had given the faculty the half-day off and the least the faculty could do, in order to respond, was to give the students the rest of the day off. That made it a real holiday, to celebrate our tiger.

We called him "Mike the First." We found a name for him. The faculty had nothing whatever to do with our tiger. He was our tiger. We had bought and paid for him to use as a mascot for our football team. The only bad thing about it was that the same gang I was with had captured Tulane University campus one night. They painted the campus in LSU colors. We sent a man to the top of the flagpole and he took down the American flag, raised the LSU banner on top of the flagpole, and then greased the flagpole. They painted the campus all up and had predicted that LSU would win by 40 to 0.

That was a mistake. We won that football game by a score of 41 to 0. They missed our prediction by one point. They painted up the stadium field. We had painted up the whole campus, and then we came on out and went home. Unfortunately, I was not with them during that time. I had to take an examination the next day, even though I had to some extent inspired the group to perpetrate these youthful acts. I did not participate in that kind of activity, although my heart was certainly on their side.

I want the Senator from Ohio to know that my heart is with the college students who may act in raucous fashion, or wildly, or ignorantly, perhaps.

Thus, that kind of thing is not new to the Senator from Louisiana. I have been a part of it. I have stirred up some of those emotions and made some of that kind of trouble.

I just enjoyed it; and, if I do say so, I applaud young people for doing it to this day.

But, Mr. President, what happened in Chicago gets to be a somewhat different event. I saw some of these young people over there. Some of them were young, and some were not so young. Looking at the arrest reports, some of them were 47 years old, and they had, in my opinion, gotten to be hard-core Communists. They had the Vietcong flag, about half the size of a big bedspread, waving it left and waving it right and shouting, "Ho Chi Minh, Ho Chi Minh, Ho Chi Minh. How we love Ho Chi Minh."

Mr. President, with all due deference, I, in my conscience, do not believe, and I will never believe, that the courageous, honorable junior Senator from Ohio would ever stand beneath that Vietcong flag and say, "Ho Chi Minh." I challenge him to say so if he would do that. He would not do it.

Many of these same people had avoided the draft by going to college. Some of them were young, but many of them were old enough to fight for their country—not that they would do anything like that, but they were old enough.

Their compatriots, boys they had gone to grammar school and high school with, were over there fighting for America, risking their lives every day. And these people wave the Ho Chi Minh flag and scream for the Communists to kill their fellow citizens who were fighting over there for America.

I am not saying the junior Senator from Ohio would approve of that. I know he would not. I do not think any man who is an American—I do not think anyone in the U.S. Senate—would approve any American waving the Communist flag and screaming in favor of the Communists and for the Vietcong and the North Vietnamese to murder boys who had sat by his side in his classroom. I am making these remarks to bring out my firsthand impressions of these demonstrations.

I do not think these young people were, for the most part, Communists. Perhaps some were. This was a move on the part of the Communist Party nationwide to win at the Democratic Convention what they could not win on the battlefield. "Ho Chi Minh, Ho Chi Minh, Ho Chi Minh." They waved that Vietcong flag.

I walked alongside the policemen and I walked in that mob to kind of get the feeling at both sides. Walking among those hippies and then among the policemen who were defending the Conrad Hilton Hotel, I had to tell every policeman there, "Thank you, you honorable, courageous man, for letting us hold this convention at all, because without you being here, we could never have held the convention."

I admired Mayor Daley. His people said they were going to make it possible to hold a convention in Chicago, and they did. It was not easy. Abernathy brought his poor people's parade into Chicago. He was hoping to show his camaraderie and friendship for the movement there; but unfortunately, when the poor people's parade got to Chicago and ran into the mob, the poor people bolted and went in another direction. I have often wondered why that was the case. I have come to the conclusion that the reason was that even the mules could not stand it.

Mr. President, those people made it difficult for people like me to attend the convention. I was not at the Conrad Hilton. I was at the Pick Congress Hotel. They exploded their stink bombs in the lobby and they put them in the bottom of the elevator shaft. Every time the elevator moved, it would push out the fumes over the entire hotel.

My poor administrative assistant was there. One day I shouted so strongly against the Communists that I lost my voice. Every time that poor man would bring something back to me, he would tell me how bad it was.

Mr. President, that is the kind of people we were up against. We had the whole Communist Party, U.S.A., converging upon the National Democratic Convention. I want to congratulate my Republican friends. The Communists did not converge on their convention. I suppose they thought the Republicans were not as vulnerable to this kind of activity as we were. As one man, I wanted to see that they would not succeed in that kind of activity. I still feel that way.

I told every policeman I met, "Thank you, good man, for your courage in maintaining law and order to the best of your ability." I am happy to say that, through these efforts, we held the convention and we nominated a candidate.

Mr. President, may I say I taunted a number of them? Perhaps I was out of order in saying to those people what I thought of them.

But the Governor of Louisiana expressed it more nobly than I could ever do. His reaction to that problem was Louisiana is the No. 1 State in America for law and order.

When a bunch of troublemakers out of Bogalusa, La., failed to achieve their purpose, they decided to march on the State capital. In order to do so, they had to march through Ku Klux country in Livingston Parish. There were nine of them who had the courage to march through the Ku Klux country. The Governor of Louisiana assigned 300 State policemen to defend those nine marchers.

When the Ku Klux decided to attack those nine Negroes, those State policemen took their rifle butts and their billy clubs and clobbered those Ku Klux Klan members into submission, protecting their right to march on the State capital.

Then the Governor told those nine Negroes, "Now, fellows, you can see what happens when you try to break the law. When you come to this State capital, if you break the law, those same guns, those same billy clubs, those same rifle butts that clobbered the Ku Klux Klan will clobber you. If you want to have a nice meeting and express your opinion, there will be no problem, but if you want to break the law, you will be badly defeated. You will be badly hurt. In fact, if you try to shoot or kill or burn something, we will deal with you appropriately.

Mr. President, the Ku Klux Klan was so alarmed about this mob action that they called a meeting just south of the State university, 5 miles away. The Governor gave them the same warning, in exactly the same words.

No fight occurred, no trouble occurred, no burning occurred, no shooting occurred. Nothing occurred. Nothing but a peaceful expression of opinion, purely within the first amendment of the Constitution of the United States.

Mr. President, that Governor was reelected by a vote of 82 percent of the people, against four good opponents. And why did he achieve that phenomenal vote? The reason he did was because the people of the State were proud to have a Governor who was race blind and color blind—a courageous, honorable man who would enforce the law, regardless of whether he was enforcing it against the Ku Klux Klan or the black power crowd. He was going to do what was right as the good Lord gave him the light to see it, and do his duty under the Constitution.

Mr. President, I stand here as a Democrat. Our country is in trouble—very deep trouble, Mr. President. I hope all Senators will hear this.

We are in trouble on one single issue, law and order. That we cannot argue about.

The people want to be safe on the streets. They want to be safe in their homes. They do not want some brute to deny them their rights, and to take advantage of their wives and children. The people of this country are very much upset and alarmed about mob violence, brutes, rioters, trouble-makers, traitors. Traitors—people who are unworthy of being Americans, who are inside these borders. They are upset about that.

I know something about all this. I never asked anybody to vote for me on this basis, never advertised it, and never made anything of it; but I am proud to have two daughters. One is married, and one is not married. The one who is not married is engaged to a young man fighting with the Green Berets over there in Vietnam right now.

There is no particular distinction in that. But it does bring home one point to my mind. That young man is from Canada. He was an American before he was a Canadian. His family moved to Canada. They are Canadians, and his father is in charge of producing oil for a major oil company in Canada.

That young man came from Canada down here to America, and volunteered to fight in the most hazardous unit you can volunteer to fight in, because, even though he lives in Canada, at heart he is an American, and he is willing to die any day, and volunteer to undertake any task, to fight for this country.

Mr. President, I am somewhat proud of the fact that my daughter attracted a young man like that to propose marriage to her: A courageous young American living in Canada. He is not one who went to Canada to avoid the draft. He is one who came from Canada to fight for America.

Mr. President, I knew what it was to fight for this country, too. May I say, the first time or two I went into battle, I was very much afraid. But when it came time to invade south France, and I received my orders, I was in the eighth wave to hit that beach.

I approached my flotilla commander and said, "This is not fair."

He said, "What's the matter? You are in the eighth wave, if that is what is bothering you."

I told him, "I ought to be in the first wave. You have men not a bit better than I am who are in that first wave, who were in the first wave at Sicily, the first wave at Salerno, and the first wave at Anzio. That first wave is a very dangerous proposition. They should not be made to be in the first wave again. I am just as good a man as they are, and I want to be in the first wave."

He said, "Are you serious?"

I said, "Yes, I'm serious."

He said, "Just stick around."

In a little while, he brought me back new orders, and I went in in front of the first wave, and was proud to do it.

Mr. President, either you love your country or you do not. Either you are an American or you are not. Either you are patriotic or you are not. You can be one or the other.

Freedom does not come cheap. Daniel Webster stood here on this floor and said the only people who ever keep their freedom are those who love it and are willing to give their lives fighting for it at any time, if need be.

That is how it will be. That is how it should be.

I did not believe in fighting in World War II. I was an idolater of the La Follettes and those who advocated we should not go into World War II. But when the war was on, I volunteered. I wanted no doubt about my patriotism. From my point of view, I wanted to make it clear that however we got into the war, I would see it through. Please forgive me if I get carried away in discussing other young men in other times who apparently feel differently.

The PRESIDING OFFICER. What is the will of the Senate?

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there is no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 13, 1968, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 1968:

DEPARTMENT OF AGRICULTURE

Ted J. Davis, of Oklahoma, to be an Assistant Secretary of Agriculture, vice George L. Mehren, resigned.

FEDERAL COMMUNICATIONS COMMISSION

H. Rex Lee, of the District of Columbia, to be a member of the Federal Communications Commission for the term of 7 years from July 1, 1968, vice Lee Loevinger, term expired.

U.S. JUDGE

Edward D. Re, of New York, to be judge of the U.S. Customs Court, vice Lindley G. Beckworth, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12, 1968:

U.S. CIRCUIT JUDGE

Shirley M. Hufstedler, of California, to be U.S. circuit judge, ninth circuit.

URBAN MASS TRANSPORTATION ADMINISTRATOR

Paul L. Sitton, of Georgia, to be Urban Mass Transportation Administrator.

EXTENSIONS OF REMARKS

STROM THURMOND: NIXON'S CIVIL RIGHTS ADVISER

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 11, 1968

Mr. O'HARA of Michigan. Mr. Speaker, I am sure all our colleagues have read numerous versions of how the ticket to carry the banner of the Grand Old Party in this fall's election was put together at Miami Beach. There was one common thread that ran through many of the accounts. And that common thread had STROM THURMOND, the architect of the Nixon southern strategy, in the role of Republican kingmaker.

But STROM THURMOND apparently is more than just a kingmaker. It appears that he also is a chief civil rights adviser of the Republican nominee. Who would have thought, Mr. Speaker, that STROM THURMOND in the year 1968 would wind up advising the nominee of the party of Lincoln. The GOP has indeed gone a long way—backward—since Lincoln.

Mr. Speaker, I should like to call to the attention of our colleagues an article which appeared in a recent edition of the State published in Columbia, S.C. It was datelined Miami Beach—straight from the Republican Convention. The headline over the article read, "Briefing Given to Nixon on Columbia School Fight." Giving the briefing, of course, was none other than STROM THURMOND, whose civil rights record is known to all of us. The article stated that the Republican nominee "may endorse the 'freedom of choice' approach to school desegregation." One cannot help but wonder whether Mr. Nixon is aware of—or whether he cares about—the recent Supreme Court decision which ruled out, in almost all circumstances, the use of the discredited and misnamed "freedom of choice" technique as a method of desegregating schools. The reason the Court has disallowed "freedom of choice" is that it simply does not work to end the unconstitutional dual school system and protect the rights of Negro children.

The enlightening article in the State also alluded to a deal with Mr. Nixon for "an easing off of civil rights maneuvers" in return for the support of southern delegates at the Miami Beach Convention. The deal obviously paid off for the Republican nominee.

Finally, Mr. Speaker, the South Carolina Republican Party chairman, Harry Dent, is quoted in the article as saying that Mr. Nixon's stand against "regional discrimination" puts the candidate "in a position of opposing the 1965 Voting Rights Act by which literacy requirements for voting in South Carolina and a number of other Southern States, as well as some northern areas, were suspended."

Mr. Speaker, I suspect that the article in the Columbia State may contain some relevations for some of Mr. Nixon's more forward-looking colleagues in the Republican Party, and I urge that all interested Members on both sides of the aisle take a few minutes to read the article which reflects not the "new Nixon" nor the "old Nixon"—just Nixon. Under unanimous consent, I include the article as part of my remarks at this point in the RECORD:

Briefing Given to Nixon on Columbia School Fight

(By Philip G. Grose, Jr.)

MIAMI BEACH, FLA.—Sen. Strom Thurmond reportedly has carried the school desegregation fight in Columbia to GOP candidate Richard M. Nixon.

The senator got what party chairman Harry Dent called "favorable response" to his presentation of the situation.

MAJOR PLAN

Columbia School District One is scheduled for a major desegregation plan this fall, by which white children will be sent into predominantly Negro schools for the first time.

Dent said that Nixon told Thurmond that he did not favor the busing of school children for desegregation purposes, and that he also felt all sections of the country should be treated alike in civil rights questions. Presumably, Nixon may endorse the "freedom of choice" approach to school desegregation.

SATISFIED

Dent said South Carolinians were satisfied with Nixon's approach to civil rights questions.

Nixon was reportedly asked if he felt any further civil rights legislation is necessary at this time, and the former vice president's answer was reported to be "No".

Reports had circulated freely here during the last few that Nixon may have made a deal with southern delegates for their support in return for an easing off of civil rights maneuvers.

NIXON FAVORS

Thurmond said Thursday that Nixon generally favored the plan whereby federal grants would be channeled through states, rather than being made directly to a smaller political subdivision.

By placing the discretion in the hands of the states, Thurmond said, a number of problems in federal-state relations could be averted.

Thurmond said that vice presidential nominee Spiro T. Agnew of Maryland also favored a similar upgrading of the states' roles in determining the use of funds.

REDUCE INFLUENCE

Thurmond speculated that transferring such authority to the states would reduce the influence of the U.S. Department of Health, Education, and Welfare (HEW).

Dent equated Nixon's stand against regional discrimination as also putting the GOP candidate in a position of opposing the 1965 Voter Rights Act, by which literacy requirements for voting in South Carolina and a number of other southern states, as well as some northern areas, were suspended.

WEIRD POLICY ON RHODESIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 12, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Weird Policy on Rhodesia," published in the Rocky Mount, N.C., Telegram of August 25, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Weird Policy on Rhodesia

On July 29 President Johnson signed an executive order prohibiting all trade between the U.S. and Rhodesia, and delegating authority to the secretaries of Commerce, Treasury and Transportation to promulgate regulations necessary to put the order into effect with the object of overthrowing the Rhodesian government. One has to look diligently to find any reference to this executive order in the news media, notwithstanding that it represents a very substantial escalation of hostility toward Rhodesia, a friendly, strongly anti-Communist country.

In fact, it brings American hostility toward Rhodesia up to the brink of armed conflict and makes the U.S. a passive accomplice in Che Guevara style terrorist activities across Rhodesia's northern border.

These latest measures are designed to strangle the Rhodesian economy, to extract political results from personal hardships and suffering. It is not really too different from what is happening in Biafra. It is a strange act of policy by a responsible government on behalf of a humane people. It is significant that the people of this country have never endorsed this shameful policy. At no stage in the commitment of presidential action has the U.S. Congress been consulted. There has not even been an equivalent of the Gulf of Tonkin resolution.

Some members of Congress are concerned. Sen. Harry Byrd of Virginia, spoke thus on August 2:

"The resolution represents the second step in the effort to bring about the collapse of the Rhodesian government. The first step—a partial boycott of the economy of Rhodesia instituted last year—was a failure. The third step, which will be called for should these added measures also fail, is military action.

"The U.S. is in a vulnerable position, its action is unprincipled and wrong. It is unjust. Besides that, we are in the absurd position of demanding sanctions against a nation which is at peace with us, and yet do nothing about seeking economic sanctions against North Vietnam at whose hands this country has suffered more than 193,000 casualties.

"Just 10 months ago I introduced an amendment calling on this government to initiate and support in the United Nations economic sanctions against North Vietnam. The Senate adopted that formal resolution by a vote of 74 to 15. Yet, despite that action the President has done nothing about North Vietnam. But he *has* intensified the actions of this country against Rhodesia.

"This is a matter to be decided between the countries involved—Great Britain and Rhodesia. The American government has no business interfering in this matter. That same position has been forcefully stated by former Secretary of State Dean Acheson. Mr. Acheson has labeled the United Nations action against Rhodesia as 'barefaced aggression, unprovoked and unjustified by a single legal or moral principle.

"Hopefully, we will have pressure for a change of policy in this country. We have recently had a change of our ambassador to the United Nations. Mr. George Ball, our former Undersecretary of State now heads our delegation. Mr. Ball has many times expressed his view that our policy towards Rhodesia is self-defeating and misguided."

It should be made a matter of public record that while this country is backing the shameful British policy against little Rhodesia, the British in turn have not only failed to support the United States in its defense of South Vietnam, but have sent British ships into the ports of North Vietnam to provide our enemy with the sinews of war against our troops. The records show British trade with Hanoi has increased 100 per cent over the same period last year.

Again, while this country fully cooperates in the U.N. sanctions against Rhodesia, the U.N. for its part refuses even to consider the question of a boycott of North Vietnam.

This wierd policy of President Johnson might make sense to somebody, but we haven't found out yet exactly who it is.

SEX DISCRIMINATION IN PENSION AND RETIREMENT PLANS SHOULD NOT BE PERPETUATED

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mrs. GRIFFITHS. Mr. Speaker, there is now pending before the Senate a House-passed bill—H.R. 2767—that initially came from the House Ways and Means Committee on which I serve. However, the bill as reported by the Senate Finance Committee has been amended, by addition of a new section 2, to perpetuate sex discrimination in pension and retirement plans. That amendment would contravene the basic principle of nondiscrimination adopted by the Congress in title VII of the Civil Rights Act of 1964, prohibiting discrimination in employment on the basis of sex as well as race, color, religion, or national origin. That amendment would overrule a guideline which the Equal Employment Opportunity Commission issued in February 1968 after public hearings and over 2 years of consideration. The amendment would also modify the Civil Rights Act of 1964, and the Age Discrimination in Employment Act of 1967, as well as several Executive orders prohibiting sex and age discrimination by Federal Government contractors and subcontractors and on federally assisted construction projects.

This broad and mischievous amendment is based on misinformation and misunderstanding, and is unjustified. I have prepared an analysis of the amendment, which I believe will be useful for the Congress and the public, and I include my analysis in the RECORD at this point:

Section 2 of H.R. 2767, as Reported by the Senate Finance Committee, To Permit Sex Discrimination in Pension and Retirement Plans, Is Based on Misinformation and Misunderstanding, and Is Unjustifiable—Section 2 Should Not Be Adopted

H.R. 2767, as passed by the House of Representatives on March 14, 1967, would amend the Internal Revenue Code to permit tax deductions by farmers for assessments for depreciable property levied by soil or water conservation or drainage districts.

On August 1, 1968, the Senate Finance Committee reported out the bill with numerous amendments. One amendment added section 2, reading as follows (page 4, lines 10–25):

"SEC. 2. The terms or conditions of a pension or retirement plan qualified under section 401 of the Internal Revenue Code of 1954, or of a retirement practice, which provide for reasonable differentiation in retirement ages between male and female employees, or which provide for or require retirement at reasonable ages, shall not be construed to violate title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, any Executive Order, or any rules or regulations issued under any of the foregoing, except that such terms and conditions shall not excuse the failure or refusal to hire individuals, or the discharging of individuals prior to retirement age, on account of their sex or age. The preceding sentence shall not apply if such terms and conditions are merely a subterfuge to evade the basic purposes of title II of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967."

I. SCOPE AND PURPOSE OF PROPOSED AMENDMENT

Under this amendment, existing and future private retirement and pension plans, and retirement practices, may (a) provide different compulsory and optional retirement ages for men and for women, solely on the basis of their sex, and (b) permit or require retirement "at reasonable ages", regardless of the prohibitions in the following laws and executive orders:

a. Title VII, Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241, 253; 42 U.S.C. 2000e).

b. Age Discrimination in Employment Act of 1967 (Act of Dec. 15, 1967, Public Law 90–202; 81 Stat. 602).

c. Executive Order 11141, Feb. 13, 1964, prohibiting discrimination based on age by government contractors and subcontractors.

d. Executive Order 11246, Sept. 24, 1965 (30 F.R. 12319), as amended by Executive Order 11375, Oct. 13, 1967 (32 F.R. 14303), prohibiting discrimination based on sex by government contractors and subcontractors and on federally-assisted construction projects.

The stated purpose of this sex-based amendment is to overturn the guideline issued in February 1968 (33 F.R. 3344; 29 C.F.R. 1604.31) by the Equal Employment Opportunity Commission which stated that a "difference in optional or compulsory retirement ages based on sex violates Title VII." The Commission has not ruled on whether other sex differences in pensions and retirement plans, such as differences in benefits to survivors, violate Title VII.

It should be noted that the amendment deals with two different subjects: One involves sex differentiation in retirement ages (affecting Title VII and E.O. 11246 and 11375). The second subject involves "retirement at reasonable ages" which does not necessarily involve sex discrimination (affecting the Age Discrimination Act and E.O. 11141).

II. SCOPE OF THIS ANALYSIS

This analysis deals only with the subject of sex discrimination.

III. REASONS STATED IN SENATE FINANCE COMMITTEE REPORT TO SUBMIT AMENDMENT

The full text of the Senate Finance Committee's reasons for adding section 2 is on pages 6 and 7 of S. Rept. 1497, 90th Cong., and is attached hereto as Appendix A. These reasons are as follows:

1. The report asserts that it is "not uncommon for a pension or retirement plan to differentiate between male and female employees with regard to optional or compulsory retirement ages. . . ." and that such differentiation is provided for in "the retirement practice of many employers."

2. The report points out that although Title VII of the Civil Rights Act of 1964 does not contain a specific exception for differentials in retirement age, there is a provision in the Age Discrimination in Employment Act of 1967 (sec. 4(f)(2)) which exempts a "bona fide . . . retirement, pension . . . plan" from the prohibition against age discrimination. The report then states: "Nevertheless when Congress originally enacted title VII, the committee believes it is clear that Congress did not intend to prohibit reasonable differences in treatment of male and female employees under retirement or pension plans generally, since differential treatment is accorded men and women under the social security program today. . . . In fact, the congressional view on this matter would appear to be specifically indicated by the retirement differentiation for sex it has provided in the social security program."

3. The report states that the primary purpose of Title VII and the Age Discrimination Act—namely, "the hiring of workers on a nondiscriminatory basis"—would not "be served" by prohibiting sex differentials in retirement age.

IV. THE FOREGOING ARGUMENTS ARE INACCURATE, MISLEADING, AND LARGELY IRRELEVANT

A. Over 95 percent of pension and retirement plans do not have sex differentials in retirement age

It is misleading to state that it is "not uncommon" for a pension or retirement plan to contain differentials based on sex and that the retirement practice of "many employers" provides for differentials in retirement age. The fact is that over 95 percent of all retirement and pension plans under collective bargaining reported pursuant to the Welfare and Pension Plans Disclosure Act contain no distinction between men and women workers. Only 5 percent contain sex differentials concerning the age required for either (a) participation in the pension plan, (b) early voluntary retirement, (c) normal voluntary retirement, or (d) involuntary retirement. Of those 5 percent, only a few have sex differentials in all four age requirements. Furthermore, sex as such is almost never the basis for differences in the amount of benefits paid to the retired employee, or in the amount of credited service and earnings necessary to receive such benefits. Incidentally, of the 5 percent of the pension plans which differentiate in retirement age on the basis of sex, those of the Bell Telephone companies, the principal lobbyists for the amendment, affect the most employees.

B. The Social Security Act does not have different retirement ages based on sex

The report's discussion of the Social Security Act is simply erroneous. The Social Security Act does not provide different retirement ages based on sex. The normal retirement age under that Act is 65 for both men and women. In 1956 the Act was amended to permit women to retire at age 62, with reduced benefits. In 1961, the Act was further amended to permit men also to retire at 62, with reduced benefits. So far as retirement age is concerned, the Social Security Act does not differentiate on the basis of the worker's sex.[1]

The report also fails to mention that there is no sex differentiation in retirement ages for men and women employees under the Federal Civil Service Retirement System.

C. Title VII prohibits sex discrimination in retirement age

The clear language of Title VII prohibiting sex discrimination in the "compensation, terms, conditions, or privileges of employment" surely prohibits sex differentials with regard to retirement age. The requirement that an employee retire at a certain age is clearly a "condition" of employment; and the employee's option to retire voluntarily at a certain age is clearly a "privilege" of employment. Therefore, Title VII plainly prohibits sex discrimination with regard to retirement age under pension and retirement plans.

This conclusion is reinforced by the fact that while Title VII contains various exceptions[2] from the general nondiscrimination requirement, it has no exceptions with regard to retirement age and pension benefits. Furthermore, the fact that such an exception exists in the Age Discrimination in Employment Act of 1967, which relates solely to age discrimination, certainly has no bearing on the prohibitions in Title VII, which relate to discrimination based on race, color, religion, sex or national origin. Surely no one could rationally contend that race discrimination is permissible with regard to retirement ages. The same language of Title VII applies to sex discrimination.

D. The legislative history of title VII concerning sex discrimination in pensions and retirement plans does not modify the statutory prohibition against sex discrimination, and does not show a congressional intention to permit sex discrimination beyond that of the Social Security Act, which section 2 of H.R. 2767 would do

Opponents of sex equality in pensions and retirement plans have sometimes cited an ambiguous colloquy between Senator Randolph and then Senator Humphrey to show that Congress intended to permit sex discrimination in pensions and retirement plans. However, that colloquy is quite inadequate, under clearly recognized canons of legislative construction, to rebut the plain statutory prohibition against sex discrimination.

The Randolph-Humphrey colloquy consisted of only six sentences.[3] It clearly shows that Senator Randolph was inquiring whether title VII would permit private pension and retirement plans to be compatible with the Social Security system insofar as concerns sex differentials. Senator Humphrey's response plainly indicates that he misunderstood the question. He said: Yes, that point was made unmistakably clear earlier today by the adoption of the Bennett amendment; so there can be no doubt about it." But the Bennett amendment (sec. 703(h) of title VII) did not deal with pension or retirement plans at all. It related only to payment of wages as prescribed by the Equal Pay Act of 1963 which prohibits sex discrimination in wages of employees covered by the Fair Labor Standards Act. The Bennett amendment was simply intended to prevent inconsistent application of title VII and the Equal Pay Act, not to permit sex discrimination in pensions and retirement plans.

Footnotes at end of speech.

Furthermore, although the Civil Rights Act of 1964 contains several provisions requiring title VII to be harmonized with other laws,[4] there is nothing in title VII requiring that its provisions be subject to, or harmonized with, any sex discrimination features of the Social Security Act.

But even if the ambiguous Randolph-Humphrey colloquy were regarded as requiring Title VII to be interpreted in conformity with the sex discriminations permitted under the Social Security law, it would not justify the enactment of section 2 of H.R. 2767. The fact is that the Social Security law for the past seven years has not contained sex differentiations with regard to retirement age. Hence, to adopt section 2 would be squarely inconsistent with the purpose which Senator Randolph expressed in that colloquy.

It should be further noted that although the Senate Finance Committee's report relies on the alleged (but non-existent) sex differentials in retirement age of the Social Security system, the committee amendment to H.R. 2767 is not limited to such differentials as may be in the Social Security Act. It simply provides for "reasonable differentation in retirement ages between male and female employees" with no reference to the Social Security Act. Since it does not define "reasonable" or what criteria will be used to judge what is "reasonable", that word does not really limit the scope of the amendment.

The amendment is obviously intended to permit a lower compulsory and optional retirement ages for women. Yet actuarial mortality tables demonstrate that sex differentials in retirement ages are not "reasonable" since women as a class tend to live longer than men. When a man retires at 65, he will receive approximately 10 years of social security benefit payments, while a woman who retires at 62 will receive approximately 20 years of such payments. If any sex is entitled to an earlier optional retirement age privilege, it should be the male. Frankly, no sex differential is reasonable for retirement age. What the amendment would permit is simply unwarranted discrimination in retirement age based on sex.

E. The primary purpose of title VII would be affirmatively served, not hindered, by having no sex discrimination in retirement ages

Title VII of the Civil Rights Act of 1964 was enacted to prevent discrimination based on race, sex, etc. through the entire gamut of the employment relationship. It covers more than the hiring referred to in the Finance Committee's report. It applies to job advertising, to hire, to discrimination "with respect to . . . compensation, terms, conditions, or privileges of employment", and to "discharge". It would be wholly anomalous to prohibit an employer from discriminating in hiring, but to permit discrimination against the employee with regard to insurance coverage, promotions, transfers, on-the-job training, retirement ages, etc. In fact, the statistics in the First and Second Annual Reports of the Equal Employment Opportunity Commission show that most charges of discrimination based on race and sex against employers filed under Title VII deal with discriminatory terms and conditions of employment rather than with hire.

When the E.E.O.C., after two years of consideration as well as public hearings held in May 1967, issued its Guidelines of February 1968 interpreting Title VII to preclude sex differentials in retirement age, the E.E.O.C. was furthering, not disregarding, the explicit purpose of the Congress to eliminate discrimination in employment based on sex.

In sum, none of the reasons presented in S. Rept. 1497 can justify the proposed amendment to permit and encourage sex discrimination concerning the retirement ages of men and women employees.

V. ADDITIONAL REASONS FOR REJECTING SECTION 2 OF H.R. 2767

There are, also, additional reasons for rejecting the proposed section 2 amendment to H.R. 2767:

1. The amendment would overrule not only the February 1968 E.E.O.C. Guidelines and the basic purpose and language of Title VII of the Civil Rights Act of 1964, but also the President's Executive Orders (E.O. 11246, as amended by E.O. 11375) which prohibit sex discrimination by federal government contractors and subcontractors and on Federally-assisted construction projects. In this respect, the Executive Orders match the Congressional intent expressed in the similar prohibition in Title VII.

2. As mentioned above, 95 percent of the retirement and pension plans under collective bargaining agreements in this country, as well as the Federal Civil Service Retirement system, do not contain differentials in retirement age based on sex. Obviously, therefore, the overwhelming majority of public and private employers have concluded that such differentials are unnecessary, and that male and female employees can efficiently be offered the same compulsory and optional retirement age privileges. That, plus the clear Congressional purpose in Title VII to prohibit sex discrimination in the "compensation, terms, conditions, or privileges of employment," plainly require prohibiting, not encouraging and permitting, differentials in retirement age based on sex in the remaining 5 percent of the pension and retirement plans in this country.

3. The elimination of sex differentials in retirement age may displease some women who wish to take advantage of an earlier optional retirement age than is available to their male colleagues. But their concern must be balanced against the fact that the disadvantages of sex differentials in retirement age far outweigh their benefits. The proposed sec. 2 in H.R. 2767 would foster the continuation of discrimination now practiced against women who are able and desire to work beyond the optional retirement age. Experience has also shown that where such earlier options exists, many employers deny promotion to qualified women on the ground that they may be retiring at an earlier age. Many employers also exert pressure on women to retire at the earlier age in order to replace them with younger women or men. The earlier optional retirement age privilege is not an unalloyed benefit to women.

4. We should also consider the source of the argument that sex differentials in optional retirement ages favor women and therefore should not be abandoned. That argument is not supported by the 178,000-member National Federation of Business & Professional Women's Clubs, a traditional protector of the rights of the working woman, or by the Citizens' Advisory Council on the Status of Women, or by the National Organization for Women whose goal is "full equality for women in truly equal partnership with men", or by the National Woman's Party which has fought for women's rights since the early 1900's. Among the principal lobbyists for sec. 2 of H.R. 2767 (and its counterpart sec. 6(d) of S. 3465) are the Bell Telephone companies who have long relegated women to the lesser paid jobs in the communications industry, and who fear that the elimination of sex differentials in retirement age may result in earlier retirement for men, or longer service and increased credits for women, and thereby increase the companies' costs.

Furthermore, I find it difficult to understand the reasoning that a system which discriminates in some ways against men rather than against women need not, therefore, be amended. We in the Congress are elected by all the people, men and women, and it ill behooves us to discriminate against either men or women solely on the basis of sex. Indeed, I resent the implication that women should be favored over men on the assumption that women are incapable of withstanding unprotected the rigors of economic life and hence must be especially protected and favored by the law. Whatever validity that concept had five or six decades ago, it has none today. The latest data available from the Labor Department shows that women head 10.6 percent of all families (March 1967), and comprise 36.4 percent of our total labor force 16 years of age and over (July 1968). Women are now certainly entitled to be rid of the "adult children" myth which brands them as incapable of equal participation in our present economy. They are willing to take their chances with equal privileges if society will but grant them equal opportunities.

Moreover, while the direct effect of an earlier retirement age for women primarily discriminates against men, its indirect effect also discriminates against women; namely, the wives and families of male employees who are denied retirement age privileges available to female employees. Discrimination is a seamless web. If we permit it to exist against the interests of one group, it will inevitably work against the interests of the other.

5. The people of this country are becoming increasingly sophisticated politically on the issue of equal rights for women. Congress recognized this in enacting the Equal Pay Act of June 10, 1963 (Public Law 88-38, 77 Stat. 56; 29 U.S.C. 206(d)), prohibiting sex discrimination in wage payments; Title VII of the Civil Rights Act of 1964; *supra:* the Social Security Amendments of 1967 (Act of January 2, 1968, Public Law 90-248, 81 Stat. 821, secs. 151 and 157), eliminating some of the sex differentials in that Act; and the Act of November 8, 1967 (Public Law 90-130, 81 Stat. 374), removing sex discrimination in the promotion and retirement of women in the armed services. The President also moved to eliminate sex discrimination when he signed Executive Order 11375 of October 13, 1967, prohibiting discrimination based on sex in the executive branch of the Federal government and by federal government contractors and subcontractors and on Federally-assisted construction projects. Twelve States and the District of Columbia have, since 1961, adopted laws prohibiting sex discrimination in employment, and many more States have been eliminating old laws which discriminated against women.

IV. CONCLUSION

The proposed section 2 of H.R. 2767 would squarely contravene this national policy of ending sex-based discrimination, and therefore should not be adopted.

[Excerpt from Senate Rept. 1497, 90th Cong., second sess., report of Senate Committee on Finance on H.R. 2767 (Aug. 1, 1968), pp. 6 and 7]

APPENDIX "A" TO ANALYSIS BY CONGRESSWOMAN MARTHA W. GRIFFITHS

III. DISCRIMINATION ON ACCOUNT OF SEX OR AGE IN RETIREMENT PLANS OR PRACTICES

Reasons for provision.—Under title VII of the Civil Rights Act of 1964 (the equal employment opportunity title) and the Age Discrimination in Employment Act of 1967, it is unlawful for certain employers to fail or

---

Footnotes at end of speech.

refuse to hire, or to discharge, any individual, or to discriminate against any employee, with respect to a number of specified aspects of employment because of race, color, religion, sex, national origin, or age. In the case of the discrimination prohibited by the Age Discrimination in Employment Act of 1967, a specific exception is provided for the situations where the actions of the employer are necessary to comply with the terms of any bona fide employee benefit plan, such as a retirement or pension plan. No similar specific exemption, however, is provided in the case of title VII of the Civil Rights Act. Nevertheless when Congress originally enacted title VII, the committee believes it is clear that Congress did not intend to prohibit reasonable differences in treatment of male and female employees under retirement or pension plans generally, since differential treatment is accorded men and women under the social security program today.

On February 24, 1968, however, the Equal Employment Opportunity Commission issued a regulation regarding pension and retirement plans (29 C.F.R. 1604.31). This regulation provides that it is unlawful for an employer to differentiate between male and female employees with regard to either optional or compulsory retirement ages under pension and retirement plans. The Commission's interpretation on this matter is not consistent with the committee's view of the intent of Congress in enacting title VIII of the Civil Rights Act of 1964.

It is not uncommon for a pension or retirement plan to differentiate between male and female employees with regard to optional or compulsory retirement ages or to require retirement at specified ages, frequently before attaining age 65. Moreover, the retirement practice of many employers provides for a differentiation in optional or compulsory retirement ages between male and female employees or provides for, or requires, retirement at certain ages. In fact, the congressional view on this matter would appear to be specifically indicated by the retirement differentiation for sex it has provided in the social security program.

Neither the intent of Congress in enacting title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, nor the primary purpose of those acts—the hiring of workers on a nondiscriminatory basis—would be served by making it unlawful for an employer's pension or retirement plan or retirement practice to differentiate between male and female employees with regard to optional or compulsory retirement ages or to provide for optional or compulsory retirement at specified ages. Accordingly, the committee's amendment provides that these types of differentiation or retirement requirements are not to be considered unlawful.

Explanation of provision.—The committee's amendment provides that the terms or conditions of a pension or retirement plan (which is a qualified plan under sec. 401 of the Internal Revenue Code of 1954), or of a retirement practice, are not to be considered as violating title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, any Executive order, or any rules or regulations issued under any of these because such terms or conditions (*a*) provide for reasonable differentiation in optional or compulsory retirement ages between male and female employees or (*b*) provide for or require retirement at reasonable ages. This rule is to apply to new and existing pension plans or retirement plans, and to both the establishment and maintenance of these plans. It is important to note that the differentiation in retirement ages and the retirement age requirements which are allowed under the committee's amendment are only those which are reasonable. Moreover, the rule provided in the committee's amendment is not to excuse the failure or the refusal to hire individuals or the discharging of individuals prior to retirement age on account of either their sex or their age. In addition, the rule provided in the amendment is not to apply if the terms and conditions of the pension or retirement plan or the retirement practice are merely a subterfuge to evade the basic purposes of title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967.

FOOTNOTES

[1] However, in computing the *amount of reduced monthly benefits* for workers retiring before age 65, the Social Secruity Act averages the man's credits over the number of quarters of covered employment he had after 1950 to the year he would reach 65, whereas a woman's credits are averaged only over the quarters up to the year she reaches 62. Secs. 202(a) and 215(b) (2) and (3), Social Security Act (42 U.S. Code 402(a), 415(b) (2) and (3)). Thus, if a man and woman work under social security for the same number of years, receive the same earnings, and retire at the same age (62, or over) in the same year, the woman would receive a larger monthly check.

[2] Section 706(f) permits discrimination against members of the Communist Party or Communist-front organizations. Section 706(g) permits discrimination against persons who have not fulfilled the requirements of the national security program, where applicable. Section 706(i) permits discrimination in favor of Indians living on or near an Indian reservation. Section 712 permits discrimination in favor of veterans.

[3] The whole colloquy is as follows (110 Cong. Rec. 13663–64):

"Mr. RANDOLPH. Mr. President, I wish to ask of the Senator from Minnesota, Mr. HUMPHREY, who is the effective manager of the pending bill, a clarifying question on the provisions of Title VII.

"I have in mind that the social security system, in certain respects, treats men and women differently. For example, widows' benefits are paid automatically; but a widower qualifies only if he is disabled or if he was actually supported by his deceased wife. Also, the wife of a retired employee entitled to social security receives an additional old age benefit; but the husband of such an employee does not. These differences in treatment as I recall, are of long standing.

"Am I correct, I ask the Senator from Minnesota, in assuming that similar differences of treatment in industrial benefit plans, including earlier retirement options for women, may continue in operation under this bill, if it becomes law?

"Mr. HUMPHREY. Yes, that point was made unmistakably clear earlier today by the adoption of the Bennett amendment; so there can be no doubt about it."

[4] Section 703(h) (the Bennett Amendment) requires that Title VII be harmonized with the Equal Pay Act of 1963. Sections 708 and 1104 seek to harmonize both Title VII and the Civil Rights Act of 1964 with all state laws which are not inconsistent with the Act.

INVOCATION BY RABBI SEYMOUR J. COHEN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. YATES. Mr. Speaker, Rabbi Seymour J. Cohen is the spiritual leader of Anshe Emet Synagogue in Chicago and is one of our city's outstanding religious leaders. He is also president of the Chicago Board of Rabbis.

Recently, he presented a most moving invocation, which I am appending as part of my remarks. I am sure it will strike a responsive cord in the hearts of all Members. The prayer follows:

PRAYER OF RABBI SEYMOUR J. COHEN, SPIRITUAL LEADER OF ANSHE EMET SYNAGOGUE, PRESIDENT, CHICAGO BOARD OF RABBIS

We are assembled in trying times that test the souls of men. Like the prophet of old, we moan that the whole head is sick and the whole heart is faint. To you, O Heavenly Father, we look for guidance and strength. Above the din of Solemn assemblies let us hear Your still small voice summoning us to service. Help us with courage in crisis and hope in place of despair. You have planted hope in the better tomorrow in the hearts of men: You have taught us that the road to holiness is the road of action, strengthen us in our resolve to build a world where young people will no longer hear the call to war. Banish the heat of contention and show us the light of Your peace.

In this age which has witnessed brutal tragedy and violence, where compassion has been sucked out of the souls of some men, strengthen us in our determination to build a just society. May we ever remain sensitive to the anguish of the deprived and the despoiled, the agony of the poor and the forgotten, the cry of those who long to be free.

May we soon see the aspiration of the ages and the dream of modern martyrs fulfilled, when the mountains of bitterness will be leveled and the broad places of tranquillity will be reached.

Restore, we ask of You, the hearts of parents to their children, and the hearts of the young to the old. Help us, O good God, so to act that history may say of this generation. They were truly blessed of the Lord.

ARTHUR ASHE: NEW U.S. OPEN TENNIS CHAMPION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 12, 1968

Mr. BYRD of Virginia. Mr. President, the victory of Arthur Ashe in the open tennis tournament at Forest Hills recently restores the United States to the top in tennis.

Arthur Ashe was born in Richmond, Va. His father was a playground policeman, and it was on the playgrounds of the city of Richmond that Arthur Ashe first learned to play tennis.

Virginia is very proud of this champion.

Mr. President, I ask unanimous consent that an editorial published in the Norfolk Virginian Pilot of September 11, 1968, be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHAMPION

Arthur Ashe's victory in the first U.S. open tennis tournament at Forest Hills is satisfying.

Aesthetically, his win over Tom Okker of The Netherlands in the finals Monday was a beautiful match to watch. Buffs have always known what a splendid sport top-flight tennis is, but it was brought home to millions by the televising of the tournament on two weekends—and especially to those who saw any of the matches on color TV. Mr. Ashe, who scored 26 aces with his big serve, won the final, five-set struggle in convincing fashion; he was clearly in command in the fifth set, winning the deciding game at love. None will question his victory.

Parochially, the achievement of a native son is especially satisfying to Virginians. Mr. Ashe was born in Richmond, where his father is a playground policeman, and grew up there. He first learned to play tennis there—though he made it in competitive ranks as a scholarship student at UCLA, not in Virginia.

Patriotically, Mr. Ashe restored the U.S. to the top of the tennis world. American tennis titles have been on the export market for some time, with Australia carrying off our championships wholesale. But Mr. Ashe and his Davis Cup teammates (especially Clark Graebner, whom he eliminated in the semifinals) changed that this year. The United States is now the odds-on favorite to bring the Davis Cup home from Down Under later in the year.

Popularly, the Walter Mittys of the tennis world—the weekend players who believe "backhand" is a dirty word—were delighted that the amateurs dominated the first U.S. open tournament. Besides Amateur Ashe's winning, three of the four semi-finalists were amateurs (more or less, in the case of Mr. Okker), and amateurs ousted pros in 17 matches in the men's and women's singles play. The result served to enhance open play's success, and is bound to benefit tennis. Mr. Ashe may regret that he wasn't eligible for the $14,000 first prize, but he can be comforted by the prospects of big money when he begins to play for pay.

Symbolically, Mr. Ashe is the first Negro ever to win a major men's tennis title. (Althea Gibson scored a breakthrough earlier in women's play.) "Firsts" are significant, but ought not to be over-emphasized. It is only honest to note that tennis is in many places a segregated sport still.

Ultimately, what matters isn't the color of Arthur Ashe's skin, but the fact that he is a champion and a fine one.

RELIEF FOR SUGAR FARMERS

HON. EDWIN E. WILLIS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. WILLIS. Mr. Speaker, I arise today to appeal to my fellow Congressmen for understanding, sympathy, and support for my bill, H.R. 19575.

The effect of this measure, which has been carefully drawn in coordination with the Office of Legislative Counsel of the House in consultation with appropriate counsel of the Department of Agriculture, is technically sound.

In addition, it is a "must" piece of legislation if my congressional district, my State, and the State of Florida are to be spared the tremendous economic blow which will be occasioned by the recently announced 20-percent acreage cut on next year's mainland cane sugar crop.

Simply speaking, H.R. 19575, would have the effect of qualifying surplus sugar under the commodity distribution program under section 32 of Public Law 320, 74th Congress. Since certain provisions in the law result in the exclusion of sugar from this program, my bill would make a specific and limited exception to the rule.

This exception would both serve the nutritional requirements of millions of needy citizens and at the same time would reduce the economic impact on thousands of Louisiana and Florida sugar farmers.

As much as 130,000 tons of the carryover sugar which is now threatening next year's crop with a severe acreage cut could be taken from our warehouses and distributed to the needy.

It is the excess inventory factor which, under the Sugar Act, is the cause of acreage cuts; and by allowing Government disposal of this amount it should have the effect of allowing the Secretary of Agriculture perhaps to cut the cut in half.

It is obvious that reduction of surplus inventories should bring a corresponding reduction in the 20-percent acreage cut announced late last month for the 1969 mainland cane sugar crop, with only those proportionate shares of less than 50 acres being exempted from any cut whatever.

Mr. Speaker, my bill offers a sensible and levelheaded way of correcting serious inequities in our sugar program, without actually amending the Sugar Act itself.

I plead very specifically with those of my colleagues which represent sugar beet States to talk some sense into the sugar beet industry, which already seems to be taking a hardnosed stand against my bill.

Unfortunately, the U.S. Sugar Beet Association and other segments of the sugar industry have strongly opposed all of our plans to give acreage relief to Louisiana and Florida farmers. Now they say there is no reason why they should change their position at this late date.

As my colleagues know, in the Congress, Louisiana and Florida are outnumbered about 15 to 1 by the beet-producing States. In the Senate, for instance, the count is 4 against 46.

Here in the House, the odds are about the same; and the fact that the sugar beet and refining industries have no problems of their own seems to leave them with little or no sympathy for the hardship that a 20-percent cut will bring to Louisiana and Florida farmers.

I trust that many objective Congressmen who represent beet sugar States will therefore give support to my bill which would greatly help the mainland cane area and would be of no harm at all to any other segment of the sugar industry.

Some officials of the other segments of the industry have recommended to the U.S. Department of Agriculture that we should be cut as much as 40 percent. I would like to know what kind of yelling there would be if their salaries were cut 40 percent.

It is obvious to me that H.R. 19575 would provide a sensible compromise in a troubled situation:

First. It is not a direct amendment to the Sugar Act, which all other segments of the sugar industry oppose so violently.

Second. It would fit beautifully into the commodity distribution program since sugar is a high-calorie, easily stored, easily distributed, nonperishable surplus food for the needy families of the Nation.

Third. It would give some much-needed flexibility to a sugar program which, as far as Louisiana and Florida are concerned, has become very much out of balance.

BAN LOG EXPORTS—STOP THE SKYROCKETING COST OF HOUSING

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. CORMAN. Mr. Speaker, I am pleased to learn that the conference committee on the Foreign Assistance Act of 1968 has agreed to prohibit the exportation of softwood lumber logs from federally owned lands for a period of 3 years.

I would like to see this prohibition extended through 1975, and I am today introducing legislation which would do this. My reason for introducing this legislation is the firm conviction that the export of logs has resulted in the people of southern California paying hundreds of millions of additional dollars for the homes they are building or purchasing. This unwarranted inflationary pressure can be avoided by prohibiting further export of softwood lumber.

The export of raw logs from the west coast has skyrocketed lumber and plywood prices for the retailer and homebuilder. One estimate is that recent price increases on raw logs will add $300 to the price of the average house.

The problem has been growing steadily worse since 1961.

Log exports are the primary factor blamed in the permanent closure of some 47 sawmills and 25 plywood mills in the past 2 years, in western Oregon and western Washington alone.

The export of logs to Japan—long concentrated in that area—now is rapidly spreading into timbered northern California and eastward through Idaho and into western Montana. When the Japanese buy logs, the price of the end product goes up to cover the increase in the price of raw material which their bidding causes.

Throughout the Western forest areas, there have long been fewer logs available then needed to supply existing sawmills and plywood mills. Consequently, everywhere export logs are removed from the local timber supply, mills close down.

This leaves the lumber dealer with less variety of supply sources, less opportunity to bargain for the widest range of material at the most attractive prices.

Contrary to the belief of many people, the wood which is going to Japan is not coming back to the United States in manufactured form. It is going into Japan's boom in housing and light construction.

Consequently, logs which are exported to Japan are lost to the U.S. economy and have no later downward effect on U.S. prices as they would if the material were manufactured in Japan, then shipped back to the United States in competition with American-made lumber.

For some time now, Japan's economy has been expanding at a boom rate—about 10 percent per year—compared with about 4 percent in the United States.

The Japanese have traditionally lived with wood and worked with wood. They enjoy its warmth, its workability.

Japan's housing starts are running at about 1 million per year—compared with 1.4 million in the United States. With 105 million people crammed into an island archipelago the size of California, the country's own forests cannot supply the need.

Japan's forests—seriously overcut during World War II—produce only about 70 percent of the nation's softwood needs now. Although they are among the most intensely cultivated in the world, their ability to supply their own needs probably will become less, rather than greater, as a still larger, more affluent, population increases its demand for softwood construction.

About 95 percent of the west coast exports go to Japan.

Here is how Japanese imports of raw logs from the U.S. west coast have increased in recent years:

	Millions of board feet
1961	355.5
1962	423.9
1963	676.7
1964	752.8
1965	787.9
1966	1,044.9
1967	1,581.0

For the first half of 1968, log exports to Japan were 1,006.5 thousand board feet—indicating the virtual certainty the 1968 final figure will exceed 2 billion.

Has this export volume really affected log prices that much?

Yes; take sales of timber owned by the State of Washington for the first half of 1967: on 242 sales, prices averaged 87 percent above the appraised price. On 40 of those sales, which were bid late in June, prices averaged 233 percent of the appraised price. On these 40 sales, the winning auction figures came to $8,628,415—compared with appraisals totaling $3,698,000.

The appraised price is, by definition, the State forest department's own estimate of a fair market price for the logs. This is arrived at by estimating the gross sale price for lumber which the trees will produce, then subtracting all costs of logging, transporting, milling, and selling—plus a margin for profit and risk, usually about 9 percent. Everything that is left after those costs are taken off is the fair-market or appraised price.

Bidders buying for export to Japan can recover that log cost in the cartel-controlled Japanese market. Mills which cannot recover that price in the American market lose the sales—and eventually close for lack of logs.

Pressure from the mill operators, labor, and affected communities in the West, generally caused a partial restriction on log exports to be imposed last April.

Secretary of Agriculture Orville Freeman—who administers the national forests—ruled not more than 350 million board feet of timber from Federal lands in the Douglas-fir region—western Oregon and western Washington—could be exported annually. The rule expires in June 1969.

It does not cover private timber or State of Washington timber in that area. Oregon already has a law restricting export of State-owned timber. The rule also does not cover the other key timber-producing States such as California, Idaho, and Montana.

The rule does not apply to national forest timber already under contract. Since most contracts for Government timber last from 18 months to 3 years, the limit will have expired before present sales do. Thus the supply in the affected Douglas-fir region gains little protection.

However, the restriction did scare—if not panic—Japanese buyers into moving into areas it does not cover. The flurry of applications for rail rates to transport logs to port areas reached as far inland as Montana.

But the greater part of the Japanese change of interest moved southward into California, where the haul to tidewater is shorter. There, the price of white fir, for instance, has jumped in less than 6 months from $50 per thousand board feet to $80 per thousand.

Because of their ability to outbid local sawmills for what they want, the Japanese tend to take the higher grade logs, leaving the lower quality material to be manufactured into American homes.

Early in the business, there was tendency for the Japanese to take only certain species—Port Orford cedar and western hemlock being the favorites. Now, however, with their tremendous growth in consumption and in shipping facilities, they are taking all of the species which grow commercially on the west coast—Douglas-fir, white fir, Sitka spruce, western red cedar, and redwood. Additionally, as Japanese buyers have moved inland, they have begun to take some of the pines which are dominant there.

Defenders of export point out, however, higher prices for timber make it economically attractive to thin, replant, destroy competing brush, install better roads, and do other things which make for better forestry in the long range. These practices, they contend, will increase the productivity of the forest land far into the future.

However, the price increase caused by Japanese bidding for logs is expected to raise the Nation's housing bill by $600 million by 1970. By then, the U.S. housing starts are expected to rise to 2 million—from the 1.4 million level in 1968.

The Western forest simply cannot handle a sudden new Japanese market for wood with housing running above the million-start level, continue to supply its normal U.S. market, and handle the anticipated expansion of U.S. housing needs—all within 2 years or so.

There has been a gradual increase in Japanese import of logs from Siberia. But ports and woods there are closed much of the year by freezing weather, much of the timber is inaccessible, and its quality is dramatically lower than from North America. Generally, it is smaller in size and has more knots. The Soviet Government has bartered with the Japanese—logs for sawmill, plywood, and pulpmill equipment. They have warned the Japanese that when these have been installed, they will insist that the Japanese take finished wood products, rather than raw logs.

Another alternative open to the Japanese is British Columbia—Canada's western-most Province, whose forest is similar to that of Oregon, Washington, and Idaho.

About 94 percent of the forest in British Columbia is owned by the Provincial government. To keep labor at home, the British Columbia Government will not permit export of any logs except those few which may be found to be surplus to the needs of local mills. British Columbia's Minister of Forests, Hon. Ray Williston, recently remarked, "this Province cannot afford to export jobs."

Thus, while Japan can get much of the wood it needs from British Columbia, it must be manufactured rather than in raw form.

This, the Japanese will not do so long as they are able to get raw logs from the U.S. west coast—and thus capture the labor for its own workmen.

Restrictions on Federal logs from the United States thus would tend to divert the Japanese to Canada for part of its supply—helping keep lumber prices within bounds in the United States, and thereby saving the Nation's homebuyers many millions of dollars.

AGRICULTURE SECRETARY FREEMAN CITES STEPHENS FOR RURAL HOUSING LEADERSHIP

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. DAVIS of Georgia. Mr. Speaker, on August 21, Secretary of Agriculture Orville Freeman came to Georgia to participate in the first Farmers Home Administration loan ceremony for our State under the Housing Act of 1968. This was the second loan made in the United States under the new act.

It was made in Washington, Wilkes County, Ga., to Mr. and Mrs. Holice W. McAvoy to assist in building a new three-bedroom home for them and their three children.

Washington, Ga., was chosen for this first-loan ceremony because of the wish of the Secretary to recognize the leadership in Farmers Home Administration legislation taken by my Georgia colleague, Congressman ROBERT G. STEPHENS, JR., of the 10th District, a member of the Housing Subcommittee.

The new loan procedure is one which provides an interest supplement for low- and moderate-income families in rural America. The design is to encourage homeownership for this income group and to give more incentive for private enterprise to finance this area of housing need. Private capital will build these types of homes and will charge conventional and competitive interest rates, the supplement by the Farmers Home Administration being the difference between 1 percent and what the borrower can afford.

Mr. Freeman was accompanied by S. L. VanLandingham, Regional Director of the Farmers Home Administration, in Atlanta. Harry K. Neal, of Madison, FHA district supervisor, arranged details of the meeting along with T. K. Wilson, Wilkes County local FHA representative. William L. Lanier, Georgia Farm Bureau president, presented Secretary Freeman.

The address of Secretary Freeman on this occasion honoring Congressman STEPHENS is set out below in full for the benefit of the Members of the House:

SPEECH OF SECRETARY FREEMAN

I have come to Georgia today to observe with you the beginning of a new era in rural America.

This occasion marks the beginning of the end of substandard housing in rural America, and points toward the day when even the lowest of the low income rural families can live in decent, adequate homes.

For me—as it must be for many millions of rural people—this is the realization of a dream come true.

This dream was made possible by the passage of the new Housing and Urban Development Act of 1968. This unprecedented, landmark legislation culminates nearly eight years of effort by the Kennedy and Johnson Administrations to rid the Nation of the blight of city ghettos and rural slums and put substance and meaning into the promise of "equal opportunity in housing for all Americans."

This moment—this legislation—culminates also, eight years of dedicated effort by your great Congressman, Bob Stephens.

You sent Bob Stephens to Washington the same year I arrived there.

We have worked together since in our common desire to bring a better life to rural Americans.

He quickly established himself as one of the most effective spokesmen in the Congress for rural people. The series of rural housing acts starting with his first term in 1961, are a monument to his efforts and his vision.

And it was the Housing Act of 1961 that represented the first real breakthrough for rural people. This act expanded the first rural housing program enacted back in 1949 to include all rural people—as well as farmers. It also provided special provisions for loans to senior citizens and domestic farm labor.

The next big step—again led by Bob Stephens in the House and by Senator Sparkman of Alabama in the Senate during the 89th Congress—was the passage of the Housing and Urban Development Act of 1965.

To show the impact of these new rural housing programs—let me cite some comparative figures.

During the 1950's—under a different Administration—the rural housing program was allowed to wither and then completely die out by 1955. In that year, not a single rural housing loan was made.

By 1960, the last year of that Administration, things had started to perk up and $40 million was loaned to farm families.

But then, things really started to happen.

In the first full year of operation of the Housing Act of 1961, the Farmers Home Administration loaned more than $185 million—more than a four-fold increase—and approximately 20,000 rural families were benefiting.

With the enactment of the 1965 Act, we were able to loan nearly a half billion dollars during this past fiscal year—which means the equivalent of some 50,000 new homes for rural families.

Encouraged and heartened as we were with these new and expanded rural housing programs, we were also aware of their limitations.

We could not reach—could not help—the very low income rural people who were most in need of decent housing.

Our experiments with self-help housing programs wherein low income families can save 25 to 30 percent of their housing costs did benefit thousands of rural families. But this program is difficult to administer and it has its limitations.

The answer to our problem of reaching low income people has been largely solved under the new Housing Act.

Hopefully, with this interest supplement payment provision—which could reduce a family's monthly payment to that due if the interest rate were 1 percent, based on family income and size—we shall be able to meet the needs of most rural people under a variety of new housing services. These will include not only low interest loans for new and improved homes, but for nonprofit rental and cooperative housing in rural areas and for expanded self-help housing projects.

This first year under the new Act we expect to provide at least 80,000 housing units in rural areas. As funds, personnel and experience become available, we expect to make increasingly greater annual gains in eliminating the 3 million substandard homes in rural America.

There is no reason why we can't replace such homes in all America within another decade.

One of the major features of this new Housing Act is the provision to provide community planning grants to rural areas.

This is a program that is close to my heart because I am convinced that only through multi-community and multi-county planning can we develop a new Town and Country USA that can offer all the best features of urban and rural life combined and restore to America a healthy balance of rural and urban life.

This new planning program gives us the essential tool to guide the growth of hundreds of small modernized multi-county rural communities already in place all over America.

By working together, six to ten counties grouped around a central city of 10,000 to perhaps 50,000 people can now pool their resources. Local leadership and planning will make Federal help available. The combination means they can provide educational, health and recreation facilities that would otherwise be beyond their means. Careful planning is basic to this growth and for the securing of Federal assistance. When these facilities are available, new industry is attracted and jobs created. With new industry and new jobs, the tax base is broadened and further community development becomes possible.

These things are all part of a national pattern that is now clearly emerging under these new programs and under local and state initiative and leadership.

We are, in truth, finally developing a national policy to help the disastrous emptying out of people from rural America and to stop the blind rush to self-destruction which now threatens metropolitan America.

To those who say it can't be done, we can't afford it, we can't plan that well, we can't tell people where to live . . . I say, nonsense.

By the standards of the past, creating a viable rural-urban balance seems like a gigantic undertaking. But we are not living in the past. We live now—and most of us will be here tomorrow.

We have no choice—we must restore a national balance or give up our ideals.

We can do the necessary planning.

We can afford it. We are rich enough in resources to do it.

We need not tell people where to live. Poll after public poll clearly demonstrates that if jobs and social advantages are available, more than 56 percent of the American people would prefer to live in Town and Country USA.

I have long had a vision of rural America—a rural America of unlimited economic and social potential—a place where any American can live, if he so chooses, and be assured of a job, good education, good health, good cultural advantages and a good life.

What is that vision? Well, this is the America I see in the years ahead.

I see a countryside dotted with clusters of renewed small cities—new towns—growing rural communities.

I see each cluster with its own jobs, its own industries, and with its own college or university.

I see each with its own medical center, and its own cultural, entertainment, and recreational centers.

I see good farms in these clusters—and an agriculture fully sharing in the national prosperity.

And, standing tall, I see our great cities—intact, but changed—free of smog—free of blight—free of despair—true centers of commerce and culture.

I see the American people living where they choose—at ease with each other and with their environment.

That is *my* vision of America—a rural-urban America in real balance.

Is it utopian? Maybe. But perhaps it is not far off. Perhaps it is just over the horizon.

PRESIDENT ROBERT E. KENNEDY'S ADDRESS TO ROTC CADETS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. TALCOTT. Mr. Speaker, students are returning to college campuses all over our land this month. Most of them are returning to campuses, or going to campuses for the first time, in pursuit of knowledge and a higher education. They seek this education in parlous times. They desperately need all the education they can acquire, to be able to cope with their environment and contribute to our society.

Regrettably, world conditions require that some undertake ROTC training; some may be drafted before their college careers are completed; some may spend much of their college time in dissent of one kind or another.

Many conscientious college students, faculty members, and administrators are approaching this college year with great trepidation. They want to study and teach and learn without disruption. This is their "right." We, as citizens, have an obligation to preserve their "right of assembly" to learn as well as their right of reasonable dissent. Certainly between the "right of assembly" without molestation and the reasonable right of dissent there is adequate room for students to pursue their education.

The address to the corps of cadets by President Robert E. Kennedy of the California State Polytechnic College at San Luis Obispo is an exceptional statement of a related problem and a reasonable approach to a solution which I believe received unusual acceptance by faculty, students, and taxpayers alike, and which could serve as a model for many presidents, administrators, faculty, and students of our universities this fall.

I commend the address of President Robert E. Kennedy to the attention of every Member of Congress in whose district is located an ROTC college, as follows:

As President of Cal Poly I bring you greetings from the entire campus at San Luis Obispo. In the manner of the Services, I salute *you*, your honored guests, your fifteen-man ROTC staff, and every man standing in the field before me.

I bring special greetings to Colonel Bauer, your commanding officer, who is looking forward to a different tour of duty, called retirement, after a thirty-year commitment to the Army.

The U.S. Government has used the facilities of this state college since 1952 in the production of qualified, educated junior officers for the United States Army. The Military Science Department, an integral part of the educational program of Cal Poly, offers on an elective and voluntary basis classroom and leadership laboratory instruction for students who desire to fulfill their military obligation as commissioned officers. As in any other academic courses, credits accrued for completing ROTC courses are awarded toward college graduation.

In these past sixteen years since the establishment of the program here, 453 men have been commissioned as officers as a result of successfully completing the classroom and laboratory work in ROTC.

These 453 men will be joined by an additional 108 men who will be commissioned June 12 or by the end of the summer quarter. Cal Poly, with an ROTC voluntary enrollment of 525 cadets is the largest voluntary ROTC unit west of the Mississippi River.

The preparation of junior officers is a vital part of the national defense effort. More than 70% of all commissioned officers on active duty in the U.S. Army received their training and commissions through ROTC programs at colleges and universities throughout the Nation.

One of our sons, Steve, is participating in ROTC training at Claremont Men's College in Pomona. I understand a battle of patience was fought during their Presidential Review just one week ago.

The temperature that day was over 100 degrees. It was mid-day when the unit marched onto the field, side-stepping to avoid marching over six civilian students seated in protest in the center of the parade area. According to one observer that day, this is an account of what took place at Alumni Field, Pomona, last Monday.

Under the shade of oak trees at one end of the field was gathered a group of non-ROTC students, equal in number to the cadets on the field; they were there ostensibly for the purpose of auditing the ROTC class session.

But the conduct of that group that day reflected none of the rules of auditing students. They were quite obviously there for the purpose of harassment and diversion from the field laboratory procedure planned for that time and place as part of the requirements of ROTC training.

The men in helmets and wool uniforms conducted themselves well under the strain of this battle of nerves. To all spectators in the stands, the ROTC men appeared to ignore and overlook the humiliating antics of their so-called fellow students. The ROTC men carried out that day's portion of their classroom commitment with dignity and purpose.

As President of Cal Poly, I have a commitment to uphold the contractual promises of this state college to provide classrooms and lab facilities necessary to the training of junior officers needed for the defense of our Nation. I have the same commitment to see that classes in ROTC are uninterrupted by those who disagree with the purposes of training officers for our military services as I have a commitment to see that there is no interference with any other educational activity of this College. Those who wish to dissent or protest about any activity of this College are welcome to do so, *only* so long as they do it without interfering with the *education* of others—without interfering with the *freedom* of others.

As an individual citizen, I cannot conceive in my mind or my heart a world without law and order. I cannot believe that in our democracy law and order must give way to the irresponsible acts of willful minorities led by individuals whose objectives may not be the improvement of the democratic processes but the substitution of anarchy.

As President of this College, I must act in accord with the rules and regulations established by the Trustees and the State Legislature. I must see that there is no violence, or threat of violence, on this campus which would interfere with normal educational activities. This I have done, and this I will continue to do. Those who wish to protest ROTC classes on this campus will do it in accord with "time, place and manner" that will in no way interrupt this educational program—or they will subject themselves to appropriate discipline.

Those of you on the field today to be commissioned soon will take with you on your tour of duty the best wishes of every loyal American citizen. Though in uniform, you will be working for peace for the world in the most realistic sense that this world seems to know.

On the local level, most people realize that without a police force to protect our citizens, a criminal element in a city would run roughshod over unarmed and frightened citizens. We seem to understand what might happen without a police force. On the international level, some people seem to get soft-headed. Whether we like it or not, our capability to defend ourselves depends upon our military strength. While we can all pray fervently for peace, we thank God for men willing to volunteer for the Armed Services—our only guarantee against aggression—our only protection against lawlessness and anarchy.

PRESIDENT JOHNSON SPEAKS ON PEACE TO B'NAI B'RITH

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. EDMONDSON. Mr. Speaker, President Johnson, Tuesday night, addressed the 125th anniversary meeting of the B'nai B'rith, at a banquet attended by thousands here in Washington.

Representatives of that distinguished organization from more than 40 nations heard an eloquent plea for peace and a forceful statement of America's policy throughout the world—a policy of resistance to what the President termed "the dark tide of violence and totalitarian rule," and a policy of constant search for a just peace.

The text of the President's fine address follows:

Remarks of the President to 125th Anniversary Meeting of B'nai B'rith

Dr. Wexler, my delightful friend Deputy Prime Minister Allon, Members of the Diplomatic Corps, Members of the Cabinet, Distinguished Members of the Congress, Reverend Clergy, and my fellow Americans:

In time of troubles, I am glad to be with those who have known trouble, and who still treasure the spirit of man.

The proverb says, "A friend loveth at all times and a brother is born for adversity."

You have been my friends, and some of you have been like brothers to me.

So in the words of the proverb, we were born for these times.

Adversity is in the air that we breathe. The tanks have rolled again in Europe. The virus of anti-Semitism threatens again to infect nations which shoud have learned its awful lessons a generation ago.

The road to peace in Southeast Asia is long and hard. The fires of unreasoning hostility tonight burn in the Middle East. Democracy in our own country, Mr. Prime Minister, and elsewhere, seems to be beset by the extremists of the right and the left.

In such a time, it is quite fashionable to despair over our prospects. To some people the events of 1968 prove that there never can be a peaceful accommodation between nations, or between races, or, indeed, between generations.

To others, the solution lies in a radical change of policy. Exactly what is never quite said, except that it just must be radical.

I can assure you my friends that I am not in the least complacent about these events. There have been a great many charges, complaints—columnists and commentators have made observations and laid them at my door during these past five years, as some of you have observed. But I do not think that complacency has ever been among any of them.

But if I am not complacent, neither do I despair. For I believe that the great American people face the adversities of 1968 far stronger, far wiser, than any people before them, including their fathers and their grandfathers.

Their strength comes from an economy that has provided more jobs, more employment, and more profit than any economy in human history. It comes also from a moral commitment to eliminate racism and injustice, and to eliminate it from the face of this earth that we live on.

Their wisdom comes from the experience of three decades which have taught them that appeasement—appeasement—does not yield peace; that they cannot be secure in this country if there is not security in other countries, if they, in their cowardice of the moment, turn their backs on free men; and they cannot protect themselves behind a wall of affluence from the tumult of a world that is raging with want and disease.

This knowledge, which all Americans have gained at a very heavy cost, is a priceless asset in meeting the adversities of today and, surely, those that lie ahead.

So tonight I want to speak to you as I spoke earlier this afternoon in New Orleans, Louisiana, about the quest for peace—specifically, about conditions in Eastern Europe and the Middle East that really quite threaten the peace, and also what I believe must be done to change those conditions.

The Soviet invasion of Czechoslovakia just a few days ago has set back the course of peace. It rejects the very idea that better understanding and more human contacts—and a relaxation of tensions—can lead to more peaceful ways of coexistence on this small and yet this very dangerous planet.

We hope—and we shall strive—to make this setback a very temporary one. But I assure you that will not be easy. It will require calm determination on the part of us and on the part of all of our allies. It will also require the considered second thoughts of those who lead the Soviet Union.

These men, who bear with us the terrifying responsibility of an immense military power, must come to realize that the ideals of peaceful men and women just cannot be smashed by force. They must come to understand that peace—peace based on respect for human dignity—offers to all people, including their own people, the only real hope for security in the world.

Some leaders of Eastern Europe have sought to indict those of Jewish faith for spreading ideas of freedom among their people. Well, this is shocking, not only because it is a very thin disguise for anti-Semitism, but because it really suggests that freedom is the cause and the passion of just one people alone.

So tonight let there be no doubt in anyone's mind about who cares for freedom. Mankind itself cares.

We have worked now for more than 20 years not only to protect Western Europe, but to try to promote a peaceful understanding with the countries of Eastern Europe and the Soviet Union.

It was nearly two years ago that I proposed a series of European initiatives. I hoped to achieve better understanding with our allies. I hoped to have more and freer exchanges with the Soviet Union and Eastern Europe, because only through such improvement of the political atmosphere, as I stated then, could we ever truly hope for peace in Europe, a coming together of Germany and a healing of the deep wounds across the entire face of Europe.

We have taken in this country a series of important steps in that direction. Last June I proposed to the Soviet Union and the countries of Eastern Europe a program of balanced and mutual force reductions. We had made somewhat similar proposals to the Soviet Union alone during the very first month that I occupied the Presidency.

Our offer threatens no legitimate interest of any state. It rests on the respect for the equal rights of all states to their territorial integrity and to their political independence.

In the discussions that we have proposed for the reduction of tension in Europe, no topic whatever would be barred from those discussions. These proposals represent the only sound approach to the problems of peace and security in Europe. All of these proposals have been rebuffed for the moment.

The leaders of the Soviet Union seem to have decided that a movement toward a humane version of communism in a small, friendly country is a threat to their security, despite the fact that the Czechs remain their ally in the Warsaw Pact.

So new military and political risks have now arisen from this aggressive act which demand ever closer cooperation among the Western allies. For our part, I made it unmistakably clear that the use of force, and the threat of force, will not be tolerated in areas of our common responsibility like Berlin, because the use of force generates fears and stimulates passions whose consequences no man can predict or control.

As I said the other day in San Antonio, let no one unleash the dogs of war. Europe has suffered enough—enough in this century.

The Soviet Union tonight can still return to the only road that really can lead to peace and security for us all. That is the road of reducing tension, of enlarging the area of understanding and agreement. It can still change—if not undo—what it has done in Czechoslovakia. It can still act there and can act elsewhere with the prudence and the confidence which characterize the conduct of any great nation—because it is never too late to choose the path of reason.

Every man of sanity will hope that the Soviets will act now before some new turn of events throws the world back to the grim confrontations of Mr. Stalin's time.

Now let me turn to the Middle East. That is an area of deep national interest to the American people, to all of our people, for the safety and the future of small nations are not the concern of one group of citizens alone.

To you tonight, I assure you they concern all Americans.

Our society is illuminated by the spiritual insights of the Hebrew prophets. America and Israel have a common love of human freedom, and they have a common faith in a democratic way of life.

It is quite natural that American Jews should feel particularly involved with Israel's destiny. That small land in the Eastern Mediterranean saw the birth of your faith and your people thousands and thousands of years ago. Down through the centuries, through dispersion and through very grievous trials, your forefathers clung to their Jewish identity and clung to their ties with the land of Israel.

As the prophet Isaiah foretold—"And He shall set up an ensign for the nations, and He shall assemble the outcasts of Israel and gather together the dispersed of Judah from all the four corners of the earth." History knows no more moving example of persistence against the cruelest odds.

But conflict has surrounded the modern state of Israel since its very beginning. It is now more than a year that has passed since the 6-day war between Israel and its neighbors—a tragic and an unnecessary war which we tried in every way we could to prevent. That war was the third round of major hostilities in the Middle East since the United Nations established Israel just 21 years ago—the third round—and it just must be the last round.

From the day that war broke out, our policy, the policy of this Government, has been to work in every capital, to labor in the United Nations, to convert the armistice arrangements of 1949 into a stable and agreed regime of peace. The time has come for real peace in the area—a peace of justice and reconciliation, not a cease fire, not a temporary truce, not a renewal of the fragile armistice. No day has passed since then without our taking active steps to try to achieve this end.

The atmosphere of fear and mutual suspicion has made communication between the two sides extremely difficult. In this setting, the plans of reasonable men, both Arabs and Israelis—have been frustrated. Despite the patient and perceptive efforts of Ambassador Jarring, little real progress towards peace has been made.

I am convinced that a just and a dignified peace, a peace fair to the rightful interests of both sides, is possible. Without it, the people of the Middle East cannot shape their own destinies, because outsiders are going to exploit their rivalries, and their energies and abilities will be diverted to warfare instead of welfare. That just should not happen.

No nation that has been part of the tragic drama of these past 20 years is totally without blame. Violence and counter-violence have absorbed the energy of all the parties. The process of peace-making cannot be further delayed without danger and without peril. The United Nations Security Council resolution of last November laid down the principles of a just and a lasting peace.

But I would remind the world tonight that that resolution is not self-executing. It created a framework within which men of good will ought to be able to arrive at a reasonable settlement.

For its part, the United States of America has fully supported the efforts of the United Nations representatives, Ambassador Jarring, and we shall continue to do so. But it is the parties themselves who must make the major effort to begin seriously this much needed peace-making process.

One fact is sure: The process of peacemaking will not begin until the leaders of the Middle East begin exchanging views on the hard issues through some agreed procedure which could permit active discussions to be pursued. Otherwise, no progress toward peace will be made.

In recent weeks, some progress in this direction has been achieved. So tonight I appeal and I urge the leaders of the Middle East to try to maintain and to accelerate their dialogue. I urge them to put their views out on the table, to begin talking the substance of peace.

Many channels are open. How the talking is done at the outset is not very important tonight. But we just must not lose whatever momentum exists for peace. And, in the end, those who must live together must, in the words of Isaiah, learn to reason together.

The position of the United States rests on the principles of peace that I outlined on June 19, 1967. That statement remains the foundation of American policy.

First, it remains crucial that each nation's right to live be recognized. Arab governments must convince Israel and the world community that they have abandoned the idea of destroying Israel. But equally, Israel must persuade its Arab neighbors and the world community that Israel has not expansionist designs on their territory.

We are not here to judge whose fears are right or whose are wrong. Right or wrong, fear is the first obstacle to any peace-making. Each side must do its share to overcome it. A major step in this direction would be for each party to issue promptly a clear unqualified public assurance that it is now ready to commit itself to recognize the right of each of its neighbors to national life.

Second, the political independence and territorial integrity of all the states in the area must be assured.

We are not the ones to say where other

nations should draw lines between them that will assure each the greatest security. It is clear, however, that a return to the situation of June 4, 1967, will not bring peace. There must be secure, and there must be recognized, borders.

Some such lines must be agreed to by the neighbors involved as part of the transition from armistice to peace.

At the same time, it should be equally clear that boundaries cannot and should not reflect the weight of conquest. Each change must have a reason which each side, in honest negotiation, can accept as a part of a just compromise.

Third, it is more certain than ever that Jerusalem is a critical issue of any peace settlement. No one wishes to see the Holy City again divided by barbed wire and by machine guns. I therefore tonight urge an appeal to the parties to stretch their imaginations so that their interests and all the world's interest in Jerusalem, can be taken fully into account in any final settlement.

Fourth, the number of refugees is still increasing. The June war added some 200,000 refugees to those already displaced by the 1948 war. They face a bleak prospect as the winter approaches. We share a very deep concern for these refugees. Their plight is a symbol in the minds of the Arab peoples. In their eyes, it is a symbol of a wrong that must be made right before 20 years of war can end. And that fact must be dealt with in reaching a condition of peace.

All nations who are able, including Israel and her Arab neighbors, should participate directly and wholeheartedly in a massive program to assure these people a better and a more stable future.

Fifth, maritime rights must be respected. Their violation led to war in 1967. Respect for those rights is not only a legal consequence of peace. It is a symbolic recognition that all nations in the Middle East enjoy equal treatment before the law.

And no enduring peace settlement is possible until the Suez Canal and the Straits of Tiran are open to the ships of all nations and their right of passage is effectively guaranteed.

Sixth, the arms race continues. We have exercised restraint while recognizing the legitimate needs of friendly governments. But we have no intention of allowing the balance of forces in the area to ever become an incentive for war.

We continue to hope that our restraint will be matched by the restraint of others, though I must observe that has been lacking since the end of the June war.

We have proposed, and I reiterate again tonight, the urgent need now for an international understanding on arms limitation for this region of the world.

The American interest in the Middle East is definite, is clear. There just must be a just peace in that region, and soon. Time is not on the side of peace.

Now, my friends, I know that these two areas of the world are of very great concern to you as they are to me. Many of you have roots in Europe from which you or your forebears came in order to enrich the quality of the life here in America. Most, if not all of you, have very deep ties with the land and with the people of Israel, as I do, for my Christain faith sprang from yours.

The Bible stories are woven into my childhood memories as the gallant struggle of modern Jews to be free of persecution is also woven into our souls.

I think it is tragic that in our time Eastern Europe and the Middle East have been subjected to military aggression. And I must speak frankly. Military aggression. And that tragedy is just as real in Southeast Asia.

Southeast Asia is a part of the world with which few Americans have any family ties. Most of you have none there. But its freedom is as dear and as cherished and as vital, not only to America's security, but to the 200 million poor humans who live there and who do not believe in communist conquest any more than you do.

American policy there, as in other parts of the world, has been to resist the dark tide violence and totalitarian rule. We have tried to encourage in all three areas the rule of reason, of forebearance, because we believe that that alone can provide ultimately the conditions of lasting peace.

We have acted in the belief that there is no such thing as harmless aggression—no such thing as harmless aggression anywhere, anytime—that because a nation was small, and thousands of miles away, it did not make its plight any less urgent or any less demanding of American concern.

I want you to know that we seek a world where neighbors are at each other's side and not at each other's throat. We seek no dominion except that of the free, independent human spirit, and we want to help everybody in that quest.

In such a world, the people of Eastern Europe tonight, the people of little Israel, the people of her Arab neighbors, the people of South and North Vietnam, the people of India, Pakistan, Africa and Latin America can live without fear, and so can we.

In a time of adversity, let us all work to secure such a world—secure it bravely and resolutely with compassion for those who are also our brothers on this earth. And, my dear friends, let us work with our heads instead of our passions and our emotions.

Let us work with our sense of justice, instead of our sense of bigotry.

And after 5,000 years or more, I believe most of you here know what I mean.

May it be said of each of us, in the ancient Hebrew words: "How beautiful upon the mountains are the feet of him that bringeth good tidings, that proclaimeth peace, that publishes salvation."

God be with you. Thank you.

CASUAL CHAT

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. GATHINGS. Mr. Speaker, one of the interesting columns in the Wynne, Ark., Progress is "Casual Chat," written by the editor of the newspaper, Mr. Bill Courtney. Editor Courtney "tells it like it is." In a recent column, carried in the August 29 issue of the Progress, he comments on the recent happenings at the National Democratic Convention in Chicago. His article follows:

CASUAL CHAT

(By Bill Courtney)

It was dismaying to me Wednesday night, watching the Democratic convention, to see the delegates who preach "law and order" so piously become ready to lynch Mayor Daley of Chicago for providing police protection.

I was sitting in front of the television hoping and hoping that Mayor Daley would simply call off his police who were so unpopular with the convention, and turn that mob of yippies loose on the delegates. That's what they seem to be advocating.

I defend free speech. I defend a free press. But the right "peaceably to assemble" doesn't mean you can assemble in the middle of a busy street or in somebody's front room, or where somebody else is assembling. Anybody who assembles as those yippies assembled in Chicago is asking for just what those yippies got, an assembly in the Chicago jail.

And I have no sympathy whatever for the person who gets his head bloodied for trampling the American flag and hoisting the Viet Cong banner over American soil in a public place. If this is his "free speech", then others have a right of rebuttal, and the Chicago police expressed their opinions, and mine.

WE ARE ALL RESPONSIBLE

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BERRY. Mr. Speaker, in these days of riots, civil disobedience, disloyalty, and disrespect for those institutions which are fundamental to our American heritage, it is refreshing to read remarks such as those of Richard B. Williams, of Sturgis, S. Dak., reaffirming his belief in those basic concepts which are the foundation of this Nation's greatness.

Mr. Williams' guest editorial in the Sturgis Tribune follows:

WE ARE ALL RESPONSIBLE

(By Richard B. Williams)

Our nation is not sick. On the contrary it is young, strong, and virile. It has been busy; it has survived turbulent times, it has forged ahead. Like all of us individuals it has made errors, and it has forgotten in the rush to pay attention to some basic items.

For this we are all to blame a little. We have to blame ourselves as American citizens. And we who deal with people in any political subdivision or organization from the home on are not immune. When we once accept our errors and accept our blame, we are then ready to forge ahead with new goals, and a new outlook on life; and this from our own front doorstep to the step of our national Capitol and beyond.

Today we hear such words or statements as "confusion", "no hope", "no future", "everything is in a mess", "we're sick", "God is dead", and many others that could be added. These are negative, and are many times used as excuses for us to avoid reality. Nothing could be further from fact. God is not dead. He is with us always. The Ten Commandments are just as important now as the day they were delivered. Our Constitution is still the greatest document for civil government that was ever penned . . . and our land is still filled with opportunities.

As we open schools this fall, we are reminded of those three great institutions—foundations of a free country—the home, the church, and the school. In all of these, and for all of these our responsibilities weigh heavily. This is as it should be. This is our challenge.

In view of our responsibilities, not only do we need to review within ourselves our love and respect for our country, but we must practice in our institutions and in our daily lives, the real laboratory, these priceless ingredients with which and for which this country was founded.

Then it must follow that we must all work together to see that our philosophies and our institutions work as we would have them work. This job lies on all Americans . . . on each one of us . . . the young and the old. We cannot pass the burden or the blame on others. This calls for effort, for courage, and for sacrifice. It calls for positive attitudes instead of negative attitudes.

It calls for positive performance as opposed to a recessive status . . . decay and subsequent death. It calls for respect for our institutions, for our laws, our fellow citizens, and above all respect for ourselves.

It calls for a burning belief that liberty under law is the only true liberty; that freedom under law is the only true freedom; and that authority and regulation as relegated by the majority to be used for the good of all is the only real authority. For this end we should work shoulder to shoulder to make it work, even if it sometimes takes our own skins off.

We must realize when we shirk our responsibilities a little, we weaken our nation a little. When another succeeds we all succeed a little. When another fails, we all fail a little. Let us keep in mind at all times our grave responsibility to humanity in general and to our Nation, and that responsibility begins at our own door-steps!

JOINT CHIEFS' ADVICE IGNORED TOO LONG

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego (Calif.) Union, Aug. 4, 1968]

JOINT CHIEFS' ADVICE IGNORED TOO LONG

(By Vice Adm. Ruthven E. Libby, U.S. Navy, retired)

In their analysis of the probably irreparable damage that the Robert S. McNamara regime inflicted upon the military posture of the United States and its consequent dangerous undermining of our national security, future historians will surely pinpoint as a principal contribution to this achievement the defense secretary's consistent policy with reference to the chiefs of service individually and the Joint Chiefs of Staff collectively.

This policy was aptly described by Gen. Merrill Twining as one of rejecting the advice and counsel of these lifetime career officers "in favor of the snap judgments of a small group of glib, brilliant and superficially informed appointees from civilian life, almost without military background and certainly with none of that feel for war which underlies every sound military judgment. In short, the American Eagle was supplanted by a political bird of passage."

McNamara's departure for the perhaps greener but surely more tranquil pastures of the World Bank has not yet produced any noticeable improvement in this situation—noticeable, that is, to the public eye. This is not surprising because, as previously noted herein, even if Secretary Clark Clifford devoted full time to the process of deflating the gargantuan structure of the office he inherited to anything approaching reasonable and manageable proportions, the process would take years.

One suspects that the percentage of manhours devoted to demonstrating the indispensability of these various swollen subbureaucracies in the Office of the Secretary of Defense is substantial. A systems analysis of these systems would, I dare say, be quite revealing. Furthermore, Secretary Clifford as the appointee of a self-declared lame duck President wields substantially less power than did his predecessor.

In sum, the combination of the irreversibility of many of the steps taken by McNamara and the indestructibility of the burgeoning bureacracy he created in his office will plague us, in defense matters, for years to come.

Finger-pointing and recriminations serve no purpose at this late date but for the sake of our survival it behooves us to take a hard look at where we stand and do something about it if we still are granted time.

For almost eight years we have been assiduously seeking accommodation with the U.S.S.R., and in pursuit of the will-o-the-wisp of world peace have engaged in unilateral disarmament on the theory that "parity" in military strength, rather than overwhelming superiority, was the way to secure it. But while dangling before our Washington administration the carrots of nuclear test-ban treaties, nonproliferation treaties and promises to talk about limitations on anti-missile systems, the Russians quietly but effectively have proceeded to build up their offensive and defensive nuclear weaponry; their conventional military strength on land, at sea and in the air; their merchant marine, and their gold reserves to formidable strength, while at the same time sapping our military and economic strength via Vietnam, and attempting to undermine our national morale by a well-planned and shrewdly executed campaign of subversion against institutions within our borders.

None of this should surprise anybody, of course; the Russians are merely doing what they said they would do, even though Washington chooses not to believe them.

The hard statistics in support of the foregoing are undeniable, and in the aggregate almost unbelievable. By way of reviewing our present position, consider just a few items:

In 1961 we possessed a 5-to-1 advantage over the U.S.S.R. in nuclear striking power. This strength has now been cut in half while the Russians were increasing theirs some 300 per cent. If present policies continue, by 1971 the Russians will have a strategic weapon delivery capability of 30,000 to 50,000 megatons, while ours will be reduced to a maximum of about 15,000.

In February of this year, we had a total of 2,345 strategic delivery vehicles (missiles and bombers), and the U.S.S.R. had 2,700. Under present plans we will have 2,121 in 1972, whereas the U.S.S.R. will have 4,230.

Our strategic nuclear-armed bombers have been cut from 2,710 in 1961 to 665 as of now.

The U.S.S.R. has had a deployed anti-missile defense system for three years; we have none. Furthermore, most of our defenses against manned bombers have been phased out on the ground that since we have no missile defense, it is useless to defend against bombers.

We have no space weapons and no plans that I am aware of to make any military use of space. The Russians have a 30-megaton orbital bomb that we know about, and probably others that we don't know about.

Because of Defense Department appeasement policies and of our unfortunate image abroad, we have voluntarily closed a number of overseas bases and are in process of losing others by request of the host countries. Contrariwise, the U.S.S.R. is building up a sizable base complex in the Middle East, Africa and the Mediterranean, not to mention its prize possession 90 miles from our shore, Cuba.

The Soviet navy features atomic submarines, missile ships and modern, fast, cruisers and anti-submarine ships. We have nothing comparable to the missile ships and no defense against them.

The Soviet merchant marine, with a noble assist from our own stupidity in matters of maritime trade, is rapidly driving U.S. flag merchant shipping from the seas.

In the face of this evidence, it is little wonder that the members of the Joint Chiefs of Staff are concerned over our present and prospective military posture. Their recent testimony before the preparedness subcommittee of the Senate Armed Services Committee reflects this justified unease.

The Chief of Naval Operations, Adm. Thomas H. Moorer, said: "We believe that currently programmed force levels will place United States security interests worldwide at increasing risk."

Air Force Chief of Staff John P. McConnell testified that "our security is being increasingly challenged by the improving strategic forces of the Soviet Union and their associated technological programs."

JCS Chairman Gen. Earle G. Wheeler declares himself apprehensive about U.S. survival if present trends continue.

And so should we all be. It is high time—if it is not everlastingly too late—that the advice of our military authorities be considered.

REMARKS BY HON. ROBERT C. WEAVER, NATIONAL DEMOCRATIC CONVENTION, AUGUST 26, 1968

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BARRETT. Mr. Speaker, in the last 4 years this Congress and this administration have molded more programs to build housing and restore our urban areas than ever before. The importance of urban areas in the life of our Nation was recognized with the establishment of a Department of Housing and Urban Development. The model cities and rent supplement programs have brought new concepts to the solution of old problems and the passage of the Housing and Urban Development Act of 1968, has given us the tools to wipe out substandard housing in the United States.

It is obvious that we have not yet solved our pressing problems. We have only begun to undo the effects of years of neglect. In an address to the Democratic National Convention, Secretary of Housing and Urban Development, Robert C. Weaver, the first man to hold this position and the leader who has set the course for this new Department and for America's cities, spoke of the accomplishments of the past 4 years and of the challenge ahead. His words epitomize the dedication of the Democratic Party and its candidates Vice President HUBERT H. HUMPHREY and Senator EDMUND S. MUSKIE to the task of achieving a decent home and a safe community for all Americans. I would like to share Secretary Weaver's remarks with my colleagues and include them at this point in the RECORD:

REMARKS BY HON. ROBERT C. WEAVER, NATIONAL DEMOCRATIC CONVENTION, AUGUST 26, 1968

Four years ago our platform pledged to make a place in the President's Cabinet for the urban American—a voice for the cities and towns, large and small, in every region—a voice for the 150 million Americans who live in urban centers.

President Kennedy first proposed it, and President Johnson secured its enactment into law.

That I speak to you tonight as the first Secretary of Housing and Urban Development is living, breathing proof that we Democrats keep our promises.

But ours was not just a pledge for another chair in the Cabinet room. It was a pledge to pose a new thrust to create a new strategy, to develop a new concept, to instill a new vigor in all of this Nation's efforts to revitalize the cities and the suburbs.

Many Americans remember the roots of this urban strategy. They remember President Roosevelt's creating the first public housing and FHA home-buyer insurance. They remember President Truman's creating

urban renewal to fight central city decay. They remember President Kennedy's creating the first Federal help for moderate income housing.

And Americans remember that President Johnson and the Democrats of the 89th and 90th Congresses greatly expanded our urban programs. Among the score of innovations were:

Grants for urban mass transportation; rent supplements; model cities; grants for water and sewer facilities.

This unprecedented concern for urban Americans was dramatically culminated by two major legislative victories in 1968.

Only a few months ago, President Johnson signed the Civil Rights Act of 1968 that will give every family a fair chance to find good housing.

On the first of this month, the President signed the Housing and Urban Development Act of 1968—a monumental piece of legislation that can translate hope and dreams into good homes and desirable neighborhoods.

In this Act, we dared to say specifically that we can and will help to build and rebuild six million housing units for lower income families—not just some time—but in the next ten years. This is more than has ever been done before. This is ten times more than in the last ten years. And this is enough—at long last—to eradicate the six million wretched dwellings that today oppress 20 million Americans.

In this Act we provide the basis for new dignity and new pride for the poor through a sound homeownership program. In this Act we make it possible to build entirely new communities—communities which will open new vistas of hope and excitement for urban Americans of all income groups.

We have developed new ways to make private industry an active partner in these ventures.

Looking to the future, we have initiated major research programs to determine America's urban needs a decade hence, and to begin planning now to meet those needs.

We are proud of our record. But we will not rest on it or be content with past performance. The Democratic Party has always been, and continues to be, the party able to recognize new conditions, to seek new approaches, to insist upon new ideas; the party ready to accept new challenges.

I need remind no American that our cities and towns face many problems—snarled traffic, polluted air, neglect of central cities, haphazard growth at the urban fringe.

We in the Democratic Party, the party of compassion—understand that these are all problems of people, not only the poor, not only the black, but problems for all of us.

We know that for some of our people despair has triggered rebellion. But we also know why. It is primarily the result of their being mechanized, ostracized and brutalized.

All of us want law and order—no one more than the slum dweller who is the most frequent victim of crime and disorder.

We in the Democratic Party know that social order can only be the product of social justice.

We know that some cry for law and order when what they mean is repression.

We know that others propose bland solutions when what they intend is to do nothing.

But the Democratic Party recognizes that in a democracy, law and order cannot be achieved solely by reliance upon guns and nightsticks.

We are a Nation based on the rule of law and justice.

We must be firm, but our helping hand should offer more than repression. It should offer hope and help for all Americans.

We will not rest—as President Johnson pledged—"until each city is a community where every member feels he belongs, until it is a place where each citizen feels safe on his street, until it is a place where self-respect and dignity are the lot of each man.

"This is what men have always dreamed their cities would be. And this is what we seek to build."

QUESTIONNAIRE RESULTS, 1968

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. THOMPSON of New Jersey. Mr. Speaker, throughout my tenure in the House of Representatives I have sampled, on a periodic basis, the opinions of my constituents on the major issues of the day. The response to my legislative questionnaire has always been gratifying. It was especially so this year. The returns from the four counties which comprise the Fourth Congressional District of New Jersey indicate a high degree of concern in the Paris peace talks; the national crime rate; and racial tensions throughout the country.

In keeping with their expressed concern for the peace talks, my constituents have indicated their belief that expenditures for Vietnam should be reduced, along with those for welfare services, space exploration, and crop supports. On the other hand, the majority feel we should not reduce expenditures for education, highway, and conservation projects. In short, there seems to be a pronounced feeling that we should be tending to first things first—more emphasis on educating our children, tending to our streams and land resources, and much less spending for military adventures abroad.

With respect to the expressed concern about the crime rate, it is important to note that the concern seems to be more on the national scene than on the local level. This might indicate a tendency on the part of some respondents to equate civil disorders, which may or may not involve criminal acts, with what might be termed conventional criminality. In any event, the concern is very real and fully justifies our passage of the Crime Control and Safe Streets Act—Public Law 90–351, section 301 of which substantially enacts H.R. 11835, a bill in which I joined with a number of my colleagues to sponsor on July 27, 1967. In passing, I am pleased to note that New Jersey has quite recently received a Federal grant under the act of $151,814 to help finance a statewide riot control radio communication system. Creation of such a communications system was recommended by the State and National riot study commissions.

I would also note, Mr. Speaker, that a majority of my constituents expressed concern about the imbalance in the Federal budget. Here, too, the Congress has acted. The Revenue Act of 1968, coupled with cutbacks in expenditures, should restore the desired fiscal balance my constituency seeks. With this preface, I present herewith the actual questionnaire tabulations as expressed in percentages. I am grateful to the faculty of the Woodrow Wilson School at Princeton for the assistance I received in the drafting of the questionnaire; and to the following volunteers who worked so hard to tabulate the returns; Carol Berkelhammer, Judith Block, Janice Fleisher, Toni Lichstein, Ann Risdon, Nina Thompson, Jim Ferrucci, Dan Pollitt, and George Steffner.

To facilitate the presentation and in the interest of saving space, the results will not be given in the exact order in which the questions were posed:

1968 QUESTIONNAIRE RESULTS

Under present law anyone may purchase firearms by mail. Do you favor or oppose a Federal program to regulate the sale of firearms through the mails?

[In percent]

	Favor	Oppose	No opinion
All returns	81	15	4
Mercer	88	10	2
Hunterdon	72	23	5
Warren	78	20	2
Sussex	73	22	5

In your local community, is crime a growing threat to the safety of persons and property?

[In percent]

	Yes	No	No opinion
All returns	56	38	6
Mercer	69	25	6
Hunterdon	32	60	8
Warren	32	63	5
Sussex	30	63	7

Do you favor Federal aid to local police forces?

[In percent]

	Yes	No	No opinion
All returns	46	34	20
Mercer	50	28	22
Hunterdon	29	53	18
Warren	38	52	10
Sussex	37	49	14

The Federal Government is presently spending about 11 billion dollars more than it receives in taxes and other revenues. What should the Federal government do to balance the budget?

[In percent]

	Increase taxes without cutting spending	Cut spending without increasing taxes	Increase taxes and cut spending	Nothing	No opinion
All returns	6	57	33	0	4
Mercer	11	38	47	0	3
Hunterdon	4	57	35	0	4
Warren	4	62	34	0	0
Sussex	6	57	33	0	4

If there have to be spending cuts, which of the following federal government programs should be reduced?

	Budget (billion dollars) approximate	Percent		
		Reduce	Don't reduce	No opinion
National defense, excluding Vietnam	50	44	44	12
Vietnam	30	52	36	11
Veteran benefits	7	24	50	16
Space exploration	5	69	26	5
Agriculture (farmer's income support)	4	57	31	11
Highway construction, land and water resources, dams, etc	4	33	55	12
Aid to education	4	24	63	12
Welfare services	3	59	32	9
War on poverty	2	47	42	11
Public housing, urban renewal	1	43	46	11

Do you favor Federal support, State support, or no support of the following programs dealing with urban problems?

[In percent]

	Federal support	State support	Both support	Neither support	No opinion
Better urban elementary and secondary education	22	48	15	8	7
Better urban housing for low and moderate income families	28	30	12	20	6
Job training for urban unemployed people	33	32	16	15	5
Summer employment for urban teenagers	15	45	11	22	6
Tighter control of narcotics and drugs	63	10	18	3	5
Better urban mass transit systems	31	30	13	17	9
Better control of urban air and water pollution	46	24	19	5	6

In your opinion, how important are the following public issues?

[In percent]

	Very important	Moderately important	Not important	No opinion
Vietnam peace talks	82	8	8	1
The crime rate	85	13	1	1
The need for better schools and colleges	48	40	9	3
Narcotics and drug control	66	28	3	1
Rising prices and balance of payments	67	29	2	2
Government aid to people in poverty	39	40	16	5
Racial tension	69	24	4	3
Balancing the Federal budget	51	24	5	20

MERCER COUNTY

If there have to be spending cuts, which of the following federal government programs should be reduced?

	Budget (billion dollars) approximate	Percent		
		Reduce	Don't reduce	No opinion
National defense, excluding Vietnam	50	50	37	12
Vietnam	30	61	30	10
Veteran benefits	7	31	52	17
Space exploration	5	68	28	4
Agriculture (farmer's income support)	4	60	28	12
Highway construction, land and water resources, dams, etc	4	38	57	10
Aid to education	4	22	70	8
Welfare services	3	46	46	8
War on poverty	2	39	52	10
Public housing, urban renewal	1	35	57	8

Do you favor Federal support, State support, or no support of the following programs dealing with urban problems?

[In percent]

	Federal support	State support	Both support	Neither support	No opinion
Better urban elementary and secondary education	23	45	19	7	7
Better urban housing for low and moderate income families	32	29	16	15	8
Job training for urban unemployed people	32	34	17	13	4
Summer employment for urban teenagers	14	48	14	18	5
Tighter control of narcotics and drugs	63	8	19	4	6
Better urban mass transit systems	31	30	14	19	7
Better control of urban air and water pollution	44	26	19	5	5

In your opinion, how important are the following public issues?

[In percent]

	Very important	Moderately important	Not important	No opinion
Vietnam peace talks	88	5	5	1
The crime rate	81	16	1	2
The need for better schools and colleges	52	40	6	3
Narcotics and drug control	61	32	6	2
Rising prices and balance of payments	61	34	2	2
Government aid to people in poverty	44	40	12	4
Racial tension	70	21	4	4
Balancing the Federal budget	41	31	5	23

HUNTERDON COUNTY

If there have to be spending cuts, which of the following Federal Government programs should be reduced?

	Budget (billion dollars) approximate	Percent		
		Reduce	Don't reduce	No opinion
National defense, excluding Vietnam	50	44	42	14
Vietnam	30	49	36	15
Veteran benefits	7	21	62	17
Space exploration	5	63	28	9
Agriculture (farmer's income support)	4	56	30	14
Highway construction, land and water resources, dams, etc	4	28	52	20
Aid to education	4	22	63	15
Welfare services	3	65	24	11
War on poverty	2	50	37	13
Public housing, urban renewal	1	46	40	14

Do you favor Federal support, State support, or no support of the following programs dealing with urban problems?

[In percent]

	Federal support	State support	Both support	Neither support	No opinion
Better urban elementary and secondary education	21	46	13	12	8
Better urban housing for low- and moderate-income families	22	27	9	34	9
Job training for urban unemployed people	25	33	14	20	8
Summer employment for urban teenagers	10	38	11	33	8
Tighter control of narcotics and drugs	60	8	17	9	7
Better urban mass transit systems	33	24	13	22	8
Better control of urban air and water pollution	44	22	21	5	7

In your opinion, how important are the following public issues?

[In percent]

	Very important	Moderately important	Not important	No opinion
Vietnam peace talks	82	12	6	0
The crime rate	81	15	4	0
The need for better schools and colleges	45	40	15	0
Narcotics and drug control	61	30	9	0
Rising prices and balance of payments	68	27	5	0
Government aid to people in poverty	33	42	24	0
Racial tension	66	25	10	0
Balancing the Federal budget	56	25	18	0

WARREN COUNTY

If there have to be spending cuts, which of the following federal government programs should be reduced?

	Budget (billion dollars) approximate	Percent		
		Reduce	Don't reduce	No opinion
National defense, excluding Vietnam	50	38	48	14
Vietnam	30	48	33	19
Veteran benefits	7	18	62	20
Space exploration	5	66	26	8
Agriculture (farmer's income support)	4	57	32	11
Highway construction, land and water resources, dams, etc	4	33	52	15
Aid to education	4	24	63	13
Welfare services	3	62	26	12
War on poverty	2	48	36	16
Public housing, urban renewal	1	48	38	14

Do you favor Federal support, State support, or no support of the following programs dealing with urban problems?

[In percent]

	Federal support	State support	Both support	Neither support	No opinion
Better urban elementary and secondary education	26	47	9	11	7
Better urban housing for low and moderate income families	27	26	5	35	7
Job training for urban unemployed people	34	39	8	15	4
Summer employment for urban teenagers	15	43	6	30	6
Tighter control of narcotics and drugs	66	10	14	4	6
Better urban mass transit systems	30	30	7	26	7
Better control of urban air and water pollution	52	23	16	5	4

In your opinion, how important are the following public issues?

[In percent]

	Very important	Moderately important	Not important	No opinion
Vietnam peace talks	80	13	5	2
The crime rate	85	14	1	0
The need for better schools and colleges	41	44	9	6
Narcotics and drug control	63	30	4	3
Rising prices and balance of payments	75	20	2	3
Government aid to people in poverty	35	43	17	5
Racial tension	68	28	4	0
Balancing the Federal budget	62	17	4	17

SUSSEX COUNTY

If there have to be spending cuts, which of the following Federal Government programs should be reduced?

	Budget (billion dollars) approximate	Percent		
		Reduce	Don't reduce	No opinion
National defense, excluding Vietnam	50	37	50	13
Vietnam	30	41	50	9
Veteran benefits	7	24	56	20
Space exploration	5	56	31	13
Agriculture (farmer's income support)	4	56	32	12
Highway construction, land and water resources, dams, etc	4	34	50	16
Aidt o education	4	27	58	15
Welfare services	3	61	31	8
War on poverty	2	49	37	14
Public housing, urban renewal	1	47	40	13

Do you favor Federal support, State support, or no support of the following programs dealing with urban problems?

[In percent]

	Federal support	State support	Both support	Neither support	No opinion
Better urban elementary and secondary education	21	45	15	13	6
Better urban housing for low- and moderate-income families	20	29	34	12	5
Job training for urban unemployed people	29	33	13	20	5
Summer employment for urban teenagers	14	43	12	26	5
Tighter control of narcotics and drugs	57	18	20	2	3
Better urban mass transit systems	27	38	17	10	8
Better control of urban air and water pollution	45	29	5	18	4

In your opinion, how important are the following public issues?

[In percent]

	Very important	Moderately important	Not important	No opinion
Vietnam peace talks	74	16	6	4
The crime rate	79	19	0	2
The need for better schools and colleges	50	39	8	3
Narcotics and drug control	70	24	3	3
Rising prices and balance of payments	70	25	3	2
Government aid to people in poverty	36	40	20	4
Racial tension	59	34	6	1
Balancing the Federal budget	63	24	4	9

CONSUMER BEWARE: IT'S NOT REALLY MILK

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. NELSEN. Mr. Speaker, in the past several months, more and more attention has been focused on the rising production of imitation and filled milk products. Many of these products are packaged so as to give the impression that they are actually whole milk. The housewife may, therefore, be under the impression that she is buying cow's milk, when she may be purchasing a mixture of vegetable oil, and sodium caseinate or soy flour.

The additional factor is that the dairy farmer is deprived of a legitimate market. The present state of the dairy economy shows that American dairymen cannot afford to suffer reduced incomes as a result of cheap imitations.

My bill will require producers and marketers of imitation or filled milk, to so package and display their product that the consumer could not confuse it with milk. First, the product could not be packaged in a manner resembling genuine milk. Second, it could not be displayed in the dairy departments of stores. Finally, the imitation or filled products could not use the terms "milk" or "cream" on the package label.

The quality of the synthetic milk products being marketed around the country varies a great deal. In a speech delivered to the North Central Milk & Ice Cream Association in Minneapolis it was shown that an artificial milk product had only one-fourth the protein of milk, one-sixth the calcium, and similarly reduced amounts of other vitamins and minerals.

According to the "Dairy Situation," publications of the U.S. Department of Agriculture, the chief ingredients in an artificial milk include coconut oil, soy protein isolate, corn syrup solids, sugar, water, emulsifiers, buffers, and stabilizers. One-half gallon of this mix comes out of a counterfeit cow at a cost of 13 cents.

The sales of filled milk have reached proportions of over 10 million pounds per month. In Arizona, filled milk is taking 8.2 percent of the class I market. If imitation milk ever obtained that percentage of the national market, American dairy farmers would be deprived of over $440 million of income.

It is important that the Congress of the United States take action to protect the American consumer and to protect the dairy farmer from the unfair preemption of dairy markets.

PAYMENT LIMIT KEY TO FARM PROGRAM REFORM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. FINDLEY. Mr. Speaker, I believe opponents of the bill to extend the Agricultural Act of 1965 have a 50-50 chance to defeat it unless it retains the limitation on payments.

Accordingly, I will attempt to get House Members to reaffirm support for a $20,000 limitation on the total payments each farmer may get under the bill when a motion is made to send it to conference with the Senate version.

The move will probably come early next week, when Representative W. R. POAGE, chairman of the Agriculture Committee, returns from a trip to Latin America. Last Tuesday the Agriculture Committee authorized him to make the motion to go to conference. The vote was taken as a means of breaking the impasse caused by my repeated objections to go to conference.

I will seek to instruct conferees from the House to insist upon the amendment voted in the House bill on July 31, by 230 to 160.

To me, the House vote in July to impose a limitation on the total amount of Government payments each farmer may receive was an historic event, which must not be permitted to be reversed in the House-Senate conference compromise.

Insistence upon the limitation will be a major step toward the eventual rejection of direct payments in farm programs.

Direct payments have been costly and ineffective, have impaired the management efficiency of farmers, and have caused extensive damage to the private marketplace system through which grains historically have been successfully merchandised. Low market prices, like those today for corn and wheat, are an inherent feature of payment programs.

The establishment of payment limitations, I predict, will quickly lead to a major overhaul of farm programs and the substitution of ones which emphasize higher market prices and the elimination of Government payments.

Because I consider this issue to be so critically important, I have pressed my campaign for payment limitation the past 6 months and in the closing days of the 90th Congress will attempt to utilize every parliamentary device to insist that it be retained if extension of the Agricultural Act of 1965 is enacted.

It may be of interest that passions run to a vital level in some quarters over the payment-limitation issue. On June 21, shortly after my initial amendment to an appropriation bill to limit payments to $10,000 was defeated 129 to 79, I received the first of three letters threatening my life.

It was marked "Plainview, Tex.," and signed, "Hale County Farmer."

It warned:

> Do not vote against limiting payments in any way or you will get what two other fellows got recently.

Another one postmarked August 3 from Littlefield, Tex., warned:

> Change your vote . . . or you will be bombed to hell . . . a party from your district stated they needed a new Representative and they will get it.

It was not signed.

The final letter was postmarked August 4 in Albuquerque, N. Mex. with this message:

> Five of you old boys names have been fixed on the unwanted list as was King's, if there is not a four year unlimited program out of this congress, some of you will not be in the next one . . . Bombs do not leave many guts.

It too had no name.

Similar threats went to several other House Members. Reaction at this level has been limited, fortunately, but even a little is too much. The correspondence illustrates a hazard of attempting to reform a program involving lucrative payments.

Two of the major crops covered by the Food and Agriculture Act of 1965 are wheat and corn. Stated purposes of the act are to bring supply in line with demand, to maintain and stabilize farm income and reduce surplus stocks of these crops. Clearly, the act has been an object failure.

With this in mind, it is interesting to note the 1968 crop estimates for wheat and corn issued by the USDA on Tuesday of this week.

First, the 1968 wheat crop is estimated at 1,596,599,000 bushels—5 percent above the record wheat crop in this country and a whopping 30 percent above the 1962-66 average.

For corn, this year's crop is now estimated at 4,636,456,000 bushels—only 2 percent below the record and 20 percent above the 1962-66 average. With other feed grains added, the crop will be an alltime record.

And now to prices for these crops. On Monday of this week, the cash wheat prices in Kansas City closed at $1.31 per bushel and cash prices for corn in Chicago closed at $1.08. Instead of being record highs, these were near record lows for the last 25 years. Prices paid to farmers at their county elevators were even lower. I was informed last weekend in Jacksonville, Ill., that elevators were offering 91 cents for October corn.

As far as the surplus situation is concerned, surpluses have been down some from record highs in the early 1960's. But that has changed. Carryovers of both wheat and corn were higher this June 30 than a year ago and with the huge crops now predicted, surpluses will be even higher next year.

Many will say this is all true, but what would it have been without current programs? That is not the question. The question is, Are these programs meeting their stated objectives? Not even after spending more than $2 billion a year on wheat and corn alone has this administration been able to make these unwise supply-management schemes work. This is a national disgrace. Yet you and I are being asked to extend these programs for still another year.

One final item. I see by yesterday morning's paper that the congressional leadership has apparently agreed with the President that the Commodity Credit Corporation, which finances these programs, should be exempted from the spending restraint features of the Revenue and Expenditure Control Act of 1968. The request for exemption comes as a result of farm program costs now running $700 million higher than earlier estimates. This exemption should not be made.

The failures of the program and its runaway costs dictate that Congress must act. I urge each of you to join me in opposing any conference report to extend the Food and Agriculture Act of 1965 beyond its current expiration scheduled for the end of 1969, which does not include a $20,000 limitation on individual payments.

FILING RELIEF FOR WORLD WAR I VETERANS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. ZWACH. Mr. Speaker, the bill which I introduced today could save $5 million of our taxes by the Government, and perhaps one-fifth as many manhours of our citizens in filling out forms.

This bill will exclude a veteran from filing an income questionnaire after he reaches the age of 72, and who has been on the pension rolls for at least 2 years previous to attaining that age.

Looking at this situation realistically, we find very few veterans indeed whose incomes can ever increase after age 72. In fact, not only is their income stolen away by the robbing effects of inflation, but their actual incomes are also decreased by the necessity of using savings funds for the basic needs of life. As much as 25 percent of the pension of a World War I veteran may be used for medical expenses. It hardly makes sense to require these veterans to annually file these reports for increases in income when their incomes are decreasing.

In addition, there is another sad aspect to this situation. As many as 35,000 veterans and their widows can temporarily lose their pension benefits through incorrect completion of the forms. These senior citizens often cannot make the trip to the county seat for assistance from a county service officer, and therefore, are penalized for their errors.

This measure involves no funding, and, as stated earlier, could even save the Federal Government as much as $5 million in labor and materials costs. I would urge my colleagues to join with me in the support of this commonsense, economical, and practical legislation.

MY STORY: VIETNAM

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. UTT. Mr. Speaker, Mr. James A. Laun, a concerned citizen of Oceanside, Calif., which is part of my district, has recorded his feelings during the time he spent in Vietnam. I believe he has painted a fine word picture of what thousands of our brave American boys are going through, and he feels he had a reason for being there. So that others may share Mr. Laun's presentation, I include it in the Record under Extensions of Remarks. The article follows:

My Story: Vietnam

(By James A. Laun, SP/5, U.S. Army)

It was cold, that night in October, when we, the 3rd Squadron, 17th Air Cavalry, boarded the 727's for the flight to Oakland. It was still hard to believe we were actually going to Vietnam. I was quite tired and hopeful that somehow, someway things would work out.

Upon arrival, at Oakland, we loaded onto buses for the short ride to the docks of San Francisco. Where the 7th Squadron, our sister unit, was waiting for us to board ship.

With our gear, we walked up the gang plank of the USNS General N.M. Walker, into the dining room, through the ladderwell, down the hallway to compartment 22, our compartment. It was the size of a normal house, and in it went the entire Troop, 108 men. It was home for the next 22 days.

The next day, as we pulled anchor and started out to sea, I heard a band playing "America the Beautiful", so I left my thoughts on my bunk and went topside. I stayed there until we had passed under the Golden Gate Bridge, and the last bit of land we were to see for 15 days, Alcatraz, was out of sight. I was finally on my way to see, for myself, the reason for our being in Vietnam.

Once in International waters the ship began to bob, in the choppy water, like a cork. Those who couldn't cope with it were either hanging over the rail or had their head stuck out a port hole. When the initial effects had subsided most of us would stand by the rail and watch the birds and the Flying Fish skim over the top of the water and wonder what the future held in store for us.

It was a long, hot cruise to the Philippines; We were tired, on edge, and anxious to get there. After 15 days of sickness and boredom, we docked and four hours later we were left off the ship to visit the Naval Base. How wonderful it was to look all around and see nothing but land.

It didn't last long however, and soon we were on our way again. This time it was to Vietnam, where anything can happen.

The following few days were full of confused excitement. We docked at Qui Nohn, where our sister unit offloaded; then Cam Ranh Bay and Vung Tou. It was in Vung Tou we learned we were to be stationed at Di An, with the Big Red One, the First Infantry Division.

We were in Di An for about a month before we went to the field. During that time it became a monotonous cycle of classes, training for combat, and controlling air traffic, with rest only at night.

Then I was asked if I'd like to spend three days at Tan Son Nhut studying the TRN-25, a non-directional homing beacon. "Man, when do I go?"

Upon arrival at Tan Son Nhut two days later, I was put in a wooden hooch, given a bed, a pass to Saigon, and told to report for class at 0900 hr. the next morning.

It wasn't long before I was on the bus to downtown Saigon. It was fun to see the children getting out of school and watch the men and women scurry about on their motorcycles, bicycles, mini-cabs and pedi-cabs through the market plaza and down the streets between business establishments. It was a wonderful feeling to know that this wouldn't have been possible if it weren't for the American Nation.

After a while a wistful feeling came over me. I wanted to be home again, to know and feel forever free again, as I felt that moment in a strange and faraway land. But there is a job to be done.

After completing the classes on the TRN-25, I returned to Di An by air. Once in the air, the majestic beauty of Vietnam hit me. The sight was dark green, checkered by brown irrigation ditches and dotted with a few small villages for an added touch, with clouds for a picture of fantasy. I was awe stricked.

Upon arrival at Di An, I learned that I was to leave the following day with part of the Squadron on our first field trip. We were going after Charlie. With this news my heart beat fast, perhaps this was the end of the line.

The morning of our arrival in the field, I was put on a small bunker on top of a hill, given a PRC-25, FM radio, for company, and started giving landing instructions to the aircraft. By late afternoon I had developed a bad headache and a cherry red sunburn. "Where is my relief?" I wondered "That no good for nothing Platoon Sergeant forgot me again!" Finally, after a reminder, he got me relieved.

It was like that for the next 4 days. Eat, Sleep and control traffic.

The third night out the V.C. started to act up. When the smoke cleared the next morning, we found out a South Vietnamese Soldier had been caught between our lines and the V.C., and when he tried to climb our perimeter fence in an attempt to escape from the V.C., the Infantrymen killed him thinking he was the enemy.

That is one of the many unfortunate incidents that happen in a war, for both sides.

After the ordeal was over, and we had returned to Di An, we learned that we were to go on another excursion in 2 days. Only this time I had a glimmer of hope: Charlie didn't get me last time, maybe he won't this time either.

The morning of the 7th of December we moved out, again by convoy. The trip took us through Saigon, West to Cu Chi, Northwest to Tay Ninh and from there to the other side of Mount Nui Ba Den, to Soui Da.

We were told that Nui Ba Den, Mountain of the Black Virgin, was made of marble and that the V.C. had dug into the mountain for protection. And since bombs couldn't penetrate the mountain, we were going to starve them out.

"Oh boy!" I thought "That's all we need is a pack of hunger crazed V.C. around." Suddenly I found myself looking for V.C. as we traveled down the road.

But as it turned out, our assignment was patroling the border of Cambodia, conducting "Search and Find" missions. We were not to engage with the enemy unless authorized by Brigade.

Upon arrival at our destination I couldn't believe my eyes, out in the middle of nowhere, there was a runway. "So this is Soui Da!"

From that moment on we worked frantically in an effort to provide ourselves with some mortar bunkers for protection against a very probable mortar attack that night. We worked until midnight that night, but there was no attack.

The next day we erected our tents, unpacked our equipment, built a tower and went to work controlling traffic.

Then the expected happened. The Infantry unit that was there when we arrived was moving out. That left it up to the Squadron to guard our real estate.

From then on the daily routine was off balance. If we worked in the tower during the day, we had guard duty that night, and if we had guard, the next morning was ours to sleep away while our tower buddies worked. Then we worked the tower that night. Occasionally we did get a solid nights sleep, but we were still near exhaustion all the time.

Then, one night while in the tower, a V.C. suicide squad sneaked up to within 10 meters of our perimeter fence. Once there they opened up with their RPG rocket grenades. Before our guards could locate them, they had destroyed one gunship, damaged another and wounded two men. Then a guard fired his M-79 grenade launcher, the grenade hit a V.C. in the neck, it exploded, killing all three V.C.

A few nights later our Northeast perimeter was under sniper fire. It got so bad at one point, that our gunships went up and silenced the enemy with their mini-guns and rockets. I was now growing accustomed to the actualities of war. There was no more fear, just pity.

Three weeks after we arrived in Soui Da our Troop Commander told us we were staying in Soui Da, subsequently we were to dig in. All living quarters were to be installed underground.

The week that followed was hectic and tiring. Myself and one of the fuel handling specialists decided to dig our own two man bunker. Every moment of spare time was spent building it.

It was getting close to Christmas now, everyone was putting out their small Christmas trees, some decorations and Seasons Greetings. Everyone was happy and full of renewed energy.

Christmas day we opened all the presents that had accumulated, and as the day wore on, everyone became lonely. Even the USO show offered little comfort. I prayed to God that someday men would learn to live together in peace.

We finished our bunker soon after Christmas. It wasn't much, just a hole in the ground with a roof covered with sandbags, stacked 4 high. The inside was covered with rubber from the runway, with a cabinet, made of ammo boxes, for our gear, a couple of bunks and some mice for company. On top I erected a five foot Cross. I was beginning to appreciate the things we have at home.

A week later we received orders to destroy all bunkers and move out. We did so, with reluctance, and two days later, January 7, 1968, we pulled out, by convoy, to our next assignment, Tay Ninh.

Tay Ninh was much larger and more secure than Soui Da, but the thought of having to rebuild all over again didn't appeal to us very much. Even so, there wasn't much we could do about it, so we pitched our tents for the night, took a shower and went out for a look at our new home.

Tay Ninh has several advantages over Soui Da. There was a PX, barber shop, post office, a service club, and several bars. However it was a lot hotter and dustier than Soui Da.

The airfield was located between our company area and the Philippines compound. It was a blacktop runway, 4,500 feet long, with all the scattered helipads unique to all Army bases in Vietnam. A real challenge for an Air Traffic Controller.

The next two weeks were spent cleaning our equipment and getting settled in one place. Then we got the word, Tay Ninh was to be the new home of the 317th Air Cav. For the next six weeks we were building 16' by 32' wooden floors, with skeleton frames for sides, with our tents for a roof. Inside each hooch went 9–12 men with all their gear.

In the meantime, the Viet Cong's Lunar Newyear, TET, offensive got into full swing. All the major provincial capitals and cities were under heavy attack.

Commerce was cut off, roads were closed and supplies had to be flown in.

The Vietnamese civilians who worked on base were no longer allowed through the gate and a curfew was enacted in Tay Ninh City.

Martial law was declared in Saigon and other Provincial cities throughout Vietnam.

We were on 24 hour alert. If there was an attack on Tay Ninh, we were to plug up all the weak spots in our defense lines. "Come on Charlie!"

The mess halls were starting to feed "B" rations, and unless the roads were opened soon, they would go to "C" rations. "Come on Charlie, let's get it over with!"

Casualties were high. After the first week the Viet Cong had lost 10 men for every one of ours.

Through the entire offensive, Tay Ninh was attacked three times with 122mm rockets. Each time we were in bed asleep, abruptly awakened with the yell, "Rocket Attack! Rocket Attack!" All of a sudden it became a mad dash for the nearest bunker. We were fighting each other to get through the door, once outside we dared not fall for fear of being trampled in the race for the nearest bunker packed with human sardines.

Casualties and damage had been light. Three aircraft were destroyed, while one rocket went astray and hit the hospital, killing one doctor, his patient and wounding another doctor.

All rockets hit the airfield, except for the eight that hit in the hospital area.

After the sting of the offensive had subsided we left for Di An. And since there were no civilian laundries left open, my first task was to wash some very dirty fatigues in the old ring washer we brought with us from the States. A rariety in Vietnam.

We stayed for two weeks. In that time we packed the remainder of our equipment, tore down the flight operations building and bunkers, everything was going to Tay Ninh.

By the time we finished, most of the roads had been reopened and the mess halls were serving "A" rations again. It was good to eat food again, if you could call it that after our cooks got through with it.

We returned to Tay Ninh by convoy. It was a scorching hot and dusty ride.

The Vietnamese people were traveling along side the road to Saigon, in an effort to get relief from the government. It was a pitiful sight of suffering and poverty, 10 times worse than anything we have.

Everywhere I looked, I saw hunger written on the faces of the people and of the children who hold out their hands for food.

Suddenly, I found myself throwing out my "C" rations, then my PX canned goods, then I hesitated at throwing out my two cans of shrimp. "They need it more than you." I said to myself, and out they went.

I had given my lunch and snacks to the Vietnamese people, who needed it so much more than I, and I still felt guilty.

As I sat back down, tears started to form in my eyes. Then I noticed cans and bags of food flying out of almost every vehicle in the convoy. I smiled with the joy of seeing the goodness of the American Soldier in trying to help an all but defeated people, who have fought and suffered for so long in their struggle for freedom.

With this new born pride in the American Nation and the Vietnamese people, I realized that if a free people should deny help to those who seek freedom, they don't deserve it themselves.

For God gave us our freedom, why not help the rest of his people who seek freedom also.

I had finally seen for myself the reason for being in Vietnam. I am only too happy to have helped in such a cause.

SECRETARY FREEMAN SPEAKS IN GEORGIA AT 23D MEETING OF SOIL CONSERVATION SOCIETY OF AMERICA

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. STEPHENS. Mr. Speaker, when the 23d annual meeting of the Soil Conservation Society of America held its closing banquet at the Coliseum at the University of Georgia in Athens on the evening of August 21, Secretary of Agriculture Orville Freeman was the featured speaker. Cecil Chapman, State conservationist for Georgia and national president of the society, presided.

This was a signal event for Athens, my home in my congressional district, and was testimony to the fact that there is a rapidly spreading understanding that the University's agricultural research potential and its new facilities are second to none in the southeast and in the forefront in the Nation as well.

The well-received and resoundingly applauded address of the Secretary, as set out below, is highly worth the careful scrutiny and attention of the House:

ADDRESS OF ORVILLE FREEMAN

While is is not necessarily so, this may be my valedictory as Secretary of Agriculture before a conservation group such as this.

At least I will treat it as such, because a valedictory is usually a summing up and a look at the future, and I believe we have reached a point in American life where such an assessment is in order.

For almost 200 years, we as a Nation have used the land and its resources to create an abundance of things to satisfy man's physical needs such as the world has never seen.

We have tamed the wilderness, opened the frontier, put two cars in many garages and a television set in every living room in a rush of progress that has left us unsatisfied, uneasy, for in many ways today progress seems to have left us trailing in its wake, out of control, wondering where it will take us next.

The frontier is closed; space is limited; people are bumping into people for the first time in our society. The evidence of our opulence is displayed for all—rich and poor—on television, in the newspapers and magazines and on the radio. But our ability to enjoy this opulence is eroding. The second car goes no faster through the traffic jam than the first; the half-hour gained by the shorter work day is wiped out by the hour's commuting to the job and back; the poor, who see this opulence and cannot share it, march across our TV screens and we are troubled.

And we are finding that we have been changing the natural environment at a rate faster than nature can handle it, and we are getting a feedback from nature in the form of smogged-up air; polluted rivers, silted harbors, algae-covered lakes, eroding soil.

We are discovering, in short, that in the pell mell drive of progress we have achieved an unprecedented quantity of life with little, if any, thought to the quality of life.

Our cities are not only centers of culture and commerce but of congestion and strife. The countryside is a haven of quiet, but too often the quiet of decay, the peace of decline.

Students revolt, minorities riot, the poor march on Washington. It is an uncomfortable time. But with all its discord, despite its troubles, this is also a stirring time in which to live—a challenging time. It offers to this generation a unique opportunity to shape the future of the Nation by shaping the future of the land. I want to talk about that for a few minutes today.

Thanks to technology and to its progress, we as a Nation have, for the first time, the resources—and the time—to literally remake the face of the Nation in terms of the best use of all of its land for all of its people—to remake it in terms of quality of life, not quantity of life.

This is the great challenge and the great opportunity of our time.

There is no longer a valid reason why human beings should be stacked at the rate of more than 122,000 per square mile in Harlem;

There is no valid reason why 43 out of every 100 country boys reaching working age must go elsewhere to find jobs;

There is no valid reason why millions of Americans must spend much of their lives standing in line, waiting in traffic, while millions of others watch the grass grow in the cracks of Main Street.

There is no reason for people to spill out haphazardly over the land—ugly strip cities stringing along the highways; subdivisions leapfrogging ring upon ring, leveling hills, felling trees silting up streams in senseless, uncoordinated, wasteful expansion.

And there is absolutely no sense at all in the kind of thinking that says this trend to impacted cities and depopulated countryside must continue, that it can't be halted.

I contend that all this can be halted—and even reversed. I contend that we can plan for and achieve a geographic distribution of opportunity in this land that will give every American the chance to choose where he will live and work, that will put quality of life within the reach of us all.

I didn't say it will be easy. It will require a total National commitment by people and by governments at all levels to develop a basic National policy of conservation and use of resources and space for people; of local, area, regional and National planning—and action—for people.

But it can be done, and it must be done, because we are expecting at least 100 million more Americans to be living on this land by the year 2000—three hundred million of us, three people standing in a little more than 30 years where two stand today. That means three people in the school, on the highway, at the clinic, by the seashore, at the lake, on the street.

This Nation has been blessed with space for these people; there is room, and to spare—if we use it.

It is obvious that we are not using it now, not when 70 percent of us are elbowing through life on a little less than 2 percent of the land, not when the boarded up store is a commonplace for the 30 percent of us who live on the remaining 98 percent of the land.

But gloomy as this picture sounds, there is real cause for hope, and it stems largely from the countryside, where I can report from first-hand exposure that more and more of us are waking up to the consequences of lopsided growth, that steps are being taken in growing numbers of communities to redress rural-urban imbalance, to stop impacting the cities and to repopulate the countryside.

Local people are acting to restore jobs and opportunity that will keep their young people at home and attract others, acting to slow the migration that sent 22 million rural persons to the cities from 1940 to 1960 and that still continues.

And I am proud of what the Department of Agriculture is doing to further this cause of rural-urban balance, of providing for people a choice of where they want to live their lives.

I like to think that the Department has elevated the human equation in the care and use of resources, an equation that says environment, wherever it is, must nurture the spirit as well as house the body, that conservation means the balanced use of resources that truly husbands and conserves them.

We had lifted our conservation sights from the farmlands of America to resource management, resource development for all the people, to the total relationship between man and the world around him.

This broadened horizon is perhaps exemplified best by our Resource Conservation and Development projects, authorized by the Food and Agriculture Act of 1962.

Forty-one of these projects exist today, covering more than 112 million acres. They are regionwide, bootstrap operations in which people in several counties pool their talents and their resources to develop the whole area for all the people.

We help—but local people and local initiative determine how effective that help is. The 750 project measures completed by July 1 are providing 11,000 jobs and have increased annual gross income for the people they serve by more than $120 million.

I got a particular thrill from visiting one of these projects last year—the Lincoln Hills RC&D project in Southern Indiana, the first in the Nation. Last week I was equally impressed when I toured the West Central RC&D project in my own home state of Minnesota.

The thrill came because I could measure what had been done in the four years since I had been there at the inception of each in 1963.

At Lincoln Hills I saw a new high school in Perry County, new modern medical and dental facilities in Crawford County; two new bridges across the Ohio River; new and expanded wood products, metal, ceramics and other industries.

And I helped dedicate a lake where there had been no lake four years before—a lake that already was providing fun for three small boys who were busy fishing as I was speaking, and a lake that was planned to be the focal point of a growing tourist business.

One old-timer summed it up as we walked from the lakeshore after the ceremony.

"This project probably won't help me much," he said, "but it will help keep our young people, so I'm all for it."

This is where we've got to key our development from now on—people, and all the people, city and country alike.

One way we have focused on people in the USDA is the formation of what we call Technical Action Panels in all 3,000 rural counties and in all the 50 states. Every county in the United States has at least 4 programs carried out by professional personnel, involving the Agricultural Stabilization and Conservation Service, Soil Conservation Service, Farmers Home Administration and Extension Service.

The Technical Action Panels comprise the senior USDA field officials and representatives of other government agencies, too, including State and local. Their assignment is community development—to help bring about a comprehensive development plan and then to pinpoint the programs that can best help to solve people or resource problems. TAPs make every effort to provide technical and planning help as needed, as well as some of the resources to carry the plans forward.

We have assembled in USDA a considerable array of programs designed to help communities and individuals to move themselves into the mainstream of the economy, and by our outreach program we have enlisted the aid of other government agencies that heretofore had not been putting a fair share of their funds and effort into rural America.

I will not try to list them all, but will only say that they range from a loan to enable a boxed-in farmer to start a part-time welding business to the multi-county Resource Conservation and Development projects I mentioned a moment ago. And today, unlike 8 years ago, the target is not just to make a a particular service in a particular agency available, but to join them all together under local leadership to build balanced communities.

And people are using these programs. Opportunity is being restored in hundreds of communities in the countryside. Figures show it.

Non-Metropolitan America's share of the nonfarm job growth rose from 20 percent in 1962 to 27 percent in 1966.

During the Sixties, the rate of increase in employment in Town and Country America has been double the rate of the Fifties.

Some 30 states now have designated multi-county planning districts for development; multi-state planning is advancing in several parts of the Nation.

Just today, I broke ground for two new homes, one in Triana, Alabama and the other in Washington, Georgia, the first to be financed under the new Farmers Home Administration housing program authorized by the Housing and Urban Development Act of 1968. Not only does this landmark legislation mark a long stride toward decent housing in rural as well as urban America, it also includes matching funds for comprehensive multi-county planning, the foundation of balanced community development.

And, most important, the migration from the countryside to the cities has slowed from a net average of more than a million a year in the Forties and fifties to less than 500,000 a year in the first five years of the Sixties.

There is progress in the countryside, and growing momentum, but measured against the task, it is only a beginning.

To build of this Nation the Community of Tomorrow worthy of the American ideal of human dignity, of opportunity for all, will require a nationwide effort in the barn-raising spirit of another era.

It will require local initiative, state initiative, Federal initiative and private initiative—all working toward the same goal—the development of communities, big and little, urban and rural—not to make them bigger, but to make them better.

It will require people who care, people who understand that discrimination, poverty, congestion, pollution, discord in the life in any corner of the land, make life in the rest of the land that much less.

It will require a spirit of intergovernmental cooperation, an end to contention between units and levels of government. We have probably wasted more political energy in this country over the issues of state's rights, local rights and the Federal role than any other. And in this, a Presidential election year, we hear the voice of demagoguery in shrill cry once again around the country, seeking to set one part of government against another. The people can only lose from such a course, for we have reached the time in this society when the issue has changed from one of rights to one of responsibilities. Demagoguery only wastes time, wastes motion and slows progress.

Under our constitution, the Federal, State, and local governments are interrelated parts of a single governmental system. As our population grows toward 300 million and beyond, and as our society progresses, the need for government to provide both more and better services grows in almost equal proportion.

Of necessity—because local units could not or would not do it—the Federal government in recent years has assumed an increasing share of the total responsibility, but we are fast reaching the point of diminishing returns.

The times call for a coordinated division of labor, recognizing what each level of government can do best within a national plan for a national goal.

Political boundaries must cease to be barriers to progress. The people in towns and counties that can't now provide good schools, or hospitals, or other services must understand that they have no chance for a life of genuine quality unless they band together in multi-county planning to pool the resources of the whole area for the good of all its parts.

The central city has got to involve the suburbs in its planning and its problems; each is dependent on the other. They share an economic base and interdependent transportation. You can't have a good life in one and not the other.

This whole society, linked as it is by high-speed transportation and instant communications, is interdependent; it is a truly *National* society. Like it or not, the problems of one of us are the problems of all, and nowhere is this more evident than in our rural-urban imbalance.

At one extreme, we have the cities, so congested with people that the cities are, as one mayor put it, "running as fast as we can to stay as close behind as possible" to the problems of serving those people.

At the other extreme, we have rural areas where the economic base is so weak that the people remaining are deprived of services and opportunity and are pushed toward the already impacted cities in search of those services and that opportunity.

There was a time when it made sense—it was necessary—to locate cities near sources of transportation and power, but cities need no longer to be tied to the railhead, waterfall, or seaport.

Permit me to quote from a recent statement by John Gardner, former Secretary of Health, Education and Welfare and now Chairman of the Urban Coalition.

"Within the past 20 years," he said, "the urge on the part of large numbers of people to pile into the cities has become wholly anachronistic.

"For 10,000 years, people had excellent reason to crowd themselves into the cities. Only there could they find the richness and variety of stimulation that make for creativity. Only there could they find the massed resources and economies of scale that make possible the greatest enterprises.

"Today, thanks to advances in communications, transportation and the arts of organization, we can provide these conditions in any point on the map that strikes our fancy."

Any point on the map. The implications there for the American future are breathtaking. It opens a new frontier, vaster and more complex than the wilderness of 200 years ago—and more challenging: The frontier of balanced growth for quality of life, of the purposeful, proper use of the land and with it the space of America for the people of America.

We can—and we know it—conquer this new frontier. We can make room for a growing population in this vast continent, room for economic growth, room for ample recreation facilities, for highways, airports, clean cities, fine towns, prosperous farms—all the needs of people.

We can do it if we build on the beginning we have made, if we harness the momentum in the countryside and the growing awareness in the cities within a National framework under a National commitment—a commitment to join together to build Communities of Tomorrow that will offer a choice of where to live in dignity and where to work in dignity to 300 million Americans of the year 2000 and to those who come after them.

And no one will have a more important role on this frontier than the soil conservationist, the man who cared for the land when few others did, who conserved the resource that many others would have squandered.

Your knowledge, your skills, your advice, your personal leadership, will be needed as never before if we are to develop, protect and gear the land and water resources of the United States for balanced growth in terms of all the people.

The weight of your expertise can raise local eyes from the city limits, past the county line and across the state border to the geography of a Nation, and the people of a Nation.

For this, in the end, is where the destinies of the smallest town, the remotest farm, and the biggest city lie—in one Nation, one people.

You will be amply repaid for your part in building the Communities of Tomorrow when future Americans say of you: "They loved the land and the clear running stream. They appreciated the value of the forest and the field. They showed us how to fashion from quantity a quality that kept a growing Nation strong."

WASHINGTON STATE DOCTORS SERVE AS AMA VOLUNTEER PHYSICIANS FOR VIETNAM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PELLY. Mr. Speaker, the AMA Volunteer Physicians for Vietnam is one of the most important programs administered by the American Medical Association and financed by the Agency for International Development. This program sends every month 12 to 16 U.S. doctors to Vietnam, where they complete a tour assignment of at least 60 days in provincial hospitals in 22 locations, supplementing drastically inadequate resident medical staffs.

These skilled American physicians, a number of them specialists, take time off from their own practices at home to serve in Vietnam on an unpaid volunteer basis, receiving only a subsistence allowance and travel expenses under the terms of their contracts. They care for the Vietnamese civilian population—war casualties, refugees, and other nonmilitary victims of disease, accident, and illnesses of all kinds.

After their tours are completed, some of these doctors return to Vietnam for a second or a third voluntary assignment. All have served with distinction.

More than 500 doctors from 49 States, the District of Columbia, the Canal Zone and seven overseas areas have participated in this program, Mr. Speaker, and I commend all these men for their service to their country. Listing all those who have participated would constitute a lengthy rollcall, indeed, but I enter into the CONGRESSIONAL RECORD the names of those physicians from the State of Washington who have given so freely of their time and talents to this worthwhile program. They are: Louis E. Braile, Seattle; Jack G. Henneman, Seattle; William N. Pope, Seattle; Herman L. Schiess, Seattle; Richard V. Tinker, Seattle; Edward C. Calta, Renton; Wayne Zimmerman, Tacoma; Robert E. Lane, Tacoma; Anthony R. Galgano, Port Angeles; Harry Frewing, Vancouver; Philip A. Fritel, Vancouver; C. Richard Goodhope, Edmonds; Fred H. Gloeckner, Buckley; Edwin F. Liebold, Forks; Richard B. Link, American Lake; Robert C. Maher, Spokane; Barbara A. Kenyon, Buckley; William A. Johnson, Longview.

FINAL TABULATIONS OF CONGRESSIONAL QUESTIONNAIRE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BRADEMAS. Mr. Speaker, like many of my colleagues in the House of Representatives, I periodically send to the citizens of my district questionnaires on important issues before the Nation.

Recently I announced the first tabulations of the results of the last such questionnaire for the counties of the Third District of Indiana, including all counties to both the old and the new district.

Mr. Speaker, under unanimous consent, I insert at this point in the RECORD the final and official tabulations from this survey:

NEW 3D DISTRICT OF INDIANA—FINAL RESULTS OF CONGRESSMAN JOHN BRADEMAS' OPINION SURVEY

[3d District totals for Elkhart, Kosciusko, Marshall, and St. Joseph Counties, 13,022 total repsonses]

	Percent		
	Yes	No	Undecided or no response
Do you favor—			
1. Legislation prohibiting mail-order gun sales and requiring registration of guns?	51.0	36.9	12.1
2. A negotiated settlement of the Vietnam war?	64.9	18.0	17.1
3. Remaining in Vietnam until a complete military victory has been achieved?	25.6	50.5	23.9
4. Lowering the retirement age for social security benefits below 65?	42.3	43.1	14.6
5. Lowering the voting age to 18?	34.8	52.0	13.2
6. Electing the President of the United States by popular vote instead of through the present electoral college system?	79.1	8.4	12.5
7. Legislation to provide jobs in private industry or needed public service for unemployed persons?	43.5	34.9	21.6
8. Limiting the amount an individual farmer or farm corporation can receive in Federal subsidies to $10,000 a year?	73.7	5.8	20.5
9. Reducing substantially the 27½ percent income tax depletion allowance permitted oil and natural gas producers?	55.8	12.2	32.0

BREAKDOWN BY COUNTY OF OPINION SURVEY FINAL RESULTS

[In percent]

Questions (as numbered above)	Elkhart (3,187 responses)			Kosciusko (1,381 responses)			Marshall (987 responses)			St. Joseph (7,467 responses)		
	Yes	No	Undecided or no response	Yes	No	Undecided or no response	Yes	No	Undecided or no response	Yes	No	Undecided or no response
1. Gun control	49.7	38.0	12.4	44.2	44.6	11.2	45.5	42.2	12.3	53.5	34.3	12.2
2. Vietnam negotiated settlement	64.5	17.8	17.7	59.3	24.5	16.0	62.3	19.4	18.3	66.5	16.7	16.8
3. Vietnam military victory	25.0	50.6	24.4	31.1	46.1	22.8	26.8	49.8	23.4	24.8	51.4	23.7
4. Social security before 65	34.8	49.8	15.4	34.1	53.8	12.1	37.7	51.3	11.1	47.6	37.2	15.2
5. Vote at 18	34.6	52.5	12.9	35.0	52.9	12.1	34.4	54.4	11.3	34.9	51.3	13.9
6. Popular vote for President	77.9	8.9	13.2	81.0	7.8	11.2	80.0	9.0	11.0	79.2	8.1	12.7
7. Providing jobs	42.9	34.5	22.6	39.9	39.7	20.4	40.6	38.5	20.9	44.7	33.8	21.5
8. Farm subsidies	73.7	5.6	20.6	80.0	6.9	13.1	79.6	5.9	14.5	71.7	5.8	22.5
9. Oil depletion	55.8	11.0	33.2	59.7	12.6	27.7	52.1	15.4	32.5	55.6	12.2	32.3

OLD 3d DISTRICT OF INDIANA—FINAL RESULTS OF CONGRESSMAN JOHN BRADEMAS' OPINION SURVEY

[Totals for LaPorte, Marshall, St. Joseph, and Starke Counties, 11,638 total responses]

	Percent		
	Yes	No	Undecided or no response
Do you favor—			
1. Legislation prohibiting mail-order gun sales and requiring registration of guns?	52.0	35.3	12.7
2. A negotiated settlement of the Vietnam war?	65.4	17.5	17.1
3. Remaining in Vietnam until a complete military victory has been achieved?	25.4	50.8	23.8
4. Lowering the retirement age for social security benefits below 65?	46.6	39.0	14.4
5. Lowering the voting age to 18?	35.2	51.7	13.1
6. Electing the President of the United States by popular vote instead of through the present electoral college system?	78.9	8.7	12.4
7. Legislation to provide jobs in private industry or needed public service for unemployed persons?	44.1	35.0	20.9
8. Limiting the amount an individual farmer or farm corporation can receive in Federal subsidies to $10,000 a year?	73.0	6.6	20.4
9. Reducing substantially the 27½ percent income tax depletion allowance permitted oil and natural gas producers?	54.8	13.0	32.2

BREAKDOWN BY COUNTY OF OPINION SURVEY FINAL RESULTS

[In percent]

Questions (as numbered above)	Laporte (2,758 responses)			Marshall (987 responses)			St. Joseph (7,467 responses)			Starke (426 responses)		
	Yes	No	Undecided or no response	Yes	No	Undecided or no response	Yes	No	Undecided or no response	Yes	No	Undecided or no response
1. Gun control	54.9	33.8	11.2	45.5	42.2	12.3	53.5	34.3	12.2	41.7	44.8	13.5
2. Vietnam negotiated settlement	64.1	18.7	17.3	62.3	19.4	18.3	66.5	16.7	16.8	62.1	19.0	19.0
3. Vietnam military victory	25.7	50.0	24.3	26.8	49.8	23.4	24.8	51.4	23.7	28.8	48.3	22.9
4. Social security before 65	46.1	40.2	13.6	37.7	51.3	11.1	47.6	37.2	15.2	53.1	34.3	12.7
5. Vote at 18	36.2	51.8	11.9	34.4	54.4	11.3	34.9	51.3	13.9	37.3	51.6	11.1
6. Popular vote for President	77.6	9.7	12.7	80.0	9.0	11.0	79.2	8.1	12.7	79.6	10.8	9.7
7. Providing jobs	43.3	37.2	19.4	40.6	38.5	20.9	44.7	33.8	21.5	45.3	35.4	19.3
8. Farm subsidies	73.7	6.4	19.9	79.6	5.9	14.5	71.7	5.8	22.5	75.6	10.1	14.3
9. Oil depletion	54.4	14.1	31.6	52.1	15.4	32.5	55.6	12.2	32.3	51.4	16.0	32.6

STATEMENT OF CONGRESSMAN JOHN V. TUNNEY ON THE CONGRESSIONAL INTERN PROGRAM

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. TUNNEY. Mr. Speaker, the youth of today are seeking action, participation and involvement in the problems which are presently confronting our society. More than any other time in our history our young people are attempting en masse to cure the terrible social ills which infect our social fiber and plague our moral consciences. However, few avenues, if any, are presently available through which our young people can participate in a constructive manner; few avenues are open to the youth of today through which they can make meaningful contributions to the improvements of our Nation and its Federal government.

For many years, I have felt that one of the best ways a young man or woman could constructively contribute to the growth and betterment of the Federal Government is through the congressional summer intern program. From its inception, the summer intern program has attempted to bring to Washington for the summer months some of the most talented and able-minded college students. Students from a variety of cities and campuses have flocked to Washington to learn about and participate in the workings of the Federal Government. For those fortunate few who have availed themselves of this great opportunity, the learning and experience they have acquired in the operations of the government have been extremely worthwhile.

In my own congressional office, for example, I have personally witnessed the great benefits of the summer intern program. For the last few summers, I have brought to Washington a number of talented students from California who have wanted to contribute and learn about the Federal Government. My experience with them has been mutually rewarding and sincerely gratifying. I sincerely feel that the few short months which these students worked in my office will be returned to the Federal Government in the years to come in the way of better understanding and knowledgeable leadership.

Therefore, Mr. Speaker, I strongly urge my colleagues to help prepare for the leadership of tomorrow by investing in congressional programs of today. I can think of no finer program which teaches our talented young people more about the Federal Government than the congressional intern program. We should make it as easy as possible for interested young men and women to come to Washington for a firsthand experience of the Nation's Capitol in action. A first step in this direction would be for the Congress to reinstate the funding for next summer's intern program. The fiscal responsibility for funding interns should not be the burden of individual Congressmen, but should be assumed by the U.S. Congress. Such action would indicate to our young people that the Federal Government sincerely cares and wants them in Washington.

Furthermore, I feel this action would serve as a lasting tribute to my friend, the late Senator from New York, Robert F. Kennedy, who dedicated most of his life to the ideals and aspirations of our Nation's youth. Mr. Kennedy had this to say about the youth of today and their role vis-a-vis the Federal Government:

> We may find some of their ideas impractical, some of their views overdrawn. Still, there is no question of their energy, of their ability, above all of their honest commitment to a better and more decent world for all of us. It is for us now to make the effort, to take their causes as our causes, and to enlist them in our own, to lend to their vision and daring the insight and wisdom of our experience.

Mr. Speaker, I think it is time to give serious consideration to Senator Kennedy's words and commence to do everything we can to enlist young people into our Government. They need our experience and we their youth, vigor, and vision. We can sustain with them a mutually beneficial contract which will attempt to bridge the generation gap and provide for responsible and insightful leadership of tomorrow. I implore the Congress to act. Let us provide for those talented young men and women who want to sincerely learn and contribute to the workings of the Federal Government. Let us reinstate the funds for the summer intern program so that we may seriously act to alleviate the prophetic lament of Tennyson:

> Ah, what shall I be at fifty,
> Should nature keep me alive,
> If I find the world so bitter
> When I am but twenty-five?

PILLOW, PA., CELEBRATES ITS 150TH BIRTHDAY

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. SCHNEEBELI. Mr. Speaker, during our August recess, the town of Pillow, Dauphin County, Pa., celebrated its 150th birthday. This week-long observance by this Pennsylvania Dutch village of 1,965 people was climaxed with a huge town meeting on Sunday, August 18, in a small tree-bowered grove set amidst two of the town's five churches. Among the features of this meeting was a recital of the town's historic background.

The community was originally settled by the Schneiders and was understandably called Schneidershtettle. Later the name was changed to Uniontown, was incorporated in 1864, and within the past several years the name was changed finally to Pillow, to agree with the U.S. Post Office name, and in honor of Admiral Pillow, after whom it was presumably named.

The town's history was read in a most interesting fashion by one of its honored natives, Mrs. Anna Bohner. The historic document was the product of the pen of Mr. Raymond Wiest, a longtime resident and high school principal. Mr. Wiest told me in later conversation that in the 39 years of teaching in the Pennsylvania school system, he never had a single day's absence from his teaching duties, for any reason whatsoever—a fine example of Pennsylvania Dutch dedication and devotion to his chosen profession.

My day spent in Pillow with the present and returning residents of this village was most enjoyable and rewarding. The observance of its history was a vivid reminder of the rich heritage we as Americans have acquired as the result of the undying spirit and determination of our pioneer forefathers. Such inspiring motivation is today the hallmark of small town America, and it was a privilege for me to have had the opportunity to meet and talk with the residents of this community on such an important occasion.

BE A BOY SCOUT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. QUILLEN. Mr. Speaker, "Scouting rounds a guy out" is certainly an appropriate theme for the Boy Scouts of America.

One of the greatest experiences in a boy's lifetime can be fulfilled by his joining a Scout unit. Where else can a young man meet with boys his own age and share ideas and beliefs, thus becoming involved in what we are placed on this earth for: companionship and service to our fellow man. And, of course, the benefit that is derived from outdoor activities and other organized events is unparalled.

An editorial appeared in the Johnson City Press-Chronicle on Wednesday, September 11, 1968, which I would like to share with the readers of the RECORD, as follows:

BE A BOY SCOUT

Your boy going to be a Scout when he is old enough?

Why, of course.

Nearly all parents want their boys to be Scouts, and nearly all boys want to be Scouts.

But sometimes, for one reason or another, the boy and the Scout unit don't get together. And lots of fellows miss out on a great experience.

With this in mind, leaders of the Sequoyah Council of the Boy Scouts of America are making their fall membership drive—the 1968 roundup—a concerted effort to recruit boys into 50 Scout units of Daniel Boone District.

For the last couple of years, Boy Scouts of America has featured the theme "Scouting rounds a guy out." Certainly, the experience and the excitement of outdoor activities help build boys into men who are physically, mentally, and morally fit.

Scouting is a partner with 15 religious and community organizations in this area which actually "own" the Cub packs. Scout troops, and Explorer posts, and Scouting is recognized universally as a vital educational force in the lives of thousands of boys.

Special emphasis currently is being placed on Scouting in congested urban areas, sparsely populated rural areas, and fast-expanding residential areas—wherever boys live—and our nation stands to benefit as more and more boys are enlisted.

Now is a good time for boys, 8 through 17, who are not Cub Scouts, Boy Scouts, or Explorers to get in on this active, virile, he-man program.

STATEMENTS ON TROOP REDUCTIONS IN VIETNAM

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mrs. BOLTON. Mr. Speaker, 4 years ago, during the 1964 election, the then Secretary of Defense Robert McNamara issued politically attractive public statements regarding possible troop reductions in Vietnam. These statements, which raised hopes that American troops would be brought home from Vietnam within a short time, proved groundless.

It is regrettable that now 4 years later, Vice President HUMPHREY has again raised what proved to be false election-year hopes regarding plans to bring American troops home from Vietnam.

Yesterday the Vice President in New Orleans called for a moratorium on what he called political doubletalk. However, according to no less authorities than President Johnson and Secretary of Defense Clifford, Mr. HUMPHREY himself engaged in somewhat irresponsible doubletalk concerning the transfer of the 27th Marine Regiment from Vietnam.

First the Vice President claimed that the administration planned to bring a Marine division home as part of a general Vietnam troop reduction. Then Mr. HUMPHREY amended his statement to claim that only a regiment was to be withdrawn. The Secretary of Defense himself straightened the record by declaring that the removal of the 27th Regiment was only a rotation of units and not a troop reduction.

The feelings of thousands of families with sons and relatives in Vietnam require that Vice President HUMPHREY should in the future resist the temptations of a political year by checking out his facts before making loose and unreliable claims regarding bringing our American fighting men back home.

OBSCENITY ISSUE AND FORTAS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BINGHAM. Mr. Speaker, among the many unfair and intemperate attacks that have been made on Mr. Justice Fortas in recent weeks, none is more inexcusable than the effort to portray him as "soft" on obscenity.

As was pointed out yesterday by Joseph O'Meara, dean emeritus, Notre Dame Law School, in an excellent letter to the Washington Post, if Justice Fortas is guilty of the charge, then so is every other member of the Supreme Court.

I hope that Dean O'Meara's letter will be carefully studied by all who are concerned with the immediate issue of Justice Fortas' confirmation and with the broader question of whether this country will continue to have an independent judiciary. The letter follows:

OBSCENITY ISSUE AND FORTAS

A few United States Senators seem determined to block the confirmation of Mr. Justice Fortas's nomination as Chief Justice of the United States because of his votes in two recent obscenity cases. To attack Mr. Justice Fortas because of those votes is unfair, misleading and dangerous.

First, it is unfair because it attempts to measure a sitting Justice's judicial fitness on the basis of the scanty evidence of his recorded vote in cases decided without written opinion, two cases only.

I take it to be a general rule that no active Justice should be called to account in the Senate for his votes in particular cases. But, passing that, it seems to me clearly wrong to impugn Mr. Justice Fortas for his votes in the two cases in question. The Senatorial opposition has focused on the Court's reversals of convictions in *Schackman v. California,* decided *per curiam* on June 12, 1967, and in *Jacobs v. New York,* which was dismissed as moot on the same day. In neither of these cases did the Court issue a written opinion explaining its reasoning, and in neither of the cases did Mr. Justice Fortas issue a separate statement of his own views. I am quite unable, therefore, to see how one can single out Mr. Justice Fortas's actions in these cases from those of his colleagues, or extract from his votes very much about his position on the complex obscenity issue.

This conclusion is reinforced by an examination of the issues presented to the Court in those two cases. Each was unique. The briefs to the Court state that *Schackman* involved a "peep-show" of a filmed burlesque performance not unlike those presented fairly widely in burlesque houses throughout the country. *Jacobs,* on the other hand, involved a nearly private screening of what we are told was a seriously intended, if unconventional, underground art film, and the showing was not advertised in any way to the public at large. In addition, in *Schackman,* there was presented the question of unlawful police seizure of the film prior to any lawful determination that it was in fact obscene under the local statute. For my part, I am unable to see that these cases tell us much about Mr. Justice Fortas's particular views.

Secondly, the attack on Mr. Justice Fortas's votes in these two cases is misleading because it overlooks his total record in the field. From the time of the landmark *Roth* decision in 1957 until Mr. Justice Fortas was appointed to the Court in 1965, the Court had never squarely sustained a finding of obscenity. However, in the October 1965 Term, Mr. Justice Fortas voted with the majority to sustain the obscenity convictions of Ralph Ginzburg and Edward Mishkin. He did not issue an opinion in either case. The Court's opinions, however, spell out a new theory and they broke the impasse which had developed over the obscenity issue in the years before his appointment. The Court held that the manner in which a defendant merchandised allegedly obscene material could be taken into account in determining whether those materials were "obscene."

More recently, and again with the support of Mr. Justice Fortas, the Court dealt with "variable concepts of obscenity," holding that the First Amendment does not preclude legislation to protect children from materials which might not be "obscene" if purveyed to adults. In his separate opinion in that case, *Ginzberg v. New York*, decided April 22, 1968, Mr. Justice Fortas stated:

> "The State's police power may, within very broad limits, protect the parents and their children from public aggression of panderers and pushers. This is defensible on the theory that they cannot protect themselves from such assaults."

To attack Mr. Justice Fortas on the basis of his votes in two *per curiam* decisions (*Schackman* and *Jacobs*) therefore, is to distort the record. His vote in the first *Ginzburg* case, and his opinion in the more recent *Ginzberg* case, to the extent that one can isolate his views from those of the other Justices, reflect a developing sensitivity to the complexities of the problem, a realistic appreciation of the significance of the way challenged films and books are marketed, and a concern with the peddling of obscenity to the young. One need not agree or disagree with the Court or with Mr. Justice Fortas. I for one do not agree. I have argued that the burden of deciding obscenity cases should be shifited to local juries and away from appellate courts. But surely one can see, from Mr. Justice Fortas' record since his appointment, a commendable, judicious temperament wholly undeserving of the kind of attack which has been launched against him in the Senate.

Finally, to attack Mr. Justice Fortas on the basis of two *per curiam* decisions is dangerous, because it threatens not only this specific judicial appointment, but involves fundamental constitutional considerations as well. At stake in these cases is the sensitive balance to be struck between a society's interest in protecting itself from smut, and its deep need to preserve and enhance freedom of artistic and literary expression. The Constitution places the responsibility for determining where that thin line is to be drawn on the nine Justices of the Supreme Court. It should remain there.

Moreover, if Mr. Justice Fortas is to be punished for his votes in the two obscenity cases above mentioned, consistency would require that a majority of the Court be impeached.

The time is long past when the Senate should be allowed to express its judgment whether, on the basis of Mr. Justice Fortas's entire career, it consents to his appointment as a fit Chief Justice of the United States. That judgment ought not to be frustrated or obscured by a fixation on votes in two recent obscenity cases, both decided without opinion.

I am authorized to state that the following Deans, namely, Reverend Robert F. Drinan, S.J., Boston College Law School; Charles E. Ares, University of Arizona College of Law; Louis H. Pollak, Yale Law School; John W. Wade, Vanderbilt University School of Law, join in the views expressed in this letter, with the single exception of my personal opinion that obscenity, like negligence, is a jury question.

JOSEPH O'MEARA,
Dean Emeritus, Notre Dame Law School.
NOTRE DAME, IND.

GROWING IMPORTS MENACE U.S. GLOBAL TRADE STANCE

HON. WILLIAM H. BATES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BATES. Mr. Speaker, in the weeks preceding the recent congressional recess, the House Ways and Means Committee conducted hearings on legislative proposals designed to protect various American industries from destruction by excessive imports of products from low-cost labor countries.

When I addressed that committee on June 26 concerning the alarming increase in shoe and leather imports, I pointed out that footwear imports represented only 1.2 percent as a percentage of U.S. production in 1955; but if the present trend of shoe imports continues, that percentage of U.S. production could equal 35 percent in 1968, and possibly 50 percent in 1969. This, I said, would almost certainly wreck the U.S. shoe manufacturing industry within the next few years.

The rising footwear import trend is continuing, as Lloyd M. ("Mike") Hampton, Washington editor of Leather and Shoes magazine, stresses in his editorial of August 31, 1968. Noting that Congress would be returning from its recess this month, Mr. Hampton concluded his commentary:

> It is broadly hoped in both private and legislative quarters that the House Ways and Means Committee will be able to consider before the year's end the international orderly marketing and fair trade measures presently on its desk. Passage of such legislation is badly needed if something is to be done in time to save a number of U.S. industries from the permanent crippling effects of cheap labor-produced foreign imports.

I sincerely hope that the Ways and Means Committee and the Congress will heed this and other urgent appeals for relief for our beleaguered American industries before it is too late. Among the bills before the committee, Mr. Speaker, are some which my distinguished colleague from Massachusetts, Representative JAMES A. BURKE, and I have introduced. Of special concern to the shoe and leather industries, I wish to point out, are H.R. 13616, to provide for orderly trade in leather footwear and which was recently strongly endorsed by the Massachusetts Governor's Advisory Committee for the Shoe and Leather and Allied Industries, and H.R. 87 and 88, the Orderly Marketing Act proposals. It is our hope that the objectives of those measures will be incorporated in such legislation as may be recommended by the Ways and Means Committee and enacted by the Congress.

The inspiration for "Mike" Hampton's editorial, to which I have referred, was a statement by Secretary of Commerce C. R. Smith on August 20. Because I believe his observations are of interest to all who are concerned about the rising import problem, I shall quote Mr. Hampton's editorial in its entirety, as follows:

[From Leather and Shoes, Aug. 31, 1968]

A FACING UP? GROWING IMPORTS MENACE U.S. GLOBAL TRADE STANCE

(By Lloyd M. Hampton)

During a recent out-of-town speech, Secretary of Commerce C. R. Smith made a number of remarks which would appear to lend a degree of support to what many import-inundated U.S. industries have been voicing for some time. Unrestricted imports, such beleagured industries complain, constitute not only a grave threat to basic domestic manufacturing sectors as footwear, leather goods, steel, and textile, but hit dangerously at our over-all world trade posture, as well.

To say, as Smith did last week (August 20) in Los Angeles before the Western Electronic Show and Convention, that "The U.S. world trade position needs improving," was to somewhat underestimate the matter. "Recent figures," to quote the Secretary, "have been dreary, and there are no really clear signs that we have turned the corner, that we can soon expect a return to a favorable trade balance of the dimension we once assumed would long be the rule."

This obviously pessimistic forecast by Smith caught some by surprise, coming as it did from a usually optimistic Administration which is patently dedicated to a brand of free trade seen by many inside and out of Government as bordering on the "extreme." But the statement didn't end there. It grew more noteworthy. The Secretary went on to allow that we have two problems, both related: first, "exports have been rising at a very nominal rate"; second, "imports also have been rising at a very phenomenal rate."

For instance, statistics for the first 6 months of this year shows an increase in exports of 5.3 percent over the same period in 1967, to an annual rate of slightly under $33 billion. But imports climbed 20.9 percent over the same period, to an annual rate just over $32 billion. In other words, our trade balance for the period was, as a result, "barely positive" at a rate of $600 million in the 1968 Jan.-June period. In the same 6 months last year our trade surplus contributed to our over-all balance of payments at a rate exceeding $4 billion!

According to the Commerce chief, there are some who predict that the trends will be brighter in the last half of 1968, "but," he hastened to advise his West Coast audience that "there are no figures on trends now available which can give us assurance."

Nonagricultural products, which includes shoes, are seen by Government sources as the driving force behind the import expansion. On a seasonally adjusted basis, these imports outdistanced the Jan.-June 1967 value by 23 percent and accounted for most of the upward spiral in total U.S. imports.

Imports of footwear soared by almost 50 percent in the first 6 months of this year . . . from $126 million in value in Jan.-June 1967 to $187 million in 1968. Half of this gain is said by Commerce to reflect greater deliveries of Italian shoes which are popular in the U.S. "because of their distinctive styling and attractive prices." Spanish footwear imports were also up sharply this year.

If the Administration's over-liberal world traders seem at last to concede—however small—that there does in reality exist a serious imports threat to a broad range of this Nation's industries, it took a Congressman to spell it out in more direct terms.

In a statement to the Democratic Platform Committee, Rep. John S. Monagan, D-Conn., and a free trade advocate himself, called for among other things an "intelligent" trade-tariff policy.

Monagan urged his party's platform writers to initiate a close review of international trade and tariff policy. While affirming his own support of the principles of free trade, he unhesitatingly underlined that "when that trade mounts to the point where it reaches 30 or 40 or 50 percent of the domestic market, it poses a dangerous challenge to the existence of jobs and the maintenance of the economic activity of our Nation."

Interestingly enough and coexistent with Monagan's statement, latest figures show that leather and vinyl footwear imports during the first 6 months of this year equaled 29.3 percent of U.S. production while canvas and rubbersoled footwear imports amounted to 29.8 percent of our output.

Simply put, this Nation has a giant-size trade problem on its hands. The Administration knows there's no running away from it. Centering around the flood of imports allowed to come ashore here, what is now regarded as a problem is seen as rapidly escalating into a general U.S. trade crisis unless effective,--remedial, legislative steps are quickly forthcoming.

As a means to balance our over-all trade picture, the Government is pushing a long-term export expansion program. This is a fine thing. But of what merit is such a plan to those particular domestic industries already import-damaged, and, who quite realistically see very little if indeed any possibility for export growth, shoes and leather products included? For these two industries and their workers along with a growing list of others, something more helpful must be offered other than the myth of overseas markets which abound in both seen and hidden roadblocks to our exports.

The Congress will return from recess in early September. It is broadly hoped in both private and legislative quarters that the House Ways and Means Committee will be able to consider before the year's end the international orderly marketing and other fair trade measures presently on its desk. Passage of such legislation is badly needed if something is to be done in time to save a number of U.S. industries from the permanent crippling effects to cheap labor-produced foreign imports.

GUN CONTROL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. DINGELL. Mr. Speaker, I have received a telegram from Mr. Walter T. Shannon, president, International Association of Game, Fish, and Conservation Commissions, objecting to the Attorney General's proposal to register all firearms and license all firearms owners. So that my colleagues may be aware of the association's position, I insert the text of the telegram at this point in the CONGRESSIONAL RECORD:

TUCSON, ARIZ.,
September 12, 1968.

HON. JOHN DINGELL,
House Office Building,
Washington, D.C.:

International Association of Game, Fish, and Conservation Commissioners representing 50 State wildlife conservation agencies is deeply disturbed about Attorney General Ramsey Clark's statement yesterday to U.S. Senate re firearms legislation proposal to register all firearms and license all gun owners. We strongly believe that such legislation would not accomplish the objective and, furthermore, would cost the taxpayers millions of dollars. We respectfully request that you help defeat such legislation.

WALTER T. SHANNON,
President, International Association of Game, Fish and Conservation Commission.

HOW TO PREVENT RIOTS?

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. GATHINGS. Mr. Speaker, seasoned newspapermen throughout the Nation have had the opportunity to assess the journalistic ability and impartiality of the electronic newscasters as never before. The telecasts of the National Democratic Convention in Chicago—and the adjacent mob-incited police actions—have come under the critical comment of many of these newsmen.

One such is editor Marvin Caldwell of the Marianna, Ark., Courier Index. In an editorial carried in the September 5 issue of the Courier Index, Mr. Caldwell comments on the telecasts and on the plea of one such electronic commentator for a "better way to handle demonstrators."

The editorial follows:

HOW TO PREVENT RIOTS?

The ABC news commentator was appalled by the violence. Never, in all his days as a reporter, had he seen anything to match the brutality displayed by the Chicago Police Department. "This nation has got to find a better way to handle demonstrators if it is to survive," he piously declared.

We are inclined to agree with William Buckley, Jr., who followed a few minutes later. He asked the commentator to kindly suggest a better way so that both parties could put it into their platform. The rest of the country is waiting too. Commentators (and editorial writers) quite frequently, are willing to criticize, condemn and complain, but are often hesitant to make any concrete suggestions for a change.

There can be little doubt that the Chicago police were over-enthusiastic in their control of this so-called demonstration but then, they had some good reasons to swing a big stick. They have been (maligned) by the press, insulted by hoodlums and handcuffed by the federal courts. There is little wonder that they took a little of it out on these so-called "peaceful demonstrators" who, according to the TV commentators are somehow above the law.

The commentators kept talking about "freedom to assemble" and they were right—but only half right. Certainly, this is a privilege of Americans. But they failed to remember the old axiom that "your freedom ends where my nose begins." These people were plainly breaking the law and infringing on the rights of others. They were blocking major streets in Chicago and creating a major disturbance that threatened the rights and property of countless thousands more than their own pitiful number.

Still, the bleeding hearts cry "police brutality" and cry for some other solution to the problem. Alright; what is the answer? Mob rule? Anarchy? Dictatorship?

Unfortunately (or perhaps fortunately) we don't have any answer except that law and order must prevail if our democratic society is to endure. The Chicago police may have overstepped the bounds of good judgment but the basic precept of their action is still sound and until some of the liberals come up with a better idea, it is still the only way to preserve freedom for all.

AMERICAN SEA POWER: WHERE ARE WE GOING?

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. MAILLIARD. Mr. Speaker, more than 2 years ago, I spoke on the subject "American Sea Power: Where Are We Going?" In that address, I pointed to the probable grave implications of the shocking deemphasis in our national maritime efforts, particularly in view of the rapid growth in sea power by our principal cold war competitor, Soviet Russia.

This year, at its 66th annual convention held in Honolulu, Hawaii, the distinguished Navy League of the United States issued a similar warning in its Declaration of Objectives and Resolutions, in the words of Mr. Charles F. Duchein, national president of the Navy League, where were set forth in the foreword to this statement of policy:

> Relating, as they do, directly to the National needs for a quantum increase in maritime strength and posture, these resolutions warrant careful consideration by the general public and *policy makers within the government*.

I, therefore, invite the attention of all my colleagues in the House to the following editorial, which appeared in the San Francisco Examiner of July 12, 1968, concerning the authoritative warnings of the Navy League of the United States with respect to the ever-deepening crisis in American sea power:

SEA WEAKNESS

Important recognition of the deplorable state of the American merchant marine has come from the influential Navy League.

At its recent convention in Honolulu the league declared, "A progressive and competitive posture for a modern U.S. merchant marine is necessary to the total sea power requirements of the United States."

That is an accurate statement. It sets up a realistic goal that unfortunately we are nowhere near attaining. The United States has fewer privately-owned merchant ships today than it did in 1936.

The league went on "Kremlin policy makers have turned to the sea and in so doing have adopted a fundamental maritime policy to challenge American oceanic preeminence."

True enough. Soviet warships are bow to bow with our Sixth Fleet in the Mediterranean and growing numbers of Soviet merchantmen drop anchor in world-wide ports.

"Lack of a long range adequate ship building program has resulted in block obsolescence of the U.S. fleet and left the merchant marine in a deplorable condition," said the league.

These are authoritative warnings based on nominous fact. They should be heeded.

THE CONTINUING DIALOG ON THE DRAFT

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. CURTIS. Mr. Speaker, although it is unrealistic to expect any further consideration on the needs to update our present system of military manpower procurement in this session of the Congress, it is my hope that a new Congress can begin immediately in January at a time when they will not be under the gun to meet a deadline prescribed by the imminent expiration of the old law. This will allow the orderly and thoughtful study that is necessary to bring about the needed revisions in our draft laws, and will avoid the unnecessary last minute rush which characterized the proceedings of this 90th Congress and resulted in the poorly studied extension of the Selective Service Act which was passed.

It is encouraging to note that the young people of this country will not let this issue drop. They are concerned with the underlying merits, and are not satisfied with perfunctory extensions of the old law. The Forensic Quarterly, volume 42, May 1968, is devoted to the subject of compulsory service systems for the purpose of promoting student debates. It was my privilege to prepare for their use an article on the potential of an all volunteer military, which I am inserting at this point in the RECORD:

THE DRAFT: UNJUST AND UNNECESSARY [1]

(By Congressman THOMAS B. CURTIS [2])

THE SPECTRUM OF VALUES TO BE CONSIDERED

The defense of a nation's values by military force presents difficult choices for any society. For the American people, born under the aegis of individual liberty and maximum freedom from arbitrary governmental interference in the lives of independent men, such choices are especially hazardous. For an inappropriate system of national defense may threaten those very ideals our society exists to preserve. Thus, a discussion of manpower procurement policies for the military carries us into a consideration of the very basic values which our form of government was established to protect. It is important that this be foremost in the minds of those who discuss the question of the draft and its alternatives.

In addition to the question of justice and individual freedom, military manpower procurement policy raises questions of economics and strategic preparedness. Our modern technological society has produced a new concept of warfare for which old ideas of manpower procurement, and former views of the skills necessary for military preparedness and civilian economic strength, are no longer adequate. No longer do the principles of mass warfare conducted by massive armies across wide expanses of ground with primitive weapons hold true. The modern soldier is a specialist, a technician of war a "knight on horse-back" who rides to battle in tanks, helicopters, and armored personnel carriers, and is equipped with a bewildering array of sophisticated weapons and implements of war. War which was once the sport of royalty, is now a conflict between civilizations, and the entire economy and productive capacity of nations are part of the field of conflict.

Therefore, this discussion of a voluntary system of military manpower procurement is intended to be in the context of these basic ethical, economic, and strategic considerations.

THE ETHICS OF A VOLUNTEER ARMY

The arithmetic of ethics. There are approximately two million men now reaching draft age each year. At present our armed forces require the services of slightly more than one-third of them. This percentage is most likely to decrease as the population reaching draft age each year increases, and with the hoped-for cessation of military hostilities in Asia. With these basic figures the ethical question is immediately thrown into relief. The military does not need approximately two-thirds of draft age men. What is the fairest way of selecting that minority it does need?

The present system, based as it is upon compulsion, is inherently inequitable and inconsistent with the ideals of a free society. The method currently employed under the selective service law of cutting out the unneeded two-thirds is through a leaky system of deferments and exemptions which generally favors the physically limited, fathers, farmers, clergymen, reservists, and scholars—provided their subject of study is continually within a shifting area of priorities dictated by the government. Those young men who do not fit into one of these and a few other categories make up that directly-compelled one-third. It is also fair to say that many of the remaining two-thirds feel the indirect compulsion of government when they choose their future careers and activities with a wary eye on selective service draft deferment categories.

Today's obstacles to choice. To compound the inequity very little effort is made by the Selective Service System to afford the would-be draftee an "eyes-open" choice. Bruce Chapman, in his recent book *Wrong Man in Uniform,* describes the draft registrant's selection opportunities in the following terms:

"Young men born since World War II . . . meet the draft in a Kafka-esque experience of bewilderment and frustration that most older adults do not understand. There are nowadays some sixty optional programs through which one can fulfill his military obligation, with a strange maze of attendant procedures and processes; and there are countless ways of not serving at all. Despite such complexities, no counseling is made available to young men as a matter of course and even if one seeks out his draft board, the information supplied by the busy and businesslike clerk is likely to be skeletal. It is surprising that nearly all young men even know that they must go to their draft board to register at age 18, yet the law deals firmly indeed with him who does not. 'Those registrants whose infractions of the law are not deliberate,' reads a report by the Director of Selective Service, 'usually are not brought to trial, but they are subject to accelerated induction into the Armed Forces and they occupy the highest position in the sequence of selection for induction.'

"When a man does register he is given a tiny flyer whose chief function is to list the eighteen different categories of Selective Service classification—without explaining what they are and how one gets assigned to them. One is told that any appeal of classification must be entered to the local board in writing no more than ten days after notification, but one is not told under what circumstances an appeal should be made or what to put in the appeal. The terse flyer's parting shot is the hardly reassuring advice that 'Classifications are subject to change by the local board at any time.' and that 'Failure to comply with an order from your local board may make you subject to fine or imprisonment.'

"Even a bright and determined young man—usually the one with bright and determined parents—might have a hard time compiling all the information relevant to his rights, obligations and choices. Yet at no single time does the Government or the educational system automatically provide the full facts of the draft and military service to youngsters who face it."

Contrast this briefly with what would be the required procurement procedure for a voluntary career army. The basic premise upon which procurement rests is that a modern technological army is seeking skills and not bodies. Therefore manpower procurement procedure need not be essentially different from civilian jobs offered by the government or the private sector. Skills in demand must be paid the going rate, and additional benefits such as greatly improved living conditions, better schools for servicemen's families, and an upgrading of the concept of military service in the eyes of the community, would be part of the inducement package. There must be a multitude of reforms in military life.

Professionals or mercenaries? Increase in pay, even along with other necessary reforms, to induce voluntarily the necessary number of enlistments has brought about the charge that a volunteer career army would be an army of "mercenaries" and this is philosophically or morally undesirable to many Americans. Although I feel that the charge of "mercenaries" is a distortion of both the term mercenary and the concept of a volunteer army, it is important to discuss the various ethical questions at the base of this objection.

To students familiar with American history, the term "mercenary" brings to mind the German Hessians hired by the British to fight the rebellious American colonists. After all, the Americans won the Revolutionary War, and could it be that part of this may be due to the underlying unreliability of the mercenary Hessians, who had no interest in the cause for which they were fighting? Certainly, and this concept of the word mercenary accurately carries with it a justified fear of unreliability in battle.

However, there are two different concepts contained in the word "mercenary." The first is that of a soldier hiring for service in an army not of his own country, like the Hessians in the American revolution. The second is acting merely for pay or monetary reward. The first definition is used to denigrate the value of a volunteer army by its opponents, although only the second definition even comes close to describing accurately the concept, and this isn't very close. A voluntary career army is one in which citizens of the same country are hired into that country's armed services. The derogatory import of the term mercenary is then manifestly unfair.

Any change of unreliability of one who serves in his own country's army for a salary commensurate to what he could be earning in a civilian occupation is difficult to sustain. Indeed, some of those who have yelled the loudest that "they would not want to be defended by an army of mercenaries" are themselves mercenaries in the sense that they serve for pay or make their living at their work. The career director of the Selective Service System, General Lewis B. Hershey, is then a mercenary even though he winces at the thought of being defended by them. It is also true in this sense that he and all of us receive medical treatment, legal advice, and accept political regulation from "mercenaries."

---

[1] Prepared for *Compulsory Service Systems: The Forensic Quarterly,* Vol. 42 (May 1968). Copyright 1968. All rights reserved.

[2] Congressman Curtis, a Republican from Missouri's 2d District, has served in the House of Representatives since 1951. He has been long-time critic of the Selective Service System and a Congressional proponent of an all-volunteer service. In 1967, he wrote the Introduction to Bruce K. Chapman's *The Wrong Man in Uniform: Our Unfair and Obsolete Draft—and How We Can Replace It.*

To the extent then that there is any danger of unreliability from a professional army we already face it. Most every officer above the rank of major is properly considered a professional career man. It is only the lowly enlistee and the draftee who would be replaced if a voluntary career system of manpower procurement were instituted. It can hardly be said that draftees infuse the system with a healthy civilian influence which counterbalances judgments made by their career officers. Anyone who thinks so has not had first-hand observation of the system in operation and a draftee's influence on military policy.

The notion of paying a soldier what he might be worth in his civilian occupation, far from being ignoble, is eminently just and our failure to do so is a national shame. The beginning pay of an enlisted man in the United States Army, whether he has volunteered or is a draftee, is $90.60 per month. To this base rate must be added the approximate value of housing and food he receives, and the Department of Defense has estimated that this is $73.31 per month for a newly enlisted man. Both these figures rise slightly during his early promotions in grade. Thus the newly enlisted soldier receives in his first year of service approximately $2122.47 in pay and benefits. This figure must be adjusted slightly because of the 5.6 per cent basic pay increase across the board for all services enacted in 1967. Even with this the yearly benefits are approximately $2191.77 in the first year of service.

This figure is scandalously low—below the statutory minimum wage, below the proclaimed minimum "poverty level," and according to *The New York Times*, only slightly more than the pay of a peasant on a collective farm in Rumania. Small wonder enlistments do not meet requirements! But within these figures there is an additional moral question which must be faced by our society. The difference between the $2191.77 which the soldier makes in the service and the amount he could have made in his civilian occupation is an additional cost to him. It should be legitimately considered part of the cost of our national defense. However, note who must bear this cost. Not the well-to-do American taxpayer who is receiving all the benefits of the defense, but the draftee who, in addition to having to bear this extra economic loss, is possibly risking life and limb as well.

Professor Milton Friedman, of the University of Chicago, accurately characterizes this discrepancy as an additional tax which must be borne by the service man, and adds that "adequate pay alone may not attract, but inadequate pay can certainly deter" the young man in choosing the military as a career. We are being a bit nonsensical and unreasonable if we expect this difference to be made up by patriotism as some do. As Bruce Chapman points out "men should not be paid for their patriotism, but neither should they be punished for it."

The composition of a volunteer army. A further ethical or philosophical consideration which has been raised with regard to a volunteer army is the representativeness of its members. It is particularly feared by some, including Senator Edward Kennedy, that an all volunteer army would contain a disproportionate number of Negroes and other minority and lower income groups. The statistics in fact bear this out. The Department of Defense has reported that in the first eleven months of fiscal year 1966, 12.9 per cent of the draftees were non-white, compared to 11.1 per cent of the entire United States population which is non-white. Additionally, the National Advisory Commission on Selective Service found that while Negro soldiers comprised only 11 percent of United States personnel in Viet Nam, they accounted for 14.5 percent of all army combat units, and that they represented 22.4 percent of all army troops killed in action.

More significant in consideration of the composition of an all volunteer army is the fact that Negro re-enlistment rates were double those of white troops as reported by the National Advisory Commission. These figures indicate that it can reasonably be expected that greater proportion of Negroes and other lower income groups would make up our armed services if procurement were solely by voluntary enlistment. However, I feel that those who condemn the concept of an all volunteer army on moral grounds because of this must answer two additional ethical questions. First, isn't the fact that more Negroes re-enlist a condemnation of the civilian conditions from which many of them come, and should we then object to a military procurement system because it affords them greater opportunities than our civilian society? And, second, since a greater percentage of Negroes under the present system are drafted anyway from their total population than are whites, is it better to see these Negroes drafted against their will, or volunteer because they want to?

The ethics of the alternatives. Although the preferable moral and ethical values of the voluntary procurement system can be best seen by affirmatively setting forth the case for that system, some brief mention of the philosophical detractions of the competing systems may be in order.

There are those who feel that some form of a lottery system would be the best method of military manpower procurement. I have said that I would prefer a lottery to the present draft system with all its inequities and deferments, but I think we can do much better than either. Those who turn to a lottery to obtain military manpower are figuratively throwing up their hands in the face of complexity. A rational system of military manpower procurement—a voluntary system—can be achieved through study of the various skills needed by the military which have counterparts in the civilian society, development of the necessary variety of rewards to induce the proper enlistments, and raising the role of military service in the eyes of the nation.

Furthermore, any lottery must itself inevitably have some exemptions and deferments. The physically handicapped for example cannot serve in combat positions, and there may be others who are selected by the lottery whom we may not want to have serve, such as our nuclear physicists. Certain exemptions must then be made, and once this process is begun it may be difficult to find a rational place to stop. The result would probably be a completely new set of inequitable exemptions, and should this be the case any young man selected will hardly feel better because he was singled out through mechanical irrationality rather than human irrationality.

Another commonly discussed alternative to the draft is a system of national service. The philosopher William James once discussed this as the "moral equivalent of war" and in so doing captured the imaginations of social planners and governmental activists ever since. Basically the idea of national service would require all young people to give a few years in service to their country, and, in lieu of the military, this service could consist of social work for society's improvement. Those activities commonly considered as acceptable alternatives today are the Peace Corps, VISTA, poverty work, and the like.

Philosophical and moral objections to this concept run very deep and are not immediately apparent to those who strongly favor the objectives of groups like the Peace Corps and VISTA. The idea that a citizen owes his government a certain number of years of service is foreign to this nation's principles of limited government; and a system of national service, by starting out to expand liberties would end by severely curtailing them. Consider for example who or what agency is to make the decision as to what is valuable social work and what is not, and therefore whether that work can be an alternative to military service. Political judgments would necessarily have to be made on a scale so broad as to effect virtually every member of society in a certain age group. Could activities of a private charitable nature be selected instead of a governmental activity? If not, isn't this saying that government programs are somehow more worthy than private individual action? If so, who is to determine which private activities will qualify—churches, religious institutions, political parties, black power groups, white citizens councils, etc?

The administrative difficulties of national service are no less staggering than the philosophical. Recall that one of the underlying reasons that the draft has been declared inequitable is because only one-third of the available manpower was needed for military service. National service, instead of devising a rational system to cut down the interference of government on the lives of those two-thirds that are not needed, expands government to touch them all. If there are approximately 2 million men in each year of the draft age population, and approximately 2 million women, we are dealing with between 30 to 35 million young people. The administrative costs of dealing with such a large segment of our population would be great. And to this must be added costs of training; for example, the training costs for one peace corps worker alone is on the average $7800. The costs of national service may be enormously large, much larger than that of a volunteer army discussed subsequently. In addition, most of these charitable and social organizations operate to a great extent on the impetus of volunteerism and individual initiative. We could reasonably expect that many of them would be overwhelmed and severely damaged by an influx of an extremely large number of indirectly coerced young people.

THE ECONOMIC AND STRATEGIC CONSIDERATIONS

The accurate costs of a volunteer service must reflect the savings obtained through the abolition of the draft system.

The high cost to the draftee. The cost of our present system of procuring military manpower is enormous. At first glance it may seem otherwise to some because the draft is a means of acquiring very cheap labor. As Professor John Kenneth Galbraith has stated "the draft survives principally as a device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayer, who benefits by lower taxes, to the impecunious young draftee. This is a highly regressive arrangement which we would not tolerate in any other area." However, in addition to the social costs implicitly underlying Professor Galbraith's criticism, there are also grave economic costs. The draft has served as a crutch for the military services and allowed them to avoid the development of sound personnel policies. Our modern army requires specialists and technicians much more than automatons with rifles. The present procurement policies require the army to waste millions in training these draftees in skills which the military will lose in a few years and which the trainee will generally never have a use for in later life. The present personnel policies encourage further waste by deterring re-enlistments.

Military pay in the lower grades is lower in the United States than in any of the other NATO powers, including those like France and West Germany which have compulsory service. A private E–1 in the United States makes approximately $90 a month, hardly enough to support himself, much less a wife and family. With an increasingly lower average age for marriage in this country, it is not surprising that many married draftees in the military services are forced to depend on relief payments to support themselves. For example, in 1964, the Air Force alone identified more than 5000 men who were receiving relief support. Such economic facts hardly encourage volunteering and certainly discourage re-enlistments.

The high cost of low re-enlistment rates. Department of Defense figures reveal that only about 8 per cent of draftees stay in the service and only 25 per cent of first-term volunteers re-enlist. In 1964, the re-enlistment rate for inductees was down to 2.8 per cent and the percentage has never been greater than 20 per cent. Thus approximately 90–95 per cent of all the manpower which is obtained by the draft is "temporary" and the skills of these men, which took about $6000 per draftee to train, are wasted in the process. The cost, in wasted training and lost skills alone, is approximately 2.4 billion dollars a year for an army that depends on compulsion to secure its manpower. This cost must be borne by Professor Galbraith's "well-to-do taxpayers" and is the penalty we pay for our inefficient manpower procurement system.

The high costs of ignoring technological changes. In addition, the draft ignores the basic changes which have occurred in the technology of war during the past two decades. Back in 1957, a report prepared by a blue-ribbon commission headed by Ralph Cordiner observed that "It is foolish for the Armed Services to obtain highly advanced weapons systems and not have men of sufficient competence to understand, operate, and maintain such equipment. . . . The solution here, of course, is not to draft more men to stand and look helplessly at the machinery. The solution is to give the men already in the armed forces the incentives required to make them want to stay in the service long enough and try hard enough to take these higher responsibilities, gain the skill and experience levels we need and then remain to give the services the full benefit of their skills."

Our modern army requires more highly skilled technicians and less manual laborers in order to operate and maintain its sophisticated weapons systems. But it is precisely these skilled personnel who leave the military services for higher paying, more satisfying jobs in civilian life. The draft, to be sure, provides ample quantity, but what is needed increasingly today is men of special skills or quality. The latter are uninterested in remaining in the services, and because they are also the most expensive to train the army is faced with a discouraging inverse relationship between degree of costs of skills obtained and re-enlistment.

The army, with its alleged traditional talent for putting "square pegs into round holes," has aggravated the situation with the misuse of the skills and talents it has at its disposal. A General Accounting Office study, noted by Senator Gaylord Nelson in 1964, revealed that at least 35,000 soldiers were employed in the wrong jobs wasting some $48 million. The GAO described the Army's handling of men as a personnel system that generates mismanagement. Examples cited were helicopter pilots serving as dog handlers and airplane mechanics as military policemen.

Unfortunately the military has also been shown to be unable to make effective use of available scientific talent. On August 30, 1962, Senator Proxmire read into the *Congressional Record* a study prepared by a former Army engineer which showed that "the effective utilized time of the enlisted scientist or engineer spent on work commensurate with his qualifications is 10 per cent." This astounding figure was confirmed by the Army's Adjutant General's Office.

For comparison, it is interesting to examine the personnel policies of the Navy Seabees during World War II. The Seabees' practice of placing already trained bulldozer operators, engineers, and other skilled personnel immediately in jobs commensurate with their ability and skills resulted in large savings in time and costs. In addition it encouraged enlistments as the enlistee was assured of an opportunity to make use of his skills and talents. Regrettably even the Seabees have dropped this policy today.

The high cost of the draft on the civilian economy. Equally important with the distorting effects on the military are the effects of the draft's inefficiency on the civilian sector of our society. The current military buildup in Viet Nam has intensified pressures on business firms faced with severe shortages of skilled labor due to the draft. In June, 1966, a trade journal published by Prentice Hall entitled "Personnel Management—Policies and Pressures" contained a survey of 192 American business firms showing that 35 per cent faced severe shortages of skilled labor. Furthermore, these firms cannot find their way out of their dilemma by instituting job training programs as there is great difficulty in finding young workers to train. The very fact of the draft liability of those presently available makes a company balk at providing expensive training. The Department of Defense reported during the hearings on the draft last June that 39 per cent of the draftees between the ages of 22–25 were refused jobs because of their liability.

A *de jure* attempt was once made to provide some measure of insulation from the draft to key employees of essential industries in the name of the "national interest." The little known "Department of Commerce List of Currently Essential Activities" and the "Department of Labor's List of Critical Occupations" set down recommendations for jobs which should enjoy draft exemption. Unfortunately this list has not been revised since 1963, despite the new demands for manpower and the current shortage. The lists also use job descriptions which are now out of date according to the 1965 revised edition of the *Dictionary of Occupational Titles* published by the Department of Labor. Furthermore, the committee responsible for compiling these lists, and thus coordinating military and civilian manpower needs, has concentrated solely on "defense" jobs. Critical occupations in the civilian sector have gone unconsidered. For example, a manufacturer of electrical fuses with a large share of the civilian market but only a small number of defense contracts could not qualify for the Commerce list and thus has experienced great difficulties in keeping its trained employees. This failure of the selective service to coordinate its selection process with the needs of the civilian society is damaging to our defense efforts because the health of the civilian economy is an important aspect of our military strength.

During the debate on the floor of the House in June of 1967, when the amendments to the Selective Service Act were being considered, the job of compiling lists of critical skills and essential activities was transferred to the National Security Council with no discussion whatever of the efforts of that agency's predecessor in the task. Subsequently, in February, 1968, the National Security Council announced that it had totally suspended the list of "Currently Essential Activities" even though it never really had one, and with it suspended all except a few occupational deferments, even though it had no knowledge of how many occupational deferments had been granted and were outstanding and in what industries the holders of these deferments might have been employed.

A further ramification of the total lack of coordination between the civilian sector of our economy and the military is the sorry state of the Reserve and National Guard. Originally established in 1955 to serve as an available source of trained manpower in the event of a buildup, the Reserves have become a repository for over-aged former servicemen and young men seeking a way to avoid the draft. For the most part, Reserve units are untrained. A study prepared by the Governors' Advisory Committee on the National Guard indicated that 90,000, or 30 per cent of the total strength of the Guard, had never received training. General Hershey stated at the Armed Services Committee hearings in June of 1967, that 50,000 Reservists were in control units and had never received training. This lack of preparedness was illustrated when the Army recently completed a program whereby selected reserve units were given up-to-date training in order to bring them to combat readiness. Unfortunately to achieve this a redistribution of the personnel and material resources of the remaining 70 per cent of the Reserve was necessary. Thus, to get a few Reserve units ready for callup the Army was forced to let the remainder deteriorate.

The lack of coordination of skills between the Reserves and the civilian sector makes any large scale callup dangerous if not impossible. In 1961 the Reserves were called to meet the Berlin crisis resulting in chaos in many communities. The same effect would result if the Reserves were called up today. As an illustration, Lambert Airport in St. Louis where many key employees are also reservists, might have to be shut down.

THE ALTERNATIVE OF VOLUNTEERISM

My proposal focuses on the major elements necessary to achieve a modern career military force. I argue that such a force—sustained by volunteers through increased pay and other benefits and both regular and ready reserves—would have a higher morale, be better trained, and more able to meet the immediate military threats to our country. The essential elements of a career force would include:

I. Higher pay, better housing, and other benefits which would make military life more comparable to civilians in similar jobs utilizing similar skills

This is basic to attracting and keeping a career army and ready reserves. Unfortunately the possibilities have never been given the detailed study necessary. The Defense Department sweepingly argues that it would cost too much to rely on volunteers. In the last days of the hearings held by the House Armed Services Committee in June, 1966, the Defense Department finally came forward with the year-late report. This report, or more correctly, a "report of their report" contained cost estimates ranging from $4 to $17 billion. These figures unfortunately were based on the Department's estimates on what it would cost to "hire" 500,000 new men annually without any other changes in personnel policies. I requested supplemental data from the author of the report, Assistant Secretary of Defense Thomas D. Morris, and was advised in a letter that "no estimates were made for the draft study of the combined effects of improvements in fringe benefits upon the rate of volunteering . . . since these benefits—with the exception of training and educational opportunities—were not found to be effective inducements for *initial* enlistment." (Emphasis added.) Thus the military establishment responded with figures so vague as to be almost meaningless and based them upon inadequate considerations. They have in effect created an artificial monetary barrier to an all volunteer army at the outset. Fortunately I have been advised in a succeeding letter from Assistant Secretary Morris that further study will be done on the effect of higher pay and benefits on reenlistments and the concomitant savings which would be realized by the military.

The National Advisory Commission on the Selective Service, otherwise known as the Marshall Commission, fared no better in this area than the previous Defense Department "studies." After exclusive hearings behind closed doors, and refusals to release its working papers for public examination, the Marshall Commission announced its unsubstantiated verdict on the volunteer army in its report released in March of 1967. The Marshall Commission said only that a volunteer army "would be expensive although the Department of Defense gives no solid estimate of what it would cost."

Others have offered some estimates in this area. Dr. Walter Oi, an economist at the University of Washington and former employee of the Department of Defense, estimates that the total extra payroll costs would be around $3-$4 billion a year for armed forces equivalent to 2.7 million men under present methods of recruitment and not more than $8 billion a year for armed forces equivalent to the present higher number of men, around 3.1 to 3.2 million. Dr. Oi's exhaustive analysis is found in his paper "The Costs and Implications of an All Volunteer Force" which was presented to the University of Chicago's Conference on the Draft on December 4, 1966. Dr. Milton Friedman, of the University of Chicago, in a paper submitted to the same conference concurred in these figures. Bruce Chapman, using 1965 figures leaked from the Pentagon study, has estimated that a pay increase totaling $3 billion would reduce—through higher re-enlistments—from 500,000 to 150,000 the number of new army personnel needed each year. One can safely assume that higher fringe benefits and other improvements in military life could bring down the number even further. In this regard I would like to add that greater consideration must be given to making the military life more commensurate to civilian in many respects. To attract career men certain improvements must be made which need not entail a corresponding decrease in discipline. Such things as better family housing and schools for children of servicemen are imperatives.

II. Much greater coordination of the utilization of skills between the civilian and military sectors of our society

Almost 90 per cent of the technical skills which are used by the military are also employed by the civilian economy. Civilian personnel can then be substituted for the military in many cases. Under a program begun in 1965 by Secretary of Defense McNamara, 74,300 military jobs were replaced by 60,500 civilian positions. This program of "civilization" resulted in a net decrease of 13,800 jobs, since trainers and manpower support requirements could be eliminated entirely for the civilian positions. Assistant Secretary Morris also promised me that further study would be done in this area. He did, however, point out that the military is limited in replacement programs of this type by the requirement that many positions be retained in the military in order to rotate combat troops into stateside jobs. Nevertheless significant reductions can still be carried out.

Furthermore, savings may be realized by utilizing existing civilian training establishments, including college campuses, vocational schools, high schools, and on-the-job vocational training programs, to train personnel for the skills the military needs. At the present time the military establishment persists in maintaining costly duplicate and I would say highly inefficient training facilities. This is true even though 80–90 per cent of the military jobs are congruent with jobs in the civilian economy, according to the Department of Labor Statistics. Thus military programs could conceivably be reduced to train only the 10–20 per cent of combat or direct combat support positions which need military as opposed to vocational training. The resulting savings would be extensive, could have the possible additional effect of encouraging business investment in our manpower resources, and could produce a greater amount of skilled labor for the civilian economy.

III. Lowering physical standards where possible to use less than I–A specimens in non-combat jobs

Many non-combat positions could easily be filled by men now exempted from the draft under present selective service regulations. Utilization of all our manpower resources is essential to an efficient procurement system. The Department of Defense's physical and mental standards for induction are unduly high as the old saw that "every man must be able to carry a rifle" has rarely been borne out in wartime experience and is certainly wasteful.

IV. Improving the capabilities of Reserve units so that they may serve as a means of retaining and maintaining needed skills for potential military usage, and coordinate Reserve organizations with the civilian society

American military theory has always centered around a relatively small standing army with a strong Reserve. Therefore improving the present Reserve system should be one of our first priorities. A vital Reserve could and should be a repository for maintaining crucial skills for possible military use and be coordinated with the civilian economy so that any callup would not endanger the strength of the economy. An effective program would call for a voluntary army of the peacetime size of 2.7 million men, plus a well trained reserve of 1 million men.

V. Revising the Uniform Code of Military Justice to include only those personnel engaged in combat or training for combat under the aegis of Direct Military Authority, and limiting severely its application to noncombat stateside occupations

In making military life more comparable to civilian life consideration should be given to the necessity of maintaining a strict uniform code of military justice across the board to noncombat troops. Military law maintaining discipline and control over combatants' and support troops' activities outside battle areas is essential. However, we should revise the present Code to cover only those activities which need to be under direct military control.

CONCLUSION

The peacetime draft has only been justifiable as a measure of necessity; if it is not necessary, it is not justifiable. Alternatives should be studied in their broadest aspects. The problem of manpower utilization is more than a military one. The arguments I have advanced for a volunteer army affect the civilian sector, our American value system, and the whole universe of military and civilian life.

TWO PARATROOPERS KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. LONG of Maryland. Mr. Speaker, Sgt. Jeffrey A. Evans and Sgt. Cecil V. Evans, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the Record:

Two Paratroopers Killed in Action: Both Had Short Time Yet To Serve in Vietnam

Two Army paratroop sergeants from Maryland, both with short times yet to serve in Vietnam, have been killed in action, the Defense Department reported yesterday.

The dead are:

Sgt. Jeffrey A. Evans, 19, the son of Mr. and Mrs. Thomas J. Evans, of 7 Admiral boulevard, Dundalk.

Sgt. Cecil V. Evans, 20, husband of Mrs. Nancy Evans, of 712 Ferndale road, Salisbury.

They are not related.

Sgt. Cecil Evans was due to be rotated to the United States in "two or three weeks," a family spokesman said. Sgt. Jeffrey Evans was scheduled to return in two months.

According to his mother, the Dundalk youth was killed last Friday in a firefight at Cu Chi near Saigon. He was a member of the 101st Airborne Division and had been in Vietnam since last December.

He was born and reared in Dundalk and was a 1966 graduate of Dundalk Senior High School. He worked as an apprentice machinist at the Bethlehem Steel Corporation before enlisting for three years in February, 1967.

He received his basic training at Fort Gordon, Ga., and paratroop training at Fort Benning, Ga.

WAS WOUNDED EARLIER

"He was very proud of that uniform," his mother said yesterday. In his letters, she added, he often spoke of how friendly the Vietnamese children were.

"He never had a bad word about anyone over there," she said.

In his last letter, received yesterday and dated September 2, Mrs. Thomas Evans said her son was looking forward to coming home and wanted to know when the hunting season opened.

She said her son received shrapnel wounds in action last April and was hospitalized for one month.

SURVIVORS NAMED

In addition to his parents, he is survived by a brother, Thomas J. Evans, Jr., 17.

The Salisbury youth died Saturday from wounds received in a firefight in the Central Highlands.

He was a 1966 graduate of Bennett High School in Salisbury and enlisted for three years shortly after graduation.

He took his basic training at Fort Gordon and paratroop training at Fort Benning. He was a member of the 173d Airborne Division.

Sgt. Cecil Evans left for Vietnam last October 15. He would have been 21 on November 16.

In addition to his wife, he is survived by an 18-month-old son, Mark; his parents, Mr. and Mrs. Elbert Evans, of 902 Vincent street, Salisbury, and two brothers, Elbert C. Evans, Jr., 19, and William J. Evans, 15.

IN MEMORIUM: ERNEST F. SWIFT

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. O'KONSKI. Mr. Speaker, the Nation and my own State of Wisconsin lost a dedicated conservationist with the passing of Ernest F. Swift on July 24, 1968.

Ernie, as he was affectionately called by all who knew him, ranks among the truly greats in the conservation field. He rose from the ranks, from conservation warden in a northern Wisconsin county to director of the Wisconsin Conservation Department, a position which he served with great distinction.

In Washington, he held the position as Assistant Director of the U.S. Fish and Wildlife Service in the Department of the Interior, and later as executive director of the National Wildlife Federation, the world's largest private conservation organization. In this capacity, Mr. Swift wrote philosophic essays on conservation issues of the day, raising his voice in protest to the growing pollution to our Nation's waters and destruction to our forests and lands.

It is an honor for me to have printed in the Record the wonderful tribute to Ernest F. Swift as carried in the August 15, 1968, edition of the Conservation News of the National Wildlife Federation. The article follows:

IN MEMORIUM: ERNEST F. SWIFT, SEPTEMBER 15, 1897, TO JULY 24, 1968

The pen of one of America's greatest conservationists and writers came to the end of the line on July 24th. As it does to all men, death overtook Ernest F. "Ernie" Swift following a heart attack in a hospital near his home at Rice Lake, Wisconsin. No one can fill the void left by his passing; no one will be able to pick up Ernie's pen and continue his style of writing or the personal philosophy toward life which motivated it.

All of us, however, can continue to spread Ernie's message. This nation is better because he lived here and spoke out for those things in which he firmly believed. Every time a victory is won in the never-ending battle for the wise use and management of our natural resources, we will know that he helped win it. Somewhere, sometime, somehow, Ernie Swift—leader, writer, philosopher, conservationist—did or said or wrote something which inspired us to fight the good fight, to stand up and be counted in a noble cause.

His writings were not easy to edit, for his style was unique. Like Hemingway, Ernie never worried much about grammar or punctuation. For him, getting the point across was the main purpose in writing. And he cared little if, along the way, he made editors and readers stop and think about what he was trying to say. He never aimed to entertain or please all of the readers; indeed, at times it almost seemed he tried to start arguments. But regardless of results, Ernie Swift always called the shots as he saw them, always caused people to talk about what he said and wrote. Sincere and unsophisticated, he held no pretensions, either about himself or about his convictions. For Ernie Swift, conservation was always a crusade—a way of life to be shared with others. There was no room for a profiteer in his kind of conservation. He never wrote only to be popular and he never worked for anything or any cause if its only reward was personal fame and fortune.

He was born and spent his early boyhood on a Minnesota prairie farm, later moved to a Wisconsin "stump farm" where he formed his lasting conservation convictions. Upon his return from the Army after World War I, he made his home in Hayward, Wisconsin, working as a guide and dealing in real estate and forest products. In 1926 Wisconsin appointed him as a conservation warden. He devoted the next 28 years of his life to service with his state's Conservation Department, rising through the ranks to become its Director in 1947. Under his leadership, the age of scientific game management was born; his department was one of the first in the nation to employ trained biologists to get the facts about wild birds and animals upon which sound management programs could be built.

In 1954 he was called to the Nation's capital for service as an Assistant Director of the U.S. Fish and Wildlife Service. He was placed in charge of federal game management activities and regional offices throughout the country. A year later, he resigned to accept the post of Executive Director of the National Wildlife Federation, the world's largest private conservation organization.

Federation duties and responsibilities took him thousands upon thousands of miles across the nation, speaking to countless groups of sportsmen, conservationists, community leaders—spreading the message of wise use, development and management of natural resources. In 1960 he retired from these strenuous and demanding duties, but continued to serve as Conservation Adviser and Forestry Liaison representative from his home in Wisconsin. In 1967 the Federation published his partial autobiography and a collection of his best conservation essays in a hard-cover book entitled, "A Conservation Saga."

The saga of Ernest F. Swift is ended now, but Ernie's pen, mightier than any sword, had transmitted to paper his ideas, thoughts, convictions, beliefs, and courage almost to the last. Several of his final essays will be published on these pages during the next few months. The first follows under a title Ernie would have liked, because he lived it . . . "What Made America Great."

AN ADMIRABLE PUBLIC FIGURE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. WATSON. Mr. Speaker, it is indeed regrettable when a public figure of unassailable character such as our colleague, Senator STROM THURMOND, is subjected to the vitriolic tirades of a very few members of the news media.

Senator THURMOND needs no defense from me. The people of South Carolina have overwhelmingly responded to the handful of character assassins who seek to defame the name of this great American. His record of courage, honesty, integrity, and statesmanship is recognized by the voters of our State, as well as patriotic citizens everywhere.

Syndicated columnist Holmes Alexander recently wrote a very stirring tribute to Senator THURMOND which expresses more eloquently than I the remarkable character of this great patriot. I commend it to the attention of our colleagues and the people of this Nation, as follows:

ROASTING THURMOND

WASHINGTON, D.C.—Something's wrong with the blood of honest men if it doesn't boil at the roasting in the press of South Carolina's Sen. Thurmond.

There's the leading editorial in the N.Y. Times which calls it a "repulsive spectable" when this "flagrant racist" was seen to accompany Richard Nixon to the Miami Beach rostrum.

There's columnist Tom Wicker caterwauling about the "shocking sight of . . . the burning-eye racist" in "the party of Abraham Lincoln," and the mawkish apostrophe to "an Republican if he gains Strom Thurmond and loses his political soul."

Clean newsprint shouldn't be soiled by further examples of hysterical diatribes. The excuse for it, that Thurmond "bossed" the Southern states' support of Nixon and the nomination of Maryland Gov. Agnew, is despicable.

The name-calling and the racist incitation are a disgrace to the truth and decency which journalism aspires to. I don't know when as good a man as Thurmond has been so scurvily treated and the reading public served up such fradulent malice.

Cross my heart, I think it must be known by every national newscoverer that Strom Thurmond is among the most exemplary men in political life.

It is common-knowledge that he possesses, in abundance, every characteristic that is admirable in a public man. He is deficient, to be sure, in the ancillary virtues, such as humor and bonhommie.

His puritanic abstinence from tobacco, liquor and philandering has combined with his industriousness and serious-mindedness to make him a man apart from the convivial frolics where many masculine friendships are formed. But this is his loss, not the public's.

Thurmond's dedication to fundamentalism in government has not led him into expediency and experimentalism and has alienated him from social revolutionaries.

But I take him at his word that never in his life has Thurmond spoken an unkind word to a Negro or of the Negro race.

Those who demean him for his opinions' sake are talking about a citizen-soldier with 17 decorations earned in combat with the 82nd Airborne Division at a time when he was past normal military age.

They are deriding the conscience of a Southern governor whose administration, as far back as 1947, abolished the poll tax as a condition of voting.

They are ridiculing a faith in democracy so deep that in 1954 he went on a write-in ballot with the awkward name of J. Strom Thurmond and, having won the Senate seat, resigned in 1956 and ran again so that the people could speak on a regulation ballot.

He changed his party but not his principles in 1964. In 1966 he became the first Republican senator ever elected in South Carolina—carrying 45 of the 46 counties, an impossibility if the Negro electorate completely enfranchised in his state, had opposed him.

Those who vilify Thurmond with racist taunts haven't heard about James Stephens, Negro, of Walterboro, S.C., who dropped out of Howard University for lack of funds, and was advanced funds by the Senator to complete his education and become an Army dentist.

They never heard of Leroy Washington, Negro, of Anderson, S.C., who stands a good chance this year to win Thurmond's appointment to the Naval Academy.

Thurmond's detractors don't know about the $100,000 Thurmond Foundation at Aiken which gives educational grants on the basis of "most worthy, most needy."

The "repulsive spectable" of Thurmond at Miami Beach was one of honesty so pure that he dissolved a $200,000 law firm when he came to the Senate.

It exposed a convention "boss" so lenient that he did not demur when Nixon passed over the four men on the Southern preferred list—Senators Tower, Baker, Griffin and Congressman Rogers Morton—and finally chose between two on the acceptable list—Governors Volpe and Agnew.

There are very few absolutes in life, and fewer in politics, but Thurmond comes as close as humanly possible to being a man of unassailable character and unsurpassable virtue.

It would be easier to forgive the assailants of his good name if they knew not what they did. But this man's life of 65 years is an open book. Evil to those who evil speak of one so nearly above reproach.

PRESIDENTIAL ELECTION BY POPULAR VOTE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. OLSEN. Mr. Speaker, today I have offered to the House some recommendations for constitutional reform suggesting the elimination of the electoral college and allowing the people to elect their President directly. The proposals I make are not new, nor are they original with me. But the response received—from the press and public sources and from interested citizens throughout my district and across the land—has reinforced my own personal belief that the time has come to investigate seriously some of our basic electoral procedures.

This belief is also shared by my distinguished colleague in the other body, Senator MIKE MANSFIELD. In June of this year, Senator MANSFIELD introduced his recommendations calling for the abolition of the electoral college and the replacement of the national convention system with a national primary. If anyone has been the champion of this movement to update and re-aline our electoral procedures, it has been Senator MANSFIELD. My resolution is identical to the Mansfield resolution.

I hope that this resolution will be approved and provide the necessary vehicle to conduct the investigation long overdue.

First of all, I ask that the House review the nominating process and offer a plan to replace the present happenstance primary and convention system with a measure calling for a national primary.

The candidates presently flaunt themselves before the various State primaries competing for delegate votes which they may not receive even if victorious. Their politics is ruled by interest-group pressures and their attempted all-encompassing appeal to the people becomes a thin veneer of show and make-believe. We seem to be blindly seeking a choice of a nominee enmeshed in a maze of conflicting State law and dubious custom and practice that precludes a rational popular choice at this most critical point in our election process.

The result of this is that a considerable amount of time and money is spent trying to woo the support and votes of a few primary States, especially those States as California and New York with large delegate votes. The effect may be fatal for the underfinanced, understaffed candidate. The bewildered and confused voter runs off in all directions at once crying: "political payola." Surely any study in this area must also encompass a realistic proposal for re-alining the financing of presidential primaries and elections.

Perhaps one of the most beneficial aspects of the proposed national primary would be to remove the circus atmosphere that surrounds this frenzied delegate roundup at the archaic convention extravaganza.

My plan also reflects Senator MANSFIELD's call for the abolition of the electoral college. The case has been made, there is little to add to it except to say that the elimination of the electoral college would purge our system of bloc State voting. To continue the electoral college is to deny the cohesiveness of the 50 States as a national unit.

I insert my proposed resolution in the RECORD, as follows:

H.J. RES. 1454

Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

"SEC. 3. No person shall be a candidate for nomination for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed a petition at the seat of the Government of the United States with the President of the Senate, which petition shall be valid only if (1) it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in each of at least seventeen of the several States, equal in number to at least 1 per centum of the vote cast for electors for presidential and vice-presidential candidates of his party in those several States in the most recent previous presidential election; or, in the event the electors for the candidates of a political party shall have appeared on the ballot in fewer than seventeen of the several States in the most recent previous presidential election, it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States, equal in number to at least 1 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election, and (2) it is filed with the President of the Senate not later than the first Tuesday after the first Monday in April of the year in which the next primary election for President is to be held.

"SEC. 4. For the purposes of this article a political party shall be recognized as such if the electors for candidates for President and Vice President of such party received, in any or all of the several States, an aggregate number of votes, equal in number to at least 10 per centum of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election.

"SEC. 5. The time of the primary election shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President and Vice President.

"SEC. 6. Within fifteen days after such primary election, the chief executive of each State shall make distinct lists of all persons of each political party for whom votes were cast, and the number of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates and count the votes and cause to have published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest number of votes cast by the voters of the party of his registered affiliation shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast. If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, then the Congress shall provide by law, uniform throughout the United States, for a runoff election to be held on the twenty-eighth day after the day on which the primary election was held between the two persons who received the greatest number of votes for candidates for the presidential nomination by voters of such political party in the primary election: *Provided, however*, That no person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

"SEC. 7. Each party, for which, in accordance with sections 2, 3, 4, and 5 of this article, the name of a presidential candidate shall have been placed on the ballots, shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

"SEC. 8. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidates of any political party for President and Vice President, a national committee of such party shall designate such candidates, who shall then be deemed the official candidates of such party, but in choosing such candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

"SEC. 9. The places and manner of holding any such primary or runoff election shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and the primary election shall be held in the District of Columbia in such manner as the Congress may by law prescribe.

"SEC. 10. The electoral college system of electing the President and Vice President of the United States is hereby abolished. At a time determined by the Congress there shall be held in each State and in the District of Columbia an election in which the people thereof shall vote for President and for Vice President. In such election, each voter shall cast a single ballot for two persons who shall have been nominated as official candidates for said offices as provided herein.

"The legislature of each State shall prescribe the places and manner of holding such election thereof and shall include on the ballot the names of all pairs of persons who shall have been nominated as official candidates for the offices of President and Vice President, but the Congress may at any time by law make or alter such regulations. The voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, but nothing in this article shall prohibit a State from adopting a less restrictive residence requirement for voting for President and Vice President than for such members of the State legislature, prohibit the Congress from adopting uniform residence and age requirements for voting in such election.

"The Congress shall prescribe the qualifications for voting and the places and manner of holding such elections in the District of Columbia.

"Within forty-five days after the election, or at such time as the Congress may direct, the chief executive of each State and the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and for Vice President, together with the number of votes cast for each.

"SEC. 11. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be totaled. The persons joined as candidates for President and Vice President, having the greatest number of votes shall be declared elected President and Vice President, respectively, if such number be a plurality amounting to at least 40 per centum of the total number of votes certified. If none of the pairs of persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, then Congress shall provide by law, uniform throughout the United States, for a runoff election to be held between the two pairs of persons joined as candidates for President and Vice President, respectively, who received the highest number of votes certified.

"SEC. 12. If, at the time fixed for the counting of the certified vote totals from the respective States, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death of both the persons who, except for their death, would have been entitled to become President and Vice President.

"SEC. 13. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with sections 2, 3, 4, 5, 6, 9, 10, and 11 of this article.

"SEC. 14. The Congress shall have power to enforce this article by appropriate legislation: *Provided, however,* That this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress."

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. SCHERLE. Mr. Speaker, this is the 234th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

CONGRESSIONAL REORGANIZATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, all of us are anxious for this long session of Congress to end. In our rush to adjourn, however, I want to join my colleagues in noting that two of the most important measures to be introduced in this Congress—the Election Reform Act of 1968 and the Legislation Reorganization Act of 1967—are still pending in the House Rules Committee.

The Senate passed the congressional reform legislation last year. The House Administration Committee recommended the "clean elections" bill in June. Since that time, the bills in the House have been bottled up in the Rules Committee. I think it is imperative that we act on both measures before adjourning this year. If we do not act now, it will mean we must start again and more months will pass before such reforms can be considered through the legislative process.

The strength of our Government, of our federal system as we know it today, depends on the strength of our American system of elections as well as the faith the governed hold in those who govern. Our activity, in the past, in the future, and now, will dictate our constituents' faith in our ability to serve.

It is primarily, Mr. Speaker, through the exercise of the franchise to vote that American citizens participate in self-government. It is therefore, vitally important that we, as their duly elected representatives in this Congress, keep our constituents informed of our actions and purposes and that we leave no doubt in their minds as to the purpose of any actions.

The Election Reform Act, which I have introduced in similar form, will be an important step toward filling a glaring weakness in our present election system. It closes the holes in our present law, the Corrupt Practices Act of 1925. It will make sweeping changes in the reporting by candidates of expenditures for their campaign and the contributions they receive. In effect, it will create a reporting system where now we have none.

The Legislative Reorganization Act of 1967 is a small step toward modernizing Congress—a step toward making Congress more responsive to our changing world and giving it the ability to keep up with an ever-increasing workload.

The bill is the result of several years of hard work, beginning in 1965 with the creation of the bipartisan Joint Committee on the Organization of the Congress. The committee's recommendations were unanimous and last year the Senate passed the bill by a substantial margin. Since then it has languished in the House Rules Committee.

Mr. Speaker, what we are talking about in both of these measures are changes that are long overdue. These are changes that will make Congress more responsive to the electorate, establish ethics within our electoral system, and better equip Congress to meet these challenging times. There is no question that we should do all we can to see that both bills are passed before Congress adjourns. I support my colleagues in their effort to have action taken on this legislation.

FRED J. BECKER ANNOUNCES RETIREMENT AS EDITOR OF THE EVENING INDEPENDENT

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BOW. Mr. Speaker, Fred J. Becker, one of the most distinguished veterans of Ohio journalism, has retired after 55 years on the staff of the Evening Independent at Massillon.

Fred is a great newspaperman. He has always put fairness and honesty above all other considerations. He has always recognized the responsibility of the newspaper to report fully on local, State, and national affairs so that the people are informed and their participation is encouraged. He has made his newspaper interesting. And from time to time he has fulfilled with distinction the responsibility of investigating and exposing unsavory activities in our area. He has more than earned the pleasures of retirement and I wish him well for many years.

Also, I wish to offer congratulations and good wishes to Luther Emery who succeeds to the position of editor and to Herb Nolt who becomes managing editor, both responsible and extremely competent newspapermen.

Under leave to extend, I include with my remarks Mr. Becker's farewell editorial and the Evening Independent's news coverage of the retirement:

WRITES "30" TO 55-YEAR NEWSPAPER CAREER: FRED J. BECKER ANNOUNCES RETIREMENT AS EDITOR OF THE EVENING INDEPENDENT

Fred J. Becker today announced his resignation as editor and retirement as a member of the editorial department of The Evening Independent. Both resignation and retirement are effective today.

Becker has been a member of this newspaper's editorial department for more than 55 years, joining the editorial staff in June, 1913, soon after graduation from old Massillon high school, then located where Longfellow junior high school now stands.

During June, July and August of 1913, Becker worked for The Evening Independent on Saturday afternoons, scoring baseball games in the old shop league which was sponsored by this newspaper. On other week days he continued work with the former Everhard brick yard where he had worked each summer while attending high school.

Early in September, Becker joined the editorial staff as a regular member, covering sports, the city hall, police headquarters, council meetings and a number of other city offices, not then located in the city hall, and various civic organizations, including the Massillon Chamber of Commerce.

Massillon at that time was experiencing an industrial and business boom, the largest being the Central Alloy Steel Co., now a part of Republic Steel Corp., which brought a decided growth in Massillon industry and business, as well as in sports, including the Agathon baseball team, major advancements in athletics at Washington high school and many municipal activities.

The editorial staff when Becker began working for The Evening Independent consisted of 5 people, including Miss B. V. R. Skinner, editor and C. E. Chidester, managing editor. Both are deceased.

As news coverage expanded more reporters were added until today the editorial department has as many as 20 employes, including those hired during the summer vacation season.

Becker's first major assignment as a reporter was to accompany "General" Jacob S. Coxey, sr, on his second march to Washington which Coxey began in March, 1914, on the 20th anniversary of his first march of the unemployed to the nation's capital in 1894.

Becker marched along with many other reporters for metropolitan newspapers, with Coxey and his "soldiers" as far as Salem before being recalled to Massillon. At that time reporters probably outnumbered "soldiers" and Coxey's second attempt to reach Washington broke up soon after the "army" entered Pennsylvania.

In April, 1918, Becker was inducted into the U.S. Army and after a short training period at Camp Sherman, his regiment was dispatched to Europe. His outfit, the 324th Heavy Field Artillery, then attached to the 32nd Division, participated in the Meuse-Argonne offensive which brought about the defeat of the German army. His outfit then spent 6 months in Germany with the Army of Occupation.

Following his discharge from service, Becker returned to The Evening Independent. Before long he was assigned to editing copy of the Associated Press and makeup of the paper, relinquishing his former duties as sports editor and general city hall reporter.

In 1945, following the retirement of Chidester, who had followed Miss Skinner as editor, Becker was appointed editor and has held that post since.

He was one of the organizers and first commander of Massillon Post No. 221, American Legion, and is a 50-year member of Clinton Lodge, No. 47, F. & A. M. He is also a member of St. John's United Church of Christ.

Becker has had one brief experience in municipal government. He served 18 months as clerk of city council following his discharge from military service in 1919, succeeding the late Jack Donahue who had held the post for many years and who retired from the clerk's job before Becker was appointed.

Becker and his wife, Jane, reside at 1277 Stuart NW in Jackson township.

Retirement Arrives

It's been a long time since that day in early June, 1913, when a young Massillon high school graduate made application to the late C. E. Chidester, then managing editor, for a job as a reporter in the editorial department of The Evening Independent. He landed the job at a salary of $4 a week, believe it or not.

So that's why some 55 years later (continuous employment by the same newspaper except for 15 months overseas service during World War I) the writer today is faced with the somewhat difficult task writing something that encompasses those 55 years as briefly as possible while still stressing a few pertinent facts about the development and growth of The Evening Independent from the days when the first half of Page One was devoted to advertisements to today's publication—a family newspaper containing an ever growing amount of local and wire news, features and comics and published in a new building into which we moved more than two years ago.

This is not an editorial.

Rather it will deal with the retirement of the writer who has been editor of The Evening Independent for more than 23 years and the loyalty and dedication of all those presently employed in its daily publication—from top management on down—and particularly with members of the editorial staff who share and daily fulfill the responsibility of providing the readers of The Evening Independent with a factual account of today's happenings through well written news stories and pictures on all news fronts—local, state, national and international.

We step into retirement today with a feeling of relief—after all 55 years is a long time to have been in the employment of one organization and to have accepted advancement and its additional responsibility as it came along—but we walk into the future facing something else we find extremely difficult, just now, to name or define.

All we will say is that with patience we will adjust to the future, we hope, and perhaps find that retirement will offer something worthwhile other than an easy chair and television.

It will be a relief to be free of the daily tensions and pressures which are a part of each day's newspaper and at the end of some days make you feel as if you had been put through a wringer.

Through our 55 years with The Evening Independent we came to know many people in all walks of life—in business, industry, public office and politicians, civic and spiritual leaders and the man on the street whose friendly greeting we have cherished above all.

Many of those we have known through the years are no longer with us but their names recall fond memories and it was their cooperation and willingness to help that played a major part in any success we may have enjoyed.

Had it not been for this friendly cooperation in the early days of our newspaper career we might have been tempted to look elsewhere for employment.

And this cooperation and friendly attitude toward the editorial department has existed down through the years and along with the dedicated efforts of today's editorial staff have provided this newspaper's readers with a complete coverage of each day's happenings.

Fifty-five years ago The Evening Independent had five people on its editorial staff. Today it has 17 with additional help being employed during the summer vacation season. Likewise all other departments of the newspaper have grown in the same proportion.

We could not end this without expressing our thanks to all in the organization, from the publisher on down, for their constant cooperation and their intense desire to make each day's publication a better newspaper than the one the day before.

And again we desire to pay tribute to members of the editorial staff whose dedicated service has played a major role in making The Evening Independent the outstanding type of family newspaper it is today and who will continue to make it a better newspaper in the days to come.

It's been hard, tension-filled work, far more so than many outside a newspaper realize, but through it all it's been a lot of fun and has provided a daily excitement we know we are going to miss.

But we'll never lose our interest in The Evening Independent and will look forward to it each day to keep us abreast of what is going on. Once you have come in contact with printer's ink, they say, you'll never lose your desire for reporting or editing.

It has been a rich and rewarding experience—not rich in a monetary way—but rich and rewarding in the memories of the people we have known and worked with and the daily excitement of watching a new product come off the presses each day, something which doesn't happen in any other business or industry anywhere.

The one thing we know we will enjoy as retirement becomes effective is that each night upon retiring we can look that old alarm clock full in the face and say:

"Brother, no longer will that silence-shattering alarm waken us at 5:30 a.m. five days a week. And should it by chance do so, your final resting place may well be the trash can."

To our successor we extend sincere best wishes and to the members of the editorial staff and all others in the newspaper's organization we extend "thanks" for your loyal cooperation and may your future, as well as that of The Evening Independent, be bright and ever moving forward to greater progress in the field of producing and publishing a successful and well accepted newspaper.

HELPING THE GOOD SAMARITAN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. FASCELL. Mr. Speaker, yesterday I introduced a bill which is designed to help with one of our most troublesome problems—citizen involvement in the apprehension of criminals. We have all read reports of cases where bystanders would not come to the aid of people who were being robbed, raped, or attacked because they did not want to become involved. Probably the most famous of these cases was the Genovese case. On March 13, 1964, 38 men and women in the Kew Gardens section of New York City watched from their apartment windows while 28-year-old Kitty Genovese was stabbed to death—by an attacker who had time to leave the scene and return to finish his murderous assault—and not one of them even called the police. I for one believe that the attitude displayed in this case and others like it is reprehensible and may very well account in some measure for the rapid increase in crime in our streets.

It is easy to see why crime rises when those who are intent on pillaging and terrorizing decent citizens believe that they can carry out their evil activities without interference from ordinary citizens. Still, while the papers may carry reports of such incidents as the Genovese case, there are also many reports of people who do come to the aid of their fellow citizens being terrorized by hoodlums and gangs of young toughs. New York City gives out many medals and citations each year to people who have risked bodily harm and in many cases actually sustained injuries helping in the capture of criminals. In other words we still have many good Samaritans among us.

Unfortunately, society all too often penalizes rather than rewards the person who has the physical and moral courage to actively assist his fellow citizen who is being attacked or to assist in the capture of a person who has committed a felony. In some places he may even be sued either by the victim or the felon if his help can be construed to have abridged rights. In other places, on the other hand, he may receive public recognition for his good deed.

But what is lacking everywhere is a rational approach to helping the good Samaritan cope with the expenses which he may subsequently incur because of his courageous and unselfish act. One of the main conclusions from a symposium held in Chicago in 1965 on the subject of good and bad Samaritans was that people who do incur extra expenses as a direct result of actions to help stop a felony or to assist in the capture of a person who has just committed, or attempted to commit, a felony should be compensated for those expenses. Unfortunately, very little has been done to carry out that eminently sensible proposal. No one can compensate an individual for the pain and suffering which his injuries produce but certainly there should not be added the worry and concern of how to meet large and unexpected medical bills. It is within our power to help with the latter.

Mr. Speaker, we have available to us a successful and readymade program which can be used to carry out to a large degree the recommendation of the Chicago symposium. The bill which I have introduced today would provide the benefits of the medicare program to meet the medical expenses of an individual who requires medical attention for the treatment of injuries sustained while attempting to stop a felony or to subdue the person or persons attempting to commit a felony. The medicare program, since it covers a wide range of medical benefits, from hospitalization to doctors' fees, is very well suited for this purpose. And the cost to the program would be so insignificant that no change in the financing provisions of the medicare program will be necessary.

Mr. Speaker, I sincerely believe that just about every Member of this body will come to support this legislation when they see how simple and fair it is. If we are to expect more active citizen participation in the law enforcement process we must make certain that a person who does show the moral courage and concern for his fellow citizen by becoming directly involved in the prevention of a felony should at the very least be assured that his action will not leave him to face alone the medical bills arising from any injuries he may sustain during his courageous act.

THE LIFE AND DEATH OF INSTITUTIONS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BOLLING. Mr. Speaker, Dr. John Gardner, who served with distinction as Secretary of Health, Education, and Welfare, has recently written a wise and perceptive book entitled "No Easy Victories." One chapter is entitled "The Life and Death of Institutions." In view of the present state of procedural disrepair and the unwillingness to modernize the congressional structure I find this particular chapter valuable in its observations about the decay of institutions. It follows:

Chapter VIII. The Life and Death of Institutions

Most human organizations that fall short of their goals do so not because of stupidity or faulty doctrines, but because of internal decay and rigidification. They grow stiff in the joints. They get in a rut. They go to seed.

We have all seen young organizations that are still going through the diseases of childhood. And we have all seen organizations so far gone in the rigidities of age that they ought to be pensioned off and sent to Florida to live out their days.

There is a pleasantly unpredictable quality about institutional vitality. One can't build a great institution—a great university, for example—as one would put together a prefabricated house: knowing the ingredients and simply arranging for their assembly at an appropriate time and place. Nor can one repair a second-rate or dispirited institution the way one might repair a leaky roof.

In the perspective of decades and centuries, institutional greatness is a transitory thing. The appearance of greatness is more enduring.

Reputation and tradition are effective cosmetics for the fading institution.

What is all too transitory is that fine moment when an institution is responding with vigor and relevance to the needs of its day, when its morale and vitality are high, when it holds itself to unsparing standards of performance.

Organizations go to seed when the people in them go to seed. And they awaken when the people awaken. The renewal of organizations and societies starts with people.

In recent years, most organizations have come to recognize that their continued vitality depends on aggressive recruitment of talent. But the still untapped source of human vitality, the unmined lode of talent, is in those people already recruited and thereafter neglected.

The quickest and most effective road to renewal of the federal service is the mining of that untapped resource. It is not only a means of tapping unused talent and opening up new stores of vitality; it is a solution to the old, old problem of developing a government service that is responsive to changing top leadership. Vital people, using their gifts to the full, are naturally responsive. People who have stopped growing, defeated people, people who no longer have confidence in the use of their own powers, build bastions of procedure between themselves and any vital leadership.

We like to think that institutions are shaped according to the best vision of the best men in them, and sometimes they are. Let me put that more positively: history offers many persuasive examples of just that consequence—able and vigorous men sharing a vision of how they might shape their future and creating institutions to that end. But that is not the only way that institutions get shaped. Sometimes they are simply the sum of the historical accidents that have happened to them. Like the sand dunes in the desert, they are shaped by influences but not by purposes. Like our sprawling and ugly metropolitan centers, they are the unintended consequences of millions of fragmented purposes.

At least in some measure men can shape their institutions to suit their purposes, provided that they are clear as to what those purposes are, and provided that they are not too gravely afflicted with the diseases of which institutions die—among them complacency, myopia, an unwillingness to choose,

When we talk about revitalizing a society, we tend to put exclusive emphasis on find- and an unwillingness on the part of individuals to lend themselves to any worthy common purpose.

ing new ideas. But there is usually no shortage of new ideas; the problem is to get a hearing for them.

The body of custom, convention and "reputable" standards exercises such an oppressive effect on creative minds that new developments in a field often originate outside the area of respectable practice. The break with traditional art was not fostered within the academy. Jazz did not spring from the bosom of the respectable music world. The land-grant colleges, possibly the most impressive innovation in the history of American higher education, did not spring from the inner circle of higher education as it then existed. Motels, the most significant development of this generation in innkeeping, were at first regarded with scorn by reputable hotel people.

Professions are subject to the same deadening forces that afflict all other human institutions: an attachment to time-honored ways, reverence for established procedures, a preoccupation with one's own vested interests, and an excessively narrow definition of what is relevant and important.

Self-congratulation should be taken in small doses. It is habit-forming, and most human institutions are far gone in addiction.

Most ailing organizations have developed a functional blindness to their own defects. They are not suffering because they can't *solve* their problems but because they won't *see* their problems. They can look straight at their faults and rationalize them as virtues or necessities.

I would lay it down as a basic principle of human organization that the individuals who hold the reins of power in any enterprise cannot trust themselves to be adequately self-critical. For those in power the danger of self-deception is very great, the danger of failing to see the problems or refusing to see them is ever-present. And the only protection is to create an atmosphere in which anyone can speak up. The most enlightened top executives are well aware of this. But I don't need to tell those readers who are below the loftiest level of management that even with enlightened executives a certain amount of prudence is useful. The Turks have a proverb that says, "The man who tells the truth should have one foot in the stirrup."

Perhaps the most important characteristic of an ever-renewing system is that it has built-in provisions for vigorous criticism. It protects the dissenter and the nonconformist. It knows that from the ranks of the critics come not only cranks and troublemakers but saviors and innovators. And since the spirit that welcomes nonconformity is fragile, the ever-renewing society does not depend on that spirit alone. It devises explicit legal and constitutional arrangements to protect the critic.

Why be so considerate of dissent and criticism? To answer that question is to state one of the strongest tenets of our political philosophy. We do not expect organizations or societies to be above criticism, nor do we trust the men who run them to be adequately self-critical. We believe that even those aspects of a society that are healthy today may deteriorate tomorrow. We believe that power wielded justly today may be wielded corruptly tomorrow.

The traditionalist believes that foolishness frozen into custom is preferable to foolishness fresh off the vine. And in some respects he is right.

We are always corrupting the old symbols, drifting away from the old truths. Give us a clean, clear, fresh idea or ideal and we can guarantee, within one generation, to render it positively moldy. And I don't mean health-giving penicillin mold. I mean the strictly nontherapeutic, nonnutritive mold of habit, apathy, complacency and lip service. We smother our values in ritual and encrust become meaningless.
them with social observances which rapidly

Most organizations have a structure that was designed to solve problems that no longer exist.

An organization must have some means of combating the process by which men become prisoners of their procedures. The rule book grows fatter as the ideas grow fewer. Almost every well-established organization is a coral reef of procedures that were laid down to achieve some long-forgotten objective.

As a society becomes more concerned with precedent and custom, it comes to care more about *how* things are done and less about *whether* they are done. The man who wins acclaim is not the one who "gets things done" but the one who has an ingrained knowledge of the rules and accepted practices. Whether he accomplishes anything is less important than whether he conducts himself in an "appropriate" manner.

There are plenty of old pros who use their skill and experience to block progress rather than advance it. The phrase "vested interests" has been associated with individuals or organizations of wealth and power, but the vested interests of workers may be as strong as those of the top executives. In any society many established ways of doing things are held in place not by logic nor even by habit, but by the enormous restraining force of vested interests. In an organization certain things remain unchanged for the simple reason that changing them would jeopardize the rights, privileges and advantages of specific individuals—perhaps the president, perhaps the maintenance men.

The vast, leaden weight of vested interest is everywhere—in the building codes that block renewal of the construction industry, in the featherbedding rules of union contracts, in the departmental structure of our universities, in the military services, in the functioning of Congress. No one has ever found a sure way to combat such vested interests.

Whenever a reorganization is proposed, some people object because they have become inseparably attached to old arrangements. I advise against all such attachments. Put your faith in ideas, ideals, movements, goals. Don't put your faith in organizational forms. Human beings are forever building the church and killing the creed. They give such loving attention to organizational forms that the spirit is imprisoned.

Every society must for its own good celebrate the qualities it values most highly and ceremonially recognize the men and women who embody those qualities.

When a top executive is selecting his key associates, there are only two qualities for which he should be willing to pay almost any price—taste and judgment. Almost everything else can be bought by the yard.

Everyone wants the government to be bold and imaginative and infallible—all at the same time. It will never happen.

Is the federal government bureaucratic? It is, indeed! But so are business firms, universities, the military services, state and local governments and philanthropic organizations.

Is the federal government in danger of going to seed? It is in the gravest danger! But so are all other organizations, large and small.

There is no excuse for government to lose out in the competition for talent. It has a built-in advantage over every other employer. The cynics would deny this, but the truth is that talented people are attracted to government because it gives them an opportunity to render service to the entire nation. They come with the highest motives. They leave when their purpose is thwarted or when they begin to feel trapped. Government cannot afford to be inhospitable to such people.

One may argue, as Toynbee does, that a society needs challenge. It is true. But societies differ notably in their capacity to see the challenge that exists. No society has ever so mastered the environment and itself that no challenge remained, but a good many have gone to sleep because they failed to understand the challenge that was undeniably there.

SUBSIDY HUNTING SWOOPING DOWN ON WASHINGTON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. CONTE. Mr. Speaker, on August 1, the House of Representatives adopted an amendment, which I had proposed, to limit the total farm subsidy payments to a maximum of $20,000 for any one farmer or farm organization. I repeat today what I had stated then that, "The adoption of this amendment is a great victory for the American taxpayer," and I might add—to the small farmer whom the program was originally meant to assist.

Until my amendment becomes law, these programs will continue to operate in almost an opposite manner—providing substantial benefits to large farmers and well-to-do concerns.

The House bill has gone to conference with the Senate which has approved a 4-year extension of the program without any restriction on the payments. I urge my colleagues to resist any efforts to pass the bill without this restricting amendment.

In a recent article from the Sunday New York Times, September 8, 1968, the entire Federal subsidy program was brought under attack, demonstrating the widespread public support for a more equitable and effective farm subsidy program. Most significant of all, the article points out that the American Farm Bureau Federation, whose 1.75 million members make it the largest group of its kind in the Nation, would have the payments and, because in their opinion, the subsidies perpetuate rural poverty by serving to keep uneconomic farm units functioning.

A complete text of the article follows:

SUBSIDY HUNTERS SWOOPING DOWN ON WASHINGTON

(By H. J. Maidenberg)

WASHINGTON.—A lameduck Administration is still capable of laying golden eggs.

This does not have to be impressed upon the hordes of Federal subsidy hunters and other favor seekers presently gathering in the capital to redeem old campaign pledges or arrange new ones.

Strong in the traditional belief that outgoing Administrations and Congresses are sitting ducks for their private interests, they believe Washington is the place to be today.

The halls of Government are thick with those who would have public funds go increasingly to a dwindling number of farmers, whether the recipients want them or not, and many don't.

Pleaders will be arguing that rural electric cooperatives should continue to be eligible for public funds at 2 per cent a year interest, while private utilities pay the going money market rate of 6 or 7 per cent.

PLEA FOR LOW RATE

Shipbuilders, shipping, aviation and railway concerns and a multitude of other interests will press for further subsidies or new "programs."

And lost in the confusing last days of this Congress and Administration will be the granting of many new subsidies and favors whose cost will not be tabulated for years. This is because many of the figures will be buried in over-all budgets of Federal agencies handling the specific programs.

What is known today is the cost of subsidies to private industries that were granted years ago, even if the blurred figures are often subject to a debate.

Economists in and out of Government as well as Administration officials and Congressmen describe the nation's subsidy programs as a bewildering morass of legislation piled layer upon layer over the years.

However, the realities of political life here precluded those interviewed from allowing their names to be mentioned.

It is estimated that direct Federal payments subsidies to private industry total $6-billion a year, and rarely show any indication of declining. The figure equals the cut in Federal spending requested recently by President Johnson to reduce the budget deficit of $8-billion to $10-billion forecast for this fiscal year.

COTTON AND SUGAR

Put another way, the $6-billion in subsidies payments are almost four times the Federal budget for the anti-poverty programs administered by the Office of Economic Opportunity.

Last year, for example, payments to cotton planters alone totaled $935-million, compared with the antipoverty allocation of $1.75-billion. The Government spent more than $500-million to keep 45,000 domestic sugar producers' net income at $200 million—and raw sugar prices three times the world level.

Substantial subsidy payments are received by tobacco and peanut growers as well. Overall, agricultural subsidies cost the Government almost $4-billion a year in direct payments through a variety of schemes. This figure does not include money spent by the Department of Agriculture in aiding farmers in many other ways.

Oddly, three large sectors of the farm industry do not receive direct benefits at all. They are the fruit, vegetable and cattle raisers. And those who do receive the payments are unhappy with the subsidies. The American Farm Bureau Federation, whose 1.75 million members make it the largest group of its kind in the nation, would have the payments end.

The Farm Bureau says the subsidies perpetuate rural poverty by serving to keep uneconomic farm units functioning. The payments are said to undermine initiative, and innovation by farmers and quality of crops, except where the program's incentive encourages the production of unwanted surpluses such as in peanuts, to mention just one often-criticized sector.

Specifically, the Farm Bureau's officials interviewed here recently cited the sugar, cotton and tobacco subsidy programs as "dead losses," and considered the other agricultural payments schemes little better.

LIMITED BENEFITS

A Farm Bureau economist observed, "While antipoverty people struggle to get funds, the Government spends more than $500-million a year to help a handful of sugar growers, most of them large operators in Hawaii and Florida, keep their raw sugar prices above 6 cents a pound. Meantime, many foreign lands receiving United States aid would love to sell the sugar for half that price. The world sugar price, by the way, is less than 2 cents a pound."

But the "handful" of sugar producers is growing. Beet sugar, which is indistinguishable from cane, is now grown in 30 states. A few years ago, only about four or five states had beet sugar operations—and that was before synthetic sweeteners began increasing their hold on the market.

With the growth of beet sugar production around the nation it is considered highly unlikely that the sugar subsidy payments will be reduced because more and more Congressmen have become interested in protecting their local producers.

The Farm Bureau maintains that the cotton payments were started to aid Southern farmers with wornout soil to earn a living. Today, the cotton belt has shifted to Arizona and California, where vast irrigated operations produce as much as three times the bale-an-acre raised in most Southern areas.

SOME NOT APPARENT

Incidentally, not all subsidies are easily identifiable. For example, southern California cotton operators pay about $20 an acre foot for water, while commercial and other property owners in Los Angeles pay $70 for a quantity of water that covers one acre to the depth of one foot.

One economist here estimated that if indirect subsidies such as the oil depletion allowance, tariff protection laws and the like were included, the total would exceed $8.5-billion a year.

In any event, farm subsidies are but one aspect of Federal bounties to selected industries.

The nation's airlines receive the benefits of the $600-million-a-year Federal air traffic control systems, the $1-billion spent on commercial airport construction grants and, in some cases, direct subsidies to feeder lines affiliated with their operations. It is estimated that commercial aviation receives directly or indirectly about $750-million of the Federal Aviation Administration's budget of $800-million a year.

In fact, considerable military money aids industry through the maintenance of inland waterways, research and related projects as well as direct purchases of billions in goods and services.

Private shipping lines receive $200-million a year in direct payments, and domestic shipbuilders get more than $100-million. Other benefits abound. Foreign ships are not permitted to carry freight between United States ports. And any wage increases awarded unionized seamen are usually converted into higher subsidies.

Other benefits consist of having the bulk of foreign-aid shipments go in domestic bottoms. Government personnel are often required to use private ships on part of their travels.

It is estimated that it costs American taxpayers roughly $7,000 a year to support each merchant marine job.

Almost two generations ago, the Government formed the Rural Electrification Administration to bring power to areas that private utilities deemed uneconomic. The R.E.A. cooperatives were granted the right to borrow money—the largest cost factor for a utility is borrowed funds—from the Government at 2 per cent a year.

Today, most R.E.A. co-ops have become wealthy competitors to private utilities and reportedly have liquid assets of more than $700-million in savings and loan associations, and other investments. Private utilities pay 6 or 7 per cent for money in today's market. R.E.A. co-ops may still borrow money for which the Government pays its creditors 5 per cent or more—at 2 per cent.

COST ESTIMATED

The cost of the R.E.A. program is estimated at between $250-million and $300-million a year, including Federal costs of low-interest loans. Some R.E.A. co-ops have become partners to private utilities, often welcomed because of their wealth and borrowing power.

Government and private economists here are hard pressed to find a dollar figure of benefits to industries from such diverse Federal works as dredging rivers to aid barge lines, water resources development for agriculture and grants for research to private industry, to name a few items in the budget.

Defenders of Federal direct subsidies are not limited to grateful Congressmen. Many economists believe that ending subsidies in agriculture would create havoc; that the merchant marine and shipbuilders would be out of business overnight and unavailable in case of national emergencies.

Although few seem pleased with the methods of applying subsidies, the industries receiving them, including the strongest advocates of free enterprise, doubt whether the present systems of institutionalized Federal handouts could be abandoned without bringing down the whole economic house. And many critics of subsidies find it hard to disagree. What the critics seek is reform of the subsidies system to make it conform to market conditions.

The same reasoning is being offered increasingly by industries that have found free enterprise a bit taxing.

BUILDING AID SOUGHT

Presently, there are many in the building construction industry who believe Federal interest-rate subsidies or outright grants are needed to overcome the slowdown in home building caused by the high cost of mortgage money.

Washington is full of cynics who believe commuter railway and bus lines in several large cities are deliberately ruining their services preparatory to seeking new or expanded subsidies.

The insurance industry, the only major one not regulated by the Government, is busily discussing various approaches to Federal aid to cope with losses from civil disturbances mounting highway accidents and other perils they underwrite.

Here, again, many believe that if enough policies are canceled or new business rejected, the Government may be forced to devise some form of reinsurance compensation.

The list of those seeking new or expanded subsidies appears limitless.

But despite the trend, efforts are made by Congress from time to time to slow the race to the Treasury's trough. There is a bill in Congress now to limit subsidy payments to $20,000 a year for each claimant. Its passage seems doubtful, however, in this election year.

This does not mean that all is rosy for the Federal money seekers. Quite the contrary. For one thing, the political scene is far from clear, an unsettling situation for any lobbyist.

Secondly, money is tight in Washington and agents of industry, education and other interests must keep an alert eye on those who would reduce their share of the pie in favor of others.

True, they can depend on the vast army of civil servants who make careers here by administering subsidy and other programs. They are considered the implacable foes of anyone who would terminate even the most unneeded or unwanted Federal project.

Finally, the capital is also being invested by countless numbers seeking any financial help they can get for their communities, universities, and myriad other purposes.

All Congressmen are being bowed by the pressures of constituents seeking funds for schools, urban renewal and myriad other purposes. Often, smaller colleges, for example, that do not maintain agents in the capital lose out on available Federal money. This is because many programs exist unknown to all but a handful of money hunters.

LIST COMPILED

To bridge this information gap, Representative William V. Roth, Republican of Delaware, and his staff recently spent eight months compiling an admittedly incomplete list of Federal subsidies and other grants available to industry, nonprofit institutions and individuals.

His findings took up 151 pages of fine print in the Congressional Record of last June 25.

Furthermore, Representative Roth has introduced two bills in Congress, which have growing bipartisan support, to facilitate the ferreting out of Federal money.

One bill, the Program Information Act, would have the Government "provide full and meaningful reports on available funds," he said the other day. "At present, schools, social-work agencies and others back home don't know what they are missing in the way of existing Federal programs, many of which were passed years ago and forgotten, except to professional money searchers."

The other measure would create a "Commission for the Improvement of Government Management and Organization" to study, among other things, the relationship between Federal and state governments to better utilize public funds, and examine the effectiveness of existing payments programs. "We should know," Representative Roth said, "what we have on the books and how best to handle it."

At present, he said, most information about these programs comes from the agencies administering them—and "all have a vested interest in keeping the programs going on and on, regardless of effectiveness."

Commenting on farm subsidies, the freshman Congressman observed, "Some are needed to prevent chaos. Others have outgrown their usefulness, and all should be modernized regularly, not just passed and forgotten."

One program that has yet to be discussed during these confusing days in Washington are subsidies for enterprising persons interested in growing tea and coffee in hot houses.

EXPLODING THE MYTH ABOUT AIRLINE SAFETY

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. FINO. Mr. Speaker, recent plane accidents and near accidents point up the urgent need for action—positive action—in dealing with this pressing problem of safety in the air. The National Police Gazette—November issue—has a very interesting article which I recommend to this House for its consideration:

EXPLODING THE MYTH ABOUT AIRLINE SAFETY

(By Harvey Wilson)

You can forget all those airline commercials that talk about the inflight movies, the delicious food, the free drinks, and the curvy stewardesses. The truth is, that flying today is more dangerous than ever. And instead of getting better, it's getting worse.

Decrepit runways, outmoded airports, new noise abatement regulations, overloaded planes and the fact that no one seems to be interested in safety research all contribute to the fact that when you fly today you are literally taking your life in your hands.

ONE HUNDRED AND TEN MILLION PASSENGERS

The Civil Aeronautics Board told the *Police Gazette* that our domestic airlines alone carried almost 110 million passengers last year. The CAB predicts that by 1975 three times that number will be flying every year.

What that means to you is that it will be three times as dangerous to board a plane then as it is now, unless someone—the government, the industry itself, or the public—demands a whole new approach to the problem of safety in the air.

To anyone who's ever sat with clammy hands and pounding heart through a rough flight, that possibility is terrifying.

Already, statistical facts prove that people who fly run a 30 per cent greater risk of being killed than those who drive.

The main problem is money. No one wants to spend it.

A confidential report dated May 1966, prepared for the Senate Committee on Aeronautical and Space Studies, said flatly:

"Money spent by the government for airplane safety research is very small compared with other aspects of aeronautical research and development."

Right now, only 10 per cent of all the money that the government appropriates for aviation goes to improve safety conditions either in the air or on the ground.

Where does the other 90 per cent go? It is mainly used to subsidize private airplane manufacturers who are concerned mainly with increasing the capacity of passenger planes.

Even when research experts do develop proven safety measures they are not always used. The Federal Aviation Agency, for example, has known for years how to improve seats, survival equipment and evacuation procedures which can save lives and minimize injuries.

It has also been aware for a long time of a device that will all but eliminate fires, the number one cause of airplane deaths.

But none of these devices has been installed, largely because the FAA doesn't require them. Why? One high ranking agency member told the *Police Gazette:* "Such measures are too expensive."

Think about that the next time you fly.

The federal government isn't alone in its indifference. Local government, which builds and operates most airports isn't any better.

That's why all but a few major fields in this country are second rate and hazardous. Most of them are outdated before they are ever completed, the runways too short for today's big jets, the approach patterns a lethal maze that result in hundreds of nearly missed collisions that the public rarely ever hears about.

A survey of airline pilots by the *Police Gazette* turned up these airports as the least favorite in the industry:

Norfolk, Va., Pensacola, Fla., New Orleans, Cincinnati, San Diego, Seattle, San Francisco, Kansas City, Mo., and both of New York's airports, La Guardia and John F. Kennedy, both of which have a long and tragic history of airline disasters that have taken literally thousands of lives over the years.

REASONS FOR FEAR

The reasons for the pilots' mistrust, and in some cases sheer dread, of these airports differs of course.

They consider the Norfolk airport bad because it is a typical example of bad planning. It was built in the age before jets on the site of an old golf course, between two lakes that make approaches exceedingly difficult.

Kansas City is a nightmare of rivers, bridges and tall buildings. The San Francisco field has, of course a severe fog problem.

New York's biggest problem, aside from the volume of air traffic and a surplus of approach problems, has been noise abatement procedures. Those regulations put tight restrictions on the number of runways that can be used, flight patterns, and the amount of power in climbing to cruising altitude.

This may make life in the houses below much pleasanter but it isn't doing much for your safety on board any large jet. Here's why:

Any pilot will tell you that takeoffs and landings are some 30 per cent more dangerous than any other aspect of your flight.

A large jet actually leaves the ground at a rate of speed somewhere around 200 miles an hour. In order to fulfill noise abatement procedures at most airports, the plane must make a twenty degree turn to the left at an altitude of only 300 feet.

At that height, such a turn must be done at an air speed very close to the speed required just to keep the plane in the air. If the plane should stall, there is absolutely no chance of recovery.

As if that weren't bad enough, the pilot is required by law to actually reduce his speed to cut the noise of the powerful jet engines, regardless of the chances he is taking with the lives of his passengers and crew.

UNNECESSARY RISKS

While the FAA insists that it will not approve noise abatement plans that affect the safety of planes and passengers, the fact is that five years ago, if a pilot had gone through all the tricky maneuvers now required to cut noise he would have risked failing his flight check and losing his pilot's license.

And, in case you're wondering whether many pilots, to avoid the hazardous procedures of noise abatement, simply don't bother to cut back their engines, the answer is, they don't. They can't because most of the larger airports have elaborate equipment that would disclose just such a maneuver.

Most pilots agree that the problem of noise, like everything else about modern flying, is going to get worse before it gets better. With big, new jets that can carry as many as 180 or more passengers, the noise is going to be even louder.

The answer, they say, lies not in daredevil flying but in scientific research that could find a way to muffle the roar of airplane engines.

Another solution would be to build the airports of tomorrow outside of the residential areas where most of them now lie and shuttle passengers by rail or road to their destinations. Longer? Yes, but much safer.

Safer not only because of the noise abatement solution, but also because the airports themselves, with longer runways and better approaches with the obstacles of tall buildings, industrial smog and weather all removed, would be safer.

But long range planning has never been a strong point of the airlines industry, which is selling glamor, not safety, to its unsuspecting customers.

Take the problem of midair collisions. Last year, more than 500 near misses were reported by pilots though the figure is probably twice that since many are afraid to risk their reputations by reporting a near collision.

If all 500 near misses were actual collisions, involving 1,000 planes, as many as 100,000 passengers and crew members could have died. Nothing has been done about avoiding this hazard.

Commercial air traffic in this country is controlled from the ground, with airliners being passed from one ground control station to another as they cross the country.

Depending on their capabilities as planes and their destinations, they fly at different altitudes, in layers, so to speak.

Rarely do they come within 2,000 vertical feet of each other. But that isn't the problem. On a foggy night or bad weather, air traffic backs up over any major airport in the country so that often it just isn't possible to keep them that far apart.

Most of the near misses involving commerical planes occur with just such traffic.

Again, the pilots say, the federal government should require anyone who owns his own plane to equip it with electronic collision warning devices.

Another thing they want is a complete overhaul of existing flight patterns to cope with the tremendous volume of air traffic.

So far, no one has done much about taking responsibility for such a step.

Apparently, in the long run; it's cheaper to pay insurance claims and go on selling glamor instead of safety on the theory that what the passenger doesn't know won't hurt him, even if it may kill him.

SALUTE TO A FINE NEWS DIRECTOR

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. FEIGHAN. Mr. Speaker, it is my privilege to be personally acquainted with the news director of one of Cleveland's larger radio stations, Bob Campbell. His excellent news reporting has gained for the station national recognition, and for himself great respect among his fellow newsman.

The Cleveland Plain Dealer chose to comment upon his ability, and I commend the article which appeared in the September 8 issue to the attention of my colleagues, as follows:

INVOLVEMENT IN NEWS IS KEY FOR WERE'S BOB CAMPBELL

(By Raymond P. Hart)

What's next for Bob Campbell, WERE news director?

That is a logical question to ask about the bass-voiced radio newsman who believes in getting involved in the news.

In fact, helping make news—or at least helping it along—is turning into his specialty.

The majority of the stories he has covered, of course, occurred without his helping hand. But he was right in the middle reporting the action.

Campbell, 49, brings a varied show business career and news background into his reporting and believes "it has helped to produce a better news show."

His regular beat is anchoring WERE's "Info" news and information block aired weekdays from 4 to 7:30 p.m. He's made quite an impact since he joined the station 11 months ago.

"I like to believe I'm a communicator rather than a reporter," Campbell stated, "and in communicating you have to become involved—when there is time and the circumstances permit it.

Campbell's theory have paid off handsomely for WERE. It has one of the smaller news staffs among the large Cleveland radio stations, but does a fine job of presenting news—content and style-wise.

Involvement was the key to the station's "Operation: Pork Chop" last April in which 60 tons of pork were distributed to Cleveland welfare recipients.

The involvement started when Campbell notice a three-line news wire story revealing the fact that the National Farmers Organization was threatening to bury 1,000 hogs unless the price they were paid for pork was raised.

It took a week for Campbell to arrange to get the pork dressed and packaged. A week later, it was parceled out by white farmers to persons on welfare, including many Negroes.

"That was the most rewarding story in which I have ever been involved, especially considering it came to a fitting climax on the day after Dr. Martin Luther King Jr. was assassinated," Campbell said.

As a result of his NFO involvement Campbell has been asked to address the organization's annual convention in Wapakoneta. He will do so on Saturday.

A story in which there was no time for planned involvement but hard news to report was the police-shooting incident in Glenville in July.

Campbell and WERE newsman Bob Eastman were savoring steaks at the Campbells when a phone call alerted them of the tragedy. Tape recorder in tow, they went to the scene.

After phoning in several reports, Campbell ducked down beside a police car when occupants of a moving auto were blazing away. A bullet evidently bounced off the hood of the shield car and Bob's forehead was creased.

Helped into a nearby alley, he was pinned down by gunfire for an hour. When police permitted him to emerge, he went on reporting the story, giving one of the first accounts of what actually was believed to have triggered the incident.

When the situation had cooled, he went to a hospital where x-rays showed he had suffered a "routine fracture."

Despite the wound, Campbell went back to the station to air more local reports, then did 14 network feeds to CBS and reports to 25 stations in the U.S., Canada, Puerto Rico and Bogata, Colombia.

He went 67 hours without sleep.

Campbell is used to apperaing before the public, in one way or another. At age 4, he sang and played violin on the old Keith vaudeville circuit in New York. He continued on the circuit until 1930 when he, his late father, Les, and twin brothers, Dee and Duane, formed a quartet.

They sang on radio, recorded and toured the Midwest until 1949 when the quartet was disbanded.

Bob began his radio career in 1936 in South Bend, Ind., as a staff announcer and writer. He has been a newsman, announcer, producer, disc jockey and general manager in the ensuing years in many cities.

"My first love is news, although for quite a while, I couldn't seem to stay in that field," he said.

His radio memories include filling in for the regular announcer on a man-in-the-street program in South Bend. "I asked a fellow how he liked our sponsor's bread and he told me—'it was soggy.'"

Campbell also has performed on television. He was the first person employed by WHIO-TV in Dayton, his hometown. He had a kiddie show, "but I never could make it as a TV cowboy host because I couldn't master a Texas accent," he said.

He went on to become the first executive director of the Dayton Educational Television Foundation.

Bob and his wife, Alberta, reside in Cleveland Heights. Married 25 years, they have a married son, Doug, 21.

"WERE has been fortunate in obtaining the talents of a dedicated and indepth reporter like Bob," according to Harry Dennis, station manager. "He will be doing even more specialized news projects in the near future."

Humorous when the situation calls for it, Campbell also is serious at the appropriate time. Concerning coverage by the news media of the recent Democratic National Convention in Chicago, he said:

"Many of the newsmen were unwittingly guilty of taking the easy way of reporting what was presented to them by those who had a particular axe to grind.

"Perhaps much of this was due to the fact that there was so much to cover over such a wide area. But I believe that Mayor (Richard) Daley made somewhat more than a small point when he criticized newsmen for telling part of the story rather than all of the story.

"In broadcasting, time is important. But there are times when I would rather be late and accurate, than first and biased."

POLISH HEROISM REMEMBERED: 285TH ANNIVERSARY OF THE RELIEF OF VIENNA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. DERWINSKI. Mr. Speaker, in the midst of the fast-paced national and international developments of the present, it is all too easy to overlook the monuments of the past. But, in the wake of the free, rising in Czechoslovakia, there is an anniversary of special relevance which we should not fail to observe.

For, 285 years ago today, another people struck a blow for freedom in Eastern Europe when Jan Sobieski, one of Poland's greatest rulers, led an army of volunteers to the relief of Vienna, besieged by a savage horde of over 200,000 Turks, Tartars, and Moslem fanatics.

At the head of the Turkish force was Kara Mustafa, Grand Vizier of the Ottoman Empire. His magnificent camp, strewn with booty, lavish quarters, harem women, and the corpses of Christian victims, sprawled out before the crumbling ramparts of Vienna.

By September, it was only a matter of time before the walls would be completely breached, and the Janissaries, striking force of the Ottoman Army, would pour into the beleaguered city, spreading death, rapine, and arson.

Emperor Leopold had already fled his capital, and watched, trembling, from afar. His Austrian Army was helpless in the face of the Turks and retreated before them.

The fate of Vienna seemed to be sealed. And, if Vienna had fallen, as Voltaire observed, nothing would have stood between the Turks and the Rhine.

Fortunately, the trying times had produced a leader equal to their challenge. Jan Sobieski, the elected King of Poland had already earned his reputation fighting against the Turks in the Ukraine. He was the one man they feared.

Now, placing the interest of Western civilization above his personal ambitions and national interests, he led Europe's last great crusade.

At the head of an army of princes and commoners drawn from every corner of Europe, Jan Sobieski marched to the relief of Vienna.

Bavarians, Saxons, Frenchmen, and Italians joined together for a common purpose. The most splendid troops of them all were the Polish Winged Hussars—last of the great armored cavalrymen.

When the relieving army streamed down from the hills of Kahlenburg to face the Turks, it was the Polish Winged Hussars, charging in glittering formation, who led the attack and earned the greatest share of glory.

The Turks were routed. The city was saved.

To the tolling of church bells, the gates of Vienna were thrown open to Jan Sobieski, King of Poland.

He was greeted by thousands of grateful citizens, for he came, not as a conqueror, but as a liberator. History knows few such examples.

Nearly three centuries have passed since September 12, 1683. The memory of man is short, and his gratitude even more so. Before 100 years had passed, the same countries Jan Sobieski had led to triumph in 1683 had turned on his native Poland and torn her to pieces.

But even in the darkest days of occupation and persecution, under the heel of Germans, Austrians or Russians, the Polish people have kept alive the spirit and the resolution which Jan Sobieski personified.

And that makes this anniversary worth observing.

It is also ironic, Mr. Speaker, that the Soviet-imposed Communist dictators who continue to misrule Poland and deprive its people of fundamental freedom participated in the Soviet military invasion of Czechoslovakia. The participation by the Polish Communist government is in complete contradiction to the wishes of the Polish people and is in direct contrast to the great contribution of King Jan Sobieski to the cause of freedom in Europe.

PRESIDENT JOHNSON ADDRESSES B'NAI B'RITH

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PODELL. Mr. Speaker, last Tuesday, President Johnson addressed the 125th anniversary meeting of B'nai B'rith, here in Washington. In his remarks, the President discussed the serious threats to world peace that presently exist in Eastern Europe and in the Middle East.

The President reviewed the history of conflict that has surrounded the State of Israel since its founding, and he reaffirmed America's commitment to the principle that each nation's right to exist must be recognized by all other nations in the area.

In elaboration, he said:

> It is clear, however, that a return to the situation of June 4, 1967, will not bring peace. There must be secure, and there must be recognized, borders.

In summary, the President's remarks were thoughtful, compassionate, and balanced.

Under unanimous consent I submit the text of his speech for inclusion in the CONGRESSIONAL RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE 125TH ANNIVERSARY MEETING OF B'NAI B'RITH, WASHINGTON, D.C., SEPTEMBER 10, 1968

Dr. Wexler, my delightful friend Deputy Prime Minister Allon, Members of the Diplomatic Corps, Members of the Cabinet, Distinguished Members of the Congress, Reverend Clergy, and my fellow Americans:

In a time of troubles, I am glad to be with those who have known trouble, and who still treasure the spirit of man.

The proverb says, "A friend loveth at all times and a brother is born for adversity."

You have been my friends, and some of you have been like brothers to me.

So in the words of the proverb, we were born for these times.

Adversity is in the air that we breathe. The tanks have rolled again in Europe. The virus of anti-Semitism threatens again to infect nations which should have learned its awful lessons a generation ago.

The road to peace in Southeast Asia is long and hard. The fires of unreasoning hostility tonight burn in the Middle East. Democracy in our own country, Mr. Prime Minister, and elsewhere, seems to be beset by the extremists of the right and the left.

In such a time, it is quite fashionable to despair over our prospects. To some people the events of 1968 prove that there never can be a peaceful accommodation between nations, or between races, or, indeed, between generations.

To others, the solution lies in a radical change of policy. Exactly what is never quite said, except that it just must be radical.

I can assure you my friends that I am not in the least complacent about these events. There have been a great many charges, complaints—columnists and commentators have made observations and laid them at my door during these past five years, as some of you have observed. But I do not think that complacency has ever been among any of them.

But if I am not complacent, neither do I despair. For I believe that the great American people face the adversities of 1968 far stronger, far wiser, than any people before them, including their fathers and their grandfathers.

Their strength comes from an economy that has provided more jobs, more employment, and more profit than any economy in human history. It comes also from a moral commitment to eliminate racism and injustice, and to eliminate it from the face of this earth that we live on.

Their wisdom comes from the experience of three decades which have taught them that appeasement—appeasement—does not yield peace; that they cannot be secure in this country if there is not security in other countries, if they, in their cowardice of the moment, turn their backs on free men; and they cannot protect themselves behind a wall of affluence from the tumult of a world that is raging with want and disease.

This knowledge, which all Americans have gained at a very heavy cost, is a priceless asset in meeting the adversities of today and, surely, those that lie ahead.

So tonight I want to speak to you as I spoke earlier this afternoon in New Orleans, Louisiana, about the quest for peace—specifically, about conditions in Eastern Europe and the Middle East that really quite threaten the peace, and also what I believe must be done to change those conditions.

The Soviet invasion of Czechoslovakia just a few days ago has set back the course of peace. It rejects the very idea that better understanding and more human contacts—and a relaxation of tensions—can lead to more peaceful ways of coexistence on this small and yet this very dangerous planet.

We hope—and we shall strive—to make this setback a very temporary one. But I assure you that will not be easy. It will require calm determination on the part of us and on the part of all of our allies. It will also require the considered second thoughts of those who lead the Soviet Union.

These men, who bear with us the terrifying responsibility of an immense military power, must come to realize that the ideals of peaceful men and women just cannot be smashed by force. They must come to understand that peace—peace based on respect for human dignity—offers to all people, including their own people, the only real hope for security in the world.

Some leaders of Eastern Europe have sought to indict those of Jewish faith for spreading ideas of freedom among their people. Well, this is shocking, not only because it is a very thin disguise for anti-Semitism, but because it really suggests that freedom is the cause and the passion of just one people alone.

So tonight let there be no doubt in anyone's mind about who cares for freedom. Mankind itself cares.

We have worked now for more than 20 years not only to protect Western Europe, but to try to promote a peaceful understanding with the countries of Eastern Europe and the Soviet Union.

It was nearly two years ago that I proposed a series of European initiatives. I hoped to achieve better understanding with our allies. I hoped to have more and freer exchanges with the Soviet Union and Eastern Europe, because only through such improvement of the political atmosphere, as I stated then, could we ever truly hope for peace in Europe, a coming together of Germany and a healing of the deep wounds across the entire face of Europe.

We have taken in this country a series of important steps in that direction. Last June I proposed to the Soviet Union and the countries of Eastern Europe a program of balanced and mutual force reductions. We had made somewhat similar proposals to the Soviet Union alone during the very first month that I occupied the Presidency.

Our offer threatens no legitimate interest of any state. It rests on the respect for the equal rights of all states to their territorial integrity and to their political independence.

In the discussions that we have proposed for the reduction of tension in Europe, no topic whatever would be barred from those discussions. These proposals represent the only sound approach to the problems of peace and security in Europe. All of these proposals have been rebuffed for the moment.

The leaders of the Soviet Union seem to have decided that a movement toward a humane version of communism in a small, friendly country is a threat to their security, despite the fact that the Czechs remain their ally in the Warsaw Pact.

So new military and political risks have now arisen from this aggressive act which demand ever closer cooperation among the Western allies. For our part, I made it unmistakably clear that the use of force, and the threat of force, will not be tolerated in areas of our common responsibility like Berlin, because the use of force generates fears and stimulates passions whose consequences no man can predict or control.

As I said the other day in San Antonio, let no one unleash the dogs of war. Europe has suffered enough—enough in this century.

The Soviet Union tonight can still return to the only road that really can lead to peace and security for us all. That is the road of reducing tension, of enlarging the area of understanding and agreement. It can still change—if not undo—what it has done in Czechoslovakia. It can still act there and can act elsewhere with the prudence and the confidence which characterize the conduct of any great nation—because it is never too late to choose the path of reason.

Every man of sanity will hope that the Soviets will act now before some new turn of events throws the world back to the grim confrontations of Mr. Stalin's time.

Now let me turn to the Middle East. That is an area of deep national interest to the American people, to all of our people, for the safety and the future of small nations are not the concern of one group of citizens alone.

To you tonight, I assure you they concern all Americans.

Our society is illuminated by the spiritual insights of the Hebrew prophets. America and Israel have a common love of human freedom, and they have a common faith in a democratic way of life.

It is quite natural that American Jews should feel particularly involved with Israel's destiny. That small land in the Eastern Mediterranean saw the birth of your faith and your people thousands and thousands of years ago. Down through the centuries, through dispersion and through very grievous trials, your forefathers clung to their Jewish identity and clung to their ties with the land of Israel.

As the prophet Isaiah foretold—"And He shall set up an ensign for the nations, and He shall assemble the outcasts of Israel and gather together the dispersed of Judah from all the four corners of the earth." History knows no more moving example of persistence against the cruelest odds.

But conflict has surrounded the modern state of Israel since its very beginning. It is now more than a year that has passed since the 6-day war between Israel and its neighbors—a tragic and an unnecessary war which we tried in every way we could to prevent. That war was the third round of major hostilities in the Middle East since the United Nations established Israel just 21 years ago—the third round—and it just must be the last round.

From the day that war broke out, our policy, the policy of this Government, has been to work in every capital, to labor in the United Nations, to convert the armistice arrangements of 1949 into a stable and agreed regime of peace. The time has come for real peace in the area—a peace of justice and reconciliation, not a cease fire, not a temporary truce, not a renewal of the fragile armistice. No day has passed since then without our taking active steps to try to achieve this end.

The atmosphere of fear and mutual suspicion has made communication between the two sides extremely difficult. In this setting, the plans of reasonable men, both Arabs and Israelis—have been frustrated. Despite the patient and perceptive efforts of Ambassador Jarring, little real progress towards peace has been made.

I am convinced that a just and a dignified peace, a peace fair to the rightful interests of both sides, is possible. Without it, the people of the Middle East cannot shape their own destinies, because outsiders are going to exploit their rivalries, and their energies and abilities will be diverted to warfare instead of welfare. That just should not happen.

No nation that has been part of the tragic drama of these past 20 years is totally without blame. Violence and counter-violence have absorbed the energy of all the parties. The process of peace-making cannot be further delayed without danger and without peril. The United Nations Security Council resolution of last November laid down the principles of a just and a lasting peace.

But I would remind the world tonight that that resolution is not self-executing. It created a framework within which men of good will ought to be able to arrive at a reasonable settlement.

For its part, the United States of America has fully supported the efforts of the United Nations representative, Ambassador Jarring, and we shall continue to do so. But it is the parties themselves who must make the major effort to begin seriously this much needed peace-making process.

One fact is sure: The process of peace-making will not begin until the leaders of the Middle East begin exchanging views on the hard issues through some agreed procedure which could permit active discussions to be pursued. Otherwise no progress toward peace will be made.

In recent weeks, some progress in this direction has been achieved. So tonight I appeal and I urge the leaders of the Middle East to try to maintain and to accelerate their dialogue. I urge them to put their views out on the table, to begin talking the substance of peace.

Many channels are open. How the talking is done at the outset is not very important tonight. But we just must not lose whatever momentum exists for peace. And, in the end, those who must live together must, in the words of Isaiah, learn to reason together.

The position of the United States rests on the principles of peace that I outlined on June 19, 1967. That statement remains the foundation of American policy.

First, it remains crucial that each nation's right to live be recognized. Arab governments must convince Israel and the world community that they have abandoned the idea of destroying Israel. But equally, Israel must persuade its Arab neighbors and the world community that Israel has no expansionist designs on their territory.

We are not here to judge whose fears are right or whose are wrong. Right or wrong, fear is the first obstacle to any peace-making. Each side must do its share to overcome it. A major step in this direction would be for each party to issue promptly a clear, unqualified public assurance that it is now ready to commit itself to recognize the right of each of its neighbors to national life.

Second, the political independence and territorial integrity of all the states in the area must be assured.

We are not the ones to say where other nations should draw lines between them that will assure each the greatest security. It is clear, however, that a return to the situation of June 4, 1967, will not bring peace. There must be secure, and there must be recognized, borders.

Some such lines must be agreed to by the neighbors involved as part of the transition from armistice to peace.

At the same time, it should be equally clear that boundaries cannot and should not reflect the weight of conquest. Each change must have a reason which each side, in honest negotiation, can accept as a part of a just compromise.

Third, it is more certain than ever that Jerusalem is a critical issue of any peace settlement. No one wishes to see the Holy City again divided by barbed wire and by machine guns. I therefore tonight urge an appeal to the parties to stretch their imaginations so that their interests and all the world's interest in Jerusalem, can be taken fully into account in any final settlement.

Fourth, the number of refugees is still increasing. The June war added some 200,000 refugees to those already displaced by the 1948 war. They face a bleak prospect as the winter approaches. We share a very deep concern for these refugees. Their plight is a symbol in the minds of the Arab peoples. In their eyes, it is a symbol of a wrong that must be made right before 20 years of war can end. And that fact must be dealt with in reaching a condition of peace.

All nations who are able, including Israel and her Arab neighbors, should participate directly and wholeheartedly in a massive program to assure these people a better and a more stable future.

Fifth, maritime rights must be respected. Their violation led to war in 1967. Respect for those rights is not only a legal consequence of peace. It is a symbolic recognition that all nations in the Middle East enjoy equal treatment before the law.

And no enduring peace settlement is possible until the Suez Canal and the Straits of Tiran are open to the ships of all nations and their right of passage is effectively guaranteed.

Sixth, the arms race continues. We have exercised restraint while recognizing the legitimate needs of friendly governments. But we have no intention of allowing the balance of forces in the area to ever become an incentive for war.

We continue to hope that our restraint will be matched by the restraint of others, though I must observe that has been lacking since the end of the June war.

We have proposed, and I reiterate again tonight, the urgent need now for an international understanding on arms limitation for this region of the world.

The American interest in the Middle East is definite, is clear. There just must be a just peace in that region, and soon. Time is not on the side of peace.

Now, my friends, I know that these two areas of the world are of very great concern to you as they are to me. Many of you have roots in Europe from which you or your forebearers came in order to enrich the quality of the life here in America. Most, if not all of you, have very deep ties with the land and with the people of Israel, as I do, for my Christian faith sprang from yours.

The Bible stories are woven into my childhood memories as the gallant struggle of modern Jews to be free of persecution is also woven into our souls.

I think it is tragic that in our time Eastern Europe and the Middle East have been subjected to military aggression. And I must speak frankly. Military aggression. And that tragedy is just as real in Southeast Asia.

Southeast Asia is a part of the world with which few Americans have any family ties. Most of you have none there. But its freedom is as dear and as cherished and as vital, not only to America's security, but to the 200 million poor humans who live there and who do not believe in communist conquest any more than you do.

American policy there, as in other parts of the world, has been to resist the dark tide of violence and totalitarian rule. We have tried to encourage in all three areas the rule of reason, of forbearance, because we believe that that alone can provide ultimately the conditions of lasting peace.

We have acted in the belief that there is no such thing as harmless aggression—no such thing as harmless aggression anywhere, anytime—that because a nation was small, and thousands of miles away, it did not make its plight any less urgent or any less demanding of American concern.

I want you to know that we seek a world where neighbors are at each other's side and not at each other's throat. We seek no dominion except that of the free, independent human spirit, and we want to help everybody in that quest.

In such a world, the people of Eastern Europe tonight, the people of little Israel, the people of her Arab neighbors, the people of South and North Vietnam, the people of India, Pakistan, Africa and Latin America can live without fear, and so can we.

In a time of adversity, let us all work to secure such a world—secure it bravely and resolutely with compassion for those who are also our brothers on this earth. And, my dear friends, let us work with our heads instead of our passions and our emotions.

Let us work with our sense of justice, instead of our sense of bigotry.

And after 5,000 years or more, I believe most of you here know what I mean.

May it be said of each of us, in the ancient Hebrew words: "How beautiful upon the mountains are the feet of him that bringeth good tidings, that proclaimeth peace, that publishes salvation."

God be with you. Thank you.

AID FOR RETIRED FEDERAL EMPLOYEES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PEPPER. Mr. Speaker, on August 19, 1968, Mr. Thomas G. Walters, president of the National Association of Retired Civil Employees, addressed the platform committee of the Democratic National Convention and spoke of the need to qualify more than 611,000 former Federal employees or their survivors for welfare, medical aid, and surplus commodities.

Mr. Walters told the platform committee that this staggering number of retired Federal employees and survivors, which represents more than 75 percent of the 800,000 annuitants under the civil service retirement system, now live below the accepted poverty income level of $3,000 a year.

Even more distressing is the knowledge that some 279,000 annuitants receive a monthly income of less than $100.

Statistics such as these can never adequately express the hardship of even one individual who strives to make ends meet on a limited income. This is why I introduced H.R. 19332 in this session of Congress and will reintroduce the bill in the next session if necessary to guarantee a minimum income of $100 a month to every person over the age of 62.

So that my House colleagues will have full knowledge of the economic plight faced daily by so many thousands of persons who gave their working years to Federal service, I include the statement of Mr. Thomas G. Walters to the platform committee in full as part of the RECORD:

STATEMENT OF THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES, BEFORE THE PLATFORM COMMITTEE OF THE DEMOCRATIC NATIONAL CONVENTION, WASHINGTON, D.C., AUGUST 19, 1968

Mr. Chairman and Members of the Committee:

My name is Thomas G. Walters, President of the National Association of Retired Civil Employees, an organization with over 134,000 members representing the interests of more than 800,000 annuitants under the Civil Service Retirement System, as retired Federal employes or survivors of deceased employees and retirees. While we are primarily concerned with the problems of those receiving civil service retirement annuities, we also take particular interest in the problems, welfare and status of all the aged and aging in our Nation.

Thanks to the progress of medical science, people are living longer now than ever before, and the percentage of persons over 65 years of age has grown to almost 10 percent of the population of our country. By now, it is probable that the total number of older Americans (over 65 years of age) has passed 20 million.

Thousands upon thousands of these people have basic living problems. Many of them must live on meager incomes, far less than the yearly minimum of $3,000 per couple believed to be necessary to escape poverty. Although Medicare provisions have aided in the solution of health problems, many of them still lack the means to secure medical care necessary to prolong life. Many of them have inadequate housing.

Our association is interested in every proposal to help these older Americans. We believe that those who served so well should now have the means to live in comfort and security and that medical aid should be provided when it is necessary. We cannot pay our debt to them but we should do something for these people in need.

Our members are retired Federal employees and survivors with the same problems as other older Americans. Of an approximate 800,000 retired civil employees and their survivors, some 279,000 receive a monthly annuity of less than $100 and 513,000 receive less than $200 per month. Using a poverty level income of $3,000 per year, 611,000 plus former Federal employees and their survivors are now living in poverty, with 220,000 of them having yearly annuity incomes of over $3,000.

Although the Medicare provisions are helpful to many older Americans, not all Federal retirees and their dependents are eligible for full Medicare coverage, an omission in the Medicare Law which we feel is unjust.

Some of our members retired a number of years ago when salaries were much lower and the retirement formula was less favorable. Although their meager annuities have been supplemented by occasional increases, a majority of these increases have been based on, and aided only in, meeting the continually rising cost-of-living. Recent increases for persons covered by Social Security, Railroad Retirement, and with minimum annuity increases for those under Social Security, have not been extended to persons covered under the Civil Service Retirement System.

The 1967 Comparability Pay Law recognized the need for Federal salaries to be comparable with those in private industry, but it did not extend an increase to Federal retirees. At the present time, with the aid of Social Security, many private industries are more liberal in providing benefits for their former employees than our own Government.

Thousands of our Federal retirees who were predeceased by their spouse must continue to take a reduction in their annuities, and if they remarry their second spouse cannot be named as a survivor annuitant. Also many retirees and survivors are penalized by reductions in their annuities and excluded from liberalizing benefits due to the fact that the liberalized benefits go only to employees retiring after the date of the amendment's enactment.

Federal income tax exemptions are more liberal for Social Security and Railroad Retirement beneficiaries than for Civil Service annuitants. These are all examples of inequities existing against former employees of our Federal Government. These men and women have given their loyal and devoted service as Civil Servants and we think that the United States should set an example with respect to treatment of the older Americans who grew old in the service of our great Government.

We urge this panel and the Committee to recommend, and the Convention to adopt, a declaration in the 1968 Democratic platform, basically as follows:

"As an example to all employers, public and private, that it is not only wise but just, to provide comfort and security in their declining years to those who have rendered dedicated service during their careers, we favor a retirement system for Federal civilian employees and dependents under which benefits are adequate and are equalized as nearly as practicable for all beneficiaries, according to the length and character of service rendered; and in keeping with today's living standards, those retirees receiving total incomes of less than $3,000 per year be made eligible for welfare, medical aid and surplus commodities as other citizens in similar circumstances."

UNITED STATES FAVORS RUSSIA OVER RHODESIA FOR ORE PURCHASES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. ASHBROOK. Mr. Speaker, the incredible foreign policy determinations of this administration were projected in sharp focus in a recent news item in the Des Moines Tribune. It begins:

> Despite U.S. feelings over the invasion of Czechoslovakia, the Soviet Union continues to supplant Rhodesia as the major source of strategic chromite ore, vital to American space and military programs.

Reporter Edward J. Michelson then explains that although there are only two sources of high grade chromite ore in the world, we purchase from the Soviets rather than the Rhodesians.

We are appalled at the invasion of Czechoslovakia and watch as thousands flee their homeland. Yet, we impose sanctions against a nation—Rhodesia—where each year thousands of Africans immigrate to find jobs and a better life.

We trade, and purchase chromite, from the U.S.S.R. while they and their satellites supply nearly all of the materials of war for fellow Communists in Vietnam. Yet, we literally force revolution against a stanchly anti-Communist nation who has offered to help our fight for the self-determination of Vietnam.

We purchase from the state-owned mines of the Soviet Union; yet, we will not support a 100-percent American-owned mining operation in Rhodesia, even though it is of one of only two areas in the world that produces what is to us an essential product.

This can only be incredible. Yet, this administration, for either unknown or certainly unsubstantiated reasons, continues to foist these policies onto the American people.

The article referred to follows:

A MATERIAL VITAL TO SPACE PROGRAM: UNITED STATES FAVORS RUSSIA OVER RHODESIA FOR ORE PURCHASE

(By Edward J. Michelson)

WASHINGTON, D.C.—Desite U.S. feelings over the invasion of Czechoslovakia, the Soviet Union continues to supplant Rhodesia as the major source of strategic chromite ore, vital to American space and military programs.

Rhodesia and the U.S.S.R. are the only sources of high-grade chrome ore in the world.

On Jan. 5, 1967, President Johnson issued an executive order backing up the United Nations' sanctions against Prime Minister Ian Smith's white-ruled government in Rhodesia.

Chromite ore is not mined in the United States. Current stockpile inventories are said to be enough for only six months, although strategic requirements call for a 30-month supply.

The reliance of the United States largely on imports from the Soviet Union has been repeatedly denounced in Congress, mainly by conservatives, including Senator Strom Thurmond (Rep., S.C.) and Representative John R. Rarick (Dem., La.) but a good many other lawmakers are aware of the trade, and are displeased.

PALLADIUM

The U.S.S.R. also has been a substantial shipper of palladium, a metal in the platinum family, and of titanium, which is essential to the construction of supersonic aircraft because of its tremendous strength and very light weight.

One of the mining firms producing chromite ore in Rhodesia is 100 per cent American owned. Foote Mineral Co. In recent weeks it has been seeking authority to ship 40,000 tons a year to the United States, for use by processors in Ohio and West Virginia.

Sources on Capitol Hill say the request has been denied.

SELLS TO CHINA

Rhodesia reportedly has been selling chromite to Communist China and other markets not affected by U.N. sanctions. The sanctions include a resolution adopted by the Security Council on May 29, asking all nations to halt exports to and imports from Rhodesia, bar investments in that country, and halt international airline services to Salisbury, the capital.

The "Economist" of London reports that the Ian Smith government is "going strong" despite the sanctions following Rhodesia's unilateral declaration of independence from Britain on Nov. 11, 1966, and the Security Council resolution this year.

The "Economist" says Rhodesia's gross national product rose by 8.6 per cent last year, and the mining industry increased production by 800,000 Rhodesian pounds. Output of manufacturing industries increased by 5.5 per cent.

HALABY OF PAN AMERICAN SEES HAWAII IN A "WESTERN LEADERSHIP" ROLE IN ASIA

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. MATSUNAGA. Mr. Speaker, Najeeb Halaby, president of Pan American World Airways, delivered a most provocative speech at the annual meeting of the Hawaii Visitors Bureau in Honolulu last week.

The former FAA Administrator touched on many wide-ranging topics in his presentation, and voiced particular concern over a "drift backward" into isolation by this Nation. He challenged a new Western leadership in the foreign relations of our Nation, and stressed Hawaii's role in shaping American policy in Asia.

In his statement that "Hawaii is the first window, the first door to Asians visiting the United States," he again emphasized Hawaii's strategic location and unique responsibility as a link to Asia in the Pacific Basin.

With the 21st century only 31 years away, Halaby stressed:

> Let us look ahead—toward the year 2000—beyond Vietnam—to a postwar Pacific—to Asia as it moves into the last years of this century and approaches the year 2000.

Halaby said that Hawaii should help to keep American interest focused on "building a peaceful Asia, a progressive Asia, and in time a stable Asian community of states living with and contributing to a more hopeful and sane world."

I am confident that the people and the institutions of Hawaii will fulfill the island State's destiny by continuing to offer the leadership and help to meet that challenge.

Hawaii is honored that Mr. Halaby chose our State as a forum for such a significant and far-reaching address. I know that my colleagues in Congress would wish to read this extraordinary speech by one of the world's top leaders in transportation and one of this Nation's most knowledgeable observers on world affairs.

I therefore take pleasure in submitting for inclusion in the CONGRESSIONAL RECORD Pan Am president Najeeb Halaby's speech as it appeared in the September 6, 1968 issue of the Honolulu Advertiser. I also submit for inclusion in the RECORD two excellent editorials from the Honolulu Star-Bulletin and the Honolulu Advertiser concerning Mr. Halaby's speech:

[From the Honolulu Advertiser, Sept. 6, 1968]

HAWAII'S ROLE IN ASIA

Impatience over Vietnam is creating in many Americans a mood of isolationism about Asia. Yet, common sense and concern over the human condition everywhere must lead us in exactly the opposite direction.

This was the message yesterday of one of the world's top leaders in transporation, Najeeb E. Halaby, president of Pan American World Airways.

That he has chose Hawaii for its delivery is the latest reminder of the Islands' strategic location and unique responsibility as an East-West bridge.

Asia, Halaby reminded, has half the world's people now and may have two-thirds by the year 2000, less than a third of a century away. There is growing evidence that advanced techniques may be able to produce enough food for them.

Asia is rich in natural resources, which science can convert into better living conditions. Economic levels and outlook vary from country to country, but Japan—the world's third industrial power—is a reminder of what can be done.

Projections are tempered by the instability of the Asian political scene, but this very fact presents a high order of challenge to the U.S.

It's increasingly clear that while we must remain involved in Asia, the nature of our relationship will be greatly altered.

The countries there intend to determine their own destiny, their own directions; we can help, to their benefit and to ours, through programs of aid and cooperation. But we must look for new opportunities and concepts, unfettered by outmoded ideas or past prejudices.

What happens in Japan, in India and in mainland China will fundamentally shape Asia's future. The paths they will take, the relationships between themselves, and between them and us (and the rest of the West)—these are the big questions-marks, as Halaby pointed out.

He properly stressed that China is pivotal—that while Japan is our major hope in Asia, China epitomizes our greatest concern.

Conceding we cannot force change upon China, Halaby wisely urged that we reexamine our own attitudes since getting China into the family of nations would likely reduce her paranoia.

This would require on China's part a new type of leadership, coupled with a more sophisticated view of the world—and neither is in early prospect.

But while not easing our resistance to possibilities, however dim, of overt Chinese aggression, we can in concert with others show our interest in cultural, commercial and technical interchange.

(Locally, the East-West Center might well invite a number of grantees from mainland China to see at firsthand the American system in operation. Peking at this stage would probably say no, but we would at least have the offer on record).

The great ferment in Asia will continue for a long time. But, as Halaby noted, it can be speeded toward constructive ends "by the rapid transference of science and technology, by improvement in internal and external transportation and communications, by an education explosion, by international travel and exchange, and by regional and international cooperation."

A new breed of leaders will rise in Asia—"a tough, fresh, intelligent breed; congenial but not subservient, independent but more realistic and worldly."

We must be prepared, in relations with them, to go beyond the economic, political and security problems of the moment—and look to the long future.

In this, Hawaii—as the first place many Asians see on their way to the U.S., as the site of the East-West Center, as a state where most citizens have their ethnic roots in Asia—can play a meaningful role that goes beyond the modest size of our population or square mileage.

We must keep abreast of Asian developments, we must understand them, and in all the ways possible we must work for mutual respect between Orient and Occident, for the stakes are high and our destinies are interwoven.

If at times this is a cause of concern, it is also a basis of hope.

[From the Honolulu Star-Bulletin, Sept. 9, 1968]

WESTERN LEADERSHIP

The provocative idea that Hawaii should help to create a new "Western Leadership" to counterbalance America's well-intrenched "Eastern Establishment" deserves further discussion.

Najeeb Halaby, president of Pan American World Airways, tossed out the thought last week, putting a name—"Western Leadership"—on an idea that has preoccupied Hawaii leaders at least since the days, three decades ago, that Gregg M. Sinclair was trying to get the East-West Philosophers Conference organized at the University of Hawaii.

For decades, America has been dominated by leaders based in Washington and New York, many of them Ivy League college graduates.

This elite group has tended by cultural inheritance, by racial affinity, by upbringing, by education, by geography and probably by instinct to see America's problems in terms of relations with Europe.

It has been eastward-oriented and not unwisely so considering the concentration of world power in Europe and Russia.

Yet there is an understandable suspicion in the West that the eastward emphasis is too myopic for the last half of the 20th century and the 21st century that will follow.

There is also a suspicion that some of President Lyndon Johnson's troubles in relationships with the nation stem from the fact that he is not a part of the Eastern Establishment and is in fact offensive to it.

His style is Texas not Ivy League, and his eyes have tended to look west not east.

In the eyes of offended Easterners his mistakes tend to be magnified where those of a friend might be minimized.

Johnson has recognized that we are at the start of a Pacific Era, but there is strong eastern sentiment for a pullback from the Pacific, for a re-orientation back toward Europe. The frustration over Vietnam makes it possible that a sharp over-reaction against the Pacific may indeed set in.

Pan Am's Halaby noted this possibility and said that he is worried if it should be true.

He did not suggest that the U.S. should abandon Europe, or the Mediterranean, or the Atlantic—but he strongly suggested that it also should not abandon the Pacific.

What American needs for the future, Halaby suggests, is not a Pacific orientation or an Atlantic orientation but a world orientation.

For it to develop such an orientation requires as a first step some counterbalance to the Eastern Establishment.

Thus the meaningful suggestion that a new Western Leadership should develop.

How remains the question but it seems obvious that Hawaii and other Pacific-oriented states must be as assertive as possible in national councils on the need for attention to Pacific affairs.

It seems obvious, too, that Pacific-oriented economic enterprises must play a role in this.

Stress must be put on organizations—political, economic, cultural and scientific—that involve the U.S. in international cooperation in the Pacific.

America's great partner in Pacific endeavor must be Japan, the most advanced power in the area.

Reliance for developing Pacific-oriented leaders must also be placed heavily on educational institutions like the East-West Center and the University of Hawaii but they must be only part of a much bigger picture if the strong Europe-bias of the Eastern Establishment is to be matched by a strong Western Leadership.

Halaby made the point that time is shorter than we think—the 21st century is only 31 years away. People the world around will soon be only an hour or so apart and able to reach each other instantly through electronic tubes that will reproduce taste, feeling and smell as well as sight and sound.

The contrast between the wealth of America and the poverty of Asia will be greater, not smaller, even though Asia's living standard may be several times better than today.

Most of the world's people will be living in the Pacific-Asian area and the challenge of relationships with them will be a pressing one for America.

There is reason to believe that the Eastern Establishment is not up to the challenge. That is why the idea of building toward a Western Leadership is such a provocative one.

[From the Honolulu Advertiser, Sept. 6, 1968]

ASIA AND HAWAII FACE THE 21ST CENTURY

(Following is a condensation of a speech delivered yesterday by Najeeb E. Halaby, president of Pan American World Airways at the annual meeting of the Hawaii Visitors Bureau.)

Our two limited wars, which are so trying for the American people with their traditional concepts of "total victory"—one of the most tragic and enduring illusions in history—have both been in Asia and it would be very easy for those too impatient to grapple with long range, complex and shifting problems to conclude that America has no business there and that the thing to do is to "let them stew in their own juice."

A drift backwards may be setting in. The divisiveness generated by the war in Vietnam on top of our domestic travail may have started it. We are all for an honorable peace in Vietnam and I'm sure we are all for letting the Vietnamese run their own affairs, once it appears possible that they would really have the opportunity, so I am not talking about a resolution of the war, solely.

I am concerned about a trend back toward isolationism, a selected and somewhat more worldly isolationism but real, nonetheless, directed mostly at Southeast Asia and including, to some lesser degree, all of Asia.

If this is true, I am worried. We must not permit disappointment and frustration in what we have tried to accomplish in Vietnam to set us back a half century in our awareness of what Asia means to us, now and in the future. We do not have that kind of time any more.

In world terms, one of the greatest of all frontiers continues to lie to the west—the Pacific and Asia. Asia has been, and is still, called by many, the Far East. This is a European outlook dating back to the days of sail. To the continental American, to the citizen of Hawaii, Asia is not the Far East—it is the Far West—a frontier that holds unheralded promise and unlimited potential, if the energies of a billion minds and bodies can be released in a creative way.

The two countries of India and China, in population alone, are equal to all of Europe, Africa and North and South American combined. And to show what an Asian nation can do—think of Japan, which is fast becoming the third most powerful industrial country in the world, surpassed only by the United States and the USSR. It would be folly to underestimate Asia's potential—to assume that the Japanese rate of growth cannot be repeated by other peoples in Asia as the 20th Century gives way to the 21st.

Just as many of the eastern seaboard have had a natural affinity and bias for Europe, those on our western extremity must have a Pacific and Asian perspective to give balance to our world view. This need places a heavy responsibility on our Pacific states.

In this effort, Hawaii has a special leadership role to play—a unique opportunity to influence and shape future American attitudes and policy in the Pacific and beyond.

Let us now look ahead—toward the year 2000—beyond Vietnam—to a postwar Pacific—to Asia as it moves into the last years of this century and approaches the year 2000.

Looking ahead and taking a wide-angle view of the Pacific Ocean and Asia, what do we see?

First, the grim race in Asia between population growth and food production. According to the latest UN figures, the world population in 1967 stood at 3.3 billion. Fifty-six percent of this total live in Asia and one-third of the world's people, an estimated 1.1 billion, live in Asia outside of the boundaries of mainland China.

If the present growth rate continues, the world population will exceed 6 billion before 2000—with most of the increase taking place in the newly developing world.

While Asia is now awake to its population growth and while promising steps are being taken in concert with the United Nations and the Population Council and other agencies to reduce the birthrate, the hard fact remains that even with a dramatic drop, Asia will be by far the most densely populated area in the world in the year 2000, with perhaps two out of every three humans alive at the turn of the century being Asian.

Can they be fed—can Asia overcome its chronic lack of food and spectre of periodic famine? The outlook, fortunately, gives a hopeful "maybe"—for the food production prospects in Asia have changed almost beyond belief in the last two or three years—and projections now are more optimistic than ever before that Asia food production can forestall the crises of growing population pressure.

Thinking about Asia's broader economic future, however, is most difficult. It must be kept in mind that while old in terms of culture and history, Asia is mostly made up of newly formed, independent nations simultaneously trying to emerge from traditional and colonial socio-economic-political systems into modern states.

Despite these aids and some encouraging progress, most of the underdeveloped countries in Asia will find that, in relative terms, the gap in the living standards between the developed countries and the less developed ones will be further widened.

Looking ahead, the pattern of Asian economic growth resembles a quilt with bright patches of hope here and there—but mostly blurred designs of various hues. Of all the economic ailments, protectionism—the infection of nationalism—may be the most damaging.

Progress overall will be slow, a step-by-step process. Cooperation will be needed within the area, as will an infusion of foreign capital and management know-how. A few Asian countries will certainly have passed their "take-off" stage by the 21st Century—but many, whose starting base is slow, will still be struggling to attain self-sustaining economy by the year 2000.

Correcting this imbalance between the haves and the have-nots will require continuing international measures and new forms of financial and technical assistance if the less advanced states of Asia are to be brought into the modern world.

I turn now to the political outlook in Asia. It is in this one-half of the world that our country has suffered its major disappointments and most serious foreign policy failures in the post-World War II period.

First, Vietnam. It would be tragic to think of the war and a possible settlement in isolated terms, geographically, or otherwise, for the outcome will have its effect, one way or another, elsewhere in Asia and far into the future. The problems will not disappear with our November election.

What we must consider are the longer range consequences of our actions in Washington, Saigon, and Paris, and their psychological and political impact in all of Asia and the world at large.

Asia itself has the greatest stake in the outcome, for no objective survey of Asian opinion can overlook the concern felt and the conclusion that most of Asia will feel less secure in the event of an American defeat and withdrawal. To ignore this fact under the pressure of immediate imperatives could lead to greater instability and tragedy in the long run.

Perhaps, it is time to change the character of our presence in Asia. Maybe, we don't even have an option. It is becoming increasingly apparent that no nation, with the possible exception of Korea, will in the years ahead be happy about having American bases and large numbers of American troops stationed on its soil.

But this may be best for all concerned. The original Cold War threat of military intervention posed by the Sino-Soviet juggernaut—as we then viewed it—seems to have been badly weakened by dialectic fevers and internal hemorrhages. In any case, we will have new options in meeting our defense needs and won't have to "stand" in 19th Century traditions.

While I believe it is true that the original threat to the security of the Pacific community has changed through the years, a threat remains and it is more complicated because it relates more directly to the needs—the demands—of the masses of people involved in each country and less on external forces.

We must learn to deal with this, to deal with each nation in terms of their needs and their potential for realization of their aspirations, rather than in terms of our needs, hopes, and fears.

These efforts would, no doubt, include some of the assistance programs we now have, or a version of them, but at the very least they will have to be redefined and re-audited in terms of longer range plans than anything we have had.

There must be greater efforts from the private sector and even the personal sector, but all efforts should be part of a concept we can freely show to the world, including Peking. Your East-West Center may have an extraordinary opportunity to point the way to an up-to-date, constructive and rewarding policy for the U.S. in Asia.

The second great question in Asia's future and the American interest in the Pacific, is Japan and its political and economic orientation in the years ahead. It stands today as the most stable, most powerful, nation in Asia. Its potential for further development and constructive world cooperation, given its national genius, is great . . .

Japan's significance to the United States and to future peace, prosperity and security in Asia, cannot be underestimated. Its economic and trade importance is well known. What is less clear is its future political role.

Will it extend its security treaty with the United States beyond 1970? Will it move toward rearmament and a greater reliance on its own power? Will it feel compelled to develop its own nuclear arsenal?

Will it seek greater accommodation with Communist China? Will it resist its opportunities for economic domination of less advanced countries? Will it seek mutually advantageous regional and international arrangements for cooperative relations? Will U.S.-Japanese friendship continue?

Moving farther west, I come to the third great question mark of Asia—India. Its future, too, will determine the Asia of tomorrow. Next to China, it is the world's most populous country—with more than 500 million people.

Today it is the world's largest democracy—and this is the issue that may be decided in the remaining years of this century—can democracy survive in India? Can India move against its massive and at times depressive problems within a democratic framework?

Can it overcome its staggering burdens of population, food, poverty, language, education, communalism, and caste, and emerge as a viable political, social and economic entity?

Some are betting that it cannot; some are laying the groundwork for a break-up of the democratic parliamentary approach, some are predicting a political disintegration following on a massive failure of the present system to meet the growing demand of the Indian masses for change and a better life.

Indonesia, lying under the land mass of Southeast Asia and between the Indian and Pacific Oceans, is another country whose future will be of growing importance to all of Asia. As an independent country, it is young, it has yet to begin to tap its human and natural wealth.

With intelligent exploitation and development it can in time become the middle anchor in a stable and prosperous Asia.

From the very edge of Communist takeover and economic chaos, the Indonesian government is attempting to come back, to overcome the mistakes of the past, the confusion and waste and misadventures of former leadership. By disavowing earlier policies of confrontation and hostility with its neighbors, by seeking new and friendly relations in Asia and the outside world, Jakarta is contributing to the prospects of a better Southeast Asia.

Its internal problems, however, remain acute. Its future will depend on its ability to achieve financial and political growth and stability, to turn promise into performance, to provide a social infrastructure for 130 million people upon which individual and national progress can be built.

I have saved Communist China for the last item on my agenda of major Asian issues in the remaining years of this century . . .

Given its present course, Communist China constitutes the greatest challenge in Asia. As Japan embodies our major hope for Asia—Communist China epitomizes our greatest concern.

Our focus on this huge land mass and between 700 and 800 million human beings is distorted by a lack of information, a lack of knowledge upon which understanding is based. Communist China is living in a self-determined isolation. Its own contacts with the outside world are strictly controlled and the shades of its windows are drawn.

As the world shrinks, as the threat of the nuclear age to all mankind mounts, as the need for world cooperation grows, the isolation of one-third of the world is dangerous and even intolerable.

We cannot force a change on Communist China, but we can encourage a gradual change by a reexamination of our own attitudes and policies and their psychological impact on those who may be covering their feelings of national insecurity with bellicosity.

In the long run we have more to gain than to lose by bringing the mainland of China into the family of nations than by abetting her own isolationist desires by giving her an excuse for irrational behavior.

She cannot continue her present lonely course forever. It would seem to be clear that a gradual and peaceful emergence would be far preferable to an explosive and hostile one at a time of her own choosing. And so we must give more thought to the unthinkable, to new relationships with Communist China, to increased contact, to greater trade, and more stable political arrangements that will enhance the security of the whole world.

I say this now, recognizing that Mainland China is today under the control of leaders who are violently hostile to us and zealots to the doctrine that their particular political faith is the only true world religion.

I recognize that their dogma, and their fanaticism and zeal to spread their faith, pose a threat to their neighbors and to the world order. We must also be aware of the dangers and tensions that flow from their limited but growing nuclear capability.

I do not underestimate the danger to the internal security of Asian states posed by mainland China's posture. The threat will continue. It should be countered primarily by gradually eliminating those conditions of poverty, despair and social injustice upon which insurgency feeds.

Progress in this direction is being made. What I am saying is that so long as we make our intentions firm and clear Communist China today appears to be in no position to undertake a major foreign military adventure and is not likely to do so in the immediate future. The larger threat is not now—but over the long run.

Today the mainland of China appears torn with intense disorder. This has resulted in serious splits within the communist leadership, between the party's bureaucracy and the Mao followers, between the young and the old, between the pragmatists and the dogmatists, the old politicians and the new technicians.

China is in a weakened position. The threat of further national disintegration remains, a cruel power struggle for succession is in progress, revolution within a revolution continues. Peking's image in Asia has been tarnished; its foreign policy is largely in shambles.

But what of tomorrow? No one knows what will emerge. What we do know is that China has a history of rising to meet crises, a genius for organization, a people with a tradition of hard work, an enthusiasm for learning, and a pride in race unmatched in the world.

It is likely that all of these characteristics will influence her future as she first seeks self-sufficiency and order within her own borders.

For the foreseeable future, it appears that there is almost no likelihood that Communist China will adopt a policy of international cooperation.

However, our only reasonable hope is that their leaders will slowly begin to realize the realities of the world around them and begin to see that no nation, no people, can live unto themselves as if time had stood still.

With a new generation of leaders, as their ignorance of the world lessens, as they gain confidence, they may gradually come to understand that a prosperous and secure China will depend upon a relaxation of tensions and eventually world cooperation, as well as upon their own domestic efforts.

This shift in attitude will probably take a long time—it may not come about. If it doesn't, China will remain the greatest threat to the world far into the next century. This is why we and others should not fail to use the time remaining in this century to try to bring Communist China gradually into the mainstream of the world community—both in their interest and in the interest of all mankind.

Shifting our lens back to the widest angle view, I see, in summary, forces of change pervading all of Asia. The peace of the revolution in ideas and action that is reshaping Asian society will quicken in the decades ahead.

I foresee an Asia that will continue and may, in fact, grow in instability. I see an explosive Asia that may be torn by ancient antagonisms between races, between religious and political loyalties, within and between national societies.

What Asia wants and needs is time to overcome the humilitations of the past, to move with increasing speed toward a more self-respecting future. In the process and in varying degrees as between countries, the effort may be a convulsive one, for Asia is impatient.

The solution to Asian problems must come from within, based on indigenous Asian initiatives, intelligence, commitment and leadership. For the rest of this century and on into the 21st a new type of leader will be emerging in Asia: leadership that is youthful, pragmatic, and responsive to popular demands.

It will be the first generation of leadership educated and trained free from the influences of colonialism, and therefore nationalistic. These leaders will be more aware of the concepts of science, the possibilities of technology, and modern techniques of management.

We will find them a tough, fresh, intelligent breed: congenial but not subservient, independent but more realistic and worldly.

The U.S. interest in Asia that will emerge goes beyond the economic, political and security problems of today and tomorrow, important as they may be.

We must think in terms beyond our own life span and on into the next century to find the root of our national interest, because the odds favor a future Asia which will have far more relative power at its command vis-a-vis the United States than it does today.

The American interest should be focused on building a peaceful Asia, a progressive Asia and in time a stable Asian community of states living with and contributing to a more hopeful and sane world. It should continue to be concerned with assisting in the economic development of the poor countries of Asia, leading them toward relatively free enterprise systems with incentives that will release productive energies.

It should be concerned with the establishment of mutually beneficial Asian-American trade relations and a breaking down of restrictive barriers to commerce, to an increase in travel and cultural and educational exchange, to a freer flow of ideas. It should be concerned with the building of permanent bridges of mutual respect between the peoples of Asia and the United States. This is our national agenda for Asia.

It holds a challenge for all Americans, especially for the people of Hawaii. For Asians traveling to the United States across the Pacific, Hawaii is the first window through which they see America.

What they see should make all Americans proud—a free, dynamic, progressive, prosperous multi-racial society—living in harmony on islands of great beauty, with an appreciation and determination to conserve the paradise found by those who came before for those who will follow.

Hawaii, too, should be the center for the blending of Western and Asian culture. It should be known for the quality of its culture not the quantity of its commercial ventures, for its fine museums, for its architecture, for its sensitivity to Asian history, Asian culture, Asian religions and Asian art.

Hawaii should be proud of its University, its Asian and Pacific studies, its special library collections, its East-West Center, its scholarly research and publications on Asia, its important basic and applied research on tropical agriculture, Pacific marine biology, public health and Asian food nutrition.

Hawaii has already contributed to Asian development and its potential for further constructive effort is here—within your public and private institutions, your business houses, and your unique human resources.

Perhaps our most basic national need as we look to Asia and the year 2000 is an educational system that does not largely ignore the more than one-half of the people of the world.

Education in the United States on Asia, especially at the secondary school level has been woefully deficient. I am told that here in Hawaii the Pacific-Asian Affairs Council's high school education program has no equal in the other 49 states. Your example could be followed and Hawaii should be concerned that it is—for your pioneering educational work on Asia could reach into schoolrooms across our land to the benefit of all.

Lastly, Hawaii could be the natural leader of a new "Western Leadership," as interested in the Pacific and Asia as the so-called "Eastern Establishment" is in the Atlantic and Europe. Hawaii should think in terms of leadership in making certain that the American view of the world is a balanced one—that policies and decisions are not forged for Asia and the Pacific by those whose background, interests and knowledge do not match those of this community.

To the contrary, the United States should look to the leaders of Hawaii—the Burns and Quinns, the Inouyes and Fongs, the Minks, Blaisdells and Matsunagas, as well as the Dillinghams, Hamiltons and Chinn Hos, your business, civic and cultural leaders, your educational institutions, your people, for a vision of Asia and the future that takes advantage of your geographical position, the sensitivity that comes from your present and past associations, the ethnic heritage of so many of our citizens which has enriched your society, and your superior understanding of Asian tradition, values and aspirations.

In an interesting way, the performance of your delegation to the recent Chicago convention may presage the future. Governor Burns and his colleagues inserted this plank in his party's platform:

"Recognizing the growing importance of Asia and the Pacific, we will encourage increased cultural and educational efforts such as those undertaken in multi-racial Hawaii, to facilitate a better understanding of the problems and opportunities of this vast area."

And the keynote speaker, your own beloved and effective Senator Dan Inouye, made the greatest sense of probably the entire week there when he said:

"I wish to share with you a most sacred word of Hawaii. It is Aloha. To some of you who visited us, it may mean hello. To others, it may have meant goodby. But those of us who have been privileged to live in Hawaii, Aloha means—I love you."

COST OF LIVING SOARS UNDER JOHNSON-HUMPHREY

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. MESKILL. Mr. Speaker, it is a sad fact that the cost of living has risen 11 percent since the Johnson-Humphrey administration took office. We have got to reverse the trend which has sent the national cost of living for the average city family up by nearly 11.6 percent since the Johnson-Humphrey administration took office on January 20, 1965.

And the latest cost-of-living index released by the Labor Department showed that in June and July the cost of living was rising at an annual rate of 6 percent.

The cost-of-living index in July was 4.3 percent higher than it was a year before. Thus, a 6 percent rate of increase in June and July reveals that costs are moving upward more rapidly. Living costs in July were more than 17 percent above the level of January 1961, when the Democratic regime came into power.

This increase is substantially greater than the 12.3-percent cost of living increase from 1949 to 1953, which included the era of the Korean war and the widespread hoarding and scare buying that led to the imposition of wage and price controls.

As a result of the increase in the 3½ years of the Johnson-Humphrey administration, this is what has happened:

Your dollar of January 1965, is now worth less than 90 cents.

A $10 bill acquired in January 1965, is now worth $8.96.

A $100 paycheck in January 1965, is now worth $89.63.

A $500 savings account in January 1965, is now worth $448.15, a loss of nearly $52.

A $10,000 insurance policy in January 1965, is now worth $8,962.90, a depreciation of $1,037.10.

Retirement income of $2,500 a year in January 1965, is now down to $2,240.73, a loss of $259.27.

A SALUTE TO TRANSPORTATION IN THE TEXTILE INDUSTRY

HON. BASIL L. WHITENER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. WHITENER. Mr. Speaker, North Carolina is the Nation's leading textile manufacturing State. Over 230,000 North Carolinians earn their livelihood in textile plants.

The growth of the textile industry has been made possible to a large extent by the magnificent transportation facilities in North Carolina. We are very fortunate in having some of the largest trucking companies in the Nation located in our State.

One of these is Carolina Freight Carriers Corp., of Cherryville, N.C. Carolina Freight operates 32 terminals in 20 States and the District of Columbia. The carrier employs more than 2,600 people and has an annual payroll of more than $20 million.

All of the officials and many of the employees are close personal friends of mine. Carolina Freight is one of the largest carriers of textile and textile-related products in the United States. The trucking company has been one of the primary factors in the growth of the textile industry in North Carolina.

Southern Textile News, Charlotte, N.C., carried a story on September 9, 1968, entitled "A Salute to Transportation in the Textile Industry." The article described the part that Carolina Freight has had in the growth of the textile economy in the Southeast.

Mr. Speaker, I believe everyone will find the story to be most interesting, therefore, I insert it in the RECORD:

A SALUTE TO TRANSPORTATION IN THE TEXTILE INDUSTRY: CAROLINA FREIGHT CARRIERS PARALLELS TEXTILE INDUSTRY IN STEADY GROWTH

The trucking industry and the textile industry have grown up together. Carolina Freight Carriers Corporation, the third largest carrier in North Carolina, has been one of these thriving trucking industry members.

Over three decades ago, C. G. Beam and Cross Cotton Mills of Marion, North Carolina began working together, Mr. Beam with two trucks and both with a lot of faith. That was the beginning of Carolina's association with the textile industry. Today the largest single commodity division handled by Carolina is basic textiles.

Two decades ago, probably 80 percent of the freight handled by Carolina Freight Carriers was directly related to the textile industry. Today, although the percentage is down, the tonnage of textile commodities handled is ever increasing. Of course, in the passing years, other commodities have come into the picture. But, textiles remain a mainstay, not only for Carolina, but for the entire trucking industry and particularly in the south.

In the Rome, Georgia, area, a carpet center, approximately 80 percent of the traffic carried by Carolina is carpet material. To handle this huge volume, Carolina made some adjustments. Special equipment was purchased to handle the carpet rolls more efficiently and safely. Training programs are conducted at all times to educate employees in the most modern methods of handling, not only carpet materials, but all types of textile materials and products. Carolina people are trained and geared for textile transportation.

Carolina is constantly striving to improve an already excellent loss and damage picture and to expedite service. Carolina equipment has been converted to handle finished textiles. Some trailers have also been equipped with special racks to handle beams of yarn and other material.

Chemicals, dyes, softeners and related products connected with the textile industry receive preferred treatment. Many of these are usually shipped in temperature-controlled trucks. Some chemicals require a constant temperature, so do some dyes. Softeners may become rubbery when exposed to low temperatures and cannot be reclaimed.

Carolina's O.S. and D. department is constantly striving to overcome losses and damages. The textile industry is working with the trucking firm to help minimize problems in this area.

One large textile firm was having trouble shipping certain bolts of fabric. Investigation by Carolina disclosed that the bolts were wrapped too loosely and the movement of the truck over the roads caused soil damage to this material. Tighter rolls and a different wrapping foundation solved the problem. Carolina and the textile company worked together to find the solution.

Carolina is constantly investigating, experimenting and checking to help make the transportation of all commodities safer and more claim free. This is especially true of textiles. And the textile people work well with the trucking company.

In a recent case, a carton of material went astray. Carolina paid the claim but some time later, the carton was found, intact and undamaged. The textile mill for which it was intended took the material, paid the invoice price for the shipment and neutralized the trucking firm's loss.

The National Freight Claims Council of the American Trucking Association maintains certain committees to work on areas of loss and damage in the various commodity areas. At present there is no working committee to cover textiles and the reason is that close cooperation between trucking and textile has established a position where seriously problems rarely exist. If and when these problems do arise, the textile committee will immediately investigate and attempt to work out suitable solutions.

One problem does exist, not only for the textile shipper and the trucking company, but for all shippers. That problem is theft and pilferage.

Trucking people are disturbed about the increasing instances of theft, high-jacking and pilfering. This is rapidly becoming one of the major causes of losses. And, they are working hard to eliminate the problem.

At Carolina this area is receiving the constant and concentrated efforts of the claims department. Claims Vice President J. L. Boies is conducting a personal investigation and is working to cut theft and pilferage losses in every possible way.

This problem is certainly not exclusive with the trucking industry. The textile people and others have also experienced these losses. Solutions which work for the trucking industry should in turn aid the textile industry.

Boies has called on Carolina people to provide "greater vigilance in the office, yard and on the dock and on the road; tighter screening of job applicants, especially casual labor; periodic checks of employees; fingerprinting and fuller cooperation with law enforcement agencies." He reports that these measures are advocated by the F.B.I. to help prevent theft and pilferage of shipments.

The textile industry products are especially tempting to thieves. Clothing and other finished products are easy to sell. There are ready markets. This situation will be improved by close working cooperation of the trucking industry and the textile industry.

There are other areas in handling textiles that could easily cause trouble: new employees may not be educated as to the proper methods of handling certain commodities. For instance, at Carolina these people are fully trained to handle all special freight, even though it may have been handled by the company for many years. Veteran employees as well as newcomers are trained in methods of handling new types of materials. Equipment is converted where and when needed to provide a more efficient method of transportation.

Back in 1933, C. G. Beam, Carolina President, had no idea Carolina Freight Carriers Corporation would gross more than $40 million in the year 1968. He had no idea that his first experience with Cross Cotton Mills would be the beginning of a tremendous textile transportation operation. What he did know was that during those depression-ridden days, he needed to make a living and this seemed one way.

Since that time both textile and trucking, and Carolina Freight in particular, have become big brothers together. Both are becoming more sophisticated. Both have developed more problems. And, both are solving these problems, working together, even as they did more than three decades ago.

Today, Carolina operates 32 terminals in 20 states and the District of Columbia, serving the Southeast, the Northeast, the Midwest.

Carolina employs more than 2,600 people with an annual payroll of more than $20 million. All this is due in great part to textile growth.

RONNIE BARRETT COMMENTS ON CHICAGO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PUCINSKI. Mr. Speaker, Chicago's popular television personality, Mr. Ronnie Barrett, recently put into proper perspective the situation in Chicago during the Democratic Convention.

The American Broadcasting Co. and its affiliate in Chicago, WBKB on channel 7, are to be congratulated for Mr. Barrett's forthright remarks which follow:

TEXT OF RONNIE BARRETT'S COMMENTS ON "CHICAGO," AUGUST 30, 1968

In the past few days, we have all seen things we hoped we'd never see in our city—and worse—the whole country saw it on network television. It was shocking . . . appalling . . . sickening.

But what did we see, really?

What we saw was carefully edited tape and film of a police line pushing, shoving, clubbing, dragging young protesters whose leaders told us these youngsters were peaceful in every way . . . who did not provoke the police . . . but were simply attacked.

This was the picture of Chicago sent not just to every part of this nation, but to all the capitals of the world. With it went the blistering commentary of the reporters in the amphitheater, and thereafter, all through the convention proceedings, Chicago was referred to as a police state, an armed camp, a jungle. These commentators, remember, were at the amphitheater when the violence broke out, and so they saw the story unfold the same way you and I did—on TV tape and film.

Let me tell you a little more about what we saw.

First, almost all the pictures were taken from behind the police lines, with the big TV news lights placed, by necessity, so that they illuminated areas up to the police line. Sensible, of course, because that's where the action would be. Or the re-action. Beyond that line—the lighted area, that is—practically nothing at all could be distinguished.

So . . . what did we *not* see?

We didn't see broken bottles being thrown. We didn't see the rocks, garbage, bags of fecie. We didn't see the styrofoam balls with spikes driven through them. . . .

We didn't see policemen being kicked, insteps jumped on. We didn't see the spitting in officers faces, and we didn't hear the curses and villification. And in those terrible hours Messrs. Huntley, Brinkley, Cronkite and Smith didn't see them either. And so nobody who wasn't actually there could see what went on in that unlighted area behind the police line. And some who *were* there couldn't see.

Were the protestors attacked by the police without provocation? No.

Did the police simply act or did they react? Which is doing their jobs. Yes.

Joel Daly said it last night. Sadistical brutal police officers should be thrown off the force. *And* revolutionaries who organize young people to break the law, knowing full well some of these kids will be hurt . . . perhaps killed . . . or kill someone else in the process . . . should be jailed.

But to condemn this entire city just because this confrontation took place here, to blame all of Chicago for the actions of a few, is irresponsible, and the one-sided way the story was handled by the networks did just that.

Perhaps Mayor Daley went too far with security, both in the Amphitheater, which rankled the usually omnipotent press corps, and on the streets.

Perhaps, on the other hand, the Mayor didn't go far enough. Maybe some action might have been taken sooner . . . I don't know.

This I do know. This is my home—my town. And I can't stand by and hear it being called a police state, a jungle, a midwest iron curtain city . . .

Gore Vidal, on this program last night, said "This is your city. If this is the way you want it, keep it that way. You have to live here."

Well, Mr. Vidal had it almost right. It is our city. And it's not perfect. In some areas it's not even good. And in others it's downright bad. There are lots of things about Chicago we'd like to change—and we're trying. But when the sophisticated, so called big names come in from New York and vent their petty frustrations by presenting Chicago as a concentration camp . . . Chicagoans won't stand for it. Especially this one.

KEEP IT OUT OF THE HOUSE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BOLLING. Mr. Speaker, there has been a great deal of discussion in recent months about the defects in the constitutionally sanctioned electoral college system. The defects have long been recognized but the candidacy of George Wallace of Alabama has underscored the urgency of securing a remedy. Our distinguished colleague, JONATHAN B. BINGHAM, has written a thoughtful article about the problem that appears in the current issue of the Atlantic magazine. The article is a lucid and compelling presentation of the problem and contains a recommended solution which Americans should carefully consider. I wish to congratulate Mr. BINGHAM for bringing this problem into focus and I urge each of my colleagues to read the article which follows:

KEEP IT OUT OF THE HOUSE

(By JONATHAN B. BINGHAM)

Our American Constitution has proved a durable document, but it has an Achilles' heel that this year could cause us acute pain—and might even prove to be a fatal flaw.

Alexander Hamilton singled out the provisions governing the election of the President and Vice President as the only part of the Constitution which "received the slightest mark of approbation from its opponents." Yet it is those very provisions which almost never worked as intended and which are potentially disastrous.

The Twelfth Amendment to the Constitution, which is a modification of part of the original Article II, provides that if no presidential candidate obtains a majority of the electoral college, the choice must be made from the top three candidates by the House of Representatives. The vote in the House is to be cast by states, with each state having one vote, and an absolute majority (or 26 states today) is required to elect. The Vice President is chosen by the Senate from among the *two* top candidates for that office.

Not since 1824 has the electoral college failed to produce a majority for a President or a Vice President, but it could easily happen this year because the two major candidates may be in a close finish and because the American Independent Party candidate, George Wallace, is expected to win in some states.

There are a number of plausible combinations of state results that could produce the impasse. Here is just one such combination, based on perfectly reasonable expectations: Wallace wins Alabama, Georgia, Louisiana, Mississippi, and South Carolina, for a total of 47 electoral votes; the Democratic candidate wins Arkansas, California, Connecticut, District of Columbia, Hawaii, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Washington, and West Virginia, for a total of 250 electoral votes; the Republican wins the remaining states for a total of 241 electoral votes. No one has the required 270.

Former Governor Wallace has made no secret of what he will do if the voters place such power in his hands. In the event of a deadlock, he says, he will offer his electoral votes to either major candidate who agrees in a solemn "covenant" to Wallace's demands. "Covenant" is the Alabaman's euphemism for a racist political deal, probably involving Southern veto power over future Supreme Court appointments and a decided slowdown, if not a halt, in federal efforts to push the pace of desegregation. If precedent is any guide, a step-up in federal bounty flowing South without strings would also be a part of the price.

ELECTION IMPASSE?

Tom Wicker of the New York *Times* has argued that no Democratic or Republican candidate could possibly make such a deal. I am not so sure, but let us assume that Mr. Wicker is correct and that no deal is made in the electoral college. The election then goes into the House, which would at the least mean a dangerous delay in starting the now very complicated process of arranging for the transfer of power from one Administration to the next.

It might also mean that the party defeated in electoral votes might win a majority of the state delegations in the House, as happened, for instance, in 1956.

An even more awkward contingency would be if the House of Representatives, like the electoral college, found itself deadlocked and unable to elect. This could happen if several state delegations were evenly split and therefore unable to vote, or if, with the state delegations fairly evenly divided between the major parties, three or four conservative Southern Democratic delegations were prepared either to support Wallace or to refuse to vote for the Democratic candidate.

The result would be severe uncertainty and unrest, causing acute problems at home and loss of confidence abroad. Again, as in the electoral college, Wallace would be trying to make a trade, and he might just succeed; or the deadlock in the House could continue past January 20, when the President's term ends pursuant to the Twentieth Amendment. At that point, if the Senate had chosen a Vice President, he would become acting President.

Because of its different composition, the Senate might well choose a Vice President whose ticket had been second best in the popular vote and in the electoral college. Since next years' Senate will probably be Democratic, they would presumably elect the Democratic choice for Vice President no matter what the House does.

A deadlock in the Senate is most unlikely, since it must choose from the top two vice presidential contenders, but such a frustrating contingency is not out of the question in a nip and tuck situation. An absolute majority (now 51 senators) is required to elect, and some senators might simply refuse to vote. Presumably, if both Houses were deadlocked, the Speaker of the House would then have to take over as acting President until the knot could be unraveled.

ORGY OF DEALS

The possibilities for maneuvering in such situations as these are almost limitless. Twice in our history, when a presidential election was thrust into the House of Representatives, the result was in fact an orgy of wheeling and dealing, blatant manipulation, and pressure politics. Both elections nearly led to armed uprisings. And one of them gave the country a President who had secured a plurality neither of the electoral nor of the popular vote.

In the first case, the election of 1800, the deadlock occurred because the original Article II of the Constitution directed that each elector vote for two persons, but did not require that he specify which one was his choice for President. Thomas Jefferson, his party's candidate for the top office, and Aaron Burr, his ostensible running mate, each received 73 electoral votes. But the unscrupulous Burr refused to concede the presidency to Jefferson and thus forced the election into the House, which deadlocked on the first ballot with 8 states for Jefferson (one short of the majority), 6 for Burr, and 2 evenly divided.

The power of determining the vote, and thus of shaping the future destiny of the nation, lay in the hands of obscure congressmen such as Joseph Nicholson, a critically ill member of the stalemated Maryland delegation, who cast his vote from a cot on the House floor to keep his state out of the Burr lineup, and young playboy James Bayard, Delaware's single-member delegation, who vacillated agonizingly between Jefferson and Burr. The outcome was decided in Jefferson's favor only after 35 ballots—and an unbelievable amount of maneuvering.

After this fiasco, the Constitution was changed by the Twelfth Amendment to read as it does today. But this did not prevent the absurdities of 1824–1825.

Early in December, 1824, with all of the electoral votes counted except Louisiana's, the tally stood at 96 for General Andrew Jackson, 84 for John Quincy Adams, 41 for William Crawford, and 37 for Speaker of the House Henry Clay. Louisiana was considered a major Clay stronghold, and with its five votes he would have been one of the three top candidates to go before the House, where his power was supreme.

But Clay drew a blank from Louisiana. The state assembly, which was to choose the electors, was closely divided. Because two assemblymen favorable to Clay had a carriage accident on their way to the state capital, and two others simply neglected to show up, Clay did not get his majority in the assembly, and a slate of unfavorable electors was named. So the choice in the House was between Jackson, Adams, and Crawford.

When the House convened in February, 1825, the big New York delegation was at first evenly split with 17 members for Adams and 17 for Crawford. This situation neutralized a vote which Adams needed to control a majority of the state delegations. Once again, the partisan pressures focused upon a single wavering representative, Stephen Van Rensselaer of upstate New York. When the critical moment came, the election was decided by a discarded paper ballot, bearing the name of Adams, which Van Rensselaer took as a divine signal and dropped into the ballot box.[1]

Jackson and his people were furious and charged that Adams had made a deal with Clay to win. When Clay turned up as Adams' Secretary of State, Jackson spoke of "the Judas of the West" as receiving his "thirty pieces of silver."

The recital of horrors that actually have occurred under our electoral system would not be complete without at least some reference to the sordid story of 1876 when backroom deals deprived Samuel J. Tilden of election and Rutherford B. Hayes emerged the winner in the electoral college by one vote, all three contested states—Florida, Louisiana, and South Carolina—having been adjudged to fall in the Republican column. The mess of pottage in this case for the Southern Democrats of the day who went along with Hayes included Cabinet appointments, restoration of "home rule" in the South (that is, rule by white Democrats), and public works, known then as "internal improvements," and later as "pork barrel." In those days it was merely inconvenient that the country did not know who its President would be until a few hours before his inauguration. Today the uncertainty would create grave problems.

ABSURD AND UNDEMOCRATIC

Surely a system for presidential election that contains a serious risk of such results should not be allowed to continue. The system is not only dangerous, it is absurdly undemocratic, since each state regardless of size has an equal vote in the House. This gives the smallest state in the nation, with fewer than 300,000 inhabitants, the same voice as the largest state, which has more than 19 million. An evenly divided delegation has no vote at all, regardless of the size of the state.

To be elected President, a candidate needs the support of a majority of the delegations of any 26 states. To win the delegations of the 26 smallest states, he would need to control the votes of only 59 members—about 13 percent of the total membership of the House!

With the grave and unprecedented tensions that exist in our society today, and the widespread questioning of the validity of our democratic system, an unpopular, rigged, and undemocratic election of a President by Congress might well spark the revolution that is already building in our cities. Such a revolution would be likely to produce an even stronger counterrevolution with totalitarian overtones.

It is too late now for the Constitution to be amended before the November elections. But it has been my hope, and the hope of many others who are concerned about our constitutional Achilles' heel, that the fears of this season would provide the needed incentive for a change in the Constitution.

There are various ways in which the amendment could be drawn. Some, including the New York *Times* editorially, are in favor of providing for the election of our Presidents by direct popular vote. This solution is attractive, but there are two main objections to it.

First, unless provision is made for a runoff contest, the election of a President by a plurality far short of a majority would be possible (like the election of President Thieu in Vietnam with 32 percent of the vote).

Second, such a constitutional amendment has been rejected often in the past and has little chance of adoption because the present electoral vote system is favored by a powerful coalition of forces. The small states like it because they are assured of at least three electoral votes. And the big states like it because, with their electoral votes going on a winner-take-all basis, they get special attention from the major parties. Because most of the big states are big-city states as well, many perceptive liberals, who want to see the federal government pay more attention to big-city problems, are opposed to giving up the electoral vote arrangement. Also in this political lineup, oddly enough, are the advocates of strong state authority, who fear—with some reason—that popular presidential elections would lead to stronger pressures for federal laws governing voting qualifications and similar questions now left to the states.

Another kind of proposed constitutional amendment would call for the election of the President by a majority vote of a joint session of Congress if no candidate obtained a majority of the electoral college. This would certainly be an improvement over the existing system, in that each member rather than each state would have one vote. But making the President dependent on Congress for his election would still leave the door open for postelection political bargaining, and it ignores the fact that the voters may prefer a presidential candidate of one party while electing a Congress dominated by the other party, as in 1956. Moreover, the participation of the Senate in the choice is particularly questionable since two thirds of the Senate would have been elected in prior elections.

RUN IT OFF

The simplest way to avoid the dangers of the present system, and one that would not arouse the same opposition as the idea of a direct popular vote, would be to provide for a runoff election between the two top contenders if no presidential candidate received a majority of the electoral votes on the first go-around. This would not only prevent the election from being thrown into the Congress, but it would assure that the new President would be elected by a majority of the electoral votes (and in all likelihood the majority of the popular vote also). The runoff works well in a number of states which use it in party primary elections. And we urged the Vietnamese Constituent Assembly to adopt it for their presidential election and were chagrined when they did not.

The chief argument against such a system is that it will tend to discourage third- or fourth-party candidacies. As one who believes that the two-party system has had much to do with the stability and strength of our democratic system, I am not greatly impressed by that argument.

In addition to the essential idea of a runoff, the proposed constitutional amendment and complementary legislation which I have introduced in the Congress contain two other elements. First, in order to assure an adequate period for the transfer of power to the new President, the date of the main election would be moved up three weeks, so that the runoff, if needed, could be held on the present election day.

Second, the archaic "electoral college" would be eliminated, without disturbing the present electoral vote-counting system. This would do away with the potentially disruptive and dangerous power of electors to disregard the instructions of the voters who elected them.

In 1960, all eight of Mississippi's electors and six of Alabama's electors withheld their votes from both national candidates and cast them instead for Senator Harry Byrd of Virginia, who was not even a candidate. To prevent a similar occurrence in the future, and to make it impossible for a third-party candidate to bargain with his electoral votes, the slates of electors should be abolished. In their place, each state would be allotted the number of electoral votes corresponding to its representation in the House and Senate, and these votes would be cast automatically for the presidential candidate receiving the largest popular vote in that state.

Today, when most people could not name a single elector who represented their state in 1964, the electoral college, like the vermiform appendix, is no longer useful and may be hazardous. If the coming election does produce a deadlock in the electoral college and an ensuing mess of one sort or another, we can be sure that the Congress and the states will be sufficiently disturbed to pass and ratify a corrective constitutional amendment. Proposals such as that by Congressman Charles Goodell, Republican of New York, and Morris Udall, Democrat of Arizona, for a gentleman's agreement that the House would elect whoever won a plurality of the electoral votes are ingenious but offer no reliable or permanent solution. But if no deadlock occurs, the problem is likely to be neglected for another four years—unless, of course, an aroused citizenry demands otherwise.

---

[1] For these details I am indebted to Theodore Venetoulis, whose book ***And the House Shall Choose*** has just been published by the Elias Press.

OF THE, BY THE, AND FOR THE PEOPLE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. DORN. Mr. Speaker, Joseph A. Scerra, past commander in chief of the Veterans of Foreign Wars of the United States, was one of the greatest national commanders in the history of any of our veterans' organizations.

An outstanding editorial by Comdr. Joseph A. Scerra appeared in the July issue of the Veterans of Foreign Wars magazine. I commend this timely and superb editorial to the attention of my colleagues in the Congress and to the people of our country, as follows:

OF THE, BY THE, AND FOR THE PEOPLE

(By Joseph A. Scerra)

Let's go "cop" hunting. Why not? It's open season on law enforcement officers. The audible portion of the American public has turned its back on law and order. Even J. Edgar Hoover, whose name is synonymous with integrity, is being snapped at by jackals.

In a large metropolitan city the other day, a young police officer was brutally murdered on the public sidewalk by a gang of criminals. A thousand policemen from a score of cities attended his funeral, but the only private citizens there were the widows of other murdered officers. "The People" for whom he kept the peace, and gave his life, scarcely heeded his passing. To them he was just a "Cop." And "Cops" aren't really human beings.

He was just a "Cop." And yet the Police Department Chaplain said of him:

"He performed an act of heroism equal to any this city has ever seen. He, too, had a dream . . . he had a zest for life. He looked forward to advancement. His goals were set extremely high. He had ambition . . . What is heroism? What is dedication? A young officer, deciding to give up his dream so you and I might have ours."

He was just a "Cop"! He was 26. He was an ex-marine. He was an honorable, law-abiding citizen. He was a patriotic and dedicated public servant. He was a great American. He was also a Negro. He was proud of both his race and his country—proud enough to die for them—and for "The People."

Yet none of that vast majority of silent "fellow citizens," whose burdens and responsibilities he carried, cared very much. He was just a "Cop" to them. Not a fellow human being. Not a person with normal feelings of pain and pride and anger. Not a sorrowing mother's only son. Not even a courageous and unselfish fellow citizen doing his duty, and theirs, to uphold their law—to preserve their "government of laws." No, he was just a "Cop," the "Fuzz," a "Flatfoot," a "Harness Bull"—a despised creature apart and far below their gay and irresponsible social whirl.

"You will never respond to verbal abuse." This was the firm admonition of a Peace Chief to a graduating class of 39 young policemen recently—in a great city which has vacancies for at least 500 more and a need for several thousand.

Why only 39, when so many people are clamoring for jobs? How much abuse are you willing to take from total strangers? How much abuse are you willing to take from any man? How much verbal abuse can you take without "responding"?

It is growing more and more difficult to induce young men in this country to enter the field of law enforcement. Why should they?

Read the newspapers. Listen to the radio. Watch television. There is a firmly established group of newscasters and reporters who regularly indoctrinate you with the anti-law-enforcement mania of our times. In their subtle, "completely impersonal," but degenerating way, they are chipping away at the very foundation of American democracy. They routinely suggest and produce alleged "evidence" to prove that policemen represent no one but themselves; that individual officers are sadistic in their treatment of persons accused of crime—who are always "innocent," of course, or "justified" in breaking the law.

The "heroes" of these monsters of the media are the criminals—because "society made them so." They are the "users," the "pushers," the narcotics peddlers, the rioters, the destructive demonstrators, the anarchists and the Communists. Never the policeman. He is the villain.

It has been said over and over again that ours is a "government of laws and not of men." Yet no law is self-operative. Enforcement is not inherent in the words of any statute. Men enact our laws. Men interpret and apply them. And men enforce them.

Who are these men? They are policemen. They are official representatives of "The People." The trouble with us today is that we have forgotten who "The People" are.

They are not the criminals. They are not the anti-American demonstrators or the draft dodgers. They are not the destructive and militant dissenters who hate all things American. They are that vast and silent majority of decent human beings who pay pyramiding taxes to support these drones. These are "The People" for whom policemen daily risk their lives to provide protection under the law.

This hard-working, tax-paying, law-abiding majority *is* this nation. It *is* they who have the greater right to be heard—and the greater duty to speak out. It is "of them," "by them" and "for them" that this government exists. One of the most essential functions of any government is to protect decent citizens from those who violate their laws.

Police officers are the official agents of "The People" to carry out this purpose of self-government in their behalf. Abuse them and you abuse the nation.

It is not always easy to draw a line of demarcation between conflicting rights. It is even more difficult for partisans to recognize and honor that line once it is drawn. Beyond that, there are always persons who refuse to respect either the line or the rights. Thus, if civilization is to continue to progress, we must have laws and they must be enforced.

To accomplish this we must have a police force, and this police force makes up the very foundation of our government. Upon their courage and integrity; upon their good judgment and loyalty to principle; upon their unselfish devotion to duty rests the superstructure of justice. Our form of government must stand or fall upon the quality of that structure.

When a police officer seeks to arrest one charged with crime he is not acting in self-defense or for any selfish motive. He acts in defense of the State—and the State *is* "The People."

Since the early attempts of man to govern himself and his neighbors, certain individuals have been selected, prevailed upon and appointed to assume the burdens and the risks of providing protection under the rules adopted for that purpose by the majority of those concerned. Whether frontier marshals, county sheriffs, town constables or city police, they have always been official representatives of "The People." They have served no private purpose. They have served "of the people, by the people and for the people."

Historically, they are underpaid. Traditionally, they are something less than socially acceptable. Officially, they have always been fair game for persons with ulterior motives. Judicially, they are routinely ridiculed, maligned and insulted.

They go their quiet way, serving "The People"—sometimes in the dark recesses of the night; often in the nervous tenseness of the pre-dawn hours; in the sweltering heat of the day in heavy woolen uniforms; in the rain and snow of winter, harassed, imposed upon, slandered and abused by the benefactors of their dedicated service.

They are unfairly criticized by every disgruntled citizen. They are threatened, insulted, falsely accused, sued, condemned and suspended without pay upon any man's allegation. Every day and every night, somewhere in this nation, a police officer is being cursed, assaulted, beaten and murdered.

Their grieving families suffer in silence and alone, except for the sympathy extended by their fellow officers. None of them ever leaves enough money to care for those families. Yet "The People" simply shrug and call them "fools" for ever having entered the profession.

"Honest and upright citizens" threaten each day of their lives, on some pretext of righteous anger, to "get their jobs." They are invariably presumed to be at fault by elected officials.

Let a police officer shoot an escaping or attacking felon, caught in an act of vicious depredation, and the headlines scream, "Policeman Kills Young Boy."

Let a police officer fail to arrive in time to prevent a crime and listen to the tirade of the "taxpayer."

Let a police officer be beaten by demonstrators who are violating the law and "it was good enough for him for interfering with their civil rights."

Let a police officer be mauled to the point of death, and even murdered by rioters, and what private citizen will come to his assistance?

Let a police officer be brutally slain in the process of preventing a robbery, a burglary, arson or rape and what paper will give him sympathetic headlines?

On every hand the false claim of "police brutality" is aflame throughout the land. It has become the standard banner of defense in every criminal trial. The criminal is "presumed to be innocent," and the arresting officer's character is routinely made the "defendant" in every court room. Lawyers deliberately and painstakingly misrepresent the facts to blacken the good name of every officer. Judges tolerate it and even encourage it. The news media lend "sob sister" credence to it. And "The People" continue to believe only "what they read in the papers." All of the brutalities of life are currently marshaled against law enforcement.

What difference does it make? After all, they are only "Cops." But whatever you choose to call them, this nation cannot survive without them. And this nation is "The People."

NEEDED: A NEW PRESIDENT AT NEW YORK UNIVERSITY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PODELL. Mr. Speaker, the more that New York University seeks to whitewash its appointment of John F. Hatchett as director of its new Martin Luther King, Jr., Afro-American Student Center the more reprehensible does the situation become.

Mr. Hatchett was dismissed as a substitute teacher for escorting his class of pupils, in violation of board of education regulations, to a memorial service for Malcolm X, at which the audience was exhorted to get and kill "whitey."

He is also the author of an article, titled "The Phenomenon of the Anti-Black Jew and the Black Anglo Saxons: A Study in Educational Perfidy," published in the November–December 1967 issue of the Afro-American Teachers Forum.

In this article, Mr. Hatchett asserted:

> We are witnessing today in New York City a phenomenon that spells death for the minds and souls of our Black children. It is the systematic coming of age of Jews who dominate and control the educational bureaucracy of the New York Public School system and their power starved imitators . . . this collusion . . . is one of the fundamental reasons why our Black children are being educationally castrated, individually and socially devastated to the extent that they are incapable of participating in, and carrying through to a reasonable conclusion, any meaningful educational experience.

This article was denounced by the American Jewish Congress, the Protestant Council and the Catholic Interracial Council in a joint public statement as a "naked appeal to racial and religious hatred" and as an attempt "to divide black from white, Christian from Jew." These organizations also jointly condemned the appointment of Mr. Hatchett as director of the University's Martin Luther King, Jr., Afro-American Student Center as a desecration of the ideals of Reverend King and as an affront to the people of our city.

The attempts by Dr. James Hester, president of New York University, to justify the appointment and retention of Mr. Hatchett as director has served merely to inflame a situation already explosive. Dr. Hester denied that Mr. Hatchett's views were anti-Semitic and in fact defended those views on the theory that Jewish teachers exposed themselves to such criticism by organizing a Jewish Teachers Association. Dr. Hester suggested that Mr. Hatchett was not anti-Semitic in the "classic sense" as if racial and religious bigotry were a question of degree.

Two facts clearly emerge from this controversy. First, Mr. Hatchett is manifestly unfit to direct the Martin Luther King, Jr., Afro-American Student Center as his actions and attitudes are the antitheses of the ideals of the late Dr. King. Mr. Hatchett, therefore, should be dismissed immediately.

Second, Dr. Hester having made this unfortunate appointment through—in the most charitable interpretation—ignorance of Mr. Hatchett's background, continues to compound the error by rationalization and vacillation inexcusable in a president of any university. Dr. Hester has so compromised his position by these errors of judgment that in the interests of New York University and of racial amity in our city he should resign at once.

RETIREMENT OF PAUL E. MATHIAS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. FINDLEY. Mr. Speaker, few men in Illinois have left such a positive impact on the rural communities of our State as Paul E. Mathias who has retired as general counsel of the Illinois Agriculture Association. Mr. Mathias served with IAA for 35 years, the last 18 of which were spent as general counsel.

His wise counsel has been important to those of us who represent Illinois in Washington as well as those who serve in the State legislative bodies in Springfield. In addition to his excellent work for the IAA, he also held a number of responsible positions with the State. He was a member of the Illinois School Finance and Tax Commission in 1946–47; a member of the State advisory commission on the reorganization of schools in 1947–51; a member of the revenue laws commission in 1949 and a member of the State revenue study commission in 1961–63.

His leadership was especially influential in the strengthening of IAA for during the period in which he was associated with this leading farm organization, its membership grew from 40,000 families to 192,000 families. In other areas his work was effective for he handled a considerable amount of work involved in setting up local rural electric cooperatives' articles of incorporation, bylaws, and corporate structure.

His career was highly commended in resolutions of the Illinois State Senate and the Association of Illinois Electric Cooperatives. The following article published in the June IAA Record summarizes his impressive contributions to rural America:

PAUL E. MATHIAS RETIRES

Paul E. Mathias is a man who will long be remembered for his wise counsel and outstanding service to Farm Bureau and agriculture in Illinois.

Mathias retired May 31 as the general counsel of the Illinois Agricultural Association under the organization's mandatory retirement rule for 65-year-old employees.

His retirement ended a professional career with Farm Bureau which spanned 35 years of the 52-year history of IAA. Mathias joined the IAA legal department staff in 1933 as assistant to General Counsel Donald Kirkpatrick in the administration of IAA President Earl C. Smith. Mathias became general counsel in 1950 when Kirkpatrick retired.

As general counsel, Mathias headed a division which consisted of not only the legal department but departments for legislation, local government, transportation, taxation, stock records, and natural resources.

At his retirement, he also held a number of important legal and corporate posts with many of the Farm Bureau-affiliated companies. He was general counsel and a member of the investment committee of the four insurance companies making up the Country Companies as well as general counsel of FS Services, Inc., and the Illinois Agricultural Holding Co., which holds the controlling capital stock of Country Life Insurance Company for Farm Bureau.

He also served as a board member and assistant secretary of the Illinois Agricultural Service Company, which provides management consultation and coordination services to 13 Farm Bureau-affiliated companies. Mathias also was secretary of Country Capital Investment Fund, Inc., and a member of the board of Country Capital Management Company.

Mathias has been succeeded as IAA general counsel by Gordon C. Adler, who formerly served as assistant general counsel.

SERVED IN ADVISORY CAPACITIES

During his Farm Bureau career, Mathias has served in various advisory capacities to the state government of Illinois. In 1946–47 he served on the Illinois School Finance and Tax Commission which developed the foundation program for state financial support of public schools. He served as a member of the state Advisory Commission on the Reorganization of Schools in 1947–51, on the Revenue Laws Commission of 1949, and in 1961–63 as a member of the state Revenue Study Commission and as chairman of its constitutional limitations study subcommittee.

In agricultural fields, Mathias handled a lot of the legal work involved in setting up local rural electric cooperatives' articles of incorporation, bylaws, and corporate structure.

Mathias is well known in legal and government circles throughout Illinois. Since 1935 he has supervised the legislative activities of the IAA in representing farmers before the Illinois General Assembly.

Those who have worked with Paul Mathias know him to be a capable and efficient counsellor, a quiet man with a sense of humor, a man whose dedication to agriculture's interests has never flagged.

Mathias and his wife, Lucille, will continue to reside in Bloomington where he will do some private law work. Retirement will afford him more time now to supervise his 224-acre grain and hog farm near Bloomington, to travel upon occasion, and perhaps even to polish up his golf game which has been a casualty to his job these past years.

Mr. and Mrs. Mathias have two adult sons, John, of Allentown, Pa., and Richard, of Chicago.

PRESIDENTS PAY TRIBUTE

Mathias served under four IAA presidents—the late Earl Smith, Charles B. Shuman (now American Farm Bureau Federation president), the late Otto Steffey, and William J. Kuhfuss, the present IAA head.

Both Shuman and Kuhfuss are profuse, and deeply sincere, in their expressions of appreciation of Mathias' service over the years.

"Paul's candid, straightforward, reliable counsel has been a pillar of strength for the organization and for me personally," Kuhfuss said. "His influence has been a dominant factor in building the stature and effectiveness of the Illinois Agricultural Association."

Shuman acknowledged that he came to the IAA with little organizational or business experience, "but I found that my predecessor, Earl C. Smith, had built a very capable and loyal staff—and among these outstanding men was Paul E. Mathias."

Shuman added: "Without Paul's kindly and wise counsel I could not have carried the new and heavy responsibilities. At all times his first consideration was for the Farm Bureau families of Illinois and the organizations which they had built. Farm Bureau in Illinois, and throughout the nation, will be forever indebted to Paul Mathias for his many years of service to our organization and its members."

BRING ON "POLICE BRUTALITY"

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. GATHINGS. Mr. Speaker, Americans applaud the efforts of the police, the National Guard, and the backup forces of the U.S. Army to assure that the National Democratic Convention held in Chicago should not be disrupted and brought to a halt by the well-planned and well-organized mobs who gathered in Chicago. Mrs. Ann B. Carroll, editor of the Pocahontas, Ark., Star-Herald, in the September 5 issue of that fine newspaper, comments on this matter. It is a pleasure to call the remarks of Mrs. Carroll to the attention of the Congress:

BRING ON "POLICE BRUTALITY"

Our country continues to show alarming signs of digression with the reaction of thousands to "police brutality" in the handling of demonstrators at Chicago last week during the National Democratic Convention.

News media and many delegates to the convention expressed sympathy for demonstrators as they clashed with Chicago police.

Our reaction upon viewing the situation via TV was that police had no alternative other than to get rough with the demonstrators, who refused to heed police warnings to disperse and cease their marches.

The Chicago demonstrations had been planned for the week of the National Democratic Convention, for months ahead, and the hippies and yippies had laid plans well in advance, to make sure that when they provoked lawmen to the use of force, they do so in full view of TV cameras, in an effort to obtain sympathy.

The results were as the demonstrators planned—big-hearted Americans, when they saw citizens being handled roughly, immediately went to their defense and turned against the police.

Had those TV viewers who sympathized with the demonstrators stopped to think, we believe they would have realized that such tactics by Chicago's police were necessary.

The hundreds of demonstrators were told by police to disperse; the demonstrators refused to obey; the police then began making arrests and the lawbreakers resisted these arrests. When a citizen is arrested, he is not supposed to resist in a "physical" manner. Had the demonstrators walked to the police paddywagons and entered them when told to do so, it would not have been necessary for lawmen to use night sticks on them. It simply boils down to the fact that the hippies and yippies were resisting arrest and got what they deserved.

We believe that Chicago's Mayor Daley's instructions to police to use strong-arm tactics where needed was sound advice.

We are fed up with cities whose officials are soft on rioters and demonstrators. We are also fed up with government officials who advise Army and National Guard units against arrest of such trouble-makers.

A salute to Mayor Daley for his sensible handling of a bad situation. It made those of us take heart who were beginning to wonder if law and order weren't vanishing in our country.

THIEU SEES FEWER U.S. TROOPS IN VIETNAM BY 1969

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THIEU SEES FEWER U.S. TROOPS IN VIETNAM BY 1969

(By James D. Hittle, brigadier general, USMC, retired)

SAIGON.—"A reduction in U.S. troops in South Vietnam can start next year."

President Nguyen van Thieu made this forecast in a private meeting with Joseph A. Scerra, commander-in-chief of the Veterans of Foreign Wars and me in the presidential office of the government palace here.

"We are now willing to take more responsibility," Thieu explained. "By increasing our strength we can move toward starting a phase-out of U.S. troops. We could begin phasing out one U.S. division in mid-1969.

"WE CAN'T ASK MORE"

"The United States has done so much; we cannot ask more from you."

In Thieu's opinion three basic developments will permit a U.S. troop reduction:

The manpower buildup of South Vietnam's armed forces. (This increase, according to U.S. sources, is ahead of schedule).

Equipping South Vietnamese units with the U.S. M–16 rifle. This provides a big boost in firepower.

The deterioration of the combat efficiency of North Vietnamese troops arriving in the south.

Thieu's conversation with Scerra was wide-ranging. He saw the Communist Tet truce violation last February as a turning point in the war.

"The Tet offensive was a mistake for the Communists," he said.

Until the Tet attacks, he said, the people in the cities were somewhat remote from the actual war.

"Now the people in the cities understand the war and they know what kind of treatment they would get from the Communists."

Thieu calls the Tet and subsequent attacks a failure.

FAILURES CITED

"There was no uprising against the government. There was no defection of the armed forces. The government did not fall.

"The Communists did not succeed in taking a single major objective.

Thieu did not minimize the damage done by the Communists, particularly to the pacification program in the rural areas. He said this setback was temporary, however, and that his government emerged from the attacks in a much stronger position.

He also said "the Viet Cong are having serious manpower problems."

Communist recruiting in South Vietnam has become so difficult that North Vietnamese troops are being used as replacements in Viet Cong units.

NEW ATTACK SEEN

"North Vietnam regulars now provide close to 70 percent of the strength of VC main force units," he said.

Does he expect another Communist offensive?

"Sure. They are waiting for the critical time to launch a big attack. They want to time it, for best results from their standpoint, with the U.S. political situation and the Paris peace talks.

"They will try to make it a bigger and more sustained attack than last time, but we are in better shape than last time. They are in worse shape."

Thieu minced no words about a coalition government with the Reds.

"We cannot accept a coalition government."

DANGER EXPLAINED

His government has already taken a "great risk," he said, in expressing a willingness to accept, as individuals, Communists who want to return. They could total, after a halt to hostilities, close to 100,000.

"We will have to be in a strong position to absorb them.

"The danger is that they may return as individuals, but later form a party that will give them camouflage for Communist political activity. The problem will become dangerous with peace.

"CAN'T TAKE RISK

"We cannot take the added risk of a coalition government. If we did, they could take over in six months."

What has been the most important single accomplishment of the Saigon government thus far?

"We have gained the confidence of the people," Thieu replied.

"Those who say we don't want peace are wrong. We do want peace. Our country has everything but peace."

From his expression and tone it was obvious that Thieu does not intend to buy that peace at the cost of surrender.

EDITOR'S NOTE.—Gen. Hittle is Director of National Security and Foreign Affairs for Veterans of Foreign Wars.

TIME IS RIPE FOR ELECTION REFORMS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. FEIGHAN. Mr. Speaker, a very timely editorial appeared in the Cleveland Plain Dealer, Sunday, September 8, citing the need for election reforms. Realizing the impending adjournment sine die of Congress and the necessity for a thorough study to prepare a proper measure to be submitted as a constitutional amendment, I feel that time is too short for the introduction of such a measure in this session. However, I intend to ask Congress in the next session to conduct hearings and a thorough study so that needed election reforms may become law.

Under unanimous consent, I include the editorial above mentioned:

TIME IS RIPE FOR ELECTION REFORMS

The Vietnam war protesters did not succeed in getting a "dove" plank written into either major party's platform but they have at least helped awaken the American public to some of the inadaquacies in this nation's system of nominating and electing its presidents.

There is good reason to believe that the presidential nominees of both parties—Democrat Hubert H. Humphrey and Republican Richard M. Nixon—could very likely have been the same men if their nominations had been made through some sort of direct nationwide primary.

But if those nominations had come through such a primary, the voters as a whole would have felt that they had a personal effect on the outcome. The dissident voices would have difficulty persuading anyone that the party bosses had silenced them.

Whether the picking of presidential nominees at nationwide primaries is practical or

possible or even advisable, we are not sure. Party responsibility calls for convention delegates to try to put their best man forward. Direct nomination could open the way for unprincipled demogogues to win party support by emotional appeals.

But we sincerely believe the whole question of the nomination and election of presidents should be thoroughly explored in the Congress.

Defenders of the convention system point to the fact that great presidents such as Abraham Lincoln and Franklin D. and Theodore Roosevelt were produced under that system and that the nation grew to its present greatness while operating under it. Critics point to some of the lesser presidents, such as Warren G. Harding, that the system produced and they wonder whether the present ills plaguing the nation could have been avoided under a different system more responsive to the people.

The Plain Dealer already has called for abolition of the electoral college and the election of the president and vice president by direct popular vote. We are happy to see that sentiment in Congress for this change, which requires a constitutional amendment, is rapidly increasing.

If after thorough study, Congress determines that nomination of presidential candidates by direct vote is not feasible, we hope that at least the pressure for reforms in the manner in which delegates to the nomination convention are chosen will continue and that changes will be forthcoming before 1972.

There is no time like the present, when the conventions of 1968 are fresh in everyone's mind, to strive to bring about reforms. If nothing is started this year or next, the voters will forget and there will be nothing new in 1972.

THE GOOD THINGS ABOUT THE UNITED STATES TODAY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PUCINSKI. Mr. Speaker, during my frequent visits back to the district, and from some of the mail that I receive here in Washington, it is clear to me that many of our citizens are deeply concerned about the stories they read and the pictures they see on television about our troubled country.

There is no question in my mind that our Nation has many serious problems which we as Americans must try to resolve. But an excellent article which appeared in the highly distinguished American weekly magazine—U.S. News & World Report—summarized in a most eloquent manner what is right about America. I am pleased to place this article in the RECORD today because while I never want to blind myself to our Nation's shortcomings, I believe it is high time that we Americans took note of what is right about this country.

The U.S. News & World Report article follows:

THE GOOD THINGS ABOUT THE UNITED STATES TODAY

At home and abroad, America now is being pictured as an ailing giant.

Racial strife, student anarchy, a rising wave of crime, dissent over the war in Vietnam—these and other troubles are leading many in the world to conclude that the United States is on the road to decline and downfall.

Yet a close look at the facts of life in the America of today turns up quite different conclusions. The nation's strengths are found to be great and varied.

So much for so many. Below the surface turmoil, a peaceful revolution is transforming not only the economy but the social structure. Never, in the past, has a society offered so much prosperity to so many of its people.

Far from being a "sick" society, Americans in the majority are showing themselves to be strong and morally responsible.

They are spending billions to erase poverty in the nation—and more billions to help other nations.

It is the nuclear defense system maintained by the United States that is providing security for much of the world. American troops drove Communist invaders out of South Korea, kept the peace in Lebanon and staved off a Communist take-over in South Vietnam.

Succor to world. U.S. aid, flowing generously overseas since 1945, rescued Western Europe from the brink of anarchy after World War II and averted famine in India. Now it is generating social revolutions in many of the world's small nations.

Recently Australia's Prime Minister John Gorton said:

"I wonder if anybody has thought what the situation of comparatively small nations would be if there were not in existence a United States—with a heritage of democracy and a willingness to see that small nations who otherwise might not be able to protect themselves are given some shield. Imagine what the situation in the world would be if there were not a great and giant country prepared to make those sacrifices."

Today, despite its supposed "weakness," the United States towers over the globe as no other power in history ever has been able to do.

American capital investment in Europe comes to about 16 billion dollars. Predictions are heard that U.S. industry on that continent soon will become the world's third-largest economic power—after America itself and Soviet Russia.

Not only in terms of political power, but in culture, the "American way of life" is turning up everywhere.

Even in Communist countries, young people are playing "rock" music. The light luncheon favored by American businessmen is making heavy inroads on the Parisian cuisine.

Not long ago President Lyndon B. Johnson took issue with those who say that the U.S. is "sick." He said: "America, I believe, is essentially healthy [and] is getting healthier."

Story of progress. A wide range of arguments can be marshaled to support the view that the U.S., if not living in the "best of times," is far from moving toward the "worst of times."

In the U.S. itself, steady progress is being made on a broad front toward a solution of major problems. This is being done in the energetic and experimental way of Americans.

As just one example—

Quietly, behind the scenes of racial strife that draw world scorn, Negroes—by the hundreds of thousands every year—are moving out of poverty into the ranks of the middle class. In the past two years, President Johnson said, more Negroes and other nonwhites have risen above poverty than in all the previous six years combined.

Since 1960, the number of Negro families earning more than $7,000 a year has more than doubled. Median income of the Negro family has gone up from $3,233 in 1960 to $4,900.

Reason for this is that a larger number of Negroes are getting jobs—and better jobs, too.

Between 1963 and 1967, the number of Negroes hired for professional, technical and managerial jobs rose 35 per cent. Total Negro employment rose 20 per cent.

Educationally, the Negro-white gap in school years completed has narrowed from an average of two years in 1960 to six months at present. And statistics show that a U.S. Negro is more likely to go on to college than is any citizen of any Western European country except France.

The racial upheaval, taking place peacefully behind outward turmoil, is only part of the nation's transformation in recent years.

Rise from poverty. Altogether, more than 14 million Americans have left poverty behind them during the past seven years.

Latest estimates indicate that the proportion of families earning $7,000 or more annually, in terms of 1966 dollars, had risen from 22 per cent in 1950 to about 55 per cent in 1966. And last year, for the first time, median family income reached $8,000 a year.

Meanwhile, the proportion of families earning under $5,000 a year, in terms of 1966 dollars, had dropped from 58 per cent in 1950 to about 28 per cent.

Socially and politically, the result is that the middle class is becoming the dominant fact of life in today's America, to an extent that most foreigners can only dream about.

Five million more American families own stock than in 1963, while 23 million more have savings accounts.

Home ownership has gone up from 33 million families to 37 million since 1960. Multicar ownership has gone up from 9.5 million to 14.7 million, and 94 per cent of all American families have at least one television set—often two—in the house.

What passes for poverty in America is seen by many foreigners as an acceptable standard of living.

One visitor from Europe told of meeting a woman in the Louisiana "back country." She was sitting on the porch of her wooden shack, and wore an old shirt, faded blue jeans and sneakers. She described herself as "poor."

Yet, this visitor noted, an automobile was parked in the yard, and the kitchen was equipped with the latest electrical devices. The visitor remarked later:

"The distinction between poverty and well-being in the United States is far less clear than in Europe. Telling a millionaire from a person of middle income by the clothing he wears or the food he eats is almost impossible here."

Production miracle. What has enabled the American middle class to mushroom so rapidly—reducing the ranks of the very poor and very rich—is an economic revolution that is unmatched in history.

In the past seven years the total output of goods and services—the gross national product—in terms of 1968 dollars has gone up by 254 billion dollars. That gain, itself, is larger than the total output of the nation in 1937, or the total output of any other nation in the world today except the Soviet Union.

Statistics tell the story of U.S. strength in economic terms as follows:

America, with 7 per cent of the world's land area and 6 per cent of its population, accounts for one third of the world's production of goods and services.

Its farmlands produce 13 per cent of the world's wheat, 46 per cent of its corn and 21 per cent of its meat—enough to feed 200 million Americans and much of the world besides.

Its factories produce a flow of goods almost equal in size to the combined output of the Soviet Union and Western Europe.

In electrical production, the U.S. figure of 1.3 trillion kilowatt-hours in 1967 came to one third of the world's output, and exceeded the combined capacity of the Soviet Union, Western Europe and Japan put together.

U.S. automobile factories produced 7.4 million passenger cars in 1967, or 41 per cent of the world output. Of the 149 million cars in use throughout the world, about 78 million—or 53 per cent—are found on American streets or highways.

Per capita disposable income in America, as of 1967, came to $2,744, or 45 per cent more than per capita income in Canada and the United Kingdom, and 70 per cent more than in France.

A rugged dollar. For years, many of the world's economists have been unable to believe that prosperity of this sort could last. Dire warnings have been heard about the dangers of inflation, as well as the drain of U.S. dollars abroad which puts pressure on gold reserves.

Yet, between 1957 and 1967, currency of the United States declined in purchasing power by only 16 per cent—as against 21 per cent for the West German mark, 24 per cent for the Swiss franc and 32 per cent for the Swedish krona, supposedly among the world's stronger currencies.

Result: Year by year, the dollar remains the only currency in which world trade can be carried on with confidence. And despite the large outflow of gold in recent years, the U.S. still holds one quarter of the world's reserves.

Beginning to dawn on leading thinkers abroad is the discovery that America's economic power, far from declining, is pushing ahead to even more dominance in the world.

America's head start. A French intellectual, Jean-Jacques Servan-Schreiber, says this in his just-published book, "The American Challenge":

"During the *past 10 years,* roughly from the end of the cold war and the launching of the first sputnik, American power has made an unprecedented leap forward. It has undergone a violent and productive internal revolution. Technological innovation has now become the basic objective of economic policy. In America today the government official, the industrial manager, the economics professor, the engineer, and the scientist have joined forces to develop coordinated techniques for integrating factors of production."

The author concludes:

"America today still resembles Europe—with a fifteen-year head start. She belongs to the same industrial society. But in 1980 America will have entered another world, and if we fail to catch up, the *Americans will have a monopoly on know-how, science and power.*"

Passion for education. Back of this economic revolution is found an educational system unparalleled in the world.

Today Americans are the best-educated people the world has ever known. More Americans—50 per cent—have finished secondary school than any other people. No other nation comes even close to matching the 6.5 million students enrolled in U.S. colleges and universities. That figure represents 3.3 per cent of the nation's population, compared with 1 per cent in France, the nearest competitor in Western Europe.

Altogether, the American passion for learning enlists about 60 million people at the present time, ranging almost from cradle to grave.

Youngsters of three and four are enrolled in "Head Start" and other nurseries. Business firms are sending young executives back to the campus for postgraduate courses—and senior executives go to seminars such as that at Aspen, Colo., to thresh out the nation's larger problems not only in terms of economy, but in history and philosophy.

"Education in America is a never-ending process," declared a European professor after spending several months lecturing in this country.

Europe surpassed. In that process, American institutions of higher learning have displaced those of Europe as the mecca of students the world over.

Today it is a physics degree from "Caltech" or a diploma from Harvard's graduate school of business that is the prize sought by many of Europe's top students. Even lesser-known colleges in the U.S. draw hundreds of foreign students each year. Institutions that once provided little more than the traditional disciplines now are offering such specialties as biophysics, telecommunications and Asian economic studies as part of their regular curriculums.

Not only foreign students but their professors are crossing the Atlantic in a steady flow called the "brain drain." A British physicist explained:

"It's not just the pay. It's the fact that you Americans really support the pursuit of knowledge.

"You have not only the means, but the will to get things done."

From this academic surge is emerging new strengths in the field of culture and the arts, dispelling the notion of Americans as being interested only in the material things of life.

Book-buying people. Between 1952 and 1962, book sales across the nation doubled in dollar volume, and may have doubled again since then. A "paperback explosion" has brought popularity in America and overseas to such widely different poets and novelists as Joseph Heller, Allen Ginsberg, and John Updike. University presses, alone, have multiplied sales five times since 1948.

Such artists as the late Jackson Pollock, and representatives of the new school of Western painters, are being widely imitated in Western Europe.

Musically, American composers are getting wide attention, not only in jazz and "rock" but in serious music.

Cities such as Cleveland and Boston have orchestras that are world famous, and across the nation are hundreds of amateur and youth symphonies performing music simply because they like to.

Wide map for culture. It is this decentralization of culture that impresses many foreigners visiting the country for the first time.

They find topflight opera being produced in Santa Fe, N.M., and the Shakespeare Festival in Ashland, Oreg., draws critics from Europe as well as New York. The town of Cherokee, Ia., offers its 8,000 people not only a museum of fine arts but classes in painting and sculpture.

How Americans really feel. People of the U.S. are shown in a recent Gallup Poll of 12 countries to be more dubious about the basic health of their nation than are the people of the 11 other countries about the health of their nation.

Yet there is considerable evidence that the large majority of Americans continue to frown on drug-taking, sexual promiscuity and cheating. The nude frolics of "Hair," a recent Broadway musical hit, appear unlikely to match in longevity the traditional Yiddish humor of "Fiddler on the Roof," a smash success for four years. And Americans, more and more, seem inclined to spend their money on such hardy pursuits as skiing, camping and sailing—not on "fun" clubs and night life.

Nor is there visible evidence that religion no longer plays an important role in shaping the nation's goals and ideals.

Last year Gallup Polls found that 45 per cent of all Americans attended church during a typical week, and 70 per cent thought religion "very important." Furthermore, despite the publicity that has been given in recent years to "God is dead" theology, 97 per cent of adult Americans indicated a belief in the existence of God.

On campuses, even agnostic students are reading and arguing about the new "theology of hope" and the "secular theology" of Dr. Harvey Cox, a professor at Harvard.

Steady, undramatic lives. Equally, available evidence tends to discount another widely heralded "weakness" of America—that its people are ridden by frustrations, sexual and otherwise, and are despairing of their lot in life. A New York advertising firm, surveying housewives in the U.S. came up with these discoveries:

The average housewife had been married to the same man for 22 years, is not strong on clubs, thinks she is happier than her mother was, drinks not at all or very little, and is wrapped up in her home and family.

Foreign students staying with American families are invariably amazed by the warmth and "naturalness" of the hospitality accorded them.

Equally, visitors from abroad note the American talent for combining efforts to solve common problems. Such instances as these draw comment:

On eastern Long Island, near Riverhead, former migrant workers are building their own homes in a "self-help" program—pooling their skills to help each other as frontiersmen used to do.

In Tucson, Ariz., interested citizens launched a campaign to raise funds that would pay the $17,500 needed by a Mexican-American woman for a kidney transplant and follow-up treatment.

A spirit of philanthropy, even with growth of Social Security, continues to be a major strength of America.

The so-called American conscience last year prompted private spending of more than 14 billion dollars on worthy causes. More than three fourths of this huge sum came from private individuals. The rest was donated by business firms and foundations.

Each year, more than 50 million Americans donate time to charity. They collect money door to door, bake pies for church bazaars and volunteer services at playgrounds in the slums.

Money ignored. Youth, too, is caught up in the American habit of helping neighbors. Said a Florida educator:

"A tremendous number of today's youngsters simply aren't interested in making a lot of money. Their first aim is to be of service, their second is to live a 'satisfying' life."

Tens of thousands of college youngsters this summer are working in the slums of the big cities as volunteer social workers and tutors. Eighteen graduate students in architecture from Yale University are building a camp for underprivileged children of New York City. Schoolchildren in New Jersey are collecting money, clothing and schoolbooks for children of migrant workers.

Over the years, observers from Alexis de Tocqueville onward have noted the incessant drive of Americans for self-improvement. Dr. Daniel Bell, chairman of Columbia University's department of sociology, wrote:

"The great thrust of the American character—the urge, the compulsion to strike out on one's own, to cut away from the father and even to surpass him—has been one of the richest of the sources of dynamism in American life."

Today it is commonplace to read of instances such as a 63-year-old accountant's plodding toward a college degree, one three-hour course at a time, or of a retired businessman taking up a new interest—flying an airplane.

Similarly, a French philosopher noted: "To make life simpler in an increasingly complicated world is an American art."

That art is making it possible, as one instance, for Americans to dial a number on the telephone and hear a prayer, a short sermon, the latest baseball scores, a lecture on alcoholism, or arguments against committing suicide.

They can go to drive-in churches, drive-in banks and drive-in movies. A drive-in marriage service is being offered on the Texas-Oklahoma border. In the burgeoning age of technology, one highly respected U.S. composer and mathematician, Milton Babbitt, is writing "electronic music" in serial repetition—with the help of a computer as well as tape recorder.

Americans voice criticisms of the new world they are pioneering. Complaints are being heard about ZIP codes, electronic eavesdropping, traffic jams, water pollution and the sonic boom.

Growing, too, is fear that "bigness" threatens the traditional belief in the compensations of individual enterprise and persistence.

Courage rewarded. For many, however, America is still the land of the free and the home of the brave.

One success story is that of a Negro trucker and World War II veteran, Joe Jones, of Atlanta, who fought for years to get a Government permit to haul goods across the nation. Repeatedly his application was blocked by the big truckers. Mr. Jones nevertheless, kept up his fight—and last year won a federal-court order that his application be granted. His comment: "I'm a little man, and I think when a little man sticks in there and fights, a lot of people will come to his aid."

As another example, a Spanish-speaking New Yorker, Adrian Cancil, was convicted three years ago of possessing a loaded pistol during a barroom disturbance, despite his protestations of innocence. Last year, he obtained a used tape recorder, strapped it under his shirt and began looking for the man he suspected of actually owning the pistol.

After a long search, he found his quarry in a pool hall, and managed to put on tape the man's unwitting confession to ownership of the pistol. A few weeks ago, Mr. Cancil was able to win complete exoneration.

The Legal Aid Society described the outcome as "a wonderful example of American justice."

As some historians see it, Americans over the years have made a habit of finding out what is wrong with the nation in order to discover ways of improving it.

That habit is throwing the spotlight on the weaknesses of America today. Yet it is also one reason why the United States today is not the "sick giant" so often portrayed by critics—but a strong and powerful nation, one that continues to be the envy of the world at large.

CROSS-BROOKLYN EXPRESSWAY NONESSENTIAL

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. PODELL. Mr. Speaker, last night I spoke to the Coordinating Committee of Civic Organizations Opposed to the Cross-Brooklyn Expressway at Brooklyn College regarding a grievous error about to be committed in the name of improved transportation. The proposed Cross-Brooklyn Expressway will destroy Brooklyn homes, businesses, and neighborhoods by establishing a veritable Berlin wall to facilitate the travel of specialized interests.

My remarks follow:

STATEMENT OF HON. BERTRAM L. PODELL, DEMOCRAT, OF NEW YORK, TO THE COODINATING COMMITTEE OF CIVIC ORGANIZATIONS OPPOSED TO THE CROSS-BROOKLYN EXPRESSWAY, BROOKLYN COLLEGE, BROOKLYN, N.Y., SEPTEMBER 11, 1968

We are gathered here this evening once again in a community effort to save our homes, our businesses, our jobs, and our neighborhoods from irresponsible destruction for a proposed Truckway, which, according to reliable engineering surveys will create more traffic congestion and more traffic confusion than we suffer today.

I know that all of us here this evening, and the thousands of Brooklyn families who support our cause, but are unable to be here tonight, are grateful to the Co-ordinating Committee, and to the 26 Civic Groups who are affiliated with the Committee, for the leadership they have taken to keep our people alert and vigilant to this threat to our community life.

And let us make no mistake about this simple fact: We are fighting not only for our homes, our businesses, our jobs and our neighborhoods. More significantly we are fighting to preserve our Borough and to preserve our city.

What the Lindsay Administration proposes to do is to build a Berlin Wall through the heart of Brooklyn. He proposes to scorch Brooklyn's earth in a manner which will make General Sherman's march through Georgia seem like a picnic. He proposes to dislocate thousands of people, destroy the Brooklyn College campus, remove millions of dollars of property values from the tax rolls, uproot businesses and eliminate hundreds of jobs.

In a city long beset with fiscal problems, in a city where the rising cost of welfare threatens to throw it over the brink into bankruptcy, Mayor Lindsay proposes to force more than 1,000 self-sustaining, tax producing middle income families into the suburbs.

No one but the Lindsay Administration wants the Cross-Brooklyn Expressway. Last year when Governor Rockefeller called upon the people of our State to support the two and one-half billion dollar Transportation Bond Issue, he made public certain plans for the use of those monies. Nowhere in the Governor's plans will you find a reference to the Cross-Brooklyn Expressway. You will find no such reference because the Governor does not want the Expressway.

Commissioner Robert Moses, America's leading highway authority and most prominent road builder, has denounced the Cross-Brooklyn Expressway as a monstrous waste of taxpayer's money.

The 26 Brooklyn civic groups represented here this evening don't want the Cross-Brooklyn Expressway.

I know that your elected representatives in Congress, in the State Senate, and in the State Assembly are opposed to this Expressway.

Less than two months ago, I called a conference in my Washington office of other Congressmen from Brooklyn and your elected representatives in the State Legislature. We were unanimous in our opposition to the Cross-Brooklyn Expressway.

We warned the Congressional leaders and we warned the Secretary of Transportation, Alan S. Boyd, that we would oppose all Federal highway appropriations, if any money is used for the Cross-Brooklyn Expressway. We made it clear to the Secretary of Transportation that if he could make no better use of Federal highway funds than to finance the Cross-Brooklyn Expressway, then he is demonstrating that the Federal highway program is complete and that all other highway plans and programs should be liquidated. Certainly, there is no warrant for wasting two to three hundred million dollars of taxpayer money on a Truckway which no one wants and which no principle of sound planning can justify.

We have been assured by the Secretary of Transportation that no Federal funds will be spent on this proposal, without first holding a public hearing, at which residents and business interests of this community will be given every opportunity to establish their case against this monstrous Truckway.

About a year and a half ago, I attended a meeting at City Hall, where spokesmen for the Lindsay Administration outlined plans for the so-called Linear City as an appendage to the proposed Cross-Brooklyn Expressway.

I left that meeting outraged at the obvious and blatant attempt of the City spokesmen to blackmail and bribe a whole community into surrender of their homes, their businesses, and their jobs for a Truckway which the people of our community neither need nor want.

The whole concept of Linear City is an affront to the people of Brooklyn and an insult to our intelligence. Your presence here tonight is clear demonstration that you will neither tolerate the affront nor stand for the insult.

Indeed the proposal for a Linear City can best be described as a proposal for a Carbon Monoxide city, which the people of our community totally and completely reject.

We reject it because the entire plan offers nothing but a Carbon Monoxide City—an air polluted, noise wracking, ear splitting, death trap, through which Mayor Lindsay proposes to run a dirty freight train, which will rip your nervous system to bits, at all hours of the day and night, as it runs through the very bedrooms of your homes.

Certainly, this community could use the several hundred million dollars of capital funds, which Mayor Lindsay proposes to waste on his Truckway. Certainly we need more schools. But while the Lindsay Administration talked some months ago about a Central High School in our area, that plan is now dead.

With the number of fires on the increase, the Lindsay Administration closed a firehouse in our District.

Statistics show that the people of our District are victimized four times every hour of every day. Yet the Lindsay Administration proposes to close a Police Precinct Station House, at a time when more police protection is urgently needed.

Certainly, we need better transportation facilities and services in our area. We need better subway and bus service. We must have a Nostrand Avenue Subway Extension. The one thing that will not help transportation in this Borough is the Cross-Brooklyn Expressway. That will help only the large trucking firms plying their trade between Long Island and New Jersey.

This is a fight we can and will win. Your presence here tonight is a symbol of our unity for victory. So long as we remain united, we will protect our homes, our neighborhood, and our community.

THE SMILE OF SINCERITY IN AN AGE OF CONTRIVANCE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following from Life magazine of August 16, 1968:

THE PRESIDENCY: THE SMILE OF SINCERITY IN AN AGE OF CONTRIVANCE

(By Hugh Sidey)

Dwight Eisenhower came into the living rooms of 30 million Americans the other night, and he was old and bald and he used a Teleprompter and still flubbed a few of his lines, but there was more power in his 10-minute appeal than in any of the presidential political oratory of the past 12 months. And it may be that the effort to make his talk brought on the heart attack that has him seriously ill.

It has been one of those mysteries of national life why all the would-be Presidents (and President) who have been frantically searching for some formula to catapult them to the heights of popularity have failed to study the example of Eisenhower. Perhaps in this age of contrivance it is too simple to be believed—decency, sincerity and honesty. It shines out of Ike like a beacon, and it should give those in the political business some pause. Because it illustrates anew that all the programs espoused and the bills passed and the billions spent are only a part of this thing of being President and maybe even the lesser part in a time of dispirited affluence.

It should be of some significance that while almost everybody else was engaged in a season of shifting views, cloaked opinions, denials of internal trouble and even espousal of the right of a government to lie to its people, the steady virtue of Eisenhower raised him to a new pedestal while all those others fell lower. He was polled the most admired man in the nation last year and probably ranks as high today. There is some kind of hunger there. Even among the unwashed and on the campus, the cry is for candor and compassion, which is the same thing.

Lyndon Johnson has used an inordinate amount of his time and energy raising monuments to his own greatness, and all the while his esteem has slipped. Ike's self-promotion runs at such a low voltage as to be undiscernible. He still acts a little embarrassed at new honors. He still wonders why people care—and that only intensifies the phenomenon. A while back in his modest office on the corner of the Gettysburg College campus he marveled at this public. He didn't have an unusually big nose or extraordinary ears or any other physical features that made him easily identifiable, he explained. Yet, there he had been in New York in the back of an unmarked limousine, almost out of sight, and as he drove down the street, "the darnest thing happened. People leaned out and yelled, 'Hello, Ike.' How did they know who I was?"

While all the candidates from Reagan to McCarthy diagnosed in detail the national ailments, Ike maintained a hearty belief that it was a fever, and the body was fundamentally sound. He could beat any of them in a runoff. While the scowl has become the symbol of this season's stump (with the exception of Hubert Humphrey), there has been that enduring smile of Eisenhower's that reached more men's hearts than social security. There is the feeling from Ike that he trusts people and they return it in spades. He has confessed that it would be nice sometime to take Mamie and go to the Metropolitan Museum and "just drift through it without having to shake hands or sign an autograph." But, says Ike, with a chuckle, whenever he brings up that complaint (one of the few anybody has heard him make about his lot in life), Mamie turns to him and says, "How would you like it if they all disliked you?"

In these days of rebellion against order, Ike has been more than ever conscious of the example he must set, which is another of those unmeasurable qualities that go into leadership and has been missing on occasion with the men now in the ring. Eisenhower confesses a liking for horses and horse racing, yet he has scrupulously limited himself to one appearance at the track each year, simply because he believes that that is enough for a man who is held in the public gaze.

There are a lot of people who still feel that Ike never really understood his job of being President. Yet today his common-sense observations about the Presidency are more cogent that a lot of the other talk. He, for instance, does not like the disuse of the Cabinet and the National Security Council in the executive branch and the resulting deep personalization of the Presidency. "You need," he says, "bitterly debated advice and conflicting considerations." The frantic pace of today's Presidency has also disturbed him. He played golf, yes, but the business was never out of his mind. "A President has got to have time to think about his main problems." There are a growing number of presidential observers who endorse that need.

He feels that the heads of the great federal departments should have more far-reaching power in setting up their staffs. He feels that the momentum of the big bureaucracies tends to sweep the Cabinet officers right along with them, and these men are often almost powerless to combat the system which grows bigger when it is obvious that in some ways it should grow smaller. This is the theme song now of all the candidates.

So far the historians have not ranked Eisenhower very high in the presidential legend. But there is growing conviction that the measure of the man himself may be more of a factor in the national life than anyone has been willing to admit before. Ike has not been referred to as a top-drawer expediter, one who knew the machinery of government, but there are hints that the traditional assessment of those qualities may be outdated and inaccurate. The eight years of relative world calm under Ike, achieved without losing any territory or much prestige, have taken on new importance. There are even those who dare suggest that his soothing spirit, the innate goodness of the man himself, did more to lift up the hearts of Americans and hold them together in a reasonable state of public happiness than many of the social reforms that have been propounded since.

SHOULD CHURCHES ADOPT DOCTRINE OF VIOLENCE?

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. GATHINGS. Mr. Speaker, Mr. Louis Cassels, columnist of United Press International, poses a most timely query, "Should Churches Adopt Doctrine of Violence?" It is most enlightening to a vast number of Christian people whose funds go for the support of the National Council of Churches to learn that this organization issued a statement from its policymaking board that violence under certain circumstances may be a lesser wrong than toleration continually of injustice.

Mr. Cassels' article is well worthy of the consideration of the Congress. The text of this article follows:

[From the Memphis (Tenn.) Press-Scimitar, Aug. 10, 1968]

SHOULD CHURCHES ADOPT DOCTRINE OF VIOLENCE?

(By Louis Cassels)

What is the appropriate Christian attitude toward violent revolutionary acts?

Some church members are surprised that anyone should even raise the question. To them, it seems perfectly clear the followers of Christ should at all times abhor violence, uphold law and order, and obey the government.

But another point of view is expressed in a statement adopted recently by the policymaking general board of the National Council of Churches. It holds that violence, under some circumstances, may be a lesser evil than continued toleration of injustice.

The statement suggests that Christians should first try through political processes to change laws or policies they consider unjust. If that fails, they may move on to "civil disobedience," defined in the statement as "peaceable violation of a law deemed to be unjust . . . with recognition of the state's legal authority to punish the violator."

Finally, the statement says, "we recognize that when justice cannot be secured either through action within the existing structures or through civil disobedience, an increasing number of Christians may feel called to seek justice through resistance or revolution."

APPLAUDED IN SOME QUARTERS

The National Council statement has been applauded in some quarters as a courageous affirmation that God's law has a higher claim on a Christian's obedience than any human law.

Supporters point to Biblical evidence that Jesus was not an advocate of peace-at-any-price. He told his disciples, "I came to bring not peace but a sword"—and the context makes clear He meant that He was more concerned with righting wrongs than with avoiding conflict.

Other Christians question whether it was wise or helpful for the National Council of Churches to go out of its way at this particular point in history to condone violence as a last resort for those who feel ill-used by society.

These critics note that the council statement was issued shortly after Sen. Robert F. Kennedy was assassinated by a gunman who may well have believed that he was resisting injustice by the only effective means available to him.

If carefully read, with attention to all of the qualifications its drafters intended, the statement says only that violent acts of revolution may be justified "when justice cannot be secured" by any other means.

BIG QUESTION UNANSWERED

The big question which the statement doesn't answer is how to determine when it's impossible to achieve justice by peaceable processes.

People living under a ruthless dictatorship obviously have little chance of changing things through oridinary political action (although they may get results from covert passive resistance.)

But the National Council statement was not addressed primarily to oppressed peoples of dictatorships. It was issued for the moral guidance of Americans, who live under a system of government that may be balky at times but is ultimately responsive to the will of the people.

It can be contended that American democracy has been disgracefully slow about righting the wrongs inflicted on Negroes and other minorities, and that it is even now doing far too little to alleviate poverty and inequity.

But the progress toward social justice achieved in recent years is adequate proof that patient, persistent, peaceful effort can get results.

OF CONCERN TO THE CRITICS

Critics ask why the general board of the National Council of Churches did not see fit to emphasize the workability of American democracy rather than possible justification for violent revolution.

The answer may lie in the deep psychological need which some clergymen feel to overcome the church's image as a bastion of the status quo by lining up on the way-out radical side of every issue.

Unfortunately, this business of exalting revolution and canonizing violence can cut two ways. The Rev. O. Carroll Arnold, pastor of First Baptist Church, Boulder, Colo., made the point in a recent article in the Christian Century.

"The doctrine of violence," he said, "Can be used by the righteous and the unrighteous, the just and the unjust alike. The Ku Klux Klan, the John Birch Society, the Minutemen and the German-American Bund rejoice that somebody is developing a doctrine of Christian violence which they can employ to justify their deeds too."

SENATE—*Friday, September 13, 1968*

The Senate met at 11 a.m., and was called to order by Hon. PAUL J. FANNIN, a Senator from the State of Arizona.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, with a faith that will not shrink though pressed by every foe, we would this day climb the altar steps which lead through darkness up to Thee, for our greatest need is of Thee.

In the crises of our times join us with those who, across the waste and wilderness of human hate and need, preparing the way of the Lord, throw up a highway for our God.

God the All-righteous, man hath defied Thee. Yet to eternity standeth Thy word; falsehood and wrong shall not tarry beside Thee. Give to us peace in our time, O Lord, that the sundered family of mankind at last may be bound by golden cords of understanding fellowship around the feet of the one God.

In the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 13, 1968.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. PAUL J. FANNIN, a Senator from the State of Arizona, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. FANNIN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 12, 1968, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2515) to authorize the establishment of the Redwood National Park in the State of California, and for other purposes.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, in view of the fact that in the Chamber at this time is the distinguished majority leader of the House, the Honorable CARL ALBERT, and inasmuch as his presence fits in with the business of the Senate, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of William J. Holloway, Jr., of Oklahoma, to be U.S. circuit judge, 10th circuit.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Lawrence Gubow, of Michigan, to be U.S. district judge for the eastern district of Michigan.

Mr. GRIFFIN. Mr. President, it is a pleasure to indicate my support for the nomination of Mr. Lawrence Gubow of Detroit, Mich., to be U.S. district judge for the eastern district of Michigan.

Mr. Gubow has had a distinguished career as an attorney. Educated at the University of Michigan and its law school, he was admitted to the Michigan bar in 1951. Subsequently, he served as an attorney with the Detroit law firm of Rosin & Kobel.

In 1953, Mr. Gubow joined the Michigan Corporation and Securities Commission and was chosen its commissioner in 1956. He served as commissioner until 1961, when he was appointed U.S. attorney for the eastern district of Michigan, the postion he now holds.

Mr. Gubow serves as president of the Jewish Community Council of Metropolitan Detroit, and he is a leader in the Jewish War Veterans of the U.S.A. and various Michigan veterans groups.

I know Mr. Gubow as an able and highly qualified member of the bar and as a widely respected public servant. He has bipartisan support for his nomination, and I am confident that he will make an outstanding judge.

Mr. President, I am pleased to recommend that the Senate advise and consent to the nomination of Lawrence Gubow.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SITUATION IN CZECHOSLOVAKIA AND U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, many words have been spoken in the Senate about the Soviet invasion of Czechoslovakia. Many others will be spoken. This action was an outrageous affront to the people of that nation and a grave blow to international stability.

Over half a million troops are reported on the move in Central Europe. Great numbers are involved in occupying a small country against its will. They cast a long shadow over the prospects for a peaceful Europe. They dim the hopes of people everywhere for a more peaceful world.

In these remarks, I will not dwell on the various adverse implications of the recent developments in Czechoslovakia. In due course, a report on that subject will be forthcoming in consequence of a brief visit I made to Eastern Europe during the recent adjournment of the Senate. In these remarks, today, I will touch on only one aspect of the subject—the question of American force reductions in Western Europe, in the aftermath of the Czechoslovakia crisis.

Immediately after the Soviet invasion, I stated that there would be no point in continuing to advocate an immediate reduction in the level of these forces. I made that statement with resignation and sadness.

A reduction would have saved American taxpayers hundreds of millions of dollars, over the next few years. It would have had a significant corrective effect on this Nation's distorted balance of international payments. It would have helped to restore relationships with the countries of Western Europe to a normal basis; the continued presence of hundreds of thousands of American troops, along with a great number of dependents' homesteads on Western European soil, is, per se, an abnormal relationship.

I believe, moreover, that step-by-step reductions of our forces in Europe would have led the Western Europeans to assume a larger share of the burden of their own defense which, in turn, may well have resulted in closer cooperation among them. I believe, too, that it would have contributed to reducing the danger of catastrophic error which necessarily attends the presence of hundreds of thousands of foreign troops confronting hundreds of thousands of other foreign troops across a tense dividing line. Finally, reductions of our forces in Western Europe would have increased the pressures for and may well have brought about reductions of Soviet forces in the

Eastern European countries, with or without negotiations to that end.

The Soviet invasion of Czechoslovakia has had the effect of deferring these results. How long they will remain deferred depends, in great part, on the disposition which the Soviet Government and its Warsaw Pact allies, Rumania excepted, may make of the occupation forces now in Czechoslovakia.

We can hardly make substantial reductions in U.S. forces in Western Europe while the Soviets have vastly increased their forces in Eastern European countries and have done so, furthermore, in connection with the military steamrollering of the independence of a small country. To be sure, reductions in our forces, even now, would not lessen, in any way, our responsibility under the North Atlantic Treaty to join in the common defense against an attack on Western Europe and the regions covered by the North Atlantic Treaty. Those responsibilities would be met in the event of an attack, not only because they are treaty obligations, but also because they are inescapable responsibilities in terms of our own survival. They would be met whether the U.S. forces which were encamped in Western Europe at the time of an attack numbered one division or 10 divisions.

Nevertheless, a reduction in the U.S. contingents in Europe in present circumstances could be subject to misinterpretation in both West and East, and might conceivably lead to serious miscalculations. That is a risk which, it seems to me, we would be unwarranted in taking at this time, in our interests and in the interests of peace. It was that risk which led me to suggest a temporary deferment of the question.

However, my views on the anachronistic size of the deployment of American forces and dependents in Europe have not changed. Certainly, I do not believe that the number of these Americans should be increased at this time, as some have suggested. Moreover, in my judgment, it remains desirable to undertake a gradual reduction in U.S. forces if and when the situation in Eastern Europe offers reasonable assurance that developments there are not going to spill over into Western Europe. If and when that time comes, I believe a positive plan should be ready to cut American forces in Europe. It should be a plan, phased over several years—perhaps on what might be termed a D plus D basis—that is, the withdrawal of one division of men with their dependents each year. That reduction, in my judgment, should continue until the force levels remaining would be sufficient only to insure that military aggression from any source would enable the United States promptly to set in motion its immense powers for the common defense of the nations of the North Atlantic Pact. In the light of modern military technology, the five or six U.S. divisions which are now stationed in Europe are hardly required for that purpose. In due course, it seems to me that the number could be reduced to one or at most two.

I would like to make it plain that I believe that there has been a dereliction in the failure to have set in motion, heretofore, positive plans to bring about orderly, phased reductions in the European deployment. Indeed, some of us have been urging these reductions for more than a decade. The reiterated response, however, has been that "the time is not right." The time will never be right unless there is the will to face up to this situation.

Even now, the time is right for a search for substantial savings in the cost of the European deployment. Events in Eastern Europe notwithstanding, possibilities of economy may well exist in streamlining the superstructures at the various U.S. headquarters in Europe. It is appropriate to ask, for example, whether they are not topheavy with high-ranking officers, staffs, and prerogatives, at the European Command at Stuttgart, the U.S. Air Force headquarters in Europe at Wiesbaden, the European communications headquarters at Zweibrucken, or the headquarters of the commander in chief, U.S. Naval Forces in London. Substantial cuts, long overdue, have already been made in U.S. civil establishments abroad on orders of retrenchment from President Johnson. It would be eminently desirable if the same orders might now be applied forthwith to the military entrenchments in Western Europe.

Had there been a timely reduction of forces in Western Europe, it would have already saved large sums of public money and contributed greatly to the strengthening of our international financial situation.

May I say that I do not see how timely reductions in our forces would have impaired the defense of Western Europe. Nor do I see—had they been made some time ago, as urged time and again—how they would have had any effect on the present situation in Czechoslovakia. Certainly, the presence of these forces, in full NATO complement, as they are now, has added nothing to our ability to respond to events in that nation. Indeed, we would do well to ask ourselves if, on August 21, we had had three times the number of men we now have in Western Europe or, for that matter, if we had had only one-third the number, what difference it would have made in our reactions to the developments in Czechoslovakia.

The fact is that NATO was formed to defend Western Europe and associated nations in the North Atlantic Treaty against attack. It was not designed to defend a Warsaw Pact nation against an attack from within that group. Though we may deplore the occupation of Czechoslovakia, the tragic event has not fallen—as it has developed to date—within the area of our shared military responsibility under NATO. Much less does it come within an area of unilateral U.S. responsibility.

On the subject of responsibility, I should like to emphasize, in closing, the importance which many Americans attach to Western Europe's responsibility to increase its own defense efforts—relative to our own—in NATO. It is not helpful to the common undertaking when Western European defense budgets drop to levels disproportionate to our own, when the number of men in the uniforms of Allied nations decline, when the periods of conscription are shortened or abolished, and other evidence presents itself of a reluctance on the part of Europeans to make sacrifices for their own defense. It makes Senators who ask their constituents to pay higher taxes to cover increased defense costs and who vote the conscription of young Americans for terms of obligated service which are equaled in length among the NATO members only in Greece, Turkey, and Portugal—it makes us question policies that require these sacrifices of our people when others seem unwilling to make equivalent sacrifices for themselves.

I reiterate, therefore, that while events in Czechoslovakia may counsel a temporary wait and see with respect to the present level of the American NATO contingent and dependents in Europe, these events do not cancel the validity of the concept of phased reductions. The fact is that the invasion of Czechoslovakia has not changed, in any way, two basic elements in the proposal for such reductions which the Senate has had under consideration for some time.

First. This Nation has budgetary and balance-of-payments difficulties at a time when the Western European nations are more able than ever before to meet added costs of defense. Indeed, the West Germans have a balance-of-payments surplus of several billion dollars a year, a level so high that some West Germans describe it as "embarrassing."

Second. Our forces are in Europe for the defense of the NATO countries against the threat of military attack from the East. Yet, despite Czechoslovakia, there is little indication that the other NATO nations regard this threat as drastic enough to stimulate any significant increase in financial and other sacrifices for their own defense. Events in Eastern Europe notwithstanding, if the NATO countries are unwilling to make the sacrifices and our present financial plight is prolonged, pressures for a reduction of American forces in Europe may be expected to resume promptly—and properly so.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Mr. President, I congratulate the able majority leader, and agree without reservation to his statement this morning.

Recently a representative of the German Government called on us. The able majority leader has expressed my sentiments so well I shall send a copy of his address to that fine gentleman.

I hope our State Department realizes that there is a large and growing feeling in the Senate that concurs with these remarks just made; and hope also that our allies in Europe realize the respect we have and the American people have, for this Member of this body who knows so much about our foreign policy and who has just returned from Europe.

As one who was in the executive branch at the time of the creation of NATO and the formation of SHAPE, I watch with apprehension the lack of responsibility, apparently, of countries which now have a crisis in their own backyards. I hope they take to heart the wise observations of our majority leader this morning. This should be a joint defense in Europe, and one set up on a realistic basis; else it can only fail.

Mr. MANSFIELD. Mr. President, I wish to express my thanks to the senior Senator from Missouri who has been a leader in the fight, for more years than I care to remember, in trying to bring about a readjustment of policy vis-a-vis our relations with our European allies. The Senator has been an inspiration to us all in this matter.

Mr. DODD. Mr. President, the distinguished majority leader is always wise in his thoughts and I am always anxious to hear what he has to say. I look forward to reading his speech in the RECORD.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DODD

Mr. DODD. Mr. President, I ask unanimous consent that at the close of the morning business and when the Senate takes up the pending business I be recognized for such time as may be required.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I wish to call the attention of the majority leader to this matter. We have before us a request for priority of recognition for as much time as the Senator requires.

Mr. MANSFIELD. Does the Senator from Connecticut ask to be recognized in the morning hour?

Mr. JAVITS. After the morning hour. The request blocks everybody from speaking, and the Senator could take 3 days.

Mr. DODD. I shall not be that long.

Mr. JAVITS. Will the Senator put a limit on the request?

Mr. DODD. I have no intention of preventing anyone from speaking.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut [Mr. DODD] be recognized immediately after the conclusion of routine morning business and after the pending business is laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I have a 15-minute speech in connection with the Fortas nomination. The Senator is acquainted with my problem. The Senator will accommodate me, will he not?

Mr. DODD. I shall. My interest is in expediting the pending business. I did not put a time limitation on my request for the purpose of prolonging anything.

INCOME TAX REFORM ESSENTIAL

Mr. YOUNG of Ohio. Mr. President, we Americans bear an extremely heavy income tax burden. Our Internal Revenue laws are unfair. There must be income tax reform. Laws should be simplified, tax loopholes closed, and special privileges to the ultrarich denied.

Last year, 37 Americans with incomes of more than a half million dollars paid no income taxes whatever on their stupendous incomes. They owned many millions of dollars worth of tax-free bonds and took advantage of every tax loophole available. In 1967 20 persons whose incomes exceeded $1 million each for that year paid no income taxes whatever for the previous year, nor for 1967. These superrich taxpayers claim charitable exemptions. Some create so-called charitable foundations. Unfortunately, we ordinary taxpayers must pay more as these ultrarich do not pay their fair share.

During recent years, extremely wealthy men and women purchase and operate "Gettysburg farms" and then claim tax losses from farming. This can be a device to cut down taxes on nonfarm income. Of course, the land values of their farms increase tremendously year after year, but our State and Federal Governments receive very little increased taxes for that.

Middle-class wage earners and many business and professional men bear the burden of almost intolerable taxes while those of great wealth buy tax-free bonds, or large farms which are really showplaces in many instances, or take advantage of various available tax loopholes.

Another tax loophole is the 27½-percent depletion allowance for oil and gas producing companies and the 23-percent depletion allowance for some 41 other minerals produced. The oil depletion allowance, in particular, has always appeared indefensible since the time in 1949 when I served on the Ways and Means Committee. I have, since that period, consistently voted to reduce it or abolish the allowance altogether. In 1967, five of the largest oil and gas producing corporations in the United States with net profits approximating $6 billion paid only 9 percent in taxes to our good Uncle Sam. This, due to the depletion allowance. This, at a time when individual Americans with modest earnings are shelling out at least one-fourth of their incomes in taxes, or having wages deducted to that extent.

Mr. President, it should be a most important duty of the 91st Congress convening next January to provide real and needed tax reform.

FORTAS-THORNBERRY AND THE AMERICAN BAR ASSOCIATION

Mr. GRIFFIN. Mr. President, although the Constitution provides that Supreme Court Justices are to be appointed "with the advice and consent of the Senate," strangely enough, it seems to be the opinion of many that the "advice and consent of the American Bar Association"—not the Senate—is all that should be required.

Apparently, we have arrived at a point where even some leaders of the bar refuse to recognize the Senate constitutional responsibility in the appointing process.

During the recent ABA convention in Philadelphia, Joseph A. Ball, president of the American College of Trial Lawyers, was quoted as follows:

> Let's repudiate those lunatics (in the Senate who questioned Justice Fortas) . . . they are not fit to tie Justice Fortas' shoes. (*Syracuse* (*N.Y.*) *Herald-American*, August 11, 1968).

Over and over again, a refrain is heard that the Senate should routinely confirm the pending Supreme Court nominations because, after all, the ABA has determined that the nominees are "qualified."

In view of all this, I believe it is necessary and appropriate for the Senate to take a close look at the role of the ABA and the procedures it has followed in passing judgment on the pending nominations.

Frankly, as one member of the ABA, I was shocked to learn—and I believe many of my 133,000 fellow members will be shocked to learn—about the way ABA approval came about in the case of the Fortas-Thornberry nominations.

First. It should be understood, first of all, that these nominations have never been approved by the ABA membership or by its governing body, the house of delegates. The only approval has come from the ABA's Committee on the Federal Judiciary.

Second. Most of the members of the 12-man ABA Committee on the Federal Judiciary had no knowledge whatsoever of the Fortas-Thornberry nominations until about 7 a.m. on the morning of June 26, the very day the President publicly announced his appointments.

Third. On that morning, the committee "met"—if that is the proper term—by means of a telephone conference call which lasted the better part of 1 hour. During this conference call the committee members were informed of the President's intention, and they were advised of investigative reports on the nominees.

Fourth. The investigation of Mr. Thornberry was conducted by Leon Jaworski, of Houston, Tex., a close associate for many years of President Johnson. Mr. Jaworski, although not a member of the committee, participated in the conference call meeting.

Fifth. Since that time, Mr. Jaworski has been quoted as saying he was asked to investigate Judge Thornberry "because I knew him better than the others."

Sixth. Although it has been reported that committee approval was unanimous, I am advised that at least one member of the committee had no knowledge whatsoever of the conference call and took no part in any vote on the nominees.

In view of such circumstances, I wonder what weight the members of the U.S. Senate are expected to assign to the oft-cited approval by the American Bar Association of the Fortas-Thornberry nominations.

After all, we are not picking an all-America backfield or deciding whether Mickey Mantle should be on the all-star team. As U.S. Senators, we are called upon to exercise a constitutional responsibility which affects the whole fabric of American society for generations to come.

What weight should be given to the recommendations of Mr. Jaworski? According to the New York Times of August 3, 1968, Mr. Jaworski is "a former attorney for President Johnson, who has been associated with Mr. Johnson for years." [1] Could he reasonably have been expected to report unfavorably on a Presidential selection under such circumstances?

Why was the ABA committee given so little time in which to consider such important nominations? As I understand it, the committee generally takes much more time—often a week—to consider nominations to lower court positions.

Of course, it is not the function of Congress to effect reforms in the procedures of a private professional organization. But the Senate should take note of such procedures as well as the fact that widespread misunderstanding seems to have grown up concerning the role of the ABA in such matters.

In fairness, I should emphasize that the ABA committee on the Federal judiciary has acknowledged limitations on its role. For example, letters from the chairman of the committee, Albert E. Jenner, to Senator EASTLAND—see pages 1, 69 of the hearings on nominations of Fortas and Thornberry—transmitting the committee's recommendation with respect to Messrs. Fortas and Thornberry contain this statement:

> Our responsibility is to express our opinion *only on the question of professional qualifications* which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education and demonstrated legal ability. *It is our practice to express no opinion at any time with regard to any other consideration not related to such professional qualifications which may properly be considered by the appointing or confirming authority.*

Clearly, in its own letters, the ABA committee recognizes that the confirming authority—the Senate—may properly take into account other considerations not related to professional qualifications.

Under the circumstances, it is difficult to understand why some ABA leaders criticize the Senate when it sees fit to exercise its constitutional responsibility by looking at matters outside the mere professional qualifications of a nominee.

Of course, even in the limited area to which ABA approval is applicable, there is no obligation on the part of the Senate to substitute ABA judgment for its own. Indeed, for the Senate to follow such a course would be an abdication of its constitutional responsibility.

And, of course, it is nonsensical to suggest—as some have suggested—that ABA approval of a nominee should somehow preclude all further Senate inquiry, even as to matters admittedly not covered by the ABA.

In order to determine the weight to be accorded the ABA approval in the Fortas-Thornberry case, the Senate should know what matters were, in fact, considered by the ABA's committee during its hour-long telephone meeting. Is a transcript of that discussion available to the Senate? To what extent, if at all, did the committee concern itself with Mr. Fortas' role as an adviser to the President while sitting as a Justice of the Supreme Court? Were the opinions of Judge Thornberry, including the decision in University Committee against Lester Gunn, carefully reviewed by the committee during that hour?

As a member of the ABA, I have been interested to find that a significant number of other members share my concern about the inadequacy of present ABA procedures—particularly in light of the role in judicial selection claimed for the ABA by some of its leaders.

During the course of this controversy, some members have been surprised to learn that the ABA does not pass on whether a nominee is among the best qualified for a judicial post, but merely determines whether the nominee meets a minimum standard of professional qualification.

Some do not believe it is right for a 12-member committee to purport to speak on such matters for the 133,000 members of the American Bar Association.

During the recent convention in Philadelphia, two resolutions calling for reforms in this area were submitted to the ABA assembly. Although action has not been taken, the mere introduction of such resolutions was read by many as a significant sign.

Furthermore, I am aware that several members of the ABA's Committee on the Federal Judiciary were very much disturbed because they were expected on the morning of June 26 to give such hasty rubber-stamp approval to the Fortas-Thornberry nominations. Because the time allowed for such consideration was so short and because the political character of these and other Supreme Court nominations has been so apparent, I understand that members of this ABA committee came close at Philadelphia to recommending that the ABA abandon altogether its role with respect to appointments to the Supreme Court.

Mr. President, while I am critical of certain procedures which have been followed by one ABA committee in this particular situation, my remarks today should not be interpreted as blanket criticism of the ABA or of all its officers. Indeed, I am proud of my membership in this great association which has generally advanced the legitimate interests of the legal profession in many commendable ways.

Nevertheless, on this occasion, I am convinced that there is need to reestablish and maintain a proper perspective concerning the appropriate roles of the U.S. Senate and the ABA in the appointing process.

Mr. President, I ask unanimous consent that an article from the New York Times of August 3, 1968, an article from the Los Angeles Times of August 3, 1968, and two resolutions submitted to the Assembly of the American Bar Association on August 5, 1968, be printed at this point in the RECORD.

There being no objection, the articles and resolutions ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 3, 1968]

JOHNSON TEXAS LAWYER CHECKED THORNBERRY FOR PANEL OF ABA

(By Fred P. Graham)

PHILADELPHIA, August 2.—Leon Jaworski, a former attorney for President Johnson, acknowledged today that he was called in by the American Bar Association in June to investigate the qualifications of Judge Homer Thornberry, Mr. Johnson's nominee to the Supreme Court.

Mr. Jaworski, a Houston lawyer who has been associated with Mr. Johnson for years, said the A.B.A. called upon him to report on Judge Thornberry a former Texas Representative, because Mr. Jaworski had formerly served on a committee that screened judicial appointees, and "because I knew him better than the others."

Judge Thornberry, a member of the United States Court of Appeals for the Fifth Circuit, was first appointed to the Federal judiciary in District Court by President Kennedy in 1963. Mr. Jaworski disclosed that he alone had investigated Judge Thornberry's qualifications.

After hearing Mr. Jaworski's report on a conference telephone call on the morning of the day the nomination was announced, the A.B.A.'s Committee on the Federal Judiciary found Judge Thornberry "highly acceptable" to serve on the Supreme Court.

NEWS CONFERENCE HELD

The role of Mr. Jaworski came to light in a question-and-answer period at a news conference called by several A.B.A. leaders to urge Senate approval of Abe Fortas' nomination as Chief Justice. Mr. Jaworski and the other participants are associated with the American College of Trial Lawyers, which is holding its annual meeting here prior to the annual A.B.A. convention, which begins Monday.

Last week Senator Robert P. Griffin, Republican of Michigan, charged that the Bar Association committee had "rubber stamped" President Johnson's nominations of Judge Thornberry and Justice Fortas, who were nominated on the same day. Both nominations, now in the Senate Judiciary Committee, face determined opposition when the Senate returns next month.

The association's committee has been a powerful voice in recent years in the naming of lower Federal judges, and few judges have been approved who were found "not qualified" by it.

But some lawyers have questioned if the committee plays a meaningful role in the selection of Supreme Court Justices, and Mr. Jaworski conceded today that the 12-man group voted unanimously to approve Judge Thornberry and Justice Fortas after an hour-long conference telephone call that began at 7 A.M. on the day President Johnson announced the nominations. They were occasioned by the resignation of Chief Justice Earl Warren.

Mr. Jaworski was a member of the A.B.A. committee from 1960 to 1962. He was succeeded by John W. Ball of Jacksonville, Fla., the present member for the Fifth Circuit.

---

[1] For example, in 1960 a suit was brought in Texas challenging the right of Mr. Johnson to run for Vice President and Senator at the same time. Lawyers defending Mr. Johnson's position included Jaworski and Fortas.

When Judge Thornberry was named to the Federal District Court in 1963, Mr. Jaworski investigated and approved his qualifications. He said he did this for judicial nominees in Texas because Mr. Ball lives so far away.

In a rare break with recent custom, President Johnson did not ask for the A.B.A. committee's approval when he appointed Judge Thornberry, a friend for more than 40 years, to the Fifth Circuit.

[From the Los Angeles (Calif.) Times, Aug. 3, 1968]

Ex-Johnson Lawyer Counseled Bar Group Backing Thornberry

(By Ronald J. Ostrow)

PHILADELPHIA.—Leon Jaworski of Houston, a former personal lawyer for President Johnson, took part in an American Bar Assn. Committee's disputed endorsement of Judge Homer Thornberry to sit on the Supreme Court, it was learned here Friday.

The committee's twin endorsement of Justice Abe Fortas to become chief justice and Thornberry to succeed him as associate justice has been denounced as a "rubber-stamping" procedure by Sen. Robert P. Griffin (R-Mich.), leader of the GOP opposition to the nominations.

Fortas and Thornberry are both old friends of Mr. Johnson. Opponents claim that the appointments smacked of "cronyism."

The nominations are still before the Senate Judiciary Committee, which is expected to resume consideration of them when the Senate returns after Labor Day.

Jaworski's role consisted of advising the 12 members of the ABA's committee on the federal judiciary, on which he had previously served, that Thornberry's record as both a federal district and appellate court judge was one "of very good service."

The committee unanimously found both men to be "highly acceptable from the standpoint of professional qualifications." A President rarely proceeds with an appointment to the federal judiciary without such backing.

Jaworski discussed his role at a press conference here called by Joseph A. Ball, president of the American College of Trial Lawyers, to support Fortas and denounce the tactics of some senators opposing the nomination.

Replying to a question, Jaworski confirmed that he had represented Mr. Johnson on some legal matters in 1959 and 1960. He did not disclose the nature of the legal work.

QUALIFICATION CLAIMED

"I don't think being the President's lawyer disqualified me" from advising the committee of Thornberry's qualifications, Jaworski said.

"I have performed many services for many different organizations, professional and other kinds, despite the fact that I did represent President Johnson in connection with some matters back in 1959 and 1960," Jaworski said.

Turning to the role he played on the ABA committee, Jaworski said he participated in a lengthy long-distance conference call linking the committee members as they reviewed Thornberry's qualifications. The call took place shortly before Mr. Johnson announced the appointments June 26.

He did so at the request of Albert E. Jenner Jr., chairman of the committee on the federal judiciary.

SERVED IN TEXAS

"Since Judge Thornberry had served as a U.S. district court judge in Texas and had served on the 5th Circuit Court of Appeals (whose territory includes Texas), it was felt by the chairman of the committee that I had more information than anyone else," Jaworski said.

Jaworski, a veteran Houston lawyer who served on the President's crime commission and is now on the President's commission on violence, said he had investigated Thornberry for the committee when he was named a district judge in 1963.

He said he dropped out of the conference call when the committee turned to considering Fortas' nomination.

Asked if he was a personal friend of Thornberry, Jaworski said: "I don't believe I had talked to him twice". when he first investigated Thornberry in 1963. "I have seen him more since he was a federal judge," Jaworski said.

FORTAS PRAISED

In the press conference, Ball praised Fortas as "one of the outstanding lawyers of this nation, an expert craftsman . . . with as keen a mind as has been on that (Supreme) court for many years."

The endorsement marked the first by leading lawyers since Fortas told the Senate Judiciary Committee that while on the court he attended White House conferences on Vietnam and the Detroit riots to summarize both sides of arguments for the President.

Ball said: "I do not think there was anything shown that would any way affect the separation of powers and the fact that the President, on occasion, asked him to give advice. * * * I can assure you that I as a citizen of this nation would have felt proud if the President asked me to give advice in times of this nation's stress . . . I think he's entitled to the finest judgment in the nation at those times . . ."

A Resolution Submitted to the Assembly of the American Bar Association on August 5, 1968

Whereas, the far-reaching powers exercised by the Supreme Court in reshaping our criminal procedure and other aspects of our policy make it essential for the maintenance of public confidence in the Court's holdings that the nomination of persons to fill vacancies on the Court be confined to those clearly best qualified for such nomination, and

Whereas, the unlimited discretion now enjoyed by the President in making such nominations does not always assure that such nominations shall in fact be confined to those clearly best qualified for such nomination,

Be it resolved, That it is the sense of this Assembly that an inquiry into how better to assure that nominations to the Supreme Court shall be confined to those clearly best qualified for such nomination should be accorded high priority by the appropriate organs of this Association.

Submitted by Lewis Mayers, I. Arnold Ross, and Edward W. Stitt, Jr. of New York.

Resolution Relative To Appointment of Supreme Court Justices

Whereas, it was in this City of Philadelphia between the second Monday in May and September 17, 1787, that the Constitutional Convention met and drew up the United States Constitution in which there was included the grant of the power to the President to appoint the Justices of the Supreme Court with the advice and consent of the Senate; and

Whereas, it is well known that, at that time, there were serious difficulties connected with the anticipated selection of judges for the "National Judiciary" including (a) the general inability, then, of the citizens of the Confederated States to communicate with each other relative to a matter such as this, (b) their lack of prior experience with respect thereto, (c) the fact that there was very limited information among the citizens as to what persons, or Judges, if any, might qualify for the "National Judiciary" because of the acknowledged, limited legal and judicial education and backgrounds, generally, of the citizens of the States of the Confederation and (d) the lack of existence of such a "National Judiciary" up to that time; all of which posed a serious problem for the delegates to the Convention; and

Whereas, at that time, when, due to said difficulties, a scarcity of qualified lawyers and justices from which to choose Supreme Court Judges pragmatically, it was even deemed proper and advisable to allow persons without legal or judicial education or background to become judges of said Court, while, in this day and age there would be no more justification for such a determination than there would be to decide to appoint all judges of all courts without regard to whether they are lawyers or judges or not, or have any legal or judicial experience or not; and

Whereas, during the entire summer following the opening of the said Convention and down to about September 7, 1787, (ten days before the Convention finished its work), the proposal before the Convention (which had been submitted by the Virginia delegation including Madison and Randolph and was referred to as the Virginia Plan) relative to the appointment of said judges, provided as follows:

"Resolved that a national judiciary be established, to consist of one supreme tribunal, the judges of which shall be appointed by the second branch of the National Legislature (the Senate) to hold their offices."[1] and

So it is known that it had been the original intent of the Virginia Plan that the Senate, and not the President, was to have the power to appoint the judges of said Court; and

Whereas, within said ten day period prior to September 17, 1787, the date on which the Convention approved the proposed Constitution (although no explanation in the texts relative thereto has been found to account for it), the power of the President to appoint said Judges was inserted into the previously proposed provision of the Virginia Plan (Article X, Sect. 2) relative to the power given to the President to "commission all officers of the United States and shall appoint officers in all cases not otherwise provided by this Constitution" and included in the proposed Constitution, on September 17, 1787, in Article II, Section 2;[2] and

Whereas, it could never have been contemplated, then, that the situation would develop in the national political system, whereby the Presidential office would carry with it the prestige, influence and power, which has developed, whereby the President, due to political obligations or considerations, or other inadequate considerations, could influence the Senate to appoint a person of his choosing, whether qualified to be a judge by his education and experience or not, to be a Judge of the Supreme Court; and

Whereas, the national and international legal involvements and problems requiring consideration and determination by the members of said Court have become so complex (and these complexities increase virtually daily) and of such great importance and have such tremendous influence on national and world affairs, that the Supreme Court is one of the most, if not the most, powerful and important Courts in the world; and

Whereas, the members of the American Bar Association deem it for the best interests of the country and the world that a change be made in the Article II, Section 2 of the Constitution with respect to the power of the President to appoint, with the consent and advice of the Senate, such persons as he may deem, for whatever reason, fit to be Judges of this Court; and

---

[1] See "the Drafting of the Constitution" by Beardsley, p. 573.

[2] See page 462 of The Constitution of the United States of America as printed by the U.S. Government Printing Office in 1964, prepared by the Legislative Conference Service, Library of Congress.

Whereas, there are standards and requirements provided as safeguards for the Federal Judiciary system which insure, insofar as possible, that the persons who become Justices of the District Courts of Appeal will be highly qualified to be such justices and it has become the accepted practice for the elevation to membership in the Circuit Court of Appeals, justices of the District Courts, who, by reason of their background and experience in said lower courts, are deemed better qualified to serve in the Circuit Court;

Now, therefore, it is hereby—-

Resolved that the American Bar Association shall recommend, and advocate to the proper governmental or other authorities, that Article II, Section 2 of the Constitution of the United States be amended so that the second paragraph thereof, shall read as follows:

"He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, *who are to be chosen from any Circuit Court of the United States Judiciary System* * * *, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

Mr. **MAGNUSON.** Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3566.

The **ACTING PRESIDENT** pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3566) to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation," and for other purposes, which was, strike out all after the enacting clause, and insert:

That paragraph (33) of section 101 of the Federal Aviation Act of 1958 is amended to read as follows:

"(33) 'Supplemental air transportation' means charter trips, including exclusive tour charter trips, in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d) (1) and (2) of this Act. Nothing in this paragraph shall permit a supplemental air carrier to sell or offer for sale an inclusive tour in air transportation by selling or offering for sale individual tickets directly to members of the general public, or to do so indirectly by controlling, being controlled by, or under common control with, a person authorized by the Board to make such sales."

SEC. 2. Certificates of public convenience and necessity for supplemental air transportation and statements of authorizations, issued by the Civil Aeronautics Board, are hereby validated, ratified, and continued in effect according to their terms, notwithstanding any contrary determinations by any court that the Board lacked power to authorize the performance of inclusive tour charter trips in air transportation.

SEC. 3. Section 401(e)(6) of the Federal Aviation Act of 1958 is amended to read as follows:

"(6) Any air carrier, other than a supplemental air carrier, may perform charter trips (including inclusive tour charter trips) or any other special service, without regard to the points named in its certificate, or the type of service provided therein, under regulations prescribed by the Board."

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendment of the House, but before action is taken on that motion, I wish to make an explanation of the measure for the RECORD.

The Senate passed S. 3566 to give specific statutory authority to the Civil Aeronautics Board to authorize supplemental air carriers to conduct inclusive tour charters and to validate the certificates already issued by the Board for such charters notwithstanding any court decision that the Board exceeded its statutory power in issuing them. The Senate bill amended the definition of supplemental air transportation set forth in section 101(33) of the Federal Aviation Act of 1958 by inserting the phrase "including inclusive charter trips" after the term "charter trips."

The House-passed bill is identical in this respect. The House, however, added two clarifying amendments, the first of which specifically prohibits the sale of inclusive tours to the general public by a supplemental air carrier directly, or indirectly through control relationships with tour operators.

The second House amendment would add to section 401(e)(6) of the Federal Aviation Act the same language that was added to section 101(33) to make clear that the Civil Aeronautics Board has the authority to authorize scheduled air carriers to conduct inclusive tour charter trips, if the Board defines it is in the public interest to do so.

Although I believe the Senate bill is preferable, the House bill does accomplish the prime purpose of confirming the Civil Aeronautics Board's authority to authorize supplemental air carriers to engage in inclusive tour charter trips to the extent it has previously done so under regulations of the Civil Aeronautics Board. The second House amendment is merely a clarifying amendment and does not add or detract from the authority the Board already has.

Therefore, in order to end the confusion which has surrounded the authority of supplemental air carriers since 1962, I am in favor of accepting the House amendments.

Mr. President, I ask unanimous consent that a statement by the distinguished senior Senator from Oklahoma, the chairman of the Aviation Subcommittee, be included in the RECORD at this point. Senator MONRONEY's statement clearly sets forth his understanding and my understanding and the understanding of the distinguished Senator from New Hampshire [Mr. COTTON] with respect to this legislation and with respect to the House amendments.

Mr. President, I urge the Senate to concur in the House amendments to S. 3566.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MONRONEY

As the Senate will recall, in 1962 Congress amended the Federal Aviation Act so as to include a definition of supplemental air transportation and to empower the Board to certificate such transportation. So far as is presently pertinent, supplemental air transportation was defined simply as "charter trips". The Civil Aeronautics Board construed these provisions as empowering it to certificate the supplemental air carriers to conduct inclusive tour charters, subject to regulations designed to insure that such charters would not be a subterfuge for sale by the supplementals of individual point-to-point transportation. Unfortunately, two federal courts of appeals reached squarely conflicting conclusions as to the validity of the Board's construction and the Supreme Court, dividing evenly, failed to resolve the conflict.

The basic purpose of this legislation is to settle the question by making it perfectly clear that the Board may authorize inclusive tour charters by the supplementals, and to validate the certificates already issued by the Board for such charters notwithstanding any court decision that the Board exceeded its statutory power by issuing them. In these respects the bills passed by both bodies are the same. They merely amend the definition of supplemental air transportation set forth in Section 101(33) by insertion of the phrase "including inclusive tour charter trips" after the term "charter trips", and they contain a section, identical in language, ratifying outstanding certificates for inclusive tour charters.

The House amendment differs from the Senate bill in two respects, each of which I shall discuss briefly.

The first is the addition of a sentence to the new definition of supplemental air transportation which specifically prohibits the sale of inclusive tours to the general public by a supplemental carrier directly, or indirectly through control relationships with tour operators.

I am inclined to believe that it would be better policy to leave the Board with discretion in this respect to meet future exigencies which we cannot now foresee. The House amendment deprives the Board, to some extent, of flexibility, and for this reason I believe the bill as passed by the Senate is preferable. On the other hand, the Board has not thus far undertaken to authorize a supplemental carrier to deal directly with the public in the sale of inclusive tours nor has it approved any control relationships between supplemental carriers and tour operators. The provision added by the House will not, therefore, disturb existing authorizations and policies. However, we are as concerned as the Committee on Interstate and Foreign Commerce of the other body with tour operators and will follow with interest the continuation of inclusive tour service through charters between supplemental air carriers and tour operators. The CAB has ample authority over the supplemental air carrier certificates. Should additional authority which cannot be effected by agency rulemaking over the tour operators be deemed necessary, the Congress will expect prompt notification from the CAB. These are the matters of overriding importance now.

The urgent need at present is to remove the confusion and doubt which the con-

---

***An alternative proposal, which might be considered with favor, would be to add, where the three asterisks are above, the following words:

". . . or from the highest Court of any of the States of the United States . . ."

Submitted by Edward F. X. Ryan of Larchmont, N.Y.

flicting court decisions have created with respect to what the Board has already said and done. Since the House bill, no less than the one passed by the Senate, clearly accomplishes this purpose, it represents a satisfactory solution to the basic and most pressing problem. Accordingly, I am prepared to go along with the House amendment despite my preference for the measure originally passed by the Senate.

The second difference is reflected in a floor amendment to the bill sponsored by Congressman Pickle. It involves a change in the language of Section 401(4)(6). That section presently authorizes the scheduled carriers, "subject to regulations prescribed by the Board", "to perform charter trips", without regard to the points to which they are certificated or the types of service for which they are certificated. The Pickle amendment adds the parenthetical phrase "including inclusive tour charter trips". These are the same explanatory words that are added after the phrase "charter trips" in both the Senate and House amendment of Section 101(33). Thus, each time the phrase "charter trips" is used in the Federal Aviation Act the House bill would have it followed by the words "including inclusive tour charter trips".

Quite frankly, I see no need for the Pickle amendment. The Board's position throughout the inclusive tour controversy has been that inclusive tour charters fall within the generally accepted scope of the charter concept and that the Board has discretion as to whether it will authorize a particular carrier or group of carriers to engage in any particular type of charter activity. That position finds solid support in the report of the Senate Committee on the 1962 legislation, and as a practical matter is ratified by the new definition of supplemental air transportation upon which the Senate and the House are today in complete agreement. The amendment is thus strictly conforming and clarifying. It merely conforms Section 101(33), the definiton of supplemental air transportation, and Section 401(e)(6), the charter authorization for the scheduled carriers, so as to make it entirely clear that inclusive tour charters within the meaning of both sections.

The Act specifically qualifies the authorization to engage in charters by making their performance "subject to regulations prescribed by the Board". Since the House amendment clearly makes it clear that inclusive tour charters are indeed charters for purposes of Section 401(e)(6), and does not otherwise alter that section or any other provision of the Act conferring regulatory discretion on the Board, it follows that the Board will continue to enjoy precisely the same power of discretionary control over the scheduled carriers' charters that it has under existing law.

Since the independent tour operators do not now have authority under Part 378 to charter aircraft from scheduled carriers in order to operate inclusive tour charters, the Senate assumes that such authority would not be granted without a satisfactory demonstration that an expansion of the inclusive tour charter program was required by the conventional standards of public convenience and necessity. Such standards would include, of course, not only the interest of the traveling public in such charters, but the need to maintain the economic viability of all segments of the certificated airline industry.

To conclude, while I think this amendment is unnecessary, it does not appear to do any harm, and, in the interest of prompt resolution of the basic problem with which we are concerned, I am in favor of accepting the bill by the other house.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington to concur in the House amendment.

The motion was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Federal Coal Mine Health and Safety Act of 1968

A communication from the President of the United States urging the enactment of the Federal Coal Mine Health and Safety Act of 1968; to the Committee on Labor and Public Welfare.

Proposed Federal Coal Mine Health and Safety Act of 1968

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Fred S. Long, and sundry other persons, for appointment in the Environmental Science Services Administration.

By Mr. PASTORE, from the Committee on the District of Columbia:

H. Rex Lee, of the District of Columbia, to be a member of the Federal Communications Commission.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS (for Mr. Tower):

S. 4035. A bill to amend section 107 of the Internal Revenue Code of 1954 relating to exclusion of rental allowances by ministers of the gospel; to the Committee on Finance.

(See the remarks of Mr. Curtis when he introduced the above bill, which appear under a separate heading.)

S. 4035—INTRODUCTION OF BILL TO AMEND THE INTERNAL REVENUE CODE RELATING TO EXCLUSION OF RENTAL ALLOWANCES BY MINISTERS

Mr. CURTIS. Mr. President, on behalf of the Senator from Texas [Mr. Tower], I introduce, for appropriate reference, a bill to amend section 107 of the Internal Revenue Code of 1954 relating to exclusion of rental allowances by ministers of the gospel. I ask unanimous consent that remarks, prepared by Mr. Tower, be printed in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the remarks will be printed in the Record.

The bill (S. 4035) to amend section 107 of the Internal Revenue Code of 1954 relating to exclusion of rental allowances by ministers of the gospel, introduced by Mr. Curtis (for Mr. Tower), was received, read twice by its title, and referred to the Committee on Finance.

The remarks of Mr. Tower are as follows:

Mr. Tower. Mr. President, inequities and loopholes continue to exist in the tax code. As a member of the Senate and as an American taxpayer, I consider it my duty to endeavor to correct the faults of Internal Revenue Service tax codes—whenever and wherever they are discovered.

A particular case in point concerns IRS provisions relating to the exclusion of rental allowances by ministers of the gospel. Recognized ministers of certain churches or religious organizations can not qualify for the Minister's Housing Allowance under IRS ruling due to the specific wording of the regulation relating to the church's policy lacking central authority or formal ordination. This situation results in an inequity to those who "de facto" fulfill the purpose of the regulation, though not "de jure."

What is needed then is a new definition of terminology to apply to those meeting the spirit of the law although not quite meeting the letter of the law. The purpose of my legislation is to broaden the eligibility requirements. For instance—because of an October 15, 1962 ruling (62–171) in the Internal Revenue Bulletin—ministers of the Church of Christ who teach in Abilene Christian College (Abilene, Texas) and other Christian colleges are left out entirely and are not recognized as eligible for the minister's housing exclusion.

Due to the rather autonomous structuring and de-centralized bureaucracy of the Christian Church, many teaching ministers do not qualify for exclusion from taxation the rental allowances paid them as part of their compensation. My bill amends the term "integral agency" of section 107 of Internal Revenue Code of 1954 to include those teaching ministers in schools, colleges, or universities which are *identified with* a church or church denomination as long as the members of the governing body and faculty are required to be members of the said church or denomination.

This new qualifying provision is strict enough to limit consideration to institutions of higher learning actually related to a religious denomination: for all the members of the governing body and faculty are required to be members of the said church. My bill is also broad enough to provide allowances to teaching ministers at religious-affiliated colleges regardless of the nature of their formal ties with the particular denomination. The colleges must be affiliated with a denomination, but the manner of affiliation should not—and will not—prohibit due tax allowances if my bill is enacted.

The code of Internal Revenue should truly allow all teaching ministers tax credits for rental allowances as a part of their teaching compensation. This has not been possible in the past; the enaction of S. 4035 will remedy this longtime inequity.

GUN CONTROL ACT OF 1968—AMENDMENTS

AMENDMENTS NOS. 963 THROUGH 968

Mr. HRUSKA submitted six amendments, intended to be proposed by him, to the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, which were ordered to lie on the table and to be printed.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE NOMINATION OF JUSTICE ABE FORTAS TO BE CHIEF JUSTICE OF THE UNITED STATES

Mr. JAVITS. Mr. President, it is my purpose today to speak to the nomination of Abe Fortas to be Chief Justice of the United States. I have heard with the greatest interest the remarks of the distinguished Senator from Michigan [Mr. GRIFFIN], who on this side at least, the Republican side, has led the opposition to the nomination of Justice Fortas. I, too, am a member of the American Bar Association. I am unaware of the circumstances the Senator from Michigan described, but I believe that Justice Fortas eminently deserves the resounding endorsement of the association. As one member, I am content with that endorsement.

I would say, however, that what I am about to say does not, in an interesting way, even concern this necessary difference of opinion between two lawyers, both members of the American Bar Association, but relates to an aspect of the Senate's responsibility in respect to the Fortas nomination to which I hope my colleagues will give earnest attention.

My point is that, whether Senators are going to vote "yea" or "nay"—I am going to vote "yea"; perhaps Senator GRIFFIN and other Senators will vote "nay"—the question is, Shall we vote at all or shall we be blocked from voting by the utilization of the well-known rule XXII, which prevents us from voting unless two-thirds of the Members of the Senate agree? If we are blocked in this way, I believe this would represent a very serious problem, a disservice, in my judgment, to the best national interests. That is why I address myself to the subject along these lines.

This is a nomination which has involved enormous controversy. The Senate must make an important, and for many a difficult, decision on the confirmation of Justice Fortas before we adjourn. We know very well, considering the exigencies of the time, we are going to leave here within some measurable period of time. Let us say, for the sake of argument, it will be early October. The problem, in my judgment, is whether we fail to act before we leave because a minority will prevent us from voting. This I think would be most unwise in every way, for the failure to vote will itself be a decision reflecting not a judgment on the nomination but on an unwise and archaic Senate rule and the need to reform it. If the Senate fails to vote on the Fortas nomination, it will be because rule XXII of the Senate rules of procedure has once again thwarted the will of the majority.

There is no problem about the extensiveness of the debate. Here we stand on the 13th of September. There is really no other vital business that cannot be infiltrated for the consideration of the nomination. I am sure the leadership will be very content to debate this matter for 2 weeks, if Members will just come and have their say and if we have reasonably extended sessions. I know the leader does not like to have midnight sessions, but if we convene at 10 or 11 o'clock and remain until 6 or 7 o'clock, there will be plenty of time for debate.

There is no thought, in the remotest way, of cutting off the deliberation and the amplitude of the debate, and the elucidation of the facts on both sides. But rule XXII is such that it could thwart us completely, notwithstanding full and free, fair, and adequate debate, and frustrate the will of a majority. We have seen that happen before, Mr. President. At the beginning of every new Congress since I came here in 1957, liberals and moderates have joined in an effort to amend rule XXII, but even our motions to change the rules have either been talked to death or suffocated, and this notwithstanding the fact that former Vice President Nixon—and I pay him this tribute—made the most enlightened ruling that has ever been made in this Chamber on that subject, a ruling which would have enabled the Senate to change rule XXII at the beginning of a Congress by a majority vote.

But even that, Mr. President, was suffocated, because there was not a majority in the Chamber at that time even to sustain that ruling.

Nothing in the Constitution decrees that a two-thirds vote of the Senate is required to pass any measure except a treaty or a constitutional amendment. Yet the effect of the filibuster rule is to impose this requirement on virtually any measure which a small group of Senators wishes to stop. Whatever the outcome, the Fortas situation emphasizes anew the tyranny of the rule XXII, and should increase our determination to amend it as soon as the 91st Congress convenes. Mr. President, I pledge myself, if I am here again—and I hope to be—to be one of that group, or if necessary to try to do it myself. It must be done. We must be knocking at the door of the country's conscience so often it will ultimately see what is the elementary justice in this situation, which has been so vividly exemplified by the Fortas nomination .

There is already talk in the corridors, as everybody knows—it is open and public as saying it here—about the fact that we will try to cloture a couple of times, and if we cannot make it, we just cannot make it, and the President of the United States will have been deprived of the constitutional authority to fill a very high post in the Government, just because he is a lameduck President, and because a minority of the Senators can stand in the way of the Senate acting, not because there is not a majority of Senators to confirm the nomination.

Individual Members of the Senate oppose the Fortas nomination for a variety of reasons—and that is their right, as Senators—but if their reasons are valid, they should not be afraid to allow all their colleagues to vote but should rather seek a vote.

Since rule XXII cannot be amended at this stage of the session, however, I reiterate a suggestion which I made some weeks ago designed to avert a filibuster. Because any successful effort to prevent a vote will, by implication, reflect on the character and qualifications of the nominee, I propose that those Senators who oppose the nomination for collateral reasons—for example, the fact that the President did make the appointment after he announced that he would not run for another term as President—move to table the nomination, let us say after a week or 10 days of debate, if they feel that that is what they require, thus affording us a chance to vote on the merits of that particular argument; to wit, that the President should not have exercised the authority which the Constitution gives him.

If such a motion were defeated, we could then agree to vote at a certain time, or we could just be permitted to vote without a filibuster, on the central question: Whether Justice Fortas is qualified to be Chief Justice of the United States.

So there would be 2 votes, at least, one on the question as to whether or not the President should or should not have exercised his authority—that can be handled by a tabling motion made by any Senator at any time—and second, whether or not Justice Fortas' nomination should be confirmed.

There are, I believe, a number of reasons why this nomination is opposed. Some merit discussion and should be discussed on the Senate floor; others are procedural and should be dismissed.

That is why I suggest the tabling motion. Among the latter is the charge that a President who has announced his intention to retire is immediately disqualified from performing any major act of appointment in line with his constitutional duties. Then there is the curious allegation that a vacancy does not actually exist.

But, again, these can be tested by a tabling motion. Indeed, we could have two tabling motions, one argued on the first ground and one argued on the second.

A much more serious threat is posed by those who object to the nomination because of Justice Fortas' liberal philosophy. We have even been bombarded with extremist pamphlets alleging that the Justice has a somewhat subversive past; and what echoes that raises in the memories of all of us, including our memory of an effort to brand President Eisenhower as some kind of an ally of the Communists.

With regard to decisions of the Supreme Court, each of us, as lawyers and as individuals, can disagree with their reasoning or results, but we must not consciously distort them and impute motives to the Justice which simply do not exist.

Here again, I parenthetically point out, Mr. President, as a parallel to this matter of imputing motives to individual Justices, how the Foreign Service of the United States has been robbed of creativity by the fact that the motives of individuals were assailed, at the sacrifice of their whole careers, so as to practically silence the whole group of thinking and able men and women we have trained precisely for the purpose. That is not an inapt analogy to the Supreme Court, or any other court, Mr. President, when the personal motives of the Justice who renders the opinion begin to be questioned.

A case in point is the obscenity issue which has been raised out of all proportion so as to make it appear that the personal morality of Justice Fortas was somehow in question. Opponents seldom mention, for example, that Justice Fortas provided the crucial fifth vote affirming the conviction of Ralph Ginzburg in that landmark case. Further, many of the decisions for which he is specifically being criticized were per curiam—without written opinion—so, in fact, we do not know the grounds on which they were decided. In this connection, I ask unanimous consent to have printed in the RECORD the excellent letter of Joseph O'Meara, dean emeritus of the Notre Dame Law School, published in the Washington Post on September 10.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OBSCENITY ISSUE AND FORTAS

A few United States Senators seem determined to block the confirmation of Mr. Justice Fortas's nomination as Chief Justice of the United States because of his votes in two recent obscenity cases. To attack Mr. Justice Fortas because of those votes is unfair, misleading and dangerous.

First, it is unfair because it attempts to measure a sitting Justice's judicial fitness on the basis of the scanty evidence of his recorded vote in cases decided without written opinion, two cases only.

I take it to be a general rule that no active Justice should be called to account in the Senate for his votes in particular cases. But, passing that, it seems to me clearly wrong to impugn Mr. Justice Fortas for his votes in the two cases in question. The Senatorial opposition has focused on the Court's reversals of convictions in *Shackman v. California*, decided per curiam on June 12, 1967, and in *Jacobs v. New York*, which was dismissed as moot on the same day. In neither of these cases did the Court issue a written opinion explaining its reasoning, and in neither of the cases did Mr. Justice Fortas issue a separate statement of his own views. I am quite unable, therefore, to see how one can single out Mr. Justice Fortas's actions in these cases from those of his colleagues, or extract from his votes very much about his position on the complex obscenity issue.

This conclusion is reinforced by an examination of the issues presented to the Court in those two cases. Each was unique. The briefs to the Court state that Shackman involved a "peep-show" of a filmed burlesque performance not unlike those presented fairly widely in burlesque houses throughout the country. Jacobs, on the other hand, involved a nearly private screening of what we are told was a seriously intended, if unconventional, underground art film, and the showing was not advertised in any way to the public at large. In addition, in Schackman there was presented the question of unlawful police seizure of the film prior to any lawful determination that it was in fact obscene under the local statute. For my part, I am unable to see that these cases tell us much about Mr. Justice Fortas's particular views.

Secondly, the attack on Mr. Justice Fortas's votes in these two cases is misleading because it overlooks his total record in the field. From the time of the landmark *Roth* decision in 1957 until Mr. Justice Fortas was appointed to the Court in 1965, the Court had never squarely sustained a finding of obscenity. However, in the October 1965 Term, Mr. Justice Fortas voted with the majority to sustain the obscenity convictions of Ralph Ginzburg and Edward Mishkin. He did not issue an opinion in either case. The Court's opinions, however, spell out a new theory and they broke the impasse which had developed over the obscenity issue in the years before his appointment. The Court held that the manner in which a defendant merchandised allegedly obscene material could be taken into account in determining whether those materials were "obscene."

More recently, and again with the support of Mr. Justice Fortas, the Court dealt with "variable concepts of obscenity," holding that the First Amendment does not preclude legislation to protect children from materials which might not be "obscene" if purveyed to adults. In his separate opinion in that case, *Ginzberg* v. *New York*, decided April 22, 1968, Mr. Justice Fortas stated:

"The State's police power may, within very broad limits, protect the parents and their children from public aggression of panderers and pushers. This is defensible on the theory that they cannot protect themselves from such assaults."

To attack Mr. Justice Fortas on the basis of his votes in two *per curiam* decisions (*Schackman* and *Jacobs*) therefore, is to distort the record. His vote in the first *Ginzberg* case, and his opinion in the more recent *Ginzberg* case, to the extent that one can isolate his views from those of the other Justices, reflects a developing sensitivity to the complexities of the problem, a realistic appreciation of the significance of the way challenged films and books are marketed, and a concern with the peddling of obscenity to the young. One need not agree or disagree with the Court or with Mr. Justice Fortas. I for one do not agree. I have argued that the burden of deciding obscenity cases should be shifted to local juries and away from appellate courts. But surely one can see, from Mr. Justice Fortas's record since his appointment, a commendable, judicious temperament wholly undeserving of the kind of attack which has been launched against him in the Senate.

Finally, to attack Mr. Justice Fortas on the basis of two *per curiam* decisions is dangerous, because it threatens not only this specific judicial appointment, but involves fundamental constitutional considerations as well. At stake in these cases is the sensitive balance to be struck between a society's interest in protecting itself from smut, and its deep need to preserve and enhance freedom of artistic and literary expression. The Constitution places the responsibility for determining where that thin line is to be drawn on the nine Justices of the Supreme Court. It should remain there.

Moreover, if Mr. Justice Fortas is to be punished for his votes in the two obscenity cases above mentioned, consistently would require that a majority of the Court be impeached.

The time is long past when the Senate should be allowed to express its judgment whether, on the basis of Mr. Justice Fortas's entire career, it consents to his appointment as a fit Chief Justice of the United States. That judgment ought not to be frustrated or obscured by a fixation on votes in two recent obscenity cases, both decided without opinion.

I am authorized to state that the following Deans, namely, Reverend Robert F. Drinan, S.J., Boston College Law School; Charles E. Ares, University of Arizona College of Law; Louis H. Pollack, Yale Law School; John W. Wade, Vanderbilt University School of Law, join in the views expressed in this letter, with the single exception of my personal opinion that obscenity, like negligence, is a jury question.

JOSEPH O'MEARA,
Dean Emeritus, Notre Dame Law School.
NOTRE DAME, IND.

Mr. JAVITS. Dean O'Meara, speaking for himself and four other law school deans, said, in part:

The Senatorial opposition has focused on the Court's reversals of convictions in *Schackman* v. *California*, decided per curiam on June 12, 1967, and in *Jacobs* v. *New York*, which was dismissed as moot on the same day. In neither of these cases did the Court issue a written opinion explaining its reasoning, and in neither of the cases did Mr. Justice Fortas issue a separate statement of his own views. I am quite unable, therefore, to see how one can single out Mr. Justice Fortas' actions in these cases from those of his colleagues, or extract from his votes very much about his position on the complex obscenity issue.

Dean O'Meara goes on:

His vote in the first Ginzburg case, and his opinion in the more recent Ginzburg case, to the extent that one can isolate his views from those of the other Justices, reflect a developing sensitivity to the complexities of the problem, a realistic appreciation of the signficance of the way challenged films and books are marketed and a concern with the peddling of obscenity to the young.

The dean's letter continues:

But surely one can see, from Mr. Justice Fortas' record since his appointment, a commendable, judicious temperament wholly undeserving of the kind of attack which has been launched against him in the Senate.

Now, Mr. President, perhaps rather specially in my case, I face another question which has been raised on this matter. Another aspect of the opposition which is of special interest to me personally is the question of anti-Semitism. As Mr. Justice Fortas is Jewish, it has been alleged that the Senate opponents of Justice Fortas are motivated by anti-Semitism and that the nominee's religion is the major cause of this heated debate. Earlier this summer, I stated that I had seen no evidence of this, and today, I would like to amplify that position.

Mr. President, in order to form a factual basis for what I have to say, I quote a statement which appeared in the New York Times of July 24 by Prof. Fred Rodell at the Yale Law School:

"No doubt about it," Mr. Rodell said in an interview yesterday. "A couple of Fortas's

> colleagues on the Court have told me that they haven't the slightest doubt that one of the objections is the fact that Abe is Jewish. It may not be the whole thing, but it's definitely there."

Mr. President, this statement is the only thing which has surfaced in respect to this charge. A Yale professor has said that two Justices of the Supreme Court—never identified by him—said that some of those who opposed the Fortas nomination were animated by anti-Semitism. I respectfully point out that whether or not one is a lawyer, that is a pretty flimsy basis for a charge. It is hearsay upon hearsay, and never substantiated or backed up in any way. While I have no way of knowing what is in the hearts of individual Senators, I don't view statements such as this as hard evidence of anti-Semitic bias on the part of my colleagues.

There are undoubtedly hate groups in the fringes of American political life who are particularly annoyed that the President has nominated a Jew for this high office. Among these are the publishers of "Common Sense," "The Cross and the Flag," and the "Thunderbolt."

I have been told—though I have no personal knowledge of the fact—that one group has financed a taped telephone announcement containing anti-Semitic remarks in opposition to this confirmation. Indeed, I have been the subject of their attacks myself. And so have other Senators and Representatives and men in the highest places in government, secretaries of state and Governors. I have also been told that some Senators have received mail reflecting anti-Semitism, but it has been my experience that religion is simply an added irritant to the minds of these sick people and that usually, they oppose a man because of his whole philosophy and the panorama of his past associations rather than his religion alone, although they invoke religion as a name-calling operation. I do not downgrade it. It is very important. We do have these hate, extremist groups in existence today.

Accusations have been leveled against me that I have become immune to the bias which still exists in our society, as shown by my attitude on this case. But my record of vigilance for the protection of minority rights is so long standing and implemented that I believe no one will take this seriously. I care passionately and actively about anti-Semitism but as I have said before, to use charges of prejudice as a crutch—or a weapon—is the greatest disservice to the spirit of fellowship between the faiths and the way to create prejudice or more of it. Further, I personally contacted representatives of leading national Jewish organizations and they have confirmed that no hard evidence of anti-Semitism exists in this case outside the fringe hate groups such as the American Nazi Party. We will continue our cooperative efforts to investigate and expose any such evidence which comes to light.

With reference to the question of whether the opposition to Mr. Justice Fortas is dictated by anti-Semitism, in the absence of any tangible evidence we would do a great disservice to Mr. Justice Fortas, his service on the Court, the people of the United States, and to the Jewish community of the United States, if we were to permit a charge of anti-Semitism to be invoked as a crutch for a weak argument—and there is no such thing involved here as a weak argument. There are very strong arguments for the confirmation of Mr. Justice Fortas, of which every Jew in America ought to be proud.

This is a very distinguished man. He is very capable of being Chief Justice of the Supreme Court of the United States.

Finally, we come to the question of the nominee's qualifications for this high post. Recommended in the highest possible terms by the American Bar Association's Judicial Selection Committee, Justice Fortas has had a distinguished career as law professor, Under Secretary of the Department of the Interior, practicing attorney, and Associate Justice of the Supreme Court.

Every inquiry I have made—of law school deans and eminent lawyers and within the most distinguished element of the legal community of the country—confirms the fact that Mr. Justice Fortas will make a great Chief Justice of the United States—a position that is perhaps the second highest position in our Nation. He has been counsel in hundreds of Federal cases, argued before the Supreme Court on dozens of occasions—among them the landmark Gideon against Wainright, guaranteeing counsel to the poor—and since his elevation to the Court, has written more than 70 opinions.

Seldom does the Senate have an opportunity to consider the nomination of such an eminently qualified jurist. I urge my colleagues to perform this duty thoughtfully and with care, but without further unnecessary delay.

The basic facts before the country are very clear.

Mr. President, I urge my colleagues in the national interest to vote for Mr. Justice Fortas. I will vote for him. I urge everyone else to do the same.

There is a solid majority in favor of confirming Mr. Justice Fortas.

The one thing that would be a great disservice to the national interest is to prevent a vote. I hope very much that my colleagues will perform their duty and vote on this matter. I hope they will not prevent a vote being had upon the confirmation of the nomination of Mr. Justice Fortas.

Mr. President, this matter has become the central issue confronting us today. I point out that if Mr. Justice Fortas does not have the votes, he should not be confirmed; but I believe that he has them. The right to vote should not be blocked by the invocation of an archaic rule of the Senate, extraconstitutional in its effect, thus doing a grave disservice to the national interest.

TRIBUTE TO METROMEDIA, INC.

Mr. HARTKE. Mr. President, I rise to pay tribute to Metromedia, Inc., for its offer of time to Mayor Daley in which to explain the events that occurred during the course of the recent Democratic Convention held in Chicago.

I refer especially to those things which occurred outside of the Conrad Hilton Hotel and the resulting police action. The controversy is one that is not only of local interest, but also national interest. It is a controversy which has certainly aroused the feelings of the public at large, and not only the feelings of those who were in favor of what happened there. Some people were in favor of what the police did. Others were opposed to the police action.

As a result of the television coverage of those events, the mayor of Chicago requested that he be given free television time in which to present his side of the story.

In a really controversial matter of this character, I think that those who are participants in the actual controversy itself, if they so desire, should have an opportunity to use the most effective media possible to make their side of the story known to the general public. Let the people judge on the basis of the facts. The television coverage of events can show only one side of an occurrence. If there was connivance and the use of the facilities was not proper, those facts should be exposed.

It is for that reason that I think those of us who are concerned in the communications field—and I am a member of the Committee on Commerce—should pay special tribute to Metromedia, Inc., for granting free time in which to discuss this controversy.

I am not expressing any opinion on the merits or demerits on either side. I am saying that the American people have a right to be fully informed by the media. That is a responsibility of the press, radio, newspaper, or television itself. They have the duty to present as much information as possible on every one of our political and social activities within the realm of the media.

I compliment Metromedia, Inc., for granting this time. It is not only proper under the communications code, but it is also commendable action on their part.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. INOUYE in the chair). Without objection, it is so ordered.

FREEDOM OF THE PRESS AND CURRENT JOURNALISTIC ENDEAVORS

Mr. MANSFIELD. Mr. President, on September 8, Sigma Delta Chi, national professional journalism society, in one of its historical sites ceremonies, honored George Mason and his contributions to freedom of the press at the Revolutionary War figure's home, Gunston Hall, in Fairfax County, Va.

George Mason, the Virginia constitutionalist who constantly sought to avoid public office but who constantly had it thrust upon him, wrote the Virginia Declaration of Rights of 1776, which first gave freedom of the press the force of law and which later served as the model for the Bill of Rights to the U.S. Constitution.

George Mason's contributions to our freedom of the press heritage and their relation to current journalistic endeavors were discussed by J. Russell Wiggins, editor of the Washington Post, and by the distinguished junior Senator from Virginia [Mr. SPONG], with one employing the viewpoint of the professional journalist and the other that of the lawyer.

At a time when much discussion is taking place on this subject, I believe these viewpoints express a great deal of thought and a maximum of light.

I ask unanimous consent that the speeches by Mr. Wiggins and Senator SPONG be printed at this point in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ON GEORGE MASON

(Remarks of J. R. Wiggins, editor of the Washington Post, Historic Site Ceremony, Gunston Hall, Va., September 8, 1968)

It certainly would be fitting and appropriate to pay tribute to George Mason for his expression of belief in freedom of the press were that his only contribution to the ideals that lie at the very foundation of our liberty and freedom. It was no small thing boldly to say in the America of that day, or the Virginia of that day: "freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments".

George Mason and his fellow statesmen of Virginia had perceived long before 1776, when the Virginia Declaration of Rights was adopted, the nature of this freedom. If they could have foreseen the events of our own time and if they could have observed for themselves what is now transpiring in Czechoslovakia they might have gone even farther than the Virginia Declaration of Rights. They would have known then that which we know now: that freedom of the press is not only a right that despotic governments suppress, but that it is a right which despotic governments *must* suppress if they are to retain their despotism.

It is not, of course, Article 12 alone which commends George Mason to his countrymen, but the entire concept embodied in the 16 articles of the Virginia Declaration of Rights, and more than that, the whole philosophy of this great American of the Revolutionary period. His claim upon our affectionate remembrance would be great if the 12th Article of the Declaration of Rights were his only public service. But his contribution did not end there. In addition, there is his role in preparing the draft constitution of the State of Virginia. But his creative political gifts gave more than this to the nation. His influence was felt throughout the whole period of his adult life both in Virginia and in the larger arena of the Colonies and later of the Nation.

Article 12 is only one upon which we hang our recognition. It is important to remember that his dedication to freedom of the press was not a singular notion conceived in isolation, but a part of the whole comprehensive philosophy shaped by his life-long contemplation of the problems of man and society.

His reverence for freedom of the press did not spring from any narrow or parochial view of the press as a separate and particular institution. It would be well to remember that he saw freedom of the press as a part of the whole panoply of freedom. And so we should always consider it. We are not concerned with the press as a craft or a trade or a profession possessing some particular inherent good in itself. We know that its virtue springs from its contribution to the preservation of larger liberties. One cannot stand here in this historic place where this extraordinary man lived for so long and labored so hard without reflecting upon the tragedy of his life as well as upon the triumphs.

His life up to the time of the Constitutional Convention and until its very close was marked by one political success after another. The Declaration of Rights and the Virginia Constitution were only the more conspicuous products of his genius and talent. He had the almost universal respect and overwhelming support of that incredible generation of Virginians who had so profound an influence on the whole character of the American nation. As a confidante of Washington and Madison and Jefferson, Wythe and Pendleton and Randolph and Henry and Lee. He had derived his ideas of society and government where they had obtained theirs, from the deepest and widest reading of the liberal philosophers of the 18th century and from unremitting study of the political wisdom of even earlier prophets and philosophers.

In the closing days of the Constitutional Convention he became persuaded that the fundamental document was deficient in safeguards for state rights and individual liberty. Along with Patrick Henry he took a leading part in the fight against the ratification of the constitution in the Constitutional Convention of the State of Virginia. It is instructive to examine now, in the light of subsequent history, some of his misgivings. He thought the President should be limited to a single term of seven years. He foresaw a time when otherwise the tenure of a President would be indefinitely extended. He shared these misgivings with Thomas Jefferson who felt as he did that the Constitution was providing for a new version of Polish kings—elected for life. Finally, the 20th Amendment emerged to place upon the presidential tenure almost the same limits that he desired in 1789. He was worried about the methods by which the President was elected and his apprehensions have proven to be not entirely unjustified. He was worried about the control of Congress over navigation and trade and favored the two-thirds vote as an essential in such legislation. Probably he would have felt vindicated if he could have lived into th era of our excessive protective tariffs with their baneful influence, particularly in the years between the wars. He was not satisfied with the protection of religious liberty. The Virginia senate, no doubt reflecting his views, was not happy with the 1st Amendment on protection accorded religion. It foresaw, as he foresaw, that while 1st Amendment might inhibit specific acts of Congress it was no guarantee against infringement by the courts or others. And he was aware, as the Virginia senate was aware, that the protection to religious liberty might estop the establishment of a religion, but that it did not preclude that which a religious libertarian of his day feared as much—support by Federal taxation of religious teachers. So he fought a lonely and ineffectual fight against the ratification of the Constitution and he fought for a more sweeping Bill of Rights than Madison was able to obtain. And that struggle caused an estrangement between him and his life-long friend and neighbor George Washington and chilled his friendship and intercourse with other Tidewater Virginians. And so, in a sense, he died a disappointed and defeated man—but only in the narrowest sense.

If the Constitution was deficient in some respects he was able to put in train the correction of many of those deficiencies, by his influence on Thomas Jefferson and James Madison. Like every man of ideas who has died in disappointment, he did not die in despair. It is the solace of men who traffic in ideas that there never is a final defeat of an idea that has genuine merit.

The Declaration of Rights won the approval of the law-makers of Virginia, but its claims as a document of the most importance to human liberty did not depend on that alone. It would have remained a beacon of liberty even if it had been rejected.

It is a curious thing that the American liberals of the 18th century had so thorough an understanding that freedom of the press was essential to all the other freedoms. There was hardly anyone of intellectual pretensions who believed that a free government could exist without a free press. How susceptible they were to the instruction of experience. How wise they were to the examples of history. How relatively uncomprehending we seem to be to the history of our 20th century which has endeavored to teach us by an almost montonous repetition of instruction that freedom of the press and speech is indispensable to any tolerably free society. We have continued to nurture the hope and cherish the belief that some freedom might survive in countries whose institutions do not comprehend or contemplate any freedom of the press. George Mason understood that any government that suppressed freedom of speech and freedom of the press tended toward despotism. In our lifetime it has been demonstrated again and again not only that despots tend to destroy freedom of the press, it has been borne in upon us that they perhaps must destroy it if they are to survive. The tragic events in Czechoslovakia in this past month have given us an illustration of the fundamental incompatability of freedom of the press and authoritation rule. We have had instruction in the fact that despotism tends to destroy freedom of the press and instruction of a kind that begins to raise the suspicion that it *must* destroy it. It is being borne in upon us with increasing force that if tyranny does not destroy a free press, the free press will destroy it. The unfortunate people of Czechoslovakia nurtured the faint hope and apparently the delusion, that they might have communism and freedom of speech and press. The ominous instruction of the past few weeks seems to be that a people who would have one must foreswear the other—that they must choose between a slave society and a free press. Does communism by its very nature preclude that slow evolution from arbitrary and despotic tyranny to more relaxed and enlarged and open political institutions? And if this be true, a blow has been delivered at the very permise of our own policy. Dimmed are the hopes of persons of a moderate view all over the world in the slow alteration of communism in the Soviet Union.

There are events near at home that suggest that the effort of despotism and freedom to dwell together must necessarily result in the extinction of one or the other. It does not much torture the imagination to guess how George Mason would view a government ready to use force and violence against the press functioning as it was intended to function as "one of the great bulwarks." One may easily imagine how he would have described a regime in this country or elsewhere addicted to the use of physical force and violence as a means of interfering with the press. I think he would have regarded police attacks upon the press in Chicago with great anxiety. Thanks to solid foundations laid by George Mason and his generation, we may confidently hope excesses of the Chicago police are not a precedent but an aberration. It is necessary in this instance, as it is in other instances of suppression, to avoid the intimation or the suggestion that the indignation of the press from an aversion to personal indignity, restraint and physical injury on themselves alone. What is involved in such efforts at suppression and intimidation is not the safety and security and liberty of newspapermen and journalists alone, but the right of citizens to have a fair and full report of public events and measures.

Physical violence and oppression did not succeed in preventing newspapers and the other media from portraying a faithful picture of transpiring events in Chicago. But such suppression and violence exercised widely and frequently would put an end to the free function of the press here and elsewhere. Basically, there is no difference between the impulse that led to brutal acts against the press in Chicago and the impulse that led the Soviet Union to send its armed forces across the borders of Czechoslovakia. But there the likeness ends. For us Chicago was a novelty, an idiosyncrasy and an aberration. It is a passing, and transient and a fading episode in a sea of contradiction. It is a glimpse of what despotism might do in this country if unrestrained by the Constitution and by traditions of freedom that are firmly established. Even for the Richard Daley administration this was an aberration, a slip, an exception. We do well to view this abnormal situation with alarm and excitement, but we would also do well not to misconstrue it as any sign or signal of final eclipse of freedom of the press and freedom of speech in America. Not only were the abuses of the Chicago police aberrational, exceptional or deviational; even more important, they were ineffectual. And that is an enormous comfort.

In his lifetime George Mason's liberal and liberating ideas were not universally triumphant. It is easy to understand here in the midst of surroundings to which he so frequently retreated from the ardors of his public life, how he so frequently scorned the opportunity to enjoy positions of large power and influence in Virginia and in the nation as an occupant of public office. While he often served in the House of Burgesses and the Virginia Legislature his contributions were often those of a private man. And while he continued to be a creative and constructive thinker to the end of his days, he always felt need for the kind of renewal and refreshment that could be obtained in this rural environment. We will find instruction in what he wrote and said and did as long as free institutions survive in the world. Now in our busy 20th century we can find, as well, another kind of instruction in the sort of life he lived here in this peaceful pleasant place filled with family joys and quiet solitude. Here he was free to pursue that life-long study of the human condition. Here he was far away from the distractions of the commercial and political life of his own day. He had a lot to teach us about freedom of the press and perhaps as much to teach us about freedom from the workaday world's invasions upon the tranquillity of the creative mind.

EXCERPTS FROM SPEECH BY U.S. SENATOR WILLIAM B. SPONG, JR., FOR DELIVERY SEPTEMBER 8, 1968, AT HISTORIC SITES CEREMONY OF SIGMA DELTA CHI, NATIONAL JOURNALISM SOCIETY, GUNSTON HALL, LORTON, VA., HOME OF VIRGINIA'S REVOLUTIONARY ERA LEADER, GEORGE MASON

It is a pleasure to participate in the Historical Sites Ceremony of Sigma Delta Chi, especially when a Virginian of the stature of George Mason is being honored.

In a time of confusion in our nation, a period of dissent and division, it is perhaps only fitting that we reflect a few moments on another time of turmoil and dissent and on a man of that time. Certainly, our modern lives and current problems are alien to those George Mason experienced or envisioned. His words and thoughts, however, remain valid and provide an important contribution to our heritage.

Our specific focus today is the statement on freedom of the press contained in the Virginia Declaration of Rights of 1776. This Declaration, which was written—with slight modification—by George Mason, first gave freedom of the press the force of law and later served as the model for the Bill of rights to the U.S. Constitution.

The writing of the freedom of the press statement and its inclusion in these early documents was—and is—significant in itself. Viewed on a broader spectrum—when George Mason, the man, and the governmental system which was developed are considered—the statement takes on new significance.

George Mason—like so many of his contemporaries—was a rational man. Certainly, he must have been inspired by the excitement of colonial independence from Great Britain and the creation of a new nation. But the freedom of the press article and the documents which contain it are not emotional treatises but well-reasoned and well-developed plans, shielding in most cases a carefully considered philosophy of government and society. These writings reflect a rationality and intellectual approach which is as necessary today as it was 200 years ago.

At the same time, the freedom of the press article—although it resulted in part from direct grievances—was not conceived by George Mason as an entity in itself, but rather as an integral part of a larger endeavor. It was not seen as an instrument which could operate in a vacuum, but in the context of a democratic society protected by a democratic government. The press, for obvious reasons, was left outside the Constitution and without official position in the newly-created government, but it was viewed as a most necessary part of a political philosophy whose official and unofficial aspects were designed to assure the individual the greatest freedom possible in an organized society and under an established government.

In the 200 years since George Mason lived, the changes in our lives have approached the fantastic. Despite his appreciation for the the potential of the press, it is highly unlikely that he could have envisioned mass-distributed newspapers sold at a rate of over 61 million daily and carrying news of events and situations of the world transmitted in hours—or minutes—over the wires of the press service. Or radio and television communication—especially at the current level. Census figures from 1960 indicate that over 91 percent of those interviewed owned radios. Similar figures for June 1967 show that 87.7 percent of the nonwhite and 94.8 percent of the white households in the nation have television sets.

Yet, none of these changes, which have so radically affected our lives, have in any way minimized or nullified the importance of the two aspects of freedom of the press I mentioned earlier. If anything, the need for rational consideration and for viewing the press in the context of its relation to all the activities of our government and society has only been heightened.

This need becomes particularly evident when we review freedom of the press in relation to four areas.

Most prominent at the moment is the question of the news media's role in reporting the disorders which have plagued our nation in the past several years. It is a delicate task to inform a city without inflaming it, especpally with the use of television. Undoubtedly, our citizens must know what is happening but when the news media becomes the creator or enhancer, rather than the reporter and analyst, then dangers abound.

Secondly, there is the matter of the Vietnam war and the dissent over the war. Government management of the news media in war is not new. There are, in many instances, compelling reasons for plans and proposals to be kept secret. Even reports to troops which could affect their morale may be justifiably censored at times, since ultimately national safety is involved. But, the line between momentary withholding of information and a misrepresentation can easily blur. On another level, tone or emphasis plays an important part. A person today could, for example, question whether dissent over the Vietnam war was minimized in press coverage of anti-war demonstrations and activities prior to the New Hampshire primary and perhaps maximized afterwards.

Thirdly, there is the role of the press in regard to criminal trials. Where does the public's right to know end and the right of the untried, unconvicted begin? As you well know, there has already been discussion of potential problems in reporting the capture and trials of the alleged murderers of the late Martin Luther King and Sen. Robert Kennedy.

Finally, there is the role of the press in the election campaign this fall. Coverage of early campaign events, including the Democratic Convention in Chicago, evoked both cheers and condemnation for the mass media. The extent of the controversy over the Chicago coverage, if nothing else, should indicate the need for the press to consider carefully the role it must fill in the next few months.

It is undeniable that detailed coverage—in the newspapers, on radio and television—has radically affected political campaigns and elections in recent years. It has been, in many cases, most beneficial in bringing the candidates and their positions to the attention of the voters. It has also, however, made it easy to submerge a rational discussion of the issue in "the image," slogans, superficial oratory and emphasis on the medium rather than the message. At a time when our nation faces so many problems both at home and abroad, such diversion from reasoned discussion and debate serves no useful purpose.

In these four areas, then, exist some of the major questions concerning the press today. The problems involved are intricate and subject to no easy solution. The basic issue, of course, is the freedom of the press, which George Mason urged. That freedom can, however, be exercised responsibly and fully only if reason and structure are appreciated today as George Mason appreciated them.

The necessity for rational, not emotional, consideration and response endures.

So does the need for the press to operate in a context, with a view encompassing all the activities of government and society.

Together with his freedom of press statement, this is part of the valuable legacy which George Mason left to us.

SENATOR GRUENING DEDICATES MOUNT BILLY MITCHELL

Mr. SYMINGTON. Mr. President, because of the inspiration and efforts of our beloved colleague, the Senator from Alaska, ERNEST GRUENING, a majestic new memorial now honors Billy Mitchell.

A 7,200-foot Alaskan peak, now Mount Billy Mitchell, was dedicated last August 16 by Senator GRUENING.

As everyone knows, the name of Gen. Billy Mitchell is immortal in the annals of the Air Force as well as in the minds of all those interested in aviation.

An address given by Senator GRUENING at the time of the dedication offers a superb summary and a fascinating account of the life of that great air pioneer who also believed in the importance of Alaska. Because it will be of general interest to many, including other Senators and historians, it is worthy of being printed in the RECORD.

In addition, at this time it would seem appropriate to give recognition to Senator GRUENING, former Governor GRUENING of Alaska, for all the support that he has given the Air Force and naval air over the years, especially in his State. Not only has he supported the services but the fact that it is relatively easy to travel in Alaska today is due in large part to his continuous interest in and promotion of commercial aviation in that part of our country.

I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR GRUENING AT THE DEDICATION OF MOUNT BILLY MITCHELL

We are here to dedicate a noble mountain to a noble American. Brigadier General William Mitchell was a man to whom all Americans in general, and Alaskans in particular, are especially indebted.

The mountain will be known as "Mount Billy Mitchell"—as the man for whom it is named was generally and popularly known. The mountain will be properly so designated to distinguish it from other Mount Mitchells, one of which, in the Appalachians, happens to be the highest peak in the United States east of the Rockies.

It is fitting and proper that such an Alaskan peak commemorate the sterling public service and career of a prophet whose prophecies came true, and of a patriot whose vision, determination and moral courage served our country mightily in peace and war.

Our nation will ever be indebted to Billy Mitchell. But Alaska besides sharing the nation's indebtedness, is, in addition, doubly indebted to him—as we shall see.

Billy Mitchell's was a distinguished heritage. His grandfather, Alexander Mitchell, left a bank clerk's post in Aberdeenshire, Scotland, at age 21, and emigrated to Milwaukee in 1839.

It was then a village of 1500 souls. There he laid the foundation of a family fortune. It was the beginning of one more example in the American saga. Men—and women—in the Old World saw and felt that there, far across the uncharted wastes of the Atlantic, lay, in the New World, the land of freedom, promise and opportunity.

But he was a banker with a conscience and a high sense of responsibility. When in the great depression of 1893 his bank failed, he used his entire private fortune to repay the depositors so that not one of them lost a cent.

Billy Mitchell's father, John Lendrum Mitchell, volunteered for service in the Union Army in the Civil War. He was elected to Congress in 1891 and to the Senate in 1893. Wisconsin's Senator Mitchell did not favor our war with Spain. He was an anti-imperialist along with the great Speaker of the House of Representatives, Thomas Brackett Reed of Maine.

But his son, Billy Mitchell, left college in his junior year and at age 18 enlisted to fight in the Spanish-American War. A week later he became a second lieutenant, and was the youngest officer in the service. Thus began a military career unique in our history.

After the Spanish War he served in the Philippines, where he led an independent column that laid a telegraph line 75 miles through the jungle in hostile territory. After six months leave recovering from malaria contracted in the Philippines, General Adolphus W. Greely, chief of the Signal Corps, persuaded him to volunteer for service in Alaska.

There the Army, in the wake of the Gold Rush, had tried—unsuccessfully up to that time—to link the interior with the Pacific Coast by a telegraph line. In 1900 Billy Mitchell started scouting this uncharted route. He concluded that delay in carrying through this project was caused by the assumption that the work could not be done in winter. He proposed doing it and proceeded to do so.

This great exploit was fully described in Billy Mitchell's diary, which remained unpublished until recently. It tells of his fighting his way through an unmapped wilderness in the depth of an Alaskan winter beset by wolves and minus 70 degree temperatures. That experience contains the materials for half a dozen Jack London stories. But he laid the line—a pioneering venture which opened up Alaska's interior—an achievement in the face of incredible hardships which was typical of Billy Mitchell's whole career. For it he was promoted to a captaincy.

Back in the States he became deeply involved in experiments dealing with military communications. At age 25 he was in instructor at Fort Leavenworth and author of a text on communications. In 1906 he initiated his role as a prophet with an article in the *Cavalry Journal* in which he wrote:

"Conflicts no doubt will be carried on in the future in the air and under the water."

This was only three years after the Wright brothers' flight of 59 seconds duration at Kitty Hawk, and two years before the first airplane was delivered to the Army. Submarine warfare lay a decade ahead.

He spent some time travelling in the Orient, viewing everything that he saw perspicaciously and recording his observations meticulously. In his report in 1911 to the War Department he wrote:

"That increasing friction between Japan and the United States will take place in the future there can be little doubt, and that this will lead to war sooner or later seems quite certain.

This prophecy was made 30 years before Pearl Harbor.

Upon his return from the Orient he found he had been singled out as one of the most promising officers in the Army, and was chosen for the General Staff. At 32 he was the youngest man ever selected.

It was then that he demonstrated his interest in aviation. Despite the pioneering of the Wright brothers, the United States Army and Navy had only six planes, while the French had over a thousand. As early as 1915 Billy Mitchell urged that the National Guard be given planes. That request was not granted for ten years.

With the outbreak of World War I Billy Mitchell was sent to France, where after observing France's aviation he bombarded the War Department for the production of planes. When the United States entered the war in 1917 General Pershing assigned Mitchell to command such air force as the United States would have. There were no American planes in action at that time. Then began a tense struggle to get planes for the United States forces. Billy Mitchell was in the thick of it. For awhile his air force consisted of one plane which he flew himself. Gradually the air force increased with Billy Mitchell continually prodding for more and better planes. Before the end of the war he commanded the first great air offensive and received the warm congratulations of General Pershing. Billy Mitchell was the first American to be awarded the Croix de Guerre.

After the war he forecast the need of a Department of Defense combining Army, Navy and Air Force under one command. Again he was a quarter of a century ahead of his time.

For the next seven years Billy Mitchell waged an unremitting battle in behalf of the airplane. His efforts were by no means limited to military aviation. He urged the expansion of commercial flying. He pressed for the pioneering of air routes across the country and to foreign lands. His objective was increasingly resisted by the Army and Navy high commands. Their position was that the airplane was as most useful for observation and not for combat.

Admiral Charles Benson, chief of Naval Operations, declared:

"I cannot conceive of any use that the fleet will ever have for aircraft. The Navy doesn't need airplanes. Aviation is just a lot of noise.

The Army was equally hostile, and the Congress responded, in the National Defense Act of 1920, by cutting Mitchell's request for $53 million for airplanes to $25 million.

Now Billy Mitchell was about to commit a major heresy. Testifying before Congress he gave his opinion that the battleship would soon be obsolete, and that one of them cost as much as a thousand bombers. He declared his view that a few bombers could destroy the most powerful fleet, and he challenged the Navy to let him prove that a plane equipped with bombs could sink a naval vessel.

These views were rejected with scorn and the proposed tests were beset with every conceivable obstacle. But when put to the test Billy Mitchell's planes sunk successively a submarine, a destroyer, a cruiser and finally the presumably unsinkable German battleship the *Ostfriesland*. Next came the sinking of the United States battleship *Alabama*, then the *Virginia* and the *New Jersey*. Over the virtually unanimous opposition of the Army and Navy brass Billy Mitchell had proved his case.

After an extensive trip to the Orient Billy Mitchell in a voluminous report to the Army accurately forecast Japan's future role in the Pacific and its attack on Hawaii and the Philippines. The report was rejected by every one of the Army's four branches and derided as fantastic imaginings. Had his warning been taken to heart the Pearl Harbor disaster could have been averted. One of the Army's principal deriders was General Malin Craig, then assistant chief of staff for G–3, who as Army Chief of Staff some years later—in 1937—rejected Alaska's Delegate Dimond's plea for an Army Air Force base in Alaska for the reason that the mainland of Alaska is so remote from the strategic areas of the Pacific that it is difficult to conceive of circumstances in which air operations therefrom would contribute materially to the national defense.

Billy Mitchell's frustrations and his inability to get responsive action from the military had brought him to a decision to take his case against what he considered the dangerous weakness of our national defense to the public. A series of articles in the Saturday Evening Post presenting his views coupled with his outspokenness before Congressional committees were heading him toward a court-martial. Before these committees of the Congress he charged that senior Army officers had probably falsified evidence with the intent to confuse the Congress. He charged that criticism had been silenced by high-ranking officers. He documented his charges, and they became more vigorous and more frequent. He was thereupon removed as Assistant Secretary of the Air Force by Secretary of War John W. Weeks, sent to a lonely post near San Antonio, and demoted from his Brigadier Generalcy to his permanent rank of Colonel.

Two events were to put an end to his military career. One was the attempted flight of three Navy planes from California to Hawaii. All failed. One crashed at the takeoff because of too heavy a load. A second one plopped into the sea not far from shore. The crew of the third plane, which had run out of gas 300 miles from Hawaii, was rescued after drifting for nine days at sea.

The other disaster was the burning in midair of the Navy dirigible Shenandoah in the course of a flight over the Middle West with the loss of her commander, Zachary Lansdowne, and most of her crew.

Both these missions were designed to counter Billy Mitchell's charge of inadequate naval aviation. Instead they substantiated it. Needless to say, the nation's press immediately queried him for his comments. His 6,000-word reply includes the following caustic indictment:

"My opinion is as follows. These accidents are the result of the incompetency, and the criminal negligence, of our national defense by the Navy and War Departments."

He went on to charge that both Army and Navy had gone to absurd lengths to prevent the creation of a separate air arm and elaborated on their propaganda efforts for that purpose. He concluded by saying:

"As a patriotic American citizen I can no longer stand by and see these disgusting performances at the expense of the lives of our people and the delusion of the American public . . . The bodies of my former companions in the air moulder under the soil in America, Europe and Africa, many, yes, a great many, sent there directly by official stupidity . . . We would not be keeping trust with our departed comrades were we longer to conceal these facts."

The Army ordered Billy Mitchell court-martialled. There were eight charges. They were that his statements had been insubordinate, to the prejudice of good order and military discipline, that they were contemptuous and disrespectful and intended to discredit the War and Navy Departments.

Billy Mitchell's counsel contended that the judges representing the Army and Navy on the court were prejudiced and that they should have included some airmen. The proceedings certainly appeared to justify this charge. The Army's counsel, Major Allen Gullion, later the Army's Adjutant-General, denounced Billy Mitchell in unsparing terms. The hatred exhibited for this courageous airman and the epithets applied to him seem almost unbelievable in retrospect.

The court, composed of high-ranking generals and admirals, found Billy Mitchell guilty on all counts. It sentenced him to suspension of rank, command and duty with forfeiture of pay and allowances for five years.

Billy Mitchell had been crucified on a cross of brass, but he was soon to be resurrected in the hearts and minds of the American people.

President Coolidge approved the sentence but restored the pay and allowances.

However, Billy Mitchell had already made up his mind to resign from the Army and did so as of February 1, 1926.

Now free to carry his message to the American people he continued to do so from the lecture platform and in writing for the next decade.

His last public appearance on February 13, 1935, was highlighted by his reiteration of the strategic importance of Alaska and his forecast that the Japanese would attack Alaska. His words were these:

"Japan is our dangerous enemy in the Pacific. They won't attack Panama. They will come right here to Alaska. Alaska is the most central place in the world for aircraft, and that is true either of Europe, Asia or North America. I believe in the future he who holds Alaska will hold the world, and I think it is the most important strategic place in the world."

Ten years earlier—in 1925—testifying before a Congressional committee Billy Mitchell had said:

"Alaska is far more important than the Philippines or Hawaii and should be protected by air as well as by land."

It is evident that Billy Mitchell's foresight and wisdom about Alaska were ignored by the military establishment just as were his pleas for an adequate air force and his foresight of the importance of the air arm in war.

But it should be clear to us Alaskans that Billy Mitchell's solicitude for Alaska in both deed and word spanned his entire public career.

Subsequent history has fully validated Billy Mitchell's prescriptions.

A separate United States Air Force was established. Indeed military aviation's importance has been so well recognized that in addition to the separate Air Force, the Army, Navy and Marine Corps each have an air force of their own.

A Department of Defense has been established.

The Navy has replaced the battleship with carriers.

The Weather Bureau has shifted its major concern from agriculture to aviation.

Countless improvements in both military and commercial aeronautics originated in Mitchell's recommendations.

Alaska was finally given *some* defenses, but not in time to obviate wholly its involvement in the war with Japan which Billy Mitchell had long and repeatedly forecast as he had warned of the vulnerability of Hawaii's defenses which was so tragically demonstrated on December 7, 1941.

For which of these contributions will Billy Mitchell be most honored and remembered? Which one of them will, above others, enshrine his place in history?

Alaskans will note, as we today proudly dedicate Mount Billy Mitchell, rising along the route over which he laid the line in 1901, that he played a major part in opening up Alaska at the turn of the century and that in his final public appearance he pithily and unforgettably summarized his long-held and repeatedly uttered beliefs of Alaska's strategic importance in the air age.

Great as was Billy Mitchell's vision no doubt his greatest claim to fame lay and will lie in his willingness to sacrifice his career for his convictions. His moral courage was and should forever be a beacon light to guide Americans if we are to remain free and preserve all that is best in our great heritage.

That is the enduring contribution of Billy Mitchell—pioneer, prophet, patriot, American immortal.

THE PACIFIC ERA—ADDRESS BY NAJEEB E. HALABY

Mr. INOUYE. Mr. President, in a speech delivered at the annual meeting of the Hawaii Visitors Bureau in Honolulu, Hawaii, September 5, 1968, Mr. Najeeb E. Halaby, president of Pan American World Airways, looked beyond Vietnam to a postwar Pacific—to Asia as it moves into the last years of this century.

Mr. Halaby urged his audience not to "permit disappointment and frustration in what we have tried to accomplish in Vietnam to set us back a half century in our awareness of what Asia means to us, now and in the future."

In the belief that Mr. Halaby's remarks may be of interest to Senators, I would like to share his address with them. I ask unanimous consent that the full text of Mr. Halaby's remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE PACIFIC ERA—ASIA AND HAWAII IN THE LAST THIRD OF THE 20TH CENTURY

(Speech by Najeeb E. Halaby)

The last time we met together in this beautiful setting, I startled you with an account of the impact of the Pan Am Superjet Clipper, the need for a superjet port in Honolulu with convenient airport accessibility, and the consequent shortage of accommodations. Today, I would like to gaze with you over the blue horizon toward the Pacific of the year 2000.

Of course, we cannot forget our current problems of war and race. The Vietnam War and the consequences of it—what impact the experience will have on America's membership in the "Pacific Community" over the last third of the 20th Century—is a subject of grave importance we should be thinking about it, as uncomfortable as it may be.

One does not need to travel from New York to Hawaii to hold forth on the urgent need for our nation to set the example of offering to each one of the citizens what America promises in principle, much less discuss the moral obligation of living the way we preach, because that remains, as I say in abject tribute, Hawaii's most remarkable quality.

We have come a long way, as a nation, in finally grasping the nearly incalculable significance of Asia to us. I say, "as a nation," because once again, people in Hawaii may be different. You are the interpreters and the prophets between Occident and Orient and you are not apt to turn away, disappointed and frustrated with our efforts in the Western Pacific, to decide it is hopeless for us to play any role in Asia more subtle than the Seventh Fleet.

Our two limited wars, which are so trying for the American people with their traditional concepts of "total victory"—one of the most tragic and enduring illusions in history—have both been in Asia and it would be very easy for those too impatient to grapple with long range, complex and shifting problems to conclude that America has no business there and that the thing to do is to "let them stew in their own juice."

So, your role as a center of communication between East and West will grow increasingly important in the years immediately ahead. Americans cannot afford to become indifferent to the problems of Asia and the people who live on the rim of this great ocean. Half the people on earth live there.

Secretary of State John Hay said, the first decade of this almost unbelievable century, that the "Mediterranean was the ocean of the past; the Atlantic the ocean of the present, and the Pacific the ocean of the future." That was very perceptive and President Johnson made it clear he believed that particular future had just about caught up with us when he called "the Pacific Era." America was at long last, it seemed, seeing Asia in realistic perspective, seeing it in relation to the rest of the world and particularly our part of it. One could say the extraordinary interest in the transpacific route case among the domestic airlines, many of which had never seen the Pacific, in a manner of speaking, was an indication of the new awareness.

This, of course, was a very fine thing—I mean, the new general awareness—because no nation can be ignorant nor indifferent to the movement of a billion people.

But a drift backwards may be setting in. The devisiveness generated by the war in Vietnam on top of our domestic travail may have started it. We are all for an honorable peace in Vietnam and I'm sure we are all for letting the Vietnamese run their own affairs, once it appears possible that they would really have that opportunity, so I am not talking about a resolution of the war, solely. I am concerned about a trend back toward isolationism, a selected and somewhat more worldly isolationism but real, nonetheless, directed mostly at Southeast Asia and including, to some lesser degree, all of Asia.

If this is true, I am worried. We must not permit disappointment and frustration in what we have tried to accomplish in Vietnam to set us back a half century in our awareness of what Asia means to us, now and in the future. We do not have that kind of time any more.

Secretary Hay was, it is true, very perceptive in his observation about the role of the Pacific in world affairs. But that concept tells you that no matter how farsighted he was historically, he was part of another age technically. With sailing ships, or even belching coal smoke, the most significant events of the time probably had to be concentrated, at least confined to one ocean. It took a lot of time and major resources just to assemble the participants on a climactic scene.

But the airplane and modern communications have changed this. The critical moment for us all could be in the Atlantic today, the Pacific tomorrow and the Mediterranean, which Secretary Hay had put to rest, the day after tomorrow.

We cannot neatly pigeonhole great chunks of the earth's surface and say this is more important than that. All the parts, the oceans and regions, have been laced together by very-nearly instant communications and travel just under the speed of sound . . . and that restriction will soon be lifted. If it is time to proceed more imaginatively in Europe, fine; but we must not lose sight for one moment the epic changes underway in the Pacific and Asia and their consequences to us from now on.

In world terms, one of the greatest of all frontiers continues to lie to the West—the Pacific and Asia. Asia has been, and is still, called by many, the Far East. This is a European outlook dating back to the days of sail. To the continental American, to the citizen of Hawaii, Asia is not the Far East—it is the Far West—a frontier that holds unheralded promise and unlimited potential if the energies of a billion minds and bodies can be released in a creative way. It is on this great frontier covering one-third of the Earth's land mass that the greatest change is going to take place in the remaining three decades of this century and on into the 21st Century.

It is not, and will not be, an open frontier for occupation and exploitation as was the great North American Continent. The days of Occidental domination are over. But a frontier it nevertheless remains, in terms of its need and hunger for constructive development. It is a frontier open to ideas, to change to cooperation, to new relationships. The old Asia, older in history than Western civilization, is awake, and the pioneer spirit that developed our western frontier is evident in the New Asia today, in fact, we who have lived and operated in the Pacific feel the high winds of nationalism blowing.

Think of the unrealized potential of the Pacific and Asia! In terms of human resources, more than one half of the world's population lives in Asia and the island states lying off the coast of the Asian mainland. No one knows the limits of Asia's natural resources—above and below the surface—but they are great indeed.

The two countries of India and China, in population alone, are equal to all of Europe, Africa and North and South America combined. And to show what an Asian nation can do—think of Japan, which is fast becoming the third most powerful industrial country in the world, surpassed only by the United States and the U.S.S.R. It would be folly to underestimate Asia's potential—to assume that the Japanese rate of growth cannot be repeated by other peoples in Asia as the 20th Century gives way to the 21st.

Just as many of the eastern seaboard have had a natural affinity and bias for Europe, those on our western extremity must have a Pacific and Asian perspective to give balance to our world view. This need places a heavy responsiblity on our Pacific states. In this effort, Hawaii has a special leadership role to play—a unique opportunity to influence and shape future American attitudes and policy in the Pacific and beyond—for nowhere in our country should there be a deeper understanding and appreciation of the lands and peoples and cultures of the Pacific and Asia than among the citizens and the leaders of this state.

Let us now look ahead—toward the year 2000—beyond Vietnam—to a postwar Pacific—to Asia as it moves into the last years of this century and approaches the year 2000.

The year 2000 sounds like a long time off into the future. Remember the year 2000 is less than 32 years away and the median age in our country is only 28. Our leaders of the year 2000 are being educated today in our colleges and universities. Isn't this something to think about?

Much of the technology of the year 2000 will be based on science of the 60's and 70's—as our technology of today is derived from the science of the 40's and 50's. Although the time lag between discovery and application may be shrinking, decisions taken now in the development of new space systems, aircraft, and related air and ground systems, will determine the nature of air transportation on into the new century. For example, in the predictable growth of transport technology by 2000 A.D., we can see not only the supersonic transports of the 70's compressing the world into 10 hours, but the 6,000 m.p.h. hypersonic transport bringing London, Moscow, Peiping, Rio and Dakar within 80 minutes of Honolulu!

Looking ahead and taking a wide angle view of the Pacific Ocean and Asia, what do we see?

First, the grim race in Asia between population and food production. According to the latest U.N. figures, the world population in 1967 stood at 3.3 billion. Fifty-six percent of this total live in Asia and one-third of the worlds' people, an estimated 1.1 billion, live in Asia outside of the boundaries of mainland China.

If the present growth rate continues, the world population will exceed 6 billion before 2000—with most of the increase taking place in the newly developing world. The rate of growth in Asia, exclusive of Japan, is between two and three times that of the United States and Europe. If this continues, the imbalance in the world distribution of population will be intensified further. While Asia is now awake to its population growth problem and while promising steps are being taken in concert with the United Nations and the Population Council and other agencies to reduce the birthrate, the hard fact remains that even with a dramatic drop, Asia will be by far the most densely populated area in the world in the year 2000, with perhaps 2 out of every 3 humans alive at the turn of the century being Asian.

Can they be fed—can Asia overcome its chronic lack of food and spectre of periodic famine? The outlook, fortunately, gives a hopeful "maybe"—for the food production prospects in Asia have changed almost beyond belief in the last two or three years—and projections now are more optimistic than ever before that Asian food production can forestall the crises of growing population pressure.

Many things have contributed to this remarkable turnabout. Two of the most important are: First, the priority being given agriculture by several Asian governments, with increasing national budgetary and foreign exchange resources being firmly committed to the growing of food, to the purchase of production of fertilizer, to pesticides and the modernization of the whole agro-infrastructure; and second, the introduction of new miracle seeds—rice and wheat developed by deliberate genetic engineering—has already brought results that can only be described as spectacular in terms of increased yield.

The potential for further advance and progress toward Asian self-sufficiency in food is bright. Given concurrent improvement in distribution and marketing systems, the net effect could be a much more rapid rate of over-all economic growth. In short, a great Asian agricultural revolution is underway. If it continues, it could well become the most significant world economic development since the economic rebirth of Western Europe following World War II.

And more and more prophets of the Pacific area are talking about aquaculture—farming the sea—and practicing it as well. And the most resourceful and advanced are right here in Honolulu under the leadership of Taylor Pryor and his scientists of the sea.

Thinking about Asia's broader economic future, however, is most difficult. It must be kept in mind that while old in terms of culture and history, Asia is mostly made up of newly formed, independent nations simultaneously trying to emerge from traditional and colonial socio-economic-political systems into modern states. It took Japan nearly a 100 years to bridge this gap even though it enjoyed a unity in language and race that few contemporary countries in Asia possess today. Given the great diversification and the obvious differences between the stages of development of Asian nations, economic progress and growth are going to be markedly uneven in the remaining years of this century. The process of change will be speeded up, however, by the rapid transference of science and technology, by improvement in internal and external transportation and communications, by an educational explosion, by international travel and exchange, and by regional and international cooperation.

Despite these aids and some encouraging progress, most of the underdeveloped countries in Asia will find that, in relative terms, the gap in the living standards between the developed countries and the less developed ones will be further widened. This will be true even within the Asian family of nations as the rate of economic growth of Japan, Korea, Taiwan, Malaysia, Singapore, and Thailand continues to increase at a higher rate in terms of GNP and per capita income than that of the other countries in Asia. This can create regional instability—but, also, opportunity for greater Asian regional cooperation and programs of mutual assistance as between the more advanced and the more slowly developing Asian nations.

Looking ahead, the pattern of Asian economic growth resembles a quilt with bright patches of hope here and there—but mostly blurred designs of various hues. Of all the economic ailments, protectionism—the infection of Nationalism—may be the most damaging. Progress over-all will be slow, a step-by-step process. Cooperation will be needed within the area, as will an infusion of foreign capital and management know-how. A few Asian countries will certainly have passed their "take-off" stage by the 21st Century—but many, whose starting base is slow, will still be struggling to attain self-sustaining economy by the year 2000. Correcting this imbalance between the haves and the have-nots will require continuing international measures and new forms of financial and technical assistance if the less advanced states of Asia are to be brought into the modern world.

In Asia's industrial adolescence we will see the fear of change and growth, we will feel the reaction to American brain power and technology and we will need to understand and adjust as befits a mature, modern partner in growth.

I turn now to the political outlook in Asia. It is in this one-half of the world that our country has suffered its major disappointments and most serious foreign policy failures in the post-World War II period.

From an American political point of view, it is the least understood area of the world and, therefore, in the long run it may present us with our most dangerous problems. Though our focus may be blurred, what we do see as some of the most crucial issues that remain on the 20th Century's unfinished agenda in Asia—issues that will have repercussions on into the 21st?

First, Vietnam. It would be tragic to think of the war and a possible settlement in isolated terms, geographically, or otherwise, for the outcome will have its effect, one way or another, elsewhere in Asia and far into the future. The problems will not disappear with our November election. What we must consider are the longer range consequences of our actions in Washington, Saigon, and Paris, and their psychological and political impact in all of Asia and the world at large. Asia itself has the greatest stake in the outcome, for no objective survey of Asian opinion can overlook the concern felt and the conclusion that most of Asia will feel less secure in the event of an American defeat and withdrawal. To ignore this fact under the pressure of immediate imperatives could lead to greater instability and tragedy in the long run.

Perhaps, it is time to change the character of our presence in Asia. Maybe, we don't even have an option. It is becoming increasingly apparent that no nation, with the possible exception of Korea, will in the years ahead be happy about having American bases and large numbers of American troops stationed on their soil.

But this may be best for all concerned. The original Cold War threat of military intervention posed by the Sino-Soviet juggernaut—as we then viewed it—seems to have been badly weakened by dialectic fevers and internal hemorrhages. In any case, we will have new options in meeting our defense needs and won't have to "stand" in 19th century traditions. The new generation of airplanes—the C–5A, the 747 and the SST's—will enable us to deliver troops and material in regimental strength across the Pacific in a matter of hours. Our fantastic global surveillance and communications systems will make the Pearl Harbor type attack impossible.

While I believe it is true that the original threat to the security of the Pacific Community has changed through the years, a threat remains and it is more complicated because it relates more directly to the needs—the demands—of the masses of people involved in each country and less on external forces. We must learn to deal with this, to deal with each nation in terms of their needs and their potential for realization of their aspirations, rather than in terms of *our* needs, hopes, and fears. We must not concern ourselves so much with the architecture of their governments or even how they work, really, but on what we can do to bring as many of their people as possible, and as quickly as possible, into the modern world's education, commerce, and travel.

These efforts would, no doubt, include some of the assistance programs we now have, or a version of them, but at the very least they will have to be redefined and reaudited in terms of longer range plans than anything we have had. There must be greater efforts from the private sector and the personal sector, but all efforts should be part of a concept we can freely show to the world, including Peking. Your East-West Center may have an extraordinary opportunity to point the way to an up-to-date, constructive and rewarding policy for the U.S. in Asia.

The second great question in Asia's future and the American interest in the Pacific, is Japan and its political and economic orientation in the years ahead. It stands today as the most stable, most powerful, nation in Asia. Its potential for further development and constructive world cooperation, given its national genius, is great. It can be an enormous force for good in Asia. It can share its skills and wealth with its poorer neighbors in Asia. It can serve, to the political and economic system of Mainland China, as a model for national growth and development. At the same time, it has the potential to exercise a moderating influence on the harshness of Communist Chinese hostility and isolation.

Japan's significance to the United States and to future peace, prosperity and security in Asia, cannot be underestimated. Its economic and trade importance is well known. What is less clear is its future political role. Will it extend its security treaty with the United States beyond 1970? Will it move toward rearmament and a greater reliance on its own power? Will it feel compelled to develop its own nuclear arsenal? Will it seek greater accommodation with Communist China? Will it resist its opportunities for economic domination of less advanced countries? Will it seek mutually advantageous regional and international arrangements for cooperative relations? Will U.S.-Japanese friendship continue?

Much of the shape of the year 2000 in Asia will hinge on Japan. Make no mistake about this.

Moving farther west, I come to the third great question mark of Asia—India. Its future, too, will determine the Asia of tomorrow. Next to China, it is the world's most populous country—with over 500 million people. Today it is the world's largest democracy—and this is the issue that may be decided in the remaining years of this century—can democracy survive in India? Can India move against its massive and at times depressive problems within a democratic framework? Can it overcome its staggering burdens of population, food, poverty, language, education, communalism, and caste, and emerge as a viable political, social and economic entity? Some are betting that it cannot; some are laying the groundwork for a break-up of the democratic parliamentary approach, some are predicting a political disintegration following on a massive failure of the present system to meet the growing demand of the Indian masses for change and a better life.

One of the consequences might be a basic shift of India towards a Marxian alternative. This would affect the balance of Asia and the world far into the next century. Not that India would join with China in one great monolithic Asian communist bloc, for this is unlikely, given the existing bitterness and hostility between New Delhi, Pakistan and Peking. It is more likely that a more socialist-oriented India would drift toward Moscow and the effect of such a move would have serious strategic consequences and its effect on all of South Asia would be monumental.

It follows then that we have a major stake in India—in the struggles of the Indian Government—in its effort to succeed.

Indonesia, lying under the land mass of Southeast Asia and between the Indian and Pacific Oceans, is another country whose future will be of growing importance to all of Asia. As an independent country, it is young, it has yet to begin to tap its human and natural wealth. With intelligent exploitation and development it can in time become the middle anchor in a stable and prosperous Asia. On its own and led by its youth, it has frustrated and reversed the tide of communism in Indonesia—resulting in the most serious defeat ever inflicted on communism and the foreign policy of Communist China. From the very edge of political takeover and economic chaos, the Indonesian Government is attempting to come back, to overcome the mistakes of the past, the confusion and waste and misadventures of former leadership. By disavowing earlier policies of confrontation and hostility with its neighbors, by seeking new and friendly relations in Asia and the outside world, Djakarta is contributing to the prospects of a better Southeast Asia. Recently the U.S. and Indonesia have concluded a bilateral air agreement that can serve as an Asian model and we are ready to provide new routes Round-the-Pacific and Round-the-World through Djakarta.

Its internal problems, however, remain acute. Its future will depend on its ability to achieve financial and political growth and stability, to turn promise into performance, to provide a social infrastructure for 130 million people upon which individual and national progress can be built. It will be a race between tangible results and impatient aspirations. If the race is won by the forces now in control, the prospects for democracy and increasing stability in the rest of Southeast Asia will be enhanced. Certainly, Indonesia is on the frontier as it grapples with its own problems of national fulfillment. It seeks cooperation and new economic relations with the world. Its progress toward modernization may be uneven and slow. What is significant is its potential, for its future clearly lies ahead of it and this is what we should keep our eyes upon.

I have saved Communist China for the last item on my agenda of major Asian issues in the remaining years of this century. I have, of course, for reasons of time left unexplored many important countries including the great, growing Republic of Taiwan which are an integral part of Asia's future, many significant advances and many new Asian cooperative, regional efforts which augur well for the future collective strength and vitality of the region. There are also many critical problems which I have not covered for time reasons—but none of these problems or the ones already mentioned have greater importance for the future than Mainland China. Given its present course, Communist China constitutes the greatest challenge in Asia. As Japan embodies our major hope for Asia—Communist China epitomizes our greatest concern.

Our focus on this huge land mass and between 700 and 800 million human beings is distorted by a lack of information, a lack of knowledge upon which understanding is based. Communist China is living in a self-determined isolation. Its own contracts with the outside world are strictly controlled and the shades of its windows are drawn. It has discontinued publishing statistics about itself. It has refused to allow increased travel and exchange except when politically expedient. It has even on an increasing scale withdrawn from its own or its former friends.

Scholars of Chinese history tell us that this is not new—that China remained isolated by choice from the western world for centuries, that unlike Japan's adaptation to and adoption of Western influence, China for three hundred years or more attempted to keep her walls intact and the westerner who came by sea, at arms length. It is true that outside influences have contributed to China's present isolation. It is also true that Communist China has rejected or ignored overtures for an easing of this impasse.

As the world shrinks, as the threat of the nuclear age to all mankind mounts, as the need for world cooperation grows, the isolation of one-third of the world is dangerous and even intolerable. We have found that open airports and open minds must replace those that are closed if mankind is to move forward. We cannot force a change on Communist China, but we can encourage a gradual change by a reexamination of our own attitudes and policies and their psychological impact on those who may be covering their feelings of national insecurity with bellicosity.

In the long run we have more to gain than to lose by bringing the Mainland of China into the family of nations than by abetting her own isolationist desires by giving her an excuse for irrational behavior.

She cannot continue her present lonely course forever. It would seem to be clear that a gradual and peaceful emergence would be far preferable to an explosive and hostile one at a time of her own choosing. And so we must give more thought to the unthinkable, to new relationships with Communist China, to increased contact, to greater trade, and more stable political arrangements that will enhance the security of the whole world. In the process, the United States cannot sit back and sulk over past disappointments. It may not be possible or desirable for us to take the lead—but we can and should make clear our hope for a gradual resumption of Communist China's relations with the rest of the world. As with Moscow, resumption of air service might be a first step in some auspicious year ahead. And then there is no reason not to inaugurate American Round-the-World service over China as well as over Siberia linking Asia even more closely to Europe.

I say this now, recognizing that Mainland China is today under the control of leaders who are violently hostile to us and zealous to the doctrine that their particular political faith is the only true world religion. I recognize that their dogma, and their fanaticism and zeal to spread their faith, pose a threat to their neighbors and to the world order. We must also be aware of the dangers and tensions that flow from their limited but growing nuclear capability. Let us also recognize that while Chinese rhetoric is extremely bellicose, their actions have tended to be cautious—with perhaps the exception of their military action along their borders with India and their earlier intervention in Korea. They loudly proclaim the necessity of sweeping the world with "wars of national liberation" but they have not as yet committed in a significant way any of their own military forces to these causes. They prefer to stir things up, to incite, to offer their example and their supplies rather than their men.

I do not underestimate the danger to the internal security of Asian states posed by Mainland China's posture. The threat will continue. It should be countered primarily by gradually eliminating those conditions of poverty, despair and social injustice upon which insurgency feeds. Progress in this direction is being made. What I am saying is that so long as we make our intentions firm and clear Communist China today appears to be in no position to undertake a major foreign military adventure and is not likely to do so in the immediate future. The larger threat is not now—but over the long run.

Today the Mainland of China appears torn with intense disorder. This has resulted in serious splits within the Communist leadership, between the Party's bureaucracy and the Mao followers, between the young and the old, between the pragmatists and the dogmatists, the new technicians and the old politicians. The China-watchers are confused; their explanations are based more on speculation than on fact.

China is in a weakened position. The threat of further national disintegration remains, a cruel power struggle for succession is in progress, revolution within a revolution continues.

But what of tomorrow? No one knows what will emerge. What we do know is that China has a history of rising to meet crises, a genius for organization, a people with a tradition of hard work, and enthusiasm for learning, and a pride in race unmatched in the world. It is likely that all of these characteristics will influence her future as she first seeks self-sufficiency and order within her own borders to try to bring Communist China gradually into the mainstream of the world community—both in their interest and in the interest of all mankind.

Shifting our lens back to the widest angle view, I see, in summary, forces of change pervading all of Asia. The pace of the revolution in ideas and action that is reshaping Asian society will quicken in the decades ahead. I foresee an Asia that will continue and may, in fact, grow in instability. I see an explosive Asia that may be torn by ancient antagonisms between races, between religious and political loyalties, within and between national societies. I see an Asia where the importance and force of nationalism and pragmatism will grow and be more important than foreign ideologies. I see a divided Asia—divided as between countries and regions, and divided by political and economic ideology. My radar does not show a great wave of communism engulfing the entire area. I see rather the present lines of demarcation between communist and non-communist Asia holding except in situations where communism can sweep in on the currents of nationalism. Asian nations do not want to lose their independence to any foreign "ism"; they have and they will resist subversion and insurrection by internal and external forces of the far left.

Such movements will succeed only where there has been local failure to win and hold the loyalties of the people. This will require change and social progress at a pace faster than in the past. On the positive side, I see growing cooperation between groupings of Asian states as evidenced by the trend already in motion. I see in the competition between Communist China and the rest of Asia, China being outstripped in terms of relative economic growth by a growing number of non-communist states in Asia. Taken as a group, the non-communist countries of Asia are potentially more than a match for the Mainland of China.

What Asia wants and needs is time to overcome the humiliations of the past, to move with increasing speed toward a more self-respecting future. In the process and in varying degrees as between countries, the effort may be a convulsive one, for Asia is impatient. Asians are not satisfied with the past; Asians will not tolerate the status quo; Asians want and will demand revolution—peaceful or otherwise—in their search for the answers to grinding poverty, ill health, personal insecurity, inequal opportunity and their longing for respect and dignity.

This may take ten years, twenty years, thirty years. It is the China of 2000 that we should be concerned about; for once its own house is in order, it can then act and not just talk about the world around it. Surely its great power potential is obvious. Coupled with strong economic base and national cohesion and purpose, it can in time exert decisive influence over the entire map of Asia and the world at large.

For the foreseeable future, it appears that there is almost no likelihood that Communist China will adopt a policy of international cooperation. However, our only reasonable hope is that their leaders will slowly begin to realize the realities of the world around them and begin to see that no nation, no people, can live unto themselves as if time had stood still. With a new generation of leaders, as their ignorance of the world lessens, as they gain confidence, they may gradually come to understand that a prosperous and secure China will depend upon a relaxation of tensions and eventually world cooperation, as well as upon their own domestic efforts. This shift in attitude will probably take a long time—it may not come about. If it doesn't, China will remain the greatest threat to the world far into the next century. This is why we and others should not fail to use the time remaining in this century.

The solution to these problems must come from within, based on indigenous Asian initiatives, intelligence, commitment and leadership. For the rest of this century and on into the 21st a new type of leader will be emerging in Asia: leadership that is youthful, pragmatic, and responsive to popular demands. It will be the first generation of leadership educated and trained free from the influences of colonialism, and therefore nationalistic. These leaders will be more aware of the concepts of science, the possibilities of technology, and modern techniques of management. We will find them a tough, fresh, intelligent breed: congenial but not subservient, independent but more realistic and worldly.

The U.S. interest in Asia that will emerge goes beyond the economic, political and security problems of today and tomorrow, important as they may be. We must think in terms beyond our own life span and on into the next century to find the root of our national interest, because the odds favor a future Asia which will have far more relative power at its command vis-a-vis the United States than it does today. Keep in mind its size, its population, its history and its past greatness in comparison with less advanced early Western civilizations. History could repeat itself, and the present unequal power balance between Asia and the western advanced countries could, and probably will, shift dramatically in Asia's favor in the century that lies ahead.

The American interest should be focused on building a peaceful Asia, a progressive Asia and in time a stable Asian community of states living with and contributing a more hopeful and sane world. It should continue to be concerned with assisting in the economic development of the poor countries of Asia, leading them toward relatively free enterprise systems with incentives that will release productive energies. It should be concerned with the establishment of mutually beneficial Asian-American trade relations and a breaking down of restrictive barriers to commerce, to an increase in travel and cultural and educational exchange, to a freer flow of ideas. It should be concerned with the building of permanent bridges of mutual respect between the peoples of Asia and the United States. This is our national agenda for Asia.

It holds a challenge for all Americans, especially for the people of Hawaii. For Asians travelling to the United States across the Pacific, Hawaii is the first window through which they see America. What they see should make all Americans proud—a free, dynamic, progressive, prosperous multi-racial society—living in harmony on islands of great beauty, with an appreciation and determination to conserve the paradise found by those who come before for those who will follow.

Hawaii, too, should be the center for the blending of western and Asian culture. It should be known for the quality of its cultures not the quantity of its vultures, for its fine museums, for its architecture, for its sensitivity to Asian history, Asian culture, Asian religions and Asian art.

Hawaii should be proud of its University, its Asian and Pacific studies, its special library collections, its East-West Center, its scholarly research and publications on Asia, its important basic and applied research on tropical agriculture, Pacific marine biology, public health and Asian food nutrition. Hawaii has already contributed to Asian development and its potential for further constructive effort is here—within your public and private institutions, your business houses, and your unique human resources.

Perhaps our most basic national need as we look to Asia and the year 2000 is an educational system that does not largely ignore the more than one-half of the people of the world. Education in the United States on Asia, especially at the secondary school level, has been woefully deficient. I am told that here in Hawaii the Pacific-Asian Affairs Council's high school education program has no equal in the other 49 states. Your example could be followed and Hawaii should be concerned that it is—for your pioneering educational work on Asia could reach into schoolrooms across our land to the benefit of all.

Lastly, Hawaii could be the natural leader of a new "Western Leadership", as interested in the Pacific and Asia as the so-called "Eastern Establishment" is in the Atlantic and Europe. Hawaii should think in terms of leadership in making certain that the American view of the world is a balanced one—that policies and decisions are not forged for Asia and the Pacific by those whose background, interests and knowledge do not match those of this community. To the contrary, the United States should look to the leaders of Hawaii—the Burns and the Quinns, the Inouyes and Fongs, the Minks, Blaisdells and Matsunagas, as well as the Dillinghams, Hamiltons and Chinn Hos—all your business, civic and cultural leaders, your educational institutions, your people, for a vision of Asia and the future that takes advantage of your geographical position, the sensitivity that comes from your present and past associations, the ethnic heritage of so many of your citizens which has enriched your society, and your superior understanding of Asian tradition, values and aspirations.

In an interesting way, the performance of your delegation to the recent Chicago Convention may presage the future. Governor Burns and his colleagues inserted this plank in his party's platform: "Recognizing the growing importance of Asia and the Pacific, we will encourage increased cultural and educational efforts such as those undertaken in multi-racial Hawaii, to facilitate a better understanding of the problems and opportunities of this vast area." And the keynote speaker, your own beloved and effective Senator Dan Inouye, made the greatest sense when he said. . . . "I wish to share with you a most sacred word of Hawaii. It is aloha. To some of you who have visited us, it may have meant hello, to others aloha may have meant goodbye. But those of us who have been privileged to live in Hawaii, aloha means, I love you."

LAWYERS THROUGHOUT AMERICA URGE PROMPT CONSIDERATION OF COURT APPOINTMENTS

Mr. McGEE. Mr. President, one more voice has been added to the chorus of voices urging the Senate to perform its constitutional duty with respect to the Supreme Court nominations made by President Johnson nearly 3 months ago.

This latest voice is a nationwide committee of lawyers, practitioners of law, which is the foundation of our entire system of government. I will point out immediately that the committee of lawyers is not endorsing either nominee. What the committee urges—what I urge—what more and more Americans are urging—is that the Senate stand up to its constitutional responsibilities, that we focus our thoughts and our energies on the only legitimate issue in this matter—the qualifications of the two nominees for the posts to which they have been named.

I do not know the political inclinations or the philosophical leanings of the individual members of the committee of lawyers. What I do know is that they are absolutely correct when they say that we must be on about the business of either giving or withholding our advice and consent.

How ironic that the opposition to the nominees cling so righteously to the standard of the Constitution, and yet by their actions, they make a mockery of the constitutional process.

In order to show the broad geographic representation of the committee of lawyers and the dispassionate, nonpartisan stance they have taken on this issue, I ask unanimous consent to have printed in the Record, the statement by the committee and the list of members.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Committee of Lawyers

We have formed a Committee of Lawyers from all parts of this country to urge the Senate to fulfill its constitutional responsibilities by giving prompt and fair consideration to the two Supreme Court nominations made by the President nearly 3 months ago.

The Constitution of the United States explicitly sets forth the authority and obligation of the President and the Members of the Senate during their terms of office with respect to the appointment of high Federal officials. Among the joint responsibilities of the President and the Senate is the duty to fill vacancies as they occur on the Supreme Court of the United States. The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . Judges of the Supreme Court."

The threatened use of the filibuster technique to frustrate the appointive power which is vested by the Constitution in the President and Senate would be a most unworthy assault upon our constitutional system of government. Just as the President is constitutionally bound to nominate persons to fill vacancies as they occur, the Senate is bound to consider the nominations on the merits and to advise and either grant or deny its consent to the appointments.

It is of course appropriate for the Senate to take into account the jurisprudential views of the nominee as set forth in his opinions and other writings. But it is plainly inappropriate to question a nominee as to how he arrived at his prior judicial decisions or as to his views on particular questions that may come before him as a judge.

It is equally clear that the advice and consent process was not designed to provide a forum for an indiscriminate attack on the Supreme Court or its decisions. The courts, like other institutions of our government, profit from constructive criticism. But sweeping and indiscriminate attacks upon the highest judicial tribunal in the land can only undermine the public respect for law upon which our entire system depends.

We urge the Senate to exercise its constitutional responsibilities by addressing itself promptly to the business properly before it: voting on the Supreme Court nominations on their respective merits.

List of Members of Committee of Lawyers

Alabama: Jerome A. Cooper, Birmingham, Ala.

Arizona: Charles E. Aros, Tucson, Ariz.

Arkansas: E. Charles Eichenbaum, Little Rock, Ark.; Robert A. Leflar, Fayetteville, Ark.

California: Edward L. Barrett, Jr. (dean), Davis, Calif.; Richard C. Dinkelspiel, San Francisco, Calif.; Edward C. Halbach, Jr., Berkeley, Calif.; Bayless A. Manning, Stanford, Calif.; William H. Orrick, Jr., San Francisco, Calif.; Joseph A. Ball, Long Beach, Calif.; Robert G. Sproul, Jr., San Francisco, Calif.; John A. Sutro, San Francisco, Calif.; Maynard J. Toll, Los Angeles, Calif.; Homer D. Crotty, Los Angeles, Calif.; Brent M. Abel, San Francisco, Calif.; Richard C. Maxwell (dean), Los Angeles, Calif.

Colorado: Richard M. Davis, Denver, Colo.; Joseph G. Hodges, Denver, Colo.

Connecticut: Donald F. Keefe, New Haven, Conn.; Louis H. Pollak (dean), New Haven, Conn.

Delaware: William Poole, Wilmington, Del.

Florida: Cody Fowler, Tampa, Fla.; Hugo L. Black, Jr., Miami, Fla.

Georgia: William B. Spann, Jr., Atlanta, Ga.; Robert R. Richardson, Atlanta, Ga.; Herbert Johnson, Atlanta, Ga.

Hawaii: J. Garner Anthony, Honolulu, Hawaii.

Idaho: Jerry V. Smith, Lewiston, Idaho.

Illinois: William H. Avery, Chicago, Ill.; Walter T. Fisher, Chicago, Ill.; Morris I. Leibman, Chicago, Ill.; Phil C. Neil, Chicago, Ill.; Howard J. Trienens, Chicago, Ill.

Indiana: Floyd W. Burns, Indianapolis, Ind.; Joseph O'Meara, Notre Dame, Ind.

Iowa: Luther L. Hill, Jr., Des Moines, Iowa; David H. Vernon, Iowa City, Iowa.

Kentucky: Herbert D. Sledd, Lexington, Ky.

Louisiana: Thomas B. Lemann, New Orleans, La.; Revius O. Ortique, Jr., New Orleans, La.

Maryland: E. Clinton Bamberger, Jr., Baltimore, Md.; H. Vernon Eney, Baltimore, Md.

Massachusetts: Robert F. Drinan, Boston, Mass.; Robert W. Meserve, Boston, Mass.; Paul A. Tamburello, Pittsfield, Mass.; Neil Leonard, Boston, Mass.

Michigan: Charles W. Joiner, Detroit, Mich.; Robert A. Nitschke, Detroit, Mich.

Minnesota: Sidney S. Feinberg, Minneapolis, Minn.

Missouri: Arthur J. Freund, St. Louis, Mo.; John H. Lashly, St. Louis, Mo.; John Raeburn Green, St. Louis, Mo.; W. William McCalpin, St. Louis, Mo.; Arthur Mag, Kansas City, Mo.; James M. Douglas, St. Louis, Mo.

Montana: Kendrick Smith, Butte, Montana.

Nevada: John Shaw Field, Reno, Nev.

New Hampshire: Robert H. Reno, Concord, N.H.; Joseph Millimet, Manchester, N.H.

New Jersey: Walter Leichter, Union City, N.J.; John H. Yauch, Newark, N.J.; James D. Carpenter, Newark, N.J.; John J. Gibbons, Newark, N.J.; T. Girard Wharton, Somerville, N.J.

New Mexico: Don G. McCormick, Carlsbad, N. Mex.; William A. Sloan, Albuquerque, N. Mex.; John D. Robb, Jr., Carlsbad, N. Mex.

New York: Robert A. Bicks, New York, N.Y.; Bruce Bromley, New York, N.Y.; Norris Darrell, New York, N.Y.; Milton Handler, New York, N.Y.; Robert B. McKay, New York, N.Y.; Ross L. Malone, New York, N.Y.; Orison S. Marden, New York, N.Y.; Burke Marshall, Armonk, N.Y.; Samuel R. Pierce, Jr., New York, N.Y.; Whitney North Seymour, New York, N.Y.; William Tucker (dean), Ithaca, N.Y.; Betheul M. Webster, New York, N.Y.; Simon H. Rifkind, New York, N.Y.; Oscar M. Ruebhausen, New York, N.Y.; Russell D. Niles, New York, N.Y.; Samuel I. Rosenman, New York, N.Y.; Eli W. Debevoise, New York, N.Y.; Herbert Wechsler (professor), New York, N.Y.; William C. Warren, New York, N.Y.

North Carolina: Terry Sanford, Raleigh, N.C.; John V. Hunter, Raleigh, N.C.

North Dakota: Robert E. Dahl, Grafton, N. Dak.

Ohio: Robert H. Kennedy, Cleveland, Ohio; N. Seth Taft, Cleveland, Ohio.

Oklahoma: Ted J. Davis, Oklahoma City, Okla.; G. M. Fuller, Oklahoma City, Okla.; Jerry Tubb, Oklahoma City, Okla.; John Draper, Oklahoma City, Okla.

Oregon: R. W. Nahstoll, Portland Oreg.; James C. Dezendorf, Portland, Oreg.

Pennsylvania: John G. Buchanan, Pittsburgh, Pa.; Lewis H. Van Dusen, Jr., Philadelphia, Pa.; Jefferson B. Fordham, Philadelphia, Pa.; David F. Maxwell, Philadelphia, Pa.; Gilbert Nurick, Harrisburg, Pa.; Jerome Shestack, Philadelphia, Pa.; Thomas W. Pomeroy, Jr., Pittsburgh, Pa.

Rhode Island: Arthur J. Levy, Providence, R.I.

South Dakota: Ross H. Oviatt, Watertown, S. Dak.

Tennessee: Walter P. Armstrong, Jr., Memphis, Tenn.; Edward W. Kuhn, Memphis, Tenn.

Texas: Charles O. Galvin, Dallas, Tex.; William F. Walsh, Houston, Tex.; Charles Alan Wright, Austin, Tex.; Cecil E. Burney, Corpus Christi, Tex.

Virginia: George C. Freeman, Jr., Richmond, Va.; Edward Griffith Dodson, Jr., Roanoke, Va.; George E. Allen, Richmond, Va.

Washington: Stimson Bullitt, Seattle, Wash.

Wisconsin: N. Spencer Kimball, Madison, Wis.

Wyoming: George F. Guy, Cheyenne, Wyo.

Washington, D.C.: Stephen Ailes, Washington, D.C.; Frederick A. Ballard, Washington, D.C.; W. Graham Claytor, Jr., Washington, D.C.; Lloyd N. Cutler, Washington, D.C.; Vernon X. Miller (dean), Washington, D.C.; Rufus King, Washington, D.C.; Louis F. Oberdorfer, Washington, D.C.; Robert L. Wald, Washington, D.C.; Edward Bennett Williams, Washington, D.C.; H. Thomas Austern, Washington, D.C.; Francis M. Shea, Washington, D.C.

SENATOR JAVITS SPEAKS ON ORDER WITH JUSTICE

Mr. BROOKE. Mr. President, the distinguished senior Senator from New York [Mr. JAVITS] recently delivered an eloquent address on the subject of order with justice.

I know of few men with more experience of and sympathy for the problems of our cities. Senator JAVITS has a deep understanding of the needs and frustrations of the underprivileged and a great appreciation for the requirements of order and stability in society at large.

I commend his address to the attention of Senators and to the consideration of the American people, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TWIN GOALS FOR AMERICA: A RULE OF LAW AND A POLICY OF JUSTICE

(Speech by Senator JACOB K. JAVITS, New York State Annual Convention of the AFL–CIO, Kiamesha Lake, N.Y., September 4, 1968)

America today is a divided nation. The bitter controversy aroused by the most unpopular war in our history, an unprecedented increase in crime, the conditions within our cities and the demands of black and other minority communities for social and economic justice have created a genuine national emergency.

Out of the controversy, the tension, the bitterness, the rioting, the looting, the burning and civil disobedience—violent and nonviolent—has come confusion, chagrin and demands for "law and order." But these very words, normally associated with a peaceful society, have unhappily acquired a code significance to minorities. To them, they mean brutal suppression of dissent and a police presence.

Our nation takes its greatest pride in being a government of laws—and not men. Our nation provides guarantees of free speech and assembly and a free press. This way our electoral and legislative processes may operate in an informed atmosphere and as responsibly as possible to accomplish peaceful change, wherever change is needed. Our people naturally and properly resist attempts to seek change by resort to force and violence or paralyzing civil disobedience—even by those who enlist our sympathies like the poor, the black minority and the students.

A rule of law there must and shall be. We cannot settle the grave problems now confronting America on the streets. We cannot have peace by creating anarchy. But let us also understand clearly how profoundly mistaken are those who view our problems merely in terms of entering more names on police blotters and filling up our already overcrowded prisons. *What is necessary is a rule of law and a policy of justice, in its fullest legal and moral sense, to minimize the need for overt police action and troops.*

A rule of law implies that anyone who violates the law should be apprehended and punished. Justice means that the disaffected should have a place and an opportunity to express their grievances and that the people should have the right to be heard.

A rule of law means that the law shall be applied equally to black and white, rich and poor, Christian and Jew. It also requires respect for the courts and for the integrity of judges.

Justice means the right of all Americans to determine their own destinies without undue interference from "big brother" in Washington or Albany. And it also requires that each American shall have an equal opportunity to make the best of what is in himself—to acquire an education, be trained for a job, and to buy a home without regard to the color of his skin or his religious faith or that of his neighbor.

The rule of law means that our labor laws should be enforced with equal vigor and objectivity for both management and labor.

Justice means that the road to economic security shall be attained through hard, honest work. It means that one section of the country should not condone and practice 19th century labor relations in order to lure plants and industries from the rest of the country which recognizes the right of working men and women to organize and bargain collectively with their employers. And it means an end to a blatant act of discrimination committed by the Congress of the United States, more than thirty years ago, when farm workers were denied the protection accorded to other workers under the Wagner Act.

Justice means that there is a job available for every American who wants to work or to learn how to work. And it means that once a man is too old to work, he should be able to retire with a decent standard of living. Justice means that men and women who have worked for years under a pension plan cannot be forced to lose all their retirement benefits if their employment ends or if their boss decides to go out of business—as happens all too frequently now.

The rule of law implies that all of us shall pay our taxes. But justice demands the closing of loopholes in the tax laws which favor special interests and allow many Americans with high incomes to escape the heavy burden cast on the rest of us. And justice also means that the value of hard-earned dollars shall not shrivel away year after year in the hands of a government unwilling or unable to control inflation.

The rule of law means fulfillment of the obligation to serve in the armed forces if called. Justice means a fair Selective Service Law, a reasonable Selective Service Director, and an equitable Selective Service System, the availability of deferments to students in vocational schools or apprenticeship programs as well as to students in four-year academic universities, and the availability of conscientious objector status to genuine pacifists.

Justice also means that in the richest nation on earth millions of people should not be forced to live in rat-infested tenements and to go to bed hungry each night.

We must and we shall have a rule of law in America. But without this kind of justice we will not attain the domestic tranquillity that we seek so desperately, and attempt to achieve it primarily through police action will only divide our country more and more fiercely. The lesson was made clear on the streets of Chicago last week. I say we had better set our sights higher than that if there is to be a future for this country.

The lesson has also been made clear by the history of attempts to deny working men and women the right to seek economic justice through collective bargaining. Almost 75 years ago troops were also called out to the streets of Chicago to maintain law and order. Only then the men in the streets were not demonstrating for peace; they were railroad Pullman workers striking to obtain a living wage. That year, and for over 40 years afterwards, labor-management relations in this country consisted mainly of compelling, primarily by court proceedings, working people to obey laws which denied them their just rights to organize and to bargain collectively. Government became a symbol of the effort to see that "law and order" was maintained in the sweat-shops of America.

Did these practices succeed? Perhaps for a while, but not in the long run. Government by injunction did not succeed in establishing stable labor relations in America because it was government without justice for the workingman. Such practices failed to create productivity or efficiency or stability commensurate with the capability of our nation. So strikes became more, rather than less frequent, and picket-line violence more rather than less common. For a time it seemed that the division between management and labor in this country was truly the kind of class struggle that Karl Marx had predicted would be the eventual outcome of a capitalist economy. Marx was proved wrong, and one major reason was that this nation finally faced up to its responsibilities and gave workers the justice which had been denied them so long, in passing the Wagner Act.

Today—while there is much still to be done—we can take pride in the results. We have institutionalized the process of collective bargaining, and what is more, we have left it largely free from heavy government restrictions. Collective bargaining is free to establish a guaranteed annual wage, free to establish retirement and welfare plans for millions of workers and their families, free to deal with the vexing problems of automation, free to serve as an instrument for assuring a fair share of the national economy to American workers.

Of course, there are those who say that we shouldn't have any more strikes—that the hard-won gains of labor are now secure and that the right to strike should therefore be regarded as a philosophical relic once useful but no longer appropriate or worthy of recognition. But they are mistaken. The right to strike is in most cases what makes collective bargaining work, and collective bargaining and a free, vigorous and effective trade union movement remain a vital part of the American way.

There are also those who would turn the clock back a half-century to make labor once again subject to antitrust laws. They are equally mistaken.

If many American workers now enjoy prosperity, it is largely because they have not been denied justice. And what is true for prosperous workingmen is even more true for impoverished men who have no jobs at all.

Guns and night-sticks may bring "law and order" to a Chicago or to a Prague, but they cannot—even without brutality—bring tranquility. Police and National Guardsmen may terrorize and arrest dissenters, but they can never stifle dissent.

Reactionary attacks against court decisions that affirm the Constitution by merely requiring poor and ignorant defendants to be advised of their basic rights—such as to see a lawyer or to refuse to incriminate themselves which educated defendants and hardened criminals already know they possess—may appeal to some who seek a convenient scapegoat on which to blame increases in crime. But they certainly will not have the effect of materially reducing crime in our streets. Laws whose enforcement depends on the ignorance of the accused do not even deserve the name of law.

The way to stop the increase in crime—and it must be stopped—is to seek out and eliminate the root causes of crime: unemployment, poverty, slums, and ignorance. We must deter men from committing crime, but we shall not be successful until we can show them that the way to a different life is open to all those who abide by the law.

Let us not delude ourselves into thinking that "law and order" can be a substitute for law and justice. And if we are really to solve the problems which now beset us, it is law and justice that we must have.

HUBERT HUMPHREY IS LEADER IN FIGHT ON CRIME

Mr. INOUYE. Mr. President, while Mr. Agnew is still apologizing for his "soft on communism" charge, Mr. Nixon now suggests that HUBERT HUMPHREY is soft on crime.

The Republican presidential candidate is as poorly informed as his running mate when he says that Mr. HUMPHREY is "tragically naive" on the issue of crime in America.

HUBERT HUMPHREY is the one candidate who has directly faced the forces of crime in America. As mayor of Minneapolis, he strengthened the police force, rid the city of racketeers and won an FBI award for effective law enforcement.

In his campaign Mr. HUMPHREY has advanced—and will continue to advance—a program of strong action to combat crime in America. From Mr. HUMPHREY, we get a plan of action. From Mr. Nixon, we get only cheap tricks.

It is now Mr. Nixon's turn to look at the evidence of the Humphrey record, and then apologize.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

GUN CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The **PRESIDING OFFICER.** The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. DODD. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Under the previous order the Chair recognizes the senior Senator from Connecticut.

Mr. DODD. Mr. President, I shall be very brief this morning. There are some things that I think should be said about S. 3633, the measure now before us.

I repeat what I said yesterday. I believe a great many people are pleased that we are now at this point, particularly those who worked so hard for so many years to see a strong firearms control bill before the Senate and the House of Representatives.

On July 24, 1968, the House of Representatives passed its longarms control bill, while the Committee on the Judiciary in the Senate was reporting favorably its version of the same piece of legislation which we are now discussing. I think they both represent significant advances. And they are the end products of millions of words of testimony, dozens of days of hearings, thousands of pages of transcript, and scores of versions of bills and amendments. Many people worked hard on this matter for a long time. They have a right to be pleased that we are here now.

President Johnson signed the omnibus crime bill, which included title IV, on June 19, 1968, and the long gun amendment was ordered to be reported by the Judiciary Committee in July.

I would like to make it clear that these are the best firearms laws ever considered by Congress in the history of this country. That point should be emphasized. It troubles me, therefore, to witness the misunderstanding of the legislative process, and that is the only way I can account for it, and the legislative word that is evident among so many people.

I make this statement to clear up perhaps some of the misunderstanding. What I have said about these bills was true when title IV was passed by the Senate last May and it is even more true since July 24.

I simply do not understand the attitude of some people who have greeted this legislation as they have done when it was reported to the Senate by the Committee on the Judiciary. I do not know where they get their information, but it is misleading and it is not helpful to those who want to see a sensible gun-control law passed in this Congress.

Typical of what I am talking about is an article which was published in the New York Times on July 25, 1968. That newspaper prides itself on its comprehensive coverage of activities in Congress. However, apparently it was victimized or it made some mistake because it clearly distorted what actually happened on the floor of the House of Representatives and in the executive session of the Committee on the Judiciary.

The editorial stated that S. 3633, which we are now considering, the long gun amendment, reported by the Committee on the Judiciary "can only be branded as a phony bill." Then, two paragraphs later, based on its own, anointed misinterpretation of the proposed law, aroused fear and mistrust among its readers by wrongly stating that "any person who says he is a 'collector' can pay a $10 license fee as such—and buy himself some old Thompson submachineguns, then put them in working order."

It is a mind-bending experience to be subjected to such criticism by a newspaper for reporting a piece of legislation to the floor of the Senate that is many times stronger than a law they overwhelmingly supported just 50 days prior to the writing of this editorial.

It seems to me there is too much of this talk about "weak," or "watered down," or "compromise legislation" by the instant experts, and it simply is not so.

It is not true that anyone who says he is a collector can pay $10 for a license and buy himself some old Thompson submachinegun.

Again, that same newspaper in an editorial printed in today's morning edition, indicates that the Senate bill we are now considering, S. 3633, includes a new definition of a gun dealer which could qualify almost anyone to purchase firearms by paying the Treasury Department a $10 fee.

This is a gross misstatement of the provisions of the bill because there is no new definition of a gun dealer in it. Second, in addition to a $10 license fee, an applicant for a dealer's license would have to meet five definitive standards in order to obtain such a license.

Clearly the New York Times editorial writer has either misread or not read at all the licensing provisions of S. 3633 as it is now being considered in this Chamber. That newspaper has wide circulation and many people believe anything it prints.

I point out that the definition of a gun dealer in S. 3633 is the same as that which is contained in title IV of the omnibus crime bill which was enacted into law in June of this year and which the same New York Times applauded.

The editorial goes on to state:

> In a blatant concession to the rifle lobby, the bill would allow interstate shipment of firearms and ammunition to persons belonging to the National Rifle Association. Join the NRA and be exempt from the law.

This is very simply not true. There is no such provision in the bill and there never has been. I had something to do with the drafting of the first bill and such a provision was never in any bill

I introduced, nor is there such a provision in this bill that we now consider.

It is a mighty discouraging experience to pick up that paper and read that kind of statement while we are debating the matter in the Senate. I do not know whether it is a callous attempt to discredit the effective control provisions in S. 3633, but it certainly represents something terribly wrong in the understanding of the facts by whoever wrote that editorial.

It is even more inaccurate in its news story of today on the firearms debate which appears on page 33 of the Times.

It said:

> Senator Dodd, who was anxious to have some gun bill passed bearing his name, finally accepted the amendments, asserting, according to sources, that they carried a Treasury Department endorsement.

Mr. President, I am not that anxious to have my name on a gun bill. I am anxious only to see a good gun-control bill enacted into law. I have been anxious about that for a good many years. There may be others who are anxious about their names, but I do not care about that. If someone else gets a good bill passed that is all right with me.

I think it is important for the record that I should state the facts. The facts are that during consideration of S. 3633 on July 24, certain amendments were proposed to the bill by the Senator from South Carolina [Mr. THURMOND] to which the Senator from Maryland [Mr. TYDINGS] did not agree. I think the record will bear out every word of this.

At one point in the discussion, the Senator from Maryland [Mr. TYDINGS] questioned me as to the position of the Justice Department relative to the amendment that would modify the "licensing standards," one of the Thurmond amendments of the bill. I informed the Senator from Maryland that I had discussed this with the Chief Counsel in the Alcohol and Tobacco Tax Legal Division of the Internal Revenue Service, and while the Internal Revenue Service did not particularly like this amendment, they indicated that if the issue over the amendment were to block action on the bill in the committee, then it would be better to accept the amendment so that the bill could be reported.

Mr. President, it is a matter of record in the transcript of the meeting of the Committee on the Judiciary on July 24, that I did not say that the Treasury Department endorsed the Thurmond amendments.

Further, the New York Times made a gross misrepresentation of the letter referred to in the article from Commissioner Cohen to Senator TYDINGS.

The Cohen letter referred to the House version of the gun bill and not to S. 3633 which was reported from the Senate Judiciary Committee.

I talked with Commissioner Cohen this morning, and I am told it referred to the House version of the gun bill.

The Senate bill is a much stronger bill, in my opinion, than the House-passed firearms bill.

Thus, it is distressing that this newspaper would have the facts so mixed up. I do not know what its motivation is, but the record should be corrected.

I say again that S. 3633 now pending—and it should be said over and over again—is the strongest Federal gun law that has come before Congress in the history of the country. It should be said again and again—and I think I was the first to say it, and I say it now—that it is not perfect. I do not think in every respect it is what it should be, but I hope we can make it better through discussion and debate on the floor of the Senate.

I know that it was the best bill we could get out of committee. Efforts were made in committee to get different versions reported upon, and the committee process was lengthy. I believe that the bill would have been before the Senate long before now had it not been for those efforts. But we now have the opportunity to work our will and offer perfecting amendments, if we choose to do so, as some of us will.

It has also been said that S. 3633 stops at the State line and that it provides no protection to the citizens in States which have lax gun laws.

That is another statement which is simply not true.

The following provisions of S. 3633 would not "stop at the State line."

First, all sales of firearms, whether interstate or intrastate, are controlled and regulated under S. 3633. As my colleagues well know, a licensed dealer, under this bill, cannot sell or deliver any firearm to a felon, fugitive, or indictee for a felony, whether that sale is interstate or intrastate in nature.

I do not know how anyone can make a mistake about that.

Second, that licensee cannot sell or deliver any firearm, other than a shotgun or rifle, to a person under 21, whether it be interstate or intrastate in nature.

Third, S. 3633 prohibits the sale, whether interstate or intrastate, of rifles and shotguns to juveniles.

Fourth, it prohibits the sale of any firearms by a licensed dealer that would be in violation of any State or local law.

Fifth, the bill provides that all persons engaging in the firearms business, importers, manufacturers, and dealers, be licensed and this applies to dealers who only deal intrastate as well as to interstate dealers.

Sixth, it regulates all intrastate mail-order sales of firearms by a sworn statement and notice control provisions of regulation with which the purchaser or the seller would have to comply before completing the sale or delivery of the firearm.

I believe that we must consider this legislation objectively and accurately. I hope I have eliminated some of the confusion which some Members have about this bill.

Remember what I have said—and I expect to go on saying it—that, of course, the bill is not perfect. I do not ever remember seeing any legislation go through the Senate that I thought was perfect. I think we are doing well, but we can do better. The important thing is that the record must reflect objectively the controls which are in the measure, and what we have attempted to do in our efforts to move it through the Senate.

Mr. President, I do not understand those who attack the bill, especially title IV, who say it is "weak, watered down, and does not amount to anything." And where were these people 6 or 7 years ago when a handful of us were fighting for good gun laws? We never heard from them then. They never supported the need for gun laws then. It has not been an easy task. Yet the "instant" experts now come along and believe that they know everything about the issue. They know just how everything should be done. I hope that they will reflect—particularly the influential newspapers in this country—and will not erroneously say things about the pending bill, and make reference to provisions which are not contained in the bill, which requires me or someone else to rise on the floor of the Senate to correct the misstatements. That is not serving the public interest very well, in my judgment.

That is why I have taken the time this morning in the hope that we can put an end to these misstatements and such errant talk about this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a proposed unanimous-consent agreement, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The legislative clerk read the proposed unanimous-consent agreement, as follows:

> *Ordered*, That, effective on Monday next, at the conclusion of routine morning business, during the further consideration of the bill S. 3633, a bill to amend title 18, USC, to provide for better control of the interstate traffic in firearms, debate on any Committee amendments be limited to 1 hour and debate on any other amendment, except any amendment proposing Federal registration and/or licensing, upon which no time limitation is ordered, motion, or appeal, except a motion to lay on the table, shall be limited to 2 hours, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.
>
> *Ordered further*, that on the question of the final passage of the said bill debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on any amendment or on the passage of the said bill, allot additional time to any Senator during the

consideration of any amendment, motion, or appeal.

The **PRESIDING OFFICER**. Is there objection to the proposed unanimous-consent agreement?

Mr. **HRUSKA**. Mr. President, will the Senator from Montana yield?

Mr. **MANSFIELD**. Yes, indeed.

Mr. **HRUSKA**. The proposal not to have any time limit upon any amendment which provides for Federal registration or licensing should be limited to Federal registration or licensing of sporting firearms.

Mr. **MANSFIELD**. I make that correction. That was inadvertently left out.

Mr. **HRUSKA**. Because there is an amendment on registration of machineguns upon which we are in agreement.

Mr. **MANSFIELD**. I will make that correction.

Mr. **JAVITS**. Mr. President, it is understood that there will be no rollcall vote until 3 o'clock on Monday?

Mr. **MANSFIELD**. That is correct.

The **PRESIDING OFFICER**. Is there objection to the unanimous-consent request, as modified?

Mr. **MANSFIELD**. Mr. President, for the information of the Senate, I think it should be stated definitely now that the first rollcall vote will occur no sooner than 3 p.m. on Monday next. I think I had better add that to the unanimous-consent request, so that we will tie down that dictum.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, as modified, was subsequently reduced to writing as follows:

Ordered, That, effective on Monday, September 16, 1968, at the conclusion of routine morning business, during the further consideration of the bill S. 3633, a bill to amend title 18, USC, to provide for better control of the interstate traffic in firearms, debate on any Committee amendments be limited to 1 hour and debate on any other amendment except any amendment proposing federal registration and/or of sporting firearms licensing, upon which no time limitation is ordered, motion, or appeal, except a motion to lay on the table, shall be limited to 2 hours, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, that on the question of the final passage of the said bill debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on any amendment or on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Ordered further, That no rollcall vote be had prior to 3:00 p.m., Monday, September 16, 1968.

ORDER FOR ADJOURNMENT UNTIL 12 NOON MONDAY

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the previous order calling the Senate into session at 11 o'clock on Monday next be vacated, and that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. **CHURCH**. Mr. President, since first coming to the Senate, I have opposed Federal firearms legislation as a misconceived attempt to deal with big city crime at the expense of the countryside of America.

In overwhelming numbers, the people of my State agree with me. Nearly 60,000 of them have joined me by signing their names to my petitions opposing the enactment of any Federal gun laws.

The wording on these petitions, to which Idahoans so strongly subscribe, is as follows:

> I agree with Senator Church that guns are part of the wholesome, outdoor, Western way of life. I also agree with him that if individual states want gun control laws, they have the right to enact them. But I support Senator Church in his opposition to the Dodd Bill and all other Federal gun law proposals.

We in Idaho have a different way of life than any found in the East. In our experience, hunting rifles and shotguns are implements of outdoor sport, not instruments of violence and anarchy. Many participate during our hunting seasons, but snipers do not tyrannize our cities or our towns. That is why Idaho sheriffs and police officers have joined, by the hundreds, in signing these petitions—those very men who are charged most directly with the enforcement of the law.

Most Idaho families keep guns. Yet our crime rate is much lower than the national average. Guns are associated with fly rods and spinning reels—not with murders and criminal assaults. We have not found it necessary to restrict the purchase of firearms for the purpose of maintaining good order.

That is why 60,000 Idahoans, from all walks of life, joined in signing these petitions. And, I might add, their signatures were affixed in a very short space of time. If the petitions had been circulated a little longer, I have no doubt that twice as many signatures could easily have been secured, which I think is dramatic evidence of how strongly the people of my State feel on this issue. It must be remembered, Mr. President, that the total population of Idaho, including men, women, and children, is less than three-quarters of a million.

The list of signatures to which I refer, it should also be said, bears no correlation whatever to the membership of the National Rifle Association, or to that of any other particular organization.

Having said this, let me stress that we in Idaho are not unmindful of the rising crime rates in the Nation. FBI reports indicate an 89-percent increase in nationwide crimes since 1960—a fact which cannot be ignored. Nor can it be denied that many of these crimes are committed with guns.

Recognizing this reality, we in Idaho do not claim the right to decide what the gun laws should be for California or New York or Illinois, or any other State or city confronted with the problem of spreading crime. We seek only to be master of our own house. Our disagreement lies, not with the existence of the crime problem in the big cities, but rather with the remedies here proposed.

For years, New York City has had strong gun control laws. Only about 17,000 of the municipal population—which exceeds some 7 million—are legally entitled to possess handguns. Yet, Mr. President, we all know that there is a vast arsenal of handguns illegally possessed in New York City. We all know that crime continues to climb in New York City. In 1965, the rate per 100,000 persons for the crimes of murder, robbery, and aggravated assault was 244.2. In Idaho, which has no such gun restrictions, the 1965 rate for the same three crimes was 65.7.

In 1966, the murder rate in New York City was among the top 25 in a listing of America's largest cities, and the aggravated assault rate there was among the top 10. This year, New York City, despite the failure of earlier experience, adopted an even stiffer gun control ordinance. A need was felt for even stronger local legislation. We in Idaho see no such local need in our own State or in our own cities, and we oppose Federal gun controls because they wrap all States, large and small, in the same blanket.

Indeed, Mr. President, it is fair to say that if we in Congress approach the problem of crime control by passing uniform laws on the acquisition of firearms, then inevitably these laws will be drawn to accommodate the crime problems in the large cities, and they will be inappropriate and undesirable in States like my own.

I think that regulating the acquisition of guns can be dealt with effectively by the States and cities of the country, depending upon the particular problems that confront them. New York City's action is proof positive that big cities can act for themselves in the matter of gun controls if they are willing to do so. The big city States can also enact their own laws to meet their particular needs, either to prevent civil disorder or to combat crime in the streets.

Mr. President, I know it is argued that uniform national standards are necessary in order to avoid the circumvention of State and local laws by people so determined to obtain a gun that they are willing to go into an adjoining State where tax laws permit them to purchase weapons that they could not purchase in their own home State or locality.

It seems to me that the weakness of this argument is apparent. If anyone is so determined to obtain a gun that he is willing to travel out of his own State to some distant place to obtain it, and if the purpose of securing the gun is to do violence with it, then it seems to me perfectly obvious that such a person would find other ways to obtain a gun, regardless of the laws passed by Congress.

Mr. President, I am persuaded that the various proposals for Federal registration or Federal licensing of gun owners will only have the result of reaching the law abiding, while the criminal element, true to its time-honored custom, will simply continue to ignore these laws.

The defect in Federal firearms legislation is that it casts all cities and States in the same mold, when differing conditions clearly call for differing solutions, not uniform Federal controls.

Proponents of Federal gun legislation defend their position by maintaining that while the country would have to pay the price of conformity to a single standard, the resulting benefit would be great. But is this benefit really demonstrable?

Perhaps the most thorough-going study of the legislative regulation of firearms was completed last fall by the American Bar Foundation. I quote from their report:

> A fundamental assumption of those who support the drive for stricter regulation of firearms is the belief that easily available weapons are a stimulus to crime, and that absence of weapons would significantly reduce criminal activity. In our own inquiry, we have discovered no convincing evidence on this question.

The report continues:

> Other factors almost certainly outweigh the presence of firearms as a cause of crime. Among the variables which must be considered are: population size and density, economic conditions, degree of social, racial and religious homogeneity and community attitudes toward crime in general and guns in particular.

Mr. President, I must say that the research work of the American Bar Foundation, concerning the experience to date with firearms regulation by Federal, State, and local governments, gathered and analyzed in this report, is very impressive indeed.

On the basis of this exhaustive study, the American Bar Foundation researchers found evidence for gun laws so wanting they were unwilling to take a position on the effectiveness of such laws. They concluded that passage of gun control legislation could be justified only as an "experiment with social reform."

If this is so—and I think that the serious and objective research of the American Bar Foundation is worthy of credence—then the place for these experiments is in those States and localities which deem it wise, necessary, and desirable to experiment. That, indeed, is the genius of our system.

We are a vast country of continental dimensions. So large and diverse are we that we suffer from a lack of effective communication even as between one region of the country and another. That is why it is so difficult for my eastern friends to understand my position against gun controls. To them, guns connote crime. To us in Idaho, guns connote sport.

With differences so wide, our Founding Fathers were wise enough to establish a system of government that would permit States and localities to legislate for themselves. They resisted the centralization of power that so characterized the political regimes in other lands, where all laws were imposed by one sovereign authority, from one central source, from one national capital.

Thus, the supposed benefit of the legislation we are considering here suffers from a conspicuous absence of convincing evidence.

This being so, Mr. President, we must then ask what the cost will be in enacting legislation of such questionable merit?

Last year, I testified before the Senate Subcommittee on Juvenile Delinquency. I said:

> If Federal control of firearms becomes our chosen method for dealing with big-city crime, do we not stand now at the threshold of the course? Once commenced, who here can foretell how far the pursuit will carry us? Is this but the opening wedge, the first concession to expanding Federal control which will grow larger with the passing years?

These remarks were directed toward Federal control over mail-order gun traffic. Now, a few short months later, the Senate is already discussing Federal registration of all firearms, and Federal licensing of all gun owners.

At this rate, proposals will soon be before us to shift the primary focus of law enforcement from State and local governments, where it has traditionally resided, to the National Government.

Law enforcement has always been a local responsibility in this country. Over 90 percent of all full-time non-Federal police officers are located at the local level. Over 70 percent of law enforcement expenditures are also at the local level.

New York City alone has almost as many policemen as the total number of State law enforcement officers in all other States. Los Angeles County, Calif., has more police and law enforcement officers than the entire Federal Government.

Nevertheless, proponents of registration and licensing appear ready to compel the States to adopt their proposals, with the threat that if the States do not do so, the Federal Government will then intervene to register the guns and license the gun owners.

Such a legislative mandate is nothing less than an ultimatum. It is an outright denial of our long tradition of local law enforcement. In the name of "protecting our citizens," it would effect a complete reversal of historical Federal-State relationships in the field of law enforcement.

The President himself recognizes the necessity for leaving primary jurisdiction to State and local governments in the field of law enforcement. In his message to Congress on crime (H. Doc. 53), Lyndon B. Johnson acknowledges:

> Our system of law enforcement is essentially local: based on local initiative, generated by local energies, and controlled by local officials.

The President's Crime Commission reported:

> The entire system represents an adaptation of the English Common law to America's peculiar structure of government, which allows each local community to construct institutions that fill its special needs.

Speaking on this subject, J. Edgar Hoover has said that a unified national police force could easily lead to a police state; and in this regard I find myself in complete agreement.

Mr. President, I cannot believe we can strengthen our system by supplanting State law with Federal law. Every other congressional action in the fight against crime has taken the form of aid to State and local law enforcement agencies—help of the kind that can be given without impairment of State and local jurisdiction.

The glaring exception is firearms control.

Thus, while the benefit to our country of uniform Federal gun legislation is unproven, the cost to our country could well be very great.

Mr. President, we in Idaho do not deny that crime is a growing menace in the big cities. Along with the country as a whole, we are awakening to its danger, and we are agreed that action must be taken to control it. But we ask that solutions be sought in reasoned ways, with recognition that the problems in Idaho are different from those in the populous Eastern States.

We also agree that the Federal Government should help to combat the spread of crime. There is much that can be done. Congress can strengthen the State and local law enforcement agencies, as we have begun to do with the passage of the anticrime bill earlier this year. But, Mr. President, that bill, while contributing Federal help to the States and local communities in the training and modernizing of their law enforcement agencies, kept the primary responsibility for the maintenance of law and order where it belongs—in the States and the cities of our land.

Eleven years ago, shortly after I began my service in the Senate, I declared my opposition to Federal gun controls, in a published interview. I said then:

> It is an affront to place regulation upon the right of the people of my State to keep and bear their sporting arms. The fact that they look with an extremely suspicious eye upon any attempt to tamper with that right in any way, and have written to me in such numbers and with such an evident sense of outrage, shows the strength of the tradition and heritage of which I speak.

Mr. President, my position remains the same today. I shall vote against all proposals to expand Federal gun controls.

Mr. DODD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. DODD. Mr. President, I have listened with great interest, and I hope with great care, to what the Senator has said about the pending bill. I may have misunderstood him. Did the Senator say that the American Bar Association had refused to espouse this Federal gun control bill? I may have misunderstood.

I point out why I ask the question: I received a letter from the American Bar Association affirming their support for the firearms control bill. The letter is dated December 4, 1967. So far as I know, that is their attitude.

Mr. CHURCH. I referred, in the course of my remarks, to the conclusions reached by the American Bar Foundation on the basis of its research of existing law on firearms—Federal, State, and local—and the conclusions of those researchers.

I am certain that the Senator is correct with respect to the position of the American Bar Association, on the pending bill. But my reference had to do with the American Bar Foundation and its research, and I quoted from the conclusions of that particular report.

Mr. DODD. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. DODD. Is the American Bar Foundation a part of the American Bar Association?

Mr. CHURCH. I believe that it is. I understand it to be a research organization affiliated with the American Bar Association.

Mr. DODD. I was not aware of that, but I am pleased that the matter has been clarified with respect to the American Bar Association.

I noted the Senator referred to the strict gun control law in New York City, and in the State of New York, and he pointed out that, even with those controls, there is a vast arsenal of handguns illegally held. I do not know how vast it is, but I am sure it is true that this is a problem.

I invite the Senator's attention to the fact that this is one of the best reasons why we need a Federal gun control law. I ask the Senator to think about it. It is a dramatic example of one State having a good law with respect to firearms, and yet it is being flooded with guns illegally, because the people go out of the State and buy them in States with lax gun laws—and there are many such States—or they get them by mail order.

What can the New York authorities do? They do not even know that these guns have been bought; they do not know who owns them; they do not know where the guns are.

If every State had a good gun law, I do not believe this would happen. I do not say that there would not be violations. I wonder whether the Senator would agree that this bill would reduce the possession of guns by people who should not have guns.

Mr. CHURCH. I would agree that it would establish a uniform standard applicable to the entire country. My disagreement with the Senator is that I believe the criminal element will ignore Federal law, as it has ignored State and local law, and that the black market in guns would make them easily accessible to those who are determined to commit crime.

I simply do not have any confidence that we can deny guns to the criminal element by laws of this kind, whether they are Federal, State, or local in character.

Mr. DODD. I invite the Senator's attention to the fact that we have had a proposed uniform gun law for the States to approve. It was promulgated by the American Bar Association in 1930.

Since that time only five States and the District of Columbia have adopted it, five States in 38 years. I quite agree it would be highly desirable to have uniform State laws. I wish we did have uniform State laws, but if what I have just cited is any example at all there does not seem to be any hope at all for uniform action at the State level. And this is another reason, I say most respectfully to the distinguished Senator from Idaho, we have to do something about it.

For example, we are faced with a situation such as that which exists in New York City and New York State. I can think of other big cities. For instance, Philadelphia has a gun control law but it has a problem. Its gun control law is applicable only in the city of Philadelphia and does not apply in the State of Pennsylvania. The State of Pennsylvania tried to pass a gun control law, but the National Rifle Association lobbied in the legislature and the measure was defeated. That is going on all over the country.

If the distinguished Senator from Idaho does not already know, I am sure it will be interesting to the Senator that New York, which is mentioned as a great crime city, has only one-half the percentage of murders by gun as does the State of Idaho. Idaho has a pretty good record. I do not want to be misunderstood as saying anything else, but I believe it has a gun problem. Idahoans are good sportsmen and they are good people.

I do not wish to get into an argument with the Senator. I have too much respect for him and for his views. The Senator was a valuable witness before our committee and we listened to him with great respect.

Mr. CHURCH. Mr. President, I appreciate the courtesy of the Senator from Connecticut. We have honest differences of opinion as to the best method of dealing with this problem, but I know the position he takes is a very conscientious one.

(At this point, Mr. SPONG assumed the chair.)

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it was my misfortune not to be in the Chamber during the entirety of the statement by the Senator from Idaho, although I was here part of the time. That part of the colloquy between the Senator from Connecticut and the Senator from Idaho having to do with the desirability of uniform State laws in regard to registration interests me very much.

Early in the business of Government this Senator learned that unequal circumstances and conditions call for different treatment.

One of the great difficulties of Federal legislation is to impose on the 50 States with their greatly varying conditions an inflexible set of laws or rules. I submit in all humility, but with a great deal of earnestness, there is a difference of conditions between the city of New York and those which prevail in Nampa, Idaho. I have been in both places.

Mr. CHURCH. They are worlds apart.

Mr. HRUSKA. They are worlds apart in the kinds of life, climate, geography, heritage, tradition, and the use of many things, not only guns.

As a thought, I would suggest the penalties for violating registration or licensing provisions of a Federal law would be very, very severe. In the western country we have many occasions to get into the matter of trading guns and improving one's position, just as many young people do now in the matter of automobiles. A $30 single-shot rifle will be bought; then the person might save $30 more and trade that rifle for something better. The same thing is true with respect to the more expensive rifles and expensive shotguns.

With the necessity of detailed recordkeeping in the pending licensing and registration amendments, if there were one mistake, the overlooking of something, and getting into a position of where there would be an arrest by a Federal officer, there could be a severe penalty on a lawful but technically negligent user of a gun.

I do not believe we are ready in this country yet to get into that kind of situation or to visit that kind of harshness on our law-abiding citizens. There would be a great possibility of the tyranny of bureaucrats who would have to go the length and breadth of the land to ferret out violations and to insure observance for the letter of the law, so that violators must be punished.

Does the Senator from Idaho have any comment on that type of reasoning with which I am constantly met?

Mr. DODD. Mr. President, I think the Senator said he was talking about registration. I was not talking about registration.

Mr. HRUSKA. I was.

Mr. CHURCH. Mr. President, in response to the question by the Senator from Nebraska, I not only worry about the matter that he has brought up, but I know of the feeling of the people of Idaho. Whether it is the product of the outdoor sporting life that the people of my State lead, or whether it is a part of the still-fresh heritage of the Western frontier, I cannot say for sure, but I can say with certainty that the feeling against any attempt by the Federal Government to impose registration or licensing on gun owners would be so fierce that the law would become a mockery.

It is very unwise to attempt to impose laws viscerally opposed by a large majority of the people in any given region. We have had experience with this, although our memories are short and we tend to forget. I recall the experience—I cannot recall it personally because I was very young at the time but I have read about the experience—that this country had with prohibition.

Mr. HRUSKA. And the Senator hears tell now and then.

Mr. CHURCH. Yes, I hear tell what happened when an attempt was made by amending the Constitution to outlaw the manufacture and sale of alcoholic beverages. The law soon became a mockery. The general violation of the law was so widespread that it was quite impossible for police officials to enforce it. In the end, even the most zealous believers in prohibition had to concede the failure of the experiment.

Mr. HRUSKA. And in the process of enforcing that law there was constant repudiation by jurors when the issue was put to them to bring in a verdict of guilty, and especially in cases where the judge could not comment on the evidence or instruct the jury. The matter was made a mockery of the law and our judicial system.

Mr. CHURCH. The Senator is correct. As a result, respect for the law suffered. I cannot help but believe that if this Congress enacts Federal registration of firearms or Federal licensing of gun owners, and then attempts to enforce that law in the Western States, we will see the same general resistance on the part of the public that occurred during prohibition days, with the same unfortunate result in the weakening of our governmental structure, our courts, and popular regard for the law. That is very serious, and people who hold a different opinion, because they live in big cities, and have a different attitude toward guns, may not be able to appreciate the profoundly regrettable consequences that will attend the passage of legislation of this kind.

Mr. HRUSKA. On another point, there is a provision in the bill as reported by the committee on shotguns and rifle ammunition, including .22 caliber rimfire, which is exempted. As amended by the committee, long gun ammunition would not be subject to Federal regulation. The committee bill includes only ammunition for handguns and destructive devices. An attempt will be made to strike that amendment and to include all ammunition for detailed recording and, in my judgment, very minute regulation, including entry in a permanent book by the licensed dealer of the date, quantity, price, address of the purchaser, and so forth.

To refresh the recollection of the Senator from Idaho, the statute which preceded title IV of the Omnibus Crime Control Act was the Federal Firearms Act of 1938. That law included handgun ammunition. However, it was never enforced. Officials from the downtown departments testified that they could not enforce it. It was not enforceable. In fact, in the administration proposals of the 90th Congress, up until this most recent proposal, ammunition was not even mentioned as one of the items that would be regulated and controlled.

What would the judgment of the Senator from Idaho be as to the sentiment and the actions of people in territory like the State of Idaho in regard to long gun ammunition being closely regulated?

Mr. CHURCH. I think it is perfectly clear that the overwhelming attitude of the people of my State would be the same with respect to access to ammunition as it is with respect to guns.

Mr. HRUSKA. I recall there was testimony in 1967 when the distinguished Senator from Idaho commented on that very subject.

The testimony is included on page 425 of the Senate firearms hearings. Briefly, taking an excerpt from the testimony, the following was said:

> I say that because so many Idaho people depend upon these country stores for their ammunition supplies, and there is very little profit in it for the stores. Some of them, I think, would find, if the committee were to choose to adopt license fees that would impose a serious burden on the small dealers, then I can see many of them simply quitting the line, and a great many citizens of my State would then have to sometimes travel a hundred miles or more into a larger city in order to get ordinary ammunition supplies for their guns.
>
> Chairman DODD. The bill does not cover ammunition.
>
> Senator CHURCH. Well, it covers dealers with guns and ammunition, and most of these dealers do carry both.
>
> Chairman DODD. I think a careful reading will indicate that we really do not include ammunition. We went all through that a couple of years ago, and I think it was unanimously decided that because of the cases you cite, the small crossroads dealer, we would eliminate ammunition.

I call that to the attention of the Senator from Idaho, and I am hopeful that the committee amendment to the bill, and the bill as reported by the committee, will be sustained, so that we can lend reality to the views we had arrived at as a result of nonemotional and thorough study, as well as expert opinion.

Mr. CHURCH. I fully share the hope and the position of the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the Senator from Idaho for his courtesy.

Mr. CHURCH. Mr. President, I yield the floor.

Mr. DODD. Mr. President, I have before me the Uniform Crime Report of 1967 issued by the FBI.

On page 113 of the report, table 22 reflects the percentage of persons murdered by firearms, by State from 1962 through 1967.

It shows for the State of Idaho that the total number of murders was 132, and 68.2 percent of those murdered were shot to death.

It shows for the State of New York that the total number of murders was 4,835—of course there are millions of people living there with the percent by use of firearms, only 34.9 percent—about half that of Idaho.

Mr. President, when we consider the dense urban population and all the problems attendant to metropolitan living in a city the size of New York, I think these facts bear great testimony to the necessity for strict gun control legislation. It is proof positive, I think, by the figures I have just given, that New York has a low percentage of gun murder despite the fact that it is densely populated. Yet it is picked on by so many people who say that New York has strict gun controls, but still has many gun murders.

As I have said previously, New York's murders are not the result of strict gun control. Rather, that city suffers because other States do not have such laws. That is one reason why we are trying to do something about the interstate situation. I do not want to belabor this point, but I think it is absolutely necessary that this be said.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. I suppose I should almost apologize to the Senate for reentering into the discussion of the percentage of murders that are committed by guns in a given State. Many a time the Senator from Connecticut and I have engaged in the same kind of discussion we are going to engage in now.

The figures in the crime reports can be used for a number of purposes and with differing results. So the percentage of murders committed with guns in the State of Vermont in 1 year was 100 percent. There were two or three murders in Vermont, all of them with guns. What does that prove? It seems to me that percentage standing alone does not mean so much.

What is the rate of murders per 100,000? The book that has been cited by the Senator from Connecticut bears figures on that subject, because on page 71 of the 1967 Uniform Crime Reports we read the number of murders and nonnegligent manslaughters committed in the State of Idaho, and the rate per 100,000 is 4.3 percent.

In the State of New York—and this figure gives the benefit of the doubt to Upstate New York, which is more law-abiding in this regard than the metropolitan area—the rate is not 4.3 percent; it is 5.4 percent per 100,000.

In my good State of Nebraska, the rate is 2.7 percent per 100,000.

In due time, the Senator from Nebraska will place in the RECORD a table showing that in those States—the so-called weak gun control States—the number of murders and nonnegligent manslaughter cases is far lower than in the large metropolitan areas and that, therefore, any murder committed with a gun counts in a higher percentage.

If we are going to get into the business of figures and statistics, let us go all the way. It seems that if one does enough hand-picking, balancing, and meandering through the tabular records of this kind of report, he can prove almost anything he wants. But certainly with respect to the specific proposition of a greater percentage of murders being committed with guns in one State as against another, it is of doubtful value in an argument as to this particular bill.

That goes beyond the proposition that there is no connection shown with the impact of a bill such as the one we are now considering or an amended one provided for licensing and registration. It goes beyond the impact that that would have on those figures.

Again and again we draw attention to the situation in New York State, which has had the Sullivan law for 50 years. Commissioner Leary testified recently before the Senate subcommittee that in 1967 the police picked up about 20 handguns a day, handguns illegally held by the persons from whom they were seized. That would mean 7,000 in 1 year.

In previous years, in the not too distant past, the total has been as high as 10,000 guns a year, this under one of the most restrictive kinds of laws that can be enacted, because it amounts virtually to prohibition.

So what kind of impact will this proposal have on gun crimes? If a person plans to commit a crime and believes strongly enough that he will profit by the crime, the fact that there will be an additional penalty if he uses a gun will not deter him. The proof of this is seen in the situation that exists in New York.

I suppose, Mr. President, that I should apologize to the Senate. I suppose I should apologize for the patience of the Senator from Connecticut, because he will have his usual rejoinder to the rebuttal I have made of his argument. I think, unless something new has been added, it will be the same type of rejoinder that he has engaged in on many previous occasions.

Mr. DODD. Mr. President, I lament the fact that I have not been more persuasive with the Senator from Nebraska. Yes, we have talked about this many times before. I have heard the position he has taken many times before. Having heard it again, I am not any more impressed now than I was then.

Vermont has a very small population. The figures I read from the FBI uniform crime reports were for 5 years. The Senator read the figures for 1 year. There were only two or three murders that year. But Vermont does not have any deterrent gun law. If it had only two murders in 1 year, I think that is a fine thing, but, actually, over the period of 5 years from 1962 through 1967 it had 26 murders and 83.3 percent of them were committed with guns.

Mr. HRUSKA. In the State of Vermont?

Mr. DODD. Yes.

Mr. HRUSKA. That is for 5 years; is it not?

Mr. DODD. Yes.

Mr. HRUSKA. So, instead of two or three in 1 year, Vermont had five each year, on an average.

Mr. DODD. I did not raise the issue of Vermont. I am not trying to pick on it. It is a beautiful State, with a small population. It does not have adequate gun laws, and I do not think it is to be compared with the problem in New York City. Density of population is a very important factor when we talk about crime and the rate of crime and the weapons that are used in crimes, particularly murder.

I just think this must be said: The analysis of murder rates, percentage of murder by gun, and population density of the United States, by geographic regions, which appears on page 731 of the hearings before our committee, shows—and it should be pointed out—that the population density of New York is 350.1 people per square mile while the population density of Idaho is only 8.1 people per square mile. Despite that fact, the murder rate for New York was 4.8 per hundred thousand while the Idaho murder rate was three per hundred thousand.

As the Senator from Nebraska has pointed out, this is a debate we have had on a great many occasions.

Mr. HRUSKA. Is that 3 percent or three per 10,000?

Mr. DODD. It is the murder rate.

Mr. HRUSKA. Per 100,000?

Mr. DODD. Per 100,000.

Mr. HRUSKA. Not 3 percent.

Mr. DODD. Yes; that is the murder rate.

I wanted to point out to the Senator the importance of the density factor. Every expert, certainly in the field of law enforcement, considers it a very important factor. I do not know how it could be otherwise considered.

I know the danger of using statistics. They can be sometimes misused. I know the Senator from Nebraska does not intend to do that. Neither do I. But we are faced with the important factor of density of population, and it is the No. 1 factor listed by the FBI. In the crime factors listed on roman numeral page 6, the first factor is "Density and size of the community population and the metropolitan area of which it is a part." So we cannot talk about the subject and not take that factor into consideration.

Mr. HRUSKA. Mr. President, will the Senator yield for a brief question?

Mr. DODD. I yield.

Mr. HRUSKA. In what order is the availability of guns among the factors which were referred to by the Senator?

Mr. DODD. I was not talking about the availability of guns. I was talking about social factors.

Mr. HRUSKA. No, but we are talking about factors of crime, and density of population was listed as a factor.

Mr. DODD. Yes.

Mr. HRUSKA. Is it not a fact that availability of guns is not even listed as a factor?

Mr. DODD. It is not listed there because the Director of the Federal Bureau of Investigation considers the availability of firearms so important he usually devotes special entire sections in these reports concerning guns and crime. He considers it that important. I do not not know of anyone who does not. I doubt that the Senator from Nebraska would disagree. Of course, the question of the availability of guns is important. I think that is what this proposal is about. Are we going to make guns available to criminals, children, drug addicts, and other persons afflicted with defects? That is what we are trying to stop.

Mr. HRUSKA. That is not what we are discussing right now, if the Senator will yield.

Mr. DODD. We may not be discussing it, but it is the basic purpose of undertaking what we are trying to do. I think the Senator is, too. I do not see how we can get away from it. The FBI says that last year 7,600 murders were committed in this country with guns, and 52,000 aggravated assaults, and 73,000 robberies. I think that is a terrible situation. Obviously, State laws are not adequate. The number is going up every year. More and more people are being killed, robbed, and assaulted, and yet people stand here and in other places and say, "It is all right; just leave it up to the States." I say we are long past that point. If the States had uniform gun laws, we might get somewhere with this problem. But, as the Senator well knows, we do not have that situation in America today and that is what brought about, in my judgment, the effort to get some Federal controls. It is one of the things that has brought it on.

I do not think we would be here at all today if, back in 1930 and the years that have followed, the States had adopted good, uniform gun control laws.

But almost every time that States tried to enact gun laws, they had these very effective lobbyists here in Washington saying, "Leave it up to the States"; then they would go to those State legislatures and defeat the efforts to get good gun control laws. They were switching the American people back and forth like a shell game. If they had had any sense, they would have permitted the passage of good State gun control laws.

Mr. HURSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, I deplore as much, and if it were possible I would deplore more than the Senator from Connecticut, the number of crimes committed. The statistics are horrible, and they are getting worse every day. No one deplores that more than I; and I have been a member for 10 years of the Committee on the Judiciary, on which both the Senator from Connecticut and I serve.

But there must be a connection shown, Mr. President, between a measure proposed and the ability of that measure to make an impact on the crime rate.

So often we hear, "If we only had a strong Federal law because these strong gun law States are much better off than the weak gun law States."

What is a strong gun law State, and what is a weak gun law State?

To be specific, let us get to the situation in Mississippi, where there is a penalty for carrying deadly weapons, and where there is a statutory requirement that there be state registration of handguns and high powered rifles. The statute reads:

> Every person in this State who now owns or has in his possession, or who shall hereafter acquire, any pistol or revolver, or any machine gun must register that weapon.

What is the rate per 100,000 for murder and nonnegligent manslaughter in Mississippi? I do not single out Mississippi, but we are kicking around statistics. It is 8.7. At page 73 in the 1967 Uniform Crime Reports, the figure is listed as 8.7.

Now we go to New York City. Figures have been quoted here at 4.8 for New York. I presume that was the State of New York. But when Mayor Lindsay was before our committee this summer, he testified:

> During 1967, 746 persons were murdered in New York City. This is a terrible loss of life, but viewed objectively, our homicide rate was tenth among the ten largest cities of the Nation. Our rate was 9.6 per 100,000 persons, Mr. President. The highest ranking city reported a rate of 26 homicides per 100,000 population.

So where do we get, in this business of statistics and strong and weak gun laws?

As a final suggestion, and then I shall permit the Senator from Connecticut to proceed unimpaired by my interruptions, at least, I should like to ask that page vi of the 1967 Uniform Crime Reports, entitled "Crime Factors," be printed in the RECORD at this point.

There being no objection, the excerpt from the document was ordered to be printed in the RECORD, as follows:

CRIME FACTORS

Uniform Crime Reports give a nationwide view of crime based on police statistics made possible by the voluntary cooperation of local law enforcement agencies. Since the factors which cause crime are many and vary from place to place, readers are cautioned against drawing conclusions from direct comparisons of crime figures between individual communities without first considering the factors involved. The national material summarized in this publication should be used, however, as a starting point to determine deviations of individual cities from the national averages.

Crime is a social problem and the concern of the entire community. The law enforcement effort is limited to factors within its control. Some of the conditions which will affect the amount and type of crime that occurs from place to place are briefly outlined below:

Density and size of the community population and the metropolitan area of which it is a part.

Composition of the population with reference particularly to age, sex and race.

Economic status and mores of the population.

Relative stability of population, including commuters, seasonal, and other transient types.

Climate, including seasonal weather conditions.

Educational, recreational, and religious characteristics.

Effective strength of the police force.

Standards governing appointments to the police force.

Policies of the prosecuting officials and the courts.

Attitude of the public toward law enforcement problems.

The administrative and investigative efficiency of the local law enforcement agency, including the degree of adherence to crime reporting standards.

Mr. HRUSKA. I thank the Chair, and I thank the Senator from Connecticut for his courtesy.

Mr. DODD. Mr. President, I am always very pleased to yield to the Senator from Nebraska. He is always worth listening to, and always makes a contribution of value to the discussion.

However, I call his attention to the fact that I think he is somewhat mistaken about the situation in Mississippi. I have here before me a digest of the provisions of the Mississippi State firearms law, and I think the Senator will be interested to know that it was put out by the National Rifle Association.

Mr. HRUSKA. Will the Senator yield? Is this an edited memorandum that he is reading, or is he reading the text of the law?

Mr. DODD. I am reading the digest of the principal provisions of the Mississippi State firearms law, prepared by the National Rifle Association.

Mr. HRUSKA. Then the Senator is citing the NRA. The citation I made was of the statute, the text of which is before me.

Mr. DODD. Maybe they are alike. The Senator has not heard what this says.

Mr. HRUSKA. I did not say, but I say, now that the reference to Mississippi is brought in—and, of course, the inevitable reference to the NRA; whenever there is an opportunity to bring those magic letters into the discussion, they are brought—but the material I referred to, when I discussed the situation in Mississippi, comes from the Mississippi code annotated, the text, in its entirety.

Mr. DODD. Well, that is a very good source, and I do not have any argument about that. I take it that the Senator would accept the digest prepared by the National Rifle Association as being accurate?

Mr. HRUSKA. Well, I do not know. I have not seen it. I have not studied it as much as the Senator from Connecticut has.

Mr. DODD. Well, I shall offer it. I have found, in my own experience, that their staff, who work on these digests, do a pretty good job.

Mr. HRUSKA. So that they are accurate in their representations in their digests of the law, and on other subjects they are not?

Mr. DODD. I would not say as to other subjects.

Mr. HRUSKA. The Senator would not go quite that far?

Mr. DODD. I would not say that.

Mr. HRUSKA. Of course, the Senator is an authority on the subject.

Mr. DODD. I simply said I have found they are accurate in these digests.

But in any event, I think the Senator will find this is so; that in Mississippi, about the only gun control relates to very high velocity weapons. I believe it covers weapons having a muzzle velocity of more than 2,000 feet per second that must be registered with the county sheriff. But no gun permit or license is required to buy a gun, or carry it, for that matter, a hand gun or a rifle or a shotgun. I do not think that is a very strong law.

I also ask unanimous consent, Mr. President, that the table appearing on page——

Mr. HRUSKA. Mr. President, will the Senator yield when he completes that request?

Mr. DODD. It is the table on page 731 of the record of the 1967 hearings of the Subcommittee on Juvenile Delinquency.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ANALYSIS OF MURDER RATES, PERCENTAGES OF MURDER BY GUN, AND POPULATION DENSITY OF THE UNITED STATES, BY GEOGRAPHIC REGIONS

	Murder rate		Percent by gun		Population density	
1. Northeastern States:						
Connecticut	2.0	(42)	48.3	(43)	517.5	(4)
Maine	2.2	(39)	52.3	(40)	31.3	(36)
Massachusetts	2.4	(38)	35.5	(47)	654.5	(3)
New Hampshire	1.9	(43)	66.7	(13)	67.3	(25)
Rhode Island	1.4	(50)	24.0	(49)	812.4	(1)
Vermont	1.5	(49)	100.0	(1)	42.0	(32)
2. Middle Atlantic States:						
New Jersey	3.5	(31)	38.6	(46)	806.7	(2)
New York	4.8	(23)	31.8	(48)	350.1	(5)
Pennsylvania	3.2	(32)	43.2	(45)	251.5	(7)
3. North Central States:						
Illinois	6.9	(16)	54.8	(38)	180.3	(10)
Indiana	4.0	(29)	61.6	(27)	128.9	(12)
Michigan	4.7	(24)	45.9	(44)	137.2	(11)
Ohio	4.5	(26)	60.3	(29)	236.9	(8)
Wisconsin	1.9	(44)	55.9	(35)	72.2	(22)
Iowa	1.6	(47)	61.9	(25)	49.2	(28)
Kansas	3.5	(30)	64.2	(20)	26.6	(37)
Minnesota	2.2	(40)	56.7	(34)	42.7	(31)
Missouri	5.4	(21)	65.5	(18)	62.5	(27)
Nebraska	1.8	(45)	70.3	(8)	18.4	(38)
North Dakota	1.8	(46)	17.4	(50)	9.1	(43)
South Dakota	1.5	(48)	66.7	(12)	8.9	(44)
4. South:						
South Atlantic:						
Delaware	8.2	(11)	58.0	(33)	225.6	(9)
Florida	10.3	(6)	66.0	(17)	91.3	(17)
Georgia	11.3	(3)	66.6	(14)	67.7	(24)
Maryland	7.0	(15)	48.6	(42)	314.0	(6)
North Carolina	8.7	(10)	68.5	(10)	92.9	(16)
4. South—Continued						
South Atlantic—Continued						
South Carolina	11.6	(2)	73.3	(2)	78.7	(19)
Virginia	6.5	(17)	60.9	(28)	99.6	(14)
West Virginia	4.2	(27)	63.9	(21)	77.3	(20)
East south central:						
Alabama	10.9	(4)	59.6	(31)	64.0	(26)
Kentucky	7.0	(14)	73.0	(3)	76.2	(21)
Mississippi	9.7	(8)	70.9	(7)	46.1	(29)
Tennessee	7.8	(12)	66.4	(16)	85.4	(18)
West south central:						
Arkansas	7.1	(13)	65.0	(19)	34.0	(34)
Louisiana	9.9	(7)	61.6	(26)	72.2	(23)
Oklahoma	5.5	(20)	61.9	(24)	64.0	(26)
Texas	9.1	(9)	68.7	(9)	36.5	(33)
5. West:						
Mountain:						
Arizona	6.1	(18)	66.4	(15)	11.5	(41)
Colorado	4.0	(28)	58.7	(32)	16.9	(40)
Idaho	3.0	(33)	60.0	(30)	8.1	(45)
Montana	2.8	(35)	72.0	(5)	4.6	(47)
Nevada	10.6	(5)	66.9	(11)	2.6	(49)
New Mexico	6.1	(19)	63.7	(22)	7.8	(46)
Utah	2.0	(41)	72.3	(4)	10.8	(42)
Wyoming	4.9	(22)	54.8	(37)	3.4	(48)
Pacific:						
Alaska	12.9	(1)	71.4	(6)	.4	(50)
California	4.6	(25)	50.1	(41)	100.4	(13)
Hawaii	2.9	(34)	52.9	(39)	98.6	(15)
Oregon	2.7	(36)	62.5	(23)	18.4	(39)
Washington	2.5	(37)	54.9	(36)	42.8	(30)

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, if the Senator will yield, I cannot quite identify the description of the law in Mississippi calling for registration of weapons as being limited to high-velocity guns. I cannot identify that. In a memorandum prepared by the Library of Congress Legislative Reference Service on June 21, 1968, at page LRS 110, there is set forth the text—which I presume is proper and complete and reliable—and it is from the Mississippi Code Annotated, section 8621, entitled "Weapons To Be Registered":

Every person in this State who now owns or has in his possession, or shall hereafter acquire, any pistol or revolver, or any ma-

> **chine guns, submachine guns, and/or similar firearms, or any other high powered rifle with a velocity of more than 2,000 feet per second at the muzzle, shall be required to register such weapons in the manner and within the time hereafter specified;**

Then there is additional material. The only rifle that is exempted is the .22-caliber rifle.

Turning to the previous page, LRS 108, is section 2079 of the Mississippi Code Annotated, and there we find there is provided a penalty for carrying of deadly weapons or using them against any person which includes pistols, revolvers, or rifles with a barrel of less than 16 inches, or shotguns with a barrel of less than 18 inches, and so forth, who "shall be punished for a misdemeanor if it be the first and second convictions," and punished as a felon on subsequent convictions.

The text should be put in the RECORD, rather than a digest, which obviously is not quite accurate, if it is alleged to contain the language that it is only high-powered rifles that have to be registered. That is not true.

Mr. DODD. Mr. President, I think the whole analysis should be put in the RECORD. I think a careful reading of it will substantiate the statement.

The Senator is correct. It applies to all high-velocity rifles with the exception of the .22-caliber rifles. However, the .22-caliber rifle accounts for 65 percent of all rifle murders committed in the United States.

When we talk about this, we must talk about all phases of it. We find that the Mississippi law has to do principally with high-velocity weapons. However, it does not include the .22-caliber rifles. When we look into the situation, we find that 65 percent of rifle murders are committed with the .22-caliber rifle.

We should also note that it says in section 2 of the Mississippi statute that this act shall not apply to these people who are registered with the National Rifle Association or other licensed national collectors firearms associations.

If I read that correctly, if one belongs to the National Rifle Association, he is not bound by any of the laws. That is an absurdity. I cannot imagine a situation like that. As far as I am concerned, that would be a better reason for being bound by the law.

Mr. HRUSKA. Mr. President, as I read the Mississippi law that exception to registration applies only to collectors who are registered with the NRA or other national gun collectors organizations. The figure has been cited to the effect that 65 percent of the murders committed by rifles are committed with the .22-caliber rifle.

Mr. DODD. The Senator is correct.

Mr. HRUSKA. I imagine that one should go a little further. That sounds horrendous.

How many rifle murders are committed compared with murders committed with other forms of guns? If we secure that information, we then start to get a picture. However, to pick out a fragment here and a fragment there and argue like all fire on it does not inform us very much.

Mr. DODD. Mr. President, in each of the last few years the misuse of rifles and shotguns has increased. This is what was behind the thinking of Mr. Quinn Tamm, of the International Association of Chiefs of Police, when he said that the long gun, the rifle and shotgun, is being used more and more by the criminal element of our country. That is why I am concerned.

Last year some 720 people were killed by rifles in the United States. That does not approach the number killed by handguns, and I have never said that it did. However, the number is increasing each year. If we prohibit or inhibit or restrict the use of handguns—and we have done that under title IV of the omnibus crime bill—criminals will resort more and more to the use of long guns. That is what the record shows.

I think we have to think about that. It it already a great problem, and it is going to get greater unless we do something about it.

To answer Senator HRUSKA's question, of the 720 people killed by rifles last year, 400 were killed by .22-caliber rifles.

Mr. HRUSKA. Mr. President, if the Senator will refer to page 7 of the 1967 Uniform Crime Reports, he will find that the murders by type of weapon used in 1967 were: handgun, 48 percent; rifles, 6 percent; shotguns, 9 percent; cutting or stabbing, 20 percent; other weapons, club, poison, and so forth, 8 percent; personal weapons, hand, fist, and feet, 9 percent.

I submit that if 100 percent of the rifles used to commit those murders were .22-caliber rifles, I still fail to see the significance. Besides that, this discussion started from a discussion of the Mississippi exemption of the .22 rifle. Obviously, for some reason they do not want it included. However, other rifles and all handguns are included.

Mr. DODD. I do not think that is accurate. I think the Senator will find it applies only to high-velocity weapons.

Mr. HRUSKA. That is not correct.

Mr. DODD. It may include other things. I do not want to make a petty point about that.

I am upset about 400 people being killed by .22-caliber rifles. That is 400 people out of the 720 who have been killed by long guns. It bothers me. It may not bother others.

I am particularly distressed when I note the figure is greater than it was for the year before and for the year before that. The figure is increasing all the time.

I was correct before. I said that is nothing when compared with the 48 percent killed by handguns. However, it is 6 percent, and that is a terrible situation. And it will get worse.

Mr. HRUSKA. Mr. President, with reference to the 400 murders committed with the .22-caliber rifle of the total 720 murders committed with long guns, the distress of the Senator from Connecticut could not be greater than my distress. However, I am still patiently waiting, and so are others, to be shown the impact that the pending law will have on the existence of the misuse of those guns. That is what we want to know.

The pending legislation and the amendment that will probably be offered soon by the Senator from Maryland calling for licensing and registration will not result in the prohibition and destruction of all guns. We will still have 100 to 200 million guns in America. The overwhelming majority of these guns will be legally in the hands of people who can own and use them lawfully.

Guns will be misused, just as people misuse their fists and hands and poison and what have you. However, we would like to know the impact of any proposed legislation on that dastardly thing we deplore very greatly.

Mr. DODD. Mr. President, I thought the Senator knew. That is what we have been talking about for 5 years. That is why we have heard all of the witnesses. If there is anything that ought to be established in the record here, it is that there is a relationship betwen lax gun laws and the rising crime rates. I do not know anyone who denies that.

Mr. HRUSKA. Here is one.

Mr. DODD. Let me finish. All the gun is meant to do and all it is ever built for is to hit something, harm something, kill something or someone. The Senator says that people use their fists, poison, or knives. A knife will cut bread. However, a pistol will not. A person uses his hands for many reasons. However, the gun has only one purpose in the world and that is a lethal purpose. It has no good objective for mankind. Its objective is to hit and hurt and harm and kill. That is why it requires special attention. That is why the situation in this country is scandalous. To talk about the use of hands or the utensils of man being used to commit murder is not right. It is not reasonable. It is not rational. We have talked about this time and time again.

This is one thing that we can do something about. The very nature of it requires that we do something about it.

None of us have ever said: "If we do this, we will stop all crime." We say that we think we can cut down the incidence of crime and make the streets safer for people and make people more secure in their homes so that they do not have to be fearful that in the middle of the night some burglar in possession of a .22-caliber rifle or a shotgun that he has secured by mail order can break into their homes.

That is what the argument is about. The other point concerns a triviality. The American people know it, and every public opinion poll taken by professionals shows it. The sand that has been thrown in their eyes has not worked. Talk about all these statistics and arguments and talk about sports and fellowship. That does not interest me at all. I want to get to the heart of this matter. I say that we can stop guns from getting into the hands of children.

I had an 11-year-old son who received an ad from a mail-order house a few years ago trying to solicit him to send a few dollars to California to get a pistol. I did not know about it until his mother discovered it. I am not the only one to whom this has happened.

Criminals are buying guns. Our staff studies show that criminals have bought guns all over this country, in violation of our laws. Dope addicts are buying guns. Mentally disturbed people are walking the streets and buying guns. They are shooting Presidents, they are shooting Senators, they are shooting great civil rights leaders, and they are shooting people all over the country with an abandon that is a scandal to the world.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. Yes, I yield.

I wish the Senator would think about these things. He is highly intelligent and is a most articulate man, and a man of good will. I am not trying to overly comfort him or butter him up. I know him and respect him. He is a good lawyer.

Mr. HRUSKA. And the Senator from Nebraska, if he is given an opportunity, will share his thinking upon the oration we have just heard, and it was a good one. If I were to put my trust in the hands of someone before a jury, I believe the Senator from Connecticut would be near the top of the list.

I should like to present my thoughts on what the Senator from Connecticut has said. We have gone over this matter before, Mr. President. It is said that the only purpose of a gun is to kill, that it is lethal and it is bad. Why did more than 3.5 million people buy guns last year? Was it to kill people? And if so, would it be people who are peaceful in intent, or people who are going through a door with a .22 pistol in their hands, bent on either murdering, raping, or robbing the occupants of that house?

Why did 3.5 million people buy guns last year? Not because the guns can be used only to kill. It is for sport and recreation. It is to let people know that there is a gun in the house, and if they come in the house with a gun of their own, they run an occupational risk. And that is all to the good.

But if we have a law which will keep out of the hands of many people guns to which they are otherwise entitled, which they can legally buy in their own States, then the fellow who is intent on using a gun in a criminal manner, misusing it, will have the safe assurance that "I can go in here and will not be hit by a bullet from a gun in the hands of that guy, because he is a law-abiding citizen, and I can do it with impunity."

Besides, Mr. President, it is illegal in America today, right now—or will be, as soon as the effective date of title IV of the Omnibus Crime Act arrives—to buy handguns by mail across State lines. We have taken care of that in title IV. And we are going to take care of the mail-order sales for long guns as well in this bill, which I support, and which I will vote for if it is not amended beyond recognition by those who want to achieve a result which will be unacceptable and unenforceable. It will be illegal to do that.

With respect to the thinking of those who speak vehemently upon the subject, along the lines of saying a gun is no good because it can only kill, sometimes it is used to kill things that should be killed. It is an essential implement on a farm or ranch. It is handy in an apartment when somebody is heard opening the door or the bathroom window and there is nothing to stand in the way except a gun with which to defend one's self.

I submit that we should consider the matter of why people are buying guns in America. It is not because they would kill those who are legal and lawful in their conduct but those who would transgress upon the lives and safety of others. I think that type of agreement would indicate that much thought has been given to this subject, to encompass not only the matter of taking care of those relatively few and highly deplorable misusers of guns, but also the many tens of millions, estimated to be between 40 and 50 million, of American citizens, lawfully using, owning, and possessing firearms—as many as 100 million to 200 million.

We must consider the entire spectrum and not take selectively a book of statistics and say this is awful; let us pass a law. Where will that law take us? What will it do? That is what we must ask. That is the complete way of treating with legislative attempts of this kind. When I say that, I wish to express my respect for the effort of the Senator from Connecticut in pursuing his convictions. But I believe it is geared to a goal which does not take into consideration the entire American picture and all its many facets.

Mr. DODD. Mr. President, I do not wish to detain the Senate further. I have discussed this matter, as the Senator has pointed out, many times. But I wish to say one thing to the Senator from Nebraska.

I did say that a gun will kill, but I also said the gun could only hit or harm something or somebody. It is important that this be pointed out.

Second, it does not involve a minor number of crimes. There were 110,000 gun crimes in 1966, and 134,000 in 1967.

Finally, the argument about the apartment bothers me. I know how people think about this. I live in this city. Within the last year there have been four murders within a block and a half of my front door. Therefore, I believe I know what is bothering people. But if we ever get into a situation in which we are policing ourselves and everybody is armed to the teeth and packing a gun, I believe we will have turned the clock back by a good measure, and I do not want to see that happen.

I would rather see law enforcement and an orderly arrangement of these factors in our lives, and I believe that can be done. That is why I talk about gun legislation as I do.

Mr. President, I should like to make another point. Sometimes I wonder whether we really understand each other when we discuss this matter. Some days it seems to me we do not get through. For example, I know I have said, and I believe others have said, most countries which even pretend to be advanced—advanced in every way—have had this problem and have done something about it. Every country except this country. I do not offer this, in itself, as the most compelling argument, but it should be taken into consideration.

What are the figures? Firearms deaths in countries other than our own, particularly in those countries which have strict firearms controls, are significantly lower in number than in the United States.

The following figures have been compiled by the World Health Organization, the Bureau of Vital Statistics of the U.S. Department of Health, Education, and Welfare, and by the Stanford Research Institute, and were published as of June 11 of this year: The number of gun homicides in the United States in 1966 was 6,855. The number in Australia in 1965, was 57. In Belgium, they had 20 in 1965. In Canada, in 1966, they had 98. In Denmark, they had six in 1965. In Great Britain and Wales, in 1966, they had 27. In France, they had 132 in 1966. In the West German Federal Republic, they had 78 in 1965. In Italy, they had 243 in 1964. In Japan in 1965, they had 16. In the Netherlands, they had five in 1965. In Sweden, they had 14 in 1966. No country in that group has a figure approaching 6,855. Every country I have named has strict gun control laws. I believe this must have something to do with the low number of homicides committed with guns. I do not believe one can ignore these figures. I am glad I have read them into the RECORD, for whatever interest they may be, and I hope they will be of great interest to all Senators and others as well.

Mr. President, I have repeatedly discussed in this debate, which started yesterday, the unrelenting pressure the firearms lobby has brought on the Congress, and most recently on the Senate, as firearms legislation has approached a vote.

I have also discussed the same kind of pressure that organization exercised on State legislatures, city councils, and county governments.

I have found it in poor taste, to say the least, as I am sure many of my colleagues have.

A number of times during the debate on firearms controls in passing through the reception room to the Senate Chamber, I met top officers of the National Rifle Association. They do not call on me.

This is not as surprising to me, as perhaps it is to some Senators, in view of the unique position the National Rifle Association sees itself occupying in the affairs of the Congress.

Harold W. Glassen, president, opened the annual meeting of the National Rifle Association in Boston on April 6, 1968, a little over 6 months ago, and he opened it with a threat.

In discussing the "real strength" of the National Rifle Association he said:

> Our one million members are a unified force to be reckoned with in every corner of America.

And then, as president of a tax-free, nonpolitical, nonlobby, educational organization he went on to discuss the politics of lobbying. He said:

> I should think our political enemies would keep this in mind when they're dreaming up some of those things they say about us. We're all voters, and I'm sure they're going to hear from us at the polls in November.
>
> I know darn right well they're going to hear from me.
>
> I will tell you this much—the politicians who use this great American organization as a whipping boy in order to further their own selfish interests are not going to get my vote.

I am not cowered by the threat, nor do I believe any Member of the Senate should be. I am intrigued by the NRA's public threat of political retaliation issued to this Congress if it does not conform to its wishes.

But, to continue, that same day in Boston, NRA President Glassen rewrote history for the 25,000 members assembled. He characterized the policy of the NRA as a leader in the drive for "workable" Federal gun controls that are not "arbitrary and autocratic" and that "conform to our program."

President Glassen then characterized the proponents of title IV—and he must have meant me because I authored it: as

> A small obstinate group of United States Senators who have thus far blocked all gun bills except their own, apparently are more intent on keeping the issue alive—apparently for political publicity or for what purpose I cannot say—than on passing a Federal gun control bill acceptable to the American people. This I deplore.

What a farce. It is a part of the enunciated policy of the National Rifle Association to oppose restrictive firearms laws.

They do so relentlessly.

The National Rifle Association has yet to initiate any restrictive firearms laws, regarding their sale to criminals, mental defectives or anyone else.

The only legislation it supports is legislation drawn as a compromise when it appears that a pending law to restrict the misuse of firearms might become law.

That is true in the case before us today.

For all these years they have said nothing. They have sat tight and collected dues and built magnificent palaces while they enjoyed tax exemptions at the expense of other taxpayers and received subsidies of millions of dollars.

I believe it would clear the air in this Chamber about the position of the National Rifle Association, and the other lobby groups which they lead to consider what they say about the effectiveness of their antilegislation program, and the effectiveness of their public relations program in killing hunter safety laws, and in selling the NRA viewpoint to the public.

That day in Boston, April 6, 1968, 2 days after the assassination of Dr. Martin Luther King, the NRA issued its 1967 operating report.

It opened with a greeting from Executive Director Franklin L. Orth to the effect that the organization's "financial position is greater today than ever before in history."

The report on "Legislative Service," beginning on page 22, is a self-serving description of the number of firearms bills which failed adoption in legislatures across the country.

That is followed by a report on "Public Relations," which says in part that in addition to "71 special news releases, a total of 234,300 stories were distributed," to the press, topped off by 5,372 "hometown" releases prepared and distributed to local newspapers and broadcasters.

The public relations department distributed 15,725 news columns, and 264,000 broadcasts.

This, estimates the National Rifle Association, "represents several million dollars in public service air time."

And, so it goes. The National Rifle Association field representatives during 1967 traveled 313,886 miles and made a total of 5,618 field contacts with groups totaling 41,065 people.

Mr. President, I could go on. But best the organization speak for itself.

I ask unanimous consent that the portions of the annual reports of the National Rifle Association dealing with their legislative service and the public relations service for the years 1963 through 1967 be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. Montoya in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. **DODD**. Mr. President, I think the Senate and the public should be exposed to the braggadocio of the National Rifle Association board of directors report to the members each year about their effectiveness in swaying firearms legislation.

Choice comments such as this one from the 1964 report more than anything else, shows the true purpose, the true intent of the National Rifle Association.

The 1964 legislative report ended with this paragraph:

> Information to NRA members about firearms control proposals is supplied by three principal means—(1) the regular report, "What the Lawmakers Are Doing," in the American Rifleman; (2) NRA Legislative Bulletins; and (3) direct contacts by mail or wire. During 1963, 350 bills of concern to gun owners were introduced in state legislatures and 32 in the U.S. Congress. Details about the more important ones were published in 42 columns of the magazine, and 42 legislative bulletins were mailed to 320,000 members and clubs in 50 states. NRA members reacted promptly, firmly, and in force. As a result, none of the legislation deemed severe was enacted.

The National Rifle Association-led lobbies are now making this last ditch effort to prevail once again and deprive the public of the kind of firearms legislation it has requested, indeed, demanded.

For months, officials of the gun industry, conservation groups, and the National Rifle Association have stalked the Halls of Congress waving the flag, repeating spurious arguments they know to be false, hinting at political reprisal.

They are in the cafeterias, the elevators, the reception room and the galleries waiting for a chance to buttonhole what looks to them like another vote for private interest, for mail-order death, at the expense of the public.

The only question before the Senate is whether the gun lobby will prevail once again for an unblemished 31-year record of having its way with Congress, or will we vote to keep guns out of the hands of assassins, criminals, juveniles, and the demented.

Will we vote for the public? For public safety?

Will we give law enforcement what it wants and what it needs to guarantee peace and domestic tranquility, or will we go along with the laws that will continue the wide-open domestic arms race favored by the gun lobbies?

NRA LEGISLATIVE BULLETIN DISTORTIONS

Mr. President, in the event there is even a shadow of a doubt in the minds of my colleagues as to the moving force behind the hundreds of thousands of antifirearms letters that periodically inundate their offices, I would like to review several recent actions of the National Rifle Association.

Mr. President, the first is a nationwide mailing dated June 14, 1968, containing what is represented as a fair description of the pending Federal legislation. The bulletin then trails off in the last paragraph into an hysterical warning to the public that the intent of the gun legislation "is complete abolition of civilian ownership of firearms. The situation demands immediate action by every law abiding firearms owner in the United States."

Appended to this "bulletin," as to the others, is a set of instructions on how to write a letter and to whom to write.

The second bulletin, dated June 18, 1968, is directed to the National Rifle Association members in the District of Columbia shortly in advance of public hearings on the District's firearms legislation.

Again, the "bulletin" gives in to wild and irresponsible misinterpretation of the intent of the District firearms law.

The bulletin says:

> Historically, one of the primary results of registering privately owned firearms has been, in many instances, to make possible for political authorities, through the police whom they control, the seizure of such weapons when in the opinion of those authorities such seizure is necessary or desirable.

This third bulletin was mailed on August 22, 1968, to all NRA members and clubs in Montgomery County, Md. Americans all over this country saw on network television the response to the bulletin's final paragraph. Specific directions as to how to show their opinion and distortion of the intent of the legislation were again part of the bulletin:

> You are urged to attend the hearings on the proposed firearms ordinance and to express your opinion to the County Council. Enactment of this measure could well mean the virtual end of hunting and shooting activities in Montgomery County, as well as placing unduly restrictive burdens upon the law-abiding citizen who wishes to possess a firearm.

Mr. President, I also ask that these three NRA releases—two legislative bulletins and one letter from NRA President Glassen—be printed in the Record.

The Record should contain examples of the nonlobby lobbying conducted by the National Rifle Association, and the part the organization plays in spreading distortions and misrepresentations of pending laws.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

ANNUAL REPORT OF THE NATIONAL RIFLE ASSOCIATION—1963

LEGISLATIVE SERVICE

One important function of the National Rifle Association which affects all gun owners in America is its activity in the field of firearms legislative service. No other organization carries on such a continuous and successful effort to inform its members about proposed anti-gun laws which would restrict the ownership and use of shotgun, handgun and rifle alike. In the U.S. Congress and in the halls of state legislatures, the NRA has come to be respected for its fairness, logic and wealth of information concerning firearms legislation.

The challenge to the right of reputable citizens to possess and enjoy firearms for lawful purposes is assuming greater and more threatening proportions. This fact is attested to by the volume of anti-gun publicity in newspapers and magazines and the increasing number of firearms bills which find their way into the "bill basket" each year. Some reasonable controls in highly-populated areas are to be expected, but vigilance is necessary to prevent discriminatory measures against lawful ownership of firearms and safely-supervised shooting programs.

Through available reporting machinery, legislation proposed at the federal and state levels usually can be discovered in time to inform our members which effective action is deemed to be necessary. Local legislation, however, may be enacted much more swiftly than state or national laws. Members in a local community must be alert and must act quickly and decisively, in a well-organized manner, to defeat such threats. Some communities have met the situation by means of a "watchdog" committee consisting of local NRA members and club representatives who are capable of quickly detecting restrictive measures and as quickly generating concerted, well-timed action.

Information to NRA members about firearms control proposals is supplied by three principal means—(1) the regular report, "What the Lawmakers are Doing," in the American Rifleman; (2) NRA Legislative Bulletins; and (3) direct contacts by mail or wire. During 1963, 350 bills of concern to gun owners were introduced in state legislatures and 32 in the U.S. Congress. Details about the more important ones were published in 42 columns of the magazine, and 42 legislative bulletins were mailed to 320,000 members and clubs in 50 states. NRA members reacted promptly, firmly, and in force. As a result, none of the legislation deemed severe was enacted.

Federal legislation

Before and after the assassination of President Kennedy in November, a total of 20 bills were introduced to restrict the interstate shipment of firearms obtained through mail-order channels. Seventeen bills were referred to the House of Representatives Committee on Ways and Means and one bill to the House Committee on Rules for possible future action. S. 1975, by Senator Thomas Dodd, was the subject of several open hearings by the U.S. Senate Committee on Commerce. Through the efforts of the National Rifle Association, many restrictive features of this bill were removed and were substituted by several provisions aimed at limiting the accessibility of firearms to social undesirables and written in such a manner as not to infringe on the rights of shooter-sportsmen.

Of prime interest to the shooting fraternity was the enactment of Public Law 88-186, amending the Arms Control and Disarmament Act. Among its provisions is the amendment proposed by Senator Hickenlooper of Iowa and Congressman Sikes of Florida which reads as follows: "Nothing contained in this Act shall be construed to authorize any policy or action by a Government Agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training."

State legislation

Bills concerning the registration of handguns were introduced in Maryland, Missouri, Ohio and Oklahoma. Various forms of firearms purchase controls were introduced in Connecticut, Georgia, Maryland, Missouri and Ohio. Convenience legislation or legislation providing a device to assist game-law enforcement officers to apprehend violators of fish and game statutes were introduced in Alabama, Indiana, Michigan, Montana, New Hampshire, Ohio and Vermont. Other bills dealt with prohibiting the discharge of firearms on Sunday; regulating or restricting the use of firearms by minors; sale of firearms and ammunition; and licensing of firearms dealers; to mention a few.

Legislation was enacted in *Connecticut* to permit members of rifle or gun clubs from out of state to participate in competitions without the necessity of having a Connecticut license to carry handguns, if such persons are so licensed in their home state; in *Montana* to allow children under 14 years of age to engage in supervised marksmanship programs; in *New York* to recodify those sections of the State Penal Code referred to as the Sullivan Law; and in *New Mexico* to eliminate the obsolete and undesirable provisions of the old State Firearms Law.

Category	Total pages					
	1961[1]		1962[1]		1963[1]	
EDITORIAL						
Shooting	130	(82)	167	(105)	180	(107)
Hunting	62	(51)	102	(94)	98	(89)
Ammunition and reloading	80	(41)	71	(25)	95	(45)
Antique arms and collections	43	(31)	55	(41)	53	(46)
Gunsmithing and ranges	36	(23)	49	(37)	44	(31)
Rifles—description and performance	70	(54)	46	(32)	54	(35)
Gun knowledge	33	(22)	41	(30)	48	(41)
Handguns—description and performance	30	(17)	33	(22)	36	(18)
Firearms legislation	26	(17)	32	(22)	38	(32)
NRA official matters	37	(28)	31	(22)	36	(24)
Sighting and observation	22	(16)	25	(15)	8	(—)
Ballistics, forensic, commercial	8	(3)	17	(14)	15	(10)
Biographical and personality	7	(2)	13	(2)	14	(1)
Training—juniors, hunter safety	7	(—)	4	(—)	16	(10)
Shotguns—description and performance	13	(7)	12	(8)	16	(9)
Editorials	12	(12)	12	(12)	12	(12)
Other subjects	14	(7)	19	(10)	11	(3)
Total	630		729		774	
OTHER						
Front covers	12		12		12	
Ricochets	4		4		3	
Contents page	12		12		12	
NRA and public service items	55		48		44	
Book reviews	11		13		10	
Index	3		3		3	
Miscellaneous	17		19		37	
Total, editorial and other	744		840		895	
Paid advertising	624		632		593	
Total	1,368		1,472		1,488	

[1] Figures in parentheses indicate pages of feature articles.

Rifleman newsletter

Approximately 9,300 of these releases are mailed each month to magazines, radio and TV stations, leaders in conservation, the arms industry, and other selected individuals and organizations. It is an advance report on the contents of the forthcoming issue of The American Rifleman, including a reprint of the editorial, and contains information about NRA and its activities.

Firearms information service

One of the more valuable services rendered by our Association is in the field of firearms information. Members of the NRA technical staff and contributing editors of The American Rifleman answer inquiries about firearms and related subjects, initiate studies on reloading and similar projects, evaluate products and services, and prepare major articles for the magazine of a type which cannot be secured from freelance sources.

PUBLIC RELATIONS

The public relations activities of our association continue to produce excellent results The basic plan is (1) to emphasize that shooting is safe; (2) to show that it is a form of recreation in which men, women, boys and girls can easily participate; (3) to establish civilian marksmanship training as essential to national defense; (4) to identify the NRA as the authority on guns and shooting; and (5) to increase the prestige of the National Rifle Association of America. NRA efforts in this broad field are divided into three general categories: (1) general publicity, including press, radio, and television; (2) shows and exhibits; and (3) special contacts by personal visits and by correspondence.

Publicity

In 1961 the NRA engaged, as special consultants, John E. Horton and James B. Deerin for a special public service publicity campaign. The first major project was the production of a motion picture film entitled "To Keep and Bear Arms." The "Big Picture" TV program of the U.S. Army used this film at 350 stations in the United States and 44 stations overseas, and the 130 prints were made available to the public through Signal Corps libraries. Nine prints were delivered to the Army-Air Force Motion Picture Service for use at camps, bases and stations. "Ready on the Firing Line," a film of Camp Perry, was finished in 1962, and a 15-minute motion picture of the ISU World Shooting Championships at Cairo was completed in 1963. The two major films were viewed by over 470,000 persons during the year, and the Cairo film is being shown by the U.S. Army to all posts and stations.

Another project in this campaign includes firearms safety messages carried by a cartoon character, "Tipper Flintlock." In 1963, cartoon and copy features were produced and distributed to 15,000 outlets. A special hunting safety spot was distributed to TV and radio stations through the auspices of the Advertising Council as a public service activity. A new series, "Guns of America," consisting of 6 matted drawings of historic firearms, was distributed to 4,100 newspapers.

The NRA participated in the 1963 Tournament of Roses Parade in Pasadena, California, with a float depicting in theme "The Bill of Rights—Freedom to Keep and Bear Arms."

National news releases and photographs were distributed on major activities of NRA. Over 16,500 separate releases were issued covering new clubs, instructors and qualification awards. Late in 1963, special articles on NRA activities and programs, under the heading of "Target, Woods and Gun Room," were offered to the nation's newspapers. About 200 requests for this feature had been received at the year's end.

Exhibits and shows

During the year a total of 151 NRA affiliated organizations participated in local exhibits with materials supplied by NRA Headquarters. NRA staff personnel manned exhibits at national meetings of the National Sporting Goods Dealers Association, National Association of Secondary School Principals, Outdoor Writers Association of America, the National Industrial Recreation Association, the National Recreation Association, and the International Association of Chiefs of Police. Members of the NRA staff, especially its elected officers, keep in close contact with executives of national and state organizations, with mutual interests and purposes, by attending conventions and meetings.

NRA representatives

To promote the best interests of NRA, three Field Representatives were active in 1963 with the following results:

	Sloan	Theed	Driver[1]	Total
Activities by days:				
Legislation	72	9	2	83
Competitions	19	76	49	144
Training	35	9	2	46
Administration	43	36	38	117
Travel (contacts)	136	106	140	382
Meetings	14	77	25	116
Other	1	34	1	36
Total	320	347	257	924
Meetings:				
Number	92	248	33	373
Attendance	6,026	7,910	1,339	15,275
Contacts:				
Number	1,143	1,075	920	3,138
People	5,193	5,222	2,501	12,916
Travel:				
Milage	51,977	42,501	31,228	125,706
Days of travel	277	315	217	809
States visited	11	16	18	45
Cities and towns visited	243	256	325	824

[1] In field duty status for only 9 months.

ANNUAL REPORT OF THE NATIONAL RIFLE ASSOCIATION—1964

LEGISLATIVE SERVICE

One important function of the National Rifle Association which affects all gun owners in America is its activity in the field of firearms legislative service. No other organization carries on such a continuous and successful effort to inform its members about proposed anti-gun laws which would restrict the ownership and use of shotgun, handgun and rifle alike. In the U.S. Congress and in the halls of state legislatures, the NRA has come to be respected for its fairness, logic and wealth of information concerning firearms legislation.

The challenge to the right of reputable citizens to possess and enjoy firearms for lawful purposes is assuming greater and more threatening proportions. This fact is attested to by the volume of anti-gun publicity in newspapers and magazines and the increasing number of firearms bills which find their way into the "bill basket" each year. Some reasonable controls in highly-populated areas are to be expected, but vigilance is necessary to prevent discriminatory measures against lawful ownership of firearms and safely-supervised shooting programs.

Through available reporting machinery, legislation proposed at the federal and state levels usually can be discovered in time to inform our members when effective action is deemed to be necessary. Local legislation, however, may be enacted much more swiftly than state or national laws. Members in a local community must be alert and must act quickly and decisively, in a well-organized manner, to defeat such threats. Some communities have met the situation by means of a "watchdog" committee consisting of local NRA members and club representatives who are capable of quickly detecting restrictive measures and as quickly generating concerted, well-timed action.

Information to NRA members about firearms control proposals is supplied by three principal means—(1) the regular report, "What the Lawmakers are Doing," in the American Rifleman; (2) NRA legislative bulletins and memoranda; and (3) direct contacts by mail or wire. During 1964, 210 bills of concern to gun owners were introduced in 27 state legislatures and the U.S. Congress. Details about the more important ones were published in 57 columns of the magazine, and 26 legislative bulletins were mailed to 141,000 members and clubs in 11 states. NRA members reacted promptly, firmly, and in force. As a result, no severe legislation was enacted.

Twenty-one bills to regulate firearms in interstate or foreign commerce were introduced in the Senate and House of Representatives since the introduction of the Dodd Bill in August 1963. No action was taken on the House bills, and the Senate Commerce Committee voted not to take any action during the 88th Congress. (Senator Dodd reintroduced his bill, with one minor addition, during the first week of the 89th Congress.)

A total of 189 firearms and related bills, a record number for an "off" year, were introduced at the state level. Numerous bills were drawn in an atmosphere of high emotion and sharp reaction not only to the assassination of the late President Kennedy but also to local tragedies. In a number of cases, the bills simply added control upon control with little thought given to the existing laws and regulations. No seriously restrictive proposals were enacted.

Legislation was enacted in *Maryland* resulting in the appointment of a Governor's Committee to study the desirability of formulating a program for training in the safe handling of firearms; in *New York*, to allow, under certain conditions, a person holding a handgun license issued elsewhere in the State of New York to pass through New York City without first obtaining a similar City license in order to participate in registered pistol matches located elsewhere in the state; in *South Carolina*, to memorialize the U.S. Congress not to enact legislation which would limit the right of private citizens to purchase and possess firearms; in *Virginia*, to allow the use of handguns in the hunting of predatory or undesirable species of birds and animals, and a declaration by the General Assembly that no agency or political subdivision within the state would interfere with the right of law-abiding citizens to purchase, possess or use firearms for the purpose of personal defense, sport, recreation, or other legitimate activities; in *Georgia*, to exclude bona fide collectors from the provisions of state law relating to the licensing of dealers; in *Massachusetts*, to allow an out-of-state person who is a U.S. resident and holds a permit to carry firearms in his state to carry a handgun in or through Massachusetts to attend a match or collectors meeting or exhibition; and in *Michigan*, to clarify certain provisions of state law relative to the sale, possession and use of handguns.

As a public service organization, the entire NRA Headquarters operation contributes to its public relations effort. However, the Office of Public Affairs carries out the basic plan designed (1) to emphasize that shooting is safe; (2) to show that it is a form of recreation in which men, women, boys and girls can easily participate; (3) to establish civilian marksmanship training as essential to national defense; (4) to identify the NRA as the authority on guns and shooting; and (5) to increase the prestige of the National Rifle Association of America. NRA efforts in this broad field are divided into three general categories; (1) general publicity, including press, radio, and television; (2) shows and exhibits; and (3) special contacts by personal visits and by correspondence.

In 1961 the NRA produced a motion picture film entitled "To Keep and Bear Arms"; in 1962, a film of Camp Perry entitled "Ready on the Firing Line" was finished; in 1963, a 15-minute picture of the ISU World Shooting Championships entitled "International Shooting" was completed; and in 1964, two safety films—"Sure as Shootin'," dealing with hunting safety, and "At Home with Guns," dealing with safety training—were produced. The two NRA movies, "To Keep and Bear Arms" and "Ready on the Firing Line," have been viewed by over 700,000 persons.

The special projects undertaken by our consultants, John E. Horton and James B. Deerin, included, in addition to producing the two motion pictures, the production and distribution of NRA Shooting Tips to 650 TV stations, assistance in filming the Olympic Shooting Team Tryouts for ABC–TV, preparation of the Tipper Flintlock safety messages for 5,200 newspapers and magazines, and development of the "Guns of America" feature for newspapers. In the radio field, NRA "spot" safety announcements were used by 4,000 radio stations.

The NRA float in the January 1, 1964, Pasadena Tournament of Roses Parade featured a printing press actually producing copies of the Bill of Rights for distribution to the spectators.

During 1964 a total of 48,600 press releases and 4,582 photographs were distributed and important NRA announcements were carried by the nationwide wire services. The "Target, Woods and Gun Room" articles on NRA activities and programs are being carried by 498 newspapers, with 15,800 copies of this feature distributed during the year.

During the year a total of 160 NRA affiliated organizations participated in local exhibits with materials supplied by NRA Headquarters. NRA staff personnel manned exhibits at 8 large national conventions, and made 59 personal appearances before civic groups. A total of 157 Speech Kits were furnished to individuals, and 750 Press Kits were distributed to journalists. Members of the NRA staff, especially its elected officers, keep in close contact with executives of national and state organizations, with mutual interests and purposes, by attending conventions and meetings.

To promote the best interests of NRA, four Field Representatives were active in 1964 with the following results:

	Sloan	Theed	Driver	Lee[1]	Total
Activities by days:					
Legislation	32	4	2	0	38
Completions	20	47	54	30	151
Training	9	33	9	15	66
Administration	46	54	37	17	154
Travel (contacts)	170	172	185	93	620
Meetings	55	36	56	20	167
Other	0	0	4	34	38
Total	332	346	347	209	1,234
Meetings:					
Number	83	116	55	33	287
Attendance	9,041	7,822	5,099	2,893	24,855
Contacts:					
Number	1,292	1,382	1,284	426	4,384
People	3,734	6,036	3,094	3,416	16,280
Type:					
NRA clubs	51	264	409	61	785
Law enforcement agencies	40	70	331	45	486
Directors and council	152	96	135	58	441
Instructors	54	295	29	30	408
Ranges	64	117	76	44	301
Referees	52	105	43	46	246
Sporting goods dealers	128	51	35	25	239
State officials	267	32	4	11	179
Press, radio, etc	125	29	11	14	314
Other	359	323	211	92	985
Total	1,292	1,382	1,284	426	4,384
Travel:					
Mileage	70,513	55,645	51,398	18,719	196,275
Days of travel	270	252	303	143	968
States visited[2]	34	43	51	44	172
Cities and towns visited[2]	284	224	381	91	980

[1] In field duty status for only 7 months.

[2] Includes repeat visits.

Our relationships with established organizations, where there is a mutual interest in firearms and shooting activities, continue to improve as our prestige increases. Our relations with Congress and the Executive Branch of our Government, especially the Department of the Army, are on a most friendly and cooperative basis.

Congressional action imposes an obligation upon the Secretary of the Army to promote marksmanship training among able-bodied citizens of the United States, and to provide citizens outside the active services with means whereby they may become proficient in the use of small arms. The Secretary of the Army fulfills this obligation through the National Board for the Promotion of Rifle Practice and its implementing agency, the Office of the Director of Civilian Marksmanship. The Board is appointed by the Secretary of the Army from the various branches of the Armed Forces, the Coast Guard, the National Rifle Association of America, the Selective Service System, and the country at large.

The President, Vice-President and Executive Vice-President represent the NRA on the Board.

Our long-time association with the BSA continues on an expanded basis. We cooperate on the merit badge requirements for shooting; we organize and supervise the shooting activities at the Boy Scout Jamborees; the NRA–BSA Postal Rifle Match for Explorer Scouts is attracting more participants; and the riflery program in BSA camps is more important today than ever because of the joint efforts of BSA, NRA and the DCM.

During the 1964 BSA Jamboree, a total of 73 volunteer NRA Instructors went to Valley Forge, Pennsylvania, at their own expense to assist in the instruction of 46,929 scouts who fired either the rifle or shotgun or both. This shooting activity was supported by men of Company A, 187th Infantry, 101st Airborne Division.

The Executive Vice President of NRA is a member of the important Health and Safety Committee of BSA.

There is an increasing participation in shooting activities by students in schools and colleges. Units of the National Education Association of the United States cooperated in the preparation of our highly successful Hunter Safety Course.

The American Association of Health, Physical Education and Recreation is supporting with enthusiasm the Outdoor Education Project which promotes the learning of recreational skills, including shooting, which can be enjoyed for a lifetime.

The Executive Vice President and Executive Director of NRA are on the Advisory Committee of the Outdoor Education Project.

ANNUAL REPORT OF THE NATIONAL RIFLE ASSOCIATION—1965

LEGISLATIVE SERVICE

One important function of the National Rifle Association which affects all gun owners in America is its activity in the field of firearms legislative service. No other organization carries on such a continuous and successful effort to inform its members about proposed anti-gun laws which would restrict the ownership and use of shotgun, handgun and rifle alike. In the U.S. Congress and in the halls of state legislatures, the NRA has come to be respected for its fairness, logic and wealth of information concerning firearms legislation.

The challenge to the right of reputable citizens to possess and enjoy firearms for lawful purposes is assuming greater and more threatening proportions. This fact is attested to by the volume of anti-gun publicity in newspapers and magazines and the increasing number of firearms bills which find their way into the "bill basket" each year. Some reasonable controls are to be expected, but vigilance is necessary to prevent discriminatory measures against lawful ownership of firearms and safely-supervised shooting programs.

Through available reporting machinery, legislation proposed at the federal and state levels usually can be discovered in time to inform our members when effective action is deemed necessary. Local legislation, however, may be enacted much more swiftly than state or national laws. Members in a local community must be alert and must act quickly and decisively, in a well-organized manner, to defeat such threats. Some communities have met the situation by means of a "watchdog" committee consisting of local NRA members and club representatives who are capable of quickly detecting restrictive measures and as quickly generating concerted, well-timed action.

Information to NRA members about firearms control proposals is supplied by three principal means—(1) the regular report, "What the Lawmakers are Doing," in the American Rifleman; (2) NRA legislative bulletins and memoranda; and (3) direct contacts by mail or wire. During 1965, 350 bills of concern to gun owners were introduced in 47 state legislatures and the U.S. Congress. Details about the more important ones were published in 99 columns of the magazine, and 28 legislative bulletins were mailed to 300,000 members and clubs in 14 states. NRA members reacted promptly, firmly, and in force. As a result, no severe legislation was enacted on the federal or state level.

A total of 35 bills to regulate firearms in interstate or foreign commerce were introduced in the Senate and House of Representatives during 1965. Public hearings were held on S. 1592 (Dodd Bill) by the Senate Subcommittee to Investigate Juvenile Delinquency. Public hearings also were held by the House Committee on Ways and Means on bills identical to S. 1592. The first session of the 89th Congress adjourned without taking any additional action on any of the firearms bills.

More than 350 firearms and related bills were introduced at the state level.

Several bills of interest to the sportsman were enacted in California. One bill exempts members of gun collector clubs from the requirement of a license to carry a hand gun concealed while at or going to or returning from their meetings or activities. Another bill conforms the definition of a machine gun to that contained in the National Firearms Act. Another bill removes the difficulties that have arisen in the past concerning the old ten-shot definition of a machine gun in that state. In Illinois, a bill to require a license for the purchase and possession of a handgun was killed in the House. Efforts by the sportsmen to have enacted a law to impose a mandatory penalty for the commission of a crime when armed was vetoed by the Governor. In Florida, Iowa and Massachusetts, legislation was enacted clarifying controls governing the carrying of firearms. South Carolina repealed an old and unwieldy statute against handguns and in its place enacted a realistic and reasonable law regulating the sale, transfer and possession of pistols. New Hampshire has a new law providing for a study leading to the future establishment of a state rifle range and park facilities. New hunter safety laws were enacted in Maine and Wisconsin. Significant is the number of state legislatures that adopted resolutions or memorials against the passage of restrictive federal firearms controls. They were Alabama, Arizona, Arkansas, Louisiana, Michigan, Nebraska, New Hampshire, New Mexico, Ohio, Oklahoma, Texas, Vermont, Washington and Wisconsin. Shooter-sportsmen in several states, in addition to those already mentioned specifically, were able to support reasonable and prevent ill-advised legislation.

As a public service organization, the entire NRA Headquarters operation contributes to its public relations effort. However, the Office of Public Affairs carries out the basic plan designed (1) to emphasize that shooting is safe; (2) to show that it is a form of recreation in which men, women, boys and girls can easily participate; (3) to establish civilian marksmanship training as essential to national defense; (4) to identify the NRA as the authority on guns and shooting; and (5) to increase the prestige of the National Rifle Association of America. NRA efforts in this broad field are divided into three general categories: (1) general publicity, including press, radio, and television; (2) shows and exhibits; and (3) special contacts by personal visits and by correspondence.

In 1961 the NRA produced a motion picture film entitled "To Keep and Bear Arms"; in 1962 a film of Camp Perry entitled "Ready on the Firing Line" was finished; in 1963 a 15-minute picture of the ISU World Shooting Championships entitled "International Shooting" was completed; and in 1964 two safety films—"Sure as Shootin'," dealing with hunting safety, and "At Home with Guns," dealing with safety training—were produced. During 1965 a documentary motion picture, "There Oughta Be A Law," dealing with firearms legislation was produced. Also produced in 1965 for release in early 1966 is a motion picture, "Arms Of The Law," dealing with police marksmanship training.

Other special projects completed by our consultants, John E. Horton and James B. Deerin, were: (1) a shooting safety tip featuring Fess Parker as "Daniel Boone," (2) a TV hunter safety spot for all networks, (3) safety messages for 2,500 radio stations, (4) three "Tipper Flintlock" series provided to 8,000 newspapers, and (5) production of a shooting tip strip featuring Gary Anderson for release in early 1966.

The NRA float in the 1965 Tournament of Roses was entitled "Let Freedom Ring" and featured the Liberty Bell, the American Flag, the Eagle and crossed rifles. It won the National Trophy Award.

During 1965 a total of 133,428 press releases were distributed. "Target, Woods and Gun Room" articles were used by 615 publications on a regular basis, with 17,520 copies of the column being distributed. A total of 153,721 items of NRA material were mailed to clubs and individuals, and 155,400 copies of "The Story Of NRA" were distributed. Complete coverage, press, radio and TV, was provided at the 1965 National Matches, the 1965 National Police Pistol Championships and the NRA International Championships.

NRA staff personnel manned exhibits at 8 large national conventions, and made 51 personal appearances before civic groups. A total of 750 Press Kits were distributed to journalists. NRA officials and members of the staff keep in close contact with executives of national and state organizations with mutual interests and purposes by attending conventions and meetings.

To promote the best interests of NRA, five Field Representatives were active in 1965 with the following results:

	Sloan	Theed	Driver	Lee	Jordan [1]	Total
Activities by days:						
Legislation	145	6	1	20	6	178
Competitions	26	73	69	45	39	252
Training	0	11	1	9	8	29
Administration	26	39	42	48	39	194
Travel (contacts)	124	177	162	170	126	759
Meetings	16	29	57	58	42	202
Other	0	5	19	2	42	68
Total	337	340	351	352	302	1,682

See footnotes at end of table.

	Sloan	Theed	Driver	Lee	Jordan[1]	Total
Meetings:						
Number	114	110	42	74	57	397
Attendance	6,444	6,136	3,599	4,295	7,026	27,500
Contacts:						
Number	1,641	1,591	1,089	824	581	5,726
People	3,292	5,510	3,570	3,329	4,223	19,924
Type:						
NRA clubs	93	288	341	146	191	1,059
Law enforcement agencies	43	144	248	53	92	580
Ranges	46	153	71	44	39	353
Sporting goods dealers	144	73	34	55	32	338
Directors, council	110	75	59	50	36	330
Instructors	28	163	30	78	8	307
Press, radio, TV	187	38	23	36	21	305
Referees	19	131	40	39	17	246
State officials	165	17	15	31	2	230
Sportsmen's organizations	121	41	27	26	8	223
Competitions	51	40	33	20	15	159
Military	28	85	10	28	5	156
Parks and recreation	40	42	12	29	5	128
Gun collector associations	67	6	8	5	37	123
Non-NRA clubs	49	27	8	18	14	116
State associations	20	31	23	21	21	116
Fish and game departments	40	19	12	38	6	115
All others	390	218	95	107	32	842
Total	1,641	1,591	1,089	824	581	5,726
Travel:						
Mileage	58,595	52,008	55,351	37,501	46,633	250,088
Days of travel	295	269	305	208	241	1,318
States visited	11	10	10	11	8	50
Cities and towns visited[2]	265	208	330	176	196	1,175

[1] In field duty status for only 10 months.

[2] Includes repeat visits.

ANNUAL REPORT OF THE NATIONAL RIFLE ASSOCIATION—1966

LEGISLATIVE SERVICE

One important function of the National Rifle Association which affects all gun owners in America is its activity in the field of firearms legislation. No other organization carries on such a continuous and successful effort to inform its members about proposed firearms legislation which would restrict the ownership and use of rifles, shotguns, or handguns. In the U.S. Congress and in the halls of state legislatures, the NRA has come to be respected for its fairness, logic and wealth of information concerning firearms legislation.

The challenge to the right of reputable citizens to possess and enjoy firearms for legitimate purposes is assuming greater and more threatening proportions. This fact is attested to by the volume of anti-gun publicity in the communications media and the increasing number of firearms bills which find their way into the "hopper" every year. Some reasonable controls are to be expected, but vigilance is necessary to prevent discriminatory measures against legitimate ownership of firearms and safety-supervised shooting programs.

Through reporting machinery, legislation proposed at the federal and state levels usually can be discovered in time to inform NRA members when urgent action is required. Local legislation, however, may be enacted much more swiftly than national or state laws. Local communities must be alert and must act quickly and decisively in a well-organized manner, to defeat such threats. Some communities have met the situation by means of a "watchdog" committee consisting of local NRA members and club representatives who are capable of quickly detecting restrictive measures and, as quickly, generating concerted well-timed action.

Information to NRA members about firearms control proposals is supplied by three principal means: (1) The regular report, "What the Lawmakers Are Doing," in the American Rifleman, (2) NRA legislative bulletins and memoranda, (3) direct contacts by mail, telephone or telegram. During 1966 over 180 bills of interest to gun owners were introduced in 21 state legislatures and the U.S. Congress. Details about the more important proposals were published in 43 columns of the magazine, and 8 legislative bulletins were mailed to 91,754 members and clubs in 6 states. NRA members reacted promptly, firmly and in force. As a result, no severe legislation was enacted on the federal level, and only one significant control measure was enacted on the state level (New Jersey).

Federal legislation

A total of 6 bills to regulate firearms in interstate and foreign commerce were introduced in the Congress (3 in the Senate and 3 in the House of Representatives) in 1966. No public hearings were held on any of these firearms bills. However, S. 3767, introduced by Senator Roman L. Hruska of Nebraska on August 25 was reported out of the Senate Committee on the Judiciary in place of S. 1592, the Dodd Bill. The Hruska Bill did not advance beyond that stage, and the second session of the 89th Congress adjourned without taking any additional action on any of the firearms bills.

Since its introduction in March 1965, the Dodd Bill has received nationwide publicity in all media. This bill was an outgrowth of, and reflected, the recommendations for firearms controls made by the President in his crime message to the Congress in March 1965. Extensive hearings were held on the Dodd proposal and other firearms bills in the Senate and House of Representatives in 1965. The NRA testified in both houses in strong opposition to the bills' general orientation and some specific provisions.

In another crime message to the Congress in March 1966, the President supported the Dodd Bill approach to the control of firearms in commerce. Shortly thereafter, the Subcommittee on Juvenile Delinquency (Chairman, Senator Dodd) approved S. 1592 with amendments by a vote of 6 to 3. On May 19, S. 1592, as amended, was reported to the Senate Committee on the Judiciary.

While the amended Dodd Bill did not contain several of the features objected to in public hearing, the "core" of this proposal remained the same. The bill still imposed a flat prohibition on the shipment or receipt of firearms by nonlicensed individuals in interstate or foreign commerce, and it still imposed rather vague and burdensome restrictions on the importation of firearms.

Repeated attempts by proponents of S. 1592 to have the Senate Judiciary Committee take favorable action on the bill from May to August failed. Consequently, the supporters of S. 1592, in a tactical move, decided on September 22 to report out an alternative bill, S. 3767, introduced by Senator Hruska on August 25. The Dodd Bill proponents did this "with the intention of substituting S. 1592 for S. 3767 once the bill came to a vote on the Senate floor". During the final week of the second session of the 89th Congress, 3 attempts to get the Hruska Bill to the floor for a vote failed. Finally on October 20, Senator Mansfield of Montana, the majority leader, asked and received unanimous consent for the Hruska Bill to be referred to the Senate Committee on Commerce (Chairman, Senator Warren G. Magnuson of Washington). This was the situation when the Congress adjourned on October 22.

In addition to the Hruska Bill, other firearms bills introduced in the Congress in 1966 were: S. 3369, by Senator Carl Hayden of Arizona, and H.R. 14628, by Representative Robert L. F. Sikes of Florida, to prohibit any federally licensed manufacturer or dealer from shipping or transporting any firearm to any person in any state in violation of any law of such state; H.R. 16288, by Representative Ed Edmondson of Oklahoma, and H.R. 16359, by Representative James Kee of West Virginia, to provide a mandatory penalty for the carrying or use of any firearm during the commission of any crime of violence; and S. 3868, by Senator Hruska, to place "destructive devices" under the tax and registration provisions of the National Firearms Act. These bills reflect the suggestions for legislation made by the NRA in its 3-part program set forth in the January 1966 American Rifleman.

State legislation

More than 170 bills were introduced at the state level. These proposals were concerned with firearms, ammunition, hunting and hunting safety, explosives and related matters.

The 1966 highlights: Maryland adopted a law to provide a 7-day waiting period for the purchase of a handgun and legislation to develop a statewide program of firearms safety. New Jersey has a new firearms law to provide, among other things, for a certificate of identity for the purchase of a rifle, shotgun or airgun, and for greater restrictions on the acquisition of firearms by certain classes of persons. In New York, the Governor vetoed (1) a bill to reduce the age for the possession and use of a firearm at a range from 12 to 11; (2) a bill to require that an applicant for a handgun license submit a certificate of his qualification to handle such firearm. In New York City a bill signed into law liberalizes the restrictions on the carrying of handguns in New York City by holders of a New York license issued other than in New York City. Of interest to Colorado Sportsmen was the enactment of a bill to empower the county commissioners to restrict the discharge of firearms in certain county areas.

Again in 1966, the Arizona Legislature adopted identical Senate-House resolutions against the passage of the Dodd Bill by the Congress.

Overall, shooter-sportsmen in several states, in addition to those mentioned above, were highly active in promoting the cause of reasonable firearms controls and opposing those contrary to the spirit of the right to possess and use firearms for lawful purposes.

Local legislation

The NRA received many reports from members throughout the country on various kinds of proposed ordinances for their local jurisdictions. Of those reported to us, no seriously restrictive regulation was adopted by the local lawmaking body.

PUBLIC RELATIONS

As a public service organization, the entire NRA Headquarters operation contributes to its public relations effort. However, the Office of Public Affairs carries out the basic public relations plan designed (1) to emphasize that shooting is safe; (2) to show that it is a form of recreation in which men, women, boys, and girls can easily participate; (3) to establish

and promote civilian marksmanship training as essential to the national defense; (4) to identify shooting as an international sport; (5) to identify the NRA as the authority on guns and shooting; and (6) to increase the prestige of the National Rifle Association of America. NRA efforts in this broad field are divided into three general categories: (1) general publicity, including press, radio and television; (2) shows and exhibits; and (3) personal appearances and special contacts.

Publicity

During 1966 the Office of Public Affairs arranged 55 press, radio and television interviews for NRA Officers, Directors and certain Staff personnel. In addition, OPA arranged 23 speaking engagements for NRA Directors in the various states. The majority of the media interviews and appearances occurred during and immediately after the Austin incident in an effort to combat the unfavorable publicity the shooting sports received at that time.

In 1966 the Office of Public Affairs prepared and distributed radio safety spots to the nation's broadcasters. At the close of the year, 516 stations were broadcasting the spots on a regular basis. A total of 173 TV stations were telecasting the "Fess Parker" safety spot regularly. The "Tipper Flintlock" safety spots were used by 543 newspapers, and the Gary Anderson "Shooting Tips" strips were placed in 613 newspapers. New series of both items are in preparation for distribution in 1967. A 30-second color TV safety spot was prepared for distribution early in 1967.

The NRA Float in the 1966 Tournament of Roses Parade was entitled "Land of the Free, Home of the Brave" and featured the U.S. Capitol, cherry blossom trees, and Fess Parker portraying a frontiersman with his rifle.

During 1966 a total of 108,100 news releases were distributed. "Target Woods and Gun Room" articles were used by 534 publications with 12,875 copies of the column being distributed. A total of 357,825 items of NRA material were mailed to clubs and individuals. Complete coverage, including press, radio and TV, was provided at the 1966 National Matches, the 1966 National Police Pistol Championships, the 1966 NRA International Shooting Championships and the 1966 World Shooting Championships.

The NRA Office of Public Affairs attended 13 conventions and made 76 personal appearances before civic groups. A total of 1,000 Press Kits were distributed. NRA officials and members of the staff keep in close contact with executives of national and state organizations with mutual interests and purposes by attending conventions and meetings.

NRA representatives

To promote the best interests of NRA, five Field Representatives were active in 1966 with the following results:

	Sloan	Theed	Driver	Lee	Jordan	Total
Activites by days:						
Legislation	74	2	0	7	4	87
Competitions	28	69	54	47	48	246
Training	0	16	5	2	6	29
Administration	40	49	45	43	51	228
Travel (contacts)	204	179	172	206	192	953
Meetings	1	32	64	40	57	194
Other	18	18	25	20	7	88
Total	365	365	365	365	365	1,825
Meetings:						
Number	109	93	45	73	70	390
Attendance	6,566	5,791	4,420	6,753	7,159	30,689
Contacts:						
Number of persons	3,055	5,139	2,997	3,004	4,332	18,527
Type:						
NRA clubs	44	270	259	146	222	941
Law-enforcement agencies	60	155	269	31	136	651
Ranges	73	166	91	62	49	441
Competitions	191	33	42	22	22	310
Sporting goods dealers	126	46	40	28	58	298
Instructors	42	127	36	56	15	276
Directors, council members	116	34	32	39	55	276
State officials	185	13	21	20	22	261
Press, radio, and TV	127	19	39	32	33	250
Referees	35	108	36	30	25	234
Sportsmen's organizations	78	29	51	28	19	205
Military	35	92	9	26	11	173
State associations	25	50	39	21	27	162
Non-NRA clubs	54	27	24	12	18	135
Parks and recreation	44	25	29	11	12	121
Fish and game departments	33	20	19	23	15	110
Gun collector associations	33	7	31	7	17	95
All others	374	124	140	54	54	746
Total	1,675	1,345	1,207	648	810	5,685
Travel:						
Mileage	58,867	52,731	58,954	43,265	66,124	279,941
Days of travel	291	299	300	215	304	1,409
States visited	10	10	10	[1] 13	[1] 10	[1] 53
Cities and towns visited	295	255	320	115	309	[2] 1,294

[1] Includes assignments out of representatives territory.

[2] Includes repeat visits.

ANNUAL REPORT OF THE NATIONAL RIFLE ASSOCIATION—1967

LEGISLATIVE SERVICE

The principal function of the NRA's Legislative Service is the collection and dispensing of evaluated information concerning existing and proposed firearms controls. The principal means of transmitting such information is the regular monthly "What the Lawmakers are Doing," appearing in the American Rifleman. In addition, special legislative bulletins, memoranda and direct contact by mail, telephone, telegram or personal conversation are utilized to accomplish this information gathering-reporting function.

Retrospectively, the year 1967 was active and productive in terms of proposed legislation. Forty-seven state legislatures were in session, and interstate firearms controls was a subject of frequent Congressional comment. Seventy-six columns in The American Rifleman were devoted to legislative news; one special bulletin on proposed federal legislation was sent to all NRA members and clubs; and 18 legislative bulletins were mailed to all NRA members and clubs in states or cities in which crucial firearms legislation was under consideration.

Federal

The first session of the 90th Congress convened on January 10, 1967. That night, President Johnson delivered his state of the Union message outlining his legislative program for the year, in which he recommended "strict controls on the sale of firearms." The next day, Senator Thomas J. Dodd (Conn.) introduced the Administration's bill, S. 1, to amend the Federal Firearms Act. This bill was identical to S. 1592, as amended, in the 89th Congress. In his message to Congress on February 6, 1967, the President referred to further delay in enacting strict firearms controls as being "unconscionable" and he recommended that all states enact a Sullivan-type law. Shortly after this, the President's Crime Commission published a report recommending strict regulation of firearms, including registration. On February 8, 1967, S. 1 was amended so as to prohibit the interstate sale of all firearms, except between federally licensed manufacturers and dealers.

On February 15, 1967, Representative Emanuel Celler (10th Dist.-N.Y.) introduced H.R. 5384, identical to the Dodd Bill as amended. Representatives Casey, King, Horton, Sikes, Dingell and others introduced legislation reflecting the NRA three-part legislative program of 1965–66. At its Annual Meetings, however, the Association added a fourth part, providing for an affidavit procedure for the interstate or mail order purchase of pistols or revolvers. The affidavit approach was initially reflected in H.R. 8645, introduced by Representative Cecil King (17th Dist.-Calif.) on April 17. On May 24, Senator Hruska introduced his now famous bill, S. 1853, similar to H.R. 8645, as well as a bill, S. 1854, to control destructive devices.

Four days of hearings were held on the Celler Bill (H.R. 5384) in April. There were eleven days of hearings on the Dodd and Hruska Bills, in July and August. The NRA testified in both houses in opposition to the Administration bills, and spoke in support of legislation reflecting the NRA's four-part program.

Late in the session, both Administration bills were reported from subcommittee to the parent Judiciary Committee in each house. The version of the Dodd proposal reported was S. 1 as amended in February; the Celler measure was reported by a substitute which retained the ban on interstate sales.

At the close of the first session of the 90th Congress there were a total of 16 bills either reflecting or similar to the NRA four-point program (14 in the House and 2 in the Senate). There was a total of nearly 40 general bills to regulate firearms introduced in the first session of the 90th Congress, all of which carry over to the second session.

On November 2, 1967, NRA Executive Vice President Franklin L. Orth testified before the Subcommittee on Wildlife of the House Merchant Marine Committee in support of H.R. 11190, by Rep. John Dingell of Michigan, to provide that one-half of the excise tax on pistols and revolvers be used for target ranges and firearms safety training programs and the other half of such revenue be used for wildlife restoration under the Pittman-Robertson Act. This bill is still in subcommittee.

State

This past year, there was a noticeable trend toward more restrictive firearms controls in various states. There were nearly 500 bills pertaining to firearms or hunting and game conservation matters, several of which included proposals to place rifles and shotguns under further controls—including a permit to possess or acquire, license to carry, identification card or registration.

The long firearm came under particular attention in New York, Illinois, Maryland, Washington, Hawaii and Michigan. With the exception of Illinois, no bill to cover rifles or shotguns became law.

The outstanding development on the state level this year was the enactment of a new firearms law in Illinois to require an identification card for the acquisition or possession of any firearm, pellet gun or ammunition. The new Illinois statute differs from the ID card requirement of the 1966 New Jersey law by providing for the mandatory issuance of the identification card after the applicant has met certain generally reasonable and clearly set forth conditions.

The following states adopted resolutions opposing the Administration-backed Dodd-Celler Bill: Alabama, Alaska, Arizona, Arkansas, Kansas, Louisiana, Michigan, Montana, Oklahoma, Pennsylvania and Texas.

Connecticut has a new law to provide for the establishment of a board of firearms permit examiners, including sportsmen's representatives, to review denial of application for a handgun permit or renewal thereof.

In Texas, a long-standing requirement that handgun dealers submit quarterly reports to the Department of Public Safety was repealed, thus removing a cause of annoyance to both dealers and their customers.

Amended and added to in several important respects was California's firearms law. Perhaps the most publicized change was prohibiting the carrying of a firearm in any public place or street in an incorporated area or in a prohibited area of an unincorporated area, with certain exceptions.

Hunter safety training bills failed of passage in Colorado, Florida, Michigan and Nebraska, and are pending in Pennsylvania. In Illinois, a new law provides for the initiation, promotion and development by the Conservation Department of a safe firearms handling program for persons between 12 and 21 years of age.

Local

The most significant development on the local level in 1967 was the adoption by New York City of perhaps the toughest gun law in the nation. In November the City Council passed, and the Mayor signed, an ordinance to require the registration of all rifles and shotguns in addition to handguns, as well as a permit to purchase and possess such firearms.

Attempts at additional controls on the municipal or county level were made in Chicago, Miami, Coral Gables (Florida), and Maryland's Montgomery County, among others. Miami adopted a 72-hour waiting period; Coral Gables, a registration requirement; and Montgomery County, an expansion of the area in which firearms may not be discharged, with certain exceptions.

PUBLIC RELATIONS

As a public service organization, the entire NRA Headquarters operation contributes to the Association's total public relations effort. However, the Office of Public Relations carries out a basic public relations program designed (1) to inform the general public on the various aspects of Federal, state and local firearms legislation; (2) to increase the prestige and public acceptance of the NRA in its various programs; (3) to establish and promote civilian marksmanship training as essential to the national defense; (4) to emphasize that shooting is safe; (5) to promote recreational shooting in its various forms; (6) to identify shooting as an essential international sport; and (7) to identify the NRA as *the* authority on guns and the shooting sports.

In order to accomplish this mission, the NRA Office of Public Relations operates in several broad general categories: (1) general publicity, which includes almost daily use of the printed media, radio and television; (2) shows and exhibits; (3) personal appearances and interviews; and (4) personal assistance to media representatives.

Publicity

The Office of Public Relations had a particularly active year in 1967. During this time 71 special releases were written with a total of 234,300 stories distributed. These stories related to major activities or statements concerning the Association's programs and policies on various issues. In addition, 5,372 "Hometown" releases were prepared and distributed to local newspapers and broadcasters. These releases on individual NRA members concerned personal accomplishments, awards, instructor certification, club organization and other pertinent accomplishments.

Complete news coverage of the National Matches, the International Tryouts, the Pan American Games, the National Police Championships, the National Collegiate Championships at Manhattan, Kansas,, and the major Police Regional at Winter Haven, Florida, was provided by staff members of the NRA Office of Public Relations. Clippings and transcripts received indicate excellent use of stories concerning these matches. Also, prior to the National Matches, 7,100 "Hometowners" on individual participants were issued to local media. Similar stories were released on the Pan American Team and the participants in the National Police Championships. All news stories on shooting resulting from the Pan American Games were written and placed with the wire services by the OPR staff man in attendance.

Prior to, and during the Annual Meetings, the OPR prepared and distributed 12 major stories. Clippings indicated that "pick-up" was very good. Also, during the Meetings, OPR arranged three radio interviews and a news conference for the NRA President.

During the fall months, OPR staff members attended and arranged news coverage of two major Home Firearms Safety programs. Unusual interest in these programs was generated among the media, and favorable coverage was accomplished.

During 1967, the NRA feature column, "Target, Woods and Gun Room," was used by 675 newspapers and magazines, with a total of 15,725 columns being distributed. In addition, NRA safety spots were used on 603 radio stations for a total of 264,000 broadcasts. This represents several million dollars in public service air time. The "Fess Parker" TV spots were still in use on 171 TV stations and a new animated spot was released late in the year. Figures on use of this spot were not available for calculation by the end of 1967.

The Gary Anderson "Shooting Tips" strips were placed in 675 newspapers and magazines in 1967, and the "Tipper Flintlock" safety mats were in use by 516 newspapers. "Tipper" will be replaced in 1968 by the new safety symbol, "Keeneye."

In 1967, OPR distributed 325,825 pieces of promotional material for use by clubs at sportsmen shows and for other activities.

Over the Report period, OPR personnel arranged for, prepared, or "planted" 12 major stories in national publications such as the "Club Woman," 'Presbyterian Life," and the AP feature story, "Why Americans Shoot." This represents a "breakthrough" in NRA relations with previously unused media sources.

Of major significance during 1967, was a debate arranged by OPR between the NRA President Harold Glassen and Senator Joseph Tydings at the National Press Club in Washington. This marked the first time that a debate has been held in this news club, the largest in the United States, Several hundred newsmen were in attendance and press and TV coverage was heavy. Since that time, President Glassen and Senator Tydings have appeared on two television debates.

Speaking engagements, interviews and radio and television appearances were arranged for NRA Officers, Directors and personnel during 1967, and OPR staff members appeared before 73 civic and professional groups during the year. In addition, OPR personnel appeared on 13 different radio and television programs. Speaking engagements arranged for NRA Officers included such influential groups as the National Society of State Legislators and the American Dental Association.

Staff personnel from the Office of Public Relations attended 13 major conventions or meetings during 1967, including such important programs of the National Association of Sporting Goods Dealers, the Industrial Recreation Association, the Boy's Clubs of America, the National Sheriff's Association, the National Association of Counties, the American Association for Health, Recreation and Physical Fitness, the Outdoor Writers Association and others.

General

The NRA Office of Public Relations began 1967 with a staff of three public relations professionals and three clerical personnel. In September, a highly qualified news writer was added to the staff and a similarly qualified TV-radio man was added in October. In November, the name of the division was changed from the Office of Public Affairs to its present designation. Through the addition of the two staff members, the OPR has been able to cover more newsworthy events and arrange more appearances for NRA Officers and Directors.

Late in 1967, the OPR developed plans for organizing a volunteer public relations network from qualified NRA Life Members and others selected by the OPR Director. Plans called for initiating the network early in 1968.

Over the past year, the majority of NRA's public service films were in the hands of members of the Infoplan field operation. It is not know how many showings these films received during the report period. However, films were being recovered in late 1967 for placement in TV distribution during 1968.

One of the most important aspects of a public relations program is the establishment, cultivation and maintenance of favorable contacts in the various media and major national organizations. Over the past year OPR personnel have been successful in establishing such contacts, and it is through these that the NRA will be able to receive fair treatment from the media and reach the public with its story.

NRA field representatives

To promote the best interests of NRA, six NRA Field Representatives were active in 1967. These men direct their efforts to promoting individual memberships and organizing new clubs. Special consideration is given to appearances before sportsmen's clubs, civic groups and other organizations for the purpose of creating a better understanding of the objects and purposes of NRA and to encourage support of its programs.

Their activities by days break down as follows for the entire year:

Legislation	182
Competitions	174
Training	76
Administration	327
Travel (contacts)	958
Meetings	257
Other	65
Total days	2,039

They attended and participated in 501 meetings during the year, with a total attendance of 41,065 people. They traveled 313,886 miles on 1,533 days while in travel status.

All 50 of the states were visited, and 1,219 visits were made to cities and towns. The types of contacts made break down as follows:

NRA clubs	746
Law enforcement agencies	562
Sporting goods dealers	409
State officials	403
Ranges	328
Press, radio, and TV	328
Directors, council members	274
Instructors	270
Sportsmen's organizations	244
Referees	215
State associations	200
Competitors	186
Fish and game departments	155
Non-NRA clubs	141
Military establishments	101
Parks and recreation departments	100
Gun collector associations	84
Civic clubs	78
Colleges and universities	73
All other contacts	721
Total	5,618

Grant Sanborn joined the Field Staff in February. Clem Theed retired at the end of May and was replaced by Merle Preble, Marv Driver also retired at the end of May and was replaced by Joe Peot.

EXHIBIT 2

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., June 14, 1968.

DEAR NRA MEMBER: The right of sportsmen in the United States to obtain, own and use firearms for proper lawful purposes is in the greatest jeopardy in this history of our country. Certainly all sincere citizens of this nation want an end to violent crime and lawlessness. Some of our greatest national leaders have pointed out that the causes include adverse living conditions of many citizens, poorly supported police agencies, failure of the courts to enforce prompt and adequate penalties, a weak system of paroling repeated offenders, lack of parental control and, most of all, a general permissiveness permeating our society which has made the obligation to obey the law meaningless to many. Somehow in the minds of many well meaning persons the ownership and use of firearms has obscured the true causes of crime and has resulted in a national wave of intense effort to enact severe firearms controls both against the criminal and law abiding citizen without differentiation.

The National Rifle Association has steadfastly maintained that prompt and adequate punishment of those who misuse firearms should be mandatory and in addition to other penalties provided by law. It has supported in the past year numerous bills to amend the Federal Firearms Act and the National Firearms Act in order to regulate the improper traffic by those who would misuse firearms.

The tragic and senseless assassination of Senator Robert F. Kennedy has inflamed gun owner and non-gun owner alike. Yet it seems apparent that the assassin of the Senator violated four or more severe gun control statutes in the State of California where the crime was committed. It is the widespread opinion of many authorities that no Federal or State Law could have prevented this terrible crime. With this the NRA agrees.

However, within twenty-four hours following the death of Senator Kennedy, Congress completed action on and passed the Omnibus Crime Control and Safe Streets Act. This Act contains as its Title IV the Dodd Bill modified by amendments in the Senate. Do not be misled by statements that the gun measure is "a half way measure" or "watered down." It *is* the Dodd Bill except that it does not preclude, at this moment, interstate sales of rifles and shotguns to nonlicensees. Almost immediately after the passage of the Crime Bill in the House on June 6, the President indicated his dissatisfaction to the Congress with the gun controls in the bill, because they did not apply to and did not prohibit the interstate sale of rifles and shotguns to individuals.

In response to the plea of the President and to the public reaction to the assassination, Senator Thomas Dodd (Connecticut) and Congressman Emanuel Celler (10th District—New York) introduced on June 10, 1968, the following bills in the Senate and House of Representatives, respectively: S. 3604, S. 3605 and H.R. 17735, which were referred to the Committee on the Judiciary in the Senate and House.

S. 3605, by Senator Dodd, would include rifles and shotguns and ammunition in Title IV of the recently enacted Crime Control Act now on the President's desk for consideration.

S. 3604, by Senator Dodd, would require the registration of all firearms in the nation under a system to be set up by the Secretary of the Treasury. Registration would commence 90 days after enactment. The registration period is six months. Persons who choose not to register their firearms may, instead, within the six months registration period turn them in and thereby avoid prosecution under the Act. Further, no person may sell, deliver or otherwise dispose of any ammunition to any person who does not furnish proof that the firearms for which he is purchasing ammunition has been registered.

H.R. 17735, by Congressman Celler, is a substitute for Title IV of the Crime Control Act. The basic important differences between the Celler Bill and Title IV are these:

1. The prohibition against "mail order" and any interstate sale to individuals would be extended to rifles, shotguns, ammunition and components of ammunition.

2. No federally licensed manufacturer, importer or dealer could sell or deliver any firearm or ammunition (including ammunition components) to a person under 18 years of age.

3. A $10 license would be required for the manufacture of smallarms ammunition. (There is no exception for a handloader.)

The House Judiciary Committee is scheduled to take action on this Bill by June 20, 1968.

Unless the sportsmen of America clearly express their views without delay to their Senators and Congressmen, individuals will be prohibited from acquiring long guns in interstate commerce and general firearms registration will become a reality. Indications in the form of statements by some proponents of restrictive gun legislation are clear that their goal is complete abolition of civilian ownership of firearms. The situation demands immediate action by every law abiding firearms owner in the United States.

Most sincerely yours,
HAROLD W. GLASSEN,
President.

NOTE: Expressions of opinion should be brief, clear and courteous—never abusive or threatening. Your expression of opinion to your elected representatives is your right and patriotic duty.

Your two Senators may be reached at the Senate Office Building, Washington, D.C., 20510; your Congressman at the House Office Building, Washington, D.C. 20515. If you do not know the names of your Senators and your Congressman, you may obtain this information from your city or county clerk, local post office or local newspaper.

LEGISLATIVE BULLETIN, NATIONAL RIFLE ASSOCIATION OF AMERICA
JUNE 18, 1968.

To: All NRA members in the District of Columbia.

Subject: Proposed District of Columbia firearms ordinance.

According to reports in the press, the Washington City Council will hold a public hearing June 24, at 10:00 a.m., in the Council Chambers on proposed gun control regulations for the District of Columbia.

The specifics of the proposed ordinance have not yet been released. Again, according to press reports, consideration is to be given to the registration of all firearms privately owned by citizens of the District of Columbia and perhaps some form of licensing of the possession of firearms by citizens of D.C.

The members of the City Council are concerned, and understandably so, over violence in the streets of Washington and the fact that many of the hoodlums and thugs involved are armed. Apparently some persons feel that a registration of firearms owned by law-abiding citizens of the District will do more to curb armed lawlessness than ordinances already in effect prohibiting the carrying of a concealable firearm on the person without a police permit.

Among the reasons advanced to support a registration ordinance are these:

1. To reduce crime by making it more difficult for undesirables to obtain weapons.

2. To assist in solving crimes by making it possible to trace the weapons used.

3. To aid in the apprehension of criminals by making it possible to arrest persons found in possession of unregistered weapons.

4. To keep guns out of the hands of minors, mental incompetents, drug addicts habitual drunkards, etc.

5. To help return lost or stolen weapons to their lawful owners.

6. To reduce the number of firearms possessed by individuals. (A seldom spoken but nonetheless real, reason is that many persons feel that there are simply too many firearms in the possession of D.C. residents and that if this number can somehow be reduced, the use of firearms in crime will be lessened.)

* * * it is reasonably certain that the criminal element will not register their firearms. Law-abiding people will register. Some find it difficult to see how a list, in the hands of the police, of the law-abiding citizens of the District who own firearms can be of any real use in disarming criminals.

If the true intent is simply to reduce the number of firearms owned by residents of the District, then registration will, to a degree, be effective. Many more or less casual owners of firearms will not go through the formalities and red tape necessary to register them with the police. Instead, in order to remain law-abiding, they will dispose of the firearms by sale, by giving them away, or by throwing them away. Whether these firearms will be removed from "availability" or whether they will simply pass from responsible hands to, in many cases, irresponsible hands, is at least debatable.

The final clinching argument of those who support firearms registration is, "You don't object to registering your automobile, why then should you object to registering your firearm?"

For some of the reasons just enumerated the two things are really not comparable. True, automobiles are used in crime, but, like many firearms used in crime, they are usually stolen. The public and the authorities have come to recognize this, and no one really expects the registration of automobiles to have any influence on their use in crimes. No one is concerned over the "availability" of automobiles. Nobody cares whether you own one or several if you can afford them and pay the license fees. Many, however, are vitally interested in whether or not you own firearms, and some would prefer that you do not.

Historically, one of the primary results of registering privately owned firearms has been, in many instances, to make possible for the political authorities, through the police whom they control, the seizure of such weapons when in the opinion of those authorities such seizure is necessary or desirable. Proponents of firearms registration always deny any such intention. Usually their denial is sincere, "All we want to know is who has guns and that kind." In the next breath they admit that they do not expect criminals to register their guns!

This is a matter of real concern to gun-owning citizens of the District of Columbia. Whatever your opinion is, it is hoped that you will express it to your Washington City Council. Chairman John W. Hechinger is reported as saying, "Persons who wish to comment on the general pros and cons of the gun control laws should write the Council. Testimony at the hearing will be public and will be limited to five minutes for each speaker."

FRANK C. DANIEL,
Secretary.

The members of the District of Columbia City Council are listed below and may be reached at the District Building, 14th and E Streets, N.W., Washington, D.C. 20004.

District of Columbia City Council: John W. Hechinger, Chairman; Rev. Walter E. Fauntroy, Vice-Chairman; Stanley J. Anderson, Margaret A. Haywood, Polly Shackleton, William S. Thompson, John Nevius, J. C. Turner, Joseph P. Yeldell.

LEGISLATIVE BULLETIN, NATIONAL RIFLE ASSOCIATION OF AMERICA

AUGUST 22, 1968.

To: All NRA members and clubs in Montgomery County, Md.

Subject: Proposed county ordinance to register all owners of firearms and require a permit for possession of a rifle or shotgun.

On September 4 and 5 the Montgomery County Council will hold public hearings on the proposed registration and licensing ordinance at 8 o'clock p.m. at the Julius West Junior High School, 651 Falls Road, Rockville.

The principle provisions of the proposed ordinance are as follows:

REGISTRATION

1. Any person within Montgomery County who owns or possesses any firearm must apply to the Superintendent of Police for a Firearm Owner's Registration Card. Each applicant must state under oath whether he has been convicted of a crime of violence; is a fugitive from justice; habitual drunkard or narcotics addict; has spent more than 30 consecutive days in any medical institution for treatment of a mental disorder; is under indictment or arraignment for a crime of violence; is at least 21 years of age or, in the case of a rifle or shotgun, is 18 years of age and has written consent from parent or guardian.

2. Applications for an Owner's Registration shall be reviewed within 30 days of receipt. Fee for issuance of a card shall be $1. The card will be valid for 5 years.

3. Applicants already possessing firearms but who fall under one of the categories listed in No. 1 above will be given 48 hours in which to deliver their firearms to the Superintendent.

4. A Firearm Owner's Registration Card shall contain the applicant's name, residence, occupation, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required.

5. No manufacturer, dealer, or retailer shall sell ammunition to any person who does not present a firearms Owner's Registration Card.

LICENSE

1. No person may own, possess or carry openly or concealed any shotgun or rifle without a written permit to do so issued at the discretion of the Superintendent of Police.

2. The Superintendent *may* grant a permit to carry, either openly or concealed or to possess a rifle or shotgun if the Superintendent is satisfied that the applicant is a person of good moral character, is capable of safely using the type of shotgun or rifle for which he is seeking a permit as demonstrated by his prior experience or training, and is a responsible person in the light of his age, reputation, employment, medical history, or other relevant matters, provided the Superintendent is satisfied that the applicant has a need for such shotgun or rifle in order to protect his person or property, or intends to use such shotgun or rifle for hunting, target shooting, or other sporting or recreational use.

3. Any person who carries or possesses any rifle or shotgun must have the permit therefor either on his person or within his immediate custody. Failure to produce such permit upon demand shall be cause for the revocation of any and all permits. Dangerous or deadly weapons found in an occupied car shall be presumed to be possessed by the occupants; if found in an unoccupied car, the registered owner of such motor vehicle shall be presumed to be the possessor thereof.

4. Law enforcement officers, duly authorized members of the military, licensed manufacturers, dealers, those engaged in repairing rifles and shotguns, and those engaged in target shooting at duly authorized or licensed shooting galleries or ranges are exempted from the requirement of a permit to possess a rifle or shotgun. Non-residents engaged in lawful activities, including hunting and firearms shows, or whose firearms are unloaded and encased, and minors in the company of a person who possesses a currently valid Registration Card are exempted from the owner's registration card requirement, but apparently not the license to possess or carry a rifle or shotgun.

5. A fee of $1 per shotgun or rifle must be paid upon application for a permit. The applicant must be fingerprinted and photographed as a condition to being issued a permit.

6. No person may sell any rifle or shotgun unless the purchaser is personally known to the seller or shall present clear evidence of his identity and exhibits to the seller a permit to carry or permit to possess. No person may purchase any rifle or shotgun without obtaining a permit to possess or carry.

7. No person shall engage in the business of selling, manufacturing, or repairing rifles or shotguns or blackjacks without being licensed by the Superintendent to do so. The Superintendent is granted wide discretionary authority in the granting of such a license, not being required by law to do so. Licenses are to be renewable annually. Applications for such a license not acted upon within 30 days, or when such application is denied, revoked or seized, the aggrieved party may appeal to the County Board of Appeals within 10 days and the Board may, after hearing, affirm, modify, or reverse the action of the Superintendent.

8. Toy and antique firearms manufactured prior to 1870, or replicas thereof, are exempted.

9. The loss or theft of any rifle or shotgun for which a permit has been obtained, loss or theft of a permit, or any change of address must be reported to the Superintendent within 48 hours. Failure to do so shall be grounds for revocation of a permit.

CONFISCATION

1. The Superintendent of Police shall confiscate any rifle or shotgun in the possession of any person who would be prohibited from acquiring or possessing them under existing law, *or which have not been registered within 60 days of the effective date of this ordinance,* or for which the proper permit to possess or carry has not been obtained.

2. Since the proposed ordinance does not require the registration of rifles or shotguns, there is no basis for the underlined above, unless this reference betrays an intent to do so in the future.

3. Despite the fact that no machinery is established for recording the name of the owner and serial number of the firearm, the practical question of how one is to obtain a permit for each firearm without the police being given such information is left unanswered. It appears fairly obvious that such information will in fact be kept.

PENALTY

Violators shall be fined in an amount not to exceed $250.00 or imprisoned in a penal institute for a period not to exceed 30 days or both.

COMMENT

The impetus for a firearms registration and licensing law in Montgomery County originates with the local Council of Governments, a body whose basic purpose is to achieve some sort of uniformity of law in the Metropolitan areas surrounding Washington, D.C.

The D.C. Council enacted a restrictive and comprehensive firearms ordinance, including registration, on July 16. While the concept of uniformity certainly has merit, the sportsmen and residence of Montgomery County must decide if the registration and licensing of gun owners can feasibly assist in reducing crime in the County. There is no evidence that the firearms laws of neighboring Maryland in any way contribute to the problem of crime in the District.

The almost unlimited discretionary authority granted the Superintendent of Police would establish him as a virtual dictator to determine who could and could not possess firearms. The police, by nature of their work, are notoriously prone to view with disfavor applications for ownership of firearms when delegated the authority to approve or deny such applications.

It is estimated by the firearms industry that approximately 75% of all .22 caliber rifles and moderately priced shotguns in private possession today are not serially numbered. The proposed ordinance is silent on how these or any other firearms are to be registered. If serial numbers are to be impressed the ordinance does not indicate how, by whom or at what cost.

The proposed ordinance is particularly unsatisfactory in that it would require that one demonstrate to the satisfaction of the police a need to possess a rifle or shotgun. Such a requirement would establish a dangerous precedent, but one short step removed from the concept of eliminating the private possession of firearms, using as a basis a lack of "need." This provision is aimed directly at sportsmen, for the rifle or shotgun is seldom used in crime, but is the firearm most often utilized for sporting purposes.

It should be noted that the proposed ordinance directs itself primarily to rifles and shotguns because the Montgomery County Council is pre-empted by the State Statute passed in 1966 from legislating with respect to handguns. This leaves for practical purposes only rifles and shotguns on which the County Council can legally work its will.

You are urged to attend the hearings on the proposed firearms ordinance and to express your opinion to the County Council. Enactment of this measure could well mean the virtual end of hunting and shooting activities in Montgomery County, as well as placing unduly restrictive burdens upon the law-abiding citizen who wishes to possess a firearm.

The members of the Montgomery County Council are: Mr. William Greenhalgh, President; Mrs. Avis Birely, Mrs. Ida Mae Garrott, Mrs. Rose Kramer, Mr. Cleatus Barnett, Mr. James P. Gleason, Mr. Richmond M. Keene.

Correspondence to the Council should be addressed to the Montgomery County Council, County Office Building, Rockville, Maryland 20850.

FRANK C. DANIEL,
Secretary.

Mr. TYDINGS. Mr. President, the Senate now faces the moment of truth on the gun crime question. For 30 years public opinion polls have shown that 85 percent of all American citizens favor laws to require registration of all firearms. For decades gun crime in this country has been increasing at an intolerable rate. Yet most States, I regret to say, have so far failed completely to enact the gun registration and licensing laws the public demands and law officers need to control gun crime.

Mr. President, next Monday when we resume work on the bill I intend to offer an amendment which is an anticrime amendment. It is not an antigun amendment. It is an anticrime amendment related solely and simply to the prevention of crime and violence on the streets of our cities and towns of this country.

I regret attempts have been made to deceive and misinform the American people, particularly my fellow citizens who, like myself, are sportsmen. However, my legislation would in no way inconvenience the law-abiding citizens or sportsmen. It is an anticrime measure and those Members of this body who are genuinely concerned with helping law enforcement in this country should vote for my amendment.

The amendment I will propose would, for the first time, provide every American citizen with a real degree of protection from the gun crime menace. This amendment is substantially identical to the National Gun Crime Prevention Act, which I introduced in June with the cosponsorship of 18 other Senators. Those cosponsors are Senators BREWSTER, CASE, CLARK, FONG, HARTKE, INOUYE, JAVITS, MAGNUSON, MANSFIELD, MONDALE, MUSKIE, PASTORE, PELL, PROXMIRE, RANDOLPH, SCOTT, SMATHERS, and YOUNG of Ohio. One major change has been made in the bill: There will be no fee or cost of any kind to the gun owner for registration and licensing under the bill. I wish to emphasize again there would not be one nickel required for a registration permit or a license permit.

The amendment represents the refinement of the National Gun Crime Prevention Act accomplished during the 6 days of hearings held on it during July and during the three meetings of the full Judiciary Committee where it was exhaustively considered.

Law-enforcement officials from all across the country testified in favor of this bill during the 6 days of hearings held on it. Four changes in the bill have been made in light of those hearings and committee procedures:

First. No fingerprints or photographs will be required from anyone.

Second. No fee of any kind will be charged to anyone.

Third. A rehabilitated felon, alcoholic, or addict, or cured mental patient could get a firearms license, with the written approval of the attorney general of his State.

Fourth. Localities and States could preempt both the registration and licensing provisions of the Federal law. The original bill provided for local preemption of licensing only.

This amendment would provide for registration of all firearms and licensing of all firearms and ammunition users. It would disqualify felons, drug addicts, alcoholics, mental incompetents, and juveniles from owning or buying firearms but would in no way interfere with or significantly inconvenience law-abiding citizens.

This amendment would put primary responsibility on the States for action, but would provide a minimum floor of Federal protection in any State or locality which does not act to protect its own citizens from gun crime.

The registration of all firearms and firearm sales will give the police the means to quickly trace guns used in crime to their owner.

I happen to own nine guns, including one 10-gage shotgun handed down through the family from my grandfather. Under this amendment, all one needs to do is to have one registration form to register all the firearms—no fee, not even the inconvenience caused by the registration of a bicycle, dog, or automobile. This registration would give to law-enforcement officials an added tool—and a tremendously effective tool—to trace the perpetrators of crime and help in the conviction of criminals.

Registration, while vital to improve law enforcement, must be linked to an effective system of licensing gun users in order to weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age should not be entrusted with a gun in the first place.

This amendment, the National Gun Crime Prevention Act, puts the greatest emphasis on State action. Wherever a State or locality enacts an effective firearms law, that State or local law, not the Federal law, would apply. Today, there are 18 States which do not have a law forbidding the sale of a gun to a convicted felon. There are 39 States which have no permit law to protect the public against the sale of a concealed weapon to a convicted felon. Can you imagine that, Mr. President?

This Federal law would be, in a real way, a temporary one, giving every State's citizens a floor of protection against gun crime until the States themselves act effectively against the gun menace.

Here is how the amendment would work. Under the amendment, every gun owner would inform the government—the State government, if the State has a registration law—of the make, model, and serial number of any gun he owns. This can be done by mail. Then, when a gun used in crime is found, the gun registration records will instantly reveal the gun owner's name and address, and quickly lead to the last known possessor of the weapon. Where the Federal law applies, all firearms would have to be registered within a year and a half of the enactment of the bill. One year after the bill's enactment all new firearms sales would have to be registered.

Second, every gun owner would apply by mail—to the State government, if the State has a licensing law—for a firearms license. Where the Federal law applies, the issuance of such a license would be automatic to every citizen who is over 18, is not a fugitive, is not under indictment, has not been convicted of a felony, or has not been adjudged by a court to be a narcotic addict, alcoholic, or a mental incompetent. The license would be automatically denied to those under 18 or under indictment and to fugitives, felons, adjudged addicts, alcoholics, and mental incompetents.

Where the Federal law applies, a license would be required for purchase of any firearm or ammunition after September 1, 1970. After September 1, 1971, a license would be necessary for the possession or use of any firearm or ammunition, except one borrowed temporarily for a hunting or other sport shooting purpose.

Youngsters would still be able to use firearms, although they would not be able to purchase or own them in their own name.

The bill has no application to antique firearms manufactured before 1898. Use of the information collected under the bill would be restricted to law-enforcement agencies.

Absolutely no fees are required from any gun owner or user under the bill.

This is basically all the National Gun Crime Prevention Act provides. It is the minimum the public protection requires. A majority of the Judiciary Committee would have voted to report some form of this bill had not that vote been blocked by extended debate.

The Senate should face the gun crime issue and enact the laws essential to deal with it. This amendment is such a law. This amendment is not anti-gun. It is anti-crime. Law-abiding citizens should be able to purchase, keep, and use guns of the kind and number of their own choice. The safeguards this bill provides will not inhibit or inconvenience the law-abiding gun owner. In fact, both the licensing and the registration procedures provided by this bill can be accomplished completely by mail.

This bill will, however, provide safeguards to assure that guns are not freely purchased, owned, or used by criminals, addicts, and mental defectives as is the case in most States today. The fact is that the system prevailing in most States which gives criminals, addicts, and mental defectives access to guns on an equal basis with the law-abiding is an absurd and intolerable anachronism in a nation distressed by a growing crime crisis.

The gun-control bill reported by the Judiciary Committee, S. 3633, falls severely short of the need and demand of the American people for protection against this gun crime wave. In several respects, the bill now reported weakens the already limited handgun sale measure this Congress enacted as part of the omnibus crime bill of 1968.

The restrictions on interstate gun sales S. 3633 does provide are important if any State's gun laws are to be enforceable. As long as any citizen can avoid his own State's gun law by merely resorting to the mail or traveling to a neighboring State with lax gun laws, no State gun law is worth the paper upon which it is written.

But what of a State which has no gun laws to protect its citizens? What about the 39 States which do not require permits to purchase concealed weapons? What about the 18 States which do not even disqualify felons from possessing guns? What of the 35 States which have no law against lunatics owning and using guns? Should the citizens of and visitors to these States have no protection from gun crime?

The stark fact is that gun crime is out of control in this country. According to figures released 2 weeks ago by the Federal Bureau of Investigation, guns were used in 7,600 murders, 52,000 aggravated assaults, and 73,000 robberies in America last year. Today—in America—21 of our fellow citizens will be murdered by gun, 150 will be assaulted by gun, and 200 will be robbed by gun. Ninety-six of every hundred police officers murdered are shot by gun-toting lawbreakers. Compared to 1964, the gun murder rate has increased 47 percent, aggravated assault by gun is up 76 percent, and armed robbery by gun is up 58 percent. Guns were used in 63 percent of all murders in this country last year. Rifles and shotguns were used in one out of every four gun murders.

In America we tolerate a gun crime rate unthinkable in practically any other civilized nation in the world. Take gun murders, for instance. According to latest figures, an American is seven times more likely to be murdered by gun than a Canadian. An American is 35 times more likely to murdered by gun than a Briton, a Dane, a German or a Swede. An American is infinitely more likely to be killed than a Japanese or a Netherlander, where gun murders are so rare as to be statistically insignificant.

The reason for this drastic disparity between our gun crime rate and that of other nations is simply that we have countenanced a system of incredibly lax gun laws which are a scandal in the civilized world. Most European nations closely regulate gun sales and stringently license gun ownership. Most States in the United States offer their citizens little or no protection against criminals, lunatics, addicts, and juveniles purchasing guns and ammunition.

Yet, according to the gun lobby—the NRA and its spokesmen—we already have plenty of gun laws, if only they were enforced. Texas, for example, forbids carrying a handgun in a saddlebag, except when traveling. That is a big protection. Vermont forbids children to have guns in a schoolhouse. And one of Arkansas' two firearms laws forbids possession of a machinegun for offensive or aggressive purposes. To my knowledge no studies have recently been conducted to determine whether more adequate enforcement of these laws would significantly reduce the rising gun crime rate.

What we do know, however, is that only three States in this Union require a license to own or possess a concealed weapon. Only 11 require a permit to purchase a handgun and more than half the States do not even require reporting of retail gun sales to the police. Regulation of rifle and shotgun sales, possession, and use is even more lax. In fact, only 12 States have any significant long-gun laws at all.

Until 2 months ago, our Federal Government had refused for 30 years to limit even the notorious mail-order gun traffic. And the law passed last month, as part of the omnibus crime bill, is restricted to handguns. It does not apply to rifles and shotguns, which are used in three out of every 10 gun crimes in the United States.

Meanwhile, the number of guns in America is increasing at an incredible rate. Estimates of the size of private American firearms arsenals place the total number of guns in America somewhere between 100 and 200 million. We have more guns than families, more guns than cars, perhaps even more guns than people in this country. And more than four and a half million new guns are being sold in this country every year.

Mr. President, the Senate might be interested to know that in 1958, 79,000 pistols and revolvers were sold in the United States. Last year 747,000 pistols and revolvers were sold in the United States.

In the first 4 months of 1968, 392,000 pistols and revolvers have been imported into this country. If this year's rate continues unabated, the total number of handguns imported into the United States in 1968 will be 1,560,000 pistols and revolvers.

The sale, possession, and use of firearms should and can be subject to reasonable regulation.

The needs of law enforcement and citizen safety require that we deny sale, possession, and use of firearms to convicts, addicts, and idiots.

Our police need a record of the identification and ownership of firearms as accurate as the records we maintain for bicycles, dogs, automobiles, and prescriptions. Yet today, in practically every State in the Union, it is easier to buy a gun than it is to register to vote or to license a bicycle.

As a matter of fact, it is far more difficult to get a license to shoot big game than it is to buy a concealed weapon to shoot our fellow men.

We have waited too long for an effective, rational gun policy. Seventy-six hundred Americans murdered by gun paid with their lives last year for that delay. Presidents, Senators, policemen, cab drivers, storeowners, bus drivers, great men and humble citizens—innocent people from all walks of life—have been gunned down under the insane gun policy our Nation has pursued and is pursuing.

As you know, Mr. President, I am a gun owner and a hunter. I have hunted from the time I was 9 years of age, when my father taught me to shoot. I have always enjoyed shooting, markmanship, and hunting. But I also believe that it is long past time to recognize firearms as the lethal weapons they are and to regulate their sale, possession, and use accordingly. As FBI Director J. Edgar Hoover has said, "the easy accessibility of firearms is responsible for many killings, both impulse and premeditated."

Seventy-six hundred lives a year are too many to pay for the luxury of frontier myths overtaken by the crime problem in modern and urban America.

It is a far different problem when a member of the Blackstone Rangers gang in a big city purchases a Saturday-night special for $5.50 than when a rural citizen living on the Eastern Shore of Maryland or Idaho or Montana wants to purchase a gun. We need help in the war against crime, and my amendment—this legislation—is purely and simply an anticrime proposal.

Fifty-two thousand aggravated assaults a year are too many to pay for a long-discredited theory of "the right to bear arms." Seventy-three thousand armed robberies a year are too many to pay to satisfy the callous intransigence of the gun lobby and the shameful timidity in the face of the gun lobby and its minions. It is time for rational firearms laws.

It is time to dispense with the myths and propaganda perpetrated by the opponents of reasonable gun laws.

Take, for example, the argument that we should simply punish gun crimes more seriously, rather than disarm the criminal. The fact is, of course, that heavier penalties for gun crimes already exist, but have not answered the gun crime problem. Armed robbery is a more serious offense than simple robbery; aggravated assault is more heavily punished than simple assault. Murder is the most heavily punished crime of all. Yet the commission rates of all these crimes are climbing intolerably. Armed robbery increased from 42,600 crimes a year in 1964 to 73,000 in 1967; aggravated assault by gun from 27,700 cases in 1964 to 52,000 in 1967; murder by gun from 5,000 in 1964 to 7,600 in 1967.

Gun crimes should be more heavily punished. But clearly, heavier penalties do not answer the gun crime epidemic. They do not help solve gun crimes, as registration would. They do not prevent criminal access to guns, as licensing would. They do not bring gun crime victims back to life, repair their wounds, or return their property. Only disarming the criminal can do that.

Then there is the argument that guns do not commit crimes, people do. Of course, guns do not commit crimes, but people using guns certainly do. People using guns last year alone robbed 73,000 Americans, assaulted 52,000 Americans and murdered 7,600 Americans. People using guns murdered John Kennedy, Martin Luther King, and Robert Kennedy, along with more than 25,000 other Americans between 1963 and 1967.

The record shows that of the assaults committed in the United States without a firearm, one out of 20 persons died; but of those assaults committed with firearms, one out of every five died—including the Senator who sat in the back row next to me when I was sworn in just 4 years ago. I wonder how many of my fellow Senators are going to buckle under to the gun lobby when the time comes to vote on these amendments next Monday and Tuesday?

One of the most phony and misleading arguments is that "No dicatorship has ever been imposed on a nation of free men who have not just been required to register their privately-owned firearms."

That argument is ridiculous. It is unsupported by fact and refuted by history.

I asked the Library of Congress to check it out and here is what they told me:

> We can make no positive correlation between gun laws and dictatorships, as the following examples will show.
>
> First, four countries were examined which are democracies now, but in recent history came under Nazi dictatorships (Germany, Italy, France, and Austria). One may reasonably assume that if gun registration laws constituted a primary factor in the rise of dictatorships—

As the gun lobby argument and as the proponents of antigun legislation propound—

> these countries would have since revised their laws to prevent future dictatorships. This has not been the case. The four countries today have substantially the same gun laws as those in force prior to the advent of dictatorship. In fact, in Italy, where gun laws were relaxed by Mussolini, they have recently been restrengthened approximately to their pre-Mussolini level.
>
> Secondly, two democracies were examined which have not suffered dictatorships in their recent history (England and Switzerland). Switzerland has had gun registration laws since 1874, England since 1831.

Ironically, this argument is frequently offered against gun laws by the NRA itself. Yet, if a list of firearms owners would be useful to a dictator, as the NRA argues, certainly the first place he would go is to the million name membership list of the NRA itself, right here in Washington.

So let us dispense with myth and deal with reality. And reality is that no American citizen can be safe on the street, in his store, or in his home as long as any juvenile delinquent, idiot, felon, or thug can buy an "equalizer" as easily as an aspirin. Shopowners, homeowners, and every other law-abiding citizen should be able to buy, own, and use guns as they choose. But it is time we did something effective to prevent punks from playing God with guns, deciding who shall live and who shall die.

The criminal element in America should be disarmed. But the pending legislation, S. 3633, important as it is regarding firearms sales, simply cannot do the job of disarming the lawless, unless my amendment to it is adopted. Only a system of registration of firearms and licensing of firearms users can assure that criminals who possess guns will go to jail and the criminals who should not possess them will be denied easy access to them.

The amendment I offer will disarm the criminal without inconveniencing the law abiding.

Mr. President, I state again, my amendment imposes no tax, no fees, no charge, and very little inconvenience, if any, on the law-abiding citizen. It will prevent no honest homeowner, storekeeper, or hunter from buying, keeping, or using his firearms, provided he is not a convicted felon, a mental incompetent, a junkie, or an alcoholic. It is purely and simply an anticrime measure.

I hear so many statements about the need for law and order. Mr. President, we are going to have an opportunity to vote on legislation which can substantially improve the status of law and order in this Nation, which can substantially assist law-enforcement agencies in reducing crimes of violence in this country, and I hope that those who advocate law and order on the stump to get votes will vote for measures which can really do something about reducing the element of crime and violence when these proposals are before them next Monday and Tuesday.

I realize, Mr. President, that the gun lobby can raise a hostile crowd with little effort. I have faced a few of them in my own State. But they are a minority, Mr. President. The majority of our citizens want law and order. The majority of our citizens want fair, effective, moderate gun control laws, to restrict easy access to firearms by the criminal element. That is all my amendment would do.

Mr. President, regarding the basic bill before us, S. 3633, I ask unanimous consent that a memorandum to all Senators from Senators DODD, KENNEDY, FONG, TYDINGS, JAVITS, BROOKE, HART, and PASTORE on the State Firearms Control Assistance Act of 1968, S. 3633, be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM: THE STATE FIREARMS CONTROL ASSISTANCE ACT OF 1968, S. 3633

I. BACKGROUND OF S. 3633

The State Firearms Control Assistance Act of 1968, submitted as S. 3633, is an effort to make State gun control laws as fully effective as possible. Many States have enacted or are considering legislation prohibiting possession of firearms by irresponsible persons such as convicted felons, narcotics addicts, mental incompetents, alcoholics and juveniles. It is essential that States having gun laws be able to enforce them effectively, and that States considering gun legislation be encouraged to act by the knowledge that such laws can be enforced effectively.

At present, there are two principal means by which State gun laws are evaded:

1. *Mail-order sales.* A person can order guns through the mails from out-of-state mail-order houses. State authorities have no practical means to ensure that people who do so order guns are eligible to possess them under State law.

2. *Nonresident sales.* A person ineligible under the laws of his own State can purchase guns over the counter in another State having less stringent laws. Again, authorities of the purchaser's State of residence do not have the means to "police" the transaction and ensure that applicable provisions of the law of the purchaser's residence are satisfied.

In neither instance is there any way for a State—short of stopping and inspecting every person and every shipment of goods at the border—to prevent the entry of illegal guns.

II. THE OPERATION OF S. 3633

To plug up these loopholes that impair the effective enforcement of State firearms laws, S. 3633 does two basic things:

1. It prohibits interstate mail-order shipments of firearms, except between licensed dealers.

2. It prohibits over-the-counter sales of firearms to non-residents of the State in which the transaction takes place.

Thus a person desiring to purchase a firearm from out-of-state must do so in a transaction the final step of which takes place through a licensed dealer in the State of his residence. By regulating dealers and examining their records, a State can ensure that the provisions of its law are complied with, and that guns are not acquired by ineligible persons.[1]

In addition to banning interstate mail-order transactions and sales to non-residents, S. 3633 as introduced includes a number of other desirable provisions. In particular, it:

Prohibits the interstate mail-order sale of ammunition except between licensed dealers.

Prohibits sales of guns and ammunition to juveniles (persons under 21 in the case of handguns; persons under 18 in the case of rifles and shotguns).

Provides higher standards and increased licensing fees for Federal firearms dealers, manufacturers and importers.

Regulates the interstate transportation and sale of destructive devices, such as anti-tank guns, bombs, and grenades.

Regulates the importation of firearms into the United States by excluding all firearms not generally recognized as particularly suitable for or readily adaptable to sporting purposes, and by excluding surplus military handguns.

III. DIFFERENCES BETWEEN S. 3633 AND TITLE IV OF THE SAFE STREET ACT

Most of the provisions of S. 3633 are already in existing law, Title IV of P.L. 90–351, the Omnibus Crime Control and Safe Streets Act of 1968. There are only *two* significant provisions of S. 3633 that are not already law by virtue of the Safe Streets Act.

First, S. 3633 imposes restrictions on rifles and shotguns parallel to those imposed by the Safe Streets Act on handguns.

Second, S. 3633 adds coverage of gun ammunition (Title IV's coverage was limited to ammunition for destructive devices).

Apart from these two changes, substantially all of the provisions of S. 3633 are already part of the U.S. Criminal Code.

IV. WEAKENING AMENDMENTS TO S. 3633 ADOPTED BY THE SENATE JUDICIARY COMMITTEE

As reported by the Senate Judiciary Committee, S. 3633 was amended so as to incorporate a number of exceptions to coverage that are inconsistent with the bill's philosophy, and which substantially endanger its effectiveness. A summary of each of these weakening amendments is set forth below, together with a brief analysis of why the amendment is objectionable and inconsistent with the basic purpose of the Act. (Some of these amendments actually cut back the coverage of existing law, since they nullify provisions of Title IV of the Safe Streets bill signed by the President on June 19, 1968.)

The amendments of concern are as follows:

1. *Ammunition*. The controls of ammunition in S. 3633 as introduced are minimal, in that they regulate only the interstate mail-order sale of ammunition and prohibit over-the-counter sales to juveniles, convicted felons, persons under indictment, fugitives from justice, and persons ineligible to purchase ammunition under State or local law. An amendment adopted by the Senate Judiciary Committee, however, changes the definition of "ammunition" to exclude from coverage (a) ammunition for rifles and shotguns, and (b) all .22 caliber rimfire ammunition. Thus, "ammunition" under the bill as amended is only ammunition for destructive devices and large caliber pistols or revolvers.

---

[1] The provisions of S. 3633 do not prohibit a person living in one State from acquiring a firearm from an individual who lives in another State. The bill does require, however, that the acquisition be completed through a licensed dealer of the purchaser's state of residence, and thus subject to effective state control. For example, if A, a resident of one State, desires to purchase a gun from B, a resident of a different State, arrangements must be made by A to have B send the gun by way of a federally licensed dealer located in A's State.

This amendment is objectionable because:

It exempts ammunition controls for approximately 90% of all firearms.

It exempts ammunition that is frequently involved in crimes of violence. Nearly 30% of all homicides by firearms occur with the use of rifles and shotguns. Substantial numbers of hand gun homicides, armed robberies and assaults are committed with .22 caliber pistols and revolvers.

It fails to prohibit the sale—whether by mail-order or over-the-counter—of rifle, shotgun, and .22 caliber rimfire ammunition to *known* juveniles, felons, fugitives, indicted persons, and other undesirables.

It excludes from coverage ammunition of the type that killed President John F. Kennedy, Doctor Martin Luther King, Jr., Senator Robert F. Kennedy and Medgar Evers, to take but a few examples.

2. *Standards for licensing dealers.* Existing law, and S. 3633 as introduced, require two substantive qualifications for federally licensed dealers which the Senate Judiciary Committee deleted. The first requirement is that the applicant not be "by reason of his business experience, financial standing, or trade connections, . . . [unlikely] to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter."[2] The second requirement is that the applicant have, or intend to have, "business premises for the conduct of the business." Substituted for these two requirements of existing law is the single new requirement that the applicant have "premises from which he conducts business—or from which he intends to conduct such business within a reasonable period of time."

These provisions changing the substantive standards for the issuance of a license are objectionable because:

The basic scheme of the Act will be substantially frustrated if these provisions so loosen the standards for issuance of a dealer's license that a person who does not conduct commercial operations may qualify for a license.[3] The Treasury Department has determined that in the past one out of every four dealer's licenses have been obtained by persons not engaged in the firearms business, and who obtained licenses primarily to avoid restrictions placed upon unlicensed persons. If this same practice were again made possible by the Senate Judiciary Committee amendment, the following basic provisions of the bill, *which do not apply to licensed dealers,* could be circumvented by persons who are not bona fide dealers and who are purchasing firearms solely for their personal use:

Prohibition against mail-order sales of handguns, rifles and shotguns. § 922(a)(2).

Prohibition against over-the-counter sales to non-residents of handguns, rifles and shotguns. § 922(a)(5).

Prohibition against transporting handguns, rifles and shotguns purchased out of State into one's State of residence. § 922(a)(3).

Restrictions on transporting destructive devices, machine guns, and sawed-off shotguns. § 922(a)(4).

The purpose of S. 3633 is to *strengthen* the Safe Streets Act by extending the coverage of that Act to long guns and ammunition. This amendment would in fact *weaken* the Safe Streets Act by relaxing the standards for issuing licenses to dealers. There has been no showing that these standards, established by the Safe Streets Act and perpetuated by S. 3633, are either unclear or unreasonable. Consequently, there is no need to change those standards—much less weaken them.

3. *The "Contiguous State" Amendment.* This amendment permits over-the-counter sales of rifles and shotguns by licensed dealers to residents of contiguous States if the contiguous State permits such sales "by law," the sale fully complies with the firearms laws of both States involved, and the dealer sends to the chief law enforcement officer of the purchaser's residence seven days prior to delivery an affidavit of elegibility to purchase. Firearms obtained pursuant to this provision also could be lawfully transported by the purchaser into his State of residence. The amendment exempts a substantial number of out-of-state transactions from the requirement that delivery be completed through a licensed dealer in the purchaser's State of residence.

The amendment is objectionable because:

It would create significant enforcement problems. For example, a State would have no authority to investigate or regulate sales to its citizens by dealers in contiguous States. How is a State to know that all the conditions of its law have been satisfied? How is such a State to proceed against dealers in contiguous States who sell in violation of its law? The purpose of S. 3633 is to channel commerce in firearms into the State of the purchaser's residence, and thereby subject the transaction to the regulatory jurisdiction of the only State that has an interest in who and what type of person has firearms within its borders. The contiguous State amendment would create a significant gap in this scheme.

It cuts significantly further than necessary to accomplish its purported objective. The amendment permits *all* residents of a State, and not just those who live near the border, to purchase *anywhere* in the contiguous State, and not just from dealers near the border. In a State like Colorado, which is surrounded by seven other States, a single group of continguous States covers nearly one-third of the continental United States.

4. *The Licensed Collector Amendment.* This amendment authorizes the Secretary to issue a "collector's license" to persons who acquire, hold, or dispose of firearms or ammunition "as curios or relics." Persons who receive such licenses are exempted from virtually every control of the Act, including the mail-order shipment and out-of-state purchase prohibitions, the restrictions against transporting into one's State of residence firearms obtained out-of-state, and the restrictions on transportation and purchase of destructive devices, machine guns, short-barreled shotguns and rifles.

This amendment is objectionable because:

It is couched in vague language of unclear effect. What is a "curio" or "relic"? Is any firearm a "curio or relic" solely because a "collector" says he wants to acquire it as such? Is the licensed collector exempted from the controls of the Act for all firearms, or only for transactions involving "curios or relics"? By what standards is the Secretary to determine who is a "collector"?

No need has been demonstrated justifying such a potentially major exemption. S. 3633 as introduced imposes no unreasonable burden on collectors of firearms. Antique firearms, defined in § 922(a)(16), are already exempt from the Act. For collectors of modern firearms, S. 3633 simply requires that delivery be accomplished through a licensed dealer in the collector's State of residence. This is as it should be, for a State has an important interest in being able to regulate the "collection" of modern operable firearms by its residents. If this amendment stays in the bill, a State's ability to do this will be seriously impaired.

Very few people are legitimate firearms collectors. To accommodate these few, who are not really substantially disadvantaged by the Act, the Judiciary Committee has adopted a loophole that may be exploited by great numbers of persons who are not legitimate collectors, but who wish to avoid the controls of the Act.

Mr. TYDINGS. Mr. President, support from national organizations and the news media continues for effective firearms control as this body debates the merits of S. 3633 and the Tydings' amendments for registration and licensing. I request permission to include a letter endorsing gun controls received from the legislative program committee of the 184,000 member American Association of University Women. I also request permission to insert several newspaper editorials received in my office from every section of our Nation urging the Congress to enact this much needed legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
September 12, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: As the firearms control bill is now before the Senate the American Association of University Women wishes to reaffirm its support for a strong national firearms law which would:

Prohibit interstate mailing of all guns, including long guns and other firearms;

Prohibit over-the-counter sale of guns to out-of-state residents;

Require the registration of all guns and licensing of all gun owners;

Prevent licensing and also control sale of ammunition to people under eighteen, persons convicted of felony or a misdemeanor, persons who have been institutionalized because of ajudicated mental illness, drug addiction, or alcoholism, and aliens.

This position was adopted by the Legislative Program Committee of the Association, and approved by its Board the week of June 21–27, 1968, during a Conference of the national leaders of the Association.

We are of the opinion that, to be effective in controlling crime, such a law must require registration of all firearms and reregistration when such firearms change hands, and that possessors or users of firearms or ammunition should be required to have a license.

We also are of the opinion that to be effective, provision for enforcement and penalties for violations must be built into the national law. Such requirements and their enforcement seem to us as reasonable as requiring the registration of an automobile or the licensing of a driver, and no more of an infringement of individual liberties. On the other hand such requirements will prove to be a major protection for the honest citizen.

The American Association of University Women endorses the provisions of S 3633 but would like to see the provisions of S 3634, the Gun Crime Prevention Act, on registration and licensing and on penalties for violations incorporated into the final bill.

---

[2] These standards were taken from the Federal Alcohol Administration Act, 27 U.S.C. § 204; the provisions have worked fairly and effectively in that field, and have been reasonably construed by the courts.

[3] It is unclear what the purpose and effect are of dispensing with the requirement that an applicant have "business premises," and requiring only that we have "premises" from which he conducts (or intends to conduct) business. If individuals may characterize their own living room as the requisite "premises" to be licensed, there may be a significant risk that licenses will have to be issued to persons whose primary objective is to avoid the restrictions of the Act in purchases of firearms for their own personal use.

Sincerely yours,
Miss Victoria Schuck,
Chairman, Legislative Program Committee.
Mrs. Wirt Peters,
Area Representative for Community Problems.

[From the Providence Journal, Sept. 9, 1968]

Don't Jump the Gun

The purpose of open hearings on gun controls before the Legislative Council was to permit the issue to be discussed from differing viewpoints in a calm, orderly and reasonable way. However an unnecessary hassle already is brewing about the hearings that are scheduled for sometime this fall.

Several weeks ago the council set the first hearing for late September, but now a request has come from 18 civic, church and service groups to postpone the hearings for about a month in order that positions on the gun control issue can be better prepared. Pistol and rifle groups in the state vigorously oppose the delay because they see nothing to be gained by the delay.

But there is something to be gained. It's true that every interested citizen and group has had ample time to gather facts and think the issue through carefully. That many groups haven't done this is not sufficient reason to hold fast to the original date. But the hearings, which are not part of the council's normal routine, were designed to bring together systematically enough enlightened testimoney to serve as a reliable basis for a weapons-control code for the state. If another month is needed to gain this objective, then the council should wait. A decision is due next week, and there appears to be sufficient time—with the hearings beginning in late October—to allow for drafting legislation for the General Assembly opening in January. Moreover, if it is clear that the council is going out of its way to see that reason, sound judgment and a genuine concern for the state's best interests prevail, then legislative leaders from other states are more likely to testify.

The matter of gun controls is a regional issue, and it is important to consider how, say, Vermont, Massachusetts and Maine state legislators feel about this or that form of control, and to strive for controls on a cooperative basis. This regional objective can be grasped if we in Rhode Island first demonstrate a dedication to high purpose in better regulating the ownership, sale and transfer of firearms.

[From the New York Post, Aug. 28, 1968]

Ammunition for Disarmament

Bulky with grim statistics indicating a disturbing increase of violent crime across the U.S. last year, the FBI's latest Uniform Crime Reports will undoubtedly be mined avidly this fall by self-serving campaign orators. It remains to be seen how thoroughly the data are explored by public-serving legislators.

For example, there are the statistics relating to one type of violent crime—murder—committed with firearms in five states. In Massachusetts, guns were used in 39.9 per cent of the murders. In New York, the figure was 34.9, in New Jersey it was 41.2 and in Rhode Island 34.1. In Texas, the percentage was 70.

What accounts for the striking difference between this state and Texas, where more than twice as many murders involved guns?

One reason, if not the only one, is that New York has the toughest gun control laws in the nation, whereas Texas has virtually none by comparison. It is equally plausible that comprehensive federal controls would have similarly dramatic effects.

[From the Philadelphia (Pa.) Sunday Bulletin, Sept. 8, 1968]

Congress and Gun Registration

The nation's gun lobbyists have apparently won part of their fight, for this session of Congress, at least. They have been aided by the lull caused by the Congressional adjournment for the party conventions and the rush of the legislators now to get home to campaign.

Nothing which has happened over the summer—the murder of police; the attacks with pistols, rifles, shotguns and even machine guns; the almost daily seizure, somewhere in the country, of caches of illegal arms—none of these nor the "ordinary" crimes of violence by the gun seem to move legislators to take the stronger regulatory measures President Johnson has called for: Word from inside Congress is that registration and licensing of firearms is dead.

Gun legislation now on the Senate floor nearly approximates that already passed by the House. Each would bar interstate shipment to individuals of rifles and shotguns, adding to earlier restrictions on hand guns. For even that much, half a loaf is better than no bread.

Licensing requirements for gun owners is needed to deny legal access to weapons to criminals, dope addicts, alcoholics and the mentally ill.

In this nation, where licenses are required for dozens of legitimate uses, and generally accepted, it is somewhat incomprehensible that objections can be made to registration of lethal weapons.

[From the Charleston (W. Va.) Gazette, Aug. 12, 1968]

State Should Act on Gun Controls

It is obvious that Gov. Hulett Smith will not put in his special session call to the legislature the subject of gun control.

Immediately subsequent to the assassination of Sen. Robert Kennedy the governor loudly opined the state's gun laws are ineffective and need strengthening. But as the months rolled on and the assassination became a less distinct horror in the minds of all and the gun lobby increased its propaganda, Gov. Smith had second thoughts about asking the legislature for stiffer gun control measures.

It will do no good, we know, but here's what J. Edgar Hoover, head of the Federal Bureau of Investigation has had to say on the matter:

"Better control of firearms is not only desirable, but also necessary to public welfare. We have reached the point where time for debate is past; the time for action is here. I think mail order purchases should be banned. Interstate transportation of firearms should be controlled, and local registration of weapons required and enforced."

Since the federal government will not register guns, it is up to state governments to undertake the task. Until all guns throughout the nation are registered and known to police, the level of violence in American society is not apt to diminsh.

[From the Milwaukee (Wis.) Journal, July 24, 1968]

The Gun Record

These figures have been released by the justice department:

An estimated 50 to 100 million firearms are in private hands in the United States. Last year 4.5 million were bought for private use, an increase of 132% over 1963. More than 1.2 million guns are being imported each year, or 46% more than in 1963.

Four United States presidents have been assassinated by gunfire. So have two mayors, two United States senators and a congressman. So, since 1963, have eight major civil rights leaders, including the Rev. Martin Luther King, jr.

From 1900 to 1966, bullets have killed 767,000 people—269,000 murdered, 360,000 as suicides, 138,000 in firearms accidents. Last year, 7,700 people were victims of homicide by firearms and 55,000 more were the subjects of assault by guns.

From 1960 to 1967, a total of 411 law enforcement officers were slain in performing their duties, 96% of them by guns. Nationally, 60% of all murders are by firearms. Nearly 30% of all homicides by firearms are committed with rifles and shotguns, normally considered "sporting" weapons.

The United States homicide rate with guns, per 100,000 population, is seven times that of Australia, Canada and Italy. It is 35 times that of Denmark, England and West Germany.

How much more bloodletting will it take to demonstrate the singular ability of the gun to kill and maim? How much more of this mindless national obeissance to firearms will we tolerate before enacting meaningful controls on guns, and on those who use them?

[From the Vancouver (Wash.) Columbian, July 15, 1968]

Grim and Realistic

New York State and Britain have figured in several recent letters to the editor on the subject of gun controls. Writers on both sides of the gun issue thought they saw evidence in these two places to support their arguments.

It might be helpful to readers to cite some statistics on gun fatalities in New York and Britain. What follows is based on figures presented by Sen. Joseph Tydings, D-Md., when he introduced his proposal for gun registration in the Senate on June 12.

New York was one of the five states cited by Tydings as examples of strong gun control laws. New York's Sullivan law, on the books since 1910, requires a license for possession of any hand weapon. For the period 1962–65, New York's gun homicide rate was 1.53 deaths per 100,000 population. The other four tough-law states were: 1.39 for Pennsylvania, 1.32 for New Jersey, 0.85 for Massachusetts and an amazing low of 0.34 for Rhode Island.

These rates compare with about 2.8 deaths per 100,000 for the nation as a whole.

The contrast is even sharper when these states are compared with states with weak gun control laws. Among states cited by Tydings, Nevada had 7.1 gun deaths per 100,000, Mississippi had 6.9, Texas had 6.3, Louisiana had 6.1 and Arizona had 4.1.

New York's gun death rate thus was slightly more than half the national rate and less than a fourth the rate of four of these weak-law states.

Britain makes New York, and even Rhode Island, look like the wild, wild west. In 1963, Britain had an almost unbelievably low 0.05 deaths per 100,000. The U.S. rate was 54 times greater that year!

Gun laws don't account for the only differences between the United States and Britain and between New York and Mississippi, but statistics as dramatic as these at least suggest that gun laws might help save a life here and there.

J. Edgar Hoover thinks so. "There is no doubt in my mind," he has written, "that the easy accessibility of firearms is responsible for many killings, both impulse and premeditated. The statistics are grim and realistic. Strong measures must be taken, and promptly, to protect the public."

[From the Bristol (Va.) Virginia-Tennessean, July 27, 1968]

Congress Ignores a Vital Challenge

The House, buckling under pressure mainly from the powerful gun lobby, on Wednesday passed a watered down gun control bill.

But already by Tuesday night a violent outburst in Cleveland had left 10 dead and 19 wounded in three hours of sniper fire.

Obviously, if the House and Senate had already passed and the President had signed into law, the strongest gun control legislation conceivable, it would probably have had no effect on the Negro snipers in Cleveland.

But the tragedy is that under the bill passed by the House and awaiting action by the Senate in September, there isn't much to deter more snipers—Negro or white—from arming themselves and firing at will.

The House bill would impose restrictions for the mail order sales of rifles, shotguns and ammunition as companions to the restriction of mail order sales of handguns provided in the recently enacted crime control act.

Also, the House bill restricts the over-the-counter sale of guns to non-residents who do not live in a bordering state—but even that provision is riddled with loopholes.

Under a last minute amendment tacked onto the bill, a non-resident can buy a gun over-the-counter by signing an affidavit to the effect that his own weapon has been stolen, lost, or is inoperative and the dealer will then notify the purchaser's police department of the sale.

The House would have been wise to scrap the whole section on over-the-counter sales rather than tack on a provision which invites widespread violation.

Where the bill fails—and why there is still nothing to deter more sniper fire or more domestic gun violence—is in the fact it does nothing to limit the circulation or accessibility of guns.

There is little reason to expect that the Senate will do more and the final gun legislation enacted into law will amount to nothing more than empty motions on the part of Congress.

We have never advocated and still don't that the nation should be disarmed, but through the experience of several violent summers and ever spiraling crime rates, it is obvious that a segment of our society should be disarmed.

Realistically, a strong gun control bill would not make it impossible for the would-be sniper, the airplane hijacker, the bank robber, or any other criminal to get a gun.

But a strong bill would make it more difficult and that is about all we could hope for. For instance mail order sales should not be restricted but banned; registration and licensing should be required of all gun owners because, regardless of the arguments of the National Rifle Association, this would not lead to mass disarmament; and over-the-counter sales of guns should hinge on the purchaser's intention in buying the weapon and the intention should be part of the vital information on the registration form.

None of these provisions are included in the House bill. We can only hope the Senate will rise above tremendous pressure but that is doubtful.

Meanwhile, Congress so far has done nothing to protect the nation from the insanity of too many guns which are too easy to obtain.

[From the Brattleboro (Vt.) Reformer, July 15, 1968]

Gun Controls

The current move in Congress to bar mail-order sales of long guns to individuals and call it a day is little better than no legislation at all.

Controls on mail-order sales are a useful supplement to registration and licensing in the sense that they prevent a person from evading his state's laws by ordering through the mails.

They would be small help in states like Vermont, which have weak gun laws to start with.

The full package, containing registration, licensing and regulation of mail-order sales is what is needed.

[From the Enosburg Falls (Vt.) Standard, July 26, 1968]

Begin at the Local Level: Strict Gun Controls Needed Now

We think St. Albans Alderman Stanley Cummings is right. The city must play its part in checking the indiscriminate flow of guns.

We think Senator Joseph Tydings (D-Maryland) was right when he said, "The need for firearms registration and licensing has existed for decades. Public opinion polls for decades have shown massive support for gun controls. The toll of tragedy caused by guns grows higher with each succeeding year. What is the roadblock?"

The roadblock is the same one which holds up passage of other vital laws. The roadblocks are special interests which lobby in our state legislature and in the Congress of the U.S. against the interests of the people. That roadblock held up action on Sen. Tydings' bill last week.

The National Rifle Assn. is such a lobby and such a special interest. A quarter of its income stems from its magazine which depends on advertising from gun and ammunition manufacturers. One of its leading spokesmen, Sen. Roman Hruska (R-Nebraska) is doing all he can to kill any law which requires licensing and registration.

We think it's time the people were heard. Death by guns won't cease overnight. But it will be slowed down and many innocent lives spared. The 300 policemen killed by guns last year could be drastically reduced.

But it's going to take all of us, from city to the national level. St. Albans must do its job because St. Albans being in Vermont where gun control is almost non-existent and being next to the border is a center for gun sales to U.S. and Canadian hoods.

In that regard, we think local gun dealers would be grateful for strict licensing of owners and registration of guns. They no more than you nor I want to sell firearms to men who turn around and kill and rob with those very guns.

The argument that all we have to do is to enforce the laws already on the books is plain subterfuge, making you and I believe that somehow at base of our trouble is moral laxness.

But the truth is there just are no laws on the books which require registration and licensing of firearms in Vermont.

And the argument that somehow this curtails a basic American right is nonsense. You register your automobile, you register for social security, and a record is made of you when you are born. The slaughter on our highways is bad enough as it is (110 deaths per day every day of the year). But think of what it would be if there was no licensing of drivers and registration of vehicles.

So we hope Alderman Cummings will not be stopped by loud cries of people who will be financially hurt by checking the indiscriminate flow of guns. After all, the loud cries of the families of those who have been cut down by guns ought to count the most.

[From the San Antonio (Tex.) Express-News, Aug. 6, 1968]

Weapons Good Only for Shooting People Menace Whole Community

Death of Patrolman Richard Cuellar, 37, in a shooting incident outside city police headquarters called public attention to a set of fearful circumstances already well known by law enforcement officers.

The circumstances are these:

A small .22-caliber pistol, easy to conceal, is in wide circulation among irresponsible elements in this vicinity.

The weapon is low in price, from $6 upward, and lethal at close range.

It is not designed for hunting or target practice, but is highly effective against people.

Any person can obtain the model through mail order houses and pawn shops.

The cheap pistol, so readily available and priced within anyone's reach, poses a distinct threat not only to officers, but to the public in general.

Patrolman Cuellar was shot after a fellow officer had failed to discover the weapon on the person of a 14-year-old boy, who had been brought to the police station. The feature of easy concealment worked to the extreme disadvantage of police.

As a result of the altercation, the youthful gunman was also shot and killed, doubling the toll that the cheap .22 weapon imposed.

With police, sheriff and district attorney's estimates that hundreds of the small pistols are possessed locally, it becomes difficult to understand why the public must continue to face this menace. It is a condition beyond the argument of gun registration; instead, it is a situation that should be controlled at the source.

Citizens and their law enforcement agents are entitled to more protection under the law. Effective curbs against importation and sale of these light weapons could be fashioned, and a greater measure of order restored.

It should not become necessary for more persons to be killed before restrictive measures are taken. With cooperation of the legislature, the supply of these inexpensive man-killers can be sharply reduced, at least.

[From the San Antonio (Tex.) Express-News, Aug. 10, 1968]

Another Small Gun Ends Another Life

Another life has been taken by one of those small-caliber pistols which lawmen say are cheap and dangerous implements good for nothing but killing men.

In a city park, an argument which need not have gone beyond hot words led to the senseless slaying of a 17-year-old boy, because such a weapon was available. From witness description, it was similar to the cheap, imported gun which cost Patrolman Richard Cuellar his life in the tragic shooting near city police headquarters.

How long must we put up with the threat to life and public order posed by these weapons? Effective means to curb their importation and easy sale must be found.

[From the Houston (Tex.) Post, Aug. 19, 1968]

Cities Show Way in Gun Registration

The need for gun registration laws to assist police in the suppression and solution of crimes is so great that cities across the country are beginning to enact such requirements of their own since Congress, under lobby pressure, has shown a disinclination to move.

Miami Beach, Fla., Chicago, New York City and San Francisco are among major cities which are now registering guns under new ordinances adopted since the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy.

The Miami Beach ordinance in particular has been attracting nationwide attention as being probably the toughest and, hopefully, the most effective measure to be approved any place.

Authored by 60-year-old Councilman Paul Seiderman, who served as a deputy prosecutor in Brooklyn during the days of Murder, Inc., the Miami Beach law carries a mandatory 30-to-90 day jail sentence for anyone possessing an unregistered firearm.

Before drawing the ordinance Seiderman studied registration requirements elsewhere and convinced himself that law-abiding citizens have nothing to fear from registration. Requests for copies of it have been received from many other cities.

Seiderman was impressed by the fact that registration requirements in Los Angeles made it possible for police to establish within a few hours that the weapon used on Senator Kennedy had been received by Sirhan Sirhan.

Under the new Chicago ordinance, 368,000 guns were registered within a few weeks. In San Francisco police expect that a new ordinance requiring the registration of guns before Oct. 1 will enable them to trace the ownership of any of 400,000 guns if the need should arise.

New York City's new registration law applies only to rifles and shotguns since earlier legislation already covered the registration of handguns.

Only 75,000 rifles and shotguns were registered by the deadline set in the ordinance but police expect as many as 300,000 may be registered eventually.

Some of the new ordinances require fingerprints or photographs, or both, of gun owners on their registration cards. Toledo, Ohio, requires purchasers of guns to have photo identification cards.

Public-opinion polls have shown wide support for the registration of guns and the new ordinances have been passed in response to that sentiment, brought about by a realization that without registration the control of lethal weapons is sure to be ineffective.

Of course, efforts to achieve registration by city ordinances will be haphazard at best. Too many people live outside of cities and too many cities will not pass ordinances.

A federal registration law applicable to everyone, regardless of where he lives, must be the ultimate solution. Until such a law is passed officers will be handicapped in dealing with crimes of armed violence.

[From the Florence (S.C.) News, July 18, 1968]

GUNS AND MURDER

Recently released Federal Bureau of Investigation statistics accords South Carolina another dubious distinction. Among the 50 states, the Palmetto state ranks second in the number of murders committed per 100,000 population.

South Carolina with 11.6 murders and non-negligent homicides per 100,000 population was second only to Alaska which had a 12.9 rate.

By way of comparison, the rate in New York state was 4.7; Ohio, 4.5; Illinois, 6.9; Pennsylvania, 3.2; New Jersey, 3.5; Connecticut, 2.0; Iowa, 1.6; Massachusetts 2.4; and Oklahoma, 5.5.

Obviously stricter gun laws will not keep murders from occurring, but the statistics indicate that they occur less frequently in states that do have more rigid gun control laws.

[From the Pittsburg (Pa.) Post-Gazette, Aug. 23, 1968]

A SLEAZY BLAST

The National Rifle Association is up to its old tricks again, judging from the experience of the Chicago advertising agency that prepared ads for a campaign favoring strict gun control laws.

In an article criticizing the campaign, the NRA's magazine, on which it makes a killing from advertising by the makers of guns and ammunition, goes out of its way to list the names of seven accounts held by North Advertising. The object obviously is an attempt to intimidate both the agency and its clients by encouraging the diehard NRA members to fire off letters threatening a boycott of products of the client firms.

The NRA has a perfect right to disagree with the gun control ads and to present its own case. But this subtle poison pen approach is, as the agency president said, "exactly the same blacklist and boycott technique used in the witchhunting era of McCarthy back in the early 50's." It would be refreshing if the NRA for once would discuss this aspect of the push for gun controls on its merits, without dipping into its customary barrages of distortion and deception.

Rather than produce the effect which the NRA is counting on, this sleazy little tactic may well backfire. If the clients of this advertising agency have an honest interest in furthering the welfare of this nation, and in reducing the bloodshed caused by the indiscriminate sale of firearms, they should see to it that North Advertising gets all the business it can handle.

[From the Royersford (Pa.) Weekly Advertiser, July 25, 1968]

CONGRESS IGNORES WISH OF PEOPLE

The overwhelming numbers of citizens who have, since the senseless assassinations of Dr. King and Senator Kennedy, beseeched Congress to enact a comprehensive gun control law, are about to learn that the American people are no match for the powerful gun lobbys to which their representatives cow-tow.

The Congress, which could have made a major contribution to law and order in this troubled nation, has side-stepped that responsibility, despite the fact that violence hangs like a heavy cloud over the whole land.

What makes the threat so real and terrifying is that the ruthless, the mentally sick and the person overcome by momentary passion can in this country find it so easy to get their hands on a gun. In no other advanced country in this world is it so easy. As former Justice Arthur Goldberg pointed out last week, an American is killed or wounded by gunfire an average of every two minutes of every day.

At the heart of proposed gun control legislation which the Senate has already rejected, and upon which the House is reluctant to act, is the registration of every gun and the licensing of every gun owner with police. The worn out argument about "hardship" for sportsmen is absurd. It would be no more of a hardship than it is for a prospective driver to apply for a driver's license.

The American Rifle Association slogan, "Guns don't kill people; people kill people," is patently silly. People with guns kill people, and more often than would be the case if guns weren't so accessible. After all, a one-armed dwarf with palsy could forever silence a Wilt Chamberlain, but he would think twice if he had to use a knife to do the job.

The mood of the nation in this matter is reflected in a report of this week from Texas in which President Johnson announced that an appeal to governors of the 50 states to survey and tighten gun control laws brought favorable answers from 40 of them. Georgia's Lester Maddox was the only one flatly opposed. Congress this year did not get the message the people tried to convey. It is up to the people to make sure Congress gets that message in November.

[From the Toledo (Ohio) Blade, Aug. 7, 1968]

GUN-LOBBY CHALLENGE

A pet argument of opponents to gun controls is that regulatory laws would deprive citizens of weapons they may need to defend themselves against an attempted takeover by a Communist or other dictator country. In a speech the other day on the need for firearms legislation, Toledo Councilman Andy Devine called this contention a "false sense of security." His understatement was generously kind to those who hold the view.

First, of course, there is no seriously proposed gun bill we know of that is aimed at depriving anyone of firearms except those such as criminals and incompetents who obviously ought not to have them. The legislative efforts are not intended to take guns away but to regulate their sale, possession, and use for the reasonable protection of society.

Second, the customary underpinning of this argument about defending against an enemy is the Second Amendment to the Constitution. Gun enthusiasts interpret it as bestowing an individual right upon all citizens to bear arms, conveniently ignoring the reference in the first words of the amendment to "a well-regulated militia." Courts generally have considered that an important qualification, however, and no bar to regulation of individual firearms ownership.

But third, and most important, there is no need to bog down in legal arguments to show how false is the notion that the defense of the country depends upon small arms in every home. One need only ask: If the argument is valid, why have we spent staggering billions of dollars annually to build and deploy around the world the most powerful, most sophisticated military establishment on the globe and in history?

Ah, some will say, but suppose the invader manages to slip by or even defeat our military forces; what would the citizens do then if they had no guns handy? Obviously the citizens would be in trouble. But it is hardly sensible to believe that, if an attacker had enough power to wipe out the most massive defense establishment in the world, he could then be stopped with pistols and shotguns and rifles—even if they were blasting from every house in the land.

Nevertheless, if—as is probably the case from our experience—the pro-gun people stubbornly persist with their argument, we think it fair to suggest a challenge: While they are lobbying so vociferously against firearms regulation, are they willing at the same time to lobby just as hard to stop spending money on the military establishment in which they profess to have so little faith?

[From the Winston-Salem (N.C.) Twin City Sentinel, July 30, 1968]

INADEQUATE GUN LAW

House action in adopting its version of a bill carrying the questionable label of "gun control" assures that this session of congress will not approve adequate regulation of lethal weapons. The reason is twofold: House advocates of control have agreed not to offer strengthening amendments in return for the minimal gun law adopted, and the Senate sentiment is more nearly attuned to the gun lobby than to the demonstrated desires of a large majority of the American public.

The House bill bans general mail order sales of rifles and shotguns, without any curbs on ammunition for them, extending to the long guns the same rule applied to hand guns. Exempt from the ban are "gun collectors," who can gain that status by paying a $10 fee, and junior rifle clubs (some congressmen claim the latter exemption also will exempt National Rifle Association clubs).

The really crucial tools for adequate control were left out altogether: registration of weapons transactions, and the licensing of gun owners. Small wonder foes of gun control said it was a bill they could "live with," and Rep. Charles S. Joelson of New Jersey commented, "I suggest that tens of thousands of Americans can die with it."

On the same day on which the House was passing its bill, federal agents in Baltimore were arresting a 26-year-old machinist and convicted felon, Timothy M. Pawlik by name, after seizing more than 100 guns and 1,800 rounds of ammunition. The one-man arsenal included an antitank gun made in Finland, a .50-caliber machine gun with two barrels for it and three hand grenades. Without registration of weapon transactions and the licensing of gun owners, it would be no trouble at all for Pawlik and his ilk to slip $10 to a pal, get him qualified as a "gun collector" and continue to assemble the death-dealing metal.

The weakest of the mail order proposals did not budge from the Senate and House committees until after Sen. Robert Kennedy was gunned down, and an avalanche of mail pleading for controls descended upon the congressmen. And now the House's timorous approach has received at least tacit sanction by state chief executives through the refusal of the National Governors' Conference to endorse a gun control law.

How long must the lawmakers hear the sharp tattoo of sniper's bullets in the streets, and the outraged voices of their constituents, before they will be moved to realistic action? How many more assassinations are they prepared to tolerate? Their professions of concern about the instruments of violence do not square with the language of the law they are about to enact.

[From the Charlotte (N.C.) Observer, Aug. 2, 1968]

THE CASE FOR GUN CONTROLS FROM THE ST. LOUIS POST-DISPATCH

A great deal of feeling has been whipped up on both sides, and emotion alone is admittedly a poor basis for sound legislation. But there are cold, clear, rational grounds for adopting strong firearms regulation, and they must prevail in the end.

The grounds are that in an increasingly crowded urban society which already shows alarming symptoms of violence we simply cannot afford to permit unlimited traffic in and unregulated ownership of lethal weapons which are so often the instruments of that violence.

Sensible people have no illusions that gun controls will miraculously put an end to crime, or instantly eradicate the impulse to violence which makes this nation's murder rate a scandal among civilized countries. It will not in itself end political assassination or halt the shooting sprees by madmen that have become a staple item in the news.

On the other hand it is perfect nonsense to suggest, as the gun lobby does, that nationwide regulation of firearms will not have any effect on violence by firearms.

As Senator Tydings and the Department of Justice have pointed out, the few states which have effective gun control laws now also boast a markedly lower homicide rate than states with notoriously weak laws.

Senator Tydings notes that Britain with strong gun laws has an annual homicide rate of 0.05 per 100,000 of population, while the United States with weak laws or none has a rate of 2.7 per 100,000, fifty times as high.

The case for an effective nationwide system of controls, carried out by the states but with federal cooperation and federal standards, is overwhelming.

[From the New York (N.Y.) Post, Aug. 28, 1968]

AMMUNITION FOR DISARMAMENT?

Bulky with grim statistics indicating a disturbing increase of violent crime across the U.S. last year, the FBI's latest Uniform Crime Reports will undoubtedly be mined avidly this fall by self-serving campaign orators. It remains to be seen how thoroughly the data are explored by public-serving legislators.

For example, there are the statistics relating to one type of violent crime—murder—committed with firearms in five states. In Massachusetts, guns were uesd in 39.9 per cent of the murders. In New York, the figure was 34.9, in New Jersey it was 41.2 and in Rhode Island 34.1. In Texas, the percentage was 70.

What accounts for the striking difference between this state and Texas, where more than twice as many murders involved guns?

One reason, if not the only one, is that New York has the toughest gun control laws in the nation, whereas Texas has virtually none by comparison. It is equally plausible that comprehensive federal controls would have similarly dramatic effects.

[From the New York (N.Y.) Irish Echo, July 27, 1968]

RETREAT FROM SANITY

In an incredible series of moves, Congress has ignored the vast majority of the people and has killed two major gun control bills. Apparently bowing to a vociferous minority lobby, Congress has rejected gun registration as essential to the national good.

It is difficult to understand this blatant disregard for the peace and safety of all our citizens. The future of other gun control legislation according to most Washington sources is not good. Congress seems content with the fact that it has passed a law regulating the sale of guns by mail.

Though you must possess a license to fish, our federal legislators feel it is not necessary for you to go through a similar process to buy firearms. This reasoning is incomprehensible.

Opponents of gun control legislation pretend that the majority of Americans are also opposed to the passage of these bills. They have been most effective at promulgating this false premise. Apparently some members of Congress believe them. We think they will soon find out that this noisy lobby has led them down the garden path.

Recently President Johnson asked the governors of the 50 states to join in a study of how state gun control laws can be strengthened to prevent unqualified people from obtaining firearms.

Forty-five governors have now answered the President's appeal. One is opposed to it, four are noncommittal and 40 support the President's plan. The state chief executives are showing a much better understanding of the electorate than is the Congress.

The Emergency Gun Control Committee, headed by Colonel John Glenn, is not taking Congress' action sitting down. The rapidly growing national organization is making plans to oppose Congressmen who have bowed to the gun lobby. It is a wise decision—one that deserves support of all.

How many rooftop snipers does it take? How many demented murderers must we survive? Perhaps it's time for those in Congress who don't understand the problems of 1968 to retire to the porch. Gun control legislation—with strict gun registration—is essential to the health of this nation now.

[From the Albany (N.Y.) Knickerbocker News, Aug. 20, 1968]

HOW MANY MUST DIE?

And the shooting goes on.

Latest victims of the current "guns for everybody" philosophy are the father of three small children, who was killed by a sniper's bullet as he rode a Long Island Railroad commuters' train, and a dredge worker, who was wounded.

The suspect is a 16-year-old youth described as a loner and self-styled "auxiliary fireman" who likes to wear uniforms—certainly not exactly the type to be entrusted with guns without some sort of check. But under the warped "right to bear arms" philosophy so dear to the National Rifle Association and its large clique, it's as easy for such individuals to obtain guns as it is for them to buy a loaf of bread.

Just as this latest tragedy will—and should—result in new demands for effective gun control legislation, we can expect the gun lobbyists and their dupes to drag out their familiar threadbare arguments ("every citizen has a constitutional right to bear arms", "the victim could have been killed just as well by a knife or a hammer"; "it's people who kill—not guns") ad nauseum.

The facts are, as any informed citizen well knows by now:

The courts have ruled that no citizen automatically has a right to possess a gun. A gun is made to kill and it is the most effective weapon for killing from a distance. Snipers don't throw knives or hammers. And if it's people who kill, and not guns, then it's obvious that ownership of guns by people should be regulated.

The most effective and fair means of control would be registration of all guns and licensing of all gun owners and users. No, this probably would not prevent all murders and other crimes with guns, any more than universal automatic registration and driver licensing have prevented all car thefts and crimes involving the use of cars. But does this mean we just give up and give in to the gun lobby and not even make the effort? Then why have any laws?

It is most revealing that those who are braying the loudest for "law and order" (example, South Carolina's Senator J. Strom Thurmond) are in the forefront of the opponents of effective gun control, although logic would indicate that the opposite would be the case.

Could it just be that their "law and order" cries (which never seem to include demands for "justice") are thin covers for hypocrisy and racism?

How many more innocent victims must die before Congress musters the courage to defy the gun lobby and pass a truly effective gun control law?

[From the Albuquerque (N. Mex.) Tribune, July 27, 1968]

MAKING ANGER LESS DEADLY

If someone really wants to do you in, he will, whether or not he can lay his hands on a gun.

This statement, frequently expressed these days because of the debate over gun control laws, is plausible enough. If someone really wants to do you in, he'll find a way.

A look at actual homicide statistics, however, indicates that a substantial percentage of homicides result from attacks that were not made with the single-minded intent to kill.

Franklin E. Zimring, assistant professor of law at the University of Chicago, studied more than 1,400 homicides and 22,000 assaults recorded during 1965, 1966 and 1967 by the Chicago Police Department. His findings show that:

1. No less than 78 per cent of all killings, as classified by the police, resulted from quarrels based on domestic problems, liquor, sex, etc.
2. The gun and the knife were interchangeable weapons for persons who resorted to violence to settle personal arguments.
3. Some 70 per cent of all gun homicides resulted from a single wound, although a "single-minded intent to kill" should prompt the attacker to insure his result by multiple wounding.
4. Knife attacks resulted in more multiple woundings than gun attacks, yet there were five times as many killings by gun as by knife.

Zimring thus concludes that the elimination of guns would reduce the number of homicides.

Perhaps we can never solve the problem of interpersonal violence. But perhaps we can make it a little less deadly?

[From the Elizabeth (N.J.) Journal, July 22, 1968]

GUN LOBBY COUNTERATTACK

The gun lobby is waging a heavy counterattack on proposals in Congress to register and license all guns. After waiting out the first salvo of letters and the emotional upsurge following the assassination of Sen. Robert F. Kennedy, the gun enthusiasts have unloosed a barrage that is even fiercer.

Some Congressmen report that their mail, which had been strongly in favor of gun controls, is now running 15–1 against passage of such laws. The effect is that Congress has stalled the legislation.

The National Rifle Association claims that the issue has raised membership to over one million. Gun hobbyists have joined in a concerted campaign that uses all manner of attack. One of its worst features is the charge that gun laws play into the hands of conspirators trying to undermine this nation by taking away the constitutional right to bear arms.

This kind of "Communist under every bush" scare tactic is insulting to Americans who genuinely fear the spread of violence and the arming of the neighborhoods in the tension of America's racial turmoil.

Britain, France and other European countries with democratic institutions as strong as America have stringently controlled guns without sacrificing the rights of legitimate sportsmen and gun hobbyists. And they have substantially reduced the risk of murder by gunshot or crimes using guns.

The warning should be clear by now. Unless the proponents of stiff gun controls keep up the pressure, Congress will adjourn without taking any action.

[From the Portsmouth (N.H.) Herald, July 30, 1968]

GUN LAW FIGHT NOT YET OVER

The assassination of President Kennedy, for all its profound traumatic effects, was not a sufficient stimulus to counteract the work of the gun lobby and prod Congress into enacting strong gun control legislation. The assassination of his brother, Sen. Robert F. Kennedy, has now also failed to provide the necessary impetus to force passage of such law.

One might argue, perhaps with a touch of cynicism, that this is as it should be—that isolated events of this kind do not in themselves warrant passage of effective federal law curbing the sale and possession of firearms. The argument has some merit if taken simply at face value. Clearly, the murderous acts of two men—political fanatics, psychotics, call them what you will—are not in themselves a satisfying argument for such legislation.

The essential point ignored in this outlook is that the assassinations—and additionally the shooting of Dr. Martin Luther King, Jr.—cannot be considered out of context. They merely dramatize the atmosphere of violence which infects American society, and whose manifestation is fostered by the loose controls we exercise over the scores of millions of guns possessed by citizens. The point made by the more reasonable advocates of firm gun control is not that this would prevent political assassinations, but that in due time such law would tend to put a damper on use of the gun as the "great equalizer."

The phrase, significantly, is still advanced by gun control opponents as an argument for their viewpoint. The fact is that this concept tends to undermine the whole rationale of virtually uninhibited access to guns. For the gun is indeed the "great equalizer," in the unintended sense that it enables one madman to destroy a great leader and disrupt a nation.

Congress has again, in large part, bowed to the will of the gun lobby. The matter must be taken up again early next year when the new Congress convenes. The need for firm, sensible gun controls remains.

[From the Dover (N.H.) Foster's Democrat, July 31, 1968]

THE THWARTING MINORITY

Not long ago the city council of a middle-sized Western city had a public hearing on a proposed gun control ordinance. The measure suggested was mild enough, its salient provisions being directed at keeping guns out of the hands of juveniles, criminals and mental incompetents, and at establishing a "cooling-off" period between purchasing and taking home a gun.

Mild or not, the proposal brought out the gun control opponents in force. Nearly 1,000 persons, all but a few of them against any city ordinance at all on the subject, were mustered in a mass attempt to sway the city fathers.

A few days later, the mayor—who had, incidentally, been the object of threats and vilification because he called the hearing—announced the results of a citywide opinion survey done by a professional polling group. He noted that it showed overwhelming public support for some kind of gun control ordinance.

The episode is illustrative of what has been happening in Congress. The strident, organized opposition mounted by a distinct minority of the American public has once again thwarted efforts to enact effective federal gun control law. What we will have, when all the backing and filling is over, is a watered down substitute for the sensible measures that were proposed.

Without commenting on evidence in the case we might point out that the murder of a Rochester woman this past weekend would probably never have occurred had a strict gun control law been in effect.

The great majority of Americans favor nationwide regulation to lessen the innate hazards in substantially unregulated sale and possession of firearms. The American people have been profoundly disturbed by the assassination of President Kennedy and the successive political murders that followed. They are dismayed to find that our gun-murder rate is far higher than in most civilized countries, and that guns have taken more lives here at home in this century than were lost in all the nation's wars.

Most people, in short, want effective controls; poll after poll has shown that. But Congress has responded again, instead, to the pressures of the National Rifle Association and like-thinkers. A little progress was made this time around, but not much. The task of enacting the sort of gun controls a large majority of the American people want will be up to the next Congress.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 3, 1968]

THE CZECHS AND GUN CONTROL

Some opponents of gun-control legislation are advancing the view that the Soviet-bloc invasion of Czechoslovakia demonstrates the usefulness of an armed citizenry. Their position is that the Czech resistance was hampered because civilians were not armed, and that therefore American resistance to a possible invasion would be blocked if citizens' guns were taken away from them.

Bypassing the point that no one has proposed confiscating civilians' weapons, the idea of an unorganized group of individuals with handguns and sporting arms standing up to tanks, armored cars, machine guns, gas and other weapons, handled by tough and well-trained troops, is on its face preposterous.

Indeed, if there is an argument here at all it is in favor of forbidding civilians to have guns. A few well-placed shots by Czech civilians acting on their own could have provoked a mass slaughter by the Russians. In the context of the Russian invasion of Czechoslovakia impromptu armed resistance would be the worst tactic possible.

A guerrilla-type resistance to an invading force would be a different matter; in this situation, presumably, innocent civilians would not be made victims. But also, in such a situation, guerrillas would be provided with military weapons and competent leaders. The Czech people followed the only course practical under the circumstances; killing a few Russian soldiers would have made things much worse.

[From the St. Louis (Mo.) Post-Dispatch, Aug. 22, 1968]

WHY GUNS ARE BOUGHT

Statistics compiled in a survey by the Stanford Research Institute provide a powerful argument for adequate gun control legislation. The researchers found that twice as many firearms were sold in 1967 as in 1963; the only conclusion that can be reached is that these guns were not bought for sporting purposes, but for purposes connected in some way with urban riots.

The researchers said that the increased gun sales were partly the result of "grossly exaggerated" reports of sniping and use of firearms in civil disturbances. It is quite likely that most persons who have purchased weapons because of their reaction to riots are the very persons who should not have guns at all. The chances are they are inexperienced in handling firearms responsibly, and are a danger to themselves as well as to others.

Registration and licensing laws might not get at all the weapons now in private hands (the researchers placed the number at 115 million) but they certainly would put brakes on this sort of dangerous panic buying. As the researchers said, "The dangers of living in a society where violence by firearms has reached unacceptable levels clearly outweigh the inconvenience for those who would be required to register under an effective law."

The ineffectiveness of current law was demonstrated in St. Louis just the other day when two young men displaying shoulder guns turned up as former Congressman Adam Clayton Powell visited the city. Both were in apparent violation of the National Firearms Act, but the city would have an easier time moving against them under a proposed ordinance being considered by the Board of Aldermen. Stronger laws are needed at both the national and local levels.

[From the Columbia (Mo.) Tribune, July 17, 1968]

GUN REGISTRATION

The objection to gun registration that is heard most often is that the government will use the information to come around and impound everybody's firearms.

The only word for such a line of reasoning is ridiculous.

What sort of paranoia is it that prompts people who otherwise appear rational into an expression of such patent nonsense? It is this apparent loss of equilibrium among gun registration opponents that is so puzzling. These are the same people who cooperate readily in the other individual statistics kept at all levels of government. They can find no potential Nazism in auto registration or birth records (which—horror of horrors—include footprints!). They do not view a government which keeps records of property ownership as a modern day black hand society (are we to expect its minions to show up one dark and sinister night to commandeer our property right out from under us?). They are willing to identify themselves as the legal purchasers of narcotic drugs, as registered operators of motor vehicles and as holders of social security numbers (which seems to make us register just for being alive!).

In short, they keep their cool until someone mentions signing up to legally buy a gun, and then they go ape!

Surely the only people by now who don't know that guns in private hands are the instruments of daily illegal violence are hermits, and we are not too concerned with them. The people who are to be feared are the millions who walk around with guns stuck under the armpits, in their bedside tables, behind their counters or under the seat of their cars. America is unique in the inclination of its citizens to make daily companions out of lethal firearms.

Registration of guns would no more spell an absolute end to their misuse than auto registration guarantees good driving or laws against murder dispels homicide. But it is even less likely to result in the sudden transformation of the United States government into an agency of illegal search and seizure.

The bald fact is that it would not be legal for the government to take away anybody's gun without due process of law. Our right to legally own a duly registered firearm would enjoy the same constitutional guarantees that now protect our right to own other pieces of property. Those guarantees could not be whisked away by lawmakers who see fit to provide for official records documenting gun ownership.

No, the gunnies will have to do better than that. They will have to make their case based on the fact that gun registration will have no beneficial effect on the misuse of firearms, and the possibility of this is nil.

Sooner or later the Congress will wake up to what the majority of Americans already know—that guns are weapons of human destruction of such potency that their indiscriminate and subrosa ownership cannot be allowed to continue.

[From the Washington (Mo.) Missourian, July 18, 1968]

"AMMUNITION" FOR A GUN CONTROL LAW

The question is: Is it possible for a mental patient to get a federal license as a firearms dealer?

The answer is: Yes. It is not only possible, but it is being done!

Up until some months ago a young man from St. Louis worked around in Washington, and became well known in the county. He suffered a nervous breakdown last winter and was a patient in a mental hospital in St. Louis for four months. He is cured and well now, and is making his home in St. Louis, where he has obtained a responsible position.

In a letter a few days ago to The Missourian, the young man recounted an experience he had with guns. Before going any further, it should be pointed out that he is well known at The Missourian office, and has always been found reliable, trustworthy and accurate in his estimate of things.

"If you are interested in any extra ammunition in support of a gun control law," he wrote, "you might be interested to know that I was able to renew, in my name, a federal firearms dealer's license at the same time I was a patient in a mental hospital!"

He explained that the federal license permits "the dealer to buy, sell and transport interstate, rifles, shotguns and pistols without any further government authorization."

The license "also can be used to circumvent Missouri's fairly strict pistol purchase provisions," he stated and added:

"So far as I know, there is no restriction against the mentally ill obtaining a dealer's license and I know of no media news stories, national or otherwise, which have gone into this aspect of gun control. Since the number of licenses issued far outnumbers the total of regular dealers, the situation is something of a national scandal. Washington alone has at least several such licenses!"

The young man in question ought to know. What's more important is that our legislators in Congress ought to know, too, but apparently don't.

[From the St. Louis (Mo.) Post-Dispatch, Aug. 17, 1968]

MUZZLES, GUNS AND PIPE

The National Rifle Association's attempt to generate a boycott against clients of an advertising agency that has been working for effective gun control legislation reveals a good deal about the gun lobby. But more than anything else this resort to economic intimidation as a tactic to muzzle a troublesome opponent suggests a loss of faith in the force of the associations own intellectual position. If so, then for once NRA stands on firm ground, as witness:

"Registration of plumbing materials may come next," cries a headline in red ink over an editorial in *The American Rifleman*, the association's official organ. The connection between plumbing and shooting, the *Rifleman* explains, is that with hardly any tools an ordinary pipe can be converted into a handgun, employed to commit a crime and then can be taken apart instantly to become nothing but anonymous pipe. The implication is that gun registration would be silly. "What needs to be controlled," the *Rifleman* says, "is the criminal impulse in people, not inanimate objects like guns—or a plain piece of pipe."

We would not accept as fact the existence of a "criminal impulse" in people, particularly among the law-abiding members of the Rifle Association. It is a fact, though, that firearms are used in a majority of the homicides in this country (6476 of 10,920 such crimes in 1966), in most of the robberies in which a weapon is used and in a substantial number of aggravated assaults. That being so, it seems to us sensible to try to control firearms both by licensing owners to prevent possession by anti-social types and by registering weapons to assist police in solving crimes committed with them.

Given licensing and registration, some people no doubt might be inclined to rip out their plumbing, construct a zip gun, commit a holdup, dismantle the gun and reconstruct the plumbing. There is no suppressing the do-it-yourself movement. But nobody has to go to all that bother now; anybody can get a gun just about anytime anywhere. Isn't the easy availability of deadly weapons in this country a major cause of our high homicide rate? A growing number of Americans are inclined to answer Yes, and want effective gun control legislation adopted; which of course explains why the Rifle Association is trying to silence the advertising agency that has helped point up the need.

[From the Duluth (Minn.) News Tribune, Aug. 22, 1968]

FEDERAL GUN CONTROL NEEDED

The approval of a limited gun control bill by the Minneapolis City Council is another example of what will continue to be done until Congress finds the gumption to enact a meaningful national law.

The Minneapolis ordinance provides for registration of sale of hand guns.

However, there is no mention of rifles, or long guns.

There were several reasons why the council stopped short of including rifles. One was the strong protest by members of the National Rifle Assn. and others arguing on out-dated constitutional grounds.

Of more significance and the one which produced at least equal pressure was the point of Minneapolis businessmen. They said prospective purchasers of rifles merely would go to suburban communities which did not have gun control ordinances and make their transactions there.

So it is across the nation with states which already have gun control laws, cities which have ordinances, or the more numerous which have none at all. Each reads differently and each leaves a varying degree of escapement which tends to nullify their effectiveness.

Congress has shown few collective signs of passing stiff gun control legislation. The lawmakers would prefer to palm the whole thing off on the states—basically a good idea, but it is only a form of buck-passing in face of the hodge-podge of laws, outright indifference or delays which would result.

The frustrating experience of the Minneapolis City Council—an illustration of what could have been done but wasn't—is doomed to be repeated in the continued absence of definitive and comprehensive federal gun control legislation.—Mankato Free Press.

[From the Battle Creek (Mich.) Enquirer & News, August 1, 1969]

IN BITS AND PIECES, GUN CONTROL ARRIVES

The Toledo City Council passage of a city law to control sale of handguns in that Ohio municipality further convinces us that, in time, we're going to have widespread curtailment of gun traffic, even if it is a patchwork quilt of regulations.

San Francisco also has just enacted a new law requiring registration of all firearms by Oct. 1, more proof of our point.

Toledo's action must be of special comfort to law enforcement agencies in lower Michigan.

For many years, police in the Detroit area especially have complained that hoodlums had only to travel across the state line into Ohio, which has been more permissive than Michigan on gun control, and buy the weapon of their choice from a wide assortment.

The Toledo ordinance requires all gun owners to register them with the police within a month. Gun dealers and pawnshops must purchase licenses within 30 days or stop selling firearms.

Minors can't buy guns under the ordinance and out-of-towners must apply for registration and wait out a police check for possible criminal record.

Authorities in the Lake Erie city are pleased, but they lament area suburbanites aren't affected.

Ohio's legislature, spurred by lawmakers from the Toledo area, turned an ear to appeals for a state gun control law last year. But the plug was inserted when the state chapter of the National Rifle Association and hunter and collector groups protested.

So the piecemeal approach to lawmaking on a subject crossing local community and state lines reigns again.

In defense of local and state bodies, it must be said that many of them were expecting stronger action from the Congress than we got. Congress this spring went just part way toward alleviating the gun traffic problem, despite a Louis Harris poll conducted in April indicating 71 per cent of the American public favored passage of federal gun control laws.

A so-called anticrime measure touching handguns became law in June as the first significant step toward federal gun control in 30 years.

Provisions, though, are limited to prohibition of interstate mail-order sales of handguns to individuals; banning of over-the-counter sale of handguns to nonresidents of a state or persons under 21; and curbing of imports and sales of surplus military weapons.

There was no provision for regulating sales of rifles or shotguns across state lines, but another bill for that has passed the House and is before the Senate now.

Americans have listened to the smokescreen argument long enough that gun registration is "a misguided step toward a police state."

Good sense and the heat of the times say that somewhere under these layers of local, state and federal legislation law-abiding Americans may be able to find some confidence to feel a little safer again.

Having a gun in total secrecy doesn't guarantee that feeling. Not when you know every thug in town finds it easy to amass an arsenal.

[From the Natick (Mass.) Suburban Free Press & Recorder, August 8, 1968]

PRO AND CON FIREARMS LEGISLATION

High on our list of suspicious characters are the National Rifle Association and the other gun-lovers who want to keep arms free for all men, willy-nilly.

We would find much to be said for many of the NRA's arguments—that Americans have a constitutional right to bear arms, that law-abiding citizens would be classed with outlaws, that laws governing gun possession may be a foot in the door to laws banning ownership and use of weapons.

But what sours us on the NRA and the other militant gun groups is the irrationality of their propaganda.

As is the case with most people who know their arguments are on shaky ground, the firearms promoters cover their tracks with half-truths and weasel-words.

Recently received was a piece from the National Shooting Sports Foundation Inc. of Connecticut. It purports to be an analysis of the Sullivan Law, which governs the ownership of weapons in New York State and New York City.

We extract from the piece several items:

Registration of all firearms in America will be expensive. This report gives a figure of "as much as $5 billion." It is based on the assumption that there are as many as 200 million firearms in America and that the cost of registration would be $25 per firearm. There is no foundation given for any of the figures arrived at, nor is the "scare figure" of $5 billion ameliorated by noting that many weapons are already registered with police and would therefore not be included in the cost, nor that the registration would be probably phased in over an extended period of time to spread out the cost, nor that the death of a President, a United States Senator and a civil rights leader might be worth some money to prevent.

Despite the Sullivan Law, the crime rate in New York, particularly in the city, has skyrocketed, says the report. New York City, victim of the world's worst blackout, subway strike, garbage-collectors' strike, taxi strike, and so on, is perhaps the worst city in America to look at for typical indices of crime, or in fact, any other trend.

Despite a severe gun-control law, says the NSSF, the number of illegally-owned pistols has continued to rise. Far from making us question the wisdom of gun legislation, it should make us doubly concerned of the efficiency of our enforcement.

Those are what purport to be reasonable statistics.

The report then gets into some muddy-ground on generalizations about gun laws and their effect on public ownership.

Here is one: The report admits that in New York, which has the strict Sullivan control law, 36 percent of criminal homicides are committed with a firearm, against 59 percent for the nation. Looks as if the Sullivan law is working, doesn't it? Not so, says the shooting group. If you separate the homicides committed with handguns from those committed with rifles and shotguns, you will see that homicides with the latter are lower relatively than are homicides committed with handguns: Therefore it can be said that the "percent of New York homicides which are committed with a firearm is lower because of cultural factors and not because of the effects of the Sullivan law."

Not only is that logic faulty, but here is another:

"Gun owners know that if the police have the power to register firearms, and say who shall and shall not own one, then the American sportsman will not long be able to own his sporting rifles and shotguns."

The suggestion here is that the police are bent, for malevolent reasons best known to themselves, on stripping the American public of its weapons.

Our stand on gun legislation is based on the fact of recent assassinations and other sensational abuses of the almost unlimited access of citizens to weapons, coupled with what appears to be a very strong violent streak in the national character.

We also note that in Massachusetts, for example, the use of an automobile is not a right but a privilege. This is the principle on which ownership of weapons should be based.

Finally, the irrationality demonstrated by the organizations that purport to represent many gun-owners in the United States causes us to question the mental attitude of those who most violently oppose constructive gun legislation.

[From the Ellsworth (Maine) American, July 24, 1968]

THE GUN DEBATE

There are a great many legitimate misgivings about any legislation that imposes upon ordinary citizens new burdens of inconvenience and new intrusions of governmental discretion, however insubstantial. These misgivings apply to proposals for registering firearms of all kinds and licensing gun owners. Expressions of these misgivings are strictly in order and a part of reasonable debate and discussion.

Much of the opposition to all kinds of gun legislation goes far beyond these rational doubts into a kind of emotional hysteria and irrational frenzy. No one has seriously proposed legislation that would deny the constitutional right to bear arms. No such legislation is before Congress and none has been before it. The Courts long since have held state legislation regulating the use of firearms to be within the reach of the Constitution. The Constitutional issue is a red herring.

A letter in this issue raises this issue. In addition, it makes the equally fallacious argument that the strict provisions of New York's Sullivan Law have not curbed crime in New York. Actually, New York's record on crimes and accidents involving firearms is far better than that of States without gun laws.

Of course gun registration and licensing laws are not going to eliminate all crimes and accidents involving guns. It is wrong of the advocates of these measures to infer or suggest that they will do so. It is reasonable to hope that by limiting mail order sales of firearms and registering their ownership the appalling annual loss of life from firearms might be diminished.

How much inconvenience are we willing to submit to in order to cut down a casualty rate rivalling that of the war in South Vietnam? That really is the question. It can be debated reasonably without conjuring up false alarms of "socialism" or false hopes of eliminating all weapons deaths and injuries.

[From the Baton Rouge (La.) Advocate, Aug. 1, 1968]

WHY NOT TREAT EVERYBODY ALIKE?

The bill to restrict mail order sales of rifles, shotguns and ammunition, as passed by the House, exempts a little-known organization, the National Board for Promotion of Rifle Practice, which is described as a military-civilian body closely aligned with the National Rifle Association. Washington reports are that the NRA will be the principal beneficiary, an allegation not denied by congressmen who are NRA members. They answer only that the NRA will not be the sole beneficiary.

Chairman Emanuel Celler, D-N.Y., of the Judiciary Committee describes it as a "dreadful amendment" which would immunize the NRA and its members from the bill. Whether such strong language is entirely justified or not, we do not now know. But if the amendment does have any such effect, its only obvious purpose is to placate NRA members and reduce opposition to the bill. The exemption should be removed immediately.

There is no reason to suppose that NRA members or members of the National Board for Promotion of Rifle Practice are any less deserving than any other citizens. But neither is there any reason to suppose that they are any more deserving—that they are any more patriotic, discreet or law-abiding than the rest of us or any less likely to put guns and ammunition to some unlawful use or allow them to fall into the hands of the wrong people. We do not believe that the members of any such groups want to claim any such superiority.

If this is the effect of the amendment, if it is allowed to stand, and if the bill in its present form becomes law, the two organizations named will have no trouble whatever in selling memberships.

[From the Louisville (Ky.) Courier-Journal, Aug. 26, 1968]

PLUMBING THE DEPTHS OF FANTASY

The latest propaganda gambit of the National Rifle Association has an air of desperation about it. The NRA has embarked on a crude campaign to pressure an advertising agency that has been working for effective gun-control legislation. How? By proclaiming that it makes as much sense to register guns as plumbing materials, which happen to be produced by a client of the agency.

For the benefit of those who may have difficulty in making the connection, *The American Rifleman*, the official organ of the NRA explains: With hardly any tools, an ordinary pipe can be converted into a handgun, employed to commit a crime, then taken apart instantly to become only a pipe again.

So there you are. If we get licensing and registration of guns, people will then turn to dismantling their plumbing to make zip guns, dismantle the gun and reconstruct the plumbing. Letter writers throughout the nation, who take their cue from the NRA, will now dutifully sit down and write Congressmen and newspapers repeating this story.

As the *St. Louis Post-Dispatch* points out, however, "There is no suppressing the do-it-yourself movement. But nobody has to go to all that bother now; anybody can get a gun just about anytime anywhere. . . . A growing number of Americans are inclined to . . . want effective gun-control legislation . . . which of course explains why the Rifle Association is trying to silence the advertising agency that has helped point up the need."

The *Post-Dispatch* itself used to take a rather cautious approach to gun controls, but the mindlessness of the arguments of the gun lobby and the tactics of the NRA have become too much to take. "It seems to us sensible," that newspaper now contends, "to try to control firearms both by licensing owners to prevent possession by anti-social types and by registering weapons to assist police in solving crimes."

[From the Louisville (Ky.) Courier-Journal, Aug. 28, 1968]

KENTUCKY IS RIGHT UP THERE IN GUN MURDERS

Kentucky has a high ranking among the states in one unenviable respect. We ranked No. 2 in the nation in the percentage of murders committed by firearms during the past five years.

According to a Federal Bureau of Investigation report, there were 1,158 murders in Kentucky during 1962–67, and of this total 77.3 per cent were committed with firearms—not with knives, zip guns, hatpins, lances, poison, old pieces of plumbing, sling shots, or any of the other bizarre weapons conjured up by the gun lobby to discredit efforts to regulate the traffic in firearms.

Only Vermont had a higher percentage of murders-by-firearms, but Vermont had far fewer murders in the same period—26. Of the 26 murders, 83.3 per cent were committed with firearms.

The percentage comparisons between states may not be very meaningful, but any way you look at it, the firearm is the favorite murder weapon in Kentucky as firearms are preferred by murders, robbers and assorted hoods and nuts throughout the country.

The figures apply only to murders. They do not include accidental killings or suicides, and they do not include woundings by firearms.

THE GOOD OLD DAYS

Kentucky, like many other states, has no meaningful restrictions on the traffic in firearms. One might assume in Kentucky's case this free and easy way with guns is rooted in the state's Daniel Boone, frontier tradition. Yet, paradoxically, Kentucky was the first state to enact curbs on the carrying of concealed weapons—in 1813, when the commonwealth was a frontier state. The Kentucky law prohibited the carrying or "wearing" of concealed pistols, except when traveling. Traveling in those days in Kentucky was dangerous, and travelers were expected to look after themselves.

Since that time, however, Kentucky has done virtually nothing to regulate the lethal traffic in firearms. The gun lobby, here and elsewhere, argues tht we do not need to regulate firearms; that "people, not guns, kill people," and that therefore the answer is to impose stiffer criminal penalties against people who use firearms in the commission of crimes.

Well, Kentucky, in 1946, amended its law to make the carrying of a concealed weapon a felony rather than misdemeanor, and the chief effect of this was to make convictions more difficult to obtain. "Possibly in Kentucky, a state composed of people . . . known for their gun-toting propensities," observed the *Kentucky Law Journal,* "it is too much to ask a jury to find a fellow guilty of a crime which will subject him to a minimum of two years in the state penitentiary."

In any event, the imposition of stiffer penalties did not serve as a deterrent, as the FBI figures tragically attest.

[From the Parsons (Kans.) Sun, July 26, 1968]

WEAK GUN LAW

The U.S. House has responded to the pressing need for a strong gun law with weak, watered-down legislation which only goes through the motions of instituting control.

A similar bill has been approved by a Senate committee and it appears that if anything comes out of Congress this year, it will be control in name only.

The strange aspect of gun control legislation is how members of Congress bow so readily and willingly to a militant minority whose spokesman is the National Rifle Assn.

The NRA has a fetish which amounts to an obsession on registration of firearms, claiming it is something of a deep, dark Communist plot to capture the nation. It sees a red under every bed.

When many other items from babies to boats are registered under law in this country, the hysteria about registration of firearms is almost beyond belief. A majority of Congress is engulfed in the hysterical wave and shirks its duties in approving legislation whose need, goodness knows, has been demonstrated all too many times.

The most optimistic view is that gun control may get a toe, not even a foot, in the door in this session. That will be better than nothing, though not by much.

[From the Terre Haute (Ind.) Tribune-Star, August 3, 1968]

WE STILL NEED GUN LAW

The assassination of President Kennedy, for all its profound traumatic effects, was not a sufficient stimulus to counteract the work of the gun lobby and prod Congress into enacting strong gun control legislation. The assassination of his brother, Sen. Robert F. Kennedy, has now also failed to provide the necessary impetus to force passage of such law.

One might argue, perhaps with a touch of cynicism, that this is as it should be—that isolated events of this kind do not in themselves warrant passage of effective federal law curbing the sale and possession of firearms. The argument has some merit if taken at face value. Clearly, the murderous acts of two men—political fanatics, psychotics, call them what you will—are not in themselves a satisfying argument for such legislation.

The essential point ignored in this outlook is that the assassinations—and additionally the shooting of Dr. Martin Luther King Jr.—cannot be considered out of context. They merely dramatize the atmosphere of violence which infects American society, and whose manifestation is fostered by the loose controls we exercise over the scores of millions of guns possessed by citizens. The point made by the more reasonable advocates of firm gun control is not that this would prevent political assassinations, but that in due time such law would tend to put a damper on use of the gun as the "great equalizer."

The phrase, significantly, is still advanced by gun control opponents as an argument for their viewpoint. The fact is that this concept tends to undermine the whole rationale of virtually uninhibited access to guns. For the gun is indeed the "great equalizer," in the unintended sense that it enables one madman to destroy a great leader and disrupt a nation. Congress has again, in large part, bowed to the will of the gun lobby. The matter must be taken up again early next year when the new Congress convenes. The need for firm, sensible gun controls remains.

[From the Lafayette (Ind.) Journal & Courier, Aug. 12, 1968]

THE THWARTING MINORITY

Not long ago the city council of a middle-sized Western city had a public hearing on a proposed gun control ordinance. The measure suggested was mild enough, its salient provisions being directed at keeping guns out of the hands of juveniles, criminals and mental incompetents, and at establishing a "cooling-off" period between purchasing and taking home a gun.

Mild or not, the proposal brought out the gun control opponents in force. Nearly 1,000 persons, all but a few of them against any city ordinance at all on the subject, were mustered in a mass attempt to sway the city fathers.

A few days later, the mayor—who had, incidentally, been the object of threats and vilification because he called the hearing—announced the results of a citywide opinion survey done by a professional polling group. He noted that it showed overwhelming public support for some kind of gun control ordinance.

The episode is illustrative of what has been happening in Congress. The strident, organized opposition mounted by a distinct minority of the American public has once again thwarted efforts to enact effective federal gun control law. What we will have when all the backing and filling is over, is a watered down substitute for the sensible measures that were proposed.

[From the Chicago (Ill.) American, July 26, 1968]

THE RIDDLED GUN BILL

The latest contest between the American public and the gun lobby has ended about as usual: The public got a little something to keep it happy, but the gun lobby and its followers in Congress made sure it didn't get much. The House approved something that could be called a gun control bill, but only after riddling it with so many holes that it would cast a polka-dot shadow.

The bill, adopted 304 to 118 Wednesday, prohibits the interstate sale of rifles and shotguns thru the mail, except between licensed dealers in firearms. But a "licensed dealer" is anybody who wants to pay $10 for a license—a small fee for evading this law. Other sections have similar loopholes.

For instance, the bill prohibits over-the-counter sales of long guns to customers who don't reside in the state—except those from contiguous states, and except those who sign an affidavit stating that they need a firearm because their own has been lost, stolen or made inoperative.

The measure prohibits the mail-order sale of ammunition for pistols, revolvers and weapons of destruction such as bazookas and mortars. But, as amended by Rep. Clark MacGregor [R., Minn.], it allows unrestricted over-the-counter and mail-order sales of ammunition for rifles and shotguns, and of rimfired .22 caliber shells, which are used both in pistols and rifles. In other words, only large-caliber pistol ammunition is affected; the purpose of this provision was largely thwarted.

Finally, an amendment by Rep. Robert Sikes [D., Fla.], an official of the National Rifle Association, had the remarkable effect of using Congress as a kind of recruiting agency for rifle groups. Sikes' amendment, adopted 225 to 198, exempted from the bill's provisions the National Board for Promotion of Rifle Practice, a civilian-military group allied with the N.R.A. The result is that most gun fanciers can avoid being bothered by the law merely by signing up.

We are left wondering what the price in lives must be for a strong gun control law. Congress is certainly holding out for a high one.

[From the Champaign (Ill.) Courier, Aug. 2, 1968]

AN UNORGANIZED MAJORITY

Apparently the only hope of getting strong national gun controls is the creation of a permanent organization which can compete with the National Rifle Association.

This seems true after following the recent gun-control debate in the House of Representatives which ended with the passage of a watered-down bill that prohibits the interstate sale of rifles and shotguns.

The bill, passed last week, now goes to the Senate where final action is not expected until September. The Senate Judiciary Committee has approved a similar bill.

Immediately after the assassination of Sen. Robert F. Kennedy, there was an outpouring of mail to Congress demanding strong gun controls. It seemed at the time that a strong national bill including registration of guns and the licensing of gun owners could easily pass both houses of Congress.

Soon the flood of letters and telegrams subsided, and the mail campaign of the National Rifle Association brought a rising tide of pressure on Congress.

President Johnson had called for a strong firearms bill, and mustered the administration forces behind it.

Former powerful opponents of gun controls such as Sen. Mike Mansfield, majority leader, switched and became backers of strong gun control legislation.

Col. John H. Glenn Jr., the first American to orbit the earth, and a close friend of both John and Robert Kennedy, was named head of a nationwide Emergency Committee for Gun Control.

All of this national sentiment and activity soon succumbed to the well-oiled, political pressure machine of the National Rifle Association.

Inertia soon overcame the unorganized letter writers who wanted strong gun controls and no one got them again to take pen in hand—at least not many of them.

The House killed "registration of guns" and "licensing of owners" proposals by better than two-to-one margins.

The only hope for strong gun controls, it does seem, is the creation of a permanent gun-control organization with its own lobbyists such as the NRA has.

A bit of familiar advice seems appropriate for anti-gun backers. It's time to "Fight fire, with fire."

[From the Danville (Ill.) Commercial-News, July 30, 1968]

WEAK GUN CONTROLS

Of Congress' vacillating, timid action on gun controls, the kindest thing to be said is that its measures are better than nothing, but woefully short of what the circumstances require.

Even while the lawmakers debated weapon control proposals, sniper deaths in Cleveland dropped a grim hint of how much worse a long hot summer could be with inadequate gun curbs.

Starting with the assassination of Robert F. Kennedy, which provided the latest impetus for more realistic controls, the evidence of need has mounted in the day-by-day news: Three shot and wounded in a New York City housing project . . . A family of six found slain by gunfire . . . A Texas district attorney killed in a hail of bullets . . . A Grosse Pointe, Mich., girl killed by pistol.

Only when the test of what and should and could have been done by Congress is applied does the extent of its betrayal of the public welfare become apparent.

The House approved a ban on interstate mail order sales of rifles and shotguns and of handgun ammunition. Added to a comparable ban on handguns, this measure will help, of course. Vaccillation extends into the Senate. A committee okayed a similar measure but the full Senate isn't expected to act until after Labor Day and the political party conventions. To the credit of the House, it also included bans on (1) over-counter sales of rifles, shotguns and bigger weapons to most non-residents of a state, except to buyers from an adjoining state and (2) to store sales by under-18 customers.

But both the House and Senate by-passed a federal registration proposal and state licensing for gun owners, measures which would have attained wider and more certain controls without in any way jeopardizing the owners' constitutional privileges. The House, charitably, exempted "gun collectors," for a $10 license fee, from the ban on interstate trade in guns. This should spring a new crop of gun collectors.

Congress' willowy attitude seemed to infect the governors' conference which turned down any coordinated national approach to gun controls. Yet like Congress, the governors showed a certain courage. They were aroused enough to express, in resolution form, "their individual concern."

Rep. Charles Joelson of New Jersey sums up widespread disappointment in congressional action. After the House bill passed pro-gun leaders said they could "live with" it. "I suggest that tens of thousands of Americans can die with it," retorted Rep. Joelson. "This bill is far too weak."

[From the Honolulu (Hawaii) Star-Bulletin, July 27, 1968]

ONE HUNDRED MILLION GUNS IN AMERICA

One factor strangely missing from reports on the gun control controversy in Washington is this: To what extent have congressmen been swayed by constituents' demands to be allowed to arm themselves against internal disturbances?

We who have always lived in Hawaii have little idea of the extent of the Mainland practice of "keeping a gun in the house." It may be a pistol, a rifle or a shotgun. Its principal use may be for target shooting or game. But there is usually in the back of the head of the owner the thought that sometime it might be useful in protecting his home and family.

Throughout the country this year there has been a rash of arms-buying. At one time the demand for home-kept weapons had cleaned out stores in California and visitors were buying in Hawaii. A heavy upswing in Ammunition purchases was noted at the same time.

Against the background of talk of insurrection by some black militants, and with a probably much misunderstood concept of the meaning of "black power," thousands of white home owners have armed themselves. It is no secret that black citizens have acquired weapons also.

The Emergency Committee of Gun Control, an organization with headquarters in Washington, D.C., recently stated that there are 100 million guns in private hands in the U.S. and this figure is being added to at the rate of 10,000 daily.

The National Rifle Association to the contrary notwithstanding, obviously not all these owners of weapons acquired them in the interest of sport. These guns, or at least a great many of them, are intended for use against other human beings, when and if.

It thus becomes not too hard to understand why Congress refuses to pass an effective gun control law. The National Rifle Association has taken most of the gaff for obstructing passage of such a law. But it is figures such as these which throw a clearer light on the matter. An election year—or any other year—is a bad time to offend millions of Americans, most of them voters.

[From the Atlanta, (Ga.) Journal Constitution, Sept. 2, 1968]

THE RIGHT TO SHOOT EACH OTHER?

Almost two people of every 100 in this country were victims of serious crimes last year and the number of serious crimes—both violent and nonviolent—increased by 16 percent in 1967 over 1966.

These figures were released this week by the Federal Bureau of Investigation. One of the most disturbing statistics in the report was the increase in homicides by firearms, a 17 per cent increase over 1966.

FBI director J. Edgar Hoover said the rise in violent crimes was consistent in all areas of the country.

Mr. Hoover, understandably, is a strong advocate of effective gun controls, as is practically every other leading law enforcement officer and organization in this country.

They are deeply concerned about the unrestricted traffic and ownership of firearms because, besides the tremendous jump in homicides by firearms, the increase in robberies last year was even greater at 28 per cent. Weapons, mostly firearms, were used in 58 per cent of these crimes.

No reasonable advocate of effective gun controls argues that gun registration and gun-ownership licensing would stop all crimes by firearms. But surely it is reasonable to assume that by making access to guns less easy, especially for persons with criminal records and mental illnesses, the rate of crimes by firearms would be decreased. Certainly making it easier to trace ownership of a gun used in a crime would have a deterrent effect also, at least insofar as it would make it easier for law enforcement officers to solve such crimes.

Yet the National Rifle Association and other "sportsmen's" groups keep prattling about "the right to bear arms" and other such nonsense. The only person who has anything to fear from gun registration and owner licensing is the criminal.

Yet the Legislature of Georgia and the Congress bow to the pressures of the NRA and the "sportsmen." And Americans keep arming themselves and killing, maiming and robbing each other at an awesomely increasing rate.

[From the Macon (Ga.) News, Aug. 1, 1968]

LOCAL GUN LAWS

A four hundred per cent increase in violent deaths in Macon since January, 1967, rightly concerns Mayor Ronnie Thompson. In the hope of cutting down on the tragic toll, the mayor will activate existing city code provisions which require a license to carry a pistol or revolver and that records be kept of all gun purchases. Such laws are on the books but have never been enforced.

In 1966, our city recorded eight deaths by murder or homicide. In 1967, the figure climbed to 34. So far this year, 22 such deaths have been noted.

Police Chief Jim Flynt backs Thompson in the mayor's belief that stricter gun controls will sharply reduce violent deaths. This has long been the contention of this newspaper, and we heartily endorse the view of the mayor and the chief of police that an additional regulation should be adopted to require a three-day waiting period for gun purchases.

An instance cited was a recent murder committed by a man who became involved in a quarrel in a bar here, walked next door and bought a .22-caliber pistol, then returned to the bar and fatally shot the other man.

The mayor says he respects the right of a citizen to own a firearm. But he insists on control of the sale of such weapons in order to keep them out of the wrong hands.

[From the Sandy Springs (Ga.) Enterprise, July 18, 1968]

GUN LAW MERITS MAKERS' SUPPORT—CHEMICAL WEEK

It would be beyond our province to comment on gun control legislation except for the fact that several chemical companies are also makers of ammunition and guns. Moreover, they are members of the National Shooting Sports Foundation, which was set up in '61 to fight gun control legislation.

We are pleased that the major gun manufacturers have modified their position, now lend support to most provisions of the Administration's bill banning interstate mail-order sales of rifles and shotguns. In doing so they part company with the far more rabid and vociferous National Rifle Assn., which remains adamantly opposed to most restrictions on gun and ammunition sales. The deluge of NRA members' mail dissuaded Congress from acting, even after the assassination of President Kennedy. But now, after the assassinations of Dr. Martin Luther King, Jr. and Senator Robert Kennedy, the usually silent 85% of the people who favor gun control are making themselves heard.

The familiar arguments NRA trots out whenever there's a stirring in the legislative underbrush cannot gainsay two hard facts: (1) access to guns is easier in the U.S. than in practically any developed country; (2) the U.S. has far more gun-related crimes and accidents in proportion to population than any developed country. Surely the two are not unrelated. Moreover, no proposed legislation—even registration of all guns and owners—would curtail legitimate use of guns in hunting and other sports. And while laws cannot work miracles, they can make it much harder for convicted felons and known psychopaths to pursue their murderous ways.

Last week the mouth-filling Emergency Committee for Gun Control of the National Council for a Responsible Firearms Policy was organized to support legislation. It has the backing of 39 national organizations, comprising lawyers, police chiefs, district attorneys, unions, churches, businessmen, bankers and others. Regrettably, the National Shooting Sports Foundation is not among the 39.

Do gun and ammunition makers want the public to believe they put profits above protection? We don't think so. Unless they can persuade the foundation to support gun control in the public interest, they should disavow it.

[From the Lakeland (Fla.) Ledger, Aug 15, 1968]

Lives Hang in Balance

A room at Lakeland General Hospital. Doctors at hand, constantly on the alert. Nurses checking oxygen valves, pulses, blood pressures, temperatures.

All while life hangs in the balance.

In Lakeland General lies Detective B. W. Wilson of the Lakeland Police Department while his family waits and prays.

And every minute, while he fights for complete recovery, someone, somewhere in the U.S.A., is walking into a sporting goods store or hardware store and picking up a handgun, just like the one that stopped Wilson in his pursuit of duty.

A white-clad nurse comes in and checks Wilson's pulse and blood pressure, and smiles back at the grateful smile in his eyes.

Even as Wilson smiles, another of our 54 American killers a day fires another .22 or .38 slug into another police officer or civilian and runs for a car or the bushes. Our armed camp of 100,000,000 unregistered, unlicensed guns takes another toll.

Quietly, a team of doctors hovered over Wilson, after his second operation to stop internal bleeding from the bullet wound in his liver.

And every hour they struggled for Wilson's life, two more Americans died from gunshot wounds.

Last year, over 20,000 Americans, a record high, succumbed to violence with guns while Congress debated the need for gun control.

Wilson is alive. He's out of the intensive care unit, but, still far from full recovery. His family files in to say "hello."

Meanwhile, U.S. gun manufacturers continue to mass produce handguns and rifles and shotguns at the rate of 2,000,000 per year. And importers bring in another million to sell like cameras over the counter.

And Congress, swayed by powerful lobbies, passes half-way measures to restrict mail order sales.

Wilson fights on. He's alive after facing the hidden gun of a hoodlum.

Not so with 1,087 other Floridians last year, many from "peaceful" Polk County. They died. like 750,000 Americans have died since 1900 . . . by gunshot wounds.

Ironically, more U.S. citizens have died from gunshot wounds at home than the 627,000 Americans killed in all our wars.

Tragically, our Congress and state legislatures have vacillated on real gun control measures, like registration and licensing. When Wilson recovers, perhaps we should send him, and others like him, to Congress. Maybe then all our lives wouldn't hang in the balance.

[From the Daytona Beach (Fla.) Journal-Sun News, August 17, 1968]

"Restore" Law, Order?

A child was murdered in Fort Lauderdale the other day because an obviously irrational man had obtained access to a gun. He called police to say he had killed two others and planned to kill more. He pleaded with the police to stop him, but he wouldn't say where he was.

So gun committed violence goes on while Congress is in recess, probably listening to constituents doing a lot of talking about "law and order."

Well, let's do talk about law and order for a bit.

British style law and order.

In London—a city of eight million people—there have been fewer murders in the last 20 years than there were in New York City in 1967 alone.

This nation's urban crime rate is climbing at the rate of 17 percent a year. Crimes in all of Great Britain are 30 percent lower than our national rate. In London the rate actually dropped 3 percent last year over the year before.

Why such a difference?

We know from experience that guns count in the mounting crime rate in the U.S. There were more than 110,000 gun crimes, from armed robbery to murder, in the U.S. in 1966. The number was more than 133,000 in 1967.

Here, in our hodgepodge system, 21 states do not require a license to carry a handgun; 25 states require no license to sell guns and 31 states have no prohibition against carrying a concealed weapon.

In Great Britain there were 30 gun murders in 1966 as compared to our 6,552 that year.

Great Britain has a national law, very strict, on the selling and acquiring of guns.

Great Britain leads the way in another respect, too.

Its policemen do not carry guns. Scotland Yard believes that carrying and using weapons has the effect of stirring resentment in communities—a belief that has been pretty well proved in the ghettos in this country. Of course, a policy like this depends upon a rigidly enforced gun control law.

Scotland Yard also believes in establishing good rapport between its "bobbies" and the public. Their uniforms depersonalize the wearers and invoke respect for their profession. They pound the beat in London, mingling with the people, while here the trend has been for police to prowl the communities in cars, silently looking for suspicious looking persons.

Says a criminologist at the London School of Economics: "British police have a knack for becoming part of the crowd and working with it rather than against it to prevent violence."

Here, the president of New York's Patrolmen's Benevolent Assn. told the group's 29,000 members this week to begin getting really tough with youths who engage in protest demonstrations—thereby greatly endangering the efforts at gaining new respect for authority that Mayor John Lindsay and Police Commissioner Howard Leary had been making.

Let's continue with looking at law and order and take a took at police stations and the courts.

Across the U.S., these cogs in the system of law and order are mostly dreary places. A chief of the Institute of Criminology at Britain's Cambridge University visits in this country often and has seen police stations and courtrooms. He recently commented: "You would at least expect the floor to be as clean as Fifth Ave."

London's Old Bailey courthouse always is spotless and polished. Its marble halls glisten; its richly grained wood gleams. Inside, robed and bewigged Judges and barristers evoke a sense of awe. Rigidly, these servants of justice guard the rights of all accused.

Do you ever hear of a British Judge involved in a scandal?

Here, not long ago, a California Judge was hearing and deciding cases while he himself was under indictment.

The theme of politics this year is going to be loud on the theme of "law and order," demanding that it be "restored."

The fact of the matter really is that it has been decaying for a long time because we have been going at it the wrong way.

[From the Cocoa (Fla.) Today, Aug. 14, 1968]

Scratch 1,087 Floridians

A great tide of statistics has swept across this desk in the past month, "facts and figures" used to bolster the case against gun controls.

Because we are in favor of a strict gun control law, we'd like a moment for rebuttal.

Firearms took the lives of 1,087 Floridians last year—double the number of a decade ago.

The increase during the 10-year period ran far ahead of the state's population growth.

The rate for homicides by firearms for each 100,000 population rose from 5.4 in 1957 to 8.6 in 1967.

The national rate, 3.3 has been virtually steady since 1950.

There has been a constant rise in the state however, year by year, of deaths involving firearms.

A comparison over the decade looks like this:

Deaths:	*1957*	*1967*
Homicides	168	525
Suicides	231	446
Accidents	37	116

If the case for or against gun control is going to be argued statistically, we thought you'd like to see both sides.

[From the Gainesville (Fla.) Sun, Aug. 14, 1968]

Take a Chance

(Reprinted from the Washington Post)

Your chance of being shot to death is just about 55 times as great if you live in the United States as it is if you live in Great Britain. Just savor that statistic for a moment. Savor it and ask yourself if you consider it really worthwhile to run that risk for the sake of keeping the National Rifle Association's magazine fat with mail order gun advertisements or for the sake of sparing "sportsmen" the inconvenience of having to buy their guns from licensed dealers in the states where they reside.

[From the Wilmington (Del.) Journal July 23, 1968]

Guns Must Be Registered

In the House of Representatives the stage for an imminent vote for new gun control was set on Friday with defeat of the amendment for registration of firearms. That defeat was the price accepted by floor leaders for House approval of a ban on mail-order sales of shotguns, rifles, and ammunition to supplement the prior-enacted mail ban on handguns. Senate endorsement is expected.

The further control now in sight, however, is not enough by a long shot. For example, Sears Roebuck's voluntary policy not to sell any more guns by mail is welcome, but anyone over 21 can walk into a Sears store and buy a shotgun or rifle by showing a driver's license or other proof of identity. The record shows that states with gun laws of some strength have far lower gun-murder rates than do states with weak or minimal laws.

FBI Director J. Edgar Hoover has observed that "the easy accessibility of firearms is responsible for many killings, both impulse and premeditated."

Sen. Williams of Delaware (a veteran duck hunter) would also add registration to a ban on guns-by-mail. He is for strong gun law "not as cure-all" for gun murders but as a means of making gun possession more difficult for persons unfit to have one.

Sen. Tydings of Maryland (who says he has enjoyed hunting with guns since he was nine) declares that "96 out of every 100 policemen murdered in the U.S. are shot by gun-toting lawbreakers." We agree with him that "our incredibly lax gun laws are a scandal in the civilized world." As long as Congress puts off enactment of a registration law, it has not done enough to control guns.

[From the Westport (Conn.) Town Crier, July 11, 1968]

Why Not Gun Control Now?

(By Luis J. A. Villalon)

We had occasion the other day to read one of the Christian Science Monitor's concise and well-edited debates in print, this one on the subject of proposed gun legislation. The "pro" side was upheld by Senator Joseph Tydings of Maryland, who has not only supported stricter gun regulation but has also introduced a bill that will require Federal registration and licensing of all firearms. The "con" position was taken by Harold W. Glassen, president of the National Rifle Association of America, a million-member organization that has consistently opposed restrictive gun legislation.

What particularly impressed us, after reading the two arguments, was what a slim case the N.R.A. could make against the registration and licensing of guns.

Their president made the legitimate point that such registration and licensing would not, in itself, keep guns out of the hands of criminals. He argued that, instead of new legislation, we needed better enforcement of current laws and more stringent penalties for those using guns for improper purposes. He pointed out that a relatively small percentage of major crimes involved guns, which is true when a number of widespread types like auto theft are added in. Less convincingly, the NRA argues that gun control is the business of the State and not of the Nation.

But what really convinced us was the fact that not one single reason was advanced as to what harm licensing and registration would do to the legitimate gun-owner. All Mr. Glassen could do was to throw doubt on the effectiveness; it was entirely unclear why his organization objects so strenuously. Certainly, the minor nuisance of filling out one more form and paying a small fee can't be reason enough to oppose the legislation, if there's any possible good to be derived.

Senator Tydings may well be overstating his case, but there are some frightening figures. Last year, 7,700 Americans were murdered by guns; 96% of all police officers murdered since 1960 were killed by guns; the use of guns as instruments of violence has almost doubled since 1964. And, despite stringent penalties for gun crimes, they continue to mount.

The Senator points out that, while States that have effective gun laws are running below the national average in increase in gun crimes, this is an area where national legislation is obviously needed. As long as people who would be denied a gun in a given State, or do not wish to register it, can simply order by mail or trot across the State line, State legislation cannot be very effective.

Senator Tydings expresses the purpose of his bill in a single paragraph:

"This nationwide gun-registration and licensing law, I have proposed would not prevent the purchase of firearms by any law-abiding citizens—including hunters, sportsmen, collectors, homeowners, shopkeepers, and their families. Nor would it disarm or significantly inconvenience them. It would inconvenience criminals, drug addicts, alcoholics, mental incompetents, aliens, and juveniles."

We believe that there is a valid question as to the effectiveness of registration-licensing legislation. But it stands to reason that the fewer guns which are running around loose, the fewer will find their way into irresponsible hands. Such legislation should also help to keep guns out of the hands of juveniles and to prevent the numerous gun accidents that take a toll comparable to the criminal misuse of guns. On the other side of the coin, we cannot for the life of us see, nor apparently can even the president of the N.R.A., what harm such legislation would do.

Under these circumstances, the scales are heavily balanced in favor of taking positive action now.

[From the Bridgeport (Conn.) Telegram July 25, 1968]

WASHINGTON'S LAW ON GUNS

It would be useful for every city to adopt a gun control ordinance patterned after one just adopted by the District of Columbia. It recognizes such facts as firearms are no longer necessary to provide food for a family, to ward off hostile savages or to serve as a militiaman in defense of his community.

At the same time, it recognizes that some men like to keep firearms with which to go hunting, or shoot targets, or to protect their families. These are all privileges which honest, law-abiding responsible people can and should be free to enjoy.

The ordinance is not aimed at depriving such people of their weapons. It is aimed at the person who is not honest and law-abiding but wants a weapon for robbery, or to revenge himself for fancied wrongs, or to end his own or the lives of others.

The Washington City Council unanimously approved an ordinance making this distinction between persons who keep guns. To make it effective, the ordinance requires that every gun in Washington be registered, that persons be required to take out licenses to make sure they are qualified to have guns, and that they would use them responsibly.

Here are the proper criteria for owning and keeping firearms. An ordinance of this kind would not eliminate crime, but it should reduce it gradually as registered and licensed guns are brought under control.

[From the Denver (Colo.) Post., Aug. 27, 1968]

THE GUN AS A STIMULUS

Support for legislation to provide greater controls on guns has appeared from an unexpected quarter—Dr. Leonard Berkowitz, chairman of the psychology department at the University of Wisconsin.

Writing in the magazine, Psychology Today, Dr. Berkowitz gives impressive support for the theory that the handling of guns, as in play, or even the sight of guns serves as a stimulus to bring out aggressive impulse in persons of various ages.

In one set of experiments described by Dr. Berkowitz, students who had been humiliated and made angry with electric shocks were casually exposed to the sight of guns.

Their reactions were more aggressive than those of students who had been similarly treated but had not seen guns. And in another experiment with young children, none of whom had been made angry, those who had been playing with guns exhibited aggressive tendencies which were less in evidence among the children who were not exposed to the guns.

Guns, in Dr. Berkowitz' opinion, act as a cue to violence, particularly if the person having access to the gun is angry, as from frustration, and has a low level of inhibition against aggressive action.

Frustrations are widespread in our society today as a result of what the author describes as the "revolution of rising expectations" which have not been gratified.

Inhibitions against the use of violence, he says, vary widely from time to time in any individual, depending on how much he may feel at any moment that violence is justified by the circumstances in which he finds himself.

Dr. Berkowitz is particularly critical of the theory that violence experienced vicariously, as on a TV or movie screen, acts as a cathartic by draining the viewer's reservoir of accumulated hostility and tension which, if unrelieved, might explode into violent behavior.

Experiments have shown, he says, that in many instances vicarious experiences with violence may actually encourage, rather than inhibit, hostile reactions.

"A society that wants fewer violent outbursts should reduce frustration, leave inhibitions intact and remove immediate cues that can set off aggressive acts," he says.

Reducing the frustrations of social groups is a long-term project not to be quickly accomplished. Fewer books and movies which stress violence would help preserve inhibitions against aggression.

As for cues which may trigger violence, "one of the largest," he writes, "bears the label 'guns.' Guns not only permit violence, they can stimulate it as well."

Dr. Berkowitz' approach to the problem of guns and violence is purely scientific, of course. Lawmakers and scientists do not always have too much in common.

However, in our complex world, lawmaking is an art which will succeed only if it draws on all sources of knowledge. If Congress is serious about crime and violence, it must not ignore what psychology has discovered about human behavior.

[From the Greeley (Colo.) Tribune and Republican, July 15, 1968]

GUN CONTROL COMPROMISE

The old saying that half a loaf is better than none applies to the present situation in Congress with regard to gun control legislation. Firearms registration is needed, as the testimony of Attorney General Clark has so strongly emphasized, to impose sensible restraint on criminal use of guns. But under the circumstances the move to bypass registration for the time being to assure extension of the mail order sales ban to long guns and ammunition is a reasonable compromise.

Such legislation would, at any rate, be a signal improvement over the recently enacted measure which places only hand guns under such controls. Passage of that provision as part of the omnibus anti-crime bill clearly left a vital gap in federal gun control law. This gap would be filled by adding rifles and shotguns to the catalogue of lethal weapons over whose possession some reasonable police control could be exercised.

This is not to say that passage of this measure ought to end the matter. Until some form of registrtaion and licensing of gun ownership is enacted into law, restrictions on criminal use of firearms are bound to be ineffective.

Many emotional arguments have been offered against gun control in general, and against registration and licensing in particular. The National Rifle Association has mounted a tremendous letter-writing campaign among its members in opposition to this. Much of this flood of mail to Congress and to newspapers implies or says outright that there is an effort to "disarm" the American people; there are many variations on the theme—but variations most often couched in strikingly similar language—that gun controls violate the constitutional right to bear arms. Other arguments, no less vulnerable to dispassionate analysis, are offered against gun control, as if this were the work of the devil.

Unwarranted fears and simple misunderstanding underlie this position. The Second Amendment right to bear arms is not absolute; it is conditioned on the need to maintain "a well regulated militia," and this has long since been superseded by the nation's established armed forces.

There is no move afoot to "disarm" the American people; even under the most extreme registration and licensing proposals seriously advanced, there would be no hindrance to possession of firearms by good citizens. The worst that can be said is that sportsmen would be put to a certain modest inconvenience. That would be a small price indeed to pay, individually and collectively, for reasonable attempts to keep guns out of the hands of criminals, psychotics and juveniles.

[From the Grand Junction (Colo.) Sentinel, July 12, 1968]

GUN STATISTICS

Statistics are never exciting reading material, but there are some which we believe are worth contemplating. Quoted below are some facts and figures pertinent to the current battle for and against gun control laws.

Nearly 800,000 Americans since 1900 have been killed by means of firearms, aside from death in military service. Fewer than 600,000 Americans have been killed in all our wars from the Revolution to date.

Guns claim on the average of 50 lives a day—one every half hour.

Gun murders during the 1963–1966 period were 55 to 60 per cent of all murders. About 70 per cent of gun murders were committed with handguns; 30 per cent with rifles and shotguns.

There were 6,500 gun murders in 1966; 5,634 in 1965; 5,090 in 1964 and 4,730 in 1963.

Do gun control laws affect the figures on murders with guns? Well, in states with relatively strict gun controls, the percentage of gun murders from 1962 to 1965 looked like this: Massachusetts, 35 per cent; New Jersey, 39 per cent; New York, 32 per cent, Pennsylvania, 43 per cent.

By contrast, some of the areas with minimal gun controls showed these figures: Arizona, 66 per cent; Colorado, 59 per cent; Louisiana, 62 per cent; Montana, 68 per cent; Nebraska, 70 per cent; New Mexico, 64 per cent and Texas, 69 per cent.

If this isn't enough, how about the figures on police officers killed by guns in line of duty? During the 1960 to 1966 period, 322 of the 335 officers killed in line of duty were killed by guns.

Serious assaults with firearms totaled 43,500 in 1966; 34,700 in 1965 and 27,700 in 1964.

True, the rate of crime increased, too. But if there is any question about the effect of gun control laws on use of guns, just go back to those figures on states with controls.

Draw your own conclusions.

[From the Garden Grove (Calif.) Orange County News, July 31, 1968]

THE PLAGUE OF GUNS

In the wave of emotion that followed the assassination of Robert F. Kennedy in June, many Americans hoped that this nation might finally give up the dubious distinction of being perhaps the most lawless nation in the world.

That hope is fast fading, according to a very perceptive survey by Reader's Digest. These are some of the findings:

"Congress passed a loose measure restricting sales of revolvers and pistols. Despite the new law, 'virtually anyone old enough to walk into a sporting-goods store and peer across the counter will be able to buy some sort of gun, with no questions asked.'

"Therefore, a review of statistics that result from this ease of buying guns may be in order.

"Since 1960 the nation's crime rate has increased 48 per cent, five times faster than population. In 1966 a total of 10,920 murders were committed in the United States, more than one in every hour of the day. Our murder rate is four times that of Japan, seven times that of France, eight times greater than England and Wales. Of the U.S. murder victims, 60 per cent were killed by guns.

"Since the turn of the century, guns have brought death to 750,000 Americans—more than the 627,000 killed in all our wars!

"Against this dismal record, a small but vocal minority group continues to argue that gun registration would deprive the American sportsman of his right to go hunting or target shooting."

Perhaps the best answer is to look at a country like Great Britain, which requires a certificate from the local police before you can buy or own a gun. Still, Britain has 4,900 shooting clubs, where valid sportsmen can use shotguns and air guns freely.

If Congress eventually gets around to pass another gun control law, it might start with the three steps outlined in 1964 by U.S. Courts of Appeals Judge George Edwards of Detroit:

1. Require permits for anyone who wishes to buy or own a gun.
2. Provide for registration of all guns, while assuring the right of all law-abiding persons to own rifles or shotguns.
3. Ban interstate mail-order sale or delivery of firearms of any kind, regardless of the situation involved.

[From the Pomona (Calif.) Progress-Bulletin, Aug. 2, 1968]

WHAT FUNCTION HAS A PISTOL

Can we talk about guns without emotion? As though we neither hated them nor loved them but were just evaluating them? Let's try.

What we really want to talk about is the smallest member of the family: the pistol. A well-made automatic or revolver is a beautiful little machine. Its works are as precise and smoothly operating as those of a clock. It has the grace of pure utility: small enough to hold in one hand, strong enough to withstand easily an explosion that can fire a slug through a thick board. It's an efficient little missile launcher that gives a feeling of heady power to any man.

Why should anyone own one? It's a terrible hunting piece. Its accuracy falls off so rapidly that at only a few yards it's no match for a rifle. How about protecting the home from burglars? Many police experts will advise against getting in a shooting match with a nut who thinks he's entered an empty house, but if you really want a formidable edge on him use a shotgun. Nobody argues with a shotgun at short range.

A pistol has only one function: to kill people. Ignore for the moment target shooting—that's only practicing for the real function. Most of us who own pistols aren't going to carry out their purpose, but that doesn't change it. A pistol is a short-range weapon that can be easily carried and even hidden but which provides the ultimate in defense or offense: death.

What if pistols were denied everyone except those persons charged by law with defending the rest of us? Would you really be any more at the mercy of an armed criminal than you already are? Unless you are quite unusual, you don't have your pistol with you when the mugger assaults you anyway. In the house at night you can have a far more effective rifle or shotgun handy if you're jumpy.

Would such a denial stop assassinations, murders, suicides, stickups? Of course not. Three of the four assassinations that started all the discussion were done with rifles. And millions of the pistols now afloat would contined to circulate in the wrong hands. But suppose some system of phasing out private ownership of pistols were established: say a five-year period during which owners would be paid a fair price of each weapon turned in, after which possession would be illegal.

Not much change would take place immediately in the frequency of armed crimes. There might, however, be a dramatic reduction in the number of accidents such as the ones in which children are shot playing with those deadly, compelling little machines. There might even be a considerable drop in the kind of passion murder that takes place only because a quick, easy killer is available during the moment of white heat.

And some day—maybe in 50 years, maybe in 100—it might come to be almost obscene to own a pistol as it is today in England and many other countries. In such a time the 1968 statistics of armed crime would be so shocking as to seem almost unbelievable. So we might be doing for generations ahead a service we can't do for ourselves.

And we could still go hunting with the boys and still guarantee as well as we ever could the security of our homes.

[From the Hayward (Calif.) Review, July 3, 1968]

AVOID PITFALLS IN GUN CONTROL

A vast majority of the American public clearly favors tighter gun control measures, and the movement, unmistakably, is in that direction. If not this year or next, mail order purchases of all guns ultimately will be sharply limited and more carefully regulated. Widespread registration of firearms and licensing of gun owners also appear in the offing.

In this light, it is imperative that legislators and gun control proponents take a thorough, thoughtful and unemotional overview of the lissue. Certainly there is no evidence to suggest that the general public favors massive confiscation of guns or undue harassment of hunters and bona fide gun collectors.

What the public does favor is legislation that will make it difficult—though obviously not impossible—for firearms to fall into the hands of felons, narcotics addicts, the mentally ill and persons convicted of a misdemeanor involving force, violence or use of a firearm. To this list might be added, as suggested by Assemblyman W. Craig Biddle of Riverside, negligent hunters.

It is the areas of registration and licensing that the greatest difficulties present themselves. Unless great care is taken in drafting such legislation, the qualified hunter, bona fide gun collector and competent individual may justifiably oppose such measures. Annual registration and licensing could prove unpalatable, complicated and confusing. Fees could be set unreasonably high, and improperly severe punishments for failure to register guns or acquire a license could result in widespread disregard of such laws.

There is good reason to doubt the general benefits of local or even state legislation in these areas. Our society is highly mobile. There is nothing to prevent the felon, negligent hunter, addict or mentally incompetent to obtain a gun in a city or state where regulations are lax or non-existent. There also is the likelihood of confusions or lack of knowledge of firearms control laws of a local or state nature on the part of law-abiding citizens who move from city to city or state to state.

City and State gun controls are not totally ineffective, but they are less effective than national law would be. New York's strong Sullivan Act is weakened, for example, by the easy availability of guns in adjacent states which are only minutes away by modern transportation.

The overriding fact, of course, is that firearms are lethal weapons, they can and do kill, as often in an accident as in an intended crime, more often by a generally law-abiding citizen than by a hardened felon. The report that 5,600 Americans were the victims of firearms in 1967 and the disclosure of a survey showing that 189 persons died from gunshot wounds in a single week last month should impress upon us—as powerfully as the heinous series of assassinations that have shocked this country in recent years—that more thoughtful regulation of guns is long overdue.

[From the Texarkana (Ark.) Gazette, July 24, 1968]

UNJUSTIFIED PRIVILEGES

The potency of the National Rifle Association as lobbyist and organizer of letter-writing campaigns is well known. The current drive to avert passage of firm gun control legislation, despite popular sentiment, is a new indication of NRA power.

Some may be puzzled as to why the organization is able to marshal such an outpouring of support. There are numerous reasons. One occasionally forgotten is that the federal government, acting out of considerations that make less and less sense as our society matures, confers numerous special privileges on the NRA.

One of these special privileges is that NRA members, unlike other citizens, can buy surplus Army carbines—or any other gun, for that matter.

The columnists Rowland Evans and Robert Novak disclosed some interesting information on this point the other day. Last summer, they say, the Internal Revenue Service found that 41 NRA members who tried to buy surplus carbines had criminal records: as a result, the sales did not go through. Twenty-six other NRA members also were thwarted in buying carbines during the same four-month period, it is reported—some because police departments objected, some for membership in extremist groups, some for other reasons.

This is not a blanket condemnation of the NRA or its members. The point made is that NRA brings special privileges that lead to abuses, and that this no longer can be justified. If this special treatment were rescinded, the NRA might not be quite as successful at stalling gun control law in the face of popular demand.

[From the Florence (Ala.) Times-Tri-Cities,
July 30, 1968]

Blood Flows Freely on American Soil

In the wave of emotion that followed the assassination of Robert F. Kennedy in June, many Americans hoped that this nation might finally give up the dubious distinction of being perhaps the most lawless nation on earth.

That hope is fast fading.

True, Congress did pass a measure restricting sales of revolvers and pistols. But President Johnson called it a "halfway measure." And despite the new law, notes an article in the August Reader's Digest, "virtually anyone old enough to walk into a sporting-goods store and peer across the counter can still buy some sort of gun, with no questions asked. Anyone able to write—a child, ex-convict, drug addict or lunatic—can order some sort of gun by mail and get it."

A recitation of the depressing statistics that result from this ease of buying guns may be in order: since 1960 the nation's crime rate has increased 48 percent, five times faster than population. In 1966 a total of 10,920 murders were committed in the United States, more than one in every hour of every day. Our murder rate is four times that of Japan, seven times that of France and eight times greater than England and Wales. Of the U.S murder victims, 60 percent were killed by guns.

Since the turn of the century, guns have brought death to 750,000 Americans—more than the 627,000 killed in all our wars!

Against this sad record, a small but vocal minority continues to argue that gun registration would deprive the American sportsman of his right to go hunting or target-shooting. But would it? Perhaps the best answer is to look at a country like Great Britain, which requires a certificate from the local police before you can buy or own a gun.

Since few people can give any valid reason for wanting a pistol or revolver, few certificates for them are issued. Still, Britain has 4,900 shooting clubs, where valid sportsmen can use shotguns and air guns freely.

If Congress wants to pass a meaningful law, it might start with the three steps outlined in 1964 by U.S. Court of Appeals Judge George Edwards of Detroit: 1) require permits for anyone who wishes to buy or own a gun; 2) provide for registration of all guns, while assuring the right of all law-abiding persons to own rifles or shotguns; 3) ban interstate mail-order sale or delivery of firearms of any kind.

Until such reasonable limitations are placed on the right to bear arms, the United States will continue to suffer under what author Carl Bakal calls the "strange and peculiarly American plague that has swept our land—a plague of guns."

[From the Florence (Ala.) Times-Tri-Cities,
July 25, 1968]

A Factual Case for Gun Controls

If someone really wants to do you in, he will, whether or not he can lay his hands on a gun.

This statement, frequently expressed these days because of the debate over gun control laws, is plausible enough. If someone really wants to do you in, he'll find a way.

A look at actual homicide statistics, however, indicates that a substantial percentage of homicides result from attacks that were not made with the single-minded intent to kill.

Franklin E. Zimring, assistant professor of law at the University of Chicago, studied more than 1,400 homicides and 22,000 assaults recorded during 1965, 1966 and 1967 by the Chicago Police Department. His findings show that:

No less than 78 per cent of all killings, as classified by the police, resulted from quarrels based on domestic problems, liquor, sex, etc.

The gun and the knife were interchangeable weapons for persons who resorted to violence to settle personal arguments.

Some 70 per cent of all gun homicides resulted from a single wound, although a "single-minded intent to kill" should prompt the attacker to insure his result by multiple wounding.

Knife attacks resulted in more multiple woundings than gun attacks, yet there were five times as many killings by gun as by knife.

Zimring thus concludes that the elimination of guns would reduce the number of homicides.

Perhaps we can never solve the problem of interpersonal violence. But perhaps we can make it a little less deadly.

Mr. TYDINGS. Mr. President, I yield the floor.

GUN REGULATION IS A STATE AND LOCAL MATTER

Mr. GRUENING. Mr. President, I have in the past consistently opposed restrictive gun legislation.

I shall continue to oppose such legislation including the bill now before the Senate, S. 3633, as long as I am in the Senate.

One has only to read the provisions set forth in the 62 pages of S. 3633 and the technical explanation of those provisions set forth in the 105-page Senate Report No. 1501 to realize that in attempting a Federal blunderbuss approach at gun regulations which seek to fit all 50 States into one common mold we would be creating an intricate maze of laws and regulations, the effects of which on the lives of the people of the United States no one can foretell.

This is a nation of 50 united, yet individual, States. Each State has unique characteristics and diverse conditions. The situations prevailing in Alaska—with its vast underdeveloped areas—are not the situations to be found in industrialized Connecticut or Rhode Island. Similarly, the situations which exist on the streets of Sitka or Juneau or Fairbanks in Alaska cannot rightly be compared to the situations which exist on the streets of the cities of New York or Chicago or San Francisco.

We, in the United States, are all too prone to treat the symptoms and not the disease.

We know some of the causes of crime, even though we do not know all of them. For example:

We do know that an effective deterrent to crime is a better trained and better paid police force in adequate numbers—but we fail time and again to appropriate sufficient funds for such a force.

We do know that another effective deterrent to crime is speedy detection, trial, and sentencing of evildoers—and yet we constantly seek short cuts to the arduous, time-consuming task of crime detection and we permit criminal court dockets to be so crowded that criminals charged with crimes cannot be brought before the bar of justice but are permitted to roam the streets to continue to harass innocent citizens.

And so it goes through the many known causes of crime and the conditions breeding criminals.

Instead we seek to treat the symptoms, perhaps because it is cheaper than treating the causes.

Thus we read of people being killed by guns and immediately conclude that a national law is needed to limit the right to citizens to bear arms only to those citizens who we believe will not use it to do bodily harm to another citizen.

Gun legislation is a nice, easy target on which to focus citizen protest as a distraction for all citizens to shirk their own responsibilities to take positive action to do something about the root causes of crime.

And, when proponents of restrictive gun legislation propose such restrictions in a Federal law applicable alike to all 50 States, regardless of the variations in the conditions existing in each of the States, then I think the Federal Government is going too far and is attempting to federalize what should be and what was intended to be a system of individual, sovereign States.

But, argue the proponents of restrictive Federal gun legislation, a man must register his car before he can drive it or must obtain a license before he can fish, then why not restrict the ability of a man to own a gun? The difference is in who does the restricting—the Federal or the State Government?

I hold an Alaska license to drive my car—not a Federal license.

When I fish in Alaska waters, I obtain an Alaska fishing permit—not a Federal one.

But, answer the proponents of restrictive gun legislation, why not centralize recordkeeping in the Federal Government and impose uniform restrictions on gun owning?

The answer, of course, is that if the Founding Fathers had intended to establish a single federalized nation they would have written a far different Constitution. They did not. They fought for and sought to preserve the sovereignty of each individual State and they so wrote the Constitution. We should preserve this system. The proposed restrictive gun legislation would only serve to weaken the sovereignty of each individual State.

Nowhere can the wrongful and injurious effects of a Federal restrictive gun control law, uniformly applicable throughout the land, be illustrated than in Alaska.

We start out with the premise, of course, that there is absolutely no way in which a law—Federal, State, or local—can be devised so as to prevent with certainty guns—or, for that matter, any other potentially lethal weapon—from falling into the hands of individuals determined to use them to kill or main themselves or others or to use them for the commission of crimes.

It is illusory to hold out the hope that gun homicides can be eliminated entirely by the simple passage of a Federal act—and even the most ardent advocates of the strongest possible Federal gun control measure do not put forth such a claim.

It is likewise illusory to hold out the hope that it is possible to devise a Federal gun control law which could in one fell swoop take care of the myriad problems of a land and a people as diverse as the 50 States of this land.

The problems and the circumstances confronting a family living in Downtown Manhattan—minutes away from a separate State—cannot be compared to the problems and circumstances of a family in a small, remote, isolated Alaska village not connected by road with any other village.

Gun control regulation should, in the first instance, be the responsibility of State and local governments.

Unless there are urgent and compelling reasons for doing so—and none have been shown to me—the Federal Government should not preempt the field of gun regulation.

There are, of course, instances where the Federal Government, because of its power to regulate interstate commerce, must take action to prevent regulatory State legislation from being subverted. This the Federal Government has done in many instances, such as transporting stolen automobiles in interstate commerce.

In some instances a stolen motor vehicle in the hands of an inexperienced driver—or a driver seeking to make good his escape—can be just as lethal as a rifle. Yet there is no massive movement for providing Federal registration of automobile drivers, limiting such registration to individuals who meet rigid Federal standards as interpreted by some official in Washington.

But the proponents of gun control legislation seek to go much further. And they have.

In Public Law 90–351, the Safe Streets Act of 1968—the Federal Government goes as far as I think it should properly go with respect to gun legislation. That act seeks to prevent the undermining of State laws through the utilization of interstate commerce. Thus it prohibits the transfer by a resident of one State to a resident of another State of "any firearm which the transferee could not lawfully purchase or possess in accord with applicable laws, regulations, or ordinances of the State or political subdivision thereof in which the transferee resides."

This is a valid exercise of Federal power to buttress the laws of a State.

In the circumstances prevailing in many parts of Alaska, many of the provisions of S. 3633 would cause an unbearable hardship which I am certain its framers never intended.

Thus in many of the remote native villages of Alaska—Indian, Eskimo, and Aleut—the villagers must perforce depend for their subsistence on fish and game. Theirs is not a money economy. When game are running, the family must all participate in "gathering" food for the table. All those able to hunt must and do help. This is and has been their way of life since time immemorial. It is an operation akin to that carried out on a family farm when the crop is ripe. To say that only those over a certain age can participate in hunting would be to deny many a native family of its very sustenance.

Even the younger members of the family, if able, must participate to fill the family larder. Thus, during World War II, while, as Governor of the Territory of Alaska, I was organizing the Alaska Territorial Guard, I was in a village where I saw one boy of about 11, out hunting alone, shoot down several ptarmigan with a .22-caliber rifle, rather than buckshot, which is good shooting at any age. Several Eskimo boys, 14 or under, enrolled in this wartime organization and they served well.

Perhaps it may be contended that the solution to this problem is easy. Have the father buy the gun and give it to his son.

There are two objections to this seemingly simple solution.

In the first place, why the prohibition if it can be circumvented so easily? During prohibition this country had its fill of scofflaws. Let us not see a repetition.

In the second place, some of the young men going on these hunts in the remote villages, are heads of families—either through the deaths of their fathers or because they are starting their own families. How are they to obtain the guns they need to procure food for themselves and their dependents without breaking the law?

Another example of how a blunderbuss approach to gun control legislation by Federal law can wreak chaos because it cannot adequately cover the many specific situations in every part of the country:

Alaska is the "flyingest" State in the Union. Its residents have to fly because Alaska lacks roads, having been excluded from the Federal highway aid program for so many years. Under Federal Aviation Administration regulations a private pilot's license can be obtained at the age of 16. However, because of the danger inherent in a forced landing on some of the rough terrain in Alaska inhabited by predatory wildlife, Alaska law provides—Alaska Statutes, section 02.35.12:

> No airman can make a flight inside the State unless emergency equipment is carried as follows . . . (D) one pistol, revolver, shotgun or rifle, and ammunition for same.

The 16-year-old airman intending to take a flight in the State of Alaska thus faces a choice: he can disobey the State law and having been forced down somewhere in the "bush," take a chance of being mauled or killed by a bear, or of starving far in the Alaskan wilderness if he is forced down, he can disobey the Federal law and follow the State statute enacted for his own safety. Why should the Federal Government force this choice upon him and to what end?

Another oversight in passing hasty, ill-conceived gun control legislation is that it affects the very safety of many of the residents of Alaska.

The forests just outside many Alaska cities have wild predatory animals in them, such as bears and wolves. It is advisable in going into these woods for a stroll or a picnic to take along a gun. Indeed it is inadvisable not to do so. What is the 15-year-old boy to do when he wants to picinc in the woods—ask his father to go along with him or, if he has one, his older brother or sister who is over 18 or 21?

The bill is absolute in its prohibition of the sale of a handgun—and longguns if so extended—to a person who has been convicted of a felony. There are no ands, ifs, or buts about this prohibition. No exceptions are made. No period is specified after which an individual can be considered rehabilitated. No attempt is made to differentiate the types of felonies except those felonies relating to business crimes.

What is the head of a native family to do who must shoot to provide the only food he and his family will have, but is denied a gun because 15 or 20 years before, as a young man, he had been convicted of stealing $101, which under Alaska law is a felony?

Suppose the same man wants to take a stroll in the woods outside his Alaska community on a Sunday afternoon. The bill would send him on that stroll without giving him a gun to protect himself and his family if charged by a grizzly, brown, or black bear.

What purpose is served by making him take such risks? Are the people walking the streets of Manhattan made any safer because a thoughtless Federal legal provision has endangered the life of a man in Juneau, Anchorage, or Fairbanks, or has made a native in a remote village of Alaska unable to feed himself and his family?

It is indeed ironic that much of recent furor for strong Federal gun control legislation erupted after the tragic killing of Senator Robert F. Kennedy. I say ironic because the gun used by the slayer of Senator Kennedy was purchased from a dealer in California and never left the State of California. California has one of the strongest gun control laws in the Nation.

Thus, as reported by the Washington Post on June 6, 1968:

> The gun used to wound Sen. Robert F. Kennedy and five other persons was originally purchased for home protection during the Watts riot in August, 1965, it was disclosed today.

The history of the 22-caliber, 8-shot pistol manufactured by Iver Johnson's Arms and Cycle Works in Fitchburg, Miss., (sic) includes at least four persons.

It was bought at a sporting goods store during the riot by Albert L. Hertz, 72, of Alhambra, a Los Angeles suburb. He gave it to his daughter, Mrs. Robert F. Westlake of Woodacre, in Marin County in northern California.

Mrs. Westlake told investigators she gave it to a family friend, George C. Erhard, 18 of Pasadena, last November or December.

Erhard sold the gun to Joe, "a bushy-haired Pasadena man," who police identified as one of the brothers of Sirhan B. Sirhan, suspected of wounding Sen. Kennedy and the others.

Obviously, the most stringent legislation proposed could not, had it been enacted, prevented the murder of Robert Kennedy.

Recently a constituent called my attention to a very significant and ironic decision by the Supreme Court bearing on this matter. The Court held that a felon barred by statute from owning a gun could not be prosecuted for failure to register the gun, since to rule otherwise would violate his constitutional right against self-incrimination. Thus a gun registration statute is applicable to the law-abiding and permits felons to flaunt it at will.

As I have said, in my opinion, the initial responsibility for the enactment of effective gun control legislation should rest on State and local governments in the first instance, buttressed by the power of the Federal Government to assure that State laws are not subverted because the writ of a State does not run beyond its borders.

ANYONE CAN JOIN

Mr. DODD. Mr. President, I would like to call the attention of my colleagues to the slipshod policies followed by the National Rifle Association in its current drive for 2 million members. This is not an isolated case, I am sure.

Just last summer, early in August, a Dayton, Ohio, newspaperman, Richard Zimmerman, joined the NRA using the name of "Cleo Vernon Keaton."

The catch is that Mr. Keaton is widely known in the Dayton area, having been convicted of one murder and under indictment for three others.

He is a notorious person. Yet this organization accepted his application. That is something to consider as we debate the need for stronger firearms controls, and as we weigh the pleadings of the National Rifle Association.

They have even had Minutemen in their midst. They say now they are more careful. Mr. President, that is typical of them. They are never careful about anything until they are caught at it.

I hope my fellow Senators will weigh this matter carefully. I ask unanimous consent to have printed in the Record an article entitled "Newsman Joins Rifle Group Using Doomed Killer's Name," written by Abe S. Zaidan, and published in the Washington Post of August 10, 1967.

There being no objection, the article was ordered to be printed in the Record, as follows:

Newsman Joins Rifle Group Using Doomed Killer's Name

(By Abe S. Zaidan)

Columbus, Ohio, August 9.—A Dayton newspaperman says he became a member of the National Rifle Association while using the name of a convicted killer now awaiting execution in the Ohio Penitentiary.

Richard Zimmerman has written in the current issue of the Dayton Journal Herald that he obtained membership in the NRA as "Cleo Vernon Keaton." Keaton is a Dayton man who has been convicted of one murder and is under indictment for three others.

Zimmerman claimed he used the ruse to gain membership "not simply to embarrass a national organization which offers many legitimate services to sportsmen. But when lobbying at both the state and national levels against stronger firearms control laws, NRA members like to leave the impression that there is something special about being an NRA member."

At the same time, Zimmerman said he wanted to find out whether the NRA "makes more of an effort to check out applicants than do firearms sellers in checking out gun buyers." He added that he also was interested in whether the NRA's requirements for endorsements of the applicant from an NRA member, public official or commissioned officer "involved even a cursory check."

"I got my answer early this month," Zimmerman wrote. "Anyone with $5 who is willing to tell two non-litigable fibs can join the NRA, and then buy handguns from mail order suppliers and be eligible to purchase Government surplus ordnance."

Zimmerman said he used his newspaper's post office box number during his correspondence with the NRA so that any reference checks on his application would have been in the Dayton area, where Keaton is well known.

The NRA's only apparent attempt to qualify the application was an endorsement blank the NRA sent to "Keaton." Zimmerman said he signed the blank with his own name and address, checked the "public official," box and returned it to the NRA.

Shortly thereafter, his membership card arrived.

ADJOURNMENT

Mr. DODD. Mr. President, I do not believe there are any other Senators who wish to be heard at this time. Therefore, I move, in accordance with the previous order, that the Senate adjourn until 12 noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 45 minutes p.m.) the Senate adjourned until Monday, September 16, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 13, 1968:

United Nations

The following-named persons to be representatives of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

William Benton, of Connecticut.

Alvin Christian Eurich, of Colorado.

Katie Scofield Louchheim, of the District of Columbia.

James H. McCrocklin, of Texas.

Frederick Seitz, of Illinois.

The following-named persons to be alternate representatives of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Robert H. B. Wade, of Maryland.

Marietta Moody Brooks, of Texas.

Elizabeth Ann Brown, of Oregon.

Morton Keller, of Massachusetts.

George E. Taylor, of Washington.

International Atomic Energy Agency

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency:

Wilfred E. Johnson, of Washington.

Verne B. Lewis, of Maryland.

Henry DeWolf Smyth, of New Jersey.

Gerald F. Tape, of Maryland.

James T. Ramey, of Illinois.

Herbert Scoville, Jr., of Connecticut.

District of Columbia Council

Philip J. Daugherty, of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1971, vice J. C. Turner.

Postmasters

CALIFORNIA

C. Lowell Coomes, Beaumont, Calif., in place of P. J. Lay, deceased.

Emma Spector, Cabazon, Calif., in place of M. E. Aten, deceased.

CONNECTICUT

Donald I. Harding, East Woodstock, Conn., in place of W. R. Bosworth, retired.

FLORIDA

Marie F. Springer, Port Richey, Fla., in place of A. E. Hoyt, retired.

GEORGIA

Ida C. Bankston, Flovilla, Ga., in place of E. A. Funderburk, retired.

ILLINOIS

Eunice M. Pohlman, Grafton, Ill., in place of E. A. Mosby, deceased.

Albert E. Vasilauskis, Oak Forest, Ill., in place of M. E. Ramsey, retired.

Christian Oelberg, Wataga, Ill., in place of F. E. O'Connor, retired.

INDIANA

Hilbert S. Graman, Saint Meinrad, Ind., in place of V. J. Hubers, deceased.

IOWA

Donald D. Van Ahn, Lake City, Iowa, in place of A. M. Lundberg, deceased.

KANSAS

Mary E. Fleischer, Hoyt, Kans., in place of Lauren Holt, retired.

Richard R. Tyrell, Osawatomie, Kans., in place of J. L. Johnson, retired.

KENTUCKY

J. Paul Barnes, Paducah, Ky., in place of T. A. Miller, retired.

LOUISIANA

Lucy E. Casteigne, Pierre Part, La., office established June 1, 1967.

MAINE

Charles W. Bennett, Monroe, Maine, in place of A. E. Smart, retired.

MASSACHUSETTS

C. Frederick Gilgun, Burlington, Mass., office established December 30, 1967.

MINNESOTA

Milo H. Aakhus, Effie, Minn., in place of Virgia Poole, retired.

Donald F. Speer, Felton, Minn., in place of D. A. Dalby, retired.

MISSISSIPPI

Bessie Y. Swedenburg, Mayhew, Miss., in place of M. B. Morris, retired.

Maxine A. Hodges, Toccopola, Miss., in place of K. Y. Patton, deceased.

MISSOURI

Alva C. Clark, Ballwin, Mo., in place of K. E. Feldmann, retired.

NEBRASKA

Dale O. Dallegge, Bartlett, Nebr., in place of E. M. Ball, retired.

NEW JERSEY

Richard M. Degnan, Glen Gardner, N.J., in place of R. C. DeRemer, deceased.

NEW YORK

Thomas L. Mooney, Bolivar, N.Y., in place of H. F. Sackinger, deceased.

Edwin P. Kennedy, Cazenovia, N.Y., in place of L. E. Hendrix, retired.

NORTH CAROLINA

John R. Nichols, Jacksonville, N.C., in place of W. H. Willis, retired.

OHIO

Homer L. McCarty, Cheshire, Ohio, in place of Phyllis Hawley, retired.

Josephine A. Price, Jacksonville, Ohio, in place of H. J. Seckinger, retired.

Henry J. Climer, Londonderry, Ohio, in place of V. L. Detty, resigned.

Tom I. Murray, Novelty, Ohio, in place of E. C. Schumaker, retired.

Barbara J. Walters, Saint Johns, Ohio, in place of Eileen Martin, retired.

OKLAHOMA

Virgil G. Frey, Amorita, Okla., in place of B. J. Platts, retired.

Elwood O. Mallow, Geronimo, Okla., in place of Lucretia Dickson, retired.

Robert R. Stephens, Purcell, Okla., in place of D. S. Williams, retired.

OREGON

D. S. Rogers, Government Camp, Oreg., in place of J. L. Hagen, transferred.

PENNSYLVANIA

William J. Gardner, Howard, Pa., in place of D. B. Gardner, retired.

Walter L. Wheaton, Warren Center, Pa., in place of L. F. Jones, deceased.

Marvin S. Feist, White Haven, Pa., in place of S. M. Braybrook, retired.

PUERTO RICO

Jose A. Ramirez, Caguas, P.R., in place of Angel Socorro, retired.

SOUTH CAROLINA

James R. Carter, Longs, S.C., in place of G. L. Shaw, deceased.

TENNESSEE

Marie S. Sampson, Fall Branch, Tenn., in place of Annie Bacon, retired.

Paul L. Hicks, Joelton, Tenn., in place of M. B. Reasoner, retired.

TEXAS

Lowell L. Nafe, Argyle, Tex., in place of L. M. Thompson, retired.

VIRGINIA

Ruth H. Pruden, Crittenden, Va., in place of N. H. Mason, retired.

Marvin B. Howell, Red Ash, Va., in place of O. M. Brooks, retired.

Charles B. Snyder, Woodstock, Va., in place of J. S. Clower, retired.

WASHINGTON

Orville R., Amondson, Centralia, Wash., in place of F. M. Moses, retired.

Mary J. Petterson, Eastsound, Wash., in place of E. B. Gibson, deceased.

Lydia Roosendaal, Southworth, Wash., in place of Dick Roosendaal, deceased.

WEST VIRGINIA

Arlene F. Chambers, Bolt, W. Va., in place of A. A. Farmer, resigned.

Joseph D. Corns, Davin, W. Va., in place of Ruth Corns, retired.

WISCONSIN

Charles T. Lydon, Kendall, Wis., in place of Q. B. Collins, transferred.

Alice M. Tourtillott, Neopit, Wis., in place of V. E. Sickler, retired.

WYOMING

James E. Poelma, Carpenter, Wyo., in place of V. M. Pacheco, retired.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Hugh M. Elwood
Donn J. Robertson
Lowell E. English
William G. Thrash
Marion E. Carl
Arthur H. Adams
Louis Metzger

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

George C. Axtell
George D. Webster
James A. Feeley, Jr.
Foster C. LaHue
Charles F. Widdecke
Louis H. Wilson, Jr.

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel, subject to qualification therefor as provided by law:

Robert V. Anderson
Clark Ashton
Louis Baeriswyl, Jr.
Roscoe L. Barrett, Jr.
Arthur C. Beverly
Herbert J. Blaha
Charles H. Bodley
William W. Eldridge, Jr.
Dean E. Esslinger
William S. Fagan
Alfred F. Garrotto
William F. Gately, Jr.
Donald E. Gilman
John C. Boulware
Lawrence J. Bradley
James T. Breckinridge
Sherwood A. Brunnenmeyer
George W. Callen
George G. Chambers, Jr.
Allen B. Clark
Morris D. Cooke
Clifford D. Corn
James M. Cummings
William M. Cummings
Bertram H. Curwen, Jr.
Clarence G. Dahl
William J. Davis
Edmund G. Derning, Jr.
Jack N. Dillard
James W. Dillon
Earl C. Dresbach, Jr.
Edward W. Dzialo
William F. Harrell
James M. Hayes
James S. Hecker
Gilbert R. Hershey
Marvin M. Hewlett
Ralph A. Heywood
Twyman R. Hill
Kurt L. Hoch
Frank X. Hoff
Donald E. Holben
Joseph J. Holicky, Jr.
Louis S. Hollier, Jr.
Glenn R. Hunter
David G. Jones
Edward H. Jones
Douglas T. Kane
John H. Keith, Jr.
James P. Kelly
Walter C. Kelly
William A. Kerr
Robert King, Jr.
Charles S. Kirchmann
Frederick M. Kleppsattel, Jr.
Wilson A. Kluckman
Francis R. Kraince
Frederick S. Knight
Robert J. Lahr
James M. Landrigan
John J. Leogue
Dean W. Lindley
Verle E. Ludwig
Joseph W. Malcolm, Jr.
Andrew V. Marusak, Jr.
Donald L. May
Gene M. McCain
Alfred F. McCaleb, Jr.
Stewart B. McCarty, Jr.
James McDaniel
Gordon D. McPherson
George A. Merrill
Edward B. Meyer
George F. Meyers
Jack L. Miles
Richard R. Miller
Robert T. Miller
John F. Miniclier
John F. Mitchell
Herman L. Mixson
Donald E. Morin
Thomas E. Mulvihill
Arthur A. Nelson, Jr.
Joseph A. Nelson
Noah C. New
Thomas P. O'Callaghan
Frederic O. Olson
Owen L. Owens
Thurman Owens
Robert E. Parrott
William C. Patton
Clifford J. Peabody
Eddie E. Pearcy
Richard F. Peterson
William Plaskett, Jr.
William D. Pomeroy
Albert R. Pytko
Richard H. Rainforth
Walter L. Redmond
Jack L. Reed
James H. Reeder
Robert V. Reese
Carroll D. Rowe, Sr.
John C. Scharfen
George R. Scharnberg
Richard J. Schening
Robert B. Sinclair
Clyde H. Slayton, Jr.
Joris J. Snyder
Walter E. Sparling
Charles R. Stephenson III
Thomas J. Stevens
Richard M. Taylor
William W. Taylor
William G. Timme
Henry A. F. Vonderheyde, Jr.
Charles M. Wallace, Jr.
Marshall A. Webb, Jr.
Raymond J. Weber
Paul Weiler
Wallace Wessel
Charles T. Westcott
William J. White
Royce M. Williams
Robert L. Willis
Howard Wolf
Kermit M. Worley
Robert E. Young
Wilbur K. Zaudtke

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 1968:

U.S. CIRCUIT JUDGE

William J. Holloway, Jr., of Oklahoma, to be U.S. circuit judge, 10th circuit.

U.S. DISTRICT JUDGE

Lawrence Gubow, of Michigan, to be U.S. district judge for the eastern district of Michigan.

EXTENSIONS OF REMARKS

PUBLIC PRINTER ANSWERS WASHINGTON URBAN LEAGUE

HON. CARL HAYDEN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, September 13, 1968

Mr. HAYDEN. Mr. President, recently the Government Printing Office was the object of a series of allegations by the Urban League of Washington and the Council for Negro Progress in Government. I should like to insert in the RECORD Public Printer James L. Harrison's reply to these allegations, which in my view is wholly responsive to the charges of bias and discrimination leveled at the Government Printing Office.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. GOVERNMENT PRINTING OFFICE,
Washington, D.C., September 13, 1968.

Mr. JOHN E. JACOB,
Acting Executive Director, Washington Urban League, Inc.

Mr. ALONZO C. BARNETT,
Council for Negro Progress in Government, Washington, D.C.

DEAR MR. JACOB and Mr. BARNETT: I received your letter of September 5, 1968, and read it with a sense of disillusionment—disillusionment in the fact that the Urban League and the Council for Negro Progress in Government are apparently unaware of what has been done and is now being done in the Government Printing Office to develop career opportunities for all of our employees without regard to race, color, religion, sex, national origin, or political affiliation.

I would first like to point out that the Government Printing Office is one of the few agencies in the Washington, D.C., area that provides a substantial amount of employment where the greatest need exists—at the unskilled level. We hire and offer unlimited opportunity for the under-trained to learn marketable skills and to advance to salary levels virtually unreachable in other places of employment. Few employers, Federal or otherwise, open such great avenues of opportunity to the unskilled.

The relative position of the Negro minority in the Government Printing Office is apparent when the Civil Service Commission "Study of Minority Group Employment in the Federal Government, 1967" is carefully examined. Significantly, the rate of upward progress for Negroes for several years has been greater in this Office than in the total Federal establishment, and our position has improved even more since that report was issued.

There is no established system solely for progression of Negro employees to higher level positions. However, there are a number of plans in the Government Printing Office for the progression of untrained persons (most of whom in the Government Printing Office are Negroes) to journeyman status—the stepping stone to most higher level positions. Since my appointment in 1961, through these programs over 200 Negroes have attained craft positions paying an average of $10,000 per year, not including night differential or overtime. Gross incomes of $14,000 to $15,000 per year, including night differential and overtime, are not unusual in this group. Other programs have permitted many to rise to other well-paid positions.

The progress made by Negroes since 1961 may best be illustrated by the increase in Negro employees in graphic arts training programs. In 1961, there were 53 employees in training programs other than the apprentice program, few of whom were Negroes; today 143 are in such programs, 93 of whom are Negroes.

The vast majority of the best-paying jobs in this agency are held by craftsmen, and the opportunity to achieve craftsman status is open to everyone. We operate an apprentice training program which in five years or less produces journeyman craftsmen in such fields as composition (printing), bookbinding, presswork, and offset lithography. Apprentices qualify for appointment by a competitive nationwide examination given by the Civil Service Commission.

In 1967, I initiated the practice of reassigning a limited number of Government Printing Office employees to the apprentice program each year non-competitively. This was done to provide added opportunity to those employees of this Office who were unable to score high enough for selection on the apprentice competitive examination. Thirty-eight were so appointed; 27 were Negroes. Now, almost one-third of our apprentices are Negroes.

Since I have been Public Printer, of 286 graduated from this program, 86 (one-third) have been Negroes. Some of those who entered training during my administration have already advanced beyond journeyman status and are now planners and printing cost technicians. These are premium positions with pay scales approximately equivalent to GS-12, and are paid incidentally at the same rate as assistant foreman positions.

I have also instituted an in-house career development program. In this program, more than 70 percent of the trainees are Negroes. Not only does this program include graphic arts crafts, but also offers training for positions as electricians, carpenters, pipe and sheet metal workers, masons, and many similar occupations. For those who successfully complete these programs, there is no limit to advancement save their own ability.

It is true that there are no Negroes employed in the Government Printing Office above Grade GG-12, but many of our Negro journeymen, almost all of whom were trained at the Government Printing Office (there are very few opportunities for such training outside Government) are developing to the point where they are now contenders for promotion to higher level positions. Some have already been promoted to planner positions. Also, the percentage of Negro employees at the Government Printing Office in Grades GG-9 through 11 is higher than the governmentwide average and I might point out that there are a significant number of Negroes in this Office whose annual income exceeds that of Grade GG-12.

Supervisory positions fall into three categories: (1) supervisors of journeyman employees, (2) supervisors of wage board employees, and (3) supervisors of professional, administrative, and clerical employees. At the present time there are 127 Negro supervisors in the Government Printing Office supervising wage board and professional, administrative, and clerical employees.

We have a pre-supervisory training program, and have been pleased to note that a number of Negro journeymen have successfully completed the program and are now being considered for supervisory positions as they become vacant. Due to the fact that the ratio of supervisors to employees in the printing industry is generally very small, and our turnover at the Government Printing Office is very low, there are relatively few opportunities for promotion to supervisory rank for the over 2,000 journeymen on the rolls. A number of Negro employees, who would be very fine supervisors, have elected to accept planner positions rather than to wait for an opening. The planner position pays a rate equivalent to that of assistant foreman.

At the present time, there are 102 Negroes occupying supervisory positions over wage board employees.

As of this date, there are 25 Negroes occupying supervisory positions over professional, administrative, and clerical employees.

Basically, the Office is an industrial establishment employing craftsmen and a large force of non-journeyman printing plant workers. Over 80 percent of our employees fall into these categories. All appointments are made under Civil Service procedures. Almost all the persons certified for appointment as printing plant workers are Negro.

In 1961, approximately 20 percent of these employees were in grades at, or above, the equivalent of Wage Board Grade 3. As a result of a classification program which I instituted, today this percentage has increased to more than 40 percent at, or above, the equivalent of Wage Board Grade 3. In addition, grades equivalent to Wage Board Grades 1 and 2 were combined to provide that all these employees were guaranteed the top step of Wage Board Grade 2 by the end of their second year on the rolls. Classification surveys are continuing, and may result in further upgradings.

All printing plant workers have the opportunity to rise through the nonjourneyman grades based on Federal Merit Promotion Program procedures. In addition, all have the opportunity to enter craft training. Almost all of our Negro journeymen were trained in our programs. The fact remains that any industrial plant such as ours will have a very large percentage of its employees in the lower grades. Our exceedingly low turnover prevents most from being promoted beyond these levels at a more rapid rate.

Under Executive Order No. 11246 and its amendment, Executive Order No. 11375, all persons, regardless of sex, may compete for any Civil Service position for which they qualify. Assignment of printing plant workers is made without regard to applicant's sex or color. At the present time, it is estimated that approximately 50 percent of the eligibles on the Maintenance and Service Workers Washington Metropolitan Area Register (Announcement No. WA-7-01, dated January 10, 1967) are females. (See Attachment 1.)[1] Out of 100 female printing plant workers on our rolls, 99 are Negroes. It is rare that a white printing plant worker is certified to us by the Civil Service Commission.

As part of the Civil Service examination, all applicants for these jobs must lift and shoulder an 80-pound mail sack to demonstrate their capability to lift heavy weights. Applicants are informed of both the test and the type of work which they will do via a mimeographed sheet. (See Attachment 2.)[1] The letter of request for applicants to take the strength test again notes this requirement. (See Attachment 3.)[1] Upon verbal request, applicants are taken to the work site to see working conditions.

In all cases, by the time of entrance-on-duty, these individuals have been well informed about the type of work they will be doing, and particularly that they might be expected to lift heavy weights continually during the day. Only employees who specifically apply for this type of work are assigned to these duties. The 180 to 190 pounds that is referred to here is lifted by two printing plant workers and falls within those general guidelines. The Office has been conducting an engineering survey to determine whether better equipment is available for handling heavy materials.

A Negro has been serving for nearly a year and a half as Deputy Equal Employment Opportunity Officer in this Office, and is a member of my staff. He is exceptionally well qualified, and has brought an all-important minority viewpoint to our program for development of career opportunities. As a sidelight, our Deputy Equal Employment Opportunity Officer entered this Office as a laborer in 1950, and rose to a journeyman craftsman through an in-house training program before being appointed to his present position.

With regard to your demands, I say as honestly and firmly as I can that all employees without regard to race, creed, sex, national origin, or political affiliation will continue to be treated with equal fairness in all personnel matters. The principle of merit shall be maintained. I shall continue to provide the maximum in opportunities for the disadvantaged and under-trained consistent with the mission of the Office.

In these matters, it is easy to be misled by capricious reports of bias and discrimination. As you can see, however, the policies of this Office are designed to eliminate the possibility of such practices. Moreover, most of our employees are members of organizations which have been granted exclusive recognition, and which help us prevent such practices. The printing plant workers are represented by such an organization.

Every employee has the opportunity to utilize the procedures provided by Executive Order No. 11246, which include appeal to the U.S. Civil Service Commission, if bias and discrimination of the type reported to you is alleged. Although some employees have made such allegations and have availed themselves of these procedures in the past, the record will show that when the allegations have been fully examined by the Civil Service Commission, they have invariably been found to be without merit.

I hope that this letter will give the Urban League and the Council for Negro Progress in Government better insight into the true position of Negroes in this Office. I also hope you will apply the same principles of justice and fairness which motivates your organizations to your evaluation of the accomplishments of the Government Printing Office in developing viable career programs and maintaining an honest sensitivity to the progress of Negroes in this agency.

We have tried very hard to make this Office a model of Negro career development. But we know there is still work to be done, and with your cooperation we shall see that our Negro employees continue to be afforded opportunities to reach their full potential in the Government Printing Office.

Sincerely,

JAMES L. HARRISON,
Public Printer.

---

[1] Attachments not printed in RECORD.

URBAN LEAGUE'S LETTER

Mr. HAYDEN. Mr. President, for the purpose of presenting the full story, I also ask unanimous consent to include the letter which was sent to the Public Printer.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON URBAN LEAGUE, INC.,
Washington, D.C., September 5, 1968.

Hon. JAMES L. HARRISON,
Public Printer, Government Printing Office, Washington, D.C.

DEAR MR. HARRISON: Nine months ago the Urban League began receiving complaints from your employees of extreme conditions of human fortitude under which Negroes were working at the Government Printing Office. Since that time we have been conducting a continuing investigation in order to satisfy ourselves whether the allegations were true, and we now share with you our findings in order that these matters can be immediately rectified.

We do not want to go through the awesome task of singling out every individual case at this time although there are some outstanding examples of events that have transpired, and some still taking place in the GPO, in which we believe you would be interested. The ones listed here will merely serve to alert you that the Urban League in conjunction with the Council for Negro Progress in Government, Inc. is greatly disturbed over these incidents of discrimination and is anxious for a quick transformation of the system under which the GPO currently conducts its official governmental functions. We are opposed to all pockets of discrimination and repressive measures against black personnel in the Government Printing Office as we are indeed concerned and opposed to similar practices elsewhere in agencies of the Metropolitan area. Among our findings at the GPO are the following:

1. We found that of the nearly 8,000 employees at the GPO only white persons occupy the higher grade positions and there is no established system for progression of Negro employees to those grades. We found that almost 90% of the Negroes at GPO are in grades not above the equivalency grades of GS-5 according to Civil Service rating standards and reports. (See attached.) [2]

2. We found that 44% or slightly less than one-half of your work force in the Government Printing Office are Negroes and as reported by your office there is only one Negro supervisor appointed among this labor force. Contrary to the fair and equal employment practices provided for by the Civil Rights Act of 1964 and Executive Order 11246 all supervisory positions from Assistant Group Chief, Group Chief to Foreman, are given to white personnel. Appointment of persons to these supervisory positions of course means better pay and better opportunities for advancement of those who work under them, yet these considerations have never been extended to Negro personnel of the GPO.

3. We found that although there are Negro technicians who are as capable as any white employee under your jurisdiction, nearly all promotions made in the GPO go to white personnel. We are greatly concerned with the lack of an a priori policy in the Government Printing Office governing all employees, and more specially we are concerned with your policy on promotions with respect to persons engaged in the crafts.

4. We found that nearly all low grade jobs are assigned to blacks, many having been assigned in these grades for the past 20 to 30 years without opportunities for training or advancement. This particular existence is not only shameful but disgraceful.

5. We have received most disturbing reports of the slave labor tactics being used in the Off-Set Press Room on the second floor to force work out of Negro women employed on those heavy press machines. Our representatives visited that section and observed the situation first hand. We found that Negro women are assigned to lift reams of paper weighing from 180 to 190 pounds and as a result of this heavy dirty work some of the ladies have developed poor health.

The ladies are being used as grease monkeys, for hauling skids of paper and raw material around which only men and machines perform in other sections of the GPO. Negro male employees assigned to the Printing Office resent Negro women being used in this slave type job when white women are spared this type of heavy, dirty and strenuous laboring job. We must make it clear that there are no white women assigned to this duty in the Off-Set Press section.

We could list the countless cases and examples of discrimination in the Government Printing Office that have turned up during the course of our investigation including many pending since 1966, to which no remedy has been offered, but it would be repetitious to do so. We hope these examples listed will give you an idea of the variety and the broad spectrum over which these incidents of discrimination lie.

(We should be happy to supply you with individual allegations upon request).

Consistent with these complaints and resultant findings, we:

1. Demand that Negro employees of the Government Printing Office be given their due share of the higher grade positions. Namely grades GS-9 through GS-16, as we understand that at the moment there are no Negroes assigned in Grades above GS-12 (where there are 104 whites) and only eight blacks between GS-9 and GS-12 (where there are 98 whites).

2. Strongly urge that you establish a permanent promotion system through which Negroes as well as other employees can progress to the upper grades. We strongly urge that this new system be one that brings about equilibrium in grade between Negroes and whites assigned in all grades but especially those assigned in Grades GS-4 and GS-5. We further urge that all Negroes who have been assigned in Grades GS-1 through GS-5 for more than five years be immediately promoted as follows: GS-1 to GS-3, GS-2 to GS-4, GS-3 to GS-5, and be promoted annually until their grades fall in line with that of white employees of the Printing Office.

3. Demand the immediate appointment of black supervisors to Assistant Group Chief, Group Chief and Foreman in all crafts and in all sections. We also demand the assignment of more black employees as Planners.

4. Demand a higher quota of journeymen trainees commensurate with the Negro population of the Printing Office and that these employees be given equal opportunities to complete their programs and be assigned as journeymen.

5. Demand that all women presently assigned to the Off-Set Press Room on the second floor be immediately upon receipt of this letter transferred to the Bindery Section or to other sections where white women are assigned and that they be given similar duties and opportunities to work.

6. Urge that those employees who were arbitrarily stopped at certain percentage rates of their journeyman's wage, be immediately restored to full journeyman's pay.

7. Urge that those Negroes who were dropped from their training programs this year be restored to their programs and that every opportunity be given them to complete the training and make progress.

8. Urge that a Negro be appointed Equal Employment Opportunity Officer and following his appointment, that special efforts be made to wipe out all vestiges of discrimination in the Government Printing Office, and that a workable grievance procedure be established.

If you fail to act within a reasonable period of time on behalf of the nearly 4,000 Negroes in the Government Printing Office, the Urban League and the Council on Negro Progress in Government intend to act. We therefore respectfully request a reply by September 20, 1968 of corrective action taken or contemplated in transforming your personnel system of operation at the Government Printing Office.

Respectfully yours,
JOHN E. JACOB, ACSW,
Acting Executive Director.
ALONZO C. BARNETT,
Council for Negro Progress in Government.

COMBAT—A NEW AND SORELY NEEDED PUBLICATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. ASHBROOK. Mr. Speaker, with the proliferation of groups and individuals in this country advocating violence and revolution, the average citizen is utterly confused as to who are the "guys in the white hats" and just who are the people who would create strife and chaos among us. For us whose job is to keep abreast of developments in this area, the necessary resources are at hand. However, adequately getting the news to the public is a monumental task. For instance, I inserted in the CONGRESSIONAL RECORD of August 22 extensive material under the heading, "Violence Caused by Agitation and Design," which was later reprinted in two parts: one dealing with the spreading of terror, violence, and rebellion, and the other with the distortion of the term, "police brutality." While this material is serving its purpose, the need for more reliable sources of infortion on this subject is undeniably urgent.

Fortunately, on September 1 a newsletter which seeks to keep the public informed about the revolutionary struggle in America today, Combat by name, was made available to the public with its first issue. Edited by the very knowledgeable Theodore Lit and Ruth I. Matthews, both with long histories in the field of combating revolution and subversion, Combat has as its editorial adviser Eugene Lyons, of the Reader's Digest, the author of various books on international communism and the Soviet Union. It is published twice monthly by Communications Distribution, Inc., Box 182, Murray Hill Station, New York, N.Y.

J. Edgar Hoover, in his comments on law and order, repeatedly stresses public concern and involvement as a prerequisite to reestablishing domestic tranquility in our Nation. Surely, information concerning those groups and individuals whose dedication to disorder is a matter of public record is a must for responsible citizens. I believe that Combat will contribute greatly toward airing for public review the identities and designs of those elements whose activities to date have caused general alarm today, and possibly increased havoc tomorrow.

For a better idea of the format and

---

[2] Not reproduced.

content of this new and welcome newsletter, I place the first issue of Combat in the Record at this point:

[From Combat, Sept. 1, 1968]

Newleft Elated by Chicago, Plans Future Disruptions—Czech Developments Split U.S. Communists, Daily World Suppresses Party Dissent—Hippies Tried LSD on Water Supply—Cleaver Guest of Xerox—Profile of the Reverend Jesse Jackson

Far Left Wins Victory in Chicago Streets: Convention city of majority party turned into armed camp, a first in U.S. history and a propaganda plus to world Communist movement. Now being used (along with Vietnam) to fuzz world image of Soviet invasion of Czechoslovakia. Demonstrations created tremendous opportunity to recruit young people into far Left, especially idealistic, disappointed McCarthy followers. Recent splintering, fracturing of Left (break between Trotskyite and Communist youth) in Student Mobilization Committee to End the War in Vietnam not yet a weakness; anti-war camp still a place for everyone to "do his thing." In the crunch (as in Chicago) differences fade and Newleft joins in solid phalanx against police. Street demonstrators mainly *white* radicals. Negro leaders impressed by whites' willingness to take on police in major confrontation. Decentralized targets all over Chicago taught the rank-and-file comrades what to do back in their own communities. All in all, it was valuable learning experience for Newleft.

Terrorism planned for all future political spectacles: The big question now is: Who will own the streets? The youthful revolutionaries ("the kids," "the dissenters") are open about their plans in months ahead: (1) increase number of followers (around a hard core of 10,000 semi-professional revolutionaries; (2) Combine conventional street demonstrations with guerrilla-type street fighting under slogan, "the streets belong to the people"; (3) Prevent traditional out-of-door campaigning by non-radical candidates, especially in slum, campus and liberal neighborhoods, which will be "theirs", (4) Create pervasive fears of violence at all large political gatherings, such as the Inauguration; (5) Form a new political organization, the National Liberation Front for America, for agitation to stop Vietnam war. These tactics designed to convince American people that The System is inherently brutal, must be changed to permit "dissent." United front will be forged by the Oldleft, Newleft, Yippies, and (later) some black nationalist groups. Revolutionaries not lacking for sympathy from media, intellectuals, respectables, chorusing the cry "police brutality." Recent examples: (1) the behavior of the media during the Chicago convention; (2) vote of American Sociological Association at Boston to boycott Chicago for 10 years in protest against "Gestapo-like Chicago policemen." (This means cancelling sociological conventions planned for summers of 1969, 1972 and 1976); (3) Mrs. Perle Mesta cancels party for Democratic unity in Chicago because of "beating up kids by the Chicago police."

Chicago: report on the *"Shapeless" Revolution—The following was received at presstime with Combat correspondent who was with rioters in Chicago day and night for three days*—"The army of saintly and cynical waifs besieging their Conrad Hilton Bastille constitutes a kind of grisly argument for birth control. It was an epitome of all youth styles, strong on rhetoric, short on real violence, all too ready to suffer, hypnotized with the obscene incantations of revolution, and on their way to achieving just that despite their own half-seriousness. It was Che and Bobby and Ho and John Lennon; carnage and Carnaby Street. It was hours of taunting, minutes of cloudy fighting, teargas puffed out and out like the respirations of some chemical dragon; obscenities and antics, and—behind it all—a new revolution taking shape. Or, rather, shapelessness. A revolution based on innocent new kinds of hate. Hatred of parents, of country, and of self. Of money, which they burned, of The System, which they imagined everywhere in shivery paranoia. Of modern technology, which they used effectively against The System. The children's main impulse was to destroy—in the name of Love, of course. It is 'what's happening.' Which is always a good thing to oppose."

Combat Exclusive: In Chicago, hippies poured fortune in LSD into reservoirs, expecting to turn convention on. Dismayed at lack of results. Reason: Chlorinated water instantly neutralizes LSD. Contaminators caught by police and arrested, but news not given out, fearing panic in city.

Czech Crisis Causes Dissension Inside U.S. Communist Party: CP boss Gus Hall criticized by Party's New York chairman Gil Green, California chairman Dorothy Healey, for his support of Soviet invasion. Green and Healey (plus some Red youth leaders) back Czech democratizing trend. New CP paper. Daily World (old Daily Worker), though pro-Kremlin, tried to play it cool, reported both Soviet, Czech positions, called for Moscow-Prague rapprochement. Healey criticisms *not* reported, however. Czech problem intensified serious fight at New York party convention. Dorothy Healey concerned over effects in U.S. of Kremlin's suppression of Soviet intellectuals seeking freedom of expression. She argues that CPUSA support of Kremlin policy makes Party work difficult among anarchist-libertarian elements in Newleft. Hall's apologia for Soviet invasion increases difficulties.

Miniskirted Czech girls and longhaired, mod-dressed youth shook invading Russians. Young troops especially demoralized, some units replaced after only few days in streets. Prague so Westernized (in just eight months of comparative freedom) it resembled nothing Red Army had seen before. Top brass worried about longterm effects on morale: elite troops were told to crush "counterrevolution," found none, and know it.

Xerox Host to Snarling Black Panther: Eldridge Cleaver, Minister of Information of the revolutionary Black Panther Party and presidential candidate of newleft Peace and Freedom Party, has served prison term for rape. Now awaiting trial for attempted murder in "shoot-out" with Oakland police last spring. This summer, Xerox Corporation invited Cleaver to lecture young trainees (mostly Negroes) at Rochester plant; talk was peppered with profanity, received at first with nervous titters, then robust laughter and applause. Cleaver suggested trainees "liberate one of those [Xerox] machines . . . one of those great big ones . . . and give it to the Black Panther Party." He added: "Maybe we'll come and burn [Rochester] down, or we'll go down to Xerox and blow it up." Cleaver also wants "a black finger on the nuclear trigger." After the nation's blacks are organized by Black Panther Party ("there's a world of difference between 25 million armed black people and 25 million unarmed niggers"), Panthers "can walk on any army base and take [a hydrogen bomb]." Peace and Freedom Party praised by Cleaver as white ally in fight against "this decadent bourgeois system." The only way Negroes can get the "good life" is to use their power to disrupt The System—"to destroy it if we don't get it." Xerox executives remained silent. One Negro trainee whispered to Combat's source: "Nothing is too insulting for white liberals to take!"

Briefly: New York Daily News reporter *Bill Federici* said Chicago police could use lessons from New York's Finest on mob control ("New York cops contain the crowds, then go after the agitator . . .") and treatment of press ("They said: 'Get out of here, you Bastards, what the hell are you looking at?' ") * * * Under continuing attack from organized Left re his civil rights record, *Spiro Agnew* let bitterness show in Cleveland speech: "Dr. Martin Luther King, Whitney Young and Roy Wilkins [after Detroit riots] said the same thing I say. Yet I'm called a white racist." * * * *Gun Control* laws opposed by Black Panthers * * * Dallas Morning News reports *increase* in gun sales to people who "want to protect their homes" * * * Syndicated columnist *Flora Lewis* (in Newsday) greets Combat: "Appearance of a revived McCarthyite publication looks ominous . . . may have more to do with the future shape of politics than the hullabaloo in Chicago . . ." * * * From *Wallace Johnson* (Berkeley, Cal. mayor): "I am quite familiar with what Combat will be dealing with . . . We in Berkeley have been wrestling with the problem of radicals and anarchists who would like to overthrow this community . . ." * * * *Black Power Conference* now meeting in Philadelphia (watch for Combat report) * * * *Andrew Cordier,* new acting president of Columbia University (replacing Grayson Kirk, forced out by student sit-ins) was one of Otto Otepka's State Dept. security cases, onetime defender of Alger Hiss, also involved in Bang Jensen case * * * Oakland jury to get *Huey Newton* case after Labor Day.

Galamison Charged With Sabotage of NYC School Board: Plans to decentralize New York City schools result in violent controversy; president (Mrs. Rose Shapiro) accuses the Rev. Milton A. Galamison (pastor of Siloam Presbyterian Church, Brooklyn) of fomenting "sabotage and villification" of board; three stormy public meetings (one audience speaker arrested) since Galamison's appointment last July by Mayor John V. Lindsay. Even elements sympathetic to experiment fear that independent schools would promote racism, black separatism, revolution. Galamison's blackground: arrested 9 times since 1963 in school demonstrations; leader of four school boycotts; keynote speaker in 1964 at founding convention of W.E.B. DuBois Clubs (declared by J. Edgar Hoover as "Communist spawned"); speaker in April 1961 at mass meeting of Brooklyn Fair Play for Cuba Committee (Castro-financed agit-prop organization also promoted by Lee Harvey Oswald).

Police feud in California: Oakland police angry with San Francisco Police Commissioner Washington E. Garner. Reason: Garner presented gold star to Charles R. Garry, (white) defense attorney for Black Panther leader Huey P. Newton now on trial for murder of Oakland policeman. (Gold star makes Garry honorary member of San Francisco department.) Commissioner Garner (a Negro) justifies action on ground that Garry has been his friend for twenty years. Would do same even if Garry were defending "accused assassin of Martin Luther King, Jr." Garry invoked 5th Amendment in 1957 when named as member of Community Party. Long active in Communist causes, Garry has been a member of the National Lawyers Guild, cited as Communist front by Senate (1957) and House (1950) committees, since he was admitted to bar 30 years ago. In Newton trial, Garry argues that justice is impossible for black revolutionaries in U.S. racist courts.

Incredible Leftist Penetration of Catholic Organizations exemplified by annual National Liturgical Conference in Washington (run by James Colaianni, former managing editor of Ramparts). Among featured speakers: open Communist Herbert Aptheker, urban troublemaker Saul Alinsky, former CORE director James Farmer. Harlem's Isaiah Robinson (upcoming National Black Power Conference chairman) told delegates racism is "ingrained in Christian society." Conference issued "Liturgical Week" statement calling for unconditional Viet bomb halt, protection for rights of conscientious objectors. NLC leadership controlled by New Breed idealogues. Few innocent (and bewildered) delegates told "don't ask" how conference got sidetracked from Mass to masses.

Plebiscite on Black Republic in U.S.: Newly formed, Detroit-headquartered Republic of New Africa (RNA) is planning poll of American Negroes: Do they want separate black republic in U.S.? (In '30's, this was pet project of U.S. Communist Party.) Plebiscite idea ok'd by RNA's recent Legislative Assembly in Chicago (the 100-plus delegates got physical search before sessions). RNA claims:

Negroes are not voluntary citizens of U.S.; citizenship *forced* upon them. Negroes deserve separate republic in "subjugated areas"—Mississippi, Alabama, Louisiana, Georgia, So. Carolina. RNA will negotiate takeover of these areas with Washington. If U.S. refuses, states would be grabbed by "any means necessary."

Minimum of 3 million American blacks favor separate republic idea.

Plebiscite should be jointly administered by RNA and UN (RNA wouldn't trust U.S. to conduct honest vote).

U.S. owes Negroes $200 billion in reparations for "sufferings" during and since slavery.

Black republic would adopt socialist system, with "major means of production and trade placed in trust" to state.

Meanwhile RNA plans paramilitary units: a first-line Black Legion backed by a youth auxiliary ("Junior Legion") and "ready reserves" (including women). If arrested in street fighting, RNA "citizens" will declare allegiance to black republic, demand prisoner-of-war treatment under Geneva convention. RNA leaders include big names in black nationalist movement: President (in exile) is Robert F. Williams.* H. Rap Brown is Minister of Defense. Milton R. Henry is 1st Vice President; his brother Richard (who calls himself "Imari"—Swahili for strength) is Minister of Information. (Henry brothers are active in Detroit area, founded Malcolm X Society). Betty Shabazz, Malcolm's widow, is 2nd VP. Minister of Justice is Joan Franklin, also an NAACP attorney—which will come as a surprise to NAACP. Ismael Flory, Communist director of Afro-American Heritage Association, was also delegate.

Henry brothers flew to Dar Es Salaam, Tanzania, after convention, reported to RNA president Williams. African port is entry point for Red Chinese and Soviet influence and money into Africa. Communist support of RNA may follow same route.

Lysistrata on the Left: "And if you young ladies think it is wrong to kill and war is wrong, you can say yes to the young men who say no to the draft."—Joan Baez (quoted last month in New York City concert leaflet).

"Now I got something for the women, for all the fine sisters out there . . . you tell that man if he can't be a warrior in time of trouble, get out . . . Until he ready to pick up a gun and be a man, don't give him no sugar . . . You can always get a real man . . . they're plenty of warriors out there who know how to relate to you. And if them others come around, . . . you let us know and we'll kill 'em."—Eldridge Cleaver (in California speech).

[From Combat, Sept. 1, 1968]

JESSE JACKSON: THE MAN TO WATCH

(By Lionel Lokos, author of the forthcoming book, "House Divided: The Life and Legacy of Martin Luther King," the September selection of the Conservative Book Club)

He was talking with Martin Luther King at the moment of the assassination in Memphis. Ralph Abernathy embraced him before going to jail, following the ill-starred march on Washington. The New York Times considers him "one of the emerging leaders of the Southern Christian Leadership Conference." Tuesday, the Negro magazine supplement, considers him most likely to become "the nation's chief proponent of nonviolent protest." He calls moderate civil rights leaders "sick," and applauds Stokely Carmichael as "a rock crying out with truth." For inspiration he looks to Jesus, Malcolm X, James Bevel and Martin Luther King. He is Rev. Jesse Jackson, the man to watch—in the S.C.L.C.

In a year of humiliating defeats for the civil rights movement, Jesse Jackson heads the one S.C.L.C. program that has been a continuing success—the boycott campaign, Operation Breadbasket. Jackson took charge at the personal request of King. Referring to white store owners in Chicago's ghetto as "the colonial powers," Jackson declared: "Black people must have control of eleven per cent of Chicago." Through threats of Negro boycotts in a 15 month period Jackson negotiated agreements with Chicago food chains, soft drink firms and dairies that opened some 2,000 jobs to Negroes. He forced stores to stock such Negro products as Mumbo Barbecue Sauce (sales increased a staggering 600% in four months). Perhaps most far-reaching was Jackson's war of attrition against A & P which pledged 770 new jobs to black people; "fair" shelf space for black-manufactured products; use of black banks and black scavenger service in ghetto stores. Jackson exulted: "If this policy is carried out with honesty and determination, A & P will cease to be the Man's store and will become our store." Presumably, A & P was not quite ready to turn its board chairmanship over to the S.C.L.C. Last July, Jackson furiously charged that A & P had reneged on the agreement and he organized picketing teams to march on five stores. Jackson said the pickets would remain "until we close them down." He was seconded by Ralph Abernathy at this summer's annual convention of the S.C.L.C. "I have news for A & P," Abernathy said. "Get your house in order, or we are going to close you down, not only in Chicago but all over the country." The voice was Abernathy's—but it seemed more obvious who wrote the script. (Perhaps not coincidentally, A & P earnings were down 30.7% in the 2nd quarter of 1968.)

AFTER BIGGER GAME

Jackson took a brief hiatus from the march on A & P to bag bigger game, in the march on Washington. Of all the officials of S.C.L.C., only Jesse Jackson emerged relatively unscathed from this monumental fiasco. Abernathy himself introduced Jackson as manager of Resurrection City—the same day the Interior Department granted a permit for the Poor People's Campaign to use the West Mall near the Lincoln Memorial. Jackson's reaction was that S.C.L.C. had not sought the permit, and would have camped on the ground anyway. A group led by Jackson ate in the Agriculture Department cafeteria and ran up a bill of almost $300. When the bill was presented, Jackson said it would be compared with what "the Government owes to the poor people of this nation" because of its failure to feed them. "Whoever owes the other will pay," he said.

Later, one of the more malevolent headlines was made by Jackson when one of his marchers, Arthur Easton, died on a walk from Resurrection City to the Agriculture Department cafeteria. Jackson charged that Easton "died begging for a plate of food"—a lurid falsehood, ignoring the fact that almost from the very beginning Agriculture had supplied the meals for Resurrection City. An Agriculture official, Rodney E. Leonard, said that the Federal Government had been feeding one hot meal and two cold meals a day to more than 3,000 people at the campsite and that he expected the feeding to go on indefinitely. The Government stepped in with ample food, at Abernathy's own request, after the S.C.L.C. had run out of money for meals. As for Easton's death, it was later attributed not to hunger but to diabetes.

Jackson went on with his protests—again leading a group of marchers to the cafeteria. On Jackson's assurance that he would pay as much as he could on the spot and the rest within 24 hours, the government officials permitted him and his followers into the cafeteria. Again the cafeteria bill came to nearly $300. Jackson paid $72 and accepted a bill for the rest. "We'll pay it when we can," Jackson said. "We're poor people, you know." For once, the toothless tiger of the Justice Department, Ramsey Clark, was equal to the situation. Attorney General Clark ordered the Community Relations Service to tell Abernathy that unless the cafeteria bill was paid before the close of business that day, Jackson might be taken before a grand jury on charges of theft by fraud. Abernathy was privately critical of Jesse Jackson, and Jackson, in conversations with other S.C.L.C. leaders, questioned the leadership of Abernathy. Reportedly, his remarks were relayed to Abernathy, who became angry. Jackson was reported to have been among the handful of young staff members actually living at Resurrection City who felt that most other staff officials—excluding Abernathy—should vacate their comfortable quarters at the Negro-owned Pitts Motor Hotel and "stop goofing off." At a staff meeting, Jackson was reported to have commented: "We have two staffs—the working staff and the S.C.L.C. staff."

On June 1st, there was a major shakeup in S.C.L.C. Jackson was removed as mayor of Resurrection City. It was called a "shifting of gears" but most observers saw it as a demotion. William Raspberry, Negro columnist for the *Washington Post,* thought Jackson had been reassigned "because a personality cult had started to build around him." Presumably, the cult had dues-paying members inside the Administration. *The New York Times* reported that Jackson had made a strong impression on an Administration admirer, who called him "a man who knew the limits to which a demonstration could go, and could pull it back quickly if it was going too far." Other S.C.L.C. officials privately deplored Jackson's "banishment" by Abernathy. One dissatisfied member said: "If Jesse Jackson was in charge, we'd be moving by now."

On June 3rd, Jackson reportedly returned to Chicago. But a week later was back in Washington, heading The Action Committee, an outgrowth of the March on Washington. A few days later, he was photographed at Abernathy's side, before the latter was whisked off to jail.

The Jackson cult enrolled a new member in Mary McGrory of the *New York Post,* who wrote: "The Poor People's March, which yielded so little in the way of results at least brought to the fore the Rev. Jesse Jackson, who in the eyes of some observers is a black hope who might eventually succeed King as head of the S.C.L.C., if not as a national leader."

In Chicago especially the Jackson cult has zoomed into orbit. Ordained a Baptist minister last June, Jackson preaches Saturday mornings to 3,000 people in a ballroom, a combination worship service and weekly meeting of National Operation Breadbasket. "Parishioners" include Sidney Poitier, Bill Cosby, France Nuyen, Dick Gregory and TV star Robert Culp, who flies 3,000 miles weekly to film Operation Breadbasket activities free.

---

*Robert Williams became prominent in 1959. Advocated Negro violence while head of NAACP in Monroe, North Carolina. Later escaped to Cuba from kidnaping charge following violent demonstration in Monroe (FBI "Wanted" signs still in post offices). From Cuba, via his newsletter the Crusader and Radio Havana, agitated for black revolutionary violence in U.S. Also leader of Revolutionary Action Movement (RAM), a Negro organization for guerrilla warfare in U.S. cities. In 1961, Williams moved to Peking, worked with top Communist leaders to foment racial unrest in United States. Recently, he shifted operations to Dar Es Salaam.

WROTE MAYOR DALEY

Jesse Jackson proves that out of the mouths of the nonviolent come some of the most violent threats in the English language. Just before the Democratic convention opened, Jackson wrote Mayor Richard Daley that Chicago was on the brink of a racial "eruption." He urged Daley to "remove the white policemen from the black neighborhoods now, to insure their personal safety and to insure black people's collective security . . . Remove white policemen, white firemen and other white employees now." Jackson said he made the demand "not out of hate for white people but out of respect for ourselves." This may well have been one of the reasons why National Guardsmen were in Chicago during the convention. Jackson compared activating the Guard with the Russian invasion of Czechoslovakia. "The only difference is that he [Daley] is too embarrassed to have them walk down the streets."

Jackson's activities have come to the ecstatic attention of *Political Affairs*, the theoretical journal of the Communist Party, U.S.A., which delightedly quoted Jackson as saying: "Sometime before the night is over we are going to talk not just about jobs but we are going to talk about capitalism itself. For a long time people did not talk about capitalism because of the McCarthyism. People have been afraid of using the word because the alternative is supposed to be communism. Whether or not that is the alternative, capitalism is a bad system."

Political Affairs rhapsodized that Negroes "may not be ready to accept Socialism, but no segment of the population is so ripe for it." Apparently the comrades think Jackson riper than most, whether or not he's quite ready for plucking.

NEED FOR NUCLEAR TREATY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 13, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Nuclear Treaty Still Needed," published in the Newport News, Va., Daily Press of September 12, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NUCLEAR TREATY STILL NEEDED

The nuclear non-proliferation treaty is coming before the Senate at the worst possible time. The Soviet Union joined with the United States in devising the draft of the multi-nation pact, and anything Moscow has anything to do with must be particularly unpopular in this country now, because of what has happened to Czechoslovakia.

Some senators feel, perhaps justifiably so, that if they favor the treaty aimed at preventing the further spread of nuclear weapons, voters will think they are condoning Soviet aggression—and this is, after all, an election year.

But Sen. Harry F. Byrd Jr. doesn't think that way, and while he isn't up for reelection this November, it is significant that a legislator with such firm anti-Communist credentials has come out four-square in behalf of the treaty's ratification.

"As strongly as I condemn the action of the Soviet Union and its satellites against Czechoslovakia," Senator Byrd said on Monday, "that action serves to remind us that the Soviet Union has not forsaken its aggressive policies in the world and that the risk of nuclear war is still very much with us."

He contended that it is advisable to take all reasonable precautions in the fact of the possibility that more nations, some "under irresponsible leadership," might acquire nuclear weapons. Perhaps Senator Byrd's remarks will persuade some others that the treaty is in the best interests of the United States, and has nothing to do with "appeasement" of the Soviets.

Little or no progress has been made toward ratification thus far; yesterday the Senate Foreign Relations Committee again failed to muster a quorum to discuss the treaty. And the administration has given the impression of not pushing very hard for a showdown vote, because of the risk of a negative reaction that might permanently rule out the possibility of U.S. participation in a ban on the spread of nuclear weapons.

The Republicans in the Senate, with some Democratic help, hold the power of decision if the threat of a filibuster materializes, and what the GOP legislators do must depend largely on the attitude of Richard M. Nixon toward the treaty. Yesterday the Republican candidate for the presidency reemphasized the doubts he had previously expressed, and evidently he intends to carry his opposition to the point of creating a campaign issue. If that turns out to be the case, the wisest course will be to defer action until next year, when the atmosphere will hopefully be more conducive to calm consideration of the nuclear non-proliferation proposal. After this much delay a few more months shouldn't make much difference.

THREE ARTICLES ON THE STUDENTS FOR DEMOCRATIC SOCIETY

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. GATHINGS. Mr. Speaker, in June of this year, Mr. Ray Cromley, who writes for the Scripps-Howard newspapers, wrote three articles on the Students for Democratic Society and their efforts to mount disruptive operations in this Nation based on the riot demonstration technique of Adolph Hitler, Che Guevara Mao Tse-tung, and Ho Chi Minh. Mr. Cromley was especially suited for such an assignment for he was in Army Intelligence during World War II and was assigned to Mao and the Chinese Communists in Yenan for a period of time that educated him on their aims and operations.

In the light of the latest outrages, the three articles of Mr. Cromley will be most enlightening to the general public, and it is a pleasure to place them in the RECORD for study by the Members:

[From the Washington (D.C.) Daily News, June 24, 1968]

DRIVERLESS SDS

(By Ray Cromley)

There is a tendency to credit the Students for a Democratic Society with a great deal of strength because of the part it played in the Columbia University riots, the anti-Vietnam march on Washington in 1967, the harassment of Dow Chemical Co. recruiters on college campuses and in the public burning of draft cards.

It is true that this inter-campus collegiate group grew so rapidly the past eight years that its leaders haven't been able to keep track of its chapters (estimated at over 150) or its membership (estimated at over 35,000).

It is true also that SDS so far has had considerable success in violence and the use of strong-arm power.

Like an auto out of control on a main street, the SDS can do a great deal of damage. But until it gets a driver that can control it, like the runaway car the SDS will inevitably end wrapped around a light pole or halfway thru a store window or stalled out of gas on a side road. The driver can be a man, or an ideology.

Tho the SDS has stirred up local whirlwinds, and tho its leaders have spoken at length about what they're going to do, most of their words have been cliches. There is no sign yet that the SDS knows where it is going.

In fact, a study of the SDS indicates it is going in several unco-ordinated directions at once. All of these actions have one thing in common; they are opposed to what is. None seem to aim at a substitute for what's being attacked.

That is, despite its historical connection with socialism and its publicized minority membership of avowed communists, the SDS has no clear ideology.

Its leaders are against all candidates for the presidency. They are against the American system of national and local elections, which they say are a means of keeping in power the men and the system already in power. They oppose the draft which they say is a means of preserving the rulers in their positions at the expense of the underprivileged. SDS leaders attack "capitalism," the "power structure" the U.S. system of "racism," and "U.S. imperialism."

But when it comes to solutions, the best its leaders can offer ran like this:

"A primary objective would be to develop and present a radical political and organizational alternative to existing institutions."

"We must evaluate our stance toward electoral politics so that we can create a clear radical alternative to the capitalist-racist system . . ."

"As a social system we seek the establishment of a democracy of individual participation (in which) . . . the individual shares in those social decisions determining the quality and direction of his life . . ."

Even within the SDS there are growing complaints that these are just words. "What do they mean?" says one member challenging the leaders.

[From the Washington (D.C.) Daily News, June 25, 1968]

THE BASIC TARGETS

(By Ray Cromley)

Despite their emphasis on the draft and the Vietnam war, Students for a Democratic Society leaders say the draft and the war are not the issues.

Anti-draft and war riots and demonstration, they say, are means to an end:

"The draft is not the issue . . . but rather the means by which we can involve large numbers of people, organize collective resistance . . . and, most importantly, educate and politicize . . . about race wars, electoral politics, imperialism . . . Politically, the draft makes possible broad-based coalitions that could foment unity on the left . . . and allow for mass tactics."

"Among the poor, draft organizing is one way to gain entry into the community . . . (extend) organizing around other community issues (and) . . . inject anti-imperialism and anti-racism into those struggles."

We see our main effectiveness in working (on) . . . the draft as building consciousness about the nature of this society.

"Our analysis must . . . tie the draft into the uses of the draft: for imperialism; for Vietnam; for Watts; for Berkeley and Oakland. We can show why the U.S. must suppress people internationally and domestically—must exploit people in imperialism's constant search for higher profits . . ."

"We must link the draft with the trend toward militarism and fascism . . ."

"We must use this . . . struggle (against the draft) to raise basic questions about the capitalist system."

The SDS leaders see candidates like Senator Eugene McCarthy and the late Senator Robert Kennedy—and slum programs aiming at jobs, better living conditions and more equality of opportunity—as compromising palliatives which tend to hide the need for throwing out the whole present U.S. capitalist system.

"We would show how the politics of this country are a function of capitalistic economic interests. And we would show that our country's problems cannot be resolved within the existing political, economic and social institutions because they are essential elements of those institutions."

SDS leaders regard today's stage in their development as an organizational and propaganda phase. Tho they say a violent revolution will be necessary to remold American society, the time is not yet ripe. Too many people still believe in American institutions and the American election system.

First, work must be done to educate and arouse numbers of people and to organize them into active groups. Demonstrations, violent protests and riots for now are "educational" and "training" projects to make people aware of their own strength and of what type of "power structure" they are up against. The leaders tell their cadre that Viet Cong, Algerian, Castro-Che Guevarra type "freedom fighting" will come later.

[From the Washington (D.C.) Daily News, June 26, 1968]

Red Techniques

(By Ray Cromley)

Some Students for a Democratic Society operations show evidence of a thorough study of the riot-demonstration techniques of Adolph Hitler, Che Guevarra, Mao Tse-tung and Ho Chi Minh:

In the Columbia University riots the students made repeated vicious personal physical attacks on police to insure a police reaction. Ho's men used these tactics repeatedly in his buildup to enable his people to charge police brutality and win sympathizers.

Some SDS leaders have consistently attempted to involve as many young people as possible in illegal actions. Once they have a police record, or have been in a strong emotional confrontation with the police or other authorities, the Mao theory runs, the students are committed to fighting "the establishment." They have no other place to go.

In some demonstrations, goon squad types strongarm those not in sympathy with the SDS and its allies. This is straight from Hitler's operations.

These are three examples. There are many more.

It is one thing to study the tactics of Mao, Ho, Che and Hitler and to use some of their techniques successfully; it is quite another to be able to build a successful revolutionary movement.

SDS men have learned from Vietnam, Cuba, pre-war Germany and China that a few men, using a few standard techniques, can raise a lot of havoc and create situations very difficult for government, college administrators and police to handle. It is especially difficult for a government which lives by democratic, Christian rules if the rioters are young students and women, for whom most people have a great deal of sympathy.

But successful insurgencies require a great deal more than techniques. Mao and Ho, for example, have shown a genius for organization, a persistence and a ruggedness that is phenomenal. They have shown the ability to sacrifice personal comforts, to live in want and isolation and to go to prison for long periods to accomplish their aims.

The major weakness of the SDS is that neither its leaders nor its members have thus far shown the ability to discipline themselves or to sacrifice for what they say they believe in.

For the most part, SDS leaders and their members have not been able to become one with the people whose causes they espouse. They respond like bureaucrats. Their own instructions to their cadre carefully point out that it will not be necessary to suffer in order to go down and work with people in the slums.

SDS planners are forced to urge their people to help in the poor city areas by sugar-coated urgings: ". . . students will learn that organizing in poor and working class neighborhoods is not the ascetic, austere, monk-like trip that (they imagine) . . ."

Even with this promise, however, the SDSers are finding their people more ready with riots and demonstrations than with the slow, unglamorous hard work among ordinary people. Says one SDS leader:

"We talk of going in to organize neighborhoods or factories, or relating to those projects with some professional skill, but too few of us have moved."

Numbers of these SDS activists are enamored of words. As one says, "We create symbols which have no content. . . . What does it mean to 'expose the bankruptcy of electoral politics?' . . . What does 'anti-imperialism' mean? . . . We have great difficulty using these terms that are bandied about too freely."

In short, many of these SDSers are children playing at revolution. Many are playing only so long as they're certain they won't be hurt seriously.

RAIL-WATER COORDINATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, September 13, 1968

Mr. SCOTT. Mr. President, recently I had called to my attention an excellent paper delivered by Mr. Charles E. Walker, president of the Union Barge Line of Pittsburgh, Pa., to the Nebraska Transportation Institute at the University of Nebraska in Lincoln. Speaking on "Regional Dividends From Rail-Water Coordination," he offered some important thoughts on the subject of regional development and the benefits to be gained by a decentralization of industry made possible, in part, by a greater emphasis on the implementation of multipurpose water resource programs. Mr. Walker's industrial experience has given him an especially good background on this subject. I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Regional Dividends From Rail-Water Coordination

(Address by Charles E. Walker, president, Union Barge Line Corp., Nebraska Transportation Institute, University of Nebraska, Lincoln, Nebr., May 14, 1968)

It is both a privilege and a pleasure to be invited to speak on the role of the water carriers in improving regional development. You have heard from the other principal means of transportation—airlines, motor carriers, pipelines and railroads. It is now my turn to talk about river navigation, the means of transportation which first helped open up the great plains region.

Only 100 years ago in Nebraska it was still a risky business transporting freight up the Missouri River. Boats were likely to be attacked by Sioux war parties. The Indians could fire directly into the pilot house when the steamboat ran close to the shore at the bends.

The difference in freight rates is interesting. A hundred years ago, the steamboats charged 70 cents a hundred pounds for service between St. Louis and Omaha. Today grain is shipped by river at eighteen and a half cents per 100 pounds over the same distance.

The great lesson taught us by the long sweep of American economic development is the simple fact that an economy doesn't come alive unless it has good air, highway, rail, pipeline and water transportation. The river barges keep the railroads honest, the railroads keep the river operators and the truck lines honest and the pipelines keep us all honest. I guess the airlines are just naturally honest.

The late Wendell Berge, a former Assistant Attorney General in charge of anti-trust enforcement—and a Nebraskan—in a book entitled "Economic Freedom for the West" stressed that transportation rates make the difference between success and failure in regional development. He wrote that without artificial barriers or discrimination in rates, capital in Maine, California or Nebraska will have equal opportunities for investment in new industry.

And the one reliable force guaranteed to keep artificial trade barriers low and discrimination in rates at a minimum is the force of healthy competition.

Most of us think from year to year. But a few of us in the water carrier industry have been standing back a bit from the rush of every day life and looking ahead. When you do that, you see in better perspective the remarkable rate of growth of the economy and the extraordinary demands that will be placed on the transportation industry in the next few years. Secretary of Transportation, Alan S. Boyd, has warned us that we must be prepared to double the capacity of the transport plant by 1980. William B. Johnson, president of the Illinois Central, speaking in Alabama last week, said that he thought transport capacity might have to quadruple by the end of the century.

Many people are beginning to question whether it makes sense to continue to concentrate the expansion of the economy in a few megalopolises. There is a growing belief that in concentrating production in a relatively few centers in the country, all the social ills are also concentrated at great human and material cost.

Those who are thinking in 30 and 50-year terms about our country are urging a speeding up of the present gradual rate of decentralization of industry. This was the great vision of Senator Robert S. Kerr. He saw in canalization of the Arkansas an opportunity to industrialize a new region. He said he thought there would be a rush of industry into the Arkansas Valley, with the completion of the river, that would make the land rush of the last century look like a walk. This is similarly the vision of those who back the development of the Missouri River.

There is a new dimension in what we are trying to do in this country. To affluence, we want to add improved quality of living. The multi-purpose water resources development programs are providing one of the strong counter-influences to all the powerful forces which are over-concentrating the economy and the population into such megalopolises as are to be found in the northeast. These programs will have a decisive influence in relieving the pressures building up in the huge metropolitan centers. The sparkling lakes and streams, the forests and parks of the Mississippi Valley are making possible a quality of living unavailable in the crowded urban centers and this may one day be as important as freight rates in regional development.

Major General Frederick Clark of the Corps of Engineers noted this point recently. "Supplying the utilitarian needs of the American people is not enough today . . . Urban dwellers want to be able to emerge from their high rise apartments, get off the paved streets, and find green fields, wooded hillsides, and clear, free-running streams somewhere nearby. . . ."

They can find them most easily in the relatively undeveloped regions of the country, provided also of course they can find jobs in decentralized industry.

This may seem somewhat off the subject of transportation, but it is very much on the subject of the purpose of this meeting to "assess transportation's broader role in the development of the regional economy." With balanced transportation services, the region can have balanced economic development. Without water transport no region's transportation services can be said to be balanced.

If we consider the overwhelming need of the economy for greatly expanded transport capacity and the need for decentralizing the economy, unquestionably river navigation is high on the list of those who do the long range planning for this region.

It will interest you to hear some of the new technological developments in the barge industry. The drive in river transportation is toward more and more economical services. We are proud of the fact that the average rates for the barge lines today are 3/10th of a cent per ton mile, about the same as they were in 1922. Very heavy investment in new technology has made this possible.

Our basic thrust has been to develop larger volume tows. On the lower river we are now exceeding 40,000 tons in a single flotilla of barges. Two technological break-throughs have made this possible. The first was the development of successful methods of reduction gearing so that more powerful, faster running and lighter engines could be employed. Parallel to this came the development of a system of positive steering control through improved mechanisms. The net result is that the higher volume has made possible lower unit cost. The barge lines have been able to reduce average rates 10 percent since 1960. Along with larger tows have gone larger barges, up from 500 tons capacity in the 1950's to 1,800 tons and more today. The technology is being developed for increasing horsepowers by one third to 12,000 or more and barge tows to 60,000 tons. With further economies around the corner, the barge lines can be relied upon as an ever more powerful force in stimulating regional economic development in the future.

We are temporarily disconcerted by the effect of an obsolete section of the Interstate Commerce Act. Before modern river technology was even dreamed of a law was passed partially regulating river traffic. Careful research reveals that the restrictions placed on river traffic at that time were based on Great Lakes practice and had little or nothing to do with the rivers. But today, because Great Lakes bulk ships have only three holds, river tows of bulk commodities—coal, grain, bauxite and the like—are limited to no more than three bulk commodities. By a later interpretation, the ICC even stated that non-bulk traffic, steel, bags of sugar, paper, could not be mixed with the bulk commodities. If applied, the ruling against mixing could turn back the technology clock on the river 15 years. Without the right to mix regulated non-bulk and unregulated bulk commodities, the barge lines cannot accumulate the volume made possible by the larger towboats and the economies, which the barge lines have already passed along to the public, will have to be cancelled.

The matter, as the ICC has stated in testimony before Congress, is largely an internal barge industry concern with little if any intermodal effect. A bill to cure the problem has universal support from farmers, labor, industry, shippers, the industrial development departments of major states and from regional industrial development organizations. The various government departments have examined the proposal and given it enthusiastic endorsement—Transportation, Agriculture and Justice. The issue is very simple; are the customers of the barge lines to continue to enjoy the benefits of technological advance?

Unfortunately, the mixing rule has become the battle ground for much larger issues. The railroads are concerned with what they believe to be inequality of treatment under the present transport statutes. If there is to be a change in the law affecting barge lines, however meritorious and minor its effect on railroads, they say, let the Congress also consider deregulating bulk commodities by rail. The truckers are alarmed at this prospect and want to be sure that all the antitrust laws as they now work are applied to deregulated traffic carried by any mode.

It all too frequently happens in Washington that an otherwise non-controversial measure—as ours should be non-controversial—is used as a lever by one or other of the very powerful lobbying machines to serve a purpose having little to do with the object of the particular legislation. The barge lines are not without sin in this popular Washington game. But all of us have got to learn—and soon—that the old days when each mode lived inside its own fortress are gone.

If the for hire or common carrier branch of the transportation industry spends all its time on harassment, we are simply going to encourage further erosion of traffic to private carriage and possibly nationalization of all transportation.

The mixing of regulated and unregulated traffic on the river has made possible major efficiencies which have offset the rising costs of materials, labor and equipment. It is universally agreed in government, in agriculture and in industry that mixing is in the public interest. The issues raised by the railroads are legitimate issues deserving of careful and sympathetic study. So are the issues raised by the truckers. But the barge mixing rule bill is no proper place to fight them out. They should be considered and settled separately and on their own merits.

Cooperation between the modes will greatly stimulate regional development. In the great expansion of capacity ahead of us, it is essential that the capital outlays we have to make are used in the most efficient manner possible. This is in our business self-interest. It is also very much in the national interest that the most efficient use possible be made of the nation's transport resources. Joining the best efficiencies of railroading, water carriers, trucking and pipelining can produce substantial savings for the economy.

The barge lines maintain excellent relations with the trucking industry. We have complete cooperation. Whenever we need a connecting service we get a connecting rate representing the best efficiencies of trucking and we work together to give the customer the best combined service possible.

Our trade group, the Water Transport Association, is beginning to work on a series of individual case studies showing how the best efficiencies of rail and water transportation may produce important savings. There has been a reluctance on the part of railroads to work with water carriers, but we expect to break this down with a sophisticated appeal to the enlightened business self-interest of both rail carriers and shippers.

Let me give you just two examples, which together, have a potential of about one third of a million dollars in savings in a year.

Freight rates are complex and it is essential to try to compare like with like. Please bear with me as I go into some detail.

Our objective here is to start a business dialogue on the public benefits which can result from better cooperation between water and rail services. If we are successful, we believe better water-rail coordination could have great meaning for the Plains States.

My first example involves synthetic rubber which moves in large volume—about 220,000 tons a year, between the Gulf States and the Northeast. We have chosen a movement from Baton Rouge, New Orleans to New Haven, Conn., an all-rail distance of 1,494 miles. We believe this movement to be typical of many from the Gulf area into New England.

The factors are as follows:

	Per ton
Present all-rail rate, Baton Rouge to New Haven (minimum weight 70 tons)	$22.00
Barge rate, Baton Rouge to proposed interchange at Leetsdale, near Pittsburg	7.75
Interchange, barge to rail	1.98
Rail rate Leetsdale to New Haven (well above fully distributed costs)	8.40
Total barge-rail	18.33
Indicated saving of barge-rail route or 17 percent	3.67

Let us assume for the sake of argument that the saving so achieved would apply to a third of the tonnage moving from the Gulf to the so-called "official territory" of the railroads, the northeast. In that case the total saving would be in the neighborhood of $275,000 a year.

Another example involves skelp, the steel plates of which pipe is manufactured. A large volume moves from Pittsburgh to Lone Star, Texas, 1123 rail miles. Savings could be achieved by a connection over Vicksburg and the factors would look like this:

	Per ton
Present all-rail rate, Pittsburgh to Lone Star	$14.01
Barge rate at 4/10 cent per ton-mile for 1,513 water miles	6.25
Interchange, barge to rail at Vicksburg	1.84
Rail rate for 254 miles, Vicksburg to destination (well above fully distributed cost)	3.78
Total barge-rail	11.88
Indicated saving from barge-rail route (15 percent)	2.13

The annual tonnage moving between Pittsburgh and Lone Star is in excess of 20,000 tons. Thus the annual indicated saving from this move would be about $42,600. From both movements taken together the annual savings are indicated to be $318,000.

In the case of synthetic rubber, the proposed rail rate from the port appears to be more than a reasonable division and on skelp it is precisely the same as the division that would be accorded a barge line if it were another connecting railroad. In addition, the interchange cost has been increased to include the cost to the railroad of obtaining a car and switching it to the barge dock.

We do not intend to take the railroads to the ICC or to the courts over these instances. We merely expect to start a meaningful dialogue. We simply want a business answer to a business question, why are these two movements not in the interests of the railroads, and the shippers?

I do not specify that the substantial savings indicated should all acrue to the shipper. Perhaps it may make economic sense to allow the railroad a larger division and a better return on its portion of the movement. That would all depend on future discussions.

I think it goes without saying that the factors cited represent an arms-length relationship with the railroad. They assume that a particular railroad would treat a barge line just as if it were another railroad, no worse, and no better. If, however, the marketing department of a particular railroad or the traffic department of a particular shipper were to become intrigued with the potential for both more economical service to the public and higher earnings from the rates, then in my opinion still greater savings could be achieved. If the best efficiencies of railroading, multiple car rates reflecting the 1,000-ton barge volumes, and the best efficiencies of terminalling were applied on hundreds, perhaps thousands of such cases, a major bite might be taken out of the nation's freight bill.

The barge industry began circulating case studies last week. My paper suggests two new ones. Additional case studies are in the pipeline for distribution in the near future as they are developed. We need help from shippers and rail carriers to suggest ideas for further study. The Plains States could particularly benefit from improved rail-water coordination.

The development of greater efficiency in the nation's transport network is critically important at this time. Freight transportation represents about 10 percent of the gross national product—about $70 billion dollars—hence the cost of transportation has an important bearing on the productive efficiency of the economy and the nation's advantage in competing for overseas customers.

Equally important, perhaps, a rate that represents the best true efficiencies of the different modes is most likely to bring a proper rate of return to the carrier.

As we begin to build a transport system in the next 12 years having a capacity equal to that now in place, the most urgent need is for a flow of capital from retained earnings and depreciation sufficient to give us financial elbow room for further technological innovation and growth.

No industry can more quickly drag down the productive efficiency of the economy than an under-nourished transport industry. By the same token, as the barge lines have demonstrated, with the improved efficiency of the big towboat technology, no industry can make such constructive contributions to the nation's economy as can a vigorous, competitive, innovative transport industry. Achieving an economically healthy, technologically progressive and competitively balanced transportation network of all modes is vital to the interest of every region of the country seeking further development.

THE NATION'S WELFARE PROBLEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1968

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of the fourth in a series of radio broadcasts to Ninth District residents:

There is really nothing good to be said about the welfare system in the United States today.

The poor who receive aid from it say that it subjugates and demeans them. The taxpayers who pay for it say they are subsidizing and perpetuating lack of incentive.

Even the head of the New York City Welfare Department has said recently—"the welfare system is designed to save money instead of people, and tragically ends up doing neither."

And almost everyone can agree that the system traps its participants—creating generation after generation of hopeless and helpless poor people.

The time has come, then, to straighten up the welfare system—for the benefit of the recipient and the taxpayer.

THE PRESENT WELFARE SYSTEM

1. There are several categories of welfare: old-age assistance to help persons over 65; aid to the needy adult blind; aid to dependent children; aid to the permanently and totally disabled; medical assistance to the medically needy of every age—that is, persons not poor enough to be on welfare, but still not able to afford adequate medical treatment. Under all these welfare programs, the states have wide latitude in shaping public policy and in the administration of that policy. In most cases, the Federal Government's main role is to reimburse the state for part of the cost.

2. In 1967 the total cost of public welfare was somewhere between 7 and 8 billion dollars. About ⅗ of this total, or about 4 to 5 billion dollars represented the federal share of welfare payments. In May of 1967, about 7.7 million persons received cash payments from federally aided public assistance programs. About 2 million of these persons were 65 or over, 700,000 were blind or permanently or totally disabled, and about 5 million were families with dependent children.

3. Aid to families with dependent children has become one of the most criticized and expensive welfare programs. The cost in 1967 amounted to about 1½ billion dollars. This 1½ billion dollar federal contribution amounted to about 55% of the total cost of the program. This cost is increasing every year, and the number of persons seeking this aid is growing every year.

4. Aid to Dependent Children money in 1967, was distributed among approximately 5 million persons, the vast majority of whom are essentially unemployable. Of this total, 3,729,000 were children and the majority of the remainder were mothers and only about 50,000 to 60,000 were adult males.

WEAKNESSES IN PRESENT WELFARE SYSTEM

1. The need to help less fortunate persons is an obligation of a wealthy society. But nationwide statistics show that federal, state, and local welfare programs reach only about ⅓ of the 21.7 million below the age of 65 who have incomes below the poverty level. And those who do receive money receive no large sums. For example, in 1967 the total cost of the Aid to Dependent Children program including federal, state, and local contributions was approximately 2 billion dollars and thus this nation provided an average of about $36 per month for each welfare recipient. This amount is well below the poverty subsistence level. Thus our present welfare system, although mounting in cost, reaches only a small part of the nation's poor and those it does reach, it often fails to provide with even a subsistence payment.

2. In the past, our welfare system has provided no incentives to encourage needy persons to earn their own living. For instance, until only recently all wages earned by adult welfare recipients who took jobs, except for small allowances for expenses, were deducted directly from the welfare payments they would otherwise have received. In other words, if men would begin to earn their living, their welfare payments were immediately reduced by the amount of their earnings. Such a procedure constitutes a 100% tax on a person's income. And that is no incentive to work.

3. Until only recently, this country's welfare system encouraged the breakup of the family structure of those it was designed to help. In most states, the benefits were available only when a parent was absent from the home. Thus, in these states an unemployed father whose family needed public assistance in order to survive had to abandon his family or see them go hungry.

THE PROBLEM

The problem this country faces is that it has a welfare system which is costing more and more money but producing fewer and fewer productive and self-sufficient citizens.

RECOMMENDATIONS

1. Public assistance should be based upon a uniform, simple plan for Federal-State sharing in costs of all public assistance programs. This plan should provide for equitable, reasonable fiscal effort by the States and should recognize the relative fiscal capacities of the Federal and State Government.

If the cost of welfare were based on a single comprehensive public welfare formula, it would assure more equity in the system and sharply reduce administrative complexities. The administration of the programs would still reside with the states.

I would simplify the administration of welfare by calling for a simple declaration of income rather than requiring family investigations and involved means test as the procedure to establish welfare eligibility now does. A pilot project has already shown that in such a system cheating rarely occurs. In that project, only one case of cheating was discovered out of the 1600 cases spot-checked. At the same time, the project showed that a system of unchecked eligibility declarations could reduce paperwork by 900% and free staff workers to aid rather than to spy on welfare recipients.

2. I believe we should put a minimum floor under Social Security for the aged and the disabled and the widows and the orphans—those people who are outside the labor market. This would reduce by another 5 or 6 million the number of people in poverty in this country.

3. I support greater incentives to encourage welfare recipients to go to work. I believe we should substantially increase the amount of earnings that a welfare recipient who goes to work may retain before his welfare payments are reduced.

4. In the final analysis, welfare in most states is a callous handout. It encourages dependency on public charity and it undermines an individual's self-respect.

5. I believe the goal of our welfare programs should be to get citizens off the dole and into a job—to change them from tax eaters into taxpayers. Therefore, both the government and private enterprise should actively create new job opportunities and train new workers in areas of high unemployment. As part of our public policy we should place greater emphasis on making available the capital, credit, and insurance needed to help disadvantaged people get on their own feet, start their own businesses, and become self-supporting.

4. Far more welfare research is needed into the causes of social problems, the forces in a community that generate them, and ways to deal with them more effectively. Equally important is that the results of this research be made immediately available to local directors and officials.

Also because the shortage of qualified personnel for social welfare programs is critical, concentrated efforts must be made to increase social workers, social work aides, auxiliary personnel, and to explore ways of using these persons to maximum advantage. Federal and State support for undergraduate and graduate social worker education is essential, including funds to enlarge faculty, research staff, and facilities.

CONCLUSION

I believe our present welfare system can be improved.

I believe that we can use our substantial economic growth to create jobs for the poor, instead of relying on handouts.

I believe, as serious as the welfare problem is in this country, that drastic solutions are not called for.

There are those who would have us do away with the present welfare system and replace it with the guaranteed annual income or the negative income tax. I reject that approach because it is too expensive and it is uncertain what its effects would be.

But I believe modifying our present welfare system along the lines I have suggested and creating jobs for all those who can, and want to work is the better way—the steadier, surer course for this country to follow.

We are a nation blessed with abundance. We have no right, and there can be no justification for us, to ignore the poor. But our policies must not only be generous, they must also be compassionate and wise.

VOTING RECORD OF CONGRESSMAN THOMAS M. PELLY ON EDUCATION IN THE 90TH CONGRESS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1968

Mr. PELLY. Mr. Speaker, as the House enters its final days of this second session of the 90th Congress, I feel its membership can take considerable satisfaction in the legislation it enacted to advance the cause of education.

I have said before in the well of this House, and I repeat, the solution for the problems of mankind, at home and abroad, lies in education. It is not the only answer, but it is the foundation of world peace and the well being of mankind.

The urban problems here in America will require many answers and many well-conceived programs in different fields, but basic is the need of adequate schools and recreational facilities as well as good teachers and well-trained supervisors and counsellors.

Right now, I think it is appropriate to point with some pride to the record of education bills passed in this Congress.

I think, Mr. Speaker, I am correct in saying the following constitutes a complete list of education measures of a national scope which came to the floor of the House for votes during the 90th Congress. This list shows my support for all of them:

H.R. 11276: A Bill to authorize appropriations to carry out the Adult Education Act of 1966 for 2 additional years. *Mr. Pelly voted for.*

H.R. 7819: A Bill to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes. *Mr. Pelly voted for.*

H.R. 10943: A Bill to amend and extend Title V of the Higher Education Act of 1965. The purpose of this bill was to improve the quality of teaching and to help meet critical shortages of adequately trained educational personnel. *Mr. Pelly voted for.*

H.R. 12257: A Bill to amend the Vocational Rehabilitation Act to extend and expand the authorization of grants to States for rehabilitation services, to authorize assistance in establishment and operation of a National Center for Deaf-Blind Youths and Adults, and to provide assistance for migrants. *Mr. Pelly voted for.*

H.R. 6736: A Bill to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes. *Mr. Pelly Voted For.*

H.R. 16819: A Bill to amend the Vocational Rehabilitation Act to extend the authorization of grants to States for rehabilitation services, to broaden the scope of goods and services available under that Act for the handicapped, and for other purposes. *Mr. Pelly Voted For.*

H.R. 16729: A Bill to extend for 2 years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs. *Mr. Pelly Voted For.*

H.R. 17872: This Bill authorized the use of up to $100 million per year in customs receipts for three years for additional financing for breakfasts and lunches for needy school children. *Mr. Pelly Voted For.*

H.R. 17873: This Bill proposed various revisions in the school lunch program, including requirements for future state government financial support, and provisions to prevent embarrassment of children receiving free or reduced cost meals. *Mr. Pelly Voted For.*

H.R. 18366: A Bill to amend the Vocational Educational Act of 1963. The purpose of this legislation was to consolidate, broaden, and strengthen existing vocational and technical education programs.

H.R. 15067: A Bill to Amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts. *Mr. Pelly Voted For.*

The bills described above constitute a complete list of education measures coming to the Floor of the House for vote during the 90th Congress.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 13, 1968

Mr. SCHERLE. Mr. Speaker, this is the 235th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

SENATE—*Monday, September 16, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

Dr. James M. Moore, pastor, First Baptist Church, Mannington, W. Va., offered the following prayer:

O Lord, our Lord, how excellent is Your name in all the earth. You have set Your glory above the heavens. Accept our humble praises and hearty thanks for the many mercies and blessings which You have bestowed upon us. For these who have gathered here today, under the weight of many decisions, illuminate their minds with the divine precepts of Your word. We pray for America. We pray for our boys, our men, and our women in the Armed Forces. Forgive us, God, of our trespasses, as we now forgive those who have trespassed against us. Help us to seek peace. Peace for the individual. Peace for the world. Peace through Jesus Christ, the Prince of Peace, who said, "My peace I leave with you." Remind us that every knee shall bow before You and everyone confess that Jesus is Lord, to the glory of God, the Father. For Yours is the kingdom, and the power, and the glory forever, through Jesus Christ, the Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 13, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 384)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

It is with a sense of pride, but also with a sense of urgency, that I transmit to you the First Annual Report of the National Advisory Committee on Adult Basic Education.

Today, more Americans are in school than ever before. More are receiving high school and college degrees. More go on to graduate school.

However, despite these encouraging advances, more than 24 million of our adult citizens, one adult out of every five, still do not have the equivalent of an eighth-grade education.

With the establishment of the Adult Basic Education Program, the Congress created a vital tool for the building of a better America. Since 1965, the program has sought out and served more than a million undereducated adults.

Many participants in the program

have now left the welfare rolls, obtained employment, and received raises and promotions.

Others have taken vocational training in high schools. Still others have achieved high school equivalency ratings.

Most significantly, there has been a heartening change in the attitudes of these million Americans. They have gained pride and self-respect, ambition and determination, and they have begun to participate in their communities.

But the job is far from finished. Every year, more than a million young people drop out of school and become potential candidates for the adult education program. Hundreds of foreigners come to our shores without an educational background adequate to enable them to lead productive lives.

This report presents a vivid picture of the challenges ahead for the Adult Basic Education Program, and I commend it to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 16, 1968*.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1522.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MARIA MERCEDES RIEWERTS

The joint resolution (S.J. Res. 185) to grant the status of permanent resident to Maria Mercedes Riewerts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 185

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the case of Maria Mercedes Riewerts, in whose case deportation was suspended in accordance with the provisions of section 19(c) of the Immigration Act of February 5, 1917, as amended (39 Stat. 889; 54 Stat. 672–673), the Commissioner of Immigration and Naturalization is authorized and directed to cancel deportation proceedings and, in accordance with the provisions of the said section 19(c) of the said Act, to record the alien's lawful admission for permanent residence as of August 3, 1925, upon payment of a fee of $18 to the Commissioner.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1566), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to create a record of the beneficiary's admission to the United States as of August 3, 1925.

DOMINGO LAMADRIZ

The bill (S. 2271) for the relief of Domingo Lamadriz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Domingo Lamadriz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 23, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1551), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Domingo Lamadriz as of January 23, 1962, thus enabling him to file a petition for naturalization.

DR. JOSE E. NARANJO

The bill (S. 3040) for the relief of Dr. Jose E. Naranjo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose E. Naranjo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 27, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1552), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ERNESTO JULIO D'ESCOUBET BLANCO

The bill (S. 3080) for the relief of Ernesto Julio D'Escoubet Blanco was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ernesto Julio D'Escoubet Blanco shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 23, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1553), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. GEORGE ALFONSO HERNANDEZ CANIZARES

The bill (S. 3172) for the relief of Dr. George Alfonso Herdandez Canizares was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor George Alfonso Hernandez Canizares shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 9, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1554), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. METE V. ALTUG

The bill (S. 3181) for the relief of Dr. Mete V. Altug was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mete V. Altug shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 29, 1957.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the

Record an excerpt from the report (No. 1555), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JUAN ALFREDO MILERA

The bill (S. 3223) for the relief of Dr. Juan Alfredo Milera was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Juan Alfredo Milera shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 22, 1956, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1556), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JORGE P. GARCIA

The bill (S. 3239) for the relief of Dr. Jorge P. Garcia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jorge P. Garcia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 18, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1557), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JOSE M. LEON

The bill (S. 3280) for the relief of Dr. Jose M. Leon was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose M. Leon shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 18, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1558), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

FAUSTO SOLER-AMOR

The bill (S. 3285) for the relief of Fausto Soler-Amor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for, the purposes of the Immigration and Nationality Act, Fausto Soler-Amor shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 12, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1559), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill to enable the beneficiary to file a petition for naturalization.

DR. EMILIO AMBROSIO TRUJILLO

The bill (S. 3355) for the relief of Dr. Emilio Ambrosio Trujillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Emilio Ambrosio Trujillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 29, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1560), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

CHENG-HUAI LI

The bill (S. 3398) for the relief of Cheng-huai Li was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cheng-huai Li shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 7, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1561), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FERMIN FERRO

The bill (S. 3441) for the relief of Dr. Fermin Ferro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Fermin Ferro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 3, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1562), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MIGUEL ANGEL GARCIA PLASENCIA

The bill (S. 3455) for the relief of Dr. Miguel Angel Garcia Plasencia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Miguel Angel Garcia Plasencia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 4, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1563), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

JACK EDWARD COOLEY

The bill (S. 3568) for the relief of Jack Edward Cooley was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jack Edward Cooley may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Staff Sergeant Clayton K. Cooley, a citizen of the United States, pursuant to section 204 of the said Act: *Provided,* That no brothers or sisters of the said Jack Edward Cooley shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1564), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the adopted child of a U.S. citizen.

DR. RENEE DIEZ DE FORCE

The bill (S. 3572) for the relief of Dr. Renee Diez de Force was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Renee Diez de Force shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 26, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1565), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

STELLA DRIBENSKY

The Senate proceeded to consider the bill (S. 2189) for the relief of Stella Dribensky, which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212(a) (2) and (4) of the Immigration and Nationality Act, Stella Dribensky may be issued an immigrant visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking approved by the Attorney General be deposited as prescribed by section 213 of such Act: *And provided further,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1538), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to one who has had an attack of insanity and who suffers from a mental defect in behalf of the sister of a U.S. citizen. The bill provides for the posting of a bond as a guarantee that the beneficiary will not become a public charge. The bill has been amended in accordance with established precedents and to delete reference to paragraphs (3) and (7) which are unnecessary.

NGO THI HONG HAO (LYNCH) AND SEIN (LYNCH)

The Senate proceeded to consider the bill (S. 2642) for the relief of Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch), which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 20, after the word "visa" strike out "fee" and insert "fees."; so as to make the bill read:

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch), the fiancée and minor child of John Francis Lynch, a citizen of the United States, shall be eligible for a visa as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Ngo Thi Hong Hao (Lynch) is coming to the United States with a bona fide intention of being married to the said John Francis Lynch and that she is found otherwise admissible under the immigration laws and that said minor child is being brought to the United States with the bona fide intention of John Francis Lynch, his natural father, adopting him as his legal son, and said minor child is likewise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Ngo Thi Hong Hao (Lynch), she and said minor child shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons and the institution of proceedings for the adoption of said minor child shall occur within three months after the entry of the said Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch), the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch) as of the date of the payment of the required visa fees.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1539), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the fiance and child of a U.S. citizen veteran of the U.S. Navy to enter the United States, so that the adult beneficiary may marry her citizen fiance, and hereafter reside in the United States with her child. The amendment is technical in nature.

CHARLES RICHARD SCOTT

The Senate proceeded to consider the bill (S. 2909) for the relief of Charles Richard Scott which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause, and insert:

That in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of a petition filed in behalf of Charles Richard Scott by Mr. and Mrs. Denny F. Scott, citizens of the United States: *Provided*, that no brothers of sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1540), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of an orphan to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved. The bill has been amended in accordance with established precedents.

JOSE C. FAVIO HIDALGO

The Senate proceeded to consider the bill (S. 3308) for the relief of Jose C. Favio Hidalgo which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of" strike out "June 12, 1959" and insert "August 8, 1960"; so as to make the bill read:

S. 3308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jose C. Favio Hidalgo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 8, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1541), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the proper date upon which he was paroled into the United States.

DR. JUAN F. HERNANDEZ

The Senate proceeded to consider the bill (S. 3324) for the relief of Dr. Juan F. Hernandez which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Doctor Juan F. Hernandez, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 21, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1542), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents and to reflect the proper date upon which he was paroled into the United States.

DR. ISRAEL CASTELLANOS GONZALEZ

The Senate proceeded to consider the bill (S. 3369) for the relief of Dr. Israel Castellanos Gonzalez which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of" strike out "July 7, 1961" and insert "September 24, 1960"; so as to make the bill read:

S. 3369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Israel Castellanos Gonzalez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 24, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1543), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the proper date upon which he was admitted to the United States as a visitor.

DR. LAUREANO S. FALLA

The Senate proceeded to consider the bill (S. 3493) for the relief of Dr. Laureano S. Falla (also known as Severino Laureano Falla-Alvarez) which had been reported from the Committee on the Judiciary, with an amendment in line 7, after the word "of" strike out "October 8, 1960" and insert "April 25, 1961"; so as to make the bill read:

S. 3493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Laureano S. Falla (also known as Severino Laureano Falla-Alvarez) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 25, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1544), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the date upon which he was paroled into the United States.

MARIE-LOUISE (MARY LOUISE) PIERCE

The Senate proceeded to consider the bill (S. 3526) for the relief of Marie-Louise (Mary Louise) Pierce which had been reported from the Committee on the Judiciary, with an amendment, in line 7, after the word "fee" insert a colon and "*Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be disposed as prescribed by section 213 of the said Act."; so as to make the bill read:

S. 3526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Marie-Louise (Mary Louise) Pierce shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The amendment was agreed tc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1545), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permament residence in the United States to Marie-Louise (Mary Louise) Pierce. The bill provides for the payment of the required visa fee. The purpose of the amendment is to provide for the posting of a bond as a guarantee that the beneficiary will not become a public charge.

DR. BENITO V. ODULIO AND DR. BRUNHILDA G. ODULIO

The Senate proceeded to consider the bill (S. 345) for the relief of Dr. Benito V. Odulio and his wife, Dr. Brunhilda G. Odulio which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Doctor Benito V. Odulio shall be held and considered to have a priority date of February 16, 1967, for the purpose of filing a petition pursuant to section 203(a)(3) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1546), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve the beneficiary's sixth preference petition filing date of February 16, 1967, when he files a petition pursuant to section 203(a)(3) of the Immigration and Nationality Act. The bill has been amended to facilitate the beneficiary's adjustment of status. A further amendment deletes the name of the beneficiary's wife, since she will be entitled to the same preference as her husband in the adjustment of her status.

The title was amended, so as to read: "A bill for the relief of Dr. Benito V. Odulio."

MING CHANG

The Senate proceeded to consider the bill (S. 2405) for the relief of Ming Chang which had been reported from the Committee on the Judiciary with amendments, on page 1, line 5, after the word "Act," strike out "subject to the proviso to such section, and a petition may be filed on behalf of the said Ming

Chang" and insert "upon approval of a petition filed in her behalf"; in line 9, after the word "section" strike out "204(a) of such Act." and insert "204 of such Act: *Provided*, That no brothers or sisters of the beneficiary, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."; so as to make the bill read:

S. 2405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ming Chang may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Shurman Y. Chang, citizens of the United States, pursuant to section 204 of such Act: *Provided*, That no brothers or sisters of the beneficiary shall thereafter by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1547), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the adjustment of status as an immediate relative of the alien child adopted by citizens of the United States. The bill has been amended in accordance with established precedents.

YUKA FUKUNAGA

The Senate proceeded to consider the bill (S. 3226) for the relief of Yuka Fukunaga which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 4, after the word "amended," strike out "Yuka Fukunaga" and insert "Yuka Awamura"; in line 8, after the word "Act" insert a colon and "*Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."; so as to make the bill read:

S. 3226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Yuka Awamura may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in her behalf by Mrs. Edith Fukunaga, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1548), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by a citizen of the United States. The bill has been amended in accordance with established precedents and to correct the name of the beneficiary.

The title was amended, so as to read: "A bill for the relief of Yuka Awamura."

INTERSTATE SHIPMENTS OF INTOXICATING LIQUORS

The bill (H.R. 5754) to amend section 1263 of title 18, United States Code, to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document showing certain information in lieu of requiring such to be marked on the package, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1550), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Under existing law (section 1263, title 18, United States Code), it is a Federal crime punishable by a fine of not more than $1,000 or imprisonment of not more than 1 year, or both, to ship in interstate commerce a package containing "any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package is so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein * * *."

H.R. 5754 has as its purpose to amend the labeling requirement of section 1263 to require that such interstate transported intoxicants shall carry the statutorily required information set forth in a bill of lading, or other document, to accompany shipment in lieu of requiring such to be marked on the package.

STATEMENT

The present law was first enacted in 1909 (Public Law 350, 60th Cong., Mar. 4, 1909) to assist the States in enforcing their prohibition laws, during a period when a State was powerless to prevent intoxicants from being shipped into the State and sold by the importer in the package in which it was shipped. With the adoption of the 21st amendment to the Constitution, a State now has full authority to regulate or prohibit the importation of intoxicating beverages. As added precaution, however, the present bill carries a proviso that "nothing contained in this act shall be construed as indicating an intent on the part of Congress to deprive any State of the power to enact additional prohibitions with respect to the shipment of intoxicating liquors."

The change embraced in this bill will serve to facilitate the handling and transportation of the products involved in interstate shipment by the producers. There is no cost to the Government involved in the proposal.

At the present time, as a letter from the Attorney General to the chairman of the House Committee on the Judiciary states, "when 40 or 50 boxes of liquor have been packaged, they are placed on a single pallet and stored in a warehouse awaiting orders for shipment." Upon receipt of an order, each container of liquor must be sorted out by the warehouseman and marked as the statute requires and then replaced before shipment. If the present bill were enacted, the pallet could be transferred from the warehouse to the common carrier without the rehandling of the individual packages, but with a bill of lading containing the statutorily required information. The Attorney General stated in his letter that the procedure under this proposed legislation "would represent a substantial saving in labor and costs."

The enactment of this measure would not impair or repeal existing law regarding the major label requirements for intoxicating liquors. The present law requires regulations to be issued by the Secretary of the Treasury pursuant to his authority under the Federal Alcohol Administration Act (section 205(e), title 27, United States Code) governing the labeling of intoxicating liquors. Under such regulations each case of liquor must bear an individual serial number and other markings which makes possible the complete identification of each case or package of the beverage therein. Nothing contained in H.R. 5754 would change or modify these regulations.

Enactment of this proposed legislation will not adversely affect any Federal or State law enforcement objective and will not have any effect on existing regulations issued by the Secretary of the Treasury. The committee feels that the requirement that a shipment of intoxicants be accompanied by a bill of lading, or other document, fully identifying the contents of the shipment and the consignee, would serve both State and Federal law enforcement purposes.

The National Conference of State Liquor Administrators and the National Alcoholic Beverage Control Association, Inc., which include in their membership the liquor administrators of most of the States, have no objection to the enactment of H.R. 5754.

Letters addressed to the chairman of the Committee on the Judiciary of the House of Representatives from the Departments of Justice and Treasury indicate that these Departments have no objection to the enactment of H.R. 5754.

The committee believes that the intent and purpose of section 1263 of title 18, United States Code, will be served by the enactment of H.R. 5754, which is designed to facilitate the handling and transportation in interstate commerce of intoxicating beverages, and, therefore, recommends that the bill be given favorable consideration.

PFC. THEODORE DANIEL VAN STAVEREN

The Senate proceeded to consider the bill (S. 3356) to confer U.S. citizenship posthumously upon Pfc. Theodore Daniel Van Staveren which had been reported from the Committee on the Judiciary, with an amendment in line 3, after the word "That" strike out "Private First Class" and insert "Lance Corporal"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lance Corporal Theodore Daniel Van Staveren, a native of the Netherlands, who served honorably in the United States Marine Corps from February 24, 1967, until his death on April 10, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1549), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to confer U.S. citizenship posthumously upon Lance Cpl. Theodore Daniel Van Staveren. The purpose of the amendment is to reflect his proper rank at the time of his death.

The title was amended, so as to read: "A bill to confer United States citizenship posthumously upon Lance Corporal Theodore Daniel Van Staveren."

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COMMUNICATIONS COMMISSION

The bill clerk read the nomination of H. Rex Lee, of the District of Columbia, to be a member of the Federal Communications Commission.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The bill clerk proceeded to read sundry nominations in the Environmental Science Services Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President (Mr. MONTOYA in the chair), I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House has passed the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18785) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIKES, Mr. MCFALL, Mr. PATTEN, Mr. LONG of Maryland, Mr. MAHON, Mr. CEDERBERG, Mr. JONAS, Mr. TALCOTT, and Mr. BOW were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 20. An act to provide for a comprehensive review of national water resource problems and programs, and for other purposes; and

S. 1004. An act to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

EXECUTIVE COMMUNICATION, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION TO CHANGE THE NAME OF THE OFFICE ESTABLISHED UNDER REORGANIZATION PLAN NO. 1 OF 1958

A communication from the President of the United States, transmitting a draft of proposed legislation to further amend Reorganization Plan No. 1 of 1958, as amended, in order to change the name of the office established under such plan, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT OF OVEROBLIGATION OF AN APPROPRIATION

A letter from the Administrator, Veterans' Administration, reporting, pursuant to law, on the overobligation of an appropriation in that Administration; to the Committee on appropriations.

REPORT OF DEPARTMENT OF THE ARMY CONTRACTS FOR MILITARY CONSTRUCTION AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a semiannual report of the Department of the Army contracts for military construction awarded without formal advertisement for the period January 1 through June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF NAVY RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS OF $50,000 OR OVER

A letter from the Deputy Chief of Naval Materiel (Procurement and Production) transmitting, pursuant to law, the Navy's semiannual report of research and development procurement actions of $50,000 and over for the period January 1 through June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement From Small and Other Business Firms for Fiscal Year 1968 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the opportunities for improvement in policies for acquiring migratory waterfowl refuges, Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service, Department of the Interior, dated September 11, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to reduce costs substantially in acquiring teletypewriters for use in the Advanced Record System Communications Network, General Services Administration, dated September 12, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements achieved in the management of supplies by the Bureau of Indian Affairs, Department of the Interior, dated July 31, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings realized through the use of effective formal advertising in contracting for propane, General Services Administration, dated August 26, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on economic assistance provided to Korea by the Agency for International Development, Department of State, dated July 16, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for more realistic minimum wage rate determinations for certain federally financed housing in Washington metropolitan area, Department of Labor, dated September 13, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for timely and effective resolution of appraisal problems in the State of Ohio, Federal Highway Administration, Department of Transportation, dated September 16, 1968 (with an accompanying report); to the Committee on Government Operations.

CORRECTIONS OF REPORT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, corrections of report made August 20, 1968, covering property donated to educational institutions and civil defense organizations; to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Mr. Jesus Rodriguez-Chavez from a report relating to aliens whose deportation has been suspended transmitted to the Senate on May 1, 1968; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the **PRESIDENT** pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"Assembly Joint Resolution 34

"Resolution relative to meat prices

"Whereas, The Interstate Commerce Commission has reduced rates on dressed beef, but has not reduced the rates on feed grains and other feed products; and

"Whereas, Out-of-state meat processors have been able to ship dressed beef into California at prices with which California meat producers, because of freight rates on feed grains and feed products, could not compete, thereby forcing many California firms to move out of state; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Interstate Commerce Commission to take cognizance of the effect upon California meat producers of lowered dressed meat rates, and to reduce, proportionately, the rates on feed grains and other feed products; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Interstate Commerce Commission."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution 37

"Resolution relative to the law of water rights

"Whereas, Legislation has been introduced in the 90th Congress of the United States to clarify the relationship of interest of the United States and those of the several states in the use of the waters of certain streams of the nation; and

"Whereas, Such legislation has long been needed to eliminate uncertainties concerning water rights based on state laws without impairing federal water resource programs; and

"Whereas, Extensive hearings have been held by committees of the Congress at which the need for legislative clarification has been amply documented; and

"Whereas, Such legislation embodies those provisions which received concurrence and support from all parts of the United States at the aforementioned hearings; and

"Whereas, The Legislature of the State of California has consistently supported principles involved in this and similar legislation as necessary to the promotion of orderly development of water resources; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to resolve the uncertainties which now exist in the security of water rights; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairmen of the U.S. Senate and House of Representatives Committees on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"Assembly Joint Resolution 13

"Resolution relative to pest control

"Whereas, The United States Congress has authorized the Department of Health, Education and Welfare to develop a pest control program that would begin to rid our nation and its major cities of rats and other vermin; and

"Whereas, The California Department of Public Health acting in behalf of local health agencies and the California pest control industry, has applied for a health services special project grant which would augment the activities of the Bureau of Vector Control; and

"Whereas, The State Department of Public Health would develop a job training program designed to create career opportunities in the pest control field for the unemployed as an integral part of the federal program; and

"Whereas, The United States Public Health guidelines would emphasize the Norwegian or sewer rat, which is common to other rat-infested areas of the nation, rather than the roof rat, which plagues California; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States ensure that guidelines relating to pest control in the United States developed by the federal government not exclude that species of rat or other vermin common to California; and be it further

"Resolved, That the State Department of Public Health develop and transmit a report to each Senator and Representative from California in the Congress of the United States which will inform them of the unique pest control problems in California; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States and to the State Director of Public Health."

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"Resolutions

"The following resolution was offered by Assemblymen Mobley, Z'berg, Powers, and Ryan:

"House Resolution 566

"Resolution relative to memorializing Postmaster-General to issue a stamp commemorating the California Exposition.

"Whereas, It is fitting and proper that the cultural and scientific magnificence of the California Exposition be symbolized through the issuance of a stamp commemorating the California Exposition; now, therefore, be it

"Resolved by the Assembly of the State of California, That the Members memorialize the Postmaster-General of the United States to issue a commemorative stamp symbolizing the magnificent California Exposition; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Postmaster-General of the United States.

"REQUEST FOR UNANIMOUS CONSENT

"Mr. Mobley was granted unanimous consent to take up House Resolution No. 566 without reference to committee or file.

"Resolution read, and adopted."

A resolution adopted by the Warren County Democratic Central Committee, Monmouth, Ill., remonstrating against recent amendments to the 1968 feed grain program; to the Committee on Agriculture and Forestry.

A letter, in the nature of a petition, signed by Robert Morris, Annapolis, Md., remonstrating against the defense doctrine of the Nation; to the Committee on Armed Services.

A resolution adopted by the Housing Authority of the Choctaw Nation of Oklahoma, Hugo, Okla., remonstrating against the proposed construction of certain homes for which no funds were appropriated for the installation of sanitation facilities; to the Committee on Banking and Currency.

A resolution adopted by the South East Florida Division of the Captive Nations Committee, Hollywood, Fla., remonstrating against the aggressive actions taken by the U.S.S.R. against the Czechoslovakian nation; to the Committee on Foreign Relations.

A resolution adopted by the State Board of the United Nations Association of Minnesota, Minneapolis, Minn., praying for the ratification by the Senate of certain treaties; to the Committee on Foreign Relations.

A letter, in the nature of a petition, signed by Robert Lee French, Silver Spring, Md., praying for the enactment of legislation designating a "National Engineering Technician's Week"; to the Committee on the Judiciary.

A petition, signed by John W. Taylor, praying for the enactment of legislation to strengthen the sanctions against removal of a child from the custody of both his parents or concealment of his whereabouts from either parent, without approval of a competent court; to the Committee on the Judiciary.

A petition, signed by members of the San Juan Port Coordinating Council, New York, N.Y., praying for prompt elections in the National Maritime Union; to the Committee on Labor and Public Welfare.

A petition, signed by F. E. Massey, and sundry other citizens of the State of Kansas, praying for the enactment of legislation to extend the National Labor Relations Act to cover farm workers; to the Committee on Labor and Public Welfare.

A petition, signed by R. W. Terrill, and sundry other citizens of the State of Missouri, praying for the enactment of legislation to extend the National Labor Relations Act to cover farm workers; to the Committee on Labor and Public Welfare.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Public Law 90–301, announces the appointment of the Senator from New Hampshire [Mr. McIntyre] and the Senator from Massachusetts [Mr. Brooke] to serve on the Commission on Mortgage Insurance Rates with the chairman [Mr. Sparkman] and ranking minority member of the Committee on Banking and Currency [Mr. Bennett].

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, September 16, 1968, he signed the enrolled bill (S. 20) to provide for a comprehensive review of national water resource problems and programs, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority (Rept. No. 1570).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 3459. A bill to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma and the lake created thereby for Col. Auguste P. Chouteau (Rept. No. 1569).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2752. A bill to convey to the city of Kenai, Alaska, all interests of the United States in certain land located therein (Rept. No. 1571).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Don A. Jones, rear admiral, USESSA, to be a member of the Mississippi River Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT:

S. 4036. A bill for the relief of Olof William Asplund, Norma Hudson Asplund, Peter Leon Asplund and Russell William Asplund;

S. 4037. A bill for the relief of Mr. Mathew Hamilton Benjamin Murray and Mrs. Elizabeth King Murray;

S. 4038. A bill for the relief of Susan Elisabeth Rogers; and

S. 4039. A bill for the relief of Harold Rivington; to the Committee on the Judiciary.

By Mr. HILL (for himself and Mr. Sparkman):

S. 4040. A bill to provide that the lock and dam referred to as the Warrior lock and dam on the Black Warrior River, Ala., shall hereafter be known as the Armistead Inge Selden lock and dam; to the Committee on Public Works.

By Mr. NELSON:

S. 4041. A bill to amend the National School Lunch Act with regard to surplus dairy products and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Nelson when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 4042. A bill for the relief of Pak-Chuan Kan; to the Committee on the Judiciary.

By Mr. DODD:

S. 4043. A bill for the relief of Giuseppe DiNardo; to the Committee on the Judiciary.

S. 4041—INTRODUCTION OF BILL TO IMPROVE THE SCHOOL LUNCH PROGRAM

Mr. NELSON. Mr. President, our recent Senate hearings on hunger in America revealed that our current food distribution programs are failing to reach those people with the greatest need.

A prime example is the present national school lunch program which is available to only 18 million of the 50 million American children attending public schools today.

A more shocking fact is that the poor child who needs a free or reduced price school lunch the most is not getting it today. More than 4½ million undernourished children from poverty homes are not benefiting from this program.

I am introducing legislation to assure that the school lunch program receives first call in the distribution of milk, butter, cheese, and other surplus dairy products obtained by the U.S. Department of Agriculture through price support programs.

Currently, surplus commodities held by the Department are initially earmarked for domestic commercial trade or foreign export at competitive prices. They are only available for the school lunch program after these distribution channels are exhausted.

This bill would also enable the Department to purchase dairy products at market prices from regular commercial sources when surpluses on hand do not meet the full needs of the school lunch program.

Dairy products form the nutritional foundation of our national school lunch program. With the enactment of this legislation, we will give the health and well-being of millions of American children top priority in the fight to eliminate hunger from our land.

One of the best possible investments which can be made of the surpluses held by the Department of Agriculture is to take them out of the warehouses and use them to build a strong and healthy new generation, well-nourished and ready to learn.

Although milk and dairy products have been generally available for school lunch programs, conditions can arise which threaten to cut off the supply of dairy products and serve to point up the need for this corrective legislation.

The present legislative authority for the disposal of dairy products acquired by the Department's Commodity Credit Corporation in connection with the price support programs is found in section 416 of the Agricultural Act of 1949, which was amended by Public Law 480.

This section permits stocks of food in the hands of CCC which cannot be sold back to the domestic commercial trade or exported at competitive world prices to be used for school lunch, domestic relief programs, and charitable institutions. They can also be bartered for strategic materials and products not produced in the United States. If not needed for these purposes, they can be disposed of for foreign relief.

Thus, there are certain priorities for their use. In general, the first priority is domestic or export sales; the second is domestic relief and school lunch; and the third is foreign relief.

This creates a problem when CCC stocks of dairy products are lower than usual. The Secretary of Agriculture has taken the position that stocks on hand might be commercially sold domestically or exported, with not enough left to meet the needs for domestic relief. Consequently, he has restricted the use of dairy products in domestic relief programs, and there was very real concern that the use of dairy products in the school lunch program might also be affected.

This situation is likely to become more serious as production of milk and dairy products more nearly approaches demand.

This amendment would correct this possibility by permitting the needs of the school lunch program to be met first from the Department's surpluses.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4041) to amend the National School Lunch Act with regard to surplus dairy products and for other purposes, introduced by Mr. Nelson, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

RESOLUTIONS

SENATE RESOLUTION 392—RESOLUTION AUTHORIZING PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "RIOTS, CIVIL AND CRIMINAL DISORDERS"

Mr. McCLELLAN submitted the following resolution (S. Res. 392); which was referred to the Committee on Rules and Administration:

S. Res. 392

Resolved, That there be printed for the use of the Committee on Government Operations five hundred additional copies of part 10 of the hearings before its Permanent Subcommittee on Investigations during the ninetieth Congress, Second Session, entitled "Riots, Civil and Criminal Disorders."

SENATE RESOLUTION 393—RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 393); which was referred to the Committee on Rules and Administration:

S. Res. 393

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate during the 90th Congress $2,500 in addition to the amount and for the same purposes specified in section 134(a) of the Legislative Reorganization Act approved Aug. 2, 1946.

SENATE RESOLUTION 394—RESOLUTION RELATING TO SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. CLARK. Mr. President, I ask unanimous consent to file for the Senator from South Dakota [Mr. McGovern], who is necessarily absent today, a very brief statement, and to introduce for him a resolution favored by the new Senate

Select Committee on Nutrition and Human Needs, which Senator McGovern has been selected to chair.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred, and, under the rule, the resolution will be printed in the Record; and, without objection, the statement of the Senator from South Dakota [Mr. McGovern] will be printed in the Record.

The resolution (S. Res. 394) was referred to the Committee on Rules and Administration, as follows:

S. Res. 394

Whereas the Senate has voted unanimously to establish a Select Committee on Nutrition and Human Needs to study the food, medical and other related basic needs among the people of the United States:

Resolved, that the Select Committee on Nutrition and Human Needs as established under Senate Resolution 281 is authorized to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to such matters as (a) the extent and causes of hunger and malnutrition in the United States, including educational, health, welfare and other matters related to malnutrition; (b) the failure of food programs to reach many citizens who lack adequate quantity or quality of food; (c) the means by which this nation can bring an adequate supply of nutritious food and other related necessities to every American; (d) the divisions of responsibility and authority within Congress and the Executive Branch, including appropriate procedures for Congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance and other basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas.

Sec. 2. For the purposes of this resolution the committee, from the effective date hereof to January 31, 1969, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,400 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

Sec. 3. Expenses of the committee in carrying out its functions shall not exceed $115,000 through January 31, 1969, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The statement of Mr. McGovern is as follows:

Mr. McGovern. The Senate recently voted unanimously to authorize a Senate Select Committee on Nutrition and Human Needs, accepting the recommendation of the Labor & Public Welfare Committee that the Select Committee itself present a resolution for authority and the funds it feels necessary to do the work assigned to it.

The new Select Committee met for the first time on September 6 and authorized me, as chairman, to present a resolution, for reference to the Rules Committee, requesting necessary authorities and not to exceed $143,000 for the Committee's work through January 31, 1969. Since the Committee meeting, I have reviewed the proposed budget and reduced the request for funds to $115,000 for the four month period October 1 to January 31. A resolution, approved by the Committee and authorizing the sum indicated, is accordingly being sent to the desk for reference to the Rules Committee.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 16, 1968, he presented to the President of the United States the enrolled bill (S. 20) to provide for a comprehensive review of the national water resource problems and programs, and for other purposes.

GUN CONTROL ACT OF 1968—AMENDMENT

AMENDMENT NO. 969

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. Dirksen, which appears under a separate heading.)

AMENDMENT NO. 970

Mr. LONG of Louisiana. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be read.

The amendment was read as follows:

On page 10, beginning with the word "not" in line 8 strike out through line 9.

On page 50, beginning with the word "not" in line 10 strike out through the word "and" in line 12.

Mr. LONG of Louisiana. The exclusion from the requirements of S. 3633 of antique and obsolete firearms for which ammunition is not commercially available is certainly requisite in order to protect the interests of museums, historians and serious collectors. However, it is self-contradictory and ambiguous to include as part of the definition of "antique" only those firearms "not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammuntion manufactured in or before 1898" and then in lines 13, 14, and 15 to exclude "any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade."

Section IV of the recently enacted omnibus crime bill, to control interstate shipments of handguns, does not include the ambiguous and unnecessary language contained in lines 8 and 9. Deletion of lines 8 and 9 would serve to make the definitions identical, which would be of immeasurable assistance to those who will enforce such a law, as well as those who must satisfy the requirements of the law. Important also is the question of why different and stricter controls should be placed on the interstate shipment of antique long arms than antique pistols. The answer is obvious; there is no practical reason.

During that period of our history that included the Civil War, there was much experimentation with, and subsequent development of, cartridges of fixed ammunition. Many rare and desirable collector items were manufactured which have little, if any, practical use as a firearm today, but which apparently would be subject to the provisions of S. 3633 as presently drafted. Nearly all of these arms used ammunition which is no longer commercially manufactured or available in the ordinary channels of trade. Nearly all manufacture of these cartridges was discontinued before 1900; some were made up to the time of World War I, but even this small number was greatly reduced by the 1930's.

It is unlikely that such unwieldy and unusual firearms as we are discussing will ever be used in the commission of a crime, as available records amply indicate.

For these reasons, I offer this amendment to clarify the definition of "antique" firearms in S. 3633.

AMENDMENT NO. 971

Mr. HRUSKA submitted amendments, intended to be proposed by him, to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AMENDMENT NO. 884

Mr. MURPHY. Mr. President, on July 15 I introduced for myself and the Senator from New York [Mr. Javits] amendment No. 884 to the bill (S. 2938) to extend the Manpower Development and Training Act. This amendment adds a new title IV, entitled, "Supplementary State Programs." I am pleased that the distinguished Senator from Vermont [Mr. Prouty] wishes to join us on this amendment. I ask unanimous consent that his name be added to the amendment at its next printing.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

The following-named persons to be Representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

George W. Ball, of New York.

William C. Foster, of the District of Columbia.

John Sherman Cooper, U.S. Senator from the State of Kentucky.

Stuart Symington, U.S. Senator from the State of Missouri.

The following-named persons to be alternate representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

William B. Buffum, of Maryland.
Louis Stulberg, of New York.
Mrs. Harvey Picker, of New York.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

THE TRAGEDY IN NIGERIA

Mr. SPARKMAN. Mr. President, on September 11, the Senate Foreign Relations Committee's Subcommittee on African Affairs, under the chairmanship of the distinguished senior Senator from Minnesota [Mr. McCarthy] met in executive session to consider the tragic events which have been taking place in Nigeria. Assistant Secretary of State Joseph Palmer 2d was the chief witness before the subcommittee on that occasion. His testimony has since been made public, with only a very few minor deletions of sensitive material. I believe Mr. Palmer's statement, released by the Department of State on September 12, is a very informative and useful document, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on the Situation in Nigeria by Assistant Secretary Joseph Palmer 2d Before the Subcommittee on Africa of the Senate Foreign Relations Committee. September 11, 1968

Mr. Chairman: I appear before you today at a time of trial and of tragedy for nation, for continent and for humanity. The civil war in Nigeria is daily resulting in a mounting death rate, not only on the battlefields, but in towns, villages, and the countryside on both sides of the combat lines. Millions of innocent victims of the conflict—old men, women and children—are in need. And many are dying of starvation while a concerned world opinion agonizingly watches an inadequate flow of assistance to the needy.

How have these tragic events come to pass? Where has the United States stood with respect to them? What is being done about them? And what more can be done?

I shall shortly come to the answers to these very pertinent and urgent questions. But since the answers cannot be found only in the events in Nigeria itself, let me first try to put these problems in a wider African perspective.

A glance at the map of Africa reveals the widespread proliferation of political entities. The process of decolonization—most of it in the past 10 years—has already resulted in 41 independent states on the continent and its offshore islands. And the eventual number may run upwards of 45. It is necessary to recall that these boundaries were not drawn in Africa by Africans for African reasons. They were delineated in Europe by Europeans for European reasons—commercial, strategic, prestige, etc. For the most part, they ignored a host of ethnic, religious and economic considerations which might have resulted in more rational political units.

The colonial system produced other subsidiary problems for independent Africa. Lines of communication, for example, were developed primarily to evacuate produce to the sea and to tie Africa to Europe. There was little emphasis on the lateral communications which would tie Africans to Africans and lay the framework for future nation-building and cooperation among nations. Even more importantly, the institutional framework was lacking during most of the colonial period for hastening the process of extending group understanding. The political structures were authoritarian and non-participatory and generally followed a philosophy of divide and rule. It is true that, late in the colonial period, the effort was made to reverse these policies and brief periods of self-government preceded independence in almost all cases. But the institutions that emerged in most cases were fragile—too European in their inspiration to meet the needs and aspirations of an African culture and society.

In outlining these points, I do not intend in any way to detract from some of the positive benefits that derived from the colonial period. But what I do suggest is that the colonial system tended to isolate Africa from a process of natural political change—African change—for many generations.

How have the Africans reacted to the situation they have inherited?

First, they have taken a strong position against territorial change by force or subversion. The principle is enshrined in the charter of the Organization of African Unity and constitutes a recognition that any violent change in the political boundaries of independent Africa can open up Pandora's box for the rest of the continent.

Secondly, the nations of Africa have, for the most part, taken a similarly strong stand against secession. They feel that they must start from a premise that the various ethnic groups—numbering some 2,000—can reconcile their differences within the present national boundaries of Africa and build towards a national identity. Otherwise, they feel, a process may be started which may affect any of them and may hopelessly fractionalize their continent. It is for this reason that all but four of the 40 members of the OAU have refused to recognize the secession of Biafra.

Thirdly, the nations of Africa feel a strong compulsion to develop their institutions—and their constitutional arrangements—in a manner that reflects *African* values and *African* imperatives. Central to this effort is a goal of national conciliation and consensus within an *African* framework.

In the world of today we hear a great deal about the values of dialogue and of participation in the solution of problems by those most directly affected. No area of the world has developed these very valid concepts of reasoned communication and self-involvement to a higher extent than the Africans have. They may use different words to describe the process-palavar instead of dialogue, indaba instead of town meeting—but the psychology and the human objectives remain the same. It is in this spirit that Africa is trying to solve its own problems and that prompts the current efforts of the OAU to solve the Nigerian problem in an African framework.

What we are talking about, Mr. Chairman, is in the first instance a problem for Nigerians but one that is inseparable from the problems of Africa. Beyond this there are of course the Commonwealth and United Nations dimensions. But we have not, Mr. Chairman, at any point regarded this as a unilateral American problem. I say this with the utmost of concern and compassion for good and valued friends on both sides. The United States by itself cannot expect to solve this agonizing and complex problem. We can be, and we should be, a voice of conscience—a strong one indeed—working with and through others in an international effort to save lives and to prevent human tragedy. This is what we have tried—and continue to try—to do.

Mr. Chairman, let me go back to the questions which I posed and which I assume are on the minds of this Committee.

First, how did these tragic events come to pass? Like most human tragedies, there is no absolute right and no absolute wrong, no pristine truth and no unqualified error, no white hats and no black hats, no reliable statistics, no valid balances on a scale of equity or justice. There is emotion, power, suffering, grievance—and reality and some degree of reason.

Britain had the choice before independence of dividing Nigeria into its three principal ethnic groups—Ibo, Yoruba and Hausa-Fulani—into three separate states—or of retaining them as one. The principal proponents of unity at the time were the Ibos, then led by Dr. Nnamdi Azikiwe—American educated, a great African and subsequently the first President of Nigeria—who recognized all of the values of economies of scale and larger political entities. The more traditional Hausa-Fulani North was doubtful, mistrustful at the time, and strongly inclined to think in terms of partition. But in 1955 a great Northern leader—Sir Abubakar Tafawa Balewa—came to the United States as Minister of Transport of the Northern Region Government to study the Mississippi transport system which has so much relevance to the transportation problems of the Niger and the Benue. When he returned to the U.S. in 1960 as Prime Minister of an independent Nigeria, Sir Abubakar spoke before the National Press Club here in our nation's capital. At that time he told his audience that after his earlier visit to the United States and after seeing what we had done in building a nation of people of diverse cultural, ethnic and religious backgrounds and of diverse geographic conditions, he became convinced Nigeria could do the same. He had therefore sent Azikiwe a telegram from New York just before his departure saying that in the past he had not thought that one Nigeria would work but that on the basis of what he had seen and heard in this country, he was convinced that one Nigeria was possible and that from that time forward he would be at one with him in working towards that objective.

Mr. Chairman, we all know that there are great gaps between high intentions and hopes, and the realities of situations. For more than five years, Nigeria showed promise of realizing its potential as the largest and one of the richest countries in Africa. The country was governed by a process of consensus, which however, had its weaknesses. Decisions tended to be at the lowest common denominator. Sectionalism was at best latent and at worst rose to the surface as it did over the census in 1962 and 1963. Corruption gave another dimension to Nigeria's problem.

To the outside observer, Nigeria during these years gave the appearance of a parliamentary democracy. There was at the center a government and an opposition. Yet closer examination revealed that the government was an alliance between tribally based parties in the East and North on the one hand and a tribally based opposition party in the West on the other hand. Subsequently, this marriage of convenience was to give way to an alliance between the North and a doubtfully valid government in the West against the East. The weakness in both situations was the degree of alienation involved in the virtual exclusion of large sections of the country from participation in the process of Government. Principles, issues and national interests tended to be subordinated to local imperatives in specific situations.

From the beginning, this already complicated situation was compounded by the positions of the minority tribal elements—principally the Ibibios and Efiks (about 3.6 million) and Ijaws (about 1 million) in the East and Mid-West and the Tivs (1.6 million), Kanuri (2.3 million), and other minority elements in the North. These minority elements—of substantial strength in and of themselves—were resistant to the efforts of the regionally based parties to try to dominate their regions. Thus, during the early periods of comparatively free national politicking in Nigeria, the Ibibios, Efiks, and Ijaws of the East tended not to throw their lot with the Ibo-based party in that region, but rather to support the Western-based Action Group. A similar situation pertained with respect to the Middle Belt and Kanuri populations of the North.

And yet, despite these centrifugal tendencies, the urge to surmount regional interests and to construct a national consensus persisted.

The existing instrument for achieving a national consensus of all these diverse groups was destroyed on January 15, 1966 by a small group of officers—mostly Ibos—who assassinated Sir Abubakar, the Prime Minister of Nigeria. The Premiers of Western and Northern Nigeria were also murdered at the same time.

The rebels, of course, had their own reasons for acting as they did. They were dissatisfied with the pace of modernization. Decisions were few and far between. Corruption was widespread. And as already indicated, important elements of the population were excluded from participation in the decision making process. But even at this point, elements in the army, including Ibos, recognized that events had been carried too far and that the country could be torn apart unless corrective action were taken at once. They therefore stepped in to reassert legality and to try to redress the damage that had been done to the national fabric.

But the effort was too weak and too late. The new Government, led by General Ironsi (an Ibo), was not strong enough to punish the leaders of the original coup, despite strong demands to that effect from the North. Nor was it strong enough to extinguish the long fuse of revenge which led to the tragic communal outbreaks in the North and resulted in the slaughter of thousands of civilian Ibo citizens who lived in that region.

Mr. Chairman, we have here all the elements of the classic Greek tragedy—the combination of mistakes, misunderstandings and wrongs that create such emotion, bitterness and alienation as to lead to the darkest of suspicions, ascribed motives and unthinking deeds.

The assassination of General Ironsi, the slaughter of thousands of Ibos in the rest of Nigeria and the flight of well over a million Ibos to their homeland all served eventually to convince some 8 million Ibos that their only hope of survival was in asserting their sovereignty, hopefully in association with some 4 million of the minority tribes that stood between them and the sea, including the rich oil bearing areas of the Niger Delta. This final decision to secede came on May 30, 1967 and followed a series of fruitless efforts to compromise differences in a way that would keep the country together.

But if the decision to secede unified the Ibos, it had no less impact on the rest of Nigeria which felt strongly that any concession of the right of secession would irreparably splinter the entire nation. And, as already indicated, the decision ran headlong into some deeply held—and strongly articulated—concerns on the part of the rest of Africa.

Where has the United States stood with respect to these events and what is being done about them? For the reasons outlined at the beginning of this statement, we have continued our recognition of the Federal Government and the unity of Nigeria. At the same time, we have also sought to use our influence to encourage a peaceful resolution of the problems which have divided the parties. Thus, in the period before secession, we urged both sides to negotiate their differences. When negotiations broke down, we counseled against secession through our Consul in Enugu and Ambassador Mathews flew to that city to try to dissuade Colonel Ojukwu from this course. We also used our influence in both Lagos and Enugu to try to forestall a resort to force of arms. We tried to keep our lines of communications open to both sides and, in fact, kept open our Consulate in Enugu for approximately five months after secession, until security conditions necessitated our closing it after the evacuation of the great bulk of American citizens in the region. Although our advice to negotiate was not taken, we persisted in our efforts, and, following the outbreak of hostilities on July 6, 1967, we continued to urge both sides to return to the negotiating table.

Four days after the outbreak of hostilities, we announced our decision that the U.S. would not sell or otherwise supply arms and ammunition to either side. We did so out of a desire to avoid any risk of deepening the conflict. Moreover we hoped that by taking such a self-restraining position, the Soviets would be encouraged to do likewise. Unfortunately these hopes were not realized and in August, the Soviet Union agreed to sell the Nigerian Government military equipment, including advanced type aircraft. On August 21, the U.S. issued a strongly worded statement deploring this Soviet decision.

Neither the U.S. nor the Soviet Union had been traditional suppliers of arms to the Nigerian armed forces. The British Government, on the other hand, is the former metropole and has historically trained and equipped the Nigerian forces, including the sale of arms and ammunition. Many of Nigeria's officers have been trained at Sandhurst. The U.K. took the position that to refuse to continue its sale of arms to a Commonwealth member facing armed rebellion would have amounted in fact to a pro-rebel action. It also felt strongly that such action would have reduced western influence with the Nigerians and resulted in an increase in that of the Soviets. The British Government has therefore continued to supply essentially the same kind of equipment it had traditionally supplied.

From the beginning of the crisis, we have also been in close and frequent touch with African and other nations to try to find ways and means of bringing the hostilities to an end and to promote a negotiated settlement. These efforts were not facilitated by the initial strong position of the Federal Government that this was an internal Nigerian conflict which Nigerians themselves must resolve and that discouraged all outside efforts—Africans and other—to intervene. Nor were our efforts facilitated by the similarly strong position of the Biafran Government that its sovereignty was not negotiable and the fact that it spoke at that time from a position of relative military strength. Nevertheless, we and others persisted and we were encouraged when in September 1967 the Heads of State of the OAU set up a Consultative Committee composed of Ethiopia, Ghana, Congo (K), Niger, the Cameroon and Liberia with a mandate to try to resolve the conflict within the framework of one Nigeria. This decision by the OAU was accepted by the Federal Government and the Committee finally met in Lagos in November. At that time, General Ankrah of Ghana was given a mandate to try to bring the two sides together. Unfortunately, he was not successful and for some time the OAU Committee was inactive despite a number of efforts to stimulate it to new initiatives.

Meanwhile, the Commonwealth Secretariat in London the permanent international secretariat that serves the Commonwealth—became active in trying to promote a negotiated settlement. The U.S. also supported this initiative. Preliminary negotiations in London in May of this year resulted in the agreement of both of the parties to negotiate and formal substantive discussions were held in Kampala, Uganda under the chairmanship of President Obote at the end of May. Again unfortunately, these conversations resulted in a deadlock, with the Federal Government taking a strong position that a peaceful settlement was only possible if Biafra would renounce its secession and Biafra taking the stand that its sovereignty was not negotiable. With the failure of these talks, the OAU Consultative Committee reactivated itself and tried again at Niamey, Niger. President Diori once more encountered the same hard attitudes on both sides and the decision was finally made to adjourn the talks to Addis Ababa where further efforts would be made. For the past five weeks, the Emperor of Ethiopia has similarly sought to bring the two parties to an agreement but the fundamental issues that divide them are still so far reaching that no effective results have yet emerged with respect to either a political settlement or humanitarian assistance. The talks have now been adjourned while the Emperor reports to the African Heads of State who will assemble at Algiers on September 13 regarding his efforts.

I think that it should be said, Mr. Chairman, that during the course of the negotiations at Kampala, Niamey and Addis Ababa, a number of significant concessions have been made by the Federal Government in an effort to reach an agreement within the framework of one Nigeria. It has made proposals for an international observer force to participate in overseeing the re-integration of what remains of Biafra into the Nigerian state, for a qualified amnesty, for an Ibo police force to undertake a large part of the security responsibility in the Ibo heartland during and after the period of re-integration, for recruitment of Ibos into the Nigerian army, and for an Ibo Military Governor and Ibo members of his Executive Council. However, these proposals have not commended themselves to the Biafrans who continue to insist on their sovereignty; nor have the Biafrans, to the best of our knowledge, made any significant concessions on their side that might result in a narrowing of the negotiating gap.

In addition, the Federal Government recently invited the UN, the OAU, the UK, Canada, Sweden and Poland to provide members for an international observer group at the front to satisfy themselves that Federal forces behave with discipline and restraint.

Meanwhile, the military campaign, which had been largely in abeyance while the political phase of the negotiations continued, has been resumed in the face of the continued negotiating deadlock, with the preponderant strength on the Federal side beginning to tell more and more. Militarily, as the map I have before me indicates, Federal forces are forcing the Biafrans back on almost all fronts. The non-Ibo minority areas of the East were taken first and now Federal troops are pushing into the heart of Iboland. The Biafrans have resisted stubbornly and the end of the conflict cannot yet be predicted with any degree of accuracy.

As the world—and, more importantly, the innocent victims on both sides—are so painfully aware, the continuance of the struggle in the absence of any agreement on humanitarian assistance is creating ever increasing suffering. As disease and famine have mounted, we have appealed to the parties to set aside the political issues of the war in the interests of reaching an urgent humanitarian agreement which would permit the starving to be fed. We have strongly supported—both diplomatically and with material assistance—the efforts of the ICRC to bring relief to the suffering civilians. As the Committee is aware, the primary role of the ICRC derives from the 1949 Geneva Conventions for the Protection of War Victims, to which Nigeria is a party, and from the Committee's traditional humanitarian role. On August 4, 1967, the ICRC announced that "Since the beginning of the conflict the ICRC received assurances from the two parties that the provisions of the Convention would be applied."

An urgent need for relief exists on both sides. The ICRC therefore needs the understanding and cooperation of both parties if it is to carry out its impartial humanitarian mission on both sides of the conflict. Here again, the deep suspicions and fears of both parties to the conflict have thus far frustrated the efforts of the ICRC and the OAU, supported by the U.S. and many other nations, to reach an effective agreement which would permit an organized, steady flow of relief supplies to the afflicted areas. Generally speaking, despite safeguards that the ICRC or OAU may have proposed, the Biafrans have opposed the surface corridors the Federal Government favors for fear that the food would be poisoned or that the Federal Government would take military advantage of any such arrangements.

The Federal Government, for its part, has been generally opposed to mercy air corridors, which Biafra favors, because of concern that they will be infiltrated during daylight hours—as they now are at night—by clandestine arms shipments into Biafra or otherwise give a military advantage to the Biafrans. This Federal position was recently modified through an agreement reached by Dr. Lindt, the ICRC Commissioner for Nigeria, and General Gowon on September 3, but the Biafran authorities have refused to accept shipments through the airstrip in Biafra which General Gowon designated and he has refused to accept their choice. Meanwhile, the ICRC is stepping up its night flights and, although substantially increased supplies are getting in to Biafran-held territory, they are still inadequate and the airstrips themselves are becoming increasingly vulnerable to military attack. These two considerations combine to underline the importance of opening up surface corridors, an effort which we are strongly pressing.

In the meantime, the build-up of substantial relief supplies continues. Large quantities of foodstuffs have been accumulated both in Federal territory and in the offshore islands. The U.S. Government, the largest donor, has contributed a total of almost $9 million to this effort in cash and surplus food commodities; private American voluntary organizations have added another $2.7 million. Ambassador C. Robert Moore, Deputy Assistant Secretary of State for African Affairs, recently headed a U.S. delegation to Geneva for urgent consultations with the ICRC and other organizations concerned with relief. The ICRC shares our concern and our awareness of the gravity and magnitude of the problem and is taking vigorous steps to meet it.

President Johnson in a message to Emperor Haile Selassie on August 5 described the relief of starving civilian populations as among the basic obligations of common humanity. He pledged our continuing readiness to help in the humanitarian task of providing and moving supplies to the needy and urged the earliest possible agreement to permit that to happen.

Mr. Chairman, I now come to the question of what more can be done in this tragic situation? First of all, let me emphasize that the OAU remains seized of the Nigerian problem both in its political and humanitarian dimensions. Both aspects of the problem are slated to be considered at the African Heads of State meeting in Algiers beginning this Friday. We continue to believe that we should await the outcome of this meeting and assess at that time what further steps may be indicated. In this connection, I think that we should draw a distinction—to the extent that one is possible—between the political and the humanitarian aspects of the problem. Certainly the political aspects of the problem are, for the reasons I indicated at the beginning of this statement, a legitimate concern of the OAU. Not only does Chapter VIII of the UN Charter encourage the pacific settlement of local disputes through regional organizations, but the provisions of Article 2(7)—the domestic jurisdiction clause—complicate the consideration of the political aspects of the problem in the U.N.

The humanitarian aspects of the problem, however, are a legitimate cause for concern not only for Africa but for the entire world. Should the meeting at Algiers fail to give any promise of an early solution to the need for humanitarian relief, a move in the UN on this aspect of the problem may well take place. The position of the members of the UN on this subject will, of course, be strongly influenced by African attitudes towards such a move.

Beyond this, Mr. Chairman, I wish to emphasize once again the urgent necessity of opening up surface corridors. Much attention has been focused on air corridors—and rightly so—as a contribution to the solution of the problem. But the quantities of supplies required and the built-in physical limitations of ferrying food by air into landing strips that are only converted stretches of road are so great that airlifts alone cannot begin to meet the needs even under ideal conditions, which we obviously do not have. We shall therefore continue to do everything we can, in cooperation with the ICRC, to work toward the earliest possible opening of a surface corridor.

Mr. Chairman, I apologize for the amount of time I have taken with this initial statement, but I was most anxious to try to give the Committee a comprehensive picture of the magnitude and the complexity of these agonizing problems.

PLAYING WITH FIRE

Mr. YOUNG of Ohio. Mr. President, the introduction of partisan politics in the debate on ratification of the Nuclear Nonproliferation Treaty was a tragic decision that can possibly have grave consequences. In jeopardizing ratification, it undermines the American position on restricting the spread of nuclear weapons—a position that has taken years of negotiations and hard work to establish—and the hard-won support the treaty now enjoys abroad.

This treaty, while not guaranteeing that nuclear weapons will never be used in war, may mark the beginning of the end of this period of international anarchy in which we live. The limited nuclear test ban treaty achieved by President John F. Kennedy restricted the environment where nuclear bombs could be tested. The outer space agreement limited the areas where they could be stationed. Both the Soviet Union and the United States have fully complied with their treaty commitments. Now, the nonproliferation treaty proposed by President Johnson limits the spread of nuclear weapons.

The United States and the Soviet Union are the only real nuclear powers. Great Britain, France, and China also have some capability to produce crude nuclear missiles. Even more dangerous is the fact that by spending approximately $200 million any mature industrial country can readily produce one or two atomic bombs. Any industrial society can develop a 20-kiloton bomb, the size of the one dropped on Hiroshima, and accomplish this probably within 5 to 8 years. With each passing year more nations will be able to do so, and the possibility of nuclear war increases. Therefore, the nuclear nonproliferation treaty is of the utmost importance in curtailing and halting what former Secretary of Defense Robert McNamara termed the "mad momentum" of the arms race.

President Johnson's remarks ending the ceremony in the East Room of the White House on July 1, 1968, during the signing of the treaty will be regarded by future historians as one of his finest—a historic state paper. In part he said:

> After nearly a quarter century of danger and fear—reason and sanity have prevailed to reduce the danger and to greatly lessen the fear. Thus, all mankind is reassured. For this Treaty is evidence that amid the tensions, the strife, the struggle and sorrow of these years, men of many nations have not lost the way—or have not lost the will—toward peace. The conclusion of this Treaty encourages the hope that other steps may be taken toward a peaceful world.

Mr. President, the argument has been made that ratification of the treaty should be postponed as a way of expressing our disapproval of the Soviet bloc invasion of Czechoslovakia. The fact is that for years both officials of the Soviet Union and the United States have attempted to separate this issue from the other issues on which both nations differ, and to pursue it as an important common goal. Let us be realistic. We can expect for years to come, convulsions and contradictions in Soviet Union policies along with the brutal swings back and forth between aggressiveness and relative peacefulness. In this realistic context we must seek hard, practical agreements with the Russians on matters of common interest, especially where international security is concerned.

We cannot permit every international dispute that arises to erase the work of past years toward reducing the threat of a nuclear holocaust. If we were to do so and other nations were to follow suit, then all efforts and progress toward world peace gained after painstaking and tedious negotiations would be ultimately destroyed.

The nonproliferation treaty is not a gift or a reward. It is not even a Soviet-American arrangement. It does not require either nation to disarm, but only sets forth the terms for restricting the spread of nuclear weapons to other nations. The treaty is not a goal to be pursued only at times when the Soviets are behaving peacefully. It is not a pawn to be bandied about in cold war politics.

The facts are that the Dubcek government in Czechoslovakia strongly favored ratification of the nuclear nonproliferation treaty and that representatives of the Czech Government signed the treaty on July 1, 1968, long before the invasion of Czechoslovakia.

Mr. President, in the Washington Post of September 13, there appeared an excellent editorial entitled "Playing With Fire," setting forth clearly and concisely the fallacies in the arguments proposed for postponing ratification of the treaty; and also, under the title "The Czechs and the Nuclear Treaty," excerpts from the statement made to the Geneva Con-

ference in March by the Czechoslovak delegate on ratification of the treaty. I ask unanimous consent that the editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, September 13, 1968]

PLAYING WITH FIRE

At the United Nations General Assembly in June, ninety-five member states voted to approve the draft of the nuclear nonproliferation treaty, which the United States and eighty other nations have signed since then. For most of the signatories the treaty amounted to a self-denying ordinance—an agreement to forgo the manufacture or acquisition by other means of nuclear weapons. For the United States, however, which makes no comparable sacrifice, the negotiation and acceptance of the treaty marked the achievement of a diplomatic objective. All this was well understood before the Soviet repression of the Dubcek government in Czechoslovakia.

Since that time, however, the treaty has been recast as a gift to the Russians and one that should now be withheld. Accordingly, its ratification by the Senate is in doubt. The United States, in other words, is about to renege on an agreement it has been urging on other nations for several years and to court the diplomatic and military consequences of seeing support for the treaty around the world collapse.

There is blame enough for this development to go around: The lassitude and indifference of many members of the Foreign Relations Committee—including Chairman Fulbright—who delayed reporting the treaty to the floor for reasons of convenience and who have done little to defend or explain it since it has come under attack; the timid Administration officials who were reluctant either to fight or to lead for fear that they might lose. But the lion's share of blame for the jeopardy the treaty now is in must go to Richard Nixon, who has suddenly announced that in consultation with his fellow Republicans, he has decided that the treaty ought not to be ratified at this time. Mr. Nixon has thus given official sanction to the fictitious notion of the treaty as a bilateral Soviet-American arrangement, and he has made its ratification a party issue. In doing so, he may have dealt the treaty a death blow.

Except in terms of domestic politics, the Republican candidate's arguments make little sense. He would have the United States delay its approval of the treaty by way of registering a protest over the treatment of the Czechs. Elsewhere on this page, readers will find excerpts from arguments made by the Dubcek government on behalf of the treaty—of which it was a United Nations sponsor. That government understood, apparently somewhat better than Mr. Nixon cares to, the importance of limiting the spread of nuclear weaponry into the tense and belligerent areas of the world. What exactly does he contend we are denying the Soviets by our newfound reluctance to curb the spread of these weapons? In what way would the acquisition of nuclear weapons by Japan—say—or Israel, or Sweden, or Brazil bear favorably upon the plight of the Czechs or amount to the assertion of our interest over that of the Soviet Union, or in any other way have a useful effect on the situation in central Europe?

Mr. Nixon's argument is open to criticism on more serious grounds than its silliness. He has not just formalized a false view of the treaty, but he has introduced, retrospectively as it were, conditions to our approval of it. The point about the nonproliferation treaty and similar efforts to lessen the chances of nuclear war, was that both the Soviet Union and the United States, along with other negotiating countries, sought to separate it out from other issues and to pursue it as an important common goal. Could the Soviet Union renege until such time as we cease bombing North Vietnam? Will other governments follow our dangerous precedent?

The decision by Mr. Nixon to inject the treaty into party politics may in the end cost a lot. It jeopardizes the chances of the treaty's ever being ratified and it undermines the hardwon support the treaty already enjoys abroad. In this, he has taken an easy and reckless way. Mr. Nixon had it in his power to assert a little of that statesmanship he talks about and to bring his Republican colleagues along with him. To have done so would have lost him nothing and won him a profound respect.

[From the Washington (D.C.) Post, September 13, 1968]

THE CZECHS AND THE NUCLEAR TREATY

Before and after the accession to power of the Dubcek government, Czechoslovakia served as a member of the Eighteen-Nation Disarmament Conference and was both sponsor and earnest advocate of the nuclear non-proliferation treaty. Representatives of the Dubcek government argued the case for adoption of the treaty at the United Nations in May and signed the treaty on July 1. The following excerpts from a statement made to the Geneva Conference in March by the Czechoslovakian delegate take on a special significance in the light of the argument by Richard Nixon and other Republican leaders that Soviet repression of the Dubcek regime is a good reason for delaying ratification of the nuclear non-proliferation treaty.

The drafts before us are, in our opinion, a suitable basis for the final wording of the treaty and correspond in substance to our ideas of how a realistic and effective treaty on the non-proliferation of nuclear weapons should look. In this view of ours we are guided by the principle that the main goal of the treaty is to prevent the states which do not yet own nuclear weapons from acquiring them. This approach is in full harmony with the spirit and letter of the resolutions on the non-proliferation issue adopted by the United Nations General Assembly in recent years. This approach corresponds also to the intentions pursued by non-nuclear-weapon states when they raised this question within the framework of the deliberations on disarmament as a separate, urgent problem calling for an immediate solution.

The efforts aimed at the adoption of effective measures against a further spread of nuclear weapons have been, from the very beginning, based upon the knowledge of the serious consequences for world peace which would result from the acquiring of such weapons by other states. It would mean a serious worsening of international tension and, consequently, a substantially increased danger of nuclear war. It would considerably complicate also the completion of the tasks which are on the agenda of the disarmament negotiations, especially in the field of nuclear weapons.

The initiators of the deliberations on non-proliferation are well aware of the fact that unless adequate measures are adopted in time we might be witnesses to a chain reaction in the sphere of nuclear armaments which, haphazardly, might extend to all parts of the world, thus endangering the interests of nations. Further states, whether they wish it or not, would become involved in the ever-increasing arms race, with all its negative aspects as regards their political, military and economic development. As far as security is concerned, the acquiring of nuclear weapons by further states not only would have an extremely unfavorable impact on the general situation in the world; it would not increase the security of states embarking on nuclear armament either. On the contrary, we consider fully justified the conclusion that the security of individual states and regions to which nuclear armaments would extend would be considerably weakened. Moreover, the price to be paid by the states which decided to acquire nuclear weapons would be very high. A very instructive illustration of the burden to be borne by such states is given in the well-known report of the United Nations Security-General of last year on the consequences of nuclear armament. In our opinion, it clearly results from the aforementioned facts of a political and economic nature that nuclear weapons or nuclear explosive devices can hardly be regarded as suitable means of protection for the political or economic interests of any state, regardless of the level of its economic development.

The danger of a further spread of nuclear weapons has in no way diminished since the resolution known as the Irish resolution was adopted. On the contrary, owing to rapid developments in the sphere of nuclear energy in a number of states, that danger has increased and will continue to grow in the future. That fact should be constantly borne in mind also in our deliberations. In our opinion, there can be no doubt, therefore, that the speediest possible preparation and adoption of the non-proliferation treaty is primarily in the interests of the non-nuclear-weapon states. My country is among those states.

EMPLOYMENT AND MANPOWER PROBLEMS IN THE CITIES: IMPLICATIONS OF THE REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 1568)

Mr. PROXMIRE. Mr. President, I submit, from the Joint Economic Committee, a report entitled "Employment and Manpower Problems in the Cities: Implications of the Report of the National Advisory Commission on Civil Disorders," which has been familiarly known as the Kerner report. I ask unanimous consent that this report may be printed together with the supplementary views.

The PRESIDING OFFICER. Without objection, the report will be received and printed together with the supplementary views.

Mr. PROXMIRE. Mr. President, this report is based upon hearings which the Joint Economic Committee held shortly after the National Advisory Commission on Civil Disorders, headed by Governor Kerner, made its report last March. The Joint Economic Committee addressed itself principally to the problems of unused human resources and levels of unemployment which the Kerner Commission found to be of tremendous significance among the causes for civil disorders.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PEARSON. Mr. President, I wish to say to the distinguished Senator from Wisconsin that while I have not seen the report, I did see a summary of it in the Washington Post of this morning.

I compliment the Senator on his recommendations. I particularly make note of the recommendation to encourage people to remain in the rural areas and thereby avoid aggravating the urban problems. Here once again is recognition of the interrelationship of the rural and urban problems involving limited opportunities and poverty.

Some time ago I, together with the distinguished Senator from Oklahoma [Mr. Harris], introduced a bill dealing with this subject matter, which had some 31 cosponsors. That bill was S. 3122 and it seeks to deal with this problem.

I am also pleased to note the Republican platform takes recognition of the interrelationship between the urban and rural problems in its plank entitled "Crises in the Cities" and the agricultural plank which also deals with this problem.

I compliment the Senator on the report and for taking recognition of the subject matter.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Rural Job Bill Gains Interest," published in the Wichita Eagle and Beacon of Wichita, Kans., on September 8, 1968.

There being no objection, the article was ordered to be printed in the Record, as follows:

Kansans in Washington: Rural Job Bill Gains Interest

(By John Sparks)

Washington.—The rural job development legislation cosponsored by Sen. James B. Pearson, R-Kan., and Sen. Fred R. Harris, D-Okla., is getting increased interest.

The legislation was the subject of a special study by American Enterprise Institute for Public Policy Research, a nonpartisan organization which studies national policy problems.

Since its introduction on July 21, 1967, the legislation has picked up 22 additional bipartisan sponsors in the Senate.

Sen. Pearson has summed up his bill:

"It would be improper to treat this program simply as an effort to reduce rural poverty. For what we seek to do is not simply to improve present depressed rural income, but to expand the economic opportunities in rural areas that more of those who otherwise would be forced to migrate will now find it possible to remain in their home communities if they so choose."

The institute's study found the proposed legislation laudable.

The study also revealed, in the institute's opinion, that two changes in Sen. Pearson's bill would tighten it and increase its effectiveness.

The institute said that eligibility requirements as defined in the bill, may qualify areas—or counties—that should not receive such assistance. This would tend to pour assistance into the wealthy counties to the neglect of the poor areas.

A remedy would be to change the eligibility criteria upward so that at least 30 per cent instead of the present 15 per cent of families must have incomes of less than $3,000 annually.

The staff study also suggested a more flexible definition of poverty is needed. It was suggested the $3,000 annual income was too inflexible a dividing line and that family size also should be taken into consideration.

The institute concluded its favorable summary by admitting that where favorable location factors are present, the tax incentives proposed in the Pearson legislation "may be the catalyst which attracts industry."

Private industry management concerned with growth factor and responsibility to stockholders, is expected to take under study the institute's study when considering new plant locations.

If Congress proves firm in its intention to adjourn quickly it is probable that the Kansas senator's bill will not be acted upon.

But Sen. Pearson always has had this possibility under consideration. He previously has stated that his rural development program is not a short range idea.

If his bill should die with the end of the 90th Congress, he has said he plans to introduce it immediately after the start of the 91st Congress in January and push for early hearings in order to give it a high priority.

Kansas could benefit by Sen. Pearson's legislation as the state shows a declining rate of personal income from farm operations indicated by government statistics.

The institute's study showed that the exodus from rural areas to the cities is not a phenomenon limited to the United States. In France and Sweden concern has been expressed about the out-migration of people from rural areas to the cities.

West Germany, said the institute, probably more than any other country in the world, "has had spectacular success in using tax incentives to stimulate economic growth."

Japan is another nation reported to have given the nod to such inducements.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Kansas very much. We are proud of the report. We are particularly concerned with the problem of unemployment in our urban areas as a cause of the riots we have had. The recommendations of the Kerner report were constructive and comprehensive. I think the report suggests priorities in connection with the recommendation which can be useful to the Congress and the country.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, if there is no other morning business, I ask unanimous consent that I may proceed for an additional 15 minutes in the morning hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

GENERAL GOWON'S RESPONSIBILITY IN BIAFRA—SAVING LIVES OF COMBATANTS AND NONCOMBATANTS ALIKE

Mr. PROXMIRE. Mr. President, the press reports that over the past 2 weeks the Federal Forces under the direction of General Gowon have penetrated deep into the interior of Biafra and have under control about four-fifths of the original territory claimed by the Declaration of Secession.

General Gowon has been quoted in the press to the effect that there will be no bloodbath as Federal Forces continue their advances throughout Biafra. He has further been quoted as saying food and medicines can be dispensed freely to the needy by the various charitable organizations.

Mr. President, it is my fervent hope that we will see General Gowon's declarations in Lagos realized in the field, in the heat of battle. I trust his determination to protect the human rights of the combatants and noncombatants has been firmly impressed on those leaders in the field, some of whom have been quoted saying there will be no Biafrans left after completion of military operations in that area.

The world is now looking to Nigeria and its leaders. Their stature in the world community will depend to a great extent on their restraint toward those with whom they are now engaged in conflict. The truth of their declarations and the sincerity of their commitments throughout the world will be honored to the degree they honor their declaration to protect the lives of Biafrans.

Mr. President, John Kennedy said:

> The rights of all men are diminished when the rights of one man are threatened.

Clearly, in protecting the rights of the Biafrans, the Nigerians under General Gowon, will be insuring that their own rights will not be threatened or diminished. It is hoped that the tragedies of 1966 and 1967 have made clear to both parties of the conflict that violation of rights breeds increased violation of rights.

Restraint is not only the humane way of dealing with an enemy, it is also the wise way of helping insure that he remains an enemy no longer. In the building of a nation, enemies within are the best insurance of eventual failure; conciliation must precede national solidarity.

CONGRESS SHOULD ABOLISH THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. PROXMIRE. Mr. President, the Subversive Activities Control Board last week opened hearings on seven persons alleged to be members of the Communist Party.

By holding hearings the Board has succeeded in perpetuating its existence for another year. Such is the effect of the compromise on the Subversive Activities Control Board that was reached last year. Had no hearings been instituted by the end of the year, the Board would have died a quiet and natural death. But now that Attorney General Clark has dredged up and sent seven cases to the Board, and hearings are being held, this wasteful and unneeded agency is destined to be with us for at least another 12 months.

The Board was first established 18 years ago by the Internal Security Act of 1950. Since that time, the Board has not registered a single Communist—an 18-year exercise in futility. For all the security that its name implies, the Subversive Activities Control Board has never controlled a single subversive, not one.

This is not to say that the Board has been derelict in its duties. In the 18 years of its existence, it has attempted to register as subversive approximately 70 individuals and organizations. These attempts have all been thwarted by the courts, which have emphasized a salient fact; that the SACB is not in keeping with our constitutional structure, and that attempts to register individuals merely for their association with an undesirable organization do not square with our constitutional ideals.

SELF-INCRIMINATION

Until a year ago, the Internal Security Act required potential subversives to come forward and register themselves. The onus was on them if they failed to do so, with penalties for willful refusal to register. Also on the books was the Smith Act, which makes it a crime to advocate overthrow of the Government by other than peaceful means.

It should have been obvious to any lawyer—much more so to the U.S. Congress—that the juxtaposition of these two statutes would run afoul of the Constitution. President Truman warned of this in 1950 and even went so far as to veto the bill, but the act was passed over his veto. Many able Senators and Congressmen spoke out against the legislation, citing the threat to the Constitution. Numerous law professors and legal scholars argued that the legislation was unconstitutional.

After years of ineffectual hearings and legal squabbling, the courts finally confirmed what these farsighted men had warned against; that the act's provisions for self-registration and penalties for failure to do so were tantamount to compelling self-incrimination, and violated the fifth amendment. What seemed so obscure in 1950—what was obfuscated by all that ringing oratory—suddenly became crystal clear in those lucid and compelling judicial opinions. What was even clearer was the result: that the SCAB had no work to do, and was out of business.

Having no power, and no authority, the Board languished. With no work to do, one might have expected the Congress to save the American taxpayer hundreds of thousands of dollars of wasted funds. But that would have been expecting too much. Congress went right on appropriating more than $300,000 a year, while Board members and other employees went right on enjoying what must have been, and still is, the softest do-nothing job in Washington.

FIRST DAY'S WORK IN YEARS

Last year's amendments to the Internal Security Act gave impetus to the new round of hearings that began last week. These hearings provided the Board with its first day of work in more than 30 months. Let me repeat: This was the first real day's work put in by the SACB in more than 2½ years.

The amendments did away with the self-registration provisions in the act, and substituted provisions for the Attorney General to bring individuals before the Board for branding as subversives. After hearings, if the Board finds that the individuals brought before them are in fact Communists, it has the power to register them as such.

And that is the sum total of the Board's function—to act as a registry for Communists. No criminal penalty whatsoever attaches to registration by the Board. In fact, there is no penalty for Communist Party membership, without evidence of some subversive activity.

Still, the Board acts out its role, taking testimony from witnesses, receiving affidavits and depositions, and hearing elaborate legal arguments. All of this occurs with the sole object of filling up some musty file cabinets with documentation having no significance and no relevance whatever to the purposes for which the American taxpayer sends his hard-earned money to Washington.

SO WHAT?

Of course, in the process, the Board consumes a great deal of time and money. In the end, the Board may conclude that some of the individuals certified to it are members of a "Communist action" group.

So what?

So what if so-and-so belongs to a Communist action organization? Such a finding is wholly devoid of criminal significance. In fact, the only restriction I can find that stems from such a finding is that which may prevent such an individual from obtaining a sensitive Government position.

But even then, if the Civil Service Commission believes that the individual has renounced his subversive tendencies, the finding of past Community Party membership will not necessarily prevent him from obtaining a position with the Government. Where supersensitive positions are involved, such as at the Pentagon, the CIA, or the Justice Department, these agencies have their own investigating bureaus whose sole job is to weed out security risks. These professional investigators are far better qualified than the SACB to protect their agency, and the Board is only duplicating their efforts—duplication, to the tune of $340,000 a year.

STILL UNCONSTITUTIONAL

Aside from the question of the Board's futility, what guarantee do we have that the new procedures passed last year will not again be held unconstitutional? It may be true that the new law obviates the danger of self-incrimination, but it is still very likely that the registration provisions will be held to impinge on first amendment freedoms—rights no less fundamental than freedom of speech, freedom of association, and freedom of assembly. This is the view held by 227 professors of law—legal scholars from schools all across the country. In a petition to Attorney General Ramsey Clark, this renowned group of lawyers adopted the following position with regard to the amended version of the Internal Security Act:

> We do not believe that elaborate legal argument is necessary to persuade you that Public Law 90–237, designed to revive the Internal Security Act, is both unwise and unconstitutional.
>
> The original pretext that registration and annual reports were necessary to keep the government informed is now gone, as are the registration provisions. The function of the Subversive Activities Control Board is now clearly to create and maintain a political blacklist "open to public inspection" with copies available at cost "to any person upon request." It is now even more apparent than it was when President Truman vetoed the original Act that the purpose is, as he then said, to "put the government in the thought-control business" by giving government officials "vast powers to harass all of our citizens in the exercise of their rights of free speech."

Mr. President, quite frankly, I do not know whether the Supreme Court will ultimately decide that the new law is constitutional or not. But I do know that it will take many years before that question is decided, and in the meantime Congress will continue to pour money down the drain for the Board—to the tune of $344,000 a year, judging by this year's appropriation.

In other words, it will take us several years and a couple of million dollars to find out if we have guessed right in our choice of statutory language. All the while the Board will be engaged in its futile exercise of making up a list to be stashed away in some file cabinet.

KILL BOARD NOW

Mr. President, is it not about time we came to our senses? In 18 years, the Board has swallowed up more than $5 million—dollars which could have been spent on education, crime control, housing, medical research—any one of a thousand useful purposes. I might add, also to help balance the budget or to help provide, along with other savings, for the possibility of reducing our taxes.

Admittedly, $5 million is not a tremendous sum, but I think we are entitled to expect something for our money. The SACB has been less than useless: it has brought us back to the days of the witch hunt, without contributing one iota—I repeat, not one iota—to the Nation's security. These new hearings are an affront to our wisdom and commonsense.

That the Board has not enhanced our security as a nation one iota destroys the only possible justification for its existence. On the other side of the ledger, the reasons for terminating the Board are legion: it infringes on free speech, it infringes upon freedom of association, its five members undeservedly enjoy a $28,000-a-year sinecure, its functions—such as they are—overlap completely with other security agencies, there are no sanctions to back up its registration proceedings, and, not least, the Board dissipates $340,000 annually, for a total of more than $5 million since 1950.

I can only hope that the 91st Congress will exercise better judgment than we, the 90th Congress, and see the folly of perpetuating this outrageous exercise in futility. Once and for all, let us quietly dismantle the Subversive Activities Control Board, and relegate it to the history books. That is where it belongs.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am glad to yield to the distinguished Senator from Louisiana, the majority whip.

Mr. LONG of Louisiana. Mr. President, I saw on television last night the pictures that Mayor Daley, of the city of Chicago, presented about the disturbances that occurred there. I noticed that the flags that were flying over the agitators were Vietcong flags. The flag they took off the flag pole was the American flag and they ran up the Communist flag to take the place of the American flag.

I for one am willing to spend some money to find out something about Mr. Dellinger, Mr. Hayden, and Mr. Rubin, who were participating in these activities, and other people who were there to participate in them.

The Governor of Louisiana said that if the crowd of trash showed up in Louisiana: "If they think they were given some police brutality in Chicago, that is just a taste of what they could expect in Louisiana."

If those kinds of people showed up in Louisiana, would it not be useful to know something about those people who ran up the Vietcong flags and whose leaders went to Hanoi to get their signals straight from Ho Chi Minh and who went to Cuba to coordinate their activities with Castro? Would it not be serving a useful purpose in helping us to know who some of the traitors are?

Mr. PROXMIRE. May I say to the Senator from Louisiana that we do not need the Board for that purpose. That function can be performed without the Board. The Board is not engaged in an investigation of any of the activities in Chicago, and is not likely to be. In order for the Board to act, it is necessary for the Attorney General to cite affiliation or alleged affiliation with the Communist Party to the Board. The Board holds hearings and subpenas witnesses and makes some kind of finding. I submit the Attorney General can certainly order this kind of inquiry through its own Federal Bureau of Investigation, which is made up of professional investigators, who are competent to make a thoroughly competent investigation and develop all the relevant facts. Whatever the Subversive Activities Control Board can contribute can be contributed better, more economically, more efficiently than can the Board.

Mr. LONG of Louisiana. I voted for the bill that created that Board. I recall the debate that took place, in which this Senator engaged. He is even more concerned now about the Communist threat, both from within and from without.

It seems to this Senator what we need more than the Board itself is some judges on the Supreme Court who will help us defend against that Communist conspiracy, rather than strike down what we and others in various capacities have been able to do to try to reduce the effectiveness of the Communist conspiracy.

Does the Senator doubt there is a substantial Communist element operating in this country which is at least a threat and a danger?

Mr. PROXMIRE. Of course, there is a substantial Communist threat against this country. It has been for years. The Communist threat is a serious threat externally and is of some consequence internally. But I think the decision we have had that the original act of 1950 is unconstitutional is clear. I do not know of any Senator who in the debate on the Subversive Activities Control Act disagreed with the Court. The law was obviously self-incriminating, and in violation of the fifth amendment. Perhaps we should amend the fifth amendment. Some people think we should. But I think the Court acted wisely, and it may very well be, as I said, the legislation we passed last year may also be found to be in violation of the first amendment of the Constitution.

Mr. LONG of Louisiana. Mr. President, speaking to audiences in Louisiana, I have referred to these people who marched behind the Vietcong flag and who shout "Ho Chi Minh," and shout for victory of the North Vietnamese Communists over the American fighting boys. Many of those people having been deferred from the draft, are taking advantage of that deferment not to help their country, but to urge that the Communists either kill American boys, or defeat them and send them home in dishonor. I have suggested that if in time of war—and this is war—one is entitled to carry the enemy's flag and shout for victory of the enemy over the American fighting men, we should amend the first amendment. It was never meant to provide permission for treason. It was meant to protect a man's expressing his political opinions, but it was never meant to be the seeds of destruction of our country by the conspiracy with which we are faced.

Perhaps some of the men on the Supreme Court seem to think it was. Well, if worse comes to worse, we ought to propose an amendment to the Constitution to make clear what the first amendment was intended to mean. If we cannot do that, then we ought to exercise better judgment in selecting those who go on the Supreme Court.

Mr. PROXMIRE. With much of what the Senator from Louisiana says, everybody would agree. I certainly would agree that among the people who paraded in Chicago and those people who marched under the Vietcong flag are undoubtedly subversive persons. Some of them may very well be associated with the Communist Party. But we do not have to fear from freedom of speech. What we should be concerned about is the tactics of those people some of which were revealed last night over television. The fact is that they deliberately goaded the police. They had a calculated plan to develop a situation which would gain sympathy for their cause and disrupt a great national convention. But I have not seen any real justification for our abridging or modifying or watering down or amending either the first amendment or the fifth amendment. I think what has made this country strong and what has made this country stronger than the Soviet Union, is the fact that we permit people to express their opinions. We can permit such expression; but to crack down hard on people who commit overt acts that constitute a definite threat to this country.

Mr. LONG of Louisiana. If this Senator had his way, anybody who took the American flag off a flagpole and ran up the enemy flag in its place would be put in jail at hard labor for a long, long time.

I thank the Senator for yielding.

Mr. LAUSCHE. Mr. President, I have just listened to the exchange of thoughts between the Senator from Wisconsin and the Senator from Louisiana. The discussion has revolved around what rights, under the first amendment providing for free speech, are to be vested in the people of the United States. Some persons argue that the first amendment contemplates the use of language, written words, and pictures without limitation. I do not subscribe to that view.

From the first day that the amendment was adopted, its meaning has always been interpreted to be consonant with the provisions of the common law of England dealing with the right of free speech. But according to a modern concept, it is now advocated that the right of free speech is absolutely without limitation.

Under the common law, a person could not lie about an individual under the guise of exercising free speech. He was not permitted to lie either by word of mouth or by written word, pictorially or otherwise. If he lied, he became subject to an action either in slander or libel. Under the common law there was a restraint on the type of pictures and written material that one could send among the people.

The right of free speech—what does it mean? It has been suggested here this morning that pulling down the flag of the United States and raising that of Communist Hanoi was a proper exercise of the right of free speech. Now there is being discussed by commentators, by newspapermen, and by periodical writers, the question of how far the right of free speech justifies the showing of pornographic, licentious, and prurient moving pictures. It is alleged that pictures have been approved by the Supreme Court of a nature that neither columnists nor editors dare tell the public what the pictures contain.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUSCHE. I ask unanimous consent that I may have 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. They are described as being lustful, pornographic, prurient, licentious—but no one dares tell in plain words what is in those pictures that have been protected under the principle of free speech.

The ordinary citizen, when he reads the paper or listens to the television commentator, and hears the word "pornographic" used, has no concept of the baseness, the foulness, and the impropriety of the pictures that have been approved. One cannot conceive what types of pictures have been approved as being proper under the free speech amendment. The basest concept of relationships between man and woman—or woman and woman—are shown publicly, to children, to the aged, to whoever has the money to buy a ticket.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. LAUSCHE. In just a moment.

I have begun to wonder, how can a father or mother, under their parental responsibility, hope to build up the moral fabric of their children, when pictures of the type that I have described are being publicly shown under the alleged protection of the Constitution of the United States?

Mr. LONG of Louisiana. Will the Senator yield?

Mr. LAUSCHE. Yes; I yield now.

Mr. LONG of Louisiana. The Senator undertook to try to get the idea across by saying one cannot conceive of how base these things are that the Supreme Court has protected under the first amendment guarantee of freedom of speech.

It seems to me the better way to put it would be that one cannot conceive of anything lewd or disgusting that they have not protected under the theory of freedom of speech.

In other words, if you try to think of something that could not be shown, after having seen what they have shown, I would think it would challenge the mind to think of anything the Supreme Court might turn down, based upon what they have already approved.

Mr. LAUSCHE. I have not seen the pictures. I cannot believe they contain what has been told me. But there are members of the committee who have seen them, Members of the Senate who have seen them; and those Members corroborate the description that I have given of what has been shown as being proper for the consumption of the people of our country.

I contemplate seeing those pictures; and if they are of the nature that has been described to me, and that I have tried to describe rather gingerly on this floor, I shall have—I was going to say I shall have grave trouble in reaching a decision about the nomination; but I do not think that is so.

I was a judge for 10 years. I sent purveyors of pornographic literature to the penitentiary. I sent panderers, who worked upon the frailties of human beings, to the penitentiary. I sent to prison individuals who indecently exhibited themselves.

But now it is said that to indulge in the most foul and the basest type of human conduct—beastly conduct, I should say—is permissible, if it has with it some saving grace or redemption of morality. A picture for 14 minutes indulges in pornography, and for one-half minute the girl becomes redeemed, and that makes the picture valid.

I cannot go along with that. I simply cannot do it, and I will not.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PROXMIRE. I should just like to make clear to the distinguished Senator from Ohio that I do not know of anyone who says that the free speech provision in the first amendment is without limitation. It has very definite limitations which the Supreme Court recognizes. The Senator from Ohio has ably indicated some of them. The limitations on libel and slander are other examples.

No one has argued that the Supreme Court would rule that pulling down our flag and hoisting the Vietcong flag has anything to do with freedom of speech. If they did, I certainly would not share that view.

I think the Supreme Court, as well, has made clear that there are limitations on pornography. The Senator from Ohio may well be correct in alleging that their limits are too free and flexible; but they have made it emphatically clear that they think censorship is proper, and can be tolerated, though they would provide more freedom and liberty than many of the rest of us would subscribe to.

I do not think anyone can properly charge the Supreme Court with saying there can be no censorship, that no community can keep certain literature from its children or its people.

Oliver Wendell Holmes said many years ago, as the Senator from Ohio well knows, that freedom of speech is limited, that it does not include shouting "fire" in a crowded theater, that under certain circumstances and in certain contexts, free speech can exceed the proper limits and be considered improper, and that laws can be sustained under the Constitution enforcing such limits, which would not be considered in violation of the first amendment.

So I think the Supreme Court has not taken the position that there are no limits on free speech. I think they have taken a consistent position. I do not subscribe to everything they have said by a long shot, but I think their position should be defended, and should not be attacked wholesale as opening the door completely.

Mr. LAUSCHE. No, the Supreme Court has said positively that censorship is not permissible. By censorship, I mean setting up a board to censor pictures. The Supreme Court has said that censorship is out.

Mr. PROXMIRE. They have said that if there is redeeming social quality in the literature or in the picture, then it might overcome the other elements.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. The court has said you cannot use the power of censorship to achieve the objective that the Government wants. It must be done through criminal prosecution, it is said, where the defendant becomes entitled to a jury.

After the censorship laws were knocked out all over the Nation, then came new decisions, and the final word is that if the pornographic picture or literature has some redeeming quality, from a social standpoint, you cannot stop the picture from being shown. The fact is, Mr. President, that the type of pictures which I have described are being shown.

A man operating an arcade in California had machines in which a person would drop a coin and cause the machine to show a motion picture. The man was arrested, and convicted by a trial jury. The trial judge affirmed the conviction. The highest court of California affirmed the conviction because the pictures shown were of the nature I have just mentioned.

The case went to the Supreme Court, and the Supreme Court reversed it. I do not believe any reason was given. It was a per curiam decision of about 10 lines. In effect it said that the finding of the jury was wrong, the finding of the trial judge was wrong, and the finding of the Supreme Court of California was wrong.

Since that time, barrooms in Los Angeles are showing pictures of this type. Young people are flocking into the barrooms, sitting at the bars drinking alcohol, and looking at the pictures of man and woman in unbelievable relationships.

Where are we heading as a nation? How are we going to preserve the moral fabric of our youth when this is permitted publicly? We cannot do it.

Mr. MANSFIELD. Mr. President, I have listened to the debate this morning with a great deal of interest. I have not seen the pictures that have been referred to by the distinguished Senator from Ohio, nor do I have any intention of seeing them. Furthermore, it is my understanding that no member of the Supreme Court has ever viewed the pictures that have been referred to. However, I understand that some Senators have seen them.

It is my understanding that when a man is placed on the Supreme Court, he is there to interpret the Constitution and the law of the land according to his best judgment.

If we are going to castigate Mr. Justice Fortas on the basis of pornographic motion pictures and the like, then I think we have also to take into consideration the fact, as I understand it, that four other Justices voted with him and that none of those Justices are being criticized for their votes in that particular instance.

I also point out that in a case which had more far-reaching implications than the one referred to this morning—the so-called Ginzberg case—Mr. Justice Fortas was the deciding factor in a 5-to-4 decision upholding the conviction of Mr. Ginzberg.

Rather than criticize the Court for what it has done, perhaps we ought to take counsel among ourselves.

I am of the impression that only a few months ago the Congress passed a law dealing with obscenities. That law is the result of a bill submitted by the distinguished Senator from South Dakota [Mr. MUNDT].

If there are defects in the law and licentiousness is being permitted, then I think Congress has a responsibility to initiate legislation, pass it, and thus assure that the views we express in enacting a law by a majority vote is the law of the land.

Mr. President, to me what is happening is not an attack on Mr. Justice Fortas alone. I think it is an attack on the Supreme Court as well. Therefore, I would hope that before we go too far in criticizing the Court, we would look onto our own responsibility, would consider and initiate legislation to overcome any evil and license which have been described, and act reasonably in our own body as the Constitution prescribes.

I am hopeful that the matter will be decided definitely in the committee tomorrow. I am hopeful that the matter will be brought to the floor of the Senate for consideration. I am hopeful also that the debate will be dignified and will be carried on within the confines of decorum and an understanding of what a Supreme Court Justice is.

I would point out that in the vote on the confirmation of Mr. Justice Fortas 3 years ago, to the best of my knowledge only one of the 100 Members of the Senate voted against his confirmation.

Regardless of the outcome of this particular nomination by the President, Mr.

Justice Fortas will continue to serve on the Court. And if he continues in the capacity of an Associate Justice, then in my opinion the Chief Justice, Mr. Warren, will not resign but will remain on the Court for a long time to come.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCENIC RIVERS ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 119.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, which was, strike out all after the enacting clause, and insert:

That (a) this Act may be cited as the "National Scenic Rivers Act of 1968".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A scenic river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system, and if included, shall be classified, designated, and administered as one of the following:

(1) Class I scenic river areas—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Class II scenic river areas—Those rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Class III scenic river areas—Those rivers or sections of rivers which are readily accessible by road or railroad, which may have some development along their shorelines, and which may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(3) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(4) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river, in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(5) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(6) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4(a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United

States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national scenic rivers system:

(1) Bruneau, Idaho: The entire main stem.

(2) Buffalo, Tennessee: The entire river.

(3) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(4) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(5) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(6) Eleven Point, Missouri: The segment in the State of Missouri.

(7) Feather, California: The entire Middle Fork.

(8) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(9) Gasconade, Missouri: The entire river.

(10) Illinois, Oregon: The entire river.

(11) Little Miami, Ohio: That segment of the main stem of the river exclusive of its tributaries from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of the Little Miami including the North Fork.

(12) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(13) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(14) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(15) Penobscot, Maine: Its east and west branches.

(16) Pere Marquette, Michigan: The entire river.

(17) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(18) Priest, Idaho: The entire main stem.

(19) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided,* That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(20) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(21) Saint Joe, Idaho: The entire main stem.

(22) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(23) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(24) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(25) Upper Iowa, Iowa: The entire river.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within fifteen years from the date of this Act: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and Upper Iowa, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided by in section 4 of the Act, within two years from the date of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national scenic rivers system.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system. No study otherwise required by this section shall be undertaken or pursued in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of is agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic rivers system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in the preceding sentence, however, shall be taken to forbid the Secretary of the Interior or the Secretary of Agriculture to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress. Lands owned by an Indian tribe, by a State, or by a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe, State, or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the scenic river area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national scenic rivers systems, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential scenic river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential scenic river area on the date of approval of this Act.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

Sec. 8 (a) All public lands within the authorized boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

Sec. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a class I scenic river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriations under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the areas in the event it is subsequently included within the system.

Sec. 10. (a) Each component of the national scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of the values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

Sec. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety and shall issue appropriate regulations on public safety after consultation with the wildlife agency of the State or States affected.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided*, That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)(ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

(d) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act and shall not be based upon the Department of the Interior or Department of Agriculture regulations relating to granting rights-of-way for power transmission lines issued March 23, 1963 (28 F.R. 2903, 2905; 43 C.F.R. 2234.4, 36 C.F.R. 251.52).

Sec. 14. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Sec. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, rills, small lakes, and, as provided in this Act, manmade waterways.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers system.

(c) "Conservation easement" means a perpetual interest in land, however created or expressed, which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,340,000, for the acquisition of lands and interests in land under the provisions of this Act.

And amend the title so as to read: "An Act to provide for a national scenic rivers system, and for other purposes."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Jackson, Mr. Church, Mr. Nelson, Mr. Kuchel, and Mr. Jordan of Idaho conferees on the part of the Senate.

TELEVISION INTERVIEW WITH SENATOR BYRD OF WEST VIRGINIA ON FORTAS NOMINATION AND MAYOR DALEY'S HANDLING OF DEMOCRATIC CONVENTION DEMONSTRATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record questions asked of me during a television interview on September 11, 1968, and of my answers thereto.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Television Interview With Senator Byrd of West Virginia Concerning the Nomination of Abe Fortas to U.S. Supreme Court and Mayor Daley's Handling of the Chicago Convention Demonstrations, September 11, 1968

Question. Senator Byrd, the President has criticized Senators for opposing the nomination of Abe Fortas for Chief Justice of the United States. What is your reaction?

Answer. Well, the Constitution does not say that the President shall always have his way in the mtater of nominations, nor does it say the Senate shall act as a rubber stamp.

It says that "by and with the advice and consent of the Senate," the President shall appoint Justices to the Supreme Court.

Now, every Senator before entering upon the duties of his office, swears a solemn oath that he will support and defend the Constitution of the United States, and that he will bear true faith and allegiance to it.

Therefore, he bears a very heavy responsibility to consider such matters as this very carefully; and he is under no obligation to follow the wishes of the President just because he is a friend of the President, or happens to belong to the same political party.

As a matter of fact, he should not accede to the wishes of the President if his own convictions and conscience direct him otherwise.

The President has been quoted as being critical of Senators who disapprove of some of the opinions of the sitting Justices.

I disapprove of the opinions which have favored the atheist, the Communist, and, particularly the criminal.

I have made many speeches on law and order, and I don't think that I am kidding anybody if I speak one way and vote another. I think if I really mean business about attacking crime, I should attack one of the roots of spiraling crime, and that would be the root of Supreme Court decisions.

I voted for Mr. Fortas when he first went on the Court. But I have no intention of supporting him for Chief Justice, regardless of what the President thinks or says. Mr. Fortas' votes as a sitting justice constitute the entire basis for my opposition.

The President complains about a small minority of Senators who have, in his words, thwarted the will of the majority. Well, the majority is not always right. The majority can be wrong; the President can be wrong; I can be wrong. But I have a duty to vote my own convictions rather than someone else's.

Question. Senator Byrd, what is your opinion of the continuing controversy over Mayor Daley's handling of the demonstrations at the Democratic Convention?

Answer. I think that Mayor Daley was handed a raw deal by some of the news media. He has been pictured as a sort of Hitler, operating a Gestapo that beats up innocent people.

I think it is not fair to give just one side of the story. In some instances, the Chicago police may have over-reacted. But put yourself in their place—kicked, cursed, having firecrackers thrown in your face by menacing mobs.

Not all of these were young, innocent boys and girls, you know. Many of them were the same foul-mouthed, obscene, militant hoodlums, hippies, and yippies who participated in the march on the Pentagon and other violent demonstrations.

I have talked with Mayor Daley. He told me that more than 100 or his policemen had been injured, cut by jagged broken bottles, sharp-edged stones, bricks, knives, and golf balls studded with nails. He told me that there were 2 or 3 of his policemen who might never regain their eyesight.

So I believe that the very least that should be done, is for all of the major networks to give Mayor Daley an opportunity to freely tell his side of the story.

Several respected journalists have recently come to his defense—people who were in Chicago, who saw what went on, and who saw what provoked the police. We were all aware of the press stories which for months indicated that militant groups intended to take over the Convention and create disorder and trouble.

So based on my own discussions with people who attended the Convention—Senators, delegates, and guests and otherwise—I am convinced, in my own mind, that Mayor Daley acted properly in upholding law and order and protecting the lives of the delegates and guests and candidates who attended the Convention. I think that he had a responsibility to do this, and I applaud him for his courage.

INTERVIEWER. Thank you, Senator Byrd.

DOES COMPASSION YET LIVE IN OUR HEARTS?

Mr. MONTOYA. Mr. President, we have reached a point where our consciousness is saturated with a daily roll-call of human misery and inhumanity. Wherever we turn, there is recrimination, hatred, passion, greed, violence, and strife. It seems there is no end to the atrocities human beings will commit upon another. One emotion-filled front page is replaced by another even more horrid. One reaches a point where one desperately hopes for a tiny ray of sunlight—an event reflecting goodness and love.

Mr. President, the most beautiful word in the English language is "compassion." A reaching out by one person to another on a basis of warmth and empathy, rather than for what can be obtained. It is a lovely word, expressing all that is most beautiful and even noble in man's nature.

Periodically, people institutionalize such an emotion, allowing others to reach out in such a manner to those most in need. Such a concept has found eloquent expression in the "foster grandparents program."

Taking older citizens with minimal incomes and allowing them to act as foster grandparents to children most in need of such companionship is a unique concept. Furthermore, it works.

Imagine a child who is retarded, bereft of the ordinary solace provided by close, affectionate relations. Withdrawn, fearful, he or she contemplates our world with a terrified and uncomprehending eye. Suddenly, there is a mature, older person, starved for an opportunity to give of himself to one who would respond and return that affection. This is the foster grandparents program.

Mr. President, a reading of a recent report on the success of such a program in my home State of New Mexico recently moved me most deeply. How blind we all are. How little we see. How cold our society is. How desperately we need to reach out to someone else.

Do we not all profess to believe in the principles encompassed and represented by such a program? Yet we cannot institutionalize love or compassion, which must come from one's own heart. It is my hope there will be more than one American who will take note of this article and these few words and ask themselves a question or two.

Let them read that here in the midst of all the horror and strife we are surrounded with, there is yet a simple, deep love one lonely and giving person may impart toward another. Let them realize that most of those who react most strongly are merely mutely pleading for understanding, emotion and a simple realization that they are not alone.

The setting for this particular example is Los Lunas Hospital in my own State of New Mexico. The article was published in the Albuquerque Journal of September 10, 1968. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT LOS LUNAS HOSPITAL: "GRANNY" PROGRAM IS TWO-WAY SUCCESS

LOS LUNAS.—Placido Chavez held the basketball out to a 13-year-old boy who groped to find the round object and touch it.

"Come on, Billy, take the ball," Chavez repeated again and again with the patience of a grandfather. "Take the ball."

Billy smiled and tried to focus on the ball with his crossed eyes. When he finally grasped it with his left hand it was a major victory.

Billy is a severely mentally retarded and handicapped resident of the Los Lunas Hospital and Training School. He has been at the institution for eight of his 13 years.

Placido Chavez is Billy's grandfather, but not in the literal sense. There is no relationship between the two except in the universal sense of love.

Chavez "adopted" Billy as his grandson through a unique poverty program sponsored by the Middle Rio Grande Community Action Program, in cooperation with the New Mexico Dept. of Hospitals and Institutions.

The program is called the Foster Grandparent Project and is designed to help both the retarded child and the senior citizens who work with him.

Foster grandparents, or "Grannies" as they are called, have been on the job for more than a year now and their efforts have been so successful the program has been refunded by the federal government for another year with a substantial increase in funds.

There is also an amendment before a Senate subcommittee to bring the project under the Dept. of Health, Education, and Welfare as a permanent program that could be expanded to allow the elderly to work with an endless number of institutionalized children and adults.

Grannies are selected from residents of east Valencia County who are over 60 years of age and whose yearly income is $1500 or less. A total of 75 Grannies, both men and women, are enrolled in the program.

Each Grannie works with two children, one at a time, to preserve a true personal relationship. "Working" can consist of such simple things as taking the child for a walk or showing him over and over again how to hold a spoon in a crippled hand. These are ordinarily simple tasks, but with the retarded child they require infinite patience and love.

For their work, the Grannies receive $1.60 an hour, on a 20-hour week basis. For many of them this is the first paycheck they have ever received. For most it is an opportunity to be independent and useful again.

One Grannie commented, "since my husband's death my son has supported me entirely. Since I've started to work, I feel much better, more independent. This is very important to people my age. We don't want to be a burden on anyone."

Another Grannie mentioned a further advantage. "When I was home all the time, I was always sick; now I don't have time to be sick."

The importance of the Foster Grandparent Project to the county can be seen in statistics released by the Dept. of Public Welfare in March, 1967, just before the program was initiated. At that time 258 residents of the area received old age financial assistance.

A study of borderline cases representing potential hardship recipients further revealed nearly 1000 residents in the widely scattered areas of East Valencia County who were over 60 and who fell within the Office of Economic Opportunity poverty income levels.

The value of the program to the 150 children at Los Lunas is just as important as it is to the Grannies, but it is not as easily evaluated.

It is very hard to chart the progress of a child like 8-year-old Elizabeth, who a year ago couldn't hold up her head or take any nourishment except from a bottle.

She now lifts her head and eats with a spoon—not easily transformed into statistics. But the success of Elizabeth's Grannie and the changes that love can make, are just as real.

And there have been many more successes. Nine-year-old Ricky was completely withdrawn before he had a grandfather. He never went outside—in fact he never left his wooden crib where he was placed to prevent him from harming himself and other children. His hands were always tied because he was a self-mutilator and would literally scratch himself to pieces.

Last year Eduardo Chavez was assigned as Ricky's Grannie. Chavez spent months playing the harmonica for his charge, until finally Ricky responded. Now, when he is with his grandfather, Ricky can be untied. He can play with other children and he begs to go outside for walks.

Last month Chavez had a heart attack and was off work for three weeks. When he returned, Ricky recognized him. Even more remarkable, the counselors say Ricky now gets along better with others even when he is left alone.

To say that the project has had many successes does not mean to imply that it does not have its problems.

One inherent problem is that Grannies often become completely involved with their children. Project Director Gilbert Baca says this turns into a "healthy selfishness" for their particular children, but he admits there are a lot of pros and cons on this attachment.

Baca is quick to point out, however, that only with such a system is the retarded child able to receive the undivided love which is so vital if there is to be any response.

CLOTHING FACTORY OPERATION BY HOPI INDIANS OF ARIZONA

Mr. HAYDEN. Mr. President, I wish to report to this august body and to all Americans on a double-edged integration project in my home State of Arizona. It combines, first and most important, a meaningful integration of red and white Americans and, second, the integration of local and national economic interests.

A few months ago Arizona's Hopi Indians, a traditionally and justifiably proud people who have until now been reluctant to deal with white men in business, contracted to invest $1,500,000 of tribal funds, derived from the sale of oil exploration rights, in the construction of a clothing factory to be operated by the B.V.D. Co., Inc.

The contract will be profitable to the Indians, to B.V.D., and to the town of Winslow, Ariz., the site of the new plant. The Hopis will receive a good return on their investment and first call, along with other Indians, on the approximately 400 new jobs the plant will create; in keeping with its long-range expansion program, B.V.D. will have a new plant; and Winslow will benefit from a new payroll of more than $1,000,000 a year.

The project began 2 years ago when the Bureau of Indian Affairs learned the B.V.D. Co. was looking for a western plant. They suggested that it consider the Four Corners area because it would be geographically ideal and would provide needed jobs for local Indians. The B.V.D. management inspected several sites and concluded Winslow might provide a suitable location.

But before B.V.D. could make a final decision, the company had to find out if Indian women could adapt to modern production techniques. So they rented an unused church building in Winslow, installed the appropriate machinery, and hired and trained some 60 Indian women as sewing-machine operators for a 3-month test project.

The "test" was a smashing success: The Indian women's production was every bit as good as that of other B.V.D. workers, and the women were so pleased with their jobs and with B.V.D. they asked for "some identification" to wear as a symbol of their employment. The company responded by giving them buttons reading "Ask me about B.V.D."

The Winslow Industrial Development Commission then provided a 200-acre site donated by well-known Valley of the Sun businessman Jack Ross. Next, the Bureau of Indian Affairs and B.V.D. wrote an agreement whereby a 119,000 square-foot cutting and sewing plant would be built with money provided by the Hopis and leased to B.V.D. for 25 years.

A historic ceremomy for opening the plant is being held on September 27. The list of distinguished guests includes the Honorable Stewart L. Udall, Secretary of the Interior, Roy Elson, my administrative assistant and Democratic candidate for the U.S. Senate, Commissioner of Indian Affairs Robert Bennett, Governor Williams of Arizona, Hopi Chairman Jean Fredericks, Mayor Whipple, and former Mayor Lester Allen of Winslow, B.V.D. executives, President Carl N. Singer; Reuben N. Galston, executive vice president; and Harry C. Isaacs, vice president. Will Rogers, Jr., will be the master of ceremonies. The plant will employ 200 Indians immediately and another 200 when production reaches full capacity.

The factory, which is known as Western Superior, will manufacture B.V.D. brandname products and is the largest factory in north Arizona. In fact, except for factories in the counties in which Tucson and Phoenix are located, it will be the largest plant in Arizona.

But the real measure of what the plant will mean to everyone concerned is not told in impersonal facts and figures.

Secretary Udall said:

> The Hopis have told me they see the new plant as a foretaste (sic) of the future. Now their children will find employment near the reservation and will not need to move far from the area to take advantage of the education that thousands of them are getting.

The chairman of the board of the B.V.D. Co., Mr. Sol Kittay, said:

> It is a source of great satisfaction to me, both as an individual and as the Chairman of the Board of our company, to see this project, which started four years ago, come to a successful conclusion.

B.V.D. president, Carl N. Singer, recently remarked:

> The Winslow project serves the highest function any business can achieve. It will profit the Hopi Indians who are investing their own dollars in an unprecedented but thoroughly American way. It will profit the city of Winslow by providing a steady payroll which will be spent in its many stores and for its many services; and finally, it will profit the B.V.D. Company because, through this Western Superior Plant it will have a fine new manufacturing operation to service its many customers in the West.

Harry C. Isaacs, vice president of B.V.D. and president of Western Superior, has said:

> We're not only helping to lower the unemployment rate among Indians in the Winslow area but we're trying to develop a larger measure of self-respect among them. If we succeed, we've accomplished something more meaningful than any normal business activity.

And Harold Elmer, director of the Winslow Industrial Development Commission, put it succinctly when he said:

> It will be the making of a town that has been on the downgrade for many years and was dying on the vine.

Mr. President, I know that the Winslow project will be successful from both an economic and a human relations standpoint, and I hope and pray that it will serve as an inspiration and a guide to others everywhere. It makes me proud to be an Arizonan and an American.

WESTERN STATES WATER COUNCIL

Mr. BENNETT. Mr. President, Jay R. Bingham, one of the West's leading water experts, spoke recently at the Western Farm Bureau Conference at Utah State University on the "Role of the Western States Water Council."

On June 12, 1965, the western Governors announced that the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming had formed the Western States Water Council to foster cooperation in the development of their water resources.

Mr. Bingham, who now serves as the executive director of the council, has traced the history and purposes of the council in a most entertaining manner. So that Senators will have an opportunity to read his complete address. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ROLE OF THE WESTERN STATES WATER COUNCIL

I am happy to be with you at this Western Farm Bureau Water Conference. There is something refreshing and solid about men who work with the soil.

The plan and concept of this conference impress me. As I view it, the proceedings are not to entertain or to provide something of interest to those who are here. This conference program was designed to prepare "state teams" to "be influential back home." If this goal is achieved then this will have been a most worthwhile affair and will be a regenerating cycle of influence.

The location of this conference is on the campus of "my university" but it is also close to "my home." I grew up on a 40-acre farm here in Cache Valley. Our farm was on the west side of Bear River and the locality was referred to as "over the river." I well remember an all too familiar local saying—"Do like they do over the river." And this meant "do without."

To those of you who are here for the first time, let me remind you that you are in "Mormon Country." To many, the term "Mormon" has become synonymous with "Pioneer." The pioneer contributions to the modern science of irrigation are well known but pioneering here in Utah went on to other fields. The pioneers who settled this land did not stop with the traversing of great distances and occupying the land or even with irrigating and making the land productive. Their pioneer zeal carried over into every activity they undertook. It apparently was a necessary way of life and each success led them on to new pursuits.

The pioneers of this state soon after their arrival built and operated an iron plant near Cedar City, Utah. They built a plant to extract sugar from sugar beets and by 1880, they had street lights in Salt Lake City—the same year that New York City had street lights. The pioneers built here in Utah what at one time was the world's longest electrical transmission line. This line extended 37 miles from the mouth of Weber Canyon to Salt Lake City and outdistanced the then record transmission line of 25 miles from Niagara Falls to Buffalo, New York.

It's really hard to do or conceive something that's "new." Utah is getting construction underway on the long-awaited Central Utah Project. The Central Utah Project was authorized by the Congress in 1956, but the concept of this project was mapped by A .F. Doremus, State Engineer in 1903. *In so many ways we are merely re-pioneering. The challenge really is to do the job at hand with the same enthusiasm and thoroughness as the pioneers did.*

The dedication and total commitment of the pioneers is pertinent to these proceedings and to the discussion of the role of the Western States Water Council. Whether I am able to do for this organization what needs to be done remains to be demonstrated, but I am committed to help the Western States Water Council achieve its destiny. *The concept which guided the western governors to organize the Council is sound; the council has a mission, with your help it will succeed.*

In analyzing the formation and history of the Council it struck me that these events resembled many of the aspects of a marriage. Whether this is a marriage of convenience or a marriage of necessity, time will have to judge. Whether this marriage lasts and engenders family solidarity or is a broken marriage, events of the day will determine. Before proceeding further, I should make it clear that I'm not advocating polygamy.

To me the marriage depicting the life and times of the Western States Water Council breaks down like this:

Pre Marital: Family History, Family Feud, Cautious Courtship.

The Marriage: The Announcement, The Wedding, The Honeymoon.

Marital Problems: First Spat, Separation, Reconciliation.

The Future.

FAMILY HISTORY

As is true of any marriage much can be learned from a close look at the family tree. The eleven western states were formed from the expanse of the western frontier. This area has a varied political as well as a varied physiographic setting. The entry of the western states into the union spanned a 62 year period (1850—California, 1912—Arizona) and the eleven states were in the last group of 18 states to be admitted into the union. There is a common bond in the west that give the states cohesiveness but there is also diversity. Climate, topography, and inevitable competition for development; these are but a few. In some ways it is amazing that there has been the degree of harmony that now prevails. "Figure 1" [maps not printed in RECORD] will demonstrate one of the complications man has introduced in resource development. I refer to the un-natural and unfortunate barriers created when the boundaries of the states were fixed. In the eleven contiguous western states, we have 8 major drainage basins that subdivide into 39 separate river basins. Of the 39 river basins there are 190 instances where the streams cross state boundaries. There are 42 streams that cross international boundaries. The Bear River is a case in point. This stream arises in the High Uintas 90 miles from its point of discharge into Great Salt Lake. Between these two points the Bear River makes a circuitous 500 mile loop that brings it into three states and crosses state boundaries 5 times.

To help alleviate the complications of the unfortunate and un-natural boundaries, interstate compacts have come into being. In the eleven western states 20 interstate water compacts have been negotiated to make possible simpler administration of present water uses and to permit future development.

As is generally true the variations of precipitation in an arid area are greater than humid zones. The variations of precipitation are magnified in terms of runoff. *Considering the 8 major drainage basins in the eleven western states two of these basins have five times the runoff of the other six combined.*

"Figure 2" [Map not printed in RECORD.] illustrates the variability of precipitation on a state basis. Using mean annual precipitation as the measure, Nevada with 9 inches is the driest state in the nation while Louisiana with 55 inches is the wettest. Of the eleven western states, Washington with 35 inches is the wettest. *The eleven western states include the first seven driest and the eleven are in the 21 driest.* Admittedly this is a dubious honor.

THE FASTEST GROWING STATES

A projection of the 48 contiguous states' population to the year 2000 indicates that the population will total 300 million. The population of the eleven western states is estimated to reach 60 million by the year 2000.

The following tabulation shows the projected population of the 48 states, the 11 western states and the percent of the 48 states' population residing in the 11 western states. It is interesting to note that in 1900 the west had 5.4% of the 48 state population and by the year 2000 it is estimated that 20.0% will reside in the west. This population distribution change during the 100-year period beginning in 1900 is shown graphically in "Figure 3." [Graph not printed in RECORD.]

With a 48-state population of 300 million by the year 2000 and a corresponding 11-state population of 60 million it follows as shown in "Figure 4" [Graph not printed in RECORD.] that the western states population is doubling each 36 years whereas the 48 contiguous states doubles each 50 years.

With this increased growth the 11 western states will achieve a population density by the year 2000 equal to the population density the 37 mid-west and eastern states had in 1950. Stating this another way, the west is one-half century behind in terms of population density.

These factors point up some challenging problems facing the western states. Restating, they are: (1) state boundaries drawn without regard for natural drainage basins; (2) scanty and uneven precipitation; (3) the necessity to double the water supply each 36 years; and (4) a scattered relatively low density population.

POPULATION 1900-2000 (For 48 States and the 11 Western States)

Year	48 States (millions)	11 States (millions)	Percent
1900	76.0	4.1	5.4
1910	92.0	6.8	7.4
1920	105.7	8.9	8.4
1930	122.8	11.9	9.7
1940	131.7	13.9	10.6
1950	150.7	19.6	13.0
1960	178.5	27.2	14.7
1970	(205.0)	(34.0)	(16.5)
1980	(234.0)	(42.9)	(18.0)
1990	(267.0)	(51.0)	(19.0)
2000	(300.0)	(60.0)	(20.0)

Note: Figures in parentheses are projected.

To move water great distances with a doubled requirement each 36 years and fewer people to pay the bill is a big order. The western states must work together to provide for the orderly and economically feasible development of their resources.

FAMILY FEUD

In most families, as with states, it is healthy to have differences of opinion and honest disagreement but a bitter family feud is something to be avoided. The western states have on occasion had such feuds. Perhaps the most costly, most involved and prolonged has been the struggle in the Lower Colorado River Basin to apportion the shrinking Colorado River supply to Arizona, California, and Nevada. Fortunately the upper basin states were able to apportion their share of the Colorado River by a percentage formula but the lower basin states resorted to legal action to divide the waters of the Colorado. The repercussions of this legal contest and the resultant decree of the U.S. wrought a change in attitude and approach to western water development.

When the legal recourse was completed and the final decree was issued it appeared that the state of Arizona was the victor. However, the rigid decree of the court did not provide for the development of one additional drop of water. The court had rendered a verdict but it still remained for Arizona to get congressional authorization before development could proceed. This necessitated negotiations with the very states who were parties to the suit as well as others in and out of the Colorado River Basin.

One lesson to be drawn from Arizona v. California is that we can no longer afford the expenditure of time, money, and energy inherent in legal contests over water development.

CAUTIOUS COURTSHIP

In 1957 the Western Governors Conference in Las Vegas, Nevada took a cautious step toward regional cooperation in water matters. The Governors of the Colorado River States at this time endorsed the organization of the Southwest Water Council. Articles and bylaws were prepared and leadership was provided by state officials involved in water matters. This organization served to lessen the tensions then existing between the Upper and Lower Basins of the Colorado and set the stage for later cooperative moves.

Again in 1964, the Governors recognized the need for cooperation on a broader scale between the states of the west. By resolution they initiated a committee study of the possibilities. This initiatory action by the governors provided the impetus for staging a Western Interstate Water Conference. The Conference was sponsored by Utah State University, University of Nevada and the University of California.

Three paragraphs from the resolution unanimously adopted by the Conference are of interest.

"Whereas, the future growth, prosperity, and well-being of the West depend upon the maintenance of a strong and vigorous economy throughout the Western states; and

"Whereas, the economy and well-being of the people throughout much of the West are threatened by critical water shortages; and

"Whereas, there is need for an accurate appraisal of present and future water requirements as recognized by each state of the West, and for development of a comprehensive plan for equitably resolving the problems of supply and distribution of water resources in the West."

The courtship by this time was very much in evidence. The resolution resolved . . .

". . . that the Governors of the Western states be urged to establish a task force composed of representatives of each of the Western states as soon as possible to work with the Council of State Governments, in considering the formation of a permanent regional water commission, and in the making of recommendations concerning the role, organization, and authority of a regional water commission."

The courtship flowered—the task force did its work and made recommendations.

Full of hope with great expectations and concealed anxiety, all awaited the announcement.

THE MARRIAGE

The announcement

The announcement came from the Western Governors on June 12, 1965 at Portland, Oregon.

The joining of the Eleven Western States in the bonds of the Western States Water Council was sanctioned. The soon-to-be-wed were instructed to prepare a budget and get ready to set up housekeeping.

The governors pronounced that the union was to foster cooperation among the states of *Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming* in the development of their water resources.

The wedding

The consummation took place in a proper setting for a wedding complete with a romantic, watery background—the southern shores of Lake Tahoe at State Line, Nevada.

Like all proper marriages the action was voluntary and it was agreed that all decisions announced to the outside world must be unanimous.

Strength was not to come from force but from harmony and united action.

There were the usual side comments at the wedding. It was said that some had consented to get water while it was averred that others had entered into the marriage pact to protect their water. These comments to a degree are probably true but like most marriages this was one with lofty concepts: *To fully achieve the marriage partners knew they had to work together. And the basis of all enduring mar-*

riages involves knowing each other and making adjustments, allowances and working toward common goals.

The honeymoon

With high principaled rules such as:

One vote for each party (state), Equal share of costs, No surprises, No power plays, Close knit family, and No domination by Federal Grandparents, the newly-wed Council ventured forth. Housing was arranged in Portland and a staff was employed.

Like all honeymooners, tender feelings and optimism were much in evidence. *A resolute start was made to meet a major assignment—the preparation of criteria to guide regional development of water resources.*

MARITAL PROBLEMS

First spat

After a valiant first effort signs of strain developed. The rigors of spelling out principles-standards-guidelines brought into the open points of difference and tempers warmed.

A new complication arose. The northwestern states argued for time to complete studies of future water needs. The southwest countered with proposals for area of origin protection. Arizona insisted because of her long wait that her project to use Colorado River water be authorized immediately. The other states of the Colorado River Basin with unused allocations and a shrinking river insisted that their future rights be protected by initiating studies to augment the shrinking Colorado River.

Caught in this crunch, the deliberations went painfully slow and were held up on fine but sensitive points. Having lost some of its original momentum because of failure to agree completely and uncertainty as to future activities, the marriage was threatened.

Separation

The Council reluctantly decided to reduce the staff while looking for a means of improving relations and finding more hope for the future.

One lone but able stenographer carried on, keeping the thin bonds untangled. Hope and great expectation was replaced by uncertainty. A reappraisal by each of the states began.

Reconciliation

To a degree all of the states realized that if the marriage were to be dissolved the time was at hand. There were strong differences and the staff was greatly reduced. If the effort were to be abandoned now was the time.

Seemingly each state came to quite similar conclusions. The need was still present. Water problems would continue and differing viewpoints would persist, but the states should strive to reach agreement among themselves and not have it done for them.

It was recognized that out of the initial effort some gains had been made and there was value in frank discussions and better understanding of each others problems.

On March 7, 1968 at Tucson, Arizona the reconciliation began and uncertainty was replaced by positive action. After nearly a year without a director, the position was filled and on May 15, 1968, headquarters were transferred to Salt Lake City.

The Council adopted an "Activities Program" vowing to give strong voice to areas of common interest where heretofore no such action had been taken. Momentarily the regional planning problem would rest and Council attention would accentuate westwide interests in:

Activities of the Public Land Law Review Commission, State-Federal Water Rights Jurisdiction, Wild and Scenic Rivers, 160 Acre Limitation on Federal Reclamation Projects.

A new surge of hope and optimism grew from the decision to work cooperatively together.

THE FUTURE

The Western States Water Council is the best evidence that the states are determined to assert their role in state and regional development. The Council demonstrates that the states want a voice in preparing and promulgating new procedures and not as in the past, be forced to react.

Notice is served that the states will support and strengthen each other so that more uniform and equitable application of national legislation will result. Through a unified organization the Congress and others can be told that the problems relating to water in the west are different than other more humid areas and because of this difference, the western states cannot be conformed to a general mold.

The Council believes that other organizations with common goals can be enlisted to unify forces for the protection and development of the water resources of the west.

It may be that the Farm Bureau is one such organization with common goals. Together we can accomplish some of those things we just talked about today.

RESOLUTIONS OF THE STATE COUNCIL OF NORTH CAROLINA OF THE JUNIOR ORDER UNITED AMERICAN MECHANICS

Mr. ERVIN. Mr. President, at its annual session in Winston-Salem, N.C., on August 9 and 10, 1968, the State Council of North Carolina, Junior Order United American Mechanics, adopted certain resolutions which manifest the patriotic nature of this great organization and its fidelity to the fundamental principles upon which our Nation is founded. I ask unanimous consent that the text of the resolutions be printed in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

The Right To Vote

Whereas, it is plainly evident that there are an increasing number of Communists in this country;

That they are not afraid to make any effort or personal sacrifice to further their cause and gain additional ground;

That increasing efforts are being made to place avowed Communists on ballots or promote them as write-in candidates;

That we firmly believe that our American cause is best sponsored by exercising our right to vote for the Candidate of our choice rather than to become harassed by the appearance of such Communists candidates on our ballot; therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled at Winston-Salem, N.C. this 9th and 10th day of August, 1968, that we will ourselves exercise our franchise and that we will urge our friends, neighbors, and relatives to exercise this same right; that by doing so we will strengthen the cause of Freedom and Democracy throughout the Land.

Be it further Resolved, that a copy of this resolution be mailed to the Congressmen and Senators of this State, and this resolution be made a permanent part of the minutes of the State Council Session.

Respectfully submitted.

J. L. White.
J. C. Williams.
E. C. Isenhour.

Approved:

J. A. Pritchett,
L. T. Keever,
Mack Parrish,
Good of the Order Committee.

Strengthening Our Economy

Whereas, a concerted effort is being made by our country's enemies, seen and unseen, to create dissatisfaction with our present economic system; and

Booklets and literature are being circulated claiming American Corporations to be obsolete and radical;

That insidious attempts are being made through Whispering Campaigns to create dissatisfaction among the small taxpayers of our Country, by criticizing our present economic system; therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled at Winston-Salem, N.C., August 9 and 10, 1968, that we, as individuals will uncomplainingly pay our taxes, buy Government Bonds and do all in our power, individually, to support our Democratic System and to aid our economy; to modify our spending to conform to our earning power and in general aid our Government by our support rather than our criticisms.

Be it further Resolved, that a copy of this resolution be sent to the Congressmen and Senators of the State and to other interested parties, and

Be it further resolved, that this resolution be made a part of the minutes of this State Council Session.

Respectfully submitted.

J. L. White.
J. C. Williams.
E. C. Isenhour.

Approved:

J. A. Pritchett,
L. T. Keever,
Mack Parrish,
Good of the Order Committee.

American Deserters

Whereas, our newspapers, from time to time, carry accounts of our young men who have deserted and fled to other countries because of their lack of faith in the positon of our Government in world affairs and particularly in the Vietnam War; and

Whereas, for two hundred years, our American Society has recognized the need of the Freedoms for which we have fought and died; and

Whereas, our Order has stood firmly for these said Freedoms and taught them by tenet and example; therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled in Winston-Salem, N.C. this 9th and 10th day of August, 1968, that we discourage any and all efforts countenancing such desertions and promoting favorable publicity regarding such happenings; that on the other hand, we renew our faith in the principles of freedom and justice which long have been our watchword.

Be it further Resolved, that a copy of this resolution be mailed to the Congressmen and Senators from the State of North Carolina, and the resolution be made a permanent part of the minutes of the State Council Session.

Respectfully submitted.

J. A. Odom.
J. C. Williams.
E. C. Isenhour.

Approved:

J. A. Pritchett,
L. T. Keever,
Mack Parrish,
Good of the Order Committee.

Law and Order

Whereas, our organization has for 115 years sought to exemplify virtue in the home, in society, in public affairs and in our members; liberty, both civil and religious; patriotism, that love of country which inspires good citizenship and loyalty to our Government and its institutions; and riage, events of the day will determine. Before proceeding further, I should make it clear that I'm not advocating polygamy.

To me the marriage depicting the life and times of the Western States Water Council breaks down like this:

Pre Marital: Family History, Family Feud, Cautious Courtship.

The Marriage: The Announcement, The Wedding, The Honeymoon.

Marital Problems: First Spat, Separation, Reconciliation.

The Future.

FAMILY HISTORY

As is true of any marriage much can be learned from a close look at the family tree. The eleven western states were formed from the expanse of the western frontier. This area has a varied political as well as a varied physiographic setting. The entry of the western states into the union spanned a 62 year period (1850—California, 1912—Arizona) and the eleven states were in the last group of 18 states to be admitted into the union. There is a common bond in the west that give the states cohesiveness but there is also diversity. Climate, topography, and inevitable competition for development; these are but a few. In some ways it is amazing that there has been the degree of harmony that now prevails. "Figure 1" [maps not printed in RECORD] will demonstrate one of the complications man has introduced in resource development. I refer to the un-natural and unfortunate barriers created when the boundaries of the states were fixed. In the eleven contiguous western states, we have 8 major drainage basins that subdivide into 39 separate river basins. Of the 39 river basins there are 190 instances where the streams cross state boundaries. There are 42 streams that cross international boundaries. The Bear River is a case in point. This stream arises in the High Uintas 90 miles from its point of discharge into Great Salt Lake. Between these two points the Bear River makes a circuitous 500 mile loop that brings it into three states and crosses state boundaries 5 times.

To help alleviate the complications of the unfortunate and un-natural boundaries, interstate compacts have come into being. In the eleven western states 20 interstate water compacts have been negotiated to make possible simpler administration of present water uses and to permit future development.

As is generally true the variations of precipitation in an arid area are greater than humid zones. The variations of precipitation are magnified in terms of runoff. *Considering the 8 major drainage basins in the eleven western states two of these basins have five times the runoff of the other six combined.*

"Figure 2" [Map not printed in RECORD.] illustrates the variability of precipitation on a state basis. Using mean annual precipitation as the measure, Nevada with 9 inches is the driest state in the nation while Louisiana with 55 inches is the wettest. Of the eleven western states, Washington with 35 inches is the wettest. *The eleven western states include the first seven driest and the eleven are in the 21 driest.* Admittedly this is a dubious honor.

THE FASTEST GROWING STATES

A projection of the 48 contiguous states' population to the year 2000 indicates that the population will total 300 million. The population of the eleven western states is estimated to reach 60 million by the year 2000.

The following tabulation shows the projected population of the 48 states, the 11 western states and the percent of the 48 states' population residing in the 11 western states. It is interesting to note that in 1900 the west had 5.4% of the 48 state population and by the year 2000 it is estimated that 20.0% will reside in the west. This population distribution change during the 100-year period beginning in 1900 is shown graphically in "Figure 3." [Graph not printed in RECORD.]

With a 48-state population of 300 million by the year 2000 and a corresponding 11-state population of 60 million it follows as shown in "Figure 4" [Graph not printed in RECORD.] that the western states population is doubling each 36 years whereas the 48 contiguous states doubles each 50 years.

With this increased growth the 11 western states will achieve a population density by the year 2000 equal to the population density the 37 mid-west and eastern states had in 1950. Stating this another way, the west is one-half century behind in terms of population density.

These factors point up some challenging problems facing the western states. Restating, they are: (1) state boundaries drawn without regard for natural drainage basins; (2) scanty and uneven precipitation; (3) the necessity to double the water supply each 36 years; and (4) a scattered relatively low density population.

POPULATION 1900-2000 (For 48 States and the 11 Western States)

Year	48 States (millions)	11 States (millions)	Percent
1900	76.0	4.1	5.4
1910	92.0	6.8	7.4
1920	105.7	8.9	8.4
1930	122.8	11.9	9.7
1940	131.7	13.9	10.6
1950	150.7	19.6	13.0
1960	178.5	27.2	14.7
1970	(205.0)	(34.0)	(16.5)
1980	(234.0)	(42.9)	(18.0)
1990	(267.0)	(51.0)	(19.0)
2000	(300.0)	(60.0)	(20.0)

Note: Figures in parentheses are projected.

To move water great distances with a doubled requirement each 36 years and fewer people to pay the bill is a big order. The western states must work together to provide for the orderly and economically feasible development of their resources.

FAMILY FEUD

In most families, as with states, it is healthy to have differences of opinion and honest disagreement but a bitter family feud is something to be avoided. The western states have on occasion had such feuds. Perhaps the most costly, most involved and prolonged has been the struggle in the Lower Colorado River Basin to apportion the shrinking Colorado River supply to Arizona, California, and Nevada. Fortunately the upper basin states were able to apportion their share of the Colorado River by a percentage formula but the lower basin states resorted to legal action to divide the waters of the Colorado. The repercussions of this legal contest and the resultant decree of the U.S. wrought a change in attitude and approach to western water development.

When the legal recourse was completed and the final decree was issued it appeared that the state of Arizona was the victor. However, the rigid decree of the court did not provide for the development of one additional drop of water. The court had rendered a verdict but it still remained for Arizona to get congressional authorization before development could proceed. This necessitated negotiations with the very states who were parties to the suit as well as others in and out of the Colorado River Basin.

One lesson to be drawn from Arizona v. California is that we can no longer afford the expenditure of time, money, and energy inherent in legal contests over water development.

CAUTIOUS COURTSHIP

In 1957 the Western Governors Conference in Las Vegas, Nevada took a cautious step toward regional cooperation in water matters. The Governors of the Colorado River States at this time endorsed the organization of the Southwest Water Council. Articles and bylaws were prepared and leadership was provided by state officials involved in water matters. This organization served to lessen the tensions then existing between the Upper and Lower Basins of the Colorado and set the stage for later cooperative moves.

Again in 1964, the Governors recognized the need for cooperation on a broader scale between the states of the west. By resolution they initiated a committee study of the possibilities. This initiatory action by the governors provided the impetus for staging a Western Interstate Water Conference. The Conference was sponsored by Utah State University, University of Nevada and the University of California.

Three paragraphs from the resolution unanimously adopted by the Conference are of interest.

"Whereas, the future growth, prosperity, and well-being of the West depend upon the maintenance of a strong and vigorous economy throughout the Western states; and

"Whereas, the economy and well-being of the people throughout much of the West are threatened by critical water shortages; and

"Whereas, there is need for an accurate appraisal of present and future water requirements as recognized by each state of the West, and for development of a comprehensive plan for equitably resolving the problems of supply and distribution of water resources in the West."

The courtship by this time was very much in evidence. The resolution resolved . . .

". . . that the Governors of the Western states be urged to establish a task force composed of representatives of each of the Western states as soon as possible to work with the Council of State Governments, in considering the formation of a permanent regional water commission, and in the making of recommendations concerning the role, organization, and authority of a regional water commission."

The courtship flowered—the task force did its work and made recommendations.

Full of hope with great expectations and concealed anxiety, all awaited the announcement.

THE MARRIAGE

The announcement

The announcement came from the Western Governors on June 12, 1965 at Portland, Oregon.

The joining of the Eleven Western States in the bonds of the Western States Water Council was sanctioned. The soon-to-be-wed were instructed to prepare a budget and get ready to set up housekeeping.

The governors pronounced that the union was to foster cooperation among the states of *Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming* in the development of their water resources.

The wedding

The consummation took place in a proper setting for a wedding complete with a romantic, watery background—the southern shores of Lake Tahoe at State Line, Nevada.

Like all proper marriages the action was voluntary and it was agreed that all decisions announced to the outside world must be unanimous.

Strength was not to come from force but from harmony and united action.

There were the usual side comments at the wedding. It was said that some had consented to get water while it was averred that others had entered into the marriage pact to protect their water. These comments to a degree are probably true but like most marriages this was one with lofty concepts: *To fully achieve the marriage partners knew they had to work together. And the basis of all enduring mar-*

riages involves knowing each other and making adjustments, allowances and working toward common goals.

The honeymoon

With high principaled rules such as:

One vote for each party (state), Equal share of costs, No surprises, No power plays, Close knit family, and No domination by Federal Grandparents, the newly-wed Council ventured forth. Housing was arranged in Portland and a staff was employed.

Like all honeymooners, tender feelings and optimism were much in evidence. *A resolute start was made to meet a major assignment—the preparation of criteria to guide regional development of water resources.*

MARITAL PROBLEMS

First spat

After a valiant first effort signs of strain developed. The rigors of spelling out principles-standards-guidelines brought into the open points of difference and tempers warmed.

A new complication arose. The northwestern states argued for time to complete studies of future water needs. The southwest countered with proposals for area of origin protection. Arizona insisted because of her long wait that her project to use Colorado River water be authorized immediately. The other states of the Colorado River Basin with unused allocations and a shrinking river insisted that their future rights be protected by initiating studies to augment the shrinking Colorado River.

Caught in this crunch, the deliberations went painfully slow and were held up on fine but sensitive points. Having lost some of its original momentum because of failure to agree completely and uncertainty as to future activities, the marriage was threatened.

Separation

The Council reluctantly decided to reduce the staff while looking for a means of improving relations and finding more hope for the future.

One lone but able stenographer carried on, keeping the thin bonds untangled. Hope and great expectation was replaced by uncertainty. A reappraisal by each of the states began.

Reconciliation

To a degree all of the states realized that if the marriage were to be dissolved the time was at hand. There were strong differences and the staff was greatly reduced. If the effort were to be abandoned now was the time.

Seemingly each state came to quite similar conclusions. The need was still present. Water problems would continue and differing viewpoints would persist, but the states should strive to reach agreement among themselves and not have it done for them.

It was recognized that out of the initial effort some gains had been made and there was value in frank discussions and better understanding of each others problems.

On March 7, 1968 at Tucson, Arizona the reconciliation began and uncertainty was replaced by positive action. After nearly a year without a director, the position was filled and on May 15, 1968, headquarters were transferred to Salt Lake City.

The Council adopted an "Activities Program" vowing to give strong voice to areas of common interest where heretofore no such action had been taken. Momentarily the regional planning problem would rest and Council attention would accentuate westwide interests in:

Activities of the Public Land Law Review Commission, State-Federal Water Rights Jurisdiction, Wild and Scenic Rivers, 160 Acre Limitation on Federal Reclamation Projects.

A new surge of hope and optimism grew from the decision to work cooperatively together.

THE FUTURE

The Western States Water Council is the best evidence that the states are determined to assert their role in state and regional development. The Council demonstrates that the states want a voice in preparing and promulgating new procedures and not as in the past, be forced to react.

Notice is served that the states will support and strengthen each other so that more uniform and equitable application of national legislation will result. Through a unified organization the Congress and others can be told that the problems relating to water in the west are different than other more humid areas and because of this difference, the western states cannot be conformed to a general mold.

The Council believes that other organizations with common goals can be enlisted to unify forces for the protection and development of the water resources of the west.

It may be that the Farm Bureau is one such organization with common goals. Together we can accomplish some of those things we just talked about today.

RESOLUTIONS OF THE STATE COUNCIL OF NORTH CAROLINA OF THE JUNIOR ORDER UNITED AMERICAN MECHANICS

Mr. ERVIN. Mr. President, at its annual session in Winston-Salem, N.C., on August 9 and 10, 1968, the State Council of North Carolina, Junior Order United American Mechanics, adopted certain resolutions which manifest the patriotic nature of this great organization and its fidelity to the fundamental principles upon which our Nation is founded. I ask unanimous consent that the text of the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE RIGHT TO VOTE

Whereas, it is plainly evident that there are an increasing number of Communists in this country;

That they are not afraid to make any effort or personal sacrifice to further their cause and gain additional ground;

That increasing efforts are being made to place avowed Communists on ballots or promote them as write-in candidates;

That we firmly believe that our American cause is best sponsored by exercising our right to vote for the Candidate of our choice rather than to become harassed by the appearance of such Communists candidates on our ballot; therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled at Winston-Salem, N.C. this 9th and 10th day of August, 1968, that we will ourselves exercise our franchise and that we will urge our friends, neighbors, and relatives to exercise this same right; that by doing so we will strengthen the cause of Freedom and Democracy throughout the Land.

Be it further Resolved, that a copy of this resolution be mailed to the Congressmen and Senators of this State, and this resolution be made a permanent part of the minutes of the State Council Session.

Respectfully submitted.

J. L. WHITE.
J. C. WILLIAMS.
E. C. ISENHOUR.

Approved:

J. A. PRITCHETT,
L. T. KEEVER,
MACK PARRISH,
Good of the Order Committee.

STRENGTHENING OUR ECONOMY

Whereas, a concerted effort is being made by our country's enemies, seen and unseen, to create dissatisfaction with our present economic system; and

Booklets and literature are being circulated claiming American Corporations to be obsolete and radical;

That insidious attempts are being made through Whispering Campaigns to create dissatisfaction among the small taxpayers of our Country, by criticizing our present economic system; therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled at Winston-Salem, N.C., August 9 and 10, 1968, that we, as individuals will uncomplainingly pay our taxes, buy Government Bonds and do all in our power, individually, to support our Democratic System and to aid our economy; to modify our spending to conform to our earning power and in general aid our Government by our support rather than our criticisms.

Be it further Resolved, that a copy of this resolution be sent to the Congressmen and Senators of the State and to other interested parties, and

Be it further resolved, that this resolution be made a part of the minutes of this State Council Session.

Respectfully submitted.

J. L. WHITE.
J. C. WILLIAMS.
E. C. ISENHOUR.

Approved:

J. A. PRITCHETT,
L. T. KEEVER,
MACK PARRISH,
Good of the Order Committee.

AMERICAN DESERTERS

Whereas, our newspapers, from time to time, carry accounts of our young men who have deserted and fled to other countries because of their lack of faith in the positon of our Government in world affairs and particularly in the Vietnam War; and

Whereas, for two hundred years, our American Society has recognized the need of the Freedoms for which we have fought and died; and

Whereas, our Order has stood firmly for these said Freedoms and taught them by tenet and example; therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled in Winston-Salem, N.C. this 9th and 10th day of August, 1968, that we discourage any and all efforts countenancing such desertions and promoting favorable publicity regarding such happenings; that on the other hand, we renew our faith in the principles of freedom and justice which long have been our watchword.

Be it further Resolved, that a copy of this resolution be mailed to the Congressmen and Senators from the State of North Carolina, and the resolution be made a permanent part of the minutes of the State Council Session.

Respectfully submitted.

J. A. ODOM.
J. C. WILLIAMS.
E. C. ISENHOUR.

Approved:

J. A. PRITCHETT,
L. T. KEEVER,
MACK PARRISH,
Good of the Order Committee.

LAW AND ORDER

Whereas, our organization has for 115 years sought to exemplify virtue in the home, in society, in public affairs and in our members; liberty, both civil and religious; patriotism, that love of country which inspires good citizenship and loyalty to our Government and its institutions; and

Whereas, we view with grave concern the rise in crime, especially among our youth; demonstrations and protests which grow into riots accompanied by looting and pillaging and complete disregard for the rights and safety of others; a general disobedience of the laws which are the protection of a good society; and a growing spirit of disillusionment resulting in mass disobedience; and

Whereas, as right-thinking persons we cannot condone lawlessness and violence to achieve one's goal, but advocate submission to the will and determination of the majority; yet we preserve for ourselves and others the right to dissent and seek change, but always in the Democratic process within the law: now therefore

Be it Resolved, by the State Council of North Carolina, Junior Order United American Mechanics, in session assembled this 9th and 10th day of August, 1968, that we rededicate ourselves to uphold the Constitution and obey our country's laws; that

We will preserve for ourselves and others the principles of virtue, liberty, and patriotism as laid down by our founding fathers; that

We will guard the rights of all citizens through due process of law, encouraging them to speak their minds in peaceful assembly, but always discouraging the violence which arises through ignorance and fear; that

We will encourage and help educate the youth of our land so that respect for law and love of country will be inculcated in their minds; that

We will work to destroy any and every un-American activity, be it foreign or domestic; that

We will seek to lead others in loving manner, so that by encouragement and example they may become full and noble creatures of their Maker, loyal citizens of our country and peaceful and productive members of the world.

Be it further Resolved, that a copy of this resolution be mailed to the Congressman and Senators of North Carolina, and this resolution be made a part of the permanent record of this State Council Session.

Respectfully submitted.

J. L. WHITE,
J. C. WILLIAMS,
E. C. ISENHOUR,

Approved:

J. A. PRITCHETT,
L. T. KEEVER,
MACK PARRISH,
Good of the Order Committee.

POLICIES OF THE DRUG INDUSTRY

Mr. MONTOYA. Mr. President, for a long time a rising tide of protest has been mounted against certain policies of the drug industry. Our elderly citizens in particular have suffered economically because of high drug prices.

One solution offered to their plight has been the use of drugs under their generic names. To this recommendation, the drug industry has responded with a denigration of the effectiveness and efficacy of drugs in this form. Our response has been that drugs prescribed in their generic form are, in the main, just as effective as those now prescribed. Recently, a major report issued by a Government task force has lent credence to the argument in favor of drugs in their generic form.

The report was made by the task force on prescription drugs, a Department of Health, Education, and Welfare unit headed by Dr. Phillip R. Lee, an Assistant Secretary.

Mr. President, we simply cannot allow outrageous profits to be made by an industry that has too often shown a cavalier attitude toward the well-being of the public. We cannot allow this industry to blithely continue on a course that penalizes older citizens and ignores a method of reducing the enormous burden now carried by so many older citizens.

A measure I have sought enactment for which would extend medicare coverage to include prescription and certain nonprescription drugs in their generic form has been put forward in this Chamber several times. This report shows the further merit of this measure.

For the enlightenment of the Senate, I ask unanimous consent to have printed in the RECORD an article summarizing this report. It was written by a distinguished reporter having a significant and long record of reporting in the public interest. The gentleman referred to is Mr. Morton Mintz, of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. UNIT IS CRITICAL OF DRUG INDUSTRY

(By Morton Mintz)

A Government task force said yesterday that differences between the effectiveness of brand-name drugs and less costly chemical equivalents have been "grossly exaggerated as a major hazard to public health."

This was the key finding in a carefully worded 110-page report that:

Criticizes the drug industry for wasting much of its $500-million-a-year research outlay on "me too" duplication of competitive products and on combinations that sometimes actually create "obvious hazards."

Doubts the ability of many physicians to prescribe rationally, largely because they rely heavily for their information on drug advertising and promotion.

Questions the steady, 10 year decline in retail drug prices as shown by the Consumer Price Index, on the ground that the index does not "accurately represent the most widely used drugs" or "the changes in consumer expenditures which constantly occur when new and more costly products are introduced."

Rejects as inadequately documented an industry claim that a high degree of risks justifies a profit rate that, in six years out of ten, has placed pharmaceuticals first among 41 industries.

The report was made by the Task Force on Prescription Drugs, a Department of Health, Education, and Welfare unit headed by Dr. Philip R. Lee, an Assistant Secretary.

The unit was appointed in May, 1967, by former Secretary John W. Gardner under a directive from the President. Mr. Johnson wanted a broad research study of the possibility of making the cost of drugs prescribed outside of hospitals an additional Medicare benefit.

Yesterday's interim report pointed out that although the elderly comprise less than 10 per cent of the population, they account each year for 23 per cent—about $1 billion—of the spending at retail for prescription drugs. More than 90 per cent of their prescriptions were written for trade-name drugs.

The interim report drew sharp objections from the Pharmaceutical Manufacturers Association, whose 136 member firms make about 95 per cent of the drugs sold.

Association president C. Joseph Stetler said the report fails to cite the decreasing share of the medical-care dollar accounted for by drugs, fails to recognize that duplicative products sometimes have fewer side effects and stimulate competition to dominate products, errs in downgrading the risks taken by drug makers, and generally "suggests overly simple and premature conclusions."

The report's findings and recommendations include the following:

To promote prescription drugs, the industry spends an estimated $3000 per year per doctor—on 20,000 salesmen who cannot be relied upon to give "invariably unprejudiced and objective advice," on about 1100 mailings a year of free samples (which sometimes figure in "accidental poisonings, drug abuse and black market activities") and on advertising whose "potential impact . . . on the editorial policies of the journals which are supported in large part by drug advertisements appears to deserve careful study."

Although "few practicing physicians seem inclined to voice any question of their competency" to prescribe rationally amidst confusing claims, this supposed competency "is now a matter of serious concern" to experts. One has said "that lack of knowledge and sophistication in the proper use of drugs is perhaps the greatest deficiency to the average physician today."

HEW Secretary Wilbur J. Cohen should seek a joint study by HEW, the Departments of Commerce and Justice and the Federal Trade Commission to loosen the 17-year monopoly a patent gives a drug maker. Among the possibilities listed: Shortening the life of a drug patent to 10, 7 or 5 years, compulsory licensing, and permitting new drugs to be marketed only under their generic names, together with the name of the manufacturer.

Medical, pharmacy and consumer groups should work together at local levels to help patients overcome the problem of getting information readily on prescription prices.

Consideration should be given to a system under which no drug could cross state lines unless it meets HEW quality control standards.

HEW should aid medical schools in educating doctors about drugs, establish or support a publication giving doctors objective up-to-date information on drugs, help local medical groups provide physicians with continuing education on "rational prescribing," and launch a far-reaching study of the adequacy of the education given to pharmacists.

SPEECH OF ACCEPTANCE OF NOMINATION BY RICHARD M. NIXON

Mr. FONG. Mr. President, on August 8, in Miami Beach, Fla., Richard M. Nixon delivered a magnificent address accepting the Republican Party nomination for President of the United States.

It was an eloquent affirmation of faith in the American people, faith in the American dream, and faith in the forward destiny of our Nation under Republican leadership.

It was a realistic commitment to provide America with "a new policy of peace abroad and a new policy for peace and progress and justice at home."

It was a stirring call for unity and action toward the goal of an "open world—open skies, open cities, open hearts, open minds."

It was an inspiring message of hope and purpose for millions of Americans who are distressed by events of the past 4 years.

It was a compelling summary of what are America's dilemmas today and how America can advance tomorrow by the man who, I believe, will be the next President of the United States.

Because of its national and international significance, I ask unanimous consent that the entire text of Richard Nixon's acceptance speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL NOMINATION ACCEPTANCE SPEECH OF RICHARD M. NIXON, REPUBLICAN NATIONAL CONVENTION, MIAMI BEACH, FLA., AUGUST 8, 1968

Mr. Chairman, delegates to this convention, my fellow Americans.

Sixteen years ago I stood before this convention to accept your nomination as the running mate of one of the greatest Americans of our time or of any time, Dwight D. Eisenhower.

Eight years ago I had the highest honor of accepting your nomination for President of the United States.

Tonight, I again proudly accept that nomination for President of the United States.

But I have news for you; this time there's a difference. This time we're going to win.

We're going to win for a number of reasons. First, a personal one. General Eisenhower, as you know, lies critically ill in the Walter Reed Hospital tonight. I have talked, however, to Mrs. Eisenhower on the telephone. She tells me that his heart is with us, and she says that there is nothing that he lives more for, and there is nothing that would lift him more than for us to win in November. And I say, let's win this one for Ike.

We're going to win because this great convention has demonstrated to the nation that the Republican Party has the leadership, the platform and the purpose that America needs.

We're going to win because you have nominated as my running mate a statesman of the first rank, who will be a great campaigner and one who is fully qualified to undertake the new responsibilities that I shall give to the next Vice President of the United States. And he is a man who fully shares my conviction and yours that after a period of forty years when power has gone from the cities and the states to the Government in Washington, D.C., it's time to have power go back from Washington to the states and the cities of this country all over America.

We're going to win because at a time when America cries out for the unity that this Administration has destroyed, the Republican Party after a spirited contest for its nomination for President and Vice President stands united before the nation tonight.

I congratulate Governor Reagan, I congratulate Governor Rockefeller, I congratulate Governor Romney, I congratulate all those who have made the hard fight that they have for this nomination. I know that you will all fight even harder for the great victory that our Party is going to win in November, because we're going to be together in that election campaign.

A Party that can unite itself will unite America.

My fellow Americans, most important, we're going to win because our cause is right.

We make history tonight, not for ourselves, but for the ages.

The choice we make in 1968 will determine not only the future of America but the future of peace and freedom of the world for the last third of the Twentieth Century.

And the question that we answer tonight—can America meet this great challenge?

For a few moments, let us look at America, let us listen to America, to find the answer to that question.

As we look at America we see cities enveloped in smoke and flame.

We hear sirens in the night.

We see Americans dying on distant battlefields abroad.

We see Americans hating each other; fighting each other; killing each other at home.

And as we see and hear these things, millions of Americans cry out in anguish.

Did we come all this way for this?

Did American boys die in Normandy, Korea and in Valley Forge for this?

Listen to the answer to those questions.

It is another voice.

It is a quiet voice, in the tumult of the shouting. It is the voice of the great majority of Americans, the forgotten Americans, the non-shouters, the non-demonstrators.

They are not racists or sick; they are not guilty of the crime that plagues the land.

They are black and they are white. They are native-born and foreign-born. They are young and they are old.

They work in America's factories.

They run America's businesses.

They serve in Government.

They provide most of the soldiers who died to keep us free.

They give drive to the spirit of America.

They give lift to the American dream.

They give steel to the backbone of America.

They are good people, they are decent people, they work and they save and they pay their taxes and they care.

Like Theodore Roosevelt, they know that this country will not be a good place for any of us to live in unless it's a good place for all of us to live in.

And this I say to you tonight, is the real voice of America. In this year 1968 this is the message that it will broadcast to America and the world.

Let's never forget that despite her faults, America is a great nation.

America is great because her people are great.

With Winston Churchill we say: "We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies because we are made of sugar candy."

America is in trouble today not because her people have failed, but because her leaders have failed.

What America needs are leaders to match the greatness of her people.

And this great group of Americans, the forgotten Americans and others, know the great question Americans must answer by their votes in November, is this: Whether we shall continue for four more years the policies of the last five years.

This is their answer and this is my answer to that question.

When the strongest nation in the world can be tied down for four years in a war in Vietnam with no end in sight; when the richest nation in the world can't manage its own economy; when the nation with the greatest tradition of the rule of law is plagued by unprecedented lawlessness; when a nation has been known for a century for equality of opportunity is torn by unprecedented racial violence; and when the President of the United States cannot travel abroad or to any major city at home without fear of a hostile demonstration, then it's time for new leadership for the United States of America.

My fellow Americans, tonight I accept the challenge and the commitment to provide that new leadership for America.

I ask you to accept it with me.

Let us accept this challenge not as a grim duty but as an exciting adventure in which we are privileged to help a great nation realize its destiny.

Let us begin by committing ourselves to the truth, to see it like it is and tell it like it is. To find the truth, to speak the truth and to live the truth. That's what we will do.

We've had enough of big promises and little action.

The time has come for honest Government in the United States of America.

So tonight I do not promise the millenium in the morning.

I don't promise that we can eradicate poverty and end discrimination and eliminate all danger of war in the space of four or even eight years. But I do promise action, a new policy for peace abroad; a new policy for peace and progress and justice at home.

Look at our problems abroad. Do you realize that we face the stark truth that we are worse off in every area of the world tonight than we were when President Eisenhower left office eight years ago? That's the record. There is only one answer to such a record of failure, and that is a complete housecleaning of those responsible for the failures and that record. The answer is the complete re-appraisal of America's policies in every section of the world.

We shall begin with Vietnam.

We all hope in this room that there's a chance that current negotiations may bring an honorable end to that war, and we will say nothing during this campaign that might destroy that chance.

If the war is not ended when the people choose in November, the choice will be clear.

For four years this Administration has had at its disposal the greatest military and economic advantage that one nation has ever had over another in a war in history.

For four years, America's fighting men have set a record for courage and sacrifice unsurpassed in our history.

For four years this Administration has had the support of the Loyal Opposition for the objective of seeking an honorable end to the struggle.

Never has so much military and economic and diplomatic power been used so ineffectively.

If after all of this time and all of this sacrifice and all of this support there is still no end in sight, then I say the time has come for the American people to turn to new leadership not tied to the mistake and the policies of the past.

That is what we offer to America. And I pledge to you tonight that the first priority foreign policy objective of our next Administration will be to bring an honorable end to the war in Vietnam. We shall not stop there. We need a policy to prevent more Vietnams.

All of America's peace-keeping institutions and all of America's foreign commitments must be re-appraised. Over the past 25 years America has provided more than 150 billion dollars in foreign aid to nations abroad.

In Korea and now again in Vietnam, the United States furnished most of the money, most of the arms, most of the men to help the people of those countries defend themselves against aggression.

We're a rich country, we're a strong nation, we're a populous nation, but there are 200 million Americans and there are 2 billion people that live in the free world and I say the time has come for other nations in the free world to bear their fair share of the burden of defending peace and freedom around this world.

What I call for is not a new isolationism, it's a new internationalism, in which America enlists its allies and its friends around the world in those struggles in which their interest is as great as ours.

And now to the leaders of the Communist world we say: After an era of confrontation, the time has come for an era of negotiaton.

Where the world's super powers are concerned, there is no acceptable alternative to peaceful negotiation.

Because this will be a period of negotiation, we shall restore the strength of America so that we shall always negotiate from strength and never from weakness.

As we seek peace through negotiation, let our goals be made clear:

We do not seek domination over any other country.

We believe deeply in our ideas, but we believe they should travel on their own power and not on the power of our arms.

We shall never be belligerent but we shall be as firm in fending our system as they are in expanding theirs.

We believe this should be an era of peaceful competition, not only in the productivity of our factories but in the quality of our ideas.

We extend the hand of friendship to all people, to the Russian people, to the Chinese people, to all people in the world, and we shall work toward the goal of an open world, open skies, open cities, open hearts, open minds.

The next eight years, my friends, this period in which we're entering, I think we'll have the greatest opportunity for world peace but also face the greatest danger of world war of any time in our history.

I believe we must have peace. I believe that we can have peace. But I do not underestimate the difficulty of this task. Because, you see, the art of preserving peace is greater than that of waging war and much more demanding. But I am proud to have served in an Administration which ended one war and kept the nation out of other wars for eight years. It is that kind of experience and that kind of leadership that America needs today and that we will give to America with your help.

As we commit to new policies for America tonight, let me make one further pledge:

For five years hardly a day has gone by when we haven't read or heard a report of the American flag being spit on; an embassy being stoned; a library being burned; or an ambassador being insulted someplace in the world. Each incident reduced respect for the United States until the ultimate insult inevitably occurred.

I say to you tonight that when respect for the United States of America falls so low that a fourth rate military power like North Korea will seize an American naval vessel on the high seas it's time for new leadership to restore respect for the United States of America.

My friends, America is a great nation.

It is time we started to act like a great nation around the world. It is ironic to note that when we were a small nation, weak militarily and poor economically, America was respected. The reason was that America stood for something more powerful than military strength or economic wealth.

The American Revolution was a shining example of freedom in action which caught the imagination of the world.

Today too often America is an example to be avoided and not followed.

A nation that can't keep the peace at home won't be trusted to keep the peace abroad.

A President who isn't treated with respect at home will not be treated with respect abroad.

A nation which can't manage its own economy can't tell others how to manage theirs.

If we are to restore prestige and respect for America abroad, the place to begin is at home in the United States of America.

My friends, we live in an age of revolution in America and in the world. To find the answers to our problems let us turn to a revolution, a revolution that will never grow old, the world's greatest continuing revolution, the American Revolution.

The American Revolution was and is dedicated to progress, but our founders recognized that the first requisite of progress is order.

There is no quarrel between progress and order because neither can exist without the other.

So let us have order in America. Not the order that suppresses dissent and discourages change, but the order which guarantees the right to dissent and provides the basis for peaceful change.

And tonight it's time for some honest talk about the problem of order in the United States.

Let us always respect as I do our courts and those who serve on them. But let us also recognize that some of our courts in their decisions have gone too far in weakening the peace forces as against the criminal forces in this country.

Let those who have the responsibility to enforce our laws and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights.

Let them also recognize that the first civil right of every American is to be free from domestic violence. And that right must be guaranteed in this country.

If we are to restore order and respect for law in this country, there's one place we're going to begin. We're going to have a new Attorney General of the United States of America.

I pledge to you that our new Attorney General will be directed by the President of the United States to launch a war against organized crime in this country.

I pledge to you that the new Attorney General of the United States will be an active belligerent against the loan sharks and the number racketeers who rob the urban poor in our cities.

I pledge to you that the new Attorney General will open a new front against the filth peddlers and the narcotics peddlers who are corrupting the lives of the children of this country.

Because my friends, let this message come through clear from what I say tonight: Time is running out for the merchants of crime and corruption in American society.

The wave of crime is not going to be the wave of the future in the United States of America.

We shall re-establish freedom from fear in America so that America can take the lead in re-establishing freedom from fear in the world.

To those who say that law and order is the code word for racism, here is a reply:

Our goal is justice, justice for every American.

If we are to have respect for law in America, we must have laws that deserve respect.

Just as we cannot have progress without order, we cannot have order without progress. And so as we commit to order tonight, let us commit to progress.

This brings me to the clearest choice among the great issues of this campaign.

For the past five years we have been deluged by the program for the unemployed; programs for the cities; programs for the poor. And we have reaped from these programs an ugly harvest of frustration, violence and failure across the land.

Now our opponents will be offering more of the same, more billions for government jobs, government housing, government welfare.

I say it's time to quit pouring billions of dollars into programs that have failed in the United States of America.

To put it bluntly we're on the wrong road and it's time to take a new road to progress.

Again, we turn to the American Revolution for our answer.

The war on poverty didn't begin five years ago in this country. It began when this country began. It's been the most successful war on poverty in the history of nations. There's more wealth in America today more broadly shared than in any nation in the world.

We are a great nation, and we must never forget how we became great.

America is a great nation today not because of what government did for people, but because of what people did for themselves over 190 years in this country.

It is time to apply the lessons of the American Revolution to our present problems.

Let us increase the wealth of America so that we can provide more generously for the aged and for the needy and for all those who cannot help themselves.

But, for those who are able to help themselves, what we need are not more millions on welfare rolls, but more millions on payrolls in the United States of America.

Instead of government jobs and government housing and government welfare, let government use its tax and credit policies to enlist in this battle the greatest engine of progress ever developed in the history of man, American private enterprise.

Let us enlist in this great cause the millions of Americans in volunteer organizations who will bring a dedication to this task that no amount of money could ever buy.

Let us build bridges, my friends, build bridges to human dignity across that gulf that separates black America from white America.

Black Americans no more than white Americans do not want more government programs to perpetuate dependency.

They don't want to be a colony in a nation.

They want the pride and the self-respect and the dignity that can only come if they have an equal chance to own their own homes, to own their own businesses, to be managers and executives as well as workers, to have a piece of the action in the exciting ventures of private enterprise.

I pledge to you tonight that we shall have new programs which will provide the equal chance.

We make great history tonight.

We do not fire a shot heard 'round the world, but we shall light the lamp of hope in millions of homes across this land in which there is no hope today.

And that great light shining out from America will again become a beacon of hope for all those in the world who seek freedom and opportunity.

My fellow Americans, I believe that historians will record that 1968 marked the beginning of the American generation in world history.

Just to be alive in America, just to be alive, at this time is an experience unparalleled in history. Here is where the action is.

Think. Thirty-two years from now most of Americans living today will celebrate a new year that comes once in a thousand years.

Eight years from now, in the second term of the next President, we will celebrate the 200th anniversary of the American Revolution.

By our decision in this election, we—all of us here, all of you listening on television and radio—will determine what kind of nation America will be on its 200th birthday. We will determine what kind of a world America will live in in the year 2000.

This is the kind of a day I see for America on that glorious Fourth eight years from now.

I see a day when Americans are once again proud of their flag. When once again at home and abroad, it is honored as the world's greatest symbol of liberty and justice.

I see a day when the President of the United States is respected and his office is honored because it is worthy of respect and worthy of honor.

I see a day when every child in this land, regardless of his background has a chance for the best education that our wisdom and schools can provide, and an equal chance to go just as high as his talents will take him.

I see a day when life in rural America attracts people to the country, rather than driving them away.

I see a day when we can look back on massive break-through in solving the problems of slums, pollution and traffic which are choking our cities to death.

I see a day when our senior citizens and millions of others can plan for the future with the assurance that their government is not going to rob them of their savings by destroying the value of their dollars.

I see a day when we will again have freedom from fear in America and freedom from fear in the world.

I see a day when our nation is at peace and the world is at peace and everyone on earth—those who hope, those who aspire, those who crave liberty—will look to America as a shining example of hopes realized and dreams achieved.

My fellow Americans, this is the cause I ask you to vote for. This is the cause I ask you to work for. This is the cause I ask you to commit to—not just for victory in November, but beyond that into a new Administration.

The time when one man or a few leaders could save America is gone. We need tonight nothing less than the total commitment and the total mobilization of the American people if we are to succeed.

Government can pass laws. But respect for law can come only from people who take the law into their hearts and into their minds—and not into their hands.

Government can provide opportunity, but opportunity means nothing unless people are prepared to seize it.

A President can ask for reconciliation in the racial conflict that divides Americans. But reconciliation comes only from the hearts of people.

And tonight, therefore, as we make this commitment—let us look into our hearts, and let us look down into the faces of our children.

Is there anything in the world that should stand in their way?

None of the old hatreds mean anything when you look down into the faces of our children.

In their faces is our hope, our love and our courage.

Tonight I see the face of a child.

He lives in a great city. He is black. He is white. He is Mexican, Italian, Polish. None of that matters. What matters is that he is an American child.

That child in that great city is more important than any politician's promise. He is America. He is a poet, he's a scientist, he's a great teacher, he's a proud craftsman; he's everything we ever hoped to be and everything we dare to dream to be.

He sleeps the sleep of childhood; he dreams the dreams of a child.

Yet when he awakens, he awakens to a living nightmare of poverty, neglect and despair.

He fails in school.

He ends up on welfare.

For him the American system is one that feeds his stomach and starves his soul. It breaks his heart and in the end it may take his life on some distant battlefield.

To millions of children in this rich land, this is their prospect for the future.

But this is only part of what I see in America.

I see another child tonight.

He hears the train go by at night and he dreams of far away places he would like to go.

It seems like an impossible dream, but he is helped on his journey through life.

A father who had to go to work before he finished the sixth grade, sacrificed everything he had so that his sons could go to college.

A gentle, Quaker mother, with a passionate concern for peace, quietly wept when he went to war, but she understood why he had to go.

A great teacher, a remarkable football coach, an inspirational minister encouraged him on his way.

A courageous wife and loyal children stood by him in victory and also in defeat.

And in his chosen profession of politics, first there were scores, then hundreds, then thousands, and finally millions who worked for his success.

Tonight he stands before you nominated for President of the United States of America.

You can see why I believe so deeply in the American dream.

For most of us the American Revolution has been won; the American dream has come true.

What I ask you to do tonight is to help me make that dream come true for millions to whom it is an impossible dream today.

One hundred eight years ago, the newly elected President of the United States, Abraham Lincoln, left Springfield, Illinois, never to return again. He spoke to his friends gathered at the railroad station. Listen to his words:

"Today I leave you. I go to assume a greater task than devolved on General Washington. The great God which helped him must help me. Without that great assistance, I will surely fail. With it, I cannot fail."

Abraham Lincoln lost his life but he did not fail.

The next President of the United States will face challenges which in some ways will be greater than those of Washington or Lincoln. For the first time in our nation's history an American President will face not only the problem of restoring peace abroad, but of restoring peace at home.

Without God's help and your help, we will surely fail; but with God's help and your help, we shall surely succeed.

My fellow Americans, the long dark night for America is about to end.

The time has come for us to leave the valley of despair and climb the mountain so that we may see the glory of the dawn—a new day for America, a new dawn for peace and freedom in the world.

MUTUAL FUND ADMITS SELLING BASED ON UNRESEARCHED TIPS

Mr. McINTYRE. Mr. President, the Washington Star of last Thursday, September 12, contains a fascinating article by Stephen M. Aug following up the filing of charges some days ago by the Securities and Exchange Commission against a number of mutual funds.

According to the article, a well-known mutual fund, the Madison Fund, participated in a transaction involving hundreds of thousands of dollars of securities held for the benefit of its own shareholders, without bothering to check on the basis of the tip on which it relied as justification for the sale.

This admission was of particular interest to me and, I am certain, to the other members of the Committee on Banking and Currency who sat in on the hearings which we held last year on mutual fund legislation. During those hearings, we were told time after time that a major reason for the extremely high management fees which funds impose on their shareholders was the extensive securities research carried out by the funds.

I would hate to think that this transaction by the Madison Fund is typical of the purchases and sales made by mutual funds. To be sure, the Madison Fund, as a closed-end fund, is in a slightly different situation from the open-end funds which appeared before us. Nevertheless, the principle applies across the board to all mutual funds; they are all taking a great deal of money from their shareholders each year under the guise of paying for research expenses.

I stated on the floor last week my intention of introducing proposed legislation next year to curb the abuses which have become apparent since 1940, the year when the most recent mutual fund legislation was enacted. I believe that the hearings to be held on this legislation will be comprehensive enough to look into the issues raised by Mr. Aug's article concerning the absence of research by mutual funds which are charging high management fees presumably for research activities.

I ask unanimous consent that the article, entitled "Mutual Fund Tells of Stock Sale on Merrill Lynch Tip" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUTUAL FUND TELLS OF STOCK SALE ON MERRILL LYNCH TIP

(By Stephen M. Aug)

The Madison Fund has told the Securities and Exchange Commission it acted on a tip from Merrill Lynch, Pierce, Fenner & Smith and sold—through Merrill Lynch—6,000 shares of Douglas Aircraft common stock.

But the mutual fund denied charges by SEC's Division of Trading and Markets that it acted unlawfully in making the transaction on the basis of 'inside" information.

Madison Fund said it didn't know where Merrill Lynch got the information, and didn't ask. Nor did it inquire whether the information had been or would be made public or disclosed to potential buyers of Douglas stock.

The fund made the comments in filing answers to SEC staff charges that Merrill Lynch, 14 of its officers and salesmen and 15 institutional investors had unlawfully traded on nopublic, "inside" information in 1966.

MADISON FIRST

Madison was the first of any of the defendants to file with the SEC anything but a request for an extension of time to reply to the charges. So far Merrill Lynch and two of the funds have sought additional time.

Meanwhile, the SEC's Division of Trading and Markets, which filed the accusations, has urged the commission to grant the principal defendant—Merrill Lynch—only a 10-day extension to give its side of the case. The brokerage firm had asked for an extension to Oct. 14, saying the case presented complex issues.

The markets division said, however, that the allegations it made "are extremely simple" and involve only a question of whether Merrill Lynch and its officers and employes "obtained certain material nonpublic information in their capacity as underwriters (and) disclosed it to certain customers who thereafter acted upon it in selling Douglas stock without the information being disclosed to the purchasers."

Madison said it was denying all the allegations made by the SEC staff "except that it sold from its existing position 6,000 shares of Douglas common stock on the New York Stock Exchange after obtaining information concerning the firm's earnings.

At the time it got the information, Madison said, "it did not know and was not informed under what circumstances (Merrill Lynch) acquired such information; or whether such information had, or had not, been disclosed to the public, or whether such information would, or would not, be disclosed to the public; or whether such information was, or was not, readily accessible to any prospective purchaser of Douglas common stock."

STAND OUTLINED

And it added that the fund "did not know, nor had any reason to ascertain, whether the information which it obtained from Merrill Lynch" would be or was transmitted to the buyers.

Madison said also all of the 6,000 shares of stock were sold through Merrill Lynch, and it did not know who the buyers were.

The fund said that if the SEC antifraud rules concerning trading on "inside" information are applied, it would constitute a violation of the U.S. Constitution—specifically the section guaranteeing due process of laws—and "would constitute an unauthorized and illegal exercise of power" by the SEC.

Although Madison was the first defendant to file a reply in the case, another fund—J. M. Hartwell & Co., one of the sponsors of Hartwell Campbell Leverage Fund—admitted receiving information on the Douglas earnings from Merrill Lynch and other sources and selling some Douglas stock on that basis.

Hartwell made the statements in a prospectus it filed with the SEC in connection with a mutual fund share offering. It said John M. Hartwell, one of those operating the fund, had testified to this effect a year ago in connection with an investigation conducted by the SEC's Division of Trading and Marketing.

WASHINGTON SENATORS BASEBALL CLUB'S SUPPORT OF CHARITIES

Mr. BIBLE. Mr. President, although the Washington Senators baseball team does not lead the American League, it does, in my opinion, have a thousand percent batting average when it comes to the support of local charities.

I refer particularly to the annual benefit baseball game for the Children's Hospital of the District of Columbia. I am well aware that the 1968 game produced over $40,000 for the hospital and that during the past 6 years over $170,000 has gone into the hospital treasury as a result of the generosity of the board of directors of the Washington Senators and the active personal and financial support of District of Columbia citizens.

The best record of the action of the club in this matter is set out in a letter dated August 7, 1968, addressed to Mr. James Lemon, chairman of the board, and signed by Mr. Wallace Werble, president of the Children's Hospital, acknowledging the gift.

Mr. President, so that Members of Congress can be informed of this generous gesture, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA,
Washington, D.C., August 7, 1968.

Mr. JAMES LEMON,
Chairman of the Board, the Washington Senators, District of Columbia Stadium, Washington, D.C.

DEAR JIM: Over the past six years, it has been my pleasure, first as vice president and then as president of Children's Hospital, to accept checks from the Washington Senators organization totaling $171,507.31 as the proceeds from our annual benefit baseball game.

As I accepted a check of $40,167.25 during pre-game ceremonies on July 28 this year, I couldn't help but wonder whether the community—particularly the parents of sick children—realizes how much the strong support from the Washington Senators means to Children's Hospital.

It is difficult to translate dollars into lives, or vice versa, but as you know, Children's Hospital regularly incurs deficits up to a million-and-a-half dollars a year.

A large share of this deficit comes from carrying out the mandate of its original charter, now almost 100 years old, for providing medical care to children without regard to race, creed or ability to pay. The hospital annually treats thousands of children whose parents are indigent, without any or adequate reimbursement from the government or other sources. In a sense, our deficit is a measure of our charity work in the community.

Also, a part of our deficit is incurred by the rising costs of providing the kind of lifesaving miracles that is represented by the work of our open-heart surgical team. Even parents who have insurance, or who can pay the costs of care for their children, would not be able to afford the benefits of this kind of highly specialized and expensive medical service without the support provided by contributions from the warm-hearted community of Metropolitan Washington which help us meet the annual deficit.

When it is all said and done, it comes right down to the question of how much is the life of a single child worth.

This is the background for this special expression of appreciation which I am privileged to make, in the name of the Board of Children's Hospital and on behalf of all sick children in the Metropolitan Washington area, for the steadfast and continued support from the Washington Senators organization for the work of the Hospital. May this support continue for years to come.

It is also fitting that baseball, known as the "national pastime" and one of the most democratic of our spectator sports, should continue to support an institution, like Children's Hospital, whose very existence depends on a manifestation of the great American spirit of voluntary help to the less fortunate.

The check of $40,167.25, representing the proceeds from this year's June 9 benefit game between the Washington Senators and the Minnesota Twins, is the largest we have received in the six years your organization has supported our Hospital so significantly.

Incidentally, the second largest check of $40,066.04, also was produced by a game with the Twins on June 14, 1964.

Benefits from the game depend, of course, on weather and other conditions beyond the control of the Hospital or the Senators organization. However, I have noticed that the checks have always been larger than would be justified by the actual number of people who bought tickets.

For these extra contributions, above and beyond the call of generosity, I and Clarence Kettler, Chairman of our Baseball Benefit Committee for the past two years, express a super-special thanks on behalf of the Hospital.

Kindest regards,

WALLACE WERBLE.

ADDRESS BY LAWRENCE WELK

Mr. YOUNG of North Dakota. Mr. President, the people of North Dakota have always been proud when one of our native sons succeeded in any line of endeavor. For our population, North Dakotans have had their full share.

Lawrence Welk, known and admired throughout the United States by all music-loving people, is one North Dakotan we are all most proud of. No one had a more humble beginning than Lawrence Welk. As a young man he worked on his father's farm doing the toughest of jobs all day—and then played for dances at night. His early years were during the time of the great depression in the late twenties and early thirties. Somehow, through hard work, determination, and love of music, Lawrence Welk persevered. He is probably known by more people throughout the United States than any other entertainer.

No one in his line of music has reached such popularity and retained it for so many years on television as Lawrence Welk.

Recently Mr. Welk visited North Dakota and addressed the students at his hometown of Strasburg. In his always earnest and sincere way, I believe he best expresses the reasons for his great success. His speech is typical of his life as a devout Christian, a lover of music and one who always knew hard work as a way of life.

Mr. President, I believe this speech by Lawrence Welk is an inspiration to all young Americans who have a desire to make good. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LAWRENCE WELK ADDRESSES STUDENTS AT STRASBURG

The students of both Strasburg school systems, plus faculty members, some of Lawrence's relatives and a few guests, gathered in the public school gym Thursday afternoon to hear a talk by Strasburg's most famous son, Lawrence Welk.

In his opening remarks, Mr. Welk pointed out that for the first 15 years that he directed a band, he never said a word to people who had come to hear the band. A master of ceremonies did all the talking for him.

Jokingly he said, "Now that I talk, nobody has asked me to make a speech, so it is appropriate that I should make my first 'speech' in my home town."

After concluding his talk, he borrowed an accordion from Strasburg's other well-known musician, Mike Dosch, and played several selections. Then Mike took the accordion and played some well-known polkas, while Lawrence danced with several of the grade school girls and several adults.

His talk dealt primarily with and how, through hard work, he was able to realize his earliest dreams.

In the audience were his three sisters, Mrs. Mary Mattern, Mrs. Agatha Ternes and Eva Welk, and his brothers, John and Mike.

Following is the complete text of his talk:

MY EARLIEST DREAMS

My earliest dreams were all about music—and it all took a dream to start with—but in my wildest dreams I couldn't have envisioned our wonderful musical family of today.

I consider myself fortunate, indeed, to have been born to parents who were able to impart a Christian philosophy to their children. I am amazed I was able to make it, and it only shows how great the opportunities are in this good land—the land of free enterprise.

I believe our orchestra traveled more miles, played more "one-nighters," endured more hardships, and it took us more years to gain recognition than any band in history. For 27 years we struggled, with very little success, then along came a miraculous new medium, TV. After 27 years we finally struck it rich—and the press called us an "overnight success."

Today we play for more people every Saturday night than we did in all those years of traveling from coast to coast, but it certainly didn't happen "overnight," and it didn't come about without lots of hard work.

Work has always been a very important part of my life, even from my early boyhood days back on the farm. I'm aware that this is a word that has declined in popularity in recent years, but I still feel that it is one of the basic, most vital ingredients, of a good life.

There are so many good things which come about as a result of work. Even when one works in the dark, as I have done at times. Something worthwhile is almost sure to develop as a result.

I had the good fortune and privilege of getting into the habit of working at an early age. Life was rough on our North Dakota farm, where I was born and spent the first 21 years of my life. Huge rocks had to be dug from the ground and moved before the land was fit for plowing—then there was the plowing itself and, the pitching of hay, threshing, tending of animals and all the other backbreaking work that every farmer knows so well. This hard work gave me a tremendous advantage in life. The music business always seemed easy in comparison, and when things didn't go too well for me, I always had the fear of going back to the plow, the pitchfork and the rocks.

In our travels around the country, we are usually met at the airport by a group of newspaper, TV and radio reporters for interviews. The first question asked is almost always the same: "Mr. Welk, how do you account for the long-standing success of your orchestra?"

Of course, there is no single reason for our long life on TV, but I think I have narrowed it down to a few vital factors: First: I am most fortunate to have so many wonderful and talented people in my musical family, and to have the help of so many very able righthand people. I have also been blessed with a devoted wife and family and have enjoyed an exceptionally happy home life. Finally, I believe my personal philosophy has been partly responsible for some of the good fortune which has come our way. This philosophy has actually been the guiding force in the operation of our orchestra. It's quite simple and is based largely on the principle of "earning your keep—giving value for value received." Well, why beat around the bush—the secret is "work."

The earth gives its fruits only to those who labor for them. To earn your bread by the sweat of your brow is a cold, hard reality. It applies to all, and without it, man loses his vision, his confidence and his enthusiasm. His life becomes largely meaningless. On the other hand, there is no preventative or cure so effective for boredom and fatigue or for the many of our mental and emotional ills as an honest day's work every working day of the year. There is no limit to the rich things that we may have—material, mental, spiritual—if we work hard enough to obtain them.

Know what you want, work for it and the earth will yield its treasures to you.

This is still the land of opportunity, perhaps more so now than ever before. Individual initiative is still the guiding force that makes our nation strong. Let us encourage it in every way possible. God's world is a beautiful world, rich beyond measure.

The terms for helping ourselves to this abundance are simple but iron-clad. They are simple ways of life and among the most important of them are sincerity of purpose, honest effort, the desire to be useful, devotion to duty, just and compassionate relationship with our fellow man, faith in ourselves and in God—these are the coins to be placed in the till as prepayment.

Many sincere men are alarmed today about the increasing number of people who are looking for free buggy rides through life. I'm speaking of the free riders who live off the labors of others. They are the men and women who take the benefits of group activities, but who accept little or no responsibility for doing their share in creating the benefits they consume. In the world of nature we call them parasites. It is difficult to understand how these people can delude themselves into adopting as a way of life such a concept of social irresponsibility. If man realized the lack of justice of living off the efforts of others, there would probably be much less of it. Free buggy rides drain away the benefits earned for the group by its productive workers.

The fundamental law of life is that man must earn what he receives if he wishes to live with dignity, independence and security.

Man, of course, can live off the labors of others, but when he does, his personality disintegrates and decays, he becomes a parasite, a whining, frustrated weakling.

Let man, however, feel the challenge of creating his own life and of getting what he needs through his own labors and he becomes strong, virile and confident. He has found the way to dignity, independence and security—his life is his own.

I have tried to instill this type of philosophy in all the members of our musical family. The fact that they have responded generously, indeed, accounts for much of our success. This is why I am such a firm believer in the concept of "hard work" as a remedy for many of today's ills.

Our freedom did not come cheaply, and should not be taken lightly. American citizenship is a precious privilege and it carries with it certain responsibilities: To give a day's work for a day's wages, to make an honest effort to be self-supporting, to respect and obey the laws of the land.

I am in favor of greater emphasis on these ideals which helped to make our nation great—free enterprise, self-determination, personal initiative, individual responsibility.

I am convinced that work—hard work—is the answer if we are to return to these ideals and keep our country strong. I feel that when people work with a happy and contented mind, they become immune to the diseases of hatred and discord.

I know that with God's blessing on our labors, we can accomplish miracles in the field of human relationships and in our fight for a better America and a better world.

This, I believe.

NOMINATIONS TO THE SUPREME COURT

Mr. GORE. Mr. President, I have a copy of a statement which was sent to the chairman of the Judiciary Committee and released publicly yesterday by a newly formed Lawyers Committee on Supreme Court nominations. The committee is probably the largest group of distinguished lawyers that has ever been formed to express their views on a single issue. Included in this group are lawyers from the District of Columbia and every State in the Nation except Mississippi. Seven past presidents of the American Bar Association, many past and present officers of State bar associations, and 20 law school deans are members of the committee.

Because of the significance of a Supreme Court nomination, particularly that of a Chief Justice, which was submitted to the Senate nearly 3 months ago, I wish to read the statement of the committee:

> We have formed a Committee of Lawyers from all parts of this country to urge the Senate to fulfill its constitutional responsibilities by giving prompt and fair consideration to the two Supreme Court nominations made by the President nearly three months ago.
>
> The Constitution of the United States explicitly sets forth the authority and obligation of the President and the Members of the Senate during their terms of office with respect to the appointment of high Federal officials. Among the joint responsibilities of the President and the Senate is the duty to fill vacancies as they occur on the Supreme Court of the Untied States. The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . Judges of the Supreme Court."
>
> The threatened use of the filibuster technique to frustrate the appointive power which is vested by the Constitution in the President and the Senate would be a most unworthy assault upon our constitutional system of government. Just as the President is constitutionally bound to nominate persons to fill vacancies as they occur, the Senate is bound to consider the nominations on the merits and to advise and either grant or deny its consent to the appointments.
>
> It is of course appropriate for the Senate to take into account the jurisprudential views of the nominee as set forth in his opinions and other writings. But it is plainly inappropriate to queston a nominee as to how he arrived at his prior judicial decisions or as to his views on particular questions that may come before him as a judge.
>
> It is equally clear that the advice and consent process was not designed to provide a forum for an indiscriminate attack on the Supreme Court for its decisions. The courts, like other institutions of our government, profit from constructive criticism. But sweeping and indiscriminate attacks upon the highest judicial tribunal in the land can only undermine the public respect for law upon which our entire systems depends.
>
> We urge the Senate to exercise its constitutional responsibilities by addressing itself promptly to the business properly before it: voting on the Supreme Court nominations on their respective merits.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of lawyers who have joined in making this statement.

I am distressed that a group of lawyers felt it necessary to remind the Senate of its obligations and responsibilities under the Constitution. But I have to admit that they had every justification for feeling that their statement was necessary. The Senate has had before it for nearly 3 months now the nomination of a distinguished American for Chief Justice. Extensive hearings on this nomination were completed more than a month ago, and now we hear talk of a filibuster and demands for further delays.

Thus, I join the committee of lawyers in urging the Senate to act promptly and fairly to fulfill its constitutional responsibilities. I join them in opposing the use of the filibuster in this matter, which can only discredit this great body and encourage disrespect for the law. I join in opposing the use of the advise-and-consent process for an indiscriminate attack on the Supreme Court, its decisions, and its members. And I join in opposing the questioning of a nominee about his prior judicial decisions or his views on matters that may come before him as a judge.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ALABAMA

Jerome A. Cooper, Birmingham, Ala.

ARIZONA

Charles E. Aros, Tucson, Ariz.

ARKANSAS

E. Charles Eichenbaum, Little Rock, Ark.; Robert A. Leflar, Fayetteville, Ark.

CALIFORNIA

Edward L. Barrett, Jr. (Dean), Davis, Calif.; Richard C. Dinkelspiel, San Francisco, Calif.; Edward C. Halbach, Jr., Berkeley, Calif.; Bayless A. Manning, Stanford, Calif.; William H. Orrick, Jr., San Francisco, Calif.; Joseph A. Ball, Long Beach, Calif.; Robert G. Sproul, Jr., San Francisco, Calif.; John A. Sutro, San Francisco, Calif.; Maynard J. Toll, Los Angeles, Calif.; Homer D. Crotty, Los Angeles, Calif.; Brent M. Abel, San Francisco, Calif.; Richard C. Maxwell (Dean), Los Angeles, Calif.

COLORADO

Richard M. Davis, Denver, Colo.; Joseph G. Hodges, Denver, Colo.

CONNECTICUT

Donald F. Keefe, New Haven, Conn.; Louis H. Pollack (Dean), New Haven, Conn.

DELAWARE

William Poole, Wilmington, Del.

FLORIDA

Cody Fowler, Tampa, Fla.; Hugo L. Black, Jr., Miami, Fla.

GEORGIA

William B. Spann, Jr., Atlanta, Ga.; Robert R. Richardson, Atlanta, Ga.; Herbert Johnson, Atlanta, Ga.

HAWAII

J. Garner Anthony, Honolulu, Hawaii.

IDAHO

Jerry V. Smith, Lewiston, Idaho.

ILLINOIS

William H. Avery, Chicago, Ill.; Walter T. Fisher, Chicago, Ill.; Morris I. Leibman, Chicago, Ill.; Phil C. Neal, Chicago, Ill.; Howard J. Trienens, Chicago, Ill.

INDIANA

Floyd W. Burns, Indianapolis, Ind.; Joseph O'Meara, Notre Dame, Ind.

IOWA

Luther L. Hill, Jr., Des Moines, Iowa; David H. Vernon, Iowa City, Iowa.

KENTUCKY

Herbert D. Sledd, Lexington, Ky.

LOUISIANA

Thomas B. Lemann, New Orleans, La.; Revius O. Ortique, Jr., New Orleans, La.

MARYLAND

E. Clinton Bamberger, Jr., Baltimore, Md.; H. Vernon Eney, Baltimore, Md.

MASSACHUSETTS

Robert F. Drinan, Boston, Mass.; Robert W. Meserve, Boston, Mass.; Paul A. Tamburello, Pittsfield, Mass.; Neil Leonard, Boston, Mass.

MICHIGAN

Charles W. Joiner, Detroit, Mich.; Robert A. Nitschke, Detroit, Mich.

MINNESOTA

Sidney S. Feinberg, Minneapolis, Minn.

MISSOURI

Arthur J. Freund, St. Louis, Mo.; John H. Lashly, St. Louis, Mo.; John Raeburn Green, St. Louis, Mo.; W. William McCalpin, St. Louis, Mo.; Arthur Mag, Kansas City, Mo.; James M. Douglas, St. Louis, Mo.

MONTANA

Kendrick Smith, Butte, Mont.

NEVADA

John Shaw Field, Reno, Nev.

NEW HAMPSHIRE

Robert H. Reno, Concord, N.H., Joseph Millimet, Manchester, N.H.

NEW JERSEY

Walter Leichter, Union City, N.J.; John H. Yauch, Newark, N.J.; James D. Carpenter, Newark, N.J.; John J. Gibbons, Newark, N.J.; T. Girard Wharton, Somerville, N.J.

NEW MEXICO

Don G. McCormick, Carlsbad, N.M., William A. Sloan, Albuquerque, N.M.; John D. Robb, Jr., Carlsbad, N.M.

NEW YORK

Robert A. Bicks, New York, N.Y.; Bruce Bromley, New York, N.Y.; Norris Darrell, New York, N.Y.; Milton Handler, New York, N.Y.; Robert B. McKay, New York, N.Y.; Ross L. Malone, New York, N.Y.; Orison S. Marden, New York, N.Y.; Burke Marshall, Armonk, N.Y.; Samuel R. Pierce, Jr., New York, N.Y.; Whitney North Seymour, New York, N.Y.; William Tucker (Dean), Ithaca, N.Y.; Betheul M. Webster, New York, N.Y.; Simon H. Rifkind, New York, N.Y.; Oscar M. Ruebhausen, New York, N.Y.; Russell D. Niles, New York, N.Y.; Samuel I. Rosenman, New York, N.Y.; Eli W. Debevoise, New York, N.Y.; Herbert Wechsler (Prof.), New York, N.Y.; William C. Warren, New York, N.Y.

NORTH CAROLINA

Terry Sanford, Raleigh, N.C.; John V. Hunter, Raleigh, N.C.

NORTH DAKOTA

Robert E. Dahl, Grafton, N.D.

OHIO

Robert H. Kennedy, Cleveland, Ohio; N. Seth Taft, Cleveland, Ohio.

OKLAHOMA

Ted J. Davis, Oklahoma City, Okla.; G. M. Fuller, Oklahoma City, Okla.; Jerry Tubb, Oklahoma City, Okla.; John Draper, Oklahoma City, Okla.

OREGON

R. W. Nahstoll, Portland, Oregon; James C. Dezendorf, Portland, Oregon.

PENNSYLVANIA

John G. Buchanan, Pittsburgh, Pa.; Lewis H. Van Dusen, Jr., Philadelphia, Pa.; Jefferson B. Fordham, Philadelphia, Pa.; David F. Maxwell, Philadelphia, Pa.; Gilbert Nurick, Harrisburg, Pa.; Jerome Shestack, Philadelphia, Pa.; Thomas W. Pomeroy, Jr., Pittsburgh, Pa.

RHODE ISLAND

Arthur J. Levy, Providence, R.I.

SOUTH DAKOTA

Ross H. Oviatt, Watertown, S.D.

TENNESSEE

Walter P. Armstrong, Jr., Memphis, Tenn.; Edward W. Kuhn, Memphis, Tenn.

TEXAS

Charles O. Galvin, Dallas, Tex.; William F. Walsh, Houston, Tex.; Charles Alan Wright, Austin, Tex.; Cecil E. Burney, Corpus Christi, Tex.

VIRGINIA

George C. Freeman, Jr., Richmond, Va; Edward Griffith Dodson, Jr., Roanoke, Va.; George E. Allen, Richmond, Va.

WASHINGTON

Stimson Bullitt, Seattle, Wash.

WISCONSIN

N. Sencer Kimball, Madison, Wisc.

WYOMING

George F. Guy, Cheyenne, Wyoming.

WASHINGTON, D.C.

Stephen Ailes, Washington, D.C.; Frederick A. Ballard, Washington, D.C.; W. Graham Claytor, Jr., Washington, D.C.; Lloyd N. Cutler, Washington, D.C.; Vernon X. Miller (Dean), Washington, D.C.; Rufus King, Washington, D.C.; Louis F. Oberdorfer, Washington, D.C.; Robert L. Wald, Washington, D.C.; Edward Bennett Williams, Washington, D.C.; H. Thomas Austern, Washington, D.C.; Francis M. Shea, Washington, D.C.

DEATH OF MAJ. GEN. KEITH WARE IN VIETNAM

Mr. JACKSON. Mr. President, I wish to speak today about Maj. Gen. Keith Ware, Commander of the U.S. First Infantry Division, who was killed a few days ago at the age of 52 in the crash of his command helicopter near South Vietnam's Cambodian border. He had served in Vietnam 9 months and had directed the defense of Saigon during the adversary's Tet offensive last winter.

Keith Ware's death at the height of his powers is a tragic loss to the Nation. But his family and friends have one great consolation: his place in the history of this Nation is assured. He gave the larger part of his life to the cause of national defense and the safeguarding of individual liberty—he distinguished himself in one assignment after another and he died on the frontline in the service of his country.

Inducted into the Army in July, 1941, Keith Ware was one of the first graduates of the officers candidate school to be promoted to the rank of general.

He won the Medal of Honor on December 26, 1944, while leading an infantry battalion of the 3d Infantry Division on a German-held position near Sigolsheim, France. With his assault companies pinned down, he reconnoitered alone 150 yards ahead of his command and drew German fire to unmask the Nazi position. Returning to his troops, he picked up an automatic rifle and led a small assault group of 11 men and a tank in knocking out four machineguns. Wounded, he refused medical attention until the Germans had been cleared from the hill position.

Keith Ware also won the Silver Star, Bronze Star Medal—Valor—Purple Heart with Oak Leaf Cluster, Croix de Guerre with Gold Star, and French Fourragere, and recently was awarded the Distinguished Service Medal, following his tour of duty as Army chief of information.

During his Army career, Keith Ware filled a wide variety of assignments with distinction. They included instructor of military psychology and leadership; U.S. Military Academy; regimental commander, 34th Infantry, Korea; Congressional Army liaison officer—where he was of inestimable help to so many of us here in the Senate; Chief, Emergency Plans and Requirements Branch and executive to Chief of Staff, SHAPE; assistant division commander, 2d Armored Division, Fort Hood, Tex.; and Army chief of information.

As a man of sterling character, unshakable integrity, and personal courage, Keith Ware let us see at first hand the qualities of greatness and true service to the country. We shall miss him. He was the kind of real patriot our country needs in these dangerous and difficult days.

THE SENATE AND THE SUPREME COURT

Mr. INOUYE. Mr. President, the Washington Post of September 6 published an editorial entitled: "The Senate and the Supreme Court." The editorial opens with this thought:

> The confirmation of Mr. Justice Fortas as Chief Justice of the United States is the most important obligation currently confronting the Senate.

Then, getting to the nub of the issue, the editorial states:

> . . . only the crassest political partisanship could explain a failure to confirm the President's nomination of a man already confirmed as an Associate Justice.

We now know more about these two nominees than we shall ever need to know. There is a time for talk. There is a time for deliberation. All of these times are now past. The time for action has arrived. I am ready to act, and I trust that the Senate will be permitted to work its will on the nominations.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE AND THE SUPREME COURT

The confirmation of Mr. Justice Fortas as Chief Justice of the United States is the most important obligation currently confronting the Senate. It is an obligation because only the crassest political partisanship could explain a failure to confirm the President's nomination of a man already confirmed as an Associate Justice. It is important because such a failure would seriously interfere with the Supreme Court's current work and would imperil its independence for the future.

Two principal arguments have been advanced against the confirmation of Justice Fortas. One is Senator Griffin's argument—to which Mr. Nixon has given a measure of support—that the selection of a Chief Justice ought not to be made by a President in the final months of his tenure in office. It seems to us that precedent and logic alike consign this contention to the discard. Appointments to the Supreme Court and to inferior Federal courts are made not at the President's pleasure but when vacancies occur. Presidents from John Adams on have made appointments to the courts close to the conclusion of their terms; and indeed there is no good reason why they should not do so. A President who has decided not to run for re-election is no more disqualified from making appointments at the close of his tenure than he is from discharging the other duties of his office—say, for instance, negotiating the settlement of a war or giving his approval to an act of Congress.

A more dangerous and no less meritricious argument against the confirmation of Justice Fortas has been advanced by Senators Thurmond and Ervin. They contend that he should not become Chief Justice because they disagree with some of the decisions of the Supreme Court in which he concurred—or which, at any rate, he declined to criticize, when he appeared before the Senate Judiciary Committee, as a purchase price of confirmation. This is an argument that disgraces its authors. It is designed to subordinate the Supreme Court to the Senate.

If confirmation of a judicial nomination is made dependent upon the nominee's agreement with a majority of the Senate, that majority will obviously be able to exercise a controlling influence on the Court. It emphatically ought not do so. In the American tripartite constitutional system, the Federal courts are made independent of the Congress and the Executive—by a grant of life tenure to their members—precisely in order to assure them the independence requisite to their counterbalancing role. And that independence is designed to give them freedom from the political pressures that inevitably color the judgment of men obliged to stand from time to time for reelection. It would be tragic for the Senate to compromise the independence of the Supreme Court.

There is a practical consideration which should lend impetus to the Senate in confirming Justice Fortas. If he has not been confirmed when the October term of the Supreme Court begins, Chief Justice Warren, will be obliged either to remain in office despite his desire to retire or to leave the Court without a Chief Justice. Either course will seriously impede the Court's work. Cases argued before it while he sits will have to be reargued if they are not decided before his retirement.

All of these consideratons argue for a prompt resolution on the Fortas case. Delay by the Judiciary Committee—as of last Tuesday's pretext that a quorum was lacking—or by a filibuster would be unconscionable. The Senate ought not to tolerate either form of obstruction. The nomination should be brought to a vote.

The situation, in our judgment, presents an opportunity to Richard Nixon for statesmanship of a high order. To his credit, he characterized Justice Fortas on Wednesday as "one of the ablest Justices on the Court." On moral and pragmatic grounds alike, he would do well to go the logical step beyond this and indicate a repugnance to any part in the effort to block the Fortas confirmation. Four years, or eight years, from now he may be sending to the Senate a judicial nomination of his own. He can hardly wish to lend color to the pernicious doctrine that retiring President should be rendered powerless. And he can hardly wish to accept any portion of the obloquy that would be justly attached to the rejection of a magnifestly qualified nominee on purely partisan grounds.

Abe Fortas has had an extraordinarily distinguished career in the law—as a teacher, as a Federal administrator, as a lawyer in varied private practice, as a judge. In terms of intellect, character and experience, his fitness to be Chief Justice cannot reasonable or fairly be assailed. The Senate has a clear duty to confirm him now—and to save the Chief Justiceship from the tumult and the hazards of a national election.

STEEL IMPORT QUOTAS—ADDITIONAL COSPONSOR

Mr. MOSS. Mr. President, I have just seen some figures on the volume of steel imports into the United States which I find most alarming.

In the first 7 months of this year, steel imports rose 57 percent over the corresponding period in 1967.

Last year we imported some 11½ million tons during the full calendar year. This year we have imported 9½ million tons in just the first 7 months.

Steel imports are now making up about 16 percent of the steel consumed domestically in the United States.

I wonder how much longer the domestic steel industry can stand this severe level of importation?

On July 9 of this year, the Senate Finance Committee decided to defer legislative consideration of iron and steel quotas to allow reasonable time for the Japanese and European steel industries to work out a program of voluntary restraints on steel shipments into the United States. Some leaders of the Japanese steel industry have indicated their intention to adopt such a program and the committee felt that the program should be given a chance to operate.

But it is going to take massive restraint and considerable time, since many contracts are long-term ones, to cut down the tide of imports to a point where domestic industry will be greatly benefited. In view of what is happening, can we afford to wait?

We have been building toward the present import volume for a number of years. Up to the end of 1958, the United States was a major net exporter of steel, but it has now become the largest net importer. For example, steel imports in 1967 were nearly 10 times what they were in 1957.

We are now really beginning to feel the impact of the steel-producing capacities of the large-scale and ultra-modern equipment built in Japan and Europe after World War II, often with U.S. help. These plants are operating with lower paid labor, and in some instances the plants are government owned and therefore subsidized. They are rapidly expanding their steelmaking capacity, and throwing steel on world markets in ever increasing amounts. It is natural that they should turn to the U.S. market, the largest and least restricted by tariff barriers.

While the import penetration of the market in the United States varies by product and region, there is no important product line or market area in the United States which is immune to the imports.

In my section of the country—the West—and also in the Southwest, there has been heavy penetration from Japanese producers. Smaller plants, like the Geneva plant of United States Steel, in my State of Utah, are particularly feeling the impact. Among products being imported, the largest growth has been in such highly sophisticated items as sheets and plates. Small steel producers with limited product lines are particularly vulnerable to imports of such sophisticated types of steel. They are hurting, and their employees are hurting.

Mr. President, the steel import problem is very complex, and it is intertwined with many other economic and technological trends in our own country and in other countries. I do not pretend to discuss it fully here. A very admirable study on the steel import problem was completed last December by the staff of the Senate Finance Committee and is available to us.

The conclusions drawn in this study should be of concern to every Member, and I quote:

> If the trends indicated above persist, the Nation must be prepared to see steel imports ultimately reach such high percentages of the markets for certain steel products as to render them unprofitable for the domestic industry to make.

We cannot consider in the short time left in this session all of the problems outlined in this study. Some of them can be met only by industry itself. But we do have an obligation to our domestic industry, and to our country because of the balance-of-payments problem which steel imports present, to do what we can. We can take the easy step of establishing quotas on steel imports until we can get more time to analyze all of the factors which are contributing to our present problem.

The distinguished Senator from Indiana [Mr. HARTKE] has a bill pending before the Senate (S. 2537) which would place access to the U.S. market for foreign-produced pig iron and steel mill products on an equitable basis, and prevent a further disruption of U.S. markets and unemployment among U.S. iron and steel workers. I ask at this time that my name be added as a cosponsor of this measure, and I recommend that it be given further consideration before adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. If we do nothing now, a full year will have passed since the Finance Committee study was made, and the avalanche of imports will have further weakened our U.S. industry.

I well recognize that trade is one of our strongest weapons in cultivating friendly relations with other nations, and I do not want to tie the President's hands in seeking or perpetuating such relationships. I feel that any import quota restrictions should recognize the importance of giving the President a free hand when circumstances indicate a lessening of trade restrictions on a given commodity, or with a specific country, would be in the Nation's best interest.

But I also feel that we must never forget the importance of keeping our own domestic industries in a stable and healthy condition, both because of the many Americans who depend on them for their livelihood, and because there could be a time when self-sufficiency would be absolutely essential to our Nation's security. We should trade widely and freely with other nations. Trade is mutually beneficial. Only when we encounter unfair methods, such as dumping onto our market, should we burden or restrict free trade. In my opinion, we are moving inexorably toward an import level of steel which threatens our economy and employment of our citizens.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

GUN CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken out of neither side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2:30 P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut [Mr. DODD] be recognized, and that if no Senator is ready to speak at the conclusion of his remarks, which I understand will be brief, the Senate then stand in recess until 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. DODD. Mr. President, I ask unanimous consent that I may be recognized for 5 minutes.

The PRESIDING OFFICER. Does the Senator wish to be recognized on the bill?

Mr. DODD. On the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, with reference to S. 3633, recently I discussed with the Justice Department the problem of the importation of inexpensive, foreign-made handguns. These are the weapons most commonly used in American crime.

As I pointed out to the Senate on July 8, 1968, certain importers in the United States have been attempting to beat the deadline on the import controls in title IV of the omnibus crime bill.

The deadline that was established in that title is December 15 of this year. It never occurred to me that there would be an attempt to flood this country with handguns before that deadline.

However, as of today, for example, there are licenses pending in the State Department which would authorize the importation of over 1 million handguns which have been classified in the category of the "Saturday night specials," those weapons used to rob, maim and kill tens of thousands of Americans each year.

During my discussions with the Justice Department I was advised of a letter written by Sheldon Cohen to Attorney General Ramsey Clark and I think it should be read into the record at this point. I hope that my colleagues will take the time to read this letter and give it careful consideration:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., September 16, 1968.

Hon. RAMSEY CLARK,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In a recent conversation with a gun importer one of my staff members reported that the gun importers recognize the United States as being the only nation which allows itself to be the dumping ground for cheap weapons. When it was suggested that the failure to license their importation might result in loss to the importer my staff member suggested that perhaps the weapons could be sold in other areas. We were surprised to learn that none of the so-called under-developed nations in South America, Africa or Asia would allow the importation of these dangerous weapons. The United States has been the only place where handguns of any description could be sold.

We believe that it is absolutely essential that these worthless and very dangerous firearms be kept out of the United States. The import restrictions in Title IV are absolutely essenial to proper gun control legislation.

Best regards.

Sincerely,

SHELDON S. COHEN,
Commissioner.

Mr. President, this is an important matter. I am pleased that the Commissioner of Internal Revenue has written this letter so that if anyone is not already aware of these facts, he will now know of the efforts being made in connection with the importation of handguns. The importers of these "Saturday night specials" are trying to flood the country with additional millions of these weapons which, when added to those already here, will be a great hazard for safety and peace on the streets in this Nation.

I had suggested on another occasion that we should move the effective date of this prohibition to a date earlier than December 15. We did not do that and I regret we did not, as do many other Members.

I think it is important that every person should know what these people are doing, even in the face of legislation passed by Congress and signed by the President. They know very well that soon they will not be allowed to bring these weapons into the country.

It is important to learn from Commissioner Sheldon S. Cohen that even the so-called underdeveloped nations in South America, Africa, or Asia would not permit this sort of thing. We appear to be the only nation in the world which allows it. I regret that we did not make the effective date of the import provisions of title IV earlier than was done. I hope we are now ready to pass a reasonable and sensible gun control law after these many years of struggling to do so.

RECESS UNTIL 2:30 P.M.

Mr. DODD. Mr. President, according to my understanding of the request by the majority leader, if no Senators wish to speak at this time, the Senate will now recess until 2:30 p.m.

Thereupon (at 1 o'clock and 17 minutes p.m.) the Senate took a recess until 2:30 p.m., the same day.

At 2 o'clock and 30 minutes p.m. the Senate reassembled, and was called to order by the Presiding Officer (Mr. SPONG in the chair).

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides under the time allocated on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, throughout the entire gun debate in the Senate it has been clear that it was not the intention of Congress to prohibit the importation of high-quality firearms by companies in this country.

As you know, the Browning Arms Co., of Ogden, Utah, is one of America's premier gun manufacturers. John Browning has made a great contribution to the military weaponry of the United States, and the company today produces some of America's finest sporting weapons. In seeking this excellence Browning has for many years had its long guns and handguns manufactured in Europe.

It has been pointed out in hearings and by the authors of gun legislation that it was not their intentions to prevent the importation of high-quality firearms by American companies. There is a great difference between the type of firearms imported by Browning and the so-called Saturday night specials.

NO INTENT TO DENY IMPORTS OF ALL WEAPONS

The difference in quality between the two types of weapons is at once obvious. The craftsmanship, design, and cost for the quality-type rifles and handguns manufactured by Browning are drastically different than these other cheap imports. The Judiciary Committee report clearly differentiates between legislation to impose controls on military surplus weapons or pot metal handguns and congressional intent to permit imports of high-quality rifles and pistols.

I wish to point out at this time that the Treasury, which is charged with the administration of title IV of the Safe Streets and Crime Control Act, has the same understanding of this matter as do the authors of gun control legislation.

REASSURANCE FROM TREASURY

Mr. President, I ask unanimous consent to insert at this point in the RECORD a letter sent to me by the Acting Commissioner of Internal Revenue pointing out that the Treasury does not interpret section 925(d)(3) of title 18 of the United States Code as applying to high-quality firearms such as those imported by the Browning Arms Co.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., May 20, 1968.

Hon. WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: You have requested to be advised of the Service's interpretation of proposed Sec. 925(d)(3) of Title 18, United States Code as contained in Title IV of S. 917 as it applies to high-quality sporting firearms manufactured abroad and imported by Browning Arms Co., Ogden, Utah.

We interpret this section as authorizing the importation of the quality sporting rifles, shotguns, and pistols traditionally imported by Browning.

As I stated with respect to H.R. 5384, before Subcommittee No. 5 of the Committee on the Judiciary of the House of Representatives on April 7, 1967:

"The bill would not, and I emphasize *would not*, preclude the importation of good quality sporting-type firearms or of military surplus rifles or shotguns particularly suitable for or adaptable to sporting use."

Sincerely yours,
WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

Mr. BENNETT. Mr. President, further, the new legislation which we are now considering does not attempt to control importation of high-quality long guns and handguns. May I also read for the Members of the Senate the language of the Senate report dealing with section 925(d). I am reading from page 38, the third paragraph from the bottom of the page:

> The Standards set forth in this subsection for the importation of firearms are designated and intended to provide for the importation of quality made, sporting firearms, including pistols, rifles, and shotguns, such as those manufactured and imported by Browning and other such manufacturers and importers of firearms.

From the Treasury letter, the report which I have just quoted, and the hearing record it is obvious; and I wish to point out that the legislative intent here is not to prevent the importation of high-quality long guns and handguns by American gun manufacturers and dealers. The intent of the legislation, and the import act specifically, is to get at the cheap surplus and other cheap handguns which are of a very different nature in quality and use than the type of long gun or handgun imported by Browning and other reputable dealers.

Mr. President, I want to make it crystal clear that I am opposed to S. 3633, and that I will vote against final passage of the proposed Gun Control Act of 1968.

POSITION ON FIREARMS LEGISLATION

I believe the second amendment of the Constitution guarantees the right of all Americans peacefully to possess and own a firearm. I am not one of those who would explain this provision away and thereby deny this constitutional right to law-abiding Americans.

I recognize that certain individuals should be denied the right to possess and use firearms by virtue of their past. Thus, individuals who are mentally deranged, who have a criminal record, or who are below 18 years of age should be carefully screened and denied the possession of firearms where necessary.

I deeply believe that gun ownership in Utah is quite a different matter than gun possession in many of our large cities and States. This fact has not been duly recognized by advocates of gun legislation.

As an alternative to restrictive gun laws, I have offered legislation calling for stiff gun misuse penalties. I have also recommended to Dr. Milton Eisenhower, Chairman of the President's Commission on Violence, that the new, strict gun misuse penalties be considered in depth by the Commission. Dr. Eisenhower has assured me this will be done.

Finally, Mr. President, I firmly believe that if registration and licensing provisions are required they must be put into effect at the State level. Such provisions at the Federal level carry long-range, inherently dangerous possibilities and, therefore, I am strongly opposed to any Federal licensing provision.

PEOPLE ARE OPPOSED TO REGISTRATION OF FIREARMS

Mr. FANNIN. Mr. President, I shall shall continue to oppose the passage of legislation designed to further restrict the rights of individual citizens in regard to the licensing and registration of firearms.

The reason is simple. The people are aroused over this additional infringement upon their constitutionally guaranteed rights and the freedom of the individual citizen to protect his home and property.

Despite the much vaunted opinion polls which allegedly show a majority favoring restrictive legislation, I have failed to find a similar sentiment reflected in the mail and other expressions of opinion I get from Arizona. Furthermore, I fail to find such sentiment in the visits and contacts I make with other parts of the Nation.

In my judgment, this battle is hopelessly ill conceived. It has its genesis in the tragic assassination of our friend and colleague, Senator Robert F. Kennedy. Yet no reasonable supporter of the bill holds that what we are being asked to pass would have prevented that tragedy. Still, somehow, they wish to link the emotion over that happening to this cause. This is a terrible misapplication.

Those who support registration and licensing as a means of restricting such crimes are not being fair with the American people. Stricter enforcement of the existing gun laws along with tougher sentences for those convicted of unlawful use of firearms is a far more direct and effective method for accomplishing this desired result. It has the much greater beneficial effect of not penalizing the honest, law-abiding citizen.

We need only to look at New York City for an example of the abridgement of citizens' rights without a corresponding accomplishment of results. New York has perhaps the toughest gun law on the books. The license fee to own a gun in New York has risen from 50 cents to $20. While a man still has the right to own a gun there, under these prohibitive restrictions he can not transport it anywhere. Yet the crime rate, and the rate of crimes employing firearms, continues to mount year by year. Criminals are free to obtain and own guns and get off with relatively light sentences while the law-abiding citizen is deprived of his rights.

A Washington newspaper recently published a picture of bank robbers caught in the act and said that if gun control laws were enacted such crimes would become much more difficult. How ridiculous. How naive. Two of the criminals in the picture were on bail or probation after having been arrested for previous crimes. Can we take seriously the contention that these criminals would not be able to get guns to perpetrate their crimes if we pass gun licensing and registration laws? Far more obvious is the fact that they would not be able to commit crimes if they were in jail serving the sentence appropriate to their crime.

There simply has been a great lack of realism upon the part of those who are supporting this legislation. They have completely overlooked the fact that there are businessmen, ranchers, stockmen and others all over the Nation who depend upon the mails for transactions necessary to their well being. The framers of this legislation have approached the problem with a broad cureall bill that will create more evils than it will possiby cure.

I ask unanimous consent that a statement by the International Association of Game, Fish, and Conservation Commissioners be printed in the Record. The statement shows that the men who are familiar with the situation as it touches the law-abiding citizen and the sportsman have good and valid reasons for opposing the pending legislation.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Tucson, Ariz., September 11, 1968.—The International Association of Game, Fish and Conservation Commissioners read with shock and dismay the statement of the U.S. Attorney General to the U.S. Senate yesterday in which he strongly urged registration of all firearms and licensing of all gun owners.

President of the International, Walter T. Shannon, today at the annual meeting at Tucson, Arizona promptly wired Attorney General Clark the deep concern of the International Association to his stated position advocating unrealistic firearm legislation.

The International, representing the 50 state wildlife conservation agencies of the Nation has long advocated the control of crime with vigorous and prompt enforcement of existing firearm laws without breaching the precious rights of law abiding citizens to own firearms. President Shannon, after reading the press story of the Attorney General's statement, observed that statistics show that of all the millions of law-abiding gun owners in America, less than 1% have even been convicted of a criminal violation with the use of a gun. He stated further "We are as deeply disturbed as anyone else about lawlessness in our land. Additional gun legislation as advocated by Attorney General Clark would endanger the rights of law-abiding citizens, with no proof or positive assurance it would accomplish the control of crime which we all seek.

"Registration of all guns and licensing of gun owners would cost the taxpayers millions of dollars that would give the enforcement agencies little more than a listing of the law-abiding gun owners of the country. Criminals will not register guns or apply for a license to own guns.

"Many law-abiding people contend that registration and licensing of guns is the first step toward confiscation of firearms and eventual disarming of law-abiding citizens. When that happens, only the criminals will have guns," Shannon said.

Mr. DODD. Mr. President, how much time does the Senator from Illinois desire?

Mr. PERCY. I desire 15 minutes.

Mr. DODD. Mr. President, I yield 15 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, for the second time during this session of the Congress, the Senate has under consideration landmark legislation dealing with the control of firearms. In my judgment, the enactment of a strong and carefully worded gun control bill would constitute a responsive reaction to some of the tragic events of the last 9 months. And I believe further that such affirmative action by the Senate would accurately reflect not only the assent of the great majority of the people of of the United States, but their desire for effective and meaningful legislation to curb the availability and use of firearms in this country. If we are to be responsive to not only the wishes but the expressed needs of the great majority of Americans, I believe that we must take strong and meaningful action on this bill which will protect all of our citizens while safeguarding the rights of gun owners as well.

Mr. President, the legislation and the amendments thereto which are presently pending before the Senate raise two clearly framed questions which we are now called upon to answer.

First, will the Senate pass effective legislation to protect and insure complete State control over traffic in firearms within its borders?

Second, will the Senate use its power to assert Federal jurisdiction over firearms traffic through firearms registration and gun owner licensing measures?

It is my view that the Senate should respond affirmatively to both of these questions. I shall outline briefly why I believe that these positive responses are necessary.

There is little doubt that we presently live in an era marked by an extraordinary amount of criminal violence. Whether in terms of absolute numbers, or in comparisons of those numbers with previous year's records—the figures on violent crimes in the United States are striking. And at the forefront of this statistical picture of violence and tragedy are the figures indicating the startling number of serious criminal offenses which involve the use of firearms. For example, during the last year, 63 percent or 7,600 of the murders in the United States were committed with a gun. Twenty percent of all aggravated assaults, a total of 52,000 such occurrences, involved the use of firearms. And in the category of robbery, nearly two-thirds of these crimes were accomplished by using firearms—the total for the year reaching 73,000. These figures become even more devastating in light of the 1967 Uniform Crime Reports statement that in the last 3 years "use of a firearm in murder is up 47 percent; in aggravated assault up 76 percent, in armed robbery up 58 percent."

But compelling as these figures may be, they should be pondered in the light of the following questions, to which precise answers are unfortunately not available:

In how many of these crimes were the effects felt by persons other than the victim—by orphaned children, widowed wives, or suddenly childless parents?

In how many of these instances of violence did the availability of a gun supply flagging courage to the perpetrator, or provide a deadly means of response to momentary rage?

And in how many of the cases where firearms were used did the precipitating event lead immediately to the purchase of a weapon under circumstances where the purchaser knew that he had anonymous and unsupervised access to virtually any deadly weapon he might desire.

That the situation today has been encouraged by a nearly complete absence of legislative control is clear. That we continue to tolerate this abdication of public responsibility in the light of such clear and demonstrable evidence about the relationship of firearms to violent crime is nearly incomprehensible.

Our Nation's lack of legal restraints against such inherently dangerous mechanisms as firearms is placed in sharp perspective by even the most cursory examination of the laws of other civilized countries. In Japan, a highly urbanized society, ownership of handguns is restricted to police officers. In the last year for which a comparison is possible, there were 37 firearms murders in Japan as compared with 4,954 in the United States. A bit of simple arithmetic reveals that, during the period under examination, the United States had 67 times the number of gunshot homicides as did Japan. If a similar correlation is pursued in other countries, such as Great Britain, Denmark, and Germany, the figures point to a similar discrepancy between these countries, which have taken steps to protect their citizens from the effects of firearms, and the United States which has taken none. It is worth pointing out that, according to a survey made by the Library of Congress of the gun laws of 30 major countries, no country has undertaken to outlaw the ownership of firearms outright. The overwhelming number of these 30 representative countries on five continents rely on registration and/or licensing provisions. The result they have achieved through these measures is a level of control of firearms violence which is vastly preferable to the situation now existent in the United States.

To some extent, our present lack of firearms control legislation might appear to be the fault of the governments of the several States. There is no question that, under our Constitution, primary jurisdiction and responsibility for the safety and welfare of the people lies with State and local governments. Nevertheless, we in the Congress cannot assuage our consciences by placing the blame for faulty gun control measures at the doorstep of the States. For it has long been clear that the increasing mobility of our citizens and their access to weapons produced and sold in States where they do not reside have severely curtailed the practical effects which individual State laws can have on the firearms problem. For example, an individual State's efforts to limit the availability of firearms can easily be defeated by citizens of that State traveling across State lines to a more lenient jurisdiction. Laws in a given State to shield citizens of that State from the effects of the availability of firearms to irresponsible or criminal elements have little effect against out-of-State residents. In short, as the fluidity of our society has increased, the need for the Federal Government to supplement local gun control measures and insure their effectiveness has increased. Thus, it is a logical first step in solving the firearms control problem that we in the Congress act to enhance the viability of the States to cope with this pressing problem.

Accordingly, the bill before us provides an opportunity to complete the task undertaken in the omnibus crime bill passed earlier this session. It does so by extending to all types of firearms and ammunition strict limitations on interstate transactions. By effectively limiting access to firearms and ammunition to the State of a citizen's residence, the ability of State governments to take meaningful action to control firearms within their boundaries will be assured. There can be little question that the addition of long guns and ammunition to the proscriptions of the interstate sales of handguns passed earlier this year is imperative.

The foregoing constitutes the absolute minimum response that I believe the present national crisis requires. But to provide even this assistance to the States in their efforts to control firearms contemplates enactment of the pending bill with its original provisions for the control of ammunition sales, its definition and treatment of so-called collectors, and its restrictions on licensed dealers. For this body not to reject the committee amendments which contemplate loopholes that would seriously cripple not only the pending bill but also the gun control provisions passed as part of the omnibus crime control bill of 1968 would do a disservice not only to those States which have enacted effective firearms control legislation but to the American public as well.

Moreover, it is my judgment that the passage of an untampered-with "minimum requirement" bill will not suffice if we are to deal effectively with firearms in the United States. The minimum provisions I have outlined are a reaction to the present situation, but they do not fully anticipate the needs of the immediate future and they do nothing to allow recovery of the time that has been lost by the failure over the years to enact effective laws. It is my purpose to urge that the Senate face up to a larger responsibility and initiate affirmative Federal action to civilize our country in the matter of firearms usage.

At the present time, there are approximately 100,000,000 firearms in private ownership in the United States—although some estimates suggest that the number is far greater. To bring these weapons or even an appreciable number of them under control will require meaningful gun registration and owner licensing laws effectively applied over a considerable period of time in every State of the Union. Since few States have such meaningful laws at the present time, it is my judgment that we in the Congress must take the first step by enacting a Federal law containing minimal standards for registration and licensing—a Federal law, however, which could be superseded and preempted by State action which would more effectively meet the particular needs of differing jurisdictions while still offering protection to the American public.

Parenthetically, I wish to indicate that I am very proud of the gun registration legislation adopted by the State of Illinois. I think it has been most forward looking. I also think the leaders of our House of Representatives and our Senate are to be commended for their diligent work.

By adopting such a statute, we can begin the movement toward an optimum system of firearms controls for the United States, a system which will include Federal, State, and local laws with the primary emphasis on placing as much authority as possible at the State and local level.

I harbor no doubts that such a system is both necessary and inevitable as our country continues to grow and to develop. The only question is when we will take the steps to begin the task of implementation. For me, the time to initiate a sensible and discriminating system of gun control for the country is now. The means are at hand in the form of Senator TYDINGS' pending amendment whose effect would be to establish the first national registration and licensing mechanism to deal with the country's growing arsenal of privately held firearms.

Mr. President, I should like particularly to commend our distinguished colleague, the Senator from Connecticut [Mr. DODD], for his great foresight and for the effective leadership he has exercised in the area of firearms control. I certainly hope the Senate will abide by much of his wise counsel, because of his expertise in this field. I know that I have benefited greatly by listening to his arguments and his analysis of this problem.

Mr. President, it would ignore the obvious to suggest that the registration and licensing of firearms are equally acceptable to all our citizens. They are not. The amendments to the pending bill which I shall support will affect not just the irresponsible, unqualified, or incompetent whose access to firearms we seek to curb. Registration and licensing will also impose an inconvenience on a great number of citizens who now own or will own firearms, and whose rights and qualifications to do so have not been and cannot be seriously questioned. Many of these people argue that the registration and licensing of firearms constitute a vague plot to strip them of their weapons. At best, they view such legislation as a governmental intrusion which will cause them unnecessary inconvenience and necessitate the expenditure of funds both to obtain a license and to register each firearm.

I find little merit in these contentions.

To suggest that minimal registration and licensing controls will presage eventual confiscation of all firearms by the Federal Government is akin to suggesting that flood control projects have as their eventual design the upstream damming of all rivers. If the people have no more confidence in their elected representatives to apply measured remedies to serious problems than the conspiracy argument against the Tydings amendment would suggest, the Congress would be foreclosed from realing with any difficult national problem. I cannot conceive that we must view this argument as a serious impediment to passage of the amendment.

Turning now to the contention, regarding inconvenience and expense, I believe that these arguments are without substance. I have no hesitation in asking all gun owners—and I am one—to bear the mild burden which the Tydings amendment imposes on behalf of the general public safety. To reverse the trend of tragedy suggested by the crime statistics, to spare some known or unknown fellow citizen the expense, pain, or loss from an indiscriminate shooting, to make the country safer for men and women to live and work and run for political office, these are goals worthy of some relatively slight inconvenience on the part of all of us. Moreover, the system of licensing and registration set forth in the Tydings amendment will not produce any new expense for the gun owner. He can procure a Federal license and register his firearms free of charge.

Mr. President, I am hopeful the Senate will respond to the challenge now before us and pass an effective, forward-looking response to the problems caused by an increasing number of firearms in the hands of private persons and an increasing propensity on the part of too many of these persons to use those weapons.

In conclusion, Mr. President, I believe I not only speak on behalf of the citizens of Chicago and of the State of Illinois, but on behalf of the citizens of Washington, D.C., because I think with proper control and registration of firearms, we could have prevented a gunfight and juvenile shooting a block from my home in Georgetown on a recent Monday night. We could have also prevented the impulse murders of two Marine Corps officers the next night, as they were eating in a sandwich shop six blocks from my house.

This indiscriminate use of firearms must stop; and this is the time to start to take action toward that end.

The PRESIDING OFFICER (Mr. SPONG in the chair). Who yields time?

Mr. DODD. Mr. President, I thank the Senator from Illinois. I am grateful for his contribution to this debate, and I thank him for his kind remarks with reference to me.

Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I wish first to congratulate the distinguished junior Senator from Illinois for his fine statement. In reference to the murders he referred to in Georgetown near his home, let me say those murders occurred, one of them 2½ blocks from my house, and the other about 3½ blocks away.

Murder has become a way of life today, if one may speak ironically, in too many places; and it is too casually accepted, both as portrayed on television and radio and when it actually occurs. The failure to apprehend and convict are too frequent; and murder with weapons occurs all too often—with weapons which often are difficult to trace, or which have been acquired under illegal conditions.

The State Firearms Control Assistance Act of 1968, S. 3633, has two basic objectives. It would prohibit the interstate mail-order shipment of firearms, except between licensed dealers and prohibit the over-the-counter sales of firearms to nonresidents of a State where the transaction takes place. Thus, the bill would extend to rifles and shotguns those restrictions imposed on handguns by title IV of the recently enacted Omnibus Crime Control and Safe Streets Act of 1968.

I cosponsored the State Firearms Control Assistance Act and I believe it is sound legislation. It is intended to make State gun control laws as effective as possible. Presently there are two principal ways that a person who is ineligible in his own State to buy a weapon evades his State's laws: He buys the weapon by mail, or he buys it in another State. In both cases, authorities have no practical way to insure that people ordering firearms are eligible to possess them under their own State's law.

By thus plugging up these "mail-order sales" and "nonresident sales" loopholes, the State Firearms Control Assistance Act of 1968 represents an effort to make State gun control laws as fully effective as possible. This is essential if States having gun control laws are to be able to enforce them effectively.

As reported by the Senate Judiciary Committee, the State Firearms Control Assistance Act (S. 3633), was amended so as to incorporate a number of exceptions to coverage that are inconsistent with the bill's basic objectives, and which substantially endanger its effectiveness.

The four weakening amendments which I believe especially should be rejected by the Senate—and I objected to their acceptance as a part of the pending bill—are in the following areas:

First. Ammunition controls: The committee language substantially weakens the ammunition control provisions of the bill. The controls in the bill as introduced are minimal, in that they regulate only the interstate mail-order sale of ammunition and prohibit over-the-counter sales to juveniles, convicted felons, persons under indictment, fugitives from justice, and persons ineligible to purchase ammunition under State or local law.

I submit, what is wrong with that? The amendment adopted by the Senate Committee on the Judiciary should be rejected because it does these further things: It exempts ammunition controls for approximately 90 percent of all firearms; it exempts ammunition that is frequently involved in crimes of violence; and it fails to prohibit the sale—whether by mail order or over the counter—of rifle, shotgun, and .22 caliber rimfire ammunition to known juveniles, felons, fugitives, indicted persons, certain defined categories who should not have weapons.

It excludes from coverage ammunition of the type that killed President John F. Kennedy, Dr. Martin Luther King, Jr., Senator Robert F. Kennedy, and Medgar Evers, to take but a few examples.

That kind of ammunition would not be covered under the amendment adopted by the committee. I am opposed to the amendment being reintroduced and agreed to by the Senate.

Second. Standards for licensing dealers: The committee provisions changing the substantive standards for the issuance of a license are objectionable.

The basic scheme of the act will be substantially frustrated if these provisions so loosen the standards for issuance of a dealer's license that a person who does not conduct commercial operations may qualify for a license. The Treasury Department has determined that in the past one out of every four dealers' licenses have been obtained by persons not engaged in the firearms business, and who obtained licenses primarily to avoid restrictions placed upon unlicensed persons. If this same practice were again made possible by the Senate Judiciary Committee amendment, the basic provisions of the bill could be circumvented by persons who are not bona fide dealers and who are purchasing firearms solely for their personal use.

Third. Contiguous State: This amendment permits over-the-counter sales of rifles and shotguns by licensed dealers to residents of contiguous States if the contiguous State permits such sales "by law" and the sale fully complies with the firearms laws of both States involved, and the dealer sends to the chief law enforcement officer of the purchaser's residence 7 days prior to delivery an affidavit of eligibility to purchase. The amendment exempts a substantial number of out-of-State transactions from the requirement that delivery be completed through a licensed dealer in the purchaser's State of residence.

The amendment is objectionable because it would create significant enforcement problems. The purpose of S. 3633 is to channel commerce in firearms into the State of the purchaser's residence, and thereby subject the transaction to the regulatory jurisdiction of the only State that has an interest in who has firearms within its borders. The contiguous State amendment would create a significant gap in this scheme.

That is a gap which a criminal would, of course, be the first to exploit. Thanks to many decisions, our criminals are the best informed of our citizenry frequently as to the fissures in the law, whether the fissures have been opened in Congress or elsewhere.

Fourth. Licensed collectors: This amendment authorizes the Secretary of the Treasury to issue a "collector's license" to persons who acquire, hold, or dispose of firearms or ammunition "as curios or relics." Persons who receive such licenses are exempted from virtually every control of the act.

One can refer to the brace of arms of 1860 vintage which my great grandfather carried in the War Between the States when he sought to overthrow the Government by force and violence. I would have no objection to informing the Government of my possession of that brace of arms. I have these two antiquated weapons, and I regard them as curios.

The amendment is objectionable because it is couched in vague language of unclear effect. What is a "curio" or "relic"? Is any firearm a "curio or relic" solely because a "collector" says he wants to acquire it as such? By what standards is the Secretary to determine who is a "collector"?

No need has been demonstrated justifying such a potentially major exemption. Every crook and criminal and gunman would immediately become a "collector." S. 3633 as introduced imposes no unreasonable burden on collectors of firearms. Antique firearms are already exempt from the act. That is the main point. Antique firearms are already exempt from the act. But an odd-ball firearm such as certain of the Belgian weapons, for example, using various caliber of shells, is not necessarily an antique firearm. It might have been made in the last 5 years. However, it might well be a curio. There is no special privilege in being shot down by an ivory handled, gold-inlaid weapon of the Belgian type, of which there might be only 100 in the country. If a person were apprehended with such a weapon, he would be quick to say that it was a curio or a relic and that no guilt would therefore lie. For collectors of modern firearms, S. 3633 simply requires that delivery be accomplished through a licensed dealer in the collector's State of residence.

I might add that during consideration of this measure, the Senate Judiciary Committee adopted several amendments which will strengthen this measure and serve to make it more effective. These amendments had my support in committee and will have my support when we vote on this important measure.

I am not in favor of taking guns away from people who legitimately have a right to use them for legitimate purposes; for hunting, for protection, for agricultural purposes, or for such other perfectly proper uses as may be cited. Nor does the pending bill seriously impinge on this right. The bill has been widely misunderstood and misrepresented by both sides. The purpose of the debate is to clarify the matter and get down to the clear issues.

The need for effective and enforceable firearms control legislation is all too well documented. This matter has been extensively considered by congressional committees and in congressional debate. Moreover, this issue has been investigated by the President's Commission on Law Enforcement and Administration of Justice and the President's National Advisory Commission on Civil Disorders.

However, even a reading of these materials and the harsh statistics that are available cannot convey the sense of deep, personal tragedy that confronts numerous families throughout our Nation who have had a member killed or maimed by criminal or irresponsible use of guns. It is my belief that adequate firearms legislation can be enacted to aid law enforcement without unduly interfering with many law-abiding Americans who make legitimate use of firearms.

But on this bill, action has been too long delayed already. The country is ready for this bill, the citizens of this country are ready for this bill, and I believe the House and the Senate are ready for this bill. Let us not, therefore, Mr. President, delay action any longer.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. LAUSCHE. The Senator has stated that under the mail-order ammunition exclusion change in the bill, 90 percent of ammunition sold across State lines will be exempted. The exemption is given to ammunition used in rifles and shotguns and also in all .22 caliber rimfire ammunition.

What is the reason given for the exclusion from the ammunition provisions of the law of the type of ammunition I have just identified?

Mr. SCOTT. Perhaps the Senator from Ohio should ask that question of someone who is interested in the exclusion. I do not, myself, see any reason for the exclusion of those kinds of ammunition, which have figured in the most notable assassination records of our time. So I cannot say. I opposed it in committee, as I opposed it on the floor.

I do not see any reason for saying, "You can have a gun and there will be certain kinds of reporting on the gun, but you have no restrictions on ammunition. You can buy all the ammunition you want."

Mr. LAUSCHE. The Senator's position is that it should apply to .22 caliber guns and rifles and shotguns?

Mr. SCOTT. Yes; although, as I have said, I would not do anything which impinges on the right of any person legitimately to own a shotgun or a rifle if it is registered and/or licensed, as the case may be, when we get through with this bill. I would not impinge on the right of a farmer to protect his property or to protect himself against predators, two-legged or four-legged, nor would I impinge on the right of a householder to own a weapon. But I do think we should have means by which to control the sale and use of weapons.

Mr. LAUSCHE. Dealing with the weakening of dealer standards: Under the bill originally submitted, a dealer was defined to be one who had business premises for the conduct of the business. The substitution requires only that the dealer have premises from which he conducts business.

Will the Senator explain what in his opinion is the weakness of requiring the dealer only to have premises from which he conducts his sales, as distinguished from having a business place where he conducts his sales?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, will the Senator from Connecticut yield me 2 additional minutes?

Mr. DODD. I yield 2 additional minutes to the Senator from Pennsylvania.

Mr. SCOTT. The purpose of the original bill was to make sure that a dealer be so defined as to permit the enforcement official to identify a dealer as one who is a bona fide dealer, operating business premises from which he sells guns and ammunition. But if one would want to be a fake dealer and would want to use a phony provision, such as I believe this amendment is in effect—although perhaps not in intent—he could simply pay $10 and call himself a dealer, and his business premises could be his residence.

In other words, a bona fide dealer has a place where one can go to see the gun, where the dealer offers his goods for sale. A non-bona fide dealer is simply somebody who is willing to pay $10 and otherwise escape the provisions of the act.

Mr. LAUSCHE. I thank the Senator.

Mr. SCOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes from the time allotted to the opponents of the bill, in order to respond to the inquiry of the Senator from Ohio as to why the committee-reported bill excludes rifle, shotgun, and .22 caliber rimfire ammunition.

I invite the attention of the Senator from Ohio to the comments found in the RECORD of July 17, 1968, at page 21824, beginning at the fourth full paragraph thereon and extending to the end of the quotation from the hearings of the Senate Subcommittee To Investigate Juvenile Delinquency.

In that passage will be found the reasons and the rationale for excluding this type of ammunition.

Mr. President, pistol ammunition has been the statutory object of regulation ever since 1938. It has never been enforced. It cannot be enforced.

When Mr. John W. Coggins, chief counsel's office, Internal Revenue Service, was asked about this in December of 1963, he said this:

> It has been found impracticable to effectively administer the provisions of the Federal Firearms Act relating to ammunition.

When Mr. G. D. Belin, general counsel of the Treasury Department, made a statement on November 14, 1963, he said, among other things:

> Ammunition is not serially numbered and is very hard to identify. These factors make those provisions of the Act relating to ammunition impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in law enforcement.

Mr. President, I ask unanimous consent that the passage I have just described, on page 21824 of the RECORD of July 17, 1968, be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Mr. Chairman, I believe it will be instructive if the members of the Committee will look at the definition section of this bill, specifically at the bottom of page 8 and the top of page 9, where they will find, under subsection (16), the following language:
>
> "The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellent powder designed for use in any firearm."
>
> What is proposed to be covered in the ammunition section of this bill is every single item of ammunition plus every component part except shotgun pellets.
>
> Compare this definition with the definition in the omnibus crime control bill, Public Law 90–351, which became law June 19 of this year. Section 921(a)(16) of that law reads as follows:
>
> "The term 'ammunition' means ammunition for a destructive device; it shall not include shotgun shells or any other ammunition designed for use in a firearm other than a destructive device."
>
> Also, Mr. Chairman, the law of the land is set forth in the Federal Firearms Act of 1938. There we find still a different definition of ammunition. Section 901(7) of the Federal Firearms Act defines "ammunititon" as follows:
>
> "The term 'ammunition' shall include only pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition."
>
> One may wonder how it is going to be possible to effectively administer three different laws containing ammunition controls with three different definitions of what ammunition is covered by the law.
>
> How does this occur, Mr. Chairman? I suggest it comes about because no meaningful hearings have been held by any committee or subcommittee of the Congress of the United States on ammunition control legislation since 1957.
>
> Oh, yes, there were some sketchy hearings that were conducted in the other body several years ago, and again last year.
>
> Let us take a look at the transcript of the 1963 hearings. We find that Mr. John W. Coggins, Chief Counsel's office, Internal Revenue Service, Treasury Department, testified before the Committee on Commerce of the other body on December 18, 1963, as follows:
>
> "It has been found impracticable to effectively administer the provisions of the Federal Firearms Act relating to ammunition."
>
> Mr. G. D. Belin, general counsel of the Treasury Department, in a statement dated November 14, 1963, and filed with the Com-

mittee on Commerce of the other body stated that it was found impracticable to effectively administer the provisions of the Federal Firearms Act with respect to ammunition. Mr. Belin explained certain proposed amendments to the act which completely excluded ammunition from its coverage. In the technical explanation of these amendments, attached to his statement, the following appears:

"Ammunition is not serially numbered and is very hard to identify. These factors make those provisions of the Act relating to ammunition impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in law enforcement."

Mr. Chairman, in view of the statements of these officials of the U.S. Treasury Department with respect to the inclusion of ammunition in the coverage of the Federal Firearms Act, I find little or no merit in broadening the definition of ammunition as now proposed in the current legislation. Rather, I agree with them that ammunition other than ammunition for destructive devices, pistols and revolvers, should be removed completely from the coverage of H.R. 17735.

Is it wise to legislate ammunition controls now without hearings and proper consideration by our Judiciary Committee and without the careful observance of those legislative processes which produce good legislation? I think not, and in this connection I call your attention to the following portion of the hearings transcript of last year on the so-called Dodd bill conducted in the other body—page 425, hearings before the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary, U.S. Senate, first session 90th Congress:

"Chairman Dodd. The bill does not cover ammunition.

"Senator Church. Well, it covers dealers with guns and ammunition, and most of these dealers do carry both.

"Chairman Dodd. I think a careful reading will indicate that we really do not include ammunition. We went all through that a couple of years ago, and I think it was unanimously decided that because of the cases you cite, the small crossroads dealer, we would eliminate ammunition.

"Senator Church. Most of these dealers in my State, Mr. Chairman, will carry a shotgun, a .22 rifle, three or four guns, and a small ammunition supply. As such, I would think they would be covered under the provisions of the bills now being considered by the committee.

"Chairman Dodd. I think this legislation does not cover the ammunition. Perhaps that should be spelled out, but I feel it was not our intention to include ammunition.

"Senator Church. I am happy to know that, Mr. Chairman."

Mr. HRUSKA. Furthermore, in the 1967 hearing before the Subcommittee on Juvenile Delinquency, we have colloquy between the Senator from Idaho [Mr. Church] and the chairman of the committee, the Senator from Connecticut [Mr. Dodd], bearing on this very point. I ask unanimous consent that an excerpt thereof, on page 425 of those hearings, be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senator Church. Mr. Chairman, my reference to licensees has especially to do with very small dealers in the countryside who carry a few guns and a little ammunition as a side item. I am only concerned that we be careful not to lift the license fee so high, or to impose other paperwork and reporting requirements so large as to simply make it too burdensome for these dealers to continue the line.

I say that because so many Idaho people depend upon these country stores for their ammunition supplies and there is very little profit in it for the stores. Some of them, I think, would find, if the committee were to choose to adopt license fees that would impose a serious burden on the small dealers, then I can see many of them simply quitting the line, and a great many citizens of my State would then have to sometimes travel a hundred miles or more into a larger city in order to get ordinary ammunition supplies for their guns.

Chairman Dodd. The bill does not cover ammunition.

Senator Church. Well, it covers dealers with guns and ammunition, and most of these dealers do carry both.

Chairman Dodd. I think a careful reading will indicate that we really do not include ammunition. We went all through that a couple of years ago, and I think it was unanimously decided that because of the cases you cite, the small crossroads dealer, we would eliminate ammunition.

Senator Church. Most of these dealers in my State, Mr. Chairman, will carry a shotgun, a .22 rifle, three or four guns, and a small ammunition supply. As such, I would think they would be covered under the provisions of the bills now being considered by the committee.

Chairman Dodd. I think this legislation does not cover the ammunition. Perhaps that should be spelled out, but I feel it was not our intention to include ammunition.

Senator Church. I am happy to know that, Mr. Chairman.

Mr. HRUSKA. At one point, the chairman, the Senator from Connecticut, said:

> I think a careful reading will indicate that we really do not include ammunition. We went all through that a couple of years ago, and I think it was unanimously decided that because of the cases you cite, the small crossroads dealer, we would eliminate ammunition.

There are valid and solid and sound reasons to take it out, including the impracticality with respect to many millions of hunters and other lawful users getting the ammunition.

That is the basis of the rationale, and I am sure that if the Senator from Ohio and other Senators will read the excerpts to which I have referred, they will become convinced of the same thing and insist upon the inclusion of the amendment to the bill as reported by the committee.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. LAUSCHE. I should like to hear the view of the Senator from Nebraska with respect to the claim that the dealer's standards have been weakened when permission is given to a person who has no place of business but probably operates from his room or his home in the selling of guns.

Mr. HRUSKA. That gets into another subject. I do not believe any hard and fast requirement will attach to that. We should cross that bridge when we come to it.

Mr. President, I am ready to stand by the language of the bill reported by the committee in that regard. That should be the burden on those who want to go beyond the language of the bill as reported by the committee to sustain any argument.

Mr. DODD. Mr. President, I would like to give further information to the Senator from Ohio, because I do not think it has been pointed out that when this bill was originally introduced it did have a provision prohibiting the mail-order sale of all ammunition. That is an important distinction. It also prohibited the sale of ammunition, other than for rifles and shotguns and for the sale of rifle, shotgun, and handgun ammunition to juveniles. These are important distinctions. It also required licensing of all ammunition dealers on the theory that effective gun control legislation cannot be had if only the gun is regulated and not the ammunition. That distinction should be pointed out. That is the real difference between the language of the bill as amended and as originally introduced.

Mr. HRUSKA. Mr. President, I rise in support of the pending bill, S. 3633, as reported to the Senate by the Judiciary Committee, of which I am privileged and fortunate to be a member. It is a bill "to provide for better control of the interstate traffic in firearms."

Although there are features of the measure which I could not support if they stood alone, on the whole the bill is a well-balanced and meaningful revision of existing law. As with any other comprehensive legislative proposal on a highly controversial subject, there are pluses and minuses—good points and bad points—which must be considered, weighed, and resolved into an overall balance of desirability or nondesirability. The balance is in favor of passage of the bill in its reported form, in my judgment, and therefore it will receive my support unless it is substantially changed by amendment.

In debating and acting on this bill, the Senate for a second time in this session of Congress engages in consideration of a firearms control measure. The pending bill is designed to be a substitution for the measure, Public Law 90–351, which the President signed into law last June, but in this proposed substitution there is found, not only a retention of many of that law's provisions, but substantial extention and revision thereof.

For example, it extends the prohibition of mail-order sales to rifles and shotguns; it provides a presale affidavit and notification procedure for handgun and long gun sales when a purchaser is not personally present; it adds a new title II which embraces revision and modernization of the present statutes on destructive devices, machineguns, automatic rifles, sawed-off rifles and shotguns, bazookas, rockets, and the like. This new title II is proposed as a substitution for the National Firearms Act of 1934 and some related statutory provisions.

Mr. President, the pending bill contains many features. It is lengthy, containing 62 printed pages. It is highly technical in some of its aspects, and at times somewhat necessarily involved in its provisions. Taken as a whole, it is a comprehensive revision and modernization of existing Federal firearms control legislation.

To illustrate the thoughts just uttered in describing the bill, Mr. President, permit me to set out in somewhat technical terms a part of the parliamentary or amendatory procedure presented.

On June 19 of this year, the President signed into law Public Law 90–351, which is cited as "Omnibus Crime Control and Safe Streets Act of 1968." Title IV thereof, designated as "State Firearms Control Assistance" constituted title IV of S. 917, which had been approved by the Senate as an amendment to previously House-enacted legislation. On June 6, the House agreed to that amendment, and the bill was sent to the President for signature.

By its terms, the Federal Firearms Act of 1938 was repealed. Much of the subject matter of the 1938 act was retained, but was extensively revised and amended. The end product—title IV—was then transferred to and inserted in title 18, United States Code, in the form of a new chapter, chapter 44.

S. 3633, presently being considered, seeks three objectives: First. Substitution of the text of its title I, "State Firearms Control Assistance," for and in the place of chapter 44, title 18 of the United States Code, already referred to. Second. Enactment of its title II, "Machine Guns, Destructive Devices, and Certain Other Firearms" as a substitute for the National Firearms Act of 1934, popularly known as the "Machine Gun Act." In the proposed title II, there are also found amendments to related sections of that act of 1934. Third. Enactment of title III to amend the definition of felony as now found in section 1202(c)(2) of the "Omnibus Control and Safe Streets Act of 1968," Public Law 90–351.

Again, it is submitted that the pending bill is long, complex, and technical; and necessarily so. In fact any bill with similar objectives of updating and revising present firearms control statutes would possess such attributes.

Many persons who clamor loudly and with ease for "strict gun laws" are perhaps not aware that statute books already contain many laws of decades duration, but of relatively minimal effectiveness; that there are numerous decisions and regulations in existence. Even more of such persons have never read the text of any proposed measure, nor even an adequate summary; many have no idea as to the background presented by the highly divergent conditions and circumstances prevailing in the 50 States which bear upon the acceptability, workability, and enforcibility of a single, Federal statute on the subject.

Mr. President, legislation such as this demands more than a recital of the horrifying, terrifying statistics of crimes committed by misuse of guns, and the conclusion therefrom that a law must therefore be enacted.

The goal of keeping guns out of hands of the wrong persons—those who misuse them—is easy to state, but very difficult to achieve. It is not a matter of just passing a law—any law—and awaiting automatic achievement of its declared objectives. No law can be passed which will result in disappearance of the gun, or even any appreciable reduction in the numbers of guns. This Senator knows of no reasonable proposal to achieve such a result. This Senator believes that no Federal registration or licensing of guns can be enacted into law, would have any substantial impact on the enforcing of the law by way of reduction of gun crimes. Regardless of any law, first, the many guns in existence will remain a fact; and second, millions of guns will continue to be made and sold annually. Hence, any law passed must be one geared to meet these stubborn facts, and which will be capable of an effective impact, to prevent or even significantly reduce the incidents of misuse of guns.

Hence, as jarring, lurid, and tear-jerking an emotional reaction as any recital or repetition of deplorable gun crimes may produce, the fact remains that such a recital and those repetitions are not the issue. Everyone deplores them, this Senator no less than anyone else in the world. From the inception of the debate on gun control legislation many years ago I have recognized that while increased misuse of guns makes revision and updating of existing legislation, vital and urgent, the real issue before us is what kind of measure should be adopted.

The individual views of Senators DIRKSEN, HRUSKA, THURMOND, and BURDICK on title IV of the omnibus crime control bill (S. 917) stated, in part:

> The need for updating federal legislation regulating firearms is generally recognized. The issue is not whether a bill on this subject be enacted, but rather what kind of measure should be adopted.
>
> The National Firearms Act dealing with destructive devices and popularly known as the "Machine Gun" Act, was enacted in 1934. The Federal Firearms Act dealing with firearms for sporting purposes was enacted in 1938.
>
> No general revision or comprehensive amendments have been made since original enactment. The passage of time as well as the vast and alarming increase in crime combine to make it necessary that updating be made of both Acts.

This Senator subscribes again to the tenor of such declaration. It is my belief that S. 3633 is a bill which will increase Federal activity and authority in this area hopefully with a good effect. In the area of control of commerce of firearms in truly interstate commerce and the Federal licensing provisions more keenly adjusted to enforceable status, much progress will be made toward enforceable, and truly workable control. Much progress will follow also, because the commerce of gun shipments across State lines will be so regulated as to better enable States and municipalities to enforce their own laws on this subject. It is in State and municipal jurisdictions that resort must be had in such enforcement to keep guns out of the hands of the wrong people, and to prevent their misuse as much as possible. Federal authority cannot exercise such police power effectively. Federal authority should be limited to aspects of regulating interstate commerce in such a manner and degree as to better enable States and cities to carry out their responsibilities.

It is to this concept that the pending measure addresses itself. It succeeds in making a good case toward achieving this concept to a degree such as to warrant support and approval by the Senate. It is in this frame of reference and for these reasons that this Senator supports the bill. I hope it will be approved.

To the extent that any amendments which may be proposed will tend to violate or dilute this concept, they will have my opposition.

GENERAL PROVISIONS OF S. 3633

S. 3633 can be said to embody the substance of three of the President's recommendations for firearms control legislation. In each instance however, the Judiciary Committee has seen fit to modify those recommendations in significant fashion. The pending bill does not, however, contain the President's proposed gun bill number 4—which seeks Federal registration and licensing of all guns and gun owners.

TITLE I

First. This title prohibits interstate mail-order sales of long guns as well as hand guns to individuals. Public Law 90-351 enacted last June applied this prohibition only to hand guns.

Second. This title also prohibits over-the-counter sales of all firearms to non-State residents other than licensed dealers, with the following exception: a person, who is otherwise eligible, may purchase a rifle or shotgun from a licensed dealer in a State contiguous to such buyer's State, provided such a transaction is legal in both States; and, that compliance is had with prescribed presale affidavit notice and procedure. Such procedure includes for a delay in delivery until a proper buyer's affidavit is filed with the seller, and suitable notice is served on the principal law enforcement officer of the buyer's locality.

Third. Licensed dealers may not sell any firearms to anyone under 18 years of age; and may not sell any firearm other than a shotgun or rifle to anyone less than 21 years of age.

Fourth. Ammunition is subject to the sales regulation, but it is limited only to ammunition for a destructive device and pistol or revolver ammunition. It does not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22-caliber rimfire ammunition.

Fifth. Interstate mail-order sales of firearms are made subject to the presale affidavit notice and procedure already referred to as applicable to non-State residents.

Sixth. Penalties for violation are increased from a maximum of $5,000 or imprisonment for not more than 5 years, or both, to a fine of not more than $10,000, or imprisonment for not more than 10 years, or both, and is on the basis of the indeterminate sentence.

Seventh. The bill carries over from the law enacted last June, the prohibition of sales by licensed dealers to certain categories of persons, such as those who would be in violation of State or local law from making such purchase; persons who are fugitives from justice, under indictment, or who have been convicted in any court of a crime punishable as a felony.

Eighth. The bill contains a carryover of last June's law in regard to revision of qualifications duties and responsibilities of licensed importers, manufacturers, and dealers; but with some amendments thereto bearing on procedures for appeal in instances of denial or delay in granting a license or in cases of attempted revocation of licenses.

TITLE II

Title II of the committee reported bill is an amendment offered by this Senator to revise, modernize, and expand the National Firearms Act of 1934. It contains the provisions, with a few minor technical changes which have been agreed to by the Treasury Department, of the administration proposal which was sent to Congress on June 12, 1968, but has not yet been introduced in either House of Congress.

The amendment has three major features:

First. It modernizes and revises the National Firearms Act.

Second. It extends the scope and coverage of the national act to include the so-called destructive devices, rockets, bazookas, antitank guns, and the like.

Third. It attempts to accommodate the requirements on registration set down by the Supreme Court in its recent decision in the Haynes case.

The revision and modernization of the national act is much needed. The act has been in operation for more than 34 years and is in need of streamlining and updating.

There is universal agreement that rockets, bazookas, antitank guns, heavy field artillery, and the like should be strictly controlled, for there are no legitimate sporting uses for these weapons. Since 1934, automatic weapons such as machineguns and sawed-off rifles and sawed-off shotguns have been effectively regulated by the imposition of Federal registration and heavy transfer taxes—$200—on each sale or transfer of these weapons. Under the Hruska amendment, destructive devices would be placed within this regulatory framework. This amounts to a significant expansion of the concept of Federal registration. However, sporting rifles, shotguns and handguns would not be affected in any way by this amendment.

The new section 5848 of title II attempts to overcome and respond to the requirements of the Supreme Court in the recent Haynes decision. Testimony by the Commissioner of Internal Revenue before the Juvenile Delinquency Subcommittee in its recent hearings indicated that since the Haynes case was decided, about one-third of the prosecutions under the National Firearms Act have been adversely affected. This provision is designed to meet the requirements of Haynes, but yet retain an effective system of Federal registration of these gangster-type weapons.

PRESALE AFFIDAVIT AND NOTICE PROCEDURE

Because this procedure is used for intrastate sales and contiguous states sales the following additional comment is in order.

The new section 922(c) requires that, for mail-order sales not otherwise prohibited by the chapter, the individual buyer must submit to the seller a sworn statement attesting to his competence to purchase the firearm and reciting the essential facts of the transaction. The dealer must then submit a copy of the statement to the buyer's local law enforcement official and wait at least a week before making delivery. If the official does not send an objection and if it then appears that the transaction would not be in violation of applicable Federal, State, or local law, the dealer may complete the sale.

This amendment, which was the essential regulatory approach of Senator HRUSKA's bill of earlier this year—S. 1853—would have primary applicability to the so-called intrastate mail-order sales. S. 3633, as introduced, does not prohibit these transactions. However, certain other requirements would be placed on the dealers for these transactions. By the addition of the affidavit procedure, more effective control and regulation of these sales will be possible. Local police will be given timely notice of an intended sale and opportunity to make a check. The dealer, if he complies with the simple requirements of the procedure, will be fully protected from Federal criminal liability. The buyer, on the other hand, will retain his ability to purchase firearms from a wide variety of commercial sources in his own state rather than just a few dealers in his own locality.

PENALTY PROVISIONS

Section 924 of title I of the committee bill contains an amendment offered by this Senator to increase the maximum penalties for violation of the law from a $5,000 fine and 5 years' imprisonment to a $10,000 fine and 10 years' imprisonment. However, convicted offenders shall become eligible for a parole as the Board of Parole shall determine. This amendment substantially increases the maximum penalties for violation of the act but retains flexibility in the hands of appropriate Federal correctional officials to deal with those who show a substantial potential for rehabilitation. On the other hand, those who should be removed from society can be for a substantially longer period of time than would otherwise have been possible.

This amendment, which represents modern trends in penology, is much preferable to the approach which would convert all gun crimes to Federal offenses and make convicted offenders serve minimum mandatory prison sentences no matter what the circumstances of the offense or the character and nature of the offender might be.

IMPORTS

S. 3633, as did its predecessor title IV of the Omnibus Crime Control Act, contains undue and unnecessary restrictions on imported firearms. There is nothing inherently evil in a firearm by reason of its place of manufacture or its price. As with its domestic counterparts, imported firearms, both new and used, can be obtained in a wide range of quality and price. For more than a decade the New England firearms manufacturers have attempted, through a variety of means, to eliminate or reduce import competition. Until the enactment of title IV of the Omnibus Crime Control Act, these efforts were unsuccessful. In title IV and in S. 3633 as reported from committee, imported firearms will be subjected to special restrictions and in some cases embargoes. It is strongly felt that domestic crime control legislation is no place for protectionist views on foreign trade matters. At least seven nations have formally protested to the State Department that provisions of title IV dealing with imports violate commercial trade treaties and conventions, particularly the General Agreement on Tariffs and Trade—GATT.

Imported firearms should be subjected to the same restrictions, regulations, and requirements as all other firearms. If properly enforced, those provisions will do much to prevent misuse of all firearms without resort to protectionist practices.

Again, a gun is not evil per se because it was manufactured abroad or in some cases it is cheaper than a gun of similar quality manufactured in the United States. Therefore, an attempt is being considered to eliminate these discriminatory provisions when the bill comes up for consideration on the Senate floor.

As I mentioned earlier, this bill is not entirely as I would like it to be, however, I believe the good points outweigh the bad. In balancing the merits I will support this bill as reported.

The **PRESIDING OFFICER**. Who yields time?

Mr. **MORSE**. Will the opposition to the bill yield to me for 5 minutes?

Mr. **HRUSKA**. I yield 5 minutes to the Senator from Oregon out of the time of the opponents to the bill.

Mr. **MORSE**. Mr. President, I think it is very appropriate that I make this brief statement at this point in the debate on the bill, giving a quick summary as to why I shall oppose the bill and all amendments to it, including the so-called perfecting amendments.

I have gone through the perfecting amendments and I think we have here the carrot approach. There are a great many indications that many of the perfecting amendments are softening amendments aimed at beguiling opponents of the bill to vote for them in hope that they will then vote for the bill on final passage. This is what I call the carrot approach in an attempt to win votes for a modified bill, amendment by amendment, by still leaving at the end of the amending process a very bad bill. I do not propose to add any of these carrot amendments. I am opposed to the basic premises of the proposed Federal gun control legislation and the so-called carrot amendments that are being offered by the committee do not change the basic unsoundness of the bill.

I have come to the conclusion that the Federal gun control legislation before us is unsound constitutionally. It is unsound as a matter of public policy. It is unsound because it invades important rights of individual privacy. It is unsound because it will not produce the reduction of crime claimed for it by its proponents. It is unsound because it proposes to extend Federal police powers over important phases of the administration of criminal justice which should be left to the States.

Mr. President, I shall vote against all amendments to the bill both in the nature of form and substance. I shall vote against amendments minor or major. This gun control legislation should be defeated and I shall not help soften it by amendments. I am not convinced on the record made in support of this federal control legislation. I do not think it belongs within the purview of the Federal Government at all. I do not intend to vote to give this kind of jurisdiction to the Federal Government. I am for legislation that will do something effective about the crime problem in this country. This legislation, in my judgment, will not do it and I do not think its proponents can substantiate their claims that Federal gun control legislation in some way is going to reduce the crime rate in this country.

In fact, Mr. President, I think Federal gun control legislation of the type proposed here today will cause criminally motivated people bent on committing crime with the use of guns to commit crimes to obtain guns in the first instance in order to obtain them with which to commit crimes.

As I have listened to the arguments for Federal gun control legislation over the months, read the hearings and debates in the Congress on the subject, listened to the demands of editors, news commentators and spokesmen for many groups urging Federal gun control legislation, I have been impressed that most of them argue from false assumptions. They assume that the mere passage of Federal gun control legislation is going to result in the obedience to carry out that particular statute by the criminal elements of the country.

They overlook the fact that it is the criminal we must deal with and the causes of crime which have made him a criminal, rather than what I consider to be a very superficial substitute for checking his criminal behavior; namely, the passage of Federal gun control legislation.

Mr. President, one only has to look at the records of the States that do have strong gun control legislation and there will not be found the results the proponents claim support their allegations.

We should be passing legislation that does something about the court system in this country; something that would give us a certainty that felons after committing a felony will be tried without unreasonable delay. The fact is that in many crime-ridden areas of this country a felon runs no danger of being tried in a criminal court for 12 months because of the condition of the court dockets. The States and the Federal Government have not set up enough courts to have expeditious trials of these cases. As a result, when the trial is finally held many criminals escape conviction because witnesses have disappeared or evidence has disappeared. Also too often overworked prosecutors agree to accept a plea of guilty to a crime reduced from the felony which was in fact committed to a misdemeanor which was not committed. This is called "copping a plea" and is a great encouragement to criminals to try to "beat the rap" in the criminal game they play with the law. Also many of those criminals are out on bail awaiting trial and during the bail period continue their criminal acts. There is no substitute for speedy and sure trial in convincing criminals that they cannot get away with their assaults upon the very foundation of our freedom; namely, the maintaining inviolate government by law. We are not providing enough Federal or State revenue, or legislative authorization to provide enough judges, prosecutors, deputy U.S. marshals, or police, or giving sufficient financial assistance to criminal law enforcement procedures in this country.

I think Federal gun control legislation such as we have before us today, as I have said in the past, will not stand the test of the courts. I do not intend to take the time of the Senate this afternoon to repeat in detail my past arguments on this subject. I shall only make brief reference to some of them.

I point out in regard to the awful and horrible assassinations of President Kennedy, Martin Luther King, and Senator Robert Kennedy that the murderers themselves were violating both Federal and State firearms control laws.

I do not think this bill is the way out of our serious crime problem. Therefore, I am going to vote against this Federal gun control legislation and even the pro forma amendments to it because I think we should take a stand if we are against this legislation, and be against it in its entirety.

Therefore, the Senator from Oregon will cast a series of "nay" votes on the proposed amendments every time the roll is called. Then on the final vote on the bill I shall vote against it also.

On Thursday, May 2, 1968, I voted against the so-called Omnibus Crime Control and Safe Streets Act of 1967. Its name was a misnomer. If the bill had been limited to title I, which was the substance of the bill which the administration sent to the Congress for enactment, I would have voted for it. In fact, in my public statements, I strongly supported title I of the bill.

However, the Congress added to the administration's crime control bill titles II, III, and IV. Each one of those titles, in my judgment, were honeycombed with unconstitutionality and unsound public policy. Title IV dealt with the Federal gun control sections. In my speech on May 2, 1968, I set forth some of my reasons for opposing title IV of the bill dealing with Federal gun control legislation. In that speech, I stated:

> ### GUN CONTROL SECTIONS
>
> Still another title in the bill in which I think the Senate is walking on thin constitutional ice is that dealing with gun controls. I am one Member of the Senate who had no strong opinions on this matter, largely because the availability of weapons to those who wanted them seems to be unaffected by banning mail-order sales. Yet I recognize that the purpose of the ban was to protect State and municipal laws that require registration or prohibit the purchase of guns by certain people.
>
> Yet here, too, the Supreme Court has just recently ruled on gun registration in such a way that casts serious doubt upon these State and local registration laws. Its January decision in Hayes against United States, seems, at least, to make self-incrimination a defense against failure to register a gun, or possession of an unregistered gun. If so, then the State and local laws that the mail-order ban seeks to protect are rather meaningless.
>
> Unquestionably, there will have to be further litigation of State laws to determine whether the Supreme Court did mean to strike down registration per se as a violation of the fifth amendment. But those of us who had assumed that because the Court did not find registration a limitation upon the right to bear arms that, therefore, we were free to proceed in this area, now must reconsider the usefulness of banning mail-order sales.
>
> Certainly we can ban mail-order sales under the commerce clause. But the question of its effectiveness is something else. It appears to me that a ban on mail-order sales would soon affect no one but the legitimate purchases, if the various State or municipal registration laws are successfully challenged in court.
>
> Here again, I think the effectiveness of legislation on mail order sale of guns is vastly overrated as a means of curtailing the use of guns in the commission of crimes.
>
> I speak respectfully, but as I have listened to the discussion on the subject now for many months—and over the past several years—I have moved further and further away from gun-banning legislation. As of now, I would not vote for any of it. I believe that there are too many legal questions which need to be cleared up. There is also the question of personal liberty involved here.
>
> We are rushing into a field of personal liberty protected by the Constitution where the rights of individuals to own weapons are still undefined by the courts. It is true that there are other types of local gun control laws that do not appear to be subject to the same challenges that registration is subject to. But are they sufficiently important to deny the mail order privilege to the citizens of many States that do not have any gun controls at all?
>
> I very much regret that title IV, title III, and title II have been brought into the debate on what began as a clearly limited program of Federal assistance to State and local law-enforcement agencies. We are being asked in these titles to swim in a sea of murky law and much murkier effectiveness in combating crime. I certainly shall not help make title IV worse by adding rifles and shotguns to it.
>
> In regard to this matter of personal liberty, there is no question about the fact that there are millions of Americans across this land who believe they have a personal right to own guns and that their ownership of guns should not be subject to surveillance by the Government.
>
> After all, there is a basic philosophy involved here, too. Many do not share that philosophy; but, nevertheless, the feeling is that they have a right to own guns without the surveillance of the Government for their own protection, for their own use, for lawful purposes.
>
> Mr. President, there is also a growing fear in this country as to what road we are heading down. There is a growing feeling that the Government should not dictate to them what weapons of self-protection they can possess. I am inclined to believe that there will be stronger confidence in a government on the part of these missions of people, if an attempt to invade this area of privacy and personal liberty is not made.
>
> We can be sure that Americans, as long as they remain Americans, will insist on the right to defend themselves against tyranny, whether it be tyranny sought to be practiced upon them by insurrectionist, whether it is tyranny which is sought to be practiced upon them by a mob or, whether it is the tyranny of a government that has become tyrannical.
>
> I pray to my God that no American will ever live to see our Government become tyrannical.

We all know the unanswerable tenet of Thomas Jefferson, one put into application which gave birth to our Republic; namely, the basic right of free men to revolt. Our Constitutional Fathers used their weapons to resist tyranny.

I do not share the fear of many that they may need weapons to put down tyranny. But there is no answer to their right to follow a course of action in respect to their personal liberties to possess weapons, and to put down tyranny if it should arise.

Mr. President, this is the first of a series of speeches that I shall probably make from time to time on this subject, because I do not know in all my years of service in the Senate of a bill that would undermine more the preservation and perpetuation of the liberties and freedoms of the American people. If these arbitrary powers are turned over to men and given the right to exercise what would amount to capricious and arbitrary discretion, then, in my judgment, great damage will be done to the health of the body politic of this Republic.

Furthermore, as I have stated in my speech, I think that the bill is honeycombed with unconstitutionality. Therefore, I consider it my duty to continue, from time to time, to make my record in opposition to the bill.

The PRESIDING OFFICER. Who yields time?

The question is on the first committee amendment. Who yields time?

Mr. HRUSKA. Mr. President, how much time remains for the consideration of the amendment?

The PRESIDING OFFICER. The unanimous-consent agreement, as the Chair understands it, is that 1 hour is allotted for each amendment, with one half-hour to each side.

Mr. HRUSKA. How much time remains unused?

The PRESIDING OFFICER. On the first amendment all of the 1 hour remains unused.

Mr. HRUSKA. It all remains to be used?

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Mr. HRUSKA. Are there any requests for time?

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. LAUSCHE. Mr. President, will the Senator from Connecticut yield for a question?

Mr. DODD. I yield.

Mr. LAUSCHE. All the amendments would do would be to strike out State firearms control. Is that correct?

The PRESIDING OFFICER. The clerk will state the first amendment.

The assistant legislative clerk read as follows:

On page 1, line 3, after the word "the" strike out "'State Firearms Control Assistance Act of 1968'." and insert "'Gun Control Act of 1968'."; after line 4 insert.

"TITLE I—STATE FIREARMS CONTROL ASSISTANCE"

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Is that the amendment numbered 65 in the committee report?

The PRESIDING OFFICER. The Senator from Nebraska is correct.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the first committee amendment.

The first committee amendment was agreed to.

The PRESIDING OFFICER. The second committee amendment will be stated.

The assistant legislative clerk read as follows:

On Page 1, at the beginning of line 8, change the section number from "2" to "101."

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield back my time.

Mr. HRUSKA. Mr. President, I wish to inquire with respect to the number that is in the committee report.

The PRESIDING OFFICER. The amendment is No. 2 on page 1.

Mr. BYRD of West Virginia. Mr. President, will the clerk please state the amendment?

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On Page 1, at the beginning of line 8, change the section number from "2" to "101."

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the second committee amendment.

The second committee amendment was agreed to.

The PRESIDING OFFICER. The third committee amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, after line 23, strike out:

"(8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;".

And, in lieu thereof, insect:

"(8) that destructive devices (as defined in title 18, United States Code), machineguns, short-barreled shotguns, and short-barreled rifles and primarily weapons of war which have no appropriate use as instruments of sport, recreation, or personal defense; that intrastate commerce in such devices and weapons affects the flow of interstate and foreign commerce in such devices and weapons; and that therefore it is necessary to regulate commerce in such devices and weapons;"

The PRESIDING OFFICER. The Chair will state to the Senator from Nebraska that this is amendment No. 3.

Mr. HRUSKA. Amendment No. 3 in the committee report?

The PRESIDING OFFICER. The Senator is correct. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, this is an amendment on which we should have a rollcall vote and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, this is the section which has reference to destructive devices and relates to the foundation for the substance to be found in title II of the bill and key regulatory provisions of title I. This is a very important amendment and we think we should find out how this body stands on the matter of including the substance of title II in the bill itself. This is one way of determining the feeling of the Senate and, because of that fact and the importance of the amendment, I believe we should have a recorded vote.

Mr. DODD. Mr. President, this committee amendment is a specific declaration and finding that destructive devices such as bazookas, mortars, antitank guns, bombs, and the like, are primarily weapons of war and have no appropriate sporting use. The amendment was originally the amendment offered by the Senator from Massachusetts [Mr. BROOKE] and the Senator from Michigan [Mr. HART], and I think the findings in the hearings of the subcommittee truly support it.

I think it is a good amendment and should be adopted.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, I am for this amendment. I voted for it when I was in committee. I want to vote for it again, and I shall.

Thus, I would not want, by any comments made on this floor, to be cast in the role of one not opposing the continued use of destructive devices.

I am for the amendment. I shall vote for it.

I yield back the remainder of my time.

Mr. DODD. Mr. President, I hope the distinguished Senator from Nebraska understands that I know well his stand on the amendment. I was merely trying to explain how it happened to come about.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the third committee amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I also announce that the Senator from Indiana [Mr. BAYH] is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Kentucky [Mr. MORTON], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 79, nays 1, as follows:

[No. 272 Leg.]

YEAS—79

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, La.
Mansfield
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Morse

NOT VOTING—20

Bartlett
Bayh
Carlson
Cotton
Fulbright
Hayden
Hollings
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
Monroney
Morton
Muskie
Ribicoff
Smathers
Smith
Symington
Tower

So the third committee amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report committee amendment No. 4, which is listed as No. 6 in the report.

The clerk will suspend.

The Chair wants to say to the Senate that it looks as though we shall have a long afternoon, and we shall have to maintain order as we go through these amendments. We want the attachés to be allowed to remain in the Chamber as long as they are useful to Senators on this complicated bill. Nevertheless, order will be maintained. It is much better for the Chair to say that now. We ask the attachés to keep from talking to each other and to come on the floor only when absolutely necessary.

The clerk will report the fourth committee amendment, which is No. 6 in the report.

The assistant legislative clerk read the committee amendment, as follows:

On page 5, line 13, change the section number from "3" to "102".

On page 5, line 13, strike out the language down to and including the word "follows" on line 15 and insert the following:

"Chapter 44 of title 18, United States Code, is amended to read as follows:".

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, will the Senator yield me 3 minutes? I am for the amendment.

Mr. DODD. Yes.

Mr. HRUSKA. Mr. President, as I understand it, earlier this year Congress passed and the President signed into law what is now known as Public Law 90-351. It was enacted and inserted in title 18 of the United States Code after section 917, and was designated as chapter 44, title 18 of the United States Code.

As I understand, the bill now before us, as reported by the Committee on the Judiciary, will be substituted for that new chapter 44 as it was enacted into law earlier this year. That is the import of the amendment which we have before us now.

I respectfully request the Senator from Connecticut to comment upon the accuracy of that description of the situation.

Mr. DODD. The Senator's statement is completely accurate. That is exactly the situation.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. I have examined the section of the bill defining "destructive devices" and compared it to the definition in chapter 44 of title 18 of the United States Code. I am sure the explanation is clear, but I note these words which are not included in the existing definition contained in chapter 44; in the exemptions from the term "destructive device," on page 7, of the bill beginning on line 17: "surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684 (2), 4685, or 4686 of title 10 of the United States Code;".

For the purpose of interpretation, will the Senator please explain what this exemption is?

Mr. HRUSKA. Yes. If the Senator will turn to page 6 of the bill, starting on line 22, he will find a definition of the term "destructive device," commencing with line 22 on page 6 and extending to and including line 23 on page 7. This is all new material. It is not to be found in the present chapter 44. It is in italics, and constitutes an amendment approved by the Committee on the Judiciary and reported to the Senate for consideration and, I hope, adoption. In due time, we will get to the debate on that.

However, the immediate question is whether we will correct the language on page 5 in lines 15 and 16 to have it refer to the present law, and the fact that the bill we are now considering would be substituted for the present chapter 44.

Mr. COOPER. I understand that, but my question was directed to those exemptions.

Mr. HRUSKA. Yes.

Mr. COOPER. The Senator is correct, the language on pages 6 and 7 includes a number of descriptions of destructive devices included in the old chapter 44, enacted earlier this year as title IV of the Omnibus Crime Control Act. But on page 7, beginning with line 12, there are designated exemptions to the term "destructive device." The one to which I called attention was "surplus ordnance sold, loaned, or given by the Secretary of the Army." I assume this could include bazookas, rifles, and all types of weapons which are made available to military units; but to have the legislative history clear, I should like to have stated what is intended to be included.

Mr. DODD. Perhaps I could help.

Mr. HRUSKA. Does the Senator from Connecticut have an observation to make?

Mr. DODD. I refer to Senate Report No. 1080 on page 112. The next to the last paragraph explains this. It says:

> Devices excluded are those not designed or redesigned for use or intended for use as a weapon.

This exempts construction tools using explosives when used solely for such purposes, and shotguns, and weapons other than those coming within the purview of the National Firearms Act, nonautomatic rifles suitable for big game hunting, and surplus military weapons distributed under title 10 of the United States Code, section 4684, paragraph (2), section 4685, and section 4686.

For example, a piece of obsolete field artillery given to an American Legion post, or those devices which the Secretary finds are not likely to be used as weapons, such as a rocket used in a research project.

What was intended here was to allow the Secretary to give such old pieces to a museum or an American Legion post, or for use for research projects in laboratories.

Mr. HRUSKA. Is it not true that if this type of weapon, which eventually becomes mounted on a piece of concrete and is placed in the front yard of an American Legion hall or a county courthouse, were not enumerated as an exemption, the Secretary of the Army would not find it possible to make a donation of such article, because it would be considered a destructive device, and therefore not capable of loan, gift, or other disposition?

Mr. DODD. Yes; that is what is meant.

Mr. PASTORE. Mr. President, will the Senator yield to me for a question on the same subject matter?

Mr. DODD. I yield.

Mr. PASTORE. Directing attention to line 6, it says here: "except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes;".

Once we include this in the law, it is open for exclusion? I understand some attempt is to be made here to include shotguns, and also to include shells. If at this point, by vote, we exclude them, can we include them later on?

Mr. DODD. This is just excluding them from the definition of destructive devices.

Mr. PASTORE. I see. But it has nothing at all to do with the general attempt to include under controls shotguns and shotgun shells?

Mr. DODD. It does not. It is just to exclude them from the definition of destructive devices.

I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of any time that is left to the minority leader.

The **PRESIDING OFFICER.** All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The clerk will report the next amendment, which the committee reported as No. 7.

The **ASSISTANT LEGISLATIVE CLERK.** On page 6, beginning with line 16, strike the language down to and including line 21, and insert in lieu thereof the following language:

(4) The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

Mr. DODD. Mr. President, we have really discussed this amendment ahead of time. It is a definition of the term "destructive device" as amended by the committee. It is a technical revision of existing law defining that term to mean dangerous bombs, incendiary type weapons, and weapons having a large bore, such as antitank guns. The exceptions to the definition, as amended by the committee, are set out in this paragraph. I think that is about all it is, except with respect to the questions raised by the Senator from Kentucky as to the references to the provisions of sections 4684 (2), 4685, and 4686 of title 10 of the United States Code.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The observation made by the Senator from Connecticut is substantially the situation. The definition of the term "destructive device" again, as was the case with the reference to destructive devices in the findings of this bill, lays foundation for title II of this bill, S. 3633.

Mr. President, last June the administration sent to the Senate a message with which was included the text of a proposed bill for the purpose of modernizing and revising the National Firearms Act of 1934, popularly known as the Machinegun Act.

The bill languished here from that time for several weeks with no introduction in the Senate, nor in the House of Representatives, as far as I know—certainly not in the Senate—whereupon this Senator undertook to attach it to the present bill as title II. In due time, we can get into a discussion of the reasons for that bill.

It is the measure that in substance is similar to other measures that I introduced in the Senate as long as 3 years ago in a vain effort to try to dispose of a noncontroversial measure at that time. There was little or no difference of opinion as to the necessity of an updating and a radical revision of the Machine Gun Act.

Mr. President, one of the major effects of the pending bill will be to include the definition of destructive devices as contained in subparagraph 4 which is the subject of the pending amendment.

The Judiciary Committee, in its judgment, decided to recommend to the Senate—and it does recommend in the text of its report—the adoption of the pending amendment. It is an important amendment, and I hope the Senate will agree to it and include it in the pending bill.

Mr. President, the pending amendment is so important that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I neglected to point out that the pending amendment was submitted by the Senator from Nebraska. It is a very good amendment, and I think the Senator deserves great credit for its inclusion in the pending bill. It should have been done. He did it. The amendment should have been adopted.

I hope that the Senate will agree to the amendment.

Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time unless there is a request for time.

Mr. TYDINGS. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. TYDINGS. Is the Senator in favor of the amendment?

Mr. HRUSKA. Mr. President, again I want to say I am in favor of the amendment. It is my earnest hope that the Senate will agree to the amendment and make it part of the pending bill.

Mr. TYDINGS. If the Senator is in favor of the amendment and the Senator in charge of the bill cosponsors it, I wonder why it is necessary to have a rollcall vote when we have 65 other amendments to consider this afternoon.

Mr. HRUSKA. The rollcall vote has been ordered.

The **PRESIDING OFFICER.** The Senator from Nebraska is correct.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time having expired, the question is on agreeing to the committee amendment beginning on page 6, line 16. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON], would each vote "yea."

I also announce that the Senator from Indiana [Mr. BAYH] is absent on official business.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Kentucky [Mr. MORTON], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 79, nays 1, as follows:

[No. 273 Leg.]

YEAS—79

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Griffin
Gruening
Hansen
Harris
Hart

Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, La.
Mansfield
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Spong
Stennis
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Morse

NOT VOTING—20

Bartlett
Bayh
Carlson
Cotton
Fulbright
Hollings
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
Monroney
Morton
Muskie
Ribicoff
Smathers
Smith
Sparkman
Symington
Tower

So the committee amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. HARRIS in the chair). The clerk will read the next committee amendment, which was reported by the committee as No. 8.

The LEGISLATIVE CLERK. On page 9, beginning at line 18, insert the following:

> (13) The term "collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define, and the term "licensed collector" means any such person licensed under the provisions of this chapter.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I shall be brief. I believe this amendment should be rejected, because I believe it to be a major weakening of the provisions of the bill.

The amendment defines a new category of licensee—the licensed collector—and it provides for certain exemptions to the provisions of the bill relative to this established class of licensee.

When the Senate debated title IV of the omnibus crime bill, I believe the Senator from Michigan [Mr. GRIFFIN] offered an amendment which defined an antique weapon as one made prior to 1898. The amendment was adopted, and it is a good definition.

The collecting of firearms is a good avocation, and it is enjoyed by responsible, law-abiding Americans. It was for this reason that considerable care was taken, during consideration of title IV, to exempt from the provisions of that measure antique firearms. Thus, the majority of collectors' items are not now covered by existing law, and S. 3633, as introduced, carried over that exemption.

I cannot see any reason for establishing a special class of individuals and defining them as licensed collectors for the purpose of interstate traffic in firearms. I am talking about lethal firearms, not antiques. That is exactly what this language would do. It would entitle the licensed collectors to the same exemptions as licensed manufacturers, importers, and dealers. I cannot see any justification for that.

This amendment was adopted in the committee, and, the more I have thought about it, the more distressed I have become about it. If a bona fide collector of firearms saw a gun that he wanted for his collection—let us say it was not an antique—he could secure that gun through a licensed dealer, as everyone else must do, in the same way that everyone else must do, as he would be required to do under this bill as introduced.

When we moved title IV to the omnibus crime bill through the Senate, we gave a great deal of consideration and attention to the question of licensing, so that the optimum of effectiveness would be achieved with regard to the sale and distribution of firearms throughout the country. I am fearful that this language—I am more than fearful, I am confident that this language—would put in disarray, to a considerable extent, all the careful effort that was made with respect to the licensing of firearms dealers, for the reason I have stated: I wonder whether it has been carefully thought out.

An antique dealer is one thing, but, unless he is a licensed dealer, he should not have any privilege any other person does not have.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PASTORE. Is the Senator directing his remarks to line 18 on page 9?

Mr. DODD. Yes, beginning there.

Mr. PASTORE. May I ask the Senator a question?

I have followed the comments of the Senator very carefully. What has he to say when the argument is made that this is being left up to the Secretary, by regulation, to define? If I read it correctly, it reads, "The term 'collector' means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics."

Am I reading the correct paragraph?

Mr. DODD. Yes.

Mr. PASTORE. "As the Secretary shall by regulation define."

Mr. DODD. I believe that is too indefinite.

Mr. PASTORE. I should like to hear the Senator's observation as to why that is not satisfactory.

Mr. DODD. Because, taken together with the language beginning on line 18, this gives an antique collector an advantage over nearly everyone else. He should be required to buy his firearms as everyone else must. He should not get special privileges just because he collects firearms as curios or relics.

The language "as the Secretary shall by regulation define" does not change the essential objection I make to the language at all. I think that is another reason for the objection. It places a greater burden on the Secretary. I do not know how he would define "by regulation."

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. LAUSCHE. If this language is not accepted in lines 18 through 22 on page 9, will the bill, nevertheless, have in it paragraph 16, page 10 dealing with the right to acquire antique firearms as an exemption to the general bill?

Mr. DODD. Yes, indeed. Of course, it will.

Mr. LAUSCHE. On page 10, line 7, there appears the language:

> The term "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 * * * and also any firearm using fixed ammunition manufactured in or before 1898 * * *.

I shall not read the entire paragraph.

Is it the contention that the language dealing with antique firearms is specific and understandable, distinguishing that language from the language contained in the amendment that is now pending before the Senate?

Mr. DODD. The Senator is entirely correct.

Mr. LAUSCHE. Is it the opinion of the Senator the paragraph on collectors of antique firearms gives that class individual the protection to which he is entitled?

Mr. DODD. That is exactly my position. I think it is the correct position. I am glad the Senator has brought that out. We went to great care to make sure collectors of antique guns would not be denied the opportunity to engage in this activity.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. TYDINGS. I wish to comment on the query of the distinguished Senator from Rhode Island.

We have the experience that the absence of standards in the Federal Firearms Act has allowed many persons who are not bona fide dealers to circumvent existing law by the mere statement they are dealers and they have taken advantage of the exclusion for bona fide dealers.

The problem of collectors here is that of a collector who collects modern day weapons as curios or relics. For instance, anyone who might be a member of the Black Panthers, the Minutemen, or any of those groups could hold himself out as a collector regardless of his criminal intention and be able to sell through the mail and avoid the destructive device provision. They could buy handguns across state lines or anything they wanted merely by stating that they were collectors.

The way the language is framed the Secretary has the statutory mandate to grant licenses except to disqualified persons. His decision is de novo so that if this loophole were permitted to remain in the mail order law before us the Secretary would be in an impossible situation. We will have a major area where any would-be felon, any idiot, any drug addict, any alcoholic, or anyone else who should not be permitted to have a gun, let alone buy it through the mail, would be able to use this collector's loophole to get out of the language before us.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. Is the Senator aware that all of the requirements placed upon a licensed dealer to get a license are also placed on one who seeks to get a license as a collector, and that he has all the duties and more than the licensed dealer to make and keep records, and be subjected to the responsibilities and penalties of licensed dealers? Persons under 21 are not eligible to obtain dealer license. If a Black Panther can get the weapons as a dealer, he can get them as a collector, and vice versa. The argument that the Black Panther could sneak through the loophole does not hold water.

Mr. TYDINGS. That is why the Senator from Maryland opposed the licensed dealer loophole in amendments 45 and 46.

Mr. DODD. It is true that collectors could pick up relics or curios, or very lethal weapons such as the much discussed Finnish Lahti antitank gun, as the Senator from Nebraska will agree. The Finnish antitank gun is not used any more and I think it probably could be considered a curio, in a sense, if this language were to remain in the bill. There are all kinds of weapons from World War II which are now out of production. There is a long list, and this seems clearly to open the door for people to traffic in such weapons under the guise of collectors of antiques or curios.

Mr. HRUSKA. Is it not true that an antitank gun is a destructive device and would not be competent for a licensed dealer or collector or licensed anything else to transfer to other persons?

Mr. DODD. I am not sure, but I believe that he could not transfer such a weapon to a nonlicensee.

Mr. HRUSKA. I am.

Mr. DODD. I think the collector, under this language, could buy what I have been discussing and I do not think he would be in violation of the law. It is a grave and serious matter and should be stricken out. If we are going to give collectors such privileges we want to do so carefully without opening the door as this language would do. We should leave the bill as it was, when introduced in this regard. A date of 1898 is used and everyone knows what that is. If we do not stick to that, as the Senator from Maryland pointed out, we will allow the traffic in guns to continue and we will still face this material we have been trying to prevent from flooding the country. There are many people who would describe themselves as collectors and do business as usual, and that is a real threat.

Mr. COOPER. Mr. President, will the Senator yield? I do not know whose time it would be.

Mr. HRUSKA. Is the Senator for or against the amendment?

Mr. AIKEN. Let us find out.

Mr. DODD. I yield to the Senator.

Mr. COOPER. Mr. President, I wish to ask a question. I may say that when the omnibus crime bill was before the Senate, I was one of those who voted for the long gun amendment; that should give an idea where I stand in connection with the present firearms bill. I support most of its provisions, but that does not keep me from asking a question about a provision of the bill. I think it would be helpful if those who support the bill, or at least the greater substance of it, would examine the objections made to some parts of the bill.

I have tried to study the collector's amendment. I must say there is some interest on my part. There are collectors in my State, as there are in all States, and particularly they collect Kentucky rifles and old weapons.

These collectors usually do not buy from a dealer. They travel around the State and deal with individuals. They will cross the State line to locate an item, where they know a fellow collector who is also interested, and then they will haggle and bargain with each other, and finally trade or buy a weapon.

I do not want to use up all my time on background, but in my State of Kentucky, an annual fair is held every October in Mount Sterling, at which horses, dogs, jackknives, rifles, can be traded off and all sorts of good bargains had. It attracts thousands of people, and some are genuine collectors of weapons.

I should like to have a specific answer to a few questions, to which I cannot find answers in the bill or the committee report; unless those who worked carefully on the bill inform me otherwise, I cannot find any distinction between the provisions affecting a licensed collector and those affecting a licensed dealer.

Do I correctly understand, and I ask my first question, that under the collector's amendment, the Secretary would have the right and authority—and it so states in paragraph 13 on page 9—by regulation to define what the collector's items are?

Mr. DODD. That is correct.

Mr. COOPER. In other words, he could say that an old rifle or a pistol, or some other firearm of some era having some particular characteristic, would be a collector's item. He could say that, or if he wanted to that it would have to be a weapon that could not be fired. I should think he would have enough gumption to exclude bazookas, machineguns, sawed-off shotguns, and armament of that kind.

Mr. DODD. Yes.

Mr. COOPER. So the answer to that question is yes, he can fix by regulation what constitutes a collector's item.

My second question is: Do I correctly understand that such a collector, to come under the provisions of the bill, would have to be licensed in the same way as the dealer and other licensees?

Mr. DODD. Yes.

Mr. COOPER. Do I correctly understand that he would have to make reports the same as any licensed dealer?

Mr. DODD. That is right.

Mr. COOPER. Do I correctly understand that he could not sell these items to prohibited classes of persons, in the same way that licensed dealers are prevented from selling to a prohibited group?

Mr. DODD. Yes.

Mr. COOPER. Then I ask: What is the distinction? It seems to me that these collector's items are clearly less harmful than armament that can kill someone, and yet a licensed dealer can secure those items and sell them.

I must say, as one who supports the bill, I do not see what the argument is against collectors. It is a legitimate business or hobby, one which many thousands of people are interested in, and one which has some historical value.

Mr. HRUSKA. Mr. President, will the Senator yield on my own time, so that I may answer the Senator from Kentucky?

Mr. DODD. I should like to say something first. I think there is a distinction between the antique collector and the collector licensee. I tried to explain what I see as the distinction, which is that under this language a collector licensee could buy up any firearm that he wanted to, under the guise of being a collector. Many weapons are collectors' items in a sense, but they are also lethal weapons. Whereas, under the restriction placed on the collector relative to antique firearms under title IV, it is spelled out that it cannot be a weapon made later than 1898. That seems to be an important point, and has meaning; but if we are going to say that an antitank gun of World War I or II is a collector's item, and allow a bona fide collector to have it, to trade in that kind of weaponry, we are certain to run into abuses. Not from the true collector of antique firearms who spends his life collecting—I am not worried about him—I say to the Senator from Kentucky that they are good people—but I am worried about the fly-by-nights who would buy up those weapons and try to sell them all over the country under the guise of being a collector. Leaving it up to the Secretary of the Treasury—and I have confidence in any Secretary of the Treasury—would place upon him a terrible burden which I think would be almost impossible to cope with effectively.

Mr. PASTORE. Mr. President, will the Senator from Connecticut yield?

Mr. COOPER. I should like to respond, first, to the Senator from——

Mr. PASTORE. Mr. President, I think this is rather important. This phrase, "as the Secretary shall, by regulation, define," refers to a person, or does it refer to curios or relics?

In other words, is the Secretary to define who a collector is, or is he to define what a gun, a relic, or a curio shall be?

I think that is quite important.

Mr. DODD. I do, too. The Secretary defines both, as I read the language.

Mr. PASTORE. If it is both, then it becomes even more harmless.

Mr. HRUSKA. Mr. President, if the Senator will yield, after all, we have just heard the Senator from Kentucky ask some very intelligent and discriminating questions on this subject. Some members of the committee, two of whom voted for the amendment do not seem to favor it particularly today; therefore, would it not be in order that I have the floor for a little while, to explain why the amendment is in the bill?

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes on the minority leader's time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. COOPER. Mr. President, before the Senator from Nebraska responds, may I just ask one more question?

Mr. HRUSKA. I am happy to yield. I have been glad to listen to the Senator's intelligent questions and would like to have more just like it.

Mr. COOPER. I thank the Senator from Nebraska. Let me say that I see no distinction at all between the treatment by the Committee bill of the classes of licensed dealers and licensed collectors. I invite attention to page 16, line 14, subsection 922(b) of the bill, which states:

> (b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer, or licensed collector to sell or deliver—

Then on page 18, line 10, paragraph 4 of that subsection states:

> (4) to any person any destructive device, machine-gun (as defined in section 5848 of the Internal Code of 1954), short-barreled shotgun, or short-barreled rifle.

Now, if we refer to the definition of "destructive devices" which was commented upon intelligently and at length by both the Senator from Connecticut and the Senator from Nebraska, destructive devices includes, as I consider, every kind of weapon which goes beyond the case of a shotgun, a sporting rifle, or a pistol or revolver.

Under the provision I have just read, no dealer or collector licensed as such could sell or deliver these dangerous types of armaments.

I want to vote for this bill. I will vote for it, and perhaps for the stricter amendments which will be offered. But because I am going to do that, I see no reason to vote against the committee amendment dealing with collectors, when all the same protections apply to licensed collectors that the bill makes applicable to firearms dealers.

Mr. DODD. Mr. President, I yield myself 1 minute on my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. DODD. The answer to the Senator from Kentucky is, of course, this provision would cover destructive devices; but there is an area beyond that kind of weaponry.

For example, the M-1 rifle, the Spanish machine pistol, or the rifle that Oswald used in Dallas, the Italian-made rifle. Obviously, these are not considered real, destructive devices, yet they are lethal weapons. They are old makes. They were made some time ago—20 or 25 years ago. And certainly the Kennedy assassination weapon is a collector's item. That is what, I say to the Senator from Kentucky, I am concerned about.

I am fearful that these objects will be obtained by the collectors and that they will traffic in them and that it will become a gray area.

Mr. HRUSKA. Mr. President, I thought I had 5 minutes. I have yielded to the Senator, on his on time, but I would like to get into this discussion, because there has been a misunderstanding, not deceitful or willful, but on the facts before us. The questions posed by the Senator from Kentucky are good ones, because they ask, What is the distinction between a licensed dealer and a licensed collector? What is the necessity for a licensed collector as distinguished from a licensed dealer?

I think we can start the explanations along these lines. Let us not confuse an antique. One of my most prized possessions is a Parker double-barreled shotgun, made in 1930. It has not been made for 38 years and it is a collector's item and very expensive now. It was a gift to me from a friend of mine. It is a collector's item but it is not an antique. A Luger pistol is another example of that. The first prototypes of Lugers were made just before the turn of this century. They were manufactured until 1942. Only a few of these guns would be excluded as antiques, but they are highly desired by legitimate collectors the world over.

We have collectors by the thousands who have guns by the hundreds, and some of them by the thousands. They travel from show to show and State to State exhibiting their items. As the Senator has said, they trade them, and they buy back and forth.

The question is, Why not have the collector buy his gun from a licensed dealer like anybody else? Here is what is involved. A man who has a collection of 200 guns goes from Omaha, Nebr., to Hartford, Conn., to attend a gun show. Under this bill as introduced he would have to put those guns in the hands of a licensed dealer if he wanted to sell them at the show and have that licensed dealer ship those guns to another licensed dealer in the buyer's State of residence. It would involve ramifications which would make the business of gun collecting, which is big business in America, a hazardous, expensive, and perhaps impossible task.

There may even be problems of a collector transporting his guns from State to State, depending on how S. 3633 as introduced is interpreted.

Mr. DODD. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I am glad to yield.

Mr. DODD. I think the Senator is laboring under a misunderstanding. That collector would be allowed to transfer his personal property, and his collection is his personal property. He would in no way be barred from taking it to Hartford.

Mr. HRUSKA. Does the Senator want to say that the owner of 200 guns can go into a State without being a licensed dealer and ship those guns to that State? That is not my understanding of the law. Here is what the committee bill does: It creates a new class of licensed firearm owners in this Nation. The law requires that licensed collectors must conform in every particular to the requirements placed in the statute for a licensed dealer. The collector must conform with all of those requirements. He must have given the information required by the Secretary of the Treasury. He must tell the truth. He must comply with all the requirements contained on the form. He must provide all the information the Secretary requires. In addition to that, failure to disclose this information subjects him to a heavy penalty.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. I would rather set out the elements of these requirements first. Then I shall be happy to yield. The discussion is so fragmentary we lose sight of what is sought after here.

What would the collector be able to do? He would be able to do very, very few things. He would be able to buy and sell in interstate commerce from other licensed collectors. He would be able to buy or sell from licensed dealers in interstate commerce. Among things he would have to do would be to record every purchase and sale made. He must do that to the Treasury. He would be under strict control of the Treasury.

Mr. President, I yield myself 5 additional minutes.

The language pointed to in the amendment is, "as the Secretary shall by regulation define." That is entirely proper. That is no great burden. A collector who has a Parker or a Luger must make a showing, and the Secretary says, "Yes."

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. Yes.

Mr. BROOKE. Is the intent of that language to have the Secretary define a collector's relic or curio as well as "any person"?

Mr. HRUSKA. In my judgment, the words "as the Secretary shall by regulation define" apparently modify the language "firearms or ammunition as curios or relics." The Secretary has no business defining what a collector is, because the collector's license is required as is stated later in the law.

Mr. BROOKE. That is the whole question we want to get into, because we want to know whether curios or relics or modern operable weapons could be so classified; but if the distinguished Senator from Nebraska is saying now that "as the Secretary shall by regulation define" refers to "firearms as curios or relics," that answers the question.

Mr. HRUSKA. That is right, but it is a definition by which the Secretary could set aside a certain number of guns as collector's items. They cannot be traded off to anybody. They can be traded only to licensed people. The licensed people could go into the business. So that avenue of deadly weapons is not being shut off. There is being placed in the collectors the ability to trade and buy and sell and put into gun shows items that are very valuable. That right is important to gun collectors, just as collectors of stamps. The whole question of collector's items gave us some of the most informative testimony the committee received. They are not committing crimes. They are not criminals. They are in the business or a vocation of collecting, and many of them are making a good business of it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. TYDINGS. As I understand the way the Senator reads the language—and, of course, we are talking about the major loophole—a group of juvenile delinquents, a group of hardened delinquents, Minutemen, Black Panthers, or any other group that was collecting firearms, could qualify as a collector and would therefore be exempted from all the other provisions.

Mr. HRUSKA. That is not correct.

Mr. TYDINGS. The whole issue is whether or not the Secretary can promulgate regulations which will limit this type of license to a genuine collector. The Senator said no, he could not.

Mr. HRUSKA. The Senator from Maryland should know better than to ask such a question, because it betrays a lack of familiarity with the text of the bill before us.

If the Senator will turn to page 27, line 10, the language is:

> Any application submitted under subsection (a) or (b) of this section—
>
> (b) is a licensed collector—
>
> shall be approved if—

It cites all the qualifications, eligibilities, and requirements for a licensed dealer. It applies to a collector.

Mr. TYDINGS. Is the Senator changing his position? Does the Senator agree that under the definition we are considering now, those five or six words on line 20, page 9, "as the Secretary shall by regulation define," refer to curios as well as relics? The Senator's answer indicates he has changed his position. It modifies "person." That is the whole issue here.

Mr. HRUSKA. The Secretary may not by regulation define what firearms or ammunition as curios or relics are and therefore eligible items for a dealer to deal in. The collector has to have a license. Page 27, beginning at line 12, takes care of that. It says what a man has to do to qualify as a collector. That collector must conform in every particular to the requirements of the law that are imposed upon a licensed dealer.

For any Senator to say that it might be the loophole through which a bunch of juveniles or Black Panthers could get together, become collectors, and engage in traffic in arms is, to me, sheer nonsense. Persons under 21 are flatly prohibited from becoming dealers.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from Connecticut.

Mr. DODD. I point out to the Senator that on page 31 of Senate Report No. 1501, in the second paragraph, the term "collector" is defined as follows:

> The definition of the term "collector," as added by the committee, is a new provision. The term means, as defined by regulation of the Secretary, "persons who acquire, hold, or dispose of firearms or ammunition as curios or relics".

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. HRUSKA. I yield myself 3 additional minutes.

I would prefer, Mr. President, instead of relying upon the definition as described in the report, to refer to the text of the bill. When the text of the bill is read, it will show that the term "collector" means "any person who acquires, holds, or disposes of firearms"—not any person, as the suggestion is, "as defined by regulation of the Secretary"—"who acquires, holds, or disposes of firearms or ammunition as curios or relics."

The bill describes how a man may become a licensed collector. It describes it in detail; and the Secretary has no more discretion in that than is vested in the later part of the bill. "The Secretary shall by regulation define," however, what are curios or relics; and certainly guns which are excellent in their manufacture, which are no longer manufactured, and which are rare and fine, are curios, and he has a right to designate them as such.

I see no more danger to the Nation in having that type of gun entrusted to a licensed collector than to a licensed dealer; and this bill gives the power to a licensed dealer, because both of them are under the same responsibilities, duties, and penalties.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. DODD. Maybe we can resolve what seems to be a difficulty. I believe the definition of the term "collector" in the report is accurate. We all agreed on it. This is our report.

If the Senator from Nebraska will agree that this language means that the Secretary shall by regulation, define a person as well as firearms and ammunition as curios or relics, I will be willing to drop my objection to it.

Mr. HRUSKA. Then would the Senator be happy with the insertion, after "(13)," of the following:

> The term "collector" means any person who is licensed as a collector pursuant to this Act.

Mr. DODD. I think that is all right. I would not have any difficulty with that. It occurred to me we are involved in semantics here.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. SCOTT. As the one who interposed the objection, I should like to be heard at that point.

As I read page 9, lines 18 to 22, the word "person" is clearly referred back to in "as the Secretary shall by regulation define." That is, the Secretary by regulation defines the kind of person who may be licensed as a collector.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. HRUSKA. Mr. President, I was hoping the discussion by my opponents would not be charged to me.

Mr. DODD. I am happy to yield to the Senator from Pennsylvania. How much time does he require?

Mr. SCOTT. Three minutes.

Mr. DODD. I yield the Senator 3 minutes.

Mr. SCOTT. With all due deference—and I was there when it was written also—to me this section provides that the Secretary shall, by regulation, define the kind of person who is a licensed collector.

It does not say, nor do I find it on page 27 or elsewhere in the bill, that the Secretary shall, by regulation, identify what shall or shall not be a relic or a curio.

If we can have an agreement here to add a line which makes it clear that the Secretary has the power, by regulation, not only to define who is a collector, but to define what is a relic or a curio, I will be glad to go along with it.

Mr. HRUSKA. Would the Senator, then, be happy with the language the Senator from Connecticut indicated would bring him some rays of sunshine, to insert, after the word "person" on line 18, these words, "who is licensed as a collector under the provisions of this act," so that the text would read:

> The term "collector" means any person who is licensed as a collector under the provisions of this Act, and who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define.

That would fasten it down, because later in the bill we find that a licensed collector must file a certain kind of application and must have certain eligibility before he can get a license as a collector.

Mr. DODD. I think that is all right.

Mr. SCOTT. I wish it were clearer to me. I am having a little trouble here.

Mr. DODD. Will the Senator tell us how we can make it clearer?

Mr. SCOTT. I would like it to be clear that the power of the Secretary to regulate shall apply not only to the person, the licensed person, but that the Secretary shall have power to define what is a curio or a relic.

Mr. DODD. All right. Here is a suggestion; why not word it this way, referring to line 18:

> The term "collector" means, as the Secretary shall by regulation define, any person who acquires, holds—

And so forth?

Mr. HRUSKA. That will be totally unsatisfactory, because it should be the statute that defines who a licensed person is, and not the whim or discretion of the Secretary.

As to all the other terms, for example the terms "licensed dealer" and "pawnbroker," we put it in the statute, and do not say "as the Secretary may define."

Mr. SCOTT. I am satisfied by the phrase suggested by the Senator from Maryland.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Would it be in order to propose an amendment to the committee amendment?

The PRESIDING OFFICER. That would have to be delayed until all time has been exhausted on the committee amendment itself.

Mr. HRUSKA. All time on the particular amendment must be exhausted, Mr. President?

The PRESIDING OFFICER. Before the amendment would be in order, that is correct.

Mr. HRUSKA. The time need not be exhausted on all other committee amendments first?

The PRESIDING OFFICER. No.

Mr. HRUSKA. I am ready to yield back

the remainder of my time on this amendment.

Mr. DODD. I am ready to yield back the remainder of my time.

Mr. YARBOROUGH. Mr. President, before time is yielded back, will the Senator yield for a question?

Mr. DODD. I do not know whether the Senator is inquiring of me or the Senator from Nebraska.

The PRESIDING OFFICER. Which Senator is the Senator from Texas addressing?

Mr. YARBOROUGH. Mr. President, directing the attention of the distinguished Senator from Connecticut to paragraph (b) on line 17, page 25, that being amendment 43, I believe, it now reads:

> Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe.

Does that not carry with it the power of the Secretary to provide that people with criminal records, people who are insane, people who are considered unstable, minors, and so forth, shall not receive a license, and would not that potential exist now, under this proposal?

Mr. DODD. May I say to the Senator from Texas that I had intended to object to this provision, because I object to the language on page 9. I think we are in the process of working out a satisfactory agreement, in which case I would be for leaving this in.

Mr. YARBOROUGH. Just one further question. The suggestion has been made that this would set collectors apart as a class, and give them privileges not enjoyed by others under the law.

Does not that situation exist now with reference to the ownership of gold coins? Anyone who is a collector of coins may legally own gold coins, but if he is not a collector, they are presumably owned as a medium of exchange, and illegal for him to own.

Mr. DODD. Mr. President, I think there is a distinction between that and owning a gun. While I understand the point the Senator is making, I think we need to be much more careful with respect to a firearms collection than we are as to coins.

Mr. YARBOROUGH. I agree, but with respect to a distinction, I believe we have precedent for a distinction in law as to a person who is a bona fide collector.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally between the proponents and opponents of the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I have nothing against gun collectors. I suppose a gun is as good a thing to collect as anything if you have a mind to. But what I am against is that many people are going to come to the Treasury Secretary and say: "I am a gun collector. Give me a license." What will the Secretary be able to then? If the applicant states that it is his intention to "collect" guns "as curios or relics," that he has an address somewhere which he can call a "premises," that he has not violated the act before—naturally, he has not violated an act which has not existed before—and that he is 21 years or over with a clean record, the Secretary must—not "may" but must—give him the license. If the Secretary does not give him the license, the applicant can sue in court under the new review procedures the committee has adopted which stack the deck and load the dice against the Secretary.

Who is it that is likely to make an application as a "collector," even though you or I would not consider him to be a collector at all, but merely somebody who wants to avoid the restrictions elsewhere contained in the bill? Is our memory so short that we cannot recall one of the principal purposes of title IV of the Safe Streets Act—not the bill before us but the bill we debated at length in March, which we passed, and which was passed by the House and signed by the President just last June?

One of the principal purposes of that bill was to tighten up the licensing standards under the old Federal Firearms Act. And why? Because the few restrictions in that act—in particular the requirement that where a State had a licensing law the purchaser must exhibit that license to the shipper—these restrictions did not apply if the purchaser had a Federal dealer's license. Have we forgotten so soon that one out of every four licenses issued by the Treasury—which had no choice but to issue the licenses because of the loose standards—one out of four went to people who did not wish to comply with that part of the act. Why so many? Because the gun magazines and the mail-order houses in their advertising would include a little coupon that would say: "Be a Federal dealer. Fill in the attached coupon and we will send it in. No other legal requirements are necessary." The Delinquency Committee hearings last year document this pattern time and time again.

Mr. President, if we allow this loosely phrased "collector's" license amendment to become law, we will simply be paving the way for wholesale circumvention of the entire act by large numbers of people. We can once again expect the mail-order houses to flourish. Once again they will advertise in the gun magazines that there is an easy way to avoid the difficulties of this act; namely, to get rifles and shotguns, and pistols and revolvers, too, by mail order, anonymously, with no word to State authorities, by the simple expedient of claiming that you are ordering, or have in the past purchased, any firearms—apparently of whatever type—with the intent known only by you "as a curio or relic." Last year, Mr. President, some 25,000 people obtained Federal dealers licenses in just this way. Can we truly say that that many and more will not do so again if we give them the chance?

Take a look at what we are doing. These licenses take the holder out completely from the mail-order provisions of the bill in section 922(a)(2). And that is not only for long guns, which this bill is principally addressed to, but also for handguns, which many of us thought we had resolved in the safe streets bill. These licenses exempt the holder for all firearms, not just those that you or I might think of as legitimate "curios or relics." The license exempts the holder entirely from the nonresident purchaser restrictions. The State of residence of the purchaser is therefore given no opportunity to know that additional firearms have been brought into the State. Every effort is made to prevent the State from learning of the purchase. The affidavit requirements are made inapplicable by special exemption. Common carriers need not be notified of the contents of a package containing a firearm sent to one of these so-called collectors.

And then the sponsors of this amendment have shown to what cynical lengths they are willing to go in order to cripple this bill. They have exempted the so-called collectors from any control whatsoever in the area of destructive devices—machineguns, short-barrelled rifles and shotguns, bombs, grenades, rockets, missiles—the whole works. Let me ask, Who is it that collects machine guns and poison gas bombs? Let me ask, Why, if there are people who collect these things, should they be given such special privileges? Are we sure that it is a good thing, that it is in the public interest, to promote the wholesale distribution of these implements and weapons of war? The committee specifically amended the bill with a finding that these vicious implements "have no appropriate use as instruments of sport, recreation, or personal defense." Yet that same committee would have us make a special exemption to encourage collecting these weapons. Maybe the Black Panthers, the Blackstone Rangers, the Ku Klux Klan, the Minutemen, and some others will want to take advantage of this opportunity, and collect certain kinds of guns—"as curios or relics," of course.

But what offends me most is that there is no need for this amendment in order to protect the legitimate collector. We are asked to blow a big hole in the middle of the bill on the ground that it is needed to help the poor collector pursue his hobby—yet there is nothing in the bill that prevents the collector from pursuing his hobby. First of all, if he is a collector of true "curios or relics," the weapons he collects will for the most part be antiques, and they are exempted from the entire act.

The definition of antiques, you may recall, was substantially broadened by us when the Safe Streets bill was on the floor, and we moved the cutoff date from 1870 all the way to 1898. So practically any weapon made before the turn of the century is exempt from the act altogether. Other weapons, with modern firing systems, are and should be subject to the act, but they can still be obtained by these collectors without any great difficulty. If they are located in the collector's State of residence, there is no problem at all. If the collector is also in the firearms business, as I understand many of them are, again there is no problem. But if the collector is not a dealer, and the weapon he is interested in is located outside his State of residence, he can still obtain it. The only restriction is that delivery must be made through a licensed dealer in his State of residence. Why? So that the State of residence can know when weapons are brought in, to whom they are sold, and what type of weapon is involved. The whole purpose of these restrictions on commerce in firearms is to channel that commerce through visible points of entry within each State so that the several States can effectively control who gets them.

But now we are asked to adopt an amendment that would erode this scheme, that would make no provision for the State ever even learning that the gun has been brought in. Would it be difficult to receive delivery of these guns through dealers at home? Not if one is really a collector. The collector, theoretically, does not want the gun to shoot game or to protect his home; he wants it "as a curio or relic." The collector does not need the gun this very minute; he just wants to have it to look at and to admire. So I say that we are giving the greatest privileges to the group that least needs them, and that in the process we are likely to find that there are thousands of gun buyers in this country who are going to claim that privilege, even though they are in no commonsense of that word "collectors." So we can expect the mail-order business to pick right up again.

Mr. President, I strongly support the opposition to this committee amendment. It was hastily conceived, poorly drafted, unnecessary to accomplish any legitimate purpose, and undercuts the whole scheme of the act, not to mention that it likewise undercuts the whole scheme of title IV of the safe streets bill.

When the House finished its work on the companion bill to S. 3633, and adopted this collector's amendment on the floor, a spokesman for the gun lobby was quoted as saying:

> We can live with this bill.

A Representative who supports effective gun control aptly replied:

> The gun lobby may be able to live with it. But a lot of people may die with it.

Let us cut back these crippling amendments. Let us vote down this collector's privilege that to aid a few in their hobby may cost so many their lives.

Mr. THURMOND. Mr. President, without the present wording of the committee bill bona fide collectors will be severely burdened with procedures and extra expenses which are not necessary to prevent the lawless element in our country from obtaining firearms. If the weapon is not an antique and is located in another State, then the collector must either be a licensed dealer, or complete the acquisition through a dealer in his home State or in a State adjacent to his home State if the conditions of the contiguous State provision is complied with. There is no valid reason for prohibiting the use of interstate commerce by the legitimate firearms collectors in our Nation. Practically without exception gun collectors are patriotic citizens dedicated to the preservation of liberties we enjoy in our country, and many are veterans who have served their country well in a defense for these liberties.

Mr. President, the stated purpose of title I of S. 3633 is "that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title."

I do not think that it is "reasonably necessary" to eliminate the valid "licensed collector" from the provisions of this title. The licensed collector must comply with all the provisions of the title which are applicable to other licensees. Although I feel that this bill is based on the false premise that if you prohibit mail-order sales of firearms and make it more difficult for law-abiding citizens to obtain guns for the lawful defense of their homes and for lawful sporting purposes, then in some way you will prevent the lawless element from obtaining weapons with which to commit crimes, I certainly feel the present title has enough prohibitions in it to prevent a legitimate licensed collector from misusing the privileges of being a licensee. The major provisions of this bill which fully apply to licensed collectors are as follows:

PROVISIONS OF S. 3633 ON SALE OF LONG GUNS

S. 3633 prohibits interstate mail-order sale of rifles and shotguns.

It prohibits interstate mail-order sale of ammunition, defined to include pistol, revolver, and destructive device ammunition.

It prohibits interstate shipment of guns purchased outside the State of residence, except for contiguous State and interstate exceptions.

This bill prohibits sales of pistols and revolvers to persons under 21 and sales of long guns to persons under 18.

All manufacturers, importers, dealers, and collectors of long guns and ammunition must have Federal licenses and must keep records of all sales.

Title I prohibits sale of "ammunition" to persons under 21, and makes it unlawful for any licensee to sell a firearm or ammunition in violation of State or local law.

It prohibits sale of guns to nonresident of transferor's State. Exceptions are first, contiguous State sale consistent with laws of both States and affidavit provisions of bill; and second, temporary loan and rental for lawful sporting purposes.

Intrastate mail-order sales must conform to the affidavit procedure in section 922(c).

The bill prohibits sale of firearms or ammunition to a fugitive, a felon, or one under indictment, and it is unlawful to transport a stolen firearm or ammunition in interstate commerce or to receive such stolen guns or ammunition.

THE LICENSED COLLECTOR PROVISION

Mr. President, the licensed collector provision was adopted in committee without objection, and I believe that it is imperative that we retain the wording of this amendment if we are to be consistent with the stated purposes of this bill. I urge that the Senate adopt the language approved by the committee and the House of Representatives.

Mr. HRUSKA. Mr. President, may I ask that the amendment to the amendment be stated.

The PRESIDING OFFICER. Has the Senator from Nebraska yielded back all time on the committee amendment?

Mr. HRUSKA. That is correct.

The PRESIDING OFFICER. Does the Senator from Connecticut yield back all time on the committee amendment?

Mr. DODD. Yes.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Legislative Clerk. On page 9, line 18, after the word "who," insert "is licensed as a collector under the provisions of this act and who".

Mr. HRUSKA. Mr. President, I ask that the time on the amendment as amended be limited to 10 minutes to each side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. HRUSKA. Mr. President, I believe we have achieved an accord on this matter that I think will clear up the difficulty. I do not know as to the necessity of it, but I am not going to insist upon this.

I do believe that the amendment will clear up the matter and that it should be agreed to.

Mr. DODD. The Senator is referring to the amendment to the committee amendment.

Mr. HRUSKA. The Senator is correct.

Mr. President, is that not the question: The adoption of the committee amendment as amended?

The PRESIDING OFFICER. The question now is on the adoption of the amendment to the committee amendment.

Mr. TYDINGS. Mr. President, may the amendment be restated.

The PRESIDING OFFICER. The amendment will be restated.

The Legislative Clerk. On page 9, line 18, after the word "who", insert "is licensed as a collector under the provisions of this Act and who".

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. HOLLAND. Mr. President, is it intended under the amendment to make it clear that every collector to operate legally has to be a licensed collector?

Mr. HRUSKA. The Senator is correct. The answer is "Yes." And the responsibilities and penalties of a licensed collector will be just as great as those which are visited upon a licensed dealer.

Mr. DODD. It is also a guarantee that he must be defined by the Secretary.

Mr. HOLLAND. Mr. President, the amendment makes the provision completely acceptable to the Senator from Florida and relieves his mind of one disturbance which he has been worrying about. That was that the original wording seemed to distinguish between collector and licensed collector.

The amendment now makes it clear that every collector to operate legally has to be a licensed collector.

Mr. HRUSKA. That was the intention of this Senator. However, he was not able to convey that idea sufficiently clearly to some of his colleagues. Therefore, he suggested the adoption of the amendment some of his colleagues seem to insist upon.

Mr. HOLLAND. Mr. President, the Senator from Florida happens to be one of his colleagues who was not entirely persuaded with the earlier position of the Senator from Nebraska. However, he is now entirely satisfied because he thinks the change in wording will make it very clear that any and every collector to operate legally has to have a license and has to be legally a collector under the terms set up by the Secretary, with the Secretary having the power to define what is or is not a curio or relic.

Mr. DODD. Mr. President, the Senator from Florida has raised an excellent point. I think the amendment provides a good change.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. TYDINGS. Mr. President, would the Senator turn to page 25, lines 17 through 21, which read:

> (b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be $10 per year.

Would the Senator from Nebraska agree that we regard amendment No. 43 as a complementary amendment to the one we are agreeing to now, and that we add after the word "year" the words "any license granted under this section shall only apply to transactions in curios and relics", thus limiting the items to items which are legitimately collector items and not opening the door to unintended abuse?

Mr. HRUSKA. We can get at that in due time. However, there is further language after the granting language to collectors on page 27, line 10. And I think we ought to consider the suggestion of the Senator from Maryland at a later time as opposed to now, because to get too far ahead would not serve too much our purpose.

Mr. TYDINGS. Mr. President, in my judgment, I would not want to vote for this amendment unless I am certain that it will be limited to legitimate collectors who will not use the amendment as a loophole to open the door to abuse.

I would rather have the license relate to transactions as a collector and not give the collector an opportunity to get around the other provisions in the act.

Mr. HRUSKA. I hope we can reach accord on that. But I think we ought to do these things one by one. I would have no objection to the proper language, if it can be agreed on, to have that limitation placed on it. I think it is in the limitation of the language.

Mr. DODD. Mr. President, the Senator from Nebraska is correct. We are in agreement on it. Why do we not proceed? We have this matter straightened out, and I think it is a good solution. I am sure we can handle the matter on page 25 in the same way.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. SCOTT. Mr. President, will the Senator yield me 1 minute?

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I think it ought to be said that the term "collector" never did have any meaning. There is nothing in the bill except licensed collector. Now that we have clarified the matter, I think it is a desirable improvement.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. COOPER. Mr. President, will the Senator yield me 1 minute?

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, as I understand it, the Senator has said that under the language of the definition on page 9, lines 18 through 22, paragraph 13 of section 921(a), the Secretary may by regulation define firearm as a relic, antique, or curio.

Mr. HRUSKA. Not an antique, but a curio or a relic.

Mr. COOPER. An antique firearm is defined on the next page. However, in paragraph 13, the Secretary may define curios and relics.

Mr. HRUSKA. The Senator is correct.

Mr. COOPER. Mr. President, subsection (b) of section 923, on page 25 beginning at line 17, refers to the application of a person desiring to be licensed as a collector, and provides that "the application shall be in such form and contain such information as the Secretary shall by regulation prescribe."

Would the Senator agree that the Secretary could, if he desired, require information respecting the genuineness of the applicant as a collector—in other words, to show that he is a bona fide collector?

Mr. HRUSKA. I would think there is no question about it. Of course, he would have to have the same qualifications as listed on page 27 of the bill, starting at line 10. In order to get that collector's license, he would have to have the same qualifications as a licensed dealer.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The committee amendment on page 9, line 18, as amended, was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The assistant legislative clerk read as follows:

> On page 9, line 23, strike out "(13)" and insert "(14)".

The PRESIDING OFFICER. Do Senators desire time on this amendment?

Mr. HRUSKA. May I ask what the question is?

The PRESIDING OFFICER. It would change the title number. It is on page 9, line 23—to change "(13)" to "(14)".

Mr. HRUSKA. I yield myself 1 minute.

This is a correction, as I understand, of the numbering of paragraphs, and is made necessary by the adoption of the amendment upon which we just acted?

The PRESIDING OFFICER. The Senator is correct.

Mr. HRUSKA. I have no objection to the amendment. If there is no request for time on this side, I will be happy to yield back the time that is allotted to the minority.

Mr. DODD. I agree with the Senator from Nebraska. I yield back the time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The Assistant Legislative Clerk. On page 10, line 1, strike the language beginning with the word "by" through the word "year" and insert in lieu thereof the words "as a felony".

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, this amendment was submitted by the distinguished Senator from North Carolina [Mr. Ervin]. The definition of the term "indicted" as amended by the committee is a revision of the existing law. Inasmuch as a person under indictment for certain crimes is proscribed from shipping or receiving firearms in interstate or foreign commerce, and a license will not be issued to such a person, this change makes it clear that either an indictment or an information in any court for a felony only, as defined in paragraph 19 of this section, comes within the meaning of the term. I believe that is a good change, and it should be made. I do not believe anybody opposes the change. I hope it will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, unless there is a request for time on this side, or by anyone else, I am prepared to yield back the remainder of the time granted the minority.

Mr. TYDINGS. Mr. President, will the Senator yield me 2 minutes to propound a question to him?

Mr. HRUSKA. I yield 2 minutes to the distinguished Senator from Maryland.

Mr. TYDINGS. Mr. President, amendment No. 8, the collectors' amendment, which was just agreed to, as amended, is one of 23 separate items which appear as committee amendments. They all relate to the substantive matter which was taken up and perfected when we considered amendment No. 8.

When we reach committee amendment No. 15, which is the next collector amendment, I wonder whether we could have a unanimous-consent agreement to consider the remainder of those collector amendments en bloc, as the committee reported them, with the one perfecting amendment which I had suggested to the Senator from Nebraska during our colloquy on amendment No. 8. In that way, we would speed up the business of the Senate considerably.

Mr. HRUSKA. There was an opportunity to speed it up long before now, and, somehow or other, it has not eventuated.

I would suggest that in the meantime, while we are discussing the next amendment, a list of those amendments be prepared, and perhaps we can check them and discuss the subject further informally at that time.

Mr. TYDINGS. Very quickly, the references are to the committee amendments: amendments Nos. 15 through 18, amendments Nos. 20 through 22, 24 through 26, 34, 36, 38, 39, 42, 43, 46 through 50, and 56.

If we could dispose of them en bloc, it would conserve a great deal of the Senate's time on one issue.

Mr. HRUSKA. I would be most happy to dispose of all of the committee amendments en bloc, treat them as original text, and go on from there, but I have been thwarted in my desire. Let us consider that for awhile.

The PRESIDING OFFICER. Do Senators yield back the time?

Mr. HRUSKA. I yield back the remainder of my time on the amendment.

Mr. DODD. What amendment is it?

The PRESIDING OFFICER. On page 10, lines 1 and 2.

Mr. DODD. I yield back the time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 10, line 3, strike out "(14)" and insert "(15)".

The PRESIDING OFFICER. Do Senators yield back their time on that amendment?

Mr. DODD. I am happy to yield back my time.

Mr. HRUSKA. I am happy to yield back the time on the consideration of that amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 10, line 5, between the words "crime" and "or", insert the words "punishable as a felony".

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I am prepared to yield back my time. That is another amendment submitted by the Senator from North Carolina [Mr. ERVIN].

Mr. HRUSKA. I am prepared to yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 10, line 7, strike out "(15)" and insert "(16)".

Mr. DODD. I yield back my time.

The PRESIDING OFFICER. It would change the numeral on page 10, line 7.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

AMENDMENT NO. 969

Mr. DIRKSEN. Mr. President, may I be recognized, under the consent agreement?

The PRESIDING OFFICER. Does the Senator yield himself time on the bill?

Mr. DIRKSEN. Yes.

Mr. President, I submit an amendment for printing, under the rule, and sometime later I shall offer it to the pending bill. I shall take a minute or two to tell what it is about.

During the course of Senate and press discussion of another matter which will come before this body at a later date, there has been a great deal of discussion about obscenity and pornography—obscene literature, obscene movies, and the like.

A great deal has been said on the subject, but actually nothing has been suggested by way of a legislative solution of the problem, and nothing has been proposed thus far. That is the reason for sending this amendment to the desk.

Nobody is more concerned about this matter than I. I did not embrace the offer to come around and see these movies. I just do not want to see them. I do not like to look at that kind of stuff. Notwithstanding that fact, it is bound up somehow with the Court appointment, and it seems to me that the sooner we find a legislative solution, the better off we will be.

The amendment contains two principal provisions. In the case of criminal action under any statute of the United States relating to obscene matters—and this, of course, is the crux—no court of the United States or of the District of Columbia would have jurisdiction to review or reverse or set aside a determination made by a jury on the question of whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

Mr. President, that would put the final disposition of the matter in the hands of the jury, and it could not be reversed and it could not be reviewed. It would not get mixed up in the question of freedom of speech and many other academic things that have gone into the matter heretofore. Certainly it would not come up to plague the high tribunal of the country over and over again.

I have some reason to believe this provision will stand up, and I have some reason to believe this provision is constitutional. We have invited some of the best brains in the preparation of it; and I am willing to take my chances that we can deposit this in the hands of the jury. That is where it would go, and that is where it would stop.

The second part deals with a criminal action arising under any statute of a State or law of a political subdivision for the prosecution of any person for the possession, sale, distribution, or use of any obscene, lewd, lascivious, indecent, or vile article, matter, thing, device, or substance.

In such instance, no court of the United States would have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question as to whether such article, matter, thing, or device is in fact obscene, lewd, and indecent.

Once more, Mr. President, it would be left there; it would be left to the people in the area and the jury provided by jury selection to determine "what goes" in that area. They are entitled to regulate, establish, and uphold the moral atmosphere of their communities.

I cannot think of a better approach than to let those who serve in the jury box see, if necessary, the exhibits and say whether a person is guilty or not guilty; and that would be the end of it.

For a great many years during the prosecution of obscenity cases the defense has almost invariably been related to the first amendment protection of freedom of speech. I do not know how many decisions I have read. They all seem to be fuzzy and academic, as they go back to the first amendment. There would be no such obfuscation and difficulty if the decision were left in the hands of American citizens at the local level who can tell what they want for the local community.

The effect of the amendment would be to restore to the State courts and to the Federal juries some much needed authority in this field. I could add more, but I do not think it is necessary.

These two provisions are simple, indeed. I shall add the measure to the pending bill. I do not think it is quite germane, but it is high time now to let the country know that the Senate and House of Representatives are as deeply interested in this sort of indecency as anybody else, and it is high time that we say to the country that we propose to do something about it even though it has to be added to a piece of legislation to which it is not exactly germane. I understand that, but I am going to offer the amendment anyway for disposition by the Senate. I think I shall want a recorded vote on the subject.

Mr. President, that is the whole story.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD Mr. President, I want to commend the distinguished minority leader for the proposal he has just read and which he has announced he will offer at an appropriate time.

I, too, express the hope that no one will raise any question about the germaneness of an amendment of this sort.

We have been hearing a good deal about pornography and obscenity lately and it has been said in relation to a person whose nomination is now before the Committee on the Judiciary.

Earlier today I indicated that we should look at the record of all of the Supreme Court Justices; that instead of finding fault with what one Justice did, we should look at what five Justices did.

We—the Senate and the Congress—should assume the initiative and enact legislation and face our responsibility because—not being a lawyer and therefore, not being thoroughly familiar with the legalisms in use, but nevertheless as an ordinary citizen—it appears to me that those Justices on the Supreme Court who did not see a pornographic film or, to the best of my knowledge, read an obscene book, were interpreting the law as it was written and placed before them.

They had no choice in what they did. They read and interpreted the law. They differed in their opinions and conclusions. I, for one, have found fault with some of the reasoning of the majority in certain cases decided by a Court divided 5 to 4, even in cases more onesided. But I do not believe in taking out on one man our feelings with respect to an entire Court just because that Court handed down a few decisions which some of us personally did not like.

This is one way to face our responsibility and lay down guidelines. When this amendment is offered, I hope it will pass.

Mr. DIRKSEN. I thank the distinguished majority leader.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. THURMOND. Mr. President, I am very glad this amendment has been offered. I shall be pleased to support it.

I want to say this does not excuse Justice Fortas for what he has done. He has voted to reverse 35 of 38 cases, to affirm only two cases, and one case was moot. He has gone all the way in upholding pornography, when cases came before the Supreme Court.

I hope this amendment is not intended to try to give the impression now that the Supreme Court is relieved and that it is the fault of Congress for not doing something sooner. It is not the fault of Congress. It is the fault of Justice Fortas and others who voted with him to reverse the obscenity decisions below.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator.

Mr. MURPHY. Mr. President, I wish to say the implications of these Supreme Court decisions as they pertain to the efforts today of law enforcement officers have been brought to my attention by the sheriff of Los Angeles County, whose jurisdiction, I think, is the largest of any in the country.

He pointed out the amount of increase in the crime rate in the area; and he alleged that as a result of the decision it was impossible to get an indictment today.

These pictures are being shown in an area known as "The Strip," which is on Santa Monica Boulevard between Hollywood and Beverly Hills. They can be seen for the price of a glass of beer. When the police object, the proprietors claim that they are protected by the Supreme Court and that they are protected by the Constitution.

I am told that this material was subpenaed by the Supreme Court. Whether it was viewed, I do not know. If the decision was made after viewing, I think the decision of the Court is one that should be thoroughly discussed in this Chamber. If it was made without viewing, I think it was an unfortunate way to arrive at such an important decision.

By the same token, I think every Member of the Senate should view this material before arriving at a decision on the confirmation of the nomination.

The effect of the decision of the five Justices has been, as the sheriff's men say, to open the floodgates and I do think Mr. Fortas' vote should be carefully considered as the vote of a man—who has been nominated for the position of Chief Justice of the United States. I think he has to take the responsibility for that vote, being one of the five who voted in favor of making possible this unfortunate, I might say, and horrible condition which now exists in my home of Los Angeles.

The **ACTING PRESIDENT** pro tempore. The clerk will report the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 10, line 18, beginning with the number "(16)" strike the language through line 20 and insert the language beginning with line 21 through line 25, as follows:

> (17) The term "ammunition" shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes, but first would it be in order to make a motion to reconsider the vote by which committee amendment No. 8 was agreed to at this time?

The **ACTING PRESIDENT** pro tempore. The Senator can do so only by unanimous consent at this time, since another amendment is pending.

Mr. HRUSKA. I did not hear the Chair's ruling.

The **ACTING PRESIDENT** pro tempore. The Senator can do it only by unanimous consent.

Mr. HRUSKA. Then, Mr. President, I ask unanimous consent that a motion be entertained at this time that the vote by which the committee amendment No. 8 was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

Mr. HRUSKA. I have to ask unanimous consent first.

The **ACTING PRESIDENT** pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. HRUSKA. Mr. President, I so move.

Mr. DODD. Now, Mr. President, I move to lay that motion on the table.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes on the amendment.

The **ACTING PRESIDENT** pro tempore. Does the Senator yield his time back?

Mr. HRUSKA. I yield back the remainder of my time.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes on the committee amendment which has to do with the definition of ammunition.

The **ACTING PRESIDENT** pro tempore. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. I thank the Chair.

Mr. President, this is a committee amendment to clarify and define what the term "ammunition" shall not include.

I might say that by refusing to adopt the amendment, we will be faced with the proposition of having regulations and recordkeeping of astounding proportions.

That statement assumes some significance when we realize there are some 300,000 reported separate transactions each and every day in the sale of this type of ammunition. With these 300,000 daily transactions, it will become a necessity, under the bill, to keep a separate and permanent record of each and every one of those transactions. Senators can see what that will involve. Not only will it be a matter of tremendous difficulty, if not a physical impossibility, but we have the further proposition that the inclusion of shotgun shells and rifle cartridges has been in the statutes since 1938, until June 19 of this year, when the bill, Public Law 90–351 was adopted. In other words, ever since 1938, for 30 years, this provision was not enforced. It was never enforced. There is a reason for that.

In 1963, at the hearings, John W. Coggins, Chief Counsel for the Internal Revenue Service, Treasury Department, testified:

> It has been found impracticable to effectively administer the provisions of this Federal Firearms Act relating to ammunition.

At a later time in 1963, there was a statement furnished by G. d'A. Belin, General Counsel of the Treasury Department, dated November 14, 1963, and filed with the Committee on Commerce of the Senate, stating:

> It was found impracticable to effectively administer the provisions of the Federal Firearms Act with respect to ammunition.

Mr. Belin explained certain proposed amendments that completely excluded ammunition from its coverage. The technical explanation of the amendment attached to his statement, and was to the effect that, since ammunition is not serial numbered, enforcement of the statute concerning ammunition was practically impossible.

Now, in all the bills until the one that came to us in recent times, there was a deliberate and studied avoidance of including shotgun shells and rifle cartridges of the type described in this definition which is found on page 10 of the bill, line 21 to 25 inclusive, which reads:

> (17) The term "ammunition" shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

I submit that this is a sensible amendment. It should be adopted. It was approved by the Judiciary Committee. It is my hope that there will be a very heavy vote approving the amendment as part of the bill.

Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I am happy to yield, on my time, to the Senator from Iowa for a question.

Mr. MILLER. I would like to ask the Senator from Nebraska whether, in the definition of the word "ammunition," the legislative history should show that it refers to components of ammunition with respect to pistols or revolvers or other destructive devices.

Mr. HRUSKA. It is my information that the component parts, such as the pellets which go into the reloading of a shotgun shell, are not included under the language of this bill.

Mr. MILLER. I would understand that to be a logical interpretation, but, by the same token, if we are talking about ammunition including ammunition for a destructive device or pistol or revolver, I could understand how it would be intended to include cartridge cases, bullets, powder, and so forth, for pistols or revolvers or for the use of other destructive devices. Would that be a fair interpretation?

Mr. HRUSKA. I would like to refer that question to the Senator from Connecticut as to his understanding. It is my understanding that component parts for shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition likewise would not be included under provisions of this bill. If there is any doubt or question about it, we ought to put language in the bill to show definitely that that is the fact.

Mr. DODD. Mr. President, the Senator knows I do not agree with that amendment, but I think the language clearly means that.

Mr. MILLER. Mr. President, if I may respond, and if the Senator from Nebraska will permit me to respond, if we are saying "ammunition" is going to include ammunition for destructive devices, pistols, and revolvers, and does not include ammunition for shotguns, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition, then it seems to me it would follow logically the components of such ammunition would be covered with respect to ammunition for destructive devices and pistols and revolvers, but would be excluded with respect to shotguns, rifles, and .22-caliber rimfire, on the other hand.

Mr. DODD. That is logical.

Mr. MILLER. I am trying to clarify it for legislative history. Some persons may agree or disagree with the amendment, but we ought to make clear whether components come into it and on which side they are in or out. If the Senator will agree that components with respect to destructive devices, pistols, or revolvers are out, and that components for shotguns, rifles, and .22-caliber rimfire are exempted, then I think it would be helpful to proceed on that basis.

Mr. DODD. It is my understanding that the components are not included in the items that the Senator from Iowa has described. I do not agree with this committee amendment. The Senator points out that is not the point, but, as he reads it, I think he has stated the situation correctly.

Mr. HRUSKA. It is certainly my understanding component parts of the ammunition included in the second sentence of subsection (17) are not included in the regulation of this bill.

Mr. MILLER. Mr. President, I thank the Senator from Nebraska for permitting this colloquy to establish the legislative intent.

Mr. DODD. I may say to the Senator from Iowa that in committee we struck out the language just before that language, which clearly indicates the components are excluded.

Mr. MILLER. That was one reason why I raised the question. The language in lines 18 through 20 was stricken, but nothing was said about components in the language we are now considering. I think, as a matter of legislative intent, we ought to make it clear that when we are talking about ammunition, we are talking about components, and we are exempting components with respect to the second sentence.

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Colorado [Mr. ALLOTT] for the purpose of propounding a question and making an observation.

Mr. ALLOTT. Mr. President, the Senator has stated the last sentence of subsection (17) does not include components. To put it another way, this means persons who purchase components for the purpose of hand loading their own ammunition would be exempted from this particular section of the provision?

Mr. HRUSKA. That is my understanding, and it is in confirmation of the explanation given by the Senator from Iowa.

Mr. ALLOTT. I thank the Senator very much.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DODD. In a minute. I would like to discuss this amendment, and then I shall be glad to yield to the Senator from Maryland.

I think I should point out, if I may have the attention of the Senator from Nebraska, that on the matter of unenforceability, as it has been described, of the Federal Firearms Act of 1938, from the record it is clear why it has been described as unenforceable by Commissioner Cohen. On pages 126 and 127 of the printed hearings, held by the Juvenile Delinquency Subcommittee this year on this issue, there is a colloquy between the Senator from Nebraska and Commissioner Cohen. To present the background, I would like to read and quote the exchange:

> Senator HRUSKA. I would like to ask the witness here why the pistol and revolver ammunition section of the Federal Firearms Act of 1938 has not been enforced.

Commissioner Cohen said:

> As the Attorney General indicated, the provisions of the Act, the 1938 Act—are not the best in the world. They are in many respects unenforceable.

So I think the first point to keep in mind is that the Treasury Department says that the ammunition controls which are unenforceable relate exclusively to the 1938 act, and not to the provisions contained in the bill before us, certainly as it was drawn and as I introduced it, and which we are now debating. He was talking about the 1938 Federal Firearms Act, not this bill. The Commissioner related the unfortunate efforts of the Treasury Department to make the sections enforceable by means of regulations, which were offered as late as 1957. They were never adopted because, as he pointed out, of the incredible pressure of the gun lobby, when he referred to, "the usual violent opposition of many groups, including the NRA."

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. Let me complete this.

Senator HRUSKA asked this question specifically:

> Well, do you feel that the President's bill No. 2 has all the necessary features which will be required for effective enforcement of the ammunition provision thereof?

This was a precise question put by the distinguished Senator from Nebraska to the Commissioner of Internal Revenue, and he answered it strongly, in a most affirmative way:

> The requirement of the most recent proposal, that is the one that you referred to as Proposal No. 2—just to keep them straight—is more stringent. The old one provides that licensed dealers shall maintain permanent records of the importation, shipment, and disposal of firearms and ammunition.

The point is that the Treasury Department does not think the controls under the bill are unenforceable. In fact, since 1957 it has been trying to get precisely these controls which were in the original version of the bill, through regulation, but its efforts have been frustrated by incredible opposition. Now those provisions, if restored here, would receive statutory authority and we could, for the first time, meaningfully try to control ammunition, because without control over the ammunition, we have no control over the millions of guns now in this country. We do not know how many there are, as has been said here earlier today; we do not know whether there are 100 million or 150 million or 200 million. And we do not know who has them. But one thing we do know—if the ammunition is made available on a widespread basis, as it has been up to now, we are going to continue to make ammunition available for guns which many people should not have.

I do not advocate confiscation or any such measure to take guns out of the hands of these people. I think it cannot be done. But I do say, let us not make the task more difficult than it will be anyway. Let us not allow them to buy ammunition for these firearms which they have in their possession.

That is why we wrote into this bill originally this restriction on the sale of ammunition. We deny that it is the Treasury Department that wants this language deleted, nor is it the Attorney General. I do not think it is any response of the law enforcement officers, either. Essentially, I think the same people have always stood in the way of getting some sort of control over this dangerous commodity.

The Senator asked me to yield. Before doing so, I had something else I wanted to say about this question. If he wishes me to yield now, I shall be happy to do so; otherwise, I shall conclude what I have to say.

Mr. TYDINGS. Let us vote.

Mr. DODD. I would like to vote, but this is an important matter. There is going to be a rollcall on it. Statements have been made about it, and I think it is important that we all know what we have here.

This amendment deletes certain types of ammunition from the control provisions of the bill. I say it is a weakening amendment, and ought not to be in here. It strikes from the bill's coverage all .22 caliber rimfire ammunition and ammunition for rifles and shotguns.

To strike out .22 caliber rimfire ammunition would have a serious crippling effect on the control provisions of this bill. .22 caliber rimfire ammunition is used particularly in the small caliber, imported pistols and revolvers that are called by law enforcement people "Saturday night specials." These are the things they go across the State lines and buy, that they have bought in great numbers, and do have in their possession.

Who is "they"? I am sure a great many people who would never otherwise have been permitted to buy guns. The only reason they bought these weapons outside the areas in which they live is that there is no strong regulation in the places where they buy them.

Now there are those who want to give them ammunition. As Senators know, it was a .22-caliber revolver that killed Senator Robert Kennedy, and the ammunition was rimfire ammunition. That is something to think about. This is the gun that has been used in the commission of a great many crimes, particularly gun murders.

It is the .22-caliber firearm, and the rimfire ammunition, that has been used in 42 percent of our Nation's gun murders.

I say it makes no sense, and I wish Senators would think this over seriously, to exclude this type of ammunition from the statute.

We conducted a study and obtained a profile, as we call it, of the typical gun murderer. Thirty-two percent of the handguns used were .22-caliber revolvers, it was found in that study, and, of the rifles used in murders, 65 percent were .22-caliber rifles. All of these weapons use this .22-caliber rimfire ammunition.

In the face of those figures, how in the world can we strike out of this bill this restriction on the traffic in .22-caliber ammunition?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DODD. Yes, of course.

Mr. PASTORE. The thing that has concerned and puzzled me is the fact that I believe, if we are going to control this gun business at all, we have either got to go all the way, or just forget it.

A shotgun or other long-barreled gun without a bullet in it is nothing more than a club. It becomes effective when you put a bullet in it, because it is the bullet that kills. It has to be fired, and the fire forces the bullet.

I repeat, the thing that concerns me is that I believe we must either do this thing the whole way, or we should not do it at all; and this idea of getting around the whole problem by saying, "We may control the guns, but we will not control the bullets that go into it," to me sounds a little bit foolhardy. I believe we have either got to do this or not do it; and I think we ought to stand up and be counted on that issue.

The argument was made here a short while ago that this law cannot be enforced. I think that is a specious argument. Of course a law can be enforced. Today you cannot sell liquor to a minor. I know that once in a while, some overgrown kid will go into a place and perhaps misrepresent his age and get away with it. But by and large, a smart retailer or dispenser of booze will ask a young fellow, "Show me your identification card."

That is all we are trying to do here. If we are going to protect the people of this country, I believe we must do it.

We had a big shindig in my State yesterday afternoon. We had the Democratic outing and I took occasion to say, on that occasion, that the number one problem in this Nation is crime, and we have got to stop talking about it and begin doing something about it.

I assured the sportsmen in my State that no one is trying to hurt them, no one is trying to hurt the legitimate sportsman, no one is trying to impinge upon anybody's constitutional rights, no one is saying, "You cannot have a gun to protect your life and property," and we are not saying that you cannot go out hunting, if you like sports and wish to hunt.

We are not trying to hurt those people at all. All we are saying to them is, "Exercise a little bit of restraint, so that we can restrain the nuts and the criminals who go around brandishing guns, robbing our banks, shooting our people while they are doing business, and even assassinating Presidents of the United States."

That is all it attempts to do. We either want to do this thing or we do not want to do it. If we are going to control guns, we have got to control the bullets that go into those guns. If we do not control the bullets, then we might as well forget the whole thing.

Mr. DODD. Mr. President, I thank the Senator for that eloquent statement. As I am sure the Senator from Rhode Island knows already, there were 2,200 people killed in this country last year with .22-caliber ammunition of the kind some would strike out of this bill. That is a big figure, in my judgment—400 rifle murders and 1,800 handgun murders, all with .22-caliber ammunition.

Finally, I should like to add one thought: There is much to be said on this subject. I remind my fellow Senators again, that Senator Robert Kennedy was killed with a .22-caliber bullet. President Kennedy and Dr. Martin Luther King were killed by rifle bullets. Medgar Evers was killed by a shotgun shell and none of this ammunition would be covered if the Judiciary Committee amendment is adopted.

The incidence of crime by gun with this type of ammunition is growing every day, and, as the Senator from Rhode Island has well pointed out, it is rather useless to try to get some kind of reasonable control over the traffic in guns, and then say, "Let those who already have guns have access to all the ammunition they want." It just does not make sense to me.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. AIKEN. I ask the Senator from Connecticut whether a sawed off shotgun is a destructive device or not?

Mr. DODD. Yes; it is a destructive device.

Mr. AIKEN. How can anyone receiving an order for shotgun shells know whether they are to be used for legitimate hunting, or to be used in such a destructive device?

Mr. DODD. I do not know of any way they can know.

Mr. AIKEN. I thank the Senator. I just wondered how this law could be enforced, or this proviso could be enforced, and one could say that a given box of shells is not to be used in sawed off shotguns. I suppose one might put a label on the box, or something like that.

Mr. DODD. I certainly believe mail-order traffic in this type of ammunition ought to be banned, just as I believe the traffic in long guns ought to be banned. I believe a man ought to be required to buy this type of weapon and the ammunition for it in a place where he lives and is known, where the local law enforcement authorities can make a check on him and make a determination as to whether he is the type of person who ought to have a lethal weapon and the ammunition for it or not.

That is what this is all about, and the ammunition issue is just as important as the weapons issue. I see no real distinction between the two.

It was argued in the committee that a great many of these long guns, and also the .22's, are used by sportsmen and Boy Scouts. I am sure that is true. Legitimate sportsmen do use them and youngsters do, too. However, our point is—and I think it is a point of everyone concerned about the problem—that we have reached the place where we are not worried about the good sportsmen. He is not the person we are trying to reach. As the Senator from Rhode Island said, we are worried about that operator that trafficks in these weapons and does not care whom he sells to and does his business by mail order and across State lines.

I appeal to the Senator not to strike from the bill the exemptions that will be available to people under the present language.

Mr. TYDINGS. Mr. President, will the Senator yield for a question on the point raised by the Senator from Vermont?

Mr. DODD. I yield.

Mr. TYDINGS. Is is not a fact that the bill does not limit in any way a citizen who wants to buy any shells from a licensed dealer in his own State?

Mr. DODD. The Senator is correct.

Mr. TYDINGS. Nor does it restrict the right of any individual to buy any ammunition, long or short gun, in any other State as long as he is there in person to do so?

Mr. DODD. The Senator is correct.

Mr. TYDINGS. All it does is to restrict the mail-order sales.

Mr. DODD. The Senator is correct.

Mr. AIKEN. Mr. President, I think the local sportsmen would prefer to buy their shotgun shells from the local dealer. Sending away off to get the shotgun shells would tend to put them under the suspicion that they were going to use them for other than legitimate purposes.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, I suggest that when it is said that Mr. Belin does not say that the inclusion of this type of ammunition is not unenforceable in the law, I wish they would get together. Mr. Cohen is not in the enforcement business.

The General Counsel of the Treasury Department said:

> Ammunition is not serially numbered and is very hard to identify. These factors make those provisions of the Act relating to ammunition impractical to administer. Further, we know of no instance where any of those provisions have been helpful in controlling the interstate flow of firearms or in law enforcement.

And Mr. Coggins, of the Internal Revenue Service, said:

> It has been found impractical to effectively administer the provisions of the Federal Firearms Act relating to ammunition.

It is said that this is a weakening amendment. The present law includes only ammunition for destructive devices. It is in Public Law 90–351. It is there. This is not a weakening amendment. It is restoring to the bill what is in the law now.

Mr. President, there are 300,000 separate transactions a day of sporting ammunition. That amounts to 100 million or more such transactions a year. We would have the dealers engaged in making and obligated to make a separate entry for each one of those transactions. To what avail? Nothing.

The paperwork would cause many dealers in ammunition to say, "I am not going to deal in it."

It will be a major burden to the sportsmen, hunters, and other law-abiding citizens. This exemption would apply only to shotguns, rifles, and .22 rimfire shells. So I say that amendment should be adopted. The Judiciary Committee should be supported.

Mr. President, I am prepared to yield back the remainder of my time if there are no other requests for time on this side.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on the committee amendment on page 10, beginning on line 18. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, a vote of aye will adopt the Judiciary Committee amendment which will exclude shotgun shells and rifle cartridges, including .22 caliber, from the regulation imposed by the pending bill. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DODD. Mr. President, a vote of nay will strike the language presently in the bill as a committee amendment to the bill. Is that correct?

The ACTING PRESIDENT pro tempore. A vote of aye will adopt the committee amendment. A vote of nay will be against the committee amendment and would strike the language from the bill.

Mr. DODD. Mr. President, if a nay vote prevails, that means that the original language of the bill would prevail.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HRUSKA. Mr. President, that would be as originally introduced, but not as reported by the Judiciary Committee.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MURPHY. Mr. President, do I correctly understand that the committee amendment includes shotgun shells, rifle ammunition, and .22 rimfires, or excludes them?

Mr. HRUSKA. The committee amendment excludes shotgun shells and rifle cartridges from regulation under the proposed bill.

Mr. MURPHY. Mr. President, I apologize for taking the time of the Senate.

The ACTING PRESIDENT pro tempore. The Senator is not making a parliamentary inquiry.

All time has expired.

Mr. MURPHY. Mr. President, I suggest that a Senator who had to be absent during the debate may ask the information of the Chair so that he will know what he is voting upon.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from California on the bill.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mr. MURPHY. Mr. President, may I inquire why the .30 caliber and .30 offcenter fire and the others that are in general use in the western part of the United States are not put under the same classification as .22 rimfires?

Mr. DODD. I think I can answer that question. They are excluded under the committee amendment.

Mr. HRUSKA. Under the language of the committee amendment, shotgun shells and rifle cartridges are excluded from the regulation of the bill, and .22 rimfire cartridges as well.

Mr. THURMOND. Mr. President, this is another provision of the bill which was adopted in committee and which is absolutely necessary to prevent severe restrictions on law-abiding citizens in rural and remote areas of our country. The adoption of amendment No. 953 would require every grocery store, diner, and drugstore across our land to keep records of sales of all rifle and shotgun ammunition. This provision would be so prohibitive as to eliminate most of these small businessmen from the business of selling rifle and shotgun ammunition.

Mr. President, I submit that this is entirely unnecessary because of the very small percentage of all crimes committed with guns which involve rifles or shotguns.

The Judiciary Committee, before voting to report S. 3633, adopted several necessary amendments designed to protect the legitimate interests of the millions of law-abiding citizens who enjoy and use firearms for sporting, recreational, and defense purposes. In this connection, and quite properly so, the term "ammunition" was defined to include only ammunition for a destructive device and pistol or revolver ammunition. Shotgun shells, metallic ammunition suitable for use only in rifles, and .22-caliber rimfire ammunition were exempted.

Banning interstate shipment or sales of sporting ammunition to hunters and sportsmen would certainly be of no assistance in the fight against crime. The definition approved by the committee reflects an attempt on their part to help prevent the wrong person from obtaining the type of ammunition most often used in the commission of a crime or what is potentially the most dangerous and destructive ammunition, without imposing limitations on those who have rights, and even necessities, to purchase and possess firearms and who use them lawfully.

The definition presently included in S. 3633 is consistent with that of the omnibus crime bill, Public Law 90–351 in that section 921(a)(16) of that law specifically exempts shotgun shells "or any ammunition designed for use in a firearm other than a destructive device." In addition, section 901(7) of the Federal Firearms Act of 1938 exempts shotgun shells, metallic ammunition suitable for use only in rifles, or any .22-caliber rimfire ammunition. Obviously, the will of the Congress has historically, as well as recently, been to exclude sporting ammunition from onerous and burdensome controls. There is no reason for legislation contrary to this established precedent.

In 1963, Mr. John W. Coggins, Chief Counsel's Office, Internal Revenue Service, Treasury Department, in testimony before the Commerce Committee on proposed firearms controls stated that up to that time it had been "impracticable to effectively administer the provisions of the Federal Firearms Act relating to ammunition." Mr. G. D. Belin, general counsel of the Treasury Department, in a statement dated November 14, 1963, and filed with the Commerce Committee concurred with Mr. Coggins' statement. In addition, Mr. Belin, in explaining certain proposed amendments to completely exclude ammunition from the requirements of the Federal Firearms Act, made the point that ammunition is not serially numbered and very hard to identify. The result is that these factors serve to make the provisions of the act relating to ammunition impractical to administer. Any attempt to impose stringent controls on the availability of ammunition would, for the same reason, be difficult, if not impossible, to enforce and administer.

Under regulations of the Post Office Department that have been in effect for many years, it is against the law to send any firearms ammunition through the mail. Thus, no person, be he law-abiding citizen or criminal, may ship or receive ammunition through the U.S. mails.

Consider if you will that organized crime has all the knowledge and equipment necessary to manufacture their own ammunition. No law is going to deter such activities. Further, those who commit crimes on the spur of the moment or heat of passion are as likely as not those who would not be precluded by any law from purchasing ammunition, for as often as not they have no prior criminal record. Even more basic, however, is consideration of the fact that few States have laws restricting the purchase of ammunition. Thus, nothing would preclude the criminal from purchasing ammunition in one State and legally transporting it to another State so as to commit a crime.

It is obvious that the only person who could be adversely affected by a restriction on the interstate purchase of ammunition is the hunter or sportsman who inadvertently does not carry enough ammunition with him to his hunting or target-shooting activity. Do you think for one second that the hoodlums in Washington, D.C., or any other jurisdiction for that matter, travels to another State in order to purchase ammunition with which to commit a crime? The answer is obvious.

Just as the direct threat against the wildlife conservation fund in those States that failed to pass a firearms registration law posed by the recent registration and licensing measures under consideration by Congress, any inclusion of all ammunition under the provisions of this bill can only be aimed at the sportsman.

Mr. President, in view of the overwhelming evidence against including ammunition under the provisions of S. 3633, there is no merit in broadening the definition of ammunition. It is perfectly obvious that ammunition other than ammunition for destructive device, pistols and revolvers, should not be subject to the comprehensive prohibitions of S. 3633.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on agreeing to the committee amendment on page 10, beginning on line 18. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Louisiana Mr. [ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I also announce that the Senator from Indiana [Mr. BAYH] is absent on official business.

I further announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Arkansas would vote "yea," and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from New York [Mr. JAVITS], the Senator from Kentucky [Mr. MORTON], the Senator from Illinois [Mr. PERCY], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Illinois [Mr. PERCY], and the Senator from Maine [Mrs. SMITH] would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Texas would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 36, nays 41, as follows:

[No. 274 Leg.]

YEAS—36

Allott
Baker
Bennett
Bible
Burdick
Byrd, Va.
Cannon
Church
Curtis
Dirksen
Dominick
Eastland
Ervin
Fannin
Gruening
Hansen
Hatfield
Hickenlooper
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long, La.
McClellan
McGee
Metcalf
Miller
Moss
Mundt
Murphy
Russell
Sparkman
Stennis
Talmadge
Thurmond
Young, N. Dak.

NAYS—41

Aiken
Anderson
Boggs
Brewster
Brooke
Byrd, W. Va.
Case
Clark
Cooper
Dodd
Fong
Goodell
Gore
Griffin
Harris
Hart
Hartke
Hill
Holland
Inouye
Kuchel
Lausche
Mansfield
McIntyre
Mondale
Montoya
Morse
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Scott
Spong
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—23

Bartlett
Bayh
Carlson
Cotton
Ellender
Fulbright
Hayden
Hollings
Javits
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
Monroney
Morton
Muskie
Percy
Ribicoff
Smathers
Smith
Symington
Tower

So the committee amendment was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS—CHANGE IN CONFEREES

Mr. ALLOTT. Mr. President, with respect to the Senate conferees for the independent offices appropriation bill, I have been informed that the Senator from Maine [Mrs. SMITH] will not be able to act on that committee.

I therefore ask unanimous consent that the Senator from New Hampshire [Mr. COTTON], the next ranking member of that committee, serve as a conferee.

I am informed that this has been cleared by the Senator from Washington [Mr. MAGNUSON], chairman of the committee.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 3133) to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, with amendments, in which it requested the concurrence of the Senate.

PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader about the schedule for tomorrow.

The **PRESIDING OFFICER.** To whom is the time to be charged?

Mr. MANSFIELD. I yield as much time from the bill as I may require.

ORDER FOR COMMITTEES TO MEET DURING SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may meet during the session of the Senate tomorrow.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until 11 o'clock tomorrow morning.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. There will be a period for the transaction of routine business at that time, with sufficient time to allow various committees to meet and to act, and I have been given assurance that at least one of them will act.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed with the various leaders in control of this bill, as well as with the distinguished minority leader, the possibility of getting an across-the-table limitation of time.

Mr. President, I ask unanimous consent to amend the pending agreement to the effect that on all amendments there be 1 hour, the time to be equally divided between the majority leader and the minority leader, or whomever they designate, and 2 hours on the registration-licensing amendment to be offered by the Senator from Marlyand, the time to be equally divided between the Senator from Maryland [Mr. Tydings] and the Senator from Nebraska [Mr. Hruska].

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I hope we can get started voting early tomorrow. There will be no further rollcall votes tonight but we should stay in session late tomorrow and I hope, if possible, we can finish the bill, and if not, we can finish it on Wednesday.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That effective during the further consideration of the bill S. 3633, a bill to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, debate on any amendment shall be limited to 1 hour, except an amendment proposing Federal registration and/or licensing of sporting firearms, to be offered by the Senator from Maryland [Mr. Tydings], upon which time shall be limited to 2 hours to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 6 hours to be equally divided and controlled respectively by the majority and minority leaders: *Provided,* That the said leaders or either of them may from the time under their control on any amendment or on the passage of the said bill allot additional time to any Senator during the consideration of any amendment, motion or appeal.

The **ACTING PRESIDENT** pro tempore. Who yields time?

Mr. DODD. I yield 5 minutes to the Senator from Maryland.

The **ACTING PRESIDENT** pro tempore. The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, the Senator from Rhode Island this afternoon in his debate in opposition to the ammunition loophole very accurately and properly described the issue before the Senate on that vote, and the issue which will be before the Senate when the Senate votes on registration and licensing and other efforts to close the loopholes which unfortunately the Committee on the Judiciary opened on the mail-order bill which is before us.

Mr. President, the issue is not that the legislation we advocate is antigun, because it is not. It is anticrime. It is legislation designed to reduce the appalling toll of disorder and violence and crime in our streets throughout the Nation.

Mr. President, guns are the tools of the underworld. In this mail-order measure which we hope to perfect we need to close the loopholes. This measure would not hurt the law-abiding gun owner, the sportsman, or the hunter. It is not the intended effect nor is it possible under any of this legislation to confiscate the gun of any hunter, whether he is in Montana, or on the eastern shore of Maryland, or wherever he is. It would prevent use of the mails by criminals to avoid restrictions of cities, counties, and States which prohibit sales of guns to criminals, felons, drug addicts, and alcoholics.

The registration and licensing proposals, which I might add were supported in our committee by law-enforcement agencies and by law-enforcement officials throughout the Nation, will not in any way abridge the rights of honest citizens to own or keep a gun, but they would reduce the access of firearms for the criminal element.

Inasmuch as I was one of the floor managers of amendments to the omnibus crime bill I was present in the Chamber during nearly all of the debate in connection with that bill. I heard many of my colleagues speak for hours on end in favor of law and order, support for the police, and other matters of vital law enforcement concern.

Mr. President, Senators will soon have an opportunity to vote on real and effective aid to law-enforcement officials throughout the Nation. We will have that opportunity when we vote to plug two series of loopholes which the Committee on the Judiciary added to the bill, committee amendment No. 33, the contiguous State proposal, and committee amendments Nos. 45 and 51, the licensed dealer provisions.

We will have an opportunity to stand up and be counted when the vote comes on my mail-order and licensing provision, the National Gun Crime Prevention Act, which was cosponsored by 18 other Senators.

Mr. President, I wish to say again that the issue is purely and simply whether or not we really mean what we say when we indicate we are intent on doing something concrete to assist law enforcement in this Nation and if we really are concerned with reducing the crime rate and keeping deadly weapons from the criminal element.

This measure will not affect any law-abiding citizen, sportsman, homeowner, or shopowner. It would take away no one's guns unless he were a convicted felon, and in that case he does not deserve to have a gun. There will be no tax, no permit fee, and no registration fee.

I hope, as votes continue on this measure tomorrow and the next day, we will recall that J. Edgar Hoover advocates responsible and effective gun-control legislation. The National Crime Commission made it our No. 1 concern.

Mr. President, this is a crime-fighting measure and that is solely what it is. It will not deprive law-abiding citizens, sportsmen, or hunters of the right to pursue their time-honored pursuit, but it will reduce the access by the criminal element to firearms. If the measure results in saving 100 or 1,000 lives a year, I submit that the small inconvenience, which is less than that required to get an automobile registration, a hunter's license, a driver's license, a bicycle license, or a fishing license, with no fees attached, is such that I would hope that our citizens would be willing to submit to a slight inconvenience in order to protect themselves and the general public from gun crime and assist law-enforcement officers in the increasingly difficult fight against crime and violence.

The **ACTING PRESIDENT** pro tempore. The clerk will state the next amendment.

The bill clerk read as follows:

On page 11, line 1, strike out the figure "(17)" and insert "(18)".

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The **ACTING PRESIDENT** pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The **ACTING PRESIDENT** pro tempore. The next amendment will be stated.

The bill clerk read as follows:

On page 11, line 4, insert:

"(19) The term 'felony' means, in the case of a Federal law, an offense punishable"——

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment reads as follows:

(19) The term "felony" means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year, and, in the case of a State law, an offense determined by the laws of the State to be a felony.

(20) The term "published ordinance" means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

Mr. **HRUSKA**. Mr. President, I yield back the remainder of my time.

Mr. **DODD**. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All the time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment.

The BILL CLERK. On page 11, line 18, strike out to and including lines 14 on page 12, as follows:

(2) The term "destructive device" shall not include—

(A) a device which is neither designed nor redesigned nor used nor intended for use as a weapon; or

(B) any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, linethrowing, safety, or similar device; or

(C) any shotgun other than a short barreled shotgun; or

(D) any nonautomatic rifle (other than a short barreled rifle) generally recognized or particularly suitable for use for the hunting of big game; or

(E) surplus obsolete ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684(2), 4685, or 4686 of title 10, United States Code; or

(F) any other device which the Secretary finds is not likely to be used as a weapon.

Mr. **HRUSKA**. Mr. President, I yield back the remainder of my time.

Mr. **DODD**. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment.

The bill clerk read as follows:

On Page 12, line 15, strike the figure "(3)" and insert "(2)".

Mr. **HRUSKA**. Mr. President, I yield back the remainder of my time.

Mr. **DODD**. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment.

The bill clerk read as follows:

On page 12, line 15, strike out "by imprisonment for a term exceeding one year," and insert in lieu thereof, "as a felony."

Mr. **HRUSKA**. Mr. President, I yield back the remainder of my time.

Mr. **DODD**. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that amendments identified in the committee report as Nos. 15, 16, 17, and 18 be considered en bloc and that reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. **HRUSKA**. Mr. President, I yield back the remainder of my time.

Mr. **DODD**. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendments has now been yielded back. The question is on agreeing to the amendments en bloc. Without objection the amendments are agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 13, line 8, strike the word "or"; and on line 9 after "dealer" insert "or licensed collector".

On page 13, line 11, strike the word "or"; and on line 12, after the word "dealer" insert "or licensed collector".

On page 14, line 8, strike the word "or" at the end of the line and on line 9, insert the words "or licensed collector".

On page 14, line 24, strike the word "or".

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment.

The bill clerk read as follows:

On page 14, line 13, insert after the word "State"——

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the RECORD at this point.

The amendment reads as follows:

State: *Provided, however,* That this paragraph shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State: *Provided further, however,* That this paragraph shall not apply to transportation or receipt of a rifle or a shotgun obtained in conformity with the provisions of subparagraph (b)(3) of this section.

Mr. **HRUSKA**. Mr. President, I yield back the remainder of my time.

Mr. **DODD**. Mr. President, I think that this partly covers the question of contiguous States, but it raises a real problem and I should like the amendment to go over until tomorrow.

Mr. President, at this time I am not prepared to accept the amendment, although I do partially agree with it. I should like to discuss it tomorrow.

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate on this amendment?

Mr. **DODD**. Mr. President, I intend to move to amend that amendment.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment is laid aside temporarily.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that amendments identified in the committee report as Nos. 20, 21, and 22 be considered en bloc.

The ACTING PRESIDENT pro tempore. Is there objection? Amendment No. 20 is the one on page 15, line 14. Would the Senator kindly identify these amendments in the bill?

Mr. **HRUSKA**. Mr. President, I withdraw that request. If they cannot be identified, let the clerk carry on.

The ACTING PRESIDENT pro tempore. The next amendment will be stated.

The BILL CLERK. Page 14, line 24, after the word "dealer," insert "or licensed collector."

Mr. **HRUSKA**. Mr. President, I yield back my time.

Mr. **DODD**. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The next committee amendment will be stated.

The BILL CLERK. Page 15, line 7, after the word "manufacturer," strike out "or," and "dealer," insert "or licensed collector,".

Mr. **HRUSKA**. Mr. President, I yield back my time on the amendment.

Mr. **DODD**. Mr. President, I yield back my time on the amendment.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next committee amendment will be stated.

The BILL CLERK. Page 15, line 10, strike the word "or".

Mr. **HRUSKA**. Mr. President, I yield back my time on the amendment.

Mr. **DODD**. Mr. President, I yield back my time.

The **ACTING PRESIDENT** pro tempore. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The **ACTING PRESIDENT** pro tempore. The next committee amendment will be stated.

The **BILL CLERK**. Page 15, line 10 and 11, after the word "dealer," insert "or licensed collector."

Mr. DODD. Mr. President, I yield back my time.

Mr. LONG of Louisiana. Mr. President, will the Senator yield me 1 minute?

Mr. HRUSKA. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, it occurred to this Senator that we would make time much more expeditiously if the Senator from Nebraska would simply inform us of the amendments he proposes to object to, and in that way we could simply agree to the remainder of the amendments. I know of no other Senator who cares to object to committee amendments. The Senator from Nebraska is the spokesman for those who object. Then we would narrow the issues and debate them and agree to the remainder by unanimous consent.

Mr. HRUSKA. Mr. President, the Senator from Louisiana is under a misconception. The Senator from Nebraska wants all of the amendments of the committee adopted. It is not I who is obstructing the ways of progress. I want all of the committee amendments adopted. I am in favor of the bill if it is not harmfully amended.

Mr. LONG of Louisiana. Mr. President, may I suggest to the distinguished manager of the bill that he signify and pick out the amendments he wishes to object to, and then let us agree to the others? We could regard the bill as original text, if some Senator wanted to object or offer amendments.

Mr. HRUSKA. That has been my standing offer since last Thursday. It has not been accepted.

Mr. DODD. Mr. President, I originally asked that all committee amendments be considered as part of the original bill. Objection was made. I then asked that we consider all but four committee amendments, and objection was made to that request. I just wanted to make my position clear on that point.

Mr. LONG of Louisiana. Mr. President, if I detect the parliamentary situation at this moment, if the Senator will pick out those amendments that he does not want to be regarded as original text——

Mr. DODD. I have. There are four of them.

Mr. LONG of Louisiana. Will the Senator designate those four?

Mr. DODD. We disposed of two of them this afternoon, so I think we have only two left.

Mr. LONG of Louisiana. Will the Senator designate those two?

Mr. DODD. One of them is the contiguous State amendment.

The **ACTING PRESIDENT** pro tempore. Will the Senator from Louisiana please restate the proposition he has presented?

Mr. LONG of Louisiana. Mr. President, I was simply suggesting that any Senator notify us of any committee amendment to which there was to be objection. Then we could consider those separately, and agree to the rest of them, and we could even agree to the bill as original text, reserving the right of any Senator to object to the amendments. Then we could proceed to test those amendments as to which there is objection, and we could get on with the business. For example, if it were simply changing the numeral "4" to "5," or to strike the numeral "2," the time on the amendment would have to be surrendered as to each one, as though they were of consequence. I would hope that any Senator who had objection would notify the manager of the bill. Then the manager could designate those to which he did not want to agree to en bloc.

Mr. DODD. I certainly would like to do that. I think we might make some progress overnight. I suggest it would be better to let matters stand.

Mr. HRUSKA. Mr. President, I am ready to adjourn.

GUN ACTION ON COURTHOUSE STEPS

Mr. DODD. Mr. President, it cannot be said with any certainty that reasonable men will always do reasonable things.

A case in point is the public official in Amherst County, Va., who this summer sold two deadly weapons at a public auction on the county courthouse steps to a 46-year-old man, soon to be arrested and charged with public intoxication and disorderly conduct, with cursing and abusing a police officer and with assaulting a police officer.

In addition, the guns sold the about-to-be-arrested drunk were weapons confiscated by police in crimes or from other persons who should not be in possession of them.

It is true that this sort of thing does not happen every day, but it happens often enough to irritate a public concerned with maintaining law and order.

The story of this gun auction is told in some detail in the July 15, 1968, issue of the Charlottesville, Va., Progress. I ask that it be printed in full in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charlottesville (Va.) Progress, July 15, 1968]

NEW TWIST IN GUN SALES

A news item from nearby Amherst County calls attention to the degree of local irresponsibility which is causing the Federal government so often to step in and do those things which the states and the communities should be doing.

No long ago an Amherst County construction worker, charged with assault on a police officer by striking him with a left hook to the eye, was fined $50 and given a 30-day suspended jail sentence. No action was taken on charges of being drunk and disorderly or cursing and abusing the police officer.

The 46-year-old construction worker had been arrested in the town of Amherst and was being escorted across Courthouse Square on his way to the jail when he suddenly swung his left and caught the arresting officer, the town police sergeant, squarely in the eye.

If you are wondering why the prisoner swung his left at the town sergeant it wasn't necessarily because he was left-handed. It was just that he was clutching a couple of pistols in his right hand.

And where had he obtained the guns? Why, he had just purchased them at an auction sale of confiscated guns conducted by Amherst County authorities on the steps of the courthouse.

A 46-year-old man, soon to be arrested and charged with public intoxication and disorderly conduct, with cursing and abusing a police officer and with assaulting a police officer, was allowed to bid and buy two deadly weapons at a public auction on the county courthouse steps.

It is true that the prisoner did not use the guns in any way on the town sergeant, although if he had chosen to use his right instead of his left he might well have put quite a dent in the officer's skull.

Now, the occasional public auction of confiscated guns is not confined to Amherst County by any means but we think it is a public policy that deserves immediate reconsideration in view of the present furor over the necessity of keeping guns out of the hands of undesirable persons.

If communities such as Amherst continue such undesirable practices while states apparently look the other way, it is only a matter of time before there will be Federal gun control legislation far stricter than what is likely to emerge from this Congress. And not even the National Rifle Association will be able to stop it.

CONGRESS SHOULD NOT PROCRASTINATE

Mr. DODD. Mr. President, virtually every newspaper in America has rendered its editorial opinion on the firearms problem. I have watched support grow for strong Federal controls over firearms for almost 8 years.

A survey of editorials and articles of opinion published during 1968 reveals almost universal support, almost universal agreement on the need for Congress to adopt strong controls on the interstate commerce in firearms.

In the June 24, 1968, edition of the Ypsilanti, Mich., Press, in a column entitled "Gun Control Rights Are Not Open License" the editors had this to say, and I think it hits the nail right on the head:

> Gun control laws are long overdue in this country . . . It is long past time for a realistic Federal control act . . . As in so many other areas, gun control "rights" should not be confused as "license" without imposed limitations and regulations. And lawmakers should not again procrastinate for fear of alienating politically powerful organizations or individuals. The vast majority of Americans want sane gun controls as a concrete step toward reducing crime and violence in this country.

Mr. President, I ask that a brief selection of this editorial opinion, culled from newspapers large and small across the Nation, be printed in the RECORD at the conclusion of my remarks for the consideration of my colleagues as this debate on firearms control progresses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Ypsilanti (Mich.) Press, June 24, 1968]

GUN CONTROL RIGHTS ARE NOT OPEN LICENSE

Gun control laws are long overdue in this country.

Traffic in mail order firearms must be put under strict controls and a national uniform system of gun registration tightly enforced.

This isn't an opinion formulated in the emotional aftermath of recent assassinations. It is one we have long advocated. If lawmakers find themselves in an embarrassing situation so close to elections, then they have no one but themselves to blame. They should have acted on such control measures sooner, during times that were not so politically and emotionally heated.

But the difficult position in which they find themselves should not deter them from acting. And they should follow the course of action which common sense tells them is the safest, sanest one for the entire country. They should not base their decisions strictly on the numbers of letters received from indignant citizens, for emotions are running high on both sides of the street.

There are those who abhor the ease with which guns can be obtained and insist that this is one of the underlying reasons for the growth of violence and crime in this country. They demand sweeping gun legislation.

There are those who regard any controls as infringements of individual liberty and Constitutional guarantee of "the right of the people to bear arms," and claim that gun laws will not have any effect on crime and assassination. They demand that prohibitive laws not be passed.

Numbers of letters received as the result of individual conviction or organizational campaign should not be the determining factor in the lawmakers' considerations. They must examine their own hearts and conscious and proceed in a realistic, practical manner.

The mere existence of new controls isn't going to halt all violence or put an end to assassination. It can only play a part—perhaps a small part—in deterring criminals and in keeping weapons out of the hands of people who practice or preach violence and hate. But even playing a small part is important. Even lessening the odds of having guns end up in the hands of minors, the unstable and the plain dangerous makes sense.

Controls also are necessary as an aid to law enforcement agencies in crime detection and prevention.

And how can sensible laws be regarded as violations of Constitutional rights? Look at it this way: It is necessary to register and obtain a license to drive a car, to get married, to sell drugs, to own a dog, to operate a boat and to do many things that we as free Americans do in exercising our rights. Why is it any more of an infringement of liberty to require a hunter, skeet shooter or gun collector to likewise register and obtain a license to purchase or own a pistol or shotgun?

It is long past time for a realistic federal control act—not one drafted and passed in haste that unnecessarily penalizes the law-abiding citizen with excessive restrictions but one which will establish sensible regulations that will be the same in all states.

As in so many other areas, gun control "rights" should not be confused as "license" without imposed limitations and regulations. And lawmakers should not again procrastinate for fear of alienating politically powerful organizations or individuals. The vast majority of Americans wants sane gun controls as a concrete step toward reducing crime and violence in this country.

[From the Minot (N. Dak.) News, June 12, 1968]

ARGUMENT GUNS AREN'T KILLERS ABSURD AS IT CAN BE

(By Morrie Ryskind)

Reason would suggest that the bullet which felled Senator Kennedy emerged from a gun which might have been unobtainable if a proper gun control law had been in effect. John Kennedy's slayer ordered his gun through the mail; the ex-convict who killed Martin Luther King bought his over the counter; the snipers who shot at policemen and firemen in the recent riots presumably got their weapons just as easily. Noting which, I recently suggested it was high time for a federal law, one with harsh teeth in it, to prevent the indiscriminate sale of firearms.

Conceding my lack of expertise on this controversial subject, I saw no reason why a purchaser with a legitimate use for a gun should object to strict regulation, down to getting a police okay and being fingerprinted.

"Surely the rights guaranteed by the Second Amendment were not intended to provide criminals with an arsenal," I wrote, and added I realized no law could ever stop a determined killer from obtaining a gun, but that such a statute might cut our appalling crime rate.

The first response to that piece came from a reader in Amarillo who agreed courteously but vigorously about my lack of expertise on the matter, and predicted I'd get enough protests against my stand to last me a lifetime.

How right he was! To date, of 168 letters on that column, only two back me; the rest vary all the way from calling me misguided to hinting I'm guilty of subversion.

Some point out that our own Communists have long advocated just such a law; others that Hitler enacted a similar measure. The intent in both instances being to disarm the decent citizens and leave them defenseless against the weaponry of uniformed gunmen serving the police state.

I realize how touchy the subject is when such an implication can be read into my piece. I never even remotely suggested that the honest citizen be deprived of arms with which to defend himself against danger. I asked only, especially in view of recent happenings, that there be a strict supervision over the sale of firearms, lest they fall into bad hands—as obviously was the case in the shooting of Robert Kennedy.

As a matter of fact, I have strong personal motives for wishing those with bona-fide reasons to possess arms the right to do so. For my son, who lives in Washington, has for over a year had a revolver in his house for protection against violence that has come dangerously near. And so have many of his friends. They'd be foolhardy not to, as matters stand.

Nor is it Washington alone. An AP dispatch reports that gun sales have also been soaring in the predominantly white suburbs of Baltimore and Kansas City since the riots that erupted in those cities this past month.

Indeed, there is plenty of fear all over the country, but it is not based on the potential danger of an all-powerful police force. On the contrary, the fear prevails because the cops have been almost completely stripped of their former powers to protect life and property. Police state? If anything, we are perilously close to having a non-police state. And the mob rule that follows may be fully as evil as Communism or Naziism.

Compared to this deadly reality, the cries against rigid control of guns—with all deference to their sincerity—seem to me of little weight. I know the arguments—in fact, I've been deluged with them—that it isn't guns that are killers but the folks who use them, and that the criminal can always get his gun.

But follow that reasoning to a reductio ad absurdum, and we need no speed regulations. For law-abiding folk will never go 80 miles an hour in traffic, but others will anyhow.

So I remain unconvinced, in spite of the almost unanimous poll against me. The law is no safeguard against all crime, to be sure, but it still exercises considerable deterrence.

I'd like the police to regain their authority. I'm for Mayor Daley's "shoot to kill if necessary" against murderers, arsonists and looters, whatever their color. I'm against Caucasian killers like Oswald and Galt; and am equally opposed to a Stokely Carmichael who urges his followers to start killing whites; and to Negro snipers who shoot at policemen and firemen. They all look alike to me.

And anything that makes it more difficult for such worthies to get their itching fingers on a gun is just dandy with me.

[From the San Antonio (Tex.) News, July 10, 1968]

UNITED STATES IS SICK OF KILLING, WANTS TO DO SOMETHING

The great gun debate is nearing its decisive stage in the Congress and those concerned enough to want to do something constructive to stop the carnage may have to accept a milder bill than they want in order to get anything. There is a great deal of emotion as well as beside-the-point argument involved, but American public opinion suggests Americans are tired of wholesale gunplay in their big cities.

Most likely legislation this year aims at stopping mail-order purchase of guns. This would be a useful step. Bexar County's district attorney has said "junk" guns ordered through the mail are a major source of trouble. Repeated instances of crimes involving guns indicate mail-order gun traffic is a favorite way for criminals, the mentally ill and immature to obtain firearms.

Two other steps should continue to be pressed, however. National registration of firearms would provide one means of confiscating weapons found in the hands of persons without proper credentials. Federal license for possession of guns could deny guns and ammunition to disqualified persons.

These latter two steps are anathema to many persons, as this newspaper has learned, but no valid argument against such action has been offered. The cost for registration and licenses should be nominal with perhaps a reduced rate for collectors.

Since we are not likely to get those two hotly-contested reforms, we would suggest that a review of the 20,000-plus gun laws (National Rifle Association estimate) to see whether they are useless or merely ignored. We do know that 7,700 murders last year are too many; that 55,000 gun assaults and 71,000 robberies (with guns), 20,000 gun deaths and 100,000 gun injuries last year are intolerable conditions for a civilzed country.

Texas has made a start on control of killing by enacting a law (awaiting the governor's signature) to disarm beer-hall brawlers. The City of Chicago, by enacting a registration law, found 357,598 guns—enough to arm 20 Army divisions.

The point some opponents of improving conditions miss is that by making possession of firearms a sober business, the indiscriminate misuse of these weapons can be discouraged.

[From the Parsons (Kans.) Sun, July 1, 1968]

BABIES AND GUNS

Residents of Chicago and those working inside its city limits have registered 357,598 guns under a new city ordinance. It is a number estimated by a retired major general in charge of the program as exceeding the handguns carried by the members of 16 divisions which compose the entire active strength of the U.S. Army.

Registration has been conducted since May 15. Coincidental with the listing of guns, more than 2,000 weapons have been surrendered to police and melted down in recent days. Officials in charge expect the rate to continue at that level each month.

While registration is supposed to be a Communist trick of some sort and a deep conspiracy to deny Americans their rights, the striking fact is that Chicagoans still have those rights—and their guns, too. There has been no outcry from residents to indicate massive dissatisfaction with the registration.

Other cities have gun registration laws, or are preparing to enact them. Los Angeles County is ready to put the "strongest gun registration ordinance in the nation" on the books.

Congress is debating a registration measure which will plug the holes in a nationwide pattern left by cities and states without a required listing of weapons. It should note from the cities' experience that the National Rifle Association is acting from inflated fright in opposing legislation as the product of a dark plot.

If new babies are registered, as they are, there's no reason guns can't be included, too.

[From the Portland (Maine) Press Herald, Sunday Telegram, July 7, 1968]

WHY GUN LAWS ARE NEEDED

First essential to discussion of gun laws is to clear the air of the malarkey tossed about by both sides.

Gun registration laws are no more a cure-all for murders than car registration laws are a cure-all for car theft; or marriage registration is a cure for adultery.

Yet car registration is a tremendous help to police in tracing and identifying stolen cars. This registration is a protection to all legal car owners. Marriage registration puts a crimp in the bigamy rate. Registrations and licenses are "government meddling." But few husbands or wives ever embarked on massive letter-writing campaigns to Congress objecting that licensing and registering their marriage is something close to the downfall of romance.

Yet the hullaballoo being picked up by the National Rifle Association and their cohorts pretends gun registration laws would mean the downfall of hunting, target shooting, gun collecting or the possession of firearms for protection.

No such thing! Proposed laws will deny no competent citizen the right to own a gun for pleasure or protection! The law would merely require that guns be registered; and gun owners be licensed. (Most Maine gun owners already apply for their hunting and fishing licenses, dog licenses, marriage licenses, etc.) Known criminals, drug addicts, mentally retarded and incompetents, etc., would not be granted a license to own a firearm. Possession of an unregistered, unlicensed firearm might well carry a mandatory jail sentence.

There is a life-and-death urgency to sensible gun laws now.

Listen to this; In the United States guns account for more than 6,500 murders a year. That amounts to over 20 murders a day six days a week. Compare this to just 30 gun murders a year in England or 37 a year in crowded Japan, countries where there are stringent gun laws.

True, it will take more than gun laws to decrease the terrible tide of murder, assault, armed burglary in these United States. But it is surely a sensible, sane start to require that every kind of gun be registered and every gun owner be licensed.

Some opponents to gun laws harp on the outworn red-herring that the proposed gun laws would contradict Article II of the Bill of Rights (Right to Keep and Bear Arms). Let them recall that the Supreme Court has ruled that this Article is designed primarily to ensure a militia (now done in other ways than by calling up self-armed householders) and is not a guarantee to unlicensed, unregistered ownership of a firearm.

Surely, United States citizens and police should not be denied the needed curb of sensible gun laws. But today they are being denied it by lobbyists immoral enough and congressmen conscienceless enough to block the passage of laws which might help reduce the gun terror which today causes so much death and sorrow in America.

[From the Dearborn (Mich.) Guide, July 11, 1968]

FULL GUN CONTROL NEEDED NOW

No one knows how many millions of guns are in the hands of people in the United States, all kinds of people—responsible and irresponsible, knowledgeable and irrational. No one knows how many because there never has been any nationwide requirement that guns be registered and licensed.

But we do know, from State Department statistics, that about one million guns a year have been imported into the United States and that this year alone the number of guns imported is already 1.3 million! If that many guns are imported, the number produced and bought domestically must be staggering.

The fact of the matter is that there are too many guns around and too many in the hands of irresponsible and irrational people. Everyday there is news of another senseless killing. An example is last week's incident in Central Park of New York City, the nation's largest city. A man with a .45 caliber revolver went on a shooting spree terrorizing the area for an hour, killing one person and wounding three others until brought down by the police.

These and other incidents have become almost typical and add to the evidence of the need for gun control. A person with one of those weapons can strike fear and death from a station in Central Park of New York City or from a tower of the University of Texas or in a civil disturbance in any city.

These occurrences are in addition to the growth of political murders in this nation, the striking down of leaders like John and Robert Kennedy, Medgar Evers and Martin Luther King. The processes of democracy call for resolution of the issues at the ballot box and in the legislatures, not from the barrel of a gun.

Galvanized by the latest Kennedy death, Congress is finally beginning to act on gun control—after decades of inaction. For more than 30 years approximately 85 percent of all Americans and 65 percent of gun owners have favored registration, pollster George Gallup has found. Support for gun control has been longstanding and overwhelming but has been ignored by representatives who are supposed to act in the public interest.

Gun control hasn't been effected, and the system is not truly representative, because of the makeup of Congress and because of the power of pressure groups like the National Rifle Association. Congress has 535 members who are not equal. The power within Congress revolves to the committee chairmen.

This week we had the picture of Rep. Emanuel Celler of New York going to Rep. William Colmer of Mississippi for a gun control law. Celler heads the important House Judiciary Committee, but Colmer heads the even more powerful House Rules Committee. Celler favors gun control; Colmer doesn't.

Celler told Colmer that he wanted legislation to register guns and to license gun owners. Colmer said he wouldn't give that legislation a "rule"—wouldn't let it come up on the floor of the House for consideration. Celler agreed to go along with Colmer when Colmer said he would allow consideration of another bill that would merely ban mail order sales of rifles, shotguns and ammunition. (Mail order sale of hand guns was already passed this year as an amendment to a crime bill.)

Even on this lightweight measure, whose need is so obvious that even the pro-gun people like Colmer don't dispute it, there have been unnecessary delays. Even as Congress tries to rush to adjourn by Aug. 1 to be free for politicking during the national conventions, the opponents of gun control use one dilatory tactic after another. The stalling moves are leading advocates of gun control to the conclusion that half a loaf is all they can hope to get this year.

And as the year progresses and Congress delays and then adjourns, how many more senseless shootings will occur? How many more times will an enraged person resort to the gun as the only way he can win an argument, or a child die from a gun that adults said wasn't loaded, or a neighbor walk his dog at night shot down as a burglar by a householder who has guns, or a character climb a station in Central Park ready to blast away his frustrations?

Strong laws are needed to deal with guns and are needed now. Some States have shown the way. Those States with strict registration and licensing provisions have consistently had a lower percentage of deaths attributable to guns than States with weak or no gun legislation; example are Rhode Island with strong laws and a 24 percent rate of murder by gun, and Mississippi with weak laws and a 71 percent rate of murder by gun.

The disparities should be ended and the opportunities for killing lessened through Federal legislation to halt altogether the mail order trade in guns and to institute registration and control procedures. Since guns are a luxury, why isn't there a luxury tax on guns? That would bear consideration too when Congress gets to acting on the bills before it—bills that need enactment without further delay.

[From the Honolulu (Hawaii) Star-Bulletin, July 27, 1968]

ONE HUNDRED MILLION GUNS IN AMERICA

One factor strangely missing from reports on the gun control controversy in Washington is this: To what extent have congressmen been swayed by constituents' demands to be allowed to arm themselves against internal disturbances?

We who have always lived in Hawaii have little idea of the extent of the Mainland practice of "keeping a gun in the house." It may be a pistol, a rifle or a shot gun. Its principal use may be for target shooting or game. But there is usually in the back of the head of the owner the thought that some time it might be useful in protecting his home and family.

Throughout the country this year there has been a rash of arms-buying. At one time the demand for home-kept weapons had cleaned out stores in California and visitors were buying in Hawaii. A heavy upswing in ammunition purchases was noted at the same time.

Against the background of talk of insurrection by some black militants, and with a probably much misunderstood concept of the meaning of "black power," thousands of white home owners have armed themselves. It is no secret that black citizens have acquired weapons also.

The Emergency Committee of Gun Control, an organization with headquarters in Washington, D.C., recently stated that there are 100 million guns in private hands in the U.S. and this figure is being added to at the rate of 10,000 daily.

The National Rifle Association to the contrary notwithstanding, obivously not all these owners of weapons acquired them in the interest of sport. These guns, or at least a great many of them, are intended for use against other human beings, when and if.

It thus becomes not too hard to understand why Congress refuses to pass an effective gun control law. The National Rifle Association has taken most of the gaff for obstructing passage of such a law. But it is figures such as these which throw a clearer light on the matter. An election year—or any other year—is a bad time to offend millions of Americans, most of them voters.

[From the St. Louis (Mo.) Post-Dispatch, Aug. 17, 1968]

Muzzles, Guns, and Pipe

The National Rifle Association's attempt to generate a boycott against clients of an advertising agency that has been working for effective gun control legislation reveals a good deal about the gun lobby. But more than anything else this resort to economic intimidation as a tactic to muzzle a troublesome opponent suggests a loss of faith in the force of associations own intellectual position. If so, then for once NRA stands on firm ground, as witness:

"Registration of plumbing materials may come next," cries a headline in red ink over an editorial in *The American Rifleman,* the association's official organ. The connection between plumbing and shooting, the *Rifleman* explains is that with hardly any tools an ordinary pipe can be converted into a handgun, employed to commit a crime and then be taken apart instantly to become nothing but anonymous pipe. The implication is that gun registration would be silly. "What needs to be controlled," the *Rifleman* says, "is the criminal impulse in people, not inanimate objects like guns—or a plain piece of pipe."

We would not accept as fact the existence of a "criminal impulse" in people, particularly among the law-abiding members of the Rifle Association. It is a fact, though, that firearms are used in a majority of the homicides in this country (6,476 of 10,920 such crimes in 1966), in most of the robberies in which a weapon is used and in a substantial number of aggravated assaults. That being so, it seems to us sensible to try to control firearms both by licensing owners to prevent possession by anti-social types and by registering weapons to assist police in solving crimes committed with them.

Given licensing and registration, some people no doubt might be inclined to rip out their plumbing, construct a zip gun, commit a holdup, dismantle the gun and reconstruct the plumbing. There is no suppressing the do-it-yourself movement. But nobody has to go to all that bother now; anybody can get a gun just about anytime anywhere. Isn't the easy availability of deadly weapons in this country a major cause of our high homicide rate? A growing number of Americans are inclined to answer Yes, and want effective gun control legislation adopted; which of course explains why the Rifle Association is trying to silence the advertising agency that has helped point up the need.

[From the Wilmington (Del.) News, July 1, 1968]

Register Guns, License Owners

From June 16 to 22 in the United States, 198 people were killed with guns—114 homicides, 65 suicides and 19 accidental shootings, based on a survey conducted by the Associated Press.

Actually, it was a relatively safe week. Sen. Joseph D. Tydings, D-Md., has pointed out that an average of 20 persons per day are murdered annually in the U.S., and that week the figure was just slightly over 16.

But in a civilized country, even 16 is totally unacceptable (in a recent year in England, only 30 persons were killed with guns). The simple fact that the weekly survey was made is in itself another indication of increasing public concern over this country's ridiculously lax gun laws.

Plainly sensing this trend in public thinking, President Johnson issued a strong plea for federal registration of firearms and licensing of gun owners.

The need for such legislation, which would create no more of an inconvenience than that involved in registering a car and taking a driver's test, is clear to most Americans, if the national polls are correct. Only the direction the laws should take can be seriously questioned.

In a broad message on gun controls, the President also recommended that the ban on the interstate mail-order sale of handguns, incorporated in the anti-crime bill which he recently signed, be extended to rifles and shotguns. Since a psychopath or a felon can kill just as easily with a long gun, it seems apparent that these lethal loopholes should be filled.

But no attempt to curb the interstate traffic in firearms can be effective unless firearms are registered and those possessing them are licensed. Ideally, it would seem, the states are best equipped to handle both registration and licensing. The President's proposals call for federal registration, with licensing to be handled by states if they meet federal standards. The federal government would step in if the states failed to establish licensing procedures in a specified period.

The federal registration would permit the FBI's National Crime Information Center to compile a comprehensive computer file of every gun in the nation (or as many of the 50 to 100 million as could be located). Presumably the rationale behind the President's proposal is the advantage such information would provide in crime detection.

It would seem, however, that if states had registration laws, they could pass on their files to the FBI, with little if any loss of accuracy—assuming that all states had laws requiring substantially the same information. Since many state legislatures are notably reluctant to act without prodding, a time limit could be set by Congress for passage of a state law. Where no action was taken, federal registrars would be empowered to take over the process.

Such a proposal would parallel the President's recommendation for licensing. It would effectively induce the states to act responsibly, yet would insure that both registration and licensing could be adapted slightly to local conditions and preferences. One state, for example, might find these duties best handled by the state police; another might designate a different state agency.

The Congress must supply the impetus for the states, so that all will comply within a reasonable period of time.

Yet it is evident from 30 years of almost complete inaction on gun legislation that Congress will respond only to a continued public demand. Presidential recommendations have gone unheeded for years, and the stalling tactics employed Thursday by the Senate Judiciary Committee are just a sample of Congress' ingenuity when it comes to evading a controversial issue.

Anyone who needs further convincing need only view the 1967 crime statistics: 7,700 murders with guns in the United States (compared with 6,500 in 1966), 55,000 aggravated assaults with guns (43,000 in 1966) and 71,000 robberies with guns (60,000 in 1966).

It cannot be reiterated too frequently that no gun law will eliminate these crimes. But it is only necessary to cite the experiences of countries with tough gun laws to suggest strongly that meaningful control of firearms can make a significant difference.

To illustrate: A recent report showed that the United States had 2.7 gun murders per 100,000 population, highest among the 15 nations studied. In England and Wales, the figure was .05 per 100,000; in Japan, .04; in West Germany, .12; in Italy, .70, and in Belgium, .26.

Unless one accepts the discredited theory that Americans are more violent by nature, the only answer can be the stricter laws.

[From the Langhorne (Pa.) Delaware Valley Advance, Aug. 1, 1968]

Gun Control

The responsiveness of our legislative bodies to the wishes of the electorate is sometimes in considerable doubt. A case in point is the recent effort to pass effective gun control legislation. Polls have indicated that more than 80 percent of the American people favor strict firearms control. More than a million letters poured into Washington after the murder of Senator Kennedy.

The result is a House bill banning interstate mail order sales of rifles, shotguns, and handgun ammunition. It also bans store sales of weapons to non-residents of a state (except those from an adjoining state) and to those under 18 years. A similar bill was approved by the Senate Judiciary Committee, but will not be passed until after Labor Day when Congress reconvenes.

Stripped from the bill is the ban against mail order sales of long gun ammunition and the administration sought gun registration and licensing of gun owners.

In Harrisburg a strict firearms control bill was completely emasculated in spite of the efforts of the governor and leaders of both parties. The bill which finally passed adds five to ten years to the sentences of those convicted of crimes when armed. There is no provision for gun registration or regulation.

The statistics of gun fatalities in the United States cry out for effective controls. Our annual rate of homicides (by firearms) per 100,000 population is 2.7. England's is .05, France, 1.3, Sweden, .11, Germany, .12, Japan, .04, and Canada, .52. The figures for suicides and accidents show a wider contrast.

In England a certificate from the local police is required before a gun can be purchased. France requires permits for handguns and military rifles. Sweden requires a need for a gun and demonstrated knowledge of its use. Germany issues permits only to registered hunters and members of gun clubs. Japan prohibits private ownership of guns and Canada required registration of all handguns.

In this country those states with some form of gun control have half the homicide rate by firearms of those states without controls. Because of New York's Sullivan Law the homicide rate by handgun in New York City is 25 per cent. Other larger cities have a rate of 40–70 percent.

The price we will pay for the victories achieved by the National Rifle Association in Washington and Harrisburg will be thousands of homicides and suicides and perhaps more of our nation's leaders. Although the issue may be closed for this year, the need for effective legislation is not lessened by the evasiveness of the state and national legislatures. Congressional Candidate Richard Hepburn's program (reported in the news columns of the Advance) may be too stringent, but it serves the purpose of keeping the issue before us. It is too important to forget. Our lives may depend on it.

[From the San Antonio (Tex.) Express, Aug. 10, 1968]

Another Small Gun Ends Another Life

Another life has been taken by one of those small-caliber pistols which lawmen say are cheap and dangerous implements good for nothing but killing men.

In a city park, an argument which need not have gone beyond hot words led to the senseless slaying of a 17-year-old boy, because such a weapon was available. From witness description, it was similar to the cheap, imported gun which cost Patrolman Richard Cuellar his life in the tragic shooting near city police headquarters.

How long must we put up with the threat to life and public order posed by these weapons? Effective means to curb their importation and easy sale must be found.

[From the Eugene (Oreg.) Register-Guard, Aug. 22, 1968]

The Real Case

Among the most vigorous opponents of any gun controls are white militants who, in the cities, are arming themselves against what they fear will be Negro insurrection. They are joined now, quite appropriately, by the Black United Front in Washington, D.C. That group has called Washington's new gun control law "a white racist means of taking away from black people an instrument of self-defense."

This puts the need for some kind of gun control in perspective. Too often the drive for gun control is tied to the assassinations of Martin Luther King and the Kennedy brothers. The fact is that no gun legislation imaginable would have prevented any of those tragedies.

The real need is to cool the arms buildup in the cities. Racists, black and white, are arming themselves to the teeth with one object in mind—race war. That, not the prevention of assassination, is the real case for gun control.

[From the Lexington (Ky.) Leader, July 24, 1968]

PASSING A SANE GUN CONTROL LAW

If the current controversy over gun regulations proves anything it is that the gun lobby has the draw on Congress and it will take some pretty brave citizens to get this mistaken group to drop their guns quietly.

We believe that Congress can make a major contribution to the safety and the sanity of the nation by passing a comprehensive gun control law now, for there has been too much violence already which has involved the misuse of guns.

The threat of violence in this nation is at an all-time high, and no one knows whether the next outbreak will come from the political terrorist, the militant worker for some cause or the quiet man down the street who has suddenly gone berserk and decided to kill his wife and children.

The seriousness of this problem is underscored by what former Supreme Court Justice Arthur Goldberg said the other day: an American is either killed or wounded by gunfire on the average of every two minutes every day.

While the overwhelmingly majority of these accidents or intentional shootings are caused by people who are violating present gun laws, it is America's lax laws which allow guns to be so readily available to the thousands of unstable persons in our society.

Gun control legislation will not prevent the hardened criminal from acquiring a gun—he can always steal one from some honest citizen who has registered the gun—but a sensible control law will make it harder for the juvenile to buy a gun as a "toy," or will prevent the thousands of shootings in "sudden heat and passion."

Gun control will not prevent the misuse of guns, but will make it harder for the irresponsible and the undesirable to acquire a deadly weapon.

[From the Haverhill (Mass.) Gazette, July 25, 1968]

SENSIBLE COURSE ON GUNS

Gun control legislation is another one of those subjects it seems impossible to discuss dispassionately.

To some loose gun control laws are solely responsible for and stiff gun control laws are the only cure for, the problem of violence in America.

To others, restrictions over the purchase and ownership of guns is the first step toward disarming the American citizenry, which is the last step before the take-over of America by "them."

There would seem to be a solution somewhere between the absolutely free and unfettered sale of dangerous weapons and the confiscation of all that exist in the country. There would seem to be enough collective wisdom among the 535 members of the U.S. Congress to write a law which would protect the rights of law-abiding sportsmen and gun buffs while making it a bit more difficult for those who should not have guns to obtain guns.

Let it be granted immediately that laws mean little to the law-breaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

It is time to cease the weary refrain that "guns don't kill people; people kill people." Neither do automobiles kill people. Should we then do away with all controls over the ownership and operation of motor vehicles?

Forget the criminal. The fact is, guns may indeed kill people.

At least one psychological study has shown that, in tense emotional situation, such as an argument, the mere presence of accessibility of a weapon like a gun heightens aggressive feelings. The trigger, in a very real way, pulls the finger.

It is this which is perhaps the strongest argument for gun control legislation.

If a man under the influence of anger could not run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few days, lives might be saved.

If a mental defective or an underage youth could not send for a rifle through the mail, lives might be saved.

If a panicky homeowner had to go through a little red tape before buying a gun to defend his house against "them," lives might be saved.

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far any more without bumping up against somebody else's.

[From the Vancouver (Wash.) Columbian, Aug. 2, 1968]

CRIPPLED GUN BILL

Members of the House of Representatives last week, for the first time in 30 years, cast recorded votes on gun-control legislation. The bill, prohibiting interstate shipment of rifles and shotguns, was passed 305–118, with opposition coming primarily from the conservative coalition of Republicans and Southern Democrats.

All seven congressmen from Washington voted for the bill, but, on two key amendments which severely crippled the bill, only four of them voted on the side of controls. The four were Brock Adams, Floyd Hicks, Tom Foley and Lloyd Meeds, all Democrats. Voting in favor of the crippling amendments were the two Republicans, Thomas Pelly and Catherine May, and the Democrat from the Third District, Julia Butler Hansen.

These votes marked the second time in less than a week that Mrs. Hansen, usually regarded as a liberal, had joined with the conservative coalition in weakening key administration proposals. A few days earlier she (and Foley and Hicks) had voted with the conservatives to cut the foreign aid authorization.

One of the crippling amendments to the gun bill would exempt shotgun, rifle and .22 caliber rimfire ammunition from restrictions imposed by the bill. The vote was a close 218–205, with all but 25 of the "Yes" votes coming from Republicans and Southern Democrats. The exemption leaves only handgun ammunition subject to provisions of the bill. The measure proposed by President Johnson and the House Judiciary Committee would have prohibited interstate shipment to individuals of any kind of ammunition and over-the-counter sales to individuals who do not live in the dealer's state. It also would have banned the sale of rifle and shotgun ammunition to persons under 18 years of age and the sale of shortarm ammunition to persons under 21 years.

Sponsor of the amendment, Rep. Clark MacGregor, R-Minn., argued that leaving shortarm ammunition in the bill and taking out rifle and shotgun ammunition would allow the control of "ammunition for criminal purposes but leave free of controls ammunition used by hunters and sportsmen." But the facts don't back up MacGregor's argument. Rep. Emanuel Celler, D-N.Y., chairman of the Judiciary Committee, pointed out that "nearly 30 per cent of all homicides by firearms are committed with rifles and shotguns" and that more than half of the gun murders in rural areas are by rifles and shotguns.

We can't see any reason why rifle and shotgun ammunition ought to be any more available to mail-order purchasers, youngsters and convicted felons than ammunition for pistols and revolvers.

The second weakening amendment would exempt from the bill "institutions, organizations or persons to whom . . . firearms and ammunition may be lawfully delivered by the secretary of the Army" and would guarantee "transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competition."

The sponsor of the amendment, Rep. Robert Sikes, D-Fla., said the amendment was necessary to allow Reserve Officer Training Corps units to continue to receive guns and ammunition for marksmanship training. But Acting Secretary of the Army David E. McGiffert wrote a letter to Celler saying that the amendment was not needed to "continue effectively to operate the marksmanship club program and any related program." McGiffert went on to state his opinion that the amendment "would appear simply to discriminate in favor of NRA (National Rifle Association) members without regard to their participation in the program."

It seems clear that the NRA as an organization would qualify for an exemption under the first portion of the Sikes amendment. But it is not clear how far the exemption would apply to individual NRA members. One interpretation is that individual NRA members could continue to order guns and ammunition from the secretary of the Army but would otherwise be subject, along with all other citizens to other provisions of the bill. But a much more discriminatory interpretation appears possible. The amendment might exempt the million NRA members from all provisions of the act, thereby allowing them to mail-order guns and ammunition over the from any dealer and buy guns and ammunition over the counter regardless of residence, age or previous convictions. Either interpretation, and especially the second, would be a boon to the NRA. One could expect gun enthusiasts to flow to the NRA for membership to escape the provisions of the gun law.

In spite of warnings from Celler and other congressmen concerned over the wording of this amendment, it was passed 225–198, with 28 Northern Democrats (including Julia Butler Hansen) joining the conservative coalition.

The amended bill now goes to the Senate. The Senate's first order of business ought to be to remove the MacGregor and Sikes amendments. These amendments need to be eliminated if the nation is to obtain any kind of meaningful controls on rifles and shotguns.

[From the Los Angeles (Calif.) Times, Sept. 3, 1968]

SEVEN THOUSAND SIX HUNDRED REASONS FOR STRONG GUN LAWS

The FBI's grim tabulation of crime and violence last year in the United States should assure passage of effective laws against the indiscriminate use of guns. But Congress has proved incredibly indifferent to the danger.

Firearms are being used increasingly in homicides, armed robberies and assaults, according to FBI Director J. Edgar Hoover, who said that in just three years the use of guns has gone up 47% in murders, 76% in aggravated assaults, and 58% in armed robberies.

The Unified Crime Reports for 1967 showed, however, that those states with some form of firearms controls had proportionately fewer gun deaths than states without control laws.

Yet it appears tragically certain that Congress this year will not approve federal registration of all firearms and licensing of gun owners—surely the minimal protection needed for the public in our gun-happy society.

Guns, said the FBI, were used in 7,600 murders, 73,000 robberies and 52,000 assaults last year. But Congress still hasn't added rifles and shotguns to the weak firearms restrictions in its anti-crime bill.

One reason, of course, is that the National Rifle Assn. and other members of the gun lobby have counter-attacked with a barrage of letters in defense of the absolute right of gun ownership. Legislators seem to have forgotten the enormous public outcry for strong laws that followed the gunning down of Sen. Robert Kennedy.

In the absence of congressional action, state and local governments have considered imposing their own registration laws. San Francisco set a good example with such a law, but the California Legislature could come up with nothing more than a meaningless plebescite on the November ballot.

Opinion polls for years have shown that the American people want strong controls on firearms. The assassinations of President Kennedy, Dr. Martin Luther King and Sen. Kennedy dramatized a situation that has long threatened public safety.

Perhaps the members of Congress and state legislatures will finally find the political courage to ignore the small shrill minority and act on behaf of the vast majority of citizens. But how many Americans will have been shot while the country waits?

[From the Klamath Falls (Oreg.) Herald & News, June 25, 1968]

Gun Control Law: Time Analyzes NRA Objections

Of all the subjects that attract letters to the editor, none creates more volume of mail than gun legislation and fluoridation.

At the moment, because of the recent murders of Robert Kennedy and Martin Luther King, efforts are being made all over the nation to develop some control over guns. President Johnson has urged a strong law and so far has overwhelming support for banning mail order sales or rifles. States throughout the nation are considering gun legislation. Oregon's Gov. Tom McCall, for instance, will introduce a bill in the 1969 Legislature calling for registration of firearms. Obviously it's not a political issue; rather an emotional one.

Not everyone agrees with what Time Magazine says. Nevertheless Time is a magazine of national stature. In its current issue the top story attacks the National Rifle Association and the organization's "spurious arguments" against gun control legislation. Time has analyzed some of the basic positions taken by the NRA as follows:

"The constitutional right to bear arms will be infringed."

NRA is fond of quoting the second half of the Second Amendment of the Bill of Rights, but not the first. The full amendment reads: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." Consistently, federal courts have interpreted the Second Amendment as referring to a collective right, not an individual privilege. The Supreme Court ruled as far back as 1939 that the amendment expressly concerns "the preservation or efficiency of a well-regulated militia."

"Guns don't kill people, people kill people."

The NRA points out that autos kill three times as many Americans as guns each year, and asks archly: "Why not ban them?" (One reply: Autos are registered. Why not guns?) NRA officials also cite a study made by University of Pennsylvania Sociologist Marvin E. Wolfgang of 588 criminal homicides committed in Philadelphia over a four-year period. He concluded that, given "sufficient motivation or provocation," it makes no difference whether a gun is handy—if not, the offender "would use a knife to stab or fists to beat his victim to death." But Wolfgang has since modified that view. As Detroit Police Commissioner Ray Girardin puts it: "When people have guns, they use them. A wife gets mad at her husband, and instead of throwing a dish she grabs the gun and kills him." Agrees Psychiatrist Robert Coles: "Every psychiatrist has treated patients who were thankful that guns were not around at one time or another in their lives."

"When guns are outlawed, only outlaws will have guns."

The NRA argument is that if various categories of guns are prohibited, the law-abiding citizen will be left defenseless while the criminal will ignore the law and steal a gun—"as he usually does anyway." In fact, he usually does not and has no need to, when it is so ludicrously easy to purchase one legitimately. A 1965 study showed that nearly 25 per cent of 4,069 mail-order guns shipped by two Chicago firms went to convicted criminals. In New Jersey, one in every five recipients of mail-order firearms has a criminal record. Massachusetts State Police Captain John Collins notes that of 4,506 guns confiscated from criminals in a recent period, only six had been stolen.

"First registration, then discrimination, finally confiscation."

The fear that the government will end all private ownership of firearms underlies the NRA's opposition to registration of any weapons. The organization's officials argue that once local police were empowered to reject applicants for a permit to own a weapon, they would do so capriciously or on the basis of personal or political prejudice. Not surprisingly, such Negro militants as California's Black Panthers are dead set against gun registration, maintaining that it would be used to disarm them. Similarly, the New Left newspaper the Guardian has declared its opposition to "restrictions on weapons which would deprive sections of the population of a means of self-defense" while "the state itself is abundantly armed."

In this way, the way-out left sounds oddly similar to the way-out right, whose spokesmen claim that if guns were registered, invading Communists would merely have to get the lists from police stations in order to disarm the nation and choke off resistance.

The Times study and analysis carries some salient points worth remembering where gun laws are being discussed.

It's a great personal attribute to be able to see the other fellow's point of view.

[From the Middletown (N.Y.) Times Herald-Record, July 17, 1968]

Controlling Guns

If Congress, in its rush toward adjournment before the national conventions, fails to enact a comprehensive gun control measure, it will leave both gun control advocates and opponents in an avoidable state of tension.

Advocates will continue to press for basic legislation. Opponents will fight every proposal in fear that the ultimate aim will be elimination of all guns.

We believe Congress should eliminate all mail order gun sales to private individuals, require the national registration of every firearm, and establish a licensing system for every gun owner.

Momentum for a one-package gun law was never higher. If impetus ever peaks again, it will be over the dead bodies of more of the nation's top leaders and innocent victims of mass murderers.

A good but complete law would, we believe, be embraced or at least accepted by sensible sportsmen who recognize that the spread of violence must be curbed but who have every right to demand that law-abiding sportsmen should not be penalized.

[From the Tiffin (Ohio) Advertiser-Tribune, June 20, 1968]

Handy Gun May Trigger Murder

Gun control legislation is another one of those subjects it seems impossible to discuss dispassionately.

To some, loose gun control laws are solely responsible for, and stiff gun control laws are the only cure for, the problem of violence in America.

To others, restrictions over the purchase and ownership of guns is the first step toward disarming the American citizenry which is the last step before the take-over of America by "them."

There would seem to be a middle position.

There would seem to be a solution somewhere between the absolutely free and unfettered sale of dangerous weapons and the confiscation of all that exist in the country. There would seem to be enough collective wisdom among the 535 members of the U.S. Congress to write a law which would protect the rights of law-abiding sportsmen and gun buffs while making it a bit more difficult for those who should not have guns to obtain guns.

Let it be granted immediately that laws mean little to the law-breaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

It is time to cease the weary refrain that "guns don't kill people; people kill people." Neither do automobiles kill people. Should we then do away with all controls over the ownership and operation of motor vehicles?

Forget the criminal. The fact is, guns may indeed kill people.

At least one psychological study has shown that in tense emotional situations, such as an argument, the mere presence or accessibility of a weapon like a gun heightens aggressive feelings. The trigger, in a very real way, pulls the finger.

It is this which is perhaps the strongest argument for gun control legislation.

If a man under the influence of anger could not run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few days, lives might be saved.

If a mental defective or an underage youth could not send for a rifle through the mail, lives might be saved.

If a panicky homeowner had to go through a little red tape before buying a gun to defend his house against "them," lives might be saved.

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far anymore without bumping against somebody else's.

[From the Portsmouth (Ohio) Times, June 14, 1968]

Stemming the Tide of Violence

There is a growing demand across the nation for a "middle position" on the question of gun control legislation.

Is such a position feasible and desirable? We think so.

At one end of the issue there are people who say they will have nothing to do with any gun control legislation. Their opposites, at the other end, seek controls right up to the brink of confiscation.

Somewhere in between there has to be a sane approach to a problem that has gotten out of control.

There is much evidence the problem is out of control, but the most incriminating piece comes from the National Rifle Association which represents American sportsmen.

The organization has been accused of blocking effective legislation controlling firearms for years. Yet, today it is actively supporting specific gun control measures.

To clear the way for relevant legislation, these misconceptions have to be discarded: The thought that gun control will greatly reduce crime (guns can be stolen, purchased on the black market or made by criminals); the idea that assassins will be stymied (a man filled with hate, dedicated to murder and resigned to accept the consequences eventually will find a way to complete his heinous deed); that gun control is infringing upon individual rights (no proposed legislation would prohibit sane, law-abiding citizens from owning guns) and the theory that gun legislation should be opposed because only law-abiding people would allow it (how would such thinking apply to other laws?).

After the political arena is purged of false ideas and catchy phrases, then work can begin on sensible legislation aimed at keeping guns out of the hands of undesirables and toughening penalities for crimes involving firearms.

We believe more and more people are arriving at the conclusion that the time has come for a law that would contribute positively to the climate that looks with disfavor on firearm violence.

Under present conditions, Americans appear to be resignedly accepting an atmosphere that embraces violent tactics as part of the American scene.

There is no denying the existence of violence in our nation, but that is no excuse to condone it.

National re-assessment is going on right now. No one has a perfect solution for every failing that confronts America. Some changes are going to be made. All citizens are going to benefit—either in the short run or long run.

Reasonable gun control legislation is one area to be touched by reform. Will it be a consummate answer to the plague of violence? No. A step in the right direction? Yes.

[From the Bayonne (N.J.) Facts, July 10, 1968]

Signs of Life in Gun Law

Although the House Rules Committee yesterday sent to the House floor a bill that would ban the interstate sale of rifles, shotguns and ammunition, with the expressed hope of action this week, in view of what has happened to gun control proposals so far it is still too early to start cheering, both with regard to getting a swift decision and, for that matter, with regard to what real effectiveness the eventual proposals will have. It's still a case of wait and see.

The sorry record of assassination and murder in this country should have brought about effective restraints long before the assassinations of President John F. Kennedy then Dr. Martin Luther King Jr., then Senator Robert F. Kennedy, but despite the expressions of outrage and the avalanche of telegrams, letters and postcards clamoring for strong gun controls, nothing much happened except continued debate—and continuance of murder, a vivid example of which was the rampage by a sniper slayer letting loose with a revolver to his heart's content in New York City's Central Park.

True, President Johnson has spoken out strongly in making known his wish for effective gun control,. and voices have been raised within Congress supporting his views, but the powerful gun lobby's opposition seemingly has managed to go on gumming up the works, and one can feel nothing but amazement over the postponement of action on the Administration gun control legislation.

According to some advocates of gun control, there is a majority on the Judiciary Committee that eventually will vote for curbs on interstate mail order sales and some form of licensing and registration of guns. It's all well and good to take an optimistic view on some matters, but its a questionable virtue in this situation and may even play into the hands of the powerful minority opposition so that effective legislation if not stuck in committee can be talked to death.

[From the Paramus (N.J.) Sunday Post, July 7, 1968]

Congress Needs a Prod

Speaking on gun legislation June 26, Attorney General Ramsey Clark stated in part: "How many summers will we risk sniper fire which can terrorize whole sections of great cities?" A week after the attorney general spoke a terrorist brutalized bystanders in Central Park in New York City with a .45-caliber revolver, to kill a woman and wound four other persons. Meanwhile, William M. Colmer, chairman of the House Judiciary Committee, postponed deliberation on gun bills because he didn't "like the idea of legislating on the basis of hysteria and emotion." Ironically, Colmer probably didn't mean the hysteria and emotion that swept Central Park under .45 fire, but there it was.

Only the prod of letters from the public can move Congress, which seems once again intimidated by the National Rifle Association lobby. The Senate Judiciary Committee tentatively has gun legislation on the agenda for Tuesday. Make sure it gets a hearing. Fill out the petition below and mail it now.

[From the Dover (N.H.) Foster's Democrat, July 13, 1968]

Gun Control Compromise

The old saying that half a loaf is better than none applies to the present situation in Congress with regard to gun control legislation. Firearms registration is needed, as the testimony of Attorney General Clark has so strongly emphasized, to impose sensible restraint on criminal use of guns. But under the circumstances the move to bypass registration for the time being to assure extension of the mail order sales ban to long guns and ammunition is a reasonable compromise.

Such legislation would, at any rate, be a signal improvement over the recently enacted measure which places only hand guns under such controls. Passage of that provision as part of the omnibus anticrime bill clearly left a vital gap in federal gun control law. This gap would be filled by adding rifles and shotguns to the catalogue of lethal weapons over whose possession some reasonable police control could be exercised.

This is not to say that passage of this measure ought to end the matter. Until some form of registration and licensing of gun ownership is enacted into law, restrictions on criminal use of firearms are bound to be ineffective.

Many emotional arguments have been offered against gun control in general, and against registration and licensing in particular. The National Rifle Association has mounted a tremendous letter-writing campaign among its members in opposition to this. Much of this flood of mail to Congress and to newspapers implies or says outright that there is an effort to "disarm" the American people; there are many variations on the theme—but variations most often couched in strikingly similar language—that gun controls violate the constitutional right to bear arms. Other arguments, no less vulnerable to dispassionate analysis, are offered against gun control, as if this were the work of the devil.

Unwarranted fears and simple misunderstanding underlie this position. The Second Amendment right to bear arms is not absolute; it is conditioned on the need to maintain "a well regulated militia," and this has long since been superceded by the nation's established armed forces. There is no move afoot to "disarm" the American people; even under the most extreme registration and licensing proposals seriously advanced, there would be no hindrance to possession of firearms by good citizens. The worst that can be said is that sportsmen would be put to a certain modest inconvenience.

That would be a small price indeed to pay, individually and collectively, for reasonable means of keeping guns out of the hands of criminals, psychotics and juveniles. The ban on mail order sales of long guns should be promptly enacted. Gun registration should be given high priority when the next Congress convenes.

[From the Cincinnati (Ohio), Enquirer, Aug. 1, 1968]

Guns and the Governors

The advocates of realistic gun controls could not escape disappointment at the relatively mild position taken by last week's National Governors' Conference in Cincinnati. Neither could they fail to be struck by the circumstance that the resolution's passage came only hours after the death of 10 Clevelanders—three of them policemen—in a pitched street battle.

But the Governors' Conference it needs to be noted, is not a legislative body. It is an assemblage of wholly autonomous executives serving vastly differing constituencies and reflecting vastly differing problems and circumstances. Its resolutions, moreover, need a three-fourths vote for approval and are necessarily broad in scope. These enactments serve principally to demonstrate the governors' concern rather than as blueprints for action by the individual governors and their legislatures.

The significance of last week's resolution consequently, lies less in what the governors said than in the fact that they said anything at all. They did agree that existing gun legislation is inadequate and that millions of Americans are urging a more sensible approach to the problem of firearms. Against that background, they urged that the states "accept the challenge and responsibility of promoting and enacting appropriate legislation within each state dealing with the sale and possession of firearms."

In many ways, the governors' resolution was an invitation to the Federal government to proceed with the establishment of minimum standards to serve as a guide to the states in formulating their own programs for registering firearms. States that fail to act at all are opening the door to outright Federal regulation—something the governors indicated in their resolution that they hoped to avoid.

Some aspects of the gun-control problems remain beyond the scope of the governors. They cannot cope adequately, for example, with mail-order sales or with the interstate movement of weapons. Appropriately enough, these are the prime areas of congressional concern.

[From the Montgomery (Ala.) Advertiser, July 27, 1968]

Attacking What We Didn't Say

In his letter today, Dr. A. F. Lincoln distorts our editorial comment Thursday on "Cleveland's Dark and Bloody Ground" and ignores some significant data about the effectiveness of gun laws, particularly as they have been used to convict felons when murder or burglary charges wouldn't stick. He writes:

"Your proposal that a sniper murderer might not be convicted under the present judicial philosophy of pampering the criminal but could be given a federal rap for committing the murder with an unregistered gun is ludicrous."

Apparently he referred to this concluding section in our editorial Thursday on the horror in Cleveland:

". . . It was supreme irony that the House of Representatives picked this day (the day of the first outbreak) to reject gun licensing. Not that it would have prevented the snipers from doing what they did. But some who have been arrested might not be convicted.

"They could have been on a federal rap *for violating licensing and gun registration laws* (italics added). There is only a circumstantial case against some, apparently, for their part in the murderous assault, whereas their guns would have been prima facie evidence in court if we now had a law making violation of licensing and registration a crime."

Dr. Lincoln altered this entirely to read that the suspects could be "given a federal rap for committing the murder with an unregistered gun . . ."

That would have been "ludicrous," but we didn't say it. We said that conviction for this crime of carrying an unregistered gun might be possible when a murder conviction was not. It has happened many hundreds of times in New York under that state's Sullivan Law.

We are also alarmed over the consequences of recent Supreme Court decisions, but convictions were often difficult before the *Miranda*, *Escobedo* and *Mallory* rulings. We did not, incidentally, mention the "present judicial philosophy of pampering criminals," although this is certainly a problem which, we think, strengthens rather than weakens the case for gun controls, including registration and licensing.

Although we make it a policy of rarely answering readers, there have been several letters, already printed without rejoinder, attacking what we didn't say. Dr. Lincoln serves as a surrogate for all these.

Beyond his letter, however, is the disbelief that registration-licensing (or even bans on mail-order shipping of guns) will do any good. Opponents of such legislation say people would still kill, rape and rob. Yes, they would, as we've commented many times. However, the statistics speak loudly: states with effective gun control laws have a substantially lower homicide rate than states with weak laws. Moreover, our national homicide rate (for all states) is 50 times as high per 100,000 as that of Britain, which has a strong gun control law. (And Britain is not a dictatorship, incidentally.)

The case for a good nationwide system of controls, by the states but with federal cooperation and federal standards, overwhelms all quibbles. And there is no constitutional barrier—the truncated phrase "right to bear arms," so frequently quoted by the National Rifle Association, is in the Bill of Rights but is directly connected with the necessity of maintaining a "well-regulated militia." For obvious reasons, NRA never mentions that. Finally, no one has posed disarming responsible citizens, sportsmen and others. What has been proposed, and for the time being rejected, is licensing them and registering their guns, the better to control criminal usage.

"Confiscation" is not the "next step," as so many fear, since Congress would never approve that, so long as its members are answerable to the electorate. When that ceases, our country is lost and a few guns around the house won't alter the fact.

[From the Houston (Tex.) Post, July 29, 1968]

Unmoved by Bloodshed

The snipers who were responsible for the killing of 10 persons and the wounding of 45 others in an attack on Cleveland police were armed with weapons comparable to anything that the United States Army has.

When police searched the neighborhood after the snipers had been subdued, they found M–1 carbines, M–15 automatics, shotguns, pistols and cases of ammunition. The rifles could fire tracer bullets, enabling the snipers to zero in on their targets. One police sergeant remarked that the outlaws had better weapons than the police who opposed them. And there is not the slightest doubt that the weapons moved in interstate commerce.

Yet the day after the Cleveland incident, members of the House of Representatives and the Senate Judiciary Committee refused to take any really effective action to control the nationwide traffic in firearms, apparently afraid to offend an armed and highly vocal minority that wants no control.

At the same time, the nation's governors, meeting in Cincinnati, not far from the place where blood literally ran in the streets because of the lack of any effective control over firearms, showed a similar lack of courage by approving what one of them called "the most weak-kneed resolution possible."

The rationalization given by members of Congress for their refusal to approve a national system of gun registration and licensing was that it should be left to the states and local localities. The governors took the same position, saying "the burden of this challenge and responsibility lies primarily within each of the several states."

While expressing individual concern about the weakness of existing firearms control laws and efforts to regulate the indiscriminate sale and possession of firearms, they committed themselves to nothing more definite than an effort to get appropriate legislation enacted in their various states.

No matter how soothing and sweetly reasonable all this may sound, what it actually means is that there is not going to be any really effective control—unless the people really rise up in anger and force their public officials to act, or replace them with people who will act.

The gun problem is a national one, and it must be approached on a national basis if anything effective really is to be done.

It is a practical impossibility to get 50 states to take approximately identical and simultaneous action on anything, and if state legislators simply pass the buck to their thousands of municipalities to deal with the problem, any action that is taken will be scattered, feeble and largely futile.

The Congress of the United States is the only instrumentality that can provide the stimulus for and compel action on a nationwide scale.

The primary interest of present members of Congress appears to be to do no more than is absolutely necessary to quiet the clamor that is being raised about the senseless and preventable slaughter that is taking place in this country annually because of the lack of any effective control of firearms. And it is ironic that some of those public officials who weep the loudest about bloodshed in Vietnam simply shrug off the blood that is shed in this country.

Some of those who oppose gun control most vigorously are loudest in accusing other branches of the government, including the Supreme Court, of aiding criminals and creating disrespect for law and order, authority and established institutions of government.

[From the Newark (N.J.) Advocate, June 27, 1968]

Control the Gun Traffic

Our nation is now faced with legislation to control guns. The bill recently passed by Congress and signed by the President is considered by most thoughtful citizens as only a half-way measure since it limits control only to hand guns.

Over the years, much has been written and spoken about gun laws, particularly whether or not they should be stringent or liberal. Within the past two years, this issue has come to be a vital one in our nation, particularly because of the incidence of assassinations. From all indications it seems as though our citizenry not only wants but demands stringent control laws.

To the credit of the State of New Jersey, a very effective licensing and registration law was enacted in 1966 and it has proven its merits by decreasing the murder rate from rifle and shot guns by 50% below the national norm.

President Johnson, FBI Director J. Edgar Hoover and many of the country's big-city police chiefs, practically all church organizations and the American Bar Association all are on record as favoring tighter control laws.

As was brought out drastically by the late Sen. Kennedy, any child, any insane person, any alcoholic, any narcotics addict or any criminal is now able to purchase a deadly rifle without any difficulty or inconvenience. While admitting that we are living in an age of violence with no laws or liberal laws, we must also admit that we are contributing to the violent times in which we are living.

Granted that the laws we now have are at least partially effective, it is also true that effectiveness depends upon stringent enforcement. Now each week we are given the statistics of the number of deaths caused by guns, whether in murder or suicide or by accident, and this total is too high.

We plead with our national legislators to accede to the wishes of their constituents and stop the gun traffic. Listen to the plea being made by reputable organizations in demanding that Congress act to save us from our own self-destruction.

The gun is an instrument of death. Put this gun in the hands of the mentally disturbed and it brings about fright, chaos and death and so we plead for the stringent enforcement of the laws we now have and for the serious consideration of expanding the laws to include rifles and mail-order shopping.

[From the Dayton (Ohio) Journal Herald, July 25, 1968]

How Many Must Die?

The leading story on Page 1 of The Journal Herald yesterday told of the gun battle in a Negro section of Cleveland. Ten men died, three of them policemen. It began, apparently, with a fusillade against police from carbines and automatic rifles.

A second story told of the murder in their Michigan summer home of a Detroit family of six. "The wounds," said the story, "indicated the family was slaughtered with a variety of weapons."

A third story said: "The House (of Representatives) yesterday rejected by more than a 2–1 margin a proposal to license gun owners."

The gun lobby has done its work well.

A licensing law, if one had been passed by the present Congress, would not have spared any of the 16 persons killed. If it had been passed five years ago, it might have.

The time has come when everything possible now must be done to protect Americans against gun violence. The right to possess guns must be carefully limited and serious penalties enacted for violation. Every gun in this country should be brought under license and its owner held accountable for its whereabouts and its use.

[From the Hamden (Conn.) Chronicle, July 11, 1968]

GUN CONTROL

State Rep. Milton Caplan of Hamden has called attention to a state gun control hearing to be held at the Judiciary Room of the State Capitol next Tuesday morning at 11 o'clock. Local residents for or against gun control legislation are urged to attend the hearing and to place their points of view on the record.

Gun control has been under considerable discussion in recent years, but never so much as since the assassination of Senator Robert F. Kennedy in Los Angeles. It is tragic that it took another assassination to bring the matter to a head—it should have been resolved long since.

Gun control—the registration of firearms in private ownership—will not markedly curtail crime and violence in America out-and-out. Criminals will still manage to get their hands on guns—just as they employ brass knuckles, burglary tools and other such equipment which the average law-abiding citizen knows nothing of.

However, the registration of firearms could conceivably be of immeasurable help to police in solving crimes and, in the process, of preventing the same people from continuing crime waves unchecked.

Last week's sniper case in New York's Central Park was a case in point, to a degree. Police didn't have to track down the sniper—he was shot dead on a park rest room roof. However, within a very short period of time, the origin and sales route of the gun used by the sniper was traced with great rapidity and uncanny accuracy. New York's Sullivan Law on gun registration didn't prevent an insane sniper from venting his rage upon others, but it did help police pin down the case and to ascertain that the reign of violence in this particular case ended with the killing of the sniper at the scene.

Opponents of gun registration contend that this would be an infringement upon their constitutional rights. This is ridiculous. To be required to register firearms with proper authorities is no more a taking away of the right of stable citizens to own a firearm than to require that a person register his automobile and pass a driver's license examination is to deprive a person of the right to operate a motor vehicle—if he can prove competency.

[From the Sheridan (Wyo.) Press, July 17, 1968]

THE HUMAN FACTOR IS BASIC

No discussion of crime control can be dismissed without consideration of the human factor. The same is true of gun control.

Crime can not be legislated out of existence. Laws can only provide a framework of living, a code by which men live. The human factor must make of this framework, and this code a matter of social reality.

Gun legislation can only be considered a tool for law enforcement agencies and the courts. Laws can only be considered tools by which we attempt to develop an ordered and secure existence. Yet we must have gun legislation, and other laws as a statement of the kind of society we want or demand. We must have it as a moral basis of living.

But something is wrong with the human factor, it sometimes goes haywire—it results in assassination, in murder, in beatings on a dark street, in injuries and the like. In addition, it discriminates, it hates, it creates violence and the like.

While it has been comparatively easy to legislate and to expect the laws to do a job for which they were never intended, there has been much less emphasis on the human factor, or the social sciences. For it is the social sciences to which the nation must turn to deal with illnesses that affect the human factor.

No enumeration of social ills is necessary, each citizen can readily make a list of his own. But not many can develop a list of realistic solutions.

Finding solutions to social ailments is fraught with difficulty, because as we stated before, people are different and act in different ways for different reasons. It is also difficult because for too long we have looked upon the social sciences as a field filled with dogooders going around fiddling with things they ought not to be fiddling with. In addition, we've never financed and encouraged the social sciences as well as we have the pure sciences. We are great on developing new medicines, new aircraft, and new spaceships, as a matter of fact we are nuts on advancing technology.

But as we do so we create social problems, and social changes which require just as much attention. We've always had a habit of creating cultural lags, and not caring about filling the gaps.

So the human factor is of basic importance in the area of crime control, and the area of gun control. The majority of people seem agreed at least that it is the human heart and mind, which in the end determines our social conscience, and the actions stemming from that conscience.

Therefore we must spend as much money, and give as much attention to the social sciences as we do to the legal and technological aspects of living. We can not continue to smirk at the social sciences, for the human factor is too important for that.

The human factor can be strengthened, its illnesses can be probed and cured, and the crime rate can be reduced. But we must turn to the social sciences for help. We as citizens must support the social sciences more, and this is where we as part of the human factor come in.

As part of the human factor we are responsible too.

[From the Leesburg, (Va.) Loudoun Times-Mirror, July 11, 1968]

THE GUN STRUGGLE

The furor over gun control laws is expected to be brought home locally with a request from chairman William S. Leach that the Board of Supervisors examine a model firearms ordinance drafted by the Metropolitan Council of Governments for possible implementation by member jurisdictions.

Leach's request was a sensible one, aimed at bringing the issue to the forefront at the local level.

The anti-gun control faction has already initiated an advertising campaign in Loudoun in which the tired arguments of infringement on individual rights and the hint of communistic implication is utilized. A Fairfax County woman charged in a letter to this newspaper that she received a sheet in her mailbox over the weekend which opposed gun controls, and that delivery of the document was illegal since it carried no postmark and was not handled by postal workers. If this is true, the Concerned Citizens of Loudoun County under whose name the sheet was printed has gotten off to a poor start. The woman had a pointed remark for the Concerned Citizens: "I would suggest if they are deeply concerned for the survival of our country and the freedoms in it, they might first themselves adhere to its laws."

Opposition to gun controls has for years been exceptionally well organized at the national level. But disgust growing throughout the country over random distribution, ownership and deadly use of firearms in criminal acts has prompted proponents of gun controls to organize to an extent never before witnessed in our history. They too are pumping out literature, making speeches, circulating petitions and citing statistics to back up their argument—all of this a process which in the past was the specialty of anti-gun control lobbies.

The arguments in favor of gun controls are uncomplicated and logical. Registration of firearms, and certain restrictions aimed at keeping them out of the hands of those likely to use them in crime is no cure-all to the spiraling crime rate in the country. But making it more difficult for a prospective criminal to procure a weapon may lessen the chance that he will be able to carry through with the crime he is contemplating. Perhaps it would prevent an unbalanced individual from murdering someone in a fit or rage. Maybe it would keep a drug addict from shooting someone while attempting to gain access to more drugs. It might even hinder a convicted murderer from obtaining a gun so he can commit another atrocity. In no case would it keep the average, law abiding citizen from owning a sporting gun or from retaining a registered firearm in his home.

When the lies are pared from the truth, there is very little argument against effective gun control. Most of the opposition continues to thrive on dark innuendo, hazy accusations and half-baked theories with regard to the Constitution—which incidentally prohibits infringement on the right to bear arms, but makes no mention one way or the other about registering weapons.

In our estimation, the most preposterous argument of all against controls is the one asserting that the whole proposition is a communist conspiracy under which all firearms will be registered and then the commies will swoop down out of a tree, grab the registration lists and proceed to gather up all the weapons in the nation, leaving us helpless. It should be noted that, if the communists or anyone else ever get as far as your local police station, you don't stand much of a chance with your pop gun anyway.

[From the Hagerstown (Md.) Mail, July 25, 1968]

THERE'S A DIFFERENCE

If there were restrictions on the sale of guns and a meaningful gun registration law, would an innocent family of six Detroit vacationers have been shot in cold blood in Northwest Michigan?

Would two New York vacationers have met the same fate while walking the street of a California city if controls were imposed?

Would three Cleveland policemen and seven other persons have been killed by snipers?

Opponents of any kind of restrictions on the sale of guns and-or their registration, point out that automobiles kill more people than firearms.

But there's a difference. Only in very rare instances do motorists deliberately try to kill innocent persons by automobile.

Except for occasional accidents, mostly while cleaning guns or hunting, gun deaths are deliberate. Either they are planned or committed by some demented person who should never have been in possession of a firearm.

The National Rifle Association and its allies charge that curbs on gun sales will have no effect on persons bent on murder. They hold that any person determined to kill will somehow find the necessary weapon.

Only responsible law-abiding citizens should be entitled to the use of deadly guns and ammunition. Strict laws won't stop murder, but they will put reins on what appears to be mass slaughter.

[From the Dover (N.H.) Foster's Democrat, July 17, 1968]

CURB ON TOY GUNS

One of the most intriguing aspects of the present national concern over gun violence is the way manufacturers and sales outlets have begun to act on their own. Though the movement to curb sales promotion of both real and toy guns is not yet as widespread as many would like, this has gotten a good start.

It is significant that two of the nation's largest retailers, each of which has a huge mail order business, are de-emphasizing advertising and sales of toy guns. This action by Sears, Roebuck and Montgomery Ward comes on the heels of an earlier undertaking by both to voluntarily restrict sales of real firearms.

Montgomery Ward reports that it is "toning down" catalog references to toy guns and, in the words of a Chicago spokesman, "making sure they aren't dealing with violence." A Sears spokesman says that firm has stopped advertising "firearms, ammunition, toy guns and similar toys of violence."

Toy manufacturers also are concerned about public reaction to toy guns and other weapons. One of the largest, Mattel, Inc., has launched a comprehensive study of the subject including surveys and interviews with psychiatrists—an investigation, an executive reports, into "the whole proposition of toy weapons." There are indications that numerous toy dealers are delaying purchases to see what this and other studies will show, and that some do not plan to stock toy weapons for the Christmas trade.

The cynical may argue that the motivation for all this show of interest in the subject is strictly commercial. We prefer to think that, at least to some extent, it reflects genuine concern about violence in our society and the possible contribution toy guns make to the fostering of violence. It is good that toy makers and toy sellers are doing something about the matter on their own without awaiting a government edict.

[From the Scranton (Pa.) Times, Aug. 20, 1968]

Block Handgun Imports

Congress has already given its approval to a ban on the mail-order sales of handguns—revolvers and the like—and the State Department has now disclosed that it has delayed the approval of import licenses covering approximately 400,000 foreign-made weapons of this type.

This action was taken by the department's munitions control agency under provisions of the Crime Control Act signed by President Johnson last June. That federal statute specifically prohibits, beginning Dec. 15, the importation of the cheap—$12 to $14—pistols which the police call "Saturday night specials" and which are used in a majority of the armed robberies reported to the authorities. In drafting the Crime Control Act, however, Congress also included a declaration to the effect that handguns constitute a threat to public order and safety.

It is this reference on which the State Department has acted to hold up approval of the import license applications as a means of averting a veritable flood of cheap foreign-made pistols into the United States, even though the import ban is not scheduled to go into effect until Dec. 15.

It will probably be a surprise and a shock to many Americans to learn that between Jan. 1 of this year and June 19, the day President Johnson approved the Crime Control Act, import licenses covering 1.314 million handguns were issued. Sen. Thomas J. Dodd, Connecticut Democrat who has been one of the leaders in the fight for effective gun controls, has already offered legislation which would advance the Dec. 15 deadline so that the State Department's delaying tactic will stick.

Meanwhile measures extending the ban on mail-order sales of handguns to rifles and shotguns—one of the basic requirements of effective gun controls—will be ready for consideration by both the House and the Senate when Congress reconvenes next month. If the lawmakers can feel the mood of the great majority of Americans, they will approve the rifle-shotgun mail-order ban without further delay.

[From the Durham (N.C.) Sun, Aug. 28, 1968]

Nation's Crime Rate Demands Action

Durham's drop in the index of major crimes as listed by the FBI, while welcome, is an example of how hollow statistical ratings can be.

Durham did drop from 7th to 33rd place in the rate of murders per 100,000 population within the past two years. However, while the city dropped in the national standings, the total number of crimes reported in Durham increased.

A drop in ratings matched with an increase in the total number of crimes, mean only that Durham was not as "bad" as its neighbors. While it is good Durham did have a drop in its crime rate, it is little consolation to the victims of the larger number of crimes which did occur within Durham during 1967.

There are a number of alarming points made by the FBI annual report to the nation.

One of the leading points is that more than 3.8 million serious crimes were reported in the U.S. during 1967, a 16 per cent increase over the number in 1966.

Another alarming fact is that 76 policemen, across the country, were murdered in the performance of their duty, with 96 per cent of those lawmen killed by firearms.

Use of firearms in crime has increased sharply within the U.S. during the 1960s. The FBI report shows that since 1964, use of firearms in murder increased 47 per cent and armed robbery went up 58 per cent.

While faced with an onslaught of new crimes, police solutions of serious crimes decreased by 8 per cent.

Once in crime, many persons repeat offenses, the report shows. In 1963, 91 per cent of all persons who were acquitted or released have since been rearrested on other charges. Also, 72 per cent of the prisoners given early release in 1963 for having maintained good behavior in prison have been rearrested for new offenses.

While statistics can be misleading, particularly those showing "standings," they also can be useful in pointing up areas of concern for policemen, judges and attorneys, but most of all, for citizens who must demand that their governments provide more effective protection against criminals.

[From the Hickory (N.C.) Record, Aug. 27, 1968]

New Light on Crime

The new report on crime, compiled by the Federal Bureau of Investigation, holds considerable interest. Some of its statistics will be quoted by many—probably on opposite sides of the same issue. Among its most startling charges are these:

There has been an eighty-nine per cent increase in serious crime in the nation since 1960, with a rise in crimes of violence of seventy-three per cent;

There were more than 3.8 million serious offenses committed in 1967, than in 1966—a sixteen per cent increase;

The police appeared less capable of coping with their problems than in 1966, as their rate of solving crime dropped by eight per cent.

J. Edgar Hoover, FBI director, blames court decisions for much of the decline in solving crimes because, he said, many of these restrict police investigative and enforcement practices.

Director Hoover, in his appeal for tighter firearms control—a position that puts him at odds with many lawmakers who concur with his views on court decisions—notes that firearms were used in all except five of the cases in which seventy-six policemen were killed by criminals. He also reports that there were a total of 7,600 persons shot to death, with forty-eight per cent being slain by handguns, nine per cent by shotguns, and six per cent by rifles.

As a clincher—or at least it is so regarded by the FBI chief—he noted that four Northeastern States, with strict gun control laws, had the lowest incidence of murder by firearms, and that Texas, without gun control laws, recorded the highest number of homicides—5,104—with seventy per cent being gun deaths. California, also lacking strict gun control laws, had 4,857 murders of which more than half—fifty-two per cent—were caused by firearms.

Power and Privilege

(Statement of Senator **Thomas J. Dodd**)

Mr. President, the preferred position occupied by the National Rifle Association in our national affairs has come increasingly to the attention of the public, and it is increasingly irritating to the public.

Each time the National Rifle Association flexes its muscles, exercises its vast letter-writing and lobbying power, it loses a couple of friends.

The Portsmouth, New Hampshire Herald, on July 18, 1968, called this to the attention of its readers in an article entitled "Unjustified Privileges for the NRA." The article said in part:

"Some may be puzzled as to why the organization is able to marshal such an outpouring of support. There are numerous reasons. One occasionally forgotten is that the Federal government, acting out of considerations that make less and less sense as our society matures, confers numerous special privileges on the NRA."

Mr. President, I ask that the entire article be printed in the record at this point, so that my colleagues might understand that it is at least in part Congressional appropriations of taxpayers money that enables the National Rifle Association to so successfully generate an avalanche of mail whenever it finds Congress heading in a legislative direction not to its liking.

"[From the Portsmouth (N.H.) Herald, July 18, 1968]

"UNJUSTIFIED PRIVILEGES FOR THE NRA

"The potency of the National Rifle Association as lobbyist and organizer of letter-writing campaigns is well known. The current drive to avert passage of firm gun control legislation, despite popular sentiment, is a new indication of NRA power.

"Some may be puzzled as to why the organization is able to marshal such an outpouring of support. There are numerous reasons. One occasionally forgotten is that the federal government, acting out of considerations that make less and less sense as our society matures, confers numerous special privileges on the NRA.

"One of these special privileges is that NRA members, unlike other citizens, can buy surplus Army carbines—at a mere $20. It is noteworthy that not all the NRA members who make use of this privilege, or seek to, are the sort of people who ought to have carbines—or any other gun, for that matter.

"The columnists Rowland Evans and Robert Novak disclosed some interesting information on this point the other day. Last summer, they say, the Internal Revenue Service found that 41 NRA members who tried to buy surplus carbines had criminal records; as a result, the sales did not go through. Twenty-six other NRA members also were thwarted in buying carbines during the same four-month period, it is reported—some because police departments objected, some for membership in extremist groups, some for other reasons.

"This is not a blanket condemnation of the NRA or its members. The point made is that NRA membership brings special privileges that lead to abuses, and that this no longer can be justified. If this special treatment were rescinded, the NRA might not be quite as successful at stalling gun control law in the face of popular demand."

ADJOURNMENT TO 11 A.M.

Mr. LONG of Louisiana. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 17, 1968, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 16, 1968:

Law Enforcement Assistance

Patrick V. Murphy, of New York, to be Administrator of Law Enforcement Assistance. (new position)

Ralph G. H. Siu, of Hawaii, to be an Associate Administrator of Law Enforcement Assistance. (new position)

Wesley A. Pomeroy, of California, to be an Associate Administrator of Law Enforcement Assistance. (new position)

United Nations

The following-named persons to be representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

George W. Ball, of New York.

William C. Foster, of the District of Columbia.

John Sherman Cooper, U.S. Senator from the State of Kentucky.

Stuart Symington, U.S. Senator from the State of Missouri.

The following-named persons to be alternate representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

William B. Buffum, of Maryland.

Louis Stulberg, of New York.

Mrs. Harvey Picker, of New York.

The following-named persons to be Incorporators of the Corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968:

Donald C. Burnham, of Pennsylvania.

Gilbert W. Fitzhugh, of New York.

William A. Hewitt, of Illinois.

Andre Meyer, of New York.

Stuart T. Saunders, of Pennsylvania.

Leon N. Weiner, of Pennsylvania.

Indian Claims Commission

T. Harold Scott, of Colorado, to be a Commissioner of the Indian Claims Commission.

Postmasters

The following-named persons to be postmasters:

ALABAMA

William E. Roberts, Jr., Lincoln, Ala., in place of B. F. Watson, retired.

CALIFORNIA

Robert J. Clifford, Red Bluff, Calif., in place of M. K. Stewart, retired.

Mabel C. Maris, Smith River, Calif., in place of P. M. Bosch, retired.

CONNECTICUT

Lenora C. Hicks, Chaplin, Conn., in place of R. E. Bowen, retired.

FLORIDA

Elaine N. Thompson, Gretna, Fla., in place of J. W. Thompson, resigned.

Frederick J. Arnold, Palm City, Fla., in place of E. J. Sanders, deceased.

GEORGIA

Dave H. Keever, Jr., Lilburn, Ga., in place of H. S. Dickson, retired.

ILLINOIS

Richard T. Durgom, Rockton, Ill., in place of R. E. Wright, transferred.

INDIANA

Marjorie E. Roll, Fredericksburg, Ind., in place of Carrie Kay, retired.

W. Lowell Whitlatch, Lexington, Ind., in place of R. O. Holmes, retired.

IOWA

Hugh L. Walsh, Jr., Lone Rock, Iowa, in place of E. L. Earing, retired.

Lloyd Suttles, Jr., Muscatine, Iowa, in place of J. H. Hendriks, deceased.

Dick J. Gerdis, Titonka, Iowa, in place of J. A. Stott, retired.

KANSAS

Ralph E. Dillon, Hope, Kans., in place of M. E. Albright, retired.

LeRoy F. Heiserman, Oketo, Kans., in place of H. M. Hedge, retired.

MAINE

Elizabeth K. Champion, East Waterboro, Maine in place of J. C. Small, retired.

MARYLAND

Mary Lee P. Kolb, Allen, Md., in place of L. M. Nichols, retired.

MASSACHUSETTS

Anne S. Mason, Princeton, Mass., in place of M. W. Chase, retired.

MICHIGAN

Lawrence D. Jordan, Oakley, Mich., in place of F. A. Pierce, retired.

Nicholas A. Cosenza, Port Sanilac, Mich., in place of G. P. Smiley, retired.

MINNESOTA

Myron J. Fisher, Hutchinson, Minn., in place of H. E. Jensen, retired.

MISSISSIPPI

Ann G. Wise, Washington, Miss., in place of A. G. Wise, resigned.

MISSOURI

V. Haldean Hardy, Diamond, Mo., in place of E. J. Donaldson, retired.

NEW HAMPSHIRE

Robert E. LeFavour, Farmington, N.H., in place of C. C. Blanchard, retired.

NEW MEXICO

Eddie R. Roberts, Grants, N. Mex., in place of A. A. Ortega, transferred.

NEW YORK

Eunice I. Richardson, Castle Creek, N.Y., in place of G. W. Knapp, retired.

Robert C. Rowe, Potsdam, N.Y., in place of H. L. King, retired.

NORTH DAKOTA

Darrell D. Heringer, Anamoose, N. Dak., in place of O. W. Chapek, deceased.

Helen E. Olson, Bucyrus, N. Dak., in place of P. J. Gran, resigned.

OHIO

Vera Faye Walker, Langsville, Ohio, in place of L. M. Edwards, deceased.

PENNSYLVANIA

Sally A. Robinson, McGrann, Pa., in place of A. G. Byron, deceased.

Clifford K. Steinruck, Parker Ford, Pa., in place of A. E. MacKissic, retired.

Harold I. Lentz, Rouzerville, Pa., in place of G. A. Garrett, retired.

Paul H. Shields, Tidioute, Pa., in place of W. J. Shields, retired.

SOUTH CAROLINA

Marvin E. Padgett, Bethune, S.C., in place of R. E. McCaskill, retired.

SOUTH DAKOTA

Donald W. Berg, Willow Lake, S. Dak., in place of P. G. Houghton, deceased.

TENNESSEE

Margaret E. Bruce, Belvidere, Tenn., in place of E. M. Warmbrod, transferred.

Chandler P. Strunk, Winfield, Tenn., in place of Clifford Byrd, deceased.

TEXAS

Mary L. Gillespie, Avalon, Tex., in place of Landis Giles, retired.

Joseph Z. Spain, Decatur, Tex., in place of R. A. Smith, deceased.

Ben D. Deason, Stockdale, Tex., in place of M. L. Spear, retired.

VIRGINIA

Charles C. Baker, Jr., Courtland, Va., in place of R. T. Gillette, resigned.

Thomas A. Holland, Jr., Nassawadox, Va., in place of J. W. Bell, retired.

WEST VIRGINIA

James B. Legg, Bancroft, W. Va., in place of E. J. Lovejoy, resigned.

WISCONSIN

Eunice M. Anderson, Gilmanton, Wis., in place of B. P. Clark, retired.

Howard R. Freund, Saint Germain, Wis., in place of A. L. Camp, resigned.

Robert R. Stangel, Jr., Tisch Mills, Wis., in place of R. R. Stangel, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 16, 1968:

Federal Communications Commission

H. Rex Lee, of the District of Columbia, to be a member of the Federal Communications Commission for the term of 7 years from July 1, 1968.

Environmental Science Services Administration

Subject to qualifications provided by law, the following for permanent appointment to the grade of lieutenant in the Environmental Science Services Administration:

Fred S. Long
David M. Mauthe
Anthony Vecino
Roger G. Svendsen
Gary R. Polvi
Bernard N. Mandelkern

HOUSE OF REPRESENTATIVES—*Monday, September 16, 1968*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He who pursues righteousness and kindness will find life and honor.—Proverbs 21: 21.

O God, our Father, whose glory is in all the world and whose spirit lives in every breast, look with Thy favor upon us as we unite in prayer. Come Thou anew into our lives and arise afresh within us that this day may be a great day because we know that Thou art with us, and we are with Thee.

Kindle in our hearts and in the hearts of all men a true love for peace and for law and order that in a real sense Thy kingdom of good will may begin to come and Thy way of truth and love be trod by all the children of men.

We commend to Thy care all who are engaged in the government of our country. Continue to grant unto them an integrity of mind, a sincerity of heart and an unfailing devotion to the welfare of our people. May all legislation be worthy of our noblest efforts and for the good of all.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 12, 1968, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, bills, joint, and concurrent resolutions of the House of the following titles:

H.R. 206. An act to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes;

H.R. 9362. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes;

H.R. 10482. An act to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations;

H.R. 13669. An act to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims;

H.R. 14005. An act to authorize the disposition by the city of Hot Springs, Ark., of certain property heretofore conveyed to the city by the United States, and for other purposes;

H.J. Res. 1299. Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week"; and

H.J. Res. 1404. Joint resolution authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week."

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8140. An act to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3566. An act to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation," and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 20) entitled "An act to provide for a comprehensive review of national water resource problems and programs, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1004) entitled "An act to authorize the construction, operation, and maintenance of the central Arizona project, Arizona-New Mexico, and for other purposes."

The message also announced that the Senate had passed bills joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 880. An act for the relief of Miloye M. Sokitch;

S. 2751. An act to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon;

S. 2896. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired);

S. 2999. An act to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3254. An act to amend title 18, United States Code, relating to conflicts of interest, with respect to the members of the District of Columbia Council;

S. J. Res. 100. Joint resolution to create a commission to study the bankruptcy laws of the United States; and

S. Con. Res. 11. Concurrent resolution national American Indian and Alaska natives policy resolution.

APPOINTMENT OF CONFEREES ON H.R. 18785, MILITARY CONSTRUCTION APPROPRIATIONS, 1969

Mr. SIKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 18785, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. SIKES, MCFALL, PATTEN, LONG of Maryland, MAHON, CEDERBERG, JONAS, TALCOTT, and BOW.

CONFERENCE REPORT ON H.R. 5910, LANDS HELD IN TRUST FOR PAWNEE INDIAN TRIBE

Mr. HALEY submitted a conference report and statement on the bill (H.R. 5910) to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma.

BY LEGAL MEANS 113 ARMY RESERVISTS STATIONED AT FORT MEADE HAVE DELAYED THEIR SHIPMENT TO VIETNAM

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, the 113 Army reservists stationed at Fort Meade, Md., have by legal means delayed their shipment to Vietnam. I rise to make it clear that this ill-advised group is only a small part of the 38,000 reservists and guardsmen called up in May.

These young citizen soldiers represent only a fraction of those called up.

No one made these men join this certain unit; they volunteered and took an oath, pledging to serve their country wherever needed. So I do not understand their complaint.

Supreme Court Justice William O. Douglas' order delaying these young men from going overseas is a typical publicity seeking bad order. This is a dangerous precedent in judicial power. You know we have enough headaches with the war in Vietnam without a Supreme Court Justice interfering with planned troop movements to Southeast Asia.

The action by these reservists at Fort Meade and the action by Justice Douglas certainly do not help the effort to bring the Vietnam war to a successful conclusion.

THE SEASON OF STATE FAIRS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, this is the season of the fair throughout the country. I have had the pleasure in recent weeks of attending several of the great fairs that are held in northeastern Oklahoma.

Yesterday I attended livestock judging at the time honored and well attended State fair in my own hometown of Muskogee, Okla. This is the 53d annual State fair which is now in progress in Muskogee.

Mr. Speaker, when one sees the wonderful exhibits that are on display at our Oklahoma fairs and sees in particular the rich bounty of our land, appreciation grows for this great country of ours and its productivity, as well as the blessings that are bestowed upon us as a people.

I urge all Members of the House who have the opportunity to attend a fair in their own State to do so. To all of my colleagues I extend this invitation: If you are in Oklahoma sometime this week, I hope you will stop at Muskogee and attend one of the finest fairs of the country, the 53d annual State fair at Muskogee.

CONSENT CALENDAR

The **SPEAKER**. This is Consent Calenday day. The Clerk will call the first bill on the Consent Calendar.

EMPOWERING POSTAL INSPECTORS TO SERVE WARRANTS AND SUBPENAS AND TO MAKE ARRESTS WITHOUT WARRANT

The Clerk called the bill (H.R. 18100) to empower postal inspectors to serve warrants and subpenas and to make arrests without warrant for certain offenses against the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 203 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3061. Powers of postal inspectors

"(a) Subject to subsection (b) of this section postal inspectors may, to the extent authorized by the Postmaster General—

"(1) serve warrants and subpenas issued under the authority of the United States,

"(2) make arrests without warrant for any offense against the United States committed in their presence, and

"(3) make arrests without warrant for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(b) The powers granted by subsection (a) of this section shall be exercised only with respect to violations of law regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses."

(b) The table of contents of such chapter 203 is amended by adding at the end thereof:

"3061. Powers of postal inspectors."

With the following committee amendment:

On page 2, lines 11 and 12, strike out the phrase "with respect to violations of law" and insert in lieu thereof "in the enforcement of laws".

The committee amendment was agreed to.

Mr. **ROGERS** of Colorado. Mr. Speaker, H.R. 18100 makes it crystal clear that postal inspectors have the same authority to make arrests without warrants that is granted to the law enforcement officials of the various other Federal agencies and departments. In so doing, this measure will make a valuable contribution to the increased efficiency of the enforcement of our postal laws.

Until recently there was very little doubt concerning the powers of postal inspectors. It was generally assumed that our statutes gave them ample authority to make arrests. However, the recent decision of the Court of Appeals for the Fifth Circuit in Alexander against United States has created some confusion in this area. In the Alexander case the court stated that section 3523(a) of title 39 of the United States Code merely includes the making of arrests among the duties of postal inspectors for job description purposes. Yet oddly enough the court held that Congress did not intend to confer upon postal inspectors the legal authority necessary to perform that duty.

Certainly Congress has always intended that postal inspectors be given the necessary legal authority to perform the duties that Congress has imposed upon them. Since the Alexander case has raised some doubts in this area, we in Congress ought to make our intention crystal clear. If we fail to enact this bill the Post Office Department will continue to be stymied in its law enforcement activities.

H.R. 18100 will eliminate all doubt as to the statutory powers of postal inspectors and will contribute to effective law enforcement. It is a measure which warrants our wholehearted support.

Mr. **POFF**. Mr. Speaker, I rise in support of H.R. 18100, a bill to make clear the authority of postal inspectors to serve warrants and subpenas to make arrests in the enforcement of postal laws.

There is some question raised by recent cases, such as *Alexander* v. *United States,* 390 F. 2d 101 (5 Cir. 1968), whether a postal inspector has any Federal authority to make arrests equivalent to that of a Federal law enforcement officer. Where there is no Federal rule authorizing and governing an arrest by a Federal officer, State law governs, *United States* v. *Di Re,* 332 U.S. 581 (1948). In Alexander, the Court of Appeals for the Fifth Circuit held that the validity of an arrest by a postal inspector must be judged by State law since there is no Federal authorization.

Although section 3523(a)(2)(K) of title 39, United States Code, refers to the postal inspector's authority to effect arrests, it was held in Alexander that such a reference was made merely to describe the duties which the postal inspector shall be paid to perform. Section 3523 was enacted as part of the Postal Field Service Compensation Act of 1955, the purpose of which was to adopt "an improved method of classifying postal employees for salary purposes," House Report No. 728, 84th Congress, first session.

Thus, two arguments can be premised upon section 3523. One is that there is implicit in section 3523 a grant of authority to make arrests: If the Government pays you to make arrests, the Government intends that you make arrests. The other argument is that Federal arrest powers are not granted by implication. Rather, they are expressly given and in an expressly restricted manner. Thus, why should the FBI and U.S. marshals be limited in their arrest powers while postal inspectors are not?

Our function is not to join the argument but to end it. The power of the postal inspector to arrest should not be left to conjecture. It should be beyond debate.

Let us make it so by the enactment of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENACTMENT OF TITLE 44, UNITED STATES CODE, "PUBLIC PRINTING AND DOCUMENTS"

The Clerk called the bill (H.R. 18612) to enact title 44, United States Code, "Public Printing and Documents," codifying the general and permanent laws relating to public printing and documents.

There being no objection, the Clerk read the bill.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. **ROGERS** of Colorado. Mr. Speaker, I offer four amendments which are intended to update technical language, and I ask unanimous consent that the amendments be considered en bloc.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ROGERS of Colorado: On page 3, line 17, after "rate of", strike out "$27,000" and insert "$28,750".

On page 3, line 19, after "rate of", strike out "$25,500" and insert "$27,500".

On page 84, line 26, strike out:

"§ 3104. Certifications and determinations on transferred records"

and insert

"§ 3103. Storage, processing, and servicing of records"

On page 84, line 33, strike out "Certification" and insert "Certifications".

Mr. **HALL**. Mr. Speaker, I move to strike the last word.

Mr. Speaker, is the gentleman from Colorado discussing the bill H.R. 18100?

The **SPEAKER**. We are presently considering the bill H.R. 18612.

Mr. **ROGERS** of Colorado. If the gentleman will yield, it is the second bill.

The **SPEAKER**. It is No. 230 on the Consent Calendar.

Mr. **HALL**. Mr. Speaker, did I understand the gentleman from Colorado to say that these were technical, and language-conforming amendments only?

Mr. **ROGERS** of Colorado. The gentleman is correct.

Mr. **HALL**. It would seem to me, Mr. Speaker, as though the amendments are increasing the amounts of taxpayers' dollars rather considerably.

Mr. **ROGERS** of Colorado. Mr. Speaker, if the gentleman will yield further, this does not do anything other than to make the codification to conform with the existing law.

The amendments in section 303 are made necessary because Public Law 90-206 increased the salary of the Public Printer from $27,000 to $28,750, and that of the Deputy Public Printer from $25,500 to $27,500. All the amendment does is to make it conform with Public Law 90-206.

Mr. **HALL**. Mr. Speaker, I appreciate the detailed explanation of the gentleman from Colorado.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, did I hear the gentleman from Colorado say that the word "certificate" had been inserted for "segregation"?

Mr. ROGERS of Colorado. No, the gentleman did not. The only thing I am saying is that all we are doing on this amendment is to make the codification——

Mr. GROSS. But was not the word "certification" substituted for "segregation"?

Mr. ROGERS of Colorado. No. No.

Mr. GROSS. I thank the gentleman for yielding.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that in the interest of economy the printing of the bill in the CONGRESSIONAL RECORD be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OF TITLES 5, 10, AND 37, UNITED STATES CODE, CODIFYING RECENT LAWS AND IMPROVING THE CODE

The Clerk called the bill (H.R. 17864) to amend titles 5, 10, and 37, United States Code, to codify recent law, and to improve the code.

There being no objection, the Clerk read the bill as follows:

H.R. 17864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 5, United States Code, is amended as follows:

(1) In section 559 insert "of this title" immediately after the figure "7521" wherever it appears;

(2) In section 2108(3)(D) insert "as defined by paragraph (1)(A) of this section" immediately after "veteran";

(3) In section 3102(a)(2) strike out "Board of Commissioners" and insert "Commissioner" in place thereof;

(4) In paragraphs (14), (15), and (16) of section 5315 strike out "(3)" and insert "(4)" in place thereof;

(5) In section 5316 insert the following after paragraph (126):

'(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.";

(6) In section 5334(a)—

(A) strike out "section 106(a) of the Appalachian Regional Development Act of 1965" and insert "section 106(a) of title 40, appendix" in place thereof;

(B) strike out "section 502 of the Public Works and Economic Development Act of 1965, under section 506(2) of such Act" and insert "section 3182 of title 42, under section 3186(2) of that title" in place thereof; and

(C) strike out "six" and insert "6" in place thereof;

(7) In section 5352—

(A) insert a comma and "and in the District of Columbia Council with respect to the government of the District of Columbia," immediately following "head of each agency"; and

(B) strike out "his" and insert "its" in place thereof;

(8) In section 5353 insert a comma and "and the District of Columbia Council with respect to the government of the District of Columbia," immediately following "head of the agency concerned" in the last sentence;

(9) In section 5516(a) strike out "Commissioners" wherever it appears and insert "Commissioner" in place thereof;

(10) In section 5521(3)(B) strike out "Board of Commissioners" and insert "Commissioner" in place thereof;

(11) In section 5527(b)—

(A) strike out "and" immediately after "Executive agencies,"; and

(B) insert "and the District of Columbia Council, with respect to the government of the District of Columbia," immediately after "executive branch,";

(12) In section 5537 insert a comma and "who is entitled to leave under section 6322 of this title," immediately following "District of Columbia";

(13) In section 5546—

(A) strike out "Board of Commissioners of the District of Columbia" in subsection (b) and insert "District of Columbia Council" in place thereof; and

(B) strike out "5442(a)" in subsection (d) and insert "5542(a)" in place thereof;

(14) In section 5724(e) strike out "section 5724 (a), (b)" and insert "section 5724 a(a), (b)" in place thereof;

(15) In section 6104—

(A) strike out "Board of Commissioners" wherever it appears in paragraphs (1) and (3) and insert "Commissioner" in place thereof; and

(B) strike out "Board of Commissioners" in paragraph (2) and insert "District of Columbia Council" in place thereof;

(16) In section 6305(c) strike out "two" and "thirty" and insert "2" and "30", respectively, in place thereof;

(17) In section 6323—

(A) strike out "loss of" wherever it appears and insert "loss in" in place thereof; and

(B) insert the following at the end;

"(c) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia, is entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code. This subsection covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.";

(18) In section 6324(b)(1) strike out "Commissioners of the District of Columbia" and insert "District of Columbia Council" in place thereof;

(19) Strike out section 8143 and insert in place thereof:

"§ 8143. Job Corps enrollees; volunteers in service to America

"(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps, except that compensation for disability does not begin to accrue until the day after the date on which the injured enrollee is terminated. In administering this subchapter for an enrollee covered by this subsection—

"(1) the monthly pay of an enrollee is deemed that received at the minimum rate for GS–2;

"(2) section 8113 (a), (b) of this title applies to an enrollee; and

"(3) 'performance of duty' does not include an act of an enrollee while absent from his assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from the post of duty) authorized by or under the direction and supervision of the Job Corps.

"(b) This subchapter applies to a volunteer in service to America who receives either a living allowance or a stipend under part A of subchapter VIII of chapter 34 of title 42, with respect to that service and training, to the same extent as enrollees of the Job Corps under subsection (a) of this section. However, for the purpose of the compensation described in subsection (a)(1) of this section, the monthly pay of a volunteer is deemed that received at the minimum rate for GS–7.";

(20) In section 8191 strike out "Act" and insert "subchapter" in place thereof;

(21) In section 8331(3)(B)(ii) strike out "and 60e–13" and insert "60e–13, and 60e–14" in place thereof;

(22) In section 8347(h) strike out "Commissioners" and insert "Commissioner" in place thereof.

SEC. 2. Title 10, United States Code, is amended as follows:

(1) In sections 101(8)(D) and 1124 (a), (b), and (g) strike out "the Treasury" wherever it appears and insert "Transportation" in place thereof;

(2) In the analysis of chapter 31 strike out "or national emergency" in item 506;

(3) In section 510(a) strike out "section 501" and insert "section 502" in place thereof;

(4) In section 815(e) (article 15(e)), strike out "or a law specialist or lawyer of the Marine Corps, Coast Guard, or Treasury Department" in the last sentence and insert in place thereof "or a law specialist or lawyer of the Coast Guard or Department of Transportation";

(5) Strike out section 3534 and insert in place thereof:

"§ 3534. Corps of Engineers: detail of officers to assist Commissioner of District of Columbia

"The President may detail not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties.";

(6) Strike out the item relating to section 3534 in the analysis of chapter 343 and insert in place thereof:

"3534. Corps of Engineers: detail of officers to assist Commissioner of District of Columbia.";

(7) In the analysis of chapter 403 strike out item 4339;

(8) In sections 4342(a)(5), 6954(a)(5), and 9342(a)(5) strike out "Commissioners" wherever it appears and insert in place thereof "Commissioner";

(9) In section 5149(c) strike out "4158(b)" and insert in place thereof "5148(b)";

(10) In section 6483(b) insert "former" before "section 6150".

SEC. 3. Title 37, United States Code, is amended as follows:

(1) In sections 101(5)(D), 306 (d) and (f), 307(d), 308 (e) and (g), 417 (a) and (b), 703,1001(c), and 1006(f) strike out "the Treasury" wherever they appear and insert in place thereof "Transportation";

(2) In section 202 redesignate subsection "(k)" (relating to basic pay of the Assistant Judge Advocate General of the Navy) as subsection "(1)";

(3) In section 205(e) strike out "the enactment of this subsection" and insert in place thereof "October 13, 1964,";

(4) In section 305(a)(2) strike out "contiguous 48 States" and insert in place thereof "48 contiguous States";

(5) In section 311(a) strike out "months" and insert in place thereof "months'";

(6) In section 406(d)(2) strike out "ninety" and insert in place thereof "90";

(7) In section 554(b) strike out "twenty-nine" in the last sentence and insert in place thereof "29";

(8) In section 904(a) insert "or" at the end of clause (10);

(9) In section 1006(a) strike out "perma-

nent change of station" and insert in place thereof "change of permanent station".

Sec. 4. The analysis of chapter 57 of title 28, United States Code, is amended by striking out the following item: "962. Traveling expenses."

Sec. 5. (a) Section 116 of the Economic Opportunity Act of 1964, as added by section 101 of Public Law 90–222 (81 Stat. 681; 42 U.S.C. 2727), is amended—

(1) by inserting, in subsection (a), "and in section 8143(a) of title 5, United States Code" immediately after "this subsection"; and

(2) by striking out paragraph (2) of subsection (a).

(b) Section 833 of the Economic Opportunity Act of 1964, as added by section 110 of Public Law 90–222 (81 Stat. 726; 42 U.S.C. 2994b), is amended—

(1) by inserting, in subsection (a), "and in section 8143(b) of title 5, United States Code" immediately after "subsection (b)"; and

(2) by striking out subsection (b) and inserting in place thereof:

"(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1) and (3) of this Act."

Sec. 6. (a) Sections 1–5 of this Act restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after May 7, 1968, that are inconsistent with this Act supersede it to the extent of the inconsistency.

(b) References made by other laws, regulations, and orders to the laws restated by this Act are deemed to refer to the corresponding provisions of this Act.

(c) Actions taken under the laws restated by this Act are deemed to have been taken under the corresponding provisions of this Act.

(d) Sections 1(2) and 1(14) of this Act are effective as of September 11, 1967, for all purposes.

(e) Sections 1(13) B and 1(17) of this Act are effective as of September 6, 1966, for all purposes.

Sec. 7. (a) The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

(1) The proviso on page 615 of the Act of July 1, 1902 (ch. 1352, 32 Stat. 615);

(2) The Act of August 28, 1958 (Public Law 85–847, 72 Stat. 1086);

(3) Section 205 of the Act of August 19, 1964 (Public Law 88–448, 78 Stat. 488);

(4) Section 214(d) of the Act of December 16, 1967 (Public Law 90–206, 81 Stat. 636).

(b) Paragraphs (115), (427), (428), and (429) of section 402 of Reorganization Plan No. 1 of the 1967 have no further effect.

(c) That part of the last sentence of section 3(a) of Reorganization Plan No. 1 of 1968 which relates to the rate of compensation of the Director of the Bureau of Narcotics and Dangerous Drugs has no further effect.

With the following committee amendments:

On page 2 at the end of line 2 insert "and in paragraph (90) insert '(2)' at the end;"

On page 6 after line 10 insert:

(23) In section 3502(a) strike out "and" at the end of subparagraph (A); insert a semicolon immediately preceding the word "and" at the end of subparagraph (B); and strike out in subparagraph (C), "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h(b) of title 16" and "section 610(b) of title 7" respectively in place thereof.

(24) In section 5334(f), strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and insert "section 590h(b) of title 16" in place thereof.

(25) In section 6312, strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h (b) of title 16" and "section 610(b) of title 7", respectively in place thereof.

(26) In section 5313, insert the following new paragraph at the end:

"(53) Urban Mass Transportation Administrator."

On page 11, in line 2, strike out "May 7" and insert "June 30" in place thereof.

On page 12, after line 9, insert "(d) That part of the first sentence of sentence of section 3(b) of Reorganization Plan No. 2 of 1968 which relates to the compensation of the Urban Mass Transportation Administrator has no further effect."

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer three amendments which I ask unanimous consent be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado: On page 2, line 3, strike out "and in paragraph (90) insert '(2)' at the end;" and insert "and in paragraph (126) of section 5316 insert '(2)' at the end;".

On page 7, line 9, after "section", strike out "5313" and insert "5314".

On page 12, line 4, after "'Reorganization Plan", strike out "No. 1" and insert "No. 3".

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMPHIS SESQUICENTENNIAL MEDALS

The Clerk called the bill (H.R. 17361) to provide for the striking of medals in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis.

There being no objection, the Clerk read the bill as follows:

H.R. 17361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis (which anniversary will be celebrated in 1969), the Secretary of the Treasury is authorized and directed to strike and furnish to the Memphis Sesquicentennial Corporation not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Memphis Sesquicentennial Corporation subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be made after December 31, 1969. The medals shall be considered to be national medals within the meaning of section 3351 of the Revised Statutes.

Sec. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture; including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

Sec. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such corporation.

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KUYKENDALL. Mr. Speaker, today I am happy to rise in support of a bill which provides for the striking of medals in commemoration of the 150th anniversary of the founding of one of the outstanding cities in our Nation. I speak of the great city of Memphis, Tenn.

This bill, on today's Consent Calendar, is numbered H.R. 17361, and is cosponsored by two of my colleagues in the House, the gentlemen from Tennessee [Mr. Everett and Mr. Blanton] in whose congressional districts the city of Memphis is also located. It has received a favorable report by the House Committee on Banking and Currency and involves no expenditure of Federal funds since the city of Memphis is to pay for the manufacture of these commemorative medals by the U.S. Mint.

Memphis has enjoyed a long, rich, and exciting history which officially began with its founding in 1819 by a group of land-grant owners led by Andrew Jackson who subsequently became the seventh President of the United States. From a population of 500 when it was incorporated in 1826, Memphis has blossomed into a bubbling metropolis of more than 624,000 and is now the 20th largest city in the Nation and the seventh fastest growing major city. Today more than one-third of the Nation's cotton crop is bought or sold each year by members of the Memphis Cotton Exchange, making Memphis the largest spot cotton market in the world. It is also the world's largest producer of cottonseed products, the world's largest interior cotton warehousing center, the world's largest hardwood lumber market and producer of hardwood flooring, the largest producer of persimmon golf club heads, the South's largest livestock and meatpacking center, the South's largest producer of mixed feeds, and the South's largest distributor of drugs and chemicals. In addition, the Memphis Medical Center is the finest and largest in the South and it is continuing to grow at a rapid pace. These are but a few of the many outstanding distinctions and achievements that will be recognized during the celebration of Memphis' 150th anniversary.

The Memphis Sesquicentennial Corp. has been working diligently on plans for the celebration to begin in 1969 and preliminary plans have been made with the Director of the Mint regarding the details of the striking and design of the medals. This legislation is needed to authorize the Director of the Mint to proceed with the manufacture of these medals. Since this is a noncontroversial matter I urge its unanimous passage by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DARTMOUTH COLLEGE BICENTENNIAL MEDALS

The Clerk called the bill (S. 3671) to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College.

There being no objection, the Clerk read the bill, as follows:

S. 3671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the two hundredth anniversary of the founding of Dartmouth College by the grant of a royal charter from King George III on December 13, 1769, the Secretary of the Treasury is authorized and directed to strike and furnish to Dartmouth College, Hanover, New Hampshire, not more than twenty-five thousand medals with suitable emblems, devices, and inscriptions to be determined by Dartmouth College subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by Dartmouth College in quantities of not less than two thousand, but no medals shall be made after December 31, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with Dartmouth College.

Mr. O'HARA of Illinois. Mr. Speaker, representing the district in which is located the University of Chicago, I especially am happy in supporting this bill of authorization of national medals commemorating the 200th anniversary of the founding of Dartmouth College.

Dartmouth, one of the oldest institutions of higher learning in the United States, was founded on December 13, 1769, under a royal charter from King George III. It graduated its first class of four students in 1771 and every year since has graduated a class, in one of which our distinguished colleague from Connecticut and my fellow member of the Committee on Foreign Affairs, the learned and popular Mr. MONAGAN, was an honor member. My congratulations to Mr. MONAGAN and to the able representative from the district in which Dartmouth is located, Mr. CLEVELAND, on the graceful way in which this great school in the highlands of New Hampshire has met the challenge of close to 200 years. By way of comparison I might add that it will be another 23 years before the University of Chicago celebrates its 100th anniversary.

Some months ago it was my privilege and pleasure to spend a week at Hanover Inn and under the escortage of Dr. Richard E. Williamson, a member of the mathematic faculty, was shown the wonders of Dartmouth. As the chairman of the Subcommittee on Africa, I was especially interested in the contribution Dartmouth is making to our program of cooperation and understanding with the new nations of Africa. This year the United States is spending some $339,000 at Dartmouth in the training of 128 Peace Corps volunteers for service in Chad, the Ivory Coast, Niger, Senegal, and Togo.

Mr. MONAGAN. Mr. Speaker, as an alumnus of Dartmouth in the class of 1933 and the father of a son who started his college career in Hanover today, I am proud to express my support of S. 3671. Dartmouth is one of the great historical colleges of this country and the 200th anniversary of her founding will occur on December 13, 1969. Over these two centuries from her incomparable setting in the hills of New Hampshire, Dartmouth has made an outstanding contribution to our country through the men whom she has sent forth to put into practice the ideals which have been inculcated in them in the classrooms of this great institution.

Dartmouth has refused to become a technical or training school—although the times are compelling the expansion of the specialized graduate schools—but her administrators have preserved the primary role of the institution as a liberal arts college directed at enriching the lives of her sons and giving them the spiritual and intellectual capacity to live fuller and more productive lives.

I am happy, therefore, to join my support to that of my fellows in bringing about the passage of this bill to mark the 200th birthday of my alma mater with the wish that her influence will long remain strong and her prestige high among the great colleges of the world.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE ACT OF DECEMBER 22, 1928, RELATING TO THE ISSUANCE OF PATENTS FOR LANDS HELD UNDER COLOR OF TITLE

The Clerk called the bill (H.R. 4530) to amend the act of December 22, 1928, relating to the issuance of patents for lands held under color of title, to liberalize the requirements for the conveyance of the mineral estate, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman in charge of handling this bill.

My question is this. I notice the plan of this bill is for the U.S. Government to give up certain mineral rights to, let us say, persons squatting on Federal land.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. ASPINALL. The gentleman has used incorrectly two words when he says it is planned to "give up" and planned to give certain rights to squatters. It is not planned to take care of squatters. It is planned to take care of those people who are legally on this land under color of title rights that they possess.

Mr. JOHNSON of Pennsylvania. Is there any reason why it is important for the U.S. Government, let us say, to give up certain mineral rights in that area?

Mr. ASPINALL. If the gentleman will yield further, these lands are located down in the Louisiana area. They are not public lands such as my colleague is thinking about.

These are lands on which there is reserved to the United States a mineral estate and there is no way to get a clear title unless the surface owner can have control of the mineral rights also. So all this act does is to permit the Federal Government to sell to the surface owner at an appraised value determined by appraisers of the United States whatever mineral rights there may be there so there is a clear title to the property so you can go ahead and develop it. That is all that this does.

Mr. JOHNSON of Pennsylvania. In other words, it makes possible for a landowner to acquire mineral rights that are owned by the Federal Government at an agreed appraised price?

Mr. ASPINALL. That is correct. It is in the interest of both parties—in the interest of the Federal Government to see it gets paid for its mineral estate, whatever they might be, and it is in the interest of the fee owner—just as we have in most places throughout the United States—to have a complete and clear title.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 4530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for lands held under color of title", approved December 22, 1928, as amended (43 U.S.C. 1068), is further amended by inserting between the words "*Provided further,* That" and the words "coal and all other minerals" the following: ", except as provided by section 3 of this Act,".

SEC. 2. Section 3 of the Act of December 22, 1928, as amended (43 U.S.C. 1068b), is further amended to read as follows:

"SEC. 3. (a) If the claimant requests that the patent to be issued under this Act not contain a mineral reservation, and if he can establish to the satisfaction of the Secretary that the requirements of this Act have been nent change of station" and insert in place thereof "change of permanent station".

Sec. 4. The analysis of chapter 57 of title 28, United States Code, is amended by striking out the following item: "962. Traveling expenses."

Sec. 5. (a) Section 116 of the Economic Opportunity Act of 1964, as added by section 101 of Public Law 90–222 (81 Stat. 681; 42 U.S.C. 2727), is amended—

(1) by inserting, in subsection (a), "and in section 8143(a) of title 5, United States Code" immediately after "this subsection"; and

(2) by striking out paragraph (2) of subsection (a).

(b) Section 833 of the Economic Opportunity Act of 1964, as added by section 110 of Public Law 90–222 (81 Stat. 726; 42 U.S.C. 2994b), is amended—

(1) by inserting, in subsection (a), "and in section 8143(b) of title 5, United States Code" immediately after "subsection (b)"; and

(2) by striking out subsection (b) and inserting in place thereof:

"(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1) and (3) of this Act."

Sec. 6. (a) Sections 1–5 of this Act restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after May 7, 1968, that are inconsistent with this Act supersede it to the extent of the inconsistency.

(b) References made by other laws, regulations, and orders to the laws restated by this Act are deemed to refer to the corresponding provisions of this Act.

(c) Actions taken under the laws restated by this Act are deemed to have been taken under the corresponding provisions of this Act.

(d) Sections 1(2) and 1(14) of this Act are effective as of September 11, 1967, for all purposes.

(e) Sections 1(13) B and 1(17) of this Act are effective as of September 6, 1966, for all purposes.

Sec. 7. (a) The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

(1) The proviso on page 615 of the Act of July 1, 1902 (ch. 1352, 32 Stat. 615);

(2) The Act of August 28, 1958 (Public Law 85–847, 72 Stat. 1086);

(3) Section 205 of the Act of August 19, 1964 (Public Law 88–448, 78 Stat. 488);

(4) Section 214(d) of the Act of December 16, 1967 (Public Law 90–206, 81 Stat. 636).

(b) Paragraphs (115), (427), (428), and (429) of section 402 of Reorganization Plan No. 1 of the 1967 have no further effect.

(c) That part of the last sentence of section 3(a) of Reorganization Plan No. 1 of 1968 which relates to the rate of compensation of the Director of the Bureau of Narcotics and Dangerous Drugs has no further effect.

With the following committee amendments:

On page 2 at the end of line 2 insert "and in paragraph (90) insert '(2)' at the end;"

On page 6 after line 10 insert:

(23) In section 3502(a) strike out "and" at the end of subparagraph (A); insert a semicolon immediately preceding the word "and" at the end of subparagraph (B); and strike out in subparagraph (C), "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h(b) of title 16" and "section 610(b) of title 7" respectively in place thereof.

(24) In section 5334(f), strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and insert "section 590h(b) of title 16" in place thereof.

(25) In section 6312, strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h (b) of title 16" and "section 610(b) of title 7", respectively in place thereof.

(26) In section 5313, insert the following new paragraph at the end:

"(53) Urban Mass Transportation Administrator."

On page 11, in line 2, strike out "May 7" and insert "June 30" in place thereof.

On page 12, after line 9, insert "(d) That part of the first sentence of sentence of section 3(b) of Reorganization Plan No. 2 of 1968 which relates to the compensation of the Urban Mass Transportation Administrator has no further effect."

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer three amendments which I ask unanimous consent be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Rogers of Colorado: On page 2, line 3, strike out "and in paragraph (90) insert '(2)' at the end;" and insert "and in paragraph (126) of section 5316 insert '(2)' at the end;".

On page 7, line 9, after "section", strike out "5313" and insert "5314".

On page 12, line 4, after "'Reorganization Plan", strike out "No. 1" and insert "No. 3".

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMPHIS SESQUICENTENNIAL MEDALS

The Clerk called the bill (H.R. 17361) to provide for the striking of medals in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis.

There being no objection, the Clerk read the bill as follows:

H.R. 17361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis (which anniversary will be celebrated in 1969), the Secretary of the Treasury is authorized and directed to strike and furnish to the Memphis Sesquicentennial Corporation not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Memphis Sesquicentennial Corporation subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be made after December 31, 1969. The medals shall be considered to be national medals within the meaning of section 3351 of the Revised Statutes.

Sec. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture; including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

Sec. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such corporation.

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KUYKENDALL. Mr. Speaker, today I am happy to rise in support of a bill which provides for the striking of medals in commemoration of the 150th anniversary of the founding of one of the outstanding cities in our Nation. I speak of the great city of Memphis, Tenn.

This bill, on today's Consent Calendar, is numbered H.R. 17361, and is cosponsored by two of my colleagues in the House, the gentlemen from Tennessee [Mr. Everett and Mr. Blanton] in whose congressional districts the city of Memphis is also located. It has received a favorable report by the House Committee on Banking and Currency and involves no expenditure of Federal funds since the city of Memphis is to pay for the manufacture of these commemorative medals by the U.S. Mint.

Memphis has enjoyed a long, rich, and exciting history which officially began with its founding in 1819 by a group of land-grant owners led by Andrew Jackson who subsequently became the seventh President of the United States. From a population of 500 when it was incorporated in 1826, Memphis has blossomed into a bubbling metropolis of more than 624,000 and is now the 20th largest city in the Nation and the seventh fastest growing major city. Today more than one-third of the Nation's cotton crop is bought or sold each year by members of the Memphis Cotton Exchange, making Memphis the largest spot cotton market in the world. It is also the world's largest producer of cottonseed products, the world's largest interior cotton warehousing center, the world's largest hardwood lumber market and producer of hardwood flooring, the largest producer of persimmon golf club heads, the South's largest livestock and meatpacking center, the South's largest producer of mixed feeds, and the South's largest distributor of drugs and chemicals. In addition, the Memphis Medical Center is the finest and largest in the South and it is continuing to grow at a rapid pace. These are but a few of the many outstanding distinctions and achievements that will be recognized during the celebration of Memphis' 150th anniversary.

The Memphis Sesquicentennial Corp. has been working diligently on plans for the celebration to begin in 1969 and preliminary plans have been made with the Director of the Mint regarding the details of the striking and design of the medals. This legislation is needed to authorize the Director of the Mint to proceed with the manufacture of these medals. Since this is a noncontroversial matter I urge its unanimous passage by the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DARTMOUTH COLLEGE BICENTENNIAL MEDALS

The Clerk called the bill (S. 3671) to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College.

There being no objection, the Clerk read the bill, as follows:

S. 3671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the two hundredth anniversary of the founding of Dartmouth College by the grant of a royal charter from King George III on December 13, 1769, the Secretary of the Treasury is authorized and directed to strike and furnish to Dartmouth College, Hanover, New Hampshire, not more than twenty-five thousand medals with suitable emblems, devices, and inscriptions to be determined by Dartmouth College subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by Dartmouth College in quantities of not less than two thousand, but no medals shall be made after December 31, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with Dartmouth College.

Mr. O'HARA of Illinois. Mr. Speaker, representing the district in which is located the University of Chicago, I especially am happy in supporting this bill of authorization of national medals commemorating the 200th anniversary of the founding of Dartmouth College.

Dartmouth, one of the oldest institutions of higher learning in the United States, was founded on December 13, 1769, under a royal charter from King George III. It graduated its first class of four students in 1771 and every year since has graduated a class, in one of which our distinguished colleague from Connecticut and my fellow member of the Committee on Foreign Affairs, the learned and popular Mr. MONAGAN, was an honor member. My congratulations to Mr. MONAGAN and to the able representative from the district in which Dartmouth is located, Mr. CLEVELAND, on the graceful way in which this great school in the highlands of New Hampshire has met the challenge of close to 200 years. By way of comparison I might add that it will be another 23 years before the University of Chicago celebrates its 100th anniversary.

Some months ago it was my privilege and pleasure to spend a week at Hanover Inn and under the escortage of Dr. Richard E. Williamson, a member of the mathematic faculty, was shown the wonders of Dartmouth. As the chairman of the Subcommittee on Africa, I was especially interested in the contribution Dartmouth is making to our program of cooperation and understanding with the new nations of Africa. This year the United States is spending some $339,000 at Dartmouth in the training of 128 Peace Corps volunteers for service in Chad, the Ivory Coast, Niger, Senegal, and Togo.

Mr. MONAGAN. Mr. Speaker, as an alumnus of Dartmouth in the class of 1933 and the father of a son who started his college career in Hanover today, I am proud to express my support of S. 3671. Dartmouth is one of the great historical colleges of this country and the 200th anniversary of her founding will occur on December 13, 1969. Over these two centuries from her incomparable setting in the hills of New Hampshire, Dartmouth has made an outstanding contribution to our country through the men whom she has sent forth to put into practice the ideals which have been inculcated in them in the classrooms of this great institution.

Dartmouth has refused to become a technical or training school—although the times are compelling the expansion of the specialized graduate schools—but her administrators have preserved the primary role of the institution as a liberal arts college directed at enriching the lives of her sons and giving them the spiritual and intellectual capacity to live fuller and more productive lives.

I am happy, therefore, to join my support to that of my fellows in bringing about the passage of this bill to mark the 200th birthday of my alma mater with the wish that her influence will long remain strong and her prestige high among the great colleges of the world.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE ACT OF DECEMBER 22, 1928, RELATING TO THE ISSUANCE OF PATENTS FOR LANDS HELD UNDER COLOR OF TITLE

The Clerk called the bill (H.R. 4530) to amend the act of December 22, 1928, relating to the issuance of patents for lands held under color of title, to liberalize the requirements for the conveyance of the mineral estate, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman in charge of handling this bill.

My question is this. I notice the plan of this bill is for the U.S. Government to give up certain mineral rights to, let us say, persons squatting on Federal land.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. ASPINALL. The gentleman has used incorrectly two words when he says it is planned to "give up" and planned to give certain rights to squatters. It is not planned to take care of squatters. It is planned to take care of those people who are legally on this land under color of title rights that they possess.

Mr. JOHNSON of Pennsylvania. Is there any reason why it is important for the U.S. Government, let us say, to give up certain mineral rights in that area?

Mr. ASPINALL. If the gentleman will yield further, these lands are located down in the Louisiana area. They are not public lands such as my colleague is thinking about.

These are lands on which there is reserved to the United States a mineral estate and there is no way to get a clear title unless the surface owner can have control of the mineral rights also. So all this act does is to permit the Federal Government to sell to the surface owner at an appraised value determined by appraisers of the United States whatever mineral rights there may be there so there is a clear title to the property so you can go ahead and develop it. That is all that this does.

Mr. JOHNSON of Pennsylvania. In other words, it makes possible for a landowner to acquire mineral rights that are owned by the Federal Government at an agreed appraised price?

Mr. ASPINALL. That is correct. It is in the interest of both parties—in the interest of the Federal Government to see it gets paid for its mineral estate, whatever they might be, and it is in the interest of the fee owner—just as we have in most places throughout the United States—to have a complete and clear title.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 4530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for lands held under color of title", approved December 22, 1928, as amended (43 U.S.C. 1068), is further amended by inserting between the words "*Provided further,* That" and the words "coal and all other minerals" the following: ", except as provided by section 3 of this Act,".

SEC. 2. Section 3 of the Act of December 22, 1928, as amended (43 U.S.C. 1068b), is further amended to read as follows:

"SEC. 3. (a) If the claimant requests that the patent to be issued under this Act not contain a mineral reservation, and if he can establish to the satisfaction of the Secretary that the requirements of this Act have been complied with for the period commencing not later than January 1, 1901, to the date of application, no mineral reservation shall be made if (1) the Secretary determines that the conveyance of the mineral interest would be reasonably consistent with the mineral leasing program of the Secretary and is otherwise consistent with the public interest, and (2) the claimant pays the appraised value of the mineral interest to be conveyed, determined on the same basis as prescribed by section 2 of this Act.

"(b) Subject to the restrictions and conditions of this section, the Secretary is authorized to sell to any owner of land heretofore or hereafter patented under this Act the retained mineral interest of the United States in such land.

"(c) If, under this section, the Secretary sells mineral interest which is subject to any mineral lease or permit, then for so long only as such lease or permit or any lease issued pursuant to such permit shall remain in effect, there shall be automatically reserved to the United States the mineral or minerals for which the lease or permit was issued, together with such further rights as may be necessary for the full and complete enjoyment of all rights, privileges, and benefits under or with respect to such lease or permit.

"(d) No conveyance of the retained mineral interest of the United States shall be made to any owner of land heretofore patented under this Act unless he files an application therefor with the Secretary within two years from and after the effective date of this subsection."

With the following committee amendments:

On page 2, line 15, strike out ", determined on the same basis as prescribed by section 2 of this Act." and insert ", plus the administrative costs of the conveyance."

On page 2, line 23, strike out "interest which is" and insert "interests which are".

The committee amendents were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE SALE OF CERTAIN PUBLIC LANDS

The Clerk called the bill (H.R. 13797) to authorize the sale of certain public lands.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, reserving the right to object, I would like to make a legislative record that in allowing this bill—which I favor in the House version—to pass, at the same time members of the objectors committee are strongly opposed to the provision permitting the Secretary to transfer 640 acres to an "unintentional trespasser," as recommended in the bill passed by the other body. I would hope and pray that the position of the House be maintained as set forth in H.R. 13797, and respectfully ask if this be the plan of the distinguished chairman handling the bill? If so, I would see no objection whatsoever to this bill being on the Consent Calendar.

Mr. **ASPINALL**. Mr. Speaker, will the gentleman yield?

Mr. **HALL**. I am delighted to yield to the gentleman from Colorado.

Mr. **ASPINALL**. If it would relieve the fear of my colleague from Missouri, I would explain to him right now that if this measure is to be legislation this year, it has to be in the form of the House bill.

Mr. **HALL**. Mr. Speaker, that statement not only relieves my fear, but also my pain; and I withdraw my reservation of objection.

Mr. **HARRISON**. Mr. Speaker, I should like to make a brief statement in support of the legislation before the House, a bill to authorize the sale of certain so-called Federal trespass lands in the western States. I introduced the House version of this bill, H.R. 13797, which is a companion bill to S. 220, introduced by my colleague from Wyoming, Senator CLIFF HANSEN.

The purpose of this legislation in the words of a committee report is "to give the Secretary of the Interior the legislative ability to sell certain parcels of land upon which an agricultural trespass has recently been discovered."

This legislation is something for which I have fought for many years and which has been sought by western farmers and ranchers since the surfacing of new surveys which revealed that lands thought to be parts of private ranch holdings were in fact Federal domain upon which a technical trespass had occurred.

This legislative endeavor was stated in the 89th Congress when a distinguished Wyoming lawmaker now retired, Senator Milward Simpson, introduced S. 625. That bill passed the Senate but was not considered by the House.

The measure being considered by the House today merits a bit of background explanation.

In much of the West, there exist small parcels of arable land adjacent to private farms and ranches which could be put to economic use as part of the private cultivation of land and which have no public value requiring their retention in public ownership. Such small parcels are found on occasion to be cultivated in trespass, sometimes because of the uncertainty of titles or land boundaries.

Decades ago when the West was being carved up and homesteaded, boundaries were more inclined to follow natural topographical features, such as ridge lines or streams or borders of timbered area, than the unseen mystical lines of ill drawn surveys. This has led to the so-called trespass action taken against many ranchers by the Department of the Interior on the basis of recent surveys.

Where such tracts cannot meet the legal and regulatory requirements for classification for sale under section 2455 R.S., Public Land Sales Act, or Homestead or Desert Land Acts, the Secretary has no means to sell them.

Enactment of H.R. 13797 or S. 220 would provide authority to sell such lands and permit the Secretary to adjust land use and tenure situations which have arisen because of the lack of this authority.

The bill we consider today has been thoroughly reviewed by both the House and Senate Interior Committees.

It has been amended to provide that a single purchaser of trespass parcels may aquire up to 160 acres. Holders of land adjacent to the trespass parcels will have a preference to buy at a bid price of no less than set fair market value. In other words, no homestead will be broken up because of the arbitrary sale to someone not now holding that land. The present landholder would have an opportunity to match whatever bid price is offered for the land, thereby having first preference to purchase.

Mr. Speaker, this bill has broad support both in Congress and among the constituents of many Congressmen and I respectfully urge my colleagues to give their approval to this measure so that the work begun in the previous Congress can be successfully converted.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 13797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, on application of an owner of contiguous lands, to sell at public auction any tract of public domain not exceeding one hundred and twenty acres that contains some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. Except as provided in section 2 hereof, the tract shall be sold to the highest bidder. Except as provided in section 3 hereof, no tract shall be sold for less than its appraised fair market value.

SEC. 2. For a period of thirty days from the day the high bid is received, any owner of contiguous lands shall have a preference right to buy the tract at such highest bid price. If two or more contiguous owners assert the preference right, the Secretary is authorized to make such division of the land among the applicants as he deems equitable.

SEC. 3. If a person who has a preference right under section 2 of this Act is the purchaser of land sold pursuant to this Act, he shall not be required to pay for any values he or his predecessors in interest have added to the land. However, nothing in this Act shall relieve any person from liability to the United States for unauthorized use of the land prior to conveyance of title by the United States.

SEC. 4. No person may acquire from the Secretary more than one hundred and twenty acres of land under the provisions of this Act.

SEC. 5. The authority granted by this Act shall expire three years from the date of the passage of the Act, but sales for which application has been made in accordance with this Act prior to the expiration of the three years may be consummated and patents may be issued in connection therewith after the three-year period.

With the following committee amendment:

Page 1, lines 3 through 10, strike out all of the first sentence of section 1 and insert the following in lieu thereof:

"That the Secretary of the Interior is authorized, on his own motion or an application of an owner of contiguous lands, and upon a finding that it is not needed for public purposes, to sell at public auction any tract of public domain not exceeding one hundred and twenty acres that has been or is now subject to unintentional trespass, as determined by the Secretary, and that contains some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 220) to authorize the sale of certain public lands.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, on application of an owner of contiguous lands, to sell at public auction any tract of public domain not exceeding one hundred and sixty acres that contains some lands which have been or can be put to cultivation but which are insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. Except as provided in section 2 hereof, the tract shall be sold to the highest bidder. Except as provided in section 3 hereof, no tract shall be sold for less than its appraised fair market value.

Sec. 2. For a period of thirty days from the day the high bid is received, any owner of contiguous lands shall have a preference right to buy the tract at such highest bid price. If two or more contiguous owners assert the preference right, the Secretary is authorized to make such division of the land among the applicants as he deems equitable.

Sec. 3. If a person who has a preference right under section 2 of this Act is the purchaser of land sold pursuant to this Act, he shall not be required to pay for any values he or his predecessors in interest have added to the land. However, nothing in this Act shall relieve any person from liability to the United States for unauthorized use of the land prior to conveyance of title by the United States.

Sec. 4. No person may acquire from the Secretary more than one hundred and sixty acres of land under the provisions of this Act, except that in any case in which the Secretary finds that the person to whom the land is to be transferred has not intentionally trespassed thereon in the use thereof, the Secretary may transfer not to exceed six hundred and forty acres under the provisions of this Act.

Sec. 5. The authority granted by this Act shall terminate June 30, 1971, but sales for which application has been made in accordance with this Act prior to June 30, 1971, may be consummated and patents may be issued in connection therewith after June 30, 1971.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Aspinall: Strike out all after the enacting clause of S. 220 and insert in lieu thereof the provisions of H.R. 13797, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 13797) was laid on the table.

DESIGNATING CERTAIN LANDS IN THE GREAT SWAMP NATIONAL WILDLIFE REFUGE, MORRIS COUNTY, N.J., AS WILDERNESS

The Clerk called the bill (H.R. 16771) to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I personally favor this bill, but another Member who could not be present here today requested that I have it passed over. I note that it is coming up under suspension later today, and therefore I withdraw my reservation of objection and ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

DESIGNATING THE MOUNT JEFFERSON WILDERNESS, WILLAMETTE, DESCHUTES, AND MOUNT HOOD NATIONAL FORESTS, IN THE STATE OF OREGON

The Clerk called the bill (H.R. 13512) to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2751, to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Mount Jefferson Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Mt. Jefferson Wilderness—Proposed," dated July 1968, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Mount Jefferson Wilderness within and as a part of Willamette, Deschutes, and Mount Hood National Forests, comprising an area of approximately one hundred thousand acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Mount Jefferson Wilderness with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Mount Jefferson Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Mount Jefferson Primitive Area is hereby abolished.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R.13512) was laid on the table.

RELEASE OF CONDITION IN CONVEYANCE TO THE STATE OF OHIO

The Clerk called the bill (H.R. 18033) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone what the possible cost to the Federal Government will be, if any?

Mr. POAGE. Mr. Speaker, if the gentleman will yield, there is none at all. There is no cost to the Federal Government.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I shall not object, but I simply want to inquire of the distinguished chairman of the Committee on Agriculture if S. 3687 is identical with H.R. 18033?

Mr. POAGE. Mr. Speaker, if the gentleman will yield, the language is identical.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. HARSHA. Mr. Speaker, I rise in support of H.R. 18033, a bill which would direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the State of Ohio. This bill is similar to Public Law 90-307 and is beneficial to both the State of Ohio and to the Mead Paper Co., with whom this land exchange would be made and also quite beneficial to the general public because it would permit the State to eradicate a very serious pollution problem.

The State of Ohio is interested in controlling pollution in Lake Hope, within the Zaleski State Forest. This pollution originates from coal mine waste coming from private lands in the upper watershed outside the State forest, and acquisition of most of this watershed is essential to the control of the pollution. Acquisition of this tract would consolidate State forest ownership, provide for more effective pollution control in the Lake Hope watershed, and enable more efficient administration of the State forest lands and more adequately protect these lands for the public use and benefit.

Therefore, an exchange was proposed between the Mead Paper Co., which owns this land, and the State of Ohio which owns a tract of similar size known as the Raccoon State Forest. Two problems facing the State necessitate this legislation—first, the reverter clause and second, reservation of mineral rights. Under existing law, unless the exchanged tract is used for public purposes, its ownership would revert to the United States. This precludes an exchange and in order to effect an exchange this reverter clause must be eliminated insofar as the land in question is concerned—likewise the reservation of mineral rights. This legislation would accomplish these objectives yet at the same time adequately protect the public interest and the interests of the Federal Government. The legislation would enable the State of Ohio to engage in the exchange of comparable lands for more adequate park purposes and therefore would be consistent with the purposes of the public use requirement in the original conveyance to the State.

Equally as important is the ever-pressing problem of pollution. This Government is spending millions upon millions of dollars each year to make our streams, lakes, and rivers clean again. This legislation will enable the State to join in this battle insofar as Lake Hope is concerned. Surely this is within the public interest.

Mr. Speaker, this legislation will not establish any precedent as we have already been over that hurdle.

During the intervening years, changes in land-use patterns and resource management programs, administrative requirements, and other factors have resulted in the desire of others of the respective owning public authorities or agencies to exchange or otherwise dispose of a part of the title III lands conveyed to them so as to further the purposes and activities of those public bodies. Another case is before us now. Others may come up in the future.

I urge the adoption of this legislation and respectfully request my colleagues to join with me in supporting this bill.

Mr. MILLER of Ohio. Mr. Speaker, as author of the bill now before us I wish to speak on the need of this legislation which is of great importance to the State of Ohio.

The bill, H.R. 18033, directs the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio and for other purposes.

A very advantageous land exchange is being considered between the State of Ohio, Department of Natural Resources, and the Mead Paper Co. of Chillicothe, Ohio. This land exchange involves the conveyance of the 5,650 acre Raccoon State Forest in Vinton County. The Raccoon Forest is made up of 5,252 acres which were acquired by the U.S. Government during the land utilization program of 1938 through 1940 and then conveyed to the State of Ohio. Through later purchases the State of Ohio acquired an additional 398 acres in adjacent properties. The Mead Corp. lands offered in exchange consist of 5,920 acres in Vinton and Athens counties adjoining and lying to the east of the Zaleski State Forest. The Mead Corp. lands offered exceed the State lands to be exchanged by 270 acres. The appraised value of the lands to be exchanged are comparable.

The exchange of these lands would permit the concentration of State forest ownership in Vinton County into one large management unit reducing operating costs and making for more efficient timber management. The Mead Corp. would be consolidating their holdings in southern Vinton County. Seven hundred acres of the 5,920 acres the Mead Corp. is offering to exchange lies within the Big Sandy Run drainage flowing into Lake Hope where Ohio has a major land acquisition program underway. The entire watershed is being acquired in order to implement a program to alleviate the flow of acid water, from abandoned underground mines, into the lake. This acid problem has reduced Lake Hope to an almost sterile body of water which must be reclaimed to restore its recreational values. At the present time the State of Ohio has approximately $5 million in facilities around this 120 acre lake. Should passage of H.R. 18033 result in nothing more than the purification of the waters of Lake Hope, the thousands of visitors who enjoy vacationing at Lake Hope State Park will be permanently grateful.

The deterrent to finalizing this land exchange is a condition in the 1957 deed by which the State of Ohio acquired the Raccoon Forest from the U.S. Government. The deed states that the land conveyed is to be used for public purposes and if not so used it is to revert to Federal ownership. The lands to be acquired from the Mead Corp. in this exchange will be devoted to public use thus fulfilling this obligation of the deed as well as the provisions of the bill.

The purpose of H.R. 18033 is to remove the condition from the deed so that the exchange can be accomplished and the exchanged lands assimilated into the public use and management programs of the Zaleski State forest.

This legislation is supported by the Ohio Department of Natural Resources and the U.S. Forest Service. Furthermore, it will involve no cost to the Federal Government.

I ask for your support in this advantageous legislation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 18033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the condition in a deed dated January 30, 1957, conveying lands in the State of Ohio to the State of Ohio, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used.

Sec. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the State of Ohio or an authorized agency of the State in which such State or agency, in consideration of the release of such condition as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

Sec. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the State of Ohio for the use and benefit of the State by the Secreary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

Sec. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

Sec. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

Sec. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3687) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the Senate bill, as follows:

S. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the condition in a deed dated January 30, 1957, conveying lands in the State of Ohio to the State of Ohio, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the State of Ohio or an authorized agency of the State in which such State or agency, in consideration of the release of such condition as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the State of Ohio for the use and benefit of the State by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18033) was laid on the table.

RELEASE OF CONDITION IN CONVEYANCE TO SOUTH CAROLINA STATE COMMISSION OF FORESTRY

The Clerk called the bill (H.R. 18207) to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such commission, subject to a certain condition, to exchange such lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know, inasmuch as the committee report cites as comparable, similar legislation involving the University of Maine in the State of Maine; whether or not this property, once granted title in fee simple to South Carolina, is to be used by the University of South Carolina?

Mr. POAGE. Mr. Speaker, if the gentleman will yield, the answer is "No." What this does, is to allow the State commissioner of forestry to sell certain land, to exchange certain land which the State had received from the Federal Government with the provision in the original grant that, when it ceased to be used for public purposes, it should revert to the United States.

We think what we are doing is carrying out the intent of the original grant, in that we are allowing them to exchange this for other land which is better suited for their purposes now, for public purposes, and we require in this bill that the land for which the Federal lands were exchanged shall be used for public purposes. So all we do is to allow the State to exchange this land which the Federal Government gave it for land which is now privately owned. We then let the State transfer the land which the Federal Government gave them into private ownership, but they have to continue to use the land which they thus acquire for the original purposes.

We do not change any of the purposes for which it can be used. We simply change the specific blocks. The land is in blocks and it gives the State a solid block by allowing them to make these transfers.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. I understand the removal of the reverter-clause of the existing Government-owned land, and that we want to exchange parcels of land only.

Mr. Speaker, are the lands which are going to be exchanged in approximately similar amounts as to worth?

Mr. POAGE. They are not the same amounts of land, but approximately the same valuations are placed on the two blocks of land.

Mr. HALL. Would the gentleman not agree with me, under the paragraph entitled "Short Explanation" on page 2 of the report, wherein it states:

> The bill is generally similar to Public Law 90-307, which provides for a similar release to the University of Maine.

That since the University of South Carolina is not using it the explanation is not a comparable simile or may be an overstatement of the fact.

Mr. POAGE. Well, I would say that it is generally similar, in that in each case the bill allows the transfer of land, which, without the bill, would require a reversion to the Federal Government. That much is certainly identical in the two cases. The exact usages of the land are not identical, because in the case of the University of Maine it was building lots where they wanted to build houses, and in the case of the Forestry Commission of South Carolina it is a forest use by the State. But the land which they acquire in each case will be used for the original purpose for which the original Federal land was granted.

Mr. HALL. Mr. Speaker, one further query:

There is no estimate given of the cost to the Federal taxpayers. I take it from the gentleman's statement that the land parcels being exchanged are of comparable value means there can be no expected cost to the U.S. Treasury; is that correct?

Mr. POAGE. That is the understanding of the Committee on Agriculture. As we see it if we have two tracts of land and still come up with the same value there is no cost to the Federal Government.

Mr. HALL. Mr. Speaker, another question—

Ordinarily in such bills there is a statement written into the legislation stating that miscellaneous receipts recovered will go to the U.S. Treasury. Is there any significance in the fact that the requirement for revenue received hereunder in this exchange is omitted from the bill?

Mr. POAGE. There will not be any revenue received by the Federal Government, nor paid out by the Federal Government, for that matter.

The Federal Government years ago granted certain lands to the State of South Carolina; that is, to their forestry department. It was provided if they ceased to use this land for these specific purposes it should revert to the Federal Government. The State of South Carolina finds that block A, which they received from the Federal Government, is substantially of the same value of block B, which belongs to John Doe, and that block B would serve their purposes much better than block A. They, therefore, desire to transfer the land with Mr. Doe. They cannot make the transfer without this legislation.

This legislation merely permits them to make the transfer. There is no cost to the Federal Government. There are no receipts to the Federal Government.

Mr. HALL. Mr. Speaker, the gentleman's words are very reassuring, but the third requirement in the bill itself, written into the legislation, requires the Secretary of the Interior to convey mineral interests of the United States in such tract to the Commission at "fair market value," or $1 per application, where the Secretary determines there is no active mineral interest. So, there could be funds involved here. Such a statement, it seems to me, that they would be recovered to the Treasury would be apropos in the event that the requirement numbered 3 was ever implemented.

Mr. POAGE. Unquestionably, there could be a small payment to the Federal Government. I had overlooked that possibility. In this case it would probably be a maximum of $1 an acre.

This involves 72 acres of land, so the recovery to the Treasury would be about $72. I am in error saying there is none.

It was such an insignificant amount that it was felt there was no need for writing instruction into the law, because such funds go into the general fund anyway. That is where all of these payments to the Federal Government go under the general law. They go to the general fund, and this would go to the general fund. We do provide in here that the State shall pay to the Federal Government either the market value or, if there is no market value, $1 per acre for the minerals.

Mr. HALL. The gentleman is satisfied in his own mind that under this proposed legislation and in the event an oil pool is discovered under these interests subsequently that money would be recovered into the Treasury of the United States?

Mr. POAGE. No, sir. No, sir, I am not. I am satisfied that the State of South Carolina will at the present time, if this bill is passed, buy the mineral rights, and if there is no mineral development—and I do not understand that there is in that area—then they will pay the $1 an acre, which is what is provided for in the bill. Having paid that $1 an acre for the minerals in this land, they will either hold the mineral rights themselves or transfer them. We do not know which they will do. But if 100 years from now minerals are discovered there, the Federal Government will not have any interest in them. The purpose of this is to keep the minerals with the surface of the land. In the opinion of the Committee on Agriculture, one of the worst things we can do for the farmers all over this country is to separate the surface and the mineral estates on a permanent basis. We recognize there are reasons for separating them temporarily, but we see no reason for making a permanent separation between the minerals and the surface estate, because if you do, you will have all of the minerals of the United States owned probably in a few large centers and none owned by the individual landowners. We are trying to keep the minerals with the land.

Mr. HALL. Mr. Speaker, I object very much to the failure to include the recovery into the Treasury of these moneys, but in view of the lucid explanation of the gentleman from Texas and his expertise in these matters, and his statement that it is a swap of what is generally determined to be comparable land values, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 18207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States, with respect to the following-described lands, the condition contained in the deed dated June 28, 1955, between the United States of America and the South Carolina State Commission of Forestry, conveying, pursuant to such subsection, certain lands, of which such described lands are a part, to such commission, which requires that the lands conveyed be used for public purposes:

A tract consisting of approximately seventy-two acres, being a portion of the five-hundred-and-ten-acre tract conveyed by such deed dated June 28, 1955, which is bounded on the south by the State Forestry Commission, on the east by McCray's Mill Club and E. T. Gulledge, on the north by the State Highway Numbered 763, and on the west by an unpaved county public road known as the Brunt Gin Road.

SEC. 2. The Secretary of Agriculture shall release the condition referred to in the first section of this Act only with respect to the lands comprising the tract of land described in such section (containing approximately seventy-two acres) and only after the Secretary of Agriculture and the South Carolina Commission of Forestry have entered into an agreement in which such commission, in consideration of the release of such condition, agree that the lands with respect to which such condition is released shall be exchanged for lands of comparable value and that the lands so acquired by exchange shall be subject to the condition with respect to the use of such lands for public purposes, contained in the deed referred to in the first section of this Act.

With the following committee amendment:

Page 2, line 13, delete all of section 2 and insert in lieu thereof the following sections:

"SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina Commission of Forestry in which such State agency, in consideration of the release of such conditions as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

"SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the South Carolina Commission of Forestry for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

"SEC. 4. Each application made under the provision of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"SEC. 5. The term 'administrative costs' as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3578) to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such commission, subject to a certain condition, to exchange such lands, a similar bill to the one that the House just passed.

The Clerk read the title of the Senate bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release, on behalf of the United States, with respect to the following-described lands, the condition contained in the deed dated June 28, 1955, between the United States of America and the South Carolina State Commission on Forestry, conveying, pursuant to such subsection, certain lands, of which such described lands are a part, to such Commission, which requires that the lands conveyed be used for public purposes:

A tract consisting of approximately seventy-two acres, being a portion of the five-hundred-and-ten-acre tract conveyed by such deed dated June 28, 1955, which is bounded on the south by the State Forestry Commission, on the east by McCray's Mill Club and E. T. Gulledge, on the north by the State Highway Numbered 763, and on the west by an unpaved county public road known as the Brunt Gin Road.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina Commission of Forestry in which such State agency, in consideration of the release of such conditions as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the South Carolina Commission of Forestry for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of $1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18207) was laid on the table.

FLAMING GORGE NATIONAL RECREATION AREA, UTAH AND WYOMING

The Clerk called the bill (H.R. 15245) to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that this legislation is simply designed to consolidate the administration of this park and that there is no taking or projected taking of any land in exchange of land under the terms of this bill?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield to me——

Mr. GROSS. Yes; I yield to the gentleman from Colorado.

Mr. ASPINALL. The gentleman's understanding is correct. This simply changes the jurisdiction of the agency that could be in possession of the land obtained and put it under the agency of the Forest Service.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. HARRISON. Mr. Speaker, the bill before the House for consideration—H.R. 15245 to establish the Flaming Gorge National Recreation Area—is one of the outstanding public land and recreation measures of the 90th Congress.

It is a measure both simple and sensible. It promises immediate savings of some $100 thousand by the simple expedient of consolidating authority for the area in a single agency, the Agriculture Department, and it gives official status to the national character of the two-State recreation area which encompasses some of the most magnificent scenery in Western America.

H.R. 15245, which I introduced in the House, will create a 201,250-acre recreation area of which slightly more than half is in the State of Wyoming. The balance is in our neighboring State of Utah.

The national recreation area has a vast potential for outdoor recreation and public enjoyment. The establishment of the area will be subject to the necessary operation of the Flaming Gorge Dam. The completion of the Flaming Gorge Dam in 1962 resulted in the formation of a large clear-water lake which rises some 450 feet above the riverbed and which will be some 90 miles in length. The area includes several miles of the flowing Green River and the open canyon below the dam. It extends upstream from the dam through steep canyon walls carved by the Green River through the Uinta Mountains, through the Flaming Gorge, and finally into southwestern Wyoming. In addition to the scenic beauty of the lake and adjacent areas, there are other attractions. A variety of animal species, including deer, elk, antelope, and upland game birds, attracts thousands of sportsmen annually to the region. Recreational use of the area will include boating, fishing, swimming, camping, picnicking, hiking, horseback riding, hunting, and water skiing.

The area has already become a major tourist attraction. The annual public visitation of the area has exceeded one-half million visitor days. Since more than 1½ million persons reside within a 250-mile radius of the area, recreational use of the area could exceed 1 million visitor days annually by 1970.

When I testified July 26, 1968, before the Subcommittee on National Parks and Recreation, I asserted that this legislation will be of direct benefit to the Nation and particularly to the 1½ million persons who live within a 250-mile radius of Flaming Gorge.

I am pleased that the House has retained the clarifying amendment added to the bill by the Senate—and supported by the Congressman from Wyoming—to reaffirm the jurisdiction of the States of Wyoming and Utah in game and fish matters on the lands of the Flaming Gorge.

I commend the able chairman of the House Interior and Insular Affairs Committee—my good friend [Mr. ASPINALL] for taking action on this measure so that efforts to date to create the Flaming Gorge National Recreation Area will come to fruition rather than frustration in this final session of the 90th Congress and I call upon the Congress to give H.R. 15245 full support.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 15245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide, in furtherance of the purposes of the Colorado River storage project, for the public outdoor recreation use and enjoyment of the Flaming Gorge Reservoir and the surrounding lands in the States of Utah and Wyoming and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Flaming Gorge National Recreation Area in the States of Utah and Wyoming (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be those shown on the map entitled "Proposed Flaming Gorge National Recreational Area," which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in a manner coordinated with other purposes of the Colorado River storage project, and in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established: *Provided,* That lands or waters needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

SEC. 3. Within six months after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area. Following such publication, the Secretary may make minor adjustments in the boundary of the recreation area by publication of the amended description thereof in the Federal Register: *Provided,* That the total acreage of the recreation area within the adjusted boundary does not exceed the acreage of the recreation area as shown on the map referred to in section 1 hereof.

SEC. 4. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws: *Provided,* That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

SEC. 5. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the purposes of the Colorado River storage project and the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the administration of the recreation area: *Provided,* That any lease or permit respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

SEC. 6. The boundaries of the Ashley National Forest are hereby extended to include all of the lands not presently within such boundaries lying within the recreation area as described in accordance with sections 1 and 3 of this Act.

SEC. 7. Subject to any valid claim or entry now existing and hereafter legally maintained, all public lands of the United States and all lands of the United States heretofore or hereafter acquired or reserved for use in connection with the Colorado River storage project within the exterior boundaries of the recreation area which have not heretofore been added to and made a part of the Ashley National Forest, and all lands of the United States acquired for the purpose of the recreation area, are hereby added to and made a part of the Ashley National Forest: *Provided*, That lands within the flow lines of any reservoir operated and maintained by the Department of the Interior or otherwise needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

SEC. 8. Funds hereafter appropriated and available for the acquisition of lands and waters and interests therein in the national forest system pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 897, 903), shall be available for the acquisition of any lands, waters, and interests therein within the boundaries of the recreation area.

SEC. 9. Nothing in this Act shall deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

With the following committee amendments:

On page 3, line 18, add a new sentence to read: "Nothing in this Act shall affect the jurisdiction or responsibilities of the States of Utah and Wyoming under other provisions of State laws with respect to hunting and fishing."

On page 4, line 12, strike out 'administration' and insert 'purposes'.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 444) to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide, in furtherance of the purposes of the Colorado River storage project, for the public outdoor recreation use and enjoyment of the Flaming Gorge Reservoir and surrounding lands in the States of Utah and Wyoming and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Flaming Gorge National Recreation Area in the States of Utah and Wyoming hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be those shown on the map entitled "Proposed Flaming Gorge National Recreation Area," which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in a manner coordinated with the other purposes of the Colorado River storage project, and in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established: *Provided*, That lands or waters needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

SEC. 3. Within six months after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area. Following such publication, the Secretary may make minor adjustments in the boundary of the recreation area by publication of the amended description thereof in the Federal Register: *Provided*, That the total acreage of the recreation area within the adjusted boundary does not exceed the acreage of the recreation area as shown on the map referred to in section 1 hereof.

SEC. 4. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this Act shall affect the jurisdiction or responsibilities of the States of Utah and Wyoming under other provisions of State laws with respect to hunting and fishing.

SEC. 5. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the purposes of the Colorado River storage project and the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the purposes of the recreation area: *Provided*, That any lease or permit respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

SEC. 6. The boundaries of the Ashley National Forest are hereby extended to include all of the lands not presently within such boundaries lying within the recreation area as described in accordance with sections 1 and 3 of this Act.

SEC. 7. Subject to any valid claim or entry now existing and hereafter legally maintained, all public lands of the United States and all lands of the United States heretofore or hereafter acquired or reserved for use in connection with the Colorado River storage project within the exterior boundaries of the recreation area which have not heretofore been added to and made a part of the Ashley National Forest, and all lands of the United States acquired for the purpose of the recreation area, are hereby added to and made a part of the Ashley National Forest: *Provided*, That lands within the flow lines of any reservoir operated and maintained by the Department of the Interior or otherwise needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

SEC. 8. Funds hereafter appropriated and available for the acquisition of lands and waters and interests therein the national forest system pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 897, 903), shall be available for the acquisition of any lands, waters, and interests therein within the boundaries of the recreation area.

SEC. 9. Nothing in this Act shall deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its rights to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or lands or waters within the recreation area.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15245) was laid on the table.

AUTHORIZING STUDY OF ESTABLISHING AN UPPER MISSISSIPPI VALLEY NATIONAL RECREATION AREA

The Clerk called the bill (H.R. 18333) to authorize the Secretary of the Interior to study the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area between Wood River, Ill., and Minneapolis, Minn., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 18333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing as an Upper Mississippi Valley National Recreation Area all or parts of the segment of the Mississippi River and adjacent lands between Wood River, Illinois, and Minneapolis, Minnesota, in the States of Missouri, Illinois, Iowa, Wisconsin, and Minnesota. The Secretary shall consult with other interested Federal agencies, and the State and local bodies and officials involved, and shall coordinate the study with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region.

SEC. 2. The Secretary shall submit to the Congress, within one year after the date of this Act, a report of his findings and recommendations. The report of the Secretary shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and the natural values of the water and related land resources involved, including their use for driving for pleasure, walking, hiking, riding, bicycling, boating, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and

(c) the type of Federal program that is feasible and desirable in the public interest to preserve, develop, and make accessible the values set forth in subsection.

SEC. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired to set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendments:

On page 2, line 7, strike out "one year" and insert "two years".

On page 2, lines 22, 23 and 24, strike out all of paragraph (c) and insert:

"(c) the type of Federal, State, and local program that is feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in subsection (a), including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means."

On page 3, line 4 strike out "to" and insert "or".

On page 3, lines 9, 10 and 11, strike out all of section 4 and insert:

"SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed $100,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENDERING THE ASSERTION OF LAND CLAIMS BY THE UNITED STATES BASED UPON ACCRETION OR AVULSION SUBJECT TO LEGAL AND EQUITABLE DEFENSE TO WHICH PRIVATE PERSONS ASSERTING SUCH CLAIMS WOULD BE SUBJECT

The Clerk called the bill (H.R. 10256) to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defense to which private persons asserting such claims would be subject.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the chief handler of this bill, the gentleman from Colorado [Mr. ASPINALL]. I notice in the bill the general thought of the law seems to be that the Federal Government is not subject to have asserted against itself the defense of the statute of limitations, laches, estoppel, or adverse possession. But the purpose of this bill in this particular case is to render the Federal Government subject to these defenses; is that right?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Colorado.

Mr. ASPINALL. The purpose of the bill in the first place, of course, is to grant permission to the court having proper jurisdiction to handle these controversies existing between the parties—the people claiming rights of ownership and the Federal Government. Now, in the second place, the statute of limitations would not run against the Federal Government. This bill would grant that the Federal Government——

Mr. JOHNSON of Pennsylvania. Be subject to that defense?

Mr. ASPINALL. Will not be permitted to use such legal defense procedures. While we are on this particular subject I yield to my colleague, the gentleman from California [Mr. TUNNEY], who is the author of this legislation.

Mr. TUNNEY. I thank the chairman. All this bill simply does is to allow the parties to exercise equitable defense against the Government under the common law. We do not give them the benefit of the statutory statute of limitations for the 5 years. We eliminate the statute of limitations and we say they have to go into court and all of the facts have to be developed on the basis of the common law, and equitable defenses like laches and estoppel would run against the Government based upon the opinion of the court and then the court would allow them to proceed.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, with that explanation, my next question is: Is there precedent in the law wherein this Congress in special cases deprives the Federal Government of these defenses to the immunity that they are quoting?

Has this been done before, or is this establishing a new precedent?

Mr. TUNNEY. Mr. Speaker, if the gentleman will yield further, it certainly has been done, especially with respect to the Federal Tort Claims Act, in which we eliminated the sovereign immunity of the Government in certain particular cases because of the gross inequities involved. In this situation many of these landowners have had title to these lands since 1871, and the Government came in for the first time around 1962 and started claiming title to these lands. And we felt that the inequities in these cases are so clear since they had paid taxes for so long that it is just a fair thing to let them go into court and have these defenses. Because we do not feel that the Government, which is initiating the action, should be able after it has initiated the action, to say "Well, now, we are cloaked with sovereign immunity, and you cannot use any of the defenses that you could use if there were a private party involved."

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: This particular act seems to contemplate by reason of the expression from the President that, even after you try the case and the Federal Government has given up their defense, and if the claimant still loses the case, you then come back to the Congress and ask Congress to grant you the relief.

Mr. TUNNEY. That is what the President said in his veto message last year; that what we did as a Congress in effect was to grant a quitclaim deed to these landowners.

After the hearings the Committee on Interior and Insular Affairs felt that they were entitled to this land, and that it was totally unfair to take the land from them. Now all we are doing as a result of the veto message, we are trying to comply with the veto message. We are saying let us go into court and let us have the cases tried, and let us have all the facts brought up, but let us not, in having the landowners bring up the facts, preclude them from bringing up those defenses which in effect are the equities involved in the case.

Mr. KYL. Mr. Speaker, if the gentleman will yield, let me say to my friend, the gentleman from Pennsylvania, first that the committee did go into the legal technicalities of this proposition very thoroughly. The committee is satisfied that the procedure is proper.

Second, this seems to be the only avenue which is available to find a solution to a problem which needs solution. These people, I believe, have a just complaint; they have a just cause, and I believe that this is the only means through which a solution can be found.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. Speaker, with the explanations made, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 10256

Be it enacted by the Senate of the House of Representatives of the United States of America in Congress assembled, That in any case wherein the United States seeks to establish title to lands situated within three miles of any portion of the Colorado River in Riverside County, California, between river points 13.00 and 13.20, as defined in the Interstate Compact defining the Boundary Between the States of Arizona and California (80 Stat. 340), or seeks to obtain relief dependent upon ownership of such lands, and such title or ownership is claimed on the basis of accretion or avulsion, the United States shall be subject to all legal and equitable defenses which are available against a private party litigant under the law of the State in which the subject real property is located on the date of enactment of this Act.

SEC. 2. The provisions of this Act shall apply in any case with respect to which an action has been brought by the United States before the date of the enactment of this Act only if such action has not been concluded by a final determination by the trial court or by such appellate courts as may review the action of the trial court in those actions

wherein review by such courts is or has been timely sought.

With the following committee amendments:

On page 1, lines 4, 5 and 6, strike out "within three miles of any portion of the Colorado River in Riverside County, California, between river points 13.00 and 13.20," and insert: "in Riverside County, California, within three miles of any portion of the Colorado River between river points 13.00 and 13.17.".

On page 2, line 2, after "avulsion," strike out the remainder of the section and insert: "the defendant shall, except as otherwise provided in this Act, have available to him all legal and equitable defenses which would be available to him under the laws of the State of California if the plaintiff were said State or a private party. Said defenses, however, shall not include defenses based upon or arising out of section 318 and 319 of the California Code of Civil Procedure, nor shall the five-year period prescribed in sections 321, 322, 325 and 326 of said Code or any similar time provision of California law comparable thereto be applicable in any such suit by the United States but, in lieu thereof, the court shall apply a period of such length, but not less than five years, as is just and equitable in the circumstances."

The committee amendments were agreed to.

Mr. LIPSCOMB. Mr. Speaker, it is essential that H.R. 10256 be enacted into law during the current session of Congress if a grave injustice is to be prevented.

This legislation is necessary to help settle a dispute between various private parties and the U.S. Government with regard to the title of certain tracts of land in California along the Colorado River in Riverside County. To permit an equitable settlement of the dispute in a court of competent jurisdiction, H.R. 10256 would grant the defendants the same legal and equitable defenses, with certain qualifications, that would be available to them under California law if they were being sued by the State or by private parties.

The issues involved in the dispute with which H.R. 10256 deals are complicated. Briefly, however, the lands in question involve some 2,100 acres lying along the west bank of of Colorado River near Blythe, Calif. These lands are claimed and occupied by 19 groups of individuals and corporations. Their claims to the lands are that they are either uplands to which patents were issued by California to their predecessors in interest in the early 1870's or land which became attached to these and other patented uplands at a later date.

For many years the claimants and their predecessors have been in possession of the lands in question, have made improvements such as clearing and leveling the land, constructing irrigation canals, installed fences, and made other improvements. They paid taxes and assessments on the lands. Over 100 homes have been built. Until 1962 the title of these claimants and their predecessors to the 2,100 acres with which H.R. 10256 is concerned was not disputed by any agency of the Government.

The dispute has arisen due to the fact that the Colorado River for many years did not flow in a fixed location. Prior to the time the Hoover Dam was constructed the Colorado River was a constantly shifting stream, with many substantial changes in its channel. The Interior Department claims that the lands in question were formerly on the Arizona side of the river, claiming that they had accreted—in other words, were added slowly—to U.S.-owned lands on that side, and that they are still owned by the United States. The Government's position is that the lands are now on the California side only because of a sudden shift in the river's course—an avulsion—caused by artificial cuts in the river's course and that the avulsion did not cause title to shift from the Government.

The landowners say both that the lands initially did not accrete to uplands on the Arizona side of the river and they also deny they were thrown into the California side by an avulsion.

Substantiating evidence and claims in support of both sides of the dispute have been presented.

Under the circumstances presented, this bill, H.R. 10256, is necessary if the courts are to take into account the equities of the claimants' situation and the inaction on the part of the Government for many years, since they cannot be taken into account under present law.

This legislation should be enacted into law at this time in order to accord to these individuals and organizations a fair and reasonable opportunity to protect their interests and investments in defending themselves against the Government's claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION AND DISPOSAL OF CERTAIN LANDS AT CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, GA.

The Clerk called the bill (H.R. 14413) to authorize the acquisition and disposal of certain lands at Chickamauga and Chattanooga National Military Park, Ga., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I understand that this bill carries a cost to the taxpayers of $32,000, whereas by simple arithmetic one can see that the cost of development plus the cost of acquisition is going to be greatly in excess of that.

Can I be assured that it does not, nor is it contemplated to add on any additional cost over and above that in the bill, H.R. 14413?

Mr. ASPINALL. The gentleman may be so assured and the change in the bill and the amendment is for that very purpose.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 14413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may acquire by purchase with donated or appropriated funds, by donation, or by exchange as hereinafter provided, a total of approximately seventy acres of land or interests in land, and the improvements thereon, between the southern boundary of the Chickamauga battlefield section of the Chickamauga and Chattanooga National Military Park in the State of Georgia, and the Chickamauga Creek, and upon acquisition the property shall be administered by the Secretary as part of the park. In acquiring such property by exchange, the Secretary may utilize all or any part of the federally owned lots in the Chickamauga battlefield section of the park numbered 4 and 5, which contain approximately seven-tenths acre and three-tenths acre respectively. The properties so exchanged shall be approximately equal in fair market value, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or grantee as the circumstances require. If said lots 4 and 5, or portions thereof are not exchanged pursuant to this Act, they may, upon notification by the Secretary of the Interior, be disposed of by the Administrator of General Services in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended. Any Federal property transferred pursuant to this Act shall thereupon cease to be administered for park purposes.

SEC. 2. Effective upon acceptance thereof by the State of Georgia in accordance with its laws, and notification of such acceptance being given to the Secretary of the Interior, there is retroceded to the State of Georgia concurrent legislative jurisdiction to enable the State of Georgia, concurrently with the United States, to apply and enforce its laws, to execute civil and criminal process, and to tax persons and property within the boundaries of the Chickamauga and Chattanooga National Military Park in the State of Georgia as now constituted or as such boundaries may hereafter be revised. The Secretary of the Interior is authorized to perform any and all acts on behalf of the United States in order to effectuate such retrocession in accordance with the laws of the State of Georgia.

SEC. 3. The Chickamauga and Chattanooga National Military Park in the States of Georgia and Tennessee is redesignated the "Chickamauga and Chattanooga National Battlefield".

With the following committee amendment:

On page 2, line 20, to page 3, line 5, strike out all of the first sentence of section 2, and insert the following in lieu thereof: "Effective upon acceptance thereof by the State of Georgia in accordance with its laws, and notification of such acceptance being given to the Secretary of the Interior, there is retroceded to and vested in the State of Georgia such jurisdiction as has been ceded by such State to the United States over any lands within the boundaries of the Chickamauga and Chattanooga National Military Park in the State of Georgia: *Provided,* That concurrent jurisdiction over such lands is reserved to the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVER OF CLAIMS FOR OVERPAYMENT OF PAY

The Clerk called the bill (H.R. 17954) to correct certain inequities and relieve certain liabilities arising out of overpayments of compensation to Govern-

ment employees as a result of administrative error in the application of certain provisions of the Classification Act of 1949, the Federal Employees Salary Act of 1964, and other provisions of law, and for other purposes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALLOWANCES FOR ARMY CORPS OF ENGINEERS CIVILIAN EMPLOYEES ENGAGED IN FLOATING PLANT OPERATIONS

The Clerk called the bill (H.R. 7406) to authorize the furnishing of subsistence and quarters or per diem allowance to employees of the Corps of Engineers engaged in floating plant operations.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, this is the second of two bills in sequence where there is a question as to whether or not a point of order would not lie if they came up other than under the Consent Calendar.

Therefore, Mr. Speaker, I also ask unanimous consent that this bill be put over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HALL]?

There was no objection.

ALLOWANCE FOR EMPLOYEES ASSIGNED TO DUTY AT REMOTE WORKSITES

The Clerk called the bill (H.R. 12881) to authorize the payment of allowances to defray commuting expenses of civilian employees of executive agencies assigned to duty at remote worksites, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE PURCHASE, SALE, EXCHANGE, MORTGAGE, AND LONG TERM LEASING OF LAND BY THE SWINOMISH INDIAN TRIBAL COMMUNITY, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 16012) to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3182, which is identical to the House bill with the amendments, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the clerk read the Senate bill, as follows:

S. 3182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to purchase with funds made available by the Swinomish Indian Tribal Community any land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation.

SEC. 2. Any land or interest in land now owned or hereafter acquired by or in trust for the Swinomish Indian Tribal Community may be sold or exchanged for other land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation, and the land values involved in an exchange must be equal or be equalized by the payment of money.

SEC. 3. Title to any land acquired pursuant to this Act shall be taken in the name of the United States in trust for the Swinomish Indian Tribal Community and shall be nontaxable if the land is within the boundaries of the Swinomish Indian Reservation, and title shall be taken in the name of the Community subject to no restrictions on alienation, taxation, management, or use if the land is outside such boundaries.

SEC. 4. The Swinomish Indian Tribal Community may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land the title to which is held by the community, or by the United States in trust for the community. Such land shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving trust land with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446 of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action.

SEC. 5. Any moneys or credits received or credited to the Swinomish Indian Tribal Community from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for tribal purposes.

SEC. 6. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Swinomish Indian Reservation," after the words "Dania Reservation,".

SEC. 7. The Swinomish Indian Tribal Community may assign any income due it, subject to approval of the Secretary of the Interior. Such approval may be given in general terms or may be limited to specified assignments.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16012) was laid on the table.

DIRECTING A PER CAPITA DISTRIBUTION OF $550 FROM FUNDS ARISING FROM A JUDGMENT IN FAVOR OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

The Clerk called the bill (H.R. 16947) to direct a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman who was handling these bills.

I notice that we have a large number of these bills on the calendar which will mean the distribution to various Indian tribes of over $10 million. I would like to ask the gentleman from Colorado [Mr. ASPINALL] this question. When this money is paid out, and I have asked before, will the Federal Government get a final release so that when we pay out the $3 million as provided under this particular bill in this particular case that is a final settlement of all claims that the tribe has against the United States?

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, first may I say that these moneys are already present in the Treasury according to judgments rendered and appropriations that have been made. All we are doing here is confirming the disposition of these moneys in accordance with the plans that have come before the Committee on Interior and Insular Affairs which are part of the RECORD of the House.

I cannot answer the other question. All I can answer is that in conformity with this particular claim, this will be all of the money to which these Indians are entitled under such claim. On the other hand, equity might decide that they have other claims. We have to keep that in mind. We have been passing these bills for Indians' claims for years and years and decades and decades so far as that is concerned. Whenever a smart lawyer finds that an Indian tribe has been denied, or has had some property taken away from them allegedly unlawfully, he goes into the Court of Claims or the Indian Claims Commission at the request of the Indians involved and if successful, receives a judgment. All we in Congress can do is to go ahead and honor that judgment and see that the money is spent in accordance with the desires and the best practices of the Indians themselves.

That is all that the bill does.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I wish to ask another question. I have noticed that some bills involving large sums of money call for a per capita distribution. In relation to other similar bills, tribes have very wisely set aside the money for tribal purposes, such as schools, roads, hospitals, and various other ventures. Has the gentleman endeavored in respect to the cases involving huge sums of money—in one of the bills $6 million is involved—to arrange so that rather than having the money go to a per capita distribution, the tribes would establish a junior college or some similar facility with the money to help their people rather than to distribute the money wholesale?

Mr. ASPINALL. Mr. Speaker, if my colleague will yield, each one of these bills has been studied very carefully by the Subcommittee on Indian Affairs, headed by the gentleman from Florida [Mr. HALEY], and his counterpart on the other side of the aisle, the gentleman from South Dakota [Mr. BERRY]. We have gone into the equities of per capita payment as well as tribal distributions in each instance. Remember that many of the Indians involved do not live on the reservation. In some cases no benefit would go to that Indian at all unless there were a per capita distribution. So we consider each case and the needs of the various tribes and their problems and the desires of the tribe, and do what we think will lead to the betterment of the Indians themselves.

Mr. JOHNSON of Pennsylvania. One further question, and this may be a bit facetious: Will this money be paid off before election day?

Mr. ASPINALL. I will say to my colleague that if he knows anything about Indian rolls, he knows it would be impossible. If the rolls were fixed and we would be able to get the individual amounts determined, even then it would not be possible to do that. I do not believe anyone is going to make any political hay out of this operation.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3420, an identical bill to the House bill as proposed to be amended, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I wish merely to say that I am struck by the number of bills that we had all of last week and are now starting all over again from the Committee on Interior and Insular Affairs. What prompts this scourge of legislation from that committee?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. I saw the gentleman's remarks in the RECORD last week, and I had hoped in the interest of time I could have been on the floor at that time. It so happens that the Committee on Interior and Insular Affairs, under the direction of the gentleman from Pennsylvania [Mr. SAYLOR] and the chairman, the gentleman now speaking, has done its best in order to get legislation before the Congress in an orderly manner. It so happens that our committee has adjourned sine die. It so happens that on all of the bills which we had before us reports had to be brought up. These are important bills to the individuals.

May I say again to my genial friend from Iowa that there is nothing in this legislation except for the Nation generally. The State of the gentleman himself had a bill on the calendar this morning that we went over. There is nothing in here for Colorado. Colorado has already had its share.

Mr. GROSS. I make no odious comparisons of any kind. I am delighted to know that the committee is in adjournment, because I am afraid we would never reach sine die adjournment of the Congress if this committee were to continue to pour out legislation as it did last week and now today. We have not even started to get through the legislation under suspension that has been reported by the committee.

Mr. ASPINALL. My colleague is at liberty to chide the chairman all he wants, but I point out that ours is a housekeeping operation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds which have been or may be deposited in the Treasury of the United States to pay a judgment of the Indian Claims Commission dated September 7, 1967, in dockets numbered 181–A and 181–B, and the interest on said funds, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation and the Secretary of the Interior is authorized and directed to make a per capita distribution from such funds of a sum no more than $550, to the extent that such funds are available, to each person born on or prior to and living on the date of this Act who meets the requirements for membership in the Confederated Tribes of the Colville Reservation. The balance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution.

SEC. 2. Sums payable to persons or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedure as the Secretary, after consultation with the tribal governing body, determines will adequately protect their best interests.

SEC. 3. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16947) was laid on the table.

AMENDING THE ACT OF SEPTEMBER 21, 1959, RELATING TO THE RESERVATION OF THE AGUA CALIENTE BAND OF MISSION INDIANS

The Clerk called the bill (H.R. 17273) to amend the act of September 21, 1959 (Public Law 86–339) relating to the Reservation of the Agua Caliente Band of Mission Indians.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I notice that in the Department of Interior report on this legislation they submitted a new draft. I just want to inquire as to whether the committee adopted the language that was recommended by the Department.

The report is not clear on that subject.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from California [Mr. TUNNEY].

Mr. TUNNEY. Mr. Speaker, if I understood the gentleman's question, he was wondering whether or not the Department agreed to the amendment that was offered by the committee?

Mr. PELLY. No. Mr. Speaker, my inquiry was as to whether or not the committee had adopted language which was recommended by the Department of Interior.

Mr. TUNNEY. Yes. This is correct. The Department of Interior, working with the attorney for the Indians and working with me and my legislative assistant, drafted the legislation that is now in the bill.

Mr. PELLY. Mr. Speaker, one other question. The report indicates that there was not time for the Bureau of the Budget to give its views on this legislation. Has the gentleman or has the committee received any report from the Bureau of the Budget as to whether they approve this or not?

Mr. TUNNEY. The Bureau of the Budget did approve the legislation when it originally came before the committee. However, they did have a recommendation that certain language be included in the legislation which would call for the Department of the Interior to charge fees of the Indians for certain services performed.

The committee felt that we ought to wait for a year to take a look at it and see what the situation was in Palm Springs and what fees then needed to be charged, before this language would be placed in the legislation.

As it is now, the Indians contribute about $32,000 a year to the running of the Indian Affairs Office in Palm Springs. The reason for the legislation was that the committee felt there were unconscionable fees being charged by private parties and that the Bureau of Indian Affairs was not exercising their oversight jurisdiction, so we did not feel in this particular case it was advisable to have the amendment suggested by the Bureau of the Budget.

Mr. PELLY. Mr. Speaker, I thank the gentleman from California for this explanation.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I, too, am concerned about these charges of misconduct levied by the Secretary of Interior against the guardians, the conservators, and those in charge of the disposition of trust property. It strikes me that we have gone to considerable pains here in all of these other trust agreements for the various tribal councils to establish guardians and conservators and fiduciaries, and so forth. Yet here, by an act of Federal legislation, we are striking at the decision and oversight of the Superior Court of the State of California.

I think we ought either to have our cake and not eat it, or eat it and not have it, one way or the other. Is there any particular explanation, insofar as this legislation by unanimous consent is concerned; which does not concur with the departmental reports, as to why we should pass legislation by unanimous consent that overrides one of the States of the Union and a superior court thereof?

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman's query is a reasonable one. I think the committee does have an explanation for the action that was taken in that regard. Hearings were held in the State of California on this subject. It was an awkward situation, because the fees that are complained of and that are the reason for the legislation were fees that had been approved by the court. The overall situation was one which congressional action had led to, unfortunately, so hearings were necessary to look into the situation.

One particular court was engaged in a practice, which appeared to be a continuing practice, of allowing very high fees. We had a situation in which this same judge was, in turn, in some instances at least—being named as the executor or administrator of the estate of some of the same Indian individuals that were being charged the fees.

The conservator or attorney for the conservator who was benefiting from the fees fixed by the court was drawing wills for some Indians which made this judge the executor of their estates.

It was a situation which appeared to us to be inherently defective in that it was possible for a court to benefit from the acts of the attorney or the conservator by the court itself serving on down the line in a position which entitled the court to executor's fees from the estate. I am talking about serving as a private attorney in this way.

We thought the basic situation was one which needed to be corrected legislatively.

I might add, it had been looked into by the bar association in the State of California. We understand also there have been, or will be, some presentations before grand juries in California. The matter is not a closed matter in the State of California.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I wonder if the distinguished gentleman from Oklahoma, who explains this so well, would advise whether in his opinion this matter sets a precedent which would apply to the several cases that may arise in the future in the State under a like situation?

Mr. EDMONDSON. We did not intend this to set a precedent with regard to other tribes in other States, but we did feel that a finding had been made of facts in this particular situation which made it imperative that the Congress undo the conditions that had been created by earlier congressional law. It was an act directed specifically at this tribe which had made possible this fee arrangement in which guardians and conservators were almost automatically being placed in charge of all Indian estates for this particular tribe.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I certainly agree that, for $10 million total receipts for this particular tribe and/or its council, guardian fees in excess of $1.5 million represent a pretty high percentage for attorneys, conservators, and so on, and exclusive of brokerage and other estate expenses. Furthermore I understand oftentimes these funds are placed in trust funds that have investment fees, open-ended or beginning load fees for trust funds, to be established in addition.

At one end of the stick I am fully satisfied by the gentleman's very reasonable explanation, and I certainly agree we want to protect the funds from those who would seek oversight for personal indulgence of the so-called conservator. But at the other end of the stick I am glad we have made this legislative record that this does not establish precedent except in this one instance for this one court and for this one tribe, because I am certainly not in favor of legislation by unanimous consent—of all things—overriding a State court.

I thank the gentleman from Washington for yielding.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from California.

Mr. TUNNEY. I wish to make the point very clear. In 1959 the act which created this situation applied only to the Agua Caliente Indian Tribe, and the Bureau of Indian Affairs did not exercise oversight authority properly, so we are placing it back in the situation it was prior to 1959, with the direction to the Bureau in the committee report and the legislation that it act in a responsible, diligent fashion in carrying out its fiduciary responsibilities.

Mr. PELLY. Mr. Speaker, I withdraw my reservation.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 17273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of September 21, 1959 (73 Stat. 604; 25 C.S.C. 954; Public Law 86–339) is hereby amended in such a manner as to delete all of section 4 thereof and by inserting in lieu thereof the following:

"(a) The Secretary may request the appointment of a guardian of the nontrust estate of any minor Indian allottee, minor Indian devisee or minor Indian heir and any adult Indian allottee, adult Indian devisee, or adult Indian heir, who in his judgment is in need of assistance in handling his affairs, but notwithstanding any such judgment by the Secretary the adult Indian in question shall not be denied due process of law and the burden of proving his incompetency shall be upon the Secretary. All such requests shall be made in accordance with applicable State laws. Nothing in this section shall be construed to confer any jurisdiction whatsoever in the State or its political subdivisions over any real or personal property so long as title to such property is held by the United States in trust for the sole and exclusive use and benefit of the Agua Caliente Band of Mission Indians or their Indian devisees or Indian heirs, and the exclusive jurisdiction over such trust property shall be vested in the United States of America.

"(b) No guardian appointed pursuant to section (a) hereof, shall, without first obtaining the approval of the Secretary, participate in the management or disposition of any property, or of any interests therein, which is held in trust by the United States for a member of the band or is subject to restrictions upon alienation imposed by the laws of the United States, nor shall such guardian be entitled to receive any fee or other compensation for any services performed with respect to such property unless the approval of the Secretary has previously been given in the manner required pursuant to section 85 of title 25 of the United States Code. The Secretary may promulgate regulations for the implementation of this Act, and any actions taken thereunder by the Secretary or his duly authorized representative shall be valid and efficacious in all respects without participation or affirmation by any guardian appointed under State law when the action pertains to property to which title thereto is still held in trust by the United States.

"(c) The Secretary may require an accounting by any guardian appointed under State law, or by any other person or entity who has acquired custody or possession of any money or property belonging to a member of the band, and the return to the United States of such money or property which shall then be held by the United States in trust for the individual Indian concerned. If any person or entity required to do so by the Secretary fails or refuses to account for or to return any such money or property to the satisfaction of the Secretary, then the Secretary may cause an action to be brought in the name of the United States in the United States District Court for the Central District of California for an accounting and a return of such money and property, and for such other relief as may be appropriate, and said court is hereby granted jurisdiction to hear and determine such actions.

"(d) The Secretary may in his discretion suspend any direct rental payments provided for in leases executed with his approval pursuant to section 415 of title 25 of the United States Code and in such event all such funds shall thereafter be paid to the Secretary or his duly authorized representative, and if the Secretary believes that such funds heretofore paid directly to a guardian have been used in an unauthorized manner and can be traced, he is hereby further authorized to initiate an action in the United States District Court for the Central District of California for an accounting and recovery of such funds. All such funds and any other property heretofore or hereafter received by a guardian of a member of the Agua Caliente Band of Mission Indians, their Indian devisees or Indian heirs which were theretofore under the supervision and control of the Secretary of the Interior or the title to which was held in trust for such Indian by the United States, shall not thereby become divested of the supervision and control of the Secretary of the Interior nor shall the United States be relieved of its trust; and such guardian shall not sell, dispose of or otherwise encumber such funds or property without the approval of the Secretary of the Interior.

"(e) Trust property as herein defined is any real or personal property or any interest therein which shall include but not be limited to water rights, leases, rights-of-way, and easements so long as such property remains subject to a restriction against alienation imposed by the United States and cannot be alienated, encumbered or taxed without the consent of the United States and is held for the sole use and benefit of the Agua Caliente Indians.

"(f) Nothing in this section shall preclude the Secretary from exercising any other authority he may have to protect the interests of the Indian allottees, Indian devisees, or Indian heirs."

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That section 4 of the Act of September 21, 1959 (73 Stat. 604; 25 U.S.C. 954), is amended to read as follows:

"(a) No guardian or other fiduciary shall be appointed under State law for the estate of any member of the band, or continued in office, except with the approval of the Secretary: *Provided*, That no conservator for any member of the band shall be appointed under State law or continued in office after the effective date of this act, unless the individual Indian concerned, with the approval of the Secretary, personally petitions for the appointment or continuation of such appointment. The Secretary shall be given notice of all proceedings in the State court with respect to the estate of any member of the band which is being administered, and he may at any time appear as a party in such proceedings, and may exercise all rights accorded to a party under state law.

"(b) No guardian, conservator or other fiduciary appointed under State law shall, in his official capacity, participate in the management or disposition of any property or interest therein which is held in trust by the United States for a member of the band or is subject to restrictions against alienation imposed by the laws of the United States, execute or approve any use, expenditure, investment, deposit, or disposition of such property or interest therein, or proceeds therefrom, or receive any fee or other compensation for services hereafter performed with respect to such property or interest therein. The provisions of this subsection shall not preclude any such person, in his private capacity, from participating in the management or disposition of such property or interest therein with the specific approval of the Secretary of the Interior. Actions with respect to the use, expenditure, investment, deposit, or disposition of such property or interests therein, or proceeds therefrom, shall be vaild and efficacious in all respects without participation of affirmation by any guardian, conservator, or other fiduciary appointed under state law.

"(c) The Secretary, at any time, may require any guardian, conservator, or other fiduciary appointed under state law for a member of the band to submit a full and complete report concerning his handling of the estate during the preceding six years. If any person or entity required to do so by the Secretary fails or refuses to so report, or, if having reported, the Secretary concludes that any action connected therewith is fraudulent, or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, he may request the Attorney General to cause an action to be brought in the name of the United States in the United States district court for the central district of California or in any such district court having jurisdiction over the person, or persons, and subject matter, for such relief as may be appropriate, and said courts are hereby granted jurisdiction to hear and determine such action.

"(d) The Secretary may require any money or property in the possession of a fiduciary at the time the fiduciary relationship is terminated, or which is recovered pursuant to this act, to be delivered to him to be held in trust for the individual Indian concerned.

"(e) Under such regulations as he shall provide, and with the consent of the individual Indian concerned, unless the Secretary determines such Indian to be incompetent by reason of minority or otherwise, in which case such consent shall not be required, the Secretary may use, advance, expend, exchange, deposit, dispose of, invest and reinvest in any manner and for any purpose, any money or other property held by the United States in trust for such Indian. The Secretary shall make no determination that an adult Indian is incompetent except after according him an opportunity to be heard upon reasonable notice, in accordance with the provisions of the Administrative Procedure Act. Unless the Indian otherwise agrees, the hearing shall be held in the State of California within 60 days of the date of notice. A person aggrieved by a determination of incompetency made by the Secretary shall be entitled to judicial review of such determination in accordance with 5 U.S.C. § 701–706.

"(f) Nothing herein shall be deemed to limit any authority possessed by the Secretary under any other provisions of law."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING LONGER TERM LEASES OF INDIAN LANDS ON THE PUEBLOS OF COCHITI, POJOAQUE, TESUQUE, AND ZUNI, IN NEW MEXICO

The Clerk called the bill (H.R. 17684) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico.

There being no objection, the Clerk read the bill, as follows:

H.R. 17684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415), is amended by inserting immediately after "the Fort Mojave Reservation," the following: "the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRIBAL ADMINISTRATION AND GOVERNMENT, MUCKLESHOOT TRIBE OF INDIANS

The Clerk called the bill (H.R. 17850) to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission document numbered 98, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3621, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 3621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Muckleshoot Tribe of Indians that were appropriated by the Act of May 29, 1967 (81 Stat. 30, 42), to pay a judgment by the Indian Claims Commission in docket numbered 98, and the interest thereon, less attorneys' fees and expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the individual members of the tribe shall not be subject to Federal or State income taxes.

SEC. 2. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17850) was laid on the table.

AUTHORIZING USE OF FUNDS ARISING FROM JUDGMENT IN FAVOR OF KIOWA, COMANCHE, AND APACHE TRIBES OF INDIANS

The Clerk called the bill (H.R. 18192) to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3728, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 3728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the funds on deposit in the Treasury of the United States to the credit of the Kiowa, Comanche, and Apache Tribes that were appropriated by the Act of June 19, 1968 (Public Law 90–352), to pay a judgment by the Indian Claims Commission entered in dockets numbered 258 and 259, and the interest thereon, after deducting attorney fees and litigation expenses, shall be distributed by the Secretary of the Interior per capita to the persons whose names appear on a roll approved by the Tribes on May 20, 1960, as the basis for distributing a prior Indian Claims Commission judgment, after such roll has been brought current by said tribes, with the technical assistance of the Secretary, (1) by adding the names of children of enrollees who were born on or prior to and were living on the date of this Act, (2) by adding the names of persons who were eligible for enrollment on the May 20, 1960 roll, but were not enrolled, and their children, if they were living on the date of this Act, and (3) by deleting the names of persons who were deceased on the date of this Act.

(b) The Kiowa, Comanche, and Apache Tribes or their authorized representatives shall prescribe a date by which evidence of eligibility for enrollment must be submitted.

(c) The cost of bringing such roll current, and the cost of making the per capita distribution, shall be paid by appropriate withdrawals from funds on deposit in the United States Treasury to the credit of said tribes in such amounts as the tribes and the Secretary may approve, and not out of said judgment and interest thereon.

(d) On approval of the roll by the Secretary, payment shall be made directly to each enrollee, or his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive, except that a share or interest therein payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedure as the Secretary, with the advice of the tribes, determines appropriate to protect his best interests.

(e) Funds distributed per capital pursuant to this Act shall not be subject to Federal or State income taxes.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18192) was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF SEMINOLE TRIBE OF OKLAHOMA

The Clerk called the bill (H.R. 18885) to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 18885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of the funds on deposit in the Treasury of the United States to the credit of the Seminole Tribe of Oklahoma that were appropriated by the Act of September 29, 1959 (73 Stat. 717), to pay a judgment by the Indian Claims Commission in docket numbered 150, and by the Act of May 13, 1966 (80 Stat. 141), to pay a judgment by the Indian Claims Commission in docket numbered 248, and any interest thereon, less payment of attorneys' fees and expenses, together with those school funds on deposit in the Treasury of the United States under the following symbols and titles:

14X7091 Seminole school fund.

14X7591 Interest and accruals on interest, Seminole school fund, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the General Council of the Seminole Tribe of Oklahoma or other recognized governing body of that tribe and approved by the Secretary of the Interior.

SEC. 2. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO EXCHANGE CERTAIN LANDS IN SHATA COUNTY, CALIF.

The Clerk called the bill (H.R. 8781) to provide for the exchange of certain lands in Shasta County, Calif.

There being no objection, the Clerk read the bill as follows:

H.R. 8781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the construction and operation and maintenance of the Central Valley project the Secretary of the Interior is authorized to convey by quitclaim deed to Summit City Public Utility District all right, title, and interest of the United States in and to 7.11 acres of land, more or less, located in Shasta County, California, and more particularly described below as parcel A. Said conveyance shall except and reserve to the United States the northerly ten feet of parcel A for future road-widening purposes by the State of California.

SEC. 2. The conveyance of the United States of said parcel A shall be contingent upon agreement by the Summit City Public Utility District to quitclaim to the United States title to 5.92 acres of land, more or less, and more particularly described below as parcel B, subject only to outstanding easements and rights-of-way of record in favor of the public or third parties.

SEC. 3. The value of the properties so exchanged either shall be approximately equal, or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require: *Provided,* That if it is determined that payment is to be made to the grantor, such payment shall be made from funds available for the construction or operation and maintenance of the Central Valley project.

SEC. 4. Parcels A and B referred to in sections 1 and 2 above are described as follows:

Parcel A

A parcel of land in the south half of the northeast quarter of section 26, township 33 north, range 5 west, Mount Diablo meridian, Shasta County, California, described as follows:

Beginning at a point on the south boundary of State of California right-of-way for Route II–Sha–209–A, from which the northeast corner of that certain 5.92-acre, more or less, parcel of land described in the quitclaim deed from the United State of America to Summit City Public Utilities District, recorded August 13, 1954, in book 433, page 455, Official Records of Shasta County bears south 88 degrees 44 minutes 15 seconds east, 84.88 feet, from said northeast corner the center quarter section corner of section 26 bears south 52 degrees 55 minutes 30 seconds west, 1609.9 feet;

thence from said initial point by metes and bounds, south 88 degrees 44 minutes 15 seconds east, 296.51 feet, along said south boundary of State of California right-of-way for Route II–Sha–209–A;

thence continuing along right-of-way south 87 degrees 32 minutes 22 seconds east, 38.47 feet;

thence on a curve to the right, with a radius of 920 feet, 402.07 feet along the curve, the central angle of which is 25 degrees 02 minutes 15 seconds, south 3 degrees 50 minutes west, 390.01 feet, south 89 degrees 03 minutes west, 606.41 feet to a point on the east boundary of said 5.91-acre parcel of land;

thence continuing south 89 degrees 03 minutes west, 85.09 feet, north 3 degrees 50 minutes 11 seconds east, 503.29 feet to the place of beginning, but excepting therefrom the northerly 10 feet thereof, containing after making such exception, an area of 7.1 acres, more or less.

Parcel B

A parcel of land in the southwest quarter of the northeast quarter, section 26, township 33 north, range 5 west, Mount Diablo meridian, Shasta County, California, being all of that certain 5.92 acres, more or less, parcel of land described in the quitclaim deed from the United States of America to Summit City Public Utilities District, recorded August 13, 1954, in book 433, at page 455, official records of Shasta County, that is described as follows:

Beginning at a point on the east-west centerline of section 26, township 33 north, range 5 west, Mount Diablo meridian, from which the center quarter section corner of section 26 bears south 89 degrees 02 minutes 45 seconds west, 950.89 feet,

thence from said initial point, by metes and bounds, north 3 degrees 50 minutes 11 seconds east, 962.77 feet, to a point on the south boundary of the State of California right-of-way for Route II–Sha–209–A;

thence along said south boundary of State right-of-way south 88 degrees 44 minutes 15 seconds east, 269.33 feet, south 3 degrees 50 minutes 11 seconds west, 952.32 feet, to a point on the east-west centerline of section 26;

thence along east-west centerline of section 26, south 89 degrees 02 minutes 45 seconds west, 270 feet to the place of beginning.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That the Secretary of the Interior is authorized to convey to the Summit City Public Utility District, Shasta County, California, approximately 7.24 acres, more or less, and to accept from the district in exchange therefor 5.91 acres, more or less, of land located in Section 26, Township 33 North, Range 5 West, Mount Diablo Meridian, Shasta County, California, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as parcels A and B, respectively. The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the district or to the Secretary as required: *Provided,* That the Secretary shall order appraisals made of the fair market value of both parcels of land without consideration for any improvements thereon, with said appraisals to constitute final determinations of value: *Provided further,* That any cash payment received by the Secretary shall be credited to the funds available for construction or operation and maintenance of the Central Valley project and any disbursements made by him shall be made from said funds."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to exchange certain lands in Shasta County, California, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY TO CITY OF KENAI, ALASKA, INTERESTS OF UNITED STATES IN CERTAIN LAND

The Clerk called the bill (H.R. 17609) to convey to the city of Kenai, Alaska, all interests of the United States in certain land located therein.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know whether or not this also involves the oil and/or mineral rights in this conveyance and if, as a second part of the question, whether they are the same as the rights conveyed by the State.

Mr. POLLOCK. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Alaska.

Mr. POLLOCK. In answer to the gentleman, let me say that the oil and gas rights have been reserved by the U.S. Government. The purpose of the original 1961 conveyance was for the establishment of a health center for the residents of Kenai. The center was established and is now on the parcel of land. A patent was issued to the State of Alaska under the Alaska Public Works Act of 1949, as amended by the act of August 30, 1957. The original owner, the city of Kenai, wishes to sell the land now to the developers of an adjacent shopping center, and these funds, in turn, will be used to move the health center a short distance away where it will continue to be operated by the city of Kenai. The city has agreed to assume responsibility for the operation and maintenance of this health center in perpetuity from the State. Thus the purpose of the condition in the U.S. patent will continue to be met, since the citizens of the area will be served by the city.

Mr. HALL. Mr. Speaker, in summarizing, the gentleman would answer affirmatively that the original oil and mineral rights have been reserved by the United States in both instances from the State and from the State to the city; is correct?

Mr. POLLOCK. If the gentleman will yield further, that is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 17609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby quitclaimed without any monetary consideration to the city of Kenai, Alaska, a municipal corporation organized under the laws of the State of Alaska, all rights, title, and interest which the United States has on the date of enactment of this Act in lot 18, section 5, township 5 north, range 11 west, Seward meridian (tract C, Etolin subdivision), containing 1.88 acres, more or less, under patent numbered 1,224,612 issued December 26, 1961.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That the Secretary of the Interior is authorized and directed to convey to the city of Kenai, Alaska, a municipal corporation organized under the laws of the State of Alaska, all right, title, and interests which the United States has, excepting, however, all oil and gas deposits, together with the right to prospect for, mine, and remove the same, in lot 18, section 5, township 5 north, range 11 west, Seward meridian (tract Etolin subdivision), containing 1.88 acres, more or less, upon the condition that if said tract is sold by the city of Kenai, proceeds received from such sale shall be used for the construction and maintenance of a public health facility within the city limits."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land."

A motion to reconsider was laid on the table.

EXTENDING THE TIME FOR FILING OF APPLICATIONS FOR SELECTION OF CERTAIN LANDS BY THE STATE OF ALASKA

The Clerk called the bill (H.R. 17874) to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the gentleman from Alaska [Mr. POLLOCK] on this bill.

I notice that this bill has to do with the right of the State of Alaska to choose approximately 103 million acres of oil and gas rights to be the property of the State of Alaska; is that correct?

Mr. POLLOCK. Mr. Speaker, if the gentleman will yield, this is not quite correct. The State of Alaska was authorized 25 years to select roughly 103 million acres of land, but under the original Alaskan statehood legislation only a period of 5 years was granted for the selection of any of these lands that were under Federal mineral lease. The time was extended for an additional 5 years in 1964. The period of time will lapse and run out on January 3, 1969.

It was the purpose of this bill to extend this period of time.

I might go back a little further, if the gentleman will yield further, and say that the bill as originally introduced was to extend the period of time for 15 additional years, which would have made it conform to the period given for the selection of all other lands promised to the State; that is, there would be a total of 25 years for the selection of such lands.

The Department of the Interior originally rendered a report indicating it would not agree to the 15-year extension, but would agree to a 5-year extension, and the Bureau of the Budget concurred.

Then about a week or two ago the Bureau of the Budget sent a letter to the chairman of the Committee on Interior and Insular Affairs stating in essence that in view of the oil strike on the north slope of Alaska they now wanted to take a new look into the original revenue sharing percentages allocated to the State and Federal Governments, and review the selection procedures of the State, and the competition versus noncompetitive oil-leasing procedures. The sum and substance is that the administration now wants the time to lapse and run out for State selection of Federal mineral leased lands. I have very vigorously protested this, and as a result an officer of the Department of the Interior did come before the Committee on Interior and Insular Affairs at the last minute and did agree to a 6-month extension rather than letting the selection period lapse. This is, in my humble opinion, a totally impractical time for selection, and will force us to immediately introduce a like piece of legislation at the beginning of the 91st Congress. With a new administration and a new Congress in the offing, the time does not seem to be adequate. I had requested of the committee that they extend the period for 1 year. The chairman of the Committee on Interior and Insular Affairs recommended and the committee unanimously concurred that this period of time should perhaps be corrected to a 9-month period, which would give us time during which to work the will of the next Congress.

Mr. JOHNSON of Pennsylvania. A further question, Mr. Speaker: Of the 103 million acres, how many acres has the State of Alaska selected up to now, and how many more acres are there to be decided upon as to whether they will choose them or not?

Mr. POLLOCK. The State of Alaska has now selected about 20 million acres, so we have a substantial amount of acres yet to be selected.

The original extension of time was granted because of initial delays in the promulgation of rules and regulations, and the extensive delay in the governmental surveying of selected land. But we have had another factor in the last 2 years which prevented further State selection, and that is that the Secretary of the Interior has imposed a land freeze on all Federal land transactions in Alaska. We have been held up on land selections because of the filing of numerous aboriginal native land claims. We have not been able to make any selections in the last 2 years.

Mr. JOHNSON of Pennsylvania. A further question, Mr. Speaker: If the State of Alaska has some 80 million acres that they have not been able to study or go over, will 9 months be a sufficient length of time in which to do this, or to even make a dent in this number of acres?

Mr. POLLOCK. If the gentleman will yield further, I thank the gentleman for his inquiry. The answer is that, of course, it certainly will not be sufficient time. The purpose of this legislation is only as an interim measure, so that the authorized selection period will not lapse under the statehood enabling legislation. I will immediately file another bill in the 91st Congress for an extension of the time to the full 25-year selection period enjoyed for other purposes. This will give the Congress time to review the changing attitudes of the Department and Bureau of the Budget with respect to a further extension. This is intended to be only an interim measure.

Mr. JOHNSON of Pennsylvania. One final question, Mr. Speaker: This huge oil strike recently in Alaska which promises to practically upset the balance of power, so far as oil is concerned, is any of that oil acreage in these 103 million acres?

Mr. POLLOCK. We have had a number of acres of mineral lease acres selected. Yes, there would be a substantial portion of these 103 million acres of land that would be selected which are under mineral lease, and much would be involved on the north slope. We do not know at this point to what extent. There are something like 91 million acres of potentially valuable oil and gas lands that are on the north slope. Some of this is good, some of it is not at the present time. The purpose of this act is only as an interim measure to keep this right of selection alive until the next Congress, and then the Department of the Interior and Bureau of the Budget can present their views.

Mr. HALL. Mr. Speaker, would the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, may I ask the distinguished chairman of the committee if it is the intention of the chairman to submit a committee amendment which clarifies the committee amendment as written in the bill, particularly on page 2, to extend this for 9 months as stated?

Mr. ASPINALL. If the gentleman will yield, there is an amendment. This was in the committee report. And it would be automatically placed before the body just as soon as the unanimous consent request is given.

May I say to my colleagues that it was felt that to have an expiration of this on the 3d of January before the next Congress comes into session is not fair to Alaska.

Also when we speak of 102 million acres for Alaska, as part of the Alaska statehood bill, all of us begin to think in terms of a huge amount of acres, but when you take the percentage of that amount of land in Alaska compared with the overall area of Alaska, then there are many States that have a greater percentage than Alaska, and that has to be considered in a constructive approach to this matter.

Mr. HALL. I thank the gentleman for his statement. Am I correct in my understanding that about 99 percent of the land in the new State of Alaska is still federally owned?

Mr. POLLOCK. That is correct.

Mr. ASPINALL. It is almost that.

Mr. HALL. I understand that part of this delay is because the Federal Government has not even completed its land survey?

Mr. ASPINALL. That is exactly right.

Mr. HALL. Mr. Speaker, I have one final question: That is, Does this include offshore mineral and oil rights as well as mineral and oil rights beneath the land?

Mr. ASPINALL. I believe that is one of these questions that has to be decided in the future.

Mr. HALL. I thank the gentleman for yielding.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 17874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (h) of section 6 of the Act entitled "An Act to provide for the admission of the State of Alaska into the Union"; approved July 7, 1958 (72 Stat. 339), as amended, is amended by striking out "ten years" and inserting in lieu thereof "twenty-five years".

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That the first sentence of subsection (h) of section 6 of the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), as amended, is amended by striking out "ten years" and inserting in lieu thereof 'ten years and nine months'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE CHICKASAW NATION OR TRIBE OF OKLAHOMA, AND FOR OTHER PURPOSES

The Clerk called the bill (S. 2715) to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

S. 2715

Be it enacted by the Senate and House of Representatives of the United States of of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States that were appropriated by the Act of March 31, 1961, to pay a judgment by the Indian Claims Commission in docket numbered 269 and any interest thereon, less payment of attorney fees and expenses, and any other funds heretofore or hereafter deposited in the United States Treasury to the credit of the Chickasaw Nation or Tribe of Oklahoma from sources other than claims may be used, advanced, expended, deposited, invested, or reinvested for any purpose that is authorized by the Governor of the Chickasaw Nation and approved by the Secretary of the Interior.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE SOUTHERN PAIUTE NATION OF INDIANS

The Clerk called the bill (S. 3227) to provide for the disposition of funds appropriated to pay a judgment in favor of the Southern Paiute Nation of Indians in Indian Claims Commission dockets numbered 88, 330, and 330–A, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

S. 3227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of disposing of the sum of $7,253,165.19 appropriated April 30, 1965 (79 Stat. 81, 108, 109), to pay a judgment of the Indian Claims Commission entered in its dockets numbered 88, 330, and 330–A on January 18, 1965, on behalf of the Southern Paiute Nation, the bands and groups of Southern Paiute Indians named in the petitions and the Las Vegas Band, together with interest accruing thereon, the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements for eligibility: (a) they were born on or prior to and living on the date of this Act and are (b) enrolled or entitled to be enrolled as members of the Kaibab Band of Paiute Indians of the Kaibab Reservation, Arizona, or (c) enrolled or entitled to be enrolled as members of the Moapa Band of Paiute Indians of the Moapa River Reservation, Nevada, or (d) whose names or the name of a lineal ancestor appears on the final rolls of the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians which were prepared pursuant to the Act of September 1, 1954 (68 Stat. 1099), or (e) Southern Paiute Indians whose names or the name of a lineal ancestor appears on the January 1, 1940, census roll of the Cedar City, Utah, Indians, or (f) Southern Paiute Indians whose names or the name of a lineal ancestor appears on the January 1, 1940, census roll of the Las Vegas Colony, Nevada, or (g) Indians living elsewhere who can establish Southern Paiute lineal descent to the satisfaction of the Secretary of the Interior: *Provided, however,* That no enrollee shall have elected or shall elect to participate in the judgment awarded by the Indian Claims Commission in its dockets numbered 31, 37, 80, 80–D, and 347, granted to "Certain Indians of California" or in dockets numbered 351 and 351–A granted to the Chemehuevi Tribe of Indians. Any person qualifying for enrollment as a member of more than one of the named Indian groups shall elect with which group he shall be enrolled for the purpose of this Act.

Sec. 2. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Phoenix, Arizona, in the manner and within the time limits prescribed by the Secretary for that purpose. The Secretary's determination on all applications for enrollment shall be final.

Sec. 3. The cost of preparing the Southern Paiute Indian roll, and of disposing of the judgment funds, and the deduction of attorneys' fees and expenses and the cost of litigation, shall be deducted from the judgment fund. The balance of said fund, together with accrued interest, shall be apportioned by the Secretary of the Interior among the groups of persons entitled to enrollment on the Southern Paiute Indian roll as provided in section 1 of this Act. Apportionment among said groups shall be on the ratio that the number of enrollees in each group shall bear to the total number enrolled on the Southern Paiute Indian roll.

Sec. 4. The total amounts apportioned to the groups enrolled in section 1 (b) and (c) shall be redeposited in the Treasury of the United States to the credit of the respective bands, and may be advanced, expended, invested, or reinvested in any manner authorized by the governing body and approved by the Secretary: *Provided,* That, except for any band that has not heretofore been terminated, and except for such amounts as may be authorized and approved for per capita distribution, none of the said funds so deposited shall be withdrawn until sixty days after the Secretary of the Interior shall have submitted comprehensive, detailed plans for their use to the respective Committees on Interior and Insular Affairs of the Senate and the House of Representatives, which sixty days shall not include days when either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days.

SEC. 5. The funds apportioned to those Southern Paiute Indians enrolled under sections 1 (f) and (g) shall be available for distribution in equal shares to the enrollees except as provided in section 6 of this Act.

SEC. 6. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures as the Secretary determines will best protect their interests, including the establishment of trusts.

SEC. 7. All funds, including interest, of the adult members of any group enrolled pursuant to sections 1 (d) and (e) of this Act may be advanced, expended, invested, or reinvested in any manner pursuant to a plan agreed upon between the governing body thereof or by the members thereof, at a meeting called in accordance with rules approved by the Secretary of the Interior, and the Board of Indian Affairs of the State of Utah, subject, however, to the previous approval of such plan by the Secretary of the Interior. However, the Secretary of the Interior shall not be charged with any responsibility in the administration of the funds.

SEC. 8. No part of the per capita distributions made under authority of this Act shall be subject to Federal or State income tax.

SEC. 9. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

On page 3, line 21, through page 4, line 13, strike out all of section 4 and insert the following in lieu thereof:

"SEC. 4. The total amounts apportioned to the groups enrolled in section 1 (b) and (c) shall be redeposited in the Treasury of the United States to the credit of the respective bands, and may be advanced, expended, invested, or reinvested in any manner authorized by the governing body and approved by the Secretary."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE DISPOSITION OF JUDGMENT FUNDS ON DEPOSIT TO THE CREDIT OF THE QUECHAN TRIBE OF THE FORT YUMA RESERVATION, CAILF.

The Clerk called the bill (S. 3620) to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket numbered 319, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

S. 3620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Quechan Tribe of Indians that were appropriated by the Act of October 31, 1965 (79 Stat. 1152), to pay a judgment granted by the Indian Claims Commission in docket numbered 319, and the interest thereon, less payment of attorney fees and expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the Quechan Tribal Council and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to the members of the tribe shall not be subject to Federal or State income tax.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TENNESSEE VALLEY AUTHORITY—TRIAL BY JURY IN CASES INVOLVING THE CONDEMNATION OF REAL PROPERTY

The Clerk called the bill (H.R. 4846) to amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority.

There being no objection, the Clerk read the bill, as follows:

H.R. 4846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831x) is amended to read as follows:

"SEC. 25. (a) The Corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights of way which, in the opinion of the Corporation, are necessary to carry out the provisions of this Act. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right of way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America. Any party to such proceedings shall have a trial by jury of the issue of just compensation, if a demand therefor is filed within the time allowed for answer or within such further time as the court may fix.

"(b) Upon (1) acceptance of an award by the owner of any property herein provided to be appropriated, and the payment of the money awarded, or (2) payment of the compensation finally awarded into the registry of the court by the Corporation, the title to said property and the right to the possession thereof shall pass to the United States, and the United States shall be entitled to a writ in the same proceeding to dispossess the former owner of said property, and all lessees, agents, and attorneys of such former owner, and to put the United States, by its corporate creature and agent, the Corporation, into possession of said property."

SEC. 2. The amendment made by the first section of this Act shall apply only with respect to condemnation proceedings instituted by the Tennessee Valley Authority on and after the ——— day after the date of its enactment.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following new material:

"That the last six paragraphs of section 25 of the Tennessee Valley Authority Act of 1933 (48 Stat. 70), as amended (16 U.S.C. 831x), are hereby repealed.

"SEC. 2. The amendment made by this Act shall be effective only with respect to condemnation proceedings initiated after thirty days following the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings."

A motion to reconsider was laid on the table.

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1637) to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings, an identical companion bill to the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last six paragraphs of section 25 of the Tennessee Valley Authority Act of 1933 (48 Stat. 70), as amended (16 U.S.C. 831x), are hereby repealed.

SEC. 2. The amendment made by this Act shall be effective only with respect to condemnation proceedings initiated after thirty days following the date of enactment of this Act.

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I rise in support of this legislation to assure landowners the right of trial by jury in litigation involving compensation for property acquired by the Tennessee Valley Authority.

The benefits to the district I represent and to all other areas of Tennessee, as well as to other States in the Tennessee Valley, which have resulted from establishment and operation of the great TVA flood control and power system, are of such magnitude as to defy adequate description. Introduction of legislation to provide jury trials in property condemnation cases is by no means intended as a criticism of the outstanding and continuing achievements of TVA. The sole purpose of this legislation is to assure property owners their traditional American right to trial by jury, when they so desire, of disputes arising out of determination of just and fair compensation for property needed by TVA in the course of its development and expansion.

Because of the nature of TVA's operations, the vast majority of such disputes result from acquisition of land which will be flooded from water impoundment or land essential for rights-of-way for transmission lines. Many times, the land and other property needed by TVA represents all or portions of small farms which the owners have toiled to establish and develop into a means of earning a livelihood. During the fiscal year ended last June 30, TVA acquired title to 45,367 acres and easements for 404 miles of transmission lines.

It would be unreasonable to assume that the negotiations required for acquisition of such a large amount of land in every case would have ended in satisfaction to all parties concerned. It would be equally unreasonable to assume that satisfactory agreements were not reached between the contracting parties in many instances.

There have been—and there will continue to be—unsuccessful negotiations and ultimate settlements which are considered to be inequitable. Since I introduced H.R. 11269 in June of last year, I have received hundreds of letters from property owners in the district I represent in support of legislation granting property owners the right to jury trial of disputes over compensation to be paid by TVA. Obviously, some of these were from individuals who feel the settlements already made by TVA or agreed upon as a result of condemnation proceedings are insufficient to compensate them adequately for their property. It is significant, however, that numerous letters have come from persons who have not been involved in any manner with acquisition of land by the TVA. These letters were prompted by a firm belief of the writers that jury trials are fundamental to the American judicial system and that it is inconsistent with this system to treat disputes over values of property in a different manner, even though these controversies involve an agency of the Federal Government.

I do not wish to imply that providing jury trials in itself will result in satisfactory and equitable settlement of every controversy over property values. The fact is, however, that trial by jury is the soundest and fairest manner so far devised for determining equity for all parties concerned. Certainly, citizens of this great country who own property in the Tennessee Valley should be accorded treatment in land value disputes which is the best the American system has been able to establish.

The people in my district and those in the entire TVA area earnestly desire a guarantee of their right to jury trials as a means of reaching equitable settlement of property valuation disputes. In fairness to them and in keeping with the traditional operation of the American judicial system, I respectfully recommend the passage of this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4846) was laid on the table.

DESIGNATING CERTAIN LANDS IN THE GREAT SWAMP NATIONAL WILDLIFE REFUGE, MORRIS COUNTY, N.J., AS WILDERNESS

Mr. KYL. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 241, the bill (H.R. 16771), to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. GROSS. Mr. Speaker, reserving the right to object, I do not know the purpose of returning to this bill. The bill is scheduled to be considered under suspension. May we have some reason for returning to it?

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. KYL. Mr. Speaker, I wrote the dissenting views on this bill. I think I was the only member of the committee opposed to the measure. I do not at this time want to be arbitrary and delay the House in its action on other matters if there is no objection other than mine.

Mr. Speaker, this piece of legislation does not involve money. My objections to the bill were two. First, the genesis so far as I could see was not a matter of conservation at all but a desire to prevent the building of a jet airport on this particular piece of land. It is now an area protected as a national wildlife refuge. The people of the area thought it might have a higher protection if it had a wilderness designation rather than that of a wildlife refuge.

It was also my contention, Mr. Speaker, that providing a wilderness designation for this relatively small, 3,000-acre swamp area in a very highly populated sector of the country could do great violence to the total wilderness preservation concept. We have always tried to make wilderness areas as large as possible. Here we are taking a small area, surrounded by a densely populated area, and designating it a wilderness area.

I think maybe the people of the area will find for themselves, when this is a wilderness area, if it is to become that, that it will be much more difficult to administer for the use of the public, because from time to time it needs little bits of construction to protect the area for wildlife and for the use of schoolchildren and others in studying science and natural life. Any of these ventures, of course, would be prohibited when the area is designated as a wilderness specifically by the Congress.

So I say to the gentleman from Iowa, the reason I asked for reconsideration was that, if I were the only one here who objected to the passage, I did not want to be arbitrary and take the House's time for further consideration of the measure.

Mr. PELLY. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, when this bill came up before, I asked unanimous consent that it be passed over to protect the right of the gentleman from Iowa [Mr. Kyl]. Now that he is agreeable to having the bill considered and apparently is willing that it be passed, I wish to say that I have personally no objection. I believe the bill should be passed.

Mr. GROSS. Mr. Speaker, it seems to me that there should be some debate on this bill. Therefore, I am going to object and let it come up under suspension. It is already on the calendar. Let it come up under suspension where we may have an opportunity to get into it further.

Mr. Speaker, I object.

The SPEAKER. That concludes the call of the Consent Calendar.

FIRST ANNUAL REPORT ON THE NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 384)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

It is with a sense of pride, but also with a sense of urgency, that I transmit to you the First Annual Report of the National Advisory Committee on Adult Basic Education.

Today, more Americans are in school than ever before. More are receiving high school and college degrees. More go on to graduate school.

However, despite these encouraging advances, more than 24 million of our adult citizens, one adult out of every five, still do not have the equivalent of an eighth-grade education.

With the establishment of the Adult Basic Education Program, the Congress created a vital tool for the building of a better America. Since 1965, the program has sought out and served more than a million undereducated adults.

Many participants in the program have now left the welfare rolls, obtained employment, and received raises and promotions.

Others have taken vocational training in high schools. Still others have achieved high school equivalency ratings.

Most significantly, there has been a heartening change in the attitudes of these million Americans. They have gained pride and self-respect, ambition and determination, and they have begun to participate in their communities.

But the job is far from finished. Every year, more than a million young people drop out of school and become potential candidates for the adult education program. Hundreds of foreigners come to our shores without an educational background adequate to enable them to lead productive lives.

This report presents a vivid picture of the challenges ahead for the Adult Basic Education Program, and I commend it to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 16, 1968*.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 322]

Adair
Adams
Anderson, Tenn.
Ashley
Ashmore
Bevill
Blatnik
Boland
Bolling
Bolton
Brock
Broomfield
Brown, Calif.
Bush
Cabell
Casey
Clawson, Del
Collins
Conyers
Curtis
Dawson
Donohue
Dow
Eckhardt
Eilberg
Esch
Fino
Fisher
Flynt
Gardner
Gettys
Green, Oreg.
Griffiths
Gurney
Hanna
Hansen, Idaho
Hébert
Henderson
Hicks
Ichord
Jacobs
Karsten
Landrum
Langen
Lloyd
Long, La.
McCulloch
Madden
Mathais, Calif.
Mathias, Md.
May
Mayne
Michel
Miller, Calif.
Mink
Minshall
Nelsen
Nix
O'Neill, Mass.
Pepper
Pettis
Philbin
Pickle
Rarick
Rees
Resnick
Rivers
Roudebush
Roybal
Satterfield
Schweiker
Sisk
Skubitz
Smith, Okla.
Steed
Stephens
Thompson, Ga.
Thompson, N.J.
Utt
Wiggins
Willis
Wright
Yates

The SPEAKER. On this rollcall 349 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

BISCAYNE NATIONAL MONUMENT, FLA.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 551) to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes, as amended.

The Clerk read as follows:

H.R. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, the Secretary of the Interior may establish the Biscayne National Monument within so much of the area in the State of Florida as generally depicted on the drawing entitled "Biscayne National Monument Boundary Map," numbered NM–BIS 7101, and dated May 1966, which drawing is superimposed on a protographic reproduction of a portion of Coast and Geodetic Survey Chart Numbered 1249 (eighth edition, December 20, 1965, correction numbered 22, dated May 28, 1966) as lies north of the north boundary of the channel easement shown thereon. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national monument from time to time, but the total acreage of the national monument shall not exceed ninety-six thousand three hundred acres and no boundary shall be revised outward or in such a manner as to obstruct any seaport channel which may be hereafter constructed outside the boundaries hereinbefore referred to.

SEC. 2. (a) Within the boundaries of the Biscayne National Monument, the Secretary of the Interior may acquire lands, waters, or interests therein by donation, purchase with donated or appropriated funds, or exchange. The Secretary may in addition acquire by any of the above methods not more than eighty acres of land or interests therein on the mainland for a headquarters site, and not more than forty acres of land or interests therein on Key Largo for a visitor contact site.

(b) When acquiring property by exchange the Secretary may accept title to any non-Federal property within the boundaries of the national monument, and outside of such boundaries within the limits prescribed in subsection (a) of this section, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Florida which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 3. Notwithstanding any other provision of this Act, lands and interests in land owned by the State of Florida or Dade County may be acquired solely by donation, and the Secretary shall not declare the Biscayne National Monument established until the State has transferred or agreed to transfer to the United States its right, title and interest in and to its lands within the boundaries of said national monument. The Secretary shall not acquire any other lands or interests in land pursuant to this Act except by donation or with donated funds until the State has made or obligated itself to make the aforesaid transfer: *Provided*, That nothing contained in this sentence shall preclude the Secretary from acquiring options for the purchase of lands and interests in land, other than lands and interests in land held by the State of Florida or Dade County, which are to be acquired pursuant to this Act and, upon the State's transferring or obligating itself to transfer as aforesaid, he shall proceed as expeditiously as possible to acquire the other lands and interests in land which are necessary to carry out the purposes of this Act.

SEC. 4. The Secretary of the Interior shall preserve and administer the Biscayne National Monument in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented. The waters within the Biscayne National Monument shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited or otherwise regulated in the interest of sound conservation or in order to achieve the purposes for which the national monument is established.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$24,575,000 for land acquisition and \$2,900,000 for development.

The SPEAKER. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California [Mr. ASPINALL] is recognized for 20 minutes.

Mr. ASPINALL. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, several years ago I had the privilege of visiting the area with which the bill that we are now considering, H.R. 551, is concerned. Like others who were with me on that trip, I was very much impressed with the suggestion that the suggestion that the Interior Department investigate the area and consider its suitability for inclusion in the national park system as a national monument. I am therefore glad that the Department's report was favorable, that the costs involved are not exorbitant—though they are considerable—and that our Committee on Interior and Insular Affairs has reported the bill introduced by the gentleman from Florida [Mr. FASCELL]. I am also glad to note that companion bills were introduced by six other members of the Florida delegation—Mr. FUQUA, Mr. PEPPER, Mr. SIKES, Mr. BENNETT, Mr. GIBBONS, and Mr. ROGERS.

What this bill authorizes, Mr. Speaker, is the creation of the Biscayne Bay National Monument which will have 96,300 acres within its boundaries. The great bulk of this area—all except 3,900 acres—is water and submerged land. Nearly all of the submerged land is owned by the State of Florida. Because it is an essential part of the whole area, the committee proposes an amendment to the bill making establishment of the new national monument contingent on an agreement by the State to donate its land to the United States. I am happy to report that we have had word that this will be done.

The 3,900 acres of uplands consist of a series of keys in Biscayne Bay. The largest of the keys is the 1,700-acre Elliott Key. The others range in size down to a quarter of an acre or so. In all there are 30 keys included within the boundaries of the Biscayne Bay National Monument.

The new national monument has and will have both scientific and recreational significance. It also has considerable attraction as a piece of real estate and the principal problem before the House, therefore, is whether the opportunity which we now have to set the lands aside for their scientific and recreational values should or should not be taken before these lands have been developed for real estate purposes. At present there are only 24 structures on the land and only a dozen or so permanent residents. This, I think all will agree, is the time to buy if we are ever going to do so. Our committee, with only one dissent, has voted in favor of doing so.

.The location of the proposed new addition to the national park system is a strategic one any way you look at it. As a recreation area it lies close to a very large body of our citizenry, and those who will be able to enjoy it will, in view of the attraction Miami has for people, be drawn from all parts of the country.

As a scientific reserve—and this is what gives it its prime importance—it is also in a very important location. It lies in the subtropical belt about 150 miles north of the Tropic of Cancer, but its climate is tropical and its plant life, its fish life, and its geology reflect this fact. It is this, among other things, that makes it so interesting to the scientists. They have described the area for us as a "rare combination of terrestrial, marine and amphibious life in a tropical setting of great beauty" and as including "the best portion of the only complex of submerged living coral reef, emergent keys, and sheltered bay bottoms anywhere along either coastline of the continental United States." There are to be found here, as our report on the bill points out, examples of scores of species of animal life of considerable rarity and remnants of other forms of life no longer to be found anywhere else in North America. The ecology of the area cannot tolerate much intrusion from man—certainly not the permanent intrusion that the building of homes and hotels would represent. I hope that our colleague from Florida [Mr. PEPPER] will go into this more fully than I can. His very eloquent statement before our committee is one that deserves to be repeated here. I would like, however, to quote at this point from a letter we received just last week from Mr. Herbert W. Hoover, Jr., to indicate the public interest in this aspect of the area we are talking about:

> For the past five years, conservationists throughout the United States have been aware of a movement in South Florida to preserve the northern most portion of the upper Florida Keys.
>
> This area, most often referred to as the Biscayne National Monument, contains 13 miles of the only coral reef in the United States, which if commercially developed will not only destroy a greater portion of the natural wonders but also do untold harm to aquatic life.
>
> The Hoover Company Foundation has thoroughly investigated the Biscayne National Monument project . . . from its beginning to the present. We firmly believe that this project reflects the awakening realization of the value of our estuaries, not only on the Eastern Seaboard but throughout the United States.
>
> We believe in this project so strongly that the Hoover Company Foundation has pledged a grant in the amount of $100,000 to be applied to the purchase price for this National Monument or to be utilized in the extension of public facilities there.

Finally, as I have already said, the islands within the Biscayne Bay National Monument are in a strategic location for real estate development. There is no question about that. While its proximity to Miami makes it valuable for outdoor recreation, this same proximity runs the cost up and accounts for the nearly $25,000,000 that we have been advised will be the cost of acquiring the land. This price tag, I may add, is not based on appraisals made by the National Park Service, but upon appraisals made by the Corps of Engineers.

Mr. Speaker, I would like to point out that the Committee on Interior and Insular Affairs has, by amendments which will be offered at the proper time, reduced the size of the proposed national monument from 105,000 acres to 96,300 acres and thereby eliminated any need for provision for a possible ship channel through the area. I would also like to point out that the committee amendments limit the amount authorized to be appropriated for land acquisition to the figure I mentioned before—$24,575,000—and that we have also put a limit of $2,900,000 on the amount that is authorized to be appropriated for development expenses. With these amendments I believe that we have an acceptable bill that deserves the support of the House. I therefore recommend a favorable vote on it.

The SPEAKER. The gentleman from Iowa is recognized for 20 minutes.

Mr. KYL. Mr. Speaker, I always feel a bit out of place in opposing any kind of conservation legislation. I want to assure the House that the gentleman from Iowa is interested in this Florida project for purely logical reasons. I own no property, I have no interest in any property, and have no relatives who own any property in this area. I want to assure the House, too, I have absolutely no political interest whatsoever in any elections that might be pending now or in the future in the State of Florida.

I am opposed to this bill primarily for two reasons: First, if we take the figures of land sales anywhere in Florida, if we take the comparative land values on this day, I think that the estimated cost of $27,475,000 for acquisition and development is totally unreasonable.

This is a point which can be argued. There are certainly those who know more about Florida land values than I do. In 1959 the Internal Revenue Service valued one parcel of land which lies within the area to be acquired at $27,350 per acre. That is a matter of record. There are other figures in the dissenting views in the report which should be before all Members.

There is another matter which causes me even more concern than the sincere belief that the cost of acquisition will go far beyond the projected figure. Included among the 4,000 acres of land to be acquired is an area which is known as Islandia. Islandia is a group of several offshore islands, or keys, located south of Miami and off the south Dade County, Fla., mainland. Islandia is a municipality chartered in 1961 pursuant to the laws of the State of Florida.

I have included in the dissenting views in the report on this legislation some salient provisions of the charter.

It will be argued that the city of Islandia does not exist and maybe even that we do not know to whom the money must be paid by the Government for that land which is included in what is now known as the city of Islandia.

There are two lawsuits pending, over which the Congress has no jurisdiction whatsoever. Neither of them goes directly to the point involved. One suit is brought by the Dade County supervisor of registration challenging the number of residents of Islandia for the purpose of voter registration. The other suit is a quo warranto proceeding brought by the Tropical Aububon Society challenging the constitutionality of the formation of the municipality and alleging that it performs no municipal function.

Maybe the court will decide in favor of the Aububon Society or in favor of the supervisor, but it has not so decided, and the Congress cannot in any way intervene in those lawsuits which are pending.

It is a matter of import, because if this municipality does exist—and it must be assumed to exist until there is any knowledge to the contrary—what we are then doing is destroying the total municipality. I think if this is the decision of the court, the cost again would be much higher.

It is obvious that this pending litigation is going to postpone the purchase of this area, and I think all Members of this House recognize that every day we delay in acquiring the land for any national entity, the higher the cost is. We have only to look at other bills which were pending in this session of the legislature to know this. In the case of Point Reyes, the original estimated cost of the property was much, much less than half what it is costing, and we are not through with the purchase of that area. In the case of Padre Island, where the committee was sure the cost would not exceed a certain very nominal figure, we have already found that the costs have skyrocketed far above that point, and not only that, but also the Government is obligated to pay interest on money which is owed to those who hold land and, as a consequence, the total price for that area will probably be three times what was originally contemplated.

The Congress cannot set these court suits aside. We cannot determine the legal values that are involved in those suits.

The chairman of the committee, for whom, as all Members know, I have the greatest respect, says he thinks this land can be purchased within 5 years. I know the gentleman means there will be money in the land and water conservation fund to purchase this land within a period of 5 years, if we do not do other things in the meantime, but the chairman would recognize I am sure that, in the event of extensive litigation, the securing of this land by the Federal Government could take many more than the 5 years that the gentleman mentions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Iowa.

Mr. GROSS. Is it not true, I ask my colleague from Iowa, that about 50 percent of the land area of south Florida is already in the Federal domain, and that more than 50 percent of Dade County, Fla., the center of population being Miami, is in the Federal domain?

Mr. KYL. I would have to respond to my colleague in this fashion: I do not know the exact percentages involved. I do know there is a great deal of Federal land there.

Mr. GROSS. From where is it proposed to get the money, except from the taxpayers, for the $27.5 million to initiate this ludicrous proposition?

Mr. KYL. Again may I respond in this fashion: the Appropriations Committee of the House, since the creation of the land and water conservation fund, has wanted to take the money for acquisition of these areas from the land and water conservation fund rather than from general appropriations. I am not arguing as to the wisdom or the fallacy of that position.

Recently the Congress did enlarge the land and water conservation fund. That money does not come from general taxes. It comes from such things as user fees, taxes on motorboat fuels, offshore lands, from sale of surplus property, and so on.

It is true if that money were not used for this purpose most of it would go into the general treasury, but these are not specifically tax funds in the usual context of that phrase.

I believe probably the gentleman from Colorado is correct in saying there is sufficient money in this land and water conservation fund at this time to cover the acquisition of this area if the cost does not rise above the committee's anticipated figure. I have no argument at all with the gentleman from Colorado on that point. But he knows as well as I do that the Members of the House and of the other body make requests on the Committees on Interior and insular Affairs of the two Houses perpetually to add additional areas to the park system.

Mr. GROSS. Sliced thick or thin, user fees are a form of tax, are they not?

Mr. KYL. They are a form of tax, and earmarked tax funds are still tax funds. I was trying to explain to the gentleman exactly what is involved in the financing of these areas.

Last week we passed a redwoods preservation bill which, if my memory serves me correctly, will use about half of the funds in the land and water conservation fund not already obligated.

Although the gentleman from Iowa has lightly complained today about the activities of the Committee on Interior and Insular Affairs in bringing too much legislation to the floor—I should say, right here, I am proud of the record of the committee in handling the legislation in the amount it has been handled this year, and especially proud of the fact that this legislation is all well prepared under the leadership of the gentleman from Colorado and of the gentleman from Pennsylvania [Mr. SAYLOR]—I am just as confident that in the months ahead the Members of this body will have just as many bills again before that committee for approval, and in each case the Member will say, "This is the most important piece of legislation you have pending."

So long as there are places to be preserved we are going to have these preservation bills.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. KYL. I yield to the gentleman from Iowa.

Mr. GROSS. I am not protesting so much the volume of legislation from the Interior Committee. It is the stacking up of legislation under circumstances of this kind toward the end of the season with only 40 minutes of debate and all amendments prohibited.

Mr. KYL. May I say to the gentleman from Iowa, I am sure if we had not had this rump session of the Congress many of these bills would not have been brought up.

I should like to commend the gentleman from Colorado and the gentleman from Pennsylvania for at least filling some time in these days with useful discussions of legislation, because if it were not for the efforts of the Committee on Interior and Insular Affairs we would be here in our offices twiddling our thumbs waiting for somebody else to catch up. I am not disappointed by this rush of legislation.

To summarize briefly again, I am confident that the amount of money called for in this authorization is far too low to accomplish the purpose. I do not believe we are going to get this acquisition accomplished in a period of 3 years or 5 years.

Furthermore, there is still this matter of litigation which is pending, over which we have no control and we have no right to exert any control. This in itself, will prolong the time it takes to acquire this land.

I think we might much better wait until we have some clarification on this and know exactly what is the status of this municipality called Islandia. Then we can proceed logically and without any difficulties which we cannot possibly foresee at this time.

Mr. ASPINALL. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR. Mr. Speaker, I am glad to give my support to H.R. 551, Congressman FASCELL's bill to create the Biscayne Bay National Monument and I rise to express my support at this time.

Our Subcommittee on National Parks and Recreation held extensive hearings on this bill, which was introduced at the very beginning of the 90th Congress and was preceded by a bill in the 89th Congress. As is often the case in such proposals as this one, the closer to home you get the more vociferous is the opposition. The local landowners, ably represented by the mayor of Islandia, the Honorable Ralph A. Fossey, and his associates, were heard at length. There was very little opposition apart from this. Various local and national conservation organizations appeared in support of the bill. The officials of Dade County, in which the national monument lies, are in favor of it and have expressed their willingness to donate the 210 acres which the county owns—including a 90-acre county park—within the monument boundaries to the United States if it is established. Likewise, the trustees of the internal improvement fund of the State—a board which is composed of the Governor and members of his cabinet—are in favor of it and are on record as being willing to donate the State-owned lands, all or nearly all of which lie under Biscayne Bay, to the Government.

Briefly stated, the proposal in H.R. 551 is a create a 96,000-acre national monument in order to preserve for all time a scientifically important area just off the coast of Florida about 15 or 20 miles south of Miami. The area is almost unique. The uplands, which comprise some 4,000 acres of solid land and mangrove swamps, contain remnants of the mahogany forests that once covered nearly all of Florida. Scores of species of wildlife are found here that are not encountered elsewhere. For instance, a count was made by qualified scientists of invertebrate animals here and in the Everglades National Park. In the latter, which is a much larger area, 239 different species were found; in the Biscayne Bay area, there were 116. Of all these, only 15 were common to the two areas. The same, we have been advised, is also true of other forms of plant and animal life.

The Biscayne Bay National Monument area is valuable in another respect that deserves preservation. Notwithstanding its proximity to Miami, it is completely uncommercialized and unindustrialized, and the waters of the bay are unpolluted. We have here, in other words, an area as free from interference from man as can be found anywhere along our coastline. It is, indeed, the very sort of area that meets the commandment given the National Park Service with respect to areas under its jurisdiction by the act of August 25, 1916, "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Fortunately the sorts of activities which the National Park Service has planned for the area and that are likely to attract recreation visitors there will be compatible with the scientific values of the monument and of those who value it chiefly because of their interest in these values. Picnicking, hiking, scuba diving, fishing, perhaps water skiing, and the like will be provided for. But the area will not be open to those who would despoil its living coral or dredge and fill the swamplands for cabins and cottages. And, most important, the area will not be open to the automobile. Access will be by ferryboat and water taxi only.

The estimates are that well over 650,000 visitors a year will come to the area within 10 years after it is open. Its closeness to Miami makes this almost a foregone conclusion. It also makes obvious the value of the investment which the United States is being asked to make in the area. We have been advised that the cost of acquiring the privately owned land will be about $25 million and that the cost of necessary developments—visitors' centers, interpretive facilities, docks, trails, and the like—will be about $2,900,000. Today this looks like a lot of money, but I am as certain as I can be that 25 years from now those who follow us here will thank the 90th Congress for having been foresighted and farsighted enough to see the value of the area and to have made the decision to preserve it.

Mr. Speaker, I urge a favorable vote on H.R. 551, as amended.

Mr. KYL. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I have heard a lot about austerity and economy in this Government. I am going to watch the rollcall vote on this bill—I hope there will be a rollcall vote on it—to see who is interested in austerity and frugality. I cannot conceive of anyone who has been preaching economy and offering amendments to cut appropriation bills who would be in favor of this legislation, calling as it does for $27.5 million, and that is only the foot in the door insofar as the ultimate expenditure is concerned.

Mr. Speaker, it will be interesting to see how some of those who talk the loudest about economy vote on this bill.

Mr. Speaker, the Miami Herald, the leading newspaper in Miami and south Florida recently editorialized as follows:

> In Washington the House has authorized funds for the purchase of Islandia as a national monument, or restricted national park, once the project itself is authorized.
>
> We wonder if anyone was told that the nationalization of Islandia, one of the last large private tracts available for a booming population, would put national parks back-to-back in Dade County.
>
> Is Congress aware that 58 per cent of Dade is under government ownership? Does it know that there are five national or state parks within a dozen miles of Islandia? Was it told that Islandia itself already has a 93-acre county park plus 80 acres of submerged land?
>
> Surely there are better uses for spending government revenues in an area already more parkland than not. And for a project which, like certain areas of existing parks, would be denied to a public led to believe that parks are for recreation.

Now, the gentleman from North Carolina [Mr. TAYLOR] has just told us if anyone wants to get to this park, which will add to the hundreds of thousands of acres of parklands already in south Florida, it will apparently be necessary to pay a fare to travel there by ferry or some other means.

And, Mr. Speaker, I suppose the promoters of this park will charge parking fees for those tourists who want to park an automobile and take a ferry to see this area. I have my doubts about 600,000 tourists going there if they have got to buy a ferry ticket.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. Does not the gentleman think or realize that, perhaps, this is tied in closely with Interama or some other promotion for which we spent untold millions of the taxpayers' dollars through the approval in this House of Representatives of such legislation to supposedly foster inter-American relations and that this is a part of outer-inner America?

Mr. GROSS. So far as I know there is not a building on the grounds of that Interama promotion. I saw a recent photograph of it, and apparently the promoters are in deep financial trouble.

Mr. HALL. But we must dig part of the harbor up and put it behind boards in order to make or reclaim land, anyway, that we have authorized money for. Maybe we will have to do it with this park.

If the gentleman will yield further, I would like to know what the opinion of the gentleman is about the houses on stilts, of long time repute, that come and go with wind and wave out in Biscayne Bay. Is this national park going to contain the infamous—or famous—houses on stilts in Biscayne Bay?

Mr. GROSS. I would not know about the houses on stilts.

Mr. HALL. These are on the outer banks of greater Biscayne Bay, and they have gone through a long history of being blown down and then being reconstructed, and serving many purposes. I believe maybe the gentleman ought to investigate it, and we ought to know if they are to be included in the new national seashore.

Mr. GROSS. This bill deals with some of the northern keys of south Florida. What does the Government propose to do about the southern keys? How far are we going to go with this business of taking over submerged lands and keys along and off the coast of Florida, and put them in the Federal domain?

Mr. HALL. If the gentleman will yield further, I believe a good case has been made that this is premature in view of other decisions that are pending. Second, it is untimely, as the gentleman has said, in view of our indebtedness and planned deficit for this year. Third, that the cost is too much. And fourth and finally, that the authorized funds are inadequate.

I appreciate the gentleman yielding.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. KYL. Mr. Speaker, I yield the remainder of the time to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in support of H.R. 551, as amended, a bill to authorize the establishment of the Biscayne National Monument in the State of Florida.

The purpose of H.R. 551, as amended, is to preserve, in their present relatively undeveloped natural state, the upper Florida Keys and the adjoining waters and submerged lands of Biscayne Bay and the Atlantic Ocean, which contain a rare combination of land and water resources found nowhere else in the United States.

The bill authorizes the Secretary of the Interior to acquire not more than 96,300 acres of lands and waters within the boundaries of the proposed monument. Of this total acreage, 92,400 acres are water and 3,900 acres are lands and mangrove swamps. The area within the proposed monument will comprise approximately 12 miles north to south and 12 miles east to west.

Shallow Biscayne Bay and the offshore reefs of the Atlantic Ocean provide an underwater wonderland of colorful corals and sponges, seaweeds and grasses, starfish and shellfish, crabs, turtles, and other tropical marine life. The entire area is an enormous underwater nursery where reef and oceanic fish hatch and grow before venturing out into the ocean.

The high ground of the keys are largely covered with 20- to 40-year-old second-growth trees such as palms, mahoganies, and mangroves, which are said to be the best that remain of south Florida's once splendid tropical forest.

Development of the Biscayne National Monument would include visitor contact areas on the mainland and on Key Largo. Here the estimated 650,000 visitors per year would find exhibits to interpret and invite land and underwater exploration. It is also anticipated that conducted tours would be available from these points to all parts of the monument.

While 96 percent of the lands and waters within the boundaries of the proposed monument are in public ownership, the scientific, esthetic, and recreational values of Biscayne Bay are threatened by present plans to develop and exploit the remaining 4 percent of the lands and waters in the area.

H.R. 551, presents us with a rare opportunity to preserve a unique national resource and, at the same time, provide a recreation area to serve millions of Americans. The Biscayne Bay National Monument will offer fishing, hiking, boating, swimming, camping, underwater exploration, and a wide range of other recreational activities. Testimony before the committee specifically pointed out that the proposed monument could support such recreational use without diminishing the natural values of the bay.

The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments endorsed the establishment of the proposed national monument at its meeting in April 1964 and again in 1966.

H.R. 551 authorizes the appropriation of $24,575,000 for land acquisition and $2,900,000 for development. Annual operating costs are estimated to run $461,000.

Mr. Speaker, H.R. 551 permits this 90th Congress to be responsive to the American public's growing demand for outdoor recreation experiences and I urge the passage of H.R. 551 to provide for the establishment of the Biscayne National Monument in the State of Florida.

I would like to comment particularly on certain of the items that have been raised with regard to the town of Islandia. The first time I have ever heard of a town called Islandia was during the committee hearings, but this place does not have a city hall anywhere close to Islandia.

The letterhead says "Islandia, Fla., Temporary City Hall, 1022 duPont Plaza Center, Miami, Fla., 33131."

The Chamber of Commerce of Islandia, Fla., 3001 Ponce de Leon Boulevard, Coral Gables, Fla.

I just want to say to my colleagues that I have been to the so-called town of Islandia. I could not find a city hall. I could not find the mayor. I could not find a city official. In fact, I only found three buildings in the entire area. It is a paper town, and has absolutely no importance in this bill.

The next thing I would like to comment on is the fact that people say the proposed Biscayne National Monument is going to be hard to get to. Well, I never knew an island that you did not have to take a boat or a plane to get to. And one of the reasons that Dade County, when they assessed this property just last year at 100 percent of value, placed the low value below what the Park Service said it is now worth, and below what we have in this bill, is because they say they are not about to spend money to build a causeway through an area that should be included in this bill.

At this point I would like to read into the Record a letter just received by the chairman of the committee, the Honorable Wayne Aspinall, from Herbert W. Hoover, Jr. It is dated September 11, 1968:

> Bal Harbour, Fla.,
> *September 11, 1968.*
>
> Hon. Wayne Aspinall,
> *House of Representatives, Chairman, Committee on Interior and Insular Affairs, Washington, D.C.*
>
> Sir: For the past five years, conservationists throughout the United States have been aware of a movement in South Florida to preserve the northern most portion of the upper Florida Keys.
>
> This area, most often referred to as the Biscayne National Monument contains 13 miles of the only coral reef in the United States, which is commercially developed will not only destroy a greater portion of the natural wonders but also do untold harm to aquatic life.
>
> The Hoover Company Foundation has thoroughly investigated the Biscayne National Monument project . . . from its beginning to the present. We firmly believe that this project reflects the awakening realization of the value of our estuaries, not only on the Eastern Seaboard but throughout the United States.
>
> We believe in this project so strongly that the Hoover Company Foundation has pledged a grant in the amount of $100,000 to be applied to the purchase price for this National Mounment or to be utilized in the extension of public facilities there.
>
> Sincerely,
> The Hoover Co. Foundation,
> Herbert W. Hoover, Jr.,
> *Chairman.*

I can just say to my colleagues in the House, sure, this calls for the expenditure of some money. The question was raised when somebody said as to whether or not we are going to separate the spenders from those who do not want to spend money. My colleagues, I say to you in all sincerity that money spent for the preservation of historical monuments in this country and on areas which cannot be developed anywhere else is money well spent. Do you realize that today where we have spent money, those areas are worth 10, 20, 50, and 100 times what it cost us in dollars. The same thing will be true of this.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished gentleman, the chairman of the full committee.

Mr. ASPINALL. Mr. Speaker, I do not think there is anyone who has been in this body during the last 20 years who can say that I have ever been sectional in my approach to any matter that has come before my committee.

I take no exception to those who wish to save money.

I have been reading recently the galley proofs of the new publication—The History of the Public Lands by the Public Land Review Commission. The sectional approach to our public lands and the use of our public lands is as old as our Nation itself having started during the time of the Articles of the Confederation. I will say to my friends, if you want to read something that is human and something that reads like a novel, when that publication comes off the printer's shelf—get it.

Let me just say this—we have taken care of the Mounds Historic Site in Iowa. I think that is perfectly all right.

We took care of the Herbert Hoover birthplace for a national historic site. I think that such recognition is wonderful.

Now may I say, in my opinion there is no difference between the natural resource values involved when we are considering recreational projects or other water resource projects. I just do not like to see my colleague from Iowa, Mr. Gross, get up here—as great affection as I have for him—and call the rest of us spenders, when in his own particular areas he too is subject to the same criticism of having had money spent to develop the natural resources present in such areas.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. No, I do not yield to the gentleman. The gentleman from Pennsylvania [Mr. Saylor] has the floor.

Two years ago the gentleman from Iowa got a $100,000 unbudgeted appropriation which a year later led to the start of a $15 million water resource project. I take no exception to that because I believe in the construction of such projects. But I do not like for the gentleman to point his finger of criticism at me and my colleagues who are in disagreement with him.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. Saylor] has expired.

The time of the gentleman from Iowa [Mr. Kyl] has expired.

Mr. ASPINALL. Mr. Speaker, I yield the balance of my time to the sponsor of the legislation, the gentleman from Florida [Mr. Fascell].

Mr. FASCELL. Mr. Speaker, I want to thank the gentleman from Colorado [Mr. Aspinall], chairman of the committee and the gentleman from Pennsylvania [Mr. Saylor], ranking minority member, the gentleman from North Carolina [Mr. Taylor], subcommittee chairman and the subcommittee members. Without their tireless effort and understanding this bill before us today could not have been considered.

I must pay special tribute also to my distinguished colleague from Florida [Mr. Haley]. Second only to the chairman of the very important Committee on Interior and Insular Affairs he has exerted outstanding leadership and support, not only for this bill but for many of the very many important bills which are considered by the committee.

I also express my deep appreciation to my other colleagues from Florida who have consistently supported this important conservation measure, Mr. Sikes, Mr. Bennett, Mr. Pepper, Mr. Gibbons, Mr. Rogers, and Mr. Fuqua, all of whom cosponsored this bill.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. UDALL. Mr. Speaker, I just want to say, that this legislation is in the national interest. It has bipartisan support. The Governor of the State of Florida, a member of the other party, is for it.

This bill has been carefully considered. It would be a sad day if we let this beautiful, fragile land and water go out of public ownership and go into the kind of development that we have seen in Miami Beach and in other places.

Mr. Speaker, I want to express my firm support of this legislation and I commend the gentleman from Florida for all that he has done to bring this legislation to the floor of the House.

Mr. FASCELL. I thank the gentleman, not only for his statement but also for his strong support of this bill in its consideration by the committee.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. SCHEUER. Mr. Speaker, as an urban Congressman, I want to say for my people in my district who are going to enjoy shorter working hours and more vacations and a greater economic capability to enjoy the wonders of America, that as an urbanist I support heartily and enthusiastically this fine bill introduced by the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for his enthusiastic support.

Mr. Speaker, let me address myself to some of the remarks that have been made. First, this bill has been studied as thoroughly as any bill that has come out of the Committee on Interior and Insular Affairs. That committee has worked very hard on a tremendous amount of legislation. They handle about 25 percent of all legislation. I have learned to have a great deal of respect for them in their consideration of legislation which is before them and is brought before this House. This bill has taken 18 months to move through committee. It has been scrutinized very carefully. It has had strong bipartisan support. For that, as a Member of Congress, I am extremely grateful.

Mr. Speaker, in the bill before us we are talking about the last of a chain of undeveloped islands off the coast of Florida. The rest of the islands south of this area are all developed. The rest of the islands north of the area are all developed. There is no way to get to these islands now except by boat or by air.

These islands are practically uninhabited. There are four residents; some people say there are 16. That issue is now in court. It has no bearing on the question before us today, except I point out to you that if the property owners win the lawsuit, they will have 16 registered voters. If the supervisor of registration wins the lawsuit, the city of Islandia will have four registered voters.

The city neither owns nor maintains any buildings or facilities on these islands within its corporate limits. The city does have the right-of-way for road by easement from the property owners. The question as to who will become compensated is a legal one, if it is a question at all. But obviously the one who has the fee title would get the compensation. The city could only be reimbursed, as I understand, under existing law, for what it would take them to replace the road, and they could not replace the road, of course, if this becomes a national monument. But all of this really has no bearing on the question before us. If the city owned anything it would not donate it to the Federal Government.

As to other local contributions, the State of Florida, supported by the Governor and the cabinet, will make a tremendous contribution.

We are talking about over 90,000 acres of water and submerged lands. The ecological value of the water is financially substantial in itself. In addition, there are submerged lands. The value of those submerged lands on an improved basis is far more than what would be involved in the taking of the highlands. To illustrate the point, if the property owners had their highland plus their submerged land, they could double the value of what they have, and there is a great deal more submerged land which would be economically developed.

So the State financial contribution to this park is very substantial.

In addition, the county of Dade, which has long supported the project, will also make a contribution which is substantial. They have now a county park and a fully developed marina. They will give all that to the Federal Government without cost. In addition, on the mainland they will provide acreage for a headquarters site for the park, also without cost to the Federal Government.

The present usage is 225,000 people a year. When this is brought into the National Park System, it will be far greater than that. This is one of the great unspoiled natural areas left in this country, and because of the pressure of urbanization, the decision to preserve it should be made now. It cannot be made later.

Mr. PEPPER. Mr. Speaker, I spoke at 9 o'clock this morning before a national convention in my district pursuant to a long-standing engagement that I had to do so. But both my distinguished colleague [Mr. FASCELL] and I thought that I would have time to get back to the House before H.R. 551 would come up on the calendar for consideration. Due, unhappily, to my plane being a bit late I arrived a few minutes after the record vote was taken upon this very important measure. I am grateful to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL], as well as to my able colleague [Mr. FASCELL], for mentioning my support of this measure so important in the area of conservation.

The land to be embraced in the Biscayne National Monument by H.R. 551 lies in Mr. FASCELL's district but very near to the border to my district. Because of its importance to both Mr. FASCELL's district and mine, on January 12, 1967, I introduced a companion bill to H.R. 551, H.R. 2129. On March 22 of this year I made a statement in support of this measure before the House Committee on Interior and Insular Affairs, as follows:

STATEMENT OF THE HONORABLE CLAUDE PEPPER BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION OF THE INTERIOR AND INSULAR AFFAIRS COMMITTEE, REGARDING THE ESTABLISHMENT OF A BISCAYNE NATIONAL MONUMENT, MARCH 22, 1968

Mr. Chairman and Members of the Subcommittee: It is a privilege to have this opportunity to appear before this distinguished committee on behalf of one of the great natural wonders of my state and of our country, a subtropical paradise which is in danger of being destroyed before very many people have seen it, or heard of it.

Before I talk about the danger, I would like to try to evoke for you some of the wonder and beauty of what it is that this committee is being asked to save for future generations.

Through the eyes of a small child, it might be seen as a school of tiny, brightly-colored fish swimming through delicate branches and fans of living coral. To the conservationists of my area and to conservationists throughout the country, it is a rich, irreplaceable treasure of rare and often unique forms of plant and animal life.

The area of the proposed Biscayne Bay National Monument, which this legislation would establish, is warmed by the Gulf Stream and fanned by the Trade Wind, and in this mild climate grow flowers and plants unknown elsewhere. Animals, plants, birds and trees, unknown elsewhere or nearly extinct, thrive on these wild islets or keys.

Some of this plant life was carried here in the unknown past from the West Indies, by the same Gulf Stream that brings the lower Biscayne Bay Keys their pleasant climate. In some areas, the original forests remain and the keys have by far the best remaining examples of the splendid tropical forests which once covered our state. There are even a few of the larger mahoganies, last vestiges of the fine stands almost entirely destroyed for shipbuilding over the past two hundred years.

The Sargent Palm, a close relative of the Royal Palm, and thought to be extinct for some years, has recently been seen again on Elliott Key. This same key is the northernmost breeding place of several beautiful West Indian birds, and also the breeding place for some exceedingly rare birds much in need of protection.

Of special interest to those conservationists who view with alarm the vanishing crocodile in Florida (as distinguished from our Florida alligator) is the fact that the American crocodile now exceedingly rare, is still present here. There are also several species of very rare sea turtles.

As can be expected, the variety and quantity of marine life in the many different habitats which surround these keys is almost endless. In the marine grasses on the bay side, shrimp, spring lobster, and many game and food fishes live and breed. Sponges are numerous in the outcroppings of limestone.

On the seaside grow pastures of turtle grass harboring 32 different kinds of starfish and such curiosities as the sea horse and sea cucumber. Nearby are "forests" of sea fans and sponges, miniature reefs and coral heads of any number of delicate forms. These different habitats are found in miniature, and within a few feet of one another, in two feet of water. Here children can watch in perfect safety a fairyland that even has its villians—sharks and barracuda less than eight inches long!

I could go on describing the beauties of this wonderland in Miami's backyard, and its historical interest as the home of pirates, indians and shipwrecked sailors.

But I must instead discuss with you what could be in store for this natural wonderland of vanishing species. It too, could vanish. If this were chosen as the path of a new channel, much of the underwater paradise would certainly be destroyed. If proposed industrial ventures on the mainland are carried out without an organized plan of protection for these keys, pollution could ruin our clear blue waters of lower Biscayne Bay and kill the delicate and sensitive marine life there. Real estate development on land now owned in small lots by over 300 people could not only ruin the wild area, but raise the price of the land prohibitively for future park purposes.

One of the beauties and values of the area, beyond its boating and swimming uses, lies in its wild condition. Commercial development of the area would ruin it for all times.

We can save this precious and unique place for people all over the land to see and future generations to enjoy. The Department of Interior, in its difficult task of establishing priorities on the building of National Parks and Monuments, has placed Biscayne Bay high on the list. The Department experts have noted, as have we who lived there, that these keys are unique and that the dangers to them are great and immediately impending. If we lose these keys, we can never build another national park of this sort or preserve another similar area. There are none.

The proposed facilities of Biscayne Bay National Monument are simple—they are designed to make accessible and preserve what is already there. A vistors' center on the mainland would provide boat service to the keys, and facilities on the island, such as camping areas, self-guiding nature trails, beaches, and boat facilities, would give greater recreational use without spoiling the wild beauty that attracts visitors.

We of the Miami area are anxious to share this beautiful measure of ours with the countless tourists who visit us every year. We hope that this committee and the Congress will share our enthusiasm and our task.

Had I been present today when the vote was taken I would have made on the floor of the House the following statement in support of H.R. 551:

Mr. Speaker, I add my cosponsorship to the proposed legislation to authorize the Secretary of the Interior to establish the Biscayne National Monument in our great State of Florida.

We are in the midst of our third great wave of conservation. Unlike the two major conservation efforts which preceded, this one has tended to emphasize making the United States (and the World) a more satisfactory home for man, especially urban man. It stresses space and beauty for use and enjoyment—open spaces and greenbelts, parks and roadside beautification, scenic highways and wild rivers. It makes large provision for outdoor recreation. It stresses control, if not elimination of pollution of water and air. It stresses opportunity for solitude in a bustling civilization—wilderness and quiet, parks and monuments. It stresses the preservation in natural environment of plants and animals about to disappear from the face of the earth. We do have conservation problems, even with tracts which have been designated or set aside—witness the matter of roads in the Great Smokies, dams on the Colorado, lumbering among the Redwoods, and water in the Everglades. But the major problem is to get samples of the best of our country designated as Parks and Monuments before destruction or engulfment by "civilization."

The proposed Biscayne National Monument would present an unique biological community. It would present for scientists and students to study, for conservationists to observe, and for our hundreds of thousands of natives and visitors to enjoy, living coral reef, both submarine and emerged, together with relatively undisturbed associated biological communities.

Though the area south of Miami is comparatively near centers of dense population, it has to date escaped a large part of the disturbance and overuse which has occurred in the South Florida Keys. There is some State development just to the south, but nothing comparable with the development herein proposed.

The boundaries proposed would include roughly 100,000 acres, much of it water. The proposal is not exactly new, having been discussed ever a period of years. However, Congressional hearings have not been held. Probable cost estimates are still being worked out.

The Fascell bill (H.R. 17647) would provide for acquisition of lands, waters, or interests therein by donation, purchase with donated or appropriated funds, or exchange. Thus it would appear that costs can be held down, even during this period of rapidly inflating values.

Provision is made for a headquarters site of not more than 80 acres of land on the mainland and a visitor contact site of not more than 40 acres on Key Largo. It is not presently anticipated that there will be highway connection beyond the mainland.

I would not argue that the proposed legislation as drafted is necessarily the last word. Section 3 may require some modification to remove some of its indefiniteness. I am concerned about the sentence which begins: "Whenever it is determined that it is necessary and feasible to construct a channel in the southern portion of the national monument . . ." Determined by whom? Necessary and feasible in what context? Certainly we do not wish to hinder industry, but it is my understanding that the marine biologists are still trying to determine what effects such a channel would probably have upon the unique biological community. We need to hear more on such aspects and to clear up fuzziness.

But such points are minor in relation to the necessity of moving now to preserve for all the generations which follow this unique biological community. It has been the great advantage that it will be where people, plenty of people can get to it, for study and enjoyment.

If, as now seems likely, human population pressures continue to mount, the generations ahead will be most thankful for the few priceless treasures of a pristine world which we have managed to conserve for them.

I am gratified that this bill passed the House by a large majority today. When this bill becomes law a unique area will be reserved for the education and recreation of countless people through the long future in one of nature's real wonderlands.

The SPEAKER. The time of the gentleman has expired. All time has expired.

The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 551, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 235, nays 92, not voting 104, as follows:

[Roll No. 323]

YEAS—235

Abbitt
Abernethy
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Baring
Barrett
Bell
Bennett
Berry
Biester
Bingham
Blanton
Bow

Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Clark

Cohelan
Colmer
Conte
Corbett
Corman
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Dent
Derwinski
Dickinson
Diggs
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan

Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gathings
Gibbons
Gilbert
Gonzalez
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hanley
Hansen, Wash.
Hardy
Harrison
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Holifield
Hull
Hungate
Irwin
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth

Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyros
Leggett
Lennon
Long, Md.
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Machen
Mahon
Martin
Matsunaga
Meeds
Mills
Minish
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pike
Poage
Pollock
Price, Ill.
Pryor
Pucinski
Purcell

Quie
Quillen
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ruppe
Ryan
St Germain
Saylor
Scheuer
Selden
Shipley
Sikes
Slack
Smith, Iowa
Snyder
Springer
Staggers
Stubblefield
Stuckey
Sullivan
Taylor
Tenzer
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wilson, Charles H.
Wolff
Wyatt
Young
Zablocki
Zwach

NAYS—92

Arends
Bates
Battin
Belcher
Betts
Bray
Brown, Ohio
Burke, Fla.
Carter
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Conable
Cowger
Cramer
Culver
Davis, Wis.
Dellenback
Denney
Devine
Dole
Eshleman
Findley
Fountain
Gardner
Goodling
Gross
Hall
Halleck

Hammerschmidt
Harvey
Hosmer
Hunt
Hutchinson
Jarman
Jonas
King, N.Y.
Kyl
Laird
Latta
Lipscomb
Lukens
McEwen
MacGregor
Marsh
Mayne
Meskill
Miller, Ohio
Mize
Moore
Mosher
Myers
O'Konski
Pirnie
Poff
Price, Tex.
Railsback
Randall
Reid, Ill.
Rhodes, Ariz.

Riegle
Robison
Roth
Rumsfeld
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Shriver
Smith, Calif.
Smith, N.Y.
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Wampler
Watkins
Watson
Williams, Pa.
Winn
Wydler
Wylie
Wyman
Zion

NOT VOTING—104

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Bevill
Blackburn

Blatnik
Boggs
Boland
Bolling
Bolton
Brock
Broomfield
Brown, Calif.
Bush

Cabell
Casey
Celler
Clawson, Del
Collins
Conyers
Curtis
Daniels
Dawson

Donohue
Dow
Eckhardt
Eilberg
Esch
Fino
Fisher
Flynt
Ford, Gerald R.
Gallagher
Gettys
Giaimo
Gray
Green, Oreg.
Griffiths
Gurney
Halpern
Hanna
Hansen, Idaho
Hébert
Henderson
Hicks
Horton
Howard
Ichord
Jacobs

Karsten
King, Calif.
Kupferman
Landrum
Langen
Lloyd
Long, La.
McCulloch
Madden
Mailliard
Mathias, Calif.
Mathias, Md.
May
Michel
Miller, Calif.
Mink
Minshall
Morton
Nelsen
Nix
Olsen
O'Neill, Mass.
Pepper
Pettis
Philbin
Pickle

Podell
Rarick
Rees
Resnick
Rivers
Roudebush
Roybal
Sandman
Satterfield
St. Onge
Schweiker
Sisk
Skubitz
Smith, Okla.
Steed
Stephens
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Utt
Watts
Wiggins
Willis
Wilson, Bob
Wright
Yates

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kupferman and Mr. Celler for, with Mr. Ashbrook against.

Mr. Pepper and Mr. O'Neill of Massachusetts for, with Mr. Satterfield against.

Mr. Hébert and Mr. Philbin for, with Mr. Fino against.

Mr. St. Onge and Mr. Donohue for, with Mr. Del Clawson against.

Mr. Broomfield and Mr. Giaimo for, with Mr. Skubitz against.

Mr. Daniels and Mr. Eilberg for, with Mr. Smith of Oklahoma against.

Mr. Miller of California and Mr. Madden for, with Mr. Bob Wilson against.

Mr. Nix and Mr. Blatnik for, with Mr. Utt against.

Mr. Adams and Mr. Boland for, with Mr. Horton against.

Until further notice:

Mr. Boggs with Mr. Adair.
Mrs. Griffiths with Mrs. Bolton.
Mr. Henderson with Mr. Langen.
Mr. Fisher with Mr. Mailliard.
Mr. Casey with Mr. Morton.
Mr. King of California with Mr. Brock.
Mr. Ashmore with Mr. Curtis.
Mrs. Anderson of Tennessee with Mr. Roudebush.
Mr. Rivers with Mr. Blackburn.
Mr. Gettys with Mr. Michel.
Mr. Gray with Mr. Minshall.
Mr. Hanna with Mr. Bush.
Mr. Hicks with Mr. Lloyd.
Mr. Podell with Mr. Schweiker.
Mr. Pickle with Mr. Esch.
Mr. Howard with Mr. Gurney.
Mr. Teague of Texas with Mr. Gerald R. Ford.
Mr. Thompson of New Jersey with Mr. Halpern.
Mr. Bevill with Mr. Sandman.
Mr. Brown of California with Mr. Nelsen.
Mrs. Mink with Mr. McCulloch.
Mr. Olsen with Mr. Mathias of California.
Mr. Gallagher with Mr. Mathias of Maryland.
Mrs. Green of Oregon with Mrs. Thompson of Georgia.
Mr. Roybal with Mrs. May.
Mr. Sisk with Mr. Collins.
Mr. Steed with Mr. Pettis.
Mr. Ichord with Mr. Wiggins.
Mr. Stephens with Mr. Rarick.
Mr. Willis with Mr. Karsten.
Mr. Jacobs with Mr. Dawson.
Mr. Wright with Mr. Ashley.
Mr. Yates with Mr. Dow.
Mr. Long of Louisiana with Mr. Cabell.
Mr. Flynt with Mr. Eckhardt.
Mr. Resnick with Mr. Conyers.
Mr. Landrum with Mr. Rees.

Mr. DERWINSKI changed his vote from "nay" to "yea."

Mr. RIEGLE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CONSTRUCTION SAFETY

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2567) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects, as amended.

The Clerk read as follows:

H.R. 2567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Contract Work Hours Standards Act is amended by adding at the end thereof the following:

"SEC. 107. (a) It shall be a condition of each contract of a character specified in section 103 (and of any obligation of the United States, any territory, or the District of Columbia) that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic engaged in the performance of the contract to work in any plant, factory, building, or surroundings, or under working conditions, which are unsanitary, hazardous, or dangerous to his health or safety. In the event of a violation of any such condition of a contract of a character referred to in clause (1) or (2) of section 103(a), the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. In the event of a violation of any such condition of a contract of a character referred to in clause (3) of section 103(a), the governmental agency by which financial assistance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract.

"(b) Sections 4 and 5 of the Act of June 30, 1936 (41 U.S.C. 38, 39), as amended shall govern the Secretary's authority to enforce this section, make rules, regulations, issue orders, hold hearings, and make decisions based on findings of fact, and take other appropriate action hereunder.

"(c) The Comptroller General is directed to distribute a list to all agencies of the Government giving the names of all persons or firms that the Federal agencies or the Secretary have found to have violated this section. Unless the Secretary otherwise recommends, no contract of the United States shall be awarded to the persons or firms on this list or to any firm, corporation, partnership, or association in which such persons have a substantial interest until three years have elapsed from the date of publication of the list containing the name of such persons or firms."

SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting "and Safety" after "Hours" each time it appears.

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. ESHLEMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, the bill, H.R. 2567, to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects is a bill worthy of your support.

In fact, many people have been laboring under the impression that the legislation contained in H.R. 6257 was really incorporated in the Walsh-Healey Act of 1936. But be that as it may, many Government agencies today, particularly the Corps of Engineers, have practiced and carried out the intent of this bill concerning safety, but other governmental agencies have not.

As I stated, this legislation is applicable only to construction workers involved in Government contracts.

In 1936 the Walsh-Healey Act was enacted by the Congress. It provided that the U.S. Government must pay to employees of its supply contractors the prevailing wage and provide safe and healthful working conditions.

In 1966 the McNamara-O'Hara Service Contracts Act was approved providing that in contracts between the U.S. Government and persons supplying it with services, the prevailing wage should be paid and safe and healthful working conditions provided to employees of such contractors. Only in the case of construction workers is the law silent on the question of safety in their working conditions.

And that is all the bill is about. It applies to Government contracts, and provides that the Government shall require from the contractors or subcontractors that those contractors or subcontractors provide safe working conditions.

This bill does not extend to the entire construction industry, only that aspect of the construction industry that has Government contracts. There is no earthly reason why the U.S. Government should not lead the way in safety when we are losing so much time and the cost is running so high from industrial accidents. It is the duty of our Government to do this.

This bill is a simple bill, to be administered by the Department of Labor just as the Walsh-Healey Act is now administered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. Are there very many contracts in which Federal money and Federal regulation are not involved?

Mr. PERKINS. It is estimated that about one-fifth of the contracts are Government contracts.

Mr. GROSS. One-fifth?

Mr. PERKINS. About 20 percent; yes. Eighty percent are not.

Mr. GROSS. And are not subject to some kind of Federal legislation, directly or indirectly?

Mr. PERKINS. That is correct. I am talking about the 20 percent, and that would include all of those contractors and subcontractors.

Mr. GROSS. If I may ask the gentleman to yield for one further question——

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Where are the departmental reports on this bill? They are not to be found in the committee report.

Mr. PERKINS. Let me say to the gentleman that the Department is very much in favor of the legislation.

Mr. GROSS. Where are the departmental reports?

Mr. PERKINS. We did not specifically request reports, but I have before me a copy of a letter the Secretary of Labor wrote to the Director of the Bureau of the Budget on August 23, 1968 in which the Secretary says, "I strongly support H.R. 2567." That is as strong an indication as I think the administration could be asked to make that it supports the legislation.

This legislation amends the Contract Work Hours Standards Act that was enacted in 1962.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I understood the gentleman to say this is a very simple bill patterned on the Walsh-Healy Act which has been on the books for more than 30 years. It is my understanding Walsh-Healy dealt largely with wages, and that even though there is a provision dealing with working conditions, it is dealing largely with wages. In view of the drastic sanctions which would be imposed—cancellation, blacklisting for 3 years, and so on—can the gentleman tell me if in the hearings conducted on this bill any statistical information was developed or any information was developed dealing with the history of Walsh-Healy and what it has been with respect to the health and safety provision?

Mr. PERKINS. I will be delighted to tell the gentleman from Illinois. The Walsh-Healy Act itself deals with the prevailing wage rates for all suppliers of Government. It likewise deals with safety, and it has for 32 years dealt with safety as well as the prevailing wage. That is the history of Walsh-Healy.

Mr. ANDERSON of Illinois. But my question is, did the hearings bring out the extent to which sanctions were involved by way of health and safety factors as well as wages?

Mr. PERKINS. Yes.

Mr. ANDERSON of Illinois. Can the gentleman give me that information?

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Speaker, the hearings did not bring out the specific information that the gentleman from Illinois asked for, but I have been given some information which I would be happy to share with the gentleman.

I believe in the last year for which we have figures, there were over 1,000 safety inspections conducted by the Department of Labor under the Walsh-Healey Act. Of that over 1,000 safety inspections, less than 100 of the cases went to hearings, and the ultimate sanction of debarment of the cases. So sanctions are not numerous under Walsh-Healey, because most supply contractors are willing to comply when their failures are called to their attention.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield, I have one more question for the gentleman from Kentucky.

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I understand this legislation today purports to deal exclusively with the construction industry. I have been informed, however, the language of the bill is so imprecisely drawn there is a very real possibility it would extend not only to the contractor himself, but also to those who supply the contractor on any contract that might be covered under this so-called Contract Work Hours Standards Act. Because this is an amendment, as I understand it, of the Contract Work Hours Standards Act, and it would be possible to construe the legislation we have before us today to extend to the suppliers of the prime contractors, as well as people actually involved in the construction industry itself, I wonder what the gentleman's comment on that would be?

Mr. PERKINS. Mr. Speaker, the language in the bill was to cover those contractors, or subcontractors, by whom Federal assistance was received, but it only applies where Government assistance is provided to those contractors—where Government assistance is provided.

Mr. ANDERSON of Illinois. I understand that, but if the gentleman will yield further, does it extend beyond the contractor himself, to the point where the Secretary of Labor would have the power to extend these health and occupational safety standards to manufacturers supplying the prime contractors who are covered by this particular act?

Mr. PERKINS. That is under the Walsh-Healey Act already. That act would cover suppliers already, where any Government assistance was there.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Speaker, in response to that question, I would like to give my interpretation. I think it is pretty clear, on page 8 of the bill before us, in section 107, which starts on line 15.

The provision applies to "contractors or subcontractors contracting for any part of the contract work," and the words are:

> * * * shall require any laborer or mechanic engaged in the performance of the contract.

It applies only to the person holding the contract, to those occupying a relationship to him of a subcontractor, and to work places under the control of those specified contractors and subcontractors. It certainly does not apply to suppliers from whom the contractor might buy overalls or to anyone from whom he would buy equipment. For instance, on a truck, it would not apply to the automobile manufacturer. It is only the construction contractor and his subcontractors and those employed by them.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Georgia.

Mr. FLYNT. I should like to say that the gentleman from Michigan read from page 8. On page 8, line 17 and following, the language pertains to any contractor or subcontractor contracting for any part of the contract work, "shall require" and so forth.

I believe that if an interpretation could be placed on that it would be opposed to what the gentleman from Michigan just said, and it could apply to a supplier. Would the gentleman comment on that?

Mr. PERKINS. I shall be delighted to.

I agree with the gentleman from Michigan. It is the purpose, and the sole purpose, of this legislation only to apply to the contractor or the subcontractor who is doing the construction work, actually doing the construction work. The supplier is not involved unless the supplier is already involved under Walsh-Healey.

Mr. FLYNT. Will the gentleman yield further for a brief question?

Mr. PERKINS. I yield.

Mr. FLYNT. Would not the gentleman from Kentucky certainly concede that a great many of these questions as to ambiguous language could certainly have been cleared up if more adequate hearings, or indeed any hearings at all, were held on this legislation?

Mr. PERKINS. Four full days of hearings were held by the distinguished gentleman from Michigan. The bill is very concise. There is nothing complicated about it. The Corps of Engineers has been adhering to the policy and principle enunciated in this bill for years.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Is it not a fact that the gentleman's committee has been considering, and I believe has reported out, legislation that would provide a general Federal program of these occupational safety and health standards, not only for contracting people, not only for the construction industry, not only for those involved in Federal contracts, but for industry generally?

Mr. PERKINS. That is correct. I would describe that bill as an omnibus bill. This is specific legislation dealing only with the construction industry, where we have so many accidents, a high rate of accidents.

Mr. ANDERSON of Illinois. Is there not some inconsistency in what the gentleman is saying? If this is an important subject—and I am sure it is—should we be dealing with it here on this kind of a piecemeal basis?

Mr. PERKINS. We should be dealing with this here today. As the gentleman from Illinois well knows, the other bill has lingered a long time before the Rules Committee. There is much opposition to the other bill. As I see it, there should not be any opposition to this bill.

Mr. ESHLEMAN. Mr. Speaker, I yield myself 2 minutes.

I should like to call the attention of the Members of the House to the wording of the bill, on page 8, starting with line 18:

> No contractor or subcontrator contracting for any part of the contract work shall require any laborer or mechanic engaged in the performance of the contract to work in any plant, factory, building, or surroundings, or under working conditions, which are unsanitary, hazardous, or dangerous to his health or safety.

No one quarrels with the intent of this legislation.

I submit to you that this wording applies to each of us in our own home. On many occasions this wording would apply to our own domicile. Therefore, I submit it is too loosely drawn for a piece of legislation. I believe the Secretary of Labor should be required to hold hearings, to offer appropriate notification, and then to issue findings of fact before issuing an order that an employer violated a Federal standard. In addition, an employer should be permitted to seek judicial review based on the record before the Secretary of Labor. If that is what the bill intends, it should be spelled out in the legislation.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. ESHLEMAN. I yield to the gentleman from Florida.

Mr. CRAMER. I ask the gentleman from Pennsylvania to yield to me for the purpose of addressing some questions to the chairman of the committee, the gentleman from Kentucky, which are of particular concern to me as they relate to the application of this to the highway construction program. I understand, of course, that the Walsh-Healey Act deals with supply contracts and the Service Contracts Act with actual services, those being direct contracts between the Federal Government and the contracting agency. However, in this bill, where you are covering "contracts and subcontracts, grants and loans, or loans insured or guaranteed by the United States or any agency or instrumentality thereunder under any statute of the United States" and so forth, I understand that you are obviously covering the highway construction program. Is that not correct?

Mr. PERKINS. That is correct.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. ESHLEMAN. Mr. Speaker, I yield the gentleman from Florida 3 minutes.

Mr. CRAMER. In addition to that, if the gentleman from Kentucky will answer a further question, the Walsh-Healey service contract is obviously administered by the Federal Government, whereas the highway program is administered by the State roads departments. This in effect requires a State roads department to become the administrative agency to make certain this broad, vague language, which is much broader than Walsh-Healey is conformed to. Is that not correct?

Mr. PERKINS. Let me say to the gentleman that there is no vague language in this bill. The language is clear and concise. But it does cover—it does cover the areas of construction that are federally financed or federally assisted.

Mr. CRAMER. In order to clarify this, I am referring to highway construction.

Is it not true that under this bill this is wording as compared to Walsh-Healey and this bill has much broader application than Walsh-Healey in that it contains a clause, on page 8, line 22, which says "which are unsanitary, hazardous, or dangerous to his health or safety." This bill refers not only to the working conditions of the worker involved in the Federal aid or guaranteed contract, a federally subsidized contractor, but refers to the general condition of the contractor as it relates to other non-Federal aid or guaranteed contracts, nonfederally sponsored as well, and in that report it is a fatal deficiency and needs amendment even to conform it to Walsh-Healey.

In addition, is it not true under Walsh-Healey there is provision for judicial review, but this, for some reason, which I think is obvious, takes it out? Are not both of those questions answerable in the affirmative and this indicates need for amendment which cannot be accomplished under this supervision procedure.

Mr. PERKINS. Let me say to the gentleman that it is not one whit broader than Walsh-Healey.

Mr. CRAMER. It is true, is it not, that that language I referred to on page 8, line 22, is not contained in the Walsh-Healey present act?

Mr. PERKINS. The language in the Walsh-Healey Act is "unsanitary, or hazardous, or dangerous to the health and safety of employees." We use the same language here.

Mr. CRAMER. Also it is broader as it relates to that individual involved in the Federal contract only under Walsh-Healey and not other individuals in the same employment not related to a Government contract.

Mr. PERKINS. The gentleman well knows the only thing we are trying to do here is——

Mr. CRAMER. I sympathize with the purpose, and support employee safety, but this badly needs amendment, I believe, and therefore it should not be brought up under suspension of the rules. I would like to ask the gentleman from Kentucky why he did not get a rule on it so that we could work our will on this through the proper procedure so as to protect State-administered agencies such as highway departments and to prevent it from doing more harm to good Federal programs by providing unnecessary redtape and Federal intervention in accomplishing safe employment conditions.

Mr. PERKINS. I will answer the gentleman's question if he will give me time.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Florida has consumed 3 minutes and the gentleman from Pennsylvania [Mr. ESHLEMAN] has consumed 2 minutes, for a total of 5 minutes.

Mr. ESHLEMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Speaker, I do not want to sound querulous this afternoon but as a member of the Committee on Rules I am beginning to feel just a little bit put upon.

Mr. Speaker, when we made the decision many months ago that the Committee on Rules was going to give everyone an opportunity up until the 9th of July to request a rule and after that time we were going to close the door of the committee for the granting of other rules, we were greeted with great favor and enthusiasm and accord.

Now, however, the attitude seems to be that we should bypass the procedure of having a vote on these matters by the Committee on Rules; that somehow we are impeding the consideration of legislation by the failure to consider further rules, and are thereby, of necessity, obliged to resort to the suspension procedure.

Mr. Speaker, let me point out the fact that the history of this legislation began in August 1967. The last hearings on this bill were held almost 6 months ago, February of this year. However, it was not until the 24th day of July that the Committee on Education and Labor finally got around to reporting a bill, I will say to the gentleman from Kentucky [Mr. PERKINS], and that was after the deadline which had previously been established. I should like to say therefore that there was no dereliction on the part of the Committee on Rules. However, we are confronted with considering a piece of legislation which affects a $100 billion industry in this country under a procedure whereby we cannot even offer an amendment. We either have to take this or nothing.

Mr. Speaker, I am concerned that there is no provision for judicial review in this bill that comes before us today. I have gone over the provisions of the Administrative Procedure Act which has been represented as having application to the Walsh-Healey Act and there was not anything in there that referred to the unsanitary or hazardous conditions which are referred to in this bill.

The provisions which were made by the Congress in the Walsh-Healey Act dealing with judicial review included, but were not limited to, wage determinations and the interpretation of the terms "locality," "regular dealer," "manufacturer". However, it did not make any reference to the terms "unsanitary," "hazardous," "or dangerous to his health and safety" which are employed in the bill before us.

Mr. Speaker, I would suggest that commonsense dictates the fact that we ought to amend this particular act to include these conditions, with language which reads: "including, but not limited to, wage determinations and the interpretation of the terms 'locality,' 'regular dealer,' 'manufacturer,' and 'open-market'" and also including, but not limited to the terms "unsanitary," "hazardous," "or dangerous to his health and safety." I make this suggestion because the language of this bill refers to "unsanitary," "hazardous," and "or dangerous to his health and safety." However, I am absolutely prevented as well as are other Members under the procedure today from even offering an amendment of that kind. I think I have the right, not only as a member of the Committee on Rules but as a Member of the House to offer pertinent amendments and I am prevented from doing so because the Committee on Education and Labor has waited so long before bringing a matter as important as this to the floor of the House under this type of procedure rather than having obtained a rule thereon.

Mr. PERKINS. Mr. Speaker, I think the gentleman from Illinois would agree that there is a remedy under judicial review contained in this legislation. The Administrative Procedures Act clearly provides for that and there was no necessity to repeat it.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. ANDERSON of Illinois. I disagree with the interpretation which the gentleman from Kentucky has just indicated.

Mr. ESHLEMAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Speaker, I rise in support of this legislation. The previous speaker spoke of no judicial review provisions in this legislation. However, I recognize and I am sure many Members of the House recognize the fact that the Davis-Bacon Act does not provide for judicial review. Yet, it has operated quite successfully.

I think we must bear in mind that there are three basic acts today in existence involving Federal contracting. First is the Davis-Bacon Act which relates to construction. Second, there is the Walsh-Healy Act which is designed for contracts involving the purchase of supplies. Third are the contracts involving services. Both the Walsh-Healy and the service contracts do carry these provisions for safety protection. But the construction industry does not.

Mr. Speaker, I do not see any reason why it is not logical that the construction industry should have the same kind of protection that the other two areas of Government contracting have.

Mr. ESHLEMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. WINN].

Mr. WINN. Mr. Speaker, I thank the gentleman for yielding. I would like to point out, as has been mentioned by the gentleman from Illinois [Mr. ANDERSON], that the bill (H.R. 2567) is a controversial bill on which no hearings were held. The story behind it is really this: The House Committee on Education and Labor held no hearings on the amendments to H.R. 2567 and these have been substituted for our consideration.

This bill, H.R. 2567, should have additional amendments, as Mr. ANDERSON has noted——

Mr. PERKINS. Mr. Speaker, will the gentleman yield for clarification?

Mr. WINN (continuing). In order to protect the public interest, and to provide for adequate hearings and court review.

In my opinion, Mr. Speaker, it should also provide for safeguards to protect existing State and Federal safety programs, and avoid duplication. No one is against safety if we have cordinated programs and standards set, but we are not getting a chance to make such amendments, because these amendments cannot be offered under a suspension of the rules that we are working under today.

I would like to say at this time also that the contractors and the subcontractors have had a very good safety record, as the gentleman from Michigan pointed out when he stated that the Department of Labor had reviewed 1,000 cases and had found very few instances of a bad safety record. I agree that the contractors have had a good record. But I believe the fact is that this bill is brought up under a suspension of the rules without such amendments necessary to make this good safety legislation.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. ESHLEMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. STEIGER].

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise in support of this legislation.

If the bill is passed today—and I hope it is—I can concur that there are places in the bill that could well be amended by the other body when it takes up this legislation after it has been adopted by the House.

The questions that have been raised by some of those who have spoken in opposition to it this afternoon I believe are relevant, but I believe most are answered by the legislation and by the committee report.

I might say, Mr. Speaker, that I want to make it very clear that this bill is not the occupational safety and health bill. That legislation has been mentioned. That is the bill about which I have some serious reservations in its present form. I want to make it clear on the record that this is not the same bill, it is not the same approach. This construction safety bill has been amended by the Committee on Education and Labor, and by the subcommittee, because of the opposition of some of us on the committee to the approach that was used in the original bill as introduced by the gentleman from Michigan.

What this does is extend to an area as yet uncovered the safety provisions that are now applicable in Walsh-Healey and in the Contract Standards Act. The Federal Government today is providing, as the gentleman from Michigan and the gentleman from Kentucky have both pointed out, the kind of safety precaution for the contract work done today by the Federal Government, and on which there are Federal moneys involved, and where there are grants or loans.

I would suggest to those who might be concerned about this bill, to ask yourselves why if since 1936 we have provided safe conditions for those who perform contracts in other than the construction industry, why we should not today extend that same coverage to those engaged in the construction industry?

The construction industry has an outstanding program with many firms on safety, but it is not perfect. At the time of the hearings—and if the members of the committee and of the House will look at the hearings records they will find that the contractors' association appeared and said that our own Federal agencies have a great deal to do with safety regulations for construction work.

But the problem is as I pointed out to Mr. Naumann when he appeared before the committee, it is indeed confusing—FHA has one standard, the Corps of Engineers has another standard, and the Bureau of Public Roads has a third standard. I think it is time we standardized to the degree possible under this bill the construction work efforts of the Federal Government.

I know that people in the House of Representatives have received telegrams as have I from the International Brotherhood of Electrical Workers, from the United Brotherhood of Carpenters and Joiners of America, and the building and construction trades department of the AFL–CIO urging our support of this legislation. As C. J. Haggerty, president of the building and construction trades department pointed out in his wire:

> Despite the high incidence of disabling and fatal accidents—second only to mining—the construction industry is the only major industry in the country which has no federal standards for safety on government contracts.

These are people who are involved because they are working with and representing the men who work in the construction industry. They have a legitimate interest and I think it ought to be promoted and I hope that the bill is adopted.

Mr. ESHLEMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. RHODES.]

Mr. RHODES of Arizona. Mr. Speaker, I hope that this bill will not pass today.

I do not think there is anybody on the House floor who is not in favor of safety. But this bill does some things that I do not think we want to have done. In the first place, it adopts a piece of legislation so far as safety standards are concerned where the standards are so incomplete and imprecise as to be almost nonexistent.

A second thing that it does, and this is just something that I picked out, and I would like to have the attention of the chairman of the committee on this—let me read from the committee report here starting on page 3:

> For this reason, and because, as has been pointed out above, construction alone is not covered by the Walsh-Healey and McNamara-O'Hara Acts, your committee has chosen to strike all the detailed provisions of H.R. 2567 and replace them with an amendment to the Contract Work Hours Standards Act, providing that contracts involving construction to which the United States, any agency or instrumentality thereof, any territory thereof, or the District of Columbia, are a party, or which are financed in whole or part by loans or grants from, or loans insured or guaranteed by, the United States.

Now I want to ask the gentleman from Kentucky if this does not mean that if a contractor is building a house which has a loan guaranteed by the FHA and if the FHA decides that he is in violation of some safety standard which they might have promulgated under this act, if they would not only be liable on that particular contract but could also be debarred from participating in any other FHA contract for 3 years, and this without regard as to whether or not the owner of the house or the union representing the people on the job ordered that to be done. Is that a fair interpretation of this language?

Mr. PERKINS. Let me say to the gentleman that it is not that simple. It does provide for a cancellation of the contract. But that is a question of fact, which must be determined by appropriate procedures. The Secretary could not act arbitrarily or capriciously.

Mr. RHODES of Arizona. Mr. Speaker, will the gentleman please answer my question?

Would this not have the effect that I mentioned, if the contractor was guilty that the penalty would be that he could be debarred from participating in any other FHA contract for a period of 3 years?

Mr. PERKINS. If the contractor were guilty, funds could be withheld under these circumstances.

Mr. RHODES of Arizona. Whether or not the person who owned the house or who was building a house wanted it done or whether the union representing the workers wanted it done or not?

Mr. PERKINS. If the contractor were guilty and the Secretary of Labor recommended the extreme sanction, he could not be debarred. Debarment applies today under Walsh-Healey, and would apply under this bill only in case of direct Federal contracts.

Mr. RHODES of Arizona. Does not my friend, the gentleman from Kentucky, see the difference here—you have a guarantee—you have other people involved than the contractor that the Government has?

Mr. PERKINS. This bill follows the Walsh-Healey Act.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Speaker, I rise in support of H.R. 2567, the construction safety bill, and I pay tribute to its principal sponsor, the gentleman from Michigan [Mr. O'HARA], on having conducted several days of hearings on the proposal and giving careful consideration to it.

This is a simple and straightforward bill to remedy a flaw in our legislation covering the conditions under which the employees of Federal contractors will work. The bill breaks no new ground.

As the report points out, employees of persons who have supply contracts, service contracts, or construction contracts with the United States must all be paid at least the prevailing minimum wage. Employees of persons holding the first two named types of contracts must also be employed under safe and healthful working conditions. It seems to me an unexceptional and very reasonable requirement on the part of the United States that employers seeking to perform construction work under contract with the United States should be required to provide their employees with working conditions which are safe and healthful.

Contractors, in the last analysis, are seeking to sell goods or services to the United States. I see no compelling reason why the United States should not require uniform conditions of all who seek to sell to it. This is all, Mr. Speaker, that H.R. 2567 does. I urge its passage.

The **SPEAKER** pro tempore. Does the gentleman from Kentucky desire to yield additional time?

Does the gentleman from Pennsylvania desire to yield additional time?

The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 2567, as amended.

Mr. **WAGGONNER**. Mr. Speaker, I have been attempting to get time, and the time has not expired.

Mr. **PERKINS**. Mr. Speaker, let me clarify one thing. We intend to utilize our time, but we expected the minority to yield time first.

The **SPEAKER** pro tempore. The Chair would like to inquire how many speakers the gentleman from Kentucky has.

Mr. **PERKINS**. We have one speaker, but he is going to yield to the gentleman from Louisiana.

Mr. **ESHLEMAN**. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. AYRES].

Mr. **AYRES**. Mr. Speaker, I yield to the gentleman from Florida so that he may ask the gentleman from Kentucky a 30-second question.

Mr. **CRAMER**. I want to follow up on the question asked by the gentleman from Arizona [Mr. RHODES] in relation to an FHA guarantee in a home construction situation. It is true, referring to page 9, lines 3 and 4, that in addition to the penalty suggested by the gentleman from Arizona [Mr. RHODES], there could be a 3-year debarment from Federal home construction. There is also a penalty in charging "additional costs for hiring another contractor chargeable to the initial contractor," which shows how far afield you are going where you have contractors and subcontractors and a homeowner involved instead of the Federal Government and a contractor as under present law, as compared to a Walsh-Healey situation.

Mr. **PERKINS**. The only penalty, as I understand, in the case used by the gentleman, is withholding funds. As the gentleman well knows, we have the other penalty provisions in many other pieces of legislation. We have them written even in Walsh-Healey. But these other penalties only apply, under this bill, to direct Federal contracts, not to the kind of federally guaranteed contracts we are talking about here.

Mr. **AYRES**. Mr. Speaker, in respect to the comments that have been made today I find myself in agreement concerning the procedural situation with which we are confronted. I am for this bill. I would be for it if it came out of the Rules Committee and was subject to the amendment process. But I do not think it is quite fair for anyone to say that the gentleman from Kentucky or that this committee has done something to try to bypass the House working its will on this legislation. That is not the situation at all. We know that in all probability, had normal procedure been followed, this measure would have received a rule. There is not the least doubt in my mind that the majority of the Members of the House would vote for it under the regular procedure.

Mr. **ANDERSON** of Illinois. Mr. Speaker, will the gentleman yield?

Mr. **AYRES**. In just a moment I will yield to the gentleman, who sits on the Rules Committee, does a wonderful job there, and in all instances is so cooperative. I recall that we had a bill up here some time ago under suspension. The gentleman objected to the procedure. I gave him time to speak. He had 10 minutes. We would have given him more time. The bill was defeated and we brought it back to the House under a rule. We were told that there had to be a rule so that amendments could be offered. The gentleman from Illinois was so considerate that he did not offer any amendments. The bill passed. And I am quite confident that should this bill fail today, we will get a rule, maybe not this year, for I understand the Rules Committee has not——

Mr. **ANDERSON** of Illinois. Mr. Speaker, will the gentleman yield, since he used my name?

Mr. **AYRES**. I did not use the gentleman's name, but I was referring to him, so I am glad to yield to the gentleman from Illinois.

Mr. **ANDERSON** of Illinois. I rather gathered from your remarks that you did have me in mind. I did want to assure the gentleman from Ohio that when the measure comes before the Rules Committee and he asks for a rule on this particular piece of legislation, I for one shall vote for it. I am in favor of a rule being granted.

Mr. **AYRES**. When is the Rules Committee going to meet again?

The **SPEAKER** pro tempore. The time of the gentleman from Ohio has expired.

Mr. **PERKINS**. Mr. Speaker, I yield the remainder of my time to the distinguished gentleman from Michigan [Mr. O'HARA].

Mr. **O'HARA** of Michigan. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. **WAGGONNER**. Mr. Speaker, the purpose of this legislation is good; I have a number of questions, but time will permit me to ask only one: Will the gentleman tell me what provisions are made in this legislation to provide for judicial appeal in an instance where a bureaucratic agency official of the Federal Government blacklists a contractor or a subcontractor for a violation, either large or small, of this act?

Mr. **O'HARA** of Michigan. My response to that, Mr. Speaker, is that the provisions of the Administrative Procedures Act apply to legislation enacted by this Congress unless the Congress in specific terms exempts a particular piece of legislation from the provisions of the Administrative Procedures Act. This legislation in no way attempts to exempt itself from the Administrative Procedures Act. Therefore, it will be subject no more or no less than any other piece of similar legislation to the provisions of the Administrative Procedures Act.

Mr. **WAGGONNER**. Then does the Administrative Procedures Act provide for judicial appeal?

Mr. **O'HARA** of Michigan. It does indeed. But in order to answer that question exactly, I would have to know exactly what came up and how it came up, because certainly we do not have judicial review for everything that comes up under Federal legislation, but we do have for much. But this legislation is the same as all other safety and health legislation in terms of judicial review.

Mr. **WAGGONNER**. Then it would be possible a contractor or subcontractor could be blacklisted and would be prevented from doing work for the Federal Government for 3 years and not have the benefit of judicial appeal?

Mr. **O'HARA** of Michigan. Mr. Speaker, I think in some circumstances they might, but only to the same extent to which it can now be done under the Walsh-Healey Act or under the McNamara-O'Hara Act, which apply to supply and service contracts, respectively.

Mr. Speaker, H.R. 2567 is a simple and rather obvious piece of legislation to remedy a longstanding anomaly in the law.

In the committee report which he filed with this House as his last official act before his death, our late colleague Elmer Holland said:

> This bill, in short, breaks no new ground. It does remedy long years of oversight with respect to an important segment of American workingmen.

And this is precisely what this bill does, and all it does. To understand the context of H.R. 2567 is to understand the argument for it.

There are three basic kinds of contracts with the U.S. Government which involve the employment of wage earning employees.

These are procurement contracts, construction contracts, and service contracts.

All three types of contracts are covered by legislation now on the books calling for the contractor to guarantee that he will pay not less than the prevailing minimum wage to his employees.

Service contracts have been so covered for 2 years.

Procurement contracts have contained this requirement for 32 years, and construction contracts for 37 years.

Two of the three types of contracts also must, under present law, contain assurances that the employees will work under safe and healthful working conditions.

Service contract employees, under the McNamara-O'Hara Act, and employees engaged in the manufacture of goods for the Government, under the Walsh-Healey Act, are so protected.

Only construction workers are denied this protection.

This bill seeks to do no more than to treat the employees of Government construction contractors the same way that the employees of other Government contractors are already treated.

It is that simple.

The question, then, is whether or not we wish to continue to extend to the construction industry a special privilege—an exemption from the conditions that all other Federal contractors must live with—and for which, in the entire testimony on this legislation, no justification was ever offered.

The question of the testimony, Mr. Speaker, brings me to the issue which the few opponents of this bill have sought to raise—the procedural question.

Some segments of the construction industry seem to oppose this bill because, they allege, no hearings were held on it.

I hold in my hand, Mr. Speaker, the printed hearings on H.R. 2567—a printed record of 4 days of public hearings, held in the usual place here in Washington, under the normal conditions, following the customary procedures.

The construction industry was invited to send witnesses to these hearings, to testify before the subcommittee which held the hearings—and, indeed, Mr. Speaker, they did send witnesses and 1 of the 4 days of hearings was entirely devoted to their testimony.

I do not understand the basis on which the claim has been advanced that no hearings were held on this problem—but the claim is totally without foundation.

The bill which we are now considering, to be sure, has been substantially amended in executive sessions which were held after the hearings were concluded.

But I believe that most of the Members of this House would concur that proper procedure for a committee is to take the evidence first and then come to a conclusion.

I can imagine the complaints that would have been advanced—and justly so—if we had reported an amended bill first, and then held hearings afterward.

The bill itself takes the form of an amendment to the Contract Work Hours Standards Act, and provides simply that any contracts involving construction to which the United States, any agency or instrumentality of the United States, any territory, or the District of Columbia are a party, or which are financed in whole or in part by loans or grants from, or loans insured or guaranteed by, the United States, must contain a provision that workers on such contracts shall not be required to work under conditions which are unsanitary, hazardous or dangerous to their health or safety.

In the case of a violation of a contract with the Government, the agency for which the work is done has the right to cancel the contract where such assurances are violated.

Where the work is not done for, but merely financed by the United States, the agency extending the financial aid shall withhold it in case of violation.

Some critics of the bill have suggested that the absence from the proposed bill of statutory standards of health and safety means that the Secretary of Labor will have unfettered discretion as to what conditions he deems unsafe and hazardous, and that he will engage in such ludicrous activities as declaring that the Federal Government cannot build tall buildings because they are inherently unsafe, or help in the construction of improved sewage disposal facilities because they are inherently unhealthful.

This argument overlooks two things.

First, it overlooks the fact that subsection 1(b) of this bill provides that sections 4 and 5 of the Walsh-Healey Act shall govern the Secretary's authority to enforce the bill, and section 5 of Walsh-Healey provides for an adjudicatory hearing, with full opportunity for the offending employer to protect his rights.

Second, and more significantly, it overlooks the fact that supply contractors have been operating for 32 years under this same kind of provision, and the successive Secretaries of Labor have not abused their authority under Walsh-Healey in any way remotely resembling the absurd suggestions of the opponents of this bill.

The Secretary of Labor has just signed, and there will shortly appear in the Federal Register a new system of procedure under Walsh-Healey, quite similar to the system that has been in operation under the Service Contracts Act. It is the hope of the sponsors of this bill, and I believe it is the intention of the Secretary of Labor, that when this new system is promulgated, it will also be utilized to govern the operations of this act.

Essentially, the new proposals involve the use by the Department of Labor of consensus safety and health standards, developed by committees representative of management, labor, and Government and of all interests involved and representing broad agreement among all such interests.

Where voluntary consensus standards do not exist, the Department will utilize applicable proprietary standards developed by nationally recognized groups such as the American Society of Mechanical Engineers, American Petroleum Institute, National Fire Protection Association, American Society for Testing & Materials, American Conference of Governmental Industrial Hygienists, Manufacturing Chemists Association, and others.

Such proprietary standards would be adopted after appropriate public hearings and consultation with interested parties.

Where no such consensus or proprietary standards exist, standards developed by other governmental agencies, Federal and State, would be considered.

Where a complete void exists, the Department's technical staff would develop standards, which would, again be promulgated only after all interested parties are given an opportunity to participate in reviewing the draft standards, and after public hearings.

These new proposals have been developed after lengthy departmental consultation with management, labor, trade associations, and safety organizations, and I am advised their eventual approval is very probable.

If this act becomes law, and these new procedures are approved, I think it is fair to say that such widely recognized safety codes as the Associated General Contractors' Manual, to the extent it is appropriate, would be among the bases for the kind of procedure set forth above.

I do not wish to prejudice the case for or against the AGC Manual as such, but it is typical of the kind of proprietary standards which have been utilized under the Service Contracts Act, and can be utilized under Walsh-Healey—and presumably, under this bill.

Mr. Speaker, in order to make more concrete the kind of standards and the kinds of procedure we are talking about, I include at this point in the Record a January 19, 1968, letter from Mr. David Swankin, Director of the Bureau of Labor Standards, describing procedures under the Service Contracts Act, and an excerpt from the Federal Register going into further detail on the same subject:

U.S. Department of Labor, Wage and Labor Standards Administration, Bureau of Labor Standards,
Washington, D.C., January 19, 1968.

Gentlemen: These regulations list generally accepted safety and health standards as guides to Federal service contractors in complying with the 1966 Service Contract Act.

While these guides do not have the force and effect of law, they are issued primarily to inform service contractors of the standards the Department will use in adjudging compliance with the Service Contract Act.

The standards represent a consensus of all substantially interested groups and have been widely accepted as authoritative by business and industry throughout the United States.

The Service Contract Act requires that each contractor to whom it applies stipulate that "no part of the services covered by this Act will be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or any subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services."

The question of what conditions are unsanitary or hazardous or dangerous is, under the Act, a question of fact to be resolved after investigation by evidence received at a formal administrative adjudication of the type described in section 5 of the Walsh-Healey Public Contracts Act of June 30, 1936 (49 Stat. 2036), as amended. There respondents will have the opportunity to establish that their failure to comply with the standards did not result in conditions which are "unsanitary or hazardous or dangerous to the health or safety of service employees" within the meaning of the Act.

David Swankin,
Acting Director.

[From the Federal Register, FR 32, 21036, and 21037]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR—CHAPTER XIII—BUREAU OF LABOR STANDARDS, DEPARTMENT OF LABOR—PART 1516—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Chapter XIII of Title 29 is amended by the addition of the following new Part 1516:

Sec.
1516.1 Scope and application.
1516.2 Safety and health standards.
1516.3 Records.

Authority: The provisions of this Part 1516 issued under McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351, et seq.); 5 U.S.C. 301.

§ 1516.1 Scope and application.

(a) The McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351, et seq.) requires that every contract entered into by the United States or the District of Columbia in excess of $2,500 (except as provided in section 7 of the Act), the principal purpose of which is to furnish services in the United States through the use of service employees, must contain, among other provisions, a stipulation that "no part of the services covered by this Act will be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or any subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services." This Part 1516 expresses certain minimum safety and health standards which will be applied in the administration and enforcement of the Act to determine whether services covered by the Act are being, or have been, performed in compliance with its safety and health requirements.

(b) Except as provided in paragraph (c) of this section, investigators conducting investigations, and all officers of the Department of Labor evaluating, reviewing and analyzing investigations, as well as all officers of the Department determining whether there are or have been violations of the safety and health requirements of the McNamara-O'Hara Service Contract Act of 1965 or any contract subject thereto and the terms on which there may be a settlement of issues arising from an investigation without resort to administrative or judicial litigation, will assume that failure to comply with, or violation of, the safety and health measures provided in § 1516.2 results in working conditions which are "unsanitary or hazardous or dangerous to the health or safety of service employees" within the meaning of section 2(a)(3) of the Act and the contract stipulation it requires.

(c) In formal enforcement proceedings under the Act, respondents will be permitted to demonstrate, by reliable, substantial, and probative evidence that their failure to comply with the requirements expressed in this Part 1516 did not result in working conditions unsanitary or hazardous or dangerous to the health or safety of service employees. They may anticipate that evidence will be adduced on behalf of the Department to support the assumption expressed in paragraph (b) of this section. Officers making decisions will do so in accordance with Part 6 of this title.

(d) The standards expressed in this Part 1516 are for application to ordinary employment situations, and do not preclude proof or recognition of the necessity for additional standards in employment situations of extraordinary hazard. Neither do the standards expressed in this Part 1516 purport to cover all of the working conditions which are unsanitary or hazardous or dangerous to the health or safety of service employees. Other working conditions may be found to be unsanitary or hazardous or dangerous to the health or safety of such employees on evidence to that effect.

(e) Compliance with the standards expressed in this Part 1516 will not relieve anyone from any obligation he may have to comply with any stricter standard, such as state or local law or ordinance or collective bargaining agreement.

§ 1516.2 Safety and health standards.

(a) Every contractor and subcontractor shall protect the safety and health of service employees by complying with the applicable standards, specifications, and codes developed and published by the United States Department of Labor or any other agency of the United States and nationally recognized professional organizations. Information as to the latest standards, specifications, and codes applicable to a particular contract or invitation for bids is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

1. North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).
2. Middle Atlantic Region, 1110-B Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).
3. South Atlantic Region, 1371 Peachtree Street NE, Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).
4. Great Lake Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).
5. Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).
6. Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).
7. Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

(b) The following agencies and organizations, without limitation, are examples of those referred to in paragraph (a) of this section:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of Interior.
United States of America Standards Institute (American Standards Association).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

§ 1516.3 Records.

(a) Every contractor or subcontractor shall maintain the following records for each service contract:

(1) Records of all work injuries to service employees, including a brief description of the manner of occurrence and the date and duration of disability.

(2) Records of injury frequency rates, calculated annually on a calendar year basis commencing the first of January of each year as defined in United States of America Standards Institute, 1954 (Revised 1959) Z 16.1 "Method of Recording And Measuring Work Injury Experience."

(3) Records of injury severity rates, calculated annually on a calendar year basis commencing the first of January of each year as defined in United States of America Standards Institute, 1954 (Revised 1959) Z 16.1 "Method of Recording And Measuring Work Injury Experience."

(b) The records required by paragraph (a) of this section shall be kept on file at least 3 years from the date of entry, and shall be available for inspection by authorized representatives of the Secretary of Labor.

[F.R. Doc. 67-15171; Filed, Dec. 29, 1967; 8:49 a.m.]

Mr. Speaker, construction is a dangerous business. The National Safety Council's figures for accident frequency rates in the construction business show that in the construction trades are 12.24 disabling injuries per million man-hours worked—a figure almost twice the average for all industry.

From 1961 when the method of reporting injuries was altered by the National Safety Council, through 1966, according to figures filed with the committee by the Associated General Contractors, there has been almost no change whatever in this frequency rate.

In short, the trade is dangerous, and it is not improving.

These figures, of course, are those voluntarily submitted to the National Safety Council by its member firms—firms which are, by definition, the most safety-conscious firms.

In the same hearings, the figures of the Bureau of Labor Statistics were introduced in evidence, and they show, among all reported firms in the construction industry an accident frequency rate of 30.9 disabling injuries per million man-hours worked in 1958, and of 28.3 in 1965.

Again, as among the safety-oriented members of the National Safety Council, there simply has not been any improvement in the past several years.

Mr. Speaker, the U.S. Government spends a lot of money every year for construction.

We construct highways, we construct office buildings, military installations, and we make or guarantee loans for the construction of all sorts of buildings from single-family homes to huge high-rise apartments.

We spend, as I say, a lot of money and there is, as there should be, controversy in this House about whether or not we are spending too much money in this area.

But that is not the issue here today.

The issue here is whether or not we are spending too many lives, too many people's health in carrying out these construction activities.

I think there would be no argument at all over the idea that one life is too many.

It seems to me that the very least we can do is to make the same effort to save lives and preserve the health of our people who are doing our construction work for us, as we have been making for the past 30 years to protect the lives and health of those Americans who produce goods for the use of the U.S. Government.

On that proposition, Mr. Speaker, I rest the case for this bill.

Mr. BINGHAM. Mr. Speaker, I am pleased to add my voice to the others supporting adoption of H.R. 2567, the construction safety bill. We have long since made it a public policy that men and women shall not work on any jobs for which pay is too low. Thus, we make it clear that we seek neither goods nor services at the expense of decent incomes. It is long since time that we adopted an enforceable public policy that we do not want goods or services made under conditions which jeopardize the health and safety of any American workers.

From what I can tell, there are few jobs in the construction industry that are inherently dangerous. Most of the hazards are avoidable, if the industry decides to have work performed under conditions calculated to minimize potential hazards. This bill is aimed at doing just that.

Industrial workers enjoy Federal safety standards and, though these could be improved, they do serve to reduce injuries. There is no reason why construction workers should not have comparable protections when, in fact, it is the Federal contracts which are the basis of the work to be done.

Our building and construction workers are highly skilled and perform under demanding conditions. There is no reason why we should not try to protect them from hazards which can be abated.

Mr. O'HARA of Illinois. Mr. Speaker, there is no one on Capitol Hill who is held in higher esteem and warmer affection than Walter Mason. I have received a telegram signed jointly by C. J. Haggerty, president of the Building and Construction Trades Department and Walter J. Mason, director of legislation. These gentlemen of unquestioned integrity do not give out figures until they have been carefully checked and verified. When they tell me that there have been 225,000 disabling injuries and 2,700 deaths in the construction industry I am appalled, and I am indignant that nothing has been done by the Congress in so long a time to put a stop to this frightful and inexcusable sacrifice of human lives. I would expect H.R. 2567 to pass without a dissenting vote. If I were to vote against it I could not continue to live with my conscience. What H.R. 2567 does is to give the protection of sound law to 4 million building tradesmen throughout the Nation that, come another year, another 2,700 of them will not have lost their lives and another 225,000 will not have suffered disabling injuries. There can be no excuse in reason or in conscience for anyone to cast a negative vote.

Mr. Speaker, I am extending my remarks to include the full text in the telegram I have mentioned:

Hon. BARRATT O'HARA:

On behalf of the 17 international unions affiliated with the department representing approximately four million building tradesmen throughout the country, we urgently request your favorable support of H.R. 2567, the construction safety bill, designed to establish Federal safety standards for all federally assisted construction projects similar to the safety standards provided under the Walsh-Healey and Service Contracts Acts and other Federal statutes. This bill is scheduled to be brought up on the Suspension Calendar, Monday, September 16. Despite the high incidence of disabling and fatal accidents—second only to mining—the construction industry is the only major industry in the country which has no Federal standards for safety on Government contracts. The most recent statistics reveal that there were 225,000 disabling injuries and 2,700 deaths in the construction industry. It must be noted that these statistics occurred under presently existing circumstances in which only four States have safety inspectors assigned to inspect construction sites only. Any delay in the passage of this vitally needed legislation will only result in the continuation and increase of these frightening figures. Your presence on Monday to cast your vote in favor of this bill is most urgent.

C. J. HAGGERTY,
President, Building & Construction Trades Department.
WALTER J. MASON,
Director of Legislation.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 2567, as amended.

The question was taken.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 136, not voting 98, as follows:

[Roll No. 324]

YEAS—197

Addabbo
Albert
Annunzio
Aspinall
Ayres
Barrett
Bates
Bell
Bennett
Biester
Bingham
Blanton
Brademas
Brasco
Brock
Brooks
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Carter
Clausen, Don H.
Cleveland
Cohelan
Conable
Conte
Corbett
Corman
Cowger
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Delaney
Dellenback
Dent
Dickinson
Diggs
Dingell
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Grover
Gubser
Gude
Halleck
Halpern
Hamilton
Hanley
Hansen, Wash.
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Howard
Hungate
Irwin
Joelson
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kluczynski
Kyros
Latta
Leggett
Long, Md.
Lukens
McCarthy
McCloskey
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
Machen
Mailliard
Matsunaga
Meeds
Meskill
Miller, Ohio
Mills
Minish
Mink
Monagan
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Ottinger
Patten
Pelly
Pepper
Perkins
Pike
Pirnie
Pollock
Price, Ill.
Pryor
Pucinski
Quie
Railsback
Randall
Reid, N.Y.
Reinecke
Reuss
Rhodes, Pa.
Riegle
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Shipley
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Tenzer
Tiernan
Tunney
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wydler
Young
Zablocki
Zwach

NAYS—136

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Baring
Battin
Belcher
Berry
Betts
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Clancy
Clark
Collier
Colmer
Cramer
Davis, Wis.
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Edwards, La.
Erlenborn
Eshleman
Everett
Findley
Flynt
Fountain
Fuqua
Galifianakis
Gardner
Gathings
Goodling
Griffin
Gross
Hagan
Haley
Hall
Hammerschmidt
Hardy
Harrison
Harvey
Herlong
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
Kleppe
Kornegay
Kuykendall
Kyl
Laird
Lennon
Lipscomb
McClory
McClure
McEwen
McMillan
MacGregor
Mahon
Marsh
Martin
Mayne
Mize
Montgomery
Nichols
O'Neal, Ga.
Passman
Patman
Poage
Poff
Price, Tex.
Purcell
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Roberts
Robison
Rogers, Fla.
Roth
Rumsfeld
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Selden
Shriver
Sikes
Smith, Calif.
Snyder
Steiger, Ariz.
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Ullman
Vander Jagt
Waggonner
Walker
Watkins
Watson
Whalley
Whitener
Williams, Pa.
Winn
Wylie
Wyman
Zion

NOT VOTING—98

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Bevill
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Broomfield
Brown, Calif.
Bush
Cabell
Casey
Celler
Clawson, Del
Collins
Conyers
Curtis
Dawson
de la Garza
Donohue
Dow
Eckhardt
Eilberg
Esch
Fino
Fisher
Ford, Gerald R.
Gettys
Giaimo
Green, Oreg.
Griffiths
Gurney
Hanna
Hansen, Idaho
Hébert
Henderson
Hicks
Horton
Hunt
Ichord
Jacobs
Karsten
King, Calif.
Kupferman
Landrum
Langen
Lloyd
Long, La.
McCulloch
Madden
Mathias, Calif.
Mathias, Md.
May
Michel
Miller, Calif.
Minshall
Morton
Nelsen
Nix
Olsen
O'Neill, Mass.
Pettis
Philbin
Pickle
Podell
Rarick
Rees
Resnick
Rivers
Roudebush
Roybal
St. Onge
Satterfield
Schweiker
Sisk
Skubitz
Smith, Okla.
Springer
Steed
Stephens
Thompson, Ga.
Thompson, N.J.
Tuck
Utt
Watts
Whitten
Wiggins
Willis
Wilson, Bob
Wright
Wyatt
Yates

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. O'Neill of Massachusetts for, with Mr. Fisher against.

Mr. Philbin and Mr. Halpern for, with Mr. Casey against.

Mr. Donohue and Mr. Horton for, with Mr. Satterfield against.

Mr. St. Onge and Mr. Giaimo for, with Mr. Ashbrook against.

Mr. Adams and Mr. Celler for, with Mr. Hanna against.

Mr. Podell and Mr. Thompson of New Jersey for, with Mr. Tuck against.

Mr. Nix and Mr. Eilberg for, with Mr. Skubitz against.

Mr. Boland and Mr. Yates for, with Mr. Lloyd against.

Mr. Madden and Mr. Brown of California for, with Mr. Utt against.

Mr. Roybal and Mr. Sisk for, with Mr. Smith of Oklahoma against.

Mr. Miller of California and Mr. Blatnik for, with Mr. Whitten against.

Mr. Kupferman and Mrs. Griffiths for, with Mr. Henderson against.

Mrs. Green of Oregon and Mr. Rees for, with Mr. Ashmore against.

Mr. King of California and Mr. Ashley for, with Mr. Stephens against.

Mr. Boggs and Mr. Olsen for, with Mr. Gettys against.

Until further notice:

Mr. Bevill with Mr. Adair.
Mr. Karsten with Mrs. Bolton.
Mr. Watts with Mr. Fino.
Mr. Wright with Mr. Broomfield.
Mr. Rivers with Mr. Gerald R. Ford.
Mr. Willis with Mr. Bob Wilson.
Mr. Eckhardt with Mr. Springer.
Mr. Hicks with Del. Clawson.
Mr. Jacobs with Mr. Roudebush.
Mr. Rarick with Mr. Morton.
Mr. Steed with Mr. Esch.
Mr. Cabell with Mr. Mathias of California.
Mr. de la Garza with Mr. Hunt.
Mr. Resnick with Mr. McCulloch.
Mr. Anderson of Tennessee with Mr. Mathias of Maryland.
Mr. Landrum with Mr. Blackburn.
Mr. Long of Louisiana with Mr. Michel.
Mr. Dow with Mr. Nelsen.
Mr. Ichord with Mr. Collins.
Mr. Dawson with Mr. Minshall.
Mr. Conyers with Mr. Curtis.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Wyatt with Mr. Bush.
Mrs. May with Mr. Pettis.
Mr. Hansen of Idaho with Mr. Langen.
Mr. Schweiker with Mr. Wiggins.

Mr. PASSMAN and Mr. HAGAN changed their votes from "yea" to "nay."

Mr. POLLOCK, Mr. LATTA, and Mr. DON H. CLAUSEN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks announced that the Senate disagrees to the amendments of the House to the bill (S. 119) entitled "An act to reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Church, Mr. Nelson, Mr. Kuchel, and Mr. Jordan of Utah to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON S. 119, NATIONAL SCENIC RIVERS SYSTEM

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 119) to reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, with House amendment thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. Aspinall, Taylor, Johnson of California, Udall, Kastenmeier, Saylor, Skubitz, and Kupferman.

EXTENSION OF INTEREST RATE CONTROLS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3133) to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, as amended.

The Clerk read as follows:

S. 3133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 89–597; 80 Stat. 823 is amended to read:

"Sec. 7. Effective September 22, 1969—

"(1) so much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) the second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act; and

"(3) section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

Sec. 2. (a) The first sentence of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(b) The second sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(c) The first sentence of section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on".

Sec. 3. (a) The first sentence of the eighth full paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 347) is amended by inserting ", or secured by such obligations as are eligible for purchase under section 14(b) of this Act" immediately before the period at the end thereof.

(b) The first sentence of the last full paragraph of such section (12 U.S.C. 347c) is amended by inserting "or by any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States" immediately before the period at the end thereof.

Sec. 4. Section 5A of the Federal Home Loan Bank Act is amended to read as follows:

"Sec. 5A. (a) The purpose of this section is to provide a means for creating meaningful and flexible liquidity in savings and loan associations and other members which can be increased when mortgage money is plentiful, maintained in easily liquidated instruments, and reduced to add to the flow of funds to the mortgage market in periods of credit stringency. More flexible liquidity will help support two main purposes of the Federal Home Loan Bank Act—sound mortgage credit and a more stable supply of such credit.

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve for the purposes of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, and (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency, or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the 'liquidity requirement') may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less or, in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable.

"(c) The amount of any institution's liquidity requirement, and any deficiency in compliance therewith, shall be calculated as the Board shall prescribe. The Board may prescribe different liquidity requirements, within the limitations specified herein, for different classes of institutions, and for such purposes the Board is authorized to classify institutions according to type, size, location, rate of withdrawals, or, without limitation by or on the foregoing, on such other basis or bases of differentiation as the Board may deem to be reasonably necessary or appropriate for effectuating the purposes of this section.

"(d) For any deficiency in compliance with the liquidity requirement, the Board may, in its discretion, assess a penalty consisting of the payment by the institution of such sum as may be assessed by the Board but not in excess of a rate equal to the highest rate on advances of one year or less, plus 2 per centum per annum, on the amount of the deficiency for the period with respect to which the deficiency existed. Any penalty assessed under this subsection against a member shall be paid to the Federal Home Loan Bank of which it is a member, and any such penalty assessed against an insured institution which is not a member shall be paid to the Federal Savings and Loan Insurance Corporation. The right to assess or to recover, or to assess and recover, any such penalty is not abated or affected by an institution's ceasing to be a member or ceasing to be insured. The Board may authorize or require that, at any time before collection thereof, and whether before or after the bringing of any action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, any such penalty or recovery be compromised, remitted, or mitigated in whole or part. The penalties authorized under this subsection are in addition to all remedies and sanctions otherwise available.

"(e) Whenever the Board deems it advisable in order to enable an institution to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the institution to reduce its liquidity below the minimum amount. Whenever the Board determines that conditions of national emergency or unusual economic stress exist, the Board may suspend any part or all of the liquidity requirements hereunder for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of ninety days next after its commencement, but nothing in this sentence prevents the Board from again exercising, before, at, or after any such termination, the authority conferred by this subsection.

"(f) The Board is authorized to issue such rules and regulations, including definitions of terms used in this section, to make such examinations, and to conduct such investigations as it deems necessary or appropriate to effectuate the purposes of this section. The reasonable cost of any such examination or investigation, as determined by the Board, shall be paid by the institution. In connection with any such examination or investigation the Board has the same functions and authority that the Federal Savings and Loan Insurance Corporation has under subsection (m) of section 407 of the National Housing Act, and for purposes of this subsection the provisions of said subsection (m), including the next to last sentence but not including the last sentence, and the provisions of the first sentence of subsection (n) of that section are applicable in the same manner and to the same extent that they would be applicable if all references therein to the Corporation were also references to the Board and all references therein to that section or any part thereof were also references to this section."

SEC. 5. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting immediately before the last paragraph thereof the following new paragraph:

"Any such association may invest in any investment which, at the time of the making of the investment, is an asset eligible for inclusion toward the satisfaction of any liquidity requirement imposed on the association pursuant to section 5A of the Federal Home Loan Bank Act, but only to the extent that the investment is permitted to be so included under regulations issued by the Board pursuant to that section, or is otherwise authorized."

SEC. 6. (a) Section 404(d) of the National Housing Act (12 U.S.C. 1727(d)) is amended to read as follows:

"(d)(1) Except as otherwise provided in this section, each insured institution shall pay to the Corporation, with respect to any calendar year in which it has a net account increase (as defined in paragraph (2) of this subsection), at such time and in such manner as the Corporation shall by regulations or otherwise prescribe, an additional premium (referred to in this subsection as the 'additional premium') in the nature of a prepayment with respect to future premiums of the institution under subsection (b) of this section. Any additional premium, when paid, shall be credited to the secondary reserve.

"(2) The 'net account increase', if any, for any insured institution with respect to any calendar year is equal to the amount, if any, by which the total of all accounts of its insured members at the end of that year exceeds the largest of the following:

"(A) the total of all accounts of its insured members at the close of the most recent day, if any, after 1965 on which it became an insured institution.

"(B) the total of all accounts of its insured members at the close of the year in which it most recently became an insured institution, or at the close of 1966, whichever is later.

"(C) the largest total of all accounts of its insured members at the close of any year after the most recent year referred to in subparagraph (B).

"(3) The additional premium, if any, for any institution with respect to any calendar year shall be equal to 2 per centum of its net account increase, computed in accordance with paragraph (2) of this subsection, less an amount equal to any requirement, as of the end of that year, for the purchase of Federal Home Loan Bank stock in accordance with section 6(c) of the Federal Home Loan Bank Act and without regard to any net increase during that year in its holdings of such stock, except that the additional premium for any institution for the first calendar year following the calendar year in which it becomes an insured institution shall not be less than 1 per centum of its net account increase for the year in which it becomes an insured institution. The Federal Home Loan Bank Board shall by regulations or otherwise provide for the furnishing to the Corporation of all necessary information with respect to Federal Home Loan Bank stock.

"(4) The Corporation may provide, by regulation or otherwise, for the adjustment of payments made or to be made under this subsection and subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph."

(b) The amendment made by subsection (a) of this section shall be effective only with respect to additional premiums due with respect to calendar years beginning after 1968.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is there a House report to accompany S. 3133?

Mr. PATMAN. Mr. Speaker, the House report is on the House bill. There is a different report with a House bill than with a Senate bill. The House considered it in the committee and made a report on it, but we did not consider the Senate bill. The Senate bill has its own report.

The SPEAKER. In response to the inquiry of the gentleman, and in view of what the chairman of the committee has said, that the House bill has been reported with a report on the House bill, there is no House report on the pending Senate bill. The report is on the Senate, the Chair understands. Is that correct?

Mr. PATMAN. Yes; and the House report is available now, as is the Senate report. Each report is available.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, where is either of the alleged reports available for consideration of the Members on S. 3133?

The SPEAKER. The Chair will state the report on the Senate bill will be a Senate document.

Mr. PATMAN. They are available on the floor, Mr. Speaker, both reports, and the page may get one from the gentleman from Kentucky.

Mr. HALL. Mr. Speaker, I make a point of order against consideration of S. 3133.

The SPEAKER. On what ground?

Mr. HALL. Mr. Speaker, on the ground that there is no report available for consideration of the Members, nor is there one available after diligent search.

The SPEAKER. The Chair will state the pending motion is to suspend the rules, and, accordingly, that being so, the Chair overrules the point of order.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is it not true under rule XVIII, paragraph 2, section 821, it is said:

> All bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed——

Is that not true?

The SPEAKER. The gentleman's statement is correct, but this is a motion to suspend that rule also.

Mr. HALL. The motion has not been seconded, Mr. Speaker.

I object to the motion.

The SPEAKER. If the gentleman will speak louder, is the gentleman saying it has not been seconded yet?

Mr. HALL. That is correct, Mr. Speaker.

The SPEAKER. We have not reached that point yet.

Now, is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded. Is the gentleman opposed to the consideration of the bill?

Mr. WIDNALL. Mr. Speaker, I am not opposed to the bill, and I am for suspension of the rule.

The SPEAKER. Is the gentleman from Missouri opposed to the bill?

Mr. HALL. Mr. Speaker, I am opposed to the bill, and I am also opposed to its consideration without a report being available, and I demand a second.

The SPEAKER. Does the gentleman demand a second?

Mr. HALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PATMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 325]

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Berry
Bevill
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Broomfield
Brown, Calif.
Bush
Cabell
Casey
Celler
Clawson, Del
Collins
Conyers
Curtis
Dawson
de la Garza
Donohue
Dow
Eckhardt
Eilberg
Esch
Evins, Tenn
Fino
Fisher
Ford, Gerald R.
Gettys
Giaimo
Green, Oreg.
Griffiths
Gurney
Hanna
Hansen, Idaho
Hébert
Henderson
Herlong
Hicks
Ichord
Jacobs
Karsten
King, Calif.
Kupferman
Landrum
Langen
Lloyd
Long, La.
McCulloch
McFall
Madden
Mailliard
Mathias, Calif.
Mathias, Md.
Miller, Calif.
Minshall
Morton
Nelsen
Nix
Olsen
O'Neill, Mass.
Pettis
Philbin
Pickle
Podell
Pryor
Rarick
Rees
Resnick
Rivers
Roudebush
Satterfield
St. Onge
Schweiker
Sisk
Skubitz
Steed
Stephens
Thompson, Ga.
Thompson, N.J.
Utt
Watts
Wiggins
Willis
Wilson, Bob
Wright
Yates

The SPEAKER. On this rollcall 338 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF INTEREST RATE CONTROLS

The SPEAKER. The gentleman from Texas is recognized for 20 minutes, and the gentleman from Missouri will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as indicated we are offering a committee amendment in the nature of a substitute to S. 3133 which incorporates the contents of H.R. 16092, a bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, which has been reported by your House Committee on Banking and Currency unanimously.

This legislation, if enacted, would essentially extend for 1 year legislation which has twice been passed by the Congress.

Members will recall that as a result of the 1965–66 "money crunch" competition for funds precipitated a rate war between savings and loan associations and our commercial banks which became so intense that all of the Federal banking agencies, the Home Loan Bank Board, and the trade associations representing the financial institutions finally agreed to a proposal which became law on September 1, 1966.

This act, among other things, provided for: First, the authority of the Federal banking regulatory agencies to place limits on rates paid by banks on a discretionary rather than a mandatory basis as under existing law; second, gave the bank regulatory agencies broader authority to clarify and differentiate time and savings deposits for the purpose of establishing maximum rate ceilings; third, the Federal Home Loan Bank Board was granted identical authority to establish rate ceilings for insured savings and loan associations and other institutions under its jurisdiction; fourth, the Federal Reserve was given authority to set reserve requirements against time deposits at a level between 3 and 10 percent as contrasted to existing law at the time which limited such reserve requirements to a level between 3 and 6 percent; fifth, the Federal Reserve Board was also given authority to purchase agency issues in the open market; and, finally, sixth, all financial agencies were required to consult with one another prior to making any change in the rate ceiling of financial institutions under their jurisdiction.

As all of our financial regulatory agencies testified, as well as the various trade associations, the effect of this legislation was positive and wholesome.

As a result, prior to expiration of the act of September 1, 1966, similar legislation passed the House on September 19, 1967, following passage of similar legislation in the other body. The bill in the House at that time, H.R. 12754, passed under unanimous consent with an amendment.

At this time, Mr. Speaker, we are considering extension of this legislation again. As it did previously, your Committee on Banking and Currency unanimously reported this legislation on July 18, 1968. Similar legislation, S. 3133, after amendment, passed the Senate on a voice vote.

The parliamentary procedure of considering the Senate-passed bill with a committee amendment at this point is not substantive in nature, I say to the Members of the House, but merely an attempt to expedite the legislative program and therefore I trust all Members will favor the legislation.

The basic differences between the Senate-passed bill and the bill which your Committee on Banking and Currency reported, H.R. 16092, unanimously are as follows:

First. H.R. 16092 provides for an extension of 1 year as did the original act and the amendment thereto, whereas the bill passed by the other body provides for a 2-year extension.

Second. S. 3133 broadens the regulatory authority of the banking and savings and loan agencies to cover all aspects of the payment of interest on deposits rather than merely the rate. The main reason for this amendment is that it gives to the regulatory agencies concerned the right to regulate advertising to assure that such advertising is not misleading. This amendment passed by the other body and not contained in the House-reported bill, I believe, is useful and necessary as a result of the advertising practices of some of our financial institutions as brought out both in last and this year's hearings.

Third. The bill passed by the other body permits advances to member banks secured by Federal agency obligations. This is a technical amendment which the Federal Reserve Board has requested.

It would permit advances to member banks to be secured, in addition to what now is the law, by direct obligations of Federal agencies as well as obligations guaranteed as to principal and interest by such agencies. As it now stands, the collateral for such advances can constitute only direct obligations of the United States and therefore this amendment, which is also in my opinion positive in nature would include Federal agency obligations. To repeat, this amendment was requested and supported by the Federal Reserve Board.

Fourth. H.R. 16092 would make permanent the range of reserve requirements on time and savings deposits of from 3 to 10 percent rather than leaving it temporary. This amendment contained in the House-reported bill has the full endorsement of the Federal Reserve Board and should be acceptable to all in that it assists in providing the Federal Reserve Board with greater flexibility in carrying out its responsibilities to assure an adequate money supply.

Mr. Speaker, the other amendments added by the other body are contained in the proposed committee amendment in the nature of a substitute to S. 3133. One of them deals with the matter of liquidity as regards savings and loan associations under the jurisdiction of the Federal Home Loan Bank Board, and the other has to do with the payment of insurance by savings and loan associations into the FSLIC.

The liquidity amendment would give the Home Loan Bank Board authority to set liquidity requirements in a range of from 4 to 10 percent instead of from 4 to 8 percent under existing law and also allows for varying composition of the portfolio held for liquidity purposes subject to control of the Board. It would allow the Federal savings and loan associations to make investments as approved by the Board which are eligible for such liquidity.

The purpose of this amendment, which would be very salutory and helpful to the homebuilding and mortgage financing needs of our country, is to assist the Home Loan Bank Board by allowing them to raise or lower the percentage of savings to be held in eligible instruments, in assuring ample liquidity built up by the savings and loans during periods of easy money which then could be made available to the mortgage market during periods of relatively tight money.

To give a concrete example of how this could work in the future and would have worked in the past, had this more flexible authority been available during the period of 1961 to 1964 when mortgage money was very easy, the Board could have required that associations hold 10 percent or their savings in a liquidity pool with 5 percent in relatively short-term instruments, it would then have been possible to reduce requirement, in this example, from 10 to 8 or 5 percent depending upon conditions and thereby to release from $2 billion to $5 billion for use in the housing market during the credit squeeze of 1966.

This flexibility would have greatly reduced the pressure on the mortgage market and would have helped not only the savings and loan associations but homebuilders and buyers as well. It is an amendment, Mr. Speaker, I am sure all members of the House Banking and Currency Committee are in accord with and which the Federal Home Loan Bank Board strongly supports.

The last amendment, Mr. Speaker, has to do with FSLIC premium payments made by insured savings and loan associations.

Section 404(d) of the National Housing Act, as amended, requires an insured institution to pay to the Federal Savings and Loan Insurance Corporation additional insurance premiums in the nature of a prepayment of future premiums equal to 2 percent of the net increase of all accounts during the next preceding calendar year, less an adjustment for the required purchase of Federal Home Loan Bank stock. That section does not provide for an offset or other equitable treatment for increases in years following years of net savings decreases.

The inequity can be demonstrated in the following example. During 1967 an insured institution grows $5 million and prepays its required 2-percent premium of $100,000. The following year the association sustains a net decrease of $4 million in savings and it is not required to make any prepayment, since it has no increase in accounts. In the succeeding year, the insured institution attracts new savings in the amount of $4 million. Under existing law, the institution must again prepay a future premium on this growth even though its savings are now at the same level as they were 2 years preceding.

Section 6 of the proposed committee amendment in the nature of a substitute would eliminate this double payment. Simply stated, the amendment permits an insured institution which sustains a net decrease in savings to cease making prepayments until its savings as of the end of the preceding calendar year are restored at least to its earlier higher level.

Mr. Speaker, this is good legislation. It provides for a continuation of laws which allow the bank regulatory agencies and the Home Loan Bank Board to assure fair competition for savings between our financial institutions. The legislation provides a degree of flexibility which had not existed previously and is needed at this time in order to take care of the structural and operative changes that have taken place in our financial institutions in recent years.

As indicated, the legislation has the support of the Federal bank regulatory agencies, the Home Loan Bank Board, the various trade associations and the administration. As indicated by the Members of this House last year when this legislation was adopted by unanimous consent, it obviously had and should continue to have the support of the Members of this body.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, was S. 3133 ever considered by the House Committee on Banking and Currency?

Mr. PATMAN. Mr. Speaker, the House bill was considered in the House which was similar to the one that was presented in the Senate. After the House committee reported the bill, the Senate passed its bill. They started from the same beginning, and in order to expedite it, to get it through before the expiration date—which is right on us, because it will expire September 21—we sent to all members of the House Banking Committee the amendment we propose here, to make sure it was agreeable, and it was.

Mr. GROSS. But the answer of the gentleman is that the Senate bill he brings before the House this afternoon was never considered by the House Committee on Banking and Currency?

Mr. PATMAN. No, it was not considered by the House Committee on Banking and Currency, but the same original bill had been considered under H.R. 16092, but we did not formally consider the Senate bill, S. 3133.

Mr. GROSS. But the gentleman is not saying that the two bills are even similar?

Mr. PATMAN. Yes; I am saying they are similar.

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman, did the Banking and Currency Committee approve the amendment which he proposes to offer and on the basis that it would be offered under a suspension of the rules?

Mr. PATMAN. Yes, sir; and exactly as it was offered. Every member was furnished a copy and not one member objected.

Mr. GROSS. When was that meeting held? Was a quorum present?

Mr. PATMAN. It was not a meeting. We were trying to expedite the bill before it expired. It was done by memo.

We did not have time to have a meeting on it, so we sent each member a copy of the proposed amendment, which has the support of the savings and loan associations, by the commercial bank associations, by the Federal Home Loan Bank Board, by the administration and the leaders of the House and Senate; and this amendment is the result of that agreement.

Mr. GROSS. But the answer is that the committee never met for the purpose of offering an amendment to the bill coming before the House under a suspension of the rules procedure.

Mr. PATMAN. Well, we did what was necessary under the rules. We comply with the rules. There is no doubt about that.

I hope the Members will support the bill.

Mr. HALL. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. STANTON].

Mr. STANTON. Mr. Speaker, we have heard considerable comment this afternoon as to the procedures on this particular bill, and I have the feeling we are going to hear more on that subject in a few minutes.

My purpose is to reiterate the chairman's remarks with regard to the contents of this particular legislation. Primarily, it is an extension of a bill we first had on the floor 2 years ago, and extended 1 year ago, and which is now up for consideration at this time for a 1-year extension.

It is true that the chairman did not hold hearings on this bill. However, he did adequately cover it with the members of the committee by correspondence. He gave us ample time to express our views on the few variations that are in the substitute. These amendments are of a technical nature and were necessary after the completion of the 1968 housing bill.

Mr. Speaker, I know of no opposition on the minority side to the contents of this particular bill. Members of our committee were unanimous in previous years in support of this legislation.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WILLIAMS].

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, the Banking and Currency Committee of the House did have before it H.R. 16092, a bill to extend for 1 year the authority for more flexible rates of interest on agency issues.

At approximately the same time H.R. 16092 was reported by the Banking and Currency Committee of the House, the Senate passed S. 3133 covering the same subject. However, Members will recall when we passed the Housing Act of 1968 there was a section in the bill which broadened the powers of the savings and loan associations.

The Senate bill contains provisions for liquidity controls of savings and loan associations which are reasonable and which relate to the broadened powers of the savings and loan associations.

It is quite true we had no meeting of the committee on the amendment which is being offered today. However, every member of the committee did receive a notification and a copy of the committee amendment, and every committee member had an opportunity to check and to register his protest or his agreement with the gentleman from Texas [Mr. PATMAN].

Basically, this is a bill which we have to pass in order to provide adequate liquidity controls for savings and loan associations and to continue the more flexible interest rates on Federal agency issues.

Mr. HALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to have the explanation of the gentleman from Texas, the chairman of the Committee on Banking and Currency, concerning S. 3133 and his intent to amend.

I want the Members of the House and of the committee to know that I searched diligently from the time S. 3133 was put on the calendar—the statement that is made in the daily calendar as printed—for a report on S. 3133 and was told repeatedly, as indeed we were told today at the time the bill was called up, that there was no report available.

Similarly on H.R. 16092.

It is my considered opinion the colloquy and debate that has already gone forward here today confirms the fact that the procedures of the House should be held sacrosanct and supported rigidly, when points of order are made; if Members are to do their homework on proper committee information, and to understand legislation passed under suspension of the rules by a two-thirds vote of the House.

Mr. Speaker, I am still somewhat concerned about the substance of the bill. I am concerned about the fact that this limits our open marketplace, competitive bidding, and the laws of supply and demand as far as the flexibility and/or controls of the marketplace are concerned. I am well aware of the fact that perhaps only under such controls as we have with our stock markets recently, could they monopolistically close down on Wednesdays in order to "catch up with their paperwork" whereas buyers are not given a similar right and bidders in the open market do not have any recourse.

I am concerned about the interagency participation sales and buying and borrowing from within agencies. I always have been. The record is clear on that. Without studying the report of the Senate-passed bill and without knowing the intent of the chairman of the committee to submit amendments, with which I can find no fault since they are not available, for a 1-year extension of this control, I can see no reason why we should consider this under this procedure.

Now, Mr. Speaker, if one does hurriedly turn to the question of the liquidity of the savings and loans and maybe getting them "off the hook" through the Federal Home Loan Bank Board on page 3, line 3, of the House bill, one is then amazed to turn to the "missing" Senate report which now suddenly becomes available and find that it is a report of 30 pages, 15 pages of which are occupied by a minority report. These views indicate good concern and reason and are signed, Mr. Speaker, by five Members of the other body. One of the reasons for the concern and for the minority report signed by these five Members is, of course, the fact that the amendments such as proposed here were not available at the time of the departmental reports. Such people as the Secretary of the Treasury say:

> I fully agree that it is highly important to maintain an adequate flow of funds to the housing sector, and to avoid situations in which the burden of monetary restraint falls to an excessive degree on that sector. In my view, however, these objectives can be adequately accomplished without resort to the direct purchase technique.

In another place it is stated by the chairman of the Federal Reserve Board:

> In my considered judgment, the proposed revision of the statutory authority governing Federal Reserve purchases of agency issues would not only be unworkable but would seriously endanger confidence in the dollar at this critical stage.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. STANTON. I appreciate the gentleman saying what he did, but I am sure if he refers to the Senate bill, he will see that that was in the original Senate version of the bill. Five gentlemen signed this minority report to which he has been referring, but those views did carry in the other body on the floor, and that very direct-purchase question of the Federal Reserve Board was omitted from the legislation and it is not in this bill.

Mr. HALL. I appreciate the gentleman's contribution. I do know that. I have now read it. The minority views did prevail over there. But the point is, how can the members not on the committee be so informed if no Senate report is available for study, and the proposed committee amendments are not available?

The point I am trying to make is the fact that the report was still not available to us nor was the intent of the distinguished chairman of the Committee on Banking and Currency available to us, even though he moved to suspend the rules and pass this measure, with an amendment, by a two-thirds majority and pass the bill, S. 3133, which he brings before us.

Mr. Speaker, if I may continue for just one moment here, there are listed 11 points in the proponents' arguments and with each of them there are opponents' arguments. Therefore, I would like to ask the distinguished gentleman, or the ranking minority member of the Committee on Banking and Currency, whether all 11 of those arguments will be covered with the amendment which will be brought here today on a Senate bill as opposed to H.R. 16092? If not, Mr. Speaker, I submit there is certainly good reason for the gentleman from Texas to inform the House.

Mr. PATMAN. I am sorry, but I was not listening to the gentleman from Missouri. I was engaged in another discussion.

I listened to the gentleman from Missouri. I was making sure I was correct before asking the gentleman to yield.

Mr. STANTON. Mr. Speaker, will the gentleman yield to me at this point?

Mr. HALL. Yes; I yield to the gentleman.

Mr. STANTON. In looking over the committee report of the other body it seems to me—although I may be wrong—but it appears to me that the 11 objections do refer to the amendment and that was the direct purchase authority which was stricken from the bill.

Mr. HALL. Then I can assume from the gentleman's response that they are not now such points under consideration of this House, or that they will be eliminated insofar as objections are concerned, in the amendment that is going to be proposed as a committee amendment?

Mr. STANTON. The gentleman is correct.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Iowa, Waterloo, Iowa [Mr. GROSS].

Mr. GROSS. I thank the gentleman for yielding, simply to observe that a few of us spent considerable time the last weekend reading the bill S. 3133 which was programed for action but now find ourselves considering legislation which has come to the floor of the House only today. In other words, our previous work was all in vain.

Mr. Speaker, my old eyes are tired of being wasted on manipulation on the part of the Committee on Banking and Currency or any other committee.

Now we find out they did not mean what they said at all. There was no notification this morning, there was no report available on S. 3133, there is no report from the House Committee on Banking and Currency, and no bill before us from the House committee. How are we expected to know what is going on here this afternoon?

I want to commend the gentleman from Missouri for originally raising the question as to whether this legislation is properly before the House, and to say this: The gentleman from Texas has stated that he had to bring this legislation up in this way because of the necessity to meet the September 21 deadline.

I assume the gentleman from Texas [Mr. PATMAN] knew months ago that there was a September 21 deadline. Yet the Banking and Currency Committee spent all kinds of time in the weeks gone by devising legislation debauch the currency and remove the gold cover, but not doing the things that needed to be done and this bill is an example.

Mr. HALL. I thank the gentleman from Iowa for his comments. I shall yield to the gentleman from Texas [Mr. PATMAN] in just a moment, although the gentleman has more time remaining than I.

Mr. Speaker, I do want to submit that the Members should realize that the House Report 1814 which has become available recently on the floor, after the point of order was raised and not sustained, H.R. 16092, if enacted, would have given the financial regulatory agencies flexible authority to set interest rate ceilings on savings accounts, authorized higher reserve requirements for member banks, and permitted open market operations in direct or fully guaranteed obligations of any agency of the United States.

We all know what financial crises we have been through, as the gentleman from Iowa says. We all know what has brought on the lack of confidence in the dollar on which the international monetary exchange hangs itself, and we are worried about any additional temporary extensions. Many believe the dual gold standard has proved the markets will adjust themselves best when left alone, and not produce runaway worldwide inflation.

In yielding to the distinguished Chairman, I will ask if the permanency of this extension has or will be removed either in H.R. 16092 or his amendments to S. 3133? One of the objections raised in the other body was that originally the legislation would have made permanent the controls within I believe 3- to 10-percent interest rates for savings accounts and others.

Mr. PATMAN. In reply to the gentleman from Missouri, the 3 to 10 percent on the reserves is made permanent in this law. Everyone wanted that. The Federal Reserve, the Treasury, the Federal Home Loan Bank, all of the other agencies.

Mr. HALL. The gentleman means it will be made permanent in the legislation we are now considering?

Mr. PATMAN. That we are now considering.

I am surprised that the gentleman from Iowa would spend so much time on a weekend on a bill that has passed twice. It passed this Congress twice. It passed the committee unanimously twice. And the last time it came before the House a year ago it passed unanimously, And now we are just asking for a simple extension, that is all. All the agencies are in accord with it, and the administration is for it, the leadership in the House and Senate are for it. The Committee on Banking and Currency is for it.

Mr. HALL. I will say to the distinguished gentleman from Texas once in a while we on the minority side do not know what the administration is in favor of, or not in favor of. Secondly, with the modus operandi with which he brings the bill before us, one cannot know what he has in mind, nor can we read the basis for decision out of that in the bill or in the report with the bill not knowing that it had twice before passed the House. I believe the observations of the gentleman are far-fetched.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill S. 3133, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "An act to extend for one year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 16092) was laid on the table.

UNLAWFUL TRANSPORTING OF FORGED AND FRAUDULENTLY COUNTERSIGNED TRAVELER'S CHECKS

Mr. ROGERS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1440) to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures.

The Clerk read as follows:

S. 1440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2314 of title 18, United States Code, is amended by inserting after the third paragraph thereof a new paragraph as follows:

"Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any traveler's check bearing a forged countersignature; or".

The SPEAKER. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 1440 is to eliminate a highly undesirable loophole which has developed in the National Stolen Property Act as the result of the decision of the Court of Appeals for the Eighth Circuit in Streett against the United States.

Until the Streett decision, the Department of Justice had construed section 2314 of title 18 of the United States Code to make it a Federal crime to transport in interstate commerce a traveler's check bearing a forged countersignature. This construction was based on the fact that a traveler's check has no value whatsoever until countersigned by the person to whom the check was originally issued. However, under the Streett decision the terms "falsely made, forged, altered, or counterfeited," were construed in an extremely narrow way so as to apply only to the original instrument and not to a traveler's check bearing a forged countersignature.

As a result of the Streett decision, the Department of Justice has had to decline Federal jurisdiction in a large number of cases involving traveler's checks with forged countersignatures. At the same time the Streett decision has brought within its wake a drastic increase in economic loss from crimes of ths sort.

Mr. Speaker, certainly traveler's checks more than any other type of legal instrument are an object of interstate commerce. If Federal laws making a forgery a crime are to have any applicability, certainly they ought to apply to forged traveler's checks.

S. 1440 will simply make it clear that traveler's checks which bear a forged countersignature are included in the class of forged instruments covered by the National Stolen Property Act. In so doing, it will give back to the Department of Justice the valuable tool that the Streett decision took away. Therefore, I urge that this measure be given favorable consideration.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. GROSS. Is it true that there were no hearings on this bill before the House committee?

Mr. ROGERS of Colorado. That is right.

Mr. GROSS. Nor to the gentleman's knowledge were there hearings before a committee of the other body on this bill?

Mr. ROGERS of Colorado. There were no hearings on it.

Mr. GROSS. In other words, there have been no hearings in either body of the Congress on this legislation?

Mr. ROGERS of Colorado. That is right.

Mr. GROSS. If the gentleman will yield, in other words, we have passed from a one-House Congress to what might be described as a no-House Congress?

Mr. ROGERS of Colorado. May I say to the gentleman that this involves the interpretation of a statute which the Department of Justice had interpreted in such a way as to constitute a crime. The court of appeals held that it was not a crime. All we are doing here is saying and spelling out what we believe the Congress intended to do in the first instance when they enacted the law first in 1939.

Mr. GROSS. With respect to the bill itself—if this is good legislation for the American Express Co., why not pass the good things of life along to the citizens of this country and let the Federal Government chase all check forgers across State lines; if this is good for one it ought to be good for all the citizens of this country.

Mr. ROGERS of Colorado. Yes; it is good for all of them. It affects not only the American Express Co., but any other company that may issue traveler's checks in this Nation. So it does not apply only to the American Express Co.

Mr. GROSS. Do you mean that if someone forges my name to a check that the Federal Government, the FBI or some other agency, some enforcement agency, is going to chase the forger across State lines?

Mr. ROGERS of Colorado. I never made a statement such as you have just indicated. What I am saying to you is that if you went to a bank in New York and had them issue to you a check which requires your countersignature and that check was taken or lost or stolen from you, then he who forged your name thereto would be guilty of a Federal crime.

Mr. GROSS. That is if it is an American Express Co. check?

Mr. ROGERS of Colorado. No, it does not have to be an American Express Co. check. It can be any countersigned traveler's check.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. WAGGONNER. I hope this does not come with too much surprise, but I would just like to point out to the gentleman, I am one who is going to vote on the same side that he is in this particular instance and I support this legislation.

Mr. ROGERS of Colorado. I thank my colleague.

Mr. McCLORY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to S. 1440.

I realize how tempting it must be in the midst of an alarming crime wave to enact just one more anticrime measure, to say one more time that we are opposed to crime.

Of course, forging a countersignature on a traveler's check is a bad thing. Of course, there ought to be a law—as there are many such laws in the States.

But the question is whether the Federal Government ought to duplicate and take over local law enforcement in a myriad of petty criminal cases.

This bill marches in the wrong direction. The preservation of this Nation lies in the vitality of local and State authority. Much of our ills today can be traced to our sins against federalism.

Yet, as creatures of habit, we are again being called upon to extend Federal control. It was only last session when the issue of who should control law enforcement—the States or the Attorney General—was presented to this body as it debated the safe streets bill. I remember the answer that rang out from this body.

I would agree with the proponents of this measure that the Federal Government must stop organized crime. But I do not believe that the smalltime forger covered in this measure presents a similar national problem.

The law as presently written distinguishes between the organized criminal who forges or counterfeits traveler's checks in any amount and the occasional thief who steals a traveler's check and forges a countersignature. The organized criminal now falls within the prohibitions of section 2314 of title 18. The smalltime thief does not.

The critical distinction which is honored throughout title 18 is now alluded to as a "loophole." But I wonder how many of those who have read the case of *Streett* v. *United States*, 331 F. 2d 151 (8 Cir. 1964), which we are asked to overrule, or the legislative history for the 1939 amendment that is allegedly defective would call this limitation on national power a "loophole."

A reading of these authorities brings to light the following facts:

First. That a law prohibiting the forging of a security did not cover the forging of a countersignature was well-established by the U.S. Supreme Court before Congress enacted paragraph 3 of section 2314, which allegedly contains the loophole. See *Prussian* v. *United States*, 282 U.S. 675 (1931).

Second. Congress intended to reach organized criminal forging and counterfeiting of traveler's checks when, in 1939, it enacted paragraph 3 of section 2314. See Senate Report No. 674, 76th Congress, first session—1939.

In view of this conscious desire of Congress to draw the line where it did, it is perplexing to read the committee report, House Report No. 1728. The report makes its case for reform by stating simply that the forging of countersignatures is not covered.

But in our federal system, this is what we want, is it not? If we are not to allocate to the States the task of apprehending smalltime forgers, then what will we leave to the States?

I think Congress acted wisely in 1939. No recent court ruling has altered the line that was drawn.

S. 1440 has received only the most cursory attention. There were no hearings in the Senate. There were no hearings in the House. I am the ranking minority member of the subcommittee that recommended this legislation. I asked for hearings. The reply was that S. 1440 simply closed a loophole.

But there is no loophole.

The bill then went to the Judiciary Committee. Though a quorum was not present during any portion of the meager consideration given this bill, the bill was ordered reported by a 12-to-5 vote.

Thus we are on the brink of sending a bill to the President without a good reason for this legislation being articulated. This is not the way to run a country. In fact, the story of S. 1440 is rather frightening in that regard.

Mr. Speaker, I want to call to the attention of the Members of the House the minority views which I expressed in the report of the committee.

I want to emphasize that there is no loophole which is being plugged up in this legislation. When the Congress, in 1939, decided that they were going to include traveler's checks under the definition of security, they did so knowing exactly what they were doing: if the traveler's check is either counterfeited or forged at the time it is made or issued, then it becomes a Federal offense.

When the Senate considered this in the 1939 session, they specifically pointed out why they were doing this.

They said that the evidence of a counterfeit traveler's check or many forged checks indicated that there was a plate which had been made whereby a great many traveler's checks could be produced. Therefore, that constituted an organized criminal offense over which the Federal Government would want to take jurisdiction. But they had never intended that a valid traveler's check upon which there was solely a forged countersignature should be a Federal offense.

In other words, you could have a perfectly valid $5 traveler's check upon which a countersignature had been forged, and it was never intended that that should be a Federal offense. Yet that is exactly what this legislation undertakes to do, and that is what the proponents say is the loophole which this legislation is supposed to plug up.

It is true that there have been no hearings on this bill, either in the House or in the Senate. Yet it is charged in the committee report on the part of the majority that organized crime is also involved in this business of countersigning traveler's checks. If we have organized crime involved in this business, it seems to me we ought at least to have some hearings. I do not know anything about organized crime being involved in here except some statement that some unknown manufacturer, producer, or issuer of traveler's checks says it is involved.

What is the purpose of this legislation? Well, it is not to get organized crime. It is not to take care of any great impact of crime, so far as I know, because there is no dollar amount. We do not know how much is involved in this business of falsely forging countersignatures on traveler's checks. There has been no testimony, not one word of testimony. What is the purpose of this? Is it to advertise that, in addition to traveler's checks being as good as money, that now you are protected by the FBI? The TV ads and the newspaper ads will sell traveler's checks saying that the full efforts of the Federal prosecutor and the Federal investigative agencies support you and support the buying of more and more traveler's checks. Well, I think that is an issue to ponder.

I think it is important to know what is involved here. Yet when the report states that the forging of countersignatures has increased by 50 percent since the Streett case, we do not know how much this 50 percent is; the report states that the dollar amount has increased by 90 percent, and we still do not know what we are talking about.

Is this information secret to the traveler's check company? We do not know. If it is having a terrible impact on them, I think that they ought to come forward with a statement of how serious this problem is.

Let me call your attention to the fact that the Streett case—and it is the only case that has decided this issue—interpreted precisely what the congressional intent was. The committee report of the Senate, which reported this law in 1939 indicated precisely what they were doing, and doing knowledgeably.

Let me say this: I have had a communication from the American Express Co., calling to my attention the great amounts that were involved, the great losses that they had incurred because of the misdeeds of criminal elements.

Every one of these instances involves the theft or forgery or counterfeiting of large amounts of travelers' checks, which are already covered under the Federal law. So it seems to me the problem they have in the theft of large amounts—if the amount of $5,000 or more is involved—is already covered.

It seems to me we certainly have done our part insofar as Federal legislation is concerned, so I cannot see the importance or the purpose of dispersing our Federal law enforcement agents, of bringing the FBI into play, and of burdening the Federal courts with petty crimes. Yet that is exactly what we would undertake to do in this.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Colorado for a question.

Mr. ROGERS of Colorado. Mr. Speaker, the gentleman made reference to a Senate report in 1939. I wonder if the gentleman had reference to that part of the Senate report which is quoted in the Streett case. This reads as follows:

> For example, while a single act of transportation may perhaps involve a forged traveler's check of a small denomination or a forged stock certificate for a few shares—

Mr. McCLORY. Then it goes on to say more.

Mr. ROGERS of Colorado. Here is where the court got all mixed up.

Mr. McCLORY. Mr. Speaker, I refuse to yield further at this point, because I want to finish that sentence. It says:

> the probability is that the person who manufactured the plate from which the traveler's check or certificate was printed produced a large number of duplicates of the same fraudulent document.

Mr. ROGERS of Colorado. Mr. Speaker, the part that the gentleman continued to read made reference to something else. The first sentence certainly indicated that it was the original intention of Congress to include traveler's checks. However, the fact that the Senate contributed a further statement to the effect that those who manufactured the plates from which the traveler's checks were printed may perpetrate an additional crime, does not mean that the forgery of a countersignature is any less a crime.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ROGERS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TENZER].

Mr. TENZER. Mr. Speaker, I rise in support of S. 1440 which would make it a Federal crime to transport a forged traveler's check in interstate commerce.

This legislation, unanimously passed by the other body last year, would broaden the jurisdiction of the FBI and the Department of Justice in an area, which is important in the war on organized crime.

The legislation expands the coverage of title 19, section 2314 of the U.S. Code which prohibits the transportation in interstate commerce of forged securities. Prior to 1964 the Department of Justice took the position that traveler's checks fell within section 2314; however, the U.S. Supreme Court in the *Streett* v. *United States* decision, 331 F. 2d 151 (C.A. 8, 1964) held that traveler's checks were not covered, for the reason as given by the court that the forgery did not relate to the making or execution of the document but only to the countersignature.

There is no doubt that the activity of professional criminals in the field of travelers checks correlates closely with the rising crime index as reported by national and local police authorities.

The Streett decision, which deprived the FBI of jurisdiction in the theft of travelers checks has undoubtedly complicated this problem.

To emphasize the point I have just made that organized crime has entered the field of trafficking in illegally possessed travelers checks, I will cite in short summaries of actual cases which occurred in the recent past in the north Midwest area from Pittsburgh to Chicago. Actual names and addresses are used—in the information furnished to me by the director of security of the American Express Co., in each case cited, men with criminal records were involved in the traffic in travelers checks: professional criminals have moved in—and that is why the House should move against them.

NEW YORK TO MIAMI TO DETROIT

Isidore Kochnoefsky of 320 Sterling Street, Brooklyn, N.Y., a 74-year-old retired funeral director lost $510 in travelers checks when the safe at the Beacon Hotel, 270 Ocean Drive, Miami Beach, was broken into on December 31, 1967. These travelers checks were subsequently passed in Detroit, Mich. All of the persons arrested in Detroit who were involved in the passing of these checks were persons with criminal records in that area. In view of their reticence, the police have been unable to determine how these checks were transported from Miami to Detroit.

MICHIGAN TO INDIANA TO ILLINOIS

Dr. William M. Bremer, of 298 Touraine Road, Grosse Pointe, Mich., reported the loss of $500 in travelers checks. They were stolen along with his camera off a boat in the Black River at Port Huron. The travelers checks were subsequently negotiated in various cities in Michigan, Indiana, and Illinois. Two men, Leroy Wormley, aged 19, and Garry Napier, aged 19, attempted to cash two of these checks at the Manufacturers Bank in Detroit, Mich. Their story is that they found the checks in the Chrysler automobile plant where they are employed. Both Wormley and Napier have a history of prior problems with the police.

THEFT AND ARREST IN MICHIGAN

Joseph V. Skierski, of 24040 North Washington, Southfield, Mich., a commercial photographer, reported the loss of $1,000 in travelers checks stolen from his car. These were in an attaché case also containing a Rolex watch, Minox camera, and other valuables totaling $810. The loss was reported to the Highland Park Police Department on October 20, 1967. Three days later on October 23. Levie M. Burgess, of 2189 South Annabelle in Detroit, 29 years old, was arrested for a traffic violation. In addition to a nine-shot Colt .32-caliber automatic found in the car, the travelers checks were also found.

ANOTHER MICHIGAN CASE

Prof. Marilyn E. Rash, of the University of Michigan, reported the loss of $960 in travelers checks from the burglary of her apartment in Ann Arbor. Shortly thereafter, in September of 1967, Detective Sergeant Olmstead of the Livonia Police Department arrested Warren C. Haley, Randolph Wilson, Ira Harrison, Jr., and Donald Addison. These four men were indicted for over 24 house breakings and stealing property valued at over $7,000. The travelers checks involved were among the loot.

A RESIDENT OF BRAZIL—MIAMI TO CHICAGO

Warren S. Remensnyder, of Avenida Atlantica 1866, Rio de Janeiro, Brazil, an employee of Sears & Roebuck there, purchased $3,000 in travelers checks in Miami, Fla., in December of 1967. On January 18, 1968, his rented car parked in front of 310 South Des Plaines Avenue, Chicago, was broken into. His briefcase containing $800 in travelers checks together with clothes, were stolen. Howard Evans, of 3542 West Monroe Street, Chicago, Ill., age 17, was arrested attempting to cash some of these checks in a check agency corporated in Chicago. Evans has, despite his age, a long police record.

U.S. AIRMAN, TEXAS—TRAVELERS CHECKS STOLEN IN NEW YORK—ARREST IN OHIO

Philip J. Archambeaut, 49 South Street Extended, Bristol, Conn., a member of the 6944th School Squadron, Goodfellow Air Force Base, Tex., reported the loss of $150 in travelers checks from his person on March 13, 1968, while in the city of New York. William Thomas Burton also known as Lee Andrew Burton, born October 2, 1932, was arrested in Cincinnati, Ohio, and charged with possession of all but $60 of these checks. Burton, a known narcotics addict, has a criminal record of over four pages in length.

THEFT IN IOWA—CHECKS PASSED IN ILLINOIS-WISCONSIN—ARREST IN ILLINOIS

Dr. Leonard Nelken, of Clinton, Iowa, reported the loss of $1,000 in travelers checks which were taken from the lock box in his office safe in December 1967. These checks were negotiated in Rockford, Ill.; Freeport, Ill.; Beloit, Wis., and Delavan, Wis. Spencer Brooks, 38 years old, was arrested in Rockford attempting to cash these travelers checks at the Firestone store there. He has an extensive record.

A PITTSBURGH CASE—WEST VIRGINIA PENITENTIARY ESCAPEE

Anthony A. Benintend, of 410 Salem Drive, Pittsburgh, reported the loss of travelers checks totaling $460 when his office in Hargrove Street, Pittsburgh, was burglarized and a briefcase containing airline tickets and other material was taken. This occurred on or about January 1, 1967. Theodore White Byrd, also known as Ted White Byrd, and Thomas Lewis, aged 74, was arrested in that same city and found in possession of all of the travelers checks. The defendant was an escapee from the Moundsville, W. Va., penitentiary.

THEFT FROM OHIOAN—ARREST IN INDIANA

Dr. Howard Henry Schlitt, of 4289 Wooster Road, Fairview Park, Ohio, a physician, reported the loss of $300 in travelers checks, when his office was broken into, along with $140 in cash, television set, drugs, and a bank book. He reported to the Parma Police Department. Daniel Gross, Leonard Cox, and William E. Daniel were all arrested and found with the proceeds in Fort Wayne, Ind. There are indications that they are professional burglars with records in several States.

TENNESSEE TO GEORGIA

On July 22, 1968, Annabella O'Shea, of 7941 South Francisco, Chicago, Ill., received a refund for the loss of $330 in travelers checks in Memphis, Tenn. These moneys and other valuables were taken when her car was broken into and robbed. Atlanta, Ga., police arrested Albert Lonnie Murray, born May 15, 1929, Henry Haynes, age 51, and John X. Golden, 36 years of age, who were found in possession of these checks. Found at the same time were a number of counterfeit payroll checks drawn on the Firestone Rubber & Tire Co., account at the National Bank of Commerce, Memphis. Subjects Murray and Haynes have long criminal records for various crimes and are known confirmed drug addicts.

ILLINOIS

Willie Shard purchased $230 in travelers checks on February 15, 1968, at the Cosmopolitan National Bank, Chicago. Four days later he was beaten up in the 200 block of West Madison Street in Chicago by two men and got robbed of $140 of these travelers checks. Chicago police later arrested Ralph Bean, 35 years old, and Thomas Kirby, Jr., 36 years old, attempting to cash these checks. Both of these men have previous records for crimes involving the use of violence.

OHIO

Doris C. Scott, of 1288 Robert Dickey Parkway, Dayton, Ohio, purchased $1,000 in travelers checks on January 31, 1967. She lost $700 in checks when the vault in her office at 272 Leo Street in Dayton was broken into during the night of March 19, 1967, and robbed. Her husband, who had purchased $600 in checks on or about the same time, lost $300 in travelers checks kept in the same vault. At the time this vault was broken into, the building was set afire and, according to the letter of case supervisor Robert G. Colbertson, of the Montgomery County Juvenile Court in Dayton, the building suffered damages in the amount of $246,000. The theft and fire were the work of one William Kerstetter, a juvenile with a previous criminal record.

ANOTHER OHIO CASE

Betty I. Krohn, of Barberton, Ohio, reported the theft of $150 in travelers checks when her purse was snatched while attending a football game in Cleveland, Ohio, on November 26, 1967. Willie Justice Sadler was arrested attempting to cash one of these checks in Cleveland on February 27, 1968. Sadler's record included arrests and convictions on charges including rape, robbery, grand larceny, and carrying concealed weapons.

AWOL FROM U.S. ARMY—CASHING STOLEN TRAVELERS CHECKS

Edward Irving Creed, of Brecksville, Ohio, purchased $1,000 in travelers checks in June of 1967. He reported the loss of $500 in travelers checks through unknown methods on December 15, 1967. John Earl DeCarlo, 17; Ray Fox, 19; Glen Pethel, 23, and Danny Malone, 19, were all charged when they were apprehended attempting to cash some of these checks. DeCarlo was also wanted for being AWOL from the U.S. Army.

PURCHASED IN CONNECTICUT—ARRESTED IN OHIO

Ernest P. Imri, of Rowayton, Conn., had travelers checks purchased by him the 13th of May, 1968, in the value of $100. They were stolen from him on the following day during a business trip he made to Cleveland, Ohio. Four days later Sylvester Robertson, 45 years of age, was arrested attempting to cash these checks in the American Express office on Euclid Avenue in Cleveland. His criminal record goes back to 1942 and convictions include burglary and larceny charges to which he was sentenced from 1 to 20 years in 1943 and paroled in 1945. An attempted burglary charge for which he was given 1 to 15 years and paroled in January 1955. In April of 1956, he was sentenced to 90 days in the workhouse for attempted auto theft and on December 22, 1959, given 1 to 20 years for auto theft. He was paroled on February 1, 1962, and returned to jail on August 30, 1962, for parole violation. In 1964, he was charged for auto theft. No disposition is shown on his record.

The principal issues of travelers checks in the United States include the American Express Co., the Bank of America, California; the First National City Bank, New York; Republic National Bank, Dallas, Tex.

This is only a sampling of cases from a section of the Nation. Other areas can produce the same examples, all of which points up the fact that the lack of Federal jurisdiction during the past 4 years has permitted a much larger number of such reported losses to remain unsolved and thieves go unpunished.

The Department of Justice endorses this bill. The other body has passed it, and I urge my colleagues to support S. 1440 as another expression of congressional intent with respect to the fight against organized crime.

I would like to answer the gentleman from Iowa who raised two questions.

His first question was, why there were no hearings in the other body. I would suggest to the gentleman that the reason is that S. 1440 simply restores the role of Federal enforcement to that held before the Streett decision, and therefore hearings were unnecessary.

The second question I would like to answer is, who is interested in this legislation? The American Express Co. is only one of the companies which issues traveler's checks. The Bank of America in California issues traveler's checks. The National City Bank of New York issues traveler's checks. The Republic Dallas Bank in Dallas, Tex., issues traveler's checks. They, in turn, authorize other banks to act as issuing agents.

Now, I would like to go to the question of the gentleman from Illinois. He says these are only petty crimes. I would like to say to the gentleman from Illinois and to all my colleagues in the House that to me there are no degrees of honesty. If this is a crime then it is something we should seek to control, let us control it while it is a petty crime and before these petty criminals turn into master criminals. That is what we ought to do. That is what we have to do.

I would like to read a letter from the American Bankers Association.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. TENZER. Mr. Speaker, after I read this letter, I will yield. The letter reads:

THE AMERICAN BANKERS ASSOCIATION,
Washington, D.C., July 16, 1968.
Hon. EMANUEL CELLER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: The American Bankers Association takes this opportunity to express its support for S. 1440 which is currently being considered by your Committee. We recommend that this legislation be favorably reported and then placed on the consent calendar to permit enactment this Congress.

S. 1440 is designed to make illegal interstate or foreign transportation (with unlawful or fraudulent intent) of travelers' checks bearing forged countersignatures. Prior to Streett v. United States, 311 F. 2d 151 (1964), it was generally thought that Title 18 USCA 2314 prohibited transportation of such documents in interstate or foreign commerce but in that case the court held that this section did not apply to an instrument (otherwise valid) even though the countersignature was forged. We believe that enactment of S. 1440 will remove this loophole in Federal law and furnish needed protection to those banks that are issuers of travelers' checks.

Sincerely yours,
CHARLES R. MCNEILL,
Director, Washington Office.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from Illinois.

Mr. McCLORY. I should like to ask the gentleman this question: Is it not true that the forging of a countersignature on a travelers check is already a crime in every State of the Union? There is no question about that. The issue is not whether we are going to condone crime, but whether the Federal Government is going to assume or to usurp or to take over jurisdiction of petty offenses such as the forging of countersignatures on $5 travelers checks.

Mr. TENZER. Let me answer the gentleman from Illinois by stating I am not aware that there is such a law in each of the 50 States. If the gentleman has that information perhaps he will put it in the RECORD at this point.

Mr. McCLORY. May I say to the gentleman, what this really indicates is that we need some hearings on this legislation to determine whether there is any lack of State legislation. If there is, that is another question. I am confident that forgery is a criminal offense in every State of the Union.

Mr. TENZER. Let me say to the gentleman that the Judiciary Committee has received from the director of security of the American Express Co. a series of 15 cases arising from the Midwestern area, including Michigan, Illinois, Ohio, and Iowa. Because of the Gentleman's minority views I specifically requested some cases involving the upper midwest section of the country. But they do not involve only arrests made in that particular section of the country.

Mr. TENZER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ROGERS of Colorado. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. TENZER. In these 15 cases which I am putting in the RECORD the gentleman will see how a bank which issues travelers checks makes a distinction from the ordinary checks which the gentleman or I would issue. When he or I or any citizen issues a check, there is no guarantee there are funds in the bank. The gentleman is aware of that. But when a bank issues a travelers check and receives money from a citizen to issue it, he countersigns that check in the presence of the banker, the issuing agent. The check does not become valid and cannot be used until an additional counter signature is made by the holder of the travelers check at the point where he seeks to make a purchase, or cash the travelers check.

When the checks are stolen, as these cases point out, from a man's car, from his portfolio, or from his hotel room—and this runs across the whole country—the petty thief who steals these securities is generally not a forger. He goes to some known criminal, skilled in the art of forgery, who forges the checks, and thus there is created a traffic in these securities.

I cannot for the life of me see how anyone who is in favor of law and order can oppose a simple amendment to a statute already on the books in order to plug up this loophole in our law created by a court decision.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from Missouri.

Mr. HUNGATE. I urge passage of this bill as an aid in the war on crime. I should like to inquire of the gentleman, some of us have been critical of areas in which the Supreme Court in decisions from time to time has removed people from the field of prosecution. Would the gentleman say this is one of those areas, under $5,000 for the theft of such checks?

Mr. TENZER. I said earlier it does not make any difference to me whether it is $2,000 or $5,000. The fact is that there are criminal elements engaged today in forging instruments of security-travelers checks in interstate commerce and the practice should be stopped by every means at our disposal.

Mr. ROGERS of Colorado. Mr. Speaker, I yield myself 1 minute for the purpose of making this observation to the gentleman from Illinois.

You recognize that a traveler's check by its very nature is usually issued to individuals who are going to travel in interstate commerce. Such individuals are entitled to the protection that they should have as travelers in interstate commerce. Thus it is different from a local situation. For example, if you have an account in a bank in Denver, someone may forge my name on a check drawn on that account. That is a local situation. The necessity for this particular legislation exists because of the fact that a traveler's check is usually issued for use by travelers in interstate commerce. For that reason if there is any doubt as to the interpretation of the National Stolen Property Act we in Congress have an obligation to remove that doubt.

Mr. McCLORY. Mr. Speaker, I yield myself 2 additional minutes.

Let me answer the gentleman in this way: I think what the gentleman's question points up is one of the false premises on which this legislation is brought to the floor of the House at this time. I do not believe—I do not believe that the dollar amount involved in traveler's checks which cross State lines and which are countersigned is one-tenth or one-one hundredth or probably one-one thousandth of the commercial checks that are endorsed and sent across State lines. We are dealing with a very petty and a very small problem here, I think, in relation to the amount of crime committed with regard to forging countersignatures or making false endorsements of commercial checks.

Let me state further in answer to another statement which is a false premise and is used as an argument here, that is, somehow or other with this legislation we are restoring some rights which existed prior to 1964. We are not. The issuance of traveler's checks was within the Federal jurisdiction and that of the FBI apparently for 15 or 20 years at a time when they were not entitled to it. When the courts decided they were not entitled to have people chased down who forged countersignatures on traveler's checks, then, of course, that coverage was lost.

However, we are not plugging a loophole in S. 1440. We are making a new law and giving a new advantage. We are not restoring a right but rather confirming a false belief.

Mr. WHITENER. Mr. Speaker, the bill now before us was considered by the subcommittee of which I am a member. It was later approved by the full Judiciary Committee after full consideration.

Prior to the referral of the bill to our subcommittee it had been favorably acted upon by the Judiciary Committee of the other body and then overwhelmingly approved by the other body.

I find some merit in the contention of the gentleman from Illinois [Mr. McClory] when he contends that the criminal jurisdiction of the Federal Government should not be extended to cover what he deems to be mere State crimes. However, it does not appear to me that the record will bear out his contention that we are dealing with offenses in this legislation which are customarily State offenses.

The very nature of traveler's checks is that they are designed to move in interstate commerce. Very rarely does one purchase such checks for intrastate use. My observation has been that persons usually purchase such checks for use in extended travel when they plan to be in places remote from their home for the simple reason that checks are not easily cashed in such strange areas.

The case of *Streett* v. *United States*, 331 F. 2d 151 is, in effect, being overruled by enactment of this legislation. I see no reason for hesitancy in doing so. The court merely construed existing law in that case. We now give the public the protection of an expanded statute. This is the proper role of Congress when it finds that previous enactments are inadequate to meet a national problem.

I urge my colleagues to support our committee by approving S. 1440 as reported by us.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill S. 1440.

The question was taken.

Mr. McCLORY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 327, nays 4, not voting 100, as follows:

[Roll No. 326]

YEAS—327

Abbitt
Abernethy
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blanton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Flynt
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Latta
Lennon
Lipscomb
Long, Md.
Lukens
McCarthy
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Matsunaga
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pike
Pirnie
Poage
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—4

Erlenborn
McClory
Myers
Smith, N.Y.

NOT VOTING—100

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Baring
Bevill
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Cabell
Casey
Celler
Clawson, Del
Collins
Conyers
Curtis
Daddario
Dawson
Donohue
Dow
Eckhardt
Eilberg
Esch
Evins, Tenn.
Fisher
Ford, Gerald R.
Gettys
Giaimo
Green, Oreg.
Griffiths
Gurney
Hanna
Hansen, Idaho
Hawkins
Hébert
Henderson
Hicks
Ichord
Jacobs
Jonas
Karsten
King, Calif.
Kupferman
Landrum
Langen
Leggett
Lloyd
Long, La.
McCulloch
Macdonald, Mass.
Madden
Mathias, Calif.
Mathias, Md.
May
Miller, Calif.
Minshall
Moore
Morton
Nelsen
Nix
Olsen
O'Neill, Mass.
Pettis
Philbin
Pickle
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Roybal
St. Onge
Satterfield
Schweiker
Sisk
Skubitz
Smith, Okla.
Steed
Stephens
Thompson, Ga.
Thompson, N.J.
Tuck
Utt
Watts
Wiggins
Willis
Wilson, Bob
Wright
Yates

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.

Mr. Madden with Mrs. Bolton.

Mr. O'Neill of Massachusetts with Mr. Gerald R. Ford.

Mr. Philbin with Mr. Jonas.
Mr. Donohue with Mr. Del Clawson.
Mr. Boland with Mrs. May.
Mr. Leggett with Mr. Morton.
Mr. Eilberg with Mr. Ashbrook.
Mr. Evins of Tennessee with Mr. Mathias of Maryland.
Mr. Giaimo with Mr. Broomfield.
Mr. St. Onge with Mr. Nelsen.
Mr. Daddario with Mr. McCulloch.
Mr. Celler with Mr. Langen.
Mr. Ashmore with Mr. Pettis.
Mr. Adams with Mr. Minshall.
Mr. Macdonald of Massachusetts with Mr. Rhodes of Arizona.
Mr. Miller of California with Mr. Brown of Ohio.
Mr. King of California with Mr. Roudebush.
Mr. Cabell with Mr. Schweiker.
Mr. Satterfield with Mr. Skubitz.
Mr. Gettys with Mr. Esch.
Mr. Rivers with Mr. Utt.
Mr. Fisher with Mr. Lloyd.
Mr. Casey with Mr. Smith of Oklahoma.
Mr. Anderson of Tennessee with Mr. Blackburn.
Mr. Bevill with Mr. Thompson of Georgia.
Mr. Blatnik with Mr. Bush.
Mr. Pickle with Mr. Moore.
Mr. Podell with Mr. Kupferman.
Mr. Roybal with Mr. Wiggins.
Mr. Steed with Mr. Collins.
Mr. Conyers with Mr. Mathias of Maryland.
Mr. Thompson of New Jersey with Mr. Rees.
Mr. Henderson with Mr. Gurney.
Mr. Tuck with Mr. Curtis.
Mr. Wright with Mr. Hansen of Idaho.
Mr. Long of Louisiana with Mr. Landrum.
Mr. Ichord with Mr. Jacobs.
Mr. Ashley with Mr. Dawson.
Mr. Brown of California with Mr. Nix.
Mr. Dow with Mr. Resnick.
Mr. Karsten with Mr. Watts.
Mr. Willis with Mr. Yates.
Mr. Eckhardt with Mr. Baring.
Mr. Boggs with Mr. Olsen.
Mrs. Griffiths with Mr. Rarick.
Mr. Hicks with Mr. Hanna.
Mr. Hawkins wtih Mrs. Green of Oregon.
Mr. Sisk with Mr. Stephens.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks in connection with passage of S. 1440.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INTERGOVERNMENTAL COOPERATION ACT OF 1968

Mr. REUSS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18826), to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of grants and loans for development assistance, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes.

The Clerk read as follows:

H.R. 18826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1968".

TITLE I—DEFINITIONS

When used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

POLITICAL SUBDIVISION OR LOCAL GOVERNMENT

SEC. 103. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

UNIT OF GENERAL LOCAL GOVERNMENT

SEC. 104. "Unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

SPECIAL-PURPOSE UNIT OF LOCAL GOVERNMENT

SEC. 105. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

GRANT OR GRANT-IN-AID

SEC. 106. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

FEDERAL FINANCIAL ASSISTANCE

SEC. 107. The term "Federal financial assistance" does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b).

SPECIALIZED OR TECHNICAL SERVICES

SEC. 108. "Specialized or technical services" means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any department or agency of the executive branch of the Federal Government is especially equipped and authorized by law to perform.

COMPREHENSIVE PLANNING

SEC. 109. "Comprehensive planning", except in title V, includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources; (B) long-range physical and fiscal plans for such action; (C) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program; (D) coordination of all related plans and activities of the State and local governments and agencies concerned, and (E) preparation of regulatory and administrative measures in support of the foregoing.

HEAD OF AGENCY

SEC. 110. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

FULL INFORMATION ON FUNDS RECEIVED

SEC. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivisions shall, upon request, notify in writing to the Governor or other official designated by him, and the State legislature, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions.

DEPOSIT OF GRANTS-IN-AID

SEC. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments.

AUTHORITY TO PROVIDE SERVICE

SEC. 302. The head of any Federal department or agency is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment, to the department or agency by the unit of government making the request, of salaries and all other identifiable direct or indirect costs of performing such services: *Provided, however*, That such services shall include only those which the Director of the Bureau of the Budget through rules and regulations determines Federal departments and agencies have special competence to provide. Such rules and regulations shall be consistent with and in furtherance of the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

REIMBURSEMENT FOR SERVICES

SEC. 303. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 302 shall be deposited to miscellaneous receipts of the Treasury.

REPORTS TO CONGRESS

SEC. 304. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

RESERVATION OF EXISTING AUTHORITY

SEC. 305. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

DECLARATION OF DEVELOPMENT ASSISTANCE POLICY

SEC. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President may, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

FAVORING UNITS OF GENERAL LOCAL GOVERNMENT

SEC. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government.

RULES AND REGULATIONS

SEC. 403. The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE V—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

SEC. 501. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

"TITLE VIII—URBAN LAND UTILIZATION

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Federal Urban Land-Use Act'.

"DECLARATION OF PURPOSE AND POLICY

"SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent in accordance with planning and development objectives of the local governments and local planning agencies concerned.

"DISPOSAL OF URBAN LANDS

"SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

"(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

"(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

"(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

"ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

"SEC. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

"(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

"(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

"(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

"SEC. 805. The procedures prescribed in sections 803 and 804 may be waived during any period of national emergency proclaimed by the President.

"DEFINITIONS

"SEC. 806. As used in this title—

"(a) 'Unit of general local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(b) 'Urban area' means—

"(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

"(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

"(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

"(c) 'Comprehensive planning' includes the following, to the extent directly related to the needs of a unit of general local government:

"(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

"(2) Long-range physical and fiscal plans for such action;

"(3) Programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

"(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(5) Preparation of regulatory and administrative measures in support of the foregoing."

The SPEAKER. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the Intergovernmental Cooperation Act of 1968 aims, first, to strengthen State and local government and, second, to improve the relations between those governments and the Federal Government.

H.R. 18826 is a clean bill succeeding H.R. 16718. It comes from the Committee on Government Operations with bipartisan sponsorship and a unanimous vote. The hearings held by our Subcommittee on Executive and Legislative Reorganization revealed wide support for the measure from Governors, mayors, State and local officials, and professional and civic organizations throughout the country. The bill is based on a proposal submitted to the Congress by the Advisory Commission on Intergovernmental Relations which contains within its membership our distinguished colleagues, Congresswoman FLORENCE P. DWYER, of New Jersey, Congressman L. H. FOUNTAIN, of North Carolina, and Congressman AL ULLMAN, of Oregon.

The bill has five titles, the first of which contains definitions. The four substantive titles treat topics which have been either an irritant to the relations between the National Government and other units of our federal system or are designed to enhance the status of our State and local governments to approach the ideal that so many have desired.

A major problem today lies in the present proliferation of Federal grants-in-aid programs to State and local governments. There are now over 400 separate categorical authorizations for such programs. These grants are administered by 18 Federal departments and agencies and amount to more than $20.3 billion for fiscal year 1969. Our hearings showed that the expansion in the number, variety and eligible recipients of grant programs has generated serious management difficulties, including disjointed planning efforts and rigid and frequently conflicting administrative and other requirements. Enactment of H.R. 18826 should substantially assist in correcting these problems. I will briefly explain its provisions.

The first substantive title—title II—calls for improved administration of grants-in-aid to the States. It directs Federal agencies, upon request, to give full information to the Governors and State legislatures on grants to their States and political subdivisions, thereby providing necessary data upon which to finance and administer cooperative programs under Federal grants-in-aid. It would improve the scheduling of Federal fund transfers to the States and permit the States to budget Federal grant funds in much the same manner as they budget other revenues. This would assure the expeditious furnishing of Federal grant funds through the letter-of-credit procedure recently introduced. In addition, it would relieve the States from unnecessary and outmoded accounting procedures now in effect and the maintenance of separate bank accounts while protecting the right of the executive branch and the Comptroller General to audit these accounts. Finally, title II would permit the head of a Federal agency to waive the single State agency requirement now in many Federal grant programs so that the reorganization and modernization of State government structures may be facilitated.

Title III would permit Federal departments and agencies to provide technical and specialized assistance to State and local governments on a reimbursable basis but without competing with private enterprise or rescinding any such authority now possessed by any Federal agency with or without reimbursement. This title recognizes that certain categories of specialized personnel and equipment are in short supply at the State and local levels and that direct efforts to procure them can be costly and duplicative. Under this title, the head of any Federal agency providing such services would be required to report annually on the scope of the services rendered to the Committees on Government Operations of the Senate and House of Representatives.

Title IV is designed to provide coordination on the Federal level of the sometime numerous separate assistance programs and funds which may be focused on a given urban or rural community by various Federal agencies. These programs, though beneficial to the areas they serve, are frequently duplicating, overlapping and sometimes in conflict with each other. Such administration can create severe confusion and have an ill effect on the recipient local government and its future development. Accordingly, the President is given discretionary authority to establish rules and regulations governing Federal programs and projects to the end that they most effectively serve certain stated objectives considered important to healthful living and orderly community development. The title further requires that all viewpoints and objectives—national, regional, State, and local—to the extent possible, be considered when Federal development projects are being planned. Federal aid, to the maximum extent possible, shall be consistent with the objectives of State, regional, and local comprehensive planning. Each Federal department and agency administering a development assistance program must consult with and seek advice from other significantly affected Federal agencies in an effort to assure fully coordinated programs. Insofar as possible, Federal planning shall be coordinated with and made a part of local and areawide development planning. Furthermore, in order to strengthen general local government, Federal agencies in making loans or grants should give preference to cities, counties and townships over special-purpose units. This title originally applied only to Federal programs in urban areas but was expanded by the committee to include rural areas where many of the same problems in administration of Federal assistance exist.

Title V provides that in order to promote more harmonious intergovernmental relations, Federal land within urban areas will be acquired, used and disposed of in conformity with land utilization programs of the affected local governments. The General Services Administration, prior to the disposal of land in urban areas, will give notice to the local zoning authority so that the land may be zoned in accordance with local comprehensive planning objectives, unless GSA deems such advance notice will have an adverse impact on the proposed transaction. The GSA is to consider objections made by local governments and, to the extent practicable, comply with local zoning regulations and planning objectives.

This bill represents a set of practical steps forward in the vital field of intergovernmental relations. It deserves approval.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Is it true, Mr. Speaker, that this is similar to a bill which has already passed in the other body, except that this is, so to speak, a "bare bones" bill, and that the plan is to accept the other body's bill in the conference?

Mr. REUSS. No. That is in part not fact. It is true that this is a bare-bones bill.

If I may finish, it is true that in the other body there is a bill which, in addition to the provisions of our bill here today, contains provisions for relocation aids and also for land acquisition. It is my understanding that those subject matters are now before our own House Committee on Public Works. In the judgment of the gentleman from Wisconsin, that is a proper jurisdiction and a proper place for them. Therefore, it would be the purpose of the conferees on the part of the House to protect the House measure, the bare-bones measure. Speaking purely for myself, if I am a conferee, I would be very zealous to protect the House, because I believe that those extraneous provisions in the other body are better left to the appropriate legislative committee here in the House.

Mr. HALL. Mr. Speaker, if the gentleman will yield further?

Mr. REUSS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate his statement and, of course, expect that he will be a conferee, but it is because of my interest in land acquisition in general and not just in urban areas but all Federal takings of land, whatever may be the purpose, that I ask the question. I certainly hope that the gentleman will uphold the jurisdiction of the House and of our proper committee.

Mr. REUSS. As I said, I believe the question of land acquisition is so complex that it should not be subjected to House consideration within the narrow limits of a conference.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. DON H. CLAUSEN. Following the inference of the gentleman in the well, do I take it from you it is your position as a prospective conferee that you will recognize the jurisdiction of the Committee on Public Works and you will not involve yourself in this question of land acquisition or policy until such time as the Committee on Public Works takes specific action on this?

Mr. REUSS. That is correct. Speaking for myself—and I am the only one I can speak for—it would be my view that the House conferees ought to hold fast on the House version and not admit the broader and somewhat irrelevant provisions of the Senate bill.

Mr. DON H. CLAUSEN. I am glad to have the assurance of the gentleman, because we are going into this in depth in our committee, and I am sure the sentiment is shared on both sides of the aisle.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman.

Mr. WALDIE. May I similarly join with my colleagues in expressing the gratitude that I am sure all of the members of the House Committee on Public Works have for your assurances relative to your desire to uphold the position of the Committee on Public Works of the House on this bill. We are presently engaging in hearings. There are extremely important matters which we feel should not be included in the present bill, and these include one which I personally support and which I presented to the committee involving condemnation in my district at the present time. I hope the gentleman is able to persuade the other members of the conference committee to follow the course of action that he suggested, and I wish to congratulate the gentleman on his position.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

Mr. Speaker, I wish to congratulate the full committee and particularly this subcommittee for bringing this bill to the floor of the House today.

This past weekend I was in the congressional district which it is my privilege to represent. I was honored to be the main speaker at the dedication of a city hall at Blue Springs, Mo.

My remarks emphasized there must be a productive, working partnership between the States and their subdivisions upon the one hand and our Federal Government upon the other. I went on to observe that the idea must be discarded or rejected that the governmental authority of the Federal Government is an absolute quantity.

During these remarks I predicted that this measure known as the Intergovernmental Cooperation Act might or could be considered before we adjourn, but I had no way of knowing that it would be on the Suspense Calendar and considered under suspension of the rules within just a matter of a day after I had made the prediction.

In the course of my comments I pointed out the need for such an act to the end that fiscal arrangements could be worked out for those grants-in-aid programs between the Federal Government and the State and local governments in order that each might become true partners or equal partners with Washington and not "little brothers." I went on to point out that even with the seemingly ever-expanding power of the Federal Government, measures must be taken to permit and encourage a diversity of local solutions tailored to local problems at the State or local level.

It is encouraging to note this bill requires that the Governor of a State and the State legislature be informed by the applicable Federal agency at any time grants-in-aid are channeled into the State or any of its subdivisions. There is also a wise provision that Federal funds will be transferred to the receiving State in accordance with the local needs so as to minimize the time elapsing between transfer of such funds and their disbursement by the State. Equally helpful should be the provision which permits the Federal Government to provide specialized and technical services to the State and local governments and be reimbursed for the cost of such services. This should make available techniques and expertise which the Federal Government now has that would be of great benefit to the States and local communities.

Title IV will provide for coordination on the Federal level where there are numerous separate assistance programs going to a given community by various Federal agencies. This should prevent duplicating and overlapping.

In the district of one of our colleagues from the West, my good friend, the Member who represents that area, tells me that in his congressional district there are as many as seven different Federal agencies acquiring land and each in a different method and following a different procedure, including National Parks, Bureau of Reclamation, Bureau of Public Roads, Rural Electrification Administration, and others.

There are so many good provisions about this bill that I shall not take the time to describe them in a section-by-section analysis except to say it is my judgment this bill will result in an improved administration of grants-in-aid to the States and should serve to coordinate insofar as possible Federal planning with local and areawide development planning. I rise in support of the bill and hope it will be passed by much more than the necessary two-thirds majority.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we hear much talk about the need to strengthen State and local governments in order to reduce the dominance of the Federal bureaucracy and to enable the wants and needs of the people to be better cared for by those units of government closer to and more understanding of these wants and needs. In spite of such talk, however, little has actually been done to strengthen intergovernmental relations. The Federal Government becomes more dominant, State and local authority grows weaker, and individuals become more dependent on Federal activities.

Enactment of this bill will constitute a first step toward readjusting this imbalance, by, first, supplying greater information to the States regarding grant-in-aid programs—thereby improving local administration of such funds; second, enabling State and local governments to obtain necessary special and technical services; third, providing for improved coordination of Federal programs within the Federal Establishment and between Federal, State, and local governments; and, fourth, requiring the Federal Government to acquire or dispose of Federal real property in conformity with local zoning laws.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

Over a thousand specific grant-in-aid programs are administered by Federal agencies. No one knows exactly how many programs there are, what their provisions and requirements are, who is entitled to receive the funds, under what conditions, and so forth. Frequently, the Governors and legislatures of the States are particularly at a loss as to what funds are available and who is receiving them—funds often being disbursed directly from Federal agencies to local units of government. In addition, requirements are frequently imposed by the Federal Government that States must maintain separate bank accounts for receipt of Federal funds—a requirement which greatly increases the costs, burden, paperwork and ineffectiveness of States in administering their operations without any additional fiduciary safeguards being afforded the Federal Government.

In consequence, title II provides that Governors, other executive officials, and State legislatures shall, upon request, be notified in writing of the purpose and amounts of grant-in-aid funds disbursed to States or political subdivisions. In addition, such funds may be deposited in State bank accounts together with other State funds so long as proper accounts are maintained showing the status of the Federal funds. To prevent States from gaining an unfair advantage through earning interest on Federal funds, so deposited, such funds shall be transferred to States so as to minimize the timelapse between transfer and disbursement.

Finally, title II, seeks to enable State governments to better develop efficient and effective organizational arrangements. Under many existing Federal grant-in-aid laws, such funds must be distributed to a specifically named State agency. This has the effect of hindering State efforts in developing improved reorganizations as has frequently occurred at the Federal level. The title provides that a Federal agency, upon the request of a Governor or other appropriate State officials, may waive the single State agency requirement and disburse such funds to an agency designated by the State provided that such transfer does not endanger the objectives of the Federal grant-in-aid program.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

Increasingly today, the effective administration of State and local governments requires the utilization of special and technical services such as statistical studies, technical tests and evaluation, surveys, and training activities. The costs of developing such services, however, together with the scarcity of trained personnel capable of rendering them are frequently so great that State and local units of government are effectively precluded from developing them. This greatly hinders the sound and orderly development of strong and efficient State and local governments and thereby precludes the transfer or assumption of many governmental responsibilities at the State or local levels which are now or may be centered at the Federal level.

Title III seeks to correct the imbalance by providing that State and local governments may obtain such services from Federal agencies upon payment of all direct and indirect costs. Funds received by Federal agencies in return for such services, shall be deposited in the Treasury. Further, no such services shall be made available by Federal agencies which can better be performed by private enterprise.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

There are over a thousand grant-in-aid programs today and an additional large number of Federal development programs. Many of these programs have different requirements as to objectives and administration. To the States and local governments—not to mention the Federal agencies involved—this lack of uniformity and consistency can impede efforts of effective social and economic development on a sound and orderly basis, of urban and rural communities.

To overcome this, title IV provides that the President may issue rules and regulations for the concurrent achievement of the following objectives and, to the extent authorized by Congress through law, may require reasoned choices to be made among such objectives: First, appropriate land uses; second, development and conservation of natural resources; third, balanced transportation systems; fourth, adequate outdoor recreation and open space; fifth, protection of areas of natural beauty, historic and scientific interest; sixth, properly planned community facilities, and seventh, concern for high standards of design.

In planning programs, Federal agencies shall consider National, State, regional, and local viewpoints. State, regional, and local objectives shall be considered and evaluated within the framework of national public objectives—as expressed by Congress through Federal law.

To the maximum extent possible, Federal agencies administering related or complementary projects or programs are directed to consult fully among themselves and coordinate their efforts to the end that urban and rural interests are best served.

Wherever possible, and in the absence of substantial reasons to the contrary, units of general local government are to receive grant funds in preference to special-purpose units of local government in order to facilitate the improved and better coordinated administration of these programs at the local level.

TITLE V—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENTS

Frequently, the Federal Government acquires, uses, or disposes of Federal real property in a manner which conflicts with the development plans of local government so that local government is hindered from planning and developing areas most beneficial to the social and economic needs of its residents.

Title V requires, therefore, that Federal agencies shall, to the greatest extent practicable, acquire, use, or dispose of land in urban areas consistent with zoning and land-use practices of local government. Local governments shall be afforded notice of Federal agency plans for acquisition or disposal in order to properly zone such property and prospective purchasers shall be notified of the zoning requirements at time of disposition.

I think we are all in favor of these objectives. I agree with the gentleman from Wisconsin as a cosponsor of this bill and as the ranking minority member of the subcommittee which reported this bill that we will—if I am a conferee and I have talked to the other members that I expect on our side who might be conferees—we would protect the House version of the bill. We considered when we drafted the bill whether we would put in the relocation payment section and the periodic review of the grants-in-aid provision, but we decided this was not a proper subject matter to be incorporated in this bill at the present time. We have made that decision and I am certain that members of our committee who are conferees will stick with that decision.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I thank the gentleman for yielding.

I am pleased to have the assurance from the gentleman with respect to the question that I asked of the gentleman from Wisconsin [Mr. REUSS] earlier during this debate. It is gratifying to know that we will have bipartisan support for upholding the position of the House and giving the Committee on Public Works jurisdiction over this important matter.

Mr. Speaker, I am pleased to once again put myself on record in support of legislation designed to improve the coordination and cooperation of activities among the three levels of government of our Federal system.

This Intergovernmental Cooperation Act of 1968 should develop a trend toward some desperately needed efficiency in the administration of federally assisted programs. To permit the provision of reimbursable technical services so vitally needed in State and local

governments is a step toward the positive program of decentralization concept some of us believe in so strongly.

We must work toward strengthening the ability of our State and local units of government to meet and administer the services and programs being requested today in our increasingly complex society.

In addition to improving the intergovernmental organizational structure, as is the intent of this bill, we must take the next and most important step of tax revision among the various levels, with the single purpose of returning independent tax sources to State and local governments, thereby permitting each to become more self-sufficient in meeting their own State and home rule responsibilities.

This legislation is very similar to the objectives of legislation I introduced earlier this year and was referred to our Public Works Committee. This "positive program of decentralization" legislation that I authored was specifically designed to check and hopefully reverse the migratory trend of our population from rural America to urban America, thus creating seriously overcrowded conditions and adding to the pressures and tensions of our frustrated society.

I am pleased to support my colleague on the Public Works Committee, the gentleman from Minnesota [Mr. BLATNIK], and the members of the Government Operations Committee in advancing this legislation which closely parallels my reverse migration bill that I had earlier discussed with the gentleman from Minnesota [Mr. BLATNIK]. It is gratifying to see this progress during this session of the Congress which will enable the next President of the United States to implement its contents and recommendations.

At this point, I want to insert the contents of my bill, H.R. 18896, and the contents of H.R. 18826 so that my colleagues will note their similarity:

H.R. 18896

A bill to provide for a study of the need for increased expenditures for public works in smaller urban areas as a means of reversing the migratory trend toward large metropolitan areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress has recognized that the increasing growth of large metropolitan areas creates serious economic and social problems and has provided large sums of money to improve condition within large metropolitan areas. The Congress further recognizes that the expenditure of large amounts of public funds to improve conditions in large metropolitan areas may have reached the point of diminishing returns, because further such expenditures may result in increasing migration into such areas causing greater growth, and consequently greater problems.

It is declared to be the purpose and intent of the Congress to determine whether or not a program of public works within smaller urban places may help to solve the economic and social problems of the Nation, including large metropolitan areas, by reducing or reversing the trend toward migration to large metropolitan areas by improving conditions within smaller urban places. Since the problems and needs of the various regions, States, areas and places within the Nation vary widely, it is the purpose of this Act to obtain information on the basis of which the Congress may make a determination and provide for the most effective use of public funds.

SEC. 2. The Secretary of Commerce shall request the Governor of each State to conduct a study and investigation and submit a report to him concerning the need for, and probable effectiveness of, increased expenditures for public works within urban places in the State to reduce or reverse the trend of persons and commercial and industrial enterprises to migrate to large metropolitan areas within or outside the State.

SEC 3. (a). The Governor of any State who responds to the request of the Secretary of Commerce shall conduct a study and investigation, and shall submit a report, including his findings and recommendations, to the Secretary of Commerce not later than September 1, 1969.

(b) Any study, investigation, and report undertaken pursuant to this section shall include consideration of—

(1) the urban places within the State which have the greatest potential for economic growth and whose economic growth would best promote the economy of surrounding areas;

(2) the urban places within the State which are suffering a lower than average growth in population, median family income, and expansion of existing or location of new commercial or industrial enterprise; and

(3) the urban places within the State whose economic growth would be best promoted by increased expenditures for specific public works, including, but not limited to, expenditures for the construction or improvement of highways, airports, and other transportation facilities, sewage treatment facilities, water conservation and flood control measures, river and harbor projects, public buildings and grounds, and other public works.

SEC. 4. After reviewing the reports of the Governors submitted pursuant to this Act, and conducting such further investigations and studies as he deems necessary, which he is hereby authorized to undertake, the Secretary of Commerce shall submit a report containing his findings and recommendations to the Congress. Such report shall be accompanied by the report of each of the responding States, and shall be submitted to the Congress not later than January 10, 1970.

SEC. 5. (a) Funds made available to carry out this Act may be used to pay the administrative expenses of the Secretary of Commerce and not to exceed 50 per centum of the cost of studies, investigations, and reports conducted and submitted pursuant to this Act by the Governors of the States.

(b) After deducting such sum as he deems necessary, not to exceed $2,000,000, for the administration of this Act, the Secretary of Commerce shall apportion funds authorized to be appropriated to carry out this Act among the several States in the ratio that the number of urban places in each State bears to the number of urban places in all the States, except that no State shall be apportioned less than $100,000 nor more than $1,000,000.

(c) There is hereby authorized to be appropriated not to exceed the sum of $20,000,000, to be available until expended, to carry out this Act.

SEC. 6. As used in this Act—

(a) "State" means each of the fifty States and Puerto Rico.

(b) "Urban place" means any place (incorporated or unincorporated) having a population of more than two thousand five hundred and less than one hundred thousand, as determined by the latest available census figures.

H.R. 18826

A bill to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of grants and loans for development assistance, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1968".

TITLE I—DEFINITIONS

When used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

POLITICAL SUBDIVISION OR LOCAL GOVERNMENT

SEC. 103. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

UNIT OF GENERAL LOCAL GOVERNMENT

SEC. 104. "Unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

SPECIAL-PURPOSE UNIT OF LOCAL GOVERNMENT

SEC. 105. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

GRANT OR GRANT-IN-AID

SEC. 106. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

FEDERAL FINANCIAL ASSISTANCE

SEC. 107. The term "Federal financial assistance" does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a and 47-2501b).

SPECIALIZED OR TECHNICAL SERVICES

SEC. 108. "Specialized or technical services" means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any department or agency of the executive branch of the Federal Government is especially equipped and authorized by law to perform.

COMPREHENSIVE PLANNING

SEC. 109. "Comprehensive planning", except in title V, includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources; (B) long-range physical and fiscal plans for such action; (C) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program; (D) coordination of all related plans and activities of the State and local governments and agencies concerned; and (E) preparation of regulator and administrative measures in support of the foregoing.

HEAD OF AGENCY

SEC. 110. The term "head of a Federal agency" of "head of a State agency" includes a duly designated delegate of such agency head.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

FULL INFORMATION ON FUNDS RECEIVED

SEC. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivision shall, upon request, notify in writing to the Governor or other official designated by him, and the State legislature, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions.

DEPOSIT OF GRANTS-IN-AID

SEC. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: *Provided,* That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments.

AUTHORITY TO PROVIDE SERVICE

SEC. 302. The head of any Federal department or agency is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment, to the department or agency by the unit of government making the request, of salaries and all other identifiable direct or indirect costs of performing such services: *Provided, however,* That such services shall include only those which the Director of the Bureau of the Budget through rules and regulations determines Federal departments and agencies have special competence to provide. Such rules and regulations shall be consistent with and in furtherance of the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

REIMBURSEMENT FOR SERVICES

SEC. 303. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 302 shall be deposited to miscellaneous receipts of the Treasury.

REPORTS TO CONGRESS

SEC. 304. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

RESERVATION OF EXISTING AUTHORITY

SEC. 305. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

DECLARATION OF DEVELOPMENT ASSISTANCE POLICY

SEC. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President may, therefore, establish rules and regulations governing the formation, evaluation, and review of Federal program and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

FAVORING UNITS OF GENERAL LOCAL GOVERNMENT

SEC. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government.

RULES AND REGULATIONS

SEC. 403. The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE V—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

SEC. 501. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

"TITLE VIII—URBAN LAND UTILIZATION

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Federal Urban Land-Use Act'.

"DECLARATION OF PURPOSE AND POLICY

"SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent in accordance with planning and development objectives of the local governments and local planning agencies concerned.

"DISPOSAL OF URBAN LANDS

"SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

"(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

"(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

"(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

"ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

"SEC. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

"(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

"(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

"(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

"SEC. 805. The procedures prescribed in sections 803 and 804 may be waived during any period of national emergency proclaimed by the President.

"DEFINITIONS

"SEC. 806. As used in this title—

"(a) 'Unit of general local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(b) 'Urban area' means—

"(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

"(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

"(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

"(c) 'Comprehensive planning' includes the following, to the extent directly related to the needs of a unit of general local government:

"(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

"(2) Long-range physical and fiscal plans for such action;

"(3) Programing of capital improvements and other major expenditures, based on a determinaton of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

"(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(5) Preparation of regulatory and administrative measures in support of the foregoing."

[From the Omaha (Nebr.) World-Herald, Aug. 17, 1968]

RURAL AMERICA: KEY TO URBAN ILLS: THE "CONCRETE JUNGLE"

Representative Don H. Clausen (Rep. Cal.) wants something done to revitalize rural America. Toward that end he has introduced legislation in Congress.

Mr. Clausen is concerned about the thousands of Americans who have been pushed off farms and out of small rural communities and who pour into cities in search of jobs. He is concerned about what this movement is doing to the rural communities, what it is doing to the cities, and what it is doing to the nation. He wants to get a lot of Americans back out of the "concrete jungle" and into the wide open spaces.

To accomplish this, he says, he will require some overhauling of the tax structure, to include tax incentives for private enterprise and particularly small business men, improvement of transportation and relocation of industry. And, above all, he says:

"The state must once again become the dominant center of political and governmental influence in America."

Mr. Clausen's ideas are not new, but they have been taking second place for some time to the belief that cities will inevitably continue to get bigger and bigger, fed by the seemingly irreversible flow of people from the countryside, and that the only way to cope with the problems thus created is to find places for the people to live, to retrain them for new jobs, and to creat employment, which never quite catches up with the flood of people who look for it. Welfare costs soar and a sort of subsidized squalor expands.

Perhaps the better solution, at least one worth exploring, is for Government to shift the emphasis toward ways to keep people from running off from country to city—toward ways to diversify the opportunities in rural America and thus to restore some of the attractions of rural living.

If that could be accomplished, it is true that cities would not grow so fast. But perhaps their problems wouldn't grow so fast, either.

In a column on this page the other day, Russell Kirk told of an American professor who is moving to Prince Edward Island to get away from the "increasing ugliness" of American life. The professor, Dr. Robert Beum, wrote:

"To be small and agrarian and a little backward means, in fact, to have pure air and water, rather than the sulphurous and monoxided gas and the murky, polluted streams that characterize the United States today—a nation devoted to bigness and streamlining, to speed and efficiency at any price, to the constant expansion of industrialization, centralization and standardization."

URGES DECENTRALIZATION—HIS DREAM: REVITALIZING RURAL USA

Representative Don H. Clausen (Rep., Cal.) has a dream.

He wants to see the United States get out of what he calls its "concrete jungle."

The big Californian has legislation in Congress aimed at doing that, but he acknowledges it will take a lot of doing—including a loosening of the Federal Government's iron hand on almost everything.

Mr. Clausen is concerned over the steady movement of Americans from rural to urban areas where, he says, many if not most of them don't find jobs.

Beyond that, it also saps from urban America many of its bright young minds.

In addition to halting the flight to the city, and reversing it, Mr. Clausen wants to "return the control of government to the people."

STATES MUST RULE

"The state," he says, "must, once again, become the dominant center of political and governmental influence in America."

How to do it?

It will take, he said, "fantastic effort" and a reversal of existing philosophies.

It will require not reform but overhaul of the tax structure. There must be tax incentives for private enterprise and particularly the small business man, and tax sharing, and mammoth efforts to revitalize rural America.

"Along with a major tax revision," he said, "must come an integrated program of improved transportation within rural America, relocating and expanding industry developing greater opportunities for home building and recreation."

Jobs created in Washington must be returned to the states, he declared.

He contends there are more people trying to govern his state of California from Washington than from the capital, Sacramento.

CAN'T FIND JOBS

More than a half million people each year, he said, find their way from rural America to the large cities, and a large percentage of them go into the so-called "central cities."

In San Antonio, Tex., Phoenix, Ariz., and New Orleans, La., he said, more than half the migrants who arrived there are either still looking for jobs or have quit hunting them.

Meantime, he said, rural areas, "once the backbone of our nation, are rapidly taking on the appearance of a vast ghost town that is only vaguely reminiscent of a once young America in search of new frontiers.

"Boarded-up store fronts, closed schools and churches, ill-kept frame houses surrounded by weeds and an obvious absence of young people. This is the face of rural America today."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. What is the projected cost of this legislation?

Mr. ERLENBORN. I would answer the gentleman from Iowa to this effect: There is no projected cost in this program. This does not cost anything additional in the hiring of new personnel. It merely establishes procedures to be followed by the existing agencies and departments in their relations with State governments.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I shall be happy to yield to the gentleman from Florida.

Mr. CRAMER. Mr. Speaker, I am glad to see on the part of the committee a commitment has been made which both the majority sponsors of the bill and the minority supporters and sponsors of the bill will support the elimination in conference from the comparable Senate bill, S. 698, including titles VII, VIII, and IX of the Senate bill.

However, I would like to pursue it just a little further because I have heard some discussion with regard to a so-called possible grounds for compromise.

I, for one, support the position to oppose including those Senate-passed titles in conference, and appreciate the announced suggestion that the Committee on Public Works is the proper committee to consider this most complicated subject which is actively under consideration, and I believe a very sound approach initially was made in the 1968 highway bill. Admittedly it is an area in which legislation is essential. It is essential that it be uniform. I believe this is consistent with the thinking of our committee, and it is probably the thinking of those handling this bill.

However, should a suggested compromise be made in conference, would it still be the intention of the gentleman from Wisconsin, Mr. REUSS, and the gentleman from Illinois, Mr. ERLENBORN, to stand by the position, in view of it being considered by the Committee on Public Works, not to include that subject matter in any conference report brought back?

Mr. ERLENBORN. I can answer the gentleman affirmatively that that would be my intention. I will yield to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. I would have the same views as those of the gentleman from Illinois.

Mr. CRAMER. Would the gentleman from Illinois yield further?

Mr. ERLENBORN. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Speaker, I support H.R. 18826 as presently before the House, but my colleagues should be made aware of a parliamentary situation which exists. During this session of the Congress, the Senate passed S. 698—the Intergovernmental Cooperation Act of 1968—which contains three titles—title VII, title VIII, and title IX—which are comprehensive and complex provisions relating to relocation assistance and land acquisition policies. The House Committee on Government Operations has favorably reported a similar bill (H.R. 18826) but without the portions of the Senate bill relating to relocation assistance and land acquisition policies. If the bill is passed by the House, the House and Senate conferees could, within the rules, accept the portions of S. 698 relating to relocation assistance and land acquisition policies.

In view of the hearings now being held by this committee, the chairman of the subcommittee, the gentleman from Wisconsin [Mr. REUSS] made a firm commitment—obtained from the chairman of the Committee on Government Operations that the House conferees on the Intergovernmental Cooperation Act of 1968 will insist upon excluding from the bill agreed upon by the conferees all of the provisions relating to relocation assistance and land acquisition policies. This commitment having been obtained, the Committee on Public Works can continue its hearings and deliberations, and in due course report comprehensive legislation on these important subjects. Without such a procedure, policies and programs will end up in the future at variance and without much needed uniformity and equal equity, and the previous work of the Public Works Committee largely undermined.

Mr. ERLENBORN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Speaker, to an increasing degree a matter of central concern to all of us has been the condition of our federal system, the relations between local, State, and Federal governments, and the attendant grant-in-aid programs through which intergovernmental cooperation is largely accomplished.

The source of our concern has been the widely recognized difficulties encountered in the administration of hundreds of grant-in-aid programs—which, whatever the merits of individual programs, have too often tended to weaken, confuse, and burden relations between the levels of government and to limit the effectiveness and reduce the results which we have expected from these programs.

Whether we are primarily interested, Mr. Speaker, in the solution of public problems or in the reduction of waste and inefficiency, our objective in this area is the same: the improved organization, administration, and coordination of Federal assistance programs. Waste—the waste of time, money, and energy—has never solved a problem or saved a city.

The great importance of the Intergovernmental Cooperation Act, H.R. 18826, is the fact that it faces this central issue directly and by providing for necessary adjustments, reforms, and policy improvements in the present grant-in-aid system will greatly enhance the fruitful relationship of local, State, and Federal governments.

More specifically, this bill will improve coordination at each end of the grant system. It will simplify and rationalize the distribution of Federal funds through the States. It will require greater consideration of State and local needs by the Federal bureaucracy. It will encourage a higher level of administrative performance. And in a variety of undramatic ways will correct the failures and inadequacies which recent experience has revealed.

As an original sponsor of this legislation, Mr. Speaker, as a member of the Advisory Commission on Intergovernmental Relations which has studied these problems in depth, and as a member of the committee which reported the present bill favorably, I am pleased and encouraged that the House today has this bill under consideration. I urge our colleagues to approve it and thereby take another significant step ahead in the continuing effort to make our American system of government more responsive and responsible.

The Advisory Commission on Intergovernmental Relations has indicated in its ninth annual report that "America's federal system is on trial today as never before in this century of crisis and change." The events of recent months have graphically highlighted this situation. Though riots, student protests, and other social disturbances are a dramatic indication of the problems facing us, they are, however, but surface indications—albeit serious and unacceptable ones—of far deeper and more imponderable conditions that lie below.

Persistent unemployment, slum housing, inadequate education, congested roadways and airways, environmental pollution, rising crime rates, mass urban migrations, rural poverty—these are the problems facing our people and these are among the most serious causes of unrest and disorder.

In seeking to meet these problems, governments—Federal, State, and local—

have enacted programs and appropriated money. Too often, however, we in government succumb to the belief that problems can be solved and crises stilled merely through the application of large sums of money. Perhaps, if an analogy can be drawn between the practice of government and the practice of medicine, this faith in money should be labeled the mustard plaster theory of government. But, as we should well know, money alone will no more cure our social ills than a mustard plaster will cure a viral infection. The root causes of an illness—physical or social—must be properly diagnosed and proper methods and procedures must be established to effectuate a cure.

At this time, I will not delve more deeply into what must be done to correct our social ills in the most effective means possible. Let me only say that, while certain efforts are being undertaken along these lines, considerably more sophisticated and broadscale measures must be pursued.

Turning, then, to the methods and procedures required to meet our problems, few will question, I believe, that we are enmeshed in disarray, confusion and redtape. Directing our attention only to the Federal level of government, we see that rising expenditures under our crazy-quilt social welfare system have not defused social tension and eliminated dissatisfaction or reduced social dependency; expanded expenditures on roads and airfields have not prevented massive urban traffic congestion; increased appropriations for housing have not stopped the spread of blighted housing and slum conditions; spreading affluence and increased expenditures on poverty programs have not halted the mounting crimewave; enlarged subsidy payments in the agricultural sector have not curtailed the demise of the family farm; and so on in many other areas.

Looking only at Federal grant-in-aid programs, we learn from Congressman Roth's study and others that Congress has established over 1,000 grant-in-aid programs and has appropriated close to $20 billion dollars annually to deal with urban and rural needs. Yet, as these studies aptly indicate, too often we have only the foggiest idea where the money is going, who is getting it, what results are being accomplished, or how and by whom are the programs being administered.

In essence, we are flying blind with the aid of bailing wire and chewing gum, hoping and praying that we will somehow land safely at the right field. We are, in effect, practicing the art of pouring money into a giant funnel at the top and hoping that it will somehow trickle down to those in need at the bottom. This is certainly no way to run a government in the space age, where we can get a man to the moon almost as fast as we can get him across town; where an astronaut can walk safely in space but frequently cannot walk safely the streets of the city; where we can solve the scientific riddles of human life but cannot teach children to read and write; and where we can build elaborate missile sites and logistic complexes but cannot develop adequate and suitable low-cost housing.

In order competently to begin to correct our social ills and overcome our social disorders, we are going to have to devote far greater efforts than in the past to developing effective and efficient organizational techniques and administration. This is far less exciting and more mundane than conceiving of ways to spend large sums of money. But, without such efforts, the money spent will not produce the results we expect.

Much will have to be done within the Federal Establishment to fashion an improved administration in such areas as budgeting practices, planning, cost analyses, program evaluations, data handling, bureaucratic malaise, overstaffing, inefficiency, and discoordination. Efforts to put the Federal house in order, however, will be of limited benefit if we do not revitalize, modernize, and breathe new life into our federal system of government and if we do not expand the role and responsibility of the private sector. Certainly, if there is one thing we should have learned in the past decades, it is that the Federal Government cannot correct our social ills alone and, in fact, has in many cases aggravated them.

Placing greater responsibilities upon State and local governments or upon the private sector must not, of course, be considered some kind of miracle tonic to resolve all our problems. Inefficiencies, waste, and ignorance exist in these areas to the same degree as they do at the Federal level. But, in general, their smaller size, their closer proximity and responsiveness to those affected, their greater freedom to experiment, or, in the case of the private sector, the existence of a profit motive have the potential far more effectively attacking social problems. Naturally, this does not mean that all operations at the Federal level are inefficient or less effective than those that may be carried on elsewhere. To believe so is not only naive, but potentially destructive of eventual social success. Yet, we have in the past so accepted the notion that the Federal bureaucracy can solve all our problems that it now becomes essential to speak forcefully of its limitations and boldly of alternative methods.

In recent years, more and more is being said favorably about the merits of creative federalism, private enterprise, State and local initiative—even by those who, in the past, have pushed Federal domination the most. But, while many words have been uttered, little has actually been accomplished. There is much talk about revenue sharing, but no action has been taken. Many have raised their voices in favor of consolidating limited categorical grants into bloc or consolidated grants, but only the beginnings have been attempted. Speech after speech has been given on the need to revitalize Federal Government organization in order to remove that which is better done elsewhere and to channel that which remains into an effective Federal-State-local-citizen partnership. But, in the House, hearings have not even been scheduled on this vital issue.

This bill, as now constituted, is by no means earthshaking. It is far less encompassing than the similar bills I introduced in the present and past Congresses. But enactment of this bill will constitute a true beginning in the efforts of Congress to forge a true partnership in federalism. The Governors want it, the mayors want it, the county executives want it—all State and local officials are for it because the bill does represent a promising beginning.

What the bill does is to improve the administration of grants-in-aid to the States by, first, requiring that full information about these programs be supplied to the Governors and legislatures, second, facilitating improved financial management of grant-in-aid funds, and third, enabling the Governors and legislatures to have a freer hand in streamlining State organizational structures in order to make more efficient the administration of grant-in-aid programs.

The bill also authorizes Federal departments and agencies to provide special or technical services to State and local governments upon payment of direct and indirect costs, but only where such services do not displace services more economically and expeditiously available through private enterprise. Many State and local government operations, some of which are financed by Federal aid programs, are frequently made less efficient or effective for failure of access to adequate special or technical services such as statistical studies, technical tests, surveys, and so forth. The expense of independently developing such services is often too great or too time-consuming and expert personnel required to perform such services are frequently not available. Here, then, is a clean example of how Congress can provide a means for improving the efficiency and effectiveness of State and local governments without increasing Federal budget outlays and without creating new layers of bureaucracy.

The bill further provides in title IV that, in an effort to encourage the sound and orderly development of urban and rural areas, Federal assistance programs shall be administered in a manner which will provide for the concurrent achievement of and the application of reasoned choices among specified objectives including appropriate land uses, conservation, balanced transportation systems, outdoor recreation and open space, protection of natural beauty and historic sites, community facilities, and high standards of design. In calling for such concurrent achievements and reasoned choices, all viewpoints—national, regional, State, and local—are to be fully considered and the governmental objectives of these various areas shall be fully respected to the extent possible. This title also calls for improved consultation among Federal agencies in their administration of grant-in-aid programs, and for coordination of planning requirements. Finally, the title directs that units of general local government shall be given preference over special-purpose units of government in the absence of substantial reasons to the contrary.

The remaining title of the bill provides that the Federal Government in acquiring, using, and disposing of land within urban areas shall, to the greatest extent practical, engage in such land transactions in a manner which is consistent with zoning and land use practices and objectives of affected local governments.

Mr. Speaker, enactment of this legislation may well in future years be recorded as a landmark in the area of creative federalism. As the Advisory Commission stated in its ninth report:

> The manner of meeting these challenges will largely determine the fate of the American political system; it will determine if we can maintain a form of government marked by partnership and wholesome competition among National, State and local levels, or if instead in the face of threatened anarchy—we must sacrifice political diversity as the price of the authoritative action required for the Nation's survival.

Let us take this first important step, then, to restore vitality to the federal system and to place our form of government in a modern setting which is capable of and willing to meet the challenges of tomorrow.

Mr. REUSS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. FOUNTAIN].

Mr. FOUNTAIN. Mr. Speaker, I rise in support of this legislation.

I rise in support of H.R. 18826, the Intergovernmental Relations Cooperation Act of 1968. This bill includes five of the nine titles contained in H.R. 5522 which I introduced at the start of the 90th Congress. Except for the exclusion of a provision for the periodic congressional review of grant-in-aid programs, H.R. 18826 is similar to the legislation of which I was the original sponsor in the 89th Congress.

Mr. Speaker, this is sound legislation which will help strengthen our federal system of government. Anyone who believes in the need to improve the vitality of our States and to improve coordination and cooperation between the Federal Government and State and local governments should enthusiastically support this bill.

In the past several years the Congress has enacted a great many new and expanded grant-in-aid programs in order to deal with a wide range of social and economic conditions. All of these programs require the cooperative effort of State and local governments in their execution, and most require coordination between and among Federal agencies as well.

To be more specific, the Advisory Commission on Intergovernmental Relations reports that in the 5-year period from 1963 through the first session of the 90th Congress, the Congress enacted approximately 240 new or significantly expanded grant programs, bringing the total to more than 400 separate categorical authorizations administered by no fewer than 18 Federal departments and agencies. Grant-in-aid expenditures have also increased sharply in recent years and currently amount to more than $18 billion annually.

This amazing legislative output is striking evidence that the Congress has been exceedingly responsive to the needs and demands of the American people. But it also reflects the greatly increased burden that has been placed upon our traditional system of Federal-State-local relationships. In a sense, it constitutes the handwriting on the wall, that we must take prompt and vigorous action to cope with the difficult management problems produced by this enormous legislative output—or else we run a serious risk that our grant-in-aid structure will collapse.

Mr. Speaker, it is 10 years since the Committee on Government Operations, acting on the basis of the comprehensive and careful investigation conducted by the Intergovernmental Relations Subcommittee—which I have had the privilege to chair these past 13 years—found the grant-in-aid "a useful method for harnessing cooperative governmental effort in the accomplishment of national legislative purposes."

However, while the grant program has been a valuable instrument for facilitating intergovernmental cooperation, it has, nevertheless, created extremely difficult problems for State and local governments. Problems have resulted from the rapidly accelerating trend in recent years toward the enactment of a great many new and varied grant programs. Problems have also resulted from a lack of effective coordination of these activities at the Federal level, and with respect to their impact on local communities and on the structure of State government.

The Intergovernmental Cooperation Act purports to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities among the levels of government—Federal, State, and local. It is intended to help our federal system more effectively meet the need of a growing and dynamic American society.

Mr. Speaker, my only regret is the bill before the House today does not include a provision for periodic congressional review of grant-in-aid programs. This very important provision was included in the bills which I and other Members of the House introduced, and it is a part of the companion bill which has already passed the Senate. It is my sincere hope, assuming the House acts favorably on this bill today, that the conferees will accept title V of S. 698 relating to periodic congressional review of grants-in-aid.

Mr. Speaker, the need for regular and systematic review of grant-in-aid programs is very great today. We are living in a dynamic age, and we cannot continue indefinitely to face new problems by enacting additional grant programs without facing up to the necessity of giving consideration to the phasing out of some of the older programs aimed at problems of another time. I believe that a uniform policy and procedure for grant review is the most practical method for enabling the Congress to accomplish this objective in a consistent and timely manner.

I urge all of my colleagues to support this constructive legislation for the strengthening of intergovernmental relations and of our federal system.

Mr. REUSS. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wanted to add my voice to those of several others in the Committee on Public Works in appreciation to the Committee on Government Operations for deleting the section that dealt with the problems of land acquisition and relocation assistance. I served on the Davis subcommittee in one of the most thorough studies that has ever been made on this subject. I certainly agree we need to have legislation on these subjects, but I believe that legislation is in the process of coming out of the Committee on Public Works, and that it would be an invasion of the jurisdiction of the Committee on Public Works to have it as a part of this particular bill.

I intend to support this bill. But should this matter be added in conference, I will be voting against it because I think it would be an invasion of the jurisdiction of the Committee on Public Works.

Mr. FASCELL. Mr. Speaker, I am pleased to have this opportunity to lend my support to H.R. 18826, the Intergovernmental Cooperation Act of 1968. This is a bill which helps local government. Many of us talk about it, but here is an opportunity to do something about it. The Intergovernmental Cooperation Act assures to local government a greater voice in the many Federal programs that affect them than they now enjoy. They want this voice; they want this participation; we can provide it here.

Recent developments in Federal-State-local relations have dramatized the necessity for combating major administrative problems which plague effective intergovernmental relations—especially in the grant-in-aid area. The roots of this quiet crisis are known to most of us:

To assist State and local governments meet the heavy demand for more and better services, the Federal Government has greatly expanded its involvement in numerous program areas, largely via the grant-in-aid device. Such grants now number more than 400 reported authorizations—240 of which have been enacted since 1963.

Grant expenditures have increased more than two and one-half times in this decade, rising from $7 billion in fiscal year 1960 to an estimated $18.3 billion for this fiscal year. Approximately 17 percent of total State and local revenues now come from this source.

This remarkable growth in the number and dollar amounts of grants is clear evidence of the National Government's real concern with the pressing problems facing State and local government. It also reflects an abiding faith in the partnership principle that underlies the grant device as well as our federal system.

However, the burgeoning number and variety of grant programs have contributed to serious management problems at all government levels, including overlapping and fragmentation among functional programs, information gaps, and rigid and often conflicting administrative requirements.

Mr. Speaker, the Congress has a vital role to play in improving intergovernmental administration—a role which extends beyond the enactment of grant legislation. While Executive orders, Budget Bureau action, and revamped departmental regulations can remove some of the administrative difficulties at the Federal, State, and local levels, others result from statutory provisions and insufficient executive authority. The latter requires congressional action and the legislation you are considering provides a good vehicle for such action.

H.R. 18826 seeks reform in four basic areas. I would like now to briefly discuss its provisions.

Title II seeks to improve the coordination and flexibility of certain standards and procedures governing the financial, organizational, and other activities of State executives and other State officials affected by Federal grant programs. The specific language of this title reflects the considerable attention devoted to it and the amendatory action taken in 1966 by this subcommittee.

Section 201 would strengthen the individual Governor's role in grant coordination and budget preparation and would facilitate the legislature's task of administrative oversight and fiscal control through providing that Governors or State legislatures, upon request, would be informed by Federal departments and agencies concerning the purposes and amounts of grants being received by their States.

Section 202 recognizes that the use of separate bank accounts is not necessarily an effective means to insure proper accounting of Federal grant funds. A few older grant statutes and some regulations stipulate that State governments must keep Federal moneys in separate bank accounts. As a result, many States maintain complex bank accounts for Federal aid programs. With the development of modern accounting techniques, it should only be necessary for a State to maintain appropriate fund accounts which distinguish the balance that the State has received but not yet earned. This section would encourage the adoption of these principles by the States, while still preserving the Federal Government's proper concern that all grant funds will be utilized as intended by recipients and that basic information concerning the financial status of grant programs will be provided.

Section 203 establishes a procedure designed to discourage the advancement of Federal grant-in-aid funds for longer time periods than are necessary. The Department of the Treasury has already sought administratively to achieve this objective through its Departmental Circular No. 1075, issued on May 28, 1964. The circular established a letter-of-credit procedure that maintains funds in Treasury until they are needed by recipient jurisdictions. However, some States appear to have legal fiscal requirements which impede application of the procedure. Further, some of the Federal agencies using the device have not been fully aware of its basic purpose and have failed to institute and effective monitoring system. As a result, a special Federal task force on letter-of-credit procedures is currently reviewing these and other related problems and formulating appropriate remedial measures. Section 203 recognizes the merits of the letter-of-credit approach and seeks to give it the full force of law. It insures that States will not draw on grant funds in advance of their program needs. Effective, Government-wide implementation of this mechanism should save the Federal Government considerable amounts of interest costs.

Section 204 stipulates that Federal departments and agencies may waive legislative requirements for a "single State agency," multimember board, or commission. Rigid application of these requirements can straitjacket Governors as well as State legislatures in their reorganization efforts. Moreover, given the increasing number of grant-in-aid programs which require "multidisciplinary" packaging approaches, a doctrinaire adherence to this provision appears wholly unnecessary. With improved State administration of Federal aid programs and the pressing contemporary need for the States to restructure their governmental organization in order to keep abreast of their rapidly expanding functional responsibilities, the type of flexibility permitted by section 204 is of the utmost significance. Under this section, the head of the administering Federal department or agency is authorized to waive the requirement on request of a recipient State, if the department or agency is convinced that the proposed alternative administrative arrangement will not undermine the program objectives sought through the grant.

Title III seeks to upgrade "services-in-aid" functions in contemporary Federal-State-local relations by authorizing Federal departments and agencies to provide specialized and technical services to State and local jurisdictions on a reimbursable basis. It also establishes ample safeguards for the legitimate interests of the private sector. A number of Federal departments and agencies already furnish such services gratuitously or at cost as a consequence of specific congressional authorization. The increasingly complex and technical nature of State and local governmental activities coupled with the soaring costs of technical personnel and equipment, highlight the pressing need for this permissive provision. The discretionary power provided in this title would not affect the programs of those Federal agencies which have been authorized to provide special technical assistance, facilities, or consultation services without reimbursement. The "services-in-aid" policy stipulated is wholly permissive, and State or local agencies requesting such aid and the Federal agency involved would have to agree on the extent and cost of the services to be performed.

Title IV establishes a coordinated intergovernmental policy for the planning and administration of Federal grants for development assistance in both rural and urban areas. The need for improved coordination of intergovernmental relationships is most apparent in metropolitan areas where the fragmentation of governmental jurisdiction is accelerating. This title provides procedures for encouraging the various levels of government operating in metropolitan areas to cooperate in the solution of common problems. Section 401 authorizes the President to establish Government-wide guidelines for the formulation, enactment and review of Federal development programs and projects. It also provides, as a matter of congressional policy, that agencies, to the maximum extent possible, consider all viewpoints—National, State, regional, and local—in the formulation and evaluation of such programs and projects. Moreover, under this section, systematic planning required by several individual Federal programs shall, to the extent possible, be coordinated with and incorporated into comprehensive local and areawide development planning.

A significant feature of our Federal system is that most types of domestic public services are administered by general purpose local governments—cities, counties, and towns. Yet, special districts are multiplying at a rapid rate—reaching over 21,000 last year. Section 402 of this title implements the objective that where Federal grant-in-aid legislation makes both special purpose local government units and general purpose local governments eligible to receive urban development loans and grants, Federal agencies should favor the latter, in the absence of substantial reasons to the contrary.

The final title of H.R. 18826 amends the Federal Property and Administrative Services Act by stipulating a uniform procedure for acquisition, use, and disposition of land within urban areas by the General Services Administration in conformance, to the extent possible, with the planning objectives of local governments. Under this title, the GSA Administrator in disposing of Federal urban land holdings shall, to the extent practicable, give advance notice to the general local government having zoning and land use jurisdiction over the land involved in the proposed transaction. The Administrator is also directed to comply, to the extent possible, with the zoning and land use regulations of the local government affected when acquiring or changing the use of any real property in urban areas. Federal land acquisition disposal practices in urban areas clearly have a significant impact on local schools, water and sewage services, highways and streets, and other local governmental functions. At present there is no formal Federal policy with respect to these practices, in contrast to the planning requirements in several grant programs which seek to strengthen local and areawide planning and land use regulations. This title begins to correct this deficiency.

For these reasons, I fully endorse the proposed Intergovernmental Cooperation Act of 1968 (H.R. 18826). I believe the proposed legislation contains sensible solutions to many of the pressing problems impeding effective intergovernmental administration.

I might add, Mr. Speaker, that I introduced H.R. 5524, a companion bill which contains the proposals set forth in the pending bill but also included additional provisions such as congressional review of grant-in-aid programs, which I think is much needed, and a uniform relocation policy. These provisions are contained in the Senate bill on which conference will be held. H.R. 18826, however, was the version on which full agreement could be obtained within the Committee on Government Operations, and, in spite of my desire to go further, I fully support this measure.

Mr. HOLIFIELD. Mr. Speaker, this legislation is geared to alleviating some of the sources of friction in today's Federal-State-local relations. Moreover, it implements proposals advanced by the National Governors' Conference, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, the Advisory Commission on Intergovernmental Relations as well as the Bureau of the Budget.

The need for this legislation is highlighted by chronicling the basic features of contemporary federalism:

First, the demand for more public revenues has hit State and local governments most directly and most severely; witness the fact that these jurisdictions accounted for approximately three-fifths of the total civil governmental expenditures in fiscal year 1966.

Second, in response to these pressures, the Federal Government has expanded its role in domestic governmental programs—largely via the grant-in-aid mechanism.

Third, grant expenditures have risen from $8 billion in 1963 to an estimated $20.3 billion for the next fiscal year.

Fourth, a total of $96.5 billion will have been distributed through this device to States and localities from 1963 through fiscal year 1968, and presently Federal grants provide State and local governments with approximately $1 out of every $6 they spend.

While providing much-needed fiscal and program assistance, the burgeoning number of Federal grants-in-aid has generated serious administrative and fiscal problems at all levels of government. Overlapping and fragmentation of effort, information gaps, processing delays, and inflexibility of many separate funds and requirements have placed shackles on the capacity of both administrators and elected officials to effectively execute, coordinate, and evaluate grant programs.

The proposed Intergovernmental Cooperation Act contains significant and much-needed reforms in four fundamental areas.

The bill seeks to coordinate procedures affecting the distribution of Federal grants to the States and to facilitate the participation of the States as effective partners in the federal system. This goal is implemented through encouraging an improved flow of information concerning Federal grants to State Governors and legislatures, by eliminating requirements fo. separate banks accounts, by discouraging advancement of Federal funds for longer periods than are necessary, and by permitting greater flexibility in administrative reorganization at the State level.

The measure authorizes Federal departments and agencies to provide specialized and technical services to States and localities on a reimursable basis. This will not conflict with the role of private enterprise in the provision of these services. But it will achieve economies in intergovernmental operations.

The bill establishes a coordinated intergovernmental policy for the administration of development assistance grants, which includes incorporation of systematic planning required under separate Federal grant programs into comprehensive local and areawide development planning, and preference accorded to general governmental units, rather than special districts, in the disbursement of Federal aid funds. It also authorizes the President to establish governmentwide guides in the formulation, evaluation, and review of Federal development programs and projects.

Finally, the bill establishes uniform policies and procedures with respect to the acquisition, use, and disposition of urban land by the General Services Administration, and seeks to insure the consistency of such land transactions with the zoning and land use practices of affected local governments. This title initiates a Federal policy in this area—which in time can be extended to other agencies and areas.

Mr. Speaker, I believe that this bill would remove many of the serious obstacles which presently impede the effective operation of the grant-in-aid system, and thereby would substantially contribute to the revitalization of American federalism. For this reason, I urge enactment of this measure.

Mr. MACHEN. Mr. Speaker, I rise today to express my support for the legislation now under consideration, the Intergovernmental Cooperation Act of 1968. The goal to this bill is to make our State and local governments stronger and more vital and to improve the working relationships between all levels of government.

H.R. 18826 is by no means the complete answer to improving intergovernmental relations. But it is a necessary first step. If the concept of creative federalism is ever to become a reality, I believe we must pass this bill and work quickly to enact other measures which will assure that each level of government does what it can do best with the advice and financial assistance of the other levels.

I cosponsored this legislation in the 89th Congress and again in the 90th. I am somewhat disappointed that the bill reported by the committee, and which is now before us, does not include provisions requiring the periodic review of Federal grants-in-aid to the States and local units of government. However, I am confident that we can move toward this goal early next year.

Passage of H.R. 18826 will strengthen State and local governments and improve the relations between those governments and the Federal Government through closer coordination and cooperation of policies and activities, particularly in the administration of Federal grant and loan programs for development assistance and by other means. This legislation provides a means whereby certain troublesome problems in these relations can be corrected.

Title III of H.R. 18826 will save every level of government money by permitting Federal departments and agencies to provide special or technical services to State and local units of government on a reimbursable basis. This will encourage intergovernmental cooperation in the conduct of specialized and technical services and enable State and local governments to avoid unnecessary duplication of special service functions.

Title IV recognizes the importance of the sound and orderly development of all areas of the Nation, both urban and rural. The stated objectives of this title are: First, appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes; second, wise development and conservation of natural resources including land, water, minerals, and wildlife; third, balanced transportation systems including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods; fourth, adequate outdoor recreation and open space; fifth, protection of areas of unique natural beauty and historic and scenic interest; sixth, properly planned community facilities, including utilities for the supply of power, water, and communications; and, seventh, concern for high standards of design.

This title provides that, as a matter of congressional policy, agencies must to the extent possible take into account all viewpoints—national, regional, State, and local—in the formulation and administration of projects falling into the seven categories I mentioned previously.

Title V prescribes the use of uniform procedures in the acquisition, use, and disposal of land in urban areas and states that such transactions shall, to the greatest practicable extent, be in accordance with the planning and development objectives of the affected local governments and planning agencies.

In Prince Georges County, one of the counties in my congressional district, there has been some question about the actions of the Department of Housing and Urban Development in authorizing a 221(d)(3) project without adequate consultation with county officials or adequate consideration of county government development plans. Passage of this legislation will make such instances a sad but bitter memory. Title V assures that active participation by local officials will be sought in urban land use programs financed by the Federal Government.

Many difficulties in the relations between our Federal Government and the State and localities still remain, but I consider this bill a major advance toward obtaining the harmony among the various levels of government that is demanded by the needs of the Nation.

Therefore, I urge all my colleagues to join with me in voting for passage of H.R. 18826.

The **SPEAKER.** The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the bill H.R. 18826.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. REUSS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1968."

TITLE I—DEFINITIONS

When used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation, and for the purposes of title VIII, the Architect of the Capitol.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. For the purposes of title VII, VIII, and title IX the term "State" does include such political subdivisions.

POLITICAL SUBDIVISION OF LOCAL GOVERNMENT

SEC. 103. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

UNIT OF GENERAL LOCAL GOVERNMENT

SEC. 104. "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

SPECIAL-PURPOSE UNIT OF LOCAL GOVERNMENT

SEC. 105. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

GRANT OR GRANT-IN-AID

SEC. 106. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency;

if such authorization either (1) the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

FEDERAL ASSISTANCE, FEDERAL FINANCIAL ASSISTANCE, FEDERAL ASSISTANCE PROGRAMS, OR FEDERALLY ASSISTED PROGRAMS

SEC. 107. The term "Federal assistance", "Federal financial assistance", "Federal assistance programs", or "federally assisted programs", means programs that provide assistance through grant or contractual arrangements, and includes technical assistance programs or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code secs. 47-2501a and 47-2501b).

SPECIALIZED OR TECHNICAL SERVICES

SEC. 108. "Specialized or technical services" means special statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which the Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized by law to perform.

COMPREHENSIVE PLANNING

SEC. 109. "Comprehensive planning" includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) preparation, as a guide for long-range development, of general physical plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilites (including transportation facilities) and other governmental services, and (iii) the effective development and utilization of human and natural resources; (B) long-range physical and fiscal plans for such action; (C) programing of capital improvements and other major expenditures, a determination of their relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program; (D) coordination of all related plans and activities of the State and local governments and agencies concerned; and (E) preparation of regulatory and administrative measures in support of the foregoing.

STATE AGENCY

SEC. 110. For the purpose of titles VII and VIII, the term "State agency" means any agency or instrumentality created by a State, or by a political subdivision of a State or by agreement between two or more States or by two or more political subdivisions of a State or States.

HEAD OF AGENCY

SEC. 111. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

DISPLACED PERSON

SEC. 112. The term "displaced person" means—

(1) any person who is the owner of a business which moves from real property or is discontinued on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(2) any person who is the farm operator of a farm operation which moves from real property or is discontinued on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date of this Act, as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency, or which moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency of other real property on which such family conducts a business or farm operation;

(4) any individual, not a member of a family, who moves from real property occupied as a dwelling on or after the effective date of this Act, as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency, or who moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency, of other real property on which such individual conducts a business or farm operation; and

(5) any individual, not described in paragraph (1), (2), (3), or (4) of this section, who moves his personal property from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency: *Provided*, That this shall not include the owner of property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense.

BUSINESS

SEC. 113. The term "business" means any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, or marketing of timber; (4) for the sale of services to the public; or (5) by a nonprofit organization. Such term does not include the activity of an investor in acquiring or holding real property for resale or gain.

FARM OPERATION

SEC. 114. The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, other than timber for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

FARM OPERATOR

SEC. 15. The term "farm operator" means any owner, part owner, tenant, or sharecropper who operates a farm.

FAMILY

SEC. 116. The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, or adoption.

ELDERLY INDIVIDUAL

SEC. 117. The term "elderly individual" means a person, not a member of a family, who is sixty-two years of age or over.

HANDICAPPED INDIVIDUAL

SEC. 118. The term "handicapped individual" means a person, not a member of a family, who is handicapped within the meaning of section 202 of the Housing Act of 1959.

DISPLACED

SEC. 119. The term "displaced", when used in relation to any person, means any person moved or to be moved from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government.

OWNER AND PERSON

SEC. 120. The terms "owner" and "person" mean any individual, and any partnership, corporation, or association.

REAL PROPERTY

SEC. 121. The term "real property" as used in this Act shall include land, and any interest in land, including but not limited to easements, rights-of-way, water rights, and mineral interests.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

FULL INFORMATION ON FUNDS RECEIVED

SEC. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivisions shall, upon request, notify in writing the Governor or other official designated by him, or the State legislature, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions.

DEPOSIT OF GRANTS-IN-AID

SEC. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to subsequent to such transfer of funds. States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organization arrangements within the State government and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments.

AUTHORITY TO PROVIDE SERVICE

SEC. 302. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment to the department or agency by the unit of government making the request, of salaries and all computable overhead and indirect costs of performing such services: *Provided. however*, That such services shall include only those which the Director of the Bureau of the Budget through rules and regulations, determines may be provided by Federal departments and agencies. Such rules and regulations shall be consistent with and in furtherance of the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

REIMBURSEMENT OF APPROPRIATION

SEC. 303. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 302 shall be deposited to the credit of the principal appropriation from which the cost of providing such services has been paid or is to be charged, or to the appropriation currently available for the cost of similar services.

REPORTS TO CONGRESS

SEC. 304. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

RESERVATION OF EXISTING AUTHORITY

SEC. 305. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

DECLARATION OF DEVELOPMENT ASSISTANCE POLICY

SEC. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President shall, therefore, establish rules and regulations for uniform application in the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict—

(1) appropriate land uses for residential, commercial, industrial, governmental, institutional, and other purposes;

(2) wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(3) balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) adequate outdoor recreation and open spaces;

(5) protection of areas of unique natural beauty, historical, and scientific interest;

(6) properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes;

(7) concern for high standards of design; and

(8) any other objective through which Federal or federally assisted development programs or projects can contribute to the balanced economic, social, and cultural development of the Nation and the achievement of enhanced levels of living.

(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. Regional, State, and local government objectives shall be considered and evaluated within a framework of national public objectives, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for urban development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and made part of comprehensive local and areawide development planning.

FAVORING UNITS OF GENERAL LOCAL GOVERNMENT

SEC. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to the special-purpose units of local government.

RULES AND REGULATIONS

SEC. 403. The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE V—CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND TO LOCAL UNITS OF GOVERNMENT

STATEMENT OF PURPOSE

SEC. 501. It is the purpose and intent of this title to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions which may be enacted hereafter by the Congress shall be made the subject of sufficient subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid of instruments of Federal-State-local cooperation is improved and enhanced; (2) grant programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and (3) grant programs are terminated when they have substantially achieved their purpose. It is further the purpose and intent of this title to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficent, effective, and economical administration of such programs, and greater uniformity in operation thereof.

EXPIRATION OF GRANT-IN-AID PROGRAMS

SEC. 502. Where any Act of Congress enacted in the Ninety-first or any subsequent Congress authorizes the making of grants-in-aid to two or more States or to political subdivisions of two or more States and no expiration date for such authority is specified by law, and such grant is not specifically exempted from the provisions of this title, then the authority to make grants-in-aid by reason of such Act to States, political subdivisions, and other beneficiaries from funds not theretofore obligated shall expire not later than June 30 of the fifth calendar year which begins after the effective date of such Act.

COMMITTEE STUDIES OF GRANT-IN-AID PROGRAMS

SEC. 503. Where any Act of Congress enacted in the Ninety-first or any subsequent Congress authorizes the making of grants-in-aid over a period of three or more years to two or more States or to political subdivisions of two or more States, then during the period beginning not later than twelve months immediately preceding the date on which such authority is to expire, the committees of the Senate and of the House to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made with a view to ascertaining, among other matters of concern to the committees, the following:

(1) The extent to which the purposes for which the grants-in-aid are authorized have been met;

(2) The extent to which such programs can be carried on without further financial assistance from the United States;

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto, to conform to recommendations by the Comptroller General under section 504, should be made;

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations; and

(5) The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire.

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 504. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which programs conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 505. Upon request of any committee referred to in section 503, the Advisory Commission on Intergovernmental Relations (established by Public Law 86-380, as amended) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

RECORDS AND AUDIT

SEC. 506. (a) Each State or political subdivision thereof receiving assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification, or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant may prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants received.

TITLE VI—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

SEC. 601. The Federal Property and Administrative Service Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

"TITLE VIII—URBAN LAND UTILIZATION

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Federal Urban Land-Use Act'.

"DECLARATION OF PURPOSE AND POLICY

"SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations and to encourage sound planning zoning, and land use practices by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made in accordance with planning and development objectives of the local governments and local planning agencies concerned.

"DISPOSAL OF URBAN LANDS

"SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

"(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

"(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned;

"(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

"ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

"SEC. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

"(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

"(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such units; and

"(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

"Sec. 805. The procedures prescribed in sections 803 and 804 may be waived during any period of national emergency proclaimed by the President.

"DEFINITIONS

"Sec. 806. As used in this title—

"(a) 'Unit of general local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(b) 'Urban area' means—

"(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

"(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

"(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

"(c) 'Comprehensive planning' includes the following, to the extent directly related to the needs of a unit of general local government:

"(1) preparation, as a guide for long-range development, of general physical plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

"(2) long-range physical and fiscal plans for such action;

"(3) programing of capital improvements and other major expenditures, a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

"(4) coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(5) preparation of regulatory and administrative measures in support of the foregoing."

TITLE VII—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

Sec. 701. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs so that as far as practical such persons shall be left not worse off economically than they were before being displaced. Such a policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) Federal reimbursement for relocation payments under federally assisted programs.

PART A.—FEDERALLY PROGRAMS

RELOCATION PAYMENTS

Sec. 702. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 705 of this Act.

(b) In addition to the payments authorized by subsection (a) of this section, an additional payment of $300 is authorized for any displaced person who moves from a dwelling if the displaced person purchases a dwelling for the purpose of residence within one year from the date of actual displacement, except that such displaced person shall be eligible for payment under this subsection only when the dwelling purchased is situated upon real estate in which such person acquires fee title, life estate, ninety-nine-year lease, or other type of long-term lease equivalent to fee ownership.

(c) If any displaced person who moves or discontinues his business elects to accept the payment authorized by this subsection in lieu of the payment authorized for such business by subsection (a) of this section, the head of such Federal agency shall make a fixed relocation payment to such person in an amount equal to the average annual net earnings of the business, or $5,000, whichever is the lesser: *Provided, however,* That in the case of a displaced person who is 62 years of age or over, the fixed relocation payment shall be increased by an amount equal to twice the average annual net earnings of the business, or $5,000, whichever is the lesser. No payment shall be made under this subsection unless the head of such agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment, not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired by the United States and includes any compensation paid by the business to the owner, his spouse, or his dependent children during such two-year period. Such earnings and compensation shall be established by Federal income tax returns filed by such business and its owner and his spouse and dependent children for such two taxable years.

(d) If any displaced person who moves from a dwelling elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section for moving from such dwelling, the head of such Federal agency shall make the following fixed relocation payments to such person:

(1) A moving expense allowance, determined according to a schedule established by the head of such agency, not to exceed $200;

(2) A dislocation allowance equal to the amount paid under paragraph (1) of this subsection or $100, whichever is the lesser;

(3) An additional payment of $300 if the displaced person purchases a dwelling for the purpose of residence within one year from the date of actual displacement except that such displaced person shall be eligible for payment under this subsection only when the dwelling purchased is situated upon real estate in which such person acquires fee title, life estate, ninety-nine-year lease, or other type of long-term lease equivalent to fee ownership; and

(e) If any displaced person who moves or discontinues a farm operation elects to accept the payment authorized by this subsection in lieu of the payment authorized for such farm operation by subsection (a) of this section, the head of such Federal agency shall make a fixed relocation payment to such person in the amount of $1,000. In the case where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the remainder property is no longer an economic unit.

(f)(1) In addition to any amount under subsections (a), (b), (c), (d), and (e) of this section, the head of such Federal agency may pay to or on behalf of any displaced family, displaced elderly individual, or displaced handicapped individual, monthly payments over a period not to exceed twenty-four months in an amount not to exceed $500 in the first twelve months and $500 in the second twelve months to assist such displaced family or individual to secure a decent, safe, and sanitary dwelling. Subject to the limitation imposed by the preceding sentence, the additional payment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average annual rental required for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities: *Provided,* That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

(2) The Secretary of Housing and Urban Development shall make the determinations under this subsection on the amount of assistance according to family size, family or individual income, average rents required, or similar considerations for all agencies making such payments.

(3) The additional payments under this subsection may be paid on a lump sum or other than monthly basis in cases in which the small size of the payments that would otherwise be required do not warrant a number of separate payments or in other cases in which other than monthly payments are determined warranted by the head of the Federal agency.

(4) No payment received under this subsection shall be considered as income for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal Act.

(g)(1) In addition to amounts otherwise authorized, the head of such Federal agency shall make a payment to the owner of real property which is acquired for the project and which is improved by a single- or two-family dwelling occupied by the owner for a period of not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed $5,000, shall be an amount which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market: *Pro-*

vided, That such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

(2) The Secretary of Housing and Urban Development shall make the determinations under this subsection on the prices prevailing in the locality for dwellings meeting the requirements of paragraph (1) above for all agencies making such payments.

RELOCATION ASSISTANCE PROGRAMS

Sec. 703. (a) If the head of any Federal agency acquires real property for public use in a State, he shall provide a relocation assistance program for displaced persons which shall offer the services described in subsection (c) of this section. If the head of such agency determines that other persons, occupying property immediately adjacent to the real property acquired, are caused substantial economic injury because of the public improvement for which such property is acquired, he may offer such persons relocation services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance program required by subsection (a) of this section shall include, to the maximum extent practicable, such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs of displaced families, individuals, business concerns, and farm operators for relocation assistance; (2) to assure that within a reasonable period of time prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary buildings equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment, except that the President may prescribe by regulation situations when such assurances may be waived; (3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable business locations or replacement farms; (4) to supply information concerning the Federal Housing Administration home acquisition program under section 221(d)(2) of the National Housing Act, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other programs offering assistance to displaced persons; (5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and (6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

(d) Paragraph (3) of section 7(b) of the Small Business Act is amended to read as follows:

"(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal project or highway construction program or any other public improvement program conducted by or with funds provided in whole or in part by the Federal Government or by the States; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business and,".

STATES ACTING AS AGENTS FOR FEDERAL PROGRAMS

Sec. 704. Whenever real property is acquired by a State agency for a Federal public improvement project, such acquisition shall, for purposes of this Act, be deemed an acquisition by the Federal agency having authority over such project and such Federal agency shall make relocation payments, provide relocation assistance, and provide assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency.

AUTHORITY OF THE PRESIDENT

Sec. 705. (a) To carry into effect the provisions of this title, the President is authorized to make such rules and regulations as he may determine to be necessary to assure—

(1) that relocation payments authorized by section 702 shall be fair and reasonable and as uniform as practicable;

(2) that a displaced person who makes proper application for a relocation payment authorized for such person by section 702(a) shall be reimbursed for or paid—

(A) his actual reasonable expenses in moving himself, his family, his business, farm operation, or other personal property, and for his actual and reasonable expenses in searching for a replacement property;

(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location at a price exceeding the sale price, the amount of the difference of such prices not to exceed, however, the estimated cost of moving the property or its market value, whichever is less; and

(C) such other expenses authorized by section 702(a) as may be provided for in regulations issued under this section;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 702(a) with due consideration for the declaration of policy in this title and the provisions of subsection (a) of this section and section 707(b).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilities, personnel, and services of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations consistent with the provisions of this title as he deems necessary or appropriate to carry out this title.

FUND AVAILABILITY

Sec. 706. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

Part B.—Federally Assisted Programs

RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE OF AVAILABILITY OF HOUSING

Sec. 707. (a) Notwithstanding any other provision of law, on and after the effective date of this Act, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement with the head of such Federal agency to provide to displaced persons for moves from such real property—

(1) fair and reasonable relocation payments as described in section 702(a) of this title and in accordance with regulations established by the President under section 705 of this title;

(2) fixed relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by subsections 702 (c), (d), (e), and (f) of this title;

(3) relocation assistance programs offering the services described in section 703(c) of this title;

(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment; and

(5) a payment for owner-occupants under the same terms and conditions as are required to be made by Federal agencies by subsection 702(g) of this Act: *Provided*, That no such payment shall be required or included as a project cost under subsection 707(c) if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the head of the Federal agency to have substantially the same purpose and effect as subsection 702(g) and to be part of the cost of the project for which Federal financial assistance is available.

(b) As a condition to further assistance to a State agency for the acquisition of real property or of a public improvement for which real property is to be acquired or as a result of which displacement will otherwise occur, the head of the Federal agency shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the State agency that decent, safe, and sanitary dwellings as required by subsection 707(a)(4) are available for the relocation of each such individual or family.

(c) The cost to a State agency of providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs: *Provided*, That, notwithstanding any other law, the Federal agency providing such assistance shall contribute the first $25,000 of the cost of providing such payments to any person displaced prior to July 1, 1971: *And provided further*, That no State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by the subsection.

(d) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this title by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(e) Any grant to, or contract or agreement with a State agency executed before the effective date of this Act, under which Federal financial assistance is available to pay the cost in connection with the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include an agreement as described in subsection (a) of this section.

(f) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, or to provide the funds necessary to meet the requirements of section 805(b)(1) of this Act, he may advance the Federal share of such relocation payments and an amount necessary to make the required payments under section 805(b)(1) to such State agency. Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency from Federal sources.

DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSISTANCE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED

Sec. 708. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, shall, for the purposes of this title, be deemed to be a displaced person.

SEVERABILITY

Sec. 709. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of the provision to other persons or circumstances shall not be affected thereby.

ACTS REPEALED

Sec. 710. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 133 of title 23, United States Code.

(5) Section 7(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1606(b)).

(6) Section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c)).

(7) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(8) Paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)), except the first sentence of such paragraph.

(9) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(10) Section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

TITLE VIII—UNIFORM LAND ACQUISITION POLICY

Part A.—Federal Programs

UNIFORM POLICY ON LAND ACQUISITION PRACTICES

Sec. 801. (a) In order to encourage the acquisition of real property by amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall be governed by the following policies:

(1) The head of a Federal agency shall conduct transactions for the acquisition of real property in such a manner as to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before the property was acquired.

(2) The head of a Federal agency shall make every reasonable effort to acquire real property by negotiated purchase.

(3) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(4) Before the initiation of negotiations for property, the head of the Federal agency concerned shall establish a price which he determines to be a fair and reasonable consideration therefor, such price not to be less than the appraised value of the property as approved by such agency head, and shall make a prompt offer to acquire the property for the full amount so established.

(5) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner an amount not less than the appraised fair value of such property as determined by such agency head, or the amount of the award of compensation in the condemnation proceeding for such property.

(6) The construction or development of public improvements shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property will be required to move from a dwelling, or to move his business or farm operation without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(7) If the head of the Federal agency concerned does not require a building, structure, or other improvement acquired as a part of the real property, he shall where practicable offer to permit its owner to remove it. As a condition of removal, an appropriate agreement shall be required whereby the fair value of such building, structure, or improvement for removal from the real property, as determined by such agency head, will be deducted from the compensation otherwise to be paid for the real property, however such compensation may be determined.

(8) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(9) In no event shall the head of a Federal agency either advance the time of condemnation, or defer the condemnation and the deposit of funds in court for the use of the owner, in order to compel an argreement on the price to be paid for the property. If an agency head cannot reach an agreement with the owner, after negotiations have continued for a reasonable time, he shall promptly institute condemnation proceedings and, at the same time or as soon thereafter as practicable, file a declaration of taking and deposit funds with the court in accordance with the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if possession is required prior to the entry of the judgment in the condemnation proceeding.

(10) If an interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall, except as to property to be acquired under section 25 of the Tennessee Valley Authority Act of 1933 (48 Stat. 70, as amended; 16 U.S.C. 831x), request the Attorney General to institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(11) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

(12) In determining the boundaries of a proposed public improvement, the head of the Federal agency concerned should take into account human considerations, including the economic and social effects of such determination on the owners and tenants of real property in the area, in addition to engineering and other factors.

(b) The provisions of this section shall not affect the validity of any property acquisitions by purchase or condemnation.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

Sec. 802. (a) Notwithstanding any other provisions of law, if the head of a Federal agency acquires land or any interest in land for public use in a State, he shall acquire a like interest, or greater interest, in all buildings, structures, or other improvements comprising part of the real propety so acquired which are required to be removed from the land or which, in the opinion of such agency head, will be adversely affected by such public use, if such improvements are not required to be removed.

(b) As used in this section, the term "real property" means land, or any interest in land, and (1) any building, structure, or other improvement imbedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential and integral part thereof; (2) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (3) any article so designed, contructed, or specially adapted for the purpose for which such real property is used that (A) it is an essential accessory or part of such real property, (B) it is not capable of use elsewhere, and (C) it would lose substantially all its value if removed from the real property.

(c) For the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property: *Provided*, (1) that payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) that the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer and release to the United States all his right, title, and interest in and to such improvements: *Provided further*, That no provision of this section shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO THE UNITED STATES

SEC. 803. The head of a Federal agency, as soon as practical after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in the condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses in conveying such real property to the United States;

(2) penalty costs for prepayment of mortgage incident to such real property, provided that such mortgage shall be of record as required by law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title or the effective date of a court order of possession, whichever is the earlier.

PART B.—FEDERALLY ASSISTED PROGRAMS

REQUIREMENTS FOR APPROVAL OF CONTRACTS OR AGREEMENTS FOR FEDERAL FINANCIAL ASSISTANCE

SEC. 804. (a) Notwithstanding any other provision of law, on and after the date of enactment of this Act no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—

(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;

(2) that the construction or development of the public improvement shall be so scheduled that, to the greatest extent practicable, no person will be required to move from a home, farm, or business location without at least ninety days' written notice from such State agency of the date by which the move is required; and

(3) that it shall be the policy of the head of the State agency, before initiating negotiations for real property, to establish a price which he believes to be a fair and reasonable consideration therefor, such price not to be less than the appraised value of the property as approved by such State agency head, and to make a prompt offer to acquire the property for the full amount so established.

(b) Notwithstanding any other provision of law, on and after July 1, 1971, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property, or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance, unless such State agency has entered into the agreements described in subsection (a) of this section and has agreed—

(1) that no owner will be required to surrender possession of real property before the head of the State agency (A) pays the agreed purchase price, (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) that the head of the State agency, not later than the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable for expenses necessarily incurred for—

(A) recording fees, transfer taxes, and similar expenses in conveying such real property to the United States;

(B) penalty costs for prepayment of mortgage incident to such real property, provided that such mortgage shall be of record as required by law on the date the official announcement of the project is made by the State agency; and

(C) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title or the effective date of a court order of possession, whichever is the earlier.

(3) that any decrease in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property; and

(4) that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the State agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property: *Provided*, (1) that payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) that the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements: *Provided further*, That no provision of this section shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

PROVISIONS REPEALED

SEC. 805. Effective on July 1, 1971, sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073) are hereby repealed.

TITLE IX—JUDICIAL REVIEW

SEC. 901. The provisions of sections 551–559 and 701–706 of title V United States Code, shall apply to an action of a Federal agency under title VII and title VIII. For purposes of this title, the definition of "person" contained in section 551(2) of title V, United States Code, shall be deemed to include a State as defined in this Act.

SEC. 902. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title VII or title VIII of this Act may institute, in the district court in the United States or the judicial district in which such person resides or such State is located, or in which the claim of such person or State first arose, an action seeking review of such final action of the Federal agency and demanding appropriate relief therefrom.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: Strike out all after the enacting clause of S. 698 and insert in lieu thereof the provisions of H.R. 18826, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18826) was laid on the table.

GENERAL LEAVE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and to extend their remarks on the bill (H.R. 18826) which was just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

REDUCING THE NUMBER OF FISH PROTEIN CONCENTRATE EXPERIMENTAL PLANTS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (S 3030) to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate, as amended.

The Clerk read as follows:

S. 3030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section

3 of the Act of November 2, 1966 (16 U.S.C. 778f), is amended as follows:

(1) The first sentence is amended by inserting "or leasing" immediately after "construction".

(2) The second sentence is amended by striking out "for the leasing of one additional experiment and demonstration plant, for the operation and maintenance of experiment and demonstration plants leased or constructed under this Act" and inserting in lieu thereof "for the leasing or construction of the experiment and demonstration plant referred to in the preceding sentence, for the operation and maintenance of such experiment and demonstration plant".

The SPEAKER. Is a second demanded?

Mr. SMITH of Iowa. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the purpose of this bill is to reduce the number of fish protein concentrate experimental plants.

In effect, instead of affording the Secretary of the Interior the authority to construct one plant and to lease one plant for the development and processing of fish protein concentrate experimental in nature, the bill affords the Secretary of the Interior the option of either leasing or constructing one plant.

It is expected, according to the estimates of the departments downtown and of the Bureau of the Budget, that there will be no additional cost to the taxpayers under the bill as it has been reported from the committee and the same limitations which were imposed in terms of expenditures by the Federal Government and costs to the Federal Government when this legislation was passed originally years ago will be maintained.

The bill was reported unanimously from the Committee on Merchant Marine and Fisheries. There was not a dissenting vote and the committee strongly urges in its report that the House do enact the legislation before it.

Mr. Speaker, the purpose of S. 3030 is to provide the necessary funds to construct or lease an experiment and demonstration plant for the production of fish protein concentrate suitable for human consumption.

As many of the Members of the House will recall—approximately 2 years ago—the Congress enacted Public Law 89-701. This 1966 law authorizes the Secretary of the Interior to develop through the use of experiment and demonstration plants practicable and economical means for the production of fish protein concentrate. Further, the law authorizes to be appropriated $1 million for design and construction of one plant and, in addition, $1,555,000 annually for a period of 5 years for the leasing of a second plant, for the operation and maintenance of both plants—the one authorized to be constructed and the one authorized to be leased—and for carrying out the program authorized by the act.

Although the act became public law in November of 1966, no funds were appropriate during the first year of the program. During the second year of the program—fiscal year 1968—$1 million was appropriated for design and construction of the plant authorized to be constructed and, in addition, $1,135,000 was appropriated to be used—in the Secretary's discretion—for the leasing of the second plant, for the operation and maintenance of the two plants, and for carrying out the fish protein concentrate program authorized by the act.

As of this date, all of the appropriated funds have been used, except for the $1 million for construction. None of the construction funds has been used. Subsequent to the passage of the 1966 act, it later developed that there was a need for more complex specialized equipment to meet the fluoride residue requirements imposed by the Food and Drug Administration, a need to increase the extraction stages from three to five and a need to meet the other requirements of the Food and Drug Administration for fish protein concentrate made from whole fish to be safe for human consumption. Now, it has been determined that it will take about twice as much to design and construct a plant as preliminary estimates had indicated.

Mr. Speaker, S. 3030, as passed by the Senate, would authorize the additional funds needed for construction of a plant by increasing the appropriation authorization for construction from $1 million to $1.9 million. However—after lengthy hearings by my Subcommittee on Fisheries and Wildlife Conservation and after giving thorough consideration to the many views expressed at the hearings, by both industry and Government—the Committee on Merchant Marine and Fisheries deemed it in the best interest of all concerned to completely rewrite the appropriation authorization so as to reduce the cost of this program as much as possible and still allow it to go forward.

Mr. Speaker, this was accomplished by striking out all after the enacting clause and substituting new language to the following effect:

The first portion of the legislation would have the effect of reducing the number of plants authorized to be utilized in carrying out the fish protein concentrate program from two to one, which could either be leased or constructed, subject to the best judgment of the Secretary.

The second portion of the legislation—in conformity with the first portion—would rewrite the section of present law to reauthorize the same level of funding, that is, $1,555,000 annually, reduce the number of plants authorized for the development of fish protein concentrate from two to one—which could either be constructed or leased—and authorize the Secretary to use some of these funds for construction, if in his discretion, he should determine that the Federal Government should construct a plant rather than lease one.

Mr. Speaker, all departments reported favorably on the legislation and the preponderance of the testimony presented at the hearings was favorable. The Committee on Merchant Marine and Fisheries was unanimous in urging passage of S. 3030, as amended, and I would like to join my colleagues in urging its prompt enactment.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, the legislation before us, and I would pin the committee down on this matter, does not mean we are putting the Congress on record as being opposed to adding fish protein concentrate plants in the future, if justified; does it?

Mr. DINGELL. No, this is only an experimental program. The function of the program is to find out, first of all, how this can be economically made. It costs about 48 cents a pound to make and if we were to comply with that for our foreign aid requirements, if those foreign aid requirements were to comply in dealing with our food and drug requirements, it would cost something on the order of 50 cents a pound. We are trying very hard to get the cost of this product down to 25 cents a pound, which is deemed to be an economical cost, and a cost which can make it useful as an additive to diet.

Mr. DON H. CLAUSEN. I just wanted to have the record very clear on this, because there are other areas of the country which are very interested, and at the appropriate time wish to make request for fish protein concentrate plants for the fishery resources that are available in those areas for exploitation and processing.

Mr. DINGELL. The committee is well aware of that, and that is one reason we are trying hard to keep the program going.

Mr. Speaker, I reserve the remainder of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another of a series of steps that have been taken or are underway to legalize including filth in fish meal and making it an additive to bread and other foods. We finally cleaned up livestock and poultry protein sources with the meat and poultry inspection bills. Many of the fish processing plants have been found to be even more unsanitary, with rotten fish scales and particles from previous batches, and other residues and objectionable materials prevalent. There is no mandatory fish inspection service but instead of coming in here with a bill to clean up the fish processing industry the way we cleaned up meat and poultry, the committee is bringing you a bill to promote the production of ground whole fish including the intestinal waste and byproducts.

In reply to a letter from me concerning classification of such materials by FDA, it was stated as follows:

> There is evidence which indicates that pathagons, toxins, pesticides, and medicaments may be present in manure. Additionally the very nature of manure causes it to be classified by FDA as filth.

Even if it is sterilized by bringing it to a high temperature, we should not legalize including filth in an additive.

I have no objection to research for better methods to dry fish flesh but I certainly do object to spending more Government money to develop a food containing filth.

Some have tried to say that my objection to this unwholesome product is based upon its competition with agricultural products. That is obviously wrong because even with the filth included, fish protein concentrate does not even come close to being competitive.

In April, AID contracted for some of this whole fish meal for 42 cents per pound. Soybean flour is only 6 cents per pound. The fish meal is 75 percent protein while the soybean flour is 50 percent or in other words 9 cents worth of soy flour provides the same protein as 42 cents worth of this whole fish meal. The gentleman from Michigan just said that the goal is 25 cents. That still would be three times as much as the cost of getting the protein from the soybean. A concentrated form of soy flour, which is even higher in protein than the fish meal, costs 20 cents per pound or only one-half as much. Cottonseed products are roughly the same price as the soybean products. The reason why the fish meal has no possibility really of competing is that unprocessed soybeans in a dry form can be delivered to the processor for 4 cents per pound while it cost more than that just to get the fish including waste, water, and byproducts out of the ocean; and after that there is a considerable loss of weight in the drying process.

I do not know of any promotion since I have been in Congress that has been more heavily laden with misrepresentation. In order to make it sound like this would be a cheap food, in 1966, Interior's Bureau of Commercial Fisheries estimated the cost would be 13.1 cents a pound. But it has turned out to be 42 cents. They have consistently and fraudulently misrepresented that this would be a cheap protein food.

They even put out a press release indicating that a growing child could get a sufficient quantity of protein for one-third of a cent a day. When I questioned them as to the source of their estimate, the best they could do was to say that one Fernando Monckeberg of Chile had made such a statement and written an article to that effect. Can you imagine proceeding with that as an authority? When I secured the article that he had written, it turned out that even he found that an 80-pound child would need more than 1 ounce per day of the protein concentrate and that would cost nine times as much as they had estimated. FDA regulations prohibit a child up to 8 years old being given more than 20 grams per day of this kind of product so their protein requirements could not be furnished with this kind of product anyway without harm.

H. E. Crowther, Director of the Department of the Interior's Fish and Wildlife Service stated in a letter to me August 8, in reply to an inquiry to his office, that if this bill passes they will request an additional $900,000 to put with a million dollars now being held in reserve to build a plant; and he states:

> We know of no one who will construct a plant costing $1,900,000 to lease to the Government for a limited period authorized in the bill as amended.

The reason is obvious. Private industry knows that the plant would be a white elephant because even if it is permitted to produce the proposed unwholesome product, the product is not competitive and does not even come close to being competitive. If there were a possibility of this product becoming competitive, private industry could do it. The sooner we stop this high pressure promotion for legalizing this product for human consumption and the sooner the agencies quit engaging in fraudulent promotion to encourage people to think that this product is either wholesome or cheap, the better off everyone will be instead of washing all the filth and byproducts from fish processing plants into a big vat and making fish meal out of it, the fish industry needs to clean up those filthy processing plants.

The next logical step will be to want to use byproducts from other fish processing plants. They deny they want to use these byproducts more heavily as the next step. They also denied that their objective was to use FPC as additives in bread and foods in the United States but they are now pressuring for that authority. They also said it was only for use in foreign aid. If it is really for that purpose only, it is a foreign aid bill. Now I would not object to loaning fishing boats to developing countries but surely with their manpower surplus, we do not need to do their fishing too or require them to add cost to the product. Mr. Speaker, we finally moved in the Congress to finish cleaning up the livestock and poultry slaughtering operation—let us not take a step backward now and legalize the fish industry mixing filth with their products at the taxpayers' expense.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I trust that nobody will be confused by the title of S. 3030, as amended, which claims it is a bill "reducing the number of fish protein concentrate plants."

That this is a misnomer is made clear by the committee report. Let me read from the report:

> The purpose of S. 3030 is to provide additional funds needed to construct or lease an experiment and demonstration plant for the production of fish protein concentrate suitable for human consumption.

Make no mistake about it. If you vote for this bill you are voting to allow the Bureau of Commercial Fisheries to spend double the amount previously authorized for construction of a fish protein concentrate plant.

In the act of November 2, 1966, the Congress authorized the expenditure of $1 million for the design and construction of a fish protein concentrate demonstration plant. The Bureau of Commercial Fisheries could not get the job done for that amount. It came back to Congress early this year and asked for an increase in the authorization to $1.9 million.

The other body quickly complied, passing the bill without a change from the draft submitted by the Department of the Interior.

The version reported by the Committee on Merchant Marine and Fisheries is somewhat different. Besides authorizing the construction of a Government-owned plant, the 1966 act also authorizes $1,555,000 to be appropriated annually for 5 years for the leasing of one additional plant and for the operation and maintenance of both plants.

Now, as the committee report states on page 4, private industry showed very little interest in entering into a leasing matter. In fact, and I quote here from the committee report:

> In fact, as a practical matter, it would probably cost the federal government more to enter into a leasing arrangement than it would to construct a plant, particularly in view of the fact the lessor would figure on amortizing his plant and equipment costs over the remaining 4-year life of the program.

So there really was little or no likelihood that the leasing authority in the 1966 act was going to be used.

The committee amendment we are considering today does two things:

First, it provides for only one fish protein plant instead of two.

Second, it provides that this plant may be either constructed or leased. For this purpose, the Bureau may use the $1 million originally authorized for construction as well as the $1,555,000 originally authorized for leasing a second plant and for operation and maintenance of both plants.

Any way you look at it, we are going to get only one plant instead of two for our money and it is going to cost us twice as much.

Even in a free-spending Congress the need for this legislation, in my judgment, would appear to be very questionable.

During a year when the Congress has ordered a $6 billion cut in budgeted expenditures, I find it hard to believe that my colleagues will vote for an authorization increase that was not even in the President's budget last January.

Last week the chairman of our Committee on Ways and Means predicted that the next President will have to ask for an extension of at least part of the 6-percent surtax passed a few months ago.

We are all aware of the measures being taken to reduce the Federal deficit, to restore the Government to a sound financial footing. Some worthwhile programs have been affected. There is not going to be as much money available this year for schools, for highways, for sewage treatment plants, for any number of programs for which the need has been thoroughly documented.

So I cannot believe we would be justified in suspending the rules and passing this legislation.

My interest in fish protein concentrate goes back a long time, as my colleagues know, due to the fact that its development was pioneered by Mr. Ezra Levin, president of the VioBin Corp. of Monticello, Ill. More than 12 years ago Mr. Levin developed a process for making an odorless, tasteless, wholesome, and protein-rich flour-like substance by grinding up whole fish and treating it with chemicals. This is what we now know as FPC—fish protein concentrate. I make no extravagant claims for fish protein concentrate but I do say—as I have for many years—that there is every reason to hope that fish protein concentrate will prove a valuable weapon in combating hunger in the underdeveloped portions of the world. In those areas of Africa, Asia, and South America millions of people, and particularly children, are afflicted with a disease called kwashiorkor resulting from a lack of protein in the diet. In searching for ways to overcome this disease nutritional scientists both here and abroad have been experimenting with numerous protein-rich substances which may be incorporated, at small cost, in native diets. Fish protein concentrate is especially promising because of the abundance of fish throughout the globe. So these is no question that fish protein concentrate should be developed.

However, I do find it ironic that the Federal Government in the form of the Bureau of Commercial Fisheries should now be cast in the role of hero of the fish protein concentrate story.

For many years the Government, in the guise of the Food and Drug Administration, was the villain which withheld approval of fish protein concentrate—for reasons which to many of us appeared somewhat frivolous.

But that is past history. The important thing now is that two separate processes for making fish protein concentrate have been approved by the Food and Drug Administration.

In January 1967, more than a year and a half ago, FDA, at the same time and on an equal basis, approved both the VioBin process developed by Mr. Levin more than 12 years ago, and the Government process developed by the Bureau of Commercial Fisheries.

You may well ask, if we have two processes already, why do we need to build a $2 million plant?

Baldly stated, this is simply a program through which the Federal taxpayer is being asked to pay developmental costs for a few big food processing companies.

Several months ago the Agency for International Development entered into a contract to purchase $900,000 worth of fish protein concentrate from the Alpine Marine Industries, Inc., of New Bedford, Mass. Alpine is using Mr. Levin's process under a licensing arrangement.

Alpine submitted the only bid for this contract, although several of the biggest food companies in the country attended a prebidding conference last January. Some of these concerns are now supporting the Bureau's program. Their reasons are transparent. Although the committee makes a point of emphasizing that the proposed plant "would be used solely for experimental and demonstration purposes and not for commercial production in competition with industry," the Bureau of Commercial Fisheries has made it perfectly clear that it expects the food industry to have a major role in the plant's operation.

At the committee hearings last March 26, the Director of the Bureau of Commercial Fisheries, Mr. Harold E. Crowther, was asked about private industry's interest in building a pilot plant for the Bureau. Mr. Crowther stated:

> Yes, there was quite a bit of interest from each of those who were prepared to bid on it. . . . One of the things that we told them was that we were not interested in a company coming just to build the plant and then move out, that what we were looking for were people who are interested enough in the whole process and in FPC to take it from the pilot plant stage and go further with it into the commercial operation.

I think it is clear that the company or companies fortunate enough to get the Bureau's contract will be on the ground floor of what could become a mighty profitable business.

The basic process was developed by the Bureau's scientists, just as VioBin's process was developed by Mr. Levin many years ago.

While there may be some justification for the Bureau continuing research on the scale carried on in the last few years, I am convinced that we should not subsidize developmental work on the scale contemplated in this bill.

My constituent in Monticello, Ill., Mr. Ezra Levin, invested millions of dollars of his own funds in the development of fish protein concentrate.

We are now, in effect, being asked to subsidize the commercial development of a rival process.

I think this would be a bad thing to do any year.

But this year, when we are having to cut funds for needed essential public services like schools and highways, I find it incredible.

I urge you to vote "no" on this bill.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. This, as the House will recall, is legislation in which we have had an interest for at least 10 years and on which we have taken action on several occasions over the years. Two years ago we approved a dual approach to the problem of developing fish protein called FPC which can do wonders for starving people everywhere.

Now, Mr. Speaker, I would like to comment on some of the points made by the previous speakers. The gentleman from Iowa [Mr. SMITH] talks about the filthy nature of the product that we are authorizing under this legislation. I would say by the time we submit it to the processes required by the Food and Drug Administration it will probably be the cleanest product available for public consumption anywhere. There will be at least five different washes to get rid of the filth about which the gentleman from Iowa has protested.

I do agree that there have been administrative rulings that have held up production of this food that can do so much to stop malnutrition throughout the world. But hopefully the FDA will broaden its rulings and enable us to use other fish than the hake-like fish currently approved. They are working hard on this right now.

The gentleman from Illinois [Mr. SPRINGER] pointed out that his constituent, Mr. Levin, sold out his interest, and therefore leads us to believe that Mr. Levin does not stand to gain very much if a rival process is developed. The fact is that even though he sold out his plant, he still gets a percentage of the sales that are made under the terms of the contract he has with the firm which is now using his process. So, as long as they produce, he gets a certain royalty, because he owns the process. This firm, which is the Alpine Marine Corp., located in New Bedford, does encourage the concept contained in this legislation.

They would like to see the Government sponsor other methods of cleaning this fish so that it can be more readily available everywhere. Even though it represents competition with the process which they have, they have such great confidence in the great opportunities that we have to help starving people everywhere that they feel it is a good governmental expenditure even though it develops a competing process. They have risen above their private interest in the public interest and have lent their support to this amendment which has been proposed.

So, Mr. Speaker, I would discount some of the evidence that has been offered against this bill. I would say that in the long-range best interests of our Nation and of its efforts to help people suffering from malnutrition all over the globe this is a good investment in the long run for the American public and its image abroad.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to my good friend from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Michigan [Mr. DINGELL], who is the chairman of our Subcommittee on Fisheries and Wildlife Conservation, and urge favorable consideration by the House of the bill, S. 3030, with the committee amendments.

The purpose of S. 3030 is to provide additional funds necessary for the construction or leasing of an experimental demonstration plant for the production of fish protein concentrate suitable for human consumption. However, it should be made crystal clear that the committee amendments to this Senate-passed bill recognize our current fiscal problems. Thus, the amendments to amend Public Law 89-701 as to reauthorize the same level of funding contained in the basic law, but reduce to only one the number of plants authorized to be either constructed or leased for the development of fish protein concentrate processes. The net effect, therefore, is that rather than increasing the amount of money authorized to be appropriated for this program as requested by the administration, your committee in its wisdom felt that it would be preferable to retain the same level of funding authorization while zeroing in, if you will, and concentrating on but one plant.

Mr. Speaker, although private industry has developed independently an approved commercial process for the production of fish protein concentrate, your Committee was convinced, based upon testimony received, that there still exists a great need to experiment with other processes using other species of fish. It, therefore, represents an area in which initially it is necessary for the government to enter into the field in order to stimulate and to develop other approved processes.

In so doing, however, I would like to lay to rest any fears which some Members of this body may have concerning the continuation of Government participation in this program. Specifically, I invite your attention to the following, which is contained on page 4 of the report accompanying S. 3030:

> Finally, your committee would like to make it clear that the plant to be leased or constructed under this program would be used solely for experimental and demonstration purposes and not for commercial production in competition with industry. Further, once industry has indicated a willingness to go forward in commercially producing and marketing fish protein concentrate, the Federal Government should proceed to phase out of this program.

Mr. Speaker, fish protein concentrate holds forth the potential promise of providing our Nation with one of the most effective weapons against malnutrition and hunger throughout the world through its use as a food additive. There is every reason to believe that, as a result of the program with which S. 3030 is concerned, we can develop an effective and an economic process providing a dietary supplement to the multitude of undernourished people. It is for this reason that the passage of the bill, S. 3030, is so vital, since it will enable the continuation of this most worthwhile program.

Mr. Speaker, I therefore urge all my colleagues in the House to act favorably upon S. 3030 and that the House do pass this bill.

Mr. GARMATZ. Mr. Speaker, I would like to rise and be associated with the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation, the gentleman from Michigan [Mr. DINGELL], and urge the passage of S. 3030, as amended.

The purpose of S. 3030 is to provide the necessary funds to construct or lease an experiment and demonstration plant for the production of fish protein concentrate. This would be accomplished by rewriting existing law—Public Law 89-701—so as to reduce the number of plants authorized to carry out the program from two to one. In addition, the Secretary would be directed to utilize—in his best judgment—the funds presently authorized to be appropriated to inaugurate an accelerated program of producing safe and wholesome fish protein concentrate suitable for human consumption.

Mr. Speaker, it has been estimated that within the next 30 years the present world population of 3 billion people will double. The world is already hungry with about two-thirds of the present population underfed. Unless some inexpensive source of protein can be found for human consumption, the world will be hungrier tomorrow. The program authorized by S. 3030 would offer valuable assistance in solving the world's hunger problem. Also, it would provide an effective means of increased utilization of the underdeveloped fishery resources off our Nation's coastal waters.

Mr. Speaker, based on the testimony produced at the hearings on this legislation, it appears that there is no shortcut that would eliminate the pilot plant state in development of a fully successful commercial fish protein concentrate suitable for human consumption. S. 3030, as amended, would minimize the cost of this legislation to the Federal Government and at the same time make a fish protein concentrate program possible.

Mr. Speaker, this program has lagged long enough. I join my colleagues in urging prompt enactment of S. 3030, with amendments.

Mr. TIERNAN. Mr. Speaker, I rise today in support of S. 3030, to reduce the number of fish protein concentrate experimental plants.

Dr. Edward Wenk, Jr., executive secretary of the National Council on Marine Resources and Engineering Development, stated before the House Merchant Marine and Fisheries Committee that:

> A "pilot plant is an essential element of the food-from-the-sea program to exploit the oceans as a source of food to help meet a worldwide protein deficiency.

Protein malnutrition affects nearly one-half of the world's population, and unless we begin to act now this figure will increase. According to the United Nations Food and Agriculture Organization, the demand per capita for animal protein in 1985 will exceed the present consumption by 60 percent.

All too often we have a tendency to rush into matters without first thoroughly investigating them. The purpose of the experimental pilot plant is to explore the problems associated with the large-scale process of converting whole fish to fish protein concentrate. This would help to achieve lower costs of fish protein concentrate and it would accommodate a variety of additional fish species readily available as raw material in various parts of the world.

I believe that it is also important to point out that the technical information derived from the pilot-plant operation would be made available to industry.

Mr. Speaker, I urge your support and passage of this bill.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. DINGELL] that the House suspend the rules and pass the bill S. 3030, as amended.

The question was taken.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 103, not voting 110, as follows:

[Roll No. 327]

YEAS—218

Abbitt
Abernethy
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Annunzio
Aspinall
Ayres
Barrett
Bates
Bell
Bennett
Biester
Bingham
Blanton
Brademas
Brasco
Brinkley
Brooks
Brotzman
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Clark
Clausen, Don H.
Cleveland
Cohelan
Colmer
Conable
Conte
Corbett
Corman
Cowger
Cramer
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Dingell
Dole
Dorn
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Flood
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Grover
Gubser
Gude
Hagan
Halpern
Hanley
Hansen, Wash.
Hardy
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Hosmer
Howard
Irwin
Jarman
Joelson
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kluczynski
Kyros
Lennon
Lipscomb
Long, Md.
McCarthy
McCloskey
McDade
McEwen
McFall
McMillan
Macdonald, Mass.
Machen
Mahon
Mailliard
Marsh
Matsunaga
Meeds
Mills
Minish
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Price, Ill.
Pryor
Pucinski
Purcell
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Scott
Selden
Shipley
Sikes
Smith, Calif.
Smith, N.Y.
Staggers
Stanton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Watkins
Whalen
White
Whitener
Wilson, Charles H.
Wyatt
Wydler
Wyman
Young
Zablocki

NAYS—103

Andrews, N. Dak.
Arends
Battin
Belcher
Berry
Betts
Bow
Bray
Brock
Brown, Mich.
Broyhill, N.C.
Buchanan
Burke, Fla.
Burton, Utah
Byrnes, Wis.
Carter
Cederberg
Chamberlain
Clancy
Collier
Culver
Cunningham
Davis, Wis.
Denney
Devine
Dickinson
Dwyer
Eshleman
Findley
Flynt
Fulton, Pa.
Fuqua
Gathings
Goodling
Griffin
Gross
Haley
Hall
Halleck
Hamilton
Hammerschmidt
Herlong
Hull
Hungate
Hunt
Hutchinson
Johnson, Pa.
Jones, Mo.
King, N.Y.
Kleppe
Kuykendall
Kyl
Laird
Latta
Lukens
McClory
McClure
McDonald, Mich.
MacGregor
Martin
Mayne
Meskill
Michel
Miller, Ohio
Mize
Montgomery
Myers
O'Konski
Pike
Pirnie
Poage
Poff
Pollock
Price, Tex.
Quie
Quillen
Railsback
Randall
Reid, Ill.
Schadeberg
Scherle
Schneebeli
Schwengel
Shriver
Smith, Iowa
Snyder
Springer
Steiger, Ariz.
Steiger, Wis.
Stratton
Thomson, Wis.
Tunney
Vander Jagt
Wampler
Watson
Whalley
Whitten
Williams, Pa.
Winn
Wolff
Wylie
Zion
Zwach

NOT VOTING—110

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Baring
Bevill
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Cabell
Casey
Celler
Clawson, Del
Collins
Conyers
Curtis
Dawson
Diggs
Donohue
Dow
Eckhardt
Edwards, Ala.
Eilberg

Esch
Evins, Tenn.
Fino
Fisher
Ford, Gerald R.
Gardner
Gettys
Giaimo
Green, Oreg.
Griffiths
Gurney
Hanna
Hansen, Idaho
Harrison
Hawkins
Hébert
Henderson
Hicks
Horton
Ichord
Jacobs
Jonas
Karsten
King, Calif.
Kornegay
Kupferman
Landrum
Langen
Leggett
Lloyd
Long, La.
McCulloch
Madden
Mathias, Calif.
Mathias, Md.
May
Miller, Calif.
Minshall
Moore
Morton
Nelsen
Nix
Olsen
O'Neill, Mass.
Pettis
Philbin
Pickle
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Roybal
St. Onge
Satterfield
Schweiker
Sisk
Skubitz
Slack
Smith, Okla.
Stafford
Steed
Stephens
Stuckey
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tuck
Utt
Watts
Widnall
Wiggins
Willis
Wilson, Bob
Wright
Yates

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mrs. Bolton.
Mr. O'Neill of Massachusetts with Mr. Jonas.
Mr. Miller of California with Mr. Adair.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Celler with Mr. Bob Wilson.
Mr. Madden with Mr. Rhodes of Arizona.
Mr. Philbin with Mr. Broomfield.
Mr. Donohue with Mr. Horton.
Mr. Adams with Mr. Kupferman.
Mr. Casey with Mr. Langen.
Mr. Blatnik with Mr. McCulloch.
Mr. Boland with Mr. Mathias of Maryland.
Mr. Evins of Tennessee with Mr. Ashbrook.
Mr. Eilberg with Mr. Fino.
Mr. Giaimo with Mr. Mathias of California.
Mr. Ashmore with Mr. Edwards of Alabama.
Mr. King of California with Mrs. May.
Mr. Henderson with Mr. Minshall.
Mr. St. Onge with Mr. Brown of Ohio.
Mrs. Griffiths with Mr. Morton.
Mr. Satterfield with Mr. Nelsen.
Mrs. Green of Oregon with Mr. Del Clawson.
Mr. Podell with Mr. Esch.
Mr. Kornegay with Mr. Blackburn.
Mr. Cabell with Mr. Lloyd.
Mr. Fisher with Mr. Pettis.
Mr. Gettys with Mr. Roudebush.
Mr. Sisk with Mr. Schweiker.
Mr. Flynt with Mr. Bush.
Mr. Slack with Mr. Moore.
Mr. Hicks with Mr. Harrison.
Mr. Hanna with Mr. Hansen of Idaho.
Mr. Tuck with Mr. Collins.
Mr. Teague of Texas with Mr. Gurney.
Mr. Thompson of New Jersey with Mr. Gardner.
Mr. Wright with Mr. Curtis
Mr. Steed with Mr. Skubitz.
Mr. Roybal with Mr. Stafford.
Mr. Stephens with Mr. Thompson of Georgia.
Mr. Rivers with Mr. Smith of Oklahoma.
Mr. Watts with Mr. Utt.
Mr. Leggett with Mr. Widnall.
Mr. Landrum with Mr. Wiggins.
Mr. Willis with Mr. Bevill.
Mr. Anderson of Tennessee with Mr. Rarick.
Mr. Long of Louisiana with Mr. Yates.
Mr. Nix with Mr. Olsen.
Mr. Diggs with Mr. Conyers.
Mr. Brown of California with Mr. Dawson.
Mr. Ashley with Mr. Baring.
Mr. Ichord with Mr. Jacobs.
Mr. Stuckey with Mr. Resnick.
Mr. Pickle with Mr. Eckhardt.
Mr. Hawkins with Mr. Dow.

Mr. KLEPPE changed his vote from "yea" to "nay."

Mr. McEWEN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An act to amend section 3 of the act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR PADRE ISLAND NATIONAL SEASHORE, TEX.

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17787) to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 17787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final judgment of $6,810,380 (that is, $9,212,730 minus $2,402,350 deposited in court; all figures exclusive of amounts for tract No. 7) rendered against the United States in civil action numbered 65–C–54 in the United States District Court for the Southern District of Texas, for the acquisition of land and interests in land for the Padre Island National Seashore. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgment, together with interest and costs as provided by law.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from Pennsylvania opposed to the bill?

Mr. SAYLOR. I am not.

Mr. GROSS. Mr. Speaker, I am opposed to the bill.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, H.R. 17787, as amended, authorizes the appropriation of $6,810,380 to satisfy a judgment against the United States in a condemnation action. This action was brought in connection with the establishment of the Padre Island National Seashore.

Congress provided for the establishment of this national recreation area in 1962. Its boundaries encompass nearly 134,000 acres and it has been in operation for several years. I note, in passing, that it is serving its intended purpose. Last year there were nearly 200,000 visits to it, notwithstanding the little development work that has yet been completed.

The declarations of taking in the action to which H.R. 17787 refers were filed because the parties—that is, the National Park Service and the property owners—could not agree on the value of the 107,734 acres of property the case involved.

The Government deposited in court $2,482,350, its appraisers' valuation of the property. That amounts to an average of about $24 per acre for all except one 693-acre tract for which the defendant accepted the Government's appraisal of $80,000. In court, the defendants' experts testified that the property was worth between $29,040,000 and $30,169,887 or from $290 to $300 an acre.

How the appraisal profession can explain this shocking discrepancy in valuation, I do not know. I can only say that it does not increase my confidence in appraisers' figures and that it is something that their professional organizations should look into.

In any event, the case was tried to a jury which brought in a verdict of $9,212,730 or an average of about $92 an acre. Although this was nearly four times the Government's estimate of fair market value, it was less than one-third the value testified to by the defendants' witnesses.

The result of all this was the introduction of H.R. 17787, since the amount authorized to be appropriated for land acquisition in the original Padre Island Act has been exhausted. After deducting the amounts already deposited in court, there is now a judgment outstanding against the United States which is earning interest at a rate of over $30,000 a month and which must be paid. Passage of H.R. 17787 is a necessary step in this direction.

I want to add to this merely one further observation. The committee is recommending an amendment to the bill to omit authority for appropriations for another condemnation judgment. It does this because, although the trial court has finished its work, an appeal is being taken in this second case and we do not know what the ultimate amount will be. This will have to be taken care of some time in the future.

Mr. Speaker, I urge a favorable vote on H.R. 17787, as amended.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, I should like to commend the committee for reporting out this piece of legislation.

Mr. Speaker, I rise in support of H.R. 17787, a bill to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas.

The purpose of this legislation is to authorize the appropriation of funds to pay a final judgment against the United

States in the sum of $6,810,380. The judgment against the United States is the result of condemnation proceedings brought to acquire land within the Padre Island National Seashore.

The act of September 28, 1962 (76 Stat. 650) authorized the establishment of the Padre Island National Seashore. The area of the national seashore comprised some 133,981 acres of which all were in private ownership except for 33,545 acres of submerged and tidal lands owned by the State of Texas.

The act establishing the national seashore authorized the appropriation of $5 million for land acquisition. Negotiations for the purchase of privately owned lands were commenced and when they failed, condemnation proceedings with declarations of taking were filed.

H.R. 17787 concerns Civil Action No. 65–C–54 involving 89,734.37 acres in the northern and central portions of the seashore and had a total award of $9,212,730. A total of $2,402,350 had been deposited with the court leaving a deficiency of $6,810,380 payable under the judgment. Presently, the judgment is accruing interest at the rate of approximately $31,011 per month.

Mr. Speaker, it is obvious that the National Park Service appraisal of these lands was for less than the award determined by the court. While much can be said concerning more accurate appraisals on the part of Government agencies, the undeterminable factor continues to be the immediate escalation of land prices throughout this Nation upon the announcement of an intended Federal acquisition. The situation is and continues to be a complex problem and the resolution of the problem is not easy without advocating a legislative taking in all instances where Federal acquisition is contemplated.

Mr. Speaker, until we have been able to resolve the problem of escalating land prices in areas of Federal acquisition, we have no choice but to bring forth this kind of legislation.

I urge that H.R. 17787 be passed under a suspension of the rules.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I well remember the inception of this Padre Island business back in 1962 and at that time I thought, as I was convinced this morning in the Florida promotion, that the costs were badly underestimated.

This bill would not be here today if the acquisition costs had not been underestimated. It seems to be fashionable to underestimate costs to get a project started. Then comes the added bill to the taxpayers.

And, Mr. Speaker, this is not the end of the costs of Padre Island by any manner of means.

Mr. Speaker, I am intrigued by the language to be found on page 2 of the bill which states the "basic amounts that are needed to be appropriated," and so on and so forth. What is a basic amount in terms of an appropriation?

What are the taxpayers supposed to think when they are told that Congress is now dealing in basic appropriations? Is there any difference between a basic amount and a nonbasic amount to the taxpayers? I do not quite understand this language, and I would appreciate it if the chairman of the committee could enlighten me as to what is meant by it.

Mr. ASPINALL. If my colleague from Iowa will yield to me——

Mr. GROSS. I will be delighted to yield.

Mr. ASPINALL. First may I say I made a mistake in the use of my remarks when my colleague and I were talking in regard to another bill. I should have used the phrase "unbudgeted." I should not have used $15 million, which I did. I should have used $100,000. And I wish the RECORD to be corrected, and I have corrected my remarks in the discussion on the former bill.

Mr. GROSS. I thank the gentleman for correcting the RECORD in that respect.

Mr. ASPINALL. In answer to the question posed by the gentleman from Iowa as to what is meant here by the basic amount, that is the amount of the judgment plus the running of the interest, whatever that amount is. That is the reason that I referred to it as $30,081 per month, and until we pay this judgment, the interest on the judgment amount will be increasing this much every month.

In other words, I could not set a definite figure to the judgment. Then in order to include the interest and the minor costs that are involved we had to use a phrase such as the gentleman calls to our attention.

Mr. GROSS. What is the total amount that this bill calls for? Is it $9,212,730?

Mr. ASPINALL. The amount is $6,810,380, plus whatever the amount of interest will be when the money is available.

Now, may I say to my friend, in order to be perfectly honest, there is another judgment that has not yet ripened into a final decree. The representatives of the United States have a right to appeal from the decision pending and we did not include it. I understand the problem that is involved here, but there is just no way out of it. And this development is serving its purpose. We were not right when we were before the House when we had the Padre Island Seashore authorized, but all I can say is that our figures were the best figures that we had. They did not come from the people of Texas. They came from the Department of the Interior.

Mr. GROSS. If I may ask the gentleman—how much money does the Federal Government have to date in this Padre Island enterprise?

Mr. ASPINALL. They have at the present time in the neighborhood of $5 million, the original authorization.

Mr. GROSS. Someone said this afternoon it would be in the neighborhood of $14 million. That figure is incorrect?

Mr. ASPINALL. That figure is not correct, but it will be correct when we take care of the additional judgment.

Mr. GROSS. When we take care of the judgments that have been rendered in this case?

Mr. ASPINALL. The gentleman is correct. And that bothers us just as much as it does the gentleman, because it means—in this particular—that we were only one-fourth correct when we came before the House for the authorization. It was not our fault. I believe my friend will realize that we had the best figures that we could get.

Mr. GROSS. Would it be possible to pay off these judgments and take over the land? Would the land be acquired, having paid off the judgments? And then let the State of Texas, or private enterprise, develop this island, or must we go on with this business?

Mr. ASPINALL. May I say to my friend that the costs of development are going to be very low compared to these particular costs of acquisition because this is a seashore area, and there is only one way in from each end of it, and the policing there should not be too much. I believe that that particular project should be kept as a part of our national park facilities.

Mr. GROSS. The gentleman is saying, then, that there is no way by which we can get out of this promotion having paid off these judgments; there is no way we can get out of this?

Mr. ASPINALL. I doubt if we would want to, if my colleague would permit me to say it that way, when you realize the value and realize the use this particular area and particular playground will have. They have to go clear across the State in order to get to the Great Bend National Park.

Mr. GROSS. I guess all I have to say further on this subject is just let the taxpayers' hides go on the Florida and Texas horns and forget about it. I think I know when I am licked.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman from Iowa yielding.

I want to know if this bill makes in order before this or other courts additional claims for settlement and judgment.

Mr. ASPINALL. May I reply to the gentleman that it does not.

Mr. HALL. I have noted on my copy that the Department has reported against the bill. Is that because it is an open ended piece of legislation so far as eventual costs are concerned as recently explained by the gentleman from Colorado?

Mr. ASPINALL. Would the gentleman from Missouri explain what part of the departmental report he makes reference to?

Mr. HALL. I might say to my colleague that I have a note on the bill which I studied last night about this and I cannot put my finger on it right now.

Mr. ASPINALL. May I say to my colleague, the gentleman from Missouri, that the executive communication from the Department of the Interior is before us and in the last part of it they recommend the enactment and the Bureau of the Budget advises they have no objection to the draft of the bill.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. SAYLOR. I would just like to say to my colleague, the gentleman from Missouri, that this legislation was introduced as the result of an executive communication directed to the Speaker of the House of Representatives on the 4th of June 1968.

The second paragraph of that letter forwarding the legislation is as follows:

> We recommend that the bill be referred to the appropriate committee for consideration and we recommend that it be enacted.

Now the committee did not go along with the entire bill, as recommended, because of the judgment to which you referred in your first colloquy with the gentleman from Colorado. We only provided for taking care of that judgment, which is final.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I thank both of the gentlemen for their explanation. I do see that portion of the report. Perhaps it has to do with the different civil actions. Is that second sentence in the title "amendment" on page 2 predicated on the first sentence wherein it says:

> It is the committee's view that, in view of the pendency of an appeal in this case, the time is not yet ripe for legislative action.

Mr. SAYLOR. Yes. This is correct. This applies to the second case which the Department asked to be considered in this legislation and the committee in its wisdom decided that the time was not yet ripe for considering this second judgment.

Mr. HALL. But the gentleman does not consider that this legislation, if enacted, would be an open ended amount of funds from the taxpayers' treasury?

Mr. SAYLOR. The answer is "No." It is to take care of one judgment alone.

Mr. HALL. I thank the gentleman.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. KEITH. Mr. Speaker, it seems to me in all equity that we do have to vote for this bill.

In the case of the Cape Cod National Seashore, we have the same obligation, I believe, morally as we have legally in this instance. The Cape Codder whose property cannot be developed now cannot sell it and he, in effect, is paying the cost of the use of that money and land that is tied up. Do we not have a similar obligation to people in similar circumstances?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. It is not exactly the same thing because there has been no judgment and no court action in relation to the Cape Cod situation.

May I say to my friend, so far as equity is concerned, he is correct. In this amount of money we have authorized, in the land and water conservation fund we have referred to these areas where we will have to have some new authorizations. Cape Cod is one of them, and it is in the first approximately $180 million that we have in the land and water conservation fund for such purposes.

Mr. KEITH. That is, of course, very good news to the people in my district. Can you give me some estimate as to when they might look forward to getting paid for the land taken there some 8 or 9 years ago?

Mr. ASPINALL. If my colleague will yield further, all I can say once again is that if my colleague will introduce the legislation necessary to raise the authorization, at the proper time next year the gentleman will find a very sympathetic person in me.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I thank the gentleman from Iowa for yielding. The needs described by my colleague from Massachusetts [Mr. KEITH], very closely parallel the problem we have in relation to the Point Reyes National Seashore in Marin County, Calif. The estimate based upon the 1963 figures was something in the vicinity of $14 million. The estimates now are $60 million. It appears that this ratio of one-fourth of the estimate is what we arrived at by way of an actual figure. I wonder if the chairman of the Committee on Interior and Insular Affairs could give me the same assurance in respect to Point Reyes that he just gave the gentleman from Massachusetts [Mr. KEITH].

Mr. ASPINALL. If my colleague from California will yield to me, I do not think I can give it to quite the same extent because of the fact that there has been a greater increase and perhaps there is a withdrawal of the needs of the National Park Service in respect to the particular facility to which the gentleman has referred. But as to the part which is to remain in the facility, I can give you the same kind of assurance.

Mr. DON H. CLAUSEN. And we can anticipate hearings on that subject next year when appropriate legislation is introduced?

Mr. ASPINALL. The gentleman is correct.

Mr. DON H. CLAUSEN. I thank the chairman.

Mr. GROSS. Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR. Mr. Speaker, H.R. 17787 represents the latest chapter in the discouraging story of rapidly rising recreation land costs. I say that this is discouraging because those of us who work on recreation legislation from day to day have seen this problem far too frequently. Partially as a consequence of this problem, we have recommended and the Congress has enacted remedial legislation which we hope will enable the Federal Government to acquire authorized recreation areas as promptly as possible and, at the same time, will provide the National Park Service with some useful tools in order to avoid problems such as the one we have before us today.

H.R. 17787 is not a complex legislative measure. It simply authorizes the appropriation of the funds necessary to satisfy the final judgments against the United States for lands acquired by eminent domain.

Mr. Speaker, the Congress originally authorized the establishment of the Padre Island National Seashore in Texas in 1962. At the time that that legislation was under consideration, it was estimated that acquisition of the lands involved would cost approximately $4 million. In recognition of the fact that recreation land prices varied widely, we authorized an appropriation of $5 million. Since that time, the full authorization has been appropriated and it has been obligated or spent to acquire the lands involved.

In the years that have intervened, the National Park Service made the necessary detailed surveys and appraisals and attempted to negotiate with the landowners involved, but for the most part the negotiations failed. As a result, in January 1966, the Government instituted condemnation actions and took title to the lands included in the national seashore.

As just compensation for the 100,041 acres taken, $2,402,350 was deposited in court; however, at the trial there was a wide disparity between the Government appraisals and the appraisals made on the behalf of the landowners. As a result, the jury award far exceeded the estimates made at the time of the original authorization. The total judgment for the disputed lands involved in H.R. 17787 amounts to $9,212,730. Deducting the deposit made, the outstanding amount of the judgment is $6,810,380 plus interest.

Mr. Speaker, inasmuch as title to this land vested in the United States by virtue of the declarations of taking and since the judgment is final, the United States is legally obligated to pay the balance outstanding with interest. By law, interest on this judgment is accumulating at the rate of $31,080.65 per month. To forestall the continued running of interest, it is important that we approve H.R. 17787, as amended, so that appropriations can be made as soon as possible.

In conclusion, Mr. Speaker, I want to state that your committee has endeavored to keep the House fully informed concerning situations such as these. This will not be the last that we will hear of the Padre Islands National Seashore, because another condemnation action has also been taken and is now being appealed. The committee amendment deletes reference to this action until the judgment is final. At that time, we can advise the Members of the House of the exact amounts involved and appropriate legislation will be considered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 17787, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDING GUAM REHABILITATION ACT

Mr. CAREY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16801) to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes", approved November 4, 1963, as amended.

The Clerk read as follows:

H.R. 16801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of November 4, 1963 (77 Stat. 302), is amended by deleting "$45,000,000" and inserting in lieu thereof "$75,000,000", and by deleting the date "1973" and inserting in lieu thereof, the date "1978".

SEC. 2. Said Act is further amended by inserting in the first paragraph of section 3, immediately after the date "June 30, 1968," the following language: "with respect to sums transferred on or prior to that date, and over a period of thirty years from the date of each such transfer with respect to sums transferred after that date".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CAREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 16801, as amended, to amend the act entitled "An act to provide for the rehabilitation of Guam and for other purposes," which is now Public Law 88–170.

The Guam Rehabilitation Act, enacted on November 4, 1963, authorized the appropriation of $45 million for the rehabilitation of Guam as the result of devastation caused by Typhoons Karen and Olive in 1962 and 1963, respectively. These typhoons caused widespread damage to the inadequately constructed private and public facilities erected on Guam following the ravages of World War II.

The rehabilitation program is essentially a loan program in which the government of Guam repays approximately 63 percent of the Federal moneys appropriated plus interest. Guam, this fiscal year, begins to pay back an estimated $28.5 million of the $36.7 million already appropriated under the act.

These funds have enabled the completion of 31 of the original 50 projects contemplated under the Guam Rehabilitation Act, and all but two of the initial 50 projects will have been funded following the fiscal 1969 appropriations. The two projects not funded will be funded from the less than $2 million remaining of the original $45 million authorization.

The projects already funded under the act include school facilities, college buildings, urban renewal and village development projects, public works projects, including sewer systems and public buildings, an air terminal facility, a new commercial port, an economic development plan, and utility projects concerning water, power, and telephone services.

Completion of these projects will almost exhaust the $45 million originally authorized. Of this amount, $13.6 million will have been spent for education, $3.3 million for village development, $10.4 million for public works, $12 million for resources development, and $5.6 million for utilities.

H.R. 16801, as amended, will increase by $30 million the amount authorized to be appropriated under the act, and provides an additional 5-year period for loan payments to be made to the government of Guam and a 30-year repayment period for each loan under the program. Approximately $18 million of the $30 million requested by this legislation will be repayed by the government of Guam with interest with an estimated net Federal expenditure of $12 million.

Mr. Speaker, the funds authorized by H.R. 16801, as amended, will continue to provide the necessary school facilities, water and sewer systems, public utilities, and air terminal facilities which Guam must have to meet the future demands of an estimated population of 128,000 people in 1980 and a potentially booming tourist population.

Guam is becoming a major American facility in the proximity of Asia and as the doorstep to America, we must continue to bolster Guam's role as America's image in the Western Pacific.

Mr. Speaker, I urge the passage of H.R. 16801, as amended.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 16801, as amended, a bill to amend the act entitled "An act to provide for the rehabilitation of Guam and for other purposes," approved November 4, 1963.

H.R. 16801, as amended, will authorize the appropriation of an additional $30 million for the Guam rehabilitation program, extend the period for loan payments to be made to the Government of Guam for 5 years to June 30, 1973, and provide for a 30-year repayment period for each loan made under the act.

The Guam Rehabilitation Act has started Guam on the way to becoming a modern American community. Of the $45 million initially authorized $36.7 million has been appropriated through fiscal year 1968, and funded 43 of the original 50 projects contemplated under the act. These projects include school facilities, college facilities, urban renewal and village development projects, public works projects, including sewer systems and public buildings, an air terminal facility, a commercial park, and utility projects for water, power, and telephone services.

Guam this fiscal year begins repaying $28.5 million of the $36.7 million already appropriated under the act. Of the $30 million authorized by this legislation, the Government of Guam will repay approximately $18 million, thus requiring a net Federal expenditure of $12 million.

Mr. Speaker, the completion of the 50 projects originally contemplated under the act will almost exhaust the $45 million already authorized. The buildings and facilities completed have provided Guam with some vitally needed basic facilities. These buildings and facilities provide Guam with necessary improvements to meet the demands of its growing civilian and military populations. But, more important, these buildings and facilities constructed under the Guam rehabilitation program have started Guam on the road to becoming a typical modern and efficient American community.

While much has been accomplished under the Guam rehabilitation program, much more remains to be done. The future of Guam in the total American community necessitates that we continue to assist in America's image in the Western Pacific.

Mr. Speaker, I urge the passage of H.R. 16801, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I note on page 1 of the report the following: "by increasing the amount authorized to be appropriated from $45 to $75 million, by extending the time for making payments to the Government of Guam for a period of 5 years, and to provide for the reimbursement of such funds, with interest, over a 30-year period from the date of transfer of the funds to the Government of Guam."

Then, on page 3 of the report, there is this statement:

> H.R. 16801, as amended, authorizes a Federal appropriation of $30 million to be paid to the Government of Guam in such sums as may be requested by the Governor of Guam and approved by the Secretary of the Interior. Approximately $18 million of the $30 million will be reimbursed to the Federal Government resulting in a net Federal expenditure of approximately $12 million.

Mr. Speaker, the language on page 1 of the report does not seem to jibe with the language on page 3. Which is the language we should go by?

Mr. SAYLOR. Mr. Speaker, if the gentleman will read the two together, I might say they do jibe.

This is a loan to the Government of Guam in accordance with the request made by the Governor to the Secretary of the Interior. They will repay 63 percent of the money that in the basic act is provided. Guam will repay 63 percent of the money with interest. The figures on pages 1 and 3 are correct. This appropriates $30 million, and the Government of Guam will repay $18 million.

Mr. GROSS. On page 1, we are given the impression that Guam is going to get an additional $30 million, and nothing is said about reimbursement of this money to the Federal Government.

Mr. SAYLOR. This is in the basic act, I might say to my colleague from Iowa. They will repay 63 percent to the Federal Government with interest.

Mr. GROSS. The $18 million would be paid back, and $12 million will be forgiven by the Federal Government.

Mr. SAYLOR. That is correct.

Mr. CAREY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado, the chairman of the full committee.

Mr. ASPINALL. Mr. Speaker, H.R. 16801 amends the act of November 4, 1963, known as the Guam Rehabilitation Act.

The purpose of H.R. 16801, as amended, is to increase the authorized ceiling under the act from $45 million to $75 million; to extend the program for 5 additional years from June 30, 1973, to June 30, 1978, as the period for payments to Guam, and to provide for the repayment of all loans over a 30-year period after the transfer of funds on each loan.

The act of November 4, 1963, Public Law 88–170, authorized the appropriation of $45 million for the rehabilitation of Guam as the result of the inadequate rebuilding of Guam following World War II. Typhoon Karen in 1962, and Olive in 1963, dramatically pointed up this inadequacy by devastating both public and private facilities on Guam. The Guam Rehabilitation Act is essentially a loan program whereby 63 percent of the funds appropriated by the Federal Government are repaid with interest by the Government of Guam and the remaining 37 percent is a grant. It is anticipated that approximately $18 million of the $30 million authorized to be appropriated by this bill will be repaid by the Government of Guam, resulting in a net Federal expenditure of $12 million.

Thirty-one of the original 50 projects contemplated have been completed in the form of new school facilities, public works, utility projects, village development projects, a new air terminal, a new commercial port. Seven projects are to be funded from the $8.2 million fiscal 1969 appropriation and the remaining two projects are to be funded from the less than $2 million left from the original $45 million authorization.

Mr. Speaker, we should all recall that following World War II, Guam virtually started from scratch. Then, Guam had precious few of the public facilities and services expected of a similar American community, despite its being an American territory since 1898. With the passage of the Organic Act and the establishment of civil government in Guam considerable progress has been made.

Guam is now the home of 94,000 people, including 34,000 military personnel. Our task is to bolster Guam's role as America's image in the Western Pacific, not only for the permanent residents but, also, to a large number of people from other foreign lands who see Guam as their initial and only impression of America.

The funds expended under the Guam Rehabilitation Act have started Guam on the road to becoming a modern American community. Completion of the 50 original projects will exhaust the $45 million authorized under the act and much remains to be done. A plan of what remains to be done with the $30 million sought by this legislation is found on pages 7 and 8 of the committee report.

The construction of certain vital capital improvement projects in the next 3 years by the government of Guam and the funding required for these projects necessitates the need for the legislation before us today. The passage of this legislation will serve to demonstrate our continuing support of the serious efforts of the territory of Guam, not only to replace and rebuild, but to create now and for the future an improved, modern American community suited to the needs of all its people.

Mr. CAREY. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, I rise in support of H.R. 16801, a bill to amend the act providing for the rehabilitation of Guam. The bill would increase the amount authorized to be appropriated from $45 million to $75 million, extend the time for making payments to the government of Guam for a period of 5 years, and provide for the reimbursement of such funds, with interest, over a 30-year period from the date of transfer of the funds to the government of Guam.

Mr. Speaker, the people of Guam have made great progress under the Rehabilitation Act of 1963, which I am proud to say I fully supported. However, nearly all of the authorized $45 million will be exhausted by projects planned for fiscal year 1969. There should be no real objection to an extension of the act, for it is essentially a loan program in which approximately 63 percent of the funds appropriated by the Federal Government are returned with interest by the government of Guam.

It is necessary that Guam be provided with the additional funds to meet the demands of its expanding population and to maintain its image as an American community in the Western Pacific. We owe at least that much to those brave fellow Americans who have suffered much too much through the hazards of war and typhoons.

Mr. CAREY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill H.R. 16801, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. CAREY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3072) to amend the act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of November 4, 1963 (77 Stat. 302), is amended by deleting "$45,000,000" and inserting in lieu thereof "$75,000,000", and by deleting the date "1973" and inserting in lieu thereof the date "1978".

SEC. 2. Said Act is further amended by inserting in the first paragraph of section 3, immediately after the date "June 30, 1968," the following language: "with respect to sums transferred on or prior to that date, and over a period of thirty years from the date of each such transfer with respect to sums transferred after that date".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16801) was laid on the table.

HANDICAPPED CHILDREN'S EARLY EDUCATION ASSISTANCE ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18763) to authorize preschool and early education programs for handicapped children.

The Clerk read as follows:

H.R. 18763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handicapped Children's Early Education Assistance Act".

PROGRAM AUTHORIZED

SEC. 2. (a) The Commissioner of Education (hereafter in this title referred to as the "Commissioner") is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

(c) No arrangement pursuant to this Act shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

EVALUATION

SEC. 3. The Commissioner shall conduct either directly or by contract with independent organizations a thorough and continuing evaluation of the effectiveness of each program assisted under this Act.

DEFINITION OF HANDICAPPED CHILDREN

SEC. 4. As used in this Act, the term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children who by reason thereof require special education and related services.

APPROPRIATIONS AUTHORIZED

SEC. 5. There is authorized to be appropriated for the purpose of this Act $1,000,000 for the fiscal year ending June 30, 1969, $10,000,000 for the fiscal year ending June 30, 1970, and $12,000,000 for the fiscal year ending June 30, 1971.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **REID** of New York. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **PERKINS**. Mr. Speaker, I rise today in support of H.R. 18763, the Handicapped Children's Early Education Assistance Act. Thanks to the dedicated efforts of our distinguished subcommittee chairman, the gentleman from New Jersey [Mr. DANIELS], this legislation takes a much needed step in a national effort to assist the development of some of our most disadvantaged and most ignored children, the preschool handicapped.

Mr. Speaker, the need for this legislation is acknowledged on all sides. Over 5.5 million American children are burdened with physical, mental, and emotional handicaps. Tragically, fewer than half receive special educational services to help them overcome the severe problems created by their handicaps. Federal, State, and local resources now being spent on these services are limited, and most of these are used for programs aiding school-aged handicapped children.

Despite this, it is widely recognized that funds spent on assisting the development of the handicapped are most efficiently spent on children of a very early age. The greatest gains in overcoming handicaps can be made, our committee was told by witness after witness, in the early years of a child's development. If the handicap is neglected until the child reaches school, as it usually is, his problems multiply, often irreversibly, requiring more expensive and often less effective services by the time he enters school.

The bill before us today is a modest but significant attempt to remedy this situation. It provides for the planning and implementation of some 75 to 100 model programs designed to develop successful approaches in assisting the preschool-aged handicapped child. These approaches, in turn, will offer basic guides for future efforts in this area at all levels: Federal, State, and local; public and private; urban and rural. Each program will enlist the energies and cooperation of parents, schools, community, and State in a common commitment to insure that the handicapped child has the same chance to fulfill his potential as his more fortunate peers.

Generally, the bill has three major purposes: to encourage the development of all facets of the handicapped child's abilities; to involve the parents of such a child in the planning and operation of the project; and to acquaint the community with both the problems and the potential of its handicapped children.

I would like to single out the third purpose for particular emphasis, for too often the handicapped must go through life in a world that underestimates their abilities. As a result, the opportunities for handicapped Americans are often limited; and limited opportunities mean limited fulfillment. If the Nation is to offer its handicapped citizens the opportunity to develop their potentials to the fullest, it must first understand that these citizens, despite physical or mental disadvantages, contain potential as great as any American. The bill before us recognizes this principle; not only does it seek to help handicapped children realize their potential, but it also promotes a wider community understanding of what these children can do.

Mr. Speaker, I believe that this legislation is long overdue. Handicapped children, particularly the youngest of these, have long been neglected. These children, who by accident of birth must live with special disadvantages, need special services if they are to benefit from the educational opportunities we offer all our children. H.R. 18763 will enable us to learn how these children can best be served and to disseminate these findings among those who will have the resources to assist them in the future on a broader scale. I believe that this bill provides a critically needed approach to a problem of great concern to our Nation, and I urge speedy enactment of this bill.

Mr. Speaker, I now yield to the gentleman from New Jersey [Mr. DANIELS] who has done a great deal of work on this bill.

Mr. **DANIELS**. Mr. Speaker, I urge my colleagues to support H.R. 18763, a bill to authorize preschool and early education programs for handicapped children.

Of the many unfortunate children we have come to call the "disadvantaged," no child is more deserving of our own interest and our assistance than the child who is born with a physical, mental or emotional handicap.

Today, over 6 million of our children suffer from many cruel handicaps; yet it is estimated that fewer than one-third of these youngsters currently receive special educational services. That these children require such attention if they are to fulfill their potential is incontrovertible.

Less than one-half of the Nation's school districts have special classes for handicapped children, and in the overwhelming number of situations where classes are available, there are no early education programs. Only in the areas of deafness, speech, and hearing disorders, have we really begun to explore the benefits of preschool programs, and these programs are by no means widespread or long established.

Studies of child development have shown that early education can accelerate the social and mental development of handicapped children, yet most parents find that while their children may be diagnosed as handicapped at birth or shortly thereafter, they must keep those children at home from school until they are at least 5 or 6 years of age. This is a waste of critical years in a child's life. It also places on the family the terrible burden of watching hopelessly as an opportunity for a head start toward adjustment in school and society slips slowly away.

Because of the absence of viable models for preschool and school-age handicapped children, States and local educational agencies overlook the fact that it may be less expensive to channel resources toward infancy and early childhood development, thus reducing the need for more expensive services later on in the handicapped child's life.

The loss to society for institutionalizing a retarded child over his lifetime exceeds $75,000 without taking into effect what he may have earned. If a child can be rehabilitated through special education at an early age, the community saves many thousands of dollars.

In its first annual report, the National Advisory Committee on Handicapped Children specifically recommended the development of model programs of preschool education. The Select Subcommittee on Education, of which I have the honor to serve as chairman, in an imperative attempt to remedy this tragic situation of the atypical child, held hearings on this legislation during this session. After thoughtful deliberation, H.R. 18763 was unanimously reported from both the subcommittee and the full Committee on Education and Labor with bipartisan approval.

H.R. 18763 is designed to authorize the development and implementation of experimental preschool and early education programs. These programs are designed to:

First. Facilitate the intellectual, emotional, physical, mental and social development of handicapped children;

Second. Encourage the participation of the parents of such children in the development and operation of programs; and,

Third. Acquaint the community to be served with the problems and potentialities of such children.

It is the intent of this legislation that wherever possible each model project be coordinated with a State education agency and with a local school system.

No arrangement pursuant to this bill shall provide for the payment of more than 90 percent of the cost of developing, carrying out or evaluating a program. The non-Federal contribution may be in cash or kind. Another important feature is a provision for systematic dissemination of information.

H.R. 18763 defines the term "handicapped children" to mean the mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled and other children who require special education and related services.

This bill will authorize appropriations of $1 million for fiscal year 1969; $10 million for fiscal year 1970; and $12 million for fiscal year 1971.

Few parents are prepared to take care of a child who looks different, behaves in grossly unacceptable ways or fails to respond even to the sound of a mother's voice. Parents of handicapped children may have fears and are often frustrated and bewildered. They need help in understanding their child's disability. They need help in working with their handicapped child.

This bill will bring us into a new era of educating handicapped children. In addition, it is anticipated that this legislation will enlist the help of the parents as allies and associates of educators to provide a total program.

A handicapped child must have a maximum chance to live a full life, fulfill his potential and make a positive and meaningful contribution to this Nation. I urge all of my colleagues to support H.R. 18763, a major humanitarian step forward.

Mr. REID of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Speaker, this legislation before us today, although minute in its monetary request is gargantuan in its potential to provide meaningful direction for early educational endeavors for all handicapped children. It is particularly significant in that educators throughout the country, charged with the responsibility of developing the handicapped to become contributing and productive members of society, unequivocally recognize the need for early identification and educational development. Although they do not have firm, fixed, definite answers as to how they can best achieve this goal, their recognition plus their determination to find these avenues hopefully will be reached through this act. It is important that they, rather than requesting millions of dollars and beginning crash programs, seek to set up model, pilot programs on an experimental basis and attempt thereby to determine the best means for helping our handicapped children.

I feel that the chances for success are great because these projects will be directed by officials of the Bureau of the Handicapped—HEW who will work in concert with State and local educational agencies, as well as public and private, nonprofit agencies throughout the country. Working together they will seek and hopefully find new and innovative approaches to meeting the needs of the handicapped, evaluate the educational and vocational potential of each child, and make a prognosis and chart a realistic educational program that will be best suited to the needs of each individual. My optimism is high due to the confidence I have in the dynamic and very capable leadership of such individuals as Dr. James Gallagher and Dr. Ed Martin whom I feel have, during the short life of the bureau, enhanced the entire spectrum of special education.

Early education of the handicapped is a national need and therefore this bill provides that grants should be distributed geographically throughout the Nation to the greatest extent possible, yet not be bound to establishing one experimental program per State. It is conceivable that States could combine their resources and develop regional centers or in some large metropolitan areas, where deemed advantageous, more than one center could be considered. Programs will be established in both rural and urban areas as it is recognized that, although handicapped children are similar and disabilities are comparable from one area to the other, geographic problems are often not comparable. Therefore, because problems are unique to various areas, the scope of the project will have to go beyond strictly educational lines and attempt to answer transportation and facilities considerations as well.

These programs should be viewed as a model and demonstration, not as a service program. Although many will provide guidance and services to handicapped individuals, it is my hope that some projects will provide meaningful answers, techniques, and methods for other early educational programs for the handicapped to utilize.

The primary aim of the legislation is to encourage the development in all aspects of the handicapped child. It is my contention that a model preschool program should provide stimulation in all areas in order to meet his emotional, physical, intellectual, and social needs. In this regard, if the model programs proposed in this legislation are to have the necessary impact, it is essential that the focus of them be directed toward the full range of the handicapped population under 6 years of age. Therefore, we have directed through this act that programs encompass not only all disabilities but all age groups, that is from birth to 6 years of age.

In addition to children, this act recognizes the special needs of their parents and expects that, through their involvement in these projects and comprehensive supplementary training, they will be better equipped and prepared to live and work with their sons and daughters.

Legislation of this type is vital because the problems of handicapped children will not disappear with wishful thinking. The deaf will always have problems in understanding other people. The blind will not develop new eyes. The crippled may learn to walk but not without many lost years. The mentally retarded will always be slow in learning to read.

These problems will not disappear but they can be softened. The deaf can be helped to communicate better, the blind can learn to work and play without eyes, the crippled may learn to walk, to play, to read and write without the lost years between hospital, school, and home; the mentally retarded can learn new approaches to learning to read which will minimize the difference between him and his more fortunate peers.

When the parent of a 3-year-old retarded child tries to enroll her youngster in a preschool program, she is usually told that school for the handicapped child begins at age 5 or 6. Thus her child misses an invaluable educational experience during his most formative years. Purposeful, well directed educational programs for these young children would help them learn what the normal child picks-up quite naturally from his environment.

These problems can be alleviated by the provisions of H.R. 18763, Early Education of Handicapped Children. The programs provided for by this legislation will coordinate all the resources necessary to bring these children the kind of special education and training needed to prepare these children for the school programs which exist, but have minimum age requirements. The Minnesota School for the Deaf has such a prerequisite—the minimum age for entrance is 5 years. Thus a deaf child in Minnesota loses the important years before he is able to enter school at Faribault. These are the years during which the development of communication for a deaf child are lost.

I am proud of the efforts being made in Minnesota on behalf of handicapped children both in the public schools and at the University of Minnesota. The professional leaders at the university and in our Twin Cities schools have already shown their competence and commitment to children below our mandatory school age of 8. The St. Paul Board of Education has further shown its awareness of the role of parents in the life of the handicapped child by establishing a full-time professional position for a parent liaison in special education. Under the proposed Handicapped Children's Early Education Act this foundation could be built upon in a systematic way, documented and reported for the benefit of children throughout the Nation.

H.R. 18763 is a bipartisan bill and was reported by the House Education and Labor Committee unanimously. I urge my colleagues in the House to approve it in the same manner.

Mr. REID of New York. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of the Committee on Education and Labor, the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Speaker, I rise in support of H.R. 18763. I am proud to cosponsor this legislation, and wish to pay tribute to my distinguished colleagues from Minnesota and New York [Mr. QUIE and Mr. CAREY] for their wisdom in bringing to us this legislation which will benefit and enhance the lives of the handicapped throughout the Nation. I also recognize the continued leadership of the gentleman from New Jersey [Mr. DANIELS] for his continued efforts on behalf of the handicapped and the expeditious manner in which he moved this bill forward.

Ibn Ezra, a medieval scholar and philosopher, said in 1092:

> When a man cannot speak, his ideas die, his soul stops, his senses deteriorate.

These words are almost prophetic when we look into the future of a handicapped child. This is a basic reason for my support of this legislation. It is a proven fact that, if we are to educate and train our handicapped children, we must begin at the earliest possible age. Research sponsored by the Bureau of Education for the Handicapped in the Office of Education can document this fact. The provisions of this bill, H.R. 18763, will allow the Bureau of Education for the Handicapped to sponsor model programs in centers, both urban and rural, throughout our Nation. These programs will organize the resources and expertise needed to develop a program of education and training of handicapped children who are under 6 years old. These children are not eligible for schools and classes in most States until they are 5 or 6 years of age. Thus the most meaningful years of learning are lost. This bill will provide the preschool education and training at the most crucial time of their lives.

As the Members of this body well know, I am not prone to advocate spending vast sums of money on domestic do-good programs whose outcome or benefit is only speculative. I support the Handicapped Children's Early Education Act because it is not massive and it will reduce speculation about the relative merits of various ways of helping young handicapped children.

I believe that there is a body of sound research which indicates that the right intervention in the life of the young handicapped child, while it may not prevent the handicap, can prevent many of the disabling and dependency-producing consequences of the handicap in later life. Our task now is to find how the knowledge gained from research can be put into practice with maximum effect per dollar expended. The Handicapped Children's Early Education Act is designed to do just this—to try out and evaluate the various ways of reaching young children such as the retarded, or blind, or deaf or cerebral palsied, and their parents. It is, therefore, timely.

The proposal is for a very modest expenditure. It is one we can afford now and the pilot programs it will make possible may well protect the public funds which I am sure will be sought and spent for handicapped children in the future. I shall rest easier about these future investments if we can develop in the next few years some reasonably hard data on benefits in relation to cost.

I am sure Ohio is not the only State in which the department of public instruction is so burdened with the tasks it already has in directing the mandated school program, it does not have the energy or money to foster experimental efforts or to tackle the problems of those children who may need the most help. For these demonstrations we must look to our universities and to our voluntary organizations, our organizations of parents, acting with professional guidance. This bill will make it possible for suitable private nonprofit agencies to do the pioneering on which we will eventually build our advances in public education.

I support this legislation without reservation and recommend unanimous passage.

Mr. REID of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Speaker, I strongly support this legislation that has as its purpose the very desirable and laudable objective of training and educating preschool and early educational assistance for handicapped children.

Having been one of the early advocates and coauthors of the very successful Headstart education legislation, I believe passage of this legislation today is another important landmark of beneficial educational legislation that is designed to give our children the earliest possible start toward happy and prosperous lives.

Mr. REID of New York. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, the bill before use, H.R. 18763, the Handicapped Children's Early Education Assistance Act, is, as my colleagues have noted, a first step toward the provision by local communities of preschool and early education programs for handicapped children. Over 6 million of our children suffer physical, emotional, and mental handicaps yet fewer than one-third receive special medical and educational services.

Dr. James Gallagher, Associate Commissioner of Education for the Handicapped, U.S. Office of Education, and others who testified before the Select Subcommittee on Education, noted that there is growing improvement in the attitude of local educational institutions toward the education of the handicapped. One prime problem which still exists in program development, however, is the uniqueness and complexity of educating the handicapped child. It is this problem that we have addressed ourselves to in the creation of H.R. 18763. The bill will establish approximately 100 experimental preschool and early education programs in States or territories having the interest and desire to utilize such models as the basis for determining the best approaches to assist handicapped children. Thus we envision that communities will examine model programs in other areas with similar demographic characteristics and ascertain the types of personnel that they might need; determine the methodology necessary to prepare and implement similar programs; and evaluate materials, curriculum, and the administrative procedures necessary to educate children having various handicaps and other aspects of the education process.

Built into the experimental and demonstration aspects of the program is a system of evaluation so that what is disseminated will reflect practices that have been tried and shown to be effective. This will provide local communities with the information to develop programs with the most efficient use of funds.

We have before us a bill small in its present scope and requiring little funding, but one whose byproduct will be the education of millions who might otherwise go uneducated, and the development of productive citizens with a gross income in the billions who might otherwise be dependent on the community. I am pleased to cosponsor such a bill and I recommend unanimous passage.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. Carey].

Mr. CAREY. Mr. Speaker, I am pleased to rise today in support of H.R. 18763, the Handicapped Children's Early Education Assistance Act. I joined in cosponsoring this bill, as earlier I introduced H.R. 17090, on which it is based, because I believe there is no better way for the Federal Government to help handicapped children. Beside the obvious moral and social reasons for providing these children with a fair chance to receive the education we blithely state is every American's right, there are overwhelming economic benefits to be gained for our society.

A very minimum figure for the daily care of an institutionalized child would be seven dollars a day, about $2,500 per year. In fact the actual cost for educating a handicapped child in a private residential school or in special State-operated units for severely handicapped children often exceeds $10,000 per year. Taking $2,500 and multiplying that by 60 years, representing the lifetime in an institution, we have a cost to society at a minimum of $150,000. On the other hand, let us compare the situation where a child after receiving an education is able to become employed, even under sheltered conditions where he might earn $1,500 per year. Over 40 years there would be a positive contribution of $60,000 rather than a cost of $150,000, for each seriously handicapped child.

The bill to be considered today will provide for model preschool programs to be developed and evaluated. These models will be developed by public or private nonprofit agencies and in each case the local and State educational agencies will be involved in the planning. Before the States begin to launch a comprehensive program of preschool services for handicapped children, they want to be able to answer certain questions, "What kinds of children might be grouped together for preschool programs?"; "What kind of training and qualifications will be necessary for teachers and teacher-aides"; What will be the special problems connected with developing programs in rural areas or in inner city locations?" "How effective are such programs?"

Mr. Speaker, I certainly want to call attention to and support the concept of this legislation. It proposes that we begin our efforts to bring about the development of preschool programs for the deaf and the blind and all the handicapped children, by looking carefully at pilot programs and evaluating them. After such study this Congress can decide whether these efforts deserve continuing support.

The bill proposes support for only planning and pilot operations, and authorizes $1 million for these purposes in the first year fiscal 1969 with $10 and $12 million authorized for the remaining 2 years of the program. The Federal Government would pay 90 percent of the cost of any program, with the non-Federal share being in cash or kind.

In the 89th Congress I had the privilege of chairing a Special Subcommittee on the Education of the Handicapped. Since that study, I have seen the development of an increased sense of our national committment to educating children who have entered life with an extra hurdle to face, an extra burden to carry. We have seen the development of support for the States through title VI of the Elementary and Secondary Education Act, new services for deaf-blind children, expansion of training, research and media services. Further, a National Advisory Committee on Handicapped Children has been established, as has a Bureau of Education for the Handicapped in the U.S. Office of Education. I am sure I reflect the sentiment of this great body when I say that this progress is encouraging and, further, that we must move forward as quickly as possible to fulfill the promise to every American child, that he can receive an appropriate education.

The Handicapped Children's Early Education Assistance Act is a significant step in this direction. It focuses attention on the most critical years for development of intellectual and emotional facets of the child. If we are to prevent the situation of a child entering first grade, already sadly lacking in language development, in interpersonal skills, in familiarity with basic information, then we must vigorously pursue effective preschool education for handicapped children. I urge the Members of the House to give this bill their unqualified support.

Mr. SCHERLE. Mr. Speaker, I rise in support of H.R. 18763, a bill which I am proud to cosponsor. The bill provides for the development and conducting of experimental preschool and early education programs for handicapped children. It is necessary that we develop a more realistic approach to educating our very young handicapped children. The many witnesses who testified during the hearings on this bill documented the need for bringing the benefits of modern special educational techniques to handicapped children in their preschool years. In my own congressional district located at Council Bluffs, Iowa, is a very fine public residential school for the deaf. However, children are not admitted to the school until they are 5 years old. With the addition of a program for early education of handicapped children, deaf youngsters would be able to receive an education during the years prior to their entrance into the school. This is not only desirable but necessary.

It is appropriate at this point to mention that my district contains a facility for the care of the mentally handicapped, which is the Clarinda Mental Health Institute, at Clarinda, Iowa. There are also two schools for aid to the mentally retarded. They are the Glenwood State Hospital-School, at Glenwood, and the Woodward State Hospital-School, in Woodward.

In some States, so I have been informed, school laws prevent or discourage the local public schools from providing early education for the handicapped child. In my own State I am happy to say that the local boards of education are permitted to serve handicapped children from birth to age 24, and may receive the specified State aid after they enroll the children in suitable classes. However, despite this apparently liberal law young children simply are not being adequately served.

I am confident that there are school boards in my district which, with the initial help offered under this bill, could and would inaugurate pilot programs which could subsequently be carried forward under the State legislation already enacted. The possibilities which the Handicapped Children's Early Education Act opens up for the initiation of such programs in southwestern Iowa are, I am sure, also evident in the districts of many other Members.

Preventive care and services are always a good investment. In no instance is this more true than in developing programs for handicapped children—especially mentally retarded boys and girls. Education at a very early age for retarded children can make a tremendous difference in the extent to which they are able to reach their full potential. The Handicapped Children's Early Education Assistance Act would provide support for this kind of education program.

Mr. ESCH. Mr. Speaker, I would like to express my support, along with that of my colleagues, for H.R. 18763, the Early Education of Handicapped Children Act. This bill provides for a much needed preschool and early education program for all handicapped children. It would be redundant to mention the need for preschool education for nonhandicapped children since this was described in great detail during the consideration of the Headstart program. Of equal importance is the education of the 10 percent of our children who are handicapped. If ever a group needed an exemplary, innovative preschool, early education program, this is it. There are several fine programs for the education of handicapped children in my State of Michigan. However, not all of these programs provide for an education for the age group for which the provisions of this bill will apply.

The contributions of Michigan colleges and universities to the field of education of the handicapped are nationally recognized, and are a source of pride to me since two of the universities with the most extensive programs for training teachers of children with mental retardation, speech defects, emotionally disturbances and other handicaps are in my district, in Ann Arbor and Ypsilanti.

The education of young seriously disturbed children has long been neglected and is now the subject of increasing concern both to professional educators and to parents. Moreover there is a real threat to mental as well as physical health attributable to the frustrations experienced by young children with any handicap such as hearing, visual impairment, serious mental retardation, or cerebral palsy, because the child does not see, hear, touch, or come to understand the world as other children do. These frustrations can, however, be avoided to an important extent by skillful help in the earliest years. Programs to teach these children to use their remaining faculties to best advantage and to show their parents how to give the child as normal a life as possible will bring the children to public school in a much better position to benefit by more formal education.

But early education is not a field which has received much public support. While we in Congress talk and commissions and advisory councils write reports, children are growing up and irretrievable time is being lost. In the words of a true champion of the cause of the handicapped: "Let us begin!"

Mentally retarded children need to participate in the same kinds of service programs that normal children do. For instance, they need to begin their educational experience at the earliest possible age. Quite often, however, such educational programs are not open or available to these very young retarded children. The Handicapped Children's Early Education Assistance Act would make available to such children the same kind of educational program already available to most normal children.

I commend my colleagues, Messrs. Quie, Carey, and Daniels for their leadership and concern for the handicapped. I share this concern as a cosponsor of H.R. 18763, and solicit the support of every Member to join with us to pass this meaningful piece of legislation.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased today to join my colleagues in strongly supporting legislation to establish experimental preschool programs for handicapped children. I can think of no other program more worthy of our attention, and I am proud to be a cosponsor of this bill.

There is ample justification for Federal activities in this area in the fact that there are over 5 million handicapped school-age children in this country and, according to recent U.S. Office of Education statistics, fewer than 40 percent are receiving special education assistance. However, the problems of the handicapped child reach far beyond these children—they touch all of us.

It has been said that a handicapped child produces a handicapped family and even a handicapped community. Indeed, the magnitude of the effect on the family is difficult to understand. Not so many years ago parents, out of ignorance and futility, often locked their handicapped children in the closets of their homes. While in most cases the physical closets are gone, the closets of the mind still handicap children in regard to their families and communities. H.R. 18763 not only seeks solutions to the educational problems of the handicapped child, but also focuses on the problems of his family and community by encouraging parental participation in the development and operation of preschool experimental centers and efforts to acquaint the community with the problems and potentialities of such children. For it is only through such a coordinated attack that we can begin to open the closets of the mind in which we have all locked the handicapped.

Mr. Speaker, in addition to the 5 million school-age handicapped children in this country, it has been estimated that there are an additional 1½ million such children in the preschool years, ages 3 to 6. For years we have bowed to the magic age of 6 as the time for all children to begin their education. This belief has been based on the premise that children before reaching this age will learn naturally from their environment the skills they will need to succeed in formal education. Educators all over the world have proved conclusively that this contention is invalid, and this bill also recognizes it by encouraging the establishment of experimental programs for handicapped children from birth to six.

To put into perspective this need for early education programs for the retarded, blind, physically handicapped and deaf, consider for a moment what it is like to be blind. Try to imagine what it would be like to be born into a world of only sound and touch. Imagine your television set without a picture tube. To carry this analogy further, if you were to operate this set for 6 years without ever being exposed to a "normal" set, with a tube, or taught to work with your limited facilities at a time, when other children were being taught to read and write, you would first have to begin the long process of basic learning. With special training you probably will eventually learn to read and communicate, but it will generally be fully accomplished several years later than the nonblind student.

The significance of the legislation before us is that it provides the first step of experimentation and demonstration in a process that I hope will result in effective community-based preschool programs for handicapped children. The projects should provide for them what the distinguished Senator from Vermont, Mr. Prouty, calls a first chance toward learning.

In conclusion, Mr. Speaker. I want to pay tribute to my distinguished colleagues Al Quie and Hugh Carey for developing this outstanding legislation and praise their efforts to bring about a more meaningful life for our Nation's handicapped.

I would also like to express my gratitude to the chairman of the Select Subcommittee on Education, the distinguished gentleman from New Jersey [Mr. Daniels], and his very capable staff for conducting excellent hearings and expediting this bill through committee.

I urge enactment of H.R. 18763.

Mr. ERLENBORN. Mr. Speaker, as a cosponsor of this legislation, I would like to take this opportunity to add my support to that of my colleagues for H.R. 18763, and at the same time commend Messrs. Quie, Carey, and Daniels for bringing this far-reaching and very meaningful legislation to us. The great need for education of handicapped children at the preschool level was documented by the many witnesses who testified in favor of this bill. It is necessary that children at a very early age be able to benefit from the educational resources offered to youngsters of school age. Both the children themselves and the Nation will benefit if attention is given to the educational needs of this age group before the problems become too damaging. In my own State of Illinois, more specifically in the towns of Joliet, Bartonville, and Pekin, there are public day classes offering services to deaf children. The programs in these schools are good for the children enrolled in them. However, this does not take care of the needs of children in the preschool age group. As research has pointed out, it is necessary that a deaf child start receiving an education immediately after his hearing loss has been diagnosed. H.R. 18763 provides for the development and carrying out of experimental preschool and early education programs for handicapped children so they will not have to wait until they can be admitted to a school or class to start receiving the necessary preschool education which is so vital to their development.

In 1966 the Illinois Legislature revised in a major way our school laws affecting handicapped children and produced in the process what is widely recognized as an exemplary law. It is to be implemented fully in the 1969–70 school year at which time the local boards of education will be under a mandate to provide for mentally handicapped children between the ages of 5 and 21 for physically and multiple handicapped from 3 up.

July 24, the Illinois Legislature completed unanimous action on an addition to this basic act requiring local boards and the State Department of Public Instruction jointly to pay tuition and transportation up to $2,000 to private schools for any seriously handicapped children whom it is not practical to accommodate in the local public schools.

The developments are very heartening but, as will be clear, they still do not cover any handicapped children under 3 nor any retarded or seriously handicapped under 5. Yet the evidence presented to the Committee on Education and Labor indicates convincingly that services to these groups should be initiated. We in Illinois would welcome the opportunities offered under the Handicapped Children's Early Education Act to assist any competent agency to take initiative in this area.

Mr. DENT. Mr. Speaker, I rise in support of H.R. 18763, a bill to provide special educational services for preschool handicapped children. My distinguished colleague from New Jersey [Mr. Daniels] has worked long and hard to bring this fine piece of legislation before us today, and he deserves our praise and our appreciation. Mr. Speaker, I support this legislation because it adds another link to the long chain of our efforts to insure every American citizen the opportunity to develop his promise to the fullest. We have long recognized that those whom we call disadvantaged need special assistance in fulfilling that promise, and our handicapped children are among the most disadvantaged and the most needy of our assistance. Born with physical, mental, and emotional handicaps, these children need special services aimed at overcoming their handicaps. They also need special help in adjusting to an environment—in school and out—best suited to develop the capacities of their more "normal" peers.

Unfortunately, too little is currently being done for these disadvantaged children. Less than one-half the handicapped children in our Nation now receive special educational services of any kind, and virtually all of these are not served until they have entered school. The existing programs, carried on at all levels, both public and private, are of greatest importance. However, most of these efforts ignore the most critical years of a child's development: the earliest years from infancy through age 6.

The Handicapped Children's Early Assistance Act is designed to fill this unfortunate gap. In creating preschool and early education programs for handicapped children, it serves three fundamental purposes. First, it will facilitate the intellectual, emotional, physical, social, mental, and language development of these children. Second, it will involve their parents in the development and operation of the program activities. Third, it will help the participating community at large to understand better the problems and the potentials of its handicapped children.

As a result, these programs will encourage the marshaling of all relevant community energies in programs to develop the handicapped child's ability to become an active, productive member of his society.

I would like to emphasize that this bill does not contain the resources needed to implement a full-scale effort to solve the problems of our preschool-aged handicapped children. A major effort of this kind is not the intent of this legislation, although we can foresee the need for such a program in the future. Instead, the legislation will lay the foundation for any future programs meeting the needs of these children by providing demonstrations of successful approaches to the problem.

Individuals and groups now engaged in carrying out programs for handicapped youngsters have made it clear that such models are sadly lacking. In their plans for title V–A of the Elementary and Secondary Education Act, many States noted that although they recognized the need for preschool programs for handicapped children, they had little idea of how to go about such projects. It is our hope that this bill will provide some of the answers to the questions so many are now asking.

The authorization for the programs contained in the bill reflects their experimental, demonstration nature. One million dollars is authorized for 1969; the first year will be the planning phase for an estimated 75 to 100 projects. For the second year, fiscal year 1970, $10 million is authorized to cover operational expenses of these projects. When the demonstration projects become fully operational, they will be subjected to an ongoing evaluation process, designed to identify successful techniques in assisting the development of the children being served. Finally, these techniques, once identified, are to be widely disseminated for the benefit of all future programs in this area.

Mr. Speaker, this bill is but a beginning in the Nation's attempts to help handicapped children to overcome those disadvantages with which they were born. But without this beginning, those attempts are likely to be stumbling and inefficient. For without the successful models, to be developed on an experimental basis and broadly disseminated under the provisions of this bill, efforts across the Nation to help handicapped children at an early age may well prove haphazard. Therefore, I urge passage of this bill.

Mr. BELL. Mr. Speaker, I rise in support of H.R. 18763. This bill, which I cosponsored, will provide a critically needed mechanism for determining meaningful avenues to follow in the identification, training, and development of preschool handicapped children.

The formative years between birth and 6 are recognized by psychologists, sociologists, and educators alike as the most important period in any child's life.

If this observation is valid, then it follows that handicapped children have at least the same developmental needs as so-called normal children, as well as those directed toward accommodating their disabilities.

This legislation recognizes their unique needs and is also cognizant of the dearth of information on methodology necessary to meet them.

The U.S. Office of Education has estimated that as contributors to society rather than wards of it, handicapped youngsters in school today will, with adequate education and training, become workers having an annual earning capacity of over $15 billion.

Since 1958, the Federal Government has sponsored research on the learning characteristics of handicapped children to determine means by which they can achieve productive citizenship.

One conclusion of this research has been that the handicapped child, because of the complexities of his condition, is less prepared for primary education than his nonhandicapped counterpart.

While it is generally accepted that a unique form of preschool education is necessary for the handicapped child to realize equal educational opportunity, the methodology of such education has not been explored in sufficient depth.

Through the experimental programs this bill will create, educators will be able to examine, first, the curriculums and materials needed to teach handicapped children; second, the environmental modifications necessary to facilitate such learning; and, third, the personnel required to implement the programs.

It is hoped that by having such centers within reasonable traveling distance, all communities throughout the Nation will come to observe and then develop their own programs.

At this time, Mr. Speaker, I would like to call the attention of this House to the contribution in the development of this legislation of one of my constituents, Mrs. Nanette Fabray McDougall. Mrs. McDougall, who is herself partially handicapped, took the time to come to Washington to testify before our subcommittee.

Her testimony contributed significantly to the development of the bill before us today.

I would also like to commend the fine efforts of the National Advisory Committee on Handicapped Children of the U.S. Office of Education on behalf of handicapped children over the past 2 years.

The first annual report in January 1968, "Special Education for Handicapped Children—Toward Fulfillment of the Nation's Commitment," recommended to the Congress 10 priority areas of concern.

The measure before us is designed to meet one of them.

I am confident that through the cooperative efforts this bill will encourage, substantial answers will emerge.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of this legislation and urge its enactment.

The shortage of adequate training facilities for children with mental or physical handicaps has been a matter of grave concern to me for many years.

Some years ago, I began an attempt to coordinate the activities of the public school systems in my northern Virginia district in an effort to gain their cooperation in ignoring political subdivision lines so that youngsters could be trained in the schools best able to handle their particular handicap.

We have been somewhat successful in this effort in northern Virginia, but much remains to be done, and the possibility that our area may be chosen to receive a regional center for coordinating not only this program already initiated but extending it to children in their very early formative years is most encouraging.

We have found that parents of handicapped children often do not know where to find help for their children. In all too many instances, trainable children remain at home and receive little or no training because of parents' financial inability to place them in private training centers and inability of the schools to provide training for them.

Professionally staffed centers such as envisioned by this legislation can help these parents to determine the best training for their children and the places where such training can be obtained.

The absence of an elevator in a school may result in inability of a crippled child to attend a public school. The obvious answer is to place him in a school with an elevator.

The absence of a remedial reading program may result in a slightly mentally retarded child's failure to develop to his full capacity.

The absence of materials for teaching the blind, the deaf, may result in no training at all.

These are the problems we hope to solve, Mr. Speaker, and I believe H.R. 18763 represents a big step toward their solution. Again I urge its enactment.

Mrs. SULLIVAN. Mr. Speaker, the legislation now before the House marks the logical next step—a great and important forward step—in a legislative effort which I began just 11 years ago with the introduction of the first bill in the Congress to provide educational assistance to all categories of handicapped children. That was on August 30, 1957, when I introduced H.R. 9591 of the 85th Congress, a bill to authorize grants to experienced teachers to take advanced courses in the specialized skills of teaching exceptional children—a term which encompassed the very gifted as well as the various categories of handicapped children.

At that time, we had no programs of Federal aid to education. A bill such as we are considering today would have been revolutionary 11 years ago, because we provided no funds to the States or localities at that time for any form of public or private primary education. But we had begun to make a very tentative start toward providing scholarships to a few teachers to train in the techniques of teaching mentally retarded children, under a bill introduced in the Senate by the senior Senator from Alabama, Senator Lister Hill, and cosponsored in the House by the late great humanitarian Congressman from Rhode Island, Mr. John E. Fogarty. Senator Hill at that time was also working on a bill to extend Federal scholarships or fellowships for training teachers of children with speech and hearing defects.

A LETTER FROM THE MOTHER OF A RETARDED CHILD

It was in October of 1956, before Senator Hill's bill for teachers of the mentally retarded had become law, that I received a letter from the mother of a retarded child in St. Louis, who asked where she could turn to find help for her child, who was not acceptable in our public school system at that time. As I began to research this problem, I found that it applied to perhaps 6 million children who suffered from many different handicaps but had in common the handicap of not being acceptable in our school systems because of physical or emotional disabilities.

First, I asked the then Commissioner of Education, who had expressed sympathy for this problem in testimony before the Appropriations Subcommittee, to help me prepare legislation which could assist these children to obtain whatever education they were capable of receiving. Unfortunately, the Office of Education in those days did not believe it would be proper to provide me with such help. I then turned to the Legislative Reference Service of the Library of Congress, and eventually received an outstanding report on "Special Education for Exceptional Children—A Digest of Facts, Figures, and Comments," prepared by Herman A. Sieber, research assistant in education and government, under the direction of Charles A. Quattlebaum, specialist in education.

REPORT IN CONGRESSIONAL RECORD OF SEPTEMBER 19, 1957

This report, which I believe had profound impact on the whole subject of educating exceptional children, can be found in the Congressional Record of September 19, 1957, as part of the extensive background information I submitted in explaining the bill I had introduced.

Mr. Speaker, the evidence at that time was overwhelming that all categories of exceptional children, but particularly the physically handicapped, desperately needed specialized teaching geared to their capabilities. I am as proud of that pioneering measure of 1957 as I am of any legislation with which I have been associated in 16 years in the House of Representatives.

I am happy to recall that, after introducing my omnibus bill for training of teachers of exceptional children in the fall of 1957, I sent copies of the background material, as well as the bill, to Senator Lister Hill, of Alabama, whose bill to train teachers for the mentally retarded was the original measure in this entire field.

SENATOR HILL ADAPTS MEASURE TO MENTAL RETARDATION ACT OF 1963

From the time I introduced the bill until the end of 1963, the House Committee on Education and Labor, or subcommittees thereof, held a series of hearings on this issue, and eventually reported legislation on it. But the House did not act.

In the meantime, Senator Hill adapted the legislation for the training of teachers of all categories of handicapped children as title III of the Mental

Retardation Facilities and Community Mental Health Centers Construction Act of 1963, which passed the Senate May 27, 1963, was approved and reported by the House Committee on Interstate and Foreign Commerce and passed the House September 10, passed in final form by both Houses on October 21, and signed into law by President John F. Kennedy less than a month before his death, on October 31, 1963, as Public Law 88-164.

Since then, Congress has extended and expanded this program to provide scholarships and fellowships for the training of teachers of "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education." This includes all of the categories covered in my original bill except the gifted youngsters.

DIRECT AID NOW NEEDED TO TRAIN THE CHILDREN

In the past 5 years, we have trained many hundreds of teachers in the skills of teaching handicapped children. Now the time has come to extend our aid to education of handicapped children to the preschool and early school levels so that they will have a better chance later of making their way in the regular schools or in the special schools being established throughout the country.

The report of the Committee on Education and Labor on H.R. 18763 sets out eloquently the need for Headstart type of schooling for the physically handicapped and I cannot see how anyone can vote against this measure.

In 1957, as I said, this approach would have been impractical—legislatively impossible. True, we did not have the trained teachers for such children in those days or even the college courses necessary to train such teachers. All of that has since changed as a result of the passage of the first Hill bill of 1958 for teachers of the mentally retarded, and the enactment in 1963 of the legislation to train teachers of all categories of handicapped children.

Another thing which has changed is the attitude of the Federal Government, and particularly the Congress, in assisting our school systems around the country to aid the elementary and secondary schools.

LOGICAL EXTENSION OF FEDERAL SHARING OF RESPONSIBILITY

But although I recognized in 1957 that the time was still far distant when the Federal Government could, as a practical political reality, be brought into direct sharing with the states of the cost of educating exceptional children, the bill which I drafted and introduced 11 years ago looked to that eventuality in these words:

> While the Congress recognizes that the primary responsibility for meeting these problems lies with the States and local communities, national interest in the training of self-reliant and useful citizens demands that the Federal Government asset and encourage and stimulate the initiation of adequate programs in the States to meet these problems.

The bill now before us extends that principle. Mr. Speaker, in giving this background, I feel it might be useful to quote the introductory provisions of H.R. 9591 of the 85th Congress, including the preamble at this point, as follows:

[85th Cong., 1st sess., in the House of Representatives, August 30, 1957, Mrs. SULLIVAN introduced the following bill; which was referred to the Committee on Education and Labor]

H.R. 9591

A bill to provide for the establishment of a special $18,500,000 7-year program of Federal scholarship and fellowship grants to individuals, and a $2,500,000 program of grants to public and nonprofit institutions of higher education, to encourage and expand the training of teachers for the education of exceptional children

Be it enacted, etc.—

SHORT TITLE

This act may be cited as the "Exceptional Children Educational Assistance Act."

FINDINGS AND PURPOSE OF ACT

SEC. 2. The Congress believes that the American promise of equality of opportunity extends to every child within our country, no matter what his gifts, his capacity or his handicaps, whether he is handicapped by defects of speech, or sight or of hearing, or crippling disease or condition, whether his adjustment to society is made difficult by emotional or mental disorders, or whether on the other hand, he is endowed with outstandingly brilliant gifts of mind and of spirit. All such exceptional children require special educational guidance for development of their total educational potential.

The Congress finds that the educational problems presented by such exceptional children are of national concern, and that there is an acute national shortage of, and urgent national need for, individuals professionally qualified to teach such children, to supervise the teachers of such children, to train such teachers and supervisors, and to conduct research into the problems relating to the education of exceptional children.

While the Congress recognizes that the primary responsibility for meeting these problems lies with the States and local communities, national interest in the training of self-reliant and useful citizens demands that the Federal Government assist and encourage and stimulate the initiation of adequate programs in the States to meet these problems.

Therefore, this act provides, on a temporary, 7-year basis, a program to further the training of teachers, supervisors of teachers, and researchers in special education for exceptional children, and to encourage and assist public and nonprofit institutions of higher education to expand their training works in these fields.

CREED FOR EXCEPTIONAL CHILDREN

Mr. Speaker, one of the documents which moved me deeply a dozen years ago when I first began my research into the problems of educating the handicapped child was a statement adopted in 1954 by the U.S. Office of Education Conference on Qualification and Preparation of Teachers of Exceptional Children. Presented by Leonard Mayo, director of the Association for Aid of Crippled Children, as the "Creed for Exceptional Children," it stated exactly how most of us feel about children whose path in life is made cruelly more difficult because of physical or emotional handicaps. I was so impressed by this creed that I incorporated substantial portions of it into the preamble of my 1957 bill.

Because it says so well what we are trying to do in H.R. 18763, Mr. Speaker, I would like to conclude my remarks on this bill today with the full text of the "Creed for Exceptional Children," as follows:

CREED FOR EXCEPTIONAL CHILDREN ACCEPTED BY THE UNITED STATES OFFICE OF EDUCATION CONFERENCE ON QUALIFICATION AND PREPARATION OF TEACHERS OF EXCEPTIONAL CHILDREN

(Presented by Leonard Mayo, director, Association for the Aid of Crippled Children, on October 29, 1954)

We believe in the American promise of equality of opportunity, regardless of nationality, cultural background, race, or religion.

We believe that this promise extends to every child within the borders of our country no matter what his gifts, his capacity, or his handicaps.

We believe that the Nation as a whole, every State and county, every city and hamlet, and every citizen has an obligation to help in bringing to fruition in this generation the ideal of a full and useful life for every exceptional child in accordance with his capacity; the child who is handicapped by defects of speech, of sight, or of hearing, the child whose life may be adversely influenced by a crippling disease or condition, the child whose adjustment to society is made difficult by emotional or mental disorders, and the child who is endowed with special gifts of mind and spirit.

We believe that to this end the home of the exceptional child, the schools, the churches, and the health and social agencies in his community must work together effectivelv in his behalf.

We believe that for most exceptional children their parents and teachers are the master architects essential to the planning and building of their future.

We believe therefore, that every appropriate resource of the community must be mobilized, if need be, to aid in maintaining his family life at an adequate social and economic level, and in furnishing guidance and encouragement to his parents.

We believe that the teachers of exceptional children must possess the personality, develop the understanding, and acquire the knowledge and skill through special preparation that will enable them to inspire and motivate, as well as teach, the art of making a living and a life.

We believe that the cooperative efforts of parents and teachers must be encouraged, sustained, and supplemented by teacher education institutions with curricula and programs based on the knowledge and skills needed in the education of exceptional children by State departments that will develop challenging standards of program operation and work with teachers in establishing sound certification procedures; by local school systems that will recruit and employ teachers who are qualified by personality and special preparation; by health and welfare agencies that will provide diagnosis and evaluation, medical and psychiatric care, and social services.

We believe that research designed to increase present knowledge of personality and the learning process and studies aimed at the improvement of programs of special education are essential to further progress.

We believe in the sensitive interpretation of the exceptional child and his needs by teachers and others in order that an attitude favorable to his acceptance and development may be engendered and sustained in the community.

Above all, we believe in the exceptional child himself; in his capacity for development so frequently retarded by the limits of present knowledge; in his right to a full life too often denied him through lack of imagination and ingenuity on the part of his elders; in his passion for freedom and independence that can be his only when those who guide and teach him have learned the lessons of humility, and in whom there resides an effective confluence of the trained mind and the warm heart.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 18763, the Handicapped Children's Early Education Assistance Act.

There are over 6 million children in our Nation today who suffer physical, emotional, and mental handicaps; yet it is estimated that fewer than one-third currently receive special educational services.

It is imperative that the handicapped child receive special educational services responsive to educational and environmental needs if he is to reach his potential as a participating and contributing member of our society, and it is also imperative to reach that child in the preschool years which are the most critical for a child's future development.

H.R. 18763 would provide for model centers throughout the Nation that will encourage the intellectual, emotional, physical, mental, and social development of handicapped children. The parents of these handicapped children would be engaged in assisting the professional educators in the effort to develop and operate the programs, and educators and the general public would be acquainted with the problems and potentials of its handicapped children.

This measure authorizes the appropriation of $1 million for fiscal year 1969, $10 million for fiscal year 1970, and $12 million for fiscal year 1971. This seems a modest investment in a program of such far-reaching significance and which involves this country's greatest resource—its children. And more compassionately so, its handicapped children.

As a former director of the Hawaii Chapter of the Society for Crippled Children and Adults, I have a special interest in this legislation. It is indeed heartening to know that at long last we are closing the gap in this Nation's effort to assure all her citizens of the opportunity for good health, a good education, and equal participation in the benefits and responsibilities of American society.

I strongly urge a unanimous vote for H.R. 18763.

Mr. GUDE. Mr. Speaker, I rise in support of this bill as legislation which reflects both a forward-looking educational and humanitarian philosophy. The need for programs in the field of education to meet the needs of the handicapped is beginning to be realized and met. For example, in Montgomery County, which comprises a substantial portion of my district, both public and private schools have developed and are continuing to expand and improve programs for children with hearing, speech, learning, brain damage, physical and emotional problems.

But the growing awareness of the great benefits of education and training in the so-called preschool ages, when focused on problems of the handicapped, opens the door to tremendous promise.

Study, research, and training which is provided under this bill will mean that parents of the handicapped child can have more hope of trained guidance and assistance in place of overwhelming bewilderment and despair.

We now realize that the extent to which a handicapped child will become a happy participating member of our society is largely governed by how soon the handicap is detected, and remedial action, including appropriate education and training, is begun.

Mr. TIERNAN. Mr. Speaker, I speak in support of H.R. 18763—the Handicapped Children's Early Education Assistance Act. We have proven rather dramatically in the past few years the importance of a child's early education. The Headstart program has given impetus to the training of culturally deprived children and its acclaim is shouted from all corners.

We all know that many children today suffer from mental, physical, and emotional handicaps. These children desperately need aid in an education program designed to develop their personal feelings of competence. Emotionally disturbed children can often be helped to solve their problems, if help comes early and from good hands. Physically and mentally handicapped children must become self-competent insofar as they are able. Experienced educators are the ones most qualified to assist them in this process.

Today only approximately one-third of our handicapped children are receiving aid.

I say we owe them more than lipservice. We must offer the best training possible, for these children have greater needs than ordinary children. Both former President Kennedy and Vice President HUMPHREY have stressed these needs again and again. How long can we look the other way?

My fellow Congressman, I ask that you support this measure—that you bend to help the child that seeks your aid.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 18763.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING IMMIGRATION AND NATIONALITY ACT

Mr. FEIGHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15450) to amend section 101(a)(27)(D) of the Immigration and Nationality Act, as amended.

The Clerk read as follows:

H.R. 15450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by inserting after the language "vocation of minister of a religious denomination" the language "or serving as a missionary, brother, nun, or sister of a religious denomination".

SEC. 2. The first sentence of section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by inserting after the language "section 203(a)(6)," the language "or any religious denomination having a bona fide organization in the United States desiring to have an alien classified as a special immigrant under section 101 (a)(27)(D),".

The SPEAKER pro tempore. Is a second demanded?

Mr. CAHILL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recommend, in fact, strongly urge that the House take favorable action on H.R. 15450, a bill to amend section 101(a)(27)(D) of the Immigration and Nationality Act.

This measure would amend our present law to grant religious sisters, nuns, brothers, and missionaries the same special immigration status now accorded ministers of religion.

Under the provisions of this bill, if enacted, we do not expect any large flood of new arrivals to the United States. The best estimate we have been able to secure is that approximately 2,000 of these most needed persons will be admitted each year under this legislation.

However, despite the small number of beneficiaries, they are most necessary for the direction and staffing of nonprofit welfare and educational programs which will benefit a tremendous number of U.S. citizens.

Those admitted will maintain and operate schools, hospitals, orphanages, and day care centers. They will also engage in social welfare and community programs.

In previous years it was possible to have these religious persons admitted under the nonpreference portions of undersubscribed European country quotas. The hundreds of thousands of family members who are now being admitted to the United States each year under the act of October 3, 1965, has eliminated any nonpreference allocations under the immigration laws.

Now these highly trained persons may have to wait years before favorable action can be taken on their visa applications.

I know you join with me in a mutual concern for adequate safeguards to prevent abuses in any form of legislation. This amendment merely expands legislation that has worked effectively for the past 40 years to facilitate the expeditious admission of ministers of religion.

The proven safeguards are included in this legislation and we will insist that the administration regulations meet the same high standards.

The fact that those who will benefit under this legislation will not compete for jobs with available American employees is certified to by the fact that over the past 3 years the Secretary of Labor has issued rulings exempting from the protective labor certification of our immigration laws religious workers coming to the United States to pursue their calling within the scope of the activities of established religious organizations in this country.

As you will note from a further reading of H.R. 15450 and the report of the House Judiciary Committee, the beneficiaries of this legislation will have to be professed members of their religious communities for at least 2 years prior to their admission to this country. It will have to be certified that they are coming to the United States at the request of and will serve under the direction of a bona fide religious community in the United States. Under the terms of their admission, they will be granted visas solely to pursue, on a full-time basis, their religious calling.

These professed religious who have dedicated their lives to the service of their fellow man are urgently needed to implement the increasing activities of our churches and religious organizations in the broad field of social welfare. They are particularly necessary in the urban and inner-city areas where successful activities are most necessary for the future of these communities.

One should not imagine this legislation to be controversial. It is a bipartisan measure. It should have the support of all the Members of the House. It is in our interest and in the interest of our Nation to provide the means for these most dedicated persons to pursue their calling on behalf of those whose needs are greatest.

I most heartily recommend this bill and urge its expeditious enactment.

Mr. CAHILL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the subcommittee has explained, this bill accords nuns, brothers, sisters, and missionaries special immigration status. That is, they would be admitted without regard to the current numerical limitation on immigration.

Mr. Speaker, questions arise whether there are sufficient safeguards in the bill so that there will not be in the first instance an unlimited number of missionaries, nuns, brothers, and sisters coming in; and second, that those who come in are sought by accredited religious organizations. I assure the Members of the House these questions were of deep concern to the committee. It was for that reason that we tried to take care of all possible contingencies. So we have provided in the first instance that before they may enter their services must be requested by a bona fide religious organization in this country. Second, we provided that there must be a full-time need for their services and, third, to insure the sincerity of the alien's purpose that they, immediately before entry, have served in such capacity for at least two years.

There is a need for this legislation, as any of you who have examined the situation will I believe concede. Heretofore these people have been admitted as nonpreference immigrants or, most recently under the third and sixth preference classifications. However, both these preferences are heavily oversubscribed and as a result, many of the most needy and most deserving are unable to come in because the numbers are not available.

So it was the feeling of the committee that so long as we could be absolutely certain that there was a bona fide religious organization that had a real need for full-time help, and so long as we were sure that those who were applying had proven by at least 2 years' service in the religious organization that they were in fact performing these necessary services, their admission was warranted.

I would say to the Members that the committee report clearly outlines the criteria that must be considered by the Immigration and Naturalization Service and the Department of State before a religious worker on a religious organization may be considered for the special classification accorded by the provision.

You will also find in the report the definition of what is meant by the words "nun," "sister," "brother," and "missionary."

In summary, Mr. Speaker, I would merely point out that in the judgment of the subcommittee and the full committee on the Judiciary, the need has been proven, the criteria have been adequately spelled out, and we believe that adequate protection has been spelled out in this legislation to insure that the problem envisioned will be met.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I would ask the gentleman what assurance is there that these people will be compelled to work at the jobs for which they are given special permission to enter? Is there any kind of a bond? Is there any assurance that must be given by the employing group or association or whatever it may be?

Mr. CAHILL. No. It is my understanding—and I will yield to the chairman—but it is my understanding that the assurances, I say to the gentleman from Iowa [Mr. GROSS], really are the representations of a bona fide religious organization whose reputation would be explored by the Immigration and Naturalization Service before an alien religious worker would be admitted.

Mr. GROSS. But the law requires others to post bond where there is any question as to whether the person entering the country may become a dependent. It seems to me there ought to be some kind of assurance in writing at least, and this ought to be a minimum, that these people will be made to serve the purpose for which they have entered this country, and will not become dependents.

Mr. CAHILL. I will say to the gentleman, at the present time ministers are permitted to come into the country under a similar provision of law without any bond It has been the experience of the Immigration Service that no problems have been encountered.

Mr. GROSS. In past years this country sent missionaries all over the world, and now this is being reversed, apparently?

Mr. CAHILL. That is right.

Mr. GROSS. Now we are to get the missionaries. I suppose we need them—I do not know.

Mr. CAHILL. I think one of the things that was persuasive to me, I will say to the gentleman from Iowa, was the shortage of qualified workers in religious orphanages, in religious hospitals, in schools, and in charitable institutions. Regrettably, I must confess we have not been able to bring sufficient number of these dedicated people to this country. If these religious institutions are to survive, we must assist them in every way.

Mr. GROSS. I have always thought of missionaries as those who carry the gospel to remote areas, to those who need spiritual uplift, and that sort of thing. Are missionaries coming to this country to work in hospitals?

Mr. CAHILL. Yes; it has been customary for missionaries to enter this country to maintain hospitals and other charitable institutions.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. DON H. CLAUSEN. Could the gentleman tell me if there is any numerical limitation on the number that will be coming in?

Mr. CAHILL. No; the carefully drawn safeguards will insure that the number of entrants will reflect this country's need for these workers.

Mr. DON H. CLAUSEN. You have made reference to describing the terms "brother," "nun," and "sister." Does this mean that this will be exclusively with one denomination or one faith or with all religious faiths?

Mr. CAHILL. It will have to do with all religious organizations. As I understand it, several of the principal religious denominations in the country are very much in support of this legislation.

Mr. DON H. CLAUSEN. As you know, there has been some trouble, for instance, in Vietnam with people who have infiltrated some of the religious organizations who, in effect, have been associated with the Vietcong and other so-called Communist organizations. What would be the safeguard against people coming in under the auspices of the clergy or religious organizations and giving us a similar problem in this country?

Mr. CAHILL. The Immigration and Naturalization Service will carefully examine all applicants most carefully. I think we have to have some faith in the investigative process and in the ability and intelligence of our immigration service.

Mr. DON H. CLAUSEN. Should the immigration service find them to be unqualified for admission to the country, what recourse is there to the religious organization that has sponsored their admission?

Mr. CAHILL. None except to find a qualified alien for admission.

Mr. DON H. CLAUSEN. I wonder if the chairman, the gentleman from Ohio [Mr. FEIGHAN], could enlighten me on this question.

Mr. CAHILL. Mr. Speaker, I will yield to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, let me say, first, that one of the criteria laid down in the bill requires that the people described in the bill can only be admitted if the organization to which they are destined is a religious denomination having a bona fide organization in the United States. The individuals must have, for a period of 2 years before their admission, pursued their religious vocation prior to application for admission into the United States to perform this particular kind of vocation. This is the kind of person who would be eligible under this bill.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield further?

Mr. CAHILL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I am concerned about the numbers that might conceivably come in. I was wondering why there was not a limitation put on the number in light of the fact that we have previously put a top limitation on the number of immigrants coming into the country under routine civil admissions.

Mr. CAHILL. I think the answer to that question is that there was a very limited number that came into the country. In 1967 it is my understanding there were approximately 1,000.

I think the need is so acute all over the world that it is unlikely the religious organiaztions in this country will ever get the number of religious workers they need. The committee therefore felt that so long as they met the outlined criteria and so long as they were members of a bona fide religious organization, and so long as they were really serving the best interests of the United States by coming in and serving in hospitals and teaching our youngsters, that the more we were able to obtain the better off we would be. My concern is that we will not get too many but that we will get too few.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, with reference to the colloquy that has taken place, it would be my understanding that the criteria as to religious organizations would be a matter for the Immigration Service to determine, but the original petitioners' bona fides would be the responsibility of the consular officer in the Embassy of the country from which they would come.

I merely wish to add that I commend the distinguished gentleman from New Jersey for his remarks. I believe this is important and necessary legislation, and I urge its passage.

Mr. CAHILL. Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I would merely like to say, in response to one of the queries made by the gentleman from New Jersey on the other side of the aisle, that all the tests of exclusion that now prevail in our immigration and naturalization law will prevail in this law as well. If the petitioner is a Communist, regardless of the fact that he is a missionary, he would be excluded. He could be excludable under any other ground that is presently in the law.

Mr. CAHILL. I agree with the gentleman.

Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Moore] may extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MOORE. Mr. Speaker, I urge the enactment of H.R. 15450. This legislation will alleviate an acute shortage of religious workers in this country by expediting the entry of trained aliens meeting the requirements of the bill.

The bill exempts from the numerical limitation on immigration any immigrant:

First, who continuously, for at least 2 years immediately preceding his application for admission has served as a missionary, brother, nun, or sister of a religious denomination; and

Second, who seeks to enter the United States solely for the purpose of serving in such capacity; and

Third, whose services are needed by such religious denomination; or

Fourth, who is a spouse or child accompanying such religious worker.

Procedurally, the bill contemplates that a bona fide religious organization will petition the Attorney General for the special classification to be accorded the religious worker. As special immigrants the beneficiaries of this bill would be exempt from the labor certification requirements of section 212(a)(14) of the Immigration and Nationality Act, as amended, though not preempting employment of American workers.

In fact, numerous bona fide religious organizations desperately need full-time religious people to work and teach in hospitals, schools, and orphanages. This need is not being met. Moreover, the preference system recently instituted to reform the immigration and nationality law compounds the shortage of these trained religious workers.

Under the present law, only ministers of bona fide religious organizations are accorded such special immigrant status. This bill seeks only to extend to missionaries, brothers, sisters, and nuns, the same status now accorded ministers. As such, the bill does not change the basic philosophy of the Immigration and Nationality Law. The Department of State and the Immigration and Naturalization Service are fully competent to administer the provisions of the bill to prevent any abuse either by aliens or by farcical religious organizations.

In short, Mr. Speaker, H.R. 15450 is a fair, just, and reasonable solution to the labor problem confronting not only religious organizations but also the many people in this country who depend on their guidance and service. I urge its passage by the House of Representatives.

Mr. CAHILL. Mr. Speaker, I yield to to the gentleman from Alabama [Mr. Edwards] such time as he may consume.

Mr. EDWARDS of Alabama. Mr. Speaker, as I understand the situation, before the most recent immigration law it was customary for sisters, nuns, priests, and Catholic servants in particular to come to this country to teach and to perform clerical work. It was also customary for those people to be sent back to their mother church, perhaps in Ireland or somewhere else, after they had been over here awhile. As I have heard from some of the folks in my district, it seems that if they need this type of mobility of movement again that they used to have before the more recent immigration law, that many of the teachers who come here to perform these services at some time in the future will be going back to the places from which they came and others would be coming over to replace them to perform services which, as I understand, are greatly needed in the Catholic community in their teaching and other operations.

Mr. CAHILL. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. Stanton].

Mr. STANTON. Mr. Speaker, I rise in strong support of this legislation. It does bother me a little, after hearing the expression of sentiments of the gentleman from New Jersey, as to whether or not this bill will be really adequate enough to get the type help the bill refers to, but I do rise in strong support.

Mr. FEIGHAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. Rodino].

Mr. RODINO. Mr. Speaker, I rise in support of this legislation. While the priest or minister of religion is responsible for the theological leadership, many of the humanitarian and charitable activities on behalf of our fellow-man, without regard to race, religion or nationality, are the responsibility of sisters, brothers, and nuns, dedicated servants who have devoted their lives to the service of mankind.

The selection and training of these religious workers is a prescribed and involved process. The call to such service is designated by the special term of "a vocation." Before admission to such a calling, the candidate must exhibit the highest of virtue, unblemished character and a dedication to service far beyond the norm required for other stations in life.

In carrying out their dedicated work to God and man, these religious workers maintain and staff schools, hospitals, orphanages, day-care centers, engage in social work, nursing, community organization and provide service in hardship areas such as lepresoria, homes for the incurable and facilities for the aged. Such service is even more important today than ever before in that we all realize the increasing emphasis the church is placing on the urban and inner-city problems where success is most necessary for the future of our communities.

In view of the increasing demand for service in the United States and the lack of vocations to a religious life, it is necessary to secure the services of trained religious functionaries from overseas to meet this need. The entry of such personnel would benefit the health, welfare and cultural interests of the United States serving as they do without monetary compensation in nonprofit, charitable organizations throughout the country. These persons would not be displacing or competing with any of those now in or entering the labor market as they would be filling needs that cannot otherwise be met.

Under our existing immigration laws, it is becoming most difficult and in the cases of some countries impossible, to have these religious admitted to the

United States. While the need is great, the numbers who may qualify under legislation which would grant them special immigrant status would be small.

There is no question as to the importance of this bill in facilitating the continued functioning and staffing of institutions dedicated to welfare and education endeavors throughout the United States.

I urge favorable action on H.R. 15450 as amended.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, passage today in the House of Representatives of H.R. 15450, a committee version of a bill which I originally sponsored to amend section 101(a)(27)(D) of the Immigration and Nationality Act, is a necessary first step in correcting some of the unforeseen, temporary inequities resulting from the enactment of the Immigration and Nationality Act Amendments of 1965.

H.R. 15450 exempts from the numerical limitation on immigration any immigrant seeking to enter the United States solely for the purpose of serving as a missionary, brother, nun, or sister of a religious denomination and whose services are needed by such a religious denomination having a bona fide organization in the United States. It places members of a bona fide religious organization in the category of "special immigrants." H.R. 15450 would expedite visa issuance to religious, and is a beginning toward helping Western European nations reestablish their historically major contribution to immigration to this country.

Special immigrant status has long been accorded to ministers of religious denominations. Enactment of this legislation merely extends this status to religious workers whose services help maintain schools, orphanages, hospitals, and other educational and health institutions.

Mr. Speaker, I am proud to have initiated, testified, and worked for the passage of this remedial legislation and I express my deep appreciation to my colleagues for its passage. I will continue to press for quick action in the other body so that this legislation will be enacted before this Congress adjourns.

Mr. FEIGHAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Speaker, I rise in support of this bill. The main reason why we keep any people out of this country is if they might be taking jobs the American people would otherwise have. There is no such problem in this case. The beneficiaries of this bill will be coming to this country as angels of mercy on missions of mercy. We need more of them and I cannot see any reason why anybody should object to this bill.

I hope the bill will pass unanimously.

Mr. CAHILL. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Speaker, I favor the enactment of H.R. 15450. There does exist today a critical shortage of competently trained religious workers to meet the needs of schools, hospitals, orphanages, and other charitable institutions maintained by various religious organizations. This legislation will provide a ready reservoir of dedicated people to insure the continuation of the invaluable services which these organizations render.

To those concerned about the volume of individual immigration into this country as a result of the passage of this legislation, the Committee on the Judiciary, and more specifically, the Subcommittee on Immigration and Nationality will, of course, watch very closely the results of this legislation, should the bill move through the other body and become law.

I was the principal author of the numerical ceiling provisions of the Immigration Reform Act of 1965, and I have a continuing interest in the matter of control over the total numbers of people as well as the quality of people who are permitted entry into the United States for permanent residence and ultimate citizenship. I assure Members of this body that as one member of the Subcommittee on Immigration and Nationality, I will be watching very closely to see the volume of people who move into the United States as a result of the passage of this bill.

I join the opinions as expressed by the gentleman from New Jersey [Mr. CAHILL] that we need not be concerned, on the basis of what we know and can reasonably expect, about getting too many people.

Our concern more properly has been that we will still have too few.

To attain the goals envisioned, H.R. 15450 contains carefully drawn administrative safeguards to preclude abuse of the special status created by the bill. The investigative services of both the Immigration and Naturalization Service and the Department of State can and will carefully screen both prospective entrants and religious organizations. In order to insure the dedication of the prospective religious worker, the bill requires that he have worked as a missionary, nun, brother, or sister continuously for at least 2 years immediately prior to seeking admission and that he enters this country solely to continue service in such capacity. Our consular officials abroad are fully able to investigate the credentials of the potential entrants. In addition, the bill provides that the alien can be admitted only if requested by a bona fide religious organization, which organization is found to be in need of such a trained person. That these preliminary determinations can insure both efficient and fair administration of the program and attainment of the purposes of the bill is reflected by the prior experience with ministers of religion under section 101(a)(27)(D) of the Immigration and Nationality Act, and with missionaries, brothers, nuns, and sisters under section 317 of the Immigration and Nationality Act.

Mr. Speaker, I firmly believe that these nuns, brothers, sisters, and missionaries, working with selfless devotion as doctors, nurses, teachers, and religious leaders, will be of great value to the people they reach and indeed, to all America. Their help is desperately needed. I strongly urge the required two-thirds vote for the passage of this bill.

Mr. DANIELS. Mr. Speaker, I rise in support of H.R. 15450, a bill to exempt from the numerical limitations on immigration any immigrant who continuously for at least 2 years immediately preceeding the time of his application for admission to the United States has been serving as missionary, brother, sister of a religious denomination and whose services are needed by such religious denomination.

Under present law, a special category is established for priests, ministers, and rabbis to enter the United States without regard to the annual numerical limitation. This bill would simply permit monks and nuns to enter under the same conditions.

Mr. Speaker, for many years the people of the United States have benefited greatly from brothers and sisters who have come to these shores to assist in the education of our children. These dedicated men and women are more needed today than ever. It is for this reason that I urge all Members to support this bill.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House suspend the rules and pass the bill H.R. 15450, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill H.R. 15450, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE ON H.R. 2567

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may extend and revise their remarks on H.R. 2567, a bill previously passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROVIDING FOR ESTABLISHMENT OF COMMISSION ON NEGRO HISTORY AND CULTURE

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12962) to provide for the establishment of a Commission on Negro History and Culture, as amended.

The Clerk read as follows:

H.R. 12962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission to be known as the Commission on Negro History and Culture (hereinafter referred to as the "Commission"). The Commission shall be composed of eleven members, appointed by the President from persons who are authorities on Negro history and culture.

(b) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Six members of the Commission shall constitute a quorum.

(c) Members of the Commission shall each be entitled to receive $100 per diem when engaged in the performance of the duties vested in the Commission, including traveltime; and while so engaged when away from their home or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall meet at the call of the Chairman or at the call of a majority of the members therof.

SEC. 2. (a) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 3. The Commission shall conduct a study of all proposals to create a better understanding and knowledge of Negro history and culture and shall make a recommendation to the President and to the Congress with respect to the legislative enactments which would be necessary to carry out such proposals.

SEC. 4. The Commission shall submit a comprehensive report of its findings and recommendations to the President and to the Congress not later than twelve months after the date of enactment of this Act. The Commission shall cease to exist thirty days after such report is submitted.

The SPEAKER. Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, the gentleman from New York [Mr. SCHEUER] has done considerable work on this proposal to provide for the establishment of a Commission on Negro History and Culture, and I feel I would be derelict in my duties if I failed to yield to him at this time.

Mr. SCHEUER. Mr. Speaker, I will be very brief.

The SPEAKER. How much time does the gentleman from Kentucky yield to the gentleman from New York?

Mr. PERKINS. Mr. Speaker, I yield all the time to the gentleman from New York, the 20 minutes.

The SPEAKER. The gentleman from New York is recognized for 20 minutes.

Mr. SCHEUER. Mr. Speaker, the hour is late, and I am going to be very, very brief.

Mr. Speaker, this is a very modest proposal. It has enjoyed bipartisan support both in the Committee on Education and Labor in the House and in the other body and was reported unanimously by the Committee on Education and Labor. It has one simple purpose, which is expressed in one sentence appearing on page 3 of the bill, section 3, line 8, where it says:

> The Commission shall conduct a study of all proposals to create a better understanding and knowledge of Negro history and culture and shall make a recommendation to the President and to the Congress with respect to the legislative enactments which would be necessary to carry out such proposals.

That is the only function of this Commission. It would be comprised of 11 members who would serve for a year. The Commission will make its report to the President and to the House and then go out of existence. It has no regulatory function of any description. It will issue no directives and promulgate no guidelines. Hopefully it will serve to give our Negro citizens some sense of self-esteem and identity. Hopefully this Commission would lead to a deeper sense of self-pride in our Negro citizens and also to a realization by some of our non-Negro citizens, particularly in the schools, that Negro Americans have made a notable and creditable contribution to American life.

Mr. REID of New York. Mr. Speaker, I commend the gentleman from New York for his initiative and his interest and concern with regard to integrating evidence of Negro history into the mainstream of American education and information media. This is a bipartisan measure which enjoys broad support in the Committee on Education and Labor. I would quote very briefly from Roy Innis' remarks before the subcommittee when he said this in support of this Commission:

> Any society attempts to communicate to the young its history and culture. This has been denied the black people, and that explains some of the problems we have had in terms of achievements of black people. . . . My heroes as a kid were Andy Jackson and George Washington. They might be great, but I would prefer to have more heroes that I can see myself in.

Mr. Speaker, I believe this epitomizes part of the purpose of this Commission which can have profound and important implications to many—indeed all—Americans and to the future of our programs, our curriculums, and our textbooks in our schools and throughout our land.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman.

Mr. GROSS. I find nothing in the report to indicate what the various departments and agencies of the Government, who might be interested, think about this proposed creation. Did the committee hold hearings on this?

Mr. REID of New York. Yes. In reference to the question, hearings have been held, and it is my understanding that there are no objections on the part of the agencies and of HEW.

Mr. GROSS. Why not put their views in the report if the agencies and departments are interested in it. There is not a single department or agency providing any comment on this bill. I guess they are not interested in it.

Mr. REID of New York. On that point I would concur with the gentleman. I think it would be appropriate to have reference to that.

Mr. SCHEUER. Mr. Speaker, if I may respond to the gentleman from Iowa, the Department of Health, Education, and Welfare does support this bill.

I now yield to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, I rise in support of this legislation as a coauthor of the bill.

Mr. Speaker, I rise in support of this bill to create a national Commission on Negro History and Culture.

The names of Crispus Attucks, and Benjamin Banneker, and Frederick Douglass bespeak the need for this Commission. For not many among us, or indeed among most Americans, have heard of these great men. The reason it seems is that they were Negro.

It is tragic that we must today have to consider as a remedial matter the study of the contributions of Negro Americans. But the fact is that in our schoolbooks, in our museums, on television and radio, and in many of our attitudes, rich cultural heritage and history of Americans of African ancestry is often just plain left out.

The Commission on Negro History and Culture will not overnight exhume the heritage of Negro Americans, but it should focus attention and new ideas on this neglected treasure.

Commissions study and promote ideas, but they do not all by themselves solve problems. This Commission is no exception. The problem is to educate all Americans to the history of all our ancestors—not just our European ancestors. With perseverance and will this Commission can help us to the solution of this problem.

Mr. GROSS. Mr. Speaker, will the gentleman from New York yield further?

Mr. REID of New York. Yes. I yield to the gentleman.

Mr. GROSS. Is there absolutely no estimate of what this commission will cost?

Mr. REID of New York. I believe there is no estimate in this report. I think the gentleman's point is correct. According to my understanding, though, it is modest.

Mr. SCHEUER. It was agreed by the committee that all of the expenses would be borne by the Executive Office of the President and that the commission would be housed in the Executive Office of the President.

Mr. GROSS. Will the gentleman yield further?

Mr. REID of New York. Yes.

Mr. GROSS. Where does the executive branch of the Government get its money?

Mr. REID of New York. I presume, as the gentleman well knows, it has some appropriated funds of its own.

Mr. GROSS. Who has?

Mr. REID of New York. The executive branch of the Government has some funds that are discretionary, as this body well knows.

Mr. GROSS. But are we not entitled to know what this brandnew commission is going to cost or have some reasonable idea what it is going to cost to set it up and maintain it, and so forth and so on?

Mr. REID of New York. Mr. Speaker, in response to the gentleman I am told that there will be no funds expended beyond funds already appropriated to the executive and there should be no additional cost to the taxpayer. That was my understanding of the situation. Am I correct in that understanding, I would ask the gentleman from New York [Mr. SCHEUER]?

Mr. SCHEUER. I believe so. I believe further, however, that a line item appropriation request might have to come before the House.

Mr. GROSS. Well, what do they propose to use for money to pay for consultants whom they propose to hire as well as staff assistants? Does the gentleman have any idea about that?

Mr. REID of New York. It is my understanding that there will be no additional request of this body from the executive branch with regard to this Commission for funds.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, as I read this bill and the report, the Commission will be composed of 11 members and they will have consultants and the cost of per diem involved while they are engaged in the work of the Commission, those whom they hire as consultants, whomever they suggest, at the rate of $75 a day.

I would like to know if there is any limitation upon the number of consultants that they will be allowed.

Mr. REID of New York. I yield to the gentleman from New York [Mr. SCHEUER] for an answer to that question.

Mr. SCHEUER. I presume that the usual practice will be followed with respect to Presidential commissions. Their funds are approved by the Bureau of the Budget and are subject to the regular appropriation process. I presume they would use normal prudence in exercising the rather simple mandate of this Commission.

Mr. WAGGONNER. In other words, there is no ceiling?

Mr. SCHEUER. No, sir; as is often the case, there is no ceiling stipulated in the bill.

Mr. WAGGONNER. In other words, this could turn out to be another poverty program, could it not?

Mr. SCHEUER. No, I think most of these commissions cost in the low six figures.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, is there any precedence for the Congress creating a commission without a monetary or a manpower ceiling applied?

Mr. SCHEUER. Mr. Speaker, if the gentleman from New York [Mr. REID] will yield further, this is the regular boilerplate-type language for a Presidential commission which was drafted by the Legislative Counsel.

Mr. WAGGONNER. Would the gentleman tell me just what he means by his expression, "the regular boilerplate language"?

Mr. SCHEUER. Yes; under section 2 on page 2, item (c) and on page 2, section (d) and section 2 (a) and (b) are the normal language that is used and follows quite the customary procedure with reference to these Presidential commissions.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, is the gentleman trying to say that they will ultimately try to obtain these funds from the contingency fund which is appropriated to the Executive Office of the President?

Mr. SCHEUER. That is certainly possible.

Mr. WAGGONNER. Did the executive branch of the Government ask for this legislation?

Mr. SCHEUER. No; it has not asked for it. However, they have been conferred with. I cannot speak for the President of the United States, but the top echelons of the Department of Health, Education, and Welfare are sympathetic to this Commission.

Mr. WAGGONNER. What assurance does the gentleman have in these days of economy that this program will be funded if the Executive or the President has not asked for it?

Mr. SCHEUER. We have no such assurance, of course. However, the Congress is spending billions of dollars in its antipoverty, manpower, and educational programs. But we are still faced with a sense of alienation in the American Negro community which robs these programs of much of their potential effectiveness. And, as I said before, until the American Negro student can have an enhanced image of himself and his heritage and background, until he can feel that he is a part of a noble stream of history, with a rich past and a promising future, our Negro fellow Americans will remain alienated, and our antipoverty, education, and job training programs will be measurably less effective than they could be in propelling Negro citizens into mainstream participation in the economic, cultural, civic, and political life of our country.

Until the Negro American has a sense of self-esteem and self-identity, even the billions of dollars we are spending will not achieve this critical effect. Hopefully the several hundred thousand dollars that this Commission might cost might possibly make far more effective the billions of dollars we are spending on other highly meritorious programs. Those few dollars are seed money which may radically improve the cost-effectiveness of many billions of dollars of job training and education programs. I have great hopes for what may grow from them.

Mr. WAGGONNER. If the gentleman will yield further, section 3, line 8 on page 3, says:

> The Commission shall conduct a study of all proposals to creat a better understanding and knowledge of Negro history.

Could the gentleman tell me exactly what the gentleman means when he refers to all proposals?

Mr. SCHEUER. If the gentleman will yield further, there are many proposals that have been made. Some programs that are now being carried out. The Columbia Broadcasting System is carrying a fine series of documentary TV programs on the subject of the Negro in America.

I believe the Commission would scrutinize the proposals that are being discussed today. I suppose in the year during which the Commission would be conducting their study, people in this field would come to them with proposals, for example, for collating and preserving much Negro memorabilia that presently is being lost and destroyed; letters dating back to the Civil War era that are mouldering away in attics or in basements. There are suggestions and programs that scholars in this field have been talking about for a number of years to save the remnants of Negro history. I presume that the Commission would survey the field and examine these various proposals and come up with a program that is feasible and at a modest expense.

Mr. WAGGONNER. Will the gentleman give me some idea where the President might find these 11 Commission members who have this profound knowledge?

Mr. SCHEUER. There are numerous sources. The Smithsonian Institution, the Library of Congress, the Shomberg Collection, the New York Public Library, Howard University—all have experts in Negro history and culture. I do not believe the President would have any trouble at all in finding 11 qualified authorities in the field of Negro history and culture.

Mr. WAGGONNER. When we talk about qualified authorities, are we talking about some criteria involving formal education, or are we not?

Mr. SCHEUER. I would believe so. I would believe these men would be men whose education, experience, leadership or insight would fully qualify them.

Mr. WAGGONNER. The gentleman says the language in the bill—and of course I agree—provides for no ceilings as to the number of consultants which may be employed. What, in the opinion of the gentleman, would he believe to be a fair number of consultants? I believe the Congress needs some idea. Are we talking about 100 people, or are we talking about 50,000 people?

Mr. SCHEUER. Well, now, I believe we are talking about far less than 100 people.

The SPEAKER. The Chair would like to announce that the gentleman from New York [Mr. REID] has the floor.

Mr. WAGGONNER. If the gentleman from New York will yield further for just one other question, do we have the authority of the gentleman that this Commission will not extend beyond a year?

Mr. REID of New York. Mr. Speaker, I yield to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. By the terms of the legislation this Commission is mandated to report to the President and to the Congress within 12 months of the date of the passage of this legislation, and it automatically goes out of existence 30 days after that.

Mr. WAGGONNER. The gentlemen may think that this Commission will promote racial harmony, but I personally believe that it will cause more discord.

Mr. SCHEUER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BARRETT].

Mr. BARRETT. Mr. Speaker, I rise in support of H.R. 12962 which provides for the establishment of a Commission on Negro History and Culture. I introduced a similar bill, H.R. 17547.

For far too long the contribution of the Negro to American history and culture has been ignored and neglected. It is indeed unfortunate that our historians and social scientists have generally overlooked this part of Americana. Until very recently Negro history had been virtually ignored in every field of communication.

While Americans are taught to appreciate the diverse histories and contributions of other ethnic groups, they have learned little or nothing about the Negro, although Negroes are one-ninth of our population. They have been taught segregated history, distorted history, bad history.

Many schools, textbook publishers and others are now making a belated effort to disseminate information on Negro history and culture, in response to civil rights law, militant Negro groups and other forces, but most efforts to date are inadequate and superficial. One major reason is that it is very difficult to get at basic resource information on Negro history and transform it into popular education materials. A vast amount of information illustrating the vital contribution of Negroes to every phase of American life does exist, but it is widely scattered in hundreds of locations; much of it is not indexed, cataloged or available. Many valuable, irreplaceable materials are disintegrating and disappearing, because there are no funds and no agency to organize, preserve and help make them more available. It is to rectify this situation that there is need for this Commission.

The goal of this Commission would be to promote a better understanding of Negro contributions to American history and culture with the hope of developing a stronger sense of pride and identity within the Negro community and eradicating within the white community, false stereotypes which retard race relations.

Mr. REID of New York. Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania [Mr. SAYLOR] for the purpose of an inquiry.

Mr. SAYLOR. I thank the gentleman for yielding.

Mr. Speaker, I take this time to direct a question to the gentleman from New York to ask whether or not the committee has ever considered the establishment of a Commission on Indian History and Culture? We have never had such a commission in this country, and those of us who are interested in the Indians would certainly be interested in seeing that if this commission is established then for our red brothers there should be a similar commission established. Would the gentleman care to state whether or not the House Committee on Education and Labor would consider such a bill?

Mr. SCHEUER. If the gentleman will yield, I am sure we would be very happy to consider such legislation.

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ERLENBORN] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, I rise for the purpose of clarifying the committee report accompanying H.R. 12962, to provide for the establishment of a Commission on Negro History and Culture. Through an inadvertent error, sections of the report (No. 1679) were included after the portions of the bill to which they referred had been deleted in executive session by the full Committee on Education and Labor. So that the legislative history may be clear, the following changes should be noted:

On page 1 in the last paragraph, all reference to school textbooks and curriculum shall be deleted.

On page 2, paragraph 2, "Education experts in American history and in textbook and curriculum development and authorities in the field of television, radio and press." should be deleted.

One final change, Mr. Speaker, at the end of paragraph 2 there should be inserted in the report: "It is the intent of the committee that this Commission be located in, and funded through, the Executive Office of the President."

I trust that the distinguished gentleman from New York, the author of the bill, will agree with me that if the report were so amended, it would more correctly reflect the intentions of the committee.

Mr. RYAN. Mr. Speaker, as a cosponsor, I am pleased to support this legislation to create a Commission on Negro History and Culture.

For too long, the contribution of black people to America has been obscured and minimized in the history books and in the mass media.

Happily, we are beginning to see a reversal of this trend. Black faces are beginning to appear on television screens, in theaters, in advertisements outside the Negro press, in situations beyond the traditional stereotypes. Courses in Negro history are beginning to be given in schools and universities.

But much more needs to be done to right the cultural racism that has been a counterpart of the economic and social racism of the past 350 years. The recognition that Negro history and culture has been neglected is inherent in the establishment of an official Commission on Negro History and Culture. The Commission will have the opportunity to end that neglect.

Recognition of past heritage is important to the achievement of full citizenship today.

I want to commend my colleague from New York for his initiative in sponsoring this legislation.

Mr. TIERNAN. Mr. Speaker, I rise in support of H.R. 12962, providing for the establishment of a Commission on Negro History and Culture. This bill would bring to light great moments of American history that have long remained in the shadows. Jazz—the only unique American contribution to the arts—is often the limit of our knowledge of the contributions of outstanding Negroes through the years.

The plight of the Negro in today's ghetto is often compared with the European immigrant of the last century. And the question is often raised: He made it, why cannot the Negro? Well, Mr. Speaker, I contend that one of the factors involved is that the immigrant had a strong knowledge of his background and culture which stood by him in times of need. The Negro has been stripped of his culture and lacks the racial self-esteem that was present in the immigrant.

We know the needs that exist—we have a duty to broadcast far and wide the great contributions of the American Negro—to aid the Negro and, indeed, all Americans, to eradicate the stereotypes that are prevalent today.

I urge your support and passage of this bill.

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 12962, a bill to provide for the establishment of a Commission on Negro History and Culture. This is badly needed and long-awaited legislation. As the sponsor of a nearly identical measure, I am gratified that this proposal has made such rapid progress.

The enactment of this measure, Mr. Speaker, will contribute greatly to understanding between the races, an essential element of a peaceful and progressive society.

This bill can help remedy a situation that constitutes a grave loss for all Americans—the neglect and suppression of information about the contributions of black Americans to our history and culture.

Most American history books are replete with the histories and contributions of other ethnic groups in America, but shockingly few tell us of the heritage and role of black Americans, who now constitute one-ninth of our population.

The Commission this bill creates will help rectify this situation by recommending ways to collect, preserve, and disseminate facts, materials, and artifacts relating to the African cultural heritage of black Americans and their contributions to our civilization.

The Commission is a necessary first step toward the ultimate goal of integrating these facts, materials and artifacts into our history books, libraries, museums, and communications media.

This goal must be achieved so that future generations of America can see our history as it was and is—a multicolored mosaic.

More immediately, this goal must be achieved so that black children will have the opportunity long denied them to develop through their reading of American history a sense of pride in their forebears' contributions to that history and a sense of cultural identity with both their ancestral home and the Nation they will help build.

Finally, I have a personal reason for wanting this bill passed. I want future generations to appreciate, through a reading of our history, the transcendance of the black American's conviction that freedom and justice will prevail in America. It should humble and inspire all Americans that the black American has believed in this country, and wanted to be a part of it, even while struggling against a society that is still, in many respects, organized against him.

The understanding this bill can sow will bring the black American's dream one step closer to fulfillment. I urge my colleagues to support it.

Mr. GILBERT. Mr. Speaker, I rise in support of the bill to establish a Commission on Negro History and Culture, of which I am pleased to be a cosponsor.

We have come to recognize, Mr. Speaker, that we as a nation have given to our black compatriots less than their fair share of decent housing, good jobs, quality education, those material advantages that are available to us. Recently, it has been made clear that we have even denied to our black compatriots the credit for the contributions that American Negroes have made to the development of our country.

We can, to some extent, measure the damage we have done in denying Negroes decent housing, good jobs and quality education. We see it in our slums, in our unemployment statistics, in our delinquency rates. But it is impossible to measure the psychological damage we have done in denying the role of the American Negro in the building of this land. The black man, brought here as a slave and functioning under the worst of handicaps, has made remarkable contributions to our culture, despite the burdens we have imposed on him. Both white and black Americans should be made aware of those contributions, for the sake of a better, more accurate perception of what our society is.

I think the bill to create a Commission on Negro History and Culture will go far toward achieving that end. It has been criticized on the grounds that it is another example of Government paternalism, another handout to Negroes, who ought to be doing more for themselves. My answer to that, Mr. Speaker, is that Negro history is part of the heritage of all Americans, like the history of the Pilgrims or the American Irish or American Jews. This is a bill designated to correct a failure in American studies. It is not meant to dictate a new writing of history, in the Russian fashion, but to get nearer to the truth about our country. I look forward to a wide participation by scholars in the projects this Commission undertakes—scholars of every color. This bill helps to supply a corrective to one more aspect of the injustice done by America to its Negro citizens and I support it enthusiastically.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 12962, as amended.

The question was taken.

Mr. JONES of Missouri. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 262, nays 45, not voting 125, as follows:

[Roll No. 328]

YEAS—262

Addabbo
Albert
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blanton
Bolton
Bow
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collier
Conable
Corbett
Corman
Cowger
Culver
Cunningham
Daddario
Daniels
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Dole
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Flood
Foley
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gibbons
Gilbert
Gonzalez
Goodling
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hardy
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kluczynski
Kuykendall
Kyl
Kyros
Laird
Latta
Lipscomb
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McFall
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Md.
Matsunaga
Meeds
Meskill
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
O'Hara, Mich.
O'Konski
Ottinger
Patten
Pelly
Pepper
Perkins
Pike
Pirnie
Poff
Pollock
Price, Ill.
Pryor
Quie
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scheuer
Schneebeli
Schweiker
Schwengel
Shipley
Shriver
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Taft
Talcott
Teague, Calif.
Tenzer
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waldie
Walker
Wampler
Watkins
Whalen
Whalley
White
Widnall
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zwach

NAYS—45

Abbitt
Abernethy
Andrews, Ala.
Bevill
Brinkley
Brock
Broyhill, N.C.
Burleson
Colmer
Cramer
Davis, Ga.
Davis, Wis.
Dickinson
Dowdy
Edwards, Ala.
Everett
Gathings
Griffin
Gross
Hagan
Haley
Hall
Jones, Ala.
Jones, Mo.
Kleppe
McEwen
Mayne
Montgomery
Passman
Poage
Price, Tex.
Purcell
Roberts
Scherle
Scott
Selden
Sikes
Smith, N.Y.
Taylor
Waggonner
Watson
Whitener
Whitten
Young
Zion

NOT VOTING—125

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Baring
Blackburn
Blatnik
Boggs
Boland
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Cabell
Casey
Celler
Clark
Clawson, Del
Collins
Conte
Conyers
Curtis
Dawson
Donohue
Dow
Eckhardt
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fallon
Fino
Fisher
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Galifianakis
Gardner
Gettys
Giaimo
Gray
Green, Oreg.
Gurney
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Harrison
Harsha
Hawkins
Hébert
Henderson
Herlong
Hicks
Ichord
Jacobs
Jonas
Jones, N.C.
Karsten
King, Calif.
Kornegay
Kupferman
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
McCulloch
McMillan
Macdonald, Mass.
Madden
Mathias, Calif.
May
Michel
Miller, Calif.
Minshall
Moore
Morton
Mosher
Moss
Nichols
Nix
O'Hara, Ill.
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patman
Pettis
Philbin
Pickle
Podell
Pucinski
Randall
Rarick
Rees
Resnick
Rivers
Roudebush
St. Onge
Satterfield
Sisk
Skubitz
Smith, Okla.
Stafford
Steed
Stephens
Stubblefield
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Utt
Vanik
Watts
Wiggins
Willis
Wilson, Bob
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Adair.
Mr. Hébert with Mr. Ashbrook.
Mr. Celler with Mr. Broomfield.
Mr. Hicks with Mr. Brown of Ohio.
Mr. Miller of California with Mr. Del Clawson.
Mr. Madden with Mr. Erlenborn.
Mr. Giaimo with Mr. Conte.
Mr. Philbin with Mr. Kupferman.
Mr. Donohue with Mr. Jonas.
Mr. Boland with Mrs. May.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Blatnik with Mr. Michel.
Mr. Ashmore with Mr. Blackburn.
Mr. Adams with Mr. Langen.
Mr. Kornegay with Mr. Curtis.
Mr. Leggett with Mr. Lloyd.
Mr. Lennon with Mr. Gardner.
Mr. Thompson of New Jersey with Mr. Esch.
Mr. Teague of Texas with Mr. Minshall.
Mr. St. Onge with Mr. Fino.
Mr. Tuck with Mr. Bush.
Mr. Sisk with Mr. McCulloch.
Mr. Satterfield with Mr. Gurney.
Mr. Hanna with Mr. Mathias of California.
Mr. Everett with Mr. Roudebush.
Mr. Fallon with Mr. Halleck.
Mr. Long of Louisana with Mr. Collins.
Mr. Vanek with Mr. Hansen of Idaho.
Mr. Wright with Mr. Harsha.

Mr. Jones of North Carolina with Mr. Harrison.

Mr. Ichord with Mr. Moore.

Mr. Anderson of Tennessee with Mr. Morton.

Mr. Jacobs with Mr. Pettis.

Mr. Macdonald of Massachusetts with Mr. Mosher.

Mr. Watts with Mr. Skubitz.

Mr. Willis with Mr. Smith of Oklahoma.

Mr King of California with Mr. Stafford.

Mr. Cabell with Mr. Thomson of Wisconsin.

Mr. Casey with Mr. Utt.

Mr. Eilberg with Mr. Wiggins.

Mr. Fisher with Mr. Nichols.

Mr. Galifianakis with Mr. Pucinski.

Mr. Fountain with Mr. Thompson of Georgia.

Mr. Pickle with Mr. William D. Ford.

Mr. Olsen with Mr. O'Neal of Georgia.

Mr. Moss with Mr. Nix.

Mr. Eckhardt with Mr. McMillan.

Mr. Gray with Mr. Flynt.

Mrs. Green of Oregon with Mr. Gettys.

Mrs. Hansen of Washington with Mr. Henderson.

Mr. Stubblefield with Mr. Herlong.

Mr. Rivers with Mr. Randall.

Mr. Resnick with Mr. Dawson.

Mr. Hawkins with Mr. Dow.

Mr. Brown of California with Mr. Conyers.

Mr. Clark with Mr. O'Hara of Illinois.

Mr. Ashley with Mr. Baring.

Mr. Karsten with Mr. Landrum.

Mr. Steed with Mr. Stephens.

Mr. Rees with Mr. Rarick.

Mr. Podell with Mr. Patman.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include extraneous matter on the bill just passed, H.R. 12962.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENDING COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT OF 1964

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18808) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964 as amended.

The Clerk read the bill as follows:

H.R. 18808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(a)), is amended by changing the words "for the next fiscal year beginning after the date of enactment of this Act, and for the four" to "for the fiscal year beginning July 1, 1969, and for the three".

Sec. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964 is amended by changing the words "for the fiscal year beginning after the date of enactment of this Act," to "for the fiscal year beginning July 1, 1969,".

Sec. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964 is amended by changing the words "for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, $400,000 in each such year, and for the next three succeeding fiscal years, $650,000 in each such year," to "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, $650,000 in each such year,".

Sec. 4. The provisions of this Act shall be effective July 1, 1969.

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 18808 is to extend the Commercial Fisheries Research and Development Act of 1964 for an additional 4 years.

As many of the Members will recall—when this subject was considered on the floor of the House in the 88th Congress—Public Law 88–309 authorizes the Secretary of the Interior to assist the States in carrying out commercial fisheries research and development projects. Although this 5-year program is now in its fourth year of funding—and relatively new—significant progress has been made.

It has enabled the States to secure needed information to better manage important commercial fishery resources; it has provided facilities having lasting benefits to the States in carrying out research and development programs; and it has provided funds to better utilize underdeveloped resources. In fact, this program has proven to be so popular with the States, that all States, except Nevada, have taken advantage of the benefits offered under this public law to the fullest extent.

Mr. Speaker, briefly explained, section 4(a) of Public Law 88–309 authorizes to be appropriated $5 million per year for a period of 5 years to carry out the purposes of the act. These funds are apportioned among the States under a formula provided in the law which is based on the most recent 3-year averages of the value of fishery products landed and processed in each State. Each of the recipient States is assured a Federal apportionment of at least one-half of 1 percent and not more than 6 percent of the funds appropriated under this program. The Federal share of projects approved by the Secretary of the Interior shall not exceed 75 percent of the total estimated cost of any project.

Mr. Speaker, one of the distinguishing features of this program is that the State matching funds used for approved projects must be new moneys not previously used for other commercial fishery activities.

Section 1 of H.R. 18808 would extend the program authorized under section 4(a) of the law at the present level of authorization of $5 million per year for an additional 4 years.

Mr. Speaker, section 4(c) of Public Law 88–309 authorizes to be appropriated $100,000 per year, in the form of grants, to be used by the Secretary to assist the States in developing new commercial fisheries.

Section 2 of H.R. 18808 would extend the program authorized under section 4(c) of the law at the same level of authorization of $100,000 also for an additional 4 years.

Mr. Speaker, section 4(b) of Public Law 88–309 authorizes up to $650,000 per year, to be used by the Secretary to assist those States, in the form of grants, in which there has been a commercial fishery failure due to a resource disaster arising from natural or undetermined causes. Through fiscal year 1968, resource disaster funds have been used on four occasions: to assist in the Great Lakes smoked fish crisis in 1964, the seed oyster failure in southern New England and New York in 1965, the oyster failure in the States of New Jersey, Maryland, Delaware, and Virginia resulting from the MSX disease in 1965, and the oyster resource failure in Louisiana in 1965 resulting from Hurricane Betsy.

Mr. Speaker, the program authorized by Public Law 88–309 is one of the most popular commercial fishery programs ever enacted by the Congress. It has the unanimous support of the Atlantic Gulf, and Pacific Marine Fisheries Commission, all State fish and game departments and the Department of the Interior and the Bureau of the Budget.

Mr. Speaker, the urgency for passage of this legislation in the 90th Congress stems from the fact that the program will expire June 30, 1969. Many State legislatures—especially those that meet biennially—require a leadtime in order to come forward with matching funds. If this legislation is not passed today, I am afraid that many existing commercial fishery programs and the jobs of thousands of trained scientific personnel will be jeopardized.

Finally, Mr. Speaker, the Committee on Merchant Marine and Fisheries was unanimous in urging passage of H.R. 18808 during this session of the Congress and I urge its prompt enactment.

Mr. PELLY. Mr. Speaker, I rise to join my colleagues on our Committee on Merchant Marine and Fisheries in urging the favorable consideration by the House of the bill, H.R. 18808.

This legislation will serve to extend for an additional 4 years the provisions of the Commercial Fisheries Research and Development Act of 1964. Except for a minor technical amendment involving a correction to a legal citation, it is identical to the companion bill, S. 3866, passed by the other body on July 29.

Mr. Speaker, the Commercial Fisheries Research and Development Act of 1964 served to open a new area of Federal-State cooperation in the development of our most important fisheries resources. It served to authorize the Secretary of the Interior to cooperate with each of the 50 States, the Commonwealth of Puerto Rico, and the governments of the Virgin Islands, Guam, and American Samoa in carrying out research and development of our commercial fisheries. Over the past 3 fiscal years, almost all of the States and territories have participated in this most worthwhile program receiving Federal funds on a 75–25 cost-sharing basis.

Under the provisions of the existing law, the authorization for appropriations for commercial fisheries research and development will expire on June 30, 1969.

Passage of the bill, H.R. 18808 is necessary at this time in order to assure the successful continuity of the program. Many of the State legislatures will be convening early next year and without assurance of continuing Federal participation in this program, such State legislatures may be unwilling to allocate necessary funds either to continue existing programs or to initiate new ones. The need to avoid any lapse in the effective long-range planning incentive now available is readily apparent, if the program is to continue to enjoy the success which it has thus far experienced.

Mr. Speaker, the bill, H.R. 18808, now under consideration, is a highly meritorious measure. It and other identical bills in the House bore the sponsorship of more than 30 Members. I therefore recommend it to the favorable consideration of my colleagues and urge that it receive their most favorable consideration.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Iowa?

Mr. DINGELL. I will be very happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, I only have one question: What is the formula for distributing the money under this bill?

Mr. DINGELL. The formula, or the manner in which the moneys are apportioned, are set out in the report on page 4, section 4(a). There are three sections of the bill. Under one section there have been no expenditures during the life of the program. It goes back now 4 years. Section 4(a) authorizes $5 million a year for 5 years to carry out the purposes of the act. The funds are apportioned among the States under the formula provided in section 5(a), which is based on the most recent 3-year averages of value of fishery products landed and processed in each State. Each of the recipient States is assured a Federal apportionment of at least one-half of 1 percent, and no more than 6 percent of funds appropriated by Congress in any fiscal year may go to a single State.

Mr. GROSS. I thank the gentleman for his explanation. I note, for instance, that Alaska received $738,000 and New York received $536,900, and a number of other States, including Iowa, received only $61,500. Is the $61,500 for 1 year or for 3 years?

Mr. DINGELL. That is for the 3 years.

Mr. GROSS. For 3 years?

Mr. DINGELL. The gentleman is correct.

Michigan, I would state to my good friend, received $67,400.

Mr. GROSS. $67,400?

Mr. DINGELL. That is right.

Mr. GROSS. I thank the gentleman from Michigan.

Mr. TIERNAN. Mr. Speaker, I rise today in support of H.R. 18808, extending the provisions of the Commercial Fisheries Research and Development Act.

It is entirely possible that there will be a 134-percent increase in the year 2000 over the demand for edible and industrial fish products in 1966. If we are to meet the demands of an increasing population and an improved standard of living, we must be foresighted enough to see the value of this bill.

What a mistake we would be making if we failed to act on H.R. 18808 this year. With research efforts already underway, a postponing of this successful program would render all present results worthless and it would demand a new start. Such a course of action would be a waste of manpower and money.

The value of this act speaks for itself. It has opened up a new era in State and Federal cooperation in commercial fisheries programs. Among many other worthy qualities, Public Law 88–309 has enabled the States to secure needed information to better manage important commercial fisheries resources and it has provided funds to better utilize underdeveloped resources.

Mr. Speaker, I urge my colleagues in the House to support this bill.

Mr. FUQUA. Mr. Speaker, the problems which face the fisheries industry in this Nation are generally pretty well known and recognized. What we are debating here is whether we should spend all of our Federal funds for research into better means of harvesting and to produce products of the sea.

I think that both research and marketing have a legitimate role to play in our Federal expenditures, and I would hope that the Congress would allow States that are developing strong marketing programs to continue. We can produce a tremendous amount of seafood today, but there is not the market in our country which should exist. It will do us little good to double production if there is not a corresponding rise in demand on the part of the American people.

I believe, and many agree with me, that failure to launch aggressive marketing programs will cause the percentage of seafood consumed in the American menu to shrink even further.

It seems to me that we can lead the way in charting new programs that will be copied and expanded by private industry.

I think that the committee is right that we should encourage private participation, but at this state of development we must help to point the way.

I was particularly concerned about the language contained in the committee report relating to the marketing of fish and fishery products.

I feel that we should support State marketing activities. I think that research as well as marketing promotion are both legitimate goals of this legislation.

Mr. SIKES. Mr. Speaker, I wish to speak in support of H.R. 18808, the bill now under consideration to extend the Commercial Fisheries and Development Act of 1964.

We in Florida have particular interest in this legislation because Florida is one of the States that has demonstrated the effectiveness and value of this act. I have some facts to justify my confidence in the program and in this bill.

The Florida seafood marketing program began in September of 1965. At that time, the program was funded by approximately $219,000 from Public Law 88–309 funds and $73,000 from State funds, bringing the total to $292,000. The decision to use these funds for marketing was reached after long discussions with industry and members of region II, U.S. Bureau of Commercial Fisheries.

The program now employs a director of marketing, eight home economists, and two fishery marketing specialists along with a limited amount of secretarial help. These professional people work closely with radio, television, and newspapers as well as trade shows and civil and institutional groups in the promotion of Florida seafoods. They have been very active in making short colored television movies and creating various point of purchase materials to be used by food chains, restaurant chains, and various institutional and consumer outlets. At no time have they bought direct advertising. They produce the promotional materials and depend upon public service for distribution and use.

The budget for the past year allowed for a study to be made by the University of Florida to determine the effectiveness of this program. It was pointed out in this report that the overall seafood prices to the fishermen had increased 17½ percent and that some species had increased in price as much as 35 percent. Also, it was found that where in past years they had carried over in Florida freezers several million pounds of Florida seafood, this had not been the case in the past year. It was further found that seafood in general throughout the United States had suffered a severe blow since the change in the Catholic edict of meatless Fridays. However, to the contrary, Florida has not suffered at all but has shown an increase.

The program has received a large amount of publicity throughout the United States. Florida operated a seafood marketing program approximately 2 years before it was joined by other States. Now there are seven. They include Maine, Maryland, Massachusetts, and Texas, to name a few. All of these are smaller than the Florida program; however, they are receiving an enormous amount of praise from people of industry. They have received numerous compliments from the National Fisheries Institute, the Imperial Shrimp Council, the Shrimp Association of the Americas, the Texas Shrimp Association, the Florida Shrimp Association, the Southeastern Fisheries Association, the North Carolina Fishermen's Association, and the Organized Fishermen of Florida.

Mr. Speaker, I urge my colleagues to join me in support of this legislation.

Mr. KEITH. Mr. Speaker, some of the most important fishery resources in the world are located in coastal waters under State jurisdiction. However, the significance and potential of these fisheries have not been fully appreciated. Recognizing that effective management of our fisheries requires a cooperative State-Federal research and development effort, the 88th Congress passed the Commercial Fisheries Research and Development Act of 1964, now popularly known as Public Law 88–309. This outstanding example of State-Federal cooperation is playing an important role in the conservation of our aquatic living resources for the benefit of all Americans. In my opinion, State research and development, if adequately supported, could well be the key to survival of important segments of the commercial fishing industry which produce, process, and market high-quality fish and shellfish, particularly from coastal, estuarine, and inland waters. The States have responded to the challenge of this program. The figures are interesting—to date, 245 projects have been funded in 49 States and Puerto Rico, the Virgin Islands, Guam, and American Samoa. Under section 4(a), the cost-sharing part of the act, about $12 million of Federal funds have been obligated. This section of the act requires the States to provide matching funds which are entirely new to fisheries research and development. As a result, State legislatures have been stimulated to appropriate nearly $4 million in new funds to match the Federal dollars available. These additional State moneys and the new research and development they support would probably not be possible in the absence of funds provided by the act. In addition, more than $1 million of section 4(b) funds—funds for resource disasters—have been used as outright grants to assist the States and the fishing industry in overcoming commercial fisheries failures due to resource disasters. The many excellent State research and development projects begun under Public Law 88-309 are making a valuable contribution to our objectives of insuring an adequate, dependable, and diverse supply of fish and shellfish products, and encouraging optimum use of them. Let me cite several examples in my State of Massachusetts.

The flounder fishery is very important economically to the fishing industry in my district. One of the approved projects is in analyzing the results of tagging studies to determine the limits of winter flounder populations and to determine the effect of present harvesting regulations on the fishery. This is also an excellent example of research which is coordinated with that of the Bureau of Commercial Fisheries.

Another Massachusetts project jointly funded under this program provides for new and improved statistics on the State's commercial fisheries. Statistical data are compiled, evaluated, and disseminated in monthly bulletins in cooperation with the Bureau of Commercial Fisheries.

And, further, the Department of Food Science and Technology of the University of Massachusetts is conducting a bacteriological and sanitary survey of handling facilities affecting fish quality. The purpose is to establish criteria for proper handling of seafood products from producer to consumer.

In Massachusetts the towns have shellfish wardens and a project providing technical assistance and advice to town and regional shellfish management programs along the Massachusetts coastline. This project is designed to increase the shellfish harvest through adoption of uniform management techniques among the several regulatory bodies.

In addition to the new or expanded research and development, Public Law 88-309 funds are making it possible for State fishery agencies to make substantial capital investments in vessels, laboratories, and other research facilities, and to employ and retain qualified personnel. To cite some examples, new research vessels have been constructed or acquired in Texas, Montana, Georgia, Puerto Rico, Guam, American Samoa, and Massachusetts. New research laboratories are planned or are already under construction in Washington, Maine, Texas, New York, Puerto Rico, and Massachusetts. To date, the States participating in the program have employed nearly 150 new personnel specifically for new Public Law 88-309 projects. In some States, particularly in the inland areas, new commercial fishery functions have been established within existing conservation departments. Subcontracts with universities and private research and development firms are bringing an additional wealth of technological skills and new approaches to bear on our varied and complex fishery problems.

And finally, State research projects funded under this act should result in more rapid accumulation and extension of knowledge and hasten establishment of regulations for more efficient and rational use of all our aquatic resources.

Mr. Speaker, out Nation's fishing fleet has been operating under the handicap of foreign competition. Not only do we suffer the usual hardship of cheap labor and face rival fleets whose fishing vessels are furnished by the government in Socialist and Communist countries, but we sometime find these vessels fishing in waters that are close to our shores—sometimes taking fish that would otherwise be our catch.

Our fishermen deserve and need all the help we can give them. This bill is, at least, an indication of our interest and concern. It shows them we are interested in their plight. It deserves our support.

Mr. GARMATZ. Mr. Speaker, it gives me great pleasure to rise and speak in support of H.R. 18808. The purpose of the legislation is to extend—for another 4 years—Public Law 88-309, which is commonly known as the Commercial Fisheries Research and Development Act of 1964. The original program, which provides Federal aid for research and development projects to State fishery activities, will expire June 30, 1969.

I would like to emphasize that H.R. 18808 was reported out unanimously by my committee, and that it is cosponsored by more than 30 Members of the House. There is a good reason for its popularity. Although the existing program has actually been funded for only 3 years, it has already achieved substantial results and benefited practically every State of the Union. As a matter of fact, 49 of the 50 States, in addition to the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam, have participated in the program and received help in Federal funds.

As an example, my State of Maryland has received a total of $527,000 for use in valuable research under this program. I was also fortunate enough to obtain a grant of $50,000 for a joint Maryland-Virginia research project on the blue crab shortage in the Chesapeake Bay. Almost every State has been helped in various ways on projects which are vital to their fisheries industry.

Although the present act does not expire until 1969, participating States require a leadtime to plan their programs, and this problem could be critical in those States which fund on a biennial basis.

Because of the urgent need for swift action, I made this legislation one of the first orders of my committee's business after Congress returned from recess. For the same reason, Mr. Speaker, I appealed to you for early floor action on this measure, and I am grateful for your cooperation.

Therefore, I hope this legislation enjoys speedy passage, so that this excellent program can continue to benefit the individual States, as well as the Nation's vital fisheries industry.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 18808, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from the further consideration of the bill (S. 3866) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, which is substantially the same as the bill just passed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779 (a)), is amended by changing the words "for the next fiscal year beginning after the date of enactment of this Act, and for the four" to "for the fiscal year beginning July 1, 1969, and for the three".

SEC. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964 is amended by changing the words "for the fiscal year beginning after the date of enactment of this Act," to "for the fiscal year beginning July 1, 1969,".

SEC. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964 is amended by changing the words "for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, $400,000 in each such year, and for the next three succeeding fiscal years, $650,000 in each such year," to "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, $650,000 in each such year,".

SEC. 4. The provisions of this Act shall be effective July 1, 1969.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer an amendment to make a technical correction.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 1, Line 4, after the words "(16 U.S.C. 779" insert the letter "b".

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18808) was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL STATEMENT

Mr. FULTON of Pennsylvania. Mr. Speaker, on Monday, September 9, 1968, when the House considered H.R. 10564, marketing orders on pears for canning or freezing, I was in Tucson, Ariz., preparing for settlement of a law case that had been set some time previously on the basis that Congress would have adjourned by this time. As the House has unexpectedly come into session after the recess for the two party conventions, it was necessary for me to conform to this previous commitment in Arizona.

Had I been present, on rollcall No. 311, the motion for final passage of H.R. 10564, I would have voted "nay."

AMENDING THE WATER RESOURCES PLANNING ACT

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3058) to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provision of the act, and for other purposes, as amended.

The Clerk read as follows:

S. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (Public Law 89–80; 79 Stat. 244) is amended by deleting "$300,000" and inserting in lieu thereof $"$500,000".

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 3058 is to provide for a modest increase in the amount authorized to be appropriated annually for administering the provisions of title I of the Water Resources Planning Act.

My colleagues will remember that in 1965 Congress enacted legislation to establish procedures for planning the development and utilization of the water and related land resources of the United States on a comprehensive, coordinated, and cooperative basis by the Federal Government, States, localities, and private enterprise. I am referring, of course, to the Water Resources Planning Act, and it was title I of that act which established the Water Resources Council and specified its authorities and responsibilities. This is a Cabinet-level group composed of the Secretaries of the Interior, the Army, Agriculture, Health, Education, and Welfare, and Transportation, and the Chairman of the Federal Power Commission.

The primary mission of the Water Resources Council is to coordinate river basin plans and maintain a continuing study of water supply requirements and management. The Council has responsibility for establishing principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans.

The Council also will review plans submitted to it by river basin commissions prior to their submission to the President and to Congress.

It has been the hope of our committee that the Water Resources Council will provide an effective mechanism not only for guiding our national water planning efforts but also for coordinating Federal water programs and resolving interagency conflicts.

While recognizing the important mission and responsibilities given to the Water Resources Council, it has always been the position of our committee that the Council should not establish a large staff. A small but highly specialized staff was envisioned which would conduct its work primarily through the existing departments and agencies and the river basin commissions established pursuant to title II of the Planning Act.

At present time, the Water Resources Planning Act contains language which places a limitation of $300,000 annually on the amount authorized for administering the provisions of title I. The committee believes that a modest increase in the present ceiling is justified and can be supported. However, the committee did not agree with the administration which asked for removal of the present limitation and recommended that there be no limitation. Nor did the committee agree with the other body which approved an $800,000 increase in the amount authorized to be appropriated. The committee approved and recommends to the House an increase of $200,000 annually in the amount authorized to be appropriated for administering the provisions of title I of the Water Resources Planning Act.

Mr. Speaker, I urge that S. 3058 as amended be approved.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 3058, a bill to amend the Water Resources Planning Act—Public Law 89–80; 79 Stat. 244.

The purpose of this legislation is to increase the authorization of appropriations for the administration of title I of the Water Resources Planning Act. The amount of the increase is $200,000 annually.

The Water Resources Planning Act has three principal titles. Title I established the Water Resources Council and sets forth its authority and responsibility. Title II of the act authorizes the establishment of Federal-State regional or river basin planning commissions. Title II of the act authorizes matching financial grants to States.

Mr. Speaker, the thrust of this legislation is for an increase in the amount authorized to carry out the administrative functions under the Water Resources Planning Act. The Executive communication which resulted in this legislation called for an open-ended authorization in order to provide flexibility in carrying out the administrative functions of the Water Resources Council. The Committee on Interior and Insular Affairs has provided an increase in the amount authorized to carry out these functions but not in the manner requested by the executive departments.

While I will agree that flexibility is needed in planning and funding under the original act, such planning and funding can be accomplished and should be accomplished within the fiscal limitations set forth in the act. This, I think, is especially true when the Water Resources Council is just over 3 years of age and has in fact been functioning as a council for less than 3 years.

Mr. Speaker, the Committee on Interior and Insular Affairs has provided an increase of $200,000 annually in this legislation. It is the opinion of the committee that the administrative provisions of the act can be carried out without removing the limitations of the act for administering the provisions of title I or any curtailment in the essential function of the Water Resources Council.

Mr. Speaker, I urge that the rules be suspended and S. 3058 be passed.

The SPEAKER. The question is on the motion of the gentleman from California that the House suspend the rules and pass the bill S. 3058, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CARL SANDBURG HOME NATIONAL HISTORIC SITE, N.C.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13099) to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire, by donation or purchase with do-

nated or appropriated funds, all or any part of the property and improvements thereon at Flat Rock, North Carolina, where Carl Sandburg lived and worked during the last twenty years of his life, comprising approximately two hundred and forty-two acres, together with approximately six acres of adjacent or related properly which the Secretary may deem necessary for establishment of the Carl Sandburg Home National Historic Site.

SEC. 2. The national historic site established pursuant to this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated the sums of $225,000 for the acquisition of lands and interests in lands and $952,000 for development expenses incurred pursuant to the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Colorado is recognized for 20 minutes.

Mr. ASPINALL. Mr. Speaker, I rise in support of the bill, H.R. 13099 by our colleague, Congressman ROY A. TAYLOR, of North Carolina. The purpose of the bill is to establish the Carl Sandburg Home National Historic Site. I commend ROY TAYLOR for introducing this bill and for bringing it to the floor, and I urge passage of the bill.

Since Congressman TAYLOR is here and can explain the details of the bill, there is no necessity for me to say very much. I merely point out that the 242 acres to be acquired under this bill at a cost of not more than $225,000 are the farm on which Carl Sandburg lived from 1945 until his death in 1967. The house in which he lived and worked during these last 21 years of his life is here and filled with memorabilia which Mrs. Sandburg proposes donating to the Government.

There is no question, I suppose, about the greatness of the contributions that Carl Sandburg made to the literature and history of this country. Quite apart from the value of his poetry, the great six-volume biography of Lincoln, which won him a Pulitzer Prize in 1940, will live as a monument of scholarship and writing.

It is, in my judgment, altogether fitting that his home and farm be included in our national park system as an historic site so that, during the years to come, Americans who visit it may imbibe something of the spirit of the man who lived and wrought there. Mr. Speaker, I want to add to this just one more word—a word of thanks to Mrs. Sandburg for her generosity and for her contributions to the enterprise we are embarking on.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, if I have figured out correctly the amount of money to be expended under the terms of this bill for land acquisition would amount to about $930 an acre for the so-called Sandburg farm in North Carolina.

Would that be approximately correct?

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. TAYLOR. I have not figured it out. But there are 241 acres and the price is $225,000.

I might state to the gentleman that originally the Department of the Interior recommended acquiring 26 additional acres at a cost of $190,000. The subcommittee thought this additional acreage and the expenditure was too elaborate and we asked them to revise their study.

After making a new appraisal of the situation and after making new field studies, the Department came in with a revised plan and limited the acreage to the Sandburg property with only 6 additional acres. By cutting out the 26 extra acres, we saved $190,000.

So we probably are getting this at a bargain price especially in relation to other property and all the furniture and other furnishings and the mementos of this great poet are being donated by Mrs. Sandburg.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. GROSS. If it is anywhere near $938 an acre it is not a bargain price, I will say to the gentleman, because that is a lot of money for so-called farmland—and a goat farm at that, as I understand it. All they raised on this farm was goats. What are we doing here anyway?

Mr. ASPINALL. May I reply to my colleague, the gentleman from Iowa, that the land is valuable land. It is true that Mr. Sandburg who was an artist and an author and a poet did see fit to use the land for the purpose that the gentleman suggests. On the other hand, the land is located in an area where it has more value than ordinary farmland would have, and because of the values attendant to it, we thought it would be necessary to appropriate this amount of money with the understanding that the money that would be allowed would be in accordance with the appraised price and Mrs. Sandburg has already accepted that, and has approved the operation.

Mr. GROSS. I will say to my friend, the gentleman from Colorado, that this is not a former President of the United States. I just do not understand what we are doing. Why does not the State of North Carolina take over this farm and operate it in any way that it sees fit as a memorial, if that is what they want to call it?

Mr. ASPINALL. Mr. Speaker, I do not want to prolong this discussion in this respect, but I do want the gentleman from Iowa to be satisfied.

I would say that the personality of Mr. Sandburg more than likely equals that of many of our Presidents. But that is not really the question that is involved here.

The State of North Carolina has given to the United States of America perhaps more money in order to take care of the acquisition of lands and the donation of lands, and so forth, for national park facilities, than any other State.

In this particular respect, however, here is a national figure. He was not a North Carolinian. He was not a North Carolinian except at the time of his death. He was born in the Middle West. He belongs to all of the United States. He belongs to the ages as far as his contributions are concerned. I think that we are only doing that which is justifiable under the circumstances.

Mr. GROSS. Yes, at a cost of $1,770,000 to begin with, and then a maintenance cost of I do not know how much, probably $100,000 a year, thereafter.

Mr. ASPINALL. A charge will be made for admission to the area. This is one of those areas where visitors will have to pay in order to see the facilities. I think it is a good investment.

Mr. GROSS. The income might make it even more attractive to the State of North Carolina. If the operation would be profitable, why does not the State take it over?

Mr. ASPINALL. Yes, at the time of his death.

Mr. GROSS. At the time of his death. In fact, he had lived in North Carolina not more than 20 years; is that not about right?

Mr. ASPINALL. I think it was a little bit less than 20 years.

Mr. GROSS. Will we then go over to—where was it—Peoria, or somewhere in Illinois where he was born and put up another memorial to this individual?

Mr. ASPINALL. I doubt that we would have any opportunity, I say to the gentleman from Iowa [Mr. GROSS], to take care of this situation in that way.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. TAYLOR. The birthplace of Carl Sandburg in Illinois is a State historic site. Mr. Sandburg chose to come to North Carolina about 22 years ago. He spent the last 22 years of his life there. He chose a very beautiful place in a very high-class residential area. A group of citizens from Charleston, S.C., came up to that area and built summer homes on large estates. The property is very valuable. Carl Sandburg did operate a goat farm on it, but it is not a typical farming operation.

We have established sites for many historical figures, including scientists and inventors. Sites have been established in memory of George Washington Carver, Thomas Edison, the Wright brothers, educators such as Booker T. Washington, and a sculptor. Sandburg rates in greatness with all of those men.

Sandburg does not belong to North Carolina. We are proud that he came there. But he belongs to all of America. He stood here on the floor of Congress in 1959, on the 150th anniversary of Abraham Lincoln's birth, and delivered an address. President Johnson said this as a memorial to him after his death:

> He was more than the voice of America, more than the poet of its strength and genius. He was America.

Mr. Speaker, H.R. 13099 would acquire "Connemara," the 241-acre home place of the late Carl Sandburg, at Flat Rock, N.C., and about 6 additional acres needed for development and establish it as a national historic site.

Here in 1945 Carl Sandburg brought his family to begin the last chapter in his rich and valuable career. He lived here until his death on July 22, 1967, which is longer than he lived at any other place. Here he wrote his autobiography, "Always the Young Strangers," his only novel, "Remembrance Rock," his one-volume "Abraham Lincoln," and several books of poetry.

The Department of the Interior originally recommended acquiring 35 additional acres adjoining the Sandburg property for a visitor center and parking lot at a total cost of $415,000. Members of the House Subcommittee on National Parks and Recreation questioned the advisability of this additional acquisition since the property was very expensive, and requested that a new look be taken at the proposition to see if it would not be possible to locate these improvements on the Sandburg property itself. After additional field studies, the Interior Department presented an alternate plan which would include only the Sandburg property and 6 additional acres, reducing the acquisition cost by $190,000, to a total of $225,000. Development cost would be increased by $67,000. The Department has taken options on all needed property.

The savings of $190,000 by not acquiring 26 additional acres shows the bargain that we are getting in securing an option on the 241-acre Sandburg property at only $225,000.

Mrs. Sandburg is anxious to have this property preserved as a historic site in memory of her husband and has volunteered to donate most of her husband's personal and literary effects to the Nation.

Mrs. Taylor and I visited the Sandburg home place last fall and enjoyed talking with the vivacious Mrs. Sandburg. The home and the beautiful surroundings can be taken just as the great poet left it, with his furnishings, books, and mementos which reflect his life and personality.

I have never seen a home which reflects the personality of a great man so thoroughly as does the Sandburg home, unless it was Sagamore Hill, home of President Theodore Roosevelt on Long Island.

Modest admission fees could be charged under the Land and Water Conservation Fund Act, and receipts in all probability would pay the cost of maintenance and operation, and probably over a period of years reimburse the Government for the acquisition cost. This home is located about 15 miles south of the Blue Ridge Parkway which carries millions of visitors from all over America within easy reach of it each summer.

The home was historic when Mr. Sandburg bought it. The 14-room house was built in 1839 by C. G. Memminger who served as chairman of the committee which drafted the constitution of the Confederate States and became the first secretary of the treasury under Jefferson Davis. During the latter stages of the Civil War, Memminger urged Davis to move the Confederate capital to Flat Rock in the belief that it could be more easily defended than Richmond.

The 241-acre estate varies from rich pastureland to rugged foothills covered with timber. Sandburg hiked the trails where he found solitude and beauty and opportunity for meditation.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 13099, a bill to authorize the establishment of the Carl Sandburg Home as a national historic site in the State of North Carolina.

H.R. 13099 authorizes the Secretary of the Interior to acquire approximately 242 acres of land in Flat Rock, N.C., upon which is located the Carl Sandburg Home and to administer the same as a national historic site. The costs of acquisition and development are estimated to be $1,177,000 and, annual operating expenses are estimated at $120,000 after 5 years of operation.

I am certain that Carl Sandburg needs no introduction to the Members of the House, for he was uniquely American as was Abraham Lincoln, Will Rogers, and Walt Whitman. He was a biographer of the American scene whose roots never left its soil.

In the early 1940's, Sandburg began the search for a farm home in the Appalachian Mountains. He purchased "Connemara," a 241-acre farm in the mountains of North Carolina, which was to become for the last 22 years of his life, the beloved "home place." It is said that the land, buildings, and furnishings of "Connemara" embody the memory of Carl Sandburg more vividly than any other place with which he was associated.

The preservation of the Sandburg Home as a national historic site is a fitting tribute to one of America's best-known writers, a two-time winner of a Pulitzer Prize and a most notable American citizen. The Park Service estimates that some 108,000 visitors will visit the site within the first year following its establishment.

The Advisory Board on National Parks Historic Sites, Buildings, and Monuments, at its 58th meeting in April 1968, endorsed this legislation and stated:

> The preservation and interpretation of the Sandburg farm and literary works and the continued management of the site which he loved as a living farm will lend great insight to future generations, through this one man's example, into the whole chapter of American history experienced by his generation. The Board, therefore, heartily endorses the proposal to establish a Carl Sandburg Farm National Historic Site as a unit of the National Park System.

Mr. Speaker, I support the passage of this legislation.

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in support of H.R. 13099 and urge its passage.

I think this is one of the most constructive measures this House can take to honor intellectual and artistic achievement. Carl Sandburg was a great poet as well as a great man. The beauty of his language has captured the majesty of this Nation, and the majesty of his language has captured the beauty of this Nation. The greatness of Abraham Lincoln required the greatness of Carl Sandburg to perpetuate for generations to come the Lincoln who was man, who was President, and who saved the Republic. Carl Sandburg the man, the poet, the balladeer, has left us heritage as only a poet could have done which tells us more of what we are, from whence we came, and what we hope to do and be than a thousand marble monuments.

Although Carl Sandburg came from the prairies of Illinois, the wonderful mountains of North Carolina where he spent his latter years more typically represent Carl Sandburg the man and the artist.

I hope this bill passes.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 13099, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

DESIGNATING CERTAIN LANDS IN THE GREAT SWAMP NATIONAL WILDLIFE REFUGE, MORRIS COUNTY, N.J., AS WILDERNESS

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16771) to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness, as amended.

The Clerk read as follows:

H.R. 16771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Great Swamp National Wildlife Refuge, New Jersey, which comprise about three thousand seven hundred and fifty acres and which are depicted as wilderness units on a map entitled "M. Hartley Dodge Wilderness and Harding Wilderness—Proposed" and dated September 1967 are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sports Fisheries and Wildlife, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be known as "The Great Swamp National Wildlife Refuge Wilderness Area" and shall be administered by the Bureau of Sports Fisheries and Wildlife under the supervision of the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the area designated as wilderness by this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 16771 would designate 3,750 acres, within the existing 5,800-acre Great Swamp National Wildlife Refuge, for preservation as wilderness as authorized under the Wilderness Act of 1964.

The Great Swamp National Wildlife Refuge is located in Morris County, N.J., approximately 25 miles westerly from New York City. It is unusual that an area of this size, with true wilderness features, can be found within such a short distance of this Nation's largest concentration of people.

The area is also unique in its abundance of wildlife and its diverse vegetation. While most of the area is brush and timbered swampland, ridges rise 5 to 15 feet above the swamp. Low elevation vegetation consists of red maple, elm, and swamp rose while the ridges support beech, oak, birch, and sugar maple as well as others. Wildlife consists of deer and smaller animals together with some 175 species of birdlife.

While the area is small in size, when compared to some of the larger western wilderness areas, it contains features deserving preservation as wilderness.

It appears appropriate to point out that the wildlife management practices carried out within the area proposed as wilderness are entirely consistent with the concept of wilderness. Neither public use nor wildlife management facilities will be built within the area that are inconsistent with the wilderness designation. The committee received assurance that a secondary road that now bisects the area will be closed and appropriate measures taken to permit it to revert to a more primitive state.

There is still some 990 acres of private land within the area proposed for wilderness but present plans call for this land to be acquired by the Department of the Interior by 1970. It should also be pointed out that the majority of the federally owned land within the present refuge was donated by interested citizens at a cost of about $1 million.

Mr. Speaker, I recommend the rules be suspended and the bill, H.R. 16771, be passed as amended.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, the chairman has stated the question of a jet airport was taken into consideration by the committee. If this bill is now passed this evening, would this land at any time ever be able to be taken as a jet airport?

Mr. ASPINALL. It is my understanding that this area would not be possible for use as an airport in the future—unless a congressional action decided otherwise—because this would destroy the wilderness values of this particular area.

Mr. ADDABBO. Mr. Speaker, I wish to bring forth at this point the fact that the Port of New York Authority stated we needed this land as a jet airport in New York. We all know the tremendous traffic jam around the Kennedy, the LaGuardia, and the Newark Airports. This land is the most advantageous that can be used to relieve that.

The people of the Great Swamp area donated $1 million to buy this land and take it away from the Port Authority. I say if the people of the Great Swamp area want it as a park and a swamp, let them continue to own it and operate it and pay the cost and possibly some day the Port Authority may obtain it for the needed jet port.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, as one who wrote dissenting views on this bill, I would like to correct some misstatements which were just made.

This land in the Great Swamp area was not purchased by those residents who live around the area. It was purchased by contributions from people all over the United States, whose credentials as conservationists could not be argued anywhere. Then they did not retain ownership of this land, but they turned it over to the Federal Government, and the Federal Government uses it as a wildlife area.

The gentleman asks if this action which is contemplated here this evening would prevent the area's ever being used as a jet airport. It would have taken an act of Congress, I believe, unless the Secretary could have somehow circumvented this—and I do not know how he could have—to permit the building of a jet airport on this site even when it was designated as a national wildlife area. I assume a congressional act could undo the wilderness designation at some time in the future and it could be used for any purpose the Congress specified. I do not think the Congress is going to do that. But to say the people who purchased the area did so for a selfish purpose, is just not true.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 16771, a bill to designate certain lands in the Great Swamp National Wildlife Refuge in Morris County, N.J., as wilderness.

The establishment of the Great Swamp National Wildlife Refuge as wilderness consisting of the Harding Wilderness unit and the M. Hartley Dodge Wilderness unit, in Morris County, as part of the national wilderness preservation system was recommended by the President on March 13, 1968.

The Great Swamp National Wildlife Refuge wilderness area will be the first such unit of the wilderness system to be administered by the Bureau of Sport Fisheries and Wildlife under the supervision of the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

The proposed refuge-wilderness area will contain approximately 5,800 acres of which 3,750 acres will comprise the wilderness area. The refuge-wilderness area is a shallow bowl some 7 miles long and 3 miles wide. It is an ecological island of unspoiled swamp dotted with wooded knolls. The surrounding landscape which is dominated by man hems in the swamp which is the domain of a fascinating community of native plants and animals left undisturbed for decades. It is reported that much of the area has not changed since the last ice age and parts of the swamp area are virtually impenetrable.

For many years professional and amateur naturalists have stated that the Great Swamp teems with many forms of life and dense tangles of vegetation. It has become a classroom for schoolchildren and a field laboratory for college students.

The Great Swamp is a unique masterpiece situated only 30 miles from Times Square in New York City and within easy driving distance of 30 million people.

Mr. Speaker, the establishment of the Great Swamp National Wildlife Refuge Wilderness Area without cost to the Federal Government is most notable because of the efforts of conservation-minded citizens, local, State, and Federal officials to preserve this unique area. The threat of encroaching development in 1959 aroused the local citizenry and with the assistance of the conservation organizations contributions of more than $1 million were obtained to acquire 3,000 acres of land which were donated to the Federal Government for the purpose of establishing the Great Swamp National Wildlife Refuge Wilderness Area.

Mr. Speaker, I heartily endorse the passage of this legislation.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding.

At this hour of the night I have no desire to take much time on this bill. I would like to say simply that in my 16 years in Congress, I have never seen such strong and unanimous support for a project as this proposal to declare this wildlife refuge, or a part of it, a wilderness area.

There have been contributions to purchase land, as the gentleman from Iowa has just said, from some 7,000 individuals from 39 States. Approximately $1,500,000 in property has been given to the Federal Government for conservation purposes.

As an indication of the solid nature of the support for this bill, and the fact that it is bipartisan and well-founded, I might point out that every Member of the New Jersey delegation in the House is cosponsoring this legislation, and both Senators from New Jersey.

The fact is that the Port of New York Authority almost 10 years ago did suggest that this would make a suitable location for a jet port. However, there was then, and is still now, an overwhelming belief that it would make a most unsuitable location for a jet port. In any event, circumstances since 1959 would make construction of an airport in the great swamp impossible. Since 1964 a wildlife refuge has been established in the swamp under the protection of the Department of the Interior.

We feel strongly that wilderness status for part of this wildlife refuge is appropriate. All of us in the area recognize that certain conditions and limitations will be placed on the land, and we welcome this. We know it will be administered reasonably, in accordance with the provisions of the Wilderness Act itself. I am confident that those in the Bureau of Sport Fisheries and Wildlife will discharge their responsibilities wisely, and in cooperation with local authorities.

We accept that prospect as we feel that these restrictions will afford appropriate protection to a unique area. For that reason I urge strong support for this proposal.

Mrs. DWYER. Mr. Speaker, the pending legislation is most unique—and for a number of reasons which also make it a very important bill.

First, the entire New Jersey delegation to both Houses of Congress, despite differences of ideology and party affiliation, are united in support of H.R. 16771; indeed, the legislation is cosponsored by the entire delegation.

Second, its location within the country's greatest and most heavily populated metropolitan area will give to the Great Swamp National Wildlife Refuge Wilderness Area a value, in human terms, exceeding that of any other area in the wilderness system.

Third, the Great Swamp area is the only such area within the entire metropolitan region suitable for preservation in an entirely natural and undeveloped state.

Fourth, throughout the past 9 years, beginning with the first attempt to develop the area for jetport purposes, the effort to preserve the Great Swamp as a wilderness area has enjoyed the determined and enthusiastic support of the vast majority of the residents of the surrounding region.

Fifth, approximately 80 percent of the acquisition cost of the property to be included in this wilderness area has already been contributed by private interests, including property owners who donated their land to the Federal Government and private individuals who raised over a million dollars to purchase the remaining acreage for donation to the Government.

Sixth, no additional budgetary expense will be required by enactment of this legislation since the entire 3,750 acres to be designated a wilderness area are already owned by the Federal Government.

In the final analysis, however, there is only one compelling reason for supporting the pending bill: the need to preserve for the well-being of all our people this last remaining island of unspoiled nature in the midst of sweeping urbanization.

The very existence of this area of unhampered wildlife and natural beauty, readily accessible to the 30 million people who live in the surrounding region, is sufficient justification for preserving it. However, one views the Great Swamp—as a priceless laboratory for the exploration of nature, as the home of an endless variety of birds and wildlife, as the location of ancient trees which outdate the founding of the new world, as a valuable detention basin protecting adjoining areas from flooding and pollution, or as a peaceful refuge from the sometimes harrowing pace of urban living—preservation of the Great Swamp is clearly in the best interests of all our people.

In the present case, Mr. Speaker, given the past and continuing pressures for the development of the area, preservation can best be guaranteed by designating the Great Swamp as a wilderness area. And as the committee, with only one dissenting vote, has pointed out, the Great Swamp area clearly qualifies for such designation.

I urge our colleagues to join with the New Jersey delegation in providing this necessary protection.

Mr. RODINO. Mr. Speaker, it is a special pleasure to me to rise in support of the pending bill, H.R. 16771, a bipartisan measure which is cosponsored by the entire New Jersey congressional delegation.

H.R. 16771 would create as part of the national wilderness system two portions of the existing Great Swamp National Wildlife Refuge, consisting of approximately 3,750 acres now designated as the M. Hartley Dodge and the Harding units.

This measure will in no way diminish the basic objectives of the entire Great Swamp refuge, to protect migratory waterfowl and preserve the natural flora and fauna of this incredibly untouched and unspoiled area with which we have been blessed, but can only contribute to their achievement.

It is unique enough that in New Jersey, the most urbanized State in the Union, we already have the Great Swamp National Wildlife Refuge. It was established in 1964, and I believe it is particularly significant to cite the comments of Secretary of the Interior Udall on the refuge, as submitted to the committee in its report on the bill:

> It is an outstanding example of citizen concern for preserving selected portions of our natural heritage. The national wildlife refuge came into being as a result of a local committee which, through the interest and efforts of a great number of volunteers, raised more than a million dollars to acquire nearly 3,000 acres, which were donated to the Federal Government. This cooperative project is nationally known as a splendid example of how local people and their Government have joined together to preserve a segment of natural America for the continued enjoyment and inspiration of all citizens.

It is therefore really a miracle that within the refuge we have two portions of land that are of such pristine quality that they can qualify as wilderness areas.

Mr. Speaker, I most strongly urge approval of this bill which represents such a unique example of cooperation by individual citizens and local, State, and Federal governments, and which will preserve these priceless few acres still existing in the megalopolis of the congested northeastern United States.

Mr. WIDNALL. Mr. Speaker, I join Congressman PETER H. B. FRELINGHUYSEN and my other New Jersey colleagues today in support of H.R. 16771, which I was pleased to cosponsor, to designate certain lands in the Great Swamp National Wildlife Refuge as a national wilderness area. This bill has the full support of all of my colleagues from New Jersey as well as thousands of private citizens. This legislation is an attempt to make the refuge as safe as possible from destruction and despoilation.

The refuge, donated to the Federal Government through private endeavors and contributions which raised over $1.5 million to purchase the site, is a unique area. It is unique in the scope of its ecology, in its location in the most populous region of the United States, and in the enormous private interest and support its preservation has engendered. Further, it is the first wilderness proposal for the Northeast to come before the Congress under the Wilderness Act of 1964. The swamp also has great geological interest because of its value as a vestige of the prehistoric glacial Lake Passaic. The swamp appeared on a map as early as 1777. Yet there are now those who wish to develop the area, destroying land considered, since colonial days, as an entity to be respected.

Besides conservation, there is a purely practical aspect to maintenance of the Great Swamp. The problems of water supply and flood control are both very important to the residents of the Seventh Congressional District, as they are to the rest of the State. The swamp, as a major water source for the Passaic River and a natural bulwark against floods, is vital to the water supply of the area. The swamp serves as an overflow basin, with the accumulated water released gradually instead of in torrents. Should this natural balance be disrupted, the Passaic River would be more prone to fluctuation in its water level. The result, quoting from the Interior Department report on the swamp, would be to "increase the problems of pollution and flood damage to manmade developments in the downstream basin."

In view of recent flooding in northern New Jersey, I consider this to be a very important side of the question, and a very strong consideration in favor of maintaining the swamp in its pristine state, without the encroachments of a sometimes disruptive civilization. I urge my colleagues in both the House and the Senate to favorably consider this legislation, as it represents an opportunity for preserving a unique wilderness area in the New Jersey-New York metropolitan region. In taking this step, we will be leaving something of lasting value to future generations.

Mr. DANIELS. Mr. Speaker, I rise in support of H.R. 16771, a bill to establish the Great Swamp Wilderness Area of Morris County, N.J., consisting of the Harding wilderness unit and the M. Hartley Dodge wilderness unit within the Great Swamp National Refuge as part of the national wilderness preservation system.

As a cosponsor of this bill and a strong supporter of conservation measures generally, I would like to commend the distinguished chairman of the Interior

Committee, the gentleman from Colorado, for bringing this bill to the floor. I think that all conservationists in the State of New Jersey should thank the gentleman from New Jersey who represents Morris County [Mr. FRELINGHUYSEN] for the leadership he has shown in this matter. And it comes as a great source of pleasure to see the New Jersey delegation, those who sit on this side of the aisle and those who sit on the other side working in close harmony for this excellent piece of legislation.

Mr. Speaker, northern New Jersey is one of the most congested areas in the United States. The outdoor life that many enjoy in other parts of the Nation is in large measure denied to us. Open space is rare in northern New Jersey and the Great Swamp area, lying almost in the shadows of the towers of Manhattan, is a unique contrast to life in much of the Garden State.

It is for this reason, I think, that we can justify a relatively small area being designated a wilderness area. There is so little unspoiled territory in northern New Jersey that I cannot help but ask those of my colleagues who represent parts of the Nation where the term where "wide open spaces" has real meaning, to assist us in maintaining just a little bit of New Jersey in its original form so that generations of New Jerseyites to come will not be denied an opportunity to commune with nature.

Mr. Speaker, I ask all Members of this House to join with the whole New Jersey delegation in approving this bill. It is in every way worthy of your support.

Mr. GALLAGHER. Mr. Speaker, today, we have the opportunity to begin a trend to save the remaining vestiges of natural wilderness and nature's pure beauty that stand conspicuous in the middle of our highly urbanized areas on the east coast. The bill before us today would authorize creation of the Great Swamp National Wildlife Refuge in Morris County, N.J.

The Great Swamp is an area in northern New Jersey, a scant 25 miles from Manhattan Island, which shelters a teeming array of natural wildlife and magnificent stands of beech trees, some of which were there when Columbus discovered America. The Great Swamp is a nesting place for many species of birds which are on the verge of extinction. Migratory waterfowl use the swamp as a stopover in their annual flights to the South. The report on the Great Swamp by the Interior Department gives strong evidence of the myriad of benefits the Great Swamp holds for man and beast alike.

Northern New Jersey, and indeed the entire New York metropolitan area, is becoming a place where open space and fresh air are hard to find. The Great Swamp sits in the middle of megalopolis like a serene pool. It is a place where scientists and nature lovers and those who just want to get away from the crush of urban living can go to study, to rest, to reflect. It would be a tragedy to subject this last unmolested area to the crunch of civilization.

Mr. Speaker, some objections have been made to designation of the Great Swamp as a national wildlife refuge because of its relatively small land size—5,800 acres eventually. It seems to me that, if we are going to apply the same criteria to the Great Swamp and to urban New Jersey that we apply to Colorado or Arizona, then we are dooming ourselves to being without any preserved natural wonders on the east coast north of Richmond, Va. Wild areas simply do not exist of the size of Yellowstone or Yosemite between Boston and Richmond. The Wilderness Act of 1964 does not specify size. I read that act as applying to any area, with certain qualifications, which is deemed to be a value as a natural and wild area worth preserving from the encroachments of society. I foresee many such small areas nestled on the east coast, perhaps not as large as some of the big national parks, but equally valued by the citizens of this country.

Mr. Speaker, the popular ground swell that has developed over the last 10 years in support of preserving and protecting the Great Swamp has been tremendous. In February of 1967 the Department of the Interior conducted a hearing in the area of the Great Swamp and almost to a man those testifying supported preservation. The entire 15-man congressional delegation from New Jersey has shown its unanimous support by introducing this bill. Both of our Senators have introduced identical bills. The Great Swamp is one of New Jersey's most valuable assets from the standpoint of history, beauty and environment. I ask that we give this legislation our full support and thereby preserve and protect the Great Swamp.

Mr. SANDMAN. Mr. Speaker, today we are considering H.R. 16771, a bill of great importance to the State of New Jersey, which proposes the designation of certain lands in the Great Swamp National Wildlife Refuge of Morris County as wilderness.

Located only 30 miles from Manhattan, this swamp is the only extensive forest habitat of its kind in northern New Jersey. In the sprawling New York-New Jersey area, where open spaces are at a definite premium, an area such as the Great Swamp is a valuable asset.

Already under Federal jurisdiction, these lands fulfill the qualifications of the Wilderness Act of 1964. I am concerned, however, that unless the Great Swamp is designated by Congress as a wilderness area, this unspoiled, primitive, natural wonder will soon become subject to unnecessary human encroachment.

In short, Mr. Speaker, the distinguished Members of the New Jersey delegation, in unanimous cosponsorship of this bill and with stanch nationwide support, feel that the Great Swamp is most deserving of the highest possible protection by Congress.

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise to urge passage of H.R. 16771, a bill to extend the protection of the Wilderness Act of 1964 to the Great Swamp National Wildlife Refuge in Morris County, N.J. As has been pointed out by our distinguished colleague, Mr. FRELINGHUYSEN, the area to be preserved comprises about 3,750 acres as depicted on a map dated September 1967, on file with the Bureau of Fisheries and Wildlife in the Department of the Interior.

Mr. Speaker, a great many people have expended a great deal of effort to preserve this unique property for future generations. That such an area should still exist in its natural state so close to the bustling metropolitan area is a minor miracle. It offers students an unexampled field laboratory and provides nature lovers an unparalleled opportunity to renew and refresh themselves amid nature's beauty.

Mr. Speaker, it is my understanding that some concern was expressed in committee as to whether the relatively small size of the Great Swamp precludes application of the Wilderness Act. I would respectfully point out that our objective in that act was to preserve our natural heritage. It seems to me that the location of the Great Swamp makes its preservation an even more urgent matter than would be the case if it were a larger tract far from civilization. The Great Swamp should be preserved for future generations. This can best be done by placing it under the protective reach of the Wilderness Act as provided for by H.R. 16771.

GENERAL LEAVE TO EXTEND

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 16771, as amended.

The question was taken.

Mr. ADDABBO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 271, nays 22, not voting 138, as follows:

[Roll No. 329]

YEAS—271

Abbitt
Abernethy
Albert
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blanton
Bolton
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cahill
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Colmer
Conable
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
de la Garza
Dellenback
Denney
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Everett
Fascell
Feighan
Flood
Foley
Fraser

Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gathings
Gibbons
Gonzalez
Goodling
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Harsha
Harvey
Hathaway
Hays
Heckler, Mass.
Helstoski
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kuykendall
Kyros
Laird
Latta
Lipscomb
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Matsunaga
Mayne
Meeds
Meskill
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Mich.
O'Konski
Ottinger
Passman
Patten
Pelly
Perkins
Pirnie
Poage
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, Pa.
Roth
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Williams, Pa.
Winn
Wyatt
Wydler
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—22

Addabbo
Andrews, Ala.
Bevill
Brasco
Carey
Davis, Wis.
Delaney
Dent
Farbstein
Gilbert
Halpern
Hechler, W. Va.
Kyl
Murphy, N.Y.
Pike
Pucinski
Randall
Rooney, N.Y.
Rostenkowski
Stratton
Wilson, Charles H.
Yates

NOT VOTING—138

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Barrett
Blackburn
Blatnik
Boggs
Boland
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Byrnes, Wis.
Cabell
Casey
Celler
Clark
Clawson, Del
Cohelan
Collins
Conte
Conyers
Curtis
Dawson
Donohue
Dorn
Dow
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fallon
Findley
Fino
Fisher
Flynt
Ford, Gerald R.
Ford, William D.
Fountain
Galifianakis
Gardner
Gettys
Giaimo
Gray
Green, Oreg.
Gurney
Halleck
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Hawkins
Hébert
Henderson
Herlong
Hicks
Ichord
Jacobs
Jonas
Jones, N.C.
Karsten
Karth
Kastenmeier
King, Calif.
Kornegay
Kupferman
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
McCulloch
Macdonald, Mass.
Madden
Mathias, Calif.
Mathias, Md.
May
Michel
Miller, Calif.
Minshall
Moore
Morton
Mosher
Moss
Nix
O'Hara, Ill.
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patman
Pepper
Pettis
Philbin
Pickle
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Rosenthal
Roudebush
Roybal
St. Onge
Satterfield
Schweiker
Sisk
Skubitz
Smith, Okla.
Stafford
Steed
Stephens
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Tunney
Utt
Vanik
Watts
Widnall
Wiggins
Willis
Wilson, Bob
Wolff
Wright
Young

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Adair.
Mr. Hébert with Mr. Ashbrook.
Mr. Celler with Mr. Broomfield.
Mr. Hicks with Mr. Brown of Ohio.
Mr. Miller of California with Mr. Del Clawson.
Mr. Madden with Mr. Erlenborn.
Mr. Giaimo with Mr. Conte.
Mr. Philbin with Mr. Kupferman.
Mr. Donohue with Mr. Jonas.
Mr. Boland with Mrs. May.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Blatnik with Mr. Michel.
Mr. Ashmore with Mr. Blackburn.
Mr. Adams with Mr. Langen.
Mr. Kornegay with Mr. Curtis.
Mr. Leggett with Mr. Lloyd.
Mr. Thompson of New Jersey with Mr. Esch.
Mr. Teague of Texas with Mr. Minshall.
Mr. St. Onge with Mr. Fino.
Mr. Tuck with Mr. Bush.
Mr. Sisk with McCulloch.
Mr. Satterfield with Mr. Gurney.
Mr. Hanna with Mr. Mathias of California.
Mr. Fallon with Mr. Halleck.
Mr. Long of Louisiana with Mr. Collins.
Mr. Vanik with Mr. Hansen of Idaho.
Mr. Ichord with Mr. Moore.
Mr. Anderson of Tennessee with Mr. Morton.
Mr. Jacobs with Mr. Pettis.
Mr. Macdonald of Massachusetts with Mr. Mosher.
Mr. Watts with Mr. Skubitz.
Mr. Willis with Mr. Smith of Oklahoma.
Mr. King of California with Mr. Stafford.
Mr. Cabell with Mr. Thomson of Wisconsin.
Mr. Casey with Mr. Utt.
Mr. Eilberg with Mr. Wiggins.
Mr. Fisher with Mr. Flynt.
Mr. Pickle with Mr. Thompson of Georgia.
Mr. Olsen with Mr. Nix.
Mr. Eckhardt with Mr. Gettys.
Mrs. Green of Oregon with Mr. Henderson.
Mr. Steed with Mr. Gardner.
Mr. Rivers with Mr. Bob Wilson.
Mr. Resnick with Mr. Dawson.
Mr. Brown of California with Mr. Conyers.
Mr. Ashley with Mrs. Dwyer.
Mr. Karsten with Mr. Findley.
Mr. Rees with Mr. Rarick.
Mr. Podell with Mr. Harrison.
Mr. Patman with Mr. Rhodes of Arizona.
Mr. Evins of Tennessee with Mr. Byrnes of Wisconsin.
Mr. Pepper with Mr. Mathias of Maryland.
Mr. Fountain with Mr. Roudebush.
Mr. Edwards of California with Mr. Widnall.
Mr. Moss with Mr. Schweiker.
Mr. Landrum with Mr. Kastenmeier.
Mr. Karth with Mr. Young.
Mr. Tunney with Mr. Wolff.
Mr. Jones of North Carolina with Mr. Barrett.
Mr. William D. Ford with Mr. Dow.
Mr. Dorn with Mr. Rosenthal.
Mr. Roybal with Mr. Gray.
Mrs. Hansen of Washington with Mr. Hardy.
Mr. Stephens with Mr. Galifianakis.
Mr. Clark with Mr. Hawkins.
Mr. Cohelan with Mr. O'Neal of Georgia.
Mr. Lennon with Mr. Tenzer.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 3379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Great Swamp National Wildlife Refuge, New Jersey, which comprise about three thousand seven hundred and fifty acres and which are depicted as wilderness units on a map entitled "M. Hartley Dodge Wilderness and Harding Wilderness—Proposed" and dated September 1967 are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be known as Great Swamp Wilderness and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3379 and insert in lieu thereof the provisions of H.R. 16771, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16771) was laid on the table.

PROVIDING FOR THE REHABILITATION OF THE EKLUTNA PROJECT, ALASKA

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 224) to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes.

The Clerk read as follows:

S. 224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total sums expended by the Secretary of the Interior in rehabilitation of the Eklutna project, Alaska, from damage caused by the earthquake of March 27, 1964, less the difference between the actual cost of the new dam and the estimated cost of rehabilitating the old dam, shall be nonreimbursable and nonreturnable, and not subject to the provisions of the second sentence of section 1 of the Act of July 31, 1950, as amended: *Provided, however,* That the nonreimbursable and nonreturnable expenditures shall not exceed $2,805,437.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, the purpose of S. 224 is to make nonreimbursable the cost of the work which was necessary to rehabilitate the Eklutna Federal hydroelectric power project in Alaska as a result of the damage caused by the disastrous earthquake in March of 1964. The effect of this will be a reduction of about $2.8 million in the amount required to be repaid by the Eklutna project power users during a 50-year repayment period.

The Eklutna project is a single-purpose Federal power project serving the Anchorage area of Alaska. The project was authorized in 1950 and constructed by the Bureau of Reclamation of the Department of the Interior although it is not a Federal reclamation project. In March of 1964 a disastrous Alaskan earthquake caused serious damage to the project, chiefly to the spillway structure of the dam and the intake works and tunnels through which water is delivered to the powerhouse. The project was rehabilitated with emergency funds under existing authority but the power users have been given no relief from the financial burden of paying for this emergency work. The 1950 legislation authorizing the project requires repayment of all construction costs including the expenditures for emergency rehabilitation. The enactment of S. 224 will make these costs for emergency repairs and rehabilitation nonreimbursable.

During the studies made to determine the cost of reestablishing the project, it was determined that it would cost very little more to construct a new dam than to rehabilitate the old one and, because of this, the decision was made to build a new dam. However, this legislation limits the nonreimbursable amount to the estimated cost of rehabilitating the old dam. Thus, approximately $80,000 of the total cost expended in connection with rehabilitation of the project remains reimbursable. The nonreimbursable amount is limited by the legislation to $2,805,437 compared with the total expenditure for rehabilitation of $2,885,415.

The effect of this legislation will be to give the Eklutna power users the same measure of earthquake rehabilitation that has been received elsewhere in Alaska. It relieves them of the burden of paying for the rehabilitation—a burden which amounts to about 1 mill per kilowatt-hour. In addition, the resulting reduction of about 1 mill in the power rate will make Eklutna power more competitive with natural gas in the area and will further the purposes of the project by aiding Alaskan economic development and assuring a stable and reliable power supply.

Mr. Speaker, I urge the enactment of S. 224 which the committee reported without amendment.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 224, a bill to provide for the rehabilitation of the Eklutna project in Alaska.

The Eklutna project was authorized for construction in 1950 as a single-purpose hydroelectric power project. A disastrous earthquake occurred in Alaska on March 27, 1964, causing severe damage to the Eklutna project.

The project was constructed by the Bureau of Reclamation, although it is not a Federal reclamation project. The Bureau rehabilitated the project under existing authority; however, the laws governing the project require that expenditures for emergency repairs and rehabilitation be reimbursable to the United States from project revenues. The effect of the laws governing the project would thus require an increase in the power rates to the citizens of Alaska served by the project. This, in turn, would deny to these citizens of Alaska the same measure of earthquake rehabilitation relief that has been received elsewhere in Alaska because of the earthquake.

The enactment of this legislation will thus reduce the amount required to be repaid during the 50-year repayment period of the Eklutna project by $2,805,437. At the same time, such a reduction in the repayment obligation will have other incidental economic benefits in making the project more competitive with natural gas generation of power and assure a stable and reliable supply of power for economic development in Alaska.

In conclusion, I would compliment my colleague, the gentleman from Alaska [Mr. POLLOCK], for his able handling of this legislation and other measures which he has brought before the Committee on Interior and Insular Affairs during this 90th Congress.

Mr. Speaker, I support the passage of this legislation.

Mr. Speaker, I ask unanimous consent that the gentleman from Alaska [Mr. POLLOCK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POLLOCK. Mr. Speaker, I appreciate the opportunity to discuss S. 224, a bill to provide for the rehabilitation of the Eklutna project, Alaska.

At present, the Eklutna project is the only hydroelectric power project operating in the State of Alaska. This project was authorized as a single purpose Federal power project to provide electric energy for the most populous area of Alaska.

The catastrophic earthquake on Good Friday, 1964, severely damaged the Eklutna project and although the production of energy was delayed for only 54 days it was necessary to initiate nearly $3 million in repairs to the project works. The work is all completed and has been for some years. This will require no authorization or appropriation of funds—only forgiveness of funds already expended.

Under present law, these repair costs must be repaid from revenues resulting from the sale of electric energy. If this repair requirement cannot be eliminated, the role of Eklutna's power may become substantially less than desirable from both the viewpoint of the consumer and the Federal Government. If Eklutna rates are raised to cover the increased project costs which were the direct result of the earthquake, it is difficult to see how the project can remain competitive with newly discovered potential alternative power sources available from the low-cost gas reserves in the Cook Inlet Basin. In such an event, the entire Federal investment for this worthwhile project could be in jeopardy.

In 1964 Congress generously provided millions of dollars in Federal aid and disaster relief to assist Alaska recover from the Good Friday earthquake. In no case was repayment expected from public authorities. Therefore, passage of H.R. 7804 or S. 224 would be entirely consistent with past Federal actions in connection with this disaster.

The Assistant Secretary of the Interior's report of July 19, 1968, recommends favorable action with the suggestion that only that portion of the repair costs necessary to return the project to its preearthquake conditions be authorized. Since actual costs of the new dam were $79,978 greater than the reconstruction of original structure, the Department suggests that only $2,805,437 of the repair costs be made nonreimbursable. The American Public Power Association has endorsed both H.R .7804 and S. 224.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill S. 224.

The question was taken; and (two-thirds having voted in favor thereof) the rules was suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PREMIUM PAY FOR OVERTIME AND STANDBY TIME BY EMPLOYEES ENGAGED IN AIR TRAFFIC CONTROL AND AVIATION SAFETY

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19136) to amend title 5, United States

Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation.

The Clerk read as follows:

H.R. 19136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5542(a) of title 5, United States Code, is amended by adding the following new paragraph after paragraph (2):

"(3) Notwithstanding paragraphs (1) and (2) of this subsection for an employee of the Department of Transportation who occupies a nonmanagerial position in GS–14 or under and, as determined by the Secretary of Transportation.

"(A) the duties of which are critical to the immediate daily operation of the air traffic control system, directly affect aviation safety, and involve physical or mental strain or hardship;

"(B) in which overtime work is therefore unusually taxing; and

"(C) in which operating requirements cannot be met without substantial overtime work;

the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay."

SEC. 2. Section 5545(c)(1) of such title is amended by inserting "(or, for a position described in section 5542(a)(3) of this title, of the basic pay of the position)" after "GS–10".

SEC. 3. The amendments made by this Act shall take effect on the first day of the first pay period which begins on or after the thirtieth day after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, at the proper time I ask to be recognized to make a point of order against consideration of this bill.

The SPEAKER. The Chair will state that if the gentleman proposes to make a point of order, this is the time to make it.

Mr. GROSS. Mr. Speaker, I make a point of order against the consideration of the bill (H.R. 19136) on the ground that it violates rule XI, clause 26(e), in that it was reported from the committee without a quorum being present.

The SPEAKER. The Chair will state that the motion to suspend the rules suspends all rules, including the rule mentioned by the gentleman from Iowa.

Is a second demanded?

Mr. CORBETT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Arizona is recognized for 20 minutes.

Mr. UDALL. Mr. Speaker, this legislation received the unanimous support of the Committee on Post Office and Civil Service, and was cosponsored by each member of the Subcommittee on Compensation, which gave initial consideration to the proposal. It is based on an official recommendation of the administration.

It is the purpose of the legislation to remove the GS–10 minimum rate limitation used in computing premium pay for overtime or standby time for certain employees of the Department of Transportation who perform functions which directly affect aviation safety. Upon removal of the limitation, premium pay for overtime and standby time for these employees will be made on the basis of the hourly rate of basic pay the employee actually is receiving, rather than on the minimum rate for GS–10.

The legislation will affect approximately 9,000 to 10,000 air traffic controllers, and approximately 6,000 airway facilities personnel, who are classified in grades GS–10 and above.

In order to be eligible for the benefit of this legislation, the Secretary of Transportation must determine that the employee has duties which are critical to the immediate daily operation of the air traffic control system, directly affect aviation safety, and involve physical or mental strain or hardship.

Existing statutory provisions (5 U.S.C. 5542) authorize premium pay for overtime officially ordered or approved, in excess of 40 hours in an administrative workweek, or in excess of 8 hours in a day. Payment of overtime is authorized at the rate of one and one-half times the hourly rate of basic pay of the employee, if his basic pay does not exceed the minimum rate of GS–10. In the case of any employee whose minimum rate does exceed the minimum rate for GS–10, his overtime compensation is computed on the basis of the minimum rate for GS–10.

The same principle applies in computing the premium pay for standby time under 5 United States Code 5545(c)(1).

The result of these limitations is that the employees in the upper levels of these grades receive a lesser rate for overtime or standby time than their regular rate of compensation.

This legislation will remove this very inequitable provision for these employees.

It is estimated that the additional annual cost of this bill is $2.1 million.

Mr. Speaker, I urge favorable consideration of H.R. 19136.

The SPEAKER. The question is——

Mr. GROSS. Mr. Speaker——

The SPEAKER. Does the gentleman from Arizona yield to the gentleman from Iowa?

Mr. UDALL. Mr. Speaker, I yield to the gentleman from Iowa, either for questions and comments, or 5 minutes, if he so wishes.

Mr. GROSS. Mr. Speaker, I yield back the time.

The SPEAKER. The gentleman from Pennsylvania is recognized for 20 minutes.

Mr. CORBETT. Mr. Speaker, I merely want to report that this is a good bill, that every member of the subcommittee handling it introduced an identical bill.

Mr. Speaker, I have no requests for time.

Mr. TIERNAN. Mr. Speaker, I rise in support of H.R. 19136, premium pay for overtime and standby time by employees engaged in air traffic control and aviation safety. As flying Americans, we have all experienced the vast and crowded conditions of our airports. In fact, in the last 5 years the number of passengers carried by our scheduled airlines has doubled, and projection shows that it will probably double again in the next 5 years.

It is easy to determine the great demands placed on air traffic controllers and airway facilities personnel. The need for round-the-clock staff requirements and the lack of trained personnel demand excessive overtime work and will continue to do so until that point when it will be possible to expand the work force and the capacity of the airway system.

Presently no employee whose basic earnings exceed the rate for the first step GS–10 can be paid at time and one-half for overtime. In fact, an employee above this level is paid less for overtime work than for his regular 40-hour week.

The drop in employee morale in such a situation is obvious. This situation creates gross inequities.

The remedy applied by this legislation is simply to remove the GS–10, step 1, limitation from the payment of premium pay for overtime for those Department of Transportation personnel who perform functions which directly affect aviation safety and permit the payment to such employees of straight time and one-half for such premium pay.

Mr. Speaker, I think this only fair and urge the passage of this bill.

Mr. DULSKI. Mr. Speaker, I am pleased to be one of the bipartisan cosponsors of this legislation, as each member of the Subcommittee on Compensation unanimously agreed that this legislation would be of substantial value in correcting one of the problems that exist in connection with our air traffic control system.

Mr. UDALL, as chairman of the Subcommittee on Compensation, and all members of the subcommittee were quick to see the worthwhile purposes that could be accomplished by enactment of this bill.

The problem with which this legislation is concerned arises because of limitations in the existing statutes relating to the payment of overtime and standby premium pay to employees in positions in which the basic pay exceeds the rate for the first step of GS–10.

H.R. 19136 will remove the GS–10 minimum rate limitation used in the computation of premium pay for overtime and standby time in the case of employees of the Department of Transportation occupying nonmanagerial positions in grade GS–14 or under, when the Secretary of Transportation determines that their duties are critical to the immediate daily operations of the air traffic control and aviation safety systems.

Basically, the legislation will affect approximately 9,000 to 10,000 air traffic controllers, and approximately 6,000 airway facilities personnel.

Mr. Speaker, our committee agreed unanimously that the removal of the limitation on the rate for premium pay for these employees was urgently needed because of the existing shortage of this particular type of personnel.

I urge the favorable consideration of the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of this legislation and urge its enactment.

Time and time again the Members of this House have been reminded that the extremely high rate of growth of air transportation is creating problems for our nations airports. We know that the number of passengers carried by scheduled airlines has doubled in the past 5 years and will double again in another 5 years.

We have considered and acted upon new safety standards to prevent air disasters and to correct the many problems concerning noise and pollution this growth has created. One problem we have not faced, however, is the problem we face today, that of the unbearable burden this growth has placed on many loyal and devoted public servants, and the inability of our Government under existing law to compensate them adequately for this burden.

Mr. Speaker, many, many men working today as journeyman air traffic controllers are called upon to work far more than a standard 40-hour week. The classification rate placed on their job, frequently at GS-12 in high activity locations, makes it impossible to pay them at the time and a half rate for overtime work it is essential they perform. The nature of their work is such that overtime is extremely taxing and places extreme physical and mental pressure on them. Certainly they should be compensated for this demanding work on at least the same basis as that paid many thousands of employees whose extra work means merely additional hours, not severe additional strain.

Mr. Speaker, I am hopeful that after this measure is enacted into law, consideration will be given to my bill, H.R. 16891, which will grant air traffic controllers retirement at age 50 with 20 years of active service as controllers or supervisory controllers. I offered H.R. 16891 because of my conviction that the controller profession is one of such great stress and tension that a controller reaching the noted age and service levels may no longer be capable of reacting with the necessary speed to the tight situations that routinely arise in maintaining separation among aircraft.

No additional compensation or early retirement will provide the full answer to this problem, Mr. Speaker. We need and must have additional air traffic controllers to meet the demands being placed on all airports. In the meantime, however, this legislation is essential, and I urge my colleagues to act favorably on it today.

GENERAL LEAVE TO EXTEND

Mr. CORBETT. Mr. Speaker, I ask unanimous consent that each Member may have 5 legislative days to extend his own remarks on the bill at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Arizona that the House suspend the rules and pass the bill H.R. 19136.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 316, nays 2, not voting 113, as follows:

[Roll No. 330]

YEAS—316

Abbitt
Abernethy
Addabbo
Albert
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blanton
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Flood
Flynt
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kyl
Kyros
Laird
Latta
Lipscomb
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Md.
Matsunaga
Mayne
Meeds
Meskill
Miller, Ohio
Minish
Mink
Mize
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Mich.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pike
Pirnie
Poage
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—2

Gross
O'Konski

NOT VOTING—113

Adair
Adams
Anderson, Tenn.
Ashbrook
Ashley
Ashmore
Barrett
Blackburn
Blatnik
Boggs
Boland
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Bush
Cabell
Casey
Celler
Clawson, Del
Collins
Conte
Conyers
Curtis
Dawson
Donohue
Dow
Eckhardt
Eilberg
Esch
Everett
Evins, Tenn.
Findley
Fino
Fisher
Ford, Gerald R.
Fountain
Gardner
Gettys
Giaimo
Green, Oreg.
Gurney
Halleck
Hanna
Hansen, Idaho
Hardy
Harrison
Hawkins
Hébert
Henderson
Herlong
Hicks
Ichord
Jacobs
Jonas
Karsten
King, Calif.
Kornegay
Kupferman
Kuykendall
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
McCulloch
Macdonald, Mass.
Madden
Mathias, Calif.
May
Michel
Miller, Calif.
Mills
Minshall
Moore
Morton
Moss
Nix
O'Hara, Ill.
Olsen
O'Neill, Mass.
Pettis
Philbin
Pickle
Podell
Rarick
Rees
Resnick
Rivers
Roudebush
Roybal
St. Onge
Satterfield
Schweiker
Sisk
Skubitz
Smith, Okla.
Stafford
Steed
Stephens
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Utt
Watts
Widnall
Wiggins
Willis
Wilson, Bob
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Halleck.

Mr. Hébert with Mr. Adair.

Mr. Miller of California with Mr. Pettis.

Mr. Celler with Mr. Widnall.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Adams with Mrs. May.

Mr. Tuck with Mr. Blackburn.

Mr. Teague of Texas with Mr. Ashbrook.

Mr. King of California with Mr. Utt.

Mr. Casey with Mr. Michel.

Mr. Philbin with Mr. Jonas.

Mr. Donohue with Mr. Conte.

Mr. Boland with Mr. Broomfield.

Mr. Macdonald of Massachusetts with Mr. Fino.

Mr. Ashmore with Mr. Thompson of Georgia.

Mr. Barrett with Mr. Del Clawson.

Mr. Eilberg with Mr. Kupferman.

Mr. Evins of Tennessee with Mr. Kuykendall.

Mr. Fisher with Mr. Smith of Oklahoma.

Mr. Giaimo with Mr. Brown of Ohio.

Mr. Henderson with Mr. Lloyd.

Mr. Satterfield with Mr. Gurney.

Mr. St. Onge with Mr. Findley.

Mr. Gettys with Mr. Langen.

Mr. Madden with Mr. Minshall.

Mr. Lennon with Mr. Bush.

Mr. Leggett with Mr. McCulloch.

Mr. Watts with Mr. Curtis.

Mr. Thompson of New Jersey with Mr. Moore.

Mr. Wright with Mr. Esch.

Mr. Anderson of Tennessee with Mr. Harrison.

Mr. Cabell with Mr. Collins.

Mr. Everett with Mr. Hansen of Idaho.

Mrs. Green of Oregon with Mr. Morton.

Mr. Hanna with Mr. Mathias of California.

Mr. Hicks with Mr. Gardner.

Mr. Ichord with Mr. Roudebush.

Mr. O'Hara of Illinois with Mr. Schweiker.

Mr. Jacobs with Mr. Skubitz.

Mr. Willis with Mr. Stafford.

Mr. Landrum with Mr. Thomson of Wisconsin.

Mr. Mills with Mr. Wiggins.

Mr. Olsen with Mr. Dawson.

Mr. Dow with Mr. Nix.

Mr. Long of Louisiana with Mr. Blatnik.

Mr. Ashley with Mr. Conyers.

Mr. Eckhardt with Mr. Moss.

Mr. Sisk with Mr. Rivers.

Mr. Resnick with Mr. Hawkins.

Mr. Podell with Mr. Pickle.

Mr. Rarick with Mr. Rees.

Mr. Brown of California with Mr. Steed.

Mr. Roybal with Mr. Stephens.

Mr. Karsten with Mr. Kornegay.

Mr. Fountain with Mr. Hardy.

Mrs. BOLTON changed her vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

INTERNATIONAL CENTER FOR THE NATIONAL CAPITAL

Mr. GRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16175) to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 16175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to sell or lease to foreign governments and international organizations property owned by the United States in the Northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street, upon such terms and conditions as he may prescribe. Every lease, contract of sale, deed, and other document of transfer shall provide (a) that the foreign government shall devote the property transferred to use for legation purposes, or (b) that the international organization shall devote the property transferred to its official uses.

SEC. 2. (a) The Secretary of State is hereby authorized to transfer or convey to the Organization of American States, without monetary consideration, all right, title, and interest to a parcel of land not to exceed eight acres, to be selected by the Secretary of State, within the area described in section 1 of this Act. The deed conveying such property shall provide that the Organization of American States shall use the property solely as a site for a headquarters building and related improvements, and shall contain such other terms and conditions as he may prescribe.

(b) The conveyance authorized by section 2(a) of this Act shall not be made until the Organization of American States has agreed that it will transfer or convey, without monetary consideration, all right, title, and interest of the Organization of American States in the building and other improvements on the property known as lot 802 in square 147 in the District of Columbia to the United States as soon as the site referred to in section 2(a) is developed for use as a headquarters. The agreement provided for in this subsection shall be in such form as may be satisfactory to the Secretary of State.

(c) If so requested by the Organization of American States, and with funds provided in advance by the Organization of American States, the Administrator of General Services is hereby authorized to design, construct, and equip a headquarters building for the Organization of American States on the property conveyed to it pursuant to section 2(a) of this Act.

SEC. 3. The Secretary of State is hereby authorized to transfer or convey to the Organization of American States, without monetary consideration, all right, title, and interest of the United States in and to the property known as lot 800 in square south 173 in the District of Columbia and the buildings and other improvements on such property for use by the Organization of American States.

SEC. 4. The Act of June 20, 1938 (D.C. Code, 1967 ed., secs. 5–413 or 5–428) shall not apply to buildings constructed on property transferred or conveyed pursuant to section 1, 2(a), or 3 of this Act: *Provided*, That each transferee or grantee of property so transferred or conveyed shall comply with all other applicable District of Columbia codes and regulations relating to building construction, equipment, and maintenance. Plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and offstreet parking in and around, such buildings shall be approved by the National Capital Planning Commission, and plans showing the height and appearance, color, and texture of the materials of exterior construction of such buildings shall be approved by the Commission of Fine Arts prior to the construction thereof.

SEC. 5. The construction, reconstruction, relocation, and rebuilding of (a) public streets and sidewalks, (b) public sewers and their appurtenances, (c) water mains, fire hydrants, and other parts of the public water supply and distribution system, and (d) the fire alarm system, which are within the area described in section 1 of this Act and which are occasioned in carrying out the provisions of this Act, shall be provided by the Secretary of State, in coordination with, the Administrator of General Services and the government of the District of Columbia.

SEC. 6. The costs of carrying out the purposes of section 5 of this Act shall be funded from the proceeds of the sale or lease of property to foreign governments and international organizations as provided for in the first section of this Act. All proceeds received from such sales or leases shall, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484) or any other law, be paid into a special account with the Treasurer of the United States, such account to be administered by the Secretary of State for the purposes set out in section 5 of this Act. All sums remaining in such special account after completion of the projects authorized in section 5 shall be covered into the Treasury as miscellaneous receipts.

The SPEAKER. Is a second demanded?

Mr. McEWEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GRAY. Mr. Speaker, Washington traditionally has been the site of the two principal permanent bodies of the Organization of American States—the Pan American Union—constituting the General Secretariat—and the Council. This is provided for both in the present OAS Charter and in the amendments to the charter now being ratified by the member states. At the same time, the need for a new site within this city for a new consolidated OAS headquarters building has become urgent. The OAS Secretariat offices in Washington are presently scattered through five or six separate buildings in crowded conditions at a time when the functions of the OAS are expanding because of its increased responsibilities under the Alliance for Progress. This arrangement is administratively inefficient and also costly, requiring the expenditure of the OAS of almost $550,000 annually in rent. It is important that these OAS offices be brought together in one place with adequate space and facilities.

Since 1964 the OAS Council, the Council's Building Committee, and the OAS Secretariat have been increasingly concerned with this problem and have been seeking, in consultation with the U.S. Government, a suitable site in Washington for the location of a new headquarters building. None of the properties in Washington presently occupied by the OAS is adequate for this purpose.

The proposed bill H.R. 16175 authorizes the Secretary of State to donate to the OAS for its headquarters site eight acres of land within the area formerly occupied by the Bureau of Standards in the area bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street. The Department of State and the OAS consider that this site would be a very favorable one for the OAS headquarters. It is in a good location with appropriate surroundings, and will have good transportation facilities for the large number of OAS employees who will work there. At the present time the OAS Secretariat has about 1,000 employees in Washington, a number which could double in the years ahead.

Therefore, Mr. Speaker, since this is the Federal City and the designated headquarters site of the OAS I think it important that we make it possible for this hemispheric organization to acquire an adequate and efficient building in which it can operate in the years ahead. During the coming decades the countries of Central and South America will be growing and developing at a greater rate than any other comparable area of the world. Hemisphere solidarity in the years ahead will be more important than ever. The means by which this can most effectively be achieved is through the OAS. It is in our own interest that this organization be made to feel welcome in Washington.

It has also been apparent for some time now that foreign governments functioning in Washington, D.C., have been finding it increasingly difficult to locate suitable facilities in which to conduct their affairs. Zoning regulations in the

District of Columbia restrict chanceries to high-density and special-purpose zones. Unfortunately, these areas are not entirely suitable for the conduct of international affairs. The nature of the work involved requires a certain amount of dignity and individuality in the surroundings in which these affairs are conducted. Foreign governments, as does the U.S. Government overseas, find that their needs are best accommodated by singly occupied buildings which are located apart from the congestion and commotion of high density office building areas. Their facilities must be easily accessible and parking must be readily available. In addition, security requirements usually dictate that the chancery be located in a building occupied solely by that chancery.

An examination of a zoning map of the District of Columbia reveals that there are very few areas left in Washington where chanceries may locate and still abide by the criteria previously mentioned. Even those facilities which are properly zoned and available for chancery use are located in areas already highly congested with other chanceries, office buildings, and private dwellings. Having other chanceries locate in these areas would only add to congestion and add to the inconvenience of those already resident in the area.

The Department of State has advised that there are approximately 26 countries in need of new or additional chancery facilities. It is apparent that these needs cannot be accommodated under present conditions. The Department of State, in conjunction with the National Capitol Planning Commission and other interested Federal agencies, suggests that an area be set aside to be used solely for the construction of chanceries in order to accommodate the needs of those foreign governments seeking new locations. The old Bureau of Standards site appears to be an excellent choice for this purpose. The Federal Government no longer has need for this land, and it is in an area ideally suited for foreign government use. The bill submitted by the Department of State proposes that this land, apart from the 8 acres to be donated to the OAS for a headquarters site, be sold or leased at prevailing prices to foreign governments for the construction of chanceries. The implementation of this bill will be without cost to either the District of Columbia or the Federal Government. Not only will it be without cost to the U.S. Government, but a sizable return will be realized by this Government through the sale or lease of this land to foreign governments.

As far as the interest of foreign governments is concerned, the Department of State has advised that approximately 20 foreign governments have expressed a definite interest in locating their chanceries at this site.

The obligation of the U.S. Government to provide suitable facilities for foreign governments is clear. Not only is this obligation defined in various international treaties and instruments, but it is obviously a matter of international courtesy that the host country provide appropriate accommodations for those governments with which it maintains friendly relations. Should this bill fail to be enacted, the United States will not be discharging its responsibility along these lines. Suitable chancery facilities are not now available in the District of Columbia. Only through the passage of this type of legislation will the chancery location problem in Washington, D.C., be permanently resolved. I hope we can approve this bill without delay.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my friend the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Illinois yielding, and I appreciate his statement. I do not want to prolong debate on this particular subject. I have read the bill and I have read the report.

Do I understand from the gentleman's statement and from the report of his subcommittee that the Organization of American States will be moved there, but the expenses will be defrayed by the sale of property to chanceries that it is presumed will build embassies there in the future?

Mr. GRAY. The gentleman is absolutely correct.

Mr. HALL. Does it follow, and does the bill specifically state that any moneys recovered from such sale will be recovered into the U.S. Treasury?

Mr. GRAY. The gentleman is correct. It will go into an account at the Department of State and will be turned over to the Treasury Department. But the General Services Administrator and the Secretary of State will be the guardian of the funds as they are collected. They will then revert back into the Treasury. The GSA will appraise the site and the Secretary of State will negotiate the sale and will turn the funds over to the Treasury.

Mr. HALL. There is no question of the funds being turned over to the Treasury Department?

Mr. GRAY. The gentleman is correct.

Mr. HALL. I understand there are two technical colleges located there now in addition to the Bureau of Standards. What will happen to the Bureau of Standards function still there and to the two colleges?

Mr. GRAY. That is a very good question. Those will not be disturbed whatsoever. They are part of the 12-acre site that will be sold for the chanceries' use. GSA has a lease with the District of Columbia government, and that land cannot be sold to a foreign government until that lease is relinquished by the District of Columbia.

Mr. HALL. Does that include the National City College?

Mr. GRAY. The gentleman is correct. That will use about 5 acres. We have about 7 acres that can be immediately sold. We estimate the 5 acres now being used by the colleges can be sold in about 3 years.

Mr. HALL. Mr. Speaker, I thank the gentleman.

I understand the existing Pan American Building and its adjacent buildings being used by the OAS will not continue to be used for that purpose nor will they be razed or improved upon, but they will be made a historic site. Is that provided for in this specific legislation?

Mr. GRAY. The gentleman is eminently correct. They will be set aside in perpetuity for the use of the Organization of American States, but they cannot be used for any other purpose under this legislation. That is, that will be preserved for that purpose. There is a land transfer. The office building they are using will revert to the U.S. Government, and we can sell that and recoup some money. But the Pan American Building, as we know it, at the corner of 17th and Constitution Avenue will be preserved.

Mr. HALL. When the gentleman says—just a matter of semantics—that it will be preserved for the Organization of American States, that has the same connotation as was originally considered for the Pan American Union Building?

Mr. GRAY. In 1903. The gentleman is absolutely correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, how much land is there in the site that was the old Bureau of Standards' tract?

Mr. GRAY. There were 20 acres in the Bureau of Standards' site. Eight acres will be reserved under this legislation for the Organization of American States and the other 12 acres will be sold eventually to other chanceries in order to form this enclave around the Organization of American States headquarters.

Mr. GROSS. How will this land be priced to be sold to the foreign governments?

Mr. GRAY. It will be priced, after proper appraisal, by the General Services Administrator in conjunction with the Secretary of State, as I mentioned to the gentleman from Missouri. The GSA will appraise it and turn the value of it over to the Secretary of State. He is more accustomed to dealing with the foreign countries and will negotiate the sale.

Mr. GROSS. That will be one of the most valuable tracts left in the District of Columbia?

Mr. GRAY. The gentleman is eminently correct. This is why our committee wanted to make sure we had the most optimum use of the tract. By putting the OAS on the 8 acres, this will take care of the critical need for them. They are paying about $800,000 a year in rental space around the city. This will make the site, by having them there, more attractive for the others contemplated to go into that site.

We feel this will be the most optimum use for the tract.

Mr. GROSS. This will not be open to the Soviet Union? Are they going to the Mount Alto Hospital site?

Mr. GRAY. My distinguished friend from Iowa is eminently correct. They will go to the Mount Alto site. That has been arranged. It is not a part of this consideration at all.

Mr. GROSS. As to the building at 17th and Constitution, the OAS will move to this tract once the building is constructed?

Mr. GRAY. The gentleman is correct. That building will revert to our ownership and it can be disposed of. We will recoup some funds from that.

Mr. GROSS. I thought it was mandatory that it be continued as an historic site.

Mr. GRAY. Let us separate the two, I say to my distinguished friend from Iowa. One is the so-called Pan American Union, as we know it. That will be preserved. Very near and adjacent to it is an office building site. The office building will be disposed of.

Mr. GROSS. And without monetary consideration?

Mr. GRAY. Not a dime of authorization is in this bill. The State Department asked for it, but our committee, feeling the temperament of the House, did not authorize an additional expenditure, and cut the authorization out.

Mr. GROSS. This is conveyed to the OAS without monetary consideration for the property; is that not true?

Mr. GRAY. Eight acres out of the 20. As I said before, by putting the OAS on the 8 acres we will increase the value of the other 12. That is No. 1.

As to No. 2, we must remember we are paying approximately 30 percent of the cost of operating the OAS. We are in partnership with the OAS and are paying about 30 percent of the cost.

This year they paid out over a half million dollars in rental for five buildings around the city. We feel that this will benefit the taxpayer, by putting them in one spot and eliminating the half-million-dollar rental.

Mr. GROSS. We ought long ago to have stopped putting any contributions into the foreign groups.

Mr. GRAY. That is a matter under the jurisdiction of the Foreign Affairs Committee, not the Public Works Committee.

Mr. McEWEN. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, Washington traditionally has been the site of the two principal permanent bodies of the Organization of American States—the Pan American Union—constituting the General Secretariat—and the Council. This is provided for both in the present OAS Charter and in the amendments to the charter now being ratified by the member states. At the same time, the need for a new site within this city for a new consolidated OAS headquarters building has become urgent. The OAS Secretariat offices in Washington are presently scattered through five or six separate buildings in crowded conditions at a time when the functions of the OAS are expanding because of its increased responsibilities under the Alliance for Progress. This arrangement is administratively inefficient and also costly, requiring the expenditure of the OAS of almost $550,000 annually in rent. It is important that these OAS offices be brought together in one place with adequate space and facilities.

Since 1964 the OAS Council, the Council's Building Committee, and the OAS Secretariat have been increasingly concerned with this problem and have been seeking, in consultation with the U.S. Government, a suitable site in Washington for the location of a new headquarters building. None of the properties in Washington presently occupied by the OAS is adequate for this purpose.

The proposed bill H.R. 16175 authorizes the Secretary of State to donate to the OAS for its headquarters site 8 acres of land within the area formerly occupied by the Bureau of Standards in the area bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street. The Department of State and the OAS consider that this site would be a very favorable one for the OAS headquarters. It is in a good location with appropriate surroundings, and will have good transportation facilities for the large number of OAS employees who will work there. At the present time the OAS Secretariat has about 1,000 employees in Washington, a number which could double in the years ahead.

Therefore, Mr. Speaker, since this is the Federal City and the designated headquarters site of the OAS I think it important that we make it possible for this hemispheric organization to acquire an adequate and efficient building in which it can operate in the years ahead. During the coming decades the countries of Central and South America will be growing and developing at a greater rate than any other comparable area of the world. Hemisphere solidarity in the years ahead will be more important than ever. The means by which this can most effectively be achieved is through the OAS. It is in our own interest that this organization be made to feel welcome in Washington. This we can do by passing this bill.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House suspend the rules and pass the bill H.R. 16175, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TO ESTABLISH THE NORTH CASCADES NATIONAL PARK AND ROSS LAKE NATIONAL RECREATION AREA

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8970) to establish the North Cascades National Park and Ross Lake National Recreation Area, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NORTH CASCADES NATIONAL PARK

SEC. 101. In order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snow fields, glaciers, alpine meadows, and other unique natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this Act as the "park"). The park shall consist of the lands, waters, and interests therein within the area designated "national park" on the map entitled "Proposed Management Units, North Cascades, Washington," numbered NP–CAS–7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

TITLE II—ROSS LAKE AND LAKE CHELAN NATIONAL RECREATION AREAS

SEC. 201. In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 101 of this Act.

SEC. 202. In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 101 of this Act.

TITLE III—LAND ACQUISITION

SEC. 301. Within the boundaries of the park and recreation areas, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries of the park and recreation areas is hereby transferred to the administrative jurisdiction of the Secretary for administration by him as part of the park and recreation areas. The national forest land within such boundaries is hereby eliminated from the national forests within which it was heretofore located.

SEC. 302. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park and recreation areas and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 303. Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the park or the recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. The Secretary shall administer the park in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 402. (a) The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interest in lands within the recreation areas in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation areas in accordance with applicable laws of the United States and of the State of Washington, except that the Secretary may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to his section shall be put into effect only after consultation with the Department of Game of the State of Washington.

(e) The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road which would provide vehicular access between May Creek and Hozomeen along the east side of Ross Lake.

TITLE V—SPECIAL PROVISIONS

SEC. 501. The distributive shares of the respective counties of receipts from the national forests from which the national park and recreation areas are created, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended (16 U.S.C. 500), shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 502. Where any Federal lands included in the park or recreation areas are legally occupied or utilized on the effective date of this Act for any purpose, pursuant to a contract, lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such privileges to continue in the exercise thereof, subject to the terms and conditions thereof, for the remainder of the term of the contract, lease, permit, or license or for such longer period of time as the Secretary deems appropriate.

SEC. 503. Nothing in this Act shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

SEC. 504. Within two years from the date of enactment of this Act, the Secretary of the Interior and Secretary of Agriculture shall agree on the designation of areas within the park or recreation areas or within national forests adjacent to the park and recreation areas needed for public use facilities, and for administrative purposes by the Secretary of Agriculture or the Secretary of the Interior, respectively. The areas so designated shall be administered in a manner that is mutually agreeable to the two Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries.

SEC. 505. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in the recreation areas.

SEC. 506. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $3,500,000 shall be appropriated for the acquisition of lands or interest in lands.

TITLE VI—WILDERNESS

SEC. 601. (a) In order to further the purposes of the Wilderness Act, there is hereby designated, subject to valid existing rights, the Pasayten Wilderness within and as a part of the Okanogan National Forest and the Mount Baker National Forest, comprising an area of about five hundred thousand acres lying east of Ross Lake, as generally depicted in the area designated as "Pasayten Wilderness" on the map referred to in section 101 of this Act.

(b) The previous classification of the North Cascades Primitive Area is hereby abolished.

SEC. 602. The boundaries of the Glacier Peak Wilderness, an area classified as such more than thirty days before the effective date of the Wilderness Act and being within and a part of the Wenatchee National Forest and the Mount Baker National Forest, subject to valid existing rights, are hereby extended to include portions of the Suiattle River corridor and the White Chuck River corridor on the western side thereof, comprising areas totaling about ten thousand acres, as depicted in the area designated as "Additions to Glacier Peak Wilderness" on the map referred to in section 101 of this Act.

SEC. 603. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Pasayten Wilderness and of the Glacier Peak Wilderness, as hereby modified, with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical or typographical errors in such legal descriptions and maps may be made.

(b) Upon the filing of the legal descriptions and maps as provided for in subsection (a) of this section the Pasayten Wilderness and the additions to the Glacier Peak Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act and thereafter shall be subject to the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 604. Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the North Cascades National Park, including the Picket Range area and the Eldorado Peaks area, and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with said subsection of the Wilderness Act.

The **SPEAKER**. Is a second demanded?

Mr. **SAYLOR**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

Mr. **ASPINALL**. Mr. Speaker, H.R. 8970 involves the creation of a national park and two national recreation areas, as well as the establishment of a new wilderness area and the expansion of an existing one. Altogether, these areas comprise a total of 1,204,000 acres of land—most of which are already federally owned.

As many Members of the House are aware, I am sure, most of our national parks have been created from existing Federal areas. Only in recent years, have we begun to find it desirable and necessary to acquire substantial areas of privately owned lands for park and recreation purposes. The proposal now before us falls into this classical category.

Federal title to this entire area goes back to 1846 when the Oregon Territory became a part of the United States. It was first administered by the General Land Office of the Department of the Interior. Jurisdiction was transferred to the Department of Agriculture when the Forest Service was established in 1905. H.R. 8970 would shift jurisdiction over approximately 674,000 acres back to the Department of the Interior to be administered for park and recreation purposes. The remaining 530,000 acres involved in H.R. 8970 will continue to be administered by the Forest Service as wilderness.

Mr. Speaker, we were advised that there are no known privately owned lands or interests in lands within the proposed national park and less than 5,000 acres of private lands and mineral patents are located within the proposed national recreation areas. The cost for acquiring these lands is estimated at about $3.5 million. However, since these lands are located within the recreation areas, their acquisition by the use of condemnation is suspended, under the terms of the bill, so long as they are devoted to uses compatible with the purposes of the legislation; consequently, we hope that the need for funds for land acquisition will be minimized.

This is a beautiful alpine area which can accommodate a wide variety of outdoor recreation activities. Some 3½ million people live nearby in the fast growing communities of the Pacific Northwest and it is within reasonable driving distance for more than 21 million people living in the west coast States. While this area is not the only area readily available to these people, it will be a valuable asset to our overall outdoor recreation program as our population expands and our leisure time increases.

To the extent we can, as the Members of the House know, we are stressing the importance of placing parks and recreation areas where the people are. This Congress, and the 88th and 89th Congresses, have made many significant contributions in this regard. In certain instances, however, our actions must be guided by the fact that some of our most spectacular natural wonders are located in more remote and less populated areas. This was the case with the redwoods and this is the case with the Cascades. We cannot move the mountains and the trees to the people, but we can protect them for the people and provide for this and future generations to use and enjoy them.

This brings me to a point which I want to emphasize very strongly, Mr. Speaker. The North Cascades National Park and the two national recreation areas proposed in H.R. 8970 offer some fine outdoor opportunities for all of our people to experience. But all who come to these areas will not have the financial or physical ability to conquer these peaks and experience this alpine panorama unless some means of access is provided. In establishing this national park, it should be abundantly clear that it is intended that these areas are to be truly public areas for everyone and not the private preserve of a few hardy mountaineers.

H.R. 8970, if enacted, will result in the establishment of the Pasayten Wilderness Area and it will add approximately 10,000 acres to the existing 452,000-acre Glacier Peak Wilderness Area. These areas—totaling almost a million acres—will remain undeveloped and will be available to all who seek the solitude of the wilderness. The national park and the recreation areas should serve those who seek an opportunity to enjoy the outdoors in other ways. We hope that the National Park Service will embark on a bold development program which will maximize the public use of these areas. New ideas and innovations should be the cornerstone for this program if it is to succeed in its mission without disrupting or destroying the values which we seek to protect.

The facts show that most visitors in this area are not wilderness travelers. It is clear that other recreation uses will continue to multiply in the future so that it is important to plan ahead in order to assure visitor dispersion. The national park should probably remain an essentially roadless area, but it should be administered in such a way as to encourage the installation of suitable facilities for maximum use and enjoyment by vacationers and families who travel to this area from all parts of the country.

In reaching its conclusions on this legislation, Mr. Speaker, the members of the Committee on Interior and Insular Affairs considered all of the views and interests which were expressed in the hearings conducted in Seattle and Wenatchee, Wash., as well as in Washington, D.C. We feel that H.R. 8970, as amended, offers a reasonable approach.

It preserves a substantial area as wilderness;

It provides for the establishment of a meaningful national park; and

It includes two important national recreation areas.

Subject to reasonable regulations, fishing will be permitted in all of the areas and hunting will be prohibited only within the boundaries of the national park—where the harvest of game is admitted by all to be small and insignificant. Skiing enthusiasts should be encouraged by the fact that the Secretary of the Interior and the Secretary of Agriculture are to study promising ski areas to determine their feasibility and, if such developments are deemed appropriate, they are to pursue their development.

Mining activities will be prohibited within the national park and they will be subject to the provisions of the Wilderness Act within the wilderness areas, but they may continue to the extent that they are not incompatible with the recreation priority within the recreation areas. Logging operations are already limited in much of this area and they will not be permitted in the park or wilderness areas, but they may continue in the recreation areas subject to the same limitations as are imposed on mining activities.

Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I urge the Members of the House to approve H.R. 8970, as amended.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to my friend from Missouri.

Mr. HALL. Mr. Speaker, the gentleman accomplished the purpose for which I rose, which was to have a slight explanation of the bill now rather than to have a precipitous vote on it at this time. I ask the gentleman further if there is any particular emergency or urge that we pass this at this time at a time of austerity, when we are facing a cutback in our economy, in order to get some particular project going.

Mr. ASPINALL. I would answer my friend that I think there is an emergency, because there is this dispute between the departments. This is in order to settle it so that the area can be used for what the committee, at least, thinks is the best use possible. Therefore, this legislation is in order. The amount of money it would cost is not large at this time. It will keep any mineral development or other developments from taking place which might bring about a heavier expense later on.

Mr. HALL. I am sorry, but I could not understand the first sentence of the gentleman. Did the gentleman say that there was a dispute between the departments?

Mr. ASPINALL. I said there had been a dispute over jurisdiction between the departments, and this resolved the dispute.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I make some reservation as to whether in a time of enforced economy by the legislature on the executive branch of the Government we should continue to authorize this and all of the other national parks and monuments that we have authorized recently.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 8970, as amended, a bill to establish the North Cascades National Park, the Ross Lake, and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness, and to modify the Glacier Peak Wilderness, in the State of Washington.

H.R. 8970, as amended, proposes a vast recreation complex made up of five different units and comprising 1,204,000 acres in the Pacific Northwest. In addition to establishing the North Cascades National Park, this legislation provides for the establishment of two national recreation areas: Ross Lake National Recreation Area and the Lake Chelan National Recreation Area. The bill also provides for the addition of the Pasayten wilderness area to the national wilderness preservation system and the enlargement of the Glacier Peak Wilderness Area by approximately 10,000 acres.

The North Cascades mountain area is among the most magnificent areas in the world. This area of rugged scenic beauty is readily accessible to the most populous area of the Northwest. The area lies within reasonable driving distance of approximately 3½ million people.

Use of the North Cascades area has been the subject of great interest by many groups and individuals over the past 30 years. Its resources for lumbering, mining, grazing, hunting and fishing are only exceeded by its scenic and recreational values.

Approximately 99 percent of the lands involved in H.R. 8970, as amended, are in Federal ownership. The acquisition of privately held lands are estimated to cost $3,500,000, which includes the existing mineral patents and the legislation limits the acquisition authority to that amount of money. The bill provides for the effective management and administration of this vast recreation complex through the joint administration of the Department of the Interior and the Department of Agriculture. The completion of the North Cross State Highway and the off-highway access to be provided by the National Park Service and Forest Service and the implementation of an imaginative development plan will provide a truly magnificent area for the benefit and enjoyment of present and future generations of Americans.

H.R. 8970, as amended, establishing this vast recreation complex ranks among the most significant and far-reaching conservation measures of this 90th Congress. Mr. Speaker, it is truly fitting that the Congress of the United States preserve the "American Alps" and its surrounding scenic and recreational values for the use and enjoyment of present and future generations of Americans.

Mr. Speaker, I urge the passage of H.R. 8970, as amended.

Mr. Speaker, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, H.R. 8970, to establish the North Cascades National Park and Ross Lake National Recreation Area is a conservation measure which does not go as far as the friends and advocates of conservation in my State of Washington would like, and it places hunting restrictions on many thousands of acres of wild mountain country which is strongly opposed by many sportsmen. In other words, it is controversial legislation and will not totally satisfy either side.

On the whole, however, I think it is a fair compromise and I intend to vote in favor of the bill.

Actually, for years I camped and fished in the North Cascades. It has been, you might say, a lifelong conviction of mine that the unsurpassed grandeur and untouched beauty of this rugged mountainous country should be preserved for future generations. However, I have recognized that the mining and lumber interests and the economy of the State and its payroll must be recognized in any program to set aside this area for the public as a park and recreational area.

I think, Mr. Speaker, the House Interior Committee has worked out a balance which recognizes all interests, and while I do not consider the solution offered us in this bill perfect, it is probably the best we can hope for, and so, as I said, I will vote for the bill.

Mr. ASPINALL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. TAYLOR], the chairman of the subcommittee that handled this legislation.

Mr. TAYLOR. Mr. Speaker, the bill which we now have before us will add several significant new outdoor areas to our inventory of national park and recreation facilities. In brief, H.R. 8970 calls for the establishment of three types of outdoor areas:

First, it establishes a 505,000-acre North Cascades National Park.

Second, it creates two new national recreation areas. Ross Lake National Recreation, consisting of 107,000 acres, will encompass a 22-mile-long reservoir and Lake Chelan National Recreation Area, comprising 62,000 acres, will include the Lower Stehekin Valley.

Third, it redesignates the North Cascades primitive area as the Pasayten Wilderness Area and adds some 10,000 acres to the existing Glacier Peak Wilderness; thus expanding the national wilderness preservation system by about 530,000 acres.

The Federal Government already has title to more than 99 percent of these lands and it has maintained most of the area in its natural condition. In my opinion, this is one of the best bargains in recreation which the Interior Committee has approved and presented to Congress. In the main, it is a matter of finding the highest and best use of land now owned by the Federal Government. The bill places a new emphasis on recreation yet leaves most of the land undeveloped and undisturbed in a national park or in a wilderness.

Although this land is almost all federally owned, the committee attempted to secure full information with regard to alternative uses before making its recommendations. Extensive field hearings were conducted by the Subcommittee on National Parks and Recreation, and over 400 witnesses were heard. During the course of those hearings, we found a considerable divergence of opinion with respect to the different proposals. Some witnesses supported a large, undeveloped national park; some preferred that the entire area be designated as a recreation area; some wanted to retain the status quo; and some sought a middle ground which preserved some of the wilderness and provided for a park and the adjacent recreation areas.

H.R. 8970, as amended, takes the middle ground. Those who opposed the park because of the prohibition against hunting in such areas will find that the bill leaves the best hunting grounds open for that activity. Those who wanted ski developments expanded will find that the bill encourages and directs the Secretaries to undertake immediate steps to provide for the development of suitable sites.

Some who wanted to see the area developed for its natural values, will discover that the limitations on mining, logging and water development are not substantially different from the present applicable restrictions. The Federal Power Commission will retain its jurisdiction to license the remaining available sites on the Skagit River—near Copper Creek—and on Thunder Creek in accordance with existing policies. Existing lumber operations will probably not be significantly impaired, inasmuch as most of this area is not now available for timber harvesting. Similarly, commercial mining activities will be governed in much the same way as they are at the present time.

Mr. Speaker, the members of the Subcommittee on National Parks and Recreation were considerably impressed with the interest shown by all of the various interests involved in this legislation. Every conceivable viewpoint was heard during our hearings on the bill and we feel that H.R. 8970, as amended, represents a reasonable and meaningful compromise.

The most affirmative argument in favor of this legislation is that it offers us an outstanding opportunity to add a spectacular mountain area to the national park system as well as providing an unusual opportunity to expand our outdoor recreation base without adding an overwhelming burden to our limited financial resources for recreation land acquisition.

It is estimated that the cost for land acquisition would total $3,402,000 which would come from the land and water conservation fund, yet there is no rush in getting any of the additional land.

This proposed park was featured in the National Geographic magazine last May. It contains some of the finest alpine scenery in America. The bill offers a well-developed, comprehensive program of conservation and recreation, and I hope that it will be adopted.

Mr. ASPINALL. Mr. Speaker, I yield now to my friend from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise to ask a few questions of my distinguished friend, the chairman of the committee.

I have had the privilege over a number of years of having looked at the national parks and I have had cause to be very much concerned over their administration and their overuse. For example, the beautiful valley of Yosemite has been turned into a rural slum. I have seen great examples of overuse in the Rocky Mountain National Park, which is in the district of my distinguished and able friend, the chairman of the committee, in which area I used to work and to hike. I wonder if the chairman can give us some assurances that in this area this new national park will be set up with sufficient protection so that we will not have recreation abuses and so that we will have some measures taken to protect fish and wildlife and protect the area from the kind of gross overuse that we have in the case of many national parks.

Mr. ASPINALL. If my friend from Michigan will permit me to say this, this is the answer to the question posed by Dr. HALL as to the reason why we can acquire this land at the present time and put it into the designated uses which we have in mind. It is so that we can put proper planning into effect and so that people in the future may be able to use it in accordance with good, sound, constructive use practices.

Mr. DINGELL. I would like to continue further by saying I am pleased to hear this, but it has been very plain to me and I wish the membership of this body to know that the Park Service has not been administering these areas well. For example, in one national park they built a ski area, and I do not think that ski areas have a place in national parks.

I do not think that such a facility belongs in a national park. They built a skating area right smack in the middle of the Rocky Mountains National Park, again at the same time while they were conducting elk slaughter because the range could not sufficiently carry them.

Mr. Speaker, this is the kind of situation that I am afraid the distinguished chairman of the Committee on Interior and Insular Affairs should take some vigorous action on in case this new national park is set up.

Mr. ASPINALL. I would reply to my friend, the distinguished gentleman from Michigan [Mr. DINGELL], that we are doing the best we can with all of these national park areas, to remove the objections that the gentleman has raised. The gentleman referred to overuse in the Rocky Mountain National Park. This has been largely corrected, but remember this: The national parks are used by all of the people and sometimes it is necessary to have this type of use as against another use that the gentleman has in mind. The National Park Service does believe in obtaining the best use of the land involved.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, I am much troubled about this situation because I have heard recreation but I have not heard any comment on the concept of preservation. One thing this park is set up for is preservation and there should not be this type of overuse.

Mr. ASPINALL. I would reply to my friend from Michigan that this is going to bring about this type of opportunity. We are preparing here for a wilderness area of the size of 1 million acres of the total amount. This takes care of the preservation to which my friend from Michigan has referred and which question he has in mind.

Mr. DINGELL. I thank the gentleman from Colorado for his explanation.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, in the far northwestern corner of our country lies an area often termed by its admirers, "the American Alps." It is a land where soaring mountain spires, verdant alpine meadows, massive glaciers, and clear ink-blue lakes confront the senses in unparalleled pagentry. But for most Americans the North Cascades are experienced only in magazines and in picture postcards. By approving the North Cascades National Park we shall endow ourselves not with a "do not touch" museum, but rather with a living theatre in which all of us can take part.

The first suggestion for a North Cascades National Park was made in 1906 by the Mazamas, the Cascade's oldest mountaineering club. Ten years later Representative Lin Hadley, of Bellingham, introduced H.R. 9805, a bill to establish a Mount Baker National Park. Senators Jones and Poindexter introduced identical bills in the same year. No action was taken on these measures or on various park bills introduced in subsequent years.

In 1963 President John F. Kennedy appointed a highly competent team to study the North Cascades and recommend future usages. The study team was composed of members of the Forest Service, the Park Service, and the Bureau of Outdoor Recreation. Field hearings were conducted by the team in October of 1963.

As was expected, the study team divided on their recommendation. While both the Forest Service and the Park Service declared that outdoor recreation should be the primary use in the North Cascades, both agencies had entirely different plans. The Forest Service opposed a national park, advocating instead a combination of wilderness areas and high-density recreation facilities around Ross Lake, Lake Chelan, and parts of the Eldorado High Peaks region.

The Park Service offered us two very large national parks. A Glacier Peak National Park would encompass all of the present Glacier Peak Wilderness Area plus lands extending down the Whitechuck and Suiattle Rivers. A Mount Baker National Park would be created around the present Mount Baker Recreation Area plus most of the Picket Range and upper Nooksack River region. The Park Service also proposed an Eldorado-Chelan National Recreation Area, a huge complex reaching from Diablo Lake to Rainy Pass, down Lake Chelan, across to Holden and terminating near the northern end of Lake Wenatchee.

A compromise plan was set forth by Dr. Ed Crafts, chairman of the study team and Director of the Bureau of Outdoor Recreation. His proposal called for a single-unit national park beginning at the Canadian border, sweeping down to Mount Shuksan, taking in Ross Lake, including the Eldorado High Peaks Area, and ending near the town of Stehekin on Lake Chelan.

On February 11 and 12 of 1966, field hearings on the three plans were conducted in Seattle by the Senate Interior Committee. In January and March of 1967, Senator HENRY M. JACKSON and I introduced identical bills, S. 1321 and H.R. 8970, which were a further modification of the Crafts plan.

Although we proposed a North Cascades National Park, we divided it into two units, the northern part comprising most of the Picket Range east to the western edge of Ross Lake, the southern part representing the Eldorado High Peaks Area down through the Stehekin Valley. The national park would be separated by a Ross Lake National Recreation Area. We also proposed to redesignate the eastern half of the North Cascades Primitive Area as the Pasayten Wilderness Area and to add about 10,000 acres to the present Glacier Peak Wilderness Area.

The Senate Interior Committee held hearings in Wenatchee, Seattle, and Mount Vernon in May of 1967. In late October, the committee approved and the Senate passed a still further amended North Cascades bill, S. 1321. The principal change was to reclassify 62,000 acres of the proposed National Park as the Lake Chelan National Recreation Area.

The House Interior Committee, on which I have the honor to serve, conducted its field hearings in Seattle in April of this year. We also visited Wenatchee in July. As did the Senate Interior Committee, we supplemented our field hearings with testimony from Federal officials and interested parties here in the Capitol. The bill before you today is nearly identical to the Senate-passed S. 1321. The only change is that which places a ceiling of $3.5 million on the funds to be appropriated for land acquisition.

Why were the Park Service and the Forest Service so divided on their management proposals for the North Cascades? Why have House and Senate committees made numerous modifications in the compromise plan?

The answer to these questions is fairly simple. During all the debate over the North Cascades, we have seen two prevailing concepts of land management set forth. The first would have us "use" the North Cascades. The second would have us "preserve" them. The bill we are considering today represents an effort, a very conscious effort, to recognize the validity of each point of view.

We are suggesting that the Congress create a North Cascades National Park of 505,000 acres, a Ross Lake National Recreation Area of 107,000 acres, a Lake Chelan National Recreation Area of 62,000 acres, and a Pasayten Wilderness Area of 520,000 acres. In addition, we are asking that 10,000 acres be added to the present Glacier Peak Wilderness Area.

Nearly all the land proposed for National Park status in H.R. 8970 lies within the boundaries of my district. I am sponsoring H.R. 8970 because I believe strongly that the bill offers a balanced program of recreation for my constituents and for the American people.

Some 6 months before the North Cascades bills were introduced last year, the Boeing Aircraft Corp. announced plans to build its giant 747 aircraft near the city of Everett in Snohomish County. The impact of this new development is staggering. The Arthur D. Little Co. estimates that the population of the county will increase by more than 70,000 persons within just a few years. All of these new residents will desire adequate recreation.

Unlike the situation we faced with the Redwoods National Park, the North Cascades bill presents little or no obstacles of land acquisition. Most of the land in the proposed park and recreation areas is already federally owned. The total cost of land acquisition would be only $3.4 million.

Throughout the field hearings of the House and Senate committees, there has been apprehension voiced by some persons that the bills would be detrimental to the forest products industry. This criticism is well-intended but unfounded.

Again, we have to compare the North Cascades bill to the redwoods. At the present time, there is no timber cutting going on or even planned for the area to be made into the national park and the national recreation areas. The current administrator of the North Cascades, the U.S. Forest Service, has for years declared much of the timber "out of bounds" to cutting. In fact, about 80 percent of the lands covered by H.R. 8970 have never been included in the allowable cut. Much of the terrain here is above timberline or is physically unsuited to logging.

According to the latest information I have, H.R. 8970 would reduce the annual allowable cut by about 3.3 million board feet. One relatively small mill could process this volume of timber in just a few weeks. By comparison, more than 1,500 million board feet of timber are cut on Washington State national forests each year.

In short, then, the North Cascades legislation presents no dangers to the forest products industry. Other factors are far more important. These factors include the weather, the demand for housing, log exports, and reforestation practices.

During the field hearings this spring, little attention was given to what I consider is the crux of the park legislation: the development plan. As can be seen in the Interior Department Development of March 1967, the bill offers both high-density and low-density recreation. It will open up parts of the North Cascades to family recreation as well as preserve parts of it for individual hiking and solitude. To my way of thinking, the development plan represents a fair and reasonable approach to multiple use of our recreation and economic resources.

Opening up the North Cascades will be accomplished through the facilities planned in the Ross Lake National Recreation Area and other parts of the park. Among the facilities planned are boat launching areas, a ferry service from Roland Point to Hozomeen, numerous lodges and marinas, spur roads from the north cross-State highway, and another ferry service to travel quickly up the length of Lake Chelan.

We should examine just why the Park Service has proposed aerial tramways for the national park and Ross Lake National Recreation Area. The reason could be understood readily if you traveled the north cross-State highway, for the visual impression you receive is that of being at the bottom of a canyon. To appreciate the majesty of the country, you have to get up high. The trams proposed for Arctic Creek and Ruby Mountain will enable park visitors to experience the full grandeur of the North Cascades and the Picket Range in particular.

I strongly support the provision in the bill which would require the Secretary of the Interior and the Secretary of Agriculture to develop feasibility plans for permanent ski lifts in and near the park.

Skiing is one of the most popular activities in Washington State, and existing facilities south of Stevens Pass are becoming overcrowded. As mentioned earlier, the new Boeing expansion will impact heavily on our recreational picture. With the construction of additional ski facilities in the northern Cascades, we would be able to meet the needs of our new citizens as well as make the park and recreation areas year round in visitations.

When Washington State Congressmen met with Interior Department officials in January of 1967 to review the forthcoming North Cascades legislation, I noticed that in the proposed development plan, there would be only two means of access to the park. These routes would bring in visitors via the north cross-State highway in Skagit County and via the Lake Chelan ferry in Chelan County. One suggestion of mine incorporated into the plan is that of the road between Austin Pass and Baker Lake. Such a road would assure access through Whatcom County and would help disperse traffic. I urge early development of this road.

The hearings in Washington State brought out much concern among local business and community leaders that the State of Washington would have to relinquish its jurisdiction over the north cross-State highway. The Park Service policy of permitting the State to exercise complete jurisdiction over the road was later given statutory character by an amendment adopted in the Senate Interior Committee and in our bill.

The principal opposition to H.R. 8970 has emanated from sportsmen who fear that the bill would compromise the pursuit of hunting. I, too, am a sportsman who for many years has enjoyed hunting. But the facts here dispel any notion that the North Cascades National Park would work a severe hardship on hunters.

If we were considering the original proposal by the Park Service, that which would have established two gigantic national parks, then I suspect that hunting would be adversely affected. But today we are working on a bill that has been amended to recognize this problem.

The most significant change we made to accommodate hunting was to establish the 62,000 acre Lake Chelan National Recreation Area. Deer hunting in this area has always been popular, and it would continue under our bill.

The annual deer kill in Washington State is roughly 65,000 to 70,000. The State game commission in Olympia has estimated that 400 to 600 of these are taken within the boundaries of the national park and the Lake Chelan National Recreation Area, most of them, in fact, in the recreation area where hunting will be permitted. And so it is clear that less than 1 percent of the State's total deer harvest is going to be affected by the North Cascades National Park.

It should also be emphasized that these animals are high-country deer. Most of them come down to lower grounds during the fall and winter. For this reason, then, I doubt very much that we would witness an overpopulation of these animals. In the event that this occurs, however, then the Park Service should allow controlled hunts by private citizens.

Another aspect of the bill important to sportsmen is that provision which requires the Secretary of the Interior to consult with the Washington State Game Department before issuing regulations dealing with hunting and fishing in the national recreation areas.

Very little attention has been given to the probable economic benefits of the national park and recreation areas. When the North Cascades study team filed its report, they estimated that adoption of the Crafts plan would mean over $20 million a year in visitor spending, thus adding about $1,000,000 a year to sales tax collections in Washington State. The team estimated that the park would generate employment for 1,500 people during the first 5 years, and for 1,100 people thereafter. I believe that these estimates are too low, for they were made before we adopted the provision calling for permanent ski facilities.

In conclusion, then, I feel that passage of H.R. 8970 will allow us to preserve as well as utilize our natural resources. The bill represents a sound investment which will reward us with wilderness in conjunction with multipurpose, family recreation.

The SPEAKER. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 8970, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 1321) to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NORTH CASCADES NATIONAL PARK

SEC. 101. In order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snow fields, glaciers, alpine meadows, and other unique natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this Act as the "park"). The park shall consist of the lands, waters, and interests therein within the area designated "national park" on the map entitled "Proposed Management Units, North Cascades, Washington," numbered NP–CAS–7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

TITLE II—ROSS LAKE AND LAKE CHELAN NATIONAL RECREATION AREAS

SEC. 201. In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 101 of this Act.

SEC. 202. In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 101 of this Act.

TITLE III—LAND ACQUISITION

Sec. 301. Within the boundaries of the park and recreation areas, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries of the park and recreation areas is hereby transferred to the administrative jurisdiction of the Secretary for administration by him as part of the park and recreation areas. The national forest land within such boundaries is hereby eliminated from the national forests within which it was heretofore located.

Sec. 302. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park and recreation areas and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

Sec. 303. Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the park or the recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. The Secretary shall administer the park in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

Sec. 402. (a) The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, history, or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interest in lands within the recreation areas in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation areas in accordance with applicable laws of the United States and of the State of Washington, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Department of Game of the State of Washington.

(e) The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road which would provide vehicular access between May Creek and Hozomeen along the east side of Ross Lake.

TITLE V—SPECIAL PROVISIONS

Sec. 501. The distributive shares of the respective counties of receipts from the national forests from which the national park and recreation areas are created, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended (16 U.S.C. 500), shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

Sec. 502. Where any Federal lands included in the park or recreation areas are legally occupied or utilized on the effective date of this Act for any purpose, pursuant to a contract, lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such privileges to continue in the exercise thereof, subject to the terms and conditions thereof, for the remainder of the term of the contract, lease, permit, or license or for such longer period of time as the Secretary deems appropriate.

Sec. 503. Nothing in this Act shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

Sec. 504. Within two years from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall agree on the designation of areas within the park or recreation areas or within national forests adjacent to the park and recreation areas needed for public use facilities and for administrative purposes by the Secretary of Agriculture or the Secretary of the Interior, respectively. The areas so designated shall be administered in a manner that is mutually agreeable to the two Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries.

Sec. 505. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.) in the recreation areas.

Sec. 506. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of titles I through V of this Act.

TITLE VI—WILDERNESS

Sec. 601. (a) In order to further the purposes of the Wilderness Act, there is hereby designated, subject to valid existing rights, the Pasayten Wilderness within and as a part of the Okanogan National Forest and the Mount Baker National Forest, comprising an area of about five hundred thousand acres lying east of Ross Lake, as generally depicted in the area designated as "Pasayten Wilderness" on the map referred to in section 101 of this Act.

(b) The previous classification of the North Cascades Primitive Area is hereby abolished.

Sec. 602. The boundaries of the Glacier Peak Wilderness, an area classified as such more than thirty days before the effective date of the Wilderness Act and being within and a part of the Wenatchee National Forest and the Mount Baker National Forest, subject to valid existing rights, are hereby extended to include portions of the Suiattle River corridor and the White Chuck River corridor on the western side thereof, comprising areas totaling about ten thousand acres, as depicted in the area designated as "Additions to Glacier Peak Wilderness" on the map referred to in section 101 of this Act.

Sec. 603. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Pasayten Wilderness and of the Glacier Park Wilderness, as hereby modified, with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical or typographical errors in such legal descriptions and maps may be made.

(b) Upon the filing of the legal descriptions and maps as provided for in subsection (a) of this section the Pasayten Wilderness and the additions to the Glacier Peak Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act and there-

after shall be subject to the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 604. Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the North Cascades National Park, including the Picket Range area and the Eldorado Peaks area, and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with said subsections of the Wilderness Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all of section 506 and insert the following in lieu thereof:

"SEC. 506. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $3,500,000 shall be appropriated for the acquisition of lands or interest in lands."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8970) was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

STAMP COMMEMORATING THE LIFE AND WORK OF WALT DISNEY

Mr. HULL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HULL. Mr. Speaker, a great American who showed the world how to laugh was honored September 11 when the Post Office Department issued a stamp commemorating the life and work of Walt Disney. The stamp was issued in Marceline, Mo., in the Sixth Congressional District which I have the honor to represent. It was in Marceline that Walt Disney first experimented with the sketches of animals that later were to blossom into a source of entertainment for millions throughout the world.

Postmaster General Marvin Watson was the principal speaker at Marceline and I insert his excellent address in the RECORD, as follows:

ADDRESS BY POSTMASTER GENERAL W. MARVIN WATSON AT THE DEDICATION OF THE 6-CENT WALT DISNEY COMMEMORATIVE STAMP, MARCELINE, MO., SEPTEMBER 11, 1968

I am delighted to share in this important ceremony today.

In my view, it is important for a number of reasons.

First, it is important because postage stamps such as this Walt Disney Commemorative perform two basic functions. They permit a nation to say, collectively, "thank you" to those men and women who have . . . in art, in science, in government, in education, in every area of civilized society . . . made a distinct contribution to their land and their country.

And such stamps also form a window on the soul of a nation.

Some nations may permit only the stern and scowling faces of military leaders or statesmen with steel spines to appear on their stamps. And that fact reveals much about such a nation.

But we are a diverse and varied people.

We cannot be summed up in a few words.

We honor military leaders of course . . . but we also honor men and women who dared to dream and to light the path to social and economic justice, men such as Henry David Thoreau whose stamp we dedicated last year. . . . We honor our statesmen too . . . but it is equally fitting that we honor a man who created a modern mythology. For the creatures that sprang from the brain of Walt Disney struck in American hearts everywhere a responsive chord. These talking animals with human feelings and human imperfections seemed to say something special to Americans, something they needed to hear.

Certaintly, the most famous, Mickey Mouse, was born at a fortunate time both for his creator and for the American people.

This animated rodent with his squeaky voice, his red pants, yellow shoes, white gloves, and noble heart first winked his eye at a movie audience in 1928, just before the beginning of the Great Depression. Soon a people who saw their economic system staggering were able to take some courage from the Mouse who was a pretty nice fellow who never did anybody any harm but through no fault of his own, always got into scrapes, and somehow came out on top grinning.

Mickey Mouse and his creator won the hearts of the American people—and the world.

Every new postage stamp issued by the Post Office Department is the culmination of much effort, the response to a public demand.

But few stamps in postal history have reflected the magnitude of demand of this Walt Disney commemorative.

People young and old, from every corner of the country, from every walk of life—Governors, Senators, Congressmen, the greats of the entertainment world—all joined together in requesting a postage stamp honoring Walt Disney.

The California State Assembly passed a joint resolution requesting this stamp.

From the prison in Jackson, Michigan, Inmate No. 114477 wrote these appealing words to me: "A stamp to commemorate Walt Disney is a very good idea. Walt Disney is a part of all of us." *Walt Disney is a part of all of us.* I doubt if there is a better summation of what Walt Disney meant to the world than these words from a man in jail.

This widespread display of interest in the stamp was quite unprecedented. Certainly it attests to the universality of Walt Disney and of the worldwide affection in which he was held.

The second reason why I believe this stamp to be important is that while Walt Disney was peculiarly American—he nonetheless spoke a language understood by all the peoples of the world. He spoke a language of happiness and good cheer, of wholesome, decent values, of robust high adventure, and—in the nature films—of astonishing beauty.

Cynics sometimes repeat the words of Thomas Wolfe, that "you can't go home again." I don't think that Walt Disney, in spirit, really ever left home, his home here in Marceline. For even after he had been rewarded by wide artistic acclaim and financial success, a considerable part of the small-town, midwestern boy remained in his makeup. The flamboyance of life in Hollywood held no appeal for him. In California, he much preferred to relax with his model railroad than to participate in social high life. He returned to Marceline, when you invited him, to take part in civic activities. And he retained vivid and happy memories of his boyhood here. I understand that in Disneyland the popular exhibit "Main Street, USA" is patterned after the main street in Marceline. Walt Disney was, in truth, Marceline's favorite son. I might add that he was a favorite son of the Post Office too, because on two occasions—in Kansas City and in Chicago—young Walt Disney had temporary jobs in the Post Office.

The third reason why I think we should pause and honor Walt Disney is because his career reflects another cherished American virtue—that we offer great rewards to the man with a dream and the energy, ability, and drive to translate what some would call an impossible dream into achievement and reality.

The poet Arthur O'Shaughnessy once said that "One man with a dream, at pleasure, shall go forth and conquer a crown."

Well, Walt Disney's dream was rewarded with the crown of world esteem and enormous financial success.

He turned the end of his pencil into a $100 million a year enterprise.

He opened the doors on his private world of dreams to the delight of a planet.

Again and again in my public career I have seen examples of how this great land of ours, which prides itself on being practical, discovers that the most practical of all men is the man with a dream.

A few weeks ago I dedicated a stamp to Henry Ford, another man with an impossible dream: the dream of making an automobile so well and so inexpensively that it would become the property of every man, not merely the plaything of the rich.

And I must admit I thought too of a man whom I am convinced history will regard as one of our all time great Presidents—Lyndon Baines Johnson.

Like Walt Disney and like so many who have made an indelible impression on our land, Lyndon Johnson's beginnings were humble. But all during his life he too had a dream—a dream of a land great enough to be compassionate, powerful enough to concern itself for the weakest among us, just enough to break down all barriers that separate men and breed suspicion and hostility, flexible enough to offer an equal chance to every man, wise enough to insist that the quality of our education should fit the majesty of our nation.

And this President succeeded beyond all hopes but his own.

He turned these impossible dreams into law after creative law.

Generations yet unborn will benefit from the impact of his dreams for a better land.

Walt Disney, cartoonist and dreamer; Lyndon Baines Johnson, politician and dreamer. They are different without doubt in many ways.

But in their uncommon grasp of the need to lift men's eyes to new visions, they are alike.

My friends, I make these remarks about our President in a nonpolitical fashion, for since March 31 of this year, the President has removed himself from the political arena, and dedicated his time to a search for peace and toward a successful conclusion of his many programs which make America a better place for all.

I make these remarks about him, because I want you to know how much I admire the dreams he has dreamed of a finer land and how he has succeeded in making those dreams come true.

Though the President has removed himself from the political field, his dreams are enriching our country.

And though Walt Disney is no longer among us, the vision of innocence that lighted his way, the dreams he produced, the fantasy he fathered will never die as long as there are children of all ages who believe the world to be fine and good and warm . . . and that it exists for man's happiness and not for his misery.

Without doubt Walt Disney's desire to create happiness is reflected in the postage stamp we issue today in his honor. This is a portrait of a happy man, and the warmth of his smile is captivating.

The design of this stamp was a labor of love. Two staff members of Walt Disney Productions created it. It was designed by C. Robert Moore, who in the final rendering drew the procession of children. Paul E. Wenzel painted the portrait.

This stamp shows Walt Disney at the peak of a career that began in 1923 when he left Kansas City for Hollywood with $40 in his pockets and a brain full of ideas. He converted those ideas into 31 Academy Awards and five Emmys.

Four years ago, President Johnson invited Walt Disney to come to Washington. There in the East Room of the White House, the boy from Marceline who grew into the man the whole world knew, received the Presidential Freedom Award.

This award is the highest civil honor the nation bestows in peacetime. In conferring the award, the President summed up Walt Disney's great gifts to all of us in these words: "artist and impressario, in the course of entertaining an age, he has created an American folklore."

And, may I add, he reminded us all of the importance of the dream in a land where dreams can and do come true.

DON'T LET 'EM KNOW WHAT WE'RE UP TO

Mr. **HECHLER** of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. **HECHLER** of West Virginia. Mr. Speaker, the business writer for the Washington Sunday Star, Stephen M. Aug, published a fascinating memorandum yesterday showing that the Penn Central Railroad is afraid the Interstate Commerce Commission may learn the true motives of railroads in trying to get rid of passenger trains.

The memorandum urges its employees to reverse the emphasis on downgrading service on the passenger trains. The memorandum says:

> Unless the service and equipment are maintained we will continue to bring forth numerous complaints to the state commissions as well as to the Interstate Commerce Commission. And this, of course, will have an adverse effect on our efforts to discontinue trains.

Mr. Speaker, this memorandum eloquently speaks for itself in unmasking the true efforts of the railroads in attempting to downgrade service. It serves to support my contention that the railroads are attempting to do everything in their power to discontinue vitally needed passenger service.

The article referred to follows:

Penn Central Memorandum Cites Concern Over Passengers' Ire

(By Stephen M. Aug)

A Penn Central Co. memorandum circulated only to district officials of the railroad warns that public criticism about the condition of the road's passenger trains is mounting—and if the complaints reach state and federal officials the line's goal of ending long-distance passenger service could be hurt.

The memo, dated Aug. 5, comes to light practically on the eve of an historic Interstate Commerce Commission argument on an ICC examiner's recommendation that railroads be forced to upgrade their equipment and services as the only means of keeping what remains of the nation's rail passenger service.

Stuart T. Saunders, Penn Central board chairman, said he was unaware of the existence of the memo until a reporter's questions brought it to his attention. But he said it was in keeping with company policy "to provide the best equipment we can for existing passenger service."

The memorandum was signed by Ray C. Harrison, general manager of the vast railroad's eastern district—one of eight—headquartered at Syracuse, N.Y. It was sent to superintendents in the division which extends from Boston to Buffalo.

EXPLANATION OFFERED

The middle management document says "all of us involved are well aware of the need for shrinking our passenger car fleet as quickly as possible and this is being done." Saunders said, however, that this "is simply a program to dispose of obsolete passenger equipment."

Harrison was unavailable for comment, and was said to be in the Boston area investigating a recent freight train wreck. His assistant refused to answer a reporter's telephone call.

But Saunders later issued a statement through his public relations office in Philadelphia saying that "clearly, Mr. Harrison was directing the five district superintendents under his jurisdiction to emphasize proper maintenance of passenger equipment. His instructions were in keeping with our desire to provide the best equipment we can for existing passenger service."

Saunders added that Penn Central's objective "is to phase out as rapidly as possible all passenger service which the public no longer needs or uses, while simultaneously upgrading and improving passenger service which is essential."

NEED DISAPPEARS

He said the Harrison memo refers only to long-haul service and the need for this "has virtually disappeared." Saunders added that Penn Central lost $85 million operating passenger trains last year, the loss will be greater this year, there is no future for sleeping cars, and called the passenger service deficit "a deplorable drain on our earnings."

The Harrison memorandum says:

"We have been receiving an increasing amount of criticism of the condition of our passenger equipment.

"Of course we all know of our long-range objective with respect to eventual elimination of our long-haul passenger service, particularly the sleeping car segment of the business.

"However, we must not lose sight of the fact that we still have passengers and that we are obligated to maintain and operate our trains and equipment in a satisfactory condition.

COMPLAINTS CITED

"Otherwise we will continue to bring forth numerous complaints to the state commissions as well as the ICC and this, of course, will have an adverse effect on our efforts to discontinue trains.

"All of us involved are well aware of the need for shrinking our passenger car fleet as quickly as possible and this is being done. At the same time the equipment that remains should receive required maintenance both from the standpoint of comfort to the passengers and to minimize failures en route."

Ironically, while the memo mentions the need to speedily end sleeping car service, the recommendations of ICC Examiner John S. Messer, if accepted by the commission, would force the railroads to add sleeping and dining cars to passenger trains.

Messer, in a report issued last April 22, said the ICC should order the railroads to adhere to certain minimum service standards which the commission should set down. These would include sleeping and dining facilities on trains depending on the length of the run, speeds at least as fast as the fastest freight trains, air conditioning aboard passenger trains and other standards

OPPOSITION WIDESPREAD

The recommendations have understandably stirred widespread opposition in the rail industry which has been ending sleeping and dining cars—service over which the ICC has never previously asserted jurisdiction.

The ICC will consider during five hours of argument Wednesday whether the ICC can exert jurisdiction over such services—as Messer contends it should.

The railroads say they are eliminating these services—as well as whole passenger trains, themselves—because they no longer are required by the public. The industry says it lost $485 million last year operating passenger trains.

The railroads contend also the ICC lacks the power to set down standards for services aboard passenger trains.

OUR FOREIGN AND DOMESTIC POLICIES

Mr. **QUILLEN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. **QUILLEN**. Mr. Speaker, in this election, as in others, there are two basic issues: our foreign and our domestic policies.

The polls show that the American people are deeply concerned over the war in Vietnam and the violence at home.

There are other issues of course—the ever-increasing power of the Federal Government over the lives of our people, the failure of the farmer to enjoy the prosperity to which he is entitled, the needless waste in the administration of countless Federal programs, and the inflation that wipes out the paycheck of the man and the woman on a fixed income.

But the war abroad and the war in our streets are the issues that concern the American people the most.

And yet, in this great crisis, this Nation is all but leaderless. The President of the United States seems paralyzed by a failure of will. He is a confused, tired man who has failed to give the people the bold leadership that the times demand.

His handpicked would-be successor is also a confused man, a man who is openly contradicted by members of his own party, by the Secretary of State, and by the President himself, a man who is desperately trying to carry water on both shoulders, a man who—by trying to be all things to all men—is speaking with a forked tongue.

So the crisis of leadership that has brought this, the most powerful nation in the world, to the brink of domestic rebellion, would remain a crisis in the hands of the amiable but hapless man that Lyndon Johnson has chosen as the choice of his divided and dispirited party.

This Nation needs leadership that will restore the respect of the world and which will restore the confidence of the people at home.

Most of all, this Nation needs—and needs desperately—the kind of leadership that can unite us as a people—black and white, Republican and Democrat.

The Nation needs the kind of firm, confident leadership that deals with the enemy abroad and with the enemies at home.

There is such a man, fortunately, who can provide this leadership in this moment of a nation's travail.

Richard Nixon is that leader. No man in America is better qualified by experience and character for the position of President.

He has not made and will not make any wild promises, but Richard Nixon has said he would, as President, bring the war in Vietnam to an honorable conclusion and would—in the future—shift some of the burden of policing the world to our allies whom we restored to a position of economic health with our own tax dollars. We can rightly expect our allies to help us share this burden.

Richard Nixon can help unite us as a people by providing that kind of moral leadership that will inspire a dispirited people to work together for the common good.

Richard Nixon knows that the violence in our streets cannot be ended unless two steps are taken—first, and foremost, the suppression of the violence where it occurs and the prosecution of those who are responsible for that violence; and second, the elimination of some of the problems that lead a frustrated people who have been promised the moon on a platter to strike out in anger when their dreams are not immediately fulfilled.

Above all, Richard Nixon knows that order must be preserved at home and abroad, but Nixon knows also that imposing a police state upon people who have always cherished freedom is not the answer.

It is not enough to fill the streets of our cities with armed troops; it is not enough to talk tough.

Leadership in these times demands the kind of quiet, statesmanlike determination that a man like Richard Nixon can provide.

In 1960 Tennessee gave its votes to Richard Nixon and I feel confident it will do so again in 1968.

ANTIPOVERTY ANTICS

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, recently a New York City patrolman impounded a rented motor vehicle that had been overdue more than 24 hours. On conducting an inventory of possessions of the four occupants of the automobile, the New York Police found 105 Neighborhood Youth Corps checks which were made out to nonexistent persons and bearing forged endorsements. These checks were all in the amount of $38.82, totaling $4,067.10. On September 7, 1968, the New York Times reported that $300,000 in Neighborhood Youth Corps funds had been stolen in wide-scale and systematic pilfering.

If this incident were an isolated one it might be understood; however, the facts are that only 4 months ago the New York City authorities investigated allegations that millions of dollars had been stolen from the same Neighborhood Youth Corps program. The Congress has not yet, to my knowledge, determined what the facts were then, and apparently no steps have been taken to correct the deficiencies.

One has only to pick up the daily newspaper and read with monotonous regularity the details of scandals involving fictitious checks, payroll padding, embezzlement, and so forth, in federally funded programs. Perhaps the most prominent of these recently have been the Blackstone Rangers in Chicago, the local PRIDE, Inc., the New York City scandals, and the shortage of hundreds of thousands of dollars in the HARYOU Act program, which seems to occur annually.

Mr. Speaker, it is regrettable that while these situations are permitted to occur, we in Congress must ascertain the details from newspapers and other second-hand sources. During the past 12 months, Republican members of the House Education and Labor Committee have suggested, requested, and urged investigations of these and other matters in order that the committee and the House be apprised of the true facts. These requests and suggestions for hearings and investigations have been met with consistent denials.

Mr. Speaker, the time is long overdue for some constructive steps to be taken to ascertain the whys and wherefores of this wide-scale diversion and dissipation of antipoverty funds. We have been put on notice time after time that these frauds and scandals will persist unless and until responsible leadership and the necessary oversight is provided for these programs.

PHANTOM JETS FOR ISRAEL

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, the story in the New York Times on Sunday, September 15, of President Johnson's apparent decision not to sell Phantom jets to Israel is cause for alarm.

The threats to Israel have not ceased. The continuing Arab aggressive designs against her are overwhelming proof of her need for overwhelming strength. The House made its sentiment clear in adopting an amendment to the Foreign Assistance Act of 1968, which expressed the sense of Congress that the United States should sell Phantom jets to Israel, and there is a similar Senate amendment which is included in the conference report on H.R. 15263 which is scheduled to come before the House tomorrow.

The administration has a clear obligation to the security of our ally and to the views of the Congress. The administration has decided to provide jet fighters to Jordan, despite Jordan's part in the attacks on Israel.

It is urgent that we not fail Israel in this hour of continuing peril to her national survival.

HIGHWAY SPENDING CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. POFF] is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, Secretary of Transportation Alan S. Boyd has recently announced steps to reduce Federal-aid highway spending by $200 million during fiscal year 1969. This reduction in spending would be accomplished through the temporary deferral of submissions by the States for approval of new Federal-aid highway projects.

I question the administration's motives by including cuts in the highway program as a part of a $3.5 billion expenditure cut made necessary by provisions in the Revenue and Expenditure Control Act of 1968.

The highway program has nothing to do with the regular Federal budget. Its funds come from trust funds collected from motorists at the gasoline pump and other highway users. The unwarranted cuts in highway expenditures will delay the completion of safe highways—vitally needed as the crush of 90 million vehicles overtaxes older roads.

This is just another sample of the Johnson-Humphrey administration trying to fool the American people.

While talking about consumer protection, the administration is now cutting back on highway safety.

It is shameful to gamble with public safety and try to put highway program cuts over on the American people as prudence in Government. Safe roads should be of highest national priority and the money is there—it already has been paid by motorists and commercial highway users.

These funds come from a trust fund which is already available for the road-building program and the cancellation of this work would not in any way help in balancing the budget. It is necessary to keep a stable program in order that the thousands of State personnel and contractors' personnel involved in road building can operate efficiently. It took a long time for the State and contractors to build the organization required for the Federal-aid highway program. These people cannot be dismissed for 5 or 6 months and then be rehired without a tremendous loss of efficiency.

THE TRUCKING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. Schwengel], is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, the September 16 edition of the Des Moines Register carried a page-1 story on this legislation. The headline reads "A Humphrey 'No Comment' on Truck Bill." Replying to a written question submitted to him by the Des Moines Register and the Scripps Howard Newspapers, Humphrey declined comment. The Vice President's press secretary, Norman Sherman is quoted as saying the vice president has not taken a position. He said:

> He simply has no comment to make.

I am sending both the Vice President and Mr. Nixon the testimony and studies we have placed in the Congressional Record showing clearly the inadvisability of this legislation. I am asking both candidates to help in this fight.

I am rather surprised that the Vice President declines to take a position on such an important piece of legislation, involving safety on the Nation's interstate highways. I think both presidential candidates should be willing to stand up and be counted on this bill which has been lobbied so hard and effectively by the trucking industry and related groups.

I have read with some interest stories in the Register, Scripps Howard newspapers, Washington Post, and other newspapers which have reported the important involvement in the Vice Presidents' campaign of at least two men associated with the trucking industry. The Washington Post first reported that Mr. Neal Roach, a lobbyist for the American Trucking Associations, Inc., was the official director for a $500-a-plate fundraising dinner held July 31, 1968, by Humphrey's official campaign organization.

The day following the Vice President's nomination, I read that, at his request, Robert Short, owner of a large national trucking firm, had been appointed acting treasurer of the Democratic National Committee. In this role, Mr. Short now has principal responsibility in fundraising efforts for the Vice President's campaign.

I do not question Vice President Humphrey's personal integrity and do not imply that he is not in a position to take a stand on this legislation on the basis of its merits consistent with the public interest.

But in view of the revelations made so far clearly showing the trucking industry's attempt to influence legislation by a pattern of campaign contributions to Members of Congress most responsible for considering the legislation, I would hope the Vice President would want to consider this legislation most closely.

In view of the admitted attempts by the trucking industry to influence Congress it should be clear to the Vice President that more hearings and more evaluation are needed for the truck-weight bill.

The appointment at this time of Mr. Short as Mr. Humphrey's chief fundraiser is an unfortunate one. I expect that the Vice President, basically a very decent man, will do the right thing and replace Mr. Short. The Vice President should replace Mr. Short so as to remove even the shadow of suspicion from the minds of the public that the trucking industry is playing a dominant role in presidential campaign financing at the same time this industry is desperately trying to push through Congress a piece of controversial legislation which many highway safety experts regard as inimical to the public interest.

MOTORBUS INDUSTRY

Mr. Speaker, the motorbus industry has exhibited remarkable confidence in its ability to influence Congress to pass S. 2658. It has already secured from several State legislatures contingent legislation allowing 102-inch-wide buses to be used on State highways when Federal legislation permitting such buses to use the Interstate system is passed. They have also invested millions of dollars testing these buses, have ordered a sizable number to be made, and have made plans to make these buses operational by the end of the year. This, I feel, is indicative of the confidence this special-interest lobby has exhibited. To show you how the motorbus industry operates, I am including in the Record copies of the correspondence between myself and Mr. Gerald H. Trautman, president of the Greyhound Corp. I urge all to read this and take heed of it.

The material referred to follows:

THE GREYHOUND CORP.,
Chicago, Ill., September 3, 1968.

Re: Senate bill No. 2658.

Hon. Fred Schwengel,
House of Representatives,
Washington, D.C.

Dear Mr. Schwengel: There have been many irresponsible statements made concerning the above bill dealing with liberalized weights and measures for buses and trucks. It is, of course, disconcerting that certain newspapers, columnists, and organizations feel free to distort the facts concerning the above bill, but my point in writing to you is not to engage in a controversy with these people; rather it is to point out to you that in all of the recent furor over the bill the effect upon public passenger transportation in the United States has been completely overlooked. None of these opponents of the bill seem interested in the fact that this bill, which would permit the operation of larger buses over interstate highways, just as they are already permitted in certain states and in most metropolitan areas in the United States, would mean increased safety and decreased congestion on our interstate highways as well as increased comfort for the traveling public.

Greyhound, without any government subsidy, has developed a new larger bus which will be 102 inches wide, 40 feet long, and 12 feet high and which will be the safest bus ever produced. This bus on which Greyhound has already spent several million dollars is now in production, and it would be too bad to deprive the interstate traveling public of the comfort and convenience of this bus, to say nothing of the additional safety features which are listed on the attachment hereto.

Beyond this, I am sure you are concerned with the increasing congestion of our highways system. To the extent that buses such as ours are permitted to operate, they will contribute significantly to the reduction of this congestion.

Accordingly, I ask you to keep in mind when the above bill comes before you that a vote in favor of the bill will be appreciated by the 100,000,000 passengers which Greyhound carries every year, by the 125,000 Greyhound shareholders and by our 35,000 employees.

Respectfully yours,
GERALD H. TRAUTMAN,
President.

A WIDER BUS IS A SAFER BUS

Adding six inches to the width means:

Height can be increased to 12 feet.

Passengers and driver are raised above point of most collision impact.

Driver has better visibility, greater safety in case of head-on collision, reduced road splash and dirt on windshield and side windows in wet weather.

Lower center of gravity gives improved resistance to overturning and sidesway.

Stronger materials can be used—stainless steel for greater passenger protection, less structured weakening from corrosion.

Larger tires can be used—46 per cent more tires in contact with road for better steering control, greater skid resistance, more effective braking, improved road adhesion.

Larger brakes can be provided—68.8 per cent greater total brake shoe area—20.6 per cent greater effective brake shoe area per ton of gross vehicle weight.

Improved suspension—air suspension bellows can be located at extreme outboard points—2½ times farther apart than conventional buses; greatly improved stability—less sidesway; much higher resistance to overturn tendencies; improves steering; less "lean" or "roll" on curves and corners.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 6, 1968.

Re letter of September 3 regarding Senate Bill No. 2658.

Mr. Gerald H. Trautman,
President, the Greyhound Corp.,
Chicago, Ill.

Dear Mr. Trautman: I am particularly disturbed by your letter of September 3 for two reasons. First, the last paragraph seemed to contain a rather veiled and bald threat that I would be risking defeat at the polls if I voted my conscience and opposed the truck bill. You seem to imply that Greyhound's 100,000,000 passengers, 125,000 shareholders, and 35,000 employees will vote against any Congressman who choose to oppose the bill. This type of persuasion is an affront to the workings of the democratic system. It is the worst sort of pressure tactics and typical of the methods used by the trucking industry to railroad this bill through the Senate and through the House Committee.

Secondly, I am also dismayed at the confidence of the bus industry in its ability to make Congress follow its whims. It has come to my attention, both from testimony in the hearings and from other sources, that motorbus operators have already ordered a good number of these large 102 inch buses. I have noticed as well that New York, Maryland, and Virginia have passed legislation to permit the operation of 102 inch wide buses on their State highways "when" the Federal limit is raised to allow such vehicles on the Interstate system. Isn't this rather presumptive? Similarly, in a trucking publication, I observed the following caption under a picture of your new 102 inch "super-bus":

"Greyhound's new bus of tomorrow is undergoing exacting road and weather testing in the Far West. The 43-passenger bus is finishing a series of test runs across the Sierra Nevada Mountains between San Francisco and Reno, Nevada. It's next scheduled to begin road testing over a 112-mile desert route between Los Angeles and Las Vegas. The Supercruiser, six inches wider and a foot taller than other intercity buses, is *expected to become operational in Greyhound's four bus divisions later this year.*"

What remarkable clairvoyance into the minds of the Members of the Congress your company seems to exhibit! You seem to be telling us because you have had the gall to go ahead and spend several million dollars in research and have now begun production that we should rubber-stamp your decision. The Congress simply does not operate this way.

At present, as we both know, these buses are allowed to operate in less than a dozen States. What are you going to do with these intercity buses if Congress does not see fit to pass this legislation?

Mr. Trautman, to put it mildly, I am appalled at the operating procedures the motorbus industry seems to be employing. You appear to irrevocably commit yourselves to an expensive course of action and then assume you can bend the arms of Senators and Congressmen, as well as State legislators, to ratify your calculated gamble and turn it into a self-fulfilling prophecy. I can only say that I think the tactics and procedures you have exhibited are deplorable.

With warmest regards,

Sincerely yours,

FRED SCHWENGEL,
Member of Congress.

FREEMAN AIMS AT STATISTICS, NOT HUNGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. BATTIN] is recognized for 10 minutes.

Mr. BATTIN. Mr. Speaker, we hear much about raging hunger in the United States lately, but if an incident in my State is indicative of the nationwide problem, this issue is grossly overrated. It is now 4 months since the Citizens Board of Inquiry into Hunger and Malnutrition in the United States reported that thousands of people were starving in 256 counties in America. The repercussions of this counterfeit report continue. This report was the result of a Washington-conducted study by a committee named by United Auto Workers president, Walter Reuther. It was unofficial and undocumented—in fact, the authorities in nearly every county named repudiated the findings.

Secretary of Agriculture Orville Freeman, however, evidently took the report as the unblemished truth and instead of acting, he reacted—No he overreacted.

Now the Department of Agriculture does have the facilities to distribute food to needy families and Congress has provided funds for this purpose. Freeman has been in office for 7½ years—surely time enough to understand his responsibilities. Notwithstanding his long tenure in this office, he did not know whether there were indeed 256 counties where hunger was rampant. In the wake of the Reuther report, USDA sent out officials to set up free food programs in those counties which were supposed to be suffering. It did not make any difference that Federal food stamp and commodity distribution programs were at work in most of those counties already. If Walter Reuther said there were hungry people there, it must be so.

I know for a fact that one of those counties did not need free food, did not want food stamps, and was capable and willing to handle the problems of any needy people who resided there. Wibaux County, Mont., was earmarked as a needy county by a group of people who were so sure of their conclusions that they did not even visit the area or contact the county authorities. And Orville Freeman accepted the Reuther committee report over the words of the county commissioners, county health officers, Gov. Tim Babcock, and the congressional delegation. So positive was the health officer, Dr. Clarence A. Bush, that there was no incidence of hunger in this county, he offered a $100 reward to anyone who could prove this case. No one has called for that reward after 4 months.

A few days after the Reuther report was issued, Wibaux County officials were visited by Mr. Charles M. Ernst, western director of the Consumer and Food Marketing Service.

Mr. Ernst notified county commissioners that a food distribution center would be set up in the town of Wibaux and asked for their help.

The county commissioners, all longtime residents of the county and personally familiar with almost all of the 1,700 other residents, informed Mr. Ernst that they were perfectly capable of handling any welfare needs under their jurisdiction.

Then the clincher was delivered by Ernst: If the county refused to take part in the program, Federal employees would be brought in to distribute the free food without their help.

Being reasonable men, though not overly awed by the authoritative manner of Mr. Ernst, the commissioners asked for a study of the county to determine if food handouts were needed. They wanted to prove that the Reuther report was erroneous, but Ernst declared that the way to tell if the food was needed would be to establish a distribution center and see if anybody applied for assistance. He assured the commissioners, though, that the timing of the Reuther report to the arrival of the free food was coincidental and had nothing to do with USDA's decision that Wibaux needed hunger help. This quote came directly from an Associated Press report of the meeting between Ernst and county commissioners:

> Ernst told the group that the decision to set up a food distribution program in the county was a mandate from Washington, D.C., and he would do so with or without local assistance.

Ernst and Freeman did not have their stories straight.

In a letter to Gov. Tim Babcock, August 21, Freeman said his department was not responsible for Wibaux' designation as a hunger county.

> It was designated a hunger county in the report last spring by the Citizen's Board of Inquiry into Hunger and Malnutrition in the United States—

Freeman's letter to Governor Babcock said.

But Mr. Freeman was more pleasant than Ernst. He told the Governor that Wibaux did not have to have a commodity distribution if the county did not want one. His Department "would be pleased to consider a request for food stamp participation."

County commissioners did not want a food stamp program, they do not want the commodity distribution program and they resent the inference that county welfare was neglecting needy families. Their wishes meant nothing to the Department of Agriculture because Freeman is determined to show the world that nobody is hungry in America.

Need is obviously not the important factor in Freeman's decision on local food handouts. He is more impressed by the number of programs in existence. In April, he bragged that there were only 1,200 surplus food programs in the United States when he became Secretary in 1961, but today 2,200 counties—two-thirds of the Nation's 3,091 counties—are receiving assistance from the Department. If the trend established in Wibaux is continued throughout the Nation, there will be a free food office in every county and then the Reuther report will be answered. It does not seem to matter that not every county in the Nation needs a program. Wibaux certainly did not.

While Freeman was offering a food stamp program to Wibaux County, a request for food stamps from another county was rejected by USDA. Glacier County commissioners were notified that their application for a food stamp program that had been sent to Washington 16 months earlier had been disapproved. Maybe what Wibaux should have done was apply for the program to throw the free food crusaders off track.

I do not think Wibaux' problem is unique. As a matter of fact, it reminds me of another anecdote of overzealous charitable actions. It seems an enthusiastic Boy Scout was scolded by his scoutmaster for helping a little old lady cross a busy intersection. The trouble was she did not want to cross the street.

CONGRESSMAN MORTON SPEAKS TO GOVERNORS' CONFERENCE ON THE CHESAPEAKE BAY

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, last Friday our colleague from Maryland, the Honorable ROGERS MORTON, addressed the Governors' Conference on the Chesapeake Bay at the luncheon session. The purpose of the conference, held under the auspices of the Wye Institute, in Queenstown, Md., was "To lay a foundation for the orderly development of Chesapeake Bay."

Mr. MORTON, a member of the Committee on Interior and Insular Affairs, is a student of the environment and a long-time advocate of conservation and preservation of the Bay. His address to the Governors' Conference follows, and I commend it to the attention of my colleagues in the Congress:

Statement of the Honorable Rogers C. B. Morton for the Governor's Conference on the Chesapeake Bay, Friday, September 13, 1968

To Participants in the Governor's Conference on the Chesapeake Bay:

On this occasion of our taking a great step toward controlling the gradual erosion of the wealth of resources which the Chesapeake Bay represents, I greet you and commend you, for it is you who will shape the future of our Bay Country.

Mr. Nelson, Director of the Wye Institute, Mr. Ellerman, Conference Chairman, distinguished speakers, participants and guests of the Conference—it is indeed an exciting opportunity for me to be here and to have the honor of addressing so distinguished an audience. I know I speak for Governor Agnew in expressing his gratification for the privilege to sponsor this most significant meeting.

The Chesapeake Bay, to me, is far more than just a geographical or geological entity. The Bay is one of the unique estuaries of the world. It is truly a Mediterranean of America. It has a marked effect on the lives of those of us who live near it and who consider ourselves inhabitants of the great Bay Country.

Though Maryland and Virginia share most of its reaches, the drainage area of the basin extends far into Pennsylvania, New York and West Virginia. In terms of its splendor, its utility, its productivity and its vitality, to the nation and to all Americans, the Bay is an object of great pride and untold value.

Civilization around the Bay and in the far-flung area of its basin has reached a point where some hard decisions must be made, if truly the vitality of the Chesapeake is to be saved and preserved. The stated purpose of our meeting today is "To lay a foundation for the orderly development of the Chesapeake Bay." There can be no more noble purpose.

The strength of this foundation and its worthiness to serve future generations will reflect the courage which we find within ourselves to make the decisions and carry out plans of action required by our decisions. The very fact that you are here speaks to your dedication to the proposition not only of orderly development, but of conservation of this great resource in its true and complete sense.

To each of you, personally, may I express my gratitude, and that of my fellow citizens, for your willingness to tackle the fundamental task that lies before us in our time. If it were not for you and your past performance, there would be no one here with the skill or competence to lay any kind of foundation for the orderly development of the Bay.

I feel comfortable in your presence. I cannot help, as I reflect on your accomplishments, to face the situation in which we find ourselves at the moment with a fair degree of optimism.

The Bay is different things to different people. To commerce, it is a means of transport. To the commercial fisherman, it is his living. To the sportsman, it is a great and wonderful opportunity for outdoor experience. To all men, though some may be little aware of the Bay's role in the total scheme of nature, it is a vital link in the cycle of regeneration of life—life which is paramount to the existence of man.

As we move into higher orders of life and become more engrossed in our technological and material world, we become prone to forget that our survival, our very existence, depends on the miracles of nature, occurring continuously in the surface environment of this planet.

Though the Bay has a different meaning for the fisherman, the hunter, the sailor, the artist, the ship captain, or the city dweller who finds a sense of peace as he contemplates its waves, its sunsets, or its wistful moods—to all these, and all who live near it, and to the literally millions who never see it—it is a convenient dispose-all.

Since the time of John Smith, men who have carved a life from the Chesapeake and its neighboring lands have used it as a giant waste basket. Until now, some 360 years later, the dumping of man's waste into the tributaries and into the Bay itself has not been accompanied with any overriding sense of guilt on the part of the public. Rather, it has been accepted as standard procedure.

Man has changed the Bay's configuration by cutting new channels; man has changed the integrity of its shoreline by filling in marshes and wetlands. He has stood by to watch literally hundreds of acres a year of highland flop into the water—highland that has been stripped of nature's ingenious protective bulkheads by those anxious to till the last inches of soil or to have a view unobstructed across the water. What they couldn't sell or couldn't use, factories from the Virginia Capes to the Appalachia of New York, Pennsylvania and West Virginia, have poured into the streams and into the Bay.

If we were to make an award here—if we were to present a citation to nature for a near-victory in her struggle of resistance against the works of man, I hope this Conference would vote unanimously the Chesapeake as the recipient. The valiant way in which the vast ecology in the waters, in the marshes, on the land, and even in the sky, has fought against the poison of pollution and man's rank disregard for the living values makes one stand in awe of the power of nature.

Frankly, I hope to a degree in the heart of every citizen we can develop a sense of guilt, in light of the fact that we who have been given so much from God have done too little to take care of it. Part of the American sense is to right what is wrong. Broad-based motivation of the American public, when it focuses on a job to be done, becomes virtually an irresistible force. I believe you and I, and many others in the politico-governmental complex, are beginning to feel the heat of this force on the backs of our necks.

This universal urge for action—this demand for performance—heralds the beginning of a new age in our civilization: the age of conservation. There should be joy in all our hearts that we are living in a time of a new dawn in man's trusteeship of his environment. In this new age the stakes are high, the issue is survival. Especially and specifically, you who are already totally committed to the proposition of saving this great resource should be excited about your developing ally—public support.

For the Chesapeake, where do we go from here? First, before we attack this basic question, let us review the problem and our accomplishments to date.

There is nothing new in the way of input or criteria as far as the problem is concerned. We are simply faced with more of it, much of which has the insidious characteristic of being accumulative. This is a simple result of more people, who are themselves each day becoming more sophisticated in their material demands. We must have more ships; we must have more power; we must have more chemicals; we must increase our farm production through the use of pesticides, insecticides, fungicides, rodenticides, weed killers, fertilizers, and all the rest. These things are part of the American scheme.

In fact, we use more than 700 million pounds of synthetic agricultural chemicals, of 45 thousand varieties, in this country annually. I am sure the Chesapeake gets its share of the run-off. This volume is expected to increase ten-fold in the next twenty years.[1]

Many of these poisons persist forever in the environment, and their concentration builds up geometrically as they progress through the food chain. We even now find DDT residue in the penguins of Antarctica and the reindeer of Alaska, in the seals and fish caught in remote areas of the Pacific Ocean. We face the stark reality that one part of DDT in one billion parts of water will kill blue crabs in eight days.[2]

We face the constant increase of leachate, a liquid product of decomposition of refuse which works its way into our streams and tributaries. In many respects, leachate is worse than sewage. When its iron content is high, it turns streams an orange or red color. It is a great oxygen consumer, denying this vital element to fish and plant life which we want to preserve.[3]

We are dealing with heat and its effects. We are dealing with noxious weeds. We are dealing with processed, unprocessed and semi-processed sewage. We are dealing with storm run-off, accidental oil leaks, chemical discharge and all the rest of the by-products of man and his civilization as they find their way into the Bay and begin to twist the balance of nature.

We are dealing with erosion. Shore erosion is not choosy as to where it takes its toll—on private lands—public lands—in this county or that state.

One day a prominent State legislator stood with me on a narrow strip of land between a road and the Bay. After looking at the shore, which was perceptibly moving inland, he said with no apparent sense of concern, "When I was a boy, this little strip of land was a forty-acre farm. Now, in another year or so, the road will be gone."

So we are dealing with a system of property management that has no guarantee for the metes and bounds of the Bay. In my home town, you have to have a permit to build a new back porch. I wonder if there were once a permit issued which said, "You have our permission to let Herring Island wash away." It did.

More troublesome, we are dealing with a complex of political forces and realities which become snares and road-blocks to the orderly procedure of the scientific method, or even the implementation of the simplest commonsense solutions. There is always the boiling pot of conflict among group interests, most of which become utterly superficial when examined in the light of the basic issue—man's own survival.

But, inevitably, the result, when it comes to action, is compromise. Compromise, when it comes to the Bay, is the halfway-house to surrender. The end point of our failure is simply pushed forward to another page on the calendar. Still out in front of us or our grandchildren there is a stake driven deep in our path to the future that says, "Beyond this point the Chesapeake is dead—forget it."

Let us not hope for a magic wand or a fairy godmother who will, some dark night, say these things won't exist and all the people can rejoice because the Bay is clean again. That just won't happen.

In the cold light of analysis, I think we can accurately and truthfully say the system we have employed thus far in managing the resources has been inadequate, and must be revised. In terms of time, we are reaching a very critical point. In the same cold, analytical vein, we can say time is not on our side. The Bay has undergone more change in the last century than in all the time since its discovery, and perhaps in most of the time since its geological history.

---

[1] Senator Gaylord Nelson, "The National Pollution Scandal," *The Progressive*, vol. 31, no. 2, February 1967.

[2] *Ibid.*

[3] Harold P. Koenig, "Pollution Is Winning Its War Against Society," Ecological Science Corporation, Miami, Florida, June 17, 1968.

Let us not be discouraged at the prospect of the job ahead. Some of the hurdles have already been crossed.

To our credit, we have a fair storehouse of knowledge, based on practical observation, scientific research and an application of scholarship to the environment. To you must be given the thanks for your persistence and devotion to duty. With your know-how and technological experience, the proposition before us is realistically do-able.

You have not fought your battle for nothing. The agencies, both private and of government, which have homed in on the problems of their special interests have performed work of great value and developed essential information. Most of all, you and your brothers-in-purpose have provided through your skills and applications some very precious time.

Left, of course, is the question, are we as a people willing to accept the discipline and knuckle down to the sacrifices and hard work required? Let us have the confidence to accept only an answer in the affirmative. This faith we must have.

My job—the Governor's job—and the job of every politician—is to lead others to the realization that on this planet and in this civilization, there is no alternative to man's survival than to accept the realities of conservation.

To what we already know and what we are already doing, we must add a system of management which will develop total involvement of all interests represented and all levels of government—counties, cities, states and federal—for the whole basin.

In my concept of the Chesapeake Bay Hydraulic Model and Technical Center, the underlying purpose is to provide a working tool and a means of establishing a closer relationship among all those involved with the problems of an estuary in a state of transition. We must move from a position behind the fact to a position in front of the fact. What we have done is history. What we are about to do may be catastrophe. But here the options are open. Here there is a choice. Here there is a management opportunity.

Let's provide ourselves with every useful tool to guide our decisions. The Center and Model is one of them. Here will be a work center for planning, testing, monitoring and evaluating. Here will be a common ground for processing of ideas and resolution of conflicts in interests. From here will come a report card on how we are doing. For the Bay, this must be.

If you insist on terms of cost-benefit, should we build the Center and Model? What is the Bay worth? Let us just capitalize the fishery only on a 50-year basis, at a conservative estimate of $100 million a year. Under this simple formula, we have an astronomical economic stake of $5 billion. The cost of the Model and Center is less than one-fourth of one percent. I know the Corps of Engineers can do the job. Without hesitation, and with no political overtones, I ask for your support and collective demand that this project, now authorized by Congress, be completed as soon as possible.

To save the Bay, I am convinced we have the talent; I think we have the knowledge, and if we don't, I am confident we can develop it. We do not have a comprehensive plan. We do not have an integrated organization, and we are not applying the total energy required to bring this estuary, the Chesapeake Bay, into a functional concept of control and discipline which will allow it to bloom and provide for man the best opportunity for the pursuit of his many interests.

Undoubtedly, it will be necessary to cross historical barriers and reach for new ideas in regional management and regional planning. Beyond the present basin pact concept, there has been relatively little hard-line regional planning that will result in the disciplines required to preserve the Chesapeake.

The impact on the Bay of urbanization, industrialization, community development and recreation cannot be dealt with separately, but must be measured carefully in terms of the overall environment. In short, we must come up with a plan—a plan in which orderly development is concurrent with preservation and conservation.

We must hang the responsibility for this plan directly on an authority which either exists or must be put into existence, and which has the capacity, as well as the prestige, to make it stick. The plan must pull no punches. It must point out "where it's at," and "tell it like it is."

Orderly development of the Bay will not have to wait for new technologies. Let us not be delayed because there is a lack of courage on our part, or the part of any agency of government or its leadership.

Concurrent with planning and the establishment of management disciplines must be the education process. I believe we have reached a point in time in our civilization where part of the regular curriculum in our public education system must deal in depth with the environment and with conservation. Maryland could well take the leadership in designing these environmental studies. Whole new worlds would be opened to the young and growing mind. These new avenues of knowledge can lead to a future compatibility of man and nature essential to man's destiny as an earth-being.

Civilizations which have preceded us have fallen, in many cases, because the management of their environment became inadequate for their support.

If this Conference can come forward with a course of action expressed in simple terms, with a well-articulated demand for integrated management, with a demand on government at all levels that has no loopholes, that has no back-door—but presents to the people the limited alternatives of the solution—then we will have truly laid a foundation for the orderly development of the Chesapeake Bay.

If, in our time, we can find the energy to build on this foundation with all our energy, motivated by the freedom of our society and the tremendous American will to accomplish—the environmental integrity of the Chesapeake Bay stands a chance for survival.

ERA OF THE VETERAN

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, as vice chairman of the Committee on Veterans' Affairs and a member of that committee for almost 20 years, I wish to commend this administration for a record of unsurpassed service to the American veteran.

Five years of steady progress toward a better way of life reflects the record of the Johnson administration. While every American citizen has shared in these great strides forward, the veterans of this country have received especially compassionate consideration.

Realizing the great contributions made by these men who answered their Nation's call for help, President Johnson has done more than just provide benefits. The programs he has advocated have been shaped to the future and the important role veterans will play in our society tomorrow.

Just the benefit adjustments have been most impressive. Service-disabled veterans have realized two very substantial increases in compensation payments.

Veteran pensioners also have been rewarded with increases in their benefits.

GI bill benefits have been provided to post-Korean veterans.

Hospitalization has reached a new level of excellence—over 760,000 veterans were treated by VA last year, an increase of more than 150,00 in just 10 years.

Fifteen hospitals have been built, or are now under construction—as many as were built in the 10-year period before the Johnson administration.

In all, some 40 new laws have been signed by the President in the past 4 years that directly affect the veterans of this Nation.

Along with these much-needed revisions and expansions in the field of benefits, the administration has formulated new concepts of the service that the Government should render its veterans, and an understanding of the integral role the veterans of this Nation can play in the revitalizing of our society.

These concepts began at the White House and have been extended all across the country. First, the President made sure that "service" was not just another word to Government employees. He saw to it that devoted and truly helpful service was rendered to veterans.

The President's concern did not end with his signature on new laws. He was determined that every veteran should know his rights and benefits, and be able to use them as soon as possible.

At his direction, the Administrator of Veterans' Affairs set up a program of extensive counseling. VA representatives were sent to Vietnam to advise and counsel men about to be discharged from service.

Young men could return from combat and go directly into college under the GI bill. They knew the facts about buying a home with a GI loan. And if they were eligible for compensation or other veteran benefits, the papers were prepared in Vietnam to expedite their VA claim back to the United States.

At every separation center and military hospital, VA counselors moved in to help soon-to-be veterans.

U.S. Veterans Assistance Centers have been established in major population centers—providing a one-stop service where the veteran can be helped with not only his VA benefits—but benefits offered by all other Federal as well as State agencies. For the first time in veteran history the benefit has sought the veteran.

The constant struggle to improve the quality of care has become evident in all veterans hospitals. New methods, new techniques and new medicines have been used to the fullest degree as VA hospitals extended their affiliations with the Nation's top medical schools. The establishment of a new nursing care program freed hospital beds and provided the type of care each veteran required. Concurrently, the VA hospital waiting list, which only a decade ago numbered some 30,000, has now been reduced to slightly over 3,000 here in the United States.

Research has become an important part of VA medical facilities. The budget for research has climbed steadily.

The President has sought a new role for our veterans. He has proposed a program whereby educational eligibility and increased benefits will reward those veterans who choose a career in teaching or in other vital jobs. The proposals provide a combination of meaningful service for our veterans with the upgrading of our country's economic and social capabilities.

The search for new ways to help veterans has been continuous. For example, a new law signed recently by President Johnson will enable disabled veterans to take part-time rehabilitation training. Until the passage of this law it was an all or nothing affair, with many of the disabled unable to take advantage of the provisions for such training because of family obligations. Now, while maintaining their family responsibilities, they can train part-time for a new job which will provide a better way of life.

There has been a constant weighing of needs. For example, the President ordered a "ground up" study of the whole veterans benefit system. The Administrator of Veterans Affairs appointed a special commission to study the problem. The U.S. Veterans Advisory Commission traveled all over the country holding public meetings at which they heard hundreds and hundreds of witnesses. The commission has filed its report, and action has been taken already on some of the most pressing recommendations. No doubt future Congresses will use the report as a basis for formulating new legislation for our veterans.

The Johnson administration has truly created the "Era of the Veteran."

Where there was a wrong, it has been corrected. Where there was discontent, the problem has been vigorously attacked and solutions worked out. Where changes were needed, they have been made. Where inequities existed, they were rectified. Where new laws were needed, they were enacted.

Based on the solid foundation built by the Johnson administration, America's veterans can look to the future with confidence that the Nation's obligation to them will continue to be fulfilled.

THE ADMINISTRATION CELEBRATES NATIONAL HIGHWAY WEEK BY STOPPING THE FEDERAL-AID HIGHWAY PROGRAM

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, the latest highway cutback of $200 million in spending—the third in less than 2 years—was announced last Monday. Under this particular cutback, no Federal-aid project for highway construction or right-of-way acquisition will be approved for a period of nearly 3 months, a period in which there would normally be about $1 billion obligated by the States.

This complete stoppage of the Federal-aid highway program is outrageous. It flagrantly violates the intent of Congress. It will cause irreparable damage to the Federal-State "partnership" program and those involved in it: the State highway departments, the contractors, the suppliers of equipment and material, and their employees. Under previous cutbacks the program continued although at a reduced level. The States could under previous cutbacks still proceed with contracts for the most urgently needed, highest priority projects—as determined by the States.

The latest cutback—put into effect without consultation with or prior notice to the State highway departments—will delay all new projects—all $1 billion in obligations in order to accomplish an actual spending cut of $200 million. It leaves no discretion in the State highway departments to proceed with urgently needed projects. This means that some States will have to bear a disproportionate share of the cutback depending upon each State's program and work schedule. The cutback will be particularly damaging in the Northern States, which have short construction seasons and would now be at the height of their contract awards.

In the Northern States, where weather prevents highway construction work in the winter months, it is the general practice to award highway contracts in the late summer or early fall so that work can commence the following spring. This enables the successful bidder to plan the job, gather the needed personnel and equipment, and order material so as to be ready to proceed as soon as weather permits. Stopping the award of all Federal-aid contracts from September to December will completely disrupt this orderly process.

This will not only damage the highway program, it may very well put many small contractors out of business. Smaller contractors simply cannot afford to carry a payroll and continue to make payments on expensive equipment over the winter months unless they know they have contracts and jobs to begin in the spring.

Mr. Speaker, the Congress expressed its will clearly and unmistakably in the Federal-Aid Highway Act of 1968. Section 15 of that act provides in part:

> It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government. . . .

Despite the enactment of this provision, less than 3 weeks after the President signed it into law he directed that apportioned Federal-aid highway funds be "impounded or withheld from obligation."

Mr. Speaker, there are people in this country who believe that they can simply ignore and flout laws with which they do not agree. It is astounding to me that the President of the United States of America could follow this practice.

Before entering into the execution of his office the President took the following oath:

> I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

Among the duties of the President, as prescribed by the Constitution, is that "he shall take care that the laws be faithfully executed." In spite of this, the President has deliberately acted contrary to the express statement of Congress that existing law prohibits doing what he has done.

Furthermore, stopping the expenditure of $200 million of Federal-aid highway funds during fiscal year 1968 is not responsive to the purpose of the Revenue and Expenditure Control Act of 1968 that the Government general fund deficit be reduced. All Federal-aid highway expenditures are made from the highway trust fund, which fund is financed from highway user fees. At the present time, because of prior cutbacks made in the highway program by the Johnson administration, there is a substantial unexpended balance in the highway trust fund. Under existing law, the highway trust fund can be used only to carry out the Federal-aid highway program and for administrative expenses of the Bureau of Public Roads. Thus, by stopping new highway construction, no funds are released for other governmental expenditures—except through short-term borrowing. The cutback has no relationship to the President's budget, the general fund deficit, or the national debt.

Not only is this cutback contrary to law as expressed by the Congress, unresponsive to the congressional direction for reduction in governmental expenditures, detrimental to State highway departments, contractors, suppliers of equipment and material, and their employees, but it is clearly in derogation of the public interest. The sudden stopping and later starting of highway construction makes it impossible for the highway construction industry to properly plan and efficiently carry out highway construction, which increases the cost of highways paid for by the public. The unnecessary and unjustified delay in highway construction deprives the motoring public of needed highway improvements. This delay can be measured in the loss of lives, personal injury and property damage by failure to timely eliminate traffic hazards and by the loss of millions of dollars to the national economy by perpetuating higher transportation costs through continued use of inadequate roads.

On Friday, September 13, 1968, the same week that the highway cutback was announced, the President issued a proclamation proclaiming the week beginning September 22, as "National Highway Week." In the proclamation the President urged "Federal, State, and local officials, as well as highway industry and other organizations, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our Nation." The President did not define "appropriate ceremonies," but I would think few people would place another highway cutback in that category.

In his proclamation, the President described efforts to improve the quality of highway transportation, and stated:

> In all these endeavors, we are working in partnership with State and local governments in the finest tradition of democratic government. The achievements of this partnership should be recognized by every American who benefits from them.

Beautiful, glowing words. I do not believe that I can imagine anything more cynical than using these words in a Presidential proclamation less than a week after completely stopping all new projects in the Federal-aid highway program for a period of several months, without consultation with or prior notice to the highway departments—the State "partners."

Mr. Speaker, I have urged the Federal Highway Administrator to attempt to work out some method whereby the States can proceed with those projects which they feel are the most urgent and have the highest priority. Since the objective of this particular cutback is to reduce expenditures during fiscal year 1969, I see no reason, if the administration insists on this cut, why the States should not be permitted to advance the Federal financing for priority projects and proceed to construct them with the understanding that vouchers for such expenditures made by the States in fiscal year 1969 will not be reimbursed to the States by the Federal Highway Administration until fiscal year 1970.

Mr. Speaker, the highway cutback clearly violates the intent of Congress as expressed in the Federal-Aid Highway Act of 1968. If the cutback is not eliminated it may be necessary for the Congress to speak more specifically on the subject. In the meantime, recognizing the fact that the Federal Highway Administrator is simply following the orders of the President, I hope that the Federal Highway Administrator can find some way to lessen the adverse impact of the cutback within the framework of those orders.

This cutback, on top of the $600 million obligation authority cut still in force for calendar year 1968, of which $300 million must still be cut during 1968, with this $1 billion in obligations means nearly a $1.3 billion cut in the balance of time through December 1, 1968, and coming as a complete stoppage is contrary to other cuts which were cuts in obligations and can do irreparable harm.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Rivers, for today and the balance of the week, on account of official business.

Mr. Hosmer, from 3 p.m. September 17 through September 27, on account of official business.

Mrs. May (at the request of Mr. Gerald R. Ford), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Eshleman) and to revise and extend their remarks and include extraneous matter:)

Mr. Poff, for 10 minutes, Monday, September 16.

Mr. Schwengel, for 1 hour, on September 16, 17, 18, 19, and 20.

Mr. Battin, for 10 minutes, September 16.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Harsha to extend his remarks on H.R. 18033 following those of Mr. Miller of Ohio.

Mr. Poff and Mr. Rogers of Colorado to extend their remarks immediately preceding the passage of H.R. 18100.

Mr. Harrison to extend his remarks prior to passage of H.R. 13797 and H.R. 15245 during the Consent Calendar today.

Mr. Lipscomb immediately preceding the passage of H.R. 10256 on the Consent Calendar.

Mr. O'Hara of Illinois to extend his remarks prior to the passage of the bill, S. 3671, on the Consent Calendar today.

Mr. Monagan following passage of S. 3671 on the Consent Calendar.

Mr. Pepper to extend his remarks prior to the rollcall on H.R. 551, today, and to include extraneous matter.

Mr. Don H. Clausen in two instances and to include extraneous matter during debate on H.R. 18826.

(The following Members (at the request of Mr. Eshleman) and to include extraneous matter:)

Mr. Zwach.
Mr. Findley in four instances.
Mr. Curtis.
Mr. Rumsfeld.
Mr. Scherle in two instances.
Mr. Teague of California.
Mr. Byrnes of Wisconsin.
Mr. Lukens in two instances.
Mr. Bray in two instances.
Mr. Biester.
Mr. Morse of Massachusetts in two instances.
Mr. Ashbrook in two instances.
Mr. Kuykendall.
Mr. Quillen in four instances.
Mr. Meskill.
Mr. Wyman in three instances.
Mr. Miller of Ohio.
Mr. Schadeberg.
Mr. McDonald of Michigan.
Mr. Derwinski in three instances.
Mr. Watson.
Mr. Broyhill of Virginia in five instances.
Mr. Cowger.
Mr. Hosmer in two instances.
Mr. Shriver in two instances.

(The following Members (at the request of Mr. Charles H. Wilson) and to include extraneous matter:)

Mr. Vigorito.
Mr. Long of Maryland.
Mr. Moorhead.
Mr. Vanik.
Mr. Corman.
Mr. Fisher in two instances.
Mr. Podell in two instances.
Mr. Machen in six instances.
Mr. Reuss in six instances.
Mr. Philbin in two instances.
Mr. Rodino.
Mr. Gallagher.
Mr. Carey in three instances.
Mr. Edmondson in two instances.
Mr. Udall in two instances.
Mr. Pucinski in 12 instances.
Mr. St. Onge in two instances.
Mr. Garmatz.
Mr. Bingham.
Mr. Gonzalez in three instances.
Mr. Helstoski.
Mr. Jones of Missouri.
Mr. Hagan in three instances.

SENATE BILLS JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 880. An act for the relief of Miloye M. Sokitch; to the Committee on the Judiciary.

S. 2896. An act for the relief of the estate of Captain John N. Laycock; to the Committee on the Judiciary.

S. 2999. An act to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries; to the Committee on the Judiciary.

S. 3254. An act to amend title 18, United States Code, relating to conflicts of interest, with respect to the members of the District of Columbia Council; to the Committee on the Judiciary.

S.J. Res. 100. Joint resolution to create a commission to study the bankruptcy laws of the United States; to the Committee on the Judiciary.

S. Con. Res. 11. Concurrent resolution on National American Indian and Alaska natives policy; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 206. An act to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes;

H.R. 9362. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes;

H.R. 10482. An act to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations;

H.R. 13669. An act to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims;

H.R. 14005. An act to authorize the disposition by the city of Hot Springs, Arkansas, of certain property heretofore conveyed to the city by the United States, and for other purposes;

H.J. Res. 1299. Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week";

H.J. Res. 1371. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes; and

H.J. Res. 1404. Joint resolution authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week."

SENATE ENROLLED BILLS SIGNED

The **SPEAKER** announced his signature to enrolled bills of the Senate of the following titles:

S. 20. An act to provide for a comprehensive review of national water resource problems and programs, and for other purposes; and

S. 1004. An act to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee did on September 13, 1968, present to the President, for his approval, bills of the House of the following titles:

H.R. 10573. To provide authority to increase the effectiveness of the "Truth in Negotiations Act";

H.R. 10911. To provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds;

H.R. 11552. For the relief of certain property owners in Tate County, Miss.;

H.R. 11782. To authorize and direct the Secretary of the Interior to accept allotment relinquishments, approve a lieu allotment selection, and issue appropriate patents therefor to the heirs of Dolly McCovey;

H.R. 14205. To provide for the dispostion of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket No. 21, and for other purposes;

H.R. 15268. To authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes;

H.R. 16211. To provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indians Claims Commission docket No. 276, and for other purposes;

H.R. 16402. To provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket No. 337, and for other purposes;

H.R. 16880. To authorize the Secretary of the Interior to consider a petition for reinstatement of oil and gase leases (BLM-A-068348 and BLM-A-068348(C));

H.R. 17780. To direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea; and

H.R. 18146. To amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy.

ADJOURNMENT

Mr. **CHARLES H. WILSON**. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 17, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2201. A communication from the President of the United States, transmitting a draft of proposed legislation to further amend Reorganization Plan No. 1 of 1958, as amended, in order to change the name of the office established under such plan, and for other purposes (H. Doc. No. 383); to the Committee on Government Operations and ordered to be printed.

2202. A letter from the Administrator, Veterans' Administration, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, pursuant to the provisions of 31 U.S.C. 665(i)(2); to the Committee on Appropriations.

2203. A letter from the Secretary of the Army, transmitting the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement for the period January 1 through June 30, 1968, pursuant to the provisions of section 804 of Public Law 90-110; to the Committee on Armed Services.

2204. A letter from the Comptroller General of the United States, transmitting a report on the need for more realistic minimum wage rate determinations for certain federally financed housing in Washington metropolitan area, Department of Labor; to the Committee on Government Operations.

2205. A letter from the Comptroller General of the United States, transmitting a report on the need for timely and effective resolution of appraisal problems in the State of Ohio, Federal Highway Administration, Department of Transportation; to the Committee on Government Operations.

2206. A letter from the Comptroller General of the United States, transmitting a report on the need to improve reviews of drawings and specifications prepared by architect-engineers before solicitation of hospital construction bids. Veterans' Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee of conference. H.R. 5910. An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma (Rept. No. 1894). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Utah:

H.R. 19782. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. CORMAN:

H.R. 19783. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. FLOOD:

H.R. 19784. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 19785. A bill to amend the Fair Labor Standards Act of 1966 to clarify the exemption accorded mechanics in certain nonmanufacturing establishments; to the Committee on Education and Labor.

By Mr. RARICK:

H.R. 19786. A bill to authorize the purchase of agricultural commodities under section 32 without charge to a quota; to the Committee on Agriculture.

By Mr. UDALL:

H.R. 19787. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 19788. A bill to amend section 6101 of title 5, United States Code, relating to workweeks and workdays of Federal and District of Columbia employees; to the Committee on Post Office and Civil Service.

By Mr. BARING:

H.R. 19789. A bill to direct that wild unbranded horses, mares, colts, and burros be declared to be endangered species of wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. BUTTON:

H.R. 19790. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. CUNNINGHAM (for himself and Mr. HALLECK):

H.R. 19791. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. HOSMER:

H.J. Res. 1457. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MIZE:

H. Con. Res. 820. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. BINGHAM, Mr. BRADEMAS, Mr. BROWN of California, Mr. BURTON of California, Mr. CONYERS, Mr. DOW, Mr. EDWARDS of California, Mr. KASTENMEIER, Mr. O'HARA of Michigan, Mr. REUSS, and Mr. RYAN):

H. Res. 1303. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Res. 1304. Resolution for the investigation and study of housing, and new town and community development, and government financial institutions and central banks; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 19792. A bill for the relief of Carlina F. Santillan; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 19793. A bill for the relief of Myrtle P. Williams; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 19794. A bill for the relief of Mr. and Mrs. Giovanni Buonincontro and family; to the Committee on the Judiciary.

H.R. 19795. A bill for the relief of Antonino Mattaliano; to the Committee on the Judiciary.

H.R. 19796. A bill for the relief of Concetta Mattaliano; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 19797. A bill for the relief of Jeanine Bigazzi; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 19798. A bill for the relief of Paolo Bellanca; to the Committee on the Judiciary.

H.R. 19799. A bill for the relief of Vincenzo Pento; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19800. A bill for the relief of Karen Woo Ping Kan (also known as Woo Ping Kan); to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.R. 19801. A bill for the relief of Fakhreddin Entezary, M.D.; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 19802. A bill for the relief of Teodosio Monetta; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 19803. A bill for the relief of Tom Chionas; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 19804. A bill for the relief of Jose de Almeida Sousa, Maria Alsuina Sousa, Dina Maria Sousa, and Jose Manuel da Costa e Sousa; to the Committee on the Judiciary.

By Mr. CORMAN (by request):

H.R. 19805. A bill for the relief of Jacques Urbach; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 19806. A bill for the relief of Paolo Reparto; to the Committee on the Judiciary.

H.R. 19807. A bill for the relief of Calogera La Rocca, Antonio La Rocca, and Vincenza La Rocca; to the Committee on the Judiciary.

H.R. 19808. A bill for the relief of Michele Selvaggio and Matilde Selvaggio; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 19809. A bill for the relief of Vassilios Seretis; to the Committee on the Judiciary.

By Mr. JONES of Missouri:

H.R. 19810. A bill for the relief of Mrs. Miao Ying Floyd; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 19811. A bill for the relief of Miss Halina Stanislawa Szczesna; to the Committee on the Judiciary.

By Mr. MACHEN:

H.R. 19812. A bill for the relief of Dr. Lauo Geronimo; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19813. A bill for the relief of Hersh Michael Glazer; to the Committee on the Judiciary.

H.R. 19814. A bill for the relief of Gabriel Stech; to the Committee on the Judiciary.

By Mr. REES:

H.R. 19815. A bill for the relief of Mr. Armand Ezerer; to the Committee on the Judiciary.

H.R. 19816. A bill for the relief of Soa Sean King; to the Committee on the Judiciary.

H.R. 19817. A bill for the relief of Mr. and Mrs. Melanio P. Villero; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 19818. A bill for the relief of Sang Yun Kim and husband, Wan Young Kim; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 19819. A bill for the relief of Margit Erdos; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 19820. A bill for the relief of Klaudiuz Blaszak; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 19821. A bill for the relief of Mr. Takeji Akamatsu; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 19822. A bill for the relief of Rajkumar Jain; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

398. The SPEAKER presented a petition of Henry Stoner, of Portland, Oreg., relative to creation of the Department of Peace, which was referred to the Committee on Government Operations.

EXTENSIONS OF REMARKS

ROBERT D. ENOCH REMINDS AMERICANS TO REMEMBER THEIR GREATNESS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. BRAY. Mr. Speaker, at a time in the history of our Republic when noisy voices cry out against the very existence of the United States, our citizens should always remember the inherent greatness of our Nation.

Mr. Robert D. Enoch, of station WXLW, in Indianapolis, recently wrote and delivered an excellent editorial on this subject, which I am happy to commend to my colleagues:

We are all inclined from time to time to undersell our lot in this world—to look at the dark side of the clouds that hover over this land of ours—this magnificent America the Beautiful.

Sure, we are living in trying times. All around us there are signs of turmoil and strife—all around us we are caught in tides and undertows that seem to drain us of the energy and, many times, the desire to rise above our stations in life. Frustrations are often so great in their impacts that we can't see the forest for the trees.

We are engulfed in our own little spheres of living so that the greatness of America is pushed back in the shadows of our minds into forgetfulness.

At times like these, we must remember. We must remember the greatness of America—in the broad sense of this great land. We must see—not the dark fringes of pettiness—not the sordid lines of problem areas—but see the bountifulness of America and its two hundred millions of every race and color and creed that have made this land the second to no other nation in the world.

Look at the United States of America and picture it in your mind's eye against the back-drop of the nations of the world today.

And see this nation as the old desk-thumping orator described it—see it "from the rock-bound coast of Maine to the sunny shores of California."

Do you know that the U.S.A. covers only one-sixteenth of the land surface of the world?

Do you know that the U.S.A. has only one-fifteenth of the world's population?

Do you know that Americans own three-fourths of the world's automobiles?

Do you know that Americans have one-half of the world's telephones?

Do you know that Americans own one-half of the world's radio sets and three-fourths of the world's television sets?

Do you know that Americans use two-thirds of the world's petroleum products, consume one-half of the world's coffee and two-thirds of the world's silk?

Every one of these are facts. Want some more? An American factory worker could, if he wanted to, buy four suits of clothes with one month's pay. His counterpart living under the best of the totalitarian countries, no matter what his need, could only buy one-half a suit with a month's wages.

An American could buy six pairs of shoes with his wages for one week. His totalitarian counterpart, behind the Iron Curtain could buy one shoe with one week's wages.

Against the world's back-drop—this land of ours, this government of ours, these institutions of ours that make America what it is—these 200 million, regardless of race, creed or color, who are our friends and neighbors, have a million reasons to be grateful. Sure, there are reasons to be dissatisfied, but dissatisfaction has always urged this nation into progress.

The citizen of America whose station may be low on our economic ladder would rank among the elite and affluent in all but a very few other nations of the world.

What changes would you make in the world—in this nation? Then start with yourself—let the changes start within each of us—and we will change the world—to the more like America the Beautiful.

COURAGEOUS STAND BY SENATOR BYRD OF VIRGINIA

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, September 16, 1968

Mr. FANNIN. Mr. President, my friend the distinguished Senator from Virginia [Mr. BYRD] has made a considerable contribution to the issue that may shortly confront the Senate, the question of confirming the President's Supreme Court nominations.

It was my privilege to hear Senator BYRD address this body, and I have already expressed my gratification in that he shed much light on the reasons why he cannot support the nomination and

did so in a most gentlemanly and scholarly way. In these times when charges of politics fly quickly and often unjustly, it is refreshing to find the Senator from Virginia considering his decision deliberately and stating his conclusions cogently.

Evidently this view is shared by a great number of Virginians, and I know they are proud of the courage and decorum displayed by their senior Senator. Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the Danville, Va., Register of Tuesday, September 10, 1968, giving example of the high esteem in which Senator Byrd is held in Virginia.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Byrd Takes His Stand

With the Senate back at work for a month following the conventions, one of the biggest issues is whether the nomination of Justice Abe Fortas to become Chief Justice of the United States will be confirmed.

Indications are that the Senate will not reach a roll call vote on confirmation before it recesses for the national elections and leaves pending matters for the new 91st Congress that will convene in January with survivors and newcomers determining what shall become law.

The lines are being drawn on Fortas and the opposition to his elevation is neither partisan nor regional.

It is based on sounder grounds than prejudice or preferment. This was stressed yesterday in a lengthy address to the Senate by Senator Harry F. Byrd, Jr., senior Senator from Virginia.

Byrd told his colleagues that he has been pondering the Fortas nomination for nearly three months, since it was made by President Johnson. After serious consideration, he has reached a conclusion. He cannot vote to confirm Mr. Fortas to become Chief Justice.

In his speech to the Sentate, Byrd set forth the circumstances and the background forcing upon him a determination to oppose the promotion of Fortas.

It was a forceful statement and it should have weight with Senators as it surely will have weight with people who read its text.

Because its length prohibits using the full text, some excerpts which reflect the tone and character of the Senator's remarks are printed:

I ask this: If the Court usurps power and seeks to become a super-legislature, should the Congress stand by and say nothing?

So far as the senior Senator from Virginia is concerned, I intend to speak out against the extremism of the Warren Court. It is time, high time, that the Congress—whose members, unlike the members of the Court, are subject to the will of the people—reasserts its authority.

To dramatize the extremes to which the Warren Court has gone and how brazenly it is flouting the will of the elected representatives of the people, the Court this year took a statute passed 102 years ago and used it to supersede an act passed by the Congress last March.

At a time when government should be brought closer to the people, the Warren Court is determined to centralize more and more power in Washington.

To me, the record is clear.

The Warren Court has usurped power to which it is not entitled.

The Warren Court has established itself as a super-legislature.

The Warren Court has shackled the people's elected representatives as well as the law enforcement officials of our nation.

The Warren Court has thrown precedents out of the window and has said, in effect, that the law is whatever five present lifetime appointees say that it should be.

During the time Mr. Fortas has been a member of this Court, he has established himself as a disciple of Chief Justice Warren and has embraced wholeheartedly the Warren philosophy.

If I were to vote to elevate him to the position of Chief Justice, I would be voting to give him the authority to influence a decision by assigning cases to other justices to write opinions; and the authority to assign judges and retired judges to circuit and district courts throughout the nation.

If I were to support the confirmation of Mr. Justice Fortas to the position of Chief Justice, I would be voting to promote a member of the Court who has embraced, and become a part of, the Warren philosophy—a philosophy that decrees that the Court may cast legal precedent aside when it does not square with personal desires of the judges.

If I were to cast my vote for Mr. Justice Fortas, I would be placing my stamp of approval on the extreme leftist trend of the Warren Court, a trend to which Mr. Justice Fortas apparently has dedicated himself.

If I were to consent to promoting Associate Justice Fortas to Chief Justice, I would be rewarding one who voted to allow admitted Communists to work in defense plants; who voted to strike down a loyalty oath which would have kept Communists from teaching in public schools; who cast the all important fifth vote in the 5-4 Miranda decision, which virtually barred the use of confessions in criminal cases and greatly complicated the prosecution of criminals throughout the United States.

Were I to vote to ratify the nomination of Mr. Justice Fortas to be Chief Justice, I would be voting to perpetuate, in the key judicial position in our nation, the Warren philosophy.

As one who feels the Warren Court has done great damage to our nation—to the future welfare and freedom of our people—how can I vote to confirm as Chief Justice one who proclaims the Warren era the greatest in Court history; not only proclaims it in words, but by deeds, namely, by his decisions as Associate Justice?

As a Senator from the State of Virginia, as one who believes deeply in the fundamental constitutional principles upon which our nation was founded and developed—and on which our liberties are based—how can I vote to give the chief judgeship to one who follows a policy of judicial oligarchy; to one who espouses a philosophy of concentrating more and more power in Washington, when I feel that the great future danger to the liberties of our people is Big Government?

COUNTY SEAT SHABBY NO LONGER

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. BIESTER. Mr. Speaker, when we think of renewal, we usually think of our big cities. However, renewal and revitalization are important to our smaller towns. I would commend to my colleagues the example of Doylestown, Pa. Downtown Doylestown was faced with competition from new shopping centers and it was faced with the beginning of deterioration in the downtown area. Doylestown responded to the challenge of modern shopping trends and, on its own initiative after turning down Federal urban renewal, began a planned revitalization program. I would like to take this opportunity to commend to my colleagues the following article, from the September 13 edition of the Christian Science Monitor, which tells the story of Doylestown's award-winning self-renewal program:

County Seat Shabby No Longer

(By Alice Harvey Hubbard)

Doylestown, Pa.—Doylestown, seat of picturesque Bucks County, has completely revitalized the downtown business section, won two $1,000 first prizes in statewide community beautification contests, brought an increase in business ranging from 9 percent to 47 percent to every participating merchant, and has served as a model for similar programs in all 50 States.

But in 1964, Doylestown had a problem common to many small U.S. towns.

Although hundreds of new families had moved into the area, and business in general over the country had been on the upswing for several years, trade in old, established stores in the downtown area had not increased proportionately.

Many were doing less business than formerly, and seven once successful establishments had been forced to close their doors. The downtown business section was, as one merchant put it, "tired, shabby, down at the heel!"

Not only were the young marrieds doing most of their buying in the smart new suburban shopping centers; more and more of the patrons on which the downtown merchants had always depended were going there, too.

Urban renewal had been considered and turned down the year before, both by the merchants and the townspeople.

PROBLEM CALLED LOCAL

"We weren't opposed to urban renewal financed by the federal government," recalls Frank Shelley, a local insurance broker, who, with Joseph Kenny, a newsdealer and long-time friend, spearheaded "Operation 64."

"But we felt we had no right to accept tax money from other areas to do a job we could do ourselves. We thought a healthy community such as ours should use its own resources, solve its own problems."

As a start, Mr. Shelley and Mr. Kenny visited the officials of neighboring towns with a similar problem to learn what they had done. They found that by simply redoing the store fronts, an amazing improvement could be made in the appearance of the business section at surprisingly low cost to the merchants.

And there would be no drastic changes in its character.

They had photographs taken of every store in the downtown area, showing the stores as they appeared to the customers. These they took to William Erwin, a commercial artist, asking his suggestions as to how the storefronts could be improved at a nominal cost.

Mr. Erwin suggested that instead of treating each store as a separate unit, they consider an entire block as a unit. Each storefront, many of which were badly deteriorated, would be restored to its original attractiveness.

But a basic design which would coordinate all the stores would be worked out for the block. Features that helped carry out the basic design would be added to individual stores.

FEATURES RESTORED

All outdoor signs, lighting, and displays would be in keeping, and a harmonious color scheme worked out for each block. Then the whole downtown area could be tied together with landscaping.

In his sketches, Mr. Erwin restored authentic features to some of the pre-Revolutionary and Victorian storefronts that had been destroyed or removed through the years and added others that contributed immeasurably to their charm.

In all cases, the character of the store was carefully preserved, and a minium of changes made. But most important, the improvements could be made for $500 or less for each store.

At a meeting, attended by the downtown merchants, town officials, and others interested in a more attractive Doylestown, Mr. Shelley and Mr. Kenny presented their proposal.

Thirty-six merchants signed up for a refurbishing job on their places of business that night, and Operation 64 was on its way. Eventually all became a part of it.

Today Doylestown is once again the bustling, thriving hub of Bucks County.

NATIONAL SMALL BUSINESS ASSOCIATION ON THE NEED FOR LABOR LAW REFORM

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, September 16, 1968

Mr. GRIFFIN. Mr. President, I ask unanimous consent that an editorial entitled "An Investigation Long Overdue," published in the May issue of the Small Business Bulletin, and a summary of a statement delivered by Mr. Robert H. Jones III, in behalf of the National Small Business Association, before the Subcommittee on Separation of Powers, of the Committee on the Judiciary, be printed in the Extensions of Remarks.

There being no objection, the editorial and summary were ordered to be printed in the RECORD, as follows:

AN INVESTIGATION LONG OVERDUE

There is an urgent need for labor law reform because of an imbalance in labor-management relations. This imbalance has developed, in large measure, because of inequities and abuses *perpetrated* by the National Labor Relations Board in its interpretation and administration of the labor statutes, *supported* in some instances by the judiciary, and *tolerated* by Congress.

Numerous NLRB decisions have been cited to the Senate Judiciary Subcommittee on Separation of Powers—chaired by *Senator Sam J. Ervin* (D–N.C.) that show the Board leaning over backwards to favor unions and to punish employers. Equally damaged by this philosophy are the public and the employee.

To unionize America would seem to be the mission of the NLRB, whether everybody in America wants to be unionized or not. It is not unusual for an NLRB attorney to contact an employer encouraging him to "make arrangements" with a union although only a few employees may have signed cards for the union. Thus the small employer is being attacked by *both* the Board and the union *at the same time*. Lacking experience in a most technical field and overwhelmed by legal jargon, the small employer is frequently trapped by doing something that is ruled by NLRB to be an unfair labor practice which, in turn, is promptly seized upon by the union to organize the company.

In its statement to the Senate Judiciary Subcommittee, National Small Business Association charged the NLRB with bias and exceeding its authority. The NSBA position was presented by Robert H. Jones, III, of Albany, N.Y., a specialist for 30 years in labor law. His 154-page statement shockingly documents a deliberate course of action by the National Labor Relations Board in obvious disregard of the policy established by Congress.

A sound case for immediate reform of our labor laws has been made.

SUMMARY OF STATEMENT TO UNITED STATES OF AMERICA, SENATE JUDICIARY COMMITTEE, SEPARATION OF POWERS SUBCOMMITTEE, BY ROBERT H. JONES III, ALBANY, N.Y., FOR NATIONAL SMALL BUSINESS ASSOCIATION

The National Labor Relations Board's greatest power abuse, from the standpoint of its impact on small business, lies not so much in its erroneous substantive interpretations and applications of the law—although, as earlier witnesses have abundantly demonstrated, these are sufficiently serious to command this Subcommittee's deepest concern—as in the procedures it employs, in violation of National Labor Relations Act's clear mandates, in violations of its own rules and regulations, in violation of other federal statutes, and in violation of both Constitutional precept and simple justice, to impose, on small business particularly, enormous, unwarranted and unconscionable expense in exercising or defending legitimate employer rights under the Act.

But for the Board's different remedial concepts and approaches—its vastly disparate views of what is required to remedy employer violation of the Act and what is required to remedy union violation, organized labor would, in my judgment, have every bit as much reason as business has to protest these abuses. And if the Board were to develop to the point I think it should its conscience on the subject of what constitutes appropriate remedy for union unfair labor practice, I believe your Subcommittee would find union witnesses endorsing much of what I have said and concurring in the supporting examples I am about to present.

The abuses to which I refer—and your time permits me to cite an example only a few among many—involve both clear arrogation of undelegated power and equally clear abuse of delegated power, and run the gamut from inception to conclusion of both representation and unfair labor-practice proceedings. They adversely affect the employer's opportunity to prepare and present his case; in direct contrast, they discriminatorily indulge unions in extensions of preparatory and presentation time or excuse their violation of filing-time limits on the ground the employer "has not shown any prejudice"; they deny the employer effective protection against unfair labor practice which, particularly in the secondary-boycott area, has become standard operating procedure for many unions; they ignore and even defy the Act's clear evaluation that certain conduct requires speedier remedy than other; they repeatedly offend the Act's and the Constitution's guarantees of employer free speech; by violating settlement agreements for disposition of alleged unfair labor practice, they increasingly force the small businessman to litigation he cannot realistically afford; by persistently avoiding employer counsel in case processing, they violate fundamental rights to effective representation purportedly assured by both Constitution and statute law; and, by asserting actually non-existent "union" rights, they frequently nullify the statutorily-declared employee rights which are the very heart of the Act.

In all of this, the Board's evident and repeatedly emphasized rationale is twofold: (1) that Act section 1's policy to encourage collective bargaining as a means for avoidance of industrial controversy and commerce interruption justifies overriding employee right under Act section 7 to freely choose whether they want to be represented by any union; and (2) that the Act has created or confirmed "union" rights, distinct from employee rights, which, in truth, the Act simply has not created or confirmed.

This, I think, is the nub of the problem: the Board's refusal to respect the Congress' full purpose in enacting National Labor Relations Act as it now stands, and its consequent distortion of what the Act really says and does in this area of relative right and statutory objective. The Act nowhere creates or confirms any union right as such; it creates or confirms only employee and employer rights, and any erstwhile "union" rights are those alone which may derive from appropriate exercise of employee rights. Section 7, the Act's critical substantive provision, says employees have two equal rights: (1) to bargain collectively through representatives; (2) to not do this—*i.e.*, to remain "unorganized" and, in effect, to represent themselves—all as they may freely choose. Yet the Board, by both its substantive and its procedural approaches, consistently accords supremacy to erstwhile "union" rights which it deduces from section 1's policy to encourage collective bargaining, in the process effectively destroying the second employee right under section 7, to be unrepresented by any union, and simultaneously ignoring Labor Management Relations Act, 1947's explicit declaration that "It is the purpose and policy of this Act . . . to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the others, [and] to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce . . ." [*Id.* § 1(b)].

By your leave, I will now example each of these propositions from cases in my personal experience.

SOUND THINKING ON FEDERAL AID TO EDUCATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. ZWACH. Mr. Speaker, one of my constituents, Dr. Clifford Stiles, a member of the Foley Board of Education, asked their superintendent of schools for his thoughts regarding Federal aid and assistance to education. The following letter containing Mr. Weisser's reply, was forwarded to me by Dr. Stiles. As a former educator myself, I am in strong agreement with the superintendent's view. I believe these ideas have merit and represent sound thinking. Therefore, I would like to share them with my colleagues.

SEPTEMBER 4, 1968.

Dr. CLIFFORD STILES,
Foley, Minn.

DR. STILES: This is a somewhat-belated reply to your request for my views concerning an area which I feel the Federal Government could be of service to schools, especially those schools with a low tax base.

As you well know, the Federal Government has been active in aid to public school districts for many years. Lately this has become much more evident with many more programs, the most extensive of which is P.L. 89-10, with all of it's various areas. At no time have school districts received such aid without a considerable cost to the taxpayer, far in excess of what it should be. P.L. 89–10, while of great value to our school district is beset with regulations, red tape, excessive numbers of administrators, etc. I simply cannot understand why so much money must be spent to administer every Federal program.

A major problem facing practically every school district is that of providing enough classroom space for the ever-increasing number of students. What aid do we receive to solve this pressing problem? A very simple answer: none! Federal aid is presently allowing us to hire specially trained personnel and to start new programs but we must scrounge to construct rooms and areas in which to house these specialists and new programs.

Districts of considerable wealth have the financial capabilities to bond almost without limitation to build beautiful school structures. But what of the rural school with comparatively large enrollments but no industry to boost district valuations. State law limits the per cent of indebtedness for a district based on assessed valuation.

Using our district as an example, I would like to explain our dilemma. We are presently burdened with a debt of $835,000. Last year we spent $60,500.00 on debt service. Of this amount $30,000.00 was to pay on the capital while $30,500.00 was spent on interest payments. Now we are faced with another school bond issue which will be in excess of two million dollars. With school bonds now selling at between four and five percent it seems inevitable that our district, with an assessed valuation of only $1,700,000.00 and a school population of 1750 students, will be weighted with debt service payments which are created by excessively high rates of interest.

Now if government officials are really interested in aiding school districts with low income families why not make funds available for school construction; not a giveaway, but simply loans at low rates of interest. The money saved through such a process would free local money for programs planned gradually and sensibly and not crash programs designed mostly to spend money simply because it is available. Administrative costs would be nil, compared to the present 89–10 situation, decent school buildings could be constructed with programs designed to match available space, a revolving fund could be established which would keep money constantly available, an interest charge of, say, one per cent or less would result in an annual saving of thousands of dollars to local districts and would still be substantial enough to pay administrative costs, thus saving the Federal government billions.

I know that "innovation" is the magic word today. You cannot have federal money unless it is spent on innovative programs. Yet I have yet to hear of a *truly* innovative programs in the State of Minnesota. Millions have been spent and will continue to be spent, but what measurable good will result from all the specialists hired and all the equipment purchased? If we could afford to put up the needed classrooms we could lower our teacher-pupil ratios thus creating an educational atmosphere which would tend to curb most individual problems.

I could carry on for hours on this subject but this letter is already reaching these proportions. There are those who will dispute my thinking but I firmly believe that most down-to-earth educators will agree with the views I have expressed.

Very sincerely,

R. F. WEISSER.

PRESSURIZED SCHOOLS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, September 16, 1968

Mr. THURMOND. Mr. President, for a long time now, the bureaucrats in HEW have been illegally pushing their own school guidelines without reference to the law or the educational needs of the children affected. In recent months, HEW has been stepping up their attack on schoolchildren with the result that our schools in South Carolina are on the verge of crisis.

The Chesterfield schools have been shut down temporarily. In Cameron, the school has closed completely. In Columbia and many other areas there have been many stormy parents' meetings, demanding an end to Washington interference with their children.

This situation has been summed up admirably in the State, of Columbia, S.C. The State says:

> Let's face it. The public schools are in a first-class mess. Education in many areas has been given a wobbly seat far in the back of the classroom.

Mr. President, this editorial expresses clearly the problems and frustrations of our citizens. I ask unanimous consent that it be printed in the Extensions of Remarks in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRESSURIZED SCHOOLS

Let's face it. The public schools are in a first-class mess. Education in many areas has been given a wobbly seat far in the back of the classroom and Integration is a noisy, boisterous kid in the front row. There seems to be almost as many lawyers as teachers in the act.

South Carolina managed to cope with the first wave of specific desegregation edicts in 1963, 1964, and 1965 and emerge with its public school education program intact. Most South Carolinians accepted the demise of legal segregation and accommodated themselves to it. Education kept moving along, and with it integration was gaining ground—too slowly for some, perhaps, but nevertheless, gaining.

The wheels were greased by something called freedom of choice—a desegregation plan which gave each child, whatever his race, the right to select the school he wanted to attend. In theory, if the school wasn't over-crowded, he would be given his choice. It was a reasoned approach to a difficult problem. And where it was applied in good faith by school boards and Negroes weren't cowed or coerced by die-hard whites, it worked to the satisfaction of most whites and Negroes.

But this was not what the pushy, autocratic bureaucrats of the Department of Health, Education, and Welfare had in mind. They wanted total integration, the total abolition of biracial schools systems regardless of the effect on quality education, regardless of the desires of parents who support the schools, regardless of local differences and difficulties.

And yet these characters from HEW, and their allies in the Departments of Justice, were hemmed in by a generally favorable judicial opinion of the freedom-of-choice concept. Unfortunately, they had other allies—the die-hard segregationists on school boards who refused to implement the choice plans in good faith. These provided the Washington integrators with fresh legal targets.

Out of Alabama arose a case which resulted in a 1967 decision containing these words: "The only school desegregation plan that meets constitutional standards is the one that works." And this line: "A school child has no inalienable right to choose his school."

At that moment the fabric of the freedom-of-choice concept began unraveling. All over the South cases were brought in districts where the choice plans had resulted to minimal desegregation.

Inevitably, the attack reached the U.S. Supreme Court, where, predictably, freedom of choice took a shellacking. Paradoxically, the same court which had told schools to admit students on a non-racial basis, now insisted on a racial head-count to judge the non-discriminatory nature, and thus the legality, of admission policies.

The Supreme Court did not rule freedom of choice unconstitutional *per se*. But it said such plans were unacceptable if other methods, such as zoning, were "reasonably available" and promised a speedier and more effective conversion to nonracial school systems.

With such encouragement from on high, Washington's bully-boys jumped with both feet on districts whether or not they had been acting in good faith.

And so we have the present mess. Chesterfield Schools are shut down temporarily. A Cameron school is closed altogether. Parents are up in arms in Columbia, Denmark and elsewhere. Other districts are being harassed by HEW and the courts to implement new zoning plans.

Essentially, these protests are delaying actions. Some will ask: why try to put off the inevitable? There is a very good reason. The present batch of bureaucrats may well be out of office by January. If the Democratic administration falls, so will they—and their harsh and unrealistic guidelines may come tumbling after. That would explain their current haste, their excessive pushiness.

Will the next HEW staff be any better? Well, it couldn't be any worse. And there are some tiny loopholes in that Supreme Court decision that possibly could be expanded in a more reasonable atmosphere.

A VISA FOR "RED" RUDI?

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. LUKENS. Mr. Speaker, we have long heard of the radical liberals, and we have seen evidence of this element in Europe, at the recent Democratic National Convention in Chicago and on the campuses of our universities. These radical liberals espouse freedom of speech, but only as long as the speech is theirs. One prime example is Rudi Dutschke, the subject of the attached article.

I am earnestly, intently, and vigorously protesting the admission of Mr. Dutschke to the United States. It is of deep concern to me that the Department of State would even consider admitting this individual at this time. It is known that Mr. Dutschke is dedicated to the violent overthrow of all types of government except those espousing his own chosen Communist doctrine. It is also extremely distressing that we are considering the admission of Mr. Dutschke, an admitted "professional revolutionary," in times of social upheaval in our country.

At this point in the proceedings I include the attached article, "A Visa for 'Red' Rudi?", from Human Events, August 3, 1968, in the CONGRESSIONAL RECORD:

A VISA FOR RED RUDI?

Red Rudi Dutschke, an admitted "professional revolutionary who named his only son after "Che" Guevera, may soon be admitted into the United States, courtesy of the U.S. State Department. One highly reliable report says that a tentative decision to grant him a visa has already been made.

Born March 7, 1940, in East Germany, Dutschke has become Europe's leading student revolutionary, calling for violence against established order in such countries as Holland, England and West Germany. His cause is the overthrow of the "corrupt establishment" in the West.

By his own account he has drawn ideas not only from the Communist classics—Marx, Engels and Lenin—but also from Mao Tes-tung and Herbert Marcuse, the Berlin-born philosopher who now teaches in San Diego.

The 28-year-old Rudi's greatest achievement thus far has been to inspire a series of savage student riots in West Germany where he attends school. Heeding Dutschke's call to revolution, students, chanting their war cry, "Ho-Ho-Ho Chi Minh," went on rampages in virtually every major German city in April. Almost everywhere they went they blockaded and sometimes stoned the local printing plants of conservative publisher Axel Springer, whose newspapers, notably the mass-circulation *Bild-Zeitung*, have denounced the student's leftist tendencies.

The students also broke store windows, erected barricades across streets and fought bitter pitched battles with police. The violence was worst of all in West Berlin, where a mob of 3,000 young revolutionaries broke almost every lower-floor window in Springer's shiny skyscraper, The Wall, and set fire to some 20 delivery trucks.

Dutschke now wants to come to the United States presumably to spread his doctrine of violence. Marcuse, himself, reportedly wants to see Rudi, though the San Diego philosopher has denied it.

Despite Rudi's Red background, top State Department officials have been pressing Secretary of State Dean Rusk to open America's doors to the German revolutionary. They say this will prove U.S. "good will" and argue that the issue of "academic freedom" is involved.

At the behest of Mrs. Dutschke, the Immigration and Naturalization Service in Frankfurt, Germany, has already granted Rudi imediate relative status. This means if he is granted a visa he can enter the United States on a non-quota basis. Rudi is the "immediate relative" of Mrs. Dutschke, an American citizen whose maiden name was Gretchen Klotz.

Moreover, an initial recommendation to let Red Rudi into the United States has also been approved by the State Department's Bureau of Security and Consular Affairs. Rudi, says the recommendation, should be let into the United States on humanitarian grounds. According to one report, this is the advice that has been okayed at the highest department levels.

Presumably, the recommendation is based on the fact that Dutschke is still suffering from a slight memory loss as a result of being felled by three bullets fired by Joseph Bachmann, a professed admirer of Adolph Hitler. But State Department sources also acknowledged that Dutschke is well on the road to a full recovery, and said last week that he was traveling with his wife through Italy. He also has had no trouble discussing his visa application and consular officers in Europe have been impressed by his articulateness.

While the State Department says the question of granting Rudi a visa is complicated, there is actually no question that he can be denied the right to come to America. Section 212(a) of the Immigration and Nationality Act lists more than 30 major reasons the U.S. government can use to bar aliens, including the advocacy of violence.

A portion of this section also states that aliens can be barred "who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States. . . ."

Thus, Red Rudi, revolutionary extraordinaire, could easily be stopped from coming to the United States. But he won't be if the liberals in the State Department have their way.

ECONOMIC OPPORTUNITY LOAN PROGRAMS

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, September 16, 1968

Mr. MONDALE. Mr. President, during President Johnson's administration more than 200 basic measures have been enacted to better humanity. These will compare favorably with all of the social measures enacted in the previous years of America's existence.

I should like to speak specifically about one program that has provided help to disadvantaged persons in the Twin Cities. I refer to the Small Business Administration's economic opportunity loan program.

I know that this program is reaching disadvantaged people because I have the testimony of several persons who have received this help and who are grateful to the Johnson administration and to the Small Business Administration.

The first case that I should like to tell about is that of Silbert Athias who, in 1963, first realized his life-long ambition—to become his own boss. It was in that year that he started a new business, the Athias Ornamental Iron Co., 610 E. 38th Street, Minneapolis.

Mr. Athias came to this country from Winnipeg where he attended a vocational school learning to be a skilled welder. He first went to work for a derrick company, but he started his own welding business on a part-time basis.

His part-time business increased to the point where it was virtually impossible for him to carry on with both jobs—but he lacked the necessary capital to cut loose from his regular job and start out on his own.

He had heard about the Small Business Administration's economic opportunity loan program and so he visited the Minneapolis office of SBA to see what help might be forthcoming.

SBA was able to help him with a long-term working capital loan that set him up in his own business. He has branched out into ornamental fences and other wrought iron products and his business is growing nicely.

Leonard G. Kemp is a small businessman who owns and operates the Washington Pure Oil Co. at 1026 Washington Avenue, South, Minneapolis.

He started out in business by servicing a large fleet of trucks for a company and he had an opportunity to take over the business when the company decided to stop operating its own fleet.

The difficulty was that Mr. Kemp lacked the capital necessary to buy out the business. Again, it was the Small Business Administration that provided the answer.

A long-term loan enabled Mr. Kemp, who is a native of the Bahama Islands, to purchase the business in 1965.

He has high praise for the SBA. He said:

> SBA is an organization that I would recommend very highly, it is a nice branch of the government to do business with.

John E. Young is a hair stylist, owner of the Satin Doll Hair Fashion Salon, 2426 Plymouth Avenue, North, Minneapolis. His business is very successful—but it was not always that way.

Mr. Young was graduated from a beauty school in Minneapolis and worked for 6 years at a local beauty parlor before striking out on his own.

But like many a young person who starts his own business, he soon found that he was woefully short of necessary working capital.

He went to the SBA office in Minneapolis for help, and was not disappointed. A long-term loan provided by SBA enabled him to set up shop in modern quarters with up-to-date equipment. He now has five operators working for him, and his business is booming.

Mr. President these are but three stories of the help SBA is providing to enterprising, hard-working people who need only a little financial help to get started in a successful business.

More than 40 percent of all the loans made under the Small Business Administration's economic opportunity loan program have gone to members of minority groups.

This is not a give-away program. The loans are being repaid, with interest.

This is a program that should be greatly expanded.

Mr. President, I ask unanimous consent that several articles pertaining to the examples I have just cited be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Spokesman, May 30, 1968]

SELBERT ATHIAS NOW IN BUSINESS HELPED BY SBA

Having a business of his own was the life-long ambition of Selbert Athias. It was in 1963 that this dream reached fruition when he started the Athias Ornamental Iron Company located on 610 E. 38 St., Minneapolis.

It all started in Winnipeg, Canada, where Mr. Athias decided that in order to get anywhere, he had to develop certain skills in order to have something to offer potential employers. Realizing this, he enrolled in the vocational school in Winnipeg where he learned to become a proficient welder.

Job opportunities were not too good in Winnipeg and, after about a year working for two or three firms, he came to Minneapolis. He liked what he saw when he arrived in Minneapolis and decided then and there that this was where he wanted to live. "Win or lose," he told his attractive wife, Inez, "we are going to have to take a chance."

Within one week Mr. Mathias had five job offers. He decided to accept the offer that he received from the American Hoist and Derrick Company located in St. Paul. Even at that time, he knew what he wanted and bought a truck that he could drive to and from work and, at the same time, ultimately use when he started his own business. While with the American Hoist and Derrick Company, he started his own part-time business. In so doing, he built a shop on property adjacent to his home. It wasn't long until the business started to grow to a point where it was impossible for him to work both at the American Hoist and Derrick Company and run his own business. He decided it was the time to strike out on his own.

Mr. Athias had brought from Canada a few pieces of equipment, and he also picked up a few other pieces since his arrival in Minneapolis. This, however, was not enough to operate a full-time business. A friend suggested that he go to the Small Business Administration to see what they could do to help. He learned that SBA was not simply going to write out a check on the day that he came in, but that they had to go over his financial records and make an investigation of his ability to repay the loan. After this was done, a small loan was approved to help Mr. Athias buy additional equipment and to provide him with some working capital.

Mr. Athias is a typical small businessman who likes the idea of being independent and working for himself. The satisfaction that he gets being his own employer adds to the satisfaction of the income that he receives from his business.

The principal products that he sells are wrought iron fence railings that are used for steps on the outside of homes as well as inside of homes; however, he does many other things with wrought iron. He said that no two jobs are the same, and that each one is custom-made to meet the requirements of the customer.

Mr. Athias and his wife live at 610 E. 38th St., Minneapolis. They have four children.

[From the St. Paul (Minn.) Sunday Pioneer Press, May 26, 1968]

MINORITIES GET BUSINESS LOANS

Members of minority groups have received over 40 per cent of all loans made under the Small Business Administration's Economic Opportunity Loan (EOL) program, a ratio three times that of the minority group population in the United States, the SBA says.

SBA Administrator Robert C. Moot traced the pattern by reporting that more than 2,700 of the total loans approved from July 1965 through March 1968 were to minority group applicants.

"I think the EOL program is playing a significant role in bridging a gap that has long plagued our business community—the lack of opportunity encountered by the minority businessman," the administrator said.

[From the Twin Cities (Minn.) Courier, June 1, 1968]

PROFILE OF A BUSINESSMAN

Leonard G. Kemp is a small businessman who owns and operates the Washington Pure Oil Company located at 1026 Washington Ave. S.

After having worked for Busch Detective Agency for a number of years servicing their fleet of trucks and cars, the opportunity to take over this business presented itself about five years ago. It was at that time that the Busch company decided to eliminate their truck and car servicing function. Leonard Kemp, who had been an employee for several years and in charge of this program, was offered the opportunity to take over the service station.

In order to finance the purchase of the business, Kemp got in touch with SBA to see what could be done. Because of his technical knowhow and ability as an automobile mechanic, SBA decided to make him a loan for the purchase of the business in 1965.

Kemp who originally hails from Nassau in the Bahama Islands, came to Florida and then to New York in 1952. After graduating from high school he attended and also graduated from the Edison Technical School in Rochester, New York. In 1962 Kemp moved to Minnesota.

Quiet, soft-spoken Leonard Kemp is a credit to the small business community. Leonard said that his dealings with the Small Business Administration were very pleasant and cordial and went on to say that "SBA is an organization that I would recommend very highly. It is a very nice branch of the government to do business with."

He lives with his wife and three daughters at 2412–4th Ave. S. in Minneapolis.

[From the Minneapolis (Minn.) Spokesman, June 6, 1968]

SATIN DOLL HAIR FASHION SALON GETS ASSISTANCE FROM SBA

John E. Young comes from a family of hair stylists. His father and some of his uncles have been barbers for many years. It was only natural then that he follow family tradition.

Today he owns and is manager of the Satin Doll Hair Fashion Salon located at 2426 Plymouth Av. N., in Minneapolis. Although his business is very successful it was not always that way. After graduating from the Myndall Caine Beauty School in Minneapolis Mr. Young became a hair stylist in a local beauty salon. He worker for six years as an operator and then struck out on his own with little capital but lots of technical know-how, experience, ambition and drive. Things were pretty much touch and go at first as is the case with most small businesses starting out with limited capital. Somehow he weathered the storm and after being in business one year, knew that he could make it.

Mr. Young's problem at this time was to find a way to re-finance his short term debt over a longer period of time. His father who was associated with a Small Business Development Center in Minneapolis at the time suggested that he try SBA. His accountant suggested, too, that SBA be considered. With this advice he visited the Minneapolis Regional Office of SBA to see what could be done. Bringing his financial records with him, the Loan Officer that he visited with suggested that an application be filed for a working capital loan. Shortly thereafter this loan was approved and Mr. Young moved to his present quarters. He has been in his present location for the past year and business has been booming ever since. He has four operators working for him. His beauty salon is complete in every respect. He has five stations and offers in addition to the usual services of a beauty salon, the fitting and sale of wigs, hair pieces, tinting, bleaching, as well as many other services.

Mr. Young is a native of Minneapolis and attended Patrick Henry High School. He has many customers from all over the Twin Cities.

Mr. Young said that he was sure there were a lot of people that would like to go into business but don't quite know how to go about it. He mentioned, too, that the long term loan that SBA offers to small firms is most helpful.

Mr. Young's wife of less than one month, Judy, also assists him in the operation of his business and has been a real inspiration to her husband.

When not in his beauty salon styling hair Mr. Young can probably be found on the golf course or on the diamond playing soft ball. He is quite active in both of these sports.

STRONG ARGUMENT FOR RIGID GUN CONTROL

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. TEAGUE of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I am inserting a letter I have received from a constituent, Miss June Paulson, of Thousand Oaks, Calif. I believe the story she relates offers a strong argument for rigid control of guns, including registration of them and licensing of their owners. It is for this reason that I am taking advantage of this opportunity to share Miss Paulson's letter with my colleagues:

DEAR MR. TEAGUE: . . . my purpose in writing today is to urge tighter gun control, not only by registration of guns, but also the licensing of gun owners. If you will bear with me while I relate a personal experience with a gun and how my ignorance could have been the cause of several tragedies, I believe it will serve to illustrate how dangerous a gun can be in the hands of an untrained person. It is only by the grace of God that I am alive twenty years after this near-death incident.

In 1949 I became a partner in a feed store-pet shop business in North Long Beach. I lived in an apartment at the rear of the building. There was a rash of burglaries in the community, and friends urged me, against my will, to accept their .38 revolver for self-protection. I did not know how to use it, load it, care for it and I was afraid of it, but they talked me into it. *Error No. 1:* Loaning a gun to an incompetent handler. I reluctantly accepted the gun, and placed it atop a six-foot Sears wardrobe by the door of my little apartment.

The burglar got around to me. I was awakened one night by the deep growl of a little stray dog which had adopted me and which slept on the doormat. In the dark I tiptoed about, reached for the gun and (*Error No. 2*) gingerly carried it between my thumb and forefinger. I quietly went through the feedroom, peeked out into the front of the store and saw a man at the cash register, outlined against the street-lights outdoors. The only smart thing I did throughout was to yell, "Gittem, Daisy June", and with that, the man bolted and took out down the alley with the little dog yapping and probably biting, as I heard him holler. Soon the good little dog came back, looking very pleased with herself. Did she ever get praise!

Now comes *Error No. 3:* Still carrying the gun between two fingers, I went to phone the police, and started to return to the apartment to get out of my nightgown and into some clothes. As I rounded the corner back through the feedroom, I stumbled over a feed bag. To prevent shooting myself I now grabbed the gun with both hands and concentrated on keeping my arms stiff so I wouldn't fall on it, but I fell on the side of my face on the concrete and subsequently developed the worst black eye I have ever seen and, I believe, fractured a bone in my face. But I returned to my room and returned the gun to the wardrobe.

As I dressed, I felt happy that I had not used the gun to shoot at the burglar. I now believe it was Dave . . ., an employee, who was later caught in the act of "knocking down" on the cash register during his sales in the feedroom. He was the husband of an alcoholic and the father of two pathetic little girls.

Error No. 4: One day Dave brought his children to the store. I had reason to go to my apartment to a file and did not hear one of the little girls follow me into the apartment. As I turned to return to the store, I saw her in front of the wardrobe. The gun was held over her head, and she then brought it to a dead-aim at my chest and yelled, "Bang!" and the hammer fell on the empty first chamber (when my friends gave me the gun I insisted they leave the first chamber empty "just in case"). I screamed, "Drop that gun", in such a horrible tone the child was frightened out of her wits and dropped the gun, and when she then learned it was a real gun with live bullets she went into terrible hysterics. How would the poor child have felt if she had shot me dead?

I could have killed the burglar (Dave?), could have killed myself, or the child could have killed me or herself.

Those who protest registration of guns, probably accept as a matter of fact licensing another deadly weapon, an automobile, in the hands of an incompetent, or do not protest too much over buying a fishing license. Why all the fuss about registering a gun? To me, it is important that the *Handler* be licensed, and that it should be an illegal act to transfer or loan a gun to anyone not licensed to handle one.

I believe there should be a fee, as a fishing license fee, to register a gun, and to buy a handler's license as well, and these fees should be used to hire personnel to test applicants for competency in being a gun handler. I do not believe the right to own a gun is so much the issue as the controls to keep guns out of the hands of individuals who are not properly motivated to obtain weapons or who are not competent to own them or handle them.

It was a big mistake to loan me a gun. I'll take a dog every time. Last fall another "Daisy" dog routed a prowler out of my home. I thank the Lord it wasn't disastrous.

Respectfully yours,
Miss JUNE PAULSON.

INDIAN GIRL GOES TO COLLEGE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, September 16, 1968

Mr. FANNIN. Mr. President, an incredible story of bureaucratic bungling repaired by human generosity came to a happy conclusion in Tucson, Ariz., largely through the efforts of an alert, community-minded newspaper.

This is the story of how one Indian girl who had hoped to go to college but was denied the opportunity through Government redtape has now achieved her dream through the generosity of the citizens of Tucson who came to her aid after her plight was published in the Tucson Daily Citizen.

Two things are remarkable about this story:

First. The way in which the people of Tucson responded to a definite need. I think it is true of most Americans that when a problem is clearly set forth and a course of action defined there is always a response to help in the solution of that problem.

Second. The Bureau of Indian Affairs has displayed an incredible attitude, as reported in these stories, by an assumption that it is somehow the fault of the young lady, Miss Grace Cachora, for not checking up on their administrative negligence. I find this astonishing.

This is a happy story because it came out all right, and an infuriating one because of the callous handling her scholarship application has apparently received from the Bureau of Indian Affairs.

Mr. President, I am a member of the Senate's Subcommittee on Indian Education and intend to see this matter fully explored and actions initiated that will prevent such an error being repeated. I commend the writers and staff of the Tucson Daily Citizen for their good work, and the citizens of Tucson for their open hearts.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Tucson Daily Citizen, Sept. 7, 1968]

LOSS OF SCHOLARSHIP EXPLODES INDIAN GIRL'S DREAM OF SCHOOL

(By Margaret Kuehlthau)

Grace Cachora, an 18-year-old Papago Indian graduate of Pueblo High School, today is probably the most disappointed young woman in all of Tucson.

Grace applied for a Bureau of Indian Affairs scholarship to attend Eastern Arizona Junior College at Thatcher where she has been accepted as a student. She made a $25 deposit on a room in a girls' dormitory.

Her suitcases were packed and tomorrow she planned to leave for school.

The cause for the girl's unhappiness—even bitterness?

No scholarship.

Incredibly, Grace has not officially been notified that she will not receive any scholarship funds.

And a spokesman for the BIA office in Phoenix, where scholarship applications are processed, said yesterday that Grace's scholarship application "has got to be on the desk of the BIA education program administrator at Sells on the Papago Reservation because we've never received it." He insisted his name not be used in connection with this story.

"I filed my application early this year and I was given to understand there'd be plenty of money for scholarships," said Grace. "So when no word came saying I wouldn't get BIA funds, I just naturally thought that the money would come this week—right before school started."

Grace lives with her mother, Mrs. Nellie Cachora, a domestic worker, at 381 W. Defensa St. in the La Reforma housing area.

Last Friday her mother telephoned the office of Alfred Lawrence, who is the reservation program administrator.

"Mr. Lawrence wasn't there but his secretary told my mother that I had not been granted a scholarship," she said. "The secretary said she was going to get the letters out soon. That was a week ago and we still have not heard from them."

Yesterday a call by this reporter to Lawrence's office revealed that the secretary still has not mailed a letter to Grace to tell her no funds are available.

"We probably were a little remiss in not letting her know that her application has not been processed," admitted Lawrence who stated that "the third reference letter needed by Grace just recently came in. And never before has the scholarship fund run out of money."

The BIA official in Phoenix said the government this year has cut back scholarship funds but, he added:

"The trouble with these Indian kids is the fact they don't get off their duffs and follow through on these things. Maybe if a few more—like Grace—get singed the word will get around and they'll start checking out earlier to find out what's happened to their applications."

He admitted the girl's application "sort of got lost in the shuffle" but, he added, "that's the way the ball bounces."

He said a total of 218 Indian students in Arizona have been granted scholarships and additional funds received Thursday will take care of about 20 more young people who need financial assistance.

"But," he said, "because Grace's application has not been sent to us, she won't get to Eastern Arizona College this fall on a BIA scholarship.

"Maybe next year."

[From the Tucson (Ariz.) Daily Citizen, Sept. 9, 1968]

INDIAN GIRL IN SCHOOL: CITY OPENS HEART TO GRACE

(By Margaret Kuehlthau)

Thanks to generous Tucsonians who opened their hearts and their checkbooks, Grace Cachora is enrolling today at Eastern Arizona Junior College at Thatcher.

Grace is the Papago Indian girl who lost out on a scholarship she expected to receive from the Bureau of Indian Affairs.

Her application for a scholarship bogged down because a reference letter was late in arriving at a BIA office. In the meantime the BIA scholarship fund for Arizona Indian boys and girls had been depleted.

Grace, who was not notified of these facts, had been accepted at the junior college, had made a $25 down payment on a dormitory room and had packed her suitcases.

Ten days ago, worried because no funds had arrived, Grace's mother called the BIA office at Sells and learned for the first time that Grace would not be receiving a scholarship. The story of Grace's plight appeared Saturday in the Tucson Daily Citizen.

Indignant Tucsonians, appalled because Arizona BIA officials neglected to inform the girl earlier that she would get no financial assistance, came to her rescue. Various persons have pledged sums of money ranging from $10 to $500.

"Response to the Grace Cachora story not only has been gratifying to the Citizen but also is testimony to the warm heart of the Tucson community," editor Paul A. McKalip said today. "We are inviting three persons representative of the community to take over administration of the funds received and expect to have this committee established by tomorrow."

The gist of comments made by callers to the Citizen was that any Indian boy or girl who was interested in obtaining an education "must be encouraged."

A young married couple at the University of Arizona volunteered "to steal a little from our grocery money, if need be," to help Grace.

Typical of the response from clubs and other individuals was this: "Put us on a standby basis and let us know what you need from us to get this girl's expenses paid at junior college."

A spokesman for U.S. Rep. Morris K. Udall said today, "This type of situation will not happen again. Mo was furious when he read the story and he has contacted the top BIA official."

The aide said the BIA in Phoenix is now to get scholarships at Arizona's three universities for other Indian boys and girls who did not get BIA funds.

[From the Tucson Daily Citizen, Sept. 10, 1968]

SCHOLARSHIP DRIVE STILL OPEN: THREE TO HANDLE FUND FOR INDIAN GIRL

(By Margaret Kuehlthau)

A committee of three Tucsonians today accepted responsibility for administering funds contributed by generous Tucsonians toward the education of Grace Cachora, the Indian girl whose dreams of junior college were almost shattered.

They are Holden W. Olsen, a vice president of the Southern Arizona Bank, chairman; Mrs. Warren Kraft, president of the Tucson Business and Professional Women's Club, and Miss Florence Reynolds, principal of Pueblo High School.

Persons interested in contributing to the Grace Cachora Fund still may send their contributions to Olsen or the Tucson Daily Citizen.

Grace is the 18-year-old Papago girl who lost out on a scholarship she expected to receive from the Bureau of Indian Affairs (BIA). She was denied a scholarship because a third reference letter, requested in her application for funds, reportedly was late in arriving at a BIA office. In the meantime, the BIA scholarship fund for Arizona Indian boys and girls had been depleted.

Grace, who had not been notified of these facts, had been accepted as a freshman at the Eastern Arizona Junior College at Thatcher. Ten days before the college registration date the Pueblo High School graduate had not been officially informed that BIA funds would not be forthcoming.

When the story of her disappointment appeared Saturday in the Tucson Daily Citizen, pledges of financial support came to the Citizen office from indignant citizens appalled at the apparent indifference of BIA officials.

Acting on the initial response to the Grace Cachora story, the editors of the Tucson Daily Citizen arranged for Grace to proceed with her plans for an education and yesterday she registered at the junior college.

"This girl must go to school," was the gist of many calls received by the Citizen's switchboard. "Any Indian boy or girl, anxious to receive an education, must be encouraged," callers said.

A woman who works for the U.S. Public Health Service on the Papago Reservation said: "I know from personal experience how discouraging it is to try to work with BIA officials. We get so little cooperation from them. They have such a high-handed attitude. I'm sending my check for $100 to help Grace go to school."

Said another woman who reported she was mailing a check: "I resent the attitude of the official who said Indian kids ought to get off their duff and follow through on their scholarship applications. It is our tax money that is paying these officials, and we are paying them to help these Indian kids—to guide them and encourage them because, of course, they are unsophisticated about things like scholarships."

[From the Tucson Daily Citizen, Sept. 11, 1968]

Grace's Scholarship Fund Reaches $850

(By Margaret Kuehlthau)

A total of $850 has been contributed to date toward the education of Grace Cachora, the 18-year-old Papago Indian girl who failed to receive an expected Bureau of Indian Affairs (BIA) scholarship.

A story in Saturday's Tucson Daily Citizen revealed the girl's plight and generous Tucsonians have come to her rescue, enabling Grace to enroll Monday at Eastern Arizona College at Thatcher. She plans to major in a business course.

Holden W. Olsen, a vice president of Southern Arizona Bank & Trust Co., is chairman of a committee to administer the Grace Cachora Fund.

"We have been given the names of other Indian boys and girls who also lost out on BIA scholarships," Olsen said today. "Grace Cachora's plight wasn't an isolated case.

"If more money is contributed than is needed to finance a year of college for Grace, we will use the money to aid other Indian students."

Mrs. Nellie Cachora, of 381 W. Defensa St., said today, "There are no words to tell the people of Tucson how much I appreciate their kindness to my daughter. Without their financial help, Grace could not have enrolled in college this fall."

The Citizen has learned that at least 20 other Papago high school graduates who wanted to attend college this fall—with federal aid—apparently won't be in classes.

Thirty new applicants sought scholarships through the Papago agency this year, according to Alfred Lawrence, education program administrator for the agency.

So far, seven of those have been approved. Three more might make it.

Congress appropriated $2.2 million for this fiscal year's aid to Indian higher education. Of that, only $230,000 was allocated to the Phoenix area, which handles Indian affairs in four states.

That is the same amount given the Phoenix area last year. Complicating matters further was the addition of California Indians to the Phoenix area this year: $20,000 of the allocation was set aside for them, with no extra allowance given the enlarged area.

BIA officials say Congress refused extra funds for scholarships this year but did approve a change in regulations that caused a big increase in applications for aid. That change was allowance of scholarships to Indian students attending church-related schools.

The BIA last weekend added $100,000 to the scholarship fund.

"It was money I gleaned from other programs," said Charles Zellers, assistant BIA commissioner in Washington, "which didn't have very much to spare."

Area BIA officials in Phoenix said they sent back 55 scholarship applications to agency offices in the four states after this year's regular funds were exhausted. Possibly 20 of those will be approved now that the Phoenix area has received $25,000 of the $100,000 added to the program last week, said Paul Bramlet, area director of schools.

The other 35 youths will simply go without, officials said, as will dozens of others whose applications never reached the Phoenix office because officials at the agencies knew by late summer there were no more funds.

That was the fate of Grace's application, which was not forwarded from Papago agency because it lacked one letter of recommendation. She believed she was receiving a scholarship until last week, when her mother telephoned the education program office at Sells to see why funds had not been sent.

[From the Tucson Daily Citizen, Sept. 11, 1968]

Grace Cachora Goes to College

The educational future of Grace Cachora is financially secure.

Her expenses at Eastern Arizona Junior College will be paid by indignant Tucsonians who came to her aid after she failed to receive promised scholarship funds from the Bureau of Indian Affairs.

There was cause for indignation.

Margaret Kuehlthau, Tucson Daily Citizen reporter, described last Saturday how Miss Cachora—her suitcase packed and $25 dormitory deposit paid—learned too late that she would not receive scholarship help from the BIA.

Her application had been held up in the BIA office in Sells pending the arrival of a necessary third letter of reference. Then the application "was lost in the shuffle."

Finally, when Miss Cachora inquired, it was too late. The BIA said it had run out of scholarship money.

Miss Cachora was a victim of unconcerned BIA personnel, including the education program administrator.

She was never told a letter of reference had not arrived. She was never told that funds ran out before her application could be completely processed.

If Miss Cachora had not been concerned and if she had not inquired, she might still be sitting at home staring at a packed suitcase.

And if concerned Tucsonians had not responded spontaneously to Marge Kuehlthau's poignant article, the junior college dreams of Miss Cachora surely would have been crushed. Now a committee of prominent Tucsonians will administer monies received for her education.

Perhaps more than any other factor, the callous attitude displayed by BIA officials toward Miss Cachora's plight aroused readers.

One BIA official admitted the application got "lost in a shuffle." He coldly added, "But that's the way the ball bounces."

The same official indirectly blamed Miss Cachora.

"The trouble with these Indian kids is the fact that they don't get off their duffs and follow through on things."

And still another official told Mrs. Kuehlthau, "It's not much sense to make an issue of this."

Somewhere these officials have lost sight of their obligations to Indians—the wards of the government these BIA officials represent.

The role of the Indian bureau is clear. It is "to work with and to assist Indians"—both tribally and individually—"toward full participation in the life of modern America."

It is their prescribed duty to help Indians "achieve a full share of educational and economic opportunities as well as social justice." These words are quoted from the U.S. Government Organization Manual.

An Indian today faces almost insurmountable obstacles—social, financial and academic—in his attempts to pursue an education above high school level.

Who can forget Marian Antone's plea to Sen. Paul Fannin last March?

"During the entire history of the Papago people, less than 10 have graduated from college," the 16-year-old high school student told the Arizona senator. "Give us opportunities and we will give you, in return, responsible, productive American citizens, instead of wards of the United States government."

Sen. Fannin was deeply touched and impressed by Miss Antone's plea.

And today, Rep. Morris K. Udall is, according to an aide, "furious" over the treatment of Miss Cachora who is seeking just such an opportunity.

Perhaps the spontaneous reaction of Citizen readers, combined with the concern for Indian education shown by Sen. Fannin and Rep. Udall, will help to make Indian bureau officials in Sells and Phoenix realize that it is they—and not the Papago—who should "get off their duffs" and help the Papago attain that "full share of educational opportunity."

JIM LUCAS INTERVIEWS MARINES' GENERAL CHAPMAN

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. EDMONSON. Mr. Speaker, one of the Nation's top newsmen, Jim Lucas of Scripps-Howard, has just reported on an exclusive interview with the Marine Commandant, Gen. Leonard Chapman.

No fighting men are closer to the enemy than our Marines, and General Chapman's observations—coming soon after his return from Vietnam—must be given weight.

I was particularly impressed by General Chapman's report on our improved intelligence organization and the importance of bombing support for our troops and the Armed Forces of South Vietnam.

The Lucas article, which appeared in the Washington Daily News for September 16, follows:

Top Marine Hopeful

(By Jim Lucas)

The nation's top Marine today forecast a "real turn in our favor" in Vietnam, and said it could come "much sooner than we expect."

"I would not be so incautious as to set a date," Gen. Leonard Chapman, Marine Commandant, said in an exclusive interview. "But if the American people stick it out—and that is the big question—the North Vietnamese soon must sit down and reassess their war policies. They have reached a point where they must make some agonizing decisions."

Gen. Chapman, recently back from Vietnam, said he "came away optimistic."

"Militarily," he said, "we are in excellent position. We are better off than we were before Tet. I can foresee a real turn in our favor."

PAID TRIBUTE

Gen. Chapman paid indirect tribute to the North Vietnamese soldier, whom he described as "pretty dedicated, pretty tough."

"We have some reports that indicate his morale is low, but I would hesitate to say this condition is general. Enemy morale is difficult to assess. There is nothing to indicate he is ready to quit right now.

"The enemy could fight a long time with the manpower he has. But eventually even a dictator like Ho Chi Minh must decide whether it's worth it. He has few men left for anything but the war. He is crippling his economy beyond repair. And he's doing all this without achieving any of his military objectives."

Gen. Chapman was especially pleased to report that "our intelligence is much, much better, and as a result our pre-emptive strikes have kept the enemy off balance. He has not been able to mount a successful offensive, because we usually know his plans in advance, and disrupt them.

WE'VE LEARNED

"We're not only getting more information from the people, but it checks out, and we are more professional in analyzing it. We've learned. Time after time, he (the enemy) has been forced to defer plans to attack Saigon. We've gone after him on the ground, and in the air we have sometimes all but destroyed him."

The Marine Commandant paid tribute to the air force B–52s, which he said have been devastating in their raids.

"If we can locate the enemy for them, they can hit him," Gen. Chapman said. "They don't even hear the bombs. The world just suddenly explodes around them."

Gen. Chapman said a halt in bombing North Vietnam would be unfortunate.

"Those Marines, soldiers and South Vietnamese along the DMZ would feel they were let down," he said, "They would be the first to feel the effects of it."

Gen. Chapman said North Vietnam is forced to stockpile arms and food before an operation and "we have been singularly successful in uncovering their caches." As a result, Gen. Chapman said, the enemy "has a growing logistics problem."

He said last winter's Tet offensive "could go down in history as Vietnam's Pearl Harbor."

"Tet made it a national war," he said. "Politically, the South Vietnamese are more united. The government has been able to do things since Tet it couldn't do before—lower the draft age, for instance. Economically, the South Vietnamese are in better shape. The roads teem with traffic and the towns are bustling."

Much still depends on the pacification program, Gen. Chapman said.

"Certainly in First Corps," he said, "pacification has been restored and is farther along then before Tet."

Gen. Chapman said U.S. morale is still high.

"It couldn't be otherwise," he said, "our guy is winning every battle he fights. He knows he's good."

JURY TRIALS IN TVA CASES

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. KUYKENDALL. Mr. Speaker, I would like to lend my wholehearted support to the legislation before the House which provides for jury trials in TVA condemnation cases. H.R. 4846 is the House bill on this subject, but a similar Senate bill, S. 1637, has already passed the Senate and is now pending action by the House.

There is no freedom in America more blessed than the ownership of private property. Our beloved Nation was founded on this guiding principle, and it has become the cornerstone of our competitive free enterprise system which has made America the wealthiest country in the world. A man's property is cherished next to life itself and it surely should be afforded a corresponding degree of protection under the law.

The right of the Government and its agencies, such as the Tennessee Valley Authority, to acquire lands through proper condemnation proceedings is a well-recognized constitutional right and it is not disputed. It is paramount, however, that the property owner is adequately protected in these proceedings to insure that there is a just and fair determination of the compensation to which he is entitled.

Under the Tennessee Valley Authority Act of 1933, the property owners whose land is confiscated by the Tennessee Valley Authority under the powers of eminent domain are not granted the safeguards of a jury trial at any stage of the proceedings. In fact, the act prohibits the use of a jury in such cases. The landowner has no choice but to accept whatever evaluation TVA's appraisers may place upon his land. If the landowner disagrees with the pricetag placed on his land, his only recourse is to appeal to a three-man Commission named by a Federal judge. This is indeed a rather restricted right of appeal and a rather unique application of the law of eminent domain because it is well recognized that the right to demand a trial by jury in such cases is generally available under the laws of the United States and the State of Tennessee.

The people in the Tennessee Valley should be afforded the same protection granted other property owners in ordinary condemnation procedures, and there is no legitimate reason for denying them this privilege. The jury trial is a very essential and significant part of the American system of jurisprudence and from our beginning, the judgment of one's peers in judicial proceedings has been considered the individual's greatest bulwark of freedom against oppression and injustice. I do not mean to infer that the Tennessee Valley Authority has always been an unreasonable tyrant in its exercise of eminent domain powers, but I do know that there is widespread dissatisfaction with its condemnation procedures. What is determined as just compensation by the TVA appraisers or the appointed Commission may not be adjudged fair and reasonable by the landowner or his neighbors.

For these reasons, Mr. Speaker, I join in voicing my opposition to the existing condemnation procedures under the Tennessee Valley Authority Act and urge your favorable consideration of S. 1637, which is designed to rectify this inequitable situation. This proposal authorizes jury trials upon appeal from condemnation proceedings for landowners who have had their property condemned by the Tennessee Valley Authority. Certainly, these people deserve the right of an appeal to a jury trial and the passage of appropriate legislation granting them this right is long overdue.

ARCHBISHOP JOHN MARK GANNON

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. VIGORITO. Mr. Speaker, the Nation has lost one of its most noteworthy religious leaders. On September 5 Archbishop John Mark Gannon, dean of Catholic prelates in the United States, died in Erie, Pa., at the age of 91.

Without the slightest exaggeration, Archbishop Gannon can be called a great man. All the glory of the English language is not able to describe the impact this man had on his flock.

He was a leader. He was not satisfied to follow in anyone's footsteps. He blazed his own paths and the legacy of his religious leadership throughout the entire Erie diocese—in fact—throughout the entire Catholic community of this Nation—will be long remembered.

Archbishop Gannon was an ecumenical man and it can be modestly stated that his reputation among churchmen and persons of other faiths was as high as in his own flock. He was a man for the ages. The Nation mourns his loss. So that my colleagues may become aware of the loss we feel, I insert in the RECORD this excellent editorial from the Erie Daily Times of September 6.

ARCHBISHOP GANNON

Of Archbishop John Mark Gannon, far more than for most men, it can truly be said that his works live after him.

In addition to his role as spiritual leader of the Catholics of Northwestern Pennsylvania, a role that would fully have taxed the energies of lesser men, Archbishop Gannon was also a builder who left a lasting impression on his community and area.

Archbishop Gannon's achievements are so many and so varied that it is difficult, even now, to absorb them quickly.

He was ordained a priest on Dec. 21, 1901; in 1908, sixty years ago, he was appointed superintendent of Diocesan schools. He became Auxiliary Bishop to Bishop Fitzmaurice in 1917. His consecration by Bishop Hoban of Scranton as Auxiliary Bishop took place Feb. 6, 1918, in St. Peter's Cathedral.

Bishop Fitzmaurice died June 18, 1920, and Archbishop Gannon was installed as Bishop of Erie in St. Peter's Cathedral Dec. 17 of that year, with Dennis Cardinal Dougherty of Philadelphia presiding.

All this, of course, is history, but is only the framework of history. These statistics shape a career as notable as any Erie has ever witnessed. It is the achievements of this native son that make this story such a rich one.

The Erie Diocese educational system flourished under Archbishop Gannon. The list of new schools—elementary, secondary and college—is almost overwhelming. Think of the effect on this community, for instance, of the founding of Cathedral Preparatory School for Boys, Mercyhurst College, Villa Maria College and Gannon College.

Or, consider Archbishop Gannon's role as a humanitarian.

Again, it is difficult to realize that he built St. Joseph's Home for Children in 1924—some forty-four years ago. Then there is Harborcreek Training School for Boys and the Gannondale School for Girls to care for the underprivileged children in the Diocese.

Fittingly, for this builder extraordinary, his last trip from his home—ten days ago—was a drive to view the new Benedictine Mother House near Camp Glinodo on East Lake Rd.

For those of us fortunate enough to have known him, for those of us privileged to live in the same community with him, there is great pride in the achievements of this remarkable man.

As the most Rev. John F. Whealon, Bishop of the Erie Diocese, said in his tribute to Archbishop Gannon: "We can render him no greater tribute than to pledge ourselves also to the continuation of his work for a better society, for a stronger faith."

ELIMINATE COMMERCE DEPARTMENT RESTRICTIONS ON PRIVATE INVESTMENT AND LENDING OVERSEAS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. CURTIS. Mr. Speaker, I have long been concerned with the adverse effects the administration's restrictions on direct private investment and bank lending overseas have on our balance of payments. For example, see minority views to Interest Equalization Tax Extension Act of 1967, report No. 68, Ways and Means Committee, pages 47 to 51; also administration's balance-of-payments proposals hearings before Ways and Means Committee, part I, February 5 and 6, 1968, pages 290 to 331; also CONGRESSIONAL RECORD entries June 6, 1968, pages 16335 to 16337; June 19, 1968, pages 17906 to 17907; July 19, 1968, pages 22420 to 22421.

These direct controls—administered by the Commerce Department's Office of Foreign Direct Investments, OFDI—are self-defeating attempts to improve the balance of payments. Instead of helping our payments balance they lead to further deterioration in the balance of payments. Or, to put it more graphically as Prof. Fritz Macklup of Princeton did before the Joint Economic Committee on September 9th, they are "for the birds."

Therefore, I wish to commend my colleague, JOHN V. TUNNEY, for having introduced a concurrent resolution calling for elimination of these controls as soon as possible and for having taken a special order today to discuss this important issue.

From 1950 to 1966 the Government sector of the balance of payments was in deficit by $87.6 billion. The private sector was in surplus by $59 billion over the same period. Logic would seem to dictate trying to reduce the deficit in the Government sector, but instead restrictions have been put on the private sector which has been the plus factor in our balance of payments.

The current mandatory program of restrictions on direct investment and lending overseas is an extension of the supposed "temporary" voluntary restrictions begun in 1965. Those earlier restrictions are already hurting our balance of payments as they have curtailed income return to the United States on investments that would have been made during this period.

Moreover, direct investment overseas is essential for U.S. exports. Twenty-five percent of all U.S. exports are to overseas affiliates and subsidiaries of U.S. companies established by prior direct investment. To cut down investment overseas reduces U.S. exports. U.S. corporations also are limited in how much they can sell on credit to their own affiliates overseas, further hurting U.S. exports.

One New York University study indicates these investment restrictions may already be costing the United States $400 million annually in exports.

Other negative results come from the OFDI program:

First. Redtape, uncertainty, and sheer frustration are increased for U.S. corporations.

Second. The regulations tend to supplant private investment with Government investment because it must be emphasized that Government investment abroad has been programed to increase at the very time restrictions are placed on private investment.

At the time of the debate in the House on funding for the Interamerican Development Bank, I pointed out—CONGRESSIONAL RECORD March 19, 1968, pages 6973 to 6975—that at the same time as private investment abroad was being cut off—although recognized as a plus factor in our balance of payments—Government expenditures abroad were going up. It is Government spending overseas causing our balance-of-payments difficulties. This phenomenon is what I refer to as CURTIS' corollary to Gresham's law. Gresham's law states that mad money drives out good. My corollary says that Government money drives out private. This is what we have today—Government spending overseas going up while private investment declines.

Third. U.S. corporate borrowing costs are increased. Companies have to pay more for money in Europe than they would have to pay in the U.S. capital market. This increases costs to U.S. companies and decreases their international competitiveness.

Fourth. The OFDI program is subject to administrative abuse. To remain in business in many instances companies need relief from OFDI provisions. This involves persuading Government officials of the merits of one's case. When the Government has the right to determine whether or not a company remains in business, the possibilities for abuses and possible corruption are vast.

Moreover the OFDI program is illegal. The OFDI regulations are based on the Trading With the Enemy Act of 1917 and the 1950 proclamation of national emergency issued by President Truman at the time of the Korean war. Neither of these had anything to do with the balance of payments.

Instead of attacking the root causes of our economic problems at home and abroad, which are caused by Government overspending, the Government uses direct controls on the private sector and does nothing about its own excesses. This attacks the symptoms of the problem, not its causes. In addition, the direct controls hurt the one positive component of the balance of payments—the private sector.

The OFDI regulations are bad medicine and they are habit forming.

We must eliminate these restrictions on the private sector, tighten down on Government spending programs and establish priorities for them. This will restore equilibrium to our balance of payments and at the same time dampen the flames of inflation. This means restraint in the Government sector, not further restrictions on the private.

THE NONPROLIFERATION TREATY—AN EXERCISE IN FUTILITY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. HOSMER. Mr. Speaker, the American Security Council's Washington Report for September 9, 1968, discusses the Nuclear Nonproliferation Treaty in an essay written by myself. Some of my knowledge of this document stems from my access to information as a congressional adviser to the U.S. delegation to the 18-Nation Disarmament Committee which wrote the treaty. Obviously my advice to our delegation has been little heeded. The essay follows:

THE NONPROLIFERATION TREATY—AN EXERCISE IN FUTILITY

(By Representative CRAIG HOSMER)

(EDITOR'S NOTE.—Representative Craig Hosmer of California is the ranking Minority House Member of the Joint Senate-House Committee on Atomic Energy. The recent Czech crisis has brought into sharp focus the problem of our deteriorating alliances in Western Europe and the ability (or lack of it) of the Western European nations to act effectively in their own self-defense. For this reason, Mr. Hosmer's analysis seems particularly timely.)

A public opinion poll indicates 81% of Americans favor the Treaty on Nonproliferation of Nuclear Weapons and the United States Senate is rushing to ratify it. The idea of restricting the number of nuclear powers is an attractive one.

Since World War II the United States strived first to protect its nuclear monopoly and then to restrict membership in the Nuclear Club. Yet a degree of nuclear spread has proved inevitable. I could not be stopped by strictest secrecy or the suppression of technology. Now it is hoped that a treaty will do so. But will it? What are the consequences if it does not? Will the nation be more secure with the Treaty than without it?

These were questions seldom asked during the long negotiations of the 18 Nation Disarmament Committee leading to the NPT and hardly answered during the Senate Foreign Relations Committee's cursory hearings on ratification last July. From the inception of the idea of a treaty, throughout its negotiation and to today it has been assumed that any nuclear spread is totally bad and almost any concession is worth a treaty barring it. But never really understood by our negotiators was the degree of danger actually posed by a situation of some additional nuclear capabilities. Therefore they had no measure by which to gauge the value of their concessions.

Undoubtedly the spread of nuclear weapons to the Soviets and the Red Chinese has been bad. Very bad. But spread to the British has been benign. The case of the French is troublesome but not disastrous. Historically proliferation has not been good, but it has not been as bad as pessimists estimated. We have lived with it and some observers make a plausible argument that availability of nuclear stockpiles to the major powers not only has deterred nuclear war amongst them, but conventional war as well. If true, and in this limited context, proliferation has not been bad.

Actually, the degree to which proliferation is dangerous depends on whether the proliferee plays a good guy or a bad guy role in the ever changing scenario of international events. Consequently, even for a treaty which absolutely guarantees against spread—and the NPT does not—there can be a price in terms of concession too high to pay for it.

And the United States did make many concessions for the NPT. Dr. Edward Teller told the Senate that the NPT's costs in terms of national security far exceed its benefits. Dr. Robert Strauz-Hupe stressed its disruptive effect on NATO. Rep. Paul Findley predicted alienation of many allies who look for more, not less, integration of mutual nuclear defenses. I told the Committee that Soviet enthusiasm for the document springs less from abhorrence of nuclear spread than from a belief that the weapons in the hands of intended victims of communist wars of liberation would provide them the sure defenses they need.

The Chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, was produced at the Senate hearings to counter these implications but his testimony was carefully terse. He did not declare the Treaty enhances our defense. The most elicited from Wheeler was a negative opinion that it is "not inimical to the United States security interests." Nor was he able to backstop even this faint praise which studies by the Pentagon's vaunted systems analysts utilizing cost-effectiveness techniques. No such studies have ever been made.

Had the NPT been weighed by that kind of analysis the benefit of some limited spread of independent nuclear deterrent power in the form of soothing effects in certain tinderbox areas would have been considered. For example, an Indian capability to threaten retaliation against Red China might have sobering implications at their mutual border. A nuclear capable Japan could be the focus for a stabilizing Far Eastern regional alliance. Filling such power vacuums would considerably ease the overseas over-commitments of the United States.

At cost which should have been weighed on the systems analysis scale is the NPT's surrender of the U.S. option to selective proliferate defensive nuclear systems to allies in critical situations short of war. Integrated into the weapons would be controls permitting firing in defensive circumstances, cutting them off if aimed offensively at another country, and destroying them if anyone attempts to override the controls. The option offers considerable hope for keeping the nation out of future Vietnams. Surrendering it by a stroke of the pen is a high price for a Treaty failing to stand out clearly from the euphoric ballyhoo in which it is packaged. And, the price is escalated because some hard pressed countries may go nuclear on their own if they cannot get defensive weapons from others. They will thereby acquire arsenals also usable for offensive. In this sense the Treaty bars a kind of proliferation which could be advantageous and encourages a kind which is dangerous.

The foregoing implies that failure of the NPT is inevitable. Unfortunately, this is true. The treaty recognizes two routes to Nuclear Club membership, one by which a nuclear "have-not" gets weapons from a nuclear power, and the other by which a "have-not" develops its own.

In the first case neither the U.S., the U.K. or the U.S.S.R are likely to give away A-bombs in violation of their self-interest. They will sign the Treaty but their promises will gain nothing. France won't sign and probably won't proliferate. The same cannot be said of Red China to whom circumstances of world instability are helpful. Red China won't sign and can be expected to be the source of give-away bombs if it helps her.

In the second case, the NPT will not restrain over one-hundred nuclear "have-nots" who have no resources to go nuclear on their own anyway. The few capable of going nuclear will or will not do so irrespective of the NPT. Some, like Switzerland, will never go the nuclear route for a variety of good reasons. Others, like India, will travel it if necessary, because treaty promises or not, nations tend to do what they must to avoid extinction. Instead of negotiating an ineffective treaty we should be calculating what the world will look like with a somewhat larger Nuclear Club and be devising ways to live with it.

This is true not just because the probability of continued spread is far from zero, but also because the NPT lacks effective safeguards to enforce its signers' promises. There are no safeguards at all applicable to the "not to give or receive" promises. Pledge by countries not to make their own H-bombs are left up to side agreements to be made with the International Atomic Energy Agency. Supposedly the IAEA's inspectors would watch for diversions of bomb ingredients from peaceful nuclear plants.

This brings into issue the IAEA's technical and financial resources to play a worldwide safeguard role. Today its inspection staff numbers less than the nineteen senators who are members of the Foreign Relations Committee. Its budget is little over a half-a-million dollars and its skill in the art of inspection is rudimentary. To do its NPT job will eventually require thousands of inspectors and a budget in excess of $100 million annually. No one has yet addressed the problem of where the deficit plagued IAEA can ever raise even a fraction of the sums needed to safeguard the NPT

Even properly financed, the Agency could be no certain guardian against theft and diversion of bomb materials. No one yet knows the normal loss rate for these ingredients in the peaceful industrial process. No one can tell IAEA's inspectors when their suspicion should be aroused. And, should they stumble on questionable circumstances, nothing need come of it. IAEA's Inspector-General is not obliged to tell IAEA's Director-General about it, and if he does, the latter is under no duty to tip off anyone else.

Notwithstanding these defects in the NPT our nation has made what seem to be heavy commitments to induce non-nuclear nations to sign it. President Johnson stated these nations "can be sure that if they need our strong support against some threat of nuclear blackmail then they will have it." Former Defense Secretary McNamara echoed this assurance and envisaged situations which "might well require military intervention by one of the great powers immediately, without time for the negotiation and discussion in international forums that would otherwise take place."

Undersecretary of Defense Paul Nitze told the Senate Committee that such declarations evidenced no more than that the United States and the Soviet Union "share the utmost concern in preventing any act or threat of aggression with nuclear weapons." In doing so he raised the question of whether the Johnson-McNamara assurances are meaningful or meaningless. Either they are or they are not. If meaningful, and some one hundred nations sign the NPT as Secretary Rusk hopes, then our security commitments are increased about two and one-half times over our present nuclear Sir Galahad burden being carried for forty nations under existing treaties.

Wisely or unwisely, the course of events are such that the Nonproliferation Treaty seems destined to become part of the law of our land. To safeguard ourselves from harmful consequences we should, at the very least, initiate these safeguards:

Clearly define the limits of our obligations to defend co-signers of the Treaty against nuclear aggression or blackmail.

Continuously monitor proliferation possibilities, identify potential proliferees and develop contingency plans to cope with them.

Continuously monitor adverse consequences of the Treaty and prepare to exercise our withdrawal privilege promptly.

Initiate negotiations toward amending the NPT's safeguards provisions to improve their quality and provide assured financing.

Adopt a firm policy against allowing our strategic nuclear position to deteriorate during negotiation of the additional arms control agreements contemplated by the NPT.

A MAN DIED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. WYMAN. Mr. Speaker, it seems of late that all that appears in the newspapers anymore are accounts of the behavior of the yippies, the hippies, the protesters of one kind or another, the civil disobeyers; in short the activities of the decidely atypical American citizen of today.

These elements represent a very small minority of our citizenry. The overwhelming majority of Americans are good, law-abiding, patriotic people: People who do not take the time to write a letter to an editor as those with an ax to grind so often do.

In this light, it was refreshing indeed to pick up the Manchester, N.H., Union Leader of Thursday, August 1, and read the following letter to the editor of that paper by Mr. Walter Burt, a constituent of mine, which so aptly, I think, says what a great many of us feel without our ever saying so:

A MAN DIED

TO THE EDITORS: Last week a man fell in battle. A man dedicated and devoted to peace and freedom. A man who was man enough to give his life for a cause that he believed in.

We mourn for him today. He did not die in a plush motel in one of America's most beautiful cities. He died in the horrible steaming jungles of a filthy, rotten, poverty-torn nation, thousands of miles from his home and country. He died in the arms of a buddy who believed in a country where free men could assemble in worship—where little girls and women felt free to walk to Sunday school in their new frocks and bonnets. He died to give to men of all colors the right for a free education in a state that would provide it with small cost—and limited only by the self-limitations of the individual.

He died defending a country that has done more for the individual than any nation on earth. He did not curse the parents that bore him, loved him, and provided for him and gave him far more than they ever had themselves. He did not curse the society that taxed itself to the hilt to care for its poor and its aged. He did not defect from the country that provided the scenic highways, parks and luxuries that he and his fellowman might enjoy the good things in life. He died as an example of civil obedience.

No self-seeking politician sent a chartered jet for his widow to accompany his body home. He was shipped home in a government-provided casket, and Uncle Sam provided one non-commissioned service man as an escort. He did not have a large funeral. A soldier sounded taps on a nearby slope as his body was laid to rest.

No cities were burned and placed under martial law because he was shot. Our nation's Capitol was not endangered by his death. It was, rather, made a little more secure by the supreme price that he paid to make it safe. The flag of our country was not lowered to half-mast. In the eyes of those who know the true value of such a sacrifice, it seemed to fly higher than ever over the "Land of the free and the home of the brave."

Those who would vindicate his death today can be heard throughout our land as they organize into what patriots have always called our Military Service. They take up arms—rifles—bayonets—tanks and planes—but they aim them at the enemy—not their own country.

We mourn for him today. There were no newspapermen nor TV crew to cover the events of his death nor his funeral. No dignitaries canceled trips that might save the lives of his buddies to attend his funeral. But every statesman and politician ought to take at least one moment to slip silently to his knees and say, "Thank God for a great man. His contribution to our country's freedom is not known by his own generation. It is known only to God."

A great man fell in battle. The victim of a sniper's bullet.

We mourn for him today—

The American fighting man killed in the service of his country.

WALTER W. BURTT,
Americanism Chairman, VFW, Department of New Hampshire.

WARNING ON NEGATIVE MARITIME POLICIES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. GARMATZ. Mr. Speaker, on September 7, Edwin M. Hood, president of the Shipbuilders Council of America, spoke before an American Legion audience in New Orleans on the subject of the U.S. merchant marine. Mr. Hood most convincingly deplored the neglect that has permitted the U.S.-flag commercial fleet to sink to the present level, where only about 5 percent of our seaborne cargoes are carried in our ships and where over 80 percent of these are 20 years of age or older.

Perhaps reading this will convince many that the danger of our position as a maritime nation—both as to our peacetime commerce and as to our national defense—is so great as to make it imperative that a program of restoration of our commercial fleets cannot possibly be delayed any longer. I am including the speech in the RECORD in full as must reading for those in position of responsibility of our national affairs:

LEGION TOLD NATION'S SECURITY IS IMPERILED BY NEGATIVE MARITIME POLICIES

NEW ORLEANS, September 7.—The spokesman for the shipyard industry today warned an American Legion audience that the safety of the United States is being jeopardized by inept maritime policies which have produced an overwhelming reliance on foreign-flag shipping for the movement of the nation's trade and commerce.

Edwin M. Hood, President of the Shipbuilders Council of America, addressing the Merchant Marine Panel of the American Legion's National Security Commission, deplored the fact that only about 5 percent of U.S. foreign trade cargoes are carried in American-flag ships. He stressed that "no nation can remain a world power by placing the movement of its import and export cargoes at the mercy of the changing political whims of other nations." And, he added, "The hazards of relying on foreign-flag vessels for logistic support of military forces overseas are even more apparent."

According to Hood, every principal maritime nation, for many years, has "recognized the wisdom of retaining control over its trade and commerce." As compared to the 5 percent of U.S. foreign trade cargoes carried by the American flag merchant fleet, Hood cited the following percentages showing other nations' utilization of ships flying their flags:

Sweden, 30 percent; Great Britain, 37 percent; Norway, 43 percent; France, 48 percent; Greece, 53 percent; and Russia, 75 percent.

The reasons why foreign nations patronize their own merchant fleets to a far greater extent than the U.S., said Hood, stems from the fact that "these separate nations have determined as a matter of national will that a high degree of reliance on their own shipping resources is important to their own self interest. They have displayed a quality of resolute purpose which has not been present within our borders for quite some time."

The shipyards' spokesman said the United States would do well to emulate foreign maritime powers and develop specific priorities, programs and goals to restore the United States as a leading maritime power.

"We have been drifting aimlessly . . there has been no effort to define, with convincing precision, the importance of ships, shipping and shipyards to the national security and to the nation's economic well being . . . no comprehensive projection of our nation's expected seaborne trade into the coming decade . . . no declaration of national intention as to the volume or percentage of each type of cargo to be carried aboard American-flag ships at some fixed dates in the future . . . no realistic shipbuilding program, with precise milestones, to assure that the needed merchant fleet will be available in sufficient numbers to meet these targets."

Hood singled out Japan as a nation which "has long held to the policy that programs to expand domestic shipping resources as well as export opportunities should be pursued for the specific purpose of promoting domestic shipbuilding as a function of national affluence."

As a consequence, said Hood, Japanese shipyards lead the balance of the world in the construction of merchant ships.

He also credited that country's shipbuilding achievements to the close cooperative relationship of the Japanese Government and industry. He cited as a recent example a specially created industry advisory group which participated in the formulation of Japanese maritime policy and goals for the period 1969 through 1975. Hood said that these government-industry consultations resulted in recommendations that 2,050 merchant ships, totaling 29 million gross tons be built in Japan for the Japanese merchant marine by 1975. This program, which is expected to be adopted by the Japanese Government, Hood said, would enable the Japanese merchant marine to carry 60 percent of the nations' exports and 70 percent of its imports.

If present trends prevail, Hood said, only about 100 ships would be added to the United States merchant marine by 1975. He said the shipping industry already is confronted with a serious crisis because of inadequate shipbuilding programs. As a result, more than 80 percent of the fleet consists of ships 20 or more years of age, he pointed out. "This must change, and change it will if we decide promptly that 30 percent of our trade and commerce—or some target significantly greater than 5 percent, resulting from thorough analysis—will, and must, be carried aboard American flag, American built ships by 1975."

REMARKS BY EDWIN M. HOOD, PRESIDENT, SHIPBUILDERS COUNCIL OF AMERICA, BEFORE MERCHANT MARINE PANEL, NATIONAL SECURITY COMMISSION, THE AMERICAN LEGION, NEW ORLEANS, LA., SEPTEMBER 7, 1968

Throughout the past five years, the maritime industry of the United States—in all of its many facets—has received much publicity. Mostly unfavorable!

Many voices have been heard and many ideas have been advanced. Mostly to no avail!

Confusion, disarray and ineptitude are adjectives which observers have ascribed to this phenomenon. Fundamental factors have thus been obscured to the detriment of our country's ability to provide a shipping capability equal to long-range as well as short-range needs.

In terms of remedies for our maritime ills, the evidences of the ineptitude of recent years are all around us. The motivating reasons and critical influences causing this situation are difficult to isolate or explain. But, it would be fair to state that our country has not had a constructive or effective maritime policy for a long while.

The small number of new ships added to the American merchant marine has been grossly inadequate in overcoming the high degree of obsolescence in the fleet. More than 80 percent of the fleet is composed of ships 20 years of age or older.

According to government statistics, our ships today carry about 5 percent of our trade and commerce by volume, and if prevailing trends and policies are not soon reverse, this figure could drop even lower.

This precipitous reliance on foreign flag shipping puts the national safety of the United States in dire jeopardy. For no nation can remain a world power by placing the movement of its import and export cargoes at the mercy of the changing political whims of other nations. The hazards of relying on foreign-flag vessels for logistic support of military forces overseas are even more apparent.

Longer than five years ago, every principal maritime nation in the world recognized the wisdom of retaining control over its trade and commerce. Russian-flag ships carry 75 percent of Russian cargoes, Sweden 30 percent of her own commerce, Norway 43 percent, Great Britain 37 percent, Japan 46 percent, France 48 percent, Greece 53 percent. And so it goes! The governments and the people of these separate nations have determined as a matter of national will that a high degree of reliance on their own shipping resources is important to their own self-interest. They have displayed a quality of resolute purpose which has not been present within our borders for quite some time.

We have been drifting aimlessly. We have been told that this number or that number of ships should be built to restore our maritime vitality. But, not in my recollection, have these numbers been equated to carefully determined tonnage targets. Nor have these numbers been cast as a part of a meaningful, carefully devised, long-term plan.

From official sources, there has been no effort to define, with convincing precision, the importance of ships, shipping and shipyards to the national security and to the nation's economic well-being.

There has been no comprehensive projection of our nation's expected seaborne trade into the coming decade.

There has been no declaration of national intention as to the volume or percentage of each type of cargo to be carried aboard American flag ships at some fixed dates in the future.

There has been no determination as to the progressive composition of our merchant fleet—by numbers and types of ships (liner, bulk, container, tanker, and so on)—necessary to carry these cargoes.

There has been no realistic shipbuilding program, with precise milestones, to assure that the needed merchant fleet will be available in sufficient numbers to meet these targets.

And, there has been little attempt to apply system analysis as a means of achieving lower composite transportation costs for water transportation which are well within grasp of attainment.

Government and industry, in concert, have therefore failed to put together an overall maritime package which is salable. Some of the fundamental rules of merchandising and marketing have been ignored. And the geopolitical significance of shipping has not been assigned a high enough national priority.

By comparison, Japan has long held to the policy that programs to expand domestic shipping resources as well as export opportunities should be pursued for the specific purpose of promoting domestic shipbuilding as a function of national affluence. The derivation of this policy, and subsequent modifications, have been accomplished through a degree of cooperation between government and industry which does not now exist elsewhere in the world, least of all in this country.

Accordingly, shipbuilding has become a substantial factor in Japan's national economy and balance of trade. The marketing of shipbuilding capabilities with considerable governmental stimulus has been effectively developed to the point that Japanese shipyards lead the balance of the world in the construction of merchant ships.

In addition, the national policy of Japan is that while capturing a steadily increasing share of the world shipbuilding market, all ships for the Japanese flag merchant marine will be constructed in Japanese shipyards. Over the last decade, not a single vessel for Japanese registry has been built outside of that country. This policy is in sharp contrast to the never-ending demand for foreign construction of U.S. merchant ships, whose operations would be subsidized by the public treasury, which is being voiced by certain government officials and others in this country.

But that is only part of the Japanese story!

In March of this year, the Ministry of Transport and the Shipping and Shipbuilding Rationalization Council called on a specially created industry advisory group—the Shipping Policy Division—to "conduct studies on a policy from the national economic viewpoint for the growth of the shipping industry."

Among the conclusions reached were these: (1) it is essential to expand the Japanese merchant marine for improvement of the shipping payments position; (2) it is necessary to work out measures for having access to funds needed for expansion of the Japanese fleet of oceangoing ships and for training more seamen; and (3) "government subsidies" are needed to strengthen the Japanese shipping industry's business standing and to augment its international competitiveness.

Those general conclusions are quoted almost word for word from a recent Tokyo publication, but the Shipping Policy Division went even further. It established specific targets as a basis for formulating a meaningful program.

By 1975, it is prescribed that the Japanese flag merchant marine should carry 60 percent of Japanese exports and 70 percent of Japanese imports. To meet this target, it is planned that 2,050 ships of 29 million gross tons will be built in Japanese shipyards by 1975.

In each year, 1969 through 1975, a detailed schedule of ships by type—liner vessels, trampers, specialized ships and tankers—to be constructed is set forth.

In other words, the industry-oriented Shipping Policy Division with the full backing of the Japanese Government has made the kind of projections and evaluations mentioned earlier and concluded that the national interest dictates that a major share of Japanese trade and commerce must be carried aboard Japanese-built ships. Late news dispatches out of Tokyo indicate that this comprehensive plan will shortly be approved as official policy.

No such plan—and no such environment for the development of maritime and shipbuilding programs—exists in the United States. At present levels of merchant ship construction, we would add to the American flag merchant marine about 10 ships by 1975. Quite a comparison—100 to 2,050!

The Japanese cannot be totally wrong in their policies of emphasis on shipping and shipbuilding. Judging from their record of success, it would appear that they are very much on the right course. They are clearly assigning a high priority to this effort. They clearly possess the will to run faster in the race with time and the balance of the world to preserve and expand their own national and mercantile interests.

Insofar as commercial shipping is concerned, we have been lagging behind year after year, until now a point of serious crisis has been reached. We have reached this point because of a reluctance to spend the requisite funds, a distraction with other problems, simple negligence, naivete, folly and indecision. This must change, and change it will if we decide promptly that 30 percent of our trade and commerce—or some target significantly greater than 5 percent resulting from thorough analysis—will, and must, be carried aboard American flag, American built ships by 1975. This is surely not an unrealistic or unreasonable target. We surely can run faster in a new race to protect our own self-interests!

RESULTS OF QUESTIONNAIRE

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. COWGER. Mr. Speaker, I would like to report to my colleagues as well as to my constituents, the results of a questionnaire which I recently mailed to all residents of the Third Congressional District of Kentucky. I received more than 13,000 replies to this questionnaire and would like to present the results at this time:

[In percent]

	Yes	No	Undecided
1. What are your opinions on the war in Vietnam?			
a. The Paris peace talks will fail	57.07	14.52	28.41
b. When the enemy attacks Saigon we should bomb their capital of Hanoi	60.53	18.54	20.93
c. We should bring our troops home at all costs	29.17	48.61	22.22
2. How can we stop inflation and the rising cost of living?			
a. Set priorities and eliminate unnecessary foreign and domestic spending	90.28	2.90	6.82
b. Increase taxes	10.42	57.55	32.03
3. Do you think the President has handled the Pueblo incident properly?	14.77	69.32	15.91
4. Do you favor a Federal guaranteed annual income?	9.19	70.43	20.38
a. We should guarantee a $5,000 annual income for the head of every household	5.99	67.95	26.06
b. A guaranteed annual income should apply only to the physically disabled	61.64	29.45	8.91
c. The Government should not subsidize personal income	33.33	42.17	24.50
5. What are your opinions concerning poverty in America?			
a. The present "hand out" philosophy of relief and welfare has been successful	4.13	84.67	11.20
b. Job training through private enterprise can materially reduce hard core unemployment	82.48	10.49	7.03
6. What has contributed to riots and civil disobedience?			
a. Unemployment and hunger	31.85	41.69	26.46
b. Sensational news reporting	72.62	12.15	15.23
c. Lack of Government money spent for housing and education	13.54	56.94	29.51
d. Lack of communications between the man on the street and public officials	53.82	28.19	17.99
7. What has caused the assassination of public officials?			
a. A conspiracy	28.57	32.74	38.64
b. Individual madness	43.81	20.38	35.36
c. Disrespect for law, order, and authority	79.50	8.43	12.07
8. How dan we reduce crime in America?			
a. Tough action by the courts	90.63	3.04	6.33
b. More law enforcement officers	60.74	16.13	23.13
c. More Federal spending on poverty programs	13.26	58.58	28.16
9. In your opinion what is the most important issue facing our country today? [1]			
a. Poverty	11.11		
b. War in Vietnam	55.55		
c. Crime and riots	72.22		
d Urban growth	12.18		
10. What is your opinion on gun legislation?			
a. Put restrictions on handguns only	12.61	49.81	37.58
b. Restrict the sale of rifles and shotguns as well as revolvers	29.53	42.33	28.14
c. Impose Federal registration of all firearms	42.25	40.63	17.12

---

[1] This important issue adds up to well over 100 percent because many people checked more than 1 item.

Mr. Speaker, I bring particular attention to question 9C, the question being "In your opinion, what is the most important issue facing our country today?" and 72.22 percent of my constituents answered that crime and riots were the most important in their minds.

HOW DO YOU EXPLAIN THE KILTIES' SPIRIT?

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. SCHADEBERG. Mr. Speaker, Racine, Wis., is a major city of the first district which I have the honor to represent in Congress. It is truly the bugle corps capital of the world. Recently one of our fine weekly newspapers, the Shoreline Leader, carried a story about Racine Kilties, the champions among drum-corps-in the United States.

At a time, Mr. Speaker, when so many problems face us in respect to our young people, I thought it would be timely to bring to the attention of the Congress of the United States not only the dedication of these fine young people from Racine, but, as well, the pride and affection and the enjoyment we derive from their activities as a community and, for me personally, as their Congressman.

The above-mentioned article follows:

HOW DO YOU EXPLAIN THE KILTIES' SPIRIT?

(By Kaye Poulsen)

It takes a staggering amount of mental and physical work, plus individual dedication to perfection to develop a top drawer, first class drum corps.

No one knows this better than the Racine Kilties.

True to Kiltie tradition, they didn't rise to great heights in the beginning . . . it took 30 years for the corps to peak. The main reason is that the original intent of the Kiltie drum and bugle corps was as a special interest activity of the Racine YMCA. The corps provided the opportunity for young men to learn the talents of marching, playing bugles and drums, and discipline.

There was no such thing as "junior drum corps competition" 37 years ago. Just parades parades and more parades. Popular even then, in Stewart tartans and kilts, the corps paraded up and down streets in hundreds of Wisconsin and Illinois communities. Eventually their crowd-pleasing fame spread to other states and soon the Kilts experienced the adventures of traveling—by bus!

The greatest asset of every Kilt—past, present or future—is the close brotherliness, the fellowship and common goal each member of the corps gains.

An intangible bond unites the men of the corps and their staff. Sound corny? Not if you're one of the Mighty Plaid.

Other great corps have experienced the same "togetherness," to be sure, but none has lasted so long with such avid dedication.

One of the proudest moments, for all Kilts, happened in 1964 at the VFW national convention in Cleveland. The 1964 corps (because of the strong alumni bond) represented every man who ever wore the plaid. They took all the first place trophies. A dark horse? No, the Kilts had attended dozens of national competitions and always placed in the top 10. They were definitely a contender—all they needed was the right combination of talent, staff, music and drill.

And it happened! The national title went to the Racine Kilties! Hard won, and even tougher to defend.

Every corps has its ups and downs, regardless of how great is has been. Personnel changes, as it must, but once a Kilt is forced to leave his corps because of age or to serve Uncle Sam, you don't often find him marching with another unit, or even working with another corps that ranks in the same class. His dedication takes him back to the Kilties—to be a part of the field staff, or working with the feeder corps, the Kiltie Kadets.

Who else but a former Kilt can understand the corps' fraternalism?

The question is often asked, "how do the Kilties manage to peak just for VFW nationals?" There is no secret—it's plain and simple—it's dedication!

Just do the job. All the ingredients are there: musicianship, ability, showmanship and talent. What more could you want?

Once again the Kilties have earned the title of VFW champions, but with this second national win they have gained poise and have learned to be humble and gracious.

CAN THE KILTIES DO IT AGAIN?

Their performance in the night finals at Detroit was nothing short of a corps director's dream. Individuality in motion. A fine, blending, solid horn line. Par-excellent drumming. A well patterned and designed drill that complemented the total showmanship. M and M execution that was close to perfection. Unbelievable is the best word to describe the 1968 national champions.

Larry McCormack of the Central States Judging association (CSJA) wrote, "a really topnotch performance is one in which each caption of the corps complements the other and the audience receives the effect of a totally integrated performance." That pretty well sums up the 1968 Kiltie drum corps.

If you were to poll the 20,00 fans who attended the VFW national finals in the University of Detroit stadium they would certainly agree with the judges' decision. When a drum corps can raise the fans to their feet through their entire show—they just have to take the crown.

Can the Kilties do it again? Someone asked that in 1964 . . . I think they have their answer!

THE PUBLIC LAND LAW REVIEW COMMISSION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. UDALL. Mr. Speaker, the really intensive work being done by the Public Land Law Review Commission will culminate in recommendations to Congress which will have far-reaching implications for Americans who, directly and indirectly, use or are affected by use of our public lands. I guess that includes just about all of us.

But as important as the Commission's ultimate report will be, we should not overlook the great good being accomplished during the present factfinding activities under the hard-driving and meticulous leadership of Chairman WAYNE N. ASPINALL.

The dialog which has already been developed among groups who heretofore have barely spoken to each other is perhaps one of the most important achievements of the Commission, on which I am proud to serve. Groups who have felt themselves in absolute opposition to other groups are coming to realize they may have more common concern in the future of public lands than they ever realized.

This interesting development is pointed out in the August 26, 1968, issue of Pay Dirt, for more than 25 years a publication of the highest quality published by the Arizona Small Mine Operators Association. I commend my colleagues' attention to this fine publication and to the following article on the Public Land Law Review Commission:

SCENE FROM THE VIEWPOINT: THE PEOPLE, THE PRESS AND THE PLLRC

(By Vox Populi)

Not since Congess created the separate Territory of Arizona in 1863 has Arizona had a greater stake in the actions of a governmental body than it has in those of the Public Land Law Review Commission.

Fifty, even 25 years ago, this fact would have been so obvious to the vast majority of Arizonans that it would have been the chief topic of conversation in pubs and clubs, homes and churches, schools and offices.

Today only a handful of the people in the state are really familiar with the fact the Commission exists, let alone its purposes and potential influence on Arizona's future. Unfortunately, a large proportion of those hold views which the mining industry recognizes as inimical to the best interests of the State, the nation and the American way of life.

In essence the question boils down to whether or not the basic principles embraced in the laws governing the public lands of the country will be retained. Shall we keep those elements of the law designed to encourage private initiative and the orderly development of our natural resources for the greatest good of the greatest number? Or shall we take another giant step in the direction of increased government control over the individual and private enterprise?

Simple enough? Not at all, for those same questions, asked by the other side become, "Shall we allow a few individuals and giant corporations to gain inalienable patent to public lands for their purposes of making private profit? Is not the Federal Government, as the ultimate voice of all the people, the only proper owner and manager of lands that belong to all the people together?"

On the first hand, advocates of the free enterprise system point out that mining occupies only a tiny proportion of the total land of the United States, but it produces from it those metals and minerals without which our modern culture could not exist. They further declare that modern mining requires such vast sums of development capital and so high a degree of specialized expertise that only the expectation of profit can produce them.

They maintain that "profit" is not indeed a dirty word, that America was built on principles of freedom, of which freedom of enterprise was an essential. They contend that such segments of the mining industry as copper could not survive the governmental control which would accrue from abrogation of the right to patent.

On the other hand, advocates of complete governmental domination point to the ever increasing need for natural beauty and outdoor recreation facilities to maintain the health and sanity of an exploding population. They point to the passenger pigeon, the buffalo and the whooping crane, to the redwoods, the fish in the Great Lakes and to the fetid streams across the country as proof of the prodigality of the American turned loose without legal restraint.

They point, too, to the unhappy example of Appalachia as a demonstration of the result of the decimation of land from which greedy miners have been allowed to gouge their profit without control. Is there, they ask, a self-respecting miner alive who can justify that sacrilege?

It is easy to see that the argument very quickly becomes more emotional than rational. And, when you stop to realize that there are literally thousands of laws on the books to govern the public lands of the United States, you begin to perceive the difficulties and problems confronting the Public Land Law Review Commission. Its task is truly monumental.

Yet if the Commission were to be dissolved today, some 22 months before its job is scheduled to be completed, it would have served the country extremely well. Under the chairmanship and leadership of Wayne N. Aspinall it has succeeded, by virtue of strict objectivity, intellectual honesty and almost saintly patience, in forcing the proponents of the various points of view to think.

It has forced the mining industry, which by tradition was reserved almost to the point of being inarticulate, to state its case forthrightly. It has forced the volatile and voluble enthusiasts in the wilderness and associated camps to face some of the facts of modern life and time. It has forced all the users of the public lands to gather together in public hearings and listen to what the others have to say.

And there are those who dare to believe they begin to perceive the emergence of order out of chaos. Traditional enemies (or, at best, rivals) are beginning to see they can live happily side by side on the public lands, that their interests are not nearly so conflicting as they so long had assumed. People who three years ago avoided each other like the plague now are sitting down to discuss their mutual problems rationally.

Chairman Aspinall summed it up one day at a public hearing. After four men had testified before the Commission for the Arizona Mining Association, he said, in essence: That is what I have been trying to drive home for so long. There is not a person in this room, nor has there been one at any of our hearings, who is not a conservationist!

Wayne Aspinall is perhaps the only man with the knowledge, patience, determination and wisdom needed to make so many lions and lambs lie down happily together. But there is a very great deal of work still to be done by the Commission, and the stakes of the western mining states in its recommendations to the President and the Congress are incalculable.

The mining industry cannot afford to relax its efforts; certainly the Sierra Club will not abate its. But now that at least a modicum of reason has begun to emerge, it is to be hoped that the press across the state will start educating Arizonans, especially the large number of newcomers, as to what values are involved.

To do this effectively, we suggest the press itself needs to be educated. Fortunately, opportunity for first-hand education will be available in November when the Commission meets in Tucson. We trust the press gallery will be full and that a great many private citizens attend the open (non-executive) sessions.

Arizona has a tremendous stake in the Public Land Law Review Commission. We all had better know what they are.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. SCHERLE. Mr. Speaker, this is the 238th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

PERIL TO NATO IF SUMMIT HELD NOW

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. FINDLEY. Mr. Speaker, the House Republican Task Force on NATO, supported by a group of other House Republicans, in a statement to be released tomorrow warns that a secret summit meeting on arms control between President Johnson and top Soviet leadership—while Soviet troops remain in Czechoslovakia—would "weaken beyond repair the Atlantic Alliance, hasten the development of independent nuclear deterrents outside the alliance for some countries and strengthen the forces for neutralization in others."

The Congressmen urged instead that "the President take the necessary steps dramatically and quickly to improve our political position in Western Europe—which in turn would improve the relative position of Western Europe vis-a-vis the Soviet bloc."

They identified "the German question" as "the most volatile issue in the world" and added:

> In view of the impact on European security that any arms control agreement or discussions would have, we believe that such discussions should not occur on a bilateral basis between the United States and the Soviet Union but could best be tackled by a European Conference which would include representatives of the NATO and Warsaw Pacts as well as representatives of neutral nations.

I issued the statement as chairman of the task force.

Joining me in signing it were: E. Ross Adair, of Indiana; [1] E. Y. Berry, of South Dakota; Garry Brown, of Michigan; J. Herbert Burke, of Florida; [1] Don H. Clausen, of California; James C. Cleveland, of New Hampshire; William C. Cramer, of Florida; [1] John N. Erlenborn, of Illinois; Paul A. Fino, of New York; James R. Grover, Jr., of New York; Seymour Halpern, of New York; [1] Craig Hosmer, of California; Theodore F. Kupferman, of New York; Chester L. Mize, of Kansas; Albert H. Quie, of Minnesota; John P. Saylor, of Pennsylvania; William A. Steiger, of Wisconsin; Fletcher Thompson, of Georgia; Lawrence G. Williams, of Pennsylvania; Bob Wilson, of California; and Larry Winn, Jr., of Kansas.[1]

The statement follows:

Statement by House Republican Task Force on NATO and Other Republican Members on the Perils of Secret Discussions by the President With Top Soviet Leadership on Arms Control at This Time, September 17, 1968

The expressed desire of the President to meet with top Russian leadership to begin discussions on arms control is, under present circumstances, simply incredible. West and East Europeans—not to mention many Americans—find it impossible to understand why the President persists in his pursuit of a Soviet-American arrangement at the expense of our NATO allies, especially in light of recent events in Eastern Europe.

Highly placed sources in the Administration appear to believe that Soviet-Czech relations are entirely different from Soviet-U.S. relations and the one is totally unrelated to the other. This belief is a fiction the Russians undoubtedly want us to accept.

The fact is that the two are clearly and closely related. For if the Russians consider themselves threatened by even the relative liberalization of a Communist government which promised to stay in the Warsaw Pact—a reform movement led by lifelong Communists—what weight can one give to Soviet avowal that they desire peaceful coexistence with a radically different social system, i.e. that of the United States? Czechoslovakia proves that the problem of peace is not as simple as the President's desire for it, because Soviet intentions cannot be taken at face value. The President's persistence in seeking an invitation from the Russians will strengthen the impression in Moscow that the risks of any course (such as an invasion of Czechoslovakia) can be effectively offset by a superficial gesture (such as inviting the President to Moscow to begin discussions on arms controls) to recover its dwindling prestige.

For the President to go to Moscow to begin secret discussions on matters affecting European security as long as Soviet and Warsaw Pact troops remain in Czechoslovakia would mean two things: (1) U.S. acceptance of the Soviet occupation; (2) political recognition by the U.S. of the concept of an East European sphere of Soviet influence. To pursue such discussions at a time when the Soviets are violating international law and attempting to shift the balance of forces in Europe in their own favor would weaken beyond repair the Atlantic Alliance, hasten the development of independent nuclear deterrents outside the alliance for some countries and strengthen the forces for neutralization in others. What the President should do—and do quickly—is make clear to the Russians that a policy of detente with the U.S. is absolutely inconsistent with the expansionist policy under which the Soviets seek to exacerbate all instabilities and tensions they encounter in Europe, the Middle East, and Southeast Asia.

The emerging truths from the Czechoslovakia invasion:

(1) In contrast to our policy of preference for bipolar cooperation and detente with the Soviet Union over alliance cohesion, it is obvious that the Soviets prefer cohesion and solidarity—even if imposed by force—in their alliance and are willing to risk good relations with the U.S. to maintain it.

(2) The Warsaw Pact is still a Soviet entity and is probably better organized and more effective now than NATO in respect to military, political and intelligence gathering operations. Its conventional forces and arms in important categories are superior to those of NATO.

(3) Western Europe is still incapable of defending itself without massive U.S. assistance. The French force de frappe is too weak to be an effective continental deterrent.

(4) The German question is still the most volatile issue in the world. The invasion of Czechoslovakia may have been sparked by warnings of Ulbricht and Gomulka that Czechoslovakia was moving too close to Bonn, and that subsequent political isolation was a real threat.

(5) Soviet leadership is still divided badly betwen the irreconcilables, the undecided, and the conciliatory. Consequently, Soviet policies towards the West and even other Communist states is not fixed permanently although it now appears that the hardline group may have gained control in setting policy. The possibility that Soviet leadership has become unpredictable and therefore capable of rash, irrational, and violent acts cannot be ignored.

(6) The policy of bipolar cooperation at the expense of Western Europe has not re-

---

[1] Task force members.

sulted in modifying Soviet behavior or lessening the hostility of Soviet ideology.

In view of these developments, the President should take the necessary steps dramatically and quickly to improve our political position in Western Europe—which, in turn would improve the relative position of Western Europe vis-a-vis the Soviet bloc—by announcing firmly and positively that he will give immediate and continuing highest priority to strengthening U.S. relations with our NATO allies and will not negotiate with the Russians on arms control as long as Soviet troops remain in Czechoslovakia. In view of the impact on European security that any arms control agreement or discussions would have, we believe that such discussions should not occur on a bilateral basis between the U.S. and the Soviet Union but could best be tackled by a European Conference which would include representatives of the NATO and Warsaw Pacts as well as representatives of neutral nations.

There has been a tendency in the Johnson Administration to prefer pursuit of a policy of détente with the Soviet Union at the expense of closer ties with Western Europe.[2] Such bilateral dealings on our part have led to suspicion and concern on the part of some of our allies and encouraged bilateral dealings with the East on the part of others. There is no inconsistency between preservation of close relations with Western Europe and our allies and détente with a Russian leadership genuinely interested in peace. In fact, the existence of the former will assure the latter.

The United States should delay the nuclear non proliferation treaty in the Senate, suspend plans for U.S. talks with the Soviets on arms control, and initiate action on worsening problems in NATO. This would demonstrate clearly that the Soviet Union must pay a high price for its invasion of Czechoslovakia.

Regretfully the Soviet Union was not warned in advance that its invasion would set back U.S.-Soviet relations. Perhaps if this had been done, the Soviets might have reconsidered. For the President to fail now in taking political action to express our disapproval of Soviet action and our support for the cause of freedom wherever it is under attack is to invite aggression elsewhere.

Mr. Speaker, another timely comment on the relationship of the Czech occupation and NATO interests was written by former British Prime Minister Anthony Eden for the September 14 New York Times. It follows:

TOPICS: THE MESSAGE OF CZECHOSLOVAKIA

By Anthony Eden, Earl of Avon)

(NOTE.—Lord Avon resigned as Foreign Minister to protest the appeasement of the Axis before the Second World War. He later served as Foreign Minister and Prime Minister of Great Britain.)

Thirty years ago the Munich agreement left a weakened Czechoslovakia little chance of survival. Russian spokesmen have often denounced that agreement and its consequences. Now Czechoslovakia is occupied by military force once again, this time by its ally and big brother in Communism and in the Warsaw Pact, Soviet Russia. The unprovoked harshness of this deed has aroused indignation in the free world and in the Communist world also.

The judgment of the Yugoslav newspaper Politika merits quotation:

"Never, in the postwar period, has the tragedy of a country so deeply and so painfully shaken the world of our planet as has the tragedy sustained by Czechoslovakia. Never before was the world so united in the condemnation of the aggression as it is these days."

Czechoslovakia is the first casualty. This land which looked for freedom is now a land of fear. Though still a Communist state and loyal member of the Warsaw Pact, it is helpless before Russian armor and the still more dreaded secret police.

We must cherish no illusions. Repression has come again and with it the terror of the knock on the door in the dead of the night. All this for no crime, except that the Czechoslovak Communist leaders sought, with the full support of their people, to practice a little more freedom than the rulers of Russia were prepared to permit, so sharp was the fear of contagion.

There are other casualties. International Communism is split wide open, the greater part of it siding with Czechoslovakia at the first shock, even though the temptation to palliate the deed may grow with the passage of time.

No less significant is the impact upon hopes of negotiation in Europe. At intervals since the summit conference in Geneva, in the summer of 1955, efforts have been made to get discussions going with the purpose of agreeing to some mutual reduction in the number of troops, perhaps determining their location and even considering the possibility of a neutral zone.

REDUCING ARMED FORCES

At times during the Bulganin-Khrushchev era some progress on these lines seemed possible. Now not only these but other attempts at negotiation between Moscow and the West must be ruled out, unless one condition is first fulfilled. The Soviet armies must be withdrawn from Czechoslovak soil and that country's government allowed to function free from the imposition of foreign neminees or dictated censorship.

This is the indispensable minimum, for for all negotiation must rest on confidence, and there can be none in the conditions which Russia has imposed upon Czechoslovakia. To condone what has happened would be base; it would also be foolish. The history of the thirties has taught us mercilessly that to attempt new agreements, while ignoring flagrant breaches of the old, earns contempt, not progress.

The record of attempted negotiation with Hitler and Mussolini cannot be ignored. There have also been more recent examples of appeasement with its predictable consequences.

When Sukarno claimed Western New Guinea, to which he had no right either ethically or ethnically, and threatened attack upon its territory, pressure was applied upon the responsible power to yield. It was no doubt expected that, satisfied with this notable concession, the Indonesian dictator would rest content. As usual, the reverse proved the truth and Sukarno was soon claiming Malaysia.

"Confrontation" followed, which Malaysia, with the help of her ally, successfully repell at a heavy cost, not least to Indonesia, which to this day is burdened by the aggressive adventures of her previous ruler.

There is a course for the free nations to follow. NATO should review its needs in the light of the changed conditions in Europe. That organization is essentially defensive and to improve its effectiveness can threaten no one. Admittedly the European nations would have to contribute to this effort, but it has to be made, for it would be irresponsible to ignore that the optimistic assumption of steadily improving relations across the Iron Curtain is now belied.

But this local action, though important, is not enough. The influence of Czechoslovakia's ordeal is already world-wide. Relations between the Communist powers have deteriorated sharply. The uncommitted nations are alarmed and acutely conscious of their uncertain future, while the smaller free nations are understandably anxious.

DUTY OF FREE NATIONS

In conditions where Communism's repute is much damaged, the leading free nations have both a duty and an opportunity. Together they should examine the existing situation in each continent, politically, militarily and economically. The purpose of this exercise would be to determine the wisest policies to be pursued in each of these spheres.

To make this effective, closer consultation would be necessary between the leading nations across the world. Something of the spirit of the earlier years of NATO would have to be rekindled for this more comprehensive work, but that is not impossible and the outcome could offer the leadership and inspiration which the world so sadly lacks.

No less important, a joint endeavor such as this could counter the world's greatest danger, the widening spread of anarchy.

CONCERN TIES COLUMBIA TO MEN IN VIETNAM

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. WATSON. Mr. Speaker, on several occasions it has been my privilege to bring to the attention of the Congress the activities of a very patriotic and humanitarian civic organization in my hometown of Columbia, S.C., known as Rally Support for Vietnam Personnel or RSVP.

RSVP is not a political organization. Instead of engaging in so-called academic debate about U.S. involvement in Vietnam, RSVP supporters are giving of their time and finances to make life a little easier for our fighting men and the civilian population of South Vietnam. In fact, the people of Columbia have donated everything from toothbrushes to farm tractors to this worthy project.

The reason RSVP is successful is really not difficult to explain. People who care make it a success. No one is too young or old to participate and the results have been outstanding. Typical of the wonderful folks who help to ease the horrors of war in Vietnam are Mrs. Jan Webber and Miss Shirin Ritter, of Columbia. Their story was recently related in an article which appeared in the Columbia Record newspaper of September 12, 1968. Because of their inspiring message of love, devotion and sacrifice for others, I would like to submit this article as a part of my remarks, as follows:

CONCERN TIES COLUMBIA TO MEN IN VIETNAM

(By Norma Hanlon)

In March 1967 two Columbia women entered into a campaign of concern for wounded American GIs which has grown in strength by leaps and bounds.

---

[2] Nowhere was this more evident than in the Washington Post, September 10, 1968, which reported that "high officials in the Johnson Administration indicated they did not want to take any action which would serously hamper U.S.-Soviet bridge-building through sending more U.S. troops to Europe." In fact, the whole article by Warren Unna indicates that the Johnson Administration has no intention to beef up NATO in light of the changed conditions in Eastern Europe.

The campaign is RSVP—Rally Support for Vietnam Personnel—which was founded in Columbia by Dr. David Palmer, assistant professor for political science at the University of South Carolina, to adopt the 1st Air Cavalry Division of the United States Army stationed in Vietnam.

Under the RSVP program, Columbia civic groups and clubs have adopted divisions of the 1st Air Cavalry Division as personal projects.

The two interested women are Mrs. Jan Webber and Miss Shirin Ritter who have adopted as their personal project the 85th Evacuation Hospital in Qui Nhon, South Vietnam.

"When we began we wrote the chaplain of the hospital to ask what the men would like to have and would need," Miss Ritter said.

"We began sending cards and letters to the patients in care of the chaplain and later we began sending things the men needed and wanted like plastic bags (to keep things dry in the damp air) cigarets, tooth paste, combs, cans of candy, cleansing tissue and foods they can't get in Vietnam—especially canned fruit juices," she said.

PAID BILLS

Miss Ritter and Mrs. Webber have footed the bill for the care packages they send to wounded military personnel in the hospital from their own pockets. They have had help from other sources. "I must say the banks and wholesalers in Columbia have been most cooperative," Miss Ritter said.

Both women have long pen pal lists. "I have about 40 I write and Jan has about 60. I have several I hear from regularly—nearly every week—and I try to write them back weekly," Miss Ritter explained.

"I get tired of hearing how sick our country is—and I try to show the men that there are people who care."

In addition to personal letters, Miss Ritter composed long letters which she mimeographed and sent to each man in the hospital for St. Patrick's Day, Easter, and Fourth of July.

The letters contained the history of the holidays, the observances in the United States and a selection of holiday stories and poems.

WROTE POEM

I got the nicest letter from a GI in answer to the Fourth of July letter. He and his friends together wrote a poem about their feelings—about the protestors and how they felt about the war.

The largest project the two women have undertaken to date was assembling Christmas packages for each man in the 250-bed hospital. They filled boxes with eight or nine items each and wrapped them in bright paper.

"A friend of mine baked about 1,000 cookies which we sent for the entire hospital. The men really appreciated them," Miss Ritter said.

A request from one of the four chaplains who have been at the hospital for posters for the walls depicting the states prompted Miss Ritter's most ambitious project.

"I call it a 'Little Touch of Home'," she said. "It will be a series of posters—approximately 10 on each state—for the hospital walls. I've written to 95 chambers of commerce in cities and states.

"To date, I've received information, posters, maps, brochures and flags to use on the posters from 64 sources," she said.

"I haven't heard from anyone in South Carolina yet. When I get to our state, I plan to really do it up brown. Its my favorite state."

BEFORE CHRISTMAS

"If all the states will cooperate, I'll have the posters completed and mailed before Christmas.

"The chaplain said it will provide a direct line of contact from the people in this country to the men in Vietnam."

The contact between the women and "their" men in the military hasn't been completely by mail. Two pen pals from New York and Alabama traveled through Columbia to meet the women.

"The second chaplain from the hospital came down to Columbia to meet the people here working with RSVP. His warm thanks for the things we sent made it seem worthwhile," she said.

"We've tried to keep up our correspondences with the chaplains—even after they've left Vietnam. And generally they've done very well.

"But the letters from the current chaplain at the hospital were getting fewer and farther apart and he finally explained that his typewriter was broken.

"I had a typewriter at home that I hadn't used for years so I sent it to him. It made a big package. Mr. Reuben Grauer, another Columbian who has taken great interest in the RSVP program, paid the postage.

"Jan and I just wish we were rich so we could do much more for 'our' hospital."

THE MESSAGE OF HISTORICAL MARKERS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. FISHER. Mr. Speaker, on September 1, 1958, the Reverend Dow H. Heard, D.D. of Houston, delivered a noteworthy speech on the occasion of the dedication of a Texas historical marker, on the Dry Frio Canyon, at Reagan Wells, Uvalde County, Tex.

Mr. Heard was formerly chaplain in the central office, Veterans' Administration, here in Washington. He is a distinguished minister, lecturer, and historian. The title of his speech was "The Message of Historical Markers."

Under leave to extend my remarks, I include a copy of the address, as follows:

THE MESSAGE OF HISTORICAL MARKERS

We have assembled today to dedicate an official Texas Historical Marker. The inscription on the marker reads:

"DRY FRIO CANYON

"Area's First Settlers—Families of Louis Bohme, Charlie Jones, Gus Heard and Lawrence Pike Heard—arrived in 1875 in search of new frontiers and range lands.

"The first Post Office was called Heard, as was the first school, which opened in 1880.

"While digging a well in 1885, T. H. Hammer discovered area's mineral water which became famous for medicinal qualities. He later sold his property to a promoter named Reagan who built a bath house and hotel to sell mineral water.

"Baptist Church, founded 1906, was first local house of worship."

The erection of monuments and placing markers is an old custom—as old as written history. The Bible records one such interesting and significant story in the book of Joshua, Chapter Four. The people of Israel marked the great events of her history with permanent "markers". These markers are reminders. The Bible commends establishment of such memorials. The ancient Hebrews crossed the Jordan River into their Promised Land. When they crossed over the river, Joshua instruced one man out of each tribe to bring out of the river bed a large stone and he had them put into a monument commemorating the event. "And Joshua said to the people of Israel, 'When your children ask their fathers in time to come, "What do these stones mean?" Then you shall let your children know, Israel passed over this Jordan on dry ground' ". (Joshua 4: 21–22).

The people of all enlightened nations continue the practice of placing monuments and markers. Permit me to mention a few monuments I have personally seen in our America.

1. Washington Monument in our Nation's capital—it is a shaft of white marble 555 feet high, costing $1,300,000.00.
2. Bunker Hill Monument in Charlestown, Mass.
3. Wolf and Montcalm Monument in Quebec, Canada with this inscription, "Valor gave them a common death, history a common fame and posterity a common monument".
4. Monument at Bridge at Concord—with this message: "Here was fired the shot heard round the world".
5. The marker at our own Texas Alamo with these words, "Thermopylae had her messenger of defeat; the Alamo had none".

Of course the thing we are doing here today will never be placed in the catalogue of great monuments of history. But this marker is important to us here in Dry Frio Canyon.

To some of us the most thrilling part of history is the story of the pioneers who came to these frontiers of Texas. Telling it best was the leading American poet Henry Van Dyke when he came to Texas in 1910 to dedicate Rice University—in his poem:

"Texas

"Men of mark from old Missouri,
Men of daring from Kentucky, Tennessee, Louisiana,
Men of many states and races,
Bringing wives and children with them,
Following up the wooded valleys,
Spread across the rolling prairies
Raising homes and reaping harvests.
Rude the toil that tried their patience,
Fierce the fights that proved their courage,
Rough the stone and tough the timber
Out of which they built their order!
Yet they never failed nor faltered
And the instinct of their swarming
Made them one and kept them working,
'til their toil was crowned with triumph,
And the country of the Tejas
Was the fertile land of Texas."

It has always been a big mystery to me *how* and *why* those first settlers found this Canyon in the first place. (A cynical kinsman suggested, I hope with tongue-in-cheek, they may have been dodging the law from some place back East.) But with no airplanes, no railroads, no wagon roads, no road maps, no directional signs, they got here. It is difficult enough to find this place with modern cars, well marked paved roads, and good river crossings. I will accept the well worded statement on this Historical Marker that says they came "in search of new frontiers and range lands". That answers the *why* they came to Dry Frio Canyon. But still I don't see *how* they found it and got here.

Let's face it. This hill country is not the richest land in Texas for farming or ranching. It was and is still a hard land on which to work out a good living. It is almost impossible to squeeze a living out of the little fields and livestock. Most of the bread winners have to have additional jobs or independent income to make it. This condition is true of much of the hill country in this county and nearby counties.

As a native of this part of Texas I was interested on January 20, 1965 as I listened to President Lyndon Johnson's Inauguration Address—especially in the closing remarks about the place of birth over in Blanco County. He said:

"It was once barren land. The angular hills were covered with scrub cedar and few live oaks. Little would grow in the harsh caliche soil. And each Spring the Pedernales River would flood the valley.

"But men came and worked and endured and built.

"Today that country is abundant with fruit, cattle, goats and sheep. There are pleasant homes and lakes, and the floods are gone.

"Why did men come to that once forbidding land?

"Well, they were restless, of course, and had to be moving on. But there was more than that. There was a dream—a dream of a place where a free man could build for himself and raise his children to a better life—a dream of a continent to be conquered, a world to be won, a nation to be made."

I think the President was right.

Today I visited the little Reagan Wells Cemetery where several of the early settlers of Dry Frio Canyon and some of their descendants are buried. Two of their names are on this historical marker—Lawrence Pike Heard and Harney Hammer. As I mused in that silent spot I recalled what the English Poet Thomas Gray said in his immortal poem—Elegy written in a Country Church Yard—written over 200 years ago in the Church Yard, at Stoke Pogis, England. (I visited that small graveyard when I was in England in 1942.)

Here are a few lines from his poem:

"Each in his narrow cell forever laid,
The rude forefathers of the hamlet sleep.

* * * * *

"Let not ambition mock their useful toil,
Their homely joys, and destiny obscure;
Nor grandeur hear with a disdainful smile
The short and simple annals of the poor.

* * * * *

"Far from the madding crowd's ignoble strife
Their sober wishes never learn'd to stray;
Along the cool sequester'd vale of life
They kept the noiseless tenor of their way.

* * * * *

"Yet ev'n these bones from insult to protect,
Some frail memorial still erected nigh,
Implores the passing tribute of a sigh."

Lawrence Pike Heard, named on this marker, was my grandfather. Naturally I know more about him than I do about the others. Even at that I know very little. Here are the facts: He was born in Cass County, Georgia, October 29, 1835, and came out to Texas when he was about 20 years old. He married Mrs. Martha (Thompson) Hammer June 4, 1858. I have the original marriage license. He was 23 and she was 22. He died May 17, 1897, at the age of 61 years within a mile of this place. Grandmother Heard died February 11, 1920, at the age of 83. Both are buried in the Reagan Wells Cemetery just up the road from here. I have a copy of but one letter he wrote to his son, my father, Hub Heard, when he was a small boy. The letter does not indicate that he had much education and his writing was very poor.

Two small items of information handed down through the family was: first, that he loved horses, bought and sold them, and trained some racing horses; and, second, that he did not enjoy robust health being sick much of the time during the last years of his life.

He did father a sizeable family of six children that grew to maturity—3 sons and 3 daughters—and they each in turn, produced larger families. I have made a recent careful check of his posterity and have come up with the following head count:

His sons:

Henry Heard had 9 children, 17 grandchildren, 34 great grandchildren, and 18 great-great grandchildren for a total of 78. (Complete Count)

Hub Heard had 10 children, 26 grandchildren, and 33 great grandchildren for a total of 69. (Complete)

Charlie Heard had 7 children, 4 grandchildren for a total of 11. (Complete.)

His daughters:

Mary (Kelley) had 8 children, 24 grandchildren, 44 great grandchildren, and 10 great-great grandchildren for a total of 86. (Complete).

Mattie (Robb) had 5 children, (partial count).

Annie (Kelley) had 7 children, 11 grandchildren, 21 great grandchildren, and 1 great-great grandchild, for a total of 40. (Complete.)

That makes a grand total of 289 direct descendants for Lawrence Pike Heard. So the old gentleman did not do so badly after all in 100 years. And only the Good Lord knows what these great-great-great grandchildren will do when they start their population explosion in the next 100 years.

And as far as I know, Lawrence Pike is the only one of his tribe that ever got his name on such a marker.

On an occasion like this we are prone to magnify the virtues of our ancestors and their pioneer neighbors. But I am sure they would appreciate any mantle of charity we are disposed to cast over their lives. Certainly they should not be made to appear better in death than they were in real life. This country was a rough and rugged land when our forefathers began to carve out their simple homes in this wilderness. But the people who did the carving were rougher than the topography of the land.

And they were as bold and fierce in their sins as they were in their wars with the Indians, desperadoes and their battles against primitive hardships. Most of the early settlers were rugged individualists who did as they pleased, God or no God. Suffice it to say they were not a group of plaster saints. Many were of the earth earthy. They had their irritations, frictions and troubles. Percentage-wise they had too much hard liquor drinking, too many fights, too many killings, too many misunderstandings regarding property lines and cattle brands and barbed-wire fences.

However, they were human with a fair balance between the good and the bad. They had the reputation of being good neighbors. They visited the sick. They helped the poor. They cooperated in supporting the little one-room schools for the children. They attended the infrequently held religious services conducted by itinerate preachers. They participated with enthusiasm in the limited social activities—play parties—dances—pony races—annual Christmas Tree celebrations at the school house.

A poet once said:

"The busy tribes of flesh and blood
With all their cares and fears
Are carried downward by the flood
And lost in following years."

This ought not be true. Modern man with ample material and the current ease of keeping records leaves him without excuse. So often people say we wish our parents and grandparents had written down more information about the family. We can excuse our pioneer forebears in this matter. They had no recording and writing machines, no ball point pens, and even writing paper was scarce and expensive. Many of them were unlettered and untrained for such work. But what excuse will our children and grandchildren offer in our behalf if we too fail to keep accurate, pertinent written records? Please permit me to urge you to pass on to your progeny family photographs and meaningful data. Not to do so may very well cause your descendants to feel cheated by you.

Historian MacCauley said: "A people that takes no pride in the noble achievements of remote ancestors will never achieve anything worthy to be remembered by remote descendants".

A PROGRAM OF INDIVIDUAL RESPONSIBILITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. ASHBROOK. Mr. Speaker, recently the Young Republicans of the State of Virginia embarked on a self-help program here in the District of Columbia which could well serve as a model for similar endeavors elsewhere. The program consists of both a loan and active participation in a vocational education school administered by the Phoenix Society in the District. Training will be offered in auto mechanics and the sum of 150 trainees is the goal of the center at the present time. The Young Republicans made their first installment of $500 on their loan of $5,000 which the Phoenix Society insisted be not a handout but repayable. At the present time the Phoenix Society operates two centers in the northwest part of Washington, one in the clerical field and the other in sewing and tailoring. It is hoped that the auto mechanics center will be self-sustaining on the fees on cars brought in for repairs. Courses in building maintenance, taxi operation, and residential management are also available, with a course in commercial printing soon to be offered.

It is indeed encouraging that the Virginia Young Republicans emphasize, in addition to their own concern and involvement, the principle of individual responsibility and initiative on the part of the recipients. This, happily, is the guiding principle which has directed the Phoenix Society's efforts in the past, and one which should guarantee solid progress in preparing the disadvantaged to realize their own worth and talents in tomorrow's marketplace.

On August 29 the Northern Virginia Sun commented editorially on the program after having run an article by Carol Griffee, the Sun city editor on August 25. The Richmond Times-Dispatch, also on August 25, outlined details of the new arrangement between the two organizations. I include the editorial and the two articles in the RECORD at this point:

[From the Northern Virginia Sun,
Aug. 29, 1968]

GOOD BEGINNING

Yes, Virginia, there are Young Republicans. They surfaced this week with a splash that could spread ripples throughout the state, and which may make thousands of persons aware that there is more than one political party at the state and local level.

The Virginia Young Republicans have backed a private anti-poverty program—backed it with a loan, and with pledges of time and more financial support.

The project they are supporting is a wise one; it is neither too broad in scope nor impractical.

It is a Negro self-help program to train automotive mechanics at a District of Columbia site. If it is successful, the program may be expanded to Arlington, Norfolk and Richmond.

The loan, which helps fund the project, was agreed upon by both sides. The Phoenix Society, which operates the program, didn't "want any handouts," and the conservative Young Republicans didn't want to do any handing.

By placing the financing on this capitalist basis, an exercise in modern American business practice is built into the plan.

And by choosing auto mechanics as its subject, the Phoenix Society has shown an awareness of the reality of the labor market.

Although college degrees in liberal arts and business are not to be sneered at, there is a great demand for skilled artisans—and a rate of pay to match the demand.

In addition, the skilled artisan stands an excellent chance of establishing his own business and joining the growing ranks of Black Capitalists.

Finally, by offering their own time to work in the program, the Young Republicans are demonstrating actively that they are willing to participate personally in programs not involving white suburbanites exclusively. This could go far in breaking down an often-made racist charge.

The program, in short, has the earmarks of success for all sides. It is an excellent beginning of what should become a statewide effort to improve the lot of all our residents.

[From the Northern Virginia Sun,
Aug. 25, 1968]

Young GOP Enters Antipoverty Work With Glee

(By Carol Griffee)

RICHMOND.—Virginia's Young Republicans, especially those in the Arlington club, are as ecstatic as a kid with a teddy bear gift at a birthday party.

Their "teddy bear" is a Washington self-help Negro organization, the Phoenix Society, and a project it is launching today with a morale and monetary "bearhug" from the Virginia Young Republicans.

In a rented building in the 1400 block of Irving Street N.W., the society is opening an automotive training center with the objective of turning out "full-fledged mechanics." Three classes daily, each with 30 students, are planned.

Phoenix Society founder and President Ulysses Robinson, 49, estimates the year-old organization will need $5,000 to get the new project off the ground.

The society got a $500 leg up on this Saturday when, at a full-scale press conference in the John Marshall Hotel here that didn't turn out to be so "full," the state YRs turned over a loan in that amount to Robinson.

YRs and Robinson alike stressed the money was a loan.

And herein lies part of the reason for the YR involvement. Robinson insists the money will be paid back because "we don't want any handouts . . ." and this goes double for government grants.

Robinson espouses a philosophy of bootstrappism and individual dignity that has captivated the mostly conservative Young Republicans who aren't just down on government—they're antigovernment.

Perhaps George Mason Green Jr., of Arlington, president of the Virginia YRs, explained it best here Saturday when he bristled about charges that white conservatives, particularly those in the suburbs, are "racists" and "don't care" about the plight of the poor.

"We are not racists . . . we do care," Green said, "but we just haven't seen a way to contribute until recently."

In other words, they couldn't find anyone who wanted to play the game by their rules until Robinson happened on their scene as the speaker at the Arlington club's June meeting.

According to reports, the YRs were ready to dive in then, mostly from the pocketbook, but Robinson told them to hold it, explaining he would rather have their personal involvement—that "your checks are not as valuable as your talent."

To fulfill their part of the bargain, the YRs will have to show up periodically at the automotive training center to talk with and counsel the students.

Since Robinson put so much stress on the physical involvement he expects, Green was asked if the YRs were going to contribute with clerical and maintenance backup. He said his group is ready to do this, but would have to wait and see how and where they are needed.

Between now and the Nov. 5 election, the YRs plan to raise money among themselves for the project since anything they raise as Republicans is pledged to the party's candidates. After ballot day, the Young GOPers will be free to launch a public fund-raising effort.

Meanwhile, Robinson said he hopes to put the center on a self-sustaining basis by having the students apply what they've learned in the classroom from four volunteer master mechanics and an automotive engineer and charging for the work they do—from washing and polishing cars to tuning jobs.

On this basis, the society now operates vocational training courses in building maintenance, taxi operation, commercial sewing and tailoring, clerical and typing and residential management and is setting up a course in commercial printing.

In selecting vocations to be taught the society says it has three criteria:

The vocation must be able to provide the graduate with a salary "well above the poverty level" so that he can buy "the good things in life";

It must not require a formal education since a 25-year-old dropout is not considered likely to return to school, and

It must offer a long-term future, preferably with an opportunity for the graduate to eventually set up a business of his own.

Robinson rejects black and white separatism in America. His philosophy, and that of the society's is that the so-called "disadvantaged Negro" will attain the full benefits of America life "not through welfare or any hand-out type federal program, but only through his own efforts in the free enterprise system."

Asked by a newsman what both the YRs and the society would do if and when the center is self-sustaining and the loan repaid, Robinson said he hopes the group reloans it for still more projects.

He left the impression he meant centers in Washington, a notion Green dispelled quickly.

If this pilot project works in Washington, it will, he vowed, be onward to Richmond, Norfolk and Arlington.

And, as Arlington YR president Claude (Mike) Smith Jr. observed as he handed the check to Robinson: "I hope we aren't too late . . .".

[From the Richmond (Va.) Times-Dispatch,
Aug. 25, 1968]

Young Republicans Aid Negro Center

A Black Capitalist advocate here yesterday stressed the physical involvement of people interested in helping Negroes help themselves.

Ulysses Robinson, head of the Phoenix Society of Washington, D.C., came to accept a $500 loan from the Young Republicans Federation of Virginia, the first installment on $5,000, and to announce a new co-operative plan with the Young Republicans.

The money will be used to finance an auto mechanics center in the northwest part of Washington. The vocational education school will enroll 150 boys. No definite plan for the Young Republicans to help with the center has been decided on, but the Arlington Young Republicans, who are co-ordinating the project approved by the state Federation, said they would support the project in any way they could.

"The check is not as valuable as your appearance at the center," Robinson said. "The Phoenix Society promotes projects that people can contribute to regardless of talents. It is important for the cities to involve the so-called suburban rich and middle class Negroes," he added.

FORMED MONTHS AGO

The Phoenix Society was formed less than one year ago to help Negroes "gain full economic benefits of American life through self-help procedures," Robinson said. The society operates two centers in the northwest part of Washington, one in clerical work and another in sewing and tailoring. Robinson said he intends to make the auto mechanic center self-sustaining by having students earn as they learn on cars brought to the garage center.

"We don't want handouts because that way the boys and girls will know they weren't handed anything," Robinson said. "It is our experience that federal programs are badly run. Many of these programs are top heavy in highly paid administrative jobs and too much publicity."

He explained many of the students coming to his vocational centers from federal programs are still untrained and not ready to earn a living. "Our efforts are also to change the outlook and attitudes of people after they are trained," Robinson said. "We counsel people to use their income to their own benefit . . . home buying or investment."

EDUCATION ON MENIAL JOBS

He also said one of the goals of the society is to re-educate the thinking of Negroes about menial jobs. "We have 435 plumbers in Washington of which only seven are Negroes. It's stupid for a Negro to say that is a menial job. When a plumber comes to fix a drain at your house, you're at his mercy. They can charge anything, and you have to pay," he said.

"There's a clean dirt from labor and there's dirt from laziness. You work hard and you get dirty, but you always have a shower and soap," he said.

The society is also involved in buying houses and selling them to what banks consider high risk persons. The American Home Owners Plan, a real estate organization owned partly by the society and by the original owners of the property, owns about $2 million worth of property in "ghetto" areas in Washington. "We found there is a direct effort to make people feel poor," Robinson said. "But why not take a chance on the poor . . . they have to pay rent." The corporation makes the first month of rent the down payment on a home, and works extensively with banks to finance the homes.

Mason Green, president of the state federation of Young Republicans, told the meeting "Negroes would have fared better if the Democratic party hadn't destroyed their faith in the free enterprise system. Until recently, the Young Republicans have not seen a way to help," he said, "but Robinson's plan is an excellent way to channel efforts."

TOM WALTERS SPEAKS OUT FOR RETIRED FEDERAL EMPLOYEES

HON. HERVEY G. MACHEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MACHEN. Mr. Speaker, one of the great champions of Federal employees, and in particular retired Federal employees, Mr. Thomas G. Walters, president of the National Association of Retired Civil Employees, testified before the platform committee of the Democratic National Convention on August 19, 1968.

His testimony, on behalf of more than 800,000 annuitants under the civil service retirement system, clearly points out that the Government has a very serious problem to meet in providing minimal economic assistance to our Federal retirees. It is shocking that our Federal Government has allowed thousands and thousands of these dedicated civil servants to live in virtual poverty after their public service careers.

Mr. Walters' testimony presents their plight succinctly and forcefully. No person in a responsible position can read it without feeling a sense of shame and sympathy for these retired civil servants. If we are not to make a mockery out of a Federal Government career, then we must address ourselves to this critical problem and it must be done very soon.

For the benefit of my colleagues on both sides of the aisle, I insert in the RECORD Mr. Walters' testimony with the hope that the 90th Congress and the 91st Congress yet to come will act responsibly and responsively to meet a longstanding obligation to these dedicated civil servants. We must not let them down, because if we do, we may endanger the success of the Federal Government as a career and as the model employer we want it to be. The testimony follows:

STATEMENT OF THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES, BEFORE THE PLATFORM COMMITTEE OF THE DEMOCRATIC NATIONAL CONVENTION, PANEL III, FEDERAL ROOM OF THE STATLER HILTON HOTEL, WASHINGTON, D.C., MONDAY, AUGUST 19, 1968

Mr. Chairman and Members of the Committee:

My name is Thomas G. Walters, President of the National Association of Retired Civil Employees, an organization with over 134,000 members representing the interests of more than 800,000 annuitants under the Civil Service Retirement System, as retired Federal employees or survivors of deceased employees and retirees. While we are primarily concerned with the problems of those receiving civil service retirement annuities, we also take particular interest in the problems, welfare and status of all the aged and aging in our Nation.

Thanks to the progress of medical science, people are living longer now than ever before, and the percentage of persons over 65 years of age has grown to almost 10 percent of the population of our country. By now, it is probable that the total number of older Americans (over 65 years of age) has passed 20 million.

Thousands upon thousands of these people have basic living problems. Many of them must live on meager incomes, far less than the yearly minimum of $3,000 per couple believed to be necessary to escape poverty. Although Medicare provisions have aided in the solution of health problems, many of them still lack the means to secure medical care necessary to prolong life. Many of them have inadequate housing.

Our association is interested in every proposal to help these older Americans. We believe that those who served so well should now have the means to live in comfort and security and that medical aid should be provided when it is necessary. We cannot pay our debt to them but we should do something for these people in need.

Our members are retired Federal employees and survivors with the same problems as other older Americans. Of an approximate 800,000 retired civil employees and their survivors, some 279,000 receive a monthly annuity of less than $100 and 513,000 receive less than $200 per month. Using a poverty level income of $3,000 per year, 611,000 plus former Federal employees and their survivors are now living in poverty, with 220,000 of them having yearly annuity incomes of over $3,000.

Although the Medicare provisions are helpful to many older Americans, not all Federal retirees and their dependents are eligible for full Medicare coverage, an omission in the Medicare Law which we feel is unjust.

Some of our members retired a number of years ago when salaries were much lower and the retirement formula was less favorable. Although their meager annuities have been supplemented by occasional increases, a majority of these increases have been based on, and aided only in, meeting the continually rising cost-of-living. Recent increases for persons covered by Social Security, Railroad Retirement, and with minimum annuity increases for those under Social Security, have not been extended to persons covered under the Civil Service Retirement System.

The 1967 Comparability Pay Law recognized the need for Federal salaries to be comparable with those in private industry, but it did not extend an increase to Federal retirees. At the present time, with the aid of Social Security, many private industries are more liberal in providing benefits for their former employees than our own Government.

Thousands of our Federal retirees who were predeceased by their spouse must continue to take a reduction in their annuities, and if they remarry their second spouse cannot be named as a survivor annuitant. Also many retirees and survivors are penalized by reductions in their annuities and excluded from liberalizing benefits due to the fact that the liberalized benefits go only to employees retiring after the date of the amendment's enactment.

Federal income tax exemptions are more liberal for Social Security and Railroad Retirement beneficiaries than for Civil Service annuitants. These are all examples of inequities existing against former employees of our Federal Government. These men and women have given their loyal and devoted service as Civil Servants and we think that the United States should set an example with respect to treatment of the older Americans who grew old in the service of our great Government.

We urge this panel and the Committee to recommend, and the Convention to adopt, a declaration in the 1968 Democratic platform, basically as follows:

"As an example to all employers, public and private, that it is not only wise but just, to provide comfort and security in their declining years to those who have rendered dedicated service during their careers, we favor a retirement system for Federal civilian employees and dependents under which benefits are adequate and are equalized as nearly as practicable for all beneficiaries, according to the length and character of service rendered; and in keeping with today's living standards, those retirees receiving total incomes of less than $3,000 per year be made eligible for welfare, medical aid and surplus commodities as other citizens in similar circumstances."

SIX MILLION DOLLARS FOR SEWER AND WATER PROJECTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. LONG of Maryland. Mr. Speaker, Baltimore County and Harford County, Md., recently won $6 million in Federal grants for water and sewer projects. I place my latest newsletter, describing these grants, in the RECORD at this time:

ROBBING SUSQUEHANNA TO PAY PARALLEL BRIDGE

Tolls on the Susquehanna Bridge ought to be removed, since they have brought *thirteen* times what it cost the State Roads Commission. Instead of removing the tolls, however, the SRC recently raised them 40 per cent to finance a parallel Bay bridge which won't serve Harford County and will actually drain traffic from it. Your Congressman has asked Secretary of Transportation Boyd to revoke this toll increase.

(SEWER AND WATER) PIPE DREAMS COME TRUE

Baltimore and Harford Counties, I'm delighted to announce, just won $6 million in Federal grants to bring water to Aberdeen, Joppa, and Edgewood; and to bring sewers to Back River, Edgewood, Bush River and Bel Air.

KEEP OIL PRICES DOWN!

"Your efforts in having the price of heating oil rolled back," writes President Myers of the Maryland Independent Heating Oil Dealers Association "will save East Coast consumers some $50 million."

OUR WAYWARD TAX COLLECTORS

Mrs. L. was dunned by Internal Revenue Service for $180, when actually it owed her $60. Her protests brought only new bills, with interest added. . . . Mr. M.'s salary was attached by the IRS; it admitted the error, but didn't refund his money for seven months. . . . Mr. A. asked the IRS how tax laws would apply to a proposed business transaction, but was told that IRS does not answer such questions. These are cases from my files. *Reader's Digest* cites an agent who negotiated a tax agreement with a businessman, later altered wording so the agent could press for larger claims! To protect taxpayers. your Congressman has introduced a bill to set up a Tax Appeals Court for small claims. Have you been treated unfairly? Send in your complaints. They'll help at Hearings on my bill.

MEET MY OFFICE ON WHEELS

The wife of a Federal employee had both legs amputated; he needs time off to care for her. A family complains a chicken farm is the source of "fowl" odors. Graceland Park residents demand a playground for their children. Such problems are brought to your Congressman each Saturday. Step into my Office on Wheels:

September 21.—Chase Post Office, 10 a.m.; Essex Post Office, 11 a.m.

September 28.—Joppatowne Plaza, 10 a.m.; Parkville Post Office, 11 a.m.

CHICAGO—"STORMY, HUSKY, BRAWLING . . ."

My own impressions of Chicago police—formed from hours of walking among demonstrators—were entirely favorable. Where police over-reacted, this can't be excused. But neither can behavior of the demonstrators who had published plans to "overheat the system." My hotel was saturated with stink bombs. Police were called pigs, and filth thrown in their faces. *Life* reported plans of armed insurrection, a blasted power supply, snipers, plots to kill Presidential candidates. Problem: How to get law and order under these conditions without throwing away the Bill of Rights.

CONNECTICUT DECLARATION OF CONCERN

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. ST. ONGE. Mr. Speaker, it is with great pleasure that I insert into the RECORD a declaration of concern from the Connecticut State Executive Committee on Human Rights, "to make Connecticut State government more relevant and responsive to the needs of the minority population of the State."

We are all deeply concerned with causes of violence, and what must be done to bring stability to every level of our society. Thus, it is reassuring to learn that the State of Connecticut is mobilizing and coordinating its efforts in this behalf.

The declaration notes that State action by itself would be ineffective, and I, therefore, strongly endorse the call which it makes for a national commitment to the goals, ideas, and recommendations of the President's National Advisory Commission on Civil Disorders.

The text of the declaration follows:

DECLARATION OF CONCERN

The State of Connecticut Executive Committee on Human Rights and Opportunities has the mandate from the Connecticut General Assembly and Governor John Dempsey to make Connecticut State Government more relevant and responsive to the needs of the minority population of the state.

The President's National Advisory Commission on Civil Disorders Report, released in March of 1968, has provided the Committee with fresh, imaginative and effective courses of action. The Committee has attempted to follow aggressively the recommendations of the Advisory Commission as they apply to state government. The development of affirmative action employment programs in state agencies, the increase in staff and funds for the Connecticut Commission on Human Rights and Opportunities, and the establishment of a Cost-of-living Commission within the State Welfare Department represent only a part of the increased awareness by state government of the need for action on its own part.

The Advisory Commission's Report, however, made recommendations not only to state governments, but also to all segments of American society. In fact, it can safely be said that state government action, if it exists alone in a vacuum of unconcern and uninterest on the part of other Americans, would be virtually valueless in creating the desired conditions of justice and equal opportunity that all Americans wish to see in their country. What is needed is a national commitment to the goals, ideas, and recommendations of the Advisory Commission.

The Report contains useful guidelines for private individuals for city, state, and federal agencies and governments, for business, for labor, in fact, for all segments of American society. The Advisory Commission has made clear the need for action. The Advisory Commission has outlined effective ways of dealing with the problems in a meaningful manner. But the Advisory Commission cannot act. The nation must, since only it has the resources to effect the necessary changes.

Without a national commitment, the Advisory Commission's Report cannot be effective. The problems are too serious, the needs are too pressing to allow this Report to die.

JOHNSON-HUMPHREY RULE CREATES MORALITY GAP

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MESKILL. Mr. Speaker, the American people have lost their faith in the Government under the Johnson-Humphrey administration.

It does not take very many exposures of wrong-doing or discrepancies in information for trust to be lost. People are always ready enough to protest against and disbelieve the Government. The Johnson-Humphrey administration has made it ridiculously and tragically easy for them to do so.

The record of the Johnson-Humphrey administration is a record of misuse of office, misinformation, and mismanagement. It has been marked by cronyism, preferential treatment for close friends.

Some of the more famous examples drawn from an almost inexhaustible list include:

The President's pledge in 1964 not to send American boys to Vietnam to fight a war that Asian boys should fight.

While calling for "prudent government" the administration has added more than 500,000 persons to the Federal payroll and added $50 billions to the national debt;

While claiming to protect the family farm, Democratic policies have put nearly one million such farms out of business.

The ex-chief of the Food and Drug Administration stated that marijuana is no more dangerous than a cocktail and asked Congress to reduce the penalty for using LSD;

In April 1967, Vice President HUMPHREY said:

> We are not going to take restrictive action to keep our tourists in, or to put hinderances in the way of freedom of movement.

The following January, President Johnson announced plans for a travel tax, cutbacks in tourism by Americans.

This administration has consistently misled the American people about the course of the war in Vietnam. Once more, the Democratic nominee is putting forth promises to bring home some of the troops at an early date. No one believes it, not even L.B.J., by all appearances.

Nor is Congress spared the loss of faith in its integrity and performance. In addition to the prominent cases of misconduct by individual Members, consider our legislative situation: we are still considering appropriation bills which by the House rules should have been cleared out of the way 2½ months ago before the start of the fiscal year. This, too, arises under Democratic leadership. This, too, is why the people are going to make a change for the better by voting out the present majority party and voting in the Republican Party.

FURTHER ARGUMENTS AGAINST S. 2658

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. PUCINSKI. Mr. Speaker, recently Mr. P. S. Heath, grand chief engineer, Brotherhood of Locomotive Engineers, stated the case against S. 2658, which would authorize larger trucks on American highways in a most convincing manner.

I believe the points brought out by Mr. Heath serve to fortify our opposition to this legislation.

I should like to place in the RECORD, today, Mr. Heath's entire statement:

STATEMENT OF P. S. HEATH, GRAND CHIEF ENGINEER, BROTHERHOOD OF LOCOMOTIVE ENGINEERS, IN OPPOSITION TO S. 2658 (H.R. 14474)

I am Chief Executive Officer of the Brotherhood of Locomotive Engineers. The Brotherhood has approximately 35,000 members who are currently employed as locomotive engineers and locomotive firemen on the railroads of the United States. The BLE represents engineers on approximately 95% of the Nation's Class I railroads. This organization is deeply concerned with the possibility that S. 2658 may become the law of the land and the "truck train" may become a reality. The concern is basically two fold: (1) the dangers to locomotive engineers that these vehicles would create at highway grade crossings; and (2) the increased dangers which would result to the users of our Nation's highways.

If adopted the bill would permit, with approval of the states, the use of three trailers hooked to a tractor with a length of 95 feet with weight limits of approximately 105,500 pounds. The maximum width of the trucks would be increased to 102 inches leaving a safety clearance of only 18 inches on each side when operated on the interstate system which has twelve foot lanes.

What does the adoption of this bill mean to a locomotive engineer both in the operation of his train and as a user of the Nation's highways?

It is a fact that in railroading, the highway grade crossing presents the greatest danger to operating employees. The number of unguarded or inadequately guarded grade crossings is a matter of great concern to state public utility commissions and to the Department of Transportation. Seldom does a month pass without a report coming to my office of a highway grade crossing accident and usually the accident involves a truck that cannot negotiate a grade crossing in front of an oncoming locomotive. The results are disastrous especially when the trucks involved are loaded tractor-trailers, cement trucks and gasoline trucks. The engineer is without protection. He cannot avoid the collision. The improvement of highway grade crossing protection has been a high priority program of the BLE.

The passage of S. 2658 would increase the dangers which already beset engineers and all operating employees at highway grade crossings. There is no question that the longer trucks with heavier loads require more time to clear a highway grade crossing. Thus, with the increase in the speed of freight trains, the dangers are obvious. Many grade crossings are located on grades which require trucks to proceed in their lowest gear. Many grade crossings provide only limited visibility of the railroad tracks for the users of the highways. The terrain of the grade crossing, the limited visibility at grade crossings, the increased speed of trains and the use of large trucks on the highways are, at the present time, the elements of an already dangerous situation and a situation where the dangers would be compounded by the presence of the longer and heavier trucks envisioned in S. 2658.

The BLE would also add its collective voice to that of the American Automobile Association, many newspaper editorials, many state highway departments, the United States Conference of Mayors, and many others who have publicly asked the defeat of S. 2658. To pass this bill for the benefit of the American Trucking Association would be sacrificing the safety of the drivers and passengers of 80,000,000 passenger cars. The bill would benefit the few truckers to the detriment of the public. It seems appropriate to look at the death count on our Nation's highways during the past Labor Day Weekend. Over 650 people were killed on our roads during that weekend, a meaningless slaughter. But passage of S. 2658 would only increase the already appalling number of injuries and fatalities on our Nation's highways.

The adoption of S. 2658 is clearly against the public interest. In addition to the fatalities and injuries which would result from the use of "truck trains", there is a serious question as to whether highways and bridges of this Nation could withstand the weight of these behemoths. The result of the use of these trucks will be shorter lives for old pavements and bridges and much higher repair and replacement costs for the ordinary motorist and taxpayers to bear.

The dangers that could result from the passage of S. 2658 are evident. One need only recall the tragedy of approximately nine months ago when the Silver Bridge connecting Ohio and West Virginia over the Ohio River collapsed under the weight of rush hour traffic causing the death of more than 100 persons. With the use of the huge "truck train", one cannot imagine the latent and patent dangers created by old pavement and outdated bridges. The passage of S. 2658 is not in the public interest.

The Brotherhood of Locomotive Engineers strenuously urges the defeat of S. 2658 in the interest of safe railroading and safe motoring.

SOCK IT TO 'EM TIGERS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. McDONALD of Michigan. Mr. Speaker, the tempo of the 1968 baseball season reached its peak Saturday with the amazing fete of Denny McLain of the Detroit Tigers winning his 30th game.

Denny reached this milestone that has eluded such greats as Bob Feller and Sandy Koufax in a style that has marked many of the Tigers' victories this year—scoring the tying and winning runs with only two outs remaining in the last of the ninth.

Sitting in the stands, appropriately, was Dizzy Dean, the great star pitcher of the St. Louis Cardinals of 1934—who not only was the last pitcher to win 30 games in one season, but also went on to team up with his brother, Paul, in a World Series with the Tigers of 1934. This year it will be these same two teams who will vie for the championship except that Detroit will have Denny McLain on the mound.

Denny has been paid the highest of compliments by many of today's superstars and some from the past. They marvel at his unshakable confidence and his insatiable ambition; are impressed by his arsenal of pitches and his varied delivery and are shaken by his brashness. All agree that he is something special.

The 24-year-old small-town boy who has become an instant success not only in Detroit, but all across this baseball-conscious land is also an accomplished organist. He was mixing organ lessons with his pitching when he was eight. If his musical talent has kept pace with his baseball progress, Denny will soon be the world's premier organist.

So today, Mr. Speaker, while Michiganders hail Denny McLain on his great achievement, and look forward to another great World Series, I join in echoing the inspirational phrase "Sock it to 'em Tigers."

CONSTITUTION WEEK, SEPTEMBER 17 TO 23

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MILLER of Ohio. Mr. Speaker, tomorrow is the beginning of Constitution Week, set aside to honor the Constitution of the United States.

An excellent editorial in the Lancaster, Ohio, Eagle-Gazette of Saturday, September 14, 1968, discussed this observance and the Constitution. I would like to insert that editorial in the Record at this point:

Constitution Week, September 17 to 23

U.S. Constitution week is being observed from Sept. 17 to Sept. 23 in this community and across the nation, and tried and true Americans are urged to re-affirm at this time their belief in this precious document containing the Bill of Rights—the keystone of our freedoms in the midst of civil strife at home and war abroad.

The Constitution is still under attack from various groups in the nation because of confusion and definitive conflicts of the human liberties it sets forth. Beyond our shores, the pact is also being challenged as to its forcefulness, endurance, purpose and meaning.

The Constitution requires zealous allegiance from all American citizens for it has not and cannot be equalled or surpassed in forthrightness and in defending the dignity of the individual.

We live in different times today as did our forebearers, and as our successors will also do. The Constitution with its time-tested appurtenances, (amendments) must be upheld at the cost of our lives, if we as Americans are to survive and turn back the onslaughts of societies alien to a free world, and bent on destroying our liberties.

There is more than just paying lip service to the greatness of the U.S. Constitution today. We must be willing to defend it, and the Flag, come hell or high water, or to the death, for by it, we have been permitted to breathe and enjoy the comforts of a free-life under the foresightedness of men like Washington, Jefferson, Franklin, Hamilton, Hancock, and Albert Mason, the forgotten man of the Constitutional Convention, who authored the Bill of Rights.

PRAYER IN AMERICAN SCHOOLS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. ASHBROOK. Mr. Speaker, the senior Senator from Illinois [Mr. Dirksen] has brought to the attention of the people of this area, and indeed, the whole Nation, an important part of Congress' unfinished business.

This business is that of allowing prayer in our public schools.

In an article in the Washington Daily News of August 28, Senator Dirksen points out:

> The Supreme Court has never clarified its position on the matter of voluntary prayer in public schools.

And he rightly adds that—

> The answer, the real answer, is a constitutional amendment.

This is the unfinished business of both the Congress and of the people. And I continue my full support for the adoption of such an amendment.

I place in the Record, at this point, the article from "A Senator's Notebook":

Prayer in American Schools

(By Everett M. Dirksen)

While the nation waits and wonders how the delegates in Chicago will solve the problems of Hubert Humphrey and Eugene McCarthy, this is perhaps a timely moment to discuss the question of prayer.

I refer to the sad question of prayer in American schools.

There are a great many contradictions in this country, and some of them don't make sense. The matter of prohibiting a prayer time for children in our public schools is one of them. If you look at the facts, they will surprise you, and you may agree that what the United States needs is a constitutional amendment that will once again permit children in our public schools to voice out loud the prayers that may be in their hearts. We intend to introduce such an amendment when Congress reconvenes next month.

When the U.S. Senate convenes—usually every day—the president pro tempore calls it to order and then says: "The chaplain will lead in prayer." When the House of Representatives convenes, the speaker gavels for order and then says: "The chaplain will offer prayer."

You see, it is perfectly all right for senators and congressmen, and even political conventions, to pray out loud in a public building or to listen to prayer led by a clergyman.

Midway between the House and the Senate is a small, beautiful room with an altar. It is the Prayer Room of the Capitol. There, any member of either body of Congress, or a visitor to the Capitol, may go in and in the cloistered silence pray as he pleases to his God.

Those prayers take place in a public forum supported entirely by public funds. The two regular chaplains are paid from public funds.

But there is a ruling that prohibits prayers by and for children in public schools.

On every U.S. vessel of any consequence there is a facility for prayer and a chaplain to conduct it. In Vietnam there are religious services and prayer and military service chaplains to conduct them.

But there are no prayers in our public schools.

During every recent year in this country there were probably 20,000 or more public meetings—dinners, social events, economic meetings, political or religious affairs. At most of those meetings, the Pledge of Allegiance to the Flag was followed by the invocation.

Why aren't there prayers in public schools as well as in other public places? You may recall why.

In 1964 the board of regents of the state of New York caused a prayer to be composed for use in all New York public schools. Certain citizens went to court to protest the prayer and its use as a violation of Article I of the Constitution, which recites that Congress shall make no law respecting the establishment of religion or the free exercise thereof.

When the case reached the U.S. Supreme Court, Justice Hugo Black wrote the decision that said the action of the New York board of regents, in arranging for prayer in schools violated the Constitution because the board was an official state body.

There came another case. It was styled "Stein v. Oshinsky." The parents of 21 children of differing faiths asked the U.S. district court in New York to pass upon their petition to permit "voluntary prayer" in the schools. The district court supported the view of the parents. But the court of appeals reversed the opinion, and when the parents petitioned the Supreme Court to order the lower court to send up a certified record for review, the Supreme Court refused and so the door of further appeal on the matter was closed.

The decision of the appeals court which had ruled voluntary prayer in schools was not legal was permitted to stand. The parents were out of court. They were finished. What it meant was that a teacher who conducted or permitted prayer of a purely voluntary, nondenominational character would soon hear from the principal or superintendent.

The Supreme Court has never clarified its position on the matter of voluntary prayer in public schools.

It's all right for Americans to sing patriotic songs that invoke God's grace. It's all right for the time being to sing Christmas carols in public, but the extremists and atheists are looking hard at school programs where God and Christ are glorified in accompanying music.

There is much evidence that the people of the country want prayer in public schools. A national poll discovered that more than 80 percent declared themselves in favor.

But the Supreme Court has the door closed. The answer, the real answer, is a constitutional amendment.

INDIANAPOLIS CITIZENS FORUM OBSERVES FOURTH ANNIVERSARY—IS HAILED BY COMMUNITY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. BRAY. Mr. Speaker, the Indianapolis Citizens' Forum, created and sparked by the energy, ideas, ambition, and administrative skill of Mrs. Mattie Coney, recently celebrated its fourth anniversary. It was an honor and a privilege for me to be present at the fourth anniversary banquet held in Indianapolis on September 8, 1968. The forum's accomplishments over the years constitute a ray of hope, light, and optimism in what is otherwise a frequently gloomy picture of the future of American cities.

Just what has Citizens' Forum done, and what has been the secret of its success?

Substantial sections of Indianapolis, as is the case in every large city in the country, had been deteriorating. Once-beautiful communities had turned into slums. Many have noted this with much concern, but most expected someone else—principally the Federal Government—to do something about it, and turn the areas into utopias.

Well, the United States did not become the great country it is by its citizens waiting around until someone did their work for them. Mrs. Mattie Coney, who taught school in Indianapolis slum-area schools for 30 years, became greatly disturbed by what she saw as deterioration in the areas of self-respect and responsibility. What was planned basically in 1964 as an educational program to encourage good citizenship, individual responsibility, self-improvement, simplicity, truth and Americanism has now become one of the most powerful and effective civic action groups in Indianapolis.

The Citizens' Forum has already organized almost 800 blocks in the city. Each one works to clean up dirt and filth, removing trash, everyone working together for a better and cleaner neighborhood. Better and cleaner not only materially, but in building better citizenship and a stronger community spirit, some blocks are all colored, some all white, and many integrated. The goal is the same for all: work together for a better neighborhood and city, and better understanding of the problems, rights and characters of their neighbors.

The secret of their success is amazingly simple, and here it is, as it was expressed by Mrs. Coney:

> The bad people got together long ago. It's time for the good people to get together.

And get together they did, with outstanding, sterling results that make Citizens' Forum something to be imitated by every urban community in the United States. The following tells the story of the forum itself, in the forum's own words and in stories and editorial comment from the Indianapolis Star and Indianapolis News:

THIS IS CITIZENS' FORUM, INC.

Citizens' Forum, Inc., came into an action filled existence in 1964, planned basically as an educational program to encourage good citizenship, individual responsibility, self-improvement, simplicity, truth, and Americanism.

It is bi-racial, inter-faith, non-political in character—aims to work for the good of all.

As a coordinating force for effectively utilizing the efforts of established civic organizations and health agencies, Citizens' Forum, Inc., has demonstrated remarkable success in organizing and developing Block Clubs to spread the gospel of good American Citizenship.

By mid-1968 there were more than 768 active Block Clubs in Indianapolis, Indiana—some in all-white neighborhoods, many in integrated areas, others in all-negro sections.

Participation and membership in Citizens' Forum and its activities are open to all—there are no boundaries based on race, creed or status—no "rich", no "middle class" or "poor" classification.

There is only the requirement of a desire for improvement, and everyone is urged to become involved.

Financial support is provided by a small grant from the Lilly Endowment, Inc., aids from numerous business and industry sources contributions, and annual $1.00 membership dues.

Advice, guidance, and personal assistance are provided by leading citizens in all walks of life. A roster of those involved reads like a "Who's Who" cross section of Indianapolis personalities.

Much of the success of the Citizens' Forum effort must be credited to the favorable attention and coverage granted by local and national mass media of newspapers, radio, magazines, and television. News coverage and editorial endorsement have been most noteworthy, affording a positive accent in a time of adverse news and conflicting ideologies.

THE FOUNDER

Mrs. Elmo Coney, best known as Mattie Rice Coney, was an Indianapolis school teacher in slum-area schools for 30 years.

Disturbed by deteriorating tendencies in the areas of self-respect and responsibility, she decided a determined coordinating effort was needed for recovery of order and purpose in schools and the emphasis of personal respect for law and order, courtesy, truthfulness, punctuality, cleanliness, neatness, and good conduct.

Citizens' Forum, Inc., became the fruition of Mattie Coney's determination.

Her efforts are constantly coordinated and implemented by her husband, Elmo Coney, a former teacher and business man.

ACCOMPLISHMENTS

Massive cleanup campaigns in Indianapolis have removed astronomical quantities of trash from that city's yard and streets.

In 1966 more than 42,000 tons were collected in 26 days. In excess of 180,000 tons were removed in 28 days of 1967.

The 1968 campaign in Indianapolis far surpassed any previous effort. Continuing interest and response forced one postponement after another of projected termination dates. The ideal of a never-ending, accelerating cleanup effort began, in 1968, to approach actual reality.

The Freedoms Foundation, Valley Forge Pennsylvania, announced plans in 1968 for a national "Cleanup America" movement, based on the success of the Citizens' Forum program in Indianapolis.

AWARDS

National Award from the Freedoms Foundation at Valley Forge, Pa., in 1966.

Special feature in U.S. News & World Report of March 27, 1967.

Salutes and special recognitions from President L. B. Johnson, Lady Bird, many Congressmen, and Dwight D. Eisenhower.

Countless invitations to address civic groups in all sections of the country.

At the request of General Eisenhower, Honorary President of the Freedoms Foundation, the Presidents of over 500 organizations with "positive" programs gathered at Gettysburg, Pa., to lay the groundwork for a re-dedication of the nation's founding principles on the Country's 200th Anniversary. Mattie Coney was the featured speaker.

"MATTIEISMS"

(NOTE.—The spirit and philosophy of the Citizens' Forum concept is best appreciated through the straight-from-the shoulder expressions of the plain speaking Hoosier, Mattie Coney. Some of the "Mattieisms" for which she is best known are included here.)

It will take more than legal equality to solve civil rights problems. The right-thinking Negro wants to get down off the white man's lap and walk like a man. You can't act like an inferior and then demand respect as an equal.

Bad neighborhoods develop because individuals fail. Negroes must change their environment by their own efforts. If I am a sloppy, dirty, noisy, rowdy neighbor in one part of town, I will be the same in another neighborhood. You just do not get culture on a moving van!

I am very much alarmed about the lack of teaching in our schools of courtesy, discipline, punctuality, and truthfulness.

I wish schools would teach that freedom is not free. You work at it from the time you are born until the time you die. Our schools must teach that someone must pay the bill for everything.

The idea of expecting a "Great White Father" to hand one something for nothing is an economic impossibility and has created a class of irresponsible welfare slaves.

We must get rid of the idea that all one needs is to satisfy one's gullet, get drunk, have children, and throw them out into the community and someone will care for them.

I'm not so much interested in one's having a Master's Degree as in one being able to put in a good honest day's work for a good day's pay—to have some pride and dignity in work which he can do.

I am interested in children learning to develop their potential and recognize their limitations. We are not all equal because we weren't all cut out of the same cookie cutter. Ability has nothing to do with race.

For the first time in history man has found the power to destroy himself. We are bound together but we don't know how to live together. We know how to get ourselves to the Moon, but we don't know how to get along one with another!

(NOTE.—Mattie was asked about the Black Power fanatic who had declared: "Mattie's kind of program is going to take us a long time to get what we want and we won't wait any longer!" Mattie's reply follows.)

I have no sympathy for Negroes who wallow in self-pity, or those with a chip on their shoulder—those who would rather loot and hate than work and help.

Some of these young revolutionaries are not qualified for honest work—if they think they can get it by whooping, hollering, and lying down in the streets.

No one is so underprivileged that he cannot keep clean. No one is so impoverished that he can't be considerate of others who live in the same conditions in which he lives.

The biggest drug on our market today is the pill of apathy. We need leaders who are willing to accept responsibility of leadership in their families, their communities, and in their nation.

Our goal is liberty. Our model is our patriots. Our strength is the United States Constitution. Our heirs are our youth, America's greatest potential.

America—your America and my America—is the last great strength and hope that is working for the freedoms and dignity of the individual.

I believe in America!

There is no other country that can approach it in offering hope for peace and brotherhood, the realization of dignity for the individual, the fulfillment of a God-like heritage for all!

TEN POINTS

To respect and maintain the beauty and the dignity of our block/area and to maintain the spirit of good neighborliness 365 days of the year, we shall:

1. Keep our homes and property in good trim and repair.
2. Keep our property and streets free of litter and leaves.
3. Keep trash cans out of sight except at pick-up time.
4. Remove snow promptly.
5. Avoid excessive car washing or making major auto repairs on the streets. Refrain from leaving trucks on residential streets overnight or on weekends.
6. Welcome new neighbors.
7. Teach our children by example to respect the rights, properties, and the privacy of others.
8. Discourage our children from congregating on street corners by providing them with supervised activities, either in the home or community and church centers.
9. Train our children not to mar the beauty and disturb the tranquility of our neighborhood.
10. Recognize that in order to enjoy the privileges of a good community we must all assume the same obligations to it.

"A good city begins with you!" Be responsible!

BLOCK CLUBS

From a directive of the Indianapolis Citizens' Forum, Inc.:

"Ours is primarily an educational program.

"Good citizenship and individual responsibility for neighborhood standards of good conduct are encouraged.

"A really fine city must be safe, healthful, and an enjoyable place in which to live—throughout all its neighborhoods, among its homes, streets, and playgrounds of everyday life.

"You and your neighbors can join in making some of the necessary improvements around your own homes. Only with such continuous neighborly help can ours become a better, finer city for all of us.

"A Block Club within your neighborhood is a sound approach to making improvements, will help you and your friends in 3 ways:

"1. You and your neighbors can get together to decide what should be done in your block.

"2. You will all be able to do things together that no one alone could do.

"3. There will be created a new feeling of friendliness in your neighborhood.

"Block Clubs work like regular organizations with stated meetings, officers, and a set program of projects for improvement.

"The Clubs are independent in name, officers and in projects. They operate throughout the year.

"We request they accept our "10 Points" of Positive Action. We are not militant—we do not demonstrate. We disseminate information City-Wide to everyone, free."

AWARDS PROGRAM

Employing the free enterprise principle of incentive and reward, Freedoms Foundation utilizes an Annual Awards Program to encourage and stimulate activities that increase understanding and appreciation of the freedoms embodied in our way of life and the responsibilities we must assume as citizens of the United States.

Freedoms Foundation urges all Americans to:

Appreciate the American Way of Life and "speak up for America" at every opportunity.

Become informed on the Communist conspiracy and oppose it.

Nominate any constructive work which increases an understanding of the American Way for a Freedoms Foundation Award. Send your nominations to Freedoms Foundation at Valley Forge, Pennsylvania.

Support Freedoms Foundation at Valley Forge and help insure our legacy of Freedom for future generations.

[From the Indianapolis (Ind.) News, Sept. 3, 1968]

BUILDING NEIGHBORHOODS: CITIZENS FORUM MARKS ANNIVERSARY

(By Ross Hermann)

The Indianapolis Citizens Forum, an experiment aimed at improving living conditions in the central city, will mark its fourth anniversary this Sunday evening. It has much to celebrate.

It began four years ago with a leader well-equipped with ideas and energy, Mrs. Mattie Coney, and a small grant from the Lilly Endowment. It has become in that short time a community-wide organization with an impressive record of accomplishment.

Many of the people on its roster of members and friends will gather at Stouffer's Inn Sunday to celebrate the anniversary and hear the noted author and editor, Dr. Russell Kirk.

The idea behind the Citizens Forum was simple, which perhaps accounts for its success. The people themselves would be directly involved in improving their environment. Government officials have talked about doing it for years. The Citizens Forum, relying only on private money and the energy of self-starters, has done it.

The prevailing attitude has been: "Don't wait for the city or Federal government to do it. Do it yourself."

The basic unit of organization is the neighborhood block club which, once formed, becomes self-governing. It relies upon the good instincts of the people and seeks to reinforce their values with organization. What begins to emerge is a functioning neighborhood where only isolated individuals lived before.

Mrs. Coney expresses the purpose this way: "The bad people got together long ago. It's time for the good people to get together."

The process of building "neighborly neighborhoods," as Mrs. Coney calls them, is slow and tedious, but considerable progress is already apparent. Active block clubs associated with the Citizens Forum number more than 750. Of their total membership, which fluctuates according to attendance, 1,100 people are also dues-paying members of the Citizens Forum directly.

A recent addition to the list is an active block club in the Purdue-Fall Creek area which has begun surveying the neighborhood for sanitary code violations. Mrs. Cora Balch, organizer of the new Purdue-Fall Creek Association, notes: "Any neighborhood can begin to depreciate if there is just one careless person in the area. A block club can be a real deterrent."

The accomplishments of the Citizens Forum and its affiliates are a matter of record. For example:

Last spring the Citizens Forum conducted its third annual city-wide clean-up drive which collected more than 180,000 tons of debris from alleys and backyards. Inspection shows that in most cases they stay clean. The pride generated by doing the work becomes a permanent force in the neighborhood.

A "bloom-in" sponsored this summer distributed plants and flowers to brighten central-city neighborhoods and encourage gardening as a hobby. More than 1,000 people are known to have participated. One of its promoters was Mrs. Novella Dickens, and avid gardener and organizer of the Dexter Street Block Club, which is attempting to hold the line against deterioration in that west-side neighborhood.

"Noticing our own block has slipped a bit," she says, "I agreed with the Citizens Forum philosophy and decided we could do with a block club. The club is trying to stimulate an awareness of natural beauty and cleanliness . . ."

A citizenship program conducted through the schools, the PTA, and women's clubs brings the message of freedom with responsibility to school children.

A speakers bureau spreads the gospel of self-help and individual responsibility. One of its newest members is Mrs. Savannah Cureton, an articulate spokesman for racial harmony. She asserts that: "Two wrongs don't make a right. For too long the good, decent people have sat back and let it happen. We should do something for the nation rather than tear it down . . ."

Through neighborhood surveillance, the block clubs are a recognized factor in combatting crime.

The accomplishment of which the Citizens Forum is most proud is its ability to bring together people of different racial and social backgrounds for a constructive purpose. It is a demonstration that less divides the people of America than her foreign and domestic enemies suppose.

[From the Indianapolis (Ind.) Star, Sept. 9, 1968]

Citizens Forum's Efforts Cited for Improving Neighborhoods

Citizens Forum Inc. last night received strong praise for its neighborhood improvement efforts from leaders in the fields of public service, law enforcement and health.

"Through Citizens Forum, local government has come to its sense of responsibility," Mayor Richard G. Lugar said at the group's annual recognition banquet in Stouffer's Inn.

The racially mixed crowd of almost 500 Citizens Forum members and guests also heard tributes from nationally syndicated columnist, Russell Kirk; Municipal Court Judge William T. Sharp; Dr. Henry G. Nester, Marion County health director; Police Lt. Chester Coates and Harold E. Bean Jr., Indianapolis Board of Works executive secretary.

Lugar also credited Citizens Forum with providing the inspiration for the city's heavy trash pick-up and Upswing 68 summer recreation program.

Mrs. Elmo Coney, a former schoolteacher who founded the forum's block club project four years ago, was lauded by Lugar, Kirk and Bean.

Bean directed this summer's expanded trash collection program.

As the main speaker, Kirk said, "although it is rather a foolish idea to talk about abolishing poverty," great strides can be taken through common co-operation and volunteer action.

Kirk, whose column appears in The Indianapolis Star, cited personal and social attention rather than political programs are necessary to fight urban blight.

"Our great work of restoration is to first restore order in the person, then in the community, and only then to fight poverty," Kirk said.

Often, Kirk charged, government programs are not a result of consultation with residents involved in the programs.

"Urban renewal has been one of the most disastrous failures of recent times," the writer and lecturer said.

Kirk illustrated his criticism of government programs and the problems of the uprooted with his personal knowledge of the Corktown area of Detroit, Mich.

Lt. Coates of the Indianapolis Police and Dr. Nester spoke of the co-operation of Foundation, Valley Forge, Pa., as a leader in the community their agencies with Citizens Forum.

Awards were presented to block club leaders and contributors to the forum.

Citizens Forum has received awards from the Freedom organization of block clubs.

Fifty-eight block clubs take part in the forum's program.

Citizens Forum officials announced that a meeting with public school principals and Parent Teacher Association representatives will be held at 7:30 p.m. Oct. 10 at Grace Methodist Church.

[From the Indianapolis (Ind.) News, Sept. 9, 1968]

Citizens Forum Is Hailed

Nearly 500 members of Citizens Forum Inc. and their guests last night heard Mayor Richard G. Lugar and other officials praise the organization.

At the group's annual recognition banquet in Stouffer's Inn, Mayor Lugar said that "through Citizens Forum, local government has come to its sense of responsibility."

In lauding the confederation of 58 block clubs founded four years ago by Mrs. Elmo Coney, Lugar also pointed to Citizens Forum as the inspiration for intensified trash pick-up programs in Indianapolis and his administration's Upswing 68 summer recreation program.

Other guests who commended the group were:

Municipal Court Judge William T. Sharp.

Dr. Henry G. Nester, Marion County health director.

Police Lt. Chester Coates.

Harold E. Bean Jr., Indianapolis Works Board executive secretary.

Russell Kirk, nationally syndicated newspaper columnist.

Awards also were presented to block club leaders and to contributors to the neighborhood improvement organization.

Officials announced at the banquet that a meeting with public school principals and Parent-Teacher Association representatives will be held at 7:30 p.m. Oct. 10 at Grace Methodist Church, 4110 E. New York.

[From the Indianapolis (Ind.) Star, Sept. 10, 1968]

A Working Forum

A first thought might be that the Citizens Forum of Indianapolis is rather misnamed, as the word "forum" has come to suggest most commonly a place for talk, for expression of opinions.

It is a more accurate second thought that the Citizens Forum is rejuvenating—along with a great deal of Indianapolis—the original meaning of that word in its name. The ancient Roman Forum, from which the word comes, was much more than a place of open discussion—it was the place where the public's business was accomplished.

The Citizens Forum does indeed provide not just one but many places for discussion of neighborhood and community problems. That was wonderfully illustrated in the annual recognition banquet Sunday evening.

It also gets things done. Cleanup campaigns have removed literally hundreds of thousands of tons of trash from Indianapolis yards and streets. In countless neighborhoods and thousands of individual homes a new spark of pride in appearance has been struck. By blocks and streets and groups of blocks people have been inspired to band together to make a cleaner, neater, brighter and better community.

The influence of this example of the effectiveness of neighborhood effort has spread afar. The Freedoms Foundation at Valley Forge, Pa., earlier this year announced plans for a "Cleanup America" movement, inspired by and based on the success of the Citizens Forum in Indianapolis. At the Sunday banquet it was announced that Sertoma International has decided to take up the movement as an organization program.

Much of the credit for achievements of the Citizens Forum is rightly attributed to the energy and infectious enthusiasm of its executive director, **Mrs.** Elmo Coney—better known as Mattie.

As she is quick to point out, the real foundation of the Forum is people. By hundreds and thousands they have become involved. They have talked and enthused and involved other groups and organizations, and most importantly they have gone to work against blight and ugliness.

This was evident in the long list of individuals and organizations to whom awards and recognition were given at the banquet.

Here is a forum in the fullest sense of the word. It is an instrument through which problems are discussed, solutions are found and things are accomplished for the good of all.

[From the Indianapolis (Ind.) News, Sept. 13, 1968]

Double Message

The recent recognition banquet staged by Citizens Forum was a heartening civic event on two separate counts.

In the first instance, the banquet honored the work of Indianapolis residents who have labored so long to make the Forum a success. It celebrated the establishment of no less than 792 block clubs aimed at cleaning up our city and making it a better place to live.

In the second instance, the banqueters heard an excellent address by Dr. Russell Kirk, the noted author and syndicated columnist, on the fallacies of "urban renewal." Since Indianapolis is now hovering on the brink of several "urban renewal" projects, Dr. Kirk's discussion of the dangers involved in these programs was very timely.

The two themes of the evening merged in Dr. Kirk's conclusion: That the true renewal of community life in Indianapolis or any other American city cannot come through the top-down efforts of government compulsion. It can come instead only through the dedicated efforts of individual citizens, working at the task of being better neighbors, concerned to keep their city clean and liveable for everyone.

Voluntary action of this sort is precisely the objective of Citizens Forum, and the strides it has made under the leadership of Mr. and Mrs. Elmo Coney are wonderful to behold. They and the hundreds of Indianapolis residents who work with them have provided a working example of American citizenship, and Hoosier citizenship, at its finest.

Both sides of the story were presented at the recognition banquet: The dangers of coercive planning that shoves people around; the benefits of voluntary action that gets people to work together. In Indianapolis as elsewhere in America, we need less of the first and more of the second.

DMSO—AN END TO PERSECUTION?

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. WYATT. Mr. Speaker, has the Food and Drug Administration's persecution of the drug DMSO—dimethyl sulfoxide—at last come to an end? It would appear so.

Early this week the FDA issued new regulations on the clinical testing of this potential wonder drug. These regulations eliminate many of the restrictions previously hampering the testing of DMSO, especially in the case of short-term testing. Further, the new order points the way to eventual prescription availability of this medicine.

The new Food and Drug Administration Commissioner Herbert L. Ley, Jr., states that "tests with human volunteers have now established that short-term use of DMSO is reasonably safe." The new FDA policy permits short-term—14 days or less—studies with DMSO in treating such conditions as arthritis, bursitis, and other muscle, ligament, and joint inflammations through topical applications. It removes much of the paperwork previously holding up clinical testing of the drug.

Under the new regulations a patient who feels that his case requires the use of DMSO or a doctor who feels that this drug is necessary to the treatment of his patient may follow one of two procedures.

First. The doctor may file an abbreviated investigational new drug exemption with the FDA setting forth protocols for his test program with a patient. He no longer must have prior FDA approval of the application before undertaking the study. In his application he must indicate the source from which he is getting DMSO to assure the FDA that it is pharmaceutical grade. He is, in this case, responsible for furnishing this drug to his patient. Two drug firms are now supplying pharmaceutical-grade DMSO, and are listed below.

Second. Or the doctor may contact one of the two drug firms listed below who have already filed investigational new drug exemptions with the FDA for DMSO, and ask to participate in their clinical testing program as an investigator. In this case the doctor acts as the investigator for the drug company, and his testing program must coincide with theirs.

The proposed studies must provide for pretreatment liver function studies and a complete blood count—CBC—to be repeated within 7 days after commencing treatment and at the conclusion of the study.

In both the above cases the patient or patients must also file papers explaining that they have been advised of possible effects of the drug. New FDA regulations for short-term testing have greatly decreased the amount of paperwork required for a doctor interested in testing this drug.

Two firms are currently supplying pharmaceutical grade DMSO and are conducting clinical investigations of its medical efficacy. These are E. R. Squibb Co., 745 Fifth Avenue, New York, N.Y. 10022; Syntex Laboratories, Inc., 3501 Hillview Avenue, Palo Alto, Calif., 94304.

The Food and Drug Administration under no circumstances provides the drug to patients or physicians.

It is hopeful that, under the new regulations, DMSO may now receive the fair treatment and testing that has denied it through 3 years of Food and Drug Administration delay.

It should be noted that the new regulations restore the status of DMSO to approximately what it was 3 years ago, and for this action the Food and Drug Administration is to be commended. However, the bureaucratic maze through which this drug has come has raised serious questions in my mind as to evaluation procedures for all new drugs. I intend to pursue this matter further, and, of course, hope to work with and have the cooperation of the FDA in efforts to alleviate this situation.

AMERICAN VETERANS COMMITTEE DECLARES MAINTENANCE OF PEACE SHOULD BE U.S. GOAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. REUSS. Mr. Speaker, "to achieve a more democratic and prosperous America and a more stable world" has long been the goal of the American Veterans Committee. During its recent convention, the AVC adopted an international affairs platform and resolutions on Vietnam and the Middle East which I commend to my colleagues:

INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the halocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I. THE UNITED NATIONS AND WORLD GOVERNMENT

Only the progressive subordination of national sovereignty to a democratic world government operating under and implementing world law can ultimately and permanently eliminate the heavy burdens of national armaments and the scourge of international warfare, and permit the full development of human freedom. Because of its successful experience with federalism, its worldwide position of material and moral strength and its desire for peace, the United States, by precept and example, should take the lead in promoting the ultimate subordination of national authority to that of the United Nations on a progressive basis that will enhance our freedom and well-being. Recognition of the rule of law in international relations where such law presently exists, by prompt repeal of the Connally reservation would be one such step.

We believe that there must be an acceleration of progress of the ratification of the international, human-rights agreement by the United States and other member nations of the United Nations and a greater assertion of leadership by the United States in the United Nations in furtherance of the work of the United Nations Commission on Human Rights.

The United Nations continues to be man's best hope for peace and support of the United Nations must be an essential part of our foreign policy. We favor encouragement and aid to the formation of supranational authorities of a regional nature and of treaty agreements which limit the sovereignty of the participating nations in order to secure mutual advantage, such as the European Common Market, Euratom and others.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We fully support a United Nations police force as one of the important contributions to peacekeeping in the world. The peacekeeping forces of the United Nations must be supported financially by all members of the UN and this support must be obligatory.

II. NUCLEAR TESTING AND DISARMAMENT

Complete elimination of nuclear weapons testing should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The United States, as the foremost nuclear power, must take the lead in bringing the other nuclear powers—Britain, France, the Soviet Union, and Communist China—together in good faith in efforts to reach agreement for cessation of nuclear weapons tests.

Complete and total disarmament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

III. THE UNITED STATES AND ITS ALLIES

Inevitably differences will arise between the United States and its Allies, but these are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

IV. THE UNITED STATES AND THE WORLD

The twentieth century is the era of the new nations of Africa and of Asia. The United States must stand ready to help those nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

United States foreign aid to developing countries should be continued and utilized at points of greatest potential. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self government, and should, if requested, provide economic help to protect them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

The Peace Corps, since its founding, has been an effective ambassador. It should be continued and expanded.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation, should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

V. SOVIET UNION AND COMMUNIST CHINA

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible, but is also a necessity, if the world is to remain at peace. This must be our modus vivendi for the foreseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, expanded trade beyond the Iron Curtain, or others. If we follow this policy and practice, we shall find the areas of agreement becoming wider and the differences, narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth.

Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

VI. WORLD TRADE

The path to world peace through world trade is long, torturous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustments will have to be made. Where hardships are visited upon domestic industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

VII. THE EXAMPLE OF AMERICA

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hostility by less fortunate peoples of the earth. It is the difficult, but essential, task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in an atmosphere that accords the individual his basic human right and permits him to achieve the fullest measure of self-expression.

VIETNAM RESOLUTION

The war in Vietnam is far more than a military struggle taking place in one small distant country. At stake are the peace and freedom of the world. The Vietnamese conflict—presently confined to one country—could spread to a general Asian war or even another world war. Hence, it is in the best interest of the United States and of world peace to settle this conflict under terms that will strengthen the basis for peace and freedom in the world. To settle this conflict, the U.S. has three possible courses to follow:

(1) to withdraw unilaterally;

(2) to destroy both the Vietcong and North Vietnam by military action;

(3) to hold the line in South Vietnam while pursuing a settlement for an enduring peace.

AVC rejects the first two approaches.

Unilateral withdrawal would not bring peace but would unleash totalitarian forces in Asia and in the rest of the world that would upset the delicate international balance that has so far checked a third world war.

The second alternative—to establish a total military victory over both Vietcong and North Vietnam—would likewise hasten the likelihood of a cataclysmic clash with China and, perhaps, Russia as well.

Under these circumstances, AVC advocates the pursuit of a dual policy:

(1) to halt a Communist takeover in South Vietnam by continuing the American presence;

(2) to probe every possible channel for a settlement that would further an enduring peace.

For this reason, AVC endorses the U Thant proposals for a peace effort:

(a) an immediate multilateral ceasefire;

(b) immediate negotiations on the agenda and parties to participate in a formal conference.

(c) a reconvened Geneva Conference to work out the terms of a proposed settlement.

While the U.S. should press for this three point program, we ought also use our full influence to guarantee a free and fair election in South Vietnam with the objective of establishing a representative and viable government.

MIDDLE EAST RESOLUTION

The American Veterans Committee calls upon the government of the United States to use its maximum effort to create a fair and lasting peace between Israel and the Arab nations. Such peace must be based upon such economic and military realities as will insure the survival of Israel and the Arab States and resolution of the human problems of Arab refugees and must be guaranteed by the major powers.

THE PRESIDENT, THE SENATE AND THE COURT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MOORHEAD. Mr. Speaker, President Johnson's nomination of Associate Justice Fortas for Chief Justice of the Supreme Court of the United States has prompted charges that it ought to be left to the next President to fill the vacancies created by the announced retirement of Chief Justice Warren.

These charges, as the Washington Post observed in an editorial on Sunday, September 8, are "alien to the American tradition—a smokescreen behind which politicians hide their animosity toward the President or their real reasons for opposing Mr. Fortas."

The Post editorial points out that "no President has ever handed a vacancy on the Supreme Court along to his successor without trying to fill it" and that "eight of those Presidents made nominations for Supreme Court seats after the election in which their successor was chosen."

I support the President's nomination of Mr. Fortas, whom I consider a thoughtful, wise and articulate jurist. And I urge my colleagues to consider the facts presented in the Post editorial when weighing the opposition to Mr. Fortas' confirmation. I insert the editorial at this point in the RECORD:

THE PRESIDENT, THE SENATE AND THE COURT

The idea that President Johnson should have abstained from nominating a new Chief Justice in order to allow the next President to make that choice ought to be understood for what it is: a phony gimmick, so alien to American tradition, so devastating to the operations of the Supreme Court, so open to retaliation that it can only be a smokescreen behind which politicians hide their animosity toward the President or their real reasons for opposing Mr. Fortas.

The idea promulgated by Governor Agnew that the current situation is all the fault of Chief Justice Warren is the same kind of gimmick. Since the summer is the only time a member of the Supreme Court can leave it without disrupting its activities, the full implication of the Governor's comment is that a Justice is denied the right to retire in presidential election years regardless of his age or personal inclination.

Despite the statements of Sen. Robert Griffin and Richard M. Nixon that Mr. Johnson should have held the nomination open for the incoming President, all of American history says he should have not. No President has ever handed a vacancy on the Supreme Court along to his successor without trying to fill it. George Washington was the first to nominate a justice during an election year and Dwight D. Eisenhower was the last. In between, Adams, Jefferson, John Q. Adams, Van Buren, Tyler, Fillmore, Buchanan, Hayes, Cleveland, Harrison, Taft, Wilson, Hoover and Franklin D. Roosevelt sent nominations to the Senate during an election year. In fact, eight of those Presidents made nominations for Supreme Court seats *after* the election in which their successor was chosen but before the date arrived for him to take office.

Similarly, there is no tradition in American history of the Senate denying confirmation to nominees in order to give an incoming President a chance to choose a different man. Five of the 96 men to sit on that bench were confirmed by the Senate although they were nominated by a President who had already been voted out of office. Among those is John Marshall, the greatest Chief Justice of all, who was nominated by John Adams in January of 1801 after Adams had lost the Presidency to Thomas Jefferson. Another 11 were nominated by a President a few months before an election. Among those were Chief Justice Oliver Ellsworth who was nominated by George Washington in March of 1796, and Chief Justice Melville W. Fuller who was nominated by Grover Cleveland in May of 1882.

Only two of the 11 Presidents who sent Supreme Court nominations to the Senate in the ten months immediately preceding an election have had their choices turned down. Those two, John Tyler in 1844 and Millard

Fillmore in 1852, were caught in the political and sectional bitterness of their times. Tyler made five nominations to fill two vacancies just before and just after the 1844 election and had only one confirmed. The Senate refused to confirm all three of the men nominated by Fillmore in his last year in office. Three other Presidents, John Q. Adams, James Buchanan and Rutherford B. Hayes, were unsuccessful in their efforts to fill Supreme Court vacancies in their last months in office but each of the three sent his nomination to the Hill after his successor had been chosen.

Only once since the Civil War has the Senate refused to confirm a nomination made by a President during an election year. That was when retiring President Hayes appointed Stanley Matthews two months after the 1880 election. The Senate refused to act pending the inauguration of President Garfield. Garfield promptly resubmitted Matthews' name and he was then confirmed. Since that time the Senate has confirmed before that year's election nominations made in May of 1888, July of 1892, February of 1893, February of 1912, January and July of 1916, March of 1932 and January of 1940. The latest election year nomination was made on Oct. 15, 1956, by President Eisenhower. That was of Justice William J. Brennan Jr., who served with a recess appointment until he was confirmed the following March.

These facts, we think, make it clear that there is no substance to the claim of Senator Griffin and Mr. Nixon that President Johnson should have deferred to his successor in selecting a new Chief Justice. This is particularly true in light of the difficulties a delay until next spring in replacing Chief Justice Warren will impose on the Supreme Court.

Nor do we think there is any substance to the claim that the Senate should enforce such a period of abstinence upon the President. Mr. Nixon should be the first to recognize the possibility that a barrier erected by his friends in the Senate now could encourage other Senators to erect a similar barrier if he is elected and has the opportunity to make nominations to the Court. The spirit of retaliation has ranked high in history among the causes of senatorial refusal to confirm presidential nominees to the Court. Of the 19 men the Senate has turned away, 12 were caught in the violent struggles between the President and the Senate between 1830 and 1870.

Since Mr. Nixon can look forward to making two or three nominations within the next four years, if he is elected and even if the pending nominations are confirmed, he would do well to reconsider the false ground on which his latest comment about the Fortas nomination is based, particularly in light of the fact that he considers Mr. Fortas to be "one of the most able justices in the country."

ARGUMENT FOR VOLUNTARY ARMY

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. RUMSFELD. Mr. Speaker, an interesting column by Mr. John Chamberlain concerning an all-volunteer Army appeared in the September 14 edition of Chicago's American.

Mr. Chamberlain points out that the all-volunteer concept is gaining ground, particularly among young people and members of the academic community. He also notes that "after Vietnam" this volunteer doctrine will make significant and rapid gains.

I offer Mr. Chamberlain's column at this point in the RECORD:

VOLUNTARY ARMY CHEAPER

(By John Chamberlain)

AVIEMORE, SCOTLAND.—After listening to the all-things-to-all-men promises of politicians at two national conventions, it is a relief to come to the annual conference of the Mont Pelerin society, whose members, prominent economists from many countries, have been fighting the world drift to socialism on many fronts for 20 years. One of the absentees at this year's convention is Dr. Martin Anderson, the urban specialist who is enlisted in the Richard Nixon brain trust. Marty Anderson has been responsible for a proposed Nixon position paper on the desirability of a voluntary army.

His boss, at last reports, had settled for the Anderson conclusions that a voluntary army would be both cheaper to maintain and more efficient than an army of reluctant draftees. But Nixon qualified his acceptance by saying, in effect, "Not now, but after Viet Nam." Whereupon Hubert Humphrey accused Nixon of being irresponsible.

UNITED IN OPPOSING DRAFT

If there is one thing that glues the hippies, the yippies, the Students for a Democratic Society, the young McCarthyites, and the Kennedy idolators together, it is a hatred of the draft. The right-wing Young Americans for Freedom make the chorus unanimous.

What will be the social cost of shifting to a voluntary army? In one of the papers read here, Dr. Cotton M. Lindsay of the University of Virginia presented rather convincing evidence that society loses more than it gains by conscripting its young men.

For one thing, every young man who comes of military age is welcomed to maturity by an eight-year period of havoc. He may be grabbed for the army on a month's notice; on the other hand, he may wait around five years, unable to obtain decent employment because he can't promise continuity in a job. The uncertainty means that every young generation wastes crucial years.

"UNIVERSAL" SERVICE IMPOSSIBLE

The objection to the Lindsay theory is moral, not economic. But to justify the seizure of any young man's body for compulsory service, every member of society should be subjected to the same ordeal. This is a practical impossibility.

First of all, only a picked number of individuals possess the specialized physical attributes required of soldiers. Secondly, if all young men were required to serve an equal amount of time, a hopeless cycle of wasted training would result.

And if "national service" were required of those not qualified to be soldiers, we would waste the formative years of an incalculable number of artists, scientists, technicians, administrators, and what-not in menial make-work jobs.

The ideas expressed by Doctors Anderson and Lindsay will not be needed this year by either political party. But "after Viet Nam," just watch how quickly the anti-compulsion doctrine takes hold.

JOHNSON-HUMPHREY CONTINUE TRADE WITH THE ENEMY

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. ROUDEBUSH. Mr. Speaker, my newsletter for this week follows:

JOHNSON-HUMPHREY CONTINUE TRADE WITH THE ENEMY

Despite the Soviet invasion of helpless Czechoslovakia, the Johnson-Humphrey administration continues to toss lucrative trade contracts to Russia.

The most flagrant example is chromite ore, a highly strategic metal vital to American space and military programs.

The USSR and Rhodesia are the only sources of high-grade chrome in the world, but LBJ-HHH prefer to do business with the Reds rather than anti-communist Rhodesia.

Chromite ore is not mined in the U.S., and current stockpiles are said to be enough for only six months, although strategic requirements call for a 30-month supply.

The administration is also buying substantial amounts of palladium (a metal in the platinum family) from the Soviet, and also titanium, which is essential to the construction of supersonic aircraft because of its tremendous strength and very light weight.

Although the Reds are furnishing the weapons to slaughter American boys in Vietnam, and are fomenting revolution and subversion throughout the world, including the United States, the administration doesn't have the courage to stop trading with the Red criminals.

Since television coverage of national conventions commenced several years ago, we have often hoped that at least one of the networks would forgo the chatter and present the convention to the people.

Most people, we believe, who are interested enough to watch the convention would like to see and hear the speaker on the podium. The conventions occur only once every four years and what every speaker has to say is important or he or she wouldn't be speaking.

But, what do we get? Cynical, biased, arrogant commentators and interviewers deriding the whole process, circulating vicious rumors, intimidating delegates and approaching people in insulting and hostile tones.

A speaker trying to make a point to his audience is rebutted by a know-it-all commentator; an address which stirs the convention and touches all Americans is hacked to death by "analysts" whose past allegiances and employment are unknown to the majority of viewers; whole states or sections or parties are smeared by the glib, liberal tongue of a professional hatchet man presenting himself as an objective commentator.

Television can perform invaluable service to the American political process by bringing the drama of the conventions into every home. But, in its present form, this responsibility and power is being misused by the prejudiced prima donnas whose personal views are foisted on the American public in the guise of "commentary."

We sense much resentment here in the Congress and among the people at these tactics, and dare to predict that if just one of the networks would train the cameras on the podium, let the people watch the convention without interference, this network would capture most of the audience. Americans are intelligent enough to make up their own minds without Chet, David or Walter and their underlings spelling it out their way.

The following letter arrived after the sentencing of Marine Corporal Denzil Allen, of Lebanon, to life at hard labor.

"We are all horrified wtih the injustice that is being done to Lance Corporal Denzil R. Allen, 20, who was sentenced to life imprisonment at hard labor for the reason of killing Vietnam citizens, whom no one is sure are peaceful citizens or the enemy.

"When a young man asks for his own artillery to strike into his besieged position to drive the enemy soldiers away, why do they prosecute a young man who is a loyal American for killing people he believed to be the enemy?"

"This young man should go free with a full pardon and receive the Navy medal that was recommended for him by his commanding officer."

"This young man gets life at hard labor and in the next column of the newspaper it tells how 'Huey Newton,' founder of the Black Panthers, who killed a policeman and shot another, gets 2 to 15 years with a chance to appeal. It just seems that good high-minded youth gets beaten down and the trash and scum of the earth is upheld."

"As parents of a young man in Vietnam, and as U.S. citizens, we urge you to protest this unjust sentence."

We are sending the above letter to the President together with other comments from Lebanon residents concerning the case, and urge a Presidential review.

We have now sustained more than 200,000 total casualties in a war that our men have been forced to fight with one hand tied behind their backs without full naval and air support, while on the home front the administration continues to trade with the enemy. The peace talks are nothing more than a ruse used by the Reds to their advantage, while our past military gains are frittered away.

The people we are hearing from say that if the war is worth the life of *one* American boy, it is worth fighting to win.

Humphrey told an audience that law and order should not be an issue this year and instead a bi-partisan commission should be appointed to look into the matter. The same day Hubert made this statement the President's Commission on Violence met in Washington for a conference. One of the aides, Mr. George D. Newton, of Winnetka, Ill., went out for an evening stroll and near his hotel was jumped by four men who tripped, beat and kicked him before taking $90 and a $50 watch. If Hubert needs another Committee to find out that law and order are an issue, maybe he could save some money by interviewing LBJ's violence probers. They could tell Hubert it isn't even safe to come to Washington, D.C., and talk about crime.

SEPTEMBER QUOTE

"A great civilization is not conquered from without until it has destroyed itself from within. The essential causes of Rome's decline lay in her people, her morals, her class struggle, her failing trade, her bureaucratic despotism, her stifling taxes and her consuming wars. The political causes of decay were rooted in one fact—that increasing despotism destroyed the citizen's civic sense, and dried up statesmanship at its source."—Dr. Will Durant, The Story of Civilization, Vol. III, "Caesar and Christ."

Write Congressman Roudebush.

CAUSE OF ISRAEL

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. PHILBIN. Mr. Speaker, I was greatly honored today to attend the very impressive reception and luncheon conducted here in Washington by the New England region of the Zionist Organization of America, whose president is the distinguished Jewish leader, Mr. Joseph I. Sargon.

This significant Zionist meeting was largely attended by prominent citizens, business, and professional leaders from the New England region and other parts of the country. The principal speakers were our great, beloved Speaker JOHN W. McCORMACK, the able and distinguished Senator from the great State of New York, our esteemed colleague and friend, Senator JACOB JAVITS, and His Excellency, Hon. S. Z. Abramov, a very distinguished member of the Knesset of Israel. It was a great privilege for me to associate myself with the eloquent remarks of our great Speaker, and others who addressed the gathering.

It was a very happy and rewarding experience for me to attend this fine gathering of leaders of the Jewish people and many friends of mine from my district and our New England region. The occasion was graced by the presence of beloved rabbis and spiritual leaders, and other very distinguished guests.

This meeting gave me the opportunity to talk with a considerable number of leaders present and their gracious ladies, and it afforded me the opportunity which I joyfully embraced to affirm my long-standing, close friendship with the Jewish people and my strong, vigorous, tireless suport of their cause since the days of my youth, and in the Congress of the United States, the many, warm friendships I enjoy with them, and the very high esteem which I hold for them, not only as friends and thoughtful neighbors, but as great Americans and loyal supporters of the brave, young nation of Israel and its wonderful people.

I made it abundantly clear, as I have done on other occasions, the deep interest and firm, sustaining support that I am rendering to the cause of Israel, and that I propose to continue to render, so that this shining, new member of the community of free nations may be safe and secure from its enemies, and free to develop its free institutions unhampered by the fear of aggression, and under all circumstances well able to defend, protect and develop the great homeland of the Jewish people, and make continued contributions not only to its citizens but to the world community.

I am very grateful for the privilege of attending this memorable event and to meet with so many good friends and sterling citizens.

NIXON PLACES THE ATLANTIC ALLIANCE FIRST

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. FINDLEY. Mr. Speaker, even before election day, Richard Nixon has made a significant contribution to world peace and freedom.

Yesterday Mr. Nixon forthrightly placed the interests of the Atlantic Alliance first by announcing his opposition to ratification of the proposed Nuclear Nonproliferation Treaty at this time. This treaty has been opposed by many of our NATO allies, because it placed cooperation with the Soviet Union ahead of the legitimate defense interests of West Europe. Their concern has been dramatically confirmed by recent events in East Europe. To ratify this treaty at this point—with Soviet troops in Czechoslovakia in violation of international law—would be politically self-defeating and morally indefensible.

As a candidate for President and the acknowledged front runner, Mr. Nixon is to be commended for the courageous manner in which he has spoken out. He has put the Soviet Union on notice that good relations with this country depend on something more than polemics and that the risks of their expansionist policy will not be ignored in this country. It is regrettable that the President has pussyfooted around about this matter, leaving the impression in Moscow that United States-U.S.S.R. relations would not be materially set back by the invasion. Hopefully from reading Mr. Nixon's statement the Russians will know they cannot have their cake and eat it too. He has made it clear to them that their present policy of exacerbating tensions in the Middle East and Europe is inconsistent with a goal of genuine relaxation of tensions with the United States. I enclose at this point, recent statements by Mr. Nixon on these matters:

INVASION OF CZECHOSLOVAKIA

(Statement issued by Richard M. Nixon on occasion of American Legion National Convention, New Orleans, La., September 12, 1968)

The invasion of Czechoslovakia by the Soviet-led powers of the Warsaw Pact has been marked down as an unqualified reversal for the cause of peace in the world. But one visible dividend has come of it. The same Soviet tanks that rumbled across the Czechoslovakian frontier less than a month ago also startled a slumbering Western Alliance out of its complacency.

The repression of the expanding freedoms in Czechoslovakia was a genuinely tragic blow to that unfortunate people. But perhaps the witnesses to the tragedy in western Europe will draw from it lessons that will enable them to preserve their own freedoms in future years.

America should seize upon this moment of European awareness and European concern to reforge the ties that bind the western world. In candor it has been in large measure America's fault that the North Atlantic Treaty Organization has gradually dissolved. We have continued to treat the states of western Europe as decidely junior partners in the Alliance—despite their growing political and economic strength. We have repeatedly gone over the heads of the foremost of America's allies to deal with the common adversary. But this moment of crisis in central Europe can be made the moment of opportunity for the western world.

The rebuilding of N.A.T.O. should today be placed at the top of the agenda of American national business. The interests of future peace dictate it. Just as N.A.T.O. has been essential in the post-war world as the West's instrument of deterrence—so it is today the West's best potential instrument of detente.

Despite what has happened in central Europe, peace in the world must ultimately depend upon an understanding with the Soviet Union. That understanding will require negotiations, and successful negotiations depend not only on patience and skill but also upon western unity and western strength.

If Czechoslovakia has taught the world nothing else, it has taught us that weakness is an invitation to aggress, that military in-

feriority in the face of an ambitious power is a threat to world peace.

America's correct reaction to the Soviet thrust against Czechoslovakia is not some rash response—but rather a realistic reappraisal of the assumptions and the premises that underlie American policy toward the Soviet Union.

A policy of realism toward the Soviets today will be a policy that is directed toward their prudence and not toward their good will.

That kind of policy holds the promise of peace.

(NOTE.—Since Mr. Nixon will be speaking without text this afternoon, there may be additions or changes in these excerpts as delivered. But he stands by them as stated above.)

NONPROLIFERATION TREATY

(Statement by Richard M. Nixon, Republican presidential nominee, September 11, 1968)

Despite my concern over some of its provisions, I have endorsed the nuclear nonproliferation treaty which is intended to control the further spread of nuclear weapons. I hope that it can be universally adopted.

But the Soviet invasion of Czechoslovakia, now less than a month old, has seriously damaged the prospects for early ratification of the treaty. A large Soviet military force still occupies that country.

In these circumstances, I can understand why the Senate might want to delay ratification and also why the Administration might find it advisable not to insist on immediate action. As Governor Rockefeller pointed out in his statement of September 8:

"The effectiveness of this treaty depends importantly on the respect for treaties shown by the Soviet Union. Yet the Soviet military action against Czechoslovakia has violated the spirit of the treaty even before it is ratified."

I have discussed this matter with Governor Rockefeller, Governor Scranton, members of the Senate Republican leadership and with members of my key issues committee. They all share my judgment that, despite the inherent value of this treaty, its ratification should be postponed.

The posture and intentions of the Soviet Union toward Czechoslovakia and other nations of Central and Western Europe can be reassessed at a later time to see whether circumstances will then justify our proceeding with ratification.

EXCERPTS FROM ADDRESS BY RICHARD M. NIXON, AMERICAN LEGION CONVENTION, SEPTEMBER 12, 1968, MUNICIPAL AUDITORIUM, NEW ORLEANS, LA.

So we look at the Soviet Union first and we ask ourselves this question: Have they changed? Have their leaders changed? The answer is yes. Kosygin and Brezhnev are different men from Mr. Khrushchev. They don't take their shoes off and bang them on the table when they come to the United Nations. But when we look at that change, and this is the significant point I wish all of you would remember if you forget everything else that I say, changes have occurred in the leadership of the Soviet Union, but the change has been one of the head and not one of the heart. The men in the Soviet Union, you see, still are Communists. They have every right to be, if that is their conclusion as to what their country should have and what the world should have, and we have a right to be what we want too and to stand for what we believe in.

But my friends, as we look at the Soviet Union, why is it that their policies toward the United States—their willingness to negotiate in certain areas, their cooling down until the Czechoslovakian incident, what would appear to be the cold war semantics—why have they changed? The answer is the head rather than the heart. These are the factors that have caused the change: First, the threat of Communist China on the east. They don't want a two-front threat. They need friends in the west.

Second, problems within the Soviet Union and in Eastern Europe. Communism has not been working as well as it should. There is discontent. They need trade with the west.

Third, the power of Western Europe up until recently, so strong, so great, economically, politically and militarily, that there was no hope of expanding through traditional conventional armed aggression.

But, fourth and perhaps most important, the Soviet leaders looked down the nuclear gun barrel at the time of the Cuban confrontation in 1962, and there is one great view that they share along with us, and it is this. They know what a nuclear war would do to them as we know what it would do to us. They may want to expand and they do want to expand communism, but they do not want a confrontation with the United States. They do not want a nuclear war.

So we begin with that proposition. Since they do not want a nuclear war and since we do not want a nuclear war, what then are those things that we can negotiate in order to reduce the tensions around the world?

Now I come to some fundamental propositions that have to do with changes in American policy that I feel need to be made. Up until quite recently we have had the assumption in Washington, D.C. that as between the United States and the Soviet Union where military power was concerned, parity or equality was enough. I think that now we must re-examine that assumption, and I will tell you why. Their goal in the world is not simply to keep what they have, but to expand throughout the world. Our goal in the world is peace. We do not want to expand our power over anybody else, and we are not being aggressive toward anybody else.

Consequently I say that when a negotiation takes place and the negotiator on one side of the table wants peace and the negotiator on the other side of the table wants expansion, let's always make sure that the one that wants peace has superiority over the one that wants expansion. That is what we need.

President Kennedy, in one of the most eloquent of many eloquent statements he made during his presidency, in his first inaugural said, "Let us never fear to negotiate and let us never negotiate from fear." That is a principle that all of us could remember at this time. We must restore the strength of the United States so that the next President of the United States, whoever he is, goes to a bargaining table always from a position of strength and never from a position of weakness. That is what we must have and that is what you are going to support.

That brings me, when I talk about strength and weakness, to a current problem that I have already alluded to, the problem of the Western European Alliance. All of us in this room I know share the heartbreak that came from the invasion of Czechoslovakia in snuffing out that little bit of freedom that was beginning to show itself among those proud people in the heart of Eastern Europe. But I can say to you today that it has been my conclusion that while it seemed to be an unqualified reversal for us, there could be a dividend from what happened in Czechoslovakia. Let me tell you what it is.

Those same Soviet tanks that rumbled over the frontier less than a month ago woke up, it woke up the slumbering Western Alliance out of its complacency, and the repression of the expanding freedoms in Czechoslovakia, while it was a genuinely tragic blow to that unfortunate people, but perhaps the witnesses to the tragedy in Western Europe will draw lessons that will enable them to preserve their own freedoms in future years.

Despite what has happened in Central Europe, peace in the world must ultimately depend upon an understanding between the United States and the countries of Western Europe with the Soviet Union. This is our goal, and we trust it is theirs. This understanding will require negotiation, and as I have already indicated, successful negotiations depend not only on patience and skill, but upon Western unity and Western strength. If Czechoslovakia has taught the world nothing else, it has taught us that weakness is an invitation to aggression, that military inferiority in the face of an ambitious power is a threat to world peace.

America's response to the Soviet against Czechoslovakia is not rash and should not be rash, but it must be realistic and a realistic appraisal of the assumptions and the promises that underlie American policy toward the Soviet Union. A policy of realism toward the Soviet today will be a policy that is directed toward their prudence and not just toward their goodwill. That kind of policy holds the prospect of peace.

I say to you today that America should seize upon this moment of European awareness and European concern to reforge the ties that bind the Western World. In candor, let's face it. One of the reasons that the Alliance is in trouble is that the United States has gone around it in talking to those who might be our potential opponents, and before we talk to our opponents, let's talk to our friends in the future. Let's begin that right away.

This moment of crisis in Central Europe can be made the moment of opportunity for the Western World, and the rebuilding of NATO, rebuilding it in a new way, in a different way, in a way that will live for the future, that speaks to its time, should be placed on the top of the agenda of American national business.

MRS. LLOYD M. BUCHER: A BRAVE WOMAN

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. SCHERLE. Mr. Speaker, the Red Oak Express, a highly successful daily newspaper in Iowa's Seventh Congressional District, paid tribute recently to a great American woman, Rose Bucher, the wife of Lloyd M. "Pete" Bucher, commander of the ill-fated intelligence ship U.S.S. *Pueblo*. Commander Bucher and his crew have been in North Korean captivity for 8 months.

At the same time he commends Mrs. Bucher, Express Editor James F. Logan puts forth the wish that the U.S. Government were as determined as Mrs. Bucher in seeking the return of the *Pueblo* and its crew.

I commend the Red Oak Express item to the attention of my colleagues:

MRS. ROSE M. BUCHER

We note Mrs. Lloyd Bucher, wife of the Captain of the captured USS Pueblo, continues her determined efforts to obtain release of the Commander and crew. Too bad she does not have the resources of our government to aid in her effort and equally unfortunate is the apparent fact that our government does not have her determination to correct this insult to the US.

SENATOR MUSKIE'S MOTHER—A VISIT THAT HAS LASTED 57 YEARS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. PUCINSKI. Mr. Speaker, the New York Post recently carried an excellent article about Senator Edmund S. Muskie's mother, which gives us a deep insight into the inspiring qualities of the Senator himself.

I am very pleased today to place in the Record this excellent article about Mrs. Muskie, who, at 77, continues to show those charming qualities which have given her son a character worthy of the Vice Presidency of the United States.

The article by Sandor M. Polster follows:

Woman in the News: Senator Muskie's Mother—A Visit That Has Lasted 57 Years

(By Sandor M. Polster)

On the banks of the Androscoggin rests a town of 10,000 named Rumford. Not unlike most other Maine mill towns, it is a quiet, friendly place where people know their neighbors. Glance down the phone book and the names are the same as those in the town's cemeteries.

It's a paper-making town, with the Oxford Paper Co.—"the largest paper mill under one roof in the entire world"—the primary employer.

Fifty-seven years ago, Stephen Muskie of Buffalo, N.Y., brought his bride of two days to Rumford. He said it was to be their honeymoon. "He told me we'll go to Rumford and then go back to Buffalo," said Mrs. Muskie in an interview yesterday. "As you can see, I'm still here."

Stephen Muskie had married Josephine Czarnecki on Feb. 27, 1911, in Buffalo's St. Stanislaus Roman Catholic Church. Three years later, Edmund Sixtus Muskie, the second of six children, today the Vice Presidential candidate of the Democratic Party, arrived.

Mrs. Muskie was born in Buffalo on March 19, 1891, to Mr. and Mrs. Theodore Czarnecki, both Polish immigrants. She was the fourth child in a family of 11, of whom four others are still alive.

Until she was 12, Josephine Czarnecki attended a Catholic elementary school, then made her first Holy Communion, and set out to earn a living, as was the custom then. At 13, she was working in a tailor shop, remaining until she was 18, when she was married.

She had met Stephen Muskie when she was 15. "Mr. Muskie was boarding with a cousin of mine and he said he was looking for a girl friend. So my cousin brought him over to the house one Sunday and I guess he liked my looks. Three weeks later he sent me a letter saying that he was satisfied and hoped that I was and that I had made a good impression on him and asked to come visit me twice a week on Thursdays and Sundays.

"I said, 'Sure, we can always try it, and if we find that we don't like each other, we can always quit.' "

The courtship lasted three years. They met mostly at home "because there were no cars or modern things to do, except going for walks. But I didn't like that. Some days we were alone, but most of the time the whole family was around, and we had a good time talking."

At her wedding, Mrs. Muskie wore "a beautiful heavy satin gown made by my oldest sister, Lottie, I still have it."

Muskie, an immigrant from Poland whose native name was Marciszewski (it got changed at Ellis Island, the story goes) was a tailor in Buffalo and took his trade to Rumford. The family lived first in an apartment and then, as it grew, in a 2½-story frame house.

Mrs. Muskie said that after marriage she never worked—technically. She adds, laughing: "Mr. Muskie got two boarders. I didn't have a chance. He got them right away, and I didn't even know how to cook. I had to learn that with three men in the house along with putting together dinner pails. There was no extra pay."

She laughs again. "But I learned to cook from my husband. He was an excellent cook. I didn't even know how to sew. After we were married and I was expecting Irene, the oldest, Mr. Muskie said to me, 'Now look, I'm going to tell you one more thing. We can't afford store-bought clothes, so I'm going to buy you a sewing machine. You'll have to learn to sew.' I couldn't even read a pattern. But when you have to do something, you have to."

The 57-year-old Singer sewing machine is still in use. It's nestled in a corner of Mrs. Muskie's pantry, where she makes aprons.

Mrs. Lucy Paradis, the third child, says of her mother: "She's says sewing is like a medicine for her because it keeps her mind occupied. She sells her aprons. She doesn't get enough for them—just $1. We tell her she should get more, but she says, 'Oh, no, I just want to get a little back on them.' In the fall my mother makes apple jelly, but she doesn't sell that. And she mows the lawn when no one comes along."

Mrs. Muskie is 77. Her husband died in 1956. "The death was hard for her because she had never been to the banks, never paid a light bill," said Mrs. Paradis. "He always took care of her."

In addition, Mrs. Muskie is hard of hearing. "As long as I can remember," Mrs. Paradis added, "my mother always had trouble hearing. A lot of times, though, we figured that maybe she wasn't as hard of hearing as we thought because she often heard things we didn't want her to."

Mrs. Muskie: "I was an ugly duckling mother. I was cross and strict." Her daughters, Irene and Lucy, agree, "but we benefited from the way she raised us," said Mrs. Irene Chaisson.

Mrs. Muskie has firm ideas about how to raise a family. "I definitely don't approve of working mothers. They definitely should be home taking care of their children. That's why there is so much bad going on. Nowadays girls are getting married and having babies—some of them—by the time they're 13. Children were better when I was younger because parents were stricter."

"She always used to believe that a woman's place should be in the home," said Mrs. Paradis. "She was very strict. She felt that we should be with her in our own yard, not with others. Sometimes I felt she was too strict. I think that maybe this influened Ed. She was shy and so was he. It surprised me when he was first Governor that she could go out and meet people the way she did."

And, with her son's nomination, there is again sudden fame.

Mrs. Muskie doesn't like all the publicity. "None of us do," said Mrs. Chaisson. "We're not accustomed to this sort of thing. And we're so afraid we'll say the wrong thing to hurt Ed." But when the family talked with him Thursday night, when he accepted the nomination, "he said not to worry about it, that we shouldn't worry," Mrs. Muskie said.

Since her husband's death 12 years ago, Mrs. Muskie has lived alone all but four years, when Mrs. Paradis and her family moved in. "Then the house got too small because I had four children. I think my mother is happier now in a way because children at her age make her nervous, and she likes to keep her house immaculate, and with children you can't do that."

If an immaculate house is what Mrs. Muskie wants, then that's what she has. It's a clean—in fact, spotless—house on a large tract of land, with a slight hill behind it. On the ground floor is the pantry, where Mrs. Muskie's aprons are created. And next to it is the kitchen, then the dining room and the living room. Three bedrooms and a bath are on the second floor, and an attic fills the third. The typical old New England house is filled with overstuffed chairs and a sofa, with crocheted doilies on each arm.

As Mrs. Muskie talked, she rocked in one of the three chairs she and her husband bought in Rumford 57 years ago. Other reminders of their first days are a round, walnut dining room set with leather seat chairs and a buffet. The walls are adorned with pictures, mostly those of her grandchildren. There are just a few of her son, Edmund.

Her hours are from 5:30 a.m. to 9:30 pm, and during that time Mrs. Muskie flits about the house so quickly that dust doesn't have time to settle. And there are her hobbies, the main one being "my home and my family." But there is also gardening. At one time, 15 years ago, she had a large flower garden behind the house on a high bank. It hasn't been touched for many years, and it has gone to weed. She still has her rose bushes out front, though.

"I can make anything grow. Anything would grow for me. I guess I had a green thumb. I used to raise poppies, sweet Williams, bachelor buttons—all the old-fashioned flowers." She laughs. "People used to come practically every day to look at my flowers. I guess because they were too lazy to raise their own."

Mrs. Muskie is in excellent health. Two years ago she had a gall bladder operation. "At that time President and Mrs. Johnson sent her flowers in the hospital," said Mrs. Paradis. "I think everyone in the hospital was more excited about it than she was. During that time she had pneumonia, and we didn't know then, for a few days, if she would live. She's back, though, almost to her old self again."

Mrs. Muskie, a very devout woman, has been unable to attend church as regularly as she would like because of the operation. It's difficult for her to walk to church. But as a mother she tried to instill in her children a sense of religion.

"We always had to go to Sunday school," said Mrs. Paradis. "In fact, to this day she doesn't think we go to church enough. I know we should go more but we don't. In the last two years she has watched mass on television. At first it bothered her, but a priest asked her if she was more comfortable that way, and she said yes, so he told her she'd get just as much out of mass on television, and she said she got more out of it on television."

In Mrs. Muskie is the Yankee independence that runs through New England. Her humor is rewarding but wry, like her husband's was and as her son's is. She used to like to shelter her children and was protective to the point of preventing them from engaging in many activities—like swimming out beyond their waists, which probably accounts for most of her children being afraid of water.

Of her son, Edmund, she says: "He was so shy he would follow me around the house all the time. He was constantly reading books. He loved books. I guess that's why he knows so much today."

And when she speaks of her son, the Vice Presidential candidate, Mrs. Muskie beams with pride. But, as the new candidate said in his acceptance speech Thursday: "And so my mother was asked by one reporter whether or not she expected to vote for me . . . She said, 'Well, if no one offers anyone better, I suppose I will.' That's one vote I'm going to have to work for."

Whereupon Mrs. Muskie, straining to hear those words on television, snapped back: "You bet he will."

AMERICA IN TROUBLE?

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MORSE of Massachusetts. Mr. Speaker, at a time when so many individuals tell us that we are living in a sick society, that we are doomed as a civilization, it is reassuring to have the counsel of those who can take the historical perspective.

Such a person is Robert H. Goldman, of Lowell, Mass., who, in a thoughtful letter to the editor of the Lowell Sun helps us set a balance between what is indeed in need of correction in our society, and what is still of value and worth preserving.

Under unanimous consent, I insert in the RECORD the text of Mr. Goldman's letter as it appeared in the Lowell Sun on September 10:

AMERICA IN TROUBLE?

We hear it said, everywhere today, that America is in trouble—indeed, it is probably the only issue on which almost everyone agrees.

And, to an imaginary visitor from a faroff land who surveyed the American scene today, it would certainly appear that this great country of ours is torn by dissension, ripped apart by racial unrest, uncertain and fearful of it economic future in a world where the dollar no longer is a sure sign of stability. Such a visitor would hear loud outcries that America has slipped badly from the "good old days of yore" when one could safely walk the streets, when there were no demonstrations and no riots, when racial hatred was unknown, and all Americans were at peace with one another. One could also hear daily how moral decay has seeped away our foundations, how our youth have gone astray, ending with a fond glance back at an earlier time of Civil peace and moral strength.

Those who read "the signs of the times" wag their heads knowingly and talk of a decadent America—the more learned talk of the decline and fall of the Roman Empire as a true historical parallel to America's position today.

Finally, and sometimes seeming to overshadow all else, the bloody, seemingly unending war in Viet Nam has, it is said, torn America and Americans almost irrevocably apart and the brutal Russian invasion of Czechoslovakia has shown that the Cold War will again return with all its tensions, hates, and fears.

So, America is in deep trouble. Is it not so?

I say it is not so! It is, of course, undeniable that we have serious problems, but we delude ourselves if we think these problems did not exist in every generation. One has only to look at our national history. Abraham Lincoln lost his seat in Congress—for his bitter opposition to the Mexican War. Crime—and violent crime—was not less, but far greater proportionately and law and order existed not more—but less—in the "good old days" of Grover Cleveland, and William McKinley than today. Two thousand Americans, black and white, were lynched in the years from 1900–1950, and usually without any substantial protest. The bloody labor strikes and struggles of the 1900's and 10's and 20's and 30's are not ancient history, yet. To anyone who remembers the crash of 1929 and the Great Depression of the 1930's, it is difficult to say that America is in really serious economic trouble today—which is not to deny that we face many economic problems. One who has studied the bitterness of the heritage left by our great Civil War, can hardly talk about the old happy days of fine race relations. The youth of the "good old days" were far greater users of dope and drugs than the youth of today—and the adults too!

Over and over again historians have exposed the falsity of the supposed purity and high moral standards of the Victorian era—yet today many Americans berate their own age—and generation—in favor of a fictitious past—that never existed.

I say we are not worse today, but better. I say the problems we face today are only different in terminology and detail from the problems we have always faced as a people. And I am convinced that the deep passions and emotions and fears around today in the hearts of most Americans are not because we have slipped back, but because we have moved forward!

For Americans today are more aware of their problems than their fathers or grandfathers. Modern media of communication have kept us instantly informed of every world crisis—and of every local riot. We hear that so many Americans are dissatisfied with their lot—but that dissatisfaction is not due so much to what we have not achieved, but rather to what we have already accomplished. We are not more bigoted and racist, but steadily—too slowly I know it seems to so many—approaching the day of equal freedom and justice for all Americans—for all.

The world in which we live is, with all its perils, even in this nuclear age, not a world of greater danger and anarchy than the world of Adolf Hitler—or the Kaiser—but a world groping toward a day of true international law, a day when truly, as Tennyson dreamed a hundred years ago—"the battle flags shall be furled, In the Federation of man, the Parliament of this world."

Those who try to whip up animosity against our youth do a great disservice to America. For our youth, on the whole, are the most idealistic this nation has ever seen. And this generation of young people, when they eventually come to power—as we already have come to power—shall lead America to heights, we have never before achieved!

Another man, in another era, an era of much despair, and great anxiety, said this people and this nation had

"Nothing to fear, but fear itself, blind, unreasoning fear."

It is not fear we should have today for America's future, but true, and very rational, hope. We are basically, not a sick people. We are a basically healthy people, a basically sound people. What we are going through is not the death-throes of our American way of life—we are encountering rather the birth-pangs of an America that will progress more in the remaining thirty-odd years of the century, and of this millennium—than in all our previous history. The leadership of this country in the future will not divide Americans from each other—for I believe the future belongs to that Leader who can reconcile us to each other and enable us to continue on the inevitable path of peace and progress that is surely the destiny of this beloved land of ours. There are deep wellsprings of true patriotism and true brotherhood in the hearts of most Americans today. It is not wrong to turn our eyes upward to the astronauts about to reach the moon. For as this is the birth of America's Space Age, so is this going to be the age of America's greatest advances—in every area of human life. The era that has successfully transplanted the human heart—can and will be the era when we can make true the words of this great American song—

"And crown thy good, with Brotherhood,
From Sea to Shining Sea!"

To those who think that I but dream of days that cannot be, I say—America has always "dreamed a dream"—and it is that dream of greatness, and peace, and brotherhood—not our present doubts and fears—that will finally come to reality and prevail throughout this blessed land!

ROBERT H. GOLDMAN.

THE CASE OF THE MISSING ARAB REFUGEES

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. PODELL. Mr. Speaker, on April 2, 1968, I called the attention of the House to the fact that the Arab States were guilty of perpetrating a diabolical myth by their insistent raising of questions about the Arab refugees. I then warned that the United States and the United Nations were wasting millions of dollars on nonexisting refugees and were in fact subsidizing the spread of anti-Semitic and anti-Israel propaganda among Arab children.

The views I then expressed and the facts I then presented are completely confirmed by an article by Ira Hirschmann in the September 17, 1968, issue of Look. Mr. Hirschmann is described as a New York businessman, author, and lecturer who has had a longtime interest in refugee affairs. As an emissary of President Roosevelt, Mr. Hirschmann negotiated for the "ransoming" of thousands of Jews from the Nazis. After the surrender of Germany, he organized the DP camps until their inmates could be moved elsewhere. In recent years, he made numerous trips to the Middle East—both Israel and the Arab countries—on factfinding trips for UNRWA and the U.S. State Department.

As Mr. Hirschmann points out, based on census figures on Arab refugees provided by the Arab States, the Arab refugees must enjoy the highest standard of living in the world. Based on those figures, Arab refugees have a death rate much lower than that prevailing in the United States. Why the United Nations Relief and Works Agency for Palestine Refugees continues to rely on such patently dishonest statistics remains one of unfathomable mysteries of the world.

The full text of Mr. Hirschmann's article follows:

THE CASE OF THE MISSING ARAB REFUGEES: REFUGEE EXPERT ACCUSES U.N. AGENCY OF SUPPORTING NONEXISTENT ARABS WITH U.S. TAX DOLLARS

(By Ira Hirschmann)

The American taxpayer, in the name of humanitarianism, has unwittingly written a blank check that is helping to develop a permanent Arab refugee body, intensify Arab-Israeli animosities and incite general war in the Middle East. So far, this program has cost over $600 million, including relief for 200,000 to 500,000 nonexistent Arab refugees.

I make this accusation on the basis of my deep personal concern, born of more than 20 years of intensive work with Jewish, Muslim and Christian refugees in Europe and the Middle East, my own past affiliation with UNRWA and what I saw on repeated journeys throughout the Middle East, often made in behalf of the State Department.

Americans are a generous people with sympathy for the Arab refugees, who have been the miserable pawns of power politics as they live out their squalid lives. In its generosity, Congress has paid out over $20 million a year for 20 years—approximately two-thirds of the total bill—to feed, clothe, house and educate the impoverished refugees. The agency set up to administer this fund and care for the refugees is UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East. It would be hard for any agency to do a superlative job under the conditions prevailing in the Arab countries. But UNRWA has failed almost completely in its original assignment of rehabilitating the refugees. Its bureaucracy of 12,000 employees is merely perpetuating itself in Jordan, Gaza, Lebanon and Syria, and the suffering of the Arab refugees is perpetuated so that the Arab countries can continue to raise the refugee issue.

None of my criticism implies that the refugee problem is not real and does not merit our concerned attention. But questions as to the exact number and description of the refugees—which will figure in any future peace negotiations—must be answered even though their origin is still being debated 20 years after the fact.

No matter how these people became refugees, however, there is still the question of how many Arabs actually left Palestine after its partition by the United Nations in 1948. The Economic Survey Mission, set up in 1949 by the Conciliation Commission for Palestine, put the figure at 726,000; Israeli authorities placed the figure at between 500,000 and 600,000.

Incredible as it may seem, the exact number of refugees has never been known. In 20 years, no census has been taken by the four Arab host governments or UNRWA, despite the urgings of American congressmen and senators. The last UNRWA report on the subject, based on unverified figures, says that as of May 31 last year, there were 1,344,576 refugees registered, with over 1,109,000 of them sharing in either food and/or lodging, education and health services. More than 532,900 persons were said to be in 54 refugee camps (25 in Jordan, 15 in Lebanon, eight in the Gaza Strip and six in Syria).

U.N. FIGURES CONCEAL BLACK MARKETS, FALSE REGISTRATIONS AND UNREPORTED DEATHS

Eric Hoffer, San Francisco's famous longshoreman-philosopher, is certainly a man who cannot be accused of lack of compassion. Last spring, in discussing the refugees' plight, he said: "The Jews are a peculiar people: things permitted to the other nations are forbidden to the Jews. . . . Other nations drive out thousands, even millions of people and there is no refugee problem. . . . Everyone expects the Jews to be the only real Christians in this world."

As a matter of fact, Israel is largely peopled by so-called refugees, most of them from Europe and at least 500,000 of them—approximately one-fifth of Israel's population—from Arab countries. Israel not only accepted them as citizens but as assets, and this judgment has proved to be correct.

Many of us who view the movement of displaced people as a social problem rather than a political ploy believe that the Arab world, which is so largely underpopulated and so deeply in need of skilled labor, could benefit greatly from the absorption of the Palestinian Arabs. And the fact is—despite the garbled vital statistics and passionate arguments—that is exactly what has been happening.

The oil fields of Kuwait, the farms of Jordan, the hotels of Lebanon and the shops of Syria employ thousands of former Palestinians who still draw regular rations from UNRWA. Nevertheless, according to UNRWA, the population of the refugee camps is unchanging—it even increases, according to some mysterious formula based on the Arabs' fruitful birthrate.

The last population report on refugees given by UNRWA states that only 15,431 refugees died in the year ended June 30, 1963—a death rate of only 12.7. The low U.S. death rate is 9.4 per thousand. By 1966, the Arab refugee death rate had declined to only six per thousand!

There is no question that refugee-camp officials conceal deaths. A journalist I know who visited Gaza was told by an UNRWA official that "We hold our funerals quietly; it would be foolish for a family to give up a ration card just because one of its members dies."

In an embarrassed footnote to his latest report on births and deaths, UNRWA's commissioner-general, Dr. Laurence Michelmore, acknowledges: "The above statistics are based on the agency's registration records, which do not necessarily reflect the actual refugee population owing to factors such as unreported deaths and undetected false registration."

Recently, I stood on a street corner in Beirut and watched a professional dealer in ration cards doing an active business. There was, of course, the usual haggling over price, but eventually, money and ration cards changed hands. These cards, which would seem to represent petty graft since they buy only four cents worth of food a day—1,500 calories—are actually an important clue to the distortion of Arab refugee statistics. Very often, the cards are in the names of persons hundreds of miles away. Over 100,000 former Palestinians have migrated to oil-rich Kuwait alone as part of a movement of which I have first-hand knowledge. It grew, in part, from a plan I proposed in 1960 after I surveyed the refugee camps for UNRWA. At that time, I recommended that the oil companies in the area underwrite a technical-training program. I felt that this would help to empty the camps and build positive careers for young Arabs, simultaneously providing skilled workers who were urgently needed in the developing oil fields.

In most cases, the families of these oil workers have remained on UNRWA rolls, although they live on money being sent from the oil countries by their breadwinners. The ration cards have not been turned in, and thousands have turned up on the black market.

Large numbers of refugees continue to live on UNRWA rations while hoarding funds sent to them by relatives working in the oil fields. Many of those I saw fleeing across the Allenby Bridge to the East Bank of the Jordan River after the Six Day War were leaving Israeli occupation because they feared their remittances from relatives in the oil fields would be cut off.

It worries Commissioner-General Michelmore than when UNRWA has wanted to check on the eligibility of those receiving aid, "it has met with representations from the host government concerned to the effect that such actions would be resented by the refugees and would provoke violent reactions among them and a disturbance of public order."

The trafficking of ration cards in Jordanian bazaars became such a flagrant scandal that Michelmore finally got some action. But, in diplomatic language, he acknowledged: "In Jordan, a programme of eliminating the most flagrant abuses of the ration system by withdrawing rations from refugees known to be enjoying a substantial income was less successful than had been hoped, as its introduction coincided with parliamentary elections." He added: "In the Syrian Arab Republic . . . for many years past, the government has not permitted systematic investigations to ascertain whether ration recipients were genuinely in need of this form of help."

The oil fields and the "living dead" are only two of the sources from which the black-market operators get their stocks of ration cards. Sad to say, many non-refugees living near the camps are so poor that life inside the walls seems comparatively elegant; by hook and by crook, thousands of them have somehow become eligible as "refugees." No one could have foreseen in 1950, when UNRWA began, that thousands more refugees would be added to the rolls because children, and even grandchildren, would be born. Instead, it was assumed that the number of refugees would gradually diminish and that UNRWA would be phased out. Instead of helping to reduce the number of its charges, however, this international body has cooperated with the Arab governments, who kept the refugees virtually imprisoned in "temporary" camps and used them as a political weapon in their jousting with Israel.

JORDAN AND SYRIA FAILED TO CLEAN UP RATION-CARD SCANDAL, U.N. OFFICIAL CHARGES

A breakthrough in this grim situation finally occurred last autumn, a few months after the June war. Five West Bank camps and eight Gaza Strip camps now were inside the Israeli lines and, for the first time, a census was possible. The results were illuminating.

UNRWA had said that over 430,000 persons, including 311,846 refugees, were crowded together in the Gaza Strip. However, the Israeli census takers found only 356,300 persons, of whom they claimed 134,600 belong to families originally living outside Israeli territory. On the West Bank, the census takers said they found 598,600 persons, of whom 468,000 came from outside Israeli territory. The census report stated: ". . . The UNRWA figures for registered refugees in camps are larger than the total camp population enumerated in the census." From the overall census, it can be concluded that somewhere between 200,000 and 500,000 refugees of the total of 1.3 million are nonexistent ghosts, many of whom still receive UNRWA aid.

The methods used by the Israeli census takers have, as anticipated, been challenged by UNRWA officials in Beirut. The Israelis, for example, declined to count the grandchildren of refugees as refugees. But there was enough proof in the Israeli census to force UNRWA to start taking an independent survey of its own at last. I am confident that the UNRWA findings will radically change the long distorted view of the nature of the refugee problem and change UNRWA itself.

The Israeli census reduced the refugee problem to manageable dimensions, thus now permitting some chance of solution. I determined to make an on-the-scene investigation. In March, 1968, I asked for and received a commission from the State Department to make another survey in Arab countries to study on-the-spot what the true refugee picture is today.

In Beirut, Lebanon, I came upon an aspect of UNRWA's stewardship that may be more significant than the inflated refugee count. I met a representative of UNESCO, the United Nations Educational, Scientific and Cultural Organization, who is in charge of the educational division of UNRWA operations in the Middle East. I learned from him that since 1951, the UN had given UNESCO responsibility for setting refugee educational standards.

For reasons still unknown to me, UNESCO until recently had either abdicated its responsibility or had been excluded from the important job, which took 42 percent of the $39 million UNRWA budget and involved 187,000 children in 440 schools.

No one would argue about this big slice of the budget going toward education of the refugee children. Through the years, I have been one of the advocates of technical-training programs for the refugees. My argument has always been that one of the greatest shortages in the Arab countries has been skilled personnel prepared for the technology of the 20th century. But the educational money has been perverted and channeled for anti-Jewish hate propaganda. The schoolchildren were being systematically brainwashed by their 5,112 teachers, usually themselves refugees who hated Israel. Among the educational materials found in the schools after the Arab military defeat was the infamous Protocols of the Learned Elders of Zion, a notorious forgery circulated in Czarist Russia that alleges a Jewish plot to take over the world. The Protocols incited many massacres of Jews in Russia; later, they were distributed by the Nazis of Germany and, in recent years, by the government of Egypt.

A Syrian first-grade reader declares: "The Jews are enemies of Arabs. Soon we will rescue Palestine from their hands." A standard exercise book is decorated with a map of Israel showing a rocket directed at Tel Aviv. Another book, for 14-year-olds, asserts: "Israel exists in the heart of the Arab homeland. Its extermination is vital for the preservation of Arabism and the renaissance of the Arabs."

When UNRWA finally took some steps in response to Israeli complaints and stopped buying Syrian textbooks for refugee schools, Syrian Education Minister Souleyman El-Khish complained: "The hatred we indoctrinate into the minds of our youth from birth is sacrosanct. . . . It constitutes one of our instruments for the protection of our homelands and our national heritage."

These are the seeds that have borne the fruits of terrorism and war. During 20 years of Israeli nationhood, a generation of young Arabs has been born and bred with no knowledge of the Jewish state other than this poisonous brew of lies and incitement to hatred and violence. However, belatedly, changes are taking place. The material brought in from the field by Israeli soldiers could not be denied, and UNESCO now back in the educational picture, has removed the worst of the textbooks. The Israeli Government, for the first time, is satisfied that progress is being made.

ANTI-JEWISH TEACHERS AND U.N.-BOUGHT TEXTS BRAINWASH ARAB CHILDREN

Former U.S. Sen. William Benton, a delegate to UNESCO, told me that the subject of textbooks used in UNRWA schools "'has been brought into sharper relief as a result of the hostilities of a year ago" and that a commission of outside experts would be established "to ensure against abuses."

The heads of families who fled Palestine in 1948 are now either old or dead. The younger generation should not be penalized and used as political pawns; the Arab youth deserve the chance to build their lives as self-reliant, trained citizens of Arab countries. UNRWA missed an opportunity to perform one of the greatest humanitarian missions in the history of mankind. By permitting itself to become a tool of the Arab governments, by falling into the snare of self-interest, it lost its independence.

The mandate of UNRWA's operations is scheduled to expire next June. In the months ahead, the UN General Assembly will be urgently debating the fate of its refugee relief agency. Hopefully, this debate will produce a new kind of UNRWA, one that will recover its lost opportunity.

THE POWER OF BLACK THINKING

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. IRWIN. Mr. Speaker, Bruce Gelb, president of Clairol, delivered on June 18 of this year an address on "The Power of Black Thinking." He was speaking before a group of black leaders in the Bedford-Stuyvesant area of Brooklyn, N.Y.

I should like to insert Mr. Gelb's remarks in the RECORD because I feel they speak realistically of what both blacks and whites must do if we are to achieve a socially and economically integrated society. He speaks directly about what can be done today.

Mr. Gelb tells his audience how it is today. And he tells us what steps can be taken today so that we will be better off tomorrow. He tells industry how it must employ "black thinking" so as to be better in tune with today's society of both blacks and whites. And he tells the black community how it can impress "black thinking" on the corporation.

Mr. Bruce Gelb's remarks which I recommend to my colleagues follow:

THE POWER OF BLACK THINKING

(An address by Bruce S. Gelb, president of Clairol, before the Emergency Convocation on Urban Distress, Concord Baptist Church, Bedford-Stuyvesant, Brooklyn, N.Y.)

Thank you very much ladies and gentlemen. I've been sitting here trying to figure out just exactly why I was here and not the president of General Motors, or the president of the building trades union, or somebody who could speak in a big gun voice to the entire United States. My voice, as president of Clairol, which is a division of a good sized American company, is still a small voice in this country. My guess is that there are some who could be doing this job a lot better than I'm going to do it today.

First of all, I start thinking about baseball and what happens when you get up with three strikes against you. . . . Boy I've got 'em! Number one, I'm over thirty! That means nobody who's important really trusts me. (They probably don't trust *you* too much, either, if *you're* over thirty.) Number two, I've got a tie on, and nobody where I've been during the last few days trusts anybody who's wearing a tie or a collar, or can put more than five or ten dollars together at one time.

Number three, and this means I'm in really serious trouble—I'm a businessman and nobody trusts a businessman, at least one who's making a profit! So, if you don't mind, and I'm not doing it for histrionics or anything like that . . . I'm going to take off my jacket and tie and tell you honestly what our company and what a lot of companies in this country feel today.

They feel deeply and seriously, and they do have a lot of motives for that feeling. They've got a motive of fear and they've got a motive of love and they've got a motive of profit and they've got a motive of survival as well.

I want to thank you for allowing me to come here because it does show that you've got some faith and some confidence in me, and in the company that I represent. I want also to tell you that this group represents people who have a set of insights and perspectives that help me, personally, to understand some of the real issues that are so vitally important in this country.

If you haven't guessed it already, let me state very clearly that I'm in basic agreement with the goals of this meeting and the feelings of most of the people here. That's something that I probably couldn't have said as little as two or three years ago, in spite of what I've always felt was a pretty good set of racial attitudes. I, like so many other people that you've come to know and help, used to believe that all people were alike and therefore, all people were to be treated equally all the time.

I, like so many others, used to think that the best favor that I could do a black man was, first of all, not to call him black. And then, to help him in every possible way to act—and look—and be—just like me.

Certainly, "equity" and "empowerment" were two words that I couldn't have used comfortably a year ago. And by the way, let me make it clear—when I talk about equity, I'm taking about ownership of apartments, ownership of homes, ownership of businesses, as well as equitable treatment for all people. "Black Power" was a term very frankly that filled me with dread, as I'm sure it did some of you when it was first articulated.

But I can react to these words now and I can use them because I think I understand them. I understand them because I've benefited in a small way from *the power of black thinking.*

Black thinking is something that was introduced into my company a number of years ago by my brother Richard, who at that time was president of Clairol. He's now president of Bristol-Myers. He initiated a program for intelligently meeting marketing needs and other objectives within the black community. The basis for this program was our own understanding that we would never find the proper approach without the help of black people.

Of course, we already had what was considered to be a good percentage of black people working for us in important areas throughout our company. But they had been hired simply to do a particular job . . . not to help us enlarge our understanding of the total situation. What we needed now was someone to help us define the *total problem* and then to develop programs within the company that our entire corporation could follow.

We chose a man with a long-standing record as a human rights activist. He was an experienced and capable businessman with excellent skills and educational background, but he was also a man who understood his blackness and felt keenly about its value. He was a man who just wasn't always going to agree with our point of view. He was someone who we knew could add black perspective to our thinking. In the short time he's been with our company, this man has changed the basic attitudes of hundreds of people within our organization and within the community that we serve.

He's helped us to learn that all people are *not* alike in this country and he's helped us to learn why. He's helped us to recognize the terrible artificial barriers set up by the white community since the days of slavery and to understand our responsibility to use all possible resources to help establish a system of equity for everyone.

As the Governor of this state, Nelson Rockefeller, has said, so often:

"The guarantee of equality is not enough. There are those who are way behind in terms of opportunity and we've got to give special emphasis, not only to the equality of this opportunity but to help them catch up to the years, the generations which have been lost to them."

This understanding has made it possible for us to hire other black thinkers in areas throughout our company—in personnel, labor relations, management and sales and other creative fields. We've learned that we simply cannot judge black people by the same set of standards that we used before. We are using compensative material and compensative criteria for hiring and training black employees throughout all the Bristol-Myers companies. We try to carry this thinking even into our community activities.

We've encouraged black sponsorship of cooperatively owned housing in one city . . . and in the same city, we've even helped with the establishment and development of an organization representing hundreds of people in the area. It's called the Empowerment Organization of Greater Stamford. And it's dedicated to helping achieve a reasonable measure of equity for all citizens in the greater Stamford area. And we simply couldn't have done that without *the power of black thinking* in our company.

But in some ways what Bristol-Myers is doing is minor, compared to what many of the major companies in our country are doing today. Whitney Young emphasized these activities recently in a speech before a group of some of the nation's leading businessmen. The Wall Street Journal, just last week, reported favorably on what dozens of large companies are doing. All of this reflects the business community's new understanding of the twofold root of this problem.

First, as long as millions of Americans are economically non-productive, the total society must suffer. And secondly, as long as these millions find it impossible to fulfill their own potential as people, our nation suffers a human loss that we can afford even less. Put it in simple self-interest terms . . . if you want to . . . business now recognizes that by attacking this twofold problem forcefully we can increase our Gross National Product by a solid 10% within three years. And in my terms that's just a statistic. That's the smallest part of it.

No percentages can measure how our country will gain by providing these millions of people with a fuller, more productive and more satisfying life. And I see it starting to work.

I was in Bedford-Stuyvesant and on the Lower East Side of New York yesterday and what I saw really opened my eyes. Among other things, I had the privilege of meeting a group called The Real Great Society. They are a group of dedicated young people who are doing a beautiful thing in their own community . . . and what they are doing is working.

They are rebuilding from scratch and they're proving that it can be done. They are getting money from the business community, not just from individuals, and they're taking kids . . . who as they say . . . "were not drop-outs . . . they were push-outs" . . . They were kids that the educational system didn't properly understand. They are trying to give these kids something, and these kids are coming in on their own time. They're coming in and having special kinds of teaching, special kinds of store-front university and prep school education. If you could see the pride that comes out of this group, doing it on their own, and if you could look into these articulate seventeen, eighteen, nineteen and twenty year olds, it might make you start to get a little nervous about your own approach.

Businessmen must see it. They must see it firsthand. They must smell it. And I tell you this . . . You've got to get out there and walk up to that third floor apartment, you've got to look at a so-called community center in its big beautiful building and see the garbage inside because nobody put up a dime to take care of it. And you can see what they're doing with their own hands . . . scrounging a little paint, scrounging a little lumber to start to build. I saw it yesterday . . . and a number of other businessmen saw it yesterday.

As far as I'm concerned, the business community has got to stop reading about it and got to stop seeing movies about it and they've got to get out and see it with their own eyes and feel it. We've got to reach the young people who are active, and are waiting today for a tangible demonstration.

Business does recognize the important role it can play in setting the pattern of thinking and acting of all people in this country. Only business can create the economic viability for equity. And only the businessman can make equity an acceptable social pattern in this country. It's a big responsibility—but I believe that the committed of the business community understand it. Every day that roll of committed businessmen gets longer and it includes people today who you would never have dreamed a year ago would have even become involved. I believe that these businessmen *accept their responsibilities* today.

Now I'd like to make some concrete suggestions. Since we're *not* all alike, I have three suggestions for the black community and three suggestions for the white business community.

I would like to address myself first to my friends and associates and competitors in the white business community. I'm sorry that more of them don't have an opportunity to be here today.

Number one, recognize *the power of black thinking* . . . get the assistance of the ablest black professional help you can. But make sure you find people willing to think and talk like black people. Don't try to shape them in your own image. Encourage them to speak out—tell you things you may not like to hear but which they believe and know are right. Don't attempt to solve a problem relating to black people without the help of black people. As good as your own solution might be, it cannot be good enough or effective enough without the seasoning of black thinking . . . and I say, do it now!

Number two, resist the temptation to give your money and run. Don't give out of guilt (but if that's the only reason—give), give out of self-interest. Make sure the organizations you help have the proper commitment to rehabilitation rather than just relief. Make sure they're ready to encourage the active participation of black people. To use our own example in Stamford, we insisted that any funds we give to the community must be given to organizations that will do this. We are not interested in helping people adjust to their poverty and general circumstances.

What we do want to do is to give them the strength to move out of poverty and move up to opportunity . . . and we're doing it now.

Number three, transmit your own personal involvement and dedication to everyone with whom you come in contact. This is particularly true with your own employees and managers at all levels. At Clairol I've just appointed an Enabling Committee consisting of department heads throughout the company to help and encourage all our people toward equitable employment policies and practices. Because, you know, it's tough . . . you can say something at the top and on the next level down, they really believe it but not quite as much, and on the next level down from that they really *kind* of believe it but, well, not quite as much as the other one. By the time you get down, sometimes to where it really counts, you're back where you were . . . unless you operate every day in every department and make sure . . . not like a policeman but like an educator.

I say we've got to do the same thing with our suppliers, with our customers, with the TV networks whom we support with our advertising and, in short, we must use every opportunity we have to influence the thinking of other people. We must do it now, and every business and every businessman in this country, must do it . . . yesterday . . . right now . . . one hour from now!

Now I have some suggestions for the black community:

Number one, take a tip from business and set reasonable objectives for yourselves for today. Recognize the difference between tactical demands and realistic goals. Recognize that the best intentioned people can be immobilized by the fear of not knowing how to meet immediately all the demands that are made upon them. Single out the most important ones . . . concentrate on them . . . put your pressure on them . . . don't take the entire spectrum and expect that everything is going to be done simultaneously tomorrow . . . Because there aren't enough resources in the world. But there are enough resources to solve the most important ones.

Number two, use the technique of challenge and support. Threats of boycotting are effective. You would be surprised what it means when the president of a company gets a letter from Mary Jones in Dubuque, Iowa. Why you would think the whole world was stopping. There are a lot of people who don't seem to write complaints to the president . . . they write to the name of the company and it gets funneled somewhere. When the president of a company gets a letter you'd be amazed how he not only makes sure that letter is answered but he makes sure it is answered right.

There's another way too . . . and that way is encouragement. And I think it's equally effective but I don't think it's been done by very many people. What I mean by encouragement—and it may be a new thought—is to organize people to do one of two things: to flood a company president with his competitor's boxtops to let him know for sure he isn't getting the business . . . or the other easier way, buy the products of the company that you feel good about and send the box tops in . . . not because you're going to get something to win a contest, but to let that company know that it's important to be right . . . to think right . . . to act right . . . and to do something about it.

You know, we really have to encourage people to do their best. I know it in my own company. I don't care who it is, whether it's a vice-president or a brand new mailboy who's just starting off in the company . . . he needs a pat on the back. He needs a little bit of encouragement to let him know he's doing well. That's the kind of encouragement that I think a company can use.

Number three, Black people must stop being overly dependent on what many call the niceness of white people. And I think *in this* group (and I don't want to be overly critical) compared to some of this younger activist element, that shoe might fit a little too well. At one time in history many black people looked for handouts from whites . . . more recently they've been looking for decency. Now you've got to be looking for the tools of empowerment and this is what you must demand for the good not just of your group but for the good of all America. This is what is going to bring the dignity that every human being is entitled to, and this is what will make it possible for you to bring to them your valuable gifts of insight which are so sorely needed in this country.

In closing I'm going to paraphrase a little story that's attributed to the late Martin Luther King, Jr. He told many times of the country minister who said to his congregation, "We aren't what we want to be . . . and we aren't what we're going to be, but thank God, we aren't what we were!"

And I say thank God that we white businessmen are not what we were either. We've not done as much as we should have done either . . . but we know there are ways that we can move farther and faster and, with the *power of black thinking* as a new alternative, we will find those ways.

CLEANUP CAMPAIGN FOR MONTCLAIR, N.J.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. RODINO. Mr. Speaker, the town of Montclair, N.J., blessed with a forward looking mayor, Matthew Carter, and town council, and an energetic sanitation commissioner, Michael Sarageno, and the zeal of a youthful and hardworking student, Laurie Menkes, has conducted a very successful town cleanup campaign.

CLEANUP CAMPAIGN PLANS AND ORGANIZATION, AUGUST 15–SEPTEMBER 7

The idea for planning the cleanup originated with Miss Laurie Menkes based on knowledge of similar efforts in East Harlem and cooperatively in East Orange and Newark. Monsigneur Fox planned "A thing in the Spring" in East Harlem. Reverend Hegebeth of Newark and Mr. William Rogers of the East Orange model cities program organized a cleanup drive in their respective municipalities.

Miss Menkes brought the idea to Mayor Matthew Carter of Montclair and Mrs. Lillie M. Connor, chairman of the Kennedy Human Relations Project for Youth, Inc. A town committee was formed consisting of Mayor Carter; Mr. Michael Sarageno, sanitarian and assistant to health officer; and Mr. Arnold Gianetti, superintendent of public works. A neighborhood committee was formed consisting of Mrs. Lillie M. Connor, Mrs. Vernon Page, Mrs. Maxine Terrel, Mr. Sylvester Haley, and Mrs. Virginia Smith. Miss Menkes acted as the coordinator and liaison between the two groups.

The neighborhood committee proceeded to make house calls to all the residents involved explaining the idea for the project. These personal discussions followed a block party organized by the Kennedy project at which Miss Menkes made a short introductory speech to the neighbors in the area explaining the cleanup idea.

Mayor Carter met with several teenagers in the neighborhood establishing a personal relationship with them. The mayor then had a street-corner meeting in the neighborhood to promote the project.

Publicity proceeded throughout the summer. Miss Menkes wrote articles for the Montclair Times, a weekly newspaper. She contacted about 25 persons from all around Montclair to act as volunteer recruiters. Flyers and posters were put in every store in Montclair and flyers were also distributed to all the public schools.

Thus the idea to have volunteers from all over town and town personnel come into the designated neighborhood to help the residents cleanup, paintup, and fix up the neighborhood became public.

Miss Menkes then met with the Montclair legal department. Each landlord signed a gentleman's agreement to have volunteers clean up and paint up their respective properties. Also, a 1-day insurance policy was taken out to cover any question of liability for the town in case of accidents.

This legal organization facilitated a psychological necessity. All landlords were thus contacted by mail and phone by Miss Menkes bringing their immediate attention to the problems in the area and addressing the grievances of their tenants.

Three weeks before the cleanup day a movie night was held in the neighborhood. "Keep America Beautiful" was shown, provided by the Montclair Board of Education.

Two weeks before the cleanup day the Kennedy Drum and Bugle Corps consisting of about 15 youngsters in the neighborhood played in the central shopping area of Montclair and handed out flyers publicizing the campaign.

During this time Miss Menkes wrote letters to local paint dealers asking for paint donations. After the letters were followed up with phone calls 130 gallons of paint were generously contributed.

Miss Menkes arranged with the fire department for fire trucks to appear the day of the campaign with the costumed Sparkettes, young girls organized by Captain Luibel of fire prevention.

Arrangements were made with the police department for the streets to be blocked off the day of the cleanup. Periodic police checks were also arranged in case of accidents or incidents.

Arrangements were made with the sanitation department for three open dump trucks and one scoopmobile to be available for the campaign day.

The building department made an informal inspection of all the houses involved to facilities preparation of an exact house-by-house description of what would be done the day of the campaign.

Final cleanup campaign newsletters were hand delivered by Miss Menkes to each resident explaining the results of the inspection. They were hand delivered to eliminate mailing cost and also so that Miss Menkes was available in person to answer any final questions by the residents.

The September 7 cleanup day schedule was as follows:

First. 8 a.m. a central cleanup headquarters was set up to be manned by Miss Menkes all day giving out specific assignments to volunteers as they came.

Mr. Michael Sarageno followed the designated listing of the amount of paint per house and distributed the paint accordingly.

Second. At 10 a.m. the fire engines and Sparkettes sirened through the streets with a dramatic and exciting effect. Mayor Matthew Carter greeted the residents and volunteers. Commissioners Pettingill and Rosenblatt also made an appearance. Pictures were taken then and throughout the day by Detective Naturale of the police department for followup newspaper publicity.

Third. At 12 lunch was served provided by the Kennedy project.

Fourth. At 7 p.m. the fire engines again went through the streets indicating the end of the cleanup. The streets were hosed down in a grand finale.

The physical results of the day were astounding: 10 houses were totally renovated including painting the woodwork and cleaning out the yards.

About 20 porches and window trims were painted.

All 31 houses involved had a thorough cleaning job including the removal of inoperable cars, washing machines, radiators, and other heavy materials.

The psychological and sociological results were of equal importance:

First. It helped the residents to organize their grievances into positive action.

Second. It enabled town personnel to work closely with the residents and citizens at large.

Third. It related business concessions to the needs of a ghetto area.

Fourth. It showed the general public what can be done to help a relatively small neighborhood at no cost.

Fifth. It encouraged future organization and followup projects as a result of the day's evident success.

Followups will be arranged. Mrs. Connor already has planned to make house-to-house calls to encourage further work on the houses. This idea will also be implemented in other parts of town.

MUSKIE OF MAINE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. PUCINSKI. Mr. Speaker, recently the New York Post carried an excellent article by Mr. Warren Hoge on the Democratic candidate for Vice President, Senator EDMUND S. MUSKIE, of Maine.

This is an excellent biography of the Senator and I am including it in the RECORD today so that all of our colleagues can become better acquainted with the young man who is destined to become the Vice President of the United States.

Mr. Hoge's excellent article follows:

MAN IN THE NEWS: MUSKIE OF MAINE

(By Warren Hoge)

CHICAGO.—Senator Edmund S. Muskie, a Roman Catholic who once aspired to the priesthood, and his flock, the diffident and laconic citizens of Maine, keep a tight rein in their words and emotions at times of excitement.

The two largest radio stations in Portland were back playing Dean Martin and Mantovani records within minutes of Thursday's announcement that Maine's favorite son had been named Hubert Humphrey's running mate.

An elderly Portland man was asked his reaction to the biggest event to strike Down East in memory. "Muskie's a good fella so far's he's been," he remarked with the characteristic economy of the region.

Portland ship's chandler John Lawless found that too wordy. "As a man, he's a man," he commented.

Simple, to the point, blunt, they're Muskie people. "Sham and pretense grate on him like sandpaper," a Senate aide said, explaining his boss' rapport with his Down East constituents.

Though an imposing figure of a man at 6-foot-5, the lanky senator from Maine has come upon success in an unimposing fashion. He's practically backed into it.

"He's never mentioned the Vice Presidency until this year when he has been talked about and we've known it was a possibility," said an old friend of Muskie's, U.S. Court of Appeals Judge Frank Coffin, 49, of South Portland.

"His attitude about it has been about the same as his attitude toward Majority Whip in the Senate a year ago, when he was prominently named. He just said he wasn't going to push himself," Coffin said.

Muskie is 54, Polish-American, a part-time carpenter and a Democrat but most importantly, he is a native of the state of Maine.

The region has shaped the man. In the Senate he is known for a calm and deliberate manner, a tendency to speak softly and briefly and a degree of modesty unusual in a chamber of such towering ambitions.

Among many liberals he is suspect for his hesitance to speak out. To Vice President Humphrey however he remained out of a list of a dozen names the man most qualified to bring peace to the snarling factions of the Democratic party.

The son of a Polish immigrant, he has gained and kept political office through the votes of old-line Yankees. A Catholic, he has been elected and reelected in a state that is predominently Protestant. A Democrat, he represents in Washington a state that is traditionally Republican.

He has earned high marks from his fellow Senators for his thorough preparation and his low-key approach. "He is a Senator's Senator," said Senate Majority Leader Mansfield of Muskie. "He is a man who eschews publicity, works hard, and has gained a well-deserved reputation among his colleagues for integrity, fair dealing and effectiveness."

The Muskie method is solid homework in the details of legislation, a deferential diplomacy that avoids personal attacks on opponents and an understated eloquence that harbors and occasionally turns loose stem-winders of speeches.

He is hardly a man to set off explosive reactions, and in the wake of the Chicago brouhaha, that must be credited as an asset by Hubert Humphrey.

Muskie's role in the coming campaign is unclear. Noting his experience in the Senate as the floor manager of the Model Cities bill, Humphrey quickly handed Muskie the mantle of urban affairs specialist in discussing his pick at a press conference announcing the choice Thursday.

Like Humphrey, Muskie will also give top priority to reconciliation within the party. A document from the fledgling Humphrey-Muskie campaign organization says too that the Maine Senator will devote himself to "federal-state relations." Aware of his Republican constituency, Muskie has always been an advocate of local jurisdiction over much of the federal legislative program, and possibly that explains the added campaign duty.

He will also campaign hard, according to Judge Coffin. "When he gets into a fight, whether it's on a bill or in an election campaign, he's just a crackerjack," the jurist said.

Muskie was born on March 28, 1914 in Rumford, Me., the son of Stephen and Josephine Muskie. His father, now dead, was a tailor who had come from Poland to the U.S. in 1903 and in the process had changed his name from Marciszewski. His mother, still living today in Rumford, was a native of Buffalo.

The parents saw big things in their son's future and for that reason gave him the middle name of Sixtus, after five popes. Though quiet and shy as a child, he still managed to impress people as a boy who would go places.

"I know at one time a lot of people thought he might be a priest," Muskie's sister, Mrs. Henry Paradis, 52, recalls. "When he was younger—he couldn't have been more than five or six—we lived in this apartment house and the man who owned the building said that he thought that when Ed grew up, he would either be a bishop or President of the U.S.

The timid youth began to emerge in high school where he joined the debating team and put his towering height to work as a high-scoring center in basketball. He graduated from Rumford High School in 1932 and worked his way through Bates College in Lewiston as a bellhop at a summer resort and and as a college waiter and dormitory proctor. He graduated cum laude in 1936 and attended Cornell Law School, where he earned his LLB three years later.

He was establishing a law practice in Waterville, Me., when World War II called him to duty. For the duration of the conflict, he served as a junior officer on destroyer escorts in the Atlantic and Pacific.

When he returned to Waterville in 1945, he sought to pick up where he had left off in building a law practice but abandoned it a year later to run for the state legislature.

In 1947 he lost the only election in his career when he was defeated in a bid to become the mayor of Waterville. He was reelected to the state legislature in 1948 and 1950. In 1948 he became the floor leader of the handful of Democrats in the body.

Soon after his second reelection to the legislature, he resigned to become Maine director of the Office of Price Stabilization.

In 1952 he was approached by a group of prominent Democrats to run for the governorship, but he declined because he felt that the state party organization was too weak. In 1954 he had decided to run for Congress when the same group of men again urged him to make a bid for the statehouse. He reluctantly agreed to try.

Coffin, then the party's state chairman, remembers those lean days well:

"He was willing to run for Congress if we could find a candidate for Governor, for Senator and the two Congressional seats. So a small group of us would stump the state looking for good candidates.

"We couldn't find anyone for the Governor spot and so he agreed to run for that although that had not been his original idea. We put together around him a fine ticket and we staged a campaign using radio and television. In those days it cost us about $85 for 15 minutes of prime time.

"The whole campaign for the successful gubernatorial fight and unsuccessful but creditable fights for the Senate and Congressional seats, the total amount the state committee had to handle, was $18,000.

"It was an aggressive campaign of visiting towns and factories and appearing effectively on television. People were ready for a change and I knew that his age and his vigor were such that he could look forward to much more than his two terms as Governor," Coffin said.

Aided by the widespread disenchantment with the administration of incumbent Republican Gov. Burton Cross, Muskie went on to win by a margin of 22,375 votes to become the first Democratic chief executive of Maine in 20 years. In 1956, he amassed the largest vote ever given a Maine governor, 180,254.

In 1958 Muskie decided to challenge Republican incumbent Frederick Payne for the Senate, rather than seek a third term in the statehouse. Though the underdog at the outset, he overwhelmed Payne and became the first Democratic Senator ever elected by the people of Maine.

Four years ago he easily won reelection over U.S. Rep. Clifford McIntire.

In his first weeks in Washington, he committed a grave error in crossing one of the Capital's most powerful men, Senate Majority Leader Lyndon Johnson. Paying a courtesy call on Johnson, Muskie was given sage counsel by the canny Texas legislator. Johnson told him that he personally liked to keep his voting options open "until the roll call gets to the J's."

Several weeks later, Muskie attended a caucus of all the freshmen Senators at which Johnson asked for their support in beating back the biennial liberal attempt to change the Senate rules to weaken the grip filibustering southern Senators could exercise over the body's affairs. The others agreed to help Johnson, but Muskie declined to predict how he would go.

He later voted against Johnson and soon after quipped to the majority leader, "I like to keep my options open until the roll call gets to M."

The incident was no laughing matter to Johnson. He assigned the upstart to his fourth, fifth and sixth requested committees, passing over Muskie's earnest plea that he be appointed to the Foreign Relations Committee.

"I was frustrated, lonely, disillusioned and disconsolate," Muskie remembers. However, in his 10 years in the Senate, Muskie has become the leading voice on air and water pollution and a member of the Senate leadership as the chairman of the Democratic Senatorial Campaign Committee, a fund-raising group.

Twice since 1965 he has passed up the opportunity to advance in the party leadership because of his deference to the wishes of others. In 1965 he declined to seek the office of Majority Whip being vacated by Hubert Humphrey and deferred instead to Sen. Pastore (D-R.I.). The Rhode Islander eventually lost to Sen. Long (D-La.).

Early in 1967 Muskie was widely believed to be in the forefront of candidates for the office of secretary of the Democratic conference, the third-ranking post in the party hierarchy. Instead, he yielded to Sen. Clark (D-Pa.), who in turn lost to Sen. Byrd (D-W. Va.). Again the man whom Muskie had been supporting lost to someone whom Muskie apparently could have beaten himself.

Muskie's recent positions have been liberal on domestic issues and pro-Administration abroad. He has demonstrated tepid support for the Administration's conduct of the war in Vietnam and has hinted that he is more inclined than is Hubert Humphrey to halt the bombing of the North in the interest of speeding up the peace negotiations in Paris.

Muskie married a Waterville girl, Jane Frances Gray, in 1948. The couple has five children, Stephen, Ellen, Melinda, Martha, and Edmund Sixtus Jr. This summer a sixth child, Gregory Singleton, 7, a Negro from Washington, is spending the summer with the Muskies. He calls them Mom and Dad.

Mrs. Muskie is an able campaigner and has been by her husband's side on political rostrums since the early days of his appearances at Midwestern Democratic Pulaski Day and Kosciusko Festivals.

He continues today to cultivate a consuming habit of reading. According to friends, he reads political biographies, history and international affairs.

He loves to swim in his native state and around the house he is an amateur carpenter. He fishes, hunts, and shoots a high 80 in golf.

Despite his rise to the state house in Augusta, thence to Washington and now to the nomination for the second highest office in the land, at least one admirer, Mrs. Minerva Anderson, 72, of Rumford, is unimpressed by any change in his station.

I wouldn't call him humble," Mrs. Anderson, Muskie's general science teacher in high school, declared, "but he wasn't fresh. He was just a nice homey sort of boy. He was always very cordial. There's nothing high hat. He's just a home towny. He's very jolly. He's a nice boy.

"I think of him as a boy."

CONGRESSMAN SHRIVER OUTLINES EDUCATIONAL PROGRAM SUPPORT IN 90TH CONGRESS: WILL BENEFIT LOCAL SCHOOL SYSTEMS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. SHRIVER. Mr. Speaker, in Kansas and across the Nation school doors have opened once again with the usual mixed feelings on the part of both students and their parents. There are no such mixed feelings, however, regarding the basic necessities and opportunities involved in our growing educational system. Our Nation has grown and prospered because of our insistence upon full and improving educational facilities and programs for all, regardless of economic or social circumstances.

In recent years, our local, State, and Federal governments have acted, under a shared responsibility, to expand these facilities and programs to reach both the regular students and those who, for various individual reasons, have not benefited from ongoing programs.

Dropouts and underachievers have received special attention in the realization that our society and economy as a whole suffers when even one citizen is not able to produce at his full capacity because of the lack of specialized educational or vocational training. Each such person represents a tragic waste of a national resource, a loss which can never be recovered.

In response to this need, the 90th Congress has adopted and extended many constructive programs which will benefit our local school systems. I supported each of these bills on the House floor. A brief listing of the measures follows:

First, the Higher Education Amendments of 1967, which coordinate, broaden, and strengthen programs for the training and improvement of the qualifications of teachers;

Second, an act to improve the college work-study program;

Third, the Vocational Rehabilitation Amendments of 1967 and 1968 to extend and expand State rehabilitation services, to establish the National Center for Deaf-Blind Youths and Adults, to provide assistance for migratory agricultural workers; and to provide for more goods and services for the handicapped;

Fourth, the Elementary and Secondary Education Amendments of 1967, to strengthen, improve, and extend assistance programs for elementary and secondary schools;

Fifth, the National School Lunch Act amendments, to expand food service programs for children and to allow for the appropriations for some of these programs under Health, Education, and Welfare functions rather than Department of Agriculture appropriations as in the past; and

Sixth, Higher Education Act amendments which provide immediate assistance for students enrolling this month under student assistance programs.

In addition to these public laws the House has passed the Higher Education Amendments of 1968 and the Vocational Education Amendments of 1968, which are being considered in a conference committee. The adult education amendments and two measures to expand and clarify the national school lunch program to reach children not now benefiting and to prevent discrimination in the operation of this program have also passed the House and are now before the Senate.

As a member of the Subcommittee on Labor and Health, Education, and Welfare Subcommittee on Appropriations, I have spent a great deal of my time during the 90th Congress working on the funding of these programs. This has meant hours, days, and weeks of testimony and subcommittee deliberations. This portion of my work is most gratifying and rewarding with the realization of the educational needs of our great Nation.

There are pending before the appropriate committees a number of bills, including legislation which I have sponsored, providing for revenue sharing with local and State governing bodies that could result in block grant educational programs. Block grant assistance would help eliminate redtape and bureaucratic delays that have become commonplace under many of the present categorical matching grant programs.

BAYLOR'S DRAGOONS MASSACRE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. HELSTOSKI. Mr. Speaker, during the Revolutionary War, northern New Jersey was the site of many battles between the Continental Army and the forces of the British.

In one of the most pitched battles of those times was the one in which the members of the Continental Army, under the command of Col. George Baylor, were attacked by a vastly superior force of British troops during the night and in which some 54 of the Americans were killed or taken prisoner. This became known as Baylor's Massacre.

A year ago, in July, a group of college students were engaged by the Bergen County officials to conduct a research project cataloging the historic sites in Bergen County and to determine the existence of a mass grave of these Americans. After studying various maps and documents, they began excavations in what they believed was the general area of the graves of these men.

In August 1967, the first find was made when a better part of a human skeleton was uncovered, but because of the crowding by a curious public, work was stopped. Two weeks later, with the assistance of the Bergen County Historical Society, excavation was resumed and many skeletons and other evidence was uncovered.

Mr. Speaker, a report on this massacre and the excavation of the burial site was made to the board of chosen freeholders, Bergen County, N.J., by Freeholder D. Bennett Mazur, and museum director, Bergen County Historical Society, Wayne M. Daniels. This report was published in February 1968, and is a very valuable historical document with relation to the early history of Bergen County, a part of which I have the honor to represent in Congress.

I would like to include the text of this report as part of my remarks and have it included in the CONGRESSIONAL RECORD. I commend it to the attention of my colleagues, who should find it interesting reading and containing historical information of an era in American history, dating back 190 years.

The report follows:

BAYLOR'S DRAGOONS MASSACRE, SEPTEMBER 28, 1778—EXCAVATION OF THE BURIAL SITE

(A report to the board of chosen freeholders, Bergen County, N.J.)

(By D. Bennett Mazur)

THE DISCOVERY

On the evening of September 28, 1778, approximately 120 Dragoons of the Continental Army, under the Command of Col. George Baylor, were bivouacked in six barns and outbuildings along what was then called Overkill Road and now known as River Vale Road. These men were attacked by a vastly superior force of British troops during the night in which some 54 of the Americans were killed or taken prisoner. The incident became known as "Baylor's Massacre."[1]

An unknown number of these men, reported to be between 40 and 60 were alleged to have been buried in tanning vats in the neighborhood, the location of which was lost to history by the removal of the millstone which once marked the site.

In the spring of 1967, a Mr. Thomas Demarest of Old Tappan wrote me that he thought he knew the location of the mass grave. He was alarmed because the particular tract of land had been sub-divided for housing development and the developer was installing storm sewers and doing extensive earth moving. It was Mr. Demarest's fear that the gravesite would be lost forever if the work were to be continued.

It was not until the last week in July that the opportunity presented itself to investigate the matter. Three college students; James Fay of Upper Saddle River, Richard Siegel of River Vale, and Brett Dankoff of Tenafly had been employed by the County to conduct a research project cataloguing historic sites in Bergen and they were assigned to verify Mr. Demarest's contentions. Interviews were conducted with several aged residents of the area who "knew of" the location. Their testimony, together with old maps gave us a general idea of the location. This location was deduced to be somewhere in the point of the triangle formed by the intersection of River Vale Road and the Hackensack River at a point where Old Tappan Road crosses the Hackensack and intersects River Vale Road.

According to a book on the subject of Tanning operations[2] of the period, such vats would have had to be constructed on the bank of a river or a stream to assure a good water supply, since water for the tanning solution had to be lifted from the river by hand. The tanning operation itself was usually comprised of three hogheads sunk into the ground, each containing a varying concentration of solution. A fourth vat above the surface was for a liming solution to prepare the skins for tanning by removing hair and fatty matter. A millstone was employed to grind bark for the tannic acid and oyster or clam shells for the lime.

---

[1] *The Revolutionary War in the Hackensack Valley*, Adrian Leiby, Rutgers University Press, 1862.

[2] *Tanning Operation in the United States Before 1840*, Library of Congress.

It was assumed that the chore of carrying as many as 60 bodies any distance would have overwhelmed those few Americans available to perform the task,[3] and that the vats would have been ready-made graves close at hand. On Thursday, July 20th, the young men, together with Thomas Demarest, began exploratory digging. They dug trenches along the banks of the river and made experimental test holes in search of disturbances of earth strata which might indicate an earlier excavation.

Plagued by insects, heat and skepticism, they continued for two weeks until on August 7th after directions had been given to abandon the search at the close of the day, one last experimental hole was tried and it revealed a human thigh bone about two feet below the surface. I had this identified by the County Medical Examiner, Dr. Lawrence Denson and by nightfall the better part of a human skeleton, lying on its back was revealed. The next day the remainder of the bones were revealed along with some very fine artifacts, an assortment of buttons and a silver stock buckle.

At this juncture the Bergen County Historical Society asked us to continue * * * curious public was crowding the site making work difficult and creating risks to discovery, so I directed that all digging be stopped until we could avail ourselves of professional assistance.

At this junction the Bergen County Historical Society asked us to continue with the excavation and recommended Mr. Wayne Daniels, their museum director, as the project archeologist. He was retained and two weeks later work was resumed. His report is included in this paper.

HISTORICAL BACKGROUND

The discovery focused attention of local historians on the background of the massacre and research has evolved a fascinating story of human failure and military tragedy. *Baylor at Old Tappan,* a lengthy paper by Edward O. Mills of New York City, which will soon be published by K-S Publications of P.O. Box 155, Saddle River, New Jersey, tells the story in all its details. I will summarize it here.

Col. George Baylor was only 26 years old in the summer of 1778. He had no military experience other than his short service as an aide to General Washington before he was given command of a regiment. As his second in command, Washington assigned Major Alexander Clough, a seasoned soldier who was one of Washington's intelligence officers. The regiment—the Third Virginia Dragoons, the Third Continental Dragoons or Lady Washington's Guards, was assigned light duties—reconnaisance and escort. It was lightly armed. The men carried sabers and there were a few pistols—but no muskets at this early date. Both Baylor and Clough performed these intelligence functions and the regiment at this particular period at times kept outposts as far south as Fort Lee. The regiment itself was often at the outpost in Paramus.

During the summer of 1778, the Dragoons were stationed at New Bridge where Major Clough was instructed to question any and all going into New York City. He was further requested by Washington to recruit spies to gather information in New York. This created some conflict with local patriot militia who resented Clough's dealings with shady characters and were suspicious of his motives. Washington, himself, had to request local militia to cease interfering with Clough's mission.[4]

In September of 1778, the British sent foraging expeditions into New Jersey, Westchester and Long Island to provision the British Army in New York and also to provide for an expeditionary force being sent by Clinton to the West Indies. The area between the Hackensack River and the Hudson River was selected since it offered the opportunity of keeping both flanks covered by a river while moving from South to North. Five thousand troops under Cornwallis were sent over from New York on the 22nd. They took up entrenched positions from New Bridge (River Edge) to Liberty Pole (Englewood) and began sending out their foraging parties.

The Continentals immediately set up a perimeter of troops from Newark to Clarkstown on the Hudson. The 3rd Dragoons at Paramus were part of that arc.

On September 27th, Baylor moved to Haringtown where he felt he could better watch the British. He took quarters with Clough in the home of Cornelius Haring, a known Tory, while his men were quartered in six buildings along the road. He posted a guard at the bridge across the Hackensack and set out a small patrol, but posted no sentries to the West. He allowed his men to remove the saddles from their mounts and to undress, hardly the sort of security measures to take in enemy territory. The son of the farmer also warned Col. Baylor of the proximity of the British, but he paid no further heed.

When word reached Cornwallis of the proximity of Continental troops to the North and West, he decided to move immediately, since his foraging parties would be in danger. His object was to attack four hundred Americans at Tappan, under Lt. Col. Gilbert Cooper and took his troops up Schrallenberg Road (the militia, unknown to him, had withdrawn) while Major General Grey with four regiments proceeded up Kinderkamack Road to attack from the West.

The personality of Major-General Charles Grey had a great deal to do with the events of the night. He was known as the "ugliest man in America," and evidently did not earn this sobriquet for his physical appearances alone.[5] At Paoli a year earlier, he had led his light infantry in a night attack with the flints removed from their rifles to keep them from accidentally firing and alarming General Anthony Wayne's troops and forcing them also to rely on the bayonet. For the massacre that resulted, he gained a new nickname, "No-Flint" Grey.

Out of the massacre of Paoli came a bitter rivalry. Shortly afterwards, Wayne's troops sent word to the British Light Infantry to "be on their guard as no quarter would be shown them." The Light Infantry or "Light Bobs" as they were known, stained the white feathers on their helments red to spare other units from the Continental's revenge. The light infantry battalions were formed from the light companies of each regiment in the army. They were very fast and provided great flexibility.

At Germantown, Wayne's troops were merciless against the Light Infantry and had to be restrained from killing prisoners by their officers. This stirred the Light Infantry still further so that at the Battle of Monmouth Courthouse, when ordered to charge, they outran their support and had to be rescued—much to their embarrassment—by Grenadiers. Their hatred of rebels became so great that when the British Peace Commission arrived in Philadelphia, they rioted in the streets in protest, and hung Lord North and Lord Germaine in effigy.

It was these same light infantry men who were in the vanguard of General Grey's column as it proceeded north, unaware of the inexperienced, poorly armed dragoons sleeping in their path. When the word reached Grey of their presence he decided to attack them immediately.

In Grey's column were the Second Battalion of Light Infantry, the Second Battalion of the Grenadiers, the 33rd and 64th Regiments of Foot, and a small detachment of cavalry. Grey ordered his light infantry to attack from two sides. Major John Maitland with six companies continued along the road to kill or capture the entire patrol stationed at the bridge. Major Turner Straubenzee, with the remaining six companies was led by Tory guides along pathways and narrow lanes to the dragoon encampments from the West where the Edgewood Country Club now exists. At 2:00 A.M. the attack was launched.

The cry of "Kill Him! Kill Him!" and "Skiver Him!" went up as the Light Infantry surrounded the barns and went to work. A few shots were fired from pistols and a feeble defense with sabers was made. Some of the dragoons attempted to hide under the hay in the barns but were bayonetted and bayonetted until the blood was said to have run through the floor boards and collected in puddles on the ground below. Some men were taken prisoners, some escaped. Many were wounded, some as many as sixteen times.[6] Accounts indicate that about fifteen were killed on the spot and some died later. The British clubbed their prisoners and bayonetted them but few of the wounds were fatal.

Colonel Baylor and Major Clough were backed into the chimney of the farmhouse in which they were billeted and eventually cut down with bayonets. Clough died of his wounds several days later and Baylor of his wounds two years afterwards. Both were released by the British before their death. The prisoners and wounded were all taken come daylight to Tappan (by way of Orangetown) where the church was converted into a hospital.[7]

On October 6th, after reports reached Philadelphia of the tragedy, Congress decided to investigate. A resolution was passed that the Governor of New Jersey, William Livingston, be directed to inquire. Both Livingston and Washington requested Major General Lord Stirling, Commanding Officer of the area to direct the investigation. Stirling sent Dr. David Griffith, surgeon and chaplain of the Virginia Brigade to get affidavits from some of the troopers and officers who had escaped. Accounts of the number killed or taken prisoner kept rising and word of the massacre spread both throughout the Colonies and to England it was reported that any credit due to the Light Infantry "was entirely buried in the barbarity of their behavior."[8]

Dr. Griffith's account became the official version of the losses actually incurred. Out of 104 enlisted men, 67 were killed, wounded or taken prisoner, the remaining 37 apparently escaped unhurt. Eleven were killed outright, four were left behind and died later. Thirteen were left behind wounded and subsequently recovered. Thirty-nine were prisoners in New York, eight of whom were wounded. This would indicate, then that somewhere between 11 and 15 were buried in the tanning vats, not the 40 or 60 figure originally believed.

---

[3] Pension records indicate that militia Capt. John Haring said he was detailed to help bury the men.

[4] G W 417, *Papers of George Washington,* Library of Congress.

[5] "After his (Grey's) arrival in New York, his first act was to advise his superiors that, in any engagement in which he was the commanding officer, the assignment would be carried out with the maximum cruelty permitted by the then recognized rules of warfare. One of the maxims of that code . . . was that in a night attack, no quarter would be given." *Baylor at Old Tappan,* unpublished paper by Edward O. Mills.

[6] Pvt. Julian King received 16 stab wounds, George Wyllis and Southward Cullency each received 12 wounds. *The Remembrancer,* pg. 294, Rare Documents Section, N.Y. Public Library.

[7] This same building was used two years later for the trial of Maj. John Andre and his sentencing to be executed.

[8] From a letter from Col. Charles Stuart to his father, the Earl of Bute.

Research by Mr. Howard Durie of Westwood indicated that the tanning vats and some of the barns used for billets were not on the property of the Harings, but on the property of Cornelius Blauvelt, a patriot. Blauvelt's father was a cordwainer and in addition to farming, made leather during the summer and leather goods during the winter months. There is nothing to show that Cornelius had followed in his father's footsteps and Mr. Daniels' excavations indicated that the vats were not in use at this particular time. It, therefore, presented an ideal place for the burial of 11 or 15 bodies by militiamen who feared the sudden re-appearance of the British.

The land across the road from the barns was in use as a cornfield and wheatfield at the time and for many years afterwards. Local legend has it that a later Blauvelt desired to have the stone removed because it interfered with cultivation of the land. A neighbor, William Holdrum, was one day boasting of the prowess of a new team of horses and Blauvelt bet him that the team couldn't move the stone with the stone as the prize. It took Holdrum three days to get the stone out of the hole it had made for itself and to drag it down the road to his house. Holdrum dropped it on this lawn. The millstone was donated to the River Vale Board of Education by a Holdrum descendent and lies imbedded in the lawn of the Holdrum School. Cultivation of the field was abandoned about the turn of the century and the area is now covered with a secondary growth of the tree.

CONCLUSIONS AND RECOMMENDATIONS

The primary thing accomplished was the location of the grave site. Having found this, speculation now has arisen as to the accuracy of Dr. Griffiths' reports. Only six bodies are accounted for and the vats have all been located. Either Dr. Griffiths is wrong, or there is a second burial site.

The second benefit derived from the project has been the interest aroused both in the history of Bergen County and in the particular undertaking. As Mr. Daniels states in his report, somewhere in excess of a thousand school children from Bergen and Rockland Counties visited the site and saw the work being carried on.

Work at the site ceased in early November. As I stated to members of the Board this summer, the artifacts have been turned over to the Historical Society and the remains of the Dragoons have been lifted from the earth and placed in boxes preparatory to reinterral.

It is my recommendation that the County acquire a strip of the land along the Riverbank and convert it into a small park. It would be possible to construct a parking lot for five to ten cars along the road and then build a path with occasional benches along the riverbank to the site, a distance of about 75 yards.

It seems to me that the skeletons should be reinterred at this site and some sort of small monument or marker be placed there. Both the County Historical Society and Pascack Chapter of the D.A.R. have expressed interest in having this done and have offered assistance.

I am sure that the County of Bergen can accomplish these things promptly and can promote a little interest in the history of the area, a responsibility with which Statute 40:32–6 charges it.

BIBLIOGRAPHY

Manuscripts

New York Historical Society: Alexander Papers.

New York Public Library: New York Journal and Weekly Advertiser, John Holt, Editor.

Periodicals

New Jersey Historical Society Proceedings, January, 1926.

Original printed materials

J. Almon: The Remembrancer, 1778–1779.

Historical Anecdotes.

A List of Officers of the Army, 1778.

Issues by the War Office, London, June 4, 1779.

Printed works

Boudinot: Life of Elias Boudinot, Edited by J. J. Boudinot.

Flexnor: James T. Flexnor, The Traitor and the Spy, Benedict Arnold and John Andre.

Fitzpatrick: John C. Fitzpatrick, Editor.

Writings of Washington from the Original Manuscript Sources.

Ford: W. C. Ford, Editor.

Journals of the Continental Congress.

Jones: Thomas Jones, History of New York during Revolutionary War.

Kemble: "Journals of Lt. Col. Stephen Kemble".

New York Historical Society Collections, 1883.

Leiby: Adrian C. Leiby, the Revolutionary War in the Hackensack Valley.

Moore: Frank Moore, Editor.

Diary of the American Revolution.

Newbolt: Sir Henry Newbolt, History of the Oxfordshire and Buckinghamshire Light Infantry.

Sparks: Jared Sparks, Editor.

The Writings of George Washington.

Correspondence of the Revolution, Letters to Washington.

Whiteley: E. S. Whiteley, Washington and His Aides-de-Camp.

Wortley: Mrs. E. Stuart-Wortley, A Prime Minister and His Son, from the correspondence of the 3rd Earl of Bute and of Lt. Gen. Sir Charles Stuart.

Collections

Appleton, Cyclopedia of American Biography.

Library of Congress, Papers of George Washington.

New Jersey Archives, Second Series, Volume 2.

New Jersey Archives, Second Series, Volume 3.

INTRODUCTORY COMMENTS

(By Wayne M. Daniels)

After two weeks of exploratory excavation the first human remains at the Blauvelt Tannery-Baylor's Dragoons Burial Site were unearthed on August 7, 1967. On August 22nd, Mr. Thomas Demarest, Archeological Associate, and myself, Archeologist, began the concentrated archeological site excavation. In view of the special and ununusual nature of the project, several practices were instituted.

The first was a voluntary seven day week because of the approach of fall, and to provide security for the site which rapidly became well known throughout the County. The second was the acceptance and selection of a voluntary work force of adults and young people, partly because of an unprecedented local interest in the project, but primarily because completion of the project would have been impossible any other way. These volunteers were extensively schooled in stratigraphy, excavation techniques, and artifact indentification. As they became more proficent, they were advanced to more responsible positions. A conservative estimate of the total number of work hour expended by these volunteers is from 3,500–5,000 hours. Our "Regulars" who stayed with the project despite all adversities number about 35, with periodic help from about 50 more. The value of these good people is obvious from the above figures. The project would have been impossible to complete without their efforts and good will.

An educational program was also instituted because of the unprecedented volume of visitors to the site. A portable display of artifacts in clear plastic boxes was created and a special weather-proof housing and framework erected to allow the three intact dragoons in tannery vat No. 2 to be viewed. School groups and Scout groups came from as far away as Hackensack and Suffern. One group from Hillsdale included more than 200 fourth graders. No count was kept of visitors but there could not have been less than 3600 adults and children and the number may have been as high as 7000. In this manner, many were allowed to witness an experience in living history enacted before their eyes, an event that may never again come to Bergen County.

ARCHEOLOGICAL PROCEDURE AND TECHNIQUE

At the outset a grid pattern was projected covering the probable area of excavation. In the interests of time and because of the negative probability of excavation in adjacent or related areas, a master grid system consisting of a surveyed one thousand foot square subdivided into decimal units was rejected in favor of a simple grid divided into six foot squares. The base line of the grid was projected at the waters' edge on the river bank parallel to the immediately adjacent portion of the Hackensack River. Each square within the grid is identifiable by alphabetical-numerical co-ordinates to give the whole area a frame of reference. A plot map was drawn and a record of the area kept on that map as work progressed. A supplementary map showing the original topography of the area at the time of colonial occupation will be prepared.

Stratigraphy of the area was explored as the first step of actual excavation. Test holes dug by the exploratory party were examined and the site excavation began with digging out squares C–1, C–2, C–3, and C–4. This accomplished the standard technique of individual grid square exploration and a type of large scale trenching at the same time. Since C–1 spanned the concrete culvert layed in about July, 1966, we were assured of beginning our excavation in back-filled soil and gradually working into the original soil. In this manner the specific stratigraphy of the area could be most safely profiled and studied so that disturbed areas would be readily recognizable when encountered.

Throughout the excavation six 3′ by 6′ screens of ¼″ mesh were used to sift all surface soil (humas and topsoil) and all soil from disturbed areas, regardless of the chronological period of disturbance. This technique produced a significant percentage of the artifacts recovered, virtually all of the shell, and, in the case of Dragoons #2 and #6, the majority of their skeletal remains, (see: descriptions of skeletal remains).

Excavation techniques varied considerably, depending on the circumstances. In the case of formerly plowed ground encountered upstream from the tannery vats and back-filled soil placed below and around the culvert, the stratigraphy had been destroyed by those disturbances. Consequently the soil was removed carefully with shovels and screened for artifacts. The same was done in peripheral testings of presumably undisturbed areas, and in checking presumably undisturbed areas below disturbed areas.

Fine excavation was accomplished with small 5″ trowels, clay sculptors' tools, and brushes. Whisk brushes, normally used as an aid in fine excavation were useless since the soil has a high clay content and such brushing only served to burnish the soil rather than gently remove it. Sculptors' tools of metal wire and wood more than adequately replaced the stiff brushes.

A mixture of both profiling (vertical planing) and planing (horizontal planing) was used to "read" the soil and its stratigraphy. For example, profiling was the only practical way to delineate the vat walls or the bracing around the fulcrum post of the tannery stone. Planing was the only way to disinter the Dragoons who were intact. Since these men had been buried within vats, both techniques were used adjacent to each other.

SITE REVIEW

The first occupants of this site were the Amerinds, Tappan Indians of the Leni-Lenape. This is adequately testified to by the quantities of flint chips, fire broken and discolored stone, projectile points, jasper hide scrapers, a stone knife, and a stone gorget. Earthenware fired pottery shards were found throughout the area and are exclusively of the Bowman's Brook type, stamped, impressed, and incised. These artifacts point to the Woodland period, before contact with Europeans, with the exception of one Lamoka projectile point, made of clear quartz. The areas bearing Amerind artifacts were all disturbed during various later periods of occupation, with the exception of the south bank of the stream replaced by the culvert. There is no opportunity to extensively excavate this area, so it will be left with as little disturbance as possible for future potential excavation.

The American colonial period was marked by the erection of a tannery, presumably built and operated by Arie Blauvelt during or before 1758, when he was listed as a cordwainer (shoemaker). Considerable specific data was obtained by profiling the tannery vats and the molds or stains of their structural members, and the positioning of their nails.

The three vats were built by digging a hole larger than the desired size of the vat and constructing a rectangular vat of upright posts covered on the inside with boards 1" to 1¼" thick. The vat was then back-filled around the outside with care taken to place as many stones as possible directly against the vat wall for bracing, since the vat was to be filled with water.

The tannery stone, handcut from sandstone about 4½' in diameter and 16" thick served to crush oak and hemlock bark into powder called tannin. Alternate layers of tannin and hide were placed in the vats which were then filled with water and the long tanning process began. Evidence of the stone's former location was a depression on the rise upstream from, and adjacent to the vats. According to tradition, the stone was removed at about the turn of this century, but the depression it made as it settled for a century and a half was the most important clue to locating the entire site. (The stone now rests in front of Holdrum School, Rivervale, N.J.). The large vertical fulcrum or pivot post hole was found intact for about one foot of its depth which was removed by cultivation, the area having been a corn field until about 30 years ago. Originally a horizontal boom or axle was attached to this post and ran through the center of the tannery stone which stood upright on edge and was drawn in a circle by a draught animal to crush the tan bark. The fulcrum post was originally 15 inches in diameter, and very heavily braced with stone below ground and extended perhaps 3½ to 4 feet below ground level. An additional post mold approximately eight feet from the fulcrum post mold has been found and is unexplained at this time.

Artifacts from the tannery include half of a curved hide scraping or fleshing knife, an iron hide hook used to remove and turn over the heavy, soaked hides in the vats, and about 40 hand wrought nails from the vat.

Hides were normally washed in limewater to loosen hair and flesh. Evidence of this practice was found in the large quantity of oyster shell fragments (about 10 to 15 pounds) found at the site. None were found on the immediate surface of the ground, but where the vats were filled in, the soil was invariably heavily mixed with shell, preserved by being buried.

There is reason to believe that the tannery was abandoned, possibly when the property came into the hands of Cornelius D. Blauvelt, later a Lieutenant in the Bergen County Militia. This was confirmed archeologically by a thick (1" to 3") layer of leaf mold found at the bottom of one corner of vat #1. If abandoned, the drifting leaves would have collected in the empty vat. This helps to clarify the presence of the skeletal remains of six men in the vats. This improvised burial is a product of Baylor's Massacre, and the abandoned vats must have offered a ready made grave for a field burial by the Bergen County Militia, especially with the British only 4 miles away. The remains and the artifacts found with them are described in a separate section, but it should be mentioned that the pewter buttons (9/16" diameter) in the best condition from vat #2 bore a "BD" monogram, and were of a type often produced in America under private contract for various units of the Continental Army. Aside from all other corroboratory evidence these buttons definitely identify the buried men as members of Baylor's Dragoon Regiment (Third Regiment of Light Horse). Two men were found in vat #1, three men in vat #2, and one man in vat #3. They were arbitrarily assigned numbers for ease of identification and frame of reference. There is reason to believe that dragoon #2 (vat #1) was disinterred in about 1916 by a boy then about ten years old, and re-interred by that same lad upon the order of his irate father. This would explain the sound but scattered condition of that body, which was found below the level of later disturbance, and the presence of a twentieth century pocket knife near it. This story was brought to us by the man himself, now in his 50's, and will require further study and interviews.

Dragoon #6 and indeed all of vat #3 were scraped up by earth moving machinery and backfilled around and even partially under the culvert. The only means of recovering this body was to excavate the entire area and carefully screen it. Even so, less than 50% of dragoon #6 has been found, and all of that badly broken and crushed.

It was possible to carefully excavate dragoons #3, #4, and #5 in such a manner that their remains were exposed in exactly the positions they were buried, and to mark the position of each of their buttons as they were exposed. This aspect of the excavation took a specially trained team approximately 18 days to complete.

Artifacts found with the skeletal remains include shirt, breeches, waistcoat, regimental coat buttons of several distinct types, and a silver stock buckle. As previously mentioned, the vats were full of shell fragments which tend to sweeten the soil and aid skeletal preservation.

At this time there is every reason to believe that there are no more vats or bodies at the Tannery Site. Test trenching around the periphery is being concluded with no result other than sterile, undisturbed soil and Amerind artifacts. Since the tannery is the southerly most point affected by the Massacre, which actually took place in an area about ½ of a mile long, it seems likely that there is another burial somewhere along Rivervale Road in a northwesterly direction.

Within modern times the northerly area of the site has been plowed and planted as a cornfield, eliminating the possibility of studying the upper stratigraphy of the area.

Installation of a culvert to channel the stream, act as a storm drain, and tap local springs severely disrupted portions of the site, desecrated one of the dragoons and seriously reduced the productivity of the excavation from the archeological viewpoint, after the site had been comparatively undisturbed for 187 years.

Conditions at the outset of excavation were not promising. Most such "digs" are planned during the winter and begun in April or May to allow at least 5 months for actual excavation. However, as field work approaches its conclusion it can be said that things have gone better than we dared hope for. The most critical areas have been properly excavated and the information extracted is highly rewarding.

Until this time, no eighteenth century farm tannery had ever been excavated in America. All information of this critical aspect of colonial life came solely from documents and European precedents of the period. We now know a great deal about how leather was made here in Bergen County. It is interesting to note that the Tappen-Hackensack area was a major producer of leather for the Continental Army during its formation.

The attack upon Colonel Baylor's Dragoon's was not a massacre in the conventional sense, and perhaps it has been misnamed. Certainly documentary evidence referring to as many as twenty bayonet wounds in survivors and the evidence of the cause of death of dragoon #4 (see Appendix) indicate that a more carefully chosen term might be "atrocity".

The fact that the men were located and identified as troopers of Baylor's Dragoons is of considerable historic importance. The fact that at least five bodies were not found is frustrating by answering some of our questions with more questions. While dragoon #1 has every appearance of being an officer from his buttons and stock buckle, the only officer recorded as having been killed in the action is Major Clough, Washington's chief of intelligence for the west bank of the Hudson River. Supposedly, Clough died of his wounds after the massacre, presumably with the other wounded who were taken to Orangetown.

There are still areas that should be excavated at the site. We do not now believe them to be critical, but cannot be certain unless they are explored. These include what is left of the bank itself, the rise above the tannery vats, the previously mentioned area of Amerind occupation and the area 100 to 200 feet inland from the river. The advanced state of the weather precludes any possibility of working extensively in these areas.

Taken as a whole, the archeological excavation has been a success. Local historians have stated that they consider it to be the most historically important enterprise undertaken in their memory. The public and certainly many school children have been afforded a remarkable opportunity to witness and involve themselves in the re-discovery of men who gave their lives to give life to their country. Of equal importance is the fact that a governmental unit, the Bergen County Board of Freeholders, has endorsed a project to keep alive our local heritage, for perhaps the first time.

It is to be hoped that this site with its multiplicity of historic importance can, in one fashion or another, be preserved, and a serious effort be made to find the other five slain dragoons.

APPENDIX—SUMMARY OF HUMAN REMAINS AND ASSOCIATED ARTIFACTS

DRAGOON NO. 1 (VAT NO. 1)

Skeletal Remains approximately 90% complete.

Estimated Age at time of death, 40–50 years.

Estimated Height, 5′6″.

Regimental Coat Buttons, Sheet Sheffield Silver with wood backer (decomposed), 1 1/16″ diameter, flat faced.

Waistcoat Buttons, Sheet Sheffield Silver with bone backer (intact), 9/16″ diameter convex face.

Silver with bone backer (intact), 9/16″ diameter convex face.

Breeches Buttons, Cast pewter with traces of silver gilt, 9/16″ diameter.

Shirt Buttons, Bone (originally fabric covered), ½″ diameter.

Stock Buckle, Sterling Silver, Hearts & Flowers decorative motif, marked "Z.B." (Zacariah Brigden, Boston Silversmith).

Comments: It seems virtually certain that this man was an officer by reason of the nature of the clothing buttons and the stock buckle.

DRAGOON NO. 2 (VAT NO. 1)

Skeletal Remains approximately 50% complete.

Comments: This body was scattered and incomplete and may have been unclothed at the time of burial.

DRAGOON NO. 3 (VAT NO. 2)

Skeletal Remains approximately 95% complete.

Estimated Age at time of death, 16–17 years.

Estimated Height, 5′4″.

Regimental Coat Buttons, Cast Brass, 1⅛″ diameter.

Buttons, Cast Pewter, 9/16″ diameter, monogrammed "BD" in intertwined script, bear traces of silver gilt. Also, Sheet Brass foil, bone backer, ⅝″ diameter.

Comments: The large brass coat button was one of two found in vat No. 2, and is atypical. The smaller pewter and brass buttons were apparently worn on both breeches and the upper garment which may have been a short regimental coat, sleeved waistcoat, coatee, or stable jacket. The same buttons were found with Dragoons No. 4 and No. 5 in quantity.

DRAGOON NO. 4 (VAT NO. 2)

Skeletal Remains approximately 35% complete.

Estimated Age at time of death, 18–19 years (height unknown).

Buttons, same as #3; also Pewter, ⅝″ in diameter with a Lonzenge design in each of the divided quarters.

Fabric: Beneath the pelvis, under two of the pewter buttons on the tail of the coat were found two roughly circular scraps of white wool fabric from the regimental coat. These are the only fabric artifacts from the site. They were preserved by the comparatively constant moisture level, and by chemical salts leaching from the buttons.

Comments: The lower quarters, with the exception of the pelvis of this dragoon, have decomposed. His skull is in excellent condition and bears a sharply outlined oval fracture. The portion of the skull within the fracture lines has been neatly punched into the cranial cavity and is partly visible. The an experiment with a British Short Land Musket (2nd model Brown Bess), a typical suspicious nature of this fracture prompted military shoulder arm of the English infantry during the American Revolution. Comparison of the musket butt to the fracture showed that the butt's toe perfectly fitted the puncture. Further experimentation showed that the wound was not likely to have been produced while the victim was standing. The musket is too awkward to strike with a jabbing motion at that height. This was confirmed at the time of disenteral when examination of the reverse side of the skull revealed a fracture of lesser intensity, but the same shape opposite the first fracture. This effect is sometimes called an "echo". He would have almost certainly been prone with his head turned to his right, resting on a firm surface to produce both the wound and the echo as described. He was probably bayoneted first, and then killed with the musket's butt in the efficient and time honored military technique, still in use today.

DRAGOON NO. 5 (VAT NO. 2)

Skeletal Remains approximately 35% complete.

Estimated Age at time of death, 20–30 years (height unknown).

Buttons, same as #3.

DRAGOON NO. 6 (VAT NO. 3)

Skeletal Remains approximately 25% complete.

Comments: This soldier was severely damaged and scattered over a wide area. It was necessary to reconstruct his skull to make sure that there was not more than one body in vat #3. As noted, his remains were damaged and scattered by an earth moving machine in about July, 1966. Few conclusions can be drawn from his remains, and he may have been unclothed at the time of his burial.

WAR WIDOW FACES DEPORTATION FOLLOWING DEATH OF HUSBAND IN COMBAT IN SOUTH VIETNAM

HON. PAUL C. JONES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. JONES of Missouri. Mr. Speaker, I have today introduced a private bill to guarantee U.S. citizenship to the widow of a young soldier, who on his second tour of duty in South Vietnam, was fatally wounded and died as a result of those combat wounds on March 16, 1968.

> Although it is almost unbelievable, a young Kennett war widow is now facing deportation from this country—because her husband was killed in South Vietnam.

The above quotation is the lead paragraph in a story which appeared in the September 8 issue of the Missouri Weekly, published at Kennett, Mo. The story was written by the publisher of the paper, Jack Stapleton, Jr., who is the publisher of the Daily Dunklin Democrat, also published at Kennett.

The story, together with a photograph of Mrs. Bogard Floyd, holding a picture of the soldier with his wife, has evidently appeared in many other newspapers throughout the Nation, judging by the letters which I have received from many States, asking why Congress has not made provision for this young woman, born in Kobe, Japan, but who has been in this country for more than 3 years under a student visa, to become a citizen of this country for which her husband gave his life. I have today introduced a private bill to extend this citizenship, which will have the effect of preventing the threatened deportation, and which I am confident Congress will eventually pass. I am hopeful, of course, that this action may be expedited, and that the proposed legislation will become law before the adjournment of this session of Congress.

Mr. Speaker, it is difficult for the public to understand why there should be any opposition to, or any delay in passing legislation to grant citizenship to this young widow who has demonstrated her love for this country; who would have become a citizen of this country had her young husband not been killed in Vietnam, and I am hopeful that the committees of Congress will consider this bill as a tribute to the young husband who felt that his return to Vietnam was "something he had to do," and that this Congress will pass this bill before adjournment.

Following is the story from the Missouri Weekly, giving the details of the situation as it now exists, and which has brought forth letters and support from every section of the country as is indicade by the calls and inquiries I have had from many Members of Congress living in many different States:

[From the Missouri Weekly, Sept. 7, 1968]

IMMIGRATION RULES SPECIFIC: KENNETT WAR WIDOW FACES DEPORTATION FROM UNITED STATES AS A RESULT OF HER HUSBAND'S DEATH; MRS. BOGARD FLOYD WANTS TO REMAIN HERE

(By Jack Stapleton, Jr.)

Although it is almost unbelievable, a young Kennett war widow is now facing deportation from this country—because her husband was killed in South Vietnam.

The young woman, 20-year-old Mrs. Bogard Floyd, whose husband was killed earlier this year by Viet Cong snipers in South Vietnam, has been told by officials of the U.S. Immigration Office that her right to remain in the United States has been cancelled because she is no longer married to an American.

Born in Kobe, Japan, Mrs. Floyd first entered this country on a student visa in order to attend school, and for three years attended and was then graduated from Kennett High School. Shortly after her graduation here, she met and fell in love with Floyd, son of Mrs. Ora Floyd of Kennett, and the two were married.

Floyd, having already spent one tour of duty in South Vietnam, felt strongly about U.S. efforts in the small Southeast Asian nation and decided to reenlist and return again. This Spring, Viet Cong machine-gun fire snuffed out his life.

At the same time, the death of Sgt. Floyd also ended, as far as federal laws were concerned, Mrs. Floyd's right to remain in this country—a country her husband gave his life for.

No longer technically married to an American citizen, Mrs. Floyd has been told by Immigration officials that when her schooling is ended—she is now enrolled in a Memphis business college—she will be forced to leave the United States and return to her native land, which is actually the Republic of China on Taiwan.

Mrs. Floyd at present has only a student visa that expired in May, 1967, but which was not renewed because of her marriage to Sgt. Floyd.

Born 20 years ago in Kobe, Japan, Mrs. Floyd's father was a citizen of China, which at that time was in the throes of civil war. Her mother is Japanese and still lives in Kobe. Her father died about five years ago, and chose to give up his citizenship to communist China and remained a citizen of Nationalist China on the island of Formosa.

Mrs. Floyd came to the U.S. in July, 1964, planning to attend college in this country. She first became interested in the U.S. through the encouragement of her uncle, William Churchwell, formerly of Kennett, who is now serving as a civilian construction engineer in South Vietnam. Churchwell is married to Mrs. Floyd's aunt.

Arriving in the U.S. in 1964, Mrs. Floyd came to Kennett, where she enrolled in Kennett High School. She has lived here and in Memphis ever since her arrival except for a short summer vacation back to Kobe in 1966.

An honor graduate from Kennett High School in May, 1967, Mrs. Floyd was married to Bogard Floyd on March 25, 1967. They

had met earlier, had been friends and after Sgt. Floyd's first tour of Duty in Vietnam, he was discharged and returned home. That was in October, 1966. They began dating then, and the Kennett youth re-enlisted in January, 1967, and two months later they were married.

In December, 1967, Sgt Floyd returned to Vietnam, with his old outfit, the 101st Airborne Division, which had been reformed at Fort Campbell, Ky., after his one-year tour of duty in the war zone. Sgt. Floyd was killed March 16, 1968.

Mrs. Floyd's Chinese name, Miao Ying, which is the translation of her Japanese name Eiko (pronounced A-ko), meaning "clever."

While here under a student visa, and then later married to an American citizen, Eiko was unaware of the laws which permitted her to become a permanent citizen.

The irony of her dilemma is that had her husband been sent anywhere but South Vietnam so that she might have been able to go with him, her passport would have been changed and her status made permanent. But Sgt. Floyd volunteered for duty in South Vietnam, Eiko was unable to live in that part of the world, and thus she remained in Kennett, unaware of her potential difficulties.

Upon the advice of Immigration Service officials, Mrs. Floyd has written to the Nationalist Chinese consul requesting a renewal of her passport, since she is now enrolled in an IBM automation course at a Memphis business college. But the visa renewal will only permit her to remain in the U.S. until this course is completed, and then she faces deportation back to Formosa, a country she has never seen.

But Eiko would like to remain in her husband's country as an American citizen. She says that upon completion of her schooling, she would like to work for the American Red Cross or perhaps a U.S. airline.

Her course of study at Memphis will end next summer, at which time she feels she will be equipped to handle a variety of office duties. She has faced some employment problems because of her temporary status.

Mrs. Floyd has many friends in Kennett, including her uncle's mother, Mrs. Mittie Churchwell, with whom she lived while attending high school here. Her uncle has been stationed in Japan with the U.S. Army, and is now serving in South Vietnam as a construction engineer. Churchwell, who married Eiko's aunt, has two children and plans to remain in Japan.

Eiko's parents were married shortly after World War II. Eiko's great-uncle was a dressmaker in Kobe and her father had come from China to Japan to learn how to be a dressmaker. When her great-uncle died, Eiko's father managed the dress shop, and following his death, her mother serves as manager.

Eiko has one brother, who is a student at an English-speaking school at Kobe. Now 18, he plans to attend college, although Mrs. Floyd doubts if her mother will give her permission for him to come to the U.S., preferring that he remain in Japan.

The attractive, 5–1, black haired Eiko remains composed despite the difficulties she's now facing. Should she be permitted to return to Japan, she faces a severe employment handicap there since many Japanese industries do not employ citizens of Nationalist China. Eiko likes the equal opportunity she has found in the U.S., where she desperately wishes to remain for the rest of her life.

Proud of her husband, Mrs. Floyd bravely talks of his Vietnam heroism. Serving as a squad leader, Sgt. Floyd was leading his men as they approached a South Vietnamese village. Encountering sniper machine gun fire, he had his men return to safer ground while he scouted the area. As he approached a gate that barred entry to a bridge leading to the village, Viet Cong machine gunners killed the Dunklin Countian. Eiko learned details of her husband's death from one of his Army buddies.

Prior to their marriage the Kennett man had re-enlisted for a period of three years. He told Eiko he felt it was "something he had to do." He had told her that the lack of experience in the 101st Airborne made his old outfit more vulnerable and he felt an obligation to re-enlist in an effort to make up for the inexperience of green recruits who formed the basis of the regrouped 101st Division.

POLICEMEN ON THE BEAT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. PUCINSKI. Mr. Speaker, in a recent editorial WBBM–TV in Chicago most impressively set forth the argument for the return of the policeman walking his beat in that city.

In our serious attempt to fight crime in this Nation, we cannot overlook the effect of close police-community relations in our large cities.

Mr. Carter Davidson, editorial director of WBBM–TV has properly outlined the situation which currently exists in Chicago, and has performed a notable public service in bringing it to the attention of city administrators there.

The text of the WBBM–TV editorial follows:

POLICEMEN ON THE BEAT

It's been a long time since Chicago has seen the sight of a policemen walking his beat, chatting with the neighbors, getting to know the community on a face-to-face basis.

Since former Superintendent O. W. Wilson abolished the foot patrol assignments eight years ago, the policeman has become, to most people, an impersonal power sitting in a squad car.

Putting all policemen, except those directing traffic, on wheels instead of on foot probably was a good idea eight years ago, in the interest of economy and efficiency. But times have changed, and so have the requirements for effectively policing neighborhoods wracked from time to time by civil disorders.

Lack of understanding by policemen of the problems ghetto residents face was tabbed by the Chicago Riot Study Committee just this week as one of the reasons burning and looting ran out of control on Chicago's West Side in early April, after the murder of Dr. Martin Luther King. The Committee recommended creation of a police community relations unit to work for better understanding by policemen of the problems in poverty areas.

Superintendent James Conlisk has gone a step further, with a welcome move to put 400 foot patrolmen back on neighborhood beats.

We believe putting foot patrolmen back on the beat will do much to restore public confidence in the police, and will help establish once again the calming influence of a personal relationship between the law and the people.

It will be costly. Superintendent Conlisk is asking for an eight and a half million dollar addition to his 1969 budget, mainly to recruit, train and equip the foot patrolmen. But civil disorders and a rising crime rate are costly, too, not only in dollars but in terms of the spirit and the morale, and, indeed, the future of entire communities.

We welcome the return of the foot patrolmen. He will be a far more valuable part of the community than a policeman rolling through the streets under the flashing blue light of a squad car.

KUDOS TO THE PADS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. SHRIVER. Mr. Speaker, the Washburn University chapter of Phi Alpha Delta, national professional legal fraternity, has again been singled out for several distinguished honors. Early this month the Benson chapter received a plaque at the national meeting here in the Nation's Capital designating it as the best in the Nation. It was the second time in 3 years that the Topeka, Kans., chapter won national honors.

In addition, Washburn's Phi Alpha Delta chapter was honored, as was the State of Kansas, by the election of Judge Alex Hotchkiss, of Lyndon, as supreme vice justice, succeeding Tom Clark, former Justice of the U.S. Supreme Court. The Alex Hotchkiss alumni chapter was awarded second place in national competition.

There are a number of our colleagues in the House who are members of Phi Alpha Delta alumni chapters, and I am proud to be a member of the Washburn chapter. Under leave to extend my remarks in the RECORD, I include the following editorial from the Topeka, Kans., Daily Capital, which discusses the honors achieved by the active and alumni chapters of the legal fraternity:

KUDOS TO THE PAD'S

Twice within three years the Washburn University Phi Alpha Delta chapter has done such outstanding work among its law student members it has won top national honors.

A plaque signifying the national recognition was awarded Benson chapter at the fraternity's meeting in Washington, D.C., last weekend. It was similar to one the chapter received in 1966 for being the best among the fraternity's 116 chapters in law schools over the nation.

Two other distinctions went to the chapter this time. Judge Alex Hotchkiss, Lyndon, was elected supreme vice justice, second highest national office. In this the Kansan succeeds Tom Clark, former justice of the U.S. Supreme Court. The Alex Hotchkiss alumni chapter was given second place in national competition, together with a $150 scholarship.

Both chapter and alumni awards were based on scholarship and service to the law school, students and legal profession.

The Washburn chapter has been an integral part of the Washburn law school since February 1921, when a group of law students affiliated with the national organization and named their chapter in honor of Alfred W. Benson, then district judge at Ottawa and later a justice of the Kansas Supreme Court. Since 1929 a chapter house has been maintained at 1612 College.

During and since his student years at Washburn, Judge Hotchkiss has been one of the chapter's boosters. Four years ago, realizing how many hours he had spent helping students study for their bar examinations, the alumni chapter adopted his name.

National honors won by the Washburn PADs not only signify their accomplishments but also are beneficial to the university with which they are so closely allied.

IF THE PRICE HAD BEEN KNOWN IN ADVANCE SOVIET INTERVENTION IN CZECHOSLOVAKIA MIGHT NEVER HAVE OCCURRED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. FINDLEY. Mr. Speaker, by delaying the nuclear nonproliferation treaty in the Senate, temporarily suspending plans for U.S. talks with the Soviets on arms control, and by initiating action on worsening problems in NATO, the United States has made it clear that the Soviet Union must pay a high price for its invasion of Czechoslovakia. It is obvious to me that the Soviet leadership felt that U.S.-U.S.S.R. relations would not be materially set back by the invasion. Now they should know differently. Hopefully they have learned they cannot have their cake and eat it too. A policy of exacerbating tensions—Middle East, Yemen, Europe—is inconsistent with the goal of genuine relaxation of tensions with the West. Moscow must now know that the risks of any course—no matter how violent or irrational—cannot always be overcome by superficial gestures, like inviting the President to Moscow or agreeing to talks on arms control.

Regretfully the U.S. measures were not taken before the invasion of Czechoslovakia. If controls on nuclear proliferation, a halt or suspension of the arms race and removal of military blocs in Europe really are important political goals of the Russians, then they should have been forewarned by the United States that intervention in Prague would prevent the accomplishment of these larger goals.